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HOUSE OF REPRESENTATIVES—*Friday, October 21, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, as we experience the emotions of daily living, we recognize the different feelings that move the human spirit. In Your world, O God, there is laughter and also tears, there is hatred and love, suspicion and trust, expediency and honor. We pray that in all our relationships we will walk toward the light and the truth and that we will live lives of faith knowing that Your love is with us wherever we are and trusting always in Your goodness and grace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceeding and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3913) entitled "An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 22, 29, 84, 86, 91, 92, 93, 96, 101, 127, and 128 to the above-entitled bill.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested.

S. 1944. An act to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period; and

S. 1970. An act to limit the number of legal public holidays to 10.

OVERSIGHT ROLE OF THE HOUSE ON INTELLIGENCE MATTERS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, yesterday the Members of this House had an opportunity to express their concerns over the events in Nicaragua.

No matter how the individuals voted and no matter what side of the argument they argued, I hope that every Member appreciates what took place here. The integrity of the congressional oversight of our intelligence activities was strengthened and maintained.

I would like to take this opportunity to thank Chairman BOLAND and the gentleman from Virginia (Mr. ROBINSON) and the members of the committee for recognizing the seriousness of the situation in Nicaragua and honoring the proper role of the full House in that oversight process. Tragically, that honoring of the full House's right has not always taken place.

BUDGET DEFICITS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, commenting further on the President's news conference night before last, there has been a paltry lack of interest that is reported by the news of the President's disregard for the mounting deficits that plague our Nation.

Day after day we see the President ignore the problem rather than to address the problem. We are facing the largest deficits ever before recorded in the history of mankind.

I would think, Mr. Speaker, that we all would be well advised to give attention to this problem of growing deficits and pay attention to the admonitions of the chairman of the Council of Economic Advisers, Mr. Martin Feldstein, who says that 1985 is too late to address this mounting and growing problem which threatens to ignite inflation, increase unemployment, and throw our Nation back into the pits of another recession.

THE THREAT OF THE SOVIET SS-21'S IN SYRIA

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, as the search for peace and the pains of battle continue in Lebanon, the administration should have no illusions about Syrian intentions and goals. I urge them to pay close attention to the most recent Soviet/Syrian activities as we play the cards in our diplomatic hand.

The Soviet Union has promised now to deliver an advanced mobile missile, the SS-21, to Syria.

With its range of 75 miles and its increased accuracy, it could hit Israeli population centers and inflict great casualties and destruction. Deployment of the SS-21 can only serve to increase tension in the region at a time when delicacy and restraint are needed.

To date more than 7,000 Soviet soldiers have been sent to Syria. The

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Russians have supplied Syria with $2.5 billion in military equipment which includes advanced Mig-23 and Mig-25 fighter planes, M-72 tanks and sophisticated SAM-5 missiles.

Soviet actions in Syria should make us more determined to protect Syria's neighbors, Lebanon and Israel—and less willing to acquiesce to Syrian demands at the bargaining table.

OFFER BY THE SANDINISTAS

(Mr. McCAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCAIN. Mr. Speaker, I hope that all of my colleagues noticed that in this morning's paper there is a very substantial offer made by the Sandinistas which basically is the same symmetry proposal made by this administration back in July, that in return for the United States stopping of support for the insurgents in Nicaragua the Sandinistas will, for their part, stop the very substantial support, training, and equipping of the rebels or insurgents in El Salvador.

I hope that the Members of this body who rejected that proposal on the part of this side of the aisle will now consider the same proposal now that it is made by the Sandinista government, since that is what all of us have been seeking in Central America for a long time.

DISAPPROVING TRANSFER OF WEATHER SATELLITES TO THE PRIVATE SECTOR

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, yesterday the Natural Resources Subcommittee of the Science and Technology Committee voted unanimously for a resolution disapproving the transfer of weather satellites to the private sector.

My congressional district is the fifth largest agricultural district in the country.

Farmers depend on accurate, round-the-clock weather reports to assure Americans adequate supplies of fruits and vegetables.

Proposals to sell weather information to growers threaten their very livelihood and our stable food supply.

Therefore, I commend my colleague from Texas for introducing this resolution.

And, as a cosponsor, I urge others to give their support to this bipartisan effort to insure a strong future for U.S. agricultural production.

AUTHORIZATION FOR ELLENDER FELLOWSHIPS AND CERTAIN LAW-RELATED EDUCATION PROGRAMS

The SPEAKER. Pursuant to House Resolution 330 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3324.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3324) to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs, with Mr. MOAKLEY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, October 17, 1983, all time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

H.R. 3324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ELLENDER FELLOWSHIP PROGRAM

SECTION 1. Notwithstanding any other provision of law, there is authorized to carry out the joint resolution of October 19, 1972 (86 Stat. 907), relating to the Allen J. Ellender fellowship program, not more than $1,500,000 for each of the fiscal years 1983, 1984, and 1985.

LAW-RELATED EDUCATION

SEC. 2. (a) Notwithstanding any other provision of law, the total amount which may be appropriated to carry out the part E of title IX of the Higher Education Act of 1965, relating to law school clinical experience programs, shall not exceed $2,000,000 for each of the fiscal years 1984 and 1985.

(b)(1) Section 583(b) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "and" at the end of paragraph (2), by inserting "and" at the end of paragraph (3), and by inserting after such paragraph the following new paragraph:

"(4) the law-related education program formerly authorized by part G of title III of the Elementary and Secondary Education Act of 1965,".

(2) Such section is further amended by inserting "(or $500,000 in the case of the program referred to in paragraph (4))" after "fiscal year 1981".

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the bill, H.R. 3324, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: On page 2, line 4, strike out "(a)"; and strike out lines 10 through 20.

□ 1010

(Mr. ERLENBORN asked and was given permission to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Chairman, very simply, my amendment would strike all reference in the bill to the law-related education program. At the present time, the program is in the education block grant of the Education Consolidation and Improvement Act of 1981. The bill before us would amend the act by placing the law-related education program in the Secretary of Education's discretionary fund. Within this discretionary fund, it would be designated a "protected" program, with the stipulation that at least $500,000 be set aside for that purpose.

I see no reason whatsoever to give this particular program a preferred status with a mandate that it must be funded at a certain level. Under existing law, any school district or other eligible institution or organization which wishes to fund a program to improve knowledge about the law and the legal process may do so with education block grant funds. The program is specifically named as one of the activities authorized under the block grant. By supporting my amendment, you would be preserving that arrangement.

In enacting the block grant we placed our faith and our confidence in the quality of local decisions with regard to which programs were considered most valuable to the curriculum. In effect, we said to our State and local officials, school administrators, and teachers: "We trust your judgment in deciding how best to spend these Federal funds. You are given the flexibility to make your choices from among those activities that are authorized by the block grant."

What this bill would do instead is say that the Congress considers law-related education more important than the other authorized programs. It is another step toward unraveling the block grant, program by program. If we pursue this course, we are going to find ourselves in the position of—one by one—reauthorizing all the categorical programs that were consolidated. Obviously, this course of action undermines the block grant concept and replaces the promised flexibility with reassertion of strong Federal direction.

I would also mention, Mr. Chairman, that by adding a fourth program to those the Secretary must fund from the limited resources of his discretionary fund, we erode even more the concept of any discretion being involved here.

Mr. Chairman, I urge my colleagues to support my amendment to strike

the provision in H.R. 3324 which would place the law-related education program in the Secretary's discretionary fund with a funding floor of $500,000.

Mr. PERKINS. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, to my way of thinking the gentleman's (Mr. ERLENBORN) amendment is more or less a moot question, because we are presently spending $1 million on law-related education. The $1 million was placed in the fiscal year 1983 continuing resolution a year ago. Only yesterday, the $1 million was earmarked for this purpose in the fiscal year 1984 appropriations bill conference report, which I am sure the President is going to sign.

So here we are spending $1 million annually, and the gentleman from Illinois (Mr. ERLENBORN) is complaining about this $500,000 authorization.

It is true enough that we make an authorization of $500,000 for this purpose, but I cannot see any logic in the argument that the gentleman has made.

The program has never actually been block granted. Although it was placed in the chapter 2 block grant in 1981, it has continued to be funded as a separate program within the Secretary's discretionary fund of that block grant. This separate funding was made in the 1983 continuing resolution and in the appropriations bill this year. I say again the argument that the gentleman has made about the program being block granted just does not compare with the facts in the case. It has never been block granted, in that it has had a separate earmarking of funds.

I am of the opinion that the Members would all appreciate the success of the law-related education program. This is only $500,000; we are cutting the authorization back, really, as I understand it, cutting it back from the $1 million that is being spent to $500,000 annually.

So in my judgment the gentleman's amendment should be voted down.

I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I notice that the opposition to the amendment is based upon its removal from the block grant rather than upon the program.

I think that is for good reason. I am sure the reason is because it is a good program. The gentleman from Illinois does not argue with that.

This is a program that is a catalyst for recruiting private resources for a good purpose. It uses lawyers and judges and legislators and police officers and local and State officials to teach how law-related government works better than it does in dictatorships.

I think that is what we should do.

The American Bar Association has made a national program out of encouraging local lawyers and judges and others in government to cooperate with schoolteachers, to go to the school classrooms and to tell them why they should obey the rule of law and why our system is better instead of some other form of government.

It enhances respect for the law, it enhances obedience of the laws.

If there were to be a change in the bill, I would change the name. The name is not very descriptive of the program, "law related education." It is really advanced civics or respect for the law and obedience of the law.

I am chairman of the subcommittee that handles funding for the USIA and for the Department of State. They are proposing a $50 million program to do the same thing in other countries, to teach children, students in other countries to value the rule of law and the advantages of representative government rather than some other form of government.

Here we have really a paltry sum compared to the purpose of encouraging students in our schools to understand and to obey laws.

So I think it is a good program and the gentleman from Illinois did not attack the value of the program, only the fact that it was in a block grant.

Now, with regard to why it is in the block: It is not an appropriate program to be in the block to start with because unlike other programs that were put into that block, it had not been exposed to the local school districts.

Local school districts had not had a chance to see its value or how it would work, because it had not been funded, and we did not have these programs to encourage training of these teachers and to tell them how to organize a course, how to recruit the local lawyers and the local judges and the local public officials and Members of Congress and others to come to the classroom to teach students that they should respect law and how our Government works.

They had not been exposed to that. But also it is just like the close up program in this respect, it is not distributed uniformly to the local school districts each year on a dollar basis.

In some years they will need some training for some of their teachers; in some years they do not.

Not every district needs to have a training program each year because they may have the same teachers, some other districts will have a training program or a college will have a training program that the teacher can go to and get some education on how to recruit and how to use this program.

So I want to say that I think it is not appropriate, really, to have been in the block to start with, and that is the reason in the appropriation we directed that the Secretary shall use some of his discretionary funds for this purpose.

And so I say to the Members that we should turn down this amendment. There are some people who are interested in the close up program. I do not know how anybody who supports the close up program, would not support this program, because the Close Up program is for the same objective and accomplishes to some extent the same thing, but it uses far more money per student than the low-related program does. And any vote for this amendment would really be a vote against increasing the amount of money for the Close Up program.

There is no way that we can justify more for the Close Up program than for this low-related program.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has expired.

(At the request of Mr. PERKINS and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 1 additional minute.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman how much is now reserved for this program in the 1984 appropriation bill?

Mr. SMITH of Iowa. We directed the Secretary to use $1 million of the discretionary funds for this purpose.

Mr. PERKINS. And how much is reserved for this program for all subsequent years in this bill?

Mr. SMITH of Iowa. In this bill? It is $500,000 in this bill.

Mr. PERKINS. So we are really reserving less and giving the Secretary more discretion in this bill.

Mr. SMITH of Iowa. That is right. It really gives him more discretion and some indication as to how he is to use the money. When we just say use $1 million of the discretionary fund, it really does not give him the direction that he has when he has a particular program that he has got to apply it to.

Mr. PERKINS. And as the gentleman stated, this program never has been block granted, in that funds have been earmarked for it within chapter 2.

Mr. SMITH of Iowa. Never has been.

Mr. PERKINS. I thank the gentleman.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Erlenborn amendment.

Mr. Chairman, I will not speak to the merits of the law-related educa-

tional program that are included now as a part of this bill and which the Erlenborn amendment would delete.

I simply rise because I am a strong supporter of the Close Up program or the Ellender fellowship program and have watched the difficulties that this legislation has had this year, and last year as well, as an attempt is made to move it through the House. It is such a popular program, supported by so many schools, Congressmen, individuals, and financial supporters across the country that it seems an ideal vehicle to which to add various other programs.

And the process is thereby complicated. With this uncertainty it is really difficult for the Close Up Foundation to plan their activities.

The law-related program is a matter of controversy because there is, of course, the question of whether or not it should be included in the block grant program. The Members just heard the distinguished gentleman from Iowa make arguments that, in fact, they should not.

I happen to think that the law-related and clinical-law programs be included but that is a matter of debate.

The important point that I would like to make here is that I think what we are doing is once more encumbering the Close Up bill, or Ellender fellowship program bill, which is for a program where currently every Federal dollar is matched by nine nonpublic dollars.

Let us today resist the opportunities that come along to tack other programs onto this Close Up legislation.

That is my plea to my colleagues and it is for this reason that I support the amendment offered by the gentleman from Illinois (Mr. ERLENBORN). And I hope the House will agree with this amendment.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Let me restate something perhaps a little more clearly.

A vote for this amendment is a vote against increasing the amount for Close Up. The reason is that we had hearings in the Appropriations Committee. There is no way that you can justify $1½ million for Close Up and not justify one-half million for this program. There is no way you can do that.

So I do not see how you are ever going to get the increase that is being talked about for Close Up if we do not at least go ahead with this program that costs far, far less per student and helps far more students and recruits far more independent resources than the Close Up program does. And I am for the Close Up program. But you cannot justify in any way and you are not going to get, I do not believe, $1½ million for the Close Up program if you do not at least have a million for this.

Mr. BEREUTER. I thank the gentleman for his comments. And I know he feels strongly about the program that he supports, a law-related program, and I am sure he feels similarly about the clinical law program as well. But my comments are not directed to the merits or the amount of dollars to accrue to those programs.

I am convinced, as I am sure the majority of the Members of this body are, that the money that we spend in this country through appropriations for the Close Up program or the Ellender fellowship program is indeed a very wise expenditure.

It is important that we maintain this Federal commitment to insure that the amount coming from nonpublic sources continues and, in fact, increases.

It is for that reason that I support the Erlenborn amendment.

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in support of H.R. 3324 which reauthorizes the Allen J. Ellender fellowship program and for certain law-related education programs. The Close Up program, completing its tenth successful year, has enjoyed the broad, bipartisan support of our colleagues since its inception.

The Ellender fellowship funds provide an opportunity for high school students and their teachers to participate in the Close Up program and learn about the Federal Government through personal contact with Members of Congress, executive officials, and others. While the principal emphasis in our Nation's Capital is on the Federal Government, the program is also designed to stimulate increased citizenship involvement by the students and teachers at State, local, and school levels. During the past few years, the impact of the program has reached countless others through the innovative and exhaustive use of cable television.

The Close Up program has been designed and operates on a community approach. Each program centers on a geographic hub and involves a cross section of participants from that particular area. This enhances the opportunity for building an effective network of people who become involved in the process of government and who contribute considerable amounts of energy and resources to the success of the program in that area. It also gives the foundation an opportunity to design and conduct its program in a way that successfully builds partnership activities between the public and private sector.

The Ellender fellowship program was designed to support and complement this approach. Funded by every Congress since 1972, this program is the cornerstone of the growth and success of the foundation. Funds provided through this program are the positive catalyst for involving the private sector in a healthy partnership that establishes the broad community base of program support in each Close Up area.

In 1982, for example, the Ellender fellowship program funds stimulated nine times its amount in program revenues. Contrary to the Department of Education's repeated statements that these revenues would be available without Ellender dollars, these funds serve as the building block—the vital seed element of the private sector involvement. Private sponsors repeatedly suggest that they have become involved because of the incentive of the Ellender dollars in their community and their desire for a public-private partnership in program so beneficial to their community.

One of the prevalent reasons that the program has been so widely supported by Member of Congress stems from their personal involvement in the partnership building in their community. They are very aware of the importance of the partnership and the judicious and cost-effective use of the limited Federal dollars.

This year, 783 student and teachers from 69 public, private and parochial schools in Louisiana participated in Close Up's Washington program bringing the total of Louisiana participants since 1972 to 8,274. The New Orleans Public School system was the first major public school system to incorporate a Close Up course into its regular curriculum. Civics/Close Up students in Orleans Parish receive tuition assistance for Close Up from their school system, and local government activities have been featured in both Jefferson and Lafayette Parishes.

One key element of the New Orleans Close Up program is the continuing development of a partnership to help support fellowships for teachers and low- to moderate-income students from each participating school. Strong funding support comes from SeaLand Services, Inc. In addition, matching fund support has been given by several major corporations with activities in the State, including Brown and Root, Inc., Exxon Co., U.S.A., Getty Oil Co., Mobil Foundation, Shell Cos. Foundation, Inc., Tennaco, Inc., and United Energy Resources Co.

In the past, Congress has realized the unique opportunity the Close Up Foundation and its program provide for participants. It is the only program of its kind that brings together a diverse group of young people and sends them home a community of students

committed to lifelong involvement in the political process.

At the conclusion of the 1982-83 program, over 130,000 students and teachers from 43 States benefited from this program. Five new States and seven new communities are already waiting to participate in the coming school year. Thousands of additional young people will be reached through local activities and still more through cable television.

None of this would be possible without the seed money furnished through the Allen J. Ellender fellowship program. It is an essential catalyst to the many benefits the Close Up Foundation provides.

I also strongly support the provision in the bill that expands the law school clinical program. I have discussed this type of clinical program with law students from the several law schools in Louisiana. They all report that it is one of the most interesting and meaningful experiences in their legal education. As a result, I think it merits continued support. In addition, I believe that it is a natural enhancement to the Close Up program.

Mr. Chairman, I urge passage of H.R. 3324, and I oppose any amendments.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of law-related education and retaining funding for law-related education in H.R. 3324. I understand that my colleagues are opposed to law-related education because separate authorization for it might in some way undermine block grants, not because they do not approve of the quality of substance of the program itself. My colleagues are correct in not objecting to the substance of law-related education, because it is an excellent program with laudable educational objectives and effects.

Law related education is education to improve young people's knowledge, skills, and attitudes about how law and lawmaking work in our democratic society. In programs throughout the country, lawyers, judges, legislators, and police collaborate with teachers to make this learning realistic and relevant. Law-related education improves our students' knowledge about the law and the fundamental principles and values underlying the legal process and our constitutional system. It teaches skills that enhance the practice of citizenship and attitudes that help young persons obey the law. Because our students' interest in this kind of education is high, law-related education is often a vehicle for teaching both basic skills and advanced concepts. These qualities are consistent with both the basic skills movement and the recommendations of the Commission on excellence in education.

But my colleagues would eliminate this program because, they claim, it takes educational decisions out of the hands of State and local educators. This is simply not the case. A State or community's decision to apply for a grant under this program is entirely voluntary. In Maryland, a State which has received some funding from this program in the past, even participation of teachers is voluntary. Over 2,800 teachers have chosen to receive intensive training, usually by graduate or in-service courses, in the materials and methods to teach law-related citizenship. Around 95 percent of these teachers have implemented law-related lessons, units or entire courses in their schools. Since the local schools pay the teachers' salaries and buy the textbooks, the very small Federal investment is multiplied many times over by the localities. Since the participation of local shools and teachers is voluntary, and they contribute the vast proportion of resources, this program is not a Federal imposition. Law-related education is an approach to education with a variety of interesting and informative materials and methods: It is not a rigid, specified, narrow curriculum we are forcing on the States and localities.

I urge you to oppose the Erlenborn amendment.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Erlenborn amendment.

Mr. Chairman, last evening I sat on this floor and listened to a special order given by a Member of the other side of the aisle castigating the President for the size of the deficits and suggesting that the President was something like an opponent of Joe Louis when Joe Louis said, "You can run, but you cannot hide."

I suggest that, once again, this is an example of many Members acting as the Tex Cobbs of political activity, always leading with their chin.

The day after we talked about these tremendous deficits we have this bill. It is argued for on any number of grounds, one of which I heard from one of my colleagues when he said, "This is a paltry sum, a half million dollars we are talking about here." It is a paltry sum when you are a Member of Congress, I suppose. But back home people do not think it is a paltry sum when they are trying to make ends meet.

I just wonder about this particular amendment dealing with law-related programs. I practiced law for 6 years before I came here. We had a law-related program sponsored by the local bar association, where the bar association took it upon itself through its membership, without any support from anywhere, to go out and have law-related programs to individuals on different educational levels who were not attorneys. We were not looking for any support from the Federal Government.

And it seems to me, when we are dealing with the tough question of deficits, as we are today, we ought to look everywhere and see whether some programs, which may have had seed money from the Federal Government, are themselves operating so well that, with a little bit extra effort on the local level, they might make up for whatever Federal funds they lose. Perhaps they might find that they reinvigorate the participation at the local community for programs such as these.

It is hard at times to come here and ask for votes to no longer give a certain amount of support to certain programs because they have been successful. The tenor of the debate seems to suggest that if you support taking away funds such as this, you do not support the ends to which these programs are directed. And that is not the case. The question is whether we ought to have this fund required to be paid, in a manner reestablishing a categorical grant program, as opposed to allowing it to remain within the peramaters of a block grant program.

We often debate in this body as if we have unlimited resources. "Is this a good idea? Well, it is a good idea, let us have Federal funds pay for it." That is not the essence of whether a program is going to be successful. I would hope that we would think about that when we vote on the amendment of the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, let me say that there is a sense of deja vu here. We may recall, some of us, that the handicapped bill which came out of the Education and Labor Committee earlier this year was used as a vehicle to extend the funding for other less popular programs than handicapped.

And I warned the chairman of our committee, when he added those programs to the handicapped law, that that was going to jeopardize the passage in a timely fashion of the rehabilitation services bill, it was going to jeopardize the timely enactment of that reauthorization of a very popular program.

The fact is, October 1 has come and gone, and that bill has not finally been enacted because of the inclusion of those nonrelated programs.

The same device is being used here. A very popular program, Close Up, is being used to carry these other authorizations and tearing down the block grant concept. You are jeopard-

izing the Close Up Foundation program.

One last comment: The Chairman has already pointed out that the fiscal year 1984 appropriation bill does even more than the authorization in this bill. So if you are worried about the law-related education programs, they are taken care of already for fiscal year 1984. And the inclusion in here of breaking down the block grant program is going to jeopardize the Close Up bill without any effect on the fiscal year 1984 actual expenditures.

So I would urge that you vote for this amendment so that we can see the Close Up Foundation bill be enacted in a timely fashion.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the bill that is before us. I am a long-time, and vigorous, supporter of the Close Up program.

I note that no President, during the short history of the Close Up Foundation, which dates back to the early 1970's, has ever put Close Up in its budget. Yet Congress during all that time has seen fit to do so, for the simple reason that the Congress recognizes the benefit of the program.

I note, also, that the administration indicates that because Close Up derives 90 percent of its support from non-Federal sources that it should be totally privatized. The House should know that the reason that Close Up is able to raise the 9 private dollars for every 1 Federal dollar it gets is because it gets the Federal dollar first. The Congress tells the private sector by its front end contribution that it is interested in the program. At that point the private sector understands, and understood, that Congress values this program highly and then it evaluates the program and makes those contributions that help to educate our young people in the ways of how their Government works.

I cannot think of another program that the Federal Government finances in any field that is as effective or has a greater long-term positive benefit for this country than the Close Up program. I support it just as strongly as I can and, despite the fact that my own administration is not in favor of it, I urge the Members to vote for it.

With respect to the Erlenborn amendment, I really did not have any strong position on that, but I must say, Mr. Chairman, that I am really distressed to hear the gentleman from Iowa say that if we cannot have his favorite project, which happens to be a hitch-hiker on this bill, that then the other program, Close Up, is doomed, as well.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I would like to know one argument that the gentleman can give for Close Up that he cannot give for law related. Everything the gentleman said relates to law related. They are very closely related. They ought to be in the same bill. They have the same purpose, the same objective. The only difference is, you get more for your money out of law related because it reaches more students for the amount of Federal money.

□ 1040

Mr. FRENZEL. I thank the gentleman for his contribution. I cannot argue with him because I do not know anything about the law-related part. I would prefer to deal with it on its own terms in its own bill, as is the normal process around here.

When we begin to double up our bills is when we begin to get confused. I will say that this particular committee has a splendid history of inspiring confusion by bringing multiple-issue bills to this floor as the gentleman from Illinois (Mr. ERLENBORN) has earlier pointed out.

Mr. SMITH of Iowa. If the gentleman will yield further, why do you not take Close Up out instead of law related. If you do not want to double up, this is a law-related program. It has just as much right in this bill as the Close Up does.

Mr. FRENZEL. Mr. Chairman, perhaps I am thinking of the wrong bill. The bill that I am looking at relates to Close Up and also includes as a second portion the law-related business.

I want to tell the gentleman again I have nothing against that program. I do not know anything about that program. My problem is, I do know something about the Close Up program, so does the rest of the House, and I believe that the law program is simply a hitch hiker.

I do not even object to the hitchhiker. What I object to is being told that if the hitchhiker does not come along, the main vehicle gets derailed. That is a terrible sort of log-rolling process that I wish the Congress would not permit.

Mr. Chairman, I urge the support of the bill for the Close Up Foundation, and I shall vote for it even if it carries the extra burden of the gentleman from Iowa (Mr. SMITH) law program.

Mr. GAYDOS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) which would strike a section of the bill requiring that a half million dollars a year be spent by the Secretary of Education.

One of the first reasons for my opposition would set with the conception that the law-related program, with minimal funding, and I emphasize minimal funding, has been very successful in helping students learn about our legal system and to make them become better citizens.

Last year, for instance, approximately 15 awards were made to school districts, postsecondary education, and nonprofit organizations, and the previous year 26 projects were supported. According to the Secretary of Education's annual evaluation report, projects have served urban, suburban, rural areas, children, youth and adults, and individuals with special needs. That should not be overlooked.

Another reason: The committee's bill is actually quite modest in guaranteeing only $500,000 for this nationwide—and I want to emphasize "nationwide"—purpose. Both the fiscal year 1983 continuing resolution and the conference report on the fiscal year 1984 appropriation bill earmarked $1 million for this purpose for each of those years.

So here we are. What are we doing in our bill? Continuing this earmarking but setting the minimum funding level at one-half of the amount provided in the past 2 years.

Mr. Chairman, third, the committee's bill gives the Secretary of Education more discretion over the use of his funds than have the appropriations bills for the last 2 years. This is obvious. As I stated, the committee bill only guarantees $500,000 a year nationwide, instead of $1 million as provided in the last 2 years. Consequently, it is quite obvious. If the gentleman from Illinois (Mr. ERLENBORN), a good friend of mine and a very active member of the committee, is truly concerned about giving the Secretary more discretion over the use of these funds, he obviously should be in favor of this position as I am stating it, and the chairman of the full committee, and should not be opposing it.

Last, I think that without this earmarking of funds, it is unlikely that law-related education will continue in the block grant because school districts have so many other competing needs. According to a survey, and this is a national survey by a reputable firm, the American Institution of School Administrators, only 4.8 percent of the existing school districts receiving chapter II block grant money are using any of these funds for law-related education. These districts are devoting an average of only $43—mind you, $43—toward this purpose.

So I urge House Members that this amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The question was taken; and on a division—demanded by Mr. ERLENBORN—there were—ayes 8, noes 6.

Mr. PERKINS. Mr. Chairman, I demand a recorded vote, and pending

that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 407]

Ackerman	Edgar	Lagomarsino
Akaka	Edwards (CA)	Lantos
Alexander	Edwards (OK)	Latta
Andrews (NC)	Emerson	Lehman (CA)
Andrews (TX)	Erdreich	Leland
Annunzio	Erlenborn	Lent
Applegate	Evans (IA)	Levin
Aspin	Evans (IL)	Levine
Barnes	Fascell	Levitas
Bateman	Feighan	Lewis (CA)
Bates	Ferraro	Lewis (FL)
Bedell	Fields	Lloyd
Beilenson	Foglietta	Loeffler
Bennett	Ford (MI)	Long (LA)
Bereuter	Fowler	Lowery (CA)
Berman	Franklin	Lowry (WA)
Bilirakis	Frenzel	Lujan
Bliley	Gaydos	Luken
Boggs	Gejdenson	Lungren
Bonior	Gekas	Madigan
Bonker	Gephardt	Markey
Borski	Gilman	Marlenee
Bosco	Gingrich	Marriott
Boucher	Glickman	Martin (IL)
Boxer	Gonzalez	Martin (NC)
Breaux	Goodling	Martin (NY)
Britt	Gore	Martinez
Brown (CA)	Gradison	Matsui
Brown (CO)	Gray	Mazzoli
Broyhill	Gregg	McCain
Bryant	Gunderson	McCandless
Burton (IN)	Hall (IN)	McCloskey
Byron	Hall (OH)	McDade
Campbell	Hall, Ralph	McEwen
Carney	Hall, Sam	McGrath
Carper	Hamilton	McHugh
Carr	Hammerschmidt	McKernan
Chandler	Hansen (ID)	McNulty
Chappell	Harkin	Mikulski
Chappie	Harrison	Miller (CA)
Cheney	Hawkins	Miller (OH)
Clinger	Hayes	Mineta
Coats	Hefner	Minish
Coleman (MO)	Hertel	Moakley
Collins	Hiler	Molinari
Conable	Holt	Mollohan
Conyers	Hopkins	Montgomery
Cooper	Howard	Moody
Courter	Hoyer	Moore
Craig	Huckaby	Moorhead
Crane, Daniel	Hughes	Morrison (CT)
Crane, Philip	Hutto	Morrison (WA)
Crockett	Hyde	Murphy
Daniel	Jacobs	Murtha
Daub	Jeffords	Myers
Davis	Jenkins	Natcher
de la Garza	Johnson	Nelson
Dellums	Jones (NC)	Nielson
Derrick	Jones (OK)	Oakar
DeWine	Jones (TN)	Obey
Dickinson	Kaptur	Olin
Dicks	Kasich	Ortiz
Donnelly	Kastenmeier	Ottinger
Dowdy	Kennelly	Owens
Downey	Kildee	Oxley
Dreier	Kindness	Packard
Durbin	Kogovsek	Panetta
Dwyer	Kolter	Parris
Dymally	Kostmayer	Pashayan
Dyson	Kramer	Patman
Eckart	LaFalce	Patterson
Pease	Schumer	Thomas (GA)
Penny	Seiberling	Torres
Perkins	Sensenbrenner	Torricelli
Petri	Shannon	Udall
Pickle	Sharp	Valentine
Price	Shaw	Vander Jagt
Pursell	Shuster	Vandergriff
Quillen	Sikorski	Volkmer
Rangel	Sisisky	Walker
Ratchford	Skelton	Watkins
Ray	Slattery	Waxman
Regula	Smith (IA)	Weber
Reid	Smith (NE)	Weiss
Richardson	Smith (NJ)	Wheat
Rinaldo	Smith, Denny	Whitley
Ritter	Smith, Robert	Whittaker
Roberts	Snowe	Whitten
Robinson	Solomon	Wilson
Roe	Spence	Wirth
Roemer	Staggers	Wolf
Rogers	Stangeland	Wolpe
Rose	Stenholm	Wortley
Roth	Stratton	Wright
Roukema	Studds	Wyden
Rowland	Sundquist	Wylie
Sabo	Swift	Yates
Savage	Synar	Yatron
Sawyer	Tallon	Young (FL)
Schaefer	Tauke	Zablocki
Schroeder	Taylor	Zschau
Schulze	Thomas (CA)	

□ 1100

The CHAIRMAN. Three hundred and five Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Kentucky (Mr. PERKINS) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair reminds the Members that 5 minutes will be allowed for the vote.

The vote was taken by electronic device, and there were—ayes 136, noes 173, not voting 124, as follows:

[Roll No. 408]

AYES—136

Bateman	Frenzel	Martin (NY)
Bennett	Gekas	McCain
Bereuter	Gingrich	McCandless
Bilirakis	Glickman	McDade
Bliley	Goodling	McEwen
Breaux	Gradison	McGrath
Brown (CO)	Gregg	McKernan
Broyhill	Gunderson	Miller (OH)
Burton (IN)	Hall, Ralph	Molinari
Byron	Hall, Sam	Montgomery
Campbell	Hammerschmidt	Moore
Carney	Hansen (ID)	Moorhead
Carper	Hiler	Morrison (WA)
Chandler	Holt	Myers
Chappell	Hopkins	Nielson
Chappie	Horton	Olin
Cheney	Hutto	Oxley
Clinger	Hyde	Packard
Coats	Jeffords	Parris
Coleman (MO)	Johnson	Pashayan
Conable	Kasich	Patman
Courter	Kindness	Petri
Craig	Kramer	Quillen
Crane, Daniel	Lagomarsino	Regula
Crane, Philip	Latta	Rinaldo
Daniel	Levitas	Ritter
Daub	Lewis (CA)	Roberts
Davis	Lewis (FL)	Robinson
DeWine	Loeffler	Roemer
Dickinson	Lowery (CA)	Rogers
Dreier	Lujan	Roth
Dyson	Lungren	Roukema
Edwards (OK)	Madigan	Sawyer
Emerson	Marlenee	Schaefer
Erlenborn	Marriott	Schulze
Fields	Martin (IL)	Sensenbrenner
Franklin	Martin (NC)	Shaw
Shuster	Stenholm	Whittaker
Skelton	Sundquist	Wilson
Smith (NE)	Tauke	Wolf
Smith (NJ)	Taylor	Wortley
Smith, Denny	Thomas (CA)	Wylie
Smith, Robert	Thomas (GA)	Young (FL)
Solomon	Vander Jagt	Zschau
Spence	Walker	
Stangeland	Weber	

NOES—173

Ackerman	Gore	Ortiz
Akaka	Gray	Ottinger
Alexander	Hall (IN)	Owens
Andrews (NC)	Hall (OH)	Panetta
Andrews (TX)	Hamilton	Patterson
Annunzio	Harkin	Pease
Applegate	Harrison	Penny
Aspin	Hawkins	Perkins
Barnes	Hayes	Pickle
Bates	Hefner	Price
Bedell	Hertel	Pursell
Beilenson	Howard	Rangel
Berman	Hoyer	Ratchford
Bevill	Huckaby	Ray
Boggs	Hughes	Reid
Bonior	Jacobs	Richardson
Bonker	Jenkins	Roe
Borski	Jones (NC)	Rose
Bosco	Jones (OK)	Rowland
Boucher	Jones (TN)	Sabo
Boxer	Kaptur	Savage
Britt	Kastenmeier	Scheuer
Brown (CA)	Kennelly	Schroeder
Bryant	Kildee	Schumer
Carr	Kogovsek	Seiberling
Collins	Kolter	Shannon
Conyers	Kostmayer	Sharp
Cooper	LaFalce	Sikorski
Crockett	Lantos	Sisisky
de la Garza	Lehman (CA)	Slattery
Dellums	Leland	Smith (IA)
Derrick	Levin	Snowe
Dicks	Levine	Staggers
Dingell	Lloyd	Stratton
Donnelly	Long (LA)	Studds
Dowdy	Lowry (WA)	Swift
Downey	Luken	Synar
Durbin	Markey	Tallon
Dwyer	Martinez	Torres
Dymally	Matsui	Torricelli
Eckart	Mazzoli	Towns
Edgar	McCloskey	Udall
Edwards (CA)	McHugh	Valentine
Erdreich	McNulty	Vandergriff
Evans (IA)	Mikulski	Volkmer
Evans (IL)	Miller (CA)	Watkins
Fascell	Mineta	Waxman
Feighan	Minish	Weiss
Ferraro	Moakley	Wheat
Foglietta	Mollohan	Whitley
Ford (MI)	Moody	Whitten
Fowler	Morrison (CT)	Wirth
Frost	Murphy	Wright
Gaydos	Murtha	Wyden
Gejdenson	Natcher	Yates
Gephardt	Nelson	Yatron
Gilman	Oakar	Zablocki
Gonzalez	Obey	

NOT VOTING—124

Addabbo	Coyne	Guarini
Albosta	D'Amours	Hance
Anderson	Dannemeyer	Hansen (UT)
Anthony	Daschle	Hartnett
Archer	Dixon	Hatcher
AuCoin	Dorgan	Heftel
Badham	Duncan	Hightower
Barnard	Early	Hillis
Bartlett	Edwards (AL)	Hubbard
Bethune	English	Hunter
Biaggi	Fazio	Ireland
Boehlert	Fiedler	Kazen
Boland	Fish	Kemp
Boner	Flippo	Leach
Brooks	Florio	Leath
Broomfield	Foley	Lehman (FL)
Burton (CA)	Ford (TN)	Lent
Clarke	Forsythe	Lipinski
Clay	Frank	Livingston
Coelho	Fuqua	Long (MD)
Coleman (TX)	Garcia	Lott
Conte	Gibbons	Lundine
Corcoran	Gramm	Mack
Coughlin	Green	MacKay

Mavroules	Ridge	Stokes
McCollum	Rodino	Stump
McCurdy	Rostenkowski	Tauzin
McKinney	Roybal	Traxler
Mica	Rudd	Vento
Michel	Russo	Vucanovich
Mitchell	Schneider	Walgren
Mrazek	Shelby	Weaver
Neal	Shumway	Whitehurst
Nichols	Siljander	Williams (MT)
Nowak	Simon	Williams (OH)
O'Brien	Skeen	Winn
Oberstar	Smith (FL)	Wise
Paul	Snyder	Wolpe
Pepper	Solarz	Young (AK)
Porter	Spratt	Young (MO)
Pritchard	St Germain	
Rahall	Stark	

□ 1110

The Clerk announced the following pairs:

On this vote:

Mr. Dannemeyer for, with Mr. Addabbo against.
Mr. Michel for, with Mr. Vento against.
Mr. Lott for, with Mr. Garcia against.
Mr. Mack for, with Mr. Mrazek against.
Mr. Forsythe for, with Mr. Rahall against.
Mr. Rudd for, with Mr. Young of Missouri against.
Mr. Hartnett for, with Mr. Stark against.
Mr. Siljander for, with Mr. MacKay against.
Mr. Stump for, with Mr. Guarini against.
Mrs. Vucanovich for, with Mr. McCurdy against.
Mr. Winn for, with Mr. Dixon against.
Mr. Hansen of Utah for, with Mr. Roybal against.
Mr. Gramm for, with Mr. Pepper against.
Mr. Archer for, with Mr. Mitchell against.
Mr. Badham for, with Mr. Wolpe against.
Mr. Broomfield for, with Mr. Florio against.
Mr. Duncan for, with Mr. Rodino against.
Mr. Corcoran for, with Mr. Stokes against.
Mr. Boehlert for, with Mrs. Schneider against.

Mr. STAGGERS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, notwithstanding the failure of the Erlenborn amendment, I urge my colleagues to support this legislation because it does contain the Close Up program and indeed it is called the Close Up bill. Perhaps some Members know it as the Ellender fellowship program. It is one of the very best uses of Federal funds that this Member can imagine. It provides invaluable education benefits to a great many high school students each year—about 14,000 students each year, plus related faculty and administrative staff from high schools across the country.

Mr. Chairman, the authorization for the Close Up Foundation is a small price for the Congress to pay for such an effective promotion of citizenship and good government. All too often, Members decry the examples of personal misconduct by people in Government, disclosures of poor administration within the agencies, and the image portrayed to the American people of their Government. Yet, the annual appropriation for the Close Up Foundation offers each of us an inexpensive, but effective, avenue to tell our constituents what is right with Government and to promote effective citizenship on all levels—local, State, and National.

Earlier this year, my own State, Nebraska, became the 43d State to participate in the Close Up program. In 1 year only, a new enthusiasm can already be seen. The program in Nebraska will triple in participation for this school year. The major problem facing Close Up in Nebraska will be to determine how to limit participation to a manageable number.

Nebraska has 356 high schools ranging in size from more than 2,000 students to as small as 20 students. Twenty-one of these schools sent 109 students and 29 adults to Washington in late April of this year on a pilot basis for the State's continuing participation.

It did not take long for the Nebraska youth to become the same starry-eyed youngsters that one sees in Close Up program promotional materials. I recall one young man from a high school in my district whose initial attitude could be characterized as, at best, skeptical. On Tuesday night, after having attended a meeting that morning with Vice President GEORGE BUSH, and at the close of his third day in Washington, D.C., he was quoted in an article in his hometown newspaper,

After meeting the Vice President, I thought it would be all downhill, but we've done so much and met so many people since this morning that it seems like that was last week.

Close Up is a fast-paced program. Students are kept busy from the time they awake until practically the time they go to bed. A 16-hour day with only 15 to 30 minutes of personal time is typical. A typical pace, at times, for some of us in Congress. But by the end of a Close Up week, students are asking for more, not less. There is a reason for this phenomenon.

First and foremost, Close Up is an educational experience, not a tour program. Before Nebraska entered the Close Up family of States, the Nebraska Department of Education sent an evaluation team to examine Close Up during a sample week in 1982. Their opinion of the educational validity with which Close Up attempts to meet its objectives has been the basis for Nebraska participation. Yes, students do see the primary sites in the Nation's Capital, but they see the city in the performance of their daily responsibilities. For Close Up, the city is the classroom. All of us, I am sure, have seen Close Up students on Capitol Hill as well as elsewhere in Washington.

Second, Close Up provides individualized instruction despite bringing to the Nation's Capital almost 17,000 students a year. The Close Up educational staff is well qualified and the structure of the Close Up program makes it impossible for a student to spend a week within it and not become an active participant.

Third, the goals and objectives of the Close Up Foundation are well defined. The desire to motivate our youth in better citizenship is sincere and genuine. The Close Up professional staff reflects these qualities from the president of the foundation to the receptionist.

Most of the persons serving in the House of Representatives and across the Hill in the other body, have had an opportunity to be associated with Close Up as a resource person, a member of the board of advisers or in some other capacity. This Member feels fortunate to have played a key role in securing Close Up for the first time for some of Nebraska's high school students. As such, I have been afforded a unique opportunity to appreciate the benefits of the Close Up Foundation.

I urge each of my colleagues to vote to approve the Close Up authorization as an investment in the future of this country. As 17,000 students leave Washington each year, Close Up sends them home as better-informed missionaries for our democratic way of life.

I urge my colleagues to support the bill and I yield back the balance of my time.

● Mr. FASCELL. Mr. Chairman, I would like to call the attention of our colleagues to an important and valuable program which serves our youth today and will perhaps better our country in the years to come. The Close Up program, since 1972, has brought thousands of students and teachers from all over the country to Washington, D.C., to participate in a "hands on" experience in learning about their Government. During the week in which participants are here, they attend congressional hearings, have meetings with their Congressmen, and attend special seminars designed to teach them about not only the legislative, executive, and judicial branches of government, but the political and economic relaties which bear upon their day-to-day decisionmaking.

Many students become active for the first time in political debates and they learn the ways they can become involved as individuals and citizens in the lawmaking process.

The Allen J. Ellender fellowship program, which is administered by the Close Up Foundation, is currently before us for reauthorization. H.R. 3324 authorizes $1.5 million for the Ellender fellowship program for fiscal years 1983 and 1984, which is the same as the actual appropriations for those

years in the continuing resolution (H.J. Res. 631). In addition, it provides for a new authorization of $1.5 million for 1985 so that the program can be extended an additional year. Funding at this level has already been included in the Senate appropriations bill.

An important feature of the Ellender fellowship program is that these modest Federal dollars serve as seed moneys in Close Up schools and communities. The Foundation has multiplied each Federal dollar at a 9:1 ratio, generating nine private dollars from corporations, foundations, and individual, for each Federal dollar and assuring that Federal dollars are fully utilized for benefits of the maximum number of people.

I would like to urge our colleagues' support for this worthwhile program. Surely if we are to bank on our youth as the hope of our future, we must invest in experiences which will embark them on knowledge seeking and thought provoking paths.●

The CHAIRMAN. Are there any other amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. ANNUNZIO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3324) to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs, pursuant to House Resolution 330, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote ws taken by electronic device, and there were—yeas 233, nays 78, not voting 122, as follows:

[Roll No. 409]

YEAS—233

Ackerman	Annunzio	Bates
Akaka	Applegate	Bedell
Alexander	Archer	Beilenson
Andrews (NC)	Aspin	Bennett
Andrews (TX)	Barnes	Bereuter
Berman	Hawkins	Patterson
Bevill	Hayes	Pease
Boggs	Hefner	Penny
Bonior	Hertel	Perkins
Bonker	Horton	Pickle
Borski	Howard	Price
Bosco	Hoyer	Quillen
Boucher	Huckaby	Rangel
Boxer	Hughes	Ratchford
Breaux	Hyde	Ray
Britt	Jacobs	Reid
Brown (CA)	Jeffords	Richardson
Brown (CO)	Jenkins	Rinaldo
Bryant	Johnson	Roe
Byron	Jones (NC)	Roemer
Campbell	Jones (OK)	Rogers
Carper	Jones (TN)	Rose
Carr	Kaptur	Rowland
Chappie	Kastenmeier	Sabo
Cheney	Kennelly	Savage
Clinger	Kildee	Sawyer
Coleman (MO)	Kogovsek	Scheuer
Collins	Kolter	Schneider
Conyers	Kostmayer	Schroeder
Cooper	LaFalce	Schumer
Courter	Lantos	Seiberling
Crockett	Lehman (CA)	Shannon
Daub	Leland	Sharp
Davis	Lent	Shaw
de la Garza	Levin	Sikorski
Dellums	Levine	Sisisky
Derrick	Levitas	Skelton
Dicks	Lewis (CA)	Slattery
Dingell	Lewis (FL)	Smith (IA)
Donnelly	Long (LA)	Smith (NE)
Downey	Lowery (CA)	Smith (NJ)
Durbin	Lowry (WA)	Smith, Robert
Dwyer	Luken	Snowe
Dymally	Markey	Staggers
Dyson	Marlenee	Stangeland
Eckart	Martin (NY)	Stenholm
Edgar	Martinez	Stratton
Edwards (CA)	Matsui	Studds
Edwards (OK)	Mazzoli	Sundquist
Erdreich	McCloskey	Swift
Evans (IA)	McDade	Synar
Evans (IL)	McHugh	Tallon
Fascell	McKernan	Thomas (GA)
Feighan	McNulty	Torres
Ferraro	Mikulski	Torricelli
Foglietta	Miller (CA)	Towns
Ford (MI)	Mineta	Udall
Fowler	Minish	Valentine
Franklin	Moakley	Vander Jagt
Frenzel	Molinari	Vandergriff
Frost	Mollohan	Volkmer
Gaydos	Moody	Watkins
Gejdenson	Moore	Waxman
Gephardt	Morrison (CT)	Weaver
Gilman	Murphy	Weiss
Gingrich	Murtha	Wheat
Glickman	Myers	Whitley
Gonzalez	Natcher	Whittaker
Goodling	Nelson	Whitten
Gore	Oakar	Wilson
Gray	Obey	Wirth
Hall (IN)	Olin	Wright
Hall (OH)	Ortiz	Wyden
Hall, Ralph	Ottinger	Wylie
Hall, Sam	Owens	Yates
Hamilton	Oxley	Yatron
Harkin	Panetta	Zablocki
Harrison	Patman	

NAYS—78

Bateman	Gradison	Martin (IL)
Bilirakis	Gregg	Martin (NC)
Bliley	Gunderson	McCain
Broyhill	Hammerschmidt	McCandless
Burton (IN)	Hansen (ID)	McEwen
Carney	Hiler	McGrath
Chandler	Holt	Miller (OH)
Coats	Hopkins	Montgomery
Conable	Hutto	Moorhead
Craig	Kasich	Morrison (WA)
Crane, Daniel	Kindness	Nielson
Crane, Philip	Kramer	Packard
Daniel	Lagomarsino	Parris
DeWine	Latta	Pashayan
Dickinson	Lloyd	Petri
Dreier	Loeffler	Pursell
Emerson	Lujan	Regula
Erlenborn	Lungren	Ritter
Fields	Madigan	Roberts
Gekas	Marriott	Robinson
Roth	Smith, Denny	Walker
Roukema	Solomon	Weber
Schaefer	Spence	Wolf
Schulze	Tauke	Wortley
Sensenbrenner	Taylor	Young (FL)
Shuster	Thomas (CA)	Zschau

NOT VOTING—122

Addabbo	Ford (TN)	Nowak
Albosta	Forsythe	O'Brien
Anderson	Frank	Oberstar
Anthony	Fuqua	Paul
AuCoin	Garcia	Pepper
Badham	Gibbons	Porter
Barnard	Gramm	Pritchard
Bartlett	Green	Rahall
Bethune	Guarini	Ridge
Biaggi	Hance	Rodino
Boehlert	Hansen (UT)	Rostenkowski
Boland	Hartnett	Roybal
Boner	Hatcher	Rudd
Brooks	Heftel	Russo
Broomfield	Hightower	Shelby
Burton (CA)	Hillis	Shumway
Chappell	Hubbard	Siljander
Clarke	Hunter	Simon
Clay	Ireland	Skeen
Coelho	Kazen	Smith (FL)
Coleman (TX)	Kemp	Snyder
Conte	Leach	Solarz
Corcoran	Leath	Spratt
Coughlin	Lehman (FL)	St Germain
Coyne	Lipinski	Stark
D'Amours	Livingston	Stokes
Dannemeyer	Long (MD)	Stump
Daschle	Lott	Tauzin
Dixon	Lundine	Traxler
Dorgan	Mack	Vento
Dowdy	MacKay	Vucanovich
Duncan	Mavroules	Walgren
Early	McCollum	Whitehurst
Edwards (AL)	McCurdy	Williams (MT)
English	McKinney	Williams (OH)
Fazio	Mica	Winn
Fiedler	Michel	Wise
Fish	Mitchell	Wolpe
Flippo	Mrazek	Young (AK)
Florio	Neal	Young (MO)
Foley	Nichols	

□ 1130

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. McCollum against.

Mr. McKinney for, with Mr. Rudd against.

Mr. Livingston for, with Mrs. Vucanovich against.

Mr. Forsythe for, with Mr. Hansen of Utah against.

Mr. Boehlert for, with Mr. Corcoran against.

Mr. PURSELL changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CHAPPELL. Mr. Speaker, on rollcall No. 409, the vote on the bill authorizing appropriations for grants to the Close Up Foundation, I was absent. If I had been present, I would have voted "yea."

GENERAL LEAVE

Mr. CORRADA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on H.R. 3324, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 4170, TAX REFORM ACT OF 1983

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means have until 6 p.m. today, Friday, October 21, 1983, to file its report to accompany the bill, H.R. 4170, the Tax Reform Act of 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 3929, FEDERAL SUPPLEMENTAL COMPENSATION AMENDMENTS OF 1983

Mr. PEASE submitted the following conference report and statment on the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-428)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Supplemental Compensation Amendments of 1983".

TITLE I—EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SEC. 101. EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM.

(a) GENERAL RULE.—Paragraph (2) of section 602(f) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(2) No Federal supplemental compensation shall be payable to any individual under an agreement entered into under this subtitle for any week beginning after March 31, 1985."

(b) TECHNICAL AMENDMENT.—Paragraph (2) of section 605 of such Act is amended by striking out "October 19, 1983 (except as otherwise provided in section 602(f)(2))" and inserting in lieu thereof "April 1, 1985".

SEC. 102. NUMBER OF WEEKS FOR WHICH BENEFITS ARE PAYABLE.

(a) GENERAL RULE.—Subsection (e) of section 602 of the Federal Supplemental Compensation Act of 1982 is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2)(A)(i) Except as provided in subparagraph (B), the amount established in such account shall be equal to the lesser of—

"(I) 55 per centum of the total amount of regular compensation (including dependents' allowances) payable to the individual with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(II) the applicable limit times his average weekly benefit amount for his benefit year.

"(ii) For purposes of clause (i)—

"(I) in the case of an account from which Federal supplemental compensation was payable to an individual for a week beginning before October 19, 1983, the applicable limit shall be the applicable limit in effect in the State under this paragraph (as in effect on the day before the date of the enactment of the Federal Supplemental Compensation Amendments of 1983) for the last week beginning before October 19, 1983, or

"(II) in the case of an account from which Federal supplemental compensation is first payable for a week beginning after October 18, 1983, the applicable limit shall be the applicable limit determined under the following table with respect to the first week for which Federal supplemental compensation is payable from such account:

"In the case of weeks during a:	*The applicable limit is:*
6-percent period	*14*
5-percent period	*12*
4-percent period	*10*
Low-unemployment period	*8.*

"(B) In the case of any account from which Federal supplemental compensation was first payable for a week which begins after March 31, 1983, and before October 19, 1983, the amount established in such account under subparagraph (A) shall be increased by the individual's additional entitlement. In no event shall such increase result in the individual's receiving more Federal supplemental compensation for weeks beginning after October 18, 1983, than the subparagraph (A) entitlement.

"(C) For purposes of subparagraph (B) and this subparagraph—

"(i) The term 'additional entitlement' means the lesser of—

"(I) ¾ of the subparagraph (A) entitlement, or

"(II) the individual's average weekly benefit amount for the benefit year multiplied by the applicable limit determined under clause (ii).

"(ii) The applicable limit determined under this clause is—

"(I) 5 if all of the amount in the individual's Federal supplemental compensation account (determined without regard to subparagraph (B)) is payable to the individual for weeks beginning before October 18, 1983, and

"(II) in the case of an individual not described in subclause (I), 4 (2 if the State is in a 4-percent period or a low-unemployment period for the first week beginning after October 18, 1983).

"(iii) The term 'subparagraph (A) entitlement' means the amount which would have been established in the account if Federal supplemental compensation were first payable from such account for the first week beginning after October 18, 1983.

"(3)(A) For purposes of this subsection, the terms '6-percent period', '5-percent period', '4-percent period', and 'low-unemployment period', mean, with respect to any State, the period which—

"(i) begins with the third week after the first week for which the applicable trigger is on, and

"(ii) ends with the second week after the first week for which the applicable trigger is off.

"(B)(i) In the case of a 6-percent period, 5-percent period, 4-percent period, or low-unemployment period, as the case may be, the applicable trigger is on for any week if—

"(I) the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks falls within the applicable range, or

"(II) the rate of insured unemployment in the State for the period consisting of the last week beginning in the second calendar quarter ending before the week for which the trigger determination is being made and all weeks preceding such last week which began on or after January 1, 1982, equals or exceeds 5.5 percent in the case of a 6-percent period (or, in the case of a 5-percent period, equals or exceeds 4.5 percent but is less than 5.5 percent).

Subclause (II) shall not apply in the case of a 4-percent period or low-unemployment period.

"(ii) In the case of a 6-percent period, 5-percent period, 4-percent period, or low-unemployment period, as the case may be, the applicable trigger is off for any week if subclause (I) of clause (i) is not satisfied (or in the case of a 6-percent period or a 5-percent period, both subclauses (I) and (II) of clause (i) are not satisfied).

"(iii) In the case of any 5-percent period, 4-percent period, or low-unemployment period, as the case may be, notwithstanding clauses (i) and (ii), the applicable trigger shall be off for any week if the applicable trigger for a period with a higher applicable limit is on for such week.

"(C) For purposes of this paragraph, the applicable range is as follows:

"In the case of a:	*The applicable range is:*
6-percent period	*A rate equal to or exceeding 6 percent.*
5-percent period	*A rate equal to or exceeding 5 percent but less than 6 percent.*
4-percent period	*A rate equal to or exceeding 4 percent but less than 5 percent.*
Low-unemployment period.	*A rate less than 4 percent.*

"(D)(i) No 6-percent period, 5-percent period, 4-percent period, or low-unemployment period, as the case may be, which is in effect for the first week beginning after October 18, 1983, or any week thereafter, shall last for a period of less than 13 weeks beginning after October 18, 1983.

"(ii) The applicable limit in any State shall not be reduced or increased by more than 2 during any 13-week period beginning with the week for which such a reduction (or increase) would otherwise take effect. The preceding sentence shall not apply to any increase (or decrease) which takes effect for the first week beginning after October 18, 1983.

"(E) For purposes of this subsection—

"(i) The rate of insured unemployment for any period shall be determined in the same manner as determined for purposes of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970; except that, for purposes of determining the rate of insured unemployment for the period described in subparagraph (B)(i)(II), the rate of insured unemployment shall be determined by reference to the average monthly covered employment under the State law for

so much of such period as does not fall in the last 6 months thereof.

(ii) The amount of an individual's average weekly benefit amount shall be determined in the same manner as determined for purposes of section 202(b)(1)(C) of such Act."

(b) TECHNICAL AMENDMENT.—Paragraph (3) of section 602(d) of such Act is amended by striking out "or (D)(ii)".

SEC. 103. EFFECTIVE DATES.

(a) GENERAL RULE.—The amendments made by this title shall apply to weeks beginning after October 18, 1983.

(b) TRANSITIONAL RULE.—In the case of any eligible individual who exhausted his rights to Federal supplemental compensation (by reason of the payment of all of the amount in his Federal supplemental compensation account) before the first week beginning after October 18, 1983, such individual's eligibility for additional weeks of compensation by reason of the amendments made by this title shall not be limited or terminated by reason of any event, or failure to meet any requirement of law relating to eligibility for unemployment compensation, occurring after the date of such exhaustion of rights and before the beginning of the first week beginning after October 18, 1983 (and the period after such exhaustion and before the beginning of such first week shall not be counted for purposes of determining the expiration of the two years following the end of his benefit year for purposes of section 602(b) of the Federal Supplemental Compensation Act of 1982).

(c) MODIFICATION OF AGREEMENTS.—The Secretary of Labor shall, at the earliest practicable date, after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supplemental compensation under such Act in accordance with the amendments made by this title. Notwithstanding any other provision of law, if any State fails or refuses within the three-week period beginning on the date the Secretary of Labor proposes such modification to such State, to enter into such modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the close of such three-week period.

(d) NEW PERIODS BEGIN WITH FIRST WEEK AFTER OCTOBER 18, 1983.—For purposes of determining whether any 6-percent period, 5-percent period, 4-percent period, or low-unemployment period is in effect during weeks beginning after October 18, 1983, the amendments made by this title shall be treated as in effect during all periods before the first week beginning after October 18, 1983.

TITLE II—OTHER PROVISIONS

PAYMENT TO SURVIVORS OF DECEASED EMPLOYEES

SEC. 201. (a) Subsection (b) of section 3306 of the Internal Revenue Code of 1954 (defining wages) is amended by striking out "or" at the end of paragraph (13), by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or", and by inserting after paragraph (14) the following new paragraph:

"(15) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died.".

(b) The amendments made by subsection (a) shall apply to remuneration paid after the date of the enactment of this Act.

TREATMENT OF CERTAIN AGRICULTURAL LABOR

SEC. 202. Subparagraph (B) of section 3306(c)(1) of the Internal Revenue Code of 1954 (relating to agricultural labor) is amended by striking out "January 1, 1984" and inserting in lieu thereof "January 1, 1986".

REPORT BY SECRETARY OF LABOR

SEC. 203. Not later than April 1, 1984, the Secretary of Labor shall submit a report to the Congress on—

(1) the feasibility of using area triggers in unemployment compensation programs, and

(2) the feasibility of determining whether individuals filing claims for unemployment compensation are structurally unemployed.

INCREASE IN TITLE XX FUNDING

SEC. 204. Section 2003(c) of the Social Security Act is amended—

(1) by adding "and" at the end of paragraph (2); and

(2) by striking out paragraphs (3), (4), and (5) and inserting in lieu thereof the following:

"(3) $2,700,000,000 for the fiscal year 1984 and each succeeding fiscal year.".

DIRECT REPAYMENT OF GENERAL REVENUE ADVANCES

SEC. 205. (a) Section 1203 of the Social Security Act is amended by inserting after the first sentence the following: "Amounts appropriated as repayable advances shall be repaid, without interest, by transfers from the Federal unemployment account to the general fund of the Treasury, at such times as the amount in the Federal unemployment account is determined by the Secretary of the Treasury, in consultation with the Secretary of Labor, to be adequate for such purpose. Any amount transferred as a repayment under this section shall be credited against, and shall operate to reduce, any balance of advances repayable under this section.".

(b) Any amounts transferred from the Federal unemployment account to the employment security administration account as of September 30, 1983, shall be transferred back to the Federal unemployment account.

ARRANGEMENTS TO PREVENT PAYMENTS OF UNEMPLOYMENT COMPENSATION TO RETIREES AND PRISONERS

SEC. 206. (a) The Secretary of Labor, the Director of the Office of Personnel Management, and the Attorney General are directed to enter into arrangements to make available to the States, computer or other data regarding current and retired Federal employees and Federal prisoners so that States may review the eligibility of these individuals for unemployment compensation, and take action where appropriate.

(b) The Secretary of Labor shall report to the Congress, prior to January 31, 1984, on arrangements which have been entered into under subsection (a), and any arrangements which could be entered into with other appropriate State agencies, for the purpose of ensuring that unemployment compensation is not paid to retired individuals or prisoners in violation of law. The report shall include any recommendations for further legislation which might be necessary to aid in preventing such payments.

MAUREEN AND MIKE MANSFIELD FOUNDATION

SEC. 207. (a) The Secretary of Education is authorized to provide financial assistance in accordance with the provisions of this section to the Maureen and Mike Mansfield Foundation to assist in the development of the Mansfield Center for Pacific Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

(b) No financial assistance provided under this section may be made except upon an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(c) There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions of this section. Funds appropriated pursuant to this section shall remain available until expended.

And the Senate agree to the same.

DAN ROSTENKOWSKI,
PETE STARK,
DONALD J. PEASE,
ROBERT T. MATSUI,
BARBARA B. KENNELLY,
CARROLL CAMPBELL,
W. HENSON MOORE,
BILL FRENZEL,
Managers on the Part of the House.

BOB DOLE,
BILL ARMSTRONG,
BILL ROTH,
JOHN H. CHAFEE,
RUSSELL LONG,
DANIEL P. MOYNIHAN,
DAVID L. BOREN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. EXTENSION OF FEDERAL SUPPLEMENTAL COMPENSATION (FSC) PROGRAM

PRESENT LAW

Under the current FSC program, which first became effective on September 12, 1982 and, under provisions of Public Law 98-118, expires October 18, 1983, additional weeks of Federally financed unemployment compensation benefits are provided to jobless workers who have exhausted all other State and Federal unemployment benefits. The number of weeks of FSC benefits that jobless workers may receive depends on (a) the number of weeks of State unemployment benefits received by each claimant, and (b) the State in which the claimant qualifies for or receives the benefits.

As originally enacted, the FSC program provided, depending upon State insured unemployment rates (IUR), a maximum of 10, 8, or 6 additional weeks of benefits.

As amended by provisions contained in the Surface Transportation Assistance Act of 1982 (Public Law 97-424), beginning with

the week of January 9, 1983, the FSC program provided the following maximum weeks of benefits through March 31, 1983:

(1) 16 weeks in States with an average insured unemployment rate (IUR) of at least 6.0 percent;

(2) 14 weeks in States that were triggered on the extended benefits program between June 1, 1983 and January 6, 1983;

(3) 12 weeks in the remaining States that have an average IUR of at least 4.5 percent;

(4) 10 weeks in the remaining States that have an average IUR between 3.5 percent and 4.5 percent; and

(5) 8 weeks for all other States.

As amended by provisions contained in the Social Security Amendments of 1983, (Public Law 98-21), as of April 1, 1983, the FSC program provides the following maximum weeks of benefits through September 30, 1983:

(a) *Basic FSC Benefits.*—For individuals who began receiving FSC on or after April 1, 1983:

(1) 14 weeks in States with average IUR 6.0 percent and above;

(2) 12 weeks in States with average IUR 5.0 to 5.9 percent;

(3) 10 weeks in States with average IUR 4.0 to 4.9 percent;

(4) 8 weeks in all other States.

(b) *Reach-back Benefits.*—Individuals who had exhausted or were receiving FSC as of April 1, 1983 could receive additional weeks equal to three-fourths of the basic FSC entitlement payable in the State, up to a maximum of:

(1) 10 weeks in the 14 basic week States (average IUR 6.0 percent or above);

(2) 8 weeks in the 12 and 10 basic week States (average IUR 4.0 to 5.9 percent);

(3) 6 weeks in the 8 basic week States (average IUR below 4.0 percent).

However, for individuals who began receiving FSC before April 1, 1983, and had some FSC entitlement remaining after that date, the combination of their remaining basic FSC entitlement received after April 1, 1983 and the reach-back weeks could not exceed the maximum number of weeks of basic FSC benefits payable in the State.

Under Public Law 98-21, the FSC program would have ended on September 30, 1983. Public Law 98-118 extended the program to weeks beginning prior to October 18, 1983.

(c) *Phaseout of FSC Benefits.*—Individuals who had not exhausted their FSC entitlement on October 18, 1983, when the program expired, may receive up to 50 percent of their remaining FSC entitlement. No new claimants can be added to the FSC program after October 18, 1983.

HOUSE BILL

The FSC program is extended for 7 weeks, from September 30, 1983 through November 16, 1983.

Effective October 1, 1983, FSC benefits would be payable as follows:

(a) *Basic FSC Benefits.*—The maximum number of basic weeks of FSC payable in the States will range from 8 to 16 weeks. The maximum in each State will be determined by the State's average insured unemployment rate (IUR), as determined in the current Extended Benefit and FSC program, *or* the State's non-seasonally adjusted total unemployment rate (TUR) averaged over the most recent three months. A maximum of:

(1) 16 weeks will be payable in States with IUR 8 percent or above *or* TUR 12 percent or above;

(2) 14 weeks in States with IUR 6 to 7.9 percent *or* TUR 10 to 11.9 percent;

(3) 12 weeks in States with IUR 5 to 5.9 percent *or* TUR 9 to 9.9 percent;

(4) 10 weeks in States with IUR 4 to 4.9 percent *or* TUR 8 to 8.9 percent;

(5) 8 weeks in States with IUR below 4 percent *and* TUR below 8 percent.

Unemployed workers who first apply for FSC benefits after October 1, 1983 will receive weeks of FSC benefits equal to 65 percent of the number of weeks of regular State unemployment benefits they received, up to the maximum number of basic FSC benefits payable in the State. The basic FSC entitlement of individuals who, as of October 1, 1983, have exhausted or are receiving FSC benefits will be adjusted according to the number of basic FSC weeks payable in the State and the number of weeks of FSC they have received as of that date.

(b) *Reach-back and Transitional Benefits.*—Individuals who have exhausted or are receiving FSC benefits as of October 1, 1983 could receive additional weeks equal to three-fourths of their new basic FSC entitlement, up to a maximum of 8 weeks. However, individuals who qualify for additional weeks cannot receive more weeks of FSC benefits after October 1, 1983 than the maximum number of basic weeks of FSC payable in the State.

(c) *Limitation on Reduction of Basic FSC Weeks Payable in a State.*—The maximum number of basic FSC weeks payable in a State will be *increased* whenever it meets higher IUR or TUR rates, and will remain at least as high as the new higher level for at least three months. The maximum number of basic FSC weeks payable in a State will not be *reduced* more freqently than every three months, and will not be reduced by more than two weeks in any three month period.

(d) *Limitation on Reduction of FSC Weeks Payable to Individuals.*—Individuals who first qualify for FSC on or after October 1, 1983 will continue to be eligible for at least the number of FSC weeks to which they were entitled at the time they first qualified for FSC, even though the maximum number of basic FSC weeks payable in the State decreases because of a reduction in the State IUR or TUR. An individual's basic FSC entitlement will be increased if the basic FSC maximum payable in the State increases; and the person's entitlement will remain at the higher level even if there are subsequent reductions in the basic FSC entitlement payable in the State.

(e) *Phase-out of FSC Benefits.*—No provision.

SENATE AMENDMENT

The Senate amendment would extend the Federal Supplemental Compensation program for 18 months, from October 1, 1983 to March 31, 1985. The current program would be modified as follows:

(1) *Basic FSC benefits.*—Individuals who receive benefits on or after October 1, 1983, could receive up to a maximum of:

a. 12 weeks of benefits in States with an IUR greater than or equal to 5 percent;

b. 10 weeks of benefits in states with an IUR greater than or equal to 4 percent, but less than 5 percent;

c. 8 weeks of benefits in States with an IUR greater than or equal to 3 percent but less than 4 percent;

d. 6 weeks in all other States.

(2) *Additional FSC benefits.*—Individuals who exhaust FSC benefits on or before October 1, 1983, would not be eligible for additional weeks of benefits.

(3) *Transitional FSC benefits.*—Individuals who began receiving FSC before October 1, 1983, and have some FSC entitlement remaining as of the effective date of the Sennte amendments would generally receive whatever additional weeks, if any, they would qualify for under the new basic benefit structure. However, no one who actually receives a benefit for the week of October 16, 1983 would have his entitlement reduced below the number of weeks he could have qualified for under the phaseout provisions if the program had not been extended. For example, several States change from 8-week to 6-week States. An individual in such a State who draws his sixth week of FSC for the week of October 16 would have been entitled to one phaseout week if the program were not extended (50 percent of his remaining entitlement). Under this transitional provision, such an individual would retain his eligibilty for that seventh week of FSC.

(4) *Phaseout of FSC benefits.*—Individuals who have not exhausted their FSC entitlement on March 31, 1985, when the program expires, would not be eligible to receive their remaining FSC entitlement. All FSC benefits would end on March 31, 1985.

(5) *Continuation of 14-week period for high unemployment States.*—The Senate bill eliminates the prior 14-week duration which applies to States with insured unemployment rates of 6 percent or more. However, a State which qualifies for this 14-week duration as of the week beginning September 25, 1983 will continue to qualify for 14 weeks so long as its IUR remains continuously at or above 6 percent.

(6) *Special provision for States with prolonged high unemployment.*—The Senate amendment includes an alternative insured unemployment measure based on the average IUR over a longer period than is currently used for the IUR. Under this provision, a State will qualify for the maximum basic duration (12 weeks) so long as its average insured unemployment rate equals or exceed 6 percent over the period since January 1982. The determination as to whether a State qualifies under this provision would be made quarterly. In other words, for any given calendar quarter, a State will qualify for 12 weeks of benefits if the average IUR from January 1982 through the end of the second preceding calendar quarter is 6 percent of higher.

The Senate amendment places no restrictions on the extent to which benefit durations could be reduced or increased in a State as a result of changes in the insured unemployment rate. However, a State's benefit duration could not change more often than once in any 13-week period.

Effective date.—The new Federal Supplemental Compensation program would be effective on October 1, 1983.

CONFERENCE AGREEMENT

1. The FSC program, with modifications, would be extended effective from the week of October 23, 1983 through the week of March 31, 1985. (Public law 98-118, H.R. 4101, extended the current FSC program for three weeks, from September 30, 1983 through the week of October 16, 1983.)

2. *Basic FSC Benefits.*—The maximum number of basic weeks of FSC payable in the States will range from 8 to 14 weeks. The maximum in each State will be determined by the State's moving 13 week average insured unemployment rate (IUR), as determined in the current Extended Benefit and FSC programs, or the State's cumulative average IUR since January 1, 1982 and through the second preceding calendar quarter. (To determine basic FSC weeks

payable the week of October 23, 1983, the first week of this extension, the cumulative average IUR will include the weeks of January 1, 1982 through June 1983.)

A maximum of:

(a) 14 weeks will be payable in States with a moving 13 week average insured unemployment rate (IUR) of at least 6.0 percent or a cumulative average IUR since January 1. 1982 of at least 5.5 percent.

(b) 12 weeks will be payable in States with a moving 13 week average IUR 5.0 to 5.9 percent or a cumulative average IUR since January 1, 1982 of 4.5 to 5.4 percent.

(c) 10 weeks will be payable in States with a moving 13 week average IUR 4.0 to 4.9 percent.

(d) 8 weeks will be payable in all other States.

Unemployed workers who first apply for FSC benefits for or after the week of October 23, 1983 will receive weeks of FSC benefits equal to 55 percent of the number of weeks of regular State unemployment benefits they received, up to the maximum number of basic FSC benefits payable in the State in the week in which they first file their claims.

There will be no adjustment, or tiering up or down, in the basic FSC entitlement of individuals who are receiving or who exhaust benefits before the week of October 23, 1983. The basic FSC entitlement of these individuals will remain at the level established under the law in effect the week of October 16, 1983.

3. *Reach-back and Transitional Benefits.*— Individuals who first became eligible for FSC between April 1, 1983 and the week of October 23, 1983 could receive the following amounts of reach-back or transitional benefits:

(a) a maximum of 5 weeks of reach-back benefits would be paid to individuals who exhaust FSC benefits before week of October 23, 1983;

(b) a maximum of 4 weeks of transitional benefits in 12 and 14 basic weeks states, and 2 weeks of transitional benefits in 8 and 10 basic week states, would be paid to individuals who, under current law, are eligible for FSC benefits the week of October 16 and subsequent weeks.

However, individuals who qualify for reach-back or transitional weeks cannot receive more weeks of FSC benefits after October 23, 1983 than the maximum number of basic weeks of FSC payable in the State as of that date.

4. *Limitation of Reduction of Basic Weeks Payable in a State.*—Beginning with the week of October 23, 1983, (a) the maximum number of basic weeks payable in a State will be adjusted (up or down) no more frequently than every thirteen weeks; and, (b) a single adjustment shall not exceed two weeks.

5. *Limitation on Reduction of FSC Weeks Payable to Individuals.*—Beginning with the week of October 23, 1983, individuals will continue to be eligible for the number of FSC weeks to which they were entitled at the time they first qualified for FSC, regardless of changes (up or down) in the number of basic weeks payable in the State. As under current law, an individual who makes an interstate claim for FSC benefits will receive the lesser of (a) the number of weeks of FSC payable in the State in which he receives the benefits or (b) the maximum number of weeks payable in his or her former State.

6. *Phase-out of FSC Benefits.*—No provision.

2. TREATMENT OF PAYMENTS TO ESTATES OF DECEASED INDIVIDUALS

PRESENT LAW

Under the current law, Federal social security taxes (FICA) are not imposed on payments by employers to survivors or the estates of deceased individuals. However, such payments are subject to Federal Unemployment Taxes (FUTA).

HOUSE BILL

Under the House bill, with regard to payments made by employers to the estates or survivors of deceased individuals, the Federal unemployment tax (FUTA) definition of taxable wages is conformed with the current Social Security tax (FICA) definition. As with social security taxes, Federal unemployment taxes will no longer be imposed on such payments after the calendar year in which the individual died.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

3. TREATMENT OF CERTAIN ALIEN FARMWORKERS

PRESENT LAW

Under the Immigration and Nationality Act, residents of foreign countries who do not intend to abandon such residency may be admitted to the United States to work for a temporary period of time during peak agricultural crop seasons. Until January 1, 1984, wages paid to such alien farmworkers are excluded from Federal unemployment taxes (FUTA).

HOUSE BILL

The House bill extends for two years—from January 1, 1984 to January 1, 1986—the provision of current law that excludes wages paid to certain alien farmworkers from FUTA taxes.

SENATE AMENDMENT

Same as House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and Senate amendment.

4. REPORTS FROM DEPARTMENT OF LABOR

PRESENT LAW

Not applicable.

HOUSE BILL

The House bill requires the Department of Labor to submit reports to Congress no later than April 1, 1984 on (a) the feasibility of targeting FSC benefits to substate areas on the basis of unemployment levels in such substate areas; and, (b) the feasibility of indentifying "structurally" unemployed workers at the time they claim unemployment compensation benefits.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

5. INCREASE IN TITLE XX SOCIAL SERVICE FUNDS

PRESENT LAW

Under current law, the Title XX funding levels are:

Fiscal year 1983—$2.675 billion (including $225 million appropriated on a temporary basis in the Emergency Jobs Bill);

Fiscal year 1984—$2.5 billion;

Fiscal year 1985—$2.6 billion;

Fiscal year 1986 and subsequent years—$2.7 billion.

HOUSE BILL

The House bill would increase the permanent Federal Title XX spending level to $2.8 billion, effective for fiscal year 1984 and years thereafter. In fiscal year 1984 and 1985, at least $100 million of the additional funds must be used for unemployment related programs and must be allocated among areas within States according to the levels of unemployment in those areas.

SENATE AMENDMENT

The Senate amendment would increase the statutory funding level for the Title XX social services block grant by $200 million for fiscal year 1984. The statutory funding level for Title XX, for fiscal year 1984, would thus be increased from $2.5 billion to $2.7 billion.

CONFERENCE AGREEMENT

The conference agreement provides that the Title XX ceiling will be increased to $2.7 billion for fiscal year 1984 and subsequent fiscal years. The conference agreement strikes the provision in the House bill that targets a portion of the additional funds to unemployment related programs and high unemployment areas within States. The conferees do intend, however, that States use a portion of the additional Title XX funds for services that address problems related to unemployment and, to the extent feasible, direct these funds to areas within the State with the highest levels of unemployment.

6. DIRECT REPAYMENT OF GENERAL REVENUE ADVANCES

PRESENT LAW

Title XII of the Social Security Act authorizes advances from general revenues to the Federal unemployment account (FUA) of the unemployment trust fund. This is the account from which loans are made to the States and to which repayments of those loans are credited. Such advances may be repaid only if: (1) the FUA exceeds its statutory limit at the end of the fiscal year and (2) the employment security account (ESA) exceeds its statutory end-of-year limit. The law requires any excess from FUA to be transferred directly to the extended unemployment compensation account (EUCA) from which general revenue advances may be repaid.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would allow for direct repayment of general revenue advances from the State loan account in the unemployment trust fund, if the Secretary of Labor and the Secretary of the Treasury determine that adequate funds are available in the account for such purpose. This amendment would ultimately allow for the full repayment of all outstanding general revenue advances to the FUA account. The Senate amendment also requires that any amounts which may have already be transferred under the prior law provisions are to be transferred back to the Federal Unemployment Account as soon as this legislation is enacted.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

7. REPORT ON EFFORTS TO PREVENT INCORRECT UNEMPLOYMENT COMPENSATION PAYMENTS TO RETIREES AND PRISONERS

PRESENT LAW

Not applicable.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would require the Secretary of Labor, the Attorney General, and the Director of the Office of Personnel Management to make available to the States such information about Federal employees, retirees, and prisoners as may be useful in determining unemployment eligibility. The Secretary of Labor is also directed to issue a report to Congress which will detail the actions taken and other steps which could be taken to ensure that unemployment benefits are not paid to certain retired individuals or prisoners. The report should include recommendations for futher legislation which might be necessary to aid in preventing such incorrect payments. The report must be submitted to Congress by January 31, 1984.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

8. MANSFIELD FOUNDATION AUTHORIZATION

PRESENT LAW

Not applicable.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment authorizes an appropriation of not more than $5,000,000 to the Department of Education for assistance to the Maureen and Mike Mansfield Foundation in developing the Mansfield Center for Public Affairs and the Maureen and Mike Mansfield Center at the University of Montana.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

9. UNEMPLOYMENT BENEFITS FOR CERTAIN RAILROAD WORKERS

PRESENT LAW

Railroad workers with less than 10 years of rail employment do not generally qualify for extended unemployment benefits payable under the railroad unemployment program. A special supplemental benefits program for these workers was enacted as part of Public Law 98-8. This program provided benefits only through June 30, 1983.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would extend this provision through the benefit year beginning July 1, 1983.

CONFERENCE AGREEMENT

The conference agreement follows the House amendment.

10. EXTENSION OF PROVISIONS RELATING TO DEPENDENT CHILDREN VOLUNTARILY PLACED IN FOSTER CARE

PRESENT LAW

The Adoption Assistance and Child Welfare Act of 1983 (Public Law 96-272) included a provision authorizing Federal matching on a temporary basis for payments made on behalf of children voluntarily placed in foster care. The statute provides that, in those States that have implemented specified foster care protections and procedures, Federal foster care matching funds are available until September 30, 1983 for children who have been voluntarily removed from their home (without a judicial determination), if such removal is pursuant to a voluntary placement agreement. The voluntary placement agreement must be revocable on the part of the parent unless the child welfare agency objects and obtains a judicial determination that the return of the child to the home would not be in the best interests of the child. There must be a judicial determination of a voluntary placement within 6 months to the effect that such placement is in the best interests of the child. The Secretary of Health and Human Services must report annually to the Congress on the number of children placed under this provision.

HOUSE BILL

No provision.

SENATE AMENDMENT

Effective October 1, 1983, the Senate amendment would extend the voluntary placement provision for 1 year, to September 30, 1984.

CONFERENCE AGREEMENT

The conference agreement omits this provision which was enacted in P.L. 98-118 (H.R. 4101).

11. CASH-FLOW UNEMPLOYMENT LOANS

PRESENT LAW

Although interest is now generally charged on advances made by the Federal Unemployment Trust funds to enable States to meet shortfalls in their State unemployment accounts, an exception is made when the advances are solely for cash flow purposes and are entirely repaid by September 30 of the year in which they are taken out. To qualify for an interest-free cash flow advance, the State must repay the advance entirely by September and must not take out a new advance after the earlier advance is repaid. This has been interpreted to mean that a State which takes out and repays an advance early in the year cannot take out another advance without losing the interest-free status of both loans even though the full amount is repaid by September 30. (However, a State could avoid this situation by simply not repaying the entire series of advances until September 30.)

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would clarify the statute so that advances received by States in the first 9 months of the year would be considered in the aggregate. Thus an advance or series of advances made during that part of the year would be interest free if all such advances are fully repaid by September 30 and no further advance is taken out during the remainder of that year.

CONFERENCE AGREEMENT

The conference agreement omits this provision because it has been enacted under Public Law 98-118 (H.R. 4101).

12. EXTENSION OF PERIOD OF CONTINUING PAYMENT OF SOCIAL SECURITY DISABILITY BENEFITS DURING APPEAL

PRESENT LAW

Public Law 97-455, passed by Congress in December 1982, included a provision to allow beneficiaries whose benefits had been ceased because of a medical review of their eligibility to elect to continue receiving benefits until an Administrative Law Judge has rendered a decision on the case. If the case is denied, then the benefits, except for medicare, are subject to recoupment (subject to the waiver standards already in law). This provision expires October 1, 1983.

HOUSE BILL

The House bill extends the current law provision through November 15, 1983.

SENATE AMENDMENT

The Senate amendment extends the current law provision through January 1, 1984.

CONFERENCE AGREEMENT

The conference agreement omits this provision because the agreement of the Managers to extend the current law provision through December 7, 1983, has been enacted under Public Law 98-118 (H.R. 4101).

13. TWO-YEAR DELAY IN SOCIAL SECURITY TREATMENT OF SALARIES OF SENIOR STATUS JUDGES

PRESENT LAW

Under a provision enacted in the Social Security Amendments of 1983 (Section 101(c)), the compensation of Federal judges in senior status will be considered for any period in which they perform judicial duties as earnings for purposes of the social security tax and retirement-earnings test, effective January 1, 1984.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment would delay by two years the effective date of Section 101(c) of the Social Security Amendments of 1983.

CONFERENCE AGREEMENT

The conference agreement omits this provision which was enacted in Public Law 98-118 (H.R. 4101).

DAN ROSTENKOWSKI,
PETE STARK,
DONALD J. PEASE,
ROBERT T. MATSUI,
BARBARA B. KENNELLY,
CARROL CAMPBELL,
W. HENSON MOORE,
BILL FRENZEL,
Managers on the Part of the House.

BOB DOLE,
BILL ARMSTRONG,
BILL ROTH,
JOHN H. CHAFEE,
RUSSELL LONG,
DANIEL P. MOYNIHAN,
DAVID L. BOREN,
Managers on the Part of the Senate.

Mr. PEASE. Mr. Speaker, I call up the conference report on the bill H.R. 3929, to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, I reserve the right to object, and I do not intend to object, for the purpose of discussing this piece of legislation with the gentleman from Ohio.

As I understand the legislation, and I would be happy to yield to the gentleman (Mr. PEASE) for the purpose of

explaining the conference report if he so desires, the conference report is a compromise.

I would like to point out to those who are on the floor that the administration wanted an 18-months bill. This is an 18-months bill.

There are other provisions and I will be happy to yield to the gentleman from Ohio (Mr. PEASE) to explain part of the legislation at this time under my reservation.

Mr. PEASE. Mr. Speaker, I appreciate the gentleman yielding.

PARLIAMENTARY INQUIRY

Mr. PEASE. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PEASE. Mr. Speaker, the gentleman from South Carolina (Mr. CAMPBELL) has reserved the right to object. He has yielded to me to speak under that reservation. Is it proper that I would continue under that reservation to explain the conference report?

The SPEAKER pro tempore. Both gentlemen are entitled to 30 minutes after the reservation has been removed.

However, the gentleman may proceed under the reservation for a limited period if he wishes.

Mr. PEASE. Well, if the gentleman from South Carolina (Mr. CAMPBELL) would agree, since we do have 30 minutes under the normal rules of the House, if he would withdraw his objection we could proceed and I could explain on my own time.

Mr. CAMPBELL. The gentleman would be happy to agree with the gentleman (Mr. PEASE) if the gentleman, still reserving my right to object, if the gentleman from Ohio would divide the time for the purpose of explanation, then we can do that.

Mr. PEASE. I would be happy to do that.

The SPEAKER pro tempore. The minority will be recognized for 30 minutes.

Mr. CAMPBELL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PEASE. Mr. Speaker, I ask unanimous consent that the statement of managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection

The Clerk read the statement.

(For conference report and statement, see prior pages of proceedings of the House of today, October 21, 1983.)

Mr. PEASE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PEASE) will be recognized for 30 minutes and the gentleman from South Carolina (Mr. CAMPBELL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PEASE).

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report reflects the agreements reached by the House and Senate conferees on the bill H.R. 3929 to extend the Federal supplemental compensation program.

The FSC program provides additional weeks of unemployment benefits to individuals who have exhausted all other State and Federal unemployment benefits. The program will expire at the end of this week. It was originally due to expire on September 30 but was extended, through this week, by Public Law 98-118. This temporary extension was passed in order to give the conferees time to resolve the differences in the House and Senate versions of H.R. 3929.

Under current law, the FSC program provides 8, 10, 12, or 14 weeks of unemployment benefits to individuals who have exhausted all other State and Federal benefits. The number of FSC weeks payable in a State is determined by the State's insured unemployment rate (IUR).

Mr. Speaker, when this conference began the House and the Senate could not have been further apart. The House has passed a 45-day extension that increased the number of weeks payable under the program and provided 8 additional weeks of benefits to individuals who had exhausted or will soon exhaust their FSC benefits. The Senate version of the bill extended the program for 18 months, reduced the number of weeks payable, and provided no additional weeks of benefits to exhaustees. If you extended the House-passed provisions for 18 months, there was over a $2 billion difference between the House and Senate positions.

This conference agreement reflects long and difficult bargaining on the part of the House conferees to assure that the FSC program continues to provide needed benefits to jobless workers who exhaust their regular State unemployment benefits.

Under the conference agreement, the FSC program would be extended through March 31, 1985. The number of weeks provided would remain, as under current law, at 8, 10, 12, or 14. The number of weeks of FSC benefits payable in a given State will be based on the States current insured unemployment rate. However, States with an average insured unemployment rate since January of 1982 of 5.5 percent or greater will qualify for 14 weeks of FSC. States with an average insured unemployment rate since January of 1982 of 4.5 percent or greater will qualify for 12 weeks of FSC.

The number of FSC weeks payable in a State cannot be reduced or increased more often than once ever 3 months. Any such reduction or increase cannot be more than 2 weeks every 3 months. In addition, the number of FSC weeks that an individual is entitled to when he initially qualifies for FSC cannot be reduced or increased.

For individuals who first began receiving FSC on or after April 1, 1983, and have exhausted such benefits, the conference agreement provides 5 additional weeks of benefits. For individuals who first began receiving FSC benefits after April 1, 1983, and have some of their original FSC entitlement remaining, the agreement provides that they will receive their remaining entitlement plus: First, 4 additional weeks in those States that qualify for the 12- and 14-week tiers; and second, 2 additional weeks in those States that qualify for the 8- and 10-week tiers.

As passed by the House, H.R. 3929 would have extended the program for 45 days, from October 1 through November 15, and substantially modified the benefits provided under the program. It was hoped that during this 45-day extension we could work to resolve a number of controversial issues concerning the adequacy of the current FSC program. These issues included the use of only the insured unemployment rate to determine the number of FSC weeks payable in a State and the problem of fluctuations in the number of FSC weeks payable in a State.

The House passed bill would have modified the FSC program as follows:

First, the maximum number of FSC weeks payable in a State would have been increased to 16;

Second, the number of FSC weeks payable in a State would have been determined by either the State's Insured Unemployment Rate or its Total Unemployment Rate;

Third, the number of FSC weeks payable in a State would not be reduced more often than every 3 months

and the maximum reduction in any 3 month period would be no more than 2 weeks;

Fourth the number of FSC weeks payable to an individual could not be reduced below the number he was eligible to receive when he first qualified for FSC; and

Fifth, individuals who have exhausted, or were close to exhausting, FSC benefits would be eligible to receive up to 8 additional weeks FSC.

As amended by the Senate, H.R. 3929 was radically different from the House passed bill. The Senate version would extend the FSC program for 18 months, through March 31, 1985. Under the Senate extension, the number of FSC weeks would be reduced to a range of 6 to 12 weeks. The number of weeks payable in a State would continue to be determined solely by the State's current insured unemployment rate with one exception. State's whose average insured unemployment rate since January of 1982 was 6 percent or greater would qualify for the top tier of 12 weeks. There were no provisions in the Senate amendment to stabilize either the number of weeks payable in a State or the number of weeks payable to individuals. And finally, the Senate version of the extension contained no additional weeks for individuals who have exhausted FSC.

Mr. Speaker, the House had three goals in extending the FSC program:

First, that the FSC program make up for the loss of Federal-State entended benefits in high unemployment States;

Second, that fluctuations in the number of weeks payable in a State be minimized in order to reduce administrative procedures and to provide a degree of certainty for the jobless workers the program was designed to assist; and

Third, that unemployed workers who have exhausted their FSC be provided additional help.

This conference agreement achieves those goals.

Under current law, only seven States receive 12 or more weeks of FSC. Under the House-passed bill, 27 States would receive 12 or more weeks, while under the Senate version only 11 States would receive 12 or more weeks. This conference agreement provides that 29 States will receive 12 or more weeks of FSC.

The use of the average IUR going back to January of 1982, while different from the total unemployment rate that was in the House bill, achieves the same goal of assuring that those States experiencing the greatest economic distress receive the higher number of weeks of FSC benefits.

The stabilizing provisions of the House bill, limiting the frequency of reductions in the number of FSC weeks payable in a State, have been retained with the modification that reductions or increases cannot occur more often than every 3 months.

These provisions are particularly important given the experience of the last 6 months when we had States losing FSC benefits as often as every four weeks.

The reachback benefits, for those individuals who have exhausted their FSC entitlement or are close to exhausting, have been reduced from the House passed version.

And I must say, Mr. Chairman, that this is one of my great disappointments in our negotiations with the Senate—that we were unable to fully retain the House passed benefits for those who have already exhausted their FSC benefits.

However, given the fact that the Senate had no reachback provision at all, and that the Reagan administration is unalterably opposed to reachback, we feel that this provision is the best we could get. This provision will still provide additional weeks of benefits to nearly 600,000 jobless workers who would have received nothing at all under the Senate version of the bill.

Mr. Speaker, it seems to me that we must, in this Congress and in this Nation, deal with the problem of long-term unemployed workers, those who would have benefited most from the reachback provisions in the House passed version of the bill.

My disappointment with the inability of the House to persuade the Senate and the administration to accept our version is matched by a commitment on my part to try to find a solution for long-term unemployed workers who have been out of a job for more than a year.

The FSC program, as extended under this conference agreement, is a substantial improvement over the current program. It will assure that our jobless workers will be protected as the economy slowly improves.

In addition to the FSC extension, the conference agreement would increase the permanent cap on title XX social service funds from $2.5 to $2.7 billion. The House-passed bill would have increased this cap to $2.8 billion. The Senate version would have increased the cap to $2.7 billion, but only for fiscal year 1984. The permanent increase to $2.7 billion is a sound compromise that will assist States whose social service programs have been greatly burdened as a direct result of high unemployment.

Other non-FSC related provisions include:

A provision to conform the Federal unemployment tax treatment of payments to the estate or survivor of a deceased individual with the social security tax treatment of such payments.

A 2-year extension of the exclusion from Federal unemployment tax of wages paid to certain alien farmworkers.

Provisions requiring Department of Labor studies on the use of sub-State triggers to target unemployment benefits; the identification of structurally unemployed workers; and the prevention of incorrect payments of unemployment benefits.

A technical amendment relating to the repayment of Federal loans to State unemployment trust funds.

And an authorization of not more than $5 million for the Department of Education to assist in the development of the Mansfield Center for Public Affairs and the Maureen and Mike Mansfield Center at the University of Montana. This matter, Mr. Speaker, is within the jurisdiction of the Committee on Education and Labor. The committee was consulted with respect to this provision and is included here only upon its recommendation.

There were four other issues initially agreed to by the conferees that were contained in H.R. 4101, Public Law 98-118, which temporarily extended the FSC program through this week. These were:

First, an extension, through December 7, 1983, of the authority to continue social security disability payments that have ceased as a result of a medical review until such time as an administrative law judge has rendered a decision on the case;

Second, a 2-year delay, from January 1, 1984, to January 1, 1986, of the effective date of section 101(c) of the Social Security Amendments of 1983, Public Law 98-21, which provided that the compensation of Federal judges in senior status will be considered earnings for purposes of the social security tax and retirement earnings test.

Third, an extension, through September 30, 1984, of the provision in the Adoption Assistance and Child Welfare Act of 1983, Public Law 96-272, that authorizes Federal matching for payments made on behalf of children voluntarily placed in foster care; and

Fourth, a technical amendment to clarify that Federal loans to State unemployment trust funds would be interest free if all such loans were repaid by September 30 of the fiscal year in which they were taken out and no further loans are taken out during the remainder of that year.

Mr. Speaker, as I indicated, the differences between the House and Senate versions of this bill were very great. The House conferees worked diligently to resolve those differences while protecting the interests of the House and the jobless workers of this country. This conference report deserves the support of all House Members and I urge its adoption.

□ 1140

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from New York.

Mr. CONABLE. I thank the gentleman for yielding.

Mr. Speaker, at the outset I would like to say that this has been an extremely difficult conference. I know the conferees have been patient and very thorough, and I believe that they have been thoughtful in the result they have achieved.

I am not enthusiastic about this program generally, but I believe we have come out of it with the best possible result and it is due in large part to the character and ability of the conferees.

Mr. Speaker, I would like to commend them on their work.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the conference report to accompany H.R. 3929.

The conference report contains a fair resolution of the differences in the legislation which passed both bodies. First, the conference agreements extends the Federal supplemental compensation program (FSC) for 18 months. This will provide stability and certainty both to State administrative agencies and to claimants. The administration had called for an 18-month extension.

Second, the schedule of benefits in the conference agreement merges the schedules passed by both bodies. The House-passed bill provided 8 to 16 weeks of benefits based on a sliding scale correlated to a State's unemployment level. The schedule in S. 1887 provided 6 to 12 weeks based on a sliding unemployment scale. The conference agreement essentially provides an 8 to 14 week benefit schedule. Thus, the final schedule reduces the top tier of the House schedule by 2 weeks but it also increases the lower tier in S. 1887 by 2 weeks.

The conference report omits any reference to the total unemployment rate in measuring eligibilty for FSC benefits. However, it did address the legitimate concern that reference solely to the current insured unemployment rate may not always reflect an accurate picture of a State's unemployment situation. The conference agreement provides that States with a cumulative IUR of 5.5 percent or higher will be eligible for 14 weeks of benefits and that States with a cumulative IUR of 4.5 percent or higher will be eligible for 12 weeks of benefits. This feature will protect States which have experienced chronic high unemployment but whose recent IUR has fallen unrealistically low. This has the same practical effect as using the total unemployment rate, but it achieves the result within the traditional framework of the insured unemployment rate.

The conference agreement provides up to 5 weeks of additional benefits to persons who have exhausted their regular FSC entitlement. It applies to persons who began FSC between April 1, 1983, and October 23, 1983. The administration and the other body originally were opposed to such a reach back provision. Their yielding to the House on this point was a major concession.

Mr. Speaker, this outlines the basic features of the FSC extension. It provides an 18-month extension of a program providing 8 to 14 weeks of benefits. There is a feature using the cumulative IUR in a State to mitigate abrupt fluctuations in benefits and there are up to 5 additional weeks for most persons who have exhausted their regular FSC entitlement.

In addition, the conference report contains several other items agreed to by the conferees. First, the title XX funding level is increased to $2.7 billion for fiscal year 1984 and subsequent years. This will provide an additional $200 million in fiscal year 1984 and an additional $100 million in fiscal year 1985. Language in the conference report says that the States should attempt to use the additional amounts in areas within a State with the highest unemployment levels. Second, the Department of Labor is directed to undertake a study of the feasibility of targeting FSC to substate areas; and to study ways to prevent incorrect unemployment payments.

Other provisions include a 2-year extension of the exclusion of H-2 agricultural workers from the Federal Unemployment Tax Act as well as the exclusion of payments of deferred compensation paid to survivors of deceased persons.

The conference report also includes the four provisions which were included in the stopgap, 18-day extension which we approved before the Columbus Day district work period. It will provide conference report language and legislative history for the provisions contained in H.R. 4101 which passed by unanimous consent on October 6.

Mr. Speaker, the conference report to accompany H.R. 3929 represents a fair resolution of the differences between the bills. I support the conference report.

□ 1150

Mr. Speaker, this is a compromise piece of legislation. It is, I believe, a good bill. I do not support some of the aspects that were sought, but I believe in the best interests of all that we have reached a conclusion that most every Member can vote for and support, and I would urge them to do so.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I rise in support of this compromise.

I want to say that, while the House-passed bill which I supported was superior to the compromise we have before us in several ways, I think the compromise is in fact a good compromise. I personally like the total unemployment rate test that we had in the House-passed bill. There are several States that benefit by that new test such as my own. It is not in this compromise. The compromise we have before us is not as good for my particular State and several others, as instead of getting a 16-week maximum basic FSC payment period, it will go down to 12 weeks under this bill as under previous law. But on the other hand, this compromise is good because it is now for 18 months, whereas the House-passed bill was only for 45 days. I think it is best that we extend the program now for a long period of time. Unemployed workers all over the country now know this program is going to be in effect for some time and we will not constantly have a short-term extension problem and constantly fighting over the terms that are going to be in that short extension. So, I think it was a good compromise; I think it is the best we could do. I do support it, and I ask my colleagues to support it as well.

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL), one of the conferees.

Mr. FRENZEL. Mr. Speaker, for me this conference agreement was a close call. I did sign the conference agreement, and I will support the bill, primarily because this country should have some long-term unemployment compensation program that is in effect at a time when unemployment is high, beyond the normal unemployment programs that are available through the States. However, it is fair to say that it is hard to determine when long-term unemployment compensation stops and we have some work history based social welfare programs for employees who are not able or who do not find work. I think in this case we may be getting into that area.

I believe that unemployment compensation should be a matter of local and State authority, as it is for the first 26 weeks of the normal program. I like the extended benefit program because that was half State and half Federal; and whenever I say "State," Mr. Speaker, I mean that those are taxes collected from the business entities who employ people throughout our United States.

This program takes on the aspects of social welfare because it is wholly funded by the Federal taxpayer.

Again, because we have nothing else, I shall support it.

I agree with the description of the program given by the distinguished gentleman from Ohio (Mr. PEASE), and I congratulate him on his hard work which finally brings this to us.

It is exceedingly important that we brought you a bill that takes us 18 months from the date of passage. Our previous bill was a 45-day bill, which was a patent political maneuver, which I think very few people would ever want to vote for under normal circumstances. We have given you a decent size program on which you can cast a vote. We have asked the Department to look into sub-State triggers. In my State there are parts which are hurting and parts which are not hurting. Obviously, if we had better data and could go to sub-State triggers, we could do a better job of treating the need where the real need exists.

Mr. Speaker, the CBO estimates that this program will cost a little bit under $4 billion. The Department of Labor and OMB say about $4.6 billion over the life of the bill. I suspect that it will be closer to the lower end because I think our economy's growth and recovery is surprising both CBO and OMB. I hope that the moneys that might be spent will not need to be spent because Americans will be able to find jobs in greater numbers than we have predicted.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume to very briefly say, in agreeing with the gentleman from Minnesota, I think this is a temporary measure to deal with a temporary problem. It is stopgap. The best program for unemployment is economic recovery, and the country is in the middle of economic recovery. Unemployment is coming down in America, the gross national product is going up, more people are working now than ever in the history of the Nation. I believe that the cost projections that have been applied to this bill will be less because of that economic recovery. But this bill is necessary, and I urge the Members to vote for it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. LOWRY).

Mr. LOWRY of Washington. Mr. Speaker, I, too, want to compliment the House conferees for obviously an excellent job.

In comparison to the bill that came out of the Senate, the conference report is definitely superior. For instance, when the Senate refused to go for the extra extension, that made a difference to my State, which has very high unemployment, of not being able to get the 2 additional weeks. Because of the work done by the conferees, the State of Washington will now be able to receive 14 weeks rather than the 12 weeks under the present law and under the Senate bill. Because of the work done by the conferees, the many thousands of people in our State, as across the country, who have exhausted all of their benefits, who have no unemployment benefits left, will now be able to receive 5 weeks of benefits, and it is because of the work of the House conferees that that was done.

In the Senate bill, the Senate refused to go for the reach-back to provide for those people who have exhausted all of their benefits.

I compliment the conferees very much. I am in strong support of the conference report. As the gentleman from Ohio knows, we have been talking about the importance of this for quite a while, and I definitely thank him for his work.

● Mr. MATSUI. Mr. Speaker, I rise to express my strong support today for passage of H.R. 3929, the conference report to extend the Federal supplemental compensation program. I served as a conferee in developing the final proposal and believe it will help cushion the stark reality of long-term unemployment for thousands of individuals across the country.

As we are all well aware, despite the fact that the Nation appears to be heading out of recession, millions of Americans are still unable to find work. Much of this is a result of the rapidly changing nature of the marketplace spurred by technological advances. As we endeavor to help America's workers take advantage of the new opportunities, we must continue to give them a financial helping hand. Passage of H.R. 3929, in part, will do just that.

This legislation will provide an 18-month extension of the Federal jobless benefit program, which will provide certainty to jobless workers in areas where unemployment stubbornly persists. The measure will enable the Federal Government to continue supplying benefits to the long-term unemployed, while the Congress can consider thoroughly reforms to the extended benefits program, which has not functioned properly during the time of economic distress.

Through H.R. 3929, the Congress has made a fine start toward addressing these problems. The bill will allow States to more equitably participate in the program by using a rolling IUR rate, dating back to January 1, 1982, which better reflects a State's insured unemployment. This new average will be particularly helpful in States with a high number of long-term unemployed workers, but a relatively small number of long-term unemployed currently covered by insurance.

Many people in America continue to need unemployment assistance. In my home State of California, where the unemployment rate in July was 9.8 percent, a significant number of individuals will benefit from extension of the Federal compensation program. In human terms, this means that thousands of unemployed individuals—and their families—will be able to keep their heads above the financial waters.

I urge my colleagues to support this important legislation.●

Mr. PEASE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BROWN of California). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 300, nays 5, not voting 128, as follows:

[Roll No. 410]

YEAS—300

Ackerman	Craig	Hall (OH)
Akaka	Crockett	Hall, Ralph
Alexander	Daniel	Hall, Sam
Andrews (NC)	Daub	Hamilton
Andrews (TX)	Davis	Hammerschmidt
Annunzio	de la Garza	Hansen (ID)
Applegate	Dellums	Harkin
Archer	Derrick	Harrison
Aspin	DeWine	Hawkins
Barnes	Dicks	Hayes
Bateman	Dingell	Hefner
Bates	Donnelly	Hertel
Bedell	Dowdy	Hiler
Beilenson	Downey	Holt
Bennett	Durbin	Hopkins
Bereuter	Dwyer	Horton
Berman	Dymally	Howard
Bevill	Dyson	Hoyer
Bilirakis	Eckart	Huckaby
Bliley	Edgar	Hughes
Boggs	Edwards (CA)	Hutto
Bonior	Edwards (OK)	Hyde
Bonker	Emerson	Jacobs
Borski	Erdreich	Jeffords
Bosco	Erlenborn	Jenkins
Boucher	Evans (IA)	Johnson
Boxer	Evans (IL)	Jones (NC)
Breaux	Fascell	Jones (OK)
Britt	Feighan	Jones (TN)
Brown (CA)	Ferraro	Kaptur
Brown (CO)	Foglietta	Kasich
Broyhill	Ford (MI)	Kastenmeier
Bryant	Fowler	Kennelly
Burton (IN)	Franklin	Kildee
Byron	Frenzel	Kogovsek
Campbell	Frost	Kolter
Carney	Gaydos	Kostmayer
Carper	Gejdenson	Kramer
Carr	Gekas	LaFalce
Chandler	Gephardt	Lagomarsino
Chappell	Gilman	Lantos
Chappie	Gingrich	Latta
Cheney	Glickman	Lehman (CA)
Clinger	Gonzalez	Leland
Coats	Goodling	Lent
Coleman (MO)	Gore	Levin
Collins	Gradison	Levine
Conable	Gray	Levitas
Conyers	Gregg	Lewis (CA)
Cooper	Gunderson	Lewis (FL)
Courter	Hall (IN)	Lloyd

Loeffler	Oxley	Smith (IA)
Long (LA)	Packard	Smith (NE)
Lowery (CA)	Panetta	Smith (NJ)
Lowry (WA)	Parris	Smith, Robert
Lujan	Pashayan	Snowe
Luken	Patman	Solomon
Lungren	Patterson	Spence
Marlenee	Pease	Staggers
Marriott	Penny	Stangeland
Martin (IL)	Petri	Stenholm
Martin (NC)	Pickle	Stratton
Matsui	Price	Studds
Mazzoli	Pursell	Sundquist
McCain	Quillen	Swift
McCandless	Rangel	Tallon
McCloskey	Ratchford	Tauke
McCurdy	Ray	Taylor
McDade	Regula	Thomas (CA)
McEwen	Reid	Thomas (GA)
McGrath	Richardson	Torres
McHugh	Rinaldo	Torricelli
McKernan	Ritter	Towns
McNulty	Roberts	Udall
Mikulski	Robinson	Valentine
Miller (CA)	Roe	Vander Jagt
Miller (OH)	Roemer	Vandergriff
Mineta	Rogers	Volkmer
Minish	Rose	Walker
Moakley	Roth	Watkins
Molinari	Roukema	Waxman
Mollohan	Rowland	Weaver
Montgomery	Sabo	Weber
Moody	Savage	Weiss
Moore	Sawyer	Wheat
Moorhead	Scheuer	Whitley
Morrison (CT)	Schneider	Whittaker
Morrison (WA)	Schroeder	Whitten
Murphy	Schulze	Wilson
Murtha	Schumer	Wirth
Myers	Seiberling	Wolf
Natcher	Sensenbrenner	Wortley
Nelson	Shannon	Wright
Nielson	Sharp	Wyden
Oakar	Shaw	Wylie
Obey	Shuster	Yates
Olin	Sikorski	Yatron
Ortiz	Sisisky	Young (FL)
Ottinger	Skelton	Zablocki
Owens	Slattery	Zschau

NAYS—5

Crane, Daniel	Dreier	Smith, Denny
Crane, Philip	Schaefer	

NOT VOTING—128

Addabbo	Frank	Nowak
Albosta	Fuqua	O'Brien
Anderson	Garcia	Oberstar
Anthony	Gibbons	Paul
AuCoin	Gramm	Pepper
Badham	Green	Perkins
Barnard	Guarini	Porter
Bartlett	Hance	Pritchard
Bethune	Hansen (UT)	Rahall
Biaggi	Hartnett	Ridge
Boehlert	Hatcher	Rodino
Boland	Heftel	Rostenkowski
Boner	Hightower	Roybal
Brooks	Hillis	Rudd
Broomfield	Hubbard	Russo
Burton (CA)	Hunter	Shelby
Clarke	Ireland	Shumway
Clay	Kazen	Siljander
Coelho	Kemp	Simon
Coleman (TX)	Kindness	Skeen
Conte	Leach	Smith (FL)
Corcoran	Leath	Snyder
Coughlin	Lehman (FL)	Solarz
Coyne	Lipinski	Spratt
D'Amours	Livingston	St Germain
Dannemeyer	Long (MD)	Stark
Daschle	Lott	Stokes
Dickinson	Lundine	Stump
Dixon	Mack	Synar
Dorgan	MacKay	Tauzin
Duncan	Madigan	Traxler
Early	Markey	Vento
Edwards (AL)	Martin (NY)	Vucanovich
English	Martinez	Walgren
Fazio	Mavroules	Whitehurst
Fiedler	McCollum	Williams (MT)
Fields	McKinney	Williams (OH)
Fish	Mica	Winn
Flippo	Michel	Wise
Florio	Mitchell	Wolpe
Foley	Mrazek	Young (AK)
Ford (TN)	Neal	Young (MO)
Forsythe	Nichols	

□ 1210

Mr. BATEMAN changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CHENEY asked and was given permission to address the House for 1 minute.)

Mr. CHENEY. Mr. Speaker, I have asked for this time for the purpose of inquiring about the program for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CHENEY. I am happy to yield to the distinguished majority leader in order to permit him to lay out the proposed program for next week.

Mr. WRIGHT. Mr. Speaker, I thank the acting minority leader for yielding.

Mr. Speaker, we are finished for this week. The legislative business has been concluded for the week.

We will come in at noon on Monday.

There are nine suspensions listed for Monday, as follows:

H.R. 3075—Small business computer crime bill;

H.R. 3083—Amendments to labor overpayment statutes;

H.R. 597—Military claims amendments;

H.R. 4091—School lunch and child nutrition amendments;

H.R. 2898—Declare certain trust lands for Paiute Indians;

H.J. Res. 380—Expressing the opposition of the United States to any partition of Lebanon;

H.J. Res. 387—Reaffirming the strong support of the United States for the May 1983 agreement between Israel and Lebanon;

H. Con. Res. 187—Deploring the assassination of Benigno Aquino and calling for free elections in the Philippines; and

H. Con. Res. 176—Expressing the sense of the Congress concerning the U.S. support for efforts of ASEAN with respect to Kampuchea.

We will debate those suspensions on Monday, and any recorded votes demanded on the suspensions will be postponed until Tuesday as an accommodation to the Members, but votes on other bills will occur on Monday. Members need to be advised that it is impossible to consider bills under the 5-minute rule in the amending process and roll votes. It is not possible to roll votes on amendments.

□ 1220

So there will be some amendments that will be offered to the Domestic Volunteer Service Act, in all probability.

We want to complete action Monday on the Export Administration Act. Members should be advised that there is a strong probability of votes on amendments to that bill.

The Fair Practices and Procedures in Automotive Products Act will be taken up and general debate only will be accomplished on Monday. We expect no votes on that bill on Monday, the so-called domestic content bill, but we would hope to conclude general debate in order that at a later date we could take up the bill under the 5-minute rule.

Now, we can roll and postpone votes on final passage of bills Monday to accommodate Members, but Members should be advised that we do expect important votes on amendments to occur on those particular bills Monday.

On Tuesday and Wednesday, we will meet at 10 o'clock and it will be my purpose to ask unanimous consent that the House be permitted to come in at 10 o'clock on Tuesday, an unusual procedure, in order to accommodate a very busy schedule for this week.

We have a veto override on H.R. 1062 regarding certain lands in Oregon and then the recorded votes on the suspensions or any other final passage votes postponed from Monday.

Then we want to take up the omnibus budget reconciliation bill and complete it. The manager of the bill, the gentleman from Oklahoma (Mr. JONES), suggests that it should not consume more than 2 hours. If that is the case, then we still will have a very substantial part of that day left for the consideration of the Defense appropriations bill for fiscal year 1984, undoubtedly the single biggest bill of the year in dollar volume. We anticipate spending most of Tuesday, quite probably all of Wednesday and perhaps part of Thursday on the Defense appropriation bill.

On Thursday and Friday, we also will meet at 10 o'clock. The Tax Reform Act, subject to the granting of a rule, a bill which has been approved by the Ways and Means Committee, will be scheduled for consideration.

Following that, we hope to take up the Treasury and Postal appropriation bill.

I think it is worth noting at this point that upon the completion of next week's schedule, the House will have acted on 12 of the 13 regular departmental appropriation bills for fiscal year 1984. The only one remaining would be the foreign aid bill, and all the others would have been completed by the House.

In addition to that, we would hope to take up the Hazardous Waste Control and Enforcement Act and complete consideration of that bill.

The House will expect to adjourn by 3 o'clock on Friday.

Conference reports, of course, may be brought up at any time and any further program would be announced later; but Members should expect sessions and recorded votes on all weekdays, including Monday and Friday, from now until the end of the session.

Mr. CHENEY. Mr. Speaker, I thank the distinguished majority leader.

I wonder if the Tax Reform Act, scheduled for Friday, if that means that under the germaneness provision of the House rules that amendments providing for huge tax increases would not be in order.

Mr. WRIGHT. I am not able to answer that with finality. I think the answer to the gentleman's question probably is no—no, he is not correct in his assumption, and yes, amendments probably will be in order.

It is my understanding that the chairman of the Committee on Ways and Means has asked the Rules Committee, or will ask the Rules Committee, for a rule which will permit two amendments, one to be offered by the chairman of the committee himself, a relatively modest amendment from the standpoint of any tax increase, and another to be offered by other Members who are quite sincerely concerned about the size of the budget deficit and who want to give the Members of the House an opportunity to vote for the kinds of revenue raising measures that would bring the budget deficits more clearly under control. I am not arguing for that vote. I do not know what it will contain. I am simply suggesting to the gentleman that the probability exists, if I am correctly informed, that a rule will be sought which would permit some of the Members of the House to offer a somewhat substantial increase in revenues to offset the enormous deficits that otherwise confront us.

Mr. CHENEY. I thank the gentleman for his clarification.

One final point I would inquire of the majority leader. It is my understanding, to reiterate again what the gentleman said, that all Members should anticipate votes from this day forward until the end of the session on Mondays and Fridays.

Mr. WRIGHT. That is correct.

Mr. CHENEY. Mr. Speaker, I thank the gentleman for his courtesy.

HOUR OF MEETING ON TUESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next, it adjourn to meet at 10 a.m., Tuesday, October 25, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I reserve the right to object to inquire of the majority leader whether or not there is an intention of getting the legislation relative to the dairy industry on the calendar any time in the near future?

The schedule for next week shows no desire to take up that legislation next week. It seems like a fairly full schedule that may have the potential of slopping over into the next week as well. I am wondering if we have any intention of bringing that legislation to the floor for debate?

I have reserved the right to object at this point simply because if we proceeded under the Calendar Wednesday Rule, it would be possible for the Agriculture Committee, which would be the first committee called, to bring that bill to the floor with some immediacy next week.

I would not object to dispensing with Calendar Wednesday if we have some hope that that bill is going to get to the floor fairly soon.

I would ask the gentleman whether there are some plans to that effect, and I am glad to yield to the gentleman.

Mr. WRIGHT. Well, I thank the gentleman for yielding and also for the question, because it gives us an opportunity to make an announcement in the nature of a clarification.

It is my understanding that the Committee on Agriculture very definitely does have a plan under way to bring that legislation to the floor and that it will be the position of the leadership to schedule that legislation, if and when it comes in a form that will have been voted upon by the House Agriculture Committee and which the Members of the House will thus receive as an opportunity to work their will.

Mr. WALKER. Well, further reserving the right to object, Mr. Speaker, I would simply say that this will serve as notice that if we do not get an opportunity at some point in the near future, this gentleman would intend at some point then to allow Calendar Wednesday to proceed so that the Agriculture Committee could get that bill to the floor expeditiously.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. WRIGHT. I would just say to the gentleman that the delay is not on the part of the leadership or the scheduling apparatus of the House, but on the part of the Agriculture Committee itself. Whenever the Agriculture Committee is ready to bring the bill, we will be more than cooperative with the managers of the bill so that it does get an opportunity to be heard.

I just wonder if the gentleman might consider revising his terminology by which he suggested that some of this splendid program we have for next week might "slop over" until next week. I wonder if the gentleman might say "slide over"?

Mr. WALKER. I thank the gentleman for looking to correct this gentleman's grammar, but this gentleman is reluctant any longer to make any changes whatsoever in what he says on the floor. So, I am going to have to let "slops" stay but amend it to mean that I really meant "slide."

Mr. WRIGHT. That is a splendid, cooperative view on the part of the gentleman, so long as the word "slop" stays in the record. I wonder if he might call attention to that fact to the distinguished gentleman from Massachusetts (Mr. CONTE), who in his other life might find that somewhat interesting.

Mr. WALKER. I know the gentleman from Massachusetts will want to read the RECORD with his famous pig ears and snout on, given that particular usage of the word.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 24, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PRESIDENTIAL ARCHIVAL DEPOSITARIES REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. REID) is recognized for 15 minutes.

GENERAL LEAVE

Mr. REID. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. REID. Mr. Speaker, at a time when everyone in this country is demanding serious cuts in governmental spending, American taxpayers, this year, will be expected to pay about $14 million to support seven Presidential libraries.

Though the price tag seems minute compared to the huge budgetary figures we discuss each day, I take issue with such a self-indulgent expense to taxpayers; a budgetary expense that has increased to 220 times what it was at inception 28 years ago.

To understand why we need to review this policy of maintaining Presidential libraries, it is important to understand the history of their existence.

As with many other Government programs, the establishment of Presidential libraries started on a small scale. In 1940, A $23,405 Federal contribution helped to maintain the Franklin D. Roosevelt Library in Hyde Park, N.Y.

By 1955, however, plans for the Harry S. Truman Library, prompted Congress to make the procedure more formal. The result was Public Law 84-373—the Presidential Libraries Act—under which the Government can take deed to, and maintain, the privately built libraries of former Presidents. This act provides Federal assistance, through the General Services Administation, for the maintenance of libraries in the deposition and storage of Presidental papers and documents.

By 1980, the paper of Presidents Herbert Hoover, Franklin Roosevelt, Harry S. Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, and Gerald Ford were housed in libraries bearing their names. Moneys were collected by private individuals and groups to have sites purchased and buildings constructed for the housing of the documents of these individual former Presidents. Under public law, however, the Administrator of General Service, has continued to accept gifts and bequests for the purpose of creating "a Presidential archival depository" for each of these seven libraries.

In addition to operating expenses incurred by the National Archives and Record Services, each Presidential library has a trust fund for collecting moneys derived from admissions and publications sales and for expending the funds on library programs concerned with tourism.

But, the expense of operation is still borne by the taxpayer. The Public Buildings Service of the General Services Administration is responsible for the operation and maintenance of the physical facililty. In addition to operating costs, just a sampling of the other expenses include everything from: records declassification, cleaning, utilities, operating of mechanical equipment, security, and minor repairs and improvements.

And, on the Senate side earlier this year, Senator LAWTON CHILES of Florida sponsored legislation that would insure stricter accountability in the use of Federal funds by former Presidents, while still providing former Presidents and their widows with a dignified retired life. One of the areas of revision dealt with Presidential libraries.

Under title I of that proposed legislation, the Administrator of the GSA in consultation with the U.S. Archivist and Commissioner of the Public Buildings Service, would develop architectural and design standards applicable to Presidential libraries. These standards would have insured that the structure could preserve Presidential records transferred to the custody of the Archivist. Only one Presidential archival depository per President would be accepted. Such would be contained within one building, not to exceed 40,000 square feet, in one geographic location, including museum space.

The GSA opposed this provision of limiting the space to 40,000 square feet because only the Hoover Library in Iowa currently meets that standard.

But, it is important to realize that we have reached a point where we recognize the need for a change in policy, a time to reassess our generosity. Already, we have seen that if no standards are set, libraries will continue to get larger and grander.

Remember, even though the libraries are built with private funds, they are maintained by the Government, the taxpayers, with a $14 million price tag this year alone.

After careful study, I assert we have gone beyond the need for mere limitations of these libraries to be supervised by the Government. It is time to recognize the extravagance of this program. What began in 1955 as a $63,745 appropriation, has grown to nearly 220 times that size in less than 28 years.

It is time for us to recognize that this responsibility should no longer be borne by the Federal Government.

It is time for us to take this step to show taxpayers that we are serious about bringing the budget under control. And we should start with deletion of a program of self-glorification.

It is time to consider and pass the legislation I have introduced, a bill to end the Government's responsibility, for maintaining Presidential libraries. The Government no longer can afford to accept lands, buildings, and other gifts to perpetuate the memory of former Presidents.

It is time for us to relieve the Federal Government, and the taxpayers, of this wasteful, uncontrollable financial burden. And, the way to end this excessive spending, is through legislative action.

I think it is also important to mention, Mr. Speaker, that there are two other Members of the House who have worked tirelessly in these same areas. Congressman ENGLISH of Oklahoma has sponsored a bill that is similar to mine. He has done a great deal of work and held hearings on this matter. We expect more to be held in the future and he supports me in these efforts.

The leader, however, in this entire field of waste, as far as the Presidents' pensions and fringe benefits, has been my colleague ANDY JACOBS of Indiana and Congessman JACOBS has worked tirelessly to improve the public awareness of the abuse of the Presidential pensions generally.

□ 1240

NATIONAL CRITICAL MATERIALS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● GLICKMAN. Mr. Speaker, yesterday, with DON FUQUA, the chairman of the Committee on Science and Technology, as well as other Members, I introduced the National Critical Materials Act of 1983. This bill follows in logical sequence Public Law 96-479, the National Materials and Minerals Policy, Research and Development Act of 1980. At the time of its passage, Congress was aware that further legislative steps would be necessary to implement the policies of that law. This bill we introduced here represents one such step to start implementing those policies.

As I am sure many of you are aware, this country is heavily dependent on the import of a number of industrial minerals and materials. These include cobalt, chromium, manganese, advanced ceramics, and others. These materials are vital to both our economic as well as our strategic defense needs. At the present, we are importing much of these at levels of 90 percent or greater from countries that are either politically unstable or unfriendly to U.S. interests. In many ways, we are in a position not unlike that which we faced with oil a decade earlier.

Recent hearings before the Subcommittee on Transportation, Aviation and Materials indicated that despite rhetoric to the contrary, the administration has taken essentially no action to address the major concerns in Public Law 96-479. More importantly, advanced materials are emerging as key to the Nation's industrial competitiveness and economic growth. Import vulnerability remains important, but the Nation's concern with materials is shifting to an emphasis on new advanced materials and related technologies. Japan, Europe, and others are now taking major steps to enable them

to overtake and dominate major high technology industries such as transportation, communications and information.

Meanwhile, the United States, particularly at the Federal level, continues to approach materials research and its application in a fragmented manner. In short, failure to follow through on Public Law 96-479 has led to continuing problems regarding materials and materials policy. Without assessing our long-term materials needs and without setting priorities and responsibilities, we can only expect the problems to worsen.

I have modeled the National Critical Materials Act on a similar bill reported favorably last Congress by the full committee in a strong bipartisan vote. As before, the new bill creates a National Critical Materials Council responsible for materials coordination and policy. In addition, the Council in conjunction with OMB and the President's Science Office would establish a national Federal program plan for advanced materials R&D. There is also a specific focus on providing for innovation and increased productivity within the basic and advanced materials industries. The bill as now written represents a compilation of ideas and improvements resulting from the recent subcommittee activities and provides a comprehensive, yet specific, framework to deal with this complex issue.

I believe passage of this bill would be a major step toward reestablishing the Nation's preeminence in this important field. I urge my colleagues to help in supporting this bill and I look forward to working for quick movement in bringing this bill to final enactment.●

END DAYLIGHT SAVINGS TIME EARLY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. LLOYD) is recognized for 5 minutes.

● Mrs. LLOYD. Mr. Speaker, some days ago a tragedy occurred in my district which has claimed the life of a young boy, Paul Ryckman. Like thousands of other children that morning, Paul was making his way to school in the dark when he was struck by a car.

This body has considered changing daylight savings time several times in the past few years. Just recently we defeated legislation that would have extended it by 2 months. I, along with many of you, voted against that change because of the danger it posed for our schoolchildren. That bill was proposed as a means of saving energy, a critical goal for our Nation and one of my priorities. But there is nothing more important than protecting our children. Therefore, I am today introducing a bill which would shorten the period of daylight savings times so that it would end in September, at the beginning of the school year, rather than in October. I urge my colleagues to join with me in the effort to prevent another tragedy by ending daylight savings time early so that children will not be walking to school or waiting for the bus in the dark.●

REMARKS IN THE SENATE OF THE HONORABLE ROBERT F. SMITH ON THE OREGON WILDERNESS ACT OF 1983

(Mr. ROBERT F. SMITH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ROBERT F. SMITH. Mr. Speaker, colleagues, yesterday I presented remarks dealing with H.R. 1149, the Oregon wilderness bill, before a committee of the Senate.

While many of those points were considered during House debate of this remarkably out-of-proportion bill, I was given the opportunity to also present viewpoints from the people of my Second Congressional District of Oregon.

A contingent of citizens, on behalf of their neighbors in Oregon and in the interest of injecting commonsense in this bill while it is in the Senate—after being denied that chance while the bill was here—compiled local perspectives which I have incorporated in the testimony.

My first purpose for addressing you today is to offer my heartfelt thanks and to identify each of these fine citizens for their tireless work, without compensation, in the pursuit of justice in the legislative process.

They include Union County Commissioner Marie Lester; Baker County Judge Larry Smith; Umatilla County Commission Chairman Bob TenEyck; Wallowa County Chamber of Commerce representative Gerry Perren; Tom LaHaye and John Bush, both with U.S. Gypsum in Pilot Rock; Mike McClean of Brooks Minerals, also representing the Oregon Mine Operators Association; Scott Horngren of Northwest Pine; John Smith of Southern Oregon Timber Industries; Don Stonehill of the Oregon Snowmobile Association; and King Williams, representing both the Blue Mountain Resources Council and Oregon Cattlemen.

My second purpose is to share their work with you. While I realize that it is not possible to enter all of their prepared testimony into this RECORD, I would like to enter my own, in which I have incorporated many examples of the highly valuable perspective they have provided.

While I wish that we had been afforded the time and opportunity to accomplish this kind of study before House consideration of H.R. 1149, I firmly believe that it is not too late to make sense of this bill.

Following is the testimony which I presented to the Senate Committee on Energy and Natural Resources:

Mr. Chairman, members of the committee, I appreciate the opportunity to speak before you today as you deliberate House bill H.R. 1149, the Oregon Wilderness Act of 1983.

On behalf of my constituents, I want to thank you for the time and effort you invested in field hearings in Oregon. At the same time, I want to point out that seated behind me here today are a dozen community-minded Oregonians who have traveled across the country on the promise that they would be given the chance to present testimony. Because of time—or whatever—constraints, they have been denied that opportunity.

I will try to present as many views as possible, but I ask that the committee carefully consider any and all written testimony from this contingent.

My purpose for being here is, as many of the Oregonians who spoke to you before, to urge that you reject this bill.

It would be extremely difficult in the limited time I have available to explain just exactly why this bill—particularly at the magnitude proposed here—is both unwelcome and opposed by nearly three-fourths of Second District constituents. But let me start by saying that the creation of more than a million acres of new wilderness in Oregon would have deep and serious impact on the State's economic and social fabric.

Ten years' worth of study were invested in the Forest Service's RARE I and RARE II reports by the Forest Service. The Service suggested that less than 400,000 of Oregon's existing 3.4 million roadless acres be devoted to wilderness.

President Carter, considered by most to be highly sympathetic to environmentalist concerns, suggested only 330,000 of these acres be devoted to wilderness. Oregon's Governor Victor Atiyeh suggests 118,000 acres.

Yet before you today is a bill passed by the House of Representatives that calls for devotion of 1.2 million acres of new wilderness. I join my neighbors in finding this an outlandish, unsupported and unjustified amount.

To the best of my knowledge, no one has ever explained the criteria for choosing the size of this package or the specific areas within it. By all appearances, wilderness advocates chose 1.2 million acres arbitrarily and used a dart to select which 1.2 million to propose. Many of the proposed areas for wilderness designation in this package do not even meet minimum criteria established for designation as contained in the 1964 Wilderness Act.

Many of the regions selected have little or no appeal to the tourist, backpacker or outdoorsman. Some overlook highways; some are so close to the existing wilderness or park areas that they might never be used.

There was little or no chance for community input as this bill sailed through the House early this year. These fine Oregonians behind me have, independently, studied the bill's contents with local perspective, to give you an idea of what it really means to Oregon and Oregon's people.

Even more disturbing about this bill is the fact that there was no need to rush to judgment. The fact is that we are here in this room today simply because of the hollow threats of a handful of environmental enthusiasts, shaking the stick of a potential lawsuit over our heads.

I submit that there are better ways to conduct the business of the Nation than this.

The opinions I offer to you today are both my own and my constituents. They are the voices of Oregon who are dissatisfied with this attempt to set aside more than a million acres of land for the desires of a few. I believe it is up to us as Representatives to act in the interests of the majority of all the people.

Let me emphasize that the people of Oregon are not opposed to setting aside portions of this magnificent state for the wilderness enjoyment of generations to come. They know and have long understood that we are a state rich in natural beauty, and that where practical we should be assuring that beauty to those who come after us.

But Oregon has already contributed more than a million and a quarter acres to wilderness. We know what wilderness contributes to the economics of the State, and we have justified our livelihoods around the existing areas.

We also know what wilderness areas cost our economy. And we are not ready to double that wilderness with passage of this bill.

I want to point out to you that in recent weeks, Oregon Governor Atiyeh embarked on a dramatic, sweeping new economic development program in an attempt to create new jobs. There is significant dispute about this bill's impact on Oregon jobs. The number of jobs lost to Oregonians is estimated to be in the thousands. I will be first to admit that no one is certain how many thousands. But the fact that such a figure is not already part of this study should give us a warning flag.

In the very first place, it is silly to act on any bill that has then potential to cost employment even while we are doing everything we can in this Congress to create new jobs. At the very least. Whether you favor or oppose wilderness itself, it is bad public policy to pass legislation without some idea of what it will do.

Since the sponsors of this bill refused to allow the time or the opportunity for that analysis, and since it became increasingly clear that Congress would not take the job on itself, I asked the people of my congressional district—who will be forced to live with the results of this Congress deliberations—to do their own analyses.

I think this is a rational way of doing business. These are the people who live with and near the existing vast wilderness areas and are well-equipped to determine their impact on the economy, their way of life and the wildlife and habitat we purport to preserve. They know the terrain in question and the potential for benefit in proposed wilderness areas.

What I present to you today represents honest and extremely valuable objective opinions about the wilderness proposals contained in H.R. 1149: where they are appropriate and where they are not.

A good share of that appropriateness has to do with your understanding of just what a wilderness is and just what the alternatives to wilderness are. These folks brought plenty of perspective with them. Everyone in this room recognizes that the creation of new wilderness regions is a matter of national interest, not just Oregon's. The opinions brought to us from Oregon reflect that interest honestly and forthrightly.

Sometimes what is obvious to many of us is not obvious to all * * * and it should be.

For instance, what is wilderness and what can you do with it? Most importantly, what can not you do with it?

To use the terminology of the wilderness act itself, it is "an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain."

Later in the act, "* * * there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport and no structure or installation within any such area."

It is clear that the law itself is the most stringent set of rules ever to be applied to any public lands in the history of mankind. That was the intention; and that is just fine for those who are hearty enough to backpack in and backpack out.

But we should also remember that very few Americans can afford the experience of enjoying a true wilderness—in terms of the age and condition of health necessary to get in or out; or the wealth in equipment or professional helpers to get around those physical restrictions, most especially the restriction on use of motorized equipment. The areas we create for the enjoyment of Americans are effectively closed off to the elderly and the handicapped. If we tried to place a de facto prohibition on any other public facility in the land, we would be in the courthouse faster than you could say wilderness.

There are already indications that the Gray Panthers, representing America's elderly community, may bring suit against this government based on their denial to use of the millions of acres of public land now designated as wilderness.

Without roads, very few working families will find opportunity to use the wilderness regions we are creating highly prohibitive, if possible at all. As recreational areas, wilderness is the worst possible designation we could offer. Existing studies in Oregon's current wilderness regions show that most of the visits take place within a very small distance of existing trails, and that they are far from being used to capacity.

Much better recreational uses are made on the multipurpose lands available, the national forests and parks, where sound land management practices are in place.

At this point, let me say something about the visions many of you have of wilderness.

The most common conception of a wilderness area is the image of a quiet forest with a crystal-clear stream passing through where the elk and the deer forage undistrubed. Food is plentiful; nature provides bountiful and unchecked good for all.

That pucture is not any more true wilderness than most of the other Hollywood images we deal with every day.

True wilderness—the kind you want to create with this bill—is untidy at best and downright savage at its worst. It is a land totally outside the control or management of mankind. It is what our forefathers tamed to carve a great nation. Anyone who has ever been in the middle of true wilderness can tell you of the fury of nature unleashed.

Wilderness is totally devoid of human management.

And, believe it or not, there are plenty of places when human management can be better for nature than nature itself. There is no better place to demonstrate that fact than in the North Fork of the John Day River area proposed for wilderness designation.

Within the 208,000 acres of the North Fork area, 60 miles from the U.S. Gypsum Fiberboard plant in Pilot Rock, Oreg., nature has been given virtual free reign except where Gypsum plant employees have conducted salvage operations since 1976. In an ever-widening circle around the plant, U.S. Gypsum has been cleaning the forests of dead and dying lodgepole pine—timber killed by beetles, primarily—and ingeniously using this as their primary raw material.

There are still 40,000 acres of lodgepole pine left to be harvested in the North Fork area; enough to keep the plant with its 182 employees and its $3.5 million annual payroll the town's major industry for years to come.

The economic penalties that the town of Pilot Rock (population: 1,400) will suffer by placement of the North Fork of John Day in wilderness is obvious. Less obvious is the penalty that nature herself will impose if wilderness is granted here.

The lodgepole has been there for more than a decade. Every year, more of it falls to the ground where it rots and those that have not fallen yet dries. Both present very natural, but extremely volatile potential for nature unchecked.

The deadwood that rots, particularly in amounts as great as the beetle-kills provide, breed infestation and disease. Both of those conditions can quickly spread to good timber nearby, in or out of wilderness.

As the wood dries, it provides the best fuel found in the world for fire. It is estimated that every acre of lodgepole pine holds the potential of up to 100-tons of fuel, roughly the equivalent of the first atomic bomb exploded in World War II.

Imagine the fire that can be created with 40,000 acres of that fuel, a lightning storm and a little wind. In 1961, the Bitter Root National Forest in Montana, also filled with lodgepole remaining from a beetle-kill in the 1930's, burned uncontrolled for 10 straight days before weather put it out. It was well beyond the ability of man to put out.

Lodgepole stand fires burn with a fierce intensity; so fierce, in fact, that it destroys all organic materials in the forest, leaving behind ashes similar to those created with the eruption of Mount St. Helens which not only won't sustain life, but are decidedly toxic.

The ashes slip into streams, causing significant fishkills.

But even without fire, the deadwood often falls into those same streams where fish migration is blocked, water quality rapidly deteriorates and soil erosion can become devastating. Where it falls on the ground, the undergrowth that feeds the rodents that feed the big game, the very start of the natural food chain, is killed.

Human management, in this case U.S. Gypsum, clearing away the potential fuel of fire and pestilence, turns out to be better for wildlife than nature itself. The added bonus is obvious: we have helped nature and created jobs for ourselves from nature's waste product.

If it is not cleared away, the North Fork area is a time-bomb ticking well into the next century. The North Fork is not alone; the same beetle-kill hit many of Oregon's forests and roadless areas under consideration here. We could conceivably designate them as wilderness today and lose them tomorrow. Who would it benefit then?

While I am discussing forest management, I ask you to consider what happens in the best of circumstances: when there is no fire and no infestation, only the unchecked growth of forests in nature.

Simply said, the trees grow until they grow into one another at the top. They

create a dense canopy that can prevent sunlight from even reaching the ground.

At that point, the undergrowth that provides nourishment to so much of the forest's wildlife begins to disappear. Then the wildlife begins to disappear, or at the very least, to need more and more acreage to sustain itself.

The myth exists, and its perpetuated, that timber harvests necessarily lead to the destruction and displacement of all that is natural. Specifically, you will hear that the steelhead salmon is jeopardized by lumbering operations. Wilderness advocates here today will point to the reduced catches of steelhead salmon in Oregon and tell you it is the result of big, bad timber companies.

Keep in mind that in recent years the Alaskan salmon industry has taken command from the continental U.S. Pacific Northwest, that demand has remained relatively constant for the product, and that reduced takes in Oregon were caused by decisions by Oregon producers.

I assure you, the salmon are still there even after years of lumbering operations. They have managed to flourish over all these years and we expect them to continue to do so, most often with improved opportunity to survive because of the management of resources by humans.

This management, by the way, might well surprise you in its efficiency. This Congress needs to realize that we are no longer the America of the 19th century, willing to buy today's industrial prosperity by cashing in and ravaging tomorrow's resources.

Today's forest management is premised on the U.S. Forest Service's solid resolution to preserve and protect. And it is based on the timber industry's own programs for timely and planned harvest, in the knowledge that what they do not protect today will never produce for them tomorrow.

H.R. 1149 does not take these factors into consideration. Nor, in the Coleman Rim Area of Lake County, for instance, does the bill consider that the wilderness proposed includes an area of 40 percent high, and an additional 38 percent very high yield timber land. In the same county, the Fremont National Forest by comparison, is rated at only 28 percent high yield.

I asked the people behind me to give me their own perspective on the bill, and much that I have noted so far has come from their painstaking research in their own home areas. Maybe we should mention what they are facing.

Today, fully 52 percent of the State of Oregon's land is owned by, controlled by, or managed by the Federal Government. Indeed, there are vast stretches of idle, roadless, nearly impassable land. But it is land for which there are plenty of potential uses.

Most productive of those uses are timber production and agricultural. In the northeast corner of the State, in Wallowa County, we, meaning the U.S. Government, have already set asside more than 350,000 acres of wilderness, nearly 30 percent of all the wilderness region in the entire State and fully one-third of all U.S. forests in that county.

I should not need to remind each member of this committee what it means to have land on Uncle Sam's tab. It means no property taxes, nothing to help build and maintain roads or schools, except what Uncle Sam wants to toss your way. It means every private citizen in the county must contribute correspondingly more to the treasury to keep public functions underway.

Now it is time to talk about "fair share" and jobs.

The Wallowa County designation in H.R. 1149 would immediately take one-sixth of the remaining multiple-use lands in the county out of the productive reach of Wallowa County residents.

At the same time, more and more stringent Forest Service decisions are paring back the allowable cut in productive stands. A recent sale in the La Grande Watershed, for instance, was limited to only 58 million board feet sold out of a potential of 118 million.

While there is, and probably will continue to be, speculation about how many jobs will be lost to the wilderness designations contained in this bill, we can provide a solid denial of the claims that timber jobs can be traded for tourism and recreation jobs.

Dr. Frederick Obermiller of Oregon State University, using 1981 economic activity statistics for Wallowa County, demonstrated the myth of the one-for-the-other propositions. Certainly, if any county will benefit by tourism and recreation activity, it should be a county with as high a concentration of wildernes as Wallowa.

But Dr. Obermiller pointed out that recreation income ranked a distant third in its contribution to the economy. Timber accounted for 21.8 percent of the County's income. Farming created another 18.5 percent; and recreation and tourism brought in only 6.4 percent of the total.

Just as certainly, there are plenty of areas in our State where recreation and tourism contribute significant shares to the local economy, and plans are underway for even more of those.

But one of the longest to develop, and today one of the most promising, the Pelican Butte area 25 miles northwest of Klamath Falls which was to be a downhill ski area, is close enough to proposed wilderness that access through or near closed regions could be become a serious hindrance to development.

Yet another developmental promise, in Union County where hydroelectric power is being newly produced in amounts sufficient to share with adjacent states, access to dams vital to the operation stand to be either totally denied or limited to walk-in, hand tool service.

While we are on the subject of resource management, it is vital as well to talk about yet another resource we close off with this wilderness bill: minerals.

Since 1979, the prices of raw minerals in the world have shot sky high and the availability of many has dwindled to create premium markets. The need for precious metals, as well as industrial and strategic minerals, has created a rush to Oregon unlike any since gold was discovered in the Cascades. Gold, silver, copper, tungsten, zinc, nickel, chromite, diatomite, mercury, even uranium, have been located in Oregon.

But, in direct opposition to existing laws that demands full geological evaluation of all government lands for vital minerals, you are being asked here to turn over the gate keys to 1.2 million acres without ever having done a full evaluation.

Considering that many of the most important minerals we use today, including the strategic chromium we are forced to buy from the Soviet Union, and other foreign markets, it seems folly to abandon productive mining areas such as the Red Buttes of Jackson and Josephine Counties and its gold, silver, copper and chromite without even a thorough study.

Josephine County in the southwest and Baker County in the northeast both hold an average of more than one active mineral claim per square mile, the highest density of activity in the State, yet Red Buttes is proposed for lock-up to wilderness. So are strawberry, north and south areas with gold and chromite and glacier monument areas.

With a similar disregard for the extremely high levels of investment necessary simply for exploration and identification of critical mineral deposits, many of the proposals in H.R. 1149 which don't directly settle on top of mines settle so close to them that full development will be an impossible chore.

Members of the committee, the perspective I have tried to offer here today can all be found, individually and well-documented, in the testimony of the Oregon neighbors behind me here today who have not been given the opportunity to speak. I urge that you carefully review the work they have done, and that you pay heed to the need to extensively revise this bill based on the common sense and the very personal and community concerns they share with us.

Certainly, their findings are far more comprehensive than any analyses yet provided to the Congress. And they are far more eloquent than any of my attempts to compact them in my limited time before you here today.

These are the people who must live with the consequences of your actions. They have come here in the spirit of reluctant compromise, to offer some rhyme and reason to a broadening of wilderness in Oregon, if wilderness must be broadened. Their documents contain restricted, alternative proposals that deserve, I believe, to be the starting point for any final Oregon Wilderness bill.

I ask you to compare their cooperative approach with any other you see or hear today. They are trying to help in a realistic way, by offering you an escape from the all-or-nothing attitude on either side of this question. They deserve the greatest attention you can provide.

By way of summary, though, please allow me to close with these thoughts.

First: Not enough time, study or effort has been invested by this Congress on the question of the economic impact of this broad bill. If you cannot say how much it will cost in jobs or human anguish, you cannot, in good conscience, approve H.R. 1149.

Second: There is no compelling reason to rush to action today. Yes, there is a strong desire on the part of every resident of Oregon to have this matter settled. But not at the price of a potentially devastating quick fix with such a lop-sided resolution.

Third: Not all natural remedies are good; not all developmental solutions are bad.

I urge you to consider the extensive good for Nature that can be found in proper land management; and at the same time, the extensive potential for destruction that is Nature in her times of wrath.

Fourth: All of the tools that are needed for complete, proper multiple-use management of every one of these wilderness proposal areas already exist with the Forest Service. No new people or dramatically innovative plans would be needed to make these areas recreationally utilized or accessible to handicapped, elderly or limited-vacation time families.

Fifth: A fit of "environmentalism" today may cost us strategic energy and mineral resources for the future if we lock more than

a million acres away in a vault and throw away the key.

Last: I want to leave you with a thought that comes from an old western fable. It's something that you can think about when the temptation rolls across to vote with once-fashionable trends instead of common sense.

The fable is about a little bird, winging south with the flock for the winter.

One morning, after a rest from his long journey, he woke to find that it had turned bitter cold the night before and the bird was nearly frozen stiff.

As he lay there, close to death, a cowboy rode by on a cattle drive. Seeing the little bird shivering to death, he picked him up and stuck him—right up to the beak—in a fresh and steaming cow pie. The cowboy then rode on to catch up with the herd.

Well, after a little while, the warmth of the cow pie did its work. The little bird started to regain his strength. And he was so happy, he started to chirp at the top of his lungs.

Not far away, a hungry coyote heard the chirp. He followed it to the little bird, plucked him from the cow pie and ate him.

Naturally, there is a moral to the story, just as there is in all fables. And since this is an Oregon fable, there is really three morals.

The first is: Not everybody who put you in the pie is your enemy.

The second is: Not everybody who pull you out of the pie is your friend.

And the third, very important moral is: When you are up to your beak in it, Do not sing.

All is not as it might first appear.

Thank you for this opportunity to speak with you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACOBS, for October 24 and 25, on account of district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REID) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mrs. LLOYD, for 5 minutes, today.

(The following Member, at the request of Mr. MCCANDLESS) to revise and extend his remarks and include extraneous material:)

Mr. BETHUNE, for 60 minutes, on October 24, 25, and 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. BROYHILL.

Mr. GOODLING.

Mr. MCEWEN.

Mr. THOMAS.

Mr. RITTER.

Mr. GILMAN.

Mr. HYDE.

Mr. TAYLOR in two instances.

Mr. CONTE.

(The following Members (at the request of Mr. REID) and to include extraneous matter:)

Mr. FASCELL in two instances.

Mrs. LLOYD.

Mr. MILLER of California.

Mr. MARKEY.

Mr. OTTINGER.

Mr. LONG of Maryland in three instances.

Mr. BRITT.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1944. An act to allow the obsolete submarine United States ship Albacore to be transferred to the Portsmouth Submarine Memorial Association, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period; to the Committee on Armed Services.

S. 1970. An act to limit the number of legal holidays to 10; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. REID. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 41 minutes p.m., under its previous order, the House adjourned until Monday, October 24, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2036. Under clause 2 of rule XXIV, a letter from the Comptroller General of the United States, transmitting a list of all reports issued or released by the General Accounting Office in September 1983, pursuant to 31 U.S.C. 719(h), was taken from the Speaker's table and referred to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEASE: Committee of Conference. Conference report on H.R. 3929 (Rept. No. 98-428). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3851. A bill to amend the Federal Food, Drug, and Cosmetic Act to remove the prohibition against stating in the labeling and advertising of a drug that it has been approved under that act; with amendments (Rept. No. 98-431). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4170. A bill to provide for tax reform, and for other purposes; with amendments (Rept. No. 98-432). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 743. A bill for the relief of Theda June Davis; with an amendment (Rept. No. 98-429). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1558. A bill for the relief of Allen H. Platnick; with an amendment (Rept. No. 98-430). Referred to the Committee of the Whole House.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

Consideration of H.R. 2848 by the Committee on Foreign Affairs extended for an additional period ending not later than October 31, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of October 20, 1983]

By Mr. GLICKMAN (for himself, Mr. FUQUA, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. MINETA, Mr. KOGOVSEK, Mr. SCHEUER, Mr. WALGREN, Mr. BROWN of California, Mr. DYMALLY, and Mr. GEPHARDT):

H.R. 4186. A bill to provide for a National Critical Materials Council, for development of a continuing and comprehensive national materials policy, for programs necessary to carry out that policy, including Federal programs of advanced materials research and technology, and for innovation in basic materials industries, and for other purposes; to the Committee on Science and Technology.

[Submitted October 21, 1983]

By Mr. CARPER (for himself, Mr. ST GERMAIN, Mr. RIDGE, Mr. COOPER, Mr. LEVIN of Michigan, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. MATSUI, Mr. MCCAIN, and Mr. PATTERSON):

H.R. 4187. A bill to require depository institutions to disclose to their customers their practices relating to the availability of funds in connection with check deposits and to require the timely payment of interest on deposits to interest bearing accounts; to the

Committee on Banking, Finance and Urban Affairs.

By Mr. GILMAN:

H.R. 4188. A bill to regulate and to prohibit unfair or deceptive acts or practices in commerce, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. GONZALEZ:

H.R. 4189. A bill to amend title 37, United States Code, to correct an inequity in eligibility for basic allowance for quarters for members of the uniformed services; to the Committee on Armed Services.

By Mrs. LLOYD:

H.R. 4190. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time end on the first Sunday of September rather than on the last Sunday of October; to the Committee on Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. BATES, Mr. DELLUMS, Mr. ECKART, Mr. EDWARDS of California, Mr. FAZIO, Mr. FRANK, Mr. HUGHES, Ms. KAPTUR, Mr. LELAND, Mr. MORRISON of Connecticut, Mr. OTTINGER, Mr. RATCHFORD, and Mr. WON PAT:

H.R. 4191. A bill to amend the act of February 25, 1920, commonly known as the Mineral Leasing Act, to require competitive bidding for leases on Federal lands with oil or gas deposits, to require diligent exploration for, and development and production of, such oil or gas deposits; to the Committee on Interior and Insular Affairs.

By Mr. RITTER (for himself, Mr. MARTIN of North Carolina, Mr. FUQUA, Mr. WINN, Mr. WALGREN, Mr. GREGG, Mr. BROWN of California, Mr. SENSENBRENNER, Mr. YOUNG of Missouri, Mr. BOEHLERT, Mr. LUNDINE, Mr. DYMALLY, Mr. MINETA, Mr. DURBIN, Mr. MACKAY, Mr. BLILEY, Mr. TALLON, Mr. WOLF, and Mr. ZSCHAU):

H.R. 4192. A bill to establish coordinated interagency research and demonstration projects for improving knowledge and use of risk assessment by those Federal agencies concerned with regulatory decisions related to the protection of human life, health, and the environment, and to provide for the establishment of a Central Board of Scientific Risk Analysis as a means of improving the scientific review and evaluation of risk analyses made by Federal agencies, with particular emphasis upon risk analyses involving issues of chronic health hazards; to the Committee on Science and Technology.

By Mrs. SCHROEDER (for herself, Mrs. BURTON of California, and Ms. FERRARO):

H.R. 4193. A bill to encourage the use of public school facilities before and after school hours for the care of school-age children, and for other purposes; to the Committee on Education and Labor.

By Mr. SHARP:

H.R. 4194. A bill to extend the expiration date of section 252 of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself, Mr. PATMAN, Mr. PICKLE, Mr. ANNUNZIO, Mr. ANDREWS of Texas, Mr. VANDERGRIFF, Mr. BRYANT, Mr. FROST, Mr. HANCE, Mr. ST GERMAIN, Mr. LEATH of Texas, Mr. KAZEN, Mr. SAM B. HALL, JR., Mr. LOEFFLER, Mr. ORTIZ, Mr. WRIGHT, Mr. MINISH, Mr. RALPH M. HALL, Mr. BROOKS, Mr. HIGHTOWER, Mr. GIBBONS, Mr. GUARINI, Mr. FLIPPO, Mr. JENKINS, Mr. DOWNEY of New York, Mr. RANGEL, Mr. DORGAN, Mr. MATSUI, Mr. SHANNON, Mr. ROSTENKOWSKI, Mr. RUSSO, Mr. ANTHONY, Mr. JACOBS, Mrs. KENNELLY, Mr. HEFTEL of Hawaii, Mr. JONES of Oklahoma, and Mr. LOWRY of Washington):

H.J. Res. 394. Joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FORD of Michigan:

H. Res. 342. Resolution increasing the maximum amount which the Committee on Post Office and Civil Service may allocate for consultant services out of funds currently available to such committee from the contingent fund of the House for investigations and studies; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under Clause 1 of rule XXII,

Mr. ALEXANDER introduced a bill (H.R. 4195) for the relief of Audun Endestad, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. WYLIE, Mr. FUQUA, Mr. IRELAND, Mr. BADHAM, Mrs. KENNELLY, Mr. GEJDENSON, Mr. EVANS of Illinois, Mr. HAYES, Mr. JACOBS, Mr. CROCKETT, Mr. EARLY, Mr. MARKEY, Mr. OWENS, Mr. HUGHES, Mr. LANTOS, Mr. GRAY, Mr. COYNE, Mr. PANETTA, Mr. MILLER of California, Mr. ROYBAL, Mr. SHANNON, and Mr. CONYERS.

H.R. 2014: Mr. HAYES and Mr. DWYER of New Jersey.

H.R. 2903: Mr. MURPHY, Mr. SUNIA, Mr. ROE, Mr. SOLARZ, Mr. STOKES, Mr. FORD of Tennessee, Mr. GUARINI, Mr. SMITH of Florida, Mr. WINN, Mr. RATCHFORD, Mr. WON PAT, Mr. ROWLAND, Mr. FRANK, Mr. DE LUGO, Mr. MCDADE, Mr. WILSON, Mr. FEIGHAN, Mr. ACKERMAN, Mr. FAZIO, Mr. SWIFT, Mr. MITCHELL, Mr. LELAND, and Mr. LEHMAN of California.

H.R. 2977: Mr. HUTTO.

H.R. 3269: Mr. BOEHLERT and Mr. BILIRAKIS.

H.R. 3371: Mr. BERMAN.

H.R. 3420: Mr. CRAIG, Mr. STENHOLM, and Mr. GEJDENSON.

H.R. 3775: Mrs. BOXER, Mr. MARKEY, Mr. MATSUI, Mr. CORCORAN, Mr. WILSON, Mr. MAVROULES, Mr. MOAKLEY, Mr. CONTE, Mr. RINALDO, Mr. HOYER, Mr. BONER of Tennessee, Mr. SCHAEFER, Mr. GRAY, Mr. SCHEUER, Mr. MCCLOSKEY, Mr. FASCELL, Mr. MCHUGH, Mr. WALGREN, Mr. GONZALEZ, Mr. WON PAT, Mr. LONG of Maryland, Mrs. JOHNSON, Mr. NOWAK, and Mr. PORTER.

H.R. 3961: Mr. QUILLEN.

H.J. Res. 215: Mr. ADDABBO, Mr. ALEXANDER, Mr. BEVILL, Mr. BREAUX, Mr. BROWN of Colorado, Mrs. BYRON, Mr. DASCHLE, Mr. DAVIS, Mr. DELLUMS, Mr. DE LA GARZA, Mr. DICKINSON, Mr. FLIPPO, Mrs. HALL of Indiana, Mr. HALL of Ohio, Mr. HOWARD, Mr. JONES of North Carolina, Mr. KRAMER, Mr. MARTIN of North Carolina, Mr. MAZZOLI, Mr. MCCAIN, Mr. MCHUGH, Mr. MOAKLEY, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MURTHA, Mr. PEPPER, Mr. PRICE, Mr. RUDD, Mr. UDALL, Mr. WIRTH, Mr. DANIEL B. CRANE, Mr. ROBINSON, Mr. TRAXLER, Mrs. LLOYD, Mr. BRITT, Mr. FLORIO, Mr. DINGELL, Mr. GEKAS, Mr. LEVITAS, Mr. COELHO, and Mr. LEATH of Texas.

H.J. Res. 384: Mr. LEVINE of California, Mr. EDWARDS of California, Mr. TOWNS, Mr. FRANK, Mr. LELAND, Mr. MITCHELL, Mr. FORSYTHE, Mr. DASCHLE, Mr. CROCKETT, Mrs. SCHROEDER, Mrs. BOXER, Mr. OBERSTAR, Mr. TORRICELLI, Mr. SEIBERLING, Mrs. KENNELLY, Mr. FORD of Michigan, Mr. WEISS, Mr. GEJDENSON, Mr. KILDEE, Mr. ECKART, and Mr. PENNY.

H. Con. Res. 111: Mr. HOWARD, Mr. HUGHES, Mrs. SCHROEDER, Mr. FLORIO, Mr. WEISS, Mr. NOWAK, Mr. YATRON, Mr. SCHUMER, Mr. RINALDO, Mr. ROSTENKOWSKI, Mr. TORRICELLI, Mr. MCCOLLUM, Mr. KEMP, Mr. MORRISON of Connecticut, Mr. ST GERMAIN, Mr. WYLIE, Mr. PANETTA, Mr. ADDABBO, Ms. FIEDLER, Mr. COYNE, Mr. HOYER, Mr. HERTEL of Michigan, Mr. DINGELL, Mr. PORTER, Mr. FEIGHAN, Mr. BORSKI, Mr. BADHAM, Mr. CORRADA, Mr. COURTER, Mr. COUGHLIN, Mr. ANNUNZIO, Mr. BOEHLERT, Mr. RITTER, Mr. BIAGGI, Mr. WEBER, Mr. LEVIN of Michigan, and Mr. DWYER of New Jersey.

H. Con. Res. 156: Mr. MINETA.

H. Con. Res. 178: Ms. OAKAR, Mr. MYERS, Mr. CONTE, Mr. HORTON, Mr. FISH, Mr. ANTHONY, Mr. WHITTAKER, Mr. ALBOSTA, Mr. LUNDINE, Mr. DEWINE, Mr. ECKART, and Mr. ROE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1234

By Mr. MCNULTY:

—SEC. 11. This Act shall cease to have force and effect on September 30, 1990.

By Mr. OXLEY:

—Page 32, between lines 9 and 10, insert the following:

SEC. 8. EMPLOYMENT WAIVER.

If during any model year the total of—

(1) the number of individuals employed by a vehicle manufacturer in the United States, and

(2) the number of individuals engaged in the sales in the United States of motor vehicles manufactured by such manufacturer,

exceeds 1,000, sections 5 and 6 shall not apply to such manufacturer during such year.

Renumber the succeeding sections accordingly.

—Page 32, between lines 9 and 10, insert the following:

SEC. 8. FUEL ECONOMY STANDARD WAIVER.

Sections 5 and 6 shall not apply to any vehicle manufacturer during any model year in which the average fuel economy for the passenger automobiles manufactured by the manufacturer meet the average fuel economy standard prescribed by section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002).

Redesignate the succeeding sections accordingly.

SENATE—*Friday, October 21, 1983*

(Legislative day of Monday, October 17, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of peace, give us a vision for unity in the Senate. We do not ask for uniformity, for diversity is the essence of unity. We thank Thee for the extraordinary diversity of the Senate: one hundred individual agendas, State and regional agendas, private agendas of groups and organizations, plus unnumbered personal agendas of constituents. Thank Thee, Lord, for a system which works at all under such circumstances.

Gracious Father, we have been through a difficult experience which aggravated regional differences, aroused deepest emotions, and strained personal relationships. We know that divide and destroy is a classic enemy tactic. Help us not to capitulate to such a destructive force. Knowing that alienation is the root of sin and evil, we ask for grace to take seriously our personal relationships. Help us to respect our differences, to support each other in love, and to find health and wholeness as a body which will empower the Senate as a mighty force for unity and peace in a nation that is divided and alienated. We ask this in the name of the Prince of peace, incarnate love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Mr. President, we have time for the two leaders under the standing order, plus a special order in favor of the Senator from New Mexico.

The Senate will then proceed, under the order previously entered, to the consideration of the State-Justice-Commerce appropriations bill at the close of morning business.

I have no further remarks to make during the leader time, except to say that I do not anticipate asking the Senate to proceed to anything other than the appropriation bill today. If we can finish that in good time, we will get out accordingly. So I hope we can finish that bill in 3 or 4 hours and be out of here in early afternoon.

Mr. President, I ask unanimous consent that the time allocated to the minority leader under the standing order may be reserved for his use at any time during this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that I may reserve 1 minute of my time, under the same terms and conditions.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. On my time, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised that the minority leader has no immediate need for his time under the standing order. His time has already been reserved, by unanimous consent, for use by him at any time during this day.

I yield back my remaining time, and I ask that the Chair execute the order for morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. WILSON). Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 10 minutes, with statements therein limited to 2 minutes each.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, we are in morning business and I have reason to believe one Senator may be on his way here.

I ask unanimous consent that there be a time for the transaction of routine morning business of 5 minutes in length in which Senators may speak for not more than 1 minute each at the conclusion of the discussion of the special order of the Senator from New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask now that the Senator from New Mexico be recognized for the purpose of claiming his special order.

RECOGNITION OF SENATOR DOMENICI

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for a special order of not to exceed 15 minutes.

Mr. DOMENICI. Mr. President, first, I thank the distinguished majority leader for accommodating the Senator from New Mexico.

RECONCILIATION, DEFICITS, AND THE DANGERS AHEAD

Mr. DOMENICI. Mr. President, I rise today to discuss a matter that I have considered for some time one of the most important issues confronting Congress, the projected huge deficits this year and the years ahead and the apparent paralysis in Congress on the deficit issue.

During the past 3 months, I have remained deliberately silent on this issue, waiting to see how Congress would handle the reconciliation instructions issued by this body several months ago in connection with the first budget resolution passed earlier this year. As we near the final phase of this session of Congress, I am compelled to discuss both deficits and the apparent attitude of Congress toward them.

Mr. President, I plead guilty, to the charge that I have been persistent and perhaps tiresome on this question. I have been warning the country and my colleagues of the problem since the late spring of 1981. I fear that I may have cried "wolf" too often. A new school of thought seems to be developing that current deficits do not matter and that future deficits will simply evaporate in the heat of a recovering economy.

I am not surprised that some in the political world have apparently washed their hands of the troublesome problem of deficits. After all, despite what I have been saying for the past 3 years, the economy is recovering, people are going back to work, and inflation remains relatively low. Re-

cently, an economist writing in a national newspaper proudly stated that large deficits will not endanger the recovery. If John Maynard Keyes came back from the shades to visit America today, he would probably exclaim that the deficits we are now running hold very little short-run danger, that the United States was properly priming the pump through large deficits in order to spur the economy out of the recession, a bad recession, in fact, one of the worst in the past half century, and that deficits will disappear once the economy reaches full employment. I regret to say that if he came back from the shades and said that, I would respond by saying, "nonsense."

These deficits are not going to disappear once the economy hits full employment. Deficits are imbedded in the very structure of the Federal budget. They will not simply go away. They are a major problem. Even if the unemployment rate were 6 percent throughout this period, the structural deficit for fiscal year 1984 would be over $110 billion rising to more than $140 billion in fiscal year 1986, even with a consistent 6-percent unemployment and with rather significant consistent growth. And no economic forecast projects unemployment to reach levels of 6 percent anytime soon.

Large deficits continuing over the next several years mean either a rekindling of inflation, which we have labored so mightly to stamp out, or a return to the high interest rate, high unemployment catastrophe of the recent past. The only question remaining, in my mind, is when we will pay the piper.

Some of my colleagues on both sides of the aisle seem to have the notion that the deficit dilemma may be avoided until after the election next November. I am not comforted by the thought. Indeed, it worries me greatly. We cannot wait that long to put into place credible policies that will insure that as the economy recovers, deficits will move steadily lower.

I am warned by any number of well-meaning persons that nothing will happen before the November elections. After all, this line of thought goes, the battles for the White House and control of the Senate will preclude any bipartisan, constructive action. Therefore, to even urge action now is a waste of time and energy, I am told, for the choices appear so difficult, the political risks loom so large, that we must simply gamble that the economy will hold together until we can attend to it after next fall.

I use the word "gamble" deliberately, for that is what we will be doing if we fail to act now. And, indeed, there may be some who desire to gamble. I suggest if they desire to do so, they should do so with the full range of facts and full knowledge of what the gamble is all about. I submit we will be gambling with our Nations economy, the most significant thing that we have to offer to our citizens and to the world as a test of the greatest economic system that people have ever lived under.

Mr. President, I believe we cannot gamble with the Nation's economic future. I believe we ought to act now. Failure to act will not only persuade Americans of all ideologies that we are impotent, but will also jeopardize the hard-won gains of the past few years.

Less than 1 year ago, speaking of the budget debate, I wrote that we could well face gridlock in the Congress. I must admit, on most issues we have not. But on the issue of deficits and fiscal responsibility, I believe we are dangerously close to that gridlock right now. The deadline for meeting reconciliation has been delayed twice; it is now set for October 31, and I believe it will be almost impossible to get a further delay.

On the Senate side, three committees have complied by responding to reconciliation with legislation that would save about $10 billion over the next 3 years. We await the recommendations of the Finance Committee, which has also been instructed by the Congress to reduce spending and to raise taxes.

If all of the reconciliation instructions were to be abided by, and if the appropriation bills stay within budget, then we will have shaved approximately $110 billion off the baseline deficits for fiscal years 1984 through 1986. With these actions, we predicted in the budget resolution that maximum deficits would be $170 billion in fiscal 1984, $156 billion in fiscal 1985, and $127 billion in fiscal 1986.

Those who continually say:

> We don't know how to predict. Things will be different. We aren't measuring the right kind of velocity and different activities in the economy.

They are just wrong.

If we fail to act, the deficits in these years would be $183, $184, and $196 billion, respectively. Clearly, full compliance with reconciliation and the budget resolution would leave us short of where we want to be—a balanced budget in good time. But such compliance would give us a chance of moving toward balance with credibility, with further reforms and savings. As a matter of fact, further reforms and savings will never occur until we make some giant, significant bite in this enormous deficit, such as the $110 billion reduction prescribed in the reconciliation and budget resolution.

I personally believe, in addition, that deficits much lower than these can occur, if we can spur additional growth and speed up our fight against unemployment. For example, if real growth were only 1 percentage point higher next year than the 5.3 percent we project in the budget resolution—and that is 5.3 percent annual growth, not what we are reading about in the paper, 7.9 percent growth month over month—if real growth turned out to be 6.3 percent—and there are some who say it will—that would be rather significant, solid, healthy growth.

Incidentally, if it occurred for 2 years in a row, it would be only the second time that has occurred since the Second World War. But, nonetheless if it occurred, the deficits in 1984 would be $10 billion to $12 billion lower and correspondingly lower in 1985 and 1986. Further, if the unemployment rate were 1 full percentage point lower than what we projected—we projected 8.9 percent—the deficit would be approximately $20 billion to $25 billion lower.

But I remind my friends in the Senate that in order to get that unemployment figure down that 1 full percent, growth would have to be more than the 6.3 percent that I have just speculated might occur. As a matter of fact, to get down to 6, I believe the growth rate would have to be something like 3 full percentage points more for 2 consecutive years.

But, our present paralysis on deficits threatens such great economic gains. Despite 4½ years of no real growth in the economy, incredibly we now seem willing to risk lower growth or high unemployment because we will not curb the Government's appetite for funds in the credit market.

In short, things can be better than we project, if we get deficits on a lower path; things will be worse than we project if we remain paralyzed.

Let me talk bluntly. If we persist in our current fiscal course, we face an inevitable clash with monetary policy that will send either interest rates or inflation rates up, possibly to levels still higher than we have already seen. This is a major risk to the current recovery and one that we cannot prudently ignore. In the words of Chairman Volcker to the Joint Economic Committee Thursday:

> The current prospect that federal budget deficits will remain exceptionally large into the indefinite future is a major factor propping up interest rates and continues to pose a serious risk to the stability of financial markets in the future, threatening the balance and ultimate sustainability of the recovery itself. We are in a testing period. It is well within our capacity to pass these tests. But it will take a positive approach, not a wait and see attitude.

I cannot state the problem better or more succinctly than has the Chairman of the Federal Reserve. I have merely stated it differently. This Congress needs to implement the reconciliation instructions it has issued to itself. What was so enthusiastically endorsed in the House and what passed, albeit with difficulty, here in the Senate earlier this year now seems almost unattainable, and we voted

that in just a few months ago. I will not speculate about the reasons for what appears to be dramatically changed views about the budget the Congress passed earlier. Rather, I will simply say the best thing this Congress can do right now is pass the reconciliation bill that it has ordered.

I have considered during the past 3 months a variety of alternatives if a reconciliation bill cannot be constructed and passed by Congress. These alternatives all are mixed attractions. None can cure Congress of its reluctance and procrastination. None can relieve Congress of its duty to set a workable fiscal policy. And, none of them are likely to reduce deficits more dramatically, or more quickly, than a forthright compliance with the budget resolution and its reconciliation instructions which Congress imposed on itself.

First, it may be time for Congress to give to the President of the United States line-item veto power over appropriations bills or enhanced rescission powers or both. These enhanced powers, aside from the potential constitutional or institutional objections, would give the President authority over less than 20 percent of the budget, if one assumes only the domestic discretionary programs are controlled, or less than half the budget if defense appropriations are also added in. So, such enhanced rescission or line-item veto power cannot be viewed as a panacea.

Second, I have considered giving the President increased power to reduce somewhat the automatic cost-of-living increases that occur under current law in entitlement programs. Such power could be subject to congressional override through a majority or supermajority vote, but in emergency situations it would allow the President to have a hand in recommending smaller COLA increases if trust fund solvency or economic conditions warranted such action on a permanent or temporary basis. This notion, too, promises no miracles. Congress could routinely override the President's recommendation if it so chose, or a President could simply refuse to act, leaving us no better off than now.

Third, I have considered the notion of a "sumit" conference on the budget, as proposed by some Members of the House of Representatives. This idea has merit. It recognizes the seriousness of the problem confronting us, and it recognizes that we need bipartisan agreement to solve the problem. Unfortunately, I believe that such a summit could disintegrate into the same kind of partisan bickering that doomed the 1982 "gang of 17" initiative, of which I was a part and which the distinguished majority leader was a part. Nevertheless, I do not reject the summit conference idea out of hand. I simply believe that the solutions such a conference would be likely to recommend, if it could achieve a consensus for action at all, are solutions already well-known to all of us who deal with the Federal budget and its dynamics.

Finally, I have thought about the proposal to have a bipartisan national commission on deficits and the Federal budget. This idea is gaining some favor, in part for reasons similar to those that lie behind the summit conference proposal. Such a commission, if it were broad enough, might be one way to energize Congress into action. And such a commission might be able to avoid some of the partisan tension that a summit could entail. Yet, I believe it is too early to endorse such a commission for one simple reason: The people's elected "commission," the Congress, is still in session and has ordered its committees to produce solutions that mirror the solutions such a commission would likely produce.

Therefore, I once again urge my colleagues to support the committees as they struggle to meet their reconciliation requirements. I hope that all of those who voted for the budget resolution and its reconciliation instructions, in both the House and Senate, will vote in committee and on the floor to sustain the responses of the committees to these instructions. We need no striking changes in relationships between the Executive and the Congress, we need no summit conference, we need no commission, if we simply act now on the budget before us.

If we cannot act, if we choose to gamble with the Nation's economy, then I will have to review my position, and it may well be that I will support some or all of the ideas I have mentioned today, or that I will try to develop some other approach. Until then, however, I will do all in my power to help my colleagues as they work to meet the reconciliation instructions now in force.

We must break the paralysis that now afflicts us. No commission, no summit, no enhanced Presidential powers can really do it for us. We ought to do it ourselves.

I yield the floor.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed until 10 minutes after 10 as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have listened carefully to the remarks of the distinguished Senator from New Mexico. I discussed this with him before his speech was made. What I am about to say will be no surprise to him and I am sure not to most of my colleagues.

I agree with him, virtually with every word that he has just said.

There are raging arguments not on this floor but away from this floor in offices, conference rooms, and committees, about what we ought to do about the deficits, all the way from nothing to surtaxes, to sales taxes, to bigger taxes, and goodness knows what else.

There are strong views about what we ought to do on spending, whether we have saved too much, whether we can save any more or a lot.

I will tell you, I do not think we are going to solve those issues between now and November 18, when I expect to ask the Senate to adjourn sine die for this session.

That does not leave anything, Mr. President, except the recommendation of the Budget Committee, which the chairman has just stated. Why not do what we said we would do in the resolution?

I have talked to the distinguished chairman of the Finance Committee, who is one of the most capable men in the Senate, who does such an extraordinary job. I recognize the problems he has. I am sympathetic and I am supportive. He has problems not only within his own committee but in both caucuses, and maybe even outside this Chamber.

But, Mr. President, I know that he, too, has a similar concern and that he feels we need to move on something.

I recommend and commend to my colleagues the speech just made by the chairman of the Budget Committee simply at least to put it more in focus. I congratulate him on his remarks.

Mr. DOMENICI. Mr. President, does the distinguished leader have an additional minute that he can yield?

Mr. BAKER. Yes.

Mr. DOMENICI. Mr. President, I thank the majority leader for the remarks he has just made. I want to make two observations. Nothing in my speech was intended to be anything but a compliment to the distinguished chairman of the Finance Committee. He has done a marvelous, outstanding job under very difficult circumstances.

Second, nothing was intended as anything but a compliment to the Appropriations Committee as it works its way; 10 of the 13 appropriations bills have been completed and are going to be signed by the President, including the first in 6 years on Health and Human Services, the largest direct appropriations account we have.

That means that as far as the appropriated accounts are concerned, not only is the budget resolution in order but the President has generally agreed with those expenditures by either signing or agreeing to sign the bill.

So what we have left to do is only what the instructions in reconciliation prescribe.

Mr. BAKER. Mr. President, if the Senator will yield, I agree, and I should have mentioned the Appropriations Committee. I stand in awe of that committee. Senator HATFIELD and the Appropriations Committee have done things that I thought could never be done in the time they have done them, in reporting and passing the appropriations bills. Senator HATFIELD's tenure as chairman of the Appropriations Committee is already historic. He has done such an extraordinary job.

Mr. President, I yield to the Senator from Washington.

The PRESIDING OFFICER (Mr. RUDMAN). The Senator from Washington.

Mr. GORTON. Mr. President, I, too, wish to commend and associate myself with the remarks of my distinguished chairman of the Budget Committee, the Senator from New Mexico. I think he has proposed the only course of action which is appropriate or, for that matter, safe for the United States in connection with its fiscal and political policies during the course of the next year before the elections of 1984.

It has become clear that neither the White House nor the House of Representatives will take the lead in reducing deficits significantly and realistically. It falls to the Senate to exercise leadership in an area of supreme national importance, and Senator DOMENICI's proposal is movement in this direction. It would be best if the President would lead this fight, but we must be prepared to proceed without his active support if necessary.

It is important to emphasize that the time for action to reduce the deficit is now. The strength of the current economic recovery makes a more restrained fiscal policy appropriate at this time, quite apart from the long-run desirability of reducing the deficit. But even more importantly, the consequences of delay are harsh. If we defer action on reducing the deficit until after the 1984 elections, then the probable result will be that rising interest rates, or a reignition of inflation, or both, will stall the economic recovery. Not only will this increase the deficit in and of itself, but it will also make it much more difficult to take the required corrective action in the form of a less stimulative fiscal policy at that future date.

At the time the first budget resolution was passed, the prevailing fear was that the recovery was so fragile that it would stall in late 1983. Recent economic indicators—most especially, the unexpectedly high real GNP growth rate reported yesterday by the Commerce Department for the third quarter, and signs that it will again be strong in the fourth quarter—tell us that such fears should not continue to govern our budget debate.

The current strength of the economic recovery, proper fiscal theory, and practice, and the political necessity of passing a measure which will not draw a Presidential veto, mean that we must look not only at tax increases, but also at spending restraint. Last month I commended Senators DANFORTH and BOREN for their proposal to restrain cost-of-living allowance growth, a politically sensitive but public-spirited proposal. In the same vein, I applaud Senator DOMENICI's willingness to consider rescission reform as a spending control measure.

Rescission reform is desirable not only politically, but also purely on its merits. The present system of executive rescissions, under which both Houses of Congress must specifically approve rescission requests in order to allow them to take effect, is tailor made to permit spending by default. A procedural change which makes it more difficult to overturn a rescission request, or which extends rescission authority in clearly defined ways to congressionally authorized components of entitlement programs, would not represent an attack on the authority of Congress. It would, however, create a valuable spending control tool.

In summary, Senator DOMENICI has proposed a balanced approach to our most serious economic problem—the large Federal budget deficits. Adoption of this program will improve the prospects for the recovery by reducing Government credit demands, and hence reducing the real rate of interest. It will also send a clear message to lenders and borrowers in the business community, who now are forming their inflationary expectations in the belief that Congress will fail to deal with the deficits, that such expectations are ill founded. Reducing these inflationary expectations will create downward pressure on nominal interest rates.

Finally, and perhaps more importantly, this proposal is a step toward freeing up additional resources to be used for productive investment, adding to our children's welfare. I urge the Senate to give Senator DOMENICI's proposal the most careful consideration.

THE NUCLEAR FREEZE, A TOUGH MINDED REALISTIC MILITARY STRATEGY

Mr. PROXMIRE. Mr. President, every poll, every State referendum, every town meeting shouts out loud that the great majority of the American people favor a mutual, verifiable nuclear arms freeze with the Soviet Union. Who still opposes the freeze and why? Look around. Many, maybe most Members of this body oppose the freeze. So does President Reagan. Frankly, it is beyond this Senator's understanding how any human being who really understands the collossal destructive power of the nuclear arsenal of the Soviet Union and the United States could oppose a freeze on the basis that I describe.

First, that it is mutual. This means that both the United States and the Soviet Union, both would agree to conform to the limitations on nuclear arms specified in the agreements;

Second, that it is verifiable. This means that both sides would have sufficient means of monitoring the activity of the other so that both sides could be assured that the other was abiding by the agreement.

How could anyone oppose a freeze on nuclear arms of the kind I have described? Mr. President, it is my conclusion that very few persons would oppose the freeze if it were mutual and verifiable, except on two grounds;

First, that we simply cannot assure the American people that we can, in fact, verify the compliance of the Russians. Many Americans believe that if the Russians could get away with cheating on such a treaty, they would do so. Well, Mr. President, most of us who favor the freeze do not trust the Russians. Certainly, I do not. But we do believe we can make the treaty effectively verifiable. What does that mean? That means if the Russians violate the treaty we will know it. And we will be able to renounce the treaty and resume our own nuclear arms activity in ample time to maintain our rough nuclear parity and the credibility of our deterrent. Is that just a naive, wistful hope? Or is it realistic? Answer: It is realistic. For instance, as knowledgeable a verification and intelligence expert as William Colby, the former Director of the Central Intelligence Agency so enthusiastically favors the nuclear freeze. He is devoting much of his life to working for it. Mr. President, I challenge any Senator to identify anyone who has a more thorough or competent background in our intelligence capability or in the military activity of the Soviet Union than William Colby. Last spring he assured the Senate Appropriations Committee that with our satellites we could certainly detect any significant violation of the freeze by the Soviet Union and do so with ample time for us to take the necessary action for our own security. Many other military experts agree with Colby.

The second argument against the freeze is that it is too early. It is that we should not negotiate until we first catch up with the Russians in nuclear capability. If we agree now we will suffer a significant and serious disadvantage that we will have to live with, for many years. So any reduction negotiations will come from a base that strongly favors the Soviets. Mr. President, this view is simply wrong. Few

persons who have looked indepth at the Soviet nuclear arsenal and our nuclear arsenal contend that the Soviet Union is—overall—ahead of us in effective nuclear armed power. They, indeed, have some advantages. But we have offsetting advantages. Seventy percent of their nuclear capability is based on fixed, immobile missiles. These have the advantage of massive megatonnage, throw-weight, and superior accuracy. The disadvantage is that they are highly vulnerable. Why? Because they are immobile and fixed. In effect Soviet missiles representing the lion's share of their nuclear power are sitting ducks. The U.S. disadvantage is that our missiles do, indeed, have less megatonnage, less throw-weight, less accuracy because they are not immobile and land based. Our advantage is that 75 percent of our missiles are virtually invulnerable. Why? Because U.S. missiles are on bombers and in submarines. We can deliver more than twice the payload of nuclear weapons on the Soviet Union than they can deliver on our country. If they should attack us we could and would hold their cities hostage, and contrary to much public opinion, the Soviet population is much more concentrated and therefore more vulnerable than the American population. I have yet to hear an American military expert who says he would trade our nuclear armed position for the Soviet's. So this is the time to negotiate.

But Mr. President, many critics of the freeze somehow associate the freeze with the view that we would disarm unilaterally. It is easy to understand the confusion. Some supporters of the freeze do, indeed, hold that view. But most of us who support the freeze emphatically do not. Not only would we not disarm unilaterally, we favor vigorous nuclear arms testing, production, and deployment up until we negotiate a mutual, verifiable freeze. Consider that this year the House of Representatives voted for the freeze by a 2 to 1 majority. The same Congressmen who voted for the freeze then turned around and supported a massive buildup of our nuclear arsenal. Were they inconstituent? Absolutely not. Frankly, I see absolutely nothing contradictory with that posture. In fact, I fully share it. I happen to oppose the MX, the B-1B, the neutron bomb. On the other hand I favor building and deploying the new Trident submarine which would carry devastating nuclear missiles. I favor the new D-5 nuclear hard target kill missile which the Trident would carry. Is this a contradiction? No; I oppose some nuclear weapons because I believe they are ineffective and a waste of money. The MX is a stationary sitting duck that would not survive a Russian attack. The B-1B is no significant improvement on the B-52. It could not get through the heavily defensed airspace of the Soviet Union. The neutron bomb would give us meager advantage over conventional arms. And, above all, it could very easily precipitate a full scale nuclear war. On the other hand, I favor going ahead with nuclear weapons that strengthen our position, right up until we actually negotiate a nuclear freeze treaty with the Soviet Union. Failure to do this would be a naive unilateral reliance on faith that the Russians would also desist from building and deploying nuclear arms without a verifiable agreement.

Mr. President, the freeze is the most realistic and effective king of military strategy. Here's why: It has far and away the best chance of achieving our fundamental military objective, which is to prevent a nuclear war. It would not only provide us with the deterrent we need to prevent a planned, premeditated attack by the Soviet Union. And it would do that. But it would prevent the far more likely causes of nuclear war. It would provide the basis for reducing the nuclear arsenal on both sides and therefore diminish the threat of a nuclear war beginning by mistake, a grim but very real possibility. And it would stop testing and the progress of nuclear arms research. Therefore it would greatly lessen the likelihood that this runaway technology will develop the nuclear arms capability which eventually will fall into the hands of dozens of nations, until some irresponsible, paranoid dictator presses the button and starts the final holocaust.

THE FORGOTTEN GENOCIDE IN KAMPUCHEA

Mr. PROXMIRE. Mr. President, the legacy of the debacle in Southeast Asia in the 1960's and 1970's is not something we can store away in the attics of our minds. One frightening byproduct was a triumphant Kampuchean Communist movement known as the Khmer Rouge. Though now out of power, the Khmer Rouge set out on a course of human destruction in the late 1970's so utterly cruel that it defies imagination—a course well-documented and chronicled.

The radical reform experiment of the Khmer Rouge in Kampuchea stopped nothing short of genocide. Though no cultural, religious, ethnic, or age group was spared a taste of the horror of mass persecution, the Khmer Rouge terror seemed to focus on the educated and the elderly most often. The truly frightening aspect of this selection is that the children of these people were forced to witness the atrocities brought upon their parents and elders—the very people who had taught them the ways of the world in the past. These children were left alone to face the everyday cruelty of the Khmer Rouge, even if they were lucky enough to survive themselves.

A recent Washington Post article catalogs a portion of this Kampuchean horror story:

> A case in point is the story of a boy called San. As the Khmer Rouge was being routed in 1979, he left his 'mobile team' to find his family. Arriving home, he found that his father and elder brother had been killed his mother disemboweled, and a sister raped and thrown in jail, where she died. San was 14.

The scars inflicted upon these youngsters would never disappear; there would always be pain:

> The horror of life under the Khmer Rouge "will always be with the children, no matter how old they get or where they go." said a western social worker at this camp. "They can't erase it."

We cannot take away the pain these young people feel; but we can let them know that we care.

As much as we would like to, we must not forget what the Khmer Rouge perpetrated in Kampuchea, even if they are presently out of power. We must send them a signal that they will be brought to justice. The Khmer Rouge are genocidal murderers; they are responsible for the annihilation of nearly 2 million of their own people and for the indelible stain of this atrocity on those who survived it. The Genocide Convention will serve as such a signal.

Mr. President, the Khmer Rouge have proven the need for the Genocide Treaty. The world assumed that genocide would disappear after Hitler. Kampuchea is evidence that it did not. The way the victors treat the vanquished in this modern world of ours, who is to say that genocide will not reoccur after the Khmer Rouge? Our ratification of this treaty will help remind us of the great evil brought upon the Kampuchean people and allow us a framework for appropriate justice. It may even help us deter genocide in the future. Southeast Asia was a place we spent some painful years in our history; we cannot turn our backs on it now.

ILLEGAL DRUGS—A CLEAR AND PRESENT DANGER TO AMERICA'S FUTURE

Mrs. HAWKINS. Mr. President, the United States is not a timid Nation. We are not easily frightened or intimidated. But, as the saying goes, "Just because you're not paranoid doesn't mean everyone isn't out to get you." And I think that today the United States does have real reason to fear for its life, and I will tell you why. Because of illegal drug trafficking, certain countries throughout the world have become a very serious threat to our Nation—economically, physically, and morally.

Because of the popularity and availability of illicit drugs, drug abuse in this country has ceased to become simply recreational. It has become an ingrained part of our lives. But only a very small percentage of these abused drugs are actually produced here. Most are illegally imported from other countries, many of which are receiving some kind of monetary assistance from us.

The process, as I see it, goes something like this. The United States supports foreign countries so that these countries can produce illicit drugs to sell to Americans so our crime rate goes up, our taxes skyrocket, our Armed Forces seriously deteriorate, American productivity declines, and future scientists, teachers, and public figures walk around high half the time.

I don't see where we benefit at all from this. It is almost as if these countries were out to get us however and wherever they could. In one respect, I wish these countries had no open-door policy—if illegal drugs are going to pass through it. It is high time we thought twice about assisting these nations, only for them to use the money—however indirectly—to bring harm to us. It is time to close the door once and for all on the international drug trade.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that I have compiled that lists the nations most responsible for our country's drug-abuse problem and the amount of U.S. assistance they receive.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Country	Illegal drug	Supply as a percentage of U.S. consumption	Street value of imports (millions per year)	Assistance during 1980–82 (in millions)	
				Direct	Multilateral
Colombia	Marihuana	74	$23,500	$43	$2,085
	Cocaine	5	2,000		
Peru	Cocaine	50	20,000	201	1,268
Bolivia	Cocaine	45	18,000	35	196
Mexico	Opium	25	2,500	230	232
	Marihuana	7	2,300		
Afghanistan	Opium	35	3,500	0	4
Jamaica	Marihuana	9	2,900	230	311
Pakistan	Opium	15	1,500	336	998
Iran	Opium	10	1,000	0	0
Burma	Opium	9	900	28	366
Laos	Opium	4	400	0	43
Thailand	Opium	2	200	269	1,948

MESSAGES FROM THE HOUSE

At 12:44 p.m., a message from the House of Representatives was delivered to the Senate by Ms. Goetz, one of its clerks announcing that the House recede from its amendment to the amendment of the Senate numbered 16 to the bill (H.R. 3363) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984," and concur therein; and that the House agree to the amendments of the Senate to the amendments of the House to the amendments of the Senate numbered 17, 91, and 94 to the aforesaid bill.

The message further announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3929) entitled "An Act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.".

At 12:57 p.m., a message from the House of Representatives was delivered by Ms. Goetz announcing that the Speaker had signed the following enrolled bills:

H.R. 1213. An act to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes.

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL SIGNED

The following enrolled bill, which had been signed by the Speaker of the House on October 20, 1983, was signed on today, October 21, 1983, by the Vice President:

H.R. 3706. An act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 1986. A bill to provide for the duty-free entry of articles required for the installation and operation of a telescope in Arizona; to the Committee on Finance.

By Mr. BENTSEN:

S. 1987. A bill entitled "The Vaccine-Injury Compensation Act of 1983"; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 1988. A bill to designate the United States Post Office Building in Flushing, New York, as the "Benjamin S. Rosenthal Post Office Building"; to the Committee on Governmental Affairs.

S. 1989. A bill for the relief of Vladimir Victorovich Yakimetz; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. THURMOND, Mr. LAXALT, Mr. DOLE, Mr. SIMPSON, Mr. GRASSLEY, Mr. EAST, Mr. DECONCINI, Mr. BAUCUS, Mr. HEFLIN, Mr. MCCLURE, and Mr. HELMS):

S. 1990. A bill to clarify the circumstances under which a trademark may be cancelled or abandoned; to the Committee on the Judiciary.

By Mr. SIMPSON (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. GARN, Mr. HART, Mr. HATCH, Mr. HECHT, Mr. LAXALT, and Mr. WALLOP):

S. 1991. A bill to grant the consent of the Congress to the Rocky Mountain Low-Level Radioactive Waste Compact; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 247. A resolution authorizing the printing of additional copies of a compilation containing the eulogies of the late Senator Henry M. Jackson; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 1986. A bill to provide for the duty-free entry of articles required for the installation and operation of a telescope in Arizona; to the Committee on Finance.

DUTY FREE ENTRY OF CERTAIN EQUIPMENT

Mr. DECONCINI. Mr. President, today I am introducing legislation which will further the cooperation between our Nation and the Federal Republic of Germany while expanding our knowledge of the Universe.

The University of Arizona is involved in a joint project with the Max Planck Institute for Radioastronomy in Bonn, West Germany. The collaboration will result in a new sub-mm telescope (SMT). The SMT will be constructed in southern Arizona on a site provided by the University of Arizona. The cost of the project will be shared by the University of Arizona and the Max Planck Institute. The Germans will be providing the telescope mount, reflector panels, support structures, mirrors and other necessary material. The following is just a partial listing of the items that is contemplated that the West Germans will provide for the project:

PARTIAL LIST OF ITEMS

1. Telescope mount and control electronics.
2. Reflector support structure.
3. Reflector panels.
4. Secondary mirror support structure.
5. Microwave receivers, bolometers, and associated electronic systems.
6. Cryogenic dewars, compressors, and vacuum pumps.
7. Analog and digital computer interfaces, including CAMAC crates.
8. Electronic and microwave test equipment.
9. Semiconductor devices such as mixer diodes, bolometers, and solidstate oscillators.
10. Vacuum tubes such as klystrons and carcinotrons.
11. Laser local oscillator systems.

12. Auxiliary instrumentation for use with SMT.

13. Computer systems for telescope control, data acquisition, and data reduction.

This bill would provide duty-free entry for project related items for 10 years. Such a waiver of duties is necessary to insure that the important work of the project can go on. For example, the question of how stars begin to form from cool interstellar clouds and how compact objects, such as quasars, generate their amazingly high luminosities are among those that can be addressed directly with observations made in sub-mm wave lengths. Without a duty waiver, the cost of this important scientific project would be prohibitive.

There are many unanswered questions about the universe; the SMT project can begin to answer some of these questions. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty any article which the Vice President for Research, University of Arizona, certifies as being required for the construction, installation, or operation of a sub-mm telescope in the State of Arizona which is the subject of a joint astronomical project undertaken by the Steward Observatory of the University of Arizona and the Max Planck Institute of Radioastronomy of the Federal Republic of Germany.

(b) The provisions of subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption before November 1, 1993.

By Mr. BENTSEN:

S. 1987. A bill entitled "The Vaccine-Injury Compensation Act"; to the Committee on Labor and Human Resources.

VACCINE-INJURY COMPENSATION ACT OF 1983

● Mr. BENTSEN. Mr. President, one of the most beneficial and cost effective health programs in history has been the Federal immunization program for children. This program, coordinated by the Center for Disease Control in Atlanta, features close State and Federal cooperation. It is an ideal example of the type of program which any central government should conduct because of the striking public nature of its benefits. And, our Nation's welfare and citizens' health and well-being has been markedly improved over the years by the widespread immunization programs conducted against childhood diseases such as polio, diphtheria, tetanus, and pertussis (whooping cough).

History contains more than enough sad episodes when entire peoples have been decimated by disease. Indeed, the rapidity of the European conquest of the Americas was a direct result of smallpox and other communicable disease epidemics which swept like wildfire through our Native Indian populations. Lacking natural defenses and a medical science, native men, women, and children fell victim in staggering numbers to household European diseases. Some historians trace the specific success of the pilgrim settlements in New England and the earlier Virginia settlements to similar epidemics which weakened local Indian tribes, as well.

Earlier, repeated epidemics of bubonic plague from Asia reduced European populations by one-half—spreading such gloom and despair that we term that era the Dark Ages. Today, NASA goes to extraordinary lengths to isolate space travelers upon their return in fear of spreading unknown disease or environmentally disruptive organisms.

These lessons were uppermost in the establishment of our national immunization program. Yet, as effective and beneficial as that program has been through the years, it has not been a unqualified success. In 1976, some 500 cases of Guillain-Barre Syndrome paralysis occurred as a result of our immunization program to protect against a predicted epidemic of A-New Jersey influenza or swine flu—an epidemic that never appeared. But success stories abound, arising from sharp reductions in the incidence of infectious killing and crippling diseases like polio, smallpox or measles.

VACCINE-RELATED INJURY

The swine flu incident brought into sharp focus an issue of public health policy which has been largely ignored: the compensation of victims injured by vaccinations. Virtually all vaccines will create serious side effects if administered to sufficiently large numbers of men, women, and children. Thanks to testing, the incidence of such side effects is small. The swine flu vaccine, for example, was administered to 46 million persons. And the live polio vaccine administered to infants and children today will have tragic consequences for a scant 1 in 4 million vaccinees.

Yet, the tragedy of disabling or even fatal side effect from vaccines is not lessened because the likelihood of its occurence is very small. The tragedy of contracting polio, suffering brain damage or perhaps death from the polio vaccine is no less devastating because it hits only a handful of the millions of youth receiving that vaccine and polio booster shots annually. Nor is it diminishes because such incidents cannot generally be blamed on faulty medicine or inept administration of the vaccine.

Providing compensation to vaccine-injured men, women and children is a complex issue. On the one hand vaccinations for many childhood diseases are mandatory under State laws. While details of coverage vary from State to State, almost all States require that children receive some vaccinations before attending school. At the same time, only two states offer some compensation to vaccine victims, and the Federal Government does not acknowledge any responsibility to provide ready compensation for vaccine-related injuries.

Yet, the public good nature of such vaccinations and their mandatory status is most States impose, to my mind, an obligation on the Federal Government to address vaccine-related injuries.

Fortunately, we are not confronted with a large number of vaccine injuries. A 1980 study entitled, "Compensation for Vaccine-Related Injuries" by the Congressional Office of Technology Assessment suggests that no more than 350 serious injuries occur annually as a consequence of vaccinations for the seven major childhood diseases—DPT, polio, measles, rubella and mumps. For example, only about 1 in 300,000 DPT vaccines suffer permanent injury. And the incidence of serious injury for polio vaccinations noted earlier is even lower. Even if episodic vaccination programs, such as the 1976 swine flu campaign, are included, the universe of vaccine injuries can reasonably be expected not to exceed 1,000 persons annually. These are men, women, and especially children who accepted innoculation under the pressure of law or public condoned programs. And the Federal Government should not turn its back on them when unusual metabolic or other conditions create serious vaccine injuries. Other nations, including Denmark and Great Britain, provide compensation for vaccine-related injuries. And, we should do that, as well—both as a matter of responsible public policy and to largely eliminate the need for victims to pursue compensatory claims in an expensive and time-consuming process through the courts.

PROGRAM COMPONENTS

How should vaccine-related injuries be compensated? As the OTA report notes, any compensation scheme must address five separate issues. First, what vaccines should be covered? Should only those for children be included, or those covering adults as well?

Second, should only severe vaccine injuries which cause permanent disability or death be eligible for compensation? What about less severe injuries which cause individuals to miss a day or two of work? Should only injuries which appear within some specified period of time following the vaccina-

tion be covered? How can it be fairly determined whether a specific reaction is related to the vaccination in question?

Third, what type of compensation should be provided by the Federal Government? Should it cover all medical costs or be capped? Should the coverage be supplemental to other insurance coverage or "first dollar"? Should compensation be provided beyond medical expenses?

Fourth, what should be the role of State governments in the administration and financing of the compensation program? This is a particularly pertinent question because the Federal role must be closely coordinated with the several State compensation programs now in existence. A related issue deals with the role to be played, if any, by social security, medicare, or medicaid. An additional question involves the mechanism established to finance the compensation plan. Should it be funded with general revenues, or perhaps with a fee charged vaccines, or a fee charged vaccine manufacturers?

Fifth, the last major issue involves the relationship of the compensation program with existing remedies for vaccine injuries, including private lawsuits. For example, should acceptance of Government compensation by injured vaccinees prohibit their access to additional remedies through the court system?

THE VACCINE INJURY COMPENSATION ACT OF 1983

The legislation I am introducing today is entitled "The Vaccine Injury Compensation Act of 1983." It requires the President to develop a proposal for the establishment of a Federal program to compensate those who suffer injury as a consequence of vaccination. The President is obligated under this bill to explore in detail the questions I have just raised, and other relevant ones. He must then present a complete compensation proposal, including cost estimates, for evaluation and review to Congress by July 1, 1984.

This legislation is designed to set the Federal Government on a straight and firm course toward a comprehensive compensation program for vaccine-related injuries. It has been drafted in recognition of the fact that public vaccine programs serve a worthwhile national purpose. And, those who suffer serious harm as a byproduct of those programs are entitled to help and compensation from the Government.

This body, Mr. President, may want to debate at length regarding the specific components of such a compensation program. But, it is my strong belief that the merits for instituting a compensation program within the framework of our existing Federal bureaucracy stand without challenge. The question is, how to best administer such a program, not whether it should be established. The Federal Government is obligated to aid the victims of its vaccination program. And that is an obligation it should now assume.

Mr. President, I ask unanimous consent for the "Vaccine-Injury Compensation Act of 1983" to appear at this point in my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Vaccine-Injury Compensation Act."

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—(1) The Federal Government, in conjunction with State governments, conducts a widespread and ongoing vaccination program to limit infectious disease.

(2) This program has been successful in limiting the spread of infectious disease and has contributed in substantial fashion to the high level of health and well-being enjoyed by Americans.

(3) Vaccines utilized in this program produce side effects in a relatively small number of cases and in a very few instances produce serious injury.

(4) Currently, compensation for most of those inadvertently injured in the government vaccination program can only be acquired in an expensive and lengthy process through the court system.

(b) PURPOSE.—It is the purpose of this legislation to require the President to design a Government vaccine-injury compensation program for review by Congress.

SEC. 3. PRESIDENTIAL EVALUATION.—(a) The President shall conduct a review of questions related to the establishment of a Federal program to compensate victims seriously injured by Government coordinated or sponsored vaccination programs. Such evaluation shall include, but not be limited to these aspects of a compensation program:

(1) vaccines to be covered;

(2) injuries to be covered;

(3) the type and size of compensation to be provided;

(4) administrative structures; and

(5) the relationship of this program with existing compensation options, such as lawsuits, private insurance, Government medicare, medicaid and social security programs, or State programs.

SEC. 4. PROGRAM DESIGN.—Upon completion of the evaluation conducted pursuant to section 3, the President shall design a proposed Federal vaccine-injury compensation program, including a variety of alternative program designs with associated costs.

SEC. 5. PRESIDENT'S REPORT.—(a) The President shall submit to Congress a report containing the program design and alternatives developed pursuant to this Act. In designing such a program and its alternatives, the President shall:

(1) not propose the creation of a new agency or the hiring of additional Federal personnel;

(2) ensure that victims of episodic vaccination programs, such as the A-New Jersey influenza 1976 program, are eligible for compensation;

(3) ensure that participants in all childhood vaccination programs are eligible for compensation;

(4) propose options including the imposition of a fee on vaccine to create a compensation trust fund; and

(5) ensure that State governments participate in the administration and, if appropriate, the expense of the compensation program.

(b) REPORT DATE.—The report prepared pursuant to this Act shall be submitted by the President to Congress on or before July 1, 1984.●

By Mr. MOYNIHAN:

S. 1988. A bill to designate the U.S. Post Office building in Flushing, New York, as the "Benjamin S. Rosenthal Post Office Building"; to the Committee on Governmental Affairs.

BENJAMIN S. ROSENTHAL POST OFFICE BUILDING

● Mr. MOYNIHAN. Mr. President, today I am introducing a bill to name the U.S. Post Office building in Flushing, N.Y., for the late Benjamin S. Rosenthal. Ben Rosenthal died on January 4 of this year, the day after the 98th Congress convened. Ben was elected to this Congress, as he had been by the voters of Queens to every Congress beginning in 1962, when he won a special election to the 87th Congress.

Ben Rosenthal was a wonderful New Yorker; he was an all-around New Yorker. He was born in the Bronx, raised in Queens, attended college in Manhattan at City College, and graduated from Brooklyn Law School. He was an outstanding Representative noted particularly for his record on consumer protection. His legislative interests included all of those in our society who require the special solicitude of government.

Ben Rosenthal was active and prescient in foreign affairs, too. He was an early opponent of the Vietnam war and a steadfast supporter of Israel.

Early in this century, a chairman of the House Committee on Public Buildings and Grounds said with pride of the public buildings of his day, "No youth or citizen ever looked upon a Federal building in which the business of his country was being conducted but that he became a better American." How much more true will that be for those who look upon the U.S. Post Office building in Flushing when it is named for Benjamin S. Rosenthal.

Mr. President, identical legislation passed the House of Representatives by unanimous voice vote on October 3, and I urge my colleagues to act quickly on this bill. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)

the United States Post Office Building located at 41-65 Main Street, Flushing, New York, shall hereafter be known and designated as the "Benjamin S. Rosenthal Post Office Building". Any reference in any law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Benjamin S. Rosenthal Post Office Building".

(b) As soon as practicable after the date of enactment of this Act, the Postmaster General shall install in such post office, in a place in open view to the public, an appropriate plaque indicating the designation of the post office pursuant to this Act.●

By Mr. HATCH (for himself, Mr. LEAHY, Mr. THURMOND, Mr. LAXALT, Mr. DOLE, Mr. SIMPSON, Mr. GRASSLEY, Mr. DECONCINI, Mr. BAUCUS, Mr. HEFLIN, Mr. MCCLURE, and Mr. HELMS):

S. 1990. A bill to clarify the circumstances under which a trademark may be canceled or abandoned; to the Committee on the Judiciary.

CLARIFICATION OF CIRCUMSTANCES FOR TRADEMARK CANCELLATION

Mr. HATCH. Mr. President, Federal trademark law has provided consumers and producers with marketplace protection for more than a century.

Consumers are assured they are purchasing the product that they desire and that the product is of the same consistent quality that they experienced previously in purchasing that trademarked product. Producers know the time, money, and energy invested in developing and establishing products or services which bears trademarks will be protected from misappropriation.

While trademarks are designed primarily to provide protection and assurance, they may not last indefinitely. The Lanham Trademark Act of 1946 provides for cancellation when a mark "becomes the common descriptive name of an article or substance." Both "aspirin" and "escalator" are examples of trademarks that have become common descriptive, or generic names; there are many more.

In making these decisions on which terms are generic and which are protected marks, the courts have followed a standard test that has existed for more than 60 years. That test is whether the majority of the public recognizes and accepts the term as a trademark. This standard has been well-recognized, well-understood, and well-accepted. It has served to lend stability and clarity to trademark law and litigation involving the determination whether a trademark is valid.

Last year, however, a circuit court handed down a ruling that threatens to undermine this clarity and stability. In a radical and unwarranted departure from accepted judicial practice, the ninth circuit, in a case involving "Monopoly," the popular board game manufactured by Parker Bros. ignored the issue of whether the public recognized the name as a trademark.

It focused instead on an entirely new issue: Did consumers purchase this game because they wanted a product made by Parker Bros. or because they wanted to play a specific real estate trading game? Because a majority of consumers surveyed were motivated by a desire to play the game and not by the fact that Parker Bros. manufactured "Monopoly," the ninth circuit ruled against Parker Bros.

In applying a new standard, one of consumer motivation, the ninth circuit ruled that "Monopoly" had become a generic name because 65 percent of the people surveyed said they bought the game because they wanted to play "Monopoly," and "don't much care who makes it," while some 32 percent—a minority—said they bought "Monopoly" because they "like Parker Bros.' products."

This new "motivation test" is both unjustified and unreasonable. It ignores past law and commonsense, and, most importantly, it is contrary to accepted principles of trademark law. It denies brand name status to products that always have been bought by their brand name, simply because the purchaser or consumer cannot identify the maker or manufacturer.

Few trademarks can survive this standard, because most consumers cannot identify the companies that produce the products and goods they buy. Moreover, accepted trademark law does not require this identification, as long as consumers associate the goods with a single source. They do, however, have clear expectations regarding the quality of the products they purchase and rely on the trademark for assurance of this quality. Yet the ninth circuit has declared these customary and usual expectations to be insufficient.

It would be inappropriate for the Congress to take action that would have a retroactive impact on the parties affected directly by the ninth circuit decision in the Monopoly case. I also have no wish to further expand the authority of existing law or establish new standards, definitions or boundaries regarding the cancellation of trademarks.

I do believe, however, that the fundamental conflict which now exists within trademark law and litigation, as a result of the ninth circuit decision, must be resolved. Otherwise, chaos and confusion will result—everyone will be the loser. An amendment that clarifies the Lanham Trademark Act, that reaffirms and spells out the basic principles that have underscored trademark law for more than six decades, is the most direct, least complicated and most reasonable way of achieving this goal.

The bill that I am introducing today for myself and 13 cosponsors will accomplish that goal. This bill has the same objectives as S. 1440, which I introduced in June of 1983, but reflects the counsel and suggestions of a number of my colleagues, trademark attorneys, and others who share our concerns.

Mr. President, in 1921, Judge Learned Hand articulated the basic standard for determining when a trademark became a generic name. That standard was the level of understanding the consumer exhibited regarding the trademark. If the primary significance of the term was to symbolize the kind or "genus" of goods sold, then the term was generic and the producer was not entitled to protection. If, on the other hand, the term meant something "more than that," then the seller deserved the protection of a trademark. This landmark decision of *Bayer Co.* v. *United Drug Co.*, (272 F.2d 505, 509 (1921)) is still followed by many courts.

Over the years, there have been some refinements in this standard. In the 1938 case of *Kellogg Co.* v. *National Biscuit Co.* (305 U.S. 111 (1938)), the court said a trademark owner had to show that "the primary significance of the term in the minds of the consuming public is not the product, but the producer" in order to retain the trademark. In other words, the consumer had to recognize the trademark as the name of a product that came from a particular source, even though the consumer might not be able to identify that source. In the 1962 case of *Feathercombs, Inc.* v. *Solor Products, Inc.* (306 F.2d 252, 256), the court said that in order for a trademark to become generic, "the principal significance of the word must be its indication of the nature or class of an article rather than an indication of its origin."

Although these cases have served to sharpen and clarify the standard for determining when a trademark becomes generic, the basic and fundamental criteria the courts employed for making this determination always have remained the same—the level of consumer understanding regarding the term in question and whether it could be said that a majority of the public recognized the term as a trademark, rather than as a descriptive term for an entire type or class of products, goods or services.

This historic standard, as well as thousands of reputable trademarks and the protection and confidence the consumer enjoys in the marketplace, now have been placed in jeopardy by the ninth circuit's disruptive departure from decades of accepted judicial practice.

This decision has shaken reputable trademark attorneys as well as many businesses and Members of Congress. The U.S. Trademark Association, for

example, believes the motivational test employed by the ninth circuit in *Anti-Monopoly* v. *General Mills Fun Group*, (684 F.2d 1316 (9th Cir. 1982)), is a "significant threat to the entire trademark system." After considerable deliberation, the USTA recently decided to support legislative efforts aimed at clarifying the legal basis for determining when a trademark becomes generic.

Like many of us, the members of the USTA are troubled because the ninth circuit ignored the "dual function" provision of our trademark law. This provision allows trademarks to stand when they serve as the proper name of a product, article or substance so long as they also serve as an indication of the product's origin, even if that origin is unknown or anomymous to the consumer. By ruling that consumers must associate the trademark with a specific company, the ninth circuit turned its back on the "dual function" principle that has long been an integral part of trademark law.

We are troubled, too, because the Anti-Monopoly decision is not an isolated case that other judicial courts will ignore. The motivational test employed by the ninth circuit, as Judge Nies has stated, has led "some courts into an esoteric and extraneous inquiry focusing on what motivates the purchasing public to buy particular goods." *In re DC Comics* (689 F.2d 1942, 1954 (C.C.P.A. 1982) (concurring opinion)).

Meanwhile, another ninth circuit court already has referred to the "Monopoly" motivation survey as one conducted "according to accepted principles." *Prudential Insurance* v. *Gibralter Financial Corp.* (694 F.2d 1150, 1156 (9th Cir. 1982)). And, in the case of *The Nestle Co.* v. *Chester's Market Inc.* (D. Conn. 1983), Judge Blumenfeld, in holding that the term "Toll House" was generic, cited the Anti-Monopoly decision extensively. The judge also indicated that if a motivation test submitted to the court had not been deficient with respect to a few technicalities, he would have admitted it as evidence.

The reasons individuals buy products should have no bearing on these cases because they are not designed to ascertain whether a product has become generic. They should have no standing in court and no bearing on these cases, because they do not show whether or not a product has become generic. Another survey in the Anti-Monopoly case asked the public if they bought the detergent "Tide" because they wanted a Proctor & Gamble product, or if they bought "Tide" because they thought it did a good job. Sixty-eight percent said they bought "Tide" because it did a good job. Does this mean that the "Tide" trademark should now be declared a generic name? Of course not. Yet the ninth circuit did not dismiss the thought, and that could easily happen if we do not take some minimal but essential steps to protect the validity and integrity of our trademarks and our system of trademark law.

Mr. President, the dilemma the ninth circuit created was best summed by Robert C. Lyne, Jr., chief patent counsel for Reynolds Aluminum Co. when he worte:

> The point of trademark protection is to permit a purchaser to recognize the goods he wishes to buy, and to distinguish them from other goods. It is not to enable him to match up various goods with the companies that sell them.

The bill I introduce today will resolve this ambiguity.

The bill is not intended to effect important substantive changes in the mainstream of trademark law. Thus its purpose remains primarily that of clarifying and rendering more precise in the statute what the law is today an should be in the years to come, undisturbed and undiverted by the troubling and potentially dangerous elements of the Anti-Monopoly case. In short, the bill does four things:

First, it disapproves use of the so-called purchaser motivation test in determining whether a trademark has become the common descriptive name of a product or service.

Second, it recognizes the dual function that a mark plays in the marketplace.

Third, it recognizes that the name of a unique product may also function as a trademark so long as the public associates that mark with a single source.

Fourth, it continues the principle that a mark may identify and distinguish a product from that manufactured by others and indicate its source, even though anonymous.

Finally, it conforms various parts of the Lanham Trademark Act to assure uniformity of application in both the courts and in the U.S. Patent and Trademark Office.

There may be ways in which the language could be clarified further, and I hope that the careful consideration by the Patents, Trademarks and Copyrights Subcommittee, under the able leadership of Chairman MATHIAS, will assist in this regard.

I am pleased to introduce this bill on behalf of myself and Mr. LEAHY, Mr. THURMOND, Mr. BAUCUS, Mr. LAXALT, Mr. SIMPSON, Mr. DOLE, Mr. DENTON, Mr. GRASSLEY, Mr. EAST, Mr. DECONCINI, Mr. HEFLIN, Mr. MCCLURE, and Mr. HELMS.

In addition, I would like to include at this point in the RECORD several recent magazine articles which aptly characterize the confusion created by the Anti-Monopoly case.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 7, 1983 (Business Day Section)]

A LOT RIDES ON A GOOD NAME: TRADEMARK LAW IS UNSETTLED

(By Paul Hemp)

To most people, the board game Monopoly is nothing more than a pleasant diversion. But for executives at the Nestlé Company and many other consumer products concerns, a lot more than $200 for passing Go has been riding on the well-known Parker Brothers game.

Last month, a trademark case involving Monopoly was cited to support a court finding that Nestlé's "Toll House cookie" is a generic name, one that no longer identifies a particular producer. The Toll House decision invoked a controversial Federal appeals court opinion reached last year that the Monopoly name was a generic term and thus not a protected trademark.

In the intervening year the Monopoly decision has been left intact by the Supreme Court, which in February refused to review it. Besides the recent Nestlé decision, the Monopoly case has been cited in a finding that Eastern Air Lines' "Air-Shuttle" is a generic name. Moreover, the controversial decision, Anti-Monopoly Inc. v. General Mills Fun Group Inc., has prompted increased sensitivity on the part of some businesses about their brand names. To that end, companies are stepping up existing programs meant to prevent their trademarks from slipping into generic use.

The case "has put the fear of God in people," said J. Thomas McCarthy, who teaches trademark law at the University of San Francisco Law School. "Marketers are listening to their trademark lawyers more now."

In the Monopoly case, the appeals court in San Francisco said a court may look to the motivation behind a buyer's purchase of a product, as well as his perception of the product's name, in determining whether that name is generic. The case has been criticized by many legal commentators as an aberration from traditional trademark law.

The Supreme Court, in a case involving the name "shredded wheat," said in the 1930's that a name becomes generic and loses trademark status when the "primary significance" of the term in the minds of the consuming public is the product and not the producer.

Courts have held that, through years of use, such names as thermos, aspirin and shredded wheat have become part of the language and so lost their trademark status.

But is the name signified a "single, albeit anonymous, source," then it has usually been protected by courts, according to Mr. McCarthy. Such names as Teflon, Formica and Coke have been upheld as trademarks.

In the Monopoly case, General Mills, which owns Parker Brothers, sued the makers of Anti-Monopoly, a game that rewards players for breaking up monopolies. This time, however, the court, in addition to looking to consumer perception of the name "Monopoly," focused on whether consumers were motivated to buy the game because Parker Brothers made it. The court found they were not so motivated.

This motivation test has been roundly criticized as irrelevant.

"The only people who are going to buy a Parker Brothers product because they like Parker Brothers are the stockholders," said Brian Leitten, a trademark attorney at Hillenbrand Industries, makers of the American Tourister luggage.

"ESOTERIC AND EXTRANEOUS"

The motivation test has also been criticized by the United States Patent and Trademark Office. It has been assailed by an appeals judge in another circuit as "an esoteric and extraneous inquiry." It was ignored by another panel of judges in the same circuit in a later case upholding the trademark status of "Coke." And it has prompted Senator Orrin G. Hatch, Republican of Utah, who said that "most popular quality brands" are threatened by the Anti-Monopoly decision, to propose an amendment to Federal trademark laws that would outlaw the motivation test.

But the Monopoly case itself has retained its force, despite the criticism. Two recent decisions invoked the case, though without expressly relying on its motivation test.

In the Nestlé Company Inc. v. Saccone's Toll House Inc., Nestlé sued the Toll House restaurant, where toll house cookies were first baked more than 40 years ago, for continuing to sell cookies under the Toll House name. Nestlé said it owned the right to use the Toll House trademark for its chocolate chips. But a Federal District Court found that the term "toll house" does not identify the producer of the ingredients in the cookies. It "is now merely a descriptive term for a type of cookie," the court said.

In Eastern Air Lines Inc. v. New York Airlines Inc., a Federal District Court held that the term "shuttle" was generic and did not primarily denote Eastern's Air-Shuttle service.

The Anti-Monopoly case, even if an aberration, has also resulted in increased sensitivity to trademark issues among manufacturers.

The United States Gypsum Company, which makes Sheetrock Brand wall board, has increased advertising intended to educate the public that Sheetrock is a brand, not a generic, name, according to Kenneth E. Roberts, a attorney with the company. "There is increased corporate sensitivity that our own brand may have some of the same problems discussed in the Monopoly case," he said.

Another method often used by producers to protect a trademark is so-called line extension, where a brand name that is becoming generic is given to a number of different products. The use of the name Vaseline on products other than petroleum jelly, and Kleenex for products besides facial tissue are examples of this.

A company may also try to associate a popular trademark with a generic term—for instance, "Jello Brand gelatin"—or simply affix the word "brand" to the product name whenever possible, as in "Sanka Brand" decaffeinated coffee.

Advertising can be less subtle. Well-known companies such as Xerox confront the problem head on by admonishing the consumer to use the company's name only in reference to the product. "So please: copy things, don't 'Xerox' them," one brochure implores.

[From Legal Times, Mar. 7, 1983]

COURT RULES THAT "MONOPOLY" HAS SUFFERED GENERICIDE

(By Saul Lefkowitz and Barry W. Graham)

On Feb. 22, 1983, by refusing to grant certiorari, the Supreme Court let stand a decision of the 9th Circuit Court of Appeals that invalidated the trademark registration of the term "Monopoly" for Parker Brothers' ever-popular real estate board game. The 9th Circuit declared that the term "Monopoly" had become generic, i.e. had become a common descriptive name for that type of board game and thus no longer afforded trademark rights to Parker Brothers, the owner of the "Monopoly" trademark registration.[1]

The "Monopoly" case presents several difficult issues concerning "genericide" of a trademark—the deterioration of a once valid, protectible trademark into a common term available for use by anyone. Of major concern is the 9th Circuit's use of a novel test emphasizing purchaser motivation to determine the genericness of the "Monopoly" mark. According to the 9th Circuit, the genericness of a once-established trademark depends not on any perception that the public may have concerning the jeopardized mark, but rather on what motivates a significant portion of the product's purchasers to buy the trademarked product: a desire to have the product or purchaser loyalty to a known producer. Source-loyalty motivation may be the requirement for mark validity if the 9th Circuit's motivation test becomes the standard. By adopting such a standard the 9th Circuit has presented a substantial threat to the continued validity of many established trademarks used in conjunction with well-known products, according to the critics of the case.

The game of "Monopoly" was commercialized by Charles Darrow in 1933. A U.S. patent issued to Darrow in 1935 was assigned to Parker Brothers at that time. In 1935 and 1936, Parker Brothers obtained federal registrations for the word "Monopoly" as a trademark for its product. Since 1935, Parker Brothers, now a division of CPG Products Corp., has sold more than 80 million sets of the "Monopoly" game in the United States.

The legal battle that culminated in the demise of the term "Monopoly" as a trademark for the popular board game began when Anti-Monopoly, the makers of "Anti-Monopoly: The 'Bust-the-Trust' Game," brought an action against the owners of the federally registered trademark "Monopoly" (Parker Brothers) for a declaratory judgment of noninfringement and/or invalidity of the trademark. The declaratory judgment suit had been precipitated by Parker Brothers' claim that the use of the term "Monopoly" in the title of the "Anti-Monopoly" game was an infringement of its registered trademark. Parker Brothers counterclaimed for a declaration of validity and infringement and sought an injunction against Anti-Monopoly. After the trial of the case, the U.S. District Court for the Northern District of California held that the term "Monopoly" had not become a generic term for the particular and popular board game produced by a single company, was a valid trademark, and had been infringed.[2]

DOCTRINE MISAPPLIED

On the first of two appeals, known as Monopoly I, the 9th Circuit determined that the lower court had misapplied "the genericness doctrine" and reversed consideration of the genericness issue.[3] Finding that the genericness doctrine had undergone little change since *Kellogg Co. v. National Biscuit Co.*, known as the "Shredded Wheat" case,[4] the 9th Circuit in Monopoly I stated the decisive question to be whether the primary significance of a term is to describe the product or to denote the producer of that product, and if a trademark primarily denotes a product rather than the product's producer, trademark protection is lost.

Concluding that the district court did not properly confront the issue of whether the "Monopoly" mark primarily signified the product or its producer, the appellate court remanded the case for further proceedings in which the district court was to determine the primary significance of the term. The 9th Circuit illustrated its position by stating the following:

It may be that when a customer enters a game store and asks for Monopoly he means: "I would like Parker Brothers' version of a real estate trading game, because I like Parker Brothers' products. Thus, I am not interested in board games made by Anti-Monopoly, or anyone other than Parker Brothers." On the other hand, the consumer may mean: "I want a Monopoly game. Don't bother showing me Anti-Monopoly, or Easy Money, or backgammon. I am interested in playing the game of Monopoly. I don't much care who makes it."

In the first example, the consumer differentiates between Monopoly and other games according to source-particular criteria. In the second example, source is not a consideration. * * * The proper mode of analysis is to decide but one question: whether the primary significanct of a term is to denote products or source.[5]

On remand, the district court considered additional consumer survey evidence, including Anti-Monopoly's "motivation" survey formulated from the above-quoted language of the Monopoly I opinion, but noted the difficult and delicate task of applying the Monopoly I standard. The lower court, discrediting Anti-Monopoly's motivation survey, again held that the term "Monopoly" was not generic and was a valid trademark.[6]

In the second appeal, Monopoly II,[7] the 9th Circuit considered itself bound by the law in Monopoly I, the essence of which was stated to be:

A word used as a trademark is not generic if "the primary significance of the term in the minds of the consuming public is not the product but the producer." * * * "[W]hen a trademark primarily denotes a product, not the product's producer, the trademark is lost." * * * A registered mark is to be cancelled if it has become "the common descriptive name of an article," 15 U.S.C. § 1064(c), and no incontestable right can be acquired in such a mark. 15 U.S.C. § 1065(4). We said "Even if only one producer—Parker Brothers—has ever made the Monopoly game, so that the public necessarily associates the product with that particular producer, the trademark is invalid unless source indication is its primary significance." * * * "It is the source-denoting function which trademark laws protect, and nothing more." * * * [O]ne competitor will not be permitted to impoverish the language of commerce by preventing his fellows from fairly describing their own goods."

. . . "[W]hen members of the consuming public use a game name to denote the game itself, and not its producer, the trademark is generic and, therefore, invalid."

In Monopoly II, the court held "clearly erroneous" the lower court's finding of fact that "MONOPOLY" primarily denoted the producer of the game. After it set out the above-quoted, well-established trademark law, the 9th Circuit placed much emphasis on Anti-Monopoly's "motivation" survey and held that the lower court's rejection of the survey was clearly erroneous. The appellate court found that the term "Monopoly" was not primarily source-indicating but had

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Footnotes at end of article.

become generic when applied to the board game. Thus, the registration was invalid, and Parker Brothers' term no longer could enjoy trademark protection.

CONSUMER MOTIVATION SOUGHT

In the motivation survey, Anti-Monopoly sought to elicit the primary significance of the term "Monopoly" to individuals who bought or intended to buy the "Monopoly" game by asking those individuals to state which of the following two statements reflected their thinking:

1. I want a "Monopoly" game primarily because I'm interested in playing "Monopoly"; I don't much care who makes it.

2. I would like Parker Brothers' "Monopoly" game primarily because I like Parker Brothers' products.

As it turned out, 65 percent of the individuals surveyed chose the first of the two alternatives and 32 percent chose the second. The 9th Circuit held that the district court should have concluded from these survey results that the primary significance of the "Monopoly" term is product rather than source.

In its petition for a writ of certiorari, filed on Dec. 23, 1982, Parker Brothers contended that the 9th Circuit's decision radically altered established trademark law in a manner that has immediate and recurring practical effect on the merchandising of goods in the United States. Parker Brothers asserted that the 9th Circuit misread and misapplied a landmark Supreme Court case (the Shredded Wheat case) and that the decision conflicted with decisions in other circuits and the language and policies of the Federal Trademark Act. In addition, Parker Brothers argued that the 9th Circuit exceeded the review authority given to an appellate court by the Federal Rules of Civil Procedure.

Anti-Monopoly opposed the petition, taking the position that the 9th Circuit decision did not alter established trademark law, but rather expressly followed the Supreme Court's "Shredded Wheat" case without conflicting with decisions of other circuits. Concerned about the potential effect on the 9th Circuit's decision on the vitality of other famous trademarks, a variety of bar associations and industry groups sought leave to file amicus briefs in support of Parker Brothers' petition for certiorari. However, the petition was denied by the Supreme Court on Feb. 22, 1983.

NOVEL TEST INTRODUCED

The "Monopoly" case is significant in that the Monopoly I and II opinions quite surprisingly introduced into trademark jurisprudence a novel purchaser motivation test to determine genericness of trademarks in the marketplace. By doing so, the 9th Circuit attempted to focus on the permissible parameters of the trademark truism that the primary function of a mark must be to denote the source of the product and not the product itself.

While the 9th Circuit supported its genericness holding by noting that the term "Monopoly" was used in a unique product produced by a single manufacturer and that the term was somewhat descriptive, the ramifications of its inquiry into consumer motivation and emphasis on that inquiry need not be limited to such unique product, single source, descriptive type circumstances. Thus, the motivation test of the "Monopoly" case, should it become the standard, has far-reaching effect.

Prior to the "Monopoly" case the established test, based on a specific provision of the Federal Trademark Act and acknowledged by the 9th Circuit itself in the above quote from the Monopoly II opinion, was whether the registered mark had become "the common descriptive name of an article."[9] This determination depends on whether the public no longer associates the term under review with a single, albeit anonymous, source. Thus, the inquiry concerns public perception of the term—whether the term was the name of the product—and not what motivated the public to buy the trademark product.

UNSETTLING MOTIVATION DOCTRINE

The "Monopoly" case and its emphasis on consumer motivation raises the specter that the continued vitality of a significant number of well-known and valuable trademarks, even if they are arbitrary or coined marks and even if they are used in other than unique product situations, will depend on whether the purchasing public says it is motivated to buy the trademarked product because of loyalty to a named producer rather than by a desire to have the product. The mere possibility that such a motivation doctrine will become that standard in determining trademark validity is in and of itself unsettling.

The 9th Circuit's Monopoly I and II decisions are certainly not without their critics. For example, in her concurring opinion in *In re D.C. Comics, Inc.*[10] Judge Helen W. Nies, who was well-known as a trademark practitioner before being appointed to the court, took a position contrary to the 9th Circuit Monoply I and II cases regarding use of purchaser motivation in genericness determinations. Without specifically naming the Monoply I and II decisions, Nies stated that some courts had been misled into focusing on determining whether the goods themselves or the producer motivates the purchasing public to buy particular products, an inquiry she classified as "esoteric and extraneous." She maintained that the reason the public is motivated to buy a product—whether it be, for example, quality, particular features, source, pleasing design, association with other goods, price, durability, taste, or prestige of ownership—is of concern only to market researchers and is legally immaterial to the genericness issue. Purchaser motivation and emphasis on a particular source ignores the reality that the primary objective of a purchaser is to obtain particular goods and is not necessarily to seek out particular sources or producers. Motivation does not change a term serving as a trademark in a generic designation. According to Nies, the correct inquiry is whether the public no longer associates the terms in question with a single source.

Additionally, the Monopoly II holding of genericide of the term "MONOPOLY" flies not only in the face of the two lower court findings on the issue, but also in the face of a previous Court of Customs and Patent Appeals (now the Federal Circuit) determination that Parker Brothers "has built up enormous goodwill in the mark MONOPOLY, which has been used since 1935 for a board game and that MONOPOLY may properly be termed a 'famous' mark."[11]

The legal battle and the possible drastic consequences that may flow from the "Monopoly" case with the specter of an ever-present motivation survey challenge have raised grave concern by owners of well-known trademarks and by trade association, as well as by numerous trademark lawyers. Somewhat amazingly for a trademark case, this suit has received widespread publicity and notoriety. The concern is summarized best by Parker Brothers in its petition before the Supreme Court, in which it asserted:

[There exists a] fear that unethical exploiters of [nationally known] trademarks may now commission field surveys and, on receiving reports that more of the public identified the mark with the product than with its manufacturer, begin to utilize previously protected trademarks on the ground that they have become generic. Confusion and uncertainty will engender litigation, with enormous costs that will ultimately be borne by consumers.

To put this concern in context, imagine that you are the owner of such a famous trademark as Procter & Gamble Co.'s "Tide," and that the continued vitality of your heavily promoted and valuable mark depends on passing muster under the 9th Circuit's motivation test—i.e., does a significant portion of purchasers buy your trademarked product because of loyalty and affection towards the known producer of the product? Would you, as the mark owner, believe that your mark could survive such a test? Do you think the consumer even can name the producer of your product? What could you do, if anything, to avoid the consequences of a motivation test?

AFFECTS ADVERTISING STRATEGY

The 9th Circuit's emphasis or purchaser motivation and loyalty of particular source in determining genericness of a mark certainly will raise concerns about trademark usage and product advertising strategy. If purchaser motivation is to become a standard, trademark owners may very well feel the need to stress that a trademark is used to indicate a particular and identified source. For example, past successful promotion of the distinctive trademark "Tide" for laundry detergent may be inadequate to maintain trademark validity under the 9th Circuit's motivation test. The proper promotion called for now may be nothing less than "Procter and Gamble's 'Tide' brand laundry detergent"—emphasizing particularly the producer's name while stressing the term "Tide" as a brand name and providing the public with an easily used generic name for laundry detergent.

This approach is not called for under long-established trademark law, which requires only a mark to indicate a single source, even if that source is anonymous. Such an approach also could be a heavy advertising burden and actually could diminish the traditional value of developing a well-recognized trademark that stands on its own to ensure the consuming public that the product purchased today is essentially the same as the product bought yesterday under the same trademark. Furthermore, such a promotion requirement could lead the public to a brief that there is more than one producer of "Tide" laundry detergent. Such a position is absolutely contrary to basic trademark law.

How far is trademark jurisprudence going to stray from the statutorily prescribed "common descriptive name" genericness test? Will the continued validity of any famous trademark depend solely on a demonstration that the purchasing public thinks of a corporate name when it hears and uses the distinctive term and that the purchase of the trademarked product is made out of loyalty to the corporate producer?

If followed, the 9th Circuit's position concerning genericness of a term may well affect the vitality of a number of existing

trademarks identifying products currently on the market. Futhermore, trademark usage and trademarked product promotion could be influenced greatly by the court's position. It is likely, though, that the rationale of the "Monopoly" case will be tested in other courts; and, given the criticism the case has engendered, those courts will have to consider carefully just how broadly it should be applied, if at all. Only after a period of reflection through other court decisions will the actual impact of the "Monopoly" case be understood.

FOOTNOTES

[1] Anti-Monopoly, Inc. v. General Mills Fun Group, Inc., 684 F.2d 1316 (9th Cir. 1982), *cert. denied* (No. 82-1075, Feb. 22, 1983).

[2] ——F. Supp.——, 195 U.S.P.Q. 634 (N.D. Cal. 1977).

[3] 611 F.2d 296 (9th Cir. 1979) (Monopoly 1).

[4] Kellogg Co. v. National Biscuit Co., 305 U.S. 111 (1938).

[5] 611 F.2d at 305–06 (emphasis in original).

[6] 515 F. Supp. 448 (N.D. Cal. 1981).

[7] Reported at 684 F.2d 1316 (9th Cir. 1982).

[8] 684 F.2d at 1319 (citations omitted).

[9] 15 U.S.C. §1064(c).

[10] In re D.C. Comics, Inc., 689 F.2d 1042 (C.C.P.A. 1982).

[11] Tuxedo Monopoly Inc., v. General Mills Fun Group, 648 F.2d 1335, 1336 (C.C.P.A. 1981).

[From Inc., September 1983]

NEWS AND TRENDS

(By Donna Sammons)

THE NAME OF THE GAME

The year was 1971 and Ralph Anspach, a San Francisco State University economics professor, was sitting in his Berkeley home playing Monopoly with his seven-year-old son. But his mind was not on the game.

"OPEC was just flexing its muscles" Anspach recalls, "so we were talking about the oil crisis. I made some comment about those darn monopolists and my son said 'Well what's wrong with being a monopolist anyway? I had trouble answering. I realized that we'd just been playing Monopoly." The next day, Anspach set out to buy a board game that would show his son some of the problems with monopolies. "I looked around" he says "but there was nothing available. That's when I decided to put out a game that would be as much fun as Monopoly but would also teach something about the advantages of a competitive economy."

Anspach called his game "Bust the Trust, the Anti-Monopoly Game." When his students and friends told him "Bust the Trust" sounded like robbing banks or breaking confidences, he shortened the name to "Anti-Monopoly."

And that was how it all began. Within two years, Anspach and his fledgling company, Anti-Monopoly Inc., were embroiled in a trademark battle that dragged on for nearly a decade. When the dust finally settled, the controversy had brought forth a landmark decision with mind-boggling implications for the entire business community—a decision that called into question the very idea of trademarks and brand names. And Ralph Anspach had won.

The immediate loser was Parker Bros., a General Mills Inc. division based in Beverly, Mass., and the country's leading producer of board games. Since acquiring the rights to Monopoly in 1935, the company has stamped out more than 80 million game sets—and more than 2.6 billion of those little green houses that generations of Monopoly mavens have enjoyed stacking up along Boardwalk and Park Place. The game is now published in 31 countries and 18 languages, including Arabic.

Over the years, Parker Bros. has gone to great lengths to protect its monopoly on Monopoly, and it was not about to make an exception for Anspach. He had hardly begun marketing Anti-Monopoly in 1973 when the company shot off a couple of hellfire and brimstone letters threatening legal action if he did not stop using the name. Anspach shrugged them off.

Not that he was oblivious to the problem. As it happened, he had consulted with two different trademark attorneys before settling on the name Anti-Monopoly. Both had told him that the owner of an existing trademark cannot claim infringement by a competitor if the name of the competitor's product is the opposite of an existing trademark. Such, Anspach concluded, was clearly the case with Monopoly and Anti-Monopoly.

In any event, Anspach had other business to attend to. Anti-Monopoly was moving well—it had sold out in San Francisco—and he had hired a distributor to handle the game nationwide. Word came back that store buyers were "going crazy" over Anti-Monopoly. "We'll sell a million copies!" the distributor predicted.

But then it all turned sour. A rumor began to circulate that Parker Bros. was going after Anspach for violating its trademark. Concerned that a judge might block them from selling the games they purchased, wholesalers grew reluctant to place new orders. Anspach's attorneys contacted Parker Bros. which confirmed that, yes, a suit was being prepared.

They tried to work out a compromise. Would Parker Bros. forgo legal action if Anspach changed the name of his game to "Anti-Monopolist?" No dice, the company responded. What about "Anti-Monopoli" or "Anti-Monopolism?" Forget it, came the reply.

What if Anspach agreed to print a disclaimer of Parker Bros.'s choosing on all Anti-Monopoly boxes?

Parker Bros. turned thumbs down to that idea, too.

A legal battle seemed unavoidable. Anspach's attorneys advised him to file suit first, locally, in order to keep expenses down. On March 6, 1974, he did just that, asking the U.S. District Court for the Northern District of California to declare the Monopoly trademark invalid.

For the next nine years, the battle raged over the name. Along the way, Anspach filed two more lawsuits, accusing Parker Bros. of violating antitrust laws and alleging unfair competition. he also turned down Parker Bros.'s offer to settle the case for $500,000—a figure Anspach considered ridiculously low. After all, he had been selling more than 200,000 Anti-Monopoly sets per year (at $3.60 a set wholesale) until told by the court to stop.

Besides Anspach believed he was going to win. "Everybody was pretty well agreed," he says, "that no jury is going to think Anti-Monopoly can be confused with Monopoly. You have to have a very special legal mind to come up with anything as asinine as that."

Asinine or not, U.S. District Court Judge Spencer Williams twice ruled that Anti-Monopoly violated Monopoly's trademark. To Anspach's relief, however, the U.S. Ninth Circuit Court of Appeals twice overrode the decision and the case moved on to the U.S. Supreme Court. On February 22, 1983, the high court formally declined to take up the dispute thereby letting stand the circuit-court ruling.

That ruling was a clear-cut victory for Anspach. The court declared that "Monopoly" had become a generic term and, consequently, was no longer a trademark, Ergo, Anspach could start making and selling his game once again.

But the decision did more than break Monopoly's monopoly on its name. As Parker Bros. noted in a prepared statement, it turned trademark law "upside down." For the first time, a federal court held that, for a trademark to remain valid, it must denote primarily the source of the product, not the product itself. "That," says Robin A. Rolfe, an attorney and executive director of the United States Trademark Association in New York, "is the part that scares everybody."

Traditionally, trademarks have been lost when people began using the word to refer to more than one product. Aspirin and cellophane are prime examples. To a certain extent, companies can protect their trademarks from such a fate by doing everything in their power to make sure that consumers identify the trademarked name with the specific product in question. Conversely, a company could lose a trademark by failing to do enough to protect it. For that reason, Xerox Corp. regularly takes out ads reminding readers that "whether you want a certain soft drink or a certain copier, you want to be sure that what you get is the real thing." And The Coca-Cola Co. has been known to sue restaurants that serve other soft drinks to customers who ask for "Coke."

Parker Bros., too, had been diligent in defending its Monopoly trademark and the court did not contend otherwise. Rather, it simply bought what Anspach's attorney, Carl Person, was saying about Monopoly—namely, that consumers used the term to refer to the game, not to its manufacturer. To prove his point, he introduced into evidence an opinion poll in which consumers were asked whether they had bought a Monopoly set because they liked the game, or because it was made by Parker Bros. Sixty-five percent said they were motivated to buy Monopoly because they wanted to play the game, not because it was produced by a certain company. And the Ninth Circuit Court took that as proof that Monopoly had become generic. "It is the source-denoting function which a trademark protects," wrote the court, "nothing more."

Surveys or opinion polls aren't new to trademark law, but the Monopoly survey sought to measure the reasons consumers purchase a product, and that is why trademark attorneys are upset. They do not like the idea of motivation surveys one bit, because motivation surveys will make it difficult, if not impossible to defend such well-known trademarks as Cheerios, Dr Pepper, Jell-O, Band-Aid, Tide, you name it. Indeed, just about any trademark could be in jeopardy—provided a challenger can show that people identify the name with the product, and not the company that makes it. In many cases, that would be quite easy to do.

"If you ask someone why he buys Tide detergent, it's not because he loves Procter & Gamble," says Marie Driscoll, a lawyer in New York. "He buys it because it does a good job washing his clothes. The court thinks that would be reason [enough] to declare Tide generic. The court is wrong."

Maybe so, but the courts determine the law. The key question, then, is whether other courts will follow the Ninth Circuit Court's decision. Of course, some courts have to follow the decision—namely, those operating in the Ninth Circuit, which covers Alaska, Arizona, California, Guam, Hawaii,

Idaho, Montana, Nevada, Oregon, and Washington. Elsewhere, the issue is not so clear.

"The decision, if it is followed by courts throughout the country, will be of extreme importance," says Arthur I. Greenbaum, a partner in the law firm of Cowan Liebowitz & Latman in New York City, "because it sets forth a view which will doom many famous trademarks. We have to see whether or not other courts throughout the country will follow it. The United States Patent and Trademark Office has already taken the position that they will not follow the case. That's been done formally and publicly in a brief which was filed."

In the meantime, the fight between Anspach and Parker Bros. continues. The case is still in U.S. District Court in San Francisco, where the antitrust and unfair competition charges brought by Anspach against the game manufacturer have yet to be tried. While he waits for a trial date to be set, Anspach is teaching economics, and, in his spare time, hawking his game. As for attorney Carl Person, Anti-Monopoly's lawyer, he has bigger plans. At last report, he was taking University City Studios Inc. and Merchandising Corp. of America Inc., to court—to challenge its trademark on E.T.

Mr. LEAHY. Mr. President, I am pleased to join Senator HATCH in introducing a bill to solve a serious and growing problem in our trademark law. The cancellation of a Federal trademark is a serious occurrence. When it occurs without justification, it signals the unwarranted destruction of a valuable business asset. To the extent we unduly weaken a system of trademark protection that has encouraged investment and created jobs for generations, we weaken the fabric of American enterprise.

No one wants generic words to continue to enjoy trademark status. But for a very long time the law has been settled that a trademark endures so long as the public recognizes and accepts a term as a trademark. Admittedly the test can be difficult where the facts are close, but on the other hand the courts have developed the expertise to address this test meaningfully and accurately.

Last year, on the strength of a public opinion survey of doubtful relevance, the ninth circuit introduced a new legal test for cancellation—one that could do inestimable harm to the stability of trademark law if allowed to stand. The court's new motivation test tied the continuation of the trademark to the ability of the public to identify the maker of the product. The Anti-Monopoly case set forth a rule that is unsound in logic and unsuited to the practical task of identifying trademarks that really have become generic and should be canceled.

Our bill restores the former law in a straightforward manner and has been carefully drawn so that new ambiguities are not introduced. It does not tip the balance under prior law in favor of the maintenance of a given trademark. It does nothing more than cure the problem created in the ninth circuit.

The beneficiaries of this bill will be countless trademark owners and, ultimately, the consuming public.

I want to thank Senator HATCH for his hard work on this issue and to urge the remainder of my colleagues to help restore the proper legal test in this important area of trademark law.

By Mr. SIMPSON (for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. GARN, Mr. HART, Mr. HATCH, Mr. HECHT, Mr. LAXALT, and Mr. WALLOP):

S. 1991. A bill to grant the consent of the Congress to the Rocky Mountain low-level radioactive waste compact; to the Committee on the Judiciary.

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE COMPACT

● Mr. SIMPSON. Mr. President, I am pleased to introduce legislation today on behalf of myself, Senator BINGAMAN, Senator DOMENICI, Senator GARN, Senator HART, Senator HATCH, Senator HECHT, Senator LAXALT, and Senator WALLOP, granting the consent of Congress to the Rocky Mountain low-level radioactive waste compact. This compact has been submitted to Congress, pursuant to section 4(A)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(A)(2).

It was approximately 3 years ago, Mr. President, that the Congress passed the Low-Level Radioactive Waste Policy Act, establishing a comprehensive policy for the disposal of low-level radioactive waste. Recognizing that this was an area in which States could and should take the lead, Congress authorized States to enter into regional compacts for the disposal of low-level waste. States were given a great deal of flexibility in establishing these compacts, including a free hand in deciding what States would be members of which compacts and what procedures would govern the continuing operations of the compacts. Under the law passed by Congress, each of these compact regions would be responsible for disposing of low-level waste generated within the region. In addition, Congress authorized the compact regions, after January 1, 1986, to restrict the use of their regional disposal facilities to the disposal of low-level waste generated within the region.

Shortly after passage of the Low-Level Radioactive Waste Policy Act, the process of discussion and negotiation among the States began. Shouldered with a new and important responsibility, States set about the task of formulating the agreements called for under the act. In large part, the compact regions that resulted from the discussions have been geographical in character—with groups of States from a given region joining together to address the problem of low-level waste disposal within that particular region. The Rocky Mountain low-level radioactive waste compact is the result of the efforts of six States—Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming—to formulate a policy for disposal for disposal of low-level waste generated within this region. Four of those States—Colorado, Nevada, New Mexico, and Wyoming—have formally joined the Rocky Mountain compact, and Arizona and Utah, if they choose to do so, are eligible to join as well.

I do want to congratulate all of those within the Rocky Mountain region who worked so long and diligently to pull this compact together. The issues that had to be addressed were by no means simple to resolve, and beyond that, there were limits on the time available to reach agreement, with the remaining low-level waste disposal sites authorized to close in 1986. With all of these pressures, these States have taken on their responsibilities in a responsible and timely fashion, and for that I would like to commend and congratulate them.

It is now our responsibility to address this and other compacts in a responsible and timely fashion, in order that the States may get on with the task of addressing this important issue. I trust that my very fine and close friend and distinguished colleague from South Carolina, the chairman of the Judiciary Committee, STROM THURMOND, will feel the same, and I shall look forward to working closely with him and with his staff as this committee moves forward with its consideration of this compact. In fact, Mr. President, I had the good fortune of chairing the first hearing held by the Congress on the low-level waste compacts for the Judiciary Committee, on the chairman's behalf, in Seattle, Wash., just over a year ago, and I have every confidence that these compacts will be guided by the very able skills of the Senator from South Carolina—who, in large part, is most directly responsible for the progress that we have achieved in this field—for STROM THURMOND was the original sponsor of the Low-Level Radioactive Waste Policy Act.

Mr. President, I do ask unanimous consent that a copy of a letter to me from Gov. Ed Herschler and a copy of a letter to me from Gov. Richard D. Lamm, both requesting that I introduce consent legislation for the Rocky Mountain low-level radioactive waste compact be printed in the CONGRESSIONAL RECORD following my remarks.

In addition, Mr. President, I ask unanimous consent that a summary of this compact prepared by the Rocky Mountain region be placed in the CONGRESSIONAL RECORD following my remarks. I also ask unanimous consent that copies of two resolutions adopted by the Rocky Mountain low-level Ra-

dioactive Waste Board be placed in the CONGRESSIONAL RECORD.

And finally, Mr. President, I ask unanimous consent that a copy of the bill be placed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., July 26, 1983.

Re Rocky Mountain Low-Level Radioactive Waste Compact.

Hon. ALAN K. SIMPSON,
U.S. Senator, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR SIMPSON: As I am sure you are aware, Congress will soon be considering consent legislation relating to several regional low-level radioactive waste compacts. The Northwest Interstate Compact has already been introduced in Congress. The Rocky Mountain and Southeast Compacts are expected to be introduced in the near future. These compacts each give effect to the congressional statement in the Low-Level Radioactive Waste Policy Act of 1980, that states should assume the responsibility for managing low-level waste, preferably through interstate compacts.

Wyoming has participated in the negotiation and development of both the Northwest and the Rocky Mountain Compacts. Due to the specific compact language, I supported Wyoming's membership in the Rocky Mountain Compact. This last session the Wyoming legislature enacted enabling legislation authorizing our membership in the Rocky Mountain Compact. The Enrolled Act is enclosed for your reference.

While low-level radioactive waste management is an important nationwide issue, our state is in the enviable position of not currently generating much low-level waste. From a Department of Energy study, 83 potential generators and shippers of low-level radioactive waste were identified. Industrial licensees (i.e., manufacturers of radiopharmaceuticals, testing and industrial research laboratories, and equipment manufacturers), are the most numerous, followed by medical, governmental and academic. The licensees identified several disposal methods: hold for decay, bury on site, and release of waste to sewage systems. None of the licensees incinerate waste, dispose in common refuse, or ship waste to disposal facilities.

Regardless of this current situation, it is important to realize that the compacts now being adopted by the states are expected to establish a framework for low-level waste management for many years to come. Wyoming's membership in a viable interstate compact will insure that at some future date, if our hospitals or industries generate greater volumes or different types of low-level waste not amenable to onsite management, a regional site in a neighboring membership in the Rocky Mountain Compact will also discourage the federal government or private industry from any initiative to site a low-level radioactive waste facility in Wyoming.

Because of these issues, I am asking you to consider sponsoring the Congressional consent legislation for the Rocky Mountain Compact. As a key member of the Senate Judiciary Committee, your active support of this important legislation would be invaluable.

Thank you for your consideration of this matter. With warm regards, I am

Yours sincerely,

ED HERSCHLER.

STATE CAPITOL,
Denver, Colo., September 7, 1983.

Hon. ALAN K. SIMPSON,
U.S. Senate, Senate Dirksen Office Building, Washington, D.C.

DEAR SENATOR SIMPSON: The purpose of this letter is to request your sponsorship along with that of Senators Laxalt, DeConcini, Hecht, Domenici, Wallop and Hart of the Rocky Mountain Low-Level Radioactive Waste Compact.

In 1979 a national crisis was nearly precipitated when the three existing low-level radioactive waste disposal sites temporarily closed or reduced the amount of waste which would be accepted. In response to the national need to achieve greater regional equity in the management of low-level radioactive waste, the states recommended and the Congress enacted legislation encouraging interstate compacts to manage wastes on a regional basis.

The States of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming have successfully negotiated an interstate compact which has been enacted into law by Colorado, Nevada, New Mexico, and Wyoming. Arizona and Utah remain eligible to join the compact at any time in the future.

The Rocky Mountain Compact requires congressional consent because it seeks to exclude from the region (in conformance with federal law) that low-level radioactive waste generated in states which are not members of the compact. The purpose of this provision is to enable the region to develop new low-level radioactive waste management facilities without allowing the region to become the dumping ground for the nation.

It is very important that the Rocky Mountain Compact be introduced in Congress immediately following the August recess, since hearings in both the House and the Senate are being planned for September. Because of your membership on the Judiciary Committee, it would be most helpful if you would be willing to be a prime sponsor of the Rocky Mountain compact consent legislation. It is my hope that all members of Congress from the six eligible states will cosponsor the legislation.

Enclosed for your information is a draft of the congressional consent language, the Compact, and a summary of the Compact. I have also enclosed Resolutions No. 1 and 2 of the Rocky Mountain Low-Level Radioactive Waste Board, which are intended to resolve all federal concerns with the Compact.

If you have any questions please feel free to contact me or Mary Whitman in my office.

Sincerely,

RICHARD D. LAMM,
Governor.

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE COMPACT SUMMARY OF KEY PROVISIONS

I. FINDINGS AND PURPOSE

States are responsible for providing for the management of non-federal low-level radioactive waste.

II. DEFINITIONS

1. Host state means a state in which a regional facility for the disposal or incineration of low-level radioactive waste is located.

2. Low-level waste excludes federal waste, high-level waste, material contaminated with transuranic elements emitting more than 10 nanocuries per gram, and mining and milling waste.

3. Facility means any property, equipment or structure used for the management (collection, consolidation, storage, treatment, incineration, disposal) of low-level waste.

III. RESPONSIBILITIES OF PARTY AND HOST STATES

1. At least one regional facility other than Beatty, Nevada must be open and operating in a party state other than Nevada within 6 years after Nevada and at least one other state have adopted the compact.

2. Low-level waste generated within the region shall be managed at regional facilities without discrimination among the party states.

3. Each party state that generates 20 percent or more of the region's waste has an obligation to host a regional facility.

4. A state seeking to fulfill its obligation to become a host state shall cause a regional facility to be developed on a timely basis as determined by the board.

5. Once a party state has served as a host state it shall not be obligated to serve again until each other party state having an obligation to host a regional facility has fulfilled that obligation.

6. The decisions on how and where to site a facility are left to the laws and policies of the host state(s).

7. All party states shall maintain an inventory of all generators within the state that may have low-level waste to be managed at a regional facility.

8. All party states must enforce transportation and packaging regulations.

IV. BOARD APPROVAL OF REGIONAL FACILITES

The board must approve or disapprove all regional facilities, based only on consideration of economic feasibility and capacity requirements.

V. SURCHARGES

1. The board will impose a surcharge on waste disposed at regional facilities to provide funding for administration of the compact.

2. A host state may impose a surcharge on waste disposed at a regional facility in order to offset regulatory costs, local government impacts, to provide for closure and long-term care and to provide a positive financial incentive for state and local governments.

3. The board is authorized to ensure that all surcharges are reasonable.

VI. THE BOARD

1. The board, which shall meet at least once per year is composed of one representative from each party state.

2. Each party state must pay $70,000 to fund the initial two year operating costs of the compact.

3. The board shall keep an inventory of all waste generators and regional facilities.

4. The board shall prepare a contingency plan in the event a regional facility is closed and may develop a regional low-level waste management plan and provide information to the party states.

5. The board shall submit an annual report to the party states' governors and legislatures.

6. The board is authorized to assure that charges by regional facilities are reasonable.

VII. PROHIBITED ACTS

1. It is unlawful for low-level waste to be disposed of at other than a regional facility approved by the board.

2. After January 1, 1986, low-level radioactive waste may not be shipped out of the region without approval of the board and host state(s).

3. After January 1, 1986, no low-level radioactive waste may be shipped into the region unless approved by the board and host state(s).

4. No defense or federal low-level radioactive waste or any other type of waste not defined by the compact as low-level waste may be managed at a regional facility unless authorized by the board and host state.

5. The board many impose civil penalties and seek court orders to enforce the provisions of the compact.

VIII. ELIGIBILITY, ENTRY INTO EFFECT, CONGRESSIONAL CONSENT, WITHDRAWAL, EXCLUSION

1. The States of Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming are eligible to join.

2. Other states may join with the unanimous consent of the board.

3. The compact must be ratified by Congress

4. If a state fails to fulfill its obligations under the compact, it may be excluded by a two-thirds vote of the remaining states on the board.

5. A state may withdraw from the compact two years after legislative repeal of the compact.

6. If a host state chooses to withdraw from the compact, its facility will continue to be available to the remaining party states for five years so that another facility can be developed.

RESOLUTION NO. 1 OF THE ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

Whereas, Article 7 of the Rocky Mountain Low-Level Radioactive Waste Compact ("Compact") authorizes the Rocky Mountain Low-Level Radioactive Waste Board ("Board") to allow the management of radioactive wastes other than low level waste as defined in Article 2 of the Compact; and

Whereas, the Board finds that the management of transuranic wastes with contamination levels not exceeding 100 nanocuries per gram of waste material will not significantly affect the available capacity and projected life of any regional facilities to be built in the region; and

Whereas, the Board finds that the management in the region of transuranic wastes with contamination levels not exceeding 100 nanocuries per gram of waste material will not significantly affect the economic viability of any regional facilities; and

Whereas, the Board finds that regional facilities have no obligation to dispose of radioactive waste generated by atomic energy defense activities of the Secretary of the United States Department of Energy, its agents, successors or assigns pursuant to Article 7 of the Compact or the Low-Level Radioactive Waste Policy Act, Public Law 96-573; and

Whereas, the Board finds that the disposal at regional facilities of radioactive waste which would otherwise constitute "low-level waste" as defined in the Compact except that the waste is generated by the federal government (hereinafter "federal waste") other than that produced by atomic energy defense activities of the United States Department of Energy, its agents, successors or assigns, will not unacceptably affect the available capacity and projected life of any regional facilities to be built in the region and will not adversely affect the economic viability of any regional facilities so long as appropriate limits are placed on the quantity of that waste disposed at regional facilities.

It is hereby resolved that:

1. Waste material containing transuranic elements with contamination levels not exceeding 100 nanocuries per gram of waste material may be disposed of at regional facilities.

2. "Federal waste" may be disposed of at regional facilities subject to the following conditions and restrictions:

(a) No federal waste generated at an atomic energy defense installation or institution of any type owned or operated by the United States Department of Energy, its agents, successor, or assigns and no federal waste resulting from the research, development or production of atomic weapon may be disposed of at any regional facility without the consent of the Board and the host state as provided in the Compact.

(b) It is the intent of Congress that federal activities to which this Compact applies shall be subject to the same regulations, requirements, and service charges by the Compact and/or its states, in the same manner and to the same extent as any nonfederal entity.

(c) In any calendar year, the total quantity (by volume) of federal waste disposed of at regional facility(s) shall not exceed 5 percent of the total amount of waste disposed of in the region without the consent of the Board and the host state as provided in the Compact.

(d) In addition to the restrictions and conditions contained in paragraphs (a) through (c) above, no federal waste, except federal waste generated within the region, may be disposed of at any regional facility without the consent of the Board and the host state as provided in the Compact.

This resolution is unanimously adopted by the representatives of the States of Colorado, Nevada, New Mexico and Wyoming on August 5, 1983.

For the State of Colorado: William Hendee.

For the State of New Mexico: Robert McNeill.

For the State of Nevada: S. Barton Jacka.

For the State of Wyoming: John Doerges.

RESOLUTION NO. 2 OF THE ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE BOARD

Whereas, the United States Nuclear Regulatory Commission ("NRC") is concerned that the use of the term "management" in the Rocky Mountain Low Level Radioactive Waste Compact ("Compact") may permit the Rocky Mountain Low Level Radioactive Waste Board ("Board") to establish regional health, safety or environmental regulatory functions; and

Whereas, the Low-Level Radioactive Waste Policy Act, Public Law 96-573 states that "low-level radioactive waste can be most safely managed on a regional basis"; and

Whereas, the only regional regulatory authority contained in the Compact concerns the Board's approval of regional facilities solely on economic criteria which are outside the purview of the Atomic Energy Act and the NRC (under the Compact, all health and safety authorities continue to be vested in the individual states and/or the NRC); and

Whereas, the NRC is concerned that the Compact's restriction on export of waste from the region could be viewed as a burden on interstate commerce; and

Whereas, the Compact contains a provision allowing the Board to authorize the export of waste from the region; and

Whereas, the Board finds that the restriction on export of waste from the region is necessary to assure the economic viability of the region's facilities and can be constitutionally authorized by the United States Congress in consenting to the Compact; and

Whereas, the NRC is concerned that the Board or states party to the Compact may be authorized by the Compact to inspect NRC licensees or promulgate packaging and transportation standards which may be inconsistent with federal law; and

Whereas, the Compact does not provide the Board or the states party to the Compact with any regulatory authority over the packaging or transportation of low-level radioactive wastes not already authorized under state or federal laws.

It is hereby resolved that:

1. The Board will not establish any regional health, safety or environmental regulatory functions.

2. The Board will not seek to restrict the export of waste from the region unless and until the Board is authorized to do so by the United States Congress.

3. The Atomic Energy Act of 1954 prevents both the Board and the states party to the Compact from inspecting NRC licensees except as may be provided under section 274i of the Act. The Board will not adopt packaging or transportation requirements which would be inconsistent with federal provisions.

This resolution is unanimously adopted by the representatives of the States of Colorado, Nevada, New Mexico and Wyoming on August 5, 1983.

For the State of Colorado: William Hendee.

For the State of New Mexico: Robert McNeill.

For the State of Nevada: S. Barton Jacka.

For the State of Wyoming: John Doerges.

S. 1991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of the Congress hereby is given to the States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming to enter into the Rocky Mountain Interstate Low-Level Radioactive Waste Compact.

Such compact is substantially as follows:

ROCKY MOUNTAIN LOW-LEVEL RADIOACTIVE WASTE COMPACT

ARTICLE I. FINDINGS AND PURPOSE

(a) The party states agree that each state is responsible for providing for the management of low-level radioactive waste generated within its borders, except for waste generated as a result of defense activities of the federal government of federal research and development activities. Moreover, the party states find that the United States Congress, by enacting the "Low-Level Radioactive Waste Policy Act" (P.L. 96-573), has encouraged the use of interstate compacts to provide for the establishment and operation of facilities for regional management of low-level radioactive waste.

(b) It is the purpose of the party states, by entering into an interstate compact, to establish the means for cooperative effort in managing low-level radioactive waste; to ensure the availability and economic viability of sufficient facilities for the proper and efficient management of low-level radioactive waste generated within the region while preventing unnecessary and uneconomic proliferation of such facilities; to encourage reduction of the volume of low-level radioactive waste requiring disposal within the region; to restrict management within the region of low-level radioactive waste generated outside the region; to distribute the costs, benefits and obligations of low-level radioactive waste management equitably among the party states; and by these means to promote the health, safety and welfare of the residents within the region.

ARTICLE II. DEFINITIONS

As used in this compact, unless the context clearly indicates otherwise:

(a) "Board" means the Rocky Mountain low-level radioactive waste board;

(b) "Carrier" means a person who transports low-level waste;

(c) "Disposal" means the isolation of waste from the biosphere, with no intention of retrieval, such as my land burial;

(d) "Facility" means any property, equipment or structure used or to be used for the management of low-level waste;

(e) "Generate" means to produce low-level waste;

(f) "Host state" means a party state in which a regional facility is located or being developed;

(g) "Low level waste" or "waste" means radioactive waste other than:

(i) "Waste generated as a result of defense activities of the federal government or federal research and development activities;

(ii) High-level waste such as irradiated reactor fuel, liquid waste from reprocessing irradiated reactor fuel, or solids into which any such liquid waste has been converted;

(iii) Waste material containing transuranic elements with contamination levels greater than ten (10) nanocuries per gram of waste material;

(iv) By-product material as defined in Section 11 e. (2) of the "Atomic Energy Act of 1954," as amended November 8, 1978; or

(v) Wastes from mining, milling, smelting or similar processing of ores and mineral-bearing material primarily for mineral other than radium.

(h) "Management" means collection, consolidation, storage, treatment, incineration or disposal;

(j) "Operator" means a person who operates a regional facility;

(k) "Person" means an individual, corporation, partnership or other legal entity, whether public or private;

(m) "Region" means the combined geographical area within the boundaries of the party states; and

(n) "Regional facility" means a facility within any party state which either:

(i) has been approved as a regional facility by the board; or

(ii) is the low-level waste facility in existence on January 1, 1982, at Beatty, Nevada.

ARTICLE III—RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS

(a) There shall be regional facilities sufficient to manage the low-level waste generated within the region. At least one (1) regional facility shall be open and operating in a party state other than Nevada within six (6) years after this compact becomes law in Nevada and in one (1) other state.

(b) Low-level waste generated within the region shall be managed at regional facilities without discrimination among the party states; provided, however, that a host state may close a regional facility when necessary for public health or safety.

(c) Each party state which, according to reasonable projections made by the board, is expected to generate twenty percent (20 percent) or more in cubic feet except as otherwise determined by the board of the low-level waste generated within the region has an obligation to become a host state in compliance with subsection (d) of this article.

(d) A host state, or a party state seeking to fulfill its obligation to become a host state, shall:

(i) Cause a regional facility to be developed on a timely basis as determined by the board, and secure the approval of such regional facility by the board as provided in Article IV before allowing site preparation or physical construction to begin;

(ii) Ensure by its own law, consistent with any applicable federal law, the protection and preservation of public health and safety in the siting, design, development, licensure or other regulation, operation, closure, decommissioning and long-term care of the regional facilities within the state;

(iii) Subject to the approval of the board, ensure that charges for management of low-level waste at the regional facilities within the state are reasonable;

(iv) Solicit comments from each other party state and the board regarding siting, design, development, licensure or other regulation, operation, closure, decommissioning and long term care of the regional facilities within the state and respond in writing to such comments;

(v) Submit an annual report to the board which contains projections of the anticipated future capacity and availability of the regional facilities within the state, together with other information required by the board; and

(vi) Notify the board immediately if any exigency arises requiring the possible temporary or permanent closure of a regional facility within the state at a time earlier than was projected in the state's most recent annual report to the board.

(e) Once a party state has served as a host state, it shall not be obligated to serve again until each other party state having an obligation under subsection (c) of this article has fulfilled that obligation. Nevada, already being a host state, shall not be obligated to serve again as a host state until every other party state has so served.

(f) Each party state:

(i) Agrees to adopt and enforce procedures requiring low-level waste shipments originating within its borders and destined for a regional facility to conform to packaging and transportation requirements and regulations. Such procedures shall include but are not limited to:

(A) Periodic inspections of packaging and shipping practices;

(B) Periodic inspections of waste containers while in the custody of carriers; and

(C) Appropriate enforcement actions with respect to violations.

(ii) Agrees that after receiving notification from a host state that a person in the party state has violated packaging, shipping or transportation requirements or regulations, it shall take appropriate acton to ensure that violations do not recur. Appropriate action may include but is not limited to the requirement that a bond be posted by the violator to pay the cost of repackaging at the regional facility and the requirement that future shipments be inspected;

(iii) May impose fees to recover the cost of the practices provided for in paragraphs (i) and (ii) of this subsection;

(iv) Shall maintain an inventory of all generators within the state that may have low-level waste to be managed at a regional facility; and

(v) May impose requirements or regulations more stringent than those required by this subsection.

ARTICLE IV. BOARD APPROVAL OF REGIONAL FACILITIES

(a) Within ninety (90) days after being requested to do so by a party state, the board shall approve or disapprove a regional facility to be located within that state.

(b) A regional facility shall be approved by the board if and only if the board determines that:

(i) There will be, for the foreseeable future, sufficient demand to render operation of the proposed facility economically feasible without endangering the economic feasibility of operation of any other regional facility; and

(ii) The facility will have sufficient capacity to serve the needs of the region for a reasonable period of years.

ARTICLE V. SURCHARGES

(a) The Board shall impose a "compact surcharge" per unit of waste received at any regional facility. The surcharge shall be adequate to pay the costs and expenses of the board in the conduct of its authorized activities and may be increased or decreased as the board deems necessary.

(b) A host state may impose a "state surcharge" per unit of waste received at any regional facility within the state. The host state may fix and change the amount of the state surcharge subject to approval by the board. Money received from the state surcharge may be used by the host state for any purpose authorized by its own law, including but not limited to costs of licensure and regulatory activities related to the regional facility, reserves for decommissioning and long-term care of the regional facility and local impact assistance.

ARTICLE VI. THE BOARD

(a) The "Rocky Mountain low-level radioactive waste board", which shall not be an agency or instrumentality of any party state, is created.

(b) The board shall consist of one (1) member from each party state. The governor shall determine how and for what term its member shall be appointed, and how and for what term any alternate may be appointed to perform that member's duties on the board in the member's absence.

(c) Each party state is entitled to one (1) vote. A majority of the board constitutes a quorum. Unless otherwise provided in this compact, a majority of the total number of votes on the board is necessary for the board to take any action.

(d) The board shall meet at least once a year and otherwise as its business requires. Meetings of the board may be held in any place within the region deemed by the board to be reasonably convenient for the attendance of persons required or entitled to attend and where adequate accommodations may be found. Reasonable public notice and opportunity for comment shall be given with respect to any meeting: *Provided, however,* That nothing in this subsection shall preclude the board from meeting in executive session when seeking legal

advice from its attorneys or when discussing the employment, discipline or termination of any of its employees.

(e) The board shall pay necessary travel and reasonable per diem expenses of its members, alternates, and advisory committee members.

(f) The board shall organize itself for the efficient conduct of its business. It shall adopt and publish rules consistent with this compact regarding its organization and procedures. In special circumstances the board, with unanimous consent of its members, may take actions by telephone; provided, however, that any action taken by telephone shall be confirmed in writing by each member within thirty (30) days. Any action taken by telephone shall be noted in the minutes of the board.

(g) The board may use for its purposes the services of any personnel or other resources which may be offered by any party state.

(h) The board may establish its offices in space provided for that purpose by any of the party states, or, if space is not provided or is deemed inadequate, in any space within the region selected by the board.

(j) Consistent with available funds, the board may contract for necessary personnel services to carry out its duties. Staff shall be employed without regard for the personnel, civil service or merit system laws of any of the party states and shall serve at the pleasure of the board. The board may provide appropriate employee benefit programs for its staff.

(k) The board shall establish a fiscal year which conforms to the extent practicable to the fiscal years of the party states.

(m) The board shall keep an accurate account of all receipts and disbursements. An annual audit of the books of the board shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the board.

(n) The board shall prepare and include in the annual report a budget showing anticipated receipts and disbursements for the ensuing year.

(o) Upon legislative enactment of this compact, each party state shall consider the need to appropriate seventy thousand dollars ($70,000.00) to the board to support its activities prior to the collection of sufficient funds through the compact surcharge imposed pursuant to subsection (a) of article V of this compact.

(p) The board may accept any donations, grants, equipment, supplies, materials or services, conditional or otherwise, from any source. The nature, amount and condition, if any, attendant upon any donation, grant or other resources accepted pursuant to this subsection, together with the identity of the donor or grantor, shall be detailed in the annual report of the board.

(q) In addition to the powers and duties conferred upon the board pursuant to other provisions of this compact, the board:

(i) Shall submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the board, including an annual report to be submitted by December 15;

(ii) May assemble and make available to the governments of the party states and to the public through its members information concerning low-level waste management needs, technologies and problems;

(iii) Shall keep a current inventory of all generators within the region, based upon information provided by the party states;

(iv) Shall keep a current inventory of all regional facilities, including information on the size, capacity, location, specific wastes capable of being managed and the projected useful life of each regional facility;

(v) May keep a current inventory of all low-level waste facilities in the region, based upon information provided by the party states;

(vi) Shall ascertain on a continuing basis the needs for regional facilities and capacity to manage each of the various classes of low-level waste;

(vii) May develop a regional low-level waste management plan;

(viii) May establish such advisory committees as it deems necessary for the purpose of advising the board on matters pertaining to the management of low-level waste;

(ix) May contract as it deems appropriate to accomplish its duties and effectuate its powers, subject to its projected available resources; but no contract made by the board shall bind any party state;

(x) Shall make suggestions to appropriate officials of the party states to ensure that adequate emergency response programs are available for dealing with any exigency that might arise with respect to low-level waste transportation or management;

(xi) Shall prepare contingency plans, with the cooperation and approval of the host state, for management of low-level waste in the event any regional facility should be closed;

(xii) May examine all records of operators of regional facilities pertaining to operating costs, profits or the assessment or collection of any charge, fee or surcharge;

(xiii) Shall have the power to sue; and

(xiv) When authorized by unanimous vote of its members, may intervene as of right in any administrative or judicial proceeding involving low-level waste.

ARTICLE VII. PROHIBITED ACTS AND PENALTIES

(a) It shall be unlawful for any person to dispose of low-level waste within the region, except at a regional facility; provided, however, that a generator who, prior to January 1, 1982, had been disposing of only his own waste on his own property may, subject to applicable federal and state law, continue to do so.

(b) After January 1, 1986, it shall be unlawful for any person to export low-level waste which was generated within the region outside the region unless authorized to do so by the board. In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:

(i) The economic impact of the export of the waste on the regional facilities;

(ii) The economic impact on the generator of refusing to permit the export of the waste; and

(iii) The availability of a regional facility appropriate for the disposal of the waste involved.

(c) After January 1, 1986, it shall be unlawful for any person to manage any low-level waste within the region unless the waste was generated within the region or unless authorized to do so both by the board and by the state in which said management takes place. In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:

(i) the impact of importing waste on the available capacity and projected life of the regional facilities;

(ii) the economic impact on the regional facilities; and

(iii) the availability of a regional facility appropriate for the disposal of the type of waste involved.

(d) It shall be unlawful for any person to manage at a regional facility any radioactive waste other than low-level waste as defined in this compact, unless authorized to do so both by the board and the host state. In determining whether to grant such authorization, the factors to be considered by the board shall include, but not be limited to, the following:

(i) the impact of allowing such management on the available capacity and projected life of the regional facilities;

(ii) the availability of a facility appropriate for the disposal of the type of waste involved;

(iii) the existence of transuranic elements in the waste; and

(iv) the economic impact on the regional facilities.

(e) Any person who violates subsection (a) or (b) of this article shall be liable to the board for a civil penalty not to exceed ten (10) times the charges which would have been charged for disposal of the waste at a regional facility.

(f) Any person who violates subsection (c) or (d) of this article shall be liable to the board for a civil penalty not to exceed ten (10) times the charges which were charged for management of the waste at a regional facility.

(g) The civil penalties provided for in subsections (e) and (f) of this article may be enforced and collected in any court of general jurisdiction within the region where necessary jurisdiction is obtained by an appropriate proceeding commenced on behalf of the board by the attorney general of the party state wherein the proceeding is brought or by other counsel authorized by the board. In any such proceeding, the board, if it prevails, is entitled to recover reasonable attorney's fees as part of its costs.

(h) Out of any civil penalty collected for a violation of subsection (a) or (b) of this article, the board shall pay to the appropriate operator a sum sufficient in the judgment of the board to compensate the operator for any loss of revenue attributable to the violation. Such compensation may be subject to state and compact surcharges as if received in the normal course of the operator's business. The remainder of the civil penalty collected shall be allocated by the board. In making such allocation, the board shall give first priority to the needs of the long-term care funds in the region.

(j) Any civil penalty collected for a violation of subsection (c) and (d) of this article shall be allocated by the board. In making such allocation, the board shall give first priority to the needs of the long-term care funds in the region.

(k) Violations of subsection (a), (b), (c), or (d) of this article may be enjoined by any court of general jurisdiction within the region where necessary jurisdiction is obtained in any appropriate proceeding commenced on behalf of the board by the attorney general of the party state wherein the proceeding is brought or by other counsel authorized by the board. In any such proceeding, the board, if it prevails, is entitled to recover reasonable attorney's fees as part of its costs.

(m) No state attorney general shall be required to bring any proceeding under any subsection of this article, except upon his consent.

ARTICLE VIII. ELIGIBILITY, ENTRY INTO EFFECT, CONGRESSIONAL CONSENT, WITHDRAWAL, EXCLUSION

(a) Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming are eligible to become parties to this compact. Any other state may be made eligible by unanimous consent of the board.

(b) An eligible state may become a party state by legislative enactment of this compact or by executive order of its governor adopting this compact; provided, however, a state becoming a party by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened thereafter, unless before such adjournment the legislature shall have enacted this compact.

(c) This compact shall take effect when it has been enacted by the legislatures of two (2) eligible states. However, subsections (b) and (c) of article VII shall not take effect until Congress has by law consented to this compact. Every five (5) years after such consent has been given, Congress may by law withdraw its consent.

(d) A state which has become a party state by legislative enactment may withdraw by legislation repealing its enactment of this compact; but no such repeal shall take effect until two (2) years after enactment of the repealing legislation. If the withdrawing state is a host state, any regional facility in that state shall remain available to receive low-level waste generated within the region until five (5) years after the effective date of the withdrawal; provided, however, this provision shall not apply to the existing facility in Beatty, Nevada.

(e) A party state may be excluded from this compact by a two-thirds (2/3) vote of the members representing the other party states, acting in a meeting, on the ground that the state to be excluded has failed to carry out its obligations under this compact. Such an exclusion may be terminated upon a two-thirds (2/3) vote of the members acting in a meeting.

ARTICLE IX. CONSTRUCTION AND SEVERABILITY

(a) The provisions of this compact shall be broadly construed to carry out the purposes of the compact.

(b) Nothing in this compact shall be construed to affect any judicial proceeding pending on the effective date of this compact.

(c) If any part or application of this compact is held invalid, the remainder, or its application to other situations or persons, shall not be affected.

SEC. 2. The Congress hereby finds that the compact consented to in this Act is in furtherance of the policy set forth in section 4(a)(1) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(1)). In order that such compact may be given full effect, the Nuclear Regulatory Commission shall consult and cooperate with the States that are parties to such compact in carrying out this subsection.

SEC. 3. Nothing contained in this Act or in the compact consented to in this Act may be construed as impairing or otherwise affecting in any manner any right or jurisdiction of the United States with respect to the region that is the subject of such compact.

SEC. 4. The right of the Congress to alter, amend, or repeal this Act is expressly reserved.●

● Mr. HART. Mr. President, in 1980 Congress passed the Low-Level Radioactive Waste Policy Act, which established the principle that each State should take responsibility for assuring that adequate disposal facilities were available for the low-level waste generated within its borders. It further declared that the best method for providing for the safe disposal of such wastes was through interstate compacts.

Realizing the obstacles to be overcome in disposing of low-level waste safely and efficiently, and armed with Congress blessing in the form of the Low-Level Radioactive Waste Policy Act, Colorado and other Rocky Mountain region States began work on a compact agreeable to all party States. The Governors' representatives met frequently to resolve policy differences and to work out the details of a viable compact.

The Rocky Mountain interstate low-level radioactive waste compact represents a successful bipartisan effort by the States to develop a responsible management system with minimal Federal involvement. The compact has been adopted by the Legislatures of Colorado, Nevada, New Mexico, and Wyoming. All that is needed now is congressional approval.

Mr. President, I am pleased to join with Senator SIMPSON and others in sponsoring the Rocky Mountain interstate low-level radioactive waste compact legislation. I urge my colleagues to consider the compact legislation as soon as possible.●

● Mr. WALLOP. Mr. President, today I am pleased to join in cosponsoring legislation to grant formal congressional approval to the Rocky Mountain low-level radioactive waste compact. As its name implies, the primary purpose of the compact is to provide for the management and disposal of low-level radioactive waste on a regional level. Although this waste is generated by a number of sources in industry and the utility, the bulk of it in the Rocky Mountain States comes from institutions such as universities and hospitals.

In 1980, Congress passed Public Law 96-573, the Low-Level Radioactive Waste Act, which made it a national policy that the States were to assume the responsibility for the disposal of waste which they generate. It further proposes that regional interstate compacts be developed within each region to receive all waste generated within the area. The bill set a deadline of January 1, 1986, after which each region can exclude any waste not generated by the member States.

In response to Public Law 96-573, representatives from each of the Rocky Mountain States met and developed the compact which is being introduced today. Once Congress ratifies it, the compact requires each of its member States to develop a waste disposal facility within its borders in 6 years. Any State generating more than 20 percent of the region's waste each year will be required to serve, on a rotating basis, as the waste site for the whole region.

Although some States, such as Wyoming which generates about 1 percent of the total, can serve as the dispository site if they wish, they are not required to do so.

This compact has previously been approved by the State Legislatures of Wyoming, Colorado, New Mexico, and Nevada. Both Arizona and Utah will be included in the compact if their State legislatures approve the same legislation.

With this act, the Rocky Mountain States join the Northwest, Southeast, and Central States who have introduced similar legislation. These compacts reaffirm the States rights and reinforce the role States will play in solving many of the problems which face us today. I would urge quick action to ratify all of these compacts. It will encourage the remaining States to develop and approve similar agreements thus meeting the January 1, 1986, deadline which the law mandates.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. KASTEN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 1001

At the request of Mr. COHEN, the names of the Senator from Washington (Mr. EVANS), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1001, a bill to authorize appropriations for the Office of Federal Procurement Policy for an additional 5 fiscal years.

S. 1113

At the request of Mr. D'AMATO, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1262

At the request of Mr. GRASSLEY, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1441

At the request of Mr. TRIBLE, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 1441, a bill to require cer-

tain safety equipment on vessels and mobile offshore drilling units, and for other purposes.

S. 1614

At the request of Mr. HEINZ, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1614, a bill to amend title XIX of the Social Security Act to allow States to implement coordinated programs of acute and long-term care for those individuals who are eligible for both medicare and medicaid.

S. 1808

At the request of Mr. MATTINGLY, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1808, a bill to amend the Tariff Act of 1930 regarding the country of origin marking requirements for certain imported pipe, pipe fittings, and compressed gas cylinders.

SENATE JOINT RESOLUTION 141

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Ohio (Mr. METZENBAUM), the Senator from Illinois (Mr. DIXON), the Senator from New Mexico (Mr. DOMENICI), the Senator from Virginia (Mr. WARNER), the Senator from North Carolina (Mr. EAST), the Senator from South Dakota (Mr. PRESSLER), the Senator from Alaska (Mr. STEVENS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Joint Resolution 141, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "Carrier Alert Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. COHEN, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE RESOLUTION 179

At the request of Mr. PERCY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 179, a resolution expressing the sense of the Senate that the President should establish a Productivity and Quality Award to be made to those businesses, workers, other individuals and public sector organizations which make contributions toward sustained improvement in productivity and quality performance.

AMENDMENTS SUBMITTED

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1984

RUDMAN AMENDMENT NO. 2392

Mr. RUDMAN proposed an amendment to the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 7, line 18, strike "$960,167,000" and insert "$994,333,000."

KASTEN AMENDMENT NO. 2393

Mr. KASTEN proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 15, line 25, add the following:

Provided further, That none of the funds appropriated in this paragraph may be used to promulgate final rules under section 18 (a)(1)(b) of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) until the enactment of legislation authorizing appropriations for the Federal Trade Commission.

LAXALT AMENDMENT NO. 2394

Mr. LAXALT proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 2, line 25, strike "$78,507,000" and insert "$77,507,000"; and on page 3, line 4, strike "$77,220,000" and insert "$78,220,000".

BUMPERS AMENDMENT NO. 2395

Mr. DECONCINI (for Mr. BUMPERS) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 29, line 17, strike "expended" and insert in lieu thereof: "expended: *Provided,* That $3,500,000 shall be made available to complete the Bi-State Criminal Justice Assistance Center at Texarkana, Arkansas, under the same terms and conditions that previous Federal assistance was made available for construction of this facility".

PELL (AND OTHERS) AMENDMENT NO. 2396

Mr. PELL (for himself, Mr. PERCY, Mr. MATHIAS, Mr. LUGAR, Mr. DODD, Mr. GLENN, and Mr. LEAHY) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 49, strike lines 8 through 12 and insert in lieu thereof the following: "For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestage Exchange Programs as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $106,729,000. For the Private Sector Exchange Programs, $7,100,000."

BUMPERS AMENDMENT NO. 2397

Mr. BUMPERS proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 5 line 13: strike "$142,393,000" and insert "$156,993,000."

DECONCINI AMENDMENT NO. 2398

Mr. DECONCINI proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 43, line 21, after "preliminary" strike all that follows through "Mexico" on page 44, line 9, and insert: "surveys, $10,651,000: *Provided,* That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further,* That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further,* That up to $800,000 shall be transferred to the city of San Diego, California, to reimburse the cost of treating domestic sewage received from Tijuana, Mexico: *Provided further,* That up to $100,000 shall be available for reimbursement of the city of Nogales, in the State of Arizona, for expenses incurred in treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico."

LAXALT AMENDMENTS NOS. 2399 AND 2400

Mr. LAXALT proposed two amendments to the bill H.R. 3222, supra; as follows:

AMENDMENT No. 2399

On page 12, after line 6, insert the following:

During the current fiscal year, applicable appropriations and funds available to the Department of Commerce shall be available to test and evaluate alternative methods of creating an effective decennial census canvassing list, including the use of lists of addresses of housing units or other locations which the United States Postal Service is hereby authorized to provide solely for this purpose.

AMENDMENT No. 2400

On page 47, line 9, before the period, add the following: ": *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, not to exceed $4,900,000 of the amounts placed in reserve in fiscal year 1983 pursuant to that section or which would be placed in reserve pursuant to that section, shall be available in fiscal year 1984 to the Board for carrying out that Act, and, in addition, $13,282,000 shall be appropriated for grants for RFE/RL, Inc. for facility modernization and program enhancement".

SYMMS (AND OTHERS) AMENDMENT NO. 2401

Mr. SYMMS (for himself, Mr. HELMS, and Mr. ZORINSKY).

On page 23, between lines 11 and 12, insert the following:

SEC. 204. None of the funds appropriated by this Act shall be used to develop, promote or implement any restrictions on the ownership or possession of firearms, except those restrictions contained in any provision of sections 921 through 928 of chapter 44 of title 18, United States Code, or chapter 53 of the Internal Revenue Code of 1954 (26 U.S.C. 5801), known as the National Firearms Act, as enacted prior to the date of enactment of this Act.

RUDMAN AMENDMENT NO. 2402

Mr. RUDMAN proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 31, after line 6, add the following new section:

SEC. . Authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

STEVENS AMENDMENT NO. 2403

Mr. STEVENS proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 29, following amendment No. 2395 insert in lieu thereof the following: ": *Provided*, That $2,500,000 of such appropriation shall be awarded by the Administrator to the National Center for State Courts for court system management and improvement.".

PRESSLER AN OTHERS AMENDMENT NO. 2404

Mr. PRESSLER (for himself, Mr. COHEN, Mr. ABDNOR, Mr. HEINZ, Mr. GORTON, Mr. FORD, Mr. SARBANES, Mr. MATSUNAGA, Mr. HOLLINGS, Mr. BINGAMAN, Mr. HUDDLESTON, and Mr. DECONCINI) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 12, after line 6, insert the following:

No funds made available by this Act, or any other Act, may be used—

(1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite (METSAT) or associated ground system to any private entity; or

(2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite (METSAT) or associated ground system to any private entity.

LUGAR AMENDMENT NO. 2405

Mr. RUDMAN (for Mr. LUGAR) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 40, line 3, strike out "$1,122,450,000" and insert in lieu thereof "$1,124,450,000".

On page 40, line 4, before the period insert a colon and the following: "*Provided*, That of the amount appropriated under this heading $2,000,000 shall be available only to carry out the provisions of the Soviet-Eastern European Research and Training Act of 1983".

MATTINGLY (AND OTHERS) AMENDMENT NO. 2406

Mr. MATTINGLY (for himself, Mr. DECONCINI, and Mr. PRYOR) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 60, after line 18, add the following:

SEC. 510. (a) Except as provided in subsection (b), of the total amount of budget authority provided for fiscal year 1984 by this Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, an amount equal to 10 per centum of the amount requested for such purposes in the budget submitted by the President pursuant to section 1105 of title 31, United States Code, for 1984, as amended, for any agency, department, or entity subject to apportionment by the President shall not be available for obligation or expenditure.

(b) This subsection shall not apply to—

(1) any agency, department, or entity whose budget request for 1984 for the purposes stated in this section does not equal or exceed $5,000,000; and

(2) the Federal Bureau of Investigation and the National Oceanic and Atmospheric Administration.

(c) Within 60 days of the date of enactment of this section, the Director of the Office of Management and Budget shall report to the Appropriations Committees of the Senate and the House of Representatives on the identification and reduction of available funds required by the section.

(d) For the purpose of this section, the term "consulting and related services" shall have the meaning given such term in the 1983 Report of the Office of Management and Budget to the Committee on Appropriations of the Senate on administrative expenses.

ABDNOR AMENDMENT NO. 2407

Mr. RUDMAN (for Mr. ABDNOR) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 59, line 17, strike "7" and insert in lieu thereof "14".

D'AMATO AMENDMENT NO. 2408

Mr. RUDMAN (for Mr. D'AMATO) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 46, after line 19, insert the following:

SEC. 304. None of the funds appropriated in this title may be used to prepare, produce or purchase any map showing the Union of Soviet Socialist Republics that does not—

(1) show the geographic boundaries of Estonia, Latvia and Lithuania and designate those areas by those names;

(2) include the designation "Soviet occupied" in parenthesis under each of those names; and

(3) include in close proximity to the area of the Baltic countries the following statement: "The United States Government does not recognize the incorporation of Estonia, Latvia and Lithuania into the Soviet Union."

RUDMAN (AND OTHERS) AMENDMENT NO. 2409

Mr. RUDMAN (for himself, Mr. NUNN, Mr. WEICKER, Mr. GORTON, Mr. BRADLEY, Mr. FORD, Mr. STAFFORD, Mr. BUMPERS, Mr. BAUCUS, Mr. WILSON, Mr. BOSCHWITZ, Mr. JEPSEN, Mr. DURENBERGER, Mr. MATHIAS, Mr. HUMPHREY, Mr. KENNEDY, Mr. METZENBAUM, Mr. LAUTENBERG, Mr. TSONGAS, Mr. EXON, Mr. MATTINGLY, Mr. COHEN, Mr. HEINZ, and Mr. PROXMIRE) proposed an amendment to the bill H.R. 3222, supra; as follows:

Immediately following page 60, line 18, add the following new section:

"SEC. 510. None of the funds appropriated by the Act may be used for any activity the purpose of which is to overturn or alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws."

PRESSLER (AND DECONCINI) AMENDMENT NO. 2410

Mr. DECONCINI (for himself and Mr. PRESSLER) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 46 after line 19 insert:

"SEC. 304. None of the funds made available under this title for International Organizations and Conferences shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa People's Organization, Cuba, Iran, or Libya."

DECONCINI (AND ZORINSKY) AMENDMENT NO. 2411

Mr. DECONCINI (for himself and Mr. ZORINSKY) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 48, line 21, strike "$50,000" and insert in lieu thereof "$20,000".

HUMPHREY (AND OTHERS) AMENDMENT NO. 2412

Mr. HUMPHREY (for himself, Mr. NICKLES, Mr. JEPSEN, and Mr. THURMOND) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 30, between lines 21 and 22, insert the following:

SEC. 202. Nothwithstanding any other provision of law or this Act, materials produced by convict labor may be used in the construction of any highways or portion of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

BENTSEN (AND DeCONCINI) AMENDMENT NO. 2413

Mr. BENTSEN (for himself and Mr. DECONCINI) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 31, between lines 12 and 13, insert the following:

GENERAL PROVISIONS

SEC. 202. (a) Section 104(c) of the Civil Rights Act of 1957 is amended by striking out "September 30, 1983" and inserting in lieu thereof "February 17, 1984".

(b) Section 104(c) of the Civil Rights Act of 1957 is amended by adding at the end the following: "During the period which begins on the date of the enactment of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1984 and ends on February 17, 1984, the President may remove a member of the Commission only for neglect of duty or malfeasance in office.".

HAWKINS (AND CHILES) AMENDMENT NO. 2414

Mrs. HAWKINS (for herself and Mr. CHILES) proposed an amendment to the bill H.R. 3222, supra, as follows:

On page 49 after line 6 add the following:

RADIO BROADCASTING TO CUBA

For an additional amount, necessary to enable the USIA to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $14,130,000, to remain available until expended: *Provided*, That not to exceed $130,000 shall be available to carry out section 5 of such Act: *Provided further*, That not to exceed $10,000 may be used for an opening ceremony.

HATCH (AND PELL) AMENDMENT NO. 2415

Mr. HATCH (for himself and Mr. PELL) proposed an amendment to the bill H.R. 3222, supra, as follows:

On page 49, after line 12, add the following new section:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $23,000,000.

HATCH (AND OTHERS) AMENDMENT NO. 2416

Mr. HATCH (for himself, Mr. RUDMAN, Mr. GRASSLEY, and Mr. DENTON) proposed an amendment to the bill H.R. 3222, supra, as follows:

On page 31, after line 24, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $257,000,000: *Provided*, That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a) (1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in fiscal year 1984 in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That, notwithstanding the above proviso, the funds distributed to each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area be distributed with a goal of achieving minimum access of $12.40 per poor person in the following order:

"First, grants from the Legal Services Corporation and contracts entered into with the Legal Service Corporation under section 1006(a)(1) of the Legal Services Corporation Act shall be maintained in fiscal year 1984 at not less than the annual level at which each grantee and contractor was funded in fiscal year 1983;

"(2) Second, each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area and who is presently receiving less than $6.20 per poor person under the 1980 Census shall be brought to that per capita level;

"(3) Third, each such grantee funded in fiscal year 1983 pursuant to the number of poor people within its geographical area and who, after increases received under the second priority above, is receiving less than the $12.40 per poor person necessary to provide the actual cost of a two-attorney unit for each 10,000 poor people under the 1980 Census shall be increased by an equal percentage of the amount by which the grantee's current funding falls below $12.40:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

"(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

"(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

"(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interests of the clients.

except that this proviso may be superseded by regulations promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That none of the funds appropriated in this Act made available by the Legal Service Corporation may be used—

"(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

"(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

"(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed—

"(A) to influence any Member of Congress or any other Federal, State, or local elected official,

"(B) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

"(C) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

"(D) to influence the conduct of oversight proceedings of the recipient or the Corporation;

"(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

"(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

"(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

"(i) the client and each such client is in need of relief which can be provided by the legislative body involved;

"(ii) appropriate judicial and administrative relief have been exhausted; and

"(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

"(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

"(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill,

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official:

Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso:

Provided further, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

"(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 110(a)(20));

"(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

"(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

"(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of this proviso:

Provided further, That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform an eligible client of his rights under a new statute, order, or regulation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this title shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken, and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions:

"(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

"(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

"(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of States, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, and efforts shall be made to insure that such board of directors or other governing body is bipartisan.".

HELMS AMENDMENT NO. 2417

Mr. HELMS proposed an amendment to the bill H.R. 3222, supra; as follows:

At an appropriate place in the bill, insert the following:

"SEC. . None of the funds appropriated or otherwise made available by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.".

WEICKER AMENDMENT NO. 2418

Mr. WEICKER proposed an amendment to the amendment No. 2417 proposed by Mr. HELMS to the bill H.R. 3222, supra; as follows:

At the end of the pending amendment before the period, add the following: ": *Provided,* That nothing in this Act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States, nor shall anything in this Act be interpreted to modify or diminish the authority of the courts or the United States to enforce fully the Constitution of the United States".

MATHIAS AMENDMENT NO. 2419

Mr. MATHIAS proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 43, line 3, after "laws" strike through page 43, line 5 and insert in lieu thereof the following: "$9,360,000 to remain available until expended of which not to exceed $225,000 may be expended for representation as authorized by law, provided that $450,000 shall be available to meet the expenses incurred by the United States group in hosting the thirty-first annual meeting of the North Atlantic Assembly to be held in the Fall of 1985.".

BYRD AMENDMENT NO. 2420

Mr. BYRD proposed an amendment to the bill H.R. 3222, supra; as follows:

At page 5, line 14, insert the following before the colon: "; of which $45,000 shall be available until expended for the development of a lumber export program in the State of West Virginia Office of Economic and Community Development, through the Small Business Export Development grant program".

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2421

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 19, strike line 7 through 25 and insert in lieu thereof: "Department of Justice, $63,810,000 of which $556,000 is to remain available until expended for the Federal justice research program.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $7,248,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $158,308,000, of which not to exceed $10,374,000 for asbestos litigation support contracts shall remain available until September 30, 1985; and $450,000 to remain available until expended to reimburse private litigants for legal fees incurred in the *State of New Mexico ex rel. Reynolds* v. *Aamodt* water adjudication suit.".

KASTEN AMENDMENT NO. 2422

Mr. KASTEN proposed an amendment to amendment No. 2393 to the bill H.R. 3222, supra; as follows:

At the end of the amendment, before the period, add the following: "or until the ad-

journment of the First Session of the 98th Congress, whichever is earlier".

DOLE AMENDMENT NO. 2423

Mr. DOLE proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 47, line 15, strike out "$544,000 to remain available until expended" and insert in lieu thereof: "$150,000 for the period ending December 31, 1983".

DOLE AMENDMENT NO. 2424

Mr. DOLE proposed an amendment to amendment No. 2423 proposed by him to the bill H.R. 3222, supra; as follows:

On page 47, line 17, before the period insert a colon and the following: "*Provided further,* That none of the funds appropriated under this heading may be made available for the Commission on Security and Cooperation in Europe during the calendar year 1984 while the chairman of the Commission on Security and Cooperation in Europe is not a Member of the Senate".

LAXALT AMENDMENT NO. 2425

Mr. LAXALT proposed an amendment to the bill H.R. 3222, supra; as follows:

On page 29, line 16, after the word "and" insert the word "other".

On page 49, line 7, strike the word "Program" and insert in lieu thereof "Programs".

NAVAL ARCTIC RESEARCH LABORATORY

GARN (FOR MURKOWSKI) AMENDMENT NO. 2426

Mr. GARN (for Mr. MURKOWSKI) proposed an amendment to the joint resolution (S.J. Res. 175) to prohibit the Department of the Navy or any Federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances; as follows:

On Line 3, after the word "expended", insert "prior to September 15, 1984,".

NOTICES OF HEARINGS

SUBCOMMITTEE ON TRANSPORTATION

Mr. ANDREWS. Mr. President, section 319 of the Department of Transportation and Related Agencies Appropriations Act, 1984—Public Law 98-78—required the Federal Aviation Administration to submit a detailed, site-specific and time-phased plan for all facility closures or consolidations over the next 3 years. That plan has been submitted to the Appropriations Subcommittee on Transportation. Any Senator may receive a copy by calling the FAA. In summary, the plan calls for closing 104 flight service stations, 52 control towers, and 16 other facilities. A total of 41 new facilities will be opened, including 37 flight service stations.

Section 319 of Public Law 98-78 prohibits FAA from closing any facilities prior to December 1, 1983, and provides that any closure or consolidation questioned in writing by the House or Senate Committees on Appropriations or by any legislative committee of jurisdiction shall be delayed until at least April 15, 1984.

I wish to inform the Senate that the Transportation Appropriations Subcommittee plans to hold a hearing on Tuesday, November 1, 1983, with the Department of Transportation to review the facility consolidation plan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. RUDMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, October 21, in order to receive testimony concerning Central States low-level radioactive waste compact.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. RUDMAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Friday, October 21, at 9 a.m., to hold a hearing to consider S. 1504, a bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States; and S. 1647, a bill to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, Calif.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONFERENCE REPORT ON H.R 3913, THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

● Mr. DOMENICI. Mr. President, last night the Senate passed the conference report on H.R. 3913, the Departments of Labor, Health and Human Services, and Education, and related agencies appropriations bill. I support the passage of this bill. I would like to commend Chairman HATFIELD and Chairman WEICKER for their tireless effort in securing a bill which the administration supports and will sign. This is the first time in 5 years that these agencies will be funded through the regular appropriations process and I think both chairmen are to be congratulated for their remarkable achievement.

H.R. 3913 provides $96.5 billion in budget authority and $84.8 billion in outlays for programs of the Departments of Health and Human Services, Education, and related agencies. After adjustments to reflect outlays for prior-year budget authority and results of actions completed this year, possible later requirements, and the mandatory programs adjusted to the budget resolution levels, the conference report on H.R. 3913 is $2.2 billion below the subcommittee's 302(b) allocation in budget authority and $0.1 billion over in outlays.

With respect to the credit budget, the conference report provides $0.7 billion in new direct loan obligations and $6.9 billion in new primary loan commitments. Both of these levels are below the levels assumed in the budget resolution.

Mr. President, I ask that two tables showing the relationship of the conference agreement, together with possible later requirements, to the congressional spending and credit budgets and the President's budget request be printed in the RECORD at the conclusion of my remarks.

The tables follow:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlay
Outlays from prior-year budget authority and other actions completed	7.1	22.6
H.R. 3913, conference agreement	96.5	84.8
Possible later requirements:		
Entitlement or mandatory programs	.2	.8
Discretionary programs	1.5	1.1
Adjustment to conform mandatory programs to budget resolution assumptions	−(1)	−.2
Subcommittee total	105.3	109.1
Subcommittee 302(b) allocation	107.5	109.0
Senate-passed level	105.5	109.2
House-passed level	105.0	108.8
President's request	95.7	105.3
Subcommittee total compared to:		
Subcommittee	−2.2	+.1
Senate-passed level	−.2	−.1
House-passed level	+.3	+.3
President's request	+9.6	+3.8

[1] Less than $50,000,000.

Note.—Details may not add to totals due to rounding.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES SUBCOMMITTEE—CREDIT TOTALS—CONFERENCE AGREEMENT

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
H.R. 3913, conference agreement	0.7	6.9
Subcommittee first budget resolution assumption	.7	6.9

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES SUBCOMMITTEE—CREDIT TOTALS—CONFERENCE AGREEMENT—Continued

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
Senate-passed level	.6	6.9
House-passed level	.7	6.9
President's request	.4	7.6
Subcommittee total compared to:		
First budget resolution assumption	−(1)	−(1)
Senate-passed level	+(2)	+(2)
House-passed level		
President's request	+.2	−.7

[1] Less than $50,000,000.
[2] More than $50,000,000.●

LUPUS AWARENESS WEEK

● Mr. PELL. Mr. President, I wish to call attention to the fact that this week our Nation observes Lupus Awareness Week. Our attention is now focused on a disease that is affecting more and more of our citizens every day.

Mr. President, because there are 500,000 to 1 million people in the United States suffering from the disease, and each year 20,000 new cases are diagnosed and 5,000 deaths are reported, we must focus on this dreadful disease. Our utmost attention is required before these statistics increase any further.

As a cosponsor of the bill authorizing National Lupus Awareness Week, I urge each of my colleagues to consider the nature of this disease. I believe that we must take this initial step to increasing understanding about the effects of lupus.

Mr. President, lupus is an inflammatory disease of connective tissue which affects the skin, joints, blood vessels, and several internal organs. Lupus is the result of a disorder in the body's production of the special protein substances called antibodies that are used to protect the body against bacteria, viruses, and other foreign invaders.

Little is known about lupus, and it presently has no known cure. The initial symptoms occur between the ages of 15 to 25 generally, and can affect the heart, lungs, abdominal organs, and kidneys.

The impact of lupus varies from patient to patient. It may affect only one organ, or can spread to other organs. Lupus is mild in some cases, where the disease may be reversed by therapy. All too frequently, however, it has severe consequences. Blood vessels are often destroyed as afflicted individuals experience spasms of the blood vessels at the fingertips or toes following exposure to cold or emotional stimulation.

Mr. President, as I have mentioned previously, lupus has no known cure. Rest, good nutrition, supportive help, and avoidance of exposure to the Sun are all helpful. However, this is not adequate. A major thrust of this declaration of Lupus Awareness Week is to heighten the sensitivities of our legislators and citizens to the need for increased support of research activity in the fight against lupus. Our past efforts are showing some encouraging signs. Life expectancy for 90 percent of lupus patients has increased from 1 year, in the 1940's, to 10 or more years today. It is my fervent hope that the observance of Lupus Awareness Week and our increased knowledge regarding this disease will continue this trend toward developing successful therapies and cures.

Mr. President, as we observe Lupus Week, let us pledge to unite ourselves in a constant battle to eliminate this terrible disease.●

HOW FEDERAL FOOD PROGRAMS GREW AND GREW

● Mr. HELMS. Mr. President, this week marks the 10th anniversary of the Heritage Foundation, a highly respected research organization in Washington. Recently, the fall edition of the Heritage Foundation's Policy Review was published which includes a well-researched article on the history of various food and nutrition programs.

The author obviously labored extensively over committee hearings and other background materials dating back into the 1950's. His research has led him to the conclusion that much of the impetus for establishing and expanding the vast array of Federal programs has been based on exaggerated claims of the extent of hunger and malnutrition in existence.

Because of the ongoing interest in this issue, I want to draw to my colleagues' attention this article, and I ask that the article by investigative journalist James Bovard be printed in the RECORD at the conclusion of my remarks.

The article follows:

FEEDING EVERYBODY: HOW FEDERAL FOOD PROGRAMS GREW AND GREW

(By James Bovard)

It was 1967. In the previous five years, the number of people receiving food stamps or surplus commodities had declined by 38 percent, the number of poor had declined by almost 30 percent, the economy was booming, and incomes were rising 2 or 3 percent per year. But the Great Society was floundering: Liberals took a beating in the 1966 congressional races, urban riots were eroding middle-class guilt, and Vietnam was beginning to overshadow domestic events. The War on Poverty, begun with fanfare in 1964, was petering out, and the liberal agenda appeared out of gas.

And then hunger was discovered.

This is the story of how a handful of isolated incidents became justification for vastly increasing dependency in America; how a trivial number of examples stampeded Congress into a sweeping expansion of the welfare state; how Congressmen repeatedly exaggerated the extent of hunger in order to justify trying to feed everybody; and how government even though it increased spending twentyfold, still could not achieve its original goals. This is also the story of government at loggerheads, as one program spends $18 billion a year to subsidize diets while other programs and regulations do everything possible to raise food prices, in effect preventing the poor from getting adequate nutrition as cheaply as possible.

Congress first vastly overestimated the amount of poverty-related hunger, then set food assistance eligibility levels far above the poverty line, and then insisted that anyone eligible for food aid would go hungry unless government fed them. From the late 1960s to 1980, Congress continually expanded elibibility, redoubled benefits, and ordered campaign after campaign to recruit people for the dole. Yet the federal government today knows almost as little about the extent and causes of malnutrition as it did in 1967.

The history of food assistance programs since the late 1960s marks an important change in the American welfare state, from self-sufficiency as an honor and a right to government exhortations that people accept handouts and relinquish their pride. The expansion of food assistance is as much a revolution of principle as of policy.

No one knows the total number of people government is feeding today. Federal food programs have roughly 70 million enrollees—more than quadruple the 1960 enrollment of 16 million. Families can simultaneously participate in seven food programs, and many get more from the government than self-supporting families spend on their food.

Now that the federal government has entered the "feed everybody" business, as one group after another has become eligible to eat at everyone else's expense, government takes responsibility for feeding people under 20 and over 60 regardless of their or their family's income. The cutoff income for federal food assistance for a family of four ($18,315) is now close to the median annual income for a full-time, year-round worker ($16,955 in 1981). Forty-five percent of pregnant women and infants in America are eligible for food handouts.

BAD PRECEDENT

From 1939 to 1943 the U.S. Department of Agriculture distributed food stamps to 13 million people, largely to help dispose of agricultural surpluses. The original food stamp program was chock-full of fraud and abuse; the USDA estimated that 25 percent of all coupons were abused, and the program was discontinued.

For some years afterward, the poor somehow managed to free themselves. A 1955 USDA dietary survey found that only 25 percent of America's roughly 43 million poor had bad diets—diets containing less than two thirds of the recommended daily allowance for essential nutrients. Seventy-five percent of the poor provided themselves with adequate diets even though only a third were on public assistance.[1]

Nevertheless, in 1958 sixteen bills were introduced in Congress to bring back food stamps. At 1958 House Agriculture Committee hearings, during the worst recession

[1] Footnotes at end of article.

since World War II, Representative Victor Anfuso (D.-New York), apparently going for the headlines, declared, ". . . ten million people in the United States . . . have inadequate incomes to buy the food they need . . ."[2] Representative George McGovern urged a food stamp program to provide benefits to 7 million or 8 million poor folk. There was no feeling among the committee or witnesses that tens of millions of Americans needed free or subsidized food. And it was not surprising that some of the poor were having trouble buying food, since the USDA was spending more than $2 billion a year to drive up food prices through price supports, acreage allotments, cropland set-asides, and the Food for Peace program to dump surplus commodities overseas.

In 1961 President Kennedy's first executive order initiated pilot food stamp programs in West Virginia and other states. Kennedy also doubled the number of surplus commodities that government distributed to the poor; enrollment in this program jumped to 6.4 million.

Kennedy's pilot food stamp program was tightly run, included nutritional education, and required participants to buy stamps at an average of 60 percent of the face value, depending on family income. When counties converted from surplus commodity distribution to food stamps, many families dropped out because they were afraid the USDA would check their incomes too closely, or because the program was no longer worth their while. In St. Louis, for example, a person simply had to declare himself needy to be eligible for free commodities.[3] A 1967 General Accounting Office report found that between 30 and 40 percent of participants in the commodity distribution program had incomes exceeding program-eligibility limits.[4] Also, many families did not want to tie up their money in food stamps even though the stamps paid on the average a 66 percent bonus over cash costs; that is, for $6 one could receive $10 worth of stamps.

There was a widespread consensus that the limited federal food assistance programs had alleviated what little severe hunger existed. Michael Harrington, the self-proclaimed socialist whose book The Other America did more than anything else to make poverty a public issue again, wrote in 1962, "To be sure, the Other America is not impoverished in the same sense as those poor nations where millions cling to hunger as a defense against starvation. This country has escaped such extremes." Harrington's book openly sought to inflame public opinion, but even he would not contend that America's poor were hungry.

From 1963 to 1966 the New York Times did not run a single article on hunger in America. President Johnson sought to raise his sagging political fortunes in 1966 by declaring a war on hunger, but he was concerned solely with foreign hunger, and his campaign appeared to be largely intended both to justify dumping our agricultural surpluses on the world market and to distract attention from Vietnam. In a March 1967 Look magazine article, Senator George McGovern declared, "We are losing the race against hunger," but the article dealt with world hunger and did not even mention hunger in America.

Then, in April 1967, Senator Robert Kennedy and the Senate Subcommittee on Employment, Manpower, and Poverty held hearings on the War on Poverty in Mississippi. At the time 20 percent of Mississippians were already receiving surplus commodities or food stamps. Kennedy found examples of acute poverty and malnutrition. The Field Foundation, a nonprofit organization concerned with poverty and race relations, quickly sent a team of physicians to examine 600 children in the Mississippi Delta, and they found sufficient suffering to justify a wholesale expansion in government aid.

Now it happens that in 1967 there probably were many hungry people in the Mississippi Delta—largely because of the federal government. Most blacks there worked on cotton plantations. Wages were low, but so was the cost of living. But in 1966 agricultural labor fell under the benevolent protection of the minimum wage, which made it more attractive for many planters to harvest their crops mechanically. The USDA estimated that the expansion of the minimum wage left 40,000 to 60,000 people in the Delta with little or no cash income.[5] To ice the cake, the USDA sharply increased cotton set-aside payments, thus idling once-busy fields. Field Foundation physicians found many families with zero income who could not afford to pay $2 per person to get $12 worth of food stamps. Congress first wrecked the local labor economy and then was shocked that men without jobs had trouble feeding their families.

The hunger issue was heating up, but it needed more credibility to play in Peoria. The Citizens Crusade against Poverty sponsored the Citizens Board of Inquiry into Hunger and Malnutrition in the United States. The chairman of the crusade was Walter Reuther, head of the United Auto Workers. The board rounded up a handful of doctors, held hearings in Alabama, Texas, South Carolina, and Kentucky, and issued a report in April 1968 entitled *Hunger U.S.A.* The report was largely anecdotal, including a picture of a scrawny dog with the caption, "Where you see a starving dog such as this one, you'll find hungry people." The report concluded with a shot-in-the-dark estimate that there were "10 million or more" Americans who could not afford adequate diets. The report offered few facts or statistics to back up its estimate. It listed 256 "hunger counties" in the United States, chosen solely on the basis of statistical data on infant mortality rates and the number of poor on the dole and food assistance programs.

A WAY OF LIFE

The Citizens Board report was the basis of a CBS documentary in May 1968, which found a few people who said they were going hungry because government would not feed them and concluded by denouncing our callous society. Dr. Raymond Wheeler of the Citizens Board announced, "Slow starvation has become part of the Southern way of life." Together, the board report and the CBS documentary made hunger a national issue.

More than any other single document, the board report was responsible for the food assistance explosion. It is surprising that the report was so respected. It used infant mortality figures from 1951 to 1960 even though statistics for 1965 were available. It contrasted the number of poor in 1960 with the number getting food assistance in 1967 even though the number of poor had declined by 12 million in the interim.[6] In 1968 House hearings Dr. Leslie Dunbar, cochairman of the board, said that only about half of the "hunger counties" had food assistance programs; in fact 194 of 256 did. Under questioning, board physicians admitted that their estimates were hypothetical and defended numerous inaccuracies and mistakes by saying that the report was a rush job and that the important thing was for Congress to act immediately. Much of the suffering the board attributed to malnutrition due to hunger was actually due to parasites.

Nationwide, many localities were amazed to find themselves designated hunger counties. The Milwaukee Journal on May 25, 1968, after investigating reports that Sawyer County, Wisconsin, was a hunger county, concluded, "In talks with a variety of residents, no one could be found who believes this to be true." The chairman of the House Agriculture Committee, Robert Poage, wrote to health officers in each of the 256 so-called hunger counties, and almost all responded by reporting little or no known hunger or malnutrition due to poverty. Even under the guidance of Secretary Orville Freeman, a New Deal liberal, the USDA in 1967 contended that only 6.7 million of the poor—not 10 million, as estimated by the Citizens Board—had bad diets or would have had bad diets in the absence of food programs.

The board's reasoning was epitomized by a statement by Dr. Dunbar. After observing that only 18 percent of the nation's 30 million poor were getting federal food handouts, Dr. Dunbar concluded, "We cannot assume that any of the remaining poor—those on neither program [food stamps or commodity distribution]—are getting food."[7] This little gem of logic became the guiding light for food assistance for the next decade.

But what was the dietary status of the poor in the mid-sixties? In February 1968 the USDA released results of its 1965 dietary survey, showing that 64 percent of the poor had good or adequate diets. The number of poor with bad diets increased from 25 percent in 1955 to 36 percent in 1965 despite sharp increases in public assistance enrollments. The two nutrients in which the poor were the most deficient were vitamin C, supplied by fresh fruits and vegetables, and calcium, supplied by milk. The New York Times reported on March 27, 1968, that the "downturn in nutritional value was attributable largely to a national turning away from milk and milk products, fruits and vegetables."

And why should that have occurred? USDA marketing orders kept the price of fruits and vegetables high, and price supports helped inflate the cost of milk. In fact, the same year that the dietary survey showed that 36 percent of the poor had calcium deficiencies, the USDA effectively ended the sale of reconstituted milk. Dairies had previously mixed milk powder, butterfat, and water to produce a drink that tasted like milk but cost 20 percent less because of savings in transport costs. But the USDA decreed that reconstituted milk could not be sold for less than the price of whole fluid milk, a regulation intended solely to protect dairy farmers' income and help reelect Wisconsin congressmen.

So, instead of modifying policies that artifically increased the price of nutritious foods, the government accelerated its across-the-board feeding approach. On May 6, 1969, President Richard Nixon declared, "That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable . . . The moment is at hand to put an end to hunger in America itself for all time." The programs that had remained manageable under the Johnson administration—food stamps, school lunch subsidies, and others—went into orbit during the Nixon years. President Nixon

sponsored a White House conference on food and nutrition, which urged the president to declare a national emergency and give food stamps to anyone who said he needed them. In 1970 and 1971 food stamp eligibility was expanded; in 1973 legislation was passed mandating that every jurisdiction in the United States offer food stamps by June 1974.

SWALLOWING PRIDE

Even though food stamp enrollment quadrupled between 1968 and 1971, Congress mandated an outreach program for states to recruit people for food stamps. A USDA magazine reported that food stamp workers could often overcome people's pride by saying, "This is for your children . . . the problem is not with welfare recipients but with low-income workers: It is this group which recoils when anything even remotely resembling welfare is suggested." By early 1972 the magazine could announce, "With careful explanations . . . coupled with intensive outreach efforts, resistance from the 'too prouds' is bending. More and more are coming to the conclusion that taking needed assistance does not mean sacrificing dignity." [8] But according to USDA surveys, most of the poor did not need federal aid to have an adequate diet.

In March 1972 President Nixon announced Project FIND to locate and recruit 3 million elderly poor for food assistance. Despite mass mailing of information to almost 30 million retirees, and despite home visits and telephone campaigns by 36,000 Red Cross volunteers, only 190,000 elderly signed up. The GAO found that in most counties surveyed, recruiting efforts enticed fewer than 3 percent of the elderly poor onto the food dole.[9] Apparently, many felt that despite having been labeled poor by some bureaucrat, they could feed themselves.

In 1973 the Senate Select Committee on Nutrition and Hunger Needs, chaired by George McGovern, released *Hunger 1973*, a report intended as "a profile of the half-full, half-empty plate which the federal food programs represent to the nation's poor . . . after reaching the halfway mark . . ." The report observed, "Whether the real poverty count is 25, 26, or even 30 million persons, the fact that only 15 million of the poor participate in any food assistance program . . . indicates that the hunger gap is far from closed either for the country or the individuals concerned." The *New Republic* editorialized, ". . . almost half (48%) of the poor still do not receive adequate food . . . 12.7 million people who ought to be getting either food stamps or commodities have not been." [10] The Senate Select Committee published a list of "failure to feed" counties in which fewer than a third of the poor were on food doles. This sufficed for evidence of the committee's claims of widespread hunger.

In five years the definition of hunger changed from insufficient food to low income and no federal food handout. Even though the USDA reported that almost two-thirds of the poor did not have bad diets, congressmen insisted that any poor person not being fed by the government must be hungry and malnourished. A radical change occurred in the concept of the poor. No longer people who occasionally needed a helping hand, they became a social class by definition incapable of feeding itself. The fixation on food program enrollments is even more surprising, considering that many of the poor not enrolled were receiving some other kind of public assistance intended to help cover food costs, such as Aid to Families with Dependent Children.

In 1974 the Senate Select Committee held a conference to rescue the hunger issue from oblivion. Conference participants agreed that despite a fourfold increase in federal food aid since 1968, "we have moved backwards in our struggle to end hunger, poverty and malnutrition." The New York Times gave the conference a front-page headline: "U.S. Needy Found Poorer, Hungrier than Four Years Ago." [11] Even though food stamp enrollment had zoomed from 3 million to 16 million and the number of poor was roughly the same, things had somehow worsened. As usual, the evidence was anecdotal, with no nationwide survey to back up claims.

In 1974 the Food Research and Action Center, a federally funded lobby, unsuccessfully sued USDA to require the agency to increase its food stamp outreach efforts. The USDA suggested sending food stamp workers to unemployment offices to distribute leaflets, and in Pennsylvania food stamp aides went to supermarkets to hustle shoppers. By 1976 twelve states had conducted door-to-door recruiting campaigns, and seventeen had conducted telephone campaigns. Door-to-door food stamp advertising became a favorite project for Comprehensive Employment and Training Act (CETA) workers.

In Wisconsin 2,000 copies of the Food Stamp Nursery Rhyme Coloring Book were distributed. In Kentucky a traveling puppet show told folks how and why to sign up for benefits. The USDA enlisted Dustin Hoffman, Joyce Brothers, Count Basie, and other notables to do promotional radio spots for food stamps and the national school lunch program.

GRILLED STEAKS

A typical 1975 USDA brochure announced, "You are in good company. Millions of Americans use food stamps." A leaflet distributed in Maryland and paid for by the federal government showed a gaunt face on the cover with the question, "Did you know some people would rather starve than seek help . . ." On the inside, the brochure said, "pride never fills empty stomachs . . . Are you one of thousands of Maryland residents who . . . have too much pride to consider applying for help? Then you need to know more about the Food Stamp program. Food Stamps should not be confused with charity! In fact, food stamps are designed to help you help yourself."

The Community Services Administration funded scores of local and national food stamp advocate organizations to increase enrollment in food programs. The Office of Economic Opportunity called in 1971 for community action agencies to "prick the public conscience" over the need for more food handouts, declaring, ". . . food stamps are not used as often as they ought to be, particularly by the intermediate income families among the poor." [12] Total funding for food advocacy organizations probably exceeded $100 million in the 1970's.

In 1975, when food stamp enrollment neared 20 million, public outcries over food stamp recipients who drove Cadillacs and grilled steaks broke the political sound barrier. A full-page ad in Parade magazine offered a booklet telling how people earning $16,000 a year could qualify for food stamps. The General Accounting Office reported in 1975 that 18 percent of all food stamp benefits were fraudulent or excessive.[13] The Joint Economic Committee estimated that up to 73 million Americans were eligible, and a USDA assistant secretary said that under current rules, participation could rise to 110 million. The Ford administration tried to reduce benefits sharply for half the recipients, but Congress resisted.

RIDICULOUS STIGMAS

In 1977 the purchase requirement for food stamps was abolished, and the program became a straight handout. Congressional supporters did this explicitly to increase enrollment by 3 million; the Congressional Budget Office estimated that the change would add up to $2.7 billion a year to food stamp costs. In 1977 the head of USDA's Food and Nutrition Service declared:

"I'm aware that there is a welfare stigma for people who use food stamps, but it's ridiculous. . . It is, in fact, far more desirable that people meet their nutrition needs with food stamps than that they drive their cars over federally financed roads."[14]

In 1979 USDA Assistant Secretary Carol Tucker Foreman complained, "There are areas of the country and particular age groups in which participation levels are outrageously low."[15] The USDA continued trying to round up and enlist anyone who chanced to fall under eligibility guidelines. Also in 1979, Congress expanded enrollment by broadening eligibility and allowing additional deductions for medical and shelter expenses.

Between 1977–78 and 1979–80, the poor suffered another significant reduction in their calcium intakes—by an average of nearly a cup of milk per week. Calcium was already the most widely deficient nutrient among the poor in 1977, but that did not deter Congress from increasing the dairy support price from 75 to 80 percent of parity in 1977, nor did it deter President Carter from further increasing the support price on the eve of the 1980 election. Almost 40 percent of the poor do not get sufficient calcium in their diets.

Under pressure from the Reagan administration, Congress in 1981 and 1982 sought to reduce food stamp expenditures, tighten eligibility, and cut fraud. But the food stamp program will cost $1.6 billion more in fiscal year 1983 than in fiscal year 1981. Enrollment has surged from 20.6 million to 22 million, and the average monthly benefit has increased from $39.49 to $42.67. Food assistance spending has increased 34 percent since 1980 despite President Reagan's promises to cut back welfare spending.

We now have thirteen food assistance programs, including ten for children. Among them:

The Summer Feeding Program, begun in 1967, now feeds 3 million youngsters each summer. There are no income eligibility limits for this program: As long as a child lives in or visits a low-income neighborhood with a feeding site, he can have a free lunch. In 1977 the GAO reported that since centers were reimbursed by the meal, some were serving the same children five times a day. Nationwide, fraud and abuse were rampant: Contractors were collecting for nonexistent meals, adults were eating meals designated for children, and kickbacks were enriching the sponsoring organizations.[16]

The Child Care Food Program, begun in 1968, subsidizes food in day-care and other child-care centers. In 1978 Congress removed all income eligibility standards, and the program's cost quadrupled in the following four years. The GAO recently estimated that more than 70 percent of participants now come from families with incomes above 185 percent of the poverty line. The GAO

also found that meals served at 62 percent of participant centers failed to meet USDA nutritional standards, and 20 percent of centers had unhealthy conditions, including vermin.[17]

The Supplemental Feeding Program for Women, Infants, and Children (WIC) provides food coupons for specific dairy, cereal, and infant formula items for pregnant mothers and children under 5 who are judged to be at "nutritional risk." The GAO reports that according to one survey of physicians, only 29 percent of WIC participants showed noticeable nutritional improvement from WIC foods, and 53 percent showed either no deficiency or no benefit.[18] The third most prevalent nutritional deficiency justifying free WIC food is obesity. Roughly 80 percent of WIC participants are already on food stamps.[19] The Commodity Supplemental Food Program serves the same clientele as WIC but provides food instead of coupons; in Washington, D.C., only about half the enrollees bother to pick up the free food.[20]

The Congregate Feeding for the Elderly, begun in 1966, provides free meals five times a week for citizens over 60, regardless of income, and for their mates, regardless of age. Along with Meals on Wheels, it fed 3 million elderly in 1982.

The School Breakfast Program serves breakfast to an average of 3 million children each school day. Congress thought that low-income families could not afford to feed their youngsters breakfast, even though 84 percent of participants come from families already eligible for food stamps. The federal government also pays 14 cents per breakfast for middle-class students who eat at school.

The National School Lunch Program serves 23 million children a day—9.9 million for free, 7 million at reduced prices, and 6 million who "pay" but still eat federally subsidized lunches. The federal subsidy per "paid" lunch amounted to $65 per middle-class child (from a family earning 185 percent of the poverty level) in fiscal 1981; the Reagan administration has since reduced the subsidy. George McGovern, Hubert Humphrey, and other liberals pushed hard in the early 1970s for a universal free lunch program, and in 1977 Congress authorized special subsidies to schools that provided free lunches for all children, regardless of income.

HUNGER HOAX

For fifteen years politicians have insisted that the main purpose of food programs is to fight hunger, and for fifteen years the programs' main effect has been to raise the incomes of tens of millions without appreciably affecting their nutrition. Liberals and the media have perpetrated a hunger hoax to justify sharply increasing the income of the welfare class.

Two thirds of the 8 million new food stamp recipients between 1968 and 1972 were public assistance recipients who were automatically added to the rolls, thanks to vigorous federal and local recruiting. Until 1977 public assistance recipients were automatically entitled to food stamps, regardless of their income. Food stamps were extended to public assistance recipients even though public assistance was already supposed to be covering or helping cover food costs. Charles Hobbs, Governor Reagan's welfare director, estimated, "In 1976 the welfare family of four received, on average, cash and in-kind benefits totalling $14,960—an amount slightly higher than the median family income in that year."[21]

Food stamps are also generally available to the unemployed, whether they quit work or were discharged. This is because the program calculates eligibility solely on present income: If a person quits a $50,000-a-year job and has few assets, he is eligible to receive food stamps the following month. The GAO estimated that 70 percent of food stamp errors stemmed from recipients' misreporting their incomes, and the USDA inspector general's office found that 30 percent of the recipients of free and reduced-price lunches were ineligible.

A 1983 GAO report found that food stamp fraud and abuse averaged a billion dollars a year. The report noted, "Officials in the states GAO visited said they had not tried to identify more overissuance cases because there have been no requirements and few financial incentives."[22] In 1980 and 1981, when roughly $2 billion in stamps was overissued through error and fraud, state governments managed to recover only $20 million—just 1 percent of the loss.[23] In Los Angeles and New York City, people who finagled excess benefits received a single letter telling them to pay money back; there was no followup. In Washington, D.C., where 15 percent of the population received food stamps and, according to the GAO, abuse was widespread, not a single person was prosecuted for fraud between 1978 and 1980. The GAO also reported that the federally funded Food Research and Action Committee "advised food stamp recipients that they did not have to make restitution for receiving too many benefits."[24] (FRAC received $150,000 from the federally funded Legal Services Corporation in 1982 and has been given $50,000 so far this year, money it is using to help people sue the USDA and bring class-action suits to block proposed cutbacks in nutrition spending.) In testimony before the Joint Economic Committee in May 1983, Office of Management and Budget Director David Stockman said, "In 1981, fully 42 percent of all dollars expended on low-income benefits went to households which, when that aid was included, had incomes above 150 percent of the poverty level."

Until 1981, strikers were allowed to get food stamps immediately after going on strike. In some places, such as the Illinois coal fields, special food stamp offices were set up to handle the rush after a major walkout. Students easily qualified for food stamps until 1980; a GAO study in 1975 found that 13 percent of the students at one university were on the dole.[25]

Many farmers complain that because of food stamps it is difficult to find people willing to help harvest crops. The San Juan Journal editorialized on August 22, 1975, that the food stamp program "is cultivating, encouraging, and abetting a generation of loafers in Puerto Rico." (Almost 60 percent of the island's residents were receiving food stamps.) Treasury Secretary William Simon in congressional testimony cited the views of the director of the Puerto Rico Manufacturers Association and the president of the Association of General Contractors, "who say some industries are in danger of shutting down operations because they cannot find workers. This is occurring in spite of the fact that unemployment on the island is 20 percent."[26] One 1975 study found that "recipients of food stamps with some wage income choose to work fewer hours when food stamps are available. The decrease in income from work is roughly equal to the subsidy so that the two cancel out and there is no net gain in income."[27]

The farcical work registration requirements are another example of how income redistribution masquerades as food stamps. The GAO reported in 1978 that of 620 able-bodied adult food stamp recipients required to register for work, only three actually got jobs.[28] Until 1981 the only penalty for refusing to work was suspension of benefits for thirty days. Thus someone could refuse a job and still get benefits every other month; his or her family was entitled to receive benefits even though the head of the household refused work. The USDA is known for being rough on its workers; the GAO noted, "Merely showing up at the worksite constituted compliance with the workfare obligation."[29] Federally funded legal service programs often sue local governments to stop food stamp work programs.

WHERE DOES THE MONEY GO?

Federal food programs largely replace food that people would have bought for themselves. A Congressional Budget Office study found that a dollar's worth of food stamps increased a family's food expenditure by only 57 cents; the other 43 cents simply replaced money the person would have spent on food anyway.[30] A recent study of Supplemental Security Income recipients whose food stamp allotments were cashed out found that each additional dollar of food stamp payments increased food purchases by only 14 cents.[31]

Despite a thirtyfold increase in federal spending for food assistance for the poor since 1955, there has been little or no major improvement in lower-income diets. As the table below shows, the average poor person in 1955 was already getting adequate nutrition. The poor's intake of essential nutrients in 1955 already exceeded the National Academy of Science's recommended daily allowance for 1980.

The 1980 RDA is for males aged 23 to 50. The 1979–80 survey included other nutrients not surveyed in 1955.[32]

	1980 RDA	Average intake in lower-income diets	
		1955	1979–80
Vitamin A	5,000 I.U.	8,120 I.U.	8,391 I.U.
Thiamin	1.4 mg	1.58 mg	2.07 mg.
Riboflavin	1.6 mg	2.21mg	2.62 mg.
Ascorbic acid	60 mg	94 mg	137 mg.
calcium	80 mg	1.11 g	1.05 g.
Protein	56 g	100 g	101.9 g.
Niacin	16 mg	17.1 mg	
Calories	2,700	3,180	2,897.

The Food and Nutrition Board of the National Academy of Science notes, "As there is no way of predicting whose needs are high and whose needs are low, RDA (except for energy) are estimated to exceed the requirements of most individuals, and thereby insure that the needs of nearly all are met."[33] And the USDA 1977–78 survey of low-income household diets concluded, "Food used both by households participating in the food stamp program and by those not participating was sufficient, on the average, to provide the 1974 RDA for food energy and the 11 nutrients studied."[34]

The 1979–80 study showed a sharp drop in the number of low-income households (both users and nonusers of food stamps) meeting the RDA for all nutrients and food energy—from 42 percent in 1977–78 to 39 percent in 1979–80.[35] This occurred despite a 3.6 million rise in food stamp enrollment, a 6.4 percent increase in the real value of the average food stamp benefits, and a 60 percent

increase in federal monthly expenditures on food stamps (from $404 million to $642 million).

NUTRITIONALLY ADEQUATE

Further evidence of the irrelevance of food stamps to lower-income nutrition comes from a 1982 USDA study on food stamps and lower-income elderly:

"After using regressional analysis to control for the effects of other variables, there were no statistically significant differences between program participants and eligible nonparticipants in the intakes of the nine nutrients studied."[36]

The 1979-80 survey of lower-income households diets revealed that the average low-income person eligible for but not using food stamps achieved the RDA for nine of thirteen nutrients; the average food stamp user met the RDA only for eight. Of those nutrients in which both groups were deficient, there was a significant difference between users and nonusers on only one—vitamin B6 (food stamp users consumed 79 percent of the RDA, and nonusers 72 percent; nutritionists say that any diet with 70 percent of the RDA is adequate though not ideal). Nonusers had higher average intakes than food stamp users for three nutrients for which one or both groups fell short of the RDA (calcium, iron, and magnesium).[37]

If federal food assistance was intended to fight hunger, then it was an abject failure, since the poor consume fewer calories now than in 1955. The decline in calorie consumption among the poor stems largely from decreased fat intake and is mainly a result of personal choice. If hunger was widespread among the poor today, they would buy more calorie-dense, fatty foods, and fewer fruits and vegetables. Scattered cases of individual hunger may exist, but it makes no sense to make 40 million people eligible for food stamps because of half a dozen families shown on the evening news.

If food stamps were necessary for the majority of the poor to feed themselves, then the poor who do not use food stamps would not eat as well as those who do. In fact, a 1967 USDA study showed little difference in the nutritional status of food stamp users and nonusers of similar income and background. A 1972 USDA Consumer Expenditure Diary Survey reported that food stamp households "spent approximately four times as much for nonalcoholic beverages (excluding fresh whole milk) than did non-food stamp households"—largely for soft drinks. Kenneth Clarkson observed in his 1975 book, Food Stamps and Nutrition, that food stamp recipients frequently buy more sweets and convenience or packaged foods instead of fresh fruits and vegetables and dairy products. The 1977-78 USDA survey of low-in-come household diets found that food stamp participants consumed more luncheon meats, sausages, soft drinks, cereals, and fruit punches than nonparticipants; low-income nonusers ate more eggs, tomatoes, dark-green vegetable, and grain mixtures.[38]

The National School Lunch Program receives $3 billion a year in federal money to provide one third of the recommended daily allowance for schoolchildren. But the GAO has repeatedly pointed out that the government's lunches do not even meet the government's standards. In 1977 the GAO noted, "The absence of any indication that the program is having a benefit upon the health of either needy or nonneedy children raises questions about the nutritional value of the lunch." [39] In 1978 the GAO reported that lab tests found that a random sample of school lunches "were significantly short in as many as 8 of the 13 nutrients tested . . . Separate tests in New York showed that at least 40 percent of the lunches did not meet USDA requirements as to quantities served." [40] In a 1981 followup, the GAO concluded, ". . . all types of lunches fell short of providing the recommended levels of as many as 7 of the 14 nutrients tested, some to a serious extent." [41]

INEFFECTIVE

Nor has the school breakfast program proved its salt. The American Journal of Public Health reported in 1978 that only two studies of the school breakfast program had reported beneficial effects; five others had found no difference.[42]

The GAO's conclusion on WIC was that "reliable assessments of its overall results and benefits have not been made." [43] Dr. George Graham of Johns Hopkins University told the Senate Agriculture, Nutrition, and Forestry Committee in 1982 that ". . . most of the apparent benefits of the WIC program are the result of its usefulness in increasing utilization of prenatal and pediatric health services by some groups who habitually do not make regular use of them." [44] Since families of four with incomes up to $18,318 are eligible, most participants either get food stamps already or can afford to feed themselves. And more than 81 percent of recipients share WIC food with the family, thus minimizing nutritional effect on the pregnant woman and young child.

While government is doling out free food worth billions, federal efforts at nutritional education have been a singular failure. The USDA spent millions of dollars a year on nutrition education 1955 and 1965, when American diets sharply deteriorated. The GAO reported that conflicting federal regulations on food labeling contribute to consumer confusion on healthy eating habits and that "federal efforts to inform the public [about nutrition] are sometimes unduly complex, duplicative, and contradictory." [45] Instead of teaching people how to get their money's worth out of their food dollars, government tries to rain perpetual subsidies upon them with the vague hope that they will eat better.

A recent New York Times editorial, entitled "Poorer, Hungrier," cited a list of statistics on infant mortality, short-statured 4-year-olds, and declining school lunch enrollment. The editorial naturally concluded, "Given what's happening to the hungry in America, this administration has cause only for shame."[46]

For a decade and a half, food politics has been dictated by fear of shame—by the dread that somewhere, somehow, some journalist will find a child with a bloated stomach and provoke another national uproar. Liberals still have close to no understanding of how programs actually work. The Times castigated President Reagan for wanting to trim the Child Care Food Program by over 25 percent. Yet over 70 percent of the benefits go to families with incomes above 185 percent of the poverty line. The Times says of WIC, "Nine million needy women and children are eligible for the program"—as always, eligibility in itself is taken as proof of need. Yet families of four with annual incomes of $18,315 are eligible; that figure is roughly equal to the national median for full-time, year-round workers.

The news media are repeating the same errors that they made ten and fifteen years ago. There is still a rush to portray all lower-income people as being in dire need and incapable of feeding themselves. Even though food stamp enrollment has increased by 2 million since President Reagan took office, popular accounts portray budget cuts as threatening millions with starvation.

Food policy has been shaped by waves of hysteria, by rarely verified accounts of elderly people who eat dog food, and by politicians competing to appear generous. Politicians have another motive besides: By raising eligibility levels, they have helped dispose of government's embarrassing agricultural surpluses. Politicians have long acted as though government can feed people better than people can feed themselves. Programs like school lunches continued growing despite repeated proof that government meals fail to provide good nutrition at least as often as—and for the nonpoor, more often than—private meals.

The Congressional Budget Office, which is staffed largely by liberal Democrats, conceded in 1980:

"Despite some limited cases of severe malnutrition found by the Senate Subcommittee on Employment, Manpower, and Poverty in the Mississippi Delta in 1967, statements that severe malnutrition exists on a national scale have never been documented, even during the early years of the "War on Poverty" programs.[47]

"Ten million" was the rallying cry of the late sixties; but since almost twice as many poor people had good or adequate diets as had bad diets in 1965, it is likely that at least half of the 10 million poor with bad diets ate badly because of habit rather than sheer need. And of those, several million were probably already receiving food stamps and surplus commodities. Thus, although in 1968 there may have been 2 million or 3 million people with poor diets who were not receiving federal food assistance, Congress responded by increasing food stamp enrollment by 20 million and increasing nutrition spending twentyfold. Yet malnutrition still exists and it will exist as long as eating is a matter of individual choice. In diet, as in everything else, some people will always make bad decisions. We cannot end malnutrition without ending people's control over their own diets.

CHARADES

Pulitzer-prize-winning journalist Nick Kotz wrote in 1969 that "hunger provided a meaningful new metaphor for the issue of poverty in affluent America . . ." [48] Liberals realized in the late 1960s that handouts had lost their appeal to the majority; a new cover was needed for increasing redistribution. Thus the myth of mass hunger was born—largely as a tactical move to evade the backlash against the Great Society. Probably many of the people clamoring for massive increases in the late 1960s sincerely believed that more free food was really needed. But many others—especially some of the leaders—were probably aware of the charade.

Proof that redistribution alone was the main motivation is that the programs continued expanding long after they had reached the levels that proponents originally said would end hunger in America. Office of Economic Opportunity Director Sargent Shriver said in 1967, when the federal government spent roughly $700 million on food assistance, that another billion dollars would be sufficient to end the problem. Another billion dollars was appropriated, and then another, and still another—and yet the more money spent, the hungrier the poor

supposedly became. Eventually, only government provision of a full diet for all citizens with low incomes was seen as satisfactory.

The issue of mass hunger has emotionalized and muddled American politics for the past sixteen years. It is easy to understand why politicians and much of the media cling to the myth: If it were widely recognized that most of the poor are not severely deprived and not tottering on the edge of starvation and not utterly helpless, the rationale for a vast array of welfare programs would disappear. Politicians made a mockery of the definition of need and denigrated the poor in order to expand the pork barrel. We now have a hodgepodge of ineffective food programs because congressmen believe they can win votes by supporting subsidies for people who can feed themselves.

If government is resolved to take care of everyone, it would make far more sense to fight malnutrition than hunger. Hunger can usually be rectified by individual effort, but malnutrition is more often the result of ignorance or sheer poverty. The Congressional Budget Office noted in 1980 that "specific nutrients could be added to children's diets through targeted fortification schemes. Vitamin fortfication could provide for 100% of a child's RDA for less than $3 a year in ingredient costs."[49] In 1975 Stanley Lebergott wrote in Wealth and Want, "Fifty dollars worth of milk plus vitamin pills annually would bring every poor family up to the U.S. nutrition average."[50] Indeed, passing out vitamin pills to the poor would be far cheaper and more effective nutritionally than current programs and would not destroy anyone's incentive to provide for himself.

Charles Schultze, President Carter's chief economic adviser, estimated in 1971 that federal agricultural policies add 15 percent to the retail cost of food. Journalist Nick Kotz observed in his 1969 book, *Let Them Eat Promises*, that the Food and Drug Administration and the USDA prohibit domestic marketing of many super-enriched food products being marketed by American corporations in Third World countries. The FDA prohibits manufacturers from adding nutrients to candy and soft drinks—or to any other food that in its opinion lacks "nutritional logic" to justify the enrichment.[51]

DEBILITATING DEPENDENCE

The working and elderly poor who are too proud to go on the dole are caught in a crossfire as social workers beg them to abandon their independence while politicians destroy the purchasing power of their food dollar. It is farcial to hear politicians sobbing over the poor's plight while they try to raise food prices by hook or by crook or by PIK. George McGovern, the leading advocate for increased food assistance during the 1970s, pushed high price supports for almost all commodities. Though he was generous to the poor who surrendered their independence and went on the dole, he showed no sympathy for low-income families who tried to feed themselves.

There are probably still a handful of hungry people in the United States despite the federal government's efforts to foist food on them. But the answer is not to increase food assistance—if that would abolish hunger, then hunger would have become extinct long ago. Many of the stories in the press about hungry kids deal with families who get food stamps or other food aid but fail to budget properly. When individual irresponsibility or imprudence is the cause of hunger, it makes more sense to provide soup kitchens rather than a month's worth of food stamps. National policy should not turn on the most sensational examples the evening news team can find.

The great myth underlying the growth of food assistance is that nutrition is largely dependent on income. But in 1955—when half the poor lived in rural, nonmetropolitan areas—the Household Food Consumption Survey found, "In farm diets, most nutrients other than ascorbic acid were little affected by income."[52] The CBO concluded in 1977, "It still remains unclear if increased food purchases . . . means improved nutritional status."[53] The great majority of bad diets, now as in 1955, are due to ignorance and bad habit, not low income.

The astounding thing about the growth of food aid is that for almost every targeted group, a federal program already existed to help the poor feed themselves. Most of the surge in the food stamp program in the late sixties and early seventies came from automatically enrolling the recipients of public assistance—a program that was supposedly helping the poor buy food. Throughout the 1970s, Congress strove to increase food stamp enrollment among the elderly, whose increased Social Security benefits were supposedly justified by their need for a decent standard of living. (And in 1974, Supplemental Security Income payments were added to give a decent income to any elderly who missed the Social Security bonanza.) Food stamp advocates insist that food stamps are vital for the unemployed—for whom unemployment compensation benefits were created in 1935, specifically to prevent them from going hungry. Either food stamps are unnecessary for the vast majority of recipients, or every other major federal assistance program is a failure.

The other food assistance programs—from WIC to school lunches to school breakfast to child care—feed people who either are already eligible for food stamps or do not need a handout to feed themselves. We can be humanitarian without paying for eight meals a day for poor people. If Congress cannot summon the courage to tighten the food stamp program, it should at least end duplicate benefits and abolish food handouts for anyone above the poverty line. Taxpayers should not be coerced to feed those who can feed themselves.

Hunger has become an issue to conjure with—a political magic wand to mesmerize the public's critical faculties. Despite a thirtyfold increase in food aid for the poor since 1955, there has been little or no improvement in their diets. Food programs have wasted billions, lured millions onto the dole, and perpetrated the myth that a low income is automatically debilitating.

FOOTNOTES

[1] USDA, *Household Food Consumption Survey*, 1955.

[2] House Committee on Agriculture, *Food Stamp Program*, 1958, p. 1.

[3] House Committee on Agriculture, *Amend the Food Stamp Act of 1964*, 1968, p. 28.

[4] GAO, *Review of Distribution of Government-Donated Food Commodities in Selected Counties in Pennsylvania*, 1967, p. 1.

[5] Senate Committee on Labor and Public Welfare, *Hunger and Malnutrition in America*, 1967, p. 131.

[6] Census Bureau figures.

[7] House Education and Labor Committee, *Malnutrition and Federal Food Service Programs*, 1968, p. 1132.

[8] USDA, *Food and Nutrition*, February 1972.

[9] GAO, *Effectiveness of Project FIND*, 1974, p. 12.

[10] *New Republic*, May 26, 1973. The magazine editorialized on October 31, 1971, that "at least 11 million are going hungry" because eligible poor were not on the food dole.

[11] *New York Times*, June 20, 1974, p. 1.

[12] Office of Economic Opportunity, *The Food Stamp Program and How It Works*, 1971, pp. 18, 41.

[13] GAO, *Observations on the Food Stamp Program*, 1975, p. iii.

[14] USDA, *Food and Nutrition*, August 1977, p. 3.

[15] USDA, *Food and Nutrition*, April 1979, p. 4.

[16] GAO, The Summer Feeding Program—How to Feed the Children and Stop Program Abuses, 1977, p. i.

[17] GAO, Child Care Food Program: Better Management Will Yield Better Nutrition and Fiscal Integrity, 1979, p. ii.

[18] GAO, Special Supplemental Program for Women, Infants, and Children—How Can It Work Better? 1979, p. 38.

[19] USDA estimates that 975,000 food stamp households also receive WIC; the average WIC household has two members; thus, roughly 1.95 million of the 2.4 million WIC recipients also receive food stamps.

[20] Washington Post, July 12, 1982, p. B1.

[21] Harper's, February 1980, pp. 22, 24.

[22] GAO, Need for Greater Efforts to Recover Costs of Food Stamps Obtained through Error or Fraud, 1983, p. ii.

[23] Ibid., p. 29.

[24] Ibid., p. i.

[25] GAO, Student Participation in the Food Stamp Program at Six Selected Universties, 1976, p. i.

[26] Senate Select Committee on Nutrition and Human Needs, Food Stamps: Statement of William Simon, 1975, p. 21.

[27] Food Stamps and Nutrition, by Kenneth Clarkson (American Enterprise Institute, 1975), p. 4.

[28] GAO, Food Stamp Work Requirements—Ineffective Paperwork or Effective Tool? 1978, p. i.

[29] GAO, Insights Gained in Workfare Demonstration Project, 1981, p. 4.

[30] Congressional Budget Office, Food Stamps—Income or Food Supplementation? 1977, p. xiv.

[31] USDA, Food Stamp SSI/Elderly Cashout Demonstration Evaluation, Vol. 1, 1982, p. vii.

[32] USDA, Dietary Levels of Households in the U.S., Report No. 6, Table No. 3, 1957; USDA, Food Consumption and Dietary Levels of Low-Income Households, November 1979-March 1980, unpublished research results from the Human Nutrition Information Service, USDA. In 1955 there were significant differences between $2,000-$2,999 and under-$2,000 income groups in protein (93 g.), vitamin A value (7,000 I.U.), and ascorbic acid (81 mg.) But the poorer group was not hungrier, as they consumed more calories than did the $2,000—$2,999 group (3,210 vs 3,180).

[33] National Academy of Science, Food and Nutrition Board, 1974 Recommended Daily Allowance, 1974, p. 3.

[34] USDA, Food Consumption and Dietary Levels of Low-Income Households, Report No. 8, 1981, p. 2

[35] USDA, Food and Nutrient Intakes of Individuals in 1 Day, Low-Income Households, November 1979-March 1980, Table 3.01, 1982.

[36] USDA, Food Stamp SSI/Elderly Cashout Demonstration Evaluation, Vol. 1, 1982, p. vii.

[37] USDA, Food Nutrient Intakes of Individuals in 1 Day, Low-Income Households, November 1979-March 1980, 1982.

[38] Ibid.

[39] GAO, The National School Lunch Program—Is It Working? 1977, p. iii.

[40] GAO, How Good Are School Lunches? 1978, p. i.

[41] GAO, Efforts to Improve the School Lunch Program—Are They Paying Off? 1981, p. i.

[42] American Journal of Public Health, May 1978, p. 481.

[43] GAO, Special Supplemental Program for Women, Infants, and Children—How Can It Work Better? 1979, p. ii.

[44] Senate Committee on Agriculture, Nutrition, and Forestry, Reauthorization of the Food Stamp Program, 1982, p. 238.

[45] GAO, Informing the Public about Food—A Strategy Is Needed for Improving Communication, 1982, p. 6.

[46] New York Times, April 10, 1983, p. E20.

[47] Congressional Budget Office, Feeding the Children—Federal Nutrition Policies in the 1980s, 1980, p. 15.

[48] Nick Kotz, Let Them Eat Promises, 1969, p. 147.

[49] CBO, Feeding the Children, pp. xx—xxiii.

[50] Stanley Lebergott, Wealth and Want, p. 82.

[51] Code of Federal Regulations, § 104.20.

[52] USDA, Dietary Levels of Households in the U.S., 1957, p. 2.

[53] Quoted in Food Stamps and Commodity Distribution Amendments of 1981, Senate Committee on Agriculture, Nutrition, and Forestry, p. 180.●

STATE OF DISABILITY DECISIONS

● Mr. SASSER. Mr. President, gross inequities and injustices in the social security disability program have caused tremendous hardships on thousands of eligible and deserving disabled beneficiaries over the past 2 years. To a significant extent, the problems facing the disability system are the direct result of the hasty acceleration of continuing disability reviews implemented by this administration in March 1981.

Horror stories and cases of individual mistreatment under the current system have been well documented and need no further elaboration here. Suffice it to say that it is absolutely imperative that Congress act to alleviate these problems before further hardships are incurred by those unfortunate enough to be inflicted with disabling conditions.

The House of Representatives is currently in the process of passing a comprehensive disability bill, H.R. 3755, sponsored by Mr. PICKLE, which I believe adequately addresses the problems heretofore discussed. The Senate, in the meantime, does not appear likely to take up this issue before the Congress adjourns in November. This would be, in my opinion, a mistake.

When we passed temporary corrective legislation last December, it was plainly acknowledged that comprehensive legislation would be forthcoming this year. As noted, progress has been disappointingly slow. The problem is so bad that many States are taking matters into their own hands. To date, 28 States have either stopped or modified review of disability cases. The House Select Committee on Aging has compiled an up-to-date list of these States and the actions they have taken. I would like to submit this list for the RECORD in hopes that it will facilitate quick and positive action on the part of the Finance Committee.

The information follows:

UPDATE OF MAJOR STATE ACTIONS AND FEDERAL COURT DECISIONS AFFECTING THE DISABILITY REVIEW PROCESS, OCTOBER 17, 1983

Alabama—Moratorium on terminations ordered by Governor Wallace on September 19.

Alaska—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Arizona—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Arkansas—Disability employees required to follow procedures of a July 14 Executive Order by Governor Bill Clinton which requires rereviews of cases terminated since January 1983, under guidelines consistent with the Eighth Circuit Court of Appeals decisions. A joint committee of the state legislature is conducting hearings and investigations. Governor Clinton testified in Washington, D.C. before the House Aging Committee on June 20 and lead successful effort in early August for a National Governors Association resolution in support of specific legislative remedies.

California—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Colorado—Moratorium on terminations implemented by state following Federal court decision (August 16) requiring use of a medical improvement standard prior to terminating benefits.

Hawaii—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Idaho—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Illinois—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Indiana—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Kansas—Disability employees required to follow procedures approved by Governor John Carlin in February, 1983 to rereview cases terminated since 1981 and to implement state interpretation of the fedeal disability guidelines. Governor Carlin submitted testimony to House Aging Committee hearing on June 20.

Maryland—Moratorium on terminations ordered by School Superintendent David Hornbeck on October 4.

Massachusetts—A March 8 Executive Order by Governor Michael Dukakis implemented a District Court decision (Miranda) to require that a medical improvement standard be used prior to terminating benefits. On July 20 the Governor ordered a reopening of previously terminated cases and joined in a lawsuit against SSA's disability policies. The state legislature's special commission on disability issued its report with recommendations in June. Governor Dukakis testified at House Aging Committe hearing in Congressman Barney Frank's district on May 31.

Michigan— SSA agreed (October 17) to a request by Disability Determination Director William Edmondson to discontinue receipt of CDI cases until November 30. Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders requires SSA to develop disability guidelines for mentally impaired which are consistent with legal reqiurements. The state of Michigan Interagency Taskforce on Disability has issued five lengthy, analytical reports since March 1982.

Minnesota—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders requires SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Montana—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

Nevada—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

New Jersey—Moratorium on terminations ordered by Secretary of Labor Michael Boakr in late September based on the legal advice of Attorney General Irwin Kimmelman.

New York—Moratorium on terminations ordered by Social Service Commissioner Cesar Perales on July 22. Attorney General Robert Abrams filed suit against the Department of HHS on behalf of individuals with heart disease (August 10). A previous suit was filed on behalf of mentally impaired persons.

North Carolina—Moratorium on terminations ordered by Governor James Hunt on September 3. The state legislature's special commission to examine the disability process convened their first meeting on September 7. Governor Hunt submitted testimony to House Aging Committee hearing on June 20.

Ohio—Four month moratorium on terminations ordered by Governor Richard Celeste on October 8. Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.

Oklahoma—First to implement face-to-face interviews at reconsideration following the Director of the Department of Human Services (and former U.S. Senator) Henry Bellmon's recommendation in early 1983 that Governor George Nigh turn back the state disability determination function to the Federal government.

Oregon—Moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously

terminated, but this was stayed by the Supreme Court on October 11.

Pennsylvania—Moratorium on terminations ordered by Governor Richard Thornburgh on October 6.

Virginia—Moratorium on terminations ordered by Governor Charles Robb on September 28. House Aging Committee held hearing in Congressman Norman Sisisky's district on September 12.

Washington—Moratorium imposed by the State in June prior to the moratorium on terminations imposed by SSA on June 28 following a ruling (June 16) by the Ninth Circuit Court of Appeals requiring use of a medical improvement standard. The court also ordered a reinstatement of benefits to those previously terminated, but this was stayed by the Supreme Court on October 11.

West Virginia—Moratorium on terminations ordered by Governor John Rockefeller on August 12. Governor Rockefeller testified at a House Aging Committee hearing in Congressman Bob Wise's district on May 20.

Wisconsin—Reopening and reinstatement of previously terminated mentally impaired persons ordered by Federal District Court in December 1982 and June 1983 respectively. Court orders require SSA to develop disability guidelines for mentally impaired which are consistent with legal requirements.●

THE NATIONAL ENDOWMENT FOR DEMOCRACY

● Mr. BOSCHWITZ. Mr. President, I would like to express my support for the participation of cooperatives in the National Endowment for Democracy which is part of the State Department authorization bill.

In recent years, U.S. cooperatives have worked through national trade associations and other organizations, to help sponsor overseas cooperative activity. Their support is based on their belief that these democratically based businesses, with their nongovernmental approach can greatly strengthen democratic values and institutions abroad.

Cooperative development organizations have an important role in helping build democratic, broadly participatory institutions in free market economies. The experience and existing network of the cooperative community can be a major vehicle in achieving greater democratic as well as economic development around the world.

The National Endowment, if property utilized, can help in the spread of democratic ideals. Cooperatives can be an extremely useful component of this effort, and they deserve consideration in the endowment program.

Many private sector groups already help fight communism abroad by exporting American values and democratic principles. These private, nonprofit organizations have raised more than $1.1 billion per year in grants from the American public. Many of these groups—in fact, over four-fifths—do not spend any U.S. Government moneys.

Among the over 500 private sector groups, are a special segment which by their very nature, promote the democratic principles which they represent—I am speaking of cooperatives. In the United States today hundreds of millions of people are served by cooperatives, 4½ million members of agriculture marketing and supply cooperatives such as Land O' Lakes, headquartered in my State of Minnesota, 30 million people served by rural electric cooperatives, 47 million members of cooperative credit unions, as well as many others served by different types of cooperative businesses.

It should be noted that U.S. cooperatives have been involved in overseas activities in practically every country of the world. Since 1962, they have been extensively active in U.S. foreign assistance programs totaling over $100 million.

Besides the obvious monetary benefits of these types of program, there are many positive parallels in promoting democracy and cooperatives which go beyond the procedural processes of citizen and member participation. In both political democracy and cooperatives, decisionmaking is moved from the few to the many. This is a key to stability in a society. When people are involved in their government and economic life, they are less likely to advocate or support more violent change.

The Endowment should not be an avenue only for funding, exchanges, or conferences. The Endowment should afford the possibility of new modes of collaboration, such as cooperative-to-cooperative relationships between the United States and other countries.

The U.S. cooperative community firmly supports the Endowment for Democracy. This support comes from all sorts of cooperative—agriculture, rural electric, housing, credit unions, students, farm supply, and others.

Cooperatives can develop a positive experience with joint effort for mutual benefit through democratic control and collective savings.

I, therefore, urge support of (S. 1342) the National Endowment for Democracy, and particularly of cooperatives in the program.●

AFTER AQUINO: INVITATION TO VIOLENCE

● Mr. MOYNIHAN. Mr. President, the assassination of Benigno Aquino in August and the ensuing violence has led to an increased concern in this Nation over the Philippines. It was with great interest, therefore, that I read an op-ed which was sent to me by a good friend and constituent, William H. McKeon. "After Aquino: Invitation to Violence," which appeared in the Asian Wall Street Journal weekly, quite eloquently points out the dangers of the present situation. Indeed, it addresses a concern that has been largely overlooked—the growing opportunities for the Soviet Union in the Philippines.

Mr. President, I commend this fine op-ed to my colleagues' attention and ask that it be included in the RECORD.

The article follows:

[From the Asian Wall Street Journal Weekly, Sept. 5, 1983]

AFTER AQUINO: INVITATION TO VIOLENCE?

(By Bernard K. Gordon)

(Bernard K. Gordon, professor of political science at the University of New Hampshire, has written extensively on Asia's international politics, most recently in Foreign Policy. This essay draws party on his testimony on July 28 before the Subcommittee on Asia-Pacific Affairs of the U.S. House Committee on Foreign Affairs.)

The question of definite responsibility for the assassination of Benigno Aquino at Manila Airport last month may be open to speculation for a long time, but it is not too difficult to identify those who gain most from his death. Sen. Aquino was a committed democrat, and he saw his mission home as a last-ditch hope to restore and maintain democratic processes in the Philippines.

Despite the threats to his life, some of which were reported to him by Mrs. Marcos herself, he wanted to talk with the president directly. He looked forward to "just five minutes with Mr. Marcos," and hoped to persuade the president to a course that would avoid turmoil—and worse—in their country.

Now that he gone, for many others hope is also gone. The number of people who marched with the coffin in Manila and came to view the body speaks to the widespread affection for this martyr. But it speaks also to a people's bitter resentment of their leaders, for many who came out knew little specifically of Aquino, while others who marched did not share his views.

Yet as in Warsaw recently, where a young Polish student died from beatings after release from police custody, thousands marched. They came out not only to bear witness to the individual tragedy of vibrant lives violently ended, but also to express, quietly, their deep anger and their alienation from those who govern them.

FOCUS FOR HOPE

In the Philippines the challenge now is to avoid turmoil and to restore hope, but as a focus for that hope, there is no obvious successor to Aquino. Those who believe, as he believed, that the democratic way is the right way will be told there is no longer time for that course. They will be offered the hand of the Philippine Communist Party, and its armed group known as the New People's Army. To those who have considered themselves moderates, the attraction of a broad popular opposition front will be held out, and it will not be easy to dismiss.

If, as has to be feared, violence erupts, the now-familiar scenario will begin to unfold. The army and the Philippine Constabulary will certainly be led to regard any widening of violence, especially on the major island of Luzon, as the spearhead for an overthrow of the Marcos government. The commander of the armed forces, General Fabian Ver, can in particular be relied on to respond with toughness and great force, and the ingredients for a true polarization will be in place in the Philippines.

This is almost precisely the scenario that "Ninoy" Aquino sought to avoid, and the

double tragedy is that his death brings it closer. Where there needs to be a political middle ground, there may now be only emptiness. Among the moderates young enough and sufficiently well-known to be effective, many are out of the country. Others to whom Aquino could have appealed have withdrawn from politics, and some—like Juan Ponce Enrile, the urbane and West Point-educated defense minister—seem now to be in eclipse.

In a word, the elements for a sharp confrontation among extremes are now shaping up, with Marcos loyalists ranged against an opposition movement that had previously lacked both wide support and legitimacy. With Aquino's death, it may now have the cause around which to attract both the masses and the moderates.

This is an environment tailor-made for the increasingly active policies of the Soviet Union in Southeast Asia. If this seems farfetched, some recent Soviet behavior should be recounted. For this part of Southeast Asia, even in such a traditionally U.S.-oriented nation as the Philippines, has become a very high priority target for the U.S.S.R.

Consider Soviet trade with the region. Moscow's imports from the developing world in general rose by 18.5 percent in the period 1975 to 1980. By contrast, its imports from the five ASEAN members—Singapore, Thailand, Malaysia, Indonesia and the Philippines—increased by percentages ranging from 36 percent to 360 percent. The Philippines in particular has been singled-out for Soviet trade and economic assistance. In 1975, the U.S.S.R took only $10 million in Philippine exports. By 1980, this figure had risen to $190 million.

Manila's imports from the U.S.S.R., while still a small figure, reflect an even more striking increase. In 1975 the amount was only $300,000—almost too small to be noted in standard sources. By 1980, after a steady increase each year, Manila was buying $22 million in Soviet goods—an increase of several thousand percent.

While not all ASEAN members have seen the same high rates of increase, the overall pattern is similar. For example, Soviet imports from Thailand rose from $10 million in 1975 to $123 million in 1980. Malaysia, which traditionally has exported rubber to Moscow, had total exports to the U.S.S.R. in 1975 of $103 million. In 1980 the figure was $289 million, and its imports from the U.S.S.R. grew even more dramatically (from $5 million to $27 million).

But it is the Philippines to which Moscow has directed most of its attention, and where it has begun to score important successes. It was only in 1976 that Manila established full diplomatic relations with the U.S.S.R., but the relationship has blossomed rapidly since then. Imelda Marcos made her first visit to Moscow soon afterward, and there have been other trips there and to Eastern Europe—most recently a trip by Mrs. Marcos to Moscow in July of 1982.

These visits have set the framework for widening contacts. A U.S.S.R. "Friendship Society" has been established, with a Philippine cabinet minister at its head. Parliamentarians from Moscow and Manila have exchanged visits, and last October President Marcos met with Moscow's mayor and declared the two capitals "sister cities."

TIT FOR TAT

Noting these developments, a Philippine Foreign Ministry official wrote that "Moscow has laid the groundwork for . . . future military activities in our region, quietly but effectively." Because the trade relationship heavily favors Manila, the same official wrote that as a consequence, "The Russians now indicate it is time for us to tap them for turnkey projects."

That is precisely what has now developed. Last fall, the two countries announced plans for a Soviet-financed $250 million cement plant to be build about 200 miles south of Manila. And in April, Philippine Trade Minister Roberto Ongpin announced that the payback terms would be very easy: 5.5 percent interest over 25 years, payable not in cash but in "garments and possibly bananas."

The Russians have sought similar arrangements with others in the region, but they have been avoided. The reason has been concern over security, for few want scores of Soviet technicians engaged in local 'feasibility studies." Manila, however, has determined that it can handle that problem: "We have a lot of ability when it comes to cement manufacturing . . . so we do not need as big a group of Russians."

Perhaps so, but the location and nature of the proposed cement plant should be noted. It will be near Mindoro, on a small island called Semirara. And because the purpose of the plant is to expand Philippine export capacity in cement, the Soviets have announced that they will help provide "additional port facilities on the site."

The U.S. has its major Pacific naval installation at Subic Bay, just 200 miles due north of Semirara, and a Soviet-built deep harbor in the Philippines will pose an interesting development. Filipinos have argued that it will be simple to monitor any questionable Soviet activities, because the cement facility will be on an island. But doubts have to arise.

That day at Manila airport, with virtual martial law and rigid gun control already applicable, and with special security conditions in effect for Aquino's arrival, the Philippines was not able to prevent his murder in broad daylight. How well will it do when it has to contend with dozens of Soviet technicians in the country?

None of these are good signs, either for Filipinos or Americans. In the wake of Aquino's assassination, there will certainly be further rise in anti-Marcos sentiment, and the U.S. has an enormous stake in seeing that this does not wash over to Philippine-American relations. When Vice President Bush went to Manila last year and praised Mr. Marcos for his "adherence to democracy," he did not make the Reagan administration's task in the Philippines any easier. Now the immediate problem is whether Mr. Reagan himself should visit Manila in November as planned.

CAUTIOUS RESPONSE

The White House, when Aquino's assassination first became known, affirmed that the Reagan visit was still on. In contrast, the president's own intuition was far better. When asked if he would make the November trip, he was cautious and vague, and said he would be awaiting more information from the State Department.

It might be better for him to continue in that vein, and the establishment by Presiden Marcos of an investigating commission provides an opportunity to defer the trip. Mr. Reagan can now reasonably say that plans for his Philippines visit ought not interfere with the investigation process in Manila. The reason, of course, is that the last thing the U.S. now needs is any sense that Washington is too close to the Marcos group. With the U.S.S.R. waiting in the wings, offering more trade and help for Manila's economy, now is not the time for the U.S. to risk a Philippine backlash on itself.●

NEW MEXICO'S ADOBE CHURCHES

● Mr. DOMENICI. Mr. President, I would like to draw the attention of my colleagues to some of our Nation's oldest, rarest, and most unrecognized art treasures: New Mexico's adobe churches. These buildings, with their unique architecture and religious art, have served the residents of New Mexico for hundreds of years. Today they are noble monuments to the colonial period in our State, when the cultures of the great Indian nations and the Spanish empire met. The results of this cultural meeting were not always happy, but the extraordinary churches that resulted are clear indications that the diverse peoples of this region succeeded in establishing some spiritual bonds which have endured to this day.

Although this folk art and architecture is within the borders of the State of New Mexico, it is truly a national treasure—a part of America's culture and history that still has a profound influence on our society.

These adobe buildings, unfortunately, are often in poor areas and are not maintained as well as buildings of lesser significance in wealthier areas of the country. I strongly believe that these beautiful and meaningful monuments should be preserved before they are forever lost. In fact, the local parishioners have generally done an excellent job of maintaining the buildings and the paintings and other artwork within them. But their resources are limited, their knowledge of conservation techniques is small, and the art that they must deal with is growing older and more fragile with each passing year.

In mission churches, pueblos, and local museums scattered throughout my State, our Nation's folk art is beginning to show the ravages of time. Because there is no central source of funding or conservation to preserve it for future generations, awe-inspiring murals have flaked from mission walls, and paintings have been damaged by well-intentioned but crude efforts to preserve them. There is a growing need to keep this record of our past from crumbling to dust.

I have only begun to look into this problem, and I do not have any simple solutions to propose. I know that America's irreplaceable heritage must be protected, and I know that this will require more money from the Church, from the State, or National Government, or from private benefactors. My purpose at this time, however, is not to request money, but simply to inform my colleagues of the condition

of our Nation's art treasures in my home State.

Additional insight into the problems of preserving the adobe churches of New Mexico can be found in an article published in the Wall Street Journal on September 30. Mr. President, I request that this article be printed at the end of my remarks. I urge my colleagues to read this. I hope my fellow Senators will agree that these endangered treasures are worthy of being preserved for their art, for their architecture, and for their place in our Nation's history.

The article follows:

SAVING NEW MEXICO'S ADOBE CHURCHES

(By Raymond Sokolov)

LAGUNA, N.M.—The whitewashed adobe mission church of San Jose sits on a hill above this raggle-taggle Indian pueblo 50 miles west of Albuquerque. In size, it is a modest building. In shape, it is magnificent, piercing the sky with its toothed towers. The simple freedom of adobe-style architecture, here and in the several dozen other adobe churches in northern New Mexico, has dazzled sophisticated visitors from the outside, people like Frank Lloyd Wright and Georgia O'Keeffe. Edward Weston caught the brilliance of Laguna's form, its uniquely American mixture of Indian and Spanish colonial, in a famous photograph that tourists can see in a museum in Santa Fe. I saw that photograph and decided to make the pilgrimage across the red-rock desert to Laguna.

It doesn't take an art historian's eye to notice that Laguna has missed out on the affluence of modern America that is so visible in Taos and Santa Fe, resort centers that have grown rich copying the adobe style for their hotels and retirement homes. The open-pit uranium mine that added a new canyon to the Laguna landscape has brought no visible opulence to the surrounding villages. But the mission church, built in 1700, has been well kept. Its white walls glisten. In fact, I found the church officially closed for internal repairs. A crew of Indian workmen were up on a high scaffold in the nave cleaning the logbeamed ceiling.

They were happy for a break and a chance to talk about what they'd been doing. They pointed to the newly plastered interior walls, all fresh and smooth, damaged no more. They smiled proudly. My heart sank. The murals were all gone, apparently chipped away and junked as part of the general "restoration" of the walls.

Awe-inspiring, primitive altar paintings inspired by the Spanish high baroque were still in place. But the equally important murals had vanished. There is a picture of their rich ornamental scrollwork taken in 1937 and reproduced in George Kubler's classic. "The Religious Architecture of New Mexico." Prof. Kubler called these murals the most complete example of their type in New Mexico and related their abstract imagery to prehistoric Pueblo Indian imagery and to Spanish wall painting motifs imported to the New World through Mexico in colonial days, when New Mexico was still part of the Spanish empire.

Whether today's workmen in Laguna understood the historical and aesthetic value of these murals is not the point. They obviously value their church and are doing what they can to maintain it. Perhaps it will be possible to reproduce those murals, referring to color photographs and duplicating the chemistry of the original paint, but the money and expertise for this kind of elaborate restoration are not currently available at Laguna, which is, in its way, a center of great art, but not an art center tended by curators and supported by grants and major donations.

Only a relatively small public is aware of the extraordinary riches scattered about in New Mexico's churches, pueblos and museums. According to Christine Mather, curator of Spanish colonial art at the International Folk Art Museum of New Mexico in Santa Fe, there are roughly one million art objects in the state. And no full catalog or census of them exists. The Folk Art Museum is able to employ two professional art conservators trained in the latest techniques of restoration. But they are preoccupied with more than 100,000 objects in the musemum's own collection. And, as far as Ms. Mather knows, there is only one other professional conservator in the whole state, little funding for cataloging and conservation, and a complicated social and political situation that currently impedes sophisticated preservation of the historic mission churches and the objects in them.

The churches are all owned by the Archdiocese of Santa Fe, which, Ms. Mather says, is hesistant to seek federal funding for the preservation of mission churches because it worries about meeting requirements for public access to the buildings commonly attached to similar federal grants. Meanwhile, the archdiocese is trying to deal with another and perhaps more difficult problem: local parishes sensitive to intrusions from the outside in the management of their churches.

The Folk Art Museum, for its part, has done some conservation of objects from the archdiocese collection, but individual parishes sometimes worry that their altar paintings and sculpture may never find their way back home once they are ensconced in Santa Fe. At the same time, curators like Ms. Mather are concerned about the lack of security provided for irreplaceable religious images in the remote, highland parishes where they undeniably belong.

Everyone involved agrees that New Mexico's colonial religious art is important. The informed art public treasures it as a major pinnacle of folk art produced in this country. And this is no hyperbole. Parishioners venerate their churches, and this fervor extends to the art that is in them. After all, it is the parishioners who have done most of the work of maintaining those churches, and they have done an exemplary job. The high road over the mountains from Santa Fe north to Taos passes church after church, each one a living monument watched over carefully by local people. But they are custodians of buildings and objects of great age whose materials require more than amateur maintenance, no matter how well intentioned and reverent.

At Laguna, an Indian nun took down a painting on elk hide from a shelf in the kitchen of the sacristy, where it lay for safekeeping, neatly rolled up. Perhaps it will survive unrolling unscathed, but there are safer ways to store antique (and fabulously rare) hide paintings. And a trained conservator could have made this point, had one been on hand.

Often, the mere suggestion of the right way to treat objects can preserve them from inadvertent harm. At Truchas, zealous parishioners were scrubbing paintings with rags. They thought this was a more thorough method than the feather-duster cleaning used by the generation before them. An outsider happened to explain to them that a rag might be doing violence to the fragile painted surfaces. Now they've gone back to feather-dusters.

Obviously, the conservation needs of all of the mission churches cannot be filled so easily. Better funding is vital. At another jewel of a church, in Trampas, the young woman assigned by the parish to unlock the doors for tourists was asked where the money would come from to repair a large crack running down the wall behind the altar. She pointed to a small padlocked metal offering box on the wall.

It is hard to think of a cause in the arts that cries out with more justice for money. A salary for one trained conservator would be a minimal beginning, just enough to pay for a professional (especially a locally born professional) able to circulate in those beautiful mountains and work together with the parishes already so passionately eager to protect what they have inherited. Every American's heritage is at stake.●

S. 1975—THE GIFTED AND TALENTED CHILDREN'S EDUCATION ACT

● Mr. BRADLEY. Mr. President, 2 days ago I introduced S. 1975, the Gifted and Talented Children's Education Act. The text of the bill was not printed in the RECORD. I ask that a copy of the bill be printed in today's RECORD.

The text of the bill follows:

S. 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by inserting at the appropriate place in the Act the following:

"TITLE IX—ADDITIONAL PROGRAMS

"PART A—GIFTED AND TALENTED CHILDREN

"SHORT TITLE; PURPOSE

"SEC. 901. (a) This part may be cited as the 'Gifted and Talented Children's Education Act'.

"(b) The Congress hereby finds and declares that—

"(1) the Nation's greatest resource for solving critical national problems in areas of national concern is its gifted and talented children,

"(2) unless the special abilities of gifted and talented children are developed during their elementary and secondary school years, their special potentials for assisting the Nation may be lost, and

"(3) gifted and talented children from economically disadvantaged families and areas often are not afforded the opportunity to fulfill their special and valuable potentials, due to inadequate or inappropriate educational services.

"(c) It is the purpose of this part to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to assist such agencies, institutions and organizations to plan, develop, operate, and improve programs designed to meet the special educational needs of gifted and talented children.

"DEFINITION

"SEC. 902. For the purposes of this part, the term 'gifted and talented children' means children and, whenever applicable, youth, who are identified at the preschool, elementary, or secondary level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic, or leadership ability, or in the performing and visual arts, and who by reason thereof, require services or activities not ordinarily provided by the school.

"AUTHORIZATION OF APPROPRIATIONS; APPORTIONMENT OF APPROPRIATIONS

"SEC. 903. (a) For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for the fiscal year 1984 and for each of the succeeding four fiscal years.

"(b)(1) From the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve 25 per centum or $5,000,000, whichever is less, for carrying out the provisons of section 905, relating to discretionary programs.

"(2) The remainder of the sums appropriated under subsection (a) for each fiscal year shall be available to carry out the provisions of section 904, relating to State programs.

"STATE PROGRAMS

"SEC. 904. (a) From the amounts available in any fiscal year under section 903(b)(2), the Secretary shall make grants to State educational agencies for the Federal share of the cost of planning, developing, operating, and improving programs designed to meet the educational needs of gifted and talented children at the preschool, elementary, and secondary levels. Such programs may include inservice training of personnel to teach such children.

"(b)(1) Except as provided in paragraph (2), to the extent funds are available in any fiscal year to carry out the provisions of this section, the Secretary shall distribute funds so as to assure that each State educational agency which submits an application which fully meets all requirements of this section and is approved by the Secretary will receive not less than $50,000 in that fiscal year. If sums appropriated for any fiscal year for making payments under this subsection are not sufficient to pay in full the amount to which each State educational agency is entitled under the previous sentence, such amounts shall be ratably reduced.

"(2) In any fiscal year in which appropriations under this part equal or exceed $15,000,000, the Secretary shall allot the amounts so appropriated in accordance with the provisions of section 906.

"(c) Each State educational agency desiring to receive a grant under this section shall submit an application at such time, in such manner and accompanied by such information as is necessary for the purposes of this section. Each such application shall contain assurances that—

"(1) funds paid to the State educational agency will be expended solely to plan, develop, operate, and improve programs and projects which—

"(A) are designed to identify the educational needs of gifted and talented children,

"(B) are of sufficient size, scope, and quality to hold reasonable promise of making substantial progress toward meeting such needs, and

"(C) give appropriate consideration to the particular educational needs of disadvantaged, gifted and talented children;

"(2)(A) the State educational agency will reserve from funds made available under this section in each fiscal year not more than 10 per centum of such funds for the purpose of administration, technical assistance, coordination, and statewide planning related to programs and projects designed to meet the needs of gifted and talented children;

"(B) the State educational agency will distribute, on a competitive basis, not less than 90 per centum of the funds made available under this section for payments to local educational agencies within the State which apply to the State educational agency, with due regard for the quality of activities proposed in the application of the local educational agencies;

"(3) the State educational agency will use at least 50 per centum of the funds made available under this section for programs and projects which include a component for the identification and education of disadvantaged gifted and talented children from low-income families;

"(4) the State educational agency and the local educational agencies within the State may use funds made available under this section to acquire instructional equipment only if such equipment will enhance the program or project for which such funds are furnished;

"(5) the State educational agency will not approve the application of a local educational agency within the State for assistance under this section unless the State educational agency determines that in designing the proposal subject to the application the needs of children in nonprofit private elementary and secondary schools have been taken into account through the consultation with private school officials and by other appropriate means; and

"(6) the State educational agency will provide to local educational agencies within the State, which are unable to compete due to smaller size or lack of financial resources, technical assistance in preparing proposals and in planning, developing, and operating programs under this section.

"(d) The Secretary shall approve any application which meets the requirements of subsection (c) and not disapprove any such application without first affording an opportunity for a hearing.

"DISCRETIONARY PROGRAMS

"SEC. 905. (a) From the amounts available in any fiscal year under section 903(b)(1) the Secretary may—

"(1) make grants to State educational agencies, local educational agencies, institutions of higher education, and other public and private agencies and organizations, to assist them in establishing or maintaining programs or projects designed to meet the educational needs of gifted and talented children including the training of personnel in educating gifted and talented children or in supervising such personnel;

"(2) make grants to State educational agencies to assist them, either directly or through arrangements by the State educational agencies with other institutions, agencies, and organizations eligible to receive funds under this part, to provide training of personnel engaged in the education of gifted and talented children or supervisions of such personnel;

"(3) enter into contract with, and make grants to, public agencies and private organizations including State and local educational agencies, to estabish and operate model projects for the identification and education of gifted and talented children;

"(4) make grants to, or enter into contracts with, public agencies, private organizations or institutions which together or singly constitute a clearinghouse to disseminate informations about programs, services, resources, research, methodology, and media materials for the education of gifted and talented children;

"(5) make grants to State educational agencies to assist them in the statewide planning, development, operation, and improvement of programs and projects designed to meet the educational needs of gifted and talented children; and

"(6) conduct, either directly or by grant or contract, a program of research, evaluation, and related activities pertaining to the education of gifted and talented children and may transfer to the National Institute of Education pursuant to subsection (c) not more than 20 per centum of the sums available in any fiscal year to carry out the provisions of this section,

to pay the Federal share of the cost of such grants or contracts. Not more than 20 per centum of the sums available in any fiscal year under this section may be used pursuant to clause (1) of this subsection for grants to institutions of higher education for the training of national leadership personnel.

(b)(1) No grant may be made and no contract may be entered into under this section unless an application is submitted to the Secretary in such form, in such manner, and containing such information, as is necessary for the purposes of this section.

(2) The requirements of section 406 of this Act (relating to the participation of pupils and teachers in private, elementary and secondary schools) shall apply to programs and projects under this section unless such requirements cannot legally be met in the State (as determined by the State educational agency of the State in which the applicant for funds under this section is located).

"(c)(1) Notwithstanding the second sentence of section 405(b)(1) of the General Education Provisions Act, the National Institute of Education may, in accordance with the terms and conditions of section 405 of such Act, carry out a program of research and related activities pertaining to the education of gifted and talented children from funds transferred pursuant to subsection (a)(6).

"(2) For purposes of this section, the term 'research, evaluation and related activities' means research, research training, evaluation, surveys, and demonstrations in the field of education of gifted and talented children and youth or the dissemination of information derived from such research, surveys or demonstrations, and all such activities, including experimental and model schools.

"STATE ALLOTMENTS

"SEC. 906. (a)(1) In any fiscal year in which appropriations for this part are equal to or exceed $15,000,000 the Secretary shall allot, from amounts available under section 903(b)(2), not more than 1 per centum among—

"(A) Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

"(B) programs for children and teachers in elementary and secondary schools operat-

ed for Indian children by the Department of the Interior; and

"(C) programs authorized for children and teachers in overseas dependent schools of the Department of Defense.

in accordance with their respective needs.

"(2) From the remainder of such sums in any such fiscal year, the Secretary shall allot to each State which has an application meeting the requirements of section 904, an amount which bears the same ratio to such remainder as the number of children in the State aged 5 to 17 years, inclusive, bears to the number of children in all States, except that no State shall receive less than $50,000 in any such fiscal year.

"(3) For the purpose of this subsection, the term 'State' means the several States, the Commonwealth of Puerto Rico, and the District of Columbia.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated under section 903 shall be deemed part of its allotment under section (a) for such year.

"ADMINISTRATION

"SEC. 907. (a) The Secretary shall designate an administrative unit within the Office of Education to administer the programs and projects authorized by this part and to coordinate all programs for gifted and talented children and youth administered by the Office of Education.

"(b) Notwithstanding any other provision of law, any Indian tribe which operates schools for its children shall be deemed to be a local educational agency for the purposes of this part.

"(c) No financial assistance may be made to a local educational agency for a period in excess of 5 years. The limitation contained in this subsection shall not apply to any financial assistance extended prior to the date of enactment of the Education Amendments of 1978.

"FEDERAL SHARE

"SEC. 908. The Federal share for any fiscal year shall be 90 per centum, except that the Federal share for the clearinghouse activities under section 905(a)(4), the research, evaluation and related activities under section 905(a)(6), and programs and projects involving the participation of students in nonprofit private elementary and secondary schools shall be 100 per centum.".

SEC. 2. (a) Section 561(a)(1) of the Education Consolidation and Improvement Act of 1981 is amended by striking out "part C" and inserting in lieu thereof "parts A and C".

(b) Section 581 of such Act is amended by striking out "part C" and inserting in lieu thereof "parts A and C" and by striking out "gifted and talented children".

(c) Section 582 of such Act is amended—

(1) by striking out subclause (A) of clause (3) of such section; and

(2) by redesignating subclauses (A), (B), (C), (D), and (E) as subclauses (A), (B), (C), and (D), respectively.

(d) Section 587(a)(1) of such Act is amended by striking out "part C" and inserting in lieu thereof "parts A and C".

(e) Section 1001(i) of the Elementary and Secondary Education Act is amended to read as follows:

"(i) The term 'Secretary' means the Secretary of Education.".

SEC. 2. The Secretary of Education shall reestablish the Office of Gifted and Talented in the Office of Elementary and Secondary Education.●

U.S. SENATE EMPLOYEES FEDERAL CREDIT UNION

● Mr. LUGAR. Mr. President, the U.S. Senate Employees Federal Credit Union will hold an open house on Tuesday, October 25, 1983, from 4 p.m. to 8 p.m., to show its new office facility to all who are interested in this important financial institution located in our immediate environs. The new office is room SH-118, Hart Senate Office Building.

I am proud to be the sponsor of our credit union and will have the honor of cutting the ribbon at the open house which will signify the official dedication of the new facility.

A review of the past history of the credit union movement reveals some very interesting and important facets as it pertains to the credit union.

The first notable revelation is that Public Law 73-467, approved June 26, 1934, entitled "Federal Credit Union Act" was introduced in the U.S. Senate as S. 1639 by Senator Morris Sheppard (Texas).

The second notable revelation is that when the Senate Credit Union was chartered on October 8, 1935, one of the subscribers on the organization certificate was Senator Morris Sheppard.

I think it proper, at this point, to state that not only was a Member of this body responsible for the origin of the law creating the Federal credit union movement in the United States but he can also be considered to have played an important role in establishing the Senate Credit Union. Senator Sheppard attended the first meeting of the organizers on October 1, 1935, and the organization meeting on October 8, 1935. He was also a member of the first supervisory committee and held membership No. 1 in the credit union.

The following is a list of the organizers of the Senate Credit Union as listed in the organization certificate:

Charles E. Alden, assistant custodian, Senate Office Buildings.

Mack D. Chestnutt, staff of Senator Bachman (Tennessee).

Blane Hollimon, Jr., Senate Committee on Public Buildings and Grounds.

William E. Howard, Office of the Secretary of the Senate and staff of Senator Costigan (Colorado).

Harry E. Cain, Office of the Secretary of the Senate.

Edwin L. Swope, staff of Senator Hatch (New Mexico).

J. M. Henderson, Office of the Secretary of the Senate.

D. Roland Potter, Senate Committee on Military Affairs.

Morris Sheppard, U.S. Senator, Texas.

The Senate Credit Union has been fortunate during the past 48 years to have many of its dedicated employees serve on the board of directors and as officers of the credit union. These employees are volunteers and serve without compensation both as a board member, officer, or in any other capacity. These people are the backbone of a credit union and the Senate Credit Union has grown and profited by the time and effort of these volunteers.

The minutes of the Senate Credit Union reveal that a current member of the board of directors was also in attendance at the organization meeting on October 8, 1935. That member is J. Lewey Caraway, currently the superintendent of the Senate Office Buildings. Mr. Caraway, in addition to serving as a board member for many, many years, has been active in many other capacities. He is to be commended for his dedication and service to our credit union.

The Senate Credit Union has grown in leaps and bounds during its existence. Some revealing statistics on the financial side are as follows:

	Oct. 8, 1935	Sept. 30, 1970	Sept. 30, 1983
Assets	$243.21	$2,896,918.62	$33,275,646.10
Loans	90.00	2,768,552.53	11,430,022.31
Shares (savings)	234.70	2,585,299.58	27,431,082.85

During the financial crunch that began in late 1979 and continued thereafter, the Senate Credit Union is one of the very few credit unions that continued to make loans throughout the entire period and to maintain its dividend (interest) payments on share (savings) accounts. At no time was the Senate Credit Union on the verge of completely shutting down any of its services.

I congratulate the board of directors for its policy role which enabled management of our credit union to promote the services offered to its members. The success of our credit union reflects the wisdom, diligence, and dedication of a great number of people from the Senate community and deserves the support of every Member and employee of the Senate, the Architect of the Capitol and the Supreme Court.●

TRIBUTE TO J. C. WHISNANT

● Mr. PRYOR. Mr. President, during the recent annual convention of the

Arkansas Realtors Association, J. C. Whisnant was named Arkansas' realtor of the year.

This Little Rock citizen has long been active with the Arkansas Realtors Association and he presently serves as its president, having labored for that organization as a director, secretary-treasurer, second vice president, and first vice-president. In the National Association of Realtors, J. C. serves on the MLS, membership and forum committees.

A graduate of the University of Arkansas with a B.S. degree in business administration, J. C. Whisnant began his real estate career in 1957. In 1959, he joined Block Realty as a salesman and became sales manager in 1968. Since 1978, he has been president of the company.

A past director and president of the Little Rock Board of Realtors, J.C. has worked tirelessly for his community in ways other than his chosen profession.

J. C. Whisnant is also a past president of the Greater Little Rock Optimist Club and chairman of the board of trustees of Winfield Methodist Church.

Mr. President, I ask my colleagues to join me in saluting this public-spirited businessman, an individual I am proud to call my friend.●

SPR

● Mr. MITCHELL. Mr. President, last month, during the Senate's consideration of the Interior and related agencies appropriations for fiscal 1984 bill, H.R. 3363, I voted for Senator BRADLEY's amendment to increase funding for the strategic petroleum reserve (SPR). This amendment would allow the Federal Government to increase the fill rate of the SPR from the bill's original figure of 145,000 barrels per day to 220,000 barrels per day.

Mr. President, I feel that a 750-million barrel SPR is this country's first and best defense against the economic chaos which would result from a disruption of the Persian Gulf oil supply. I feel it is an important national security investment to fill the SPR as quickly as possible, especially now when world oil prices are relatively low. Recent events, both here in the United States and abroad, demonstrate the need for this country to move as expeditiously as possible to reach a 750-million barrel SPR.

As Senators know, the Iran-Iraq war has been raging for some 36 months. Over the summer, this conflict took a disturbing turn when each nation began to focus more intently on interrupting the petroleum production of the other. Analysts in Washington speculate that Iran may attempt to enlist the aid of anti-Iraqi rebels in northern Iraq to seize the important oil field at Kirkuk. At the same time, the Iraqis have increased their threats to target Iran's oil fields, which despite the war, maintain a production level over 3 million barrels per day, most of which is exported. If Iraq uses its five new French Super Etenard jets for that purpose, the movement of Iranian oil for export is seriously threatened.

The situation created by the military conflict between Iran and Iraq in the Gulf area over the past summer has many potential dangers for Western democracies which, in part, depend on Persian Gulf oil. The hazards of the war, most especially the possibility of a disruption of the Persian Gulf oil supply, have become ever more evident in the past several weeks.

One event which dramatically illustrated the danger to the national economy of a disruption of Persian Gulf oil supplies was a 2-month test this spring coordinated by the International Energy Agency, with the cooperation of the Department of Energy and 10 States. In that exercise, which was based on a hypothetical blockage of Persian Gulf oil, the price of oil skyrocketed and the retail price of gasoline and home heating fuel soared to more then $3 and $4 in some parts of the country.

My State of Maine, through the office of energy resources, took part in the IEA test. Part of Maine's communications with DOE during the test demonstrated what impact an oil supply disruption would have on Maine:

> The rapid increase in petroleum product prices has created serious economic hardship in Maine. The tourist industry faces a bleak summer which not only hurts many, many businesses and jobs in the state, but reduces government revenues from sales tax receipts . . . Our utilities have also been hit hard by the residual oil supply and price situation and are seeking emergency rate hikes which will soon raise electricity prices in the state. We are hearing from many consumers who cannot afford to heat their homes and/or heat water and commute to work.

Mr. President, the devastating impact of a disruption of Persian Gulf oil supplies on Maine and the Nation are readily apparent as a result of the IEA test. That test, and Maine's communications with the Department of Energy demonstrates that increasing the fill rate of the SPR in advance of any such disruption clearly serves the best interests of the businesses and citizens of my State.

John Kerry, director of OER, testified on September 22, before the House Government Operations Subcommittee on Energy, Environment and Natural Resources concerning the IEA test and the impact on Maine. I ask that Mr. Kerry's testimony be printed in the RECORD at this point.

The testimony follows:

TESTIMONY OF JOHN M. KERRY, DIRECTOR, MAINE OFFICE OF ENERGY RESOURCES, CONCERNING THE FOURTH ALLOCATION SYSTEM TEST OF THE INTERNATIONAL ENERGY AGENCY

My name is John Kerry and I am the Director of the Office of Energy Resources in Maine and the Staff Chairman of the National Governors' Association (NGA) Subcommittee on Energy Conservation and Power. I appreciate this opportunity to represent Maine and the National Governors' Association and to express concerns arising from the Fourth Allocation System Test (AST-4) of the International Energy Agency's oil sharing system. The Department of Energy (DOE) invited ten states, including Maine, to participate actively in the exercise.

In Maine, we have had a first hand experience with the problems arising from disruptions in oil supplies and the hardship inflicted on low-income users by high fuel prices. Maine depends upon petroleum for more than 60 percent of the state's energy mix and we are therefore vulnerable to supply disruptions. Since oil is used for essential purposes such as space heating, commuting, industrial production and the generation of electricity, a reduction in supplies will cause serious problems for the Maine consumers. As a result, the State's energy policy emphasizes the importance of preparing for future shortages and the Office of Energy Resources has developed a comprehensive State Emergency Conservation Plan.

We found the process of testing DOE's emergency response procedures and training personnel during AST-4 to be useful and worthwhile. However, we had a number of concerns about the actions taken by the federal government. Specifically, we questioned certain assumptions made by DOE during the test, the failure to adopt an economic response mechanism, the Administration's use of the SPR, the coordination between the states and the federal government, the data systems used and the type of information program implemented during a crisis. I hope that two results of the AST-4 test will be a re-evaluation of federal emergency response policy and increased communication between DOE and the States on emergency planning issues.

One of our major concerns during AST-4 was DOE's assumption that the free market would work smoothly and quickly during a major cut-off in oil supplies. DOE never seriously analyzed the supply situation in the country on either a national or a regional basis because they assumed that the high oil prices included in the test scenario would bring about a balance of supply and demand and that any regions experiencing shortages would be able to receive product from regions with surpluses. For example, when Maine questioned the availability of crude oil for PADD I refineries which are more dependent upon imported oil than refineries in other PADDs, DOE responded with their assumption that no problems existed because oil prices reached market clearing levels and refineries on the East Coast would be able to attract the necessary product. However, we assumed that the reduction in supplies to the State would be 50 percent greater than the national average because of our dependence upon refineries utilizing a significant percentage of imported oil.

Also, when Northeast states reported shortages of residual oil and California reported a surplus as a result of conversions to

gas, DOE failed to acknowledge that a problem with residual oil supplies existed and that a product imbalance could occur within the country. Maine informed DOE that nearly 50 percent of our consumption of residual oil was not immediately responsive to higher prices and that we expected supply problems as a result. DOE still did not act upon our message even though they had requested this kind of information. In fact, DOE did not submit optional product imbalance information to IEA and reported that the domestic players did not disagree with their assumption concerning the availability of oil supplies despite our reports to the contrary. DOE's assumption that supply and demand achieved a balance was never tested; it became the answer to any supply problems raised by states. As a result, I would seriously question any claim that AST-4 upheld the free market view that high prices will allocate supplies equitably and efficiently.

A second Maine concern was the failure to implement an economic response mechanism during the test. In a simulated meeting between the President and the Governors, Secretary Hodel stated that the nation was responding well to the situation because high prices brought about the needed level of reduction and resulted in an equitable distribution of supplies. During AST-4 no Administration spokesman confronted the real crisis under the disruption scenario: the hardship created by the huge increase in oil prices. The failure to address this key issue reflects a lack of preparedness to deal with economic issues during an oil shortage which is a serious problem since the Administration's policy is to let prices rise to market clearing levels. DOE claimed to have resolved one problem: supply shortfalls; and did not admit to causing a whole new crisis: economic hardship. When the states took the initiative to simulate Congressional enactment of a block grant bill, DOE never responded with a statement either supporting or opposing the measure.

Despite the fact that DOE is funding a project to evaluate the need for economic response mechanisms during an oil shortage, a recent report released by the agency (The Domestic Impact of Reliance on Market Forces During a Substantial Petroleum Supply Disruption) seriously questions the need for such measures. The report admits that low-income people will be adversely affected by a rise in oil prices, but concludes that "it may well be inappropriate to alter monetary or fiscal policy in response to the energy supply shortage" because low-income programs are indexed to inflation and assistance would increase automatically if oil prices rise substantially. However, the report does not consider the fact that adjustments for inflation are made only on a periodic basis and that many people who depend upon distillate fuel for space heat and gasoline for commuting could suffer serious economic hardship before their benefits were increased. The document relies heavily upon the Administration's assumption that the free market will perfectly allocate supplies and minimize inequities and does not take seriously the devastating impact an oil shortage would have on low and moderate income groups in an oil-dependent state like Maine. In the brief discussion on economic response mechanisms, the report notes that pre-planning is necessary if states are to make effective use of block grant money received during a crisis. What state will undertake the necessary planning if the Administration's position continues to be the same as that outlined in this report? Yet, it is likely that Congress would enact block grant legislation in the event of a steep rise in oil prices (as we simulated in AST-4). The report contains more ideology and rhetoric than substance and fails to identify and examine in depth the key issues relating to economic response mechanisms.

Another concern is the use of the Strategic Petroleum Reserve (SPR) during a crisis. The SPR played a very limited role in AST-4, a factor which may not be an accurate reflection of DOE's policy during a major disruption. Early in the test, DOE directed the SPR Office (SPRO) to proceed through Alert Level 1, to perform a check of the physical operation of the drawdown system, to provide information on expected deliveries of oil, and to prepare draft notices of sale. SPRO responded by asking for more information from DOE and raising a number of problems, such as the amount of time needed to prepare standard sales provisions. If DOE responded to this message and the very legitimate concerns raised, their answer was not distributed to the participating states. The next message concerning the SPR occurred nearly a month later and indicated that some SPR deliveries did not occur as scheduled because suppliers invoked force majeure. On June 6, DOE announced that Secretary Hodel decided on May 31 to cease purchases for the reserve. This action was taken nearly a month after the Governors urged the President to stop filling the SPR. No further action concerning the SPR was simulated during the exercise. DOE did not analyze or simulate an analysis of the impact of drawing down the reserve immediately to restrain price increases and they acted to stop SPR fill after a considerable delay. As a result, we believe that there is a need to study both the use of the SPR during the early stages of a shortage to lower oil prices and ways to prevent delays in making SPR decisions during a real emergency.

I also was concerned about the extent of federal and state coordination during the AST-4 exercise since such coordination seemed to be limited to a meeting between the Governors and the President and an exchange of information. DOE indicated that they expected to continue working with the NGA Emergency Planning Task Force during the shortage, but no meetings of this group were simulated and no summary of issues discussed presented during AST-4. The federal government did not establish any procedures for assisting states or providing analyses of specific state problems. I believe that federal-state coordination means that DOE should be better prepared to assist states in resolving supply imbalances which might occur in a free market.

A fourth Maine concern is the ability of DOE to collect and disseminate essential petroleum data during an emergency. It is difficult for Maine to analyze DOE's use of data systems during AST-4 since the states were given very little information on the methodology employed to develop the figures presented in the exercise. However, I can comment on the lack of regional or state specific data provided during AST-4 and express the concern that without such data DOE will not be able to evaluate accurately the supply situation in the country. Better data collection on state deliveries and prices would assist DOE's efforts in this area. EIA is currently implementing a new form, the EIA 782, which will eventually include all refiners and selected marketers and will list state specific data. This kind of information is essential for state emergency planning and I hope that DOE will work with the states to ensure that EIA provides the needed data.

My final concern involves the type of information program implemented by the federal government during an oil shortage. DOE made a greater effort to collect information during the test than they did to distribute it. When states asked about public information activities, DOE directed them to assume that appropriate press releases and statements had been issued. DOE went through the process of contacting a variety of governmental and private sector agencies because this procedure has been established in their public information program. However, the content of information relayed to the public urging individual, voluntary conservation has not been as well developed. In fact, when DOE described their information program in response to state questions, it mirrored the kind of program advocated by the states during the exercise, which indicates that DOE had to draw heavily on state recommendations because of their lack of planning in this area. I hope that DOE will be able to include more content in their information program in the future.

As a result of these concerns, Maine took a number of policy positions during AST-4 which I would like to mention. For example, we advocated the adoption of standby price and allocation controls because of our fear that the free market might not work quickly and effectively to balance supply and demand. We were concerned that oil companies would allocate product on the basis of historical purchases or contract volumes and that these allocation systems would cause many of the same problems created by government controls and actually be more inflexible. During AST-4 we simulated spot shortages in several Maine counties and we decided to implement a state set-aside system to resolve these problems. In 1979, heating oil was not governed by price or allocation controls and such spot shortages did occur and the set-aside program was very effective in managing the situation. I am a strong advocate of set-aside programs, but I believe that states should work to assure that their programs are as uniform as possible to avoid confusion for the oil companies.

In closing, I want to commend DOE for allowing states to participate so actively in the AST-4 exercise. Without this involvement we would not have had the opportunity to review DOE's energy emergency programs and express our concerns about federal policy.●

SUCCESS STORY

● Mrs. HAWKINS. Mr. President, there is a saying that nothing succeeds like success. With that quotation in mind, I invite attention to the achievements of an outstanding member of the Florida business community, Nick A. Caporella of Fort Lauderdale, who is president and chief executive officer of Burnup & Sims. Mr. Caporella is a real life Horatio Alger story. As a schoolboy in Pennsylvania, he helped support his family by selling scrap metal and coal collected along railroad tracks and by converting old conveyor belts to bicycle flaps. In his twenties,

he invested a $250 nest egg in a piece of used construction equipment and parlayed that meager investment into one of the largest landclearing and site-preparation businesses in south Florida. He was a millionaire at 24. At the age of 30, Mr. Caporella sold the family holds in several companies and retired, but not for long. He Started a new firm, Caporella & Sons, named in honor of his father, and that company became one of Florida's major site-preparation firms. The company was acquired in 1972 by Burnup & Sims. In 3 years, Mr. Caporella was elected president and chief executive officer, at a time the company was suffering losses from the recession. Mr. Caporella took firm control, reorganized the company, tripled its revenues and increased its profits 26 times. Today, Burnup & Sims is the Nation's largest telecommunications and cable television service company and has installed one-quarter of the country's 5,000 cable TV systems. In recent years the company has diversified into soft-drink bottling, color printing, and movie theaters and has moved into the international telecommunications business.

Nick Caporella has a simple but spectacularly successful business philosophy: each employee must continue to grow and expand, the entrepreneurial spirit will control and self-confidence, perseverance and compassion be the rule. A key feature of the Caporella management style is that it leaves room for "procrastination" as a useful corporate tool.

In 1979, Nick Caporella received the Horatio Alger Award in recognition of his rags-to-riches ascent in the business world. And on October 10 he received another honor—the "Outstanding Achievement Award for Business" by the Columbus Citizens Foundation, the leading Italian American charitable organization.

Mr. President, I congratulate Nick Caporella on this outstanding award and share in the joy that this distinction brings to the Caporella family, friends and employees of Burnup & Sims.●

CONGRESS, THE VICTIM OF PENTAGON'S GOOD NEWS-BAD NEWS JOKE

● Mr. BURDICK. Mr. President, the Congress appears to be the victim of a Pentagon good news-bad news joke.

The good news came to us several days ago in a memo from the Pentagon appropriately entitled "Good News Notification." The memo outlined several cases where vigilant Navy employees were able to save American taxpayers thousands of dollars by pushing for the best deal on certain spare parts and equipment purchases. The memo also carried the welcome news that the Navy's Chief of Naval Material has announced a spare parts pricing initiative called Project BOSS (buy our spares smart). After all the horror stories about spare parts purchasing abuses, the Navy's news is indeed encouraging.

But, just when the Pentagon's spending picture had begun to brighten a bit, I read the bad news in the Washington Post: DOD budget analyst Franklin Spinney is no longer assigned to budget analysis. Spinney, you will recall, is the analyst who uncovered defense budget cost overruns in the billions of dollars. The news of Spinney's reassignment came at a House Budget Committee meeting to discuss defense management and acquisition policies.

It is a real shame that the committee and Congress will not have the benefit of Spinney's expertise. Unfortunately, it appears that the Pentagon's time-honored policy of squashing whistleblowers is alive and kicking, despite Secretary Weinberger's assurances to the contrary.

So, Mr. President the good news is that some fine Navy employees who saved us thousands of dollars are still on the job; the bad news is that a man who uncovered billions of dollars in cost overruns has been reassigned. Congress has been thrown a few reform bones, but it is pretty much business as usual at the Pentagon.●

APPLAUDING TWO MAINE TEACHERS

● Mr. MITCHELL. Mr. President, I rise today to commend Wesley H. Hedlund, of Bangor, and Neil Tame, of South Paris, for their outstanding achievement in the field of math and science education in the State of Maine. They were among 104 teachers honored this week by President Reagan and presented with a $5,000 award.

Since the spring of this year, our country has been shocked by revelations in a number of independent reports of the inadequacies of our educational system. For example, college board scores have dropped in a virtually unbroken line since 1963. Achievement of high school students on most standardized tests is now lower than it was a quarter century ago when the Soviets launched Sputnik. And approximately 13 percent of our 17-year-olds are functionally illiterate.

The magnitude of underachievement in our school systems is only indicative, however, of more pervasive problems facing our educators. Inadequate salaries and teacher preparation programs serve as disincentives for qualified individuals to join the ranks of the teaching profession. At present, new teachers are being drawn from the bottom quarter of high school and college classes. Further, as the disparity in salaries increases between the public and private sectors, many experienced teachers are leaving the profession for jobs they feel are more rewarding of their skills.

Despite adverse conditions, we must not overlook the number of competent, dedicated instructors who continue to work in the school systems and who bring to their students standards of excellence. They pursue their educational tasks with a thorough knowledge of their subjects, a desire to infuse students with a deep understanding of those subjects, and a belief that, with hard work, those students will achieve their full potential.

Wesley Hedlund and Neil Tame exemplify the dedication and thoroughness which characterize the best of our educators. They have given selflessly to their students and, at the same time, have set high standards for their peers.

The citizens of Maine are proud of their accomplishments. I join them in saluting two individuals whose contributions to education in our State are truly exemplary.●

A TRIBUTE TO CLIFF EVANS

● Mr. MOYNIHAN. Mr. President, were it possible to pay the greatest tribute to Cliff Evans, who passed from our midst late last week, I would simply rise today and play any one of the several reports he prepared each and every day he worked for the RKO General Broadcasting Corp. as its vice president and Washington bureau chief.

Something of Cliff went into each story he covered. Which is not to say that he ever strayed beyond the fine line that divides objective reporting from opinion. But his news reports were filled with heart. He took the job of reporting it seriously. He knew that as the business of this town affected him, so too it affected the thousands upon thousands of listeners and viewers who came to understand Washington better from his accounts of life and politics in this city.

Clifford Evans died last week at the age of 68. It happened of a sudden, and those of us who know him have barely had time to think of what Washington will be not blessed with his presence.

As much as he loved this city, Cliff was always a New Yorker. He was born in Brooklyn, began his career with the newspapers of New York, and entered broadcasting in that city. His work as a reporter and associate producer for the "Today" show was followed by the position he assumed with RKO some two decades ago.

Cliff's office here in Washington was filled with the memorabilia of his long and altogether distinguished career. There are perhaps as many pictures of him with the men and women of

sports, business and entertainment as there are with the people of politics. His appreciation of this Nation's diversity and vibrance made him all the more intuitive as a political journalist.

His awards and honors reflect his stature in the press corps: Past president of the White House Correspondents Association, past vice president of the Washington Press Club, the United Nations award for best radio coverage, the Anti-Defamation League Human Relations Award, the Newspaper Guild Award for Radio Journalism and the Barnet Nover Award for Excellence in broadcast journalism.

Such a list reflects the depth of his skill but tells you little of the man. He was as graceful and polite as any person I have ever known. He was as straightforward and honest as a reporter can be. He loved the richness of this city—its restaurants, the Kennedy Center, the fine arts—but he was touched by, and understood well, the condition of those who could not enjoy the finer things.

His affable manner gave him access to stories and newsmakers that other journalists may have envied. More than once, other news organizations rushed to cover the stories he broke. He gave much back to his profession, however. His annual surveys of publishers, editors and Washington bureau chiefs helped the press better understand itself.

In the small cluster of New York reporters based in Washington, Cliff was a regular. I will miss him most, perhaps, on those occasions when that group gathers and I will miss his short, simple questions designed as much to elicit an explanation as hard news.

Mr. President, to his widow, Ruth, and to all those who appreciated his work, I offer my condolences upon the passing of Cliff Evans.●

PROHIBIT U.N. FUNDED TERRORISM

● Mr. GOLDWATER. Mr. President, we are today considering an appropriation measure which includes funds for the United Nations. This year, as every year, hard-pressed American taxpayers are called upon to supply 25 percent of the total U.N. budget, approximately $1 billion annually.

Yesterday my colleague, Senator LARRY PRESSLER of South Dakota, offered an amendment to the State Department authorization bill (H.R. 2915), which was agreed to by voice vote, seeking to assure that provisions of law are tightly enforced that prohibit funds, provided by the United States to the United Nations, from being diverted to the support of the Palestine Liberation Organization (PLO) or the South West Africa People's Organization (SWAPO). In offering the amendment, Senator PRESSLER expressed his wish to assure that the law is being complied with and that no U.S. tax dollars are being utilized to support, in anyway, groups or governments which either directly or indirectly support terrorism as a means to affect political change.

Earlier today a similar amendment was added to the State Department appropriations bill. Another of my friends and colleagues, Senator BOB KASTEN of Wisconsin, has authorized a provision in the foreign assistance appropriations bill (S. 1892) which states:

Sec. 512. None of the funds appropriated or otherwise made available pursuant to the Act shall be obligated or expended to finance directly any assistance or reparations to Angola, Cambodia, Cuba, Iraq, Libya, Laos, Mozambique, the Socialist Republic of Vietnam, South Yemen or Syria.

and another provision which states:

Sec. 527. Notwithstanding any other provision of law or this Act, none of the funds provided for "international organizations and programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa People's Organization or Cuba.

Mr. President, I hope all Members of Congress will closely monitor the effectiveness of these provisions. All are aimed at protecting American taxpayers from misuse of their money by the United Nations to finance Soviet-supported terrorism. It is Soviet sponsored terrorism in the Mideast which endangers U.S. national security interests in that part of the world, it is Soviet-supported SWAPO terrorists in Namibia who are destabilizing southern Africa, and it is Soviet sponsored terrorism supplemented by the Soviet puppet Government in Cuba destabilizing Central America. We must be certain that the United Nations does not participate in any way in these actions.

In 1973 Soviet leader Leonid Brezhnev made a chilling statement of official Soviet strategy, "Our aim is to gain control of the two great treasure houses on which the West depends—the energy treasure house of the Persian Gulf, and the Mineral Treasure house of central and southern Africa."

Shortly after that a Soviet backed terrorist group, supported by 20,000 Cuban soldiers air shuttled in Soviet planes from Havana to Angola, seized control of the Angolan Government. And about the same time a Soviet backed Marxist puppet seized control of the Government of Mozambique, both of which countries are in southern Africa.

In recent years another Soviet sponsored group of terrorists known as the South West Africa People's Organization (SWAPO) is carrying on a campaign to seize control of Namibia, and drag it behind the Soviet Iron Curtain. Namibia, which has the largest uranium mine in the world and vast resources of other strategic minerals as well as Atlantic Coast ports from which Soviet nuclear submarines could bisect the oil and mineral pipeline from the Persian Gulf and South Africa to the United States and the NATO countries of Western Europe, is also the gateway to ultimate Soviet control of all of southern Africa.

Not long ago U.S. Ambassador J. William Middendorf pointed the finger at Soviet strategy, saying the Soviets are following a policy of resource diplomacy or resource blackmail, which is aimed at denying the increasingly import-dependent West the resources it needs for survival—starting with oil and proceeding to other strategic raw materials.

According to a current report of the U.S. Congressional Budget Office, the United States is a net importer of 64 strategic and critical minerals and metals—defined as those needed to supply the military, industrial, and civilian needs of the United States during a national defense emergency and whose supplies are dependent on imports. U.S. import dependence is almost total for minerals such as chromium, cobalt, manganese, bauxite, and the platinum group—rhodium, palladium, platinum, ruthenium, osmium, and iridium. Moreover, U.S. dependence on imported minerals is increasing—dependence on foreign minerals creates risks for the U.S. economy and for national preparedness in the event of war.

Unfortunately for the United States and its allies in the West, these strategic minerals are not evenly distributed among the continents. Instead, the most critical of these minerals are located almost entirely in either Soviet Russia or in southern Africa. Indeed, this part of the world is often referred to as the "Persian Gulf of minerals." Regional countries in that area particularly rich in mineral resources are South Africa, Zaire, Zambia, and Namibia. Of the 13 most important minerals, more than half of the world's reserves are found in southern Africa and the Soviet Union.

It is these facts which make it important for Congress to enforce prohibitions against U.S. use of U.S. funds to subsidize the Soviet-sponsored terrorists which the U.N. General Assembly accords permanent observer status, such as the PLO, SWAPO, and others. It is important that we continue to prohibit the U.N. from using U.S. tax dollars to finance offices and meetings and propaganda campaigns by these Soviet-backed terrorist groups, and that we find out whether or not the prohibited activities are occurring.

It is about time we take the Soviets at their word, and accept the fact that they are waging a mineral resource war to cripple the U.S. industrial and national defense base by denying us

access to the strategic minerals which are the very heart of our technological civilization.

The magazine Sea Power in a recent article concerning U.S. national security referred to a report of the National Strategy Information Center in New York which, confirms what defense analysts know all too well but the American press, public and Congress are only belatedly starting to realize.

That the United States faces a potential mineral crisis which would grind American industry to a screeching halt and create worldwide economic chaos.

The magazine article goes on to say:

The impact of a possible minerals shortage on the U.S. defense industry is vividly demonstrated by the Pratt and Whitney F-100 jet engine. To build such an engine requires, among other metals, 670 pounds of aluminum, 1,485 pounds of chromium, 885 pounds of cobalt, 145 pounds of columbium, 23 pounds of manganese, 4,504 pounds of nickel, 3 pounds of tantalum, 5,440 pounds of titanium. The United States is dependent on oversea sources of supply in whole or in part (the percentages vary between 77 percent and 100 percent) for all of those metals.

These reports make it clear where our duty lies—among other things, we must strongly enforce laws to prevent United Nations support of the Soviet mineral resource war by any financial and propaganda support of the Soviet-surrogate terrorist groups who are the proxy forces carrying on the battle against the free world and private enterprise nations in the Middle East and in southern Africa.●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I believe the time for the transaction of routine morning business has expired. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the minority leader is now on the floor. Earlier today his time under the standing order was reserved for his use during the day. Of course, if he wishes to utilize that time now, we would be happy for him to do so. If he does not, I expect we will go to the appropriations bill.

Mr. BYRD. Mr. President, it is very good of the majority leader to suggest that I might be able to utilize this time which has been reserved. I appreciate that.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate the pending business.

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senate will now proceed to the consideration of H.R. 3222, which the clerk will state by title.

The legislative clerk read as follows:

A bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments.

The bill clerk read as follows:

A bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. LAXALT. Mr. President, did I understand correctly from the order just entered that H.R. 3222 is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAXALT. Mr. President, I ask unanimous consent that the committee amendments, with the exception of committee amendments on page 32, line 1 to page 39, line 4, and so that Senator HELMS, if he is listening, will understand that that specifically is the Legal Services amendment that he is presently pondering on, and on page 42, line 1 through line 4, be considered and agreed to en bloc and that the bill as amended be considered as original text for the purpose of further amendment, with the understanding that points of order should be waived by reason thereof and that the excepted committee amendment may be temporarily laid aside by agreement with the floor manager.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments considered and agreed to en bloc are as follows:

On page 2, line 10, strike "$33,200,000" and insert "$32,868,000".

On page 2, after line 10, insert:

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for the promotion of foreign commerce and for scientific and technological research and development, as authorized by law, $693,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Department of Commerce, for payments in the foregoing currencies.

On page 2, line 25, strike "$77,600,000" and insert "$78,507,000".

On page 3, line 4, strike "$78,000,000" and insert "$77,220,000".

On page 3, line 14, strike "$37,207,000" and insert "$39,337,000".

On page 3, after line 14, insert:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $198,750,000; *Provided*, That during fiscal year 1984 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $24,950,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1984, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

On page 5, line 13, strike "$183,831,000" and insert "$142,393,000".

On page 5, line 17, after the period, strike everything through line 22.

On page 6, line 7, strike "$53,881,000" and insert "$53,342,000".

On page 6, line 7, strike "$40,000,000" and insert "$39,600,000".

On page 6, line 9, strike "$13,881,000" and insert "$13,742,000:".

On page 6, line 10, after the word "management" insert a period and strike everything through line 21.

On page 7, line 7, strike "$5,000" and insert "$12,000".

On page 7, line 8, strike "$10,100,000" and insert "$12,870,000".

On page 7, line 14, after the word "including" insert the word "acquisition,".

On page 7, line 15, after the word "aircraft;" insert "399 commissioned officers on the active list;".

On page 7, line 17, after the semicolon, insert "and acquisition of land for facilities;".

On page 7, line 18, strike "$888,592,000" and insert "$960,167,000, to remain available until expended".

On page 7, line 20, after the word "Fund" insert: "; and of which $2,500,000 shall be available for payments under section 4(b) of the Commercial Fisheries Research and Development Act of 1964 for commercial fishery failures and disruptions; and in addition, $22,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries": *Provided*, That of the funds appropriated in this paragraph, necessary funds shall be used to fill and maintain a staff of three persons, as National Oceanic and Atmospheric Administration personnel, to work on

contracts and purchase orders at the National Data Buoy Center in Bay St. Louis, Mississippi, and report to the Director of the National Data Buoy Center in the same manner and extent that such procurement functions were performed at Bay St. Louis prior to June 26, 1983, except that they may provide procurement assistance to other Department of Commerce activities pursuant to ordinary interagency agreements. Where practicable, these positions shall be filled by the employees who performed such functions prior to June 26, 1983".

On page 8, line 19, strike "$28,449,000" and insert "$11,614,000".

On page 8, line 20, strike "$8,907,000" and insert "$16,625,000".

On page 9, line 4, strike "$1,750,000" and insert "$1,732,000".

On page 9, line 9, strike "$297,000" and insert "$294,000".

On page 9, line 20, strike "$12,000,000" and insert "$11,880,000:".

On page 9, line 25, strike "$2,100,000" and insert "$2,079,000".

On page 10, after line 2, strike everything through line 10.

On page 10, line 15, strike "$80,444,000" and insert "$79,640,000".

On page 10, after line 18, insert:

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $113,612,000, to remain available until expended, of which not to exceed $3,807,000 may be transferred to the "Working Capital Fund".

On page 11, line 6, strike "$12,900,000" and insert "$12,771,000".

On page 11, line 11, strike "$12,000,000" and insert "$11,880,000".

On page 12, after line 8, insert:

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $401,294,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For necessary expenses for research and development activities, as authorized by law, $11,385,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $72,283,000, to remain available until expended: *Provided*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

On page 13, after line 22, strike everything through page 14, line 3.

On page 14, line 9, strike "$500,000" and insert "$495,000".

On page 14, after line 9, insert:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $600,000 for land and structures; not to exceed $385,000 for improvement and care of grounds and repair to buildings; not to exceed $3,000 for official reception and representation expenses; purchase (not to exceed ten for replacement only) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $86,383,000. Not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1985, for research and policy studies. In addition, an amount equivalent to funds deposited into the General Fund of the Treasury by the State of Florida as a result of the expense of construction and relocation of the Fort Lauderdale Monitoring Station shall remain available until expended for the completion of construction and relocation of such monitoring station.

On page 15, line 10, strike "$10,756,000" and insert "$10,648,000".

On page 15, after line 12, insert:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; sevices as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $59,521,000: *Provided*, That the funds appropriated in this paragraph are subject to the limitations and provisions of section 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252; 94 Stat. 374).

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $20,774,000.

On page 16, line 10, strike "$938,000" and insert "$929,000".

On page 16, line 17 strike "$11,246,000" and insert "$11,371,000".

On page 16, after line 19, insert:

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necesary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and to exceed $2,000 for official reception and representation expenses, $90,592,000.

On page 17, line 7, strike everything from the figure "$218,240,000" through and including the figure "$22,000,000" on line 24, and insert "$230,483,000".

On page 17, line 11, strike "$20,600,000" and insert "$26,600,000".

On page 18, line 6, strike "$235,600,000" and insert "$290,000,000".

On page 18, line 7, after the word "limitation", strike everything through and including the word "limitation" on line 24.

On page 18, line 11 after the period, insert: "During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $83,000,000; and total commitments to guarantee loans shall not exceed $3,380,000,000 of contingent liability for loan principal.".

On page 18, line 20, strike "$9,000,000" and insert "$8,910,000".

On page 19, line 7, strike "$64,242,000" and insert "$63,360,000".

On page 19, line 8, strike "$797,000" and insert "$556,000".

On page 19, line 13, strike "$7,321,000" and insert "$7,248,000".

On page 19, line 22, strike "$153,758,000" and insert "$158,308,000".

On page 19, line 22, beginning with the word "of" strike everything through the word "investigations" on line 23.

On page 19, line 23, before the period, insert "of which not to exceed $10,374,000 for asbestos litigation support contracts shall remain available until September 30, 1985".

On page 20, line 3, strike "$43,914,000" and insert "$43,475,000".

On page 20, line 22, strike "$835,000" and insert "$827,000".

On page 21, line 6, strike "$363,891,000" and insert $373,875,000, of which $3,000,000 shall be available only upon enactment into law of an authorization of additional judges for the Superior Court of the District of Columbia

On page 21, line 12, strike "$44,768,000;" and insert "$44,320,000".

On page 21, line 12, beginning with the word "and" strike everything through and including the word "agreement" on line 25.

On page 21, line 25, before the period, insert ": *Provided*, That amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General: *Provided further*, That following agreement on or completion of any federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period of time specified in the cooperative agreement.".

On page 22, line 13, strike "$38,277,000" and insert "$37,883,000".

On page 22, line 18, strike "$5,866,000" and insert "$32,196,000, of which $26,389,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c), the Refugee Education Assistance Act of 1980, Public Law 96-422, for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants".

On page 23, line 6, strike "$89,949,000" and insert "$89,050,000".

On page 23, line 6, strike "$2,500,000" and insert "$2,475,000".

On page 23, line 7, after the word "Crime" strike everything through and including the semicolon on line 8, and insert a comma.

On page 23, line 8, strike "$14,000,000" and insert "$13,860,000".

On page 23, line 10, strike "$9,619,000" and insert "$9,523,000".

On page 23, line 24, strike "$1,050,381,000" and insert "$1,041,857,000".

On page 24, line 3, after the word "available" insert "and the provisions of section 7(a) of Public Law 96-132 shall remain in effect".

On page 25, line 2, strike "$280,478,000" and insert "$282,623,000".

On page 25, line 6, before the period, insert ": *Provided*, That there shall be allocated to the Drug Enforcement Administration offices in the land border States of Vermont, Michigan, New Hampshire, Minnesota, North Dakota, Montana, Idaho, Arizona, and New Mexico, a minimum of $10,000 each for the purchase of information and evidence unless the Committees on Appropriations are notified that efficient drug law enforcement would be impaired by such minimum allocation".

On page 25, line 19, after the word "registration" insert: ", including payment of allowances (at a rate not in excess of $4 per diem) to aliens for work performed while held in custody under the immigration laws".

On page 26, line 9, strike "$562,975,000" and insert "$501,257,000".

On page 26, line 10, after the word "research", strike everything through and including the word "Act" on line 11.

On page 26, line 13, strike "$10,090,000" and insert "$9,989,000".

On page 26, line 14, strike "$11,134,000" and insert "$11,023,000".

On page 27, line 7, strike "$425,370,000" and insert "$424,284,000".

On page 27, line 8, after the word "Health" insert the words "Resources and".

On page 27, line 16, strike "$11,665,000" and insert "$16,548,000".

On page 28, line 2, strike "$53,142,000" and insert "$42,711,000".

On page 28, line 20, strike "$2,710,000" and insert "$1,941,000".

On page 29, line 14, after "1979", insert "and title II of the Juvenile Justice and Delinquency Prevention Act of 1974,".

On page 29, line 16, strike "$18,466,000" and insert "$159,219,000".

On page 29, line 17, after the word "expended", strike everything through and including the word "expended" on line 22.

On page 29, line 22, after the period, insert: "In addition, the authorization provided in section 1001 of part J of the Justice System Improvement Act (42 U.S.C. 3793), is amended by inserting "and September 30, 1984" after "September 30, 1983" wherever it appears; and notwithstanding parts A, D, E, and F of title I of the Justice System Improvement Act, the amount appropriated for Criminal Justice Assistance activities shall be set aside and shall be awarded according to criteria established by the Administrator for the purpose of addressing the problems of violent crime, repeat offenders, victim and witness assistance, and crime prevention.".

On page 30, line 11, after the word "by", insert "parts B and C of".

On page 30, line 14, strike "$40,538,000" and insert "$40,133,000:".

On page 30, line 17, strike "$50,000" and insert "$55,000".

On page 30, after line 21, strike everything through and including line 6 on page 31.

On page 31, after line 7, insert:

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $11,768,000.

On page 31, line 19, strike "$18,000,000" and insert "$19,000,000".

On page 31, line 23, strike "$151,928,000" and insert "$151,399,000".

On page 39, after line 7, insert:

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945); expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; expenses of the United States-Japan Advisory Group; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $1,122,450,000, of which $17,500,000 shall remain available until September 30, 1985. Of the amounts available for expenditure pursuant to the International Center Act of 1968, not to exceed $925,000 may be made available until expended from proceeds of lease, sale or exchange for purposes authorized in Section 5 thereof as amended by Public Law 97-186.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), and for representation by United States missions to the United Nations and the Organization of American States, $4,148,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), $206,206,000, to remain available until expended.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), $10,012,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of 31 U.S.C. 3526(e), $4,356,000.

BUYING POWER MAINTENANCE

For the purposes of section 24b of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2996(b)), $2,475,000, to be available without fiscal year limitation.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $9,380,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $520,515,000: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States' share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1983, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, $66,279,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, contributions for the United States share of general expenses of international organizations and representation to such organizations, and personal services without regard to civil service and classification laws, $8,910,000, to remain available until expended, of which not to exceed $225,000 may be expended for representation as authorized by law.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, conventions, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the United States and Mexico International Boundary and Water Commission, and to comply with laws applicable to the United States Section; and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, including preliminary surveys, $10,551,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further*, That up to $800,000 shall be transferred to the city of San Diego, California, to reimburse the cost of treating domestic sewage received from Tijuana, Mexico.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, to remain available until expended, $672,000.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, $3,426,000; for the International Joint Commission, including salaries and expenses of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses; not to exceed $3,000 for representation; and the International Boundary Commission, for necessary expenses, not other-

wise provided for, including expenses required by awards to the Alaskan Boundary Tribunal and existing treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, $8,876,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For expenses, not otherwise provided for, to enable the United States to participate in programs of scientific and technological cooperation with Yugoslavia; $1,683,000, to remain available until expended.

THE ASIA FOUNDATION

For a grant to the Asia Foundation, $9,900,000, to remain available until expended: *Provided*, That section 15(a) of the State Department Basic Authorities Act of 1956 shall not apply to the unobligated balances of previous appropriations for the activities of the Asia Foundation.

On page 47, line 2, strike "$18,500,000" and insert "$18,315,000".

On page 47, after line 2, insert:

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc., $104,994,000, of which not to exceed $52,000 may be made available for official reception and representation expenses.

On page 47, line 15, strike "$550,000" and insert "$544,000".

On page 47, line 23, strike "$1,700,000" and insert "$1,683,000".

On page 48, after line 4, insert:

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 2 of 1977, the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international communication, educational and cultural activities, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $20,000); expenses authorized by the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.), living quarters as authorized by 5 U.S.C. 5912, and allowances as authorized by 5 U.S.C. 5921-5928; and entertainment, including official receptions, within the United States, not to exceed $50,000; $467,853,000, of which not to exceed $6,509,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided*, That not to exceed $615,000 may be used for representation abroad: *Provided further*, That receipts not to exceed $500,000 may be credited to this appropriation from fees or other payments received from or in connection with English-teaching programs as authorized by section 810 of Public Law 80-402, as amended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitors, Humphrey Fellowship and Private Sector Exchange Programs, as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), $93,909,000.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Department of the Treasury determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, $10,450,000, to remain available until expended.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate recipient in the State of Hawaii, $18,362,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, and for lease of real property for periods up to twenty-five years in Africa $41,438,000, to remain available until expended.

On page 55, line 4, strike "$26,075,000" and insert: $26,775,000, of which $700,000 shall be derived by transfer from "Pretrial Services Agencies, The Judiciary".

On page 56, after line 6, insert:

"SEC. 404. Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1984.".

On page 58, after line 9, strike everything through and including line 14 on page 59.

On page 59, after line 14, insert:

SEC. 508. None of the funds in this Act shall be available for payment of that portion of Standard Level User Charges (SLUC) that are in excess of a seven percent (7%) increase over the amounts paid for such charges in fiscal year 1983.

SEC. 509. (a) None of the funds provided under this Act shall be available for obligation or expenditure through a reprograming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) recorganizes offices, programs, or activities; or (6) contracts out any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

(b) None of the funds provided under this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprograming of funds in excess of $250,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless, the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprograming of funds.

Mr. LAXALT. Mr. President, I am pleased to bring before the Senate today H.R. 3222, a bill to appropriate moneys for the Departments of Commerce, Justice, State, the judicial branch, the Maritime Administration in the Department of Transportation, and 16 independent agencies for fiscal year 1984. It has been 4 years since a Commerce, Justice, State bill has been enacted into law, and I am hopeful that this year we can accomplish that goal.

At this early point, we are fairly optimistic. I think our Democratic counterparts would agree.

There are a number of important initiatives for the agencies funded by this bill, which I am sure we would all like to see in place.

Before I summarize the figures in the Senate version of H.R. 3222, I would like to establish the procedural setting for the bill. On the House side, H.R. 3222 was taken to the floor without a rule which waived all points of order. As a result, and this has been a very unusual development on that side of the Hill, several programs were stricken by points of order on the House floor. Points of order in the House lie against appropriations for any program that has not been authorized in law. Almost 40 percent of the dollar totals were stricken, including all the funds for almost the entire State Department, the U.S. Information Agency, the Federal Trade Commission, the Securities and Exchange Commission, the Legal Services Corporation, and a host of other agencies.

Aware of the problems with H.R. 3222, the Senate Commerce, Justice, State, the Judiciary and Related Agencies Subcommittee initiated a Senate bill, which was reported out of the Appropriations Committee on August 2, 1983. This Senate bill, S. 1721, is the

basis for the Appropriations Committee's amendments to H.R. 3222.

Because of this unique set of circumstanes, direct comparisons between the House-passed and Senate-reported bills and misleading and irrelevant. The House-passed bill only totals $6,718,477,000, but several vital programs have been either totally or partially stricken and will eventually have to be restored. The House-passed version of the first continuing resolution, which I believe more accurately reflects the sentiments of the House, totals $10,797,650,000 in new budget authority for 1984. This total is $1,048,732,000 over the President's request.

On the other hand, the same procedural situation presents an opportunity for the Senate to prevail in many of its decisions. I look forward to going into conference with the House with a complete bill.

We look forward to going into the conference with a complete bill, so, essentially, what will happen by reason of the unusual House situation is the Senate, I indicate to my colleague, will be in a fairly decent bargaining position in reference to many of the points in connection with the bill.

In poker terms, I would carry into conference a loaded hand, while my opponent would only have three cards. While I shall certainly try to accommodate the other body, I believe the ultimate conference report will bear a heavy Senate imprint.

Turning to specifics, the Senate amendments to H.R. 3222 total $10,272,894,000. At the end of my remarks, I will submit for the RECORD, a summary of major accounts, but I would like to highlight a few of the subcommittee's spending decisions.

Title I, Commerce and related agencies, includes funding for the Department of Commerce and related agencies. The committee has restored many of the programs of the National Oceanic and Atmospheric Administration, including two polar orbiting weather satellites and important fisheries and ocean programs. Funds are also included for the trade development work of the International Trade Administration and an enhanced level for the U.S. Travel and Tourism Administration. The appropriation for the Federal Communications Commission includes increased funds to reduce the backlog of license applications, as well as to initiate rulemaking to accommodate new communications technology. Finally, the Federal Trade Commission has been given sufficient funds to maintain all 10 regional offices.

In title II, Justice and related agencies, the committee recommends continuation of the organized crime drug enforcement program. This program, launched just last year, is already beginning to achieve significant successes in the President's war on drug trafficking and drug abuse. In addition, the committee recommends major enhancements for the Nation's law enforcement agencies, the FBI and the Drug Enforcement Administration. The committee also recommends initial funding of $70 million for the Justice Assistance Act. This innovative program will provide essential assistance for State and local law enforcement agencies throughout the United States.

In title III, State and related agencies, the committee recommended total funding below the President's request but sufficient to fulfill our Nation's foreign policy objectives.

Finally in title IV, the Judiciary, the committee recommendations are the same as the House figures and are adequate to meet the needs of the Judicial branch.

Mr. President, I ask unanimous consent to include a more detailed list of the committee's recommendations at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. LAXALT. There is still one problem with the committee's recommendations, Mr. President. The Senate reported bill totals over $500 million above the President's budget requests. Clearly, this total is too high to avoid a veto. I will do all I can to work in conference to bring the bill in at an acceptable level. I point this out to encourage all my colleagues to avoid costly amendments. Every dollar added here on the floor increases the eventual chance of a veto. As I mentioned before, the bill before us contains a number of important programs and it is vital in my opinion that we get them funded—not on a continuing resolution.

It goes without saying that I deeply appreciate all the efforts of the members of the subcommittee. Their hard work and constructive suggestions have immeasurably improved the final product of the committee.

One final point, Mr. President. I speak for the Appropriations Committee when I say that the report on S. 1721, Numbered 98-206, is the report that governs the committee's amendments to H.R. 3222.

EXHIBIT 1

HIGHLIGHTS OF COMMITTEE RECOMMENDATIONS

Title I—Department of Commerce and Related Agencies

Department of Commerce

For the Department of Commerce, the Committee recommends an appropriation of $1,866,599,000. This recommendation includes:

Bureau of the Census	$78,507,000
Economic and Statistical Analysis	39,337,000
Economic Development Administration	198,750,000
International Trade Administration	142,393,000
United States Travel and Tourism Administration	12,870,000
National Oceanic and Atmospheric Administration	960,167,000
(By Transfer)	(49,600,000)
Patent and Trademark Office	79,640,000

Related Agencies (Commerce)

Federal Communications Commission	86,383,000
Federal Trade Commission	59,521,000
Securities and Exchange Commission	90,592,000
Small Business Administration	230,483,000
(By Transfer)	(26,600,000)

Title II—Department of Justice and Related Agencies

Department of Justice

For the Department of Justice, the Committee recommends an appropriation of $3,359,174,000. This recommendation includes:

Legal Activities	158,308,000
U.S. Attorneys and Marshals	373,875,000
Organized Crime Drug Enforcement	89,050,000
Federal Bureau of Investigation	1,041,857,000

Related Agencies (Justice)

Commission on Civil Rights	11,768,000

Title III—Department of State and Related Agencies

Department of State

For the Department of State, the Committee recommends an appropriation of $2,092,592,000. This recommendation includes:

Administration of Foreign Affairs	1,122,450,000
Acquisition, Operation, and Maintenance of Buildings Abroad	206,206,000

Related Agencies (State)

Arms Control and Disarmament Agency	18,315,000
Board for International Broadcasting	104,994,000
United States Information Agency	632,012,000

Title IV—The Judiciary

Total, the Judiciary	883,040,000

Mr. LAXALT. Mr. President, I now yield to my Democratic colleague for his comments.

Mr. DECONCINI. Mr. President, I thank the Senator from Nevada.

I commend our new chairman, the distinguished Senator from Nevada (Mr. LAXALT) for outstanding leadership of the Commerce, Justice, State, the Judiciary, and related agencies appropriations bill for 1984 (H.R. 3222). He has moved this bill along in an expeditious manner and was fair to all members in providing for their high-priority items. Our chairman holds a special relationship with the administration, and it is no secret that he was outvoted in the committee, but he never lost the grace and humor that make him one of our most beloved col-

leagues, and a distinguished Member of this body.

It is regrettable that we bring this bill up after fiscal year 1984 has already begun. It should be noted for the record that the subcommittee completed hearings on April 26. When H.R. 3222 was delayed in the other body, the chairman went ahead with our markup on July 26, and the Committee on Appropriations reported S. 1721 on August 2. We have awaited the call of the Senate for over 2 months.

Mr. President, I have been closely involved in the committee's markup sessions. This bill is a good bill due to the efforts of the minority members in working out a bill that we all can support, while recognizing the overall fiscal situation. For example:

We have preserved the funding of the Economic Development Administration.

We have provided a major increase in the Nation's tourism activities, including a major enhancement of the successful gateway receptionist program.

The funding of the National Oceanic and Atmospheric Administration is considerably improved over the reductions budgeted by the Reagan administration, including $38 million for sea grant.

While the Justice Department received the 1-percent cut imposed during our markup, we know that no reduction need be made to law enforcement agent levels budgeted for the FBI, DEA, Marshals, and Immigration Service.

Our recommendation for the Department of Justice also maintains the juvenile justice and delinquency prevention program, with reinstatement of the delinquency prevention, technical assistance, and juvenile legal advocacy programs to their fiscal 1982 levels. In addition, we recommend $69,300,000 to renew the best aspects of the criminal justice assistance programs of the former Law Enforcement Assistance Administration.

A modest increase is provided for the Legal Services Corporation, after 2 years of forcing them to operate at a level 25 percent lower than the 1981 level.

Mr. President, I also want to clarify something for our colleagues. The front page of our Report No. 98-206 indicates that the bill is $539,165,000 over the estimates for 1984. That certainly is correct with respect to the President's budget estimates, but it does not take into account the $257 million request that the Legal Services Corporation submitted directly to the Congress pursuant to law. If we had followed our past practice of including the Corporation's request with the estimates, we would be only $282,165,000 over the estimates.

As I indicated at the outset, the senior Senator from Nevada is to be commended for his fine work on this bill. He has taken the unusual step of filing additional views in the report for good reasons that I certainly appreciate and can appreciate his concern here. However, that should not diminish the pride he should have in his work. In view of the horrible budget proposals that the Office of Management and Budget sent up for 1984, his friends in the White House should be grateful that the chairman stood tall and held this bill to less than $300 million over the estimates. Furthermore, the bill is nearly $700 million below the subcommittee allocation under the first concurrent budget resolution. While there are some further requirements to be taken care of, it is expected that the major part of that underage will be saved for the taxpayers.

Mr. President, I know of no further opening statements on the bill and we are ready to proceed with the bill.

Mr. President, I think this demonstrates that the distinguished chairman of this subcommittee has lived by his credo of fiscal responsibility by coming in substantially less than the budget allocation, even though he has had to work with some persistent members of the committee and a White House which has had a few different views. I commend him for that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. LAXALT. Mr. President, I thank my colleague. As Senator DECONCINI has indicated, I have had the utmost cooperation from my colleagues on the other side of the aisle. It has not been all that easy at times, but we were able to report a bill out to which I have some serious reservations. I hope that once we get to passage of this bill—the conditions have changed since the processing of the subcommittee bill and will permit the chairman of the subcommittee to vote for the bill. That will be a welcome event.

Now, Mr. President, I have reviewed all the amendments to this bill that I am aware of and, after working with my colleagues, believe we have reached an agreement on almost all of them. We have worked religiously with our colleagues trying to work out compromises of various sorts to the proposed amendments and because of that I think we are in reasonably good shape. I think, Mr. President, for those of my colleagues who are listening in, we can finish this bill within a few hours. I realize, having been here before, that to accomplish our goal every Senator will have to cooperate. But I am confident the passage of this bill is a worthy goal. For that reason, I now ask my colleagues—and I am certain Senator DECONCINI joins me—who have an amendment that we previously discussed, or otherwise, to kindly come to the floor as quickly as possible to offer that amendment or have a substitute stand in or, I might add to that, as I have indicated to many of my colleagues, if for whatever reason they are unable to come in and process an amendment that we have indicated we will be able to take, to simply let us know and we would be more than happy to process that particular amendment.

I have distributed a list of the amendments I know of to both sides. If any Senators have amendments that are not on that list, please let the respective cloakrooms know immediately. That is very important if we are going to get this bill done expeditiously today.

In 1 hour, I will ask unanimous consent to close off all further amendments. Again, I do not know of any reason that we cannot complete action on this bill today. There will be rollcall votes. Not many, I do not think, as I presently see it. Unless something is out there that I am unaware of, I do not think we are looking at more than three, four, or five rollcall votes. But I think we can get through all of them in a short and acceptable time.

Mr. President, to expedite matters, I ask unanimous consent that Senators' statements in support of amendments be included in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the Federal Communications Commission has before its Common Carrier Bureau a number of applications for nationwide paging. This new system is a good example of how improved technology brings better consumer service. These new systems will enable one person to reach another person anywhere in this Nation by pocket pagers similar to those my fellow Senators carry every day.

For the business person on the road, a Member of Congress traveling in his or her district, law enforcement officials, and many others, nationwide paging will be a valuable and effortless communications system.

Our committee recognizes the importance of bringing this new system to the American consumer as soon as possible. We believe that the FCC must make every effort to process those applications on an accelerated basis in order to have nationwide paging systems operating as soon as possible.

Accordingly, we will request a status report from the FCC on its plans to review and process the nationwide paging applications. I expect to follow up on this during our hearings on the Commission's 1985 budget.

POLITICAL BROADCASTING LAWS

In the committee's report on the fiscal year 1984 appropriation for the

Federal Communications Commission, strong language was included supporting continued effective administration and enforcement of the political broadcasting laws. In particular, the report stated:

The Commission should not *in any way* weaken or eliminate any current political broadcasting protections, including by weakening or eliminating any regulations (emphasis added).

So that there will be no misunderstanding by the Commission, the current proceedings on the Repeal of the Personal Attack and Political Editorializing Rules (General Docket No. 83-484) and on changes to the application of the fairness doctrine, and political cablecasting requirements for cable television systems (Mass Media Docket No. 83-331) must comply with the committee's language that no effort should be made to "weaken or eliminate any current political broadcasting protections." Any decision on these two proceedings, as well as any other political broadcasting proceedings, must be consistent with this language.

Mr. LAXALT. Mr. President, the minority floor manager and I agree to temporarily lay aside the pending amendment in order to consider those amendments on the list which I now send to the desk.

I will now yield the floor to my colleague from New Hampshire (Mr. RUDMAN), who has been exceedingly helpful to me in the processing of this bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 2392

Mr. RUDMAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN) proposes an amendment numbered 2392:

On page 7, line 18, strike "$960,167,000" and insert "$994,333,000".

Mr. RUDMAN. Mr. President, this amendment incorporates several NOAA amendments that were to be introduced by Senators STEVENS, WEICKER, HOLLINGS, HUDDLESTON, TRIBLE, GORTON, and EVANS.

It is an amendment with seven elements, beginning with $20,400,000 requested by the administration for the early launch of the Landsat "D" prime land sensing satellite, and $10,000,000 to continue development of the next generation weather radar program in the national weather service, which was also requested by the Commerce Department. Senator STEVENS has had a particular interest in these two items, and would have introduced an amendment to provide for these needs had he not been called away on urgent business.

Of the total, $20,400,000 is provided for the early launching of Landsat D prime to avoid the information gap that will otherwise occur. As many of you know, Landsat 3's ground facilities were dismantled in the past few months which made it virtually a dead satellite, and more recently, we have witnessed the systematic deterioration of Landsat 4. If the present cycle of solar panel failure continues, and it appears that it will, Landsat 4 will be almost useless in a matter of months.

If this funding is not approved, there will be a one-time interruption in data continuity between Landsat 4 and D prime. This will leave us without information that will be very valuable in the upcoming growing season. The Department of Agriculture is the largest single subscriber to Landsat products, and a gap in Landsat data will severely disrupt the Department of Agriculture's ability to predict the growth of crops, particularly in foreign countries.

Further, if we delay the launch for a year, we will be spending $20 million to maintain an idle ground system which would otherwise be providing valuable resource information.

I urge your support for increased funding needed to provide for the expedited launch of Landsat D prime.

This amendment includes $10 million requested by the administration to continue the next generation weather radar, or Nexrad, program.

Nexrad is an advanced doppler radar system which will improve national weather service capability to identify severe weather events. A new radar system is essential because the current system, based on 1950's technology, is becoming increasingly unreliable and difficult to maintain.

The budget amendment for Nexrad is needed to permit continuation of the two-contractor system validation phase. During the competitive validation phase, the contractors will develop and test critical system elements, build a preproduction model and evaluate it against system requirements, and provide fixed estimates for system production. One contractor will be awarded a production contract based on system performance and estimated cost.

Competitive validation is essential to ensure optimum system performance and reduce costs. A two-contractor validation program will hold down overall costs by at least 10-percent savings as much as $60 to $80 million over the life of the program.

On behalf of Senator STEVENS the amendment includes $700,000 to improve the manner in which inspection of fisheries products are conducted. The objectives of this amendment are twofold. First, the moneys would supplement the indirect cost expenditure for inspection, and second, funds would be provided for adequate and appropriate training of inspectors.

The dollar cost of this proposal is modest and would only defray a portion of the overall expense of the inspection program. I would like to point out to my colleagues that the Department of Agriculture subsidizes the inspection expense for meat and poultry products completely. In the past, members of our fishing industry have had to bear the entire cost for inspection of their products.

Criticism has been raised concerning the quality, reliability and consistency of the fisheries inspection program. This amendment would lead to a better, more uniform and meaningful inspection program for fish, thereby increasing the level of consumer confidence.

The $250,000 of additional appropriation I seek is at the request of Senator TRIBLE. This money would be for the use of the National Oceanic and Atmospheric Administration to develop—along with private industry and the educational community—a prototype "fish washing" machine.

Scientists from the Virginia Polytechnic Institute and State University, the University of Massachusetts, the Virginia Institute of Marine Science, and private industry, have demonstrated that a hand-held device which sprays a jet of pressurized water can blast the bacteria off of fresh fish and increase the shelf life to 13 to 17 days.

If this device can be enlarged so it would be feasible in our large commercial fish processing plants, then fresh American salt water fish would become widely available in inland markets and our ability to export this fresh product could increase dramatically.

In addition, $200,000 is included at the request of Senator WEICKER for the NOAA undersea research program. The funds would be used to enhance the current program in the Virgin Islands by transferring an existing facility to that location. The expansion of this operation should result in important ocean research opportunities for a modest cost.

Senators HOLLINGS and HUDDLESTON have also requested $116,000 to adjust for inflation in the National Weather Service weather radio program. These funds will not result in a program enhancement, but will simply hold the program harmless.

Mr. President, this amendment totals $31,666,000. However, of that total, $30,400,000 represents formal budget amendments submitted by the administration. Therefore, I can give it my full support and urge its adoption.

Mr. GORTON. Mr. President, the amendment which Mr. EVANS and I propose will provide $2.5 million for the salmon vessel buy-back program in

Washington State. The Salmon and Steelhead Conservation and Enhancement Act of 1980 authorized $37.5 million over 5 years to purchase commercial and charter fishing vessels, gear, and licenses from those Washington salmon fishermen who wished to leave the fishery. The program was intended to reduce the salmon fishing fleet by 30 percent.

This action was necessary because of the so-called Boldt decision of the Federal district court in 1974. The court ruled that treaties between the United States and the Indian tribes of Washington Territory granted 50 percent of the harvestable catch of salmon in Washington waters to the Indian tribes. Prior to this time, the tribes' take was roughly 5 percent of the total catch.

The court's interpretation of the treaties was completely unanticipated. Salmon fishermen who had invested heavily in vessels and gear in good faith suddenly found that the number of salmon available to them had been cut in half. The Federal Government brought this cause of action and the Federal courts ruled in their favor. The buy-back program was designed to help overcome the dislocations caused by this unforeseeable Federal action.

Congress appropriated $2.5 million for buy back in each of the first 2 years of the program. Because of these modest sums, the salmon fleet was reduced by only 2 percent annually. However, the salmon catch potential was reduced by 7 percent annually, because the program targeted large producers first. The State of Washington, which administers the program subject to the audit of the Department of Commerce, has imposed a moratorium on the issuance of new licenses for salmon fishing, so every buy back is a net reduction in the size of the fleet.

Although the House version of this bill contains $2.5 million for the buy-back program, the Senate bill contains no funds at all for this purpose. I believe that the situation is so serious that buy-back funding should be increased, rather than decreased.

The salmon fishing industry in Washington is in desperate straits. The total salmon catch this year is less than one-third of last year's catch, possibly due to the effects of El Nino, a warm water phenomenon in the Pacific Ocean.

Salmon fishermen face agonizing dilemmas. Many of them want to leave the business, but there is no market for their vessels in the area. Some salmon fishermen have moved further out to sea, often in heavy weather, in search of fish, and have paid for this risk taking with their lives. Others have moved on to Oregon and Alaska fishing grounds, aggravating the depleted fisheries in those areas.

The salmon fishermen once believed that the buy-back program would greatly alleviate their difficult situation. They have been disillusioned by the meager sums appropriated thus far. Now, when the salmon fishermen face rock bottom, is not the time to stop this critically needed program.

Mr. President, the $2.5 million provided in my amendment would purchase about 200 salmon fishing vessels in this fiscal year. It will help fulfill a Federal promise to an industry that badly needs our help.

Mr. President, I ask unanimous consent that an eloquent letter from a constituent showing the impact of the court decisions and the desperate need for the buy-back program be included in the RECORD following my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VASHON, WASH., *September 20, 1983.*

DEAR SENATOR GORTON: One of my best friends went down with his boat last week. It was dark—two a.m.—and windy when other commercial salmon fishermen in the area heard his deckhand put out a call for help on the radio, saying they were sinking. No trace has been found at the position he gave.

We don't know if Gary collided with something—he was running toward port at the time—or was capsized by the rough seas. What we do know is he had been over fifty miles off shore fishing for tuna in his comparatively small boat—something that common sense would dictate he had no business doing this time of year.

We offshore salmon trollers aren't blind to the dangers involved in our fishery. Usually when someone we know loses their boat, or their life, it's an occasion, certainly for sadness, but not for complaint. We recognize the risk goes with the territory.

Lately, however, it's come to seem that there's more risk than territory. Our season has been regulated down to one of laughably short duration; further gear and catch restrictions make it impossible to make a living in a normal manner. We are forced to abandon caution and go to lengths that formerly would have seemed unreasonable, and, in fact, still do. This is why I and many of my friends have been taking chances we shouldn't have been taking—in a bid for survival in the profession we've devoted the better part of our lives to learning.

The fact is we are being regulated off the ocean. Reasons for this are twofold: First, we have the potential to catch enough fish to endanger runs already weakened by damage to their spawning environment. Having an interest in the future, we are aware that efforts to repair the rivers would be futile without such corollary regulation, and we support it. But because of the second reason the regulations go far beyond what is necessary simply to preserve the fishery. Indian fishermen several years ago through a treaty interpretation in federal court won the right to catch fifty percent of Washington's salmon. Since then non-Indian trollers, who have been participants in the fishery for over fifty years and whose average annual catch of coho, to take one species as a typical example, averaged over 500,000 fish, have had their share regulated increasingly downward. This year we were allowed a quota of 20,000 fish—barely a drop in the bucket of our normal share.

The government thus has barred one group of citizens from its livelihood in favor of another group. Whether the reasons underlying this action—injustices suffered by the Indians; destruction of their livelihood—justify it morally or legally, is moot; the Supreme Court has upheld it. But that this discriminatory action has been taken without providing compensation to the disenfranchised group can be nothing other than unjust.

I've been trolling since I was twenty-two—over twelve years. Gary started a year earlier; in fact, he introduced me to the business. Most of our colleagues have a similarly large portion of their lives wrapped up in the troll fishery. Gary, through careful maintenance and repair, had fished the same forty-year-old boat for ten years. He'd had to put a new engine in this year—I know he was worried about making payments on it. Yet, old as his was, many boats in less seaworthy condition are fishing for tuna this year after a futile try at making a living on salmon.

For many of us, our boats are the most tangible thing we have to show for our years of effort. Cut off from the salmon fishery by the season we're now allotted, the boats are near worthless. The time and energy we invested in learning our profession is wasted. The government has pulled the rug out from under us.

If this is really the way it has to be: If the U.S. government, through its courts, judges the non-Indian troll fishery to be unviable, where is the compensation for the living we're being denied? The Magnuson Act of 1980, besides facilitating fisheries enhancement and management, authorized a buy-back program to reduce non-Indian fishing effort and provide economic assistance to those fishermen who would be displaced. As set up, the program is a sham—only a few over-capitalized trollers who qualified in the early stages received any real benefit. As funded, the trollers' part of the program runs at a trickle whereby only about forty licenses or boats can be processed a year, out of thousands. We deserve more than this lip service.

Surely it's not selfish of us to expect some return on our investment of years of effort. Surely it's only fair that the entity which denies us our livelihood should provide us with the means to find a new one. And, finally, surely it's not unreasonable to expect such compensation to come before, not after, more of us go under, be it economically—or literally.

In hope of your assistance,

RICHARD BARD.

Mr. GORTON. Mr. President, I urge the adoption of our amendment.

Mr. HUDDLESTON. Mr. President, Senator HOLLINGS and I planned to submit an amendment to maintain the weather radio program of the National Oceanic Atmospheric Administration, but the necessary funds are included in the overall NOAA amendment offered by Senator STEVENS.

Recently, NOAA advised the operators of the weather radio program of a funding shortfall that would require the program to be operated at current levels because the President's budget did not include provision for the $116,300 adjustment to base required to maintain the existing NWR program level. This amendment would restore the $116,000. Without this additional amount, some of the 325 sta-

tions, in the NWR network would have to be shut down, and broadcasting would have to be cut back on others. Our farmers, in particular, would be impacted by any loss of NWR service.

As the Senators will recall, cooperative agreements have been established with a number of States for the operation and maintenance of NWR broadcast stations. Thirteen cooperative agreements for approximately 70 broadcast, who are State employees, rather than Federal, are currently in effect.

Mr. President, this is a modest but necessary amount to maintain a vital service to the American agricultural industry as well as the general citizens of the Nation.

Mr. HOLLINGS. Mr. President, I appreciate Senator STEVENS incorporating in his omnibus amendment the $116,000 that Senator HUDDLESTON and I sought to maintain the weather radio program of the National Oceanic Atmospheric Administration.

The vice president of South Carolina Educational Television recenty alerted me to a funding shortfall in the NOAA weather radio (NWR) program. NOAA has verified that the President's budget did not include provision for the $116,300 adjustment to base required to maintain the existing NWR program level. Without this additional amount, some of the 325 stations in the NWR network would have to be shut down, and broadcasting would have to be cut back on others.

As the Senators will recall, cooperative agreements have been established with a number of States for the operation and maintenance of NWR broadcast stations. Thirteen cooperative agreements for approximately 70 broadcast personnel, who are State employees, rather than Federal, are currently in effect.

The State of South Carolina has allowed an overall 5 percent budget increase for the next fiscal year and the level funding prescribed by OMB will leave South Carolina Educational Television $6,100 short of being able to meet their current commitment to NWR.

As one of the first States in the Nation to broadcast NOAA's weather service, South Carolina has been very proud of our participation in this program. South Carolina ETV operates seven locations for NOAA weather service and their in-kind contribution is $29,400 annually. In addition, they are responsible for all the maintenance of equipment. Unless the additional $6,100 in funds is received, it will be necessary for South Carolina to lay off one employee and cut back on the broadcast hours.

According to information supplied by NOAA, the States of Arkansas, Florida, Indiana, Kentucky, Minnesota, Mississippi, Missouri, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, and West Virginia are similarly impacted in amounts ranging from $2,000 up to $12,400.

By including this additional $116,000 in Senator STEVENS' amendment, the NOAA weather radio program will be maintained at current levels.

Mr. RUDMAN. Mr. President, I ask unanimous consent that a letter from the Secretary of Commerce to the chairman of the subcommittee (Mr. LAXALT) be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., October 19, 1983.

Hon. PAUL LAXALT,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR PAUL: The Senate will consider the fiscal year 1984 Commerce, State, Justice Appropriations bill soon. I strongly urge that the Senate include the recently submitted LANDSAT and NEXRAD amendments in the fiscal year 1984 bill. Successful continuation of LANDSAT and completion of the Weather Service's Next Generation Weather Radar (NEXRAD) program are very important both to the Commerce Department's mission and for the well-being of our Nation. These amendments are essential to maintain the programs now and avoid higher costs later.

We need an amendment of $20.4 million to launch LANDSAT D prime in February 1984, rather than a year later as previously planned, due to system failures in the current LANDSAT 4 satellite. Because of these failures, LANDSAT 4 will probably be out of operation in a few months. If the launch were delayed until next year, maintenance of the ground system would cost $20 million even though no products were being produced. Our most practical and responsible course is to ensure, through a February 1984 launch, that we continue to receive the benefits of the LANDSAT system.

The $10 million amendment for NEXRAD is required to continue the program in fiscal year 1984. The amendment will carry out the validation contracts based on the contractors' estimated costs and support the full validation program. If the funds are not provided in the fiscal year 1984 apropriation, contractors will have to stop work for at least 9-10 months. The overall program will be delayed by at least a year, increasing outyear costs by $60 to $85 million. We have made substantial progress towards developing the NEXRAD radar. This more accurate, reliable system will benefit the American people through improved tornado and severe storm warnings. We must not allow the NEXRAD effort to stop next year.

While I recognize the concerns caused by the submission of budget amendments at this time it is critical that we continue the LANDSAT and NEXRAD programs during fiscal year 1984. I urgently ask your support to provide the funds to continue them in the Senate bill.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.

Mr. WEICKER. Mr. President, I support the amendment offered by Senator RUDMAN to H.R. 3222, a bill to make appropriations for the Departments of State, Justice, Commerce, and related agencies for the fiscal year ending September 30, 1984. My particular interest with this amendment is the earmarking of $200,000 to the National Oceanic and Atmospheric Administration for the purpose of advancing undersea research capabilities.

This increase in funding would specifically benefit NOAA's undersea research program operating in the Caribbean. Since 1978, NOAA has maintained an ongoing science program using the undersea habitat Hydrolab, off the coast of St. Croix, U.S. Virgin Islands. This facility makes use of a unique diving technique known as saturation diving, an extremely valuable technique for the marine scientist. This type of diving literally allows the marine scientist to live and work on the ocean floor. The ongoing research conducted by scientists using Hydrolab would be impossible to conduct using more conventional research techniques.

Although NOAA has done a commendable job in maintaining an excellent science program using Hydrolab, there are a number of shortcomings inherent in the system. A relatively shallow operating depth and lack of mobility are the two major drawbacks.

What is needed is a system that is mobile and has a greater depth capability. Such a system, the Aegir, exists but is currently inoperable. The $200,000 to be made available would enable NOAA to transport this system and associated support equipment from Hawaii to the ongoing program in St. Croix. Providing this additional funding should not be viewed as the final step but rather as the vital next step in supporting an innovative approach to ocean research.

To realize the tremendous potential of putting man on the ocean floor to conduct research, we need only look at the related work of the deep submersible Alvin. The discovery of and subsequent research on the hot water vents and associated marine life in the Pacific is one of the most important scientific discoveries of the century. The point to remember is that this work was not accomplished overnight, it took years of work and continued Federal support. In many respects, the research performed at the Hydrolab facility closely parallels the work done by Alvin and the research may lead to discoveries equally as exciting.

Much like the other sciences, there are few guaranteed short-term benefits in marine research. A long-term commitment is required to assure satisfactory answers to some very pressing and difficult questions. To effectively study the oceans and realize their full potential, our research approach must be as varied as possible and receive adequate Federal funding.

The expansion of NOAA's undersea research activities in the Caribbean and establishment of the Aegir as a working system would greatly enhance our undersea research capabilities. I urge my colleagues to support this appropriation.

Mr. TRIBLE. Mr. President, I strongly support Senator STEVENS' amendment, which at my request includes $250,000 to be used to assist in the development of a prototype fish-washing machine for commercial use.

Historically, the distribution of fresh fish from our Atlantic, Pacific, Arctic and Gulf coasts has been restricted to local and regional markets, with only limited distribution in the inland areas of America and in foreign countries.

This limited distribution is not due to a lack of customer demand; rather it is due to the short shelf-life of 4 to 6 days for this fresh fish. This short shelf-life is caused by the bacteria which clings to fresh fish causing spoilage. If this problem could be solved, inland markets would open overnight.

In 1979, a midwest food retailer decided to merchandise fish as a major commodity within its retail meats division. Studies conducted by its marketing personnel have shown that the mid- and south-west contains one of the largest unsatisfied markets for fresh, unfrozen fish in the country and that consumers are willing to pay for a high-quality product. However, because of the distance and handling required to market fresh fish in inland areas successfully, a 9-day minimum shelf-life is required.

One major food retailer estimates that it can sell 700,000 pounds of fresh coastal fish in its Houston division alone if the shelf-life could be increased.

A process has now been developed which can increase the shelf-life to 13 to 17 days. This simple process merely requires a highly pressurized blast of water on each fish, which washes away the bacteria.

This process has been developed by scientists at Virginia Polytechnic Institute and State University and the Virginia Institute of Marine Science, working in conjunction with the University of Massachusetts, the Mid-Atlantic Fisheries Development Foundation, the Virginia Seafood Council and private industry. They have achieved positive results using a small hand-held fish-washing device.

The key at this time is to develop and build a prototype fish-washing machine which will be commercially feasible in our large fish processing plants. The groups working on this process have raised and spent approximately $300,000 in the past 18 months and they have made impressive progress.

This $250,000 amendment will allow this work to continue. Those who have developed this technology are confident that $250,000 will be sufficient to develop a prototype machine for commercial use.

National Oceanic and Atmospheric Administration officials believe that this washing technology has great merit. It is our intention that this $250,000 be provided as a grant to those developing the technology and that NOAA work closely with this group to develop and build a prototype.

I wish to stress that this is a one time only amendment, which is justified by the progress in the fish-washing technology in the past few months. I do not believe that additional Federal funds will be necessary; however, if that is not the case, those developing the technology should seek funding through the regular Saltonstall-Kennedy grant process.

Mr. Chairman, this amendment will permit the development of what the business community calls high risk, high payoff technology. Developing a fish-washing machine is too costly for any one company in private industry; however, if one is developed and is commercially feasible, the potential benefit to our fishing, fish-processing, and food-retailing sectors is great. This is a legitimate area for Federal assistance, and I urge the acceptance of this amendment.

I ask that a newspaper article about this fish-washing process be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FISH-WASHING IDEA EXCITES AN INDUSTRY

(By Jean McNair)

HAMPTON, VA.—Fish processors are working on a method to clean fish with a high-pressure shower that would keep the catch from spoiling for up to three weeks and open up distant markets to fresh seafood.

"This project . . . will probably turn this industry around 100 percent as far as having available a much larger market area than we have ever had in the past for fresh fish," said Charles R. Amory, president of L.D. Amory Co., a Hampton fish processor.

Fish washing is not unusual. Fish are generally placed in water tanks as they come off the boat, mainly to wash away ice used in packing. Researches have found that washing the fish with a spray of fresh chlorinated or salted water can keep them from spoiling for up to three weeks instead of the three to five days that fresh fish typically remain edible.

Amory's firm and Empire Fish Co. of Gloucester, Mass., are testing fish-washing techniques developed by researchers at Virginia Polytechnic Institute and State University in Blacksburg. By holding a fish by the tail with a pair of pliers and washing it with a high-pressure sprayer, Virginia Tech food technologist George J. Flick found he could clean away the bacteria that can cause spoilage.

The problem is building a machine that will do the job quickly and effectively for large volumes of fish. Flick said he envisions a machine that would move the fish along a conveyor belt while it is sprayed from above and below three times.

Flick recently secured $25,000 from the Peninsula Ports Authority of Virginia to build a prototype fish washer. About $300,000, from private industry, the non-profit Mid-Atlantic Fisheries Development Foundation and VPI, has been spent on the research project since it started in April 1982.

It's difficult to guess how much a fish-washing maching would cost, but it probably would be expensive, Flick and Amory said.

Fish washing is not the only technique researchers are considering to preserve fish. Lowering the temperature in the cutting room to 40 or 50 degrees would keep the fish fresh longer, but Amory said he questioned whether people can work in a room that cold.

Whatever the method, the researchers say it's a good time for advances in the seafood industry. "The public has become more informed and more aware of cholesterol problems, protein, low-fat foods," Amory said. "Seafood, fish in particular, is just about at the top of the list as far as high protein, low fat, low cholesterol diet does."

Still, an average American eats 77 pounds of beef in a year, 59 pounds of pork, 53 pounds of chicken and only 12 pounds of fish. Amory says one reason is the difficulty of keeping fish fresh.

The Kroger Co., a Cincinnati-based supermarket chain supporting the fish-washing research, estimates it could sell 700,000 pounds of fresh Virginia fish per week in its Houston division alone, Amory said.

Thomas Morris, sales manager for Empire Fish Co., said his firm already sells fresh fish in the Midwest, but improved processing methods could greatly expand the market. "Right now there's more frozen than fresh fish being sold in the Midwest," he said. "The potential there for expanding is tremendous."

Improving seafood processing with expensive equipment will not lower fish prices, at least in the short term, Amory said. "What we are doing is not going to make the fish less expensive. It's going to make them a little more expensive," he said. "But it's going to make them available to millions of people they're not now available to."

In the long run, seafood prices could decline, he said. An expanded seafood market would inspire watermen to bring in bigger catches and a larger supply could lower prices. Now watermen don't bother catching some fish, he said, because they know processors can't sell them.●

Mr. SARBANES. Mr. President, I rise to express my strong support for the amendment to prohibit the expenditure of any further funds to transfer the operation or management of our civil remote sensing network. I have been concerned for some time that this ill-conceived proposal will not only have an adverse effect upon our own citizens who use this data, but would also seriously jeopardize a range of international agreements and obligations to which this Nation has subscribed. One of the cardinal principles of Government operation of these systems has been that any data would be freely and equally available. This critical policy would be jeopardized by the commercialization of both Landsat

and Metsat. I am also troubled by the prospect that an outside contractor may elect to terminate essential services to our farmers should they prove to be financially unattractive.

I find it particularly disturbing that the administration has elected to move ahead with this proposal at this time. A recent study released by the General Accounting Office concluded that none of the five studies conducted under Federal auspices to ascertain the feasibility of operating these satellite systems on a commercial basis has provided a sufficient basis for making a sound decision in this matter. Furthermore, the Commerce Department projects that the Federal Government would need to subsidize a future contractor to the extent of providing hundreds of millions of dollars for a period of time as long as 10 years after such a transfer.

As many of my colleagues already know, the Federal Government has been and will continue to be the sole consumer of the overwhelming majority of the data gathered from these systems. It is not at all clear to me where this kind of information, which is routinely provided to farmers at little or no cost at present, will be obtained after transfer or what level of costs would be involved. Should the contractor's costs rise, it would be logical to assume that the costs to the Government will also increase.

It was for these reasons that this body agreed to prohibit any plan to transfer the Metsat system unless and until a comprehensive plan to do so had been submitted to and approved by the Congress. In my view a clear economic and operational advantage must be evident before any such proposal is agreed to by the Congress. I fail to see that any such advantage is indicated by any of the studies conducted up to this point. On the contrary, every analysis of this question clearly indicates that there will be certain increases in the cost to the Government.

In addition, the foreign policy implications of this type of transfer have not been adequately addressed. This Nation has consistently advocated an open skies policy concerning the collection of satellite imagery, and we have traditionally made this information available to any parties interested in this data. It is incomprehensible to me that we would allow a situation to develop wherein the United States would be subsidizing a contractor who may elect to provide geological data to a developer without allowing the government of the nation in which the resources are located equal access to the same information. Any move which would convert freely-available Government data to proprietary information may in fact be contrary to our international agreements and create further conflicts for our diplomatic initiatives in developing areas.

In my view, the compelling reasons which motivated the Congress to restrict this proposal in the National Aeronautics and Space Administration authorization remain valid considerations now and are sufficiently compelling to prohibit any further funding for this proposal. I strongly urge my colleagues to support this amendment.

Mr. RUDMAN. Mr. President, I believe that this group of amendments has been agreed to on both sides.

Mr. LAXALT. Yes, that is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2392) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAXALT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAXALT. Mr. President, I submit for the RECORD a colloquy between Senator HOLLINGS and myself in relation to regional information sharing systems.

Mr. HOLLINGS. I would like to discuss for a moment with the distinguished senior Senator from Nevada (Mr. LAXALT), the chairman of our Commerce, State, the Judiciary, and Related Agencies Subcommittee the comments in our report with regard to the regional information sharing systems (RISS). I know that our chairman shares my interest in the multi-State intelligence groups that are supported by the $9,990,000 recommended in the bill.

In the Southeastern area of our country, this concept of sharing intelligence of criminal activities between State and local jurisdictions is conducted by the Regional Organized Crime Information Center (ROCIC). Chief J. Preston "Pete" Strom of the South Carolina Law Enforcement Division (SLED) as well as scores of other members of ROCIC have let me know of the valuable services provided by ROCIC in combating career and traveling criminals in the Southeastern United States.

Since we issued our report, I have spoken with Chief Strom and Lt. Walter G. Powell of SLED as well as various Senators from other Southeastern States served by ROCIC. There is full agreement with that part of the report that directs a General Accounting Office management audit of the seven multistate projects. The director of ROCIC has long urged a review of their activities by competent auditors outside of the Department of Justice. However, there is a great concern about the directions given to the Department of Justice to restrict RISS programs from providing funds to State and local law enforcement agencies for purchase of intelligence information, and with the view that these programs should be limited to analyzing and disseminating information.

While it is recognized that the information function is the most important activity of the multistate projects, the other services of these organizations aid and assist State and local law enforcement agencies in gathering the high-quality information which is in turn referred to in the projects for analysis and dissemination. These services include the provision of funds to pay well-placed informants in multijurisdictional criminal conspiracies, and in certain cases, to purchase evidence and services to assist in the initial stages of investigation which leads to the gathering of vital criminal information. Mr. William M. Bekurs, Jr., the director of ROCIC, has assured me that funds are made available for purchase of information or for drug buys only when it is demonstrated that it is necessary to a criminal investigation and certified that the funds are not otherwise available.

Inasmuch as the committee has directed the GAO to evaluate the management of these projects, I would ask our chairman if he would agree that these restrictions on these projects be deferred until after we have the results of the GAO audits and the opportunity to review the activities of these projects. ROCIC and the other multistate projects are certainly aware of the committee's concerns, but my conversation with Chief Strom as well as Mr. Bekurs indicates that we may be going too far. They believe that the GAO audits will sustain their contention that the other services provided by these projects are vital support functions which enhance the quality of the information.

Mr. LAXALT. As our distinguished ranking minority member indicated, I, too, have had a longstanding interest in the multistate intelligence projects. That support is well demonstrated in the report. The Department of Justice, on the other hand, has not shared the enthusiasm that Senators HOLLINGS, DECONCINI, RUDMAN, COCHRAN, myself, and many others have in these programs.

Our ranking minority member suggests that we may have jumped to a conclusion before we have the results of the General Accounting Office audits. On behalf of the subcommittee, I will join him in a letter to the Attorney General directing that the RISS programs not be further restricted as called for in the report. We will look at GAO studies when they are completed and determine if anything further needs to be done.

Mr. HOLLINGS. I thank our distinguished chairman for his help, which

further evidences his solid support of strong law enforcement at all levels of government.

Mr. LAXALT. In addition, Mr. President, I submit for the RECORD additional colloquy between Senator HOLLINGS and myself relating to NWS public service community liaison staffing.

Mr. HOLLINGS. Mr. President, the budget for the National Weather Service proposed the elimination of 26 public service and community liaison staff positions in 25 NWS offices. When our distinguished chairman and I reviewed the budget and developed our recommendations, we agreed with this proposal.

Generally speaking, I still endorse this reduction. However, Representatives BRITT and NEAL of North Carolina have both brought to my attention the particular impact of this reduction at Greensboro, N.C. They correctly noted that we focused on cutting those positions not involved in forecasting. Among the 25 stations targeted for cuts, the Greensboro and one other are the only ones that send up an upper air balloon for recording upper air data, which is used to develop national forecast information. Also, the Greensboro station has suffered staff cuts over the years. In 1964, there were 15 employees; in 1981, 10; and in 1982, the staff was reduced to 9. The proposed cut for Greensboro cannot be absorbed without a substantial reduction in services.

Mr. President, I am informed that this involves the restoration of one position and $31,000. This office is responsible for all public service and severe weather warnings for Winston-Salem and High Point, as well as Greensboro and the surrounding counties. This further reduction at Greensboro will significantly reduce the transmittal of important weather information to all the citizens of this area, particularly farmers. I have discussed this situation with our chairman, and I believe he agrees that a further reduction at Greensboro must be avoided.

Mr. LAXALT. Mr. President, I have conferred with our distinguished ranking minority member about Greensboro. I have also spoken with Representative REGULA of Ohio who has a similar problem at the Akron office. The unique situation of both of these offices was not brought to our attention previously or our report would likely have made allowance for them.

I agree that further reductions at these two locations is not waranted. I would indicate for the record that the National Oceanic and Atmospheric Administration should restore two positions and $62,000 to the public service and community liaison program, from the more than $960,167,000 we have recommended for their operations, research, and facilities.

Mr. HOLLINGS. Mr. President, our distinguished chairman, in characteristic manner, has proposed a fair solution to the problems at Greensboro and Akron. On behalf of the minority, I join him in this modification of our report and in stating the committee's intent that NOAA reallocate two positions and $62,000 to maintain the staffing levels at these two locations.

AMENDMENT NO. 2393

(Purpose: To prohibit the use of funds by the FTC to promulgate final rules until the enactment of legislation authorizing appropriations for the Federal Trade Commission)

Mr. LAXALT. Mr. President, I yield the floor to the distinguished Senator from Wisconsin (Mr. KASTEN).

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 2393.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, line 25, add the following:

Provided further, That none of the funds appropriated in this paragraph may be used to promulgate final rules under section 18 (a)(1)(b) of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) until the enactment of legislation authorizing appropriations for the Federal Trade Commission.

Mr. KASTEN. Mr. President, this amendment is a simple one, and it has a simple purpose—to encourage passage of an FTC authorization bill this year. For too long, the FTC has operated without an authorization—the FTC has been running on one appropriations bill or another since September 1982. As a member of the Commerce Committee, I have worked hard to secure passage of an authorization bill this year. And we are close, Mr. President—a bill has been reported out of committee in both the Senate and the House, and we will soon have a unanimous-consent agreement cleared to allow floor action here in the Senate.

Yet the House has again reached a stalemate on the FTC, and is unwilling to go to the floor, so here we are again, appropriating money for an agency that is not authorized. I believe it is our responsibility here in the Senate to do all we can to get back to the way things are supposed to be, and to get this agency authorized. Therefore I am offering this amendment today, which would simply prohibit the use of funds for the final promulgation of rules until an authorization bill is passed. There is ample precedent for this amendment. We were in a similar situation back in 1979, and almost identical language was added to the FTC appropriations bill in an attempt to spur action on an authorization bill. As a result, the FTC Authorization Act of 1980 was soon signed into law. I believe it is time to try this kind of language again.

THIS AMENDMENT WOULD AFFECT A DOZEN PENDING RULES

The Commission has rulemakings underway in such diverse areas as antacid advertising and hearing aids. The amendment would not force work in these areas to grind completely to a halt. Commission staff could continue compiling reports on potential unfair or deceptive acts or practices in these areas. However, final promulgaton would be held up until the Congress has had a chance to put a constitutional review mechanism into place.

The rules affected are those described in the Commission's semiannual regulatory agenda which appeared in the Federal Register of October 17, 1983. They are the proposed rules on:

1. Antacid Advertising.
2. Credit Practices.
3. Eyeglasses II.
4. Health Spas.
5. Hearing Aids.
6. Amending the Holder-in-Due Course Rule.
7. Amending the Home Insulation Rule.
8. Mobile Homes.
9. Vocatioal Schools.
10. Protein Supplements.
11. Standards.
12. Amending the Octance Posting Rule.

CREDIT PRACTICES RULE

The Federal Trade Commission has adopted a carefully thought out rule which will bar the worst forms of credit collection practices still followed in some States. The FTC's new rule will prohibit creditors from requiring debtors to sign contracts which take away their right to their own attorney, waive protections under State law to keep basic necessities, and allow wages to be seized without a court judgment. In addition, the rule will insure that cosigners know their obligations, that consumers do not have basic necessities such as dishes, clothing, and furniture—usually worthless to the creditor—seized without a court judgment, and that consumers do not pay hundreds of dollars in late fees just because they failed to make one payment on time.

I am gratified that the rule was approved unanimously by Commission members appointed by the last three Presidents. This unanimous approval strongly indicates that the rule will provide substantial benefits to consumers without placing an unnecessary burden on the credit industry. Thirteen State attorneys general filed a statement supporting the rule, and no State spoke against it. To a large extent the rule was based on recommendations of the National Commis-

sion on Consumer Finance in 1972. Although the staff recommended a much broader rule, the Commission rejected a number of provisions and adopted ones which made the most sense, in terms of helping consumers without disrupting the credit market. I firmly believe this is a major step toward eliminating the remaining abuses in the credit industry and I congratulate the Commission for the thoughtful and careful work that went into their decision.

I am hopeful that this language will spur the House into some kind of action, and we, in fact, can have an FTC authorization bill this year. It is my understanding that this amendment has been cleared by both the majority and the minority on the committee, and I am hopeful that it can be adopted.

Mr. LAXALT. Mr. President, the amendment of the Senator from Wisconsin is designed to prevent the Federal Trade Commission from promulgating final rules until the agency is authorized. This is a rather unusual move, as we all know, but we feel that it is justified by the unusual circumstances.

Due to the fact that the present legislative veto over FTC regulations has in effect been ruled unconstitutional, it is important that Congress establish a new check on the power of the Commission. The authorization bill on the Senate side has been reported from the Commerce Committee and I fully expect it will pass this session with a new, constitutional legislative veto provision. However, to protect the prerogatives of Congress until that date, I believe it is important to suspend the effect of any new rules the FTC may issue. All other powers of the Commission would remain intact, subject to the provisions of the FTC Improvements Act already included in this bill.

I recognize that this is an issue more properly considered by the authorizing committee; however, I believe this amendment preserves the rights of the Commerce Committee and the Senate to consider the issue of the legislative veto without the possibility of unilateral action by the FTC.

I commend the Senator from Wisconsin for his amendment and urge its adoption.

Prior to our moving formally on that, it is my understanding that Senator DECONCINI has a question or two to propound to the distinguished Senator from Wisconsin.

Mr. DECONCINI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Senator from Nevada.

I want to address a couple of clarification questions to the Senator from Wisconsin.

On the face of the amendment, it appears to protect the jurisdiction of the Commerce Committee, and there was some concern about the authorization, as the chairman pointed out. Can the Senator from Wisconsin, the chairman of the Commerce subcommittee with oversight over the FTC, assure us that we will have an authorization for the FTC in law before Congress adjourns? Can he at least tell us what his projections are?

Mr. KASTEN. I can assure the Senator that we will have an FTC authorization bill in the Senate. We are very close right now to having a unanimous-consent agreement to bring it up in the Senate. Frankly, there is very little controversy in the bill, and I think it will pass relatively easily.

Mr. DECONCINI. I thank the Senator.

If, for some reason, things fall apart—they do that around here every once in a while—and there is not an FTC authorization in place when Congress is about to adjourn, will the Senator from Wisconsin agree that we should take action to enable the Commission to resume issuing the final rules before we adjourn?

Mr. KASTEN. I hope that will not be necessary, but I assure the Senator from Arizona that on a continuing resolution or some other vechicle, we could correct this and the FTC could operate. I hope that, as in 1979 and 1980, this action will spur the House into action and that we will have an authorization as well as an appropriation.

Mr. DECONCINI. I thank the Senator from Wisconsin for his assurances and clarification.

Mr. President, there is no objection to the amendment on this side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2393) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAXALT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2394

Mr. LAXALT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. LAXALT) proposes an amendment numbered 2394.

Mr. LAXALT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 25, strike "$78,507,000" and insert "$77,507,000"; and on page 3, line 4, strike "$77,220,000" and insert "$78,220,000".

Mr. LAXALT. Mr. President, this amendment would shift $1 million originally added to the salaries and expenses account of the Bureau of the Census for a revision of the Standard Industrial Code to the periodic censuses and programs account. These funds are more properly placed in the latter account.

Mr. President, this amendment has been cleared with both sides of the aisle. I ask that the amendment be adopted.

Mr. DECONCINI. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2394) was agreed to.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2395

(Purpose: To provide $3,500,000 for the Texarkana Criminal Justice Facility)

Mr. DECONCINI. Mr. President, I send an amendment to the desk, on behalf of the Senator from Arkansas (Mr. BUMPERS), and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), on behalf of the Senator from Arkansas (Mr. BUMPERS), proposes an amendment numbered 2395.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29 line 17 strike "expended" and insert in lieu thereof: "expended: *Provided*, That $3,500,000 shall be made available to complete the Bi-State Criminal Justice Assistance Center at Texarkana, Arkansas under the same terms and conditions that previous Federal assistance was made available for construction of this facility."

Mr. BUMPERS. Mr. President, this amendment provides $3,500,000 for completing the bistate criminal justice center. Funding for this facility was originally initiated by the late Senator McClellan with a $2,500,000 earmark in the LEAA appropriation for fiscal 1977, followed by an additional $2,500,000 in the 1978 bill. The total of $5,000,000 was the largest single construction award made by LEAA.

This facility is designed to house the various criminal justice activities, including a jail and court facilities for the cities of Texarkana, Ark., and Texarkana, Tex., as well as the surrounding counties in both States. The jail on the fourth floor is now 91 percent complete, but the first, second, and third floors are 100 percent incomplete. The Department of Justice estimates that the final cost will be between $17 and $21 million, of which States and local governments have already contributed approximately $10 million to the project.

Mr. President, the staff of the subcommittee has reviewed the funds that have reverted to the Office of Justice Assistance, Research, and Statistics. The most current estimate is that $12 million will be available from reverting to OJARS from prior year grants. The staff has found that a portion of these balances were reserved for contingencies as well as for administration initiatives that, in my mind, have no greater standing than getting on with the completion of the bistate criminal justice center.

This amendment will allow a reasonable amount to be reserved for unforeseen contingencies, and it will assist the States and municipalities to take a major step toward completion of this important State-Federal project. I ask the support of Chairman LAXALT for this proposal, and I thank the subcommittee staff for their assistance with this project.

Mr. LAXALT. Mr. President, we have no problem with the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2395) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAXALT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAXALT. Mr. President, I yield to the distinguished Senator from Rhode Island (Mr. PELL).

AMENDMENT NO. 2396

Purpose: An amendment to increase appropriations for Fulbright, International Vistor, and Humphery Fellowship Exchange programs)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL), for himself and Mr. PERCY, Mr. LUGAR, Mr. HEINZ, Mr. DODD, Mr. GLENN, and Mr. MATHIAS, proposes an amendment number 2396.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, strike lines 8 through 12 and insert in lieu thereof the following: "For expenses of Fulbright, International Visitor, Humphrey Fellowship and Congress-Bundestag Exchange Programs as authorized by Reorganization Plan No. 2 of 1977 and the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq), $106,729,000. For the Private Sector Exchange programs, $7,100,000."

Mr. PELL. Mr. President, this amendment would conform appropriations levels for the Fulbright, Humphrey, and International Visitor Exchange programs to the levels specified in the authorizing legislation. I believe the amendment, which is cosponsored by Senators PERCY, GLENN, LUGAR, MATHIAS, and DODD, is acceptable to the managers.

Last year, Congress passed a provision in Public Law 97-241, which I authored, to double certain vital and successful exchange-of-persons programs by fiscal year 1986. This year, the Foreign Relations Committee reaffirmed its commitment to this goal by earmarking the necessary funds. The Senate, in passing S. 1342 yesterday, has ratified this action.

The Foreign Relations Committee, in S. 1342, says of these programs:

Over the years, these programs have demonstrated a proven record of effectiveness in promoting American institutions and values abroad and in enhancing mutual understanding. Alumni of the International Visitor Program, for example, include 33 present or former heads of State and 378 Cabinet Ministers. The Fulbright academic programs have provided year-long experiences in the United States for students and scholars who have later gone on to hold positions of great influence in their own countries. For example, some 30 currently serving Japanese Ambassadors were Fulbrighters as are the heads of 14 major Japanese universities, and approximately one-fourth of all the faculty at Finnish universities.

Since 1965, funding for those exchange programs has declined approximately 40 percent. By contrast, Soviet bloc spending for comparable programs has increased and vastly exceeds U.S. efforts. In Latin America in the academic year 1980-81, the Soviet Union and allies provided 9,135 scholarships for study in the Soviet Union or other Communist countries. By contrast, USIA and AID funded only 854 students.

The amendment also appropriates funds for the Congress-Bundestag exchange.

Mr. President, I ask unanimous consent that USIA's answers to committee questions on the exchange programs be printed in the RECORD. These answers underscore the importance the administration attaches to these programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VALUE OF TRADITIONAL EXCHANGE PROGRAMS

Question. Do you consider traditional exchange programs—and, in particular the Fulbright program, the Humphrey program and the international visitor program—effective tools for promoting democracy and U.S. interests?

Answer. Absolutely. The Agency has often taken the position, before the Committee and in other public settings, that exchange-of-persons programs are among our most effective means of building understanding and promoting the U.S. national interest over the long term. The most recent example is Director Wick's opening statement before the Committee on September 22, in which four of the thirteen initiatives be commented on involved these important programs.

SOVIET EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Question. Do you believe we lag behind the Soviet Union in our educational and cultural exchange programs? Should we be concerned about this lag? What should we do about it?

Answer. The Soviet government's investment in all types of public diplomacy programs—including the exchange of persons, radio broadcasting, book programs, press and publications and other areas—significantly exceeds our own and is growing at a faster rate than the U.S. Government commitment. With respect to educational exchanges, a recent Agency study estimates that the number of Central Americans studying in the Soviet Union at the university level, and almost entirely under Soviet government sponsorship, was 2,345 in 1982; the comparable figure for U.S. Government—supported students in the United States for the same period was 468.

We are, indeed, concerned about the U.S. lag behind the Soviet efforts in all of the areas for which USIA is responsible. In responding to this concern in the field of educational exchanges, the Agency has proposed a number of initiatives that would take advantage of the strength and attractiveness of our educational institutions and society to people from other countries by, for example:

Increasing resources for the program in a thoughtful way, focusing on individuals, groups and countries overseas that might not, without our help, have the resources to pursue their studies or vocations in the United States;

Strengthening our efforts to work with the 326,000 foreign students currently enrolled in American institutions of higher learning, to ensure that their presence in our country furthers their understanding of us and ours of them; and

Continuing to support the networks of private organizations in the United States who, largely through volunteer efforts, are more effective international communicators than any government could ever be.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DECONCINI. We have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2396) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I thank the managers of the bill very much for their consideration and courtesy in this matter.

AMENDMENT NO. 2397

(Purpose: To increase the appropriation for the International Trade Administration by $14,600,000 to maintain the trade adjustment assistance to business)

Mr. DECONCINI. Mr. President, I send an amendment to the desk on behalf of the senior Senator from Arkansas (Mr. BUMPERS).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI), for the Senator from Arkansas (Mr. BUMPERS), proposes an amendment numbered 2397.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5 line 13: strike "$142,393,000" and insert "$156,993,000".

Mr. BUMPERS. Mr. President, I offer this amendment on behalf of myself and Senators HOLLINGS, RIEGLE, MOYNIHAN, LAUTENBURG, SPECTER, and D'AMATO.

Mr. President, this amendment would increase funding for the International Trade Administration by $14,600,000 to maintain the program for trade adjustment assistance for businesses. This program, which the administration has sought to eliminate, provides technical assistance to businesses across the country which demonstrate injury as a result of competition from imported goods. In my judgment, as the new ranking Democrat on the Small Business Committee, this is hardly the time to turn our backs on these firms.

All across our country and in many segments of our economy, American jobs are threatened by imports. The problem is so great that protectionist sentiment is on the rise. This sentiment takes a variety of forms, such as domestic-content legislation, yet such legislation is not the best response by Government if it forces American consumers to pay artifically high prices in order to support industries which are outdated by failure to keep pace with changing technology. The better answer—better for the consumer of affected goods and for laborers in the threatened industries—is, of course, for the American firms to modernize their businesses so as to remain competitive with foreign firms. Yet the current administration seeks to eliminate the Government's only program aimed at helping small firms respond to this situation.

This has been an effective program, one which has provided enormous help to small businesses in Arkansas and across the country. I will review its history only briefly for the Senate. The trade adjustment assistance program for businesses was created in 1974, as part of the Economic Development Administration, but the idea of helping domestic firms respond to foreign competition goes back at least to the Kennedy rounds. Administration of TAA through regional trade centers was added in 1979. One of the centers is in Little Rock and serves the States of Arkansas, Texas, Louisiana, Oklahoma, Nebraska, and Missouri. These regional centers now provide a variety of technical services to eligible firms.

This is no giveaway program, however. First, in order to be eligible for assistance, firms must file a petition showing that sales or production have decreased, that its work force has been reduced, and that imports of similar or like articles have contributed to the firm's difficulties. Second, an adjustment plan is developed which will: First, contribute to the economic adjustment of firm, second; give adequate consideration to the interests of the firm's employees, and, third, demonstrate that the firm will make all reasonable efforts to use its own resources for economic recovery. Third, the firm is then eligible for technical assistance with its marketing, engineering, production, and financial or management problems. The trade centers do this through employment of professionals on their staffs and, on occasion, by contracting with private firms. I would point out, Mr. President, that the Government bears not more than 75 percent of the cost of this assistance, the remainder being paid by the firm receiving the assistance.

Mr. President, to those who have sought to eliminate this program, I would point out that of 2,240 firms which have received TAA assistance, 1,877 are still in business—and let us remember that these firms were in serious trouble when they came to the program. The mid-America Trade Adjustment Center in Little Rock has helped 166 firms in its region, employing 26,000 people.

There is no jobs program in the United States for a segment of population impacted by Government policies with costs anywhere near as low as the TAA program for firms and industries where jobs have been so effectively maintained and expanded.

For less than the cost of 1 week of unemployment compensation, nearly 250,000 workers have their jobs. In 1 year alone these workers pay over $200 million in Federal income taxes and unemployment compensation—more than 10 times the amount of all loans in 1982, 7 times the 1982 budget for the program, 60 percent of all TA loans from 1972–82.

This program has had a component of Government loans in the past, which some people have criticized because some of the firms have, in fact, gone under despite efforts to save them. Without going into the merits of the debate over the loan program, I would just say that this amendment does not include funds for loans. It asks only for $14.6 million for technical assistance and administration. The House has funded trade adjustment as $40 million for next year—an increase of $13.5 million over fiscal year 1983—including loans. My amendment would merely maintain the current level of funding, minus the loan program. I would leave it to the conferees to decide the fate of the loan program, but I would add that, in my judgment, the loan program is now well managed and deserves renewal. However, in the spirit of compromise, I have not pressed for it here, and I hope the distinguished chairman will accept this amendment.

Mr. RIEGLE. Mr. President, I am pleased to sponsor this amendment to continue the trade adjustment assistance program. This program which provides needed assistance to firms that have been hurt by imports has proven to be an effective and efficient way to help our Nation maintain its competitiveness.

One of the most critical challenges facing our Nation is the increasing flood of imports from around the world.

Our trade deficit was $42 billion last year and is already projected to go to a record high $70 billion for 1983. By next year it should be up to $100 billion. This skyrocketing deficit has already cost 1.5 million jobs. And as long as this trade imbalance continues to rise, our unemployment problem will continue to worsen.

The challenge before us is not only to respond to the needs of those whose jobs and businesses are endangered by this unprecedented influx of imports, but to insure that America will be competitive in the future. I believe that the trade adjustment assistance program is an integral part of our national effort to meet that challenge.

The adjustment program, which was established by the Trade Act of 1974, provides two kinds of assistance for firms that have been hard hit by imports. Such assistance is directed toward helping an eligible firm to develop and implement a solid adjustment plan to put it back on solid footing. In fact, all of the assistance

offered through the program is contingent on the development of such a plan.

First, the program assists firms in developing an adjustment strategy. This technical assistance is available in such specialized areas as marketing, production technology, diversification or product development. Second, direct loans and loan guarantees are available to firms who do not have sufficient funds to implement their adjustments plans.

Trade adjustment assistance centers (TAAC) are set up in the areas most hard hit by imports to offer assistance on a regional basis. The newest of the 13 TAAC's is the Michigan-Ohio-Indiana center based in Ann Arbor, Mich. This center will operate from the University of Michigan's Institute of Science and Technology which has been working with private industry for over 20 years.

Again, let me point out that this assistance is contingent on the development of a business plan to help insure that the firm will be competitive in the future. This is undoubtedly one of the reasons for the program's success.

Testimony at congressional hearings earlier this year pointed to case after case where firms with severe import related problems were turned around with the help of the trade adjustment assistance program.

Mr. President, I ask unanimous consent that a list of examples of this success, presented to the Finance Committee, be inserted in the RECORD.

The Bumpers-Riegle amendment would add $14 million to the technical assistance program. While this is less than I had hoped for, it will at least keep this part of the program operating at last year's level.

But I am disappointed that we could not agree on including money for the loan program. This is a small part of the program—less than 2 percent of firms receiving assistance get loans or guarantees—but it is important that some financial assistance be available. This assistance is not only another source of capital but offers leverage to firms financed in the private markets. And while there may have been problems with defaults in the past, it is clear to anyone who has studied this program that these problems have been fully addressed since 1981. So, I am hopeful that money for financial assistance may still be appropriated in the House-Senate conference.

The Congress must continue to address the critical trade issues confronting America's businesses and workers. The trade adjustments assistance program for firms is an important part of that effort. This amendment will help keep this program going. I urge my colleagues to support it.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF EXAMPLES

York Capacitor Corporation of Winooski, Vermont, lost its market for small fluorescent lighting capacitors to the Japanese. With the aid of trade adjustment assistance, the company developed a plan to produce and market a new-technology capacitor, and secured a $240,000 loan to carry out the plan. Its new machinery is fully operational and its new products are receiving tremendous reception in the market place. Sixteen additional people have already been hired with about fifteen to twenty more soon to be added to the payroll.

The Florod Corporation of Hawthorne, California was the first U.S. manufacturer of laser mask trimmers, a yield enhancing device for the semiconductor industry. It lost its market completely to the Japanese in 1980. With technical assistance under the program, the company has developed new markets for laser defect analyzer and optical tooling, and it has developed new applications for existing products. The company is anticipating a banner year and states that the Western Trade Adjustment Assistance Center (which is funded under the trade adjustment assistance program) served as a life preserver. "It allowed us to hang on and develop enough strength to swim again."

Jerome Industries of Kenilworth, New Jersey found its sales of voltage transformers dropping by 28 percent in 1979 as a result of import competition. Trade adjustment technical assistance helped the company to revise its marketing, manufacturing and financial planning, and the company also received financial assistance. Sales volume has increased by 43 percent. Its customers have grown from 83 to over 200, and employment has gone from less than 100 to over 150.

The Tobin-Hamilton Company of Manfield, Missouri, manufactures athletic footwear. When imports began taking substantial bites out of its markets in 1979, it applied for assistance. Technical assistance was provided for new plant layouts, a new warehouse system and improvement in data processing. The resulting improved efficiencies enabled the firm to become more competitive, and its sales have increased from $10.5 million to $18 million. Employment has increased from 314 to more than 600.

Billy the Kid, Inc., of El Paso, Texas, found its sales beginning to decline in 1978 due to the impact of imports. Technical assistance under the trade adjustment program showed that sales could be increased through diversification into related apparel lines. The firm's financial condition had been weakened, and it was necessary to arrange $4,000,000 of Government financing, of which $3,000,000 was in the form of a loan guarantee. Sales have increased, margins have widened and pre-tax income surged nearly 2½ times. Export sales have also increased.

Lorraine Handbags, a small handbag manufacturer in New England, received technical assistance under the program and was advised to switch from competition against imports in discount stores to specialty stores and boutiques. Its product was also upgraded. Sales rose from $260,000 in 1979 when it was certified to $1.9 million in 1982 and an estimated $2.7 million for this year. Management states that the firm would be out of business today were it not for this program.

Mr. DECONCINI. Mr. President, this is a good amendment which the minority strongly supports, and I move the adoption of the amendment, unless there is some discussion on the other side.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GARN. Mr. President, on behalf of the majority, we are willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2397) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2398

(Purpose: To provide reimbursement to the city of Nogales, Arizona, for the treatment of sewage received from the city of Sonora, Mexico)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an amendment numbered 2398.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, line 21, after "preliminary" strike all that follows through "Mexico" on page 44, line 9, and insert:

"surveys, $10,651,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89): *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State: *Provided further*, That up to $800,000 shall be transferred to the city of San Diego, California, to reimburse the cost of treating domestic sewage received from Tijuana, Mexico: *Provided further*, That up to $100,000 shall be available for reimbursement of the city of Nogales, in the State of Arizona, for expenses incurred in treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico"

Mr. DECONCINI. Mr. President, this amendment provides $100,000 from salaries and expenses of the International Boundary and Water Commission, United States and Mexico, for reimbursement to the city of Nogales, Ariz., for expenses it has incurred in

treating domestic sewage received from the city of Nogales, in the State of Sonora, Mexico. Identical language is contained in section 509 of the House-passed Commerce, Justice, State appropriation bill, H.R. 3222.

Mr. President, in accordance with a contract between the Commission and the city of Nogales, Ariz., Nogales operates and maintains an international sewage treatment plant for the treatment of effluent from both Nogales, Ariz., and Nogales, in the State of Sonora, Mexico, across the border. Under the terms of the contract, the city of Nogales, Ariz., collects payment from Mexico for its allotted costs, as determined by the IBWC. In fiscal year 1981, the costs to Mexico totaled $71,185 and in fiscal year 1982 the costs were $67,518. The actual cost of treating Mexican sewage in 1982 was over $127,000.

Mr. President, the economic woes of Mexico have apparently been the primary cause of Mexico's failure to make full payments for its share of the treatment costs over the past 10 to 11 months. Despite efforts by the city of Nogales to collect full payment, Mexico continues to be behind in meeting its share of the costs to treat sewage. These delays have caused tremendous financial hardship on the Nogales, Ariz., community—a small community of approximately 12,000 people which is currently experiencing an unemployment rate of 27 percent.

Mr. President, I do not need to tell this body what the potential health consequences could be if there were to occur some difficulties in processing the sewage from our Mexican neighbor in Nogales resulting from Mexico's failure to make full sewage treatment payments to the city of Nogales, Ariz. Therefore, I am proposing that the Commission reimburse the city of Nogales, Ariz., directly for any unreimbursed expenses that the city may incur in treating Mexican sewage. In the meantime, the city of Nogales, Ariz., will persist in its efforts to collect full payment from Mexico and when it does those payments would be transferred directly to the U.S. Treasury. Hopefully, Mexico will be able to make those payments shortly, thus negating any effect at all on the U.S. Treasury.

Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. GARN. Mr. President, the majority is willing to accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2398) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 2399

(Purpose: To allow the Census Bureau to test and evaluate the potential use of Postal Service lists in conducting the 1990 Decennial Census)

Mr. LAXALT. Mr. President, I now send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. LAXALT) proposes an amendment numbered 2399.

Mr. LAXALT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, after line 6, insert the following:

During the current fiscal year, applicable appropriations and funds available to the Department of Commerce shall be available to test and evaluate alternative methods of creating an effective decennial census canvassing list, including the use of lists of addresses of housing units or other locations which the United States Postal Service is hereby authorized to provide solely for this purpose.

Mr. LAXALT. Mr. President, this amendment would allow the Census Bureau to test and evaluate the potential use of Postal Service lists in conducting the 1990 Decennial Census. The authority would not extend beyond the current fiscal year and the amendment has no budgetary impact.

Mr. President, the amendment has been cleared by the authorizing committee and the Treasury/Postal Service Appropriations Subcommittee.

I now ask that the amendment be adopted.

Mr. DECONCINI. Mr. President, there is no objection on this side. The amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 2399) was agreed to.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2400

Mr. LAXALT. Mr. President, I now send to the desk another amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. LAXALT) proposes an amendment numbered 2400.

Mr. LAXALT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, line 9, before the period, add the following: ": *Provided*, That notwithstanding section 8(b) of the Board for International Broadcasting Act of 1973, not to exceed $4,900,000 of the amounts placed in reserve in fiscal year 1983 pursuant to that section or which would be placed in reserve pursuant to that section, shall be available in fiscal year 1984 to the Board for carrying out that Act, and, in addition, $13,282,000 shall be appropriated for grants for RFE/RL, Inc. for facility modernization and program enhancement".

Mr. LAXALT. Mr. President, this amendment would allow the Board for International Broadcasting to spend moneys originally appropriated in the fiscal year 1983 supplemental bill. The money in that bill was appropriated subject to authorization. Unfortunately, the authorizing legislation was not enacted before the end of the fiscal year. Since the money is urgently needed, was requested by the President, and has already passed congressional muster once, I urge my colleagues to allow the funds to be spent in fiscal year 1984.

The Board for International Broadcasting has started a multiyear rebuilding process which will upgrade and modernize its facilities and enhance its programs. Many of the radio transmitters used by Radio Free Europe/Radio Liberty were built in the 1950's. They no longer have the power to broadcast adequately. Also, they are technologically obsolete and do not have the range and capabilities incorporated in systems developed more recently.

Our Nation has a powerful weapon—the truth—in the war of ideas with the Soviet Government. But, we need to guarantee that the instruments of the truth—our radio systems—are able to accomplish the tasks assigned them. We must modernize our systems. The administration has set the highest priority on this project and I believe it has the bipartisan support of the Senate. The money in this amendment will start the rebuilding program, which will be continued in 1984 and in the future.

Senator HOLLINGS joins me in urging the adoption of this amendment.

Mr. DECONCINI. Mr. President, the distinguished chairman of the committee, the Senator from Nevada, is correct. Senator HOLLINGS does support the amendment and the minority has no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 2400) was agreed to.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2401

(Purpose: To provide that no funds appropriated are to be used for further restrictions on firearms)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. SYMMS) proposes an amendment numbered 2401.

On page 23, between lines 11 and 12, insert the following:

"SEC. 204. None of the funds appropriated by this Act shall be used to develop, promote or implement any restrictions on the ownership or possession of firearms, except those restrictions contained in any provision of sections 921 through 928 of chapter 44 of title 18, United States Code, or chapter 53 of the Internal Revenue Code of 1954 (26 U.S.C. 5801), known as the National Firearms Act, as enacted prior to the date of enactment of this Act.".

The PRESIDING OFFICER. Do the managers agree to set aside the pending amendment for the consideration of this amendment?

Mr. DECONCINI. Mr. President, we do not object to setting it aside, and so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, today I am offering an amendment to the appropriation bill for the Department of Commerce, Justice, State, and Judiciary, H.R. 3222. My amendment to the Justice Department appropriation bill is straightforward and simply provides that no funds appropriated under this legislation are to be used for further restrictions on the ownership or possession of firearms. Specifically, my amendment would prohibit the further use of Federal funds to develop, promote, or implement any restrictions on firearms.

The right of the individual to keep and bear arms must be maintained. With the court challenge to the Morton Grove action, and now the subsequent Supreme Court decision on October 4, not to hear the appeal, this amendment becomes even more significant.

The Federal Government, I firmly believe, should not provide funds through this bill which would legalize the confiscation of otherwise legally held and used firearms. The right of individuals to arm themselves, to provide protection for themselves and their families, and their property must be maintained.

The people of our Nation are being robbed, assaulted, and murdered. Resources to fight crime at the State and local levels are currently stretched dangerously thin. This appropriations bill provides through a variety of methods, such as those established by the Juvenile Justice and Delinquency Prevention Act of 1974, Federal dollars to States and localities to help them fight this crime situation. Yet, as these States and localities are requesting Federal funds to combat crime, many localities pass laws that effectively neuter an individual's best protection against crime—the individual himself.

Mr. President, the Federal Government cannot be called upon to underwrite such a course of action and bear an additional burden of giving Federal crime fighting dollars to municipalities that forbid a citizen the ability to protect himself. The majority of citizens want anticrime programs, not antigun programs.

The Senate has already taken a position on this issue while the leadership of the Senate was in different hands. During consideration of final passage of the Gun Control Act of 1968, it was the position of the Senate that:

No Government agency, including State or political subdivision, may legalize the confiscation of otherwise legally held and used firearms.

The purpose of my amendment is not to occupy the field in the area of firearms legislation to the exclusion of State and local governments. Nevertheless, when local or State laws disallow a person in his own home to possess a firearm for crime protection, I believe the Federal Government does have a legitimate role, but it must not subsidize unconstitutional State or local policy.

James Madison saw local, State, and Federal levels of government acting to correct each other's abuses when he wrote as publiuis in the Federalist Papers:

In the compound republic of America, the power surrendered by the people first divided between two distinct governments and the portion allotted to each subdivided among distinct and separate departments. Hence, a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

The right to bear arms is a constitutionally guaranteed right, an essential right, a basic liberty and an American value. We must not lightly contest State and local actions. I am one of the strongest supporters of State's rights in this body. However, we must never allow any government at any time to abrogate the Constitution. James Madison advocated this, his colleagues appreciated this, and the Constitution embodies this principle.

Some might argue that Congress should not be intervening in local and State affairs. If this were the case, it would entail eliminating most Federal programs currently in operation.

I have attempted through a variety of methods to bring this issue before the Senate. After a year and a half, I believe it is time to force the issue on this floor.

The American public needs to know where the Senators stand on this important issue. Shall funds from this bill be used to develop, promote or implement restrictions on the ownership or possession of firearms? Does the American public want hundreds of Morton Groves to grow from Federal taxpayer's dollars? That is really the question here.

In my opinion, if a national referendum were held today asking the public, "Do you want a Morton Grove ban in your community?" The answer would be very similar to the vote last November in California—the overwhelming defeat at the polls of a proposed handgun ban.

Gun ownership by individual Americans is a basic component of our security for ourselves, our families, and our property. Responsible firearms ownership must be allowed and encouraged.

I believe my amendment is a step in the right direction.

Mr. DECONCINI. Mr. President, the Senator from Idaho has brought up a subject of deep concern to me about the infringement of the Federal Government in the area of gun control restrictions.

I have, however, not had an opportunity to look at this closely enough to determine whether or not it would interfere with some very legitimate programs the Federal Government is involved in with local law enforcement officials.

I would suggest that for the time being we set this amendment aside so that we might have an opportunity to pursue it with the Senator from Idaho, the ranking member, and the chairman of the committee. If the Senator is agreeable to that, I ask unanimous consent that we temporarily set aside the amendment of the Senator from Idaho.

Mr. SYMMS. I so make the request.

Mr. DECONCINI. I thank the Senator for his cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2402

Mr. RUDMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN) proposes an amendment numbered 2402.

Mr. RUDMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 6, add the following new section:

SEC. . Authorities contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

Mr. RUDMAN. Mr. President, while this bill will fund the accounts in the Justice Department, the Department has not yet been authorized for fiscal year 1984. Even with available moneys, the Department cannot engage in certain activities without proper authorization.

The Senate has already authorized the Department in the first continuing resolution, but that will expire November 10. This amendment will continue that authorization until the end of the year or until a regular authorization bill passes, whichever is first.

The amendment does not supersede the actions of the authorizing committee in any way. It only guarantees that essential departmental activities can continue.

The amendment is acceptable to the Judiciary Committee; it is acceptable to both sides, and I move its adoption.

The PRESIDING OFFICER (Mr. WEICKER). Is there further debate?

Mr. DECONCINI. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 2402) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2403

(Purpose: To provide a justice assistance grant to the National Center for State Courts)

Mr. RUDMAN. Mr. President, on behalf of Senator STEVENS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN), on behalf of Senator Stevens, proposes an amendment numbered 2403.

On page 29, following amendment No. 2395 insert in lieu thereof the following: ": *Provided*, That $2,500,000 of such appropriation shall be awarded by the Administrator to the National Center for State Courts for court system management and improvement.".

Mr. STEVENS. Mr. President, the National Center for State Courts is an organization controlled by and serving the State courts of the country. It works in concert with the judicial leadership in each State to bring about improvements in the administration of justice in the State courts, where over 98 percent of our country's litigation occurs. The Chief Justice of the United States has hailed the Center as "one of the most important developments in the administration of justice in this century."

My amendment would direct $2.5 million in justice assistance funds to the Center. We have taken care of over half the State court system's justice improvement programs in this bill by allocating funds to the National Judicial College in Nevada, but the second half is just as important. These funds are needed to support the Center's work in the transition period between the demise of the Law Enforcement Assistance Administration and the enactment of new legislation that would provide Federal funds for organizations like the Center. It seems to me very unwise to let the effectiveness of this valuable national resource be impaired at this time.

Let me say also, Mr. President, that the Center is concerned about its past heavy reliance on Federal funding and is taking steps to broaden its base of support. The Center in 1980 adopted a multifaceted plan to establish its long-term financial stability. This plan consists of reorganizing the structure to make it, to the extent legally possible, an integral part of this State court system it serves; substantially increasing revenues from its State charge program; broadening support from the private sector; and reducing operating expenses.

In keeping with this plan the Center has reduced its permanent staff in half from 157 to 88. Between 1980 and 1982 receipts from the Center's State charge program rose from $420,755 to $1,379,194. Steps to strengthen the Center's support from the private sector are likewise proving successful with revenues from business and legal communities and from foundations increasing from $540,984 in 1980 to $603,078 in 1982. This has been possible even while total Center revenues were reduced almost in half in the same 2-year period.

The Center serves a vital resource center for State courts at all levels in their efforts to cope with today's and tomorrows problems—to improve case processing and thereby reduce delay; and to make courts more accessible and affordable to all while at the same time enhancing the quality of the judicial process. The Center serves as the research and development arm of the collective State judiciaries, analyzing their common problems, designing practical solutions, and aiding in their testing and implementation. It gives the State courts the capability of exchanging information so that each can learn from the experiences of the others.

At a time when our State court systems are facing substantially increased demands on their facilities and resources, the National Center for State Courts has shown itself to be a vital force in assisting all our States in coping with these demands. It is essential to the court systems in every State that the National Center for State Courts be allowed to continue its work.

This $2.5 million justice assistance grant would provide necessary supplemental support for the programs of the Center, until the transition that began in 1980 is complete.

Mr. RUDMAN. Mr. President, it is my understanding that the amendment has been cleared on both sides and there is no objection to the amendment.

Mr. DECONCINI. The Senator is correct.

Mr. RUDMAN. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2403) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2404

(Purpose: To limit the use of funds for the transfer of meteorological satellites to private ownership)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER), for himself, Mr. COHEN, Mr. ABDNOR, Mr. HEINZ, Mr. GORTON, Mr. FORD, Mr. SARBANES, Mr. MATSUNAGA, Mr. HOL-

LINGS, Mr. BINGAMAN, and Mr. HUDDLESTON, proposes an amendment numbered 2404.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, after line 6, insert the following:

No funds made available by this Act, or any other Act, may be used—

(1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite (METSAT) or associated ground system to any private entity; or

(2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite (METSAT) or associated ground system to any private entity.

Mr. PRESSLER. Mr. President, the amendment I am offering today, along with my distinguished colleagues, Senators COHEN, ABDNOR, HEINZ, GORTON, FORD, SARBANES, MATSUNAGA, HOLLINGS, BINGAMAN, and HUDDLESTON, would prohibit any further use of funds for the sale or transfer of U.S. weather satellites. This amendment would apply to the weather satellites (Metsats) only. The land remote sensing satellite (Landsat) program, which is also to be considered for commercialization, will not be included within the scope of this amendment.

The Senate has already made its intention quite clear regarding this matter. Earlier this month, it unanimously approved a resolution declaring its opposition to selling or otherwise transferring ownership or management of our weather satellites to the private sector. Evidently, the wishes of Congress are being ignored. This amendment would simply prohibit any money being spent for an activity which Congress has already said is inappropriate.

There have been numerous studies on this issue. They all reach the same conclusion—transferring the weather satellites to the private sector at this time just does not make sense. By prolonging the agony of an imminent refusal by Congress, we are just wasting money, creating needless public anxiety about the future of our weather satellite system, and confusing the real issues that need to be addressed in the satellite remote sensing area—namely, the future of our Landsat program.

It is healthy for the Government, from time to time, to stand back and assess its role in supplying goods and services as a matter of public policy. I applaud the administration's efforts in this area. Whenever private enterprise can responsibly and effectively assume control of government operations, the transfer should be made. But the evidence against the case for commercialization of these satellites is so overwhelming as to justify ending this review now.

So I urge my fellow colleagues to join me in support of this amendment. We should act as swiftly as possible to address the concerns of the American people by laying this issue to rest once and for all so we can get on with the other important business at hand.

Mr. GORTON. Mr. President, I would like to commend my colleagues from South Dakota and Maine, Mr. PRESSLER and Mr. COHEN, for their initiative in proposing this amendment.

As chairman of the Science, Technology and Space Subcommittee of the Commerce Committee, I have closely followed the administration's efforts to commercialize the Nation's land remote sensing satellite (Landsat) and meteorological satellite (Metsat) systems. I feel that while Landsat privatization may prove beneficial and is worthy of further consideration, there has been no convincing argument nor show of congressional support for transferring Metsat to the private sector.

Last month, I introduced Senate Concurrent Resolution 67 expressing the sense of the Senate that a Metsat transfer is not appropriate at this time. The resolution, which passed unanimously, shows that there is no support in the Senate for Metsat commercialization, and should have effectively ended serious consideration of the weather satellite transfer. However, the Source Evaluation Board for Civil Space Remote Sensing has persisted in its efforts to solicit proposals from private industry on the Metsat sale.

Mr. President, since these transfers cannot occur without congressional approval, and since the Senate has already expressed resounding disapproval of Metsat commercialization, I see no reason to spend the taxpayers' money for the Source Evaluation Board to continue its work, or for private industry to spend money preparing bids, when the proposal will ultimately be rejected by the Congress. I urge my colleagues to join me in supporting this amendment, so that this wasteful spending can be prevented.

Mr. HOLLINGS. Mr. President, on September 20, I introduced S. 1855, the Land Remote Sensing Satellite Authorization Act. This bill deals with the issue of commercializing land remote sensing satellites. As one of its principal findings, that bill states the ownership and maintenance of the U.S. meteorological satellites are the responsibilities of the Federal Government and no action should be taken to transfer, lease, or sell them to the private sector.

In the Committee on Commerce, Science and Transportation, we considered similar language contained in Senate Concurrent Resolution 67. This resolution opposes the transfer of the weather satellites to the private sector. It was reported by the committee and then adopted unanimously by the Senate on October 7.

All of this is to say that the Senate is opposed to the sale of our weather satellites.

The President's decision to sell these satellites was initially announced on March 8. In the jobs bill we said no sale; in the NASA and NOAA authorization bills we said no sale; and just 2 weeks ago, we said no sale again. Unfortunately, no matter how much we communicate those views to the administration, they continue to proceed down this ill-advised path. The Commerce Department's Source Evaluation Board is still planning to issue their "Request for Proposals."

It is time to give one last message, and the simplest way to do so is to not appropriate funds for any administration action intended to sell weather satellites. That is why I support this amendment and why I encourage my colleagues to do likewise.

There is no evidence available to support the logic of commercializing the weather satellites. The Federal Government is practically the sole market for data from these satellites. The taxpayer paid for the R&D that led to the development of these satellites. The taxpayer paid to purchase these systems, and the public should receive the benefits from them. To have us turn over these satellites to a private entity who will add a profit margin on top of their costs and who would collect various tax subsidies is not in the taxpayers' interest. This is another example of Reagonomics for the rich.

Mr. President, if there are efficiencies to be made in the weather satellite system, let the Commerce Department identify and implement them. They could do so just as readily as a private entity and with greater economic benefit to the taxpayer.

The administration's plan also would create a private monopoly which would have a guaranteed market. Not a bad business deal if you could get it. Would that monopoly want to invest in R&D to advance technology and improve their systems? Not likely; there would be no incentive to do so. The public loses once again.

On the international front, our friends and partners are clearly upset over private ownership of these satellites. We have an excellent international system of data exchange now; why change it? Particularly why change it along the lines the State Department is currently considering; namely, making the satellite data proprietary. The success of our space program has rested on an open skies policy. Sugar-coated assurances to the international community are not going

to fool them. They, and in turn the United States, would be placed in a terrible situation if the administration's proposals are implemented.

Finally, I am not at all convinced that private ownership of weather satellites is in our national security interest. The partnership between NOAA and the DOD has worked well. Why do we want to alter that?

For all these reasons, I am opposed to the sale of weather satellites. I could go on to outline additional reasons why the administration's approach is not in our national interest, but I am just preaching to the choir. I know my colleagues agree with me on this because you have said so several times this year. Therefore, I would urge you to support this amendment and halt this administration action. And, in so doing maybe we can turn our energies to what to do about Landsat and land remote sensing.

Mr. RUDMAN. Mr. President, the amendment offered has been cleared on both sides. It is acceptable to the committee. I move its adoption.

Mr. DECONCINI. Mr. President, the minority strongly supports this amendment which would bar the Source Evaluation Board of the Department of Commerce from soliciting proposals to sell our Nation's weather satellites. This amendment is necessary because the Department of Commerce persists in this plan to sell these satellites when the Congress has said no at every juncture. By cutting off the funds, we can stop this foolishness and get the Department's priorities in order.

Mr. President, I support the amendment and I ask to be added as a cosponsor with the Senator from South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from South Dakota (Mr. PRESSLER).

The amendment (No. 2404) was agreed to.

Mr. PRESSLER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2405

(Purpose: To provide that $2,000,000 of certain funds appropriated to the State Department shall be available only to carry out the Soviet-Eastern European Research and Training Act of 1983)

Mr. RUDMAN. Mr. President, on behalf of Senator LUGAR, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN), on behalf of Mr. LUGAR, proposes an amendment numbered 2405.

Mr. RUDMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, line 3, strike out "$1,122,450,000" and insert in lieu thereof "$1,124,450,000".

On page 40, line 4, before the period insert a colon and the following: "*Provided*, That of the amount appropriated under this heading $2,000,000 shall be available only to carry out the provisions of the Soviet-Eastern European Research and Training Act of 1983".

Mr. LUGAR. This amendment adds $2,000,000 to the State Department Appropriation and then earmarks those funds for the start-up of the Soviet-East European Studies Act of 1983. This program, approved in the State Department authorizing legislation begins to rebuild some of this Nation's lost capacity in Soviet and East European research.

The amendment provides only a portion of the funding authorized because the fiscal year has already begun, and it will take several months to get the program underway.

I believe that the managers of the bill will accept this amendment, and do not know of any objection to this amendment.

Mr. RUDMAN. Mr. President, the amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2405) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I ask unanimous consent that Mr. Nash be granted privileges of the floor during debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2406

(Purpose: To reduce by 10 per centum funds available for management and consulting services)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) for himself, Mr. DECONCINI, and Mr. PRYOR, proposes an amendment numbered 2406.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The amendment is as follows:

On page 60, after line 18, add the following:

SEC. 510. (a) Except as provided in subsection (b), of the total amount of budget authority provided for fiscal year 1984 by this Act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, an amount equal to 10 per centum of the amount requested for such purposes in the budget submitted by the President pursuant to section 1105 of title 31, United States Code, for 1984, as amended, for any agency, department, or entity subject to apportionment by the President shall not be available for obligation or expenditure.

(b) This subsection shall not apply to—

(1) any agency, department, or entity whose budget request for 1984 for the purposes stated in this section does not equal or exceed $5,000,000; and

(2) the Federal Bureau of Investigation and the National Oceanic and Atmospheric Administration.

(c) Within 60 days of the date of enactment of this section, the Director of the Office of Management and Budget shall report to the Appropriations Committees of the Senate and the House of Representatives on the identification and reduction of available funds required by the section.

(d) For the purpose of this section, the term "consulting and related services" shall have the meaning given such term in the 1983 Report of the Office of Management and Budget to the Committee on Appropriations of the Senate on administrative expenses.

Mr. MATTINGLY. Mr. President, the amendment that I am offering will reduce the amounts available in the bill for consulting and related services by 10 percent. The amendment instructs the Director of the Office of Management and Budget to report back to the Appropriation Committees with specific figures on the savings that have been identified under the provisions of the amendment.

My estimates indicate that the savings involved total approximately $5.5 million. The amendment exempts from its provisions the Federal Bureau of Investigation and the Nation Oceanic and Atmospheric Administration (NOAA). Frankly, I believe that those organizations could bear a 10-percent reduction in consultant and related expenses; however, the distinguished manager of the bill and other members of the State, Justice, Commerce Subcommittee have expressed their belief that these organizations should be exempted and I have incorporated such a provision in the amendment.

Certainly, a $5 million savings is modest in terms of a $200 billion deficit but I believe the amendment should be adopted not only because it will lower the totals in the bill before

us but also because it will strengthen the ability of the Appropriation Committee and of the Senate to deal with this issue during the next budget cycle. Such a statement of support from the Senate will result, I am sure, in much more careful looks being taken by the agencies at such expenditures as they prepare their fiscal year 1985 requests.

The President's Cabinet Council on Management and Administration has considered the issue and will be assisting the efforts that already are being made by OMB to better control these expenditures. I am confident that a coordinated effort between the executive and legislative branches will yield results that lead to better oversight, and a more judicious expenditure of the taxpayer's dollar. Further, I believe that this can be accomplished without a sacrifice in program quality.

I urge the adoption of the amendment.

Mr. RUDMAN. Mr. President, it is my understanding that the amendment offered by the Senator from Georgia is acceptable by the managers on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Georgia (Mr. MATTINGLY).

The amendment (No. 2406) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2407

Mr. RUDMAN. Mr. President, on behalf of Senator ABDNOR, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN), on behalf of Mr. ABDNOR, proposes an amendment numbered 2407.

On page 59, line 17, strike "7" and insert in lieu thereof "14".

Mr. ABDNOR. Mr. President, this bill as reported by the House Committee on Appropriations reduced the budget requests so that no agency reported under this bill can pay more than a 7 percent increase to GSA for space and services. GSA's fiscal year 1984 Federal buildings fund space and services program is based on an across-the-board increase of 14 percent above fiscal year 1982 SLUC rates for all Government agencies. Limiting the 1984 rates to a 14-percent increase from fiscal year 1982 results in a substantial and permanent loss in revenue to the Federal buildings fund. If GSA is to maintain a responsible Federal buildings fund space and services program and meet legal obligations it is imperative that no further income reductions take place. The proposed language will require agencies under this bill to pay the same increases as all other Federal agencies.

Mr. RUDMAN. Mr. President, this amendment, offered by the Senator from South Dakota, has been cleared on both sides. I do not believe anyone else on the floor wishes to speak to the amendment. Therefore, I urge its immediate adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2407) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MELCHER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2408

Mr. RUDMAN. Mr. President, on behalf of the Senator from New York (Mr. D'AMATO), I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN), for Mr. D'AMATO, proposes an amendment numbered 2408.

On page 46, after line 19, insert the following:

SEC. 304. None of the funds appropriated in this title may be used to prepare, produce or purchase any map showing the Union of Soviet Socialist Republics that does not—

(1) show the geographic boundaries of Estonia, Latvia and Lithuania and designate those areas by those names;

(2) include the designation "Soviet occupied" in parenthesis under each of those names; and

(3) include in close proximity to the area of the Baltic countries the following statement: "The United States Government does not recognize the incorporation of Estonia, Latvia and Lithuania into the Soviet Union."

Mr. RUDMAN. Mr. President, the Senator from New York offers this amendment which is self-explanatory and all-inclusive within the language as reported by the clerk.

Mr. D'AMATO. Mr. President, I rise to offer an amendment to H.R. 3222, the State, Justice, Commerce appropriations bill. My amendment requires all maps produced by the Department of State to clearly indicate that the United States considers the Baltic nations of Estonia, Latvia, and Lithuania as Soviet occupied territory.

The United States has never recognized the forcible and illegal incorporation of these independent republics into the U.S.S.R. We continue to recognize and accredit diplomatic representatives of the independent Baltic governments. Yet, Soviet hegemony in the Baltics has continued since 1940, when thousands of Soviet troops marched into the region. Today, more than 7.5 million Estonians, Latvians, and Lithuanians live under the yoke of Soviet domination. The people of the Baltics have been subjected to a ruthless policy of Russification designed to deny them their rich heritage and traditional customs. Believers are constantly harassed by the atheistic totalitarian regime. Despite the repressive policies pursued by the Soviets with respect to the Baltics, the free spirit of those living in Estonia, Latvia, and Lithuania has not been broken. The roots of nationalism grow deep in the Baltic soil. The struggle for freedom there continues.

As a member of the Commission on Security and Cooperation in Europe, I have repeatedly spoken out on behalf of those denied basic human rights and civil liberties in the Baltics. Adoption of my amendment will reaffirm our commitment to those struggling to break the chains of Soviet domination. I urge the passage of this amendment as a clear signal of our continued support for the people of Estonia, Latvia, and Lithuania.

Mr. RUDMAN. Mr. President, this amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 2408) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. HAWKINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2409

Mr. RUDMAN. Mr. President, I send an amendment to the desk in behalf of myself and Senators NUNN, WEICKER,

GORTON, BRADLEY, FORD, STAFFORD, BUMPERS, BAUCUS, WILSON, BOSCHWITZ, JEPSEN, DURENBERGER, MATHIAS, HUMPHREY, KENNEDY, METZENBAUM, LAUTENBERG, TSONGAS, EXON, and MATTINGLY, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN), for himself, Mr. NUNN, Mr. WEICKER, Mr. GORTON, Mr. BRADLEY, Mr. FORD, Mr. STAFFORD, Mr. BUMPERS, Mr. BAUCUS, Mr. WILSON, Mr. BOSCHWITZ, Mr. JEPSEN, Mr. DURENBERGER, Mr. MATHIAS, Mr. HUMPHREY, Mr. KENNEDY, Mr. METZENBAUM, Mr. LAUTENBERG, Mr. TSONGAS, Mr. EXON, and Mr. MATTINGLY, proposes an amendment numbered 2409.

Immediately following page 60, line 18, add the following new section:

"SEC. 510. None of the funds appropriated by the Act may be used for any activity the purpose of which is to overturn or alter the per se prohibition on resale price maintenance in effect under Federal antitrust laws."

Mr. RUDMAN. Mr. President, the amendment we are offering today is simple and straightforward. It would prohibit officials in the Department of Justice from engaging in efforts designed to change longstanding case law which prohibit price fixing at the retail level. The amendment does not change current law, nor does it alter congressional jurisdiction over Federal antitrust laws. It would implement, in part, Senate Joint Resolution 105, which has been cosponsored by 51 Members of the Senate.

What Congress is faced with is an arbitrary conclusion by officials of the Department of Justice that over 70 years of consistent case law is in error. They seek to circumvent congressional approval of the per se prohibition of resale price maintenance. Indeed, they would use Department of Justice funds to change the law instead of enforcing it. This is hardly to be applauded when we hear each year that the funds we allocated for law enforcement are inadequate.

In addressing this amendment, it is important to understand the lengthy history behind the per se rule against retail price fixing. The basis of the rule can be traced to the Sherman Act itself. When the Sherman Act was reported out of the House Committee on the Judiciary, resale price maintenance was identified as an activity that would violate the act. The Supreme Court first considered the issue in the 1911 case of Miles Medical Co. against John D. Park & Sons. The Court found that resale price maintenance was a per se violation of the Sherman Act. The Court has not wavered from its decision in over 70 years, most recently affirming the rule in the 1982 case of Rice against Norman Williams Co.

Congress, on the other hand, has made some changes in the application of the rule. Responding to the staggering rate of business failures and unemployment following the Depression, Congress passed the Miller-Tydings Act, and later the McGuire Act, which enabled States to pass fair trade laws. Fair trade laws permitted manufacturers to set the retail price for their products, effectively eliminating intrabrand competition at the retail level.

By 1975, however, considerable opposition to fair trade laws had developed. Repeal of the Miller-Tydings Act and the McGuire Act was called for by President Ford, consumer groups, the Justice Department, the Federal Trade Commission, the Council on Wage and Price Stability, discount stores and small business associations. Bills were offered in both Houses of Congress to repeal the enabling legislation, and, after numerous hearings, Members of Congress found no justification for fair trade laws. Studies by the Department of Justice showed that consumers in States with fair trade laws were forced to pay prices 20 to 30 percent higher than consumers in States without fair trade laws. Statistics provided by the Library of Congress also showed that business failures were actually higher in States with fair trade laws. Further, in Canada and Great Britain, which prohibited resale price maintenance, and in States where fair trade laws had been repealed, prices were lower, with vigorous competion and a better business climate.

After their respective hearings, both the House and the Senate Judiciary Committees concluded that the Miller-Tydings Act and the McGuire Act should be repealed. In its report, the Senate Judiciary Committee stated that the "laws are, in fact, legalized price fixing," and recommended that they be repealed. The House committee found that such laws "contribute little but artificially high prices for consumers." Therefore, with near unanimity, Congress in 1975 repealed the enabling legislation for fair trade laws, thus reinstating the per se prohibition.

No one would dispute the fact that resale price maintenance, under current law, is a per se violation of the Sherman Act. However, despite that fact, William Baxter, in charge of the Antitrust Division of the Department of Justice, has voiced his opposition to the law and has indicated that he does not intend to enforce it. His position has been reported in the media on numerous occasions and was recorded when he testified before joint hearings of the State, Justice, Commerce Appropriations Subcommittee and the Committee on Small Business. His record in office is also very clear. He has closed seven resale price maintenance cases that were under investigation when he took office, and, since taking office, has refused to open any new investigations.

More recently, Mr. Baxter and the Solicitor General have filed an amicus curiae brief in the case of Monsanto against Sprayrite in an effort to persuade the Supreme Court to eliminate the per se prohibition on resale price maintenance. These actions form the basis for the introduction of Senate Joint Resolution 105, and now, this amendment. It appears to me that Mr. Baxter, who is responsible for the enforcement of our Federal antitrust laws, holds an unorthodox view of the responsibilities of his office. As a former State attorney general, I understand his responsibility to be the enforcement of all of the antitrust laws, not just the ones he may happen to agree with.

As Justice Marshall stated in a recent opinion:

Antitrust laws in general, and the Sherman Act in particular, are the Magna Carta of free enterprise. They are as important to the preservation of economic freedom and our free enterprise system as the Bill of Rights is to the protection of our fundamental freedom.

When the chief enforcement officer for those laws chooses to ignore some of them, he is sending a loud and clear signal to the business community that they are free to do as they please. As anyone might expect, his comments and his efforts to change the law have already had an impact on the markets. Some major retailers are putting pressure on manufacturers not to sell to discounters who will undersell them. There are also manufacturers who are actually advertising that they will not sell to stores that will not adhere to their fixed prices. It is fairly obvious that the floodgates have been opened for price fixers, and the losers will be the consumers and those retailers who would like to compete with lower prices.

What bothers me as much as Mr. Baxter's disrespect for settled case law is the fact that he shows an equal disrespect for the role Congress should play in this issue. Unlike similar legislative proposals which the Assistant Attorney General has offered for congressional consideration, he is asking the Supreme Court to change the law. Mr. Baxter is doing this in the name of the United States, despite the contrary position taken by Congress on this issue. Further, he is making his argument in a case to which the United States is not a party and in which neither party has raised the issue he addresses. Clearly, Mr. Baxter's arguments should not be before the Court.

The Supreme Court has recognized, in Arizona against Maricopa County Medical Society, not only the existence of their position on the per se rule, but also the inappropriateness of Mr. Baxter's action.

Our adherence to the *per se* rule is grounded not only on economic prediction,

judicial convenience, and business certainty, but also on a recognition of the respective roles of the judiciary and the congress in regulating the economy . . . Given its generality our enforcement of the Sherman Act has required the court to provide much of its substantive content. By articulating the rules of law with some clarity and by adhering to rules that are justified in their general application, however, we enhance the legislative prerogative to amend the law. The respondents' arguments against application of the per se rule in this case therefore are better directed to the legislature. Congress may consider the exception that we are not free to read into the statute.

I agree with the Court. If there are to be any changes in the present law, they should be made by Congress after careful consideration of all issues involved. Mr. Baxter's efforts should not be met with silence by Congress.

If we are to maintain our jurisdiction over the development of antitrust law, we cannot permit our previous actions to be ignored. We must plainly advise the Assistant Attorney General that the funds we appropriate shall be used to enforce the law against resale price maintenance, not to change it. That is the thrust of this amendment, which has the support of the National Association of Attorneys General, the National Federation of Independent Business, the Consumer Federation of America, the Small Business Legislative Council, the National Consumers League, the Consumers Union, the Association of General Merchandise Chains, the National Mass Retailing Institute, the National Association of Catalog/Showroom Merchandisers, and the Food Marketing Institute. I hope my colleagues will see fit to support it as well.

Mr. WEICKER. Mr. President, I rise in support of the amendment offered by the Senator from New Hampshire. Senator RUDMAN's tenacity and commitment to the issue of antitrust enforcement is unequaled in this body, and it is a privilege for me to join with him on this amendment.

Simply put, this measure would prevent the Department of Justice from expending funds for the purpose of overturning or altering the per se prohibition against vertical price restraints.

Vertical price restraint is the fixing of prices at the retail level. It occurs when manufacturers conspire to fix prices with those who sell their products. It is an anticompetitive practice that adversely affects small business, results in higher prices for consumers, and protects and promotes inefficiency. Resale price maintenance also limits the free exercise of business judgment by independent distributors and effectively eliminates price competition among retailers.

For over 70 years, the Supreme Court, the Congress, and the executive branch have consistently condemned resale price maintenance as one of the most serious and costly of all antitrust violations. With the passage of the Sherman Antitrust Act in 1890 and more recently, the repeal of fair trade laws in 1975, Congress has been on record in opposition to the fixing of prices at the retail level. Since 1911, the Supreme Court in over a dozen opinions has held resale price maintenance to be a per se violation of our antitrust statutes. The Court has not wavered in its opinion that a private agreement, combination, or conspiracy whose purpose is to interfere with the setting of prices by free market forces is illegal on its face. There is not a need to inquire into the reasonableness of the rates fixed or the motivation behind the price fixing.

Now suddenly, in this administration, we are faced with Assistant Attorney General William Baxter, the Nation's chief antitrust enforcement official, who has chosen to ignore the per se illegality of resale price maintenance simply because it does not reflect his personal economic philosophy.

Mr. Baxter has made numerous public statements that the Department of Justice will not enforce the law. On December 1, 1981, and September 9, 1982, the Small Business Committee conducted hearings on current antitrust enforcement efforts. Both times, Mr. Baxter testified that vertical price fixing conspiracies are all right in some instances. As recently as 3 weeks ago, Justice Department officials informed Small Business Committee staff that there are currently no open investigations regarding vertical price fixing. Moreover, seven RPM preliminary investigations opened since January 1980, have since been closed without action.

Mr. President, not enforcing a law whose purpose is to preserve open competition in the marketplace is bad enough. However, now Mr. Baxter has decided to go one step further. Under his direction, the Justice Department has undertaken a campaign to change the antitrust laws by joining companies accused of unlawful restraint of trade in petitioning the Supreme Court to remove the per se prohibition against vertical price fixing.

Although the Government is not a litigant in Monsanto against Spray Rite, Justice officials on their own initiative have filed an amicus brief to attempt to convince the Court to ignore the intent of Congress and 70 years of past consistent Court interpretation by making some vertical price restraints legal. In two other cases in the Federal courts, Mr. Baxter has chosen to file amicus briefs, ostensibly on behalf of the United States, to support weakening resale price maintenance laws, despite the fact that the Congress is clearly on record upholding the per se illegality.

Mr. President, it is an outrage to me that we should have to plead with the Department of Justice to enforce our antitrust law. It is an outrage that Congress should have to remind the Department of Justice that Congress, not the courts, is the proper body for changing the law, if indeed, a change is necessary.

Congress cannot afford to sit back and ignore the actions of the Justice Department. The role of small business in our free enterprise system should not be dealt with at the discretion of the administration.

The longstanding bipartisan public policy prohibiting vertical price restraints has provided small business with the opportunity to respond in innovative ways to meet market demand for products at affordable prices. The past record of enforcement of our antitrust laws by both Democratic and Republican administrations has enabled consumers to benefit from the lower prices that competition brings.

This amendment should make clear to our chief law enforcement agency that Congress and the people of this country expect it to do just that: Enforce the laws, as they stand on the books. Again, I commend the Senator from New Hampshire for his initiative and leadership on this issue, and I urge my colleagues to join with us in sending this loud and clear signal to the Antitrust Division of the Department of Justice.

Mr. NUNN. Mr. President, I rise in support of the amendment being offered by the Senator from New Hampshire (Mr. RUDMAN), myself, and others, to this appropriations bill to prohibit the funds made available to the Department of Justice from being used to overturn the per se rule of antitrust law in the area of resale price maintenance. I regret that this amendment needs to be offered, but I believe it is important that Congress act, and act now, to assert itself as the primary source of lawmaking in this country. The amendment will also insure that 70 years of antitrust law are not lightly brushed aside, or left to wither through a conscience lack of enforcement action.

Under present law, it is illegal for a manufacturer to set the retail prices for its products to be charged by its distributors. Such action, commonly known as retail price maintenance, effectively eliminates price competition among sellers of a product, and infringes on a seller's rights to make adjustment based on market competition. It is a form of price fixing.

Since the 1911 Supreme Court ruling in Dr. Miles, through a line of cases up to last year's Court rulings in Rice against Norman Williams Co. and Arizona against Maricopas County Medical Society, the Supreme Court has recognized that once an agreement between a manufacturer and a distributor to limit the prices at which goods

are to be sold is found, there is an automatic, or per se, violation of the antitrust laws.

Congress gave its approval to this per se analysis of resale price maintenance violations through the 1975 legislation repealing those portions of both the McGuire Act and the Miller-Tydings Act which allowed "fair trade" pricing at the option of the individual States. By almost all accounts, the fair trade laws in effect prior to 1975 were a failure. One review of the extensive testimony from the House and Senate hearings held on the repeal legislation makes clear that the fair trade laws were causing economic harm to consumers. The hearings indicated that these laws added to the cost of products and facilitated price fixing by manufacturers at the expense of competition. The title of the legislation repealing those earlier statutes was appropriately named the "Consumer Goods Pricing Act."

Even the executive branch officials in charge of the enforcement of the Nation's antitrust laws agree that a finding of a resale price maintenance agreement is a per se violation of the antitrust laws. The Assistant Attorney General for Antitrust, Mr. William Baxter, in response to my questioning during recent hearings in the Senate Small Business Committee, readily acknowledged that the per se rule is unmistakably the law of the land in resale price maintenance.

With all of this agreement on the current state of the law, why is this amendment necessary? Regrettably, the Nation's law enforcement officers do not agree with the law in this area. They have made it clear that, with one exception, they will take whatever steps are necessary to see the rule reversed—either by chipping away at it judicially by joining in private lawsuits, or by failing to use traditional Federal enforcement actions to bring cases charging violations of the law. Ironically, the single action that this administration will not take is to come to Congress with a specific legislative proposal with their recommendation of an appropriate rule of law to be applied in these cases, and see whether Congress concurs with that justification for making a change.

Mr. President, I am satisfied with the current state of the law in the area of retail price maintenance. In fact, Senator RUDMAN and I have introduced a joint resolution (S.J. Res. 105), which has been cosponsored by 51 Senators, that indicates our view that the current rule of law in this area is correct, and that the Attorney General and all other appropriate Federal agencies and officials should vigorously enforce the present antitrust laws.

The small business community is unanimous in its view that all business is best served, and best protected, by a vigorous Federal enforcement of the Nation's antitrust laws, including the prohibition against resale price maintenance. Major retailers agree that they should have the latitude to price their products, and determine which services to offer their customers, based on their individual marketing strategies and customer demand. Consumer groups agree that purchasers should have the freedom to shop for the best price and to pay a premium for additional services that they find necessary. The experience since the repeal of the fair trade laws 8 years ago demonstrates that all of these groups are satisfied by the current state of the law, and see no need or justification for a change in the per se rule.

The amendment we are offering today will insure that the current law remains in place until Congress changes it. I urge my colleagues to support the Rudman amendment, and send a clear signal to the Justice Department and the Federal Trade Commission that this Congress supports a vigorous enforcement of the current antitrust laws.

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor on the amendment of the Senator from New Hampshire. He has provided strong leadership since his arrival to this body in the efforts many of us join to maintain vigorous enforcement of the antitrust laws.

The law is clear. Retail price fixing is illegal. Moreover, the courts have made clear and consistently held that resale price maintenance is illegal per se. It is so overwhelmingly harmful in almost every situation, that the courts have been instructed to hold the arrangement illegal, without becoming entangled in a bottomless morass of testimony about whether there were some compensating theoretical benefits. It is illegal, period.

The Congress has reaffirmed this position in 1975. Until that time, the Miller-Tydings Act exempted from the Federal antitrust laws any so-called fair trade agreements if resale price fixing was authorized by State law. In 1975, Congress repealed Miller-Tydings. We did so precisely because of the overwhelming consensus that resale price fixing is too harmful to consumers.

The legislative history of the repeal of Miller-Tydings makes clear that Congress intended the per se rule of law to remain in effect. Yet under the current antitrust chief of our Justice Department, William Baxter, there has been a conscious campaign to unleash resale price fixers by ignoring the law. Indeed, Mr. Baxter is trying to have the courts change the long established law, instead of coming to Congress.

He knows that there is strong opposition in Congress, particularly at a time when families budgets are stretched thin, to weakening the law. So he seeks to end run the normal process of revising the law:

First, by simply failing to enforce it; and second, by trying to under cut it in the courts.

Mr. President, I believe in fair competition and a competitive economy. That is why I fought for deregulation of industries in which the hand of agency regulation had choked off competition instead of preserving it. That also is why I believe that we must keep our antitrust laws strong, and their enforcement vigorous. At a time when we are trying to stimulate economic recovery, without a resumption of price inflation, a competitive economy is more important than ever. Yet today, the prospect for continued strong laws and vigorous enforcement is in doubt.

I know that the theory of antitrust law often seems complex or academic to the average citizen. But the consumers and small businessmen of America clearly appreciate the basic principle of antitrust: When competition is foreclosed, or is unfair, they suffer. If retailers may not offer discounts, they suffer.

The American consumers—the husband or wife, father or mother, trying to stretch a tight budget to buy shoes, and milk and medicines for their family—have been well served by our antitrust laws.

So have countless honest businessmen trying to compete for business, to serve the public, and to survive in a rough and tumble world of commerce or industry.

Particularly in these times of economic difficulty for all Americans, we should not lightly abandon any of the safeguards upon which the consumer or the businessman depend.

People also understand that the job of the Assistant Attorney General of the United States is to enforce the antitrust laws, not to help defendants evade its safeguards.

I am confident that a bipartisan coalition in the Congress and across the land will not let this administration gut the antitrust laws.

I urge my colleagues to support the amendment.

Mr. RUDMAN. Mr. President, this amendment has been cleared on both sides and is acceptable to the managers of the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, I have now confirmed that this amendment is acceptable to the managers, has been cleared on both sides, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 2409) was agreed to.

Mr. RUDMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2410

(Purpose: To limit U.N. assistance to the Palestine Liberation Organization, the South West Africa People's Organization, Cuba, Iran, or Libya)

Mr. DECONCINI. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) for Mr. PRESSLER and himself proposes an amendment numbered 2410.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46 after line 19 insert:

"SEC. 304. None of the funds made available under this title for International Organizations and Conferences shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa People's Organization, Cuba, Iran, or Libya.".

Mr. DECONCINI. Mr. President, this amendment is proposed and sent to the desk in behalf of Senator PRESSLER and myself.

Mr. President, I shall take a moment to explain a little bit about what the amendment does. It is relatively simple and I am going to take a moment to read it.

"SEC. 304. None of the funds made available under this title for International Organizations and Conferences shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization, the South West Africa People's Organization, Cuba, Iran, or Libya.".

Mr. President, I think it is very clear that there is need to demonstrate a firm opposition to terrorism, and it is certainly a position of this Senate and this body that we do not want American funds going to organizations that have been involved in this type of terrorist activities that are so blatant that their leaders pronounce that that is part of their policy.

Opposition to terrorism is a key tenant of U.S. policy.

I know that every Senator agrees with the position that diminishing terrorism as a force in this world is in this Nation's interest.

Terrorism strikes at the root of the principles upon which not only this Nation but western democracies were founded. Terrorism is the ultimate rejection of democracy and of basic human rights.

I and other Senators have previously moved to assure that terrorists and their backers not benefit, even indirectly from U.S. taxpayer dollars.

In several key bills dealing with international organizations, the Senate has agreed to provisions prohibiting assistance to international terrorism and governments that use terrorists to advance their undemocratic goals.

We have an opportunity here to make a very clear understanding that we are not going to tolerate any U.S. funds being used by these organizations, not that I want to leave any impression that the administration or anyone else is suggesting that funds be allocated to any of these organizations as set out by the Pressler-DeConcini amendment.

Therefore, Mr. President, I think that it is only proper that we adopt this, and I move the adoption of the amendment.

Mr. LAXALT. Mr. President, we have no objection.

Mr. PRESSLER. Mr. President, the amendment before you assures that American taxpayer dollars in the Commerce, State, Justice appropriations bill do not reach terrorists and their key backers through U.S. funding for international organizations and operations.

Opposition to international terrorism and to governments that use terrorists to promote their undemocratic goals is central to U.S. foreign policy. Americans are a generous people and they have provided assistance to the less fortunate in the world. But we must assure that dollars going out of the taxpayer's pocket are not used to buy weapons for intimidation rather than bread for the truly needy.

Terrorism represents the rejection of the ideals that the U.S. seeks to promote in the world. I know that every Senator agrees with the view that eliminating terrorism is in our Nation's interest. In several key bills dealing with international organizations and operations, the Senate has agreed to provisions prohibiting assistance to international terrorists and governments that use terrorists to advance their totalitarian goals. This amendment would extend this injunction to the Commerce, State, Justice appropriations bill.

This amendment is directed against the PLO and SWAPO, two organizations committed to change through the gun rather than through compromise. It is also directed against Cuba, Iran and Libya, three governments that aid terrorists and use them in undermining American interests in the world. Let us remember that Iran found reason to celebrate the attack on the U.S. Embassy in Lebanon in which U.S. personnel were killed. Libya has sponsored assassinations in the United States, Europe and other parts of the world. Cuba has worked ceaselessly to destabilize our hemisphere and prevent the evolution of democratic practices.

U.S. aid to international programs and organizations must not be allowed to aid these heinous activities. Those who would claim that this amendment may upset U.S. treaty commitments are wrong in their logic. Any treaty that provides loopholes in aiding terrorism is the source of the problem. This amendment corrects deficiencies in our international undertakings. I urge every Senator to vote for this amendment which is entirely consistent with U.S. foreign policy interests and goals.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senators from Arizona and South Dakota.

The amendment (No. 2410) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2411

(Purpose: To limit USIA representation funds)

Mr. DECONCINI. Mr. President, I send to the desk an amendment on behalf of the Senator from Nebraska (Mr. ZORINSKY) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) for himself and Mr. ZORINSKY proposes an amendment numbered 2411.

On page 48, line 21 strike "$50,000" and insert in lieu thereof "$20,000."

The PRESIDING OFFICER. Does the Senator from Arizona seek recognition?

Mr. DECONCINI. Mr. President, I thank the Chair for its indulgence.

Mr. President, the amendment was read by the clerk and I think it is very clear. We are reducing from $50,000 to $20,000 the foreign relations authorization amount that has been reported out by the Foreign Relations Committee.

I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment?

The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2411) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The PRESIDING OFFICER. Is there a motion to table the motion to reconsider the vote?

Mr. GOLDWATER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. I thank my senior colleague.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2412

(Purpose: To remove the limitation on the use of materials produced by convict labor in construction of Federal-aid highway system)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) for himself, Mr. NICKLES, Mr. JEPSEN, and Mr. THURMOND proposes an amendment No. 2412.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, between lines 21 and 22, insert the following:

SEC. 202. Notwithstanding any other provision of law or this Act, materials produced by convict labor may be used in the construction of any highways or portions of highways located on Federal-aid systems, as described in section 103 of title 23, United States Code.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Senators NICKLES, JEPSEN, and THURMOND be added as original cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, the amendment I am introducing today would remove the limitation on the use of materials produced by prison labor in construction of Federal-aid highways. An amendment prohibiting the utilization of convict-produced materials was hastily attached to the Surface Transportation Act of 1982 in the closing hours of the 97th Congress without fully assessing the provision's impact. As a result, a 30-year-old prison industry that had been operating successfully in 37 States has been effectively shut down.

Earlier this year, the American Correctional Association queried State directors of corrections regarding the impact of this amendment on prison industries nationwide. The ACA study concludes that in all 50 States combined the amendment would result in first, idle capital costs of $7,979,957; second, inventory loss of $10,661,618; third, other costs of $3,773,444; and fourth, the need to reassign 774 inmates out of the 976 inmates currently employed in the industry. Certainly, an amendment with such tremendous impact on individual States should have been subject to careful study and debate. Unfortunately, no such discussion evolved.

In addition, a major problem for prison administration and for the prisoner is idleness. Inmate idleness is destructive to the prisoner and prison alike. As prison populations grow at a rate of 8 percent per year causing overpopulation, it becomes even more essential that inmates are provided jobs to occupy their time. However, rather than creating the opportunity for prison industries to train inmates for gainful occupations, the amendment attached to the gas tax bill last December summarily dismantled an efficient 30-year-old prison industry.

Mr. President, prison industries provide prisoners with meaningful employment in a realistic work environment, the aim of which is to develop good work habits and skills through the production of a diversified line of qualified goods at competitive prices. The amendment I am offering today would simply permit materials produced by convict labor to once again be used on Federal-aid highways. I am hopeful that my colleagues will join me in correcting this problem.

I ask unanimous consent that two letters, one from the Correctional Industries Association, and another from the warden of the New Hampshire State Prison, both of which express support for my amendment, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW HAMPSHIRE,
STATE PRISON,
January 13, 1983.

Hon. GORDON HUMPHREY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: As you know, we at the New Hampshire State Prison continue to attempt to maximize the utility of inmate labor, both for the fiscal benefit of the state and the work and training experience of the inmates.

The recent 5¢ per gallon gas tax legislation further restricted our ability to do this by adding to Section 114(b) of Title 3 of the U.S. Code a clause prohibiting use of materials produced by convict labor on federal roads. This would apparently preclude the state going forward with plans to move all or part of the highway sign shop to the Prison.

Request that you consider legislatively eliminating Section 114(b) in its entirety from this statute since it seems to fly in the face of good utilization of inmate labor for the benefit of all of the states which might choose to so use the inmates.

Sincerely,

EVERETT I. PERRIN, JR.,
Warden.

CORRECTIONAL INDUSTRIES
ASSOCIATION, INC.

DEAR SENATOR: On behalf of the officers and members of our organization, I would like to take the opportunity to express our thanks and gratitude for your efforts to amend that section of the Surface Transportation Act of 1982 that severely curtails, if indeed, does not totally eliminate the use of materials and products produced by convict labor for highway use.

Your courage and obvious disregard for the fact that, "there are no votes to be garnered in the field of correction" is indicative of your understanding of the subsequent impact that would eventually place an additional burden upon the American taxpayers already over-burdened shoulders by virtue of the increased cost of purchasing these items from "outside" sources.

I am sure that your position was also predicated upon the need to provide the inmates incarcerated in our systems with meaningful work and training opportunities and, hopefully, by these efforts, reduce the cost factor of their confinement.

If, at anytime our organization can be of any assistance, do not hesitate to let us know.

Sincerely,

BOB THOMAS,
President.

Mr. HUMPHREY. Mr. President, ironically and coincidentally, yesterday Chief Justice Burger in an interview, as I understand, according to a radio report this morning, called for greater efforts to give convicts constructive work to do as a way of enhancing their self-image and their pride and as a way of constructively passing their time while incarcerated.

I cannot imagine a more qualified person of higher standing to make that recommendation. That is precisely what this amendment which I have offered this morning would do. It

would remove a roadblock which we inadvertently threw up hastily and without careful consideration when we passed the Surface Transportation Act some month ago.

I understand it is acceptable to the minority side as well and I am prepared to answer questions on this amendment if there are any.

Mr. RUDMAN. Mr. President, this amendment has been discussed with the managers on both sides, and it is my understanding it is acceptable to the subcommittee. I urge its adoption.

Mr. DECONCINI. Mr. President, the Senator from New Hampshire is correct. We have cleared the amendment on this side.

I express to the other Senator from New Hampshire, the senior Senator, that I think it is a very good amendment. I do not know what the decision, of course, will be in conference, whether or not there will be some objections. I can see some points being raised.

But I express to the Senator from New Hampshire who offered this amendment that I certainly have no objections to it and the minority is prepared to accept the amendment.

Mr. HUMPHREY. Mr. President, I thank my colleagues for the support and move the adoption of the amendment.

The PRESIDING OFFICER. If there be no further discussion on the amendment, the question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment (No. 2412) was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DECONCINI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be listed as a cosponsor of Senator PELL's amendment numbered 2396.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2413

(Purpose: To extend the Commission on Civil Rights until February 17, 1984)

Mr. BENTSEN. Mr. President, I ask unanimous consent that the other amendments be temporarily laid aside, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. BENTSEN) proposes an amendment numbered 2413.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, between lines 12 and 13, insert the following:

"GENERAL PROVISIONS

"SEC. 202. (a) Section 104(c) of the Civil Rights Act of 1957 is amended by striking out "September 30, 1983" and inserting in lieu thereof "February 17, 1984".

"(b) Section 104(c) of the Civil Rights Act of 1957 is amended by adding at the end the following: "During the period which begins on the date of the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1984 and ends on February 17, 1984, the President may remove a member of the Commission only for neglect of duty or malfeasance in office.".

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Senator from Arizona (Mr. DECONCINI) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, the purpose of the amendment I am offering could not be clearer, nor could it be more important. What we are trying to do here today is provide a last-minute reprieve for the Civil Rights Commission which is currently tottering on the brink of extinction.

It is ironic, Mr. President, that the Senate should be forced to resort to emergency measures to save the Civil Rights Commission only a few days after we voted overwhelmingly to commemorate the birthday of Dr. Martin Luther King, Jr., as a national holiday. The sad fact, however, is that Dr. King was honored in the shadow of an ongoing effort to vitiate and strangle the Civil Rights Commission created by the Civil Rights Act of 1957.

As of this moment, the Civil Rights Commission is technically dead—and apparently unmourned by this administration. The Commission is in the midst of a 60-day phaseout period and unless the Congress acts promptly, it will cease to exist in less than 6 weeks. Should that day arrive, Mr. President, it would be a sad moment in the history of America.

In many respects, ours is a Nation of symbols and monuments. For millions of Americans, the Civil Rights Commission is a symbol of what was achieved during the long struggle for dignity and equality for minority Americans. In another respect, the Civil Rights Commission is more than a symbol; it is a factfinding agency, charged with evaluating Federal law and the effectiveness of Government equal opportunity programs. It has no regulatory or enforcement authority, but its moral force is powerful, indeed, in a Nation committed to equality and opportunity.

Not surprisingly, Mr. President, the Civil Rights Commission has been critical of the record of the Reagan administration. Perhaps it was that criticism that prompted the administration to take the unprecedented step of firing three Commission members in a fit of pique reminiscent of the "Saturday Night Massacre"—which, incidentially, occurred 10 years ago yesterday.

Included in the victims of this purge was the only Hispanic member of the Commission. The sole representative——

The PRESIDING OFFICER. If the Senator would suspend for a minute. May we please have order in the Senate? The Chair is having difficulty hearing.

You may continue, Senator.

Mr. BENTSEN. I thank the Chair.

Included in the victims of the Reagan purge was the only Hispanic member of the Commission, the sole representative of America's fastest growing and soon to be largest minority. As I have pointed out in a letter to the White House, Hispanic representation is conspicuously lacking from the names for replacements submitted by the administration—appointments currently languishing in the Judiciary Committee.

For 26 years now, the Civil Rights Commission has served the Congress, various administrations, and the American people as the only bipartisan, independent voice of support for the civil rights of all Americans: blacks, Hispanics, women, Native Americans, the handicapped. All these minorities—tens of millions of Americans—have looked to the Commission as the focus of their Government's efforts to protect their right to equality and equal opportunity in our society.

Today, the Commission is a ravaged shell of what it used to be; it is phasing out of business. Six times the Judiciary Committee has scheduled meetings to consider legislation reauthorizing the Commission, and six times those meetings have been canceled. The Senate is drawing near to the end

of this session and we are talking about closing down by November 18.

I recognize, Mr. President, that some of my colleagues in the Senate might suggest that what I am attempting to do here is legislate on an appropriations bill. In this regard, my colleagues might be correct—but I hope they will also acknowledge that emergency action is clearly called for. Standard procedures and administration attitudes have just about destroyed the Civil Rights Commission. If we do not act today, there might be no tomorrow for the Commission. The choice is that simple, that stark, and that alarming. If there is a Senator on the floor who can suggest to me a better, more effective way to save the Commission and all that it means for the American dream, then I want to hear it.

During the 26 years of the Commission's existence, America has traveled far down the road that leads to equality. For most of us, that kind of progress has been welcomed. It has been admirable. It has been remarkable. But I suggest we still have a long way to go. And the Civil Rights Commission can help light the way.

To imply that the Civil Rights Commission is no longer an important catalyst for equality or is no longer necessary is an insult to all Americans. Like many of my colleagues, I have not agreed with every item in every report issued by the Civil Rights Commission. That is not the point. What is far more important is that the Commission should continue to exist and make those points and help lead the quest for equality, opportunity, and dignity in America.

The amendment I am offering would give the Civil Rights Commission a 140-day reprieve until mid-February. It would prevent the administration from allowing the Commission to sink slowly into oblivion. It would also prevent the President from firing Commissioners without cause.

In offering this amendment, I urge my colleagues—and the administration—to join me in the effort to salvage a bright future for an important agency that has been battered and is currently, technically out of business. I do not think America can afford to put civil rights out of business.

The amount of money involved is relatively small, Mr. President, but the principle is priceless.

Mr. RUDMAN. Mr. President, the subcommittee understands the concerns of the Senator from Texas over the authorization for the Civil Rights Commission. In fact, that concern, we assure you, is shared by every Member of the Senate.

It should be pointed out that with the passage of this bill the Commission will continue to have funds to operate. As for its formal authorization, the subcommittee chairman, the Senator from Nevada, has discussed the matter with the Senator from Utah, Senator HATCH, and he is assured that this subcommittee and the full Judiciary Committee will soon act on authorizing legislation. In fact, Senator HATCH plans to report out a bill from his subcommittee next week. The chairman and the members of his subcommittee promise to do all that we can to see that the Civil Rights Commission is reauthorized.

In light of the funding necessities here, and with those promises, I would ask if the Senator from Texas would at least consider withdrawing at this time his very thoughtful amendment.

Mr. BENTSEN. Let me say to the Senator from New Hampshire, I know of his dedication and commitment to civil rights. I admire the Senator from New Hampshire. I understood the commitment to involve the subcommittee. I was interrupted and did not hear all of his comments. Did that include the full committee and do we have a date certain in that regard?

Mr. RUDMAN. We do not have a date certain, but it does include the full committee.

Mr. BENTSEN. Would the Senator from Texas be assured that that would be by the middle of November? Would that not certainly be a reasonable date for the full committee?

Mr. DECONCINI. Will the Senator yield?

Mr. RUDMAN. I yield to the Senator from Arizona, the ranking member of the subcommittee, who I believe also serves on the full committee.

Mr. BENTSEN. I would also say we would want the assurance of the majority leader that it would be scheduled for the floor.

Mr. HATCH. Will the Senator yield?

Mr. BENTSEN. Yes.

Mr. DECONCINI. I have the floor.

Mr. RUDMAN. I have yielded to the Senator from Arizona.

Mr. DECONCINI. I am glad to yield to the Senator from Utah.

Mr. HATCH. As the chairman of the appropriate subcommittee, I have made a commitment in the full committee hearing, knowing the makeup of my subcommittee——

Mr. BENTSEN. Will the Senator speak up, please?

Mr. HATCH. As chairman of the appropriate subcommittee, I have made a commitment in the full Judiciary Committee that we will report out the Civil Rights Commission Reauthorization bill before the end of this session. As you know, there has been a great difficulty with regard to the makeup of the Commission. And it has been difficult to report the bill out until there is a resolution of that. I understand that may be resolved this next week, and I hope that is so.

But in any event, I hope to report out a reauthorization bill in fulfillment of that commitment and I trust my colleagues who are on that committee with me, and I believe it is so, that not only a majority but unanimously will report out that reauthorization bill.

To that extent, I believe we have a committee markup scheduled for next week. I believe it is scheduled for next Wednesday.

Mr. BENTSEN. Is that the full committee?

Mr. HATCH. That is for the subcommittee.

Mr. BIDEN. Will the Senator yield on that point?

Mr. HATCH. I see no problem with the full committee.

Mr. BIDEN. Will the Senator yield?

Mr. BENTSEN. Yes.

Mr. BIDEN. I see a possible problem. We have had a problem this past week in terms of moving one of the compromises that has been offered. The concern that this Senator has—and, coincidentally, this morning I have contacted the chairman of the committee asking whether or not we are going to have a markup and a vote as we had all agreed to do on the Commission, not only the reauthorization, but the makeup of the Commission, which was what we all understood we were going to be voting on in committee.

Now it may be useful—and I will not do it, obviously, without the permission of the Senator from Texas—but it might be useful for us at some point soon to have a quorum call and suggest that maybe the chairman of the full committee be over here so that we could understand exactly what the game plan is.

With all due respect, voting it out of subcommittee is relevant but irrelevant.

Mr. DECONCINI. Will the Senator yield?

Mr. BIDEN. I do not have the floor.

Mr. BENTSEN. I yield for a question or a comment.

Mr. DECONCINI. I just had an opportunity to talk to the Chairman of the Civil Rights Commission, Mr. Pendleton—he happens to be in town today—and I believe he has talked to the distinguished chairman of the subcommittee. They are in the process of no more time. They have to start winding down that Commission as of Monday. Now, this few weeks that we have had since the Commission has expired has been kind of a grace time that they kept hoping the Senate and the Judiciary Committee would do something.

I am a very strong proponent of what the Senator from Texas would like to do today. I know the Senator from Utah will do everything he can. If he says so, his word is good. I have worked on that committee. But I am concerned about the problem with the appointees. We have labored with that. The Senator from Delaware has

lost hair and grayed hair over it for a month now, as have a number of us.

Mr. BIDEN. He cannot afford to lose very much more.

Mr. DECONCINI. I do not see a conclusion unless we force the issue, as the Senator from Delaware says, to have a quorum call and see what we can accomplish. I applaud the Senator from Texas bringing this to a head today so we have to look at it head on. Are we going to let them wind down this Commission? We have an obligation not to let that happen. We have been told as of this morning that winding down process will start Monday.

Mr. HATCH. If the Senator will yield, our subcommittee is going to act next week, so far as I am concerned whether or not the panel question is resolved.

Second, I have been authorized just this moment by the chairman of the committee, who is on his way over here, to state that he has set the bill for a markup next Thursday. So, as far as I am concerned——

Mr. BENTSEN. The chairman of the full committee has authorized you to state that to the Senate?

Mr. HATCH. That we are going to mark up the bill next Thursday.

Mr. BENTSEN. I think the Senator from Delaware has made a good point. I would like to see this thing resolved. All I am seeking is to bring it to fruition, that we assure the continuance of the Civil Rights Commission, that we do not have another Saturday night massacre, that we not see these Commission members fired without cause while we are not in session. If we want to, and I am agreeable to it, if we want to have a quorum call and try to get the leadership to assure us—and I see the distinguished chairman of the committee is now on the floor—that they will schedule this for floor action after the action of the committee——

Mr. RUDMAN. If the Senator will yield for a comment, in light of the request of the Senator from Texas as to the leadership view, I have asked for the majority leader to come to the floor and I expect him momentarily.

Mr. BIDEN. Will the Senator yield for a moment?

Mr. BENTSEN. I yield.

Mr. BIDEN. As I understand, the Senator's concern is that he understands the full Committee on the Judiciary will act on the nominees before it acts on the authorization, that the Senator from Texas understands that means there is really no prospect of getting an authorization bill approved. The way in which Senator DOLE, Senator SPECTER, myself, and other Senators on the committee have fashioned what we believe is the only vehicle that is likely to get a majority of the votes on the committee for reauthorization encompasses a compromise relative to the appointees of the President of the United States.

I would hope that if the Senator in fact eventually pulls this down, it not be pulled down until we get reasonable assurance that we will act on the authorization before we act on the nominees. If we act on the nominees first it, in effect, eliminates any prospect, as this Senator sees it, for compromise on the authorization. I think we all basically agree on that.

I do not for a minute—and I want to make it clear in the RECORD—I do not for a minute impugn the intentions of the Senator from Utah. He has been completely cooperative. He has done everything he has said. I understand him to have every intention to continue that. And the same with the chairman of the full committee. But I would hope we would do it in terms of authorization before voting the nominees to the floor or on the floor.

Mr. BENTSEN. I think my friend from Delaware makes a valid point. I am not prone to pulling this down, but I am willing to listen and if we can have assurances that the authorization is coming out of the full committee and will be scheduled for early action on the floor of the Senate, then I am willing to listen and reconsider this amendment.

I am so pleased to see the distinguished chairman of the committee on the floor. I am sure his viewpoint will have substantial influence. I yield to the chairman.

Mr. THURMOND. Mr. President, I was in a conference on a very important matter and I have just come to the floor. I believe Senator HATCH has responded that the committee plans to meet next Thursday. It is possible that we may be able to meet on Tuesday. At that time, we hope to get this reauthorization and also the appointees considered, get the whole thing out. We are anxious to get through with it. So far we have not been able to reach a decision, but we may just have to go ahead and have a vote and settle it.

We have been trying to negotiate with both sides in the committee and the White House. We have made some progress. We have not made complete progress yet but we do hope to get the matter settled this next week.

Mr. BENTSEN. Do I understand that to be a commitment that you will have the markup session on the authorization next week?

Mr. THURMOND. We are now scheduled to have on Thursday of next week.

Mr. BENTSEN. Mr. President, they have canceled some six meetings in the past, I understand. All I am asking the chairman is for his commitment that he will have such a markup next week. Do I understand that? What I am asking from the chairman is a commitment that there will be a markup session next week and that he will proceed to have that markup on the authorization.

Mr. THURMOND. That is our plan, to have a markup on Thursday of next week. It may be possible that we could arrange it for Tuesday, but I am not certain. I would rather for it to stay for Thursday.

Mr. BENTSEN. I will ask the distinguished Senator from South Carolina if he will tell me that he is going to do it. That is what I am asking. Then I want a statement from the distinguished majority leader, who has just come to the floor, that he would give the bill early scheduling for floor action.

Mr. THURMOND. I do not think the matter is irreconcilable. I think it can be settled and I think we will be able to do it.

Mr. BIDEN. Will the Senator from Texas yield for a moment?

Mr. BENTSEN. I am happy to yield.

Mr. BIDEN. I think it might be useful if we had a very brief quorum call.

Mr. STENNIS. Mr. President, may we have order? We cannot hear the speakers.

Mr. BIDEN. I will not ask for a quorum call yet. The Senator from Kansas is seeking recognition.

Mr. DOLE. Will the Senator from Delaware yield for a moment?

Mr. BIDEN. Yes.

Mr. DOLE. I do not have anything to do with this dogfight.

Mr. BIDEN. It is your dog I have on the leash.

Mr. DOLE. There are a couple of questions here. One is reauthorization and the other who will serve on the Commission. It is a question of whether the President of the United States has the right to name the members who will serve on the Commission or whether others have the right. There is a very strong feeling on that matter which has not been resolved. I think the President ought to be able to name the nominees he wants on that Commission. Perhaps we have to make some compromises. Some of us, including the Senator from Delaware, the Senator from Utah, all Senators on the committee, have been trying to figure out some way to get it together.

Reauthorization is a separate problem. I hope we do not get it mixed up. I know the Senator from Texas is concerned about reauthorization as are we on the committee. We are also concerned with who will be on the Commission and whether or not it ought to be expanded from six members to eight or six to seven, whether the President gets two nominees or three nominees. It is fairly complicated.

One reason we have not been meeting the past couple of weeks is that we have been trying to work out a compromise and we have not been able to.

Mr. BIDEN. Mr. President, the Senator from Kansas is absolutely correct but, as usual, this institution does not lend itself to a logical solution of all problems. There are political realities. The political reality is that, notwithstanding the fact that the appointment of the members of the Commission is technically and legally distinct from the reauthorization of the Commission, as a political fact of life, the way in which the appointment problem will be resolved without a blood bath is to incorporate the appointment and the reauthorization in one fell swoop. That is what has been negotiated, debated, and discussed for the past several months.

I think we have come to an agreement in terms of a majority vote on the committee and we have come very close with the White House as to what that agreement would be. We have come a long way, the proponents and the opponents and the Congress and the White House. But where we are now is that I think we may be at the end of the rope in terms of how much the majority of the membership of the committee is able to compromise with the White House and how far the White House goes.

We are about that far apart, and I say to the leader I do not see any chance of closing that gap realistically. We can talk more about it, but in the past, the majority leader has asked me how close we are to being able to resolve this thing. I think we are as close as we are going to get.

Now, in light of the time running against us, as the Senator from Texas has pointed out, it is time to fish or cut bait. It is time for us to act. If it cannot work, if the White House is going to veto, it will veto; if it is not, it will not. If the compromise we have worked out among Senators is going to fail, let it fail. If it is going to pass, let it pass.

The Senator from South Carolina has worked on this. I have been going to him in the past, saying, "Mr. Chairman, put it off until next week, we are going to continue to work on this. We may be able to get it done."

What I am saying now is we think it is essential that the committee move, not on Wednesday but on Tuesday, and move whether or not we can decide and, if we can, in order to get the Senator from Texas to be willing to pull down his amendment, agree to say that we will deal with the authorization question first.

If, parliamentarily, we go in and deal with the nomination process first, it will scuttle any prospect of dealing with the authorization, of anything coming out of the committee. There is no prospect, as I count the votes in that committee, of getting anything out of that committee. I may be wrong. I may be counting incorrectly.

What I suggest, if the Senator from South Carolina, who is on the floor, is willing is for him and me, as chairman and ranking member of the committee, to attempt to produce a quorum on Tuesday and for us to move to mark up the authorization on Tuesday and, depending on how that goes, then vote individually, collectively, or whatever on the nominees.

That, in fact, honors what is a legitimate distinction that should be made as pointed out by the Senator from Kansas, that, technically, the nominees are distinct from the reauthorization.

If we, as a practical matter, bring up reauthorization first, we may solve the nominee problem. If we do the other first, we are never going to get to the authorization, or we diminish our prospects of that occurring.

I wonder if the Senator from South Carolina would be willing to attempt to accommodate that.

Mr. THURMOND. Mr. President, I am willing to call a meeting Tuesday. I believe the distinguished ranking member said he would assist in getting a quorum there. We have had trouble getting a quorum at some of the meetings. We could take up the authorization and immediately follow with the appointees of the President to be considered at that time, take them simultaneously at one meeting.

Mr. BENTSEN. Mr. President, will the Senator yield?

Mr. THURMOND. Yes, Mr. President.

Mr. BENTSEN. What I have dealt with here is not how we choose the nominees of that Commission. All I want is assurance that the Commission is going to remain in being for the next 140 days until Congress comes back. All I want is that they not be fired without cause during that period of time.

I am delighted to see the majority leader now here on the floor and I am pleased to hear the distinguished Senator from South Carolina say he will make his best efforts to have that meeting next week.

That is what I am now seeking from the minority leader. Assuming the action by the committee and by the distinguished chairman, then I would seek from the distinguished majority leader his best efforts at an early scheduling of its consideration on the Senate floor.

Mr. BAKER. Mr. President, I just came to the floor and heard part of this on the squawk box. For the life of me, I cannot figure what we are fussing about, because I think everybody is right. I think the distinguished chairman of the committee has agreed to have a hearing and try to report the authorization bill. I think that there is an indication then that the nominees will be forthcoming. I guess the only missing part of the puzzle is will I, in my leadership role, take it up? The answer to that is, of course I will. I have no desire whatever to delay this thing.

I would urgently request, however, that the Senator from Texas (Mr. BENTSEN), the ranking member of the Judiciary Committee (Mr. BIDEN), and the chairman (Mr. THURMOND), recognize my plight, too. I am trying to get the Senate's work completed by November 18. All I ask is that the Senator consider a short time limitation on that matter so we will not derail the other matters we have to consider.

Mr. BIDEN. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. BIDEN. In the unlikely event that the Senator from South Carolina is not able to work his legislative magic and get us a bill out of that committee, which is not likely, since we have such cooperation in the committee but, in the unlikely event that we will then have the problem of the Commission ready to die, has the leader thought about what he would do in the event that, on Tuesday, we cannot get the bill out?

Mr. BAKER. Mr. President, I do not want the Commission to die. I shall do my best to keep it from dying if I can help it. I am trying to see how we can go about this, because I really do not want that to happen. I think we have a good situation right now. I think the chairman of the committee is anxious to get a bill out.

I might add to that that I talked to the White House a few minutes ago about their position. Not only do they not object to this arrangement, they favor the reporting of an authorization bill. So I do not think we have a problem.

I urge that we take on good faith the representations of the chairman and others, the Senator from Delaware and others who have worked on this. If the committee has trouble getting a quorum, I will try to help them get a quorum. If they will tell me what time it is they are going to meet, I shall ask unanimous consent that the committee meet during the session of the Senate.

Mr. BENTSEN. Mr. President, let me respond to the leader.

Mr. THURMOND. Mr. President, let me add that we want to get this matter settled. It has been pending a long time and Senator BIDEN and I both are anxious to get it settled.

Mr. BAKER. Mr. President, I thank the chairman.

I yield to the Senator from Texas (Mr. BENTSEN).

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. On that note, Mr. President, with regard to the good-faith efforts of the distinguished majority leader and the distinguished

chairman of the committee, that is what I am seeking. Obviously, they are honorable men and they will commit their best efforts to it.

With that, Mr. President, I ask unanimous consent that I be allowed to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2413) was withdrawn.

Mr. BAKER. I thank the Senator from Texas and I thank the chairman of the committee (Mr. THURMOND), Mr. BIDEN, and all those who have particpated in this debate.

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Florida for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2414

(Purpose: To make available funds appropriated to the U.S. Information Agency only for certain purposes authorized by the Radio Broadcasting to Cuba Act)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Florida (Mrs. HAWKINS) proposes an amendment numbered 2414.

Mrs. HAWKINS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49 after line 6 add the following:

"RADIO BROADCASTING TO CUBA".

For an additional amount, necessary to enable the USIA to carry out the Radio Broadcasting to Cuba Act (providing for the Radio Marti program or Cuba Service of the Voice of America), including the purchase, rent, construction and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception, $14,130,000, to remain available until expended: *Provided*, That not to exceed $130,000 shall be available to carry out section 5 of such Act: *Provided further*, That not to exceed $10,000 may be used for an opening ceremony.

Mrs. HAWKINS. Mr. President, 5 weeks ago the Senate unanimously adopted my compromise amendment and then passed S. 602, creating Radio Marti. Since that time, people on both sides of the issue have agreed that this carefully crafted compromise represents a sound approach. The House endorsed this proposal 3 weeks ago in an overwhelming 302 to 109 vote, and on October 4 President Reagan signed the bill into law.

When this State-Justice committee appropriation bill was marked up in committee, authorizing language for Radio Marti had not become law. So, the Appropriations Committee did not consider an appropriation for the station.

Radio Marti is now, however, the law of the land. Consequently, it is appropriate to provide Radio Marti with funding to transform the blueprint into reality. My amendment accomplishes just that. It appropriates funds that were authorized by the Senate 2 weeks ago. My amendment adds $14,130,000 under the account for the U.S. Information Agency, and explicitly establishes that the funds are for Radio Marti.

Specifically this amendment appropriates $14 million for Radio Marti itself and $130,000 for the Advisory Board for Radio Broadcasting to Cuba established in section 5 of the Radio Marti bill, S. 602.

But before addressing the specific dollar requests further, I wish to direct my colleagues' attention to the mission we are asking Radio Marti to perform. As a surrogate home station, Radio Marti will be responsible for generating programing entirely different than is produced by the Voice of America. As a result of this different congressional mandate, Radio Marti will have budgetary and staffing needs that differ from those given to current VOA broadcasts. Information about the United States abounds. There are dozens of major newspapers in the United States. We have three major television networks. We have cable news reports. We have access to international wire services, and to press throughout the world. We have the Freedom of Information Act by which individuals can, with relative ease, find out details about the inner workings of most Federal Government agencies and projects. As a result, standard voice broadcasts, with their mission to broadcast programing about the United States and its policies, are blessed with an abundance of information. If anything their problems would be what to choose from among all the possible options.

In contrast, Radio Marti will face a difficult task. Cuba is a closed society. Its media is controlled. There is no such thing as freedom of the press or speech. In Cuba, what you say can get you thrown in prison. Under these circumstances, the programing staff for Radio Marti will have a delicate mission to get the inside story on what is going on in Cuba, and elsewhere where Cubans are involved. This is no simple task. But our experience with Radio Free Europe and Radio Liberty shows us that it is possible. It just takes more effort, more people, and more money.

That means that the heart of Radio Marti will be its extensive research office in order to do long-term, in-depth research into stories that could later be used in the news service or in selected features. This is an especially important section. It will have the responsibility of coming up with detailed, accurate news stories of interest to our Cuban listenership when the Cuban Government is doing its best to keep such news from reaching its people. I anticipate that $3 million to $4 million will be required to establish a permanent library for the station's use involving publications on Cuban and Cuban history.

In addition, the station will need a newsroom. It will require a chief, shift chiefs, commentators, analysts, anchormen, editors, writers, translators, correspondents, and support staff.

There will also have to be a production service, with people who tape and prepare the broadcasts.

There will be a need for engineers to take care of the transmitters and other equipment, and for a couple of bureaus in Miami and New York. The New York bureau will monitor the actions of the Cuban delegation to the United Nations, and the Miami bureau will keep track of events in that city that might be of interest in Cuba. It will also be important to have numerous reporters and stringers located in those parts of the world of interest to the people of Cuba.

All these functions must be staffed at levels so that Radio Marti broadcasts at its intended level of 14½ hours each day, 7 days a week. This is about a 290 percent increase in the airtime in broadcasts being beamed into Cuba.

And to oversee the programing and broadcasting process, Radio Marti will need a policy department. That is, people whose job it is to make sure that the station is operating in a manner that is consistent with policies of the U.S. Government, and who will act as a liaison with other Government agencies.

As well there is a need for corporate administration. There must be a director and deputy director of the station. The station will need a fiscal/accounting office and a personnel office. Each of these, of course, will require support staff.

Given the controversy that has surrounded the station it also is expected that the station will have a security department. As well as such mundane items as a mail room.

In addition, there are numerous expenses that are necessary when setting up a station such a this that will not reoccur in subsequent years, or that will not cost as much later on down the road. An example is the cost of getting security clearances for everyone who will be hired to work at the station. This is a costly function in the first year, but its cost diminishes once the staff has been hired. After that, the station only has to deal with normal rates of attrition. Furthermore, there are construction expenses in the first year that probably will not

be necessary at least for a while, in subsequent years. Estimates indicate that initial construction expenses would amount to $4.5 million. The broadcast tower at Marathon Key is over 20 years old, and the transmitter is not accustomed to lengthy daily broadcasts as it will have to do when Radio Marti is put on the air.

In addition to work on the transmitter and tower, Radio Marti will need radio studios, and work space for their personnel. As we all know, the Voice has been hard pressed to accomplish its current mandate on the stringent budgetary diet that has, until recently, been imposed by the Congress. The VOA is short of many types of personnel, and much of their equipment is aged and in disrepair. It would be irresponsible for the Congress to establish a new radio station such as Radio Marti, and then expect the VOA to have to come up with the equipment and facilities to meet this new requirement when they are having difficulty meeting their current obligations with their existing resources. No. Clearly, we must provide them with adequate resources to get the job done.

All together I would expect Radio Marti will need about 180 people in order to carry out its congressional mandate doing all of the various tasks that I have just outlined. This together with the construction budget that I outlined earlier amount to $14 million. I believe that it is imperative for the Congress to back up its recent decision to establish Radio Marti by giving it enough money to do the job right.

Finally $130,000 is provided to cover the cost of operating an Advisory Board for radio broadcasting to Cuba. Under S. 602, and again today Congress is demonstrating its desire that the Board's advice be carefully weighed. It was for this reason that the Board reports not only to the Director of the U.S. Information Agency and to the head of the Voice of America but to the President of the United States. This was done so that the Board plays an active role in resolving policy issues involving the station as well as operational issues involving programing, engineering, and administration.

The figure for the operating cost of the Advisory Board was established by using standard Federal Government per diem and salary figures, and by assuming that the nine-member Board would meet three times annually for 2-day sessions each. It also assumes that the Board would hire one full-time staff member and one full-time secretary, and that sufficient funds would be available for printing, office space, and other overhead expenses.

One important funding issue cannot be immediately addressed today. S. 602 makes provision for facility compensation. This enables radio broadcasters who suffered from Cuban radio interference and who received permission from the Federal Communications Commission to alter their facilities in response to receive limited compensation. To accomplish this, this bill authorized $5 million to be used until expended. These funds, however, cannot be appropriated until fiscal year 1985. This delay allows everyone who has suffered or is suffering from Cuban interference an equal chance to receive a portion of the funds. In addition, the funds will be available for 4 years from when Radio Marti first begins broadcasting.

I believe that this compensation is an important part of the bill, and am committed to insuring that this provision becomes law in the fiscal year 1985 State, Justice, Commerce appropriations bill.

Mr. President, having addressed the funding issues for Radio Marti, I would like to expand on certain portions of the Hawkins amendment to S. 602 that eventually became the authorizing language for Radio Marti to guide USIA as it implements this new law.

While the Senate did vote to place the station under the guidance of the Voice of America, this did not represent a retreat from our commitment to broadcast the truth to the people of Cuba. Placing Radio Marti under the VOA was merely a means of enhancing the credibility of the station, and of providing the station with an atmosphere that will promote the type of broadcasting that we all want—objective and accurate programing that meets the needs of the Cuban people. It was never the intention to place Radio Marti under the VOA as a means of confining or restricting its mission.

Perhaps, the most important part of S. 602 is the fourth finding in section 2 which makes the purpose of Radio Marti clear. That finding acknowledges that the Voice of America already broadcasts news and other programing to the people of Cuba, and that this programing is consistent with the VOA charter. But this findings also makes it clear that there is a need for surrogate home broadcasts such as those conducted by Radio Free Europe and Radio Liberty. These broadcasts will "provide news, commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba." That this is the intention of Congress should be clear because the VOA charter forbids the type of broadcasting that is authorized by the fourth finding. That charter says that the "VOA will present the policies of the United States clearly and effectively . . .," and that it will represent "America, not any single segment of American society . . .," and that it will "present a balanced and comprehensive projection of significant American thought and institutions." Clearly the VOA charter requires broadcasts about the United States and thus it was necessary for Radio Marti to have an exemption from the charter if it is to broadcast the type of programing envisioned by Congress. This was the purpose of the fourth finding.

The legislation also makes it clear that the Congress intends Radio Marti to be operated professionally, and to broadcast programing that is objective, accurate, balanced and which presents a variety of views. Toward this end the legislation requires that Radio Marti broadcast "in accordance with all Voice of America standards." It is no accident that the word "standards" is used here rather than other terms such as regulations or legislative guidelines. In fact, the terms, regulations and legislative guidelines, were expressly requested during negotiations that culminated in my amendment. This was an intentional selection to give the radio station as much flexibility as possible in programing while still encouraging the station to maintain high standards. I believe that such standards are necessary if the station is to gain and hold a loyal Cuban listenership.

The legislation also contains restrictions on the manner in which Radio Marti can broadcast. Radio Marti can make use of noncommercial AM frequencies so long as all other radio broadcasts to Cuba from the VOA are also broadcast. This permits shortwave, off-bank and other types of broadcasting.

On the AM dial the Radio Marti legislation would allow the station to lease time on commercial radio stations in the event that the Cuban government jams or interferes with Radio Marti broadcasts 25 percent or more than the VOA station at Marathon had experienced in the year preceeding September 1, 1983. The station could lease up to 2 hours without restriction, and if it desired to lease more than 2 hours then at least 30 percent of the total broadcasting to Cuba must be comprised of standard VOA broadcasts to Cuba.

Administratively the legislation requires the Director of the USIA to establish Radio Marti within the VOA. In addition, the Director of the USIA is authorized to select the head of Radio Marti, and to employ such staff as the head of Radio Marti may need to carry out his mandate.

Furthermore, section 4 of the Radio Marti bill clearly states that Radio Marti "shall be administered separately from other Voice of America functions, and the Head of the Cuba Service—that is Radio Marti—shall report directly to the Director and the Associate Director for broadcasting of the U.S. Information Agency." This is an extremely important provision because

it demonstrates congressional intention that while Radio Marti is under the Voice, that it is to be administered and operated separately from the Voice. This is an acknowledgement of the fact that Radio Marti and the Voice have different functions. It is also an attempt by Congress to make sure that the mission of each remains distinctive, and that the reputation and responsibilities of each are unaffected by the operation of the other. This is a critical provision, as I believe it is the key to allowing both organizations to operate effectively without adversely affecting one another.

Finally, the legislation calls for annual reports to the Congress that are an independent evaluation of the Radio Marti programing. This was added as an attempt by Congress to monitor the Radio Marti programing to insure that its content is consistent with its congressional mandate. These reports will continue for 3 years after the enactment of this act.

Mr. President, I believe that Radio Marti can make a difference for the people of Cuba. I believe, however, that the effectiveness for Radio Marti as well as the continued effectiveness of the Voice depend entirely on how the station is set up, and I hope that the President and the executive branch will take into account the mandate provided in S. 602.

Mr. President, part of the compromise agreement that allowed the Radio Marti compromise amendment to pass through the Senate unanimously was the understanding between the proponents and opponents that the amount authorized in S. 602 would also be the amount appropriated. Senators HATFIELD, LAXALT, and HOLLINGS have been very supportive of Radio Marti and they too agree that this amendment is necessary if we are to make sure that Radio Marti is given the resources necessary to conduct its congressional mandate effectively. I want to thank the Senator from Oregon, the Senator from Nevada, and the Senator from South Carolina for their support in this endeavor.

Mr. President, these funds are necessary to insure that Radio Marti broadcasts the type of programing that we as Americans can be proud of, and that the people of Cuba will find useful. I understand that the committee has looked at this amendment and agreed to accept it.

Mr. ZORINSKY. Mr. President, earlier today Senator DECONCINI moved on amendment on my behalf to double USIA's appropriations for representation expenses. It was my intent in proposing the amendment to accommodate USIA's increased activities, and in particular VOA's new Cuba service or Radio Marti program. It is my understanding that the amendment does not contain any additional representation friends.

Mrs. HAWKINS. That is correct.

Mr. ZORINSKY. It is further my understanding the Cuba service or Radio Marti program would have full access to the doubled USIA representation fund. Should there be any problems it would be my intent to reduce USIA's representation funds to $10,000 next year.

Mrs. HAWKINS. I would join the Senator in sponsoring such an amendment.

Mr. ZORINSKY. Finally, it is my understanding that nothing in this amendment would fund any purchase, construction, or leasing not authorized by the Radio Broadcasting to Cuba Act.

Mrs. HAWKINS. That is correct.

Mr. CHILES. Mr. President, I rise in support of the amendment offered by Senator HAWKINS to provide for $14.1 million for Radio Marti.

For over 2 years, we have labored over the establishment of Radio Marti. I stand steadfast in my support of this radio station as I stand in support of efforts to provide all people with their basic right to the truth. I am especially proud that through the efforts of this Congress, Radio Marti will at long last become a reality.

For the people of Cuba this radio station comes not a day too soon. In this country, we enjoy many freedoms that are at times taken for granted. The freedom of speech, the freedom of the press, and the freedom and exchange of information. In Cuba, such freedom is not tolerated by the Castro government. The Cuban Government controls its people by controlling their information and denying them the truth. Misinformation abounds in their society.

The Cuban Government's denial of the truth should not be taken for granted. With the establishment of Radio Marti, we have procured that at long last the Cuban people will have access to an alternative source of news and information and an opportunity to hear the truth. They will have a chance to get out of the dark world of propaganda.

I have often said that Radio Marti will not succeed as a half hearted effort. In the compromise that was reached during Senate consideration, Radio Marti's credibility will be enhanced by its incorporation as part of the Voice of America and the U.S. Information Agency. More important, the compromise recognizes and specifically acknowledges the need for additional broadcasts to Cuba, that is, in addition to the broadcasts provided by the Voice of America.

My efforts will continue to be geared toward providing the Cuban people with additional broadcasts. I believe that the Cuban people deserve at least this much.

Providing information to the people of Cuba is a viable foreign policy objective. We have only to look at the success of our currently operating Government-sponsored radio stations, Radio Free Europe and Radio Liberty, to see that Radio Marti is indeed a goal worth pursuing.

Mr. LAXALT. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2414) was agreed to.

Mr. LAXALT. I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2415

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 2415.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 49, after line 12, add the following new section:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $23,000,000.

Mr. HATCH. Mr. President, due to the late passage of the State Department authorization bill last evening, there is no language contained in the current State Department portion of this appropriations bill which funds the newly authorized National Endowment for Democracy.

In order to bring this appropriations measure into accordance with the State authorization bill regarding the Endowment, I rise to offer this amendment which will fund the programs and operations of the National Endowment for Democracy as described in the relevant portions of the State authorization bill which we passed last night.

However, it is my belief that because the Endowment will require several months to become operational while it establishes its structures, bylaws, and initial programs, we can safely fund the Endowment for at least three-quarters of the $31.5 million authorization.

This will have the effect also of allowing Congress additional time to assist the distinguished founders of the Endowment in assuring——

The PRESIDING OFFICER. If the Senator will suspend, this is not one of the amendments that have been excepted. Therefore, it would take unanimous consent to consider it at this time.

Mr. HATCH. Mr. President, I ask unanimous consent that it be considered at this time. It is my understanding there is no objection to it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. HATCH. This will have the effect also of allowing Congress additional time to assist the distinguished founders of the Endowment in assuring the fiscal integrity of the startup process.

Mr. President, it will come as no surprise to my colleagues in this body that I have a particular commitment to support the superb work done on behalf of free trade unionism abroad by the AFL-CIO international programs. Therefore, I take special pride in the fact that the AFL-CIO especially should find it possible to utilize the funds earmarked for its work under the Endowment in the very near future on behalf of efforts to strengthen democratic trade unions. I urge the support of my colleagues in a vital means to strengthen democratic process throughout the world. It is my understanding that this amendment is acceptable to the managers of the bill.

Mr. LAXALT. Mr. President, the Senator is correct. We have no objection to the amendment. We support it.

Mr. HATCH. Mr. President, I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2415) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I have a statement on the Hatch amendment on the National Endowment for Democracy, which I cosponsored, and ask unanimous consent that it be included in the RECORD in the appropriate place during the debate as if read.

The National Endowment for Democracy proposal was adopted yesterday as title IV of the State Department authorization bill. It established the Endowment as a private, nonprofit corporation to strengthen democratic values and institutions internationally. The proposed Endowment would receive an annual appropriation from Congress and would be subject to congressional overview and guidance.

The National Endowment for Democracy owes its existence to the inspired and steadfast leadership of Congressman DANTE FASCELL and the example provided by the work of the AFL-CIO's Free Trade Union Institute in promoting free labor and democracy abroad. Here in the Senate the distinguished chairman of the Foreign Relations Committee, Mr. PERCY, and the distinguished Senator from Connecticut, Mr. DODD, have effectively led the effort to win approval of the Endowment by the Foreign Relations Committee and the Senate. The Endowment has broad bypartisan support in the Congress and the country, and is endorsed by President Reagan.

The NED proposal names four organizations to receive funds: separate Republican and Democratic Institutes for International Affairs; the Free Trade Union Institute affiliated with the AFL-CIO; and the National Chamber Foundation affiliated with the U.S. Chamber of Commerce. In addition, cooperatives, the legal profession, media, academic groups, and other private sector organizations could apply for funds.

The NED proposal results from a study conducted by the bipartisan American Political Foundation to develop new, nongovernmental approaches to strengthen democratic values and institutions abroad. The study group included representatives of both political parties, the president of the AFL-CIO, the U.S. Chamber's vice president, and other distinguished figures. The study group's first report was released in April resulting in a hearing in the Senate Foreign Relations Committee and in the House International Operations Subcommittee of Foreign Affairs.

Models for the NED proposal are the international programs of the foundations affiliated with the West German parties—conducted with public funds; the governmentally funded international work of the AFL-CIO; and various business programs conducted over the years.

The National Endowment would add a significant new capability to the long-standing national efforts to assist democratic forces throughout the world. The proposal enjoys genuine bipartisan support, reflects the national interest, and does not threaten to undermine the funding or operation of other existing programs.

The NED has received editorial endorsements from the Washington Post, the New York Times, and the Wall Street Journal. Numerous representatives of political parties, labor unions, business groups, and other private sector organizations around the world have expressed strong support for the proposals.

I would have much preferred an amendment to provide the full $31,300,000 fiscal year 1984 funding for the National Endowment for Democracy. I therefore regret that the Appropriations Committee will accept an amendment funding only three-quarters of the amount authorized for the Endowment. However, I understand that there will be some delay in the establishment of the various institutions that will be receiving grants, therefore $23 million should cover the costs associated with the startup of this program.

I am delighted to cosponsor the amendment of the Senator from Utah as a means to get this vital program underway. I do hope that next year the administration and Congress will fund fully this program.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BAKER. Mr. President, will the Senator from North Carolina yield to me for a moment without losing his right to the floor and without any interruption appearing in the presentation that he has just begun?

Mr. HELMS. Certainly.

The PRESIDING OFFICER. The Chair did not hear the request of the majority leader.

Mr. BAKER. Mr. President, the request was that the Senator from North Carolina may yield to me without losing his right to the floor and without any interruption appearing in the presentation that he has just begun.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

MESSAGES FROM THE HOUSE

At 12:44 p.m., a message from the House of Representatives was delivered to the Senate by Ms. Goetz, one of its clerks announcing that the House recede from its amendment to the amendment of the Senate numbered 16 to the bill (H.R. 3363) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984," and concur therein; and that the House agree to the amendment of the Senate to the amendments of the House to the amendments of the Senate numbered 17, 91, and 94 to the aforesaid bill.

The message further announced that the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3929) entitled "An Act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.".

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, this is the unemployment compensation extension which is important that we deal with momentarily. The distinguished chairman of the Finance Committee is on the floor. It is, of course, a privileged matter, so I may say that immediately after the Helms matter is disposed of it would be my intention to ask the Senate temporarily to turn to the consideration of this conference report.

Mr. DOLE. I will notify the other Senators.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have a parliamentary inquiry and then a statement.

As I understand it, there are two committee amendments that have been set aside; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. One of the two committee amendments set aside deals with the Legal Services Corporation; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Mr. President, I raise a point of order against the Legal Services Corporation committee amendment on the grounds that it is legislation on an appropriation bill.

The PRESIDING OFFICER. Since that amendment is not pending, the point of order would not lie at this juncture.

Mr. HELMS. Mr. President, I ask the Senator from Utah if he would be willing to call that amendment up.

FIRST EXCEPTED COMMITTEE AMENDMENT—PAGE 31, LINE 23

Mr. HATCH. Mr. President, I call up that amendment and ask unanimous consent that it may be made pending at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

Page 31, line 23, insert——

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excepted committee amendment is as follows:

On page 31, after line 23, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $257,000,000: *Provided*, That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under sections 1006(a) (1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in fiscal year 1984 in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further*, That, notwithstanding the above proviso, the funds distributed to each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area be distributed with a goal of achieving minimum access of $12.40 per poor person in the following order:

(1) First, grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a) (1) and (3) of the Legal Services Corporation Act shall be maintained in fiscal year 1984 at not less than the annual level at which each grantee and contractor was funded in fiscal year 1983;

(2) Second, each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area and who is presently receiving less than $6.20 per poor person under the 1980 Census shall be brought to that per capita level;

(3) Third, each such grantee funded in fiscal year 1983 pursuant to the number of poor people within its geographical area and who, after increases received under the second priority above, is receiving less than the $12.40 per poor person necessary to provide the actual cost of a two-attorney unit for each 10,000 poor people under the 1980 Census shall be increased by an equal percentage of the amount by which the grantee's current funding falls below $12.40:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interests of the clients:

Provided further, That none of the funds appropriated in this Act shall be available to any recipient to be used—

(1) to pay for any publicity or propaganda designed to support or defeat legislation pending before Congress or State or local legislative bodies;

(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended to design or influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities; or

(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity, except where (A) such communications are made in response to any Federal, State, or local official; (B) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of an eligible client or class of clients in accordance with policy established by the governing body of the recipient, and if such project director has determined, prior to approving the undertaking of such communication, that such representation is directly related to the provision of legal advice and responsibility to the eligible client and each such client is in need of relief which can best be provided by the legislative body involved, and that documentation specifically authorizing such communication has been secured from the eligible client or representatives of eligible clients and includes a statement of the specific legal interest of the client or clients, or (C) the project director of a recipient has expressly approved in writing the undertaking of such communication in accordance with policy established by the governing body of the recipient after such project director has expressly determined that the legislative body is considering an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or is conducting oversight of the recipient or the Corporation; except that nothing in this proviso shall be construed to permit an attorney or an employee of a recipient or other contractor or grantee to solicit a client, in violation of professional responsibilities, for the purpose of making an activity permitted by such proviso possible:

Provided further, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) an alien who wishes to contest any action or inaction by the Immigration and Naturalization Service against such alien, who is either—

(A) married to a United States citizen or an alien referred to in clause (1) of this proviso, or

(B) a parent or an unmarried child under 21 years of age of such a citizen or alien, and who has filed an application for the

granting of citizenship or of permanent resident status as defined in section 101(a)(20) of the Immigration and Nationality Act, and such application is pending;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act;

(4) an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980;

(5) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(6) a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983);

(7) an alien granted parole under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1181(d)(5));

(8) an alien who is eligible for derivative United States citizenship under section 301 of the Immigration and Nationality Act (8 U.S.C. 1401):

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance.

This title may be cited as the "Department of Justice and Related Agencies Appropriation Act, 1984".

Mr. HELMS. Now, Mr. President, I renew my point of order.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2416

(Purpose: To provide adequate limitations and restrictions on appropriations for the Legal Services Corporation, and for other purposes)

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I may have a solution to this problem.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 2416.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, after line 24, insert:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $257,000,000: *Provided,* That notwithstanding any regulation, guideline, or rule of the Corporation, the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts under section 1006(a) (1) and (3) so as to insure that funding for each such current grantee and contractor is maintained in fiscal year 1984 in the same proportion which total appropriations to the Corporation in fiscal year 1984 bear to the total appropriations to the Corporation in fiscal year 1983, until action is taken by directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That, notwithstanding the above proviso, the funds distributed to each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area be distributed with a goal of achieving minimum access of $12.40 per poor person in the following order:

"(1) First, grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act shall be maintained in fiscal year 1984 at not less than the annual level at which each grantee and contractor was funded in fiscal year 1983;

"(2) Second, each grantee funded in fiscal year 1983 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area and who is presently receiving less than $6.20 per poor person under the 1980 Census shall be brought to that per capita level;

"(3) Third, each such grantee funded in fiscal year 1983 pursuant to the number of poor people within its geographical area and who, after increases received under the second priority above, is receiving less than the $12.40 per poor person necessary to provide the actual cost of a two-attorney unit for each 10,000 poor people under the 1980 Census shall be increased by an equal percentage of the amount by which the grantee's current funding falls below $12.40:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government unless—

"(1) the project director of a recipient has expressly approved the filing of such an action in accordance with policies established by the governing body of such recipient;

"(2) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance; and

"(3) that prior to filing such an action, the recipient project director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interests of the clients,

except that this proviso may be superseded by regulations promulgated by a majority of the Board of Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act: *Provided further,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used—

"(1) to pay for any publicity or propaganda intended or designed to support or defeat legislation pending before Congress or State or local legislative bodies or intended or designed to influence any decision by a Federal, State, or local agency;

"(2) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities;

"(3) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed—

"(A) to influence any Member of Congress or any other Federal, State, or local elected official,

"(B) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity,

"(C) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of the recipient or the Corporation, or

"(D) to influence the conduct of oversight proceedings of the recipient or the Corporation;

"(4) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Act, bill, resolution, or similar legislation, except that this proviso shall not preclude funds from being used to provide communication directly to a Federal, State, or local elected official on a specific and distinct matter where the purpose of such communication is to bring the matter to the official's attention if—

"(A) the project director of a recipient has expressly approved in writing the undertaking of such communication to be made on behalf of a client or class of clients in accordance with policy established by the governing body of the recipient; and

"(B) the project director of a recipient has determined prior to the undertaking of such communication, that—

"(i) the client and each such client is in need of relief which can be provided by the legislative body involved;

"(ii) appropriate judicial and administrative relief have been exhausted; and

"(iii) documentation has been secured from each eligible client that includes a statement of the specific legal interests of the client, except that such communication may not be the result of participation in a coordinated effort to provide such communications under this proviso; and

"(C) the project director of a recipient maintains documentation of the expense and time spent under this proviso as part of the records of the recipient; or

"(D) the project director of a recipient has approved the submission of a communication to a legislator requesting introduction of a private relief bill,

except that nothing in this proviso shall prohibit communications made in response to a request from a Federal, State, or local official:

Provided further, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be used to pay for any administrative or related costs associated with an activity prohibited in clause (1), (2), (3), or (4) of the previous proviso:

Provided further, That none of the funds appropriated under this Act for the Legal Services Corporation will be expended to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

"(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

"(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

"(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

"(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)):

Provided further, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of the previous proviso, to be an alien described in clause (3) of this proviso:

Provided further, That none of the funds appropriated for the Legal Services Corporation may be used to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his rights under a new statute, order, or regulation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation may be used to carry out the procedures established pursuant to section 1011(2) of the Legal Services Corporation Act unless the Corporation prescribes procedures to insure that financial assistance under this title shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for more than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing to show cause why such action should not be taken, and, when requested, such hearing shall be conducted by an independent hearing examiner, subject to the following conditions:

"(1) such request for a hearing shall be made to the Corporation within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding, or suspend financial assistance and such hearing shall be conducted within thirty days of receipt of such request for a hearing;

"(2) the Corporation shall make such final decision within thirty days after completion of such hearing; and

"(3) hearing examiners shall be appointed by the Corporation in accordance with procedures established in regulations promulgated by the Corporation:

Provided further, That none of the funds appropriated in this Act for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (1) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (2) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, and efforts shall be made to insure that such board of directors or other governing body is bipartisan.".

Mr. HATCH. Mr. President, I offer this amendment along with Senators RUDMAN, GRASSLEY, and DENTON.

The PRESIDING OFFICER. If the Senator would suspend, this is not one of the excepted amendments.

Mr. HATCH. Mr. President, I ask unanimous consent that the second excepted committee amendment be laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HATCH. Mr. President, the amendment that I am offering today along with Senators RUDMAN, GRASSLEY, and DENTON, will insure that the money that we are appropriating for the Legal Services Corporation is used as it should be—to finance legal services to the poor. The amendment represents what I believe are the very real prohibitions that must be attached to any appropriations bill involving legal services if we hope to prevent the abuse by Corporation officials and individuals employed by Corporation grantees that has occurred in the past.

Obviously, this language reflects a compromise. It may not be as strict as some would have liked, nor is it as lenient as others would hope. But it does reflect a conscientious attempt in the limited manner available to us on an appropriations bill, to refocus the direction of the Corporation away from the lobbying and propagandizing of the last few years back to the more important day-to-day delivery of legal services to this Nation's poor.

Before going on, I would like to thank my colleagues, Senators RUDMAN, GRASSLEY, DENTON, and others who have worked so hard to see this issue resolved. In particular, I certainly want to thank all the committee members of my Labor and Human Resources Committee, and especially Senators WEICKER and EAGLETON, who have worked very hard to try to resolve these issues.

Furthermore, I just cannot pay enough praise to Senator RUDMAN, who has acted as not only a catalyst but I think a guiding and intelligent voice on this particular issue and the problems involved with it.

Each has given much to insure that we are providing a legal services program that is worthy of its mandate. It is through their concerted effort that we were able to reach a compromise.

Perhaps nowhere is the effort at compromise more evident than in the provisions regarding lobbying. Obviously, illegal lobbying by Corporation officials and grantees has been the single most blatant example of abuse in the program over the last several years. Unfortunately, to date, nothing done by Congress has succeeded in stopping this abuse. The hearings that were held in the Senate Labor and Human Resources Committee provided detailed evidence not only of the pervasive nature of these improper lobbying efforts but also the often brazen disregard that some Corporation officials and some grantee staff had for the prohibitions laid down by Congress.

Senator DENTON and I have asked the Government Accounting Office to investigate several of the examples that we uncovered during these oversight activities, and I believe that GAO's investigation will provide fur-

ther evidence of the extent of this illegal activity. It should be noted that the GAO has already issued a report finding that two of the examples we uncovered during our hearings clearly violated the law. One dealt with the Corporation's financing of a lobbying campaign in California to defeat a State referendum, and the other concerned a video-taped regional meeting at which top Corporation officials described the lobbying efforts they wanted regional staff to engage in.

To me, the problem with lobbying has always been that most all of us are confident that we know what kind of political activity we want to prohibit. We simply are unable to turn these sentiments into statutory language.

I think the language that we have before us today crosses the bridge between the theoretical and the actual and provides a practical structure around which the political agitation of the past is prohibited but, at the same time, legitimate kinds of legislative representation are permitted.

First, the language we are offering would bar the use of any Federal funds to be spent on publicity or propaganda intended to influence a legislative or administrative vote. The so-called grassroots campaigns of the past would be prohibited. The Corporation would clearly be barred from setting up congressional mail drives designed to flood a particular legislator with letters as it has done in the past.

Second, the language would bar various communications or services intended to influence a decision by an administrative agency except where legal assistance is being provided in an adjudicatory proceeding. Funds would not be available for communications intended to influence an administrative agency decision involving its rulemaking responsibilities. As I understand, the language we are proposing mirrors that used in last year's continuing resolution.

Third, the language would bar, among other things, any lobbying in support of or in opposition to a referendum, initiative, constitutional amendment or similar procedure. There should no longer be any confusion over whether the Corporation funds can be used to fight State referendums, as it did in California. Such activities were prohibited before under previous law. This amendment simply restates that prohibition.

Fourth, the language would allow communications to be made to Federal, State, or local legislators where the purpose of that communication is to bring a matter to the legislator's attention if the following four conditions are met.

It must be determined that the legislative body can provide the relief desired;

It must be shown that all appropriate judicial and administrative avenues of relief have been exhausted;

The needs of the client are documented; and

Records are kept of the time and expense incurred under this proviso.

This language allows legislators to be informed of problems without permitting, at the same time, widespread lobbying campaigns. It also insures that local programs will not view the legislators as their only avenue of remedy, that they will continue to turn first to the judicial and administrative systems in their area to address the needs of their clients. And it will insure, that for the first time, adequate records of lobbying activities are kept by the Corporation and its grantees.

Fifth, the amendment makes it clear that communications may be made in response to a request from a Federal, State, or local official. Moreover, the amendment would not bar communication requesting introduction of a private relief bill.

Finally, the amendment would prohibit Corporation funds from being used to pay for the administrative or related costs of an activity prohibited in the proviso. In other words, the prohibitions could not be circumvented by a claim that all that was being paid for was the rent or other ministerial costs associated with a prohibited activity.

The amendment also insures that Federal funds will not be spent on training programs designed to create organized lobbying organizations or political coalitions, as has been done in the past. Similarly, Federal funds could not be spent on training programs designed to disseminate political propaganda or information encouraging political activities, labor or antilabor activities, boycotts, picketing strikes, or demonstrations. In sum, the Corporation will be prohibited from using training programs as a means for circumventing other prohibitions in the act.

With regard to class actions, the amendment sets out standards governing the use of Federal funds to bring class actions against governmental entities. It is recognized that the language as it now stands may result in the issuance of separate class action guidelines by each grantee, and may generate over 300 different sets of guidelines. Consequently, the amendment makes it clear that a majority of the Board of Directors, who have been confirmed in accordance with section 1004(a) of the Legal Services Act, may issue class action regulations which will supersede those provided for in this proviso.

The amendment also reflects a compromise on defunding procedures, as well as those procedures governing midgrant suspension or termination. It insures that the recipient has a fair and full hearing before an independent hearing examiner, but makes it clear the burden of proof is on the recipient to show cause why the Corporation's decision should not be finalized, and it makes it clear that the time period for the entire procedure will not exceed 90 days.

Finally, the amendment insures that the majority of the board of directors of local grantees are appointed by the majority bar in the area in which the program is located. Moreover, the amendment specifies that efforts shall be made to insure that these boards are bipartisan.

Obviously, one of the most troubling portions of the bill as reported concerns the language requiring current funding levels to be continued until action is taken by the Directors of the Corporation who have been confirmed in accordance with section 1004(a) of the Legal Services Corporation Act. Such a requirement obviously restricts the Corporation from engaging in traditional funding decisions even where such decisions are not controversial. It also keeps in place the existing funding format which is based on the 1970 census. As a result, legal services funds are being distributed in large part on the basis of where eligible clients were in 1970 as opposed to where they are today.

I personally feel that this provision is wrong, yet I understand it can be nullified once there are Board members confirmed by the Senate. The President has nominated six members to the Board and has announced those he intends to nominate for the other five slots. I also understand that my colleagues and I have agreed to act as quickly as possible on these nominations so that this provision can be lifted and the Corporation can have an effective Board of Directors.

As I stated at the outset, the amendment reflects a variety of views and is evidence of what I believe to be a workable compromise on legal services. Most importantly, it demonstrates that Congress recognizes the problems with the Corporation in the past and has attempted to remedy them.

For all of those reasons, I urge my colleagues to support this compromise.

Mr. RUDMAN. Mr. President, the compromise amendment Senator HATCH and I are offering is the product of extensive and intensive negotiations over the last 2 days. It is a compromise in the truest sense of the word as it contains provisions which make everyone on every side of the issue unhappy. Let me briefly describe the provisions of the compromise and how they differ from the committee provisions.

First, the funding level for the Legal Services Corporation for fiscal 1984 would be the $257 million recommended by the committee. While this is a

6.6-percent increase over the funding level of the last 2 years, it is the amount recommended by the Board of Directors appointed by President Reagan for last year and it is 20 percent below the fiscal 1981 appropriation.

Second, the so-called "affirmative rider," which would provide that funds shall be distributed to grantees in the same proportion as in fiscal 1983 until action is taken by a confirmed Board of the Corporation, is retained. However, commitments have been made to insure that at least 6 of the 11 nominees announced by President Reagan will be confirmed, thus making this provision moot in the near future.

Third, the committee's formula for distributing funds to the local direct services programs is retained. I should note that this formula change has been agreed to by virtually all the local programs around the country.

Fourth, the committee's provision relating to when class action suits are permitted, identical to the language on the subject in Senator HATCH's proposed reauthorization bill, has been retained. However, language has been added to give a confirmed Board of Directors the authority to establish a differing, uniform national policy.

Fifth, the committee's provision relating to legislative and administrative advocacy has been tightened in a number of ways. The ban on publicity and propaganda activities has been made absolute. Lobbying in relation to any referendum, initiative, constitutional amendment, or any authorization or appropriation relating to the Corporation or its recipients is also prohibited. The committee language relating to lobbying on behalf of a client or clients has been tightened, requiring that all appropriate judicial and administrative avenues of relief be exhausted prior to the lobbying effort, that such activity may not be part of a coordinated lobbying effort, and that documentation as to the time and expense of such activity be kept.

Sixth, a new provision would be added which will insure that the lobbying restriction also applies to administrative and related costs associated with prohibited activities. Senator HATCH believes this closes a loophole in the committee provision and, given the way the Corporation and its grantees have interpreted lobbying restrictions in the past, he may well be right.

Seventh, the committee provision permitting the representation of four new categories of aliens has been deleted and the fiscal year 1983 restriction substituted in its place.

Eighth, a new provision has been added to insure that training funds cannot be used for any kind of political activity.

Ninth, a new provision has been added regarding the issues of defunding and refusing to refund current grantees of the Corporation. The Legal Services Corporation Act, as interpreted by the Corporation, requires a decision by an independent hearing examiner on defunding and refunding decisions, and places the burden of proof on the Corporation. The compromise amendment retains the independent hearing examiner requirement but shifts the burden of proof to the recipient by requiring it to show cause why the Corporation should not take the action.

Tenth, the committee provision governing local board composition is amended to require efforts to insure that the local Board of Directors will be bipartisan.

Mr. President, that summarizes the changes to the committee's language made by the compromise amendment. In considering them our colleagues should keep in mind two points. First, there are provisions in the compromise which I do not support and I believe the same can be said for all other Senators involved in the negotiations. That is, I suppose, the essence of a true compromise. Second, this language is not a substitute for the enactment of legislation reauthorizing the Corporation. While I recognize the difficulties in enacting reauthorizing legislation, I would emphasize that this is the third year in a row there has been substantial authorizing language on the appropriations bill. This is not a good practice and, hopefully, it will not have to happen again next year.

Mr. President, I wish to express my very deep appreciation to the Senator from Utah (Mr. HATCH), the Senator from Alabama (Mr. DENTON), the Senator from Iowa (Mr. GRASSLEY), to the ranking member, Senator DECONCINI, and probably in many ways most of all to our chairman, the Senator from Nevada (Mr. LAXALT); and last, but not least, the Senator from Connecticut (Mr. WEICKER). I also thank the respective staffs.

I think that one of the great misunderstandings about this whole issue is the misunderstanding by many that there is a great opposition to poor people receiving legal services. That is not so. The Senator from Utah put it very well: There is great difficulty putting in precise statutory language the controls many of us believe are necessary to effectuate the use of these funds for the purpose we all want to intend them—that is, to help poor people who cannot help themselves.

I have been here about 3 years, and I have never seen a better spirit of cooperation than that by the Senator from North Carolina, the Senator from Utah, and the others I have mentioned, to finally get to the point where this subcommittee can put forth an important piece of legislation and in other ways set the groundwork for the future, so that the Legal Services Corporation can operate in a way we all wish it to operate.

So I thank the Senator from Nevada for giving me the opportunity in this matter, on an important problem we all want to solve.

Mr. GRASSLEY. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. GRASSLEY. I thank the Senator for yielding.

Mr. President, I rise in support of the amendment.

I want to start by congratulating the Senators from Utah, New Hampshire, Alabama, and Nevada for their roles in bringing about this compromise language in a very short period of time. It is vitally important that we take action at this time to get the Legal Services Corporation turned around, after what proved to be a very hot summer of revelations of misconduct at the agency.

For those Members who have not been particularly close to this controversy, I just want to impress upon them the nature of the allegations that have been made against the Legal Services Corporation.

In hearings this summer, one of which I chaired, we learned of a nationwide lobbying campaign to save Legal Services—continuing into this very year.

We have learned that training funds were used routinely for teaching legislative and media advocacy—even for supporting a mayoral campaign in Georgia.

We have learned that Corporation officials and regional offices sanctioned the squirreling away of $41 million in fund balances—nearly one-fifth of the annual appropriation—at the same time Corporation officials were telling Congress that clients were being turned away.

We have learned that money was channeled into "shell" corporations for the express purpose of avoiding congressional restrictions aimed at insuring direct client services.

We have learned that money was capitalized into buildings and other assets, to the detriment of clients who needed immediate help.

And we have even seen a videotape which shows beyond doubt that Legal Services officials had the motive—and the means—to carry on those activities.

Now, I have joined with the Senators from Utah and Alabama in introducing a reauthorization bill designed to end the diversion of funds to political activities, and away from the pursuit of equal access to justice.

The three of us have even entered into protracted negotiations to find a common ground with the stronger proponents of Legal Services. Unfortunately, this reauthorization process has not, and may never, come to frui-

tion; therefore, we are forced again to take this alternative course to bring about needed reforms.

While the substitute for this heading we have agreed upon with Senator RUDMAN does not solve all the concerns, it goes a long way toward sending the needed message to Legal Services to clean up its act.

In the most contentious area—that of lobbying—the agreed-upon language will pretty much foreclose grassroots lobbying. The only lobbying allowed will very much fit the mold of traditional legal representation—coming to Congess, as individual attorneys on behalf of a particular client, only after other possible avenues have been tried and exhausted.

The language sharply limits the use of training funds for political purposes. It puts sharp deadlines on the drawn-out procedure of defunding and puts the burden of proving worthiness on the recipient.

It urges that local governing boards be bipartisan, and retains the majority bar requirement.

And in an area in which I was originally planning an amendment, the amendment retains the language of the last 3 years in limiting the use of Legal Services funds for aliens.

Let me stop for a moment and explain why I insisted on this amendment, apart from my interest in the subject as a member of the Immigration Subcommittee.

The language originally in this bill not only added three additional categories of aliens who could receive aid, it specifically allowed some classes of aliens to receive funds to challenge actions or inaction by the Immigration and Naturalization Service.

With Legal Services recipients arguing that they must turn poor people away—and Iowans telling me they have been turned away—I do not see how we can consider expanding the list of aliens able to dip into the Corporation's limited resources.

Furthermore, I cannot imagine that Members of Congress intended that aliens would be encouraged to use Government-paid lawyers to litigate their way into our country. And I do not believe we want to open a ball of wax by allowing Legal Services to challenge inaction on the part of INS.

This amendment would avoid these results by simply restoring the language that has been in appropriations bills now for 3 years. I see no compelling reason to expand it—and I have stated several compelling reasons not to.

For all of those reasons, I urge my colleagues to support this compromise, and let Legal Services get on toward its goal of equal access to justice.

Mr. President, I wish to thank everybody for working out the provisions I was interested in—provisions which, under the original bill, would have expanded use of Legal Services by illegal aliens.

I think that in a time when Legal Services has more clients than it can service adequately, it would be a wrong time to consider expanding the use of Legal Services by a category of people who, in the first place, should not be in this country.

So I compliment everybody for the compromise, and I urge its adoption.

Mr. DECONCINI. Mr. President, I join in the remarks of the Senator from New Hampshire.

I should like to see a greater appropriation of dollars here, but we have been down that road many times here in the last 3 years, and I realize that that is hopeless. I was seriously considering offering such an amendment.

This demonstrates that the work the Senator from New Hampshire has put forth here is a compromise, and when you have compromises, no one is totally happy. I am not totally happy, but I am prepared to accept the amendment for our side.

Mr. WEICKER. Mr. President, I rise to voice my support for the action of the Appropriations Committee to continue the crucial work of the Legal Services Corporation. The committee has gone a long way to address the concerns of those who have opposed the Corporation, and I believe we have language here that, while not perfect, is language that a large majority of the Senate can support.

I believe it bears repeating that this Congress supports the work of the Legal Services Corporation. Three years of administration attempts to zero it out and/or bring about its internal collapse have not dented that support. The determined inaction of the authorizing committee in the Senate on a Legal Services bill has done nothing, except of course force the Appropriations Committee into the role of a legislative committee. No powerful lobby or constituency stands to defend the LSC; its beneficiaries are among our society's most disadvantaged. Simply put, Mr. President, it has survived because the ideal on which it is built is right. Equal access by America's poor to our system of justice is an ideal that will not go away. Members of the House and Senate understand that and have voted to keep the Legal Services Corporation in business.

To those opponents of this Corporation throughout this Government, the message should be crystal clear: The Legal Services Corporation is here to stay. With that fact established, we had best spend our time making the Legal Services Corporation work as effectively as possible.

As a first step I believe the Senate should pass this compromise. It is not perfect and I admit to having objections to certain provisions. However, there has been considerable give and take on this language already and the bottom line is a compromise acceptable to both sides has been reached.

Second, I hope that the members of the Labor and Human Resources Committee, of which I am one, can work out a reauthorization measure. I, for one, am uncomfortable with the Appropriations Committee drafting such a bill on each annual appropriations, a feeling which should be shared by my colleagues on the authorizing committee. And finally, I hope that the Senate can proceed with an orderly consideration of the nominees which the President has indicated he intends to nominate. While I will reserve judgment on the individuals nominated, at least the administration has taken a step away from the debilitating strategy of running the Corporation with recess appointments, and I believe that a quorum of the 11 individuals to be nominated can probably be confirmed.

To use an appropriate military analogy, in the war against the Legal Services Corporation, the preemptive strike has not worked, guerrilla war has not worked and a war of attrition will not either. Let us get on with the job with responsibly putting into place legislative mechanisms for doing this important job.

Mr. DENTON. Mr. President, I rise to address the provisions of this appropriations bill that pertain to the Legal Services Corporation.

Mr. President, I was actively involved, along with Chairman HATCH, Senator GRASSLEY, and other Senators on the Labor and Human Resources Committee, in an inquiry into the past activities of the Legal Services Corporation and its grantees. We found reason to believe that former Corporation officials and some grantees had used Federal tax dollars in a widespread campaign to finance political activity in violation of Federal law. Substantial sums of money were diverted from legal services for the poor into political activism prohibited by statute.

A legal opinion by the General Accounting Office, which was distributed to each Senator's office, confirms our impressions. The report states that the Corporation and its grantees used public money "to advocate a public policy of fighting threatened—budget—cuts in the Legal Services Corporation and other Federal social benefit and entitlement programs and to encourage persons to engage in political activities, including the building of networks and coalitions of organizations so as to effectively operate a nationwide grassroots campaign to lobby Congress in support of policies advocated by the Corporation."

There is no doubt that the behavior was deliberate and pervasive. The doc-

umentation accumulated to date is irrefutable.

I support the provision of legal services for the poor. I cannot, however, support the use of Federal funds for the purpose of lobbying for social change or, as was the case in California in 1980, of hiring political consultants to organize a campaign against a ballot initiative—proposition 9. My reservations are especially strong when there is evidence that the funds are diverted from the provision of direct legal services to poor clients and that, as a result, thousands of our citizens who need help are turned away.

Obviously, we have to change the way the Legal Services Corporation does business. Those of us who serve on the Labor and Human Resources Committee have been trying for many weeks to reach agreement on the provisions of an authorization bill. Unfortunately, appropriations legislation has overtaken us, and that bill is the measure with which we must deal today.

Several Senators and staffs have worked hard to formulate language that will bring about an improvement in the performance of the Corporation and its grantees. The compromise certainly does not contain all the changes that would assist in that process, or all the restrictions that I would like to see placed on the Corporation and its grantees, but I am constrained to say that it is probably the most we can do at this time and on this appropriations bill.

I am grateful that commitments have been made that will make it possible to have a board of directors confirmed for the Corporation. That will make it possible for the Legal Services Corporation to again make financial decisions, a power taken from it by the Congress last year until such time as a board could be confirmed.

I assure my colleagues that, if something happens to block these nominees, I will raise the issue of the Legal Services Corporation time after time until a functioning board is in place. I say that only to show my conviction that the Corporation must be allowed to function as the law provides and to allocate resources efficiently.

I concur with the remarks made by the Senator from Utah and am pleased to be a cosponsor of the compromise package of amendments. I urge their adoption.

Mr. HATCH. Mr. President, there is still some confusion over the status of the affirmative rider provisions in the bill once Board members are confirmed by the Senate. The bill clearly states that all grantees funded in 1983 will continue to be funded in 1984 until there is action taken by Directors confirmed by the Senate. I understand that this proviso is not meant to bar the Corporation from taking corrective steps where a recipient is clearly violating the Legal Services Corporation Act or is misusing funds, so long as any action taken by the Corporation follows the procedures established in section 1011 of the Legal Services Corporation Act.

Once Directors are confirmed by the Senate, however, the Corporation would be permitted to make the traditional funding decisions that it has in the past in the following manner: First, any program receiving funds for the direct delivery of legal services under section 1006(a)(1) of the act, as defined in the Senate Committee on Appropriations report on S. 1721, would continue to receive funds unless the Corporation determined that such funding should be stopped. Where such a decision is made, the grantee or recipient would be entitled to a timely, full, and fair hearing before an independent hearing examiner, again in accordance with the provisions laid out in section 1011 of the act. If a final decision is made to defund, terminate, or suspend the grantee, the Corporation would not be permitted to transfer the funds given to that grantee or recipient under the law to another program in another geographical area. That money would be retained in the service area of the previous grantee, in accordance with the funding ratio established in the bill, to be used by some other provider of direct legal services to eligible clients.

Second, if the Corporation decides to defund a grantee receiving funds under section 1006(a)(3), such a grantee would also be entitled to a full and fair hearing as prescribed in section 1011. Here, the Corporation would not be required, however, to continue to fund another grantee involved in a correlative activity, nor would it be required to make those funds available to other recipients in the geographical area in which the defunded grantee is located. The Corporation would be free, in this instance, to transfer these funds back to the direct delivery of legal services to the poor.

Mr. RUDMAN. Mr. President, I believe the Senator from Utah has stated the situation relative to the affirmative rider and the funding formula quite well. I concur with what he has said and would add, as I have previously stated on a number of occasions, that I hope we soon have a majority of the Board of Directors of the Corporation confirmed by the Senate so that Congress can stop micromanaging the Corporation.

Mr. HATCH. Mr. President, I am very appreciative of the efforts of Senator HELMS in this matter. I do not think this matter could have been resolved without his work and without the efforts he has put forth to try to have this compromise amendment resolved with respect to problems and issues involving the Legal Services Corporation. I cannot speak for Senator HELMS, but I know that he would prefer it much stronger than it is.

However, under the circumstances, I believe it is a very strong amendment that will help to correct the abuses that have occurred at Legal Services.

I think I have a commitment from a number of people here and otherwise that if abuses continue to occur in other areas, or even in any area that we think we have covered here today, we will work to correct those abuses.

After all, I believe that everybody in this country deserves legal representation, especially the poor, who sometimes need their representation more than others. They should not be bereft of legal services merely because it costs money.

On the other hand, we should not have attorneys running around breaking the law and, with regard to Legal Services, we have had a number of illustrations where such violations have occurred.

I appreciate the efforts of everyone who has been involved in working on this matter, and I hope this will resolve some of the conflicts and problems we have had with respect to the Legal Services Corporation.

Mr. KENNEDY. Mr. President, I rise today to commend the committee for providing $257 million for the Legal Services Corporation. Frankly, I am not enthusiastic about many provisions included in the Rudman-Hatch compromise, I recognize the desire of many of my colleagues to compromise on this matter and I respect that desire.

Nevertheless, I retain some concerns regarding this compromise. First, I believe these provisions unnecessarily restrict Legal Services attorneys in their efforts to meet their legislatively mandated goal of "providing high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel." And second, I believe that the Corporation should be funded at a higher level than the $257 million included in this bill. Let me emphasize that although I intend to support this bill, I will continue to strive to improve and expand legal services for the poor by improving the provisions of the Legal Services Corporation Act and by increasing the funding for the Legal Services Corporation.

Let us not forget that the Legal Services Corporation suffered a 25-percent funding cut in 1981. In the years that preceded that cut, LSC funding, while having increased in absolute terms, declined in real terms due to inflation. Since that cut, funding has remained constant, while operating costs have not. The results—of the cut and of inflation—have been predictable.

According to a recent survey by the Equal Justice Foundation, the funding cut in 1981 forced 87 percent of the

programs to cut back on their staff of attorneys, paralegals, and support staff. For over half of these programs, staff losses amounted to almost 30 percent. In addition, half of the Legal Services programs were forced to close field offices as a result of these cuts. The real world cuts caused by inflation in 1982 and 1983 resulted in 65 percent of the Legal Services programs to cut additional staff or close more field offices.

The so-called minimum access goal of the Legal Services Corporation—2 attorneys for every 10,000 potential clients—inserted in the Legal Services Corporation Act in 1977 had been achieved prior to the 25-percent budget cuts. To achieve minimum access again would require an increase of over 75 percent in funding. Seen in this context, the increase included in this bill is modest indeed.

I do want to commend the committee for retaining the language first inserted in last year's continuing resolution regarding a nonconfirmed LSC Board of Directors. I believe it is of the utmost importance for this body to take every action to encourage the President of the United States to follow the legislatively prescribed procedure for appointing Directors to the Board. The Corporation has gone almost 2 years with Directors who received recess appointments, not Senate confirmations. Only recently has the President announced that 11 new nominees will be transmitted to this body—and only 6 of those 11 have thus far been transmitted.

As the ranking member of the Labor and Human Resources Committee, let me assure my colleagues that I intend to urge careful but expeditious consideration of these nominees—after all 11 have been transmitted. We cannot adequately evaluate the entire panel, as we must, without the entire panel before us. I strongly urge the President to transmit the remaining five nominees expeditiously to allow our committee to begin the confirmation process. But in the meantime we must retain this provision in the law. It was, after all, not this body which chose to reject a majority of the nominee last year—but the President who chose to withdraw them. This provision will encourage him not to do so again this time.

There have been concerns raised by some of my colleagues both during the labor committee's deliberation of the LSC authorization bill and during the floor consideration of this bill regarding lobbying activities by Legal Services attorneys. They seem to believe that these attorneys are not pursuing the interests of their clients, but rather a personal political agenda. They seem to believe that using public funds to lobby representatives of the public is somehow wrong. I cannot disagree with them more. A nation does not demonstrate its commitment to "equal justice for all" in the easy case, but in the hard one. To provide attorneys to the poor American in a divorce case is easy. The real challenge comes in providing an attorney for poor Americans opposing powerful governmental, social, or economic interests.

The challenge in the end for those of us in the Congress is to insure equal access to justice for all individuals in this Nation who seek a peaceful redress to their grievances. The Legal Services Corporation is our answer to that challenge. I intend to continue my commitment to the Corporation and its efforts for the poor.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2416) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAXALT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAXALT. Mr. President, I hope that my colleagues in the Chamber have an appreciation of what has just been accomplished. We have fought Legal Services for many long years—here, downtown, and elsewhere. Within the last 24 hours, more solid progress has been effected in this whole area than we have had in the 3 years I have been exposed to the problem.

Senator RUDMAN has indicated who the key players were, and I want all of them to know that this Senator appreciates greatly the spirit in which this problem has been addressed.

I especially commend Senator RUDMAN, who, I think, as much as anybody else on the Hill is a pro in the field, not one purely from the Washington standpoint. He was a very skilled attorney general in New Hampshire, and during that time experienced some of the most unpleasant situations with Legal Services attorneys. He came here with a tremendous background and expertise on the ground.

During the last few years, Senator RUDMAN has been absolutely masterful, and this chairman greatly appreciates his effort. I guess the great difficulty in this Chamber of being an honest and effective broker is that you will probably be called upon again to do something of the same sort before too long.

Mr. RUDMAN. Mr. President, I thank the chairman for his very gracious comments.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, is the bill open to further amendment?

The PRESIDING OFFICER. There is an order for a list of amendments that have not been adopted.

Mr. HELMS. If the managers of the bill have no objection, I ask unanimous consent that those amendments be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LAXALT. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2417

(Purpose: To limit the Department of Justice in seeking court orders requiring the busing of schoolchildren)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2417.

At an appropriate place in the bill, insert the following:

"SEC. . None of the funds appropriated or otherwise made available by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.".

Mr. HELMS. Mr. President, the amendment I now propose is very familiar to the Senate. It provides that moneys for the Department of Justice shall not be used "to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped."

As a part of the Johnston-Helms antibusing amendment to the 1983 Department of Justice authorization bill, S. 951 in the 97th Congress, this amendment was debated at length by the distinguished Senator from Connecticut, Mr. WEICKER. After nearly 9 months of debate—off and on—and after the Senate invoked cloture on the amendment, S. 951 passed with the Johnston-Helms amendment as a part of the bill by a vote of 57 to 37 on March 2, 1982. The measure went to the House of Representatives where Speaker O'NEILL and Judiciary Committee Chairman RODINO made sure it never saw the light of day, and it was never considered on the floor of the House.

Mr. President, this action by Speaker O'NEILL and Chairman RODINO in preventing a House vote on the issue of forced busing is regrettable with all due respect, they talk a lot about the

"will of the people" and "compassion" and "social justice," but the reality is that there are certain issues—and forced busing is one—which they do not want to come to the House floor and on which they—at all costs—do not want a recorded vote.

This failure of leadership by the Congress of the United States, this failure of leadership which we see all around, raises a serious question in the minds of many Americans. It is whether they actually have control over the basic decisions of their lives and the lives of their families. There is a legitimate concern that too many basic questions are being decided by forces beyond their reach—such questions as whether their children will be bused across town at the whim of some Federal judge or bureaucrat, how much of the money they earn the Government will allow them to keep, whether that money will retain its value over time, and whether they will lose their lives and property because Government fails to provide adequate protection against the criminal elements that so freely operate in our society today. They also have vital concerns about how their children will be raised and educated, and what kind of values will be handed down to their children. Too often in Washington we are preoccupied with technical solutions to problems, and we ignore the human dimension of how the lives of Americans are being torn apart through increasing Federal control and manipulation of our local and community institutions.

The field of education is one of the most important areas where this is happening. Most parents look upon their children as an extension of their own lives and interests. They want to hand down the values they themselves have received from their forefathers and which they have strengthened through the self-building of their own character. Yet, when the Federal Government or an educational establishment, fattened on Federal funds, takes the right to determine a child's education away from his parents, a basic human right is thwarted.

Often these complex problems are telescoped into simple phrases such as "forced busing" and "textbook controversies." But we know more than that is at stake.

Mr. President, we have had so much hostility bred in my State and in States across this Nation because a handful of bureaucrats and pressure groups and Federal judges have pushed something upon the citizens, both black and white, that they do not want and which in fact, is destructive to the quality of education. What I am talking about is the forced busing of schoolchildren to fulfill arbitrarily imposed racial quotas.

Many voices are being heard today about problems in our public schools. They point to declining achievement tests, SAT scores, and the like. They say that there is no discipline in the schools and drug use is reaching epidemic proportions. Mr. President, this Senator would be among the first to acknowledge that there are such problems.

But what the professional critics often ignore is the relation between disruption of the schools by forced busing and declining educational results. Many parents, black and white, know instinctively that there is such a connection. They know firsthand the instability in school systems where busing orders are in effect or threatened and where they do not know, almost from one year to the next, which schools their children will be attending or how the attendance lines will next be drawn. Mr. President, these commonsense perceptions by parents have been confirmed in various studies which I will include in the RECORD.

The vast majority of the American people oppose forced busing. Every poll I have seen shows that the majority of Americans, black and white, are fed up with seeing their children hauled right past a neighborhood school, in some cases hauled as far as 15 or 20 miles away, consuming gasoline, spending tax dollars, lowering the quality of education, creating hostility, and diminishing the capability of the teachers to education our children.

For all these reasons, I propose the current amendment to make sure that the Justice Department does not seek to obtain busing orders in some misguided quest to appease Federal judges who have long since substituted their own personal opinions about good public policy for the more sound but less exciting requirements of the rule of law. It is a sad commentary on the current state of American jurisprudence—but it is true—that if you want justice you best not seek it from Federal judges.

Mr. President, I am happy to note that the current administration at the Justice Department has generally steered away from busing as tool in litigation involving the public schools. The Attorney General himself, Mr. William French Smith, has said:

> Rather than continuing to insist that the only and best remedy for unconstitutional segregation is pupil reassignment through busing, the Department of Justice will henceforth propose remedies that have the best chance of both improving the quality of education in the schools and promoting desegregation. (Quoted in "Busing for School Desegregation," Library of Congress Issue Brief No. IB81010, p. 2, August 26, 1983).

Despite this fine statement of policy by the Attorney General, Congress itself should speak to the busing issue. The people legitimately expect us to speak to the major issues. In addition, the Constitution gives to Congress exclusively the power of the purse, and we should not shrink from our responsibility to limit Federal spending when it may threaten the liberty and well-being of our citizens.

Mr. President, the distinguished former Senator from North Carolina, Mr. Sam J. Ervin, Jr., has written often and eloquently about the constitutional problems associated with forced busing. I, therefore, ask unanimous consent that an article by Senator Ervin, which appeared in the July 23, 1981, Charlotte Observer, on forced busing be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, July 23, 1981]

GOOD SCHOOLS, NOT FORCED BUSING

(By Sam Ervin, Jr.)

(At The Observer's invitation, Sam Ervin Jr., who was chairman of the Senate subcommittee on constitutional rights when he served as a U.S. senator from North Carolina, explains his views on mandatory school busing.)

The Supreme Court asserts that the forced busing of school children for integration purposes is justified, even actually required by the equal protection clause of the Fourteenth Amendment. This assertion is, in reality, undeniably proof of Lord Acton's aphorism: "Power corrupts, absolute power corrupts absolutely."

The allegation's falsity is proved by multitudes of other Supreme Court decisions which apply the equal protection clause correctly.

The Fourteenth Amendment became part of the Constitution on July 21, 1868. When it is interpreted and applied aright, its equal protection clause is one of the simplest and most salutary of the provisions of the Constitution. The clause specifies that no state "shall deny to any person within its jurisdiction the equal protection of the laws."

By this phrase the equal protection clause requires the laws of the state to treat all persons within its jurisdiction alike under like circumstances, both in the rights conferred and the responsibilities imposed. The clause applies only to states and state officials acting under state law. It does not apply in any way to private individuals, or confer to the federal government any power to control their conduct.

Since all federal officers, including Supreme Court justices, are bound by oath or affirmation to support the Constitution, no court, department or agency of the federal government has any power to require a state or any state officer acting in its behalf to violate the equal protection clause. The Supreme Court has expressly ruled that Congress cannot do so.

Instead of either requiring or justifying the forced busing of school children for integration purposes, the equal protection clause actually *forbids* the federal judiciary to take such action.

When it enters a forced busing decree, the federal district court initially commands the school board to divide the students in a district or attendance zone into two groups; to permit students of the first group to attend their neighborhood schools in one district or zone; and to deny students in the second group admission to such neighborhood schools.

The most sophisticated sophistry cannot wash out the plain truth that the second command of the decree requires the school board to deny students in the second group admission to their neighborhood schools solely on account of their race, and that is exactly what the Supreme Court ruled in the Brown Case, the school desegregation decision, is a violation of the equal protection clause.

While judges responsible for forced busing decrees are snug in their beds, parents of the students to whom the decrees apply are compelled to arise from their beds, and to arouse their children from their slumbers, prepare and serve them breakfast, and send them outdoors, no matter how inclement the weather might be, to await the arrival of the buses.

The students, often small tots, are compelled to take round trips, often long and wearisome, each school day between their homes and often distant schools. All this is done to mix students in racial proportions the federal judiciary deems desirable.

Such unrestrained exercise of judicial power, I submit, has no rightful place in an America which boasts in its national anthem that it is the land of the free, unless it is indispensable to the nation's well being. No such case can be made for forced busing of students for integration purposes.

Advocates of forced busing exhibit no concern for the plight of white children who are transferred from superior schools in white communities to inferior schools in black communities. They are indifferent to the inescapable conclusion that on the basis of their own premise this forced busing denies these children equal educational opportunities.

The only intelligent remedy for past deficiencies in education is remedial education; and the only intelligent way to secure equal educational opportunities for all children, black and white, is to establish adequate schools in all areas.

Substituting forced busing for intelligent solutions of educational problems calls to mind the remark of Pope Julius III to the Portuguese monk: "Learn with how little wisdom the earth is governed."

Mr. HELMS. Mr. President, I also bring to the attention of my colleagues an excellent report, recently issued, by the Judiciary Subcommittee on Separation of Powers on this matter of forced busing. Although the report is on S. 1647 from the 97th Congress, it contains much general information and background on the busing problem. I therefore ask unanimous consent that two sections of the report, Senate Report 98-79, issued in August 1983, be printed in the RECORD, sections IV and V (including footnotes).

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE NEIGHBORHOOD SCHOOL TRANSPORTATION RELIEF ACT—S. 1647

IV. HISTORICAL AND LEGAL BACKGROUND

When the landmark case of *Brown* v. *Board of Education (Brown I)*, 347 U.S. 483 (1954), invalidated state laws establishing racially segregated public school systems on the ground that they violated the Equal Protection Clause of the Fourteenth Amendment, the decision also invalidated previous holdings of the Supreme Court itself. Thus, before assuming that the federal judiciary and, in particular, the United States Supreme Court are the surest, most constant guardians of the rights and duties established by the Constituton, Congress should remember that the pre-1954 Court was quite willing to condone legally mandated segregated schools and that the post-1954 Court has shifted from holding that the Equal Protection Clause requires racially neutral state laws to holding that equal protection not only permits but requires recially discriminatory state laws.

The decisions of the Supreme Court from the 1954 *Brown* case to the present also reveal that the Court has lost sight of its primary function as a judicial institution—determination of the rights and duties of particular litigants in the case before the Court—and has engaged instead in the legislative function of formulating plans and programs calculated to respond to changing social circumstances and articulated in terms of races and classes of people instead of individuals. By endorsing racial balance in public schools as, for all practical purposes, a constitutional right as well as a desirable social and political goal, the Court has at once justified social engineering by the federal judiciary and attempted to remove entirely the issue of racial desegregation of the public schools from the political, that is, the legislative, realm of American goverment.

A. PRE-BROWN CASES

In the first racial discrimination case to reach the Court after the Civil War, *Strauder* v. *West Virginia*, 100 U.S. 303 (1880), the Court, with two justices dissenting, held that a state law limiting the eligibility for serving on juries in state proceedings to "white male persons who are twenty-one years of age and who are citizens of the State," was invalid as "a denial of the equal protection of the laws to a colored man when he is put upon trail for an alleged offense against the State . . ." 100 U.S. at 310.

The Court explained the "true spirit and meaning of the Civil War Amendments," and particularly the Fourteenth, in broad terms:

The Fourteenth Amendment was designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons, and to give to that race the protection of the General Government, in that enjoyment, whenever it should be denied by the States. It not only gave citizenship to persons of color, but it denied to any State the power to withhold from them the equal protection of the laws, and authorized Congress to enforce its provisions by appropriate language. *Id.* at 306.

The Court, after citing several passages from the earlier opinion in the *Slaughter-House* cases, [15] continued:

If this is the spirit and meaning of the Amendment, whether it means more or not, it is to be construed liberally, to carry out the purposes of its framers. It ordains that no State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States (evidently referring to the newly made citizens, who, being citizens of the United States, are declared to be also citizens of the State in which they reside). It ordains that no State shall deprive any person of life, liberty or property, without due process of law, or deny to any person within its jurisdiction the equal protection of the laws. What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States and, in regard to the colored race, for whose protection the Amendment was primarily designed, that no discrimination shall be made against them by law because of their color. *Id.* at 307.

However, in subsequent cases concerning segregation in public schools the Supreme Court has not always taken the position that the Equal Protection Clause of the Fourteenth Amendment requires racially integrated public schools, much less that it requires racially balanced public schools. In the noted case of *Plessy* v. *Ferguson*, 163 U.S. 537 (1896), the Court held that a Louisiana law requiring that railway passenger cars have "equal but separate accommodations for the white and colored races" violated neither the Thirteenth nor the Fourteenth Amendments. In passing, the Court noted the separation of races in public schools by states and, in the District of Columbia, by the United States Congress and remarked that such separation has "been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced," and "the constitutionality of which laws does not seem to have been questioned . . ." 163 U.S. at 544, 551. Only Justice Harlan dissented.

Twelve years after the *Plessy* decision, the Court upheld the state conviction of a private college corporation for violating a state law which made it unlawful for "any person, corporation, or association of persons to maintain or operate any college, school, or institution where persons of the white and negro races are both received as pupils for instruction . . ." *Berea College* v. *Kentucky*, 211 U.S. 45 (1908). The Court declined to consider the question of whether the statute was valid as against individuals; instead, it upheld the law, as applied to the defendant corporation, as a valid exercise of the "power of a state over its own corporate creatures." 211 U.S. at 58. Justices Harlan and Day dissented.

It was not until 1950 that the Court repudiated in effect, if not in its express holding, the "separate but equal" doctrine as it applied to racial discrimination in education.[16] In *Sweatt* v. *Painter, supra*, the black plaintiff was denied admission to the University of Texas Law School in 1946. He then petitioned for a writ of mandamus to compel his admittance. Between the trial of the case and the hearing before the Supreme Court, a new law school for blacks was opened by the state of Texas.

The Court compared and contrasted the quantitative aspects of the white and black law schools in Texas and also contrasted "those qualities which are incapable of objective measurement but which make for greatness in a law school," 339 U.S. at 634, and found that the white and black facilities were not substantially equal. *Id.* at 633. Therefore, the Court held that "the Equal Protection Clause of the Fourteenth Amendment requires that petitioners be admitted to the University of Texas Law School." *Id.* at 636.

In *McLaurin* v. *Oklahoma State Regents, supra*, the black plaintiff had successfully obtained admission to the only state university which offered a doctoral program in education. That school had been limited to white students. However, once it had been ordered to admit plaintiff as a student, the school treated him differently because of his race. Plaintiff sought to enjoin the school from imposing segregated conditions

upon him. The Court held the "appellant, having been admitted to a state-supported graduate school, must receive the same treatment at the hands of the state as students of other races," and reversed the judgment of the U.S. District Court which had denied plaintiff relief. 339 U.S., at 642. Both the *Sweatt and McLaurin* decisions were unanimous.

The Court's new practice of evaluating the factual educational conditions available to students in order to determine whether the state provided "substantially equal" facilities and hence afforded all students the equal protection of laws reached its conclusion in *Brown I, supra.* There, the Court adopted the finding of the Kansas court which stated, "Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system." 347 U.S. at 494. The Supreme Court continued "Whatever may have been the extent of psychological knowledge at the time of *Plessy,* this finding is amply supported by modern authority. Any language in *Plessy* contrary to this finding is rejected." And the court concluded, "Separate education facilities are inherently unequal." *Id.* at 494-495.

B. POST-BROWN CASES

In *Brown I* the Court consolidated four cases, each of which was a class action. In each case the plaintiffs, Negro school children, sought admission "to the public schools of their community on a non-segregated basis." 347 U.S. at 487. The Court unanimously held that the creation of separate, segregated educational facilities deprived the plaintiffs of the equal protection of the laws. However, the Court did not order relief in any of the cases under review:

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. *Id.* at 495.

The Court then scheduled the case for reargument yet again, this time for reargument on the questions of remedies, which questions had been among those posed for the 1953 Term argument of *Brown.* However, even after hearing the second reargument, the Court still declined to decree specific relief. *Brown* v. *Board of Education (Brown II),* 349, U.S. 294, 299 (1955):

Full implementation of these constitutional principles may require solution of varied local school problems. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

Accordingly, the Court remanded the cases to the U.S. District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases. 349 U.S. at 301.

Without taking into account the impediment of public opposition, the mandate in *Brown II* to take steps necessary to admit public school students on a racially non-discriminatory basis was one with which all states could have complied by the beginning of the next school year. States in which there was little public opposition to *Brown II* promptly took steps to comply with the Court's holding:

By the opening of the (1955) a fall term in the following year only eight states remained completely segregated in their system of public schools; and more than a quarter of a million Negro children were attending desegregated schools in states which had the year before required segregation.[17]

However, not all states and school districts proceeded with such alacrity, and at the root of the problems of school desegregation in the years since 1955 is the refusal of the Court to decree specific relief to the litigrants in *Brown II* and to instruct the inferior courts on specific remedies available in school cases. Professor Lino Graglia, a careful student of the school desgregation and subsequent forced busing cases, offers four criticisms of the Court for its failure to grant relief:[18]

1. "First, [the failure] was likely to be interpreted—and it was—as vacillation, as uncertainty on the part of the Court that its new law would prevail." *Id.* at 35.

2. "Second, leaving the question of relief to the district courts with an explicit authorization of delay depending on 'good faith' and 'the public interest' put those courts in an untenable position . . . the only defense to intense opposition a local judge could have had for ending segregation was the clear and irresistible mandate of higher authority, and that mandate the Court did not provide." *Id.* at 35-36.

3. "Third, the Court's decision lost sight of the individual plaintiffs, whose rights, in legal theory, provided the Court's only warrant for making a decision." *Id.* at 36.

4. "By far the most unfortunate consequence of the Court's refusal to decree relief, however, was that it erroneously complicated and confused the issues." *Id.* at 37.

The latter two points in particular serve to illuminate our understanding of the actions of the Supreme Court and the inferior federal courts in the period between *Brown II* and the present. By refusing to decree relief to the individuals appearing before it, the Court shifted the focus from the particular litigants to blacks as a group. In *Brown II* the black race, not the black litigants, received a promise of future improvements, not a decree of specific relief. The effect, of course, was to use the same racial classification that underlay the discrimination and segregation the Court wished to invalidate.

The focus on the black race also gave rise to the notion that the black race, as a race, has rights. By failing to require the legally simple, though socially difficult, relief of requiring immediate assignment of children to schools without regard to race, the Court complicated the legal problem by delegating to the inferior courts the function of determining and decreeing the relief appropriate in each case. This, argues Professor Graglia, led to the metamorphosis of the original prohibition of segregation into a requirement of integration and to a shift in concern from "desegregation" to the "desegregation plan."

C. THE 1964 CIVIL RIGHTS ACT

A decade of uncertainty about the commitment of American government to racial equality was ended with passage of the 1964 Civil Rights Act, Pub. L. No. 88-352, 78 Stat. 241 (1964). The act reflected a consensus in Congress supporting the principle of racial nondiscrimination or racially neutral laws and rejecting racial discrimination for the purposes of achieving integration.

Title VI of the act, "Nondiscrimination in Federally Assisted Programs," states:

No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financing assistance.

Other provisions of the statute also demonstrate that it was intended to prohibit racial discrimination, not to set up a new system of racial classification and quotas. Title IV of the act, "Desegregation of Public Education," authorizes the Attorney General of the United States to initiate school desegregation actions and explains that "desegregation" does not mean assignment of students to overcome racial imbalance:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

A proviso to section 407 emphasizes that the Act did not give federal officials or courts the power to transport students in order to overcome racial imbalance:

Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance . . .

Section 410 implies that classification by race is prohibited: "nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin."

Thus, the language of the Act unambiguously prohibits all racial discrimination whether intended to promote segregation or integration. The legislative history of the Act also supports this interpretation. Opponents of the act had begun to voice concern that the act might require racial discrimination to achieve integration or racial balance. Proponents of the bill assured them that it would only eliminate racial segregation and would not set up an affirmative and race-conscious plan of integration. While there are many examples from the Senate debate in which proponents of the act make assurances that it would embody a standard of racial neutrality, certain remarks made by Hubert Humphrey, the floor manager in the Senate, offer the most concise explanation of what the act would do:

[The *Gary*] case [*Bell* v. *School City of Gary, Indiana,* 324 F. 2d 209 (2d Cir. 1963)] makes it quite clear that while the Constitution prohibits segregation, it does not require integration. The busing of children to achieve racial balance would be an act to effect the integration of schools. In fact, if the bill were to compel it, it would be a violation, because it would be handling the matter on the basis of race and we would be transporting children because of race. The bill does not attempt to integrate schools, but it does attempt to eliminate segregation in the school systems. 110 Cong. Rec. 12717 (1964), cited in Graglia, *supra,* at 51.

The standard of racial neutrality set forth in the Civil Rights Act of 1964 has never been implemented by the executive branch

or the federal judiciary. Despite the clear language and history of the act, both the executive branch and the federal judiciary have sought to impose a requirement of racial balance.

The decision in *Green* v. *County School Board of New Kent County*, 391 U.S. 430 (1968), provided the first clear indication that the Supreme Court would not be satisfied with racially neutral laws. The New Kent County school system had operated two schools on different sides of the county, schools that had been segregated *de jure*, that is, by requirement of state law. After *Brown II*, the defendant school board adopted a freedom-of-choice plan which gave each pupil some liberty in selecting the public school he would attend. As might have been expected, the racial composition of the schools did not undergo an immediate dramatic change. At the time the lawsuit was filed, one school was predominantly white and the other school was exclusively black, because few blacks had applied for admission to the formerly *de jure* all-white school. The plaintiffs in the case sought injunctive relief against the school board's continued maintenance of an allegedly racially segregated school system.

The Court held that when public schools continue to be racially imbalanced, a freedom-of-choice plan is not a sufficient remedy, even though in other circumstances it might be. A student assignment plan would be sufficient only where it "dismantles the state-imposed dual system at the earliest practicable date." In *Green*, the Court began to use the words "dual system" to signify a system in which racial imbalance existed not because of present state discrimination but as a symptom of past discrimination. This semantic shift prepared the way for racially discriminatory busing by focusing on a social condition, racial imbalance, and not on state action as the real constitutional evil in school desegregation cases. By reinterpreting the words "dual system," the Court managed to appear as if it were combatting racial discrimination while in fact it was preparing to promote racial discrimination—racial discrimination for the purpose of achieving racial balance. When it decided *Green* the Court did not actually require racially discriminatory busing, however. Its suggested remedy for a "dual system" was to replace the freedom-of-choice plan with a neighborhood school attendance plan.

But two years later, in *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1970), the Court embraced mandatory busing for racial balance. The facts of *Swann* are similar to those of *Green* in that the school system had been segregated *de jure* and that, while *de jure* segregation had ended, the schools were racially imbalanced. The federal district court in *Swann* held that the plaintiffs were entitled to injunctive relief from continued maintenance of a dual school system. As in *Green*, the district court used the words "dual school system" to mean a racially imbalanced school system. The district court in *Swann* was not satisfied, however, with the remedy of requiring the school board to adopt a neighborhood school assignment plan. Instead, it ordered the school board "to reach a 71%-29% white to black student ratio in the various schools" by adopting a plan that included extensive busing of students on the basis of their race. 402 U.S. at 23.

On review, the Supreme Court affirmed the plan. It neatly side-stepped the antibusing provisions in the Civil Rights Act of 1964 by ruling that those provisions were intended not to reduce the power of the federal courts, but only to ensure that the provisions of the act did not expand the power of federal courts to enforce the equal protection clause. *Id.* at 16. The Court then went on to determine that a district court could use racial ratios or quotas in shaping a remedy and rejected in its own words the standard of racial neutrality: "'Racially neutral' assignment plans proposed by school authorities may be inadequate." *Id.* at 28. It admitted that busing or, to use its terminology, "remedial altering of attendance zones" may be "administratively awkward, inconvenient and even bizarre in some situations." *Id.* at 28. It went on to hold, however, that where assignment of students to neighborhood schools would not effectively dismantle a dual school system, remedial power of a federal district court properly included the power to rearrange attendance zones and to order busing for racial balance of students within the rearranged attendance zones. *Id.* at 27.

With *Swann* the Court fully committed itself and the federal judiciary to classifying students by race. In *Green* the Court had shown that it was willing to recognize racial imbalance as prima facie evidence of a violation of the Constitution and that it was no longer satisfied with the standard of racial neutrality that permitted nondiscriminatory school assignment plans. In *Swann*, the Court showed that it was not only willing to require racial balancing, but also ready to permit court-ordered assignment of students on a racial basis. *Id.* at 28.

The Court stated its new position most explicitly in *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971), a companion case to *Swann* v. *Charlotte-Mecklenburg Board of Education*. Acording to the Court's holding in *North Carolina State Board of Education* v. *Swann*.

Just as the race of students must be considered in determining whether a constitutional violation has occurred, so also must race be considered in formulating a remedy . . .

We . . . conclude that an absolute prohibition against transportation of students assigned on the basis of race, 'or for the purpose of creating a balance of ratio' will . . . hamper the ability of local authorities to effectively remedy constitutional violations. 402 U.S. at 46.

The Court clearly rejected color blind assignment: "that requirement [color blind assignment], against a background of segregation, would render illusory the promise of *Brown* v. *Board of Education*". *Id.* at 45-46.

Ironically, by the reasoning in *Swann*, the Supreme Court and the federal judiciary have sought equality by advocating a discriminatory "remedy" for violations of the "right" to be free from racial discrimination. Missouri Attorney General John Ashcroft points out that they have substituted one immoral system for another:

[T]he overreaching problem with busing for racial balance, imposed as a remedy for the immoral and unconstitutional system of segregated schools that existed prior to 1954, is that forced busing itself is immoral and unconstitutional. This is not simply a case of the cure being worse than the disease; rather, forced busing is an attempt to cure racism and coercion with more racism and more coercion. . . . The argument for busing rests on the premise that a school with, say, 60% white students and 40% black students is inherently more moral than an all-white or an all-black school. . . . What was and remains immoral is racial classification and coercion.[19]

According to General Ashcroft, court-ordered busing is an example of "the transformation of our federal courts from guardians of individual rights into balancers of class interests." He argues persuasively that these two roles are incompatible:

Individual rights, while they may be limited in scope, are absolute within their boundaries; class interests, on the other hand, tend to be defined relative to other interests. In a universe full of interests to be balanced there seems little room for absolutes. *Id.*

William F. Harvey, testifying before the Separation of Powers Subcommittee, agreed that the federal judiciary is improperly deviating from its constitutionally defined function:

Today school desegregation litigation has become bizarre and so constitutionally contorted that there is kind of unwritten assumption that when a school board or other public authority has been found to have engaged in discrimination which was an invasion of the person's right under the Fourteenth Amendment, then, in some way, that person's right is transferred to a kind of possessory interest or power of the United District Court system. It is used in any way which the United States District Court wants to fashion. Hearings on S. 1647 at 290-291.

In other words, after having found that a school board or other public authority has violated the constitutional rights of a class of persons, such as minority school children, the inferior federal courts have assumed the power of administering the schools without giving sufficient regard to constitutional and legal limits on their authority. Taking sociologists and not the law as a source of inspiration, they have administered these school systems primarily by consulting their own personal notions of how to achieve equality. The practices of such judges in school desegregation cases constitute a clear example of how federal judges have exceeded the proper limits of their authority.

Dean Harvey also observed that the federal courts may exceed the limits of their authority when they automatically order class remedies following a determination of class liability:

One can agree with the proposition that a determination of class liability is available to a class of persons, but it does not follow from this (and here I think a major constitutional blunder has developed) that a class remedy is available simply because a court finding of class liability has occurred. *Id.*, at 291.

Court-ordered busing, then, is at best a highly attenuated "justice" dispensed to statistical classes rather than to each individual who has been wronged.[20]

V. The Findings of S. 11647

Finding No. 1

The first three findings of the Act generally concern the effects of forced busing upon society. Finding No. 1 states that mandatory busing to achieve racial balance "often encourages greater separation of the races and ethnic groups by causing affected families to relocate their places of residence or disenroll their children from public schools." This finding is amply supported by the testimony and research of Dr. Charles T. Clotfelter and Dr. J. Michael Ross.

Dr. Clotfelter, a professor of public policy studies and economics at Duke University, testified that his research into the effect of

mandatory busing indicates that many whites respond to such busing in their school district by either moving out of the district, the phenomenon called "white flight," or removing their children from public schools and placing them in private schools. Hearings on S. 1647 at 210-211.

Dr. Ross, a professor of sociology at Boston University, found that white flight occurred in every city he studied. Based upon his surveys of parental reactions to court-ordered busing and upon analyses of school loss rates within cities, he found:

In the first year court-ordered school desegregation, there is at least a doubling of the white loss of typically three to four times the loss rate that would be expected due to normal demographic factors. This loss continues in subsequent years. No city has experienced a pattern where the losses incurred in the first year are someway compensated by relative gains in subsequent years as some people have argued.

Research shows that most of this loss is due to degregation—at least two-thirds. It is permanent and not temporary. Unfortunately, it may not be reversible. *Id.* at 193.

He concluded that mandatory busing has produced racial imbalance not the racial balance intended.

The strongest argument against Funding No. 1 was made by Professor Reynolds Farley of the University of Michigan, yet he also conceded that "demographic studies of 'white flight' demonstrate that when an extensive integration plan is implemented, there is often an unusually large decline in white enrollment." *Id.* at 239. Professor Farley's point was that the decline in white students resulting from white flight is but a small portion of the long-term decline in white enrollment in urban public schools due to other demographic trends such as declines in fertility and the large trend toward small white populations in the largest American cities.

Professor Farley also alluded to studies that "suggest that racial residential segregation decreased, rather than increased, after the public schools were integrated," but the Subcommittee finds that Professor Farley's conclusion, if true, is quite consistent with Finding No. 1. *Id.* at 237. The white population that remains after a mandatory busing plan is implemented, might well be more conducive to greater residential and cultural integration with the minority population. This does not refute the findings that the forced busing causes whites to move from the cities or, in light of the evidence of a long range trend showing that whites are also leaving the cities for other reasons, that the forced busing accelerates the rate of white departure.

Considering all of the evidence presented on this question, the Subcommittee concludes that Finding No. 1 of S. 1647 is supported by strong evidence and that the finding is indeed correct.

FINDING NO. 2

Finding No. 2 states that busing—does not adequately take account of the fact the racial and ethnic imbalance in the public elementary and secondary schools is often the result of economic and social factors rather than past discrimination by public officials.

The Subcommittee finds the evidence presented in Eleanor Wolfe's study particularly persuasive on this point.[21] In the absence of clear evidence of governmental actions and laws aimed at segregating the public schools, federal judges have often assumed, and, based on the assumption, have then concluded that subtle governmental discrimination must be at the root of the racial imbalance in the schools. Wolfe argues convincingly that economic and social factors ignored by the judges and often not argued by the attorneys are more often the real cause:

[A]vailable materials indicate that housing decisions involve complex cost-benefit calculations and the socioeconomic characteristics of an area, as well as some clustering tendencies by both blacks and whites, are paramount. *Id* at 79.

In response, Professor Meyer Weinberg, Director of the Horace Mann Bond Center for Equal Education, University of Massachusetts, contended that a school system "that was once deliberately segregated *can* expand without further deliberate efforts by school authorities." *Hearings on S. 1647* at 113 (Emphasis supplied.). Professor Weinberg noted, furthermore, that "school districts often influence the very economic and sociologic factors that result in segregated housing." *Id.*

The Subcommittee finds Professor Weinberg's critique of Finding 2 unresponsive. To say that school districts *can* influence the economic and social factors that result in segregated housing does not preclude economic and social factors from influencing the racial composition of school districts. When courts fail to look at other factors besides the racial make-up of school districts, they are simply assuming what they are attempting to prove—that racial imbalance results only from *de jure* segregation.

Accordingly, the Subcommittee concludes that there is sufficient evidence to support Finding No. 2.

FINDING NO. 3

Finding No. 3 states that mandatory busing of school children to achieve "racial balance"—is not reasonably related or necessary to the achievement of the compelling governmental interest in eliminating de jure, purposeful, segregation because such segregation can be eliminated without such assignment and transportation.

S. 1647 withdraws from the federal courts the single remedy of mandatory busing. The federal courts retain the power to require that school districts implement various other measures to rectify *de jure* segregation, including the use of voluntary integration plans such as magnet schools and voluntary desegregation of incentive plans described by Herbert J. Walberg, Professor of Education at the University of Illinois. *Id.* at 176-77.

Ralph Scott, Jr., Professor of Education, University of Northern Iowa, made a significant point about a study done by busing advocate Roy H. Forbes. Forbes concluded only that desegregation and compensatory education programs "did not negatively impact on the educational attainment of Southeasterners, White or Black." Professor Scott commented:

This I find unconsoling: if the discomfort associated with, and the billions of dollars spent on, busing and compensatory education do nothing more than not make things worse in our schools then such endeavors should be abandoned. "Junked" might be a better word. After all it is well established that Black and poor children suffer most because of inflation and higher taxes, both factors associated with busing and compensatory education. (Letter to Senator East, January 25, 1982, in Hearings on S. 1647 at 180-181.)

The Subcommittee finds the testimony for Willis D. Hawley, Dean of Peabody College, Vanderbilt University, unconvincing. Dean Hawley, arguing that it is a myth that "desegregation can be achieved without busing and largely through voluntary choice," nevertheless failed to offer any evidence that busing is, in fact, an effective remedy to *de jure* segregaton of the public schools. His argument, as is the case with most pro-busing arguments, mistakenly assumes that the purpose of remedial court action is not simply the elimination of intentional racial discrimination but is, in his words, the "substantial reduction of racial isolation." *Id.* at 126-127. The Subcommittee finds, however, that goals such as the elimination of "racial isolation" through the use of programs requiring racial classification are goals which are impermissible under the Constitution and that the use of such means violate the very Equal Protection of law they are intended to promote.

Accordingly, the Subcommittee concludes that there is sufficient evidence to support Finding No. 3.

FINDING NO. 4

Finding No. 4 states that busing "causes significant educational, familial, and social dislocations without commensurate benefits."

Los Angeles, California, provides one of the most recent examples of the massive disruptions attending court-ordered busing for racial balance. Both in anticipation of and during the busing period, white students deserted the Los Angeles public schools in large numbers. The number of white students in Los Angeles schools dropped from 219,359 in 1976 to 125,654 at the beginning of the 1980-81 school year, a loss of 42.7 percent of the white school population. About 23,000 students in Los Angeles schools were being bused. In 1981, when it appeared certain that the busing program would be ended and when the school board provided each student the opportunity to return to his neighborhood school, 7,300 students immediately chose to avoid busing—4,300 of these students were members of minority groups.[22]

Boston, Massachusetts, provides another clear example of how busing causes disruption and discontent. On National Boycott Day, October 3, 1974, attendance at Boston public schools dropped to a low of 41,800 from a possible enrollment of about 82,000. Litigation in the federal courts resulted in a busing plan that required 25 policemen inside one Boston school, South High School, and 300 outside to maintain order. On January 8, 1975, South High School reopened with 627 students, 500 policemen, and metal detectors at the doors.[23]

After six years of court-ordered busing for racial balance, a Boston Globe poll of June 2 and 3, 1980, showed that both blacks and whites in Boston, in their mutual desire to raise the quality of education, preferred school improvement programs to mandatory busing, four to one. 127 Cong. Rec. S6651 (daily ed. June 22, 1981) (statement of Senator Johnston).

These examples of the disruption associated with mandatory busing in two of our leading cities provide ample evidence to support Finding No. 4.

FINDING NO. 5

Finding No. 5 states that busing "undermines community support for public education." The truth of this statement is illustrated by the proliferation of private schools and the flight from targeted public school districts which take place in the wake of mandatory busing. The shift in support away from the public schools and

toward private schools is well documented by Professor Charles T. Clotfelter in "School Desegregation, 'Tipping,' and Private School Enrollment," 11 Journal of Human Resources 28 (1976).

Indeed, no finding of S. 1647 is less controversial than No. 5. Except for conclusory rejections of the Finding by some probusing witnesses. Hearings on S. 1647 at 174-175, no substantive criticism of it was offered at the hearings, and one pro-busing witness, Dr. Hawley, id., at 174, indicated that he agreed with the Finding.

The Subcommittee concludes that there is ample evidence supporting Finding No. 5.

FINDING NO. 6

Finding No. 6 states that busing "often tends to disrupt social peace and racial harmony." The Subcommittee heard accounts of the social disturbances caused by mandatory busing in Charlotte, North Carolina, and Boston, Massachusetts. Mrs. Jane Scott, a former member of the Charlotte, North Carolina, school board, testified concerning the "war-like atmosphere" that pervaded the junior and senior high schools in Charlotte after the imposition of mandatory busing. She reported how "police were ordered to wear riot gear, when answering a 'disturbance' call at a school." *Id.*, at 650-651.

Professor Nancy St. John, after a careful review of research on busing to achieve "racial balance," concluded that "desegregation . . . sometimes promotes . . . stereotyping and interracial cleavage and conflict." [24]

Again, no substantive criticism of this Finding was presented for Subcommittee consideration. The subcommittee, therefore, concludes that finding No. 6 is supported by sufficient evidence.

FINDING NO. 7

Finding No. 7 states that busing—consumes the study time of students and increases the risks of injury from greater length of travel to and from school.

Concerning the part of Finding No. 7 which states that busing "consumes the study time of students," the Subcommittee heard from Dr. Herbert Walberg, one of the nation's leading researchers on the factors that promote the effectiveness of education. Dr. Walberg testified that research and common sense reveals that such factors as increased study time, parental support of school learning, and a close coordination of parental school efforts have consistently proved to produce superior learning results. Hearings on S. 1647 at 150-53.

Concerning the risks of injury posed by the increased busing of students, Senator Jesse Helms of North Carolina testified that injuries to children caused by bus accidents have increased dramatically since the courts began to order the busing of children to schools to achieve racial balance.

The U.S. Department of Transportation, Mr. Chairman, has reported that in the State of North Carolina alone for the school year 1977-1978 there were 1,292 school-bus crashes in which 1,020 schoolchildren and busdrivers were injured and 263 other passengers were injured, for a total of 1,283. *Id.* at 439.

These figures represent, he said, an increase of about 30 percent in the number of accidents and about 50 percent in the number of injuries over pre-busing figures. In Senator Helms' words, "One crippled child and certainly one dead child is just too high a price to pay in terms of human value for a social experiment that is a demonstrable failure." *Id.*

Mandatory busing, however, diverts funds and the time and energy of educators, parents, and students that the positive factors adduced by Dr. Walberg require for success. The economic cost of busing is enormous. Senator Helms testified that in the Charlotte-Mecklenburg area of North Carolina, the cost of gasoline for operating school busing increased thirtyfold between 1969-70 and 1980-81, an increase that cannot be explained by the increase in the price of gasoline during that time. Money spent on gasoline is money not spent on teacher salaries, on needed educational materials, and on the maintenance and services needed to keep our schools operating. The time spent by students on school buses is time not spent on their studies and not channeled into other curricular and extra-curricular pursuits.

The criticism of Finding No. 7 was mostly conclusory. It is difficult to imagine facts or statistics that can "disprove" such commonplace conclusions about busing as its high cost and the time in transit that it demands on the bused children. For these reasons, the Subcommittee concludes that there is ample support for Finding No. 7.

FINDING NO. 8

Finding No. 8 states that busing "debilitates and disrupts the public educational [system] and wastes public funds and other resources." In the testimony of Senator Helms in support of Finding No. 7, *supra*, the Subcommittee was presented with sufficient evidence to support the assertion that busing "wastes public funds and other resources." Dr. Ralph Scott testified that busing diverts and wastes resources that could be directly applied to improving the education of our nation's youth:

I have worked in ghetto schools. All I can say is that there is so much that needs to be done in the processes of learning that I wish we would cease diverting resources into court mandates which have no demonstrable value and get onto the task of providing every child, irrespective of race or social background, the fullest and the greatest opportunity to develop competency. It is competency that will lead to actual integration. *Id.* at 192.

Professor Weinberg, in criticizing Finding No. 8, stated that some busing programs have actually served to rehabilitate school systems and that there is no evidence that all school systems subject to mandatory busing have been put "through the wringer." Further, he states that "desegregation does not create educational problems; it uncovers them" *Id.* at 114.

The Subcommittee finds that the social and educational costs exacted by busing programs are much too high a price to pay for the chance that problems existing within a particular school system might be discovered and as a result the school district rehabilitated. For more than a decade federal judges have been requiring state and local school boards to assign and transport students to public schools on a racially discriminatory basis solely for the purpose of achieving particular degrees of racial balance in the schools. As a result of this court-ordered busing for racial balance, public schools have become battlegrounds for competing social theories, communities have been torn apart, and dissatisfaction with public schools has increased dramatically. Court-ordered busing for racial balance, moreover, has frequently caused increased racial imbalance and resegregation of public school systems.

The Subcommittee accordingly finds that Finding No. 8 is correct.

FINDING NO. 9

Finding No. 9 states that federal court-ordered busing "unreasonably burdens innocent persons who are not responsible for the wrongs such assignment and transportation are purported to remedy."

Court-ordered busing results in thousands of school children of all races and national origins being prohibited from attending the schools of their own and their parents' choice. The children are assigned to schools solely on the basis of a racial mixture or ratio desired by the court. The burden upon the children is reflected in the time spent by the children riding buses to and from school and in the many restrictions, seemingly minor to adults but meaning so much to school-age children upon their ability to participate in extra-curricular activities as a result of the busing programs.

The parents must cope with the inconvenience of having their children attend schools that are miles from home. The parents also shoulder the burden of forced busing when, as taxpayers, they are required to foot the bill for the administration of mandatory busing programs. Busing also complicates the tasks of school administrators who need to gear all plans for their school districts to the court-decreed primary scholastic objective of racial and ethnic balance in the schools.

It was earlier argued that the appropriate relief and the relief originally prayed for in *Brown* v. *Board of Education* and other desegregation cases is just that—desegregation by requiring admittance of students to schools previously closed to them for reasons of race or ethnic background. Desegregation, of course, requires changes and sometimes quite extensive changes in the attendance patterns of school districts, and such changes naturally cause inconveniences and burdens on school students, parents, and school administrators. But the magnitude of these burdens pales when contrasted to those inflicted by court-ordered busing. *See supra*, at pp. 20-23.

Even in a case where *de jure* segregation can be clearly proved, it is not the guilty school administrators or directors who bear the brunt of the ensuing court orders, it is the children and their parents, both as parents and as taxpayers, who must endure the hardships of busing and of the essential illegitimacy of these policy determinations made by the federal courts. Unlike in the political policymaking processes which should be the source of such programs, the students and parents have no influence upon the policymaking processes of the federal judges, who are answerable to no one and secured in their position for life. The Subcommittee finds that the usurpation of political power by the federal courts in the ordering and overseeing of mandatory busing programs is a perversion of the constitutional function of the federal judiciary and finds further that the usurpation typically results in a fundamentally unjust allocation of the human and financial costs of these illconceived, discriminatory programs.

For these reasons, the Subcommittee concludes that Finding No. 9 is supported by the available evidence.

FINDINGS NOS. 10 AND 11

The tenth finding is that federal court-ordered busing "infringes on the right to racially and ethnically neutral treatment in school assignment," and the eleventh states that such busing "has been undertaken

without any constitutional basis or authority since the Constitution of the United States does not require any right to a particular degree of racial or ethnic balance in the public schools." The support for these legal findings is presented in some detail in Part IV of this report.

The Equal Protection Clause of the Fourteenth Amendment guarantees Americans of all races and national origins equal status before the laws of the States: in other words, the laws must be neutral with regards to race and national origin. The Supreme Court recognized this in the *Strauder* case and, after regrettably forgetting this truth for more than a half-century between *Plessy* and *Brown I*, reiterated the guarantee once again. *Brown II* required the inferior federal courts to issue such orders and decrees necessary to assure students admittance to public schools "on a racially nondiscriminatory basis," 349 U.S., at 301.

Regardless of whether the Congress may, under the enforcement power of the Fourteenth Amendment, mandate remedial or "reverse" discrimination, see *Fullilove* v. *Klutznick*, 448 U.S. 448 (1980), and regardless of whether such a political and social policy is desirable, the Congress has not in fact mandated discriminatory or remedial assignment of students to the nation's public schools. The language of the Civil Rights Act of 1964, in which Congress definitively expressed its will in this matter, and of Senator Humphrey make this conclusion quite clear. Without such legislation by Congress, and, the Subcommittee concludes, even with such legislation, the courts cannot ignore the requirement of the Fourteenth Amendment that state laws be neutral with regard to race and national origin. *Supra*, at pp. 7-8.

Nor is there any defensible basis for the assumption by the Supreme Court that the social policy of racial balancing in the public schools is required by the Constitution. The Court has used the ambiguity implicit in the words "dual system" to justify findings of *de jure* segregation where only racial imbalance, at most a symptom of deliberate discrimination, can be proved. This legerdemain has been admitted by some members of the Court, but a majority of the justices are not willing to halt the "evolution of the holding in *Brown I* into the affirmative-duty doctrine," *Keyes* v. *School District No. 1*, 413 U.S. 189, (1973) (Powell, J., concurring in part and dissenting in part), and to return to a defensible interpretation of the requirements of the Fourteenth Amendment. See *Keyes* v. *School District No. 1*, *supra*, opinions of Justices Douglas, Powell, and Rehnquist.

Based upon these reasons and upon the discussion in Part IV, *supra*, the Subcommittee concludes that Finding No. 10 and Finding No. 11 are supported by sufficient evidence.

FOOTNOTES

[15] 16 Wall. (83 U.S.C.) 36 (1873). The *Slaughter-House* cases did not involve racial discrimination. The *Strauder* Court, referring to the *Slaughter-House* cases opinion, said that "the true spirit and meaning of the Amendments . . . cannot be understood without keeping in view the history of the times when they were adopted, and the general objects they plainly sought to accomplish." (100 U.S. at 306) The Court also stated, "And it was added (in the Slaughter-House Cases), 'We doubt very much whether any action of a State, not directed by way of discrimination against the negroes, as a class, will ever be held to come within the purview of this provision.'" *Id.* at 307.

[16] The Court in *Brown* v. *Board of Education* cites *Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337 (1938), and *Sipuel* v. *Oklahoma*, 332 U.S. 631 (1948), as well as *Sweatt* v. *Painter*, 339 U.S. 629 (1950), and *McLaurin* v. *Oklahoma State Regents*, 339 U.S. 637 (1950), discussed infra, in support of the statement that "[i]n more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications." The references to *Gaines* and *Sipuel* are misleading. In these two cases, there is no rejection, either express or implied, of the "separate but equal" doctrine. Rather, in both cases, black plaintiffs applied for admission to state law schools in states where no state law schools for blacks existed. Under these circumstances, the Court held that "the State was bound to furnish [the black plaintiff] within its borders facilities for legal education substantially equal to those which the State there afforded for persons of the white race, whether or not other negroes sought the same opportunity." *Gaines*, 305 U.S. at 351. The provisions of Missouri and Oklahoma to pay for Negro law students' tuition at out-of-state law schools was deemed to be not "substantially equal." Both cases were actions for writs of mandamus. The Court in *Brown I* cited the *Berea College* case, discussed *infra*, without comment.

[17] R. McKay, "'With All Deliberate Speed': A Study of School Desegregation," 31 N.Y.U. Law Review 991 (1956).

[18] Graglia, "Disaster by Decree: The Supreme Court Decisions on Race and the Schools" (1976).

[19] Ashcroft, "Possible Alternatives to Forced Busing," in McGuigan and Rader, eds., "A Blueprint for Judicial Reform" 211 (1981).

[20] See generally Bell, "Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation," 85 Yale Law Journal 470 (1976).

[21] Wolfe, "Trial and Error: The Detroit School Desegregation Case," (1981).

[22] Hearings on S. 1647 at 201-206 (statement of Professor J. Michael Ross); The 14th Amendment and School Busing: Hearings Before the Subcommittee on the Constitution of the Senate Committee on the Judiciary, 97th Cong., 1st Sess. 27-29 (1981) (statement of David J. Armor).

[23] Ross and Berg, "I Respectfully Disagree with the Judge's Order": The Boston School Desegregation Controversy 359 (1981); U.S. Commission on Civic Rights, "Desegregating the Boston Public Schools: Crisis in Civic Responsibility" 76, 131 (1975).

[24] St. John, "School Desgregation: Outcomes for Children" 85 (1975).

Mr. HELMS. Mr. President, I also call my colleagues' attention to an article in the Spring/Summer 1982 edition of the Journal of Social, Political and Economic Studies by Walter G. Thompson, a Washington civil rights consultant. Entitled "Racial Integration in U.S. Schools: The 'Busing' Controversy," the article argues that available data show busing has not been helpful to black students' achievement. Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RACIAL INTEGRATION IN U.S. SCHOOLS: THE "BUSING" CONTROVERSY

(By Walter G. Thompson)

Until well after World War II, the United States of America was generally perceived—both by its own citizens and by foreigners—to comprise essentially a white Protestant nation, whose members dominated, but coexisted peacefully, with a variety of diverse minority ethnic groups. However, with the advent of strong 'civil rights' movements a number of measures were introduced to modify this situation, with a view to converting the United States into a truly multiracial political state. The immigration laws were revised to favor non-European immigration, replacing legal restrictions which had deliberately sought to keep the United States essentially Northern European in ethnic character. Various measures were introduced to advance non-whites in the economic and political spheres, and a variety of measures were introduced—in the face of considerable resistance by legislators—to enforce the racial integration of American public schools. Since schools had traditionally been segregated primarily by virtue of the tendency of diverse racial and ethnic groups to congregate in separate neighborhoods, effective racial integration of local neighborhood schools could only be achieved by the enforced transportation of black pupils into schools located in predominantly white neighborhoods and of white pupils into schools in predominantly black neighborhoods—regardless of the wishes of both pupils and parents. We have here attempted to document the history of this enormous, state-directed experiment, the future of which now seems to be in serious doubt as a result of the widespread opposition which it appears to have aroused among virtually all ethnic communities.

THE LEGAL FOUNDATIONS OF "BUSING"

In 1954 the Supreme Court decision in *Brown* v. *Board of Education* laid the foundations upon which forced busing was to be initiated (1): "that in the field of public education the doctrine of 'separate but equal' (established by the court in *Plessy* v. *Ferguson*) has no place; separate facilities are inherently unequal." Since that time the U.S. Executive has supported a policy of forced busing as a part of its 'affirmative action' plan to bring about educational desegregation in public schools to permit 'equal Minority educational opportunity.' Title 42(2) of the Civil Rights Act of 1964 confirmed that "desegregation means the assignment of students to public schools and within such schools without regard to their race, color, religion or national origin." Despite the fact that the Title specifically declared that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance"; this reservation was generally interpreted as being inapplicable to systems practising 'de jure' segregation, and the Federal Government and the courts progressively enforced busing until by August 13, 1981, students were allocated to schools in Beaumont, Texas(3), according to the color of ping-pong balls drawn from a cement mixer.

THE EDUCATIONAL IMPACT OF FORCED BUSING

The "Coleman Report" (1959)(4) was the beginning of an era of social science studies concerning the academic merits of forced busing based upon student achievement statistics, the results of which may be grouped into four categories:

(1) Achievement statistics that are critical of busing.

(2) Achievement statistics that 'support' busing.

(3) Interpretations of achievement statistics by social scientists who argue that statistics support busing.

(4) Interpretations of achievement statistics by social scientists who argue that statistics do not support busing.

Achievement Statistics That Are Critical of Busing

Coleman, Armor, St. John, Bradley & Bradley, Stephan and Scott interpret achievement statistics of bused students critically:

Coleman (1959): Although the U.S. Commission of Civil Rights "Coleman" Report

was widely expected to establish beyond doubt that minority students benefitted from busing, the data contained in the report actually indicated the contrary. Black pupils were found to begin and remain four to six years behind white pupils in both segregated and desegregated schools. While attempting to fault Coleman because of his use of cross-sectional data, lack of "control" for original ability, family background variables, school environment, racial context or community circumstances, Moynihan (1969 Coleman Ed.) concluded that busing had not been successful and that in fact no one knew how to raise academic achievement among minority groups.

Armor (1972)(5): In his "Review of the Evidence" ex-Harvard professor Armor examined tests from Boston (the METCO program in which 15,000 blacks were voluntarily bused to middle class white suburban schools in 1968-70); White Plains, New York; Ann Arbor, Michigan (1965); Riverside, California (1965-70); and Harford/New Haven, Connecticut (Project Concern). He concluded that "The grades of black students, however, generally fell when they were transferred to predominately white schools" while their achievement test results remained unchanged.

Pettigrew, in his critical review of Armor's work (6) argued that the METCO tests involved methodological flaws: (a) only 52 out of 82 control students could be traced and of these only 21 actually attended segregated schools; (b) the system studied in Armor's survey was voluntary, limited, and used siblings as control students allowing families to choose which students should be bused; (c) that the second of three tests (1969) only recorded 51 percent of the bused and 28 percent of the control students in the program; and that Armor did not review six crucial tests that "clearly supported" busing.

Armor replied to these criticisms in the following manner (7): METCO control students were screened to make sure of their black neighborhood background; two-thirds of the control students did attend segregated schools while those who went to desegregated schools mixed with lower class, inner city white classmates in 'transition' areas with previously low white student bodies at the time of the tests; the tests considered 'crucial' by Pettigrew did not support busing—Evanston (20 percent black) had a black-white achievement gap that increased, rather than narrowed, over three years from 16 to 25 percentile points—Berkeley's apparent increases in black achievement grade levels (1st to 3rd grade) from 1.6 to 2.8 were overshadowed by white improvement from 1.9 to 4.1(9)—Sacramento results were insignificantly positive (10).

St. John (1975)(11): In her review of 120 studies, the proponent of busing at the University of Michigan, Nancy St. John, concluded that there was no evidence that black achievement levels increased as a result of forced busing. Since her more significant studies are also reviewed by other social scientists, discussion of them has been postponed (see *Weinburg* and *Crain & Mehard*). However, we here examine two of her more significant studies not noted elsewhere: in the first, 1,500 blacks in previously integrated schools (5-40 percent) gained moderate grade increases of 3.4 grades as compared with an increase of 2.8 grades in segregated schools over the three year period; in the second 2,800 voluntarily-bused blacks, in contrast, showed no grade increase (Scott 1981).

Bradley & Bradley (1977): In an examination of 29 studies the Bradleys felt that all these suffered from methodological deficiencies. They concluded either that busing was ineffective or the data was inconsistent or inconclusive. The more significant of the studies reviewed by the Bradleys were also examined by Weinburg and Crain & Mehard. A discussion of these studies may therefore be found included with studies by these social scientists.

Stephan (1978): Stephan examined the same pro-busing tests as had the Bradleys, with the conclusion that 10 out of 34 might be considered positive.

Scott (1981): Scott analysed the findings of all the major social scientists given here with emphasis upon the eight major tests that are generally cited in support of the educational merits of forced busing. This analysis is listed in the section concerning *Weinburg* and *Crain & Mahard.* Scott concluded that no longitudinal tests with proper control students (students from segregated schools with the same IQ and background as the desegregated students tested) have been shown to be of any benefit to black students. No test has ever been reported to suggest that the achievement gap between whites and blacks could be narrowed by more than a sixth.

Achievement Tests That Support Busing

Pettigrew, Jencks, Weinburg, Crain & Mahard, and a U.S. Commission of Civil Rights 1976 Report interpret the majority of achievement tests as evidence that busing benefits blacks academically:

Pettigrew (1973) (13): When criticizing Armor, Pettigrew cited six tests in support of busing (Scott 1981). These were:

Stone (1973) identified a marginal increase in math scores. Yet even these were probably inconclusive since they depend upon comparison with scores taken prior to desegregation in reading, not math.

Banks: Tests were conducted for one year without "control" students from comparable segregated schools.

Laird (1966) had himself admitted that his tests were inconclusive: amongst 4-6 graders segregated 6th graders actually gained higher scores than their desegregated counterparts.

Morrison (1971): Only incomplete achievement results were recorded prior to desegregation; desegregated students obtained 'compensatory educational services' making an accurate comparison with segregated schools impossible.

Zdep (1969): Only three black students were bused to each school, too small a number for tests to be conclusive.

Jencks (1972): In his book, Inequality, Jencks felt that black achievement could be improved by two or three percentile points at best (a small figure in relation to the 15 percentile point gap between blacks and whites). He later doubled this estimate (Mills Ed. 1973) without producing further evidence to support his revised opinion.

Weinburg (1977) and Crain & Mahard (1978): Weinburg and Crain are considered the country's two most ardent supporters of busing. Weinburg considered 19 out of 29 texts examined as 'positive.' Crain & Mahard argued that 19 out of 41 tests they examined were 'positive,' while 12 were negative and 10 neutral. Scott (1981) compiled the following critical analyses of the eight major tests upon which Weinburg, Crain & Mahard and other social scientists base their support for busing:

Anderson (1966): (interpreted as positive by St. John, Crain, Stephan and neutral by the Bradleys and Weinburg) Blacks that were bused had been pre-selected for high IQ's in an open enrollment system usually attracting more adventurous blacks. Such blacks were therefore unrepresentative.

Evans (1973): (interpreted as positive by Weinburg and Crain) Students' grades measured in each of the three years varied greatly; the results seem inconsistent.

Mahan (1968; 70 Project Concern): (interpreted as positive by St. John, Weinburg, Crain and neutral by the Bradleys) Average achievement gains of desegregated blacks in test over six years were unrepresentatively high because of the unusually high achievement of a single group of black students during the period.

Mayer (1973): (interpreted as positive by the Bradleys, Stephan, Crain and neutral by St. John) The student population dropped from 667 to 343 in three years; St. John attributes sole math gains to an improvement in instructional methods carried out at the time; Mayer described the results as "not at all encouraging."

Maynor (1970): (interpreted as positive by St. John, Stephan, Crain and neutral by the Bradleys) The Bradleys criticize the results as incorporating inadequate pretests and regarded the eight month span as being too brief.

Pritchard (1969): (interpreted as positive by Weinburg and Crain and neutral by St. John, Stephan and the Bradleys) The limited gain in math has been attributed to a contemporary revision of the state curriculum.

Samuels (1958): (interpreted as positive by Weinburg, Crain, St. John and neutral by Stephan) This test has been questioned because of the inadequately low number of students tested and an unconvincingly large increase in math achievement reported at 1.8 grades in one year.

Stattings (1959): (interpreted as positive by Weinburg, St. John, Stephan and neutral by Crain and the Bradleys) This one year study of a voluntary enrollment system was funded by the Southern Regional Council (adamant supporters of busing). Criticized for comparison of whites and blacks rather than segregated and desegregated students and the fact that students remaining with black teachers made the greatest gains (St. John), it seems inconclusive.

U.S. CCR (1976): The report, *Fulfilling the Letter and Spirit of the Law,* examined 1,292 schools (15 percent blacks) concluding that the "quality of schools" improved after desegregation.

The Interpretation of Achievement Statistics by Social Scientists Who Argue That These Statistics Support Busing

Social scientists agree that a national gap exists between black and white achievement, measured as one standard deviation, 15 percentile points or a difference of several achievement grades from kindergarten. 84 out of 100 whites perform better than blacks in kindred skills (Coleman (1959; Jencks (1972)). Controversy among social scientists centers upon whether this achievement gap could be narrowed by even a sixth by means of busing.

Prior to the Coleman Report, influential social scientists considered that busing must benefit blacks by placing them in schools with better facilities. (Conant, President of Harvard University, 1961)(15) However the Coleman Report stated authoritatively that the averge black school was the same age as its white counterpart (p. 67-70 elementary school 28/29; secondary 31/34), that the same amounts were spent on black and white schools, that the classes were of the

same size and that black and white teachers gained similar training. Regarding the quality of school facilities, regional school differences were found to be greater than majority-minority differences (p. 122). Despite renewed reference to the "inequality of facilities" theory by Clark, Kirp, and Cohen in a book later edited by Coleman (1969), the data revealed in the Coleman Report remained unchallenged. Instead, busing proponents began to argue that busing placed children in a better socio-economic atmosphere (St. John (1970)(16); Weinburg (1977); Crain & Mahard (1978) and Orgield (1979)). This philosophy had its roots in Allport's theory (1954) that mixing black and white pupils would lead to a 'rub-off' of culture from whites to blacks as long as socio-economic levels were equal. These social scientists suggest that lower class blacks could benefit from busing when integrated into middle class white classes in ratios of between 20-40 blacks to 80-60 whites. They cited the marginal gains in the tests examined above as evidence. Crain & Mahard also cite the number of blacks who enroll and remain at northern colleges as supporting the view that blacks benefit from education in a predominately white environment. 20 percent of traditionally integrated blacks in northern colleges as compared with 11 percent of their northern segregated counterparts survive college. Critics, however, argue (Coleman, Armor, Scott) that these figures do not suggest that a white educational environment improves black college survival rates. They argue that the majority of northern desegregated black college students come from integrated, middle class, higher achieving black families anyway, and they note that segregated blacks in the south actually survive college better (16 percent) than their forcibly desegregated counterparts (19 percent).

The Interpretation of Achievement Statistics by Social Scientists Who Argue That Statistics Do Not Support Forced Busing

While Social scientists who support busing quote the 'socio-economic' disadvantage theory, other social scientists find serious problems with such a theory. Jencks, although softening his view that the black-white achievement gap could only be narrowed by 13 percent, after ten black scholars labelled him as a racist (1974)(17), stated in court that (Rakus(18)): "There is no evidence that social reform can substantially reduce the extent of cognitive inequality, as measured by tests of verbal fluency, reading comprehension, or mathematical skill. Neither school resources nor desegregation has an appreciable effect on either test scores or educational attainment." In 1978 Coleman reinforced his previous findings, saying that "The assumption that integration could improve achievement of lower class black children has now been shown to be fiction." (19)

Rejecting the argument that children can be influenced to any great extent by the background of the children with whom they mix at school, Hanershek & Kain (20), Armor (21), Smith (22), Scott (1981), Sears & Melonahay (23) and Hose & Luce (1979) all argue that the critical stage is prior to the age of six (i.e. at home) and that the process is essentially completed by the age of 10, Jensen (24), Bloom (1964) and Jencks (1972) argue that heredity and home environment make up for at least 85 percent of the variation in influences upon a child. They say inherited achievement accounts for (Jensen) 80 percent IQ or 40 percent school achievement; (Bloom) 66 percent IQ; (Jencks) 45 percent ± 15 percent; and early home environmental influences (Jensen) 12 percent IQ or 54 percent school achievement; (Bloom) 33 percent IQ; (Jencks) 35 percent. The possible effect upon a child of a variation in school environment, mainly through different instructional methods, is given by them as 6-15 percent. As Cohen states (25), black and white children both assume that whites will carry out a task better in cases where there is no difference in socio-economic background or previous experience at the task.

CONCLUSION

Social scientists in general do not contest the view that black attainment can improve at best by one-sixth of the black-white achievement gap. Those critical of busing find that only middle class, higher achieving blacks obtain higher school results and that forced busing has no positive effect upon black achievement.

THE PSYCHOLOGICAL IMPACT OF FORCED BUSING

The psychological impact of forced busing must be at least as important if not more important than its educational impact in an analysis of the overall merits of busing. When the academic merits of forced busing are dubious it would be very hard to justify a policy of enforced busing if the psychological impact on children, as a result of removal from a stable environment and accompanying increase in classroom competitiveness were to result in an adverse impact. An analysis of the psychological impact of forced busing must include:

(1) The effect upon black self-concepts.

(2) The effect upon behavior and discipline in the classroom essential to the instruction of all students.

The Effect of Busing Upon the Self-Concept of Desegregated Blacks

"We might be desegregated but I don't think you could say we're integrated." Evanston High School (The Wall Street Journal (26)) may well illuminate fundamental problems for busing. In reporting that "blacks cry discrimination if whites have higher grades" reported Elsner is seen by most social scientists as highlighting the effect upon blacks when they are suddenly faced with new and severe competition from white students whose achievement average is fifteen percentiles above their own (Garard & Millar (1975)). Coleman (1959), St. John (1975)(27), Knowles & Prewitt (1969)(28), Ausebel (1963)(29), Sixeman (1978), Hughes & Wilson (1978)(30), Hunt & Hunt (1977)(31), Nelson (1978)(32), Evans (1971)(33), Caseli & Ayling (1973), McDoo (1977)(34), Epps (35), Coles (1963) of the Anti-Defamation League of B'nai B'rith and Hunt, Director U.S. Early Childhood Lab. (36) all argue that the effect of such a traumatic situation upon blacks is frustration, low confidence, low achievement, low aspirations, and an increase in 'racial consciousness.' Bullock (1978) argues that segregated white students are least 'race conscious' (+8.0 on his scale where 0 represents neutral race consciousness) followed by desegregated blacks (−6.4), segregated blacks (−18.3) and desegregated whites (−25.3). Even such busing proponents as Weinburg remark upon the increase in degree of "black consciousness" (37).

The most detailed study of black self-concept and the criticism that it evoked can be examined in the Armor-Pettigrew controversy.

Armor-Pettigrew Controversy: In his analysis of the Boston METCO program, Project Concern in Hartford and New Haven, Connecticut, and tests in White Plains, New York, Ann Arbor, Michigan, and Riverside, California, Armor examined both the educational (as noted above) and psychological impact of voluntary busing upon blacks. (He notes that the traumatic effect of busing upon the more 'adventurous' voluntarily bused students in these tests ought to register less adverse impact than the psychological impact of busing upon forced students.) He also noted:

Black self-concept dropped because of greater competition.

Bused students entered their new school with higher educational and occupational aspirations (74 percent expected to go to college at the start as compared with a figure of 54 percent gained by Coleman for northern desegregated blacks) but these dropped to 60 percent by the end of the period.

After two years black support for non-white schools increased by 15 percent (76 percent of control students preferred desegregated schools; 58 percent of bused blacks preferred desegregated schools) while 75 percent of the black students stated they would prefer their own school culture if it was "as good a school."

While control student 'racial consciousness' increased from 47 to 66 percent that of the bused students increased from 51 to 81 points; black 'separatism' on a scale of 0-4 increased; among control students from 1.4 to 1.5; among bused students from 1.4 to 1.8.

By the end of the period the number of blacks having a single white friend or more decreased from 74 to 63 percent, blacks spent more time on their own (40 to 59 percent) and dated less whites (21 to 10 percent).

Reviewing Armor's results, Pettigrew made four points specifically concerning the 'self-concept' tests: (see above for Pettigrew's criticism and Armor's reply concerning test preparation and representation as a whole.)

Control students were tested at home in a less ideological environment than that at school. Armor replied by stating that control student scores could themselves be broken down to differentiate between the scores of control students with a more integrated background and a more segregated background. The more integrated control students showed a markedly higher 'separatism' score than the more segregated control students.

Acquiescing with Armor's 'aspiration' scores, Pettigrew argued that Pittsburgh and Evenston tests implied that lower black aspiration was indicative of higher achievement. (Katz, Levin Ed. 1967)

Without disputing Armor's 'militarism' scores, Pettigrew claimed this as a 'busing achievement.'

The Effect of Busing upon School Discipline and Behavior

Social scientists agree that definite problems exist in the field of student and student-teacher relations in desegregated schools. As Crain noted, "blacks strike back through acts of rebellion" because "they do not feel they belong." (38) Social scientists differ only in their explanations of these problems and the methods by which they believe these problems may be solved. While a discussion of these differences follow in the third section of this paper, we here examine the extent of the problem.

The National Institute of Education (1978) (39) has stated that a child's most serious daily risk of personal injury is taken as he steps into a school bus. Dr. Barbara

Sixeman, former superintendent of Washington, D.C. schools (1978) believes discipline to be the problem which busing most exacerbates. Indeed, the Washington D.C. official report, three years after initiation of desegregation stated that "prior to integration we did not have anything like the foul and obscene language we have had since (p. 28) . . . we have degrading conduct (p. 30) . . . disciplinary problems have quadrupled since integration . . . one of the dangerous and deplorable developments in the District of Columbia schools is the sex attitude of the Negro (there was a 42 percent increase in 15 year old illegitimate pregnancies; 97.8 percent of 1955, 834 school children gonorrhea cases were among blacks—Department of Health) . . . Negro attitude of belligerence, sulleness, impertinence and aggression (p. 29)." Languerton (40) lists some of the nationwide cases of violence closing schools in Detroit, Pittsburgh, New Brunswick, New Jersey, Boston, Kansas City, Pensacola, Cairo, Urbana and Kokama, quoting Detroit school Superintendent Drachler's remark, "We have today a polarization along racial lines that is threatening our entire city." (41)

Weinburg (42) is supported by Milwaukee public school 'suspension rates' (43) when noting high black school suspension and dropout rates. In the years 1976 to 1977 during which black enrollment increased from 29 to 48 percent in the Milwaukee public school system, statistics show that, while all white or black schools have low suspension rates, the overall suspension rate of schools altered up to down according (by a correlation of .65) according to the shift in the size of black enrollment. In the years 1976–77 and 1977–78, 22.4 whites were given suspensions per 100 whites, while 76.6 blacks were given suspensions per 100 blacks. Where 0 represents a black-white suspension proportionate to school enrollment black in Milwaukees schools ranged from +40 to −4.8.

Furthermore, as Shaw argued (44) it appears that association with members of the other race, at least in school study, tends to less acceptance of members of the other race."

THE VIEW OF SOCIAL SCIENTISTS WHO BELIEVE FORCED BUSING CAN WORK

Social scientists differ in the ways through which they feel the present faults of forced busing may be alleviated and the ways in which minorities may best receive 'equal educational opportunity' Any solution must take into account three different points of view:

(1) The view of social scientists who believe forced busing can still be made to work.

(2) The view of the black community.

(3) The view of social scientists critical of busing who ask whether busing tackles the main educational problems of the black community.

Social scientists who continue to support busing agree that the feelings of bused blacks that they "do not belong" in desegrated classes causes them to experience an increase in 'racial consciousness' and fosters rebellious attitudes. (Crain, Jenkins, Weinburg (38+39)). However they blame problems upon the formation of ability groups in desegregated classes and the 'prejudiced' attitudes of teachers.

Ability groups: Knowles & Prewitt (1969:38) note that only 5–10 percent of St. Louis black students are classified as being 'gifted,' 75 percent are classified as 'slow learners' or 'retarded,' and 50 percent of black high school students are considered 'terminal,' i.e. completing their education when they leave high school (this last figure does not include high school drop outs). Kirp (45) substantiates that 75 percent of black students are found in bottom categories in San Francisco desegregated classes. In the years following desegregation Judge Wright of the D.C. Circuit court (1968) argued that ability groups were psychologically harmful to black students (46) and these groups were ruled unconstitutional in *Hobson v. Hansen (1967)* after the U.S. CCR *Racial Isolation* report and an unpublished paper, *Brookvue et al. (1967),* argued that classrooms must be desegregated.

Today the abolition of ability groups is only supported by a minority of social scientists (Weinburg (1977). The majority argue that ability groups are the necessary product of an environment where ability ranges across at least 30 achievement percentile points. Without them, the more able students would not achieve their potential, while the less able fail to obtain the special attention they need and would simply be 'dragged along' with the rest of the class. These social scientists argue that ability groups in desegregated classes are essential for education as a whole and they believe that the abolition of ability groups would be detrimental to national education standards. Some even note that between 1964 and 1979 the national average pupil achievement scores have dropped 74 points from 973 to 894 (47) though this cannot be shown to be due solely to desegregation.

In his book, Minority Students, Weinburg (1977) lists surveys of the view of black and white teachers concerning black students. Social scientists do not query these results but offer different interpretations to explain them:

Charlotte Observer Opinion Survey of 897 black and white teachers (July 8, 1974 five years after desegregation):

[In percent]

	Positive response—	
	Black	White
Is integration worthwhile?	94	56
Is discipline a serious problem?	29	64
Is the quality of education in your school good?	87	70
Are students learning more since desegregation?	36	27
Are students learning less since desegregation?	10	74
Are you optimistic about the future of your school?	87	47

Weinburg interprets these figures to suggest that white teachers are prejudicial against black students and need "reeducation." Other social scientists suggest that, as a result of previous experience in higher achieving, white schools, white teachers are less accustomed to disciplinary problems, place greater stress upon higher results and are more disappointed when they see classes affected by black students who find competition too difficult and consequently "affect other students with an atmosphere that it is not hip to study." (48)

Black student behavior as seen by black and white teachers (49):

[In percent]

Gottlieb (inner city 1964)	Teachers—	
	White	Black
Ambition	20	36
Cooperation	35	61
Energy	33	48
Funloving	45	74
Happy	31	65
Highstrung	39	13
Impetuous	33	13
Lazy	53	19
Middle brow	34	19
Moody	33	13
Rebellious	35	13

BLACK STUDENT PROBLEMS IN ORDER OF SERIOUSNESS: RAYPAL (100 NEW YORK TEACHERS 1972)

Teachers	White	Black
Truancy	1st	5th
Profanity	2	35.5
Resentfulness	3	12
Lack of interest	5	14
Stealing	6	1
Inattentiveness	7.5	20
Tardiness	7.5	38
Suspicion	9.5	16

While Raypal and Gottlieb argue that these results reflects teacher bias, other interpretation has been imposed. It has been suggested that while white teachers note black cooperation, energy, happiness and fun-loving character, they place greater emphasis upon achievement than black teachers. These figures therefore note black laziness and a high-strung and rebellious character. Solutions such as reducing teacher expectations (Biener & Gerard) (50) or the modification of curriculum to permit "flexible standards that prevent minority students from experiencing academic failure" (Maruyama & Miller (1975) are seen as dangerous to the overall standard of education and not the best means to implement 'equal educational opportunity.'

THE VIEW OF THE BLACK COMMUNITY

"Both (whites and blacks) must embrace a higher principle of truth. It is not necessarily good or bad because it is black or white. It is good or bad because it works or it does not work." (Tony Brown, Black Journal & CONGRESSIONAL RECORD 1977 (51))

In the New York Times Magazine (1972) (52) Hamilton argued that the NAACP, the largest black civil rights organization with 350,000 members, is only representative of a minority of middle class blacks who believe fervently in integration while black opposition to forced desegregation comes from three quarters:

(1) Black criticism of the theory "separate schools are inherently inferior."

(2) Black criticism that they are the victims of busing.

(3) Black criticism of an issue closely related to that of busing, abolition of all black colleges of higher education.

BLACK CRITICISM OF THE THEORY "SEPARATE SCHOOLS ARE INHERENTLY INFERIOR"

Thomas Sowell, a black professor previously at Stanford Center for Advanced Study in the Behavioral Sciences (1976–77), argues in two books, Black Education: Myths & Tragedies and Knowlege & Decisions, that the historic Brown decision that separate schools are inherently inferior "was neither supported by fact nor would it stand up under scrutiny." Within walking distance of the Supreme Court he notes that Dunbar High School is an 80 year example of an all black school that has had

higher tests than Washington schools with an average IQ 11 points higher than the national average (53) Thurgood Marshall, NAACP attorney to the *Brown* case, had himself, Sowell notes, been to such a school in Baltimore (Hucker (1975)). The existence of Catholic, Jewish and Greek schools, he says, testify that segregated schools are not inherently inferior. (54)

Sowell argues (Knowledge & Decisions:264FF) that forced desegregation is effectively a well-to-do, white, liberal tax upon lower class whites, who bear the sole burden of desegregation, to give blacks unjust benefits in the name of a false 'past guilt' (quoting Ladd & Lipset:39). He continues: restoring us to our original position would place us on the level of those in our countries of origin; any repayment of our economic contribution to the welfare of the country could turn out to be negative, many of those who would be forced to pay are not the descendants of those who 'exploited' blacks in the past; many ask why they should pay for acts committed by their ancestors (quoting Burnham 1975:104); any benefits to blacks would not be shared by all blacks; 70 percent of black Americans have Caucasian ancestors (Burnham (1975:143). "The rights to be free of government imposed disabilities in seeking a job or an education are rights of great value, not only to racial and ethnic minorities—as shown by the civil rights movement of the 1960s—but also to the population at large, as shown in their outraged (but largely futile) reaction to "affirmative action" and "busing" in the 1970s . . . Freedom is precisely the right to behave contrary to the values or beliefs of others . . . a university's loss of freedom in selecting faculty or students is their children's loss of freedom in seeking admission or in seeking the best minds to be taught by." (Knowledge & Decisions:32)

BLACK CRITICISM THAT THEY ARE THE VICTIMS OF FORCED BUSING

It has been argued that busing discriminates against blacks, fails to achieve even 'racial balance' and removes the ingredients essential for the black student to achieve his educational potential.

Busing discriminates: Cunningham (1981)(55) cites statistics that support Fantini's assertion that the vast majority of bused students are black. Examining busing statistics in Jefferson County, Kentucky (1979), Cunningham found that black students made up 80 percent of those bused to fulfill the requirement that 12-40 percent of each of the county's public schools be black. In *Newbury Area Council et al.* v. *Board of Education Jefferson County* (1975), it has been estimated that 84 percent of bused white children were to be transported for two years while 66 percent of bused black children were to be bused for eight years.

Busing has failed to achieve 'racial balance': It has been shown conclusively that despite a minimum direct federal grant of $126 million—a figure of little relevance when Los Angeles quotes the cost of busing in their area as $40 million alone—busing has been ineffective in achieving 'racial balance.' Clotfetter (1976) argues that once black enrollment in a previously white school reaches 25 percent there is a definite correlation between further increases and a decrease in white enrollment. Opposing Farley (1975), Coleman (1975), Fitzgerald & Morgan (1977), and Stenchcombe (1969), Clotfetter concluded that this trend was exponential rather than linear (possibly since lower class whites are much less mobile than their middle class counterparts). Nevertheless, by 1971 Detroit's black school population had increased from 60 to 82 percent, Richmond 44 to 82 percent, Boston 40 to 60 percent, Washington, D.C. 43 to 97 percent and Atlanta 41 to 90 percent to name a few examples. Giles (1974(56)), Scott (1979(57)) and Curts (1977(58)) all argue that 'white flight' depresses achievement in schools with the effect that it hurts blacks.

A black cultural environment is essential to blacks: A study funded by the Emergency School Aid Act (1975-76) states that a definite correlation could be found between minority achievement and a black cultural environement. Blacks, argues Louis Scotlandville (1971)(59), are in even greater need of culturally enriching experiences for emotional stability during a transition of schools.

Desegregation reduces block culture: Pontiac (Mich (1968) and Roth (1968)(60)) argue that black studies in non-segregated schools definitely increase black student confidence. Yet, as Knowles & Prewitt (1969) note, a transition from a black neighborhood school to a desegregated white school is clearly accompanied by a drop in black orientated subject matter in curricula and a decrease in student understanding of their heritage. Ramirez Price-Williams (61) argue that since black students gain better results through 'group' achievement, an Anglo-American environment that thrives upon individual achievement might hinder blacks from reaching their full potential, citing Decras (1975(62)). Stewart (1977(63)) adds that forced busing further alienates black culture by effectively putting out of work black teachers and administrators who act as much needed 'models' and cope well with black children. In 467 school districts in 1970, 34 dismissed and 194 demoted black principals, 127 dismissed and 103 demoted black teachers, and 462 blacks were dismissed in 127 districts in competition with whites as a result of desegregation.

Community Controlled Colleges: In place of forced busing as a solution to black educational problems, Gullentay(64) and Haskins praise such schools as Harlem's Community Controlled Schools and Morgan School, Washington, D.C., which offer: an expressive climate, parent involvement, better community rapport, more productive pupil-teacher classroom interaction and greater advances in achievement rates in three years. The Congress on Racial Equality joins in claiming that blacks prefer community controlled schools, pressing for parent's control selection of staff, curriculum and budget to desegregation as the solution to black educational problems.

BLACK COLLEGES OF HIGHER EDUCATION ARE CONSIDERED VITAL TO THE BLACK COMMUNITY

Black Harvard Professor Derrick Bell(65) discusses the views of black administrators concerning the importance of black colleges of Higher Education and notes nationwide criticism of federal policy when "plans to improve the quality of black schools are viewed as secondary to the racial balance goal." (*Milliken* v. *Bradley* 1977(66))

The Director of Research, Policy and Plans for the NAACP National Office, Meyer, stated that the NAACP opposes black colleges since it "opposes segregated schools no matter what else is taught or how well it is taught" (1978(67)). Bell argues that black colleges carry out a vital role and are today thriving. In 1973 80 percent of southern black graduates and 40 percent of all American black graduates went to black colleges (HEW Commission on Black Higher Education 1978:13). Enrollment rose in 1978 in the nation's 105 black colleges for the eleventh year running by 0.8 to 213,720. Apart from offering blacks an atmosphere in which they may reach a greater traditional self-awareness and look up to black administrators, rather than the token black teacher in a white system, the Institute for the Study of Educational Policy (Equal Educational Opportunity for blacks in higher education 1976:54) emphasize that black colleges fulfill an invaluable role educating blacks who might not otherwise gain the opportuntiy to gain the benefits of higher education.(68) In 1950 the Court in *Sweatte* v. *Painter* ruled that the University of Texas must admit blacks, overturning the suggestion that a black school carry out the role. The court believed that the University of Texas "possessed to a far greater degree those qualities which are incapable of objective measurement but which make for greatness in a law school."(69) Yet since 1950 the University of Texas has graduated 55 blacks as compared with 800 blacks and whites from the predominantly black (at present 60 percent) Thurgood Marshall School of Law at Texas Southern "many of whom might not have met University of Texas admissions criteria." (Dean Otis King TMLS 1979(70)) Similarly, HEW called for an end to 'low demand' programs at Florida's A&M (black) University, which was turning out 6,000 black teachers for segregated schools in 1953, transfering students to Florida State University and the University of Florida.(71) In 1978 FAM's School of business and Industry received 252 freshmen from 33 states, all under the National Achievement School Program as well as $210,000 from corporations as scholarships.(72) However the effect of federal policy has been to transfer away faculties, such as 50 percent of the agricultural program, and replace white faculties like the new 90 percent white Architecture faculty. FAMU is slowly losing its black identity.

Black colleges of higher education slowly dwindle as a result of actions by "the worst enemy of traditional black colleges and universities . . . so-called 'liberals' . . . masquerading as friends . . . in HEW and the US Office of Education" as Dr. Samuel DuBois Cook, President of Dillard University New Orleans, argued (1978(73)). Black administrators occasionally gain a breathing space in their battles to protect their colleges. The National Association of Equal Opportunity in Higher Education (NAFCO); made up of black college presidents) gained the support of the court in *Adams* v. *Califano* 1969(74) that achievement of equality of educational attainment was the special purpose of black colleges. In 1978 fifteen black college presidents successfully intervened with President Carter against an HEW proposed review of the private college Title III Aid to Developing Institutions Act (75). However, they realize that they are losing out.

Black administrators believe that supporters of enforced black transfer from black colleges and their eventual abolition "have a conception of . . . desegregation . . . which requires a white majority and requires blacks to be in the minority." (Dr. A. Billingsley, President of Morgan State University (1978(76)) They argue that the majority of blacks need compassionate and sympathetic institutions, that the case must be "beyond the superficiality of liberal 'racism' and seek to correct the historical educational injustices of segregation while avoiding the contemporary educational injustice of integration" (Black Massachusetts Council

in Higher Education, *Ayers* v. *Waller*, May 10, 1975), and that the black community needs colleges with adequate budgets which have prime responsibility for black social welfare, community planning and community health.(77) In the words of Governor Lee of Maryland, "If you eliminate Morgan College's racial identifiability, you eliminate one of the black communities proudest symbols." (1976(78))

BLACKS CRITICAL OF BUSING WHO ARGUE THAT IT DOES NOT TACKLE THE MAIN PROBLEMS OF BLACK EDUCATIONAL OPPORTUNITY

Many social scientists who are critical of busing argue that enforced busing can have little effect upon the educational achievement of black students since students benefit little from alterations in their school environment. Moynihan (Kuber Ed. p. 157) and Languerton (79) argue that any remedy must affect the black community itself. They note that in the years 1961 to 1971 blacks in the top 13 percent only obtained an increase in earnings from $10,000 to $15,000, the number of blacks on welfare doubled (1970(80)), one ten black children were illegitimate in 1971 (81); black one-parent families doubled to 30 percent (82); blacks represented 11 percent of the population yet 56 percent of the murders, 45 percent of the rapes, 63 percent of the robberies in 1974, a crime rate ten times that of the white population. (83) The most effective way to improve black achievement and educational opportunity, they say, is, on the one hand, to tackle the problems of the black community as a whole, and on the other hand, to encourage parental responsibility and pride by supporting their desire to take an active interest in the upbringing of their children.

CONCLUSION

Social scientists agree that busing has not lived up to the expectations of those who advocated it two decades ago. While few people find real tangible gains in black student achievement even the most adamant supporters of forced busing recognize the generally deleterious psychological impact upon bused children removed from sympathetic neighborhood environments and placed in a new environment where they are confronted by a number of classroom problems. It is also argued that any attempt to reduce the psychological impact of busing by modifications of instructional methods merely results in a reduction in educational standards. As a result, an increasing number of social scientists argue that the educational problems of the black community cannot be solved by self-defeating, narrow measures such as busing, but instead involve an overall and balanced comprehension of the problems affecting that community as a whole. Finally, it may be asserted that black awareness of this fact is already strong.

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Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I am willing to enter into any sort of time agreement, 10 minutes equally divided, 4 minutes equally divided, because this matter has been debated over and over again in this Chamber. I suggest that to the leadership.

Mr. LAXALT. Mr. President, it is my understanding from having talked to Senators on this side of the aisle as well as the other that the chances of entering into a time agreement are rather remote if not extinct.

I think Senator WEICKER will probably speak to that. He indicated to me in his usual strong and meaningful terms that he has some opposition to this approach and certainly would have opposition in connection with entering into a time agreement.

Perhaps the Senator wishes to speak to that.

Mr. WEICKER. Mr. President, first let me say I think the distinguished Senator from Nevada and his colleagues on the subcommittee have done an outstanding job in bringing the bill to this particular point, a far better job, I might add, than I did when I was chairman of the subcommittee.

In my capacity as chairing the Labor-HHS Subcommittee, I have received the cooperation of all Members of this body, so I do not wish to be one who stands here and obstructs all the good work that has gone on heretofore.

But clearly the subject matter raised by my good friend from North Carolina is a matter which was fought over and debated for a period of 9 months last year.

Here we are in the waning moments of the passage of this bill and the matter is raised again.

I would be willing to enter into a 9-month time agreement. But I would hope in the interests of trying to get through the work product of so many Senators here we will not bog down on this issue.

I recognize, I say, the very strong feelings the Senator from North Carolina has. He knows my feelings are equally as strong on the other side.

Without getting into a great deal of rhetoric at this point, I hope that we would not prolong the debate on this particular matter which in turn will obviously prolong the debate on the bill as a whole.

I really have nothing else to say, and I am sure there will be plenty of other opportunities to get into this matter.

But that is my position as it now stands.

AMENDMENT NO. 2418

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 2418.

At the end of the pending amendment before the period, add the following: ", pro-

vided that nothing in this Act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States, nor shall anything in this Act be interpreted to modify or diminish the authority of the courts or the United States to enforce fully the Constitution of the United States.".

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me say, first of all, that in his characteristic and considerate way the Senator from North Carolina indicated to me in advance some time ago that he had this amendment that he felt he should offer to this bill, so no one was taken by surprise. I was fully aware of it. By the same token, the Senator from North Carolina knows, as does anybody else who cares to know in the Chamber on the busing issue, I have without exception supported every effort to curtail judicial orders for mandatory busing.

I opposed it in the past, I oppose it now, and I will continue to oppose it.

But, Mr. President, I have a high responsibility to try to finish this appropriations bill. While I fully recognize the rights of the Senator from North Carolina to propose his amendment, I feel in the interests of expediting the bill at hand that I should make a tabling motion.

I have indicated that to the Senator from North Carolina, who understands that, which is not to say he supports that but that he understands that.

Now, Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I will vote for Senator BAKER's motion to table the Helms amendment to the State-Justice appropriations bill. I oppose busing students away from neighborhood schools, at least in the absence of proof of purposeful discrimination. The amendment being offered by Senator HELMS makes no distinction between busing to achieve racial balance and busing as a remedy to correct purposeful discrimination in the schools.

Indeed, even where there is proof of purposeful discrimination, the courts are increasingly and understandably reluctant to order busing away from neighborhood schools.

I support legislation to prohibit the Department of Health and Human Services from administratively ordering busing by threatening to withdraw funding. But I cannot support the present Helms effort to prevent the Justice Department from enforcing constitutional rights in a judicial proceeding where purposeful discrimination has been proven.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from North Carolina.

Mr. BAKER. This is on the first-degree amendment.

The PRESIDING OFFICER. That is correct.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from Washington (Mr. EVANS), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Nebraska (Mr. EXON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. DIXON), would vote "yea."

The PRESIDING OFFICER (Mr. JEPSEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 29, nays 52, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—29

Baucus	Kennedy	Pell
Bingaman	Lautenberg	Percy
Boschwitz	Leahy	Riegle
Bradley	Levin	Rudman
Chafee	Mathias	Sarbanes
Durenberger	Matsunaga	Specter
Eagleton	Metzenbaum	Stafford
Goldwater	Mitchell	Tsongas
Hatfield	Moynihan	Weicker
Heinz	Packwood	

NAYS—52

Abdnor	Bentsen	Byrd
Andrews	Biden	D'Amato
Armstrong	Boren	Danforth
Baker	Burdick	DeConcini
Denton	Humphrey	Randolph
Dole	Jepsen	Roth
Domenici	Kassebaum	Sasser
East	Kasten	Simpson
Ford	Laxalt	Stennis
Garn	Lugar	Symms
Gorton	Mattingly	Thurmond
Grassley	Melcher	Trible
Hatch	Nickles	Wallop
Hawkins	Nunn	Warner
Hecht	Pressler	Wilson
Heflin	Proxmire	Zorinsky
Helms	Pryor	
Huddleston	Quayle	

NOT VOTING—19

Bumpers	Evans	Long
Chiles	Exon	McClure
Cochran	Glenn	Murkowski
Cohen	Hart	Stevens
Cranston	Hollings	Tower
Dixon	Inouye	
Dodd	Johnston	

So the motion to lay on the table amendment No. 2417 was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, could I have the attention of the Senate for a moment?

Mr. President, busing is and has been for many years one of the most sensitive issues that confronts the Senate. It is a difficult vote at best, especially difficult when it is on a collateral bill, such as an appropriations bill.

Mr. President, I have consulted with the distinguished Senator from North Carolina who has authorized me to ask unanimous consent that his amendment, which was not tabled, may be withdrawn.

Mr. President, I make that request at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I happen to be on the same side as the majority leader is on. Busing children 15 or 20 miles is difficult. But I hope this does not develop into a pattern this afternoon whereby a Senator will call up an amendment—I do not mean to cast aspersion on the Senator from North Carolina in saying this—a Senator will call up an amendment, there will be a motion to table, and the amendment's author will say, "If we do not table my amendment I will ask that the yeas and nays be vitiated and withdraw my amendment," thereby getting everybody on RECORD—which is all right with me; I have stated my position. It happens to be, as I say, the same as the position stated by the majority leader. But I just want to alert Senators that this could become a pattern. I will not personally object to this particular request.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is withdrawn.

The majority leader.

Mr. BAKER. Mr. President, I thank all Senators and I especially thank the Senator from North Carolina.

Mr. President, let me say there is no pattern developing. I might detail a little of how this came about. I have always opposed busing, as has the minority leader, for the purpose of establishing racial quotas. But I made the motion to table feeling that that was the way to get this matter off the bill. Frankly, it developed after the motion to table was made that it might be possible for the amendment to be withdrawn. Perhaps it is my fault I did not find that out before I made the motion to table. In any event, that was not discovered until after I made the motion to table. I am saying this so that all Senators will know there was no cunning plan, there was no design, to trap Senators into a difficult vote. It simply worked out that way. I can assure the minority leader that I will not countenance any plan that would contemplate a series of meaningless votes of that sort on this measure.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I did not, by my remarks——

The PRESIDING OFFICER. The Senate will be in order. This is a very important discussion taking place. The Chair will respectfully ask for order in the Chamber.

The minority leader.

Mr. BYRD. Mr. President, I certainly did not mean to imply that the majority leader had any previous glimpse of such a plan or that there definitely is such a plan. I would be the last to include the majority leader in such a pattern. I do not say there is a calculated plan to repeat the procedure we see here. But I know of some other amendments that are being talked about, which, by the way, I may favor, but which may also follow the same procedural pattern. I am glad that the majority leader has indicated that he will not countenance any such pattern development, but I thought it well to let Senators on both sides know that such could develop. I also know that the majority leader was not aware in advance of Mr. HELMS' offer to the effect that he would vitiate the yeas and nays and withdraw the amendment, because I overheard the conversation in the well of the Senate. All that took place after the majority leader had moved to table.

Mr. SARBANES. Mr. President, I wonder if we could ascertain from the majority leader what he anticipates the schedule will be for the remainder of the day.

Mr. BYRD. I yield to the majority leader for that purpose.

Mr. BAKER. I thank the minority leader.

Mr. President, the ultimate objective is to finish this bill today. I think we can do that in pretty short order now. I have consulted with the manager on this side, who thinks maybe another hour should finish it. There is nothing else I intend to ask the Senate to do after we finish this bill.

Mr. DOLE addressed the Chair.

Mr. BAKER. Mr. President, there is one other thing. I was caught up in my own statement. There is a conference report here and I announced earlier that after the vote on this measure, we would do that conference report, which I do not think will take more than a minute. The conference report is privileged and I think this would be a good time to do it. It is the conference report on unemployment benefits extension.

If the minority leader does not object, I shall now ask the Senate to turn to the consideration of that conference report.

Mr. HELMS. Mr. President, will the majority leader withhold and let me find out if my——

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader has the floor.

Mr. BAKER. Mr. President, I yield to the minority leader.

Mr. BYRD. Mr. President, that is the statement I was about to make. We sometimes forget that there is a minority around here. I do not want us to get into some kind of habit or mentality that the majority leader just automatically takes over the Senate. He would understand my saying that if I were the majority leader. I would be the first to protect him as the minority leader.

I also thank the present occupant of the chair for protecting that right, because the Chair realizes I still hold the floor. So let us not get into any state of mentality to the extent that the minority has lost its rights down here, because it has not. I intend to protect the minority as best I can.

It is never the majority leader's desire to take the floor away from me or any other Senator. I know that. I hope he does not get into that habit of thinking.

I yield the floor.

Mr. BAKER. Mr. President.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I really do not think I need to say what I am about to say, but I am going to say it.

I do not believe I have ever consciously, or certainly ever intentionally, trampled on the rights of the minority leader or the minority. I have about 14 more months to serve in this body and I am not going to leave this place with the reputation of having taken advantage of anybody, let alone the minority.

Mr. President, if I transgressed then, I apologize, if I did, I am sorry. But I want to say to the minority leader that surely, he knows that I have gone the extra mile, I hope, in seeing that there is equality of recognition by the Chair and an equal opportunity for Members on both sides of the aisle to proceed in the regular way.

The minority leader is my friend. I value and treasure that and I apologize to him if I have transgressed in that respect.

Mr. BYRD. Mr. President, I have never accused the majority leader of transgressing and I do not intend to now. If I though otherwise, I would say so.

I am sure that Senators who have been around here awhile remember the lecture which I gave to the Vice President of my own party, at a time when he refused to recognize the then minority leader, Mr. BAKER. I felt badly afterward, not that I had stood up in defense of the minority leader but that I had criticized the Vice President when he was in the chair, and with no privilege allowing him to respond. I later apologized to him for that. In any such future event, I would attempt to get consent for the Vice President to speak in his own defense.

The majority leader has never knowingly or intentionally attempted to take the floor from any Senator. Apparently, he may have taken umbrage at something I said, but he had not need to, because I have never accused him of doing that.

I have no personal complaint. I have been recognized at all times by the Chair when I have sought to be recognized. The majority leader would protect me on that, I am sure. But I just urge the Chair, whoever is in the chair, and the Parliamentarian to be very careful to protect the person who holds the floor, whether it is the minority or the majority. I am sure the majority leader will not find any fault with my saying that.

Time and time again, I have said to the Senate that the majority leader has treated us most generously. He has bent over in his deference to the minority and bent over backwards in his deference to me, and I have so stated on many occasions.

If I have said anything in this discourse that offends him, I certainly apologize, because I did not intend that.

Mr. BAKER. Mr. President, there is no need to apologize. Frankly, the statement I made was not because I took umbrage, but because the thought ran through my mind that I was not sure who had the floor when the Senator from Kansas made his statement and the Senator from North Carolina was seeking recognition and I made my statement about the conference report. I was the one who was at fault.

I am afraid we shall apologize to each other for the rest of the afternoon.

Mr. BYRD. Let us get on with the conference report.

Mr. BAKER. Mr. President.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Let me say that I think the Senator from North Carolina (Mr. HELMS) should have an opportunity, if the Chair will recognize him, to explain the action I took on his behalf. And I think the Senator from Connecticut should be recognized. I hope they will both keep it brief. Then after that, I propose to ask the Senate to go to the conference report.

Within 5 minutes, it will be my intention to ask the Senate to turn to the conference report.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. BAKER. Mr. President, could the Senator yield to me for just a moment?

Mr. HELMS. Yes, Mr. President, I yield.

Mr. BAKER. The Senator is going to get started in a minute. I apologize to him, too.

Mr. HELMS. That is all right, Mr. President.

Mr. BAKER. Mr. President, I ask unanimous consent that not later than 1:55 p.m., the Senate turn to the consideration of the conference report on unemployment benefits extension and that the time between now and then be divided equally between the Senator from Connecticut and the Senator from North Carolina.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the majority leader and the minority leader and everybody else who had a dispute and those who did not have a dispute. We have seen another equable display of parliamentary knowledge and skill. I thank the minority leader, and I have learned something from him over the years. I admire the minority leader. He does know how to hold the floor when he gets it. So does the majority leader.

Let me point out two things which happened to my amendment. At the outset of my remarks, I offered a time limitation of 10 minutes or less. I think the record will show that I said I shall take 4 minutes equally divided, because the matter has been debated over and over again and the Senate has voted on a number of occasions to instruct the Justice Department not to use any funds related to forcing little schoolchildren to ride buses across cities and counties just to satisfy the whim and caprice of some Federal judge or bureaucrat.

I just wanted a vote. I did not care whether it was on a tabling motion or up or down, but I offered a time agreement.

The last time this amendment passed, it was sent over to the House and Speaker O'NEILL and Chairman RODINO arranged for it to be sat upon. If you will look at the posteriors of those two men, you will realize that when they sit on something, that is a lot of coverage.

In any case, the House would not, could not vote on it because of the type of leadership displayed in the instance of this issue by Speaker O'NEILL and Chairman RODINO.

So I just wanted a vote. I got a vote. I realized that there might be an extended debate because the distinguished Senator, my good friend from Connecticut (Mr. WEICKER), had said that he would agree to a 9-month time limitation. But I got my vote on the tabling motion and I went to the well, well, after the vote was in progress, and I suggested to the majority leader, "Look, I will be glad to vitiate the yeas and nays and withdraw the amendment if that is satisfactory to everybody, because I am getting a vote."

In any case, I want the Justice Department bureaucrats to know that the Senate has spoken again on the question of forced busing, and it has displayed a strong majority will against it. That is the only point I wanted to make and I have made it.

Mr. President, I yield back whatever time I may have remaining.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I might suggest to my good friend from North Carolina that, in the case of his vote, probably discretion was the better part of his generosity in the sense that the leadership had agreed that the matter should be tabled. Indeed, when in the middle of a vote, he offered to withdraw the amendment, obviously, that had an impact on those Senators who felt that, under those circumstances, it was unnecessary for them to support the leadership on this particular matter.

The point I want to make is that I am going to let an occasion go by to have either this body or the American people misled on the issue of busing. Busing was not the issue here. The issue goes back to the constitutional question of three separate, equal branches of Government.

I will leave Senators with this point. This is the same U.S. Senate that by 78 to 22 voted Martin Luther King Day and just 2 days later went ahead and by a vote of 51 to 29 gutted, or tried to gut the civil rights of black schoolchildren.

Now, talk about a contradiction. Not one to be very proud of, but there you have it. I think holidays are great, especially when they honor people like Dr. King, but what I think is more important is that we through our actions and in our lives make possible what he talked about. This particular exercise does not stand to the credit of this body and repudiates what we did 48 hours ago.

I can assure my good friend from North Carolina that every time one of these matters comes up we are going to talk about it, we are going to have votes on it, we are going to continue to debate it. I admire him for his intellectual integrity. Obviously, in terms of philosophy we disagree. In terms of our interpretation of the Constitution of this Nation, we disagree, but in the final analysis it is not HELMS or WEICKER who are going to go ahead and discuss the issue, it is 98 other Senators and a lot of American people out there that better get involved.

I yield the floor.

FEDERAL SUPPLEMENTAL COMPENSATION EXTENSION—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report the conference report.

Mr. LEAHY. Parliamentary inquiry, Mr. President. Was not the previous order for 1:55?

The PRESIDING OFFICER. The Chair advises the Senator that the previous order was no later than 1:55 p.m., with the time taken to be equally divided between the Senator from North Carolina and the Senator from Connecticut. The two Senators have yielded the floor. It is no later than 1:55, and now we will get to the conference report, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, October 21, 1983.)

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I will take a minute or two, if I may, to explain briefly the conference report.

As has just been noted, this conference report was signed by all conferees, and although Senator LONG is unavoidably absent today, he did indicate by telephone this morning that this arrangement was satisfactory.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. I merely asked the Senator to yield because I may affirm what he just said, not that it requires affirmation; we all take the Senator's word for it, but Senator LONG has indicated that he is agreeable to proceeding, even though he is not present at the moment.

Mr. DOLE. Mr. President, I rise in support of the conference agreement to accompany H.R. 3929, a bill to extend the Federal supplemental compensation (FSC) program. This is a fair and balanced agreement which preserves the basic FSC program developed by the Senate Finance Committee and passed by this body by a vote of 89 to 0 on September 30.

As my colleagues know, the conference committee was not able to reach agreement on the FSC extension before the program's expiration date of September 30. On October 6, the House and Senate passed an extension of 18 days to enable continuing claims to be paid and to allow new claimants to receive benefits under the program. This brief extension ended on October 18, although it is my understanding that benefit payments will be made for this week. It is essential that Congress approve the conference agreement and that the President sign the bill before the end of the week.

The conference agreement follows the Senate bill in extending the FSC program 18 months, through March 31, 1985. The program will provide basic FSC benefits ranging from 14 weeks in States with seriously high unemployment to 8 weeks in States with lower unemployment levels. The Senate provision which takes account of sustained high unemployment, known as the long-term insured unemployment rate, is retained in the conference agreement and has been expanded to include the second tier of benefit duration. As you recall, this long-term insured unemployment rate (IUR) measures unemployment in a State since January 1982. In the conference agreement, to qualify for the highest tier of benefits, a State must have a 6-percent current IUR, or a long-term IUR of 5.5 percent. To qualify for the second tier of benefits, a State must have a current IUR of 5 percent, or a long-term IUR of 4.5 percent. The House provision which utilized the total unemployment rate (TUR) has been dropped completely.

A significant change is the addition of a reach-back provision. The Finance Committee bill did not contain additional weeks of FSC benefits for exhaustees of the earlier extensions or expansions of the program. An amendment offered by the distinguished minority leader to provide 8 extra weeks of FSC benefits for exhaustees was defeated by a substantial margin in the Senate. However, the House bill, H.R. 3929, contained a provision allowing up to 8 weeks of reach-back benefits based on the level of unemployment in the State. This provision alone added some $850 million to the cost of the extension.

This was one of the most difficult issues facing the conferees. However, a compromise was reached which allows individuals who became eligible for FSC after April 1, 1983, and exhausted their benefit entitlement before the week beginning October 23, 1983, to receive a maximum of 5 additional weeks of FSC benefits, provided they are still unemployed and meet all other eligibility requirements. This will be a flat 5 week entitlement and will not vary according to State unemployment levels. The cost of this provision is estimated at $330 million. The conference agreement also makes provision for extra weeks of benefits for individuals currently receiving FSC. These so-called transition benefits will be based on the level of unemployment in the State. For States which qualify for the 12 and 14 week duration, 4 weeks of transition payments will be available. For States at the 8 and 10 week benefit duration for the basic program, 2 weeks of transition benefits will be available. Only individuals who first became eligible for FSC after April 1, 1983, and are currently receiving FSC are eligible for transition benefits. This provision adds $59 million to the program's cost.

Finally, with regard to the FSC extension, the conferees agreed on several modifications which will not only simplify administration of the program, but which will also provide some degree of certainty for the FSC claimants. First, the duration of weeks available in each State will change only once every 13-week period. Also, the duration in the State could not be reduced or increased more than 2 weeks every 13-week period. This will keep fluctuations at a minimum. Second, beginning the week of October 23, 1983, an individual's entitlement to a specific number of weeks of FSC benefits will be determined when the individual begins receiving FSC. After that time, the individual's entitlement to a certain number of weeks will remain unchanged, even if the number of weeks for the individual's State goes up or down. This modification will eliminate the situation which occurred in a number of States in which individual benefit determinations had to be refigured many times.

The cost of this FSC extension is estimated at $4.69 billion. I would remind my colleagues that the Senate extension had a total cost of $3.75 billion, while the House extension had an 18 month cost of nearly $6 billion. The original administration proposal had a cost of $3.16 billion. The Senate conferees were diligent in attempts to hold down the cost of the extension, mindful of the fact that the Federal taxpayer has already contributed over $5.5 billion to this temporary program since September 1982. The conferees on both sides were also aware that the administration had set strict guidelines as to what level of expenditures would be considered acceptable. I believe that with this compromise we have reached the outer limits, if you will, of acceptability. The conference agreement is supported by the administration and I feel confident that the President will waste no time in signing the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a brief description of the FSC extension as agreed upon by the conferees, as well as a list showing the estimated number of weeks available in each State under the extension. This list also shows the benefits duration under current law and under the Senate-passed bill, S. 1887.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL SUPPLEMENTAL COMPENSATION (FSC) EXTENSION

Duration of extension:

18 months, from October 1, 1983 to March 31, 1985.

Current four-tiered program to be replaced with the following program:

	Current IUR	Long-term IUR [1]
Weeks:		
14	6 percent and above	5.5 percent and above.
12	5 to 5.9 percent	4.5 to 5.4 percent.
10	4 to 4.9 percent	
8	Less than 4 percent	

[1] Measured from January 1982.

Other modifications include:

Reachback benefits of 5 weeks would be available for individuals who first became eligible for FSC between April 1, 1983 and exhausted before October 23, 1983.

No phase-out of benefits at the end of the 18 month period; all FSC benefits would cease on March 31, 1985.

A State's benefit duration could not change more often than once every three months. However, a State could not gain or lose more than two weeks in benefit duration each three month period.

Beginning with the week of October 23, individuals will continue to be eligible for the number of FSC benefit weeks to which they were entitled at the time they first qualified for FSC, regardless of changes (up or down) in the number of basic weeks payable in the State.

Mr. DOLE. Mr. President, in addition to the extension of the Federal supplemental compensation program, the conference report on H.R. 3929 deals with a number of issues unrelated to the FSC program. These issues were resolved in the meeting of the conferees which occurred on September 30. Several of the provisions were included in the bill, H.R. 4101, which extended the FSC program for 18 days. My colleagues will recall that these were provisions which had particular time constraints: First, extension of social security disability pay-

ments during the appeals process; second, extension of the provision which allows Federal matching for payments made on behalf of children voluntarily placed in foster care; third, 2-year delay in social security coverage of earnings of certain senior judges; and fourth, clarification of the interest provision pertaining to loans made to States by the Federal unemployment trust fund. The President signed H.R. 4101 on October 6.

Provisions contained in this conference report deal with a variety of issues important to this body. First, the conferees agreed to an increase in the statutory funding level for the title XX, social services block grant. The Finance Committee had adopted an amendment offered by Senator CHAFEE which increased the funding level by $200 million for fiscal year 1984. The conferees agreed to a $200 million increase in this fiscal year and a $100 million increase in fiscal year 1985. This brings the block grant's permanent entitlement level to $2.7 billion. The House conferees agreed to delete the language in their bill which required a certain portion of the additional funding to be targeted to areas of high unemployment.

Second, the House conferees accepted the Senate provision authorizing an appropriation not to exceed $5 million for assistance to the Maureen and Mike Mansfield Foundation in developing the Mansfield Center for Public Affairs and the Maureen and Mike Mansfield Center at the University of Montana. This amendment had been offered by the Senator from Montana (Mr. BAUCUS) during full Senate consideration of the bill.

Other conference agreements included the Senate amendment to require that the Federal Government enter into agreements with the States to provide necessary information to eliminate incorrect payments of unemployment benefits to Federal prisoners, Federal employees, and retirees. The House also agreed to a Senate amendment of a technical nature dealing with the repayment of unemployment trust fund loans to the general fund of the Treasury.

The Senate conferees agreed to a House amendment dealing with the Federal unemployment tax treatment of payments to the estates or survivors of deceased individuals. The Senate conferees also agreed to a House provision which requires the Department of Labor to submit reports to Congress no later than April 1, 1984, on (A) the feasibility of targeting FSC benefits to sub-State areas on the basis of unemployment levels in such sub-State areas; and (B) the feasibility of identifying "structurally" unemployed workers at the time they claim unemployment compensation benefits.

The Senate amendment providing for the payment of unemployment benefits to certain unemployed railroad workers was not agreed to by the House. Finally, the conference agreement does contain the provision which was in both bills to extend the current law exclusion from the FUTA tax for wages paid to certain agricultural workers.

Mr. President, I believe that the conferees have fashioned a conference agreement which can be supported as good unemployment compensation policy and as good fiscal policy. The FSC extension will provide much-needed benefits to long-term unemployed individuals. The basic benefit program has been redesigned to more closely reflect the current unemployment situation and a measure of sustained unemployment has been added which will benefit those States which have experienced prolonged periods of high unemployment. As I mentioned earlier, the House provision utilizing the unreliable total unemployment rate (TUR) was dropped.

State unemployment insurance service administrators will be pleased with several features of the extension which should simplify the operation of the program and eliminate many of the problems and confusion which surrounded the earlier program.

Finally, unemployed individuals will benefit from the provision of the conference agreement which sets an individual's FSC entitlement on the day he first files a claim for the benefits. This stabilizer will provide certainty for the individual as to his benefit duration. Additionally, the reach back provision which is limited to those who first became entitled to FSC after April 1, 1983, will provide additional weeks of benefits to individuals who have not received reach back benefits under the earlier extension and explansion of the program. This limitation targets the benefits as well as reduces the cost of the benefits.

I urge my collegues to support the conference report. We must pass this bill without delay so that these important unemployment benefits will not be interrupted.

We have addressed the concerns of many of the Senators who spoke on the floor. I know the two Senators from Illinois (Senator PERCY and Senator DIXON), the Senators from Michigan, the Senators from West Virginia but primarily the distinguished minority leader and others had specific concerns. We believe that we have addressed those concerns.

Obviously, there were some who would like more generous provisions, but we believe that this is a good compromise. It has the full support of the administration. We have been working closely for the past 2 weeks trying to hammer out the differences with the Labor Department, with the Secretary of Labor, Secretary Donovan, who supports this measure, with the Office of Management and Budget, with other technicians, with the staff members on the House side and on the Senate side, and we believe we have reached a fair compromise. This measure passed the House earlier today by a vote of 300 to 5, indicating strong bipartisan support.

I know of no requests for the yeas and nays, though certainly I have no objection to the yeas and nays. But unless there are some who feel it is necessary, we could probably pass the conference report without it. I would be happy to yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, as a conferee on the legislation to extend the Federal supplemental compensation program, I simply wish to confirm the remarks by the distinguished chairman of the Finance Committee. The conferees bring back to this Chamber, in my view, a better piece of legislation than we originally passed. It has a great feature of insuring stability in FSC benefits. We can look forward to 18 months of a reasonably generous and predictable program.

I would like to offer the thought to this body that it would be an emphatic endorsement of the measure if, rather than having a rollcall vote, we instead unanimously adopted the conference report by a voice vote. I think the conference report is deserving of unanimous approval. This would be a great tribute to the conferees and others involved with this most important measure.

Mr. DOLE. I thank my colleague.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the weeks each State should receive under current law, under the bill that passed the Senate, and under the options we have before us today.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FSC STATUS AS OF SEPTEMBER 24, 1983

State	IUR [1] percent	LIUR [2]	Current law (weeks)	S. 1887 (weeks)	Conference report (weeks)
Alabama	3.98	5.53	10	10	14
Alaska	4.58	6.62	10	12	14
Arizona	2.85	4.01	8	8	8
Arkansas	3.47	5.77	10	8	14
California	4.05	5.28	10	10	12
Colorado	2.48	3.20	8	6	8
Connecticut	2.47	3.48	8	6	8
Delaware	2.17	3.45	10	6	8
District of Columbia	3.17	3.66	8	8	8
Florida	2.14	2.40	8	6	8
Georgia	2.11	3.28	8	6	8
Hawaii	3.51	3.54	8	8	8
Idaho	4.49	7.20	10	12	14
Illinois	3.97	5.78	12	10	14
Indiana	2.67	4.93	8	6	12
Iowa	2.68	4.70	8	6	12
Kansas	2.53	3.98	8	6	8
Kentucky	3.88	6.12	10	12	14
Louisiana	4.93	5.05	12	12	12
Maine	3.55	4.96	10	8	12
Maryland	2.87	4.34	8	8	8
Massachusetts	2.67	3.95	8	6	8
Michigan	3.41	7.19	10	12	14
Minnesota	2.08	4.18	8	6	8
Mississippi	4.33	6.09	12	12	14

FSC STATUS AS OF SEPTEMBER 24, 1983—Continued

State	IUR [1] percent	LIUR [2]	Current law (weeks)	S. 1887 (weeks)	Conference report (weeks)
Missouri	2.84	4.40	8	6	8
Montana	3.94	5.42	10	10	12
Nebraska	1.78	3.02	8	6	8
Nevada	3.16	4.74	8	8	12
New Hampshire	1.75	2.84	8	6	8
New Jersey	3.27	4.70	8	8	12
New Mexico	3.58	4.06	10	8	8
New York	3.10	3.88	8	8	8
North Carolina	2.15	4.52	8	6	12
North Dakota	2.30	3.78	8	6	8
Ohio	3.17	5.92	10	8	14
Oklahoma	2.44	3.22	8	6	8
Oregon	4.38	7.19	12	12	14
Pennsylvania	4.99	6.95	12	12	14
Puerto Rico	7.17	8.84	11	11	11
Rhode Island	4.39	5.89	10	10	14
South Carolina	2.79	5.29	8	6	12
South Dakota	1.06	2.36	8	6	8
Tennessee	2.76	4.95	8	6	12
Texas	2.19	2.27	8	6	8
Utah	2.95	4.85	10	8	12
Vermont	3.02	5.23	10	8	12
Virginia	1.23	2.43	8	6	8
Virgin Islands	4.40	4.81	10	10	12
Washington	4.88	6.71	12	12	14
West Virginia	6.39	8.12	14	14	14
Wisconsin	3.22	6.09	10	12	14
Wyoming	3.14	4.43	12	8	8

[1] Insured unemployment rate.
[2] Long-term IUR (measured from Jan. 1, 1982).

Mr. LEVIN. Mr. President, I should like to thank Senator DOLE and the other conferees, Senator MOYNIHAN, Senator LONG, Senator BOREN, and others, who I know have worked long and hard on this conference report. As a result of those efforts, at long last my State, which has the second highest unemployment in the land, is eligible for the highest level of Federal supplemental benefits. Up to now, through a number of quirks in the law, this has not been true.

We have worked very closely with Senator DOLE, Senator LONG, and others to make sure that that absurdity is corrected. It is now corrected in this conference report, and I thank the Senator from Kansas, particularly the Senator from Louisiana, and others for their help in making this possible.

Mr. President, I am pleased that the conferees have reached agreement on the extension of the Federal supplemental compensation (FSC) program of unemployment benefits. In some areas of our country a recovery has begun, but for millions of people it is still a headline and not a paycheck. The action we are taking today will provide some assistance for many of these individuals.

I would also like to express my appreciation to the conferees for their sensitivity to States such, as my home State of Michigan, for which the insured unemployment rate (IUR) dramatically understates the degree of economic distress and actual unemployment. I would have preferred the use of the actual or total unemployment rate (TUR) as an alternate measure to the IUR for determining the number of weeks of FSC for which a State would be eligible. However, the approach that the Senate Finance Committee chose and which the conferees accepted also addresses the States which are experiencing continually high rates of actual unemployment. It assures that these States will be eligible for the highest tier of FSC benefits regardless of their IUR level as it had been calculated in the past. Instead, this bill looks to a new IUR calculation, which is averaged over a much longer period of time.

For my State of Michigan this means that people who are starting to file for FSC after October 23 will be eligible for 14 weeks of benefits. When added to the basic state program of 26 weeks, this means that the unemployed in Michigan would be eligible for up to 40 weeks of unemployment benefits. While this is a significant amount of assistance, it is still less than has been available during past recessions when the unemployment rate was lower than it is today. It is for this reason that I offered an amendment during the earlier Senate consideration which would have made over 30 States eligible for a portion of the 13 week extended benefit program. As it stands now, only one State is eligible for extended benefits, making that program an empty shell. Unfortunately, my amendment, which would have added another 10 weeks of unemployment benefits for Michigan, was defeated.

The legislation will also give additional FSC benefits to tens of thousands of unemployed individuals who started to collect FSC benefits after April 1 of this year and have exhausted those benefits. I would have preferred the more generous House "reach-back" provision, but am pleased that the conferees were able to agree on any provision in light of the strong opposition of the administration during the committee hearings in September.

Since this is an 18-month extension, it is quite possible that the Congress will not address the issue of unemployment compensation in a major way for some time to come. However, this does not end the need to work to assist the unemployed. We must now work to reduce the Federal deficit in order to reduce the chances that the recovery will stall or that a recession will return as the result of higher interest rates. This will not be an easy task. It will require the leadership of the White House and the active consideration of the Congress. Above all, it will require a willingness to compromise and to accept a program of shared sacrifice. It is to this job that we must now direct our attention.

Mr. DOLE. Mr. President, I express our thanks to the Senator from Michigan, who is always helpful, not only in matters concerning unemployment—which is very important in his State, which is hard hit—but also in a number of other areas on which we have had the pleasure of working. I thank the Senator from Michigan and the Senator from New York.

Mr. President, I think we are prepared to vote.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD. Mr. President, as one who has struggled to assure that adequate unemployment benefits are provided for the victims of the Reagan recession, I am relieved that we are about to send the unemployment insurance legislation now before us to the White House. However, I think it is important to keep uppermost in our minds as we act today the fact that the necessity to enact such special unemployment insurance legislation is a naked admission of the failure of the administration's economic policies and the tragedy that failure has visited on America's industries, businesses, and workers. The recession is far from over for too many Americans. My own State of West Virginia has a 16.7-percent unemployment rate announced yesterday by the Department of Labor.

When the Senate acted on this bill, Mr. President, I and several other Senators sought to strengthen the bill brought to the floor by the Finance Committee. We sought to add a reach-back provision providing benefits to the longest-term unemployed who have exhausted all benefits available to them. I was pleased to join the senior Senator from New York in his efforts to add weeks of benefits to those proposed by the committee and to provide use of the total unemployment rate, or TUR, as an alternative to the insured unemployment rate, or IUR. The distinguished Senator from Michigan sought to make the extended benefits program a functioning program again, and I supported his amendment. Unfortunately, our efforts were unsuccessful.

I am glad that the House, which had a much more nearly sufficient bill, was able to prevail to a considerable extent in conference with respect to a number of the areas of difference between its version and the Senate's. As a result, the conference agreement preserves the number of weeks of benefits provided since April 1, rather than reducing them as the administration and the Senate proposed. In my own State of West Virginia, where FSC beneficiaries have been eligible for 14 weeks of benefits, 14 weeks will continue to be available.

The House, unfortunately, was not able to prevail in use of the TUR as an alternative determinant of the number of weeks of benefits for which a State qualifies. But our efforts to obtain an alternative device achieved substantial success. The House insisted upon modifying and expanding the device proposed by the Finance Committee incorporating an 18-month cumulative

IUR which treats States with long-term high unemployment more favorably than the standard 13-week rolling IUR average now used alone. This is a welcome step, both because it will provide practical help to a number of States that need and deserve it, and because its enactment will be a candid admission by the Congress that the 13-week rolling IUR is insufficient and unacceptable as the sole determinant of benefit duration.

Finally, the House bill contained a reach-back provision which the Senate bill did not. The House conferees successfully pushed for inclusion of some reach-back benefits—5 weeks in most cases—for those who previously have exhausted all UI benefits, including supplemental compensation. Unfortunately, due to administration insistence, the provision leaves a major gap among those such a provision should help.

Instead of applying the reach-back to all those who did not receive the full value of the reach-back provision in the FSC amendments contained in the social security legislation, the administration insisted that the reach-back provision in this conference agreement apply only to those who began their FSC benefits on or after April 1.

Consequently, those jobless workers who began FSC benefits before April 1, and as far back as the week of February 27 in States then eligible for 14 weeks of benefits, will not receive any reach-back assistance under this conference agreement, and received fewer total weeks of FSC benefits than those who first became eligible for FSC after April 1. And yet, if they are still unemployed, those persons are in a more desperate condition because they have been unemployed longer. In West Virginia, approximately 5,400 persons will be aided by the reach-back provision in the conference agreement, but 5,745 others who have been unemployed even longer will get no aid from the bill and will have received fewer weeks of benefits than those persons receive who qualified for FSC after April 1. To me, this is just another in a long string of examples of the administration's insensitivity to the needs of unemployed workers and its willingness to use its long budget knives brutally on the weak and defenseless while blithely accepting $200 billion deficits.

And so, Mr. President, my emotions are mixed as the conference report proceeds to the President. On the one hand, I am pleased and relieved that, after a 3-week delay in final passage of this bill due to the administration's unwillingness to provide a more sufficient benefit package, this bill finally is ready to become law. I also am glad that a number of its benefits and other provisions are closer to those of the more-nearly adequate House bill than the Senate bill.

But I am distressed that the administration's ability to play Scrooge with unemployment benefits, while throwing billions of dollars of tax benefits to the wealthy right and left, has resulted in further harm to some of the most distressed of the long-term unemployed and their families.

I will vote for this conference agreement—because it is so desperately needed, because it is far better than what the administration proposed, and because it is, of course, infinitely preferable to no supplemental compensation program at all.

But I will do so harboring the continuing hope that one day we will set in place a system of unemployment compensation that is fair, sufficient, and permanent—which provides the dependable, predictable, adequate help the jobless need so much rather than the confusion, inadequacy, and inequitable gaps of our current nonsystem.

In closing, Mr. President, I wish to thank the distinguished chairman of the Finance Committee, Senator DOLE, and the distinguished ranking minority member, Senator LONG, and the other Senate conferees for their efforts to finally achieve a conference agreement. I know they understood the urgency of enacting a bill. In particular, I want to thank them for their early recognition of the economic plight of my State, West Virginia, and their efforts to assure that the long-term unemployed there would not receive fewer weeks of benefits under the new program than under the program that expired earlier this week.

I urge adoption of the conference report and speedy signature by the President.

Mr. DOLE. Mr. President, I say to the distinguished minority leader that the minority leader offered an amendment on the floor which was rejected. But I can say that partly because of that amendment, we came back from conference with provisions even more generous than the amendment offered by the Senator from West Virginia (Mr. BYRD).

Mr. JEPSEN. Mr. President, I am pleased that the House and Senate have finally reached agreement on an extension of the Federal supplemental compensation program which provides unemployment benefits for the long-term unemployed. The conference agreement retained the 18-month duration that was in the Senate bill. This is an important feature since it allows the States and the unemployed to have some certainty that benefits will be available on a consistent basis. I am also pleased that the Senate conferees were able to fashion a sound compassionate FSC program at a fiscally responsible spending level. I understand the conference agreement will have a cost of approximately $4.69 billion as estimated by the Department of Labor and less than $4 billion as estimated by CBO.

Mr. President, the Senator from Iowa is particularly pleased that the conference agreement is fashioned in such a way that recognizes the difficult unemployment problem that many of the citizens of Iowa face. Under this legislation, an unemployed person in Iowa will be eligible for 12 weeks of FSC benefits, as compared with the 8 weeks provided by current law.

Moreover, those Iowans who have already exhausted all unemployment benefits will be eligible for an additional 5 weeks of benefits. This revised program I believe fairly and adequately responds to the needs of the unemployed.

Mr. DIXON. Mr. President, I thank the conferees for finally coming to an agreement on an extension of Federal supplemental compensation or FSC, a matter of great complexity and sensitivity.

I cannot say that I am completely satisfied with this final package, but it does, for the first time, acknowledge that there is a problem with the current method of qualifying for benefits. It provides for an alternative to the basic insured unemployment rate, calculated over a 13-week period. That method is a long-term average, going back to January of 1982. The bill recognizes the special needs of States such as Illinois which have endured several years of critically high unemployment and the inadequacy of the current triggers.

I still believe that the total unemployment rate is the method which most accurately reflects a State's distress, and more adequately meets the needs of the workers who depend on this assistance.

Under the provisions of this package, my State of Illinois will be eligible to provide 14 weeks of benefits to newly eligible recipients for this program. For those who have exhausted all benefits since April 1, 1983, additional weeks of FSC will be available. Another important provision is that qualified workers will continue to be eligible for at least the number of weeks to which they were entitled at the time they first qualified for FSC, even is their State's maximum number of weeks decreases because of a reduction in its insured unemployment rate.

I am troubled by the 18-month duration of this extension. Not because I do not believe that we should make long-term commitments to address these needs, for I do, and have repeatedly demonstrated that. However, to put this program on the back burner for 18 months—until March of 1985, tells me that we will not look at the real problems that remain with the entire system.

I hope that I am wrong about that—that the Finance Committee will continue to look at this program. We have not yet acknowledged the sheer lunacy of only one State qualifying for extended benefits. It is a program that once served people—at half the Federal cost of FSC. It is a program that was an integral part of the current system. It is a program that, for all practical purposes, has been gutted.

As a cosponsor of the Byrd-Heinz comprehensive reform bill, S. 1784, I believe that proposal provides a responsible vehicle to look at these problems. It is recession sensitive. It does not place a greater financial burden on States and employers when they can least afford it. It provides more weeks of benefits when a State is in trouble, and less when the job market is more promising. Most important, it puts into place an adequate program so that we no longer make changes when it is politically expedient. Such benefits are not a matter of which way the wind blows, not to the 700,000 recipients of FSC. It is their only means of survival while they continue to search for work.

I find it a little perplexing that we cannot apply commonsense to this program. We are reasonable men and women, representing the people of our States. We should not be using the needy as political football. The comprehensive bill, which has bipartisan support and a great deal of merit, would take this issue out of the political arena and into an arena of responsible government. I urge the distinguished chairman of the Finance Committee to consider this measure at the earliest possible opportunity.

Finally, I am relieved that today, we can tell the unemployed workers in our country that we have finally reached a decision about this program—that they will not be getting any more notices in the mail saying FSC has expired and the Congress has not extended it. At least they know now what they can count on.

I hope this is not the last word on the subject until March of 1985. There remain critical issues which must be considered, problems which must be solved, and people who must be served.

Mr. BRADLEY. Mr. President, I rise in support of the conference report now before us to provide additional weeks of unemployment benefits for the long-term unemployed. This bill will finally provide some stability to the unemployment insurance system, since the bill extends the program for the next year and a half. This will insure that the Federal supplemental compensation program will be in place at least through March of 1985.

Mr. President, I had two major reservations with the Senate-passed version of the bill. The conference agreement does not go as far as I would like, but it does address both concerns. First, the Senate bill did not provide extra benefits for persons who have exhausted all benefits. This bill provides 5 additional weeks of benefits for persons who exhausted their unemployment benefits since April 1 of this year. Second, the Senate version cut the number of weeks of overall benefits in almost half of the States. This bill provides for more weeks of coverage for persons now receiving benefits. For example, under current law, unemployed New Jerseyans were only eligible for 8 weeks of supplemental unemployment benefits, to be used after they had used up their 26 weeks of regular benefits. This bill increases this to 12 weeks, for a total of 38 weeks of benefits.

Mr. President, the unemployment rate has dropped a bit in recent months, but it is still near double digit levels. Unemployment is still a very serious problem. We should not turn our backs on the plight of unemployed workers. We simply need to do more. I rise in support of this bill because it expands benefits for persons hard hit by the recession. I urge my collegues to join me in support of this measure. ●

Mr. EVANS. Mr. President, I am delighted to have this opportunity to express my support for the conference committee report on H.R. 3929. The distinguished chairman of the Finance Committee is to be congratulated for his skills in reaching an accommodation on this controversial issue. He has balanced almost perfectly the necessity for fiscal restraint with the need, in this society, for general unemployment compensation benefits for those truly in need of them.

The chairman of the Senate Finance Committee, with my help, defeated the Byrd amendment when H.R. 3929 was discussed on the floor of the Senate. He assured many of us at that time that he did so solely in order to be able to retain bargaining room to reach an appropriate compromise in conference with the house position so liberal that it would almost certainly have been vetoed as being fiscally unsound and as contributing to greatly increased deficits which are already too large. The resulting compromise does present just such a meeting of the minds, and will be most helpful to the unemployed of my State and across the Nation.●

Mr. MOYNIHAN. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, I take a moment to note for the record what the record, of course, cannot show: that the vote to approve the conference report was unanimous. There was not a single "nay" recorded. This body was unanimous in its adoption of the conference report.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACTS, 1984

Mr. MATHIAS. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is H.R. 3222.

AMENDMENT NO. 2419

(Purpose: To increase funding for U.S. participation in the North Atlantic Assembly)

Mr. MATHIAS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes an amendment numbered 2419:

On page 43, line 3, after "laws", strike through page 43, line 5 and insert in lieu thereof the following:

"$9,360,000 to remain available until expended of which not to exceed $225,000 may be expended for representation as authorized by law, provided that $450,000 shall be available to meet the expenses incurred by the United States group in hosting the thirty-first annual meeting of the North Atlantic Assembly to be held in the Fall of 1985."

Mr. MATHIAS. Mr. President, this amendment speaks for itself. It adds $450,000 to meet the expenses that are anticipated to receive the North Atlantic Assembly within the United States at its 31st annual meeting, which will be held in the fall of 1985.

The North Atlantic Assembly, as all Senators know, is the organization of members of parliaments of the nations which are allied in the North Atlantic Treaty Organization.

The 1985 session of the North Atlantic Assembly will bring parliamentary delegations from all the member countries of NATO to the United States for about 1 week of meetings.

As Senators know, the U.S. delegations—Members of the Senate and Members of the other body—have been the guests of our allies in Canada and in Europe every year since the founding of the North Atlantic Assembly three decades ago; 1985 will be the first time in a number of years that the United States has had an opportunity to reciprocate and to have the parliamentary representatives of our NATO allies here as our guests.

The United States will be responsible for providing—and the funds contemplated by this amendment will be used to provide—the conference facilities, the conference support, at least part of the conference staffing, the travel of the U.S. delegation, housing, and other miscellaneous expenses.

It is my understanding that the managers of the bill are familiar with this amendment, and I hope they will look with favor upon it and that the Senate will adopt the amendment.

Mr. LEAHY. There is no objection on this side.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAXALT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAXALT. Mr. President, we have no objection to the amendment that has been offered by Senator MATHIAS.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. RANDOLPH. Mr. President, I necessarily had to be away from the Chamber for a moment. I am not in opposition to the amendment. Was an amount of money stated?

Mr. MATHIAS. Yes. I advise my friend from West Virginia that we propose the sum of $450,000.

Mr. RANDOLPH. I thank the Senator. I just wanted the RECORD to include that, as would the able Senator from Maryland.

The PRESIDING OFFICER. Is there further discussion of the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2419) was agreed to.

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I believe the distinguished Senator from West Virginia has a matter he wants to bring up. I yield to the Senator from West Virginia.

AMENDMENT NO. 2420

(Purpose: To provide for a lumber export program)

Mr. BYRD. Mr. President, I send to the desk an amendment and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2420.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At page 5, line 14, insert the following before the colon: "; of which $45,000 shall be available until expended for the development of a lumber export program in the State of West Virginia Office of Economic and Community Development, through the Small Business Export Development grant program".

Mr. BYRD. Mr. President, I think I have to ask unanimous consent that it be in order to offer this amendment at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the purpose of this amendment is to provide funding for a lumber export promotion program in West Virginia. My State produces a variety of hardwood and softwood lumber products, many of which may be able to compete in the international market once they are known to foreign buyers.

The funding would be used to identify potential markets for lumber products abroad, and to aid in penetrating those markets. It would support market analysis and other activities essential to an export program.

I understand that the amendment is acceptable to the managers on both sides—the distinguished senior Senator from Nevada (Mr. LAXALT) and the acting manager on the Democratic side, the distinguished Senator from Arizona (Mr. DECONCINI).

I express my genuine appreciation to both Senators for their cooperation, and especially to the chairman of the subcommittee, Senator LAXALT, who has always been very helpful.

Mr. RANDOLPH. Mr. President, will my able colleague yield?

Mr. BYRD I yield.

Mr. RANDOLPH. Mr. President, I commend my colleague from West Virginia, Senator BYRD, the minority leader, on the presentation of this amendment.

He is well acquainted with the facts, as am I, that West Virginia ranks fourth in the mid-Atlantic region, the largest hardwood producing region in the Nation. I think that the recognition of the need for funding of such a program as he has indicated certainly is in the interests of the industry and certainly the industry based in our State.

Mr. BYRD. I thank my senior colleague for his fine remarks.

The PRESIDING OFFICER. Is there any further discussion?

Mr. LAXALT. Mr. President, as the minority leader has indicated we have examined this amendment. It comes from the existing funds. We find it appropriate and reasonable.

We have absolutely no objection. In fact we support the amendment enthusiastically.

Mr. DECONCINI. Mr. President, likewise on this side, we have examined the amendment. I think it should be noted that as busy as the minority leader is he and his colleague from West Viriginia are always very careful in watching legislation to be sure that the proper things are done with public funds, and indeed we think that this amendment does just that in upgrading particular buildings and facilities that he has asked. We have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 2420) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAXALT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAXALT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that George Ramonas of my staff be granted floor privileges for this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2421

(Purpose: To provide funds to reimburse private litigants for legal fees in the State of New Mexico ex rel. Reynolds v. Aamodt water adjudication suit)

Mr. DOMENICI. Mr. President, I send to the desk an amendment in behalf of myself and my distinguished colleague, Senator BINGAMAN.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself and Mr. BINGAMAN, proposes an amendment numbered 2421.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, strike line 7 through 25 and insert in lieu thereof: "Department of Justice, $63,810,000 of which $556,000 is to remain available until expended for the Federal justice research program.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, $7,248,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; $158,308,000, of which not to exceed $10,374,000 for asbestos litigation support contracts shall remain available until September 30, 1985; and $450,000 to remain available until expended to reimburse private litigants for legal fees incurred in the *State of New Mexico ex rel. Reynolds* v. *Aamodt* water adjudication suit.".

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

THE PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Is there a time agreement on the amendment?

THE PRESIDING OFFICER. There is none.

Mr. DOMENICI. I did not hear the Chair.

THE PRESIDING OFFICER. There is not a time agreement on the amendment.

Mr. DOMENICI. Mr. President, I might say to the Senate I intend to use about 5 minutes and certainly my colleague, Senator BINGAMAN, desires to be heard, but I do not think between us we desire to use a significant amount of time.

Am I correct?

Mr. BINGAMAN. Mr. President, that is correct. I do not plan to use more than 3 minutes.

Mr. DOMENICI. Mr. President, when we had before us the Interior appropriations bill, I submitted this amendment, the same amendment. The only thing different about it was that it was then part of the Interior appropriations and more particularly part of the Bureau of Indian Affairs section of that bill.

The Senate overwhelmingly supported the Domenici-Bingaman amendment by a rollcall vote, overwhelmingly defeated a motion to table it, and then by an affirmative act overwhelmingly voted for it.

I regret to burden the Senate with it again. But it belongs here. This is an appropriation that has to do with Justice, legal aid, and the like.

We lost the amendment in conference because the chairman of the subcommittee in the House of Representatives felt very strongly that he did not want this amendment, which was part of the Bureau of Indian Affairs funding, part of that bill.

I, therefore, ask the Senate to once again affirm its willingness to appropriate up to $450,000 to be administered by the Attorney General of the United States as payment for or reimbursement for the private expenses, legal and consultative, of the non-Indian defendants in the lawsuit described in the amendment called State of New Mexico ex rel. Reynolds against Aamodt.

I will not go into detail again other than to say that the U.S. Government has paid almost $3 million in attorneys fees to four sets of private attorneys who represent four Indian Pueblos who are involved in this water litigation and that well over 500 non-Indian, nonbusiness defendants, individuals, most of whom are Hispanic minority members of New Mexico's population and most of who are very poor, are finding it almost impossible to even feel as if they are getting fundamental justice when they attempt to match the expenditures and expertise that the Indians are permitted to have in this very precedent-making water litigation lawsuit in the State of New Mexico.

It has lasted almost 17 years. It is reaching a termination and culmination, at least at the special master's level in trial court, and I repeat that my amendment is one of equity and fair play, as I see it. I do not think it violates anything in terms of our responsibility to our Indian people, and my Indian leaders, the Indians in New Mexico, did not oppose it. In fact, I will submit for the record a telegram and a resolution from leaders there indicating that they might disagree but they do not openly oppose it nor do they think it in any way violative of our commitment to them as Indian people.

I submit for the record a letter that I received from the Governor of the State of New Mexico, the attorney general of the State of New Mexico, and a sample letter that a constituent has sent to the President of the United States asking that he intervene to give them some simple fundamental basic justice by way of providing them an opportunity to be heard in court with the same kind of expertise and resources that the four Indian Pueblos have where they have the finest, and we are paying for them. They are also represented by the Department of Justice, and we are paying for it. They are also being represented by the U.S. attorney there in New Mexico, and all the experts the Federal Government can muster.

I do not think I can state my case any better if I talked for an hour and I intend to yield the floor at this point.

I am sorry again that the Senate has to vote on this amendment but I think it is right. It was right a couple of weeks ago when it passed overwhelming. It is right now and it belongs on this particular appropriations bill.

I have every assurance that we will attempt to retain it in conference with the House of Representatives and I do hope that it will be meaningful and not just a vote that we will have to give up in conference.

Mr. President, I ask unanimous consent to have printed in the RECORD the material to which I have made reference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 8, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, the Pojoaque Valley Water Users, Santa Fe County, New Mexico, need your help to see that Justice is done.

As you know, *State of New Mexico, ex rel. S. E. Reynolds, State Engineer* v. *R. Lee Aamodt, et al. U.S. District Court Case No. 6639 Civil,* has been ongoing for seventeen years. The purpose of this suit is to make a decision regarding the water rights in the Pojoaque Valley area. The court has already entered over 900 interlocutory decrees between the State and individual non-Indian water users describing the water rights of the individuals. The Bureau of Indian Affairs and Justice Department, who have already spent millions of dollars of taxpayers' money to represent the Indian Pueblos, are contesting the court's interim orders. The hearings will be held this fall, beginning October 3, 1983.

We, non-Indian residents, who have been farming this land for over 100 years, implore the government to help us protect the water rights already given us by the court and State of New Mexico.

Respectfully,

MIKE S. NELSON.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, August 12, 1983.

Hon. PETE DOMENICI,
U.S. Senator, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR DOMENICI: Thank you for your letter of July 26, 1983. We share your concern about the divisive effects of the Aamodt litigation. Water rights litigation in the water-short Western states has caused and will undoubtedly continue to cause such divisive effects.

This State administration has been committee through both the Governor and the Attorney General to a redefinition of the relationship between the state and our Indian citizens. We have made great strides in a few short months; and, as never before we will attempt to solve disputes between our Indian and non-Indian citizens out of court in a nonadversary context. We will go out of our way to negotiate rather than litigate.

In the Aamodt case we stand ready to participate in negotiation, mediation, arbitration or any other effort to resolve our citi-

zens' disputes by accomodation and agreement. We are advised, however, that arbitration may not be a viable option. First, we understand that the Indian parties, who are satisfied with the progress of the suit, have no interest in arbitration and would not agree to it. In addition, the Department of Interior might not be viewed by any of the parties as an acceptable forum for arbitration. Furthermore, we fear pursuit of this option could have the effect of prolonging the time to the necessary, ultimate determinations.

Negotiation and mediation of the sort provided in the Papago case you mention might be more acceptable to the parties involved; but here, too, we are not hopeful because the prospects for settlement are not good where there is no unappropriated water and no money with which to negotiate.

As your letter points out, New Mexico's circumstances are not unique. Because the problem of the priority, nature and extent of Indian water rights, which has initiated a westwide avalanche of litigation, arises out of federal law, the United States may find it both prudent and equitable to commit federal funds to the implementation of negotiated settlements.

With warm personal regards.

Sincerely,

TONEY ANAYA,
Governor.
PAUL BARDACKE,
Attorney General.
S. E. REYNOLDS,
State Engineer.

ATTORNEY GENERAL,
DEPARTMENT OF JUSTICE,
Santa Fe, N. Mex., July 22, 1983.

Hon. PETE V. DOMENICI,
U.S. Senator, Dirksen Senate Office Building, Washington, D.C.

DEAR PETE: Thank you for your letter of June 27, 1983, expressing your concern about the disparity in resources available to the litigants in water rights cases.

I share your concern. The federal government has provided millions of dollars for litigation on behalf of Indian water rights. The State and private parties have only a small fraction of that amount available for litigating these very significant issues.

As you know, the State in water rights cases represents the interests of all of its citizens, both Indian and non-Indian; to that extent, all water users obtain some benefits from the State participation. The private parties, however, present their own case.

In the Aamodt case you mention in your letter, private parties have asked me if the Attorney General could provide money from the Attorney General's budget for attorneys and experts to present their part of the case. I have told them that I could not and that our Constitution prohibits the donation of State money for private purposes. Art. IX § 14; Art. IV, § 31. I am looking into alternative sources of funds but have no assistance to offer at this time, and trial in the case is coming up in three months.

Perhaps the solution to this recurring problem is the allocation of federal funds to reduce the funding disparities. A just resolution of these water rights issues is of national importance.

I remain hopeful that you will be able to identify federal funds that could be made available timely to the litigants in Aamodt. I in turn will continue to explore the possibility of finding State funds for those private litigants.

Sincerely,

PAUL BARDACKE,
Attorney General.

Mr. DOMENICI. I yield the floor.

Mr. BINGAMAN. Mr. President, let me just state for about 3 minutes and indicate that I want to commend the senior Senator from New Mexico for continuing to pursue this matter.

I agree with him that it is an important issue for the people of our State. The issue was debated here in the Senate approximately 4 weeks ago and a vote here was ovewhelming. I believe the vote was 69 to 25 at that time in favor of the amendment.

It is a small amount of money but it recognizes the need to insure fairness in major litigation which is funded by the taxpayers of this country. I believe this small amount will go a long way toward not only insuring that the result is fair in the water litigation in question but, second, in insuring that the appearance of fairness is there for all people participating in that litigation. I think that is extremely important for our judicial system as a whole.

Once again I commend the senior Senator from New Mexico for continuing to pursue this, and I am pleased to cosponsor the amendment and urge its adoption.

The PRESIDING OFFICER. Is there any further discussion? The Senator from Montana.

Mr. MELCHER addressed the Chair.

Mr. DOMENICI. Mr. President, will my friend from Montana yield 30 seconds to the Senator from New Mexico?

Mr. MELCHER. Yes.

Mr. DOMENICI. Before my friend, the Senator from Montana speaks, let me say that I do not have the piece of correspondence from the leaders of the Indians in New Mexico. I do not have them in my possession at this point and, therefore, I will not submit them but to give the distinguished Senator, if he wishes to see them, my assurance that I will send for them. They are in my office. I do not want the RECORD to indicate I have them when I do not have them.

Mr. MELCHER. I thank my friend from New Mexico. I would be delighted to look at whatever the documents are.

I have been under the impression that the chairman of the all-Indian Pueblo Council meant what he said when he objected so vehemently and vigorously to this amendment.

Comments also voiced in a letter sent by Joe G. Vigil, Governor of the Tesuque Pueblo who vigorously and violently objected to the amendment, and in a telegram to the Senate by the president of the National Tribal Chairman's Association.

So I would be enlightened considerably if I could have whatever documents the Senator from New Mexico has to the contrary from other Indians.

I would like to examine them to see whether they conflict with what the recognized leaders of those pueblos have communicated to Members of Congress.

Mr. President, sometimes we are faced with a situation where we are told an amendment will only take 2 or 3 minutes by the sponsors and it always makes me wonder whether it is something we ought to look at. I call to the attention of all my colleagues, that yes, this is an amendment that ought to be looked at; it ought to be looked at very seriously, for indeed it is legislation on an appropriations bill. That is No. 1. Under rule XVI, paragraph 4, a point of order can be raised against it and the Chair on that basis would indeed have to rule it is legislation on an appropriations bill.

However, the point as to whether it is germane could be raised, as was done previously when the amendment was before us on the Interior appropriations bill, and the Senate will work its will on that point of germaneness, as it did at that time.

The amendment is attached here on the basis that it ought to have a second go-around. It was successfully dropped, and without any apologies, in conference because it was inappropriate. There was no authorization for it; it is contrary to the general practice of Congress and seemingly contrary to the whole body of law that concerns money provided by the U.S. Government for lawyers' fees in cases where the U.S. Government is on the other side. That is the first point.

This is presented as a matter of equity because the United States is defending a lawsuit brought by the State of New Mexico. The United States does not have any choice, it must do so. It has to defend the rights of these pueblos. We will go into this in a little bit of detail later on, but I do want to draw the attention of the Senate and especially my friend from New Mexico to the language that says "That there will be $450,000 to remain available until expended to reimburse private litigants for legal fees incurred in the case of New Mexico et al. against Aamodt." Apparently the work has not been done, not all of it, at least, so we are to appropriate this sum to pay for the legal fees that are going to be accrued.

The argument is made that it is more appropriate on this bill than on the Interior appropriations bill. I cannot follow that logic at all since on the Interior appropriations bill the money would have been transferred to the Justice Department to do exactly the same thing that this amendment is going to do a little more directly, just appropriating the money to the Justice Department.

What does that do? It puts the Justice Department on both sides of the case, not on one side, not on the U.S. side alone, but on the U.S. side and on the other side, the State of New Mexico, which brought the suit against the four pueblos. That is a little bit unusual.

There is no authorization, nothing in the law that would say that money can be appropriated for this purpose. There is no budget request and there is no request from the administration for the necessary authorization legislation. It is not in the President's budget, it is not in the Congress' budget and there have been no hearings. So indeed perhaps the amendment should be reviewed and reviewed very thoroughly.

I want to tell all the Senate that the amendment would set unwarranted precedents of which the Senate should be very much aware.

No. 1, the amendment conflicts with existing law involving the responsibility of the United States to protect Indian lands and resources, including the water rights of Indian tribes and pueblos.

No. 2, there is no statutory authority for payment of legal fees and there is no mechanism in the amendment for distributing nearly $500,000. Further, there is no guidance given to the Attorney General on eligibility for funds or on the range of legal and other expenses expected to be paid for.

I am very sure that it is not at all proper to appropriate $450,000 under these conditions. It is not proper at all.

No. 3, the amendment singles out one water suit when in fact there are over 50 water suits pending in 10 Western States. Those are water lawsuits where the United States is representing Indian tribes or pueblos.

And that does not include all the other suits involving other Indian treaty rights, including hunting, fishing, trespass, and all the other property rights that have to be defended by the United States.

Responsibility for payment of these legal fees rests with the State of New Mexico, which brought the suit, not the Federal Government.

$450,000. You might say, "Well, that isn't much out of the Treasury. We can pass those kinds of amendments." That is true; $450,000 is not even very much in this bill. And that is why it should be obvious to all of us that the $450,000 should be paid for out of the Treasury in the State of New Mexico, which, after all brought the suit.

Responsibility for payment of these legal fees rests with the State, which has an obligation to protect all valid existing water rights of its citizens, particularly in a State-initiated water adjudication case.

Last, the Congress has yet to deal in a clear and cohesive manner with the issue of Indian water rights or the rights of other citizens or the Federal Government in cases where there are conflicting claims to the same water.

We need to develop sound policies for allocating Indian water or Federal water, but we have not done it. So the amendment should be discussed after that has occurred, providing Congress sees fit to authorize such payment.

Now there is a great deal of merit to the argument that nobody should be subjected to these long, drawn out water adjudication lawsuits. I very much sympathize with all parties involved in these suits. And I would suspect that, in my State of Montana, if we presented an amendment that would provide for the legal fees of those people who are involved in those water lawsuits, it would be a very popular amendment. But we would have to do that based on the law and the law is not here. The law is to the contrary. So we have not taken that approach, yet we are faced here this afternoon with indeed that very approach.

Well, we do need legislation introduced in Congress that would expedite the procedures, set the timeframes, allow some parameters for settling some of the issues quickly so that we could have water adjudication lawsuits in the West brought into focus and so you would know where you are at a given time and you would know that there would be a resolution within a matter of months or a year or so rather than some indefinite time way in the future. But we have not done that.

Now, I am preparing a bill that would do that. I think we absolutely do need such authorization. Now, whether or not Congress would find it proper to provide funding for those in lawsuits who are not alined with the U.S. Government, I do not know. But it would certainly be worthwhile to consider such a bill.

In preparing such a bill by my office and with committee staff, we hope to give the opportunity for Members of the Senate as well as Members of the House to have some input on the bill before it is introduced. And I would hope that we can seek some cosponsors from the other western Senators, including the two authors of this amendment, who are both my friends and whom I respect very much.

I have had some experience in Indian matters throughout my life. As a youth, I lived on Pine Ridge Indian Reservation in South Dakota. It is the reservation of the Oglala Sioux Indians. I have grown up with some understanding of all the conflicts that arise between Indian tribes, as well as the frustrations and the debates that the tribes have with the Federal Government and, from time to time, the conflicts that arise between Indian people and non-Indians.

During those years, I learned to recognize and respect the body of law that is concerned with Indians.

This amendment contradicts all the accepted practices that have been established by treaty, by statute, by acts of Congress, and by court cases, because it contradicts the responsibility that the Federal Government has to the Indian tribes. There is absolutely no precedent at all out of the hundreds and thousands of lawsuits involving Indians where this amendment would fit. Because in all those hundreds and thousands of lawsuits, the U.S. Government has had to represent the Indian side and to protect Indian rights as an obligation of the Government.

Someone else should be presenting these points of law. Someone other than myself should be discussing the case law that would argue against consideration of this amendment by Congress. However, none of my colleagues who are attorneys have taken up the task of arguing against the amendment. None of my colleagues who are attorneys have taken up the task of tracing the development of the law that protects this minority group. This is, after all, the first minority group in America. These are the first Americans. These Indians, tribes, bands, and pueblos are the first Americans and they are very much in the minority. Our law protects their property rights.

But I again accept the challenge to do the best I can to describe and document the large body of law that should cause this amendment to be rejected.

Now, as has been stated, both by the authors of the amendment and by myself, this lawsuit was initiated by the State of New Mexico. And the suit challenges the four Pueblos. The suit seeks to quantify the amount of water that is available for the various entities in New Mexico that use this particular water. The State is on the side of the non-Indians. The U.S. Government is on the side of the Indians, because we, the U.S. Government, must represent Indians in court. By law, the requirement of the special fiduciary obligation of the United States is to protect Indian property rights and other matters pertaining to Indian tribes and bands and pueblos where the treaties or the statutes or the case law have established that fiduciary responsibility.

I shall later describe how this body of law developed; that is, I will describe it as best I can. And I ask the indulgence and understanding of all my colleagues and particularly those of my colleagues who are attorneys. I shall do my very best to cite the law in a very few moments.

I want to repeat one thing that seems to be glossed over. I want to repeat it. The State of New Mexico is

representing the non-Indian water users in this suit. And I know of no reason why the State of New Mexico, in representing the non-Indian water users, cannot take up the obligation and pay for the services of these additional attorneys, whoever they happen to be—they are not mentioned in the amendment, by the way—but whoever they happen to be. There is no fiduciary obligation to the Pueblos on the part of the State. It is only the Federal Government that has that trust responsibility, not the State.

In my own State of Montana, where we have seven Indian reservations, the State of Montana does represent the non-Indian water users and protects their rights. And of course in my State, as in every State, the U.S. Government protects the rights of the Indians.

Above all, all of us who come from Indian country, from the Western States, seek fairness in dealing with the points of conflict between Indians and non-Indians. Some of these conflicts involve property rights. That is exactly the case that is involved here, a water adjudication suit.

The philosophy of ownership of water is not part of the older historic beliefs and practices of Indian tribes. Their culture developed on the basis that water was to be available to be used by those who needed it and according to their need.

Western water law doctrine is based in general—this is almost a cliche but a very good one—on "first in time, first in right." That, as I understand it, means that those people who first put water to a beneficial use establish a right, a binding legal right, to the continued use of that amount of water.

Surely, conflicts arise, particularly in Western States where water is often not plentiful. It is on that basis that this lawsuit has been instigated by the State of New Mexico, in order to adjudicate the amounts of water that the tribe is entitled to and the amounts of water that others are entitled to.

It is a long, drawn-out suit. It is perhaps far from ended. But what would this amendment do? Would it aid in ending the suit? I doubt it. But passage of the amendment could open floodgates, invite further litigation, prolong litigation, and entice other constituents of ours to expect the same kind of consideration and treatment for a variety of lawsuits including, but not limited to, fishing and hunting rights, mineral rights, easements and numerous other property rights. Rights that have resulted from the treaties and statutes favoring Indian tribes or individual Indians where the fiduciary obligation of the trust responsibility of the U.S. Government is mandatory. There are numerous statutes affecting Indians and Indian tribes.

Mr. President, I shall cite three cases which appear to me to clearly trace the evolvement of that fiduciary obligation of the United States. As a matter of historic precedence and as a matter of logic, the evolvement of the fiduciary obligation was based, and still is based, on the greater strength of the Government compared to the much weaker position of the Indians.

There are three cases that I shall trace that demonstrate this evolvement of this fiduciary obligation.

The first of these three cases was in 1831 in Cherokee against Georgia, where the Supreme Court first established that there was a fiduciary obligation, a trust responsibility, involving the Cherokee Tribe. That trust responsibility stemmed from the treaty with the Cherokees. The issue in the case involved changing the rights of the Cherokees set forth in the treaty with the Cherokee Nation.

What was being challenged in the case was a weakening or a diminution, a watering down, of those rights in the treaty.

The Justice Department, representing the United States, said that those rights could not be abrogated and that what was about to happen would abrogate those rights. The Supreme Court found in favor of that argument on the side of the United States and on the side of the Cherokees, and said that the treaty rights had to be enforced, and that what was attempted to be done would be an abrogation of a portion of those rights.

The Court also pointed out that while Congress is limited, and they said so very clearly, in abrogating any of those Cherokee treaty rights, that Congress could find circumstances that would justify the abrogation of portions of the treaty or the treaty itself if Congress was clearly acting for the good of the country, including the good of the Indians themselves.

So in 1831 the Supreme Court found in favor of the Cherokees and began, by that action, to interpret and establish a clear fiduciary obligation that evolved from Indian treaties, and found that Congress, since the signing of that treaty with the Cherokees, had not found any circumstances where, for the common good, Congress had adopted statutes to justify weakening or abrogation of any of the rights established in that treaty with the Cherokees.

In 1831 the country was not that old. It was a very young, new Republic. The treaty with the Cherokees was not that old either. What the Court said early in our history was that a treaty becomes law, and that unless Congress, acting on behalf of the common good for Indians and non-Indians alike, should, be statute, change some of those treaty rights, those treaty rights are the law.

In the case of the Indian tribes, the U.S. Government, particularly Congress, has an even stronger fiduciary responsibility than that which is involved in the general responsibility of a trustee. That higher responsibility has evolved because of the acts of Congress itself, statutes that have been passed since the treaties were enacted. In interpreting these acts of Congress the Supreme Court said, in 1942, in Seminole against United States:

> Congress, through its own action, has charged itself with moral obligation of the highest responsibility and trust. Its conduct as disclosed through the acts of its representatives in its dealings with the Indians should, therefore, be judged by the most exacting fiduciary standards.

It seems to me that it is very clear, taking both of the two cases I have cited, Cherokee against Georgia in 1831 and Seminole against the United States in 1942, that these two cases, 110 years apart, citing both the treaties and the acts of Congress, clearly establish the demanding fiduciary obligation that falls upon us.

You might say, what happened 150 years ago and even 41 years ago can be changed by acts of Congress. If that thought has occurred to anyone, let me also cite the last case of the three which I mentioned. This case was a Federal court ruling in 1973 concerning the Manchester Band of Pomo Indians against the United States. The court found that in the fiduciary obligation involving this band of Indians:

> The normal standard of care is that of a man with ordinary prudence, but if a particular trustee has a greater degree of skill than a man with ordinary prudence, then he must use that skill. While the normal is a man of ordinary prudence, if a particular trustee has a greater degree of skill he will be held liable for the loss resulting from not using such skill as he has.

What it says to us is that we are to use all the skill and the knowledge that we have at hand in carrying out our trust responsibility and fiduciary obligation to the Indian tribes. What the court found, then, in this last of the three cases I cited was that the Federal agencies, including the Department of Justice, must use the highest degree of responsibility to fulfill the fiduciary obligation which the United States has to provide for the tribes. The amendment before us would simply pay both sides of a lawsuit where the Justice Department is defending the rights that are based on this body of case law, statutes enacted by Congress and treaties. They have to. By this amendment, we are going to direct them, in carrying out their high degree of responsibility, that they also pay to defend the rights of those who are not Indian; in other words, pay both sides of a lawsuit.

I ask my colleagues in the Senate who are attorneys, where in the practice of law would a trustee of an estate

be allowed, by law or by any court decision, to finance the other side of the litigation trying to get at the trust? I ask my colleagues who are attorneys, is there anything that I am not aware of? Where would a trustee, trying to protect the rights of the trust, take part of that trust and finance the other side that was attempting to gain part of of the trust property? Is that not such a basic conflict that it is never contemplated as a matter of law—is it not illegal?

Mr. President, I do not know what the answer to that is, but I would be delighted to have an answer from any of my colleagues, if there is such an example that they can cite. But, since 1831, when the Supreme Court first ruled that abrogation of a treaty with an Indian tribe could be accomplished by Congress only if it were found by Congress that such abrogation was for the good of all the people including the Indians, to my knowledge, there has been no such action by Congress to diminish its fiduciary obligations. Lacking such action, Congress must continue to fully exercise its trust responsibility on behalf of the tribe. In fact, Congress has regularly, annually, reaffirmed its fiduciary obligation. Every year, that affirmation is contained in appropriations bills and other acts of Congress. So we continually renew it.

The merits of this amendment are based upon the need to pay legal fees for some law firms in Albuquerque in a water rights lawsuit. Because the rights of those four Indian Pueblos in New Mexico are involved, this amendment is brought before us on the basis that we can disregard this longstanding practice established by the court and upheld by every act of Congress involving the Indian tribes. We never acted in any way to establish any statute or authorization that would cover the circumstances involved in this amendment. Before such a precedent of breach of fiduciary responsibility of the U.S. Government is undertaken, I believe that we should consider the high standards of trust responsibility that fall upon us. In the last case I cited, the 1972 Manchester Band of Pomo Indians, that extra high standard of fiduciary responsibility was insisted upon by the court.

Mr. METZENBAUM. Mr. President, I apologize to my friend from Montana but I wonder if, without losing his right to the floor, he would mind if the distinguished Senator from Wisconsin were permitted to offer an amendment that will be agreed to. There will be no speaking in connection with it.

Would the Senator mind yielding the floor to him for that purpose?

Mr. MELCHER. I say to my friend from Ohio that I shall be delighted to yield for that purpose without losing my right to the floor.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Montana may yield to the Senator from Wisconsin without losing his right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KASTEN. First, let me thank the Senator from Montana for giving us an opportunity to modify an amendment that was adopted this morning. I appreciate his allowing this at this time.

AMENDMENT NO. 2422

Mr. KASTEN. Mr. President, I ask unanimous consent that an amendment to the Kasten amendment regarding the Federal Trade Commission be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KASTEN. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 2422 to amendment 2393.

At the end of the amendment, before the period add the following: "or until adjournment of the First Session of the 98th Congress, whichever is earlier".

Mr. KASTEN. Mr. President, this amendment keeps the agreement I made with the floor manager, the Senator from Arizona (Mr. DECONCINI), at the time the amendment was agreed to. Essentially, what we are saying is that the ban on the Federal Trade Commission's issuing final rules would not extend beyond the adjournment of the Congress if, in fact, there is no FTC authorization bill.

Mr. President, I am hopeful there will be an FTC authorization bill and that both the House and Senate will act. Working in consultation with the Senator from Ohio and others who are concerned that there might be a possibility of delay, I am anxious and willing to modify my amendment so that the intent of the agreement I made with the floor manager is, in fact, expressed in that amendment.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I thank the Senator from Wisconsin for agreeing to this amendment which clarifies the situation. I think that amendment is something we can all live with. I appreciate his courtesy in handling this in this way.

I thank the Senator from Montana for yielding.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2422) was agreed to.

Mr. METZENBAUM. I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2421

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, we have to review what this amendment does in its totality.

What it does is set a precedent saying that we need not be zealous over the trust responsibility we have as part of the U.S. Government but that we in the Senate can agree to ignore it from time to time if we happen to like a certain proposal.

The precedent that the adoption of this amendment would set is that an abrogation of rights for individual bands, pueblos, or tribes of Indians could be accomplished by a floor amendment offered at any time. As in the first court case I cited, Cherokee against Georgia, we might find a reason here in Congress to establish as general policy that it would be for the common good of all the people including the tribes for us to adopt a procedure or type of mechanism whereby we could accomplish what this amendment seeks to accomplish. We might do that, but we have not done it, so we are still in the status of having to uphold the special and very important and very significant trust responsibility for the tribes. We cannot abrogate that. We cannot change it at this time in an appropriation bill.

If we followed this precedent, those Indian property rights that have evolved from treaty, statute, or case law could be arbitrarily set aside time and time again by similar amendment. If we agree to pay legal fees for these law firms, others could gain the sympathy of individual Senators or Members of the House and pass similar amendments. That is what this action leads to.

While the facts in the lawsuit involved in this amendment are not identical with the cases I have cited, the principles established by treaty, statute, and case law are the same. That principle is not just for this amendment but for a lot of others to which it could apply and which could well arise if we adopt this and breach that trust responsibility.

That would be chaos. The time to halt chaos is before it starts. This amendment is clearly an improper procedure, a back-door method to have the United States pay for both sides of a lawsuit. If the amendment is adopted, it is an invitation for numerous others just like it.

This amendment by itself, without hearings and without support from this administration or previous administrations, could contradict the treaties and statutes affecting Indian tribes as interpreted by the court. It falls flat and should be held in ill repute in this body as being a private relief bill for three law firms representing some clients in this lawsuit brought by the State of New Mexico against the four pueblos.

Surely, it is true that if there is sufficient merit to pay these three law firms in this particular lawsuit, should not there be merit under many other cases now pending?

There are 52 of these water cases that are now pending in various courts and scores of similar lawsuits involved with easements, fishing rights, hunting rights, and boundary disputes that are still pending in court. The real issue here is whether on a floor amendment in a very casual way we want to upset the procedures that have been followed and the laws that have evolved over more than 150 years establishing the trust responsibility of the United States for the Indian tribes. That is the real issue.

While all of us in the West where these tribes are located and where their interests are—and I am speaking now of property interests—do indeed want to be fair, we base that fairness on what has evolved over the past 150 years in the statutes, treaties, or the court cases. Many of us would like to see a different arrangement and a better understanding and a more expeditious way of handling of suits. We would like to really see improvement in the procedures but in the interim we should attempt to be fair and attempt during the interim to uphold those policies until we adopt better policies. This amendment is simply contrary to that whole procedure. It creates a devisiveness that we do not need between the tribes, the Indian people, and Government, and non-Indian people.

I want to return, Mr. President, to a statement made by my friend, the senior Senator from New Mexico, about the telegram that he was referring to that I asked I be supplied a copy of. He has done so, and I might cite the feeling of the telegram's author on this particular amendment when it was first offered on the Interior appropriations bill.

Delfin Lovato, who is chairman of the All-Indian Pueblo Council, has written Members of Congress and I suspect to all the delegation from New Mexico, pointing out that the Pueblo Indians very vigorously object to the approach that is embodied in this amendment that would pay attorneys representing the other side in the lawsuit brought against these four pueblos.

Delfin Lovato, chairman of the All-Indian Pueblo Council, who lives in Albuquerque, N. Mex., says:

> It was the State of New Mexico that brought this legal action against the four Pueblos, and it should be the States' responsibility to provide funding for the non-Indian litigants, and not the United States Congress. We further feel that your involvement in this particular case is untimely and unwarranted considering the fact that this case has been before the courts for the past 18 years.

He points out that:

> Efforts to obtain funding for the non-indian litigants adds more fuel to the growing animosity between Indians and non-Indians in the Pojoaque Valley.
>
> We intend to defend our rights at all costs, and we hope that you will continue to support the Federal trust responsibility of the Federal Government to the Indian people.

They hope that those who are in favor of this amendment will reconsider their position.

The telegram that was submitted by my good friend, the senior Senator from New Mexico, was also signed by Delfin Lovato and signed in his capacity as chairman of the All-Indian Pueblo Council and says that:

> We respect your position in regard to the case. The Pueblo leadershp and the entire New Mexico congressional delegation have always reserved the right to disagree on issues, but we have always had respect for each other. While I fully recognize your right to express your own opinions, I must remind you that neither the National Tribe Association or the National Congress of American Indians speaking on behalf of the Pueblos can argue with that either.

While they have great respect for our friend from New Mexico, they disagree on this particular issue.

Permit me to conclude my statement today by stating that Congress may indeed find, after hearings and deliberation, that it would be meritorious in certain instances, under certain circumstances, to provide legal assistance of such quality as represented by the three law firms for non-Indians involved in cases where property rights of tribes or individual Indians are also at issue.

It is true that if we did hold hearings and had deliberations in the Senate and in the House and if such a procedure were adopted by Congress, it would be the policy henceforth. That action would constitute authorization for such procedure. If Congress did so, that action would constitute a modification of the established general policy on how we exercise the fiduciary responsibility placed on the U.S. Government. It would be an act of Congress itself making such modification. It would be done on the basis of being for the general good of all people, including the Indian people.

As I stated earlier, I hope we can have a bill prepared, which we are working on now and which will receive broad support in the Senate when it is introduced, to deal with a procedure for these water adjudication cases in the West.

Until that happens, the trust responsibility prevents us from adopting amendments such as this at this time. That trust responsibility or fiduciary obligation covers all the property that evolves from the treaties and from the laws enacted by Congress where the ownership resides in a tribe or an individual or, in this case, the pueblos.

Consequently, the opposing side in a lawsuit brought against an Indian tribe is, in fact, a suit brought against the United States, and if funded by the U.S. Treasury, would be a breach of that obligation.

The action we are taking in considering this amendment on the Senate floor today cannot avoid being political. I do not use this term in any way to denigrate the motives of the Senators presenting the amendment. I well understand and respect their concern for their non-Indian constituents. But the political implications, as well as those that are certain to follow if this amendment should be agreed to by the Senate and by the House and should become law, would effectively and with certainty create a further divisive attitude, cause friction, and cause further conflicts between Indians and non-Indians.

This amendment for $450,000 out of the U.S. Treasury to pay these legal fees for law firms in Santa Fe will not pay some legal-aid novices. These are astute attorneys, well-recognized authorities on water rights and proper rights in general. That is to their credit and to the credit of their clients who hired them. Congress simply should not take this step to authorize payment of those fees; because they are attacking—as their clients have a right to expect them to attack—the water rights of those four pueblos.

I ask my colleagues in the Senate to exercise caution and prudence in the vote that is coming up. If this amendment is accepted by a majority vote, it will establish what appears to me to be an undue and unnecessary precedent and a very dangerous precedent. I believe that the amendment should be and must be defeated.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAXALT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I have referred to several telegrams and letters with respect to this amendment, in opposition, and I merely want to reiterate the names for the RECORD.

One is from Delfin J. Lovato, chairman of the all-Indian Pueblo Council, in New Mexico.

Mr. DECONCINI. Mr. President, will the Senator yield for a question?

Mr. MELCHER. I yield.

Mr. DECONCINI. I wonder if the Senator from Montana would like to request the yeas and nays. I think there may be enough Senators to do that at this time.

Mr. MELCHER. I shall do so in a minute. I wish to read these names into the RECORD:

Newton Lamar, president, National Tribal Chairman's Association; and Joe G. Vigil, Governor of the Tesuque Pueblo, in Santa Fe, N. Mex.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there be no further debate or discussion, the question is on agreeing to the amendment of the Senator from New Mexico.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislation clerk proceeded to call the roll.

Mr. GARN. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Tennessee (Mr. BAKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from New York (Mr. D'AMATO), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. EVANS), the Senator from Florida (Mrs. HAWKINS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Georgia (Mr. MATTINGLY), the Senator from Idaho (Mr. MCCLURE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON) would vote "yea."

Mr. BYRD. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Illinois (Mr. DIXON), the Senator from Connecticut (Mr. DODD), the Senator from Nebraska (Mr. EXON), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Louisiana (Mr. LONG), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 16, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—53

Abdnor	Hecht	Pryor
Bentsen	Heflin	Quayle
Bingaman	Heinz	Randolph
Boren	Helms	Riegle
Boschwitz	Jepsen	Roth
Chafee	Kassebaum	Rudman
Danforth	Kasten	Sarbanes
DeConcini	Kennedy	Sasser
Dole	Laxalt	Simpson
Domenici	Leahy	Specter
Durenberger	Levin	Symms
Eagleton	Lugar	Thurmond
East	Mathias	Trible
Garn	Matsunaga	Wallop
Goldwater	Mitchell	Warner
Gorton	Packwood	Weicker
Grassley	Percy	Wilson
Hatch	Pressler	

NAYS—16

Andrews	Inouye	Proxmire
Baucus	Melcher	Stennis
Biden	Metzenbaum	Tsongas
Burdick	Nickles	Zorinsky
Byrd	Nunn	
Hatfield	Pell	

NOT VOTING—31

Armstrong	Dodd	Lautenberg
Baker	Evans	Long
Bradley	Exon	Mattingly
Bumpers	Ford	McClure
Chiles	Glenn	Moynihan
Cochran	Hart	Murkowski
Cohen	Hawkins	Stafford
Cranston	Hollings	Stevens
D'Amato	Huddleston	Tower
Denton	Humphrey	
Dixon	Johnston	

So Mr. DOMENICI's amendment (No. 2421) was agreed to.

Mr. DOMENICI. Mr. President, I MOVE TO RECONSIDER THE VOTE BY WHICH THE AMENDMENT WAS AGREED TO.

Mr. WILSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Idaho.

AMENDMENT NO. 2401, AS MODIFIED

Mr. SYMMS. Mr. President, I send a modified amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The question is on the amendment.

Mr. SYMMS. Mr. President, I was waiting for the clerk to report the amendment.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

Amendment No. 2401 by the Senator from Idaho (Mr. SYMMS) is modified as follows:

On page 31, between lines 6 and 7, insert the following:

SEC. 204. None of the funds appropriated by this Act shall be used to develop, promote or implement any restrictions on the ownership or possession of firearms or ammunition, except—

(a) those restrictions contained in any provision of sections 921 through 928 of chapter 44 of title 18, United States Code, or chapter 53 of the Internal Revenue Code of 1954 (26 U.S.C. 5801), known as the National Firearms Act, as enacted prior to the date of enactment of this Act;

(b) any restriction on the ownership, possession, use, or transfer of firearms or ammunition by a person who—

(1) is a person described in paragraph (1), (2), (3), or (4) of section 922(d) of title 18, United States Code, as enacted prior to the date of enactment of this Act;

(2) being an alien, is illegally or unlawfully in the United States;

(3) has been discharged from the Armed Forces under dishonorable conditions; or

(4) having been a citizen of the United States, has renounced his citizenship; and

(c) any restriction or penalty relating to the use or carrying of a firearm or ammunition during and in relation to any felonious crime of violence.

Nothing in this section shall restrict the ability of the Department of Justice to respond to requests from the Congress or other components of the United States Government for information or advice concerning firearm matters.

Mr. SYMMS. Mr. President, earlier this morning I offered this amendment. Some objection was raised by the distinguished chairman of the Judiciary Committee, Mr. THURMOND, on how this amendment would affect the movement in Judiciary Committee of the crime package and the McClure-Volkmer bill. Those differences were resolved and this is the modified version.

I do not think there is any reason to go through the entire litany of the debate that we had earlier this morning. The purpose of the amendment is to simply prohibit the further use of Federal funds to restrict the ownership or possession of firearms which is taking place today.

A hearing on this issue was held on May 18 by the Subcommittee on Criminal Law of the Senate Judiciary Committee. I think the Morton Grove action is demonstrative to all that if we are to maintain the right to keep and bear arms for the citizens in this country, it may take action on the part of the Congress.

This amendment does not allow the Federal Government to interfere in State and local matters, but rather emphasizes the important rights and needs of our citizens.

The amendment has been rewritten, and reflects some exclusions that Senator THURMOND thought were needed. Those exclusions restrict the right of gun possession for felons, illegal aliens, and so forth. I think this is a reasonable request and this proposal

has been incorporated into the amendment.

The distinguished chairman of the subcommittee, Senator LAXALT, supports this amendment, at least in spirit.

This Senator would be willing to enter into a time agreement on this amendment, then vote, or to work with the Judiciary Committee membership.

I would be happy to hear from the chairman. I yield to my good friend from the State of Utah.

Mr. HATCH. If the distinguished chairman cares to make any comments, I would be happy to yield to him.

Mr. THURMOND. Mr. President, the distinguished Senator has introduced this as a bill which was referred to the Judiciary Committee. In turn, the Judiciary Committee referred it to the Criminal Law Subcommittee. That is where it is now.

The distinguished chairman of the subcommittee, Senator LAXALT of Nevada, I am sure can give assurances that he will proceed with hearings and report this bill. We think it will be reported soon because we are anxious to get it before the full committee and get it back to the Senate for action soon.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I really appreciate the remarks of the distinguished chairman of the Judiciary Committee and the distinguished floor manager of the bill, both of whom have worked very hard to try to resolve these particular issues.

This amendment is limited in scope, but accomplishes an important objective. It assures that the Federal Government does not appropriate any funds that are used to promote, develop, or implement restrictions on the ownership or possession of firearms, other than those Federal restrictions already embodied in the 1968 Gun Control Act and the National Firearms Act. This will insure that State and local governments, although free to choose whatever firearms policies are within their jurisdictions, may not use Federal funds to promote or implement restrictions on possession or ownership of firearms.

This policy is consonant with the second amendment which states that "right of the people to keep and bear arms shall not be infringed." The amendment of the Senator from Idaho insures that no Federal funds will be used to further policies that, at least arguably, abridge the right of individual citizens to lawfully possess and use firearms.

This amendment is also prudent based on our national experience with State and local restrictions on possession and ownership of firearms. Those local jurisdictions which have implemented such a policy have experienced no reduction in crime. If we are appropriating Federal tax dollars to be used for controlling crime, we should commit those scarce resources to programs proven to reduce crime. Restrictions on firearms possession can show no record of helping to control crime.

In fact, depriving individuals of firearms could produce the unfortunate result of rendering law-abiding citizens unable to defend themselves and their families against the rapacious attacks of violent criminals.

Let me cite one example of the failure of gun control laws to reduce crime. In the District of Columbia in the wake of stiff prohibition on gun possession, the crime rate has skyrocketed. In fact, the rate of violent firearm crimes increased at a rate of 88 percent from 1976 to 1981—much faster than in other American cities of comparable size. Washington, D.C., and Boston, Mass., according to 1981 data, are America's most violent large cities. Both have strict—and unproductive—laws inhibiting possession of firearms.

Violent crime had reached epidemic proportions. FBI statistics indicate that across this Nation a forcible rape occurs every 26 minutes, a robbery every 5 minutes, an aggravated assault every 3 minutes, and a burglary every 28 seconds. Too often today our citizens fear to leave their homes after dark because our streets are not safe. The tragic costs of crime and the abiding fear of our citizens are not likely to be quelled by a Federal policy that commits funds to programs that deprive individuals of the means of self-defense.

The Senate has already generally endorsed the policy enunciated by this amendment. The Senate voted during consideration of the Gun Control Act of 1968 to say that:

> No government agency, including State or political subdivision, may legalize the confiscation of otherwise legally held and used firearms.

This amendment will guarantee that Federal funds earmarked for crime control are not used to defeat that wise policy.

The amendment does not meddle in State and local affairs. Those governments may propose whatever policies with regard to firearms they deem wise. However, they may not use Federal crime funds pursuant to this amendment to promote, develop, or implement any policies that restrict firearm ownership or possession.

I complement the distinguished Senator from Idaho for his leadership in this area because there are just millions of people out there who are decent, law-abiding citizens who do not want to be shoved around on this particular issue. I think it is about time that we sent the Supreme Court a message, and everybody else, for that matter, that our people are not going to be shoved around on this issue.

The amendment of the distinguished Senator from Idaho accomplishes that end. I support it and will do everything I can to get it passed.

I also support the bill referred to as the McClure bill and will do everything I can to assist the subcommittee chairman, Senator LAXALT, on the Judiciary Committee, and the chairman, to report that bill and see that it has its full hearing in the Senate and in the House of Representatives. It is a bill that is long overdue and makes a lot of difference and could really help us in our country today.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I might tell the Senator from Idaho I personally favor his amendment and I feel confident the subcommittee will report this amendment as a separate bill. When this amendment comes before the committee, I will favor it there.

Mr. SYMMS. Mr. President, what is the intention of the Judiciary Committee on S. 914, the McClure bill? Has that bill made progress in the committee?

Mr. THURMOND. We expect to put it on the agenda for the full committee promptly and try to get action as quickly as we can. I am ready to vote on it the moment it is put on the agenda.

Mr. SYMMS. I thank the chairman.

I would like to say to my colleagues in the Senate that I would like to have a vote on this amendment. I understand the Appropriations Subcommittee has worked long and hard. They have ironed out many other difficulties. I just wonder if the chairman of the Judiciary Committee has other suggestions where this legislation might be appropriate. I would like to bring this issue to a vote in the next few days and without having to resolve it today.

Mr. THURMOND. As quickly as this bill comes from the subcommittee, and I am sure the Senator from Nevada will report it to the committee quickly, we will put it on the agenda. As quickly as it is on the agenda, we are going to try to report it out.

Mr. LAXALT addressed the Chair.

The PRESIDING OFFICER (Mr. HATCH). The Senator from Nevada.

Mr. LAXALT. Mr. President, I commend the Senator from Idaho for pursuing a good piece of legislation. I had the privilege of conducting at least one of the hearings on this piece of legislation.

I think this is needed. I recognize his sense of urgency in getting the job done because we Senators tend to procrastinate. However, I would implore the Senator to seriously consider withdrawing his amendment on this par-

ticular piece of legislation. If my instincts are correct, and I think they are, if we would pursue this piece of legislation I think we most certainly are going to get involved in an extended discussion and that will be in terms of a good old-fashioned Senate filibuster. I would prefer that not to happen. We have literally put hundreds of hours into this bill getting it to this point. We have the very real chance here within a few short minutes of passing this bill for the first time since 1979.

Recognizing how important this is to the Senator, I would make the same assurances that Senator THURMOND and Senator HATCH have made in connection with their best efforts within Judiciary on our part. We are all members on that committee. We all, I think, have fairly prominent roles there. We will make every assurance that we will pursue with diligence processing that bill in the subcommittee structure. I have control of that. We will certainly take care of that.

Senator THURMOND is chairman of the full committee and can certainly support the Senator there.

Once again, I would hope that the Senator from Idaho would earnestly consider withdrawing the amendment from this particular piece of legislation.

Mr. President, the chairman has just communicated to me, and I think it is a rather good idea, the message that if it would serve the Senator's interests better procedurally, we can move his amendment out of my subcommittee and then tie it to the main McClure bill which is before the full committee. That would provide the Senator, we feel, with perhaps the most appropriate vehicle that we presently have in connection with this particular amendment.

Mr. SYMMS. I thank my good friend from my neighboring State of Nevada. I appreciate those assurances.

I think this is a very important issue. I reluctantly will make the request to withdraw the amendment. However, Mr. President, I would only say that we should recognize the current situation in the United States. First, in spite of the election process, and in spite of the Constitution of the United States, it appears that more and more elections are ignored by the bureaucracy which is ensconced in Washington, D.C. Part of the problem, of course, is in the Justice Department where we have people who somehow have a bias in favor of gun control, which the American people, by and large, do not favor.

Second, we have an utter disregard for the constitutional process for citizens who live in places like Morton Grove, Ill. There, citizens are denied the right to own a gun to protect themselves, and yet the city officials still expect to receive Federal law enforcement funds to fight crime. While they deny their citizens their basic rights.

I appreciate the comments and support of Senator HATCH and the agreements from my good friend from Nevada, the chairman of the Judiciary Committee, and others on the Judiciary Committee.

Mr. President, in order for the Senate to move forward with legislation this afternoon and not prolong this debate, I ask to have my amendment withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The question is on the committee amendment.

Mr. LAXALT. Mr. President, I would like to commend and thank the Senator from Idaho for his consideration. I would hope that before long we have his amendment tied to the main bill and that it will be on this very floor, at which time it is going to receive our enthusiastic support and cooperation.

Mr. SYMMS. I thank the distinguished chairman.

Mr. KENNEDY. Mr. President, I know that many Senators have worked hard to bring this complex appropriations bill to the Senate floor. But it does seem to me that, in light of all these efforts, it would be a mistake to allow this measure to be transferred at the 11th hour into the vehicle for this year's Senate debate on gun control. The Judiciary Committee has already held hearings on this issue, and that is the appropriate forum for our debate to take place at this time. So I hope that this amendment will not be pushed to a vote.

Mr. President, the Senate should be clear about what is at stake here. I can imagine few greater intrusions by the Federal Government into States rights than this amendment. The community of Morton Grove, Ill., passed an ordinance in 1981, making it illegal for residents, other than law enforcement or military personnel and security guards, to possess handguns. It was a local law duly enacted by local officials. It applied only to handguns; it did not apply to rifles or long guns used by hunters and for other legitimate sporting purposes. Nor did it apply to licensed gun clubs and gun collectors.

The Morton Grove ordinance was challenged by the National Rifle Association in both the Federal and the State courts. The Federal courts rejected the challenge all the way up to and including the Supreme Court, which denied certiorari earlier this month. I understand that the Supreme Court of Illinois is now considering separate challenge based on the State constitution.

Now, the National Rifle Association is trying to win in the Senate what it lost in the Federal courts. The NRA is asking Congress to deny Federal funds to communities like Morton Grove that are attempting to control handgun crime in the way they see fit.

Obviously, the Senator from Idaho and I have major differences on issues of handgun control, including the proper interpretation of the second amendment. But the amendment now before us goes far beyond gun control, to the heart of the relationship between the States and the Federal Government. This amendment flagrantly defies the fundamental doctrine of States rights; it has one purpose only—to punish communities like Morton Grove by cutting off Federal funds because of entirely legitimate actions they take in exercising their sovereign responsibility over local law enforcement.

Mr. President, I ask unanimous consent that a recent editorial in the Washington Post and excerpts from a news article in the Washington Post on this issue may be printed in the RECORD. I also ask unanimous consent that the decision by the U.S. Court of Appeals for the Seventh Circuit, upholding the Morton Grove ordinance, may be printed in the RECORD.

The articles follow:

[From the Washington Post, Oct. 4, 1983]

VICTORY FOR THE RIGHT TO BAN ARMS

Score a major, good old-fashioned blow for freedom—from handguns—and for the right to ban arms: In rejecting without comment the legal challenges to a handgun ordinance that was sought by the people of Morton Grove, Ill., the Supreme Court yesterday let stand federal court rulings upholding Morton Grove's restriction on general possession of handguns. This means that, in the language of a three-judge panel of the U.S. Court of Appeals, "the right to keep and bear handguns is not guaranteed by the Second Amendment."

It is this amendment that the National Rifle (read it, Handguns and Other Weaponry) Association—along with various groups involved in the care and feeding of America's arsenal of loose firearms—has always cited in its ringing, if not legally sound, endorsement of guns for almost anyone anywhere. But the people in Morton Grove—and since then, in many towns, cities and states across the land—decided that their pursuit of happiness included a hope for more protection of life and limb. Morton Grove's board of trustees agreed, concluding that "the public interest outweighed the claimed personal interest of the opponents of this legislation."

That public interest is growing, as more and more people are realizing the insanity of unchecked handgun violence and the dangers of believing that an armed citizenry will ward off crime rather than set off chains of accidental deaths and fatal arguments.

It would be a relief now if the NRA would return to what was once its chief concern, the legitimate pursuits of rifle-owning sportsmen and target shooters, instead of lobbying against grass-roots efforts of towns to protect themselves. The Morton Grove model does not strip Americans of sporting pleasures, nor does it even include rifles or shotguns. At the same time, police, military and security personnel, as well as gun collec-

tors, private investigators and private store owners can go about their business.

But because the handgun threat to public safety in nationwide, more and more localities and understandably should be taking the matter in hand and standing up for their right to live in safety, and to control a little more of their destiny. And maybe now those state and federal lawmakers who are good at listening to their constituents—instead of to high-powered lobbying based on overblown and warped interpretations of patriotism and individual liberties—will join the quest for public safety.

[From the Washington Post, October 4, 1983]

HIGH COURT LETS HANDGUN BAN STAND

(By Fred Barbash)

The Supreme Court opened its 1983 term yesterday by declining to review an appeals court decision upholding the constitutionality of the nation's stiffest gun-control law, the ban by Morton Grove, Ill., on possession of handguns.

Although the action creates no legal precedent, it is a victory for proponents of gun control in a case that has become a national symbol of the struggle over the issue.

A Supreme Court decision to review the lower-court holding, which rejected a long-standing claim by gun-control opponents of a constitutional right to own a handgun, could have cast at least a temporary cloud over the law as numerous other jurisdictions consider enacting such restrictions. . . .

The village of Morton Grove, a suburb north of Chicago, attracted national attention two years ago when its trustees, over the bitter protests of gun enthusiasts, made it illegal for residents other than law enforcement and military personnel to possess handguns.

Groups opposing gun control, including the National Rifle Association, challenged the ordinance in state and federal courts. The Illinois Supreme Court has yet to make a decision in a challenge based on the state constitution.

But yesterday's action in *Quilici* v. *Village of Morton Grove, Etc.*, ends the Morton Grove controversy in federal courts about whether the ban is prohibited by the Second Amendment, which says:

"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

A panel of the U.S. 7th Circuit Court of Appeals had ruled, 2 to 1, that the amendment restricts the federal, not state and local, governments. Unlike most other provisions of the Bill of Rights, it said the Second Amendment has never been applied to the states.

That court also said that, even if that amendment did apply to the states, it does not protect any individual right to bear arms and covers only weapons necessary to maintain an organized armed force, a state militia.

NRA attorney Richard E. Gardiner played down the significance of yesterday's action. "It's primarily an issue of state constitutional law which should be resolved by the state [Illinois] Supreme Court," he said.

"Since this is the only ordinance of its type in the country, it's not surprising the court didn't take it at this time," he said.

The National Coalition to Ban Handguns called it "a day of triumph for Morton Grove, the little town that defied the might of the NRA—and prevailed . . . All that gun lobby propaganda about the 'right to keep and bear handguns' withered under the legal scrutiny of the courts."

VICTOR D. QUILICI, ROBERT STENGL, ET AL., GEORGE L. REICHERT, AND ROBERT E. METLER, PLAINTIFFS-APPELLANTS, V. VILLAGE OF MORTON GROVE, ET AL., DEFENDANTS-APPELLEES

(Nos. 82-1045, 82-1076 and 82-1132)

United States Court of Appeals, Seventh circuit, 695 F. 2d 261 (1982), argued May 28, 1982, decided Dec. 6, 1982 as amended Dec. 10, 1982. Rehearing and rehearing en banc, denied March 2, 1983.

Handgun owners brought action against village, challenging constitutionality of village gun control ordinance. The United States District Court for the Northern District of Illinois, Eastern Division, Bernard M. Decker, J., 532 F.Supp. 1169, held that ordinace was constitutional, and handgun owners appealed. The Court of Appeals, Bauer, Circuit Judge, held that: (1) district court was not required to abstain on grounds that state constitutional provision involved in case was unique and that therefore federal court should not have prematurely usurped state's prerogative to interpret its own Constitution; (2) term "arms" within Illinois constitutional provision governing right to bear arms included handgun; (3) right to keep and bear arms in Illinois was so limited by police power that ban on handguns did not violate right; and (4) ordinance did not violate Second or Ninth Amendment.

Affirmed.

Coffey, Circuit Judge, dissented and filed opinion.

Before Bauer, Wood, and Coffey, Circuit Judges.

Bauer, Circuit Judge: This appeal concerns the constitutionality of the Village of Morton Grove's Ordinance No. 81-11,[1] which prohibits the possession of handguns within the Village's borders. The district court held that the Ordinance was constitutional. We affirm.

I.

Victor D. Quilici initially challenged Ordinance No. 81-11 in state court. Morton Grove removed the action to federal court where it was consolidated with two similar actions, one brought by George L. Reichert and Robert E. Metler (collectively Reichert) and one brought by Robert Stengl, Martin Gutenkauf, Alice Gutenkauf, Walter J. Dutchak and Geoffrey Lagonia (collectively Stengl). Plaintiffs alleged that Ordinance No. 81-11 violated article I, section 22 of the Illinois Constitution and the second, ninth and fourteenth amendments of the United States Constitution. They sought an order declaring the Ordinance unconstitutional and permanently enjoining its enforcement. The parties filed cross motions for summary judgment. The district court granted Morton Gover's motion for summary judgment and denied plaintiffs' motions for summary judgment.

In its opinion, *Quilici* v. *Village of Morton Grove*, 532 F. Supp. 1169 (N.D.Ill. 1981), the district court set forth several reasons for upholding the handgun ban's validity under the state and federal constitutions. First, it held that the Ordinance which banned only certain kinds of arms was a valid exercise of Morton Grove's police power and did not conflict with section 22's conditional right to keep and bear arms. Second, relying on *Presser* v. *Illinois*, 116 U.S. 252, 6 S.Ct. 580, 29 L.Ed. 615 (1886), the court concluded that the second amendment's guarantee of the right to bear arms has not been incorporated into the fourteenth amendment and, therefore, is inapplicable to Morton Grove. Finally, it stated that the ninth amendment does not include the right to possess handguns for self-defense. Appellants contend that the district court incorrectly construed the relevant constitutional provisions, assigning numerous errors based on case law, historical analysis, common law traditions and public policy concerns.[2]

While we recognize that this case raises controversial issues which engender strong emotions, our task is to apply the law as it has been interpreted by the Supreme Court, regardless of whether that Court's interpretation comports with various personal views of what the law should be. We are also aware that we must resolve the controversy without rendering unnecessary constitutional decisions. *Richard Nixon v. A. Ernest Fitzgerald*, — U.S. —, 102 S.Ct. 2690, 73 L.Ed.2d 349 (1982). With these principles in mind we address appellants' contentions.

II.

We consider the state constitutional issue first. The Illinois Constitution provides:

Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed. Ill. Const. art. I, § 22.

The parties agree that the meaning of this section is controlled by the terms "arms" and "police power" but disagree as to the scope of these terms.

Relying on the statutory construction principles that constitutional guarantees should be broadly construed and that constitutional provisions should prevail over conflicting statutory provisions, appellants allege that section 22's guarantee of the right to keep and bear arms prohibits a complete ban of any one kind of arm. They argue that the constitutional history of section 22 establishes that the term "arms" includes those weapons commonly employed for "recreation or the protection of person and property," 6 Record of Proceedings, Sixth Illinois Constitutional Convention 87 (Proceedings), and contend that handguns have consistently been used for these purposes.

Appellants concede that the phrase "subject to the police power" does not prohibit reasonable regulation of arms. Thus, they admit that laws which require the licensing of guns or which restrict the carrying of concealed weapons or the possession of firearms by minors, convicted felons, and incompentents are valid. However, they maintain that no authority supports interpreting section 22 to permit a ban on the possession of handguns merely because alternative weapons are not also banned. They argue that construing section 22 in this manner would lead to the anomalous situation in which one municipality completely bans handguns while a neighboring municipality completely bans all arms but handguns.

In contrast, Morton Grove alleges that "arms" is a general term which does not include any specific kind of weapon. Relying on section 22's language, which they characterize as clear and explicit, Morton Grove reads section 22 to guarantee the right to keep only some, but not all, arms which are used for "recreation or the protection of person and property." It argues that the Ordinance passes constitutional muster because standard rifles and shotguns are also used for "recreation or the protection of

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Footnotes at end of article.

person and property" and Ordinance No. 81-11 does not ban these weapons.

While Morton Grove does not challenge appellants' assertion that "arms" includes handguns, we believe that a discussion of the kind of arms section 22 protects is an appropriate place to begin our analysis. Because we disagree with Morton Grove's assertion that section 22's language is clear and explicit, we turn to the constitutional debates for guidance on the proper construction of arms.[3] *Client Follow-Up Co. v. Hynes*, 75 Ill.2d 208, 216, 28 Ill. Dec. 488, 390 N.E.2d 847, 850 (1979), citing *Wolfson v. Avery*, 6 Ill.2d 78, 126 N.E.2d 701 (1955).[4]

The debates indicate that the category of arms protected by section 22 is not limited to military weapons; the framers also intended to include those arms that "law-abiding persons commonly employ[ed]" for "recreation or the protection of person and property." 6 Proceedings 87. Handguns are undisputedly the type of arms commonly used for "recreation or the protection of person and property."

Our conclusion that the framers intended to include handguns in the class of protected arms is supported by the fact that in discussing the term the Proceedings refer to *People v. Brown*, 253 Mich. 537 541-42, 235 N.W. 245, 246-47 (1931) and *State v. Duke*, 42 Tex. 455, 458 (1875). *Brown* defines weapons as those "relied upon. . . for defense or pleasure," including "ordinary guns" and "revolvers." 253 Mich. at 542, 235 N.W. at 247. *Duke* states that "[t]he arms which every person is secured the right to keep and bear (in defense of himself or the State, subject to legislative regulation), must be such arms as are commonly kept, . . . and are appropriate for . . . self defense, as well as such as are proper for the defense of the State." 42 Tex. at 458. The delegates' statements and reliance on *Brown* and *Duke* convinces us that the term arms in section 22 includes handguns.

Having determined that section 22 includes handguns within the class of arms protected, we must now determine the extent to which a municipality may exercise its police power to restrict, or even prohibit, the right to keep and bear these arms. The district court concluded that section 22 recognizes only a narrow individual right which is subject to substantial legislative control. It noted that "[t]o the extent that one looks to the convention debate for assistance in reconciling the conflict between the right to arms and the exercise of the police power, the debate clearly supports a narrow construction of the individual right." *Quilici* v. *Village of Morton Grove*, 532 F.Supp. at 1174. It further noted that while the Proceedings cite some cases holding that the state's police power should be read restrictively, those cases were decided under "distinctly different constitutional provisions" and, thus, have little application to this case. *Id.* at 1176.

We agree with the district court that the right to keep and bear arms in Illinois is so limited by the police power that a ban on handguns does not violate that right. In reaching this conclusion we find two factors significant. First, section 22's plain language grants only the right to keep and bear arms, not handguns. Second, although the framers intended handguns to be one of the arms conditionally protected under section 22, they also envisioned that local governments might exercise their police power to restrict, or prohibit, the right to keep and bear handguns. For example, Delegate Foster, speaking for the majority, explained:

> It could be argued that, in theory, the legislature now [prior to the adoption of the 1970 Illinois Constitution] has the right to ban all firearms in the state as far as individual citizens owning them is concerned. That is the power which we wanted to restrict—an absolute ban on all firearms. 3 Proceedings 1688.

Delegate Foster then noted that section 22 "would prevent a complete ban on all guns, but there could be a ban on certain categories." *Id.* at 1693.[5] It is difficult to imagine clearer evidence that section 22 was intended to permit a municipality to ban handguns if it so desired.

Appellants argue that construing section 22 to protect only some unspecified categories of arms, thereby allowing municipalities to exercise their police power to enact dissimilar gun control laws, leads to "untenable" and "absurb" results. Quilici br. at 14. This argument ignores the fact that the Illinois Constitution authorizes local governments to function as home rule units to "exercise any power and perform any function pertaining to its government and affairs". Illinois const. art. VIII, § 6(a). Home rule government[6] is based on the theory that local governments are in the best position to assess the needs and desires of the community and, thus, can most wisely enact legislation addressing local concerns. *Carlson v. Briceland*, 61 Ill. App.3d 247, 18 Ill.Dec. 502, 377 N.E.2d 1138 (1978). Illinois home rule units have expansive powers to govern as they deem proper, *see generally* Hall & Wallack, *Intergovernmental Cooperation and the Transfer of Powers*, 1981 U.Ill.L.Rev. 775, 777-79; Vitullo & Peters, *Intergovernmental Cooperation and the Municipal Insurance Crisis*, 30 DePaul L.Rev. 325, 326-29 (1981); including the authority to impose greater restrictions on particular rights than those imposed by the state. *See City of Evanston v. Create, Inc.*, 85 Ill.2d 101, 51 Ill.Dec. 688, 421 N.E.2d 196 (1981). The only limits on their autonomy are those imposed by the Illinois Constitution, *City of Carbondale ex rel. Ham v. Eckert*, 76 Ill.App.3d 881, 32 Ill.Dec. 377, 395 N.E.2d 607 (1979), or by the Illinois General Assembly exercising its authority to pre-empt home rule in specific instances. Because we have concluded that the Illinois Constitution permits a ban on certain categories of arms, home rule units such as Morton Grove may properly enact different, even inconsistent, arms restrictions. This is precisely the kind of local control envisioned by the new Illinois Constitution.

Appellants concede that municipalities may, under the Illinois Constitution, exercise their police power to enact regulations which prohibit "possession of items legislatively found to be dangerous . . .", Quilici br. at 9. They draw a distinction, however, between the exercise of the police power in general and the exercise of police power with respect to a constitutionally protected right. Indeed, they vehemently insist that a municipality may not exercise its police power to completely prohibit a constitutional guarantee.

We agree that the state may not exercise its police power to violate a positive constitutional mandate, *People* v. *Warren*, 11 Ill.2d 420, 143 N.E.2d 28 (1957), but we reiterate that section 22 simply prohibits an absolute ban on all firearms. Since Ordinance No. 81-11 does not prohibit all firearms, it does not prohibit a constitutionally, protected right. There is no right under the Illinois Constitution to possess a handgun, nor does the state have an overriding state interest in gun control which requires it to retain exclusive control in order to prevent home rule units from adopting conflicting enactments. *See City of Evanston* v. *Create, Inc.*, 85 Ill.2d 101, 51 Ill.Dec. 688, 421 N.E.2d 196 (1981). Accordingly, Morton Grove may exercise its police power to prohibit handguns even though this prohibition interferes with an individual's liberty or property. *People* v. *Warren*, 11 Ill.2d 420, 143 N.E.2d 28 (1957).

The Illinois Constitution establishes a presumption in favor of municipal home rule. *Carlson* v. *Briceland*, 61 Ill. App.3d 247, 18 Ill.Dec. 502, 377 N.E.2d 1138 (1978). Once a local government identifies a problem and enacts legislation to mitigate or eliminate it, that enactment is presumed valid and may be overturned only if it is unreasonable, clearly arbitrary, and has no foundation in the police power. *Illinois Gamefowl Breeders Ass'n* v. *Block*, 75 Ill.2d 443, 27 Ill.Dec. 465, 389 N.E.2d 529 (1979); *People* v. *Copeland*, 92 Ill.App.3d 475, 47 Ill.Dec. 860, 415 N.E.2d 1173 (1st Dist.1980). Thus, it is not the province of this court to pass judgment on the merits of Ordinance No. 81-11; our task is simply to determine whether Ordinance No. 81-11's restrictions are rationally related to its stated goals. *People ex rel. Difanis* v. *Barr*, 83 Ill.2d 191, 46 Ill.Dec. 678, 414 N.E.2d 731 (1980). As the district court noted, there is at least some empirical evidence that gun control legislation may reduce the number of deaths and accidents caused by handguns. *Quilici* v. *Village of Morton Grove*, 532 F.Supp. at 1179. This evidence is sufficient to sustain the conclusion that Ordinance No. 81-11 is neither wholly arbitrary nor completely unsupported by any set of facts. *People* v. *Copeland*, 92 Ill.App.3d 475, 47 Ill.Dec. 860, 415 N.E.2d 1173 (1st Dist.1980). Accordingly, we decline to consider plaintiffs' arguments that Ordinance No. 81-11 will not make Morton Grove a safer, more peaceful place.

We agree with the district court that Ordinance No. 81-11: (1) is properly directed at protecting the safety and health of Morton Grove citizens; (2) is a valid exercise of Morton Grove's police power; and (3) does not violate any of appellants' rights guaranteed by the Illinois Constitution.[7]

III.

We next consider whether Ordinance No. 81-11 violates the second amendment to the United States Constitution. While appellants all contend that Ordinance No. 81-11 is invalid under the second amendment, they offer slightly different arguments to substantiate this contention. All argue, however, that the second amendment applies to state and local governments and that the second amendment guarantee of the right to keep and bear arms exists, not only to assist in the common defense, but also to protect the individual. While reluctantly conceding that *Presser v. Illinois*, 116 U.S. 252, 6 S.Ct. 580, 29 L.Ed. 615 (1886), held that the second amendment applied only to action by the federal government, they nevertheless assert that *Presser* also held that the right to keep and bear arms is an attribute of national citizenship which is not subject to state restriction. Reichert br. at 36. Finally, apparently responding to the district court's comments that "[p]laintiffs . . . have not suggested that the Morton Grove Ordinance in any way interferes with the ability of the United States to maintain public security . . ." *Quilici v. Village of Morton Grove*, 532 F.Supp. at 1169, Quilici and Reichert argue in this court that the Morton Grove Ordinance interferes with the

federal government's ability to maintain public security by preventing individuals from defending themselves and the community from "external or internal armed threats." Quilici br. at 12; Reichert br. at 37-38. These are the same arguments made in the district court. Accordingly, we comment only briefly on the points already fully analyzed in that court's decision.

As we have noted, the parties agree that *Presser* is controlling, but disagree as to what *Presser* held. It is difficult to understand how appellants can assert that *Presser* supports the theory that the second amendment right to keep and bear arms is a fundamental right which the state cannot regulate when the *Presser* decision plainly states that "[t]he Second Amendment declares that it shall not be infringed, but this . . . means no more than that it shall not be infringed by Congress. This is one of the amendments that has no other effect than to restrict the powers of the National government . . . ." *Presser v. Illinois*, 116 U.S. 252, 265, 6 S. Ct. 580, 584, 29 L.Ed. 615 (1886). As the district court explained in detail, appellants' claim that *Presser* supports the proposition that the second amendment guarantee of the right to keep and bear arms is not subject to state restriction is based on dicta quoted out of context. *Quilici v. Village of Morton Grove*, 532 F. Supp. at 1181-82. This argument borders on the frivolous and does not warrant, any further consideration.

Apparently recognizing the inherent weakness of their reliance on *Presser*, appellants urge three additional arguments to buttress their claim that the second amendment applies to the states. They contend that: (1) *Presser* is no longer good law because later Supreme Court cases incorporating other amendments into the fourteenth amendment have effectively overruled *Presser*, Reichert br. at 52; (2) *Presser* is illogical, Quilici br. at 12; and (3) the entire Bill of Rights has been implicitly incorporated into the fourteenth amendment to apply to the states, Reichert br. at 48-52.

None of these arguments has merit. First, appellants offer no authority, other than their own opinions, to support their arguments that *Presser* is no longer good law or would have been decided differently today. Indeed, the fact that the Supreme Court continues to cite *Presser*, *Malloy* v. *Hogan*, 378 U.S. 1, 4 n. 2, 84 S.Ct. 1489, 1491 n. 2, 12 L.Ed.2d 653 (1964), leads to the opposite conclusion. Second, regardless of whether appellants agree with the *Presser* analysis, it is the law of the land and we are bound by it. Their assertion that *Presser* is illogical is a policy matter for the Supreme Court to address. Finally, their theory of implicit incorporation is wholly unsupported. The Supreme Court has specifically rejected the proposition that the entire Bill of Rights applies to the states through the fourteenth amendment. *Adamson* v. *California*, 332 U.S. 46, 67 S.Ct. 1672, 91 L.Ed. 1903 (1947), *overruled on other grounds*, *Malloy* v. *Hogan*, 378 U.S. 1, 84 S.Ct. 1489, 12 L.Ed.2d 653 (1964); *Palko* v. *Connecticut*, 302 U.S. 319, 58 S.Ct. 149, 82 L.Ed. 288 (1937); *Twinning* v. *New Jersey*, 211 U.S. 78, 29 S.Ct. 14, 53 L.Ed. 97 (1908).

Since we hold that the second amendment does not apply to the states, we need not consider the scope of its guarantee of the right to bear arms. For the sake of completeness, however, and because appellants devote a large portion of their briefs to this issue, we briefly commend on what we believe to be the scope of the second amendment.

The second amendment provides that "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const amend. II. Construing this language according to its plain meaning, it seems clear that the right to bear arms is inextricably connected to the preservation of a militia. This is precisely the manner in which the Supreme Court interpreted the second amendment in *United States* v. *Miller*, 307 U.S. 174, 59 S.Ct. 816, 83 L.Ed. 1206 (1939), the only Supreme Court case specifically addressing that amendment's scope. There the Court held that the right to keep and bear arms extends only to those arms which are necessary to maintain a well regulated militia.

In an attempt to avoid the *Miller* holding that the right to keep and bear arms exist only as it relates to protecting the public security, appellants argue that "[t]he fact that the right to keep and bear arms is joined with language expressing one of its purposes in no way permits a construction which limits or confines the exercise of that right." Reichert br. at 35. They offer no explanation for how they have arrived at this conclusion. Alternatively, they argue that handguns are military weapons.[8] Stengl's br. at 11-13. Our reading of *Miller* convinces us that it does not support either of these theories. As the Village correctly notes, appellants are essentially arguing that *Miller* was wrongly decided and should be overruled. Such arguments have no place before this court. Under the controlling authority of *Miller* we conclude that the right to keep and bear handguns is not guaranteed by the second amendment.[9]

Because the second amendment is not applicable to Morton Grove and because possession of handguns by individuals is not part of the right to keep and bear arms, Ordinance No. 81-11 does not violate the second amendment.

IV.

Finally, we consider whether Ordinance No. 81-11 violates the ninth amendment. Appellants argue that, although the right to use commonly-owned arms for self-defense is not explictly listed in the Bill of Rights, it is a fundamental right protected by the ninth amendment. Citing no authority whcih directly supports their contention, they rely on the debates in the First Congress and the writings of legal philosophers to establish that the right of an individual to own and possess firearms for self-defense is an absolute and inalienable right which cannot be impinged.

Since appellants do not cite, and our research has not revealed, any Supreme Court case holding that any specific right is protected by the ninth amendment, appellants' argument has no legal significance. Appellants may believe the ninth amendment should be read to recognize an unwritten, fundamental, individual right to own or possess firearms; the fact remains that the Supreme Court has never embraced this theory.[10]

V

Reasonable people may differ about the wisdom of Ordinance No. 81-11. History may prove that the Ordinance cannot effectively promote peace and security for Morton Grove's citizens. Such issues, however, are not before the court. We simply hold the Ordinance No. 81-11 is a proper exercise of Morton Grove's police power and does not violate art. I, § 22 of the Illinois Constitution or the second, ninth, or fourteenth amendments of the United States Constitution. Accordingly, the decision of the district court is Affirmed.

Coffey, Circuit Judge, dissenting: The constitutions of the United States and the respective states define and delineate the powers of our various governmental units. As a fundamental principle, if a governing body (federal, state or local) should at any time overstep its limits the judiciary must act as a constitutional check. This was the intent of the framers of the Constitution as evidenced by their dividing the powers and responsibilities of the government into three separate and distinct branches. Specifically, if a legislative body enacts a law exceeding the constitutional limits of its authority, it is the responsibility and the duty of an independent judiciary to declare it void.

With this principle in mind and conscious of the magnitude of the political and social implications of this case, I am compelled to dissent from my brethren today. It is my opinion that the Village of Morton Grove has improperly legislated beyond the legitimate parameters of its authority.

I base my conclusion upon three grounds. First, Morton Grove Ordinance No. 81-11 is an impermissible attempt by the governing body of the Village to address an issue which the people of the State of Illinois through their elected representatives have deemed to be a matter properly resolved by state action. The state's longstanding and comprehensive regulation and prohibition of handgun possession preempts local legislation on the subject. Second, and closely related to the first, I believe that the Ordinance is invalid under the home rule provisions of the Illinois Constitution in that the regulation of handgun possession is a matter of statewide rather than local concern and the Morton Grove Ordinance contradicts state law regarding the possession of handguns. Third, I believe that Morton Grove Ordinance No. 81-11, as a matter of constitutional law, impermissibly interferes with individual privacy rights. I join others who throughout history have recognized that an individual in this country has a protected right, within the confines of the criminal law, to guard his or her home or place of business from unlawful intrusions. In my view, today's majority decision marks a new nadir for the fundamental principle that "a man's home is his castle." It has been said that the greatest threat to our liberty is from well-meaning, and almost imperceptible governmental encroachments upon our personal freedom. Today's decision sanctions an intrusion on our basic rights as citizens which would no doubt be alarming and odious to our founding fathers. For the above-cited reasons, which I shall discuss in greater detail herein, I respectfully dissent from the opinion of this court.

I.

The Village of Morton Grove's Ordinance No. 81-11 is invalid as the law is an improper attempt by the locality to address a subject which has been deemed by the Illinois Legislature to be exclusively a matter of state concern and control. The state legislature, through extensive and long-standing regulation, has preempted the subject of handgun possession.

Although most frequently addressed in the context of federal versus state enactments, the doctrine of preemption has been recognized as also being applicable to situations involving duplicate areas of state and

local legislation. The Illinois Supreme Court has recognized that the existence of long-standing and extensive state regulation of a certain subject matter evidences an implied intent to preempt that field to the exclusion of local municipalities. In *Ampersand, Inc.* v. *Finley*, 61 Ill.2d 537, 338 N.E.2d 15 (1975), the Illinois Supreme Court acknowledged and approved the following examples contained in the Record of the Proceedings of the Sixth Illinois Constitutional Convention:

"'Home Rule County adopts an ordinance providing for limits upon rates of interest that may be charged on mortgage and other loans to residents of the county. This ordinance is not valid. The interest-control ordinance is not included in the home-rule powers granted by [section 6(a)] *because of the extensive federal and state regulation of credit institutions.*'

* * * * *

"Home Rule City adopts an ordinance limiting the rates that may be charged by the telephone company for local calls. *Long-standing state regulation of utility rates precludes this subject from being considered a matter pertaining to homerule government and affairs.*'" *Id.* 338 N.E.2d at 17 (emphasis added).

The Illinois Appellate Court has also recognized that "where the legislature has adopted a scheme for regulation of a given subject, local legislative control over such phases of the subject as are covered by state regulation ceases." *Hutchcraft Van Serv.* v. *City of Urbana, Etc.*, 104 Ill.App.3d 817, 60 Ill.Dec. 532, 536, 433 N.E.2d, 329, 333 (1982).[11] The *Hutchcraft* court held that "the legislature has preempted the subject of freedom from unlawful discrimination." *Id.* 60 Ill.Dec. at 537, 433 N.E.2d at 334. In so deciding, the court emphasized that it "would be hard-put to envision a more comprehensive statutory scheme than that contained in the Illinois Human Rights Act." *Id.* Similarly, the subject of the prohibition of handgun possession has been impliedly preempted by the Illinois Legislature because one would be "hard-put to envision a more comprehensive statutory scheme than that" set forth in the state statutes on the subject of handgun possession.

The Illinois Legislature, when enacting and amending chapter 38, set forth an extensive scheme, applying to all person in Illinois, regulating who may possess firearms, when and where they may possess firearms and the types of firearms they may possess. Possession of a handgun or other firearm by a minor, felon, drug addict or mentally ill or retarded person is forbidden by Illinois Statute. Ill.Rev. Stat. ch. 38, § 24-3.1.[12] Chapter 38, § 24-1(a)(10) of the Illinois statutes already prohibits possession of a handgun by a person on a public street, alley or public lands[13] and the carrying of a concealed handgun under certain circumstances is proscribed by Ill.Rev.Stat. ch. 38, § 24-(a)(4),[14] Additionally, it is a violation of state law to possess a firearm in an establishment licensed to sell liquor, wine or beer.[15] Moreover, the legislature has banned the possession of specific types of firearms (i.e., machine guns and sawed-off shotguns) in all circumstances by has refrained from enacting such a categorical prohibition of handgun possession.[16]

As recognized by the majority, consideration was given to the issue of firearm possession at Illinois' Sixth Constitutional Convention. It is clear from a review of the transcript of the debates that it was the *state's* police power vis-a-vis firearm possession which was the subject of debate. It was noted that Article I, section 22 of the 1970 Illinois Constitution allows the state legislature considerable discretion in the regulation and prohibition of firearm use and possession. It is pursuant to this authority that the State of Illinois enacted and enforces the extensive provisions of chapter 38. Where the legislature after due deliberation has seen fit to outlaw the possession of handguns it has done so. The statutes discussed above constitute the Illinois Legislature's comprehensive promulgation of mandates concerning the issue of gun possession which: (1) prohibits minors, felons, drug addicts and mentally ill and retarded persons from possessing any firearms; (2) proscribes firearm possession on public streets and alleys and in public places; (3) forbids the carrying of a concealed weapon under certain circumstances; (4) prohibits possession of a firearm in a place licensed to sell alcoholic beverages; (5) prohibits without exclusion the possession on a machine gun or a sawed-off shotgun; and (6) expressly authorizes possession of a handgun within the confines of one's home or fixed place of business.

A locality such as Morton Grove may address a matter of public concern, such as handgun prohibition, only if the Illinois Legislature has not revealed, either expressly or by implication, an intention to occupy the field to the exclusion of all local legislation. The subject of the prohibition of firearm possession has been so extensively and comprehensively addressed in the Illinois Statutes as to impliedly indicate a positive legislative intent to exclusively occupy the field. Therefore, Illinois municipalities are precluded from enacting provisions prohibiting handgun possession.

Further support for the proposition that the Illinois Legislature intended to peremptorily address the issue of the prohibition of handguns and firearms is found when comparing Ill. Rev. Stat. ch. 38, § 24 (addressed above) with Ill. Rev. Stat. ch. 38 § 83. Section 24, known as the "Deadly Weapons Act," sets forth the qualifications for the lawful ownership and possession of firearms while section 83 directs owners of firearms to obtain "Firearm Owner's Identification Cards" issued by the Illinois Department of Law Enforcement. Section 83 contains a proviso authorizing municipalities to impose greater *restrictions* or *limitations* on firearm registration and possession than those imposed by the legislature under section 83.[17]

Pursuant to section 83, a municipality can enact an ordinance reasonably restricting or confining the use and possession of firearms. A municipality can also require registration of firearm ownership. What the legislature has authorized is limited regulation of firearm possession by local units of government but not prohibition. Section 83 does not allow a municipality such as Morton Grove to categorically prohibit handgun possession. To limit or restrict involves a circumscription which falls far short of an absolute prohibition.

"The words 'prohibit' and 'restrict' are not synonymous. They are not alike in their meaning in their ordinary use . . . 'To restrict is to restrain within bounds; to limit; to confine and does not mean to destroy or prohibit.' " *Forest Land Co.* v. *Black*, 216 S.C. 255, 57 S.E. 2d 420, 424 (1950).

If the intention of the Illinois Legislature had been to authorize local prohibition of handgun possession, such intention would have been clearly expressed as was the authorization of local regulation through restriction and limitation. As "[r]egulation is inconsistent with prohibition or exclusion;" the proviso to section 83 does not minimize the implied intention of the legislature to exclusively address the issue of handgun possession under section 24. See *Chicago Motor Coach Co.* v. *City of Chicago*, 337 Ill. 200, 169 N.E. 22, 25 (1929).

The Illinois Legislature, by enacting and amending the extensive provisions of chapter 38, has prohibited certain individuals from possessing firearms, forbidden possession of specific types of firearms and proscribed the possession of firearms in certain places. Despite the Illinois Legislature's refusal to prohibit handgun possession, Morton Grove has been fit to disregard the legislative intent and has enacted a categorical ban on the possession of handguns, with limited exceptions. In light of long-standing and extensive state control of firearm ownership and possession, Morton Grove Ordinance No. 81-11 impermissibly addresses a subject matter designated by the Illinois Legislature to be the exclusive province of the state legislature.

II.

The powers of Illinois home rule units are not without limitation. The Illinois Constitution provides that a home rule unit, such as Morton Grove, may "exercise any power and perform any function pertaining to its government and affairs. . . ." Ill. Const. Art. VII, § 6(a). However, any exercise of home rule power by a municipality must be "concurrent" with state legislation in the area. Ill. Const. Art. VII, § 6(i). Morton Grove's Ordinance No. 81-11 is invalid under the Illinois Constitution because the matter of handgun prohibition is not one solely pertaining to local government or local affairs and furthermore, the ordinance is repugnant to and is not concurrent with related state legislation.

Although the powers of home rule units are to be liberally construed, Illinois courts have invalidated ordinances which affected persons and governmental bodies outside the home rule unit. *See Landry* v. *Smith*, 66 Ill.App.3d 616, 23 Ill.Dec. 636, 639, 384 N.E.2d 430, 433 (1978). Such a limitation on home rule authority was recognized by the Illinois Supreme Court in the *Ampersand* decision noted above.

"[T]he question is not whether the 'pertaining to * * *' language should limit the home rule grant, but rather how extensive the limitation should be.

"The local government committee, explaining the intended extent of this limitation, stated in its report to the constitutional convention 'it is clear, however, *that the powers of home rule units relate to their own problems, not to those of the state or the nation.*'" *Ampersand*, 338 N.E.2d at 17 (emphasis added).

In its *City of Des Plaines* v. *Chicago & N.W. Ry. Co.*, 65 Ill.2d 1, 2 Ill.Dec. 266, 357 N.E.2d 433 (1976) decision, the Illinois Supreme Court struck down a municipal noise pollution ordinance holding that it was legislation in an area which did not pertain to the government and affairs of the home rule unit. The *City of Des Plaines* court noted that although "noise pollution may initially appear to be a matter of local concern, an analysis of the problem reveals that noise pollution is a matter requiring regional, if not statewide, standards and controls." *Id.* 2 Ill.Dec. at 266, 357 N.E.2d at 433. Of particular import to the *City of Des Plaines* court was "the question of noise emission

from trains in transit which may pass through numerous municipalities en route to their destination." *Id.* 2 Ill.Dec. at 268, 357 N.E.2d at 435.

Practical considerations regarding the Morton Grove Ordinance show why handgun possession is properly a matter of statewide concern. Like the ordinance invalidated in *City of Des Plaines*, the Morton Grove Ordinance applies not only to residents of the Village, but also is applicable to nonresidents traveling through the Village.[18] The Ordinance is obviously designed to prohibit, with limited exceptions, possession of all handguns in Morton Grove whether by residents, non-residents, travelers, etc.

Under the Morton Grove Ordinance, a handgun owner must either take a circuitous route around the Village of Morton Grove or make arrangements to surrender his handgun to the police upon entering the Village and reacquire possession when he leaves.[19] Not only does this infringe upon the citizen's right to travel and, arguably, interfere with interstate commerce but it lends credence to the distinct possibility that gun control in Illinois will be no more than a crazy quilt of conflicting and unenforceable home rule ordinances. In this respect, it is important to remember that "a concomitant effect of this unenforceability is an erosive disrespect for the law which should not be tolerated."[20] Experience has taught mankind that a retention of unenforceable laws which are regularly violated breeds contempt for the law in general. Citizens must not be permitted to pick and choose which laws they wish to obey.

The majority opinion fails to recognize that the subject of handgun possession poses problems that transcend municipal boundaries and is thus not a local affair within the meaning of the Illinois Constitution. The majority flatly and cavalierly states that Illinois has "no overriding state interest in gun control which requires it to retain exclusive control in order to prevent home rule units from adopting conflicting enactments." To support this proposition, the majority relies without discussion on *City of Evanston v. Create, Inc.*, 85 Ill.2d 101, 51 Ill.Dec. 688, 421 N.E.2d 196 (1981).

The *Create* decision, however, is inappropriate to the instant case. In *Create*, the Illinois Supreme Court held that an Evanston landlord-tenant ordinance was a valid exercise of Evanston's home rule powers granted by the Illinois Constitution. Landlord-tenant ordinances are, by their very nature, matters of local concern since, like zoning ordinances, they apply exclusively to local residents and landowners. Such ordinances are enacted to be specifically suited to the unique needs of a locality's residents. The local governing body involved is keenly and uniquely aware of the needs of the community it serves. The landlord-tenant ordinance in *Create* had no impact on temporary or transitory visitors to Evanston. On the other hand, the Morton Grove handgun ordinance has a far broader scope in that it effects not only Morton Grove residents but also those citizens who merely pass through the Village.

That the prohibition of handgun possession is properly a matter of state concern can be further illustrated as follows: consider the political and administrative difficulties which would arise if Home-Rule Unit A were to pass an ordinance banning the possession of all handguns and Home-Rule Unit B were to pass an ordinance making handgun possession mandatory. What is outlawed in one municipality becomes mandatory in another. The Illinois Legislature never intended to permit the possibility of a hodgepodge of conflicting home rule enactments when it adopted Ill.Rev.Stat. ch. 38 to address the statewide issue of the prohibition of handgun ownership.

An analogy between the subject of gun control and the field of children's health care further highlights the propriety of statewide uniformity and enforcement. Due to difficulties in enforcement and the need for statewide uniformity, many states have passed legislation requiring the immunization of school age children against contagious diseases. *See, e.g.*, Ill.Rev.Stat. ch. 111½, §§ 22.11 and 22.12. If local authorities were allowed to pass conflicting ordinances regarding the vaccination of school age children, the enforcement of these ordinances in multi-municipal school districts would be extremely difficult if not impossible.

The Illinois Legislature has not enacted a categorical prohibition of handgun possession, even though it was the view of the framers of the Illinois Constitution that firearm possession was a matter of statewide concern and that the state legislature had the power to ban handgun possession, if it so desired. In the debates at the Sixth Illinois Constitutional Convention which adopted the present Illinois Constitution, Delegate Foster, speaking for the majority explained:

"We feel that . . . the state would have the right to prohibit some classes of firearms, such as war weapons, handguns, or some other category.

* * * * *

[I]t is the position of the majority that under the police power of the state, the legislature would have the authority, for example, to forbid all handguns . . . [and] it is still the position of the majority that short of an absolute and complete ban on the possession of all firearms, this provision would leave the legislature free to regulate the use of firearms in Illinois." 3 Proceedings of Sixth Illinois Constitutional Convention at 1688, 1818 and 1718.

Delegate Foster's comments demonstrate that it was recognized by the Convention that firearm possession is a matter of state concern. Despite the clear meaning of Foster's words, the majority in the instant case concludes, based on the Delegate's remarks, that the framers of the Illinois Constitution "envisioned that *local governments* might exercise their police power to restrict, or prohibit, the right to keep and bear arms." (emphasis added). The fallacy of the majority's logic is obvious; Delegate Foster said that "the *State* would have the right to prohibit . . . handguns" and "that under the police power of the state, *the legislature* would have the authority; for example, to forbid all handguns. . . ." (emphasis added). In fact, Foster's remarks directly contradict, rather than support, the majority's conclusion that a local municipality such as Morton Grove may prohibit handgun possession, clearly, Foster's view was that handgun possession was a matter of statewide concern best addressed by state legislation.

The Morton Grove Ordinance prohibiting handgun possession is invalid because it does not act concurrently with the Illinois Legislature's extensive regulation of firearm registration and possession. Black's Law Dictionary defines "concurrent" as "united in agreement." BLACK'S LAW DICTIONARY 263 (5th Ed. 1979). Morton Grove's prohibition of handgun possession is not "united in agreement" with the state statutory scheme but is fundamentally at odds with the extensive state regulation of handgun possession. The state legislation is regulatory while Morton Grove's enactment is prohibitory.

The state legislature and the Morton Grove Ordinance approach the subject of gun control from opposite directions. The legislature started from the point that all persons may possess handguns and then proceeded to regulate and restrict specific types of guns, rather than banning handguns and then authorizing certain persons or classes to posses them. This reveals an implied intent to extend to all citizens a privilege to possess handguns except where, by operation of *State law*, that privilege is circumscribed in the interests of the common good. Morton Grove, in contrast, takes the opposite approach by prohibiting all handguns and then grants permission to possess handguns to limited classes of persons. Thus, the Morton Grove Ordinance is invalid as it is fundamentally at odds with the legislature's will to allow Illinois citizens to possess handguns, except in very limited circumstances, because "the test of concurrent authority . . . is the absence of conflict with the legislative will. *Maryland & D.C. Rifle & Pistol Ass'n., Inc. v. Washington*, 42 F.2d 123, 130 (D.C.Cir 1971).

The second reason Morton Grove's Ordinance does not operate concurrently with state law is even more significant. The ordinance is invalid to the extend that it prohibits what is expressly permitted by state statute. "To be sure, a municipal regulation cannot permit an act which the statute forbids, or forbid an act which the statute permits." *Id.*

A number of sections of chapter 38 of the Illinois Statutes contain exceptions to the general provisions which ban the possession of handguns under certain circumstances. Of particular significance are those statutory sections which expressly allow for the possession of handguns by individuals when in their homes, in their fixed places of buisness or upon their land.[21] The Illinois Legislature has expressly authorized the citizens of Illinois to carry handguns while present in certain locations. Such authorization is directly nullified by Morton Grove Ordinance No. 81-11.

A municipal ordinance providing for the registration of firearms was attacked in *Brown v. City of Chicago*, 42 Ill. 2d 501, 250 N.E.2d 129 (1969). Although the Illinois Supreme Court noted that the legislature had not preempted the registration aspect of the subject of gun control, the court did note that the ordinance would be struck down if it contradicted the provisions of the statute. The registration ordinance was upheld because there was "no inconsistency or repugnancy" between it and statutory provisions relating to firearm ownership registration. *Id.* at 250 N.E.2d 129. There can be no doubt as to the repugnancy of Morton Grove Ordinance No. 81-11 as it directly contradicts an authorization recited in the state statutes. Additionally, the ordinance is inconsistent with the state regulatory scheme as prohibition is inconsistent with regulation. I would find no problem with Morton Grove requiring handgun registration similar to that involved in *Brown*. Registration and prohibition, by their very nature, seek to achieve different goals. Regulation through registration allows possession subject to reasonable limits while prohibition mandates an outright ban on possession.

As Morton Grove has impermissibly acted under its home rule powers vis-a-vis Ordinance No. 81-11, it is the obligation of this

court to strike down the municipal enactment. Clearly, the creation of a uniform regulatory scheme concerning the possession of handguns is a matter of statewide, or even federal concern, which should not be disrupted by permitting this type of contradictory local action.

III.

I find today's decision particularly disturbing as it sanctions governmental action which I feel impermissibly interferes with basic human freedoms. I cannot let this opportunity pass without expressing my concern with the erosion of these rights.

The majority cavalierly dismisses the argument that the right to possess commonly owned arms for self-defense and the protection of loved ones is a fundamental right protected by the Constitution. Justice Cardozo in *Palko v. Connecticut*, 302 U.S. 319, 325, 58 S.Ct. 149, 151, 82 L.Ed. 288 (1937), defined fundamental rights as those rights "implicit in the concept of ordered liberty." Surely nothing could be more fundamental to the "concept of *ordered* liberty" than the basic right of an individual, within the confines of the criminal law, to protect his home and family from unlawful and dangerous intrusions.

Article I, section 22 of the Illinois Constitution provides that subject to the "police power," the right of an individual to bear arms shall not be infringed. The United States Supreme Court has noted the difficulty in attempting to outline the parameters of a state's legitimate police power. In *Berman v. Parker*, 348 U.S. 26, 75 S.CT. 98, 99 L.Ed. 27 (1954), addressing the concept of "police power," the Supreme Court stated that "an attempt to define its reach or trace its outer limits is fruitless, for each case must turn on its own facts." *Id.* at 33, 75 S.Ct at 102. The term is neither "abstractly nor historically capable of complete definition." *Id.* In enacting Ordinance No. 81-11, Morton Grove has gone beyond the "outer limits" of its legitimate police powers.

In —— *Sign Works* v. *Physical Culture Training School*, 249 Ill. 436, 94 N.E. 920 (1911), the Illinois Supreme Court recognized that it is the responsibility of the courts to determine when constitutional limits have been exceeded in the enactment of police power legislation. It is the duty of the courts to determine whether there has been an "unreasonable invasion of private rights." *Id*, 94 N.E. at 922.

"Necessarily there are limits beyond which legislation cannot constitutionally go in depriving individuals of their natural rights and liberties. To determine where the rights of the individual end and those of the public begin is a question which must be determined by the court." *Id.* 94 N.E. at 927.

In today's decision this court has refused to take cognizance of the natural right of an individual, within the confines of the criminal law, to protect his home and family from unlawful and dangerous intrusions. It is my opinion that Morton Grove Ordinance No. 81-11 impermissibly interferes with the rights of Illinois citizens to guard their personal security, subject to the limits of the criminal law, and that it is the duty of this court to so declare.

The court today has also refused to recognize the tremendous impact of Morton Grove Ordinance No. 81-11 on personal privacy rights. There is no doubt that the right to one's privacy is afforded constitutional protection. The United States Supreme Court has repeatedly recognized a right to privacy implicit in the federal constitution and Article I, section 6, of the Illinois Constitution expressly establishes a right to privacy. The Illinois provision has been interpreted by some members of the Illinois Supreme Court as creating a direct right to freedom from invasions of privacy by government or public officials. *See Stein v. Howlett*, 52 Ill.2d 570, 289 N.E.2d 409, 411, *appeal dismissed*, 412 U.S. 925, 93 S.Ct. 2750, 37 L.Ed.2d 152 (1973).

The Morton Grove Ordinance, by prohibiting the possession of a handgun within the confines of the home, violates both the fundamental right to privacy and the fundamental right to defend the home against unlawful intrusion within the parameters of the criminal law. There is no area of human activity more protected by the right to privacy than the right to be free from unnecessary government intrusion in the confines of the home.

The unique importance of the home from time immemorial has been amply demonstrated in our constitutional jurisprudence. Among the enumerated rights in the Bill of Rights are the Third Amendment's prohibition of quartering of troops in a private house in peace-time and the right of citizens to be "secure in their . . . houses . . . against unreasonable searches and seizures . . ." guaranteed by the Fourth Amendment. As early as 1886, the United States Supreme Court recognized that the Fifth Amendment protects against all governmental invasions "of the sanctity of a man's home and the privacies of life." *Boyd v. United States*, 116 U.S. 616, 630, 6 S.Ct. 524, 532, 29 L.Ed. 746 (1886). The First Amendment had been held to encompass the right to "privacy and freedom of association in the home." *Moreno v. United States Dep't of Agriculture*, 345 F. Supp. 310, 314 (D.D.C. 1972), *aff'd*, 413 U.S. 528, 93 S.Ct. 2821, 37 L.Ed.2d 782 (1973).

In *Stanley v. Georgia*, 394 U.S. 557, 89 S.Ct. 1243, 22 L.Ed.2d 542 (1969), the Supreme Court overturned a state conviction for possession of obscene material, holding "that the First and Fourteenth Amendments prohibit making the private possession of obscene material a crime." The Supreme Court had previously held that obscenity is not protected by the First Amendment, but in *Stanley* the Court made a distinction between commercial distribution of obscene matter and the private possession of such materials in the home and held the Georgia statute unconstitutional because it prohibited the possession of such materials in he home. The Court recited:

"For also fundamental is the right to be free, except in very limited circumstances, from unwanted governmental intrusion into one's privacy." Id. at 564, 89 S.Ct. at 1247.[22]

The Court has made it clear that its *Stanley* decision was not based on the idea that obscene matter is itself protected under the right of privacy. Rather, the focus in *Stanley* was on the fact that the activity prohibited by the Georgia statute occurred in the privacy of the home. In *United States* v. *Reidel*, 402 L.Ed2d 813 (1971), the Court rejected the argument that commercial distribution of pornography is constitutionally protected and held that the "focus" of *Stanley* was "on freedom of minds and thought and on the privacy of one's home." Subsequently, the Court in *United States* v. *Orito*, 413 U.S. 139, 142, 93 S.Ct. 2674, 2677, 37 L.Ed.2d 513 (1973) stated "the Constitution extends special safeguards to the privacy of the home" and there exists a "myriad" of activities which may be prohibited in public but which may be prohibited in public but which may be lawfully conducted within the privacy and confines of the home.

Most importantly, the Supreme Court in *Paris Adult Theatre I* v. *Slaton*, U.S. 49, 66, 93 S.Ct. 2628, 2639, 37 L.Ed.2d 446 (1973), held that *Stanley* was decided "on the narrow basis of the 'privacy of the home' which was hardly more than a reaffirmation that *'a man home is his castle.'* " (emphasis added).

Privacy in the home is a fundamental right under both the federal and Illinios Constitutions. This does not mean, of course, that a person may do anything at anytime as long as the activity takes place within a person's home. Instead, the right to privacy is limited in two important respects. First, the Supreme Court strictly limited its *Stanley* holding to possession for purely private, noncommercial use in the home. Second, as noted in *Stanley*, the right to privacy must yield when it seriously interferes with the public welfare. The government bears a heavy burden when attempting to justify an expansion, as in gun control, of the "limited circumstances" in which intrusion into the privacy of a home is permitted.

Morton Grove has not met that heavy burden. Without question, the state may, should and has placed reasonable restrictions on the possession of handguns outside one's home to protect the public welfare. However, Morton Grove's prohibition of handgun possession within the confines of a person's own home has not been shown to be necessary to protect the public welfare and thus violates the fundamental right to privacy.

The right to privacy is one of the most cherished rights an American citizen has; the right to privacy sets America apart from totalitarian states in which the interests of the state prevail over individual rights. A fundamental part of our concept of ordered liberty is the right to protect one's home and family against dangerous intrusions subject to the criminal law. Morton Grove, acting like the omniscient and paternalistic "Big Brother" in George Orwell's novel, "1984", cannot, in the name of public welfare, dictate to its residents that they may not possess a handgun in the privacy of their home. To so prohibit the possession of handguns in the privacy of the home prevents a person from protecting his home and family, endangers law-abiding citizens and renders meaningless the Supreme Court's teaching that "a man's home is his castle."

IV

In summary, I believe a truly independent judiciary must exercise its powers with discretion and reservation, giving due deference to the other branches of government. Our judicial responsibility, however, obligates us to declare an act by another governmental unit to be void if we believe the enacted law is contrary to the principles of the Constitution. Because I believe that the Morton Grove Ordinance as enacted is contrary to the principles of the Constitution, I must respectfully dissent from the opinion of this court.

FOOTNOTES

[1] Ordinance No. 81-11, in pertinent part, provides:

AN ORDINANCE REGULATING THE POSSESSION OF FIREARMS AND OTHER DANGEROUS WEAPONS.

Whereas, it has been determined that in order to promote and protect the health and safety and welfare of the public it is necessary to regulate the possession of firearms and other dangerous weapons, and

Whereas, the Corporate Authorities of the Village of Morton Grove have found and determined

that the easy and convenient availability of certain types of firearms and weapons have increased the potentiality of firearm related deaths and injuries, and

Whereas, handguns play a major role in the commission of homicide, aggravated assault, and armed robbery, and accidental injury and death.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into the Ordinance, thereby making the findings as hereinabove set forth.

SECTION 2: That Chapter 132 of the Code of Ordinances of the Village of Morton Grove be and is hereby amended by the addition of the following section:

"*Section* 132.102. Weapons Control

(A) Definitions:

Firearm: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding however:

(1) Any pneumatic gun, spring gun of B-B gun which expels a single globular projectile not exceeding 18 inches in diameter.

(2) Any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.

(3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(4) An antique firearm (other than a machine gun) which, although designed as a weapon, the Department of Law Enforcement of the State of Illinois finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

(5) Model rockets designed to propel a model vehicle in a vertical direction.

Handgun: Any firearm which (a) is designed or redesigned or made or remade, and intended to be fired while held in one hand or (b) having a barrel of less than 10 inches in length or (c) a firearm of a size which may be concealed upon the person.

Person: Any individual, corporation, company, association, firm, partnership, club, society or joint stock company.

Handgun Dealer: Any person engaged in the business of (a) selling or renting handguns at wholesale or retail (b) manufacture of handguns (c) repairing handguns or making or firing special barrels or trigger mechanisms to handguns.

Licensed Firearm Collector: Any person licensed as a collector by the Secretary of the Treasury of the United States under and by virtue of Title 18, United States Code, Section 923.

Licensed Gun Club: A club or organization, organized for the purpose of practicing shooting at targets, licensed by the Village of Morton Grove under Section 90.20 of the Code of Ordinances of the Village of Morton Grove.

(B) Possession:

No person shall possess, in the Village of Morton Grove the following:

(1) Any bludgeon, black-jack, slug shot, sand club, sand bag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, or

(2) Any weapon from which 8 or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed off shotgun or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to black powder bombs and molotov cocktails or artillery projectiles; or

(3) Any handgun, unless the same has been rendered permanently inoperative.

(C) Subsection B(1) shall not apply to or affect any peace officer.

(D) Subsection B(2) shall not apply to or affect the following:

(1) Peace officers;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duties; and

(4) Transportation of machine guns to those persons authorized under Subparagraphs (1) and (2) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible.

(E) Subsection B(3) does not apply to or affect the following:

(1) Peace officers or any person summoned by any peace officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer and if such handgun was provided by the peace officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps while in the performance of their official duties.

(4) Special Agents employed by a railroad or a public utility to perform police functions; guards of armored car companies; watchmen and security guards actually and regularly employed in the commercial or industrial operation for the protection of persons employed and private property related to such commercial or industrial operation;

(5) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the commission to carry such weapons;

(6) Licensed gun collectors;

(7) Licensed gun clubs provided the gun club has premises from which it operates and maintains possession and control of handguns used by its members, and has procedures and facilities for keeping such handguns in a safe place, under the control of the club's chief officer, at all times when they are not being used for target shooting or other sporting or recreational purposes at the premises of the gun club; and gun club members while such members are using their handguns at the gun club premises;

(8) A possession of an antique firearm;

(9) Transportation of handguns to those persons authorized under Subparagraphs 1 through 8 of this subsection to possess handguns, if the handguns are broken down in a non-functioning state or not immediately accessible.

(10) Transportation of handguns by persons from a licensed gun club to another licensed gun club or transportation from a licensed gun club to a gun club outside the limits of Morton Grove; provided however that the transportation is for the purpose of engaging in competitive target shooting or for the purpose of permanently keeping said handgun at such new gun club; and provided further that at all times during such transportation said handgun shall have trigger locks securely fastened to the handgun.

[2] Three amici briefs were also filed, by the Illinois State Rifle Association, the Handgun Control, Inc., and the States of Arizona, Connecticut, Hawaii, Idaho, Louisiana, Missouri, Montana, Nevada, North Carolina, Oregon and Wyoming collectively. We have considered the arguments raised in these briefs and find that, for the most part, they raise the same arguments as those raised by the parties.

However, the states' amici curiae brief raises one issue not raised by the parties or addressed by the district court. The states argue that the district court should have abstained because the federal court may not construe a state constitutional provision when the state court has not yet had the opportunity to construe that provision. Amici Curiae br. at 8. The states admit that abstention is not required when the state constitutional provision parallels the federal constitutional provision. However, relying on *Railroad Comm'n* v. *Pullman Co.*, 312 U.S. 496, 61 S.Ct. 643, 85 L.Ed. 971 (1941), they assert that the state constitutional provision involved in this case is unique, and thus, the federal court should not have prematurely usurped the state's prerogative to interpret its own consitution.

We disagree. Since abstention is not mandatory, the federal court must determine whether abstention is appropriate in a particular case. 1A Moore's Federal Practice § 0.203[1] at 2105 (1977). Federal courts have been reluctant to abstain when fundamental rights such as voting, racial equality or rights of expression are involved. *Id.* at 2111-12. We consider the issue of gun control of vital importance to every citizen and, for this reason, do not believe that abstention is any more appropriate in this case than in cases where fundamental rights are involved. Moreover, the purpose of the abstention doctrine is to minimize the conflict between the federal and state systems. *Railroad Comm'n* v. *Pullman Co.*, 312 U.S. 496, 61 S.Ct. 643, 85 L.Ed. 971 (1941). There is no conflict here, for Morton Grove voluntarily removed this case to federal court. Accordingly, we find that the abstention doctrine has no relevance.

[3] In construing section 22, the district court also relied heavily on the constitutional debates. Appellants challenge this reliance, arguing that constitutional ambiguities are best resolved by the voters' understanding at the time of the vote on the proposed consititution. Appellants contend that the voters' understanding should be gleaned from: (1) the Official Explanation published prior to the ratification vote; (2) newspaper articles discussing the proposed section 22; and (3) the meaning which the voters were likely to have attributed to the term "police power." Since the district court thoroughly analyzed, and properly rejected, this theory of statutory construction, *Quilici v. Village of Morton Grove*, 532 F. Supp. at 1174-75, we need not repeat that analysis here.

[4] Reichert cities *Client Follow-Up Co. v. Hynes*, 75 Ill.2d 208, 28 Ill.Dec. 488, 390 N.E.2d 847 (1979) to support his assertion that the district court erroneously relied on the constitutional convention debates to construe section 22. He contends that *Client Follow-Up* holds that constitutional convention debates are useful only when those debates demonstrate a consensus among the delegates. Reichert correctly states the *Client Follow-Up* holding, but ignores the fact that the Proceedings indicate a majority consensus among the delegates as to the meaning of section 22. *See, e.g.*, 3 Proceedings 1711, 1717-19, 1818.

[5] The Proceedings are replete with other statements supporting our holding. See, for example, Delegate Foster's statement that "we feel that under . . . [section 22] . . . the state would have the right to prohibit some classes of firearms, such as war weapons, handguns, or some other category." 3 Proceedings 1818. See also his statement immediately prior to the vote on the proposed section 22 that: "[i]t is the position of the majority that under the police power of the state, the legislature would have the authority, for example, to forbid all handguns . . . [and] it is still the position of the majority that short of an absolute and complete ban on the possession of all firearms, this provision would leave the legislature free to regulate the use of firearms in Illinois." 3 Proceedings 1718.

[6] Ill. Const. Art. VII, § 6(a) provides:

A County which has a chief executive officer elected by the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax and to incur debt.

The parties do not dispute the fact that Morton Grove is a home rule unit and the court notes that, in 1980, Morton Grove passed a referendum maintaining its home rule status pursuant to Ill. Const. Art. VII, § 6(a).

[7] We note that *Kalodimos v. Village of Morton Grove*, 81 Ch. 6424 slip op. (Cook County, Ill. Jan. 29, 1982) in which Reichert was one of several plaintiffs, is consistent with our analysis here.

[8] Appellants devote a portion of their briefs to historical analysis of the development of English common law and the debate surrounding the adoption of the second and fourteenth amendments. This analysis has no relevance on the resolution of the controversy before us. Accordingly, we decline to comment on it, other than to note that we do not consider individually owned handguns to be military weapons.

[9] A similar conclusion has been reached by numerous other courts, *United States* v. *Oakes*, 564 F.2d (6th Cir. 1977) *cert. denied*, 435, U.S. 926, 98 S:Ct. 1493, 55 L.Ed.2d 521 (1978); *United States* v. *Warin*, 530 F.2d 103 (6th Cir.), *cert. denied*, 426 U.S. 948, 96 S.Ct. 3168, 49 L.Ed.2d 1185 (1976); *Cody* v. *United States*, 460 F.2d 34 (8th Cir.), *cert. denied*,

409 U.S. 1010, 93 S.Ct. 454, 34 L.Ed.2d 303 (1972); *Stevens* v. *United States*, 440 F.2d 144 (6th Cir. 1971).

[10] Appellants also argued, in the district court, that Ordinance No. 81-11 violated the fifth amendment and is unconstitutionally vague. These arguments were not raised in this court.

[11] On October 5, 1982, the Illinois Supreme Court denied a petition for leave to appeal the *Hutchcraft* decision, Illinois Supreme Court Docket No. 56635.

[12] Ill. Rev. Stat. ch. 38, § 24-3.1 provides in pertinent part:

"24-3.1. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession; or

* * *"

[13] Ill. Rev. Stat. ch. 38, § 24-1(a)(10) recites: "Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(10) Carries or possess on or about his person, upon any public street, alley or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm."

[14] Ill. Rev. Stat. ch. 38, § 24-1(a)(4) states:

"24-1. Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

* * *"

[15] Ill. Rev. Stat. ch. 38, § 24-1(a)(8) states:

"§ 24.1 Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving in the exhibition of unloaded firearms is conducted; or

* * *"

[16] Ill. Rev. Stat. ch. 38, § 24-1(a)(7) provides:

"§ 24-1. Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(7) Sells, manufacturers, purchases, possesses or carries any weapon from which 8 or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun whether by alteration, modification or otherwise, it such weapon, as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black power bombs and Molotov cocktails or artillery projectiles; or

* * *"

[17] Ill. Rev. Stat. ch. 38, § 83-13.1 recites:

"Municipal Ordinance Imposing Greater Restrictions or Limitations.

The provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act."

[18] Ordinance No. 81-11 § 2(B) recites:

"No person shall possess, in the Village of Morton Grove the following:

* * * * *

(3) Any handgun, unless the same has been rendered permanently inoperative."

[19] Illinois law permits a handgun owner to transport a handgun by car if the handgun is not immediately accessible to the driver or any other occupant of the vehicle. *See* Ill. Rev. Stat. ch. 38, §§ 24-1(a)(4) and 24(2)(b)(4).

[20] *Peoples v. Abrahams*, 40 N.Y. 2d 277, 286, 386 N.Y.S.2d 661, 353 N E.2d 574 (1976).

[21] *See, e.g.*, Ill. Rev. Stat. ch. 38, §§ 24-1(a)(4), (10).

[22] I am aware of Justice Marshall's comments contained in footnote No. 11 of the *Stanley* decision. I believe however, as noted herein, that subsequent decisions of the Court have divested the footnote of any significance vis-a-vis this court's review of Morton Grove Ordinance No. 81-11.

Mr. LAXALT. Mr. President, I yield the floor to the Senator from Kansas who, I think, has a closing amendment.

For those who are listening, hopefully this is the last amendment. Also for the guidance of those who may be in their offices or elsewhere, it is not my wish to ask for a rollcall vote, and I think the Senate in no way wants a rollcall vote.

If we are able to dispose of this proposed Dole amendment, that probably will be the last amendment.

I yield the floor to the distinguished Senator from Kansas, Senator DOLE.

AMENDMENT NO. 2423

(Purpose: To prohibit the availability of funds for the Commission on Security and Cooperation in Europe during 1984 while the chairman of the Commission is not a Member of the Senate)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. It will take unanimous consent to set-aside the committee amendments.

Mr. DOLE. I ask unanimous consent that the committee amendments be set-aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2423.

On page 47, line 15, strike out "$544,000 to remain available until expended" and insert in lieu thereof: "$150,000 for the period ending December 31, 1983."

Mr. DOLE. Mr. President, I do not want to detain the Senate on this amendment, but I feel very strongly about it. What we have here, I think, is the quesiton of whether or not, as I said yesterday when I offered the amendment to the authorization bill, we have coequal branches of Government.

We had an amendment adopted yesterday, that the so-called CSCE Commission, better known as the Helsinki Commission, would rotate the chairmanship each year. I quoted the language of one of the first meetings after the Commission was created between the distinguished Senator from Rhode Island (Mr. PELL), the late Senator Case of New Jersey, the former Representative Millicent Fenwick of New Jersey, and the distinguished Representative from Florida (Mr. FASCELL). My problem is that we have never had a rotation of the chairmanship. I am told the House Chairman is doing a good job, but that does not answer the question. I am of the opinion that if the Chairman of the Commission were a Member of the Senate, whether Democratic or Republican, he or she would likewise do a good job.

It is my hope that this can be worked out between the Members of the Senate and the Members of the House on the Commission. We are not going to work it out unless we put some pressure on the House. They agreed to rotate the Chairman 6, 7, 8 years ago, but it has never been rotated.

It seems to this Senator that it is an insult to suggest that there is nobody in the Senate who can preside over that Commission. That is essentially what we are told.

We have been told, oh, well, we are really a cochairman with equal power. That is not the case. I have had some experience, since the chairman fired my assistant. That may not be of any importance, but I suggested that he fire his and I would fire mine. He had a better idea: He just fired mine, then told me there would be no replacement for him. That was not quite what I had in mind.

It seems to me this is really a question for the Senate: Do you want to form a commission with the House and let the House people preside over it for its entire lifetime, whether you are a Democratic or Republican Senator? If you say, yes, that is all right with me.

This amendment would cut off the money starting in January. If we cannot resolve the chairmanship issue by January, we are going to have to address the funding question in a little different light.

There is going to be a continuing resolution before this body on November 10. By then, I hope we have resolved our differences.

I have no quarrel with Representative FASCELL. He is a friend of mine. He does good work. But I also think that a Member of the Senate, a Democrat or a Republican, could be effective as chairman of that committee. I hope

we might be able to accept the amendment. It is offered in the spirit of trying to work something out between now and the time we have the continuing resolution.

I originally sought to strike out all the funds. Perhaps the world would not collapse if this Commission were dissolved, but it does good work and I think it should be continued. But it ought to be continued on a bipartisan or nonpartisan basis. Even more than that, there ought to be comity between the House and the Senate.

Mr. LAXALT. Mr. President, as far as this manager is concerned, I have no problem with the Dole approach. We had a meeting within the subcommittee structure where this problem was once again defined. I find it hard to understand really why the chairmanship of this joint committee should not be rotated. I guess it is some kind of tradition in history that I have not been able to fathom.

I might indicate to the Senator from Kansas that I have attempted to work the other side of the aisle in an effort to have them take this amendment. I must concede to the Senator I have been eminently unsuccessful. Unless something has developed within the last several minutes, I do not find any way that we can deal with this amendment other than put it on the floor and have a rollcall vote.

Perhaps my co-manager (Mr. INOUYE) can shed some further light on this and perhaps my prediction is a bit pessimistic. I hope so.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from Hawaii.

Mr. INOUYE. Mr. President, I believe if I may suggest that we have a quorum call of about 5 minutes and have a little discussion, we may be able to save a lot of time.

Mr. LAXALT. Very well. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I am prepared to vote. I am not certain if the Senator from Rhode Island is.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. As a member and the first co-chairman of the Helsinki Commission, I find this to be a very difficult amendment. What it would do is terminate the Helsinki Commission as of December 31. I realize it would be possible to reach an accommodation to terminate it on April 31 or April 1. But I think the basic problem is not the question of who is chairman and who is not chairman or who got fired. Basically, the question is whether the Helsinki Commission itself should be continued. The Commission has made major contributions to our effort to promote human rights in the Soviet Union and Eastern Europe and I think it would be regrettable to have the Senate by vote say that the Helsinki Commission should terminate. I imagine, when we get to conference, it would be very hard for the Senate to retain that position. The Commission has served as a forum for discussion of human rights issues and has provided moral support, assistance and hope to people in the Soviet bloc and to individuals in the United States whose relatives and friends are forced to live in the absence of freedom. I believe that many groups in the United States will be very concerned and upset about a vote which abolishes the Commission.

Our choice now with this amendment is a December 31 cutoff or continuation. In order that the record may be complete, I would like to state that I could have plea bargained and secured another 3 or 6 months of time. However, I do not think that time is the issue. As I have said, the issue is whether or not the Commission should continue to exist. I believe that the Commission provides hope to the peoples in the East and I do not believe it should be abolished. For these reasons, I hope the amendment will be defeated.

AMENDMENT NO. 2424

(Purpose: To prohibit the availability of funds for the Commission on Security and Cooperation in Europe during 1984 while the Chairman of the Commission is not a Member of the Senate)

Mr. DOLE. Mr. President, what I might suggest is an amendment which would provide that funds not be made available unless there is a rotation of the chairmanship, which addresses the point raised just now by the Senator from Rhode Island. If there is a rotation, then obviously you do not touch the funds.

Now, I have an amendment drawn that I would be happy to substitute for the amendment now pending if the Senator from Rhode Island would not make a point of order against the amendment. It would not necessitate a rollcall.

Would that satisfy the Senator from Rhode Island?

Mr. PELL. I recognize the proposal that the Senator is making. As the Senator knows, I voted against the amendment which would rotate the chairmanship. However, the will of the Senate was that there should be a rotation, while I personally will vote against the amendment that the Senator from Kansas is now offering, I will not insist on a rollcall vote.

Mr. DOLE. If I made the substitution?

Mr. PELL. Right.

Mr. DOLE. Then I ask unanimous consent that I may offer an amendment in the nature of a substitute to the pending amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2424 in the nature of a substitute:

On page 47, line 17, before the period insert a colon and the following: "*Provided further,* That none of the funds appropriated under this heading may be made available for the Commission on Security and Cooperation in Europe during the calendar year 1984 while the Chairman of the Commission on Security and Cooperation in Europe is not a Member of the Senate".

Mr. DOLE. Mr. President, I ask unanimous consent that the yeas and nays on the previous amendment be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, I am prepared to vote on the amendment. It is as read.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. While it would be inappropriate for me to raise a point of order on this now, could not a point of order be raised on this matter at a later date as being a conditional appropriation?

The PRESIDING OFFICER. The Chair understands that no point of order would lie against the amendment in the language in which the amendment presently appears. The Chair would reserve judgment on the matter of whether a point of order would lie against a similar amendment on a similar vehicle at some other time in the future.

Mr. PELL. In other words, if there would be no point of order, this would not be considered a conditional appropriation?

The PRESIDING OFFICER. The Chair understands that the Senator is correct with regard to this particular language.

Mr. PELL. I thank the Chair. I do not intend to raise the point because I previously assured the Senator from Kansas of my willingness to accept the arrangement, but the record should

show that it will be raised at a later date.

Mr. DOLE. That is correct. On this particular amendment, if we adopt the amendment, it may be subject to a point of order later on.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the substitute amendment.

The amendment (No. 2424) was agreed to.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2423

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended, of the Senator from Kansas.

The amendment (No. 2423) was agreed to.

Mr. LAXALT. Mr. President, I have a couple items here prior going to third reading. For those who are in their offices it appears as far as rollcall votes are concerned we got the job done.

AMENDMENT NO. 2425

(Purpose: Technical amendments)

Mr. LAXALT. Mr. President, I sent to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. LAXALT) proposes an amendment numbered 2425.

Mr. LAXALT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 16, after the word "and" insert the word "other".

On page 49, line 7, strike the word "Program" and insert in lieu thereof "Programs",

Mr. LAXALT. Mr. President, this amendment has been cleared on both sides of the aisle and I ask the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 2425) was agreed to.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAXALT. Mr. President, I yield the floor to the distinguished Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Wisconsin (Mr. PROXMIRE) be added as cosponsors to the Rudman amendment (No. 2409) pertaining to resale price maintenance in the Department of Justice. I refer to it specifically because there were a number of amendments during the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND EXCEPTED COMMITTEE AMENDMENT—PAGE 42, LINE 1 THROUGH 4

Mr. LAXALT. Mr. President, I ask unanimous consent that the excepted committee amendment on page 42, lines 1 through 4, become the pending business.

The PRESIDING OFFICER. The committee amendment will be stated.

The assistant legislative clerk read as follows:

On page 42, line 1 through 4, add new language.

Mr. LAXALT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $102,753,000.

Mr. LAXALT. Mr. President, I am aware of no further debate on the committee amendment and ask for its adoption.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, as a member of the Senate Appropriations Committee and the Senate Tourism Caucus, I want to voice my strong and continued support of the provisions in this bill that increases funding for the U.S. Travel and Tourism Administration (USTTA).

While governments worldwide have increased promotional spending to support tourism, U.S. Government funding for tourism programs has been steadily declining. The disastrous impact of this declining support is evidenced by the fact that the U.S. share of world tourism receipts have plummeted from 13 percent in 1976 to 10.6 percent in 1982. If we do not reverse this trend over the next 5 years, our market share is expected to drop further to 5.3 percent in 1988. These losses take on increased significance in light of the fact that each market share point means 28,500 jobs, and $1 billion in tourism receipts.

The importance of tourism and tourism promotion in Vermont cannot be overstated. In 1981, the travel and tourism industry was Vermont's largest employer, generating 36,000 jobs or 17.4 percent of all jobs in Vermont.

Vermont's travel and tourism industry was responsible in 1981 for $218 million in payroll, over $1 billion of expenditures in the State and $84.7 million in total tax revenues. In fact, Vermont rates first among all States in the country in terms of the importance of tourism-generated tax revenues to the overall State economy.

The USTTA plays an essential role in promoting foreign travel within the United States. It has worked closely with organizations such as the Vermont Hospitality and Travel Association and the Vermont Chamber of Commerce to promote travel in Vermont. Numerous members of the industry in Vermont have told me of the need for increased USTTA funding.

It should be emphasized that funding the USTTA is a sound investment of our tax dollars. The USTTA produces a net positive financial return from its activities, to the benefit of small travel-oriented businesses, in Vermont and elsewhere. Studies show that promotional spending through the USTTA generates more than $64 in new Federal tax revenues for each promotional dollar spent.

The bill we are deliberating today appropriates $12.8 million for the USTTA, $4.8 million more than the 1983 level and $2.8 million more than the level recommended by the House. This increase in funding is responsible fiscal policy and long overdue. I am pleased to lend by full support to the USTTA funding provisions of the bill.

Mr. DOMENICI. Mr. President, I would like to commend my distinguished colleagues, Senator HATFIELD and LAXALT, and my fellow members of the State Appropriations Committee for reporting this bill. Last year the Commerce, Justice, State appropriations bill was not reported in the Senate and was eventually included in the final continuing resolution for the year. We are making much better progress than we did last year.

I support the Commerce, Justice, State, Judiciary appropriations bill as reported by the committee.

As reported in the Senate, the bill appropriates $10.3 billion in budget authority and $8.8 billion in outlays for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 1984.

The reported bill, together with outlays from prior year budget authority, other actions completed, and possible

later requirements, puts the subcommittee $0.3 below its crosswalk allocation for budget authority and right on its crosswalk allocation for outlays. I commend the subcommittee for bringing us a bill that fits within the budget resolution.

With regard to the credit budget, the reported bill provides $1.7 billion in new direct loan obligations and $3.8 billion in new primary loan guarantee commitments. In both direct loan obligations, and primary loan guarantee commitments, the bill is identical to the budget assumption for the subcommittee.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budget and the President's budget requests be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior year budget authority and other actions completed	0.1	2.4
H.R. 3222, as reported in the Senate	10.3	8.8
Possible later requirements:		
SBA business loan investment fund	.3	.3
Criminal justice block grant	.1	(1)
Adjustments to conform mandatory programs to first budget resolution assumptions	−(1)	−.1
Subcommittee total	10.6	11.4
Subcommittee total 302(b) allocation	10.9	11.4
House-passed level (H.R. 3222)	10.8	11.8
President's request	9.8	10.9
Subcommittee total compared to:		
Subcommittee 302(b) allocation	−.3	
House-passed (H.R. 3222)	−.2	−.4
President's request	+.9	+.5

[1] Less than $50,000,000.

Note: Details may not add to totals due to rounding.

COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES SUBCOMMITTEE CREDIT TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
S. 1721, as reported in the Senate	1.4	3.8
Possible later requirements: SBA business loan investment fund	.3	
Subcommittee total	1.7	3.8
Subcommittee first budget resolution assumption	1.7	3.8
House-passed level [1]	2.1	3.8
President's request	1.0	2.8
Subcommittee total compared to:		
First budget resolution assumption		
House-passed level [1]	−.4	
President's request	+.7	+1.0

[1] House-passed level includes a possible later requirement for the Economic Development Administration loan guarantee program and the SBA business loan investment fund.

Mr. PRESSLER. Mr. President, it was my intention to offer today an amendment dealing with the Small Business Administration's direct loan program for Vietnam era and disabled veterans. My amendment would have required that all funds appropriated under this bill for the veterans' direct loan program would be disbursed.

I have always fought to see that Vietnam veterans are fairly treated. On many occasions, I have lamented the fact that these veterans have not been recognized for their dedicated service. This has been a very distressing situation. However, through the untiring work of many veterans organizations, the American people are finally beginning to appreciate the merits of those who served in Vietnam. Many of my distinguished colleagues have joined in a commitment to insure that these brave men and women are adequately compensated for their tremendous sacrifices. I am proud to say we have achieved much in this effort. The recent passage of H.R. 2355, the jobs bill for Vietnam and Korea veterans, was another vital part of this progress.

When the SBA direct loan program was approved by Congress and signed into law as Public Law 97-72, I foresaw a great chance for Vietnam era and disabled veterans to help themselves and to participate in revitalizing our economy. As we all know, many of these veterans have struggled since the war to reestablish themselves in civilian life. This new loan program seemed to offer some much needed relief. I was happy to notify South Dakota veterans of the existence of this program, and I encouraged them to apply.

Many Vietnam veterans and veterans organizations have stated that they feel the SBA has engaged in a half-hearted effort in disbursing these direct loan funds. I realize this program did not actually get under way until March 10 of this year. No doubt this was a major reason the SBA used only $3 million of the $25 million appropriated for Vietnam veteran loans in fiscal year 1983. The Appropriations Committee has recommended that the remaining $22 million be carried over to fund the program in fiscal year 1984.

The Veterans of Foreign Wars (VFW), the Disabled American Veterans (DAV), the American Legion, and the American veterans of World War II, Korea and Vietnam (AMVETS) have all expressed support for my amendment. In addition, strong support has been given by the United Vietnam Veterans Organization, the Brotherhood of Vietnam Veterans, the Vietnam Veterans Foundation, the American Foundation for the Accountability of MIA's and POW's, and the Oklahoma Agent Orange Foundation. These groups are concerned, as am I, with seeing that Vietnam era and disabled veterans are given ample opportunity to establish viable business enterprises.

It is my understanding that the SBA now believes they have this program on track, and thus my amendment is not necessary. A recent memorandum has been sent by James Sanders, administrator of the SBA, to all regional and district offices which states the SBA's commitment to insuring that the program is utilized more fully in fiscal year 1984. I ask unanimous consent that this memorandum be inserted at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

[Memorandum]

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., September 29, 1983.

From: Administrator.
Subject: Veteran's Loan Program.
To: All Regional Administrators, All ARA's F&I, All District Directors, All ADD's F&I, All Branch Managers.

As we approach the end of our fiscal year, we have received an increasing amount of criticism over a perceived lack of activity in the areas of assistance to veterans. We believe that a large part of this perception results from the limited use of the direct funds specifically provided to SBA for loans to Vietnam and disabled veterans.

However, we also believe that the adverse effects of this perception are compounded when SBA staff members in some field offices apparently comment to the public that we have no special program for veterans.

For this reason, it is most important that all of our staff members, particularly those that provide program information to the public, are fully aware of the existance of the Veterans Loan Program, the fact that adequate funds have been available through this fiscal year, and we are assured of the continuing availability of funds for the program in fiscal 1984.

In discussing the veteran's program with the public, we believe it is important to explain that while special consideration is afforded in reservation of funds, in the expeditious processing of loan requests, special management assistance programs, and the availability of Veterans Affairs Officers, the credit criteria for the granting of such loans are not different from our other loan programs. This recognizes the fact that in any and all loan programs, repayment ability must be established in order to receive loan approval.

It is also necessary to recognize that our basic statute prohibits the granting of a direct loan if a bank loan or SBA guaranteed bank loan is available. Therefore, while our usage of veteran's direct loan funds may have been only about $8 million this fiscal year, guaranteed loans to veterans have reached approximately $450 million, roughly 24 percent of all SBA loan dollars.

I want to stress that in providing information to the public on the veterans program, considerable care must be taken so that a balanced and accurate view of the program is provided. Further, I want to be sure that appropriate program personnel continue to make every effort to provide assistance under the Veteran's Loan Program to all ap-

plicants that can meet existing Agency eligibility and credit requirements.

JAMES C. SANDERS,
Administrator.

Mr. LAXALT. Mr. President, I have also received assurances from the SBA that every effort will be made to insure that this direct loan program will be promoted and utilized to the full extent allowable under SBA's lending guidelines. I want to thank the Senator from South Dakota for his leadership in this area. I am well aware of his deep commitment to the welfare of our Nation's veterans, and I can assure him that I will continue to monitor this program carefully.

Mr. PRESSLER. I want to thank the distinguished chairman of the Commerce, Justice, and State Subcommittee for his assistance in this matter. I know he shares my wish to assist our veterans, and with his position on the Appropriations Committee and my position on the Small Business Committee, I believe we can keep a close eye on the future of this program.

Mr. SIMPSON. Mr. President, I would like to take this time to commend Senator PRESSLER for the work he has done on behalf of Vietnam veterans. His commitment to seeing that they are fairly treated is a well-recognized fact. Though we sometimes differ in regard to particular legislation, I respect Senator PRESSLER's conscientious efforts and value the important participation that he provides. I look forward to continuing the dialog with my distinguished colleague from South Dakota as we work on these highly important veterans issues.

Mr. PRESSLER. I thank the chairman of the Senate Veterans' Affairs Committee for his remarks. My high regard for his excellent handling of veterans matters was a key reason for my asking him to join me for a veterans workshop which I held in Rapid City, S. Dak., in August. I, too, look forward to his continued cooperation in this area.

DEVELOPMENT OF EXPORT TRADING OPPORTUNITIES IN WEST VIRGINIA

Mr. BYRD. Mr. President, one of the most promising areas for export promotion is the small business sector. However, many small businesses are handicapped by their inability to reach foreign markets.

The Small Business Development Center located at the University of Charleston, in West Virginia, provides assistance to small businesses on a broad range of issues. The center is funded by a combination of Federal and private grants.

In conjunction with the International Trade Administration district office in Charleston, the center has formulated a plan for improving the export trade opportunities for small businesses through better communications. Teletype messages are the medium for international business communication. The Small Business Development would like to make available centralized teletype services to firms in the region.

I would like to request that the managers of this bill pursue the purchase or lease of teletype equipment for the Small Business Development Center located at the University of Charleston, which purchase can be made from available funds.

The acquisition of this equipment will increase the export opportunities for small businesses in my State, which has the highest unemployment level in the country.

Mr. LAXALT. Mr. President, export trade is an important component of our economy. I realize the difficulties that small businesses have in tapping the international business network.

I will state to the distinguished Senator from West Virginia that I will seek to have teletype equipment discussed here provided to the Small Business Development Center in Charleston, W. Va., from within available funds, as the manager.

Mr. DECONCINI. Mr. President, I am concerned about small businesses' access to export markets. As the acting manager, I agree that the item discussed by the distinguished Senator from West Virginia should be provided for from available funds.

Mr. LEVIN. Mr. President, it has been said that when the national economy sneezes, Michigan has a cold. For the past several years, the economy of Michigan has been very ill. High interest rates have significantly reduced consumer demand for autos, homes, appliances and furniture—the industrial heart of Michigan. As a result, Michigan's unemployment rate is second highest in the Nation, approaching 14 percent statewide and almost 20 percent in some areas.

The State of Michigan in combination with the private sector is attempting to nurse the economy back to health through a number of economic initiatives. One of the most promising involves improving the ability of Michigan small business to compete for Federal procurement opportunities.

Improving the ability of small business to compete for and obtain Government contracts can be an important means of stemming this decline and increasing employment. But small business face many obstacles when seeking Government work. The Senate Small Business Committee has found through a number of hearings that lack of adequate and timely information is a serious impediment. To address this problem, the Congress approved earlier this year the commerce business daily bill, providing additional time for small business to obtain information on and to respond to procurement solicitations.

The Michigan Department of Commerce has begun, in cooperation with small business and nonprofit organizations, a program to link small business by computer to an information base about Federal procurement opportunities. For a fee, small business would have individual access to a computer network containing a data base about opportunities at Federal procurement centers. Several local offices would also be established to provide firms with quick access to military specifications, aperture cards, and to assist with bid preparation. The program is designed to become self-supporting as more small business take advantage of its services.

The Michigan Legislature has allocated approximately $400,000 for the program. The funding would establish the computer network and several local offices. But only a few areas can be served. Greater progress toward implementing this program could be made if additional funding were available.

I would ask the chairman of the Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies whether he would join with me in urging the Small Business Administration to make available on a matching grant basis with the Michigan Department of Commerce approximately $400,000 from SBA's salary and expense account for implementation of this program during fiscal year 1984?

Mr. LAXALT. I can understand the strong interest of the Senator from Michigan in seeing this worthwhile program come into being. The small business of Michigan can make an important contribution toward improving the employment picture in the State.

The efforts of the Michigan Department of Commerce and small business to implement this procurement assistance program is worthy of SBA support. I will be happy to work with the Senator in an effort to encourage SBA to make such funding available during the coming fiscal year.

THE CONVICT LABOR AMENDMENT NO. 2412

Mr. THURMOND. Mr. President, I am pleased to join my distinguished colleague from New Hampshire in sponsoring an amendment which will allow the use of materials produced by prison inmate labor on Federal aid highways.

In the past, prison industries had produced many of the items, such as road signs, which were used in highway construction projects. The programs were effective in two ways. First, the production of these materials benefited the inmates by providing them with work experience and skills during their time in prison. This is in keeping with the rehabilitation aspect of incarceration. Second, these materi-

als have provided significant revenue to the various States which had operated these kinds of prison industry programs.

Mr. President, this amendment is not intended to bring about a sudden, major change in the law. All that we seek to do by this amendment is to return to the proven beneficial system in effect prior to enactment of the Surface Transportation Assistance Act which prohibited the use of such materials.

I fully endorse this amendment and hope my colleagues will support it.

Mr. RIEGLE. Mr. President, I rise in support of this legislation which, among other things, continues funding for the sea-grant college program. The sea-grant college program in my home State has enjoyed tremendous success in a wide range of areas through a cooperative partnership between the University of Michigan and Michigan State University.

The three vital services provided by the sea-grant college program, research, education, and advisory services, are indispensable aids to State and local agencies, marine businesses, coastal communities, as well as individuals who use the Great Lakes and their resources. In the field of research, the sea-grant program has conducted extensive studies on water quality, toxic substances, fisheries, coastal resources, transportation, tourism, and recreation. Sea grants' educational programs provide training for students, fishers, marine operators, and other members of the marine business community. The marine advisory services provided by the sea-grant program links its research and education programs to those who can directly apply the information. This is accomplished through advisory agents located in coastal communities who disseminate research findings and explain the method in which to apply these findings.

One of the most widely acclaimed accomplishments of the sea-grant college program is the discovery that cold water drowning victims may be revived with little or no harmful effects after as much as an hour under water. In the field of shipping, the sea-grant program has designed a short course on new technology and production methods in shipbuilding which helps U.S. shipbuilders compete more effectively in international markets. The program has also made advances in Great Lakes ship design for winter navigation and utilization of channels and locks.

Some of the other achievements of the program include: Restoration and protection of the Great Lakes waters and wetlands through research on water quality and toxic substances, research which has helped to insure adequate populations of Great Lakes fish to support multimillion dollar commercial and sport fisheries, increased recreational opportunities through the development of underwater parks and sport fishing and tourism networks, and better erosion control for shoreline property owners through the testing of economical shore protection devices.

These are just a few of the valuable services provided by the sea-grant college program which demonstrate their importance to the Great Lakes region. I am pleased that the Senate has approved funding for this vital program and look forward to its continued success.

PROTECTIVE SERVICES PROGRAM

Mr. WILSON. Mr. President, yesterday the Senate voted to adopt S. 1342, and in that measure there is authorization for a protective services program which would allow the State Department to reimburse local government for extraordinary costs incurred when providing protection to foreign consulates at the request of the Department of State.

Mr. President, I strongly supported that part of the measure and am assured that the majority of the Senate did as well. Certainly, in my own State we have many consulates that from time to time need special protection from terrorist threats, and no agency is better equipped to provide this protection than our local law enforcement departments. In the case of Los Angeles where the Turkish consulate has, for more than 1 year, been under constant surveillance by the Los Angeles Police Department, it is only just and right that some of the costs be borne by the Federal Government which is signatory to the international treaties which, in fact, dictate the level of our response.

Now, Mr. President, we have before us the appropriations measure S. 1721, and I can find no moneys that will permit the protective services program to be implemented. May I ask the distinguished chairman of the subcommittee how he plans to handle the funding of this program which, I understand, he supports?

Mr. LAXALT. I welcome the inquiry of my distinguished neighbor from California. I do support the program we authorized in S. 1342 yesterday. In fact, it was through the initiative of the White House that this program was proposed and subsequently included in the President's fiscal year 1984 budget at a level of $6 million.

However, as my colleague also knows, S. 1342 has not yet been agreed to by the House, and I would rather hold off on the funding for this program until our good friends in the House have had the opportunity to adopt the carefully worded program which was finally agreed to in S. 1342. I feel that we will have time to do this in the first supplemental appropriation in the next session, and if the program has become law by that time, it would be my intention to review it carefully and to consider it for funding at that time.

Mr. WILSON. Mr. President, I appreciate the comments of the chairman, and I am prepared to accept that explanation, but I am still concerned with what I perceive to be a problem if we delay funding while, in fact, expenditures are being made at the local level at the direct request of the State Department.

Might I ask the chairman, Mr. President, if he feels that the State Department could begin to enter into contracts with local enforcement agencies prior to receiving its actual funding, if it is understood that the actual reimbursement could only be made when, and if, the appropriation was approved by the Congress?

Mr. LAXALT. Yes, I would respond to the Senator from California in the affirmative so long as it was understood that such commitments did not obligate the Federal Government prior to the actual appropriation being enacted. Indeed, I can see some benefit to our subcommittee being able to review the nature and scope of some of the Department's requests prior to our funding of the program. In so doing we may put to rest some of the concerns that this program will become a blank check for local law enforcement agencies. That is not the objective of the program and it is not my intention to allow it to become that. On the other hand, I fully understand the legitimate claims that our local law enforcement agencies have on the Federal Government when they are asked to provide extraordinary levels of protection to foreign consulates and diplomats.

Mr. WILSON. I want to express my thanks to my good friend, the distinguished Senator from Nevada, for being so helpful on this issue. I look forward to reaching a mutually satisfactory resolution of this situation in the next session.

Mr. DECONCINI. Could the Senator tell me how much is in the bill reported by the committee for the operation of the U.S. trustee pilot programs?

Mr. LAXALT. Approximately $5 million. This covers activities through only March 31, 1983.

Mr. DECONCINI. I understand the House has provided $8,267,000 and 167 positions for the U.S. trustee program—funding that will cover the entire fiscal year. Is the Senator aware of how firmly the House feels about its position and what their approach to this item in conference will be?

Mr. LAXALT. The House position is firm and they intend to strongly defend it in conference.

Mr. DECONCINI. Mr. President, I had considered offering an amendment to sustain the House position in

the Senate, but based on the Senator's representations I shall not do so. Rather, I would hope that the distinguished chairman of the subcommittee and floor manager of the bill will give serious consideration to the House position when this bill goes to conference. Since I will hopefully be a conferee, I look forward to working with the Senator to work out a compromise on this issue that will allow these important pilot projects to continue for the remainder of fiscal 1984.

MARIEL CUBAN INCARCERATION EXPENSES

Mr. LAXALT. Mr. President, since last March when Senator CHILES came to our subcommittee hearings to question Attorney General Smith, we have been struggling with an issue that is not yet resolved.

When the Mariel Cubans flooded into this country in 1980, they were paroled by the Attorney General for two consecutive 6-month periods during the Carter administration, then for an indefinite period of time by the Reagan administration. Many of these Mariel Cubans were sent to us directly from Castro's jails.

It is no surprise that many of these Mariel Cubans have been convicted of felonies and are in State prisons from California to New Jersey and from Florida to Wisconsin. Clearly the development and enforcement of immigration policy is a Federal responsibility. The decision by the Attorney General to parole the Mariel Cubans into the United States is one for which Senator CHILES and others believe the Attorney General or more generally speaking the Federal Government must bear responsibility. But other questions remain.

For example, now that many of these Mariel Cubans have been incarcerated in State prisons in 11 different States, should the Federal Government bear the expense of this incarceration or take these Mariel Cubans back into Federal custody? Or because the Mariel Cubans have violated State and local laws, should their incarceration expenses be borne by the States as they are now?

I have agreed to hold hearings early next year, certainly before the end of March, to fully explore this issue.

Mr. CHILES. I appreciate the attention and understanding of Senator LAXALT to this important issue, and I look forward to those hearings. I have, therefore, agreed not to press my amendment to provide Federal compensation to the affected States of Florida, California, Illinois, Louisiana, Massachusetts, New Jersey, New York, Pennsylvania, Texas, New Mexico, and Wisconsin.

I would also like to thank Senators D'AMATO, BENTSEN, LAUTENBERG, BRADLEY, CRANSTON, and HEINZ for agreeing to cosponsor the amendment.

I am sure that these Senators and others will take a strong interest in the hearings promised by Senator LAXALT.

WEATHER MODIFICATION RESEARCH

Mr. PERCY. Mr. President, I wonder if I might have the attention of the distinguished floor managers for a moment to discuss a matter of tremendous importance to my State. I note with interest that the House-passed bill includes funding to four States to participate in the precipitation augmentation for crops experiment (PACE), which is an extension of the Federal-State cooperative program in weather modification research carried out by NOAA in fiscal year 1983.

Utilization of weather modification to enhance rainfall has been growing rapidly in Illinois over the past few years. Encouraging evidence is available, but more conclusive results are necessary to identify whether the Midwest's growing season rainfall can be modified in a way beneficial to agriculture. This summer's disastrous drought further dramatizes the urgent need for more research.

In 1978, scientists from the agricultural colleges in Illinois, Indiana, Michigan, and Ohio met with the Illinois State Water Survey, a State research agency which has done extensive meteorological research on weather modification, to plan the precipitation augmentation for crops experiment (PACE). PACE is designed to demonstrate the feasibility of summer cloud modification to increase rainfall for enhanced grain crop production in the Midwest. To date, the program has been funded through NOAA's weather modification program and the State of Illinois, focusing on preexperimental design and sampling. Unfortunately, NOAA has terminated this program in fiscal 1984. However, NOAA has funded three States—Nevada, North Dakota, and Utah—for the past 3 years through the Federal-State cooperative program, in weather modification, and I would like to see PACE funding through an extension of this program for Illinois, as is provided in the House bill.

I ask unanimous consent to print in the RECORD at this point a paper prepared recently by the chief of the Illinois State Water Survey, Mr. Stanley Changnon. It describes in some detail research and experimentation program for Illinois and the Midwest.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

PRECIPITATION AUGMENTATION FOR CROPS EXPERIMENT (PACE)

(Information on Weather Modification Research and Experimentation for Illinois and the Midwest)

Utilization of weather modification to enhance rainfall has been rapidly growing in Illinois over the past few years. This localized adoption of a yet unproven technology, largely for the benefit of agriculture, has raised a series of important questions for the agricultural and water resource interests of the State.

What is really known about our ability to modify clouds and enhance rainfall in the Midwest? Basically, encouraging but inconclusive results on the modification of rainfall in summer clouds are evident in a few other parts of the nation, but nothing has been established as to a workable technology for the Midwest. Major experimentation should be launched in the Midwest to identify whether the growing season rainfall can be modified in a way beneficial for agriculture.

In 1978 the directors of the experiment stations in Illinois, Indiana, Michigan, and Ohio got together with the leaders of the Illinois State Water Survey, a state research agency which had done extensive meteorological research on weather modification. We proceeded to discuss the possibility of a major joint experiment for weather modification. A planning document was prepared, and representatives of the Water Survey and interested staff members of the experiment stations met during the spring of 1978 to discuss researchable projects relating to an experiment to be eventually launched in Illinois.

The plan for PACE involves four steps, or phases: (1) the pre-experimental design and sampling phase (2 to 3 years); (2) the exploratory seeding experiment (2 to 3 years); (3) the confirmatory randomized experiment (2 to 4 years); and (4) the final summary (1 to 2 years). The length of each phase will depend heavily on available funding. The total cost of PACE will be $20 to $30 million with great expectation for sizable federal support.

Beginning in 1978, NOAA responded to research proposals from the PACE group and began funding parts of phase 1, the pre-experimental endeavor. Illinois has also contributed a considerable amount of funding. This effort is well under way, but it appears funding from NOAA will no longer be available and the PACE effort will abruptly end.

Where are we now? A good start has been made on the collection of data on Illinois clouds. Analyses indicate there are summer clouds that appear modifiable. We need a bigger sample of in-cloud data to develop our seeding hypothesis and technique for phase 2. We need also to learn from scientific studies and evaluations of future cloud seeding projects paid for by Illinois farmers and agribusinesses. Federal funding is needed in addition to state funding. What is learned about clouds and rain modification in Illinois will be transferable and valuable to other midwestern states.

The major goal of PACE is to determine the feasibility of utilizing cloud seeding to enhance rainfall in a beneficial way in the agricultural Midwest. Specific program objectives are (1) to determine the precipitation alterations that are obtainable, (2) to determine the impacts of these alterations on all facets of agriculture, and (3) to determine the societal and environmental desirability of these alterations.

The primary components of the PACE effort include:

1. Meteorological component to address the technology,

2. Agricultural component to address first-order impacts and food production,

3. Environmental component to address impacts on the ecosystem, and the second-order (downwind) atmospheric impacts,

4. Societal component to address public attitudes, institutional mechanisms, and legal considerations,

5. Communication component dealing with local and regional public education and interactions ultimately to transfer the technology.

The research into economic aspects has defined the sizable benefits to agriculture; societal research has shown how to involve the public; Illinois has a regulatory act which puts the experimentation under proper controls. In all areas, we need to keep moving. The need for water will not disappear.

ISSUES

Farmers and agribusinesses in Illinois have raised funds to support 8 different cloud seeding projects (about $0.5 million) in Illinois over the past 7 years. These projects have been conducted in 14 counties including Woodford, McLean, Vermilion, Douglas, Coles, Moultrie, Shelby, Cumberland, Hamilton, White, Franklin, Williamson, Saline, and Gallatin. These projects have led sponsors to seek the development in 1981 of an Illinois law that allows for the formation of weather modification districts with taxing power to raise funds. Illinois also has a model law to regulate cloud seeding projects. The Water Survey has provided technical guidance to these projects and their sponsors, and because of our research projects funded under federal grants, we have been able to provide evaluations of the changes in rainfall and clouds in these 8 projects. Regardless, these projects have proceeded under scientific uncertainty using techniques and knowledge acquired from cloud seeding in other climates.

The research needed (1) to assist these projects in design, operation and evaluation, and (2) to continue with the PACE experiment has largely ended because of the lack of federal support. A meaningful program needs resources well beyond those that Illinois can provide. We have just completed a 2-year project supported jointly by NOAA and the Water Survey, but we still have major unanswered scientific questions before we can launch a definitive cloud seeding experiment.

ACTION

We have submitted to NOAA a research proposal requesting $380,000 for continued research. It relates to further studies of: (1) How to modify summer rain clouds in Illinois, and (2) the evaluation of weather modification efforts. We are told it will be declined because they have terminated their internal program in weather modification (which funded us in the past) in FY 84. However, NOAA has funded 3 states (Nevada, North Dakota, and Utah) in each of the past 3 fiscal years under a program labeled "federal/state cooperative weather modification research projects."

We seek your assistance to add support to this line-item in the FY84 NOAA appropriation for the Illinois research. If done, it should be identified as the "Federal/State Cooperative Weather Modification Research for Illinois."

The completed studies by UI agricultural scientists on the project have shown that enhancement of summer rainfall in most years will have particular benefit to Illinois and hence should be of value to farmers and agribusinesses in your district. This value has been revealed by farmer/agribusiness support of recent cloud seeding projects. We will be happy to supply further information on this issue.

Mr. PERCY. Mr. President, I should like to see the Illinois program funded at the full amount of $380,000 and wish to offer an amendment to that end.

Mr. LAXALT. Mr. President, I can assure the Senator from Illinois that we are fully aware of his interest in this matter. He makes a good case about the need to maintain ongoing research in the Midwest in this area. Let me say that if the Senator from Illinois would be willing not to offer an amendment, we will go to the conference and try to work out an arrangement which will accomodate his concerns.

Mr. PERCY. I very much appreciate the assurances of the floor manager that he will take a close look at this particular matter in the conference. It is, as I said, extraordinarily important to my State and to the entire Midwest Farm Belt. I am fully supportive of the Senator's desire to hold overall expenditures down and will not offer an amendment with these assurances.

Mr. SIMPSON. Mr. President, as I have stated on many occasions before this body, I have a deep and serious concern about the problems our Nation faces as a result of our inability to control our borders. The first duty of a sovereign nation is to control its borders. We do not. One direct result is illegal entry by hundreds of thousands of persons each year. I know the distinguished Senator from Nevada shares this concern.

The House Appropriations bill has in it an additional $30 million earmarked primarily for increased immigration enforcement, and I make a request of the Senator from Nevada that, during the conference on the appropriations bills, the Senate recede to the House position in this regard.

Mr. LAXALT. I thank the distinguished Senator from Wyoming for his comments. I understand well his concern over this important problem facing our Nation and indeed I share with him that deep concern. I agree with his position in this regard and shall be pleased to recede to the House position concerning the additional $30 million when we meet in conference on this bill.

Mr. LAXALT. Mr. President, I am not aware of any further amendments. Accordingly, I now ask for third reading.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3222), as amended, was passed.

Mr. LAXALT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAXALT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. LAXALT, Mr. STEVENS, Mr. WEICKER, Mr. RUDMAN, Mr. HATFIELD, Mr. SPECTER, Mr. HOLLINGS, Mr. INOUYE, Mr. DECONCINI, Mr. BUMPERS, Mr. EAGLETON, and Mr. STENNIS conferees on the part of the Senate.

Mr. LAXALT. I thank the Chair.

Mr. President, in closing here I wish to thank a lot of people: Those from the other side of the aisle who worked so closely with me; Senator HOLLINGS who was unable to be present, attending a rather important business otherwise today; Senator DECONCINI; Senator INOUYE; and Warren Kane, their very capable staffer. We enjoyed greatly working with them.

I must commend my own staff, Ric Spees, who is working under double pressure as he is going to become a husband tomorrow. He postponed his honeymoon, being the good planner he is, thinking perhaps it would be better to postpone the honeymoon than have it in the conference room.

I wish to thank John Shank and Santal Manos as well who were exceedingly helpful.

I complimented Senator RUDMAN. I think had it not been for Senator RUDMAN doing the job he did on Legal Services, which to say the least is a real thicket around here, we would not be where we are.

I think this is almost an historic moment as far as this piece of legislation is concerned. It has gone through troubled waters the last 4 years and has not survived, and it has been through the efforts of a lot of people, and I must say a lot of cooperation. Getting through legal aid today and busing was almost an insurmountable achievement requiring cooperation and help of a lot of colleagues. I greatly appreciate it.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LAXALT. I yield.

Mr. BYRD. Mr. President, the Senator complimented everyone but himself.

I wish to add just a few words to the RECORD and not overburden the printer, but I think the Senator from Nevada has done a good job also.

I join with him in complimenting the others, Senator RUDMAN, Senator INOUYE, Senator DECONCINI and all the others whose names he mentioned.

He did a good job. It was tough. There were some difficult issues to

contend with. All in all, I think it was done skillfully and expedited, and the Senator is to be complimented.

Mr. LAXALT. I thank the minority leader. It is a pleasure doing business with him.

That is all we have, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. GARN. Mr. President, I would just say, on behalf of the leadership to make it formal, there will be no more rollcall votes. I think everyone anticipated that. Let us make it official so everyone who desires to leave may do so.

ROUTINE MORNING BUSINESS

Mr. GARN. Mr. President, I ask unanimous consent that there now be a period of morning business for not to exceed 15 minutes with speeches therein by each Senator not to exceed 2 minutes at length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT; ADJOURNMENT PROVISIONS

Mr. GARN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, October 24.

Mr. BYRD. Mr. President, reserving the right to object, I hope that the distinguished Senator will read the entire request; because otherwise, if we do not get the rest of the request, I might be less agreeable to agreeing to the unanimous-consent request.

Mr. GARN. I will be happy to do that.

Mr. President, I ask unanimous consent that when the Senate convenes on Monday, October 24, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 1 hour in length, with Senators permitted to speak therein for not more than 10 minutes each; and provided further that the morning hour be deemed to have expired.

Further, I ask unanimous consent that during the adjournment of the Senate over until Monday, October 24, 1983, the Secretary of the Senate be authorized to receive messages from the President of the United States or the House of Representatives, and that they be appropriately referred, and that the Vice President or the President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

Mr. BYRD. Mr. President, there is no objection.

I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING EULOGIES TO LATE SENATOR HENRY M. JACKSON

Mr. BYRD. Mr. President, I have a resolution which I shall send to the desk. It is a Senate resolution, and I understand it has been cleared on the other side. I just talked to Mr. GARN, and he has indicated that there is no objection.

I send this resolution to the desk and ask that it be stated by the clerk and that it be placed directly on the calendar.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows: A resolution (S. Res. 247) authorizing the printing of additional copies of a compilation containing the eulogies of the late Senator Henry M. Jackson.

The PRESIDING OFFICER. Without objection, the resolution will be placed on the calendar.

The text of the resolution follows:

S. RES. 247

Resolved, That there shall be printed for the use of the Joint Committee on Printing the maximum number of copies of a compilation containing the eulogies delivered in Congress on the late Senator Henry M. Jackson, which may be printed at a cost not to exceed $1,200.

THE CALENDAR

Mr. GARN. Mr. President, I ask unanimous consent that the following calendar items be considered en bloc and passed: Calendars 457, 458, 459, 460, 461, 462, 471, 472, and 486.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, the distinguished Senator, the acting Republican leader, has discussed these matters with me, and there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF JAMES A. FERGUSON

The bill (S. 489) for the relief of James A. Ferguson, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James A. Ferguson of San Antonio, Texas, is relieved of all liability to the United States in the amount of $1,921.16 which represents the amount claimed to be overpaid to him when, because he was misinformed by the United States Air Force concerning the limitation on federally compensable moving expenditures contained in the last sentence of section 5724(b) of title 5, United States Code, he expended sums from his travel advance in excess of that limitation to cover the costs of commercially transporting his mobile home to his new permanent duty station in 1978.

SEC. 2. (a) The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to James A. Ferguson an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

(b) No more than 10 per centum of the amount appropriated in subsection (a) shall be paid to or received by any agent or attorney on account of services rendered in connection with the liability dealt with in this Act. Any person violating the provisions of this subsection shall be fined not more than $1,000.

RELIEF OF CERTAIN EMPLOYEES OF THE CHARLESTON NAVAL SHIPYARD

The bill (S. 1212) for the relief of 16 employees of the Charleston Naval Shipyard, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named employees of the Charleston Naval Shipyard, Charleston, South Carolina, are hereby relieved of all liability to repay to the United States the below listed sums representing overpayments of per diem made through administrative error and received in good faith by the employees:

(1) Henry Brown, the sum of $476;

(2) Byron R. Buchanan, the sum of $1,077;

(3) Arthur Canady, the sum of $450;

(4) Robert E. Carter, the sum of $442;

(5) Edwin L. Clickner, the sum of $476;

(6) William F. Cummings, the sum of $1,077;

(7) Edward F. Fuller, the sum of $1,077;

(8) Wilbur Geathers, the sum of $482.85;

(9) Donell E. Gourdine, the sum of $1,250.05;

(10) David D. Lorick, the sum of $1,077;

(11) Martin N. Olmeda, the sum of $1,077;

(12) Lawrence E. Riley, the sum of $617;

(13) Dean W. Sabo, the sum of $1,077;

(14) Leon T. Scarborough, the sum of $902.75;

(15) George B. Stone, the sum of $442; and

(16) Paul K. Vincent, the sum of $434.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to an employee listed above any amount equal to the aggregate of the amount paid by such employee or withheld from any sum due him, in complete or partial satisfaction of the liability to the United States as specified in the first section of this Act.

SEC. 3. No part of the amounts appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

REFERRAL OF S. 1519 TO THE COURT OF CLAIMS

The resolution (S. Res. 164) to refer S. 1519 entitled "A bill for the relief of Frank L. Hulsey," to the Chief Commissioner of the U.S. Court of Claims for a report thereon, was considered, and agreed to as follows:

S. RES. 164

Resolved, That S. 1519 entitled "A bill for the relief of Frank L. Hulsey," now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform the Congress of the nature and character of the demand as a legal or equitable claim against the United States or a gratuity, and the anount, if any, legally or equitably due from the United States to the claimants.

RELIEF OF RONALD GOLDSTOCK AND AUGUSTUS M. STATHAM

The bill (H.R. 730) for the relief of Ronald Goldstock and Augustus M. Statham, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF GREGORY B. DRYMOND, SAMUEL K. GIBBONS, JACK C. KEAN, JAMES D. NICHOLS, AND ROY A. REDMOND

The bill (H.R. 732) for the relief of Gregory B. Drymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond, was considered, ordered to a third reading, read the third time, and passed.

RELIEF OF STEPHEN C. RUKS

The bill (H.R. 745) for the relief of Stephen C. Ruks, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE DOCUMENT

The resolution (S. Res. 243) authorizing the printing of additional copies of a Senate document entitled "Dangerous Stalemate: Superpower Relations in Autumn 1983—A Report of a Delegation of Eight Senators to the Soviet Union," was considered, and agreed to as follows:

S. RES. 243

Resolved, That there shall be printed for the use of the Senate the maximum number of copies of a Senate document (S Doc. 98-16) entitled "Dangerous Stalemate: Superpower Relations in Autumn 1983—A Report of a Delegation of Eight Senators to the Soviet Union" which may be printed at a cost not to exceed $1,200.

AMERICAN ENERGY AWARENESS WEEK

The joint resolution (S.J. Res. 180) to designate the week of October 23, 1983, through October 29, 1983, as "American Energy Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S. RES. 180

Whereas 1983 marks the tenth anniversary of the OPEC oil embargo which precipitated unprecedented inflation, a major recession, and national vulnerability in energy supply;

Whereas the decade gave rise to dramatic advances by individuals, industry, and government in conservation and improved energy efficiency, expanded exploration for domestic reserves of oil and natural gas, a greater utilization of coal and nuclear energy, and an accelerated development of renewable resources and synthetic fuels;

Whereas the momentum for change must be sustained to maintain and expand conservation and all indigenous energy resources and technologies to consolidate the advances of the last decade and assure a diversified and practical base of energy resources for the future; and

Whereas realization of any long-term gains depends to a great extent on the awareness of individuals and industry of the social, economic, and security benefits resulting from conservation, a balanced, timely development of all our resources, and the scientific and technological advances that have been the hallmark of American industry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 23, 1983, through October 29, 1983, is designated "American Energy Awareness Week"; and be it further

Resolved, That American Energy Awareness Week is dedicated to stimulating the development of American's resources and technologies and energy conservation for a more secure and stable future for our Nation, and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

CONGRATULATING ALBERT T. DEPILLA

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 246) to congratulate Albert T. DePilla.

The Senate proceeded to consider the resolution.

Mr. MATHIAS. Mr. President, we in the Senate are very fortunate to have dedicated and loyal employees who serve us with distinction. Yet all too often their efforts on our behalf go unrecognized.

Albert T. DePilla, who manages the Conservatory at the U.S. Botanic Garden, is just such an individual. For that reason, it gives me great pleasure to introduce today a resolution which not only acknowledges the distinguished career of this truly exceptional public servant, but more importantly, extends to him our sincere appreciation and gratitude for an unparalleled record of service to the Congress and to the Nation.

On October 22, 1983, Mr. DePilla joins the ranks of a small and rather remarkable group of workers in our Nation's labor force, because on that date he completes his 60th year of continuous service with the same employer, in Albert DePilla's case, the U.S. Government. In observance of this phenomenal achievement, Mr. DePilla will be the guest of honor at a special award ceremony being held in the U.S. Conservatory on October 21. He will be honored by his coworkers at the Botanic Garden and many of his friends and acquaintances on Capitol Hill for his 60 years of Federal service. As chairman of the Joint Committee on the Library, which has jurisdiction over the Botanic Garden, I am particularly gratified by the fact that with but one interruption, a 3 year and 5 month tour in the Army during World War II, all his service has been with the legislative branch as an employee of the Botanic Garden.

Though it may seem hard to believe, Mr. DePilla's association with the Botanic Garden goes back to a time even before October 1923 when he started working there. He was born across the street from the present Conservatory. As a child, he was a friend of the Director's sons and could often be seen playing in the gardens or cooling off in the fountain. So it came as little surprise that at age 16 and in need of employment, Albert DePilla began his career at the Conservatory as a skilled laborer. Early in his career, he fortunately came under the influence and tutelage of the late Assistant Director

of the Conservatory, Wilbur Pagel, from whose wise counsel and able instruction Mr. DePilla became expert in botany. Those who knew of his love of horticulture and his great skill in arranging floral displays were not surprised when one day he became the head of the Conservatory, the position he has held since 1945 and continues to hold today.

One of Mr. DePilla's most important tasks came in the early 1930's when he was called upon to assist in landscaping the tropical plant material in the beautiful new Conservatory which we have today. The original Gardens were located at the foot of the Hill bounded by First and Third Streets between Maryland and Pennsylvania Avenues. But the facilities were small and could not accommodate the variety of plant material desired for the Nation's Botanic Garden, so a new Conservatory was built at its present location between Maryland and Independence Avenues. For a year prior to its opening in 1933, Mr. DePilla was involved in transferring plants from the old Conservatory and giving the display natural, forest-like atmosphere which continues today.

As manager of the U.S. Botanic Garden Conservatory, Mr. DePilla supervises the outstanding floral shows which attract thousands of visitors to Capitol Hill during the Easter and Christmas seasons and the remainder of the year, such as the annual chrysanthemum, poinsettia, and azalea displays. In a very real sense, the flowers and plants are his family—he takes a personal interest in nurturing them and special pride in seeing them blossom and grow to maturity.

During Mr. DePilla's tenure, the number of visitors to the Botanic Gardens has grown from 200,000 to more than 2,000,000 annually, many of them counting their tour of the Conservatory among the most memorable of their trip to Washington. Popular programs that have attracted a large following include group tours for school students, a series of horticulture classes and a plant information service. These programs have come to symbolize one of Albert DePilla's great goals—to foster a love of plants so that others, particularly young people, would come to share his own appreciation for the beauty of nature and the importance of plants and flowers in enriching our lives and our environment.

In addition to his routine assignments, Mr. DePilla was for many years the one to whom the Joint Committee on Inaugural Ceremonies would turn for the decoration of the old Supreme Court chamber in the Capitol where the inauguration luncheons are held. Congress has repeatedly turned to Mr. DePilla for the decoration and arrangement of floral displays of such tender beauty provided for services held in the Capitol Rotunda for Presidents who have lain in state.

Throughout his distinguished career, Albert DePilla has never been too busy to offer advice and instruction in the care of plants. Over the years, numerous Members of Congress, their families, and staffs have been proud to count him among their friends. They see in him a man whose great love of nature and whose ability have truly made our lives on Capitol Hill brighter and more beautiful.

Mr. President, I am sure that all our colleagues join me in congratulating Mr. DePilla upon this occasion and in thanking him for all he has done on our behalf. Looking to the future, we wish him many more years of good health and happiness in the service of his country.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 246) together with the preamble are as follows:

S. RES. 246

Whereas Albert T. DePilla, Manager of the United States Botanic Garden Conservatory, will, on October 22, 1983, complete sixty years of service to the United States Government including fifty-six years, seven months at the Botanic Garden and three years, five months in the United States Army;

Whereas Albert T. DePilla has, at all times, discharged his duties and responsibilities with high efficiency and total devotion;

Whereas Albert T. DePilla's many years of productive service as Manager and Horticulturist of the United States Botanic Garden Conservatory have greatly enhanced the beauty of our surroundings;

Whereas Albert T. DePilla is widely recognized for his artistic floral arrangements and decorations which have added elegance at many special events in the United States Capitol, including Presidential inaugural events, luncheons, and state funerals; and

Whereas Albert T. DePilla is an outstanding representative of the United States Botanic Garden in his daily contacts with Members of Congress, their families and staffs, visiting dignitaries, and the general public: Now, therefore, be it

Resolved, That the Senate of the United States extend its appreciation and gratitude to Albert T. DePilla for his long, faithful, and exemplary service to the United States and the Nation.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Albert T. DePilla.

Mr. GARN. Mr. President, I move to reconsider the vote by which the several bills were passed and the resolutions agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT OF REPORT NO. 98-270

Mr. GARN. I ask unanimous consent that at its next printing, Report No. 98-270, to accompany S. 1660, be star printed to reflect the following printing errors which I send to the desk on behalf of Senator GOLDWATER. I further ask that Senator GOLDWATER's explanation be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I do not intend to object, but I want to make sure my copy is the same as the copy sent to the desk.

There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. GOLDWATER. Mr. President, it is my understanding that the demand for copies of Senate Report No. 98-270 on S. 1660, the Universal Telephone Service Preservation Act of 1983, is so heavy that it may be necessary to run another printing. If so, unanimous consent has been granted that at its next printing, a star print shall be made correcting certain errors of the printer in the minority views which I wrote to the report.

In all, six printing errors were made, changing the text that I had submitted to the printer. Four of these are mere spelling mistakes, but two of the printer's errors raise matters of substance.

Unfortunately, one of the printing errors gives the mistaken impression that I indicated that the Commerce Committee does not have enough "importance" to act on the subject. What I had actually written is that the committee did not have enough "information" to report the bill.

Mr. President, since these errors were all made by the printer and did not appear in the text of my statement, I ask that the following corrections shall be made in the event another printing occurs of the committee report:

At page 36, 17th line from the top, substitute "only" for "oinly."

At page 37, 7th line from the bottom, substitute "override" for "ovrride."

At page 39, 21st line from the top, substitute "cause" for "casue."

At page 40, 24th line from the top, substitute "areas" for "rates."

At page 40, 26th line from the top, substitute "information" for "importance."

At page 45, 4th line from the top, substitute "benefit" for "benfit."●

PROHIBITION OF FUNDS FOR DISPOSAL OF THE NAVAL ARCTIC RESEARCH LABORATORY

Mr. GARN. Mr. President, I ask unanimous consent to call up Calendar No. 449, Senate Joint Resolution 175.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 175) to prohibit the Department of the Navy or any Federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances.

The Senate proceeded to consider the joint resolution.

Mr. STEVENS. Mr. President, NARL has the potential of providing a great deal of valuable information about the Arctic if Congress takes a stand on Arctic research. The Senate has already passed the Arctic Research and Policy Act, and the House appears to be ready to move on the legislation. It would be a tragic mistake to dismantle NARL just at the time that the facility might become most useful.

At the same time, I can appreciate the concerns that have prompted moves to demolish NARL. The Navy is concerned that they will be saddled with the cost of taking care of the facility, even though it presently is of little if any use to them. I would like to stress that this resolution is not an attempt to place any indefinite burden for maintaining the facility on the Navy or any other agency of the Federal Government. In fact this resolution would save the Treasury the cost of demolishing the facility now—which could runs as high as $20 million—and may save any further costs in conjunction with the facility if an economically feasible alternative use is discovered.

I would like to urge my colleagues to support this resolution to allow potential uses of NARL to be explored before we expend the funds to tear the facility down.

AMENDMENT NO. 2426

(Purpose: To insert a date of termination into the joint resolution prohibiting the Department of the Navy or any federal agency from disposing of the Naval Arctic Research Laboratory)

Mr. GARN. Mr. President, I send an amendment to the desk in behalf of Senator MURKOWSKI, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. GARN), in behalf of Mr. MURKOWSKI, proposes an amendment numbered 2426.

Mr. GARN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 3, after the word "expended", insert "prior to September 15, 1984,".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 2426) was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further amendment, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and to be read a third time, was read the third time, and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 175) and the preamble are as follows:

S.J. RES. 175

To prohibit the Department of the Navy or any Federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances.

Whereas it will cost between $10,000,000 and $20,000,000 to dismantle and dispose of the Naval Arctic Research Laboratory (NARL) near Barrow, Alaska, as the Navy is currently planning;

Whereas Congress is actively considering new legislation, the Arctic Research and Policy Act of 1983, which lays the foundation for a new commitment to Federal research in the Arctic;

Whereas a new Federal commitment to Arctic research could result in the need for a Federal research or support facility near Barrow, Alaska;

Whereas it would be a wasteful, redundant expenditure to rebuild a facility similar to NARL several years after its demolition;

Whereas there are alternatives to demolition which provide for the use of the NARL facility which could free the Navy and future obligations, put the facility to immediate and productive use, and result in a net savings to the United States Treasury; and

Whereas Congress and the appropriate Federal agencies may require additional time to evaluate alternative proposals for the future use and disposition of the facility: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds be obligated or expended by any Federal agency to demolish any building or other facility which is part of the Naval Arctic Research Laboratory near Barrow, Alaska: *Provided,* That in the event the United States Government transfers all or any part of its interest in the Naval Arctic Research Laboratory to a non-Federal entity by means of an exchange agreement or otherwise, this joint resolution shall not preclude the United States Government from providing funds for such demolition activities as an element of that exchange agreement.

Mr. GARN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER THE RECORD REMAIN OPEN UNTIL 5:30 P.M.

Mr. GARN. Mr. President, I ask unanimous consent that the RECORD remain open today until 5:30 p.m. for the introduction of bills, resolutions, and the filing of statements and reports by committees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GARN. Mr. President, let me ask the Senator from Michigan how much time he desires.

Mr. RIEGLE. A minute and a half.

ROUTINE MORNING BUSINESS

Mr. GARN. Mr. President, I ask unanimous consent that the Senate turn to morning business for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. I thank the Senator.

THE MARTIN LUTHER KING, JR., HOLIDAY

Mr. RIEGLE, Mr. President, for long years now, many of us have sought to create a national holiday to memorialize the life and work of Dr. Martin Luther King, Jr.

And now, with the 78 to 22 vote here in the Senate we have sent this legislation to the President for final enactment.

It has been a long hard journey. The King family, the countless civil rights martyrs who were threatened, beaten and killed, and black America as a whole carry the scars and anguish that have accumulated over centuries of racial injustice.

We must never forget that black men and women and black children were brought to this country in human bondage. They came in chains packed in the squalid holds of slave ships.

Once here, they were brutalized by slavery. Husbands and wives were torn apart—children were taken from their Mothers' arms and sold like livestock—never to be seen again.

Can we begin to imagine the heartache—the savagery—the inhumanity inflicted upon this race of black people?

No, we do not understand—we cannot begin to comprehend.

Perhaps the closest we can come is to hear old black spirituals—and black music that touches areas of pain and suffering not known to those of us not born out of slavery.

At last, America has acted to set aside a day a year, to reflect upon the

civil rights struggle that has taken us away from this awful past. This day will memorialize the force for human justice, led by Dr. King, that brought our Nation forward into a new era of racial understanding, reconciliation and brotherhood among the members of the American family.

We are coming of age as a nation when we can rise to new and greater heights in understanding, in renouncing old evils, and committing ourselves to purer motives and genuine equality among all men and women.

It took someone of tremendous capability to gather together the forces of good into a nonviolent citizen army with sufficient strength and courage to enable America to break away from the savage racial injustice of the past.

Dr. King was that person. By his leadership a heavy stone was taken from the backs and hearts of all our citizens. He helped us free ourselves so we could seek a society where all men and women would possess the wonderful blessings of freedom and equal justice under the law.

In a shrinking world where Americans constitute only 4 percent of the global population, it is time we understand and practice brotherhood across all racial and ethnic lines if we are to avoid conflicts which otherwise threaten to end life itself on this planet. This understanding must start at home, among ourselves. It must begin in our neighborhoods and communities and stretch from border to border across this land. We must learn to achieve this harmony within the American family—and Dr. King has shown us the way.

His standard of conduct was to meet violence with nonviolence—to meet hate with love—to meet subjugation with a relentless forward movement toward freedom and equity. As much as any American he symbolizes human brotherhood.

Martin Luther King, Jr., is a powerful national symbol. His example stands today as a towering force for human justice. He was a shining son of America—with a nonviolent concept of justice equal to any of the loftiest aims of our founding documents.

He won the admiration of the world. The Nobel Peace Prize is one measure of this. His example and works deserve national recognition. A national holiday, while proper and fitting, is not enough. We need something more. We need deeper understanding of the nonviolent struggle for civil and economic justice to which Dr. King devoted his life.

This journey is not over. Dr. King lies today in an early grave—the victim of an assassin's bullet. This very day millions of Americans struggle against the continuing bondage of second-class citizenship.

And yet there are those who would deny these truths—and openly slander Dr. King and his beliefs.

I must acknowledge that such spiteful and devisive voices come not only from the darkest corners of our national life—but from this very Chamber as well.

While I will not attack other Senators by name or State I must say that those who slandered Dr. King on this floor are not fit to shine his shoes.

Purveyors of hate defile America when they attack Dr. King and those things for which he stood. Even former Senators, now dead, have had their reputations sullied by others in this body during the debate. Those deceased Senators cannot answer or defend their own reputations. The Senator who resorted to this tactic brought shame upon himself. When Jim Crow raises its mean and ugly head here on the Senate floor—it must be challenged, condemned and repudiated. The final vote on the King holiday expressed that repudiation more clearly and powerfully than any of our words.

POLITICAL ACTIVISM IN TENNESSEE

Mr. RIEGLE. Mr. President, the New York Times of October 20, 1983, carried a very disturbing article concerning direct intervention in the American political process by U.S.-based subsidiaries of foreign companies. I ask unanimous consent that the article appear in full after these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. The Nissan Corp., U.S.A., a wholly owned subsidiary of Nissan of Japan based in Tennessee, has created a political action committee and has begun distributing campaign money to chosen candidates seeking public office here in the United States. While Federal law now prohibits campaign contributions from foreign sources to American candidates, it appears that the use of a political action committee of an American subsidiary circumvents that law and allows direct foreign influence in U.S. elections.

This is a serious problem that must be corrected. I bring it to the attention of my colleagues today and it is my intention to draft legislation to prohibit this practice in the future.

EXHIBIT 1

POLITICAL ACTIVISM IN TENNESSEE BY A NISSAN SUBSIDIARY—STOKING CRITICISM

(By Martin Tolchin)

SMYRNA, TENN., October 14.—The American executives of a Japanese-owned automobile company here have become increasingly involved in local politics, focusing on an issue of overriding concern to both their employer and themselves. On Friday the company is to dedicate a $660 million factory manufacturing pickup trucks that began production in June.

Last year the executives of the Nissan Motor Manufacturing Corporation, U.S.A., a wholly owned subsidiary of Nissan of Japan, had a $500-a-couple fund-raising reception for Robin L. Beard, the Republican candidate for the United States Senate, who subsequently lost.

A Nissan executive in whose home the reception was held said he had been acting purely as a private citizen, adding that he had acted after consulting with Nissan U.S.A. lobbyists.

MEASURE OPPOSED BY NISSAN

The Nissan executives and their employer are primarily interested in killing a bill in Congress that would require that 70 percent of each vehicle sold in the United States be manufactured in this country. The Nissan executives say enactment of this bill, which is considered highly unlikely by Congressional leaders, would jeopardize their factory here and imperil the jobs of its 2,000 employees.

Nissan executives periodically tell their employees of the status of the bill and the position that each member of the state's Congressional delegation has taken on the measure. They say they encourage their employees to tell their Congressmen how they feel about the bill.

Their political activity, which is entirely legal, is strongly supported by those who argue that, as American citizens, they are entitled to participate fully in electoral politics.

"As Americans, they have the right to participate in the Democratic process," said Representative Albert Gore Jr., a Democrat whose Senate candidacy in 1984 is supported by the Nissan executives.

GROWING CONCERN OF CRITICS

But others view their political involvement with growing concern. They say there is a fine line between private and corporate interests and this may have been blurred in the Nissan case, in a way that uses the law legally but not in the manner Congress intended.

These critics say that, in the past, American companies routinely became involved in the domestic politics of foreign nations in which they had invested. American companies toppled foreign governments, sometimes deliberately, as in the case of United Fruit in Latin America, and sometimes inadvertently, as in the case of Lockheed in Japan.

These critics fear the Nissan activities may be a harbinger of political involvement by foreign companies doing business in the United States.

The burden of the criticism is that Nissan of Japan has exploited the law by using its wholly owned American subsidiary to intervene in grass-roots domestic politics in the United States, in behalf of legislation. This criticism has thus far been expressed only by those who have been the targets of these political campaigns.

SENATOR VERY SURPRISED

"I was very much surprised that business executives of a foreign corporation seeking to establish themselves in this country would get involved in a domestic political campaign," Senator Jim Sasser, Democrat of Tennessee, said.

Last year the Nissan executives had a fund-raising event for Mr. Sasser's opponent, Representative Beard. At that time

Mr. Sasser had a lead of 30 percentage points in the polls and was uncommitted on the automobile bill, which Mr. Beard opposed. Shortly after the fund-raising event, Mr. Sasser became a co-sponsor of the measure. He easily won re-election.

"I would think that good judgment would dictate that they not get involved in political campaigns, period," Mr. Sasser said. "It would be similar to General Motors opening up a Yokohama plant and their general manager getting involved in local politics. It's a question of basic business judgment and a question of propriety."

Senator Carl Levin, Democrat of Michigan, a sponsor of the automobile bill, said that although he did not favor restricting the rights of American citizens, "I think it can backfire."

"The argument that a foreign corporation is intervening in the American political process can be made," Senator Levin said. "It is an effort to influence American politics for the benefit of a foreign corporation. It's dangerous stuff."

Many foreign corporations engage United States lobbyists who are deeply involved in the operations of Congress. But these lobbyists are required by law to register as foreign agents.

Nissan U.S.A. is the only such company believed now involved in such political activities. Executives of a Honda factory in Marysville, Ohio, remained "scrupulously neutral" in last year's Senate race, which involved Senator Howard M. Metzenbaum, a strong supporter of the automobile bill, according to Pete Harris, his campaign manager and legislative aide.

Nor has there been evidence of involvement by executives of Toshiba, Tabuchi, Sharp, Bridgestone, Matsushiba or any other of the 19 Japanese companies brought to Tennessee by Gov. Lamar Alexander.

LOBBYISTS AND PAC'S

Like American automobile manufacturers, both Nissan of Japan and Nissan U.S.A. maintain Washington lobbyists, whose work is augmented by Washington law firms. Unlike employees of Nissan, employees of United States automobile manufacturers contribute to election campaigns through political action committees. Federal Election Commission reports showed that last year, the General Motors PAC spent $215,000, the Ford PAC spent $85,000 and the Chrysler PAC spent $80,000. There are no figures, however, on the amount spent by corporate executives of any of these companies or of Nissan.

An examination of expenditures of foreign lobbyists showed that Japan spent far more than other major trading nations. The latest published figures, for 1981, showed that, excluding expenditures for tourist promotion, Japan spent $13.5 million, as against $6.5 million by Britain, $6 million by West Germany, $5.8 million by Canada, $3.1 million by France and $2 million by Taiwan.

The host at last year's fund-raising affair, Jerry Benefield, vice president of manufacturing for Nissan, U.S.A. Mr. Benefield, who is second in command to the company president, Marvin Runyon, said in an interview that he became host of the reception after consulting the company's lobbyists. The reception was attended by Mr. Runyon and other top executives.

IT WAS A PERSONAL THING

Mr. Benefield said that he did not know how much money was raised at the affair, or how many people had attended it.

"It was a personal thing," Mr. Benefield explained. "It was due to my personal interest."

He consulted with the company's lobbyists, he said, because "I wanted to make sure that if I gave a reception for a Republican at my house, it wouldn't hurt us with the local Democrats." He added: "They gave me encouragement. They said, 'O.K.' "

Mr. Benefield said that he had received no direction from Nissan of Japan.

Mr. Benefield said he and other Nissan executives had contributed to Mr. Gore's Senate campaign because of the Congressman's strong opposition to the domestic content bill, and planned to continue their support until next year's elections. The Nissan plant is in Mr. Gore's Congressional district.

Mr. Benefield said that several candidates for Mr. Gore's House seat had come to Nissan to elicit the support of its executives. "Before we agree to support anybody in that race, we will clearly understand their position on domestic content," he said.

"I would be very remiss in my responsibility to our employees if I didn't communicate to them and to our Congressmen just how damaging the domestic content bill could be to them," Mr. Benefield said.

Gail Neuman, general counsel to Nissan U.S.A., said she did not see how anyone could object to the executives' political involvement because "we consider ourselves an American company."

But four of the five board members of Nissan U.S.A. are Japanese. the fifth is Mr. Runyon, the president. The managment is American, however. In addition to the president, three of the five vice presidents are Americans.

"We've made all of our employees aware of our position on the domestic content bill, and we keep them advised of the status of the legislation," Miss Neuman said. "We would have no difficulties with their approaching their congressman and senators. We encourage it."

NO BACKGROUND IN ARMS CONTROL

Mr. LEAHY. Mr. President, one of my greatest concerns in the area of arms control is the lack of knowledge and understanding of nuclear matters at the highest levels of the present administration. With the exception of Robert McFarlane, the new National Security Advisor to the President, there seems to be no one in the senior policymaking positions in the White House, the State Department, the Defense Department or the Arms Control and Disarmament Agency who has any substantial background in arms control affairs, including negotiation of agreements.

I deeply regret that this general absence of knowledge and experience with the most important security challenge facing our country today apparently incudes the President himself.

Last Sunday, I read in the New York Times that it was only recently that the President became aware that the Soviet Union carries the bulk of its nuclear weapons on heavy land-based missiles.

It was reported that:

Two weeks ago * * * the President told a group of Congressmen that he had not realized until recently that most of the Soviet Union's nuclear defenses were concentrated in its system of heavy land-based missiles. Mr. Reagan reportedly added that he realized now that his proposals for the Soviets to dismantle their heaviest missiles, without similar concessions by the United States, were interpreted by many as one-sided. Several listeners said afterward that while they appreciated Mr. Reagan's new negotiating flexibility, they were flabbergasted at his comment and wondered whether Mr. Reagan was being sufficiently briefed on critical issues.

It is common knowledge that the President's original START proposal called for the Soviets to dismantle most of their large intercontinental missiles, the heart of their nuclear force, while leaving the United States free to continue with all its new, strategic weapons programs, including the MX, B-1, Trident, and cruise missiles. The Times article notes that the President now realizes why many people interpreted his START proposal as one-sided.

Mr. President, 3 years have passed since the President came to office, and over a year since the START talks were initiated. Is it really true that over this long period of time, when building a strategic reduction process was supposedly a critical goal of this administration, President Reagan has only just learned one of the most basic facts about Soviet strategic forces? Had he possessed this knowledge earlier, would his initial START proposal been designed more realistically? Could significant progress have been made, rather than the tragic loss of time which has actually been the main result of the negotiations?

I ask unanimous consent that the article from the Sunday, October 16, 1983, edition of the New York Times by Steven R. Weisman, entitled "Clark's Move to Interior Makes External Waves," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLARK'S MOVE TO INTERIOR MAKES EXTERNAL WAVES

(By Steven R. Weisman)

WASHINGTON.—President Reagan's abrupt decision to nominate William P. Clark, the national security adviser, to be Secretary of the Interior had immediate implications for foreign and domestic policy, campaign politics and the Reagan Presidency. It also offered a window on the relationship of two close friends and on a paradox of the President's style. Reliant as he is on his aides for guidance, Mr. Reagan's independence of mind can still startle.

Mr. Clark was not on any original staff list of candidates to succeed Interior Secretary James G. Watt, who resigned a week ago after Senate passage of a measure calling for his ouster became a certainty. Neither James A. Baker 3d nor Michael K. Deaver, the White House chief and deputy chief of staff, was reported to be happy with the

Clark choice. Though both had had sharp differences with Mr. Clark in the White House, both also wanted to fill the Interior post with a political figure who could reassure Mr. Reagan's western political base and defuse the hostilities of environmental groups. Mr. Baker and Mr. Deaver saw a happy coincidence in the fact that such an opportunity came just as the President gave formal approval to the formation of a reelection commitee. Having passed the week wooing a series of prominent western Republicans, they are now bracing for a confirmation fight that is sure to revive the antagonisms they had hoped would fade with Mr. Watt's departure.

The transfer to the Interior Department of Mr. Clark, trouble-shooter under Governor Reagan in California and under President Reagan as Deputy Secretary of State in 1981, was in the Reagan tradition of assigning trusted confidants to touchy jobs even if they had no special qualifications. But to allies and critics alike, it was astounding that Mr. Clark would be willing to walk away from his position as the Administration's most influential foreign policy official. His friends said they were less surprised. They portrayed Mr. Clark as increasingly frustrated over what one associate called "the day-in and day-out battles with a variety of antagonists."

After nearly three years of immersion in foreign policy issues, Mr. Clark could not shake a reputation of being out of his depth. His conservative allies praised what they felt was his common sense, and his willingness, when others cringed, to use or threaten military force in Central America and the Middle East. But critics, even friendly ones, complained that he lacked the capacity, and experience to deal with Congress, manage arms control talks with the Soviet Union and cope with the problems of European allies.

Mr. Clark was hardly helped by the fact that Mr. Reagan's own competence in this area has been called into question. Two weeks ago, for example, the President told a group of Congressmen that he had not realized until recently that most of the Soviet Union's nuclear defenses were concentrated in its system of heavy land-based missiles. Mr. Reagan reportedly added that he realized now that his proposals for the Soviets to dismantle their heaviest missiles, without similar concessions by the United States, were interpreted by many as one-sided. Several listeners said afterward that while they appreciated Mr. Reagan's new negotiating flexibility they were flabbergasted at his comment and wondered whether Mr. Reagan was beging sufficiently briefed on critical issues.

Even Mr. Clark's foes, however, say that he got Mr. Reagan to focus more on foreign policy matters than the President had in his first year in office. Rangy, taciturn, and seemingly miscast among the mountains of briefing materials on his desk, Mr. Clark struck many associates as willing to serve in the national security job only out of loyalty to Mr. Reagan. But his self-confidence often carried in his battles with associates. To the chagrin of many at the State Department, he got Mr. Reagan to take a hard line in Central America. Yielding to State and Commerce, he went along with a softer line on tightening export controls with the Soviet Union. In the Middle East, he successfully opposed both State and the Pentagon in getting Presidential approval of the use of naval firepower against Syrian positions in Lebanon.

By week's end, various factions at the White House united behind Robert C. McFarlane, Mr. Clark's deputy, as the successor. But both Defense Secretary Caspar W. Weinberger and William J. Casey, director of Central Intelligence, reportedly worried not about Mr. McFarlane's competence but about the strength of his personality and his ability to command the President's attention. Conservatives, meanwhile, pushed for Jeane J. Kirkpatrick, who serves as United States representative to the United Nations. Some moderates tended to favor Brent Scowcroft, national security adviser to former President Ford; also being mentioned by conservatives were Mr. Weinberger and Secretary of the Navy John Lehman.

Whoever is chosen, "The 'Big Four' will revert to the 'Big Three,'" Mr. Baker, Mr. Deaver and Edwin Meese 3d, counselor to the President, said a Reagan adviser. "That's got a lot of people in the Administration worried." "There's a lot of unhappiness on the right with Bill leaving," said a senior foreign policy official. "The hardliners are demoralized. A lot of us felt, no matter how bad things got for us, you could always call Bill. With that gone, I think Reagan needs to worry about the enthusiasm he can command among conservatives. There are no Reaganites left any more." But longtime aides reminded each other that Mr. Clark continued as a close adviser to Mr. Reagan even while serving as an associate justice of the California Supreme Court, and that he could easily do so again from the Interior Department. Some White House officials did not discount the possibility that he would be back if the President won re-election, next time as the White House chief of staff.

In the end, the surprise decision of "the judge" to leave Mr. Reagan's inner circle appeared to these aides to have been an intensely personal one. Mr. Reagan's decision to let him go appeared to be an equally poignant and personal turning point. Although Mr. Clark won many of his battles, friends reported that they took a toll. A close associate, going further, said Mr. Clark recently told colleagues someone else might well have "fresh ideas" on solving the problems in Lebanon and that "maybe others can take the ball and run farther" in arms control. "Bill became so frustrated and disappointed, he just decided he wanted to serve in less of a hot spot," said a longtime Reagan adviser. A way out arose after Mr. Watt got into trouble. Mr. Clark was said to have briefly raised with Mr. Reagan the idea of replacing the Secretary the day before Mr. Watt resigned.

CHILD ABUSE

Mr. CHAFEE. Mr. President, each year 1 million children suffer from child abuse. More than 2,000 of these children die. For those who live, the hurt inflicted on them influences their entire lives.

Child abuse extracts an enormous price in human suffering and wasted individual potential. Congress needs to do its share to curb the widespread occurrence of child abuse. It is for this reason I introduced a joint resolution proclaiming the week of April 16 as "National Child Abuse Prevention Week."

Currently, there are 26 cosponsors of Senate Joint Resolution 161 with its adoption almost assured. However, constant attention needs to be directed toward the problem. Mr. President, to that end, I am inserting in the CONGRESSIONAL RECORD an article from the Washington Post on child abuse.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 20, 1983]

CHILD ABUSE

(By Courtland Milloy)

The baby came to the hospital with a black eye and a father who reluctantly admitted that he had slapped the child. As far as child abuse cases go, at least the perpetrator had come forward.

The father agreed to give up the child while he and his wife underwent marriage counseling and took courses in parenting. Each of them was showing remorse, which hospital officials took as another good sign.

Then, three weeks after the child was returned home, the father struck him again. This time the baby died.

This was just one of several recent cases that seem to reflect a profound disorder in the community. And while Washington is not alone, the city does seem to have more than its share of problems with its children.

There is a high infant mortality here, a high rate of teen-age pregnancy and abortion and now a 25 percent increase this year in child abuse and sexual assault on children over the same period last year.

It seems to have started with reports of babies being abandoned, found in trash cans or left on people's front porches—about two dozen such cases over the past two years.

Then, earlier this year, an unemployed father starved his 9-month-old baby to death. A few weeks ago, a mother allegedly killed her 13-year-old son in what police say may have been a voodoo ritual.

And even in a family that received professional help, a 17-month-old baby with an inability to keep its food down has so infuriated its father that the baby is killed.

The judges in the cases probably will want to know what was going on in the minds of parents who would kill their children, but even with the prevalence of these cases, answers are hard to come by.

"I don't have any answer, but we certainly have a problem," said Deputy D.C. Police Chief Alfonse Gibson, whose criminal investigation division has proposed a new "pedophile unit" to deal with the increase in sexual assaults on children. "People just don't supervise children the way they used to," Gibson said.

On Monday, the D.C. City Council held hearings on the Victims' Rights Act of 1983, which includes provisions on sexual assault. But Joyce Thomas, director of the division of child protection at Children's Hospital, urged the council to include a provision in the bill that would make sex with females younger than 16 a crime.

"We have found that many children who are victimized during childhood do suffer long-term emotional difficulties that can interfere with their intellectual and social development," she said. "There is also evidence that suggests that many male victims of either physical assault or sex offenses

often become abusive on the next generation of children.

"Each year we become aware of more than 1,000 new cases in which over 12 percent of these youngsters require hospitalization for critical medical care," she said. "Countless numbers sustain injuries, such as burns, fractures, neurological damage, internal injury or similar problems. All too many children have lost their lives as the result of such injuries."

Sometimes it is just a matter of different customs, in which parents attempt to discipline a child the way they were disciplined as children. Rarely is the intention to kill the child.

Indeed, many abusive parents tend to have mental disorders, and the strain of raising children, especially those with problems, proves too much to bear.

But none of this can excuse what is happening to thousands of children in this city. And what can be expected to be perpetrated on generations to come.

Thomas cautions that to lump child abuse and sexual assault in the same category is a technical error because the perpetrators and circumstances are often quite different. The issue of child abuse is one of the most complex in criminal law, with interfamily conflicts underscoring the finest lines between love and hate.

But the simultaneous rise in both crimes highlights the worst kind of disregard for children. "It's devastating," Thomas says.

"If children are not safe with their parents, who can they be safe with?"

TRIBUTE TO SENATOR GARN

Mr. BYRD. Mr. President, I believe this is the first time I recall that the distinguished Senator from Utah (Mr. GARN) has acted as the Republican leader. He has done so with dispatch and proficiency and with skill and dignity. I compliment him.

Mr. GARN. I thank the Senator from West Virginia, the distinguished minority leader.

I happened to be the last member of the Republican leadership who was still around here on Friday afternoon. I must admit that normally, as soon as you and Senator BAKER announced the program, I am long gone as rapidly as I can. So I am not usually around for the closing.

We appreciate the extra time and effort that you and Senator BAKER put in while the rest of us run for home on Friday afternoon.

Mr. BYRD. I thank the Senator.

PROGRAM FOR MONDAY

Mr. GARN. Mr. President, following morning business on Monday, the leadership intends to take up the highway bill, H.R. 3103, and other items that may be cleared for action. Rollcall votes are expected on Monday afternoon.

ADJOURNMENT UNTIL MONDAY, OCTOBER 24, 1983

Mr. GARN. Mr. President, I now move, pursuant to the previous order, that the Senate stand in adjournment until 12 noon on Monday, October 24.

The motion was agreed to; and, at 4:46 p.m., the Senate adjourned until Monday, October 24, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 21, 1983:

IN THE NAVY

The following-named officer to be placed on the retired list in the grade of commodore, in accordance with article II, section 2, clause 2 of the Constitution:

Capt. Grace Hopper, U.S. Naval Reserve (retired), [redacted], 1509.

DEPARTMENT OF TRANSPORTATION

James L. Emery, of New York, to be Administrator of the St. Lawrence Seaway Development Corporation for a term of 7 years, vice David W. Oberlin, term expired.

EXTENSIONS OF REMARKS

H.R. 4192

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. RITTER. Mr. Speaker, during markup in the Subcommittee on Science, Research and Technology of the Committee on Science and Technology, my bill, H.R. 3840, the Risk Assessment Research and Demonstration Act of 1983, was amended by adding a revised version of Congressman MARTIN's bill, H.R. 3976, the Central Board of Scientific Risk Analysis Act of 1983. Today I am introducing the new bill, H.R. 4192 the text of which follows:

H.R. 4192

A bill to establish coordinated interagency research and demonstration projects for improving knowledge and use of risk assessment by those Federal agencies concerned with regulatory decisions related to the protection of human life, health, and the environment, and to provide for the establishment of a Central Board of Scientifc Risk Analysis as a means of improving the scientific review and evaluation of risk analyses made by Federal agencies, with particular emphasis upon risk analyses involving issues of chronic health hazards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RISK ASSESSMENT RESEARCH AND DEVELOPMENT

SHORT TITLE

SECTION 101. This title may be cited as the "Risk Assessment Research and Demonstration Act of 1983".

FINDINGS AND DECLARATIONS

SEC. 102. (a) The Congress hereby finds and declares that—

(1) a number of Federal agencies have been mandated by law to protect, or provide information to protect, human life, health, and the environment;

(2) the Congress in writing the laws, and the courts in interpreting the laws, have often required Federal agencies to consider risk and ways of reducing risk in those agencies' efforts to protect life, health, and the environment;

(3) decisions by Federal agencies, legally mandated to protect human life, health, and the environment, often involve rules to reduce risk to human life, health, and the environment;

(4) such regulatory decisions involve scientific, economic, social, and philosophical considerations;

(5) these decisions must often be made even in the face of uncertainty and incomplete scientific and technical information;

(6) these decisions may involve an assessment of risks to human life, health, and the environment and a balancing of those risks against the economic and social consequences of controlling them;

(7) improving the quality of the scientific component of such decisions is an important aspect of securing the public's ability to properly weigh the social and philosophical values intrinsic in them; and

(8) analysis of the comparative risks to health and welfare can assist in setting public policy objectives and gaining public understanding of regulatory management decisions.

(b) Accordingly, it is necessary for Federal agencies—

(1) to use the best possible methods for securing information on, and an understanding of, the scientific bases for their regulatory decisions;

(2) to utilize such information and understanding, whenever appropriate, in the assessment of matters pertaining to decisions related to the protection of human life, health, and the environment; and

(3) to delineate, as specifically as possible, the scientific basis for agency decisions from their more subjective, judgmental aspects.

(c) Since the methods of risk assessment are increasingly relevant to regulatory decisionmaking, research and demonstration of such methods should be encouraged.

(d) A study of risk assessment needs to be made to learn what is known and what is not known about assessing risk in the face of incomplete scientific and other information;

(e) Risk assessment is basically a multistep process consisting first of a scientifically based risk analysis, which concentrates on the identification, probability, and consequences of risk, followed by a risk evaluation which is more judgmental in nature and concentrates on decisions defining acceptable levels of risk. Risk assessment will not provide a formula for setting public policies and making regulatory decisions; however, it may be a procedure by which the delineation in subsection (b)(3) is facilitated.

(f) Regulatory decisions concerning risk must usually consider alternative courses of action and may therefore involve comparative risk assessment. Better comparative risk assessment will improve the balancing of alternatives. Comparision of risks represents a means by which levels of risk can be presented to the public in terms which facilitate their understanding and appreciation of various regulatory alternatives.

(g) A variety of Federal agencies use the results from risk analyses to varying degrees in regulatory decisions. A systematic effort to improve the quality of risk analysis should be established to enable agencies to more effectively use risk analysis as an instrument in making regulatory decisions.

(h) Recent judicial decisions have demonstrated the need to further develop risk analysis to meet standards required by Federal courts for Federal Government actions.

PURPOSE

SEC. 103. In view of the findings and declarations set forth in section 102, it is the purpose of this title to provide for comprehensive and coordinated research and demonstration projects for the study of risk assessment and its relationship to the regulatory process.

DEFINITIONS

SEC. 104. For the purposes of this title—

(a) the term "risk" means the potential of a given action to cause unwanted, negative consequences to human life, health, or the environment;

(b) the term "risk analysis" means the process of quantification, as much as possible, of the probabilities of an identified risk;

(c) the term "risk evaluation" means the process of judging the acceptability of various levels of risk to individuals, society, or the environment;

(d) the terms "risk assessment" and "assessment of the risks" mean the total process, including both risk analysis and risk evaluation; and

(e) the term "comparative risk assessment" means a procedure in which the assessment of the risks associated with one course of action and the assessment of the risks associated with an alternative course or courses of action are compared with each other and with the kinds of risks people normally face in their individual lives; and

(f) the term "Federal agencies" means agencies within the Federal Government which are involved with regulatory decisions concerning human life, health, and the environment.

OBJECTIVE AND ESTABLISHMENT OF PROJECTS

SEC. 105. (a) The objective of the projects established under subsection (b) is to develop the necessary knowledge to—

(1) improve the use of risk assessment within the Federal agencies referred to in subsection (b)(2) and (b)(3), giving particular emphasis to the use of comparative risk assessment;

(2) develop a coordinated and systematic approach to the conduct and use of risk assessment by such Federal agencies;

(3) define criteria and standards to guide the development and use of risk assessment;

(4) identify research needed by such Federal agencies to improve the methodologies and use of risk assessment in regulatory decisionmaking;

(5) coordinate among such Federal agencies the use of common research results and information required for risk assessment;

(6) establish within such Federal agencies a means to promote an understanding by the public of those agencies' efforts to address risks to life, health, and the environment by expressing those risks in terms of easily understood, everyday experience; and

(7) facilitate public understanding of the nature of regulated risks and the means of their quantification.

(b) The President shall direct in accordance with the provisions of this title the establishment of coordinated projects which shall—

(1) be designed to achieve the objectives set forth in subsection (a);

(2) involve, where appropriate, Federal agencies responsible for regulatory decisions or providing information for regulatory decisions, concerning human life, health and the environment including but not limited to, the Food and Drug Administration, the Environmental Protection Agency, the Occupational Safety and Health Administration, the Food Safety and Inspection Service of the Department of Agriculture, the Nu-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

clear Regulatory Commission, the Department of Energy, the Consumer Product Safety Commission, and the Department of Transportation; and

(3) involve, where appropriate, the Federal agencies with basic and applied research programs applicable to the improvement of risk assessment.

(c) The President shall designate an agency or agencies to coordinate the projects.

(d) The coordinating agency or agencies designated under subsection (c) shall present to the Congress within twelve months after the enactment of this Act a report which shall include—

(1) a review of the risk assessments presently being carried out within the Federal agencies specifically designated in subsection (b)(2) and the use of such assessments in the regulatory decisionmaking process;

(2) a review of the risk analysis research being carried out by Federal agencies specifically designated in subsection (b)(2), and the procedures within those agencies for linking this research to the regulatory decisionmaking process;

(3) identification of specific areas of emphasis for research conducted within the Federal agencies specifically designated in subsection (b)(2), and recommendations for funding priority of research on risk assessment by other Federal agencies, including but not limited to the National Science Foundation and the National Institutes of Health;

(4) recommendations for a coordinating mechanism to transmit and share research results among Federal agencies, between Federal agencies and other public agencies, and between Federal agencies and private and nonprofit corporations and institutions;

(5) a proposal for the risk assessment demonstration projects to be carried out under section 107 within the Federal agencies specifically designated in subsection (b)(2);

(6) identification of the areas where the use of the results of a risk assessment is required, encouraged, limited, or prohibited by current law, regulation, or practice; and

(7) recommendations for increasing public awareness and understanding of risk.

(e) The agencies participating in this effort are encouraged to utilize independent scientific advice from recognized experts in risk analysis.

RESEARCH

SEC. 106. The Federal agencies specifically designated in section 105(b)(2) shall recommend to the coordinating agency designated under section 105(c) research required to meet the objectives stated in section 105(a).

DEMONSTRATION PROJECTS

SEC. 107. (a) Each of the Federal agencies specifically designated in section 105(b)(2) shall undertake a risk assessment typical of that agency, in accordance with section 105(d)(5). These assessments should utilize presently available information and techniques, or new developments where available, and wherever appropriate should include the following elements:

(1) Comparison of risk of alternative courses of action.

(2) Delineation between scientific and policy judgments.

(3) Description of the present roles, if any, of technical or scientific advisory boards with respect to risk assessment.

(4) Identification of specific assumptions, guidelines, models, and uncertainties.

(5) Identification of limitations placed on the assessment due to relevant scientific, organizational, and statutory constraints.

(6) Identification of specific tradeoffs posed in the particular risk assessment.

(7) Suggestions of how additional information, or changes in statutory language and organizational structure, could change the strategies chosen in risk assessment.

(8) Discussion of how comparative risk assessment could be utilized to make the public aware of the relevance of the decisions, including a consideration of factors such as voluntary versus involuntary nature of similar risks, manmade versus natural risks, and necessary versus unnecessary risks.

(9) Delineation of information concerning the different levels of risk to health and welfare among different groups within the population, including consideration of socioeconomic, geographic, and other pertinent factors, to assist in the equitable sharing of the risks and benefits (including those that can and cannot be quantified in monetary terms) to be realized from the regulatory process and the implementation of public policy.

(b) Such studies shall be completed within two years after the date of the enactment of this Act, and shall be available to experts in the field for critical peer review and to the public at large.

REPORT

SEC. 108. The coordinating agency or agencies designated under section 105(c) shall issue a report to the Congress within thirty months after the date of the enactment of this Act, which shall include—

(1) a summary of the findings made in or pursuant to the report presented under section 105(d);

(2) a summary of the risk assessment activities conducted pursuant to section 107;

(3) recommendations for future research necessary to achieve the purposes and objectives of this title;

(4) recommendations for legislation needed to implement and facilitate the use of risk assessment within Federal agencies;

(5) recommendations for nonlegislative changes, including organizational changes, to implement a policy of risk assessment within Federal agencies;

(6) recommendations that will result in the improved transfer of risk-related research and information between Federal agencies and private and nonprofit corporations and institutions; and

(7) recommendations for improving and increasing public understanding and appreciation of risk and regulatory decisions.

(b) In the preparation of the report the coordination agency or agencies shall seek advice and comment from organizations and representatives of both public and private interests, and any comments made shall be included in the final draft of such report submitted to Congress.

SEC. 109. Nothing in this title shall constitute an authorization for the appropriation of funds from the Treasury of the United States.

TITLE II—CENTRAL BOARD OF SCIENTIFIC RISK ANALYSIS

SHORT TITLE

SEC. 201. This title may be cited as the "Central Board of Scientific Risk Analysis Act of 1983".

FINDINGS AND PURPOSE

SEC. 202. (a) The Congress finds that—

(1) actual and potential chronic health hazards, and other similar hazards which could affect human life, health, and the environment, are of great and growing public concern;

(2) it is important that the public have confidence in the adequacy, consistency, and independence of the scientific basis for Federal regulatory decisions which assess the risks of such hazards; and

(3) there is a need for a central board of independent scientists to develop and issue criteria to guide Federal regulatory agencies in making risk analyses of such hazards and to selectively review risk analyses that deal with unique scientific issues of national importance involving one or more of such agencies.

(b) It is therefore the purpose of this title to establish a means of achieving consistency and promptness in the scientific evaluation of risk analyses made by Federal agencies, and of ensuring the adequacy of the scientific basis for such risk analyses when they involves issue of chronic health hazards or other actual or potential threats to human life or health or to the environment.

DEFINITIONS

SEC. 203. As used in this title—

(1) the term "hazard" means an actual or potential carcinogenic, mutagenic, or teratogenic effect, or an actual or potential effect of reproductive or neurotoxicological disorder, or any other significant effect involving a threat to human life or health or to the environment;

(2) the term "chronic health hazard" means a hazard which poses an actual or potential risk to human life or health, including a risk of carcinogenesis, teratogenesis, reproductive disorders, or neurotoxicological disorders, or any other hazard which has or may have similar long-term effects;

(3) the term "hazard assessment" means the evaluation of all valid biologic, toxicologic, epidemiological, and other data relevant to a potential hazard;

(4) the term "risk", with respect to any hazard, means the likelihood for realization of unwanted negative consequences from such hazard to human life or health or to the environment;

(5) the term "risk analysis" means the scientific process of evaluating data to identify hazards and related risks, and includes risk characterization and (to the extent feasible) the quantitative analysis of risk; and

(6) the term "Federal agency" (except as used in section 204(a)) means any agency within the Federal government whose duties regularly involve the making of regulatory decisions which are based on risk assessments made to identify the effects or conditions referred to in paragraphs (1) and (2).

ESTABLISHMENT OF BOARD

SEC. 204. (a) An agency designated by the President is authorized to enter into a cost-plus-fixed-fee contract with the National Academy of Sciences (hereinafter referred to as the "Academy") to establish within the National Research Council a Board of Scientific Risk Analysis (hereinafter referred to as the "Board").

(b)(1) The contract shall provide that Board members shall be appointed by the Chairman of the National Research Council under the Committee appointment procedures of the National Research Council and shall function in accordance with all the policies and procedures of the Council. In making such appointments, recommendations shall be solicited from organizations of professional scientists, faculties of colleges and universities, heads of Federal and State agencies, and distinguished members of the scientific community.

(2) The membership of the Board shall be composed of individuals qualified and distinguished by training and experience in the

life sciences or physical sciences (such as biology, biochemistry, biostatistics, epidemiology, comparative metabolism/pharmacokinetics, medicine, veterinary and human pathology, industrial hygiene, and toxicology), including individuals with expertise relevant to the analysis of risk.

(c) The contract shall further provide that the Academy, through the use of the Board, shall—

(1) develop, issue, and (as necessary) periodically revise scientific principles and practices for risk analyses, reflecting the current state of the art for the risk analysis process;

(2) selectively review risk analyses made by Federal agencies, or establish subpanels to review specific risk analyses;

(3) organize scientific workshops, hold symposia, and make recommendations to Federal agencies on research needed in the risk analysis field; and

(4) regularly consult with the Federal agencies which are or may be involved and provide reasonable opportunity for public review and comment.

REVIEW OF RISK ANALYSES

SEC. 205. (a) Whenever a Federal agency proposes to make a regulatory decision or take a regulatory action based on a risk assessment or assessments concerning a substance (or the use of a substance) which results or may result in risk of a chronic health hazard or other similar hazard, and such risk assessment or any of such risk assessments is determined by such agency to involve scientific issues which are of national importance, the agency shall submit the risk analysis portion of such risk assessment or assessments to the Director of the Office of Science and Technology Policy and request the Director to refer such risk analysis to the Board (along with all of the relevant scientific information and date) for review under this section. If the Director and the Academy jointly concur with the determination of the agency under the preceding sentence, a public notice shall be placed in the Federal Register by the Director setting forth the requested referral and the reasons therefor and he shall submit such risk analysis to the Academy in accordance with the agency's request.

(b) Whenever a risk analysis is referred to the Academy under subsection (a), the Academy shall, through the Board or such subpanels of the Board as the Academy may create, expeditiously review such analysis, taking into account the available relevant scientific evidence relating to or bearing upon the risk analysis involved. The Academy shall keep a record of the actions taken and proceedings conducted in the course of any such review, and shall make such record reasonably available for public inspection consistent with the public access guidelines of the Academy.

(c) At the time of the referral of any risk analysis to the Academy for review under this section, and after consultation with the agency requesting such referral, a timetable (ordinarily not to exceed 3 months) for the review shall be submitted by the Academy to the Director of the Office of Science and Technology Policy, who shall place in the Federal Register a public notice of such timetable, including an invitation for public scientific input on the issues of concern to be reviewed, a statement concerning the schedule for such review, a summary of the agency's risk analysis, and a list of the relevant scientific information and data submitted under subsection (a). The Academy shall submit to the agency and make publicly available a written report on the analysis which was referred to the Academy for review.

NONBINDING EFFECT OF ACADEMY REPORTS

SEC. 206. Neither the criteria set forth in the risk analysis guidelines of the Academy nor the reports on the reviews carried out by the Academy under the provisions of this title, nor the analyses and findings included in such reports, shall be binding on any Federal agency; but if any Federal agency fails to adopt such criteria, or if the agency whose risk assessment is involved fails to adopt and act in accordance with any such guideline or finding, such agency shall publish in the Federal Register a complete explanation and justification of its reasons for such failure.

MISCELLANEOUS PROVISIONS

SEC. 207. (a) In the performance of its functions under this title, the Academy and persons acting on the Academy's behalf shall at all times maintain the confidentiality of trade secrets and of privileged or confidential commercial information. The members of the Board and the members of any subpanel of the Board shall be subject to the same conflict of interest and disclosure requirements that govern the appointment and selection of committees within the National Research Council.

(b) Neither the Academy nor any person acting on behalf of the Academy shall be liable for personal or property injuries caused in carrying out the requirements of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

EFFECTIVE DATES

SEC. 209. (a) This title shall take effect on the date of the enactment of this Act, except that no guidelines shall be published under section 204(c)(1) and no risk analysis shall be reviewed under section 205 until 12 months after such date.

(b) Unless reauthorized for an additional period by a law hereafter enacted, the provisions and authorities of this title shall terminate five years after the date of the enactment of this Act.●

THE SYSTEM DOES WORK

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. TAYLOR. Mr. Speaker, it was a bright day in the Nation's Capital for a few moments yesterday despite the dreary, rainy weather with a hint of winter to come. Yesterday morning, tucked away in a far corner of a big, marble-faced building, a panel of my colleagues, members of the greatest deliberative lawmaking body in the world, took occasion to touch the lives of four fellow human beings and changed their lives forever in a positive and personal way.

The proceedings of the U.S. House of Representatives Judiciary Subcommittee on Immigration, Refugees, and International Law will probably not be reported in the Washington Post or even the Sarcoxide Record, but the action taken by this distinguished panel made me stop and realize the pride I feel in sharing membership in this dynamic and vital institution, the U.S. House of Representatives.

Several months ago I was asked to assist a couple from Missouri in a last ditch attempt to keep their family together. I know this is not an unusual occurrence among my colleagues, but I think this story serves well to illustrate how this mighty system, even though we are often tempted to give up on it, still works.

Merlyn and Wanda Beeman put aside their comfortable life in Missouri back in 1966 and went to Mexico to serve as missionaries for 12 years. They took with them three children, their natural child and two little boys they had adopted after being their foster parents. While this selfless, Christian couple served in Mexico they took into their home and hearts, five more little children who had been abandoned. When they returned to the United States in 1978, the Beemans brought these five children with them on student and visitors' visas.

They then initiated adoption procedures with a view toward the children becoming naturalized American citizens. However, our immigration laws allow only children adopted before their 16th birthday to be naturalized on the basis of their adopted status. Because of this, the four eldest children were not covered by the provision. The youngest was granted permanent residency status because his adoption was finalized before he had reached the age of 16.

I have visited the Beeman family and experienced firsthand the love and mutual respect they have for one another, their fellow man and their God. In due course, I introduced a private bill to grant permanent residency status to these four outstanding indivisuals who have now grown to young adulthood. Due to the promotion of Mr. Beeman to the home office of his employer, the entire family has moved from Missouri to Texas where the four eldest children are attending college.

It was my privilege yesterday at noon, to call Mr. Beeman and tell him that the House Judiciary Immigration Subcommittee had approved my bill and the first step had been taken to allow he and his wife to keep their wonderful family together.

As I indicated at the outset, the events that occurred will most likely not make headlines anywhere and there is still a considerable way to go before the task is complete. There are those who shun the workings of their Government, they often characterize it as anonymous, uncaring, unfeeling and that it just does not work. I do not agree. There is at least one American family today that does not agree. The

system does work. I am humbly proud to be a part of it.●

DOUBLE CELEBRATION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. LONG of Maryland. Mr. Speaker, when Menorah Lodge of Baltimore, Md., presents the Distinguished Service Award to Col. Michael W. Meritt, prominent Baltimore community leader, at the organization's 68th anniversary banquet, to be held on the evening of October 26, 1983, at the Chizuk Amuno Auditorium, tribute will be paid at the event of two anniversaries.

The banquet will mark the 68th anniversary of Menorah Lodge of B'nai B'rith, conducting, since its inception in 1915, various patriotic, philanthropic, humanitarian, cultural, civic, social, and other endeavors.

The banquet will also mark the 140th anniversary of B'nai B'rith Menorah Lodge's parent organization, ranked as the world's oldest and largest Jewish service organization, with over 500,000 members. Since 1843, B'nai B'rith has brought and kept people together so that they could help each other and help others in fighting for human rights across the globe, and in providing educational and community services to all walks of life.

Many prominent leaders have been honored by Menorah Lodge at its past banquets. The list of honorees includes:

> Drew Pearson, Judge Simon E. Sobeloff, Judge Herman M. Moser, Governor Theodore R. McKeldin, Dr. Milton Eisenhower, Jacob Blaustein, Mayor Thomas D'Alesandro, Jr., "To Promote Good Will" Panel, Philip M. Klutznick, Lutheran Hospital, Judge Meyer M. Cardin, Governor J. Millard Tawes, Judge Albert L. Sklar, Senator Joseph D. Tydings, Joseph Meyerhoff, Murray Slatkin, Julius Offit, Dr. Samuel Rosenblatt, Morris H. Price, Sidney and Samuel Epstein, Philip and Louis Bluefeld, Senator Charles McC. Mathias, Jr., Morris Yaker and Milton Seidenman, Mayor William Donald Schaefer, The Honorable Benjamin L. Cardin, Dr. Samuel Friedman and Bernard Potts, Congressman Clarence D. Long, and Mose I. Speert.

Colonel Michael W. Meritt, past president of Menorah Lodge, 1983 honoree, is a graduate of the University of Pittsburgh and holds the degrees of AB, LLB and JD. Col. Meritt has been admitted to practice law in the Supreme Court of Pennsylvania, Court of Appeals of Maryland, U.S. Court of Military Appeals and the Supreme Court of the Philippines.

Colonel Meritt served on active duty during World War II in the U.S. Army and on General MacArthur's staff in the Asiatic Pacific Theater of Operations. Served during the Korean War with the U.S. Army of Operations of Railroads as legal advisor and liaison with various Army Agencies, major railroads and the Department of Justice. Lectured on military law and the courts-martial system at Johns Hopkins University, University of Pittsburgh and Army units. Practiced law in Pittsburgh when paged by the Army. Former owner of a manufacturing business. Served as director of the supplemental security income program for the State of Maryland.

Among his affiliations, he is a Mason (Scottish Rite and Shrine) and is also a member of the American Legion, Jewish War Veterans; a founder of the Beth El Congregation and member of the Maryland Regional Board of the National Conference of Christians and Jews. Active in the J.C.C. and also affiliated with the Safety First Club of Maryland. Also past president of Western Pennsylvania AZA, B'nai B'rith Youth Organization, and a near first AZA alumnus to become president of Menorah Lodge.

Colonel Meritt is married to the former Jean Offit of Baltimore, and father of two sons, Paul Bruce and Brian Stuart.

Participants in the Banquet program will also include Alvin Singer, president; Stanley E. Krosin, general chairman; and Murray Slatkin and Robert A. Speert, cochairmen.●

MAKING YOUR VIEWS KNOWN TO CONGRESS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. GONZALEZ. Mr. Speaker, last Saturday morning, October 15, I had the great privilege of addressing a most select and distinguished group of scientists and scholars. I offer the text of my remarks for the RECORD:

MAKING YOUR VIEWS KNOWN TO CONGRESS

Congress is a body that is expert in one thing, and that's politics. There are among the Members of Congress a number of people who are acknowledged experts in one field or another, but on the whole Congress is an aggregation of laymen. We are laymen in the sense that we are often asked to judge issues on which we are admittedly not expert, somewhat in the same way that a jury that is not a body of handwriting experts may be asked to judge the conflicting opinions of witnesses who are in fact handwriting experts. Our problem as legislators is something like that of jurors in a court of law—we have to resolve claims that are generally in conflict, and we face an array of more or less persuasive fact and opinion on both sides. It's up to us to make a decision on one side of the issue or another. To put it another way, our problem is not necessarily a lack of information, but resolving the conflicting claims that are put before us. The resolution of conflict, in one arena or another, is in fact the essence of politics and it is also the essence of legislation.

In the realm of scientific research, Congress plays a role of tremendous importance—and makes decisions that are often based on little real knowledge of the facts, and less knowledge about the consequences. The Federal government, after all, spends about $45 billion a year on scientific efforts of one kind or another, ranging across the entire spectrum. It is literally impossible for any Member of Congress to review all this research, let alone reach any sound conclusions about its entire range. We attempt to find some areas of general focus, through our own in-house agencies—most importantly, the Office of Technology Assessment, which can generate papers on any given area of scientific or technological endeavor, giving us an idea of the most promising areas in one field or another. We can also call on the Congressional Research Service, which can give us reasonably good studies on almost any subject imaginable. And we can get an accountant's eye view through the General Accounting Office or the Congressional Budget Office. There are also outside groups like the Congressional Clearinghouse on the Future—not to mention lobby organizations of every shape and size. And yet I do not believe that Congress has a good understanding of just how central the Federal role is in the realm of scientific research, nor even the profound changes in direction that have been taking place since 1981. To put it bluntly, we have plenty of information at our disposal, but we do not have enough actual contact from scientists in the field like yourselves. We need your input.

The problem facing anyone contacting Congressmen is one primarily of gaining attention and getting that attention focused. It is something akin to an attorney's problem of working with a jury—you are not certain who will be persuaded by a given argument, and so you must not leave any reasonable avenue of persuasion unexplored. Being a small organization, you have the problem of not being served by a lobby—or advocate, if you prefer a less perjorative term—except in the general sense that medical schools and universities gather information and present relevant viewpoints to the Congress. The result is something that you already are aware of, and that is you have inadequate information on which you plan your operations or to understand how Congress is affecting your work, and Congress in turn has too little understanding of your situation and what affects it. Certainly it is not a reasonable goal to expect that an organization as small as yours could make all Members of Congress acutely aware of what the daily concerns of your departments are; there are after all more Congressmen than there are physiology chairmen. Moreover, there are dozens of agencies that sponsor research or perform research in-house, involving some forty-five billion dollars in every possible field of scientific endeavor, so the competition for attention is enormous. And beyond that, every Member of Congress has to choose an area of focus—most often, the area of his or her Committee assignment.

The basic work of Congress takes place in its committees, just in the way that the basic work of a medical school or university takes place in its departments. Of necessity, every Member seeks to know as much as possible about his committee reponsibility. Not only that, the most frequent lobby con-

tract is within the area of jurisdiction of a Members's committee assignment. As a member of the Committee on Banking, I am much more likely to be contacted by the bank lobby than by, say, the shipbuilder lobby. Consequently, the first suggestion I can offer is that anyone seeking to influence the course of a particular bill should make contact with members of the Committee to which that bill is assigned. Those are the Members who know the most about it, and more important, they are the members with the best opportunity to influence the structure of that legislation.

Second, I suggest that anyone with an interest in a particular bill should make contact not only with the Committee members who may be assigned to that bill, but with the Committee staff as well—because it is the staff that will prepare the draft that the Committee has before it, and the staff that will develop the arguments on the items in dispute. I do not say that staff members are all-powerful—they most certainly are not—but since they have much to do with the way a bill is originally framed, and since they have much to do with the way arguments are framed, it is clear that anyone seeking to make his views and concerns known, and more importantly, effectively heard, it is vital to be sure that the concerned staff members are themselves informed.

I would offer another suggestion, and that is, every member of your group can contact a Congressman and two Senators. Don't hesitate to do so. The men and women who represent your particular district and State, who represent the institution and the research effort that you are concerned about, need to hear from you. I think that there are about 118 members of your group, and I have no doubt that every one of you has a different Representative. Get to know those people—because they can help you—and you can help them. They want to know your concerns, and they need to hear from you—on a personal basis, if that is at all feasible. If each one of you had effective communication with one Member of Congress, that's a quarter of the House. That's enough to make an effective difference on any issue.

When you contact your Representative or Senator, don't wait for a crisis. All of us are accustomed to emergency communications, but it's much more effective if we have some prior knowledge of who this person is, who's asking us to consider your position. See if your Representative can visit your school—provide your Representative the opportunity to get to know something of your Department and discipline, something of your efforts, and something of your concerns about Federal policy—just as a matter of background. People who know you and know something about your work are going to be able much better to understand what you are talking about when the time comes to explain your particular political concern. In other words, effective communication is what makes an effective difference when it comes down to counting the votes. And effective communication is still pretty much a matter of personal contact. And why? Because in any human endeavor, effective communication requires an element of trust, and trust depends on a personal relationship as well as on a presentation of facts.

When it comes to the point of seeking to get your message across on a particular matter, focus carefully, because the people you are talking with are busy and have hundreds of other concerns to attend to at any given time. They want to know the essense of the issue as quickly as possible. One rule I try to follow in obtaining staff memorandums is this: say it in one page. It's not that I don't want to read more, it's that if I need more information from the staff, I can get it, but most of the time, I want the meat of the matter, in the most precise way possible. I'll need the background if I am called upon to argue a point, but if all I am being asked to do is reach a "yes" or "no" position on a given vote, what I need is the high points. Let me turn not to some concerns that I don't think are being well recognized in Congress, some reasons why I believe you have to become more politically involved than you perhaps ever expected.

First, I don't believe there is much realization in the Congress of the fundamental shift that has taken place in the nation's scientific efforts during these last two and a half years. Every civilian agency with research money except the National Science Foundation and the Department of Transportation has undergone budget cuts, in real terms. Meanwhile, military research funding, in real terms, has increased by 53 percent. I wonder how many of my colleagues are even aware of that fact. And I wonder how many have considered the consequences.

It might not concern you directly that NASA research has been slashed by 61 percent, but it probably does concern you that EPA research has been cut by almost half. For researchers in medical fields, it may be that the 9 percent increase in National Science Foundation funding largely offsets the three percent cut in NIH research money—but the point of concern is that a vast amount of promising research in medical sciences has either been cancelled outright or put on hold. Because of these cutbacks in research funds, there is absolutely no doubt in my mind that we have hundreds, probably thousands, of scientists who have seen their whole careers disappear, at the stroke of a pen. The White House defends these cuts, saying that economic recovery is the most vital consideration. But that clearly is not the case—because all that has taken place is in fact a shift from civilian-oriented research to military-related efforts—often at the expense of basic science. Moreover, the Administration enthusastically embraces extremely questionable and terribly costly ventures like the Clinch River Breeder Reactor while claiming that it's essential, in the name of the economic well being of the country, to cut virtually every other kind of civilian research and development effort. So clearly, economic considerations are not the real justification for these cutbacks. The second White House defense for these cuts is that by making the dollars short, the quality of research improves. They are claiming that too much money has been available for research, and consequently too many questionable projects have been approved. So they say, the solution is to make the competition keener. But is that really the case? Recent stories in the Washington press lay a great deal of doubt on that claim. These stories relate how certain humanities agencies have been funding research proposals that have been graded at the bottom of the ladder by the peer review process. It's clear that many of these odd awards have been made on the basis of political considerations. The defense? The Administration claims that the peer review process shuts out smaller institutions, and creates favor for big institutions that are able to generate more proposals. But the Administration can't have it both ways: they can't claim that research cutbacks are justified because it's necessary to make competition keener, and then turn around and say that the whole competitive review and ranking process ought to be disregarded. If awards are to be made on an arbitrary basis, why have competition at all? Concerning the peer review process, a representative of NIH, who was asked about the arbitrary awards that are being made in the Department of Health and Human Services, said, "there are very few, if any, good proposals that are overlooked in our screening process." And I suspect that this is the case. In any event, however, the point I want to raise is this: Scientific researchers have to make it known that there are not only arbitrary and damaging budget cuts being made, but that the selection process for research awards is now being subjected to politicization. This is a threat to the whole quality of American scientific research.

The genius of the NIH and National Science Foundation approach to Federal research is that awards must be based on merit and that proposals must be given fair consideration by acknowledged peers in the field. Politically determined research awards may occasionally have some value, but politicians have never, in all of history, been good judges of what constitutes a valid research effort. Consider the sad history of Copernicus, or any number of others, who had to suffer the evils of political clearance for their studies. Political or theological dogma became more important than the truth, and it cost human progress dearly. Consider the dangers that attended the early students of anatomy, who violated law by exploring the secrets of human construction, by dissecting cadavers. We may be tempted to think that academic freedom in this day and age is secure but human freedom of any description is fragile and always threatened. And if funding of scientific research is going to be subjected to arbitrary, political processes, then the whole validity of Federal research is open to question.

I am not naive; I do not think that the peer review process is perfect. Certainly even scientists have their politics. And as we learned this week in the case of the Nobel Prize for Medicine, a brilliant and original researcher can go for years without recognition, even among colleagues and peers. But when you think about the alternative to peer review, the dangers of politicized research are clear. All you have to do is reflect on the Golden Fleece award, which regularly goes to some hapless researcher whose work may be of enormous importance, but which can also be subjected to riducule by a malicious or misinformed layman. I can see it now: such an ignominious treatment could have gone to Dr. McClintock, who after all spent years and years crossbreeding and observing the genetic changes in ears of corn. Yet her patient and solitary work unlocked absolutely priceless information about genetics, and led to the Nobel Prize.

Or consider that on occasion the House and Senate have spent days on end battling over amendments to the National Science Foundation authorization—amendments intended to embarrass researchers, amendments intended to destroy the integrity of the foundation itself. That is the kind of thing that happens when research is subjected to a purely political review of particular efforts. The validity of the effort all to easily becomes secondary to the political angle or the passion of the moment.

And so I believe that aside from concern about cutbacks, you have to convey concern

about Administration efforts to politicize research awards. Peer review might not be perfect, but Copernicus would have been far better off in an academic debate than he was in a trial for religious heresy. Right reason and rational argument didn't matter in the court; dogma did. And there can be no mistake about it—the present Administration is the most dogmatic one we have seen in decades.

When you are considering how to get your message across to Congress, I hope that you will not fall to the temptation to simply be concerned about money issues. Those are important, and they are vital. But you have also to be concerned about the underlying issues of quality in research—what it is that cutbacks are doing to quality, and what cutbacks are doing to the direction of your work—what it costs us in the way of lost opportunities to endure no-growth or actual reduction in funding. And I can't emphasize enough in my view, that the integrity of the research award process is also under attack—and you must convey your concern about that.

The White House science adviser says that the United States can't be first in all things, and shouldn't try. But there is simply no excuse for killing efforts in which we do have a world lead—which is happening. And there is no excuse for not making the best effort. The consequences of not making the best effort were once dramatized by Sputnik; but in more subtle ways they are clear even today. Worldwide, there is an immense competition for superiority in computer science—yet our officially sponsored research is very limited in that area. In medical sciences we are deliberately cutting back areas in which we enjoy a clear lead. In energy, we know that our future security can well depend on alternate energy sources, and yet our energy research has been cut by twenty per cent. What we see occasionally is anti-intellectualism—we see that with such gimmicks as Golden Fleece awards, or in Presidential wisecracks about some obscure and easily misunderstood research. But what we can't afford is lost opportunities. And it is opportunities that are at stake in the whole debate about the future scope and course of Federally sponsored research. You are absolutely correct to be concerned about the need to get your message across to Congress. So far, the damage to scientific progress has been limited. But I have no doubt that in the next year or so, critical decisions will be made that wil influence events for years to come. You can't afford to sit on the sidelines and hope for the best. Like it or not, the future of American science is very much at stake, and much depends on your willingness and ability to make your side known and heard. This country properly places a high value on education and progress, but neither is possible without learning and research, which depends on effort and investment. The Administration wants to substitute slogans for substance, and that cannot be allowed to happen, if we care about our future. I care, and know that you do as well. I commend you for your interest, and thank you for the privilege of joining you.●

EL SALVADOR'S PRESIDENT AGREES TO REVIEW INTERNMENT OF UNIVERSITY OFFICIAL

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. ALEXANDER. Mr. Speaker, an author who has written usefully about the internal situation of El Salvador is Paul Desruisseaux of the Chronicle of High Education. Among a number of his recent contributions is an article entitled "El Salvador's President Agrees to Review Internment of University Official," in which we learn of the case of Ricardo E. Calderon.

Mr. Calderon is the secretary general of the National University of El Salvador, which has been closed now for 3 years and has reopened through the initiative of the students and faculty, in a number of San Salvador storefronts. Mr. Calderon was arrested on June 28, and, like a number of other civilians in El Salvador, is being held without trial.

Since the AFL-CIO, among other groups, has called for a suspension of military aid to El Salvador until the Government is able to enforce responsible judicial procedures, President Magana's willingness to review Mr. Calderon's case should be welcomed here in the United States.

The article follows:

[From the Chronicle of Higher Education, Sept. 7, 1983]

EL SALVADOR'S PRESIDENT AGREES TO REVIEW INTERNMENT OF UNIVERSITY OFFICIAL

(By Paul Desruisseaux)

SAN SALVADOR.—A visiting group of American academics concerned with human-rights issues failed to win the release from prison last week of a top administrator of the National University here who, military authorities say, is responsible for a variety of subversive acts.

However, the delegation—representing the Faculty for Human Rights in El Salvador and Central America—did win assurances from Alvaro Magaña, president of the country, that he would personally look into the case of Ricardo E. Calderón.

Mr. Calderón, the secretary general of the National University, its third highest ranking official, was abducted from his home on June 28 by heavily armed men in civilian clothing.

Interviewed in his cell at Mariona Prison on the outskirts of San Salvador, Mr. Calderón said he had first been held incommunicado for 11 days in the interrogation rooms at National Police headquarters. During that time, he was kept blindfolded, not allowed to sleep, and—for prolonged periods—was hung by his hands, he said.

Mr. Calderón added that he had been continually questioned about his alleged subversive activities and was told that if he did not "confess" he would be killed as would his wife and two children. He did not sign a confession and was eventually transferred to Mariona Prison.

ARRESTED UNDER DECREE

A former professor of journalism, Mr. Calderón was arrested under a government decree that allows the authorities to apprehend people suspected of crimes against the state and hold them without formal charges for up to six months.

He said he had learned that the subversive activities in which he allegedly was involved included burning buses, being involved in the planning of several political killings, and coordinating the activities of 300 subversives.

According to a newspaper account of his arrest that quoted the Salvadoran army's information office, he is also suspected of conspiring with the F.M.L.N.-F.D.R., the coalition of the Revolutionary Democratic Front and the five groups now engaged in guerrilla warfare against the government.

Mr. Calderón said the charges were totally without merit. "All invented, all fantasy," he said. What was also being held against him, he said, was the fact that he had been arrested before. In February, 1981, he was one of 21 people arrested on the National University campus and charged with conducting a subversive meeting. Also arrested at that time were the university's rector, controller, and almost all of its deans, who were together for the regularly scheduled monthly meeting of the university council, its elected governing board. Mr. Calderón was held for 46 days before being released.

Although the main campus of the National University has been closed and under military occupation since June, 1980, more than 16,000 of its students are currently attending classes in almost all fields of study at a variety of temporary, rented quarters scattered throughout the city.

While in prison, Mr. Calderón has continued to perform most of his duties as the university's secretary general. He said he had been visited regularly by students, faculty members, and other administrators who brought documents for him to review or sign.

'MY PERSONAL FRIEND'

Mr. Calderón said he had not been visited by any of the other five members of an official governement commission established to plan for the reopening of the campus. He said he had served on the commission since its creation in March.

Another member of the commission, Rafael Morán Castaneda, the first secretary of the Constituent Assembly—the country's legislative body—was also asked by the American professors to take up Mr. Calderó's case.

"I would like to think he is innocent because he is my personal friend," Mr. Castaneda said. "But right now he is in jail—as are 600 other prisoners who are accused of subversion.

"The military tribunals have to be persuaded to speed up their process for him to be released, *if* he is innocent. If he is guilty, he cannot be released," added Mr. Castaneda, who promised to take what steps he could to see that the case be brought to trial as soon as possible.

The American delegation asked President Magaña to release Mr. Calderón—regardless of his guilt or innocence—on humanitarian grounds, since he is in poor health and his condition has deterioriated in prison.

The group brought with it an offer to pay to transport Mr. Calderón and his family to New York, where he has three brothers and a sister. The money was to come from a special fund created by the Social Science Re-

search Council and the American Council of Learned Societies to aid academics in Latin America who are suffering persecution.

But President Magaña said Mr. Calderón was under the jurisdiction of the courts. "The questions is not will I allow him to leave the country, but can I free him legally," he said.

Mr. Magaña, who is a former law professor, did promise that he would personally examines the evidence in Mr. Calderón's case. "You have to realize that I must move slowly in this," he said. "But I'll take Calderón's case."

The Rev. Chester Wickwire, chaplain at the Johns Hopkins University and spokesman for the faculty delegation, said he was disapponinted that his group had not obtained Mr. Calderón's release while in San Salvador, but expressed gratitude to President Magaña for taking up the case.

"We're planning to keep the pressure on," said Mr. Wickwire.

Mr. Speaker, the need for information and perspective of this kind is obvious as we attempt to deal with Central America—the problem that will not go away. I hope to bring materials of this sort to Members' attention on a regular basis.●

H.R. 1234 IS THE WRONG MEASURE FOR THE WRONG INDUSTRY AT THE WRONG TIME

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. BROYHILL. Mr. Speaker, early next week the House will be considering H.R. 1234, the domestic car content bill. Although the proponents of this protectionist legislation would have us believe that this bill will benefit our economy, it is nothing more than special interest legislation for the UAW As Secretary Baldrige points out in a letter to me dated October 20, H.R. 1234 will violate the General Agreement on Tariff and Trade (GATT), increase the cost of automobiles for consumers, reverse the domestic industry's recovery, and eliminate American jobs in our export industries.

I hope that after reading Secretary Baldrige's very thoughtful and well reasoned letter, which I am inserting in the RECORD today, you will vote against this harmful legislation.

The letter follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., October 20, 1983.

Hon. JAMES T. BROYHILL,
House of Representatives,
Washington, D.C.

DEAR JIM: Last February, you were urged to cosponsor the automobile domestic content bill, H.R. 1234, because of the weakened condition of the automobile industry and the number of unemployed resulting from that condition. As the bill goes to the House floor, I would like to review the dramatic turnaround in the industry over the past year and reemphasize the Administration's strong opposition to this dangerous concept.

Sales of domestically made cars are up substantially from 1982. The increase in this calendar year has been about 16 percent. Total 1983 car sales are projected to be over 9 million units, as compared with 8 million last year.

Manufacturer and dealer inventories are extremely tight, even though U.S. car production was running about 23 percent ahead of 1982 levels as the beginning of September. At the same time, the auto industry was operating at 80.5 percent of capacity compared to 35.8 percent at its low point last year. By 1985, as the recovery continues, total car and truck sales will be about 14.2 million units, a 37 percent increase over 1982.

Unemployment in the industry has fallen significantly. As September began, the number of U.S. auto workers on indefinite layoff was down 125,000 from its 1982 peak. As production levels continue to increase, more workers still on layoff will be recalled.

In 1978, the U.S. auto companies built 12.6 million cars and trucks. Their earnings that year were $4.8 billion. In 1983, production will total 9.1 million units, but profits will be about $5 billion. This indicates the success of the industry in reducing costs, increasing productivity, and marketing high quality vehicles.

During 1983, both Honda and Nissan began operations at assembly plants in the United States. Direct investment in these plants has totalled almost $1 billion. In addition, GM and Toyota have proposed a joint venture which world manufacture a front-wheel-drive vehicle at GM's closed facility in Fremont, California. This venture will create 12,000 new jobs and involve an investment of about $300 million.

In short, many of the reasons for supporting domestic content have disappeared. However, the reasons for opposing the bill have not.

H.R. 1234, despite cosmetic changes made by the Energy and Commerce Committee, is still a blatant violation of the General Agreement on Tariffs and Trade. The bill would increase the price of automobiles to consumers. It would also increase unemployment in the non-auto sectors of the economy. We cannot afford to threaten the sucess of the current recovery with such a measure.

At a time when the United States is seeking to eliminate trade restrictions around the world, this bill sends the wrong signal to our trading partners. America cannot advocate the removal of trade barriers at the conference table while raising them at home.

H.R. 1234 is the wrong measure for the wrong industry at the wrong time.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.●

The 75TH ANNIVERSARY—ST. JAMES EVANGELICAL LUTHERAN CHURCH

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. LONG of Maryland. Mr. Speaker, I wish to recognize the 75th anniversary of the St. James Evangelical Lutheran Church in Baltimore, which was celebrated this month. I would like to share with my colleagues some of the highlights of the distinguished history of this church.

HISTORICAL HIGHLIGHTS—75 YEARS: 1908–1983

ST. JAMES EVANGELICAL LUTHERAN CHURCH

Mission beginnings

Seventy-five years ago the Holy Spirit motivated a group of people from the Baltimore City Mission Society to survey the Overlea area as a possible mission field for development by the Lutheran Church-Missouri Synod. As a result the first service—attended by forty adults and sixteen Sunday School children—was conducted in the home of Mr. J. Duemer on Belair Road, Fullerton, Maryland, on January 14, 1906, Pastor Karl Kretzmann officiating. As more families from city congregations moved into the area, attendance increased. In November two lots were purchased on Maple Avenue, later to be exchanged for two on Overlea Avenue and Spruce Street. On November 18, 1906, the cornerstone was laid for the Evangelical Lutheran Church Chapel; dedication, May 26, 1907. St. James Senior Choir was organized soon after the dedication.

In the spring of 1908, the mission was organized and incorporated as St. James Evangelical Lutheran Church. Of those who signed the constitution as charter members, only Mr. Carl F. H. Lassahn, 96 years of age, survives and is still an active member.

Pastor Louis J. Roehm was called in April, 1908, by the Baltimore Mission Society to serve St. James and several mission stations in Glen Burnie and Bowie. A parsonage was erected next to the Chapel and a Lutheran Fellowship Group was begun before the end of the year. A Ladies' Aid Society was formed in June, 1909.

Congregation becomes self-sustaining

After several years Pastor Roehm concentrated his services in the Hamiltion-Overlea area. Calvary Church was organized and, together with St. James formed a parish. St. James celebrated its tenth anniversary in January, 1916, Pastor Karl Kretzmann returning to conduct services in German. In 1919 St. James-Calvary parish was divided and St. James became a self-sustaining congregation.

In the summer of 1921, Pastor C. H. Luerssen was installed as pastor and served until January, 1943. In July, 1925, a pipe organ was purchased from Jerusalem Lutheran Church, Gardenville.

Building program begins

As St. James grew in membership, so did the need for additional space. In January, 1926, the Voters' Assembly passed a resolution to build a new and bigger sanctuary. The old Chapel was dismantled; the cornerstone laid in May, 1928; dedication of the present church was held in December, 1928.

St. James continued in mission and ministry in the Overlea area, celebrating its 25th anniversary, December, 1933; its 30th anniversary in December, 1938. A second ladies group, the Sewing Circle formed in 1934 and later merged with the Ladies' Aid Society to become the Ladies' Circle.

In March, 1943, St. James called Pastor Frederick A. Freed of Hickory, North Carolina, to lead the congregation. He accepted and was installed in May, 1943, serving until December, 1962. During his tenure as pastor, many activities and organizations were initiated: a two week Vacation Bible School in June, 1943; the first Sunday

School Rally Day in September, 1944; St. James Boy Scout Troop No. 433 in May, 1945; the Lutheran Laymen's League charter in 1946; formation of a Junior Choir in 1946; and the "Magic Suitcase" program by the Sunday School in September, 1948. A new Wicks pipe organ was dedicated in July, 1950, with additional stops later added as memorials and gifts.

A major milestone was achieved in June, 1951, when the mortgage of the church was liquidated. In that same month, John W. Freed, son of Pastor and Mrs. F.A. Freed, became the first son of the congregation to be ordained into the holy ministry.

In February, 1952, Cub Pack No. 433 was added to the existing Scouting program.

Plans for a new parsonage were released in June, 1954; a contract let and the parsonage completed, with dedication services, on Taylor Avenue, January 30, 1955.

Changes and expansions continued! In 1955 the Mother's Auxiliary, now the Women's Auxiliary, was begun. In 1956, for the first time, the ladies of the congregation were invited to attend the Voters' Assembly. The formation of a Cherub Choir expanded the musical program of the congregation.

Education ministry grows

A high priority has always been the education of our youth. To support this program, a Board of Education was established in 1956 and a Kindergarten organized. In 1957, two Sunday services were begun for the summer months.

In 1958, during its 50th anniversary year, a committee was appointed to study the feasibility of a more expanded educational program at St. James and the availability of property for additional parking and an education building. With continued growth of the Sunday School and the Kindergarten, St. James purchased its first school bus in 1959.

Upon the retirement of Pastor F. A. Freed in December, 1962, the congregation called the present pastor, Reverend Walter P. Schoenfuhs, Sr., of New York City. Pastor Schoenfuhs was installed on November 3, 1963. During this year, the monthly newsletter, "The Spotlight", was begun to keep the members and friends informed about the congregation's people and activities; today it is considered one of the best newsletters in the Southeastern District.

In June 1966, on ground acquired in 1959 and 1966, the congregation approved the construction of an education building and parking lots. Groundbreaking took place on March 3, 1968 with a formal dedication service on June 8, 1969. St. James now occupies three corners of the intersection at Overlea Avenue and Spruce Street.

A live manger scene, the Sunday before Christmas was well-viewed and continued from 1965 through 1968. Mr. Elsa Clark was installed in June, 1966 as the first lay assistant to the pastor. Since then St. James has had several summer vicars as a part of its continuing mission and ministry. An Altar Guild was formed in 1967.

Ministry continues

In 1969, St. James celebrated its 60th anniversary and adopted two Sunday services on a permanent basis. Other significant dates include: the first Pre-Kindergarten classes in 1970; the revision, approval, and printing of the congregation's Constitution in 1971; the formation of the retiree's group—Blessed Bunch—in 1975; celebration of the 70th anniversary in 1978; and the ordination of a second son of the congregation, Walter P. Schoenfuhs, Jr., son of Pastor and Mrs. Schoenfuhs, on June 3, 1979. He is presently serving Christ Lutheran Church, Troy, New Hampshire.

The Day School continued to expand: in September, 1978, Grades 1 and 2 were added Grade 3 in September, 1979; Grade 4 in September, 1980; Grade 5 in September, 1981; and Grade 6 in September, 1982. The first graduation service for the Day School was held June 10, 1983. Mrs. Susan Pullen, a daughter of the congregation, became the first called teacher in 1978; Mrs. Wendy Topel was called in 1982. Students from the School compose the Cherub Choir and the Alleluia Chorus.

A Service of Thanksgiving and Rededication on the 25th Anniversary of the Ordination of Pastor Schoenfuhs, Sr., was celebrated October 11, 1981.

A new venture in ministry, for students (Sunday School and Day School) and adults alike, is the Popcorn Puppet Theater.

A Service of Installation for Pastor John W. Freed, Chaplain, as Director of Pastoral Services and Counseling for the Lutheran Mission Society of Maryland was conducted August 8, 1982.

Elliott Robertson, a third son of the congregation, is a student at Concordia Seminary, Fort Wayne, Indiana. He is currently serving his vicarage in Plantation, Florida.

The Aid Association for Lutherans, Branch 437, and the Lutheran Women's Missionary League have enabled the men and women of St. James to reach out in love and service to others.

St. James is affiliated with the Augsburg Lutheran Home, the Baltimore Lutheran High School and the Lutheran Mission Society of Maryland.●

AWARDING A GOLD MEDAL TO LADY BIRD JOHNSON

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. GONZALEZ. Mr. Speaker, today I am introducing a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her vast contributions to America.

Mrs. Johnson was born in a small town in Texas. Her father was a prosperous landowner and merchant; her mother was a woman of strong cultural and humanitarian interests, believing in integration, advocating women's suffrage, and providing the solid basis for her daughter's education through her avid interest in reading. Sharing her mother's interest in reading, Lady Bird became an excellent student and obtained her B.A. degree with honors and her bachelor's degree in journalism.

After Lady Bird and Lyndon Johnson were married, Mrs. Johnson worked side by side with her husband in his early military and political careers. In the early 1940's she managed Lyndon's congressional office in Washington, raised two daughters, and began her own successful business career by purchasing and managing radio station KTBC in Austin, turning it into a profitable operation within 6 months.

Throughout Mr. Johnson's senatorial and Presidential careers, Mrs. Johnson became an ardent campaigner, speaker, and organizer. She graciously entertained foreign government leaders in the Johnson homes in Washington and in Austin. She and Lyndon traveled extensively representing the United States, extending good will to citizens of countries around the world, and raising funds for many cultural and humanitarian endeavors. Through her efforts, the Highway Beautification Act was adopted; and almost singlehandedly she inspired city after city to beautify its public parks—and the legacy of her efforts still lives and grows.

Since retiring from the intensely public life the Johnsons led in the 1960's, Mrs. Johnson has remained active in many areas. She has continued to support the cultural arts and humanitarian efforts. She has devoted herself to her lifelong commitment to beautify American cities and countryside.

Mrs. Johnson has received numerous awards for her business and civic achievements. Among others, she has been honored by the Washington Heart Association, National Association of Colored Women's Clubs, B'nai B'rith, and the Conservation Society of the U.S. Department of the Interior.

In Lady Bird Johnson we find endless qualities to be admired. She has successfully combined careers of homemaker, businesswoman, and champion of noble causes with grace and integrity. Her unceasing commitment to the betterment of our system of education, our Government, social justice, and our environment is greatly deserving of praise and honor.

It is with immense pleasure that I introduce this resolution and I urge my colleagues to act favorably upon this greatly deserved honor to Lady Bird Johnson, a woman of grace, achievement, and a person universally admired for her skill, courage, and endless good works. I have never known a more selfless person; never met anyone I more admired; and know of no one who would say that she has not deserved a gold medal. Indeed, this would be the least that we could do for this great and good woman.●

TRIBUTE TO JAMES A. "JIMMY" BURKE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. BIAGGI. Mr. Speaker, it is a sad duty to join with the members of the Massachusetts delegation in marking the passing of one of their finest former members—and indeed one of the most distinguished of all people to serve in the House—James A. "Jimmy" Burke who passed away last week in his beloved Boston.

Jimmy Burke was more than a Member of Congress in the eyes of the people of the 11th Congressional District. He was one of them in the truest sense of the word—his problems became his causes in Washington. He saw the needy and disadvantaged and he helped. He evaluated legislation not just as a technician but from the human side of things. Many of his bills were remedies to the problems affecting people.

Jimmy Burke's best service to the House and Nation was his work as chairman of the Subcommittee on Social Security of the House Ways and Means Committee. Here was a man who proved to be ahead of his time with respect to social security. All of my colleagues remember earlier this year when we were compelled to pass H.R. 1900 the Social Security Act Amendments of 1983—to rescue the system from certain collapse. If the House and Senate had only listened more to Jimmy Burke, the problem might not have been that severe.

Jimmy Burke was the author of a bill which I was proud to cosponsor each and every time it was offered. It called for the financing of social security under the so called one-third/one-third/one-third plan with the first third coming from employee contribution—the second third from employer contribution and the final third from general revenues.

As it turned out had this limited infusion of general revenues been approved at that time, we might not have been forced to swallow some of the bitter medicine we have had to to rescue the system.

Jimmy Burke was a hero to the elderly of this Nation not only because of his work on social security but also on medicare. He saw the need for a program to provide for the health care needs of the elderly—and was there to see medicare developed and implemented into law.

Jimmy was also a prophet in another critical area of policy today—trade. He saw the need for the United States to maintain a strong and favorable balance of trade and not become too reliant on imports. An example of this was his strong advocacy for increased development of coal and its export out of the country.

Yet on a time such as this—we are better served to remember the remarkable man who was Jimmy Burke. He was a man of enormously quick wit and geniality. He was a man blessed with a great sense of humor. He was outspoken but always eloquent. He was a man of deep commitment and conviction but his strong suit was compassion. He loved the people of his district and loved being part of their lives. He was a familiar site at community events—church functions, parades, weddings, dinners, and the rest.

James Aloysius was a good and dear friend of mine for the 10 years we served together in the House. We were colleagues on the House Merchant Marine and Fisheries Committee, and often spoke about his pet projects—the Fore River Shipyard—the largest employer in his district. Jimmy Burke was an advocate for a strong merchant marine and saw its importance to our economy. Jimmy Burke was a man who had many friends but probably more than that admirers. He was respected and even revered.

Jimmy Burke set a standard of excellence which most would aspire too but few will achieve.

Jimmy Burke was elected to Congress to do a job. Few have done it as well. He combined an unyielding advocacy for the needs of his constituents with a most impressive array of legislative accomplishments during his 20 years. He was elected his way—he worked here his way and when he retired he did it his way.

I join with all who were graced by having known Jimmy Burke in honoring him today. I express my most sincere condolences to his widow Eileen as well as his two sisters Elizabeth and Margarita and his two brothers Walter and Arthur. I assure all of them that the memory of Jimmy Burke will linger for years to come in this House.●

OIL AND GAS LEASING RFORM ACT OF 1983

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. MILLER of California. Mr. Speaker, I am reintroducing today—in the wake of a modern Teapot Dome—legislation to end the glorified church raffle which the Interior Department uses to sell oil and gas reserves that are owned by the people of this country.

The legislation I am introducing today is similar to the legislation I first proposed in 1979—two scandals ago.

As in 1980, scandal has forced the Interior Department to suspend the simultaneous leasing program. The time has come to end the use of the lottery to sell billions of dollars of Federal oil and gas, and to institute the same kind of competitive bidding procedure which is used on offshore leasing, and in known geologic areas onshore.

Since 1979, I have called attention to the onshore lottery, a raffle which is rife with abuse.

In 1980, the Interior Department confirmed my charges of abuses in the resale, or assignment, of leases which had been bought for bargain basement rates by private citizens, and then sold for as much as $200,000 to major oil companies. The Justice Department investigated these allegations, and told the Subcommittee on Mines and Mining:

> The questioned practices were pervasive in the system. . . It has been estimated that as high as 80 percent of the drawing cards filed for leases may be tainted. As a consequence, a substanial number of leases on lands in a variety of western states may have been obtained by fraud. . . Interior was advised by the Assistant United States Attorney in charge of the investigation of the widespread nature of the taint to the leasing system.

As a result of this investigation and the Interior Department's own reviews, the leasing through the lottery was suspended for over 3 months in 1980. Some reforms were instituted in the filing system. But those reforms were inadequate, as this most recent scandal demonstrates.

This past week, the lottery was again suspended because some current leaseholders withheld geologic information about their leases. The Interior Department concluded that these lessees duped the Government into leasing valuable reserves through the lottery rather than through competitive leasing.

The lottery was conceived in an era which has long since passed. It is a system which not only invites corruption and abuse, but which is inconsistent with rapid exploration and development of domestic fuels. It cheats the taxpayers of this Nation out of billions of dollars of revenues which could be secured through competitive leasing and higher royalty rates. It permits individuals who lack any knowledge whatever about the production of oil and gas to secure title to vast quantities of valuable, public reserves, and to profit from the assignment of those leases to oil and gas companies.

The assignment of profitable tracts denies taxpayers a fair share of the value of the oil and gas that they own. We have heard of cases where individuals secured, through a $10 lottery entry fee, the rights to a tract which they immediately assigned, or resold, to major oil companies for as much as

$200,000. The public received nothing from that assignment. If an oil producer was willing to pay $200,000 for that tract, should not the taxpayers of this country, who own the resources, receive the proceeds?

As long ago as 1968, 5 years before the oil crisis, the Department of the Interior warned the Congress that taxpayers are not receiving fair market value for oil and gas resources leased through the lottery. In its report, "Public Land Management, Identification of Problems—Analysis of Causes," the Department questioned whether the noncompetitive leasing program "is sufficiently in tune with the real world".

The system was created in 1950 when $10 lottery fee was established "without benefit of a cost study," according to the General Accounting Office. Combined with no experience or financial criteria for bidders, minimal diligence requirements, low rents, and excessive lease periods of 10 years—compared to 5 years for competitively sold leases—the lottery begged for the abuse which has become common.

In 1970, GAO again warned that "under the present leasing system, the rights to federally owned oil and gas are being disposed of at less than their fair market value."

GAO concluded that "competitive leasing would insure that lands are leased at prices that more nearly approximate their fair market value." GAO noted that "the use of a competitive bidding system would eliminate the undesirable aspects of awarding leases of Federal lands on the basis of a drawing . . . The disposal of the nation's oil and gas resources under full and free competition would be more consistent with our free enterprise economy."

Congress took one step toward assuring taxpayers a fairer return from the sale of onshore oil and gas in 1981, when we enacted my proposal to raise the entry fee from the $10 level set 31 years earlier. Under the first year of the higher $75 fee, revenues increased by $144 million, or 300 percent.

But far greater changes are needed. The maximum royalty permitted in the lottery program is 12½ percent, which is the minimum royalty allowed under the competitive system or offshore, where the common minimum is 16⅔ percent, but the Senate failed to approve of this legislation.

And so, once again, we are forced by scandal to confront the antiquated lottery program.

The legislation I am introducing today, "The Oil and Gas Leasing Reform Act," would replace the lottery system with a competitive leasing program similar to that used offshore. It also imposes a requirement that lesses demonstrate adequate technical and financial capability to engage in oil and gas development.

This bill mandates greater diligence than current law, and prohibits the issuance of a lease to any party which is not performing diligently on all leases which it currently holds. Inadequate monitoring of performance on current leases contributes to the lack of information which resulted in the fraud currently under investigation by the Interior Department. My bill gives the Secretary the ability to request more complete information about exploration and development on public lands. My bill also shortens the original least term to 5 years in order to hasten development.

In place of the 12½ percent royalty ceiling, my bill authorizes the Secretary to use any of the leasing options which are currently available for leasing on the Outer Continental Shelf, where royalties of 25 percent or more have been utilized. These options include royalty bidding, front end bonuses, and net profit sharing.

As with offshore royalties, my bill permits the Secretary to lease for a very small front-end bonus, in order to encourage exploration of marginal areas, which is one of the purported benefits of the lottery system. My bill also allows the Secretary to diminish the royalty or net profit payment in the latter phases of production in order to encourage enhanced recovery of oil and gas.

Last, my bill tightens up the procedures for assigning leases to a third party in order to assure that the assignment will expedite oil and gas development, and that the interest who purchases the lease rights meets the diligence and competency requirements of the law.

Mr. Speaker, I would hope that the Congress will recognize from this latest scandal that the onshore leasing program is woefully out of date and that it shortchanges the taxpayers of the United States who own these oil and gas resources.

I invite Members to cosponsor this legislation, and I sincerely hope that the appropriate committees of the House and Senate will immediately consider this urgently needed reform legislation.

The bill H.R. 4191 follows:

H.R. 4191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil and Gas Leasing Reform Act of 1983".

SEC. 2. (a) Subsections (a) through (d) of section 17 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (30 U.S.C. 226(a) through (d)), are amended to read as follows:

"SEC. 17. (a) Except as otherwise provided in this Act, the Secretary is authorized to lease to the highest responsible qualified bidder by competitive bidding, under regulations promulgated in advance, any lands subject to disposition under this Act which may contain oil or gas deposits. The bidding shall be by sealed bid and, at the discretion of the Secretary, on the basis of those of the bidding systems set forth in section 8(a)(1) of the Outer Continental Shelf Lands Act which the Secretary determines would maximize competition. Such bidding shall be conducted in accordance with the procedures and requirements set forth in section 8(a) of such Act (other than paragraphs (5) and (9)(E) thereof).

"(b) The Secretary may not grant a lease under this section unless (1) the Secretary determines that the prospective lessee has the financial and technical capacity for exploration for, and development and production of, oil or gas on the lands which are the subject of the lease, and (2) the Secretary has received a written statement signed by the prospective lessee stating that he is meeting the diligence standards established by the Secretary with respect to exploration, development, and production, on any lease previously granted to such person or in which such person has an interest, under this section or under the Outer Continental Shelf Lands Act. Upon a determination by the Secretary that a willful or negligent misrepresentation has been made in a statement signed by the prospective lessee under this subsection, the Secretary may cancel any lease granted pursuant to such statement, in accordance with the notice requirements of section 31(b) of this Act.

"(c) A lease of land pursuant to this section shall—

"(1) be for an initial period of five years and as long after such initial period as gas or oil is produced from the area in compliance with the diligence standards established by the Secretary with respect to exploration, development, and production, and in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon;

"(2) entitle the lessee to explore, develop, and produce the oil and gas contained within the lease area, conditioned upon compliance with the diligence standards established by the Secretary with respect to exploration, development, and production; and

"(3) be issued pursuant to the requirements set forth in section 8(b) (3) and (6) of the Outer Continental Shelf Lands Act.

"(d) Any lessee conducting exploration for, or development or production of, oil or gas pursuant to this Act shall provide the Secretary access to all data and information obtained from such activity which the Secretary may request.".

(b) Section 17(e) of the Act of February 25, 1920 (30 U.S.C. 226(e)) is repealed.

(c) Section 17(f) of the Act of February 25, 1920 (30 U.S.C. 226(f)), is amended by striking out the first and third sentences.

SEC. 3. Section 30(a) of the Act of February 25, 1920 (30 U.S.C. 187a) is amended—

(1) by striking out "30. (a)" and inserting in lieu thereof "30A."; and

(2) by striking out "subject to final approval" and all that follows and inserting in lieu thereof "upon a determination by the Secretary that (1) such assignment or sublease would increase exploration for, and development and production of, oil or gas; and (2) the prospective assignee or sublessee is meeting the diligence standards established by the Secretary with respect to exploration, development, and production, on any lease previously granted to such person or

in which such person has an interest, under section 17 of this Act or under the Outer Continental Shelf Lands Act. Within twenty days after the date that any assignment or sublease of an oil or gas lease is made, the assignor or sublessor shall submit to the Secretary a description of terms of such assignment or sublease.".

SEC. 5. Section 30(b) of the Act of February 25, 1920 (30 U.S.C. 187b) is amended by striking out "30. (b)" and inserting in lieu thereof "30B.".●

BASIC QUARTERS ALLOWANCE FOR UNIFORMED SERVICE MEMBERS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. GONZALEZ. Mr. Speaker, today I am introducing legislation in the form of an amendment to the basic quarters allowance provision under Title 37 of the United States Code to correct a situation which is presently working a great hardship on certain members of our uniformed services. Service men and women have been sent into Lebanon and to Central America on long-range maneuvers having no definite termination date. Many of these individuals had no expectation of being sent on such maneuvers when they were assigned to their permanent stations here in the United States. Individuals, such as medical doctors, were assigned to several years of permanent duty in hospitals and now are assigned to temporary duty in or off of the coast of Honduras. These individuals obtained off-station housing while at their permanent duty station and now, because of these extended maneuvers, are losing their basic quarters allowance. As a result, they are incurring a great financial hardship in attempting to avoid default under mortgages and long-term leases while serving their country in Lebanon and in Central America.

This bill will not undercut the intent of the original legislation for it distinguishes only those service members who are not normally assigned to field or sea duty and who had sufficient reason to be allowed to live off-station at their permanent duty station. It will protect those individuals who had sufficient reason to obtain off-station housing, whether by necessity because of a lack of adequate on-station housing or by permission because of the expectation of the service that this member would not be shipped out to field or sea duty.●

THE CONSUMER FRAUD ACT OF 1983

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. GILMAN. Mr. Speaker, I rise to inform my colleagues of a bill which I have introduced to provide some long overdue consumer protection, entitled the Consumer Protection Act. It is designed to regulate commerce and to protect consumers and small businesses from unfair or deceptive commercial practices.

The bill has four main provisions:

First, it defines consumer fraud, a term whose interpretation, at best, has been vague.

Second, consumer fraud would constitute grounds for cancellation of a contract between an individual or small business and a seller. If a consumer suffered a loss as a result of the fraud, they may sue for treble damages plus legal costs from the responsible parties.

Third, State attorneys general could sue, as parens patriae of the citizens of their State, to enjoin the continuation of any consumer fraud and to recover damages, which may be distributed to damage parties under the direction of the court. The Attorney General of the United States may also bring suit.

Fourth, consumer fraud would be a Federal crime, which either the U.S. Justice Department, the Postal Service or State attorneys general could prosecute in State or Federal court.

I have proposed this legislation to assist consumers in protecting themselves against unfair or deceptive business practices, allowing a defrauded consumer to void the contract, and sue for treble damages with legal fees. Should the seller, or his agent, use either transportation or communication, including the mails, for distribution or collection of the product, they may then be subject to either a $100,000 fine for an individual, a $500,000 fine for an organization or a 3-year prison term, or both. These stringent penalties should help to deter those who willfully attempt to defraud trusting consumers to discontinue such practices.

As the economic recovery continues, and consumers seek to make long awaited purchases, they should not fear that their purchases are of inferior quality or have been misrepresented by unscrupulous sellers.

This measure does not require any appropriation. It provides the proper law enforcement bodies, both State and national, with the ability to institute legal proceedings.

Accordingly, Mr. Speaker, I encourage my colleagues to join in cosponsoring this bill and ask that its full text be printed at this point in the RECORD:

The bill follows:

H.R. 4188

A bill to regulate commerce and to prohibit unfair or deceptive acts or practices in commerce, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Consumer Fraud Act of 1983".

DEFINITIONS

SEC. 2. For purposes of this Act:

(1) The term "commerce" means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside such State;

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A); and

(C) within the District of Columbia or within any territory or possession of the United States.

(2) The term "consumer" means any individual who is offered or supplied any goods or services for personal, family, or household purposes, and any small business concern which is offered or supplied any goods or services for use in connection with the business of such concern.

(3) The term "goods" means personal and real property, but such term does not include securities or interests in securities.

(4) The term "organization" means an entity, other than a government, established or organized for any purpose, and includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, estate, society, union, club, church, and any other association of persons.

(5) The term "sale" means any transfer of goods or services in exchange for anything of value.

(6) The term "services" means any benefit resulting from the labor, skill, or time of another person or from the use of property, including labor, professional service, transportation, telephone, mail, other public service, electricity, gas, other public utility service, banking, accommodations in hotels, restaurants, or other places, admission to exhibitions, performances, or other places, and the use of property owned by another person.

(7) The term "small business concern" shall have the meaning given it in section 3 of the Small Business Act (15 U.S.C. 632).

(8) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(9) The term "State attorney general" means the chief legal officer of a State, or any other person authorized by State law to bring actions under section 4 or section 5. Such term includes the Corporation Counsel of the Disctrict of Columbia. Such term does not include any person employed or retained—

(A) for a contingency fee based on a percentage of the monetary relief awarded in the action involved; or

(B) on any other contingency fee basis, unless, in the case of actions brought under section 4(a)(1), the amount of the award of a reasonable attorney fee to a prevailing plaintiff is determined by the court under section 4(d)(1).

(10) The term "statement" means any representation in any form of advertising, any oral or visual presentation, or any other representation, presentation, or conduct which is communicated to consumers.

(11) The term "supplier" means any person who is in the business of making goods or services available to consumers.

(12) The term "unfair consumer practice" means any of the following:

(A) offering or advertising goods or services for sale to a consumer and not selling such goods or services as so offered or advertised, or without ability to supply reasonably expectable public demands, unless the offer or advertisement clearly and conspicuously discloses the limitation;

(B) making false or misleading statements with respect to goods or services which are offered for sale or sold to a consumer with respect to——

(i) the need for such goods or services;

(ii) the need for repair or replacement of such goods or services;

(iii) rights, privileges, or remedies, in connection with the purchase of such goods or services;

(iv) prior ownership of such goods or services;

(v) the grade, age, quality, style, standard, or model of such goods or services; or

(vi) price or quality comparisons with similar goods or services offered for sale to consumers by the same or another supplier;

(C) making a statement that goods or services offered for sale, or sold to consumers, have sponsorship, approval, origin, safety or performance characteristics, ingredients or components, uses, features, benefits, or qualities which the goods or services do not have;

(D) accepting consideration for goods or services and failing to deliver such goods or perform such services as promised or failing to return or refund deposits or advance payments for goods or services which are not rendered in absence of any default or breach of obligation on the part of the consumer making such deposits or advance payments;

(E) using physical force, threat of physical force, tortious threats or harassment, or misrepresentation of law in the course of a sale or attempted sale to a consumer of goods or services or in the course of collection of the purchase price or any portion of the purchase price of goods and services from a consumer;

(F) making a statement that goods are original or new if such goods are deteriorated, altered, reconditioned, reclaimed, or otherwise used; or

(G) making any false or misleading statement with respect to the reasons for, existence of, or amount of, any price reduction in connection with the sale of any goods or services.

SANCTIONS RELATING TO UNFAIR CONSUMER PRACTICES

SEC. 3. (a) Any contract or agreement in commerce which provides for the purchase of goods or services and which results from a transaction involving an unfair consummer practice by a supplier may be voided by the affected consumer.

(b) Any person who induces a consumer to enter into a contract or agreement pursuant to or in furtherance of an unfair consumer practice shall be liable to such consumer in an amount equal to 300 percent of the damage or loss sustained, together with an amount equal to the cost of any legal action required (including a reasonable attorney fee). Such amount may be recovered in a civil action in an appropriate district court of the United States or in any State court of competent jurisdiction.

(c) The district courts of the United States may have jurisdiction of any action brought under this section without regard to the citizenship of the parties or the amount in controversy. An action under this section may be brought not later than three years after the date on which the unfair consumer practice was discovered or reasonably should have been discovered.

ACTIONS BY STATE ATTORNEYS GENERAL

SEC. 4. (a)(1) Any State attorney general may bring a civil action in the name of the State, as parens patriae on behalf of consumers residing in the State, in any district court of the United States having jurisdiction over the defendant or in any State court of compentent jurisdiction, to secure monetary relief as provided for in this section for any damage or loss—

(A) which is sustained by such consumers by reason of any unfair consumer practice; and

(B) with respect to which an action may be brought by any injured party under section 3.

(2) An action under this section may be brought not later than three years after the date on which the unfair consumer practice was discovered or reasonably should have been discovered.

(3) The court shall exclude from the amount of monetary relief awarded in any action brought under paragraph (1) any amount of monetary relief which—

(A) duplicates amounts which have been awarded for the same damage or loss; or

(B) is properly allocable to consumers who have excluded their claims in accordance with subsection (b)(2).

(4) The court shall award to the State as monetary relief an amount equal to 300 percent of the total damage or loss sustained, together with an amount equal to the cost of the action (including a reasonable attorney fee).

(b)(1) In any action brought under subsection (a)(1), the State attorney general shall, at such times, in such manner, and with such content, as the court may direct, cause notice of such action to be given by publication. If the court finds that notice by publication would deny due process of law to any person, the court may direct further notice to any such person according to the circumstances of the case.

(2) Any person on whose behalf an action is brought under subsection (a)(1) may elect to exclude from adjudication the portion of the State claim for monetary relief attributable to such person by filing notice of such election with the court not later than the end of the period specified in the notice given under paragraph (1).

(3) The final judgment in any action brought under subsection (a)(1) shall be res judicata as to any claim based upon an unfair consumer practice under this Act by any person on behalf of whom such action was brought and who fails to give the notice specified in paragraph (2) before the end of the period specified in the notice given under paragraph (1).

(c) Any action brought under subsection (a)(1) may not be dismissed or compromised without the approval of the court. Notice of any proposed dismissal or compromise shall be given in such manner as the court directs.

(d) In any action brought under subsection (a)(1)—

(1) the amount of any attorney fee to the prevailing plaintiff shall be determined by the court; and

(2) the court may, in its discretion, award a reasonable attorney fee to a defendant upon a finding that the State attorney general has acted in bad faith, vexatiously, wantonly, or for oppressive reasons.

(e) Any monetary relief recovered in any action brought under subsection (a)(1) shall—

(1) be distributed in such manner as the district court in its discretion may authorize; or

(2) be deemed a civil penalty by the court and deposited with the State as general revenues;

subject to the requirement that any distribution procedure adopted by the court shall afford each person involved a reasonable opportunity to secure his appropriate portion of the net monetary relief.

INJUNCTIVE RELIEF

SEC. 5. The Attorney General of the United States, the appropriate United States attorney, the Postal Service, or the State attorney general of any State in which a prohibited act or practice occurred (as parens patriae of the people of such State, after notifying the Attorney General of the United States) may, upon finding that any person is engaged or is about to engage in any act or practice which constitutes an unfair consumer practice, may issue subpenas, and bring an action in the appropriate district court of the United States, or in any State court of competent jurisdiction, to enjoin such act or practice. Such courts shall have jurisdiction over such actions and shall provide appropriate relief. Such courts may grant a temporary restraining order, or a preliminary or permanent injunction without bond.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 6. (a) Chapter 63 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1344. Unfair consumer practices

"(a)(1) Whoever, in connection with the sale, attempted sale, or distribution of goods or services to a consumer, or in connection with the collection or attempted collection of the purchase price or any portion of the purchase price of goods or services by the use of any means or instrumentality of transportation or communication in commerce including the use of the mails, willfully or negligently engages in an unfair consumer practice, shall be fined not more than $100,000 if an individual, or not more than $500,000 if an organization, or imprisoned for not more than three years, or both.

"(2) For purposes of this subsection, the terms 'commerce', 'consumer', 'goods', 'organization', 'sale', 'services', and 'unfair consumer practice' have the meanings given them in section 2 of the Consumer Fraud Act of 1983.

"(b)(1) Each State attorney general shall have authority to bring an action, in the name of the United States, in an appropriate district court of the United States or in any State court of competent jurisdiction to enforce the provisions of this section.

"(2) In any case in which a State attorney general brings an action under paragraph (1), the State attorney general shall give notice of the commencement of such action to the United States by—

"(A) submitting a copy of the complaint involved to the Attorney General of the United States (by registered mail or certi-

fied mail) and to the United States attorney for the district in which such action is commenced; and

"(B) submitting a written disclosure of any evidence or information in his possession which is material to the effective prosecution of such action, to such United States attorney or by registered mail or certified mail to the Attorney General.

"(3)(A) The Attorney General may enter an appearance in any action brought under paragraph (1) during the 45-day period following the receipt of notice under paragraph (2). The State attorney general involved may prosecute such action if the Attorney General fails to enter such an appearance before the end of such period, or notifies the court in writing during such period that the Attorney General will not enter such an appearance.

"(B) If the Attorney General enters an appearance in an action in accordance with subparagraph (A), then the action shall be prosecuted by or under the direction of the Attorney General. The Attorney General shall not be bound by any action by the State attorney general involved, and may proceed in such action as if such action had been commenced by the Attorney General.

"(C) If the Attorney General fails to prosecute an action with due diligence during the six-month period following the entry of an appearance by the Attorney General in accordance with subparagraph (A), or during such additional period as the court after notice may allow, then such action may be prosecuted by the State attorney general involved in accordance with paragraph (1).

"(4) For purposes of this subsection, the term 'State attorney general' means the chief legal officer of a State, or any other person authorized by State law to bring actions under this subsection.".

(b) The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1344. Unfair consumer practices.".●

SCULPTURE TO BE DEDICATED AT CREEDMOOR PSYCHIATRIC CENTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the upcoming dedication of the bronze sculpture "Raphell," crafted by the world-renowned artist Bruno Lucchesi. This artwork will be unveiled to the public this Wednesday, October 26, at the Creedmoor Psychiatric Center in Queens Village, Queens County, N.Y.

This sculpture and the accompanying ceremony is made possible by the Raphell Sims Lakowitz Foundation, an organization committed to continuing the work of its namesake, Raphell Lakowitz, a spirited Creedmoor volunteer who died tragically at the age of 29. Queens College, Nassau County Medical Center, and the Long Island Jewish-Hillside Medical Center are among the numerous beneficiaries of the foundation's charity.

Creedmoor Psychiatric Center, which dates back to the 1920's, remains the only State mental hospital serving the borough of Queens. The facility is the largest in New York City, and the second largest in all of New York State. Set on 365 acres, and boasting 70 buildings, Creedmoor has an inpatient population of approximately 1,400 and an outpatient population of some 7,000 people.

Mr. Speaker, the success Creedmoor has had in dealing with the plight of the mentally ill is exemplified by its short-term acute-care facility. Ninety percent of those admitted are released within 90 days—a tribute to the psychiatric center's emphasis on returning patients to the mainstream of the community, rather than quarantining them unnecessarily. State hospitals, it should be noted, see a disproportionate number of acute-care cases because patients often exhaust their insurance and personal funds in the treatment process. They must then avail themselves of institutions such as Creedmoor, which are obligated to take all comers.

The care provided at Creedmoor under the able leadership of its director, Dr. Yoosuf Haveliwala, is all the more remarkable given the staff cuts imposed in recent years. Budget reductions at the State and Federal levels have forced the institution to get along with 200 fewer staff personnel. I am of the firm belief that this trend must be halted, and that Congress ought not to ask the staffs of mental health facilities to do even more with even less.

For the moment, however, we have cause for celebration. The sculpture will be a splendid addition to the already picturesque grounds at Creedmoor. Mr. Speaker, I know that all my colleagues join me in extending congratulations and best wishes to Creedmoor Psychiatric Center.●

A COGENT PLEA TO RESTRUCTURE THE U.S. ENERGY SYSTEM

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mrs. LLOYD. Mr. Speaker, earlier this year I prepared some remarks for the 10th anniversary of the Electric Power Research Institute in which I argued for a resurgence of a strong national commitment to a balanced energy program that includes a mix of several alternative supply options. In response to these remarks, Mr. Herschel Specter of the New York Power Authority was kind enough to provide me with a supportive article that he wrote for the November 1982 issue of Geopolitics of Energy. Entitled "Restructuring the U.S. Energy System," Mr. Specter's article addresses two fundamental questions: First, how much time remains in the present oil economy, and second, what must be done during this time period to meet the challenges of providing a secure energy future?

Projecting a 40-year future for our present oil-based energy economy, Mr. Specter argues for a program that assures that a minimum base level of energy will be available to meet all of the Nation's critical end-uses. Accordingly, he believes that the role of the Federal Government is to assure that this minimum level is always available. Energy demand exceeding this minimum would be provided by free market forces. This base level would be provided by an appropriate mix of coal, nuclear, solar, conservation, and other renewable energy sources. Even at this base level of consumption, which is about 30 percent below the present annual consumption of about 76 quads, this mix would require a doubling of coal production, an elevenfold increase in nuclear power and an increase in solar energy supplies by a factor of 9. In addition to these supplies, Mr. Specter notes that restructuring our energy system will require new approaches to energy distribution and end-use.

In view of our present deliberations on the Clinch River breeder reactor project, I think it is important to note the importance which Mr. Specter places on the breeder option to meet the large increases required in nuclear power. If, as Mr. Specter suggests in his article, we strive for a minimum energy mix consisting of 56 percent coal, 33 percent nuclear and 14 percent solar, it is clear that only the breeder reactor affords us the best way to utilize our uranium resources, even to meet this minimum consumption scenario.

Mr. Specter pleas for a new national resolve; as he so aptly puts it, "It is time for new voices" to call for an end to the "protracted polarization" that has plagued the energy debate in recent years. He states that:

> These voices must convey a sense of continuity of purpose. The mobilization of the capital and industrial plants to achieve a major shift in energy systems may never have been studied, except in the Soviet Union. Few of these undertakings would be completed if they relied only upon market forces. They require a Government-business relationship the United States has lacked and a citizens' consensus not yet achieved.

Although Mr. Specter wrote these words last year his prescience is evident in today's debate on the Clinch River breeder reactor. Those who oppose the project on the grounds that such large investments in an energy future by the Federal Govern-

ment are inappropriate would do well to consider Mr. Specter's views.

I hope that we have the foresight and will to meet the challenge posed to us by Mr. Specter; for if we do, he notes that, "the news that the United States is undertaking these large investments would profoundly alter the geopolitics of world energy supply. What could be more welcome?"●

NEW LAW ENFORCEMENT TOOLS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. CONTE. Mr. Speaker, the computer has become a widely recognizable and important element in our modern, technology-oriented society. Computers log vital defense information for the Federal Government, distribute billions of dollars in public and private sector funding, and now contribute to the management of the American family with the advent of the "personal computer."

As technology has improved, the possibility that "meddlers" or criminals may gain unauthorized access to the national computer network, and thus to vital security information or billions of dollars in financial resources, is ever-increasing. Some actual incidents of unauthorized "computer break-ins" dramatically illustrate this point:

The computer for Security Pacific Bank was accessed, and $10.2 million was illegally transferred to a Zurich bank for the purchase of diamonds from the Soviet Government;

A Federal Reserve computer was accessed by a former employee on behalf of a brokerage firm;

Income tax refunds have been engineered by individuals who have determined Internal Revenue Service codes; and

The computer at the Los Alamos nuclear weapons laboratory in New Mexico was accessed and tampered with by some youngsters in Milwaukee.

These unbelievable and seemingly impossible occurrences are likely to increase. It is estimated that by the year 1986 the Nation's data networks will be able to be accessed by almost 9 million desktop computers. Improving security to eliminate unauthorized entry will be difficult since computer experts seem to agree that it will be impossible to devise a "fail-safe" security system.

National security considerations alone mandate legislation imposing strict penalties for this criminal activity. Fortunately, the computers used to log vital defense information are highly sophisticated, and they impose formidable barriers to those seeking unauthorized access. But access is possible, and should be severely punished.

In addition, and just as important, the privacy rights of every American must be protected. Computer whizzes can gain access to the vast amounts of financial, tax, business, and other personal information that is on file in government, banking, and credit bureau computer banks.

For these reasons, I am pleased to be a cosponsor or H.R. 1092, the Federal Computer Systems Protection Act of 1983. This urgently needed legislation would institute stiff penalties for the use or attempted use of computers with the intent to defraud, obtain property, steal, or embezzle. Any unauthorized access to a computer owned or operated by the U.S. Government or a financial institution, or one used in the conduct of interstate commerce, will be subject to a $50,000 fine or a prison term of up to 5 years, or both.

Because this area of criminal activity is relatively new, current law is imprecise and does not provide law enforcement officials with the tools needed to prosecute crimes of this nature. This bill, if enacted, would provide those necessary tools. I urge my colleagues to support this legislation.●

CONTINUED U.S. PRESENCE IN LEBANON

HON. RICHARD OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. OTTINGER. Mr. Speaker, I am profoundly disturbed by the sequence of events that led to our committing U.S. Marines with a blank check for up to 18 more months in Lebanon. Once hostilities began in Lebanon, the continued commitment of U.S. troops without reporting under the War Powers Act showed flagrant disregard for the law on behalf of this administration. Acquiescense by Congress displayed a sorry lack of courage.

First, let me say that I am aware of our various commitments in the Middle East, first and foremost to Israel. I am also aware that a continued U.S. presence in the region might be necessary to protect our allies and preserve the very small advances that we have made toward peace.

The War Powers Resolution, however, was not adopted to be renegotiated. It was signed into law to insure, as is stated in section 2 of the resolution, that—

> The collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the contined use of such forces in hostilities.

What could better describe the situation in Lebanon? We have lost five men to hostile fire. We have used heavy firepower from our naval forces offshore, not just in defense of our troops, but also to further the military objectives of the Lebanese Government. Whatever peacekeeping role established our troops there has clearly been replaced by an active military role, in hostile territory. When it was clear that the situation had changed, that was the time that the law required an appeal to Congress under the War Powers Act, so that the facts could be weighed, a strategy established and the commitment of the troops adequately debated. We have forfeited our right to that debate by allowing the negotiations of a few to represent the judgment of the whole.

My vote against committing our troops blindly for 18 months was a vote against committing the United States to an armed conflict where we have no defined purpose, no spelled out strategy, and where the absence of such definition leaves us in a dangerous state of uncertainty. The people of this country learned the lesson of ill-defined military purpose in Vietnam; have we learned nothing since then?

Mr. Speaker, the President has been given his troops; let him now give the American people his plan. We must demand from Mr. Reagan a full accounting of what our presence in Lebanon is supposed to accomplish, what our role in that region is to be, and how far he plans to commit the United States to an active military role there. We cannot allow the escalation of our involvement in a foreign conflict to continue simply because the first step has been taken.●

NUCLEAR ARMS AND CHILDREN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. GOODLING. Mr. Speaker, in yesterday's Christian Science Monitor, I happened to read a very interesting editorial by John H. Dendahl entitled "Nuclear Arms and Children." The editorial deals with the exploitation of children and their all too natural fears by certain disarmament groups. Even Members of this very legislative body have done their fair exploiting of children in their zealous efforts to combat nuclear arms. Hence, I believe that this editorial should be required reading for all of my colleagues, as well as anyone involved in "peace" or disarmament movements

The article follows:

NUCLEAR ARMS AND CHILDREN

(By John H. Dendahl)

A very disturbing element in the public dialogue about nuclear weapons and disarmament has nothing to do with legitimate differences of opinion over survivability, military strategy, or international relations. The element to which I refer is the cultivation and exploitation of fear among schoolchildren.

We have now had what one reporter described as "a moving special meeting in the U.S. House of Representatives" where children told of their fears of war. The concluding sentence of the story was the quoted statement of an 11-year-old girl from Iowa, "It's scary to think about the world being destroyed and nothing is left."

Reading that, I thought back to my perspective of the same subject at age 11, when the "police action" in Korea began and I was growing up in Santa Fe, N.M. If I looked out my bedroom window at night, I could see clearly the lights of the atomic laboratory at Los Alamos spread across the darkened mountains nearby.

Relations with the Soviets were at least as belligerent then as now. I took it as obvious that Los Alamos must be the top priority target of the Soviets when they decided to attack, and believed that all I knew and loved would cease to be. Many were the nights when I wondered if the sound of a nearby plane was telling me that the end was near. That, as the Iowa child testified, was scary.

It still is. But so are a lot of other things I learned about later, like pogroms, Dachau, the Cultural Revolution, and the Soviet gulags.

Abhorrence of war and fear of its consequences are normal for children who are properly informed by their education. What I find upsetting in 1983 is schoolroom access to your children and mine by those who would nourish their concerns and fears with propaganda.

One outspoken advocate of disarmament, a former pediatrician, often appeals to adult audiences to "learn from the little ones." Perhaps to be sure that the little ones have something to teach, her organization has helped lead an effort to provide school courses on the supposed effects of nuclear war.

If it were the purpose of these courses to provide a balanced view of war and its horrors, alongside some of the horrors over which reasonable people might choose war, one might praise the effort.

One gets the impression, however, that the children are led almost without fail to a conclusion that war is simply an unthinkable alternative and, by the way, that resources are being wrongfully diverted to defense from other, more socially "enlightened," purposes. Creation of numbing fear seems to be the purpose and, sadly, production of young actors to advance a particular view of public policy seems to be the goal.●

BIAGGI SEEKS SPECIAL ENVOY FOR NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. BIAGGI. Mr. Speaker, earlier this week I introduced House Concurrent Resolution 189 which calls on the President to designate a highly qualified, independent, and appropriately experienced special envoy to investigate and report how best the United States could actively assist all interested parties in Belfast, Dublin, and London as well as the communities in Northern Ireland to arrive at an early, just, and peaceful resolution of the present conflict in Northern Ireland.

My resolution is based in large part on an initiative begun in my home State of New York where both the New York State Assembly and Senate have passed a resolution calling for a special envoy for Northern Ireland. The proposal for a special envoy enjoys tremendous support not only among the Irish American community in New York but leading national Irish American organizations including the Ancient Order of Hibernians and the Irish National Caucus have endorsed the establishment of a special envoy for Northern Ireland.

In my judgment the tangible lack of progress aimed at bringing about a lasting political solution in Northern Ireland compels this new initiative. Throughout its 6-year history, the Ad Hoc Congressional Committee for Irish Affairs has maintained that the United States does have a role to play in trying to help restore peace and justice in Northern Ireland. It is a role which should not be interventionalist but rather a low key and objective involvement aimed solely at getting the process that will lead to a political solution moving.

My resolution recognizes the vital role which both the Irish and British Governments must play in the process aimed at producing a political solution. Yet it also recognizes that an important function of a U.S. special envoy would be to serve as an honest broker with access to all segments of political thought in Northern Ireland so they too may become involved in the solution.

In the development of this resolution I fully recognize that in order for a special envoy from the United States to be effective in this environment—there must be an end to all violence in Northern Ireland. As my resolution states very clearly.

The violence associated with the conflict in Northern Ireland whether civilian or official in nature serves to impede progress toward a peaceful political solution and has claimed thousands of innocent victims.

I hope this resolution or more importantly the proposal for the designation of a special envoy is given full attention by the House Foreign Affairs Committee. It could prove to be the necessary catalyst to get movement on the process which can bring peace justice and freedom to all the people of Ireland.

At this point in the RECORD I wish to print the entire text of House Concurrent Resolution 189:

RESOLUTION

Whereas the conflict in Northern Ireland continues;

Whereas a lasting political and peaceful settlement in Northern Ireland can only be achieved through diplomatic discussion and accommodation based on the consent and respecting the rights and concerns of all of the people of Ireland;

Whereas the violence associated with the conflict in Northern Ireland whether civilian or official in nature serves to impede progress toward a peaceful political solution and has claimed thousands of innocent victims;

Whereas President Ronald Reagan on March 17, 1981, said, "As an American proud of his Irish ancestry and as President, I recognize the vital importance to our Nation and the western alliance of a peaceful, just and swift solution to current problems in Northern Ireland. The United States will continue to urge the parties to come together for a just and peaceful solution. . . . I add my personal prayers and the good offices of the United States to those Irish and indeed to all world citizens who wish fervently for peace and victory over those who sow fear and terror"; and

Whereas the United States has been constuctive and helpful in trying to help settle other conflict in troubled areas of the world by designating special envoys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) That it is the sense of Congress that the President should appoint a highly qualified, independent and appropriately experienced special envoy to investigate and report how best the United States could actively assist all interested parties in Belfast, Dublin, and London as well as the communities in Northern Ireland to arrive at an early, just and peaceful resolution of the present conflict in Northern Ireland.●

A TRIBUTE TO MELVIN J. CRUGER

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. HYDE. Mr. Speaker, I am saddened today to report that the State of Illinois has lost one of its most distinguished and respected citizens with the death of Melvin J. Cruger on October 18. Mr. Cruger has long been associated with Press Publications, a well known and highly regarded chain of newspapers in my congressional district.

Mel Cruger was one of our country's "self-made" men. He joined the papers as a reporter in 1948 and, at the time of his death, was both editor and publisher. In the interim, he had served in a number of capacities including business manager, advertising manager, and assistant publisher before assuming the editorship in 1961.

Under his leadership, Press Publications was the recipient of numerous awards for its editorial and advertising excellence from such groups as the Il-

linois Press Association, the Illinois Women's Press Association, and the DuPage Board of Realtors. Among those honors was a first-place award for the editorial page in 1961, Mr. Cruger's first year as editor. His career was marked by a fierce dedication to the truth, and his contributions to the people he served were many and lasting.

Mr. Cruger, a World War II veteran, was active in community groups and was a past member of the board of governors for Elmhurst Memorial Hospital. On learning of his death, Elmhurst Mayor Abner Ganet remarked:

He was a man who always said what he thought. He was a critic when criticism was due and he was complimentary and supportive when compliments were due. He is a man whom the community will sorely miss.

I concur wholeheartedly with Mayor Ganet's observations, and I believe the newspaper's policy of responsible journalism and fairness have been a reflection of its leadership through the years. Under Mel's stewardship, Press Publications served countless readers with balance and distinction.

We mourn the death of an able newspaperman, a great reporter, editor, and publisher, and a friend of the community. I know my colleagues join me in expressing our Nation's sympathy to Mr. Cruger's widow, Rosemarie, and his five children.●

PERSONAL EXPLANATION

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. RIDGE. Mr. Speaker, I regret that because a previous commitment requires me to be out of town on official business on Friday, October 21, I will not have an opportunity to record my votes on two important measures. Had I been present, I would have voted in favor of both H.R. 3324, the Close Up Foundation authorization, and the conference agreement on H.R. 3929.

I am particularly pleased that the House has cleared H.R. 3929, a bill to extend for 18 months the program providing Federal supplemental compensation benefits to jobless workers.

I strongly support this program which has proven vital to the many thousands of people who have been out of work and in need of Federal Government assistance. The assistance provided under the terms of the program is especially important in areas such as northwest Pennsylvania, which is still suffering very high unemployment.

I am also pleased to see that the program is being extended for a full 18 months so that the unemployed people of our country, who need our help, will not be kept in suspense as to whether or not their benefits will be continued due to lack of congressional action during the next year and a half. Again, Mr. Speaker, had I been here, I would have voted in favor of the conference report.●

MAJOR GENERAL HUBERT LEONARD

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. BRITT. Mr. Speaker, on October 17, 1983, an outstanding citizen soldier, Hubert Leonard of Thomasville, N.C., was promoted to the rank of major general and sworn in as the adjutant general of North Carolina's National Guard.

In assuming command of the State's National Guard, Hubert Leonard has brought to culmination a career that began 40 years ago when he enlisted as a private. It is a career of great distinction.

Major General Leonard entered the military service as a private in the U.S. Marine Corps on February 12, 1943, and attended basic training at Paris Island, S.C. He was then sent to Jacksonville, Fla. to attend radio school and from there to Hollywood, Fla. for aerial gunnery school. His first assignment was with the 3d Marine Air Wing in Newport, Ark. during which time he rose to the rank of staff sergeant. In July 1945, his unit was ordered to Okinawa. He served there until his return to Conus and released from active duty on May 16,1946.

Major General Leonard was commissioned as a second lieutenant, field artillery, 540th Field Artillery Battalion, in the North Carolina Army National Guard on August 1, 1949. On September 3, 1950, his unit was mobilized and he was ordered to active duty. His primary assignment during this period of active service was intelligence officer, 142d Field Artillery Group, stationed at Wertheim, Germany. He was returned to Conus and released from active duty on November 19, 1953.

Major General Leonard returned to an active status with the North Carolina Army National Guard on November 20, 1953, and served continuously until his retirement as deputy adjutant general on April 30, 1983. In addition to his assignment as deputy adjutant general, he held many important and prestigious assignments during his tenure of service to include commander, 4th Battalion, 113th Field Artillery, Assistant School Commandant, North Carolina Military Academy and State Inspector General. Major General Leonard and his wife, Bobbie, are parents of two daughters, Laura Grimes and Nancy Holland.

Major General Leonard received many decorations and awards which include: Legion of Merit, U.S. Marine Corps Good Conduct Medal, World War II Victory Medal, Army of Occupation Medal, American Campaign Medal, National Defense Service Medal, Armed Forces Reserve Medal, Army Reserve Components Achievement Medal, North Carolina Distinguished Service Medal, North Carolina Meritorious Service Medal, and North Carolina National Guard Service Ribbon.

Hubert Leonard has made the city of Thomasville, Davidson County, and all of us who know him personally very proud. He reflects the best in this country's great tradition of the citizen soldier.●

BAKERSFIELD SENIOR CENTER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1983

● Mr. THOMAS. Mr. Speaker, I take this opportunity to commend the efforts of the Bakersfield Senior Center, an organization dedicated to meeting the needs of our elderly. The senior center's effort are especially commendable because the center offers a multipurpose operation with a variety of programs. The center boasts a wide range of programs in which scheduling runs Monday to Friday with many activities offered as often as three times per week. The seniors are able to learn skills and techniques offered through sewing and decorative arts classes. With the availability of a physical fitness program, recreation can be enjoyed by many. I am also proud of the volunteer instruction provided by Bakersfield Junior College, whose instructors have donated their creativity, skill, and expertise to senior programs.

Among the special features the center provides are weekly visits by physicians and registered nurses who offer medical treatment in the area of foot problems and monitoring blood presssure.

I would also like to recognize a special development, the first of its kind in the San Joaquin Valley, which has been endorsed by President and Mrs. Reagan. It is the Carrier Alert Program which is a multi-effort involving the Postmaster General, Letter Carriers Union and the Bakersfield City Police Department. The program entails a red dot being placed on elderly resident mail boxes from which residents are allowed 2 days in which to pick up the mail. Should residents fail to do so in the time allotted, the post office notifies the center and the police department attempts to contact the citizen. Through this method, the center can immediately determine if a

senior is experiencing difficulties of any kind or is incapacitated.

Mr. Speaker, I have tremendous respect for the positive outcomes being derived from the center as well as for those instrumental in developing it and overseeing its day-to-day operations. The city of Bakersfield purchased the land for the center's new home. The city has also provided for remodeling and equipping of the center as well as having laid the foundation. The center will be self-sustaining through local efforts involving the Bakersfield Association of Retarded Children, whose services the city has contracted in order to complete the transition.

The project coordinator, Mr. John Robinson, oversees day-to-day operations of the center, and he is also responsible for organizing senior programs. Mr. Robinson helped establish the center's bylaws and directly participated in the selection of the center's board members.

Site manager, Nancy Riley, is responsible for nutrition services which provides daily lunches for the citizens. Hot meals are served Monday through Friday, free of charge to seniors. Mrs. Riley also coordinates the efforts of the volunteers who provide services to the center. Her services to the center lend guidance and patience.

Erma Cade, the center receptionist, is also doing a tremendous job. She is part of a training program which enables seniors to obtain skills for reentering the job market.

Transportation is another vital service which the center is performing for seniors. Through the assistance of the transportation supervisor, LeRoy McKnight, and two drivers, Helen Lewis and Frank Rodriguez, seniors are transported to and from the center daily and are assisted in routine errands such as shopping outings and other engagements.

Mr. Speaker, I want to extend my sincere appreciation and recognition of the efforts of the Bakersfield Senior Center. The organization is an asset to our local community of seniors as well as a symbol of dedication of which the entire city can be proud.●

SENATE—*Monday, October 24, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Rev. Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

. . . in quietness and confidence shall be your strength . . . Isaiah 30:15.

Be still and know that I am God.—Psalms 46:10.

Almighty God, gracious Father in Heaven, with the mindless atrocity in Lebanon still burning in mind and heart, we call upon Thee to comfort and bless those families who lost a loved one, encouragement and complete recovery for those injured, strength and hope for their families. As the President, his advisers and Members of Congress consider a response, help them to find the balance between revenge and capitulation.

Dear God, as our leaders bear the awesome responsibility of decisive action at a time when the world seems ready to explode in conflagration, may they realize they have recourse to Thee who gives transcendent wisdom and guidance. Help them to save time by taking time to seek Thee in silence and meditation. Remind them that in quietness in Thy presence they will find the course which leads to righteousness, justice, and peace. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

MINDLESS VIOLENCE

Mr. BAKER. Mr. President, the mindless violence perpetrated against the American Marines in Lebanon weighs heavily on every mind in the Senate on both sides of the aisle. The course that we must follow is one that we must consider as carefully and responsibly as our talents will permit.

The exercise of restraint in the face of our grievous passions is a difficult responsibility to discharge. Anger threatens to rule our actions and our thoughts and words.

But, Mr. President, not only to assure the peace and the welfare of the United States, but also in respect to the sacrifice made by those who lost their lives or have been gravely injured, I believe responsibility and restraint is the most becoming and most necessary course of action.

When the Senate completes its business today, Mr. President, the minority leader and I will offer a resolution recessing or adjourning the Senate in memory of those who lost their lives and in sympathy to their families and friends.

In the meantime, Mr. President, I am sure that many Members will wish to speak. Provision has been made for an hour of morning business today. I will ask the Senate to extend that time in a moment.

The minority leader and I have arranged a joint leadership briefing to which every Member of the Senate is invited at 1:45 p.m. today, the briefing to be for Members only in the secure briefing room and to be conducted by Secretary of State George Shultz. I urge Members on this side to attend and to do so promptly.

The Secretary of State must also brief the House of Representatives after he meets with the Senate. The briefing will be on Lebanon and will end at 2:45 p.m.

ORDER EXTENDING THE TIME FOR ROUTINE MORNING BUSINESS UNTIL 1:45 P.M., AND ORDER FOR THE SENATE TO RECESS FROM 1:45 UNTIL 3 P.M.

Because of the enormous importance of that subject, this briefing, Madam President, I ask unanimous consent, first, that the time for the transaction of routine morning business be extended until 1:45 p.m. under the same terms and conditions, and, second, that the Senate stand in recess from the hour of 1:45 p.m. today until 3 p.m. today.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

THE SENATE SCHEDULE

Mr. BAKER. Madam President, the leadership on this side has not finally determined what course of action it will recommend to the Senate after we return from that recess today.

The highway bill, the Surface Transportation Technical Corrections Act of 1983, and the crime package are scheduled to be the business before the Senate today. But may I say that a good deal will depend on how promptly we return from that briefing and the attitude of Senators toward continuing the regular order of business during the day. I will not make a final recommendation to the Senate until after we return from that briefing.

Madam President, Members who are responsible for management of those matters should take account of the possibility that we will be able to proceed to those later today but also take account of the possibility that because of the briefing it might be the better part of discretion to go to them in the morning. I will consult further with the distinguished chairman of the Judiciary Committee in one instance and the distinguished chairman of the Public Works Committee who has jurisdiction in the other, as well as the minority leader to make a final decision on a recommendation.

Madam President, I find it difficult to turn my attention to the regular routine morning business of the Senate for the remainder of this week but I feel I should do so in this respect: When the supplemental appropriations bill is available under the terms of the 3-day rule, which would be tomorrow, barring extraordinary circumstances it will be the intention of the leadership on this side to recommend to the Senate that we go to that measure.

I would like to get a time agreement on that measure if we can, although that may be less than likely. In any event, I hope that we can finish the supplemental appropriations bill on Tuesday and Wednesday.

Then, Madam President, it may be that we will have a debt limit bill from the Finance Committee. I have consulted with the chairman of the Finance Committee on that matter and there seems to be a good indication that we can reach the debt limit bill this week.

Notwithstanding that I had previously announced that I would recommend that we go to the natural gas bill this week, I advised the distinguished chairman of the Energy Committee and the Secretary of Energy today that it would be my intention to go instead to the debt limit bill if it is here and available and to reschedule the Natural Gas Act for either next week or the following week. It is still the intention of the leadership on this side to recommend that the Senate go to the natural gas bill before we adjourn sine die. A further announcement will be made on that bill later.

Senators should take notice that this week we shall try to do the supplemental and try to do the debt limit, together with the crime package and the highway bill.

I announced earlier that we may be in on Saturday this week. If we can

finish these matters before that, of course, we do not need to be in on Saturday. I am not sure we can do that. However, my recommendation to Members, to the extent that they wish to take account of it, would be that we try very hard to finish those measures if we can and we shall be out Saturday; if we cannot, we shall be in Saturday. No serious commitments should be made on Saturday due to that circumstance. I shall give a further appraisal of the situation later in the week as events are clarified.

Madam President, the other matters to be done before we go out include appropriations bills as they are available, a major one being the defense appropriations bill, which is announced for next week; a reconciliation, the time for which was extended until October 31; and the continuing resolution for those appropriations bills that we have not passed, the present continuing resolution extending until November 10; and the natural gas bill. Other matters are included on the list that I have given the minority leader. Among them is TV in the Senate, which I intend to ask the Senate to address before we go out sine die, and a number of other matters.

The situation in Lebanon, Madam President, may cause us to alter those arrangements somewhat, but I assure Senators I shall keep them advised as the situation develops.

Madam President, if I have not used all my time, I am prepared now to yield it to the minority leader for his use if he desires.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Madam President, I thank the majority leader for his usual courtesy in extending me the time which remains.

DEATH OF JESSICA SAVITCH

Mr. BYRD. Madam President, I am sorry to hear that Jessica Savitch was killed in an automobile wreck last night, and I extend my sympathies to the family and colleagues of this greatly admired professional newswoman.

LEBANON

Mr. BYRD. Madam President, I talked with the press this morning and I think I have a duty to place in the RECORD as best I can recall what I said to the press. In saying this, I certainly do not claim to have a monoply on wisdom, far from it. There may be those who differ with me, but I was asked for my opinion and I gave it.

I indicated that I felt that the administration had made a mistake in its foreign policy calculations concerning Lebanon; namely, that a nation cannot wear two hats—one being that of peacekeeping force and the other being that of taking sides with one of the warring factions. We are perceived to have taken sides, and I believe we have, with the Gemayel government. To say that we are keeping the peace when we have American boys killed and exposed in indefensible positions is stretching the imagination considerably.

I feel that the administration has never clearly defined why our boys are in Lebanon, except in generalities and cliches. I saw the travail that occurred during the war in Vietnam. The American people did not support that war after a while. For that reason—in my viewpoint, for that reason—President Johnson was forced to forego any plans to seek reelection. The same thing is true here. If the administration is to send more and more American boys to Lebanon, it must have the support of the American people, else it will not be successful in its objectives—whatever they may be.

The American people are a reasonable people. They are courageous, they are willing to give their sons and grandsons if they understand that to do so is in the vital security interests of our country. But that has to be spelled out and spelled out clearly.

We are all shocked and saddened and stunned by what occurred over the weekend. It seems to be that the President needs to clearly define to the American people why their boys are being sent to die in Lebanon. That was never clearly explained during the recent debate; at least, it was not clear to me, and I raised the question time and time again, during the recent debate on the resolution giving the President authority for the next 18 months to send our boys to Lebanon.

Aside from clearly defining the policy, I think the administration should reassess its position and its Lebanon policy in coordination with the other three powers that are alined with us as a so-called peacekeeping group.

It seems to me that we ought to also approach other countries, and maybe we have—if we have, we ought to do it again—approach other countries the interests of which in the Middle East are as great as ours, if not more so. If it boils down to the word oil, for example, there are Western European countries and Japan that are far more dependent upon oil from that area than are we. This attack on the United States and on the French was an attack on the free world. It was an attack and an arrogant insult, to every freedom-loving nation in the world. And it seems to me that there ought to be a willingness on the part of other countries whose interests are greater than ours to join in this multinational peacekeeping effort, and they should be asked to do so.

Also, the United Nations should be approached again. If the Soviet Union wants to veto additional U.N. forces in Lebanon—and there are already some U.N. forces in southern Lebanon—let the Soviet Union bear the burden for doing so. I do not understand why the U.N. forces now in Lebanon are not moved up to where our boys are. What is the U.N. for? It seems to me this would be an appropriate thing for the U.N. to do because it would certainly be viewed as more neutral than are we likely to be viewed as neutral.

Additionally, we should put more and more pressure on Mr. Gemayel to expedite the broadening of the base of his Lebanese Government so as to include some of the elements who feel that they are being left out. Also, there has to be some explanation as to why this happened. It was not long ago that we experienced a somewhat similar circumstance when our Embassy was hit by such an explosion with a great number of deaths. We have people whose business it is to give their full time to thinking about the military situation in Lebanon. I cannot give my full time, Senator BAKER cannot give his full time, we are not expected to spend 16 or 18 hours a day dealing with that situation, and on the military side of it we would be the least competent to determine what should be done. But there are trained people who give it their full time and attention, and why it was not thought of, why these 200 or more men were in that one building and exposed to such a kamikaze act as this, I cannot understand. The American people, I am sure, want an answer to that question.

So what I am saying is that I think we ought to do everything we can to hasten the departure of American boys from Lebanon. I feel that the approaches that I have laid down, some of them may be good, some may not be as good as others, but certainly they are approaches that occur to me that should be taken by our Government, because the American people are not going to support it for very long—and they may not even now, if I judge by what Senators are saying on both sides of the aisle. If the administration expects success in whatever we are trying to achieve over there, it is going to have to have the support of the American people. They are going to have to feel that these deaths are justified.

I said during the debate on the resolution that was passed just recently authorizing the President an additional 18 months, how am I going to answer the inquiry of a West Virginia constituent whose son or grandson has given his life? How am I going to explain if I am asked, Why was he there? I do not know. I cannot explain it. I

said that during the debate. There were others who asked the same question.

So, Madam President, it is easy to think of things on hindsight, but there are those who I think have the responsibility—now in light of what happened, even if that responsibility was not met before—to state to the American people why our boys are there and why they are like sitting ducks. People were told by the President in his recent news conference that they were adequately protected. Obviously, they were not. I am not saying that there is any person who has the omniscience to foresee everything. Certainly in the light of what happened to the U.S. Embassy recently, somebody should have thought of it. Maybe I should have thought of it. But there are those whose business it is to deal with those things.

I also said to the press that we need to get more information as to who is responsible for this devastating and horrible action that was taken. I do not know if that will ever be known or not, but I think we ought to stop guessing. We need information. And I have already had some very angry telegrams from my State. This I did not say to the press. However, I have some very angry telegrams from my State saying—and I do not know whether they mean me personally or not. I guess they do—if you do not have the guts to take action against the perpetrators, let the Israelis back in; they will do it.

Well, my telegram back to them is going to say, I feel as strongly as you do about this, but toward whom am I supposed to direct the shots if I am a marine commandant? You tell me who the perpetrator is.

It is one thing to say that we are going to do this and we are going to do that to the perpetrators, but it is quite something else to first find out who they are.

I do not think we ought to be just guessing. There is a little too much guessing already in the media that I have watched as to who did this. I hope we will find out.

Also, I mentioned the fact that we need a new negotiator, someone of stature. We have not replaced Mr. McFarlane. It is not up to me to suggest who should take that part or who should be appointed to that post, but we do need a new negotiator, someone who has the kind of stature which will add some weight to this post.

I see that President Mitterand went to Lebanon. I would be the last to suggest that our President go. I do not want him to go. I urged him not to go to the Philippines. I did so twice in different letters. But there are others who carry a great deal of respect and stature and who could be appointed.

In think, Madam President, I have about exhausted the content of the statement that I made to the press this morning. I felt that I ought to spread it on the record. If I have omitted something, I will place it in the RECORD or will state it on the floor later.

I thank the majority leader for his tolerance.

Mr. BAKER. I thank the minority leader.

Mr. BYRD. Madam President, the Senator from Arizona wanted me to yield some time, but he will have an opportunity to utilize morning business. If I have any remaining time, I would like to yield it back to the majority leader who may want to make some comments of his own. As I say, I felt it a duty to say on the record what I said to the electronic and print media this morning when they asked me questions.

Mr. BAKER. Madam President, I thank the minority leader. I have nothing further to say except this. As I indicated earlier, the House of Representatives will be briefed after the Senate is briefed today. And depending on when we finish and when we get back, it may be the better part of discretion to ask the Senate to go over to tomorrow in respect for those who have lost their lives. So in view of that—and that is not a decision that has yet been finally made, but in view of that I urge Senators who may be listening in their office to come to the floor between now and 1:45 and make their statement if they care to do so because there is a possibility that we will go out shortly after we return from the briefing.

ORDER OF BUSINESS

Mr. BAKER. Madam President, if there is no further need by the minority leader for time, I have no further need for it, if any remains. Therefore, I ask the Chair to place the Senate in the time for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 1 hour and 15 minutes, with statements therein limited to 10 minutes each.

SENATE RESOLUTION 248—MEASURE THE PRESIDENT SHOULD TAKE TO INSURE THE SAFETY OF U.S. ARMED FORCES IN LEBANON

Mr. DECONCINI. Madam President, October 23, 1983, will take its place in history books as one of the dark days of the American Republic. Over 160 of our finest young men were murdered by a cowardly act of terrorism.

We do not yet know the identity of the murderers, but, unfortunately, there is a plethora of candidates. It has been suggested that this was the work of the Ayatollah Khomeini. And, why not? Wanton and irrational murder has become a way of life for this crazed, fanatic son of Satan who passes himself off as a man of God. Others see in the assault the fine hand of the Syrian Government. And, again, why not: Has not the Syrian Government devoted itself for years to the massacre of innocent Israeli women and children by training and arming Palestinians?

The tragedy of the act is compounded by the further tragedy that it was predictable and, indeed, predicted. Not the specifics, of course, but the fact that some assault upon our forces in Labanon was bound to occur. These fine, young men were in Lebanon for a noble purpose—to help restore peace and civility to that war-torn nation where fratricide has become as common as brotherly love. But as noble as the purpose might be, we placed these young men in a life-threatening situation without providing them the means to defend or protect themselves.

It is understandable why the President wished to limit the defensive responses available to our forces, and why they were located in such vulnerable positions. Certainly, there is symbolic importance in being passive when representing the supposed civilizing forces of the West. Likewise, the mission is more significant if the forces are located at the center of the conflict.

Yesterday's events proved—as was inevitable—that the policy which led those marines and sailors to die was both well-meaning and wrong. During the recent debate over the continued presence of marines in Lebanon, some of us in this Chamber expressed our concerns that these young men were being placed in mortal jeopardy.

The dilemma that we saw then was that eventually our forces would come under attack, either as the deliberate work of provocateurs or in the natural course of that bloody conflict. If our forces were to respond—as they would under normal circumstances—we would quickly find ourselves as active participants in the ongoing Middle East war. This was and is something few Americans find acceptable. The alternative was to allow our forces to become passive targets.

Those of us—and I was among them—who argued that American forces should be withdrawn from Lebanon did not do so because we favor an isolationist policy or because we had no sympathy for the President's goals. Rather, our objections were based upon precisely the argument that has now all to prophetically come to pass.

We must, again, reexamine the premise upon which we have exposed our Armed Forces to attack. The President has already asserted his intention to keep our marines in Lebanon and, in fact, has ordered reinforcements to the area. I pray that the President will reconsider America's position, and that the Congress, too, will reopen the debate we concluded only a few weeks ago.

In the meantime, however, we must do something positive to protect the lives of the young men in Lebanon. In that regard, I offer today a resolution and ask for its immediate consideration. The resolution calls upon the President to do two things. First, it calls upon him to initiate a policy that will allow the marines to protect themselves in a fully meaningful fashion. Second, it calls upon the President to redeploy the marines stationed in Lebanon in a manner consistent with their defense. It calls upon the President to certify to Congress that these steps have been taken.

This resolution is not, in my judgment, an improper assertion of congressional authority within the sphere defined by the Constitution to belong to the President. Rather, it is part and parcel of the shared responsibilities that the two branches have in matters affecting war and peace.

Moreover, this resolution is the very least we owe the parents, wives, and children of the marines who will continue in Lebanon. It is in the nature of a minimal guarantee that we value their lives and are committed to protect them to the extent possible. We have not, sadly, the resources, material or spiritual, to repay the families of those who died in the service of their Nation.

I wish further to point out that this resolution is not a critique of the President. Rather, it is a recognition brought about by yesterday's events that we must alter our policies in the face of the brutal realities of Middle East politics.

I ask unanimous consent that the full text of the resolution be printed in the RECORD.

Madam President, I want to point out that on my recent visit to Lebanon I observed the situation which underscores the vulnerability in which we find our troops yesterday and today, I hope the President will take seriously this offer of a resolution to do something about it forthwith.

The PRESIDING OFFICER. Without objection, the resolution will be printed in the RECORD.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DECONCINI. I yield.

Mr. BYRD. The only unanimous-consent request that has been granted is for the resolution to be printed in the RECORD. Am I correct?

Mr. DECONCINI. That is correct.

Mr. BYRD. I may have misunderstood the Senator. Does he intend to ask for immediate consideration of the resolution?

Mr. DECONCINI. No. I am prepared to let it be referred to the appropriate committee.

Mr. BYRD. I misunderstood. I thank the Senator.

Mr. DECONCINI. I believe my statement did make that reference, however.

I thank the minority leader.

Mr. PROXMIRE. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. Was the DeConcini resolution referred to the appropriate committee?

The PRESIDING OFFICER. Yes. The resolution will be referred to the appropriate committee.

Mr. PROXMIRE. I thank the Chair.

The resolution ordered to be printed in the RECORD reads as follows:

S. RES. 248

Whereas the headquarters of the United States Marines in Lebanon was hit on October 23, 1983, by a devastating terrorist attack which resulted in the deaths of at least 161 United States Marines and sailors and scores of wounded:

Whereas the United States Marines in Lebanon before the attack on their headquarters had been subject to daily sniper fire and yet were restrained from responding adequately; and

Whereas the Multinational Force in Lebanon Resolution authorizes the President to take such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) redefine the protective measures which United States Marines and other members of the United States Armed Forces assigned to the Multinational Force in Lebanon may take to provide for their adequate defense and security;

(2) redeploy the United States Marines and other members of the United States Armed Forces in Lebanon in such a manner so as to minimize the vulnerability of United States Armed Forces in Lebanon to terrorist attack and to avoid any recurrence of the tragedy of October 23, 1983; and

(3) to prepare and transmit to the Congress a report setting forth the measures that he has taken to carry out paragraphs (1) and (2).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. PRYOR. Madam President, in times like these it seems like anything we say in this Chamber is somehow hollow, meaningless, trivial, and frivolous, and every emotion that we try to express somehow or another does not seem to really get the job done.

Senator DECONCINI, our friend from Arizona, just a few moments ago proposed a resolution which brought back memories of just about 3 weeks ago when in this body we were discussing the power of the President, the power of Congress, what our respective roles should be in the matter of our presence in Lebanon.

That resolution, as we know, gave the President 18 months basically to do as he pleases in Lebanon subject to the counsel of his advisers.

I do not know that this is the time to look back and say, "I told you so." I do not know that this is the time to look back and count the number of Senators who voted for or against or the Congressmen in the other body who voted for or against this resolution.

But I do think, Madam President, that this is a time when we might want to consider—though I am not proposing it at this time—looking again at that resolution, looking again at the war powers that we granted to the President during that debate and during that particular time just a few days ago. I do not think any of us imagined the likelihood or serious consequences of an act that could have been committed to take so many lives by an act of terrorism.

But as the minority leader mentioned a few moments ago, telegrams from his constituents and telegrams and phone calls from my constituents indicate a very, very strong feeling, about as strong as I have ever seen or experienced on behalf of the American people about our presence. I think many feel that our presence is provocative rather than peacekeeping, but whether that is the case, I do not know. I am not smart enough to answer that. But I do think that we should consider another debate on war powers, we should reconsider our position in view of this event, and I am very hopeful that this body and the other body, in cooperation with the President, will ultimately do the right thing.

This is a time of great emotion and many times it is not wise, I guess, to legislate in a period of high emotion.

But, Madam President, it is my belief that we should take another look at the war powers resolution and we should take a look possibly at repealing what we did a few weeks ago, in view of the event that took place yesterday in Beirut.

NUCLEAR FREEZE ADVOCATES ARE NOT PACIFISTS

Mr. PROXMIRE. Madam President, it seems that whenever nuclear freeze advocates are shown on television they are protesting the production of nuclear weapons. They may be shown joining hands to surround a nuclear weapons arsenal. They may appear on home television screens sitting down blocking the entrance to a nuclear arms production facility. Their placards may shout, "Disarmament Now." or "No More Nukes." And above all opponents of the nuclear freeze will

speak of those who favor a nuclear freeze as having good intentions—but pathetically lacking in realism. So gradually the supporters of a nuclear freeze are more and more viewed as idealists who live in a never-never Sunday school world of "Love Thy Enemy" and disarm the country unilaterally. Madam President, this is a totally false picture—totally. Sure, some nuclear freeze supporters meet such a characterization. But they are relatively very, very few. In my State of Wisconsin, for example, we had a vote on the nuclear freeze on September 14, 1982. Participation in that vote which coincided with the regular fall primary for congressional and local elections was heavy. Wisconsin people make up about as representative a cross section of America as you will find in any State. We have a strong, in fact, a very strong and proud military tradition. The 32d Division, Wisconsin National Guard, won distinction as long ago as the Civil War for its tremendous courage, esprit de corps, and military savvy. In both world wars Wisconsin National Guard also suffered heavy casualties and won repeated praise for its impressive record under fire. Within the past year, the Wisconsin Air National Guard has won competitions among the National Guard of all the States as the very best. Wisconsin citizens are aware of this record and very proud of it.

In light of this strong military background and this cross-section makeup of our population how did the State vote in the referendum on the nuclear freeze in September of 1982?

Madam President, Wisconsin voters supported the nuclear freeze by a resounding 3 to 1—74 percent margin. In every section of our State big minorities supported the freeze. It was supported strongly by conservatives as well as liberals, by voters in precincts that voted heavily Republican as well as precincts where voters voted heavily Democratic.

Before the referendum there was a vigorous statewide debate on the freeze. Outstanding Republican officials like the then Governor of the State Lee Dreyfus and leading Republican Members of Congress as well as Democratic leaders supported the freeze. The U.S. State Department and some veterans organizations and others strongly opposed the freeze. Newspaper support among conservative leaning publications like the Milwaukee Sentinel as well as liberal papers like the Madison Capital Times supported the freeze. They did so with full knowledge of what the freeze required in relying on a treaty with the Soviet Union. These papers and others discussed the freeze issues in meticulous detail. They carried columns sharply opposing their own position in support of the freeze.

So when Wisconsin citizens went to the polls in September of 1982 to vote on the freeze, they understood the arguments on both sides. They were well informed. Our State is a well balanced State politically. For years the Republicans were dominant in Wisconsin. Today both parties have roughly equal representation in Congress. At the time of the vote the Democrats held a narrow margin in the State senate and a slightly more secure majority in the State assembly. The Governor—as I indicated—was then Republican. Elections in recent years in Wisconsin have generally been closely contested for the Presidency and for Governor. With a controversial referendum like the nuclear freeze we could expect a fairly close vote. But it was a runaway. The freeze received a higher margin of victory than even the most popular Wisconsin candidates. Madam President, with that background it is beyond this Senator to understand how anyone can argue that nuclear freeze advocates are out of touch with reality or with general public opinion in this country. Wisconsin people are hard-headed realists. These Wisconsin voters recognized the freeze as the wisest kind of military strategy. They understand the purpose of a military force is to prevent war and particularly to prevent a war that would be so catastrophic that our country would be destroyed as an organized society.

No, Madam President, freeze advocates are not woolly minded, fuzzy thinking idealists with both feet in the air. They are tough minded, realistic citizens who would sacrifice their lives for this country. But they have looked squarely at the full implications of nuclear war and decided that mutual, verifiable, and comprehensive negotiations to stop the nuclear arms race represent the only way to save this country and, indeed, the only way to save the world.

AFGHAN INVASION'S IMPACT ON CIVILIANS

Mr. PROXMIRE. Madam President, the Soviet Union's invasion of Afghanistan is now nearly 4 years old. In the course of those 4 years the Afghan people have suffered immensely as a result of Soviet military actions. Estimates by sources here in Washington of Afghan casualties since the invasion range as high as 150,000. Accounts from within Afghanistan clearly suggest that civilian noncombatants are a large portion of those wounded and killed. I know I speak for all Senators in expressing dismay over this suffering, and in condemning the Soviet intervention which has caused it.

The Soviet military has already been criticized for indiscriminate bombing attacks which have reportedly caused many deaths and much hardship for civilian populations. Reprehensible as these attacks are, recent evidence suggests that they may be the worst of Soviet actions. William Branigan's recent Washington Post account of his journey through the war zone cites evidence of Soviet actions which are apparently directed specifically against noncombatants. For example, before vacating the city of Rokheh early last March the Soviets seeded land mines about the town, reportedly even in residents' homes. Since returning to their town, several residents have been killed and many others badly wounded or maimed by Soviet mine explosions. Also, sources tell of Soviet planes scattering everyday household items—containing concealed explosives—through Afghan towns. French doctors working in the area through humanitarian agencies report having treated children who were victims of boobytrapped toys. Other reports depict looting of village homes and businesses by Soviet troops. Still others tell of helicopter gunners or foot soldiers opening fire on fleeing villagers.

Madam President, these reports describe utterly repugnant actions. It has long been said that war is hell, but if even a few of these accounts are true, then Soviet tactics have made this war needlessly hellish for a great many innocent Afghan people. Admittedly, in guerrilla warfare it can be difficult to distinguish combatants from noncombatants. The evidence indicates, however, that the Soviets have shown a reprehensible disrespect for the noncombatant status of the general populace. I personally deplore such disregard. I hope that all my Senate colleagues will take from these recent accounts of the Soviet military's impact on the Afghan citizens one more reason to condemn the Soviet invasion.

THE THEORY OF GENOCIDE

Mr. PROXMIRE. Madam President, recently the Journal of Ethnic and Racial Studies published an article by Prof. Leo Kuper entitled "Theories of Genocide." While the article examined the subject in an academic light, the theoretical analysis served to underscore the incalculable human suffering man is capable of inflicting on his fellowman.

Kuper points out that most theories of genocide are directed at special sets of circumstances; they are created to explain a specific event. He contends, however, that more general, common concepts can be abstracted from the individual theories. After considering these theories in their historical and sociological context, Kuper reaches some interesting conclusions.

Madam President, one of Professor Kuper's conclusions strikes me as particularly important. Kuper points out

that although social tension is a precursor to genocide, it is quite clear that genocide is not the natural result of societal conflict. He writes:

Genocide is not the inevitable consequence of certain social conditions within a society. There may be extreme pluralism in a society, with highly antagonistic, polarizing ideologies, division expressed in religion, segregation, employment, social networks, and political party affiliation, a long history of reciprocal violence, and periods of highly escalated conflict. Yet the struggle may stop short of genocide.

Genocide, then, is not the natural response to tension within society. It is, rather, part of a consciously planned policy. Kuper remarks, for example, that:

Pogroms as spontaneous outbreaks of popular fury seem to be a myth, and there is in fact no established case where the inhabitants of a town or village have simply fallen upon their Jewish neighbors and slaughtered them.

Usually, genocide occurs only when eliminating a segment of society serves to further the goals of a group in power. Kuper reprints a prediction by Hitler that was quoted at the Nuremberg trials:

Anti-Semitism is a useful revolutionary expedient. Anti-Semitic propaganda in all countries is an almost indispensable medium in the extension of our political campaign. You will see how little time we shall need in order in upset the ideas and criteria of the whole world simply and solely by Judaism. It is beyond question the most important weapon in our propaganda arsenal.

Kuper points out that genocide is almost always a crime of governments or organized groups. Furthermore, this genocide occurs as a carefully formulated part of the group's established platform. Thus, the decision to embark on a program of cultural extermination may be made as if it were simply another question of party policy.

Madam President, the ramifications of this observation provide a clear-cut argument for the ratification of the Genocide Convention. The Convention makes it clear that the international community recognizes genocide as a crime against all of humanity. It not only would serve as a symbol of our support for basic human rights, but also provide a tangible deterrent to all who might consciously consider the extermination of a disparate group. If our ratification of the Genocide Convention would make such a conscious decision even a little less likely, then we have a reason—indeed, we have an obligation—to ratify the treaty.

Madam President, Leo Kuper begins his article with a quotation from the Australian representative to the Genocide Convention. I think it bears repeating. "Genocide," he said, "was such a vile act that even savages and wild beasts were incapable of committing it." Ratification of the Genocide Convention would simply mean that we recognize the common value of the fundamental precept.

WHAT SHOULD WE NOT DO NOW?

Mr. MATHIAS. Madam President, the whole world is asking today what should we do now. Not many people are asking, but it may be an equally good question to pose: What should we not do now. It may be that some of the actions we will emotionally like to take will in the long run be harmful to the interests of the United States and negative in their result for peace in the world.

Not long ago it was my pleasure to attend a dinner given to commemorate the bicentennial of the signing of the Treaty of Paris which finally ended in the Revolutionary War and established the independence of the United States.

On that occasion Brian Urquhart, the distinguished Deputy Secretary General of the United Nations, presented a list of things that workers for peace should not do, a list of prohibited acts drawn from his long experience as a peacekeeper.

At a later date I intend to submit Brian Urquhart's entire address for the RECORD because I believe it is so important, and Senators will want to see it.

But today I would merely like to read into the RECORD the things that Urquhart says peacekeepers should not do:

Don't forget that timing is essential and that there is a right time and a wrong time for everything, just as it says in the Bible.

Don't dive into an empty pool. This may create a temporary sensation, but it will leave you stunned and incapable of further action. It is equally inadvisable to dive into a pool of boiling water. You must establish in advance at least the minimal conditions required for productive work.

Don't rely too much on reason. Sometimes an appeal to fear, prejudice or vanity is more effective.

Don't get dragged in on one side of a conflict and then expect to be accepted as impartial.

Don't tell everyone what you think they want to hear. The essence of the game is to establish confidence, which takes a long time. If you want to establish confidence it is no good telling lies, which are always found out in the end.

Don't expect to be popular. Respect will do.

Don't ask the people you are dealing with to commit suicide. To provide a graceful way out of difficult situations should be the aim.

Don't claim credit for any success you may get. People in trouble need credit much more than you do.

Don't lose your temper, except on purpose or on matters of principle.

Don't slam doors or let others slam them.

Don't paint people into a corner. This makes them dangerous, paranoid and obstinate.

This cautionary advice from one of the most experienced peacemakers in the world today should be remembered as we consult among ourselves as to what we should do in response to the great tragedy of Lebanon.

Madam President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

THE WANTON TERRORIST ATTACK

Mr. KENNEDY. Mr. President, I share with all Americans the feeling of grief and outrage over the wanton terrorist attack that murdered so many of our marines yesterday morning in Lebanon. My heart goes out to the parents, wives, and children of those who have been killed and wounded, and the families across the country that are so suddenly and cruelly bereaved.

Our most urgent duty now is to guarantee that our marines are adequately protected against any future such terrorist attack. The success of yesterday's bombing was the result of an unbelievable breakdown in security that should never have been permitted to occur.

I reject the administration's preposterous rationale that we did all we could to protect our forces. No American marines should be asked to serve anywhere, for any purpose, without every conceivable step being taken to assure their safety. Other nations do far more to protect their forces from terrorist attack in circumstances of obvious danger. For the United States to do less is negligence, pure and simple. Our marines in Lebanon have the full support of our people—but they deserved more from our Government.

I believe that the President owes the American people a clear, immediate, and credible explanation of why our troops are in Lebanon. Our first priority in the Senate and the House of Representatives should be to revoke the 18-month blank check which Congress gave the President 3 weeks ago. What we need most of all now is a plan that offers the reasonable prospect of a peaceful settlement, and that guarantees the earliest possible withdrawal of our troops. We must not accept an endless American involvement that maintains our marines as nothing more than sitting ducks in the Lebanese civil war.

THE BOMBING IN LEBANON

Mr. MELCHER. The bombing of the Marine headquarters in Lebanon demonstrates the shaky, uncertain condition of the cease-fire and that the civil war continues among the various religious sects. The two persons driving the explosive-laden pickup truck into the lobby of the Marine headquarters building may have been what the President or others have called terrorist but it was a suicide mission in this civil war just as the kamikaze pilots of Japan in World War II or other partisan sacrificants have done in other wars.

While the public searches for an explanation for the staggering losses suffered by our Marine Beirut contingent, it does not serve any good purpose for the President, the Cabinet, or Congress to imply that such tragic loss of life is not inherent in this particular war. No matter that we call our Forces peacekeeping; those U.S. Marines are located as sitting ducks among warring factions in an area that is hard to defend and that, from the military standpoint, is a postion that cannot sustain a defense without large losses and, on top of that, our Forces were not prepared to stop two people in one pickup.

There are statements stemming from the White House that since the U.S. Marines are there on a peackeeping mission, their lack of defense was understandable and that the attack by the two people in the pickup was "a terrorist action impossible to defend against." That is not true and only demonstrates the futility of attempting to explain what the U.S. Marines are doing or are attempting to do in Lebanon.

The President is wrong in saying that Beirut and Lebanon are "vital and strategic" for us. Lebanon is vital and strategic for the people who live there and for Israel and for Syria. It is naturally advantageous for the United States that there be a stable Lebanese Government and that Syria forego occupying or expanding its borders into Lebanon. And that is advantageous for our alliance with Israel.

But it is false to imply or state that Lebanon is militarily strategic to U.S. security. It is not. Any statement from the President or from Members of Congress that Beirut or Lebanon are vital strategic points for the United States is not a sound military judgment and is not advocated by the U.S. Joint Chiefs of Staff. The President's policy in Lebanon is dictated by diplomatic and political judgment. Congress, by majority vote in the resolution, Senate Joint Resolution 159 just passed, endorsed that policy. The Democratic leadership of the House and the Republican leadership of the Senate both worked diligently for the passage of the resolution so that a bipartisan congressional position would emphatically back up the President's Lebanon policy.

I reject it and, thank God, the American people reject it. In a September 22 newsletter on Lebanon mailed to 240,000 Montanans, I asked if they cared to provide me with their views. Over 6,000 responded and, by an 8-to-1 margin, rejected having U.S. Armed Forces in Lebanon.

The policy should be changed to arrange for a replacement of our Armed Forces in Lebanon by a contingent from a country that is not as alined as we are with Irasel, or by a U.N. contingent. We should continue our support of negotiations among the various religious and political sects to reach stability in Lebanon with a government capable of maintaining peace, and to work with the Saudi Arabians and others to work out conditions necessary to effectuate a lasting peace.

The resolution, Senate Joint Resolution 159, endorsing the President's policy is a mistake that can be corrected by rapid modification of our policy on Lebanon if the President and Congress will heed the voice of the American people.

No amount of pseudomilitary judgments by the White House or Congress that are really dictated by diplomatic and political considerations rather than military judgments will change the facts of life in Lebanon.

Mr. President, I yield the floor.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

TRAGEDY IN LEBANON

Mr. QUAYLE. Mr. President, the tragic slaughter of U.S. marines and French soldiers yesterday morning was one of most dastardly and despicable acts I can imagine. I want to extend my deepest sympathy to the families and friends of the men who were killed and wounded in these atrocities.

To have attacked these men—men who were in Beirut to establish peace, not to fight—while they were asleep must rank as one of the lowest, most cowardly acts in history. Words cannot adequately express the anger and outrage I know we in the Congress share with all Americans and all decent people everywhere.

As we reflect on this tragedy, it is important that we reexamine the whole question of why we have marines in Lebanon and what our national interests are.

This should appropriately begin with a look at our interests in the region of the Middle East. This is a region of the world that has long been seen to be of strategic importance to the United States. It is important because we have close political and military ties to Israel. It is important because of our reliance on oil. It is important because we cannot allow Soviet influence in the region to grow.

Our policy objectives in Lebanon are tied to our overall objectives in the region. Our first objective is to effect the withdrawal of all foreign forces from Lebanon—Syrian, PLO and Israeli. Our second objective is to restore Lebanese sovereignty under a strong central authority dedicated to national unity and able to exercise effective control throughout Lebanon. Our third objective is to insure the security of Israel's northern border.

The question that faces us today, in the wake of yesterday's atrocities in Beirut, is how best to pursue these objectives.

Obviously no one is nor should be calling for an immediate withdrawal. Such an emotional reaction would be a reward for murderers and terrorists. In addition, a precipitous withdrawal would leave a vacuum that the Soviets and Syrians would be only too glad to fill. However, Sunday's tragic incident should be used to reassess our policies in Lebanon and the Middle East.

The options available to the President are either to escalate our involvement, to maintain the status quo, or to begin preparation for an organized, phased withdrawal. It has been said that we have too few marines in Lebanon to fight and too many marines to die. If the President determines we are going to root out the cause of terrorism that has plagued Lebanon for years, then it will take a massive commitment from not only the United States but also the French, Italians, and British, as well as an enhanced role by Israel. But to make such a large-scale commitment would cost many American lives, insure a prolonged involvement, and in all probability polarize the people of our Nation.

Gen. Edward Myer, a former member of the Joint Chiefs of Staff, said upon his retirement from the Army that the United States should never undertake a war that is not supported by the public. In other words, there should be a clear consensus of the American people in favor of substantial U.S. involvement before there is any large-scale commitment of our Armed Forces. A military escalation designed to establish stability in Lebanon, remove foreign forces, root out terrorism, stop the guerrilla warfare, and diminish the sniper attacks would in all probability not be supported by the American people—nor should it.

If we are not going to escalate—and I do not think we should escalate—then what should out policy be? The status quo is simply unacceptable. It is clear to me that we can no longer have marines there as sitting-duck targets. That is not only ineffective, but it is an unconscionable use of the men of our Marine Corps.

If we are not going to escalate and if the status quo is unacceptable, then I suggest that we look very seriously at the option of pursuing an organized, phased withdrawal—coordinated, of course, with our multinational force allies. In this regard I would like to discuss three ideas which I think are consistent with achieving our objectives—if they are achievable—with special emphasis on placing our marines in a more secure position. Our men are vulnerable, and that vulnerability needs to be reduced, if not even eliminated.

First of all, we need to minimize the risk to our men while still maintaining a peacekeeping presence. I would strongly support a plan that would have the bulk of the marines repositioned onboard the ships patrolling off Beirut. Then only those forces that are actually on patrol or providing security in our areas of responsibility around the Beirut Airport would be on the ground. This should be combined with a beefing-up of our fortifications around the Beirut Airport to minimize the continuing risk from sniper fire. Such a plan would greatly reduce the risk of casualties while in no way degrading the mission of a peacekeeping presence—deemed so essential to providing a backbone to the Lebanese Government and the Lebanese Armed Forces.

The second idea is that we use all diplomatic means available to stop the dilly-dallying and get the conference of Lebanese national reconciliation underway. The existing cease-fire in Lebanon was agreed to on September 26, yet getting the conference on national reconciliation underway has bogged down on petty arguments about where to meet and availability of hotel rooms. We cannot allow this process to be delayed and ought to exert all our energy to push forward the fruits of our diplomatic efforts. After all, the success of such a conference is the key to achievement of all our objectives in Lebanon.

The third idea is to undertake all diplomatic means available to get the United Nations to agree on constituting a large peacekeeping force that can replace the multinational force. This would have the dual advantage of finding a way for the U.S. Marines to leave Lebanon without being seen as abandoning Lebanon, and of getting into Lebanon a peacekeeping force that will be seen by the Lebanese factions as more objective.

The decisions the President must make will not be easy. We want to assist him in developing a reasoned, rational plan for Lebanon that will have the support of the American people, keep our honor and credibility as a strong nation and see the enhancement of freedom around the world.

REMARKS BY JOHN O. MARSH, JR., SECRETARY OF THE ARMY, DURING THE ASSOCIATION OF THE U.S. ARMY ANNUAL CONFERENCE

Mr. THURMOND. Mr. President, I would like to call to the attention of the Senate, an excellent speech presented by Hon. John O. Marsh, Jr., Secretary of the Army at the opening session of the Association of the U.S. Army Annual Conference.

The distinguished Secretary of the Army cogently analyzes the various forms of threat to our national interests. Presently, there are 8 wars being waged between nations, and more than 30 countries are experiencing insurgencies. Many of our allies are in danger, as are areas from which we import critical raw materials.

Secretary Marsh goes on to describe the trends present in developing a total Army capable of meeting future challenges. There will be further integration of the Guard and Reserve into force planning and modernization to enhance their readiness.

To combat growing insurgency problems around the globe, the Army will strengthen its Special Forces, Ranger, psychological operations, and civil affairs units.

For more mobility in deployment, the Army will create new light divisions from within existing force structure to handle missions requiring rapid movement through airlift.

To enhance warfighting capabilities, both technical and human intelligence needs will be addressed in detail.

Mr. President, the Army of today is excellent, but the Army of tomorrow, under the leadership of the able and distinguished John O. Marsh, Jr. will be even better. The Nation owes him a debt of gratitude as an advocate of improvement of our land forces.

I ask unanimous consent that Secretary Marsh's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY HON. JOHN O. MARSH, JR., SECRETARY OF THE ARMY

Let me speak today of the Army of the present and the future.

It is a force shaped by history. In large measure its complexion and composition arise from the commitments of the past.

It is shaped by United States foreign and defense policy. It is also shaped by budgetary constraints.

Wherever you visit in the United States Army, you see progress that has been made by the President's commitment to strengthening our forces—a commitment first evidenced by the essential supplemental appropriation in 1981. It is vital to world peace that the President's repeated calls for adequate funding of American defense be heeded and acted upon.

Today's events become tomorrow's history. Their impact creates shock waves for the future. These same waves ripple across the spectrum of society. And they spread across international boundaries. Their repercussions can be global in nature. In terms of our force structure, they generate difficult requirements and cause hard choices.

Almost ten years ago to the day, the world economy was traumatized by one of the most wrenching experiences since the world-wide Depression of the 30's. I refer to the oil embargo of October 21, 1973. Its impact was felt in the four corners of the globe. The economies of nations great and small, industrial and non-industrial, developed and undeveloped, were caught between the anvil of demand and the hammer of soaring energy prices. Disparities between the prices of basic commodities as related to energy costs became severe. Spiralling oil prices created a destabilizing influence in many areas, including Central America. In some instances we found that instability became the midwife of insurgency.

A recent issue of U.S. News and World Report recounts that there are currently 8 wars between nations and more than 30 insurgencies being waged on our planet. In other words, nearly one fourth of the nations around the world are involved in some form of conflict.

Unfortunately, there are other countries which are considered to be potentially unstable politically. Some of these could lapse into some form of insurgency.

This type of violence, or potential violence, drives United States foreign and Defense policy. It affects Army Missions and force structure.

At the present and for the near future, the Army will be constant in size. But it is likely to be changed in structure and mission.

In looking at the Army today and tomorrow, there are verities, or "Givens." These verities, or "Givens" create trends that are clearly discernible. The verities must be understood and accommodated. Trends which they produce must be appreciated and accelerated.

It is a time for new and imaginative thinking—for a willingness to experiment and to test. Where there are new ways to do things better, we should do them.

It is a time to turn from old shibboleths.

A time to cut the lilliputian strings of bureaucracy that can bind a modern gulliver.

A time to abandon any parochialism that is so wedded to the nostalgia of the past it ignores the realism of the future.

It is a time to find the best way to gain maximum readiness and sustain it.

It is a time to build the most capable force possible for swift and effective response.

In this way we shall achieve the President's mission to deter war and to preserve peace through strength.

The nature of conflicts in the world today—the corresponding need to move forces rapidly, make it necessary we develop in a significant way light forces in the United States Army. General Wickham has referred to a light forces concept and our need for such a capability. He will discuss with you his thoughts about a light division—a division smaller in size—with significantly reduced requirements for lift assets, yet quickly deployable.

At this point, let there be a clear understanding, the Army force structure must be a blend of capabilities so we are able to be responsive to any level of conflict in which we may be challenged so that through strength, we can achieve deterrence, or if deterrence fails, fight and win. Clearly there is now, and there shall be in the foreseeable future, a vital need for adequate heavy

forces in certain areas of the world—areas that require armored and mechanized strength. REFORGER exercises in Europe have demonstrated the capability of the M1 tank, whose speed and performance are reshaping armored tactics.

Another verity of great importance to the Army is the role of the Reserve Components. In force structure and missions, this is probably the most profound change in the Army that has occurred over the last ten years. It is having a far-reaching impact upon the Army scheme of things. This trend will continue. For the Regulars, the Guard and the Reserve, it imposes an enormous requirement for mutual accommodation, for mutual dependence, for mutual help and for mutual understanding. However, bringing the Reserve components to desired levels of readiness through a joint partnership is a mission and a challenge for all involved. The answer is enlightened leadership—civilian and military—Active, Guard and Reserve. Much has been acccomplished. More remains to be done.

The nature of conflicts today dictates a priority requirement for Special Operations Forces. This is a given. You can see a trend in the Army to increase, develop and strengthen such forces which follows defense guidance. They are represented in the Special Forces, in psychological warfare and civil affairs units, and in the Rangers. You can expect future expansion and development of this effort, so it is not just a concept but a reality.

Military training, as well as combat, requires soldiers who are physically fit. The Army is out front nationally on physical fitness. We have the largest physical fitness program in the United States. It is becoming a way of life in the Army. It is here to stay. What is more, this trend will increase. There will be an emphasis on a total health program that goes beyond just meeting stamina requirements.

The shrinking of the planet through technology—and the collapse of time and space—places a great premium on intelligence and the need for an effective intelligence gathering capability. There is a trend toward developing and exploiting our intelligence resources in the Army today. The upgrading of our intelligence capabilities, both human and technical, has resulted in quantum improvements in this important area in recent years.

This upgrading has also made the intelligence field a more attractive career. Improvements in our intelligence operations will continue, and will be supported at the highest levels of the Department.

Because of the danger and demands of the world in which we live, we must think in terms of greater mobility on the ground—and better deployability to get there. As an aside, I would like to make you aware of a fact that demonstrates a growing proficiency in our Army's deployment capability with regard to NATO. When Army units were deployed to Europe this fall for the annual REFORGER Exercise, of the more than five thousand (5,000) vehicles of all types to be issued from POMCUS sets only five could not be drawn. I think that exemplifies "the pursuit of excellence that we see in the army today."

Mobility and deployability drive the requirement for light forces. These forces must be communications and fire power intensive. They must be flexible. We must take advantage of American high technology to assist in achieving these. Tactics, training, good soldiers, and leadership are a key part of the equation.

The cost of operating and firing modern weapons places limitations on realistic training. It impairs the readiness of our force. Realism suffers—boredom sets in. Therefore, we must develop better simulation techniques, particularly for the soldier in the field who must be trained and whose interest must be maintained. There is a trend in the Army toward increased utilization of effective simulation devices. I urge American industry to respond to this need.

The Army must be prepared to operate in difficult environments, adverse terrain, and severe climatic conditions. We must sharpen the ability of our soldiers to operate at night—either individually, or in small units. The Army will continue to emphasize these important dimensions of combat operations.

Force structure and its employment require new ideas, new tactics and new doctrine. You will see this forthcoming as the concepts of Air-Land Battle, Deep Interdiction and the attack of Follow-on Forces are further developed, together with the weapons systems necessary to exploit this doctrine.

Now the things that I have mentioned to you will not be done overnight. Rome was not built in a day. They will require time and hard work. There will be setbacks and frustrations. There will be criticisms and challenges. It will not be easy, but nothing that is worthwhile ever is. But we are going to do it—because we must.

We must leverage our force. By that I mean building a Total Army which, when viewed by friend or foe, is perceived to be an Army far stronger, far more powerful, far more capable, and far more formidable than its actual numbers. We can build a force credible to such perceptions.

And we are building that kind of Army. That trend, my friends, is going to continue. It is going to be built by the world's best soldiers—American soldiers—soldiers who have the necessary equipment, the dedicated leadership of our officers and non-commissioned officers, and the superior tactics that spell victory.

Much remains to be done. We must continue the pace of modernization. We must exploit the lead the United States has in technology. But we are moving, and we are going to keep moving. The good are going to get better, and the better are going to be the best. Because this Army is out to put the stamp of Excellence on every soldier, in every squad, in every brigade, in every division—and in fact, on every unit where a United States Army guidon is now implanted in any of the four corners of the earth.

In a recent speech in Washington, President Reagan made the following remarks:

"We must never be inhibited by those who say telling the truth about the Soviet empire is an act of belligerence on our part. To the contrary, we must continue to remind the world that self-delusion in the face of unpleasant facts is folly, that whatever the imperfections of the democratic nations, the struggle now going on in the world is essentially the struggle between freedom and totalitarianism, between what is right and what is wrong. . . . Let us never underestimate the power of truth."

In my remarks before this forum last year, I discussed the threat to the Free World posed by Soviet aggression. Subsequently, a Soviet reporter wrote that I had charged the Soviet Union had aspirations for control over the Persian Gulf and the valuable minerals in Central and South America. The headline of their column in the Red Star on the 26th of October 1982 was "Mr. Marsh Lies." The article goes on to say:

"What could have compelled him to put forth such an unpardonable lie? The answer to these questions can be found in the auditorium before which (he) appeared. The Association of the United States Army, a militaristic organization, is a major link connecting the military-bureaucratic bosses with Army producers."

Since the Red Star has raised the questions of truth and lies, perhaps it is appropriate that I ask you—which nation within the council of nations is the liar in the world today?

Who gobbled up East Europe after World War II?

Who tried to blockade Berlin in 1947?

Who crushed the Hungarian Revolution in 1956?

Who built the Berlin Wall in 1961?

Who crushed the Czech Revolution in 1968?

Who invaded Afghanistan in 1979?

Who has crushed the Solidarity movement in Poland?

Who supplies the Army and sinews of war to Cuba and Nicaragua for insurrection in Central America?

Who, violating every principle of human decency and international order, shot down the Korean civilian airliner Flight 007?

If the Red Star is really interested in the truth, why don't they publish the answers to these questions in the Soviet Union?

It is this kind of international aggression and total disregard of human rights that caused America to rebuild its armed forces after World War II, and to sacrifice both blood and treasure in Korea and Vietnam.

It is a fast changing and violent world that imperils the security of our great country. Consequently, all of us have a duty to be informed about the nature of that peril, as well as to impart that knowledge to our fellow citizens, and to insure that those charged with the security of the nation have available to them the facts necessary to discharge their duties.

There is no more powerful force in a democracy than the force of an informed public opinion.

Next June we mark the 40th Anniversary of Normandy, a day when American paratroopers spilled from C-47's into the predawn skies over France. Glider bound troops swept into meadows, and often careened into hedgerows; from landing craft into the English Channel stepped the American soldier. Under grazing fire, he clawed his way over the long beaches of Normandy, and made places like Omaha Beach not just a beachhead but a part of our military heritage.

Today the Channel waves that wash gently ashore at this place of battle are an endless testimony to the valor of that day.

As Shakespeare would write of a victorious English Army at Agincourt: "This story shall the good man teach his son. . . ." The valor of that day at Normandy lives today in the American Army.

It was President Lincoln who wrote at another time in our Nation's peril:

"The dogmas of the quiet past are inadequate for the stormy present. The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves—and then we shall save our Nation."

Let's always remember that this great Army does not exist as an instrument unto itself. Rather it is a creature of the Con-

gress to defend and preserve American freedom wherever it is threatened. This your Army has done. This your Army will do!

In this great mission we need your help.

TIME OF TERROR IN LEBANON

Mr. LAUTENBERG. Mr. President, our Nation today mourns for those marines who died early yesterday while at rest from their peacekeeping duties in Lebanon. At a time of halting progress toward peace among the many factions in Lebanon, these brave men died at the hands of terrorists intent on thwarting that peace at all costs.

Our deepest sympathies flow to the families of these men, many of whom even today may be waiting for news as to whether a son, a husband, a father is among the victims. Our own emotions will grow as we learn who among the victims came from the cities and communities and towns each of us represent. The resolution before us now expresses the sense of sadness that pervades the Senate after this tragedy. But we must do more.

A month ago on the floor of the Senate concern and serious doubt were raised about the role of our Marines in Lebanon and the prospects for peace and stability in the region. With others, I called on the President for a clear and direct statement spelling out the mission for our marine contingent in Lebanon. Such a statement is necessary to clarify our goals and convey them to the American people.

We had votes in this Chamber on this question at that time. But I am not sure that we ever reached a consensus on the proper American role in Lebanon.

To be sure, the United States has had numerous roles and purposes in the Middle East for 35 years. Our attempts to contribute to peace and security in the region have involved assistance and attention to virtually every state in the area. Yet, never before have we been called upon to sacrifice dozens and dozens of our young men. If this is to be required now, surely it must be for an essential purpose that commands the support of the American people and their elected Representatives in the Congress.

Mr. President, at this moment I do not support any precipitous decision either to withdraw our marines or to greatly increase their numbers. This is a time for a cold, hard assessment of the wisdom of our troop deployment in Lebanon. While this assessment is going forward, it is imperative that we do what is necessary to provide for the security and defense of our marines.

Congressional consultations with the administration have begun. The President has attempted to address the questions looming in the public mind through the press this afternoon. But the President still needs to define the marines' mission more effectively and clearly for the Congress, the American people and the international community.

Mr. President, the United States cannot through force of arms or intensity of will impose either unity on Lebanon or peace on the Middle East. At best we can facilitate the process.

Perhaps a reconstituted multinational force drawing from member states of the United Nations might serve the peacekeeping function around Beirut without attracting the terrorists focused on United States and French forces. Perhaps a redoubled diplomatic commitment in the wake of this tragedy would be a more fruitful contribution to the ongoing effort to bring all the factions in Lebanon together.

No nation can be expected to sacrifice its young men on an indefinite basis where there is little or no prospect of success in meeting its objectives.

LIMITATION OF FUNDS FOR TRANSFER OF METEOROLOGICAL SATELLITES TO PRIVATE OWNERSHIP

Mr. BYRD. Mr. President, on Friday, October 21, 1983, during the discussion of the Pressler amendment No. 2404, limiting the use of funds for the transfer of meteorological satellites to private ownership, a statement by the distinguished junior Senator from South Carolina (Mr. HOLLINGS) was inadvertently omitted from the RECORD. I ask that the following statement of Senator HOLLINGS appear in the permanent RECORD following the statement of Senator GORTON on page S 14428.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAGEDY IN BEIRUT

Mr. WILSON. Mr. President, our hearts go out to the families and loved ones of the gallant young marines and French paratroopers who died in those terrible blasts.

The savagery of this attack and its dimensions are the more shocking when it is remembered that its victims were members of a peacekeeping force. Those who died in these terrible blasts were there to protect innocent civilians and to provide security for an orderly transition to an independent and stable Lebanon free from all foreign forces.

The only clear inference from an otherwise senseless act of brutality is that the perpetrators of this mass murder are ruthlessly bent on destroying the peace that the marines in Lebanon are there to keep. The purpose of this savage bombing is to push out those who would keep peace not just in Lebanon but in the Middle East and that entire troubled region of the world.

While we must do everything possible to safeguard the marines who remain, our first concern must be the security of the marines and other members of the multinational force in Lebanon. Our precipitous abandonment of Lebanon now will not bring back those courageous young marines who have lost their lives in this peacekeeping effort, nor will it honor their sacrifice. Rather, it will achieve precisely the result sought by the terrorists, and invite still more ruthless efforts against other Americans in the future.

When it is possible to clearly affix responsibility for this heinous crime, we should conduct swift and certain retaliation in a measure that will discourage any future repetition of this ruthless terrorism.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3929. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

At 1:14 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 730. An act for the relief of Ronald Goldstock and Augustus M. Statham;

H.R. 732. An act for the relief of Gregory B. Drymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond;

H.R. 745. An act for the relief of Stephen C. Ruks; and

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1878. A communication from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting, pursuant to law, a report on certain properties to be transferred to the Republic of Panama in accordance with the Panama Canal Treaty of 1977, and related agreements; to the Committee on Armed Services.

EC-1879. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to grant subpena, authority to the Secretary of Commerce for administrative hearings by NOAA; to the Committee on Commerce, Science, and Transportation.

EC-1880. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, a report on consumptive uses and losses in the Colorado River system during 1976-80; to the Committee on Energy and Natural Resources.

EC-1881. A communication from the Secretary of Energy transmitting, pursuant to law, his annual report on automotive propulsion research and development; to the Committee on Energy and Natural Resources.

EC-1882. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-1883. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, copies of international agreements, other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-1884. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-68, adopted by the Council on September 20, 1983; to the Committee on Governmental Affairs.

EC-1885. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1886. A communication from the Secretary of the United States Railway Association, transmitting, pursuant to law, the reports of the Association under the Government in the Sunshine Act for calendar years 1981 and 1982; to the Committee on Governmental Affairs.

EC-1887. A communication from the Executive Director of the President's Commission on Executive Exchange, transmitting a draft of proposed legislation to require Federal employees to enter into a service agreement in connection with participation in the Executive exchange program, and for other purposes; to the Committee on Governmental Affairs.

EC-1888. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Review of the Audit of the Susquehanna River Basin Commission's Financial Statements for the Fiscal Year Ended June 30, 1983"; to the Committee on the Judiciary.

EC-1889. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, notice of the overobligation of an approved apportionment of appropriation; to the Committee on Labor and Human Resources.

EC-1890. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, an amendment to a previously submitted report on an overobligation of an approved apportionment of appropriation; to the Committee on Labor and Human Resources.

EC-1891. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing a trade association's request and receipt of solicitation authorization from a member corporation; to the Committee on Rules and Administration.

EC-1892. A communication from the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, transmitting jointly, pursuant to law, the national aquaculture development plan, dated September 30, 1983; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1893. A communication from the Secretary of Agriculture and the Secretary of Energy, transmitting jointly, the comprehensive biomass energy production and use plan for the 1983-90 period; to the Committee on Energy and Natural Resources.

EC-1894. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals for October 1983; pursuant to the order of January 30, 1975, referred jointly, to the Committee on the Budget, the Committee on Appropriations, the Committee on Armed Services, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Labor and Human Resources, the Committee on Finance, the Committee on Foreign Relations, and the Committee on Environment and Public Works.

EC-1895. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on two previously reported deferrals of budget authority; pursuant to the order of January 30, 1975, referred jointly, to the Committee on the Budget, the Committee on Appropriations, and the Committee on Foreign Relations.

EC-1896. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by the Bank during August 1983 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-1897. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Review of the Audit of the National Consumer Cooperative Bank's Financial Statements For the Year Ended December 31, 1982"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1898. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Urban Mass Transportation Administration quarterly report for the third quarter of fiscal year 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-1899. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, the third annual report under the Alaska National Interest Lands Conservation Act concerning the establishment of an oil and gas leasing program for the non-North Slope Federal lands; to the Committee on Energy and Natural Resources.

EC-1900. A communication from the Acting Assistant Secretary of State (Legislative and Governmental Affairs), transmitting a draft of proposed legislation to amend the Act of August 1, 1956 (22 U.S.C. 2691); to the Committee on Foreign Relations.

EC-1901. A communication from the Secretary of Education, transmitting a draft of proposed legislation to improve debt collection activities and default recoveries, and to reduce collection costs and program abuse under student loan programs administered by the Department of Education, and for other purposes; to the Committee on Foreign Relations.

EC-1902. A communication from the National Commander of the American Ex-Prisoners of War, Inc., transmitting, pursuant to law, the audit report of the American Ex-Prisoners of War Inc., for the year ended June 30, 1983; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment, and unfavorably:

S.J. Res. 2. Joint resolution calling for a mutual and verifiable freeze and reduction on nuclear weapons (with additional and minority views) (Rept. No. 98-276).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment, and unfavorably:

S.J. Res. 185. An original resolution with respect to nuclear arms reductions (with additional and minority views) (Rept. 98-277).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ (for himself, Mr. GLENN, Mr. DECONCINI, Mr. PRYOR, Mr. JEPSEN, Mr. CHAFEE, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. BURDICK, Mr. CHILES, Mr. MOYNIHAN, Mr. DOLE, Mr. DURENBERGER, Mr. COHEN, Mr. PERCY, Mr. HOLLINGS, Mr. NUNN, Mr. HELMS, Mr. BUMPERS, Mr. BENTSEN, Mr. MATTINGLY, Mr. WILSON, Mr. ROTH, Mr. SARBANES, Mr. BRADLEY, Mr. PELL, Mr. STAFFORD, Mr. STEVENS, Mr. DODD, Mr. BOREN, and Mr. DOMENICI):

S.J. Res. 183. Joint resolution to recognize the second week of November 1983, as "National Meals-on-Wheels and Congregate

Meal Week"; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S.J. Res. 184. Joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week"; to the Committee of the Judiciary.

By Mr. PERCY, from the Committee on Foreign Relations:

S.J. Res. 185. An original joint resolution with respect to nuclear arms reductions; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DECONCINI:

S. Res. 248. Resolution expressing the sense of the Senate regarding the measures the President should take to insure the safety of U.S. Armed Forces in Lebanon; to the Committee on Foreign Relations.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 249. Resolution with respect to the memory of those Americans who lost their lives in Beirut; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ (for himself, Mr. GLENN, Mr. DECONCINI, Mr. PRYOR, Mr. JEPSEN, Mr. CHAFEE, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. BURDICK, Mr. CHILES, Mr. MOYNIHAN, Mr. DOLE, Mr. DURENBERGER, Mr. COHEN, Mr. PERCY, Mr. HOLLINGS, Mr. NUNN, Mr. HELMS, Mr. BUMPERS, Mr. BENTSEN, Mr. MATTINGLY, Mr. WILSON, Mr. ROTH, Mr. SARBANES, Mr. BRADLEY, Mr. PELL, Mr. STAFFORD, Mr. STEVENS, Mr. DODD, Mr. BOREN, and Mr. DOMENICI):

S.J. Res. 183. Joint resolution to recognize the second week of November 1983, as National Meals-on-Wheels and Congregate Meal Week; to the Committee on the Judiciary.

NATIONAL MEALS-ON-WHEELS AND CONGREGATE MEAL WEEK

Mr. HEINZ. Mr. President, I am proud to offer today, along with my distinguished colleague and ranking member of the Special Committee on Aging, Senator GLENN, and 29 other consponsors a Senate joint resolution designating the second week of November as "National Meals-on-Wheels and Congregate Meal Week."

Issues related to income, health and nutrition have become increasingly critical to the quality of life for persons over 60 years of age. Although there have been gains in recent years in the overall economic and health status of older Americans, inadequate income is still considered the most important cause of malnutrition—a condition which is considered one of the most pervasive and debilitating problems of aged in this country. Physical disabilities associated with advanced age can make shopping, cooking, and eating sufficiently difficult to cause reduced consumption of essential nutrients, and thus continues the cycle of declining health among the elderly.

Eleven years ago, in recognition of the fact that millions of older Americans were in fact going without meals every day, Congress established the national nutrition programs under the Older Americans Act. Since that time, these programs have helped to alleviate the shameful conditions of hunger, and have become an integral part of our Nation's coordinated social programs for older people. Last year over 3 million persons participated in Older Americans Act sponsored nutrition programs.

Mr. President, according to a recent study released by the administration on aging, nutrition programs have helped to ameliorate many problems faced by our older population including those of dietary inadequacy, declining health status, social isolation, and limited access to social and health services. In addition to these important benefits, these programs provide valuable opportunities for thousands of dedicated persons to volunteer their time and talents to improve the lives of our older citizens. Approximately 800,000 congregate and home-delivered meals were being served per day during 1982, and with the continued growth of Federal assistance and community support, nutrition programs will continue to serve as a primary source for meeting the health and social needs of the frail elderly.

National Meals-on-Wheels and Congregate Meal Week will give attention to nutrition programs across the country that are responding in creative ways to older individuals who are at risk and who are more dependent than their able-bodied counterparts. The work carried out by nutrition programs compliment, in a very real sense, efforts to promote alternatives to institutionalization. They supply the types of preventive services which are so critical to older persons who need a small amount of help in order to remain independent.

Mr. President, I am proud to sponsor this resolution on our national nutrition programs to promote the recognition they so richly deserve.

Mr. GLENN. Mr. President, as the ranking Democratic member of the Senate Special Committee on Aging, I am pleased to cosponsor this joint resolution to designate the second week of November as "National Meals-On-Wheels and Congregate Meal Week." The nutrition programs of the Older Americans Act provide valuable dietary and social benefits to older citizens.

Under title III-C of the Older Americans Act, grants are awarded through State and area agencies on aging to public and private sponsors for operating congregate and home-delivered meals projects for older persons. The nutrition services are designed to improve diets, foster social interaction, and facilitate the delivery of social services for the elderly. The nutrition programs have evolved from demonstration projects first funded under the Older Americans Act Amendments of 1968 to a wide network of project sponsors. In 1982, there were 13,500 congregate meal sites and about 800,000 congregate and home-delivered meals were being served daily.

An evaluation of the nutrition services for the elderly was recently released by the Administration on Aging, and the results demonstrate the widespread effectiveness of the programs. Although the nutrition services are available to all older persons, three-quarters of congregate participants are considered priority participants due to their advanced age, low income, minority status, isolation, mobility impairment, or limited English-speaking ability. Forty-one percent of congregate participants and two-thirds of home-delivered meal recipients are 75 years of age or older. Congregate participants are more likely to be single and live alone, and they especially value the social benefits of the program. Home-delivered meal recipients are older, lower income, and are in poorer health than congregate participants. These recipients also highly value the social contact provided to them by meal delivery persons.

The study showed that the programs do achieve their principal goal of enhancing dietary intake. Calcium intake, in particular, is substantially increased by participation. This finding is significant, since low calcium intake by older persons may contribute to serious medical problems such as osteoporosis.

In addition to the important dietary and social aspects of the nutrition services, nutrition sites are encouraged to provide certain supportive services if needed and not otherwise available to participants. These services include recreation, transportation, escort services, nutrition education, shopping assistance, counseling, and information and referral to outside agencies.

We must also recognize the important role that older volunteers play in providing the nutrition services. A typical meal site has one paid staff member and the remainder of staff are volunteers. About 20 percent of participants perform volunteer work such as cleaning, serving meals, assisting with recreation activities, and delivering meals to the homebound.

I am pleased to support the successful nutrition programs of the Older Americans Act and urge my colleagues to join me in designating "National

Meals-on-Wheels and Congregate Meal Week."

By Mr. HOLLINGS:

S.J. Res. 184. Joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week"; to the Committee on the Judiciary.

NATIONAL BETA CLUB WEEK

● Mr. HOLLINGS. Mr. President, today I introduce a joint resolution designating the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week." This resolution serves to recognize an organization which has dedicated itself to the promotion of leadership, honesty, achievement, and community service among high school students throughout the United States.

The National Beta Club is rapidly approaching the celebration of its 50th anniversary. On January 9, 1934, Mr. John West Harris founded the Beta club in Landrum, S.C., with 15 members on its roster. At its inception, the purpose of the Beta Club was to recognize high school students who had displayed academic achievement, personal integrity, leadership ability, and a willingness to serve one's fellow man. The motto that was adopted by that infant club was "Let us lead by serving others."

National acceptance of this laudable organization was immediate and the Beta Club expanded at a phenomenal rate. The original club was transformed into a nationwide organization now known as the National Beta Club. From its small beginnings, the National Beta Club now boasts a membership of 200,000 high school students, an alumni in numbers well over 1.5 million people and some 4,500 chapters in 36 States. However, despite its tremendous growth, the club still firmly adheres to the principles on which it was originally founded. Article II of the club's constitution succinctly states the organization's purpose:

To promote the ideals of honesty, service, and leadership among high school students of America, to reward meritorious achievement, and to encourage and assist students to continue their education after high school.

Mr. President, I am very proud of the National Beta Club, but not just because of the fact that it originated in the State of South Carolina. I take pride in the club because of its unyielding commitment to excellence. During this period of time when various commissions and task forces have repeatedly reported the weaknesses and shortcomings of our secondary education system, the need for an organization which is dedicated to promoting the pursuit of excellence by America's high school students becomes evermore apparent. The National Beta Club is instrumental in helping fulfill that need and the purpose of this resolution is to recognize its valuable contribution of positively stimulating the youth of America in the areas of education, leadership and civic duty. I urge my Senate colleagues to help commemorate the 50 years of success of the National Beta Club by supporting this measure.●

ADDITIONAL COSPONSORS

S. 555

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 1001

At the request of Mr. COHEN, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 1001, a bill to authorize appropriations for the Office of Federal Procurement Policy for an additional 5 fiscal years.

S. 1025

At the request of Mr. HATFIELD, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 1025, a bill to establish in the Federal Government a global foresight capability with respect to natural resources, the environment, and population; to establish a national population policy; to establish an interagency Council on Global Resources, Environment, and Population, and for other purposes.

S. 1159

At the request of Mr. HATFIELD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

S. 1582

At the request of Mr. GORTON, the names of the Senator from Virginia (Mr. TRIBLE), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 1582, a bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings of the congressional budget process for direct loan authority and loan guarantee authority, and for other purposes.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Illinois (Mr. DIXON), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1949

At the request of Mr. HUDDLESTON, the names of the Senator from Colorado (Mr. HART), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1949, a bill to provide emergency drought relief assistance for farmers and others.

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day."

SENATE RESOLUTION 238

At the request of Mr. HUDDLESTON, the names of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Resolution 238, a resolution to express the sense of the Senate that January 22 through January 28, 1984, should be observed as "National Meat Week."

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION ACT REAUTHORIZATION

BOSCHWITZ AMENDMENT NO. 2427

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979, and for other purposes; as follows:

At the end of the bill, add the following new section:

EFFECT ON OTHER ACTS

SEC. . Section 17 of the Export Administration Act of 1979 is amended by adding at the end thereof the following new subsection:

"(e) AGRICULTURAL ACT OF 1970.—Nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of the last sentence of section 812 of the Agricultural Act of 1970 (7 U.S.C. 612c-3).".

● Mr. BOSCHWITZ. Mr. President, I intend to offer this amendment when the Senate considers S. 979, the reauthorization of the Export Administration Act. The amendment reaffirms and clarifies the existing contract sanctity provisions for agricultural commodities which my colleague from Minnesota, Senator DURENBERGER, added to the Futures Trading Act of 1982 (H.R. 5447).

The amendment is technical in nature and should generate no controversy. It is needed because some people in the agricultural community have raised questions as to whether certain provisions in S. 979 might lead the courts to decide that the Congress had intended to supersede the contract sanctity provisions of H.R. 5447. Clearly the Congress does not want to abandon its commitment to contract sanctity for agricultural products.

This country's history of imposing agricultural embargoes makes it imperative that we defend the concept of contract sanctity to enhance our image as a reliable supplier.

Last week in the House of Representatives, Congressman STENHOLM offered a similar amendment which was adopted with broad support on a voice vote. I look forward to receiving that same type of support in the Senate. I welcome all of my colleagues who are interested in agricultural trade to join me as cosponsors of this amendment.●

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, October 24, in order to receive testimony concerning S. 1870, Credit and Debit Card Counterfeiting and Fraud Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources to consider the nomination of William P. Clark, of California, to be Secretary of the Interior.

The hearings will be held on Tuesday, November 1, and Wednesday, November 2, beginning at 8:30 a.m. in room SD-366 of the Dirksen Senate Office Building. Thursday, November 3, beginning at 8:30 a.m., will be reserved for additional witnesses, if required.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding these hearings you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

ADDITIONAL STATEMENTS

H.R. 3958—WATER RESOURCES DEVELOPMENT

● Mr. HATFIELD. Mr. President, as many Members of the Senate know, the Appropriations Committee has reported out H.R. 3958, the water resources development bill.

The measure as reported to the Senate recommends $78 million be appropriated for construction, planning, design, and engineering on 27 projects of the Corps of Engineers and Bureau of Reclamation.

Mr. President, because there is so little time left before our planned adjournment date and my desire to expedite the business of the Senate, I wanted to alert my colleagues of the possibility that I will be offering the text of H.R. 3958 as an amendment to H.R. 3959, the 1984 supplemental appropriations bill.

By proceeding in this manner, the Senate and the Committee on Appropriations could combine two bills, thus providing for a more efficient floor schedule. It would also allow the committee to consider both measures in one House-Senate conference.

Mr. President, I believe that with this approach, we can best take care of the interest of the membership, while expediting the business of the Senate.

Because of the special interest in the water resource bill, I wanted to draw my colleagues' attention to this possibility. H.R. 3958, with accompanying Senate Report 98-274, was reported to the Senate on October 19, and I ask to have the text of H.R. 3958 printed in the RECORD.

The text follows:

H.R. 3958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, for water resource development, and for other purposes, namely:

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by State, local governments, or private groups) authorized or made available for selection by law (but such studies shall not constitute a commitment of the Government to construction), to remain available until expended, $70,000,000; of which $9,300,000 shall be derived from the Inland Waterways Trust Fund; except that the Chief of Engineers is directed to proceed with planning, design, engineering, and construction of: Atchafalaya Basin Floodway System, Louisiana; Baltimore Harbor and Channel, Maryland and Virginia; Bassett Creek, Minnesota; Bodega Bay, California; Bonneville Navigation Lock, Oregon and Washington; Dade County, Florida (north of Haulover Beach—Park); Eight Mile Creek, Arkansas; Ellicott Creek, New York; Fisherman's Wharf Area, San Francisco Harbor, California; Freeport Harbor, Texas (North Jetty); Gallipolis Locks and Dam, Ohio and West Virginia; Gulfport Harbor, Mississippi; Jonesport Harbor, Maine; Kahoma Stream, Hawaii; Liberty State Park Levee and Seawall, New Jersey; Little Dell Lake, Utah; Locks and Dam 26, Illinois and Missouri (Second Lock), including environmental management along the Upper Mississippi River Basin; Merced County Streams, California; Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana; Mobile Harbor, Alabama; Moriches Inlet, New York; Norfolk Harbor, Virginia; Richmond Filtration Plant, Virginia; Sacramento River Deep Water Ship Channel, California. These projects are subject to authorizing legislation where appropriate. In the event the Ninety-eighth Congress enacts legislation specifying the requirements of local cooperation for water resources development projects under the jurisdiction of the Department of the Army, such requirements shall be applicable to projects for which funds are herein provided, notwithstanding any agreement for local cost sharing in excess of amounts specified in the relevant project authorizations. The initiation of inland waterways projects identified for planning, design, engineering, and contruction in this Act may be funded from sums available in the Inland Waterways Trust Fund, established by the Inland Waterways Revenue Act of 1978 (title II of Public Law 95-502) notwithstanding the second sentence of section 204 of such Act.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for the "Construction program", to remain available until expended, $8,000,000; of which $1,000,000 shall be available for transfers to the Upper Colorado River Basin Fund as authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d): *Provided,* That of the total appropriated, the amount for program activities which can be financed by the Reclamation Fund may be derived from that Fund: *Provided further,* That of the total appropriated, $5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C. 13), to be expended by the Bureau of Reclamation for the purpose of designing and initiating construction of the Headgate Rock Hydroelectric project, Arizona.●

PUTTING THE UNEMPLOYED ON LINE

● Mr. LAUTENBERG. Mr. President, many of the new jobs being created in our economy are in the information processing field. I think that it is important that these positions be accessible to jobseekers from all segments of our society—those entering the job market for the first time and those displaced workers seeking new employment after years of working in an older industry. An example of the kind of training program that can be successful in preparing disadvantaged and displaced workers for jobs in data processing was described in an article in the New Jersey Sunday Record. The program was a federally sponsored Comprehensive Education and Training Act (CETA) project at the Bergen Community College. I wish to share with my colleagues this report on a useful collaboration among a community college, private industry, and a Federal job-training program.

I ask that the article be printed in the RECORD.

The article follows:

[From the Sunday Record, July 17, 1983]

PUTTING THE UNEMPLOYED ON-LINE

(By David Westin and Alen F. Weatin)

In New Jersey, as everywhere else, the microcomputer is sweeping into the lives of America's middle- and upper-class children. In their homes, their schools, and even their summer camps, nimble fingers are at the keyboards, and eyes are glued to the video-display tubes. Before the 1980's are over, these youngsters will be entering the work force with practiced computer skills.

This bodes well for our Nation's progress and New Jersey's competitive position in a high-tech age. These young people will be prepared for the jobs created by automation in offices and production

But what about youth from low-income families, especially from urban, minority communities? As Sen. Frank Lautenberg and others have warned recently, not only are poor parents unable to buy personal computers for the home, but the public schools their children attend lack the funds to provide the computer labs and trained teachers to offer even basic computer skills.

As a result, even though the Bureau of Labor Statistics predicts that 1.25 million workers will be needed for computer-operator, data-entry, and technican jobs in the Eighties, youngsters from disadvantaged homes won't be ready to move into such slots.

One obvious answer is for government and industry to fund the development of computer educaiton in lower-income school districts. Unless we're willing to see class lines an racial inequities widen even further, this should become a national priority.

But what about teen-agers now entering the job market and young adults who've already been displaced as a result of automation and plant closings? Is there and way to connect them with available computer jobs?

Indeed there is, and an excellent example of what can be done took place last year in Bergen County. This was a federally sponsored Comprehensive Education and Training Act (CETA) project at Bergen Community College that trained 26 men and women to become small-computer operators. It's a model for collaboration among government, private industry, and educators

Bergen County has experienced the same economic shifts and dislocations typical of the Northeast. Major industrial employers such as Alcoa, Curtiss-Wright, Bendix, and Ford have closed plants. But because of its proximity to New York City, the county is still a desirable location for small manufacturing, wholesaling, corporate headquarters, and shopping centers.

Bergen County towns such as Saddle River and Tenafly rank among the Nation's wealthiest in per-capita income. The county also has towns such as Hackensack and Englewood with pockets of black and Hispanic poor, and Garfield and East Rutherford, with large groups of unemployed white factory workers. Unemployment and underemployment—especially among minority youth—are, therefore, significant county issues.

That was the setting in which Bergen Community College learned in the fall of 1981 that the county's federally funded CETA program was interested in receiving proposals for data-processing projects. The college had already run two CETA-funded training programs, on junior accounting and secretarial work, in collaboration with the Private Industry Council (PIC).

PIC groups had been created by the Federal Government to ensure that training programs respond to local employer needs and to help connect CETA graduates to jobs. The Bergen County PIC included executives from Public Service Electric and Gas, Philip Morris, Tennaco Chemical, and Pioneer Paper.

By September 1981, Dr. James Lepanto, associate dean of instruction, and Kenneth Pokrowski, a training-program expert working with the college, had prepared a proposal to CETA to train 30 small-computer operators in a one-year program. The goal was to prepare students for "long term, unsubsidized employment" with the "potential for development into . . . careers."

The proposal noted that microcomputer operators represented "the fastest-growing profession in New Jersey. The demand for these people outstrips supply. . . . As [microcomputer] technology develops, a continued expansion of computers is expected, especially by small business."

The program was built around a core of integrated elements:

A rigorous testing program to identify highly motivated applicants with relevant aptitudes.

Classroom instruction that mixed data-processing subjects with business and English courses to upgrade skills.

Extensive, hands-on laboratory time on the college's microcomputers.

Counseling services to assist with the psychological problems generated by new learning situations and career reorganization.

A three-month job using data-processing equipment at a nonprofit organization.

Award of state-recognized certificate from the college as a "data entry/small-computer operator" and college credits for all courses successfully completed.

A placement program in cooperation with the local PIC.

In late 1981, CETA awarded Bergen Community College a $76,000 contract for the project. News of the program was widely disseminated, including classified ads in The Record, and several hundred persons applied. After selecting those who met CETA eligibility requirements, tests were given to identify those with at least 10th-grade proficiency in reading, arithmetic, and language; manual and logic skills associated with microcomputer work; and career interests.

The 26 students selected were a mixture of the "standard disadvantaged" (unemployed young people, many from minorities) and the "newly displaced" (persons in their twenties, thirties, or above whose jobs had disappeared because of automation or cutbacks in government social-service employment).

Their ages ranged from 17 to 60. The group, half male and half female, was about 60 percent black or Hispanic.

Their backgrounds were quite diverse. For example:

Gildardo, married with children, was an ex-Army medic in his native Colombia before coming to the United States.

Flo was a widow, starting over at work after raising children and grandchildren.

Yvette and Lisa had finished high school but couldn't afford college, and the only jobs they knew were as waitresses and cashiers. They had the potential and motivation for more technical, professional jobs.

Alice, a woman in her thirties, was separated from her husband and supporting her young son. She'd obtained an associate's degree in marketing over a decade ago but had no recent work or education experience with which to reenter the job market.

Bill had been a musician-song-writer but had made his living at many different jobs, including truck driving. He wanted a career and the stability that would go with it.

José had enrolled in a college police-science program but had to drop out to support his wife and children. The CETA program looked to him like an opportunity to find a real career.

The program began in January 1982. The financial support for students was Spartan, even by CETA standards. Students would receive minimum-wage payment for only 23 hours a week plus transportation costs and child-care allowances of a few dollars a day. No one in the program, by CETA rules, could hold outside employment.

"We survived," one participant recalled, "by tightening our belts, eating with friends and family whenever possible, and keeping our eyes fixed firmly on the goal of a real job."

When even the child-care money was cut after the first semester, because of CETA fund shortages, one woman with children had to drop out of the program. But because she'd completed the academic and computer segment, she secured a job as a computer-terminal operator, something she could never have obtained without that training.

One of the most important elements of the project was the counselling provided by the program coordinators, Ken Pokrowski and Jim Ryan. They helped protect the motivation of their participants during potential crisis points. The math and science work, sometimes very technical, might have caused students to become frustrated and drop out. The counselling provided direct support and was the glue that held the group together.

For the first six months, the group studied various aspects of computer operations, all of which would serve as preparation for entry-level jobs. In the late summer and fall, training was provided in computer programing for small businesses.

Professor James Ramlall, who taught the group its first segment of microcomputer courses, recalled that the group was "hungry for knowledge, something that encouraged us as teachers."

The computer work in the labs proved to be the most exciting part of the data-processing program. Here the students first experienced microcomputers, using Radio Shack, Apple, and IBM machines.

One of the most important experiences of the program was the way that microcomputers helped meet the anxieties and educational blockages that plague many job-training programs. These students seemed to take to working on the micros the way young ducks take to water.

As one participant reminisced;

"The machines let you work at your own pace, and go over something until you get it right. Also, there's not threat and competition in working on your micro the way there can be in the classroom with all your fellow students looking at you."

Another comment was that working alone at the micros and following programing instructions or screen guides took away some of the authority problems in relating to teachers: "You don't get angry at the computer if it says, "Try again.' "

In addition to microcomputer and data-processing training, the participants studied business administration, math, and communication to provide critical skills for the modern office environment. Field trips were

made to IBM and American Cyanamid offices.

To help with the psychological barrier of getting a first job as a small-computer operator, the project arranged three-month jobs with nonprofit organizations. The students received their regular CETA stipends during this work, so they came as "freebies" to the organizations.

These jobs may well have been the most important ingredient in giving these students confidence that they could handle microcomputers in a real-world setting. Some of these internships led to permanent jobs.

One graduate worked on a new videotex database system at a CBS center in the country, another had a job working on data processing of payrolls for a computer firm, and a third did programming for a municipal government. One woman who worked for the Bergen County Jury Commission was later hired as a data clerk by CETA itself.

While involved in their work experience, the students returned for the final segment of the academic training. In December 1982, they received their certificates. The group had achieved a B average, with their highest grades in the computer courses, and five students had made the college dean's list.

By the early part of 1983, two thirds of the students were either working in computer-related jobs or had decided to stay in school (most at Bergen Community) to finish degrees in business or data processing.

College authorities and local CETA administrators are highly pleased with the experiment. Dean Roanne Angiello of the college sees the link between the college, private industry, and federal job-training programs as just what is needed "to bring people normally excluded from high technology into this field."

Dean James Lepanto was particularly impressed with the way the mircocomputer course had unlocked the talents of these students.

"Generally, federal programs have underestimated the potential of their clients," he said. "Being unemployed and in need of skills training . . . doesn't mean they have less ability to learn. These people now have advanced technology skills at their command."

The Executive Director of the county's CETA program, Robert Guadagnino, is enthusiastic about continuing the microcomputer programs. "We want to involve more corporations in the planning and development," Guadagnino said. "With the new federal [jobs program] to begin Oct. 1, 1983, and a larger jobs-training act that may be enacted by Congress, we should be able to sponsor more microcomputer training courses and connect their graduates even more directly to jobs."

This summer, Bergen County's CETA Summer Youth Employment Program, under the coordination of Thomas Klemm, is providing a six-week minicomputer-training program for disadvantaged youths. Sixty young people, aged 14 to 21, from high-poverty areas and towns not affluent enough to have computer-training programs in their schools, are enrolled in a six-week program that provides career guidance and experience with IBM and Apple systems.

"Computer literacy will be essential for students being trained for the job market," says State Sen. Matthew Feldman of Teaneck. "To insure that local job-training programs discharge their responsibilities in this area, the state will have to become more involved. Without basic computer skills, students from disadvantaged families will find it more difficult to participate in the American dream, and its our responsibility to see that this failure does not occur."

Is it possible and cost-effective to apply this program to the education of other disadvantaged and displaced persons.

For those familiar with past job-training experiments, the Bergen Community College case seems right on target. Experts have learned over the past two decades that:

Academic training alone won't work with many disadvantaged students. They also need remedial education, support services, job experience during training, placement support, and all the other elements that this program wisely built into its activities.

Private and government employers must work closely in sponsoring, helping develop, and using the graduates of these programs. This link provides critical motivation for the students.

These students must be trained for real, decently paid, available work. The microcomputer field offers such opportunities, and these students could help to shape the technology's used at the workplace.

Government and the private sector must put up admittedly scarce dollars to fund such on-target programs. Even in terms of pure dollar returns, the money spent here saves many times what would otherwise be paid out in welfare and other nonproductive costs.

Some may say that it's already to late to apply job training for students out of school or for young adults caught in the current job market shifts. The place to put our dollars, they argue, is in the elementary and secondary schools, and especially those serving disadvantaged kids.

It would be a pity if we're forced to choose between in-school and post-school education in microcomputers. We need both. But unless the kind of successful and innovative program that was mounted at Bergen Community College is made priority by county, state, and federal officials, the new microcomputer jobs of the Eighties aren't going to go to many disadvantaged and displaced workers in New Jersey or across the nation. If we allow that to happen, we will be a less equitable society.●

QUORUM CALL

Mr. QUAYLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

Mr. McCLURE. Mr. President, I move that the Senate now stand in recess until 3 p.m. today.

The motion was agreed to, and at 1:43 p.m. the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LAXALT).

The PRESIDING OFFICER. In my capacity as the Senator from the distinguished State of Nevada I do now suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McCLURE). Without objection, it is so ordered.

SENATOR NUNN MEETS THE PRESS

Mr. FORD. Mr. President, yesterday, my colleague, Senator SAM NUNN, the distinguished and highly esteemed ranking minority member of the Armed Services Committee, appeared on "NBC News' Meet the Press" to discuss the tragedy that occurred at the marine compound in Beirut. I would hope that all Senators and their staffs would take the time to read the transcript of that program or reread it if they did watch it.

The interview is far reaching in its implications, for Senator NUNN calls for U.N. forces to replace U.S. troops stationed in Lebanon. As he said early in his remarks:

We are no longer a deterrent force in Lebanon. We are targets; our marines are targets. They are much more hostages than they are a deterrent.

This is an intolerable situation, one that must be rectified. The choices are two: Increase the strength of our troops and let them defend themselves properly, thereby drawing them further into the morass that the civil war in Lebanon has become, or replace them with a neutral force that will not be a target in and of itself and that can act as a deterrent.

I ask unanimous consent that the transcript of "Meet the Press" on October 23, 1983, be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

MEET THE PRESS: SUNDAY, OCT. 23, 1983

Guests. Senator Sam Nunn, Armed Services Committee. Eric Rouleau, Chief Middle East Correspondent for Le Monde.

Panel. Bill Monroe, NBC News. Morton Kondracke, New Republic. Suzanne Garment, The Wall Street Journal. Robert Novak, The Chicago Sun-Times.

Moderator. Marvin Kalb, NBC News.

Mr. KALB. Good day from Washington, I am Marvin Kalb. A truck carrying explosives crashed into the U.S. Embassy Marine compound in Beirut, Lebanon today, killing perhaps as many as 120 Marines. Our guests today, to discuss this tragedy and its implications, are Senator Sam Nunn, ranking Democrat on the Armed Services Committee, and Eric Rouleau, for 30 years the chief Middle East correspondent for Le Monde, one of France's most prestigious publications.

(Announcements.)

Mr. KALB. In the wake of the explosion in Beirut, Lebanon this morning, that killed perhaps as many as 120 U.S. Marines and wounded many others, our guests today on Meet the Press are Senator Sam Nunn of Georgia, considered the most influential Democrat on the Armed Services Committee, and Eric Rouleau, who for 30 years has been the chief Middle East correspondent for the French newspaper, Le Monde.

Our reporters today are Morton Kondracke of The New Republic; Suzanne Garment of The Wall Street Journal; Robert Novak of The Chicago Sun-Times; and, to open the questioning, our regular panelist, Bill Monroe of NBC News.

Mr. MONROE. Senator, do you have any information on this incident that we might not have at this point?

Senator NUNN. Bill, the latest information I have is, they have confirmed about 120 Marines dead, and there are over 100, probably around 112, wounded. Some of those wounded could move into what we call the KIA category, or killed in action, in the near, or the coming hours. So that's the latest information I have.

Mr. MONROE. You originally opposed our putting these Marines into Lebanon. What is your reaction to this news?

Senator NUNN. Well, my first reaction is one of great sympathy to the families of the brave men that were killed. My second reaction is that we need to do everything possible now to protect those Marines who are still in Lebanon, because we have a unit that has been literally decimated. That unit has taken between 15 and 20 percent casualties. In Vietnam or any other war, we would consider that unit almost ineffective at this stage. So the second point I would like to make is, we've got to augment that unit and we've got to do it very rapidly, because they are in their most exposed positions now.

Mr. MONROE. What do you mean, augment the unit?

Senator NUNN. We've got to at least have some people come back to the ground from the ships. The Marines have got to have a unit that has what we call unit integrity; that means command; that means clear-cut line of authority. We don't even know now how many of the people who were in charge of the unit, the top officers, remain there, so that is the first step.

Mr. MONROE. You're not talking about adding more Marines to the overall total of about 1,600 we have there?

Senator NUNN. Well, I felt that the unit we had there was woefully inadequate for the mission they had been given; but that's not the immediate problem. The immediate problem is to at least have as capable a unit there in the next few hours as we had there before this tragedy.

Mr. MONROE. Do you feel there is any reason to believe that this kind of attack could have been anticipated and security improved so that it could not have taken place?

Senator NUNN. I have no way of judging the security. I think we'll have to get all the facts. It seems to me to be strange that that truck was able to go through that—those checkpoints; but it is my understanding that they chose the entrance that was most unlikely from the point of view of Marine planning. It is also my understanding that the entrance that they crashed through was about a hundred yards from the actual building, so it was a very exposed position.

The bottom line is, our Marines have been in an untenable military position. They remain in an untenable military position, and I think we've got to look very seriously—I think the President owes the Nation and the Marine Corps and our national security a quick, but a very thoughtful analysis of our situation there now.

I don't think we've had that in the past.

Mr. KALB. Thank you, gentlemen. We'll be back with more questions for Senator Sam Nunn and Eric Rouleau.

(Announcements.)

Mr. KALB. Our guests on Meet the Press, Senator Sam Nunn, and the French journalist, Eric Rouleau. Mr. Novak?

Mr. NOVAK. Senator Nunn, I just want to follow-up one part of the questioning of you by Mr. Monroe. You left the impression that for the future you would advocate an increase, an overall aggregate increase in the number of Marines in Lebanon. Do you think that would make their position more tenable?

Senator NUNN. I am not talking about the long term. I tried to make it very clear——

Mr. NOVAK. I am asking——

Senator NUNN. I am talking about in the next few hours, we've got a very exposed position there. We've got a unit that's been decimated. We have security forces that are—must be in disarray. We have Marines that are also under attack at the University of Beirut, I understand, which is not a comfortable situation; so I am talking about the immediate next few hours.

In the longer term, I have a totally different view. I think the President, in the long view, the President should try to get the United Nations forces. I would like to do it immediately. I would like to see the United Nations' forces, that are in the northern part of Lebanon now, move in and augment our Marines, and eventually replace those Marines. That has been my view from the very beginning.

Mr. NOVAK. So when would you like to see the Marines out of Lebanon?

Senator NUNN. Well, as soon as we can first protect them, make sure we don't suffer any more casualties. We don't want to be seen doing things in the short term that would increase their exposure; but I would like to see an augmentation by the U.N. forces and a replacement by them, hopefully in the next few weeks.

Mr. NOVAK. Mr. Rouleau, there has been a lot of speculation by administration officials in the past few hours that this atrocity, this act of terrorism, was committed by Iranian sources. Do you, with your knowledge of the Lebanese situation, think that is an accurate appraisal?

Mr. ROULEAU. You see, I don't think at this point we can judge who did it; but there are at least two organizations which have the capabilities of doing it. One of them is this Shiite pro-Iranian group; and the other one, which is, I think, a much larger organization, called The National Resistance Movement, The Lebanese National Resistance Movement, in Lebanon, and which has been active in the south of Lebanon now for a year and has killed something like 130 or 140 Israeli soldiers and wounded scores of them.

This organization, I know, took a decision around the 15th of September to organize attacks against American Marines and French soldiers, even if a ceasefire was concluded. At that time, there was no ceasefire.

And the reason why they decided to do that is that they consider the Americans and the French as not an impartial force. If you remember, when the multinational force came into Lebanon a year ago, there was a national consensus for it. All the Lebanese wanted it. Now, rightly or wrongly, the French and Americans appear as if they are part of the civil war, in favor of the government of Mr. Gemayel.

Mr. NOVAK. In your opinion, is it significant that the Italians were not attacked?

Mr. ROULEAU. I didn't expect the Italians to be attacked. I wrote an article three or four weeks ago, saying that only the Americans and the French would be attacked, for the simple reason that the Italians have remained very noncommittal, and they were neutral in this conflict, and they don't appear—again, I repeat—they are not perceived as supporting a faction in Lebanon, or Mr. Gemayel's faction.

Mr. KALB. Mrs. Garment?

Mrs. GARMENT. Senator Nunn, let me press just once more on the question of U.S. force in Lebanon. There are still many people in Washington talking about how to get the Marines out. The U.S. Government has said that it does not want to participate directly and intimately in the political talks that are to come. When we give signals like this, don't we increase the talk among the factions in Lebanon, that it is possible to scare America away?

Senator NUNN. Well, I don't know, but I believe that we must look towards our own interest. We are spread too thin all over the world. If we had a legitimate and a precise military mission in Lebanon, then certainly casualties like this should not deter us; but the President has defined our mission in Lebanon as having the Marines participate in the effort to clear Lebanon of all foreign forces. That is Mission Impossible. It has been Mission Impossible from the very beginning; so I would submit, we must look to our own security. I submit, we must protect the Marines that are there; but I think that we must find a way to replace them. We are no longer a deterrent force in Lebanon. We are targets, our Marines are targets. They are much more hostages than they are a deterrent.

Mrs. GARMENT. If after his analysis, the President nevertheless decides to ask for more troops, what is your guess about what your colleagues in the Senate would say to him?

Senator NUNN. Well, I do not know. The Senate had a long debate on the 18 months. I did not favor that because the President had never precisely defined the mission. He still has not. It seems to me that we ought to go back to the drawing boards and say, Mr. President, what are the Marines doing there and under what terms would they be withdrawn?

I have not gotten anyone in this Administration to even tell me what "success" is; that is, under what conditions we could say, the Marines have fulfilled their mission, now let's have them depart.

But I repeat, the first thing is to protect the Marines that are there. Second, I think we ought to get the United Nations' forces to replace them in an orderly way.

Mr. KALB. Mr. Kondracke?

Mr. KONDRACKE. Senator Nunn, in 1958, President Eisenhower sent 10,000 Marines into Lebanon, and accomplished the purpose for which they were there. Why is not a similar show of force appropriate in this day and age?

Senator NUNN. Well, Congressman Gibbons, in the House debate, I believe it was Congressman Gibbons said, that we have too few Marines there to fight and too many to die. I think that's exactly where we are now; so if the President does not choose

to go the U.N. route, which I suggest, it seems to me he's got two choices. One choice is to pull most Marines out, put them on the ships, leave a very small, symbolic force there that would admittedly be exposed. Second choice is precisely what you indicate, is to greatly beef-up the force, to increase the perimeter, that is, the overall security of the force, by increasing the protected area, and that would require probably five to 10,000 Marines.

As far as going in with 20,000 troops right now, I think you'd have to, first of all, have to identify who they were going to fight, and I think it would be very difficult to do that under the present conditions. Finding the enemy, identifying the enemy, knowing which faction to take on, it seems to me would be a military planner's absolute nightmare; so I would be opposed to that.

Mr. KONDRACKE. Well, the President has said on various occasions that the purpose of having the Marines there is to prevent the Syrians from taking over—the Syrians, as he says, backed by the Soviets—from taking over the country. Now, is the—is that a correct assessment of the situation and is it worth the use of American power to accomplish that end?

Senator NUNN. Well, I don't know if that is what the President has in mind. That was not the goal that he had in mind when he came to the Senate and asked for our 18-month extension. He said the goal there was not just to clear the Syrians out, but all foreign forces in Lebanon, including the Israelis, the PLO, everyone. Now, that is the goal we are not operating under. If the President simply wanted to clear the Syrians out, it seems to me we are on a strange kind of negotiating pattern, because as I read it we are basing a lot of our negotiations on the assumption that we are going to convince the Syrians to pull out voluntarily; but the strange thing that's going on while we are doing that, and we have that assumption, which I find questionable, by the way, the President it seems to me about every three days blasts the Syrians with some new indictment. That does not seem to me to be consistent with the assumption that they are going to cooperate.

Mr. KALB. Mr. Rouleau, Senator Nunn mentioned a couple of minutes ago that the U.S. mission at this point can almost be described as Mission Impossible. From your own experience in Lebanon, do you think that mission is impossible or is it a valid one? Should we be there?

Mr. ROULEAU. First I think one should remind—we should remind ourselves what the mission is about. When this multi-national force went there, it wasn't to throw out any foreign forces out of Lebanon or to take part in the civil war. It was just for peacekeeping in the Beirut area and protect the civilian population. That was all. Now we are taliking——

Mr. KALB. That, you think, was a valid effort?

Mr. ROULEAU. It was a valid effort because mainly all the Lebanese were for it. I think we should work on those lines. If there's a consensus for multi-national forces, it's a protection for our forces. But if at one point, as it is the case today, a majority of the Lebanese perceive us as a foreign intervention force, trying to support one faction against all the other factions, I think it's a very dangerous thing to do; and anyway, it's outside the mandate.

Mr. KALB. How do you know it's a majority?

Mr. ROULEAU. Legally speaking.

Mr. KALB. How do you know it's a majority?

Mr. ROULEAU. Well, the majority is because the Gemayel group, faction, which is in power, is openly contested by all the other factions, whether they are Moslem or some Christian factions. Maronite factions are against Gemayel, like former President Franjieh, Raymond Edde. There are Druse; there are Shiites. And so it is easy to, I think, to conclude that there's a majority of Lebanese who would like to settle their affairs amongst themselves, and we appear as if we are interfering in their affairs.

Mr. KALB. Mr. Monroe?

Mr. MONROE. Senator, did I understand you to say a little while ago that you had a report that Marines were under attack or are under attack this morning at the University of Beirut?

Senator NUNN. Yes, that was my information, but the information is very sketchy and that's about all I know about it.

Mr. MONROE. What kind of attack?

Senator NUNN. I can't give you many more details than that; certainly not the kind of massive, explosive situation we had develop near the airport, but certainly sniper fire and I understand small arms fire.

Mr. MONROE. You've talked about withdrawing Marines, Senator. What about the factor that this attack makes it harder to withdraw because if we withdraw the Marines in the immediate future it would appear that we were giving in to a terrorist attack?

Senator NUNN. Well, first of all, I'm not saying we ought to immediately withdraw. Immediately we need to shore-up what we've got there now and protect our people. Second, we need to have a phased withdrawal with the United Nations taking our place. So you are correct, if we simply put the Marines on the ships and pull out, I think it would be very bad; but this has been a disaster waiting to happen. It was apparent when the ceasefire was declared that that was the time for the President to redefine our mission. The President has not redefined that mission. It is still very, very broad and, in my view, unless you define that mission to be one of having the Marines there until the U.N. can take over, or until the Lebanese army can take over, then you have defined an open-ended mission.

Mr. MONROE. Mr. Rouleau, you said that you wrote an article a few weeks ago that a specific organization in Lebanon was planning this kind of attack on the French troops and on the American troops, which has not taken place. What kind of organization? Who are these people?

Mr. ROULEAU. They are a very mysterious organization. I don't think they ever held a press conference or ever met—no official representative ever met the press—but I get their handouts in Paris and I—around the 15th or 20th of September, I met, maybe not a representative, a formal representative, but somebody very close to them; and this man told me that they had taken a decision around the 15th of September, a political decision, to attack the Americans and the French, to get out all the multinational forces and get us—I am very happy to hear the Senator say that because I think it's quite a widespread view in Lebanon among the Lebanese, they would like to have United Nations' forces, because at least they have a feeling they are neutral forces. They are not going to interfere in the internal, domestic affairs, and—to answer a question—the decision was taken around the 15th of September to attack and I expected attacks; but I must confess, I didn't expect such a murderous, such a tragic bomb attack as this one. I thought they were going to snipe and kill Americans and French soldiers.

Mr. KALB. Mr. Novak?

Mr. NOVAK. Mr. Rouleau, from your experience as a journalist, do you think the perception that you describe, of the Lebanese, that the Americans and the French are not evenhanded, that they have been tilting to one side, is a correct and accurate perception?

Mr. ROULEAU. Well, I think it's—the American government is on record. I mean, the American government considers Mr. Gemayel as the legitimate government of Lebanon, not the legal. There's a big difference between the two. I mean, there's legal and there's legitimacy. You see, in a civil war, it's very difficult to speak of legitimacy because, by definition, a civil war, you have groups warring each other and the legitimacy of a government is being contested. So by the fact of saying Gemayel is legitimate is already taking sides, number one.

Number two, in action the American government has been supplying an awful lot of armaments to the Lebanese army, training the Lebanese army, which is perceived again, I don't think wrongly, by the Moslem factions as a Christian Phalangist army. It's not a neutral army. It's the army of Mr. Gemayel; and therefore I think, at least for the Americans, on the American side, I think the American government is taking sides.

Mr. NOVAK. Senator Nunn, two of your colleagues, Senator Hatch and Senator Zorinsky, several weeks ago came back from Syria with a report which they submitted to the White House, to the effect that Syria would cooperate with a multi-national force that apparently did not contain the United States. Do you think that's an accurate assessment and that we should be moving on that grounds in an agreement with Syria in Lebanon?

Senator NUNN. I really—I really don't believe I can make a judgment on that. I have not talked to the Senators in depth. I've had only passing conversations with them on that subject. I did read the articles about it. I'm not in a position to make a judgment on it.

I do believe, however, that as long as we have U.S. Marines sitting there, that they are in effect hostages, not only to the Syrians, but of many other factions in Lebanon. Our bargaining position vis-a-vis Syria is much weaker than it would be if we were off-shore.

Mr. KALB. Mrs. Garment?

Mrs. GARMENT. Mr. Rouleau, did you learn anything about the connections of this group, who they know?

Mr. ROULEAU. You mean The National Resistance Lebanese group?

Mrs. GARMENT. Who aids them?

Mr. ROULEAU. Yes. I mean, I know it's multi-confessional group. There are people from all religions there—Moslems, there are Christians, Greek Orthodox Catholics, Maronites. It's a nationalist, leftist oriented group which I think Communists are playing an important role in that group. It is very well-knitted, very well-organized, and as I mentioned before, they have killed many Israelis successfully, in the sense that they were successful in that operation; and I think it was one of the reasons why Mr. Begin withdrew the troops behind the Awalli. He could not face them. They are well-organized. They are very secret.

So, I think they—unfortunately we are going to hear more of them in the future.

Mrs. GARMENT. When you say "Communists," did you learn anything more specific about which variety of——

Mr. ROULEAU. I think members of the Communist Party in Lebanon are in it, in the leadership. I don't know how important they are; but I know at least one who's connected with the organization.

Mr. KONDRACKE. Well, when you mention the word "Communist," one naturally thinks of the Soviet Union. Is the Soviet—let me ask this, both about the immediate organization and about the geopolitical situation—if the United States really does pull out, do we leave the region open for Soviet influence to increase?

Mr. ROULEAU. No; I don't think this is a possibility, either for the French or the American Government. I think the French government has exactly the view of the Senator, that this is too big a job for us. The civil war in Lebanon is terrible. I mean, nobody has ever entered Lebanon and gone out successfully.

No; I think the only way out—I think the Senator is absolutely right on this—is to organize a significant force from the United Nations to replace the French, the Americans, and the British, and the Italians, and make sure that peacekeeping would be the job of the United Nations, not of our particular——

Mr. KONDRACKE. Except that whenever in the Middle East the U.N. has been required to do a peacekeeping mission, basically they have been a sieve. They have allowed whatever terrorist were in the vicinity to go right through and occupy whatever territory they occupied. What evidence do you have that the U.N. could do the job this time?

Mr. ROULEAU. Well, I think the question can be discussed, examined, and maybe the numbers would be more important; but you see, what is more important in all this, you see, you are alluding to the fact that the United Nations troops in the south of Lebanon left the Palestinian Fedayeen to go into the region——

Mr. KONDRACKE. Exactly.

Mr. Rouleau. But that was a very particular situation. There was this Fedayeen-Israeli confrontation. Today we are facing another situation. We are facing a situation where most Lebanese, I would say practically all Lebanese, would like to see peace and order in their own country; and they want to look to people in whom they can feel confident. And you can only feel confident, if you are Lebanese, when you are facing a United Nations force. You know they have no axe to grind. They have no imperial objectives or whatever. I think it will have a much bigger chance to succeed this time than in the times you are referring to.

Mr. KALB. We've got about two minutes to go. Mr. Monroe?

Mr. MONROE. Senator, as you know, the Marines in the Beirut areas have been subjected in recent days to sniper attack and in a remarkably brutal aspect of this present situation the rescue is around those ruins being smiped at. Do you have any formula for protection of the Marines from sniping? Is there anything the Marines ought to be doing about this, some inhibition on them now removed?

Senator NUNN. Well, if you wanted to protect them, you have to have a much broader perimeter. You cannot put them in the low ground where they are, re, around the airport, and expect them to be protected. Even the huge amount of fire power we have off the shore will not deter those kind of attacks, because we're not going to blow-up Beirut if we get three Marines killed with sniper fire. We can't have that kind of massive retaliation against innocent people. We don't have a way to protect them where they are now. They are in an untenable military situation.

Mr. KALB. Mr. Novak?

Mr. MONROE. Should we expand that perimeter?

Senator NUNN. I'd think that would be unwise. If the President will not go towards the United Nations, then that may be the only choice; but I think it is an unwise choice.

Mr. KALB. Mr. Novak, please?

Mr. NOVAK. Senator Nunn, the burden of Mr. Rouleau's remarks is that there is a perception in Lebanon that we, our forces, have not been objective. Do you think that the U.S. Marine forces, under the direction of our government, went wrong in siding toward the Gemayel government, instead of being a neutral force?

Senator NUNN. It's a close question because, to the extent that we returned fire, we were protecting our own people. You have to protect your own people and I think the French did the same thing; but I believe the unfortunate perception is, we were siding with the government. I believe that's an erroneous perception, but I think it is the perception.

Mr. KALB. Mrs. Garment?

Mrs. GARMENT. Senator, do you think that it's in the U.S. interest to stop favoring the government against its enemies?

Senator NUNN. Well, that assumes that I think we already have started favoring the government against its enemies. I don't go that far. I think we've tried to be a peacekeeping force; but the problem is, a super power, by its very nature, has great difficulty being perceived as totally impartial.

Mr. KALB. Thank you very much, Senator Nunn and Mr. Eric Rouleau, for being with us today on Meet the Press. I'll be back in a minute with a word about next week's guest.

(Announcements.)

Mr. KALB. Next Sunday on MEET THE PRESS, our guest will be the U.S. Ambassador to the U.N., Jeane Kirkpatrick.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HECHT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, as I indicated earlier, in a moment we will adopt a resolution.

SENATE RESOLUTION 249—A RESOLUTION WITH RESPECT TO THE MEMORY OF THOSE AMERICANS WHO LOST THEIR LIVES IN BEIRUT

Mr. BAKER. Mr. President, I send to the desk a resolution for myself and the distinguished minority leader, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 249) with respect to the memory of those Americans who lost their lives in Beirut.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution? Without objection, the Senate will proceed to its consideration.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 249) together with its preamble was agreed to as follows:

S. RES. 249

Whereas, on October 23, 1983, the United States and French components of the Multinational Force in Lebanon were the targets of brutal and cowardly terrorist attacks;

Whereas, as a result of the attacks at least 186 United States Marines and 26 French Paratroops were killed and scores more were wounded, now therefore be it

Resolved, That, when the Senate recesses at the close of business today, it do so in respect to the memory of those Americans who lost their lives in Beirut.

Mr. BAKER. I thank the Chair.

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD be held open until 5 p.m. today for the purpose of inserting statements in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 9 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess pursuant to the provisions of Senate Resolution 249 until the hour of 9 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business following that time until the hour of 9:30 a.m. in which Senators may speak for 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

CONSIDERATION OF H.R. 3103 ON TOMORROW

Mr. BAKER. Mr. President, at 9:30 a.m. it is the intention of the leadership on this side to turn to the consideration of the so-called highway bill, which is, I believe, H.R. 3103, Surface Transportation Technical Corrections Act of 1983.

It is my hope that matter can be completed before the Senate recesses at 12 noon tomorrow. Tomorrow is Tuesday, and at that time a recess will be required for caucuses on both sides of the aisle.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TOMORROW

Mr. BAKER. I further ask unanimous consent, Mr. President, that the Senate recess at the hour of 12 noon until 2 p.m. in order to accommodate for the need of caucuses of both parties separately and away from the Senate Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, on tomorrow it is the hope of the leadership that both the highway bill and the crime package can be disposed of. That may be an ambitious hope, but that is the hope of the leadership on this side.

CONSIDERATION OF SUPPLEMENTAL APPROPRIATIONS

Mr. BAKER. It is also the hope of the leadership on this side that we can turn to the supplemental appropriations by tomorrow or at least agree to.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, in accordance with the provisions of Senate Resolution 249, I move the Senate stand in recess until the hour of 9 a.m. tomorrow.

The motion was agreed to; and at 3:12 p.m. the Senate, pursuant to Senate Resolution 249 with respect to the memory of those Americans who lost their lives in Beirut, recessed until Tuesday, October 25, 1983, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 24, 1983:

DEPARTMENT OF STATE

W. Tapley Bennett, Jr., of Georgia, a career member of the Senior Foreign Service, class of Career Minister, to be an Assistant Secretary of State, vice Powell Allen Moore, resigned.

THE JUDICIARY

Thomas G. Hull, of Tennessee, to be U.S. district judge for the eastern district of Tennessee, vice Frank W. Wilson, deceased.

HOUSE OF REPRESENTATIVES—*October 24, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God as we gather this day, our thoughts are numbed by the violence of the killings in Lebanon. The prayers of this assembly and the prayers of every person of good will are with those who mourn their deaths. We earnestly pray that the comfort of Your presence and the promise of eternal life will give strength to those whose joy has turned to mourning. We acknowledge, O God, the background of conflict that is a part of our world, and yet we know Your purpose is for peace and concord among all people. Let us, each one, rededicate ourselves to use our abilities in ways that alleviate suffering, that comfort the sorrowful, and give the hope of a more peaceful and just World. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 730. An act for the relief of Ronald Goldstock and Augustus M. Statham;

H.R. 732. An act for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond; and

H.R. 745. An act for the relief of Stephen C. Ruks.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 489. An act for the relief of James A. Ferguson;

S. 1212. An act for the relief of 16 employees of the Charleston Naval Shipyard;

S.J. Res. 175. Joint resolution to prohibit the Department of the Navy or any Federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances; and

S.J. Res. 180. Joint resolution to designate the week of Ocotober 23, 1983, through October 29, 1983, as "American Energy Awareness Week."

WHY IS THIS SACRIFICE JUSTIFIED?

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, yesterday's brutal and deep tragedy at the marine compound in Beirut forces us to ask again: For what purpose have our marines become entrapped in this so-called peacekeeping mission?

The President has yet to tell the Congress and the American people, for what purpose have these valiant men given their lives? In the wake of yesterday's massacre, another 400 marines are being sent to Lebanon. I ask, why?

It seems to me our initial objectives have changed from assisting the exodus of Palestinian troops to supporting the Lebanese Central Government in a part of the globe that is a touchpoint for world war. Almost 200 lives have been lost. Countless marines have been injured. Stationed marines are seriously endangered. Now more marines are on their way.

It is time the President told us why this sacrifice is justified. Otherwise let us bring our troops home.

IT IS NOT A PEACE-KEEPING MISSION

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, as I stated publicly on August 29, it makes sense to put the marines in Beirut back on the ships. If they are needed to protect our American Embassy, they could be brought back quickly.

What concerns me is that the President is still calling this a peace-keeping mission and it is not.

The President has got to come up with better reasons why our marines should continue to be exposed to the dangers in Lebanon.

U.S. MARINES IN LEBANON

(Mr. MAVROULES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, yesterday in Beirut, a tragedy occurred which today fills all Americans with grief and concern for our U.S. marines in Lebanon.

Our thoughts and prayers must truly be with the families of those young men who made the ultimate sacrifice for this country, and for peace in the Middle East. It is impossible to look at the American flag flying at half mast over this Capitol and not know the grief that is in America's heart.

While this must be a day of reviewing, reconsidering, and redefining our policies for Lebanon and elsewhere in the region, it must also be a day of bipartisanship and statesmanship in this Congress.

Our responsibility is to insure that marines remaining in Lebanon are in secure areas and protected. Beyond that, our job is to get the facts.

To those who perpetrated this deed, they should know that all Americans will stand with the President and with the U.S. marines; resolved and determined to bring hope and peace to the Middle East. As those at the White House said this morning: "We will not yield to international terrorism because if we do, the civilized world will suffer and our values will be fair game for those who seek to destroy what we stand for."

BUT WHAT ABOUT THE TEST OF COMMONSENSE?

(Mr. SAM B. HALL, JR., asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM B. HALL, JR. Mr. Speaker, our marines have been placed in an untenable situation, and I think it is criminal. I voted against the 18 months extension of the Marine peacekeeping force in Lebanon for exactly this reason. Apparently our Government leaders have learned nothing from Vietnam. It is axiomatic that when you commit American fighting men to a combat zone, you have officially recognized that a war is going on, and when a war is in progress, you take the necessary military steps to bring it to a quick and decisive conclusion. Our marines are nothing more than sitting ducks in Lebanon, and if the administration cannot find the political courage to have them assume a more aggressive role to defend themselves, then the administration ought to order them home.

Many have said that if we pull the marines out of Lebanon we will have flunked the test of will. As was said by Tom Braden on September 29:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Agreed, will is often a virtue. Just as often it is plain silly. The "Charge of the Light Brigade" was a marvelous demonstration of how to pass the test of will but what about the test of commonsense?

MARINES SUFFER IN CLEVELAND AND BEIRUT

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, as the American people focus on the outrageous tragedy in Beirut against our American Marines, another outrage was being perpetrated against a Vietnam-veteran Marine at the local Cleveland Veterans Hospital. On Monday of this past week, my constituent, William Waite, an ex-marine who served in Vietnam, was admitted to the veterans hospital for surgery. After he laid drugged on a table outside the operating room, having already been prepared and given morphine, the doctors told him that they were through for the day. My constituent was sent home in a taxi, in a bathrobe and shower sandals while still under the influence of drugs. When the administrative surgical coordinator for the hospital was asked what happened he said, and I quote:

I don't think he was wronged; he was a victim of circumstances.

That's the system. If he doesn't like the service maybe he can get it on the outside.

Mr. Speaker, we do not need any more marine victims, whether of bombs or circumstances. This situation is intolerable and reflects the attitude that service veterans somehow are being done a favor by the Veterans' Administration.

I am demanding this administrator's immediate resignation and a complex explanation to the House Committee on Veterans' Affairs.

We cannot stand idly by while those who have sacrificed are treated so callously.

As the events of yesterday in Lebanon have shown, Marines in Lebanon endure the pain of poorly conceived and insufficiently defined foreign policy. Now it appears that for another marine the pain never ends.

□ 1210

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *October, 21, 1983.*
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 2:34 p.m. on Friday, October 21, 1983, the following message from the Secretary of the Senate: That the Senate agree to the Conference Report to H.R. 3929.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Friday, October 21, 1983:

H.R. 1213. An act to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes; and

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition.

A. PAUL KITCHIN

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, the people of North Carolina join today in mourning the loss of Alvin Paul Kitchen, a native of Halifax County, N.C., a distinguished Member of the House of Representatives during the 85th, 86th, and 87th Congresses, who died Saturday at the age of 75.

His distinguished representation of the citizens of North Carolina's Eighth Congressional District was the latest milestone in a family tradition of public service. Since 1879 four members of the Kitchen family have served in this body, including Paul Kitchen's uncle, Claude Kitchen, who was majority leader in the 64th and 65th Congresses.

This tradition of service has left an indelible mark in this Chamber, and is worthy of the greatest respect and honor. I ask my colleagues to join me in reflecting on the gifts of wisdom and foresight A. Paul Kitchin bequeathed to us, and in expressing sincere condolences to his family during this difficult time.

LET THE MARINES BE MARINES

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, yesterday was a day that shall live long in our memories and for those families who lost a son, a day they will never forget.

Now our task is to search for the right thing to do. But until that course is set, I have asked the President, in a telegram, to issue immediate orders to our forces in Lebanon to use the full force of protective measures in insure their safety.

I believe for this new day in Lebanon we should let the Marines be marines.

The telegram follows:

DEAR MR. PRESIDENT: As a Congressman from Maryland with 73 of its sons located in Lebanon as peacekeepers, I am shocked at the recent bloodshed directed at our marines.

As a strong supporter of H.J. Res. 364, a compromise worked out by you and our House Democratic leadership to maintain the balance of peace and freedom in Lebanon. I respectfully request and urge you to issue immediate orders to our forces to use the full force of protective measures to insure their safety.

We must intensify our efforts toward peace. Leaving no room in the minds and hearts of those who would twist the troubled situation in Lebanon into a double-edged sword which would cut through the fabric of justice and freedom in the world.

We must fulfill our mission but, at the same time, we must not allow our marines to be only soldiers who perish . . . they must also be soldiers who use their strength.

Regards,

Congressman ROY DYSON,
Maryland.

GOAL OF UNITED STATES IN LEBANON MUST BE DEFINED

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, the terrorist bombing of our marine barracks in Lebanon is one more example of the wanton disregard for human life shown by the radical few, who will stop at nothing, to impose their rule on the many. The entire Nation shares in the grief felt by the families and loved ones of the dead and injured.

We must spare no effort to identify and deal with those responsible for this murderous act.

At the same time, we must seriously ask ourselves whether there is sufficient peace in Lebanon for us to act as peacekeepers.

If there is a fundamental national security goal for the United States in Lebanon, we must define it precisely and our marines must be given the wherewithal to enforce and defend it.

In the absence of such a clearly defined goal and the means of implementing it, it is impossible to justify keeping our soldiers in a no-win situation in a country ripped apart by civil war with extremists on all sides.

We must come to grips with this problem, and as we do, it is imperative that our marines immediately be moved to a safer and more defensible position.

Just as important, we must open new avenues for an international solution—with international participation—and that means we can no longer ignore, in a cavalier manner, key players such as President al-Assad of Syria as we try to develop a political—not just mili-

tary—solution to this crisis in the Mideast.

PRESIDENT MUST DEFINE NATIONAL OBJECTIVES IN LEBANON

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I join all Americans in extending my sympathy to the families of the American and French men who died in Lebanon.

The bombing of the Marine barracks in Beirut is an appalling act which clearly has very serious implications for our policy there and for the continued presence of the peace-keeping force.

In the aftermath of this death and destruction we must pull together in this country despite many differences of opinion over what the United States is doing or not doing in that part of the world.

If the United States and the other members of the peace-keeping mission—France, Italy, and England—along with the Lebanese Government, at whose request we are all there, cannot protect our troops, then we must seriously reconsider our presence there. However, I do not believe that the United States should withdraw from Lebanon unilaterally. I think that would be a disaster for the United States and unfair to the other countries who are participating in the peace-keeping force. To withdraw unilaterally would be to cave in to terrorism and blackmail. The United States cannot do that. We must enter into urgent and full consultation with other countries in the peace-keeping force and with the Government of Lebanon on what cooperative measures and actions should and are to be taken to protect the lives of the peace-keeping forces.

In addition, the President must immediately and clearly define our national objectives in Lebanon for the American people and the Congress. In immediate and full consultation with the Congress, he must tell us generally what he and his advisers have agreed upon and what action is proposed within clearly expressed and defined national objectives.

SOMEONE HAS TO ANSWER

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, the tragedy in Beirut, of course, has first caused us a great deal of grief and sadness. However, today my grief and sadness is turning to anger and a demand for explanations.

First of all, a demand to the answer to the question as to why we are there. What is our role? Yesterday after this incident, Weinberger said perhaps we ought to consider taking our marines and putting them out on ships and floating them around the Mediterranean for another year. What kind of a role is that for our marines to play? Why not leave them in Camp Lejeune and airlift them over in 2 or 3 hours, if we have to do that?

Second, my grief and sadness is turning to anger, anger at the excuse making. Weinberger yesterday again said that you cannot stop these kinds of things because it is like a kamikazi plane attack on a carrier. How ridiculous to make that kind of analogy. It is not so.

I am sick and tired of our American troops being put in this kind of situation and someone in the chain of command not being made to answer for the loss of their lives.

We seem to be able to spend billions for Star Wars kinds of equipment for the military, lasers and everything else, but we cannot even spend a few thousand dollars to protect our troops when we ask them to put their lives on the line.

Some one has to answer for this.

WE NEED A BETTER REASON BEFORE MORE MARINES DIE

(Mr. EVANS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Illinois. Mr. Speaker, as a former marine I rise to honor the dead and wounded heroes of the Beirut massacre and to extend my sympathy to their families and loved ones.

But I also rise to express my outrage that the marines were put in this defenseless position in the first place. Marines have always prided themselves on being the first to fight for right and freedom, but in Lebanon, they seem to be acting more like sitting ducks than fighting marines. And it is hard to tell just what right or freedom they have died to protect.

We should have had some real national security reason before this Congress authorized their commitment in that country and because now 161 marines have died senselessly, that is not a reason, in and of itself, for even more lives to be jeopardized.

Mr. President and Mr. Speaker, we need a better reason than that before more Americans die in Lebanon.

TEARS AND PRAYERS ARE NOT ADEQUATE

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I have three brief points I would like to make.

The first is I join with all Americans in expressing our sympathy to the families of those marines and sailors who lost their lives in Beirut yesterday.

The second point is to make it perfectly clear to the President that either we give our marines an achievable mission for which they are trained or we get them out. One or the other.

The original role of the marines was to provide buffer to assure the safe evacuation of the PLO from Beirut. That mission was successfully completed over a year ago. Now we are told their role is to keep the peace. But there is no peace to keep. What is their mission? Who are the enemy we will be shooting at? Give the marines an achievable mission other than being targets.

And the third point: Tears, flags at half mast, and prayers are not adequate. If we can identify the parties responsible for this attack on our forces, whether they are in or out of Lebanon, then we must extract a blood price of retribution.

□ 1220

UNITED NATIONS SHOULD TAKE STRONG AND ACTIVE ROLE IN SEEKING PEACE IN LEBANON

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, as I extend my heartfelt sympathy to the families of the marines who died this weekend, I must express my deep sorrow and outrage over what can only be called a mass murder. The deaths of nearly 200 American marines occurred not in battle, but during cease-fire. Our young men were in Lebanon not as combatants, but as peacekeepers.

This atrocity is a tragedy even beyond the loss of American lives. The American people seek peace. It is a sad commentary on our world that this should make us targets for those who seek destruction.

A few short days ago I voted for the bipartisan compromise to leave American marine peace-keeping forces in Lebanon for another 18 months. I believed then, and still believe, a peacekeeping force in Lebanon is in our national interest and in the interest of a peaceful world. However, I now believe the United States should not shoulder the burden alone.

It is time for United Nations to take a strong and active role in seeking peace in Lebanon. If the United Nations is to be truly viable, its members must be willing to put their countries on the line for peace. If there are

member nations, or any nation, who still believe our aims in Lebanon are self-serving, let them vote to commit United Nations troops to the thankless and dangerous task of preserving peace in Lebanon.

In the wake of the murder of these young men, for whom we all mourn, human nature calls out for retaliation. Let the retribution come in the form of the assumption of responsibility on the part of the world community. Today is the 38th anniversary of the signing of the Charter creating the United Nations. If that Charter is ever to mean anything beyond creation of a plush forum from which to criticize * * * now is the time for United Nations to come of age.

STRATEGY FOR PEACE IN LEBANON

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, this is a day I have been fearing, and many of us have been fearing.

As a mother of an 18-year-old son, I feel the pangs of loss suffered by those who know their sons are dead and the pangs of dread felt by those who wait to hear.

On September 28, when I opposed the 18-month blank check and supported the war powers alternative, I stated that no one objects to a peacekeeping force. But, Mr. Speaker, you cannot have a peace-keeping force when there is no peace.

I ask the President to remove the marines from their vulnerable position as targets for terrorists. While they are safe, we can discuss our strategy for peace. I ask this Congress—and I am calling for a caucus for that purpose—to reassess its position and take back the responsibility it has under the Constitution to implement the War Powers Act and get Congress to decide in equal partnership with this administration on the course of these young lives.

The stakes are too high to do otherwise.

ARMED SERVICES COMMITTEE HEARINGS CALLED FOR ON LEBANON

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, the murderous bombing of U.S. Marine headquarters in Beirut yesterday angers and saddens us all, but it should come as no surprise. As surely as political instability is a way of life in Lebanon, terrorist attacks are a familiar way of death. Car bombs in particular have long been a favorite tactic of terrorists against well-defended military and civilian installations.

That this attack should have occurred, despite known threats, barely 6 months after the bombing of our Embassy is inexcusable. Apart from any foreign policy considerations, yesterday's tragedy raises serious questions about basic military preparedness.

As a member of the Armed Services Committee, I have today asked Chairman PRICE to convene hearings at an early date to discuss these urgent matters. My aim is to make sure that American forces in Lebanon and around the world are able to do their jobs effectively.

IT IS NOT TOO LATE FOR THE UNITED STATES TO DO THE RIGHT THING IN LEBANON

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, how many times do you have to give this speech for anybody to hear you? Lord Birkinhead said it 40 years ago in the House of Parliament in England. He said:

> How much better in life and how much more paying it is to be blameless rather than brilliant.

The House of Representatives is neither brilliant nor blameless today. We had our chance. When the marines were sent, we said nothing. When the violence first started, we cried out, but we did nothing. Then we had a chance 3 or 4 weeks ago to make a choice—a blanket extension, or bring the boys home, or have the President come talk. We hid underneath a blanket. Shame on us.

It is not just the President. It is us. We had our shot and did nothing. Now we have got a chance again. Oh, it is too late for a lot of them. It is too late for a lot of them, but it is not too late for us to do the right thing. We are not saving face in Lebanon. We are killing our boys.

BLIND ADHERENCE IN PURSUIT OF UNATTAINABLE GOALS IS NOT COURAGEOUS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, we mourn the horrifying murder and maiming of hundreds of our courageous marines in Beirut. How many more American troops must be sacrificed in pursuit of a policy in Lebanon that can fairly be described as senseless symbolism?

I appeal to President Reagan to realize that blind adherence in pursuit of unattainable goals is not courageous. It is unfair and indefensible to commit American troops to hostilities in proclaimed support of foreign policy goals unless our Government and the American people are prepared to fight for those goals.

There is a basic choice to be made at this time for American policy toward Lebanon. Either we define an attainable military mission for our marines and allow them the freedom to use force to achieve it or else we recall the marines sent to Lebanon.

Personally, I do not believe there are any security or military goals that we can attain in Lebanon without an unacceptable loss of American lives. Our troops do not know who to fight to quell the violence in Lebanon, even if they were free to do so. Therefore, it makes sense to end the assignment of U.S. Marines to Lebanon in favor of securing other nations' involvement with the multilateral peace-keeping force.

AMERICAN PEOPLE ENTITLED TO KNOW OUR GOVERNMENT'S POLICY AND GOALS IN LEBANON

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, along with the President and other Members of this body, I deplore the act of terrorism and extend my prayers and sympathies to the victims and their families.

After extensive debate in the House, we still do not know exactly our Government's policy in Lebanon, nor do we know the extent or goals of our military commitment in the region.

The President clearly owes to the American people answers to these questions.

In the wake of yesterday's tragedy, we should take at least two immediate steps: First, we should spell out the explicit goals and activities of the marines while they are in Lebanon and to take maximum steps to insure their safety while they are on assignment there. Second, we should negotiate to replace our troops with U.N. peacekeeping forces.

Yesterday's tragedy should make it very clear that U.S. Marines are sitting ducks in Beirut, not only because of the dangerous military situation there, but because the United States is a major political force in the ongoing negotiations in that region. While we cannot bow to terrorist pressure, it is clear our forces will continue to be the targets of terrorism, for the terrorists themselves realize that they can influence U.S. policy and public opinion in that manner.

I call upon the President to take this matter directly to the U.N. Security Council and urgently request that

U.N. security forces replace U.S. troops in that region.

IMMEDIATE WITHDRAWAL WOULD SEND WRONG SIGNAL

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUBBARD. Mr. Speaker, I, too, extend my sympathy to the families of the American marines and French troops who tragically died yesterday in Beirut.

Congress voted less than a month ago to authorize President Reagan to keep 1,600 marines in Lebanon another 18 months. The vote in the House was 253-156 and in the Senate 54-46. I was one of the 156 House members who voted "no" regarding keeping our marines in Lebanon another 18 months.

However, on this October 24, we are in Lebanon.

The President and the Congress must begin this week a top-level review of exactly what our role in Lebanon is supposed to be. We need to investigate the unbelievable breakdown in security that allowed such a bloody attack on sleeping marines in Lebanon.

As one who has served in the Air Force and Army, I must say that surely we will not immediately withdraw from Lebanon under the fires of emotion, signaling to the World that the United States will yield quickly to international terrorism anytime, anywhere. Immediate withdrawal would be the wrong signal to our enemies.

Our goal must be the earliest possible withdrawal of all foreign military forces so that the future of Lebanon can be peacefully determined by the Lebanese.

However, as long as our marines are in Lebanon, they must be moved to a less vulnerable position, not clustered like sitting ducks at Beirut International Airport.

□ 1230

SHOCKING EVENTS IN LEBANON

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, like my colleagues, I am shocked by the events in Lebanon during the past few hours. In Lebanon there were 15 Iowans, 3 of whom were from my district. I am unable to find out their situation, but I should tell the people across the country that if they will telephone (202) 694-4309, the parents and wives can call collect and try to see if they can get some information in regard to their loved ones.

I think now is the time for us to meet together to determine exactly what it is we are trying to do in Lebanon. I think it is a time for us to determine what our aims are, what our goals are, and what our contingency plans are if things do not turn out as we anticipated that they would. This is a time for us to look at the situation with clear heads, keep our heads cool, and not act at a time of passion until we have properly reevaluated our position and our options.

Surely, we should at least know what it is we are trying to do and how it is we plan to do it if we are to go forward with this support of our troops in Lebanon.

UNNECESSARY AND SENSELESS WASTE OF LIFE IN LEBANON

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, 186 marines were killed with a single blast in Beirut, Lebanon, yesterday—an unnecessary and senseless waste of life.

This has resulted from an indecisive use of Marines. Marines are taught to fight. Fighting is proper when it is in the defense of our country. But when the goal is not victory and massive causalties are sustained, our policy is unwise if not foolish.

One survey has shown that 80 percent of the American people disapprove of the deployment of Marines in Lebanon. The parents of our teenage boys are terrified at losing their sons in the trenches of a no-win war in Lebanon. It is time to bring the Marines home.

Debate on the tactical decisions dominate public commentary. Even before our recent congressional approval for extending the Marine's stay in Lebanon for 18 months, the debate remained tactical. Many who ranted about the Marines assisting the anti-Communists in Central America voiced their approval of Marines in Lebanon—a decision based more on the emotions, tactics, and special interests—not on precise strategy for our national security.

To reverse the devastating failure of our 20th century bipartisan foreign policy we must approach the program strategically. We must challenge the policy of global interference, mutual assured destruction, confrontation, and perpetual aid and trade with the enemy. It is time to challenge the status quo and offer up a program of strategic independence built on strength and clarity of will, rejecting the perpetual acts of interference and confrontation throughout the world.

We have tried for 70 years to police the world and make the world safe for democracy and have sacrificed ourselves to this cause—a noble and altruistic gesture, an expensive lesson, a failed experiment. It has delivered up to us four great wars, hundreds of thousands dead, millions wounded, massive debt, and no real peace.

America is ready for a new program and we can initiate that program today by bringing our marines home—not by sending in so-called fresh troops to replace the dead and dying—as if we were replacing spoiled produce.

NO REASON, NO CAUSE, NO EXPLANATION FOR TRAGEDY IN LEBANON

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, to have 1,200 marines sitting at the end of a runway in Beirut was just asking for a tragedy to happen. But a bigger tragedy is going to unfold and that tragedy is going to unfold in this House, because after all the carnage, after all the brave young men have died, after all the indescribable agony and suffering to the families and the loved ones and the friends, this Congress will wring its hands and offer platitudes and cliches but will do not one iota to change the policy, this doomed, disastrous, ill-fated policy.

There is no one in our Government who has thought through our policy in Lebanon because there is no policy. Three weeks ago we were told that we could not withdraw our marines because six had been killed. Now we have an unbelievable 183 added to that toll. And mark my words, we are going to add more and more to this sad toll as the days and the weeks and the months go by.

What will it take to wake up this House? What will it take to restore some sanity? If there were a reason, if there were a cause, if there were a rational explanation for these deaths, if there were a purpose. But there is no reason, no cause, no explanation.

I would not want my son sitting at the end of the runway in Beirut. Would you want your son there? And if the answer is "no," how do you justify sending other peoples sons to Lebanon?

BEST OF INTENTIONS, WORST OF POLICIES IN LEBANON

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, America has the best of intentions in Lebanon, but the worst of policies.

We need to continue working for peace in the Middle East, but our troops should not be in Lebanon. The

United States, which is the world's preeminent economic and military power, must be cautious not to enter militarily in situations where our strength will likely be insufficient to achieve our objectives, but where the presence of our forces will allow others to weaken or exploit us. Tragically, this is precisely what we have done, as demonstrated by yesterday's atrocity.

Although I warned against the current policy last month, I frankly did not think the situation would deteriorate this quickly. Still, it was clearly in the cards because there are a lot of nuts around who think they can gain advantage by attacking our flag and its representatives.

We should withdraw our troops from Lebanon as quickly as possible without appearing to be forced out. One possible approach would be to transfer most of our troops to ships off shore when they are off duty, and fly them in and out of their duty posts on shore. In this way, we could disengage gradually.

There are times when servicemen have to risk their lives. But in this case, the marines seem to have been given no mission other than to get shot at. It does not make any sense to leave them there.

THE TRAGEDY IN LEBANON

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I was one of the Republicans who voted against the 18-month certification and approval of our troops in Lebanon. But let us respond to this weekend's tragedy with restraint and reason.

Yesterday's startling and tragic news clearly requires steps which will provide safety for our marines and also lead to a settlement which can provide security for the entire region. This overall goal, however, cannot be achieved if we now immediately withdraw our portion of the Multinational Peacekeeping Force.

Every Member of Congress shares the grief of the relatives and friends of the marines lost in Lebanon. But our purposes, and the lives of future American servicemen should we withdraw and this region explode with further violence, will not be served if we do not honor our commitment to Lebanon, to the Middle East and to stability in that region.

Two important points need to be made: First, we cannot withdraw our forces in reaction to a terrorist attack here or anywhere else in the world. Such action would invite terrorist attacks against us everywhere in the world.

Second, this attack should now demonstrate that this regional conflict has grown into a direct East/West conflict. Evidence has been presented that both the Soviet Union and Iran are now involved and may have been responsible for this latest attack. As such, we are no longer dealing with just a domestic civil war. This is much more serious.

But at the same time, it is essential that the President spell out very clearly, as Congress has requested, our current policy, immediate objectives and long-term goals in this region.

At present, it appears that the marines serve no other purpose than that of a shooting target. If we are there to keep the peace then we should do so and not simply submit to attacks which serve only to further disrupt that peace. We must give our marines the authority, whatever it may include, to impose the peace in Lebanon.

Finally, and most important, wherever any of us may stand on this issue, do not—do not—again I say do not let the terrorists get their wish.

NOW IS NOT THE TIME TO PANIC

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, is this the time for America to panic and to be led in that panic by Members of the U.S. Congress, or is it a time to rally round the families who have lost their loved ones in Lebanon, as good American citizens, to recognize the infamy of what has occurred, and then once again to rally round the boys who remain in Lebanon and to give them the ability not just to insure their own security but measures to enable them to counterattack, if necessary, to preserve the mission that is theirs in Lebanon.

We must consult with our multinational allies. We must redefine and continue to monitor the purpose for which our presence in felt in Lebanon, and rally round the flag, if you will, because their presence, our Marines' presence in the Middle East is directly linked to the national security of the United States of America. Now is not the time to panic.

□ 1240

THE MARINES, SITTING DUCKS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, marines are preeminently, of course, combat troops. In outrage and sorrow and no disrespect, I would have to say our marines today in Lebanon are designated sitting ducks, and they are sitting ducks for objectives that are unachievable.

In my minority views in the House Foreign Affairs Committee and on this floor, I spelled out in detail why our objectives are unachievable in Lebanon. No one will have any trouble finding my dissenting views, because they are the only ones in the report. That does not say that we ought to be withdrawing unilaterally or precipitously. I made that point clear also.

I think when Members of this body hear so disproportionately on this floor against the Lebanon resolution, for Members of the body that have served in land combat units, either as leaders or enlisted men, then that ought to mean something to this House. Either we rethink our objectives or we revise the geopolitical context in Lebanon. If we do not make either of these revisions, then we ought to withdraw our troops from Lebanon.

THE BROADER ISSUE IN LEBANON

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, the broader issue of the tragedy of yesterday's events in Lebanon is the question not only of whether we can be the world's policeman, but whether in attempting to be, that policy can be effective.

Last month 4,500 American troops took part in maneuvers in Honduras. Last week American warships and troops were put on alert to intervene in the Iranian-Iraqui war to keep the Straits of Hormuz open. Today American troops and their surrogates are involved in civil strife in El Salvador and Nicaragua and are protecting the borders in Korea.

Today a convoy of American warships with 2,000 marines is steaming threateningly toward Grenada.

Attempts to play the role of policeman for the world makes us vulnerable to terrorism and hostage to the petty whims of petty political leaders at home and abroad.

Clearly, international, rather than unilateral solutions, are needed to international problems; yet at the same time many Americans would like to replace our forces with a multilateral peacekeeping force under U.N. sanction in Lebanon.

The administration has been wasting political captial by denigrating, rather than utilizing, the world's premier international institution. It is time we recognize that international security in the 20th century is not self-willed. It must be collective.

SERIOUS QUESTIONS ABOUT LEBANON

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I would like to join all my colleagues today in paying our respects and to extend our condolences and sympathy to the families and the loved ones and friends of the slain marines.

Without disrespect to the valor of the marines who are no longer on this Earth, I do believe it is a propitious moment to ask some serious questions. Among them is, what is our role in Lebanon in the first place? What, pray tell, are these people doing in a compound as sitting ducks, as targets in a shooting gallery?

What, pray tell, are they contributing to the peacekeeping mission in a land in which strife has been the average daily business since the time of the Crusades?

A second question is, we are being asked to spend perhaps up to $250 billion, that is $250,000 million on national defense, coming up this week in this House; and yet we cannot even protect marines from the onslaught of some demented person driving a truck through some thin barbed wire.

Where does this money go if it does not go to protect the people who are in the position of absorbing hostile fire and hostile action?

I think we ought to reexamine from start to finish the deployment of all our troops. I think we should start with respect to Lebanon. Unless I miss my guess, I think the average person, though the average person is like myself, not an expert in foreign affairs, would say, "Let's get our Marines out of there now. Let's replace them with troops that are not as provocative, who don't fly the American flag. Let's replace our troops, bring them back home to safety and then in leisure discuss where we are going in the Middle East."

NOW IS NOT THE TIME TO WITHDRAW FROM LEBANON

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, we are all frustrated and angered over this senseless terrorist act in Beirut. It may well be that sometime in the future we want to withdraw our marines from Lebanon, but in my judgment now is not the time to do that.

We cannot turn tail and run. Rather, we must stay there, reinforce our marines, put them in a more defensible position, support the multinational force, try to encourage the efforts in the cease-fire, as well as the attempts at reconciliation, and then rethink our policy about the presence of our marines in Lebanon.

OUR LEGITIMATE PEACE-KEEPING MISSION REMAINS THE SAME

(Mr. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOWLER. Mr. Speaker, now is not the time for Government by polls or by passion. It is not the time for national decisions based on outrage or sorrow, as much as we might like to yield to that temptation.

Instead, I hope today that we will remind ourselves that despite the tragedy in Beirut yesterday, the legitimate peace-keeping mission of our country remains the same.

We are there acting in concert with our allies, not unilaterally. We are seeking a path of stability in the Middle East, which our position as a world leader demands.

Even though our policies, the policies of the United States of America, may be breaking the peace in Central America, we are in the Middle East because national security interests dictate it and require it to keep the peace.

I hope that that distinction will compel our support in concert with the President of the United States, for whatever reassessment of our policy and our policymaking our national interest requires.

LEBANON: REAGAN'S VIETNAM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, like you, I have listened attentively to the speakers today. My heart is deeply saddened by the loss of life in Lebanon. I have been in this House for 20-plus years. I grew up through the era of the development in Vietnam.

I do not like to be a partisan, but I only have three words to say:

"Lebanon: Reagan's Vietnam."

AUTHORIZING CHAIR TO DECLARE RECESS THIS AFTERNOON

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Chair be authorized to declare a recess this afternoon to permit Members to attend a briefing on the Lebanon situation.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, October 25, 1983.

PROVIDING FOR EQUITABLE WAIVER IN COMPROMISE AND COLLECTION OF FEDERAL CLAIMS

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3083) to provide for equitable waiver in the compromise and collection of Federal claims, as amended.

The Clerk read as follows:

H.R. 3083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5584 of title 5, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "July 1, 1960," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of pay or allowances made on or after July 1, 1960, or arising out of an erroneous payment of travel and transportation expenses or allowances or relocation expenses payable under section 5724a of this title made on or after July 1, 1983,"; and

(3) in subsection (b)—

(A) in subparagraph (3) by striking out "or" after the semicolon;

(B) in paragraph (4) by striking out the period at the end thereof and inserting in lieu thereof "; or"; and

(C) by adding at the end thereof the following:

"(5) in the case of a claim involving an erroneous payment of travel and transportation expenses or allowances or relocation expenses, if application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment was discovered.".

(b) The item relating to section 5584 in the table of contents of chapter 55 of title 5, United States Code, is amended by striking out "other than" and inserting in lieu thereof "including".

SEC. 2. (a) Section 2774 of title 10, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "October 2, 1972," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation al-

lowances made on or after July 1, 1983,"; and

(3) in subsection (b)(2) by striking out "of pay or allowances, other than travel and transportation allowances,".

(b) The item relating to section 2774 in the table of contents of chapter 165 of title 10, United States Code, is amended by striking out "other than" and inserting in lieu thereof "including".

SEC. 3. (a) Section 716 of title 32, United States Code, is amended—

(1) in the section catchline by striking out "other than" and inserting in lieu thereof "including";

(2) in subsection (a) by striking out "A claim" and all that follows through "October 2, 1972," and inserting in lieu thereof "A claim of the United States against a person arising out of an erroneous payment of any pay or allowances made before, on, or after October 2, 1972, or arising out of an erroneous payment of travel and transportation allowances made on or after July 1, 1983,"; and

(3) in subsection (b)(2) by striking out "of pay or allowances, other than travel and transportation allowances,".

(b) The item relating to section 716 in the table of contents of chapter 7 of title 32, United States Code, is amended by striking out "other than" and inserting in lieu thereof "including".

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SAM B. HALL, JR.) will be recognized for 20 minutes and the gentleman from Ohio (Mr. KINDNESS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM B. HALL, JR.)

□ 1250

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 3083, would amend three waiver statutes to extend the existing waiver authority to overpayments of travel and transportation allowances and expenses and to overpayments of relocation expenses. The bill was introduced in accordance with the recommendations of the Comptroller General of the United States. The bill would amend the existing waiver statutes, 5 U.S.C. 5584; 10 U.S.C. 2774; and 32 U.S.C. 3716, to permit waiver of travel and transportation expense and allowance overpayments or relocation expense overpayments on the same basis as currently provided for waiver of all other pay and allowance overpayments. These waiver statutes now permit a Federal employee's liability for overpayments of pay and allowances to be waived where collection would be against equity and good conscience and not in the best interests of the United States, and where the employee seeking a waiver has acted in good faith. The bill would remedy the present lack in these sections since they presently do not apply to overpayments of travel and transportation allowances and expenses and relocation expenses.

The General Accounting Office has advised the Committee that since the first general waiver authority statute, there have been dramatic changes in the diversity and scope of travel performed in the Government's interest. In addition the statute allowing relocation expenses, 5 U.S.C. 572a, was enacted in 1967 and was not taken into account when the original waiver statute was considered in 1968. Similarly, these developments were not recognized in 1972 when parallel waiver language was incorporated in section 2774 of title 10 and section 716 of title 32 concerning military and National Guard personnel respectively. The GAO has concluded that holding an employee to a standard of constructive knowledge of complex travel and relocation regulations in certain instances is unreasonable, particularly when even those charged with administering the regulations make mistakes in determining an employee's entitlement. Many claims arise from erroneous agency authorizations which an employee relies on in good faith to his detriment. Despite the unfairness of the situation, such erroneous payments must be collected back by the agency. Collection is mandated because waiver of travel, transportation, and relocation overpayment is precluded by the existing statutes. The only relief in such cases is for the claimant to seek a private relief bill in the Congress, and a number of such bills have been reported by the committee in the current Congress.

The procedural apparatus for the consideration of waiver requests in the area of travel, transportation, and relocation cases is already in place and immediately subject to the oversight responsibility of the Comptroller General. The overall procedures for handling waivers would not be significantly changed because waiver cases would continue to be handled in accordance with standards prescribed by the Comptroller General. Agency performance would continue to be evaluated by GAO during onsite reviews of agency operations and doubtful cases and appeals would continue to be submitted to the Comptroller General for review. In this connection the GAO has stated that it anticipates that the establishment of standards for utilization at the individual agency level would not involve any great difficulty. Significantly, the GAO has advised the committee that performance under the existing waiver authority has proven that this type of legislation is practical and fair both to the individual and the Government.

Under the three sections referred to in this bill, the agency authority for waiver is limited to claims of not more than $500. Claims in excess of that amount must be considered by the Comptroller General. As has been noted, consideration for requests for waiver of claims falling within the agency jurisdiction is governed by regulations promulgated by the Comptroller General. These regulations, which are contained at parts 91-93 of title 4, Code of Federal Regulations (1983), provide the Comptroller General with a comprehensive oversight capability.

The committee agrees with the recommendations of the Comptroller General and recommends that the bill be considered favorably.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KINDNESS) is recognized for 20 minutes.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to add a few brief remarks in support of H.R. 3083.

Existing Federal law allows an agency to waive a claim against an employee arising out of erroneous payment of pay or allowances, but it does not allow that—it, in fact, prohibits a waiver of claims for payment back of erroneous travel or relocation overpayments.

In recent years, we have seen an increase in the complexity of travel mileage and per diem rates and in addition, relocation expenses first authorized in 1967 were not contemplated by the current waiver statute. There is a need to extend waiver authority to travel and relocation overpayments, as has been pointed out by the gentleman from Texas, and he has also pointed out that without this bill the only relief available where an overpayment is made through an agency error is a private relief bill.

The Congress can spend its time much more productively on other matters. This is a complicated, expensive process which can be avoided by passage of this bill, and I would urge my colleagues to join with me in supporting H.R. 3083.

I would point out that the statement of the administration's policy with respect to this measure states that the administration supports passage of H.R. 3083 and will seek perfecting amendments in the Senate to correct the reference to the effective date.

The problem arises because it was expected that the bill, H.R. 3083, might very well have been passed before July 1, 1983. That has not occurred and a later date does need to be selected. It would be more appropriate

for that to be determined in the other body, since the timing of their action on that side is not known at this point, so I would urge that H.R. 3083 be passed with the support of the membership today.

I think it will greatly simplify matters that should be dealt with on an administrative basis.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (SAM B. HALL, JR.) that the House suspend the rules and pass the bill (H.R. 3083), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SETTLEMENT AND PAYMENT OF CERTAIN CLAIMS AGAINST THE UNITED STATES

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 597).

To amend section 2733, 2734, and 2736 of title 10, United States Code and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes as amended.

The Clerk read as follows:

H.R. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2733 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out "chief legal officer" and "$25,000" and inserting in lieu thereof "Chief Counsel" and "$100,000", respectively.

(2) Subsection (d) is amended to read as follows:

"(d) If the Secretary concerned considers that a claim in excess of $100,000 is meritorious, and the claim otherwise is payable under this section, the Secretary may pay the claimant $100,000 and report any meritorious amount in excess of $100,000 to the Comptroller General for payment under section 1304 of title 31.".

(3) Subsection (g) is amended to read as follows:

"(g) Under regulations prescribed by the Secretary concerned, an officer or employee under the jurisdiction of the Secretary may settle a claim that otherwise would be payable under this section in an amount not to exceed $25,000. A decision of the officer or employee who makes a final settlement decision under this section may be appealed by the claimant to the Secretary concerned or an officer or employee designated by the Secretary for that purpose.".

SEC. 2. Section 2734 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by amending that part of the subsection that precedes paragraph (1) to read as follows:

"(a) To promote and to maintain friendly relations through the prompt settlement of meritorious claims, the Secretary concerned, or an officer or employee designated by the Secretary, may appoint, under such regulations as the Secretary may prescribe, one or more claims commissions, each composed of one or more officers or employees or combination of officers or employees of the armed forces, to settle and pay in an amount not more than $100,000, a claim against the United States for—".

(2) Subsection (a) is further amended in the last sentence by inserting "or employee" after "An officer".

(3) Subsection (c) is amended to read as follows:

"(c) The Secretary concerned may appoint any officer or employee under the jurisdiction of the Secretary to act as an approval authority for claims determined to be allowable under subsection (a) in an amount in excess of $10,000.".

(4) Subsection (d) is amended to read as follows:

"(d) If the Secretary concerned considers that a claim in excess of $100,000 is meritorious, and the claim otherwise is payable under this section, the Secretary may pay the claimant $100,000 and report any meritorious amount in excess of $100,000 to the Comptroller General for payment under section 1304 of title 31.".

SEC. 3. Section 2736(a) of title 10, United States Code, is amended by striking out "$1,000" and inserting in lieu thereof "$10,000".

SEC. 4. Section 715 of title 32, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking out "$25,000" and inserting in lieu thereof "$100,000".

(2) Subsection (d) is amended to read as follows:

"(d) If the Secretary concerned considers that a claim in excess of $100,000 is meritorious, and the claim otherwise is payable under this section, the Secretary may pay the claimant $100,000 and report any meritorious amount in excess of $100,000 to the Comptroller General for payment under section 1304 of title 31.".

"(f) Under regulations prescribed by the Secretary concerned, an officer or employee under the jurisdiction of the Secretary may settle a claim that otherwise would be payable under this section in an amount not to exceed $25,000. A decision of the officer or employee who makes a final settlement decision under this section may be appealed by the claimant to the Secretary concerned or an officer or employee designated by the Secretary for that purpose.".

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SAM B. HALL, JR.) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. KINDNESS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 597, as amended, is to amend the claims settlement provisions of sections 2733, 2734, and 2736 of title 10, United States Code, and section 715 of title 32 of that code, to increase the maximum amount of a claim that the military departments can pay administratively under those sections.

The bill would allow an increase in the delegation of authority to settle and pay certain of such claims and would authorize departmental employees as well as Armed Forces officers to act under claims procedure.

The bill was introduced in accordance with an executive communication transmitted to the Speaker of the House of Representatives on June 24, 1982, by the Department of the Army in behalf of the Department of Defense.

The Subcommittee on Administrative Law and Governmental Relations held a hearing on the bill on March 23, 1983. Following the hearing the bill was favorably considered by the subcommittee with an amendment restating the substance of the bill as proposed by the Department of Defense with technical and clarifying amendments. The revised language conforms with the standard form utilized in title 10 of the United States Code, and corrects the reference to the Supplemental Appropriation Act so that the reference is to section 1304 of recently codified title 31.

The bill H.R. 597 would increase the administrative authority of the Armed Forces to settle and pay claims which result from noncombat activity. As was pointed out in the executive communication, the present $25,000 limits on the claims payment as contained in the Military Claims Act, section 2733, and the Foreign Claims Act, section 2734, of title 10, United States Code, and as to the National Guard claims in section 715 of title 32, United States Code, are too low to provide for effective and efficient claims administration. This bill, in raising the limits to $100,000 will remedy that situation and also enable the military departments and the Coast Guard to act promptly to minimize the financial

hardships of the persons who suffer injury or loss due to military activity.

Sections 2733 and 715 now provide that the Judge Advocates of the military departments and the Chief Counsel of the Coast Guard may delegate settlement authority for up to $5,000 to any officer of the Armed Forces concerned. This limit is also unrealistic in the light of present conditions. As an example of current costs, the executive communication pointed out that the value of automobiles frequently exceed that amount. Also, the delays caused by the low limit on delegated authority add to the amount of claims since the claimants are forced to rent substitute vehicles for those lost due to some military activity. The bill would remedy this problem concerning the delegation of settlement authority by raising this limit to $25,000.

Finally, the bill would allow the secretary of a department more flexibility in delegating claims settlement authority to officers or employees under his jurisdiction. Current provisions limit the authority to settle such claims to officers of an armed force. The proposed legislation would permit delegation of that authority to civilian employees who with rare exception, would be attorneys.

At the subcommittee hearing on March 23, 1983, the witness representing the Department of Defense stated that the primary thrust of the proposed amendments to sections 2733 and 2734 of title 10, and to section 715 of title 32 is to facilitate daily claims operational activities of the military services. It was also pointed out that these amendments will make it possible for the departments concerned to provide for flexible and dependable methods to expedite the settlement of claims arising from military activity.

These three sections have several things in common: they provide administrative, not judicial, relief; they are subject to a 2-year statute of limitations; and claim settlements are final and conclusive. In addition to the three sections just discussed, the bill would amend section 2736 of title 10 to raise the limit for claims payment under that section from $1,000 to $10,000. Currently, under section 2736, in accordance with regulations of the Secretary of the military department concerned, an amount not in excess of $1,000 may be paid in advance of the submission of any claim to or for any person, or his legal representative, who has been killed or injured or whose property has been damaged or lost, under circumstances for which allowance of a claim is authorized under the Military Claims Act, the National Guard Claims Act or the Foreign Claims Act.

The basic change to sections 2733 and 2734 of title 10 and section 715 of title 32 is to increase the amount a military department or the Coast Guard may settle administratively to $100,000. When the Secretary concerned determines that a claim in excess of that amount is meritorious, the first $100,000 of the claim could be paid and the balance would be certified to the Comptroller General for payment under the authority presently provided for the payment of such claims in section 1304 of title 31. The same procedure is now followed for claims payments subject to the current $25,000 limit for administrative settlement in these three sections. Now payments of amounts in excess of $25,000 for approved claims are being paid upon authorization by the Comptroller General in accordance with the provisions of section 1304 of title 31.

The General Accounting Office supports this bill. The General Accounting Office pointed out that administrative paperwork will be reduced and allowable claims of $100,000 and the first $100,000 of claims over $100,000 will be paid 4 to 6 weeks faster than is now the case. There is expected to be no increase in claims payment. The amendments shift the responsibility and fiscal accountability to the department concerned since the administrative settlements up to $100,000 would have to be made from departmental funds. The General Accounting Office testimony pointed this out and stated that with the amendments, there would be the same overall level of Treasury disbursement for claims affected by the amendments provided for in H.R. 597. In fact the simplification and expedition of processing and paying claims up to $100,000 could serve to reduce the cost of claims administration.

The bill makes no changes in the policies concerning claims payment expressed in these sections. However, the increased fiscal accountability of the department is, in the opinion of the Committee, a very desirable feature of these amendments. This was commented upon by the General Accounting Office witness at the hearing when he stated: ". . . an agency should bear some measure of accountability, within reasonable limits, for claims of that type resulting from its activities or from the acts or omissions of its employees. Direct exposure to the fiscal consequences of its action may provide greater incentive to the agency to undertake risk analysis, and, where appropiate, implement corrective action."

The bill would amend sections 2733 and 2734 of title 10 and section 715 of title 32 to allow the secretary of a department more flexibility in delegating claims settlement authority to officers or employees under his jurisdiction. Current provisions limit the authority to settle such claims to officers of an armed force. The proposed legislation would permit delegation of that authority to civilian employees who, with rare exceptions, would be attorneys. The military departments employ a large number of civilian attorneys and a substantial number of them are used to perform duties in the claims area. The military services now use civilian attorneys to settle claims under the Federal Tort Claims Act, the Military Personnel and Civilian Employees Claims Act, and other statutes. These amendments will make it possible to conform these sections with the procedures followed in administering the other claims statutes.

The Committee has concluded that the recommendations of the Department of Defense will improve claims administration and settlement and should be implemented by enactment of the amended bill. It is recommended that the amended bill considered favorably.

□ 1300

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with the gentleman from Texas in support of H.R. 597. This is another one of those interesting bills brought to you by the Committee on the Judiciary in which everyone has a great amount of interest, I am sure.

The problem with bills of this nature, of course, is that they deal with the humdrum of day-by-day business. Indeed, this measure would make much more workable and reasonable the day-by-day handling of claims of the nature described for us by the gentleman from Texas.

Briefly I would like to comment on the issue of cost of this bill, a question which has been raised since this bill's introduction.

During the subcommittee hearings the chairman, the distinguished gentleman from Texas (Mr. SAM B. HALL, JR.) was extremely thorough in soliciting information from the witnesses who supported this bill on the issue of cost to the Government. Representatives of each branch of the military provided the committee with actual records on claims paid for the last 5 years. All of these witnesses were in agreement that the changes in settlement authority would not increase the total expense and in fact might reduce the overall expense.

The reduction in expense could result and is expected to result because more payments would be made from the Agency's own funds under this bill rather than from an outside judgment fund. This change would give a greater incentive to hold the settlement amounts down to the appropriate levels.

I would ask my colleagues to join me in support of H.R. 597.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. SAM B. HALL, JR. Mr. Speaker, I would like at this time to commend the gentleman from Ohio (Mr. KINDNESS), for the great effort that he has made on the past two suspensions. This has been a joint effort in its entirety.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM B. HALL, JR.) that the House suspend the rules and pass the bill, H.R. 597, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1983

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4091) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under such acts, and for other purposes.

The Clerk read as follows:

H.R. 4091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "School Lunch and Child Nutrition Amendments of 1983".

INCREASE IN FEDERAL REIMBURSEMENT FOR REDUCED PRICE MEALS

SEC. 2. (a) Section 11(a)(2) of the National School Lunch Act is amended by striking out "40" and inserting in lieu thereof "25".

(b) Section 9(b)(3) of the National School Lunch Act is amended in the third sentence by striking out "40" and inserting in lieu thereof "25".

(c) Section 4(b) of the Child Nutrition Act of 1966 is amended—

(1) in paragraphs (1)(B) and (1)(C) by striking out "30" and inserting in lieu thereof "15"; and

(2) in paragraph (2)(C) by striking out "thirty" and inserting in lieu thereof "fifteen".

INCREASE IN INCOME GUIDELINES FOR DETERMINING ELIGIBILITY FOR REDUCED PRICE MEALS

SEC. 3. Section 9(b)(1)(A) of the National School Lunch Act is amended in the fourth sentence by striking out "185" and inserting in lieu thereof "195".

ADDITIONAL FUNDING TO IMPROVE SCHOOL BREAKFAST PROGRAM MEAL PATTERN

SEC. 4. (a) Section 4(b) of the Child Nutrition Act of 1966 is amended by inserting at the end thereof the following paragraph:

"(3) The Secretary shall increase by 6 cents the current adjusted payment for each breakfast served under this Act and section 17 of the National School Lunch Act to assist States in improving the nutritional quality of such breakfasts, to the extent feasible.".

(b) The Secretary of Agriculture shall review and revise the nutrition requirements for meals served under the school breakfast program to improve the nutritional quality of such meals, taking into consideration both the findings of the National Evaluation of School Nutrition Programs and the need to provide increased flexibility in meal planning to local school food service authorities. Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement such revisions.

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

SEC. 5. (a) Section 12(d)(5) of the National School Lunch Act is amended—

(1) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

(b) Section 15(c) of the Child Nutrition Act of 1966 is amended—

(1) in the first sentence by striking out "$1,500" and inserting in lieu thereof "$2,500"; and

(2) by inserting at the end thereof the following new sentence: "On July 1, 1984, and on each subsequent July 1, the Secretary shall prescribe an annual adjustment in the tuition limitation amount in the first sentence of this paragraph to reflect changes in the Consumer Price Index for All Urban Consumers during the most recent twelve-month period for which such data is available.".

ADDITION OF ONE MEAL AND ONE SNACK TO THE CHILD CARE FOOD PROGRAM

SEC. 6. Section 17(f)(2)(B) of the national School Lunch Act is amended by striking out "two meals and one supplement" and inserting in lieu thereof "three meals and two supplements".

INCREASE IN AUTHORIZATION FOR NUTRITION EDUCATION AND TRAINING

SEC. 7. Section 19(j)(2) of the Child Nutrition Act of 1966 is amended by inserting at the end of the first sentence ", except that for fiscal year 1984, there shall be authorized to be appropriated $7,500,000".

EXCLUSION OF CERTAIN MEDICAL EXPENSES FROM INCOME OF HOUSEHOLD

SEC. 8. Section 9(b)(3) of the National School Lunch Act is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by inserting at the end of such paragraph the following new subparagraph:

"(B) For purposes of determining eligibility under subparagraph (A), 'household income' does not include unusually high medical payments which (i) could not be reasonably anticipated or controlled by the household and (ii) were not recoverable through public or private sources.".

ELIMINATION OF REFERENCE TO FOOD STAMP PROGRAM ELIGIBILITY STANDARDS

SEC. 9. Section 9(b)(1)(A) of the National School Lunch Act is amended—

(1) by striking out in the second sentence "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

RESTORATION OF CERTAIN KINDERGARTENS TO SPECIAL MILK PROGRAM

SEC. 10. Section 3(a) of the Child Nutrition Act of 1966 is amended in the first sentence immediately before ", and (2)" by inserting "(except that the preceding limitation shall not apply to kindergarten programs in such schools)".

EFFECTIVE DATES

SEC. 11. (a) Except as otherwise provided, the provisions of this Act shall take effect on the date of the enactment of this Act.

(b) The amendment made by section 3 shall take effect on the date of the enactment of this Act, except that each school food authority may elect to delay implementation of such amendment to a date not later than July 1, 1984.

(c) Not later than sixty days after the date of the enactment of this Act, the Secretary of Agriculture shall issue final regulations to implement the amendments made by section 8. The amendments made by section 8 shall take effect upon issuance of such final regulations, except that each school food authority may elect to delay implementation of such amendments to a date not later than July 1, 1984.

(d) The amendment made by section 2 shall take effect on the first day of the first month following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky (Mr. PERKINS) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. GOODLING) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1981 Congress cut spending on the school lunch and child nutrition programs by 35 percent, and as a result 3.5 million fewer children are now participating in these programs. This year the congressional budget resolution for fiscal year 1984 permits the restoration of $150 million of this funding, less than 10 percent of the amount cut in 1981.

H.R. 4091, as reported by the Committee on Education and Labor con-

tains this limited restoration of funds for these programs. This bill was approved in committee with broad bipartisan support and bears the deep imprint of Congressman BILL GOODLING, the ranking minority member of the Subcommittee on Elementary, Secondary, and Vocational Education.

BACKGROUND

In 1946 the Congress enacted the National School Lunch Act as a result of finding poor nutrition among World War II draftees. That act was meant to improve the nutrition of all American schoolchildren in order to strengthen our country.

By 1980 27.2 million children were participating in the program—63 percent of all children in school. That year there were 10.3 million children receiving free meals, 1.9 million receiving reduced price meals and 15 million children known as paid students who were contributing substantially to the cost of their meals. The program involved an expenditure of $2.5 billion and involved the distribution of approximately 1.7 billion pounds of commodities.

The national school lunch program and related programs were—to my way of thinking—then the greatest feeding programs in the world.

In 1981 President Reagan assumed office and recommended a 50-percent cutback in spending for all of these programs. The Congress that year legislated a 35-percent cutback. This meant the loss of $1.5 billion for these programs.

These cuts were contained in the Gramm-Latta Reconciliation Act of 1981. The majority of this $1.5 billion reduction was in the school lunch program, where spending was reduced by approximately $1 billion.

Three major changes were legislated in the school lunch program. First, reimbursement rates for all lunches were substantially reduced, particularly for paid and reduced price lunches. In school year 1981–82 section 4 cash payments and commodity payments totaled 37 cents a meal. Gramm-Latta cut this 42 percent—down to 21.5 cent.

Second, changes were made in the income eligibility requirements and criteria which lowered both free and reduced price lunch eligibility. The third major change was the exclusion of private nonprofit schools and residential institutions whose average annual tuition exceeded $1,500.

The direct result of all these changes was that overall participation in the school lunch program dropped by approximately 3.5 million children between fiscal year 1981 and fiscal year 1983, and this does not account for the children who would otherwise have been eligible to participate if income eligibility standards had not been changed, and had risen to keep pace with inflation.

The average participation decline in the reduced price category between fiscal year 1981 and 1982 was approximately 325,000 children, or 16.6 percent. This decline resulted from the combined effect of reductions in reimbursement rates and commensurate increases in meal charge allowances (from 20 cents to 40 cents), and the considerable lowering of the income eligibility cutoff levels for participation (at that time, from $17,740 to $15,630 for a family of 4).

For free lunches, average participation declined by approximately 7 percent, with approximately 740,000 fewer children receiving free lunches in fiscal year 1982 than received them in fiscal year 1981. A major factor contributing to this reduction was the lowering of the free meal income eligibility levels (from $11,380 to $10,990 for a family of 4).

Substantial changes were also made in the school breakfast, child care food, summer food service, nutrition education and training, and special milk programs. For instance, all service of milk was eliminated in schools participating in the regular lunch and breakfast programs, and private sponsors like YMCA's were eliminated from the summer feeding program.

As if these cutbacks over the last 2 years had not caused enough harm, the administration is now recommending in its budget for fiscal 1984 a further reduction in spending of $400 million. This would be achieved through the enactment of a new block grant with reduced funding of 25 percent to replace the current school breakfast, summer feeding, and child care food programs, and a further cutback in the milk program.

In adopting the congressional budget resolution for fiscal 1984, the Congress rejected these proposed new cutbacks and instead provided for a restoration of $150 million in spending for the school lunch and other child nutrition programs. H.R. 4091 contains the provisions restoring this limited funding.

NEW LEGISLATION

H.R. 4091, as reported by the committee, attempts to alleviate the worst effects of the 1981 cutbacks. Its provisions focus on encouraging more children of the working poor to return to the lunch program, on improving the breakfast program, on retaining private schools in the program, on expanding meals for children in day care settings, and on providing milk to children in kindergartens.

REDUCED PRICE MEALS

As a result of the recent funding cutbacks, more than 325,000 children dropped out of the reduced price program, a 16.6 percent dropoff. Due to the qualifying income levels, most of these children are from what are commonly called the families of the working poor.

In order to mitigate some of these harmful effects, the committee bill would restore part of the subsidy for reduced price lunches, and commensurately lower the allowed charge for such lunches. The bill would set the reduced reimbursement price rate at 25 cents less than the free rate. Instead of 40 cents less than the free rate, and would adjust the meal charge allowance accordingly (from no more than 40 cents to no more than 25 cents). Prior to the 1981 act, the reduced price rate for school lunches had been set at 20 cents less than the free rate, and schools could not charge students more than 20 cents for such a lunch.

Additionally, the committee bill would raise the reduced price income eligibility level from 185 percent to 195 percent of the official Federal poverty level. Prior to the reconciliation law, the eligibility level for reduced price lunches was 195 percent of the Secretary of Agriculture's income poverty guidelines. These latter guidelines were higher than the OMB poverty guidelines. Thus, the committee increase in the percentage used does not fully restore reduced price eligibility to the prereconciliation level. The committee change should, however, bring back some of the children who are ineligible for reduced price lunches under current law.

Another eligibility change that would be made by the committee bill is an allowance for families to deduct unusual medical expenses from their income when applying for free or reduced price lunches. This unusual medical expense deduction was allowed prior to fiscal year 1981 as part of a special hardship deduction which permitted families to deduct the cost of certain hardship conditions when applying for free and reduced price meals. The prereconciliation allowance defined special hardship conditions as unusually high medical expenses; shelter costs in excess of 30 percent of income; special education expenses due to a child's mental or physical condition; and disaster or casualty losses. The committee bill would restore only the medical hardship part of the special hardship deduction. Current law does not allow any deduction for unusual medical or other expenses.

SCHOOL BREAKFASTS

As a result of the 1981 cutbacks, participation in the school breakfast program declined from 3.8 million to 3.4 million children—an 11-percent reduction.

In order to increase participation of children of the working poor in the breakfast program, the committee bill raises the reimbursement rates for reduced price breakfasts from 30 cents less than the free rate to 15 cents less than the free rate, and lowers meal

charge allowances by similar amounts from the more than 30 cents to no more than 15 cents. Prior to 1981 the charge for a reduced price breakfast was 10 cents.

Additionally, the committee bill adds 6 cents to the reimbursement rates for all breakfasts in order to improve the nutritional quality of the breakfasts served, and the Secretary of Agriculture must revise the meal patterns for school breakfasts to meet the criticisms of the program contained in USDA's recent evaluation of the program. However, this extra payment of 6 cents a meal is simply added to the basic payment for breakfasts; the Secretary has no discretion to withhold this payment until he publishes the revised meal pattern regulations.

The committee understands that USDA's national evaluation of school nutritional programs demonstrates that, although the school breakfast is superior in some nutrients, the school breakfast contains less vitamin B_6, vitamin A and iron than breakfasts children eat elsewhere. In addition, the committee understands that according to the national evaluation these three nutrients are low in the diets of many schoolchildren. Also, the evaluation reports that the presence of a school breakfast program increases the chances that children will eat breakfast, which is a nutritional benefit. For these reasons, the committee directs that the Secretary take the evaluation results into account in reviewing and revising the breakfast meal pattern. The committee suggests that the provision of a wide variety of conventional foods, especially an increased use of meat-meal alternates—meat alternates include cheese, dried beans, peanut butter, and eggs—whole grains, and a wider variety of fruits and vegetables would respond directly to the evaluation results by improving the nutritional quality of breakfasts.

Finally, the committee intends that the Department of Agriculture should provide technical assistance to schools on how to improve the breakfast meal pattern.

The school breakfast program is an important program for children, both nutritionally and educationally. The committee intends that these additional funds be used to improve the breakfast meal pattern and nutritional quality of the meal provided.

Additionally, in view of these findings contained in this recent national evaluation, the committee believes that the U.S. Department of Agriculture should actively encourage schools offering the school breakfast program to fully utilize bonus or surplus cheese in their breakfast meal planning. Cheese could be utilized in revised breakfast meal patterns as a meat alternate. Cheese is an excellent source of vitamin A, one of the nutrients in which the school breakfast program is deficient.

It is not the intent of the committee to reinstitute entitlement commodities in the school breakfast program, but rather to insure that surplus or bonus commodities are more fully utilized, as appropriate, in improving the nutritional quality of the meals served in this program.

PRIVATE SCHOOLS

The 1981 Budget Act prohibited participation by private nonprofit schools and institutions with annual tuitions in excess of $1,500. This provision resulted in disqualifying from the school lunch program in the school year 1982-83, 164 Catholic secondary schools. An additional 193 secondary schools would be disqualified in the 1983-84 school year. Within these 2 years one-third of the Catholic high schools would be ineligible to participate in the school lunch programs due to this new restriction. The committee bill raises the tuition limit to $2,500 and indexes it to inflation beginning in the 1983-84 school year in order to retain private schools in the lunch and breakfast programs.

CHILD CARE

Major changes were also made in the child care food program. This program experienced a cutback in the number of meals and snacks that could be federally subsidized in child care centers and family homes, from three meals and two snacks to two meals and one snack. According to testimony heard by the committee, the loss of the extra meal and snack each day has worked considerable hardship on children, many of whom arrive at the centers and homes early in the morning and leave late in the evening because of their parents' work schedules. The committee bill therefore restores the allowance for an additional meal and snack subsidy per day per child to assist child care centers and family and group day care homes in providing children with good nutrition, and in meeting the growing costs of child care operations.

SPECIAL MILK PROGRAM

Between fiscal years 1981 and 1982, approximately 210 million, or 94 percent, fewer half-pints of milk were served free to children from families with incomes at or below 130 percent of the poverty level because of the 1981 cutbacks in the special milk programs. Over 1 million fewer low-income children received milk under this program. The distribution of paid milk between fiscal years 1981 and 1982 dropped by 1.2 billion half-pints of milk, or approximately 7.7 million child participants.

The committee bill would alter slightly the current law restrictions in the special milk program by allowing schools and residential institutions with meal service programs to offer special milk to children in kindergartens. Prior to the 1981 Reconciliation Act change, approximately 6.6 percent of all milk served under the program had been provided to kindergarten children. The committee expects that this amendment will help restore the nutritional benefits of this program to kindergarten children, particularly those who have had no access to either the lunch or milk program because of split sessions and the current law special milk program restriction.

NUTRITION EDUCATION AND TRAINING

With the enactment of the Reconciliation Act of 1981, the authorization ceiling for the nutrition education and training program was lowered to $5 million from $15 million. The committee amendment would raise the authorization for the net program slightly, to $7.5 million.

CONCLUSION

Mr. Speaker, this is a modest bill. It restores less than 10 percent of the funds we cut out of the school lunch and child nutrition programs in 1981. However, it does begin to undo some of the worst harm caused in 1981, and therefore deserves the support of us all.

H.R. 4091 restores only $105.5 million in spending in fiscal 1984. If all of its provisions could have been effective by last October 1, it would have restored approximately $150 million for this fiscal year, as permitted by the congressional budget resolution; but the provisions of the bill cannot take full effect until well into this fiscal year so its initial cost is less than $150 million.

The Committee on Education and Labor expects to report another bill shortly which would raise the required premiums under ERISA. Our subcommittee on pensions has already reported that legislation to the full committee. Once we have reported that bill, we will have fulfilled our duties pursuant to the first concurrent resolution on the budget for fiscal 1984.

Mr. Speaker, I urge support for H.R. 4091. It is a necessary first step to restoring the school lunch and child nutrition programs to their prior effectiveness in meeting the nutritional needs of our children.

For the information of the Members, I would like to insert in the RECORD a further explanation of the bill. This analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE BILL

TITLE

Section 1: The legislation is titled "The School Lunch and Child Nutrition Amendments of 1983."

INCREASE IN FEDERAL REIMBURSEMENT FOR REDUCED PRICE MEALS

Section 2: The Committee bill proposes to increase the Federal special assistance reimbursement paid for reduced price lunches provided under the National School Lunch Program from the current rate of 40 cents

less than the special assistance rate for free lunches to 25 cents less than that for free lunches. At present, the general special assistance reimbursement rate for each free lunch is 108.75 cents. The special assistance payment for reduced price lunch is 40 cents, or 68.75 cents. The provision of section 2 of the bill would increase the special assistance payment for reduced price lunches by 15 cents, or from 25 cents less than the free rate. Also, a child eligible for a reduced price lunch can be charged no more than 25 cents. This insures that the benefit of the additional Federal payment is passed along to the child.

The Committee bill increases the Federal special assistance payment rate for reduced price school breakfasts from 30 cents to 15 cents less than the payment for free breakfasts. Presently, the special assistance payment for free breakfasts is 62.75 cents and the reduced price breakfast rate is 30 cents less than this rate, or 32.75 cents per meal. In conjunction with this Committee change, the maximum charge allowed to be charged to the child for reduced price breakfast is set at 15 cents to pass along the benefit of this increased Federal payment. Comparable adjustments are made in the "severe need" breakfast rates that may be paid to schools in which 40 percent or more of their meals are served on a free or reduced price basis and in which the regular reimbursement rates are inadequate to cover the costs of the breakfast program.

ELIGIBILITY FOR REDUCED PRICE MEALS

Section 3: This section of the Committee bill increases the income eligibility for reduced price meals from the present 185 percent of the income poverty guideline as prescribed by the Office of Management and Budget (and adjusted annually) to 195 percent of this adjusted guideline. For a family of four, the current annual income limit for eligibility for reduced price meals is $18,315. For a family of four, the Committee bill would increase this level to $19,305 annually for the 1983-84 school year.

BREAKFAST MEAL PATTERN

Section 4: The Committee bill allows for an additional 6 cents in Federal cash assistance for all breakfasts served under the school breakfast and child care food programs to improve the nutritional quality of the meal. In addition, although the provision of this 6 cents is not contingent upon it, the Committee bill requires the Secretary of Agriculture to review and revise the breakfast meal pattern requirements within 180 days and to address the findings contained in "The National Evaluation of Child Nutrition Programs" (April 1983) in making changes in the meal pattern requirements.

It should also be noted that the 6 cents per breakfast will not be subject to the annual indexation of reimbursement rates to reflect changes in the consumer price index for the "Food Away From Home."

CHANGE IN TUITION LIMITATION FOR PRIVATE SCHOOLS

Section 5: The Committee bill raises from $1,500 to $2,500 the average annual tuition that a private school may charge and still be eligible to participate in the school feeding programs. Beginning July 1, 1984, the $2,500 would be indexed annually to reflect changes in the CPI.

ADDITION OF ONE MEAL AND ONE SNACK TO THE CHILD CARE FOOD PROGRAM

Section 6: This section provides for Federal reimbursement for one additional full meal and one additional snack or supplement to children in family group homes or day care centers participating in the CCFP. The 1981 Budget Reconciliation Act limited Child Care Food Program support to two full meals and one snack or supplement. This section restores the number of meals and snacks which can receive Child Care Food Program reimbursements to pre-1981 Reconciliation Act policy.

INCREASE IN AUTHORIZATION FOR NUTRITION EDUCATION AND TRAINING

Section 7: The authorization of appropriations for fiscal 1984 for the Nutrition Education and Training Program would be increased from $5 million to $7.5 million. The Budget Reconciliation Act of 1981 lowered the annual authorization from $15 million to $5 million.

THE EXCLUSION OF CERTAIN MEDICAL EXPENSES FROM INCOME OF HOUSEHOLD

Section 8: The Committee bill requires the Secretary of Agriculture to issue regulations which exclude "unusually high medical expenses" incurred by a household for the purpose of determining income eligibility for free or reduced price meals. At present, no allowances can be made for extraordinary expenses which diminish a household's discretionary spending.

ELIMINATION OF REFERENCE TO FOOD STAMP ELIGIBILITY

Section 9: This provision of the Committee bill amends the National School Lunch Act to establish separate income eligibility criteria for free meal benefits. Currently, income eligibility criteria for food stamp programs automatically determines eligibility for free school meal program benefits. Both are now set at 130 percent of the poverty index, or $12,870 annual income for a four-person household. The income eligibility for free meals in the school feeding programs would remain the same (130 percent of poverty) but would no longer be statutorily tied to Food Stamp Program income criteria.

RESTORATION OF CERTAIN KINDERGARTENS TO THE SPECIAL MILK PROGRAM

Section 10: This section provides that Special Milk Program benefits are available, at local option, to all children enrolled in kindergarten. Currently, the Special Milk Program is available to those schools which do not participate in any other Federally-assisted child feeding programs. This section would enable all schools to offer milk to kindergarten children only, regardless of whether the school participated in any other Federally-assisted child nutrition program, such as NSLP, School Breakfast, CCFP, Summer Food Service Program, or commodity only programs.

EFFECTIVE DATES

Section 11: The effective date for raising the income eligibility for reduced price meals to 195 percent of the poverty level will be upon enactment, but must be implemented not later than July 1, 1984. Unusually high medical expense regulations must be promulgated within 60 days of enactment. Local implementation may take place upon issuance of final regulation, but not later than July 1, 1984. Increases in the Federal special assistance reimbursement rates for reduced price lunches and breakfasts will take effect the first day of the first month after enactment. All other provisions become effective upon enactment.

Mr. GOODLING. Mr. Speaker, I yield myself whatever time I may consume, and I rise in support of this program.

□ 1310

Mr. Speaker, I would like to depart from my prepared remarks to discuss several considerations which trouble me as I approach this issue today. First of all I did not vote for the fiscal year 1984 congressional budget resolution. I believe that further deficit spending will harm, not help, low-income familes. As we know, these are the very individuals who suffer the most when our economy is not thriving. Nonetheless, the fact is that the Republican controlled Senate did pass the budget resolution as did the majority with help from minority in the House of Representatives.

If that is the budget we are going to live under, then I want to make very sure that if we are going to expend those increased dollars we do it where it is most needed. And it seems to me where these additional dollars can be most wisely interested are in the areas of nutrition and health. I cannot think of anything more important than those issues.

So I did cosponsor this legislation. But I guess what really bothers me today is I sponsored the legislation after I spoke on two occasions with the Office of the Counselor to the President of the United States.

On two more occasions I talked with the chief spokesman in the White House Congressional Liaison Office.

It is amazing that after spending that much time trying to make very sure I understood the White House position, not the position of the Department of Agriculture, not the position of OMB, but their position, those who are constantly advising the President, I went ahead with assurances that there was not the kind of opposition that you are now hearing about.

I did that to make sure that I was not out on a limb and to make sure that particularly the freshmen members of our committee were not out on a limb.

It is amazing now that some of those same officers that I spoke to do not seem to know anything about it. I would say to the Counselor to the President that if he does not know anything about it, then he should carefully examine the interworkings of his office. I am concerned when high-level White House officials in the Office of the Chief Counsel to the President seems to suffer from extreme cases of selective recall.

I do not appreciate having the rug pulled out from under me especially when I made such an effort to be sure that I was working closely with them.

But I suppose I should just say "What is new?" Many of my colleagues have experienced the same kind of thing.

Let me now just talk very briefly about the importance of one item in this whole puzzle that must be taken care of before this comes back from the conference committee, and that is the pension bill. This legislation, by increasing revenues to the Pension Benefit Guarantee Corporation would result in a savings to the Federal Government and thus provide room in the budget for additional child nutrition spending.

Therefore, it is necessary, of course, that that bill move and I understand we will hear later about its status.

Again, let me reemphasize that I did not vote for the congressional budget, but it appears to be the ground rules under which Congress is acting. I am sick and tired of seeing all the additional money that is in there going to so many other areas, including areas to destroy life rather than improve life.

And I would only caution some of my colleagues who seem to think that a family of four, with an income somewhere between $12,000 and $19,000, are somehow considered affluent people in this society. If you look at statistics, you will see that if you are at that $19,000 level, the first 20 percent comes off the top for a variety of taxes and, these families are not in any position to use IRA's or anything else to escape it. And so they may be starting somewhere about $10,000 or $14,000, when they are trying to find a way to pay their mortgages, to pay the increased costs of energy because of fumbling of the Congress of the United States, as well as some external situations that we are well aware of; and then they will have to pay for their health care and then they will try to put some food on the table and also try to provide some food when the youngsters are away at school.

So I would hope everyone would think very carefully before they get up and make speeches about these wealthy people in the United States who happen to be in a family of four with an income somewhere between $12,000 and $19,000.

□ 1310

Mr. Speaker, I would like to now return to my prepared remarks. I am pleased to join the distinguished chairman of the House Education and Labor Committee as an original cosponsor of H.R. 4091, the School Lunch and Child Nutrition Amendments of 1983. I want to take this opportunity to commend the gentleman from Kentucky for his untiring efforts to design a responsive and responsible child nutrition restoration bill that was reported out of our committee with broad bipartisan support.

Clearly, there are an infinite number of policy changes which could be incorporated in legislation that would restore limited funds to the various child nutrition program accounts. H.R. 4091 includes a series of modest changes which are responsive to the nutrition needs of those whom these programs serve and the impact which the major changes incorporated in the Omnibus Budget Reconciliation Act of 1981 had on youngsters participating in the national school lunch and child nutrition programs.

Moreover, I believe that H.R. 4091 is fiscally responsible. Cost estimates for H.R. 4091 are below the first budget resolution assumptions for new entitlement authorities. As I have indicated in previous correspondence to my colleagues on this side of the aisle, to be in full compliance with the first budget resolution's overall allocations to the Committee on Education and Labor, the committee must achieve savings by taking appropriate action on legislation affecting the Pension Benefit Guarantee Corporation and the Federal Employees Compensation Act. My support for the pending child nutrition legislation is contingent upon the Education and Labor Committee moving ahead expeditiously to fully satisfy all assumptions underlying the first concurrent budget resolution.

As the ranking minority member of the Subcommittee on Elementary, Secondary, and Vocational Education, I was closely involved in developing a number of the child nutrition programs' policy changes which were eventually included in the 1981 Budget Reconciliation Act.

We have now had 2 years of experience with the major changes called for in the 1981 Reconciliation Act.

An assessment of these 2 years suggests that some of the Reconciliation Act changes have had an overly harsh impact on those children who are eligible for partially subsidized reduced-price meal service. While those who receive reduced-price school meals constitute approximately 7 percent of those participating in the national school lunch program, many of these children have dropped out of the school feeding programs. The 40-cent charge for a reduced-price lunch and the 30-cent charge for a reduced-price breakfast make such a school meal service beyond many families' financial reach.

Similarly, the changes in the income eligibility criteria for reduced-price meal service resulted in major changes for some families. Prior to reconciliation, the children from these families were required to pay 20 cents per lunch while the current charges, as a result of the eligibility changes, are anywhere from 75 cents to $1.50 per meal. This change obviously has placed school meals well beyond the reach of a number of modest-and low-income families.

Those provisions of H.R. 4091 which would increase the Federal reimbursement for reduced-price school meals and increase the income guidelines for determining eligibility for reduced-price meals are designed to again make quality school meals affordable to children from such modest-income families. Keep in mind that this is the category for a typical family of four with an income of between $12,871 and $19,305. This is a gross income figure and can hardly be deemed a comfortable middle income level in these times.

H.R. 4091 also provides for an increase in the cap on the average tuition of private schools for determining eligibility for such schools to participate in these programs. In addition, the bill provides for subsequent CPI indexation of the average annual tuition that may be charged by private schools and still enable them to participate in the school-based feeding programs. This change should maintain the status quo and the essence of the policy regarding private school participation established in the Reconciliation Act. This change should insure that a number of private schools—many of them located in the inner city and serving the educational needs of children from low-income families—continue to be eligible to participate in the federally assisted school meal programs.

It is important for Members who are concerned with the deficit to completely understand that the majority of the Reconciliation Act changes will remain in full effect; H.R. 4091 will not change them. Therefore, the major cost reductions already achieved during fiscal years 1982 and 1983 will continue into fiscal year 1984 and subsequent years, unless the Congress takes future legislative action to the contrary. According to recent estimates prepared by the Congressional Budget Office, anticipated savings in school lunch and child nutrition programs that are directly attributable to the 1981 Budget Reconciliation Act will amount to $1.3 billion during fiscal year 1984. For fiscal year 1985, projected savings are set at $1.4 billion. H.R. 4091 would restore $106 million in fiscal year 1984 and $160 million in fiscal year 1985. This is less than a 10-percent reduction in savings for fiscal year 1984. Clearly this should put to rest the argument that this bill is attempting to achieve a wholesale unraveling of the savings achieved in the 1981 Reconciliation Act. Rather I think it is a fine tuning of that legislative effort.

Finally, let me touch briefly upon a change in the level of support for meals served through the school breakfast program. The bill before us today provides an additional 6 cents in Federal cash assistance for each breakfast served. This additional assistance is provided by way of improving the nutritional adequacy of the

school breakfast—which a recent USDA-sponsored study has found deficient in vitamins A and B6 and iron.

Some of my colleagues will argue that Federal child nutrition assistance should be limited to those at or below the poverty threshold. One of the clearly stated objectives of the National School Lunch and Child Nutrition Acts is the safeguarding of the health and well-being of the Nation's children in recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn. The changes called for in H.R. 4091 are consistent with the basic purposes of these acts and the long legislative history associated with the various child nutrition programs.

That argument was thoroughly scrutinized and debated during the 1981 Reconciliation Act deliberations. And, this argument was rejected because of the hard dollars and cents realities of school feeding program operations. Simply stated, most school districts cannot afford to operate school feeding programs with Federal support limited to students eligible for free meal benefits. Insuring nutritional benefits to the neediest youngsters requires participation by and support for those who are in the reduced and paying categories.

I would suggest that there will be ample opportunity to debate the merits of providing Federal child nutrition assistance to all—or just some of our children—and that debate on this broader public policy should be postponed until Congress considers reauthorizing a number of these expiring authorities next year. This bill we are considering today is not the place for that debate.

In a memorandum dated August 2, 1983, which called for the creation of a Presidential Task Force on Food Assistance, President Reagan stated that "if even one American child is forced to go to bed hungry at night, or if one senior citizen is denied the dignity of proper nutrition, that is a national tragedy." I concur wholeheartedly in the concern that President Reagan has voiced and urge my colleagues to join in voting for H.R. 4091 to the end that our child nutrition programs can continue to meet the nutrition needs of our schoolchildren.

Mr. KINDNESS. Mr. Speaker, would the gentleman yield for a question?

Mr. GOODLING. I would be happy to yield.

Mr. KINDNESS. I thank the gentleman for yielding.

I am in the position that others will be in attempting to appraise, not understand, but appraise the difference in position between that expressed by the gentleman from Pennsylvania (Mr. GOODLING) and the administration.

Mr. GOODLING. Which part of the administration? The part that I dealt with or the part that wrote to you?

Mr. KINDNESS. There are various parts. But we have received, I have received today from the Office of Management and Budget a letter which others have received and it contains an assertion that I would like to have the reaction of the gentleman from Pennsylvania to; indicating the promise was that no needy child would be deprived of nutrition benefits and that that promise has been kept; all children from families under $13,000 annual income, that is 30 percent above the poverty line, are eligible for free lunches and breakfasts under current law. During both 1982 and 1983 the number of needy children served under the Gramm-Latta reforms exceeded 11 million.

First question is, is that 11 million needy children figure a reduction from, the previous level of numbers of children served?

Mr. GOODLING. That is true. And let me respond to what OMB is telling you because it may not be totally correct. They are saying they have met the responsibility of making sure that no needy child goes without a free lunch. That is pure hogwash; that is what we would call it in York County.

Mr. KINDNESS. If the gentleman would yield, that is measured by that $13,000 annual income figure; is that correct?

Mr GOODLING. No; that is only true if the particular school that a family's children attends is participating in the national school lunch program. But if you are not participating in the national school lunch program, you do not have to worry one bit about whether some hungry youngsters get a meal or whether they do not. Many schools, as a matter of fact, after our Reconciliation Act efforts, have dropped out of the national school lunch program. It means nothing to an affluent youngster who can buy whatever he or she wants wherever they choose. But if a school drops out of the national school lunch program, as a number have, it means there is no free meal service guaranteed to the youngster who comes from a family with an income at or below 130 percent of poverty.

Mr. KINDNESS. So how are those accounted for in terms of the effectiveness of the program, then? They are just simply not counted?

Mr. GOODLING. They are not counted because they are only giving you statistics about the national school lunch program.

□ 1320

Let me give the gentleman two quick examples. In my area one affluent school dropped out of the national school lunch program. That district decided that it was no longer going to participate. Their students are now offered an a la carte lunch program. That is fine. It is not hurting anyone. The students can afford to pay for a la carte meals. There are a handful who might be eligible for reduced-price meals but none who would receive free lunches, if the district were to participate in the national school lunch program.

But, about 10 or 15 miles from there, there were about 3,000 youngsters participating in a free lunch program. That district dropped the national school lunch program and those youngsters have to do whatever it is they must do in order to have something to eat during the school day.

So, you have got to talk about how many districts are now participating and how many were participating, in the national school lunch program.

Free or reduced-price meals are only guaranteed if you participate in the national school lunch program. If you do not, you do not have to provide for either free or reduced price meals.

Mr. KINDNESS. If the gentleman will yield further, Is it possible offhand to estimate the reduction in numbers of needy children served from fiscal year 1981 to 1982, or 1983?

Mr. GOODLING. Is it possible to get those figures, did the gentleman say?

Mr. KINDNESS. I was wondering if they happen to be available.

Mr. GOODLING. I can get them from the records in relationship to the national school lunch program, although I understand the statistics are not the best because I am not sure how well they do at gathering such statistics. But we can certainly provide the gentleman with those figures.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Let me say to the gentleman that after the severe cutback in June 1981, we lost some 3½ million children out of the school lunchroom and over a million of those were poor children.

Now this past year it may be that we have picked up maybe 150,000. But that tremendous loss shows the great need for the legislation we have before us.

Mr. GOODLING. I thank the gentleman.

Mr. KINDNESS. If the gentleman would yield further, we could then perhaps conclude that the net loss of needy children at this point is somewhere around 850,000 nationwide.

Mr. GOODLING. According to the statistics that the gentleman just heard—close to a million, I suppose.

Mr. KINDNESS. A million, with some of those having——

Mr. GOODLING. Having come back the second year.

Mr. KINDNESS. If the gentleman would yield for one further question, I may be using up too much of the gentleman's time.

It is indicated that there is a 6-cents increase in the allowance for the reduced-price breakfast. And in the letter from OMB, signed by our friend and former colleague, David Stockman, there is indication that is a 67-percent increase in the amount of that allowance which is already indexed for inflation.

Could the gentleman tell us the figure that is allowed for the reduced-price breakfast subsidy, if 6 cents is indeed 67 percent of the amount, the present amount would apparently be around 12 cents; is that about the right range?

Mr. GOODLING. I have not followed either the gentleman or the Office of Management and Budget logic there.

Mr. KINDNESS. Our friend Dave says, "The reduced-price breakfast subsidy which is already indexed for inflation would be raised 67 percent, 6 cents." Even for children that nearly double the poverty line.

Mr. GOODLING. All breakfast rates would be raised 6 cents.

Mr. KINDNESS. Could the gentleman tell us what the level is at the present time?

Mr. GOODLING. The rates we are presently reimbursing, or what the child must pay for a reduced-price breakfast; is that what the gentleman is asking?

Mr. KINDNESS. The subsidy amount is what is being increased by 6 cents.

Mr. PERKINS. If the gentleman will yield to me, what the gentleman is talking about is the reimbursement rate for the children in the regular program. But 90 percent of the youngsters in the breakfast program are poverty children.

Mr. KINDNESS. I am just wondering what the proportion really is, what the subsidy is now and if we are increasing it by 67 percent all at one time. I do wonder if that is a reasonable figure.

Mr. GOODLING. Well, let me just respond. Off the top of my head, I cannot give the percentage increases for the various breakfast rates to the gentleman. But, as an aside let me tell the gentleman that part of this whole legislative process is a process where, in conference committee, you give and take. You do the best you can in committee. We have reduced what could have been about a $160 to $165 million request down to about a $160 million request. The Senate may have some other ideas. And then in conference we may come out with other figures. But it is a give-and-take and I am not troubled by any provision that appears in this legislation.

Mr. KINDNESS. I thank the gentleman for yielding so generously of his time.

Mr. GOODLING. We will give the gentleman the additional statistics and percentages that he has requested.

Mr. KINDNESS. I thank the gentleman.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 4091, the School Lunch and Child Nutrition Amendments of 1983. This urgently needed legislation seeks to restore $150 million for school lunch and child nutrition programs in the next fiscal year.

In 1981, spending for the school lunch and other child nutrition programs was reduced by 35 percent and 3.5 million needy children were denied participation in these programs. Today we have the opportunity to help reverse this reckless action.

H.R. 4091 will lower the reduced-price rates for school lunch and school breakfasts by 15 cents each, and establish the reduced-price eligibility at 195 percent of the OMB poverty guidelines. In addition, this measure will authorize funds to improve school breakfasts and to increase the number of meals and snacks in day care centers. These improvements are vitally needed if our school lunch and nutrition programs are to be effective.

School lunch and child nutrition programs were developed to help improve the opportunities for poor and disadvantaged children to fully participate in society and to share the rewards of a quality education. We must maintain our commitment to these children if we are to achieve the fully integrated, free and equal society our forefathers envisioned when they founded our Nation.

I urge my colleagues to support the future of our Nation and to vote for passage of the School Lunch and Child Nutrition Amendments of 1983.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Vermont.

Mr. JEFFORDS. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman in the well. I know that he has been a leader in this program for many years and has done what he can to make it a more responsible program. I want to express my appreciation and heartily agree to the comments he made.

There is one area that leaves me a little bit confused and that has to do with where the recommendation came from for the 6 cents on the breakfast. I wondered if the gentleman could straighten that out.

Mr. GOODLING. Well, of course, all of the recommendations throughout the bill came from those in the child-feeding community who are most directly involved with these programs. And as they study the participation or the decline in that participation in the child nutrition programs, the needs involved, and the funds required to meet these needs, they made a series of recommendations to us. We took what they offered and pared it down considerably.

Mr. JEFFORDS. Did not the Department of Agriculture——

Mr. GOODLING. As a matter of fact, the increase in breakfast program rates addresses the need to improve the nutritional quality of the meal served. The present deficiencies were identified in a USDA-funded study of the various school feeding programs, and presented in testimony before our committee.

Mr. JEFFORDS. I appreciate that. I will go again on my own time a little later.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will advise the gentleman from Pennsylvania (Mr. GOODLING) that he has 2 minutes remaining.

Mr. GOODLING. Mr. Speaker, I might ask the gentleman from Kentucky (Mr. PERKINS) if he is going to yield to Members on this side of the aisle?

Mr. PERKINS. Yes, I will yield.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Did I hear the Chair say that there are only 2 minutes left on the opposition side of this measure? How much opposition time was there in the beginning?

The SPEAKER pro tempore. The Chair would advise the gentleman from New York that the gentleman from Pennsylvania (Mr. GOODLING) controls the time and the Chair had recognized the gentleman from New York for 20 minutes when he was not challenged.

But the gentleman from Kentucky (Mr. PERKINS) said he would be glad to yield time.

Mr. SOLOMON. Mr. Speaker, I was just wondering. I have not heard anybody in opposition and I wondered where the opposition time was if we were dividing up the time here today.

Mr. GOODLING. Mr. Speaker, it is an interesting thing. I did not find too many Members who gave me their names to speak, as a matter of fact. My ranking minority member did, and I am going to make sure that I get time from my chairman so that the gentleman from Illinois may speak, and anybody else.

Mr. SOLOMON. I see several here and there are only 2 minutes left. I

was just wondering what happened to the time.

I thank the Chair.

Mr. PERKINS. Mr. Speaker, I will yield 1 additional minute to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

I think the studies all disclose that our regular school lunch program is very nutritious and the 6 cents is to make up for a better nutrition in the breakfast program, particularly proteins.

Mr. GOODLING. It was the Department of Agriculture that conducted the study. It was the Department that told us the shortcomings in the breakfast program and it was the Department who, in turn, said it would take more money if the nutritional shortcomings of the school breakfast program are to be addressed.

□ 1330

Mr. PERKINS. I agree with the gentleman wholeheartedly.

Mr. GOODLING. I was not sure what the gentleman from Ohio (Mr. KINDNESS) was saying at the time, but I now follow it.

Mr. PERKINS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, as we proceed with the consideration of H.R. 4091, the School Lunch and Child Nutrition Amendments of 1983, there are several important considerations which I believe we should keep in mind.

The first addresses the question of who will benefit from the changes incorporated in H.R. 4091. The bill before us today would provide additional school lunch and child nutrition program benefits, in large measure, to children who are not the neediest. Rather, additional benefits would be provided to those who come from families whose annual incomes are between 130 and 185 percent of the nonfarm-income poverty guidelines, as prescribed by the Office of Management and Budget. Translated into dollars and cents terms, these are children from families—using a four-person household as an example—whose annual incomes would range from $12,871 to $18,315. It should be further noted that a number of the provisions included in this bill would provide additional child nutrition assistance to children regardless of their family's income.

Let me be specific. Section 2 of the bill calls for more generous Federal meals. reimbursements for lunches and breakfasts to children eligible for reduced-price meals. The cost of the meals provided to children from families with incomes in the $12,000 to $18,000 range would be reduced from the present 40 cents per lunch to 25 cents a lunch. And, in the case of breakfast, the price charged would be lowered from the current 30 cents to 15 cents.

Similary, section 3 of H.R. 4091 seeks to extend eligibility for reduced-price meal service to families with annual incomes up to 195 percent of the OMB poverty guidelines. Again, in dollars and cents terms, this simply means that children from a four-person household with an annual income of as much as $19,305 would be eligible to receive generously subsidized school lunches and breakfasts.

Section 4 provides for an additional 6 cents in Federal cash assistance for all breakfasts served in the school breakfast program, not just those provided to the poorest children.

Section 6 would provide for Federal reimbursement for an additional snack or supplement and an additional full meal for any child attending a day-care center or family group home that participates in the child-care food program, regardless of the income of his or her family. While a number of low-income children could benefit from this proposed change, a number of children from families who are not among out neediest will also be assisted with this additional meal service.

Section 7 increases the annual authorization of appropriation for the nutrition education and training (NET) program from its present level of $5 million annually to $7.5 million annually. The NET program provides no direct food assistance benefits, but addresses itself to nutrition education as well as the training and upgrading of skills of those who are involved in meal preparation and child nutrition program management.

Section 10 makes special milk program benefits available, at local option, to all children enrolled in kindergarten classes, regardless of the family's economic status.

Therefore, it would appear to me, Mr. Speaker, that we are considering the merits of a bill which does not target Federal cash or commodity assistance on those who are at the lowest end of the economic scale.

There is a second important consideration that merits our attention. The assumptions underlying House Concurrent Resolution 91 clearly state that the availability of funds for restoration to the child nutrition programs, as envisioned in H.R. 4091, is contingent upon favorable House action on legislation that will decrease Federal outlays for the Pension Benefit Guaranty Corporation. H.R. 3930, the Single Pension Plan Amendments Act, still awaits action by the full House Education and Labor Committee. I merely make this point to bring to the attention of my colleagues that we are considering legislation whose bottom line financing depends on legislative action yet to be completed, if we are to be in accordance with House Concurrent Resolution 91.

Mr. PERKINS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of H.R. 4091, the School Lunch and Child Nutrition Amendments. This legislation provides essential funding increases to the nutrition program available to our young people. I believe this bill represents a reasonable middle ground in addressing the administration's fiscal concerns and in supporting important nutrition programs for our children.

Some of the improvements we have made include: increasing the Federal reimbursement for reduced-price breakfasts and lunches, increasing the eligibility for reduced-price meals for a family of four from $18,316 to $19,481, and restoring eligibility for any school nutrition program in our private schools by raising the annual tuition eligibilty level. One of the most important provisions of H.R. 4091, however, is the expansion of the special milk program to all kindergarten children.

As we all know, the special milk program has been a vital link in the National School Lunch Act and the Child Nutrition Act for many years. Regretfully, participation in the special milk program has been limited to those schools and child-care agencies which do not participate in any other federally assisted meal service program.

This restriction has had its consequences particularly with our kindergarten students who are not in school during regularly scheduled meal times. Accordingly, if a school participates in the Federal lunch or breakfast program, then its youngest students may not benefit from any nutrition program. And, this is the very age at which we must try to teach good nutrition habits.

The Education and Labor Committee has a long history of commitment in authorizing programs to provide excellent nutrition programs for our children. As a member of that committee, I am pleased that we have provided an additional $7 million to this very important program that will make the special milk program benefits available to all children enrolled in kindergarten.

I, therefore, urge my colleagues to join with me in supporting H.R. 4091.

Mr. PERKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise in strong support of H.R. 4091, the School Lunch and Child Nutrition Amendments of 1983. I want to hearti-

ly second the sentiments expressed by my good friend and colleague, BILL GOODLING.

This bill has received far more than its share of criticism. It has been labeled a "middle-class entitlement." It is seen by some as opening the door to wholesale repeal of entitlement reforms of Gramm-Latta.

I am more concerned with nutrition than I am with this sort of domino theory. This is a sound, bipartisan bill, with support from both Republicans and Democrats on the Education and Labor Committee. It is modest, and within the budget adopted by this and the other body, which is controlled by the Republican Party.

The idea that no needy child is being deprived of nutrition under these programs is pure hogwash. We have heard the number of schools across the country who are dropping out of the program. This trend is more than confirmed in my State of Vermont.

Despite aggressive efforts by the State to promote the school lunch program, schools have been dropping out for the past 3 years. Several more are contemplating dropping out soon. Participation is plunging as well. Since the school year beginning in 1980, the number of reduced price meals has been cut back by 40 percent, from 1 million to 600,000. The number of free meals has fallen by more than 16 percent, from 3 million to 2.5 million. Needy children in schools without programs are being deprived.

Frankly, this bill does not fully address the very fundamental problems with these programs. It will, however, begin to address these problems in a prudent and reasonable fashion. These reforms are the result of a productive give-and-take between the chairman and ranking Republican member of the subcommittee. I fully support these reforms. They will at the very least demonstrate that we recognize the difficulties of students, parents, and schools, and that we are willing to do something about it.

As the previous speakers have noted, this bill will make some adjustments in the reduced price meals of the school lunch and breakfast programs. It will also restore the special milk program to our kindergartens. these strike me as quite reasonable steps.

Finally, I want to emphasize to my colleagues that it does not matter one whit that a child meets these programs' eligibility guidelines if the school he or she attends cannot support this program. In a rural State such as mine, this is increasingly the case. The more we restrict eligibility, the more we make administration of the program difficult, the more schools will drop out and the more children will go hungry. And needy children are going hungry. Make no mistake about it, this program is in trouble. USDA has not sent out letters of credit yet, so September claims cannot be paid. This hardly helps convince schools that this program is worth the effort.

I want to close by commending my colleagues Mr. PERKINS and Mr. GOODLING for their efforts. This a good bill, it is within the budget, and I urge my colleagues to give it their support.

Mr. PERKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I thank the chairman of the Education and Labor Committee, Mr. PERKINS, for his gracious gesture in yielding me time.

The chairman of the committee, Mr. PERKINS, indicated that there was no controversy about this bill whatsoever. That is not strictly true, as a matter of fact, on October 6, I offered four amendments to H.R. 4091, the School Lunch and Child Nutrition Amendments of 1983, two for myself and two in behalf of Representative ROUKEMA. I offered these amendments because I felt they represented a fair compromise between the Federal subsidy levels and requirements for reimbursement and a realistic increase given our current budgetary situation. Although all of these amendments were defeated in committee, there was some support for every amendment. I am disappointed to see H.R. 4091, which passed the Education and Labor Committee on the last working day before recess, is now being considered under suspension of the rules, with no possibility for amendments.

The administration strongly opposes H.R. 4091. According to OMB, if the bill, in its present form were to reach the President's desk, a veto would be recommended. I believe that my amendments would make this bill more acceptable to the administration.

H.R. 4091 will increase Federal subsidies for school lunches and breakfasts by 15 cents. This means that the increase of subsidization for reduced cost meals will result in three-fourths of the cost of the meal being picked up by taxpayers instead of the current two-thirds subsidy. In view of the burgeoning Federal deficits, my amendment would have limited the subsidy to 10 cents per meal. It is important to remember that if this bill passed, the subsidy we are talking about would make eligible a family of four earning as much as $19,305 per year. This is the result of the proposed increase for reduced-price eligibility from 185 percent of the OMB poverty to 195 percent. I offered an amendment in committee to leave eligibility at the current 185 percent. This allows a family of four earning $18,315 to be eligible for the subsidized meals.

I also have serious concerns about increasing the eligibility for private school participation by allowing private schools that charge $2,500 to participate instead of the current $1,500. I offered an amendment to drop eligibility to $2,000 (indexed annually) and I believe that this limit should be sufficient to allow those private schools which are likely to serve significant numbers of low or lower middle income children to continue to offer the benefits of the school feeding programs.

The bill adds one meal and one snack per day to the child care food program. This means that the child care food program participants can be reimbursed for three meals and two snacks per day. I feel that some sort of eligibility requirement should be necessary for the meals in order to insure that the meals are targeted to those children from families that need the subsidy the most.

I also offered an amendment in committee to maintain the annual authorization of appropriations for the nutrition education and training program at the $5 million level. There is little justification in raising Federal spending for a program that does not provide direct meal benefits to the truly needy. If there is any expansion of this program, it should be funded by State and local sources.

My opposition to H.R. 4091 does not mean that I am against child nutrition programs or that I am antichildren. My opposition reflects the reality of the huge deficits that threaten economic recovery. Cries have been heard on both sides of the aisle that the deficits will become the No. 1 hardship on every American family. They will wipe out the decreases we have seen lately in the unemployment rate. They will mean that taxes will be raised. All the recent words regarding these deficits will ring hollow if we do not have the courage to resist spending hundreds of millions of dollars that are proposed by H.R. 4091. I hope that H.R. 4091 will be taken off the suspension calendar and that we can have a chance to address the concerns that many Members have about this bill.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) has 4 minutes remaining and the gentleman from Pennsylvania (Mr. GOODLING) has 2 minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to take issue with one part, again, of the letter that was sent from the Office of Management and Budget which I understand arrived at 1 o'clock today. So when I was being questioned, I did not have an opportunity to respond to that letter simply because I had not seen the letter since it just arrived.

Let me again, first of all, say to the gentleman from Utah (Mr. NIELSON) that his contributions during our debate and discussion in subcommittee

and full committee were very meaningful. They are very important considerations that I am sure will be considered again when we are in the conference committee, and I am sure he will be successful with some.

But let me take issue with the one statement by this letter from the Office of Management and Budget. I am quoting:

The promise was that no needy child would be deprived of nutrition benefits.

And then underlined:

That promise has been kept.

I would like to repeat again that that is sheer hogwash. That is true if schools remained in the national school lunch program. That is not necessarily the case if the schools withdrew from the national school lunch program.

Mr. Speaker, I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first let me state that when we think about 1 million poor children being taken out of the lunchroom and trying to do something about that here today, I think legislation of this type deserves the support of everyone.

It has been suggested here on the floor that this legislation is not targeted. Nearly 50 percent of the funding in the bill, $50 million of the $105 million, is targeted to bringing children of the working poor, those are the words in the bill, back into the school lunchroom. After the 1981 cuts, 16.6 percent of these children dropped out of the reduced-price meal program.

An additional third of the funding in H.R. 4091, $32 million, is targeted on improving the nutritional content of school breakfast. These deficiencies were found in the study conducted for the U.S. Department of Agriculture. The breakfast program serves 85 percent—85 percent of poor children receiving free meals, and another 4 percent of the children of the working poor receiving reduced-priced meals.

I would like my colleagues to think for 1 minute about these inner cities and about the rural areas where children are gotten out of bed sometimes at 6 o'clock in the morning and bus them 30 miles. They are never going to eat any breakfast before they leave home. And to think about saying that this legislation is not targeted, we might as well talk about the folly of a misspent youth or something.

Another 10 percent of the funding, $12 million, is targeted to restoring a meal and a snack to the daycare program which serves children, many of them poor, in daycare centers.

I submit that all of this funding is targeted in the areas that need it the most, and I would hate for anyone to think that we are throwing money away here in an area where it is not well spent. The poorer children, the poorest of the poor, are the ones who are going to benefit from this $105 million, and let us not make any mistake about it.

The legislation should be enacted, and I would hope that we do not have any votes, maybe a very few votes at the most, against an important piece of legislation that will help build back the greatest feeding program in the world.

Mr. GOODLING. Mr. Speaker, may I reclaim that remaining few seconds that I have that I yielded back?

The SPEAKER pro tempore. The gentleman from Pennsylvania yielded back his time.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized for 1 minute.

Mr. GOODLING. Mr. Speaker, I just think it is important, for many on my side, that I reiterate what was stated earlier:

It is important for Members who are concerned with the deficit to completely understand that the majority of the Reconciliation Act changes will remain in full effect. H.R. 4091 will not change them. Therefore, the major cost reductions already achieved during fiscal years 1982 and 1983 will continue into 1984 and subsequent years unless Congress changes it.

According to recent estimates prepared by the Congressional Budget Office, anticipated savings in school lunch and child nutrition programs that are directly attributable to the 1981 Budget Reconciliation Act will amount to $1.3 billion during 1984. The fiscal year 1985 projection is $1.4 billion.

In H.R. 4091, we would only restore $106 million to that $1.3 billion in 1984 and $160 million in the 1985 budget, and this is less than a 10 percent reduction in savings for fiscal year 1984. So clearly, this should put to rest the argument that this bill is attempting to bring about a wholesale unraveling of the savings achieved in the 1981 Reconciliation Act.

● Mr. BIAGGI. Mr. Speaker, I rise to join with my colleagues in support of this important legislation which is a first step in reducing the ill-conceived budget cuts of the past 3 years which reduced funding for school lunch and child nutrition programs by 35 percent. As a result 3.5 million fewer children have been denied free or reduced-price meals. In my own city of New York, this impact has been especially severe considering that over 95 percent of our 1 million school-age children receive some sort of aid under this program to guarantee them at least one nutritious meal per day.

The bipartisan bill before us contains limited provisions for restoration for parts of these funds in the following manner:

Lowers from 40 to 25 cents the maximum price charged for reduced-price lunches by giving schools an added 15 cents per meal for reimbursement. Breakfast have been cut from 30 to 15 cents and Federal support has been increased 15 cents accordingly. Before 1981 this change was 10 cents.

Expands eligibility for children from the present 185 percent of poverty level to 195 percent. This means that a family of four would qualify if its income was $19,305 instead of the current $18,315. Clearly this change will be critical to the so-called working poor who, it has been shown, would not otherwise have the means to provide lunches to their children of comparable quality.

Increases breakfast reimbursement by 6 cents.

Expands participation for private schools by increasing tuition level eligibility from the current $1,500. The impact of the 1981 changes have been especially hard on private schools since prior to the change in the law, there was no criteria for tuition. Private schools in urban areas, which provide educational opportunity to lower, middle-income families are central to the education of many children. The families of these children make inordinate sacrifices in order to pay tuition at these schools and this change will provide them small, but important relief.

Restoration of one additional meal and one additional snack to the child care food program which were eliminated in 1981.

Increased authorization for the nutrition education and training program from $5 million to $7.5 million.

Adds unusual medical expenses to exclusion of income which would help those working families who might be hard hit but unusual medical bills and since 1981 would not be able to exclude such costs from their eligible income.

Eliminates the 1981 provision which makes eligibility with food stamps the criteria for school lunch eligibility.

Restores in a limited fashion, the special milk program for children in kindergarten which will be especially important to my own city of New York, and others like it, which have all-day kindergarten classes.

Phases in these changes to minimize administrative disruptions making them effective for the 1984–85 school year.

Mr. Speaker, I wish to commend the chairman of our committee for his leadership and vision in bringing this important bill to the floor so that we can, in a small but important way, attempt to restore rationality to our school meal programs for the neediest of our citizens.

The costs of this bill are minimal in comparison to the benefits. For the es-

timated $160 million we are spending—and which is authorized in the first concurrent budget resolution—we are giving important nutritional benefits to our schoolchildren which will improve their learning abilities as well as provide them with critical nutritional supplements that they might not otherwise receive.

I urge my colleagues to join with me in supporting this important legislation.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of H.R. 4091, the school lunch and child nutrition amendments. Among the most drastic and unwise cuts in education programs made by the Omnibus Reconciliation Act of 1981 were those affecting the child nutrition programs. In 1981, the school lunch and child nutrition programs were cut by 35 percent, and as a result, 3.5 million fewer children are participating in these programs.

The specific provisions of this bill are:

It increases the Federal subsidy for reduced-price lunches and breakfasts by lowering the price to students for lunch from 40 to 25 cents and for breakfast from 30 to 15 cents.

It increases the gross income eligibility guidelines for determining participation in the reduced-price meal program from 185 to 195 percent of poverty.

It raised the current tuition limit from $1,500 to $2,500 per year for private school eligibility to participate in the programs.

It allows one additional meal and snack to be added to the two meals and one snack currently provided in the child care food program.

It excludes unusually high medical expenses from household income for the purpose of determining program eligibility.

It increases the authorization for the nutrition education and training (net) program from $5 to $7.5 million.

It restores the special milk program for kindergarten children attending schools with a breakfast or lunch program.

It eliminates the provision of current law which automatically ties free meal eligibility for the school lunch program to the food stamp eligibility levels.

This bill restores $105 million to the child nutrition programs in fiscal 1984, $160 million in fiscal 1984 and $165 million in fiscal year 1985. There are three important facts to remember about these increases. First, the 1981 reconciliation cut the child nutrition programs by $1.5 billion. Therefore, without even taking inflation into account, these increases restore only about 10 percent of the 1981 cuts. Second, in no case does any one of these increases restore the child nutrition programs to their pre-1981 status. With respect to every benefit increase or modification in the eligibility standards, the programs will still remain more restrictive than they were prior to 1981. Finally, this bill simply implements the increases for the child nutrition programs that were provided for and assumed in the first budget resolution for fiscal year 1984. In sum, this bill is a modest and long overdue step toward restoring our child nutrition programs.

I urge my colleagues to support H.R. 4091.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 4091, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to allow for increased expenditures under these programs.

The budget resolution for fiscal year 1984 includes, among other things, an increase of $150 million for child nutrition programs. In order to achieve these funding increases, however, it is necessary to make legislative changes in the act so as to increase entitlement obligations for those purposes.

I want to commend Chairman PERKINS and Congressman GOODLING for their efforts in fashioning a package of changes which will most wisely distribute these funds, giving increased support to those students who most need this nutritional aid.

I am pleased to note that fully one-third of the increases we are proposing will go to assist children of families with incomes between 135 and 195 percent of poverty. These children receive reduced price meals, but in many instances it has been shown that these families' budgets were disproportionately strained by the increased cost of lunches that resulted from reductions in the program in 1981. By increasing reimbursement rates from 40 cents less than free to 25 cents less than free for lunches, and from 30 cents less than free to 15 cents less than free for breakfasts, we will make it feasible for many additional low-income children to join the program.

Another particularly important component of this bill involves an increase in reimbursement for the school breakfast program. Studies by the U.S. Department of Agriculture had shown that while the lunch program fulfilled dietary requirements, the school breakfast program was deficient in many nutritional aspects. The additional $32 million in reimbursals will be used by schools to ameliorate this situation.

I also would like to point out that the Congressional Budget Office has estimated the cost of this bill at only $105.5 million, $2.5 million of which is an increased authorization for a non-entitlement program. In reality, therefore, this bill represents $47 million less than increases allowed by the budget resolution.

I believe H.R. 4091 to be an equitable, bipartisan approach to improving the nutritional status of our schoolchildren, and urge my colleagues to support its passage.●

● Mr. SIMON. Mr. Speaker, I rise in support of H.R. 4091, which restores a portion of funding for the school lunch and child nutrition programs.

The bill addresses problems caused by budget cuts in 1981 in three major areas of the school lunch program. The Omnibus Budget Reconciliation Act of 1981 reduced the reimbursement rates for all lunches, particularly for paid and reduced price lunches. Changes also were made in income eligibility requirements and criteria which lowered both free and reduced price lunch eligibility. Third, private and nonprofit schools and residential institutions whose annual tuition exceeded $1,500 were excluded from the program.

In the 2-year period the reductions have been in effect participation in the school lunch program has dropped by 3 to 3½ million children. This shockingly high number does not reflect the number of children whose reduced family income lowered their ability to pay for school lunches in this time of recession.

This bill also takes into account certain situations in families that affect their eligibility, especially large medical expenses and other expenses that cause family hardship.

Further, the bill separates the free lunch eligibility from the food stamp eligibility standard.

For many children, the school breakfast program provides a meal that they probably would not have. This bill allows the school breakfast program to be upgraded nutritionally and to reach some of the children who were dropped as a result of the 1981 cuts.

The bill restores the allowance for a meal and snack for children in child care, whose working parents often drop them off early in the morning and pick them up late in the evening.

The bill also will extend the special milk program to kindergarten children eliminated from the program under the 1981 law, especially those who have had no access to either the lunch or milk program.

Finally, the bill raises the authorization level for nutrition education to half the 1980 figure.

Mr. Speaker, the school lunch program has proven to make a substantial difference to children, both nutritionally and educationally. It is a well known fact that children are less able to participate at their peak if they are hungry. The cuts that Congress made in 1981, coupled with the administrations cutbacks and alterations of the child nutrition programs since then, have had a very negative effect on low

income children who are most at risk in our educational system.

I urge the support of my colleagues in Congress for the important legislation that will only partly restore funding to these needed programs.●

● Mr. PANETTA. Mr. Speaker, I am pleased to express my support for passage of this year's school lunch and child nutrition amendments, H.R. 4091. This legislation, which is consistent with the assumptions of the congressional budget for fiscal year 1984, would make a number of well-targeted changes in nutrition programs that were cut back sharply in 1981. By focusing these changes on aiding working poor families, the bill would provide relief to a category of people who were especially hard hit by cutbacks in a variety of social programs during the 97th Congress.

This bill should also be seen in a larger context—that of combating hunger in America. On September 28, 1983, Chairman PERKINS and I and several other members endorsed a package of antihunger proposals put forth by the U.S. Conference of Mayors. H.R. 4091 corresponds to one piece of that package. I offer my congratulations to Chairman PERKINS, Representative GOODLING, and other committee members not only for their prompt action on the bill, but also for the bipartisan cooperation it reflects.

I am hopeful that the other legislative pieces recommended by the mayors—to improve the food stamp program and provide emergency food and shelter relief for this winter—will be considered shortly.

Mr. Speaker, as Members may be aware, the Agriculture Subcommittee I chair has held a series of hearings in Washington and around the country this year on the subject of domestic hunger. We have found that the demand for emergency food assistance has grown substantially throughout the country in the past 2 years. There really are a significant number of Americans who have difficulty making food resources last throughout each month.

I wish I could say that the recently improved unemployment rate had brought substantial relief to the situation. Unfortunately, this does not appear to be the case. On October 20, 1983, our subcommittee heard from Cincinnati Mayor Thomas Brush that, if anything, the situation is still getting worse and a difficult winter is anticipated. At that same hearing, physicians and other health professionals presented new scientific data on the existence of hunger and malnutrition and the relationship of hunger to health problems among our neediest citizens. Based upon what I have seen and heard, I have no doubt whatsoever that hunger is a very serious problem in this country.

Passage of H.R. 4091 is the next logical step Congress should take to address the hunger issue. In passing House Concurrent Resolution 40, the preventing hunger at home resolution, by a vote of 407-16 on August 2, 1983, the House expressed its opposition to any nutrition program benefit cutbacks in the 98th Congress. The Senate has passed a similar resolution.

On August 4, 1983, Congress passed amendments that should result in a far more effective program of distributing surplus commodities to those in need. By following up these actions with judicious changes in ongoing programs and emergency assistance this winter, as the mayors have recommended, the Congress has an opportunity to be truly responsive to the pressing problem of hunger in America.●

● Mr. HALL of Ohio. Mr. Speaker, I rise in support of H.R. 4091, the school lunch and child nutrition amendments. I believe that this bill will help rectify the pressing problems we have been experiencing in our child feeding programs since the enactment of the 1981 Budget Reconciliation Act.

Perhaps we should remind ourselves of the intent of our child nutrition programs. Perhaps we would be well served to look back on what we have achieved in maintaining these services. Back in 1946, there existed an unusually high rate of malnutrition among the men entering our Armed Forces. At that time, it was determined that the Federal Government should assume responsibility in upgrading the nutritional status of schoolchildren. This determination brought about the enactment of the national school lunch program. Its adoption marked the beginning of a national commitment:

> . . . to safeguard the health and well being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food.

We have several studies and surveys documenting the important role assumed by the national school lunch and other child nutrition programs in improving the nutritional status of young children—particularly low-income children. Why, our own Congressional Budget Office reported that:

> School feeding programs appear to be significantly more effective in improving the nutrition of low-income children than direct money payments to their families.

Yet, in the 1981 Budget Reconciliation Act, it was seen fit that the Federal Government "renege" on its commitment to "safeguard the health and well-being of our Nation's children." Child nutrition programs sustained cuts totaling $1.5 billion. The school breakfast program was cut by 20 percent. Prior to this funding reduction 4 million children were participating in this program. As a result of the cut, enrollment in the program declined by close to 900,000. The school lunch program has suffered a similar fate. The 1981 act cut the program by about 30 percent. Before then, 94,000 schools serving 26 million children participated in the program. After the enactment of the reconciliation bill, the number of schools participating in the program dropped by nearly 2,000 and the number of children in the program declined by more than 3 million.

Perhaps the most devastating impact was made on the nearly 1.1 million children who are no longer receiving the free and reduced-price lunches under the program. In my district, in Dayton Ohio, the budget reductions and changes in participation guidelines forced close to 1,000 children from the program. I discussed this situation with Mrs. Betty Bender, the director of school food services in Dayton City Public Schools. She informed me that most of these children are borderline cases. They are no longer participating in the program because their family incomes—$18,315 per year for a family of four—was just too high.

Mr. Speaker, a vote for H.R. 4091 will give us an opportunity to move back in line with our commitment to safeguard the health and well-being of our Nation's children. In 1981 we cut the child nutrition programs by $1.5 billion. H.R. 4091 makes a modest restoration of $150 million in these programs. This is only a 10-percent return of the loss, but is is an important return. The budget resolution for fiscal year 1984 permits this restoration. In addition, the bill makes more children eligible for the reduced price meals by raising family income eligibility levels.

I continue to believe that we made a grave error in so drastically reducing Federal support for our child feeding programs in 1981. H.R. 4091 is offering us the opportunity to make amends. I encourage all of you to take advantage of this opportunity.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of the School Lunch and Child Nutrition Amendments of 1983, H.R. 4091. The legislation restores $150 million for child nutrition programs under the National School Lunch Act and the Child Nutrition Act of 1966.

The legislation lowers the reduced-price rates for school lunches from 40 cents to 25 cents and lowers school breakfasts from the current 30 cents to 15 cents; adds 6 cents per breakfast program meal pattern; sets the reduced price eligibility at 195 percent of the Office of Management and Budget poverty guidelines as opposed to the current 185 percent; and, raises the cutoff for private school participation for those charging less than $1,500 in

tuition to those charging less than $2,500.

Mr. Speaker, in 1981 the Congress made the mistake of reducing funds for the school lunch and other child nutrition programs by 35 percent. As a result, 3.5 million needy children were summarily terminated from the programs. The fiscal year 1984 budget resolution permits the restoration of $150 million of these funds, less than 10 percent of the amount cut in 1981. Although the $150 million is not enough, it certainly will allow for an increase in the quality of the programs and the quantity of participation.

I would like to congratulate Chairman CARL PERKINS and the Committee on Education and Labor for their fine work on H.R. 4091 and I strongly urge my colleagues to support the legislation.●

● Mr. FRENZEL. Mr. Speaker, over the years I have tried to hold back the explosive expansion of the use of the suspension procedure.

The procedure was designed to reduce floor time for the handling of noncontroversial bills. It was overused in the early 1970's, but the real perversion of the procedure has occurred since the mid 1970's. At that time, the resurrection of King Caucus under Democrat control furnished the impetus to short out regular House procedures in the name of expediency.

At one time in the late 1970's even the Democratic Caucus rebelled against the wanton use of suspensions. It had a rule which set a maximum authorization of a few million dollars. Like most Democratic rules, that one was honored mostly in the breach. Perhaps it has now passed into oblivion.

What is wrong with the process is that it is a gag rule procedure. It limits debate and it prohibits amendments. Debate and amendment are the heart of the democratic process. It is surprising that the folks who call themselves Democrats should be so eager to destroy that process.

H.R. 4091 is clearly a major bill. It should not be brought up under suspension. It expands an important entitlement program by raising spending by $105 million for 1 year, and by $769.5 million for the next 5 years.

Seven hundred and sixty-nine million dollars is not a large amount by congressional standards, but it should surely be subject to normal House scrutiny through normal debate and amendment.

Only 27 percent of the benefits in H.R. 4091 would be targeted to those families earning less than $12,570 for a family of four. The real problem is that another 27 percent of more benefits would flow to those earning over $19,305. Here is another program which taxes $10,000 wage earners to benefit $20,000 wage earners.

Nevertheless, we need a child nutrition program. I would like the chance to amend and debate this bill, but the suspension process gives us no opportunity to do so. Our choice is vote yes for a program that is too fat, or no for a program that is necessary. It takes real leadership cunning to present such a choice.●

● Mr. BOUCHER. Mr. Speaker, today we have an opportunity to repair a portion of the damage done by the administration's budget cuts in child nutrition programs which serve millions of children nationwide. Two years ago, at the request of the administration, Federal support for child nutrition programs was slashed by more than one-third. This action cut the Federal reimbursement for school lunches, raised the price charged to children, and tightened eligibility requirements. As a result, the door to these programs was effectively closed for 3.5 million children who previously qualified for reduced-priced lunch or breakfast programs.

H.R. 4091, the school lunch and child nutrition amendments, provides an opportunity to reaffirm our support for child nutrition programs and to recognize the importance of proper nutrition to the education of American children. This measure represents an important first step toward opening the doors closed 2 years ago. I urge my colleagues to join me in support of H.R. 4091.

A recent study by the U.S. Department of Agriculture documents the very positive effect of nutrition programs on participating schoolchildren. Notwithstanding these facts, the President earlier this year proposed an additional 30-percent reduction in child nutrition, on top of the 35-percent cut in 1981. The President has chosen to ignore national studies which report a disturbing increase in the need for nutritional assistance for our young students. Moreover, he has chosen to ignore the important correlation between the nutrition habits of a child and his or her ability to successfully function in school.

The school lunch and breakfast programs, the child care food program, the special milk program, and other child nutrition programs are important for our children both nutritionally and educationally. I am proud that both Chambers of the Congress have recognized the important of these programs and have flatly rejected the President's proposals. The first concurrent budget resolution provides for the restoration of a portion of the Federal support reduced in 1981. H.R. 4091 would target this additional funding to those programs hardest hit by the 1981 cuts in order to serve as many children as possible.

The need for this measure is well established. The Committee on Education and Labor recently completed a series of hearings in southwest Virginia. Under the direction of our distinguished chairman, we heard testimony from students, parents, teachers, and school administrators on the many challenges facing our educational system. Many of the witnesses shared with us the value of school lunch and breakfast programs to the students of southwest Virginia and the severe impact of the budget cuts on their ability to serve these children. It was generally agreed that the 1981 funding cuts resulted in reductions of approximately 16 percent in the number of children served by the school breakfast and lunch programs.

I am pleased that the House is now prepared to provide a partial remedy through the enactment of H.R. 4091, and I urge my colleagues to support it.●

● Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 4091, the school lunch and child nutrition amendments. This carefully crafted legislation amends the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, programs which I have strongly supported in the past.

These two working programs are designed to provide free or reduced-price meals to children of low-income families. Millions of our schoolchildren have been served by these programs. The amendments embodied in H.R. 4091 will allow even more children to participate. Among the provisions of the bill are: Lowering students costs for reduced lunches from 40 cents to 25 cents and breakfasts from 30 cents to 15 cents; increasing the income guidelines for determining eligibility; adding one meal and one snack to the child care food programs; raising the private school ceiling of tuition from $1,500 to $2,000 for those schools ineligible from participating previously; excluding certain medical expenses in determining eligibility; and increasing by 6 cents the current adjusted payment for each breakfast served in order to improve the nutritional value of the meals.

Because I have been long concerned about the issue of hunger, as the sponsor of House Resolution 15, which would establish a Select Committee on Hunger here in the House of Representatives, I fully support this legislation. A Select Committee on Hunger would investigate all the food programs administered by the Federal Government. Suggestions would be made to increase their effectiveness, with the goal of eradicating hunger both at home and abroad. H.R. 4091 is a part of this larger plan, and I endorse it wholeheartedly.●

● Mr. DICKS. Mr. Speaker, there is no greater stain on the Reagan administration than its effort to cut child nutrition programs. Since 1981, the ad-

ministration has launched an unfair and relentless assault on these programs which has resulted in:

The elimination of free and reduced priced lunches for 1.1 million low-income children.

A total of 900,000 fewer children receiving school breakfasts.

The exclusion of 500,000 poor children from summer lunch programs administered by churches and nonprofit agencies.

The loss of nutritious snacks for hundreds of thousands of children in Head Start programs and day care centers.

The closure of more than 1,000 school lunch programs.

The President's 1984 budget request called for an additional $246 million reduction in child nutrition programs. The administration's proposal combines the three child nutrition programs, heavily targeted at low-income children, into a block grant with funding cuts ranging from 29 percent in fiscal year 1984 to 40 percent in fiscal year 1988.

Several months ago a group of representatives from the Washington State School Food Service Association visited my office to inform me of the impact these administration cuts have had on their programs. Carol Johnson, director of the School Food Service Association in Spokane, Wash., told me of the direct impact the budget cuts have had on her district's programs:

The major impact on our district was the elimination of the breakfast program due to reduced funding and lack of allocation for commodities. The eliminated programs fed approximately 1,000 students a day. The decrease in participation made it necessary to close ten school kitchens and reduce the number of employees by 659 staff members from 244 to 175. The hours of the remaining employees were also reduced.

Mirian Graves, food service supervisor of the Summer Food District explained:

Due to the cuts, we had to increase lunch prices and reduce our labor hours which caused the cancelling of a much needed breakfast program.

Jeanne Oloufa, supervisor of food services in my district states:

The number of free lunches dropped when the eligibility guidelines were reduced. The regular paying lunches dropped by almost half when the reimbursement was reduced so that we had to raise lunch prices by 35¢ on the average. . . .

Wanda Grant from the Federal Way School District put the effect of the budget cuts in human terms:

In the category of reduced price eligible children, we find many going hungry. Families whose children qualify for reduced price meals are a unique group. They are traditionally the survivors of bad economic times. The bread winners of the family usually have recently lost their jobs, they are intimidated by the welfare system and too proud to admit they need public assistance. Forty cents is too much to pay when they can't pay the electricity bill or the rent. That is why most schools in the Sixth District have experienced somewhere between a 25% and 42% decrease in the number of qualified reduced price children eating lunch. These children are eating poorly. Their lack of nourishment will be reflected in their ability to learn. The National School Lunch program should have a commitment to their needs. These are the needs of hungry children.

Carol Johnson summed up the effect these budget cuts have had on Washington State:

In the State of Washington, the impact has been even more dramatic . . . there has been a decrease of 3,977 average paid lunches served. Nineteen districts went off the federal program between 1981 and 1983. In those districts the children eligible for free and reduced price meals do not have them available.

Twenty school districts have dropped the breakfast program. In the same period, of the remaining 34 districts with breakfast programs, 464 less paid students ate breakfast and 188 less students received reduced price breakfast.

As all of these food service directors have pointed out, the Reagan cuts have been devastating to the school lunch and breakfast programs. And it is for these reasons that I rise today to speak in favor of H.R. 4091. H.R. 4091 would:

Lower student's costs for reduced lunches from 40¢ to 25¢, and breakfast costs from 30¢ to 15¢.

Increase income guidelines for eligibility for reduced price meals from 184% of the poverty level to 195%.

Raise the private school ceiling of tuition from $1,500 to $2,000 for those programs ineligible from participating in these programs.

Add one meal and one snack to child care food programs.

Raise the authorization for nutritional education and training from $5 million to $7.5 million.

Exclude certain expenses from the household income in determining eligibility.

Restore the Special Milk Program to Kindergarten children.

Increase by 6¢ the current adjusted payment for each breakfast served in order to improve nutritional value of the meals.

Millions of American children depend upon important nutritional benefits through the child nutrition programs supported by the Federal Government. The school breakfast and lunch programs, the child care food program, and the summer food service program all play an important role in feeding the Nation's children. Let us today secure our children's chance at a prosperous life and support H.R. 4091.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 4091.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1350

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4091.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DECLARING CERTAIN TRUST LANDS FOR PAIUTE INDIANS

Mr. MCNULTY. Mr. Speaker, I am Congressman JAMES MCNULTY of Arizona. I have been asked by the gentleman from Arizona (Mr. UDALL), chairman of the Committee on Interior and Insular Affairs, to act as floor manager of the bill, H.R. 2898.

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2898) to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, to establish a fund for the economic development of the tribe into which shall be deposited certain amounts received by the United States as revenue from public lands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Subject to subsection (d), all right, title, and interest of the United States in the lands described in subsection (b) (including all improvements thereon and appurtenances thereto) are declared to be held in trust by the United States for the benefit of the respective bands of the Paiute Indian Tribe of Utah, as provided in subsection (b), and are declared to be part of the reservation of the Paiute Indian Tribe of Utah.

(b) The lands subject to this Act are the parcels of land depicted on the maps contained in the draft document entitled "Proposal Paiute Indian Tribe of Utah Reservation Plan", dated January 24, 1982, and published by the United States Department of the Interior, Bureau of Indian Affairs. Upon enactment of this Act, the Secretary shall publish in the Federal Register the legal description of the lands so depicted. The Secretary is authorized to correct any technical errors in the descriptions of the subject lands. Such lands shall be held as follows:

(1) To be held in trust for the Kanosh Band of the Paiute Tribe of Utah: Parcel numbered 2, figure 5, page 95, containing approximately five hundred and sixty acres; parcel numbered 3, figure 6, page 99, containing approximately five hundred and two acres.

(2) To be held in trust for the Koosharem Band of the Paiute Tribe of Utah: Parcel

numbered 4, figure 7, page 105, containing approximately five hundred and twenty acres; parcel numbered 5, figure 8, page 111, containing approximately seven hundred and fifteen acres.

(3) To be held in trust for the Cedar City Band of the Paiute Tribe of Utah: That portion of parcel numbered 1, figure 4, page 85, containing approximately two thousand forty-four acres.

(4) To be held in trust for the Indian Peaks Band of the Paiute Indian Tribe of Utah: That portion of parcel numbered 1, figure 4, page 85, containing approximately four hundred and twenty-four acres.

(c) Nothing in this section shall deprive any person of any existing legal right-of-way, mining claim, grazing permit, water right, or other right or interest which such person may have in the lands described in subsection (b).

(d) Pursuant to the Act of June 14, 1934 (48 Stat. 985), the Secretary shall acquire, to the extent available, easements to and water rights for the lands described in subsection (b) as necessary for their use.

(e) The Secretary shall consult with the town council of Joseph, Utah, and other appropriate local governmental entities prior to permitting the introduction of any point source of contamination pursuant to any proposed development on parcel numbered 4 as described in subsection (b)(2). The Secretary shall require a minimum of one thousand five hundred feet distance be maintained from the town well of the town of Joseph and any such point source of contamination and may, if he determines it is necessary to prevent contamination of said well, require the installation of an appropriate waste water disposal system as part of any proposed development on Parcel 4.

(f) Upon the effective date of this Act, all valid leases, permits, rights-of-way, or other land use rights or authorizations, except mining claims, existing on the date of enactment of this Act in the lands described in subsection (b), including the right to receive compensation for use of the lands, shall cease to be the responsibility of, or enure to the benefit of, the United States, and shall become the responsibility of the Paiute Indian Tribe which shall succeed to the interests of the United States and shall continue to maintain them under the same terms and conditions as they were maintained by the United States.

(g) All improvements on the lands described in subsection (b) in existence on the effective date of the Act, under the authority of the land use rights or authorizations described in subsection (c), shall remain in the same status as to ownership and right of use as existed prior to the date of enactment of this Act.

(h) Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the lands described in subsection (b).

(i) The mining claims described in subsection (c) shall carry all the rights incident to mining claims, including the rights of ingress and egress over the land described in subsection (b). Such mining claims shall carry the right to occupy and use so much of the surface of the land within their boundaries as is required for all purposes reasonably necessary to mine and remove the minerals, including the removal of timber for mining purposes. Such mining claims shall terminate when they are determined invalid under subsection (j) or are abandoned.

(j) As soon as possible after enactment of this Act, the Secretary of the Interior shall determine the validity of the mining claims described in subsection (h) as of the date of enactment of this Act. Those mining claims which the Secretary determines to be valid shall be maintained thereafter in compliance with the mining laws of the United States but the holders of such claims shall not be entitled to a patent.

(k) Nothing in this Act shall prevent the Paiute Indian Tribe from negotiating the accommodation of land use rights or authorizations described in this section through any method acceptable to the parties.

SEC. 2. The lands which are declared to be held in trust for the benefit of the tribe or bands under this Act shall be subject to the laws of the United States relating to Indian land to the same extent and in the same manner as the lands comprising the reservation of the tribe or bands on the day before the date of the enactment of this Act.

SEC. 3. (a) The Secretary of Agriculture shall not deny the tribe or any member of the tribe the right to use and occupy, on a nonexclusive basis, the national forest land described in subsection (b) the religious and ceremonial purposes for such periods of time and under such reasonable terms and conditions as the Secretary may prescribe: *Provided,* That the Secretary shall permit the tribe to use and occupy, on an exclusive basis, so much of the national forest land in subsection (b) abutting Fish Lake as is necessary for such religious and ceremonial purposes during and including the second and third weeks of June and the first and second weeks of September of each year, under such reasonable terms and conditions as the Secretary may prescribe.

(b) The land referred to in subsection (a) is the parcel of land depicted on the map contained in the document entitled "Proposed Paiute Indian Tribe of Utah Reservation Plan," dated January 24, 1982, and published by the United States Department of the Interior, Bureau of Indian Affairs, as follows: Parcel numbered 6: Fish Lake; figure 9, page 117.

SEC. 4. (a) There is hereby established in the Treasury of the United States a fund to be known as the Paiute Indian Tribe of Utah Economic Development and Tribal Government Fund. This Fund shall be held in trust for the benefit of the tribe and administered in accordance with this Act.

(b)(1) One-half of the principal of the Fund shall be designated as the Economic Development Fund and the remaining one-half as the Tribal Government Fund. Each portion of the Fund shall be administered by the Secretary in accordance with reasonable terms established by the tribe and agreed to by the Secretary. The Secretary shall not agree to terms which provide for the investment of the Fund in a manner not in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037), unless the tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment. Until such terms have been agreed upon, the Secretary shall fix the terms for the administration of any portion of the Fund as to which there is no agreement.

(2) Under no circumstances shall any part of the principal of the Fund be distributed to the tribe, or to any member of the tribe, nor shall income accruing to the Fund be used for per capita payments to any member of the tribe.

(3) The Secretary shall make available to the tribe in quarterly payments, without any deductions, any income received from the investment of each fund. The use of the income from the Tribal Government Fund shall be free of regulation by the Secretary. The use of the income from the Economic Development Fund shall be consistent with an economic development plan developed by the tribe and approved by the Secretary. The Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing the reasons for his disapproval. With the approval of the Secretary, the tribe may alter the economic development plan subject to the conditions set forth in this section.

(c) There is authorized to be appropriated the sum of $2,500,000, which shall be deposited in the Fund. Not more than 5 per centum of any amount appropriated to the Fund under this section may be obligated or spent by the tribe under any contract or agreement relating to the employment of legal counsel.

(d) The transfer of the approximately four thousand seven hundred and seventy acres of land and the appropriation of the $2,500,000 authorized by this Act shall be in complete fulfillment of the provisions of Public Law 96-227 relating to the enlargement of the tribe's reservation.

SEC. 5. For purposes of this Act—

(1) the term "tribe" means the Cedar City, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah; and

(2) except where otherwise specified, the term "Secretary" means the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona (Mr. MCNULTY) will be recognized for 20 minutes and the gentleman from Utah (Mr. MARRIOTT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. MCNULTY).

GENERAL LEAVE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2898) now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MCNULTY. Mr. Speaker, this bill comes to us through the industry and compassion of the gentelman from Utah, my friend (Mr. MARRIOTT), who is moved, I think it is safe to say, by considerations that are legal and ethical, and I am even sanguine to say, by reasons that are charitable.

The fact is that 29 years ago this Congress passed a law which terminated the tribal status of a number of Indian groups, including the five bands of the Paiute Indian Tribes in the State of Utah. It did so under certain rules and conditions which required certain guidelines be met before the termination could occur. It

is curious and not particularly a flattering fact that the guidelines as applied to the Paiute Indian Tribe would have prevented the termination of the tribal status of that group at the time; but notwithstanding that, it was, in fact, terminated, and the Paiutes promptly and consistently entered into a state of greater deprivation as the matter wore on.

In 1980, the tribal status was justly restored to the Paiutes and at the same time, Congress indicated that the Federal Government must seek to restore to the Paiutes some sense of their tribal status, and most particularly by finding land that would be appropriate to them.

Now, I am pleased, I am even proud to be here to report that we have a bill before us which would authorize 4,770 acres of public lands to be held by the United States in trust for the Paiute Indian Tribe. That is a good deal fewer acres than was originally contemplated 3 years ago; but the kicker that makes up the difference is the fact that the bill now includes a $2½ million trust fund to be part of the bill and that, of course, will be held subject to the discretion of the Secretary of the Interior, but it can be used, the interest on it can be used by the tribe in part for operation of their tribal expenses and in part for the economic development of the land.

That in a thumbnail is what the whole bill is about.

Mr. Speaker, I reserve the balance of my time.

Mr. MARRIOTT. Mr. Speaker, I rise in strong support of H.R. 2898.

I first want to express my appreciation to the chairman of the full committee, the gentleman from Arizona (Mr. UDALL); also to Mr. MCNULTY and others who have been so helpful in getting this bill through.

I would also like to thank my colleagues from Utah who have also studied this bill and have been very helpful in getting it to this point.

Enactment of H.R. 2898 would fulfill the promise of a 1980 act of Congress that restored federally recognized status to the five bands which comprise the Paiute Indian Tribe of Utah. That act, Public Law 97-227, permitted the tribe to select and have added to their reservation up to 15,000 acres of public land.

In view of the generally poor quality of available lands and the tribes impoverished condition, the committee, the administration, and the tribe agreed to a compromise proposal. That proposal, adopted as an amendment by the committee, provided the tribe with five parcels of vacant land totaling 4,770 acres, and a $2.5 million trust fund. The income from the fund could be used only for economic development and tribal government purposes.

Mr. Speaker, in 1954 Congress terminated the Utah Paiute Tribe, although the Paiutes met none of Congress' own criteria for the withdrawal of Federal support. These Indians accepted termination in large part because their Representatives in Congress promised them that their lands would not be taxed. That promise was not kept, and as a result they lost over 16,000 acres of their land. Three of the bands today are landless. Their social and economic conditions declined, rather than improved.

Restoration of Federal status in 1980 has revitalized the Paiute Tribe, but they still face staggering problems. Unemployment is 45 percent. Family income averages one-fourth that of a typical Utah family. Average educational achievement is at the eighth grade level. Alcoholism is a serious problem. The average life expectancy is 42.5 years and fully 75 percent of the tribe's 525 members are under 35 years of age.

Despite their problems, the Paiute Tribe is moving ahead under young, intelligent, conscientious leaders. They are united in their awareness of their history, their culture, and their will to survive and prosper through hard work.

H.R. 2898 is the product of over 10 years' effort by the tribe, not only to regain their status as a tribe and the land they lost through termination, but also to obtain the means by which to make genuine progress toward economic self-sufficiency.

I am pleased to say that there is broad popular support in Utah for the tribe and for this legislation. The entire State delegation, the Governor, county commisisoners, local governments, the tribe, as well as the Department of the Interior and the administration, support enactment of H.R. 2898.

I would urge all the Members of the House to join with me and my colleagues in support of this bill that we might pass it today.

Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN of Utah. Mr. Speaker, I would like to compliment the gentleman from Utah (Mr. MARRIOTT) for the excellent job that he has done in spearheading the lead on this Paiute Indian bill; also the gentleman from Arizona (Mr. MCNULTY) and the gentleman from Arizona (Mr. UDALL) and others who have worked on this.

I think in America today as we look at this problem with the Indian tribes, we see a step forward in trying to do our best to bring back some of the problems that we felt.

The gentleman from Utah (Mr. MARRIOTT) mentioned the term "Indian self-determination."

It seems that in America, and I say this very respectfully, that to a certain extent we have seen the Indian tribes subjected to problems possibly brought about by the Government itself.

It is a great thing to see these people, these Paiutes, getting the opportunity to now come back and exercise this Indian self-determination.

The gentleman from Utah (Mr. MARRIOTT) mentioned the problems they have; unemployment, life expectancy, alcoholism. These things are somewhat rampant in America and now to give these people that opportunity that they themselves, not relying on the Federal Government as much, but just give them the opportunity and this bill is an opportunity bill for the Paiutes, that they now can do things, such as start their own businesses.

The money that was mentioned here, the $2.5 million is to be used for the economic development of the Paiute Indian Tribe. That is what I think we want to see. We want to see these people make it on their own, with their blood, sweat, and tears and their ingenuity and their minds and their brilliance and the young leadership we talked about, that these people will make it.

I am glad that Congress, the President, the Secretary of the Interior, and the delegation got sense enough to give these people that opportunity to step forward and have something to make it on.

I compliment those who have worked on it and I urge passage of this bill.

□ 1400

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MARRIOTT. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I would like to commend my colleague from Utah, Mr. MARRIOTT, for his leadership in this particular program, for getting the initial language taken care of, in 1980 the initial bill, and also for taking care of several problems that concern my district.

He did it in a very statesmanlike manner, and he received a rabid opposition from one of my counties, my home county, to now dredging support. That is a major contribution. He has done it in a very adroit way, and I am happy now to support the bill, and I commend Mr. MARRIOTT for his resistance in getting something that would not only be best for the Paiute Tribe but also be fair to the citizens of the State of Utah.

Mr. MARRIOTT. Mr. Speaker, I would like to thank all of those involved from the majority side. They have been most helpful in this situation.

This is an important bill. It is important to some 550 Paiute Indians, and it is a new start in life for them. I urge everyone to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. McNULTY. Mr. Speaker, the bill is eminently just and decent and deserves the support of every Member of the House.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. McNULTY) that the House suspend the rules and pass the bill, H.R. 2898, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes."

A motion to reconsider was laid on the table.

SMALL BUSINESS COMPUTER CRIME PREVENTION ACT

Mr. MITCHELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3075) to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business Computer Crime Prevention Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress hereby finds that—

(1) there is an increased dependency on, and proliferation of, information technology (including computers, data networks, and other communication devices) in the small business community;

(2) such technology has permitted and expanded criminal activity against small business concerns; and

(3) small business concerns are not always able to protect their information technology from the computer criminals.

(b) The purposes of this Act are—

(1) to improve the management by small business concerns of their information technology; and

(2) to encourage such business concerns to protect such technology from criminal activity.

COMPUTER CRIME AND SECURITY TASK FORCE

SEC. 3. Section 4(b) of the Small Business Act (15 U.S.C. 633(b)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Administrator shall, not later than sixty days after the effective date of this paragraph, establish a task force to be known as the 'Small Business Computer Crime and Security Task Force'.

"(B) The Task Force shall consist of the following members:

"(i) an employee of the Small Business Administration, appointed by the Administrator;

"(ii) an employee of the Institute of Computer Sciences and Technology of the Department of Commerce, appointed by the Secretary of Commerce;

"(iii) an employee of the Department of Justice, appointed by the Attorney General;

"(iv) an employee of the Department of Defense, appointed by the Secretary of Defense;

"(v) one individual, appointed by the Administrator, who is representative of the interests of the providers of computer hardware to small business concerns;

"(vi) one individual, appointed by the Administrator, who is representative of the interests of the providers of computer software to small business concerns;

"(vii) one individual, appointed by the Administrator, who is representative of the interests of the providers of insurance to small business concerns;

"(viii) one individual, appointed by the Administrator, who is representative of the interests of the providers of computer security equipment and services to small business concerns;

"(ix) one individual, appointed by the Administrator, who is representative of the interests of associations of small business concerns, other than small business concerns engaging in any of the activities described in clauses (v) through (viii); and

"(x) such additional qualified individuals, appointed by the Administrator, as the Administrator determines to be appropriate.

"(C) It shall be the function of the Task Force—

"(i) to define the nature and scope of computer crimes committed against small business concerns;

"(ii) to ascertain the effectiveness of State legislation, and available security equipment, in preventing computer crimes against small business concerns;

"(iii) in cooperation with the National Bureau of Standards, to develop guidelines to assist small business concerns in evaluating the security of computer systems; and

"(iv) to make recommendations to the Administrator with respect to the appropriate activities of the resource center established under paragraph (4).

"(D) The Administrator shall designate one of the members of the Task Force as its chairperson. The Task Force shall meet not less than once during each six-month period following the effective date of this paragraph, at the call of its chairperson. A majority of the members of the Task Force shall constitute a quorum.

"(E) Each member of the Task Force shall serve without additional pay, allowances, or benefits by reason of such service. To the extent and in the amounts provided in advance in appropriations Acts, each such member shall be reimbursed for actual expenses, including travel expenses, determined by the Administrator to have been reasonably incurred in the course of performing the functions vested in the Task Force.

"(F) The Administrator shall provide the Task Force with such staff and office facilities as the Administrator, following consultation with the Task Force, considers necessary to permit the Task Force to carry out its functions under this paragraph.

"(G) The Task Force may secure directly from any Federal agency information necessary to enable the Task Force to carry out its functions under this paragraph. Upon request of the chairperson of the Task Force, the head of such agency shall furnish such information to the Task Force, the head of such agency shall furnish such information to the Task Force.

"(H) Not later than eighteen months after the effective date of this paragraph, the Task Force shall submit to the President, the Administrator, and the Congress a detailed report setting forth the findings of the Task Force with respect to the matters described in subparagraph (C) and containing such recommendations as the Task Force determines to be appropriate.

"(I) The Task Force shall terminate not later than thirty days after the submission of its report under subparagraph (H).

"(J) For purposes of this paragraph and paragraph (4)—

"(i) the term 'computer crime' means—

"(I) any crime committed against a small business concern by means of the use of a computer; and

"(II) any crime involving the illegal use of, or tampering with, a computer owned or utilized by a small business concern; and

(ii) the term 'Task Force' means the Small Business Computer Crime and Security Task Force established under subparagraph (A).".

COMPUTER CRIME AND SECURITY INFORMATION

SEC. 4. Section 4(b) of the Small Business Act (15 U.S.C. 633(b)), as amended in section 3 of this Act, is amended by adding at the end thereof the following new paragraph:

"(4)(A) The Administrator shall—

"(i) provide to small business concerns information regarding—

"(I) computer crimes committed against small business concerns; and

"(II) security for computers owned or utilized by small business concerns; and

"(ii) provide for periodic regional forums for small business concerns to improve the exchange of information regarding the matters described in clause (i).

"(B) Not later than sixty days after receipt of the report of the Task Force under paragraph (3)(H), the Administrator shall establish as part of the Small Business Administration a resource center that will carry out the functions of the Administrator under subparagraph (A)(i).".

The SPEAKER pro tempore. Is a second demanded?

Mr. McDADE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland (Mr. MITCHELL) will be recognized for 20 minutes and the gentleman from Pennsylvania (Mr. McDADE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I would like to yield the full 20 minutes to the gentleman from Ohio (Mr. LUKEN) because it was from his subcommittee that this bill originated, and I think he should be the floor manager of the bill.

The SPEAKER pro tempore. Without objection, the gentleman from

Ohio (Mr. LUKEN) is recognized for 20 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of H.R. 3075, as amended, and urge passage of this legislation.

The use of computers by small businesses has increased dramatically in the past decade and certainly the utilization has greatly improved the ability of small business to manage their affairs. At the same time, however, these same computers have facilitated the development of a new type of white-collar crime. Small businesses are particularly vulnerable to the computer criminal and yet their very size makes it even more unlikely that they will be able to adequately safeguard their computer system.

Hopefully the task force established by this bill will develop sufficient information of particular use to the small business community so that small concerns will be able to continue to utilize computers and yet not be so susceptible to computer crime. The first step will be to make small businesses aware of the danger they face and the second will be to develop and supply them with security guidelines on measures they can afford to implement.

I want to take this opportunity to congratulate the Members who worked on this legislation: Mr. WYDEN who introduced the measure and so forcefully brought this matter to our attention; and Mr. LUKEN, the chairman of the subcommittee who handled this bill and his ranking minority member, Representative WEBER.

Mr. LUKEN. Mr. Speaker, I will join with the gentleman from Maryland, the chairman of the full committee in paying respect, deference and compliments to the gentleman from Oregon (Mr. WYDEN) who really initiated this matter and recognized the problem.

He conceived of this particular legislation, and he has helped immeasurably to guide it through the committee. At this time I think it is appropriate that we hear from the gentleman from Oregon (Mr. WYDEN).

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon.

Mr. WYDEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to express my greatest appreciation to the gentleman from Ohio (Mr. LUKEN), the chairman of the Antitrust Subcommittee.

Without his leadership, this bill would not be on the floor. I want to thank my chairman of the full committee, the gentleman from Maryland (Mr. MITCHELL). Both have been invaluable in developing this legislation.

Mr. Speaker, likewise, I would like to thank my colleagues on the other side of the aisle, in particular, the gentleman from Ohio (Mr. WEBER), the gentleman from Pennsylvania (Mr. MCDADE), and the gentleman from Nebraska (Mr. DAUB) for their efforts in support of this bill.

I wish that more issues that came before the House could have the head of bipartisan steam that these colleagues have generously put behind H.R. 3075.

Mr. Speaker, there is a new crime-wave spreading across America. The lawbreakers behind it have rejected the traditional tools of crime, such as blowtorches or other safecracking equipment, and employ new tools—computer keyboards and information age data terminals.

Particularly disturbing, is that this new wave of criminal activity seems to be led by some of our best and brightest young people.

For some reason, bright young people who would never think of taking a Saturday Night Special and robbing the petty cash from a small business, do not seem to feel there is anything wrong with pushing a few buttons on a computer terminal and wiping out the accounts receivable for that same small business.

Of course large businesses as well as small businesses are vulnerable to keyboard criminals. But overall, small businesses are the most vulnerable. There are several reasons why.

First, since they have fewer and less specialized employees—and thus cannot sharply divide departmental or employee duties—many small businesses find it hard to limit access to their computer system. The result is an increased chance of loss through crime or mistake.

In addition, small businesses are often strapped for operating capital and are forced to purchase smaller computer systems, which have fewer security features, and which reduce control over the bulk of the information system.

The biggest problem, however, is that many within the small business sector do not know where to turn to get factual, detailed information about computers in general, and their vulnerabilities, in particular.

Nearly all the witnesses who testified at a hearing on this bill last July agreed that the vast majority of small business owners do not have an adequate knowledge of the vulnerabilities of computer systems and what they should do to protect these systems.

Mr. Speaker, no single piece of legislation is going to bring about an end to computer crime. Likewise, no single piece of legislation will put all computer criminals behind bars.

But I do believe H.R. 3075 can move us a long ways down the path to thwarting computer crime by helping small businesses to educate themselves as to how best to secure their computer systems.

The premise behind H.R. 3075 is that it is more important—and more practical—to help a small business prevent the infiltration of its computer system in the first place than it is to try to punish a criminal that our law enforcement agencies may never catch up with.

In so doing, H.R. 3075, not only recognizes the severely over-burdened nature of our criminal justice system, but also acknowledges that a victimized small business may not be able to absorb losses perpetrated by computer criminals and may have to close its doors long before justice is served.

Mr. Speaker, my colleagues have an opportunity today to make an important statement on the subject of computer crime. H.R. 3075 is the first piece of legislation relating specifically to computer crime that has come before the full House, and it is one I do not believe we can afford to pass up.

By providing our small businesses with basic practical information about the unique threat computer crime poses, H.R. 3075 attempts to nip computer crimes in the bud.

H.R. 3075 establishes no massive new bureaucracies, and creates no mindless tasks to be performed by a Government struggling with a $200 billion deficit. Through this legislation we will be able to use many existing resources to develop a strategy for assisting small business to reduce the risk of computer crime.

Mr. Speaker, I urge my colleagues to support this low-cost, noncontroversial, yet extremely important legislation.

Thank you.

I yield back to the gentleman from Ohio; and again I thank the gentleman from Pennsylvania (Mr. MCDADE), for the great assistance he has given me in developing this legislation.

Mr. LUKEN. Mr. Speaker, I reserve the balance of my time.

□ 1410

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation and would like to commend my distinguished colleagues, Mr. LUKEN of Ohio, Mr. WYDEN of Oregon, and Mr. WEBER of Minnesota, for the fine work they have done in bringing this legislation to the floor. The Small Business Computer Crime Prevention Act was passed unanimously by the Antitrust Subcommittee and by the full Small Business Committee.

Small businesses are more vulnerable to computer crimes than larger companies because they lack security procedures and extensive internal and external auditing, making quick detection of computer crimes less likely.

Many small businesses do not have the in-house expertise to investigate such crimes. Because of the difficulty in detecting computer crimes, most go unprosecuted. However, the insurance industry, which has started to base premiums on a business' computer security, and a growing computer security industry has begun to notice the problem of computer crime. The Federal Government also is investigating computer security, but directing its efforts toward Federal agencies.

As my colleagues have stated, this bill will simply create a task force, composed of public- and private-sector representatives, to study the implications of computer crime in the small business community and to establish guidelines that small businesses can use to help ensure the interity of their computer systems. The Small Business Administration will have a resource center to disseminate computer security information, including the guidelines established by the task force.

As a cosponsor, I urge my colleagues to support this noncontroversial, yet important, piece of legislation.

Mr. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is well known that the use of computers by business has expanded rapidly over the last decade. As the cost and size of computers has gone down, their use by small business has multiplied. Along with the increased use of information systems has come the increased abuse of the new technology for criminal purposes. In fact, estimates of the annual loss in the private sector have now reached $1 billion, and that cost will expand as the use of computers by business continues to grow.

Small businesses are particularly vulnerable to computer crimes for a number of reasons. They often lack the resources, or do not recognize the need for implementing computer security safeguards. Small concerns often cannot afford to hire expensive security consultants. In addition, they lack the in-house expertise to investigate computer crimes. Management may also lack the skills to properly oversee a company's computer operations, thereby giving the computer programmer or operator a virtual free hand.

After a computer crime is committed, the small business person may not be able to rely on the criminal justice system for help. Law enforcement agencies at all levels are unprepared to meet the challenge of the computer crime problem. The judicial system is equally unprepared for this challenge. Many computer crimes never even come to the attention of the police. Crimes involving computers are often among the most difficult to detect, so many of these incidents go undiscovered.

Clearly, there is a need to increase the awareness of small businesses to the threat of computer crime, and to let them know what they can do to prevent it. H.R. 3075, the Small Business Computer Crime Prevention Act, addresses those needs. The bill calls for the creation of a computer crime and security task force, whose members will be appointed from both the public and private sectors by the SBA Administrator. The task force will be charged with studying the small business computer crime problem, and presenting sound, practical guidelines on computer security to the small businessman. The task force will be required to report in a timely manner, within 18 months of the date of enactment of this bill.

In addition, H.R. 3075 calls for SBA-sponsored regional forums on computer security, as well as a computer security resource center within SBA.

H.R. 3075 enjoys bipartisan support, and was approved unanimously by the Small Business Committee, and I urge its adoption.

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 3075 to amend the Small Business Act to establish a small business computer crime and security task force, and for other purposes.

More and more, our environment and our lives are running around computers. They are actually leading the way of our future economic development and our commercial activities. More and more businesses and small businesses are depending on this device to compile all of their operational information including their business secrets and technology. While this has increased enormously our capacity to progress it is also a proven fact that it has increased the amount of criminal activity against small businesses who are usually not prepared nor able to protect such technology from these business criminals.

This bill will help greatly small businesses in Puerto Rico as well as in the Nation to keep current with the new technology advance while protecting their information and technology by establishing the creation of a task force consisting of members of our Government, the small business community, and representatives of the computer industry to assist small businesses in improving their information management and to encourage businesses to protect such technology from criminal activity.

This task force should, among other things, define the nature and scope of computer crimes against small businesses, ascertain the effectiveness of State legislation and security equipment, develop guidelines to assist small businesses to evaluate security systems, and make recommendations to the SBA Administrator about the proper activities for a resource center to be created to provide information to small business concerns regarding crimes committed against such businesses.

I urge my colleagues to support H.R. 3075.●

● Mr. ERDREICH. Mr. Speaker, increased use of computers has been a boon to small businesses in this country, enabling them to provide better and more efficient management of their affairs. But this increased dependence upon computers by small businesses has brought with it not only better management, but also, a new type of criminal activity that is growing by leaps and bounds.

This modern technology has given rise to a new type of criminal who taps into the records and concerns of small businesses by breaking into and gaining illegal access to computer systems. Estimates of losses in the private sector as a result of such illegal entry range from $1 billion a year and up.

Small businesses are often more vulnerable to illegal computer entry than larger corporations, which have elaborate security procedures and extensive auditing.

I applaud Congressman RON WYDEN'S initiative in this area and urge passage by the House of his bill, H.R. 3075, the Small Business Computer Crime Prevention Act, which seeks to discourage computer crime by better educating and counseling small businesses about computer security safeguards.

H.R. 3075 would establish a small business computer crime and security task force to assess the extent and effect of computer crimes on small businesses and to develop and recommend guidelines to assist small businesses in better securing their computer systems.

Small business' importance to the health and well-being of our economy cannot be overstated. Passage of this bill by the House will enable small business to continue in this very vital role.

And while it is important that we pursue efforts to protect small business from such tampering, Congressman WYDEN very appropriately has raised another issue, the importance of encouraging education of our young people, some of whom consider computer tampering no more than a prank, about the real harm that illegal computer entry can cause and the ethical considerations involved.

The text of an October 6, 1983, Birmingham Post-Herald editorial that touches upon this ethics issue, follows:

COMPUTER ETHICS

One of those Milwaukee teenagers who achieved fame of sorts by breaking into

dozens of large computer systems testified before a House subcommittee recently.

Neal Patrick, 17, said he and his fellow computer "hackers" did not intend to do any damage (apparently they didn't) and did not realize they were doing anything illegal or wrong.

When asked at what point he questioned the ethics of rummaging through other people's computer files, he answered. "Once the FBI knocked on the door."

This prompted a suggestion by committee member Ron Wyden, D-Ore., that in addition to laws against computer crime and improved computer security, maybe the schools need to add an ethics section to their computer courses.

We second the motion.●

Mr. McDADE. Mr. Speaker, I yield back the balance of my time.

Mr. LUKEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman for Maryland (Mr. MITCHELL) that the House suspend the rules and pass the bill, H.R. 3075, as amended.

The question was taken; and, two-thirds having voted in favor thereof, the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LUKEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPLORING THE ASSASSINATION OF BENIGNO AQUINO AND CALLING FOR FREE ELECTIONS IN THE PHILIPPINES

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 187) deploring the assassination of Benigno Aquino, calling for the conduct of a thorough, independent, and impartial investigation of that assassination, and calling for free and fair elections in the Philippines, as amended.

The Clerk read as follows:

H. CON. RES. 187

Whereas Benigno Aquino, Junior, was a leading figure in the effort to restore democracy and constitutional rule in the Philippines;

Whereas, in returning to the Philippines, he willingly faced death to lead the struggle for the restoration of democracy and nonviolent change;

Whereas his brutal assassination was a despicable act that cut short the life of a dedicated Filipino patriot who was deeply committed to the cause of peaceful change and the restoration of democracy in his country;

Whereas, in the wake of his assassination, there may be a greater tendency on the part of the Filipino people to support those who would resort to violence as a way to bring about change in the Philippines; and

Whereas the elections for the National Assembly scheduled for May 1984, have now become more important than ever, in terms of providing the Filipino people with an opportunity to peacefuly determine their own future and to bring about such political changes as they may desire: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly deplores the brutal assassination of Benigno Aquino, and expresses its sincere condolences to his family and to all Filipinos who have shared his commitment to democracy.

SEC. 2. It is the sense of the Congress that all appropriate steps should be taken to achieve a thorough, independent, and impartial investigation of the Aquino assassination in a timely fashion and to bring to justice all those responsible for that assassination.

SEC. 3. It should be the policy of the United States Government to support genuine, free, and fair elections to the National Assembly in May 1984 and, to that end, to urge the Government of the Philippines to take the necessary steps to secure the full participation of the opposition parties in these elections, including the prompt reconstitution of an objective, impartial electoral commission and the restoration of full freedom of the press, so that all issues can be fully and openly debated and decided.

SEC. 4. The United States Government should take into account, among other factors, the conduct of the Government of the Philippines investigation into the Aquino assassination and the fairness of the 1984 National Assembly elections in the conduct of its relations with the Government of the Philippines.

The SPEAKER pro tempore. Is a second demanded?

Mr. SOLOMON. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLARZ) will be recognized for 20 minutes and the gentleman from New York (Mr. SOLOMON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution was reported out by the Foreign Affairs Committee in response to the recent developments in the Philippines and the problem they pose for American foreign policy in the region. They have to do primarily with the tragic assassination of a man who was a good friend of many Members of this House and who was also a great democrat, with a small "d," Benigno Aquino, who tragically lost his life on the tarmac of the Manila International Airport in August, only minutes after he was taken off the plane which brought him back to his country by members of the security forces of that country.

We have some very significant interests in the Philippines, Mr. Speaker. It is a country with which we have had a long and historic relationship. It was, as you undoubtedly will recall, our only colony, and we presumably bequeathed it a legacy of democracy which has unfortunately been honored more in the breach than in the observance.

It is also a country where we happen to have two of our most important military facilities in the world at Clark Air Force Base and Subic Bay Naval Station, which contribute very significantly toward our ability to preserve the peace and maintain a balance of power in Asia. We cannot, therefore, be indifferent to or unmindful of the developments which are now taking place in that country.

So what does this resolution do and how does it address those concerns?

It expresses first of all the profound regret of the House over the assassination of Benigno Aquino and pays tribute to him as a great champion of the cause of democracy to which we are so deeply committed in our own country.

Second, it expresses the sense of the Congress that a genuinely independent and impartial investigation of the assassination of Senator Aquino should be conducted so that the people of the Philippines and the entire world can know the truth of what happened to him, who was responsible, and so also that they can be brought to justice.

Then the resolution calls upon the Government of the Philippines to conduct genuinely free and fair elections for the national assembly when they are scheduled to take place next spring.

Mr. Speaker, I think that these elections may well constitute a historic watershed in the history of the Philippines. At a time when there is growing support in that country for the Communist dominated New Peoples Army, which over the course of the last 2 years has transformed itself from a regionally based insurgency on the island of Luzon into a genuinely national insurrection with supporters and cadres all over the Philippines, this may well be the last opportunity to demonstrate to the Filipino people that peaceful political change is possible in their country. And I think that the Foreign Affairs Committee, in reporting out this resolution, felt very strongly, as I do, that unless peaceful change is possible in the Philippines, violent change may become inevitable.

That would be neither in the interests of the Philippines nor of the United States. So we bring this resolution to the floor of the House today in the hope that if it is adopted we will be able to effectively communicate to

the Government of the Philippines our concern over the situation in their country and our profound hope that a truly independent and impartial investigation will be conducted into the assassination of Mr. Aquino, and that genuinely free and fair elections will be held next spring.

Finally, Mr. Speaker, the resolution expresses the view that what the Filipino government does with respect to the assassination and with respect to the conduct of the elections scheduled for next spring will be taken into account, among other factors, in determining the policy of our own Government with respect to the Philippines.

May I pay tribute to my distinguished friend on the other side of the aisle, the gentleman from New York (Mr. SOLOMON) for sagely suggesting to the Foreign Affairs Committee that we incorporate that reference in the resolution to the other factors, which obviously will weigh very significantly in whatever final decisions we make in terms of our policy toward the Philippines.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first of all commend my colleague from New York (Mr. SOLARZ) for his wise understanding in developing the language contained in this resolution, particulary as it deals with one of our most important and long-standing allies in the Asian Pacific area.

Mr. Speaker, House Concurrent Resolution 187 addresses the critical issues currently affecting the relationship between the United States and the Philippines. Given the longstanding and mutually important alliance between our two countries, there can be few issues of greater significance in U.S. foreign policy. A secure, stable, prosperous, and democratic political system in the Philippines is essential to U.S. strategic interests in the Far East. The maintenance of military installations at Subic Bay and Clark Air Force Base is of global significance. We simply have no other realistic alternative.

This resolution comes at the most dangerous time in the history of the Philippines as an independent nation. No one likes to pass a resolution of this kind regarding a loyal friend. But, House Concurrent Resolution 187 makes clear that vital interest that the United States has in making sure that a legitimate, thorough, and impartial investigation into the assassination of Benigno Aquino is conducted, and that the persons responsible are brought to justice. It also makes clear that the United States is committed to supporting free, fair, and genuine elections next May when Filipinos will be voting for a national assembly.

No one can take pleasure in voting for this resolution, but it reflects the difficult and dangerous situation at present in the Philippines. This resolution passed the Foreign Affairs Committee unanimously, and I urge its adoption.

□ 1420

Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I want to commend both of the gentlemen here for their efforts on what I think is a very well-balanced resolution.

Let me point out that I have been deeply interested in the Philippines. Vermont has a long interest in the Philippines, from the Battle of Manila by Admiral Dewey, to the liberation of the Philippine Islands by the 43d Division under Gen. Leonard F. Wing of my hometown.

I am deeply interested in insuring that our friendship for this country is shown and that we do it in a responsible way.

Mr. Speaker, in times of such large-scale turmoil and deep sadness in so many areas of the world, today most notably in Lebanon, it is easy for us to overlook the places where repression and unrest are not so readily apparent or immediately threatening to U.S. interests. However, the assassination of Benigno Aquino 2 months ago must be looked on as a signal of what is developing in that troubled society. This resolution expresses the awareness of Congress of the events in the Philippines, and reaffirms our commitment to democracy and to preserving the special relationship that exists between our two peoples. This small, but yet vitally important nation must not be overlooked, nor the domestic developments there ignored.

I had the good fortune to meet Ninoy Aquino, and I was deeply impressed by his intelligence, his deep commitment to democratic reform in the Philippines, and his dedication to his people. For many Filipinos, he symbolized the hope of a peaceful transition from martial law rule to true democracy. It is essential that a thorough, independent investigation into Aquino's assassination be conducted as soon as possible so that justice can be brought to bear on those involved and society can be reassured of the integrity of the law. Until this is done, there is no hope of restoring order to that society, or the proper functioning of President Marcos' government.

The elections of May 1984 are now of crucial importance to both the maintenance of stability in the Philippines and the protection of U.S. national interests. Without a fair and open expression of national opinion, there is no hope for the development of democracy in that nation. The legitimacy of President Marcos' government is being brought into question by many Filipinos, and U.S. support for the Philippines is being translated into condonation of his policies. It is extremely important that this body differentiate between the policies of President Marcos and the concerns of the Filipino people. We must reaffirm our support for the open participation of all Filipinos in their government and their peaceful return to democracy.

May I remind my colleagues that we will soon be called upon to approve a $900 million agreement for the use of our two military bases in the Philippines. If the Marcos regime refuses to respond to the clear demands of its citizens for free expression and true representation, then this body will be faced with some very difficult questions regarding these strategically important bases. It is therefore of paramount importance that we exert pressure for democracy now, before the choices become much less desirable.

I urge my colleagues to support this resolution.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding. I want to commend both of the gentlemen from New York for bringing this resolution before us. As worded, I think the resolution is well balanced. It does state our legitimate concerns for human rights and for democracy in the Philippines, and yet it does state it in a well-balanced manner, as I have said.

So we are recognizing that there are many interests of concern to us in that country and I would urge my colleagues to vote for the resolution.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to say in conclusion that I am pleased not only that my colleagues on the other side of the aisle were able to support this resolution but also that the administration, with whom we have closely consulted in the drafting of the resolution, was able to indicate that it had no objection to its enactment as well.

I might add that the views that are expressed in this resolution concerning both the establishment of an independent investigation of the assassination and of genuinely free and fair elections is entirely consistent with the public statements to that effect that have been made in recent days by our very able Ambassador to the Philippines, Michael Armacost.

Lastly, Mr. Speaker, we find very often that our strategic concerns and our human rights values come into conflict with each other in different parts of the world. I think it is safe to

say that in the Philippines they go hand in hand, which is what this resolution attempts to express.

So, Mr. Speaker, I hope this will be adopted by the Members of the House.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume, to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Speaker, I rise to oppose this resolution, not because the language does not say all the right things, because it does; but the mere fact that we have the resolution on the floor can be very well perceived as an arrogance by our Congress and therefore our Government and our people to interfere in the affairs of a nation.

Too frequently we are quick to criticize our friends and too slow to recognize our enemies.

The Philippines is a very complex nation made up of many languages, many religions, many cultures and many ways of life. So it is difficult to govern.

Marcos, when he originally imposed the powers that he did for the government that he took over for a long while first called together all of the leaders and told them that without their support, in order to impose a military type rule in the Philippines some 11 years ago that there would be chaos in the East, in the Middle East, in the Philippines and that communism would come in under the auspices of Soviet Russia and take over in the Philippines. So I think I have to oppose the resolution because it will be perceived as arrogance. It will only light the fires that will continue for various problems that exist in the Philippines. They have called for free elections.

We should allow that to happen. We should not interfere in the affairs of this nation at this time in this manner.

Mr. Speaker, is the United States a leader of the free world, willing to stand by its allies in times of strife, or is the United States now consigned the role of a meddler into the internal affairs of other nations which have long stood by us in our times of need?

Unfortunately, for the troubled Philippines, our role seems to be that of the latter category, at least by the symbolism of the resolution before us.

Yes, this resolution does deplore the ruthless assassination of Benigno Aquino, leading political figure in opposition to President Marcos. Yes, it does seek a fair and impartial investigation of this murder, to be followed by bringing justice to all responsible.

And yes, it does support the scheduled free elections in May 1984, urging full participation by all parties and an honest and open election.

Few of us, if any, could disagree with this wording. What I strongly object to is the negative signal we are sending, and what could be perceived as our arrogance in sending it, particularly in wake of the unsettled political climate of that nation.

The resolution contains a thinly veiled message that is likely to do nothing more than make both the Marcos government, and all of its enemies—radical or not—even more intractable. By explicitly stating our resolve that the United States take the Philippine Government's actions into account in our relations, are we merely stating the obvious or are we making matters worse by appearing like the arrogant colossus of the north?

I am afraid that the resolution will be interpreted by all Philippine factions in this negative light, not as the type of diplomatic encouragement critically needed at this crisis point in the Philippines.

For those that are too quick to condemn our friends, and too slow to recognize our real enemies, it is important to point out the positive steps taken by the Philippine Government to date.

A new commission was set up to conduct a full investigation into Senator Aquino's murder. The new board, consisting of members of the private sector and National Assembly, is designed to be more independent than its predecessor and its findings and proceedings open to the public.

The government's call for national reconciliation is meeting with progress, and the Commission on Elections is continuing with its efforts to hold free, honest, and orderly elections, as scheduled, for May 14, next year.

Political reforms have been adopted by the ruling party to set the stage for these elections, and if approved by the National Assembly, will be submitted to a national plebiscite within 90 days for ratification by the people.

These changes are not without their flaws, but they signify flexibility on the part of the Marcos government. To Marcos' more radical opponents, however, nothing short of Marcos' immediate resignation would be satisfactory. Such a changeover would invite only chaos, and would surely lead to a far more repressive regime that would crush all freedoms. What is needed is to follow through with the current electoral path that is a major step toward democracy.

The Philippines are vital to the United States and free world, particularly with U.S. defense installations in the Pacific. The civil strife there is nothing new. But it is in our interests to act positively as a leader in this world, not react negatively toward our allies with dubious "sense of the Congress" resolutions which accomplish nothing. For this, I rise in opposition to the resolution.

Mr. Speaker, I yield back the balance of my time.

● Mr. HALL of Ohio. Mr. Speaker, I rise in support of House Concurrent Resolution 187, the resolution expressing the sense of Congress about present developments in the Philippines.

I commend both the gentleman from New York (Mr. SOLARZ) and the gentleman from Wisconsin (Mr. ZABLOCKI) for their work in bringing this legislation before the House today.

It is extremely important for the Congress to urge the administration to put pressure on the Marcos government to restore civil and political liberties in the Philippines. A vital first step in this process is a thorough, independent, and impartial investigation of the assassination of former Senator Benigno S. Aquino, Jr.

Even this close to the event, it is clear that the assassination of Benigno Aquino is a milepost in Filipino history. While the full impact of the tragedy has yet to be grasped, it is already evident that the barbaric slaying of this man of good will has sparked volatile political uncertainty in the Philippines.

The Filipino people are waiting for justice in the Aquino case. The fact that there has been considerable cynicism and lack of confidence in the steps taken thus far to investigate the killing tells much about public attitudes about the Marcos regime.

The interests of both justice and political stability in the Philippines demand a credible investigation of the Aquino assassination and the prosecution of all those who might be involved in planning and implementing it. The United States must make it clear to Marcos that this country strongly supports a resolution of the questions surrounding the murder of Benigno Aquino.

The assassination of Aquino has placed the United States at yet another critical foreign policy crossroads. The choice is between business as usual with Marcos and a new effort to build an enduring relationship with the Filipino people.

Strategic security is the predominant consideration in this administration's policy toward the Philippines. Long-term Philippine-American relations in the post-Marcos era are being sacrificed now in the interest of maintaining short-term access to the Clark and Subic Bay military bases. The death of Aquino has created a crisis, but a greater crisis looms if current U.S. thinking about the Philippines remains unchallenged.

The resolution before us urges the administration to push the Marcos government to move forward with free and fair elections for the national assembly in May 1984, and to take steps to secure the participation of the opposition parties in those elections. The resolution correctly notes that it is not

enough merely for Marcos to declare that elections will be held. The elections must be real elections, not just window dressing for foreign consumption. If democratic processes are to be truly restored, the opposition must have full confidence in the validity of the electoral mechanisms.

The restoration of democracy in the Philippines is in the interests of both the Filipino and American people. Ferdinand Marcos has interrupted the democratic tradition that had carefully nurtured in the Philippines with the support of the United States. Democratic opposition leaders are looking to the United States for support for their efforts to return to that tradition.

The legislation before us would help to put the Congress of the United States on record in support of the restoration of democracy in the Philippines, an ally and friend of our people. I urge my colleagues to vote in favor of this important resolution.●

● Mr. STARK. Mr. Speaker, I gladly supported House Concurrent Resolution 187, the resolution deploring the assassination of Benigno Aquino and calling for free elections in the Philippines, but I believe this should not be the end of it. The United States must take this opportunity to do more than express condolences and concern. We must take strong action. I have submitted, for my colleagues' attention, a recent piece I wrote concerning the need for reevaluation of U.S. policy toward the Philippines. I hope all my colleagues will read this, and I hope that we can make some constructive moves toward real democracy in the Philippines before it is too late.

IT IS TIME FOR THE UNITED STATES TO REASSESS ITS RELATIONSHIP WITH THE PHILIPPINES

(By Congressman Fortney H. Stark, Jr.)

Each day we receive new information on the situation in the Philippines. The reports are filled with stories of riots, protests, demonstrations, resignations, and scandal, but one clear message begins to emerge from all the conflicting information we receive each day—the Philippine people are tired of the constant repression they have felt under the Marcos government for the last 18 years.

If the assassination of opposition leader Benigno Aquino has done nothing else, it has given the Philippine people the strength and courage to speak out about all of the things they dislike about their country's 18 years under Ferdinand Marcos. If the people of the Philippines, who have a whole lot more to lose, can muster the courage to make judgments and demands of President Marcos, then it seems that the U.S. Government could show this same kind of courage.

For many years, the U.S. Government has asked no questions, refused to make waves, and simply gone along with President Marcos, regardless of his actions, in order to insure the continued security of the U.S. military bases in the Philippines. The United States has given the Marcos government unqualified support, even acting like it knew nothing of the Marcos government's repressions, as evidenced in the now famous George Bush toast to "democracy" in the Philippines. But it is time for the United States to step back and take a long, hard look at the regime it is supporting. As is happening with the Filipino people, we may not like what we see.

I do not think anyone would deny the fact that the Marcos government has had a less than perfect human rights record. Much of the regime's 18 years has been spent imposing martial law, and Marcos is not known for being kind to political adversaries. And yet our policy toward the Marcos government has not changed one bit in the last 18 years.

When a country pledges friendship and cooperation, as we have with the Philippines, such a commitment must be taken very seriously. But it should not be the type of agreement that ignores change, and remains unaltered regardless of the actions of either party. But the United States has taken such a position with regard to the Philippines, and this has been done at the expense of a long-term, flexible, and mutually beneficial friendship. As we have before, we may find ourselves so rigidly behind a particular political figure, that we are unable, or unwilling, to view the situation in real terms. We have let this happen before, and it has meant the end of any type of contact with nations that we formerly considered our friends. We must remember: U.S. prestige can vanish as quickly as former political leaders do.

For this reason, it is imperative that the United States Government begin to reassess its relationship with the Philippine Government. Right now, it is not too late; soon, it may be. A complete overhauling of our policies toward the Marcos government, and the Phillipines, is necessary. And it is essential that we look at the entire picture realistically. What is really happening in the Philippines? What is likely to happen?

Only in this way can the U.S. Government insure itself that its own best interests, as well as those of the Philippine people, are protected. Our Government does not have a great track record in this area. We tend to hold on so long that our losses are greater than they need to be. So, let's show a little sensitivity, as well as political maturity, and not be caught in another Iran.●

● Mr. YATRON. Mr. Speaker, I would like to commend my colleague from New York for his leadership in authoring and sponsoring House Concurrent Resolution 187. This legislation passed the Committee on Foreign Affairs unanimously on October 18. The reason for its overwhelming acceptance is the nature of the message being conveyed. This resolution represents the varied voices of Congress, saying in unison to the Philippine nation that it will not forget the assassination of Benigno Aquino, nor will it ignore the Filipinos' desire for free and fair elections.

On September 22, the Subcommittee on Human Rights and International Organizations, which I chair, addressed the human rights situation in the Philippines and the assassination of Benigno Aquino. Mr. Aquino attracted the eyes of the world to the plight of the Filipino. Once we saw his heroism and dedication to his countrymen, we could not help but respond to his plea. Through this hearing, we acknowledged the serious human rights violations in this Asian country, vowed to work toward alleviating them, and attempted to share our concern with our Filipino friends.

Today, by passing House Concurrent Resolution 187, Congress can thwart growing anti-American sentiments and move toward regaining our stature in the Philippines. We can prove to the American people that we are not shirking our responsibility to serve the aspirations for human dignity in our foreign policy. To the Filipino people, our action will show that our concern for strategic interests does not outweigh our interest in preserving their basic rights and dignity.

Once again, I would like to thank Mr. SOLARZ for his noble efforts.●

● Mr. ZABLOCKI. Mr. Speaker, I join in support of passage of House Concurrent Resolution 187, as amended. This resolution deplores a terrorist act that occurred this past August in the Philippines when Benigno Aquino was tragically gunned down just as he arrived in Manila from a stay in the United States. Mr. Aquino's death has been widely mourned by his countrymen. We in the U.S. Congress can, with this resolution, lend our own condolences to his family and to all Filipinos committed to democratic government. Terrorist assassination is an enemy of democracy and should be resoundingly condemned.

Besides giving proper observance of Mr. Aquino's death, this resolution urges efforts for genuine, free, and fair elections to the Philippine National Assembly next spring. There can be no more fitting memorial to the death of Benigno Aquino than the full exercise of democratic rights in the Philippines. This can prove that the violent aims of terrorism do not succeed.

Hopefully, this resolution, with the broad support of this Congress, will be of some assistance in turning this human tragedy into a more positive benefit to the Philippine people. The committee adopted this resolution unanimously, with a slight alteration to make clear that the United States will be considering a broad range of factors, including the investigation into the Aquino assassination and the fairness of the elections in the conduct of U.S. relations with the Philippines.

For his efforts in this matter, I want to commend the sponsor of this resolution, the gentleman from New York (STEPHEN J. SOLARZ), chairman of the Subcommittee on Asian and Pacific Affairs.

Mr. Speaker, I urge the passage of House Concurrent Resolution 187.●

Mr. SOLOMON. Mr. Speaker, I have no requests for time. I yield back the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 187) as amended.

The question was taken.

Mr. RUDD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSING THE SENSE OF THE CONGRESS CONCERNING THE U.S. SUPPORT FOR EFFORTS OF ASEAN WITH RESPECT TO KAMPUCHEA

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 176) expressing the sense of the Congress concerning U.S. support for the efforts of the Association of South East Asian Nations (ASEAN) with respect to Kampuchea.

The Clerk read as follows:

H. CON. RES. 176

Whereas the Vietnamese invasion and occupation of Kampuchea represent blatant aggression by a stronger nation against a weaker one in violation of the United Nations Charter, which Vietnam has pledged to uphold;

Whereas every United Nations General Assembly since 1979 and the International Conference on Kampuchea have called for the withdrawal of foreign troops from Kampuchea and free elections under international supervision;

Whereas this invasion and occupation have resulted in widespread suffering for the Khmer people and the denial of Khmer self-determination;

Whereas the presence of one hundred and fifty thousand to one hundred and seventy thousand Vietnamese troops in Kampuchea continues to threaten the security of neighboring countries and the peace and stability in Southeast Asia;

Whereas the free nations of the Association of South East Asian Nations (ASEAN) have been the leading force in efforts to achieve a peaceful solution to the problem of Kampuchea based on the resolutions of the United Nations and the International Conference on Kampuchea; and

Whereas the existence of non-Communist forces led by respected Khmer nationalists Prince Norodom Sihanouk and Son Ann enhances the prospects for such a peaceful solution: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should continue to—

(1) give full support to efforts by the members of the Association of South East Asian Nations (ASEAN) to secure a political resolution of the Kampuchean problem which would ensure the withdrawal of all foreign forces and the restoration of Khmer self-determination through free elections under international supervision;

(2) urge other nations, both individually and collectively, to support such ASEAN efforts in the United Nations and other international bodies;

(3) urge other nations to cooperate with ASEAN in maintaining economic and diplomatic pressure on Vietnam until it accepts the need for a peaceful settlement in Kampuchea based on the relevant United Nations resolutions;

(4) support international efforts through the United Nations Border Relief Operation to relieve the suffering of the more than two hundred thousand Khmer civilians who have sought refuge along the Thai border from the Vietnamese occupation; and

(5) give humanitarian and political support to the non-Communist Khmer nationalist forces that represent the legitimate aspirations of the Khmer people.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. SOLARZ) will be recognized for 20 minutes, and the gentleman from New York (Mr. SOLOMON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution was initiated by our very distinguished majority leader, the gentleman from Texas (Mr. WRIGHT), following a fact-finding mission which he had undertaken during the summer recess to Asia, during the course of which he had an opportunity to meet personally with the leaders of several of the countries in the region.

It was the very strong feeling of the majority leader with which I wholeheartedly concurred that it would be helpful if the Congress of the United States went on record in favor of the efforts of the ASEAN countries to bring about a peaceful solution to the conflict now underway in Cambodia which would make possible the withdrawal of all the Vietnamese forces from that county and the ultimate self-determination of the Cambodian people.

I might say that resolution comes before us this afternoon in a particularly timely and fortuitous moment, because tomorrow the General Assembly of the United Nations will be voting on a resolution before that body calling in effect for the withdrawal of all foreign forces from Cambodia and the self-determination of the Cambodian people as well.

I certainly think it would be most helpful if we could go on record before that occasion in favor of precisely those principles.

Mr. Speaker, there probably is not another country in the world which has suffered more over the course of recent decades than Cambodia.

First, as the result of the civil war that raged in that country between the time when Prince Sihanouk was overthrown in 1970 and the coming to power of the Khmer Rouge in the spring of 1975. Then, in an act which was almost unprecedented in the annals of human history, between 1975 and 1979 when the notorious Pol Pot was in power in Phnom Penh the Khmer Rouge embarked, in the memorable phrase of the French priest Father Ponchaud, on a policy of autogenocide, which he defined as the murder of the people by their own people, in which the Communist forces in that country undertook to systematically slay what are now estimated to be approximately 2 million of the 7 million Cambodians who were then living.

□ 1430

Atrocities, acts of mass murder that, with the possible exception of the Holocaust inflicted on the Jews by Hitler, are almost unprecedented in the annals of human history. And then, if that was not enough in 1979 the Vietnamese invaded Cambodia and took over the country and continue to occupy it today with about 180,000 troops.

There are, however, a number of brave and courageous non-Communist Cambodians who have attempted to resist the Vietnamese occupation of their country. And this resolution recognizes not only their valiant effort, to free their country from the clutches of communism and to bring about the withdrawal of all foreign forces, but expresses our own strong support for the efforts of the other countries of Southeast Asia that are working hand in hand to bring about precisely that very same result.

So this resolution supports very explicitly the efforts of the ASEAN countries to bring about the withdrawal of all foreign forces from Cambodia. It calls for an internationally supervised act of self-determination by the United Nations so that the people of Cambodia at long last will be able to determine peacefully and politically their own future. And it also calls for us to provide whatever humanitarian relief we can to the long suffering people of that country, and particularly the Cambodian refugees. And also to give humanitarian and political support to the non-Communist Khmer nationalist forces that represent the legitimate aspirations of the Cambodian people.

I think that our majority leader really deserves the gratitude of not only all the Members of this House, but all freedom loving people in our own country and around the world for taking the intitiative in this regard.

We have a lot of problems in our own country. It is easy to forget the suffering of peoples elsewhere. But if ever there were a people who literally cried out for the sympathy and the support of our own Nation, it is the people of Cambodia. And it seems to me that this is the very least we can do to make it clear, not only to them, but to the entire international community that we strongly and unequivocally support the efforts of our friends in Southeast Asia to bring about the withdrawal of the Vietnamese from Cambodia where they do not belong, so that the people of Cambodia themselves can freely and fairly and peacefully determine their own future.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to also commend the majority leader, the gentleman from Texas (Mr. WRIGHT), for his leadership on this resolution, as well as the gentleman from New York (Mr. SOLARZ) for bringing it to the floor.

Mr. Speaker, House Concurrent Resolution 176 is a balanced and timely resolution, cosponsored by Members reflecting a wide portion of the political spectrum, and supported by a unanimous vote of the Foreign Affairs Committee. This resolution addresses the holocaust that continues to devastate the ancient and beautiful land of Kampuchea. The human suffering wrought by successive Communist regimes in Kampuchea since the middle 1970's is unparalleled in any country since World War II. At least 2½ million people, fully one-third of the Kampuchean population, have lost their lives.

This resolution expresses three essential concerns for U.S. policy concerning Kampuchea.

First, it makes clear our support for the efforts by our ASEAN allies to achieve a political solution in Kampuchea, including the withdrawal of Vietnamese occupation troops and the restoration of the right of self-determination for the people of Kampuchea.

Second, it encourages the efforts already underway to alleviate the suffering of the several hundred thousand refugees who have fled Kampuchea.

And, third, it places the moral support of the United States behind the efforts of the non-Communist resistance forces that represent the true and legitimate hopes of the people in Kampuchea.

I urge support for this resolution, and call for greater awareness, both in Congress and throughout the country, of the needs of the suffering people of Kampuchea.

Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont (Mr. JEFFORDS).

● Mr. JEFFORDS. Mr. Speaker, I rise in support of House Concurrent Resolution 176, expressing the sense of Congress concerning the U.S. support for the efforts of ASEAN with respect to Kampuchea.

This area of the world has experienced extreme and prolonged turmoil and bloodshed in recent years which is almost unrivaled in other parts of the world. The cruel repression of the Pol Pot regime has been replaced by the inhumane occupation of Kampuchea by the Vietnamese forces. The Kampuchean people have suffered purges, famine, and forced reorganization under communism.

It is now extremely important that the encouraging initiatives of the Association of South East Asian Nations (ASEAN) be supported and our efforts on behalf of Kampuchean relief organizations be reaffirmed. The leadership of ASEAN is significant in that it is composed of those nations which are most intimately acquainted with the problems in Kampuchea and their effects upon all of Southeast Asia. These nations are also the ones bearing a major share of the burden of providing for the large number of Kampuchean refugees. I am much encouraged by this regional unity and willingness to approach these problems under the guidelines of the U.N. Charter and the International Conference on Kampuchea. It is equally important that the United States maintain its support for this relief work.

The withdrawal of Vietnamese forces from Kampuchea and the restoration of a popular form of government has proved to be a very difficult task. However, the members of ASEAN have made great progress toward bringing about a resolution of this tough political problem. We must support this chance for the realization of peace in this area which embodies such poignant and painful memories for the American people.

I therefore urge that my colleagues vote for this resolution.●

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. SOLARZ. Mr. Speaker, I yield such time as he may consume to the distinguished and eloquent gentleman from Texas (Mr. WRIGHT), our able majority leader.

Mr. WRIGHT. Mr. Speaker, I want to express my personal appreciation to all the members of the Committee on Foreign Affairs, on both sides of the aisle, Republican and Democratic, for their unanimous support of this resolution, both in the Subcommittee on Asian and Pacific Affairs, so ably chaired by our distinguished colleague from New York (Mr. SOLARZ) and in the committee as a whole.

This is in every sense a bipartisan expression of the will of the House. I think it will send the right kind of signal to our friends and allies in Asia.

The resolution expresses the sense of Congress that the efforts of the Association of Southeast Asia Nations with respect to Kampuchea or Cambodia, as it is sometimes referred to in the West, should be supported.

During the August recess, as the gentleman from New York explained, along with a bipartisan delegation of the House, I had the oppportunity to visit with elected leaders from free nations in Asia. I talked at great length, as did other members of our delegation, with spokesmen for such countries as Singapore and Malaysia particularly. They have a deep and abiding concern about what is happening in their neighboring country of Kampuchea.

They suggested that one of the most significant things we might do to demonstrate our solidarity with the viewpoint being expressed by those free countries so jealously guarding their own independence would be to pass such a resolution as this in Congress and to express our agreement with their viewpoint that something needs to be done by the world community to cause the removal of the outside troops of Vietnam, which now are engaged in the military occupation of that country, and to bring about a peaceful resolution through free elections and local self determination by the Cambodian people.

They urged us to assist in their efforts to halt the massive dislocation and loss of life which has too long gone on in that wronged and hapless country; whereas the gentleman from New York said a moment ago, the slaughter of innocent people and the systematic starving of an entire population would rival even the Nazis in coldblooded cruelty.

The ASEAN countries have begun to seek to lead the way toward a peaceful settlement of this Cambodia tragedy. Every U.N. General Assembly since 1979 and the United Nations sponsored International Conference on Kampuchea have called for the complete withdrawal of foreign troops from Kampuchea and for free elections under international supervision.

The members of the ASEAN Pact know, as we all should know, that the wholesale subjugation of the Khmer people at the hands of the marauding foreign power is an outrageous injustice in its own right, that also represents a severe threat to regional security and ultimately to the international peace.

Vietnam maintains more than 170,000 armed troops in Kampuchea. This occupying force belies its pre-

tense at peaceful intentions. More than 200,000 Khmer refugees living in squalor and misery along the Thai border belie the Vietnamese claims. The human suffering in Kampuchea cannot be overstated. It is a moral imperative of the gravest magnitude that the United States must support this ASEAN initiative to resolve that terrible situation.

There is a holocaust in Kampuchea that assaults the conscience of civilized people and we dare not respond with indifference.

□ 1440

Of course, we should not, and by this means do not, try to impose our own solution. We should, however, declare unequivocally that we do support the efforts of the peaceful independent countries of Southeast Asia to achieve a solution. That is what this resolution does.

There is an alternative to Communist terror in Kampuchea. It lies with negotiations of a democratic process that includes non-Communist nationalists and free elections. So I would urge that we would do a great thing if we were to unanimously pass House Concurrent Resolution 176.

Mr. SOLARZ. Mr. Speaker, I just want to express my appreciation to the majority leader for his remarks, and to my good friend, the gentleman from New York (Mr. SOLOMON), for his cooperation in supporting this concurrent resolution.

● Mr. ZABLOCKI. Mr. Speaker, I join in support of House Concurrent Resolution 176. This resolution gives strong and clear support of this Congress for the efforts that the five countries of the Association of Southeast Asian Nations have underway to promote a peaceful settlement in Kampuchea. That sad land has suffered greatly. After the Communist takeover in 1975, the Communist leader Pol Pot victimized his own people in a bloodbath that the world still remembers for its horror. Following the Pol Pot years, Vietnamese invader forces trampled Kampuchean sovereignty and created even more misery for the Kampuchean people. Many of them fled their homeland and now live in refugee camps supported by international relief organizations.

The countries of the Association of Southeast Asian Nations—Thailand, Malaysia, Singapore, Indonesia, and the Philippines—have not sat idly by in the midst of this human tragedy. They have been deeply involved in the refugee acceptance and relief operations. They have, moreover, coordinated to an exceptional degree in attempting to promote efforts that could solve the Kampuchean situation, enhance the security of the ASEAN region and overcome human suffering.

The ASEAN nations were in the forefront in promoting an International Conference on Kampuchea, held under the auspices of the United Nations. That conference set out a path that would allow the restoration of Khmer self-determination through free elections under international supervision.

The resolution before us today gives support for these efforts of Asian countries. It also gives support for the non-Communist Khmer nationalist forces that represent the legitimate aspirations of the Khmer people.

This week at the United Nations in New York, the U.N. General Assembly will be debating the Kampuchean issue. Again the ASEAN countries are playing a leading and constructive role in the U.N. context.

In closing, I want to take this opportunity to commend our colleague, the majority leader, JIM WRIGHT, for his leadership in bringing this issue to our attention.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 176.●

Mr. SOLARZ. Mr. Speaker, I have no further requests for time.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 176.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SOLARZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight, Monday, October 24, 1983, to file one privileged report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2915. An act to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes; and

H.R. 3222. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2915) entitled "An act to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PERCY, Mr. HELMS, Mr. LUGAR, Mr. MATHIAS, Mr. PELL, Mr. BIDEN, and Mr. GLENN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3222) entitled "An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LAXALT, Mr. STEVENS, Mr. WEICKER, Mr. RUDMAN, Mr. HATFIELD, Mr. SPECTER, Mr. HOLLINGS, Mr. INOUYE, Mr. DECONCINI, Mr. BUMPERS, Mr. EAGLETON, and Mr. STENNIS to be conferees on the part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. LEACH of Iowa, for 30 minutes, today.

(The following Members (at the request of Mr. SOLARZ) to revise and extend their remarks and include extraneous material:)

Mr. WEAVER, for 30 minutes, today.
Mr. JONES of Tennessee, for 5 minutes, today.
Mr. HUTTO, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. LOWERY of California in two instances.
Mr. WILLIAMS of Ohio in two instances.
Mr. CLINGER.
Mr. EDWARDS of Oklahoma.
Mr. MCGRATH.
Mr. JEFFORDS in three instances.
Mr. CONTE.
Mr. LOTT.
Mr. DANIEL B. CRANE.

(The following Members (at the request of Mr. SOLARZ) and to include extraneous matter:)

Mr. LANTOS.
Mr. FLORIO in two instances.
Mr. OTTINGER in two instances.
Mr. RODINO in two instances.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee.
Mr. ZABLOCKI in two instances.
Mr. SOLARZ.
Mr. GAYDOS.
Mr. DYSON.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1212. An act for the relief of sixteen employees of the Charleston Naval Shipyard; to the Committee on the Judiciary.

S.J. Res. 175. Joint resolution to prohibit the Department of the Navy or any Federal agency from using funds to dispose of the Naval Arctic Research Laboratory near Barrow, Alaska, except under certain circumstances; to the Committee on Armed Services.

S.J. Res. 180. Joint resolution to designate the week of October 23, 1983, through October 29, 1983, as "American Energy Awareness Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 730. An act for the relief of Ronald Goldstock and Augustus M. Statham;

H.R. 732. An act for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond;

H.R. 745. An act for the relief of Stephen C. Ruks;

H.R. 1213. An act to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes;

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition;

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes; and

H.R. 3929. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House agreed to earlier today, the Chair declares the House in recess subject to the call of the Chair.

Three bells will be rung 15 minutes prior to reconvening.

Accordingly (at 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 p.m.

QUALITY OF GRAIN COMING TO MARKET IS BEING QUESTIONED

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Tennessee. Mr. Speaker, about 9 months ago, President Reagan announced the most massive and ambitious commodity giveaway program in history. Without the benefit of any specific authority from Congress, and in the absence of any meaningful consultation and advice from the Nation's agricultural leaders, his Secretary of Agriculture, John Block, implemented a payment-in-kind program which he insisted would not only curtail production of crops already in serious surplus, but would in fact save taxpayer dollars by reducing Government storage costs.

Thanks to the worst drought since the 1930's, Secretary Block's prediction of a reduction in crop harvest has come true. However, even the most enthusiastic supporters of the PIK program now admit that it will be the costliest farm program of all time, driving Government farm program spending in 1983 to more than $23 billion—six times higher than only 5 years ago.

On top of all this, today's Wall Street Journal carries an article indicating that much of the PIK grain now being released to farmers is of such low quality that it is not even fit for livestock feed. Maybe it is only wishful thinking, but I do believe American farmers and taxpayers deserve more for their money than to have $23 billion squandered and mismanaged as it has been this year.

The Wall Street Journal article follows:

[From the Wall Street Journal Oct. 24, 1983]

QUALITY OF GRAIN COMING TO MARKET IS BEING QUESTIONED—FARMERS, OTHERS SAY SURPLUS DETERIORATED IN STORAGE; HUMID WEATHER IS CITED

(By Wendy L. Wall)

CHICAGO.—Farmers and agricultural experts are beginning to question the quality of the grain that is coming out of storage in the government's biggest grain giveaway ever.

Much of the corn, wheat and milo currently coming to market from farm sheds and elevators has been in storage for two years or more, and much of it is said to have deteriorated significantly. "I've seen bug infestation, heat damage, brown kernels and moldy corn," says Gary Todd owner of an elevator in St. Charles, Minn.

Much of this grain is currently being shipped as "in-kind" payments to farmers who agreed to idle their land as part of an Agriculture Department surplus-reduction program this year. In scattered instances, farmers are complaining that they have received low-grade corn without being fully compensated for the difference. Sales of grain fumigants, or chemicals that kill insects, soared this fall as farmers and grain-belt elevator operators tried to kill bugs before the government began shipping it out. And livestock nutritionists are warning any poor quality corn that slips into feeding bins could produce reproduction problems for poultry flocks and hog herds and generate to other health hazards.

The Agriculture Department has long paid farmers and private elevator operators to store its surplus grain, and, a certain amount always goes bad in long-term storage. But this year, the problems seem worse than ever. The enormity of recent grain gluts—which last winter built to a half year's supply—means that a lot more grain has been stored much longer. Also, warm, humid weather last fall and winter accelerated the damage.

"I've been in this racket 26 years and this is above and beyond the worse I've ever seen," says Larry VanFossen, a grain-storage specialist, at Iowa State University.

The effect on farmers receiving damaged payment-in-kind grain varies widely. Many who participated in PIK will simply receive title to bushels already stored on their farms. If there's a problem with that grain, many farmers are apparently aware of it.

Others, however, aren't getting what they counted on. The PIK program promised farmers so-called No. 2 yellow corn, the standard quality, or increased bushels of a lesser grade. But the Agriculture Department concedes that the formula for compensating recipients doesn't fully reflect the widening price differential between standard and lower-quality grain. Some farmers are coming up short, while others, who will

use the grain to feed livestock, have been forced to fumigate insect-infested grain at their own cost.

Some unscrupulous elevator operators are giving farmers title to damaged corn without disclosing the problem. Herbert Cast, who is managing the PIK-payout logistics for the government, says a few dozen farmers have complained to him of being cheated by elevators but that he's only seen one "serious" case.

The problem, if anything, may get worse. Many farmers will never actually see their PIK grain before they sell it and may be surprised to learn how little it fetches in the open market. The government has offered to pay storage costs for five months so many won't learn until next spring about the problems they may face.

Bad grain requires special handling. Toxins can grow in damaged corn that can disrupt livestock reproductive cycles, retard animals' growth and, in extreme cases, kill entire herds. "In individual cases, it may bankrupt people," says Pat Hamilton, a poultry scientist at North Carolina State University.

The National Pork Producers Council and the National Broiler Council are on the lookout for trouble but say that such problems haven't cropped up yet.

If some farmers are losing out, fumigant makers are winning big. Industry leaders Stauffer Chemical Co. and Vulcan Chemical Co. say that sales of liquid grain fumigants are running at least 15 percent ahead of last year. Douglas Chemical Co., which sells primarily to farmer cooperatives, says its fumigant sales are up 35 to 40 percent from a year ago.●

SALUTE TO BOYS CLUBS OF AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. HUTTO) is recognized for 5 minutes.

● Mr. HUTTO. Mr. Speaker, I rise today to commend the Boys Clubs of America for their fine work with the youth of our Nation. Since my hometown of Panama City, Fla., has a very outstanding and active boys club, I have firsthand knowledge of what these clubs mean to a community.

The boys clubs movement has flourished since its founding in 1906. The Boys Clubs of America was chartered by Congress in 1956. Millions of young men have benefited from the well-rounded programs furnished by the boys club movement. Though some people get the idea that a boys club is just a place for youngsters to while away a few hours shooting basketballs, slamming volleyballs, or playing bumper pool, recreation is only one facet of the overall boys club program—a program that furnishes activities like photography and art classes, remedial reading, woodworking and other crafts, summertime camping, scouting, and civic clubs that teach the youngsters their obligations to their community and to their fellow man. The overall program of the boys clubs is designed to enhance the quality of life for boys as participating members of a richly diverse society.

And to attest to the degree to which that program has worked down through the years, we only have to look at former boys club members like O. J. Simpson in the field of sports and entertainment; Paul Lyet, the past chairman of the Sperry Corp., in the field of business; and you, Mr. Speaker, in the field of government.

It was a special treat for me to attend a recent breakfast here in our Nation's Capital honoring the regional boys clubs outstanding youth of America. Those honored were: Mark Perry of North Little Rock, Ark.; Phil McDuff of Tuscaloosa, Ala.; Pete Beaulieu of Royal Oaks, Mich.; Scott Chase of Jamestown, N.Y.; and Dean Cerimeli of Scottsdale, Ariz. One of these five, Mark Perry, was named as "National Youth of the Year" to represent 1¼ million boys and girls who belong to local boys clubs throughout the Nation.

The Boys Clubs of America, which serves young people from all walks of life and puts them on the road to good citizenship and leadership, is an organization that is worthy of our support.●

GET OUT OF LEBANON

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

● Mr. GONZALEZ. Mr. Speaker, since last spring, I have warned against the U.S. involvement in Lebanon. I offered a resolution to bring the troops home, months before there had been any bloodshed. In recent days, I have repeated my warnings, and asked my colleagues what our policy would be, in the event of an all-out attack against the marines. Now the worst has happened, and I am grieved beyond any possible power of words to convey.

I cannot express the sorrow that I feel for the young sailors and marines who were killed in yesterday's terrorist bombing of Marine headquarters in Beirut. There is no human vocabulary that could describe the revulsion of the scene, the obscenity of the attack, the utter waste of human lives.

The sorrow that I feel is only compounded by the warnings that I have uttered, most recently last Thursday. The questions that I raised then, and on other occasions are now starkly clear. The answers are few. But the options are no different now, in the midst of the carnage, than they were weeks and months ago, when the Congress refused to face the facts.

The facts are that if the marines stay on in a static, passive position, they are always going to be subject to attacks, though I pray that not one life will again be wasted in Lebanon's ageless and ceaseless fratricidal wars. But if the marines go out and engage their attackers, their mission will be transformed from that of peacekeeper to combatant. Such a mission was never envisioned by those who so foolishly and carelessly thrust these young men into the maelstrom of Lebanon. Such a mission was not contemplated, much less authorized, by the resolution that endorsed the stay of the marines in Lebanon.

The third choice, and the only real one, is to withdraw. Not that the marines have failed. Not that they have not done their best, but that their mission is, and has for months been impossible to achieve.

There is no nationhood in Lebanon to be preserved. Two-thirds of that country is occupied by foreign forces that have no intention of leaving. Much of the rest is contested between age-old religious factions and generations-old feuds. The Government of Lebanon has no real authority, even within the city limits of its own capital city. The peace negotiations that were to be facilitated by the international peacekeeping forces when they entered Lebanon more than a year ago, have never even started, much less gotten down to resolution of even the simplest of issues. Nor is there any sign of serious attempts to negotiate a settlement. These political realities have canceled the good intentions and good will of the U.S. forces. And now into that frozen, endless, bitter contest and blood feud we have cast perhaps 200 of our best young lives.

The marines have not failed—we have.

They have not lacked honor and courage—we have.

They have not lacked will—we have.

In the name of decency, let us bring these young men home. They have done all that anyone could, but it is not in their power or in the power of any other outside force to do for the Lebanese what they cannot or will not do for themselves. The marines have no defined, no definable objective. They cannot do the impossible. Not one of us could say that yesterday's horror could be justified; not one of us could say that it has brought peace one step forward. Not one of us would say that we would have been able to see a son of ours killed in this poisoned, ageless conflict.

I mourn the dead. I honor their courage and their memory.

The only fitting action the Congress can take, in light of the cold facts of reality, in light of this horror, is to end this fruitless risk and waste of our young men. I am offering today a resolution to repeal the authorization for maintaining our forces in Lebanon, and calling for their return at the earliest practicable date, but in no case later than November 15 next.●

ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I send to the desk a resolution (H. Res. 345) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 345

Whereas, on October 23, 1983, the United States and French components of the Multinational Force in Lebanon were the targets of brutal and cowardly terrorist attacks;

Whereas, as a result of the attacks at least 186 United States military personnel and 26 French paratroops were killed and scores more were wounded: Now therefore be it

Resolved, That the House do now adjourn as a further mark of respect to the memory of those Americans who lost their lives in Beirut.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

The SPEAKER. Pursuant to the provisions of House Resolution 345, the House stands adjourned until 10 a.m., tomorrow, Tuesday, October 25, 1983.

Thereupon (at 5 o'clock and 2 minutes p.m.), pursuant to House Resolution 345, and under its previous order, the House adjourned until tomorrow, Tuesday, October 25, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2037. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment and services to Korea (Transmittal No. 84-07), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2038. A letter from the Director, Defense Security Assistance Agency, transmitting the Army's proposed lease of defense articles to Pakistan (Transmittal No. 3-84), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2039. A letter from the Director, Defense Security Assistance Agency, transmitting the Air Force's proposed lease of defense articles to Pakistan (Transmittal No. 2-84), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2040. A letter from the Acting Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed issuance of a license for the export of certain defense equipment sold commercially to Egypt (Transmittal No. MC-1-84), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2041. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's proposed intention to offer to sell certain defense articles and services to Korea (Transmittal No. 84-07), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2042. A letter from the Administrator, Federal Aviation Administration, transmitting a semiannual report on the effectiveness of the civil aviation security program, pursuant to section 315(a) of Public Law 85-726, as amended; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSON: Committee on Rules. Resolution providing for the consideration of H.R. 4169. A bill to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1984 (Rept. No. 98-437). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 719. A bill for the relief of Frank L. Hulsey (Rept. No. 98-433). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. House Resolution 57. Resolution to refer H.R. 744 to the chief judge of the U.S. Claims Court (Rept. No. 98-434). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 2389. A bill for the relief of the estate of Elizabeth Schultz Rabe (Rept. No. 98-435). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1428. A bill for the relief of the estate of Nell J. Redfield; with an amendment (Rept. No. 98-436). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DE LA GARZA:

H.R. 4196. A bill to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products; to the Committee on Agriculture.

By Mr. GIBBONS:

H.R. 4197. A bill to amend the Internal Code of 1954 with respect to the treatment of income from certain aircraft; to the Committee on Ways and Means.

By Mr. JEFFORDS:

H.R. 4198. A bill to designate certain national forest system lands in the State of Vermont for inclusion in the national wilderness preservation system and to designate a national recreation area; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. KINDNESS:

H.R. 4199. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself and Mr. ADDABBO):

H.R. 4200. A bill to amend section 8(a) of the Small Business Act; to the Committee on Small Business.

By Mr. ROWLAND (for himself, Mr. SMITH of Florida, Mr. WAXMAN, and Mr. LELAND):

H.R. 4201. A bill to provide for the rescheduling of methaqualone into schedule I of the Controlled Substances Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STANGELAND (for himself, Mr. HOWARD, Mr. MINETA, and Mr. LIPINSKI):

H.R. 4202. A bill to designate the air traffic control tower at Midway Airport, Chicago, as the "John G. Fary Tower"; to the Committee on Public Works and Transportation.

By Mr. TAUKE:

H.R. 4203. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. WHITEHURST:

H.R. 4204. A bill to amend section 1588 of chapter 81 of title 10, United States Code; to the Committee on Armed Services.

Mr. EVANS of Illinois (for himself, Mr. JACOBS, Mr. BATES, and Mr. LIPINSKI):

H.J. Res. 395. Joint resolution providing for the prompt and orderly withdrawal of U.S. troops from Lebanon; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H.J. Res. 396. Joint resolution to repeal Public Law 98-119, Multinational Force in Lebanon, and to call for the removal of U.S. Armed Forces from Lebanon and from Honduras; to the Committee on Foreign Affairs.

By Mr. ROEMER:

H.J. Res. 397. Joint resolution to require the withdrawal of U.S. Forces in Lebanon; to the Committee on Foreign Affairs.

H.J. Res. 398. Joint resolution to rescind House Joint Resolution 364 as passed by the 98th Congress and require submission by the President of the report on U.S. Armed Forces in Lebanon required by the War Powers Resolution; to require withdrawal of U.S. Armed Forces from Lebanon if said report is not timely received; to the Committee on Foreign Affairs.

By Mr. BARNES (for himself and Mr. LAGOMARSINO):

H. Con. Res. 193. Concurrent resolution expressing support for the democratic process in Argentina and for the new elected civilian government as it struggles to rebuild

Argentina's economy and to solve pending territorial disputes; to the Committee on Foreign Affairs.

H. Con. Res. 194. Concurrent resolution expressing support for the sovereignty, territorial integrity, and economic development of the Republic of Costa Rica and for the survival of Costa Rica's democratic institutions; to the Committee on Foreign Affairs.

By Mr. OTTINGER:

H. Con. Res. 195. Concurrent resolution calling for the immediate dismissal of William Bradford Reynolds; to the Committee on the Judiciary.

By Mr. MINISH:

H. Res. 343. Resolution providing for upgrading of four positions on the Capitol Police for duty under the House of Representatives; to the Committee on House Administration.

By Mr. WRIGHT:

H. Res. 345. Resolution with respect to the memory of those Americans who lost their lives in Beirut; considered and agreed to.

By Mr. LOTT:

H. Res. 346. Resolution providing for the consideration of H.R. 3, to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, and for other purposes, and making in order certain amendments, including the text of the bills H.R. 3257 and H.R. 1800; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HARTNETT introduced a bill (H.R. 4205) to make the vessel *Zorba* eligible for a coastwise license endorsement, which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 325: Mr. TALLON.

H.R. 943: Mr. BONIOR of Michigan.

H.R. 953: Mr. GOODLING, Mr. SPRATT, and Mr. MCCURDY.

H.R. 1016: Mr. JEFFORDS and Mr. ROYBAL.

H.R. 1146: Mr. MCKINNEY.

H.R. 1571: Mr. MCCURDY and Mr. HILER.

H.R. 1942: Mr. MCKINNEY and Mr. MOAKLEY.

H.R. 2053: Mr. CLAY, Mr. ROYBAL, Mr. SISISKY, and Mr. TAYLOR.

H.R. 2088: Mr. RINALDO.

H.R. 2105: Mr. TORRICELLI, Mr. SEIBERLING, and Mr. PORTER.

H.R. 2382: Mrs. VUCANOVICH, Mr. WISE, Mr. KINDNESS, Mr. WHITLEY, Mr. PHILIP M. CRANE, Mr. MCEWEN, Mr. HUNTER, Mr. MICA, Mr. LOWERY of California, Mr. MYERS, Mr. ALBOSTA, and Mr. PACKARD.

H.R. 2489: Mr. PEASE and Mr. TORRICELLI.

H.R. 2715: Ms. FERRARO.

H.R. 2847: Mrs. BOXER.

H.R. 2916: Ms. KAPTUR.

H.R. 2977: Mr. FRANKLIN.

H.R. 3282: Mr. MRAZEK, Mr. WHEAT, Mr. HOYER, Mrs. KENNELLY, and Mr. BOSCO.

H.R. 3405: Mr. WEISS, Mr. MRAZEK, Mr. GOODLING, Mr. SMITH of New Jersey, Mr. LEVIN of Michigan, and Mr. EDGAR.

H.R. 3711: Mr. RATCHFORD and Mr. MCGRATH.

H.R. 3797: Mr. MINISH, Mr. HOPKINS, Mr. DICKS, Mr. PASHAYAN, and Mr. MCGRATH.

H.R. 3815: Mr. SCHEUER, Mr. CLAY, Mrs. KENNELLY, Mr. DELLUMS, Mr. DIXON, Mr. FRANK, and Mr. MINETA.

H.R. 3866: Mr. MCEWEN, Mr. HANCE, Mr. HANSEN of Utah, Mr. ANNUNZIO, Mr. CHENEY, Mr. GINGRICH, Mr. LOTT, Mr. DENNY SMITH, Mr. CORCORAN, Mr. LIPINSKI, Mr. DANIEL, Mr. HYDE, Mr. LAGOMARSINO, Mr. RITTER, Mr. ROBINSON, Mr. WEBER, Mr. BURTON of Indiana, Mr. GOODLING, Mr. BROOMFIELD, Mr. EDWARDS of Alabama, Mr. COUGHLIN, Mr. BEREUTER, Mr. CHAPPIE, Mr. HUNTER, Mr. SNYDER, Mr. HOPKINS, Mr. ROEMER, Mr. TAUKE, Ms. SNOWE, Mr. WHITEHURST, Mr. MACK, Mr. CRAIG, Mr. ROSE, Mr. LEWIS of California, Mr. LENT, and Mr. SHELBY.

H.R. 3870: Mr. HOWARD, Mr. ROE, Mr. CHAPPELL, and Mr. RAHALL.

H.R. 4016: Mr. ROE.

H.R. 4078: Mr. LOWERY of California.

H.R. 4080: Mr. MILLER of California, Mr. WEAVER, Mr. FORSYTHE, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. HUGHES, Mr. MURTHA, Mr. GONZALEZ, Mr. RATCHFORD, Mr. BERMAN, Mr. FEIGHAN, Mr. CHENEY, Mr. FORD of Michigan, Mr. SMITH of Florida, Mr. CORRADA, Mr. ECKART, Mr. MORRISON of Washington, Mr. MOODY, Mr. SIMON, Mr. SCHEUER, Mr. DURBIN, and Mr. BOUCHER.

H.J. Res. 73: Mr. PAUL.

H.J. Res. 103: Mr. CARNEY, Mr. GRAMM, Mr. MCCLOSKEY, Mr. SHAW, and Mr. TAUKE.

H.J. Res. 301: Mr. SUNIA, Mr. FRANK, Mr. PEPPER, Mr. ROE, Mr. DELLUMS, Mr. WAXMAN, Mr. EVANS of Illinois, Mr. TORRICELLI, Mr. WON PAT, Mr. BERMAN, Mr. DYMALLY, Mr. SCHEUER, Ms. MIKULSKI, Mr. WEISS, Mr. VENTO, Mr. LEVIN of Michigan, Mr. BIAGGI, Mr. SIMON, Mr. DIXON, Mr. STOKES, Mr. RANGEL, Mr. LEVINE of California, Mr. TORRES, Mr. OWENS, Mr. GONZALEZ, Mr. SOLARZ, and Mr. ACKERMAN.

H.J. Res. 375: Mrs. LLOYD, Mr. CARPER, and Mr. ALBOSTA.

H.J. Res. 382: Mr. BILIRAKIS, Mr. DICKS, Mr. FORSYTHE, Mr. GUNDERSON, Mr. HARRISON, Mrs. JOHNSON, Mr. KINDNESS, Mr. NOWAK, Mr. PATTERSON, and Mr. SISISKY.

H.J. Res. 383: Mr. SUNIA, Mr. MCNULTY, Mr. SILJANDER, Mr. MOLLOHAN, Mr. VANDERGRIFF, Mr. WOLF, Mr. DOWDY of Mississippi, Mr. WORTLEY, Mr. BEVILL, Mr. WINN, Mrs. BOGGS, Mr. HYDE, Mr. WHITEHURST, Mr. LEVIN of Michigan, Mr. HORTON, Mr. FORSYTHE, Mr. DANIEL B. CRANE, Mr. FRENZEL, Mr. AKAKA, Mr. ROE, and Mr. BROYHILL.

H. Con. Res. 181: Mr. BRITT, Mr. CORRADA, Mr. FIELDS, Mr. FORSYTHE, Mr. FROST, Mr. HARRISON, Mr. KINDNESS, Mr. LIPINSKI, Mr. LUKEN, Mr. MCDADE, Mr. NOWAK, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROE, and Mr. STOKES.

H. Con. Res. 185: Mr. MYERS.

H. Con. Res. 187: Mr. REID, Mr. ZABLOCKI, Mr. WEISS, Mr. BEREUTER, Mr. ZSCHAU, and Mr. LEACH of Iowa.

H. Con. Res. 191: Ms. FERRARO.

H. Res. 334: Mrs. MARTIN of Illinois.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4169

By Mr. JONES of Oklahoma:

(Amendment to the amendment in the nature of a substitute (text of H.R. 4154).)

—In section 202(a)(2), strike out "October 1" and insert in lieu thereof "January 1".

At the end of subsection 202(b)(1)(B) strike out the period and insert in lieu thereof the following: ", and shall not be effective with respect to any pay period commencing before January 1 of such fiscal year.".

H.R. 4185

By Mr. GREEN:

—At the end of Title VII, General Provisions, page 79,

SEC. 797. None of the funds appropriated by this Act may be used for the flight testing of MX missiles during the fiscal year ending September 30, 1984, unless the Soviet Union has flight tested during such fiscal year, but after the date of enactment of this Act, a new type of MIRVed ICBM as defined under the provisions of the SALT II agreement.

By Mr. MONTGOMERY:

—Page 5, line 25, strike out "$1,857,950,000" and insert in lieu thereof "$1,884,950,000".

By Mr. SABO:

—At the end of title VII (General Provisions) add the following new section:

SEC. None of the funds appropriated by this Act may be used before July 1, 1984, to transport, deploy, or operate in Europe any Pershing II missile or ground-launched cruise missile.

—At the end of title VII (General Provisions) add the following new section:

SEC. None of the funds appropriated by this Act may be used before July 1, 1984, to transport, deploy, or operate in Europe any Pershing II missile or ground-launched cruise missile unless before that date an intermediate-range nuclear forces treaty has been ratified by the United States and the Soviet Union or if the President certifies to Congress after March 1, 1984, that no progress has been achieved in obtaining substantial Soviet reductions in intermediate-range missiles targeted towards Western Europe.

By Mr. STRATTON:

—Page 18, line 8, strike out "$3,116,748,000" and insert in lieu thereof "$3,198,448,000".

Page 19, line 5, strike out "$100,500,000" and all that follows through "1983/1985';" on line 6 and insert in lieu thereof "$137,800,000;".

Page 19, line 12, strike out "$2,807,702,000" and insert in lieu thereof "$2,845,002,000".

Page 20, line 9, strike out "$4,542,196,000" and all that follows through line 13 and insert in lieu thereof "$4,652,196,000, to remain available for obligation until September 30, 1986, and in addition, $46,400,000 to be derived by transfer from 'Procurement of Weapons and Tracked Combat Vehicles, Army, 1983/1985', and $65,200,000 to be derived by transfer from 'Procurement of Weapons and Tracked Combat Vehicles, Army, 1982/1984', to remain available for obligation until September 30, 1984.".

Page 22, line 4, strike out "$4,604,616,000" and insert in lieu thereof "$4,611,616,000".

Page 22, line 17, strike out "$9,994,245,000" and insert in lieu thereof "$10,068,045,000".

Page 29, line 1, strike out "$21,040,610,000" and insert in lieu thereof "$21,082,410,000".

EXTENSIONS OF REMARKS

MOTOR VEHICLE PASSENGER SAFETY

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. DINGELL. Mr. Speaker, on October 24, 1983, I included in the Extensions of Remarks (page E5063) comments on my bill, H.R. 4175. Unfortunately, the GPO printed my remarks as if I quoted from some article. Thus, I take this opportunity to restate them and hope that the GPO will print them correctly.

Mr. DINGELL. Mr. Speaker, on Thursday last, I introduced H.R. 4175, the Motor Vehicle Passenger Safety Act, in order to encourage greater use of one of the most important pieces of standard equipment for all passenger vehicles—seatbelts. My reasons for doing so are set forth in the bill's findings:

"FINDINGS AND PURPOSES

"SEC. 141. (a) The Congress finds that—

"(1) motor vehicle accidents are one of the five leading causes of death;

"(2) the total number of passenger motor vehicle occupant fatalities for 1982 was 23,098, with over 21,000 estimated to be front seat occupants;

"(3) since the late 1960's safety belt systems designed to protected drivers and passengers (particularly front seat passengers) have been standard equipment on passenger motor vehicles, and over the last decade, such systems have been, and are continuing to be, refined for greater ease of usage, dependability, durability, and comfort;

"(4) the American consumer has invested $14,000,000,000 in safety belt systems as standard equipment on 140,000,000 motor vehicles;

"(5) the National Highway Traffic Safety Administration estimates that, if 80 percent of all passengers used existing safety belt systems in all passenger motor vehicles in use today, at least 12,000 lives could be saved and a much larger number of injuries could be avoided or reduced;

"(6) safety belt system usage programs and laws have increased usage in Europe and Canada by more than 70 percent and have resulted in a decrease in highway deaths;

"(7) decreasing deaths and injuries (A) prevents or reduces the human tragedies that affect families when lives are claimed or disabling injuries result due to traffic accidents, (B) saves health, disability, and insurance costs, and (C) otherwise prevents adverse economic and social impacts;

"(8) reliance for over a decade on the voluntary use of safety belt systems has resulted in some usage, but not enough to make a significant reduction in injuries;

"(9) greater Federal funds are needed to assist the States in developing and implementing reasonable safety belt system usage laws;

"(10) the Federal Government should require the use of safety belt systems by Federal employees and on Federally owned or controlled areas; and

"(11) several insurance firms have offered to reduce premium rates by a significant percentage for those who sign a statement indicating they will use safety belt systems when driving or otherwise riding in a passenger motor vehicle."

Motor vehicle accidents occur quickly, usually with little warning. In seconds, passengers move from calm to disaster and, all too often, to tragedy. In many cases, the tragedy is permanent. While there are many accidents where no type of restraint will prevent or mitigate tragedy because of speed and other factors, there are others where the wearing of a seatbelt can spell the difference between life and death, or between severe and minor injury.

Pursuant to section 214 of the Surface Transportation Assistance Act of 1978, the National Academy of Sciences conducted a study of methods for encouraging the use of safety belts by passengers and drivers of motor vehicles. A report of that study (Committee. Print 96-40) entitled "Study of Methods for Increasing Safety Belt Use" was released in March 1980. The report's principle conclusion is that "no single program" to increase safety belt use "is likely to work. It will take a combination of approaches * * * to overcome public apathy or antipathy toward safety belts and to change safety belt behavior so as to increase both the number" of belt users and the regularity of use. H.R. 4175, which will be administered by the Department of Transportation (DOT), recognizes this and seeks to address the problem by a multifront approach.

First is education. The bill directs the DOT to develop and implement a broad program to promote the use of safety belts, to educate the public about the preventive health aspects of belt use, and to inform employers of the economic incentives available to them from belt use by employees. In this later case, the 1980 report said:

Ample economic incentive exists for employers to undertake programs to require their employees to use safety belts on the job and to encourage safety belt use at all times. This incentive is the prospect of reducing the significant employer costs that crash injuries and deaths entail. In 1978, for example, about one-third of all work-related fatalities were caused by motor vehicle crashes. On average, each such death cost the victim's employer $120,000. When on-the-job injuries are added to deaths, motor vehicle crashes directly and indirectly cost employers a total of about $1.5 billion in 1978. The employer cost of vehicle crashes off the jobs is estimated by the National Safety Council to be an additional $1.9 billion.

Few employers are aware of their economic losses from this source, and few recognize that an employer's risk of loss from motor vehicle crashes is much higher than a single individual's. Almost none can identify the specific risk of loss, because that risk will vary with the number of persons employed, the type of business or industry, and a variety of other factors; a data base for such calculations is not yet available.

The program will not cost the taxpayer a dime, except, of course, DOT's administrative costs. The program is to be a free public service effort. It is intended to draw upon the conscience and goodwill of automakers, insurance firms, TV, radio, newspapers, movies, magazines, like Good Housekeeping, Time, and environmental magazines; labor, consumers, legal organizations, like the ABA and the trial lawyers; health care groups, like nurses, doctors, and the Red Cross; and national groups, like the teachers, the Chamber of Commerce, the National Farm Bureau, the National Association of Manufacturers, the bankers, National Safety Council, the American Automobile Association, and trade associations; and community groups, like the Rotary, Lions, Fraternal Order of Police, Knights of Columbus, 4-H, PTO's, and Civitans.

The bill also provides a procedure for educating the public on the use of safety belts to insure safety and comfort.

Second is the Federal Government. The 1980 report said:

The federal government, in its own activities, should provide an example of compulsory safety belt use: Federal agencies should require and enforce on-the-job safety belt use by their own employees and should encourage belt use by employees at all times; proper occupant protection should be required of all persons working or living on military bases and of drivers and passengers in vehicles operated under federally funded programs. Implementation of these safety belt rules should be appraised and monitored regularly through the congressional oversight process.

H.R. 4175 provides that within 180 days after enactment, the President will issue rules providing that:

First. Any Federal motor vehicle to be equipped with safety belt systems in compliance with the Federal motor vehicle safety standard applicable to the model year of such vehicle;

Second. The use of such systems by those who operate or who are trans-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ported in any Federal motor vehicle; and

Third. The use of operable safety belt systems in any passenger motor vehicle which was required to be equipped with such systems by any such standard while operating on any public street, road, or highway located within any area of the national forest, national park, and national wildlife refuge systems, any military reservation, or any other area, street, road, or highway owned or controlled by any executive agency, including some of the roads and parkways in the Washington, D.C., area.

Provision is made for enforcement of items (2) and (3) through civil penalties only after reasonable administrative process. I want to stress that I am a strong supporter of Federal employees and do not want to impose greater burdens upon them, particularly in light of the already heavy-handed tactics of Mr. Donald Devine and RIF's that are commonplace in this administration. But I believe that safety belt use is in the best interest of everyone, including Federal employees. Failure to comply means a fine, not dismissal, a reprimand, or any other personnel action.

In addition, the bill tells other agencies to cooperate with the DOT to review and revise their regulatory, contract, and other activities to help carry out the bill's purposes.

Third is State programs. The bill provides a grant program for the States to promote increased use of safety belt and the benefits thereof and to develop laws or regulations requiring the use of belts. For fiscal year 1985, the bill authorizes $15 million. For fiscal year 1985 through 1990, the amount is $30 million and thereafter $20 million until fiscal year 1996. The money is to be allocated to the States by a formula which insures that all States will get a substantial share.

The bill does not mandate a safety belt use law, but it provides a reduction in grants in fiscal year 1987 of 25 percent and in fiscal year 1988 50 percent if a State fails to enact such a law and a total cutoff of grants in fiscal year 1989 for such failure.

The bill makes it clear that the States, not the DOT, shall develop the law to meet their needs consistent with the bill's purpose, except that there must be some means of enforcement, including reasonable fines and mitigation of fines by a court, in its discretion, in the case of traffic accident violations where a belt was in use. Exemptions for valid reasons are possible.

One of the conditions of a grant to the States is that the appropriate State agency will work with appropriate insurance firms to develop a program providing for a meaningful reduction in rates for insureds who commit themselves to using safety belt systems when operating or otherwise riding in passenger motor vehicles.

A proposed safety belt use law is currently being debated in the State of Michigan and the Automobile Club of Michigan, the State's largest auto insurer, announced on September 28, 1983, that it would reduce rates for its auto insureds if this Michigan legislation is enacted. The club said the savings for typical auto club policyholders would range from $11 to $24 annually, with some savings as much as $90. I understand that the League General Insurance Co. which insures 70,000 cars in Michigan, promises to do likewise. I commend them for their efforts.

Before closing, I want to stress that I welcome the Department of Transportation's—DOT—plan to examine the passive restraint issue and urge—DOT to consider this bill. I also want to stress that because of the extensive costs of airbags and the limited use of airbags in accidents that are not frontal in nature, I continue to believe that the seatbelt is the best and safest means of preserving life in vehicle accidents.

I invite my colleagues to cosponsor this bill. If they are interested, they should call Mr. Walter Sanders, extension 5-2754 of my office.

I also urge the firms and groups mentioned above to begin now to mount a strong campaign for H.R. 4175. It is, in my judgment, a matter of life or death.●

DEFEAT OF BOXING BILL DECRIED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues, a letter I received recently from Jose Sulaiman Chagnon, president of the World Boxing Council. In it, Mr. Chagnon expresses his regret over the recent defeat of a bill to establish a commission to study the need for minimum national standards in boxing.

Speaking of boxing in the United States, Mr. Chagnon says:

> The situation creates confusion and helps the vested interests which always attack, using their friends in the media, all those that do not conform to their wishes.

I urge my colleagues to give Mr. Chagnon's comments their serious consideration.

The full text of the letter follows:

WORLD BOXING COUNCIL,
August 4, 1983.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation, and Tourism, Washington, D.C.

DEAR MR. FLORIO: I was very sorry to know that the House of Representatives did not vote in favour of the creation of a panel to institute a national boxing commission to supervise at least the so important safety measures in the U.S. for the protection of the boxers.

I believe that the present conditions in your country are not optimum in boxing due mainly to the autonomy and independency of the state boxing commissions who do not usually favour initiatives coming from out of the state.

The situation creates confusion and helps the vested interests which always attack, using their friends in the media, all those that do not conform to their wishes. The WBC is very sensitive to this consistent slander specially from Mr. Bert Sugar who believes in building up his magazine by the destruction of others.

Please be assured that I was impressed by your very impartial and positive attitude and the good intentions of all the members of the Subcommittee that you so diligently presided.

The WBC will continue its efforts to get people of boxing in the world and in the U.S. where we have many good friends in all the state boxing commissions, to institute all the safety measures of which you were informed.

Your intervention is an example to the world of the interest that should be given to this noble sport of boxing, which is the home of the poorest in the world.

With appreciation and sincere respect.

JOSÉ SULAIMÁN CHAGNÓN,
President.●

B'NAI B'RITH, 100 YEARS OF SERVICE IN YOUNGSTOWN

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. WILLIAMS of Ohio. Mr. Speaker, on Saturday, October 22, the Jewish community in my district commemorated a very significant event. In January 1883, 25 men of the Jewish community in Youngstown, Ohio, bonded together to found the B'nai B'rith local lodge. Today, after 100 years, their legacy remains dedicated to the ideals of benevolence, brotherly love, and harmony set forth by the International B'nai B'rith.

In recognition of this anniversary, I submit the following article that recently appeared in the Youngstown Jewish Times.

B'NAI B'RITH, 100 YEARS OF SERVICE IN YOUNGSTOWN

It was on January 28, 1883 when 25 men of the Jewish community of Youngstown formally founded a lodge of B'nai B'rith, less than 40 years after the service organization began in New York City. The first president was Emanuel Mittler, then Isaac Strouss, followed by his partner, Bernard

Hirshberg, and then pioneer businessman, Emanuel Hartzell. Meanwhile another lodge had been formed. The two merged in 1902 to become Mahoning Lodge No. 339.

From the beginning, B'nai B'rith members were active in behalf of the welfare of the Jewish community. They devoted their time to their congregations and to the fund-raising groups that existed at that time. An annual picnic became a summer event, ending with Jewish Days at Idora Park. After fund-raising became the responsibility of the Jewish Federation, B'nai B'rith members offered their services as volunteers. In the early days of the State of Israel Bond drives, when there was house-to-house soliciting, teams were manned by B'nai B'rith.

Moving out to the general community, B'nai B'rith men have been volunteers during Christmas at St. Elizabeth Hospital and offer manpower to other local groups. Mahoning Lodge has a flourishing bowling league and for a number of years, a golf league.

Continuing the list of presidents, the names of many men prominent in the community, many can be seen, including Louis Rice, Max E. Brunswick, Leo Guthman, Jacob Oppenheimer, Rabbi I. E. Philo, Louis Ozersky, Max Goldstein, Louis Regenstreich, Joseph Friedman, Max Myerovich, J. J. Friedland, Morris Mendelsohn, Max Stone, Leon J. Knight. M. W. Squires, Sam Rifkin, I. M. Hollander, I. L. Feuer, Donald Kaufman, Sam Belkin, Jacob Levy.

Also Irwin Kretzer, Israel Freeman, Dr. Harold Golomb, Marvin Itts, Bert H. Printz, Benjamin F. Roth, James Coplin, Sam Harshman, Joe Mark, Max Harshman, Marvin Traxler, William Bender, Shy Locksoh, Aaron Grossman, Al Garfield, Eli Berk, Irwin Marks, Bernard Linder, Abe Harshman, Maurice W. Lipscher, Dr. Harold Reese, Sidney Berkowitz, Hyman Berman.

Then Marvin Zinner, Dr. Edward Kornhauser, Louis Fish, Theodore Bender, Gerald Marks, Joseph Berkowitz, Aaron Udell, Dr. Leonard Spiegel, Robert Itts, Ronald Mostov, Bruce Sherman, Bruce Chapnick and Bruce Udell.

Early in the 1960's, Youngstown Lodge No. 2360 was chartered. Until it merged with Mahoning Lodge after nine years, presidents were Victor Sperling, Bernard Rose, Sam D. Roth, Mace Landau, James Pazol, Marvin Levy, Richard Klein, Bert Newman and Dr. Ernst Rose.

There have been two father-son sets of presidents—Marvin and Robert Itts, and Aaron and Bruce Udell. Two groups of brothers have been presidents—William and Ted Bender, and Sam, Max and Abe Harshman.

Thirty-six past presidents are living, as are eight 50-year members who will be honored—Oscar H. Altshuler, William Bender, Samuel Bunshaft, Robert Cohen, Fred Cohn, Abe I. Goldman, Benjamin Gould and Murray A. Nadler.

Current officers of Mahoning Lodge, B'nai B'rith are Atty. Stuart Strasfeld, president; Dr. Robert Newman, Dr. Steven Grossman, vice-presidents; Marvin L. Zinner, financial secretary; Dr. Bruce Mirvis, treasurer; Stanley Nudel, secretary; Howard Rosen, warden; Dr. Richard Martin, guardian and Bruce Udell, chaplain.

Mahoning Lodge now has 533 members.

Besides Mahoning Lodge, B'nai B'rith in Youngstown includes women's chapters No. 123 and No. 1252 and youth groups, Sigmund Nisenson AZA which is celebrating its 50th anniversary this year, and Dodi Li BBG.●

A CARING BUREAUCRAT

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. PASHAYAN. Mr. Speaker, I have the honor today to bring to the attention of the House Mr. Gil Khachadourian of Fresno, Calif., who was selected this year as the recipient of the "Humanity in Government Award," presented annually to only 1 of the 89,000 employees of the Social Security Administration.

Mr. Khachadourian was 18 years of age when he arrived in the United States from his native Cairo, Egypt, in 1949. He and his mother carried one suitcase each, and he also brought with him fluency in Armenian, Arabic, Turkish, French, and English.

As district manager of the social security office in Fresno, he works endlessly to solve people problems with a sensitivity and a deep love and understanding of others.

An editorial in the Fresno Bee, dated October 6, 1983, best describes this man and the qualities that earned him the high honor he received this week, and I should like to reprint it here:

A CARING BUREAUCRAT

Gilbert Khachadourian is the kind of public servant whose work refutes the stereotype of the bureaucrat as a faceless, go-by-the-book time-server.

As the Social Security district manager in Fresno, Khachadourian runs an office that has to do a great deal of trouble-shooting—about one in seven residents in Fresno and Madera counties gets monthly checks from Social Security. When people need help from Social Security they are often anxious, confused, intimidated. As the man in charge, Knachadourian sets the tone for the office. He is warm, sympathetic, energetic, looking for ways to reach out to those he serves.

Khachadourian is neither burned out nor cynical. He remembers challenging cases, interesting characters. Not for him the depersonalizing that is sometimes used for protective cover by those who fight the bureaucratic wars.

His empathy for people who need help may be partly due to the immigrant experiences he described in a recent Bee interview. But whatever the genesis of his managerial style, it is not surprising that Khachadourian has won the Social Security Administration's Humanity in Government Award, which goes to one of its 89,000 employees each year. He embodies humanity in government. It's heartening to learn that this massive agency puts a premium on such qualities.●

CHURCH AUDITS PROCEDURES ACT

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. EDWARDS of Oklahoma. Mr. Speaker, during a recent Senate hearing regarding the Church Audit Procedures Act, we were privileged to receive expert testimony from a wide variety of organizations on behalf of this legislation. As House sponsor of the act, I would like to bring the testimony of Mr. Jeremiah S. Gutman to the attention of my colleagues. Mr. Gutman is an attorney and chairman of the New York chapter of the American Civil Liberties Union. He is also a national director of the ACLU and has represented many churches and religious organizations faced with IRS investigations. I am very pleased to have Mr. Gutman's support for the Church Audit Procedures Act.

The testimony follows:

TESTIMONY OF JEREMIAH S. GUTMAN

My name is Jeremiah S. Gutman, and I am an attorney who has been practicing in the fields of civil liberties and civil rights for more than three decades. I appear today on behalf of religious liberty of all groups and individuals, but particularly to express my concern on behalf of those churches and religious groups who are out of the mainstream of religions well established in American tradition. The International Coalition Against Racial and Religious Intolerance, to which I am counsel, is an organization of religionists, theologians, lawyers, and friends of religious freedom with members throughout the world. It has asked me to present its point of view today. The Holy Spirit Association for the Unification of World Christianity [more popularly known as the Unification Church], The Way International, the Church of Scientology, and other churches and church groups have been kind enough to make available to me their opinions and data, which are included within these remarks.

The newer and smaller churches of America welcome the prospect of the passage of the Church Audit Procedures Act.

I present as an example of the kind of abuse which arises from the same defects in existing law, and absence of proper church audit procedures, which require the enactment of the Church Audit Procedures Act a criminal case which attracted, justifiably, a great deal of attention in the community of religions.

Recently, the Internal Revenue Service, at a cost to the taxpayers which has not been disclosed, secured a conviction, presently under appeal, of the Reverend Sun Myung Moon for alleged income tax offenses. It is undisputed that the Internal Revenue Service had been urged by one or more members of Congress, who in turn had been urged by numerous constituents to "do something" because of the perceived dramatic increase in attractiveness of the doctrines of the Unification Church to growing numbers of Americans, particularly young adults. A dissenting opinion by Second Circuit Judge Oakes would have held that the Reverend

Moon was improperly convicted because the Internal Revenue Service, the trial court, and his colleagues on the Second Circuit failed to recognize that "[t]he religious context involved gives the case a special color." Additionally, Reverend Moon had argued in that case, and will again present that argument to the Supreme Court of the United States no doubt, that he had been deprived of the fair and impartial trial to which he was entitled when the United States chose to retaliate by imposing an unwanted jury, which Reverend Moon had a right to waive, because Reverend Moon had announced after his indictment that he had been selected for prosecution, singled out from other members of the clergy identically situated, because his skin is yellow and because his religion is Unificationism rather than that of a church on a typical Main Street, U.S.A. It is the perception—and in the case of Reverend Moon the actuality—of such inequality of treatment, prejudice, and destructive differentiation among favored and unfavored religious groups which requires that the Church Audit Procedures Act become the law of the land. True, it does not address, nor is it intended to address, the selective prosecution and unconstitutional motivation of the Government in punishing an exercise of free speech by Reverend Moon, but the issues out of which such unconstitutional results arise are the same as the evils against which the Church Audit Procedures Act is directed. Reverend Moon puts his faith in the Supreme Court of the United States to rectify the errors of fact, law, and constitutional interpretation which the courts below have made in his case, but the small, the multitudinous, and threatened religious bodies of this country appeal now and must look to the Congress of the United States for their protection against the evils and threats which the Church Audit Procedures Act is designed to eradicate.

In its Examination Procedures [7(10)00], the Internal Revenue Service describes and sets vague guidelines for its Illegal Tax Protestor Program. Examination of these Procedures, as they have existed from time to time with such amendments as there have been, and a look at the Internal Revenue Service's Ideological Organizations Project can do nothing but cause fright to a civil libertarian. The very idea that the tax collector—or, indeed, any agency of the Government of the United States—would devote special attention to organizations because they are "ideological" or to those who specially protest against the activities of the investigator should raise the hackles of a defender of the First Amendment. If a protest is illegal, it is not then a protest. The act of protestation is one of those which is embraced within not only the free speech, press, and assembly clauses of the First Amendment but within its right to petition for redress of grievances. If the protest is accompanied by some illegality, it is for the police to enforce the criminal law. If it is accompanied by a refusal to perform a duty imposed by law, for example, to execute and file a tax return, the penalty therefor should be enforced by law. It is not the protest, the protestation, or the protestor who should draw the fire and ire of the Internal Revenue agent. The Examination Procedures are specifically aimed at the wrong target and in violation of the Constitution. It is up to Congress, by enactment of the Church Audit Procedures Act to bring the Internal Revenue Service back into line.

The Church Audit Procedures Act is required in order to remove a continuing and persistent threat to free exercise of religion and to prevent other violations of the Religion Clauses of the First Amendment to the United States Constitution.

Because the constitutionally mandated limits upon the substantive intrusion and procedural entanglements [*Lemon* v. *Kurtzman*, 403 U.S. 602 (1971)] inherent in an audit of a church are not articulated in any Congressional enactment, and because such legislation as exists is obviously, and has been judicially declared to be ambiguous at best. [*United States* v. *Coates*, 692 F.2d 629 (9th Cir. 1982)], continuation of the present silent, brooding potential of a swooping down upon a church by the Internal Revenue Service presents a constant threat to free exercise rights. It is the duty of Congress to act.

It is true that the Internal Revenue Service has issued procedural guides to its personnel, but it is also true that such guides have been revised and remain subject not only to further Internal Revenue Service revision but to revocation. It is also true that the experience of less affluent and less popular minority religions has demonstrated the need for unambiguous restraints and limitations against potential abuses, and assurances to religious organizations and personnel, as well as to Internal Revenue Service personnel, of what can be done, and when, and for how long, and under what circumstances.

At least one President of the United States created his enemies' list and abused his powers, among other ways, by unleashing agencies, including the Internal Revenue Service, against them. The history of religious multiplicity in the United States teaches us that new religions arise with more or less vigor, but with consistency, from the fertile soil of our freedom and diversity. History also teaches us, however, that such religious groups in their infancy and youth are often the targets of irrational prejudice and organized assault and that Government agencies, certainly not excluding the tax collector, are urged by opponents of one or more of the new religions to do something, to take action, to preserve the establishment, to eliminate what may genuinely be perceived as heresay but which must be constitutionally recognized as religious heterogeneity.

The Internal Revenue Service Commissioner and her or his subordinates who wish to act constitutionally should be able to point to a clear Congressional enactment which prohibits them from becoming entangled in the affairs of a church which may have found disfavor with a President, a member of Congress, or a group of vocal constituents. The Church Audit Procedures Act can provide such a shield against invitations to unconstitutional action.

Religion is in a special category in our American scheme of things by the very first clause of the very first provision of our Bill of Rights. Religious bodies and the religious freedom of each individual are specially separated from government activity, whether of support or attack, and from governmental intrusion and entanglement. Of course, every citizen and resident has an obligation to all the rest of us to participate, according to the rules, in sharing the burden of governmental costs, an inevitable consequence of the omnipresent possibility of inquiry by the tax collector. Churches, however, because they are churches and because they have been differentiated by the Founding Fathers from all other types of organizations, have a very special protected status and should not be subject to that same potential for inquiry and intrusion which may appropriately be cast as a shadow over different organizations and individuals. To make this statement is not to say that the self-proclaimed church should be able totally to insulate itself, but that the status of the churchhood, in conjunction with the First Amendment, places upon the Government a special burden to establish not only the justification for, but the extent of, the timing of, and the duration of inquiry. The Church Audit Procedures Act is well designed to accomplish that result, to provide appropriate mandates and legislatively defined protections without threatening the revenue or providing a shield for the disingenuous, the charlatan, or the criminal.

Experience should teach us that it is precisely the small, the unfamiliar, the novel, the exotic group which is most likely to be the victim of the tax collector's harassment. It is The Way International, the Unification Church, the Lord's Covenant Church of Scottsdale, the World Wide Church of God, the Church of Scientology, the First Church of God the Father which finds itself bearing the burden of professional fees, distraction from religious affairs of clerical personnel, and, too frequently, surrender and payment of tax which may not be justly due but is too costly to defend against. The horror stories of churches which others will undoubtedly be putting before this Committee are with respect to such relatively small, relatively new, relatively bizarre, in light of mainline tradition, churches; rarely is the threat and even more rarely is the actual intrusion and entanglement suffered by the older, the more well recognized, the better "established" religious bodies. Because the burden falls in such a way, the result has been, in absence of a Church Audit Procedures Act, an unconstitutional promotion of establishment of religion, discrimination against the small or independent in violation, not only of the admonition of the First Amendment prohibiting the establishment of religion—that is, the preference of one or some over others—but in violation of due process and equal protection clauses and concepts of our Constitution.

It is the thrust, and it will be the effect, of the Church Audit Procedures Act to provide a shield for free exercise of religion, a bulwark against a trend toward establishment of religion, and a standard of due process and equal protection, which experience has shown are all vitally needed if the promises of the First Amendment are to be kept.●

NEW YORK TIMES CALLS FOR ACTION ON BOXING

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues the following editorial which appeared in the New York Times on September 8, 1983.

In it, the editors call for minimum national safety standards in boxing to prevent the recurrence of deaths in the ring. The recent death in California of a young boxer serves as a grim reminder that only such minimum

standards can prevent what the newspaper calls barbarity in the ring.

In July, the House defeated a bill that would have established a commission to investigate the need for such standards. Opponents of that legislation claimed that this was the first step toward Federal regulation of professional sports and that boxing, like other professional sports, should regulate itself. It is unfortunately the case, however, that those in a position to instill some degree of uniformity and safety in boxing are also the ones who, today, benefit most directly from the absence of regulation.

I, therefore, would ask my colleagues to seriously think about the fatal consequences of Congress failure to bring about some minimal degree of safety in boxing.

The text of the editorial follows:

[From the New York Times, Sept. 8, 1983]

BARBARITY IN THE RING

In a desperate effort to save the life of Francisco (Kiko) Bejines, the 20-year-old Mexican fighter who collapsed during a match in California last week, neurosurgeons cut out part of his brain and skull and removed a blood clot. It was a dangerous operation made necessary by a dangerous sport.

Even such heroic measures were not enough, however, to save Mr. Bejines's life. His death adds one more grim piece of evidence to the case for national standards for boxing safety.

There's no lack of ideas for a boxing safety code. Following the death last year of Duk Koo Kim, a South Korean boxer, the American Medical Association recognized that a ban on the sport was not likely soon. So it called for higher medical standards, including tougher medical examinations, medical supervision at ringside and a national registry to keep accurate records on the injuries of professional boxers. Others argue for protective headgear, admittedly blunting the object of the sport, which is to knock an opponent unconscious with crushing blows to the head.

But nothing much has been done. A few weeks ago the House of Representatives defeated a bill to create an advisory board to analyze the problems of professional boxing, including its safety. Opponents of the bill prevailed with arguments that it would lead to undesirable Federal regulation of sports.

That leaves boxing reform in the hands of the states. New York can claim moderate progress. It now requires that all boxers maintain a complete record of their fights. A new law requires all boxers to undergo a brain scan every three years.

But the standards vary widely in 43 states. Two leave regulation to local authorities, and in five others boxing goes entirely unregulated. State-by-state reform does not look like a promising remedy. Boxing is a national sport, and states that get many of the big fights are unwilling to make the rules too strict.

If Congress won't lead the way toward national standards the job falls to promoters and television networks, which nowadays have the biggest stake—and voice—in boxing. Death stalks the sport, making the ring an arena of barbarity.●

URBAN ENTERPRISE ZONES: CONNECTICUT'S EXPERIENCE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mrs. KENNELLY. Mr. Speaker, on Friday Gov. William O'Neill announced the fact that 3,200 jobs have been created and retained in the first year of Connecticut's urban enterprise zone program. I have cosponsored H.R. 1955, legislation to create a Federal urban enterprise zone program, and support its enactment because I believe it to be a sound method of stimulating economic development in distressed neighborhoods. I believe the Governor's report on our experience in Connecticut bears this out, and I am inserting his statement in the RECORD at this point for the information of my colleagues:

GOVERNOR O'NEILL'S ANNOUNCEMENT

Connecticut's pioneering Urban Enterprise Zone Program has resulted in planned new investments of more than $62 million in six towns and cities in the first year of the program, Governor Bill O'Neill and Commissioner John J. Carson of the state Department of Economic Development announced today.

"These investments translate into the expected creation of more than 1,300 new jobs and retention of about 1,900 jobs in the Enterprise Zones in Norwalk, Bridgeport, New London, New Britain, Hartford and New Haven," Governor O'Neill said. "The investments will finance 126 projects which include a planned office complex to house high technology firms, expanded factories, renovated 'mom and pop' stores, and new and rehabilitated housing units.

"The first year of experience proves that our pilot program is working and that it is a sound beginning to our efforts to breathe new life into some of our most economically distressed urban neighborhoods," Governor O'Neill said.

Commissioner Carson added that the Department of Economic Development has been monitoring the Enterprise Zones since they were designated in October, 1982, and that the six communities have enthusiastically embraced the concept and are working hard to make the program a success.

"Although the zones were designated a year ago, they were not fully certified to begin offering financial and tax incentives until January of this year. Therefore, this outstanding record of progress has been achieved in just nine months. This achievement provides tremendous momentum as we move forward with an expanding state economy," Carson said.

The investment highlights and activity in the zones are:

NORWALK.—62 projects, including 33 commercial/retail operations and a medical instruments manufacturer which was the first officially certified Enterprise Zone expansion in the state;

BRIDGEPORT.—25 projects, most of which are in the commercial/retail area, but which include a planned industrial conversion of the 500,000 square foot former Bridgeport Brass complex;

NEW LONDON.—17 projects, including proposals totaling $22 million for the creation of a research, engineering and light assembly complex;

NEW BRITAIN.—11 projects, including a planned $1.5 million conversion of a vacant furniture store into a restaurant, office complex and 175 units of elderly housing by a Michigan developer;

HARTFORD.—9 projects, including several small start-up service firms and expansions of an auto parts supplier, a trucking company and a steel fabricator; and

NEW HAVEN.—2 projects, including construction of a $6.1 million office building in Science Park for high technology firms.

The Urban Enterprise Zones are urban neighborhoods with populations averaging about 5,000 each, according to Carson. They were designated by the Department of Economic Development after a competitive process including such factors as poverty levels, public assistance, unemployment, and a demonstrated potential for stimulating new jobs and investments. The special development incentives available in the zones include:

50 percent state corporation business tax reduction for ten years for new manufacturing projects;

80 percent abatement of local property taxes for five years for new manufacturing projects, with the state reimbursing the municipality for 75 percent of the abated taxes;

$1,000 grants for each new job created in conjunction with a manufacturing project;

Local tax assessment freezes for up to seven years on new commerical and residential projects;

Special job training benefits to employees for workers who live within the zone and who are certified with vouchers from the state Department of Labor;

Low interest venture capital and small business loans of up to $100,000; and

Exemption from the state sales tax on replacement parts for machinery used in manufacturing.

"What makes this program unique is that state and local assistance is provided for a wide range of economic activity, including industrial, commercial and residential development," Governor O'Neill said. "About half of the projects involve commerical/retail activity, and the other half is split almost evenly between industrial and residential activity.

"It is my hope that Connecticut—as the first state in the country to enact Enterprise Zone legislation—will serve as a model for the Congress as it debates proposals for the creation of a National Enterprise Zone Program. Once again, Connecticut is providing the leadership in a much-needed economic and urban revitalization effort," Governor O'Neill said.●

THE BALTIMORE CONFERENCE

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. LOTT. Mr. Speaker, one of the great strengths of the Republican Party in recent years has been its ability to search for—and often find—new ideas to be used in solving new problems. David Broder of the Washington Post recently wrote of a conference to be held in Baltimore, Md., in which Republicans will meet to discuss the

challenges of the future and ideas that will be needed to meet these challenges.

At this point, I wish to insert in the RECORD, "Opening GOP Minds" by David Broder of the Washington Post, October 23, 1983.

OPENING GOP MINDS

(By David S. Broder)

The setting will be a conference center near Baltimore. The discussion will probably touch on such typical think-tank questions as the challenge of Japanese trade competition, Soviet military expansion and Third World population growth.

What is different about the meeting planned for next weekend is that the conferees will not be graduate students but working politicians—younger-generation conservatives whose loyalty to Ronald Reagan does not blind them to the fact that the world is changing in ways that he and his contemporaries can hardly reckon.

About 60 House Republicans have accepted invitations to the meeting. Its goal is nothing less than to attempt to launch their party and the country in a new direction.

The Baltimore Conference, as it is being called, is intriguing. It represents a serious effort by younger Republicans to prepare their party for the post-Reagan era, even before the 1984 election. The effort has the active encouragement of several members of the House Republican leadership, but the impetus comes from very junior members of the GOP.

Three who have played key roles in preparing for the meeting are freshman Rep. Connie M. Mack III of Florida, sophomore Rep. Van Weber of Minnesota and third-term Rep. Newt Gingrich of Georgia. Like all but one of the dozen GOP members who have been meeting weekly for six months to launch the project, they are in their 30s or early 40s.

Respectively a banker, a political manager and a history professor before coming to the House, Mack, Weber and Gingrich individually practice a kind of iconoclastic conservatism. They differ on specific issues from Reagan's policies but give the President their broad support.

What unites them and their colleagues in this enterprise is their belief that neither party is really keeping pace in its thinking with the accelerated changes sweeping this society and this globe. They are critical but not pessimistic. They hope and believe that Republicans may be well positioned to catch up with the changing world.

To spend an hour with them, as I did last week, is to hear the refreshing talk of people who are not afraid to admit that they don't have the answers, and may not even know the right questions. Unlike most politicians, uncertainty does not intimidate them. But that does not mean they are flying without a compass.

Influenced by authors like Peter Drucker, Daniel Bell, Kenneth Boulding, Alvin Toffler and John Naisbitt, they believe as Mack said in his letter of invitation to the conference, "We have moved into a new phase of American politics."

Gingrich offers a nautical metaphor in the briefing book that will be given to the Baltimore conferees: "Imagine, if you will, that America from 1945 to 1970 was like a family who lived on a houseboat floating on a large, tranquil lake. All was quiet and peaceful. Our nation was the richest, most powerful in history. . . . We were unchallengeable. It was in this world that the Liberal Welfare State was developed and flourished.

"Around 1970, America began to experience rough water. We all thought it was just a storm. . . . Nixon in 1972, Ford and Carter in 1976 and Reagan in 1980 all promised that a right-of-center or left-of-center minor adjustment would bring back calm. All were wrong.

"America has entered a great whitewater river of change. We will be on that river for a generation. That river will require new skills, new habits, new ideas, new inventions and a new style of leadership."

The young conservatives are quick to admit they do not know what those new skills, habits and ideas will be, nor can they fill in the outline of the "Conservative Opportunity Society" they would like to see emerge as the successor to the "Liberal Welfare State."

For now, they are focusing on opening the minds of other Republicans to options outside today's political dialogue. They will ask them at the Baltimore Conference to think, as if for the first time, about what kind of country this should aspire to be, what it would take to produce such a country and what kind of party could lead it.

They recognize the risk that the conference may produce nothing but babble and clichés, but they are young enough not to worry. They prefer that risk to just repeating slogans that they believe have trapped the GOP into something close to permanent minority status.

These Republicans have no monopoly in the search for new ideas, of course. Sen. Gary Hart of Colorado has tried without much success, to introduce that concept into the Democratic presidential race. A score or more of young House and Senate Democrats are searching, on their own, for fresh ways of getting a handle on the problems of the '80s.

Intellectual ferment, however, is welcome wherever it appears in politics. To find it surfacing at this point among conservative members of the party that has its own conservative president in office is remarkable.●

LET'S GET OUT OF LEBANON

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, I would like to share with my colleagues an excellent article, written by Representative SAM STRATTON and published in last Friday's edition of the Washington Post, urging the United States to recall the Marines from Lebanon.

Mr. Speaker, I too oppose the presence of American military forces in Lebanon. I voted against the congressional resolution permitting the Marines to remain in Lebanon for an additional 18 months. I believe that it is not in the best national security interests of the United States to deploy our combat troops in a region stricken with insolvable, centuries old political, social, and religious disputes. Also distressing to me is the ill-defined nature of our commitment and the vagueness of the policies designed to achieve our purported goals.

I highly commend Representative STRATTON for his timely article, and I support his efforts to secure the withdrawal of our marines from Lebanon.

The text of the article follows:

LET'S GET OUT OF LEBANON

(By Representative SAMUEL S. STRATTON)

One of the most appealing characteristics of President Reagan has always been his unfailing optimism, even in the face of discouraging circumstances, some economic, some political. That optimism crept in again in Wednesday's televised press conference when the subject of the Marines in Lebanon came up. Asked what he was going to do about the continuing Marine casualties and the deliberate sniper attacks on the "peacekeeping" force, Mr. Reagan replied, "We're going to keep on doing what we have been doing . . . trying to complete the plan that we launched a little more than a year ago . . . to try and have some stability . . . So long as there's a possibility of making the overall peace plan work, we're going to stay there."

One can admire the President for his optimism and determination, but for those of us who have been on the ground in Lebanon in the past few days, there seems to be precious little evidence of "making the overall peace plan work" and a lot of indication that the longer we stay there the rougher it is going to get.

The latest attacks on our Marine forces, which have occurred since the tenuous Sept. 26 cease-fire went into effect, have an especially ominous ring.

When our 10-member House Armed Services Committee delegation visited the Marine outpost at the Beirut International Airport last month, the Marines there were convinced that many of the casualties they had suffered earlier were not intentional but just part of the general sporadic hit-and-miss shooting that had been going on throughout Beirut.

But these latest killings by sniper fire while the cease-fire was supposedly in effect (and apparently coming from Shiite Moslems, the same sect headed by Khomeini in Iran) were clearly deliberate. That distinction raises serious and immediate questions about the effectiveness of the Marine presence, as well as other elements of the Multinational Force, as as "peacekeeping" force.

Officially the mission of the Marines is, by their very presence, to bring an end to the bitter fighting between Lebanon's religious and political factions and thereby establish a firm cease-fire during which the key diplomatic work of broadening the so-called "confessional" balance of the Lebanese government can go forward.

But last week's events make it crystal clear that the mere presence of 1,600 marines, plus associated elements in the Multinational Force, have not produced a cease-fire, and are unlikely to do so in the near future. Now even the political reconciliation talks have broken down.

The collapse of an agreed cease-fire in Lebanon is, of course, nothing new. There have been dozens of them over the years. But as far as the United States is concerned, this latest turn of events clearly calls for a new and tougher appraisal of U.S. interests in, and responsibilities to, Lebanon. Optimism is all well and good; but a full measure of realism is also essential. Certainly we cannot jeopardize a major portion of our

elite combat force in the blind hope that things may get better soon when they are in fact, getting worse.

Repeated assaults on our Marine contingent suggest a deliberate effort to provoke stepped-up U.S. retaliation by naval air and gunfire bombardment, thus getting us deeper into the Lebanese morass, and making it far more difficult to withdraw. It could even lead to direct confrontation with more than 7,000 Soviet troops reportedly in the vicinity of Lebanon.

What other course is open? How much longer do we wait for the Sept. 26 cease-fire to become a reality? How many more American Marines must be lost to snipers before we come to the reluctant conclusion that in Lebanon not even the Marines, by their very presence, can possibly achieve a cease-fire or a restructuring of the Lebanese government?

In these circumstances, does it really make sense to leave on the books a resolution of Congress and the executive stating as official U.S. policy the determination to leave 1,600 Marines in this impossible situation for yet another year and a half?

In the short three weeks since our committee delegation visited Lebanon, the situation on the ground has changed drastically. Doesn't it really make more sense for us to do as the Israelis finally did: conclude that we can't restructure Lebanon either, and quietly withdraw our forces to other trouble spots that figure higher on our priority list?

Much as we might wish otherwise, even the United States can't expect to right every wrong from pole to pole.●

THE VERMONT WILDERNESS BILL

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. JEFFORDS. Mr. Speaker, today I am introducing legislation to resolve the wilderness controversy in Vermont, the resolution to a debate that has been ongoing for the last decade. The latest round of the debate began in 1978 with the Forest Service's second roadless area review and evaluation. It intensified last winter when the Vermont congressional delegation introduced legislation, H.R. 2275, to try to provide a focus for discussion and negotiation.

Since last March, there have been two hearings on wilderness in Vermont, and the congressional delegation and its staff have spent countless hours discussing the issue with those on all sides of the issue. We have held several negotiating sessions where representatives of all of the affected interests could sit down to discuss their area of agreement and disagreement.

The bill I am introducing today is the product of this process. It takes into account the specific concerns of thousands of Vermonters and the more general views of thousands more. Excellent alternatives were also offered by Governor Snelling through the diligent and thorough work of the agency of environmental conservation; by a group of State legislators from the area of the State where the wilderness areas will be; and by the Vermont Wilderness Association. The Forest Service in Vermont far exceeded the call of duty in its outstanding technical assistance and impartial advice.

In the final analysis, most of the credit for this bill must go to the leading advocates of both the pro and antiwilderness factions, who worked hard and negotiated in good faith despite pressure from others not to compromise.

Although specific acreage calculations have not yet been made by the Forest Service, our estimates are that this bill designates over 39,000 acres of wilderness and also establishes a national recreation area totaling nearly 36,400 acres. It is important to note that the acreage of the national recreation area includes roughly 12,600 acres of wilderness.

In the northern unit of the Green Mountain National Forest (GMNF), this bill designates the Breadloaf Wilderness Area, which has essentially the same boundaries as contained in our initial bill. Some alterations were made to leave particularly productive timber stands out of the wilderness area near the Granville Gulf Reservation and to leave out several short snowmobile runs.

Breadloaf is highlighted by the 3,835-foot peak of Breadloaf Mountain. It also takes in Mounts Wilson, Roosevelt, Cleveland, and Grant of the Vermont Presidential Range. Most of the area is above 2,500 feet, the altitude recognized by Vermont law as being ecologically fragile.

The east side of this ridge collects water for the White River watershed. The west side serves the same function for the Otter Creek watershed.

Skylight Pond, one of Vermont's highest, lies near the crest of the ridge at 3,350 feet. Its pristine appearance and general remoteness provide an outstanding wilderness experience for hikers along the famous Long Trail.

At the southern end of the State, this bill designates the George Aiken Wilderness Area, named in honor of our State's former Governor and U.S. Senator. Governor Aiken has retired to Putney, which is not far from this area, and the delegation felt it appropriate to recognize the countless contributions of one of the authors of the Eastern Wilderness Act of 1974.

The Aiken Wilderness covers about 5,000 acres of the watery Woodford plateau, drained by the west branch of the Deerfield River. The area is characterized by extensive wetlands at altitudes above 2,000 feet.

The area has seen a great deal of activitity by beaver over the years and their construction of ponds and flows along the many streams have created openings in the forest cover that provide important natural habitat for many wildlife species.

At the south end of the existing Lye Brook Wilderness Area, we have added a 1,200-acre addition. This area reaches the Kelly Stand Road at the south edge and the steep upper ravine on Bacon Hollow on the northwest. The addition of this small tract will allow for wilderness designation of parts of the Branch Pond Brook, which drains Branch Pond to the east.

In H.R. 2275, we proposed a 33,830-acre Big Branch Wilderness Area near the town of Mount Tabor. This was the most controversial of all of the areas in the bill. Based on the negotiation process we established, this bill sets forth a compromise that we believe takes into account local use patterns and other important activities in this area.

In the area south of Forest Service Road 10, we have designated two wilderness areas. The Peru Peak wilderness takes in Styles Peak, Peru Peak, and Pete Parent Peak and totals close to 7,000 acres.

On the west side of Griffith Lake, the Lost Pond wilderness takes in about 6,700 acres of national forest. Its prominent features include the Lost Pond Bog, a quaking bog located in the 2,700-foot saddle between Buck and South Buckball Peaks. Scientists have displayed interest in the distinctive vegetation of the bog mat and the bog forest.

The area also takes in Baker Peak, a tremendously scenic spot which affords a panoramic view of nearby peaks and valleys.

Much of the area of the Big Branch Wilderness proposed in H.R. 2275 will be designated as the White Rocks National Recreation Area. Included within the boundaries of the White Rocks Area will be the Lost Pond and Peru Peaks Wilderness Areas. It will also include land north of Forest Service Road 10 and the area between the two wilderness areas.

The White Rocks Area is the foundation of the compromise. The Vermont delegation expects that it will be managed by the Forest Service with special emphasis placed on maintaining existing roadless and wild values, and preserving existing opportunities for primitive recreation.

It is the unequivocal intention of the Vermont congressional delegation that this land should be managed as follows:

First, there should be no new road construction, including skid roads, with the possible exception of relocating portions of existing roads only for environmental reasons or building turnouts to facilitate access to trailheads. Existing roads not essential for the management of the area other than Forest Roads 10, 60, and 30 will be closed and allowed to revegetate.

Second, the use of wheeled vehicles (four-wheel drives, ATV's, motorcycles, and so forth) will be limited to roads currently passable by two-wheel-drive passenger cars. Wheeled vehicle use will be prohibited in the rest of the area.

Third, snowmobile use will be allowed in the area only along existing trails currently authorized by the Forest Service.

Fourth, timber harvest for commercial purposes shall not take place. Cutting of timber will be permitted only for preservation of existing wildlife habitat and will be limited to selective cutting in areas where access will not require new roadbuilding, skid roads, or any other disturbance of the land surface.

Fifth, motorboat use will be prohibited on all ponds in the area.

The national recreation area (NRA) designation will provide the kinds of protection for these wild, valuable lands that they deserve while still allowing for existing local use patterns such as snowmobiling, hunting, fishing and trapping.

Included in the NRA are many of the features mentioned in the inventory of Vermont natural areas that was done 10 years ago. One of the most important is the 95-acre Wallingford Pond, which is the largest undeveloped pond in the State. It also contains the remote Fifield Pond, Little Rock Pond (one of the most popular destinations on the Long Trail), and Griffith Lake, a large, high-altitude pond.

One of the most prominent features of the NRA is its namesake, White Rocks Mountain, which is at the northern end of the area. Its "white" cliff face forms a prominent landmark that is visible for many miles. This cliff was the last known nesting site of the peregrine falcon and is now being used to try to reestabish the species in Vermont.

This area also takes in almost the entire Big Branch watershed. The Big Branch cascades down through the Lost Pond Wilderness, having carved out a spectacular gorge.

These are some of the many important features of the land covered in this bill. While no side in this debate was able to get all it wanted, all sides made numerous, responsible concessions to accommodate one another.

For example, the boundaries were redefined in order to leave open all portions of a major north-south snowmobile corridor which had crossed three of the originally proposed wilderness areas. Branch Pond was left out of the Lye Brook addition because of its popularity with snowmobilers. The NRA allows almost all snowmobile trails inside the original Big Branch area to remain open. In addition, several thousand acres of highly productive timber land was dropped from consideration.

Most, though not all, of the conflicts involving access to the wilderness areas by sportsmen were resolved. Hunting, fishing, and trapping are allowed in wilderness areas, and boundary changes have been made to provide adequate access.

For perspective, it should be noted that Vermont has 530,000 acres of State and Federal land. With acreage included in this bill, we will have about 56,000 acres of wilderness and 22,000 nonwilderness acres in the White Rocks NRA. The remaining 452,000 acres of public land, including 215,000 acres of the GMNF, are not affected by this bill.

I do not expect this compromise to receive rave reviews from everyone who has been active in this controversy. The strong, sincere beliefs of both sides do not easily lend themselves to compromise. But compromise is essential if we are to accommodate the competing needs and interests of Vermont's diverse population. I think this is a good and equitable compromise, and hope to see it soon enacted into law.

THE VERMONT WILDERNESS AND RECREATION AREA ACT OF 1983, H.R. 4198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vermont Wilderness and Recreation Area Act of 1983".

TITLE I—NEW WILDERNESS AREAS

FINDINGS AND POLICY

SEC. 101. (a) The Congress finds that—

(1) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain suitable lands in the National Forest System in Vermont were designated by the Congress as wilderness in 1975;

(3) there exist in the National Forest System in the vicinity of major population centers and in Vermont additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act (78 Stat. 890);

(4) these and other lands in Vermont which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance, and enhancement of their wilderness character; and

(5) the Wilderness Act established that an area is qualified and suitable for designation as wilderness which (i) though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and (ii) which may, upon designation as wilderness, contain certain preexisting nonconforming uses, improvements, structures, or installations; and the Congress has reaffirmed these established policies in the subsequent designation of additional areas, exercising its sole authority to determine the suitability of such areas for designation as wilderness.

(b) The purpose of this title is to designate certain National Forest System lands in the State of Vermont as components of the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to perpetuate and, where necessary, restore the wilderness character of the land, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation.

DESIGNATION OF WILDERNESS AREAS

SEC. 102. In furtherance of the purposes of the Wilderness Act, the following lands in the State of Vermont are designated as components of the National Wilderness Preservation System:

(1) certain lands in the Green Mountain National forest, Vermont, which comprise approximately twenty-one thousand four hundred and eighty acres, as generally depicted on a map entitled "Breadloaf Wilderness—Proposed", dated September 1983, and which shall be known as the Breadloaf Wilderness;

(2) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand seven hundred and twenty acres, as generally depicted on a map entitled "Lost Pond Wilderness—Proposed", dated September 1983, and which shall be known as the Lost Pond Wilderness;

(3) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand nine hundred and twenty acres, as generally depicted on a map entitled "Peru Peak Wilderness—Proposed", dated September 1983, and which shall be known as the Peru Wilderness;

(4) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately one thousand and eighty acres, as generally depicted on a map entitled "Lye Brook Additions—Proposed", dated September 1983, and which are hereby incorporated in and shall be deemed to be a part of the Lye Brook Wilderness as designated by Public Law 93-622; and

(5) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately five thousand and sixty acres, as generally depicted on a map entitled "George D. Aiken Wilderness—Proposed", dated September 1983, and which shall be known as the George D. Aiken Wilderness.

MAPS AND DESCRIPTIONS

SEC. 103. As soon as practicable after this title takes effect, the Secretary of Agriculture shall file the maps referred to in this title and legal descriptions of each wilderness area designated by this title with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this title: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection

in the office of the Chief of the Forest Service Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 104. (a) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this title, any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Vermont with respect to wildlife and fish in the national forest in the State of Vermont.

(c) Notwithstanding any other provision of the Wilderness Act or any other provision of law, the Appalachian Trail and related structures, the Long Trail and related structures, and the associated trails of the Appalachian Trail and the Long Trail may be maintanied.

EFFECT OF RARE II

SEC. 105. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Vermont, and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than Vermont, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Vermont;

(2) with respect to the National Forest System lands in the State of Vermont which were reviewed by the Department of Agriculture in RARE II, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Vermont reviewed in such Final Environmental Statement and not designated as wilderness upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide Roadless Area Review and Evaluation of National Forest System lands in the State of Vermont for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

TITLE II—WHITE ROCKS NATIONAL RECREATION AREA

FINDINGS AND POLICY

SEC. 201. (a) The Congress finds that—

(1) Vermont is a beautiful but small and rural State, situated near four large cities with combined metropolitan populations of over 15,000,000;

(2) geographic and topographic characteristics of Vermont provide opportunities for large numbers of people to experience the beauty of primitive areas, but also place unusual pressure to provide options to maximize the availability of such lands for a variety of forms of recreation;

(3) certain lands on the Green Mountain National Forest are of a predominantly roadless nature and possess outstanding wild values that are important for primitive recreation, watershed protection, wildlife habitat, ecological study, education, and historic and archeological resources, and are deemed suitable for preservation and protection as part of a national recreation area; and

(4) the White Rocks National Recreation Area presents a rare opportunity to provide for primitive recreation and for other forms of enjoyment that are compatible with it.

(b) The purpose of this title is to designate certain National Forest System lands in the State of Vermont as the White Rocks National Recreation Area containing approximately thirty-six thousand, four hundred acres as generally depicted on a map entitled "White Rocks National Recreation Area," dated October 1983, in order to preserve and protect its existing roadless character, wild forest and aquatic habitat for wildlife, watershed protection, opportunities for primitive recreation, scenic, ecological and scientific values.

DESIGNATION OF WHITE ROCKS NATIONAL RECREATION AREA

SEC. 202. In order to preserve watershed, wildlife habitat, and primitive and semiprimitive recreation, certain lands in the Green Mountain National Forest, Vermont, which comprise approximately thirty-six thousand and four hundred acres, as generally depicted on a map entitled "White Rocks National Recreation Area—Proposed", dated September 1983, and are designated as the White Rocks National Recreation Area.

MAPS AND DESCRIPTIONS

SEC. 203. As soon as practicable after this title takes effect, the Secretary of Agriculture shall file the map referred to in this title and legal descriptions of the recreation area designated by this title with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this title: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service Department of Agriculture.

ADMINISTRATION OF THE NATIONAL RECREATION AREA

SEC. 204. (a) Subject to valid existing rights, the White Rocks National Recreation Area designated by this Act shall be administered by the Secretary of Agriculture only in accordance with the findings of this title and the laws, rules, and regulations applicable to the national forest in a manner compatible with the following objectives:

(1) the continuation of existing primitive and semiprimitive recreational use in a natural environment;

(2) timber cutting shall be permitted only to maintain existing wildlife habitat and recreational uses;

(3) preservation of wild forest and aquatic habitat for fish and wildlife; and

(4) protection and conservation of special areas having uncommon or outstanding wilderness, biological, geological recreational, cultural, historical or archeological and scientific and other values contributing to the public benefit.

(b) Construction of new roads shall be prohibited in the area.

(c) Wheeled vehicles are permitted only on existing systems roads of the Forest Service.

(d) Notwithstanding any other provision of law, federally owned lands within the areas designated as the White Rocks National Recreation Area are withdrawn from all forms of appropriation under the mineral leasing laws, including all laws pertaining to geothermal leasing, and all amendments thereto.

(e) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Vermont.

(f) Within eighteen months from the date of enactment of this Act the Secretary shall develop and submit to the Committees on Interior and Insular Affairs of the House of Representatives and Energy and Natural Resources of the Senate a comprehensive management plan for the recreation area.

(g) In conducting the reviews and preparing the comprehensive management plan required by this section, the Secretary shall provide for full public participation and shall consider the views of all interested agencies, organizations and individuals.

Amend the title so as to read "To designate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.".●

I COME HERE TO PRAISE WILLIAM PIPER, JR.

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. CLINGER. Mr. Speaker, it is with great pride that I represent and have this opportunity to pay tribute to one of my constitutents, a lifelong Pennsylvanian, who has not only significantly influenced the aviation industry but the community of Lock Haven and the Commonwealth of Pennsylvania as well. We are all familiar with Piper Aircraft, and Bill Piper, Jr., is one of those who has made the name synonymous with the aviation industry.

Bill Piper learned to fly when he was in college. When the first Piper Cub was put on the market in 1930, Bill was already working with his father in the business. The outbreak of World

War II was the catalyst for expansion as the Nation needed trained pilots and the Nation needed light aircraft. Bill Piper, Jr., and his father contacted the then Secretary of War, Henry Stimson, and offered the Cub and the manufacturing facilities at Lock Haven, already producing about one-half of the light aircraft in the United States. As Bill, Jr., stated, "We only have to paint the Cub olive drab to make it a military aircraft." The Department of Defense liked the proposal, the Cub was drafted into service, and we are all aware of the significant role the ubiquitous little Cub played during the war.

After the war, Bill and his brother continued to seek new challenges. They made the first nonstop flight over the South Atlantic Ocean delivering one of the early Apache planes to South Africa, the Apache being itself the only all metal airplane on the market to have a tubular steel frame completely enclosing the passenger compartment, a model for future aircraft. The company continued to grow and by 1970 they had manufactured some 86,000 aircraft and had some 5,000 employees. The company was the mainstay of Lock Haven's economy and, additionally, Bill assisted the Commonwealth of Pennsylvania by fostering economic development in the State and finding solutions to technical problems affecting industries and the public welfare. The company and Bill individually have supported and participated in civic and community causes for many years.

On November 4, 1983, Bill Piper, Jr., will be honored by the people of Lock Haven with an appreciation dinner, a well deserved recognition of a man who personifies and is Piper Aircraft, a man whose vision, persevering efforts and courage has so tremendously impacted the aviation industry, the residents of Clinton County, Pennsylvanians, and hundreds of thousands of persons the world over who have, in some way, been involved with the quality and innovative designs of Piper planes.

It is a privilege to call your attention to this unique and productive individual and I personally want to extend my sincerest thanks to him for his lifetime of work that has benefited and touched so many people.●

A TRIBUTE TO GERARD DEBREU—NOBEL PRIZE WINNER FOR ECONOMICS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. LANTOS. Mr. Speaker, it is my pleasure today, as both a professional economist and as an alumnus of the University of California, to pay tribute today to Gerard Debreu, the professor from the University of California at Berkeley who was recently awarded the "Nobel Prize for Economic Science."

Professor Debreu's work was of monumental importance in providing a solid mathematical foundation to the study of that most abstract, and basic, of economic priniciples—the law of supply and demand. Virtually every economist who studies today owes much of his knowledge of the workings of the marketplace to the work of Professor Debreu.

He has been a distinguished teacher of economics and mathematics for many years, and has been a valued member of the Berkeley faculty since 1962.

The award continues a long tradition of honor for a great State university system. There have been 21 Nobel laureates on the faculties of the branches of the University of California, including 14 from Berkeley. In fact, each academic field in which the Nobel Prize is awarded is represented by at least one winner from the University of California.

But, Mr. Speaker, in addition to paying tribute to the academic accomplishments of Professor Debreu, we should also heed the advice he has given us on the state of education in our country today.

Speaking specifically about the shortage of funds for academic research in mathematics, he said:

> The condition in which we are in at present is alarming. The amount of funds should be at least double.

To all of us who have spent the past two years opposing the administrations' slash and burn policies on education, Professor Debreu's words could not have come at a better time.

Now is the time to dedicate ourselves again to restoring the cuts in educational funding that are devastating our country's schools at all levels, to try to repair the damage done by this administration.●

LESSONS FROM THE LOCKHEED BRIBERY SCANDAL

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. WIRTH. Mr. Speaker, I wish to call my colleagues' attention to an editorial appearing in the New York Times on Friday, October 14, 1983.

Last week, the Tokyo District Court found former Japanese Prime Minister KaKuei Tanaka guilty of taking a $1.6 million bribe from Lockheed a decade ago. The Lockheed scandal shocked and weakened the Japanese Government when it was first revealed in the 1970's—its aftereffects continue to shake the Japanese Government and will further complicate our relationship with that country throughout the 1980's.

The Tanaka conviction, and widespread Japanese condemnation of the incident, demonstrates that the prohibition of foreign bribery by American corporations should be a matter of U.S. public concern. Private corporations should not be permitted to jeopardize our long-term foreign policy interests with their short-sighted efforts to gain profits for themselves.

Mr. Tanaka was sentenced to 4 years in prison, but remains free during his appeal, which may take as long as 5 years. Despite polls showing that 86 percent of the Japanese people believe he should resign his seat in Parliament, he refuses to resign, and the struggle to eject him promises to set off political turmoil in Japan. Parliamentary elections, which may be called for later this year, could result in a substantial loss of seats by the pro-Western Liberal Democratic party, and a lessening of support for Prime Minister Nakasone, a good friend of the United States. This could occur at the precise time when the United States will need maximum support in the Japanese Parliament to address important issues of U.S.-Japanese relations in the areas of defense and international trade.

Lockheed's bribe to Tanaka was not an isolated event by one misguided American corporation. Investigations by the Securities and Exchange Commission and congressional committees throughout the 1970's found that more than 450 companies had made questionable payments overseas.

In 1977, in an effort to outlaw such widespread corporate misconduct, Congress passed the Foreign Corrupt Practices Act.

But since early 1981, the admininstration, joined by a vocal group of trade lobbyists, has pushed legislation to emasculate—and effectively repeal—the FCPA. Amendments supported by the administration and passed by the Senate Banking Committee would severely limit criminal and civil liability under the accounting provisions of the FCPA, which were designed to prevent corporate managements from setting up slush funds, maintaining two sets of books and offshore accounts to accumulate bribes for foreign and domestic officials.

The administration has said the antibribery provisions of the FCPA are in need of clarification and has pushed a series of exceptions to the bribery provisions. The proposed amendments would also change the standard for holding American companies responsible for bribes funneled through third parties, even though a majority of corporate executives surveyed in a recent

Business Week poll said the standard should not be eased. These and other amendments would effectively gut the act. As the New York Times observes, the loopholes are "big enough to fly all of Lockheed through."

When the administration and its cadre of trade lobbyists were unable to gain a rubber stamping of their amendments by the Subcommittee on Telecommunications, Consumer Protection and Finance during the last Congress, they sought to circumvent the subcommittee by tacking FCPA amendments to the Export Administration Act during markup in the Subcommittee on International Economic Policy and Trade last spring. That subcommittee rejected that approach, and now careful consideration is being given to much more limited amendments.

Another important review is continuing in the Energy and Commerce Committee. Chairman DINGELL and I, jointly through two subcommittees, are investigating the Reagan administration's enforcement of the FCPA—both at the SEC and the Department of Justice. It is clear that enforcement of the FCPA is at the bottom of the administration's list of priorities. While the Justice Department has brought only a handful of cases to enforce the law, it has closed almost 90 cases without prosecution. Since June of this year, I have sought the Department's closing memorandum reflecting the bases on which it determines not to pursue bribery cases. As of this date, some—but not all—of the data has been provided.

The administration's efforts to emasculate the law, and its unwillingness to enforce it, are deeply disturbing. For just as the Tanaka conviction reminds us of the mischief that occurs in the absence of a ban against bribery, a seriously weakened law, or a lack of commitment to enforce the existing law, may result in a recurrence of the shameful events of the 1970's.

Mr. Speaker, I ask that the following editorial be included in the RECORD.

[From the New York Times, October 14, 1983]

JAPANESE MORALITY, AND OURS

Mindless moralism: that's the charge some American companies still make about Congressional action forbidding bribery of foreign officials to secure business. Americans may be pious about business methods at home, the argument goes, but they have to understand that "grease" is essential to doing business in foreign lands with foreign moral standards.

The trouble with this argument is that those who make it have never been able to prove it. And now their case has been dealt a foreign blow by the bribery conviction of Japan's former Prime Minister Tanaka. His bribe-taking and the Lockheed Corporation's bribe-giving offered moral standards on both sides of the Pacific.

Mr. Tanaka took $2 million to get All Nippon Airlines to buy a fleet of jetliners from Lockheed. American law did not directly prohibit foreign bribery when this offense was hatched a decade ago. Congress fixed that with a 1977 law but has been beseiged ever since by lobbyists who claim the law harms American exports. The Tanaka verdict is a reminder that America would be harmed much more by winking at corruption.

The Justice Department had to do an Al Capone on Lockheed. Lacking a statute directly forbidding such bribery, it prosecuted Lockheld for false declarations in connection with the plane sale financing. The penalty was trivial. Lockheed's plea-bargained sentence was $647,000 in criminal fines and civil penalties, on Jetstar sales of $430 million. No officials were prosecuted. The punishment meted out to Mr. Tanaka in Japan more nearly fits the crime: four years in prison and a fine equal to his $2 million bribe.

Had it happened after 1977, the American prosecutors would have had an easier time. That was when Congress, moved by a sickening trail of grease, passed the Foreign Corrupt Practices Act. Government records showed $300 million in foreign bribes and questionable payments by 450 U.S. corporations.

The act attacked the two main tools of corruption; phony bookkeeping and purposeful ignorance about bribes buried in marketing and promotion budgets. The law makes it a crime, for individuals as well as companies, to maintain inaccurate books and to pass money to agents abroad when there is "reason to know" it will be used corruptly.

Has the law worked? Too well, business groups have complained. Two years ago they persuaded the Senate to pull its teeth. Where the 1977 law sensibly exempted small payments like those that facilitate dockside unloading, the 1981 bill called for a loophole big enough to fly all of Lockheed through. Instead of holding exporters to the duty to know where their money was going, the Senate would have required prosecutors to prove a direct order to pay a bribe.

So far, House members have been more conscientious. They have insisted that the companies prove both that the existing law hurts commerce and that honest businesses seeking to obey the law are experiencing intolerable difficulty. An identical bill has already cleared the Senate Banking Committee and may win Senate approval. Both houses had better look closer at this bill and resist the pressures behind it.

The law has an important self-policing effect. Corporations are nervous about fees that could look like bribes and hire high-priced lawyers to advise on their legality. Such prudence has made the law effective even though the Justice Department and the Securities and Exchange Commission assign it low enforcement priority.

Few doubt that the law, had it been on the books in 1972, would have deterred Lockheed from approaching the Japanese leader with the offer he promptly accepted. How much better that the United States export principles than grease.●

RULE ON H.R. 4196

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. DE LA GARZA. Mr. Speaker, I wish to advise the members that I plan to request the Rules Committee for a modified closed rule for consideration on the floor of the House of the Dairy Production Stabilization Act of 1983—H.R. 1875, as reported by the House Committee on Agriculture, as modified by H.R. 4196 introduced today. The rule that I will recommend would permit consideration of the major proposals that have been suggested by Members of the House.●

THE 250TH ANNIVERSARY OF THE FIRST CONGREGATIONAL CHURCH OF SOUTH HADLEY, MASS.

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to congratulate the members and ministers of the First Congregational Church and the community of South Hadley, Mass., on the occasion of the 250th anniversary of the church's founding.

From its beginnings in 1733, the First Congregational Church played a vital role in the social, religious, and political fabric of western New England. In 1733, 20 years before the incorporation of South Hadley, the early settlers founded the first meeting-house on the village common. This white clapboard building served both a religious and governmental function. In the year 1753, the townspeople incorporated. Church and State were separated. The meeting-house remains intact today and is currently a fine restaurant.

In the history of the church there have been only five buildings. After the congregants outgrew the original meeting-house, they built a larger frame structure. When this second building became too small, a third structure was raised on the same site. This building and the subsequent structure burned. The present building, a beautiful brick edifice, was built in 1895 and sits squarely on the lovely South Hadley center common, next to Mount Holyoke College campus.

With its three rose-colored stained glass windows, the First Congregational Church maintains a commanding presence in the town and continues to this day to be an essential part of the social and religious life of this charm-

ing New England community of 17,000 people.

The 500 adult members of the church mirror the variety of lifestyles, nationalities, and religious backgrounds of the town. The congregants remain socially active and work extensively to reach out to the greater community of mankind. Recently, the members have raised $100,000 in recognition of this special anniversary. The proceeds are to be divided three ways.

A portion will go to the Newton- Andover Theological Seminary to further the cause of Christian education. A second portion will be used by the church to upgrade their facilities for energy conservation and handicap access. A third portion will be donated to the church's foreign mission in Turkey to assist the missionaries in the writing and production of a children's book.

The First Congregational Church has always enjoyed a close relationship with its neighbor, Mount Holyoke College for women, founded by Mary Lyon. Attracted by the setting of this lovely town, she established a working relationship with the church. The Mount Holyoke seminary students of that era, worshipped in the church and the school shared proportionally in the church's expenses.

The college and church are separate today, yet many of its students and faculty continue to worship there. A special program, under the auspices of both institutions, encourages students in a weekly visitation program to the elderly and shut-ins of the area.

In celebration of this honorable and lengthy history which mirrors the best of New England traditions the congregants and their ministers are holding a banquet on Saturday, October 29, 1983, and a rededication service on Sunday, October 30. It is at the service that the superlative church choir will perform for the members, their friends, and area clergy.

To my friends of the First Congregational Church of South Hadley, I extend my warmest congratulations on this most solemn and glorious occasion.●

NEW JERSEY'S INDEPENDENT COLLEGES HOLD SYMPOSIUM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. RODINO. Mr. Speaker, on October 28, the Independent College Fund of New Jersey and the Association of Independent Colleges and Universities in New Jersey will cosponsor a symposium on the role of independent colleges.

New Jersey's 16 independent colleges and universities have received support from the independent college fund for the past 28 years. This support has been crucial for the continuation of quality and affordable higher education for many of our students.

The symposium will be held at one of New Jersey's finest independent institutions—Monmouth College in West Long Branch—which this year marks its 50th anniversary.

The program will feature my good friend and former colleague, John Brademas, who is now serving as president of New York University. The symposium could have no finer keynote speaker than John, who brings expertise and inspired leadership to the education issue. Also on the program is Anton Campanella, president of New Jersey Bell; President Samuel H. Magill of Monmouth College; and Gary Stein, director of policy and planning for Governor Kean. A panel on "Models of Excellence" will be moderated by Merle F. Allshouse, president of Bloomfield College, and will include panelists Shepard Bartnoff, executive vice president-electric operations, GPU Service Corp.; Sister Jacqueline Burns, president, College of St. Elizabeth; Marshall D. Clary, chairman and president, International Data Processing; and William S. Vaun, M.D., director, Department of Education, Monmouth Medical Center.

Mr. Speaker, I am certain that the symposium will provide a valuable forum for discussion and exploration of the problems facing independent institutions today. I commend the participants, and especially Francis J. Mertz, president of the Association of Independent Colleges and Universities in New Jersey, for arranging this important event.●

TRIBUTE TO GEORGE VUKOVICH

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. KOLTER. Mr. Speaker, today I rise in tribute of a fine public servant who will be completing a long and distinguished career. George Vukovich, mayor of Youngstown, Ohio, will be honored this Friday, October 28, 1983, by his friends, admirers, and colleagues.

George is retiring at the zenith of his career, capping off a solid period of public service. His beginnings as an elected official go back to 1960. After representing Youngstown's seventh ward for two terms, George advanced to the position of clerk of the Youngstown municipal court system. Between 1964 and 1975, George administered the paperwork generated by the city courts.

During a period characterized by serious economic turmoil that was caused by illegally subsidized steel imports, structural change in our Nation's economy, and a depression in the Mahoning Valley, George was elected to serve as the city of Youngstown's chief executive officer. Times continue to be very trying in the Youngstown area, but George has successfully led the city on an even keel into the future. His guidance and wisdom will be sorely missed.

When George retires an era will conclude. I sincerely wish him the best of luck in a long, safe, and enjoyable retirement. I ask my colleagues to join in paying tribute to George Vukovich.●

U.S. PEACEKEEPING MISSION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. JEFFORDS. Mr. Speaker, like most other Americans, I cannot find words to express the grief and sorrow I feel for the victims and their families. Nor is it possible to describe the outrage and frustration of Americans in the wake of this despicable act of terrorism.

The terrible tragedy has focused the Nation's attention on crucial questions. Why are we in Lebanon? What should we do now, under the circumstances?

I am among those who did not agree with the initial decision to commit U.S. troops to the multinational peacekeeping mission. I remain among those who believe our involvement should end as soon as feasible. The mission is laudable. But to be effective, the peacekeeping force must be understood to be a neutral party in the conflict. As admirable as our conduct has been, the simple fact is that U.S. neutrality has, from the outset, been highly suspect among the combatants in Lebanon. Our forces are especially vulnerable to terrorism because of the factions which view us as the enemy, rather than as the peacekeepers.

A tragic irony is that the act of terrorism over the weekend hinders our efforts to seek a rapid withdrawal of U.S. troops. Immediate withdrawal now would be seen as a direct response to the atrocity. It would be a signal to terrorists throughout the world that their murderous tactics will allow them to successfully manipulate U.S. policy toward their own ends. The results of this would be catastrophic. It would be, in effect, an invitation for terrorism against Americans throughout the world.

The most favorable solution to this dilemma would be replacement of U.S. troops with those of our European allies. Our allies have a greater stake than we do in the quest for peace and

stability in Lebanon, and their honorable intentions will be more readily understood than ours. This would enhance the effectiveness of the peacekeeping force, allowing U.S. withdrawal without creating any impression that we are retreating from terrorists.

The job to be done in Lebanon is both honorable and necessary. It is an effort to save lives, to bring peace and stability to a very troubled part of the world. Our country has made valiant attempts to help, and we have paid a terrible price. But others are better equipped to do the job than we are. It is time to acknowledge that fact, and to urge a reorganization of the multinational force without direct U.S. participation. We should not pull out after this despicable disaster. But if our allies agree to accept our responsibilities and urge us to leave to enhance the chances of peace, we can leave with honor and further contribute to the efforts to find a peaceful solution.●

LONG ISLAND JUNIOR SOCCER LEAGUE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. DOWNEY of New York. Mr. Speaker, the trips home to my district are an unending source of inspiration to my work here in the House. I am often humbled by the simple vision and wisdom of projects that take place in my district. In our efforts in this Chamber to address issues of national and even global importance, it is all too easy to lose sight of these noteworthy local efforts.

I recently had the opportunity to speak at length with the chairman of the Long Island Junior Soccer League. After a few minutes of conversation, it became clear that his was no ordinary soccer league. His efforts and the efforts of all involved with his group seek not only to encourage winners, but to encourage the development of responsible young men and women. It is an emphasis we all tend to lose sight of in a world where winning is said to be not the most important thing, but the only thing.

The league's chairman, Mr. Rocco Amoroso, shared with me the credo of his organization, the Long Island Junior Soccer League. I believe this will be of interest to all my colleagues and would like to insert the following text:

BUILDING CHARACTER THROUGH SOCCER

The Long Island Junior Soccer League is proud of the fact that our program offers the opportunity to develop the athletic ability of our children and to cultivate a program of "Building Character Through Soccer." The League's Sportsmanship Program works through our coaches, players and parents in a united effort.

Our coaches' code includes; playing all children equally, regardless of talent, teaching the rules of the game, developing a respect for their opponents, being generous with praise, setting a good example, and respecting the judgment of officials.

Our players should show cooperation with their coaches, teammates and opponents, working hard for themselves and their team, never arguing with the referees decisions and avoiding bad language and attitudes. But the most important thing is to learn to win and lose graciously.

Our parents should encourage their children to win by the rules, that an honest effort is as important as a victory, applaud good plays by your own team as well as by members of the opposing team. Do not publicly question the officials' judgment and never their honesty. Support all efforts to remove verbal and physical abuse from all children's sports.

When we have a team of coaches, players and parents who abide by these guidelines, we have winners, "true winners." Winning a game is not everything nor the only thing. It's how you handle yourself in victory as well as defeat, whether it be sports, your job, a family crisis or any other unforeseen phenomena in your lifetime. If we all can be motivated in this direction, then the goals of the Long Island Junior Soccer League Sportsmanship program will become a vivid reality not only here on Long Island, but throughout the country.

I hope my colleagues will take the time to share these goals with all groups who seek to encourage a healthy and responsible attitude in the young people of this country. For it is such a rare attitude toward competition which will, in the final analysis, be our greatest and purest source of national strength.●

DAIRY PRODUCTION STABILIZATION ACT OF 1983

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. DE LA GARZA. Mr. Speaker, H.R. 4196, which I have introduced today contains the same provisions as H.R. 1875, as reported by the House Committee on Agriculture, except for a few minor modifications principally to change dates contained in H.R. 1875 which are no longer current. I intend to request the Rules Committee that the text of this bill be considered on the floor of the House in lieu of the text of H.R. 1875, as reported by the committee, when the House considers changes in dairy legislation. For purposes of clarity, I decided to introduce a clean bill with the changes incorporated into the text instead of presenting a series of amendments to the text of H.R. 1875. The legislative history and explanatory material in the committee report on H.R. 1875 would apply as well to the clean bill except for the matters noted below. The specific changes made in the clean bill are as follows:

The clean bill—

First, provides for the same dairy-price-support levels as in H.R. 1875, but makes the change to $12.60 per hundredweight effective on the first day of the first month following enactment of the bill rather than October 1, 1983, and authorizes rather than requires the Secretary to make further adjustments in the support level if CCC estimated purchases are above or below the trigger levels specified in the bill;

Second, provides authority for a further adjustment in the support level on April 1, 1985, rather than January 1, 1985, as in H.R. 1875—in both bills such dates are 15 months after the first downward adjustment in support rate;

Third, requires the paid diversion program provisions and the 50-cent reduction in price received by producers for all milk marketed commercially to begin January 1, 1984, rather than October 1, 1984, as in H.R. 1875, and for such provisions to continue in force for a 15-month period, as in H.R. 1875;

Fourth, changes the dates to be used in calculating the base period for purposes of determining reduced milk production under the diversion program to correspond to the revised period of the diversion contract;

Fifth, provides that the funds resulting from the reduction in price on all milk marketed commercially would be remitted to CCC but deletes the requirement contained in H.R. 1875 for CCC to establish a special fund with such payments;

Sixth, requires that if the Secretary decides to modify diversion contracts because he expects that U.S. milk production would otherwise be excessively reduced, he may not apportion the reduction on the basis of geographic region or area as permitted in H.R. 1875;

Seventh, deletes the authority for the Secretary to permit handlers to make diversion payments to producers and provides, instead, that payments would be made only through county ASC committees; and

Eighth, provides for the marketing order program for dairy product promotion, research, and nutrition and the assessment to finance such program under title II of the bill to apply to the 48 contiguous States in the continental United States, rather than to all of the United States, its territories and possessions, as in H.R. 1875.●

CERTIFIED PROFESSIONAL SECRETARY (CPS)

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call to the attention of my colleagues the new 1983 CPS's who received their certificates through the District of Columbia Chapter of Professional Secretaries International. Following are the names of those secretaries who have been certified by the Institute for Certifying Secretaries:

Peggy B. Craig, CPS, Office of the Commander Naval Facilities Engineering Command; Dianna S. Eshman, CPS, Arnold & Porter; Sherry Herriman, CPS, Blue Cross and Blue Shield; Barbara Bakari, CPS, Congressional Budget Office; and Marjorie Felder, CPS, General Conference of Seventh Day Adventists.

The CPS examination was instituted in 1951. To date 17,257 secretaries have been certified. This year certification was awarded to 59 secretaries in this area: Washington, D.C., Maryland, Delaware, and Virginia, bringing the total to 686 in the Washington metro area.

In bringing the CPS rating to the attention of my colleagues today, perhaps my remarks will help to open the door through which we here in the House, as well as members of management throughout the business world, will come to recognize the merits of the certified professional secretary.

I hope you will join with me in congratulating the new CPS recipients.●

NAACP MARKS 69TH ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. RODINO. Mr. Speaker, it is with pleasure that I recognize the fact that the Newark branch of the National Association for the Advancement of Colored People marks its 69th anniversary this week, with the annual freedom fund dinner, to be held on October 26 in Newark. It is a privilege for me to take this opportunity to honor this outstanding organization, of which I am a lifetime member, as well as the individuals who have worked so hard to make it the important force of social change that it is in our society.

It is a tribute to the fine work of the Newark chapter of the NAACP that the dinner will feature Dr. Benjamin Hooks as its keynote speaker. As the executive director of the NAACP since 1977, Dr. Hooks has provided inspired and effective leadership of this national organization. He is a man who I admire as an ally who I am grateful to count as a friend.

The dinner is certain to be a memorable evening, and I commend all of the participants, including Lovie S. Brown, freedom fund chairperson; Bobie Cottle, president of the Newark branch of the NAACP; Dr. Daniel Blue, assistant executive director of the Newark Housing Authority, who will serve as master of ceremonies; and the following officers of the Newark chapter: John D. Woods, first vice president; Dorothea Lee, second vice president; Daisy Stokes, secretary; Dolores Carter, assistant secretary; Mamie (Gus) Hale, treasurer; and the following members of the executive committee: Carrie Alston, Mary Avery, Cleo Blount, Daniel Blue, George Branch, Lovie S. Brown, Rev. Oliver Brown, William H. Brown, Marguerite Bush, Sally Carroll, Billie M. Cook, Antoinette Davis, Clara Dean, Helen J. Gardner, Rev. Ralph T. Grant, William Hadley, Ethel Moore Johnson, Harold Jones, Jr., Margaret Kee, Eddie Mae Livingston, John Love, Eleanor Lyle, Susan McGee, Clyde D. Mitchell, Willa Moye, Sue Nelson, Henry Robinson, Arlena Salley, James W. Shue, Joyce Simmons, William Simpson, Steven Talks, Rev. John R. Standford, Andrew Washington, J. Barry Washington, Louise Washington, Willie Watson, and Kathleen Williams. In addition the following people will receive awards from the organization: Keith Jones, Louise Epperson, councilwoman Bobby Reilly, and Keith Bodden.●

H.R. 3929—FEDERAL SUPPLEMENTAL COMPENSATION EXTENSION

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. WILLIAMS of Ohio. Mr. Speaker, longstanding official business in my congressional district on Friday, October 21, prevented me from recording my vote on an important measure. Had I been present, I would have voted in favor of the conference report accompanying H.R. 3929.

As expected, the House registered almost unanimous support to H.R. 3929, which extends for 18 months the program providing Federal supplemental compensation benefits to jobless workers. This important legislation offers the victims hardest hit by a changing labor force and a depressed economy the extra assistance they deserve as they attempt to restructure their lives.

I strongly support this program which has proven vital to the thousands of jobless in my congressional district, and across the Nation.●

MRS. FABIAN (TERRY) DeGUZMAN—FLORIDA DAVA WOMAN OF THE YEAR

HON. BILL CHAPPELL, JR.

OF FLORDIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to take this opportunity to recognize the achievements of one of my most distinguished constituents, Mrs. Fabian (Terry) DeGuzman, who is currently serving her second year as the district 3 commander of the Disabled American Veterans Auxiliary, Fla. At the annual Florida DAVA convention in Jacksonville in May 1983, she was the recipient of the highest award given—"Woman of the Year."

Despite her own physical disability, coupled with the fact that her husband is a 100-percent service-connected-disabled veteran, Terry, during her first year as district 3 commander, traveled over 31,000 miles and donated over 6,000 hours to her fellow human being. Her most noteworthy volunteer efforts include placing 400 flags on the graves of veterans on Memorial Day; driving many veterans to distant VA medical centers (Gainesville or Lake City) for medical attention, on occasion having them admitted, staying as much as 5 days and nights when a veteran was in critical condition; posting 50 "Visit a Shut-In Vet" posters in local stores and businesses; and aiding and tutoring 15 immigrants in their quest for citizenship, while also assisting with voter registration and accompanying these new citizens to the polls where necessary. She worked in various political campaigns by driving the aged and disabled to the polls, and has provided for veterans' transportation needs in order to obtain medical treatment as far away as the States of Arizona and Montana. In addition, she has entertained shut-ins at various nursing home facilities by taking some out for meals, shopping sprees, and in many instances, paying for these excursions out of her own funds.

A "Happy Birthday America" party was organized and coordinated by Terry at the VA medical center for the Fourth of July, and each veteran received a small gift. She coordinated other parties on special occasions throughout the year.

Terry volunteers her time 1 day a week to assist a county service officer in carrying out his duties by helping veterans file claims and obtain other public assistance—food stamps, SSI, and so forth.

Terry DeGuzman has been nothing short of a whirlwind in coordinating many social activities to cheer our vet-

erans throughout the State of Florida. She has donated flowers, candy, fruit, clothing, and other items to make life a little nicer for those less fortunate than she.

She has worked tirelessly to make the disabled and handicapped person's life easier by having city codes changed enabling the handicapped to sell crafts made for therapeutic purposes from their homes; worked to make the community more aware of "Disabled Awareness Week"; worked on the handicapped parking ordinance; and visited numerous business establishments to observe compliance with the wheelchair and handicapped access code.

Terry is a citizen of our great United States by choice, having been naturalized not too long ago. Her husband is a retired Navy man, who was a Filipino guerrilla prior to joining the U.S. Navy in 1945.

Mr. Speaker, I commend Terry on her award, and take pride that the Fourth District of Florida has an individual with such a high standard of commitment to mankind.

Thank you, Mr. Speaker.●

THE AMERICAN PRESENCE IN LEBANON: TOO COSTLY TO MAINTAIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. RANGEL. Mr. Speaker, I rise to extend my deepest sympathy to the families of the young marines killed yesterday in Lebanon. Their grief is keenly felt by the entire Nation, and is shared by all families who have lost a son on foreign shores. My heart goes out to them.

Although the marines in Lebanon are prepared to give their lives in the performance of their duty, I would like to ask one simple question: What on Earth are they prepared to give their lives for? Our presence in war-ravaged Lebanon is ostensibly one of peace. The President has stated time after time that our commitment is limited to preserving what lfttle order that now exists, and to preventing a much larger conflagration. But is this a tenable rationale? I submit that it is not.

We should not fool ourselves into believing that the introduction of neutral troops will lead to a stable Lebanon. Lebanon is not a homogeneous country. It is a polyglot of different ethnic, religious, and political groups that do not trust each other, and certainly do not want more foreign soldiers in their country. I must say, Mr. Speaker, that the situation in Lebanon defies the President's attempts to establish a clearly defined reason for the presence of our marines. There is only an extremely bloody civil war that Americans should not be dying in.

Mr. Speaker, yesterday's massacre has made the price of continuing our presence much too costly. We need to get our boys out, and to aggressively pursue other means for ending the suffering of that poor country. We must try to gather all parties and factions to seek a negotiated solution. One more dead marine will not solve anything.●

BUENA PARK AND GARDEN GROVE YOUTHS BECOME CHAMPIONS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. PATTERSON. Mr. Speaker, I am delighted to recognize the remarkable achievements of two outstanding young men, Daniel Osburn of Buena Park and Donald Wright of Garden Grove, and their dedicated coach at Cypress College, William Fairbanks. Earlier this year, these three realized a special goal which proves that the human spirit can be an undaunted force when it seeks to accept a challenge, overcome obstacles, and rise to victory.

In July of this year, Donald and Daniel reaped the rewards of many months of disciplined and rigorous training as they prepared for participation in the "27th National Wheelchair Games" held at the University of Hawaii in Honolulu. Competing against hundreds of athletes from across the Nation, both Daniel and Donald emerged as winners in several track and field events. Daniel took the silver medal in the 1,500-meter race, the bronze in the 800 meter, and placed fourth in the 400 meter. Donald placed fourth in the javelin throw, fifth in the discus, and fourth in the pentathlon which consists of four races. Their performance is especially noteworthy in light of this having been the first year they had entered a national competition.

Both Donald and Daniel are well on their way toward future success in other avenues of opportunity. They have actively pursued their career goals through higher education and have approached their academic responsibilities with the same enthusiasm they had shown in athletic competition. Donald has already graduated with an associate in science degree in accounting and is now employed in his field. Daniel remains at Cypress College and is forging ahead with no less than 20 units this semester as he prepares to transfer to a 4-year institution to continue his studies in computer science. Despite these commitments, both of them still find time to serve on the college wheelchair basketball team coached by friend William Fairbanks. An athlete in his own right, Coach Fairbanks still holds the national record for the wheelchair discus event.

I would also like to commend the generous support of the Moose Lodge 1945 and the Veterans of Foreign Wars (VFW) Post 8954 in the city of Buena Park without whom these fine young men might not have been able to finance their trip to the national games. A very successful dinner was held in honor of Daniel and Donald—as the dinner was organized by then Lodge Governor Larry Shuttleworth, past VFW Post Commander Richard DeLong, current Commander Charles Black, fundraising cochairs William Land and Jack Herring, and Chief Extraordinaire Angie Britt. I am also aware of the hard work given by other members and their families from both organizations. This team effort proved to be a rewarding experience for all.

Mr. Speaker, I now ask my colleagues in Congress to join with me in saluting Donald Wright, Daniel Osburn, William Fairbanks, Buena Park Moose Lodge 1945, and Buena Park Post 8954 for their efforts which have served to inspire their entire community.●

TIME TO WITHDRAW TROOPS FROM LEBANON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. CLAY. Mr. Speaker, yesterday's brutal massacre of 161 U.S. marines in Beirut is an incomprehensible act of aggression and the time is overdue to withdraw all American forces from Lebanon.

In August 1982, 800 U.S. marines were sent to Lebanon on a peacekeeping mission to assist in the evacuation of 1,000 Palestinian guerrilla troops. At that time, our President said the troops were there for a limited time and there was no intention that they become involved in any hostilities. After the massacre of two Palestinian refugee camps, President Reagan indicated that U.S. Marines would continue in Lebanon until all Israeli, Syrian, and Palestinian military forces were out of the nation. On September 29, 1983, the President returned 1,200 marines to Beirut.

Over the past year, U.S. marines have been increasingly the target of snipers and until yesterday's attack, 7 U.S. marines had been killed and more than 50 wounded in hostile military actions in Lebanon. Since the President returned U.S. soldiers to Beirut they. have been attacked in 15 differ-

ent instances of military action. On October 23, 1983, 161 U.S. marines were massacred and 69 U.S. marines injured in a terrorist bombing at the Beirut Airport. Yesterday's tragedy is part of the growing escalation in the war of attrition which is aimed at U.S. forces in Lebanon. The time to reconsider U.S. presence in Lebanon is overdue. Action must be taken to keep the U.S. from being dragged into the unwanted role of protagonist in another bloody civil war.

This morning, military experts repeatedly emphasized that no action could have been taken to avert this savage slaughter or insure that such an atrocity does not reoccur. The only choice we have is to bring our peacekeeping troops home before we become involved in another full scale war. I urge my colleagues to reject the President's effort to continue U.S. military presence in Lebanon and to demand that all U.S. soldiers in Lebanon be withdrawn without further consideration.●

NOBEL PRIZE TO BARBARA McCLINTOCK

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. McGRATH. Mr. Speaker, the Nobel Prize was established by the will of Alfred Nobel in order to encourage those who work for the interests of humanity. Every year, this honorable prize is awarded to individuals in areas such as peace, literature, and medicine.

The Nobel Prize in medicine is the ultimate recognition of the value of a scientist's work. On October 10, Barbara McClintock of Long Island was named the winner of this prize based on her contribution toward the understanding of genetic inheritance. At 81, Barbara McClintock has become the first American woman to win the Nobel Prize in Medicine as an individual. She certainly has brought great honor to her field and to her country.

I would like to take this opportunity to extend my personal congratulations to Barbara McClintock and to call to the attention of this body the value of her achievements. While biologists were convinced of the steady, immovable characteristic of genes, McClintock revealed the transposable element allowing genes to travel and change. In later years this discovery was used to explain a range of medical phenomena from cancer, to growth and development, to immune reactions, to evolution.

My warm congratulations and personal thanks to Barbara McClintock.

NOBEL PEACE PRIZE AWARDED TO LECH WALESA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 6, 1983

● Mr. SOLARZ. Mr. Speaker, recently in Oslo, the Nobel committee selected a Polish shipyard worker, Lech Walesa, as the 1983 Nobel Peace Prize winner.

This international recognition of Lech Walesa as a man of peace committed to nonviolence was greeted by the Polish regime with cries of international interference and arrogance.

For the award ironically came in the midst of another misinformation campaign by the Polish Government to paint Walesa as a money-hungry troublemaker, unconcerned about the plight of workers. This calumny, coupled with the regime's prosecution and sentencing of Solidarnos leaders to long prison terms and offering amnesty to other Solidarnos underground leaders in return for their admission of criminal guilt, was the Government's latest effort to destroy the remains not only of Solidarnos but the dream of Poles for greater freedom.

But this campaign, like previous efforts to destroy the Polish nation, is bound to fail.

Lech Walesa's impeccable credentials as an outstanding patriot, devoted to his homeland and to the rights of workers, made the Government's efforts to isolate him from the Polish people ineffective. His response to the Nobel Peace Award and the $200,000 cash prize it brings was to credit other Solidarnos leaders and members as more deserving of the award than he. As for the Nobel Prize money he has won, instead of enriching the Walesa family, it will be given to the joint state-church foundation organized to improve the plight of the independent farmers of Poland. Walesa reluctantly declined the invitation to go to Oslo to receive this prestigious award, lest the Polish Government refuse to allow him to return to his homeland and to his chosen life work of organizing the workers of Poland.

That work, culminating in Solidarnos, has brought Walesa international acclaim but also extreme hardships and sorrow. He has been persecuted, harassed, fired from his job, arrested, and even interned. He has been separated from his wife and seven children and subjected to vicious attacks and scurrilous charges. But still he clings to his convictions, and urges other Poles to continue their struggle for the recognition of free labor unions and a greater voice for the Polish people in determining the future of their nation.

Understandably, the government of General Jaruzelski cringes at the renewed international focus on Poland and on the Solidarnos leader his regime has taken such great pains to discredit. For international attention on Walesa must again highlight the oppression of the Polish people, and the brutal measures his regime first imposed under martial law, and which have been continued even after martial law was lifted. But the cruel curtailment of the civil and political rights of all Poles, and the outlawing of free trade unions, have been powerless to destroy the grip that the Solidarnos movement and Lech Walesa still have on the hearts and minds of the Polish people.

The huge spontaneous demonstrations greeting the arrival of Pope John Paul II in Poland last May brought thousands of outlawed Solidarnos banners to the streets, and victory signs greeted the Pope everywhere indicating the continued role of the Catholic Church and Solidarnos as the mainstays of Polish nationalism.

In honoring Lech Walesa, the Nobel committee recognized the importance of the struggle for human rights and the rights of workers to organize not only in Poland but throughout the Eastern bloc. It reminded us that one man of courage and determination can make a difference and that each of us must do whatever we can to advance the cause of peace and freedom.

Lech Walesa has acted in the spirit of the great playwrite, George Bernard Shaw, who once said, "Some men see things as they are and say why. I dream of things that never were and say, why not." Let us hope that the day will come when Lech Walesa's dreams for Poland become a reality.●

FIFTIETH ANNIVERSARY OF THE DEATH OF ANTONIN SVEHLA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. LIPINSKI. Mr. Speaker, December 12, 1983, will be the 50th anniversary of the death of Antonin Svehla, the Prime Minister of Czechoslovakia from 1922 to 1929. I would like to join with Czechoslovakian Americans across the country in paying tribute to this great man.

Much of the responsibility for the successful development of the first free Czechoslovak Republic lies with Antonin Svehla. Czechoslovakia flourished under his leadership, and became one of the most prosperous countries in Eastern Europe. One of his greatest achievements was a land reform policy that made it possible for thousands of small farms to develop and grow.

As the Prime Minister of Czechoslovakia, Svehla led a distinguished

career as a statesman and a successful leader of his people. The lack of international recognition paid to his leadership did not lessen Svehla's commitment to freedom and prosperity for Czechoslovakia.

Although Antonin Svehla served his country for only a short time, he remains an inspiration to all those who value liberty and national independence. His love of freedom and dedication to the good of his country continue to live on in the indomitable spirit of the Czechoslovakian people, and his example will be followed for years to come.●

LEBANON: PATTERN IS SET UNLESS CONGRESS ENDS IT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. GAYDOS. Mr. Speaker, the murder on Sunday of at least 160 American marines and sailors in what is called the peacekeeping force gives Lebanon the feel of Vietnam.

Lebanon has had the look of Vietnam since the start.

The government is weak and unstable. Parts of the country are beyond government control. The people are divided on religious and political grounds, and now they are devoted to killing one another and all who stand in the way of their killing one another. Irreconcilable fanaticism is in the air.

Meanwhile, the peacekeeping apparatus of the United Nations is conspicuously absent. So are contingents from other major nations. We are there in a sham mulitnational force. The French are there and the Italians are there. From the other nations present, only token forces.

And now Lebanon has the feel; all the indicia of a no-win Vietnam war are there.

If the fanatics force the conflict out of hand, someone will decide that it is the responsibility of the United States to try to settle it. And the main burden, in blood and treasure, will fall on the United States, just as it did in Vietnam.

Mr. Speaker, I have yet to hear a sound reason for subjecting American troops to murder in Lebanon; and I have yet to hear anyone state a military goal. Are they just to sit for the fanatics?

This too has the look and feel of Vietnam. The markings are distinctive.

American marines and sailors are not sacrifices to be slain on the altar of a vain hope for peace in a land that does not want peace.

The people of this country do not want to go to war for Lebanon, but the situation has the early markings of a war, Vietnam style. This Congress should not support anything that takes us in that direction and it should now begin taking all appropriate steps to move the United States in the opposite direction.●

THE PLIGHT OF JOSEF BEGUN

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. WIRTH. Mr. Speaker, as chairman of the 1983 Congressional Call to Conscience Vigil for Soviet Jewry, I would like to focus my colleagues' attention on the plight of Josef Begun.

Mr. Begun has been sentenced to 12 years in prison and internal exile for the crime of anti-Soviet agitation. Josef Begun's only crimes were his desire to emigrate to Israel and his determination to teach Hebrew and continue to practice his faith. The Soviet response to this basic desire for freedom—rights guaranteed under the Helsinki accords—is but one more example of the sad litany of harassment, anti-Semitism, and imprisonment.

Mr. Speaker, the Soviet Government's treatment of Josef Begun is a clear attempt to intimidate Soviet Jews and the world community. We must not despair or be dissuaded from continuing our efforts to speak out against human rights violations. Rather, we must match the fortitude and courage that Josef Begun has exhibited throughout his ordeal. To falter now in the face of such exceptional human resolution would severely weaken the spirit of Soviet Jewry and strengthen Soviet injustice. In the name of Josef Begun, let us rededicate our efforts on behalf of Soviet Jews whose only desire is human liberty and demand the Soviet Union live up to its treaty commitments.●

THE LEBANON MASSACRE: AMERICANS MUST NOT BE HELPLESS TARGETS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. WON PAT. Mr. Speaker, on behalf of the people of Guam I rise to add my voice to those who today are expressing outrage over the senseless massacre of American and French troops on Sunday in Lebanon. My deepest sympathy goes out to the families of those who died and for those who will suffer for months to come as a result of this despicable act.

Only a few months ago, I was myself in Beirut where I met with the brave young marines who were doing their best to safeguard the political stability of that war-torn nation and in the process prevent yet further civil war and killing. I will never forget the concern on the faces of the young men I met or the determination they all expressed to do the job their country set them to perform. I also met some young marines from Guam in Beirut and today I wonder with a heavy heart about their fate.

Today, most of America will reflect on what occurred on Sunday and ask ourselves why we are in Lebanon and whether we should be there and in what future role. There are no easy answers. But out of our sense of outrage cannot and should not come a sense of helplessness. These men must not die in vain. Nor should their death and suffering be used as a vehicle which will carry the United States into yet another protracted war we cannot win. There are positive alternatives which the President and the Congress must explore that could offer a more meaningful role for American forces in the Middle East. In Lebanon the enemies are many and faceless. The marines should be given the means to protect themselves and should not serving as so many now suggested as "sitting ducks."

First of all, let us all recognize fully that our forces in Lebanon are at a state of war. A failure to appreciate this basic fact of life will only draw us evermore into the quagmire of Lebanon's complete political situation and sap our national resolve to see our forces effectively serve their purpose there.

As a member of the House Armed Services Committee I have supported our involvement in Lebanon because my own onsight inspections there which revealed that there is a legitimate need for outside peace-keeping forces in that country. I doubt that the present Government of Lebanon would survive for a week without our intervention and that of our allies. But it is also clear that the static condition forced on the marines there by U.S. policy has exposed them to risks far beyond the normal call of duty and far beyond that which I believe most Americans believe it prudent. It grates on American sensibilities when we hear our boys complain that their hands are tied by a policy which prevents them from advancing beyond the present perimeter to clear obviously hostile zones.

But while that would take care of sniper nests, it would still leave open the question of who Sunday's enemy was and how do we retaliate. While there seems to be no lack of people to blame or suspect, including Iran, and those who support Iran, I have become convinced that there will be more massacres of U.S. forces in Lebanon unless we have clear policies and goals there.

I call on President Reagan today to present to the Congress as promptly as possible his policies for addressing the problems facing the U.S. Marines as well as his policies for engaging all sides of the argument in Lebanon in prompt dialog. Clearly, our peacekeeping forces are no longer keeping the peace; rather, they are serving as targets for a variety of factions on driving us out of Lebanon. This was never the intent of sending our marines there and I urge the President to immediately call on the United Nations to send a multinational force to Lebanon to replace our own forces. This would have the benefit of removing from the scene a large-scale American presence and the perception that we are taking sides.

Finally, let me urge the President to establish some form of time limit for our presence in Lebanon. If it should become clear that we cannot get embroiled in domestic politics and expect to come out untarnished. I fear that our people will demand a pullout of U.S. forces in Lebanon unless we give them sufficient reason for being there. I am convinced that we can develop a policy in Lebanon which is productive and which will safeguard American troops there in the future.●

A TRIBUTE TO JAMES A. BURKE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday October 20, 1983

● Mr. OTTINGER. Mr. Speaker, I am pleased to join my many colleagues who knew him in paying respects to the Honorable James A. Burke of Boston, Mass.

Jim was one of the most ebullient, friendly, helpful Members in this body. As important and burdensome as were his responsibilities he always had time for a young Member like me to offer advice, guidance, and assistance with mastering the intricacies of the House.

Of Jim's many substantive accomplishments, what stands out is his service to older Americans. He played the key role in expanding social security coverage and adding medicare and medicaid to secure our seniors against medical devestation.

Every year I joined Jim on his assault on social security financing, seeking to restore the original concept of ⅓-⅓-⅓ funding from general revenues as well as employees and employers. The objective will be achieved one day, and it will be a tribute to the groundwork Jim established.

Jim's good humor, wit, and ability made him one of the best loved and best respected Members of the House. We lost a good friend and pillar of this body when Jim passed away last Thursday. His wonderful family can take comfort in the full, productive, and giving life he led. There was a man.●

DR. KING HOLIDAY NEW SIGN OF HOPE

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. SIKORSKI. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the St. Paul Pioneer Press, Oct. 21, 1983]

DR. KING HOLIDAY NEW SIGN OF HOPE

Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope and, crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

Robert F. Kennedy's ringing words could have been inspired by Dr. Martin Luther King Jr.

A tired seamstress wanted a seat on a bus where only whites had sat before. Mr. King said, "Yes, of course" and a movement was born. Black people wanted to cast ballots like other American citizens. Mr. King said, "Yes, of course" and went to jail and then to Selma and the Voting Rights Act of 1965 was enacted. Black and white children wanted to play together. Mr. King said, "Yes, of course" and then he said, "I have a dream" and a nation was electrified.

Now, on the third Monday of every January, that nation will honor the man who was more tidal wave than ripple as he struggled to sweep America out of the mindless pit of prejudice.

The movement to honor the slain civil rights leader was itself marked by struggle. Persistent attempts to discredit Mr. King during his lifetime surfaced again as the vote neared to establish a national holiday in his name.

While reasonable people could differ over whether Mr. King's accomplishments were of a magnitude to warrant such a holiday, those accomplishments were monumental and historic. It was lamentable that some tried to take away from those achievements with rumor and innuendo. The overwhelming congressional support for a King holiday, as well as the strong majority backing of the American public for the proposal in a recent Gallup poll, were heartwarming signs that most Americans were not hoodwinked by such despicable and tawdry smears.

If history finally reveals that Mr. King had warts like everyone else, the nation will endure. Thomas Jefferson authored the Declaration of Independence and kept slaves, John Kennedy offered hope to the oppressed and brought women friends to the White House, Lyndon Johnson drafted sweeping social legislation and showed off the scar on his stomach. Amy Lowell and Gertrude Stein astonished the literary world and smoked cigars.

Heroes and heroines are honored and even revered for their achievements; the nation need not demand perfection.

Mr. King's achievements included showing courage under assault and grace under affliction. Despite brutal verbal and physical abuse, he clung to the creed of non-violence which brought him the Nobel Peace Prize in 1964. Ultimately, he became the symbol in the struggle for dignity that began before his birth and will go on for as long as one human being treats another with contempt.

New ripples of hope came from the House of Representatives and the Senate when they voted to honor Martin Luther King. People of good will are sure to find that an occasion for joy.●

LEBANON: CAN THE U.S. POLICE THE WORLD?

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. LEACH of Iowa. Mr. Speaker, the broader issue of the tragedy of yesterday's events in Lebanon is the question of whether we should or can with any degree of effectiveness be the world's policeman.

Perspective is in order.

Last month, 4,500 American troops took part in maneuvers in Honduras.

Last week, American warships and troops were put on alert to intervene in the Iranian-Iraqi war to keep, if necessary, the Strait of Hormuz open.

Today, American troops or their surrogates are actively involved on one side or the other in civil strife in El Salvador and Nicaragua, and are serving as trip-wire deterrents in perhaps the most volatile spot in the world, South Korea. In addition, just this afternoon a convoy of American warships with 2,000 marines is steaming threateningly toward Grenada.

Attempts to play the role of policeman for the world make us vulnerable to terrorism and hostage to the petty whims of petty leaders, at home and abroad.

Clearly, international rather than unilateral solutions are needed to most international security problems today. Yet, at the time many Americans would like to replace our forces in Lebanon with a multilateral peacekeeping force under U.N. sanction, the administration has been wasting political capital in New York by denigrating rather than utilizing the world's premier international institution. The events in Lebanon could not more underscore the irresponsibility of our delegates having sparked a national debate conjecturing about whether the United States should get out of the United Nations and the United Nations out of the United States.

It is time we recognize that international security in the last decades of the 20th century cannot be self-willed; it must be collective.●

OUR MARINES DEATHS IN LEBANON ARE APPALLING

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. OWENS. Mr. Speaker, I am dismayed and appalled by the tragedy in Lebanon. The deaths and injuries of our marines there are particularly upsetting because the marines do not seem to be serving any foreign policy goal of the United States. Why are our young men sent to die in Lebanon today? I do not know and it seems that no one else has a clear answer.

In the last months, our marines have been reacting to fire from unseen, and frequently unidentified enemies. In the process marine casualties mount. This is a war where hostility surrounds our troops but there are no clear front lines. It is time to bring the marines home. It is time to stop the pointless loss of life. It is time to remember the lessons of history before we feel that we must justify unacceptable losses by sending more of our young men to die. It is time to stop the carnage before the honor quotient becomes too high.

Vietnam started slowly and somehow we became more and more involved. Sunday's tragedy in Beruit serves to warn us of the danger and costs of remaining. We do not honor the marines who have given lives by adding to the casualty lists. Let their lives remind us of the value of life—young life. Let their sacrifice serve as a warning that spares this Nation from being dragged through another quagmire in which the elders debate why we fight while they send the young to die.

There is no reason to delay. This time has come to bring our troops home—alive and well. We must honor the sacrifices already made by scrutinizing the risks we impose on our troops with greater care. This we owe to those who died and to those still living.●

UNITED STATES MOURNS DEATH OF 183 MARINES KILLED IN LEBANON

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 24, 1983

● Mr. BIAGGI. Mr. Speaker, I join my colleagues and millions of our fellow countrymen in mourning the deaths of the 183 Marines killed yesterday in Beirut, Lebanon. It was a vile and disgraceful act directed against Americans who were serving as peacekeepers but instead became the targets of a deranged act of violence.

In my judgment the most important priority at the moment is to guarantee the physical protection and security of the remaining marines and not allow another massacre. There are some contingency plans to station the marines offshore possibly on a battleship such as the *New Jersey* but it is obvious and compelling that we take steps at once.

I also believe it incumbent on the President of the United States to come before the Congress and the American people and advise us what our future role in Lebanon will be following this tragedy. When the marines were first sent in, they had a specific mission, to oversee the evacuation of the PLO from Lebanon. Since that time, the mission has not been as tangible—and has been as part of a multinational peacekeeping force operating until such time as Lebanon can take steps toward independence including military sovereignty.

Yet the ability for our marines to be safe in this peacekeeping role has been thrown into serious question. I voted for the legislation extending our marine commitment for an additional 18 months on the assumption that it would be in this peacekeeping function. I realize what is involved in our commitment there—and hope that we remain firm in our position against allowing terrorism to prevail. However this must be balanced by the commitment we must make to our security of our Armed Forces.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, October 25, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 26

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Diane K. Steed, of the District of Columbia, to be Administrator of the National Highway Traffic Administration.

SR-253

Environment and Public Works

Business meeting, to resume markup of S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.

SD-406

Governmental Affairs

Oversight of Government Management Subcommittee

To continue oversight hearings to review computer security policy in the Federal Government and the private sector

SD-628

Special on Aging

To hold hearings to examine State, local, and private sector initiatives in controlling health care costs.

SD-562

10:00 a.m.

Appropriations

Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1984 for defense programs

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Foreign Relations

International Economic Policy Subcommittee

To hold hearings to review economic relations between the United States and Europe.

SD-419

Judiciary

To hold hearings on S. 1841, proposed National Productivity and Innovation Act.

SD-226

Veterans' Affairs

To hold hearings on S. 1747, to establish educational assistance programs for veterans of peacetime service, to close the post-Vietnam era veterans' educational assistance program to new participants, and to repeal the December 31, 1989 termination date of the Vietnam-era GI bill, the substance of S. 1873, to require the President to report to Congress no later than July 1, 1987, concerning the need for incentives, including a new educational assistance program for service members, to assist in the recruitment and retention of qualified personnel in the Armed Forces, and to hold oversight hearings on the implementation of the Veterans' Education and Employment Assistance Act (Public Law 94-502).

SR-418

Joint Economic

To resume hearings on job training needs of American workers, focusing on labor market training policies.

1310 Longworth Building

OCTOBER 27

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
EF-100, Capitol

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1546, proposed Deepwater Port Act Amendments of 1983.
SR-253

Energy and Natural Resouces
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Joint Economic
To hold hearings to examine changes American women have undergone in the last three decades.
2247 Rayburn Building

1:00 p.m.
Judiciary
To resume hearings on the nomination of Sherman E. Unger, of Ohio, to be U.S. Circuit Judge for the Federal Circuit.
SD-226

OCTOBER 28

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous items, including S. 449, S. 831, S. 842, S. 1231, S. 1807, S. 1914.
SD-215

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 26, proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations.
SD-226

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to consider S. 873, establishing a fund within the Department of the Treasury to provide assistance to certain organizations for research and training in Soviet and Eastern European studies, and proposed student loan consolidation amendments.
SD-430

OCTOBER 31

10:00 a.m.
Joint Economic
To hold hearings on industrial policy and economic cooperation.
2253 Rayburn Building

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on the substance of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government, and S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations.
SD-215

Foreign Relations
Arms Control, Oceans, International Operations, and Environment Subcommittee
To resume hearings on international communications and information policy.
SD-419

NOVEMBER 1

8:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Bus Regulatory Reform Act (Public Law 97-261).
SR-253

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-562

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold oversight hearings to review General Services Administration policies relating to the disposal of surplus real property.
SD-342

Rules and Administration
Business meeting, to consider Senate Resolution 127, to make the Select Committee on Indian Affairs a permanent committee of the Senate, Senate Resolution 239, relative to expenditures by the Select Committee on Indian Affairs, and other pending legislative and administrative business.
SR-301

Small Business
Business meeting, to mark up S. 1429, to provide for the continuation of the small business development center program.
SR-428A

NOVEMBER 2

8:30 a.m.
Energy and Natural Resources
To continue hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

Labor and Human Resources
To hold hearings on the nominations of Leaanne Bernstein, of Maryland, Claude G. Swafford, of Tennessee, Robert A. Valois, of North Carolina, William C. Durant III, of Michigan, Robert F. Kane, of California, and Michael B. Wallace, of Mississippi, each to be a Member of the Board of Directors of the Legal Services Corporation.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1707, proposed Competition in Television Production Act.
SR-325

10:00 a.m.
Environment and Public Works
To hold hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 803, to establish the Commission on the Centennial Review of the Civil Service.
SD-138

Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

Select on Indian Affairs
To hold hearings on S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe.
SD-124

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to determine the legislative intent of the Alaska Natives Claims Settlement Act (Public Law 92-203), with relation to Shee Atika, Inc.
SD-124

NOVEMBER 3

8:30 a.m.
Energy and Natural Resources
To continue hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John H. Riley, of Virginia, to be Administrator of the Federal Railroad Administration.
SR-253

Small Business
To hold hearings to examine the competitive situation existing between public utilities and certain small business owners.
SR-428A

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Saundra B. Armstrong, of California, to be Commissioner of the Consumer Product Safety Commission.
SR-253

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on long-term health care.
SD-215

NOVEMBER 4

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1707, proposed Competition in Television Production Act.
SD-106

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Toxic Substances Control Act (Public Law 94-469).
SD-406
Finance
To hold hearings on S. 1822, to encourage investments in mortgage-backed securities through trusts for investments in mortgages.
SD-215

NOVEMBER 7

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to resume consideration of S. 873, establishing a fund within the Department of the Treasury to provide assistance to certain organizations for research and training in Soviet and Eastern European studies, and proposed student loan consolidation amendments.
SD-628

NOVEMBER 8

9:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the transportation of household goods.
SR-253
Labor and Human Resources
To hold hearings on private sector initiatives to promote the health and well being of the American family.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 9

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 197, to authorize funds for fiscal year 1984 to provide for a study to determine the adequacy of certain airline industry practices and of the Federal Aviation Administration rules and regulations concerning air quality aboard aircraft, and S. 1621, to require fire equipment on certain passenger-carrying aircraft in the lavatory and galley areas.
SR-253
*Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

NOVEMBER 10

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 14

11:30 a.m.
Finance
Health Subcommittee
To resume hearings on long-term health care.
SD-215

NOVEMBER 15

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the direction of the development of a civil space station.
SR-253
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the current condition of America's coal industry.
SD-366

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

2 p.m.
Governmental Affairs
To hold oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-342

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings on the human resources impact on American families and women in transition.
SD-430

10:00 a.m.
Governmental Affairs
To continue oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-124

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

2:20 p.m.
Select on Ethics
Closed business meeting.
S-207, Capitol

NOVEMBER 17

9:45 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on Federal arts policy.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

NOVEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

DECEMBER 7

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the status of Job Corps programs.
SD-430

DECEMBER 14

9:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations; to be followed by a business

meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

CANCELLATIONS

OCTOBER 25

9:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on certain activities of the District of Columbia's Department of Corrections.
SD-138

10:00 a.m.
Armed Services
To resume hearings on the impact of proposed regulatory authority of the Office of Federal Procurement Policy on national defense and related Government activities, focusing on spare parts procurement of the Department of Defense.
SR-253

Governmental Affairs
To hold hearings on S. 1746, proposed Freedom From Government Competition Act.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

2:00 p.m.
Armed Services
To continue hearings on the impact of proposed regulatory authority of the Office of Federal Procurement Policy on national defense and related Government activities, focusing on spare parts procurement of the Department of Defense.
SR-253

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers' union (HEREIU).
SD-342

SENATE—*Tuesday, October 25, 1983*

(Legislative day of Monday, October 24, 1983)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES E. GRASSLEY, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

God of truth and justice and love, at a time when indignation, anger, and frustration pervade the hearts of all Americans, we thank Thee for the restraint, the reason, the care with which our leaders, military and civil, are responding to the vicious attack upon our marines.

Heavenly Father, difficult as it is for the Senators to conduct business as usual under the circumstances, give them grace to dispose of legislation judiciously and effectively. May they be aware of their dependence upon Thee, their weakness, their fallibility, their limitations. And may they take moments this day to turn to Thee, to seek Thee, to wait upon Thee.

Dear God, grant to the President and his advisers, utmost wisdom in the disposition of this most sensitive situation. And grant to the people patience and uncommon trust in their elected leaders. May this irrational tragedy bind us all together in a fresh awareness of our own sin and failure, in the realization that we need each other and Thee, and in compassion for those who suffer most in this dark hour. In the name of Jesus who knew our troubles and trials and suffered for us all. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 25, 1983.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES E. GRASSLEY, a Senator from the State of Iowa, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GRASSLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader.

SENATE SCHEDULE

Mr. LUGAR. Mr. President, it is the intention of the leadership today to turn to the consideration of H.R. 3103, calendar order No. 463, the highway bill, following the completion of morning business.

It is also the hope of the leadership to consider the crime package, the Comprehensive Crime Control Act of 1983, calendar order No. 391, S. 1762.

It is the hope of the leadership also to turn to the supplemental appropriation bill today, or at least agree to turn to that bill. It is the intention of the leadership, as usual, to call for a recess from roughly 12 noon until 2 p.m. to allow for the business meetings that will be conducted by Senators during that period of time.

RESPONSIBILITY IN CONDITIONS OF STRESS

Mr. LUGAR. Mr. President, this is a day in which many Senators will continue to meet with the administration and with appropriate military officials with regard to events in Lebanon. I suspect that it is for certain that all Senators who met with the Secretary of State yesterday were impressed with the gravity of the situation and the difficulties that our country faces. At the same time we were unanimous in resolve that security for our marines in Lebanon must be the paramount consideration.

We were assured by the Secretary of State that the Commandant of the Marine Corps had been dispatched to Lebanon immediately to personally conduct those security operations. He is to make certain that in every way our marines who are there and who are in jeopardy, given the savage attack, are given every consideration and every benefit of the doubt in terms of any decisions that are made regarding the political and commercial events occurring now in the Beirut area.

I think it is also fair to say that there was a strong bipartisan feeling that we must stand behind the President and our Secretary of State at this time. While Members on both sides of the aisle reserved the right to think through carefully the mission of our forces in Lebanon; the military mission, the political mission, and the sense of our international responsibilities that has been evident in the debates on the War Powers Act, there is not unanimity as to what that mission is and how well it has been fulfilled and really what it ought to be. It is important that this dialog take place in a constructive and in a timely manner. The country depends upon that.

I would simply add, Mr. President, that I appreciate, as an individual Senator, the good will that was evident in the meeting with the Secretary of State. It was a time, as the Secretary of State mentioned in his remarks to us, in which we as Senators have every right to be upset. The American people are upset. The Secretary of State indicated that he was under great stress. But even in those conditions of stress, we have a responsibility for wisdom. We have a responsibility first of all, to secure the safety of our marines and then to think very carefully why we are in Lebanon and what we should be doing there. We have a responsibility to see how we can engage the attention of the world to the situations there that can stand improvement and what really is in the cards in terms of probability of improvement.

I would add just one thing, Mr. President. As a member of the Intelligence Committee, I will very shortly be proceeding to a meeting of this committee which is in progress. I mention this just as a matter of record, that it has been in fact the agreement with the administration and with the Select Committee on Intelligence, as events occur contemporaneously or nearly as soon as possible, there will be full consultation and briefing of the Select Committee on Intelligence. That is in fact taking place in regard to events currently occurring in Grenada. I mention that without, at this point, having had the benefit of that briefing or consultation. I look forward, as do other Senators who have that responsibility, to availing myself of that information in the next few minutes.

Mr. President, I yield back my time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

THE CLINCH RIVER BREEDER REACTOR

Mr. BAKER. Mr. President, I have frequently said that reasonable men can disagree on very important issues. A great deal has been said in the past, and I am sure a great deal will be said in the near future, on the efficacy of proceeding with the Clinch River breeder reactor. A number of noted individuals have questioned the financing proposal presently before the Congress and a number have supported that proposal. Today I would like to introduce into the RECORD a letter from a number of prominent individuals from around this Nation who support that project and the funding proposal.

The letter follows:

SUPPORT FOR THE CLINCH RIVER BREEDER REACTOR AND AMERICA'S ENERGY FUTURE

We wish to express support for the Clinch River Breeder Reactor Project and the proposed private financing plan.

The United States will continue to prosper only if we are able to maintain our world leadership in advanced technologies. One challenge to our leadership and our ability to sustain economic growth is the management of our energy economy so as to emphasize our domestic resources and technologies which can provide virtually inexhaustible forms of energy. We still have a long way to go before we run out of fossil fuels, but we must not waver in our investment in such future technologies through research and development. Today, there is only one major new energy resource which can meet a large portion of our future energy needs reliably and at a reasonable price: the breeder reactor.

Our nation has invested 35 years of effort in breeder reactor research and development, and we are now beginning to see this investment bear fruit with the Clinch River Breeder Reactor Project. It is planned as an intermediate size reactor, which will function under real-life conditions as a part of a major interconnected electric supply system. The project is well along, and, if Congress supports its completion as scheduled, this new and essentially inexhaustible energy resource can be demonstrated by early in the 1990's.

Congress recently requested a new financing plan for this project to reduce Federal appropriations and to increase private participation. Under the plan which has been prepared, about 40 percent of the remaining Project costs ($1 billion) will be obtained by maximizing the power output of the Project and selling the power to utilities which can use it to reduce expensive oil-fired generation. This approach reduces the Federal appropriation requirement for the project over the next seven years to about $1.5 billion, about the same as the government's investment to date.

There are significant economic benefits in the financing proposal now before the Congress, including provision for greater private sector participation than before. If the project proceeds, the electric utilities will more than double the $150 million contribution they have already made, without receiving any return thereon. The new equity participants will receive no more tax benefits than now available to any investor in large industrial or R&D projects. The private role will assure a three-fold increase in net power sales revenues available from the project. As a result, the remaining appropriations required will be much less than if no private participation were available.

On the other hand, termination of the Project will not only send the $1.5 billion already spent down the drain, but will entail termination payments and losses of jobs and revenues with costs on the order of a half billion dollars. Moreover, the consequent loss of a large and essential pool of technical and scientific expertise, and nuclear manufacturing capability, developed at great expense to the government (and society), would be a disaster to U.S. technology, leadership and influence.

The uncertainties as to completion of the Clinch River Breeder have already cost the United States heavily. The trade press reported recently that for this reason, Great Britain ". . . has rejected long-term collaboration with the U.S. for development of commercial fast breeder technology, in favor of a wide-ranging collaboration with European nations led by France . . . The U.S.—strongly favored by Sir Walter Marshall, when he was U.K. AEA chairman, as Britain's partner—was rejected because of the continuing uncertainties over the future of fast reactor development, specifically the Clinch River project." (See, Energy Daily, Sept. 8, 1983.)

As the GAO has pointed out, the Clinch River Breeder Reactor Project is the next logical step in our breeder research and development program. The wisdom of the seventeen Congresses which has invested in research and development on breeder reactor technology should not be reversed without a clear understanding of the serious impacts on the future of this nation.

We believe that Congress should approve the new financing plan for this project and continue the nation's commitment to assure our long-range energy security.

Bennett Archambault, Chairman and President, Stewart-Warner Corporation.

Dr. Manson Benedict, Emeritus Professor of Nuclear Engineering, Massachusetts Institute of Technology.

Robert A. Charpie, President, The Cabot Corporation.

Professor Thomas J. Connolly, Stanford University.

Dr. Floyd L. Culler, President, Electric Power Research Institute.

Dr. George B. Dantzig, Stanford University.

W. Kenneth Davis, Consultant, Bechtel Power Corporation, Former Deputy Secretary of Energy.

Robert Gunness, Vice Chairman (retired), Standard Oil Co. Indiana.

Dr. Donald P. Jacobs, Dean, J. L. Kellogg Graduate School, Northwestern University.

Robert E. Kirby, Chairman and Chief Executive Officer, Westinghouse Electric Corporation.

Frank W. Luerssen, Chairman and President, Inland Steel Corporation.

Rene H. Males, Vice Presdient, Energy Analysis and Environmental Division, Electric Power Research Institute.

Dr. Thomas L. Martin, Jr., President, Illinois Institute of Technology.

Dr. Edward A. Mason, Vice President, Research, Standard Oil Co. Indiana, Formerly Commissioner, N.R.C.

Dr. Robert R. Nathan, Consulting Economists, Washington, D.C.

Dr. Norman C. Rasmusssen, Massachusetts Institute of Technology.

Dr. Glen Seaborg, Nobel Laureate, Lawrence Berkeley Laboratory, Berkeley, California.

Dr. Frederick R. Seitz, President Emeritus, The Rockefeller University.

Dr. Chauncery Starr, Vice Chairman, Electric Power Research Institute, Formerly Dean of Engineering, U.C.L.A.

Dr. Michael Tennenbaum, Consultant to the Materials Industry.

Dr. Alvin M. Weinberg, Institute for Energy Analysis, Oak Ridge Associated Universities.

Dr. Eugene P. Wigner, Nobel Laureate, Professor Emeritus, Princeton University.

Dr. Jerrold R. Zacharias, Institute Professor Emeritus, Massachusetts Institute of Technology.

Affiliations are shown for identification purposes only. The opinions stated are those of the individual signatories.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 9:30 a.m., with statements limited therein to 1 minute each.

The Senator from Wisconsin.

OVERWHELMING WISCONSIN REACTION TO LEBANESE TRAGEDY

Mr. PROXMIRE. Mr. President, by 3 p.m. yesterday my Wisconsin office and Washington office had between them received 79 telephone calls and telegrams from people in my State who were concerned enough because of the terrible tragedy that hit our marines in Beirut Sunday morning to let this Senator know how they felt about it. There are roughly three options available for this country: First, stand pat and persist in our peacekeeping mission; second, beef up our military commitment and fight back; third, get out.

I was curious when I came to work yesterday morning how my constituents would respond. The response was the most decisive that I have received on any major controversial issue in many years. One caller said: "Stay in." All the rest, 78 all together, said: "Get out."

AMERICAN SWEEP IN NOBEL SCIENCE WINNERS

Mr. PROXMIRE. Mr. President, all of us love this country, but somehow too often we find not only the press but too many of the rest of us following the negative practice of the nagging husband or wife, loving their spouse but so concerned with finding fault that only bitterness, pettiness, and a generally carping attitude shows through. When there is cause to celebrate the goodness and greatness of this country, most of us just seem to shrug our shoulders with a "so what?" attitude. When our country or our Government does something wrong, a million critics spring up among us.

Well, this year we have something to shout happily and proudly about. This country made a clean sweep in the science prizes awarded by the Nobel committee. Considering the high quality of scientific scholarship and research in Germany and England and France and Japan and elsewhere, we in America can be very proud indeed. And one element of this American achievement that should make us especially proud is that two of the three American winners were in the great American tradition of immigrants. Henry Tuabe, the country's outstanding inorganic chemist, was born in Canada. Subrahmanyan Chandrasekhar, a great astrophysicist, was born in India. William Fowler, a native American and like Chandrasekhar, a distinguished astrophysicist, shared the physics prize.

As Newsweek magazine reported:

At a time when American scientific supremacy is being questioned, America has completed a sweep of the most prestigious prizes in science.

The awards also should remind us that while we have reason to be proud and grateful to these superb scientists, our present level of scientific education especially in America's high schools will not maintain this leadership.

Mr. President, I ask unanimous consent that an article in the latest issue of Newsweek describing this sweep be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NOBEL PRIZES: AN AMERICAN SWEEP

The Nobel committee faced a thorny dilemma this year. How could it possibly cite one major accomplishment for each of its chosen laureates in physics and chemistry when each man had distinguished himself in so many areas of science? Stanford's Henry Taube, 67, America's foremost inorganic chemist, is credited with some 18 major advances in the study of chemical reactions. And the physics cowinners, Subrahmanyan Chandrasekhar, 73, of the University of Chicago, and Caltech's William Fowler, 72, had between the two of them solved astrophysical and mathematical mysteries ranging from the creation of the elements to the color of the sky.

The Swedish Academy settled on a broad definition of Taube's research, awarding him the $190,000 chemistry prize for "work in the mechanisms of electron transfer reactions, especially in metal complexes." Born in a sod house on the Sashatchewan prairie, Taube eschewed the more glamorous field of organic chemistry as a graduate student at Berkeley and began assembling the pieces that would add up to a Nobel Prize. By measuring myriad reaction rate and charting the paths of electrons as molecules break apart and recombine, Taube determined how chemical reactions occur. While most of his research had few immediate applications, it laid the foundations for understanding the chemical reactions that produce energy in living organisms and led to more efficient industrial processes for making chemicals.

For on half of the physics prize, the Nobel committee singled out Chandrasekhar for work done 50 years ago on the evolution of stars. Astronomers once thought that all stars eventually shrink into small, dim and incredibly dense "white dwarfs." When the Indian-born scientist applied Einstein's theory of relativity to equations describing the strucutre of stars, however, he discovered that white dwarfs larger than a certain size (the Chandrasekhar limit) actually collapse under their own weight, forming what scientists now call black holes. Ridiculed when they were presented in 1935, Chandrasekhar's results eventually became the basis for black-hole theories that were developed decades later.

Meanwhile, the shy, dedicated astrophysicist, who spends up to 12 hours a day, seven days a week, poring over his equations, looked for new challenges. "I never ask if an area is important, only if I can construct a body of knowledge that pleases me," he says. He was the first scientist to work through complex mathematics that describe how light scattered by particles in the atmosphere turns the sky blue; he also discovered a kind of gravitational friction that is crucial to understanding how galaxies behave. Chandrasekhar's most recent work mathematically describes how rotating black holes react to the universe around them.

Fiery: William Fowler shared the physics prize for helping to develop "a complete theory of the formation of the chemical elements in our universe." In the 1940s astrophysicists suggested that everything from hydrogen to uranium was forced into existence in the first violent seconds of the universe, long before stars and galaxies had formed. But by bombarding atomics in Caltech's particile accelerator to uncover the series of nuclear reactions leading to the creation of each element, Fowler and his colleagues showed that the fiery furnaces of stars were needed to produce virtually all the elements. Fowler has also determined which of two possible nuclear-fusion reactions provides the energy that makes the sun shine, and delved in the nature of such astronomical objects as quasars and pulsars. At a time when American scientific supremacy is being questioned, Fowler's award completed an American sweep of the most prestigious prizes in science.

INTERNAL CONFLICT AND INTERNATIONAL CRISIS

Mr. PROXMIRE. Mr. President, last Tuesday's Christian Science Monitor reported growing unrest in India between two religious groups, the Hindus and the Sikhs. The article alleges terrorist-like killings on both sides, resulting from a struggle for political power and freedom from religious suppression.

Cases such as this are not uncommon in our world. Oftentimes they are merely a source of continuous tension within a nation that can be adequately handled by the particular government. But at other times the tension escalates causing political unrest on an international scale. Of course there is no way of predicting which internal battles will become international problems, and, therefore, any such turmoil is always a looming threat to peace and world security.

In India, as in any other part of the world, violence begets more violence. As Ghandi's government tries to suppress the Sikhs' aggression, so will the Sikhs continue to riot and rebel, resulting in further suppression by the central government and greater violence by the Sikhs.

We have already witnessed and felt the disruptive effects of another religious-political conflict in the last decade during Khomeini's overthrow of the Shah of Iran. What was once an internal conflict mushroomed into an international crisis, resulting in the kidnapping of innocent Americans, the loss of Iranian oil exports, and a deadly disregard for human rights in that country.

Mr. President, the Genocide Convention cannot prevent such internal battles, nor can it resolve them, but it does address the issue of the preservation of human rights as it affects particular cultural, religious, and ethnic groups. It states that not merely the act of destroying or attempting to destroy a specific group, but even the intent to do so is genocide. And once a conflict has been defined as genocide it can be acted upon through legal and justifiable means in accordance with the terms of the treaty. But in order to make the treaty a viable and effective instrument of peace, it needs the influential backing of United States ratification and support.

Mr. President, I find struggles such as India's distressing because they threaten not only human rights, but potentially, world peace. Yet, I find even more distressing our Government's lack of initiative in preventing an even greater threat to human rights and world peace—genocide. The time has come to take that initiative by ratifying the Genocide Treaty.

HEARTWARMING SENATE VOTE ON NUCLEAR PROLIFERATION

Mr. PROXMIRE. Mr. President, on Thursday night, October 20, with few Senators on the floor and an abandoned press gallery, five Senators conducted one of the most significant and

generally ignored debates of the year. The Senator from Minnesota, Senator BOSCHWITZ, had introduced an amendment to the State Department authorization bill. That Boschwitz amendment asserted as a sense-of-Congress resolution that this Government should not permit the export of nuclear equipment, material, or technology to India, Argentina, or South Africa until the governments of those countries did the following:

First, provided reliable assurances that the governments of those countries were not engaged in the development of nuclear weapons;

Second, agreed to accept international safeguards on all its nuclear facilities.

The senior Senator from Illinois, Senator PERCY, as chairman of the Foreign Relations Committee, was serving as manager of the bill. Acting in this capacity, Senator PERCY introduced an amendment to the Boschwitz amendment. That Percy amendment was obviously supported by the Reagan administration. The Percy amendment made an exception to the Boschwitz amendment to permit the export of nuclear equipment, material, or technology when necessary to protect the health and safety of operations of existing civilian nuclear facilities. And, of course, the President would have the discretion to make such a finding and approve the sale of nuclear products at his discretion. This was a loophole through which the administration could drive a nuclear truck. After debate on this issue featuring Senators BOSCHWITZ and GLENN who opposed the Percy amendment, and Senators PERCY, MOYNIHAN, and WILSON who favored it, the Senate voted by a vote of 28 to 59 to reject the Percy amendment and by 70 to 16 to accept the Boschwitz amendment.

Mr. President, these votes were far more than a clear defeat for the administration's feeble record on nuclear proliferation. They showed a sensible and deep bipartisan concern for the terrible danger of the spread of nuclear-arms capability to other countries.

Unfortunately, Mr. President, the effect of this resolution even if it survives the conference on the bill is likely to be modest. It is a sense-of-the-Congress resolution. The Senate Parliamentarian has told me that a sense-of-the-Congress resolution was best described by former Vice President Alben Barkley as a "pious hope."

So the President is only made aware of a congressional sentiment. And considering the track record of this administration that is unlikely even to slow down its dangerous proliferation policies.

Nevertheless, the Senate has now gone on record in clear and emphatic disapproval of that policy.

Mr. President, the junior Senator from California, Senator WILSON, raised two central questions in that debate:

First. Why should we deny our American industry the right to sell nuclear technology, equipment, or materials abroad, if it is clear that the countries receiving the product could and would buy elsewhere if we did not sell? Senator WILSON was answered in part in the debate. In many cases the sales by this country could not have been duplicated. Furthermore, this country should set an example in refusing to deal in potential war uses of nuclear products. And, lastly, it was pointed out that the sales were not big enough to provide significant profits or jobs in this country.

Mr. President, in the judgment of this Senator what the debate missed was that any prospect that the sale of this nuclear potential to any country could advance nuclear arms would be too high a price to pay, regardless of the benefits this country might receive in jobs or profits. By far the greatest prospect of nuclear war comes from exactly this kind of nuclear proliferation. We spend hundreds of billions of dollars to build a deterrent to prevent the Soviet Union from making a nuclear attack on this country. That deterrent has made such an attack highly unlikely. We could blunder into a nuclear war by accident—either a Soviet or an American misinterpretation of warning data could ignite such a clash. But what is the most likely cause of nuclear war? Far and away, the most likely beginning of a nuclear war that might not end until the world suffered nuclear devastation could come from a nuclear initiative beginning with a smaller nuclear power. India, Argentina, South Africa are only three of the possibilities. Obviously we enhance the possibility of war by helping these countries to develop their military nuclear power.

Second. The second question asked by Senator WILSON was: why does it not make sense for this country to sell the nuclear product when we can do so while providing conditions safeguarding its use that will permit us to prevent any diversion into nuclear military weapons? The answers that Senator WILSON received on the floor were that whatever pledges this or any other administration might make that they would require tough conditions to prevent the diversion to military purposes of these nuclear products have repeatedly been proven worthless. Again and again we have received these promises and again, and again, and again they are violated. It is the old story: "Fool me once, shame on you. Fool me twice, shame on me." Well, Mr. President we have been fooled on this one over and over again. We provide the nuclear product. We find that American nuclear product ends up enhancing the country's nuclear weapons capability.

But what was not sufficiently emphasized in the debate was that there is one way and only one way we can assure ourselves that nuclear sales from this country do not become military nuclear hardware. How do we achieve that assurance? Simple, we do not sell. Do not sell at all. Do not sell to anyone. Do not sell under any circumstances. We simply say: "No." What was not brought out in that debate was the fact that this country should spend every bit of influence we can muster to stop such sales by France, and Germany, and England, and Israel, and Japan, and Switzerland, and Italy—all of which from time to time have sold nuclear products that could be converted to military purposes. We cannot exert that kind of pressure effectively, if we ourselves are competing for sales.

Now, Mr. President, I am going to make a proposal that many Senators will consider utterly impractical. But I think it is the only course of action this country can follow in good conscience. That proposal is to stop all of our trade cold with any country that is not a signatory of the Antiproliferation Act and any country that sells nuclear technology, materials, or equipment to such countries. Is this extreme? Yes, indeed. Will it work? Mr. President, it cannot fail to work.

The value of this nuclear trade is really peanuts compared to the value to other countries of U.S. trade. Any country that insisted on going ahead and selling nuclear products to a nonsignatory of the Antiproliferation Act would be losing literally hundreds times as much as it gained.

But would other countries resist such an action as a grossly improper interference with their sovereignty? Not in view of the cause that such a firm antinuclear-proliferation policy would serve. In fact I am convinced that people all over the world would applaud such an action by this country to stop the spread of nuclear weapons.

Would it be shocking? Yes, indeed. But this is precisely the kind of shock we need to awaken all governments to the literally catastrophic threat of nuclear-arms proliferation.

Mr. President, this is one purpose we can achieve if only we have the will to do so. For all the terrible danger that the Soviet Union represents and, indeed, it does represent an immense danger, the Soviets are not pushing the proliferation of nuclear products to anyone, anywhere. Of course, the reasons are obvious. The Soviet Union will not provide such weapons to their Warsaw Pact partners because they cannot trust those partners. Once a Poland or East Germany developed a nuclear potential they might very

easily turn it, in a time of desperation, on the Soviet. Imagine how a Hungarian uprising might have ended if the Hungarians had had nuclear weapons.

Finally, Mr. President, this country is the leader of the free world. We have to pay the price of that leadership by insisting that nuclear proliferation stop and stop now. We cannot possibly achieve that purpose unless we refuse to sell any—and I mean any—nuclear weapons, of any kind to any one, anywhere, for any purpose. And we must couple that absolute posture with a vigorous, aggressive crusade to stop the sale of nuclear products by our friends and allies. If we pay the price we can win this antiproliferation struggle. And the price, considering that our survival is at stake, is very modest, indeed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—H.R. 3103

Mr. SYMMS. Mr. President, I ask unanimous consent that the following staff have floor privileges during consideration of H.R. 3103.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Bailey Guard, Kathy Cudlipp, John Yago, Jean Schrag, Nadine Hamilton, Rusty Jesser, Richard Harris, Wayne Alcott, Lee Fuller, Vic Maerki, and Phil Sampson.

Mr. SYMMS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLOWABLE CHARITABLE DEDUCTION FOR VOLUNTEERS

Mr. JEPSEN. Mr. President, I am pleased to join as a consponsor to Senator DURENBERGER's bill, S. 1167. This legislation would increase the allowable charitable deduction for volunteers who use their automobiles to perform charitable services.

The need to increase this charitable deduction becomes obvious when we look at the current tax law. Presently, a volunteer is allowed to deduct 9 cents per mile for expenses incurred while performing charitable work. As we all know, the cost of operating a standard American automobile is much higher than 9 cents a mile. In fact, the American Automobile Association estimates the cost to be 23.8 cents per mile. As you can see, the 9 cents per mile deduction does not even begin to cover the costs of operating a vehicle.

However, the bill that I am cosponsoring would change this situation. This bill would permit volunteers to deduct the same amount for the use of their car as those on Government business. Government workers presently receive 20 cents per mile. While this increase in the deduction may not represent the total cost of operating an automobile, it does go a long way in bringing about fairness.

It is only fair that volunteers receive the same amount of deduction for the use of their cars as Government employees, especially when both of them are performing a public service. The services that volunteers provide are valuable. Volunteers drive many miles to visit nursing homes, take the elderly and the handicapped to the doctor, hospital, or the store, bring food to the shut-in, and perform hundreds of other tasks. Without these dedicated men and women, many of our elderly and handicapped would not have companionship and assistance.

The present charitable deduction does not acknowledge the value of a volunteer's contribution. In fact, the 9 cents per mile provides volunteers with a disincentive rather than an incentive. This, however, runs counter to our goals of encouraging individuals to give up more of their time for volunteer work.

We need to let volunteers know that we appreciate their work. Increasing the charitable deduction for mileage would be one way to recognize their services. I urge my colleagues to support this bill. It would certainly send a signal to those who volunteer that their work is important.

FOREIGN RELATIONS COMMITTEE REPORTS GLUTEN RESOLUTION

Mr. PERCY. Mr. President, this morning the Foreign Relations Committee unanimously reported Senate Resolution 233 to the Senate, where it will then be referred on to the Agricultural Committee.

The resolution is intended to let the Council of Ministers of the European Community understand the Senate fully supports the intention of the administration to retaliate if the community imposes a quota levy on corn gluten feed and citrus pellet imports.

I am pleased that the administration is speaking with a unified voice on the threatened breaking of this trading agreement by the European Community.

I ask unanimous consent to submit for the RECORD the statement I delivered at the hearing on this important agricultural trade matter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CHARLES H. PERCY BEFORE THE FOREIGN RELATIONS COMMITTEE

This morning the Foreign Relations Committee will take up Senate Resolution 233.

The resolution is designed to provide a clear and firm warning to the European Community that it will face virtually automatic retaliation if it breaks its existing trade agreement with the United States on protein feed imports.

S. Res. 233 was introduced by my colleagues, Senator Dixon and Senator Helms on September 29, 1983 and was referred to both this Committee and the Agricultural Committee. A similar resolution was introduced in the House.

This is the second time in 17 months that the Senate has been asked to vote on a similar resolution. S. Res. 362 passed the Senate on April 15, 1982.

Mr. President. It is very frustrating to once again to have to raise our voices as it appears that the Commission of the European Communities quite foolishly believes that it can afford to "reform" the European Common Agricultural Policy (CAP) by breaking its "zero-duty import concession" on corn gluten feed and similiar products, such as citrus pellets.

The resolution is designed to appeal to the member governments of the Community who will be meeting in Athens this December to adopt recommendations proposed by the Commission or executive staff of the Community.

The arguments are well-known to the Europeans, as I have raised them personally both here and in Europe over the past two years when this proposal first surfaced.

The Europeans know quite well that imported corn gluten feed does not displace community grown grains. That was documented in a study commissioned by the Federation of European Feed Compounders and never refuted by the Commission. The study does show that if corn gluten feed was kept out of the Community it would only serve to benefit other protein imports.

Logically, then one must ask if the next step would be to restrict the duty free importation of soybean meal?

Corn gluten feed represents only 2.7 percent of all principal grain and non-grain feed ingredients.

Yet, the EC Commission is willing to risk a repetition of the famous "Chicken War" in order to plug this leak in the high tariff walls that now surround the Community.

To add injury to insult, the Community is now proposing a tax on vegetable oils and fats that would hit the soybean sector squarely in the face. United States yearly exports of soybeans, meal, and oil total close to $4 billion and represented almost 10 percent of all agricultural exports from the United States in 1982.

This vegetable oil tax could result in a 3 to 6 percent decline in world soybean oil prices by reducing European consumption by up to 150,000 metric tons each year.

I am pleased that the executive branch is now drawing up lists of European imported commodities that will be subject to retaliation if the Council of Ministers endorses the renunciation of these trading agreements.

For instance, the value of corn gluten feed exports to Europe totals about $500 million annually. If an attempt is made to freeze imports at 3 million metric tons per year it would tend to drive down the price of corn gluten feed plus disrupting the operations of corn wet millers in this country.

Therefore, I believe it be more than reasonable to hit the Europeans for the full value of the export plus the amount that might be lost to the citrus industry.

Recently, I spoke on the Senate floor about the continuing problem of the mislabeling of European wines—particularly French wine coming into the United States.

Although the Bureau of Alcohol, Tobacco, and Firearms has uncovered some incidents, I am fearful that this practice may be more widespread than commonly believed.

Therefore, I believe it may be appropriate to ask Treasury some time in the future to establish a system of rigorous checks of imported high-value wine by Customs agents while the wine sits in bonded warehouses in this country.

I will have more to say about this enforcement action in coming months.

The facts are well-known on this case. When the Council of Ministers of the EC meets in Athens in six weeks, they must carefully weigh the consequences of their actions.

OCTOBER 23 TERRORIST ATTACKS IN BEIRUT, LEBANON

Mr. THURMOND. Mr. President, on October 23, 1983, an act of cowardice was callously committed against France and the United States when terrorists blew up two barracks housing Americans and Frenchmen.

I would like to express my deep sorrow to the loved ones and friends of America's sons and those of France.

Civilized nations view this act with horror and disgust. The intent of the perpetrators is clear: Intimidate the nations involved in the peacekeepng force through such murderous attacks, and public opinion at home will force them to withdraw.

The United States, however, must not be so intimidated. The goal of peace and stability in Lebanon is a just goal and we must pursue it with renewed vigor.

What sort of world would we have if the United States bowed to the whims of armed lunatics and terrorists?

America has lost forever some of the most noble and courageous young men that our Nation can produce.

They were all volunteers, men who believed that what this Nation has to offer is worth protecting, even if it means forfeiting their lives so that others may live in peace and freedom.

Mr. President, it is left to us as leaders of this Nation to insure that their sacrifice is not in vain. If the United States withdraws, then we have accomplished nothing, and their sacrifice and devotion to this country and what it stands for, will have been futile.

Mr. President, I would also like to note that our distinguished colleague from New Hampshire, Senator GORDON HUMPHREY, was in Beirut when these attacks took place. Senator HUMPHREY aided in the treatment and evacuation of the injured. He even flew to Germany with the most seriously injured giving first aid enroute. Senator HUMPHREY is to be highly commended for his actions in helping our wounded.

We must redouble our efforts to bring peace to this troubled area. There have been few times in history when the preservation of peace was without cost. We have paid once again in lives and blood. Now let us persevere to obtain the peace so many have paid for so dearly.

EPIDEMIC COCAINE USE

Mrs. HAWKINS. Mr. President, if marihuana abuse has reached pandemic proportions in the United States—and my research only emphasizes this fact—cocaine abuse has reached epidemic proportions. More than 20 million Americans, or 11 percent of the adult population, have used cocaine. Admissions to drug treatment centers for cocaine abuse have risen 500 percent in the past several years. Deaths from cocaine use have risen 200 percent.

Unlike heroin, amphetamines, and barbituates, cocaine has no reputation for being either physically or psychologically addictive. Many cocaine abusers are convinced that they suffer no adverse health effects from the drug.

Mr. President, if we learn anything from Freud, we have learned that cocaine is both physically and psychologically addictive. And, if we learn anything from following professional football and baseball, we have learned that cocaine abuse seriously affects health and hinders performance.

The fact of the matter is that habitual cocaine abusers suffer many physical symptons, such as exhaustion, sleep problems, nosebleeds, headaches, and trembling. A significant number also experience psychological problems, such as paranoia and panic attacks. A great number use cocaine in conjunction with other drugs, especially heroin, to moderate cocaine's stimulative effects. Many abusers are surprised at how quickly their recreational cocaine use brings them to financial ruin and physical and emotional exhaustion.

Mr. President, I request permission to enter into the RECORD at this point an article on the epidemic proportions of cocaine abuse in this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COCAINE "HOTLINE" FINDS COKE USE, ILL EFFECTS, FAR GREATER THAN EXPECTED

What is apparently the first cocaine hotline in the country, initiated in New York City as a referral service for those seeking treatment or other information, has been deluged by callers asking for help in dealing with cocaine's effects.

Half-hour telephone interviews with the callers has indicated that the physical and psychological damage from using it in any fashion—including snorting—may be far more widespread and pervasive than anyone has imagined up to now.

"It challenges the popular notion of cocaine as a 'benign' drug," observed Dr. Arnold M. Washton, a psychiatrist at New York Medical College who directs the unique service.

He said most callers expressed surprise "at how rapidly they had escalated from 'ocassional use' " to dependency and, based on information emerging from the hotline experience, "even the notion of physical addiction to cocaine needs to be re-examined."

Cocaine abuse "has reached epidemic proportions in recent years," Washton observed, and "it has clearly spread to middle and working class levels of society and to people in all walks of life."

Recent studies focusing on social and recreational users of cocaine have "tended to underestimate and obscure the amount of dysfunctional cocaine use," he added, so that abuse potential has been regarded as "very low" and its use "relatively free of destructive side effects." The hot line experience tends to refute those assumptions.

When the Div. of Drug Abuse Research and Treatment in N.Y. Medical College's Dept. of Psychiatry began getting calls asking where persons might go for supervised treatment for cocaine abuse, "we decided to set up a hot line," which was put in place in February of this year.

Thirty-minute clinical interwith the first 55 persons who called, looking at demographic variables, other drug and alcohol use, and the consequences of cocaine use on the caller's health and psychosocial functioning in several areas.

"We have received over 2,000 calls in the first eight weeks," Washton told a medical writers seminar in Washington, D.C., "and they continue to come in at 25 to 100 per day," and were coming in at 2-3 per minute following a TV broadcast on the hotline in the NYC area.

About 70 percent of the callers were the coke users themselves, with the remaining 30 percent spouses, friends, parents, or professionals looking for help for someone else.

Among the interviewed sample, 78 percent were male. Mean age was 33 years; 56 percent were white, 35 percent black, and 9 percent hispanic. Mean level of education was 14.1 years. Some 49 percent reported annual incomes of $25,000 or more; 53 percent had occupations classified as white collar, professional, or business owner, 31 percent were blue collar.

Washton reported that the primary means of administration—51 percent—was snorting. Free-base smoking was reported by 22 percent, and intravenous injection by 27 percent. He said 13 percent reported any previous attempt to get treatment, and 38 percent said they had had a prior addiction—primarily heroin.

"The intravenous users were more likely to report a prior incidence of heroin," Washton noted. "In the others, it was very low."

As for current use of other drugs, 15 percent said they were also using marijuana; 11 percent, opiates; 16 percent, sedatives; and 9 percent, alcohol. Those who used these other drugs said they used them to reduce the "jittery" stimulant effects of cocaine or to relieve the dysphoric "crash" when co-

caine effects wore off, according to Washton.

AVERAGE HABIT: $800/WEEK

Estimates of weekly cocaine use ranged from 1 to 32 grams/week, Washton said, with a mean of 8.2; 48 percent used 6 or more per week. Frequency of cocaine use averaged 5.7 days/week, and 56 percent used at least 5 days/week.

"At $100-$125/gram, subjects were spending an average of $800/week on cocaine," he said. Some 20 percent reported using 11-32 grams per week and "some had used as much as $150,000 of their own money on cocaine in the previous year."

Callers reported using cocaine for two years on the average.

92 PERCENT "PSYCHOLOGICALLY ADDICTED"

Washton said 92 percent of those interviewed reported that they felt "psychologically addicted" to cocaine. "Most wanted to quit, but they felt they could not without professional help."

Some 98 percent reported suffering adverse physical health effects, including: Feeling run down and weak; difficulties sleeping; excessive sweating; ulcers; trembling; significant weight loss; persistent headache; nausea and vomiting; cough and sore throat; chills; and double vision.

"Six users reported having grand mal seizures with loss of consciousness on several occasions from cocaine use," Washton said.

As for psychological problems, 47 percent of those interviewed reported paranoid ideation; 20 percent, panic attacks; 18 percent said they had feelings of violence; 16 percent reported hallucinations; 7 percent said they had attempted suicide and another 7 percent reported suicidal ideation; and 11 percent had phsycially injured someone while using cocaine.

"One subject reported committing a murder while high on cocaine," Washton said.

Some 44 percent reported loss of sex drive, and 33 percent said they had memory problems.

SNORTERS HAD SAME ILLS

"One of the things we were struck by," Washton told the science writers seminar, "was that there was no difference between intranasal, free-base, and intravenous modes of administration in terms of incidence, type and severity of reported level of use and consequences.

"The cocaine snorter reported no fewer or no more (negative effects) than the free-base or intravenous user.

"While this does not necessarily suggest intranasal use has as high consequences as others, not does it suggest snorting cocaine will lead to escalating problems of repeated use, it does show us that intranasal users are no more immune to these and . . . that many experience severe adverse consequences."

Washton went on to note that "the history of these people suggests they were formally very high functioning individuals with good jobs and peer recognition, and began using cocaine recreationally with friends at a party and the drug seemed to tap into something inside them and it got out of control."

In a paper prepared for use at the seminar, Washton stated that the mood-altering effects of cocaine considered "most desirable" by the callers included:

"Feelings of elation, mastery, confidence, self-control, and sexual arrousal; increased talkativeness, physical energy and contentment; and elimination of boredom, fatigue and stress.

"However, almost without exception they reported that these desirable effects diminished or disappeared entirely with continued, chronic use and were eventually replaced by an increasing number of adverse effects such as depression, irritability, loss of sex drive, and intense guilt.

"In a futile attempt to recapture the desirable effects and to ward off the unpleasant 'crash,' their behavior was driven toward continued and intensified patterns of cocaine use. They found themselves progressively drawn into a powerful, vicious cycle of obtaining, using, and recuperating from cocaine.

"The accumulated adverse consequences of cocaine use and resulting psychological distress are what ultimately led them to call our helpline for assistance."

TREATMENT DIFFICULT

Treatment for those with cocaine problems is very difficult, Washton said, because there are no known cocaine antagonists, and for those who enroll in treatment programs, "motivation is very tenuous.

"They can make a commitment in one hour and back out in the next . . . We feel the first month is the most critical. If they can stay in treatment the first month, they probably will remain" in treatment.

For that reason, Washton said some treatment programs have found it useful to require the pay for a full month of treatment "the day they come in."

As research, Washton would be the first to say there are methodological problems.

"Admittedly, our sample was biased since all of our subjects were problematic users as self-defined by their calling the helpline. Moderate users, by definition, tend not to suffer serious medical or psychological consequences.

"Nonetheless, even moderate levels of intranasal use cannot guarantee protection against eventual dependence and other adverse effects.

"Most of our subjects began with occasional cocaine use," he reiterated, "and were rather surprised at how quickly and intensely their use escalated to compulsive patterns, particularly since they had previously believed that cocaine was non-addictive."

Like alcohol and some other drugs, it is not known why some users become addicted while others do not.

In any case, "the large volume of anonymous calls to our helpline suggest that a substantial portion of the cocaine abuse that currently exists is otherwise hidden from scientific or public analysis.

"There is clearly a need for expanded research treatment efforts to combat the current epidemic of cocaine abuse in the U.S. and prevent it from escalating further."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:23 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 726. An act to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes.

The message also announce that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2968. An act to authorize appropriations for fiscal year 1984 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes; and

H.R. 3324. An act to authorize appropriations for grants to the Close Up Foundation and for certain law related education programs.

At 2:04 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 597. An act to amend sections 2733, 2734, and 2736 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections, and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes;

H.R. 2898. An act to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes;

H.R. 3075. An act to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes;

H.R. 3083. An act to provide for equitable waiver in the compromise and collection of Federal claims.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 176. A concurrent resolution expressing the sense of the Congress concerning United States support for the efforts of the Association of South East Asian Nations (ASEAN) with respect to Kampuchea.

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that:

The House of Representatives having proceeded to reconsider the bill (H.R. 1062) entitled "An Act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Land County,

Oregon", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

ENROLLED BILL SIGNED

At 5:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3913. As act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 597. An act to amend sections 2733, 2734, and 2736 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections, and to allow increased delegation of authority to settle and pay certain of those claims, and for other purposes; to the Committee on the Judiciary.

H.R. 2898. An act to declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 3075. An act to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes; to the Committee on Small Business.

H.R. 3083. An act to provide for equitable waiver in the compromise and collection of Federal claims; to the Committee on Government Affairs.

H.R. 3324. An act to authorize appropriations for grants to the Close Up Foundation and for certain law related education programs; to the Committee on Labor and Human Resources.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 2968. An act to authorize appropriations for fiscal year 1984 for intelligence and intelligence related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 176. Concurrent resolution expressing the sense of the Congress concerning U.S. support for the efforts of the Association of South East Asian Nations (ASEAN) with respect to Kampuchea; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 1787) to establish an Office of the Director of National and International Drug Operations and Policy (Rept. No. 98-278).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 233. Resolution to express the sense of the Senate concerning the adverse effect on U.S. agricultural exports of proposals to modify the Common Agricultural Policy of the European Community; pursuant to the order of October 6, 1983, referred to the Committee on Agriculture, Nutrition, and Forestry for not to exceed 60 days.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Denny J. Boggs, of Virginia, to be Deputy Secretary of Energy; and

Raymond J. O'Connor, of New York, to be a Member of the Federal Energy Commission for a term expiring October 20, 1987.

(The above nominations were reported from the Committee on Energy and Natural Resources with the recommendation that they be approved, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations:

Henry F. Cooper, Jr., of Virginia, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Richard W. Murphy, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State; and

Ronald I. Spiers, of Vermont, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Under Secretary of State for Management.

(The above nominations were reported from the Committee on Foreign Relations within the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service which was printed in the CONGRESSIONAL RECORD of October 4, 1983, and, to save the expense of reprinting it on the Executive Calendar, ask unanimous consent that these nominations lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN (for himself, Mr. CHAFEE, Mr. MOYNIHAN, Mr. DANFORTH, Mr. BOREN, Mr. GRASSLEY, Mr. WALLOP, Mr. DURENBERGER, Mr. BRADLEY, Mr. MITCHELL, and Mr. BAUCUS):

S. 1992. A bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products; to the Committee on Finance.

By Mr. HELMS:

S. 1993. A bill to amend the Food Stamp Act of 1977 to reduce fraud, waste, and abuse in the food stamp program through improved means of preventing and detecting fraud, collecting overissuances of coupons, and reducing State agency payment error rates, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 1994. A bill to amend the National School Lunch Act to reinstate income eligibility criteria for family or group day care home participants in the child care food program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSTON:

S. 1995. A bill to provide for the conveyance of certain mineral interests of the United States in property in Louisiana to the record owners of the surface of that property; to the Committee on Energy and Natural Resources.

By Mr. BOSCHWITZ (for himself and Mr. DURENBERGER):

S. 1996. A bill to amend the Internal Revenue Code of 1954 to exempt certain sewage and solid waste disposal facilities that provide energy from the limitation on small bond issues; to the Committee on Finance.

By Mr. INOUYE:

S. 1997. A bill to amend title 28 of the United States Code relating to the retirement of territorial judges; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. HOLLINGS):

S. 1998. A bill to amend boating safety provisions of title 46, United States Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ANDREWS (by request):

S. 1999. A bill to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, make conforming amendments, repeal unnecessary provisions of law referring to the Commissioner of Indian Affairs, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. ANDREWS (by request):

S. 2000. A bill to allow variable interest rates for Indian funds held in trust by the United States; to the Select Committee on Indian Affairs.

By Mr. DURENBERGER:

S. 2001. A bill to amend the Clean Air Act to reduce interstate transport of pollutants, control acid deposition and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself Mr. BIDEN, Mr. KENNEDY, Mr. HEINZ, Mr. METZENBAUM, Mr. DURENBERGER, Mr. BENTSEN, and Mr. BRADLEY):

S. Con. Res. 78. Concurrent resolution to establish a Commission on Civil Rights in the legislative branch of the Federal Government; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN (for himself, Mr. CHAFEE, Mr. MOYNIHAN, Mr. DANFORTH, Mr. BOREN, Mr. GRASSLEY, Mr. WALLOP, Mr. DURENBERGER, Mr. BRADLEY and Mr. MITCHELL):

S. 1992. A bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products; to the Committee on Finance.

LIFE INSURANCE TAX ACT OF 1983

● Mr. BENTSEN. Mr. President, last year, I introduced legislation with Mr. CHAFEE and other members of the Senate Finance Committee, enacting temporary rules for taxing life insurance companies. At that time, there was general agreement that the tax provisions governing life insurance companies enacted in 1959 needed substantial revision. However, there was also general agreement that more time was needed to study the area and develop new permanent provisions. Accordingly, last year, the Senate, with the approval of the House, developed the temporary rules in TEFRA for the taxation of life insurance companies. These stopgap rules were intended to mitigate the effect of the defects of the 1959 law temporarily and to give the Congress time to develop permanent rules.

This year, the House has completed an extensive study of the taxation of life insurance companies. The House Ways and Means Subcommittee on Select Revenue Measures has held two major hearings. There has been a careful examination of each important aspect of the taxation of life companies, with extensive input from the industry, Treasury and staffs of the tax writing committees, including the Senate Finance Committee. This process culminated in a bill (H.R. 4065) which was reported out of the House Ways and Means Committee. The bill is generally supported by Treasury, mutual companies, stock companies and associations representing life insurance agents. All are not happy with all aspects of the bill. However, overall, I believe that the bill provides sound, permanent rules and effectively balances the diverse interests of different segments of the industry.

Mr. President, I am introducing the bill as it passed the ways and means committee. I believe that this bill represents a good starting point for the Senate to complete its task of revising the life insurance company tax law.

Now, let me describe the principal provisions of the bill.

The bill contains two parts: the first part is a complete substitute for the provisions of current law governing the tax treatment of life insurance companies. Under the basic structure of these provisions, life insurance companies would be taxed like corporations generally, except that certain special rules would apply to address issues unique to life insurance companies. These rules are as follows:

First, life insurance companies would be allowed to deduct increases in their reserves for liabilities to policyholders. However, the deduction would be limited to the greater of the cash value of the contracts or the minimum reserves required under State laws.

Second, a special rule would limit the deductibility of policymaker dividends and other amounts paid or credited to policyholders by mutual companies. This provision is intended to assure that mutual companies are subject to corporate tax on a minimum return on their equity. This minimum return would be 16.5 percent of equity for 1984. Thereafter, the 16.5 percent would be indexed to changes in the rates or returns earned by stock companies.

Third, all life insurance companies would be allowed a special deduction equal to 25 percent of their otherwise taxable income. This provision is intended to reduce the effective rate of tax on insurance companies to a rate more comparable to other corporations.

Fourth, a special rule would be provided for small companies. Under this provision, small companies would be allowed a special deduction equal to 60 percent of the first $3 million in taxable income. This deduction would phase out as taxable income increases from $3 million to $15 million.

Generally, the provisions dealing with the taxation of life insurance companies would be effective January 1, 1984. Rules would also be provided to give life insurance companies a fresh start with respect to changes in the treatment of items, such as reserves, that are required by the new provisions.

The second part of the bill deals with individual taxation as it relates to life insurance products. It includes provisions for determining if a contract is a life insurance contract, revisions in the rules concerning annuities, group term life insurance for retirees, and the deductability of interest on policyholder loans. These provisions have not been as thoroughly studied as the insurance company provisions. Nor, in my mind, is there the urgency to address the questions.

Last year, Congress made a number of permanent changes in the taxation of annuities. I am reluctant to make further changes until we have fully evaluated the impact of last year's actions. I strongly believe that the focus of the bill should be those provisions addressing the definition of life insurance, and the taxation of the life insurance industry.

The bill raises, for fiscal year 1984, $2.9 billion in taxes from the insurance industry. This represents a $1 billion increase over what the industry paid last year. However, this is still $400 million less than what would be raised if the 1959 act went back into effect. The administration is supporting the substance and revenue level of this bill in the House. They are currently expressing no position with respect to revenues on the Senate side.

This bill would place 5 percent of the total corporate tax burden on the insurance industry, double the 2.4-percent burden originally set under the 1959 act. It is important that in setting the revenue level, we maintain intra-industry balance between stock and mutual companies. However, it is equally important that we compare the tax burden placed on this industry with the tax burden placed on its competitors. I will be examining this question very carefully in an effort to determine what percentage of the corporate tax obligation the life insurance industry should bear.

Mr. President, it is my hope that the Senate will act quickly to consider this bill. In order to assure fairness in the tax treatment of all insurers, we need to enact permanent legislation before the expiration of the stopgap provisions expire at the end of this year.

I ask unanimous consent that the bill itself be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE II—LIFE INSURANCE PROVISIONS

SEC. 201. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the "Life Insurance Tax Act of 1983".

(b) TABLE OF CONTENTS.—

TITLE II—LIFE INSURANCE PROVISIONS

Sec. 201. Short Title; etc.

Subtitle A—Taxation of Life Insurance Companies

PART I—AMENDMENT OF SUBCHAPTER L

Sec. 211 Amendment of Subchapter L.

PART II—EFFECTIVE DATE; TRANSITIONAL RULES
Subpart A—Effective Date
Sec. 215. Effective Date.
Subpart B—Transitional Rules
Sec. 216. Reserves computed on new basis; fresh start.
Sec. 217. Other special rules.
Subtitle B—Taxation of Life Insurance Products
Sec. 221. Definition of life insurance contract.
Sec. 222. Treatment of certain annuity contracts.
Sec. 223. Limitation of interest deduction in case of life insurance loans.
Sec. 224. Group-term life insurance purchased for employees.
Subtitle C—Nondeductible Contributions to Individuals Retirement Plans
Sec. 231. Nondeductible contributions permitted to individual retirement plans.
Subtitle D—Studies
Sec. 241. Studies.

(c) TABLE OF SECTIONS FOR PART I OF SUBCHAPTER L.—Under the amendment to part I of subchapter L made by section 211(a), the subparts and sections of such part I will be as follows:

PART I—LIFE INSURANCE COMPANIES
SUBPART A—TAX IMPOSED
Sec. 801. Tax imposed.
SUBPART B—LIFE INSURANCE GROSS INCOME
Sec. 803. Life insurance gross income.
SUBPART C—LIFE INSURANCE DEDUCTIONS
Sec. 804. Life insurance deductions.
Sec. 805. General deductions.
Sec. 806. Special deductions.
Sec. 807. Rules for certain reserves.
Sec. 808. Policyholder dividends deduction.
Sec. 809. Reduction in certain deductions of mutual life insurance companies.
Sec. 810. Operations loss deduction.
SUBPART D—ACCOUNTING, ALLOCATION, AND FOREIGN PROVISIONS
Sec. 811. Accounting provisions.
Sec. 812. Definition of company's share and policyholders' share.
Sec. 813. Foreign life insurance companies.
Sec. 814. Contiguous country branches of domestic life insurance companies.
Sec. 815. Distributions to shareholders from pre-1984 policyholders surplus account.
SUBPART E—DEFINITIONS AND SPECIAL RULES
Sec. 816. Life insurance company defined.
Sec. 817. Treatment of variable contracts.
Sec. 818. Other definitions and special rules.

SUBTITLE A—TAXATION OF LIFE INSURANCE COMPANIES

PART I—AMENDMENT OF SUBCHAPTER L

SEC. 211. AMENDMENT OF SUBCHAPTER L.

(a) GENERAL RULE.—Part I of subchapter L of chapter 1 is amended to read as follows:

"PART I—LIFE INSURANCE COMPANIES

"Subpart A. Tax imposed.
"Subpart B. Life insurance gross income.
"Subpart C. Life insurance deductions.
"Subpart D. Accounting, allocation, and foreign provisions.
"Subpart E. Definitions and special rules.

"Subpart A—Tax Imposed

"Sec. 801. Tax imposed.

"SEC. 801. TAX IMPOSED.

"(a) TAX IMPOSED.—

"(1) IN GENERAL.—A tax is hereby imposed for each taxable year on the life insurance company taxable income of every life insurance company. Such tax shall consist of a tax computed as provided in section 11 as though the life insurance company taxable income were the taxable income referred to in section 11.

"(2) ALTERNATIVE TAX IN CASE OF CAPITAL GAINS.—

"(A) IN GENERAL.—If a life insurance company has a net capital gain for the taxable year, then (in lieu of the tax imposed by paragraph (1)), there is hereby imposed a tax (if such tax is less than the tax imposed by paragraph (1)).

"(B) AMOUNT OF TAX.—The amount of the tax imposed by this paragraph shall be the sum of—

"(i) a partial tax, computed as provided by paragraph (1), on the life insurance company taxable income reduced by the amount of such net capital gain, and

"(ii) an amount determined as provided in section 1201(a) on such net capital gain.

"(C) NET CAPITAL GAIN NOT TAKEN INTO ACCOUNT IN DETERMINING SPECIAL LIFE INSURANCE COMPANY DEDUCTION AND SMALL LIFE INSURANCE COMPANY DEDUCTION.—For purposes of subparagraph (B)(i), the amounts allowable as deductions under paragraphs (2) and (3) of section 804 shall be determined by reducing the tentative LICTI by the amount of the net capital gain (determined without regard to items attributable to noninsurance businesses).

"(b) LIFE INSURANCE COMPANY TAXABLE INCOME.—For purposes of this part, the term 'life insurance company taxable income' means—

"(1) life insurance gross income, reduced by

"(2) life insurance deductions.

"(c) LIFE INSURANCE COMPANY TAXABLE INCOME INCREASED BY DISTRIBUTIONS FROM PRE-1984 POLICYHOLDERS SURPLUS ACCOUNT.—

"For provision increasing life insurance company taxable income for distributions to shareholders from pre-1984 policyholders surplus account, see section 815.

"Subpart B—Life Insurance Gross Income

"Sec. 803. Life insurance gross income.

"SEC. 803. LIFE INSURANCE GROSS INCOME.

"(a) IN GENERAL.—For purposes of this part, the term 'life insurance gross income' means the sum of the following amounts:

"(1) PREMIUMS.—

"(A) The gross amount of premiums and other consideration on insurance and annuity contracts, less

"(B) return premiums, and premiums and other consideration arising out of indemnity reinsurance.

"(2) DECREASES IN CERTAIN RESERVES.—Each net decrease in reserves which is required by section 807(a) to be taken into account under this paragraph.

"(3) OTHER AMOUNTS.—All amounts not includible under paragraph (1) or (2) which under this subtitle are includible in gross income.

"(b) SPECIAL RULES FOR PREMIUMS.—

"(1) CERTAIN ITEMS INCLUDED.—For purposes of subsection (a)(1)(A), the term 'gross amount of premiums and other consideration' includes—

"(A) advance premiums,

"(B) deposits,

"(C) fees,

"(D) assessments,

"(E) consideration in respect of assuming liabilities under contracts not issued by the taxpayer, and

"(F) the amount of policyholder dividends reimbursable to the taxpayer by a reinsurer in respect of reinsured policies,

on insurance and annuity contracts.

"(2) POLICYHOLDER DIVIDENDS EXCLUDED FROM RETURN PREMIUMS.—For purposes of subsection (a)(1)(B)—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'return premiums' does not include any policyholder dividends.

"(B) EXCEPTION FOR INDEMNITY REINSURANCE.—Subparagraph (A) shall not apply to amounts of premiums or other consideration returned to another life insurance company in respect of indemnity reinsurance.

"Subpart C—Life Insurance Deductions

"Sec. 804. Life insurance deductions.
"Sec. 805. General deductions.
"Sec. 806. Special deductions.
"Sec. 807. Rules for certain reserves.
"Sec. 808. Policyholder dividends deduction.
"Sec. 809. Reduction in certain deductions of mutual life insurance companies.
"Sec. 810. Operations loss deduction.

"SEC. 804. LIFE INSURANCE DEDUCTIONS.

"For purposes of this part, the term 'life insurance deductions' means—

"(1) the general deductions provided in section 805,

"(2) the special life insurance company deduction determined under section 806(a), and

"(3) the small life insurance company deduction (if any) determined under section 806(b).

"SEC. 805. GENERAL DEDUCTIONS.

"(a) GENERAL RULE.—For purposes of this part, there shall be allowed the following deductions:

"(1) DEATH BENEFITS, ETC.—All claims and benefits accrued, and all losses incurred (whether or not ascertained), during the taxable year on insurance and annuity contracts.

"(2) INCREASES IN CERTAIN RESERVES.—The net increase in reserves which is required by section 807(b) to be taken into account under this paragraph.

"(3) POLICYHOLDER DIVIDENDS.—The deduction for policyholder dividends (determined under section 808(c)).

"(4) DIVIDENDS RECEIVED BY COMPANY.—

"(A) IN GENERAL.—The deductions provided by sections 243, 244, and 245 (as modified by subparagraph (B))—

"(i) for 100 percent dividends received, and

"(ii) for dividends (other than 100 percent dividends) computed with respect to the life insurance company's share of the dividends (other than 100 percent dividends) received.

"(B) APPLICATION OF SECTION 246(b).—In applying section 246(b) (relating to limitation on aggregate amount of deductions for dividends received) for purposes of subparagraph (A), the limit on the aggregate amount of the deductions allowed by sections 243(a)(1), 244(a), and 245 shall be 85 percent of the life insurance company taxable income, computed without regard to—

"(i) the special life insurance company deduction and the small life insurance company deduction,

"(ii) the operations loss deduction provided by section 810,

"(iii) the deductions allowed by sections 243(a)(1), 244(a), and 245, and

"(iv) any capital loss carryback to the taxable year under section 1212(a)(1), but such limit shall not apply for any taxable year for which there is a loss from operations.

"(C) 100 PERCENT DIVIDEND.—For purposes of subparagraph (A), the term '100 percent dividend' means any dividend if the percentage used for purposes of determining the deduction allowable under section 243 or 244 is 100 percent. Such term does not include any dividend to the extent it is a distribution out of tax-exempt interest or out of dividends which are not 100 percent dividends (determined with the application of this sentence).

"(5) OPERATIONS LOSS DEDUCTION.—The operations loss deduction (determined under section 810).

"(6) ASSUMPTION BY ANOTHER PERSON OF LIABILITIES UNDER INSURANCE, ETC., CONTRACTS.—The consideration (other than consideration arising out of indemnity reinsurance) in respect of the assumption by another person of liabilities under insurance and annuity contracts.

"(7) REIMBURSABLE DIVIDENDS.—The amount of policyholder dividends which—

"(A) are paid or accrued by another insurance company in respect of policies the taxpayer has reinsured, and

"(B) are reimbursable by the taxpayer under the terms of the reinsurance contract.

"(8) OTHER DEDUCTIONS.—Subject to the modifications provided by subsection (b), all other deductions allowed under this subtitle for purposes of computing taxable income.

Except as provided in paragraph (3), no amount shall be allowed as a deduction under this part in respect of policyholder dividends.

"(b) MODIFICATIONS.—The modifications referred to in subsection (a)(8) are as follows:

"(1) INTEREST.—In applying section 163 (relating to deduction for interest), no deduction shall be allowed for interest in respect of items described in section 807(c).

"(2) BAD DEBTS.—Section 166(c) (relating to reserve for bad debts) shall not apply.

"(3) CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.—In applying section 170—

"(A) the limit on the total deductions under such section provided by section 170(b)(2) shall be 10 percent of the life insurance company taxable income computed without regard to—

"(i) the deduction provided by section 170,

"(ii) the deductions provided by paragraphs (3) and (4) of subsection (a),

"(iii) the special life insurance company deduction and the small life insurance company deduction,

"(iv) any operations loss carryback to the taxable year under section 810, and

"(v) any capital loss carryback to the taxable year under section 1212(a)(1), and

"(B) under regulations prescribed by the Secretary, a rule similar to the rule contained in section 170(d)(2)(B) (relating to special rule for net operating loss carryovers) shall be applied.

"(4) AMORTIZABLE BOND PREMIUM.—

"(A) IN GENERAL.—Section 171 shall not apply.

"(B) CROSS REFERENCE.—

"For rules relating to amortizable bond premium, see section 811(b).

"(5) NET OPERATING LOSS DEDUCTION.—Except as provided by section 844, the deduction for net operating losses provided in section 172 shall not be allowed.

"(6) DIVIDENDS RECEIVED DEDUCTION.—Except as provided in subsection (a)(4), the deductions for dividends received provided by sections 243, 244, and 245 shall not be allowed.

"SEC. 806. SPECIAL DEDUCTIONS.

"(a) SPECIAL LIFE INSURANCE COMPANY DEDUCTION.—For purposes of section 804, the special life insurance company deduction for any taxable year is 25 percent of the excess of the tentative LICTI for such taxable year over the small life insurance company deduction (if any).

"(b) SMALL LIFE INSURANCE COMPANY DEDUCTION.—

"(1) IN GENERAL.—For purposes of section 804, the small life insurance company deduction for any taxable year is 60 percent of so much of the tentative LICTI for such taxable year as does not exceed $3,000,000.

"(2) PHASEOUT BETWEEN $3,000,000 AND $15,000,000.—The amount of the small life insurance company deduction determined under paragraph (1) for any taxable year shall be reduced (but not below zero) by 15 percent of so much of the tentative LICTI for such taxable year as exceeds $3,000,000.

"(3) SMALL LIFE INSURANCE COMPANY DEDUCTION NOT ALLOWABLE TO COMPANY WITH ASSETS OF $500,000,000 OR MORE.—

"(A) IN GENERAL.—The small life insurance company deduction shall not be allowed for any taxable year to any life insurance company which, at the close of such taxable year, has assets equal to or greater than $500,000,000.

"(B) ASSETS.—For purposes of this paragraph, the term 'assets' means all assets of the company.

"(C) VALUATION OF ASSETS.—For purposes of this paragraph, the amount attributable to—

"(i) real property and stock shall be the fair market value thereof, and

"(ii) any other asset shall be the adjusted basis of such asset for purposes of determining gain on sale or other disposition.

"(D) SPECIAL RULE FOR INTERESTS IN PARTNERSHIPS AND TRUSTS.—For purposes of this paragraph—

"(i) an interest in a partnership or trust shall not be treated as an asset of the company, but

"(ii) the company shall be treated as actually owning its proportionate share of the assets held by the partnership or trust (as the case may be).

"(c) TENTATIVE LICTI.—For purposes of this section—

"(1) IN GENERAL.—The term 'tentative LICTI' means life insurance company taxable income determined without regard to—

"(A) the special life insurance company deduction, and

"(B) the small life insurance company deduction.

"(2) EXCLUSION OF ITEMS ATTRIBUTABLE TO NONINSURANCE BUSINESSES.—The amount of the tentative LICTI for any taxable year shall be determined without regard to all items attributable to noninsurance businesses.

"(3) NONINSURANCE BUSINESS.—

"(A) IN GENERAL.—The term 'noninsurance business' means any trade or business which is not an insurance business.

"(B) CERTAIN BUSINESSES TREATED AS INSURANCE BUSINESSES.—For purposes of subparagraph (A), any business which is not an insurance business but is of a type traditionally carried on by life insurance companies for investment purposes shall be treated as an insurance business.

"(d) SPECIAL RULE FOR CONTROLLED GROUPS.—

"(1) SPECIAL LIFE INSURANCE COMPANY DEDUCTION AND SMALL LIFE INSURANCE COMPANY DEDUCTION DETERMINED ON CONTROLLED GROUP BASIS.—For purposes of subsections (a) and (b)—

"(A) all life insurance companies which are members of the same controlled group shall be treated as 1 life insurance company, and

"(B) any special life insurance company deduction and any small life insurance company deduction determined with respect to such group shall be allocated among the life insurance companies which are members of such group in proportion to their respective tentative LICTI's.

"(2) NONLIFE INSURANCE MEMBERS INCLUDED FOR ASSET TEST.—For purposes of subsection (b)(3), all members of the same controlled group (whether or not life insurance companies) shall be treated as 1 company.

"(3) CONTROLLED GROUP.—For purposes of this subsection, the term 'controlled group' means any controlled group of corporations (as defined in section 1563(a)); except that subsections (a)(4) and (b)(2)(D) of section 1563 shall not apply.

"SEC. 807. RULES FOR CERTAIN RESERVES.

"(a) DECREASE TREATED AS GROSS INCOME.—If for any taxable year—

"(1) the opening balance for the items described in subsection (c), exceeds

"(2)(A) the closing balance for such items, reduced by

"(B) the sum of (i) the amount of the policyholders' share of tax-exempt interest, plus (ii) any excess described in section 809(a)(2) for the taxable year,

such excess shall be included in gross income under section 803(a)(2).

"(b) INCREASE TREATED AS DEDUCTION.—If for any taxable year—

"(1)(A) the closing balance for the items described in subsection (c), reduced by

"(B) the sum of (i) the amount of the policyholders' share of tax-exempt interest, plus (ii) any excess described in section 809(a)(2) for the taxable year, exceeds

"(2) the opening balance for such items,

such excess shall be taken into account as a deduction under section 805(a)(2).

"(c) ITEMS TAKEN INTO ACCOUNT.—The items referred to in subsections (a) and (b) are as follows:

"(1) The life insurance reserves (as defined in section 816(b)).

"(2) The unearned premiums and unpaid losses included in total reserves under section 816(c)(2).

"(3) The amounts (discounted at the appropriate rate of interest) necessary to satisfy the obligations under insurance and annuity contracts, but only if such obligations do not involve (at the time with respect to which the computation is made under this paragraph) life, accident, or health contingencies.

"(4) Dividend accumulations, and other amounts, held at interest in connection with insurance and annuity contracts.

"(5) Premiums received in advance, and liabilities for premium deposit funds.

"(6) Reasonable special contingency reserves under contracts of group term life insurance or group accident and health insurance which are established and maintained for the provision of insurance on retired

lives, for premium stabilization, or for a combination thereof.

For purposes of paragraph (3), the appropriate rate of interest for any obligation is the higher of the prevailing State assumed interest rate as of the time such obligation first did not involve life, accident, or health contingencies or the rate of interest assumed by the company (as of such time) in determining the guaranteed benefit.

"(d) METHOD OF COMPUTING RESERVES FOR PURPOSES OF DETERMINING INCOME.—

"(1) IN GENERAL.—For purposes of this part (other than section 816), the amount of the life insurance reserves for any contract shall be the greater of—

"(A) the net surrender value of such contract, or

"(B) the reserve determined under paragraph (2).

In no event shall the reserve determined under the preceding sentence for any contract as of any time exceed the amount which would be taken into account with respect to such contract as of such time in determining statutory reserves (as defined in section 809(b)(4)(B)).

"(2) AMOUNT OF RESERVE.—The amount of the reserve determined under this paragraph with respect to any contract shall be determined by using—

"(A) the tax reserve method applicable to such contract,

"(B) the prevailing State assumed interest rate, and

"(C) the prevailing commissioners' standard tables for mortality and morbidity adjusted as appropriate to reflect the risks (such as substandard risks) incurred under the contract which are not otherwise taken into account.

"(3) TAX RESERVE METHOD.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'tax reserve method' means—

"(i) LIFE INSURANCE CONTRACTS.—The CRVM in the case of a contract covered by the CRVM.

"(ii) ANNUITY CONTRACTS.—The CARVM in the case of a contract covered by the CARVM.

"(iii) NONCANCELLABLE ACCIDENT AND HEALTH INSURANCE CONTRACTS.—In the case of any noncancellable accident and health insurance contract, a 2-year full preliminary term method.

"(iv) OTHER CONTRACTS.—In the case of any contract not described in clause (i), (ii), or (iii)—

"(I) the reserve method prescribed by the National Association of Insurance Commissioners which covers such contract (as of the date of issuance), or

"(II) if no reserve method has been prescribed by the National Association of Insurance Commissioners which covers such contract, a reserve method which is consistent with the reserve method required under clause (i), (ii), or (iii) or under subclause (I) of this clause (as of the date of the issuance of such contract) (whichever is most appropriate).

"(B) DEFINITION OF CRVM AND CARVM.—For purposes of this paragraph—

"(i) CRVM.—The term 'CRVM' means the Commissioners' Reserve Valuation Method prescribed by the National Association of Insurance Commissioners which is in effect on the date of the issuance of the contract.

"(ii) CARVM.—The term 'CARVM' means the Commissioners' Annuities Reserve Valuation Method prescribed by the National Association of Insurance Commissioners which is in effect on the date of the issuance of the contract.

"(4) PREVAILING STATE ASSUMED INTEREST RATE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'prevailing State assumed interest rate' means, with respect to any contract, the highest assumed interest rate permitted to be used in computing life insurance reserves for insurance contracts or annuity contracts (as the case may be) under the insurance laws of at least 26 States.

For purposes of the preceding sentence, any limitation on interest rates imposed by the nonforfeiture laws of a State shall not be taken into account.

"(B) WHEN RATE DETERMINED.—Except as provided in subparagraph (C), the prevailing State assumed rate with respect to any contract shall be determined as of the beginning of the calendar year in which the contract was issued.

"(C) ELECTION FOR NONANNUITY CONTRACTS.—In the case of a contract other than an annuity contract, the issuer may elect (at such time and in such manner as the Secretary shall by regulations prescribe) to determine the prevailing State assumed rate as of the beginning of the calendar year preceding the calendar year in which the contract was issued.

"(5) PREVAILING COMMISSIONERS' STANDARD TABLES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'prevailing commissioners' standard tables' means, with respect to any contract, the most recent commissioners' standard tables prescribed by the National Association of Insurance Commissioners which are permitted to be used in computing reserves for that type of contract under the insurance laws of at least 26 States when the contract was issued.

"(B) INSURER MAY USE OLD TABLES FOR 3 YEARS WHEN TABLES CHANGE.—If the prevailing commissioners' standard tables as of the beginning of any calendar year (hereinafter in this subparagraph referred to as the 'year of change') is different from the prevailing commissioners' standard tables as of the beginning of the preceding calendar year, the issuer may use the prevailing commissioners' standard tables as of the beginning of the preceding calendar year with respect to any contract issued after the change and before the close of the 3-year period beginning on the first day of the year of change.

"(C) SPECIAL RULE FOR CONTRACTS ISSUED BEFORE 1948.—If—

"(i) a contract was issued before 1948, and

"(ii) there were no commissioners' standard tables applicable to such contract when it was issued,

the mortality and morbidity tables used in computing statutory reserves for such contract shall be used for purposes of paragraph (2)(C).

"(e) SPECIAL RULES FOR COMPUTING RESERVES.—

"(1) NET SURRENDER VALUE.—For purposes of this section—

"(A) IN GENERAL.—The net surrender value of any contract shall be determined—

"(i) with regard to any penalty or charge which would be imposed on surrender, but

"(ii) without regard to any market value adjustment on surrender.

"(B) SPECIAL RULE FOR PENSION PLAN CONTRACTS.—In the case of a pension plan contract, the balance in the policyholder's fund (determined without regard to any market value adjustment) shall be treated as the net surrender value of such contract.

"(2) ISSUANCE DATE IN CASE OF GROUP CONTRACTS.—For purposes of this section, in the case of a group contract, the date on which such contract is issued shall be the date as of which the master plan is issued (or, with respect to a benefit guaranteed to a participant after such date, the date as of which such benefit is guaranteed).

"(3) SUPPLEMENTAL BENEFITS.—

"(A) QUALIFIED SUPPLEMENTAL BENEFITS TREATED SEPARATELY.—For purposes of this part, the amount of the life insurance reserve for any qualified supplemental benefit—

"(i) shall be computed separately as though such benefit were under a separate contract, and

"(ii) shall, except to the extent otherwise provided in regulations, be the reserve taken into account for purposes of the annual statement approved by the National Association of Insurance Commissioners.

"(B) SUPPLEMENTAL BENEFITS WHICH ARE NOT QUALIFIED SUPPLEMENTAL BENEFITS.—In the case of any supplemental benefit described in subparagraph (D) which is not a qualified supplemental benefit, the amount of the reserve determined under paragraph (2) of subsection (d) shall, except to the extent otherwise provided in regulations, be the reserve taken into account for purposes of the annual statement approved by the National Association of Insurance Commissioners.

"(C) QUALIFIED SUPPLEMENTAL BENEFIT.—For purposes of this paragraph, the term 'qualified supplemental benefit' means any supplemental benefit described in subparagraph (D) if—

"(i) there is a separately identified premium or charge for such benefit, and

"(ii) any net surrender value under the contract attributable to any other benefit is not available to fund such benefit.

"(D) SUPPLEMENTAL BENEFITS.—For purposes of this paragraph, the supplemental benefits described in this subparagraph are any—

"(i) guaranteed insurability,

"(ii) accidental death or disability benefit,

"(iii) convertibility,

"(iv) disability waiver benefit, or

"(v) any other benefit prescribed by regulations,

which is supplemental to a contract for which there is a reserve described in subsection (c).

"(4) CERTAIN CONTRACTS ISSUED BY FOREIGN BRANCHES OF DOMESTIC LIFE INSURANCE COMPANIES.—

"(A) IN GENERAL.—In the case of any qualified foreign contract, the amount of the reserve shall be not less than the minimum reserve required by the laws, regulations, or administrative guidance of the regulatory authority of the foreign country referred to in subparagraph (B) (but not to exceed the net level reserves for such contract).

"(B) QUALIFIED FOREIGN CONTRACT.—For purposes of subparagraph (A), the term 'qualified foreign contract' means any contract issued by a foreign life insurance branch (which has its principal place of business in a foreign country) of a domestic life insurance company if—

"(i) such contract is issued on the life or health of a resident of such country,

"(ii) such domestic life insurance company was required by such foreign country (as of the time it began operations in such country) to operate in such country through a branch, and

"(iii) such foreign country is not contiguous to the United States.

"(5) TREATMENT OF SUBSTANDARD RISKS.—

"(A) SEPARATE COMPUTATION.—Except to the extent provided in regulations, the amount of the life insurance reserve for any qualified substandard risk shall be computed separately under subsection (d)(1) from any other reserve under the contract.

"(B) QUALIFIED SUBSTANDARD RISK.—For purposes of subparagraph (A), the term 'qualified substandard risk' means any substandard risk if—

"(i) the insurance company maintains a separate reserve for such risk,

"(ii) there is a separately identified premium or charge for such risk,

"(iii) the amount of the net surrender value under the contract is not increased or decreased by reason of such risk, and

"(iv) the net surrender value under the contract may not be used to systematically pay premium charges for such risk.

"(C) LIMITATION ON AMOUNT OF LIFE INSURANCE RESERVE.—The amount of the life insurance reserve determined for any qualified substandard risk shall in no event exceed the sum of the separately identified premiums charged for such risk less mortality charges for such risk.

"(D) LIMITATION ON AMOUNT OF CONTRACTS TO WHICH PARAGRAPH APPLIES.—The aggregate amount of insurance in force under contracts to which this paragraph applies shall not exceed 10 percent of the insurance in force (other than term insurance) under life insurance contracts of the company.

"(f) ADJUSTMENT FOR CHANGE IN COMPUTING RESERVES.—

"(1) 10-YEAR SPREAD.—

"(A) IN GENERAL.—For purposes of this part, if the basis for determining any item referred to in subsection (c) as of the close of any taxable year differs from the basis for such determination as of the close of the preceding taxable year, then so much of the difference between—

"(i) the amount of the item at the close of the taxable year, computed on the new basis, and

"(ii) the amount of the item at the close of the taxable year, computed on the old basis,

as is attributable to contracts issued before the taxable year shall be taken into account under the method provided in subparagraph (B).

"(B) METHOD.—The method provided in this subparagraph is as follows:

"(i) if the amount determined under subparagraph (A)(i) exceeds the amount determined under subparagraph (A)(ii), 1/10 of such excess shall be taken into account, for each of the succeeding 10 taxable years, as a deduction under section 805(a)(2); or

"(ii) if the amount determined under subparagraph (A)(ii) exceeds the amount determined under subparagraph (A)(i), 1/10 of such excess shall be included in gross income, for each of the 10 succeeding taxable years, under section 803(a)(2).

"(2) TERMINATION AS LIFE INSURANCE COMPANY.—Except as provided in section 381(c)(22) (relating to carryovers in certain corporate readjustments), if for any taxable year the taxpayer is not a life insurance company, the balance of any adjustments under this subsection shall be taken into account for the preceding taxable year.

"SEC. 808. POLICYHOLDER DIVIDENDS DEDUCTION.

"(a) POLICYHOLDER DIVIDEND DEFINED.—For purposes of this part, the term 'policyholder dividend' means any dividend or similar distribution to policyholders in their capacity as such.

"(b) CERTAIN AMOUNTS INCLUDED.—For purposes of this part, the term 'policyholder dividend' includes—

"(1) any amount paid or credited (including as an increase in benefits) where the amount is not fixed in the contract but depends on the experience of the company or the discretion of the management,

"(2) excess interest,

"(3) premium adjustments, and

"(4) experience-rated refunds.

"(c) AMOUNT OF DEDUCTION.—

"(1) IN GENERAL.—Except as limited by paragraph (2), the deduction for policyholder dividends for any taxable year shall be an amount equal to the policyholder dividends paid or accrued during the taxable year.

"(2) REDUCTION IN CASE OF MUTUAL COMPANIES.—In the case of a mutual life insurance company, the deduction for policyholder dividends for any taxable year shall be reduced by the amount determined under section 809.

"(d) DEFINITIONS.—For purposes of this section—

"(1) EXCESS INTEREST.—The term 'excess interest' means any amount in the nature of interest—

"(A) paid or credited to a policyholder in his capacity as such, and

"(B) determined at a rate in excess of the prevailing State assumed interest rate for such contract.

"(2) PREMIUM ADJUSTMENT.—The term 'premium adjustment' means any reduction in the premium under an insurance or annuity contract which (but for the reduction) would have been required to be paid under the contract.

"(3) EXPERIENCE-RATED REFUND.—The term 'experience-rated refund' means any refund or credit based on the experience of the contract or group involved.

"(e) TREATMENT OF POLICYHOLDER DIVIDENDS.—For purposes of this part, any policyholder dividend which—

"(1) increases the cash surrender value of the contract or other benefits payable under the contract, or

"(2) reduces the premium otherwise required to be paid,

shall be treated as paid to the policyholder and returned by the policyholder to the company as a premium.

"SEC. 809. REDUCTION IN CERTAIN DEDUCTIONS OF MUTUAL LIFE INSURANCE COMPANIES.

"(a) GENERAL RULE.—

"(1) POLICYHOLDER DIVIDENDS.—In the case of any mutual life insurance company, the amount of the deduction allowed under section 808 shall be reduced (but not below zero) by the differential earnings amount.

"(2) REDUCTION IN RESERVE DEDUCTION IN CERTAIN CASES.—In the case of any mutual life insurance company, if the differential earnings amount exceeds the amount allowable as a deduction under section 808 for the taxable year (determined without regard to this section), such excess shall be taken into account under subsections (a) and (b) of section 807.

"(3) DIFFERENTIAL EARNINGS AMOUNT.—For purposes of this section, the term 'differential earnings amount' means, with respect to any taxable year, an amount equal to the product of—

"(A) the life insurance company's average equity base for the taxable year, multiplied by

"(B) the differential earnings rate for such taxable year.

"(b) AVERAGE EQUITY BASE.—For purposes of this section—

"(1) IN GENERAL.—The term 'average equity base' means, with respect to any taxable year, the average of—

"(A) the equity base determined as of the close of the taxable year, and

"(B) the equity base determined as of the close of the preceding taxable year.

"(2) EQUITY BASE.—The term 'equity base' means an amount equal to—

"(A) the surplus and capital,

"(B) adjusted as provided in paragraphs (3), (4), (5), and (6) of this subsection.

"(3) INCREASE FOR NONADMITTED FINANCIAL ASSETS.—

"(A) IN GENERAL.—The amount of the surplus and capital shall be increased by the amount of the nonadmitted financial assets.

"(B) NONADMITTED FINANCIAL ASSETS.—For purposes of subparagraph (A), the term 'nonadmitted financial asset' means any nonadmitted asset of the company which is—

"(i) a bond,

"(ii) stock,

"(iii) real estate,

"(iv) a mortgage loan on real estate, or

"(v) any other invested asset.

"(4) INCREASE WHERE STATUTORY RESERVES EXCEED TAX RESERVES.—

"(A) IN GENERAL.—If—

"(i) the aggregate amount of statutory reserves, exceeds

"(ii) the aggregate amount of tax reserves,

the amount of the surplus and capital shall be increased by the amount of such excess.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) STATUTORY RESERVES.—The term 'statutory reserves' means the aggregate amount set forth in the annual statement with respect to items described in section 807(c).

"(ii) TAX RESERVES.—The term 'tax reserves' means the aggregate of the items described in section 807(c) as determined for purposes of section 807.

"(5) INCREASE BY AMOUNT OF CERTAIN OTHER RESERVES.—The amount of the surplus and capital shall be increased by the sum of—

"(A) the amount of any mandatory securities valuation reserve,

"(B) the amount of any deficiency reserve, and

"(C) the amount of any voluntary reserve not described in subparagraph (A) or (B).

"(6) ADJUSTMENT FOR NEXT YEAR'S POLICYHOLDER DIVIDENDS.—The amount of the surplus and capital shall be increased by 50 percent of the amount of any provision for policyholder dividends (or other liability) payable in the following taxable year.

"(c) DIFFERENTIAL EARNINGS RATE.—For purposes of this section, the differential earnings rate for any taxable year is the excess of—

"(1) the imputed earnings rate for the taxable year, over

"(2) the average mutual earnings rate for the second calendar year preceding the calendar year in which the taxable year begins.

"(d) IMPUTED EARNINGS RATE.—

"(1) IN GENERAL.—For purposes of this section, the imputed earnings rate for any taxable year is—

"(A) 16.5 percent in the case of taxable years beginning in 1984, and

"(B) in the case of taxable years beginning after 1984, an amount which bears the same ratio to 16.5 percent as the current stock earnings rate for the taxable year bears to the base period stock earnings rate.

"(2) CURRENT STOCK EARNINGS RATE.—For purposes of this subsection, the term 'current stock earnings rate' means, with respect to any taxable year, the average of the stock earnings rates determined under paragraph (4) for the 3 calendar years preceding the calendar year in which the taxable year begins.

"(3) BASE PERIOD STOCK EARNINGS RATE.—For purposes of this subsection, the base period stock earnings rate is the average of the stock earnings rates determined under paragraph (4) for calendar years 1981, 1982, and 1983.

"(4) STOCK EARNINGS RATE.—

"(A) IN GENERAL.—For purposes of this subsection, the stock earnings rate for any calendar year is the numerical average of the earnings rates of the 50 largest stock companies.

"(B) EARNINGS RATE.—For purposes of subparagraph (A), the earnings rate of any stock company is the percentage (determined by the Secretary) which—

"(i) the statement gain or loss from operations for the calendar year of such company, is of

"(ii) such company's average equity base for such year.

"(C) 50 LARGEST STOCK COMPANIES.—For purposes of this paragraph, the term '50 largest stock companies' means a group (as determined by the Secretary) of stock life insurance companies which consists of the 50 largest stock life insurance companies which are subject to tax under this chapter.

"(D) TREATMENT OF AFFILIATED GROUPS.—For purposes of this paragraph, all stock life insurance companies which are members of the same affiliated group shall be treated as one stock life insurance company.

"(e) AVERAGE MUTUAL EARNINGS RATE.—For purposes of this section, the average mutual earnings rate for any calendar year is the percentage (determined by the Secretary) which—

"(1) the aggregate statement gain or loss from operations for such year of mutual life insurance companies, is of

"(2) their aggregate average equity bases for such year.

"(f) RECOMPUTATION IN SUBSEQUENT YEAR.—

"(1) INCLUSION IN INCOME WHERE RECOMPUTED AMOUNT GREATER.—In the case of any mutual life insurance company, if—

"(A) the recomputed differential earnings amount for any taxable year, exceeds

"(B) the differential earnings amount determined under this section for such taxable year,

such excess shall be included in life insurance gross income for the succeeding taxable year.

"(2) DEDUCTION WHERE RECOMPUTED AMOUNT SMALLER.—In the case of any mutual life insurance company, if—

"(A) the differential earnings amount determined under this section for any taxable year, exceeds

"(B) the recomputed differential earnings amount for such taxable year,

such excess shall be allowed as a life insurance deduction for the succeeding taxable year.

"(3) RECOMPUTED DIFFERENTIAL EARNINGS AMOUNT.—For purposes of this subsection, the term 'recomputed differential earnings amount' means, with respect to any taxable year, the amount which would be the differential earnings amount for such taxable year if the average mutual earnings rate taken into account under subsection (c)(2) were the average mutual earnings rate for the calendar year in which the taxable year begins.

"(4) SPECIAL RULE WHERE COMPANY CEASES TO BE MUTUAL LIFE INSURANCE COMPANY.—Except as provided in section 381(c)(22), if—

"(A) a life insurance company is a mutual life insurance company for any taxable year, but

"(B) such life insurance company is not a mutual life insurance company for the succeeding taxable year,

any adjustment under paragraph (1) or (2) by reason of the recomputed differential earnings amount for the first of such taxable years shall be taken into account for the first of such taxable years.

"(g) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) STATEMENT GAIN OR LOSS FROM OPERATIONS.—The term 'statement gain or loss from operations' means the net gain or loss from operations required to be set forth in the annual statement—

"(A) determined with regard to policyholder dividends (as defined in section 808) but without regard to Federal income taxes,

"(B) determined on the basis of the tax reserves rather than statutory reserves, and

"(C) properly adjusted for capital gains and losses and other relevant items.

"(2) OTHER TERMS.—Except as otherwise provided in this section, the terms used in this section shall have the same respective meanings as when used in the annual statement.

"(3) DETERMINATIONS BASED ON AMOUNT SET FORTH IN ANNUAL STATEMENT.—Except as otherwise provided in this section or in regulations, all determinations under this section shall be made on the basis of the amounts required to be set forth on the annual statement.

"(4) ANNUAL STATEMENT.—The term 'annual statement' means the annual statement for life insurance companies approved by the National Association of Insurance Commissioners.

"(5) REDUCTION IN EQUITY BASE FOR PORTION OF EQUITY ALLOCABLE TO LIFE INSURANCE BUSINESS IN NONCONTIGUOUS WESTERN HEMISPHERE COUNTRIES.—The equity base of any mutual life insurance company shall be reduced by an amount equal to the portion of the equity base attributable to the life insurance business multiplied by a fraction—

"(A) the numerator of which is the portion of the tax reserves which are allocable to life insurance contracts issued on the life of residents of countries in the Western Hemisphere which are not contiguous to the United States, and

"(B) the denominator of which is the amount of the tax reserves allocable to life insurance contracts.

The preceding sentence shall not apply unless the fraction determined under the preceding sentence exceeds 1/20.

"(h) TREATMENT OF STOCK COMPANIES OWNED BY MUTUAL LIFE INSURANCE COMPANIES.—

"(1) TREATMENT AS MUTUAL LIFE INSURANCE COMPANIES FOR PURPOSES OF DETERMINING STOCK EARNINGS RATES AND MUTUAL EARNINGS RATES.—Solely for purposes of subsections (d) and (e), a stock life insurance company shall be treated as a mutual life insurance company if stock possessing—

"(A) at least 80 percent of the total combined voting power of all classes of stock of such stock life insurance company entitled to vote, or

"(B) at least 80 percent of the total value of shares of all classes of stock of such stock life insurance company,

is owned at any time during the calendar year directly (or through the application of section 318) by 1 or more mutual life insurance companies.

"(2) TREATMENT OF AFFILIATED GROUP WHICH INCLUDES MUTUAL PARENT AND STOCK SUBSIDIARY.—In the case of an affiliated group of corporations which includes a common parent which is a mutual life insurance company and one or more stock life insurance companies, for purposes of determining the average equity base of such common parent (and the statement gain or loss from operations)—

"(A) stock in such stock life insurance companies held by such common parent (and dividends on such stock) shall not be taken into account, and

"(B) such common parent and such stock life insurance companies shall be treated as though they were one mutual life insurance company.

"(3) ADJUSTMENT WHERE STOCK COMPANY NOT MEMBER OF AFFILIATED GROUP.—In the case of any stock life insurance company which is described in paragraph (1) but is not a member of an affiliated group described in paragraph (2), under regulations, proper adjustment shall be made in the average equity bases (and statement gains or losses from operations) of mutual life insurance companies owning stock in such company as may be necessary or appropriate to carry out the purposes of this section.

"SEC. 810. OPERATIONS LOSS DEDUCTION.

"(a) DEDUCTION ALLOWED.—There shall be allowed as a deduction for the taxable year an amount equal to the aggregate of—

"(1) the operations loss carryovers to such year, plus

"(2) the operations loss carrybacks to such year.

For purposes of this part, the term 'operations loss deduction' means the deduction allowed by this subsection.

"(b) OPERATIONS LOSS CARRYBACKS AND CARRYOVERS.—

"(1) YEARS TO WHICH LOSS MAY BE CARRIED.—The loss from operations for any taxable year (hereinafter in this section referred to as the 'loss year') shall be—

"(A) an operations loss carryback to each of the 3 taxable years preceding the loss year,

"(B) an operations loss carryover to each of the 15 taxable years following the loss year, and

"(C) if the life insurance company is a new company for the loss year, an operations loss carryover to each of the 3 taxable years following the 15 taxable years described in subparagraph (B).

"(2) AMOUNT OF CARRYBACKS AND CARRYOVERS.—The entire amount of the loss from operations for any loss year shall be carried to the earliest of the taxable years to which (by reason of paragraph (1)) such loss may be carried. The portion of such loss which shall be carried to each of the other taxable years shall be the excess (if any) of the amount of such loss over the sum of the offsets (as defined in subsection (d)) for each of the prior taxable years to which such loss may be carried.

"(3) ELECTION FOR OPERATIONS LOSS CARRYBACKS.—In the case of a loss from operations for any taxable year, the taxpayer may elect to relinquish the entire carryback period for such loss. Such election shall be made by the due date (including extensions of time) for filing the return for the taxable year of the loss from operations for which the election is to be in effect, and once made for

any taxable year, such election shall be irrevocable for that taxable year.

"(c) COMPUTATION OF LOSS FROM OPERATIONS.—For purposes of this section—

"(1) IN GENERAL.—The term 'loss from operations' means the excess of the life insurance deductions for any taxable year over the life insurance gross income for such taxable year.

"(2) MODIFICATIONS.—For purposes of paragraph (1)—

"(A) the operations loss deduction shall not be allowed, and

"(B) the deductions allowed by sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock of public utilities), and 245 (relating to dividends received from certain foreign corporations) shall be computed without regard to section 246(b) as modified by section 805(a)(4).

"(d) OFFSET DEFINED.—

"(1) IN GENERAL.—For purposes of subsection (b)(2), the term 'offset' means, with respect to any taxable year, an amount equal to that increase in the operations loss deduction for the taxable year which reduces the life insurance company taxable income (computed without regard to paragraphs (2) and (3) of section 804) for such year to zero.

"(2) OPERATIONS LOSS DEDUCTION.—For purposes of paragraph (1), the operations loss deduction for any taxable year shall be computed without regard to the loss from operations for the loss year or for any taxable year thereafter.

"(e) NEW COMPANY DEFINED.—For purposes of this part, a life insurance company is a new company for any taxable year only if such taxable year begins not more than 5 years after the first day on which it (or any predecessor, if section 381(c)(22) applies) was authorized to do business as an insurance company.

"(f) APPLICATION OF SUBTITLES A AND F IN RESPECT OF OPERATION LOSSES.—Except as provided in section 805(b)(5), subtitles A and F shall apply in respect of operation loss carrybacks, operation loss carryovers, and the operations loss deduction under this part, in the same manner and to the same extent as such subtitles apply in respect of net operating loss carrybacks, net operating loss carryovers, and the net operating loss deduction.

"(g) TRANSITIONAL RULE.—For purposes of this section and section 812 (as in effect before the enactment of the Life Insurance Tax Act of 1983), this section shall be treated as a continuation of such section 812.

"Subpart D—Accounting, Allocation, and Foreign Provisions

"Sec. 811. Accounting provisions.

"Sec. 812. Definition of company's share and policyholders' share.

"Sec. 813. Foreign life insurance companies.

"Sec. 814. Contiguous country branches of domestic life insurance companies.

"Sec. 815. Distributions to shareholders from pre-1984 policyholders surplus account.

"SEC. 811. ACCOUNTING PROVISIONS.

"(a) METHOD OF ACCOUNTING.—All computations entering into the determination of the taxes imposed by this part shall be made—

"(1) under an accrual method of accounting, or

"(2) to the extent permitted under regulations prescribed by the Secretary, under a combination of an accrual method of accounting with any other method permitted by this chapter (other than the cash receipts and disbursements method).

To the extent not inconsistent with the preceding sentence or any other provision of this part, all such computations shall be made in a manner consistent with the manner required for purposes of the annual statement approved by the National Association of Insurance Commissioners.

"(b) AMORTIZATION OF PREMIUM AND ACCRUAL OF DISCOUNT.—

"(1) IN GENERAL.—The appropriate items of income, deductions, and adjustments under this part shall be adjusted to reflect the appropriate amortization of premium and the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures, or other evidences of indebtedness held by a life insurance company. Such amortization and accrual shall be determined—

"(A) in accordance with the method regularly employed by such company, if such method is reasonable, and

"(B) in all other cases, in accordance with regulations prescribed by the Secretary.

"(2) SPECIAL RULES.—

"(A) AMORTIZATION OF BOND PREMIUM.—In the case of any bond (as defined in section 171(d)), the amount of bond premium, and the amortizable bond premium for the taxable year, shall be determined under section 171(b) as if the election set forth in section 171(c) had been made.

"(B) CONVERTIBLE EVIDENCE OF INDEBTEDNESS.—In no case shall the amount of premium on a convertible evidence of indebtedness include any amount attributable to the conversion features of the evidence of indebtedness.

"(3) EXCEPTION.—No accrual of discount shall be required under paragraph (1) on any bond (as defined in section 171(d)), except in the case of discount which is—

"(A) interest to which section 103 applies, or

"(B) original issue discount (as defined in section 1232(b)).

"(c) NO DOUBLE COUNTING.—Nothing in this part shall permit—

"(1) a reserve to be established for any item unless the gross amount of premiums and other consideration attributable to such item are required to be included in life insurance gross income,

"(2) the same item to be counted more than once for reserve purposes, or

"(3) any item to be deducted (either directly or as an increase in reserves) more than once.

"(d) ALLOCATION IN CASE OF REINSURANCE AGREEMENT INVOLVING TAX AVOIDANCE OR EVASION.—In the case of 2 or more related persons (within the meaning of section 482) who are parties to a reinsurance agreement (or where one of the parties to a reinsurance agreement is, with respect to any contract covered by the agreement, in effect an agent of, or conduit for, another party to such agreement), the Secretary may—

"(1) allocate between or among such persons income (whether investment income, premium, or otherwise), deductions, assets, reserves, credits, and other items related to such agreement, or

"(2) recharacterize any such items,

if he determines that such allocation or recharacterization is necessary to reflect the proper source and character of the taxable income (or any item described in paragraph (1) relating to such taxable income) of each such person.

"(e) METHOD OF COMPUTING RESERVES ON CONTRACT WHERE INTEREST IS GUARANTEED BEYOND END OF TAXABLE YEAR.—For purposes of this part (other than section 816), amounts in the nature of interest to be paid or credited under any contract for any period which is computed at a rate which—

"(1) exceeds the prevailing State assumed interest rate for the contract for such period, and

"(2) is guaranteed beyond the end of the taxable year on which the reserves are being computed,

shall be taken into account in computing the reserves with respect to such contract as if such interest were guaranteed only up to the end of the taxable year.

"(f) SHORT TAXABLE YEARS.—If any return of a corporation made under this part is for a period of less than the entire calendar year (referred to in this subsection as 'short period'), then section 443 shall not apply in respect to such period, but life insurance company taxable income shall be determined, under regulations prescribed by the Secretary, on an annual basis by a ratable daily projection of the appropriate figures for the short period.

"SEC. 812. DEFINITION OF COMPANY'S SHARE AND POLICYHOLDERS' SHARE.

"(a) GENERAL RULE.—

"(1) COMPANY'S SHARE.—For purposes of section 805(a)(4), the term 'company's share' means, with respect to any taxable year, the percentage obtained by dividing—

"(A) the company's share of the net investment income for the taxable year, by

"(B) the net investment income for the taxable year.

"(2) POLICYHOLDERS' SHARE.—For purposes of section 807, the term 'policyholders' share' means, with respect to any taxable year, the excess of 100 percent over the percentage determined under paragraph (1).

"(b) COMPANY'S SHARE OF NET INVESTMENT INCOME.—For purposes of this section, the company's share of net investment income is the excess (if any) of—

"(1) the net investment income for the taxable year, over

"(2) the sum of—

"(A) the deduction for policyholders' dividends determined under sections 808 and 809 for the taxable year, and

"(B) all amounts in the nature of interest paid or credited to customers pursuant to insurance or annuity contracts.

For purposes of paragraph (2)(B), the term 'insurance or annuity contract' shall include any pension plan contract.

"(c) NET INVESTMENT INCOME.—For purposes of this section, the term 'net investment income' means the excess of—

"(1) gross investment income, over

"(2) investment expenses.

"(d) GROSS INVESTMENT INCOME.—For purposes of this section, the term 'gross investment income' means the sum of the following:

"(1) INTEREST, ETC.—The gross amount of income from—

"(A) interest (including tax-exempt interest), dividends, rents, and royalties,

"(B) the entering into of any lease, mortgage, or other instrument or agreement from which the life insurance company derives interest, rents, or royalties, and

"(C) the alteration or termination of any instrument or agreement described in subparagraph (B).

"(2) SHORT-TERM CAPITAL GAIN.—The amount (if any) by which the net short-term capital gain exceeds the net long-term capital loss.

"(3) TRADE OR BUSINESS INCOME.—The gross income from any trade or business (other than an insurance business) carried on by the life insurance company, or by a partnership of which the life insurance company is a partner. In computing gross income under this paragraph, there shall be excluded any item described in paragraph (1).

Except as provided in paragraph (2), in computing gross investment income under this subsection, there shall be excluded any gain from the sale or exchange of a capital asset, and any gain considered as gain from the sale or exchange of a capital asset.

"(e) INVESTMENT EXPENSES.—For purposes of this section, the term 'investment expenses' means the sum of—

"(1) the deductions allowable which are directly connected with the production of investment income (other than the deductions under sections 243, 244, and 245), and

"(2) an amount equal to the general expenses of the life insurance company for the taxable year multiplied by a fraction—

"(A) the numerator of which is the gross investment income for the taxable year, and

"(B) the denominator of which is the gross receipts of the life insurance company for the taxable year.

"(f) DIVIDENDS FROM CERTAIN SUBSIDIARIES NOT INCLUDED IN GROSS INVESTMENT INCOME.—For purposes of this section, the term 'gross investment income' shall not include any dividend received by the life insurance company which is a 100-percent dividend (as defined in section 805(a)(4)(C)).

"(g) NO DOUBLE COUNTING.—Under regulations, proper adjustments shall be made in the application of this section to prevent an item from being counted more than once.

"SEC. 813. FOREIGN LIFE INSURANCE COMPANIES.

"(a) ADJUSTMENT WHERE SURPLUS HELD IN THE UNITED STATES IS LESS THAN SPECIFIED MINIMUM.—

"(1) IN GENERAL.—In the case of any foreign company taxable under this part, if—

"(A) the required surplus determined under paragraph (2), exceeds

"(B) the surplus held in the United States,

then its tentative LICTI effectively connected with the conduct of an insurance business within the United States shall be increased by an amount determined by multiplying such excess by such company's current investment yield.

"(2) REQUIRED SURPLUS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'required surplus' means the amount determined by multiplying the taxpayer's total insurance liabilities on United States business by a percentage for the taxable year determined and proclaimed by the Secretary under subparagraph (B).

"(B) DETERMINATION OF PERCENTAGE.—The percentage determined and proclaimed by the Secretary under this subparagraph shall be based on such data with respect to domestic life insurance companies for the preceding taxable year as the Secretary considers representative. Such percentage shall be computed on the basis of a ratio the numerator of which is the excess of the assets over the total insurance liabilities, and the denominator of which is the total insurance liabilities.

"(3) CURRENT INVESTMENT YIELD.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'current investment yield' means the percent obtained by dividing—

"(i) the net investment income on assets held in the United States, by

"(ii) the mean of the assets held in the United States during the taxable year.

"(B) DETERMINATIONS BASED ON AMOUNT SET FORTH IN THE ANNUAL STATEMENT.—Except as otherwise provided in regulations, determinations under subparagraph (A) shall be made on the basis of the amounts required to be set forth on the annual statement approved by the National Association of Insurance Commissioners.

"(4) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SURPLUS HELD IN THE UNITED STATES.—The surplus held in the United States is the excess of the assets (determined under section 806(b)(3)(C)) held in the United States over the total insurance liabilities on United States business.

"(B) TOTAL INSURANCE LIABILITIES.—For purposes of this subsection, the term 'total insurance liabilities' means the sum of the total reserves (as defined in section 816(c)) plus (to the extent not included in total reserves) the items referred to in paragraphs (3), (4), (5), and (6) of section 807(c).

"(5) REDUCTION OF SECTION 881 TAXES.—In the case of any foreign company taxable under this part, there shall be determined—

"(A) the amount which would be subject to taxes under section 881 if the amount taxable under such section were determined without regard to sections 103 and 894, and

"(B) the amount of the increase provided by paragraph (1).

The tax under section 881 (determined without regard to this paragraph) shall be reduced (but not below zero) by an amount which is the same proportion of such tax as the amount referred to in subparagraph (B) is of the amount referred to in subparagraph (A); but such reduction in taxes shall not exceed the increase in taxes under this part by reason of the increase provided by paragraph (1).

"(b) ADJUSTMENT TO LIMITATION ON DEDUCTION FOR POLICYHOLDER DIVIDENDS IN THE CASE OF FOREIGN MUTUAL LIFE INSURANCE COMPANIES.—For purposes of section 809, the equity base of any foreign mutual life insurance company as of the close of any taxable year shall be increased by the amount of any excess determined under paragraph (1) of subsection (a) with respect to such taxable year.

"(c) CROSS REFERENCE.—

"For taxation of foreign corporations carrying on life insurance business within the United States, see section 842.

"SEC. 814. CONTIGUOUS COUNTRY BRANCHES OF DOMESTIC LIFE INSURANCE COMPANIES.

"(a) EXCLUSION OF ITEMS.—In the case of a domestic mutual insurance company which—

"(1) is a life insurance company,

"(2) has a contiguous country life insurance branch, and

"(3) makes the election provided by subsection (g) with respect to such branch,

there shall be excluded from each item involved in the determination of life insurance company taxable income the items separately accounted for in accordance with subsection (c).

"(b) CONTIGUOUS COUNTRY LIFE INSURANCE BRANCH.—For purposes of this section, the term contiguous country life insurance branch means a branch which—

"(1) issues insurance contracts insuring risks in connection with the lives or health of residents of a country which is contiguous to the United States,

"(2) has its principal place of business in such contiguous country, and

"(3) would constitute a mutual life insurance company if such branch were a separate domestic insurance company.

For purposes of this section, the term 'insurance contract' means any life, health, accident, or annuity contract or reinsurance contract or any contract relating thereto.

"(c) SEPARATE ACCOUNTING REQUIRED.—Any taxpayer which makes the election provided by subsection (g) shall establish and maintain a separate account for the various income, exclusion, deduction, asset, reserve, liability, and surplus items properly attributable to the contracts described in subsection (b). Such separate accounting shall be made—

"(1) in accordance with the method regularly employed by such company, if such method clearly reflects income derived from, and the other items attributable to, the contracts described in subsection (b), and

"(2) in all other cases, in accordance with regulations prescribed by the Secretary.

"(d) RECOGNITION OF GAIN ON ASSETS IN BRANCH ACCOUNT.—If the aggregate fair market value of all the invested assets and tangible property which are separately accounted for by the domestic life insurance company in the branch account established pursuant to subsection (c) exceeds the aggregate adjusted basis of such assets for purposes of determining gain, then the domestic life insurance company shall be treated as having sold all such assets on the first day of the first taxable year for which the election is in effect at their fair market value on such first day. Notwithstanding any other provision of this chapter, the net gain shall be recognized to the domestic life insurance company on the deemed sale described in the preceding sentence.

"(e) TRANSACTIONS BETWEEN CONTIGUOUS COUNTRY BRANCH AND DOMESTIC LIFE INSURANCE COMPANY.—

"(1) REIMBURSEMENT FOR HOME OFFICE SERVICES, ETC.—Any payment, transfer, reimbursement, credit, or allowance which is made from a separate account established pursuant to subsection (c) to one or more other accounts of a domestic life insurance company as reimbursement for costs incurred for or with respect to the insurance (or reinsurance) of risks accounted for in such separate account shall be taken into account by the domestic life insurance company in the same manner as if such payment, transfer, reimbursement, credit, or allowance had been received from a separate person.

"(2) REPATRIATION OF INCOME.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any amount directly or indirectly transferred or credited from a branch account established pursuant to subsection (c) to one or more other accounts of such company shall, unless such transfer or credit is a reimbursement to which paragraph (1) applies, be added to the tentative LICTI of the domestic life insurance company.

"(B) LIMITATION.—The addition provided by subparagraph (A) for the taxable year with respect to any contiguous country life insurance branch shall not exceed the amount by which—

"(i) the aggregate decrease in the tentative LICTI of the domestic life insurance company for the taxable year and for all prior taxable years resulting solely from the application of subsection (a) of this section with respect to such branch, exceeds

"(ii) the amount of additions to tentative LICTI pursuant to subparagraph (A) with respect to such contiguous country branch for all prior taxable years.

"(C) TRANSITIONAL RULE.—For purposes of this paragraph, in the case of a prior taxable year beginning before January 1, 1984, the term 'tentative LICTI' means life insurance company taxable income determined under this part (as in effect for such year) without regard to this paragraph.

"(f) OTHER RULES.—

"(1) TREATMENT OF FOREIGN TAXES.—

"(A) IN GENERAL.—No income, war profits, or excess profits taxes paid or accrued to any foreign country or possession of the United States which is attributable to income excluded under subsection (a) shall be taken into account for purposes of subpart A of part III of subchapter N (relating to foreign tax credit) or allowable as a deduction.

"(B) TREATMENT OF REPATRIATED AMOUNTS.—For purposes of sections 78 and 902, where any amount is added to the life insurance company taxable income of the domestic life insurance company by reason of subsection (e)(2), the contiguous country life insurance branch shall be treated as a foreign corporation. Any amount so added shall be treated as a dividend paid by a foreign corporation, and the taxes paid to any foreign country or possession of the United States with respect to such amount shall be deemed to have been paid by such branch.

"(2) UNITED STATES SOURCE INCOME ALLOCABLE TO CONTIGUOUS COUNTRY BRANCH.—For purposes of sections 881, 882, and 1442, each contiguous country life insurance branch shall be treated as a foreign corporation. Such sections shall be applied to each such branch in the same manner as if such sections contained the provisions of any treaty to which the United States and the contiguous country are parties, to the same extent such provisions would apply if such branch were incorporated in such contiguous country.

"(g) ELECTION.—A taxpayer may make the election provided by this subsection with respect to any contiguous country for any taxable year. An election made under this subsection for any taxable year shall remain in effect for all subsequent taxable years, except that it may be revoked with the consent of the Secretary. The election provided by this subsection shall be made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with respect to which such election is made, and such election and any approved revocation thereof shall be made in the manner provided by the Secretary.

"(h) SPECIAL RULE FOR DOMESTIC STOCK LIFE INSURANCE COMPANIES.—At the election of a domestic stock life insurance company which has a contiguous country life insurance branch described in subsection (b) (without regard to the mutual requirement in subsection (b)(3)), the assets of such branch may be transferred to a foreign corporation organized under the laws of the contiguous country without the application of section 367 or 1491. Subsection (a) shall apply to the stock of such foreign corporation as if such domestic company were a mutual company and as if the stock were an item described in subsection (c). Subsection (e)(2) shall apply to amounts transferred or credited to such domestic company as if such domestic company and such foreign corporation constituted one domestic mutual life insurance company. The insurance contracts which may be transferred pursuant to this subsection shall include only those which are similar to the types of insurance contracts issued by a mutual life insurance company. Notwithstanding the first sentence of this subsection, if the aggregate fair market value of the invested assets and tangible property which are separately accounted for by the domestic life insurance company in the branch account exceeds the aggregate adjusted basis of such assets for purposes of determining gain, the domestic life insurance company shall be deemed to have sold all such assets on the first day of the taxable year for which the election under this subsection applies and the net gain shall be recognized to the domestic life insurance company on the deemed sale, but not in excess of the proportion of such net gain which equals the proportion which the aggregate fair market value of such assets which are transferred pursuant to this subsection is of the aggregate fair market value of all such assets.

"SEC. 815. DISTRIBUTIONS TO SHAREHOLDERS FROM PRE-1984 POLICYHOLDERS SURPLUS ACCOUNT.

"(a) GENERAL RULE.—The life insurance company taxable income (within the meaning of section 801(b)) for any taxable year of any stock life insurance company which has an existing policyholders surplus account shall be increased by any direct or indirect distribution to shareholders from such account. For purposes of the preceding sentence, the life insurance company taxable income (within the meaning of section 801(b)) shall be treated as not less than zero.

"(b) ORDERING RULE.—For purposes of this section, any distribution to shareholders shall be treated as made—

"(1) first out of the shareholders surplus account, to the extent thereof,

"(2) then out of the policyholders surplus account, to the extent thereof, and

"(3) finally, out of other accounts.

"(c) SHAREHOLDERS SURPLUS ACCOUNT.—

"(1) IN GENERAL.—Each stock life insurance company which has an existing policyholders surplus account shall continue its shareholders surplus account for purposes of this part.

"(2) ADDITIONS TO ACCOUNT.—The amount added to the shareholders surplus account for any taxable year beginning after December 31, 1983, shall be the excess of—

"(A) the sum of—

"(i) the life insurance company's taxable income (determined without regard to this section),

"(ii) the special deductions provided by section 806, and

"(iii) the deductions for dividends received provided by sections 243, 244, and 245 (as modified by section 805(a)(4)) and the amount of interest excluded from gross income under section 103, over

"(B) the taxes imposed for the taxable year by section 801 (determined without regard to this section).

"(3) SUBTRACTIONS FROM ACCOUNT.—There shall be subtracted from the shareholders surplus account for any taxable year the amount which is treated under this section as distributed out of such account.

"(d) POLICYHOLDERS SURPLUS ACCOUNT.—

"(1) IN GENERAL.—Each stock life insurance company which has an existing polichholders surplus account shall continue such account.

"(2) NO ADDITIONS TO ACCOUNT.—No amount shall be added to the policyholders surplus account for any taxable year beginning after December 31, 1983.

"(3) SUBTRACTIONS FROM ACCOUNT.—There shall be subtracted from the policyholders surplus account for any taxable year an amount equal to the sum of—

"(A) the amount which (without regard to subparagraph (B)) is treated under this section as distributed out of the policyholders surplus account, and

"(B) the amount by which the tax imposed for the taxable year by section 801 is increased by reason of this section.

"(e) EXISTING POLICYHOLDERS SURPLUS ACCOUNT.—For purposes of this section, the term 'existing policyholders surplus account' means any policyholders surplus account which has a balance as of the close of December 31, 1983.

"(f) OTHER RULES APPLICABLE TO POLICYHOLDERS SURPLUS ACCOUNT CONTINUED.—Except to the extent inconsistent with the provisions of this part, the provisions of subsections (d), (e), (f), and (g) of section 815 as in effect before the enactment of the Life Insurance Tax Act of 1983 are hereby made applicable in respect of any policyholders surplus account for which there was a balance as of December 31, 1983.

"Subpart E—Definitions and Special Rules

"Sec. 816. Life insurance company defined.

"Sec. 817. Treatment of variable contracts.

"Sec. 818. Other definitions and special rules.

"SEC. 816. LIFE INSURANCE COMPANY DEFINED.

"(a) LIFE INSURANCE COMPANY DEFINED.—For purposes of this subtitle, the term 'life insurance company' means an insurance company which is engaged in the business of issuing life insurance and annuity contracts (either separately or combined with accident and health insurance), or noncancellable contracts of health and accident insurance, if—

"(1) its life insurance reserves (as defined in subsection (b)), plus

"(2) unearned premiums, and unpaid losses (whether or not ascertained), on noncancellable life, accident, or health policies not included in life insurance reserves,

comprise more than 50 percent of its total reserves (as defined in subsection (c)). For purposes of the preceding sentence, the term 'insurance company' means any company more than half of the business of which during the taxable year is the issuing of insurance or annuity contracts or the reinsuring of risks underwritten by insurance companies.

"(b) LIFE INSURANCE RESERVES DEFINED.—

"(1) IN GENERAL.—For purposes of this part, the term 'life insurance reserves' means amounts—

"(A) which are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest, and

"(B) which are set aside to mature or liquidate, either by payment or reinsurance, future unaccrued claims arising from life insurance, annuity, and noncancellable accident and health insurance contracts (including life insurance or annuity contracts combined with noncancellable accident and health insurance) involving, at the time with respect to which the reserve is computed, life, accident, or health contingencies.

"(2) RESERVES MUST BE REQUIRED BY LAW.—Except—

"(A) in the case of policies covering life, accident, and health insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation, and

"(B) as provided in paragraph (3),

in addition to the requirements set forth in paragraph (1), life insurance reserves must be required by law.

"(3) ASSESSMENT COMPANIES.—In the case of an assessment life insurance company or association, the term 'life insurance reserves' includes—

"(A) sums actually deposited by such company or association with State officers pursuant to law as guaranty or reserve funds, and

"(B) any funds maintained, under the charter or articles of incorporation or association (or bylaws approved by a State insurance commissioner) of such company or association, exclusively for the payment of claims arising under certificates of membership or policies issued on the assessment plan and not subject to any other use.

"(4) DEFICIENCY RESERVES EXCLUDED.—

"(A) IN GENERAL.—The term 'life insurance reserves' does not include deficiency reserves.

"(B) DEFICIENCY RESERVE DEFINED.—For purposes of this subsection and subsection (c), the deficiency reserve for any contract is that portion of the reserve for such contract equal to the amount (if any) by which—

"(i) the present value of the future net premiums required for such contract, exceeds

"(ii) the present value of the future actual premiums and consideration charged for such contract.

"(5) AMOUNT OF RESERVES.—For purposes of this subsection, subsection (a), and subsection (c), the amount of any reserve (or portion thereof) for any taxable year shall be the mean of such reserve (or portion thereof) at the beginning and end of the taxable year.

"(c) TOTAL RESERVES DEFINED.—For purposes of subsection (a), the term 'total reserves' means—

"(1) life insurance reserves,

"(2) unearned premiums, and unpaid losses (whether or not ascertained), not included in life insurance reserves, and

"(3) all other insurance reserves required by law.

The term 'total reserves' does not include deficiency reserves (within the meaning of subsection (b)(4)).

"(d) ADJUSTMENTS IN RESERVES FOR POLICY LOANS.—For purposes only of determining under subsection (a) whether or not an insurance company is a life insurance company, the life insurance reserves, and the total reserves, shall each be reduced by an amount equal to the mean of the aggregates, at the beginning and end of the taxable year, of the policy loans outstanding with respect to contracts for which life insurance reserves are maintained.

"(e) GUARANTEED RENEWABLE CONTRACTS.—For purposes of this part, guaranteed renewable life, accident, and health insurance shall be treated in the same manner as noncancellable life, accident, and health insurance.

"(f) AMOUNTS NOT INVOLVING LIFE, ACCIDENT, OR HEALTH CONTINGENCIES.—For purposes only of determining under subsection (a) whether or not an insurance company is a life insurance company, amounts set aside and held at interest to satisfy obligations under contracts which do not contain permanent guarantees with respect to life, accident, or health contingencies shall not be included in life insurance reserves or in total reserves.

"(g) BURIAL AND FUNERAL BENEFIT INSURANCE COMPANIES.—A burial or funeral benefit insurance company engaged directly in the manufacture of funeral supplies or the performance of funeral services shall not be taxable under this part but shall be taxable under section 821 or section 831.

"SEC. 817. TREATMENT OF VARIABLE CONTRACTS.

"(a) INCREASES AND DECREASES IN RESERVES.—For purposes of subsections (a) and (b) of section 807, the sum of the items described in section 807(c) taken into account as of the close of the taxable year with respect to any variable contract shall, under regulations prescribed by the Secretary, be adjusted—

"(1) by subtracting therefrom an amount equal to the sum of the amounts added from time to time (for the taxable year) to the reserves separately accounted for in accordance with subsection (b) by reason of appreciation in value of assets (whether or not the assets have been disposed of), and

"(2) by adding thereto an amount equal to the sum of the amounts subtracted from time to time (for the taxable year) from such reserves by reason of depreciation in value of assets (whether or not the assets have been disposed of).

The deduction allowable for items described in paragraphs (1) and (6) of section 805(a) with respect to variable contracts shall be reduced to the extent that the amount of such items is increased for the taxable year by appreciation (or increased to the extent that the amount of such items is decreased for the taxable year by depreciation) not reflected in adjustments under the preceding sentence.

"(b) SEPARATE ACCOUNTING.—For purposes of this part (other than section 809), a life insurance company which issues variable contracts shall separately account for the various income, exclusion, deduction, asset, reserve, and other liability items properly attributable to such variable contracts. For such items as are not accounted for directly, separate accounting shall be made—

"(1) in accordance with the method regularly employed by such company, if such method is reasonable, and

"(2) in all other cases, in accordance with regulations prescribed by the Secretary.

"(c) VARIABLE CONTRACT DEFINED.—For purposes of this part, the term 'variable contract' means a contract—

"(1) which provides for the allocation of all or part of the amounts received under the contract to an account which, pursuant to State law or regulation, is segregated from the general asset accounts of the company,

"(2) which—

"(A) provides for the payment of annuities, or

"(B) is a life insurance contract, and

"(3) under which—

"(A) in the case of an annuity contract, the amounts paid in, or the amount paid out, reflect the investment return and the market value of the segregated asset account, or

"(B) in the case of a life insurance contract, the amount of the death benefit (or the period of coverage) is adjusted on the basis of the investment return and the market value of the segregated asset account.

If a contract ceases to reflect current investment return and current market value, such contract shall not be considered as meeting the requirements of paragraph (3) after such cessation.

"(d) SPECIAL RULES FOR PENSION PLAN CONTRACTS.—

"(1) TREATMENT AS PAYING ANNUITY.—A pension plan contract which is not a life, accident, or health, property, casualty, or liability insurance contract shall be treated as a contract which provides for the payment of annuities for purposes of subsection (c).

"(2) BASIS OF ASSETS HELD FOR PENSION PLAN CONTRACT.—In the case of pension plan contracts which are variable contracts, the basis of each asset in a segregated asset account shall (in addition to all other adjustments to basis) be—

"(A) increased by the amount of any appreciation in value, and

"(B) decreased by the amount of any depreciation in value,

to the extent that such appreciation and depreciation are from time to time reflected in the increases and decreases in reserves or other items referred to in subsection (a) with respect to such contracts.

"(e) OTHER SPECIAL RULES.—

"(1) LIFE INSURANCE RESERVES.—For purposes of subsection (b)(1)(A) of section 816, the reflection of the investment return and the market value of the segregated asset account shall be considered an assumed rate of interest.

"(2) ADDITIONAL SEPARATE COMPUTATIONS.—Under regulations prescribed by the Secretary, such additional separate computations shall be made, with respect to the items separately accounted for in accordance with subsection (b), as may be necessary to carry out the purposes of this section and this part.

"(f) VARIABLE ANNUITY CONTRACTS TREATED AS ANNUITY CONTRACTS.—For purposes of this part, the term 'annuity contract' includes a contract which provides for the payment of a variable annuity computed on the basis of—

"(1) recognized mortality tables, and

"(2)(A) the investment experience of a segregated asset account, or

"(B) the company-wide investment experience of the company.

Paragraph (2)(B) shall not apply to any company which issues contracts which are not variable contracts.

"SEC. 818. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) PENSION PLAN CONTRACTS.—For purposes of this part, the term 'pension plan contract' means any contract—

"(1) entered into with trusts which (as of the time the contracts were entered into) were deemed to be—

"(A) trusts described in section 401(a) and exempt from tax under section 501(a), or

"(B) trusts exempt from tax under section 165 of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws;

"(2) entered into under plans which (as of the time the contracts were entered into) were deemed to be plans described in section 403(a), or plans meeting the requirements of paragraphs (3), (4), (5), and (6) of section 165(a) of the Internal Revenue Code of 1939;

"(3) provided for employees of the life insurance company under a plan which, for the taxable year, meets the requirements of paragraphs (3), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), (19), (20), and (22) of section 401(a);

"(4) purchased to provide retirement annuities for its employees by an organization which (as of the time the contracts were purchased) was an organization described in section 501(c)(3) which was exempt from tax under section 501(a) or was an organiza-

tion exempt from tax under section 101(6) of the Internal Revenue Code of 1939 or the corresponding provisions of prior revenue laws, or purchased to provide retirement annuities for employees described in section 403(b)(1)(A)(ii) by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing;

"(5) entered into with trusts which (at the time the contracts were entered into) were individual retirement accounts described in section 408(a) or under contracts entered into with individual retirement annuities described in section 408(b); or

"(6) purchased by—

"(A) a governmental plan (within the meaning of section 414(d)), or

"(B) the Government of the United States, the government of any State or political subdivision thereof, or by any agency or instrumentality of the foregoing, for use in satisfying an obligation of such government, political subdivision, or agency or instrumentality to provide a benefit under a plan described in subparagraph (A).

"(b) TREATMENT OF CAPITAL GAINS AND LOSSES, ETC.—In the case of a life insurance company—

"(1) in applying section 1231(a), the term 'property used in the trade or business' shall be treated as including only—

"(A) property used in carrying on an insurance business, of a character which is subject to the allowance for depreciation provided in section 167, held for more than 1 year, and real property used in carrying on an insurance business, held for more than 1 year, which is not described in section 1231(b)(1)(A), (B), or (C), and

"(B) property described in section 1231(b)(2), and

"(2) in applying section 1221(2), the reference to property used in trade or business shall be treated as including only property used in carrying on an insurance business.

"(c) GAIN ON PROPERTY HELD ON DECEMBER 31, 1958 AND CERTAIN SUBSTITUTED PROPERTY ACQUIRED AFTER 1958.—

"(1) PROPERTY HELD ON DECEMBER 31, 1958.—In the case of property held by the taxpayer on December 31, 1958, if—

"(A) the fair market value of such property on such date exceeds the adjusted basis for determining gain as of such date, and

"(B) the taxpayer has been a life insurance company at all times on and after December 31, 1958,

the gain on the sale or other disposition of such property shall be treated as an amount (not less than zero) equal to the amount by which the gain (determined without regard to this subsection) exceeds the difference between the fair market value on December 31, 1958, and the adjusted basis for determining gain as of such date.

"(2) CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 1958.—In the case of property acquired after December 31, 1958, and having a substituted basis (within the meaning of section 1016(b))—

"(A) for purposes of paragraph (1), such property shall be deemed held continuously by the taxpayer since the beginning of the holding period thereof, determined with reference to section 1223,

"(B) the fair market value and adjusted basis referred to in paragraph (1) shall be that of that property for which the holding period taken into account includes December 31, 1958,

"(C) paragraph (1) shall apply only if the property or properties the holding periods of which are taken into account were held only by life insurance companies after December 31, 1958, during the holding periods so taken into account,

"(D) the difference between the fair market value and adjusted basis referred to in paragraph (1) shall be reduced (to not less than zero) by the excess of (i) the gain that would have been recognized but for this subsection on all prior sales or dispositions after December 31, 1958, of properties referred to in subparagraph (C), over (ii) the gain that was recognized on such sales or other dispositions, and

"(E) the basis of such property shall be determined as if the gain which would have been recognized but for this subsection were recognized gain.

"(3) PROPERTY DEFINED.—For purposes of paragraphs (1) and (2), the term 'property' does not include insurance and annuity contracts and property described in paragraph (1) of section 1221.

"(d) INSURANCE OR ANNUITY CONTRACT INCLUDES CONTRACTS SUPPLEMENTARY THERETO.—For purposes of this part, the term 'insurance or annuity contract' includes any contract supplementary thereto.

"(e) SPECIAL RULE FOR CONSOLIDATED RETURNS.—If an election under section 1504(c)(2) is in effect with respect to an affiliated group for the taxable year, all items of the members of such group which are not life insurance companies shall not be taken into account in determining the amount of the tentative LICTI of members of such group which are life insurance companies.

"(f) ALLOCATION OF CERTAIN ITEMS FOR PURPOSES OF FOREIGN TAX CREDIT, ETC.—

"(1) IN GENERAL.—Under regulations, in applying sections 861, 862, and 863 to a life insurance company, the deduction for policyholder dividends (determined under section 808(c)), reserve adjustments under subsections (a) and (b) of section 807, and death benefits and other amounts described in section 805(a)(1) shall be treated as items which cannot definitely be allocated to an item or class of gross income.

"(2) ELECTION OF ALTERNATIVE ALLOCATION.—

"(A) IN GENERAL.—On or before September 15, 1984, any life insurance company may elect to threat items described in paragraph (1) is properly apportioned or allocated among items of gross income to the extent (and in the manner prescribed in regulations.

"(B) ELECTION IRREVOCABLE.—Any election under subparagraph (A), once made, may be revoked only with the consent of the Secretary."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subclause (IV) of section 72(e)(5)(D)(i) is amended by striking out "section 805(d)(3)" and inserting in lieu thereof "section 818(a)(3)".

(2) Subsection (a) of section 80 (relating to restoration of value of certain securities) is amended by striking out "802" and inserting in lieu thereof "801".

(3)(A) Subparagraph (C) of section 243(b)(3) (relating to effect of election) is amended by striking out clause (iii), by adding "and" at the end of clause (ii), and by redesignating clause (iv) as clause (iii).

(B) Paragraph (6) of section 243(b) (relating to special rules for insurance companies) is amended by striking out "section 802" and inserting in lieu thereof "section 801".

(4) Subsection (d) of section 381 (relating to carryover in certain corporate acquisitions) is amended by striking out "section 812(f)" and inserting in lieu thereof "section 810".

(5) Paragraph (24) of section 401(a) (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by striking out "section 805(d)(6)" and inserting in lieu thereof "section 818(a)(6)".

(6)(A) Paragraph (1) of section 453B(e) (relating to life insurance companies) is amended by striking out "section 801(a)" and inserting in lieu thereof "section 816(a)".

(B) Paragraph (2) of section 453B(e) is amended to read as follows:

"(2) SPECIAL RULE WHERE LIFE INSURANCE COMPANY ELECTS TO TREAT INCOME AS NOT RELATED TO INSURANCE BUSINESS.—Paragraph (1) shall not apply to any transfer or deemed transfer of an installment obligation if the life insurance company elects (at such time and in such manner as the Secretary may by regulations prescribe) to determine its life insurance company taxable income—

"(A) by returning the income on such installment obligation under the installment method prescribed in section 453, and

"(B) as if such income were an item attributable to a noninsurance business (as defined in section 806(c)(3))."

(7) Paragraph (5) of section 542(b) (relating to certain dividend income received from a nonincludible life insurance company) is amended by striking out "section 802" and inserting in lieu thereof "section 801".

(8) Subsection (b) of section 594 (relating to alternative tax for mutual savings banks conducting life insurance business) is amended by striking out "section 801" and inserting in lieu thereof "section 816".

(9) Paragraph (4) of section 832(b) (defining premiums earned) is amended by striking out "section 801(b)" and inserting in lieu thereof "section 816(b) but determined as provided in section 807" and by striking out "section 801" and inserting in lieu thereof "section 816".

(10) Section 841 (relating to credit for foreign taxes) is amended—

(A) by striking out "section 802," each place it appears and inserting in lieu thereof "section 801,", and

(B) by striking out "section 802(b)" and inserting in lieu thereof "section 801(b)".

(11)(A) Subsection (a) of section 844 (relating to special loss carryover rules) is amended—

(i) by striking out "section 812," and inserting in lieu thereof "section 810 (or the corresponding provisions of prior law),", and

(ii) by striking out "section 812(a)" and inserting in lieu thereof "section 810(a)".

(B) Subsection (b) of section 844 is amended—

(i) by striking out "section 812(a)" and inserting in lieu thereof "section 810(a)", and

(ii) by striking out "section 812(b)(1)(C)" in paragraph (2) and inserting in lieu thereof "section 810(b)(1)(C)".

(12) Section 891 (relating to doubling of rates of tax on citizens and corporations of certain foreign countries) is amended by striking out "802" and inserting in lieu thereof "801".

(13)(A) Subsection (b) of section 953 (relating to income from insurance of United States risks) is amended by striking out paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Paragraph (2) of section 953(b), as redesignated by subparagraph (A), is amended to read as follows:

"(2) The following provisions of subchapter L shall not apply:

"(A) The special life insurance company deduction and the small life insurance company deduction.

"(B) Section 805(a)(5) (relating to operations loss deduction).

"(C) Section 832(c)(5) (relating to certain capital losses)."

(C) Paragraph (3) of section 953(b), as redesignated by subparagraph (A), is amended by—

(i) striking out "section 809(c)(1)" and inserting in lieu thereof "section 803(a)(1)", and

(ii) by striking out "section 809(c)(2)" and inserting in lieu thereof "section 803(a)(2)", and

(iii) by striking out "section 809(d)(2)" and inserting in lieu thereof "section 805(a)(2)".

(D) Paragraph (2) of section 953(a) is amended by striking out ", (2), and (3)" and inserting in lieu thereof "and (2)".

(E) Paragraph (4) of section 953(b), as redesignated by subparagraph (A), is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (3)".

(14) Paragraph (17) of section 1016(a) is amended by striking out "section 818(b)" each place it appears and inserting in lieu thereof "section 811(b)".

(15) Paragraph (1) of section 1035(b) (defining endowment contract) is amended by striking out "section 801" and inserting in lieu thereof "section 816".

(16) Paragraph (1) of section 1201(b) (relating to cross references) is amended by striking out "section 802(a)(2)" and inserting in lieu thereof "section 801(a)(2)".

(17) Subparagraph (B) of section 1232A(c)(4) (relating to original issue discount) is amended by striking out "section 818(b)" and inserting in lieu thereof "section 811(b)".

(18)(A) Paragraph (1) of section 1351(a) (relating to treatment of recoveries of foreign expropriation losses) is amended by striking out "802" each place it appears and inserting in lieu thereof "801".

(B) Paragraph (2) of section 1351(c) (relating to amount of recovery) is amended by striking out "section 810(c)" and inserting in lieu thereof "section 807(c)".

(C) Paragraph (3) of section 1351(i) (relating to adjustments for succeeding years) is amended by striking out "section 812" and inserting in lieu thereof "section 810".

(19)(A) Subsection (c) of section 1503 (relating to special rules for application of certain losses against income of insurance companies taxed under section 802) is amended by striking out "section 802" each place it appears and inserting in lieu thereof "section 801".

(B) Paragraph (1) of section 1503(c) is amended by striking out the third sentence.

(C) The subsection heading of section 1503(c) is amended by striking out "SECTION 802" and inserting in lieu thereof "SECTION 801".

(20) Subsections (b)(2), (c)(1), and (c)(2)(A) of section 1504 (defining affiliated group) are each amended by striking out "section 802" and inserting in lieu thereof "section 801".

(21)(A) Subsection (a) of section 1561 (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) is amended—

(i) by striking out paragraphs (3) and (4), by adding "and" at the end of paragraph (1), and by striking out the comma at the end of paragraph (2) and inserting in lieu thereof a period, and

(ii) by striking out "paragraphs (2), (3), and (4)" in the last sentence and inserting in lieu thereof "paragraph (2)".

(B) Subsection (b) of section 1561 is amended—

(i) by striking out paragraphs (3) and (4) and by adding "and" at the end of paragraph (1), and

(ii) by striking out ", (2), (3), or (4)" and inserting in lieu thereof "or (2)".

(22) Subsections (a)(4) and (b)(2)(D) of section 1563 (defining controlled group of corporations) are each amended by striking out "section 802" and inserting in lieu thereof "section 801".

(23) Paragraph (2) of section 4371 (relating to imposition of tax on policies issued by foreign insurers) is amended by striking out "section 819" and inserting in lieu thereof "section 813".

(24)(A) Subsection (c) of section 6501 (relating to limitations on assessment and collection) is amended by striking out paragraph (6) and by redesignating paragraph (7) as paragraph (6).

(B) Subsection (k) of section 6501 (relating to reductions of policyholders surplus account of life insurance companies) is hereby repealed.

(25) Subsection (d) of section 6511 (relating to limitations on credit or refund) is amended by striking out paragraph (6) and by redesignating paragraph (7) as paragraph (6).

(26) Subsection (d) of section 6601 (relating to interest on underpayments, etc.) is amended by striking out paragraph (3) and by redesignating paragraph (4) as paragraph (3).

(27) Subsection (f) of section 6611 (relating to interest on overpayments) is amended by striking out paragraph (4).

PART II—EFFECTIVE DATE; TRANSITIONAL RULES

Subpart A—Effective Date

SEC. 215. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to taxable years beginning after December 31, 1983.

Subpart B—Transitional Rules

SEC. 216. RESERVES COMPUTED ON NEW BASIS; FRESH START.

(a) IN GENERAL.—As of the beginning of the first taxable year beginning after December 31, 1983, for purposes of part I of subchapter L of the Internal Revenue Code of 1954 (other than section 816 thereof), the reserve for any contract shall be recomputed as if amendments made by this subtitle had applied to such contract when it was issued.

(b) FRESH START.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of any life insurance company, any change in the method of accounting (and any change in the method of computing reserves) between such company's first taxable year beginning after December 31, 1983, and the preceding taxable year which is required solely by the amendments made by this subtitle shall be treated as not being a change in the method of accounting (or change in the method of computing reserves) for purposes of the Internal Revenue Code of 1954.

(2) NO ADJUSTMENTS FROM YEARS BEFORE 1984 TAKEN INTO ACCOUNT AFTER 1983.—No adjustment under section 810(d) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) attributable to a change in a taxable year beginning before 1984 shall be taken into account in any taxable year beginning after 1983.

(3) REINSURANCE AGREEMENTS ENTERED INTO AFTER SEPTEMBER 27, 1983.—Paragraph (1) shall not apply (and section 807(f) of the Internal Revenue Code of 1954 as amended by this subtitle shall apply) to any reserve for risks transferred (or expenses transferred) pursuant to a reinsurance agreement entered into, modified, or terminated after September 27, 1983 (or to any reserve strengthening). Any amount included in income under section 807(f) of such Code by reason of the preceding sentence (and any income attributable to transferred expenses described in the preceding sentence) shall not be taken into account for purposes of determining the amount of the special life insurance company deduction and the small life insurance company deduction.

SEC. 217. OTHER SPECIAL RULES.

(a) NEW SECTION 814 TREATED AS CONTINUATION OF SECTION 819A.—For purposes of section 814 of the Internal Revenue Code of 1954—

(1) any election under section 819A of such Code (as in effect on the day before the date of the enactment of this Act) shall be treated as an election under such section 814, and

(2) any reference to a provision of such section 814 shall be treated as including a reference to the corresponding provision of such section 819A.

(b) TREATMENT OF ELECTIONS UNDER SECTION 453B(e)(2).—If an election is made under section 453B(e)(2) before January 1, 1984, with respect to any installment obligation, any income from such obligation shall be treated as attributable to a noninsurance business (as defined in section 806(c)(3) of the Internal Revenue Code of 1954).

(c) STATES WHICH DETERMINE ANNUITY RESERVES WITHOUT REDUCTION FOR SURRENDER CHARGES.—If in determining minimum reserves for annuity contracts a State does not reduce such reserves for surrender charges and such State has continuously pursued this practice since September 27, 1983, then any life insurance company domiciled in such State may adjust the amount determined under section 807(d)(2) of the Internal Revenue Code of 1954 as a tax reserve for such contract by taking into account the reasonable surrender charges on such contract.

(d) DETERMINATION OF TENTATIVE LICTI WHERE CORPORATION MADE CERTAIN ACQUISITIONS IN 1980, 1981, AND 1982.—If—

(1) a corporation domiciled in Alabama, Oklahoma, or Texas acquired the assets of 1 or more insurance companies after 1979 and before April 1, 1983,

(2) the names of acquiring and acquired corporations were set forth in submissions dated before October 19, 1983, and

(3) the bases of such assets in the hands of the corporation were determined under section 334(b)(2) of the Internal Revenue Code of 1954 or such corporation made an election under section 338 of such Code with respect to such assets,

then the tentative LICTI of the corporation holding such assets for taxable years beginning after December 31, 1983, shall, for purposes of determining the amount of the special deductions under section 806 of such Code, be increased by the deduction allowable under chapter 1 of such Code for the amortization of the cost of insurance contracts acquired in such asset acquisition (and any portion of any operations loss deduction attributable to such amortization).

(e) SPECIAL RULE FOR ALLOCATION IN CASE OF REINSURANCE AGREEMENTS.—Subsection (d) of section 811 of the Internal Revenue Code of 1954 (as amended by this title) shall

not apply with respect to any contract issued before September 27, 1983, which is reinsured before such date under a reinsurance agreement entered into before such date.

(f) TREATMENT OF CERTAIN COMPANIES OPERATING BOTH AS STOCK AND MUTUAL COMPANY.—If during the 10-year period ending on December 31, 1983, a company has, as authorized by the law of the State in which the company is domiciled, been operating as a mutual life insurance company with shareholders—

(1) except as provided in paragraph (2), such company shall be treated as a stock life insurance company, and

(2) with respect to the mutual portion of its equity base, such company shall be treated as a mutual life insurance company for purposes of sections 808(c)(2) and 809 of the Internal Revenue Code of 1954.

For purposes of the preceding sentence, the mutual portion for any calendar year of items of gain from operations, equity base, dividends to policyholders, assets, and reserves, and of other items shall be determined in the same manner as prescribed for reports filed by such company with State insurance regulatory authorities.

(g) TREATMENT OF CERTAIN ASSESSMENT LIFE INSURANCE COMPANIES.—

(1) MORTALITY AND MORBIDITY TABLES.—In the case of a contract issued by an assessment life insurance company, the mortality and morbidity tables used in computing statutory reserves for such contract shall be used for purposes of paragraph (2)(C) of section 807(d) of the Internal Revenue Code of 1954 (as amended by this subtitle) if—

(A) such tables were in use since 1965, and

(B) such tables were developed on the basis of the experience of assessment life insurance companies in the State in which such assessment life insurance company is domiciled.

(2) TREATMENT OF CERTAIN MUTUAL ASSESSMENT LIFE INSURANCE COMPANIES.—In the case of any contract issued by a mutual assessment life insurance company which—

(A) has been in existence since 1965, and

(B) operates under chapter 13 or 14 of the Texas Insurance Code,

for purposes of part I of subchapter L of chapter 1 of the Internal Revenue Code of 1954, the amount of the life insurance reserves for such contract shall be equal to the amount taken into account with respect to such contract in determining statutory reserves.

(3) STATUTORY RESERVES.—For purposes of this subsection, the term "statutory reserves" has the meaning given to such term by section 809(b)(4)(B) of such Code.

(h) TREATMENT OF REINSURANCE AGREEMENTS REQUIRED BY NAIC.—Effective for taxable years beginning after December 31, 1981, and before January 1, 1984, subsections (c)(1)(F) and (d)(12) of section 809 of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act) shall not apply to dividends to policyholders reimbursed to the taxpayer by a reinsurer in respect of accident and health policies reinsured under a reinsurance agreement entered into before June 30, 1955, pursuant to the direction of the National Association of Insurance Commissioners and approved by the State insurance commissioner of the taxpayer's State of domicile. For purposes of subchapter L of chapter 1 of such Code (as in effect on the day before the date of the enactment of this Act) any such dividends shall be treated as dividends of the reinsurer and not the taxpayer.

Subtitle B—Taxation of Life Insurance Products

SEC. 221. DEFINITION OF LIFE INSURANCE CONTRACT.

(a) GENERAL RULE.—Chapter 79 (relating to definitions) is amended by adding at the end thereof the following new section:

"SEC. 7702. LIFE INSURANCE CONTRACT DEFINED.

"(a) GENERAL RULE.—For purposes of this title, the term 'life insurance contract' means any contract which is a life insurance contract under the applicable law, but only if such contract—

"(1) meets the cash value accumulation test of subsection (b), or

"(2)(A) meets the guideline premium requirements of subsection (c), and

"(B) falls within the cash value corridor of subsection (d).

"(b) CASH VALUE ACCUMULATION TEST FOR SUBSECTION (a)(1).—

"(1) IN GENERAL.—A contract meets the cash value accumulation test of this subsection if, by the terms of the contract, the cash surrender value of such contract may not at any time exceed the net single premium which would have to be paid at such time to fund future benefits under the contract.

"(2) RULES FOR APPLYING PARAGRAPH (1).—Determinations under paragraph (1) shall be made—

"(A) on the basis of interest at the greater of an annual effective rate of 4 percent or the rate or rates guaranteed on issuance of the contract, and

"(B) on the basis of the rules of subparagraphs (B)(i) and (C) (and, in the case of qualified additional benefits, subparagraph (B)(ii)) of subsection (c)(3).

"(c) GUIDELINE PREMIUM REQUIREMENTS.—For purposes of this section—

"(1) IN GENERAL.—A contract meets the guideline premium requirements of this subsection if the sum of the premiums paid under such contract does not at any time exceed the guideline premium limitation as of such time.

"(2) GUIDELINE PREMIUM LIMITATION.—The term 'guideline premium limitation' means, as of any date, the greater of—

"(A) the guideline single premium, or

"(B) the sum of the guideline level premiums to such date.

"(3) GUIDELINE SINGLE PREMIUM.—

"(A) IN GENERAL.—The term 'guideline single premium' means the premium at issue with respect to future benefits under the contract.

"(B) BASIS ON WHICH DETERMINATION IS MADE.—The determination under subparagraph (A) shall be based on—

"(i) the mortality charges specified in the contract (or, if none is specified, the mortality charges used in determining the statutory reserves for such contract),

"(ii) any charges (not taken into account under clause (i)) specified in the contract (the amount of any charge not so specified shall be treated as zero), and

"(iii) interest at the greater of an annual effective rate of 6 percent or the minumum rate or rates guaranteed on issuance of the contract.

"(C) WHEN DETERMINATION MADE.—Except as provided in subsection (f)(7), the determination under subparagraph (A) shall be made as of the time the contract is issued.

"(4) GUIDELINE LEVEL PREMIUM.—The term 'guideline level premium' means the level annual amount, payable over a period not ending before the insured attains age 95, computed on the same basis as the guideline single premium, except that paragraph (3)(B)(iii) shall be applied by substituting '4 percent' for '6 percent'.

"(d) CASH VALUE CORRIDOR FOR PURPOSES OF SUBSECTION (a)(2)(B).—For purposes of this section—

"(1) IN GENERAL.—A contract falls within the cash value corridor of this subsection if the death benefit under the contract at any time is not less than the applicable percentage of the cash surrender value.

"(2) APPLICABLE PERCENTAGE.—

"In the case of an insured with an attained age as of the beginning of the contract year of:		The applicable percentage shall decrease by a ratable portion for each full year:	
More than:	But not more than:	From	To:
0	40	250	250
40	45	250	215
45	50	215	185
50	55	185	150
55	60	150	130
60	65	130	120
65	70	120	115
70	75	115	105
75	90	105	105
90	95	105	100.

"(e) COMPUTATIONAL RULES.—

"(1) IN GENERAL.—For purposes of this section—

"(A) the death benefit (and any qualified additional benefit) shall be deemed not to increase,

"(B) the maturity date shall be no earlier than the day on which the insured attains age 95, and

"(C) the amount of any endowment benefit (or sum of endowment benefits) shall be deemed not to exceed the least amount payable as a death benefit at any time under the contract.

"(2) LIMITED INCREASES IN DEATH BENEFIT PERMITTED.—Notwithstanding paragraph (1)(A)—

"(A) for purposes of computing the guideline level premium, an increase in the death benefit which is provided in the contract may be taken into account but only to the extent necessary to prevent a decrease in the excess of the death benefit over the cash surrender value of the contract, and

"(B) for purposes of the cash value accumulation test, the increase described in subparagraph (A) may be taken into account if the cash surrender value of the contract may not at any time exceed the net level reserve (determined as if level annual premiums were paid for the contract over a period not ending before the insured attains age 95).

"(f) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) PREMIUMS PAID.—

"(A) IN GENERAL.—The term 'premiums paid' means the premiums paid under the contract less amounts (other than amounts includible in gross income) to which section 72(e) applies.

"(B) TREATMENT OF CERTAIN PREMIUMS RETURNED TO POLICYHOLDER.—If, in order to comply with the requirements of subsection (a)(2)(A), any portion of any premium paid during any contract year is returned by the insurance company (with interest) within 60 days after the end of a contract year, the amount so returned (excluding interest) shall be deemed to reduce the sum of the premiums paid under the contract during such year.

"(C) INTEREST RETURNED INCLUDIBLE IN GROSS INCOME.—Notwithstanding the provisions of section 72(e), the amount of any interest returned as provided in subparagraph

(B) shall be includible in the gross income of the recipient.

"(2) CASH VALUES.—

"(A) CASH SURRENDER VALUE.—The cash surrender value of any contract shall be its cash value determined without regard to any surrender charge, policy loan, or reasonable termination dividends.

"(B) NET SURRENDER VALUE.—The net surrender value of any contract shall be determined with regard to surrender charges but without regard to any policy loan.

"(3) DEATH BENEFIT.—The term 'death benefit' means the amount payable by reason of the death of the insured (determined without regard to any qualified additional benefits).

"(4) FUTURE BENEFITS.—The term 'future benefits' means death benefits and endowment benefits.

"(5) QUALIFIED ADDITIONAL BENEFITS.—

"(A) IN GENERAL.—The term 'qualified additional benefits' means any—

"(i) guaranteed insurability,

"(ii) accidental death or disability benefit,

"(iii) family term coverage,

"(iv) disability waiver benefit, or

"(v) any other benefit prescribed under regulations.

"(B) TREATMENT OF QUALIFIED ADDITIONAL BENEFITS.—For purposes of this section, qualified additional benefits shall not be treated as future benefits under the contract, but the charges for such benefits shall be treated as future benefits.

"(C) TREATMENT OF OTHER ADDITIONAL BENEFITS.—In the case of any additional benefit which is not a qualified additional benefit—

"(i) such benefit shall not be treated as a future benefit, and

"(ii) any charge for such benefit which is not prefunded shall not be treated as a premium.

"(6) PREMIUM PAYMENTS NOT DISQUALIFYING CONTRACT.—The payment of a premium which would result in the sum of the premiums paid exceeding the guideline premium limitation shall be disregarded for purposes of subsection (a)(2) if the amount of such premium does not exceed the amount necessary to prevent the termination of the contract on or before the end of the contract year (but only if the contract will have no cash surrender value at the end of such extension period).

"(7) ADJUSTMENTS.—

"(A) IN GENERAL.—In the event of a change in the future benefits or any qualified additional benefit (or in any other terms) under the contract which was not reflected in any previous determination made under this section, under regulations prescribed by the Secretary there shall be proper adjustments in future determinations made under this section.

"(B) CERTAIN CHANGES TREATED AS EXCHANGE.—In the case of any change which reduces the future benefits under the contract, such change shall be treated as an exchange of the contract for another contract.

"(8) CORRECTION OF ERRORS.—If the taxpayer establishes to the satisfaction of the Secretary that—

"(A) the requirements described in subsection (a) for any contract year were not satisfied due to reasonable error, and

"(B) reasonable steps are being taken to remedy the error,

the Secretary may waive the failure to satisfy such requirements.

"(9) SPECIAL RULE FOR VARIABLE LIFE INSURANCE CONTRACTS.—In the case of any contract which is a variable contract (as defined in section 817), the determination of whether such contract meets the requirements of subsection (a) shall be made whenever the death benefits under such contract change but not less frequently than once during each 12-month period.

"(g) TREATMENT OF CONTRACTS WHICH DO NOT MEET SUBSECTION (a) TEST.—

"(1) INCOME INCLUSION.—

"(A) IN GENERAL.—If at any time any contract which is a life insurance contract under the applicable law does not meet the definition of life insurance contract under subsection (a), the income on the contract for any taxable year of the policyholder shall be treated as ordinary income received or accrued by the policyholder during such year.

"(B) INCOME ON THE CONTRACT.—For purposes of this paragraph, the term 'income on the contract' means, with respect to any taxable year of the policyholder, the excess of—

"(i) the sum of—

"(I) the increase in the net surrender value of the contract during the taxable year, and

"(II) the cost of life insurance protection provided under the contract during the taxable year, over

"(ii) the amount of premiums paid under the contract during the taxable year reduced by any policyholder dividends received during such taxable year.

"(C) CONTRACTS WHICH CEASE TO MEET DEFINITION.—If, during any taxable year of the policyholder, a contract which is a life insurance contract under the applicable law ceases to meet the definition of life insurance contract under subsection (a), the income on the contract for all prior taxable years shall be treated as received or accrued during the taxable year in which such cessation occurs.

"(D) COST OF LIFE INSURANCE PROTECTION.—For purposes of this paragraph, the cost of life insurance protection provided under the contract shall be the lesser of—

"(i) the cost of individual insurance on the life of the insured as determined on the basis of uniform premiums (computed on the basis of 5-year age brackets) prescribed by the Secretary by regulations, or

"(ii) the mortality charge (if any) stated in the contract.

"(2) TREATMENT OF AMOUNT PAID ON DEATH OF INSURED.—If any contract which is a life insurance contract under the applicable law does not meet the definition of life insurance contract under subsection (a), the excess of the amount paid by the reason of the death of the insured over the net surrender value of the contract shall be deemed to be paid under a life insurance contract for purposes of section 101 and subtitle B.

"(3) CONTRACT CONTINUES TO BE TREATED AS INSURANCE CONTRACT.—If any contract which is a life insurance contract under the applicable law does not meet the definition of life insurance contract under subsection (a), such contract shall, notwithstanding such failure, be treated as an insurance contract for purposes of this title.

"(h) ENDOWMENT CONTRACTS RECEIVE SAME TREATMENT.—

"(1) IN GENERAL.—References in subsections (a) and (g) to a life insurance contract shall be treated as including references to a contract which is an endowment contract under the applicable law.

"(2) DEFINITION OF ENDOWMENT CONTRACT.—For purposes of this title (other than paragraph (1)), the term 'endowment contract' means a contract which is an endowment contract under the applicable law and which meets the requirements of subsection (a).

"(i) TRANSITIONAL RULE FOR CONTRACTS ISSUED DURING 1984 OR PURSUANT TO EXISTING PLANS OF INSURANCE.—

"(1) CONTRACTS ISSUED DURING 1984.—In the case of any contract which is issued during 1984, such contract shall be treated as meeting the requirements of subsection (a) if—

"(A) such contract would meet the requirements of section 101(f), or

"(B) such contract is not a flexible premium life insurance contract (within the meaning of section 101(f)) and would meet the requirements of subsection (a) determined by substituting '3 percent' for '4 percent' in subsection (b)(2) of this section.

"(2) CERTAIN CONTRACTS ISSUED PURSUANT TO EXISTING PLANS OF INSURANCE.—

"(A) IN GENERAL.—In the case of a qualified 20-pay contract, this section shall be applied by substituting '3 percent' for '4 percent' in subsection (b)(2).

"(B) QUALIFIED 20-PAY CONTRACT.—For purposes of subparagraph (A), the term 'qualified 20-pay contract' means any contract which—

"(i) requires at least 20 nondecreasing annual premium payments, and

"(ii) is issued pursuant to an existing plan of insurance.

"(C) EXISTING PLAN OF INSURANCE.—For purposes of subparagraph (B)(ii), the term 'existing plan of insurance' means, with respect to any contract, any plan of insurance which was filed by the company issuing such contract in 1 or more States before September 28, 1983, and is on file in the appropriate State for such contract.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 101(f) is amended by striking out "flexible premium life insurance contract" and inserting in lieu thereof "flexible premium life insurance contract issued before January 1, 1984".

(2) The subsection heading of subsection (f) of section 101 is amended by striking out "FLEXIBLE PREMIUM CONTRACTS" and inserting in lieu thereof "FLEXIBLE PREMIUM CONTRACTS ISSUED BEFORE JANUARY 1, 1984".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 79 is amended by adding at the end thereof the following new item:

"Sec. 7702. Life insurance contract defined."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts issued after December 31, 1983, in taxable years ending after such date.

SEC. 222. TREATMENT OF CERTAIN ANNUITY CONTRACTS.

(a) PENALTY ON PREMATURE DISTRIBUTIONS.—Paragraph (1) of section 72(q) (relating to 5-percent penalty for premature distributions from annuity contracts) is amended to read as follows:

"(1) IMPOSITION OF PENALTY.—If any taxpayer receives any amount under an annuity contract, the taxpayer's tax under this chapter for the taxable year in which such amount is received shall be increased by an amount equal to 5 percent of the portion of such amount which is includible in gross income."

(b) AMOUNT OF ANNUITY CONTRACT TREATED AS DISTRIBUTED WHERE HOLDER DIES BEFORE ANNUITY STARTING DATE.—Section

72 (relating to annuities; certain proceeds of endowment and life insurance contracts) is amended by redesignating subsection (s) as subsection (t) and by inserting after subsection (r) the following new subsection:

"(s) AMOUNT OF ANNUITY CONTRACT TREATED AS DISTRIBUTED WHERE HOLDER DIES BEFORE ANNUITY STARTING DATE.—

"(1) IN GENERAL.—If the holder of any annuity contract dies before the annuity starting date, an amount equal to the cash surrender value of such contract (determined without regard to any surrender charge) shall be treated as paid to such holder immediately before his death.

"(2) EXCEPTION FOR CONTRACTS UNDER QUALIFIED PLANS.—This subsection shall not apply to any annuity contract described in subsection (e)(5)(D).

"(3) BASIS ADJUSTMENT.—For purposes of this section, in the case of any contract under which paragraph (1) applied, the amount includible in gross income by reason of paragraph (1) shall be treated as a premium paid for such contract.

"(4) PENALTY NOT TO APPLY.—Subsection (q) shall not apply to any amount includible in gross income by reason of this subsection."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts issued after the day which is 6 months after the date of the enactment of this Act in taxable years ending after such date.

SEC. 223. LIMITATION ON INTEREST DEDUCTION IN CASE OF LIFE INSURANCE LOANS.

(a) GENERAL RULE.—Section 264 (relating to certain amounts paid in connection with insurance contracts) is amended by adding at the end thereof the following new subsection:

"(d) LIMITATION ON INTEREST DEDUCTION IN THE CASE OF LIFE INSURANCE LOANS.—

"(1) IN GENERAL.—The amount otherwise allowable as a deduction under this chapter for life insurance interest shall not exceed the applicable limit for the taxable year.

"(2) APPLICABLE LIMIT.—For purposes of this subsection—

"(A) IN GENERAL.—The applicable limit for any taxable year is an amount equal to the product of—

"(i) the applicable dollar amount for the taxable year, multiplied by

"(ii) the annual rate prescribed under section 6621 which is in effect as of the first day of the taxable year.

"(B) INDEFINITE CARRYOVER OF UNUSED LIMIT.—If the applicable limit for any taxable year exceeds the amount of the life insurance interest paid or accrued during such taxable year, the amount of the applicable limit for the succeeding taxable year shall be increased by the amount of such excess.

"(3) APPLICABLE DOLLAR AMOUNT.—

"(A) INDIVIDUALS.—In the case of an individual, the applicable dollar amount for any taxable year shall be $250,000 ($500,000 in the case of a joint return).

"(B) CORPORATIONS, ETC.—

"(i) IN GENERAL.—In the case of any corporation, partnership, proprietorship, or other entity engaged in a trade or business, the applicable dollar amount shall be $500,000 times the number of qualified lives.

"(ii) QUALIFIED LIVES.—For purposes of clause (i), the term 'qualified life' means any individual if—

"(I) such corporation, partnership, proprietorship, or other entity had a policy of life insurance (other than term) on the life of such individual at some time during the taxable year, and

"(II) the face amount of such insurance policy was not less than 10 percent of the highest face amount of any whole life insurance policy carried by such corporation or other entity on the life of any employee.

For purposes of the preceding sentence, a proprietor shall be treated as an employee of the proprietorship.

"(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) LIFE INSURANCE INTEREST.—The term 'life insurance interest' means any interest paid or accrued on a life insurance loan which (without regard to this subsection) is allowable as a deduction under this chapter for the taxable year.

"(B) LIFE INSURANCE LOAN.—Except as provided in subparagraph (C), the term 'life insurance loan' means any indebtedness—

"(i) incurred under a life insurance, endowment, or annuity contract,

"(ii) secured by a life insurance, endowment, or annuity contract, or

"(iii) incurred or continued to purchase or carry a life insurance, endowment, or annuity contract.

Such term shall not include any indebtedness the interest on which is not allowable as a deduction under this chapter for the taxable year (determined without regard to this subsection).

"(C) EXCEPTION FOR LOANS ON POLICIES ISSUED BEFORE SEPTEMBER 28, 1983.—The term 'life insurance loan' shall not include any indebtedness which (but for this subparagraph) would be a life insurance loan if the life insurance, endowment, or annuity contract referred to in subparagraph (B)—

"(i) was issued before September 28, 1983, or

"(ii) was issued on or after such date pursuant to a binding contract entered into before such date."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after September 27, 1983.

SEC. 224. GROUP-TERM LIFE INSURANCE PURCHASED FOR EMPLOYEES.

(a) SECTION 79 EXTENDED TO FORMER EMPLOYEES.—

(1) Section 79 (relating to group-term insurance purchased for employees) is amended by adding at the end thereof the following new subsection:

"(e) EMPLOYEE INCLUDES FORMER EMPLOYEE.—For purposes of this section, the term 'employee' includes a former employee."

(2) Paragraph (1) of section 79(b) is amended to read as follows:

"(1) the cost of group-term life insurance on the life of an individual which is provided under a policy carried directly or indirectly by an employer after such individual has terminated his employment with such employer and is disabled (within the meaning of section 72(m)(7)),".

(b) AMOUNT OF INCLUSION IN CASE OF DISCRIMINATORY PLANS.—Paragraph (1) of section 79(d) (relating to nondiscrimination requirements) is amended to read as follows:

"(1) IN GENERAL.—In the case of a discriminatory group-term life insurance plan—

"(A) subsection (a)(1) shall not apply with respect to any key employee, and

"(B) the cost of group-term life insurance on the life of any key employee shall be determined without regard to subsection (c)."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1983.

(2) EXISTING GROUP-TERM LIFE INSURANCE PLANS.—The amendments made by this section shall not apply to any group-term life insurance plan in existence on September 27, 1983, but only with respect to an individual covered by the plan on such date, and in an amount not in excess of the insurance coverage of such individual on such date.

Subtitle C—Nondeductible Contributions to Individual Retirement Plans

SEC. 231. NONDEDUCTIBLE CONTRIBUTIONS PERMITTED TO INDIVIDUAL RETIREMENT PLANS.

(a) GENERAL RULE.—

(1) NONDEDUCTIBLE LIMIT TAKEN INTO ACCOUNT IN DETERMINING EXCESS CONTRIBUTIONS.—Subparagraph (B) of section 4973(b)(1) (defining excess contributions) is amended to read as follows:

"(B) the sum of the amount allowable as a deduction under section 219 for such contributions plus the nondeductible limit for the taxable year, and".

(2) DEFINITION OF NONDEDUCTIBLE LIMIT.—Section 4973 is amended by adding at the end thereof the following new subsection:

"(d) NONDEDUCTIBLE LIMIT.—

"(1) IN GENERAL.—For purposes of subsection (b), the term 'nondeductible limit' means whichever of the following is the least:

"(A) $1,750,

"(B) the excess of—

"(i) the compensation (as defined in section 219(e)(1)) includible in the individual's gross income for the taxable year, over

"(ii) the maximum amount allowable as a deduction under section 219 for such taxable year to the individual, or

"(C) the amount of the designated nondeductible contributions for the taxable year.

"(2) DESIGNATED NONDEDUCTIBLE CONTRIBUTION.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'designated nondeductible contribution' means any contribution to an individual retirement plan for the taxable year which is designated as a nondeductible contribution.

"(B) DESIGNATION.—Any designation under subparagraph (A) may be made (or revoked) at any time before the last day prescribed by law for filing the return of tax imposed by subtitle A for the taxable year (including extensions thereof).

"(3) SPECIAL RULE FOR SPOUSAL IRA.—In the case of an individual to whom a deduction is allowable under section 219(c) for any taxable year, the nondeductible limit for such year shall be determined by reference to such individual's compensation and shall be allocated between the spouses in such manner as they may designate."

(3) CONFORMING AMENDMENT.—Subparagraph (C) of section 4973(b)(2) is amended to read as follows:

"(C) the excess (if any) of—

"(i) the sum of the maximum amount allowable as a deduction under section 219 for the taxable year plus the nondeductible limit for the taxable year, over

"(ii) the amount contributed (determined without regard to section 219(e)(6)) to the accounts or for the annuities for the taxable year."

(b) TREATMENT OF DISTRIBUTIONS.—Paragraphs (1) and (2) of section 408(d) (relating to tax treatment of distributions) are amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any amount paid or distributed out of an individual retirement account or under an individual retirement annuity shall—

"(A) first be treated as paid or distributed out of income and gains attributable to designated nondeductible contributions (to the extent thereof),

"(B) second be treated as paid or distributed out of designated nondeductible contributions (to the extent thereof), and

"(C) then be treated as paid or distributed out of other amounts.

"(2) TREATMENT OF DISTRIBUTIONS.—

"(A) ORDINARY INCOME AMOUNTS.—Any amount to which subparagraph (A) or (C) of paragraph (1) applies shall be included in gross income by the payee or distributee (as the case may be) for the taxable year in which the payment or distribution is received.

"(B) BASIS RECOVERY.—Any amount to which subparagraph (B) of paragraph (1) applies shall be excluded from gross income.

"(C) DISTRIBUTIONS OF ANNUITY CONTRACTS.—Paragraph (1) shall not apply to the distribution from an individual retirement account of an annuity contract which meets the requirements of paragraphs (1), (3), (4), and (5) of subsection (b); except that paragraph (1) shall apply to any distributions under such contract.

"(D) Loss.—If—

"(i) the aggregate amount of designated nondeductible contributions to any individual retirement account or annuity, exceeds

"(ii) the aggregate amount paid or distributed out of such account or under such annuity,

an amount equal to such excess shall be allowed as a deduction to the individual for the last taxable year in which such account or annuity is in existence."

(c) INFORMATION REQUIREMENTS.—

(1) INDIVIDUAL RETIREMENT ACCOUNTS.—Subsection (a) of section 408 (defining individual retirement accounts) is amended by adding at the end thereof the following new paragraph:

"(8) The trustee maintains such records as may be necessary to separately account for designated nondeductible contributions and for income and gains attributable to such contributions."

(2) INDIVIDUAL RETIREMENT ANNUITIES.—Subsection (b) of section 408 is amended by inserting after paragraph (5) the following new paragraph:

"(6) The issuer of such contract maintains such records as may be necessary to separately account for designated nondeductible contributions and for income and gains attributable to such contributions."

(d) TECHNICAL AMENDMENTS.—

(1) DISALLOWANCE OF DEDUCTION FOR DESIGNATED NONDEDUCTIBLE CONTRIBUTION.—Subsection (d) of section 219 (relating to other limitations and restrictions) is amended by adding at the end thereof the following new paragraph:

"(5) DENIAL OF DEDUCTION FOR DESIGNATED NONDEDUCTIBLE CONTRIBUTIONS.—No deduction shall be allowed under this section with respect to any designated nondeductible contribution (as defined in section 4973(c)(2))."

(2) INCREASE IN LIMITATIONS ON AMOUNT INDIVIDUAL RETIREMENT PLAN CAN ACCEPT.—

(A) The following provisions are each amended by striking out "$2,000" each place it appears and inserting in lieu thereof "$3,750":

(i) Section 408(a)(1).

(ii) Section 408(b).

(iii) Section 408(j).

(B) Subparagraph (A) of section 408(d)(5) is amended by striking out "$2,250" and inserting in lieu thereof "$4,000".

(3) SEPARATE RECORDS REQUIRED IN CASE OF ROLLOVER CONTRIBUTIONS.—Paragraph (3) of section 408(d) (relating to rollover amounts) is amended by adding at the end thereof the following new subparagraph:

"(E) SEPARATE REPORTING FOR AMOUNTS ATTRIBUTABLE TO DESIGNATED NONDEDUCTIBLE CONTRIBUTIONS.—For purposes of this paragraph, the Secretary shall prescribe regulations providing for such allocations of amounts attributable to designated nondeductible contributions (as defined in section 4973(c)(2)) as may be necessary to ensure that the separate treatment of such contributions and the income and gain attributable to such contributions is maintained."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made during taxable years beginning after December 31, 1983.

Subtitle D—Studies

SEC. 241. STUDIES.

(a) REVENUE REPORTS.—Not later than July 1, 1984, and July 1 of each calendar year thereafter, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on—

(1) the aggregate amount of revenue received under part I of subchapter L of chapter 1 of the Internal Revenue Code of 1954 for the most recent taxable years for which data are available,

(2) a comparison between the amount of such revenue and the amount anticipated by reason of changes made by the Tax Equity and Fiscal Responsibility Act of 1982 or the Life Insurance Tax Act of 1983, and

(3) the reasons for any difference between such aggregate revenues and anticipated revenues.

(b) REPORT WITH RESPECT TO SEGMENT BALANCE, ETC.—

(1) IN GENERAL.—The Secretary of the Treasury (in consultation with the Joint Committee on Taxation, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate) shall conduct a full and complete study of the operation of part I of subchapter L of chapter 1 of the Internal Revenue Code of 1954 during 1984, 1985, and 1986. Such study shall also include an analysis of life insurance products and the taxation thereof. Such study shall also include an analysis of whether part I of such subchapter L operates as a disincentive to growing companies.

(2) ITEMS TO BE INCLUDED.—The study conducted under paragraph (1) shall include—

(A) an analysis of the portion of the taxes paid by mutual life insurance companies and stock life insurance companies, and

(B) any other data considered relevant by either stock life insurance companies or mutual life insurance companies in determining appropriate segment balance, such as the respective amounts of the following items held by each segment of the industry—

(i) equity,

(ii) life insurance reserves,

(iii) other types of reserves,

(iv) dividends paid to policyholders and shareholders,

(v) pension business,

(vi) total assets, and

(vii) gross receipts.

Such report shall also include an analysis of the extent to which taxes paid by stockholders of life insurance companies shall be included in analyzing segment balance.

(3) REPORTS.—

(A) INTERIM REPORTS.—The Secretary of the Treasury shall submit interim reports on the study conducted under this subsection to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than July 1, 1986, 1987, and 1988.

(B) FINAL REPORT.—Not later than January 1, 1989, the Secretary of the Treasury shall submit a final report on the study conducted under this subsection to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) AUTHORITY TO REQUIRE DATA.—The Secretary of the Treasury shall have authority to require reporting of such data with respect to life insurance companies and their products as may be necessary to carry out the purposes of this section.●

● Mr. CHAFEE. Mr. President, I am pleased to join Senator BENTSEN in introducing the Life Insurance Tax Act of 1983. This bill is identical to the proposal which was recently considered and approved by the House Committee on Ways and Means. I am introducing this measure today to bring this important piece of legislation to the attention of my colleagues, so that a hearing can be held and the taxation of the life insurance decided by the end of this year.

The life insurance industry has been operating under a so-called stop gap system of taxation during this past year while a substantial revision of the taxation of the industry was being considered and debated. This stopgap measure expires on December 31, 1983, and thus action on the proposed revisions is necessary to prevent the disruption that further uncertainty as to the taxation of the industry could cause.

The bill contains a complete revision of the very complex laws governing the taxation of life insurance companies and represents the first such substantial revision since 1959. The main goals of this proposal are: First, to provide for a more accurate, and hopefully less complex, measure of the true economic income of a life insurance company; second, to strike a proper balance between the tax burdens on the two major segments of the industry and assure an appropriate level of taxation for the industry as a whole; third, to establish appropriate tax treatment for some of the new consumer-oriented products being offered by insurance companies.

In introducing this legislation today I want to make it clear that I am not endorsing every single provision in this very complicated proposal. Rather, I am giving my support to the basic system of taxation established by the legislation and the major principles that are at the heart of this compromise proposal. I expect that this bill will be subject to careful examination during the hearing process, and it may be that changes are necessary to accomplish the goals I have outlined

above, especially with regard to the appropriate level of tax that should be paid by the life insurance industry as a whole.

I urge my colleagues to consider this matter seriously before the close of the year.●

● Mr. GRASSLEY. Mr. President, I rise to join Senators BENTSEN and CHAFEE in cosponsoring the life insurance taxation compromise proposal drafted by the House of Representatives.

The members of the House Committee on Ways and Means are to be commended for their hard work in crafting this compromise proposal. As those of us on the Committee on Finance have learned, life insurance is an extremely technical area of tax law. Congressmen STARK and MOORE have created legislation which is acceptable to the industry, which is a task even the industry itself could not accomplish.

During consideration of stopgap in the Tax Equity and Fiscal Responsibility Act of 1982, I supported the life insurance compromise proposal on the condition that it raised the revenue it was projected to raise. Unfortunately, stopgap fell short of that goal. I am aware that Senator DOLE, our chairman, is dissatisfied with the revenue level in the Stark-Moore proposal. In my view, the committee should focus on what is an appropriate revenue level. I do not want my cosponsorship of this proposal to be construed as a blanket sanction of the revenue it is estimated to generate. Furthermore, the committee may need to make additional technical changes in the bill to address problems which have emerged since the House took action on the bill.

Nevertheless, this legislation represents an important compromise in a very difficult issue area. It deserves our serious consideration and support. In my view, it is an excellent platform from which to begin discussion on an appropriate tax system for the life insurance industry.●

By Mr. HELMS:

S. 1993. A bill to amend the Food Stamp Act of 1977 to reduce fraud, waste, and abuse in the food stamp program through improved means of preventing and detecting fraud, collecting overissuances of coupons, and reducing State agency payment error rates, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP INTEGRITY AND ACCOUNTABILITY ACT

● Mr. HELMS. Mr. President, I am today introducing legislation significantly addressing areas of the food stamp program which remain subject to fraud, waste, and abuse. As such, the legislation draws on informed recommendations made by citizens who work closely with the food stamp program, including State and local eligibility workers, fraud investigators, and prosecutors.

Several proposals are also based on recommendations of the General Accounting Office and the Office of the Inspector General (within the Department of Agriculture). Other proposals are based on recommendations of the Department of Agriculture's Regulatory Review Task Force in 1982.

Mr. President, the implementation of the provisions in this legislation will greatly strengthen the integrity of the food stamp program and improve its accountability to the taxpayers who finance the program, while saving taxpayers between $600 and $700 million annually.

There are other pieces of legislation that have been introduced that address other important food stamp policy issues. These bills include many worthy proposals—S. 1208, the administration's bill, S. 1727, the McClure-Garn-Armstrong, bill, and S. 1279, which I introduced dealing with State option block grant for food stamps.

In my view, we in Congress simply cannot ignore the pressing need to make improvements in this program. Much attention has been focused this year on the need to insure that Federal nutrition programs are adequately serving those truly in need. This bill in no way conflicts with this worthy objective. Rather, the legislative proposals contained in this package are drafted carefully in such a way that they should have no impact on those in genuine need of food assistance. However, the bill does attempt to address abuses, great and small, which have been cited repeatedly by those who are familiar with the existing food stamp program. Recipients who have abused the program, or benefited from its existing loopholes, will, indeed, be affected by having their benefits reduced or, in some cases, eliminated.

STATE ERROR RATES

Mr. President, I should note—indeed, emphasize—that the reform proposals with the largest savings impact within the bill, having to do with State overissuance error rates, do not reduce monthly benefits to either legitimate or even ineligible recipients. Rather, the thrust of the provision is to require States to improve their thus far dismal overissuance rates. The most recent information from the Department of Agriculture indicates that 9.75 percent of all food stamp benefits issued were issued to ineligible recipients or distributed in excess of levels to which recipients were entitled. That 9.75 percent translates to over $1 billion annually.

This legislation, like the administration bill (S. 1208) introduced earlier this year, provides that the basis of the sanction for overissuances of the State is the actual amount of food stamp coupons overissued, not the complex formula adopted last year. For instance, if a State has an overissuance rate 2 percentage points above the maximum tolerance level, the State would be held liable for 2 percent of the benefits issued in that State.

The modest sanction system that was adopted last year still permits States to be excused if they have improved their overissuances—even if the State's overissuances are above 7 percent, the fiscal year 1984 tolerance level.

For instance, currently a State which reduces its overissuances from 20 percent to 15 percent is actually exempt from a monetary sanction because it has shown improvement from the previous 20 percent level. The point which is overlooked, however, is that 15 percent of the benefits issued, in this example, have been overissued at a great cost to Federal taxpayers. Under the legislation I am introducing today, States would be held liable for all overissuances above 3 percent—12 percent in the example I have outlined.

The legislation lowers the permissible error rate to 3 percent, the same as that established for the aid to families with dependent children program and the medicaid program. There is no logical rationale for maintaining a higher tolerance rate for the food stamp program than is required in these other Federal programs. Indeed, overissuances in the food stamp program in particular should be tightened because 100 percent of the benefits are federally financed, unlike the other programs—AFDC and medicaid—which require a State contribution, and hence results in a State loss when overissuances occur. Up until last year, the Federal Government bore the sole burden for overissuances. The tolerance level was 9 percent for fiscal year 1983, and is 7 percent for fiscal year 1984, and 9 percent for fiscal year 1985. This legislation lowers the level to 3 percent across the board.

The following table outlines the most recent error rates in each of the States:

FOOD STAMP QUALITY CONTROL REVIEWS, REGRESSED ERROR RATES—October 1981–March 1982

[Percent of dollars in error]

		Ineligible	Overissue	Underissue	Total
Connecticut	$5,537,213	6.56	6.98	2.89	16.45
Maine	5,384,559	3.40	4.39	1.91	9.70
Massachusetts	15,900,503	8.60	5.05	2.14	15.89
New Hampshire	2,106,607	9.21	6.39	2.05	17.65
New York	85,646,082	7.78	6.28	2.68	16.76
Rhode Island	3,168,473	4.55	4.16	3.31	12.02
Vermont	1,670,099	5.18	4.45	2.47	12.10
NERO	119,413,536	7.54	5.98	2.59	16.14
Delaware	2,366,156	2.31	3.69	2.51	8.51
District of Columbia	3,730,627	6.59	4.73	7.32	18.72
Maryland	15,463,432	5.15	5.52	1.66	12.33
New Jersey	23,165,917	4.80	3.70	2.41	10.94
Pennsylvania	38,617,004	6.83	5.04	1.45	13.70

FOOD STAMP QUALITY CONTROL REVIEWS, REGRESSED ERROR RATES—October 1981–March 1982—Continued

[Percent of dollars in error]

		Ineligible	Overissue	Underissue	Total
Puerto Rico	73,271,436	3.64	4.80	1.85	10.29
Virgin Islands	1,568,106	4.12	4.27	0.95	16.45
Virginia	16,859,038	2.86	4.11	2.84	9.81
West Virginia	8,866,059	3.92	4.97	2.45	11.34
MARO	183,907,775	4.57	4.70	2.05	11.47
Alabama	23,371,646	1.93	3.49	2.07	7.49
Florida	38,590,234	3.54	7.23	2.16	12.93
Georgia	31,442,915	2.81	3.80	2.16	8.76
Kentucky	21,462,954	2.93	4.14	1.92	8.99
Mississippi	18,655,197	3.87	5.03	3.91	12.82
North Carolina	19,087,000	3.24	6.32	3.84	13.40
South Carolina	15,039,016	4.28	7.25	1.33	12.86
Tennessee	26,171,567	4.73	6.24	2.35	13.31
SERO	193,820,529	3.38	5.45	2.42	11.24
Illinois	44,011,654	2.92	4.76	2.15	9.83
Indiana	16,577,095	3.20	3.60	2.45	9.25
Michigan	35,453,836	4.39	4.69	2.30	11.39
Minnesota	6,537,442	4.71	5.52	1.56	11.81
Ohio	43,928,612	4.57	4.12	1.82	10.51
Wisconsin	8,516,300	6.61	4.02	4.15	14.78
MWRO	155,024,939	4.03	4.43	2.21	10.67
Arkansas	11,159,776	4.23	5.26	3.10	12.59
Louisiana	18,714,006	3.90	5.98	2.60	12.48
New Mexico	6,581,544	6.74	6.35	2.72	15.82
Oklahoma	5,551,142	4.11	3.40	3.97	11.48
Texas	43,982,691	4.09	6.72	2.27	13.08
SWRO	85,989,159	4.27	6.13	2.59	12.99
Colorado	6,315,624	9.74	4.84	2.70	17.28
Iowa	6,498,894	5.69	3.49	2.21	11.38
Kansas	4,337,575	6.46	3.69	1.60	11.75
Missouri	15,410,200	2.15	4.65	2.30	9.10
Montana	1,935,127	1.66	5.65	1.62	8.92
Nebraska	2,448,326	6.82	3.51	4.02	14.35
North Dakota	1,079,404	5.49	1.67	1.97	9.13
South Dakota	1,950,511	4.47	6.63	1.35	12.46
Utah	2,424,911	4.63	2.56	2.96	10.14
Wyoming	576,847	5.03	3.33	0.75	9.12
MPRO	42,977,419	4.85	4.27	2.31	11.42
Alaska	1,648,507	14.32	6.89	1.98	23.37
Arizona	9,742,829	6.21	6.42	2.81	15.46
California	40,898,663	4.88	4.40	2.75	12.05
Guam	1,361,383	3.54	1.44	2.22	7.20
Hawaii	5,667,591	3.90	2.78	2.40	9.08
Idaho	3,172,338	3.57	3.80	1.52	8.89
Nevada	1,461,305	0.25	1.20	1.56	3.01
Oregon	12,060,504	6.58	5.40	3.20	15.45
Washington	11,849,729	4.29	6.09	1.66	12.05
WRO	87,862,849	5.15	4.81	2.56	12.58
U.S. Total	868,996,206	4.66	5.13	2.35	12.18

Source: Food and Nutrition Service, U.S. Department of Agriculture.

Several of the proposals included in this legislation are designed to reduce the likelihood that State and local eligibility workers will make errors—so-called agency-caused errors—resulting in overissuances. Others will better insure that recipients will not supply incorrect or misleading information which causes recipient errors.

Other proposals are designed to establish equity between various groups of food stamp households. Present legislation provides certain advantages or loopholes for some types of households. Indeed, in several cases, existing provisions which are inequitable—and vary from other Federal programs—simultaneously contribute to unacceptably high State overissuance error rates.

LUMP-SUM PAYMENTS

For instance, one of the most frequently cited discrepancies between the food stamp and AFDC programs is the treatment of lump-sum payments. These payments are irregular income received by participating households. Typical examples of lump-sum payments are income tax refunds, lottery or other cash prizes, and insurance payments. Currently, lump-sum payments are totally excluded as income, but rather counted as assets, in the food stamp program. However, the same lump-sum payments are deemed to be income for purposes of the AFDC program.

Thus, under the present, inconsistent treatment of lump-sum benefits, food stamp benefits would actually increase when a lump-sum payment—that is, increased income—is received by a household that also receives AFDC—approximately 40 percent of all food stamp households also receive AFDC. This is because AFDC payments—which are counted as income in the food stamp program—have been reduced in that program because of increased income from the lump-sum payment. Under this legislation, lump-sum payments would be counted as income—for food stamp purposes—in just the same way that they are treated for the AFDC program. Lump-sum payments above 130 percent of poverty would be applied toward future months to determine the length of ineligibility, the same principle currently applied in the AFDC program.

STUDENT LOANS, GRANT AND INCOME

Another provision of the legislation eliminates a loophole which permits certain students receiving loans or grants to receive a benefit not accorded to working students—currently, the only students permitted to participate at all are those who have dependent children under age 6, students who are receiving aid to families with dependent children, those who are employed at least 20 hours a week, and those who have dependent children between the ages of 5 and 12 for whom adequate child care is not available.

This provision eliminates the exemption currently granted for portions of student loans and grants which are used for tuition and student fees. The exemption of any income, including portions of loans and grants, results in higher monthly food stamp benefits. Hence, students receiving grants or loans currently have a portion of this income exempted while working students—who finance such expenses through working and earning income—receive lower benefits, because those earnings—subsequently used for tuition—are counted as income and thus reduce monthly food stamp benefits. The legislation would therefore provide equitable treatment by counting as income the portion of loans and grants used for tuition.

The legislation would also require that students who are ineligible for food stamp participation—the majority of students—would have their income and resources counted as a part of the income and resources of the household of which they are a part. At the present time, an ineligible student's family can participate in the food stamp program even though the student cannot. However, the student frequently has significant income or resources which, in practice, is obviously shared with the household. Under current practice, any income or resources are ignored in determining food stamp eligibility and benefit levels for the family, thereby increasing the level of monthly benefits going to the family. This provision would eliminate that abuse by counting all of the ineligible student's income and resources as available to the remainder of the participating household.

IMPROVED VERIFICATION OF ELIGIBILITY

Another area which has received considerable attention is that of initial verification of information supplied by applicants for food stamps.

This legislation requires that the State undertake to verify all income, household size, and any other factors which either the Secretary or the State may require. At the present time, States have not been verifying household size, which both the GAO and the OIG have identified as the second most likely cause of overissuance errors—underreporting of income is the first cause.

Additionally, some have interpreted the present law as precluding States from undertaking measures which they felt necessary to reduce overissuance errors. Thus, the legislation explicitly increases the State flexibility to set verification standards in addition to those that the Secretary may prescribe.

The General Accounting Office has commented on the improved verification as follows:

> The thrust of these provisions to require additional verification and to remove existing obstacles to verification work is consistent with the emphasis being placed by the Congress and the Administration on error reduction. We support initiatives to increase verification work to prevent overpayments or underpayments of food stamp benefits.

HOUSEHOLD DEFINITION

Congress has worked to tighten the definition of an eligible food stamp household for the past 2 years. However, one group continues to take advantage of a remaining loophole, entitling them to greater benefits than similarly situated individuals. Under the present law, unrelated and distantly related individuals who live together may apply as separate, individual food stamp households—and thereby receive larger benefits than if they applied as one larger household. Such individuals must establish that they purchase food and prepare meals separately from other household members. Inasmuch as it has proven difficult for caseworkers to prove otherwise, the in-

dividual's statement that he is a separate part of the household frequently has been accepted as fact—thus permitting a separate household status and collectively greater benefits. Food stamp benefits are calculated using economies of scale; thus single-member households receive larger amounts per person than larger households. For instance, a single person household receives $76 per month while two and three person households receive $139 and $199, respectively.

Thus, under the present system, a mother with two children—a related family—and no income receives $199, while three unrelated individuals, with no income, each applying as a separate household receive $76 each or a total of $228—15 percent more than if they were counted as one, consolidated household. Under this legislation, unless a State opted to establish criteria for an exception, all individuals who live together would be presumed to purchase food and prepare meals together and thus receive one, consolidated food stamp allotment. In the above example, the three individuals would receive $199. Only elderly and disabled parents and siblings—as provided under current law—would remain eligible to establish themselves as separate households.

The General Accounting Office has noted that the consolidation of household definition "would greatly simplify the application and verification process of program caseworkers and would free up more of their time for verifying income, assets, and household size—the areas contributing to most program losses."

The first recommendation of eligibility workers this year and last has been for simplification of the household definition. Indeed, many eligibility workers have suggested eliminating the special provisions that are permitted for elderly and disabled parents, something which this bill does not accommodate.

Numerous eligibility workers and fraud investigators who have reviewed this legislation have noted that the four provisions dealing with lump-sum payments, student eligibility, improved verification, and household definition will contribute to lowering overissuance errors.

IMPROVED COLLECTION OF OVERISSUANCES

Another area which has been cited repeatedly as needing improvement is the collection of overissuances from recipient households who have received such overissuances. This legislation contains several proposals reflecting recommendations made by the General Accounting Office in this area—see "Need for Greater Efforts to Recover Costs of Food Stamps Obtained Thorough Errors or Fraud," February 4, 1983.

First, the legislation removes the exemption of "agency-caused error" from collection attempts. At the present time, households are not required to reimburse the State agency for overissuances which are the result of the State agency's error. If the calculation of food stamp benefits is in error, and, for example, a household inadvertently receives an extra $40 per month, there is no provision in current law to recover that $40 overissuance.

This legislation would require that overissuances which result from agency error shall be recouped from current benefits for households who continue to participate in the food stamp program. However, as with other nonfraud overissuances, such recoveries are limited to 10 percent of the household's monthly allotment, or $10, whichever will result in faster recovery.

States would be required to undertake these efforts without Federal reimbursement. While other recoveries entitle a State to 50 or 25 percent of the recovered amount—for fraud and nonfraud respectively—States would not be permitted to retain any portion of recovered overissuances for which they were initially responsible.

Second, the legislation requires State agencies to undertake other means of collection particularly in the instances in which households who received an overissuance are no longer participating in the food stamp program. Such "other means" might include credit bureaus and private collection agencies, small claims courts, and various intercept programs which States have operated to obtain payment of overissuances, for instance intercept of State tax refunds. Currently, even if the overissuance was due to fraud, no recovery is required if the household no longer participates in the food stamp program. Under this legislation, unless the State can demonstrate that doing so would not be cost effective, the State would be required to pursue collection.

The General Accounting Office has noted,

> Strong collection efforts reduce error rates by serving as a deterrent to people who might otherwise try to obtain benefits to which they are not entitled.

The legislation also includes three provisions which were adopted by the Senate Committee on Agriculture, Nutrition, and Forestry during consideration of S. 2774, the Omnibus Budget Reconciliation Act of 1982. These provisions were deleted, with my concurrence, during full Senate consideration because of the parliamentary situation at the time.

DIVIDEND INFORMATION

The legislation permits the Secretary to require States to use information on interest and dividend income maintained by the Internal Revenue Service for purposes of detecting unreported income or assets if the Secretary determines that to do so would protect the integrity of the food stamp program. A similar program undertaken last year in Massachusetts involving several public assistance programs was extremely helpful in identifying a surprising number of food stamp recipients, among others, who had received significant overissuances based on unreported dividend income. Such a check also identifies unreported assets. Households are not allowed to participate if they have more than $1,500 in assets, including checking and savings accounts—except that households with elderly or disabled members may have $3,000. Thus, the existence of large dividend income may reveal an unreported savings account that exceeds the food stamp limit.

While the General Accounting Office has recommended that the cross-matching with dividend income be made mandatory in many Federal public assistance programs, including the food stamp program, I have included the provision in this legislation as one which is discretionary—based on the Secretary's determination, after consultation with the Inspector General, that it would be useful to improve the integrity of the food stamp program.

INTERCEPT OF UNEMPLOYMENT BENEFITS

One provision would permit the establishment of intercept systems to recover from unemployment compensation benefits food stamp overissuances resulting from fraud or intentional misrepresentation.

The provision parallels one adopted in the Omnibus Budget Reconciliation Act of 1981 for the aid to families with dependent children program. That program has required States to establish such a system to recover delinquent child support payments. However, the provision I am sponsoring with respect to food stamp overissuances is optional, at the discretion of each State.

As noted consistently by officials within the General Accounting Office, the rate of recovery for overissuances due to fraud has been very low, usually less than 1 percent.

Under existing law, the primary means of collecting overissuances are through cash repayment and benefit reduction. Benefit reduction is only effective, however, when the individual who defrauded the program is still a member of a household participating in the program or has returned to the program following a period of disqualification. Means of collecting overissuances from individuals who have left the food stamp program have been severely limited.

Inasmuch as food stamp officials have reported that unreported receipt of unemployment compensation bene-

fits is a common source of unreported—or underreported—income, States may find the intercept system useful in collecting overissuances. Only overissuances resulting from fraud or intentional misrepresentation may be collected under the intercept procedure. As with other collections of overissuances based on fraud and misrepresentation, States would be permitted to retain 50 percent of all overissuances collected.

INTERCEPT OF FEDERAL INCOME TAX REFUNDS

Another provision included in the legislation would permit States to establish an intercept system to recover from Federal income tax refunds overissuances caused by fraud or intentional misrepresentation.

As noted earlier, collection of overissuances from individuals who are no longer on the food stamp program has proven generally ineffective. Indeed, according to the General Accounting Office, the situation is much the same in other Federal programs.

The General Accounting Office noted in a March 9, 1979, report that a considerable portion of delinquent accounts in various Federal programs could be collected by reducing income tax refunds due to the debtors. The report, "The Government Can Collect Many Delinquent Debts By Keeping Federal Tax Refunds As Offsets," noted that food stamp overissuances resulting from fraud were some of the debts which could be recovered through a tax offset system.

Income tax intercept usually works in the following manner: the agency to whom a debt is owed, after unsuccessful collection attempts, refers the debt to the Internal Revenue Service. If the individual is owed an income tax refund, the amount of the debt is first subtracted from the refund and paid to the appropriate agency before the remainder of the refund, if any, is sent to the individual.

In the Omnibus Budget Reconciliation Act of 1981, the Congress enacted a mandatory tax refund intercept (or offset) system to recover delinquent child support payments from individuals owing such payments.

States have been quite active in establishing systems to intercept State income tax refunds for debts owed to the State. Many States which have a State income tax have enacted such a system to intercept State tax refunds for delinquent child support payments.

Several States have implemented such an intercept from State income tax refunds for food stamps overissuances as well. Oregon, Utah, and Montana reported such collections for food stamp overissuances, and California indicated that it planned to begin. Several other States have been considering an expansion or establishment of an intercept system for food stamp overissuances.

An analysis by the General Accounting Office of the Oregon tax intercept system concluded that Oregon's program had been highly successful. This is outlined in their report entitled "Oregon's Offset Program For Collecting Delinquent Debts Has Been Highly Effective," dated July 17, 1980.

However, collection from individuals who have moved across State lines is precluded when the intercept is limited to State income tax intercept systems. Additionally, some States do not have a State income tax and cannot therefore achieve collections through that means.

A number of States have indicated support for an optional Federal income tax intercept system for food stamp overissuances. These States include Iowa, Utah, California, New Mexico, North Carolina, Hawaii, Ohio, Georgia, South Carolina, Missouri, Texas, Maryland, New Hampshire, Colorado, New Jersey, Oregon, Oklahoma, Mississippi, Arkansas, and Indiana.

Under the provision, only overissuances which are the result of fraud or intentional misrepresentation could be recovered in the intercept system. Efforts would have had to be made to recover the overissuances through other means first. The determination of the overissuance would have to be at least 3 months old, and the amount of the food stamp overissuance would have to be at least $100 or $100 in combination with other amounts owed under similar provisions of Federal law (such as child support). States would be permitted to retain 50 percent of the recoveries made from the intercept system.

PHOTO IDENTIFICATION

The legislation also requires the implementation of photo identification cards in all project areas. One of the most common problems with the current program is that oftentimes identification is not required for issuance or redemption at retail stores. Lost or stolen identification, or duplicate participation frequently is not detected because of the lack of photo identification. The Inspector General consistently urged the use of photo identification to reduce the program's susceptibility to fraud.

RETAIL STORE PROVISIONS

Three provisions are directed at improving the food stamp program's operation within retail stores—and thereby the public's perception of the program.

First, participation in another USDA program, the special supplemental food program for women, infants, and children (WIC), would be prohibited during any period in which a store is disqualified from participating in the food stamp program. This measure is designed to reinforce the sanctions against retail stores that violate the Food Stamp Act.

Second, stores that are contesting their disqualification from the food stamp program would have to demonstrate a strong showing that they are likely to prevail on the merits of the case in order to obtain a stay of the disqualifications as a part of the appeals process, rather than simply demonstrating that disqualification would result in irreparable injury to the store.

Under the current system, a retail store violator may continue to participate even while his violation is being appealed—regardless of how strong the evidence of abuse—if he can demonstrate that disqualification would result in irreparable injury to his business. Inasmuch as stores that do a high volume in food stamp sales are often the violators, the chances that disqualification will damage the business are high. However, such a circumstance should not be a condition to continue operating. Indeed, the sanctions in the food stamp program have been made strict precisely in order to deter abuses by retailers.

In at least one incidence, a store has been increasing its food stamp redemptions while it is appealing a violation. This abuse must cease. Retail stores which violate the program must receive appropriate sanctions, and they should not be able to forestall such sanctions.

This provision would require that the petitioning retailer would have to meet the conditions for a stay pending appeal under the applicable State law which typically includes a requirement that, in addition to causing irreparable injury, the petitioner must show that he is likely to prevail (in the appeals process) on the merits of the case. The same conditions would govern the ability of a State to seek an administrative stay of a sanction against the State.

Another abuse addressed in the legislation is the current practice of permitting food stamp recipients to receive cash change for purchases under $1. One of the most frequent abuses, reported by store clerks and other shoppers, is that recipients use the change obtained from a food stamp sale to go back through the store and purchase an item which is not eligible to be purchased with food stamps. Most commonly cited items are cigarettes or alcoholic beverages. The legislation would eliminate the issuance of cash change. Food stamp recipients would be given a credit slip (a so-called voucher) for use upon a future visit to the food store, or would have to pay in even dollar increments with change provided in cash by the recipient.

EXPEDITED SERVICE

The legislation also eliminates one of the current requirements in the law which is most subject to fraud and abuse—expedited service. Under the current law, States are required to

provide immediate benefits (within 5 days) to recipients who claim to have less than $100 in liquid resources and who have less than $150 income per month, or are destitute migrant or seasonal farmworker households.

The limited time required for a State agency to make a determination of a household's eligibility for expedited benefits impedes the ability of the agency to verify important information before making its decision. Under current law, benefits must be issued within 5 days—regardless of whether the eligibility worker has been able to verify any of the information submitted by the recipient. The mandatory requirement and the short turnaround time makes overissuance errors probable. Expedited service cases are some of the most fraud-prone food stamp cases according to fraud investigators and caseworkers.

The most notable abuses occur when recipients travel from one area to another, staying in each location, just long enough (that is, 5 days) to pick up their food stamp allotment. The Inspector General's Office reported one case in which an individual had applied for, and received, food stamps under exedited service procedures in over a dozen States before finally being apprehended.

Additionally, expedited cases frequently disrupt processing of regular food stamp applications inasmuch as they are priority cases. This is especially true when expedited cases represent a large percentage of the caseload. The GAO found last year that some States reported that as many as 70 percent of their new cases received expedited processing. Many administrators have indicated that disruptions caused by expedited cases actually reduce overall service. In a survey of State food stamp administrators last year, the General Accounting Office found that many administrators believed that eliminating the expedited service requirement would reduce processing time for regular cases.

The need for a federally mandated expedited service provision has passed—if, indeed, it ever existed. In 1982, the General Accounting Office found that 31 States processed their regular cases within 15 days, and that all remaining States met the 30-day processing time required by the food stamp program. There is no pressing need to retain this special, accelerated provision which is an administrative burden and increases the likelihood of overissuance errors.

The legislation I am introducing today would eliminate the mandatory requirement for expedited service processing. Rather, it would establish a State option for expedited cases. If States decided to establish such an option, the guidelines would be set at gross income at or below $85 per month (or the household is a destitute migrant or a seasonal farm worker household) and the assets (liquid resources) do not exceed $100.

States would also have the flexibility to establish their own timetables for expedited service. This increased flexibility should allow States to serve new applicants in a way that will improve overall service to those in true need and reduce the most fraud-prone instances of expedited service.

FINANCIAL RESOURCES

Another provision of the legislation I am introducing today would insure that individuals with large, valuable land holdings are not eligible for food stamp assistance. One frequent complaint from eligibility workers and taxpayers alike, especially in rural areas, is that individuals who own large amounts of land are eligible to, and sometimes do, receive food stamps.

Current law excludes the value of all land from counting toward the resource limit—$1,500 for most households, $3,000 for households including an elderly or disabled individual. This legislation would exempt only the principal resident of the recipient and the surrounding 10 acres of land. Beyond that 10 acres, the value of the land would be counted toward the resource ceilings.

Last year when I introduced this provision, critics attempted to suggest that one of the purposes of the provision was to include the burial plots of food stamp recipients as property. The food stamp program has not counted such plots as property. Nowhere did the legislation state that purpose; nowhere did I indicate that motivation. That was simply not the point—explicitly or implicitly. The facts notwithstanding, the fabricated motive made good fodder for liberal, big-city editorial writers who chastised me for my insensitivity—to put it mildly.

Ironically, the fact is that—unknown to or ignored by these critics—I had introduced legislation specifically to exempt burial plots from being counted as income under the supplemental security income program—in 1979. (Such an exemption now exists, but did not at the time.) The record is long and clear that, as I said in 1979, "it is reasonable to exclude a cemetery plot and thus spare the truly needy of this additional harsh treatment and worry".

Nonetheless, for the sake of absolute, unmistakeable clarity I have included in this year's bill an explicit exemption of one burial plot for each household member.

GEOGRAPHIC ERROR-PRONE PROFILES

The legislation also establishes the authority for the Secretary of agriculture, in consultation with the Inspector General of the Department of Agriculture, to establish special procedures for project areas with high error rates.

In fighting fraud in the food stamp program, targeting of resources is essential. I have included in the bill a provision to permit the Inspector General of USDA to develop information on project areas which have error rates so high or of such a character as to impair the integrity of the food stamp program.

The Secretary would have the discretion to institute additional requirements in order to reduce the overissuance errors in such areas. An annual report to Congress would be required to outline what areas have been identified by the Inspector General, and what actions, if any, have been taken to remedy them.

Typical reports from fraud investigators continue to indicate that metropolitan areas, particularly those located on State lines create particular problems—for instance, in Washington, D.C., Philadelphia, St. Louis, and Kansas City.

Even nonmetropolitan areas located on State lines often report major difficulties. The most recent abuse is when a food stamp recipient in one State reports no income (to that State) when, in fact, he has income from employment in the neighboring State. For example, one additional means that the Secretary of Agriculture could consider, if he felt it would be worthwhile, would be interstate income matches to insure against such unreporting of income or the possibility of dual participation in both States.

Just as the existing use of error prone profiles of food stamp recipients help identify typical fraudulent participation characteristics, so too could geographical error prone profiles target areas within the country which need special attention.

FRAUD DETECTION OFFICES

The legislation establishes a requirement that fraud detection offices be established in larger project areas—those serving 5,000 or more food stamp recipients.

One of the greatest problems in the food stamp program is that State and local administrators have not taken the initiative in developing ways to combat fraud and abuse. As I have indicated on previous occasions, this is largely due to the fact that food stamp benefits are entirely federally funded—thus involving a case in which no State or local funds are lost as a result of fraud, only Federal funds.

We have tried to entice States and localities into greater involvement through enhanced funding at 75 percent for administrative costs associated with antifraud activities. However, many areas still have declined to establish programs to prevent, detect, and prosecute violators. Thus, this legislation establishes a mandatory requirement for fraud detection offices

in areas with large food stamp populations.

ADULT RESPONSIBILITIES AND LIABILITY

One suggestion recommended by prosecutors of food stamp fraud is to tighten the requirements surrounding the submission of an application and subsequent documents. This legislation accomplishes this objective by requiring that all adult household members sign the food stamp application and all subsequent forms dealing with income, such as monthly report forms.

Additionally, the legislation makes clear that all adult household members are jointly and severally liable for any overissuances distributed to the households.

I ask unanimous consent that a summary of provisions and the text of the bill be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Food Stamp Integrity and Accountability Act".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. References to the Food Stamp Act of 1977.

TITLE I—DEFINITIONS

Sec. 101. Certification period.
Sec. 102. Household definition.

TITLE II—ELIGIBLE HOUSEHOLDS

Sec. 201. Student loans, grants, and income.
Sec. 202. Nonrecurring lump-sum payments.
Sec. 203. Financial resources.

TITLE III—ELIGIBILITY DISQUALIFICATIONS

Sec. 301. Aliens.

TITLE IV—ISSUANCE AND USE OF COUPONS

Sec. 401. Cash change.

TITLE V—ADMINISTRATION

Sec. 501. Certification of information.
Sec. 502. Improved verification.
Sec. 503. Expedited coupon issuance.
Sec. 504. Photographic identification cards. cards.
Sec. 505. Wage matching.
Sec. 506. Fraud detection offices.
Sec. 507. Interest and dividend information.

TITLE VI—DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

Sec. 601. Eligibility for participation in the special supplemental food program.

TITLE VII—COLLECTION AND DISPOSITION OF CLAIMS

Sec. 701. Liability for overissuance of coupons.
Sec. 702. Collection of claims.
Sec. 703. Food stamp intercept of unemployment benefits.
Sec. 704. Food stamp intercept of Federal tax refunds.

TITLE VIII—ADMINISTRATIVE AND JUDICIAL REVIEW

Sec. 801. Stays of administrative action.

TITLE IX—ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL

Sec. 901. State agency liability for errors.
Sec. 902. Geographical error-prone profiles.

TITLE X—EFFECTIVE DATE

Sec. 1001. Effective date.

REFERENCES TO THE FOOD STAMP ACT OF 1977

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

TITLE I—DEFINITIONS

CERTIFICATION PERIOD

SEC. 101. (a) The second sentence of section 3(c) (7 U.S.C. 2012(c)) is amended by striking out "at least six months but".

(b) Section 3(c) (7 U.S.C. 2012(c)) is further amended by adding at the end thereof the following new flush to the left margin sentence:

"Notwithstanding the previous provisions of this subsection, for households that report that they have no income (after the exclusions and deductions provided for in section 5 (d) and (e)), the certification period shall be not more than three months.".

HOUSEHOLD DEFINITION

SEC. 102. Section 3(i) (7 U.S.C. 2012(i)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following new sentence: "'Household' means (1) an individual who lives alone and customarily purchases food and prepares meals for home consumption; (2) except as provided in clauses (3) and (4), a group of individuals who live together and customarily purchase food and prepare meals for home consumption; (3) parents or siblings who, while living with others, purchase food and prepare meals for home consumption separate and apart from the others if one of the parents or siblings is an elderly or disabled member; or (4) at the option of the State agency, one or more individuals who, while living with others, customarily purchase food and prepare meals for home consumption separate and apart from the others.";

(2) by striking out "clause (1) of" in the second sentence; and

(3) by inserting after the second sentence the following new sentence: "Subject to the previous provisions of this subsection relating to parents and children, or siblings, who live together, a State agency may prescribe criteria to determine whether one or more individuals who, while living with others, customarily purchase food and prepare meals for home consumption separate and apart from the others qualify as a household under clause (4) of the first sentence of this subsection.".

TITLE II—ELIGIBLE HOUSEHOLDS

STUDENT LOANS, GRANTS, AND INCOME

SEC. 201. (a)(1) Section 5(d) (7 U.S.C. 2014(d)) is amended by striking out clause (3).

(2) Section 5(f)(1)(B) (7 U.S.C. 2014(f)(1)(B)) is amended by striking out "nonexcluded income of the type described in subsection (d)(3) of this section" and inserting in lieu thereof "income from educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like".

(b) Section 6(e) (7 U.S.C. 2015(e)) is amended by adding at the end thereof the following new sentence: "The income and financial resources of an individual rendered ineligible to participate in the food stamp program as a result of this subsection shall be considered in determining the eligibility and the value of the allotment of the household of which the individual is a member.".

NONRECURRING LUMP-SUM PAYMENTS

SEC. 202. (a) Section 5(d) (7 U.S.C. 2014(d)) (as amended by section 201(a)(1), of this Act) is amended by striking out clause (8) and redesignating clauses (4), (5), (6), (7), (9), (10), (11), and (12) as clauses (3), (4), (5), (6), (7), (8), (9), and (10), respectively.

(b) Section 5(f)(1) (7 U.S.C. 2014(f)(1)) is amended—

(1) by inserting ", other than income of the type described in subparagraph (C)," after "one year" in subparagraph (A); and

(2) by adding at the end thereof the following new subparagraph:

"(C) Household income in the form of a nonrecurring lump-sum payment (including, but not limited to, an income tax refund, rebate, or credit, a retroactive lump-sum social security or railroad retirement pension payment, or a retroactive lump-sum insurance settlement) shall be treated in a manner consistent with the treatment of such income under section 402(a)(17) of the Social Security Act (42 U.S.C. 602(a)(17)).".

FINANCIAL RESOURCES

SEC. 203. The second sentence of section 5 (g) (7 U.S.C. 2014(g)) is amended—

(1) by striking out "and," after "$4,500,"; and

(2) by inserting before the period at the end thereof the following: ", and any real property (other than the principal dwelling house of the household, the lot upon which the house is situated (except that the amount of the lot which may be excluded shall be limited to ten acres), and a burial plot for each member of the household)".

TITLE III—ELIGIBILITY DISQUALIFICATIONS

ALIENS

SEC. 301. The last sentence of section 6(f) (7 U.S.C. 2015(f)) is amended by striking out "(less a pro rata share)".

TITLE IV—ISSUANCE AND USE OF COUPONS

CASH CHANGE

SEC. 401. Section 7(b) (7 U.S.C. 2016(b)) is amended by striking out ": *Provided further,*" and all that follows through the period at the end thereof and inserting in lieu thereof a period.

TITLE V—ADMINISTRATION

CERTIFICATION OF INFORMATION

SEC. 501. Section 11(e)(2) (7 U.S.C. 2020(e)(2)) is amended—

(1) by striking out the semicolon at the end thereof and inserting in lieu thereof a period; and

(2) by adding at the end thereof the following:

PHOTOGRAPHIC IDENTIFICATION CARDS

SEC. 504. Section 11(e)(16) (7 U.S.C. 2020(e)(16)) is amended—

(1) by striking out "in those" and all that follows through "integrity,";

(2) by striking out the semicolon at the end thereof and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following: "The State agency may permit a household to comply with this paragraph by presenting a photographic identification card used to receive assistance under a welfare or public assistance program;".

WAGE MATCHING

SEC. 505. Paragraph (19) of section 11(e) (7 U.S.C. 2020(e)(19)) is amended to read as follows:

"(19) that—

"(A) in any case in which information is available from agencies administering State unemployment compensation laws under section 303(d) of the Social Security Act (42 U.S.C. 503(d)), the information shall be requested and utilized by the State agency to the extent permitted under such section;

"(B) in any case in which information is not available from agencies administering State unemployment compensation laws under section 303(d) of the Social Security Act—

"(i) information available from the Social Security Administration under section 6103(1)(7) of the Internal Revenue Code of 1954 shall be requested and utilized by the State agency to the extent permitted under such section; or

"Each adult member of a household that is applying for a coupon allotment or is required to file a periodic or other report under section 6(c)(1) shall be required to certify in writing, under penalty of perjury, the truth of the information contained in the application for the allotment or the report, respectively;".

IMPROVED VERIFICATION

SEC. 502. Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended—

(1) by striking out "only" after "verification";

(2) by striking out "other than that determined to be excluded by section 5(d) of this Act";

(3) by striking out "and" after "Act)" and inserting in lieu thereof ", household size, and such other eligibility factors as the State agency determines to be necessary, including";

(4) by striking out ", whether questionable or not, the size of any applicant household and"; and

(5) by inserting "and area" after "error-prone household".

EXPEDITED COUPON ISSUANCE

SEC. 503. Paragraph (9) of section 11(e) (7 U.S.C. 2020(e)(9)) is amended to read as follows:

"(9) at the option of the State agency, for the provision of coupons on an expedited basis to categories of households designated by the State agency to be in immediate need because such households each—

"(A)(i) have household income, as described in section 5(d), that is less than $85 per month; or

"(ii) are destitute migrant or seasonal farmworker households; and

"(B) have financial resources, as described in section 5(g), that do not exceed $100;".

"(ii) similiar information available from other sources shall be requested and utilized by the State agency to the extent approved by the Secretary and permitted by any law controlling access to the information.".

FRAUD DETECTION OFFICES

SEC. 506. Section 11(e) (7 U.S.C. 2020(e)) is amended—

(A) by striking out "and" at the end of paragraph (20);

(B) by striking out the period at the end of paragraph (21) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraph;

"(22) in a project area in which five thousand or more households participate in the food stamp program, for the establishment and operation of an office to investigate, and assist in the prosecution of, fraud in the food stamp program;".

INTEREST AND DIVIDEND INCOME

SEC. 507. (a) Section 11 (7 U.S.C. 2020) is amended by adding at the end thereof the following new subsection:

"(o) The Secretary, in consultation with the Inspector General of the Department of Agriculture, may require a State agency, the Inspector General, or both, to request and utilize information available under section 6103(1)(9) of the Internal Revenue Code of 1954 pertaining to the interest and dividend income of the members of the households in any State or area if the Secretary determines that such action would aid in protecting the integrity of the food stamp program in such State or area.".

(b)(1) Section 6103(1) of the Internal Revenue Code of 1954 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end thereof the following new paragraph:

"(9) DISCLOSURE OF CERTAIN RETURN INFORMATION TO FEDERAL, STATE, AND LOCAL AGENCIES ADMINISTERING FEDERALLY FUNDED NEEDS-BASED PROGRAMS.—

"(A) RETURN INFORMATION FROM INTERNAL REVENUE SERVICE.—The Secretary shall, upon written request, disclose interest and dividend data from automated files containing return information from information returns made pursuant to sections 6041, 6042, and 6049 to officers and employees of an appropriate Federal, State, or local agency administering a federally funded needs-based program.

"(B) RESTRICTION ON DISCLOSURE.—The Secretary shall disclose return information under subparagraph (A) only for purposes of, and to the extent necessary in, determining an individual's eligibility for benefits, or the amount of benefits, under a federally funded needs-based program.".

(2)(A) Paragraph (2) of section 6103(a) of such Code is amended by striking out "or of any local child support enforcement agency" and inserting in lieu thereof ", any local child support enforcement agency, or any local agency administering a federally funded needs-based program".

(B) Subparagraph (A) of section 6103(p)(3) of such Code (relating to records of inspection and disclosure) is amended by striking out "or (8)" and inserting in lieu thereof "(8), or (9)".

(C) Paragraph (4) of section 6103(p) of such Code (relating to safeguards) is amended by striking out "or (8)" in so much of such paragraph as precedes subparagraph (A) thereof and inserting in lieu thereof "(8), or (9)".

(D) Clause (i) of section 6103(p)(4)(F) of such Code is amended by striking out "or (8)" and inserting in lieu thereof "(8), or (9)".

(E) The first sentence of paragraph (2) of section 7213(a) of such Code is amended by striking out "or (8)" and inserting in lieu thereof "(8), or (9)".

TITLE VI—DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

ELIGIBILITY FOR PARTICIPATION IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM

SEC. 601. Section 12 (7 U.S.C. 2021) is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), a retail food store or wholesale food concern which has been disqualified under subsection (a) shall be ineligible during the period of disqualification to participate in the special supplemental food program established by section 17 of such Act.".

TITLE VII—COLLECTION AND DISPOSITION OF CLAIMS

LIABILITY FOR OVERISSUANCE OF COUPONS

SEC. 701. Section 13(a) (7 U.S.C. 2022(a)) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end thereof the following new paragraph:

"(2) each adult member of a household shall be jointly and severally liable for the value of any overissuance of coupons.".

COLLECTION OF CLAIMS

SEC. 702. (a) The first sentence of section 13(b)(2)(A) (7 U.S.C. 2022(b)(2)(A)) is amended by striking out "and claims arising from an error of the State agency".

(b) Section 13(b) (7 U.S.C. 2022(b)) is amended—

(1) by striking out "may" each place it appears in paragraphs (1)(B) and (2)(B) and inserting in lieu thereof "shall"; and

(2) by inserting ", unless the State agencies demonstrate to the satisfaction of the Secretary that the other means are not cost effective" before the period at the end of paragraphs (1)(B) and (2)(B).

FOOD STAMP INTERCEPT OF UNEMPLOYMENT BENEFITS

SEC. 703. (a) Section 13 (7 U.S.C. 2022) is amended by adding at the end thereof the following new subsection:

"(c)(1) A State agency may determine on a periodic basis, from information supplied pursuant to section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b (b)), whether an individual receiving compensation under the State's unemployment compensation law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law) owes an uncollected overissuance.

"(2) A State agency may recover an uncollected overissuance—

"(A) by entering into an agreement with an individual described in paragraph (1) under which specified amounts will be withheld from unemployment compensation otherwise payable to the individual and furnishing a copy of the agreement to the

State agency administering the unemployment compensation law, or

"(B) in the absence of an agreement, by obtaining a writ, order, summons, or other similar process in the nature of garnishment from a court of competent jurisdiction to require the withholding of amounts from the unemployment compensation.

"(3) As used in this subsection, the term 'uncollected overissuance' means the amount of an overissuance of coupons, as determined under subsection (b)(1), which has not been recovered pursuant to subsection (b)(1).".

(b)(1) Section 11(e)(7 U.S.C. 2020(e)) (as amended by section 506 of this Act) is amended by adding at the end thereof the following new paragraph:

"(23) at the option of the State, for procedures necessary to obtain payment of uncollected overissuance of coupons from unemployment compensation pursuant to section 13(c); and".

(2) Section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b(b)), as amended by sections 181(i) and 501 of the Job Training Partnership Act (96 Stat. 1356 and 1392), is amended—

(A) by striking out "or" the second place it appears and inserting in lieu thereof a comma; and

(B) by inserting after "such Act," the following: "or of a State agency charged with the administration of the food stamp program in a State under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.),".

(3) Section 303(d) of the Social Security Act (42 U.S.C. 503(d)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2)(A) The State agency charged with the administration of the State law—

"(i) may require each new applicant for unemployment compensation to disclose whether the applicant owes an uncollected overissuance (as defined in section 13(c)(3) of the Food Stamp Act of 1977) of food stamp coupons,

"(ii) may notify the State food stamp agency to which the uncollected overissuance is owed that the applicant has been determined to be eligible for unemployment compensation if the applicant discloses under clause (i) that the applicant owes an uncollected overissuance and the applicant is determined to be so eligible,

"(iii) may deduct and withhold from any unemployment compensation otherwise payable to an individual—

"(I) the amount specified by the individual to the State agency to be deducted and withheld under this clause,

"(II) the amount (if any) determined pursuant to an agreement submitted to the State food stamp agency under section 13(c)(2)(A) of the Food Stamp Act 1977, or

"(III) any amount otherwise required to be deducted and withheld from the unemployment compensation pursuant to section 13(c)(2)(B) of such Act, and

"(iv) shall pay any amount deducted and withheld under clause (iii) to the appropriate State food stamp agency.

"(B) Any amount deducted and withheld under subparagraph (A)(iii) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the State food stamp agency to which the uncollected overissuance is owed as repayment of the individual's uncollected overissuance.

"(C) For purposes of this paragraph, the term 'unemployment compensation' means any compensation payable under the State law (including amounts payable pursuant to an agreement under a Federal unemployment compensation law).

"(D) A State food stamp agency to which an uncollected overissuance is owed shall reimburse the State agency charged with the administration of the State unemployment compensation law for the administrative costs incurred by the State agency under this paragraph which are attributable to repayment of uncollected overissuance to the State food stamp agency to which the uncollected overissuance is owed.".

FOOD STAMP INTERCEPT OF FEDERAL TAX REFUNDS

SEC. 704. (a) Section 13 (7 U.S.C. 2022) (as amended by section 703(a) of this Act) is amended by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraph (7), a State agency may inform the Secretary of the Treasury of the identity of an individual who owes an uncollected overissuance and the amount of the uncollected overissuance.

"(2) Upon receiving notice from a State agency pursuant to paragraph (1), the Secretary of the Treasury shall determine whether any amounts, as refunds of Federal taxes paid, are payable to the named individual (regardless of whether the individual filed a tax return as a married or unmarried individual). If the Secretary of the Treasury finds that an amount is payable, the Secretary of the Treasury shall withhold from the refunds an amount equal to the amount of the uncollected overissuance, and pay the amount to the State agency (together with notice of the individual's home address).

"(3) If the offset procedure is applied for the benefit of a State agency pursuant to paragraph (2), the State agency must pay a fee to the Secretary of the Treasury to reimburse the Secretary for the full cost of applying such procedure. Such fees shall be credited to the appropriation accounts which bore all or part of the costs involved in making the collections.

"(4) The Secretary of the Treasury shall issue regulations, approved by the Secretary, which prescribe—

"(A) the time at which a State agency must submit notice of an uncollected overissuance;

"(B) the manner in which the notice must be submitted;

"(C) the necessary information which must be contained in or accompany the notice; and

"(D) the amount of the fee that a State agency must pay to reimburse the Secretary pursuant to paragraph (3).

"(5) The Secretary of the Treasury shall advise the Secretary, at least annually, of—

"(A) the State agencies which have furnished notices of uncollected overissuances under this subsection;

"(B) the number of cases in each State with respect to which the notices have been furnished under this subsection;

"(C) the amount of uncollected overissuances sought to be collected under this subsection by each State; and

"(D) the amount of the collections actually made under this subsection in the case of each State agency.

"(6) As used in this subsection, the term 'uncollected overissuance' means the amount of an overissuance of coupons, as determined under subsection (b)(1), which has not been collected pursuant to subsection (b)(1) or (c) within three months of the determination of the overissuance.

"(7) An uncollected overissuance shall be subject to the offset procedure described in this subsection if the amount of the uncollected overissuance in the current or previous taxable years and any other amounts owed to the State agency under similar provisions of Federal law equals $100 or more.".

(b)(1) Section 11(e) (7 U.S.C. 2020(e)) (as amended by section 703(b)(1) of this Act) is amended by adding at the end thereof the following new paragraph:

"(24) at the option of the State agency, for procedures necessary to obtain payment of uncollected overissuances of coupons from Federal tax refunds pursuant to section 13(d).".

(2) The proviso of the first sentence of section 16(a) (7 U.S.C. 2025(a)) is amended by striking out "section 13(b)(1) of this Act" and inserting in lieu thereof "subsections (b)(1), (c), and (d) of section 13".

(3) The first sentence of section 18(e)(7 U.S.C. 2027(e)) is amended by inserting ", (c), and (d)" after "13b."

(4) Section 6402(c) of the Internal Revenue Code of 1954 is amended—

(A) by striking out so much of such subsection as precedes "The amount of" and inserting in lieu thereof the following:

"(c) Offsets.—

"(1) Offset of past due support against overpayments.—";

(B) by striking out "subsection" in the third sentence of paragraph (1) and inserting in lieu thereof "paragraph"; and

(C) by adding at the end thereof the following new paragraph:

"(2) Offset of food stamp overissuances against overpayments.—The amount of any overpayment to be refunded to the person making the overpayment shall be reduced by the amount of any uncollected overissuance (as defined in section 13(d)(6) of the Food Stamp Act of 1977) of food stamp coupons owed by that person and with respect to which the Secretary has been notified by a State agency in accordance with section 13(d) of the Food Stamp Act of 1977. The Secretary shall remit the amount by which the overpayment is so reduced to the State agency to which the uncollected overissuance is due and notify the person who made the overpayment that so much of the overpayment as was necessary to satisfy the person's obligation for an uncollected overissuance has been paid to the State agency. This paragraph shall be applied to an overpayment after such overpayment has been reduced (pursuant to paragraph (1)) by the amount (if any) of past-due support owed by such person and prior to the crediting of such overpayment against such person's future liability for an internal revenue tax.".

(c) The amendments made by this section shall apply to taxable years ending after December 31, 1983.

TITLE VIII—ADMINISTRATIVE AND JUDICIAL REVIEW

STAYS OF ADMINISTRATIVE ACTION

SEC. 801. The last sentence of section 14 (a) (7.U.S.C. 2023 (a)) is amended—

(1) by striking out "an application" and inserting in lieu thereof "on application"; and

(2) by striking out "of irreparable injury" and inserting in lieu thereof "required under applicable law governing the granting of stays of such administrative action".

TITLE IX—ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL

STATE AGENCY LIABILITY FOR ERRORS

SEC. 901. (a) Section 16 (7 U.S.C. 2025) is amended—

(1) by striking out subsection (c);

(2) in subsection (d)(2)(A)—

(A) by striking out "exceeds—" and all that follows through "subparagraph (B)," and inserting in lieu thereof "exceeds 3 per centum, the Secretary shall"; and

(B) by striking out "amounts" and inserting in lieu thereof "amount";

(3) by striking out subparagraph (B) of subsection (d)(2) and inserting in lieu thereof the following new subparagraph:

(B) The Secretary shall institute an error rate liability program under which each State agency shall be liable to the Secretary for an amount equal to the product of multiplying—

"(i) the per centum by which the State agency's payment error rate for any fiscal year exceeds 3 per centum; by

"(ii) the total dollar value of all coupons issued by the State agency during the fiscal year."; and

(4) by striking out paragraph (3) of subsection (d) and inserting in lieu thereof the following new paragraph:

"(3)(A) With respect to each fiscal year, the Secretary shall—

"(i) determine the total dollar loss to the United States as a result of payment error rates above 3 per centum by all State agencies during the most recent quality control period for which federally-adjusted data is available and the proportion of the loss which was attributable to each State agency;

"(ii) estimate the total dollar loss to the United States as a result of payment error rates above 3 per centum by all State agencies during the fiscal year (based on the loss described in clause (i)) and the proportion of the estimated loss which the Secretary determines will be attributable to each State agency (based on the proportion described in clause (i)); and

"(iii) estimate the amount of the liability of each State agency under this subsection for the fiscal year (based on the proportion of the estimated loss described in clause (ii)).

"(B) The Secretary shall reduce a State agency's federally funded share of administrative costs by an amount equal to the estimated liability of the State agency under subparagraph (A)(iii).

"(C) If the estimated liability of the State agency under subparagraph (A)(iii) is more than the State agency's federally funded share of administrative costs, the State agency shall pay to the Secretary, at such times as the Secretary may require, an amount equal to the difference between the estimated liability of the State agency and the State agency's federally funded share of administrative costs.

"(D) After the end of each fiscal year—

"(i) the Secretary shall determine the actual liability of each State agency under paragraph (2) for the fiscal year; and

"(ii)(I) In any case in which the actual liability of the State agency for the fiscal year is less than the amount collected from the State agency under this paragraph during the fiscal year, the Secretary shall adjust the State agency's federally funded share of administrative costs in an amount equal to the difference between the actual liability of the State agency and the amount collected from the State agency; and

"(II) in any case in which the actual liability of the State agency for the fiscal year is more than the amount collected from the State agency under this paragraph during the fiscal year, the State shall pay to the Secretary an amount equal to the difference between the actual liability of the State agency and the amount collected from the State agency.".

(b)(1) Section 16 (7 U.S.C. 2025) (as amended by subsection (a) of this section) is amended by redesignating subsections (d) through (g) as subsections (c) through (f), respectively.

(2) Section 11(e)(3) (7 U.S.C. 2020(e)(3)) is amended by striking out "section 16(e)" and inserting in lieu thereof "section 16 (d)".

(3) The second sentence of section 11(g) (7 U.S.C. 2020(g)) is amended by striking out "sections 16(a) and 16(c)" and inserting in lieu thereof "section 16(a)".

(4) Section 16(c)(2)(A) (as redesignated by paragraph (1)) is amended by striking out "subsection (g)" and inserting in lieu thereof "subsection (f)".

(5) Section 18(e) (7 U.S.C. 2027(e)) is amended by striking out the second sentence.

(c)(1) Notwithstanding section 16(g)(1) of the Food Stamp Act of 1977 (as it existed before the amendment made by section 180(a)(2) of the Omnibus Budget Reconciliation Act of 1982 (96 Stat. 782)) or section 16(d)(2)(A) of the Food Stamp Act of 1977 (as it existed before the amendment made by subsection (a)(2) of this section), a State agency shall pay to, or have withheld by, the Secretary of Agriculture the amount described in such section and may not be excepted from the payment or withholding of the amount on the basis of good cause as determined by the Secretary.

(2) This subsection shall become effective on December 1, 1983.

GEOGRAPHICAL ERROR-PRONE PROFILES

SEC. 902. Section 16 (7 U.S.C. 2025) (as amended by section 901(b)(1) of this Act) is amended by adding at the end thereof the following new subsection:

"(g)(1) The Inspector General of the Department of Agriculture may use quality control information made available under this section to determine which project areas have payment error rates (as defined in subsection (c)(1)), which impair the integrity of the food stamp program.

"(2) If the Inspector General determines under paragraph (1) that a project area has a payment error rate which impairs the integrity of the food stamp program, the Secretary may impose requirements on the State agency which administers the food stamp program in the project area which the Secretary reasonably determines are necessary to reduce the rate and which are consistent with the purposes of this Act.

"(3) No later than fourteen months after the date of the enactment of the Food Stamp Integrity and Accountability Act, and each twelve months thereafter, the Secretary shall submit a report which lists project areas described in paragraph (1) and describes any requirements imposed on State agencies under paragraph (2) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

TITLE X—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 1001. Except as provided in sections 704(c) and 901(c)(2) of this Act, this Act and the amendments made by this Act shall become effective on January 1, 1984.

FOOD STAMP INTEGRITY AND ACCOUNTABILITY ACT: SUMMARY OF PROVISIONS

TITLE I—DEFINITIONS

SEC. 101. Flexible Certification Periods. Removes the statutory six month minimum period of certification for monthly reporting households to permit States greater flexibility in establishing appropriate certification periods for households with income. Thereby permits States to use more frequent face to face interviews at recertification in order to protect program integrity. Also requires that households reporting no income (after deductions and exclusions) could not be certified for longer than three months.

SEC. 102. Household Definition. Removes the present categorical exemption which allows some unrelated and distantly related individuals who live together to apply as separate food stamp households (and thereby receive larger benefits than if they applied as one household). Instead States would be granted the option of establishing criteria for those unrelated or distantly related individuals who live together to demonstrate that they do not purchase food or prepare meals together and thus should be considered as separate households for food stamp purposes. (Parents and siblings who are elderly and disabled would continue to be permitted to apply as separate households if they purchase food and prepare meals separately. Additionally, there would be no change in the recently-enacted provision for elderly disabled members who live with households at or below 165 percent of poverty.)

TITLE II—ELIGIBLE HOUSEHOLDS

SEC. 201. Student loans, grants and income. Eliminates the current provision which exempts a certain portion of some student loans or grants from being counted as income for purposes of determining food stamp eligibility and benefit levels—consistent with the way income is treated for students who pay for their education expenses from income earned from working. (The exemption of income results in higher food stamp benefits.) Also requires that the income and resources of ineligible students be counted in determining the eligibility and benefit levels of the remaining household members.

SEC. 202. Nonrecurring lump-sum payments. Establishes consistency between the food stamp and AFDC programs by requiring that lump-sum payments (such as income tax refunds, lottery or other cash prizes, and insurance payments) be counted as income in the month received. (Currently, lump-sum payments are totally excluded as income but rather counted as assets in the food stamp program, although counted as income in the AFDC program. The result of the current, inconsistent treatment of lump-sum income is that food stamp benefits go up because AFDC payments go down in recognition of the increased household income.) Amounts above 130 percent of poverty would be applied toward future months to determine the length of ineligibility.

SEC. 203. Financial resources. Limits the property which a participating household may exclude from being counted as a resource to one home and the surrounding lot (not to exceed 10 acres) and further clarifies that burial plots shall not be counted as property.

TITLE III—ELIGIBILITY DISQUALIFICATIONS

SEC. 301. Aliens. Requires that all income and assets of an ineligible alien count in a household's eligibility process, not just a pro-rata share as under current law.

TITLE IV—ISSUANCE AND USE OF COUPONS

SEC. 401. Cash change. Eliminates the issuance of cash change for amounts less than $1.00 (already prohibited for amounts over $1.00).

TITLE V—ADMINISTRATION

SEC. 501. Certification of information. Requires that all adult food stamp applicants and all adult recipients who are required to file certain reports certify in writing, under penalty of perjury, the truth of the information contained in food stamp applications, monthly income reports, and other documents.

SEC. 502. Improved verification. Requires verification of all income, household size, and other factors which either the Secretary or the State may require.

SEC. 503. Expedited coupon issuance. Eliminates the Federal requirement of "expedited service" for certain households. States would have the *option* of establishing expedited service processing in cases where gross income is under $85 (or the household is a destitute migrant or a seasonal farmworker household) and assets do not exceed $100.

SEC. 504. Photographic identification cards. Requires States to implement a photographic identification card system for food stamp recipients.

SEC. 505. Wage matching. Permits States that do not have quarterly wage information from unemployment compensation records (about 12 States) to use alternative methods of obtaining similar information, if approved by the Secretary (in lieu of using wage data from the Social Security Administration as required by current law).

SEC. 506. Fraud detection offices. Requires States to establish fraud detection offices in project areas serving 5,000 or more households. Fraud detection offices would investigate, and assist in the prosecution of, fraud in the food stamp program.

SEC. 507. Interest and dividend information. Permits the Secretary, after consultation with the Inspector General, to require States to match the food stamp rolls with names of individuals receiving interest and dividend income (available under the Internal Revenue Code) for purposes of detecting unreported income or assets if he determines that to do so would protect the integrity of the food stamp program.

TITLE VI—DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

SEC. 601. Retail store sanctions. Requires that stores disqualified from participation in the food stamp program also be ineligible, during the period of disqualification, from participating in the special supplemental food program for women, infants, and children (WIC).

TITLE VII—COLLECTION AND DISPOSITION OF CLAIMS

SEC. 701. Liability for overissuance of coupons. Clarifies that each adult member of a household is jointly and severally liable for the value of any overissuance of coupons.

SEC. 702. Collection of claims. Requires States to collect overissuances which are not collected by benefit offset—primarily among households no longer participating in the program—by other means, unless the State can demonstrate that it would not be cost effective. Additionally, requires States to collect overissuances which result from State agency error. (Overissuances resulting from recipient error are already requires to be collected when the recipient is still participating in the program.)

SEC. 703. Food stamp intercept of unemployment benefits. Permits States to establish systems for intercepting unemployment compensation benefits from households who owe uncollected overissuances due to fraud or misrepresentation in the food stamp program. States could retain 50 percent of such recoveries.

SEC. 704. Food stamp intercept of Federal tax refunds. Permits States to submit to the Internal Revenue Service the names of individuals who owe uncollected overissuances due to fraud or misrepresentation in the food stamp program. The IRS would subtract the amount owed before issuing any tax refund to such individuals. The States could retain 50 percent of such recoveries.

TITLE VIII—ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 801. Stays of administrative action. Changes the conditions appellant retail food stores (and wholesale food concerns) and States must meet in order to obtain judicial stays of administrative penalties. The new standard requires stores or States contesting a sanction imposed on them to demonstrate a strong showing that they are likely to prevail on the merits of the case in order to obtain a stay of the sanction as a part of the appeals process, rather than simply demonstrating that the sanction would result in irreparable injury. Currently, stores and States can avoid the sanction if they can show irreparable injury—regardless of how strong the evidence—while they go through the appeals process.

TITLE IX—ADMINISTRATIVE COST-SHARING AND QUALITY CONTROL

SEC. 901. State agency liability for errors. Requires States to lower their error rates to three percent, or reimburse the Federal Government for errors above that amount either through a reduction of administrative funding or cash repayment. Also eliminates the Secretary's authority to waive the application of a sanction for overissuance.

SEC. 902. Geographical error prone profiles. Permits the Inspector General to develop information on project areas which have error rates which impair the integrity of the food stamp program. In such areas, the Secretary may institute additional requirements in order to reduce the overissuance errors. An annual report shall be made to Congress on what areas have significant error rates and what actions, if any, have been taken to remedy them.

TITLE X—EFFECTIVE DATE

SEC. 1001. Effective date. Establishes January 1, 1984 as the date on which provisions are to be effective.●

By Mr. HELMS:

S. 1994. A bill to amend the National School Lunch Act to reinstate income eligibility criteria for family or group day care home participants in the child care food program; to the Committee on Agriculture, Nutrition, and Forestry.

DAY CARE HOME INTEGRITY ACT

● Mr. HELMS. Mr. President, in a Congress which must often concentrate on programs costing billions and billions of dollars, smaller programs are sometimes overlooked. In my view, we in the Congress have a responsibility to maintain proper oversight over all Federal programs, large and small.

Today, I am introducing legislation dealing with one of the smaller programs within the Federal Government, the family and group day care home component of the child care food program.

This legislation would restore income eligibility as a factor in determining Federal payments—at a savings of approximately $45 million—making the program consistent with most other child nutrition programs. This reform will also improve the program's integrity by better targeting Federal funds to the poor.

By way of background, let me note that the family and group day care home aspect of the child care food program currently costs about $100 million annually. (The entire child care food program cost $310 million in fiscal year 1982.) Participating homes receive a standardized Federal reimbursement for all meals and supplements served to children enrolled in such homes regardless of family income of the child. Federal reimbursement of a maximum of two meals and one supplement, or snack, is permitted each day.

Typically, no more than 3 to 5 children are enrolled in a participating home. Day care homes must meet any licensing requirements imposed by a State or otherwise gain approval by a State or local agency as well as be a member of a sponsoring organization which participates in the child care food program.

Day care homes are administered locally through sponsoring organizations. In 1982, there were approximately 55,000 individual day care home providers who participated in the program; these were affiliated with approximately 700 sponsors nationwide.

NEED FOR MEANS TEST

At a time when increasing attention is focused on the extent to which Federal programs are targeted to the poor, this program warrants careful scrutiny because of reports of an increasingly large proportion of nonpoor children participating and receiving full Federal reimbursements for meals.

At the present time, there is no differentiation in Federal payment levels—that is, reimbursement—according to the family income of the participating child.

In other child nutrition programs—school breakfast, school lunch, and child care centers in the child care food program—the income level of the family determines the Federal payment for each meal served.

The existing income levels used to determine eligibility in these programs—as compared to 100 percent of

poverty—are detailed in the following table.

INCOME ELIGIBILITY STANDARDS FOR FREE AND REDUCED-PRICED LUNCHES IN THE SCHOOL LUNCH PROGRAM,[1] JULY 1, 1983–JUNE 30, 1984

Household size	130 percent (free)		185 percent (reduced price)		100 percent	
	Month	Year	Month	Year	Month	Year
1	$527	$6,318	$750	$8,991	$405	$4,860
2	709	8,502	1,009	12,099	545	6,540
3	891	10,686	1,268	15,207	685	8,220
4	1,073	12,870	1,527	18,315	825	9,900
5	1,255	15,054	1,786	21,423	965	11,580
6	1,437	17,238	2,045	24,531	1,105	13,260
7	1,619	19,422	2,304	27,639	1,245	14,940
8	1,801	21,606	2,563	30,747	1,385	16,620
Each additional	+182	+2,184	+259	+3,108	+140	+1,680

[1] The eligibility standards that exist for the lunch program also apply with regard to the school breakfast program and to child care centers participating in the child care food program.

It should be noted that at or below 130 percent of poverty is the standard for food stamp participation, free lunch, and free breakfast eligibility; 130 to 185 percent is the standard for reduced priced lunch and breakfast participation.

The only existing limitation in the day care home portion of the program is that children of a family day care home provider may only participate in the program—that is, receive federally reimbursed meals—if the family income is at or below 185 percent of the OMB poverty guidelines, the same guidelines for free and reduced price school lunch and breakfast participation.

However, for the children of all other parents, there is neither a restriction on their admission to the day care home, nor on the receipt by the day care home of the standardized Federal payment rate for meals served to those children.

In 1978, a provision was enacted into law establishing a separate payment system without income requirements. With the exception of limiting participation of provider's children—subsequently adopted in the Omnibus Budget Reconciliation Act of 1981, this system has remained unchanged since actually implemented in May 1980.

The bill I am introducing today would restore the income eligibility criteria which existed in the program prior to May 1980, for all children.

Recent information from both the Food and Nutrition Service and the Office of the Inspector General indicates that the rapid expansion in the program in recent years has come from the increased participation of nonneedy children. Indeed, currently the Department of Agriculture estimates that 75 percent of all participating children are from families with incomes above 130 percent of poverty, 64 percent are from families with incomes above 185 percent of poverty. If these figures reflect current program participation, 64 percent of children are from families with incomes above $18,315, for a four-person household. Thus, it is clear that scarce Federal resources are going to those well above any reasonable standard of need.

The national percentage for the various income categories at the time that income eligibility was eliminated—May 1980—were as follows as contrasted with the present distribution:

FREE, REDUCED PRICE, AND PAID INCOME CATEGORIES WITHIN FAMILY GROUP DAY CARE HOMES

[In percent]

	1980	1982 [1]
Free (below 130 percent)	44	25
Reduced price (130 to 185 percent)	24	11
Paid (above 185 percent)	32	64

[1] Preliminary figures furnished by Food and Nutrition Service. U.S. Department of Agriculture, based on Jan. 1, 1982, data from Abt Associates report.

The existing reimbursement rates for children in day care centers—where reimbursements are based on family income—and day care homes—where they are not—are shown in the following table.

CASH REIMBURSEMENT RATES FOR CHILD CARE FOOD PROGRAM JULY 1, 1983 TO JUNE 30, 1984

[In cents per serving per child]

	Day care centers			Family or group day care homes
	Free	Reduced price	Paid	
Breakfast	62.75	32.75	9.0	52.5
Lunch/supper	120.25	80.25	11.5	103.0
Supplement (snack)	33.0	16.5	3.0	30.75

As observed from the table, day-care home rates are weighted toward an assumption that lower income children are predominant—as evidenced by the fact that rates are established only slightly lower than the free category. However, actual participation characteristics, as outlined earlier, are quite close to the paid category (higher income families).

Maintaining the current, standardized reimbursement when such a high percentage of recipients are from higher income families cost taxpayers approximately $45 million annually—almost half the cost of the entire family and day-care home budget.

This is a needless expense. This program can, and should, be more properly targeted to assisting those who are in true need, rather than providing a subsidy on behalf of higher income families as is the current situation. By changing the rates to reflect the actual income distribution within homes, the reimbursement on behalf of poor children would be increased above present levels. The only reductions in Federal reimbursements would affect day-care homes serving children from households above 130 percent of poverty—$12,870 annual income for a family of four.

An audit by the Office of Inspector General of the Department of Agriculture, completed September 30, 1982, has indicated that in the largest association of day-care homes a majority of participants had family incomes above both the free—130 percent of poverty—and reduced price—185 percent of poverty—income eligibility levels used for the child-care centers and school lunch and breakfast programs.

The OIG audited the largest multi-State sponsor in the program, Quality Child Care, Inc., of Mound, Minn. According to the OIG, Quality Child Care, Inc., represented about 6,850 providers in seven States as of September 30, 1981. During fiscal year 1981, this sponsor received Federal reimbursements totaling $12,772,914, representing about 16 percent of the funds provided for all day-care homes participating in the program during fiscal year 1981.

According to the OIG audit, 200 individual day-care home providers were randomly selected; 71 percent of all children enrolled in these programs sponsored by Quality Child Care, Inc., were from families with incomes above 185 percent of poverty. Only 14 percent of the children in the day-care homes studied had incomes below 130 percent of poverty.

The OIG noted:

We computed that a potential savings of $5.8 million in fiscal year 1981, could have been realized at this sponsor alone if provider reimbursement would have been based on income criteria. We also estimated possible program savings of $36.5 million in fiscal year 1981 and $34.9 million in fiscal year 1982, if other family day care home sponsors had income mixes similar to QCCI.

The OIG noted that its findings paralleled findings in a separate study—since released by the Department:

The preliminary report on the evaluation of the child care food program by Abt Associates, Inc., indicates that in December 1981, between 57 and 67 percent of the children served in family day care homes would have been in the paid income eligibility category.

Since the release of the OIG report, FNS has indicated findings that 64 percent of day care home children are in paid income eligibility category.

The OIG made the following recommendation:

Unless the current structure of the CCFP is eliminated, FNS needs to reinstate income eligibility criteria for family day care home participants.

The administration proposed for both fiscal year 1983 and 1984 that the child care food program become part of a consolidated nutrition block grant. Thusfar, neither house has reported such comprehensive legislation.

In the absence of a more fundamental reform in the child-care food program, however, I think it imperative that the means test for Federal reimbursements be reestablished for

family- and group-day-care homes. The bill which I am introducing today would restore that means test in essentially the same fashion as existed prior to May 1980. As such, it represents a focus on targeting Federal benefits based on the income levels of recipients and their families, a focus which is much deserved in child-nutrition programs.●

By Mr. BOSCHWITZ (for himself and Mr. DURENBERGER):

S. 1996. A bill to amend the Internal Revenue Code of 1954 to exempt certain sewage and solid waste disposal facilities that provide energy from the limitation on small bond issues; to the Committee on Finance.

EXEMPTION OF CERTAIN ENERGY PRODUCING ACTIVITIES FROM LIMITATION IN SMALL BOND ISSUES.

● Mr. BOSCHWITZ. Mr. President, the legislation I am introducing today will resolve a conflict in our tax laws that unnecessarily limits small cities in rural areas from issuing industrial development bonds (IDB's) to construct solid waste disposal facilities. This conflict came to my attention during my efforts to help the city of Fergus Falls, Minn., and Mid-America Dairymen, Inc., obtain a favorable ruling from the IRS.

Briefly, the conflict arises from different policy objectives of two separate provisions of our tax laws. On the one hand, the tax laws encourage cities to use tax-exempt obligations to finance certain types of projects that provide public goods and services. These projects specifically include solid waste disposal facilities that generate steam from the solid waste.

On the other hand, the tax laws limit the amount of IDB's that a city can issue to finance facilities used by private industry. This small issue exemption allows a city to issue up to $10 million in IDB's over a 6-year period. If a private company uses the facilities financed by IDB's, the amount of IDB's previously issued for facilities used by the same company must be counted to determine if the $10 million limit is exceeded. In addition, capital expenditures made by the city and the company during the 6-year period are counted against the limit. If the limit is exceeded, the previous IDB's lose their tax-exempt status. So, as a practical matter, a city will not issue new IDB's. This limitation furthers the policy objective of limiting the use of public credit to finance private enterprise.

The conflict between these policy objectives becomes most acute in small cities in rural areas that use IDB's as an economic development tool to attract and keep private industry. The dilemma facing Fergus Falls and Mid-America is a case in point.

The city of Fergus Falls has about 12,500 residents. It successfully used IDB's to induce Mid-America to locate a major plant in the community. As a result, Mid-America became, and continues to be, the primary commercial industry in the community. Mid-America is truly the foundation of economic activity and employment in the community.

Independently of these IDB's, the city must issue bonds to construct a solid waste disposal facility. This facility is necessary because the existing landfills used to dispose of the community's solid waste must be closed in the near future to comply with Federal and State environmental laws. To make the solid waste disposal facility economically feasible, a steam-generated facility would be constructed and the steam would be sold. The only customer in the community capable of utilizing the volume of steam generated is Mid-America, so the steam would be sold to Mid-America. The IRS has been asked to rule that this arrangement will not cause the previous issues of IDB's to lose their tax-exempt status.

Mr. President, I must say that IRS has been most cooperative in arranging informal conferences and accommodating the city and Mid-America in their efforts to obtain a favorable and workable ruling. Still, the IRS must base its ruling on its technical interpretation of the tax laws, not on the higher priority of competing policy objectives. Unfortunately, the IRS takes the position that selling the steam to Mid-America makes Mid-America the principal user of the solid waste disposal steam-generating facility. As a principal user, Mid-America must include the cost of the facility as a capital expenditure, which causes the $10 million limitation on small issue IDB's to be exceeded. As a result, the previous IDB issues would lose their tax-exempt status. Facing this result, the city will not issue the solid waste disposal facility bonds.

Mr. President, I believe that this is an incorrect interpretation of the law and is contrary to the policy objective of encouraging solid waste disposal facilities. But it also creates a very ironic and anomalous result. If the city does not sell the steam, there are no adverse tax consequences. Literally, the city must let the energy generated by the solid waste disposal facility go up in smoke in order to avoid losing the tax-exempt status of its previously issued IDB's.

Frankly, Mr. President, this application of our tax laws just does not make sense. Steam-generating facilities are specifically included in the definition of solid waste disposal facilities as the type of project that is encouraged to use IDB financing.

Commonsense dictates that the steam should be available for sale. Prohibiting the sale of steam to the only customer in the community clearly frustrates the policy objective designed to encourage solid waste disposal facilities.

My legislation will make it clear that the limitations on small issue IDB's will not prevent a city from issuing tax-exempt bonds to finance solid waste disposal facilities that include steam-generating facilities. Simply put, my legislation provides that capital expenditures paid to construct solid waste disposal facilities will not count against the $10 million limitation on small issue IDB's.

Mr. Presient, this legislation will resolve the conflict in our tax laws. It will remove any doubt about the priority Congress has placed on the importance of solid waste disposal facilities. Most importantly, it will preserve a vital tool for small cities in rural areas to effectively, efficiently and economically dispose of solid waste. I urge my colleagues to join me in this effort.●

By Mr. INOUYE:

S. 1997. A bill to amend title 28 of the United States Code relating to the retirement of territorial judges; and for other purposes; to the Committee on the Judiciary.

RETIREMENT OF TERRITORIAL JUDGES

● Mr. INOUYE. Mr. President, today I am introducing legislation which would permit territorial judges who fail of reappointment or are removed from office for medical reasons to qualify for proportional judicial retirement benefits at age 62 provided that they serve a minimum of 8 years in office.

Currently, the retirement rights of territorial judges vest after 10 years of service. Such judges, however, serve terms of only 8 years subject to reappointment by the President and confirmation by the Senate. Until recently, only potential hardship resulting from the discrepancy between the 8-year term and the 10-year vesting period was mitigated by the decision of what is now the Office of Personnel Management to include territorial judges under the civil service retirement system until the vesting of their judicial retirement rights. Territorial judges were thus assured of accruing retirement rights and benefits even if they were not reappointed or were removed from office.

In 1977, the Office of Personnel Management reversed its position and declared new territorial judges no longer eligible to participate in the civil service retirement system. This has left such judges in the awkward situation of having absolutely no retirement benefits accruing for 10 years and no reasonable assurance of continuance in office for the required period.

The purpose of this measure is to rectify this situation by conforming the vesting period to the termination of a territorial judge's first term. The change would apply only to those judges who are removed for medical reasons or fail of reappointment and their entitlement would be reduced in proportion to the reduction in the required years in service.

The only other change provided for in the measure is a reduction of the age at which the above discussed retirement can be drawn. Current law requires that the retiree be 65 which would be reduced to 62. This would confirm the age at which retirement can be drawn with that of retired Members of Congress and bankruptcy judges as provided in the bankruptcy reorganization measure which we have recently passed.

Mr. President, I believe this measure simply assures a degree of fairness and security to a small but very important group serving our country and urge my colleagues to support its passage.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 373 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by striking out "sixty-five" each place it appears and inserting in lieu thereof "sixty-two"; and

(2) by striking out "ten years" and inserting in lieu thereof "eight years".●

By Mr. ANDREWS (by request):

S. 1999. A bill to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, make conforming amendments, repeal unnecessary provisions of law referring to the Commissioner of Indian Affairs, and for other purposes; to the Select Committee on Indian Affairs.

DESIGNATION FOR POSITION OF ASSISTANT SECRETARY OF INDIAN AFFAIRS

● Mr. ANDREWS. Mr. President, at the request of the administration, I am today introducing S. 1999, a bill to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs and to eliminate the position of Commissioner of Indian Affairs. The bill would also make conforming amendments to various statutes that refer to the Commissioner of Indian Affairs and would repeal other unnecessary provisions of law referring to the Commissioner.

Mr. President, as a matter of policy, the position of Assistant Secretary for Indian Affairs was created at the Department of the Interior in 1977. The statute creating the position of Commissioner of Indian Affairs was never repealed. We are, thus, left with a statutory scheme that calls for both the Assistant Secretary for Indian Affairs and the subordinate position of Commissioner of Indian Affairs to be filled by Presidential appointment, by and with the advice and consent of the Senate. The position of Commissioner of Indian Affairs has remained vacant during this administration.

The proposals to amend certain laws that purport to vest authority for certain acts in the Commissioner of Indian Affairs would conform to the 1950 reorganization plan No. 3, which became effective May 24, 1950. (See, 15 Fed. Reg. 3174, 64 Stat. 1262).

Mr. President, I ask that this bill be printed in full at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 462 of the Revised Statutes (25 U.S.C. 1) is amended to read as follows: "There shall be in the Department of the Interior an Assistant Secretary of the Interior for Indian Affairs who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe with respect to the conduct of Indian Affairs and who shall receive compensation at the rate prescribed by law for Assistant Secretaries of the Interior."

(b) Section 5316 of title 5, United States Code, is amended by deleting "Commissioner of Indian Affairs, Department of the Interior".

(c) Any reference to the "Commissioner of Indian Affairs" in any regulation, contract, agreement, or other document shall be deemed to refer to the "Assistant Secretary of the Interior for Indian Affairs": *Provided,* That this shall not preclude any amendment of such a regulation, contract, agreement, or other document.

SEC. 2. (a) The following provisions are repealed:

(1) The Act of June 5, 1942 (56 Stat. 312) as amended (25 U.S.C. 2a).

(2) The eleventh paragraph under the subheading "Commissioner" under the heading "I. General Provisions" in the Act of March 3, 1909 (35 Stat. 783; 25 U.S.C. 10).

(b) The Act of August 8, 1946 (60 Stat. 939; 25 U.S.C. 1a), is amended to read as follows: "Except where delegation or redelegation of a function is otherwise specifically restricted by statute or executive order, the Secretary of the Interior is authorized to delegate any of the Secretary's functions, powers, and duties with respect to the conduct of Indian Affairs to the Assistant Secretary of the Interior for Indian Affairs and such other officers and employees of the Department of the Interior as the Secretary may designate. The Secretary may amend and revoke such delegations and may authorize successive redelegations of such functions, powers, and duties. The Secretary may also make such rules and regulations as may be necessary to carry out the Secretary's functions, powers, and duties with respect to the conduct of Indian Affairs.".

SEC. 3. Each of the following provisions are amended by deleting the titles "Commissioner of Indian Affairs" and "Commissioner" each time they appear and inserting in lieu thereof in each such instance the title "Secretary of the Interior":

(1) Section 7 of the Act of May 17, 1882 (22 Stat. 88; 25 U.S.C. 3).

(2) Section 464, Revised Statutes (25 U.S.C. 8).

(3) Section 2156, Revised Statutes (25 U.S.C. 229).

(4) Section 5 of the Act of August 15, 1876 (19 Stat. 200; 25 U.S.C. 261).

(5) The provision of section 1 of the Act of March 3, 1901 (31 Stat. 1066), as amended by section 10 of the Act of March 3, 1903 (32 Stat. 1009) (25 U.S.C. 262).

(6) Section 11 of the Act of August 15, 1894 (28 Stat. 313; 25 U.S.C. 286).

(7) The first, tenth, and final paragraphs under the subheading "Commissioner", under the heading "I. General Provisions" in the Act of March 1, 1907 (34 Stat. 1015, 1016, 1018; 25 U.S.C. 288).

(8) The third proviso in the seventh paragraph under the subheading "Commissioner" under the heading "I. General Provisions" in the Act of March 3, 1909 (35 Stat. 783; 25 U.S.C. 289).

(9) Section 1 of the Act of May 29, 1908 (35 Stat. 444; 25 U.S.C. 404).

(10) The final paragraph under the subheading "Secretary" under the heading "I. General Provisions" in the Act of June 21, 1906 (34 Stat. 327; 25 U.S.C. 409).

(11) Section 1 of the Act of May 24, 1950 (64 Stat. 190; 25 U.S.C. 442).

(12) Section 11 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 471).

(13) Section 2 of the Act of August 28, 1937 (62 Stat. 92; 25 U.S.C. 544).

SEC. 4. (a) Section 463, Revised Statutes (25 U.S.C. 2), is amended by deleting the words "The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to" and inserting in lieu thereof "The Secretary of the Interior shall, subject to".

(b) Sections 2, 3, and 4 of the Act of June 26, 1892 (27 Stat. 272, 273; 25 U.S.C. 5, 6, and 7), are amended by deleting the title "Commissioner of Indian Affairs" each time it appears and inserting in lieu thereof in each instance the title "Secretary of the Interior" and by deleting the words "said office" each time they appear and inserting in lieu thereof in each such instance the words "the Bureau of Indian Affairs". Section 3 of such Act is further amended by deleting the words "the Commissioner thereof" and the words "such Commissioner" and inserting in lieu thereof in each such instance the words "the Secretary". Section 4 of such Act is further amended—

(1) by deleting the words "the Commissioner's" and inserting in lieu thereof "a"; and

(2) by deleting the words "the Commissioner" each time they appear and inserting in lieu thereof in each such instance the words "the Secretary".

(c) The tenth paragraph under the heading "I. General Provisions" and the subheading "Commissioner", of the Act of April 30, 1908 (35 Stat. 72) as amended (25 U.S.C. 295) is further amended by deleting the words "the Commissioner of Indian Affairs" the first time they appear and inserting in lieu thereof the words "the Secretary of the Interior" and by deleting the words "subject to the supervision of the Secretary

of the Interior" and in the fourteenth and last paragraph thereof (35 Stat. 73; 25 U.S.C. 12), by deleting the words "the Commissioner of Indian Affairs" each time they appear and inserting in lieu thereof in such instance the words "the Secretary of the Interior".

(d) Section 1 of the Act of February 14, 1920 (41 Stat. 414; 25 U.S.C. 53), in the second paragraph under the heading "Advertisement for Sale of Indian Lands (Reimbursable)" is amended by deleting the words "Any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place" and inserting in lieu thereof the words "Any disbursing agent of the Bureau of Indian Affairs, with the approval of the Secretary of the Interior, may authorize a clerk employed in his office to act in his place".

(e) Section 2103, Revised Statutes, as amended, (25 U.S.C. 81), is further amended by deleting the words "the Secretary of the Interior and the Commissioner of Indian Affairs" and inserting in lieu thereof "the Secretary of the Interior" and by further deleting the words "the Commissioner and the Secretary" and inserting in lieu thereof "the Secretary".

(f) Section 2104, Revised Statutes (25 U.S.C. 82), is amended by deleting the words "filed with the Commissioner of Indian Affairs" and inserting in lieu thereof "filed with the Secretary of the Interior" and by further deleting the words "the Secretary of the Interior and the Commissioner of Indian Affairs shall determine therefrom whether, in their judgment," and inserting in lieu thereof "the Secretary of the Interior shall determine therefrom whether, in the Secretary's judgment,".

(g) Section 2106, Revised Statutes (25 U.S.C. 84), is amended by deleting the words "the consent of the Secretary of the Interior and the Commissioner of Indian Affairs" and inserting in lieu thereof "the consent of the Secretary of the Interior".

(h) Section 4 of the Act of August 15, 1894 (28 Stat. 312; 25 U.S.C. 99), is amended by deleting the words "The Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and to enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian Service" and inserting in lieu thereof "The Secretary of the Interior with respect to the Bureau of Indian Affairs, and the Secretary of Health and Human Services, with respect to the Indian Health Service, are each authorized to enter into contracts for goods and supplies".

(i) The ninth paragraph under the heading "miscellaneous" in section 1 of the Act of March 3, 1893 (27 Stat. 631), as amended, (25 U.S.C. 178), is further amended by deleting the words "said fees shall be paid by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Commissioner of the General Land Office" and inserting in lieu thereof "said fees shall be paid by the Secretary of the Interior from funds appropriated for the administration of Indian Affairs".

(j) The last proviso of section 2133, Revised Statutes, as amended (25 U.S.C. 264), is amended to read as follows: "And provided further, That no person other than an Indian shall be employed as a clerk by any Indian trader, except such as trade with said Five Civilized Tribes, unless licensed to do so by the Secretary of the Interior.".

(k) The second paragraph under the heading "Support of Schools" in section 1 of the Act of April 21, 1904 (33 Stat. 211; 25 U.S.C. 292), is amended to read as follows: "The Secretary of the Interior may suspend or discontinue any reservation Indian school whenever he deems such action necessary or desirable."

(l) The fourth paragraph under the subheading "Commissioner" under the heading "I. General Provisions" in the Act of June 21, 1906 (34 Stat. 328; 25 U.S.C. 302), is amended by deleting the words "The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior," and inserting in lieu thereof "The Secretary of the Interior".

(m) Section 3 of the Act of February 8, 1887 (24 Stat. 389), as amended (25 U.S.C. 333), is further amended by deleting the words "to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for action, and to be deposited in the General Land Office" and inserting in lieu thereof "in duplicate to the Secretary of the Interior for his action, one copy to be retained in the Bureau of Indian Affairs and one copy to be deposited with the Bureau of Land Management".

(n) The second proviso in the nineteenth paragraph of section 1 of the Act of August 1, 1914 (38 Stat. 586; 25 U.S.C. 376), is amended by deleting the words "the Secretary of the Interior or the Commissioner of Indian Affairs" and inserting in lieu thereof "the Secretary of the Interior".

(o) The third paragraph of section 1 of the Act of April 4, 1910 (36 Stat. 269, 270; 25 U.S.C. 383), is amended by deleting the words "submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior" and inserting in lieu thereof "approved by the Secretary of the Interior,".

(p) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 U.S.C. 5616(a)(1)) is further amended by deleting "Commissioner of the Bureau of Indian Affairs" and inserting in lieu thereof "Assistant Secretary of the Interior for Indian Affairs".

SEC. 5. The following provisions are hereby repealed:

(1) The two paragraphs under the subheading "Indian Agents Proviso" under the heading "II. General Officers and Employees" in the Act of March 1, 1907 (34 Stat. 1020; 25 U.S.C. 66).

(2) The proviso in section 7 of the Act of March 3, 1875 (18 Stat. 450; 25 U.S.C. 96).

(3) Section 2109, Revised Statutes (25 U.S.C. 146).

(4) Section 10 of the Act of March 2, 1889 (25 Stat. 1003; 25 U.S.C. 272).

(5) The last proviso in the seventh paragraph under the heading "Current and Contingent Expenses" in the first section of the Act of March 3, 1905 (33 Stat. 1049; 25 U.S.C. 272a).

(6) The penultimate paragraph under the heading "Support of Schools" in section 1 of the Act of June 7, 1897 (30 Stat. 62, 83; 25 U.S.C. 274).

(7) The second paragraph under the subheading "President" under the heading "I. General Provisions" in the Act of June 2, 1906 (34 Stat. 326; 25 U.S.C. 279).

(8) The tenth paragraph in section 18 of the Act of June 30, 1913 (38 Stat. 96; 25 U.S.C. 285).

(9) The last proviso in the third paragraph of section 1 of the Act of April 4, 1910 (36 Stat. 271; 25 U.S.C. 384).

SEC. 6. Section 3055 of title 18, United States Code, is amended by deleting the words "Commissioner of Indian Affairs, or".

SEC. 7. Nothing in this Act shall diminish or repeal any of the authorities transferred to the Surgeon general of the United States or to the Secretary of Health and Human Services pursuant to the Act of August 5, 1954 (68 Stat. 674; 42 U.S.C. 2001-2004).

SEC. 8. For purposes of this Act, any person appointed by the President by and with the advice and consent of the Senate as an Assistant Secretary for the Department of the Interior responsible for Indian Affairs and serving as such on the date of enactment of this Act shall be considered to have been appointed by the President by and with the advice and consent of the Senate as Assistant Secretary for Indian Affairs under this Act. ●

By Mr. ANDREWS (by request):

S. 2000. A bill to allow variable interest rates for Indian funds held in trust by the United States; to the Select Committee on Indian Affairs.

VARIABLE INTEREST RATES FOR INDIAN FUNDS HELD IN TRUST

● Mr. ANDREWS. Mr. President, at the request of the administration, I am today introducing S. 2000, a bill to allow variable interest rates for Indian funds held in trust by the United States. This legislation will amend the act of February 12, 1929 (25 U.S.C. 161a) to provide that Indian tribal funds held in trust by the United States be invested by the Secretary of the Treasury in public debt securities and bearing interest at rates determined by the Secretary taking into consideration current market yields. The act of February 12, 1929, fixes the interest rate of Indian trust funds held by the Secretary of the Treasury under that act at 4 percent per annum. Amendment of this act in the manner proposed will bring this legislation into conformity with other laws governing investment of Indian trust funds.

I ask that the text of this bill be printed in full at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of February 12, 1929 (25 U.S.C. 161a) is amended to read as follows:

"That all funds held in trust by the United States and carried in principal accounts on the books of the United States Treasury to the credit of Indian tribes shall be invested by the Secretary of the Treasury, at the request of the Secretary of the Interior, in public debt securities with maturities suitable to the needs of the fund involved, as determined by the Secretary of the Interior, and bearing interest at rates determined by the Secretary of the Treasury, taking into

consideration current market yields on outstanding marketable obligations of the United States of comparable maturities."●

By Mr. DURENBERGER:

S. 2001. A bill to amend the Clean Air Act to reduce interstate transport of pollutants, control acid deposition, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL ACID DEPOSITION REDUCTION ACT OF 1983

Mr. DURENBERGER. Mr. President, today I am introducing legislation to control acid deposition in the United States. The bill is titled the "National Acid Deposition Reduction Act of 1983." The goal of the bill is a 10-million-ton net reduction in acid deposition by January 1, 1993, in the 31 States east of or bordering the Mississippi River. The bill includes a financing mechanism. The reductions will be achieved by purchasing control technology with revenues from an emissions tax imposed on sulfur dioxide and nitrogen oxide emissions from major stationary and mobile sources in all 50 States. The tax will raise $40 billion over 10 years beginning January 1, 1985. The revenue will be placed in a trust fund to be used by EPA to assist electric utilities and industrial facilities with the capital cost and operating expenses of control technology to reduce sulfur dioxide emissions. A portion of the trust fund is set aside for air pollution problems in States west of the Mississippi.

Mr. President, with that brief description of the bill as a background, I would like to review the recent history of acid rain legislation in this body and the arguments for and against various approaches to acid-deposition control before returning to the details of the legislation that I am proposing today.

As an issue, acid rain came to the U.S. Senate about the same time I did. At the start of my first term in 1979, Senate committees were holding the first of many hearings to gather scientific evidence and expert opinion on acid rain.

In that first year I joined the effort to learn more. I set up my own Acid Rain Technical Advisory Committee back in Minnesota. This group of scientists—representing the broadest range of industrial, governmental, and public concerns—has helped me to focus on the Midwestern and Great Lakes aspects of the acid rain problem.

Back here in Washington, I joined with the Senator from New York, Senator MOYNIHAN, to sponsor the acid rain research bill that eventually became title VII of the Energy Security Act of 1980, and is now the principal legislative authorization for the national acid rain research program.

I remember how difficult it was to get that bill passed. It is perhaps a measure of the distance that we have come, to consider that acid rain research was at the time a minor part of a major energy bill, but has become today perhaps the most significant title in that large legislative package. And I suspect that many of my colleagues now wish that we had done much more in 1980.

By 1981, the first acid rain control legislation was being introduced. I joined with the Senator from Connecticut, Senator DODD, on a bill to strengthen section 126 of the Clean Air Act by giving States adversely affected by the long-range transport of pollutants the right to petition EPA for relief. The Dodd-Durenberger bill was included in the Clean Air Act amendments reported by the Senate Environment Committee last year.

I also joined with several others in cosponsoring Senator MITCHELL's acid deposition control bill. Most of my colleagues are familiar with the basic structure of that bill. Its goal is to reduce sulfur dioxide emissions by 10 million tons over the next 10 years. The 10-million-ton goal is allocated by formula among 31 States east of the Mississippi River. The formula puts more responsibility on those States with higher emissions. The States are left with the responsibility of determining how their assigned reductions will be achieved.

Until recently, the approach taken in the Mitchell bill was really the only game in town. It eventually became the foundation for the control program reported by the Senate Environment Committee. The goal was reduced to 8 million tons of reductions over 12 years, and the formula was modified slightly, but the basic structure remained in place.

Senator MITCHELL has done the Nation a great service by taking the lead on the acid rain problem. I recently had the opportunity of discussing the science and politics of acid rain with him at great length and want to say to my colleagues that the knowledge and understanding he has acquired on this subject is an asset for the Senate and for the Committee on Environment and Public Works of which he is one of the most active members.

As much as I admire the Senator's efforts and leadership, I must confess that I have never been entirely comfortable with the details of the acid rain control legislation that bears his name. I was a cosponsor of that bill in the 97th Congress and I am a cosponsor of similar legislation in the 98th, but I have come to slightly different conclusions on the direction which we should take to solve this problem.

My discomfort is perhaps best understood by looking at the impact of this legislation on my home State. Minnesota is 1 of the 31 States included in the acid control region established by the Mitchell bill. And Minnesota is allocated its share of emissions reductions under this legislation—about 65,000 tons. That is only a small part of the 10-million-ton goal.

But Minnesota has already done much to combat the problem of sulfur dioxide emissions. Early in the 1970's, Minnesota utilities and industries emitted well over 30,000 tons of SO_2 annually. Through strong enforcement of its State implementation plan and the cooperation of Minnesota utility companies, emissions have been reduced to approximately 200,000 tons per year. A reduction of more than one-third. Minnesotans are now paying for nearly $300 million worth of sulfur dioxide scrubbers.

And we have not quit yet. Last year Minnesota's Legislature passed this Nation's only State program to control acid deposition. All of that, when some States have not even filed an implementation program under the Clean Air Act or refuse to enforce those already on the books.

Nevertheless, the Mitchell bill assigns Minnesota a substantial added responsibility for reductions. It does so partly because of a fluke in the formula. If it picked a year other than 1980 against which to measure progress—say 1976—Minnesota might have gotten by without any new reduction efforts.

On the other hand, if Minnesota were to fulfill the mandate in the bill—and we could—our total reductions would amount to well over 50 percent, our investment would include another $200 or $300 million, and our electric consumers would wonder if they were bearing the whole cost of the national acid rain program. We, Minnesotans, are convinced that those 65,000 tons assigned to us must be the most expensive reductions in the country, because we have already done so much.

Now, that's a very parochial view. But the whole exercise got me to thinking about our fundamental approach to acid rain, and to pollution control in general.

Government basically does two things. On the one side we regulate. And our regulatory power—and sometime folly—is quite clear and well developed in the environmental area.

Our other fundamental governmental activity I call tax and spend. We raise taxes in a variety of ways and we use the revenues from those taxes to solve difficult problems facing the Nation. What would happen if we applied the tax-and-spend approach to the acid rain problem. We have one environmental program—Superfund—that works in that way. And it occurs to me that tax and spend might also prove a more successful strategy in the case of acid rain.

Wearing my Minnesota hat for 1 more minute, I think there are three

things that my constituents would like to see as fundamental principles in an acid rain bill. First, they would like to get some credit for the efforts that they have already made. States that have made substantial progress—consumers who are already paying for scrubbers—ought not be penalized because they were out ahead of the Nation.

Second, any national acid rain control program ought to get the most emissions reductions for the least cost. We ought not assign reduction responsibilities among States according to some arbitrary regulatory formula, if some other assignment would produce equal or greater benefits for a much smaller investment.

Third, I think—I know—that the people of my State, and the people of the Nation, want substantial reductions at an early date. They are largely convinced, as I am, that the goal of the Mitchell bill—10 million tons of reductions over the next decade—is a necessary and worthwhile undertaking. And they are frustrated by a Congress and cannot face up to the issue and make a decision.

After considerable reflection, I have concluded that the regulatory framework embodied in the Mitchell bill and the Senate Environment Committee bill fails on all three counts. It gives no credit for what's done. It does not produce a least-cost solution. And it binds Congress into a gridlock pitting New England against the Midwest with no resolution possible, and so, no emissions reductions in the near term.

Mr. President, I believe that the legislation I am introducing today comes closer to fulfilling the three principles that I have just mentioned. But before turning to my bill, let me touch on another bill that has been introduced on the House side by Congressmen WAXMAN and SIKORSKI.

The Waxman-Sikorski bill moves in the direction of a tax-and-spend approach to acid rain control and away from regulated reductions. It has a trust fund—built by a 1 mill charge per kilowatt-hour on electricity generation—to help pay for the cost of control technology.

But the heart of the Waxman-Sikorski bill remains regulatory. Scrubbers are mandated for the 50 largest powerplants. Nitrogen oxide standards for trucks are tightened. And States are assigned reductions beyond these levels of control by the same formula that is used in the Senate bill.

I think the Congressmen have shown great courage by introducing new concepts into the acid rain debate and have expanded the discussion in helpful directions by including the tax and trust fund. But I do not think they have satisifed the test of the three principles—credit for efforts made, least cost, and substantial progress by an early date.

A tax on electricty generation does not give any credit for pollution-control programs already in place. The Minnesota consumer who is already paying $300 million for scrubbers will pay precisely the same tax as the Ohio consumer whose State has done virtually nothing to reduce sulfur dioxide emissions.

It is not a least-cost approach. Mandating scrubbers at the 50 largest plants regardless of age, fuel, and alternatives is not a least-cost solution. And the truck manufacturers that I have spoken with insist that they cannot even build the engine designed in this piece of legislation.

Finally, although the bill includes substantial reductions as a goal, I do not think that H.R. 3400 moves as substantially closer to the national consensus we need if we are to act on this pressing issue any time soon. It does not strengthen our resolve to act.

So, Mr. President, what do I propose? Let me explain the bill step-by-step.

The first question is the goal for emissions reductions. The goal of 10 million tons of net reductions over 10 years is the minimum effort that we should make. We have established any number of scientific commissions and study groups to tell us what is necessary. To consider the resources we have at stake. To consider the rate of acidification and the damage that will be done, if trends are not reversed.

Those committees of experts are relatively unanimous in their statements of concern. The people of the Nation have seen that evidence and appear ready to support a substantial effort. Our nearest neighbor and the other stockholder in the future of this continent—the Canadians—are urging us to adopt a 50-percent reduction, well beyond 10 million tons, as our goal.

The second question we might ask is, how much will it cost? Assume that in 10 years we want sulfur dioxide emissions to be 10 million tons less than they are today, and insist that we do not waste a single dollar getting to that goal. Would we allocate those reductions among a number of States and let them figure it out? Would we mandate that one particular technology be installed on the 50 largest coal-fired utilities? I do not think so.

What we should do is look at all of our options: Fuel switching; coal washing; limestone injection; early retirements; and yes, scrubbers. And we should look at all of our major sources, not just electric-generating stations, but industrial plants and industrial processes, as well. And finally we should select those investments which get us to the goal of 10 million tons at the least possible cost.

Various experts have gone through that exercise and they have come up with a figure between $25 and $30 billion as the price tag.

Where to get the money to finance these investments might be a third question. One possibility would be to assign the cost to those plants, and their consumers, identified by the least cost approach. But that hardly seems fair. That would mean that consumers hooked to large, relatively new coal-fired units in Ohio would pay for the program, while consumers in some other State relying on some about-to-be-retired oil unit would not. Least cost, from a national perspective, does not produce equity when viewed from the perspective of some individual consumers.

Another possibility is to spread the cost through an electricity or Btu tax as I have already mentioned. Again, far from equity, because it gives no credit for efforts already made.

A third possibility, and the one included in the legislation that I am introducing today, is a tax on emissions. Let us put a charge on the actual emissions by the pound. Make everyone pay the same for every pound they emit, from the first pound to the last. In the end, each of those pounds from whatever source contributes in the same way to the problem we are trying to solve. And an emissions tax puts the same burden on each pound to reach a national solution.

Tax systems should be simple and equitable. To be simple, we must limit the tax to those who can identify and measure emissions: the major sources. To be equitable, we must include all major sources, not just the electric utility industry. The legislation I am introducing would also tax emissions at industrial boilers and from industrial processes.

The tax should reflect the role of both sulfur dioxide and nitrogen oxides as precursors of acid deposition. Some might argue with me on the science, but current judgment says that sulfur dioxide is about two-thirds of the problem and nitrogen oxides about one-third. Industry is not the only source of NO_x. Mobile sources—transportation—contributes about one-half of the NO_x loading. And transportation should pay its share of the tax.

So, the outlines on the tax side—an emissions tax—each paying according to the amount of their emissions—about two-thirds of the tax revenue assigned to sulfur dioxide emissions from major sources—about one-third to NO_x—half of that from stationary sources—half from mobile sources—to raise $30 billion over 10 years, if one follows the least-cost approach.

The final question we need to answer is how to apply the revenue from this emissions tax to meet our goal of a 10-million-ton reduction over 10 years.

The legislation I am introducing would create a trust fund administered by the Environmental Protection

Agency. EPA would use the revenue in the trust fund to purchase control technology and subsidize the operating costs of control strategies at specific plants. EPA would prepare a list of such investments by January 1, 1986. From what we know, it appears that the list would include retrofits at between 100 and 150 facilities. Some would be fuel switching, some would be burners, some would be coal washing, some would be scrubbers. EPA would arrange these investments in a priority order.

I have already mentioned two rules that should be used to establish priorities. Get 10 million tons of sulfur dioxide reductions and maximize the emissions reductions for each dollar spent. That means the least-cost investment would be made first.

But we need to consider factors beyond cost in setting priorities. First, a list that maximizes emissions reductions per dollar spent will not necessarily be the most effective in reducing acid deposition or protecting sensitive resources. This bill instructs EPA to consider source-receptor relationships in determining priority investments for the trust fund. This will add to the cost of the program, but will add even more substantially to the benefits to be realized.

The second factor that needs to be considered in the economic impact of the program and its effects on other important national goals. To the extent that fuel switching is allowed as an eligible activity for assistance under the trust fund, it may have an affect on jobs in midwest coal fields.

In some cases, fuel switching is the only reasonable option to reduce emissions—for instance, at plants soon to be retired. But we might consider a rule that limits the amount of fuel switching that can be supported by trust fund revenues. This legislation authorizes the Administrator of EPA to apply such a rule if he so chooses. And I would invite my colleagues from coal-producing States to look at this section of the legislation. I would appreciate their thoughts on how we might amend the bill to assure that its impact on coal miners is not extremely adverse—recognizing that any such modification will again add to the costs of the program.

Making these two amendments to a least-cost approach—limiting fuel switching and giving emphasis to sensitive resources—may add as much as $10 billion to the overall cost of the effort. The bill sets, therefore, a $40 billion goal for the acid deposition reduction trust fund; $4 billion per year. But it is not a substantial tax. Average electric rates across the Nation—and it is a 50-State tax—would go up by 1.5 percent.

Mr. President, that is a rough outline of the bill that I am introducing.

Sulfur dioxide is one of our most serious pollution problems. No one, no economic entity, has ever been granted the right to pump this pollutant into the Nation's air. We are long past the day—if there ever was a day—when we could treat our air, water, and land resources as a limitless and free dump for the waste products of our economic system.

We should be reasonable in our efforts to reduce sulfur dioxide emissions. We should get a full dollar's worth of benefit for every dollar we invest. But, Mr. President, I am introducing this legislation because I am firmly convinced that we need to make a substantial effort, now.

Mr. President, I would ask that the bill I am introducing and a copy of a letter to Senator STAFFORD with attachments be included in the RECORD with my comments today.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Acid Deposition Reduction Act of 1983".

FINDINGS AND PURPOSES

SEC. 2. Congress finds that—

(a) Acid deposition presents a threat to public health and the environment across large regions of the North American continent;

(b) The long-range transport of sulfur dioxide and nitrogen oxides and their transformation products contributes significantly to the acid deposition phenomenon;

(c) The principal source of acid compounds and their precursors in the atmosphere is the combustion of fossil fuels;

(d) Oxides of nitrogen from mobile sources contribute to acid deposition in many parts of the Nation;

(e) Reduction of total atmospheric loadings of sulfur dioxide and nitrogen oxides will mitigate the damage to affected ecosystems and enhance protection of public health and the environment;

(f) Control strategies for pollutants that are precursors of acid deposition are well-known and economically feasible; and

(g) A nationwide tax system is necessary to provide funding for a portion of the costs of control strategies to lessen utility rate increases, avoid economic disruption and share the cost of control equitably among all sources contributing to the acid deposition phenomenon.

SEC. 3. The purposes of this Act are to—

(a) Reduce sulfur dioxide emissions in the eastern United States by 10,000,000 tons by the year 1993;

(b) Limit annual sulfur dioxide emissions in the United States to 16,600,000 tons per year beginning January 1, 1993;

(c) Establish an emissions fee on sulfur dioxide and nitrogen oxide emissions to finance capital investment in emissions control technology; and

(d) Establish an assistance program within the Environmental Protection Agency to distribute funds from a trust fund so as to maximize emissions reductions per dollar invested and to protect sensitive areas and natural resources.

TITLE I—ACID DEPOSITION CONTROL PROGRAM

SEC. 4. Title I of the Clean Air Act is amended by adding the following new part at the end thereof:

PART E—ACID DEPOSITION CONTROL

DEFINITIONS

SEC. 180. As used in this part, the terms—

(a) "acid deposition impact region" means the region consisting of the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia;

(b) "Act" means the Clean Air Act as amended including amendments made by the National Acid Deposition Reduction Act of 1983;

(c) "Administrator" means the Administrator of the Environmental Protection Agency;

(d) "continuous emissions reductions measures" means those control strategies described in section 111(a)(7) of the Act;

(e) "emissions rates" or "actual emissions rates" means actual annual emissions per year stated in tons unless otherwise specified;

(f) "EPA Region" means one of the ten administrative regions of the Environmental Protection Agency established pursuant to executive order;

(g) "major stationary source" has the same meaning provided in the Clean Air Act;

(h) "mobile source" has the same meaning provided in the Clean Air Act; and

(i) "sulfur dioxide" when used with respect to emissions means total sulfur emissions expressed as sulfur dioxide emissions.

PURPOSES OF THIS PART

SEC. 181. (a) There shall be achieved a reduction in annual emissions of sulfur dioxide in the acid deposition impact region of 10,000,000 tons from the total actual annual level of such emissions between January 1, 1980 and December 31, 1980. Such reduction shall be achieved pursuant to a phased reduction and completed no later than January 1, 1993.

(b) Beginning January 1, 1993 the total actual annual level of emissions of sulfur dioxide from stationary sources shall not be allowed to exceed 16,600,000 tons per year nationwide.

(c) Not later than January 1, 1985 the Administrator shall publish an inventory and projection of sulfur dioxide and nitrogen oxide emissions for the United States which shall include the following information (in tons):

(1) calendar year 1980 emissions of sulfur dioxide and nitrogen oxides from each major stationary source located within the fifty States by source and State;

(2) calendar year 1980 emissions of nitrogen oxides from mobile sources for each of the fifty States by type of mobile source;

(3) calendar year 1980 emissions of sulfur dioxide and nitrogen oxides from other than major stationary or mobile sources;

(4) emissions of sulfur dioxide and nitrogen oxides from major stationary sources

within the United States beginning operation after December 31, 1980 and before January 1, 1987;

(5) additional increments of emissions of sulfur dioxide and nitrogen oxides above calendar year 1980 emissions rates for major stationary sources in operation on or before December 31, 1980;

(6) additional increments of emissions of sulfur dioxide and nitrogen oxides from mobile sources and other than major stationary sources which are projected to occur after December 31, 1980 and before January 1, 1993;

(7) additional increments of sulfur dioxide and nitrogen oxides emissions which will occur at major stationary sources as a result of increasing plant utilization above 1980 levels and which are not subject to the limitations of section 182 by reason of subsection (d) of that section; and

(8) an estimate of the gross tons of reductions in annual emissions of sulfur dioxide that are necessary to achieve a net reduction of 10,000,000 tons from the actual annual emissions of sulfur dioxide in the acid deposition impact region in calendar year 1980.

(d) The Administrator shall update the inventory and projection required by subsection (c) of this section on an annual basis.

EMISSIONS CAP AND OFFSETS

SEC. 182. (a) No major stationary source in operation before January 1, 1987 shall increase its actual rate of emissions of sulfur dioxide over that experienced by such source during the calendar year 1980, unless there has been identified for such source a simultaneous net reduction in emissions of such pollutant at one or more sources in the same EPA region in excess of the proposed increase in emission rate, and not otherwise required by a State implementation plan under section 110 of this Act or under section 183 or 185 of this part.

(b) For each major stationary source beginning operations after January 1, 1987, there shall be identified for such source a simultaneous net reduction in emissions of sulfur dioxide at one or more sources in the same EPA region in excess of the proposed emission rate for that source, and not otherwise required by a State implementation plan under section 110 of the Act or under section 183 or 185 of this part.

(c) For purposes of this section, a major stationary source beginning operation after January 1, 1987 and which commenced construction before January 1, 1984 shall be considered to be (i) in operation before January 1, 1987, and (ii) to have actual annual emissions not in excess of the standards of performance under section 111 of this Act.

(d) For purposes of subsection (a) of this section, actual annual emissions may exceed emissions for calendar year 1980, if the additional increment of emissions results from increasing plant utilization above 1980 levels, but in no case may the actual annual emissions used to determine whether an increase has occurred under subsection (a) exceed the rate of emissions that would result by multiplying the 1980 emissions rate by a plant utilization factor equal to the average level of production experienced by such source during the period from January 1, 1971 through December 31, 1980 (or the portion of such period during which such source was in operation) divided by the level of production experienced by such source in 1980.

(e) Each State shall assure compliance with this section and the provision of emission reduction banks and brokerage institutions authorized under section 110 of the Act and section 183(b)(3) of this part.

PRIORITY LIST AND EMISSIONS LIMITATIONS

SEC. 183. (a) Not later than January 1, 1986 the Administrator shall publish a priority list of proposed control strategies for sulfur dioxide emissions reductions at major stationary sources which began operation prior to the enactment of this part, and for which the Administrator intends to provide assistance under section 184 of this Act.

(b) For purposes of this section, control strategies for emissions reductions may include the following methods or projects for net emission reduction, in addition to continuous emission reductions measures under section 111(a)(7) of the Act, if emission limitations under such methods or projects are enforceable by the Federal government, states other than those in which the emissions occur, or citizens under section 304 of the Act:

(1) least emissions dispatching to meet electric generating demand at existing generating capacity;

(2) retirement of major stationary sources at an earlier date than provided in schedules on file with the Federal Energy Regulatory Commission, the Internal Revenue Service, or State utility regulatory agencies;

(3) trading of emissions reduction requirements and actual reductions on a State or regional basis, for which states and the Administrator are authorized to establish emission reduction banks or brokerage institutions, to facilitate such trading;

(4) precombustion cleaning of fuels; and

(5) fuel switching.

(c) The priority list required by subsection (a) shall—

(1) achieve a net reduction of 10,000,000 tons of sulfur dioxide emissions in the acid deposition impact region by January 1, 1993.

(2) assign highest priority (subject to the provision of paragraph (3) of this subsection) to control strategies at sources which will achieve the greatest degree of emissions reduction for each dollar of assistance provided under section 184 of the Act;

(3) reflect scientific knowledge concerning the relationship of emission sources to receptor areas, for areas or natural resources particularly sensitive to acid deposition, and to the extent possible health and environmental benefits of preserving and protecting those areas or natural resources; and

(4) the Aministrator may limit the number of projects on the priority list which rely all or in part on fuel switching, if he finds that substantial unemployment or economic dislocation might result should such limitation not be applied.

(d) The Administrator may include on the priority list control strategies for emissions reductions by a source or group of sources located outside the acid deposition impact region upon a demonstration that such source, or group of sources, contributes to the deposition of acids or acid-forming compounds either within the acid deposition impact region or in other sensitive areas.

(e) The Administrator may include on the priority list control strategies by a source, or a group of sources, located outside the acid deposition impact region which have as a primary purpose improvements in air quality other than reductions in sulfur dioxide emissions, if it can be demonstrated that such control strategy will substantially improve air quality by reducing pollutants in an air quality control region which is not in attainment with the standard for such pollutants subject to the limitation that assistance for projects and methods to implement such control strategies does not exceed the authorization in section 184(d) of this part.

(f) Not later than 12 months after publication of the priority list required by subsection (a) of this section, each State shall adopt enforceable measures to achieve the reductions in sulfur dioxide emissions set forth on the priority list for each source within such State including emissions limitations and schedules for compliance. The Governor of such State shall submit such measures to the Administrator for review in accordance with subsection (g) of this section, and to the Governors of all States in the acid deposition impact region for comment.

(g) The Administrator shall approve within six months such measures submitted under subsection (f) of this section, if, taking into consideration the comments of Governors of the other States, the Administrator finds that such measures—

(1) contain enforceable requirements for continuous emissions reductions;

(2) contain requirements for monitoring by source and enforcement agencies to assure that limitation are being met; and

(3) are adequate to achieve the reduction in sulfur dioxide emissions required by section 181 of the Act.

(h) Each emissions limitation, schedule for compliance or other measure adopted under this section shall be deemed a requirement of the State implementation plan approved or promulgated for such State under section 110 of this Act.

(i) Not later than January 1, 1993, each major stationary source identified for a control strategy under this section shall be in compliance with an emission limitation established under this section. Nothing in this section shall require any such source to implement the particular control strategy for that source listed under subsection (a), provided that the emission limitation is achieved.

USE OF THE FUND

SEC. 184. (a) The Administrator shall use funds available under the Trust Fund established by title II of the National Acid Deposition Reduction Act of 1983 to pay up to 70 per centum of the capital costs necessary to implement the control strategies identified in the priority list required by section 183 (a) of this part: *Provided, That*—

(1) such payment shall be conditioned on the owner or operator of such source entering into an enforceable agreement with the Administrator to assure proper operation and maintenance of any technological system purchased with the assistance of funds under this section and compliance with emissions limitations established under section 183 of this part for the remaining life of such source; and

(2) any assistance to a method or project described under section 183(b)(2) (early retirement) of this part be limited to technology for continuous emissions reductions as defined by section 111(a)(7) of this Act.

(b) The Administrator shall use funds available under the Trust Fund established by title II of the National Acid Deposition Reduction Act of 1983 to pay up to 30 per centum of the operation and maintenance costs necessary to implement control strategies identified on the priority list required by section 183(a) of this part: *Provided,* That—

(1) Such payment shall be conditioned on the owner or operate such source entering into an enforceable agreement with the Administrator to properly maintain and oper-

ate any technological system associated with such assistance and compliance with emissions limitations established under section 183 of this part for the remaining life of such source;

(2) In the case of methods or projects described in section 183(b)(5) (fuel switching) the assistance is limited to 30 per centum of the difference in the delivered price of the fuels or fuel mixtures; and

(3) In the case of methods or projects described in section 183(b)(1) (least emission dispatching) the assistance is limited to 30 per centum of the cost that could have been avoided through least cost dispatching.

(c) Not later than 12 months after the publication of the priority list required by section 183(a), the Administrator shall enter into binding agreements with the owners and operators of all sources with a control strategy included on the priority list required by section 183(a) of this part. Such agreements shall include the provisions and conditions necessary to assure compliance with this part, including a plan and schedule of compliance for achieving emission limitations not later than January 1, 1993. The agreement shall include (1) enforceable requirements for continuous emission reductions; (2) requirements for monitoring by the source and enforcement agencies to assure that emission limitations are being met, and; (3) a schedule for emission reduction and achievement of the emissions limitation at the earliest practical date, but no later than January 1, 1993. Owners and operators of sources with control strategies included on the priority list required by section 183(a) of this part may propose alternative methods or projects for assistance under this section, provided that such alternative control strategies achieve equivalent or greater emissions reductions for the same or lesser cost. Sources not in compliance with this subsection shall not be eligible for assistance under this part.

(d) Not more than 5 per centum of the funds available under the Trust Fund established by Title II of the National Acid Deposition Reduction Act of 1983 shall be used to assist projects described in section 183(e) of this part.

(e) Up to 2 per centum of the funds available under the Trust Fund established by title II of the National Acid Deposition Reduction Act of 1983 may be used for the development and demonstration of sulfur dioxide emission control technologies or to conduct research authorized under title VII of the Energy Security Act of 1980.

ALTERNATIVE REDUCTION REQUIREMENTS

SEC. 185. (a) If the Administrator fails to publish the priority list required by section 183(a) of this part by January 1, 1986, then the provisions of subsection (c) of this section shall apply to all fossil-fuel-burning electric generating facilities which are major stationary sources located within such State.

(c) The owner or operator of each fossil-fuel-burning electric generating facility which is a major stationary source which emitted at an annual rate equal to or greater than 1.2 pounds of sulfur dioxide per million British thermal units during 1980 shall comply with an emission limitation, or limitations for all such facilities owned or operated by the same entity, equivalent to an average among such facilities of 1.2 pounds of sulfur per million British thermal units on a thirty-day average. The owner or operator of each such facility shall submit to the Administrator a plan and schedule of compliance for achieving such emission limitation or equivalent emission reduction not later than 180 days after this subsection becomes effective for such source which provides for compliance not later than January 1, 1993. The Administrator shall approve such plan and schedule for compliance if it (1) contains enforceable requirements for continuous emission reductions, (2) contains requirements for monitoring by the source and enforcement agencies to assure that emission limitations are being met, and (3) will achieve the emission reduction required by this section at the earliest practicable date, but no later than January 1, 1993. Failure of such owner or operator to submit such approvable plan and schedule within 180 days after the effective date of this subsection, failure to comply with the plan and schedule for compliance, and failure to achieve the emission reduction required by this section at the earliest practicable date shall be a violation of emissions limitations for the purposes of sections 113, 120, and 304 of this Act.

TITLE II—ACID DEPOSITION REDUCTION TRUST FUND

ESTABLISHMENT OF TRUST FUND

SEC. 5. (a) There is established in the Treasury of the United States a trust fund to be known as the "Acid Deposition Reduction Trust Fund", consisting of such amounts as may be appropriated or transferred to such trust fund under this title.

(b) There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to the trust fund established by subsection (a) amounts determined by the Secretary of the Treasury to be equivalent to the revenues received in the Treasury under section 7 of this title.

TRUST FUND EXPENDITURES

SEC. 6. Amounts in the trust fund established under section 5 shall be available only for the purposes of making expenditures under section 184 of the Clean Air Act, as in effect on the date of enactment of this Act.

IMPOSITION OF TAXES

SEC. 7. (a) There is hereby imposed a tax on—

(1) emmissions of sulfur dioxide from major stationary sources (as defined under section 302(j) of the Clean Air Act) in the United States;

(2) emissions of oxides of nitrogen from major stationary sources (as defined under section 302(j) of the Clean Air Act) in the United States; and

(3) emissions of oxides of nitrogen from motor vehicles (as defined under section 216(2) of the Clean Air Act) and other mobile sources of such emissions. For purposes of this part a mobile source includes aircraft, railroad locomotives, and heavy construction equipment, without regard to whether it is capable of being relocated.

(b) The tax imposed by subsection (a) shall take effect on January 1, 1985, and shall terminate December 31, 1994.

(c) The Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency, shall estalbish the rates of the tax imposed by subsection (a) such that in the judgment of the Secretary the total amount received due to such tax during the period from January 1, 1985, through December 31, 1994, shall be $40,000,000,000. Such rates shall be established so that—

(1) two-thirds of such amount will be received from the tax imposed under subsection (a)(1);

(2) one-sixth of such amount will be received from the tax imposed under subsection (a)(2); and

(3) one-sixth of such amount will be received from the tax imposed under subsection (a)(3).

(d)(1) The tax imposed under subsection (a)(1) and (a)(2) shall be paid by the operator of each major stationary source of such emissions.

(2) The portion of the tax imposed under subsection (a)(3) attributable to light-duty motor vehicles (as defined under section 202(b)(3)(B) of the Clean Air Act) shall be paid at the time of first sale by the ultimate purchaser (as defined under section 216(5) of the Clean Air Act) of each such light-duty motor vehicle sold in the United States after December 31, 1984.

(3) The portion of the tax imposed under subsection (a)(3) attributable to mobile sources other than light-duty motor vehicles (as defined under section 202(b)(3)(B) of the Clean Air Act) shall be paid by the owner of each such mobile source on an annual basis.

(e)(1) The Secretary of the Treasury is authorized to adjust the rate established under subsection (c) to better comply with the requirements of such subsection in the light of accumulated experience. Such adjustments as the Secretary determines appropriate shall take effect on January 1, 1987, January 1, 1990, or January 1, 1993.

(2) The Secretary of the Treasury is authorized to modify the rate established under subsection (c) with respect to the operator of a specific fossil-fuel-burning electric generating facility which will be installing a technological system of continuous emission reduction to comply with an emission limitation under sections 110 or 183 of the Clean Air Act during the period such tax will be in effect. Such modification shall establish a tax of equal annual amounts during such period, based on the average of emission levels expected prior to and subsequent to the installation and operation of such technological system.

(3) The Secretary of the Treasury is authorized to establish the rate of the tax imposed under subsection (a)(1) and (a)(2) on the basis of ranges of quantities of sulfur dioxide or oxides of nitrogen emitted from a class of major stationary sources, in lieu of a strict per-unit-of-weight rate, if it is enforceable and produces adequate revenue, without imposing monitoring costs which bear no reasonable relationship to the revenues received from such sources.

ADMINISTRATIVE PROVISIONS

SEC. 8. (a) The amounts appropriated by section 5(b) shall be transferred at least monthly from the general fund of the Treasury to the trust fund established by section 5(a) on the basis of estimates made by the Secretary of such amounts. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund established by section 5(a) as is not, in the judgment of the Administrator of the Environmental Protection Agency required to meet current obligations. Such investments shall be in public debt securities with maturities suitable for the needs of such trust fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the

United States of comparable maturities. The income on such investments shall be credited to and form a part of such trust fund.

(c) There are authorized to be appropriated to the trust fund established by section 5(a), out of any money in the general fund of the Treasury not otherwise appropriated, as repayable advances such sums as may be necessary to carry out the purposes of such trust fund during the period when the amounts received in such trust fund are less than expected due to a modification in tax rate under section 7(e)(2). Advances made pursuant to this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the trust fund to which the advance was made. Such interest shall be at rates computed in the same manner as provided in subsection (b) and shall be compounded annually.

(d) The Secretary may allow a source to make annual payments of equal amounts in those cases where a source otherwise would be required, prior to installation of control technology to make payments substantially greater than payments after the installation of such technology. In those cases where such a source is one which would receive assistance from the trust fund, such source may escrow its tax payments if such action would levelize electricity rate charges.

OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, D.C.

Hon. ROBERT T. STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your August 17 request for OTA assistance investigating various approaches to financing an acid rain control program. Enclosed is a staff memorandum comparing four possible tax plans by state and by sector: (1) a tax on emissions of both sulfur dioxide and nitrogen oxides, (2) a tax on sulfur dioxide emissions only, (3) a tax on total electricity generation, and (4) a tax on non-nuclear electricity generation.

The first two were chosen after discussion with your staff; the latter two approaches have been proposed as part of acid rain control bills introduced in the 97th and 98th Congresses. Our analysis is approximate, intended to illustrate the relative distribution of costs (by sector and state) of the four approaches to raise an arbitrary $5 billion per year. The actual amount of the tax, and to some extent the distribution of the tax, will vary with each specific control plan and trust-fund design.

I hope that this analysis will be helpful to your committee deliberations.

Sincerely,

JOHN H. GIBBONS.

TAX STRATEGIES TO FUND ACID RAIN CONTROL

I. INTRODUCTION

The Office of Technology Assessment (OTA) was asked by Senator Stafford, Chairman of the Senate Committee on Environment and Public Works, to analyze several means of collecting funds to help pay the costs of emissions reductions for controlling acid rain. Two acid rain control bills introduced to date would finance some portion of control costs by taxing electricity generation. Senator Stafford asked OTA to analyze an alternate approach: taxing pollutant emissions.

Two pollution tax alternatives were specified: (1) a tax on both sulfur dioxide and nitrogen oxides, set so that two-thirds of the revenues are generated from sulfur dioxide emissions and one-third from nitrogen oxide emissions; (2) a tax on sulfur dioxide emissions only. Both would apply to nationwide pollutant emissions. Our analysis compares the distribution of the two taxes by emissions source, and the electricity portion of the tax by state, and compares them to two other proposed approaches: (1) a tax on total electricity generation, and (2) a tax on non-nuclear electricity generation.

All four tax schemes are possible alternatives to requiring that the entire costs of control be paid by those sources that must reduce emissions. Funds raised by a tax can be used to pay part or all of the control costs. A pollution tax would extend the costs of control to a larger group of emitters, not just those required to reduce. However, because so few sources are actually monitored, such an approach would be administratively complex. An electricity tax also distributes control costs to a larger group of emitters, but is not directly related to actual emissions. However, because electricity generation is carefully monitored, this approach would be much easier to implement.

The analyses presented below are approximate, intended to illustrate the relative distribution of costs of each approach for raising an arbitrary $5 billion per year. The actual amount of the tax, and to some extent the distribution of the tax, will vary with each specific control plan and trust-fund design.

II. DISTRIBUTION OF EMISSIONS, TAX RATES, AND TAX REVENUES BY SOURCE

Table 1 presents current and projected emissions of sulfur dioxide and nitrogen oxides by sector. The emissions projections assume no change in current laws and regulations. About 90 to 95 percent of the nation's man-made, sulfur dioxide emissions originate from utility and industrial sources. About 95 percent of the nation's man-made nitrogen oxide emissions originate from utility, industrial, and transportation sources. Emissions from these sectors were assumed to be the "taxable" pollutant inventory (though in practice assessing emissions from all sources in each category with sufficient accuracy for tax purposes will be difficult). Residential and commerical emissions and other miscellaneous sources were not included.

Table 2 presents tax rates for raising $5 billion dollars per year, assuming 1980 levels of emissions and electricity generation. If two-thirds of the revenues are to come from sulfur dioxide emissions and one-third from nitrogen oxides (hereafter referred to as the "two-pollutants" tax), the tax must be set at about $134/ton sulfur dioxide and $83/ton nitrogen oxides emitted. A tax on sulfur dioxide only must be set at about $202/ton. These rates are based on 1980 taxable emissions; revenues from a fixed tax rate would increase as emissions increase, and would decrease if acid rain control legislation were enacted. Table 2 also lists rates required to raise $5 billion per year, through taxes on electricity generation: 2.2 mills/Kwhr for all electricity generated and 2.5 mills/Kwhr for non-nuclear electricity only. Total revenues change in future years following changes in electricity demand.

Table 3 displays each sector's contribution to an acid rain control trust fund based on the above rates. The two-pollutants tax would raise about $2.8 billion (55 percent) from utilities, about $1.4 billion (30 percent) from industry, and $0.8 billion (15 percent) from transportation sources. If only sulfur dioxide were taxed, about 70 percent of the fund would come from utilities and about 30 percent from industry.

The third and fourth columns in Table 3 are estimates of the tax generated in 1995 after a hypothetical acid rain control program, assuming the tax rates remain unchanged. Utility sulfur dioxide emissions in the eastern 31-states are assumed to be 10 million tons below 1980 levels. All other emissions are assumed to grow at an average annual rate calculated from the 1980 and 2000 emissions shown in Table 1. The share of annual trust fund revenues derived from utilities would decline to about 40 percent of the total for the two-pollutants tax and about 45 percent of the total for the sulfur dioxide tax. Because total nationwide pollutant emissions decline, the total tax collected drops 15 to 30 percent, depending on the tax approach.

A tax on electricity generation (either total or non-nuclear) is assumed to come entirely from the utility sector (i.e., internally used industrial generation is not taxed).

III. GEOGRAPHIC DISTRIBUTION OF ELECTRICITY RATE INCREASES

OTA analyzed the geographic distribution of costs of the alternate tax approaches for the electric utility sector only. Since many manufactured goods are distributed nationwide, costs to industry are often borne by consumers over a much larger area than the state in which the industry is located. A tax on mobile source emissions (for example, a sales or registration tax) would be distributed on a roughly per capita basis.

The large variation in pollution emission rates among utility plants would cause a pollution tax to distribute costs unevenly both within a state and from state to state. As shown in Table 4, though a pollution tax to raise $5 billion/year would increase average residential electricity rates by about 2 percent, the increase varies by state from virtually no increase to about 9 percent. Because utilities emit a larger share of nationwide sulfur dioxide than nitrogen oxide emissions, rate increases are typically somewhat lower for a tax on both sulfur dioxide and nitrogen oxide emissions (column 1) than on sulfur dioxide emissions only (column 2).

Assuming emissions reductions are achieved,[1] rate increases due to a pollution tax would be generally lower in 1995 (columns 3 and 4) than in 1980 for the eastern states. Western-state rate increases would be higher in 1995 than in 1980 due to projected increased emissions. The tax rate is assumed to be indexed to inflation, so that rate changes shown in 1995 are due solely to emissions changes and not to changes in the price of electricity.

The last two columns of Table 4 are estimates of residential rate increases from a fixed kilowatt-hour tax on all electricity, and non-nuclear electricity, generated in each state. State-to-state variations are due solely to differences in the average electricity rate currently paid by consumers in each state. Large percentage increases imply low current rates for electricity and vice versa. Nationwide, the rate increases from a tax on electricity are greater than for a pollution tax under which a significant share of the

[1] Eastern 31 state utility sulfur dioxide emissions is 1995 are assumed to be 10 million tons below 1980 levels. Reductions in each state are calculated using the formula presented in S. 145, the "Mitchell Bill."

total $5 billion/year tax comes from other sectors. However, in several midwestern states (e.g., Indiana, Kentucky, Missouri, and Ohio) with high rates of pollutant emissions, an electricity tax would be less costly than an emissions tax during the years before emissions reductions are achieved.

IV. TAXING TRANSPORTATION SOURCES

About 70 to 75 percent of nitrogen oxides emitted by transportation sources comes from cars, trucks and buses. Emissions from these highway vehicles could be taxed at the time of annual state registration. Trains, aircraft, ships and other mobile sources emit the remainder. These sources could be taxed through some mechanism similar to annual registration, or excluded from the tax.

About 125 million cars and 35 million trucks and buses are currently registered in the U.S. As shown in Table 3, the transportation sector's share of a $5 billion per year tax is about $0.8 billion—$0.6 billion from highway vehicles, $0.2 billion from other mobile sources. Based on emissions, about $0.3 billion per year should be raised from cars and about an equal amount from trucks and buses. This would result in an annual registration tax of about $2 to $3 per car and about $8 to $10 per truck and bus. These rates could be adjusted within each category by vehicle type and age. For example, based on average emissions per year, a light-duty gasoline truck might be taxed at about the same rate as a car, and a heavy-duty truck taxed much higher.

TABLE 1.—CURRENT AND PROJECTED EMISSIONS OF SULFUR DIOXIDE AND NITROGEN OXIDES

[U.S. total, million tons per year]

	Sulfur dioxide		Nitrogen oxides	
	1980	2000	1980	2000
Electric utilities	17.4	17.9	6.2	9.6
(Eastern 31-States)	(16.0)	(16.1)		
(Western States)	(1.3)	(1.8)		
Industry	7.4	9.4	4.6	5.6
Transportation	.9	1.0	9.4	10.7
Residential/commercial	.9	1.1	.8	.7
Miscellaneous			.3	
Total United States	26.6	29.3	21.3	26.6

Source: Work Group 3B, "Emissions Costs and Engineering Assessment, report prepared under the United States/Canada Memorandum of Intent on Transboundary Air Pollution.

TABLE 2.—50-STATE TAXES RAISING $5,000,000,000 PER YEAR DURING THE EARLY 1980'S

[Total in later years will vary with changes in emissions and elec. generated]

	Tax rate
The following tax rates have been calculated:	
Tax on SO2 and NO_x	134 $/ton SO2, 83 $/ton NO_x
Tax on SO2 only	202 $/ton SO2.
Tax on total elec.	2.2 mills/kwhr.
Tax on non-nuc. elec.	2.5 mills/kwhr.

TABLE 3.—TAX FROM ALTERNATE APPROACHES

[In billions of dollars per year]

State	SO2 and NOx 1980 emis.	SO2 only 1980 emis.	SO2 and NOx 1995 emis.	SO2 only 1995 emis.	Total elec. gen.	Non-nuc. elec. gen.
Elec. utilities	2.8	3.5	1.8	1.6	5	5
Industry	1.4	1.5	1.6	1.8	0	0
Transportation	.8	0	.9	0	0	0
Total	5.0	5.0	4.3	3.4	5	5

TABLE 4.—50-STATE TAXES RAISING $5,000,000,000 PER YEAR DURING THE EARLY 1980'S—AVERAGE RES. ELEC. RATE INCREASE (PERCENT) FROM ALTERNATE TAX APPROACHES

[Total in later years will vary with changes in emissions and elec. generated]

State	SO2 and NO_x 1980 emis.	SO2 only 1980 emis.	SO2 and NO_x 1995 emis.	SO2 only 1995 emis.	Total elec. gen.	Non-nuc. elec. gen.
Alabama	2.0	2.5	1.3	1.2	4.0	3.1
Alaska	.9	1.4	1.2	1.8	4.0	4.4
Arizona	.7	.7	1.0	.9	3.1	3.5
Arkansas	.6	.5	.5	.3	4.4	3.0
California	.2	.2	.3	.2	3.0	3.3
Colorado	1.3	1.2	1.7	1.5	3.7	4.0
Connecticut	.3	.3	.3	.3	2.5	1.5
Delaware	1.4	1.8	1.0	1.0	2.4	2.7
District of Columbia	2.2	2.7	2.3	2.7	4.5	5.0
Florida	1.7	2.2	1.2	1.2	3.1	2.9
Georgia	3.5	4.5	1.8	1.7	4.2	4.1
Hawaii	.8	1.1	1.1	1.4	1.8	2.0
Idaho	0.	0.	0.	0.	8.2	9.2
Illinois	2.9	3.6	1.5	1.2	3.6	2.9
Indiana	5.9	7.7	2.3	1.8	3.8	4.3
Iowa	3.0	3.5	1.9	1.6	3.6	3.6
Kansas	1.8	2.0	2.4	2.6	3.7	4.1
Kentucky	5.7	7.3	2.6	2.2	4.5	5.0
Louisiana	.5	.2	.6	.2	4.2	4.7
Maine	.4	.6	.4	.6	3.3	1.6
Maryland	1.8	2.3	1.1	1.2	3.6	2.6
Massachusetts	1.6	2.1	1.1	1.3	2.9	2.9
Michigan	2.5	3.0	1.9	1.7	4.3	3.8
Minnesota	1.8	2.0	1.6	1.3	3.8	2.9
Mississippi	2.1	2.6	1.3	1.1	4.0	4.5
Missouri	6.6	8.8	2.3	1.9	4.1	4.6
Montana	.9	.9	1.3	1.1	6.4	7.2
Nebraska	1.3	1.3	1.7	1.7	4.7	3.4
Nevada	1.0	.9	1.4	1.1	3.9	4.4
New Hampshire	2.9	3.6	1.6	1.4	2.9	3.3
New Jersey	.8	.9	.7	.6	2.6	2.1
New Mexico	1.0	.9	1.3	1.2	2.9	3.3
New York	.7	.9	.4	.5	2.1	2.0
North Carolina	1.8	2.1	1.7	1.7	3.7	3.9
North Dakota	1.9	2.0	2.5	2.6	4.1	4.6
Ohio	4.5	5.9	1.9	1.6	3.3	3.6
Oklahoma	.6	.3	.9	.5	4.5	5.0
Oregon	.1	.1	.1	.1	7.2	6.9
Pennsylvania	2.7	3.5	1.5	1.5	3.1	3.2
Rhode Island	1.3	1.5	1.5	1.5	3.0	3.3
South Carolina	1.4	1.7	1.0	.9	3.6	2.4
South Dakota	1.1	1.1	1.4	1.4	3.6	4.1
Tennessee	5.3	7.0	2.2	2.0	4.9	5.5
Texas	.7	.5	.9	.7	3.7	4.1
Utah	.8	.6	1.1	.8	3.6	4.1
Vermont	.1	0.	.1	0.	3.5	.9
Virginia	1.2	1.4	1.1	1.2	3.3	2.5
Washington	.5	.7	.7	.9	9.5	10.5
West Virginia	4.1	5.1	2.3	2.0	4.2	4.7
Wisconsin	4.1	5.2	1.9	1.5	4.4	3.6
Wyoming	3.0	2.9	4.0	3.8	6.1	6.8
U.S. total	1.9	2.3	1.2	1.0	3.3	3.3

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. MELCHER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 158

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 158, a bill to amend title 10, United States Code, to eliminate the restrictions on the types of medical care that the uniformed services may provide, directly or by contract, to dependents of members of the uniformed services.

S. 266

At the request of Mr. CRANSTON, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 266, a bill to provide employment opportunities to long-term unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

S. 764

At the request of Mr. WARNER, the names of the Senator from Nevada (Mr. HECHT), the Senator from Rhode Island (Mr. PELL), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 870

At the request of Mr. ARMSTRONG, the names of the Senator from Indiana (Mr. QUAYLE) and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 870, a bill entitled "The Federal Contractor Employees Flexitime Bill."

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from Alabama (Mr. DENTON), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. TRIBLE), the Senator from South Dakota (Mr. PRESSLER), and the Senator from California (Mr. WILSON) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1539

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1539, a bill to amend the Public Health Service Act to provide home and community based services for the elderly and the disabled.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provison of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members of former members of the Armed Forces.

S. 1634

At the request of Mr. WALLOP, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1634, a bill to amend the Mineral Lands Leasing Act of 1920 and for other purposes.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from

Georgia (Mr. NUNN), the Senator from Tennessee (Mr. SASSER), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1978

At the request of Mr. DOLE, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Oklahoma (Mr. BOREN), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1978, a bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans.

S. 1990

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1990, a bill to clarify the circumstances under which a trademark may be canceled or abandoned.

SENATE JOINT RESOLUTION 55

At the request of Mr. MATHIAS, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theater Week."

SENATE JOINT RESOLUTION 137

At the request of Mr. KENNEDY, the names of the Senator from Idaho (Mr. MCCLURE), the Senator from Illinois (Mr. PERCY), the Senator from Arkansas (Mr. PRYOR), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Idaho (Mr. SYMMS), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 137, a joint resolution to designate April 7, 1984, as "World Health Day."

SENATE JOINT RESOLUTION 153

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Joint Resolution 153, a joint resolution to congratulate the people of the county of New York on the occasion of the tricentennial of the founding of the county of New York.

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Georgia (Mr. NUNN), the Senator from Kentucky (Mr. FORD), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 78—ESTABLISHING A COMMISSION ON CIVIL RIGHTS

Mr. SPECTER (for himself, Mr. BIDEN, Mr. KENNEDY, Mr. HEINZ, Mr. METZENBAUM, Mr. DURENBERGER, Mr. BENTSEN, and Mr. BRADLEY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 78

Resolved by the Senate (the House of Representatives concurring), That this resolution may be cited as the "Commission on Civil Rights Resolution".

SEC. 2. (a) There is established a Commission on Civil Rights (hereafter in this resolution referred to as the "Commission") which shall be in and responsible to the legislative branch of the Federal Government.

(b) The Commission shall consist of eight members as follows:

(1) four members of the Commission shall be appointed by the President pro tempore of the Senate from the general public, upon the recommendations of the Majority Leader and the Minority Leader, no more than two of whom shall be from the same political party; and

(2) four members of the Commission shall be appointed by the Speaker of the House of Representatives from the general public, upon the recommendations of the Majority Leader and the Minority Leader, no more than two of whom shall be from the same political party.

(c) The Commission shall select a Chairman and a Vice Chairman from among its members. The Vice Chairman shall act in the place and stead of the Chairman in the absence of the Chairman.

(d) The Speaker of the House of Representatives and the President pro tempore of the Senate jointly may remove a member of the Commission only for neglect of duty or malfeasance in office.

(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliation as the original appointment was made.

(f) Five members of the Commission shall constitute a quorum.

RULES OF PROCEDURE OF THE COMMISSION HEARINGS

SEC. 3. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to any witness before the Commission, and a witness compelled to appear before the Commission or required to produce written or other matter shall be served with a copy of the Commission's rules at the time of service of the subpena.

(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence or testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpena additional witnesses. If a report of the commission tends to defame, degrade or incriminate any person, then the report shall be delivered to such person thirty days before the report shall be made public in order that such person may make a timely answer to the report. Each person so defamed, degraded or incriminated in such report may file with the Commission a verified answer to the report not later than twenty days after service of the report upon him. Upon a showing of good cause, the Commission may grant the person an extension of time within which to file such answer. Each answer shall plainly and concisely state the facts and law constituting the person's reply or defense to the charges or allegations contained in the report. Such answer shall be

published as an appendix to the report. The right to answer within these time limitations and to have the answer annexed to the Commission report shall be limited only by the Commission's power to except from the answer such matter as it determines has been inserted scandalously, prejudiciously or unnecessarily.

(f) Except as provided in this section and section 6 (f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than one year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof.

(j) A witness attending any session of the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

(l) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organizations including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 4. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive a sum equivalent to the compensation paid at level IV of the Federal Executive Salary Schedule, pursuant to section 5315 of title 5, United States Code, prorated on a daily basis for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5703 of title 5 of the United States Code.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with subchapter I of chapter 57 of title 5 of the United States Code.

DUTIES OF THE COMMISSION

SEC. 5. (a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, age, handicap, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or in the administration of justice;

(3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or the administration of justice;

(4) serve as national clearinghouse for information in respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice; and

(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes property counted, in any election of the Presidential electors, Members of the United States Senate, or the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election.

(b) Nothing in this or any other resolution shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization.

(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.

(d) As used in this section, the term "handicap" means, with respect to an individual, a circumstance that would make that individual a handicapped individual as defined in the second sentence of section 7(6) of the Rehabilitation Act of 1973 (29 U.S.C. 706(6)).

(e) Nothing in this resolution or in any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to appraise, or to study and collect information about, laws and policies of the Federal Government, or any other governmental authority in the United States, with respect to abortion.

(f) The Commission shall continue to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution involving Americans who are members of eastern- and southern-European ethnic groups and shall report its findings to the Congress. Such report shall include an analysis of the adverse consequences of affirmative action programs encouraged by the Federal Government upon the equal opportunity rights of these Americans.

POWERS OF THE COMMISSION

SEC. 6. (a) There shall be a full-time staff director for the Commission who shall be selected by the Commission. Within the limitation of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not in excess of the daily equivalent paid for positions at the maximum rate for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term "whoever" as used in subsection (g) of section 3 hereof shall be construed to mean a person whose services are compensated by the United States.

(c) The Commission may constitute such advisory committees within States as it deems advisable, but the Commission shall constitute at least one advisory committee within each State composed of citizens of that State. The Commission may consult with governors, attorneys general, and other representatives of State and local governments and private organizations, as it deems advisable.

(d) Members of the Commission, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 203, 205, 207, 208, and 209 of title 18 of the United States Code.

(e) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) The Commission, or on the authorization of the Commission any subcommittee of three or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this resolution, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 3 (j) and (k) of this resolution, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission,

or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of five members is present.

(g) In the case of contumacy or refusal to obey a subpena, the Chairman of the Commission shall submit a request to either House of Congress to enforce the subpena. The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

(h) Without limiting the generality of the foregoing, each member of the Commission shall have the power and authority to administer oaths or take statements of witnesses under affirmation.

(i)(1) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this resolution.

(2) The Commission shall make arrangements for the transfer of personnel and records of the Commission on Civil Rights as established by the Civil Rights Act of 1957 to the Commission established by this resolution.

EXPENSES OF THE COMMISSION

SEC. 7. Expenses of the Commission under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Commission.

Mr. BIDEN. Mr. President, I am disappointed and angered by the President's action. Senators DOLE, SPECTER, I, and other members of the Judiciary Committee have worked hard to forge a bipartisan consensus and negotiated in good faith with the White House for the past 5 months. A majority of the committee had finally developed a proposal that accommodated the legitimate concerns of the President while at the same time preserving the independence of the Commission. Firing the three existing commissioners obviously ends our ability to preserve the independence principle and thereby ends any hope of getting the President to sign an authorization bill that might pass both Houses.

It is indeed ironic that a Republican President would end the useful life of a commission that President Dwight D. Eisenhower considered his major civil rights initiative when it was created in 1957. The Commission has no legislative or enforcement powers. Its only authority is to make recommendations. Some of its recommendations I found downright wrong—for example on the questions of busing and affirmative action. However, I never felt it was wise to silence a commission, or anyone for that matter, who disagreed with me. As Thomas Jefferson used to say, "it's always better to leave truth free to combat evil." I have always felt that I could convince most Americans that the Commission was wrong and I was right on the issues on which we disagreed. I am sorry that the President does not share that view.

I might point out that if the President feels that he can silence his critics on civil rights by this act, he is sadly mistaken. The fact that he has emasculated the Commission will not prevent the former Commissioners, the civil rights community, and those of us in the Congress whose job it is to oversee these issues from maintaining vigilant scrutiny of his actions in this area.

Finally, those of us in the Congress who are determined to preserve the basic bipartisan consensus that has existed on civil rights since the mid-1950's will find a way to keep that consensus alive. That is why I have joined with Senator SPECTER in introducing a concurrent resolution that would create a Civil Rights Commission in the legislative branch.

The Commission will consist of eight Commissioners, four appointed by the Speaker of the House upon the recommendation of the majority and minority leaders, and four by the President pro tempore upon the recommendation of the majority and minority leaders.

It will preserve the continuity of the present Commission by retaining all of its powers and responsibilities.

There will be no firing of Commissioners without cause.

● Mr. BRADLEY. Mr. President, I am pleased to cosponsor this resolution creating a legislatively constituted Civil Rights Commission with all the rights and powers vested in the original Commission. Under the resolution the new Commissioners will have fixed 8-year terms. They will be independent of the administration and their mandate will be to monitor the enforcement of our civil rights laws and to report to the American people when they believe the integrity and effectiveness of those laws are in jeopardy.

I would urge my colleagues to act on this legislation immediately. Setting up the Commission must have high priority. There must be no question about Congress commitment to the active enforcement of our civil rights laws and to the key role played by the Commission.

But a large part of the important role the Commission plays is a result of its credibility as an independent body. The President has destroyed the public's confidence that new appointees to the present Commission will be permitted to be critical even if criticism of Federal policies is warranted.

The President has made his disdain for the Commission abundantly clear. He has repeatedly disregarded the express will of Congress on this matter. It is time for us to take the fate of the Commission out of the administration's hands by statutorily authorizing its creation and establishing terms that guarantee its independent existence.●

AMENDMENTS SUBMITTED

SURFACE TRANSPORTATION EMERGENCY RELIEF

WARNER (AND TRIBLE) AMENDMENT NO. 2428

Mr. WARNER (for himself and Mr. TRIBLE) proposed an amendment to the bill (H.R. 3103) to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100 million to $250 million, and for other purposes; as follows:

At the end of the committee substitute insert the following new section:

SEC. . Notwithstanding any other provision of law and the Secretary of Transportation's decision on Interstate Highway 66, Fairfax and Arlington Counties, Virginia, dated January 5, 1977, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out a demonstration project on Interstate Highway 66 in Fairfax and Arlington Counties, Virginia for a period of not less than 12 months commencing within 60 days of the enactment of this section. The Commonwealth of Virginia shall restrict the use of such highway between I-495 and the District of Columbia to high occupancy vehicles carrying three or more passengers during the hours of 7 a.m. to 9 a.m. on Monday through Friday, exclusive of holidays, on eastbound lanes and during the hours of 4 p.m. to 6 p.m. on Monday through Friday, exclusive of holidays, on westbound lanes during the demonstration period. During the demonstration period, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.

SYMMS (AND STAFFORD) AMENDMENT NO. 2429

Mr. SYMMS (for himself and Mr. STAFFORD) proposed an amendment to the bill H.R. 3103, supra, as follows:

On page 4, line 6, strike "1983" and insert in lieu thereof "1984".

On page 5, line 8, strike "and Utah" and insert in lieu thereof the following: ", Utah and Arizona".

On page 8, line 1, after the word "striking" insert the following: "'1984' and inserting in lieu thereof '1985' and by striking".

On page 15, line 17, strike "1983" and insert in lieu thereof "1982".

On page 11, after line 12, add the following new section and renumber the following sections accordingly:

"SEC. 12. Construction of any bridge—

"(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

"(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

"(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.".

LAUTENBERG AMENDMENT NO. 2430

Mr. LAUTENBERG proposed an amendment to the bill H.R. 3103, supra; as follows:

At the end of the bill add the following:

Section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 as amended is amended by adding before the period at the end thereof the following:

", except that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

METZENBAUM (AND SPECTER) AMENDMENT NO. 2431

Mr. METZENBAUM (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3103, supra; as follows:

On page 10, beginning with line 3, strike out all through line 12 on page 11.

On page 11, line 13, strike out "Sec. 12." and insert in lieu thereof "Sec. 11.".

On page 16, line 8, strike out "Sec. 13." and insert in lieu thereof "Sec. 12.".

SUPPLEMENTAL APPROPRIATIONS ACT, 1984

TOWER AMENDMENT NO. 2432

(Ordered to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him, to the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 18, after the period on line 15, add the following: "For the Washington Tourist Information Facility in the Great Hall of the Herbert Clark Hoover Building, $500,000.".

SURFACE TRANSPORTATION EMERGENCY RELIEF

HELMS AMENDMENT NO. 2433

Mr. HELMS proposed an amendment to the bill H.R. 3103, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Effective 120 days after the date of enactment of this section, the Surface Transportation Assistance Act of 1982 (Public Law 97-424) is repealed.

(b) Any provision of law amended by the provisions of such Act shall be applied and administrered as if such provision so amended had not been amended, and any provision of law repealed by the provisions of such Act shall be considered reenacted and so applied and administered.

RANDOLPH AMENDMENT NO. 2434

Mr. SYMMS (for Mr. RANDOLPH) proposed an amendment to the bill H.R. 3103, supra; as follows:

On page 8, strike line 24, and insert in lieu: "The last sentence of section 139(a) and the fourth sentence of section 139(b) of title" and on page 9, line 17 strike "section 139(a)" and insert in lieu thereof "section 139(a) and (b)".

SPECTER (AND OTHERS) AMENDMENT NO. 2435

Mr. SPECTER (for himself, Mr. BIDEN and Mr. KENNEDY) proposed an amendment to the bill H.R. 3103, supra; as follows:

At the end of the committee substitute, insert the following:

SEC. . The Civil Rights Act of 1957 (Public Law 85-315) United States Code is amended by striking section 101 and inserting in lieu thereof the following:

"SEC. 1975. Commission on Civil Rights.

There is created in the legislative branch of the Government a Commission on Civil Rights hereinafter referred to as the "Commission".

(b) The Commission shall be composed of eight members as follows: four to be appointed by the Speaker of the House of Representatives on the recommendation of the Majority, no more than two of whom shall be of the same political party, and four to be appointed by the President Pro Tempore upon the recommendation of the Majority and Minority Leaders of the Senate, no more than two of whom shall be of the same political party. Not more than four of the members shall at any one time be of the same political party.

(c) The Speaker of the House and the President Pro Tempore of the Senate on the recommendation of the Majority Leader of the Senate shall alternate in the designation of one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Members of the Commission shall be appointed for a term of eight years, except that the first and second Commissioners appointed shall serve two year terms; the third and fourth Commissioners appointed shall serve four year terms and the fifth and sixth Commissioners appointed shall serve six year terms. A Commissioner may be reappointed.

(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(f) A member of the Commission may continue to serve until his successor has taken office as a member of the Commission.

(g) A majority of the Commission shall constitute a quorum.

(h) The Speaker of the House of Representatives and the President Pro Tempore of the Senate, upon the recommendation of the Majority Leader, upon their concurrence, may remove a member of the Commission only for neglect of duty or malfeasance in office."

SEC. 104. The Civil Rights Act of 1957 is amended by striking subsection (c) and inserting in lieu thereof the following:

"(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.".

SEC. 105(a). The Civil Rights Act of 1957 is amended by striking subsection (d) and inserting in lieu thereof the following:

"(d) There shall be a full-time staff director for the Commission who shall be appointed by majority vote of the Commission. Within the limitation of its appropriations, the Commission may appoint such other personnel as it deems advisable.".

Title 42, the Civil Rights Act of 1957 is amended by adding the following new section at the end of section 1975:

"SEC. . Effective November 29, 1983, all files and records of the United States Commission on Civil Rights shall be transferred and held under the authority of the Commission.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judciary be authorized to meet during the session of the Senate on Tuesday, October 25, 1983, in order to receive testimony concerning S. 462, a bill to amend the Hobbs Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 25, 1983, in order to consider and act on pending nominations, commemorative resolutions, and the following legislation:

AGENDA

(1) Civil Rights Commission Reauthorization.

(2) Nominations:

U.S. DISTRICT JUDGE

Mr. Thomas J. Curran, of Wisconsin, to be U.S. District Judge for the Eastern District of Wisconsin.

U.S. COMMISSION ON CIVIL RIGHTS

Mr. Morris B. Abram, of New York, to be a Member of the U.S. Commission on Civil Rights.

Mr. John H. Bunzel, of California, to be a Member of the U.S. Commission on Civil Rights.

Mr. Robert A. Destro, of Virginia, to be a Member of the U.S. Commission on Civil Rights.

Ms. Linda Chavez Gersten, of the District oif Columbia, to be Staff Director of the U.S. Commission on Civil Rights.

BILLS

S. 914—Firearm Owners Protection Act. [Full Committee]

S. 422—To amend title 18 of the United States Code to provide a criminal penalty for robbery of a controlled substance. [Full Committee]

H.R. 596—To transfer responsibility for furnishing certified copies of Miller Act payment bonds.

S. 501—Sex Discrimination in the U.S. Code Reform Act. [Constitution Subcommittee]

Budget Waiver Authorization[s] for any bill[s] requiring the same.

(4) Commemoratives:

H.J. Res. 283—Designating the week beginning November 6, 1983, as "National Disabled Veterans Week."

S. Res. 238—To express the sense of the Senate that January 22, 1984, through January 28, 1984, should be observed as "National Meat Week." [Introduced by Senator Helms]

S.J. Res. 160—To designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week." [Introduced by Senator Byrd]

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, October 25, to hold an oversight hearing on computer security in the Federal Government and private sector.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 25, at 11 a.m., to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 25, at 5 p.m., to receive a briefing on Jordan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 25, at 11 a.m., to receive testimony on Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SITUATION IN LEBANON

● Mr. KENNEDY. Mr. President, I share with all Americans the feeling of grief and outrage over the wanton terrorist attack that murdered so many of our marines yesterday morning in Lebanon. My heart goes out to the parents, wives, and children of those who have been killed and wounded, and the families across the country that are so suddenly and cruelly bereaved.

Our most urgent duty now is to guarantee that our marines are adequately protected against any future such terrorist attack. The success of yesterday's bombing was the result of an unbelievable breakdown in security that should never have been permitted to occur.

I reject the administration's preposterous rationale that we did all we could to protect our forces. No American marines should be asked to serve anywhere, for any purpose, without every conceivable step being taken to assure their safety. Other nations do far more to protect their forces from terrorist attack in circumstances of obvious danger. For the United States to do less is negligence, pure and simple. Our marines in Lebanon have the full support of our people—but they deserved more from our Government.

I believe that the President owes the American people a clear, immediate, and credible explanation of why our troops are in Lebanon. Our first priority in the Senate and the House of Representatives should be to revoke the 18-month blank check which Congress gave the President 3 weeks ago. What we need most of all now is a plan that offers the reasonable prospect of a peaceful settlement, and that guarantees the earliest possible withdrawal of our troops. We must not accept an endless American involvement that maintains our marines as nothing more than sitting ducks in the Lebanese civil war.●

SWEET TRUTHS ABOUT SUGAR

● Mr. INOUYE. Mr. President, there are a number of misconceived fears spread in the popular media about one of our Nation's major agricultural commodities—sugar.

The notion persists that sugar consumption is responsible for ills of society ranging from obesity and tooth decay, to deviant criminal acts. In reality, this natural sweetener is no more a threat to good health than any other food consumed in sensible quantities.

The cultivation of sugarcane has a long and prominent history in my State of Hawaii, beginning with its introduction by polynesians some 1,000 years ago. Today Hawaii is one of our Nation's largest sugar-producing States, without, I might note, any noticeable ill effects on our population, whom statistics show to be among the healthiest in our Nation.

Recently two authorities on nutrition—Elizabeth M. Whelan, executive director of the American Council on Science & Health; and Dr. Frederick J. Stare, M.D., professor emeritus of nutrition at the Harvard School of Public Health—published a book about such nutritional fallacies. An excerpt from their book, "Sweet Truths About Sugar," was published in the October Reader's Digest. I ask that this article be printed in the RECORD.

[From the Readers Digest, October 1983]

SWEET TRUTHS ABOUT SUGAR

That "nice" stuff that "little girls are made of" has been earning a bad rep of late—which, say these noted health authorities, is nothing but a sour deal.

(Condensed from "The One-Hundred-Percent Natural, Purely Organic, Cholesterol-Free, Megavitamin, Low-Carbohydrate Nutrition Hoax," Elizabeth M. Whelan and Fredrick J. Stare, M.D.)

In recent years sugar has increasingly been pronounced one of the world's most fearsome scourges—right up there with the Black Plague. We are told that sugar causes everything from obesity to learning disabilities. No one, from infant to centenarian, seems immune to its deadly attack.

The U.S. government itself has stood ready to further this belief. Soon after the Senate Select Committee on Nutrition and Human Needs dubbed sugar an unnecessary evil in its 1977 report, the Federal Trade Commission proposed banning the advertising of sugary products from children's television shows. (The proposal was later dropped.) Even food processors jumped on the bandwagon: "Low in Sugar" scream their TV commercials. People brag that they no longer use the substance, as though that by itself was a virtue.

Much of this apprehension is based on two popular misconceptions: that Americans are consuming more table sugar than ever before; that sugar consumption contributes to poor health.

In fact, government statistics reveal that consumption of table sugar (sucrose) in the United States is now about the same as it was 70 years ago, while the use of other sweeteners—especially the corn syrups in processed foods—has greatly increased. But the figures for sweeteners include those in products such as ketchup and salad dressings, as well as those in soft drinks and desserts, and therefore estimates of the amount that people actually consume vary widely.

Just what is sugar? Chemically, there are many compounds called sugars, but only a few are found naturally in the foods we eat. Among sweeteners that are added the most common are sucrose—refined from cane or beet sugar—and corn syrups. Natually occurring sugars include lactose, found in milk, and glucose and fructose, both common in fruits and vegetables. In order to be used by the body, all sugars must be converted to glucose—the sugar found in our blood. The human body cares little where its supplies originate.

Health faddists maintain that refined white sugar is dangerous, and that natural sweeteners are fine. But a molecule of sugar, refined or not, is a molecule of sugar. While it is true that table sugar contains no vitamins, minerals or protein, the amounts of nutrients in less-refined sugars such as raw or brown sugar or in honey, for example—are too small to be important. If you prefer the taste of brown sugar or honey to table sugar, use them. But don't think that you are swallowing anything nutritionally superior.

Of course, popular misconceptions about sugar extend far beyond a vague, "It's not good for you." Let's look at some of the specific charges laid at sugar's door:

Obesity. Excess calories, regardless of where they come from, are fattening. No one kind of calorie is more fattening than any other. Fat, however, contains more than twice as many calories per ounce as

carbohydrates (including sugar) or proteins. thus, a pat of butter on a slice of toast is more than twice as fattening as an equal weight of jelly. Clearly, then, it makes no sense to attempt a sugar-free reducing diet if you replace the sugar with gravies, french fries and other fatty foods.

Diabetes. Insulin, a hormone produced by the pancreas, is necessary for metabolizing glucose in the blood. In diabetes, the pancreas either fails to produce enough insulin or the insulin it does produce is unable to function properly. Diabetics, therefore, are subject to excessive blood-sugar levels, especially after ingesting sugar. Eating sugary foods, however, has not been shown to cause the disease.

Hypoglycemia. The opposite of diabetes occurs when the pancreas produces too much insulin, resulting in blood-sugar levels that are abnormally low. True hypoglycemia is an extremely rare condition, with symptoms that display a remarkable parallel to those of anxiety neurosis. This condition is tailor-made for some hypochondriacs who insist that a vague collection of symptoms be tagged with a name.

Low blood-sugar levels in those few genuine hypoglycemics can be caused by pancreatic tumors. However, popular "wisdom" has decreed that too much sugar in the diet (particularly refined sugar) stimulates the pancreas to produce too much insulin, thus leading to lowered blood sugar. This is unadulterated hogwash.

Tooth decay. Although sugar can indeed contribute to cavities, don't think that dental problems can be avoided simply by replacing table sugar with good old "natural" honey or dried fruits. Exposure time is what we need to be concerned with. The stickier the sweet, the longer it will remain in contact with the tooth, the more damage will be done. The only way to cut down on exposure time is to eliminate sticky sweets between meals—and to clean your teeth more often. The bacteria in the mouth that cause cavities aren't the least bit particular about the type of sugar they feed on. In fact, some "health" foods, as raisins, can nestle among the teeth all day, providing hours of tasty fare for bacteria.

Heart disease. In 1964 an English physician, John Yudkin, made the widely publicized charge that sugar is a causative factor in heart disease. Yudkin had arrived at his theory by comparing the sugar intake of 45 heart patients with 13 hospitalized accident victims and 12 men residing in the area. His study found that the heart patients consumed substantially more sugar. Thus he concluded, and the press duly reported, that sugar is bad for the heart.

When other scientists repeated his study in four hospitals—using as a control only people outside the hospital—they found that heart patients consumed the same amount of sugar as did their controls. But this attracted nowhere near the publicity of Yudkin's original statements.

A quick look at some simple statistics illustrates why the sugar-heart-disease theory makes so little sense. If the relationship were positive, countries with high sugar consumption should have a higher rate of heart disease. In fact, some—such as Venezuela, Cuba, Brazil and Costa Rica—have a rather low incidence.

Learning disabilities. In this case there aren't even any scientific studies to refute. We hear a great deal about sugar creating learning difficulties, but what is being circulated is a combination of uncontrolled studies, testimonials, opinion and conjecture. Also unsubstantiated is the contention that sugar and sugar products cause deviant behavior. After killing the mayor and a supervisor of San Francisco in 1978, former supervisor Dan White included as part of his legal defense testimony that he has eaten lot of junk food shortly before the murder. (This was the so—called "Twinkie Defense.") One health-food advocate even claimed that the infamous Manson "family" who murdered Sharon Tate had subsisted mainly on candy bars. "Where the diet is good," she declared, "there is no crime." These and similar hypotheses are still devoid of solid scientific support.

"Empty" calories. The charge that sugar is full of "empty" calories is plain silly. All calories are full calories—i.e., full of energy. If sugar products are consumed in place of other needed nutrients, dietary deficiencies can occur. But as long as the Recommended Dietary Allowance is being met for all nutrients, there is no harm whatever in using snack foods to fulfill additional calorie requirements.

So, the evidence is clear: sugar is sweet. But that doesn't mean it's bad for you.●

PENDING CHILD NUTRITION LEGISLATION

● Mr. HUDDLESTON. Mr. President, today the House of Representatives passed, by a vote of 306 to 114, H.R. 4091, bipartisan legislation that amends the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under those acts. Needless to say, I am pleased and encouraged by the strong show of support in the House for this legislation.

On September 30, 1983, Senators COCHRAN, BOREN, ANDREWS, HOLLINGS, PRYOR, and EAGLETON joined me in introducing S. 1913. Although S. 1913 is not identical to H.R. 4091, the two versions are very similar. Certainly, the intent of the House and Senate bills is the same. Both are designed to make needed improvements in the school lunch and other child nutrition programs, using the $150 million that has been budgeted by Congress for these programs.

In 1981, Federal aid for child nutrition programs was reduced by 30 percent, or $1.5 billion. The end result was that thousands of schools and over 3 million children, a million of those children coming from low-income families, including the working poor, were forced out of the school lunch program. I cannot believe that it was the intent of Congress that children who must depend on the child nutrition programs should be excluded from the programs. For this reason, I believe legislation to correct this situation is necessary.

Although the additional money budgeted only represents 10 percent of the $1.5 billion reduction made in 1981, many important improvements in the child nutrition programs can be accomplished with the $150 million. S. 1913 contains a group of coordinated proposals that, I believe, will make the best use of the added funding.

I am pleased to report that to date, over 20 Senators are supporting my bill. I believe that it is essential that the Senate take decisive action on this vitally important legislation before adjournment so that we can reinstate needy children to these programs. Therefore, I call upon my colleagues to join me in seeking speedy consideration of S. 1913.●

DISAPPEARANCE OF THE S.S. POET—OCTOBER 25, 1980

● Mr. BRADLEY. Mr. President, 3 years ago today, the S.S. *Poet* and its 34-member crew disappeared in the Atlantic Ocean. In sadness, I join with the families and friends of those who have died to commemorate this tragic event and to honor the crew of the *Poet.*

After leaving Port Philadelphia on October 24, 1980, the U.S. flag-ship S.S. *Poet,* carrying a cargo of grain to be distributed by the U.S. Agency for International Development to the poor and hungry in Egypt, mysteriously vanished. It is assumed by the experts at the National Oceanic and Atmospheric Administration that a violent storm with 50- to 60-knot winds and 30-foot waves might have ravaged and capsized the 552-foot vessel so suddenly that the ship's crew did not have time to send out distress signals. While this seems to be the most likely explanation for the disaster, the *Poet,* the largest U.S. ship to be lost at sea in modern times, has left us with no clue as to her fate.

I ask my colleagues to join with me in marking this sad occasion and in remembering the brave crew of the *Poet* who lost their lives while carrying out a mission intended for the benefit of humanity.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Mr. BAKER. Now, Mr. President, I indicated yesterday that it would be the intention of the leadership to ask the Senate to turn to the consideration of the Surface Transportation Technical Corrections Act of 1983, and I am prepared to do that now. The minority leader and the managers, I believe, on both sides are present.

SURFACE TRANSPORTATION TECHNICAL CORRECTIONS ACT OF 1983

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 3103, Calendar Order No. 463.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 3103) to increase the amount authorized to be expended under title XXIII, United States Code, in fiscal year 1983, from $100 million to $250 million, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert:

That, in addition to any amounts authorized to be expended by section 125 of title 23, United States Code, in the fiscal year ending September 30, 1983, there is authorized to be expended, out of the Highway Trust Fund (other than the Mass Transit Account), for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000".

(c) The amendments made by subsections (a) and (b) of this section shall take effect April 15, 1983.

SEC. 3. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to natural disasters and catastrophic failures occurring in the States of California and Utah in the fiscal year ending September 30, 1983.

SEC. 4. (a) Subsection (f) of section 120 of title 23, United States Code, is amended by striking "shall not exceed 100 per centum of the cost thereof:" and inserting in lieu thereof "on account of any project on a Federal-aid highway system, including the Interstate System, shall not exceed the Federal share payable of a project on a system as provided in subsections (a) and (c) of this section: "Provided, That the Federal share payable for eligible emergency repairs to minimize damage, protect facilities or restore essential traffic accomplished within thirty days after the actual occurrence may amount to 100 per centum of the cost thereof: and further".

(b) Section 120(f) of title 23, United States Code, as amended by this section is effective for all natural disasters or catastrophic failures which occur subsequent to enactment of this Act.

SEC. 5. Upon application by the State of Maryland, and after approval of withdrawal by the Secretary of Transportation of unbuilt portions of Interstate route I-83 in Baltimore, Maryland, under section 103(e)(4) of title 23, United States Code, the Secretary shall transfer $100,000,000 from the apportionment of such State under section 104(b)(5)(A) of such title to the apportionment of such State under section 104(b)(5)(B) of such title. Upon transfer of such funds, the estimate of the cost of completing substitute highway projects in such State prepared under section 103(e)(4) of such title shall be reduced by $100,000,000. Of funds apportioned to such State under section 104(b)(5)(B) of such title, $100,000,000 shall be obligated for resurfacing, restoring, rehabilitating, and reconstructing portions of such Interstate route open to traffic. Any funds transferred under this section shall continue to be available for expenditure in such State until the last day of the second fiscal year following the fiscal year in which such transfer is made. Any amount of funds so transferred which have not been obligated by such last day shall lapse and shall be made available by the Secretary for projects under section 118(b)(3) of such title.

SEC. 6. The Secretary of Transportation shall apportion for the fiscal years ending September 30, 1985, and September 30, 1986, the sums authorized to be appropriated for such fiscal years by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on National System of Interstate and Defense Highways, using the apportionment factors contained in table of the committee print numbered of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 7. (a) The Secretary of Transportation shall appropriate for the fiscal years ending September 30, 1984, and September 30, 1985, the sums authorized to be apportioned for such years by section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered of the Committee on Public Works and Transportation of the House of Representatives.

(b) Section 103(e)(4) of title 23, United States Code, is amended—

(1) in the fifteenth sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984";

(2) in the sixteenth sentence by striking out "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and";

(3) in the twenty-first sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984"; and

(4) in the twenty-second sentence by striking "1984" and inserting "in lieu thereof "1985", and by striking "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and".

SEC. 8. Section 118(b)(2) of title 23, United States Code, is amended by inserting after "which is not open to traffic" the following: "and high cost projects which are eligible for Federal assistance with funds apportioned under section 104(b)(5)(A) of this title and are on an Interstate segment which is on a common alignment of more than 7.9 miles with any other Interstate segment and on which actual construction with funds apportioned under such section is under way on the date of enactment of this Act;".

SEC. 9. Section 307(c)(1) of title 23, United States Code, is amended by inserting after "section 104" the following: "and section 103(e)(4) for highway projects".

SEC. 10. (a) The last sentence of section 139(a) of title 23, United States Code, is amended to read as follows: "The designation of a highway as part of the Interstate System under this subsection shall create no Federal financial responsibility with respect to such highway; except that any State may use funds available to it under sections 104(b)(1) and 104(b)(5)(B) of this title for the resurfacing, restoring, rehabilitating, and reconstructing of any highway designated as a route on the Interstate System under this subsection before the date of enactment of the Surface Transportation Technical Corrections Act of 1983.".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended to read as follows:

"(a) The Secretary may approve projects for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System designated under sections 103 and 139(c) of this title and routes on the Interstate System designated before the date of enactment of the Surface Transportation Technical Corrections Act of 1983 under section 139(a) of this title; except that the Secretary may only approve a project pursuant to this subsection on a toll road if such road is subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978. Sums authorized to be appropriated for this section shall be out of the Highway Trust Fund and shall be apportioned in accordance with section 104(b)(5)(B) of this title. The Federal share for any project under this subsection shall be that set forth in section 120(c) of this title.".

SEC. 11. Section 165 of the Highway Improvement Act of 1982 (23 U.S.C. 101 Note) is amended to read as follows:

"BUY AMERICA

"SEC. 165. (a) Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated by this Act or by any Act amended by this Act and administered by the Department of Transportation, whose total cost exceeds $500,000, unless only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such project.

"(b) The provisions of subsection (a) of this section shall not apply where the Secretary determines—

"(1) their application would be inconsistent with the public interest;

"(2) in the case of acquisition of rolling stock their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of project cost likely to be returned to the United States and to the States in the form of tax revenues.);

"(3) supplies of the class or kind to be used in the manufacture of articles, materials, and supplies that are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

"(4) that inclusion of domestic material will increase the cost of the overall project contract by more than 10 per centum in the case of projects for the acquisition of rolling stock, and 25 per centum in the case of all other projects.".

SEC. 12. (a)(1) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu thereof the

following: "The sums appropriated and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(2) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

(b)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apportioned".

(4) Section 415 of such Act is hereby repealed.

(5) The third sentence of section 108(d) of such Act is amended by striking "this title," and inserting in lieu thereof "title 23, United States Code,".

(c)(1) The analysis of chapter 1 of title 23, United States Code, is amended (1) in the item relating to section 127 by striking out "and width", and (2) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) Section 120 of such title is amended by redesignating the second subsection "(i)", and subsections "(j)" and "(k)" as subsections "(j)", "(k)", and "(l)", respectively.

(3) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(4)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appear and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(5) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(6) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(7) The last sentence of section 402(j) of such title is amended by striking out "chapter" and inserting in lieu thereof "section".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State will give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e)(1) Section 145(c) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) for each of the fiscal years 1983 and 1984 shall not be greater than the excess of—

"(1) the sum of the amount of obligation authority distributed to such State for such fiscal year under section 104(b) of this Act, plus the amounts, if any, available to such State for such fiscal year under section 157 of title 23, United States Code, pertaining to minimum allocation, over

"(2) the amount of obligational authority distributed to such State for fiscal year 1983 under section 3(b) of the Federal-Aid Highway Act of 1981.".

(2) Section 145(e) of such act is amended by inserting "section 108 of this Act and" after "such State under", and by striking out "104(b)(1) of title 23, United States Code," and inserting in lieu thereof "108 of this Act".

(f) Section 154(e) of title 23, United States Code, is amended—

(1) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on highways built after such date with speed limits posted as 55 miles per hour,".

SEC. 13. This Act may be cited as the "Surface Transportation Technical Corrections Act of 1983".

And from the Committee on Banking, Housing, and Urban Affairs with an amendment, to the substitute reported by the Committee on Environment and Public Works; as follows:

On page 7, line 12, strike "committee print numbered of the Committee on Public Works and Transportation of the House of Representatives" and insert "tables transmitted by the Secretary of Transportation to the Congress on August 19, 1983, as revised by the tables transmitted by the Department of Transportation to the Congress on September 29, 1983."

ORDER OF PROCEDURE

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I hope we can finish this bill promptly, and by that I mean an hour or so. I am advised that it may be possible to do that.

After that, it would be the intention of the leadership on this side to ask the Senate to turn to the consideration of the crime package. I am not certain we can get to that bill, and I will consult with the minority leader further on that point today, but that is the sequence that the leadership on this side has in mind.

There is also perhaps a veto message from the House of Representatives on a bill that may reach us today. I do not think it will take long to debate that. It is possible to take that up also.

Mr. SYMMS. Will the majority leader yield on that point?

Mr. BAKER. Yes.

Mr. SYMMS. I might say for all our colleagues that the leadership of the Environment and Public Works Committee would like to move this bill rapidly also. We have agreed, Senator RANDOLPH, Senator STAFFORD, Senator BENTSEN, and myself, that early next year we are going to mark up a highway bill where all Senators will have the opportunity to bring forth their amendments to the committee and work through the process. So if Senators will cooperate today and withhold their amendments, they will have an ample opportunity early next year to bring forth their amendments on the highway program. If they could cooperate in that manner, it will expedite the process today.

Mr. BAKER. Mr. President, I thank the Senator, and I join him in expressing that hope.

Mr. President, sometime later today it would be the intention of the leadership on this side to ask the Senate to turn to the consideration of the supplemental appropriations bill, I would guess sometime around 3 p.m., depending on how we get along with other matters.

Mr. President, I thank all Senators for their cooperation. I have only one further announcement to make. I have apprised the minority leader of this privately, and may I say now for the benefit of all Senators that the agenda this week, in addition to the items I have just discussed which include the supplemental appropriations bill, will also include the debt limit bill.

If we can finish the supplemental and the debt limit this week, by

Friday, it will not be necessary to ask the Senate to be in on Saturday. I will have a further announcement to make in that respect as soon as possible, but there is a growing possibility that we can avoid a Saturday session.

Mr. SYMMS. Mr. President, H.R. 3103, as amended, was reported out of the full Committee on Environment and Public Works by a unanimous vote at the end of last month. This highway legislation has two major provisions and also contains some technical corrections to the Surface Transportation Assistance Act (STAA) of 1982.

The 1982 act was a significant accomplishment. It served to focus attention on the importance of our roads and bridges to the national economy, business productivity, and personal mobility. The nickel increase in the Federal gasoline tax has meant a 45-percent gain in highway funding for fiscal 1983. States have moved swiftly in obligating those funds and in getting construction and rehabilitation projects underway. The U.S. Department of Transportation and State DOT's have worked together closely in implementing the various provisions of the STAA. Overall, even with some difficulties, the 1982 act has been remarkably effective in improving and strengthening our vital, national transportation network.

The Surface Transportation Technical Corrections Act of 1983 is far more limited in scope. First, it contains an additional authorization for the emergency relief highway program to meet repair needs resulting from the large number of high-cost, natural disasters this year. Second, an interstate cost estimate and interstate substitute cost estimate must be approved in order to release interstate construction and interstate transfer funds. Also included in this legislation are several provisions clarifying eligibility of certain categories of projects for Federal assistance and some technical corrections to the 1982 act.

This past summer the Transportation Subcommittee of the Environment and Public Works Committee conducted a hearing on the Federal-aid highway emergency relief program. Testimony was received on the unexpectedly large number of disasters that occurred from January through May of this year, especially in California and Utah.

This legislation provides an additional $150 million in funding to meet the emergency relief needs of the affected States. California and Utah are specifically exempted from the $30 million cap because of the extensive and costly storm damage occurring in those States in fiscal 1983.

For the 30-day period immediately following the actual disaster, 100 percent Federal funding would be made available. This would include, but not be limited to, road openings, debris removal, and erection of temporary facilities. Committee members believe that cost-effective repair is an important concern and, therefore, recommend that for long-term rehabilitation and replacement projects, funding be provided at the applicable system match, for example, 90–10 percent matching Federal-State share on the Interstate System, and 75–25 for the primary, secondary, and urban systems. This match requirement would be effective for disasters occurring after the date of enactment of this bill.

Eligibility for emergency relief funding would also be extended to the territories, including the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

This legislation approves the interstate cost estimate or ICE which contains the apportionment factors for distribution of the fiscal years 1985 and 1986 authorizations. Unlike most other categories of highway funding which are apportioned to the States on October 1, Congress must first approve the ICE before the apportionment of interstate construction funds can take place. In the past, Congress has generally approved a 2-year ICE, and in order for the States to be able to do the long-range planning required by interstate construction projects, the committee recommends approval of a 2-year ICE once again.

A similar situation exists with the interstate substitute cost estimate or ISCE. States which have withdrawn an interstate segment and are eligible for interstate transfer funds are required to submit a cost to complete estimate for substitute highway and transit projects. For the first time, Congress must approve this estimate, and the committee believes that here again a 2-year approval is needed to enable the States to do the necessary project planning.

I should also like to touch on one safety-related issue. Many States have not recognized the fact that acquisition of crash protective cushioning equipment for use on railway-highway crossing equipment is eligible for assistance under the Federal-aid highway laws. Federal highway trust funds have been used for many years to eliminate the hazards of railway-highway crossings. Much of that funding has been used to improve or add flashing signals at crossings to warn motorists of train movements. However, this crossing signal equipment can itself be a roadside obstacle, much like a bridge pier.

Technologically sound crash protective cushioning equipment has been widely employed to reduce the threat to motorists of other roadside obstacles, and such efforts have used highway trust funds. It is my belief that such protective cushioning equipment when used at railway-highway crossings is eligible for highway trust funds. I am convinced that the provisions of section 130 and section 152, as well as other relevant provisions of title 23, United States Code, permit such eligibility.

In conclusion, it is extremely important that H.R. 3103, as amended, be enacted as soon as possible. States have already started the new fiscal year without the apportionment of their interstate and interstate transfer funds. They are understandably concerned about delays in funding and disruptions in those programs. The Interstate construction funds which would become available this fiscal year and next fiscal year amount to $4 billion annually. The available interstate transfer funds total $700 million for 1984 and $700 million for 1985. None of this money can be released to the States, however, without congressional approval of the two cost estimates.

In addition, those States that have suffered through major storm-related disasters are very concerned about completing critical highway repair and reconstruction work so that travel in those affected areas can begin to return to normal.

I urge my distinguished colleagues to support this vitally needed legislation.

Mr. President, I ask unanimous consent that the interstate cost estimate and the interstate substitute cost estimate tables transmitted by the Department of Transportation be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVISED TABLE 3.—ESTIMATED FEDERAL FUNDS REQUIRED TO COMPLETE SUBSTITUTE HIGHWAY PROJECTS AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 75 PERCENT OF 1984 AND 1985 FISCAL YEAR AUTHORIZATIONS [1]

[Revised to reflect a correction to the estimate highway-transit splits for Connecticut and additional Interstate System withdrawals under 23 U.S.C. 103(e)(4) in Connecticut, the District of Columbia, Georgia, Maryland, and Rhode Island]

State	Withdrawal area	Highway cost to complete	Highway amounts already available	Estimated additional funds required to complete substitute highway projects	Apportionment factors (percent)
Arizona	Tucson	49,921,957	28,820,000	21,101,957	0.390
California	Sacramento				
	San Francisco	22,725,117	500,000	22,225,117	0.411
Colorado	Denver	186,754,327	55,193,090	131,561,237	2.430
Connecticut	Bolton to Killingly	359,512,004		359,512,004	6.642
	Hartford	437,952,345	4,369,021	433,583,324	8.010
	Hartford-New Britain	116,235,110	44,997,826	71,237,284	1.316
	Killingly	42,556,482		42,556,482	0.786
District of Columbia	Washington	198,718,507	39,568,905	159,149,602	2.940
Georgia	Atlanta	109,285,122		109,285,122	2.019
Illinois	Chicago	1,167,457,403	255,078,926	912,378,477	16.855
Indiana	Indianapolis	67,566,043	15,821,222	51,744,821	0.956
Iowa	Waterloo	302,998,611	11,015,000	291,983,611	5.394
Maryland	Baltimore	698,765,614	15,233,258	683,532,356	12.627
	Bowie to Millersville	93,471,523		93,471,523	1.727
	Washington	8,264,910		8,264,910	0.153
Massachusetts	Boston	98,917,192		98,917,192	1.827
	Fall River to Providence	13,209,372		13,209,372	0.244
Minnesota	Duluth	62,977,360	17,267,181	45,710,179	0.844
	Minneapolis-St. Paul	89,210,165	30,548,854	58,661,311	1.084
Nebraska	Omaha	49,533,797	16,300,000	33,233,797	0.614
New Jersey	New York City	83,171,966	9,852,477	73,319,489	1.354
	Philadelphia	96,104,192	40,718,000	55,386,192	1.023
	New York City to Trenton	226,671,003		226,671,003	4.187
New York	Albany	35,015,599	20,743,894	14,271,705	0.264
	New York City	130,374,568	20,464,101	109,910,467	2.030
Ohio	Cleveland	186,525,009	38,500,000	148,025,009	2.735
Oregon	Portland	206,882,196	67,128,099	139,754,097	2.582
	Salem	31,653,398	18,763,923	12,889,475	0.238
Pennsylvania	Philadelphia	92,827,997	38,185,102	54,642,895	1.009
	Pittsburgh	65,405,395	2,600,000	62,805,395	1.160
Rhode Island	Rhode Island	645,517,468	7,500,000	638,017,468	11.787
Tennessee	Memphis	238,531,933	27,610,642	210,921,291	3.897
Virginia	Washington	26,449,582	1,300,000	25,149,582	0.465
Total		6,241,163,267	828,079,521	5,413,083,746	100.000

[1] Amounts are in Federal funds.

REVISED TABLE 4.—ESTIMATED FEDERAL FUNDS REQUIRED TO COMPLETE SUBTITUTE TRANSIT PROJECTS AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 50 PERCENT OF 1984 AND 1985 FISCAL YEAR APPROPRIATIONS [1]

[Revised to reflect a correction to the estimated highway-transit splits for Connecticut and additional Interestate System withdrawals under 23 U.S.C. 103(e)(4) in Connecticut, the District of Columbia, Georgia, Maryland, and Rhode Island]

State	Withdrawal area	Transit cost to complete	Transit amounts already available	Estimated additional funds required to complete substitute transit projects	Apportionment factors (percent)
Arizona	Tucson				
California	Sacramento	88,144,661	24,400,000	63,744,661	4.362
	San Francisco	66,044,871		66,044,871	4.520
Colorado	Denver				
Connecticut	Bolton to Killingly				
	Hartford	34,488,157	6,000,000	28,488,157	1.950
	Hartford-New Britain	9,153,358		9,153,358	0.626
	Killingly	560,521		560,521	0.038
District of Columbia	Washington	32,000,000	27,000,000	5,000,000	0.342
Georgia	Atlanta				
Illinois	Chicago	741,215,915	66,000,000	675,215,915	46.206
Indiana	Indianapolis	13,838,828	11,000,000	2,838,828	0.194
Iowa	Waterloo	11,772,437	30,005	11,742,432	0.804
Maryland	Baltimore	330,239,865	6,099,999	324,139,866	22.182
	Bowie to Millersville				
	Washington	18,000,000	18,000,000		
Massachusetts	Boston	147,686,541	48,969,989	98,716,552	6.755
	Fall River to Providence	1,024,865		1,024,865	0.070
Minnesota	Duluth	6,997,484	600,000	6,397,484	0.438
	Minneapolis-St. Paul				
Nebraska	Omaha				
New Jersey	New York City	22,109,004	20,500,000	1,609,004	0.110
	Philadelphia	22,542,959	12,800,000	9,742,959	0.667
	New York City to Trenton	19,710,522	16,700,000	3,010,522	0.206
New York	Albany	3,890,622		3,890,622	0.266
	New York City	14,486,063		14,486,063	0.991
Ohio	Cleveland	44,454,000		44,454,000	3.042
Oregon	Portland	76,219,339	58,900,000	17,319,339	1.185
	Salem				
Pennsylvania	Philadelphia				
	Pittsburgh				
Rhode Island	Rhode Island	41,203,243		41,203,243	2.820
Tennessee	Memphis	32,527,082		32,527,082	2.226
Virginia	Washington				
Total		1,778,310,337	316,999,993	1,461,310,344	100.000

[1] Amounts are in Federal funds.

REVISED TABLE 5.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS REQUIRED TO COMPLETE THE INTERSTATE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF THE 1985 AND 1986 FISCAL YEAR AUTHORIZATIONS

[Revised from table 5 of Committee Print 98–1 to reflect: (1) Withdrawals under 23 U.S.C. 103(e)(4) of Interstate route segments in New Jersey, Connecticut, District of Columbia, Georgia, Maryland, and Rhode Island; (2) adjustments to unobligated apportionments resulting from withdrawals and discretionary allocations; and (3) revisions to the cost to complete in Pennsylvania and South Carolina]

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Alabama	837,853	754,068	3.331
Alaska			
Arizona	491,837	463,802	2.049
Arkansas			
California	2,430,480	2,224,132	9.825
Colorado	489,452	445,548	1.968
Connecticut	506,729	456,057	2.015
Delaware			
District of Columbia	94,965	85,469	0.377
Florida	1,833,091	1,649,782	7.288
Georgia	1,068,084	961,276	4.246
Hawaii	599,753	539,778	2.384
Idaho	190,848	176,153	0.778
Illinois	246,922	222,230	0.982
Indiana	76,439	68,795	0.304
Iowa	44,937	40,443	0.179
Kansas	176,518	158,866	0.702
Kentucky	557,466	501,719	2.216
Louisiana	1,263,155	1,136,840	5.022
Maine	33,882	30,494	0.135
Maryland	732,852	659,567	2.914
Massachusetts	513,168	461,851	2.040
Michigan	515,100	463,590	2.048
Minnesota	608,821	547,939	2.421
Mississippi	58,876	52,988	0.234
Missouri	146,813	132,131	0.584
Montana	95,458	87,067	0.385
Nebraska			
Nevada	116,251	110,438	0.488
New Hampshire	90,719	81,647	0.361
New Jersey	820,476	738,429	3.262
New Mexico	51,836	47,943	0.212
New York	1,897,652	1,707,887	7.545
North Carolina	315,756	284,180	1.255
North Dakota			
Ohio	531,346	478,211	2.113
Oklahoma	205,237	184,713	0.816
Oregon	202,530	186,773	0.825
Pennsylvania	1,777,910	1,600,119	7.069
Rhode Island			
South Carolina	378,380	340,542	1.504
South Dakota			
Tennessee	171,902	154,712	0.683
Texas	1,460,064	1,314,058	5.805
Utah	542,958	511,304	2.259
Vermont			
Virginia	1,113,537	1,002,183	4.427
Washington	1,227,699	1,112,786	4.916
West Virginia	481,501	433,351	1.914
Wisconsin	30,014	27,012	0.119
Wyoming			
Total	25,029,267	22,636,873	100.000

Mr. SYMMS. Mr. President, I ask unanimous consesnt to have printed in the RECORD a letter from the Secretary of Transportation Elizabeth Dole, urging us to move forward with this legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C. Oct 17, 1983.

Hon. STEVEN D. SYMMS,
Chairman, Subcommittee on Transportation, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR STEVE: I hope that the Senate will soon begin floor debate on H.R. 3103, a bill which provides emergency highway funds for disaster relief and also contains other provisions. We believe that the House passed version of the bill and the Senate reported version provide acceptable vehicles for conference. I ask your help, as floor manager of the bill, to obtain a bill that the Administration can support and that can be sent to the President as soon as possible.

As you know, the Adminstration has testified in support of the provisions of H.R. 3103 that would provide $150 million of emergency highway funds and would have the States provide a matching share to receive all subsequent emergency highway funds. We also support the use of this bill to approve the Interstate highway construction cost estimate and the Interstate substitute highway and transit cost estimates.

I urge the Senate to act quickly on H.R. 3103 and I urge you to discourage new amendments that would create new spending authority, make other substantive changes to the recently established Mass Transit Account, or otherwise delay enactment of this bill. Approval of the Interstate highway construction cost estimate is necessary before we can apportion several billion dollars of Interstate construction funds which flow to every state in the Nation. In fact, seventeen states have already exhausted or soon will exhaust their existing Interstate construction funds. Approval of the Interstate substitute highway and transit cost estimate is necessary before we can apportion hundreds of millions of dollars for substitute highway and transit projects. The Administration is committed to apportioning these funds quickly after Congressional approval becomes law, but we could not support a final bill that created new spending authority beyond the $150 million provided for emergency highway work.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of the report for the consideration of the Congress.

I would be pleased to discuss this matter further with you. Please let me know if I can provide any further information to you on this issue.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.

Mr. SYMMS. Mr. President, I thank my distinguished colleagues on the Committee on Environment and Public Works: The chairman, the Senator from Vermont (Mr. STAFFORD); the ranking minority members, the Senator from West Virginia (Mr. RANDOLPH); and the ranking minority member of the subcommittee, the Senator from Texas (Mr. BENTSEN). Without their help and cooperation and support, we could not have moved this bill this far, and I appreciate their support.

Mr. BENTSEN. Mr. President, let me echo the kind comments of the distinguished Senator from Idaho when he thanked Senators STAFFORD and RANDOLPH. I think that is the most even deal I have been in.

I join my colleague from Idaho, Senator SYMMS. in endorsing the passage of H.R. 3103, the emergency relief highway bill. We must move forward with this legislation in a timely fashion.

As my colleague has stated, this bill incorporates some revisions of the emergency relief program. These revisions have primarily been necessitated by the extensive damage suffered in California and Utah as a result of the violent and devastating storms this past winter and spring. I believe the revisions are timely and I endorse their passage.

This bill also contains the approval of the interstate cost estimate and the interstate substitute cost estimate, approval of both are necessary to release highway funds to each of our States. A speedy passage of this bill will assure continuity for all the States in proceeding with the construction of the Interstate Highway System so vital not only to the commerce and industry of this country, but to nearly every citizen involved in day-to-day travel.

Once again I would like to emphasize the need to deal with this legislation as expeditiously as possible. Interstate construction funds cannot be apportioned to the States until Congress acts.

I heard my distinguished colleague talking about trying to keep this bill clear of all amendments, and I certainly agree with that.

I encourage my colleagues to help keep this bill as clean as possible from other amendments. It is vital that this legislation move through the political process as expeditiously as possible. If we are to assure all the States of prompt allocation of their Interstate Highway funds then it is imperative that this bill be passed and signed into law without delay. While Members may have some very worthwhile projects that they would like to have included in this bill, I believe it is important to move forward with this legislation without amendments if we expect any chance of rapid passage in the House of Representatives.

There are so many projects that are important to so many Senators from every State that it is important that we have a cooperative effort if we are going to get this legislation moved through the political process as expeditiously as possible. If we are to assure all of these States a prompt apportionment of the Interstate Highway fund, it is imperative that this bill be passed and signed into law without delay.

Mr. President, I wish to engage my colleague from Idaho in a colloquy concerning a situation in my home State.

In my home State, Eagle International of Harlingen & Brownsville has commenced production of a two-axle bus known as the Eagle Model-10 Suburban. This bus is intended for use in commuter, airport, tour and charter, and regular route service. It is my understanding that this bus weighs less than 20,000 pounds on the rear axle when empty and when fully loaded, is comparable to or weighs less on the rear axle than the other two-axle buses on the road today. Is there any

reason why this bus model should be treated differently than other two-axle buses?

Mr. SYMMS. I say to my distinguished colleague from Texas that I have been assured by the Department of Transportation that to the extent that the two-axle buses presently using the Interstate Highway System in commuter, airport, tour and charter, and regular route service are in compliance with Federal weight standards, that the Eagle Model-10 Suburban will be treated equally in the application of these standards. This means that this bus would not be singled out for special enforcement in its use on the interstate and primary system for the provisions of commuter, airport, tour and charter, and regular route operations as are all the others now in service.

Mr. BENTSEN. I thank the distinguished Senator for his assistance in clarifying this particular situation.

Mr. President, I have to chair a meeting of another committee at the present time, and I am going to defer to my distinguished friend and colleague, the ranking minority member on the committee, the distinguished Senator from West Virginia.

Mr. DOMENICI. Mr. President, I must rise to express my concern about the discussion between the Senator from Texas and the Senator from Idaho in regard to the weight limit of buses on the interstate and primary system.

This discussion seems to imply that this body is sanctioning the use of buses that exceed the 20,000-pound-weight limit. Furthermore, the discussion seems to suggest that DOT not enforce the 20,000-pound limit. I must voice my strong opposition.

This body has grappled with the issue of weight limits on our Nation's highways for years. After careful study, we have set limits that we believe will protect our highways from rapid deterioration, and these limits are critical to ensure a long life for our highways.

Therefore, I must express my disagreement with the remarks of Senators BENTSEN and SYMMS on this issue.

Mr. SYMMS. Mr. President, I would have to take issue with the statement of my good friend from New Mexico because I think that what we are discussing here with respect to bus mass transit transportation is we want equality and fair treatment to all types of bus transportation.

If there is a careful application and a careful consideration of the problem that exists, we stand to remove a big portion of the transit system of the Nation's highways, which is certainly not the intention of this Senator, nor of all Senators, after careful consideration.

Mr. DECONCINI. Mr. President, the earlier comments of my fellow colleagues, the Senator from Texas and the Senator from Idaho, greatly concern me. The issue is whether passenger bus axle weight limits on our Nation's highways and bridges should be enforced in compliance with the current law. Weight restrictions, like width and length limits, have historically been a matter of State responsibility. In the Surface Transportation Assistance Act of 1982, Congress prohibited any operation of vehicles with a maximum single-axle-weight limit of more than 20,000 pounds per axle on interstate and federally funded highways, except where States had higher existing limits. To blatantly exceed these limits is in direct defiance of the Federal law. The unladened single-axle weight limits of the Trailways/Eagle Model 10-S, is unacceptable. To allow it to operate would be bad public policy. All commercial vehicles should be governed by the same axle-weight limits.

A road cannot distinguish whether the vehicle is a bus or a truck.

No hearings on this issue, to my knowledge, have been held in the Senate this year. But, I am cognizant that hearings are scheduled later this week in the House to address this issue. These higher rear-axle weights could do irreparable damage to our highways and bridges. Therefore, the Department of Transportation should enforce the existing law.

Mr. President, I ask unanimous consent that the text of my statement appear at the appropriate place in the RECORD.

Mr. BURDICK. Mr. President, I am disturbed by the earlier comments of my fellow colleagues, the Senator from Texas and the Senator from Idaho, concerning passenger bus axle weight limits on our Nation's highways and bridges.

It has been suggested in this colloquy regarding Trailways/Eagle, model 10, that in determining compliance with the 20,000 pounds per axle, maximum, that the weight of passengers, baggage, and package express be excluded. The result would be, particularly in suburban and local operations, a rear-axle weight of up to 26,000 pounds, or a weight violating the legal maximum by up to 30 percent.

A recognition of unladen single axle weight limits, as suggested for this one bus would be unacceptable and bad public policy.

Serious safety considerations remain unaddressed. There has been no study of the damage which increased axle weight would cause to highway pavement and bridges. Recognition of the Trailways/Eagle exception holds the potential for unleashing a flood of foreign manufactured buses with resultant damage to the future manufacturing capability of domestic bus manufacturers. Last, an increase in rear axle weight confined to buses would do irreparable damage to the principal of uniformity in vehicle weight, width, and length achieved by the Surface Transportation Assistance Act of 1982.

What would the Trailways exception do? In simple terms, it is suggesting the legitimatization of a bus which, when built and designed would, obviously, violate the 20,000-pound axle limit under normal operating conditions. With an unladen rear axle weight of 19,190 pounds, it is obvious that only a few passengers, bags, and package express would result in rear axle weight exceeding the 20,000 pounds maximum lawful limit.

The second consequence of the Trailways/Eagle suggestion is that manufacturers who complied with the weight limits will be penalized. They will be at a competitive disadvantage because of their compliance with the law, while Trailways/Eagle will be at a competitive advantage because they ignored the law in developing the Eagle 10-S. Violators are rewarded, law abiders are penalized. As far as safety is concerned, I am unaware of any studies having been conducted which would address several concerns I have about 40-foot buses with two axles and increased weight. I am also concerned about the potential for damage to our Nation's highways, a matter we are all concerned with; and before eliminating the 20,000-pound limit, with the possibility of loads up to 26,000 pounds, on our Nation's highways and bridges, we need an unbiased study on any increased axle weight limits conducted by the Department of Transportation. In the interim, the existing weight limits should be enforced by the Department of Transportation.

Mr. STAFFORD. Mr. President, late last year Congress took a major step toward meeting the Nation's vital transportation needs by enacting the Surface Transportation Assistance Act of 1982. The STAA of 1982, as it has come to be known, was critically needed legislation and has enabled States to undertake the large-scale repairs and construction work necessary to maintain our indispensable road and bridge network.

The 1982 act provided for the first time in over 20 years an increase in highway user fees. Consequently, the funds available for the Federal-aid highway program in fiscal year 1983 totaled over $12 billion. The States, I am happy to report, have been successful in obligating all of those funds and have made substantial progress in beginning major rehabilitation work on our Nation's highways. The STAA will make available a total of $57 billion in new authorizations over a 4-year period for the Federal-aid highway system. This increased, multiyear funding will go a long way toward repairing and rehabilitating the existing

roads and bridges and bringing about the completion of the Interstate System.

The replacement value of our surface transportation system runs into the trillions of dollars, and States now have the additional funding they need to begin the restoration and maintenance of those facilities. I might also add that many States this past year took legislative action to increase their State motor fuel rates as well. The Federal-aid highway program has been an ambitious and yet responsible, joint Federal-State effort. It has operated on a pay-as-you-go basis, and user-fee financing of highways continues to be successful. The Department of Transportation and the States have done an admirable job in implementing the STAA of 1982, and our transportation network is being restored to health.

The highway legislation under consideration at this time—H.R. 3103, as amended—addresses two important new concerns. It also includes technical corrections to the STAA of 1982.

During consideration of the STAA last year, we were unable to anticipate certain developments. This past winter and spring, several Western States—particularly California and Utah—experienced unusually severe storms and sudden snowcap melting, which caused extensive flooding. The authorizations contained in the 1982 act for the emergency relief program are not sufficient to repair the extensive road damage that occurred as a result of this flooding.

The Subcommittee on Transportation of the Environment and Public Works Committee held a hearing this past summer on the Federal-aid highway emergency relief program. The very able subcommittee chairman, Senator SYMMS, chaired the hearing at which testimony was given on the large number of high cost disasters and the need for increased emergency relief funding. Among those testifying were our distinguished colleagues, Senator CRANSTON and Senator WILSON.

The bill which was reported last month by the full Environment and Public Works Committee provides an additional $150 million in emergency relief funds to cover the disasters that have occurred throughout the Nation this past year, including the major occurrences in California and Utah.

At this time, congressional approval is also needed on the cost estimates for: First, the interstate construction program and second, the substitute highway and transit projects which result from the withdrawal of Interstate construction projects.

Highway apportionments are made each year on October 1, but the interstate construction funds cannot be apportioned until Congress approves the interstate cost estimate, or the ICE.

I at this point add to the plea of the distinguished chairman of our subcommittee, Senator SYMMS, that Members who have projects withhold them at this time so that we can get this 1-year interstate cost estimate bill through the Senate and through conference before States begin to run out of interstate construction money and we begin to hear from the Governors of the States that are in that distressed condition.

As our able subcommittee chairman has already said, we will be proposing an interstate cost estimate bill for the following fiscal year early next winter and at that time we would say there will be an opportunity for Members who have projects they wish to be considered to offer them both in the committee and here in the Chamber.

For the first time, Congress must also approve the interstate substitute cost estimate or ISCE. States are now several weeks into the new fiscal year without the apportionment of their interstate construction funds, interstate transfer funds for both transit and highways, and the minimum 85-percent funds in those qualifying States. For fiscal year 1984, these categories represent a total of over $5.2 billion which cannot be released to the States until Congress approves this legislation, so that more rapidly, I say to our colleagues who may be listening on their intercom systems, we can get this done the more rapidly funds will be available for these purposes.

This legislation would approve both the ICE and the ISCE for 2 years. In this way States can move forward with the necessary long-range planning and be assured that these funds will be available for obligation next October 1.

One amendment was offered and adopted in committee. It restores the language on "Buy America" which Senate conferees believe had been agreed to by House and Senate conferees when the STAA of 1982 was adopted last year.

Early this month, Secretary of Transportation Dole, in a speech before the American Association of State Highway and Transportation Officials, endorsed the additional $150 million in emergency relief funds and the 2-year approval of both the ICE and the ISCE, as contained in this legislation. I ask my colleagues for their support as well. H.R. 3103, as amended, is necessary and time-sensitive legislation. Mr. President, I look forward to working with my distinguished colleagues in passing the Surface Transportation Technical Corrections Act of 1983.

And I look forward, as I always do, and always have enjoyed in the past working with the chairman of this subcommittee, the ranking minority member, Senator BENTSEN, and the extraordinarily able and beloved ranking member of the full committee, its former chairman, Senator JENNINGS RANDOLPH.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, in the Bible we are told that the prophet Isaiah said, "A way shall be there for the redemption of his people."

I do not think this morning that it is improper for me to say that this country and our people have greatly benefited by the highways, the roads, the bridges, the other transportation facilities that have helped the country from its beginning.

We know the history of the earlier development of transportation. Martin Van Buren, then Governor of New York, opposed the construction of railroads in this country. He said that all we needed was the Erie Canal.

In even earlier days, the days of the Founding Fathers, George Washington, the President of the United States of America at the beginning of our Republic, had the dream of futher transportation. He felt that he could build a canal from Georgetown, today a part of Washington, D.C., across through the Blue Ridge Mountains, across into the Allegheny Mountains to its conclusions at the Ohio River. His dream did come true somewhat. The canal was completed to Cumberland, Md., before it became obsolete because of the steam locomotive.

There have always been those persons in this country—and I am thankful for them—who have thought of that which follows when people are able to communicate one to the other. We are firmly of the belief that our transportation arteries, whatever they are, continue to be open to handle the products of the factory and the mine and the field, and for the traveling public of this country. And I am glad this morning to report that West Virginia is receiving an increasing share of those men and women, those families, those people who want to see the lovely land called West Virginia, with its rolling and rugged mountains and its increasingly popular resorts.

But whether it is in the spring, the summer, the fall, or the winter, the State in which I was born and where I live and I am a citizen of, is a State that is profiting by the programs of transportation. These include, of course, the corridor highways built under the Appalachian Regional Commission program which have opened up new opportunities for people to share with us the true wonders of the mountain country.

I recall when I was a Member of the House of Representatives in 1937, Mr. President, I offered legislation to create a transcontinental highway system. I was thinking then of the need to bring the Nation together by a splendid system of roads and bridges. It was not until 19 years later that we

passed the interstate program, Mr. President, and began to develop this network which has been so helpful and meaningful and profitable to all segments of the American public.

I now come to the subject matter of the measure pending today.

Mr. President, I want to thank at the outset the splendid work which is being done on this and other subject matter of public works and the environment by the constructive commitment on these matters by the able chairman from Vermont (Mr. STAFFORD) with whom I have been privileged to cooperate through the years. I wish to speak also of the chairman of our Subcommittee on Transportation, Mr. SYMMS of Idaho, who, although a new member of the committee, a new Member of the Senate, understands these problems and has moved with alacrity and a meaningful approach, a knowledgeable approach in connection with even the pending measure that is before us.

I, of course, would want to express the gratitude of all of us for the work done by Senator BENTSEN of Texas. He has been a member of the committee for many, many years and now is our ranking minority member on the Subcommittee on Transportation.

I think it is important for me to say that there is the least partisanship in our Committee on Environment and Public Works as perhaps there is in any other committee of the Senate. And the programs, whatever they be, of highways or of water systems or waste treatment plants, that wide variety of programs that we carry on, those are the programs which are the pluses of this country.

I sometimes am a little weary but I am not prone to being upset at those that indicate that a public works project is a pork barrel program. Nothing could be farther from the truth. The dollars of the American citizens placed in programs of the type that we are speaking of today benefit each and every Member sitting in the galleries of the Senate at this time. Througout America, no matter what State, these programs benefit and strengthen the United States of America.

At the close of the 97th Congress we adopted major highway legislation. For the first time in over a decade, user fees associated with the Federal aid highway program were increased and/or adjusted. The Congress dealt with the serious deterioration which has taken place on our Nation's roads and bridges over the past 10 years.

We have a heavy movement of traffic and this necessarily means that these roads and bridges must be kept in the very best condition, not only to handle the traffic, Mr. President, but to keep at a minimum the fatalities that may occur because of the deterioration of the roads themselves. That legislation provided over $4 billion in additional funding for the ongoing Federal aid highway program. Now with these funds, the completion of the Interstate System becomes more nearly a reality.

Maintenance and rehabilitation of that system can be brought closer to what we know is the present need.

As testimony to the need, the States in fiscal year 1983 obligated nearly $12 billion in this effort, which is $4 billion more than was obligated in fiscal year 1982.

So I think the Members of the Senate and the House must not forget that out there in the States citizens are making their contributions. In approving the highway legislation of last year, the Congress dealt with many policy issues as well as the authorization for this ongoing program. Under the highway effort, it is necessary every 2 years to approve an estimate of the cost of completing the Interstate System before funds can be apportioned to the States.

The legislation now being debated approves the estimates submitted by the Secretary of Transportation in January of this year. Without that approval, the $4 billion authorized for interstate construction will not be available for apportionment. That is highly important. In the state of West Virginia we want to move forward with the use of these funds. In the State of Idaho we must move forward. In all the States we must move forward with construction.

The interstate construction program, as I close, Mr. President, will come to a grinding halt in many States without the necessary action being taken here occurring promptly. We cannot permit this to happen when we are thinking of the fruits of the labors of the past, the labors of the present, and the labors that will be profitable in the future.

Mr. President, I recommend to the membership of the Senate prompt action on the pending measure.

VALLEY CITY BRIDGE AMENDMENT

Mr. DIXON. Mr. President, H.R. 3103, an emergency relief bill, contained a provision when it passed the House that is very important to my State. This provision clarifies that the Valley City Bridge is eligible for funding under the discretionary bridge program.

The proposed new bridge is a key part of the Central Illinois Expressway, a new east-west freeway across central Illinois. Construction of this new route has been underway for a number of years, and is completed to a point within about 4 miles of the proposed site of the new bridge.

The new route is a replacement for U.S. Route 36–54, which runs about 4½ miles south of the expressway at the proposed crossing of the Illinois River. Route 36–54 is totally inadequate for the volume of traffic it has to carry, and has a very high accident rate. The old road is too old and too narrow. It is simply not capable of handling current and anticipated transportation needs.

The new expressway will greatly enhance the economic development possibilities in central Illinois, particularly for Quincy, a city with an unemployment rate of 16.9 percent.

West-central Illinois is sometimes called "Forgottonia" by those who reside there. This name is not used in jest, but rather to indicate that this part of Illinois feels that its needs are too often ignored by both the State and Federal Governments. The new Central Illinois Expressway is a key step toward reversing that perception, demonstrating that the Federal and State Governments are prepared to seriously address the major infrastructure needs of this part of Illinois.

Planning and public hearings on the new expressway started over 20 years ago. Construction of the new Illinois River crossing, however, has been blocked since June 26, 1980, or over 3 years ago. On that date, a preliminary injunction against construction of the new bridge was entered by Federal District Judge Will. On April 6, 1983, Judge Will made the injunction permanent. That order is currently under appeal.

Judge Will issued the injunction for a number of reasons. One of his principal justifications was his belief that the new bridge was not eligible for section 144 discretionary bridge funding because the old bridge on Route 36–54 would be kept in service in a downgraded role, and the new bridge is not physically located where the old one stands. I would not go into the merits of that contention in detail, except to state that the Federal Highway Administration thought that the new bridge was eligible, and approved the allocation of $28 million for the project.

The problem now, however, is to clarify the intent of Congress with respect to the eligibility of this bridge for Federal funding. The amendment included in the House passed version of H.R. 3103 accomplishes that objective, and it is essential that it is quickly enacted into law.

Mr. President, it should be noted that there is no real question over whether the new expressway should be built. Judge Will, in his written opinion, stated:

> We have no doubt about the desirability of constructing a four lane limited access freeway through west-central Illinois in an east-west corridor defined generally by Decatur, Springfield, Jacksonville, and the Quincy-Hannibal, Missouri, area. The need for such a thoroughfare is apparent from the record. We are surprised that this so-called central Illinois Expressway has been

more than 20 years in the planning and construction.

It is vital, therefore, to see that the necessary clarification of section 144 is enacted as quickly as is possible. A clarification of this type is not without precedent, and I am grateful that the committee was able to accept an amendment Senator PERCY and I offered to the Surface Transportation Assistance Act of 1982 to clarify the eligibility of a proposed new bridge at LaSalle-Peru, Ill.

The situation with respect to the Valley City Bridge is an identical one. The new bridge cannot be built alongside the old one. Attempting to build a four-lane, limited access route in the right-of-way of the old road would have a devastating impact on farms, businesses, and communities along the old route.

However, it does not make sense to tear down a bridge that has 20 years of life remaining and therefore could be used to serve local traffic, simply because the new through route is being constructed slightly to the north. The new bridge is clearly a functional replacement for the old one, and I do not think it makes sense to read the law in a narrow way that would require destruction of the existing bridge.

So that there is not any confusion, let me state categorically that enactment of the amendment now included in H.R. 3103 will not prejudge or interfere in any way with the environmental questions at issue in the pending litigation. It would merely serve to eliminate the side issue of funding eligibility, so that the litigation could focus on the environmental questions truly in controversy.

Quick enactment of the funding clarification could also help expedite the litigation process, helping to advance the day construction of the vitally needed bridge can begin at whatever site the courts approve.

Action is needed now if further lengthy delays are to be avoided. Unless Congress can act expeditiously on the funding matter, there is a real danger that the litigation process would have to start all over when the essential Federal funding is finally cleared for use. Additional years of litigation would serve no useful purpose, would result in additional costs, and would further deny central Illinois the essential infrastructure investments it needs to improve its economic development potential.

Mr. President, I am pleased that the committee recognized the importance of this matter. I am sure that the provisions making the much-needed clarification was unintentionally dropped from the bill now pending before the Senate. I strongly urge my colleagues to support the committee amendment restoring the provision to the bill. It does not add any cost to the bill, but it will help focus the continuing litigation on the matters truly in controversy, and therefore will help to insure that the remaining issues are decided in an expeditious manner.

Mr. PERCY. Mr. President, the distinguished floor manager of the bill, on behalf of my able colleague (Mr. DIXON) and myself, has offered an amendment restoring a provision of the original House bill that was deleted during its consideration by the Environment and Public Works Committee.

This amendment clarifies that the Central Illinois Expressway (CIE) bridge over the Illinois River near Valley City, Ill., is eligible for Federal discretionary bridge funding. The need for this legislation arose earlier this year when a Federal district court ruled that the bridge is technically not eligible for funding under the highway bridge replacement and rehabilitation program because Illinois is not actually going to construct a new bridge at the same location of an existing structure. Rather, plans call for the construction of a new bridge a short distance away.

This amendment does not authorize additional Federal spending. The administration has already approved $29 million for the construction of the Valley City Bridge, and this amendment simply reaffirms that the bridge is, indeed, eligible for that funding.

Mr. President, during the August recess, I visited in Quincy with area officials and attended a rally at the point where construction of the CIE has stopped near Winchester. Both of the events were sponsored by AMPS, Inc., the Adams, Morgan, Pike, and Scott Counties organizations promoting the completion of the CIE.

Based on my discussions with Illinoisans at these two gatherings, I believe that this amendment is more important to economic development in west-central Illinois than any I have ever worked on in my Senate career. Unfortunately, this area of our State is sometimes referred to as "Forgotonia" because of its inaccessibility to other points throughout Illinois. Residents of Quincy, Pittsfield, and other communities in west-central Illinois feel isolated because of the lack of highway access. This expressway has been under consideration for more than two decades, and, frankly, we cannot afford to wait any longer.

I thank AMPS Chairman Phil Bradshaw for his assistance on this matter, as well as the treasurer of AMPS, my good friend, Jim Coultas of Jacksonville, and the AMPS secretary, Gary Ralston of Naples. In addition, the Quincy Highway Committee and its chairman, Tom Oakley, has also provided invaluable assistance.

This amendment was included in the House bill at the request of Representatives BOB MICHEL and DICK DURBIN. On behalf of Senator DIXON, who has worked diligently to secure this amendment, and the entire Illinois congressional delegation, I wish to express my gratitude to the chairmen and ranking minority members of the Environment and Public Works Committee and the Subcommittee on Transportation. We thank these Senators.

Mr. SYMMS. Mr. President, I ask unanimous consent that a statement by Senator DECONCINI on the damage by flooding to the Arizona Federal-aid highways be printed in the RECORD. We have looked at this. We appreciate the cooperation of the two Senators from Arizona and we have agreed with them that it is part of the committee amendment. This is Senator DECONCINI's statement to that effect. I ask unanimous consent that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAMAGE TO ARIZONA FEDERAL-AID HIGHWAYS BY FLOODING

● Mr. DECONCINI. Mr. President, I thank the managers of this measure for including in an amendment to the committee bill a provision exempting Arizona from the $30 million cap for 100-percent reimbursement for repairs to Federal-aid highways and bridges which were damaged as a result of flooding. Arizona recently experienced one of the worst natural disasters to ever strike our State—a disaster which has caused property and personal damage in excess of $500 million. The State's transportation system was severely devastated by the heavy rains that lasted several days causing a virtual shutdown of interstate, primary, secondary, and urban road projects statewide. Outages of bridges brought travel in many areas to a complete halt. While damage to Federal-aid roads and bridges in Arizona are in the range of $30 to $40 million, we cannot with any certainty at this time predict what the final figure on damage will be.

Mr. President, as you may know, 11 counties in my State have been declared Federal disaster areas and FEMA, the Federal Highway Administration, and many other Federal agencies have been working cooperatively with the Arizona Department of Emergency Services to insure that the recovery process gets underway as soon as possible to minimize any further interruptions of service. The October flooding was the second disaster within a 4-month period to afflict our State. Needless to say, it has placed a major financial burden on State and local governments that must come up with a percentage of the costs of the total damage. Arizona does not have the financial resources available to other States to survive two different catastrophes within such a short

period of time. The amendment to H.R. 3103, exempting Arizona from the $30 million cap, will allow the State to recover 100-percent reimbursement for any necessary disaster-related repairs to the Federal-aid highway system. The amendment does not in any way affect the State's commitment to putting up its 25-percent share for repair to other road systems and bridges which are not a part of the Federal-aid system. The damage to those non-Federal highways at this time are estimated to be in the range of $50 million.

No public official likes to see a disaster strike his State—the personal tragedies and psychological trauma presented to the individuals living in some of the hardest hit areas are overwhelming. Nonetheless, we must forge ahead and try to pick up the pieces. It is reassuring to know that the U.S. Senate is willing to make a small contribution to this recovery process. Again, I extend my thanks to my colleagues on the Environment and Public Works Committee for their responsiveness and leadership in the area of emergency relief.●

● Mr. DANFORTH. Mr. President, the Surface Transportation Assistance Act of 1982 made significant changes in our Federal-aid highway program. One of those changes dealt with the size of trucks traveling on our Nation's highways. The act authorized the use of tandem trailers and longer, heavier, wider trucks.

There was much concern focused on this action. Motor carrier safety was already a serious problem. There was a general fear that bigger trucks would make it worse, particularly in view of the smaller cars that Americans are now driving. The Senate, therefore, sought strong new truck safety provisions as part of the act. Among other things, these provisions:

(1) Authorized grants for state enforcement of motor carrier safety regulations;

(2) Provided so-called "whistleblower" protection to employees who report safety violations so that they need not fear employer reprisals;

(3) Mandated the installation of splash and spray suppressant devices on truck tractors, trailers and semitrailers; and

(4) Expanded the Department of Transportation's civil penalty authority to levy fines for safety violations.

The House of Representatives, recognizing that a move to increase truck size carried with it an obligation to improve truck safety, accepted most of these provisions. But the House conferees balked at including expanded civil enforcement authority. They did not dispute the merits of the provisions. They simply said that they preferred to address it in the context of separate motor carriers safety legislation. Speedy House action in the 98th Congress was promised.

Mr. President, that action has yet to come. Today, as we consider legislation that is built upon last year's act, it is important that we focus upon what remains to be done in the area of carrier safety and call upon the House of Representatives to move forward in this area.

Motor carrier safety is, indeed, a serious problem. In 1982, 32,306 truck accidents were reported to the Bureau of Motor Carrier Safety of the Department of Transportation. These accidents resulted in over 2,800 fatalities, more than 28,500 injuries and $355 million in property damage.

The Senate, recognizing that congressional approval of an increase in truck size carries with it an obligation to increase truck safety, has already begun to build upon the motor carrier safety provisions contained in the Surface Transportation Assistance Act. Earlier this year I introduced S. 1108, the Highway Safety Act of 1983. This legislation is cosponsored by Senators PELL, PACKWOOD, HATCH, and RANDOLPH. S. 1108 would expand DOT civil enforcement authority, consistent with last year's Senate action, would require all motor carriers to pass an annual Federal equipment inspection, and would expand the Secretary of Transportation's authority to promulgate comprehensive safety rules and regulations.

It would also require the Secretary to establish safety fitness standards for use by the Interstate Commerce Commission in deciding whether to grant operating authority and would require the Secretary to undertake research into the unique safety problems associated with heavy trucks. Hearings on the motor carrier provisions of S. 1108 were held before the Surface Transportation Subcommittee in June 1983, and the bill was favorably reported by the Commerce Committee on September 20. It is currently pending action on the Senate floor.

Unfortunately, however, nothing appears to be happening in the House. There have not even been any exploratory hearings on truck safety issues, let alone consideration of a bill. Certainly the time for House action is long overdue. Hearings conducted in the 95th and 96th Congresses on motor carrier legislation, introduced by the distinguished Senator from Illinois (Mr. PERCY), demonstrated the need for improved motor carrier safety regulation. Legislation giving DOT expanded civil enforcement authority has twice passed the Senate, first in the 96th Congress, and again in the 97th.

Mr. President, as we consider this highway legislation, let us remind our House colleagues of the Senate's continuing concern over motor carrier safety and once again urge them to move forward in this area.●

Mr. CRANSTON. Mr. President, the Senate today considers a measure of critical importance to the Nation's highway system. H.R. 3103—incorporating the provisions of S. 1354, which I introduced earlier this year with my colleague Senator WILSON—will provide increased emergency relief for our Nation's Federal-aid highways. It is a vital measure, and the ability of States—especially California—to repair and reopen thousands of miles of storm damaged roads depends upon the passage of this bill.

For much of our country, the winter of 1982–83 was devastating. Floods, mudslides, unusually heavy rains and snow battered highways in 13 States, with California especially hard hit. In addition the spring snowcap melt in Utah caused severe road damage. This situation requires Federal legislative action because the authorizations for the 1982 emergency relief program are not sufficient to repair the road damage. This program—section 125 of title 23 United States Code—provides funds to those States which have experienced severe highway damage due to natural disasters or catastrophes.

The bill before us today makes available an additional $150 million in funding to meet the emergency highway relief needs of the affected States. California and Utah are exempted from the $30 million cap that exists in current law, due to the severe damage in those States. The bill also approves the estimate of cost to complete the Interstate Highway System—required for the apportionment of funds authorized for fiscal years 1985–86—and approves the interstate substitute cost estimate for highway and transit projects for fiscal years 1984–85.

Mr. President, I would point out that the $150 million increase in emergency relief funds will not have negative impact on the Federal budget. The emergency relief program is exempt from the Federal-aid highway obligation limitation, and because it is direct spending, does not require subsequent appropriations. For projects covered by this measure, the Federal share is 100 percent which means no significant costs to State and local governments.

The measure before us has been favorably reported by the Committee on Environment and Public Works, which held hearings on S. 1354, and by the Senate Committee on Banking, Housing, and Urban Affairs. I wish to compliment, especially, the chairman of the Subcommittee on Transportation, Committee on Environment and Public Works (Mr. SYMMS) and the ranking minority member of that committee (Mr. RANDOLPH) for their sympathetic and knowledgeable stewardship of the bill.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if the manager of the bill

might show me the courtesy of allowing me to send an amendment to the desk out of order. The committee amendments would take precedence, of course. However, this would allow me to return to the Armed Services Committee.

Mr. SYMMS. I yield to the distinguished Senator.

Mr. WARNER. Mr. President, I ask unanimous consent that I may send an amendment to the desk out of order and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2428

(Purpose: To direct the Secretary of Transportation to reduce for at least twelve months on Interstate Route 66 the high occupancy vehicle restriction from four individuals to three individuals)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) for himself and Mr. TRIBLE, proposes an amendment numbered 2428.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee substitute insert the following new Section:

SEC. . Notwithstanding any other provision of law and the Secretary of Transportation's decision on Interstate Highway 66, Fairfax and Arlington Counties, Virginia, dated January 5, 1977, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out a demonstration project on Interstate Highway 66 in Fairfax and Arlington Counties, Virginia for a period of not less than 12 months commencing within 60 days of the enactment of this section. The Commonwealth of Virginia shall restrict the use of such highway between I-495 and the District of Columbia to high occupancy vehicles carrying three or more passengers during the hours of 7 a.m. to 9 a.m. on Monday through Friday, exclusive of holidays, on eastbound lanes and during the hours of 4 p.m. to 6 p.m. on Monday through Friday, exclusive of holidays, on westbound lanes during the demonstration period. During the demonstration period, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.

Mr. WARNER. Mr. President, the amendment Senator TRIBLE and I are offering today will reduce the high occupancy vehicle requirement on I-66 in northern Virginia from the present requirement of four passengers per vehicle to three passengers. Senators and their staffs, who live in northern Virginia and must commute to Washington every day understand the problems faced by those who must make that trip twice daily. This amendment is an attempt to make that commute easier by setting the requirement for the number of passengers at a more realistic level, thereby encouraging the formation of more carpools, and decreasing the number of single passenger cars on the commuting routes. I-66 and I-395 are currently the only highways in the United States with a four-person HOV requirement. However, I-66 is even more unique because there are no parallel unrestricted lanes, as is the case with I-395.

Since I-66 opened inside the Capital beltway on December 22, 1982, I have heard from hundreds of my constituents who have been concerned about rush hour restrictions on the road. On April 14 of this year, I joined my colleagues Senator TRIBLE and Congressman FRANK WOLF at a public hearing so that we could hear from those northern Virginians, who as taxpayers paid for this road and as commuters must deal with traffic problems on a daily basis, what their feelings were with respect to the use of I-66.

The hearing was quite well attended and several different viewpoints were expressed. The opinions ranged from the removal of all HOV requirements to keeping the four-person rule and seeing if the situation would improve. There was little, if any, disagreement over the fact that I-66 is presently underutilized during the rush hours. We also distributed a questionnaire.

After listening to the views of those who spoke at the hearing, and analyzing our constituent correspondence, phone calls, and the results of the questionnaire, several steps that could be taken to improve this situation seemed to be evident.

The first and most important is the easing of the passenger requirement. Carpools are a desirable element in the traffic plans of any metropolitan area, but the four-person requirement is actually a disincentive to the formation of carpools. By reducing the HOV requirements to three, we will make it much easier for people to get together for the purpose of sharing rides because of the difficulties in maintaining a reliable four-person carpool.

On any given day, there are absences from a carpool. People are ill, on travel, on vacation, working late, or need their car for personal business. We are told by transportation analysts that to maintain a four-person carpool, you really must have five to six persons. However, in most of the small cars of today, that many persons cannot be accommodated. So a carpool becomes unworkable when all five or six people are available. In a carpool with only four participants, when one person cannot join in, the vehicle becomes ineligible for HOV lanes.

Standard probability theory bears out the following analysis if we assume 50 personal days of absence from a four-person carpool during a 250 work-day year—assuming 10 holidays:

The probability of meeting the HOV-4 limitation is only 41 percent on any given day; for HOV-3, the probability increases to 82 percent and the carpool would be successful 4 out of 5 days.

HOV 3 provides for more reliable carpooling. Four-person carpools could be formed—which means when all four show up, all can be accommodated; yet when one person does not show, I-66 could still be utilized.

If the number of carpools using I-66 were proportional to these probabilities, setting the HOV limitation at HOV 3 would increase the traffic flow from an average of 600 cars per hour to 1,200 cars per hour—still well below the road's capacity of 2,400 cars each hour traveling at 51 miles per hour, but certainly an improvement. We must keep in mind that increasing carpools decreases single or double passenger traffic.

Our amendment will also change the hours that HOV requirements will apply. Currently, those hours are from 6:30 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Under our amendment, the new hours will be from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. This should help the situation which how exists whereby motorists are lining up on the side of the interstate waiting for the HOV hours to terminate. Not only is it a dangerous situation to have cars stopped along an interstate highway, but the sharp increase of traffic caused by those waiting for the road to open up results in backups and traffic jams along I-66.

Environmental protection is also a crucial element in the consideration of the modification of HOV requirements. Developing a reliable assessment of the effects of an HOV modification will involve an analysis of short- and long-term environmental and operations impacts.

The Virginia Department of Highways and Transportation and the U.S. Department of Transportation would be the appropriate agencies to conduct such an assessment to evaluate the impact of the facility on travel patterns, modal shifts in northern Virginia and overall highway operations.

In my judgment, such a long-term environmental study will show that a reduction in the HOV 4 rush hour limitation will have a positive effect on the environment. With more drivers meeting the modified carpool requirements and using I-66, there will be fewer cars on area roads; more cars moving at constant higher speeds, and less stop-and-go traffic. All this will

bring energy savings, both in fuel consumption and in human energy and time; reduced pollution levels from standing automobiles on side and residential streets; less congestion on the residential and surface streets in Arlington and Falls Church including Route 50, Lee Highway, Wilson Boulevard, and other local streets; and improved auto and pedestrian safety along those arteries with a shift of traffic from secondary roads to I-66.

Other highways across the country have experienced such underutilization and have taken steps to lower their HOV requirements. In Miami-Dade County, Fla., for instance, the HOV 3 restrictions were lowered on U.S. 1 and again for the Banfield Freeway in Oregon, when underutilization occurred. The highway division for the Oregon Department of Transportation reported that the hours of restrictions and the HOV limits were reduced "in an attempt to reduce congestion and more effectively utilize the HOV lanes."

While other areas in the country are reducing their HOV limits from HOV 3 to HOV 2, I would like to point out once again that the Washington area's HOV 4 restrictions are the highest in the Nation. There are no other HOV 4 roadways in the United States.

I would like to stress, Mr. President, that I am in no way trying to completely remove the HOV requirements with this amendment. On the contrary, I am trying to make it easier and more convenient for constituents to form carpools and enable them to take advantage of the HOV lanes they have paid for with their tax dollars. In fact, I am presently working with the Department of Defense and the General Services Administration to officially designate an area at the Pentagon with easy ingress and egress to the HOV lanes on I-395, the Shirley Highway, so that drivers and riders can meet and form daily carpools. Such areas already exist in Virginia where carpools are formed for the morning commute into Washington, but until our efforts are successful at the Pentagon, no such areas exist where carpools can be formed for the ride home in the evening. So, as you can see, Mr. President, I am a strong believer that carpools can go a long way in helping ease the traffic problems experienced every morning and afternoon by those Virginians who must commute into Washington, D.C., to their jobs, but unless we do all that we can to make carpooling more convenient, the factors that continue to encourage one-person vehicles will always be with us. Our amendment is an attempt to encourage carpooling, and I urge its adoption.

Mr. TRIBLE. Mr. President, I am pleased to offer this amendment along with Senator WARNER modifying the restrictions on Interstate 66, and I urge its adoption.

I believe there are three primary goals which are accomplished by this amendment:

First. One of this Nation's most expensive highways will be better utilized;

Second. Energy conservation, a clean environment, and safety will be promoted;

Third. The legitimate needs and wishes of an overwhelming majority of Northern Virginians will be met.

The 10-mile restricted portion of Interstate 66 was completed late last year at a cost of $285 million; that is more than $28 million per mile, an extraordinarily high sum. Despite this huge expenditure of taxpayers' dollars, highway use during the restricted hours has been dramatically low. In January, I-66 traffic during rush hours was 18-28 percent of capacity; in March it was 15-24 percent; in subsequent months these percentages have remained virtually unchanged. I point out that capacity does not mean turning I-66 into a parking lot—it is assumed that capacity is attained when the highway is fully utilized and each car is able to travel between 40 and 51 miles per hour.

The reason for this low use is clear. It is simply too difficult to maintain a four-person carpool. For example, during a 250 day work year a person could easily miss the carpool 50 days due to vacation, illness, appointments, late or early hours, and other factors. If each commuter in a four-person carpool misses 50 days at random, that carpool could only travel on I-66 41 percent of the time. Unfortunately, many carpools cannot form with more than four members because at least one member will have a car which cannot seat more than four persons.

If the HOV restrictions were reduced to three passengers—and I note that no other highway in the country has restrictions stricter than HOV-3—then a four person carpool with each person missing 50 days could use I-66 82 percent of the time. This minor change would insure the efficient use of one of our most costly highways.

Increased use of I-66 will improve safety on northern Virginia's clogged major residential streets and commuter thoroughfares. Easing the congestion on these routes will result in fewer accidents and injuries. Furthermore, the formation of additional carpools by commuters wishing access to I-66 will save gasoline and reduce the auto emissions in our atmosphere. Energy conservation and clean environment remain two of our highest national goals, and I am pleased that this amendment promotes both.

Finally, Senator WARNER and I wish to be responsive to our constituents, and an overwhelming majority of northern Virginians favor a reduction of the HOV-4 requirement on I-66. A recent questionnaire in the 10th Congressional District indicated that 88 percent of Fairfax County respondents, 79 percent of Loudoun County respondents, and 72 percent of Arlington County respondents favored HOV-3. My mail and phone calls, and the response at a public forum attended by 200 of our constituents all underscore these findings.

Mr. President, at the conclusion of my statement I wish to insert 3 Washington Post editorials and a letter sent to Virginia Governor Robb by this Senator, Senator WARNER, and Congressman WOLF. Governor Robb has the authority to modify the HOV-4 restrictions, but unfortunately he has consistently refused to do so.

For the reasons outlined above, I believe that the wise and prudent course is not to wait, but to modify the HOV-4 restrictions for a trial period, as our amendment would do. I urge the adoption of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 10, 1983]

HEAVE HOV-4

Because by now it has surely frustrated enough motorists on a daily basis, the term "HOV-4" has made its way into everyday language. But go back to basics—of English as well as traffic—and you're talking about a regulation that is backfiring. It is the High Occupancy Vehicle/minimum of four riders rule on the newest extension of Interstate 66. On weekdays from 6:30 a.m. to 9 a.m. inbound and 3:30 p.m. to 6:30 p.m. the other way, only this car-and-passenger combination is allowed on the road. The results so far have been fascinating—and bad.

As anyone using the strips at these times knows, not enough people can, or do, qualify. Highway officials argue that three months is not a fair sampling, that carpooling will increase. What has increased so far is the number parking in a new mini-rush jam on the shoulder of I-66 outside the Capital Beltway, where there are no restrictions, to wait for a 9 a.m. run up the ramp. Police has been issuing warnings and tickets to this shoulder crowd, but with little effect.

HOV-4 may have looked good on paper, but not on the road. Clean air and more people to the car are excellent objectives, but so are smaller cars, which don't accommodate four passengers unless two are in the trunk. Some practical adjustments are in order. Why not try HOV-3 for a test? At least this would increase the odds of finding riders and would be more realistic (the police are wise to those inflatable dummies in the back seats). For those Virginians whose daily commute is challenge enough, life in the fast lane could be far better than it is.

TRY HOV-3

How high the HOV? That is the question. HOV is highway talk for "High Occupancy Vehicle," and HOV-4, as annoyed Virginia commuters know only too well, is a requirement that you have four people in your car to use the extension of I-66 in and out of Washington at peak traffic hours. HOV-4 is a bust. Not enough people can or do qualify.

Too many people jam the shoulders at the ramps to this strip, waiting for the signal ending official rush hour. Fortunately, there is new pressure for relief.

Virginia Sens. Warner and Trible and Rep. Wolf have urged Gov. Robb to give HOV-3 a try. Why not? It can't be any worse than the daily mess created there now. It may well be that three is a workable combination for more motorists and their passengers than four has been. That could mean that the total number of people moved on this strip would increase, which is supposed to be one of the objectives of the HOV policy in the first place.

The three legislators have some other good suggestions: that the State help Northern Virginia areas create "staging areas" where commuters could find passengers for car pools; that the hours of the restrictions be shortened somewhat, and that consideration be given to exempting handicapped drivers from the pool rules.

Maybe, as Virginia highway officials insist, all of the above would misfire. But no one can know for sure without a test.

[From the Washington Post, Oct. 1, 1983]

HOV-3 ON I-66

For this morning's traffic report on I-66, we switch you to Capitol Hill, where four Virginia members of Congress have surveyed the scene and are moving to make significant changes in the rush-hour uses of this highway. Senators Warner and Trible and Representatives Wolf and Parris are proposing legislation to permit three-person car pools during peak hours—instead of the current minimum of four per car—for at least a 12-month trial. Given the resistance and/or legal impotence of the federal and state government agencies involved, this congressional shortcut is a good idea.

"HOV-4"—which is highway talk for "High Occupancy Vehicle" with at least four people—has been a political and logistical flop. Not enough people can qualify to use this handy new highway when they need it most. Those who can afford to have been jamming the shoulders at the ramps to I-66 to wait until the HOV-4 hours end each day. (They're not supposed to cause jams like this, but if you ever hit the road at these times, you can't miss spotting them.)

Under the proposal to be offered by Sen. Warner as an amendment to pending legislation, the U.S. secretary of transportation would be directed to allow a "HOV-3" policy. Also, the current hours of restrictions—6:30 to 9 a.m. and 3:30 to 6:30 p.m.—would be cut to 7 to 9 a.m. and 4 to 6 p.m. It's worth a try, which is all this proposal calls for.

Three should be a more workable combination for more motorists and their passengers than four has been. In turn, this could mean more people being moved along this strip—which is supposed to be what the HOV concept is about anyway. Normally it shouldn't take an act of Congress to designate rush hours and car loads on a strip of road in Virginia, but Gov. Robb has noted the unique intergovernmental history of the current restrictions on I-66 and has concluded that he may not singlehandedly change the rules. Congress can, and this is a test—repeat, test—that is worthy of approval.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 17, 1983.

Hon. CHARLES S. ROBB,
Main State Capitol,
Richmond, Va.

DEAR GOVERNOR ROBB: Since Interstate 66 began operation inside the Capital Beltway on December 22, 1982, we have heard from thousands of constituents about the rush hour restrictions which have precluded the people of Northern Virginia from using the highway. As you know, we conducted a public hearing on the impact of the High Occupancy Vehicle (HOV) restrictions on area commuters on April 14, 1983.

Over 200 persons including Messrs. Fogarty, King and Mabry from the Virginia Department of Highways and Transportation attended the four-hour hearing with 80 witnesses testifying.

After over five months of discussions with constituents and our evaluation of the hearing testimony, questionnaires and other studies since the $285 million highway opened, we have concluded that modification of the rush hour HOV-4 restrictions on I-66 would be in the best interest of the people of Northern Virginia. We offer the following recommendations and urge your support to:

Reduce HOV-4 to HOV-3 for a one-year trial period.

Reduce the hours of restriction.

Address the environmental impact question through an assessment made during the one-year trial period.

Assist Northern Virginia counties in creating "staging areas" to form carpools.

Evaluate the exemption of handicapped drivers from the HOV limitation.

We make these recommendations, upon which we will expand further in this letter, in accordance with a provision in Secretary of Transportation William Coleman's 1977 decision which stated:

"These restrictions can be removed by the Virginia Department of Highways and Transportation or the Commonwealth of Virginia, only with the concurrence of the U.S. Secretary of Transportation, the authorized planning body for the metropolitan Washington area, and the Washington Metropolitan Area Transit Authority. In addition, the restrictions can be removed by the U.S. Secretary of Transportation after consultation with these same parties. In either case, all environmental requirements would have to be met before the restrictions can be removed."

We hope you will act favorably on these recommendations, based on the facts we present and the wishes of our constituents and appreciate your consideration of the following:

MAJOR ARGUMENTS SECTION

Since the Commonwealth of Virginia set the hours initially for restricted use and since the Commonwealth has the responsibility for the daily operation of the interstate, we believe the Commonwealth of Virginia is the most appropriate level of government to begin the process necessary for resolution of the current underutilization of I-66.

We would like to address up front the four major arguments most often raised at the hearing and in general against modifying the carpool restrictions.

Argument No. 1.—The opening of the Dulles Access Road Extension ("Connector") this fall will add substantial airport traffic to I-66.

Fact No. 1.—Because we are working hard to improve growth at Dulles Airport, we are very sensitive to this concern. As a result, we consulted with the Federal Aviation Administration to determine the impact of airport traffic to and from Dulles. We learned that the effect will be minimal even if traffic at Dulles doubles by 1986 as targeted. Few flights arrive at Dulles between 6:30 and 9:00 a.m. during the HOV eastbound restricted period on I-66. During this period, FAA projects there will be 260 automobiles coming from the airport toward Washington on I-66. This averages to 100 cars per hour during the morning restricted period. During the westbound afternoon rush hour, from 3:30 to 6:30 p.m., there will be 840 airport-bound cars on I-66, or an average of 280 cars per hour. These additional cars will not bring the road up to capacity since it is currently operating at about 600 cars per hour during the restricted period.

Testing a modified HOV limit could permit the capacity of I-66 to increase to 2,400 cars per hour with traffic flowing at 51 miles per hour, or 3,800 cars per hour traveling at 40 miles per hour. If the HOV limit were set at HOV-3, it is projected that there would be 1,200 cars per hour on I-66. The additional 280 cars per hour heading for Dulles in the afternoon rush hour would still keep I-66 traffic at less than 50 percent capacity (less than 1,500).

Argument No. 2.—A Washington Council of Governments' (COG) two-page report shows that dropping the HOV-4 restriction would fill I-66 to capacity.

Fact No. 2.—We are not recommending dropping the limits entirely, but to modify HOV-4 to HOV-3. It is important to note that this report focuses on people, not vehicles. A closer look at the study shows that during the 2½ hour restricted period, 1,500 automobiles, 140 buses and 140 van pools used I-66, totalling 1,800 vehicles, or an average of 720 vehicles per hour which is one third of the road's capacity of carrying 2,400 vehicles at 51 miles per hour.

Argument No. 3—Reduction of HOV-4 will adversely impact the use of the Theodore Roosevelt Bridge.

Fact No. 3.—A modified HOV restriction would encourage more people to form carpools and reduce the number of vehicles feeding into the Roosevelt Bridge. Reducing the HOV restriction would increase the likelihood of low occupancy vehicles forming carpools. A recent COG survey estimated the average car occupancy is 1.4 persons. A reduced HOV restriction on I-66 will not create more vehicles on the Roosevelt. The same number of people will still need to utilize the bridge. But with a reduced HOV-4 and the formation of more carpools with HOV-3 the actual number of cars on the bridge should not increase.

Argument No. 4.—The agreements made with the federal government in 1977 should be honored.

Fact No. 4.—This policy was imposed when it was agreed to reduce the interstate's planned eight lanes to four lanes. The question today, however, is whether that commitment remains in the best interest of the people and the community. We believe that is a question that the people, and not the government, should decide. The overwhelming response that we hear from the community is that they believe some sort of modification or reduction of HOV restrictions, as least on a trial basis, is warranted.

In early results from a recent congressional questionnaire sent by Representative Wolf to every household in the 10th District, over 80 percent responding favored

some change in the HOV-4 restrictions and over 50 percent favored reducing the hours of restriction.

We have always believed it is the government's responsibility to listen to the people and not simply impose its will on the people. Therefore, while we recognize the HOV-4 commitment that was adopted in 1977, we do not believe that it was meant to be carved in granite or exempt from review. All laws and policies, even the U.S. Constitution are amendable and we do not see why this policy should be any different.

EVALUATION OF DATA

In addition, we urge your consideration of the following findings which support our position: (1) the utilization of I-66; (2) carpooling difficulties; and (3) the effects of reduced HOV requirements on the environment.

Utilization of I-66

Traffic counts taken on Interstate 66 by the Virginia Department of Highways and Transportation for the period January 20 to 28, 1983,[1] and March 11 to 17, 1983,[2] have shown that I-66 is vastly underutilized. During the restricted period, there are in most instances fewer than 1,000 vehicles per hour. During those restricted hours, the average flow on I-66 was less than 680 cars per hour for the January counts and 579 cars per hour for the March counts.

The Highway Capacity Manual, a recognized authority on traffic flow, provides data which indicates how many cars per hour can be accommodated on roads of various types. These data show that a well-designed two-lane hignway, such I-66, can accommodate far more than 600 vehicles per hour—such a road could have as many as 3,800 vehicles each hour traveling at 40 miles per hour, or 2,400 vehicles traveling at 51 miles per hour.[3] Since the flow on I-66 averages 680 and 579 cars per hour in January and March respectively, this road has been operating at 18 to 28 percent capacity in January, and 15 to 24 percent capacity in March, depending on which miles-per-hour figure is preferred. Not only does this underscore the significant underutilization of I-66, but it further points out that utilization during the restricted period has dropped since the January counts.

Additionally, I-66 is not responding as a normal highway. Traffic during the restricted period is at its lowest when, according to normal highway patterns, it should be at its peak. Observations taken at three different U.S. freeways reported in the Highway Capacity Manual show that traffic normally peaks around 8 a.m. and 4:45 p.m., just when I-66 traffic flow is lowest.

Pent-up capacity is evidenced by the jump in usage on I-66 immediately preceding and following the restricted hours.[4] January traffic counts provided by VDH&T show that between 8:30 and 9:00 a.m., 813 cars passed at the Westmoreland count station. Of these, 91 percent were counted between 8:45 and 9:00 a.m. At the Sycamore and Westmoreland count stations, between 8:00 to 8:45 a.m., the average of the total cars counted was 155 cars.

From 8:45 to 9:30 a.m., the average was 1,860—or 10 times as many.

Clearly, many of these were cars that "got on early" with a vehicle occupancy of less than HOV-4. A modified HOV limit would permit many of these additional cars legal access to the highway. Additionally, many single occupancy cars wait to get on I-66 at 9:00 a.m., when the restrictions are lifted. If the HOV-4 limitation were lifted and a lower restriction were adopted, some of these single occupancy cars that cannot now form HOV-4 carpools could in fact meet the reduced requirement and eliminate many of the single rider cars on I-66.

Other highways across the country have experienced such underutilization and have taken steps to lower their HOV requirements. In Miami-Dade County in Florida, for instance, the HOV-3 restrictions were lowered on U.S. 1 and again for the Banfield Freeway in Oregon, when undertilization occurred. The Highway Division for the Oregon Department of Transportation reported[5] that the hours of restrictions and HOV limits were reduced "in an attempt to reduce congestion and more effectively utilize the HOV lanes."

While other areas of the country are reducing their HOV limits from HOV-3 to HOV-2, we would like to point out that the Washington area's HOV-4 restrictions are the highest in the country. There are no other HOV-4 roadways in the United States.

Throughout the rest of the country, we see lower requirements:[6]

San Bernardino Freeway in Los Angeles (HOV-3).

I-93 in Boston (HOV-3).

Santa Monica Freeway in Los Angeles (HOV-3).

Southeast Expressway in Boston (HOV-3).

South Dixie Highway in Miami (HOV-2).

I-95 in Miami (HOV-2).

Yet, Shirley Highway and I-66 have HOV-4 as their rush hour restriction.

Carpooling

We have heard from many constituents who indicate that the rush hour restrictions are unworkable because of difficulties in maintaining a four-person carpool. On any given day, there are absences from the carpool. People are ill, on travel, on vacation, working late, or need their car for personal business. The fewer the number of people in a carpool, the more likely the carpool will be unable to meet the HOV limitation, especially with the current emphasis on small cars which carry a maximum of four people and rule out larger carpools as a backup.

Standard probability theory bears out the following analysis[7] if we assume 50 personal days of absence from a four person carpool during a 250 work day year (assuming 10 holidays):

The probability of meeting the HOV-4 limitation is only 41 percent on any given day; for HOV-3, this probability rises to 82 percent and the carpool would be successful on 4 out of 5 days; if the limit is reduced to HOV-2 (in the summer months for instance when people are on vacation more), the probability reaches 97.5 percent—which means that 39 out of 40 days, people wishing to carpool could use I-66 in 2, 3, or 4 person carpools.

If the number of carpools using I-66 were proportional to these probabilities, setting the HOV limitation at HOV-3 would increase the traffic flow from an average of 600 cars per hour to 1,200 cars per hour—which is still well below the highway's capacity.

Statistics provided by the Automotive Information Council indicate that there has been a considerable downsizing in automobiles since the 1977 Coleman decision, which set the HOV limit at HOV-4.[8] Sales for 1977 and 1982 indicate that 8.52 percent of the cars sold in 1977 were subcompacts holding four or less occupants; this figure rose to 16.65 percent in 1982. In 1977, 46.77 percent of the sales were for intermediate or standard cars holding 6 to 8 passengers; in 1982, this dropped to 32.42 percent. Sales of imports holding 4 or less passengers rose from 18.55 percent in 1977 to 27.84 percent in 1983.

These figures show that autos being purchased today are smaller than those purchased in 1977. Many of these cars only hold four occupants which reduces the chance for a regularly successful carpool, since the vehicle is not large enought to carry 6 occupants and provide a backup.

Our analysis of the questionnaires completed by participants at the April 14, 1983, public hearing underscore a number of the problems mentioned above. For instance, only 81 of 174 respondents have cars which will hold more than 4 people. Only 32 of 148 respondents can regularly meet the HOV-4 carpool requirements on I-66. An overwhelming 129 of 179 respondents favor modifying the HOV requirement. And 102 of 164 favor reducing the hours of restriction.

Environment

Protecting the environment is a crucial element in consideration of modification of the HOV restrictions. Developing a reliable assessment of the effects of an HOV modification would involve an analysis of short and long-term environmental and operational impacts. We believe the Virginia Department of Highways and Transportation in cooperation with the Metropolitan Washington Council of Governments would be the appropriate agencies to conduct such an assessment to evaluate the impact of the facility on travel patterns, modal shifts in Northern Virginia and overall highway operations. It could also include a computer model to test different auto occupancy strategies along I-66.

In our opinion such a long-term study would show that a reduction in the HOV-4 rush hour limitation would have a positive effect on the environment. With more drivers meeting the modified carpool requirements and using I-66, there would be fewer cars on area roads; more cars moving at constant higher speeds, and less stop and go traffic. All this would bring energy savings, both in fuel consumption and in human energy and time; reduced pollution levels from standing automobiles on side and residential streets; less congestion on the residential and surface streets in Arlington and Falls Church including Route 50, Lee Highway, Wilson Boulevard and other local streets; and improved auto and pedestrian

[1] Feb. 22, 1983, letter from VDH&T (Richard C. Lockwood, Transportation Planning Engineer) to Congressman Frank R. Wolf.

[2] April 22, 1983, letter from VDH&T (Richard C. Lockwood, Transportation Planning Engineer) to Congressman Frank R. Wolf.

[3] "Highway Capacity Manual," National Academy of Sciences-National Research Council 1465; figure 3.44 Effect of Increased Flow on Highway Speeds.

[4] "An Analysis of Traffic Flow on Route 66," James H. Bick, Ph. D., April 14, 1983.

[5] Mar. 10, 1983, letter from Oregon Department of Transportation's Highway Division (Robert N. Bothman, P.E., Assistant State Highway Engineer) to Congressman Frank R. Wolf.

[6] "Evaluation of Freeway High Occupancy Vehicle Lanes and Ramp Metering," U.S. Department of Transportation, August 1980 (Page 11).

[7] "HOV Limitation and Carpool Usage," James H. Bick, Ph.D., April 14, 1983.

[8] Comparison of Car Sales, Automotive Information Council.

safety along those arteries with the shift of traffic from secondary roads to I-66.

RECOMMENDATIONS

Based on our evaluation of the underutilization of I-66, carpooling difficulties experienced by commuters, and a favorable impact of an HOV modification in energy, safety, pollution and congestion, we reiterate our recommendations to:

(1) Reduce HOV-4 to HOV-3 for a 1-year trial period.—We recommend that HOV-4 be dropped to HOV-3, beginning this summer for a one-year trial period. We believe this will increase utilization of I-66, but keep it well below capacity. We are convinced that more drivers would then be able to carpool and relief will be provided to secondary roads, resulting in savings of energy and reduction in pollution and traffic hazards.

(2) Reduce hours of restriction.—We recommend that the current restricted hours (6:30 to 9 a.m. eastbound; 3:30 to 6:30 westbound) be modified in accordance with VDH&T peak hour utilization counts. Stretching the rush hour restrictions beyond the actual rush hour peaks creates more problems and inconvenience than it solves. Such a modification will provide a fairer restriction, aimed at creating efficient flow during peak periods. The particular hours restricted to HOV use were initially determined by VDH&T. *The decision by former Secretary of Transportation William Coleman required HOV-4 during the peak period, but did not identify the exact hours of restriction.* We believe Virginia officials are in a better position than the federal government to determine the peak hours for narrowing the hours of restrictions.

(3) Direct Virginia Department of Highways to conduct an environmental assessment of HOV-3.—We recommend that during the trial period during which HOV-3 is tested that VDH&T conduct an ongoing environmental assessment of the impact the modified HOV limit has on energy, pollution and congestion. The assessment should also take into consideration the impact of HOV-3 on airport traffic using the Dulles connector road.

(4) Assist counties in creation of "staging areas" to form carpools.—As experiment on Shirley Highway in Northern Virginia has proven successful in assisting motorists form carpools. For over 10 years, commuters without cars have been joining drivers in need of additional passengers to meet the rush hour limitations on I-395. We believe that this experience on Shirley Highway can be applied to I-66 if staging areas can be identified—areas where people can pull over, park and leave their cars to join carpools. There are several areas in the I-66 corridor which are potential candidates. But because of the difficulties surrounding making such locations convenient, available, and safe, we recommend that the state assist in this effort. This will greatly facilitate the formation of carpools and remove additional cars from the road. Additionally, it will provide an area where carpools which have temporarily lost a member can pick up an additional rider.

(5) Exempt handicapped drivers from the HOV limitations.—We believe that carpool restrictions should be flexible in considering the special needs of handicapped individuals. Many handicapped constituents have expressed to us the special problems that they encounter in forming carpools and dealing with the I-66 restrictions. We recommend that handicapped groups be consulted to determine the wishes of disabled individuals with a view toward possible modifications for these restrictions.

We urge your consideration of these views and recommendations. The responsibility for providing better, more efficient transportation for the people of Northen Virginia is shared by the federal, state and local governments. Last January we worked quickly and effectively with you, Governor, in lifting the restrictions on the Lynn Street ramp thereby helping thousands of Northern Virginia commuters.

We believe the I-66 HOV-4 issue is another matter that requires similar immediate attention and cooperation. We are prepared to do everything possible at the federal level to assist you in effecting these changes. We look forward to working with you in finding a responsible solution to this important matter.

Sincerely,

JOHN W. WARNER,
U.S. Senate.
PAUL S. TRIBLE,
U.S. Senate.
FRANK R. WOLF,
Member of Congress.

Mr. WARNER. Mr. President, I ask unanimous consent that my amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I move the adoption of the Committee on Environment and Public Works amendment and ask unanimous consent that it be considered original text for the purpose of further amendment.

Further, I move the adoption of the Committee on Banking, Housing, and Urban Affairs amendment and ask unanimous consent that it be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2429

(Purpose: For technical corrections and for other purposes)

Mr. SYMMS. Mr. President, I send a committee amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. SYMMS), for Mr. STAFFORD, proposes an amendment numbered 2429.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 6, strike "1983" and insert in lieu thereof "1984".

On page 5, line 8, strike "and Utah" and insert in lieu thereof the following: ", Utah and Arizona".

On page 8, line 1, after the word "striking" insert the following: " '1984' and inserting in lieu thereof '1985' and by striking".

On page 15, line 17, strike "1983" and insert in lieu thereof "1982".

On page 11, after line 12, add the following new section and renumber the following sections accordingly:

"SEC. 12. CONSTRUCTION OF ANY BRIDGE.—

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title."

Mr. SYMMS. Mr. President, the committee amendment contains several technical corrections. In addition, it includes an exemption for Arizona from the $30 million cap per disaster in the emergency relief program. The disastrous flooding recently experienced by Arizona occurred after the committee's consideration of this legislation.

The amendment also changes the authorization of additional funds for the emergency relief program from fiscal 1983 to fiscal 1984 as we are now in fiscal 1984.

Finally, it clarifies the eligibility of a bridge for bridge replacement and rehabilitation funds already allocated by the Federal Highway Administration.

Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Without objection, the Warner amendment has been temporarily laid aside.

Is there further debate? The question is on agreeing to the Symms amendment.

The amendment (No. 2429) was agreed to.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the Warner amendment.

AMENDMENT NO. 2430

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to temporarily laying aside the Warner amendment? Without objection, the Warner amendment is temporarily laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey (Mr. LAUTENBERG) proposes an amendment numbered 2430.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

Section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 as amended is

amended by adding before the period at the end thereof the following: ", except that such sums may also be available for expenditure for bus and bus related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

Mr. LAUTENBERG. Mr. President, in 1982, New Jersey Transit, our State's transit agency, suspended service on the Pennsylvania Reading-Seashore line which provided commuter service in southern New Jersey. Because the agency had operating assistance allocated to this service in fiscal year 1983 and because that service has been suspended, they are presently not able to expend some $386,484 in fiscal year 1983 funds. The amendment which I am offering will allow these funds to be used where they are critically needed in Atlantic City.

In the Surface Transportation Assistance Act passed by Congress last December and signed into law by the President on January 6 of this year, the section of the Urban Mass Transit Act dealing with operating assistance, section 5, was maintained through fiscal year 1983. In fiscal year 1984, section 5 is folded into the new section 9, the block grant for mass transit capital and operating assistance. Under what is now the old section 5, funds allocated out of tier 3 of section 5 can only be expended for operating assistance on rail service.

I am grateful to the manager of the bill for his acceptance of my amendment which is of importance to those who depend on mass transportation in Atlantic City.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. LAUTENBERG. I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. I say to my colleague from New Jersey, that I wish to commend him for coming to grips with problems within his State. This matter of transportation in New Jersey is highly important to his constituency. I commend him very much for his offering the amendment, which, of course, has been cleared for consideration in this measure.

Mr. LAUTENBERG. I thank the Senator from West Virginia for his gracious comments. Hearing such from him is, indeed, a compliment.

Mr. President, the amendment has been cleared with the chairman of the Committee on Banking (Mr. GARN) and I believe it is acceptable to the floor manager of the bill (Mr. SYMMS).

Mr. SYMMS. I say to the distinguished Senator that the chairman of the Banking Committee has talked with me and approved the amendment. We have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment (No. 2430) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Virginia (Mr. WARNER).

Mr. SYMMS. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I think we are ready to move forward at this point. The Senator from Ohio is here. We will resolve the issue on Buy America that is part of this legislation. I yield to the Senator from Ohio.

AMENDMENT NO. 2431

(Purpose: To delete section 11 of the bill.)

Mr. METZENBAUM. addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself and Mr. SPECTER, proposes an amendment numbered 2431.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, beginning with line 3, strike out all through line 12 on page 11.

On page 11, line 13, strike out "Sec. 12." and insert in lieu thereof "Sec. 11.".

On page 16, line 8, strike out "Sec. 13." and insert in lieu thereof "Sec. 12.".

Mr. METZENBAUM. Mr. President, the amendment I have sent the desk, on behalf of Senator SPECTER and myself, has to do with the question of buying American.

The Surface Transportation and Technical Corrections Act of 1983 would seriously undermine the Buy American provisions contained in the Surface Transportation Assistance Act of 1982. H.R. 3103 would restore a weakened Buy American requirement for highway projects and would result in the loss of more American jobs.

H.R. 3103 does not contain a simple technical change with respect to Buy America requirements for federally funded highway projects. Under H.R. 3103, the domestic preference law for highway construction and repair projects would be seriously eroded—very seriously eroded.

H.R. 3103 would restore the old, weaker Buy American language of the Surface Transportation Assistance Act of 1978. I advise my colleagues that, in my opinion, with the state of the economy the way it is, with steelworkers unemployed throughout the Nation, I believe that adoption of the bill as is, without our amendment, would be extremely ill-advised. This is extremely ill-advised. H.R. 3103 would reverse the progress made since last year's passage of the highway gas tax bill, legislation designed specifically to strengthen the Nation's infrastructure and spur domestic employment.

More than $11 billion in Federal and State funds have already been spent on highway construction since enactment of this legislation and more than 100,000 U.S. jobs have been created.

I point out: More than 100,000 U.S. jobs have been created since passage of the highway gas tax bill that made it possible for additional Federal funding to be available for the highways. The success of this program is due in no small part to the strong Buy American language contained in the statute.

H.R. 3103 would undo this. It would retain language from the 1982 statute requiring the use of domestic materials in highway projects unless their inclusion increases the cost of the project by more than 25 percent. That is a move in the right direction. However, it would restore the 1978 exemption for all contracts under $500,000. According to the Federal Highway Administration, more than 60 percent of all highway projects are less than $500,000. That is a grossly unnecessary and ill-advised statutory exemption. I know of no reason, with the unemployment being what it is in this country, why we should provide for that kind of exemption. In fact, when the Department of Transportation attempted to apply a $450,000 threshold exemption administratively, I and several of my colleagues objected in a letter to Secretary Dole.

I quote from this May 9, 1982, letter:

As you know, the rules in question would waive the Buy American provision for all products except steel and cement; and waive the provision entirely for all projects less than $450,000. We believe that these rules are inconsistent with both the spirit and letter of the law. . . . the $500,000 threshold, which was part of the prior Buy American statute was explicitly deleted. The new rules will exempt from the Buy American provision almost 60 percent of all current highway projects.

We are concerned that this action not only violates the intent of Congress but signals a weakening of the administration's willingness to take the steps necessary to strengthen the industrial base vital to our economy.

The Department of Transportation subsequently dropped this threshold requirement from its rules implementing the 1982 Buy American statute.

Frankly, I believe we should do the same with respect to the legislation pending before us. We should drop it.

The automatic exemption is not the only problems with H.R. 3103. Under H.R. 3103, the phrase "substantially all" would again be used to differentiate between foreign and domestic materials. The domestic preference requirement would be satisfied if 51 percent of the cost of the total project was comprised of domestic materials. In other words, under this scheme, 99 items in a bridge—even import sensitive items such as steel—could be of foreign origin as long as that one remaining item accounted for 51 percent of the final cost of the project.

The 1982 Surface Transportation Assistance Act eliminated this loophole. There is no reason to restore it.

The changes contained in H.R. 3103 could result in the displacement of more than 550,000 tons of domestic steel with foreign steel. That translates into more than 3,700 steel jobs. In an industry where more than 100,000 workers are still without jobs, that is intolerable.

I urge adoption of the amendment to strike the Buy American provisions from the bill before us.

Mr. President, I should like to address myself to a matter in connection with which I was not involved.

It is my understanding that the position of the managers of the bill relates to some understanding—or, more properly described as a misunderstanding—among the conferees, and also having to do with the language that was finally written, as compared to the understanding that the managers felt they had. I want to separate myself from that issue, because I am frank to admit that I know nothing at all about it.

I do know that if the measure had come back to us from conference with that provision in it, as is now proposed, then those of us who feel very strongly about the Buy American provision of this legislation would have an opportunity to make the same issue and make the same fight, to see to it that these dollars are spent in this country.

Therefore, I have to point out that although we were not party to it, although I know nothing at all about the facts and circumstances except as they have been related to me, had that conference committee come back with these provisions in it, then on that occasion, even though it was toward the close of the session, I certainly would have felt free and would have felt constrained to offer to move to amend the conference report.

Mr. President, it is my understanding that the distinguished manager of the bill on this side seeks the floor, and with unanimous consent, I should like to yield the floor to him. I ask unanimous consent that I may yield to Senator RANDOLPH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I address my comments to the pending amendment, which is offered by the Senator from Ohio (Mr. METZENBAUM) and the Senator from Pennsylvania (Mr. SPECTER).

The matter before us is one of continuing concern, and I am glad for the attention which is drawn to it by the Senator who has just completed his comments.

The legislation that we have before us contains an amendment which although I voted for it in committee I do not believe it to be the wisest of public policy. The Buy America provision contained in the Surface Transportation Assistance Act of 1982 was not the language which the Senate conferees believed was agreed to as part of the conference agreement.

My able colleague, Senator CHAFEE—and he is a valued member of our Committee on Environment and Public Works—is seeking to rectify this error by the language contained in section 11 of the pending bill.

I believe that this is an increasingly important subject to Americans. Certainly in States like Ohio, West Virginia, Pennsylvania, Indiana, and other States, there is the need to protect our domestic manufacturers from unfair foreign competition. We can deal fairly in matters of marketing and selling with other nations, but there is an unfairness, there is a dumping, using the word advisedly, of foreign products including, of course, steel.

So as we think of the protection of domestic manufacturers from unfair foreign competition, particularly in Federal or Federal aid construction programs it is very natural and understandable that it be a matter for us to discuss at this time.

The steel industry in the United States, I repeat, has suffered severely because of increased competition and I name the countries, Japan and the European nations.

The Buy America provision was first adopted in the 1978 highway legislation. I was one of those who pushed for its adoption, and an attempt to strengthen it was certainly understandable and was in consideration at the time of the Surface Transportation Assistance Act of 1982.

While the Senate failed to adopt by a rather close margin language similar to that contained in the House bill, the issue of Buy America was one of the most heated discussions during the relatively short conference on this vital legislation in 1982.

I believe in the need for a strong as possible Buy America program. We need it. In the Chafee language, if it were to be adopted, Buy American would continue. We must remember under the amendment it would continue. But the protection approved for our basic American industries, particularly in the field of steel and cement, would not be sufficient to eliminate low-priced foreign competition in many highway projects funded with Federal assistance.

I yield the floor.

Mr. CHAFEE. Mr. President, first I wish to point out that this is not the first time this issue has been on the floor. The distinguished Senator from Ohio brought this issue up in a debate that was held on this floor in December. There it was defeated.

We then went to conference, as the Senator from Ohio has said. In that conference, there was a clear agreement that certain changes would be made in the Buy American provision. On behalf of the Senate the conferees agreed that the price differential would increase from 10 to 25 percent.

What does that mean? That means that American steel can be 25 percent greater in price than foreign steel and the American steel will still receive the order. That was opposed to the previous 10-percent differential.

I point out that after the 1978 amendments were adopted, namely, that it went to 10 percent, only 1 percent of the structural steel used in Federal highway projects was foreign, only 1 percent. Now we increased the differential to 25 percent. So the chances of any foreign steel coming in under that it seems to me are either slim or nill.

As for the statement about the $500,000 minimum, the Senator from Ohio is correct in saying that the $500,000 minimum, in other words, that the Buy American provisions do not apply to that, that covers some 60 percent of the contracts. What he failed to say was that that covered only 10 percent of the dollars on the Federal highway projects. In other words, we are talking about de minimis as far as the minimum amount is concerned with.

Mr. President, I do not want to get in a long back and forth on the Buy American provisions. We have been through that before. The legislation that we have now before us is more protectionist than that language that we previously had when we passed this legislation. The 25-percent differential is a very substantial differential. It is not that cheap steel is coming in and flooding the market. It has to be more than 25 percent cheaper before you can go to the foreign steel.

As we previously pointed out with the 10-percent differential only 1 percent of the steel used on Federal highway construction projects were used.

Mr. President, the key point here is that an agreement was reached with the House of Representatives, and in that agreement it was that the only

change was from the 10 to the 25 percent differential. That was agreed to by all parties, be they tilted toward Buy American or tilted toward non-Buy American.

I point out to the distinguished Senator from Ohio that when the legislation came over from the House of Representatives, with this language that had not been agreed to, but was far more protectionist than what the Senate conferees with the House conferees had agreed to. That legislation came over and it was not subject to amendment in the conference report, because the House of Representatives had adjourned. It was truly a case of our taking it or leaving it.

So although the Senator from Ohio might say if it had been that way he might have felt constrained to object, he would not have had much to object to unless he wanted to send the whole conference report down the drain, which I suspected he would not have done and certainly those who felt just as strongly on the other side did not feel that we should do because this was a piece of legislation that had been fought for so hard and it would have gone by the boards because we went into a new Congress when we came back in January. We would have had to have gone back to square one and had to start all over again.

I do not think any responsible Member would have adopted that view. The gasoline tax was involved. All the compromises that were involved in the trucking weights that the manager of the bill had been so involved with had all been agreed to. We had a highway program and a bridge construction program that was essential to the future of the Nation. I do not think any responsible person would have said, "Because my little piece of legislation was not the way I want it I am going to do all I can to kill that legislation." That was not true.

The conference report was accepted unanimously I believe—maybe the manager can tell me—perhaps even on a voice vote, or certainly it was accepted.

Was that true?

Mr. SYMMS. That is correct. I thank the distinguished Senator from Rhode Island.

Mr. President, the issue of how Buy America should be applied to the Federal-aid highway program was debated at great length last December during consideration of the Surface Transportation Assistance Act of 1982.

While I supported the Senate's decision not to make any changes to the Buy America provision in title IV of the Surface Transportation Assistance of 1978, the provision in H.R. 3103 is not a statement in support of or in opposition to Buy America requirements. The purpose of the provision is to restore language which the Senate conferees believe had been agreed to in conference on the STAA of 1982.

The conference on the 1982 act was held under very difficult circumstances. The Buy America provision was one of the last issues resolved in conference just minutes before the House acted on the conference report. When it was discovered that the language agreed to by the Senate conferees did not appear in the conference report, there was nothing which could be done to change it without jeopardizing the passage of the entire bill.

Several of my distinguished colleagues on the Senate Environment and Public Works Committee who served as conferees held a colloquy on the Senate floor describing their understanding of the language which has been agreed on. I concur with my colleagues in their understanding of the agreement.

Section 11 of H.R. 3103 restores the language of this agreement. It would keep in place the Buy America requirements contained in the STAA of 1978 with one change. That change increases the price differential required before certain foreign materials can be used on highway projects from 10 to 25 percent. The price differential for rolling stock would remain at 10 percent.

The members of the Environment and Public Works Committee, regardless of their views on Buy America, were unanimous in their support of Senator CHAFEE's desire to restore the language agreed upon in conference. I ask my colleagues to support the committee's effort in maintaining this part of the conference agreement.

Essentially, Mr. President, my remarks substantiate what the Senator from Rhode Island is saying. What we are discussing here is not what your personal preference is on Buy America. What I am discussing here is the integrity of the Senate in terms of what we thought we agreed to, what we all agreed to, and in fact the Committee on Environment and Public Works naturally has supported the position of Senator CHAFEE only as recently as 2 weeks ago, I believe is correct.

Mr. CHAFEE. Yes.

Mr. SYMMS. I think that it is important that the Senate understand that we are not here today to discuss the merits of Buy America. We are here discussing what it was that we had originally agreed to in the conference report at that late hour in December of last year.

Mr. CHAFEE. Mr. President, I will add one thing to that if I might. The Senator from Ohio is achieving a greater protection than was agreed to by the Senate when we first considered this legislation. When we considered this legislation, he offered his amendment. It was rejected and the Senate backed up the 10-percent differential. We then went to conference and we now have come back with a 25-percent differential which is what is in the current legislation that is on the floor today. So the Senator from Ohio has not himself gone back to square 1. He has made a very substantial advancement in the protection of the industry that he is concerned with.

Mr. STAFFORD. Mr. President, section 11 of H.R. 3103, as amended, contains an important clarification on the Buy America requirements which pertain to the Federal-aid highway program.

Last December, during our marathon consideration of the Surface Transportation Assistance Act of 1982, the Senate conferees agreed to one change in existing Buy America law. That one change was to increase from 10 to 25 percent the price differential required before foreign materials can be used on highway projects. This involves changing the Buy America provision in title IV of the Surface Transportation Assistance Act of 1978, Public Law 95-599, in a very slight way, for example, changing language in section 401(b)(4) from 10 per centum to 25 per centum. The price differential for rolling stock would remain at 10 percent.

Unfortunately, although perhaps understandably, as we labored to complete passage of the 1982 act so that we might adjourn by Christmas Eve, the Buy America language the Senate conferees believed had been agreed to by House and Senate conferees did not appear in the conference report passed by the House. We seek now to restore that understanding by restoring the agreed-upon language. There was unanimous agreement on this matter by members of the Environment and Public Works Committee in markup last month.

In this Senator's view, the issue before us is the integrity of the conference agreement reached in December 1982. I do not believe that the merits of Buy America are at issue here, but rather the integrity of that agreement. The understanding reached by Senate conferees with their House counterparts should be honored and reinstated. Members of the Environment and Public Works Committee share this belief.

For the record, Senate conferees reiterated their understanding of the agreement immediately after the discrepancy became apparent last December 23 in a colloquy among Senators RANDOLPH, DOMENICI, MOYNIHAN, CHAFFEE, and myself. The agreement quite clearly was to continue, with the one exception I have noted, those Buy America provisions contained in the 1978 act. I ask my colleagues for their support in the restoration of the Buy America language as agreed to in conference with the House last December.

That was a very chaotic last night in which Senate and House conferees met over the highway bill and particularly the Buy America provisions.

As the chairman of the Environment and Public Works Committee, I want to substantiate exactly what Senator CHAFEE has said and what Senator SYMMS has said. It was this Senator's job to converse with the House conferees on this particular matter. My recollection of the conversation with House conferees is very clear. I sat in the middle of the Senate conferees, all of whom were apprised of the conversation with the House.

Therefore, I feel strongly, without regard to the merits of Buy America or not Buy America, that the language agreed upon between the House and Senate conferees was the language which now appears in the bill which, as Senator SYMMS said, passed our committee unanimously a couple of weeks ago. And that language did not appear in the conference report that was passed by the House at the very last minute and just before the House adjourned.

So what we are doing is simply seeking now to restore the understanding by restoring the language which House-Senate conferees agreed to at that time and which ought to be the language of the legislation at the present time. Mr. President, I yield the floor.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I feel that perhaps in the case of the Senator from West Virginia now speaking that I must make myself clear on this matter.

When the amendment was offered to the bill last year, the highway measure, there was an amendment presented by Senators METZENBAUM, RIEGLE, HUDDLESTON, SASSER, and myself. That amendment, I recall, was not defeated except in a very close vote. By a vote of 51 to 47 it was tabled. The Senators were correct, both of my colleagues, in saying that it was defeated. But it was a measure then of closeness in the voting process.

As one of those five Senators sponsoring the amendment at that time, I hope it will be understood that today I will vote for the amendment being offered by the Senator from Ohio for himself and the Senator from Pennsylvania (Mr. SPECTER).

Mr. METZENBAUM. I thank the Senator.

Mr. SPECTER. Mr. President, I have joined the distinguished Senator from Ohio (Mr. METZENBAUM) in this proposed amendment because of the very serious impact that the proposal would have on the steel industry in the United States and on the steelworkers.

In taking this position, I understand the considerations which have led the distinguished Senator from Rhode Island (Mr. CHAFEE) to urge that this body revert to language which had been understood to have been agreed upon; consequently, the context here is an uncomfortable one. But the situation, as I see it, is that we have a law in effect and however the final formulation was arrived at, there would be very material disadvantages to the American steel industry and to the American steelworkers and to steelworkers in Pennsylvania as a result of this modification.

It is especially problemsome, in my judgment, because of the tremendous subsidies which are present in the importation of steel into this country. For example, the International Trade Commission last year found that British steel was subsidized to the extent of $250 a ton and steel coming in from many other sources—Japan, Brazil, and many other places—is coming in with Government subsidies.

I believe in the tenets of free trade; but the tenets of free trade and fair trade means the absence of subsidies. It is my judgment that if the American steel industry were permitted to compete with the steel industries around the world in the absence of those foreign subsidies, the steel industry would be doing much better than it is at the present time.

The proposed amendment embodied in the pending bill would result in the loss of at least 2,200 jobs in the steel industry and approximately 3,700 jobs nationwide when including jobs generated by the act.

As I traveled around Pennsylvania in the course of the last 90 days, I held 28 open house town meetings and saw the anguish of the unemployed steelworkers. I can give one illustration of Johnstown, Pa., when I was scheduled for another event and was asked by the wives of the steelworkers to give them 10 minutes. I came into St. Theresa's Church on Wednesday the 13th of October, just 2 weeks ago, and found 400 people crammed into the small auditorium—not only wives, but steelworkers, as well—just embittered about what is happening to them as a result of the closing of the steelmills, and very resentful about the system and about the Government and about the limitations on unemployment compensation and about the limitations of job training.

One young steelworker recounted the horrors of trying to get job training or retraining; others were bitterly complaining about having run out of unemployment compensation and being on welfare and being forced to give collateral assignments of all of their property since they were on welfare—400 people just in agony complaining about what is happening in this country today.

Bethlehem Steel has closed its plant in Johnstown as a result, in large measure, of these foreign steel imports which are subsidized by unfair trade practices.

I have heard this same thing in Midland, Pa., where 5,000 people were thrown out of work when Crucible Steel went out of business; in White Oak, a suburb of Pittsburgh; Bethlehem, Pa.; Coatesville, and Sharon, Pa., and all over my State.

Thus, it seems to me that, notwithstanding the underlying equities which I have studied—and I understand the position of the distinguished Senator from Rhode Island on what he feels was inappropriate action by the other body—we have a law which is in effect and the modification proposed is going to have great impact, not only on Pennsylvania, not only on Johnstown, but on the country as a whole. And there is another factor; that is, there is a substantial loss of tax revenues.

For every $1,000 purchase of domestic materials, $473 is eventually recaptured through taxes by Federal, State, and local governments. If the 550,000 tons of foreign steel were to replace the domestic steel, some $230 million would be spent outside the country and we would have $100 million lost in tax revenues, which are so sorely needed by taxing authorities at all levels.

So it is on this basis that I have joined the distinguished Senator from Ohio in cosponsoring this amendment, and it is on this basis that I urge my colleagues to adopt it.

I thank the Chair and I yield the floor.

● Mr. MOYNIHAN. Mr. President, the Government must be determined to take appropriate steps to insure the economic viability of our Nation's basic industries, including our domestic steel industry. The international recession and the trading practices of some of this Nation's largest trading partners have seriously affected the steel industry. For the week ending Christmas Day 1982, steel capacity utilization dropped to the lowest level in history, 29.8 percent. Today, 97,000 American steelworkers remain without employment.

Mr. President, we ignore the crisis in the domestic steel industry at our own peril. Steel, the backbone of American industrialization in the 19th century, remains an essential element of our industrial infrastructure—highways, bridges, ports, and so on—as well as our military. We cannot idly stand by as our steelworkers are thrown out of their jobs and the considerable investment in steel plants goes for naught.

Last year, Congress enacted the Surface Transportation Act of 1982, the

so-called gas tax. The gas tax strengthened our buy America laws to require that all manufactured articles for highway products be domestically produced. The expansion of the Buy America provision, no doubt, has contributed to an improvement in the domestic industry's financial position and an increase in the number of steelworkers employed. I support changes in our international trade laws that enable our domestic industries to compete more favorably in the international marketplace.

I cannot support amendments on the floor of the Senate to change an amendment offered by my distinguished colleague from Rhode Island (Mr. CHAFEE) to the highway technical correction bill during the Environment and Public Works Committee's markup on September 28.

During the conference on the gas tax, on which I served, the conferees agreed to only one change in the existing buy America laws. That change was to increase the price differential needed to qualify for a waiver from 10 to 25 percent. The final legislation, however, greatly expanded the buy America provision to include all products. The Chafee amendment simply restores the agreement the conferees actually made last December.

I do not dissent from the views of many of my distinguished colleagues, that our trade laws need reform and that the domestic steel and other vital industries must be protected from unfair competition. As a conferee to the gas tax, however, I cannot support amendments to alter the amendment of my colleague from Rhode Island. Conferees to the gas tax agreed to only one change. To maintain the integrity of this body and the legislative process, we must abide by that conference agreement.●

Mr. STAFFORD. Mr. President, section 11 of H.R. 3103, as amended, contains an important clarification on the Buy America requirements which pertain to the Federal-aid highway program.

Last December, during our marathon consideration of the Surface Transportation Assistance Act of 1982, the Senate conferees agreed to one change in existing Buy America law. That one change was to increase from 10 to 25 percent the price differential required before foreign materials can be used on highway projects. This involves changing the Buy America provision in title IV of the surface Transportation Assistance Act of 1978, Public Law 95-599, in a very slight way, that is, changing language in section 401(b)(4) from "10 per centum" to "25 per centum." The price differential for rolling stock would remain at 10 percent.

Unfortunately, although perhaps understandably, as we labored to complete passage of the 1982 act so that we might adjourn by Christmas Eve, the Buy America language the Senate conferees believed had been agreed to by House and Senate conferees did not appear in the conference report passed by the House. We seek now to restore that understanding by restoring the agreed-upon language. There was unanimous agreement on this matter by members of the Environment and Public Works Committee in mark up last month.

In this Senator's view, the issue before us is the integrity of the conference agreement reached in December 1982. I do not believe that the merits of Buy America are at issue here, but rather the integrity of that agreement. The understanding reached by Senate conferees with their House counterparts should be honored and reinstated. Members of the Environment and Public Works Committee share this belief.

For the record, Senate conferees reiterated their understanding of the agreement immediately after the discrepancy became apparent last December 23 in a colloquy among Senators RANDOLPH, DOMENICI, MOYNIHAN, CHAFEE, and myself. The agreement quite clearly was to continue, with the one exception I have noted, those Buy America provisons contained in the 1978 act. I ask my colleagues for their support in the restoration of the Buy America language as agreed to in conference with the House last December.

Mr. CHAFEE. I would like to briefly discuss section 11, the Buy America provision of H.R. 3103. My colleagues should be aware that the Committee of the Environment and Public Works adopted this provision by a unanimous voice vote. As the committee report accompanying this bill states:

> The Committee adopted an amendment to section 165 of the Surface Transportation Assistance Act of 1982, the "Buy America" provision. The amendment restores the languages which had been agreed to by House and Senate conferees when the Surface Transportation Assistance Act of 1981 was adopted last year. The language contained in Public Law 97-424 does not correspond with the agreement as understood by the Senate conferees.

As I discussed this point on December 23, 1982, and my colleagues Senators STAFFORD, RANDOLPH, DOMENICI, and MOYNIHAN agreed:

> The one change that was agreed to was to increase, for highway projects only from 10 to 25 percent, the price differential needed before foreign materials, rather than American, could be used on a project. All other provisions of existing law, including the administrative interpretations consistent with current law, were to remain undisturbed.

Accordingly, it is my understanding that, except for this one change, the Department of Transportation's regulatory program implementing title IV of the Surface Transportation Assistance Act of 1978, Public Law 95-599 would remain unchanged. Do my colleagues agree?

Mr. STAFFORD. The Senator is correct. I would like to confirm that this is also the administration's understanding with respect to the intended regulatory effect of the provision.

Mr. MOYNIHAN. The Senator's description of the effect is, in my view, accurate.

Mr. CHAFEE. I can advise the Senator that Special Trade Representative William Brock, speaking for the administration, and endorsing the restoration of the language in a letter dated September 29, 1983, stated:

> Specifically, I understand that the Committee decided to restore the language of the 1978 Surface Transportation Act regarding product coverage, which would have the effect of excluding cement and manufactured products from the Buy America preferences, and reinstating the exemption for projects valued at under $500,000.

Was it the committee's intention in adopting the Buy America amendment to require that all major purchases of steel be subject to the 25-percent price differential?

Mr. STAFFORD. Yes; however, it was not the committee's intention to apply the 25-percent price differential to transit rolling stock and related equipment. The 10-percent price differential applies to all transit rolling stock and related equipment. The 25-percent differential applies to highway projects and major purchases of steel—for example, steel rails for transit projects and other structural steel items such as bridges.

Mr. CHAFEE. Mr. President, I now move to table the amendment. I believe the Senator from Ohio may want to speak.

Mr. METZENBAUM. No.

Mr. CHAFEE. Mr. President, I move to table the Metzenbaum amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Metzenbaum amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) and the Senator from Texas (Mr. TOWER) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr.

DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. HOLLINGS) would vote "nay."

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 55, nays 35, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—55

Abdnor	Hart	Packwood
Andrews	Hatch	Pell
Armstrong	Hatfield	Percy
Baker	Hecht	Proxmire
Baucus	Helms	Quayle
Boschwitz	Humphrey	Roth
Bradley	Jepsen	Rudman
Bumpers	Kassebaum	Simpson
Burdick	Lautenberg	Stafford
Chafee	Laxalt	Symms
Cochran	Leahy	Thurmond
Cohen	Lugar	Trible
Danforth	Mathias	Tsongas
Domenici	Mattingly	Wallop
East	McClure	Warner
Evans	Moynihan	Weicker
Garn	Murkowski	Wilson
Gorton	Nickles	
Grassley	Nunn	

NAYS—35

Bentsen	Exon	Melcher
Biden	Ford	Metzenbaum
Bingaman	Glenn	Mitchell
Boren	Heflin	Pressler
Byrd	Heinz	Pryor
Chiles	Huddleston	Randolph
Cranston	Inouye	Sarbanes
DeConcini	Johnston	Sasser
Denton	Kasten	Specter
Dixon	Kennedy	Stennis
Dole	Levin	Zorinsky
Durenberger	Long	

NOT VOTING—10

D'Amato	Hawkins	Stevens
Dodd	Hollings	Tower
Eagleton	Matsunaga	
Goldwater	Riegle	

So the motion to lay on the table amendment No. 2431 was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the WARNER amendment, after the Chamber comes to order.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the WARNER amendment may be temporarily laid aside in order that the distinguished Senator from North Carolina may offer an amendment.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senate please be in order?

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Vermont and I thank the Chair for recognizing me.

AMENDMENT NO. 2433

(Purpose: To repeal the Surface Transportation Assistance Act of 1982)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2433.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Effective 120 days after the date of enactment of this section, the Surface Transportation Assistance Act of 1982 (Public Law 97-424) is repealed.

(b) Any provision of law amended by the provisions of such Act shall be applied and administered as if such provision so amended had not been amended, and any provision of law repealed by the provisions of such Act shall be considered reenacted and so applied and administered.

The PRESIDING OFFICER. Will the Senate please come to order? If Senators want to carry on conversations, please go to the cloakroom, and the staff will please dispense with conversations and also go to the cloakroom.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I perceive that the Chair means business. I thank the Chair for restoring order.

Mr. President, the amendment I am offering today would repeal Public Law 97-424, the Surface Transportation Assistance Act of 1982. This is the so-called gas tax bill, which was enacted by Congress this past December during the lame duck session of the 97th Congress.

The proposed effective date of my amendment would be 120-days following its enactment. My purpose in structuring the amendment in this way is obvious: to allow Congress ample time to hold hearings and consider carefully the myriad issues involved in this bill—time to obtain the comments of interested citizens, including consumers, truckers, construction industry officials, and others. One hundred and twenty days would allow Congress ample time to do the thorough job of seeking public comments. It would certainly be more time than Congress spent on this bill during the lame duck session this past December.

I have mentioned to a number of my colleagues my intention to offer this repealer, and I have been advised to let sleeping dogs lie. I do not deny that the gas-tax bill is a dog, Mr. President, but it is certainly not sleeping.

The nickle-a-gallon gas tax increase took effect on April 1 of this year—a fitting date. As expected, and as I predicted in December, motor fuel prices went up accordingly and the most noticable increase in the Consumer Price Index of the year appeared.

So everyone who drives has felt the bite of this new tax directly. And I believe I am safe in saying that everyone in this country has somehow felt its effect—directly or indirectly.

Truckers in particular have been hard hit!

In addition to the nickle-a-gallon, which many have not been able to pass along fully to their customers, truckers have felt the bite of the increase in the excise tax on trucks and truck tractors, trailers, and semi-trailers that went into effect on April 1, 1983.

But the worse is yet to come for truckers, Mr. President.

Next July 1, the highway use tax for truck fleets of more than five vehicles will increase significantly. The tax on truck fleets of five or fewer vehicles will increase effective July 1, 1985. For trucks weighing 80,000 pounds or more when loaded, this use tax will increase from $240 a year now to $1,600 a year in 1984 or 1985, depending on fleet size, then to $1,700 in 1986, $1,800 in 1987, and $1,900 in 1988.

My principal motivation for offering this amendment is to head off these onerous tax increases, and to save an unknown number of truckers from economic disaster. One of my colleagues told me recently that he had not been hearing from truckers in his State. I replied that this is probably because the highway use taxes have not yet taken effect. But I cautioned him, and I caution all my colleagues, that you will be hearing from truckers by this time next year, and they will not be happy.

Some truckers are already out of business, and others' days are limited. All in all, the future of this industry is dismal. Repeal of this tax bill will mean survival for many of them who otherwise do not have a chance.

Aside from the tax considerations, Mr. President, a number of other problems have surfaced as a result of enactment of the gas tax bill—problems clearly not anticipated nor even considered in Congress rush to enact this bill and to adjourn for the Christmas holidays. For example, the gas-tax bill authorizes twin trailers—so-called double bottoms—on the Nation's interstate and Federal-aid highways. The States do not have any say

over whether double bottom trailers will be allowed.

Twin trailers were not previously allowed in my State. Now they are, and many people are outraged they had so little opportunity to comment before this law was changed.

I seldom agree with the editors of the Raleigh News and Observer, and I believe I am safe in saying that they seldom agree with me. But I call to the attention of my colleagues an editorial published in the News and Observer on January 2, 1983, entitled, "Roads Bill Needs Repair."

The editorial claims that the gas tax package has severe flaws that need to be corrected. It continues as follows:

Chief among the flaws are provisions that would permit the trucking industry to put longer, wider and heavier rigs on the highways. Trucks pulling twin trailers, called double bottoms, would be permitted not only on the Interstate system but also on some two-lane highways and streets that connect to Interstates.

These provisions are a giveaway to the trucking industry. Wider trucks and the double trailers that have a tendency to bounce and sway when empty increase hazards for there motorists. Heavier loads add to the highway damage done by trucks. Further, the legislation coopts states, including North Carolina, that have prohibited double bottoms.

I am sure that other Senators have found similar sentiments expressed in their States, especially if their States, like my own, have a history of outlawing double-bottom trailers. Congress made this significant change with little input from the various States. Are not the States entitled to come before the Congress to make their case for or against double-bottom trailers? I believe they are, Mr. President, and enactment of my amendment would provide an opportunity for this.

Another problem that has arisen that was largely unanticipated involves the unrealistic minority business enterprise participation levels that this bill requires. I say this problem was largely unanticipated because some of the same people who lobbied me in December to cease the filibuster against the gas-tax bill have since sought my help in changing the MBE requirements. I told these people in December that few if any Senators knew what was in this bill. Little did I know that they did not know what was in it either, and that they were unaware of a provision in the bill that they now claim they cannot achieve. If their claim is true, Mr. President, and I do not dispute it, then States are in jeopardy of losing Federal highway money—a result that is simply not fair or reasonable.

I am told that many States do not have enough minority businesses to comply with the requirements of this bill. I am told, for example, that highway contractors in one State in particular have been told by State officials to bring in minority contractors from other States in order to comply with the dictates of the gas-tax bill.

This is a serious problem, Mr. President, one that might not have arisen had Congress taken an honest look at the bill, held hearings on it, given more people an opportunity to comment on it, and waited until this year to take it up. DOT has stepped in and given some relief, but Congress ought to correct the mistakes that were made in December.

Another unforseen problem has arisen in my State, and I believe other States as well, involving enforcement of the Federal bridge formula. Interpretation of the gas-tax bill has led to ruling the Federal Highway Administration that grandfathered rights for certain categories of trucks, which have been in effect since 1956, will no longer be applicable. The particular trucks involved will not be allowed to use Federal aid highways in North Carolina following a 5-year grace period, even though their useful life will extend for as many as 10 years or more.

This is a very expensive proposition, Mr. President. The haulers affected by this change will have to buy brand new trucks, or else go out of business. No one anticipated this prior to enactment of the gas-tax bill. Mr. President, no one had a chance, because the bill sailed through Congress so quickly and with so little scrutiny.

I have also heard complaints from providers of fencing and concrete about the Buy-America provisions of the gas-tax bill. These provisions require that all cement and fencing used in Federal highway projects be American made. The problem is that there are insufficient quantities of such products to meet the demands of the highway construction industry. I am all for using American-made products, but it is unreasonable to impose such a requirement when American manufacturers do not have the ability to supply the necessary quantities of such materials.

The bill we are considering today is supposed to address this particular problem, Mr. President, but even if this is true, it is not enough.

This bill also contains a number of give-aways wholly unrelated to transportation. For example, Congress chose the gas-tax bill as the vehicle for extending unemployment benefits for an additional 8 weeks; for enacting a tax deduction for expenses incurred as a result of holding a convention of U.S.-flag cruise ships; for authorizing a study of the tax status of religious orders, and so on. I have a list of other unrelated issues that were included in the Christmas tree bill, otherwise known as the gas-tax bill.

Among the amendments to the gas-tax bill were:

A study of the proposed high-speed ferry service between St. Croix and St. Thomas Virgin Islands; $3 million for fisheries; funds for reforestation and timber-stand improvements; $25 million in fiscal 1983 and $27 million in fiscal 1984 to accelerate construction of high-traffic sections of highways in Louisville, Ky.; $5 million for a Devil Lake, N. Dak., project to demonstrate construction techniques designed to prevent wave erosion on a closed basis lake that has a grade-level highway crossing; $45 million for bicycle transportation and pedestrian walkways; $5 million for a demonstration project in east Baton Rouge, La., to reduce traffic congestion in a partial diamond, partial cloverleaf interchange; $50 million for a Vermont demonstration project to reduce the time and cost of completing a highway project; a study into the dumping of low-level radioactive waste into the ocean; and $9 million for a Buhne Point, Humboldt Bay, Calif., project to demonstrate state-of-the-art techniques for repairing highway damage caused by shoreline erosion.

Mr. President, I could go on and on exposing the gas-tax bill for what it really is—one big boondoggle. But I will not take any more of the Senate's time with such details. One fact speaks clearly—to date, at least 24 separate bills have been introduced this year to modify provisions of the gas-tax bill.

I hope that Congress would adopt my amendment, then hold hearings immediately to consider the issues raised in these bills and other issues that have not been addressed in legislation. These are very important matters, Mr. President, and Congress should give them the highest consideration.

I have discussed this matter with the distinguished Senator from Kansas, and I believe he has a statement to make in this regard.

Mr. DOLE. Mr. President, first I would like to thank the Senator from North Carolina for his continuing interest in the Surface Transportation Assistance Act of 1982.

The 1956 Highway Act created the highway trust fund to insure a stable source of funds to build the interstate system and other highway related projects. Receipts from various highway user taxes are deposited in the highway trust fund. These funds insure a source of long-term funding for multiyear construction projects.

Last year it because evident that the existing taxes going into the highway trust fund were insufficient to meet the current maintenance and repair needs of our Nation's vast highway system. Therefore, the tax increases in the Surface Transportation Assistance Act were designed to adequately fund the Federal share of the investment

needed to complete construction of the interestate highway system and proceed with the much needed rehabilitation of our Nation's highways and bridges.

During the Senate debate of the Surface Transportation Assistance Act, the Senator from North Carolina expressed concern about increases in the heavy vehicle use tax and other highway related taxes. In addition, the Senator from North Carolina raised questions about the appropriations of Congress enacting tax increases during a so-called lameduck session.

I must say that on the Senate side we did significantly reduce the heavy vehicle use tax.

The Senate-passed version of the act significantly reduced the heavy vehicle use tax. The Senate-passed version provided for a heavy vehicle use tax of $1,200 for an 80,000 pound vehicle beginning January 1, 1986. The Senate provision also included a 1-year delay in the tax for fleets with three or fewer trucks. The House-passed version had a graduated tax with a maximum tax of $2,000 on an 80,000 pound vehicle beginning on January 1, 1984.

During the conference on the act, the other Senate conferees and I expressed concern about the economic impact on the trucking industry of a significant increase in the heavy vehicle use tax. However, the House conferees refused to recede to the Senate position and insisted on a higher heavy vehicle use tax.

During the legislative debate of the act, I maintained that the economic impact of increased user fees on the trucking industry and other highway users must be considered. It was only after the House conferees would not enact any legislation that the Senate conferees agreed to the compromise. The rapidly deteriorating state of our Nation's bridges and highways made it imperative that Congress address the lower funding costs of funding needs of resurfacing and rehabilitation to avoid the higher future costs of replacement or reconstructing many miles of highways and bridges.

Because of the potential economic effects of this legislation on various segments of the trucking industry, in February of this year I directed the U.S. General Accounting Office to conduct a broad-based study of the economic outlook for the trucking industry and the economic effects of the increased highway user fees. It is my understanding that this study will be completed in 2 or 3 weeks, I say to the Senator from North Carolina. We checked yesterday and they told us that they will have the study ready.

In addition, the act mandated the Department of Transportation to study alternative highway user fees. In July of this year, the Department of Transportation issued a draft report of its study and received public comment on the draft report through September, and we hope to have some action on that.

I assure the Senator from North Carolina that after I receive the General Accounting Office study, I intend to hold hearings in the Finance Committee on the general economic impact of the Surface Transportation Assistance Act on the trucking industry and other industries that are dependent on our Nation's highway system.

As the Senator from North Carolina knows, several other Members have also contacted me about hearings on the Surface Transportation Assistance Act. I hope that we will be able to address some of the concerns of the Senator from North Carolina and others during the Finance Committee hearings.

So, after saying all that, the point is that I can assure the Senator from North Carolina that we are acting in good faith. We are doing as we promised we would do earlier, at the urging of the Senator from North Carolina, and the Senator from Kansas agreed to that.

As soon as we get the GAO report and the report from the Department of Transportation, we intend to have hearings. A number of Senators have expressed an interest in hearings, and we hope to accommodate all Senators.

Mr. HELMS. Mr. President, the current plans are for Congress to adjourn sine die on November 18. This GAO report would presumably arrive around that time. Can the Senator give me some idea as to when he would schedule these hearings?

Mr. DOLE. If, in fact, the Senate should adjourn, as some have indicated, on November 18, it is going to be difficult to do it, unless we do it during a recess period. I am willing to work out a hearing during the recess period. If not, it will be very early next year, because the first phase goes into effect in July 1984.

Mr. HELMS. That was the point. We do have a little time to play with after we return in January. But I wanted to be sure that I understood the Senator correctly, that as soon as possible following the receipt of the report, he will schedule a hearing.

Mr. DOLE. That is correct. In the interim, after we receive the GAO report, obviously it will be made available to other Senators who have an interest, and the Senator from North Carolina obviously will be contacted immediately. So I hope we can resolve the question.

I know that the Senator from Minnesota (Mr. BOSCHWITZ) has raised serious questions, as have others, as to whether there should be a diesel differential, the theory being that if you are not using the truck, why should there be a tax?

I assure the Senator from North Carolina that we will move as quickly as we can.

Mr. HELMS. May I ask the Senator to let me consult with him about some witnesses to appear before the committee?

Mr. DOLE. I will be pleased to do that. In fact, it would be helpful to our committee. We need to get a broad range of witnesses. In fact, I know that a number of truckers in North Carolina would like to appear before our committee, and we would welcome that.

Mr. HELMS. Mr. President, in light of this, I withdraw the amendment.

I thank the Senator for his comments.

Mr. STAFFORD. Mr. President, if I may have the attention of the Finance Committee, I recognize that we raised fees in connection with the highway bill last December, and any changes in those fees are in the jurisdiction of the Finance Committee. But I am sure the distinguished Senator from Kansas is aware, since we worked as partners in that bill last fall, that the Committee on Environment and Public Works would have jurisdiction over the size, weight, and length of trucks, and we would expect the Finance Committee to have that in mind.

Mr. DOLE. I understand that. We will be looking only at the tax side, not at any areas where we have no jurisdiction.

Mr. STAFFORD. I thank the Senator.

AMENDMENT NO. 2428

The PRESIDING OFFICER. The question recurs on the Warner amendment.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, the situation the committee and Senate are in is we are ready to move forward and hopefully we have two amendments to resolve, one from the distinguished Senators from Virginia and one from the distinguished Senator from Florida (Mr. CHILES).

The question that is now pending before the Senate is the Warner amendment, for which the committee has a great deal of sympathy. It deals with Highway 66 and the HOV lanes.

The Warner amendment would reduce the number required to be in an automobile from four down to three so it suits the carpooling situa-

tion better when one person is not in the carpool.

This Senator is very sympathetic with what Senator WARNER is trying to do. I note for the RECORD here I do have some hesitation to try to interfere in the business of the State of Virginia. I hope that the Governor of Virginia will take action, which he can do any day, and make the proper changes in the law without demanding congressional consideration.

I regretfully say that, as of the present time, I would be constrained to oppose the amendment with the understanding that, if the Governor has not resolved the issue, my opposition to the amendment would probably be removed next year, early in the year, when we start markup on the next highway bill. I think this Senator would favor that amendment. For now, it would be in the best interest of the committee if we would not have to resolve this issue and not have the Senate vote on the amendment.

So I hope when the Senators from Virginia get here they will be willing to take the amendment down with an understanding that if we cannot resolve it with our committee working with the administration of the State of Virginia then the committee would go ahead and move on the amendment next year.

I do not know whether my distinguished friend from West Virginia would make any comments or not, but if he would, I yield the floor.

Mr. RANDOLPH. Mr. President, briefly, I think that there is merit, of course, in the amendment offered by Senators WARNER and TRIBLE.

We have discussed the matter informally with Senator WARNER, especially, and I can tell the Senate that we must do something here, either through the State of Virginia or by congressional action.

Senator SYMMS has indicated that we could perhaps move very quickly early next year. We do know that it takes about twice the time for people to come in to Washington, D.C., now as it would if we could open up that road.

Here is a road that cost approximately $280 million and it is 10 miles. That is $28 million per mile. Here is a road that is not being used and it must be used. We, as Members of Congress, must try to facilitate whatever is necessary to have that highway used.

So I do hope Senator WARNER and Senator TRIBLE would understand that we are not putting it on the back burner. We do know there is a need. We should move ahead and pass this bill, taking this amendment up early next year, I am sure, as Senator SYMMS has indicated, if the Commonwealth of Virginia has not acted through the Governor.

Mr. SYMMS. Mr. President, I thank my distinguished friend from West Virginia.

I say again that I think it is possible, through the actions of the members of this committee, we probably could have an opportunity to work with the State of Virginia and maybe this could be resolved outside of congressional action. I think all of the Senators here would rather not be in the position to try to tell some State what we know is best or what they do not know is best.

It is very apparent there has been a great expenditure of taxpayers' money to build a highway that sets empty. I think that is a great concern to me and to many other Senators in this body.

I hope that we can resolve the issue.

I say to my friends from the State of Virginia, Senator TRIBLE and Senator WARNER, that the only reason we are restraining from this right now is not because of the merits of their amendment, but of the timing and offering the amendment at this time.

I see the distinguished junior Senator from Virginia is in the Chamber.

I say, if the Senator was out of earshot, that as manager of the bill I made the statement earlier that I would be willing, if the problem is not resolved by the State of Virginia by early next year, to support the amendment in the committee and in the Chamber at the earliest possible time when we will be bringing up highway legislation next year.

I see the distinguished senior Senator from Virginia, Senator WARNER, is here.

I just made a statement in the Chamber as did Senator RANDOLPH, and I do not mean to speak for Senator RANDOLPH, but he pretty much somewhat agreed with me, that we agree with the merits of the Senator's amendment that we have a beautiful highway that is not getting the use. The committee at this time thinks it is inappropriate for us to try to tell the State of Virginia what it should do but if the issue is not resolved, and I think the record should show that the State of Virginia has the authority right now through its administration to change the HOV lane occupancy requirements by administrative order, if the Senators could agree with that, I pledge to help them early next year if it is not resolved at the State level where it properly should be resolved. I think the Senator from Virginia (Senator WARNER) has made an important contribution to press this issue forward and if they would feel constrained to do it I think we have worked out our problem with the other Senator and we could probably pass this bill before noon.

Mr. STAFFORD and Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, I implore both my very good friends from Virginia not to press their amendment at this time.

I am one of the users of Route 66, I might say, and I think that the time should come when we will want to lower the numbers who qualify to use that in a single car. But if we attempt to do it at this time, if the Senators press their amendment at this time, it puts this committee and this important bill which authorize the expenditure of interstate construction money in a very serious bind. In fact, it prejudices the possibility of having a bill, and if we do not have one and do not have it speedily, since interstate funds cannot have been expended or sent out to States since October 1, we are going to have a lot of States running out of money.

As my colleagues on the committee have said, we will undertake, in fact pledge that there will be another highway bill up. As soon as Congress returns in January, I will undertake to introduce a bill on the first day. I am sure Senator RANDOLPH, Senator SYMMS, and Senator BENTSEN will join in doing that, if the matter has not resolved itself.

So I ask my friends, Senators WARNER and TRIBLE, to withdraw their amendment at this time and allow us to get this bill passed.

Mr. WARNER. Mr. President, I have spoken to my colleagues in the House of Representatives by telephone. I have been informed that Mr. HOWARD of the House of Representatives would not object to including this amendment and in all probability would accept it for the House of Representatives.

I am quite sympathetic to the procedural problems confronting the managers of this bill. Nevertheless, I must take issue with the representation that the Govenor might well be able to handle this thing administratively.

I met with the Governor within the past 10 days, and he is anxious to see this problem resolved. He wants to be cooperative. I am not able to represented that all his views are entirely consistent with those of mine and my distinguished colleague, Mr. TRIBLE, but indeed he will examine alternatives by which mortorists can have greater utilization of this highway. He represented to me, however, that he felt he did not have the administrative authority, acting alone, to achieve this goal. I concur in his opinion as to how procedurally a change must be effected. The following memorandum provides the background:

MOST COMMONLY REQUESTED FACTS REGARDING I-66 INSIDE THE BELTWAY

Where: The 10.1 mile portion (Custis Memorial Parkway) between the Capital Beltway (I-495) and the Theodore Roosevelt Bridge.

When: Open to traffic December 22, 1982; traffic management system to regulate and monitor traffic through computerized traffic controls expected to be operational in Fall, 1983.

History: Former U.S. Secretary of Transportation Coleman imposed vehicle occupancy restrictions on this highway as a compromise in 1977 when it was agreed to reduce the interstate's originally planned 8 lanes to 4 lanes in response to citizen concerns.

Restrictions: During peak hours, I-66 is restricted to buses and high occupancy vehicles (cars and van pools with four or more persons including the operator) in peak direction of travel. Autos to and from Dulles International Airport after the Dulles Access Highway connector is completed will have no occupancy restrictions. Trucks are prohibited on this section of I-66 at all times.

Restricted hours: I-66 eastbound (to Washington) 6:30-9:00 a.m. I-66 westbound (from Washington) 3:30-6:30 p.m.

Current highway utilization: Average traffic flow on I-66 is 680 vehicles per hour during the restricted period.

Highway capacity: A well-designed, two-lane freeway can carry 2400 cars per hour at over 50 miles per hour; and 3800 cars per hour at an average speed of 40 miles per hour (Highway Capacity Manual). I-66 is running 18 to 28 percent of capacity.

Who can change the restrictions: "These restrictions can be removed by the Virginia Department of Highway and Transportation or the Commonwealth of Virginia, only with the concurrence of the U.S. Secretary of Transportation, the authorized transportation planning body for the metropolitan Washington area (COG), and the Washington Metropolitan Area Transit Authority. In addition, the restrictions can be removed by the U.S. Secretary of Transportation after consultation with these same parties." (Secretary Coleman, 1977).

The PRESIDING OFFICER. Let the Chair advise the participants that the time for the recess has arrived. If they want to enter their statements for the RECORD, they may do so or they may want to extend the time by unanimous consent.

Mr. WARNER. Mr. President, a parliamentary inquiry. Would the Chair kindly advise the Senator from Virginia what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary decision of the Chair is that it is time to recess under the previous order until the hour of 2 p.m. That time can be extended by unanimous consent, which we are now trying to obtain.

Mr. WARNER. Mr. President, I ask unanimous consent to extend the time under the order for a period of 15 minutes in which we may further consider this amendment.

Mr. SYMMS. Mr. President, reserving the right to object, we are now seeking the approval of the leadership to extend the time by 15 minutes. We think we can complete all business and finish this bill if the Senator from Virginia is willing to withdraw the amendment. If he is not, we might as well go in recess now.

Mr. WARNER. Mr. President, the Senator from Virginia is not prepared to withdraw the amendment. I am going to insist on consideration at the appropriate time.

Mr. SYMMS. Mr. President, I note the hour of 12 noon has arrived.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:02 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GARN).

VOTE ON AMENDMENT NO. 2428

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

Mr. SYMMS. I would just as soon dispose of it. The ranking minority member agrees with it, the floor manager agrees with it.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 2428) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2434

Mr. SYMMS. Mr. President, I send to the desk a clarifying amendment and ask for its immediate consideration on behalf of Mr. RANDOLPH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. SYMMS) on behalf of Mr. RANDOLPH proposes an amendment numbered 2434.

Mr. SYMMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 8, strike line 24, and insert in lieu: "The last sentence of section 139(a) and the fourth sentence of section 139(b) of title" and on Page 9, line 17 strike "section 139(a)" and insert in lieu thereof "section 139 (a) and (b)".

Mr. SYMMS. Mr. President, this amendment simply clarifies the eligibility of certain funds before our committee which were adopted in the bill as reported by the committee. I ask for its immediate consideration. I offer this on behalf of Senator RANDOLPH of West Virginia who is unavoidably detained momentarily.

Mr. RANDOLPH. Mr. President, the amendment simply clarifies the eligibility of certain section 139(b) interstate routes for interstate 4-R rehabilitation funds. Under this amendment 237 miles of highway will be eligible for Federal-aid highway funds.

I thank Senator SYMMS for his help in this amendment and recommend its adoption since it corrects a technical oversight during Committee consideration of this measure.

The PRESIDING OFFICER (Mr. LUGAR). The question is on agreeing to the amendment.

The amendment (No. 2434) was agreed to.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BRIEFING ON GRENADA

Mr. BAKER. Mr. President, let me make an announcement first. I wish to notify Members of the Senate that there will be a briefing in the secure briefing room on the Senate side of the Capitol at 3:55 this afternoon by the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff on the situation in Grenada.

The briefing will be for Members only under secure conditions, no staff, and will last until 4:55, when the same group must leave to make their way to the House for a similar briefing on that subject.

Members are urged to be in place on time. The briefing will be on Grenada, and it will be in the secure briefing room at 3:55. The room number is S-407 for Members who wish to attend.

Mr. President, could I inquire of the distinguished managers of this bill how much longer it will take to finish it?

Mr. SYMMS. I will just say to the distinguished majority leader that there are no further pending amendments, and we are ready to go to third reading.

Mr. BAKER. I yield the floor.

Mr. SPECTER. Mr. President, if the Senator will yield, I do intend to offer an amendment as I advised a while ago, the amendment being on the Civil Rights Commission.

Mr. SYMMS. The committee would hope we could resolve the Civil Rights Commission some other way. If the Senator can find no other way to do it, I suppose we have to resolve the issue in this manner.

I will only say to my dear friend from Pennsylvania this issue will make it rather difficult for us to deal with the Civil Rights Commission which this Senator at least is not prepared to really study at this time and vote on it or cast judgment on it, and I do not

know if there are other Senators who feel the same way. But the Senator certainly is within his rights.

Mr. SPECTER. I am reluctant to add this amendment to the bill realizing the importance of the pending measure. But in light of the President's action this morning on the issue of the Civil Rights Commission and the pendency of this matter for a long time—including the floor discussion action on Friday when a commitment was made to proceed to a markup in the Judiciary Committee—I feel compelled to add the amendment at this time.

I think it is a matter of great national importance, and it is only in this context that I am availing myself of the right I have, after checking with the Parliamentarian, to add the amendment. I do so reluctantly because I understand the concerns of the distinguished Senator from Idaho, as I do the distinguished chairman from Vermont.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. SPECTER. I yield.

Mr. RANDOLPH. I agree with the position of my able colleague from Pennsylvania (Mr. SPECTER). It is not wrong for me to say during the Democratic caucus—I do not think of it as a Democratic caucus on this matter—that Members came together to discuss the actions in this matter. I agree fully with what you are saying. I think there is an agreement across the aisle on this matter. I shall not insist that you do not offer it because I believe your action on the matter, whether it is just at this time or just a little later, must be taken. But certainly the Congress must be a party to the decisionmaking process in this type of situation. If the Senator offers it, why, I will support him.

Mr. STAFFORD. As the chairman of the committee, I am sure the Senator appreciates the fact that this is outside the jurisdictional areas of our committee, and our idea is to pass this highway bill as expeditiously as possible, and in the interests of expediting it, I shall not speak very long on this matter.

Mr. SPECTER. I shall be very brief in my remarks at this time.

With respect to the comments of the distinguished Senator from West Virginia, I think it is vital at this time that there be action taken today so that the American people have answered their concern that there be a Civil Rights Commission.

The Senator from Vermont said he did not intend to speak long. I do intend to speak for about 5 minutes.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 2435

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) for himself and Mr. BIDEN and Mr. KENNEDY proposes an amendment numbered 2435.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee substitute insert the following:

SEC. . The Civil Rights Act of 1957 (Public Law 85-315) United States Code is amended by striking section 101 and inserting in lieu thereof the following:

"SEC. 1975. Commission on Civil Rights.

There is created in the legislative branch of the Government a Commission on Civil Rights hereinafter referred to as the "Commission".

(b) The Commission shall be composed of eight members as follows: four to be appointed by the Speaker of the House of Representatives on the recommendation of the Majority, and Minority Leaders no more than two of whom shall be of the same political party, and four to be appointed by the President Pro Tempore upon the recommendation of the Majority and Minority Leaders of the Senate, no more than two of whom should be of the same political party. Not more than four of the members shall at any one time be of the same political party.

(c) The Speaker of the House and the President Pro Tempore of the Senate on the recommendation of the Majority Leader of the Senate shall alternate in the designation of one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Members of the Commission shall be appointed for a term of eight years, except that the first and second Commissioners appointed shall serve two year terms; the third and fourth Commissioners appointed shall serve four year terms and the fifth and sixth Commissioners appointed shall serve six year terms. A Commissioner may be reappointed.

(e) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(f) A member of the Commission may continue to serve until his successor has taken office as a member of the Commission.

(g) A majority of the Commission shall constitute a quorum.

(h) The Speaker of the House of Representatives and the President Pro Tempore of the Senate, upon the recommendation of the Majority Leader, upon their concurrence, may remove a member of the Commission only for neglect of duty or malfeasance in office."

SEC. 104. The Civil Rights Act of 1957 is amended by striking subsection (c) and inserting in lieu thereof the following:

"(c) The Commission shall submit reports to the Congress at such times as the Commission or the Congress shall deem desirable.".

SEC. 105. (a) The Civil Rights Act of 1957 is amended by striking subsection (d) and inserting in lieu thereof the following:

"(d) There shall be a full-time staff director for the Commission who shall be appointed by majority vote of the Commission. Without the limitation of its appropriations, the Commission may appoint such other personnel as it deems advisable.".

Title 42, The Civil Rights Act of 1957 is amended by adding the following new section at the end of section 1975:

"SEC. . Effective November 29, 1983, all files and records of the United States Commission on the Civil Rights shall be transferred and held under the authority of the Commission.".

Mr. SPECTER. Mr. President, this amendment calls for the creation of a Civil Rights Commission to be appointed by the Congress. To elaborate, albeit briefly, on my comments of a moment ago, I offer this amendment at this time because I believe it is necessary that the Civil Rights Commission be continued in this country. The current Civil Rights Commission expired on September 30 with a 60-day period for windup of its activities. That Commission provides for appointments by the President.

During the course of the past several months, there have been extensive negotiations among members of the Judiciary Committee, other Members of the Senate, and members of the administration to try to work out a compromise proposal with the current Commission of six members or perhaps an expanded Commission of eight members. Those efforts have been unsuccessful, culminating today with the decision of the President to terminate the services of three Commission members, those Commissioners who he had submitted nominees to replace.

It may well be that the President has the right to terminate those Commission members and, on a reading of the law, it is my preliminary judgment that the President does have the right to do so. Whatever may be the ultimate legal determination of that question—and if the Commission were to remain in existence, I think it virtually certain that there would be litigation on the President's right to fire—it seems to me that the Commission as currently constituted is not likely to survive the current impasse.

I believe that it is vital that there be a Civil Rights Commission and that the American people know that there will be a Civil Rights Commission which continues. The amendment which I have offered would accomplish the constitutional requirements of having a Commission appointed by the Congress which does not have executive powers, but like the current Commission, it would have a power to

investigate, to make recommendations, and to file reports. This legislation would provide for an eight-member Commission with 8-year terms, two to have to be appointed by the Speaker of the House with input by the minority and two to be appointed on the instance of the majority leader and the minority leader on the Senate side. It would provide for 8-year terms, staggered terms, with replacement only for malfeasance or misconduct in office.,

That is the essence of the proposed amendment, Mr. President. There may be some comments that I would choose to make in rebuttal but at this time I yield the floor.

Mr. SYMMS. Mr. President, as manager of this bill, I do not choose to take issue with my distinguished friend from Pennsylvania on the merits or the demerits of this bill. We have a bill that is before the Senate on which we are ready to go to third reading. We have tried our best to take care of all Senators' problems with respect to highways. We have made it clear to the Senate that we are going to have major highway legislation next year where we will be able to have hearings and look at some of these issues and Senators have been kind enough to not offer the amendments.

It just appears to me to try to tangle up the Civil Rights Commission with a simple extension of the interstate cost estimate only complicates matters and it makes the American people wonder what we are up to here in Washington.

So, at the proprer time, I think either myself or Senator STAFFORD will move to table. I think Senator STAFFORD happens to agree with the position of the Senator from Pennsylvania, so it is not that issue.

I would remind my colleagues that the other day the distinguished majority leader made a motion to table an amendment on busing that he was in favor of but it was offered at an inopportune time and improper place in the majority leader's opinion. I think that is the position this Senator certainly takes on this question.

I yield to the distinguished chairman of our committee.

Mr. STAFFORD. I thank the manager of the bill for yielding to me. I do want to say that I do think the Senator from Pennsylvania is correct in what he wants to do, but he has picked the wrong time and the wrong vehicle in which to do it.

This is an urgent highway bill to make sure that funds get out to the States for interstate highway construction. The time for doing this has already been overrun. Funds will not go to States until this bill can be cleared through conference with the House and sent to the President for signature. In the meantime, States are running out of funds.

So as a long-time supporter of civil rights on every occasion the issue has arisen earlier when I was a House Member in the 1960's and later in the 1970's and 1980's here in the Senate, I find myself in a situation which I regret. But I do feel if there is no further debate, that this is not the right time and the right place for the amendment of the Senator from Pennsylvania. It is something that should be considered by the Judiciary Committee and not attached to a bill out of the Committee on Environment and Public Works.

With the greatest regret, because of my high regard for the distinguished Senator from Pennsylvania, I am going to move to table the amendment, but I will withhold and yield to the distinguished Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the distinguished Senator from Delaware (Mr. BIDEN) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The name of Mr. KENNEDY was added as a cosponsor.)

Mr. SPECTER. Mr. President, I would only say by way of the briefest rebuttal prior to the tabling motion that while I respect the comments of the Senator from Vermont on the urgency of the highway bill, I submit that this bill is even more urgent. And although we ought to have the highways move ahead, the Civil Rights Commission has already lapsed and however bad our highways are they have not en masse collapsed, so I do believe we should press the matter at this time.

I hope that my colleagues will put substance over procedure and would defeat the forthcoming tabling motion. I thank the Senator.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. STAFFORD. Mr. President, I am glad to yield to the Senator from Delaware.

Mr. BIDEN. Mr. President, I will not do it if the Senator from Vermont would like me to refrain from doing it, but I think maybe it might be useful to suggest the absence of a quorum for about 2 minutes to have a little discussion here, if that is agreeable with the Senator from Vermont.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is a messenger at the door. Before we admit him, I want to say that I understand it is a veto message on a bill that deals with three acres of land in Oregon. When it is brought in, it will become the pending business under the rules, and will temporarily displace the highway bill, which is now pending.

I do not expect that debate on this veto message will take very long. It will require a rollcall vote. Then we will be back on the highway bill.

Now, Mr. President, I yield so the chair may receive the message.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN LANE COUNTY, OREG.—VETO

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, as follows:

To the House of Representatives:

I am returning herewith, without my approval, H.R. 1062, a bill "To authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oregon."

H.R. 1062 would authorize the Secretary of the Interior to convey to any person, without consideration, the real property they claim to have been deprived of in Lane County, Oregon, as a result of a particular Bureau of Land Management (BLM) resurvey. All right, title, and interest of the United States to such property could be conveyed if an application, accompanied by such proof of title, description of land, and other information as the Secretary of the Interior may require, is received by the Secretary within five years after enactment of the bill.

The title defects affecting the beneficiaries of this legislation were caused by the reliance of the developers and subsequent purchasers of this tract on an inaccurate private survey—not by any act of the United States. To authorize the United States to convey public lands to persons who rely on erroneous private surveys is not in the public interest. Moreover, enactment of this legislation would create a clearly undesirable precedent, encouraging other persons who do not verify the validity of their title to assert claims for conveyance, at no charge, of the Federal lands on which they are encroaching. Without doubt, these claims would hinder effective public land management.

Moreover, administrative procedures exist under conditions set out in section 203 of the Federal Land Policy and Management Act whereby the purposes of this legislation could be accomplished through a conveyance of the property at fair market value.

H.R. 1062 is clearly inconsistent with this policy of requiring fair market value for conveyance of Federal lands. There was no error in the survey by the United States. Instead, the problem arose because of an improper private survey. There is, therefore, no justification for legislating a conveyance of this tract without payment of fair market value or for bypassing administrative proce-

dures that already exist for the conveyance of public lands in appropriate cases.

For these reasons, I have withheld my approval of H.R. 1062.

RONALD REAGAN.

THE WHITE HOUSE, *October 19, 1983.*

The Senate proceeded to reconsider the bill (H.R. 1062), a bill to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg., returned to the House by the President on October 19, 1983, with his objections, and passed by the House of Representatives, on reconsideration, on October 25, 1983.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding? Who yields time?

Mr. BAKER. Now, Mr. President, so that we can put the managers in place, for the moment I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the veto message on H.R. 1062.

Mr. McCLURE. Mr. President, this is a bill originally sponsored by the Senator from Oregon (Mr. HATFIELD), that is H.R. 1062, Lane County, Oreg., land conveyance, and the question is should that bill pass, the objections of the President notwithstanding.

The Committee on Energy and Natural Resources reviewed this bill very carefully. There are facts which can be cited both for and against the bill. Briefly, the legislation would convey at no cost 3.1 acres of BLM land divided into nine tracts in Lane County, Oreg., to current landowners of adjacent tracts.

I have a list of the parcels, the appraised value of the land, the size of the land, and the names of the owners included in my statement, and I ask unanimous consent that it be made a part of the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF PARCELS, VALUE, ACRES, AND OWNERS

Tract 1—2 parcels, $10,730; .96 acres; Verle M. Locke and Margaret Locke.

Tract 2, $350; .10 acres; Verle Martin Locke and Juanita Locke.

Tract 3, $100; .07 acres; Jesse Lee Swain and Helen Swain.

Tract 4, $8,620; .43 acres; Edwin and Audra Olivera.

Tract 5, $9,630; .65 acres; Leon and Katherine Morss.

Tract 6, $7,700; .27 acres; Pacific N.W. Bell.

Tract 7, $7,800; .39 acres; George F. and Ella F. Hukill.

Tract 8, $50; .02 acres; Victor and Essie Patton.

Tract 9, $750; .22 acres; Oregon Pacific and Eastern RR Co.

Total, 3.11 acres.

Mr. McCLURE. The problem with these tracts came about as a result of an erroneous private survey done in 1941 which incorrectly identified these tracts as private property. For 17 years, the landowners paid taxes on the land and believed it to be their own. Then in 1958, the Federal Government finally did its own survey which showed the error.

I note at this point that if the parcels in question were not held by the Federal Government a claim of adverse possession would have matured in some States after 17 years and the land would in fact belong to the private landowners as a matter of law.

It seems to me that given these facts, the equities of this bill fall on the side of the private landowners who should receive title to these tracts at no cost. I do not believe we are establishing any new precedent or policy regarding conveyance of Federal lands. The policy is and will remain, as a general rule, to require fair market value. However, it has always been a prerogative of Congress to make exceptions where justified. This is such a case

I yield to the Senator from Oregon.

Mr. HATFIELD. Let me summarize by merely indicating that this bill was passed by the House and the Senate. The President, upon the basis of some very unfortunate counsel, vetoed the bill.

Back in 1941, this land was purchased by citizens of Lane County, on the basis of what was known as a dependable survey. This survey had been taken privately. In 1959, some almost 19 years later, the BLM made an official survey as the BLM and other public agencies were surveying other western lands and claimed that 3.1 acres of this land which had been purchased by six couples and two corporations was BLM land. They have tried to adjudicate this matter in the regional offices of BLM and found that they could not transfer without remuneration land of this kind.

So we introduced a bill and passed it to convey this land, 3.1 acres. There are six couples that are of modest means, six couples who have been paying taxes on this land now for almost 42 years in good faith, and now they are told that they must either get off the land or return to the Government some $45,000 of what it considers to be fair market value.

Now, we have two precedents in 1976 and 1977 of such conveyances, and as the chairman of this committee has indicated we went over this carefully in the committee. I urge the Senate at this time to override the veto as the House did this morning.

One last point. Since that BLM survey, it has never been legally registered with the clerk in the county in which this land is in dispute and two transactions have occurred since this 1959 land survey and both of those carry clear titles. So I think for the sake of equity and fairness we should convey this land without cost to these people who have been paying taxes on it, and I would urge a supportive vote to override the veto.

Mr. McCLURE. Mr. President, I support fully what the Senator from Oregon has said. I know of no other Members who seek recognition for purposes of debate on this. I would urge all of the Members to vote to pass this bill, the President's veto notwithstanding. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are automatic.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, a rollcall vote has been ordered on the veto message, has it not?

The PRESIDING OFFICER. It has.

Mr. WALLOP. Mr. President, I would like to inform the Members of the Senate of the Subcommittee on Public Lands and Reserve Water Action on S. 1042, which conveyed certain lands in Lane County, Oreg., S. 1042, as reported, is an identical bill to H.R. 1062, which is subject of the override attempt before us today.

S. 1042 was introduced on April 13, 1983. I chaired a hearing on S. 1042 before the Public Lands and Reserved Water Subcommittee on May 17, 1983. The Senate Committee on Energy and Natural Resources, by a vote of 16 yeas and 3 nays, recommended that the Senate pass S. 1042 with a technical amendment.

The Senate passed the House bill H.R. 1062.

Mr. President, here are the background facts surrounding this issue. In 1959, the BLM resurveyed section 31, township 21, south range 1 west in Lane County, Oreg., correcting errors in a 1941 survey of a portion of this tract. The BLM survey indicated that the private surveyor had not used the proper public lands surveying techniques or followed the official survey made in 1873. These errors resulted in encroachments onto Federal land by adjacent owners.

The BLM estimate of the fair market value as of July 1982 for the 3.1 acres is $45,000. The BLM estimate of the administrative costs that would be incurred to convey the lands is $9,500. The administrative costs include the preparation of a supplemental plot by a Cadastral survey crew, $8,000, and the preparation of the

patent and other legal documents, $1,500.

This act authorizes the Secretary of the Interior to convey to any person, without consideration, the real property they claim to have been deprived of in Lane County, Oreg. as a result of a Federal survey.

Those are the hard facts. The intangibles and equity that Congress must address go to the issues of age, ability to pay, peace of mind, and those other unaccountable things that citizens look to us to provide.

With the exception of the Railroad and Telephone Co., these landowners have paid taxes, occupied land which they have sincerely thought was theirs and now as they approach the time in their lives where they may wish to pass the property on to heirs or sell for retirement purposes, they find their title clouded.

I am concerned of the precedence that the committees of Congress and Congress may set. We must never lose the ability to act as a final court of equity when it is merited. As others would point out there are precedents for the conveyance of Federal property without consideration.

I do, however, support overriding the President's veto in this instance and without in any way establishing precedent as far as my subcommittee would proceed in the future.

Mr. BAKER. Mr. President, so that Senators may know that a rollcall vote is about to occur, I ask unanimous consent that the time for that vote begin at 2:45 p.m. and that the control of that time be in the usual form.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HATFIELD. Mr. President, I should like to take this opportunity to thank the leadership for its support in this matter. It may not seem like a major issue—which it is not, in light of other issues here—but it is very important to some individuals, and there is a principle involved for the people of our State.

I thank Senator McCLURE, the chairman of the committee, and I especially thank the majority leader, Senator BAKER. The minority leader, Mr. BYRD, has indicated support for this override as well. I also thank Members on both sides of the aisle who have responded to my request for their support for this override.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is, Shall the bill (H.R. 1062) pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory under the Constitution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

Mr. CRANSTON I announce that the Senator from Illinois (Mr. DIXON) and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE), is absent because of illness in the family.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 95, nays 0 as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—95

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Armstrong	Gorton	Murkowski
Baker	Grassley	Nickles
Baucus	Hart	Nunn
Bentsen	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Percy
Boren	Hecht	Pressler
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Helms	Quayle
Burdick	Huddleston	Randolph
Byrd	Humphrey	Roth
Chafee	Inouye	Rudman
Chiles	Jepsen	Sarbanes
Cochran	Johnston	Sasser
Cohen	Kassebaum	Simpson
Cranston	Kasten	Specter
D'Amato	Kennedy	Stafford
Danforth	Lautenberg	Stennis
DeConcini	Laxalt	Symms
Denton	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Trible
Domenici	Lugar	Tsongas
Durenberger	Mathias	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Weicker
Evans	McClure	Wilson
Exon	Melcher	Zorinsky
Ford	Metzenbaum	

NOT VOTING—5

Dixon	Hollings	Stevens
Goldwater	Riegle	

The PRESIDING OFFICER. On this vote, the yeas are 95 and the nays are 0. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

ORDER FOR RECESS UNTIL 5 P.M.

Mr. BAKER. Mr. President, if I may have the attention of Senators, we put a hotline out on our side of the aisle from our cloakrooms stating that there will be a briefing at 3:55 p.m. in the Secure Briefing Room, S-407, by the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff on Grenada.

I discussed this with the distinguished minority leader. I ask unanimous consent that at 3:55 p.m. the Senate stand in recess until the hour of 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

SURFACE TRANSPORTATION TECHNICAL CORRECTIONS ACT OF 1983

The Senate continued with the consideration of the bill.

Mr. BAKER. Mr. President, I understand we are ready for third reading just about on this bill, and the parties with whom I had a conversation on the Civil Rights Commission, if they are prepared to do so, I am prepared to make such representations in respect to that matter.

Mr. President, there was a feeling by the managers and by many that the highway bill is not the right place to fight the Civil Rights Commission fight.

Mr. BYRD. I hope the majority leader will indulge my interruption but I think we ought to have better order than we have now.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. The majority leader is not ready. I want order in the Senate. He is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Back in the offices as well as in the Chamber. I thank the Chair.

Mr. BUMPERS. Mr. President, it does not seem like too much to ask for Senators to take their seats. The majority leader has something he wants everybody to hear.

The PRESIDING OFFICER. Will Senators please take their seats? Staff members please go to the back of the Chamber.

Mr. BAKER. Mr. President, if I could have the attention of Members for a moment. I have indicated that I, too, would prefer not to have the Civil Rights Commission matter attached to the highway bill. I reiterate what I said previously on another day to the Senator from Texas (Senator BENTSEN) when I assured him that I do not wish to see the Civil Rights Commission die and that it would be my intention to bring up a bill to reauthorize or extend the authorization of that Commission.

Mr. President, the amendment of the Senator from Delaware (Mr. BIDEN) and the Senator from Pennsylvania (Mr. SPECTER) is for a congressional Civil Rights Commission, which I do not support and would not agree to take up as a free-standing measure. But I do reiterate the commitment I made to Senator BENTSEN, and that is that before this session is out, I will attempt to schedule, with the Senate's consent, a reauthorization of the Civil

Rights Commission which will be a bill that comes from committee or that we put on the calendar by whatever method that will embody the elements of Presidential appointment and Senate confirmation. That measure, of course, would be open to amendment as all measures are, or most all measures are, except by unanimous consent.

Now, I understand that is an acceptable arrangement. I have also indicated that I will do that as soon as I can and before we go out. Frankly, I do not know when that is going to be. It might even be this week, maybe next week, but that depends on how fast we can get to other matters, such as the supplemental appropriation bill, debt limit, natural gas, and the like. But almost always there are holes in there where we can fit matters of this sort, and it would be my intention to do that.

So, with that assurance, Mr. President, I am led to believe that the Senator from Pennsylvania and the Senator from Delaware may not wish to pursue their amendment to this bill and if that amendment has been offered perhaps to withdraw it. If that is the case, I think we are ready for third reading and final passage of the highway bill.

Mr. SPECTER. Mr. President, if the majority leader will yield, the issue which the Senator from Texas took up last week was acceptable so far as the Senator from Pennsylvania was concerned at that time, but I had offered the Congressional Civil Rights Commisson because of the changes occasioned by the President's action today. It is acceptable to the Senator from Pennsylvania to have the majority leader schedule a bill which will encompass Presidential appointments, as the understanding has been worked out. It would be my intention to offer an amendment for a congressional advisory commission because of my concern that it is not realistic to have confirmations, given the current climate as a result of the President's actions today.

I realize that my recognition would depend upon my rising at that time, but the majority leader has given me his assurance that he would protect an early opportunity for my amendment on the congressional advisory commission.

Mr. BAKER. Yes, Mr. President, I assured the Senator from Pennsylvania that every Member is entitled to seek recognition and gain recognition for the purpose of offering amendments. I will cooperate with him in seeing that he has that opportunity and has that opportunity at an early time in the consideration of that measure.

Mr. SPECTER. I certainly agree with the majority leader. As I said earlier in the day, I do not wish to offer amendments to the transportation bill because it is an important action which ought to proceed on its own, but I did so because I felt the urgency to have this preserved and with the scheduling that the majority leader has indicated, I think that can be accomplished. I would like to have as much certainty as possible. The majority leader indicated that it might be sometime this week if it can be fit in. The concern that I have is that the current Civil Rights Commission expired on September 30, with a 60-day windup period. I will be loath to see the Congress adjourn in November without having the matter acted on. So the only assurance I am really seeking, whether it is this week or next week, is that the matter be scheduled at a time which will give the House an opportunity to act and a conference committee an opportunity to act and whatever time is necessary for the process to wind through so that we will have the final resolution, whether it be a congressional commission or one with Presidential appointing power.

Mr. BAKER. Mr. President, I understand the concerns of the Senator. As I indicated earlier, and reiterate now, I want to see the Civil Rights Commission preserved and reauthorized. That means through the whole process, not just through the Senate. So we will do our very best, and I am confident we can do that before we go out on the 18th of November or whatever that may happen to be.

Mr. SPECTER. Mr. President, with those assurances I am prepared to withdraw the amendment.

Parliamentary inquiry, Mr. President. Will the amendment in its current form be printed in the CONGRESSIONAL RECORD or is it necessary to have unanimous consent that the amendment appear in the CONGRESSIONAL RECORD, because I think it should?

The PRESIDING OFFICER. It is automatically printed in the CONGRESSIONAL RECORD.

Mr. SPECTER. So the amendment will appear in the CONGRESSIONAL RECORD, along with all of the discussion and colloquies.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I thank the Chair. I hereby withdraw my amendment, subject to the arrangements just completed with the majority leader.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BUMPERS. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I wanted to ask the majority leader if he plans to go directly to the supplemental immediately upon final passage of the pending bill.

Mr. BAKER. No, Mr. President. As I have announced for the last couple days and maybe last week, after we do this measure, I hope to get to the crime package. I honestly do not know whether we can reach it or not, but I will attempt to do so.

Mr. President, I hope that we are able to at least lay down the supplemental tonight, but I would not expect any significant action be taken on it until tomorrow.

Mr. BUMPERS. Mr. President, if the majority leader will yield further, the majority leader knows of my continuing concern about the Clinch River amendment which is in the supplemental appropriation. It is a committee amendment and, therefore, would be the first order of business.

Mr. BAKER. Mr. President, I do not believe it is the first committee amendment, though. In any event, I would not expect more than opening statements on the supplemental appropriation bill today.

Mr. BUMPERS. I thank the majority leader.

Mr. JEPSEN. Mr. President, I urge my colleagues to include language in the Surface Transportation Technical Corrections Act of 1983 which will make a small category of nonchargeable Interstate mileage now on the Interstate System eligible for 4-R Interstate funding. This change to include section 139(b) will add no funds to the bill, but will, however allow the affected States the flexibility they need to work on Interstate projects. Nine States, including Iowa, would be affected by the change.

The States are more familiar with their needs than is the Federal Government. It is a tenant of this administration, which I totally agree with, to move toward giving the States flexibility in their administration of Federal programs. Indecision of section 139(b) would be such a welcome move.

In Iowa this would affect 70 miles of road along U.S. 61 between Dubuque and Davinport. I would remind the Senate that Dubuque is one of the largest communities in the United States not served by an Interstate highway.

Inclusion of section 139(b) would allow the State of Iowa at some point in the future the needed flexibility to begin construction of this much needed Interstate highway.

Again, I urge my colleagues to look seriously at this situation and to take the necessary appropriate action.

THE CIVIL RIGHTS COMMISSION

Mr. MATHIAS. Mr. President, I am shocked by the President's action in firing three members of the U.S. Commission on Civil Rights. These dismissals, made without stated cause, come just as the Senate is on the verge of taking up a bipartisan compromise measure that would preserve the Com-

mission as an independent voice in Government. The President's action demonstrates a callous insensitivity to the efforts of the congressional leaders, in both parties and both Houses, who have been working long and hard to achieve a workable resolution of this impasse. Even more, it is an affront to the three conscientious citizens who have contributed so much of their time and energy to the Commission.

There is little doubt that the courts will be asked to decide whether the President has the power, under our Constitution, to fire the members of the Civil Rights Commission. But we in Congress must now decide how to carry on our efforts to preserve the independence and objectivity of the Commission. This task, never simple, is made far more difficult by the President's definitive decision to opt for confrontation rather than cooperation.

PRESIDENT REAGAN'S FIRING OF CIVIL RIGHTS COMMISSIONERS

Mr. KENNEDY. Mr. President, President Reagan's action today is a crude attempt to destroy both the independence and the integrity of the Civil Rights Commission. It is an insult to all Americans who believe in civil rights, and a slap in the face of the Senate and the Members of both parties who have been working to find an acceptable solution.

This abrupt and callous action is reminiscent of President Nixon's decision to fire the Watergate Special Prosecutor 10 years ago last weekend. Once again, the White House, realizing it cannot impose its will over the wishes of Congress and the American people, has lashed out against its critics.

Congress has worked conscientiously for many weeks in an effort to avoid another bitter confrontation with the White House over civil rights. It is a sad commentary on the administration's good faith that the President has taken this unilateral action today; he has pulled the rug out from under Congress at the 11th hour, just when a satisfactory compromise seemed at last to be within reach.

The time has come for Congress itself to take the legislative action necessary to protect the Commission from an executive branch bent on its destruction. We must reconstitute the Commission as an arm of Congress. At least under this White House, the executive branch is no longer a safe place for a truly independent Commission on Civil Rights.

● Mr. LEVIN. I would like to ask the distinguished Senator from Texas, the ranking minority member of the Subcommittee on Transportation, some questions about the reauthorization bill for Federal highway programs which I understand the subcommittee will take up in January of 1984. H.R. 3101, the bill being considered today, is limited in its scope. I realize that it provides emergency funding to States that have experienced extensive road damage due to severe weather conditions and that it is therefore not the proper vehicle for amendments authorizing funding for highway projects. However, I am hopeful that the subcommittee will promptly consider a broader authorization bill in 1984 which would provide a vehicle for such amendments.

As an example, there are three such highway projects in my own State of Michigan in Pontiac, East Lansing, and Kalamazoo. Funding for the East Lansing and Pontiac, Mich., projects was mentioned in the House report on the fiscal year 1984 appropriations for the Department of Transportation. Both projects would improve railroad-highway grade crossings, making them safer for East Lansing and Pontiac residents. The rail consolidation project in Kalamazoo, Mich., has not been authorized or funded. It would relieve downtown Kalamazoo of traffic tieups and provide a stimulus for increased economic activity in the area.

Can the Senator respond whether it would be his intention, as ranking minority member of the subcommittee, to consider projects such as those referred to above as part of the broader highway bill in January? Is so, can the Senator assure me that the subcommittee will look at the merits of these three Michigan projects within the context of its consideration of the next major highway bill?

Mr. BENTSEN. I can assure the Senator from Michigan that it will be the subcommittee's intent to consider the merits of these projects as well as the merits of any other projects to come before the subcommittee.●

● Mr. MOYNIHAN. I wonder if I might again bring to the attention of the Senate a matter of considerable concern to New York City and many cities in other States. It is the problem posed by double bottom trailers and other exceptionally long truck-trailer combinations traversing urban interstate highway segments.

In the Surface Transportation Assistance Act of 1982, we required States to allow tractor-double trailer combinations and longer single trailers on all interstate highways and on certain Federal-aid primary highways designated by the Secretary of Transportation. We all assumed, I believe, that the entire Interstate Highway System possessed the necessary safety features—adequate shoulders, acceleration and deceleration lanes, ample radii of curves and the like—to make operation of the long trucks safe. This turns out not to be the case.

In some of our major metropolitan areas, New York, Boston, and Philadelphia, for example, highways that had been built long before the interstate design standards were promulgated, were incorporated into the interstate system. Some of these roads do not even possess the 12-foot lane width that is the minimum standard for interstate highways. The problem, in short, is that many of our urban interstate highways are just incapable of safely accommodating the larger vehicles.

The Surface Transportation Assistance Act of 1982 also mandated that the larger trucks be granted reasonable access to downtown terminals, food, fuel, repair and rest stops. That, at first glance, seems appropriate. But many of the terminals and stops are located more than a mile from highway exits. In order to reach the stops, then, the larger vehicles will have access to local streets in some of our most densely populated urban areas. I need hardly elaborate on the potential problems the large trucks could cause in some of the most congested areas of New York and elsewhere.

In April of this year, I introduced a bill, S. 1048, to establish Federal-State consultative procedures to resolve this problem. I do not wish to offer that legislation as an amendment to H.R. 3103, the bill we have under consideration now. It is much to the credit of the distinguished chairman of the Committee on Environment and Public Works that he brought this much-needed bill to the floor without extraneous amendments.

Nonetheless, it is becoming clearer that the problems posed by the larger trucks are not going to go away by themselves. The Department of Transportation and Federal Highway Administration keep telling us, and State officials as well, that the States can mitigate the safety problems posed by the double and longer trailers through the exercise of State police power regulation. Federal officials have suggested, for example, that the States might issue and enforce regulations restricting the hours of operation, or limiting the use of certain lanes.

I can tell Senators that counsel to the Environment and Public Works Committee question whether such State regulations would be permissible, considering that it can be argued that Federal law has now preempted State powers in this matter. And, indeed, the State of Florida attempted to enforce hour-of-operation regulations like those FHWA and DOT suggested, and the response of the U.S. Justice Department and Department of Transportation, on September 26, was to file an action in Federal court to obtain an injunction against the State restrictions.

The matter of truck length and other safety-related considerations in the Federal-aid highway program fall under the jurisdiction of the Committee on Commerce, Science, and Trans-

portation. What is the view of the distinguished chairman of that committee on this problem?

Mr. PACKWOOD. I share the concerns of my distinguished colleague from New York about safety on our highways. Truck safety is an especially significant area, and the Commerce Committee has been active this year in addressing this issue through our efforts on the Highway Safety Act of 1983.

I understand that the Senator from New York and others are concerned about the safety of large trucks operating in our cities, especially in older urban areas where segments of the Interstate System were built before the issuance of the interstate highway design standards.

Truck size is an area of great interest to the trucking industry. As my distinguished colleague has mentioned, in enacting the Surface Transportation Assistance Act of 1982, Congress provided for uniform dimensions for motor carriers traveling on the interstate highways and other designated highways. These uniform truck sizes are important to the trucking industry and are expected to greatly benefit this industry. I have long supported, and continue to strongly support, the concept of uniform truck dimensions as a means of enhancing interstate commerce and providing significant productivity gains to the trucking industry.

I have been assured by the Department of Transportation that section 411 of the Surface Transportation Assistance Act of 1982, which specifies the uniform length requirements, has been made to work without creating a safety problem. The Department indicates that its proposed rulemaking on truck size and weight, which was published in the Federal Register on September 14, contains provisions that would allow the States to impose reasonable restrictions on the larger vehicles, such as during peak periods of travel or if structural or clearance deficiencies exist on the highway segment in question. States would also be able to restrict urban interstate usage by the larger trucks under certain circumstances.

I agree with my colleague from New York that the Department of Transportation should consult with the appropriate State authorities whenever possible in making routing designations for larger trucks in order to insure that safety is enhanced. Further, in view of the recent case in Florida mentioned by the Senator from New York, the Department should carefully examine its proposed regulations to insure that the States can, in fact, take action—which does not impose an unreasonable burden on interstate commerce—to mitigate any safety problems from the larger trucks.

Mr. MOYNIHAN. Does my friend from Oregon anticipate taking any action in this area?

Mr. PACKWOOD. I do not believe that any changes to the Surface Trasnportation Assistance Act of 1982, in terms of the truck size provisions, are necessary at this time. The Department of Transportation assures me that its implementation of the truck size requirements is not creating a safety problem. Further, section 144 of the 1982 act required a study to monitor the effect of double bottom trucks on the Interstate System. I would want to see the results of this study before considering any changes to the legislation.

Nevertheless, I believe that this is an issue of great importance. The Commerce Committee will continue to closely monitor the Department's implementation of the truck size provisions of the 1982 act. The committee will also study the safety implications of the larger truck dimensions, especially in urban areas, while also considering the benefits of the uniform size standards to the trucking industry. If we determine that hearings on this issue are warranted, the committee will move expeditiously to take such action.

Mr. MOYNIHAN. Does the chairman of the Environment and Public Works Committee agree that we need to find a solution to this problem?

Mr. STAFFORD. I do agree with the Senator from New York. It does appear that what has been suggested to us thus far from the Department of Transportation will not solve the problem. I would urge the Department to work with the States to devise consultative procedures that would identify those segments of the interstate that should not be open to long trailers.●

UNIVERSITY RESEARCH

● Mr. DIXON. Mr. President, I strongly support funding for regional research centers in transportation at universities. Roughly 25 percent of our total GNP goes for transportation. The budget for the Department of Transportation for fiscal year 1984 exceeds $27 billion. Although we are expending huge amounts, however, to upgrade our highways, public transportation systems, and other transportation facilities, our transportation R&D effort has not kept up.

We now graduate only about 2,800 Ph. D.'s in engineering per year, and almost 1,000 of those are foreign nationals. Roughly 10 percent of the engineering faculty positions in universities around the country are unfilled.

In the past, the United States devoted a significantly larger share of its GNP to R&D than its industrial competitors. In 1964, for example, we devoted 2.97 percent of our GNP to research and development. By last year, however, the percentage had fallen to 2.3 percent. Over the same period, in contrast, Germany increased its percentage of GNP devoted to R&D by almost 50 percent—from 1.57 to 2.3 percent—and our other overseas competition similarly increased their efforts.

Transportation R&D expenditures followed the national pattern, and transportation has been especially hard hit because private industry supplies only about 6 percent of university transportation research budgets. Since Government is the single biggest transportation investor, Government must be a major investor in transportation research.

We can see the consequences of our failure to provide the research funds needed. Last year, we greatly increased Federal funding for highway and transit capital programs, but increasingly, the Federal money is used to purchase foreign equipment and supplies.

Our domestic support industries are deteriorating. We have only one transit car manufacturer in the country now, even though a number of new transit systems are under construction, and that company is foreign-owned. There is increasing discussion around the United States about high-speed passenger rail, but the technology everyone talks about is French or Japanese. No one seems to think that the United States could develop a high-speed rail system by itself.

Transportation R&D expenditures are an investment in our future. They are among the most cost-effective forms of spending. A good, sustaining research effort helps maximize the effectiveness of the literally tens of billions we invest each year in transportation infrastructure.

Transportation research centers could be and should be a key part of our transportation research spending. They would be able to address problems of national interest or of regional or local interest. To be effective, however, our support must not fluctuate wildly from year to year; it must continue on a sustaining basis if universities are to attract the people and assemble the facilities that will insure an effective and efficient research program.

University research has a proven payoff. Past research has led to real progress in areas like transportation safety, including highway safety, and the safety of children riding in autos. Significant forward strides have also been made in the highway maintenance area, and highway design and materials, to cite just a few of the numerous examples available.

I had intended to offer an amendment to fund the transportation center program out of the highway and transit trust funds, rather than continuing current general fund authorization. However, I understand the desire of the committee to keep

this bill free from amendment, and I am encouraged by the committee's willingness to address this issue in hearings to be held in the near future. Therefore, I will not offer an amendment today. I do believe, however, that this is an important issue. I urge my colleagues to consider it seriously, and I hope the Senate will soon see fit to provide the long-term assured funding so necessary to get the maximum bang out of our research buck.

Mr. STAFFORD. Mr. President, I appreciate the comments of the Senator from Illinois (Mr. DIXON). Transportation research is important and we do need to insure that Federal transportation research programs work as effectively and efficiently as possible. There will be an opportunity for the committee to consider this matter further in hearings to be held later this year and early next year. I would be pleased to work with the Senator to see that the transportation research center questions get full and complete consideration.

Mr. GARN. Mr. President, I want to commend the Senator from Illinois (Mr. DIXON) for bringing this issue to our attention. I agree that having a strong and effective transportation research program is very important, given the huge sums the Federal Government spends on transportation programs each year. As chairman of the Senate Banking Committee, I can assure the Senator that the committee will give this matter its closest attention.●

● Mr. HUDDLESTON. Mr. President, I am pleased to support efforts being made today to allow the States flexibility in the use of the so-called 4-R highway repair money.

In section 10 of H.R. 3103, as reported, authority is granted to the States to use funds for 4-R work on the Interstate System under section 104(b)(5)(B) of title 23, on Interstate segments designated under section 139(a) before enactment of this legislation. The efforts being made today would extend this coverage to Interstate segments covered under section 139(b).

Section 139(b) routes are those routes designated by the Secretary of Transportation in consultation with States as future sections of the Interstate System. The extension of coverage is necessary to cover projects such as the Jefferson Freeway in my State. As it now stands, this 21.1 mile stretch of highway would not be eligible for 4-R money. Kentucky could not use its share of the 4-R money for any repairs that might be needed on this project once it is completed. What we are trying to do requires no additional funds nor will the section 139(b) mileage affect any formula for the purpose of apportioning Federal-aid Interstate funds.

Mr. President, several other States have an interest in this situation nationwide. There are 237.4 miles of section 139(b) routes in nine States, including Kentucky, California, Florida, Iowa, Massachusetts, Michigan, Missouri, South Carolina, and Texas, have section 139(b) routes.

I am pleased to participate in this effort to give States more flexibility in administering their highway repair and reconstruction programs.●

● Mr. PRESSLER. I would like to clarify with the distinguished chairman of the Senate Finance Committee his intentions regarding hearings on remedial legislation to the heavy user fee provisions of the Surface Transportation Act of 1982. We have corresponded in reference to this issue and discussed it at some length, and I would like to now clarify some of the intentions of the Finance Committee's actions on this matter.

It is of great concern to me, and very important I think, that we have some definite plan of action on this issue one way or the other since a portion of those heavy user fees would begin to go into effect next July without congressional action. This does not leave us much time if we are going to address those issues before then.

I firmly believe that the current heavy user fees which are scheduled to go into effect next year are patently unfair to the small truckers in my State and throughout the country who are already in a desperate struggle for their very existence. So what I am seeking is some kind of date certain on hearings or Senate actions, or that we can be confident in saying that we will have some kind of up or down vote on the issue by a set date.

With that in mind, I would like to ask the distinguished Senator from Kansas (Mr. DOLE) if he is prepared to commit to some type of action on this issue before the end of February 1984?

Mr. DOLE. I am well aware of the distinguished Senator from South Dakota's concern over this matter and appreciate his keen interest. The answer to his question is yes, if at all possible, the committee will begin hearings before that date. I should also note that the committee has taken great interest in his diesel differential legislation and other efforts in this area.

Mr. PRESSLER. I thank the Senator from Kansas. His assurances are indeed gratifying. I look forward to working closely with him in preparing for these hearings and to insure swift and timely action on this matter.

And, as long as we are on the topic of hearings, I would like to inquire further if it would be possible to have one of my truckers from South Dakota testify at these hearings. We have some especially unique and keen problems in our State, as I know you are aware, and I think it would be good for the committee and all those present at the hearings to hear the story from the South Dakota perspective. Do you think it would be possible to arrange something along those lines?

Mr. DOLE. I have often heard the Senator from South Dakota speak here on the Senate floor of those problems and circumstances he is referring to. I would be most pleased to have someone from the South Dakota trucking community testify before the Finance Committee at the upcoming hearings.

Mr. PRESSLER. I thank the Senator from Kansas for his cooperation and courtesy. He has shown great leadership and understanding in this matter, and I appreciate that very much.●

I-4R

Mr. SPECTER. Mr. President, section 137 of the Surface Transportation Assistance Act of 1982 mandated the Secretary of Transportation to study the procedures for distributing Federal financial assistance for resurfacing, restoring, rehabilitating, and reconstructing routes on the Interstate System. This study was to analyze factors such as weight and size of vehicles, environmental, geographical, and meteorological conditions in order to determine the most equitable and efficient method of apportioning these funds. The Secretary was directed to report to Congress not later than 4 months after enactment of STAA.

Unfortunately, we are now nearly 7 months past this original deadline and no report has been issued. The report, however, is in its final stages of preparation and should be available in the next few weeks. I introduced S. 1498, the Interstate 4R Amendments of 1983 last June 20, with the hope of the Congress holding summer hearings and promulgation of a more equitable formula. My bill, which has been cosponsored by Senators HEINZ, DODD, HUMPHREY, MITCHELL, KENNEDY, LAUTENBERG, COHEN, BRADLEY, and TSONGAS, proposes a formula taking into account those conditions and factors most affecting the deterioration of the highway system—weather and truck traffic. In my view it represents an important starting point for further discussions of the I-4R formula.

While I initially anticipated that revisions of the I-4R formula would be included as part of amendments to the STAA, the bill before us today contains only technical amendments to that act and, therefore, is not the proper vehicle for such a change.

I do understand that the Environment and Public Works Committee will hold hearings on November 16, at which time I could have the opportunity to present my bill, S. 1498, to the committee and testify to its merits.

I also understand that my colleague, the chairman of the Subcommittee on

Transportation, Senator SYMMS, intends to conduct more comprehensive oversight over the STAA of 1982 early next year. It is my hope that the chairman of the subcommittee could assure me hearings will be held on S. 1498 and the issue of the interstate rehabilitation formula in February as part of the more extensive review of the STAA.

Mr. SYMMS. The Senator is correct that the Subcommittee on Transportation does plan a review of the Surface Transportation Assistance Act of 1982 next year. Discussion of the apportionment of I-4R funds, which are becoming an increasingly larger portion of outlays from the highway trust fund, would be most appropriate at that time and I assure my distinguished colleague that this issue will be the subject of hearings in February or at the earliest possible time. I also look forward to receiving the Senator's testimony on November 16. I commend the Senator for his initiative in this regard.

Mr. SPECTER. I thank the distinguished Senator from Idaho for his assurance of prompt hearings, and further commend him for his leadership in the transportation area.

I thank the Chair and yield the floor.

Mr. WILSON. I rise to comment briefly on H.R. 3101, the Surface Transportation Technical Corrections Act of 1983. The original Senate version of this bill was S. 1354 which was introduced by Senator CRANSTON and myself, and both of us testified in support of the bill during the subcommittee hearings chaired by my good friend from Idaho, Senator SYMMS.

Senator SYMMS will no doubt recall that S. 1354 contained language which would make a portion of Highway 1 in San Mateo County, Calif. eligible for emergency relief funding. The affected section of highway is in an area known as Devil's Slide.

Mr. SYMMS. The Senator from California is correct and I do recall the provision he alludes to concerning Devil's Slide.

Mr. WILSON. During the course of the hearings, the language I refer to was stricken from the bill now before us. Mr. President, I would like to explain briefly why I felt such language was needed.

During last winter's unusual storms in California, a 300 foot segment of Pacific Coast Highway was destroyed by a combination of rain, wave action, and mudslides cutting off the only direct access between the cities of Half Moon Bay and Pacifica. The community of Half Moon Bay was totally isolated from emergency fire and medical service by the closure of its emergency evacuation route along Highway 1. This is an area, Mr. Chairman, prone to earthquakes, and thousands of residents were literally trapped on the coast with no exit to inland safety. Commuting time for local residents to jobs in San Francisco was tripled to an hour and a half one way. Revenues of local businesses, restaurants, and grocery stores dropped by as much as 90 percent because of the isolation the storm damage created.

Though conditions have somewhat improved, due to emergency repairs by the California Department of Transportation, these communities are still isolated and San Mateo County residents are still greatly inconvenienced by long and treacherous commutes. The original bill language would simply make Highway 1 eligible for emergency repair funds. It would not earmark any specific amount of funds for the project. It would simply enable the State to be reimbursed for the emergency repair and restoration work it must do to assure local residents a safe and dependable road link between the coastal cities of Pacifica and Half Moon Bay.

Mr. President, it is important to note that the environmental reviews, required for choosing any long-term alternative to assure a safe coastal route for the Devil's Slide area would in no way be abridged. A full environmental impact statement on all possible alternatives to dealing with the problem, including marine disposal of debris that has blocked the roadway, is being conducted by the California Department of Transportation. Furthermore, many opportunities for public input by local citizens, elected officials, and environmental groups have been and will continue to be provided.

Those who have expressed support for the Devil's Slide project include California's senior Senator; the San Mateo County Board of Supervisors; the Metropolitan Transportation Commission; the California Department of Transportation; three members of the California House Delegation, Congressmen GLENN ANDERSON, TOM LANTOS and ED ZSCHAU, and the Coastside Coalition for Safe Highways.

Mr. SYMMS. I would like to inquire of the Senator from California whether any opposition to the project has been registered?

Mr. WILSON. The distinguished subcommittee chairman raises a very good question. I will answer by saying that though opposition has been expressed to emergency relief funding for Devil's Slide by some environmentalists, all of the environmental groups testifying at a field hearing on emergency relief held by the House Public Works and Transportation Committee last spring agreed they would support a detailed investigation of all possible alternatives for repairing or replacing the roadway at Devil's Slide. They further agreed to abide by the results of an environmental impact statement (EIS) which would determine the best alternative. These groups included the Sierra Club, the North Coastal Reserve Committee on San Mateo County, and the Committee for the Permanent Repair of Highway 1, the Committee for Green Foothills, and the owner/operator of the Shamrock Ranch. Since a full EIS is being prepared by Caltrans, I feel confident their concerns would be adequately addressed before any final alternative was chosen.

I will summarize and then, if I may, I would like to ask the Senator from Idaho a question. The Devil's Slide language is not in the measure before us, however, it is incorporated into the version of H.R. 3103 which has already been passed by the other body.

I would ask the distinguished subcommittee chairman to carefully reconsider the Devil's Slide language when the conference committee begins its work.

Mr. SYMMS. I can understand the Senator's keen interest in this issue and respect him for his efforts on behalf of a region of his State which was severely affected by terrible storms last year. With all of that in mind, however, I regret I cannot be too optimistic about the inclusion of the Devil's Slide language. As the Senator from California knows, I am committed to a bill which will be acceptable to the President, and because of that am unable to promise to the Senator that his language will appear in the final bill. I hope the Senator understands my position, but I will do what I can.

Mr. WILSON. I thank my good friend from Idaho for his candor. If I may ask one more question: In the event that the Devil's Slide language is not included in the bill as reported out of conference, may I ask if the Senator would be willing to reconsider this project—after the first of the year as part of appropriate legislation which may come before his subcommittee?

Mr. SYMMS. Let me assure the Senator from California that I would look forward to working with him at that time to help him take care of this project.

Mr. WILSON. I appreciate the Senator's willingness to help and hope that one way or another we can eventually help my State with this project.

Mr. RANDOLPH. Mr. President, I wish to do what I have done earlier today, and that is to commend all members of the Committee on the Environment and Public Works for providing us with a measure today which I hope on final passage will receive the unanimous support of the membership of the Senate. I wish to thank the staff for its fine work on this bill. I commend John Yago, Richard Harris, Mr. Lee Fuller, Wayne Allcot, Bob Peck, Bailey Guard, Jean Schrag, Nadine Hamilton, and Rusty Jesser. I

shall not repeat the names of those to whom I gave much credit earlier today, but I believe, I say to the chairman of the Subcommittee on Transportation, that we have completed, have we not, the debate and we have taken care of the necessary amendments?

Mr. SYMMS. That is correct.

Mr. RANDOLPH. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Illinois (Mr. DIXON) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Illinois (Mr. DIXON) would vote "yea."

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—91

Abdnor	Dole	Kasten
Andrews	Domenici	Kennedy
Armstrong	Durenberger	Lautenberg
Baker	Eagleton	Laxalt
Baucus	East	Leahy
Bentsen	Evans	Levin
Biden	Exon	Long
Bingaman	Ford	Lugar
Boren	Garn	Mathias
Boschwitz	Glenn	Matsunaga
Bradley	Gorton	Mattingly
Bumpers	Grassley	McClure
Burdick	Hart	Melcher
Byrd	Hatch	Metzenbaum
Chafee	Hatfield	Mitchell
Chiles	Hawkins	Moynihan
Cochran	Hecht	Murkowski
Cohen	Heinz	Nickles
Cranston	Helms	Nunn
D'Amato	Huddleston	Packwood
Danforth	Humphrey	Pell
DeConcini	Inouye	Percy
Denton	Jepsen	Pressler
Dodd	Johnston	Proxmire
Pryor	Simpson	Wallop
Quayle	Stafford	Warner
Randolph	Stennis	Weicker
Roth	Symms	Wilson
Rudman	Thurmond	Zorinsky
Sarbanes	Trible	
Sasser	Tsongas	

NAYS—2

Heflin	Specter

NOT VOTING—7

Dixon	Kassebaum	Tower
Goldwater	Riegle	
Hollings	Stevens	

So the bill (H.R. 3103), as amended, was passed.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Chair appointed the following conferees: Messrs. STAFFORD, SYMMS, DOMENICI, CHAFEE, ABDNOR, RANDOLPH, BENTSEN, BURDICK, and MOYNIHAN; and as conferees on all matters affecting urban mass transportation assistance: Messrs. GARN, TOWER, and DIXON.

Mr. BAKER. Mr. President, I take this opportunity to congratulate the distinguished chairman of the committee, Senator STAFFORD, and the distinguished former chairman, the ranking minority member, Senator RANDOLPH, for their usual excellent work and the usual lopsided victory they obtained in matters that come from that most distinguished committee.

I serve on that committee, as I have since the first day I came to the Senate. It is a great pleasure to see it continue its traditions.

I also especially commend the Senator from Idaho (Mr. SYMMS) for his skillful management of this matter and for the great contribution he has made to further the goals and objectives stated in the bill. I commend, as well, the distinguished Senator from Texas (Mr. BENTSEN), who is the ranking minority member of the subcommittee which has jurisdiction in this matter.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as announced earlier, it is the intention of the leadership on this side to proceed to the consideration of the Comprehensive Crime Control Act of 1983.

I see that the distinguished chairman of the Judiciary Committee is here. I am not sure whether the managers on the other side are in place or not. Frankly, I am not sure I will get the bill up. There is a budget waiver accompanying that bill.

Mr. President, I will check now to see if Members are ready to address the question as to whether we can take up the crime package. I must first consult with the minority leader before I do so, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the role.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have just conferred with the distinguished chairman of the Judiciary Committee, Senator THURMOND, and the minority leader, previously with the ranking minority member of the Judiciary Committee, Senator BIDEN, with Senator LEVIN, Senator LAXALT, and others, on the matter of trying to reach S. 1762, which is the Comprehensive Crime Control Act of 1983.

It does not look as though we are going to succeed.

To begin with, I commend the Senator from South Carolina, who is our President pro tempore and the chairman of that committee, for trying to work this out with the Senator from Delaware (Mr. BIDEN) by stripping out things such as the death penalty, the exclusionary rule, habeas corpus, and the Federal tort claims provision, so that we have a core of proposals that look as though we might be able to proceed to the consideration of that bill.

I, in turn, had attempted to assure Senator THURMOND and others that if we could get this bill before the Senate and deal with it the other controversial items, like the four I just mentioned, we would schedule for sometime shortly after we return in January or at least I had made the commitment to Senator THURMOND that we would attempt to get up a death penalty bill at that time, and I am sure other Senators would want to consider the other items also.

But, Mr. President, the long and short of it is we have tried and we have not succeeded, and we will continue to try, because this is a bill that should be passed. But now in our effort to deal with the debt limit, the supplemental, the continuing resolution, the Department of Defense authorization bill, and goodness knows how many others, to spend a day or two trying to debate a motion to proceed I think would not be productive.

So I have reluctantly advised the chairman of the committee and the

ranking minority member, as I have with the minority leader, that I am not inclined at this time to try to proceed further. I regret that, but that is the case.

Mr. President, I ask unanimous consent that the Senator from South Carolina may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I wish to thank the distinguished majority leader for trying to get this bill before the Senate.

I wish to say this: Frankly, I do not see how anyone in this Senate could object to bringing up this bill. Crime is rampant in this country, and we must not postpone taking action to protect the public. This bill, which was agreed to by the ranking minority member of the Judiciary Committee, Mr. BIDEN, and Senator KENNEDY, who was interested in it, and others, was reported by the committee by a vote of 16 to 1. Both sides strongly supported the bill. Now who is it here who wishes to object?

I just discussed with the distinguished Senator from Arizona (Mr. DECONCINI) the question of capital punishment. He wanted to amend this bill and add that. I thought he already knew in the committee that that was highly controversial and it would be inadvisable to add that.

We have a separate bill on capital punishment (S. 1765) which the majority leader has agreed to take up shortly after we return in January.

There are several others that are controversial. Habeas corpus is controversial (S. 1763). The Federal Tort Claims Act, yet to be reported by the committee, is controversial. The exclusionary rule is controversial (S. 1764).

These are a few of the matters that we left out of S. 1762; but this bill contains bail reform, forfeiture, the insanity defense—we have to change that—drug enforcement amendments, justice assistance, surplus Federal property amendments, labor racketeering amendments, the Foreign Currency Transactions Reporting Act amendments, violent crime amendments, serious nonviolent offenses amendments, and certain procedural amendments.

This is a very important bill.

I hope the distinguished Senator, whoever he is, who is objecting will withdraw that objection and let us pass this bill; then shortly after we come back in January we will take up the capital punishment bill and other controversial bills.

But we should not delay the passage of this bill to which both sides in the Judiciary Committee have overwhelmingly approved. I hope there will be no further delay in handling this piece of legislation.

EXTRADITION AND THE COMPREHENSIVE CRIME CONTROL ACT

● Mr. LEVIN. Mr. President, I would like to take a few moments to commend the Senate Judiciary Committee for deciding to sever the extradition provisions from S. 1762, the crime reform bill and to describe why I believe this issue should be considered separately.

The Judiciary Committee decision to not include extradition in the Comprehensive Crime Control Act was a wise one. Although the Senate passed an identical extradition bill in the last session, several developments have taken place since that time that suggest improvements may be required to prevent extradition policy from having dangerous and unexpected ramifications. While our current extradition laws have not been revised since 1882 and there is a need to make them consistent with the evolving tenets of international law, we must assure that the values upon which this Nation was founded—respect for individual liberty and the right of political dissent—are fully protected.

Recently the other Chamber has rewritten the definition of the political offense exception to clearly deny the exception to those accused of terrorist acts while leaving the heart of the traditional exception intact. A bipartisan coalition has been formed to support such a definition and to expand judicial review. The Senate Judiciary Committee has not yet had an opportunity to consider this new language that satisfies the concerns of civil liberties and human rights groups while apparently maintaining the main objective of those supporting this legislation—extradition of terrorists.●

RECESS UNTIL 5 P.M.

The PRESIDING OFFICER. The Senate stands in recess until 5 p.m. today.

The Senate, at 3:57 p.m. recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ANDREWS).

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

Mr. BAKER. Madam President, if I could have the attention of the Senate for a moment——

The PRESIDING OFFICER. The Senate will come to order. Those desiring to hold conversations, please remove themselves to the cloakroom.

Mr. BAKER. I thank the Chair.

ORDER OF BUSINESS

Mr. BAKER. Madam President, as I have announced for some time now, it is the intention of the leadership today to try to reach the supplemental appropriations bill, which is Calendar 484. I would hope to do that by unanimous consent. I have consulted with the minority leader on this subject, who indicates a condition, I believe, where no action be taken on that bill today.

May I volunteer in advance, since it is now after 5 p.m., what I would plan to do if we could reach the bill is perhaps to have opening statements or a piece of that, and go out at 6 p.m., come back with this as the pending business tomorrow.

Mr. STENNIS. No votes tonight.

Mr. BAKER. That would be my intention.

I am also advised the Senator from New Hampshire may or may not be agreeable to going to the bill by unanimous consent. But in any event I see the Senator from New Hampshire is here, the minority leader is here, and I would like to fulfill the statement I made earlier in that respect.

SUPPLEMENTAL APPROPRIATIONS 1984

Mr. BAKER. Madam President, I now ask unanimous consent that the Senate turn to the consideration of H.R. 3959, Calendar Order 484, the Supplemental Appropriations Act, 1984.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Madam President, reserving the right to object, the majority leader has stated correctly the position the minority has announced and that is, there will be no objection today, provided that no action will be taken on any committee amendment or other amendments to the measure.

Mr. BAKER. Madam President, let me do this to make sure that is covered. I amend my request in the following respects: I ask unanimous consent that the Senate proceed to the consideration of H.R. 3959. I further ask unanimous consent, Madam President, that during this day no action be taken on the bill except general debate and that no other action be in order, including any action on the committee amendments or other amendments.

Mr. BYRD. I remove my reservation.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. Does the majority leader mean this calendar day?

Mr. BAKER. Yes, this calendar day.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Reserving the right to object, I wonder if the majori-

ty leader would, before we seek agreement on this, give us some indication of how he expects this matter to proceed with various amendments and so on.

Mr. BAKER. Yes. Madam President, I would hope that we could dispose of as many committee amendments en bloc as possible. I know of the special particular interest the Senator from New Hampshire has in the Clinch River project, which is one of the committee amendments. As far as I am concerned, I am perfectly willing to split up that one and deal with it separately and to take it up at a time that is mutually convenient. My own idea would be that after opening statements tomorrow we could get on that subject during the morning.

Incidentally, may I say, as far as I am concerned I am perfectly willing to have a short time limitation on the amendment of say an hour, equally divided.

But the answer to the Senator's question is we would take up the committee amendments in order unless unanimous consent is granted to do otherwise and that I would plan to single out the Clinch River amendment, if that is the desire of Senators, and I rather expect it will be.

Mr. HUMPHREY. Does the Senator expect any other amendments to be offered beyond the committee amendments?

Mr. BAKER. Madam President, I do not know that. I get conflicting statements about it. I am advised there is one amendment at the desk at this time. There may or may not be others, but I do not know of others.

Mr. HUMPHREY. I have heard that there is going to be an amendment or will be an amendment or amendments offered dealing with water projects. Can the majority leader tell us anything about that?

Mr. BAKER. I am told by the staff director of the Appropriations Committee that there is a possibility there will be a water projects amendment.

Mr. HUMPHREY. A water projects amendment? Do we have any further information?

Mr. BAKER. Madam President, I am advised, once again by the staff director of the Appropriations Committee, that he is advised that a Senator may offer an amendment to the bill which would incorporate the language of H.R. 3958, which is the water resource development appropriation bill, which is Calendar Order No. 483. I do not know what Senator would offer that, But I am told that the distinguished chairman of the committee, Senator HATFIELD, may plan to offer that amendment.

Mr. HUMPHREY. What is the dollar amount of that bill?

Mr. BAKER. I am advised that it is $78 million in 1984 budget authority.

Mr. HUMPHREY. Madam President, I will not object, but I simply want to alert Senators to the fact that the vast bulk of this supplemental bill is for Clinch River, $1.5 billion out of approximately $1.8 billion in this supplemental. So it is, in effect, the Clinch River bill much more than a supplemental, as a matter of effect. I expect there will be some very vigorous debate on the committee amendments dealing with Clinch River. I intend to offer an amendment or two and possibly discuss the matter at great length. I have no objection to the agreement as it has been stated.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BUMPERS. Madam President, I have a parliamentary inquiry. If the committee amendment dealing with the Clinch River breeder, if a point of order is made that it is legislation on an appropriation bill—which, incidentally, it clearly is—but in the event that point of order fails, are all amendments to that particular committee amendment then in order as long as they are germane to that amendment?

The PRESIDING OFFICER. The Senate will suspend for a moment.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The answer to the Senator's inquiry is, not necessarily.

Mr. BUMPERS. Could the Chair elaborate on that?

Mr. BYRD. Will the Senator yield?

Mr. BUMPERS. I am happy to yield to the minority leader.

Mr. BYRD. I can understand the response not necessarily, because the Senator put it in the context of all amendments—would all amendments be in order. I wonder if the Senator would allow me to propound a parliamentary inquiry.

Mr. BUMPERS. I will be happy, of course, to yield to the minority leader. I want to make this point. I did not say all amendments, I said all amendments that are germane to that particular amendment.

Mr. BYRD. That is what I thought the Senator said.

Madam President, I would pose this inquiry: If the committee amendment upon a point of order having been made to the effect that it is legislation on an appropriation bill, if the point of order fails and the committee amendment is ruled by the Chair to be in order because it is not legislation on an appropriation bill, then would an amendment to that committee amendment be in order on the point of germaneness, disregarding any other points of order?

The PRESIDING OFFICER. Further legislation on the amendment would be in order if the Senate rules it to be germane.

Mr. BAKER. Madam President, is my request still pending?

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, Madam President.

Mr. HUMPRHEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. As the request has been stated, does it call for consideration of the Clinch River committee amendment separately?

The PRESIDING OFFICER. The consent only calls for the bill to be put before the Senate.

Mr. BAKER. Madam President, if I may answer my friend from New Hampshire, as I indicated earlier, what I will do, or what I will urge the chairman to do tomorrow or today when the matter is brought up, if it is brought up, is to ask unanimous consent that committee amendments be considered en bloc with the exception of three amendments, one of which would be the CRBR amendment.

Mr. HUMPHREY. Can we seek such an agreement at this time?

Mr. BAKER. I can do that. I am perfectly willing to incorporate in my request the following, Madam President.

First of all, the request is that the bill, H.R. 3959, Calendar Order No. 484, be made the pending business; and, second, that no action be taken on that measure except statements, and that no amendments or other action be in order, including the consideration of committee amendments during this calendar day.

Further, I ask unanimous consent that the Committee amendments to H.R. 3959 be considered and agreed to en bloc, with the exception of the amendments appearing on page 3, lines 1 through 9, which is a noncontroversial FEMA amendment, I am told; on page 12, line 14 through page 14, line 3, which is the CRBR amendment; and on page 24, line 22 through page 25, line 17, which is an FCC amendment; provided that no points of order are waived thereon and that the measure, as amended, be considered as original text for the purpose of further amendment; and provided further that the remaining committee amendments may be temporarily laid aside by agreement of the floor managers of the bill.

Mr. BUMPERS. Reserving the right to object, Madam President, I could not clearly understand the majority

leader, but the unanimous-consent request does not exclude points of order on the committee amendments.

Mr. BAKER. The Senator is correct, it does not.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, Madam President, I think everything we are doing in this body at this time, in all due respect to the majority leader and the leadership of the Senate, is totally irrelevant to what is the main subject today on the minds of this country—everything, Clinch River, overriding the President's veto, appropriations bills, the crime package, et cetera.

I have just returned, as most of my colleagues have, from one of the most disturbing hours I have ever spent in the Senate. It was a briefing.

We are being briefed a few minutes at a time, and then we watch television or listen to the radio, and at the same time we are trying to carry on the business of this Senate.

Madam President, I do not know how to say this, and I am not going to object to further proceedings, but I think some consideration should be given to a legislative moratorium for the next 48 hours in this body until we can find out what is going on in this world. This world is about to explode. We find events slipping away from us. And yet we are still in here debating and discussing irrelevant matters, rather than what is uppermost in the minds of the people.

I think we are being deflected, seriously deflected, from really giving consideration to what we must concern ourselves with: That is, trying to keep this world together.

As I said, somehow or another I think we ought to give some consideration to a legislative moratorium for the next 48 hours at the least. I know there is a November 18th adjournment date. All of us have commitments. But I think right now as we are sort of spinning our wheels, that adjournment date and these secondary matters are irrelevant.

I speak with the greatest respect to the majority leader and the leadership of this body. I hope I have made my point clearly and respectfully. I think we ought to consider not doing legislative business but take a moratorium until we can find out what is truly going on so that we can answer to our constituents.

Mr. BYRD. Madam President, reserving the right to object, and I do not want to object, the original agreement on this side was to the extent that unanimous consent would be given to proceed with the measure provided there is no action on any committee amendment or any other amendments today.

The distinguished majority leader is trying to proceed and get an agreement, but the request that he has now made runs counter to the proposition that the minority made.

I would only object for the moment until I can make sure that there would be no objection to these exceptions. I would like to clear them.

Mr. BAKER. The final formulation of the unanimous-consent request, as I put it, I believe, was that no action would be taken on any committee amendment or any other amendments today and that no action would be taken on this bill with the single exception of statements.

Mr. BYRD. I am sorry. I thought the majority leader put the request to agree to certain amendments en bloc with certain exceptions.

Mr. BAKER. I did that with respect to the committee amendments if and when the bill is placed before the Senate. To the extent that this unanimous-consent request is in conflict with the earlier part of the request, the minority leader is absolutely correct. However, the Senator from New Hampshire asked to be reassured that three committee amendments in controversy would be singled out and not be considered separately.

I am willing to do this to make sure we are technically in agreement, to modify once again the request so that it reads that tomorrow the committee amendments be considered en bloc and agreed to en bloc, with the exception of the three amendments that I have stated, so that the action would not be taken today but on tomorrow this, what I believe to be a formality, would already be in place without any further action of the Senate.

Mr. BYRD. Madam President, I am sorry to appear to be contrary but I think I would have to clear that, may I say to the majority leader, because originally we were going to go along with the request that there would be no action taken today.

Mr. BAKER. Madam President, I am advised the minority leader could not agree to the amended request as I understand it on the basis that the agreement was that it would be laid down today if no action was taken.

I hope the Senator from New Hampshire will let me proceed on that basis.

I give him my assurance that tomorrow this unanimous-consent request will be propounded as I have described it today.

I modify the request now, Madam President, so that it consists only of the original formulation, that is, that the Senate proceed to the consideration of H.R. 3959, Calendar Order No. 484, and that no action be taken during this calendar day on any committee amendment or any amendment or any action taken on the bill except for statements during this calendar day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, the minority leader, and the Senator from New Hampshire for their courtesy and consideration.

ORDER OF PROCEDURE

Mr. BAKER. Now, Madam President, I intend to ask the Senate to recess at about 6 p.m. That leaves us a little time. We can do one of two things: we can either have opening statements on this bill, or we can go to a period for the transaction of routine morning business. I would suggest the latter.

SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. BAKER. Madam President, I ask that the Chair direct the clerk to report the pending bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments.

Mr. BAKER. Madam President, I believe there is a general consensus that we might as well go on with morning business now. When we resume in the morning, the pending business will be the supplemental appropriations bill.

Madam President, there will be no more record votes today.

ROUTINE MORNING BUSINESS

Mr. BAKER. Now, Madam President, I ask that there be a period for the transaction of routine morning business to extend not past 6 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF SUPPLEMENTAL APPROPRIATIONS BILL

Mr. BAKER. Madam President, I further ask unanimous consent that after the recognition of the two leaders under the standing order, the time remaining before 10:30 a.m. be devoted

to the transaction of routine morning business in which Senators may speak for not more than 1 minute each, and that at 10:30 a.m. the Senate resume consideration of H.R. 3959, the supplemental appropriations bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR COMMITTEE ON FINANCE TO REPORT DEBT LIMIT EXTENSION BILL

Mr. BAKER. Madam President, the request I am about to put I believe has been cleared all around. I will now state it.

Madam President, I ask unanimous consent that the Finance Committee have until 12 midnight tonight to file the debt limit extension bill and its accompanying report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Madam President, I see no other Senator seeking recognition. In the absence of that, I move, in accordance with the order previously entered, that the Senate now stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and, at 5:37 p.m., the Senate recessed until Wednesday, October 26, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 25, 1983:

DEPARTMENT OF TRANSPORTATION

James H. Burnley IV, of North Carolina, to be Deputy Secretary of Transportation, vice Darrell M. Trent, resigned.

CORPORATION FOR PUBLIC BROADCASTING

Harry O'Connor, of California, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1986, vice Diana Lady Dougan, resigned.

DEPARTMENT OF AGRICULTURE

Daniel Oliver, of Connecticut, to be General Counsel of the Department of Agriculture, vice A. James Barnes.

EXECUTIVE OFFICE OF THE PRESIDENT

William Louis Mills, of Tennessee, to be a member of the Council on Environmental Quality, vice W. Ernst Minor, resigned.

11-059 O-87-12 (Pt. 21)

HOUSE OF REPRESENTATIVES—*Tuesday, October 25, 1983*

The House met at 10 a.m.

The Reverend Dr. Phillip C. Cato, rector, St. Francis Episcopal Church, Potomac, Md., offered the following prayer:

Almighty and everlasting God, Who alone can govern all things in Heaven and on Earth, we offer our prayers for the people of the world and most particularly for those who dwell in this Nation. May Your justice and righteousness be established among us. So order our unruly wills that the peace which eludes our fallen natures may reign among men.

We commend to Your guidance and care those to whom in Your name we have committed the governance of this land. Enlighten their minds and give their hearts compassion. Let Your wisdom inform all that they are called upon to do. As they respond to the needs and hurts of the people of this land, give them the strength of forbearance.

In all their deliberations, in all their actions, grant that Your will may find expression and that Your rule may be extended among peoples and nations to the glory of Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HANSEN of Utah. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HANSEN of Utah. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 360, nays 19, answered "present" 4, not voting 50, as follows:

[Roll No. 411]

YEAS—360

Ackerman	Albosta	Andrews (NC)
Addabbo	Alexander	Andrews (TX)
Akaka	Anderson	Annunzio
Anthony	Fazio	Leland
Archer	Feighan	Levin
Aspin	Ferraro	Levine
AuCoin	Fiedler	Levitas
Badham	Fields	Lewis (FL)
Barnard	Fish	Livingston
Barnes	Flippo	Lloyd
Bartlett	Florio	Loeffler
Bateman	Foglietta	Long (LA)
Bates	Ford (TN)	Long (MD)
Bedell	Fowler	Lott
Beilenson	Frank	Lowery (CA)
Bennett	Franklin	Lowry (WA)
Berman	Frenzel	Lujan
Bevill	Frost	Luken
Biaggi	Fuqua	Lundine
Bilirakis	Garcia	Lungren
Bliley	Gaydos	MacKay
Boehlert	Gekas	Madigan
Boggs	Gephardt	Marlenee
Boland	Gibbons	Marriott
Boner	Gilman	Martin (IL)
Bonker	Gonzalez	Martin (NC)
Borski	Gore	Martinez
Bosco	Gradison	Matsui
Boucher	Gramm	Mavroules
Boxer	Green	Mazzoli
Breaux	Gregg	McCain
Britt	Guarini	McCandless
Brooks	Gunderson	McCloskey
Broomfield	Hall (IN)	McCollum
Brown (CA)	Hall (OH)	McDade
Brown (CO)	Hall, Ralph	McEwen
Broyhill	Hall, Sam	McGrath
Bryant	Hamilton	McHugh
Burton (CA)	Hammerschmidt	McKernan
Burton (IN)	Hance	McKinney
Byron	Hansen (ID)	McNulty
Campbell	Hansen (UT)	Michel
Carney	Harrison	Mikulski
Carper	Hartnett	Miller (CA)
Carr	Hawkins	Mineta
Chandler	Hayes	Minish
Chappell	Hefner	Moakley
Cheney	Hertel	Molinari
Clarke	Hightower	Mollohan
Clinger	Hiler	Montgomery
Coats	Hillis	Moody
Coelho	Hopkins	Moore
Coleman (MO)	Horton	Moorhead
Coleman (TX)	Howard	Morrison (CT)
Collins	Hoyer	Morrison (WA)
Conable	Hubbard	Mrazek
Conte	Huckaby	Murphy
Cooper	Hughes	Myers
Corcoran	Hunter	Natcher
Coughlin	Hutto	Neal
Courter	Hyde	Nelson
Coyne	Ireland	Nichols
Crane, Daniel	Jeffords	Nielson
Daniel	Jenkins	Nowak
Daschle	Johnson	O'Brien
Daub	Jones (NC)	Oakar
Davis	Jones (OK)	Olin
Dellums	Jones (TN)	Ortiz
DeWine	Kaptur	Owens
Dicks	Kasich	Oxley
Dixon	Kastenmeier	Packard
Donnelly	Kazen	Panetta
Dorgan	Kemp	Parris
Dowdy	Kennelly	Pashayan
Downey	Kildee	Patman
Dreier	Kindness	Patterson
Duncan	Kogovsek	Paul
Dwyer	Kolter	Pease
Dyson	Kostmayer	Penny
Early	Kramer	Perkins
Eckart	LaFalce	Petri
Edgar	Lagomarsino	Pickle
Edwards (CA)	Lantos	Price
English	Latta	Pursell
Erdreich	Leach	Quillen
Erlenborn	Leath	Ratchford
Evans (IL)	Lehman (CA)	Ray
Fascell	Lehman (FL)	Regula
Reid	Skelton	Udall
Richardson	Slattery	Valentine
Ridge	Smith (FL)	Vandergriff
Rinaldo	Smith (IA)	Vento
Ritter	Smith (NE)	Volkmer
Robinson	Smith (NJ)	Vucanovich
Roe	Smith, Denny	Walgren
Rogers	Smith, Robert	Watkins
Rose	Snowe	Waxman
Rostenkowski	Snyder	Weaver
Roth	Solomon	Weber
Rowland	Spence	Weiss
Roybal	Spratt	Wheat
Rudd	Staggers	Whitehurst
Russo	Stangeland	Whitley
Savage	Stark	Whittaker
Sawyer	Stenholm	Whitten
Schaefer	Stratton	Wilson
Scheuer	Studds	Winn
Schneider	Stump	Wirth
Schulze	Sundquist	Wise
Schumer	Swift	Wolf
Sensenbrenner	Synar	Wolpe
Shannon	Tallon	Wortley
Sharp	Tauke	Wyden
Shaw	Tauzin	Wylie
Shelby	Taylor	Yates
Shumway	Thomas (CA)	Yatron
Shuster	Thomas (GA)	Young (FL)
Simon	Torres	Young (MO)
Sisisky	Torricelli	Zablocki
Skeen	Traxler	Zschau

NAYS—19

Chappie	Forsythe	Roemer
Craig	Gejdenson	Sabo
Dannemeyer	Harkin	Schroeder
Dickinson	Lewis (CA)	Sikorski
Durbin	Lipinski	Walker
Edwards (OK)	Miller (OH)	
Evans (IA)	Roberts	

ANSWERED "PRESENT"—4

Dymally	Ottinger
Markey	Vander Jagt

NOT VOTING—50

Applegate	Glickman	Porter
Bereuter	Goodling	Pritchard
Bethune	Gray	Rahall
Bonior	Hatcher	Rangel
Clay	Heftel	Rodino
Conyers	Holt	Roukema
Crane, Philip	Jacobs	Seiberling
Crockett	Lent	Siljander
D'Amours	Mack	Solarz
de la Garza	Martin (NY)	St Germain
Derrick	McCurdy	Stokes
Dingell	Mica	Towns
Edwards (AL)	Mitchell	Williams (MT)
Emerson	Murtha	Williams (OH)
Foley	Oberstar	Wright
Ford (MI)	Obey	Young (AK)
Gingrich	Pepper	

□ 1020

So the Journal was approved.

The result of the vote was announced as above recorded.

THE REVEREND DR. PHILLIP CATO

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, it is both a privilege and a pleasure to introduce our visiting chaplain, the Reverend

Dr. Phillip Cato of Potomac, Md., to my colleagues in the House of Representatives.

The Reverend Dr. Cato did his undergraduate work at Duke University where he received a bachelor of arts degree and went on to the Episcopal Theological School in Cambridge, Mass., where he earned his masters of divinity degree. He also holds a Ph. D. from Emory University and doctor of divinity from St. Paul's College in Lawrenceville, Va.

The Reverend Dr. Cato is currently the rector of St. Francis Episcopal Church in Potomac, Md., where my family are members. Although he has been at St. Francis for a little more than a year, he has proven himself an outstanding leader in the community.

From 1959 to 1963, the Reverend Dr. Cato was in parish ministry in North Carolina. From 1963 to 1968, he was chaplain and instructor at North Carolina State University. From 1969 to 1973, he was chaplain and instructor at Georgia Tech. And for 9 years before coming to St. Francis, the Reverend Dr. Cato was in parish ministry in northern New Jersey. He is also a chaplain in the Naval Reserve with the rank of commander.

I want to thank Chaplain Ford for inviting the Reverend Dr. Cato to offer today's prayer and to thank him for his inspirational words which will guide this body through today's deliberations.

OUR MISSION IN GRENADA IS CLEAR AND JUST

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, this morning, at the request of our eastern Caribbean neighbors, the United States assisted in a joint action on the island of Grenada. Our mission there is clear and our mission there is just: To protect U.S. citizens on the island, to facilitate their evacuation, and to help the people of Grenada to reestablish a democratic form of government, and to hold elections.

All the nations partaking of this joint action are acting with courage and with cooperation in protecting our people and democracy in our own hemisphere. We cannot allow power-hungry dictators to knock off our neighbors to the south one by one. We must continue to show this resolve and continue to show this cooperation whenever there is such a threat in our own front yard.

INVASION OF GRENADA IS AGAINST THE LAW

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, there are two key things wrong with the American invasion of Grenada.

First it is against the law—18 U.S.C. 960, the Neutrality Act, makes it a crime to organize, initiate or begin a hostile expedition against a foreign country with which the United States is at peace.

I have written to the Attorney General of the United States pointing out that it is his responsibility to enforce the law.

Second, article I section 8 of the U.S. Constitution requires that Congress, not the President or the CIA, decide if and when the country goes to war.

There are sound reasons for this explicit requirement in our Constitution. Our founders feared secret decisions made by one man. They insisted that committing the country to war should only be made by the Federal legislature, after public debate.

President Reagan has taken two dangerous and illegal steps, trampling on duly enacted laws and the Constitution.

□ 1030

DEFINE OUR MISSION IN LEBANON

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, it is clear in light of this terrible tragedy in Lebanon that we must make a new assessment of the situation there and reexamine the U.S. role in that country.

The administration and the Congress have yet to define clearly our mission there, but recent events there will force us into a combat role. We went there as peacekeepers and now we are confronted with over 200 casualties of war.

Why are we there? We must evaluate our presence, define our basic mission, and determine whether it can be accomplished. We have found ourselves in the midst of a civil war in which we have taken sides. That was clearly not our mission. That is not what the Congress and the American people intended.

In the wake of these terrible events, we must determine whether the mission of the United States in Lebanon is one that can be accomplished with military force. If, as it appears, the answer is "No," we must give serious consideration to pulling our forces out of that embattled country before more American lives are lost. We must use political and diplomatic channels to reconcile the differences which exist among the various factions.

CUT OFF FUNDS FOR MARINES IN LEBANON

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, in the wake of the terrible tragedy that took place on Sunday in Lebanon, there are only two options that are open from a military point of view. One of them is to withdraw the marines from Lebanon; the other is to put them into a combat situation instead of the amorphous business of peacekeeping.

The gentleman from Maryland (Mr. LONG) and I will offer at the appropriate time when the defense appropriation bill is on the floor an amendment to cut off all funds for maintaining a marine amphibious unit (MAU) in Lebanon beyond a fixed date, probably the 30th of November. We would welcome the support of Members of the House, and we believe this action represents the wishes of the American people.

SAVE THE PEACE BEFORE IT IS TOO LATE

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, our thoughts are on Grenada and the young men who will die there. Yesterday in Lebanon and in the months before Central America, and the months ahead missile deployment in Europe.

I rise to suggest that the issue is none of these places; it is all of these places. We have entered a rising spiral of conflict the world over. The hour is late. One morning we will wake to hear that a young American and a young Soviet have faced each other in one of these lands, a shot will have been fired, and the world will bleed.

If that day must come, can the President assure us that every word has been spoken, every negotiation pursued? Answer that question today or not only the blood of young Americans will flow, but all the world.

Mr. Reagan, today, if you listen, I suggest that we have no differences that we cannot discuss, no negotiations that we cannot enter. Meet Mr. Andropov to discuss Grenada, Lebanon, or whatever you seek. But, Mr. Reagan, try by all means to save the peace before it is too late.

STOP THE KILLING RIGHT NOW

(Mrs. BURTON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BURTON of California. Mr. Speaker, I really do not know what has happened today. I have not had the opportunity to see what has really happened today, but I would like to compliment the gentleman from New Jersey (Mr. TORRICELLI) on his remarks and I really feel the same as he does.

Having come back from Europe just recently, my heart is heavy because we are going off on a course that we will not be able to stop. Let us stop. Let us stop the killing right now.

THE UNITED STATES IS AT WAR TODAY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the United States is at war today in three regions on the planet Earth. We are at war in the Middle East, in Lebanon; we are at war in Central America, in Nicaragua and in El Salvador; and today we learn we are now at war in the eastern Caribbean. Moreover, we have only recently been on the edge of war in Northern Africa, in Chad.

While many of us in this Congress, on both sides of the aisle, question the President's policies, there is a time for all purposes. This is a time for unity, not division; a time for review, not criticism.

So I do not offer fresh criticism of the President at this particular time, but I do suggest that the strategies, objectives, and goals of American foreign policy should be submitted to congressional review.

Accordingly, I call upon the Committee on Foreign Affairs to conduct a review of the President's policies around the globe, so that the American people can get a clear perspective and a complete understanding of the direction in which the Reagan administration is taking the people of the United States.

BUDGET DEFICIT ROULETTE

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, on Thursday, the House will be asked to debate H.R. 4170, the Tax Reform Act of 1983. This bill makes important changes in the tax treatment of foundations, fringe benefits, leasing, industrial revenue bonds, and the insurance industry and, in the process, will increase revenues by approximately $8 billion over fiscal years 1984 through 1986.

In spite of the hard-won changes in H.R. 4170, Congress will still be about $65 billion short of the revenue increase target we pledged last spring in the first budget resolution for fiscal year 1984. If we meet the revenue level mandated in the budget resolution, we can expect a fiscal year 1984 deficit of $170 billion.

The American people are facing a game of budget deficit roulette—in which the stakes are tragically high—the tentative economic recovery underway in some areas of our country, lower unemployment, the strength of our exports overseas, the rejuvenation of the housing industry and, last but not least, long-term reduction and stability of interest rates. If we do not meet our 1984 revenue target, we may experience a deficit exceeding $200 billion. My constitutents are struggling through an extremely destructive recession. They are losing their homes and cars and face no reasonable prospect that their former industrial jobs will ever return to their former level. If we do not face our budget problems and gain control over our deficits, the people in my area and many other parts of this country will find our superficial economic recovery short lived.

The path of least resistance would be to wait until after the 1984 elections to raise taxes. I believe the American taxpayers are smarter than that kind of self-serving counsel suggests. If nothing is done, the debt will rise by nearly $1 trillion from 1983 to 1988. That increase, in turn, probably will mean that interest payments will be $100 billion higher each year. As the debt and interest payments mount, the ground gained against the deficit through spending cuts is sharply eroded.

The Congressional Budget Office recently estimated that domestic spending cuts enacted during the Reagan administration will have reduced outlays by a cumulative $110 billion in fiscal years 1982, 1983, and 1984. By other estimates covering the same period, net interest payments will have risen a cumulative $80 billion compared to their level in 1981. It does not take a graduate degree in economics to be able to see that increases in the interest on the deficit are exerting extreme pressure on legislators to make spending cuts to reduce the deficits—spending cuts that the American people do not want and ones that would not serve as a long-term solution to the problem of increasing interest costs anyway.

As a result, I believe we have no choice but to raise revenue to meet the budget resolution target. I will be offering an amendment to the Ways and Means bill on Thursday which will raise $31.7 billion over 3 years. When combined with the revenue contained in the committee bill, the Rostenkowski freeze amendment and the $700 cap on the third year of the tax cut which the House passed several months ago, this will succeed in meeting the budget resolution revenue target.

I urge your support of this amendment. Our growing deficits are the most serious economic problem facing our Nation. We cannot have a real economic recovery with stable interest rates and high rates of unemployment until we face up to reality.

COMMITTING U.S. TROOPS TO GRENADA IS SHOCKING

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, like other Members of the House, I am dismayed by the President's announcement this morning that the United States has invaded the tiny country of Grenada, but I think the situation runs much deeper than just the events in Grenada.

If one examines the international situation today, it is clear that this administration has a cavalier attitude about using military force to deal with diplomatic problems. Just last month, 4,500 U.S. troops were involved in manueuvers in Honduras. Last week American troops and naval forces were set to intervene in the Iranian-Iraqi war, if necessary. Our troops and intelligence forces are increasingly involved in the internal difficulties of El Salvador and Nicaragua. And this morning, a force composed primarily of U.S. marines has stormed the island of Grenada and taken control of nearly all the strategic areas there.

We do not know the extent of U.S. casualties at the moment, but today's actions by the President in committing U.S. troops in Grenada is shocking and it flies in the face of the President's condemnation of Soviet interference in other countries. Today's events in Grenada and U.S. military involvement elsewhere in the world raises serious questions about the nature and direction of this administration's foreign policy.

U.S. POLICY IN LEBANON

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, on September 28, 157 of my colleagues and I voted to invoke the War Powers Act. This defeated motion was intended to exercise Congress constitutional right to play a decisive role in the formation of U.S. foreign policy in Lebanon. At that time we expressed our belief that the President must certify that a cease-fire was being observed by all parties in order for Congress to further support the Marines presence in that country. The marines safety and

protection were to be of primary importance and the focal point for any U.S. strategy for that region.

Today, 2 days after the tragic and sudden death of these over 200 young Americans, this body meets under a cloud of gloom. Our sorrow is shared throughout the Nation on this day of mourning. We should not let this moment pass without calling attention to the misguided policy of the present administration, one that has been supported by the majority in Congress and one that leaves us incapacitated to act meaningfully in the wake of this terrible event.

Let us believe that these brave Americans died in the name of peace. And let their passing be the symbol of a new theme for our Lebanese policy, one that clearly defines our purpose and does not leave American troops vulnerable to attacks. Once again I insist that our presence must be conditioned on the safety of our troops stationed there.

□ 1040

AMERICAN PRINCIPLES COMPROMISED BY GUNBOAT DIPLOMACY

(Mr. WOLPE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, if there is anything this country has symbolized over the years, it has been the struggle for people to be free and to be self-determining. We rightly condemn the brutal Soviet invasion of Afghanistan. We condemn the suppression of the Polish people by Soviet power.

How, then, can we be so arrogant ourselves as to countenance the invasion of Grenada about which we have heard in our news reports this morning?

How, then, can we countenance an illegal effort by the CIA to topple the Government of Nicaragua?

How, then, can we throw our support to repressive regimes throughout the Western Hemisphere that every day do violence to American principles and American traditions?

Mr. Speaker, is it not time that we assert that belligerence and gunboat diplomacy are not synonymous with strength but serve only to undermine legitimate American interests?

Mr. Speaker, all of us within this body—indeed all of the American people—are being compromised by the initiatives of this administration in Central America and around the World. In the name of strength we are promoting gunboat diplomacy, in direct contradiction to American ideals, traditions, and interests.

A PLETHORA OF MISTAKES IN LEBANON

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, what is the toughest thing for a politician to say? The toughest thing for a politician to say is: "I was wrong. I made a mistake."

Now, history will record that we made a mistake by sending a token force into the combat zone that is Lebanon. History will record that we made a mistake by not realizing that U.S. marines would become targets for the irrational and the fanatical.

We made a mistake by having our men tethered to a defenseless, limited terrain. We made a mistake by not being prepared for terrorism in the land of the terrorists. We made a mistake by giving the President an 18-month blanket extension.

These things are hard to say publicly to 200 families. I know you feel this way privately. You have told me: "We shouldn't have gone, and we ought to bring them back." But I am not going to embarrass anyone. But I am not going to ask anybody to say publicly that we made a mistake. I am going to ask for the eighth time in 3 months that the President of the United States come to Congress and the American people and answer three questions for us all:

What is our mission? Why are we there? And how many lives is it worth?

SHOOT FIRST, ASK QUESTIONS LATER—IN GRENADA

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute.)

Mr. DOWNEY of New York. Mr. Speaker, Mr. President, it is time you told the American people what is actually happening in Grenada. First of all, you say that we are there to protect American lives. No one disputes that, Mr. President. Then, 5 minutes later, the chancellor of the medical school comes on to suggest that no lives were in danger in Grenada.

Second, you say to us that we have a treaty commitment that the eastern Caribbean countries can ask for outside help if they feel threatened. What if they feel threatened by Cuba and Nicaragua, Mr. President?

You have got a lot of questions to answer to allay the fear that this Member has that this is an administration that shoots first and asks questions later.

QUESTIONING PROCEDURES IN EVACUATING WOUNDED MARINES FROM LEBANON

(Mr. HARKIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, the death toll continues to rise in Lebanon, and certainly our condolences go out to the families who have lost their young men in this tragic happening in Beirut. But we must also be concerned about the living.

Mr. Speaker, information is now coming out of that area that raises very serious questions about our overall Mideast policy. It has come to my attention that wounded marines were taken out of Lebanon to West Germany, a total flying time of 5 hours. There was also an 8-hour wait for aircraft to come and pick them up. In other words, it was a total of 13 hours from the time of the explosion until the time our men got to West German hospitals. At least one marine is reported to have died en route.

However, there are medical facilities in Haifa, Israel, at Rambam Hospital, within 30 minutes' flying time from Beirut. These are some of the best facilities in the area, especially experienced with crush and burn victims.

Israel long ago told the United States that these facilities were available, and on Sunday, Moshe Arens, the Defense Minister of Israel, on three occasions told Shultz and/or Weinberger that these facilities were available to our marines, and he was turned down.

I ask, why? What kind of policy decisions were made at the highest echelons of this administration to say, "No, we won't take our marines 30 minutes away to facilities that are as good as those in the United States, where they are experienced with crush and burn victims, and, instead, make these marines wait up to 13 hours to get to a hospital in West Germany"?

I ask the question Mr. President: "What were the policies of this administration that led to this decision?"

LEARNING A LESSON IN LEBANON

(Mr. WEAVER asked and was given permission to address the House for 1 minute.)

Mr. WEAVER. Mr. Speaker, let the tragic deaths of our brave marines in Lebanon be not in vain. Let them tell us now that the lesson of Vietnam that has not been learned has now been learned. They did not belong there. They should not have been sent there. They should be withdrawn immediately.

Mr. Speaker, Lebanon and the Middle East is a pit of scorpions, and we do not belong there.

TEDDY ROOSEVELT SUPPLANTED AS KING OF GUNBOAT DIPLOMACY

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, the U.S. Marines have today invaded the tiny Caribbean country of Grenada. Grenada is a very small island. Our forces should have little trouble in taking it over.

The question we should ask is, no matter who invited us, no matter how unsavory the Government is, and no matter how easy it is, should the United States go about invading a foreign country?

The question the public is asking, Mr. Speaker, is: "Mr. President, where does all this military intervention end? Are we seeing military intervention take over where diplomatic negotiations would better serve our national interests? Are the Marines going to become our new Foreign Service officers?

"Mr. President, the American people don't want a shoot-first-ask-question-later foreign policy around the world."

Mr. Speaker, gunboat diplomacy has a new king. "Move over, Teddy Roosevelt."

BLOWING HOT AND COLD ON THE ISSUE OF COMMUNISM

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, on the news this morning the American people were informed that U.S. Marines are participating in a multinational force invading the island of Grenada in the Caribbean. The purpose of the force is to rescue the American citizens there who wish to be rescued, and to restore peace and freedom to the chaotic nation.

News reports also indicate that the recent coup in Grenada was backed by the Governments of the Soviet Union and Cuba, and that there are in fact Cuban and Russian troops on the island. Our marines, according to the President, are there to depose the brutal leftist thugs who have murdered the Prime Minister and several other officials of the Government of Grenada.

If this were not troubling enough, the news this morning also reports that our President has written a letter of apology to some Members of Congress who voted against cutting off a small part of our subsidy of Communist countries. In his letter of apology, the President said that.

Enactment of any amendment that limits the use of IMF funds—including the amendment regarding "communist dictatorships"—would unnecessarily tie the hands of the IMF.

Mr. Speaker, this administration blows hot and cold on the issue of communism. Why are we engaged in military action against the Communists in which American lives are being lost when we cannot take the simple action of cutting off the flow of money to the Communists? For decades we have pursued this immoral course of action, asking American men to die fighting an enemy the American Government has financed. To have it announced on the same morning that American boys are dying and that this administration wants to continue financing communism is wrong.

Anti-Communist military action such as an invasion to protect American citizens may be legitimate, but it should be undertaken only after open consultation with the Congress and prior congressional approval as the Constitution prescribes. Certainly such action in the Caribbean, is much closer to our shores than Lebanon, and is strategically different. But to order men to die and then to continue sending our dollars to the Communists is an immoral and intolerable policy.

□ 1050

MAKE MILITARY AIRCRAFT AVAILABLE TO FAMILIES OF WOUNDED MARINES

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, in the aftermath of the tragedy of Lebanon, a number of American families find themselves thousands of miles from loved ones, who after being medically evacuated lay critically wounded in hospitals in Germany.

This morning I have been in touch with the Offices of the President and Secretary of Defense to request that military aircraft be made available immediately to transport parents and wives from the States to Germany, so that our critically wounded marines might have their loved ones with them during this most difficult time.

I ask my colleagues to join with me in supporting this humanitarian request.

THE PRESIDENT'S OBLIGATION TO PROTECT AMERICAN LIVES

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, I am a little bit appalled to hear some people take the floor to condemn the actions of the United States.

Let us not forget that the President of the United States always has the obligation to protect the lives of American citizens wherever they may be in danger, particularly in this hemisphere. There were 1,000 Americans in Grenada. At least 30 of them had been denied the right to leave. This country had been taken over by a Marxist oriented extreme group. There were Cubans there. There were Soviets there. They posed a threat to the Caribbean. At least a half a dozen nations asked for our help.

Now, if we are to continue to be the Nation we are and our neighbors ask for help, are we in fact to turn our backs? Are we to leave our citizens there for whatever may happen to them in the face of this threat? I think not.

I think this danger was to the United States and its citizens and I think we did what we had to do in cooperation with our neighbors. It probably is something we should have done. We stood up for the first time and threw out the Cubans and the Soviets in our own hemisphere and said, "Enough is enough."

Perhaps if we had stood firmly earlier, we would not be in some of the mess we are in in this area now.

A BRUTAL GROUP OF LEFTIST THUGS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I am confused by our liberal colleagues. They say they are against covert U.S. action in Nicaragua. They say they are against passive defensive U.S. measures, such as in Lebanon. They want multinational open action only with a clear-cut case.

Grenada, however, suffers their criticism by comparison, a ruthless, vicious takeover. There are apparently 600 Cuban and 30 Soviet advisers.

Free democratic countries, such as Antigua, Barbados, Dominica, Jamaica, St. Lucia, and St. Vincent, asked for our involvement.

President Reagan correctly calls the dictatorship a "brutal group of leftist thugs."

There were 17 people killed, including the Prime Minister, three Cabinet members, and two labor leaders and some of their children.

Is there anything decisive and effective which the United States could do which would not be attacked by our liberal critics?

THE LINE ITEM VETO

(MR. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, while we monitor the situations in Grenada and in Lebanon where vital American interests are at stake, we must not lose

sight of some of the vital domestic issues facing us.

Today I am introducing legislation which will grant the President of the United States the line item veto in a modified way.

When the Congress of the United States sends a bill to the President in which there are many, many different items of appropriations, some of which are acceptable and some of which are not to the President of the United States, he is bound either to accept or reject the entire package. Most of the States of our Union allow the head of state there to use line item veto, to reject any one or more items and still allow the remainder of that appropriations package to remain intact. This is the way to control the budget process.

What is good for the States of the Union is good for the Federal budget process.

I urge my colleagues to get behind the movement to bring about sanity in the budget process, beginning with the granting of the line item veto.

INVOKE THE WAR POWERS ACT

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Well, Mr. Speaker, while the bodies were still being counted in Beirut, we awoke this morning in shock to discover that the United States had invaded the small nation of Grenada; invaded it to protect American nationals who were in no danger, to protest a curfew which had already been lifted, and we are told to restore democracy, which I suppose means that we have a right to impose a government of our choosing on any nation in the hemisphere, provided, of course, it is small enough to let us get away with it.

All of us have questions, Mr. Speaker. Few of us have answers. There is only one way to get those answers.

I call upon this House to invoke the War Powers Act to get those answers before once again we stand in this well to lament the fact that brave young men have died in vain.

SUPPLY SIDE FOREIGN POLICY

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, I do not understand the surprise, the dismay, the shock, that I am hearing expressed this morning by some of my colleagues. Really, for those of us who have been here for the 3 years of the Reagan administration, it should not surprise us at all; for really, this is nothing more than supply side foreign policy. They supply the war. We supply the troops. We supply the arms. We supply the munitions, and now we supply the bodies too.

For what purpose, Mr. Speaker, to be at war in four other countries around the world?

Americans cannot stand any more of this foreign policy supply-side prosperity. It is nothing new. I found it fruitless to question this President's policy.

I think it is time we started questioning his judgment.

CONGRESS HAS THE RIGHT TO WITHDRAW OUR TROOPS

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I do not advocate and I would not vote for withdrawing our troops from Lebanon.

We, the United States of America, do not run when we are assaulted and we do not allow our men to be murdered without our doing our best to punish those who perpetrate such a crime; but as the situation in the Middle East grows possibly more acute, the crisis deeper, I think it ought to be reiterated again and again that under the War Powers Act and under the resolution we passed 3 weeks ago relative to troops being in Lebanon, that Congress has the right, the authority, and the power to withdraw our troops when the country and the Congress think that should be done. I want that kept in front of the Congress and America that we do possess that right and we expect to exercise it when the occasion may require.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4102

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of the bill, H.R. 4102.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADMINISTRATION'S FOREIGN POLICY GETS MORE AND MORE CONFUSING

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the administration's foreign policy gets more and more confusing.

This morning Americans had to wake up hearing that a task force had landed on an island they had never heard of before, Grenada.

There are two stated policies for this landing. The first is to protect American lives, a policy we could all agree with, except as has been pointed out, the head of the medical school which has over 800 Americans there said not a single American life was in jeopardy.

The second stated reason is a more dangerous one. The second is that our Nation should bring order and democracy and stability to this small island of 110,000 people. In fact, when the multinational force landed today, they broadcast the following words: "Do not hinder our efforts to stabilize your nation."

Is Grenada the long sought-after foreign policy victory which the President has been so desperately seeking?

□ 1100

REAGAN FOREIGN POLICY IS TO USE MILITARY FORCE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, Members of the House, as today we consider U.S. military action in a number of regions of the world, let us think if perhaps there might have been another way so that American lives would not be in jeopardy and in fact, American lives would not be taken and the lives of other individuals would not be taken.

Some months ago, the now-assassinated Prime Minister of Grenada came to Washington, D.C., to ask for a meeting with President Reagan and for 1 week, he sat in this town waiting for an audience from the President of the United States, but the President's rhetoric and rigid position would not allow him to meet with Maurice Bishop.

Now, the President, we are told, has authorized the invasion of Grenada to return the country of Grenada to the rule it previously had prior to the assassination of Maurice Bishop, because as Prime Minister Charles told us on national TV, Maurice Bishop's government was moving in our direction.

If he was moving in our direction, why was it that the President of the United States could not choose to meet with Prime Minister Bishop when he was here but only now after his assassination do we seek military intervention in the country of Grenada?

There is another way, but apparently the Reagan policy is only to use the military side of foreign policy and apparently, without the use of military power, none of the Reagan policies can succeed.

LET US NOT ESCALATE THE LEBANON SITUATION INTO A FULL-SCALE WAR

(Mr. GIBBONS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I want to commend you for having sat patiently and listened in a thoughtful way through this debate this morning. I notice that the majority leader has been on the floor, and our distinguished majority whip has been here.

This is not a partisan matter. This is a serious American matter.

Mr. Speaker, we look to you to help us keep from getting more deeply involved in Lebanon. We need your thoughtful guidance and your help. You have the ear of the President. We need your cautious words in his ear.

Mr. Speaker, the President is wrong. Our vital interests are not at stake in Lebanon. Let us not escalate this into a war in which there is no honorable, decent, or effective way out.

FULL BLAME PLACED ON PRESIDENT FOR ATTACK ON MARINES IN LEBANON

(Mr. MARTIN of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Mr. Speaker, I am amazed at the eagerness with which some have risen to make pious political capital out of the disaster in Beirut. They are not merely critical of the inadequate security around the perimeter of our headquarters that was demolished at the airport; they seem rather to rail at that disaster as though it were a direct consequence of our foreign policy, disregarding the often-stated purposes for which the U.S. Marines were sent into that dangerous situation; to disengage the savage fighting that had preceded us in Lebanon and to give the Government there a chance to prepare to defend itself. If it had not been dangerous, we would not have sent in the Marines.

It has been unclear whether these self-righteous critics have any words to condemn those who carried off this cowardly, sneak attack that killed over 200 of our marines. But there is no doubt whatsoever that they place the full blame on the President. Their calls for retreat and their armchair second-guessing of even the evacuation details can have no other effort than to undercut our own resolve while embolding those terrorists who planned, motivated and coordinated the surprise attack.

To compound the self-flagellation, there has even been a reflexive barrage of protests over Grenada, protesting not the brutal overthrow of Marxists by Marxists, but apparently defending the rights of self-determination for the blood-loving Marxist assassins of the world.

WE CANNOT TURN OUR BACKS AS COUNTRY AFTER COUNTRY GOES COMMUNIST

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, we have heard that the U.S. vital interests are not involved in Lebanon. We heard earlier, both today and in recent weeks that they are not at stake in Central America. We have heard this morning that we do not have a vital interest in Grenada.

I pose this question: Where in the world other than the shores of our own country do we have a vital interest any more? Are we going to retreat totally into our own island and say a pox on the rest of the world? We cannot ignore the situation in the rest of the world, we cannot ignore the situation in Lebanon and the Middle East. We cannot ignore what is happening in Central America.

Mr. Speaker, a multinational force did go into Grenada this morning to try to secure that area, and they went in to honor the request of neighboring island countries who are concerned about not only what was happening on Grenada but about their own security—countries like Jamaica.

We also went in to protect the security of U.S. citizens there, 600 of whom are students at St. George's Medical School. There is one other reason why we went in there: The Cubans, and probably others, were building a long, sophisticated airstrip on that island; for who knows what reason?

That island was very much falling into the Cuban Communist sphere of influence. We cannot turn our backs as island after island and country after country in our own hemisphere go Communist.

MARINES' FAMILIES WITH BENFITS CLAIMS TO RECEIVE PRIORITY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, several of my colleagues have expressed concern about the families of those marines killed in Lebanon and the benefits to which they are entitled. I have been in contact with the Administrator of the Veterans' Administration, and I have been assured that all claims for benefits by survivors of these men will be given top priority. The VA has initiated a cooperative effort with the Department of Defense in seeing to it that these claims are expedited in a sensitive, caring manner.

Widows and children of the victims of the terrorist attack on our Marine headquarters in Beirut are entitled to receive monthly dependency and indemnity compensation, GI home loan benefits, full educational advantages, medical treatment and, in most instances, are eligible to receive up to $35,000 from servicemen's group life insurance.

In addition, the marines injured and disabled in Sunday's attack may receive compensation based on the levels of disability, as well as vocational training, GI home and business loans, and insurance benefits. All injured marines will receive continued priority medical treatment at Rhein-Main Air Force Base in West Germany and, upon their return to the United States, this quality medical care will continue.

Mr. Speaker, I can assure all members of this body that the Veterans' Administration and the Department of Defense are working in full cooperation to take care of the victims, the widows, the children, and the needy parents directly affected by this international tragedy in Lebanon.

PARLIAMENTARY INQUIRY

Mr. LUJAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LUJAN. Mr. Speaker, am I correct to assume the pending business before the House is consideration of H.R. 1062 which has been vetoed by the President?

The SPEAKER. The gentleman is correct. That is what the Chair intends to bring up.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN LANE COUNTY, OREG.—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 1062) to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane Country, Oreg.

The SPEAKER. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

PREFERENTIAL MOTION OFFERED BY MR. LUJAN

Mr. LUJAN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. LUJAN moves to refer the bill, H.R. 1062, together with the message from the President, to the Committee on Interior and Insular Affairs.

Mr. UDALL. Mr. Speaker, I move to table the motion offered by the gentleman from New Mexico (Mr. LUJAN).

The SPEAKER. The question is on the motion to table, offered by the gentleman from Arizona (Mr. UDALL).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LUJAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 273, nays 144, not voting 16, as follows:

[Roll No. 412]

YEAS—273

Ackerman	Feighan	Markey
Addabbo	Ferraro	Martinez
Akaka	Fish	Matsui
Albosta	Flippo	Mavroules
Alexander	Florio	Mazzoli
Anderson	Foglietta	McCloskey
Andrews (NC)	Foley	McHugh
Andrews (TX)	Ford (MI)	McKernan
Annunzio	Ford (TN)	McNulty
Anthony	Fowler	Mica
Applegate	Frank	Mikulski
Aspin	Frost	Miller (CA)
AuCoin	Fuqua	Mineta
Barnes	Garcia	Minish
Bates	Gaydos	Mitchell
Bedell	Gejdenson	Moakley
Beilenson	Gephardt	Mollohan
Bennett	Gibbons	Montgomery
Berman	Glickman	Moody
Bethune	Gonzalez	Moore
Bevill	Gore	Morrison (CT)
Biaggi	Gray	Mrazek
Boggs	Green	Murphy
Boland	Guarini	Natcher
Boner	Gunderson	Neal
Bonior	Hall (IN)	Nelson
Bonker	Hall (OH)	Nichols
Borski	Hall, Ralph	Nowak
Boucher	Hall, Sam	O'Brien
Boxer	Hamilton	Oakar
Breaux	Hance	Oberstar
Britt	Harkin	Obey
Brooks	Harrison	Olin
Brown (CA)	Hawkins	Ortiz
Bryant	Hayes	Ottinger
Burton (CA)	Hefner	Owens
Byron	Hertel	Panetta
Carper	Hightower	Patterson
Carr	Horton	Pease
Chappell	Howard	Penny
Clarke	Hoyer	Pepper
Clay	Hubbard	Perkins
Coelho	Huckaby	Pickle
Coleman (TX)	Hughes	Price
Collins	Hutto	Rahall
Conyers	Ireland	Rangel
Cooper	Jenkins	Ratchford
Courter	Jones (NC)	Ray
Coyne	Jones (OK)	Regula
Crockett	Jones (TN)	Reid
Daschle	Kaptur	Richardson
de la Garza	Kastenmeier	Ridge
Dellums	Kazen	Rinaldo
Derrick	Kennelly	Roe
DeWine	Kildee	Roemer
Dicks	Kogovsek	Rose
Dingell	Kolter	Rostenkowski
Dixon	Kostmayer	Rowland
Donnelly	LaFalce	Roybal
Dorgan	Lantos	Russo
Dowdy	Leach	Sabo
Downey	Leath	Savage
Durbin	Lehman (CA)	Scheuer
Dwyer	Lehman (FL)	Schneider
Dymally	Leland	Schroeder
Dyson	Levin	Schumer
Early	Levine	Seiberling
Eckart	Levitas	Shannon
Edgar	Lipinski	Sharp
Edwards (CA)	Lloyd	Sikorski
Edwards (OK)	Long (LA)	Simon
English	Long (MD)	Sisisky
Erdreich	Lowry (WA)	Skelton
Evans (IL)	Luken	Slattery
Fascell	Lundine	Smith (FL)
Fazio	MacKay	Smith (IA)
Smith (NJ)	Thomas (GA)	Weiss
Snowe	Torres	Wheat
Spratt	Torricelli	Whitley
St Germain	Towns	Whitten
Staggers	Traxler	Williams (MT)
Stark	Udall	Wilson
Stenholm	Valentine	Wirth
Stokes	Vandergriff	Wise
Stratton	Vento	Wolpe
Studds	Volkmer	Wright
Swift	Walgren	Wyden
Synar	Watkins	Yates
Tallon	Waxman	Yatron
Tauke	Weaver	Young (MO)
Tauzin	Weber	Zablocki

NAYS—144

Archer	Gregg	Packard
Badham	Hammerschmidt	Parris
Bartlett	Hansen (ID)	Pashayan
Bateman	Hansen (UT)	Patman
Bereuter	Hartnett	Paul
Bilirakis	Hiler	Petri
Bliley	Hillis	Porter
Boehlert	Hopkins	Pursell
Broomfield	Hunter	Quillen
Brown (CO)	Hyde	Ritter
Broyhill	Jeffords	Roberts
Burton (IN)	Johnson	Robinson
Campbell	Kasich	Rogers
Carney	Kemp	Roth
Chandler	Kindness	Rudd
Chappie	Kramer	Sawyer
Cheney	Lagomarsino	Schaefer
Clinger	Latta	Schulze
Coats	Lewis (CA)	Sensenbrenner
Coleman (MO)	Lewis (FL)	Shaw
Conable	Livingston	Shelby
Conte	Loeffler	Shumway
Corcoran	Lott	Shuster
Coughlin	Lowery (CA)	Siljander
Craig	Lujan	Skeen
Crane, Daniel	Lungren	Smith (NE)
Crane, Philip	Mack	Smith, Denny
Daniel	Madigan	Smith, Robert
Dannemeyer	Marlenee	Snyder
Daub	Marriott	Solomon
Davis	Martin (IL)	Spence
Dickinson	Martin (NC)	Stangeland
Dreier	Martin (NY)	Stump
Duncan	McCain	Sundquist
Edwards (AL)	McCandless	Taylor
Emerson	McCollum	Thomas (CA)
Erlenborn	McDade	Vander Jagt
Evans (IA)	McEwen	Vucanovich
Fiedler	McGrath	Walker
Fields	McKinney	Whitehurst
Forsythe	Michel	Whittaker
Franklin	Miller (OH)	Winn
Frenzel	Molinari	Wolf
Gekas	Moorhead	Wortley
Gilman	Morrison (WA)	Wylie
Gingrich	Myers	Young (AK)
Gradison	Nielson	Young (FL)
Gramm	Oxley	Zschau

NOT VOTING—16

Barnard	Holt	Rodino
Bosco	Jacobs	Roukema
D'Amours	Lent	Solarz
Goodling	McCurdy	Williams (OH)
Hatcher	Murtha	
Heftel	Pritchard	

□ 1120

Messrs. GUNDERSON, ORTIZ, HORTON, and MacKAY changed their votes from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

□ 1130

The SPEAKER pro tempore (Mr. SCHUMER). The gentleman from Arizona (Mr. UDALL) is recognized for 1 hour.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am certain there are more important matters before the Congress and before the country today, but if our country has stood for anything over the years it has stood for fairplay and decent and just treatment of its own citizens.

Mr. Speaker, I rise today to urge my colleagues to override President Reagan's veto of a bill that to date has not had a single vote cast against it in either the House or the Senate. And for good reason. This bill represents such a small act of generosity and such a large dose of simple justice that it is beyond me what the administration thinks it gains by vetoing it.

The facts are these—and to those of us from the West, these facts are hardly unique. Six rural Oregon families owned nine parcels of land adjacent to Bureau of Land Management property. The land was subdivided in 1941 and at that time an inadvertent trespass was created when a private surveyor failed to find the correct property lines laid out by the Bureau of Land Management in 1873. As a result, the grand total of 3.11 acres of Government land was mistakenly thought to be the private property of these six families.

The error was discovered in 1959 and ever since these families have been trying to get the Government to do something about it. They have continued to pay their taxes—even on the land they have not owned. These are not, by the way, wealthy families trying to secure a break on their vacation home or ski condominium. They are people of very modest means, mostly mill workers and retired couples. They cannot afford to buy this land as would be required by the Federal Land Policy and Management Act, and I think it is clear that in this case they should not be required to do so.

The legislation that President Reagan has vetoed would authorize the Secretary of the Interior to convey this 3.11 acres of Federal land to these six families without compensation to the Government. The bill does not even require him to do so—it simply says that he may convey the land for free.

Let me say a few words about the administration's reasons for vetoing this bill. First, it is said that it would set a bad precedent. As chairman of the Committee on Interior and Insular Affairs, I can assure the House that this bill sets no precedent whatsoever. The West is littered with boundary disputes and problems such as this and in nearly every Congress we pass at least a few bills doing exactly what this bill does, and usually it involves much more acreage.

The administration worries that the bill might encourage other private landowners to encroach on the public domain. But no one contends that these families in Oregon purposely trespassed or intended to defraud the Government. If that were the case, the issue would be far different. But these people are the victims of an inadvertent error made more than 40 years ago. It astounds me that an administration which has ballyhooed itself as such a friend of the West, as one that wants to be a good neighbor to us Westerners, could show so little understanding of this common problem and take such a petty attitude about the plight of these six families.

Finally, I am told there is some concern that the telephone company owns a portion of the 3.1 acres covered by the bill and might benefit from it.

The administration does not want to give anything to a company that can and would pay for it, aside from the fact, as I understand it, the telephone company owns less than two-tenths of 1 acre.

The administration should know that the bill says that the Secretary may offer the disputed land free of charge, not that he shall offer it.

So conceivably the Secretary could force the corporate interests to pay for the improperly acquired two-tenths of 1 acre while exercising the simple common sense and minor generosity and plain justice necesary to quitclaim the remainder.

I would urge my colleagues to do the same by overriding the President's veto of this measure.

Let me in closing quote from the senior Senator from Oregon (Mr. HATFIELD) who said in the other body in an interview:

> I communicated to him, the President, in the strongest terms my conviction that this action would be perceived as another unnecessary act of insensitivity toward the well being of elderly citizens by this administration.

Senator HATFIELD says:

> I further expressed my belief that the administration was making the decisions on the ground of looking only at the bottom line and not considering the human factor.

I reserve the remainder of my time.

Mr. Speaker, I yield 30 minutes to the gentleman from New Mexico (Mr. LUJAN), for purposes of debate only.

Mr. LUJAN. I thank the gentleman from Arizona, the chairman of the committee, for yielding to me.

Let me say right at the start that it is difficult to characterize this piece of legislation other than to characterize it for what it is. It is a sham, it is a sham that has been brought to this House of Representatives.

Many of the Members have been misled as to exactly what is taking place here.

The truth of the matter is that there are nine, yes, nine property owners here. Now we have heard about all the people who cannot afford to pay for it. We have been told that there are some people who cannot afford to pay for the land. But have they told the Members that one of those entities is the poor Oregon Pacific and Eastern Railroad Co.? Have they told the Members that one of those companies that owns one piece of land here is Pacific Northwest Bell?

No; they have not. They have made it appear like we are kicking around some poor defenseless people.

Now have they told the Members who sold this land? The Federal Government did not sell this land in the first instance. It was a private person who sold this land and profited from the sale of that land. Yes, sold Government land and took the money for the sale of that land.

What would happen if I were to take land owned by the gentleman from Arizona or the gentleman from Oregon and sell it? Would they then say, "Well, that is perfectly all right. We will just give it to the people that you have sold it to."

Have they told the Members who did the erroneous survey? It was not the Government that made that erroneous survey, it was a private individual.

If we are to collect from anyone, we should collect from the guy or the company that sold that land and put the money in their pocket, or we should collect from the person that made that survey.

Apparently they did not know what they were doing.

Now this is not the heartless thing that people would have you believe. We pointed out in committee that there are alternatives.

First of all, let me say, we cannot just go around giving Government land because someone convinces people that they should just have it.

□ 1140

You cannot just give it away. Do you give away your own land? Or is it just easier to reach into the taxpayers' pocket and give their land away?

The second thing is, we can sell this land to these people at the 1957 value. And do you know what that value is? It is $800 for the nine parcels of land.

We can sell this for $800 for the nine parcels of land. That is just less than $100 per parcel of land that it would be sold for, and we would maintain the precedents that he have had in dealing with Government land all along.

Or, third, we could allow these people to live on that land until they sold it, not have to pay a dime. But if they ever sell the property, then pay the Government the value of the land.

I had hoped we could send it to committee, just take it back to committee and rework it. We could exercise our options legislatively. And I might tell this House that if we chose not to act on it legislatively, the Department is prepared to offer those options, the $900 option, or the option to live on it for the rest of their lives until they sell it. Now, what could be more fair than that?

If we do not act on this, on this override, if we do not override the veto, these people can still live on that land for the rest of their lives. And if they ever sell it, all they have to do is repay the Government for the value of that land.

Now, we have precedents, we have plenty of precedents on how other things like this have been handled. In Montana there were about 300 parcels of land that people can continue to live on, can continue to hold title to it until they sell it, and then they would reimburse the Government.

In my own home State of New Mexico—I have not had time to look at all of the precedents that we have had, but I can tell you of two that I have personal experience with in my own home State of New Mexico—over 1,000 pieces of property have been returned to people all along the Rio Grande corridor where there was a question as to whether it was private ownership or whether the Government owned it. We went in and surveyed it. It is now being returned to people in a compact way, knowing exactly what the lines are, and they paid very, very minimal amounts. I, for one, will tell you that the people in New Mexico are no different than the people in Oregon. And if they can get that straightened out for the payment of less than $100, then they would be very happy.

We also have one other precedent in the State of New Mexico that really makes a lot of sense. The President has time and again called for the private sector, for someone out of Government doing something to solve problems. I was very pleased in New Mexico, the Ghost Ranch, which was owned by the Presbyterian Church, was turned over, a portion of it was turned over to the Federal Government as part of the national forest and given credit to those poor people who had clouds on their title because of ownership.

There are all kinds of ways to do it. I had hoped that we would be able to send it back to committee and try to get the thing resolved.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, the gentleman is the ranking minority member of the Interior Committee, and this bill was reported out of the Interior Committee by a unanimous vote.

Mr. LUJAN. We did not have a vote.

Mr. SEIBERLING. Of course we had a vote.

Mr. LUJAN. If the gentleman will remember, I raised objections to this bill.

Let me tell you, the experience we have had in committee, you just run all over us. You have the votes, and we are denied a voice on all kinds of things. As a matter of fact, if you will remember, we had a big brouhaha over trampling over our rights here not too long ago, and that is exactly the thing that happens when these things go to committee. That committee has gotten so partisan that we just do not have the opportunity to do it.

Mr. SEIBERLING. Will the gentleman yield further?

Mr. LUJAN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Nobody voted against this bill in committee.

Mr. LUJAN. You passed it by a voice vote after we became disgusted, after we told you exactly that you should not be setting a precedent of giving land.

If you really want to be charitable, why do you not take $800 or $900 out of your pocket and pay it and give it to these people?

Mr. SEIBERLING. If the gentleman will yield further, why did not anyone offer such an amendment in committee?

Mr. LUJAN. We did.

Mr. SEIBERLING. There was no such amendment offered.

Mr. LUJAN. We objected to the whole thing.

Mr. SEIBERLING. No such amendment was offered.

Mr. LUJAN. The gentleman from Colorado on our side had such a bill.

Mr. SEIBERLING. He did not offer it.

Mr. LUJAN. That is exactly what we did, what I am suggesting we do here. But it happened to be a member of the majority, and we just got rolled right over.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding.

Mr. Speaker, I have two questions. The gentleman stated there are two alternatives. One is that they could pay $900. The second alternative is that if they sell it prior to their death, the money would go to the Government.

My question is: Suppose these people who live on this property died without ever having sold the property. Could they devise it by will to their heirs?

Mr. LUJAN. Well, that would be up to the arrangements to be worked out with the Interior Department. And I will tell the gentleman that they are wanting to get out of this whole situation, and I am sure that could be worked out. Or we could go to committee and put that provision into the bill, that the heirs might keep it. That is another way to do it.

Mr. SAM B. HALL, JR. If the gentleman will yield further for one other question, I have correspondence that has come to me to the effect that these people have lived on this property for many, many years, paying taxes on it each year before delinquency. Is that a fact?

Mr. LUJAN. That is correct.

Mr. SAM B. HALL, JR. How long have these people lived on this property that is in dispute?

Mr. LUJAN. Well, it had to be in 1957, I believe was the date that they bought it. So it has been a substantial amount of time, and we stipulate that. We have no argument with that.

But I will tell the gentleman that it is no different, the same circumstances happened in many of the Western States. These examples I gave in my own home State, families have lived there for 100 years, and we still went ahead and accommodated them, one, by the Ghost Ranch's generosity.

I would submit to all who want to give this away that you can really solve this problem. If you really want to do something charitable, do not dig into the taxpayers' pockets; dig into your own pocket and put up $900 bucks and buy it and give it to them.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. LUJAN) has consumed 11 minutes.

Mr. UDALL. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. I thank my chairman for yielding.

Mr. Speaker, this is my district, and it is along a rural road in an area called Culp Creek in Oregon. Several families, mostly millworkers and retired couples, live in their very modest homes.

Sometime ago they were told that, due to an erroneous survey 42 years ago, the U.S. Government is actually the technical owner of portions of their yards, even a home in one instance. Even though these people paid taxes on all of their property during those 40 years, including the property the Government claims, they paid over $20,000 in taxes, according to the assessor in Lane County, on the Government-owned property alone. They bought their property. They paid for it. They paid property taxes on it. And now the Government wants to take it away from them.

The gentleman from New Mexico would have the Government make some kind of a deal where they might not be able to leave it to their kids or not have clear title to it. A home is, to me, the most important thing in the world. That is security, to me, and to these people. They worked hard for it in that sawmill all their lives, and now, because of this error, the Government wants to take it away from them.

So Senator HATFIELD and I worked for many years to try to clear a little bill in the Congress to just simply have the Government quit claim this property to these people. And this year we finally succeeded. This House—I thank them so much—put the bill through, and Senator HATFIELD was able to get the bill through in the Senate. We were stunned and shocked to find that it was vetoed.

It would cost the Government nothing to assure these people ownership of this small parcel. Only a quit claim deed is required. I say that if the Government did try to sell it to them at fair market value, or some such thing, the BLM has told us the minimal cost would be $6,000 to the Government. So the Government would actually lose money selling this to these people, and the people, very frankly, cannot afford even this minimal amount of money that the gentleman from New Mexico mentioned.

□ 1150

Mr. WYDEN. Mr. Speaker, will the gentleman yield?

Mr WEAVER. I will be glad to yield just briefly to the gentleman from Oregon.

Mr. WYDEN. I appreciate the gentleman yielding, and I will be very brief.

Mr. Speaker, I just want to commend my colleague for the tremendous leadership he has shown.

I was the director of the Oregon Gray Panthers for 7 years before I came to the Congress, and I cannot recall one instance where Government has been this insensitive to the problems of the elderly.

I just want to congratulate the gentleman.

Mr. WEAVER. I thank my colleague from Oregon, who has always fought for all citizens, and particularly for the elderly.

The owners are, and I will name them:

Erwin and Audra Olivera, whose ages are 64 and 59.

Jesse Lee and Helen Swain, whose ages are 57 and 56.

Mr. and Mrs. Leon Morss, ages 77 and 71.
Mr. and Mrs. Victor Patton, ages 71 and 64.
Mr. and Mrs. Verle Locke, ages 67 and 67.

Mrs Locke is seriously ill of a heart disease. We do not know how much longer she will live. I visited these people. I know them. I know their properties.

In this small parcel, this tract, there are a couple of little slivers. One happens to belong to the telephone company, and I did not even know that until a couple of years ago. And then one little right-of-way, not in ownership, by a small railroad there.

The 1957 valuation listed these properties as worth $100 and $50, and I hope the administration makes them pay for it. That is fine. Under this bill, the administration can. What we want them to do is quit claim deed the property to these six elderly people.

Now, what happened? A private survey was conducted in 1941 when the tract was originally subdivided. In 1957, the BLM conducted a survey which discovered that the private survey conducted in 1941 was in error. As a result, since that time, the BLM has claimed ownership in the 3.11 acres.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. WEAVER) has expired.

Mr. UDALL. Mr. Speaker, I yield 2 additional minutes to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding me this additional time.

Mr. Speaker, some of the individuals named above have owned their property since the 1940's and 1950's. The owners' title insurance said free and clear. Now listen to this: Why did the title insurance list the property free and clear? Because the BLM never recorded their claim. The BLM never went in and recorded their claim so, therefore, the property tax rolls of Lane County, Oreg., show these people as the owners and they have paid the property taxes on their own property and the property the Government claims. Over $20,000 of property taxes have been paid just on the Government strip.

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. I would be delighted to yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Speaker, I just want to make sure that all Members of the House understand what the gentleman has just said. I understood him to say that in 1957 the BLM did a new survey of an old survey that had an error in it, and in 1957 the BLM, on the basis of the new survey, said "this 3-acre parcel of land is ours," but they did not tell anybody. They did not record it. The local property tax assessor kept assessing the private families for the taxes. The families paid the taxes, just as they thought they paid for the purchase of the land in the first place.

BLM sat on that information since 1957 and now they are saying that to recompense these people, who clearly deserve it, is wrong; that somehow this is a high Federal case; that if we give 3 little acres to these families, somehow some terrible precedent is going to occur.

I just want to suggest that my colleague from Oregon is right on target in passing this bill and I commend him for having done so. I am glad he brought out the point about the BLM because I cannot forgive for a moment the way the BLM has handled this case.

I think we have victims here, Oregonians who have been victimized by the insensitivity of the BLM and we have an opportunity to do something about it.

Some Members are worried about precedents. Well, I would suggest that the precedent they ought to be concerned about—involving the loss of millions of dollars of Treasury receipts—are the "fire-sale" sales of coal and other resources and the privatization of land that the Department of the Interior is perpetrating. Concentrate on that; and leave these plain folks alone.

The SPEAKER pro tempore (Mr. APPLEGATE). The time of the gentleman from Oregon (Mr. WEAVER) has again expired.

Mr. UDALL. Mr. Speaker, I yield 1 additional minute to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding this additional time to me, and I thank my colleague from Oregon.

Mr. Speaker, I want to conclude in the best way I possibly can, and that is, in the words of Mrs. Verle Locke, age 67, one of those property owners, who along with her husband have worked all their lives in a sawmill and in keeping their home, and her words are: "It is plumb disgusting."

Mr. Speaker, I strongly urge a vote to override.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. WEAVER) has again expired.

Mr. LUJAN. Mr. Speaker, let me yield a couple minutes to the gentleman in the well for purposes of a question.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. WEAVER) is recognized for 2 additional minutes.)

Mr. LUJAN. Mr. Speaker, will the gentleman yield for a question?

Mr. WEAVER. I would be glad to yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Speaker, this thing is full of inconsistencies. We have heard that the BLM did not let anybody know. Did not Senator Wayne Morse introduce a bill like this back in 1960?

Mr. WEAVER. Absolutely. We have been working on this for many years.

Mr. LUJAN. Then it would seem to me that it was known in 1957; that it is not something that just came up and just all of a sudden we find this sort of thing. It is something that was known.

That leads me to my second question: Did I understand the gentleman correctly to say that there is title insurance here?

Mr. WEAVER. Yes.

Mr. LUJAN. So do they not have any kind of liability? Are we just bailing out the title company, along with the railroad and Pacific Bell?

Mr. WEAVER. Let me explain the point that my colleague, the gentleman from Oregon (Mr. AUCOIN), and I have made about the BLM. It is a really simple point, and that is that they did not record their claim in Lane County.

Mr. LUJAN. Somebody knew about it.

Mr. WEAVER. So on the official records of Lane County, there is no recognition of the BLM claim. Therefore, it was not picked up by the title insurance and the people have had to pay property taxes on the Government property.

Mr. LUJAN. If that is the case, how come Senator Morse introduced the bill in 1960? He must have known. There must have been some reason for him to do it.

Mr. WEAVER. The people knew, but the official records of Lane County——

Mr. LUJAN. The people knew, but the title company did not, and because of their error, then, the Federal Government is to bail them out. That is what the gentleman is saying.

Mr. WEAVER. No. The BLM never recorded their claim; therefore, the title companies go on official records, property tax collectors go on official records. The gentleman would not want a property tax collector to say, "Hey, I have a rumor that somebody else owns your property."

Mr. LUJAN. Yes, they do, I will tell the gentleman.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. WEAVER) has again expired.

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DENNY SMITH).

Mr. DENNY SMITH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I reluctantly rise today to support my colleague, the gentleman from Oregon (Mr. WEAVER), in trying to override this veto. I think that the President and the administration are wrong in this instance. I think

this is one of those instances where we should clear up something that has gone on for far too long, something where this Government has been unresponsive in what they have been trying to accomplish.

Certainly when one goes back to 1941, that is a long period of time, almost the same period that I have been on this Earth. This should have been taken care of a long time ago. It should be taken care of now.

I do not know quite how we got in this position. I do not know why it got to this point without being handled administratively. I think as far as this administration goes, it is a black mark on the Department of the Interior or the White House staff or the OMB. Someone should have done something about this prior to the time it becomes a private bill and prior to the time it becomes legislation to the point where this President has felt that his staff was correct in asking him to sign a veto message.

We should not be here doing what we are doing today, but we are, and in that instance, I would have to go with the nine property owners in Lane County, Oreg., and would so vote in overriding the President's veto.

Mr. Speaker, I yield back the balance of my time.

□ 1200

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. ROBERT F. SMITH).

Mr. ROBERT F. SMITH. Mr. Speaker, I want to commend the authors of this bill because, one way or the other, the nine people that we are talking about here are going to have the land available to them. They have earned it and they have paid taxes on it, and because of a foulup in the situation and the Government statistics, they have been deprived of the ownership of that land. So either way, whether this veto is sustained or not, these people are going to have the land available to them.

Now, I think that we have an opportunity here to both satisfy the administration's concern over the payment of fair market value for the property and also protect the citizens involved. We can do this: We can determine the fair market value where the mistake was made, and we can use that as the Federal Government's selling price. We could give the present owners credits aginst the selling price for the taxes they have paid over the years and any improvements to the land that they have made. The difference between the two could be the amount that is owed to the Federal Government.

But I am here to say to the Members that there is nothing to be owed to the Department of the Interior or the Federal Government. In other words, no cash will change hands.

Mr. Speaker, I want equity to prevail. I want the people who have lived on this land since the 1950's, the people who have paid taxes on it, to have the land. We all want that, of course, particularly when we get into a battle with the Federal Government, because certainly 3.1 acres is not going to break the Federal Treasury and certainly not the Department of the Interior.

But there is a precedent involved in this issue about conveyances. Fifty-two percent of the State of Oregon is owned by the Federal Government. We have boundary line problems continually, and this is just one small example of what occurs in the West, because we are continually facing this kind of a situation, although not exactly like this, of course, because these people did pay taxes.

But let me repeat again that equity will prevail because these people are going to have their land. Justice will prevail, because they will not have to pay anything to the Federal Government. They will get their land.

Now we get to the bottom line. The bottom line is whether or not we want to override the veto of the President of the United States. That is the bottom line. So the issue now is, do we want to override the President, or do we not? Equity is there, justice is there, the people get the land, and they pay nothing to the Federal Government.

The issue then, Mr. Speaker, gets down to this: Do we embarrass the President of the United States and override the veto? That is the issue.

Mr. UDALL. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, as chairman of the subcommittee, I am asking our colleagues today to join in voting to override this Presidential veto, which, I am sure, astounded every single Member of Congress and particularly those members of the committee which voted unanimously to report this bill. The subcommittee and the committee voted unanimously to report this bill favorably to the House.

This bill passed the House unanimously on the Consent Calendar, it passed the Senate unanimously, and now, after the President has vetoed it, we hear Members say, "Oh, well, there should have been amendments offered." No amendments were offered in subcommittee or in committee.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. No, I do not yield. I will not yield. I only have 4 minutes.

Mr. Speaker, this bill would simply grant authority to the Secretary to make the transfers; it does not mandate that he do so. It seems to me that the same considerations of equity that prevailed in the committee, in the House, and in the Senate ought to prevail in connection with the veto.

Let me point out that the President said this would create an undesirable precedent. Well, if we are going to start down that road, we are going to change a great deal the way this body operates. I would like to point out that many, many times this Congress, this House, and our committee have taken up similar bills.

For example, in the last Congress the Committee on Interior and Insular Affairs considered a bill introduced by our colleague, the gentleman from Montana (Mr. RON MARLENEE), to authorize the Secretary to convey all Federal interests in certain lands to Miles City, Mont., and Custer County, Mont. That involved interests in 490 acres free of any charge for the transfer, and President Reagan signed the bill.

In the last Congress, the Committee on Interior and Insular Affairs reported, and Congress passed, a bill introduced by our colleague, the gentleman from California (Mr. NORM SHUMWAY), to transfer interests in certain lands located in the Mother Lode country of California. that involved interests in 600 acres, it was signed by the President, and it was without a requirement of consideration.

I might say that the gentleman from New Mexico himself in the 96th Congress introduced a bill conveying all Federal interests in certain land in New Mexico to Mr. Walter Hernandez without consideration, and the President signed that bill.

So what has happened here? We have tried to operate in our committee in these matters on a bipartisan basis to do equity in situations where the payment of fair market value would be obviously unfair, and this is one such situation.

I might suggest that the equity should run both ways. Just because it is a Democrat who offered the bill does not mean that then it should be the subject of a veto.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. We have not functioned that way in our committee, and I hope we never do.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. If the gentleman would yield me some time, I would yield. I am almost out of time.

Mr. LUJAN. Mr. Speaker, I will yield the gentleman more time.

Mr. SEIBERLING. Then I am happy to yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, like everything in this bill, we are told certain things. The gentleman is correct, we did have a bill for Miles City, Mont., but the gentleman is not telling the

whole story. When we passed that bill, it included a covenant which has the effect of delaying the fair market value payment by the city until Miles City sells the land to somebody else. Now, that is the difference between this one and that one.

When the gentleman talks about the piece of legislation that I had—and incidentally that was not the Reagan administration; it was the Carter administration that signed it.

Mr. SEIBERLING. That is interesting, too.

Mr. LUJAN. That was for Walter Hernandez, and it was because Walter Hernandez owned the piece of property before the Federal Government even existed.

Mr. SEIBERLING. Mr. Speaker, all I can say is if we are going to follow the rule of extracting fair market value all across the board, then we are going to have to change the way we handle these things in the future, and I think that would be a sad thing, because this Congress sits as a house of equity to do justice in situations where the ordinary, rigid rules do not properly apply.

Mr. LUJAN. Mr. Speaker, will the gentleman yield again? If he would yield, I would be glad to give him more time.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

Mr. LUJAN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio (Mr. SEIBERLING).

Will the gentleman yield?

Mr. SEIBERLING. I am happy to yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, let me ask the gentleman, do we know who the developer was that sold this land and put the money in his pocket, that benefited from the sale of 3 acres of Government land? Do we know who that developer was?

Mr. SEIBERLING. He is dead, and there is no way of recovering it from him.

Mr. LUJAN. Who was it? I have never heard who it was. It is easy to say, "Well, the guy is dead, and so forget it."

Well, is the surveyor dead also?

Mr. SEIBERLING. Correct. That was brought out in the debate in the committee.

Mr. LUJAN. The only one that is not dead, then, is the Federal Government, and that is whose pocket we get into.

Do we not have a charitable organization in Oregon that will say, "I will give you 900 bucks to help these people"?

Let us have a fund-raiser and raise the money for them. That is the way to do it. Get it out of our own pockets.

Mr. SEIBERLING. Mr. Speaker, will the gentleman allow me to proceed? Did the gentleman yield me the 2 minutes or not?

Mr. LUJAN. Yes, go ahead.

Mr. SEIBERLING. I am just sorry to say that the President has allowed himself again to be persuaded by the bad advice of Secretary James Watt.

Mr. LUJAN. Oh, no.

Mr. SEIBERLING. Obviously, because the veto message is almost identical to the message Secretary Watt gave this committee when we decided not to follow his advice, and I am sorry the President did follow his advice.

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Speaker, I appreciate the gentleman's yielding.

I just find it difficult to believe what I have been hearing on the House floor. We are involved with 3.11 acres of land. Because of a human error pertaining to this small parcel, the Interior Department is victimizing three or four senior citizen couples in Oregon. All for 3.11 acres of land.

The gentleman from New Mexico is concerned about a loss in dollars to the Federal Government. I would say to him that if we were not here on the floor taking an hour of the time of the House of Representatives debating a veto concerning 3.11 acres of senior citizens' land, we would have a savings that would be more than in excess of the money that is involved here.

□ 1210

Mr. SEIBERLING. Well, I would say if we are going to start a partisan approach, it is a two-edged sword. I hope that does not happen.

Mr. UDALL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as I read through the remarks in the record and the statement which the gentleman from Oregon (Mr. WEAVER) distributed about this 3-acre parcel of land, I was struck by the parallel, the similarity, to an incident that occurred in my own congressional district.

I do think it is wonderful that the House of Representatives can serve as a court of last resort to talk about problems of one citizen, or in this case two or three, little people.

It was about 3 years ago that the former minority leader, Mr. Rhodes, joined with me in introducing legislation to restore justice to a Mr. Clarence Oveson, who owned property in Voyageurs National Park. The Park Service, in the process of acquiring that land, told Mr. Oveson, "Sorry, we found a defect in the title. You don't really own that land. The Federal Government owns that land. We are not going to pay you for that land. We will only pay you for the building you have on it."

Now, he had lived there since 1941. As it turned out, and I just made some notes from memory, but I think it is quite correct, the original patent was never perfected. The land was sold in 1915 to a private person who then sold it to another private individual. The original owner then went back to the Federal Government and asked for and received his $150 land patent payment back, which was clearly a case of fraud.

Subsequently, that land changed hands many times. Eventually it was acquired by the State of Minnesota as tax forfeit land in the depression years. A private person bought the land from the State in 1941, then turned around the next day and sold it to Mr. Oveson.

Now comes along Mr. Oveson, 71 years of age, and says, "You know, I have lived here for almost 40 years. I have improved the land, improved the property. I kind of would like to live out my remaining years here. If you want to take it, please pay me what the land is worth, like you've done with everyone else."

The Federal Government said, "No. You don't really own that land. We have searched that title. We found that there as a defect in the title; it wasn't your fault, but we still own that land, legally, and don't want to set a precedent by buying it from you."

Well, it is the same case here with the three constituents of Mr. WEAVER. A mistake was made. In this case, it was made by private individuals. In the case of my constituent, it was made by the Federal Government.

Joined by our former colleague, Mr. Rhodes, I introduced a bill to pay Mr. Oveson the fair market value of his property—actually, a good deal less than that; the bill passed the House, passed the Senate, and in Jimmy Carter's final act of incompetence, it was pocket vetoed on Christmas Eve, 1980—on Christmas Eve. We did not even have a chance for an override.

So let us do justice. Let us do distributive justice, cure the defect and help these folks who are attached to their land.

Believe me, I understand the problem facing our colleague from Oregon and his constituents. Mr. Oveson's wife has died since that time and he is still there on his property. He probably will be able to live out his life there. He will probably never be paid what it is worth. I would not like to see the same happen in this case.

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MOLINARI).

Mr. MOLINARI. Mr. Speaker, I would like to engage in a colloquy with the gentleman from New Mexico, if I may.

The question of an error being made in a survey which results in people believing that they own land that in fact they do not, is not a novel question. From what I have heard on the floor, the individuals involved did have the protection of a title insurance policy.

I am somewhat confused, because if they did have that protection, why is it that the title company is not being held responsible in putting up the consideration that is required to repurchase the property in question?

Mr. LUGAN. Mr. Speaker, If the gentleman will yield, I cannot answer that question. Perhaps somebody over on the other side can answer why they want the gentleman to pay for it, instead of the taxpayers.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. I believe that question was answered, but I would like to point out that part of the problem is that the Government itself has inadequate surveys. This land was surveyed by the Government in 1873 and the Government did not discover until 1959 that the surveyor that followed the 1873 survey made a mistake, because the original survey was in error. The Government survey was in 1873. This is based on an erroneous survey originally in 1873 which misled the surveyor into thinking he was surveying properly in 1941.

Mr. MOLINARI. The gentleman has not answered my question, though. My question is, is there a title company that has contracted to take on the responsibility of guaranteeing that title?

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. I am pleased to yield to the gentleman from Oregon.

Mr. WEAVER. Yes, the title company has issued titles to these properties, and that is the problem. It is not officially recorded in the official records of Lane County. The BLM claim is not recorded and the title company simply gives what the official records are.

Mr. MOLINARI. Well, now, is it not the responsibility of the title company to take the deed and record it properly? That is my understanding.

Mr. WEAVER. Mr. Speaker, will the gentleman yield further?

Mr. MOLINARI. I am glad to.

Mr. WEAVER. I was a builder for 20 years and dealt with title companies a great deal. I found that in the small print they protected you from very little, and in this instance they did not protect these people from a thing.

Mr. MOLINARI. Well, I thank the gentleman for the answer, but it is not really an answer.

I have had some experience for 30 years and the small print, I am not so sure what that small print is. I have not received a satisfactory answer.

If there is a title company, they have insured the title, they should be picking up the tab here. We should not even be taking up this bill on the floor.

Nobody—the committee apparently has not discussed this, to determine the liability and whether in fact there is a title company that should be responsible.

Mr. WEAVER. Mr. Speaker, will the gentleman yield further?

Mr. MOLINARI. Yes, I will.

Mr. WEAVER. That issue has been taken up very carefully and the fine print in the title policy excludes the responsibility of the title company from such erroneous surveys.

The SPEAKER pro tempore (Mr. APPLEGATE). The time of the gentleman from New York has expired.

Mr. LUJAN. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. MOLINARI. Yes; I am glad to yield.

I hope the gentleman can shed some light on this.

Mr. SEIBERLING. I just want to correct the record. My staff informs me that there is not evidence that the 1873 Federal survey was in error, but obviously it was a very old survey and the Government did not resurvey it at the time this allotment was laid out. I think I ought to correct that.

Mr. MOLINARI. Will the gentleman answer one question for me?

Mr. SEIBERLING. Surely.

Mr. MOLINARI. If somebody purchases property from the Bureau of Land Management, who has the responsibility of insuring that there is a good and proper survey?

Mr. SEIBERLING. This was not purchased from the Bureau of Land Management.

Mr. MOLINARI. Who was it purchased from?

Mr. SEIBERLING. It was a private firm that the land was purchased from, but the homeowners relied on the survey of the person who developed the allotment and what happened was that the line was just moved over slightly on the Federal land.

Mr. MOLINARI. That is not the question I asked. I am saying, who has the responsibility of insuring that there is a good and proper survey?

Mr. SEIBERLING. The original surveyor had that responsibility.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

Mr. MOLINARI. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Well, I have dealt with this for 30 years and it is so seldom that something dealing with law comes up here that I want to get involved in.

It is usually the responsibility of a grantee to decide whether or not he or she might want title insurance. Then they go to a title company, as I am sure the gentleman is aware, and makes a request to examine the title to a certain tract of land and they do or do not issue a title.

Now, all the title companies I have ever dealt with would not issue a title insurance policy on a piece of land unless the title to that property was good.

No; if there is some latent defect that does not appear or a patent, whichever it might be, that does not appear of record, then, of course, the title policy is issued subject to the exclusions that they always have at the bottom of a policy.

Mr. MOLINARI. Exactly.

Mr. SAM B. HALL, JR. But if in this instance there was nothing to show that there was any exclusion that would be covered by this exclusion, then the title company would have issued a good title to this piece of property.

□ 1220

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LUJAN. Mr. Speaker, I yield 1 additional minute to the gentleman from New York (Mr. MOLINARI).

Mr. MOLINARI. I thank the gentleman for again yielding.

I finally have received a good and accurate answer here. The responsibility is on the grantee to have a survey made to insure that in fact they are getting what they bargained for, and the title company in these cases will insure the accuracy of that survey, so that if they did that, and nobody has been able to answer that question one way or another, then the title company should make good on the difference, whatever it costs, whether it is a 1957 value or today's value.

I thank the gentleman again for yielding.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. I thank the gentleman for yielding me this time.

Mr. Speaker, I will not take the 2 minutes. I want to simply make one statement, and that is, that this is a very meaningful issue. This is a very important issue, and it well needs the attention of the House, because when we judge a government and a society in its fundamental purpose it is how the individual citizen of that State is treated by its government. That is the core issue of our democracy, and we ask this question: Do we deal fairly with the individual? Do we give that individual justice?

These are the fundamental issues of our time, of any time in a democracy, or do we, on the other hand, turn a cold, callous shoulder to those individuals?

That is the issue in this vote and I urge a yes vote to override the veto.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

I believe that we should sustain this veto.

We have heard today that there is a possibility that there is title insurance on it, as a matter of fact, that is, there is title insurance. We have not heard that there is a specific exclusion. We hear, as with all the other issues in this committee, about the fine print. Nobody has said what that fine print says.

It is a way of brushing it away. The fact of the matter is in colloquy it came out, if there is not a specific exclusion, then that title company is on the hook.

We can take care of this matter without the necessity of overriding the President's veto.

The administration has said they will sell it at prices which would be about $800 for the nine parcels.

Now, if we want to be so generous, then why do we not take up, do something and raise that money? If every member of the committee would put up $15, we could take care of those seven individuals. I would not want to put up any money for the telephone company or the railroad, they can afford that; but at least for the other seven individuals, I will put up my money now, and we can solve it that way.

It always comes to the same way of doing business that, well, that is all right, you poor thing, I have a Government program that is going to take care of you.

Where is the individual responsibility? Where are those that are so generous with the taxpayers' funds? Where are they to come and lend a helping hand when somebody needs one?

If you really have compassion, if you really want to do something, go ahead and do it yourself and do not depend on the taxpayers to bail out your generosity.

Mr. UDALL. Mr. Speaker, I yield myself 2 minutes.

The BLM estimated it would take $6,800 administrative costs to process this, if we did what the gentleman from New Mexico is saying what should have been done all along. There is an easier way.

The easy way is to override. The Senate has done the same. The Secretary is given the power to negotiate and make a final settlement. This is what this simple little bill did. That is why it passed the House and the Senate without any opposition.

The fair and right thing to do is to override today and be done with this small issue, but to demonstrate that this Congress and this country can be just and fair in dealing with their citizens.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, the President again acted on the advice of Secretary Watt obviously which was again leading him astray.

Here is a Secretary who only recently has cost the Federal Government $100 million by dumping Federal coal on the market at a time when it should not have been sold and under procedures which resulted in less than fair market value, and he turns around and says, but in the case of these elderly people and widows, we should extract the last dollar because of a surveying error that was made by a private surveyor 20 years before the Government even discovered that there was an error. I submit to you, that that is a wrong approach and one that we ought to make clear we are not going to follow in this Congress.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Oregon.

Mr. DENNY SMITH. I thank the gentleman for yielding.

Mr. Speaker, I personally talked to Secretary Watt this morning. The Secretary told me that he had not signed anything on this particular bill, that he had not had anything to do with the veto.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. UDALL. Mr. Speaker, I yield 1 additional minute to the gentleman from Oregon (Mr. DENNY SMITH).

Mr. DENNY SMITH. I thank the gentleman for yielding again.

Mr. Speaker, again, he said that he had not had anything to do with the veto, that after the veto message had been signed by the President, that in this instance Jim Baker, Chief of Staff at the White House, had called him and expressed that he should be aware that the President had just vetoed this particular bill.

I intend to vote to override, but I would like to set that record straight, that Secretary Watt did not have anything to do with this particular veto.

Mr. SEIBERLING. I am glad to hear that.

Mr. UDALL. I want to commend the gentleman from Oregon (Mr. DENNY SMITH) for the statesmanlike position he is taking. I think the gentleman has seen where the right and wrong is, and where the equities are, and I commend him for that position.

● Mr. FRENZEL. Mr. Speaker, I know very little about this issue. My normal inclination is to support the President on questions of this kind.

However, I have observed the Interior Department in action. My experience has been with the Fish and Wildlife Division and not with the subagency involved here. Based on that experience, I believe that the Department would, given the opportunity to handle the matter administratively, act in its usual, obnoxious, bureaucratic way to prevent justice from being done.

Therefore, I will vote with the property owners, against the bureaucrats. I will vote to override.●

Mr. UDALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 297, nays 125, not voting 11, as follows:

[Roll No. 413]

YEAS—297

Ackerman	de la Garza	Hefner
Addabbo	Dellums	Heftel
Akaka	Derrick	Hertel
Albosta	DeWine	Hightower
Alexander	Dicks	Horton
Anderson	Dixon	Howard
Andrews (NC)	Donnelly	Hoyer
Andrews (TX)	Dorgan	Hubbard
Annunzio	Dowdy	Huckaby
Anthony	Downey	Hughes
Applegate	Durbin	Hunter
Aspin	Dwyer	Hutto
AuCoin	Dymally	Ireland
Barnard	Dyson	Jeffords
Barnes	Early	Jenkins
Bates	Eckart	Johnson
Bedell	Edgar	Jones (NC)
Beilenson	Edwards (CA)	Jones (OK)
Bennett	Edwards (OK)	Jones (TN)
Berman	English	Kaptur
Bethune	Erdreich	Kastenmeier
Biaggi	Evans (IL)	Kazen
Bilirakis	Fascell	Kennelly
Boggs	Fazio	Kildee
Boland	Feighan	Kogovsek
Boner	Ferraro	Kolter
Bonior	Flippo	Kostmayer
Bonker	Florio	Kramer
Borski	Foglietta	LaFalce
Bosco	Foley	Lantos
Boucher	Ford (MI)	Leach
Boxer	Ford (TN)	Leath
Breaux	Fowler	Lehman (CA)
Britt	Frank	Lehman (FL)
Brooks	Frenzel	Leland
Brown (CA)	Frost	Levin
Brown (CO)	Fuqua	Levine
Broyhill	Garcia	Levitas
Bryant	Gaydos	Lewis (CA)
Burton (CA)	Gejdenson	Lipinski
Byron	Gephardt	Lloyd
Carper	Gibbons	Long (LA)
Carr	Gingrich	Long (MD)
Chandler	Glickman	Lowry (WA)
Chappell	Gonzalez	Luken
Clarke	Gore	Lundine
Clay	Gradison	MacKay
Clinger	Gray	Markey
Coelho	Guarini	Martin (IL)
Coleman (MO)	Hall (IN)	Martin (NC)
Coleman (TX)	Hall (OH)	Martin (NY)
Collins	Hall, Ralph	Martinez
Conte	Hall, Sam	Matsui
Conyers	Hamilton	Mavroules
Cooper	Hance	Mazzoli
Coyne	Harkin	McCloskey
Crane, Philip	Harrison	McCurdy
Crockett	Hatcher	McGrath
Dannemeyer	Hawkins	McHugh
Daschle	Hayes	McKernan

McNulty	Price	Stenholm
Mica	Rahall	Stokes
Mikulski	Rangel	Stratton
Miller (CA)	Ratchford	Studds
Mineta	Regula	Swift
Minish	Reid	Synar
Mitchell	Richardson	Tallon
Moakley	Ritter	Tauke
Mollohan	Roe	Tauzin
Montgomery	Roemer	Thomas (GA)
Moody	Rose	Torres
Moore	Rostenkowski	Torricelli
Morrison (CT)	Rowland	Towns
Morrison (WA)	Russo	Traxler
Mrazek	Sabo	Udall
Murphy	Savage	Valentine
Natcher	Sawyer	Vandergriff
Neal	Scheuer	Vento
Nelson	Schneider	Volkmer
Nichols	Schroeder	Walgren
Nowak	Schumer	Watkins
O'Brien	Seiberling	Waxman
Oakar	Shannon	Weaver
Oberstar	Sharp	Weber
Obey	Shelby	Weiss
Olin	Sikorski	Wheat
Ortiz	Simon	Whitley
Ottinger	Sisisky	Whitten
Owens	Skelton	Williams (MT)
Panetta	Slattery	Wirth
Parris	Smith (FL)	Wise
Patman	Smith (IA)	Wolf
Patterson	Smith, Denny	Wolpe
Pease	Snowe	Wright
Penny	Solomon	Wyden
Pepper	Spratt	Yates
Perkins	St Germain	Yatron
Pickle	Staggers	Young (MO)
Porter	Stark	Zablocki

NAYS—125

Archer	Hammerschmidt	Pursell
Badham	Hansen (ID)	Quillen
Bartlett	Hansen (UT)	Ray
Bateman	Hartnett	Ridge
Bereuter	Hiler	Rinaldo
Bliley	Hillis	Roberts
Boehlert	Holt	Robinson
Broomfield	Hopkins	Rogers
Burton (IN)	Hyde	Roth
Campbell	Kasich	Roukema
Carney	Kemp	Roybal
Chappie	Kindness	Rudd
Cheney	Lagomarsino	Schaefer
Coats	Latta	Schulze
Corcoran	Lewis (FL)	Sensenbrenner
Coughlin	Livingston	Shaw
Courter	Loeffler	Shumway
Craig	Lott	Shuster
Crane, Daniel	Lowery (CA)	Siljander
Daniel	Lujan	Skeen
Daub	Lungren	Smith (NE)
Davis	Mack	Smith (NJ)
Dickinson	Madigan	Smith, Robert
Dingell	Marlenee	Snyder
Dreier	Marriott	Spence
Duncan	McCain	Stangeland
Edwards (AL)	McCandless	Stump
Emerson	McCollum	Sundquist
Erlenborn	McDade	Taylor
Evans (IA)	McEwen	Thomas (CA)
Fiedler	McKinney	Vander Jagt
Fields	Michel	Vucanovich
Fish	Miller (OH)	Walker
Forsythe	Molinari	Whitehurst
Franklin	Moorhead	Whittaker
Gekas	Myers	Winn
Gilman	Nielson	Wortley
Goodling	Oxley	Wylie
Gramm	Packard	Young (AK)
Green	Pashayan	Young (FL)
Gregg	Paul	Zschau
Gunderson	Petri	

NOT VOTING—11

Bevill	Lent	Solarz
Conable	Murtha	Williams (OH)
D'Amours	Pritchard	Wilson
Jacobs	Rodino	

□ 1240

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEISS). Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, October 24, 1983, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4091 and House Concurrent Resolution 187, both by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS OF 1983

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4091.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 4091, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 114, not voting 13, as follows:

[Roll No. 414]

YEAS—306

Ackerman	Brooks	Duncan
Addabbo	Brown (CA)	Durbin
Akaka	Bryant	Dwyer
Albosta	Burton (CA)	Dymally
Alexander	Byron	Dyson
Anderson	Carper	Early
Andrews (NC)	Carr	Eckart
Andrews (TX)	Chandler	Edgar
Annunzio	Chappell	Edwards (CA)
Anthony	Chappie	Emerson
Applegate	Clarke	English
Aspin	Clay	Erdreich
AuCoin	Clinger	Evans (IA)
Barnard	Coelho	Evans (IL)
Barnes	Coleman (MO)	Fascell
Bates	Coleman (TX)	Fazio
Bedell	Collins	Feighan
Bennett	Conte	Ferraro
Berman	Conyers	Fish
Bethune	Cooper	Flippo
Biaggi	Coughlin	Florio
Boehlert	Coyne	Foglietta
Boggs	Daschle	Foley
Boland	de la Garza	Ford (MI)
Boner	Dellums	Ford (TN)
Bonior	Derrick	Fowler
Bonker	Dicks	Frank
Borski	Dingell	Frenzel
Bosco	Dixon	Frost
Boucher	Donnelly	Fuqua
Boxer	Dorgan	Garcia
Breaux	Dowdy	Gaydos
Britt	Downey	Gejdenson
Gekas	Marriott	Roybal
Gibbons	Martin (NY)	Russo
Gilman	Martinez	Sabo
Glickman	Matsui	Savage
Gonzalez	Mavroules	Sawyer
Goodling	Mazzoli	Scheuer
Gore	McCloskey	Schneider
Gray	McCurdy	Schroeder
Gregg	McDade	Schumer
Guarini	McGrath	Seiberling
Gunderson	McHugh	Shannon
Hall (IN)	McKernan	Sharp
Hall (OH)	McKinney	Shelby
Hall, Ralph	McNulty	Sikorski
Hall, Sam	Mica	Simon
Hamilton	Mikulski	Sisisky
Hammerschmidt	Miller (CA)	Skelton
Hance	Mineta	Slattery
Harkin	Minish	Smith (FL)
Harrison	Mitchell	Smith (IA)
Hatcher	Moakley	Smith (NJ)
Hawkins	Mollohan	Smith, Robert
Hayes	Moody	Snowe
Hefner	Morrison (CT)	Spratt
Heftel	Morrison (WA)	St Germain
Hertel	Mrazek	Staggers
Hightower	Murphy	Stangeland
Horton	Natcher	Stark
Howard	Neal	Stokes
Hoyer	Nelson	Stratton
Hubbard	Nichols	Studds
Huckaby	Nowak	Swift
Hughes	O'Brien	Synar
Hutto	Oakar	Tallon
Hyde	Oberstar	Tauzin
Ireland	Obey	Taylor
Jeffords	Olin	Thomas (GA)
Jenkins	Ortiz	Torres
Johnson	Ottinger	Torricelli
Jones (NC)	Owens	Towns
Jones (OK)	Packard	Traxler
Jones (TN)	Panetta	Udall
Kaptur	Patman	Valentine
Kastenmeier	Patterson	Vander Jagt
Kazen	Pease	Vandergriff
Kennelly	Penny	Vento
Kildee	Pepper	Volkmer
Kogovsek	Perkins	Walgren
Kolter	Petri	Watkins
Kostmayer	Pickle	Waxman
LaFalce	Porter	Weaver
Lantos	Price	Weiss
Leach	Pursell	Wheat
Lehman (CA)	Quillen	Whitley
Lehman (FL)	Rahall	Whitten
Leland	Rangel	Williams (MT)
Levin	Ratchford	Wilson
Levine	Ray	Wirth
Levitas	Regula	Wise
Lipinski	Reid	Wolpe
Lloyd	Richardson	Wortley
Long (LA)	Ridge	Wright
Long (MD)	Rinaldo	Wyden
Lowry (WA)	Roe	Yates
Lujan	Roemer	Yatron
Luken	Rogers	Young (AK)
Lundine	Rose	Young (FL)
MacKay	Rostenkowski	Young (MO)
Markey	Rowland	Zablocki

NAYS—114

Archer	DeWine	Kindness
Badham	Dickinson	Kramer
Bartlett	Dreier	Lagomarsino
Bateman	Edwards (AL)	Latta
Bereuter	Edwards (OK)	Leath
Bilirakis	Erlenborn	Lewis (CA)
Bliley	Fiedler	Lewis (FL)
Broomfield	Fields	Livingston
Brown (CO)	Forsythe	Loeffler
Broyhill	Franklin	Lott
Burton (IN)	Gingrich	Lowery (CA)
Campbell	Gradison	Lungren
Carney	Gramm	Mack
Cheney	Green	Madigan
Coats	Hansen (ID)	Marlenee
Conable	Hansen (UT)	Martin (IL)
Corcoran	Hartnett	Martin (NC)
Courter	Hiler	McCain
Craig	Hillis	McCandless
Crane, Daniel	Holt	McCollum
Crane, Philip	Hopkins	McEwen
Daniel	Hunter	Michel
Dannemeyer	Kasich	Miller (OH)
Daub	Kemp	Molinari

Montgomery	Rudd	Stenholm
Moore	Schaefer	Stump
Moorhead	Schulze	Sundquist
Myers	Sensenbrenner	Tauke
Nielson	Shaw	Thomas (CA)
Oxley	Shumway	Vucanovich
Parris	Shuster	Walker
Pashayan	Siljander	Weber
Paul	Skeen	Whitehurst
Ritter	Smith (NE)	Whittaker
Roberts	Smith, Denny	Winn
Robinson	Snyder	Wolf
Roth	Solomon	Wylie
Roukema	Spence	Zschau

NOT VOTING—13

Beilenson	Gephardt	Rodino
Bevill	Jacobs	Solarz
Crockett	Lent	Williams (OH)
D'Amours	Murtha	
Davis	Pritchard	

□ 1300

Mr. MADIGAN changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

DEPLORING THE ASSASSINATION OF BENIGNO AQUINO AND CALLING FOR FREE ELECTIONS IN THE PHILIPPINES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 187), as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 187), as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 3, answered "present" 5, not voting 12, as follows:

[Roll No. 415]

YEAS—413

Ackerman	Andrews (TX)	Badham
Addabbo	Annunzio	Barnard
Akaka	Anthony	Barnes
Albosta	Appl'gate	Bartlett
Alexander	Archer	Bateman
Anderson	Aspin	Bedell
Andrews (NC)	AuCoin	Beilenson
Bennett	Fields	Levitas
Bereuter	Fish	Lewis (FL)
Berman	Flippo	Lipinski
Bethune	Florio	Livingston
Bevill	Foglietta	Lloyd
Biaggi	Foley	Loeffler
Bilirakis	Ford (MI)	Long (LA)
Bliley	Ford (TN)	Lott
Boehlert	Forsythe	Lowery (CA)
Boggs	Fowler	Lowry (WA)
Boland	Frank	Lujan
Boner	Franklin	Luken
Bonior	Frenzel	Lundine
Bonker	Frost	Lungren
Borski	Fuqua	Mack
Bosco	Garcia	MacKay
Boucher	Gaydos	Madigan
Boxer	Gejdenson	Markey
Breaux	Gekas	Marriott
Britt	Gephardt	Martin (IL)
Brooks	Gibbons	Martin (NC)
Broomfield	Gilman	Martin (NY)
Brown (CA)	Gingrich	Martinez
Brown (CO)	Glickman	Matsui
Broyhill	Gonzalez	Mavroules
Bryant	Goodling	Mazzoli
Burton (CA)	Gore	McCandless
Burton (IN)	Gradison	McCloskey
Byron	Gramm	McCollum
Campbell	Gray	McCurdy
Carney	Green	McDade
Carper	Gregg	McEwen
Carr	Guarini	McGrath
Chandler	Gunderson	McHugh
Chappell	Hall (IN)	McKernan
Chappie	Hall (OH)	McKinney
Cheney	Hall, Ralph	McNulty
Clarke	Hall, Sam	Mica
Clay	Hamilton	Michel
Clinger	Hammerschmidt	Mikulski
Coats	Hance	Miller (CA)
Coelho	Hansen (ID)	Miller (OH)
Coleman (MO)	Hansen (UT)	Mineta
Coleman (TX)	Harkin	Minish
Collins	Harrison	Mitchell
Conable	Hartnett	Moakley
Conte	Hatcher	Molinari
Conyers	Hawkins	Mollohan
Cooper	Hayes	Montgomery
Corcoran	Hefner	Moody
Coughlin	Heftel	Moore
Courter	Hertel	Moorhead
Coyne	Hightower	Morrison (CT)
Craig	Hiler	Morrison (WA)
Crane, Daniel	Hillis	Mrazek
Crane, Philip	Holt	Murphy
Crockett	Hopkins	Myers
Daniel	Horton	Natcher
Dannemeyer	Howard	Neal
Daschle	Hoyer	Nelson
Daub	Hubbard	Nichols
Davis	Huckaby	Nielson
de la Garza	Hughes	Nowak
Dellums	Hunter	O'Brien
Derrick	Hutto	Oakar
DeWine	Hyde	Oberstar
Dickinson	Ireland	Obey
Dicks	Jeffords	Olin
Dingell	Jenkins	Ortiz
Dixon	Johnson	Ottinger
Donnelly	Jones (NC)	Owens
Dorgan	Jones (OK)	Oxley
Dowdy	Jones (TN)	Packard
Downey	Kaptur	Panetta
Dreier	Kasich	Parris
Duncan	Kastenmeier	Pashayan
Durbin	Kazen	Patterson
Dwyer	Kemp	Pease
Dymally	Kennelly	Penny
Dyson	Kildee	Pepper
Early	Kindness	Perkins
Eckart	Kogovsek	Petri
Edgar	Kolter	Pickle
Edwards (AL)	Kostmayer	Porter
Edwards (CA)	Kramer	Price
Edwards (OK)	LaFalce	Pursell
Emerson	Lagomarsino	Quillen
English	Lantos	Rahall
Erdreich	Latta	Rangel
Erlenborn	Leach	Ratchford
Evans (IL)	Leath	Ray
Fascell	Lehman (CA)	Regula
Fazio	Lehman (FL)	Reid
Feighan	Leland	Richardson
Ferraro	Levin	Ridge
Fiedler	Levine	Rinaldo
Ritter	Skelton	Vandergriff
Roberts	Slattery	Vento
Robinson	Smith (FL)	Volkmer
Roe	Smith (IA)	Vucanovich
Roemer	Smith (NE)	Walgren
Rogers	Smith (NJ)	Walker
Rose	Smith, Denny	Watkins
Rostenkowski	Smith, Robert	Waxman
Roth	Snowe	Weaver
Roukema	Snyder	Weber
Rowland	Spence	Weiss
Roybal	Spratt	Wheat
Russo	St Germain	Whitehurst
Sabo	Staggers	Whitley
Savage	Stangeland	Whittaker
Sawyer	Stark	Whitten
Schaefer	Stenholm	Williams (MT)
Scheuer	Stokes	Wilson
Schneider	Stratton	Winn
Schroeder	Studds	Wirth
Schulze	Sundquist	Wise
Schumer	Swift	Wolf
Seiberling	Synar	Wolpe
Sensenbrenner	Tallon	Wortley
Shannon	Tauke	Wright
Sharp	Tauzin	Wyden
Shaw	Taylor	Wylie
Shelby	Thomas (CA)	Yates
Shumway	Thomas (GA)	Yatron
Shuster	Torres	Young (AK)
Sikorski	Torricelli	Young (FL)
Siljander	Towns	Young (MO)
Simon	Traxler	Zablocki
Sisisky	Udall	Zschau
Skeen	Vander Jagt	

NAYS—3

Patman	Rudd	Stump

ANSWERED "PRESENT"—5

Lewis (CA)	McCain	Valentine
Marlenee	Paul	

NOT VOTING—12

Bates	Lent	Rodino
D'Amours	Long (MD)	Solarz
Evans (IA)	Murtha	Solomon
Jacobs	Pritchard	Williams (OH)

□ 1310

Mrs. SMITH of Nebraska changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4169, OMNIBUS BUDGET RECONCILIATION ACT OF 1983

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 344 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 344

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4169) to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for fiscal year 1984, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of clause 2(l)(6)

of rule XI and section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and to the amendments made in order by this resolution and which shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 4154 as an original bill for the purpose of amendment, and said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. No amendment to the bill or to said substitute shall be in order except the amendment printed in the CONGRESSIONAL RECORD of October 24, 1983, by, and if offered by, Representative Jones of Oklahoma, said amendment shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole and said amendment shall not be subject to amendment but shall be debatable for not to exceed one hour, equally divided and controlled by Representative Jones and a Member opposed thereto. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of general debate only, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 344 provides for the consideration of H.R. 4169, the Omnibus Budget Reconciliation Act of 1983. The rule provides that the text of H.R. 4154 be made in order as the original text of H.R. 4169 for purposes of amendment, that the new text be considered as read, and that points of order under the House's germaneness requirement, clause 7 of rule XVI, be waived against the substitute. The new text is almost identical to H.R. 4169 as reported by the Budget Committee except for the addition of title V, mandating that the President convene a domestic economic summit to deal with the large Federal deficits projected for the next several years.

The resolution provides for 1 hour of general debate on the bill, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

This is a modified closed rule, providing that only one amendment may be offered to the bill or to the substitute. The amendment is to be offered by Mr. JONES, the chairman of the Budget Committee. It may be debated for 1 hour, to be equally divided and controlled by Chairman JONES and a Member opposed to the amendment. It shall not be subject to further amendment or to a division either in the House or in the Committee of the Whole.

Mr. Jones' amendment provides for a 3-month postponement in the 4-percent Federal employees' cost-of-living pay adjustment reported by the Post Office and Civil Service Committee as part of its reconciliation recommendations. Such a delay was assumed in the reconciliation instructions to the Post Office Committee adopted by Congress in section 3 of House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. The amendment, if adopted, will save an additional $616 million in the next fiscal year and bring the Post Office panel's recommendations into line with the directives of the budget resolution. The Rules Committee made this amendment in order to insure that the House had the opportunity to properly and freely implement the spending reduction provisions in the first budget resolution.

In addition, House Resolution 344 facilitates consideration of the reconciliation bill by waiving points of order against the bill under the 3-day layover rule, clause 3(1)(6) of rule XI. The Resolution also waives points of order under section 402(a) of the Budget Act, requiring authorizations to be reported by May 15 preceding the beginning of the fiscal year for which they are effective. This waiver is necessary because some of the spending reductions recommended by the Small Business Committee are technically regarded as changes in authorization levels.

Finally, Mr. Speaker, the rule provides for a single motion to recommit the bill with or without instructions.

Mr. Speaker, the legislation made in order by the rule before us will achieve most of the spending reductions called for in the reconciliation directives of House Concurrent Resolution 91, the first concurrent resolution on the budget for fiscal year 1984. Medicare savings and tax reform will be considered separately later this week.

To achieve these savings, H.R. 4169 caps the Federal civilian pay raise at 4 percent, effective October 1983, a reduction from the 5.5 percent assumed for fiscal year 1984. The Committee on Post Office and Civil Service made no recommendations on pay raises for fiscal year 1985 and fiscal year 1986. H.R. 4169 also permanently postpones until December the effective date for civil service retirement cost-of-living adjustments. This delay will, in effect, postpone other Federal retirement cost-of-living adjustments because the COLA under the Military, Foreign Service, Coast Guard, and Public Health Service retirement systems are tied to the civil service retirement COLA. This delay of the COLA for Federal retirees and survivors is parallel to the delay of the COLA we adopted in March for social security recipients. Over 3 years, these sections of H.R. 4169 will save $5.043 billion.

In addition, H.R. 4169 extends for 3 years the requirement that agricultural producers seek disaster loan assistance from the Farmers' Home Administration before they are eligible to receive SBA disaster loans. Title III of H.R. 4169 includes other reconciliation recommendations from the Committee on Small Business, including a cap on physical disaster loans and an authorization for SBA to make $100 million in direct loans for nonphysical disasters.

Title IV includes the reconciliation recommendations of the Committee on Veterans' Affairs. These include a 6 month delay in the COLA for veterans and eligible dependents and termination of the authority of the Administrator of Veterans' Administration to make advance payments of educational and subsistence allowances.

Title V of the bill declares the sense of Congress that the Federal deficits are unacceptably high, threaten the vitality of economic recovery and require a comprehensive plan if they are to be reduced. In order to develop such a plan, the President is required to convene a domestic economic summit conference.

Mr. Speaker, enactment of H.R. 4169 will achieve substantial and equitable reductions in Federal expenditures. I urge Members to begin its consideration by adopting the rule before us.

□ 1320

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to clarify one section of the bill. As I understand it, the rule that we are considering does protect those sections of the reconciliation bill which in effect provide a cost-of-living increase for Members of Congress; is that correct?

Mr. BEILENSON. Mr. Speaker, this gentleman does not know how to respond to the gentleman's question. So far as this Member is concerned, it protects all of those provisions with respect to COLA's that were included by the Committee on Post Office and Civil Service.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, is it not true that that includes a pay raise for Members of Congress, and so, therefore, a yes vote on the rule would in effect put a Member in the position of voting yes for a rule which would not allow the language with regard to the Members' pay raise to be stricken out of the reconciliation package? Is that not true?

Mr. BEILENSON. Mr. Speaker, this Member cannot answer that question.

Mr. WALKER. Mr. Speaker, is there some Member who can answer that question?

I think it is a very important question for Members of Congress who are going to have to cast a vote on the rule, because when we get to the reconciliation package, we will not be permitted under this rule to have any more than one amendment. That one amendment, as I understand it, would not strike the pay increase, so, therefore, with this closed rule, is it not true that a vote on the rule then becomes a vote on whether or not we are going to vote on a pay raise for Members of Congress?

Mr. BEILENSON. Mr. Speaker, this Member believes that the gentleman is probably correct, but the issue was not brought before us on the Rules Committee.

This Member would also point out to the gentleman that there is a motion to recommit which is available, and that problem could be attacked and perhaps disposed of at that time.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, the gentleman is confusing the matter. It is my committee that has the jurisdiction over the pay provision in this reconciliation bill, and that is Federal employees' pay. There is not one word dealing with Members' pay.

I can tell the gentleman what will happen. If this reconciliation does not get adopted, I do not have to cut a billion and a half out of pensions and pay in fiscal year 1984, and I will be happy if the gentleman defeats us.

I am honor bound by my agreement with the Budget Committee to bring an additional billion and a half in budget cuts to the floor, which includes a 4-percent pay increase for Federal employees, and the net savings, after the 4-percent pay increase for the Federal employees, is a billion and a half in fiscal year 1984.

The President is now up to agreeing to 3½ percent, so we are less than a half percent different at this point, because he accepts the fact that he would rather have the billion and a half savings with the pay raise than not get the billion and a half.

If the gentleman and his colleagues want to demagog the Members' pay increase that is not here and create one to defeat the reconciliation bill, I will guarantee him that the Democrats on my committee would be happy to see him do that.

Mr. WALKER. Mr. Speaker, will the gentleman yield further to me?

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. I am happy to yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I appreciate the gentleman's yielding, and I would like to get the gentleman who is chairman of the Committee on Post Office and Civil Service to answer this inquiry for me.

The gentleman did not quite complete his statement. It is correct, though, as I understand it, that there is not one word, one statement, or one thing in this bill relating to a pay raise for Members of Congress; is that correct or not?

Mr. FORD of Michigan. That is correct.

Mr. LOTT. All right. I would like now to address this question to the chairman of the Committee on Post Office and Civil Service or the gentleman from California.

Is it correct that if we do not have this rule which makes in order an amendment to delay from October until January the cost-of-living increase for employees, we will not have an opportunity to vote for that delay? Is that correct or not?

Mr. FORD of Michign. That is correct.

Mr. BEILENSON. The gentleman is correct.

Mr. LOTT. So as a matter of fact, if we are going to get into the technicalities of a pay raise situation for Federal employees, if we do not have this opportunity under this rule to delay it from October to January, we in effect are allowing or asking for a quicker raise than we would otherwise; is that correct?

Mr. FORD of Michigan. Mr Speaker, if the gentleman will yield further, that would further erode the billion and a half savings tht we are deducting from the deficit.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. BEILENSON. I am happy to yield further to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for yielding because I just wanted to correct the record.

This gentleman was simply asking some questions that I thought were pertinent. I do not think that in any way I was trying to demagog the issue at all.

I think that it is important, though, that Members do understand what this is. We have an awful lot of Members around here who claim that they were blind-sided in years past when we had pay raise issues or tax issues before us. I think it is important that there be no blind-siding at the present time, and I am looking for a simple answer to the question.

If the rule is passed in the form it is in and we would then proceed and have us vote for the reconciliation package, if that were approved, would it not result in a pay raise for the Members of Congress?

Mr. FORD of Michigan. Mr. Speaker, if the gentleman will yield, no, it would not. The only thing that could result in a pay raise for Congress is a law enacted on August 9, 1975, signed by President Ford, coupled with the action taken by now-President Reagan that will put a 3.5 percent pay raise automatically in effect for us, along with everybody else, in January of next year, unless we pass something in the meantime to prevent it.

But what we are concerned about is $8.5 billion in reductions in the deficit, which is what the adoption of reconciliation will mean. I point out that $1.5 billion of that comes out of my committee, and I want the gentleman to know that that $1.5 billion has got Federal employees' blood on it and we were not anxious to save that much money. If the gentleman wants to send us back again, we will see him next year some time and we will not have savings of $1.5 billion, I will guarantee him that.

Mr. BEILENSON. Mr. Speaker, I wish to reclaim my time.

The SPEAKER pro tempore (Mr. WEISS). The gentleman from California (Mr. BEILENSON) has consumed 12 minutes.

Mr. BEILENSON. Mr. Speaker, I now defer to the gentleman from Ohio (Mr. LATTA).

The SPEAKER pro tempore. The gentleman from Ohio (Mr. LATTA) is recognized for 30 minutes.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4169 calls for what I consider to be a very anemic effort to reduce spending in fiscal year 1984. What I am talking about is $1.8 billion in reductions out of what CBO estimates to be a $868 billion budget. That is $868 billion.

□ 1330

We are talking about a $192 billion deficit, as is currently estimated by CBO, and this Omnibus Reconciliation Act would tinker with that to the extent of $1.8 billion.

The Reagan recovery which is now underway has done far more to achieve deficit reduction this year than what the majority is proposing in this anemic reconciliation effort.

Mr. Speaker, under the procedure established by this rule, the reconciliation bill is not going to be improved

very much by the amendments being proposed. The rule makes it in order to consider an amendment in the nature of a substitute to the text of H.R. 4154. H.R. 4154 is similar to H.R. 4169, except that it includes a title V which provides for a Domestic Economic Conference. So it appears we are going to have another conference to help reduce the deficit.

The only other amendment allowed under this rule is one to be offered by the chairman of the Budget Committee. This has already been discussed, and I want to emphasize that it would postpone—and nothing else—it would postpone the effective date of a Federal pay raise from October 1 to January 1. We would save over the 3 years about $1.8 billion.

Now, there has been some talk of voting down the rule and killing that saving of $1.8 billion. Well, you can do that, but I certainly think that we ought to treat the Federal workers the same as we are treating the retirees. The retirees are having their cost of living increase postponed until January 1. That is what the chairman proposes for Federal workers by his amendment.

So if you want to vote to open an additional $1.8 billion, all you have to do is vote down the chairman's opportunity to offer this amendment.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from the Virgin Islands (Mr. DE LUGO).

(By unanimous consent, Mr. DE LUGO was allowed to speak out of order.)

THE EASTERN CARIBBEAN "KITH AND KIN"

Mr. DE LUGO. Mr. Speaker, we are all greatly concerned over the very serious chain of events taking place in Central America, Lebanon, and now, as of this morning, in the island of Grenada in the eastern Caribbean. This morning, Prime Minister Eugenie Charles of the island of Dominica, and the head of the Organization of Eastern Caribbean States, was at the President's side during the White House press conference on this morning's events in Grenada. I would like to underscore one very important point that Prime Minister Charles made during that press conference. That is that the islands of the eastern Caribbean have a long history of democratic rule. They are uniquely bound, as Mrs. Charles put it, "kith and kin," historically, politically, and culturally related with a record of peaceful, democratic governments and a long history of genuine friendship with the United States. These eastern Caribbean islands must not be confused with the nations of Central and Latin America, where stormy histories of dictatorial rule and violent changes in government is the rule rather than the exception.

We in the U.S. Virgin Islands, being also part of the "kith and kin" of which Mrs. Charles spoke so eloquently this morning, know the difference well. And I would urge my colleagues to keep this very important point in mind and not to confuse the eastern Caribbean, with its history of democratic rule, with other areas where democracy has been at best a fleeting experience. To confuse the two is to ignore past history, and could very well most harmfully affect history now in the making.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

I agree with the gentleman from Ohio (Mr. LATTA) that the budget cuts are not enough. The economy is strong. The inflation rate has come down from its record high of 1980 as have interest rates, and there have been substantial improvements in the economy generally; but many of us are concerned about the size of the projected deficit of $150 billion to $200 billion over the next several years. I think deficits of that magnitude could do great harm to the economy. The mammoth size of projected deficits raises expectations about heavy Government borrowing and inflation. I think that expectation is keeping interest rates higher than they should be. I fear they will go even higher again if we do not do something about these future projected deficits. I do not think we can depend on economic growth to increase fast enough, to increase Federal revenues enough to bring down the deficit. To me, increasing taxes is not the best way to reduce the deficit.

I think the only way to reduce the deficit is to reduce spending. We all know that spending cuts are hard to make. I do not think that Congress can do the job by itself because of the legitimate self-interest of Members in certain programs; so I feel that the resolution which Congressman AUCOIN and I have introduced, which would establish a National Commission on Federal Deficit Reduction, is the best hope, a Presidential commission similar to the Social Security Commission which broke the deadlock on the problem of social security reform. This Commission would bring together respected blue chip people in and out of Government, including representatives of credit-sensitive industries, to forge a package of compromises with equality of sacrifice so that the legislative impasse can be broken to allow Congress to begin making substantial reductions in the deficit.

Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. NELSON), for the purpose of debate only.

Mr. NELSON of Florida. Mr. Speaker, I rise to oppose the rule on reconciliation.

Yesterday, in the Rules Committee, Congressman GEORGE MILLER and I spoke in behalf of an amendment to be offered by him that would be the pay-as-you-go amendment. Basically, this amendment would cause outlays in 1985 to stay at the same level of the outlays in 1984. It is very technical. It is defined as certain discretionary spending, and that if the Congress in 1985 were to increase that spending, then it would have to pay as you go.

In other words, it would have to provide the additional revenues if we were going to increase the expenditures or, in the alternative, it would have to find other spending cuts to compensate for the increased expenditures—so that basically the level of spending would be the same.

COMPARISON OF CONFERENCE AGREEMENT AND STATUS TO DATE

[In millions of dollars]

	Conference agreement						Status to date					
	1984		1985		1986		1984		1985		1986	
	Budget authority	Outlays	Ba	O	Ba	O	Ba	O	Ba	O	Ba	O
Committee												
Armed Services												
COLA—Military retirement	−252	−252	−358	−358	−617	−617	(−252)	(−252)	(−304)	(−304)	(−451)	(−451)
COLA—PHS retirement	(−1)	(−1)	(−2)	(−2)	(−4)	(−4)	(−1)	(−1)	(−2)	(−2)	(−3)	(−3)
Total	−253	−253	−360	−360	−621	−621	(−253)	(−253)	(−306)	(−306)	(−454)	(−454)
Energy and Commerce: Medicare		−400		−500		−800						
Foreign Affairs: Foreign Service retirement COLA delay	(...)	(−3)	(...)	(−4)	(...)	(−9)		(−3)		(−4)		(−8)
Post Office and Civil Service:												
COLA—Civil service retirement		−273		−462		−841		−273		−360		−680

COMPARISON OF CONFERENCE AGREEMENT AND STATUS TO DATE—Continued

[In millions of dollars]

	Conference agreement						Status to date					
	1984		1985		1986		1984		1985		1986	
	Budget authority	Outlays	Ba	O	Ba	O	Ba	O	Ba	O	Ba	O
COLA—Military retirement	(−252)	(−252)	(−358)	(−358)	(−617)	(−617)	−252	−252	−304	−304	−451	−451
COLA—PHS retirement	−1	−1	−2	−2	−4	−4	−1	−1	−2	−2	−3	−3
COLA—Coast Guard	−5	−5	−8	−8	−15	−15	−5	−5	−6	−6	−11	−11
COLA—Foreign Service		−3		−4		−9		−3		−4		−8
4-percent pay raise—Civilian	−1,361	−1,366	−1,964	−2,007	−2,599	−2,658	−795	−800	−1,369	−1,405	−1,985	−2,041
Total	−1,619	−1,900	−2,332	−2,841	−3,235	−4,144	−1,053	−1,334	−1,681	−2,081	−2,450	−3,194
Small Business: SBA disaster loans	−139	−287	−555	−466	−544	−443	−139	−288	−555	−471	−544	−482
Veterans: Compensation COLA delay	−228	−226	−139	−138	−141	−140	−208	−206	−226	−225	−232	−229
Ways and Means: Medicare		−400		−500		−800						
Grand total [1]	−1,986	−2,813	−3,026	−3,945	−3,920	−5,527	−1,400	−1,828	−2,462	−2,777	−3,226	−3,905

[1] Grand totals have been adjusted for double counting.

Revenues

Conference agreement:	
1984	12
1985	15
1986	46
Status to date:	
1984	
1985	
1986	

3-year total

	Millions
Budget authority	8,932
Outlays	12,285
Revenues	73,000

[In millions of dollars]

	1984	With pay amendment	
		1985	1986
Budget authority	7,088	8,863	−69
Outlays	8,510	10,295	−1,990
Revenues			

Now, why was this important to the gentleman from California (Mr. MILLER) and to myself? It was simply that we are dealing with near economic emergency. We are facing these much talked about, but little done about, $200 billion deficits—and the crunch is coming. It does not look like we are going to get anything done right now because of the politics of a Presidential election. Practically, delays are likely until 1985. But there are some of us in this House that would like to go on record as wanting to do something about these spiraling out of control deficits. And this is our opportunity.

Now, as I understood it, the Rules Committee was ready to agree to our Budget Committee's request that the amendment of the gentleman from California (Mr. MILLER) be in order; but, in fact, when the final motion was made, the amendment was omitted.

I simply want an opportunity now to address the fiscal policy of this Nation that is now driving us to a very dangerous economic condition.

We are confused by a temporary illusion of economic recovery. Once the reality of a $200 plus billion deficit sinks in, it is going to stall the recovery and cause a recession. Why? Because higher interest rates will result when the Federal Government borrows 77 percent of the Nation's available capital in order to finance the deficit.

We have heard Member after Member and many of the freshmen come to this well and say, "We want an opportunity to come clean on our campaign promises to do something to cut the deficit." They ought to have that opportunity. I ought to have that opportunity. The gentleman from California (Mr. MILLER) ought to have that opportunity and, thus, I ask you to defeat this rule, which will have the result that it will go back to the Rules Committee, where a majority of the Rules Committee is ready to accept the request of our Budget Committee to make the pay-as-you-go amendment in order.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MILLER) for the purpose of debate only.

□ 1340

Mr. MILLER of California. Mr. Speaker, Members of the House, I take the well to urge the Members of the House of Representatives to vote against the rule under which budget reconciliation is presented. This rule allows you to only do one thing, and that is, to continue to vote for deficit spending. It makes a mockery of the budget resolution and of the budget process of the House of Representatives.

When we enacted the Budget Act in the Congress of the United States, the deficit was $4 billion. Today, we face a $200 billion deficit. Earlier this year, in the most recent budget resolution, the Congress told the American people that we would be prepared to raise much of the revenues to cover the new spending in that resolution. But we have reneged on that promise. Instead, we are providing for 100-percent deficit financing.

This budget shows no discipline and it chooses no priorities. Just as we have done over the past 25 years, we have chosen all priorities and sent the bill to future generations of Americans.

Yesterday, the Budget Committee asked the Rules Committee to make this amendment in order.

Earlier this month over 50 Members of the House wrote to the Rules Committee asking them to make in order the pay-as-you-go amendment. That letter represented the entire political spectrum of the Democratic party, from the most conservative to the most liberal Members. Yet the Rules Committee has failed to make this amendment in order and has denied Members of the House of Representatives an opportunity to make any statement with respect to budget deficits and budget discipline. So I think it is very important that we understand that the budget process has broken down. It has failed to do what we have told the American people we want it to do.

But we can do it another way, and that is the pay-as-you-go budget which simply says that if we are going to spend any more money as a nation next year than we spent this year, we must either cut spending for other programs to make room for that new spending, or we must raise revenues. But no longer will we be able to use the deficit to hide those items that we vote for with great conviction, but do not have the courage to pay for.

Both Democrats and Republicans have voted for pay-as-you-go. Mr. GEKAS had an amendment on the jobs bill which was overwhelmingly supported on the Republican side of the aisle. During debate on the budget resolution of 1982 we had overwhelming support on this side of the aisle for pay-as-you-go. Why? As you have explained it to your constituents, it makes a great deal of commonsense. It says that no longer are we going to live on the national credit card. If we want to vote for school lunches, if we want to vote for Pershing missiles, if we want to vote for rapid transit systems, if we want to vote for all or any of these projects, if it is really in the national interest to vote for them, it

ought to be in the national interest to pay for them. But that is not the kind of budget process we have today. In fact, what we have today is we have a budget that for the next year that relies basically on 100-percent deficit financing.

Every new dollar, we spend will basically be paid for by the deficit. I do not think that that should be the choice of the House, and I do not think that that is the desire of the people of this country.

Let me read to you what I said in 1982 when I presented pay-as-you-go as an alternative:

When this debate is over, and the House has concluded its deliberations, I sincerely hope that we will not shudder to read the morning paper. I hope that we will not have to go back to our constituents and explain that we have voted against the pay-as-you-go approach * * *. The financial markets of this country and the people we represent do not expect miracles from Congress, but they do expect the truth.

We cannot do a lot about the deficit issues for the current budget year. We are only going to be in session 3 more weeks. But when we reconvene in January, let us start out on the process that provides for pay-as-you-go and, let us not increase the deficit, and let us find out what is important in this country. That is the purpose of the amendment I had hoped the Rules Committee would allow it to be considered by the House.

I grew up in politics when the Kennedy family was telling this country that we had to choose new priorities. What I have found out in 10 years in the Congress is we do not ever pick and choose, we simply do all things, and those that are unpopular, we hide in the deficit.

This President has used it to fund tax cuts and Reaganomics, and previous Presidents have used it to fund the war in Vietnam and the Great Society.

We ought to determine the national priorities and have the courage to pay for our convictions.

That is the intent of pay-as-you-go, and that was the goal of the amendment which I had wanted to offer the House this afternoon. But the Rules Committee said "no" to even permitting the House to debate and vote on this, the only proven method for reducing the deficit rationally, fairly, and predictably.

And so, I must vote against this rule, and I ask those who want to vote for lower deficits and a new budget policy to vote against this rule so that we can debate and endorse the pay-as-you-go plan.

Mr. HARKIN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

Mr. Speaker, action needs to be taken now to control the record budget deficits which threaten to choke off the economic recovery. These deficits are forcing up interest rates, shifting key sectors of the economy like housing and are affecting small business and agricultural loans. The Miller pay-as-you-go plan is a sensible proposal for eliminating the deficit, and the House should have the opportunity to debate its merits. The current budget deficits are three times the size of anything we saw before 1981 and there are projections that they could continue at that level—$200 billion per year into the horizon.

Some Congressmen believe that we should cut defense spending to reduce the deficit. Others say we need to reduce the entitlement programs. But, clearly, almost everyone in this House can agree on one thing—the deficit has to come down.

Pay-as-you-go is a legislative proposal which would eliminate the deficit. It is neutral to all ideologies and viewpoints. It simply says that if this House decides to increase spending, whether for MX missiles or education, we simply must find a way to pay for it. This can be done either by cutting spending in other areas or by increasing taxes. But it must be done if any new spending is allowed.

The beauty of pay-as-you-go is that it forces the Congress to look at new programs or an expansion of an old one in a realistic light. Many programs have merit. But under pay-as-you-go, the Congress would weigh these merits in light of budget cuts or tax increases that would be required. I believe that it would create a leaner, more realistic budget.

The pay-as-you-go budget would also let the voters see a Member's real priorities.

The Congressional Budget Office told us that if we passed the pay-as-you-go plan back in 1982 when it was first proposed, we would have had a balanced budget in 1985 rather than a $150 plus billion dollar deficit. If we had passed the pay-as-you-go so that it could have started in the fiscal year that began 3 weeks ago, it would have cut this year's deficit by $19 billion. By fiscal year 1986, the deficit projection would be below $50 billion instead of $150 billion.

Pay-as-you-go could truly improve the budget process. Some conservatives fear it because they might not receive the amount of defense spending that they think should be spent. Some liberals oppose it because they fear that many of the programs that they favor would be cut. Whatever your philosophy, I believe that you should give pay-as-you-go a chance, and make our process more responsible.

I believe that the House should at least have a vote on the pay-as-you-go budget and since the rule does not allow the proposal to be debated, the rule should be defeated.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MACKAY) for purposes of debate only.

Mr. MACKAY. Mr. Speaker, I thank the gentleman for yielding me this time and I rise in opposition to the rule.

With all respect, this act today is misnamed. It is entitled the "Omnibus Reconciliation Act."

The first problem with it is, it does not achieve reconciliation. Reconciliation is the linking of taxing decisions with spending decisions, and this bill contains only the spending decisions. The taxing decisions which are part of reconciliation come in a second bill later this week.

The Miller amendment would link and would put the House on record as linking taxing and spending in future years.

The Miller amendment, it seems to me, would assure reconciliation. I felt, and many Members of the freshman caucus felt, that we had an understanding that we would have the option for a vote, a separate vote on the Miller amendment.

It is important to us, since there are going to be votes on the taxing later in the week, it is important to us that we be able to show on the record and take a position on the importance that we attribute to reconciliation to reducing the deficits and to trying to achieve a process where we would approach the budget in Washington the same way we approach it in our families, in our businesses and in local and State governments.

I strongly urge opposition to the rule. I strongly urge a rule which would allow us the opportunity to be on record on the spending side of reconciliation.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Speaker, I was very interested in the comments of the gentleman from Florida and the gentleman from California who seemed to very vociferously espouse the pay-as-you-go concept.

When I tried to insert that concept in the jobs bill debate a few weeks ago, I was met with opposition, surprisingly, from the gentleman from California, who not only spoke against it, but then I believe voted against it also.

If there is ever a time that you want to attach a pay-as-you-go concept, it must be in connection with the new program, one that is not part of the already existing budgetary appropriations that we have been making over the years.

I saw an opportunity then in the jobs bill, so-called, which would have allowed the insertion of a concept which seems to be now espoused 2 weeks later on the same subject.

My problem with all of this is the pay-as-you-go concept that is now being proposed is one of political expediency.

If you did not have the courage to support the pay-as-you-go concept on a bill which went adverturesomely on some new realm of spending, how can you apply it generally to programs that we all know we must support one way or another that are already in the books.

I commend the gentleman from California and ask him to work with me on the pay-as-you-go concept that can judiciously be applied first to new programs and then to work on the others.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

The pay-as-you-go only provides for any new increases in spending must be fully funded so that every program is treated the same, and so, that every program is in competition with another program as we judiciously try to figure out how to get the best use of the taxpayer dollars.

A program created 20 years ago ought to be in competition with the existing program.

□ 1350

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. OLIN) for purposes of debate only.

Mr. ROWLAND. Mr. Speaker, will the gentleman yield?

Mr. OLIN. I yield to the gentleman from Georgia.

Mr. ROWLAND. Mr. Speaker, today I joined with almost 200 of my colleagues to oppose the rule for consideration of the reconciliation of the first concurrent budget resolution.

Unfortunately, we were unsuccessful in this effort, but I believe the numbers speak for themselves. At least 80 percent of the Democratic freshmen felt the rule for considering this important reconciliation measure was so flawed that no reconciliation was preferable to the inflexible environment in which Members are expected to vote on a package of delays in pay increases and cost-of-living-adjustments for our Federal workers and retirees, and also our military personnel.

This rule did not even allow for Members to voice their support of a more equitable distribution of spending cuts and tax increases. Every year the House has crucial votes on revenue increases and spending reductions. But every year, these votes are treated in an isolated manner, as if there is no relationship between what happens this year and how that will affect next year's budgeting.

The issue of the deficit will not go away by simply refusing Members the opportunity to address it in this reconciliation measure.

I am voting against this rule because even though reconciliation may indeed be a tool for dealing with the budget, for purposes of cutting deficits, this tool, Mr. Speaker, suffers from a dull blade.

Mr. OLIN. Mr. Speaker, I join the gentleman from California in objecting to the rule that has been recommended. I urge its defeat, and I urge that the full membership be given the opportunity to consider his pay-as-you-go amendment.

The only way we are ever going to get the budget balanced is first to place a limit on spending. When we have proved we can contain the growth of spending, we will then have the courage to raise the revenues to pay the bills and the deficit will shrink. We need a process that will keep the budget balanced.

The gentleman from California has offered us an alternative to our current budget process which has worked poorly, which has failed to control spending and the deficit, and which absorbs a great deal of the Members' time and energy.

I have been looking for an alternative to the current process since I came to Congress. Pay as you go is the best I have seen.

Pay as you go is similiar to what many of our 50 States use already.

It is a constraint on increased spending.

It forces Congress to find a source of funding for all new or increased programs rather than relying on the past practices of borrowing and adding to our already enormous burden of debt.

The amendment will move us closer to the goal of a balanced budget. This is a goal that was announced by both Presidents Carter and Reagan when they first took office.

President Carter promised us a balanced budget by 1980. President Reagan said his policies would produce one by 1984. Yet, today, we face deficits as large as $200 billion a year.

In tight economic times when government revenues are falling, most of our States adjust their spending.

Why should the Federal Government be any different?

My own State of Virginia has just completed 2 years of budget cutbacks and spending reductions. Virginia's laws and constitution give our Governor few choices. Under our State laws, he may either cut spending, raise taxes, or offer a combination of the two. I am sure that the Governors of your own States have similar constraints imposed on them, as well.

It is this type of fiscal restraint that has made my own State of Virginia a national model for financial soundness. It is this kind of pay-as-you-go philosophy—exactly the sort of thing this amendment would require—that has been part of Virginia's system of government for more than 50 years.

Pay as you go will in no way impede the Federal Government from taking on new projects or programs or changed priorities. Nor will it prevent the Federal Government from involving itself in areas which Congress deems essential.

It will, however, force Congress to find a way to pay for those programs it decides to undertake.

We have used pay as you go on the Federal level before. It has worked with great success. Our Federal Interstate Highway System was built and financed using pay-as-you-go principles. Taxes were levied on gasoline and these funds were placed in a special trust fund solely for the purpose of interstate highway construction. Such a method of financing could and should be used in other areas of government, as well.

No State government, let alone a business or corporation, would develop its budget the way Congress develops its own.

First, the process is too lengthy. It took us 6 months to pass a budget resolution and reach a compromise with the Senate. We are operating now on a continuing resolution, and we will be forced to do so again unless a reconciliation bill is passed.

Second, few among us appear to take the budget resolution very seriously. Earlier this month, when the 1984 fiscal year was barely a week old, we passed an unfunded supplemental appropriations bill for the current budget year.

Third, the process we use has failed to control spending and the deficits. The process has been in use since 1974. After nearly 10 years, our levels of spending and the deficits are at record highs. The deficits pose the single largest threat to a sustained economic recovery.

Mr. Speaker, we cannot continue using the present budget process without a significant modification. The gentleman from California has offered the best alternative that I have seen. The membership should be given the opportunity to discuss it and vote on it.

Pay as you go will not be an easy road to travel. It will force us to pay for any new program we wish to undertake. But we will, at least, be prevented from borrowing and borrowing more and more and adding to the debt we leave to our children and grandchildren to pay off.

This is why I urge all of you to join me in voting against the rule that has

been recommended and bringing the pay-as-you-go amendment to the floor.

Mr. PENNY. Mr. Speaker, will the gentleman yield?

Mr. OLIN. I yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Speaker, I rise in opposition to the rule on the reconciliation bill, H.R. 4154.

The rule does not make in order the pay-as-you-go amendment to be offered by the gentleman from California (Mr. MILLER). If we are to make progress on reducing the budget deficits, the President and the Congress must adhere to commonsense budget principles. We talk a lot about the deficit, but when it comes down to it there are only two ways you can deal with the deficit, either through revenues or budget cuts. The pay-as-you-go approach forces us to make those tough decisions and make those tough choices.

By opposing the rule, the House can ask the Rules Committee to redraft the rule and allow a vote on the pay-as-you-go amendment.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. LEVITAS).

Mr. Speaker, I rise in opposition to this rule. I think it is a grave mistake for us not to have the opportunity to vote on the only proposal which could realistically deal with the deficit problem this Nation faces.

The annual budget deficit is expected to reach $200 billion in fiscal year 1983. Moreover, President Reagan's budget for fiscal year 1984 called for a $190 billion deficit, and the administration's most optimistic forecasts place budget deficits at $180 billion in fiscal year 1985 and $140 billion in fiscal year 1986. When you realize that the entire Federal budget in 1970 was less than $200 billion, the enormity of the problem becomes obvious. And yet, what are we doing about it? The answer is not much. It is time to face the problem and come up with a realistic alternative.

When the Government goes into the market and borrows funds to cover the deficits, private investors are crowded out of the market, interest rates go up, and substantial, long-term economic recovery is postponed.

Just what do the deficits mean in terms of savings and investments in this country. The figures are staggering. Next year when the Government goes into the market to borrow funds to finance a deficit of $200 billion, 82 percent of the savings in this country are sucked out the economy, and we are left with only 18 percent to finance the investments which will generate productive growth and development. Only 18 percent is left to finance the new plant and equipment needed to modernize our industries and allow them to compete with foreign companies. Only 18 percent is left to finance the research and development, and expansion necessary to put us on the road to true recovery. Only 18 percent to provide home mortgages and consumer finance. If interest rates are allowed to skyrocket, then a permanent recovery will not occur.

We must avoid this, and so the President and the Congress are going to have to take dramatic action to bring down the outrageous budget deficits we are facing and put us on the road to long-term recovery. If the deficits are allowed to contine to climb at their current rate, any recovery we see now will be short lived and eventually wiped away.

Apparently neither the President of the United States nor the leadership of this House want to face the deficit issue. Everybody wants to talk about it. Nobody wants to do anything about it. If the leadership of the House really wanted to do something about it, we would be considering today the most promising budget alternative before us—the pay-as-you-go proposal. I have to wonder if those supporting this rule really understand the significance and the severity of the high deficits.

I am also concerned that officials in the Reagan administration do not understand the magnitude of the problem. President Reagan has preached to us on fiscal responsibility, and yet the deficits we are facing are deficits contained in the budgets submitted by President Reagan.

There seems to be confusion within the administration as to what these huge deficits will mean to our economy. Amazingly, a member of the President's Council of Economic Advisers has stated that "there is no direct or indirect connection between deficits and inflation." Furthermore, Treasury Secretary Donald Regan has said that there is "no necessary cause-effect link" between huge budget deficits and high interest rates. I do not agree with these assessments, and I do not believe the American people agree either. Clearly, we must take action to bring down these astronomical deficits.

And yet, Martin S. Feldstein, Chairman of the President's Council of Economic Advisers takes the opposite view. Feldstein has said that the long-term rise in interest rates "is primarily a reflection of the large deficits in the Federal budget that are now expected to persist for years to come." The Chairman of the Federal Reserve Board, Paul Volcker concurs. Volcker has said that borrowing costs will come down if the administration and Congress slash the budget deficits.

So, why do we not move. There are alternatives available.

The pay-as-you-go offers a reasonable and sensible approach. It is a simple proposal. It is one which requires the Federal Government to spend in the same way the average American taxpayer does. The average citizen knows there are only two ways you can pay for anything. You either pay cash or you charge it. And the average American knows that when you have charged too much you quit charging and you pay cash. Well that is where the Federal Government is today. It is time to stop charging and it is time to start paying cash.

The pay-as-you-go budget assures that Congress will not spend any money that it does not have. This proposal would prohibit Congress from approving any new Federal spending unless it provides for equivalent new revenues or commensurate spending cuts. Using this approach, if the Government wants to buy something today, it pays for it today. In effect, we would no longer be able to charge fur coats to our grandchildren.

I have been a strong supporter of the pay-as-you-go budget since Congressman MILLER first introduced this proposal during the fiscal year 1983 budget battle. According to the Congressional Budget Office, if we had adopted pay-as-you-go at that time, the deficit in 1985 would be under $100 billion. If we endorse pay-as-you-go this year, the 1986 deficit would shrink to $49 billion and ultimately we would accomplish a balanced Federal budget.

Since coming to Congress in 1975, I have consistently supported legislation calling for a balanced budget, including a proposal which would amend the Constitution to require a balanced budget. I believe a balanced budget would strengthen the economy because it would reduce the national debt and eliminate Government deficits. Clearly, the pay-as-you-go budget is the first step toward ultimately achieving a balanced budget. We need to pass this proposal so that Congress can begin to put our fiscal house in order.

This is an opportunity to pay cash and get that deficit down so that we do not have the enormous increase in interest rates which will occur if we do nothing.

Mr. Speaker, I urge my colleagues to join me in defeating this rule and in passing Mr. MILLER's amendment calling for the pay-as-you-go budget. It is time to quit talking about the deficits and do something.

Mr. ERDREICH. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to my friend, the gentleman from Alabama.

Mr. ERDREICH. Mr. Speaker, I rise today to express my extreme disappointment and disagreement with the pending rule before the House. How many U.S. taxpayers know the rule before us prohibits action to delete the pay raise for Members of Congress

which is hidden in the reconciliation measure? How many U.S. taxpayers know the rule before us prohibits consideration of a measure which would significantly reduce the size of the Federal deficit and force the Government, like any private business or family, to live within its means?

The adoption of this rule will send the wrong message to the American people. It will tell them that we, in Congress, are more concerned about providing a 4-percent increase for ourselves than providing for stable economic growth and increased employment opportunities for those who are jobless. We are in effect, telling the U.S. taxpayer that he or she must foot the bill for an additional pay raise, on top of the 11-percent increase Members received last year before I was a Member of this body.

Second, the adoption of this rule prohibits consideration of an amendment which I, and many of my colleagues, believe would significantly reduce the current size of the deficit, threatening economic recovery. Unless we reduce the size of the deficit, and provide for additional credit availability for the average taxpayer, this recovery will be, and remain, a narrow recovery. The pay-as-you-go amendment, offered by my distinguished colleague from California, would help to extend the benefits of the recovery to all by reducing the deficit. There is no question that the size of the deficit has pushed many borrowers out of the credit market. This is witnessed by increased small business failures and plant closings.

The size of the Federal deficit has doubled itself each year for the past 3 years, starting at $58 billion in fiscal year 1981, growing to $110 billion in fiscal year 1982, and climbing to an all-time high of $207 billion for this past fiscal year. Regardless of their origin, we in Congress have a responsibility to reduce them. In fact, I strongly believe that the U.S. taxpayer demands that we reduce them. To not do so would be irresponsible.

Through the pay-as-you-go amendment we have an opportuntiy to reduce the deficit. We have an opportunity to force the Federal Government to live within is means. We have an opportunity to send a message to the American people that Congress can and will act responsibly and will stop spending more money than it takes in. I believe that this is an opportunity which we must not pass by. It is time that Congress acted to reduce the deficit and restore the faith of the hardworking taxpayer in this institution.

I urge that this rule be defeated.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PANETTA) for purposes of debate only.

Mr. PANETTA. Mr. Speaker, there is a great deal of concern about deficits in this body. There is also a great deal of rhetoric about deficits but every time it comes to doing something about the deficit there is always an excuse why we should not do it.

My theory is not included in here so we ought to vote it down. Or it is too much. Or it is too little. Or it affects this constituency or it affects that constituency.

There is $10 billion of savings in this reconciliation bill. Make no mistake about it, this is the only game in town. If you vote down this rule you vote down $10 billion in savings.

We as a Congress enacted a budget resolution that said we ought to achieve $10 to $12 billion in savings. This is the enforcement tool to do it.

Now everybody is running in a dozen different directions to find some place to hide from making the tough vote. This is the time to put up or shut up on the deficit. If you believe that the deficit ought to be reduced, if you believe we ought to cut $10 billion, this is the place to do it.

I urge an aye vote on the rule.

Mr. NELSON of Florida. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I will be pleased to yield to the gentleman from Florida.

Mr. NELSON of Florida. I want to say that I appreciate the gentleman pointing out that we will have $10 billion of cuts and I fully intend as one member of the Budget Committee to support that.

But I think the gentleman from California (Mr. PANETTA) is dead wrong when he suggests that if we defeat this rule and it goes back to the Rules Committee that the Rules Committee will not add the opportunity for the gentleman from California (Mr. MILLER) to offer his amendment.

His amendment, if adopted, will not do damage to the budget reconciliation—it will strengthen it. It will not do damage to the $10 billion of cuts because to add the Miller amendment will be the only responsible thing for the Rules Committee to do.

Mr. PANETTA. If I can regain my time, the name of the game is the here and now. We can talk about what we would like to have done. We can talk about going after defense and going after entitlements and going after revenues.

But here and now we have the opportunity to cut $10 billion. I urge the membership to stick with the Rules Committee.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. JONES), the distinguished chairman of the Budget Committee, for purposes of debate only.

Mr. JONES of Oklahoma. Mr. Speaker, I am as frustrated as any of those who have spoken against this rule today at the inability of this Government to come to grips with these record levels of deficits.

But, unlike those who spoke against the rule, I would urge my colleagues to vote for this rule. I think, as the gentleman from California (Mr. PANETTA) pointed out very graphically, this is the only game in town.

This is our chance to actually record our vote for a $10-billion reduction in spending.

One of the speakers said that the Miller amendment is the only way to do it. It is not the only way to cut deficits. We have a number of proposals that can cut deficits. I have one proposal, along with almost 90 cosponsors, that would reduce indexing on both the spending and the tax side by a CPI minus 2 percent. That would make a healthy reduction in deficits.

The bill we have before us today also directs the President to convene a bipartisan summit conference, the sole purpose of which is to reduce deficits. In short, there are a number of ways to reduce deficits.

So today I think we should not pass by an opportunity to actually cut deficits by $10 billion and, therefore, I urge my colleagues to support this rule and then to support this reconciliation package.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. DERRICK).

Mr. DERRICK. Mr. Speaker, there are a number of reasons that it would be inappropriate for the House to agree to Mr. MILLER's so-called pay-as-you-go concept at this time. It deserves a chance to be carefully considered, but a major institutional change of this kind should not be considered without hearings and widespread consultation. No one presently knows the impact of the Miller amendment.

Second, Mr. MILLER's amendment would require the Budget Committee to prepare its next budget resolution using pay-as-you-go. No one knows how this would be done. We do know that the major impact of the Miller amendment will be on national defense and probably social security COLA's. I do not think we should commit ourselves to any particular scheme, no matter how attractive, before we have heard from witnesses from the CBO, the administration, and the public. It might be more appropriate for Mr. MILLER to prepare a substitute budget resolution, or a series of amendments, and have these circulated, debated, and discussed during Budget Committee hearings and markup next spring. Further, it is impossible to know now how the economy, or the world situation, will change by next year. I do not think we should tie our hands.

Third, I personally have some doubts about what the pay-as-you-go process could mean for the House. I

am not talking about the deficit-reduction goal of pay-as-you-go, or the idea that we should be willing to pay for program increases. I think we all support those general goals, and I think a deficit reduction plan is absolutely necessary if we are to avoid severe economic imbalances in the next few years. But the process gives me pause. The process dictates that, in the broadest sense, Members must choose between freezing spending or raising taxes. Yet the House is a democracy—the majority rules. The majority should be allowed to make other choices, wise or unwise. The Constitution does not guarantee wisdom or fiscal restraint, but it does guarantee majority rule. I think that it is better to preserve the idea of majority rule in the House than to create new rules that would be destructive of that basic principle.

□ 1400

Mr. LATTA. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ANDREWS).

Mr. ANDREWS of Texas. Mr. Speaker, I rise in opposition of the rule and in support of the pay-as-you-go plan of my colleague, Mr. MILLER of California.

In 1980 President Reagan campaigned effectively against Jimmy Carter on the need to reduce the Federal deficit and balance the budget. When Mr. Reagan took office the deficit was approximately $57 billion; as we debate this vital issue today, the Federal deficit approaches $200 billion. In fact, the deficits in the first 2 years of the Reagan administration have been higher than all previous deficits through the Truman administration combined.

These huge deficits, unless Congress takes quick and sure action, will go even higher. Alice Rivlin, Director of the Congressional Budget Office, has stated that they will go as "far as the eye can see." Ms. Rivlin is right. In my State, recession has come late and very hard to an area that has prospered in the past. As unemployment gradually goes down in the rest of the country, in Texas unemployment is going up. Interest rates are high and will go even higher unless this deficit is reduced. In an area such as Texas which is heavily dependent upon the homebuilding industry for instance, higher deficits will be devastating. Each time the prime rate goes up only 1 percent, over 1 million Americans are forced out of the home market; they cannot purchase their first home. History will not be kind to us unless we as Members of Congress can make the hard choices to reduce this deficit.

The proposal by Mr. MILLER to pay as you go is a step in the right direction. It simply states to the Congress and to the President that before any new spending proposals can be enacted, they must be paid for. Is this too much to ask of Congress and the President? Earlier today in this debate our colleague from Georgia, ELLIOTT LEVITAS, very simply and clearly stated the problem, "We initiate new programs in one of two ways, we either charge for those programs or we pay for them in cash." It is time Congress stopped charging.

The pay-as-you-go budget process will sharply reduce the deficit. And most importantly, it puts Congress on the glide path to a balanced budget.

Mr. Speaker, there is no greater issue facing this country than the size of the Federal deficit and the need to balance the Federal budget. I urge my colleagues to vote against this rule and in so doing commit ourselves to a balanced budget.

Mr. LATTA. I yield myself 4 minutes.

Mr. Speaker, I listened to this debate about pay as you go. You know, we have had several opportunities during this session of Congress, and the last session of Congress, to really do something about pay as you go and deficit financing.

We had a constitutional amendment resolution before this Congress and, looking over the vote on October 1, 1982, I saw that the prime sponsor of this present amendment, pay as you go, voted against that constitutional amendment.

I also see that the gentleman from Iowa, who spoke in favor of it, voted against that constitutional amendment resolution.

I do not think many people have taken a look at the so-called pay-as-you-go resolution that they want to make in order. You know, everybody around this place knows that about 70 percent of the budget is in entitlements. we always try to hide behind the fact that these are entitlements, and we cannot do anything about it. But I have said many times that the Congress made them entitlement programs and the Congress can do something about them if it wants to. But low and behold this so-called pay-as-you-go proposal that they want to make in order excludes entitlements. Let me read section 603: "For the purpose of this title, discretion outlays" and it only affects discretionary outlays, "those outlays resulting from discretionary budget authority—budget authority excluding appropriated entitlements or other mandatories under existing law."

Let me just say that I think we ought to have some hearings on pay as you go, if we want to insert it into law. I think perhaps we ought to take a look again at a constitutional amendment to handle this matter in a way that Members of this House cannot constantly change it. You know, if you put something in a statute, we can change the statute, but we cannot very easily change the Constitution.

Let me say also if we are really concerned—and I am and my votes reflect it—we ought to let our votes reflect our concern.

I wonder if these individuals who suddenly are saying that we ought to pay as we go have been reflecting on the votes they cast in this House which ran up this huge deficit they are now complaining about.

You know, we have had a lot of appropriation bills up here. We have had a lot of amendments. We have had a lot of new authorizing legislation passed to hand out goodies we could not afford. I wonder, if they are really sincere considering how they voted on these matters. I am not going to expose their records. Let the people back home take a look at how they voted and see whether or not they are sincere. They want to do something here and maintain back home that they are for pay as you go. But every single day, when given an opportunity to vote against increased spending, they vote for it, not against it.

So I say, as I said the other day, let somebody put up or shut up on this issue. Now is not the time to attack this problem. The time is in the future. We have had attempts in the past. What we are concerned with right now in this budget resolution, as reported out by the Rules Committee, is whether or not to extend that pay period from October 1 to January 1 as far as Federal workers are concerned—and that includes all of them—and whether to save $1.8 billion.

Now if you want to treat them differently than you do the retirees, vote against this resolution, vote down this rule and spend another $1.8 billion under the pretext that you want some resolution that has not even been considered by the Congress, considered here, and use that as an excuse, not a reason for voting against this resolution.

I would hope that the individuals who really want to save some money for the taxpayers will vote for the rule and if they want to have hearings on the gentleman's resolution, which has not had a hearing yet, let us go to the proper committee and I will be one of those testifying to cut back in a meaningful way whenever they do that.

● Mr. STARK. Mr. Speaker, I support the gentleman from California (Mr. MILLER) and his pay-as-you-go amendment.

I urge my colleagues to defeat the previous question on the rule, so that we may have a rule making possible a vote on the pay-as-you-go amendment.

The vote on the rule and on the Miller amendment is our only real chance to eliminate the horrendous budget deficits which will destroy the recovery and the long-range reindus-

trialization of the Nation. Interest rates will only go down significantly, when the financial markets are convinced that the Congress can and will get the budget deficits down.

Adoption of the Miller amendment will force the Congress to make hard choices—to earn our pay—to govern.

It will provide that there can be no budget increases, unless a way is found to pay for it: reduced spending elsewhere or user fees/taxes to finance the expenditure.

Speaking as a member of the Ways and Means Committee, I think this change, this discipline, could revolutionize the Tax Code and at long last give us tax simplicity and a decent measure of tax reform.

Today, we legislate taxes on the double pickpocket theory. If one group has a loophole, then everyone and his cousin wants the same incentive. Instead of saying, why does Mr. A have a special tax advantage, Messrs. B, C, D, and everyone else in sight fights—and usually gets—what A has. The result is the impossibly complex Tax Code we have, which is perceived as so inequitable that compliance with the law is rapidly collapsing.

Under the Miller pay-as-you-go proposal, we would no longer be able to spread loopholes and incentives. For each group that wanted a tax change, we on Ways and Means would have to take away a tax advantage from some other part of the Tax Code. I guarantee you that would drastically slow the growth of loopholes. As we make adjustments for tax indexing and increases in the tax entry points—the levels at which people begin to owe tax—we will have to find taxes elsewhere. That elsewhere will be the subject of awesome and bloody lobbying battles—but it will result in a better Tax Code and lower deficits.

Let me give you two examples: Members are getting a lot of mail about the State per capita limit that Ways and Means has proposed on industrial revenue bonds. At the same time, the committee voted a $2.8 billion revenue loss caused by the 5-year extension of mortgage subsidy bonds. Under the Miller amendment which would require a $1 for $1 offset of tax losses, the committee might have provided a less generous extension of mortgage subsidy bonds and a higher per capita on IDB's.

There is another example: The alternative energy industry is seeking the extension of a variety of tax incentives in order to match the many incentives available to oil, gas, and coal. I believe we should have solar, wind, and geothermal energy sources—but why do we have to give them subsidies to compete with the subsidies of other industries? Why not just eliminate all subsidies, have a level playing field, and let the best energy source win? Under the Miller pay-as-you-go amendment, instead of expending tax loopholes for alternative energy, everyone's energies would be concentrated on providing a level playing field by eliminating the tax loopholes for fossil fuels.

These, at least, are the type of budget priority questions the committee and the Congress should be facing if we are to control these deficits.

Mr. Speaker, I again urge support of a rule allowing the Miller amendment.●

Mr. BEILENSON. Mr. Speaker, I yield myself such time as may remain.

I would like to say at the outset that I appreciate the remarks of the gentleman from Ohio and also the remarks made by my friend from South Carolina (Mr. DERRICK). The pay-as-you-go proposal is in effect an amendment to the basic budget process. While it may be desirable, and this Member and many others voted for it in the past, the Committee on Rules felt that this was not the proper place to offer it. We did not want the reconciliation process, which was specifically provided for in the Budget Act as a means of completing action on the budget for this fiscal year by conforming various provisions of law in accordance with the instructions included in the budget resolution for fiscal year 1984, we did not want the reconciliation process to be burdened additionally with amendments to the budget process as it is to be implemented in fiscal year 1985.

Those amendments would be better offered early next session when the House decides on procedures to be followed for adopting the budget for that next fiscal year.

So Mr. Speaker and Members, I urge an "aye" vote on the resolution.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NELSON of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device; and there were—yeas 224, nays 198, not voting 11, as follows:

[Roll No. 416]

YEAS—224

Addabbo	Aspin	Biaggi
Akaka	Badham	Bliley
Albosta	Barnes	Boehlert
Alexander	Bartlett	Boggs
Andrews (NC)	Bateman	Boland
Annunzio	Beilenson	Bonior
Anthony	Berman	Bonker
Archer	Bevill	Bosco
Boucher	Hefner	Panetta
Brooks	Heftel	Patterson
Broomfield	Hillis	Pease
Brown (CA)	Holt	Pepper
Broyhill	Horton	Pickle
Burton (CA)	Howard	Porter
Carney	Hoyer	Price
Carr	Hyde	Pursell
Chandler	Jenkins	Quillen
Chappie	Jones (OK)	Rahall
Cheney	Jones (TN)	Rangel
Clay	Kaptur	Regula
Coleman (MO)	Kemp	Ritter
Collins	Kennelly	Roberts
Conte	Kindness	Robinson
Conyers	Kogovsek	Roe
Corcoran	Kostmayer	Rogers
Coughlin	LaFalce	Rose
Coyne	Lantos	Rostenkowski
Crockett	Latta	Roybal
Daniel	Leath	Rudd
Davis	Leland	Sabo
de la Garza	Lent	Sawyer
Derrick	Lewis (CA)	Schaefer
DeWine	Lipinski	Schneider
Dickinson	Livingston	Schulze
Dicks	Lloyd	Schumer
Dingell	Long (LA)	Shannon
Dixon	Long (MD)	Shelby
Donnelly	Lott	Simon
Dowdy	Lowery (CA)	Skeen
Downey	Lowry (WA)	Smith (FL)
Duncan	Lujan	Smith (IA)
Dwyer	Madigan	Smith (NJ)
Dymally	Markey	Smith, Robert
Dyson	Marlenee	Snowe
Edwards (AL)	Marriott	Spence
Edwards (OK)	Martin (IL)	St Germain
Erlenborn	Martin (NC)	Stokes
Fazio	Martin (NY)	Stratton
Ferraro	Martinez	Swift
Fish	Matsui	Tallon
Flippo	Mavroules	Taylor
Florio	Mazzoli	Thomas (CA)
Foglietta	McCain	Torricelli
Foley	McCloskey	Traxler
Ford (MI)	McDade	Udall
Ford (TN)	McGrath	Vander Jagt
Forsythe	McHugh	Waxman
Franklin	McKernan	Weaver
Frost	McKinney	Weiss
Garcia	Michel	Wheat
Gephardt	Mikulski	Whitehurst
Gibbons	Mineta	Whittaker
Gingrich	Minish	Williams (MT)
Gonzalez	Mitchell	Wilson
Gradison	Moakley	Winn
Gray	Molinari	Wirth
Green	Montgomery	Wortley
Guarini	Morrison (WA)	Wright
Hall (IN)	Myers	Wylie
Hall (OH)	Neal	Yates
Hammerschmidt	Nichols	Young (AK)
Hance	O'Brien	Young (MO)
Harrison	Oakar	Zablocki
Hatcher	Obey	Zschau
Hawkins	Oxley	

NAYS—198

Anderson	Coelho	Fiedler
Andrews (TX)	Coleman (TX)	Fields
Applegate	Conable	Fowler
AuCoin	Cooper	Frank
Barnard	Courter	Frenzel
Bates	Craig	Fuqua
Bedell	Crane, Daniel	Gaydos
Bennett	Crane, Philip	Gejdenson
Bereuter	Dannemeyer	Gilman
Bethune	Daschle	Glickman
Bilirakis	Daub	Goodling
Boner	Dellums	Gore
Borski	Dorgan	Gramm
Boxer	Dreier	Gregg
Breaux	Durbin	Gunderson
Britt	Early	Hall, Ralph
Brown (CO)	Eckart	Hall, Sam
Bryant	Edgar	Hamilton
Burton (IN)	Edwards (CA)	Hansen (ID)
Byron	Emerson	Hansen (UT)
Campbell	English	Harkin
Carper	Erdreich	Hartnett
Chappell	Evans (IA)	Hayes
Clarke	Evans (IL)	Hertel
Clinger	Fascell	Hightower
Coats	Feighan	Hiler

Hopkins	Morrison (CT)	Sikorski
Hubbard	Mrazek	Siljander
Huckaby	Murphy	Sisisky
Hughes	Natcher	Skelton
Hunter	Nelson	Slattery
Hutto	Nielson	Smith (NE)
Ireland	Nowak	Smith, Denny
Jeffords	Oberstar	Snyder
Johnson	Olin	Solomon
Kasich	Ortiz	Spratt
Kastenmeier	Ottinger	Staggers
Kazen	Owens	Stangeland
Kildee	Packard	Stark
Kolter	Parris	Stenholm
Kramer	Pashayan	Studds
Lagomarsino	Patman	Stump
Leach	Paul	Sundquist
Lehman (FL)	Penny	Synar
Levin	Perkins	Tauke
Levine	Petri	Tauzin
Levitas	Ratchford	Thomas (GA)
Lewis (FL)	Ray	Torres
Loeffler	Reid	Towns
Luken	Richardson	Valentine
Lundine	Ridge	Vandergriff
Lungren	Rinaldo	Vento
Mack	Roemer	Volkmer
MacKay	Roth	Vucanovich
McCandless	Roukema	Walgren
McCollum	Rowland	Walker
McCurdy	Russo	Watkins
McEwen	Savage	Weber
McNulty	Scheuer	Whitley
Mica	Schroeder	Whitten
Miller (CA)	Seiberling	Wise
Miller (OH)	Sensenbrenner	Wolf
Mollohan	Sharp	Wolpe
Moody	Shaw	Wyden
Moore	Shumway	Yatron
Moorhead	Shuster	Young (FL)

NOT VOTING—11

Ackerman	Jones (NC)	Rodino
D'Amours	Lehman (CA)	Solarz
Gekas	Murtha	Williams (OH)
Jacobs	Pritchard	

□ 1420

The Clerk announced the following pair:

On this vote:

Mr. Rodino for, with Mr. Ackerman against.

Messrs. GEJDENSON, APPLEGATE, PASHAYAN, MOORHEAD, PACKARD, SOLOMON, BURTON of Indiana, BEREUTER, SNYDER, NATCHER, PERKINS, TAUZIN, JEFFORDS, DENNY SMITH, BONER of Tennessee, HOPKINS, HANSEN of Utah, and BREAUX changed their votes from "yea" to "nay."

Messrs. MARKEY, SCHAEFER, and SAWYER changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION INCREASING MAXIMUM AMOUNT WHICH COMMITTEE ON POST OFFICE AND CIVIL SERVICE MAY ALLOCATE FOR CONSULTANT SERVICES

Mr. ANNUNZIO, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-438) on the resolution (H. Res. 342) increasing the maximum amount which the Committee on Post Office and Civil Service may allocate for consultant services out of funds currently available to such committee from the contingent fund of the House for investigations and studies, which was referred to the House Calendar and ordered to be printed.

OMNIBUS BUDGET RECONCILIATION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 344 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4169.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4169) to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1984, with Mr. FORD of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Oklahoma (Mr. JONES) will be recognized for 30 minutes and the gentleman from Ohio (Mr. LATTA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

□ 1430

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the legislation we have before us today is the first of a two-part reconciliation bill. This particular legislation deals only with spending reductions. The taxes and the medicare savings, which is the other part of reconciliation, will come before the House later this week. This particular reconciliation bill deals strictly with spending savings over the next 3 years, and it is directed at only 3 committees, the Committee on Post Office and Civil Service, the Committee on Small Business, and the Committee on Veterans' Affairs.

As Members will recall in the first budget resolution, these 3 committees were directed to find spending savings of a little over $10 billion over the next 3 years. Primarily these savings were to be achieved through delays in cost-of-living adjustments for different pension programs, and for delays in Federal pay raises.

The three committees reported back to the Committee on the Budget with $8½ billion in savings of the $10.3 billion they were required to find. Those savings break down as follows:

The Committee on Post Office and Civil Service found savings in COLA delays, a permanent delay in all future COLA's for civil service retirees, and then similar delays in cost-of-living adjustments for military, Foreign Service, Coast Guard and Public Health Service retirees. It would place Federal retirement COLA's in January on essentially the same cycle as the social security cost-of-living adjustments, and the savings in that would be $6.6 billion.

The Committee on Small Business was instructed to extend the disaster loan program provisions of existing law that require farm borrowers to seek farm disaster loans from the Farmers Home Administration before they can apply for similar assistance from the Small Business Administration.

This committee also capped the SBA disaster loan program at $500 million per year and also made some other lesser modifications in the operation and administration of the SBA disaster loan program, and that would save $1.241 billion over the next 3 years.

The Committee on Veterans' Affairs delayed the cost-of-living adjustment for 6 months for veterans' compensation beneficiaries. On education benefits, the committee recommended terminating the advance payment of VA education benefits as proposed by the administration. The 3-year savings from this committeè was $660 million.

So these three committees will save $8½ billion by their work. The Committee on Post Office and Civil Service, however, did not do as the Congress instructed in savings of Federal pay increases and, instead of changing the 4-percent Federal pay increase to January 1984, the Committee on Post Office and Civil Service made that Federal pay increase effective October 1.

The Committee on the Budget will have an amendment immediately following general debate to delay that pay increase for Federal employees to January, and that will bring about a savings of $1.785 billion. If the House passes that amendment we will have achieved $10.3 billion in savings over the next 3 years, everything that the Congress instructed these three committees to acheive in spending savings.

In addition, this reconciliation package contains a call for an economic summit. It contains a direction to the President to convene a bipartisan economic summit, including the President, the Speaker, the bipartisan leadership of Congress and the administration, for the sole purpose of devising a deficit reduction package that can be enacted this year, and not wait until 1985. We think that is terribly important.

The deficit in the fiscal year that was just completed was nearly $200 billion. As Dave Stockman, the OMB Director said, unless we do somthing about these deficits, we are going to see $200 billion deficits as far as the

eye can see. Such deficits are going to be very damaging, because they are consuming and will continue to consume well over three-quarters of the net domestic savings of the United States. Unless we do something about getting those deficits under control and do it this year, I fear that this economic recovery will not last through 1984 and 1985.

The question is: What do we do about those deficits? I think it is clear. We must recognize that we are going to deal with these deficits by getting them down to size by adopting an overall package of slowing the rate of growth of entitlement and military spending, and having a revenue package that cay pay for the level of Government we desire. Such a package can only be accomplished in the context of bipartisan spirit, and that can only be done if we have a truly bipartisan economic summit convened by the President and including the bipartisan leadership of Congress.

This reconciliation package has a title that will direct that such a bipartisan summit conference be convened to produce a deficit reduction package that could be agreed to and acted upon this year.

This is what is contained in this reconciliation bill. For the most part, the committees did precisely what Congress instructed them to do, and if we follow through today, we will have made a significant down payment on our efforts and our commitment to the American people to reduce these record levels of deficits.

Mr. Chairman, unless the Chair wants to recognize the gentleman from Ohio (Mr. LATTA), we have agreed to give time to the other three committees involved, and I would yield such time as he may consume to the gentleman from Illinois (Mr. DURBIN).

Mr. JONES of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to explain the recommendations of the Committee on Post Office and Civil Service contained in H.R. 4169.

Before I get into the details of these proposals, I would like to point out that when the committee approved these recommendations last July 19 it did so with an overwhelming bipartisan vote of 15 to 3.

These recommendations, transmitted to the Budget Committee last July 26, substantially comply with the savings mandated in the first budget resolution. We were unable to meet completely the savings target because of a fundamental disagreement with the proposal to delay until January 1 the 4-percent pay increase due to Federal civilian and military employees on October 1.

I do not want to leave the impression that our committee acted eagerly in extracting yet another pound of flesh from career Federal employees who have taken the brunt of this administration's Draconian budget reductions.

On the contrary, the committee acted with extreme reluctance. Clearly it would have preferred not to take any more out of the hides of beleaguered Federal workers. But the House had spoken on the budget resolution and we were forced to comply.

Since we really had precious few options, we attempted to pursue a course that would do the least damage to a work force whose morale has already been seriously damaged.

In my mind there is no doubt that this administration has sought deliberately to make Federal employment unattractive. It has gone to extraordinary lengths to portray unjustly Federal workers as indolent paper shufflers who are overpaid and underworked. It has done this to enlist public support for slashing pay and benefits of Federal workers and those who have retired from Federal service.

And I cannot help but wonder what price we will pay in future years for this false economy. If we continue this reckless diminution of pay and benefits we will attract to the Federal service only those who cannot find jobs in the private sector and we will, indeed, become the employer of last resort.

I would like to quote from the latest report of the President's own Advisory Committee on Federal Pay, a prestigious panel made up of bipartisan experts from the private sector:

> While business searches for excellence and considers human resources its most important element, the Federal Government looks only at the short-run savings by not paying its employers wages that they could earn in the private sector. In the long run, Government efficiency will suffer by losing the best and the brightest who will either leave Government service or not enter it in the first place.

That particular quote from the report, issued earlier this month, comes from Jerome Rosow, chairman of the advisory committee and an acknowledged expert on the subject.

This year's advisory committee report notes that a 21.5 percent catch up in wages would be necessary to place Federal workers on the same pay levels as their private sector counterparts. This bill calls for only 4 percent. And the increase recommended by the White House is only 3.5 percent, effective in January 1984 rather than this month. If the proposed 3.5-percent increase is computed for the year, the report says, it actually amounts to only 2.6 percent, since historically, adjustments are made in October.

Moreover, this year marks the sixth in a row that the comparability principle has been violated. And the advisory committee report says:

> It is apparent that the system is drifting back to the period before 1962 when comparability was just a concept and when pay decisions were determined solely by the political process.

Mr. Chairman, clearly enough is enough. At some point we must pause to consider the damage we have done.

Turning to the specific provisions of the bill, as recommended by our committee, it would permanently shift the effective date of civil service retirement cost-of-living adjustments to December—payable in January—and base the COLA on the percent change in the Consumer Price Index (CPI) for the third quarter of the current year over the CPI for the third quarter of the preceding year. This recommendation substantially complies with the COLA assumption underlying the fiscal year 1984 budget resolution. And it put the adjustments on the same cycle as social security.

Additionally, the bill proposes a pay raise for Federal civilian employees of 4-percent effective this month. The House agreed to the 4-percent figure in the first budget resolution. I think it would be both shortsighted and foolhardy to consider anything less than this token pay adjustment, especially in light of the Pay Advisory Committee report and other ominous signs on the horizon.

We cannot continue to slash away at pay and benefits for those who do the important work of our Nation and not expect serious consequences.

Federal workers have every right to feel besieged. Not only has comparability been blithely ignored, but the civil service retirement system has been under attack since 1976 when Congress repealed the 1-percent "kicker." Since then we have changed from twice-a-year to once-a-year COLA, restricted disability retirement benefits, increased interest rates on deposits for prior service, delayed the commencing date of annuities, required annuities to be rounded down to the next lowest dollar, temporarily provided one-half COLA for retirees under age 62, tightened requirements for early retirements eligibility, eliminated the so-called look-back benefit and mandated prorating of initial COLA's.

These changes have resulted in total reduction in benefits of $6.7 billion since 1977, according to data compiled by the General Accounting Office.

Plainly we have done more than enough to make working for the Federal Government less than attractive.

To do more would guarantee further deterioration of a work force that already is demoralized and alienated.

Finally, I wish to bring the following matter to the attention of the House.

In the first complete paragraph on page 5 of the report to accompany H.R. 4169 (H. Rept. 98-425), it is stated that the authority for the President to submit an alternative plan, as well as the authority for a one-House veto of that plan, is not in doubt due to the Supreme Court's decision in INS against Chada. This statement contains a misprint. The word "not" should be "now". It is important to correct the record on this matter since the President's alternative plan authority is presently the subject of litigation in the Federal courts.

□ 1440

Mr. LATTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this reconciliation bill, as I pointed out earlier, does not do much. If the House adopts no more than this bill, it will be letting another opportunity slip by to make a meaningful contribution toward fiscal responsibility.

Just a week ago President Reagan once again called upon the Democratic leadership to work with him to solve the Nation's deficit spending problem. This week, once again, he will be rebuffed by that leadership in the two reconciliation bills to be brought to the floor.

Let me quote from a statement made by the President on October 19 in which his words show very clearly that he is ready and willing to work with the Congress to solve the deficit spending problem.

And I ask the Congress for cooperation in these last 4 weeks before it leaves for the year. Many key budget decisions remain and we have a real opportunity to hold down spending and reduce deficits. And I think we should remember these deficits didn't just spring up in 1,000 days. They are the product of too many years of tax and tax and spend and spend.

In these closing days of Congress, let us rededicate ourselves not to taxing people more but to making Government spend less. This is the way to keep the United States on a steady path of economic growth and opportunity for all our people.

Let me repeat that one phrase.

Let us rededicate ourselves not to taxing people more but to making Government spend less.

I do not see much rededication in this bill today, as I have indicated earlier. Instead, what I see is a token effort to hold down spending and a major effort on Thursday of this week to raise taxes, just like last year.

Increasing taxes will not solve the deficit problem. Economic growth and reduced deficit spending as the recovery develops are the answers.

Let me quote once again from the President:

About half the deficit is caused by [the] recession, so economic recovery can halve [the] estimate. Our previous estimates of the horrendous deficits have already been trimmed back by the amount of recovery that we've had so far.

The other part of that is structural. It is built in because of Government spending. And I'm going to continue, as hard as I can, trying to get further reductions in spending as a means of bringing down the deficits and getting us to the point of balanced budgets which we must reach.

Like the President, I, too, have grown up hearing my Democrat friends tell us that deficit spending brings prosperity, and all we have to do is take a look at some of the past. But suddenly, this year and later this year, we have been hearing them speak out against deficits without voting to trim the bills back that are causing the deficits.

Well, it is a good thing that one is skeptical, because if this bill today is an example of how we are going to solve the deficit problem, this country is really in trouble.

Believe it or not, this bill, calling for only $8.5 billion in reconciled savings over 3 years as reported, is the smallest reconciliation bill in the history of the budget process. Let me just repeat that. This calls for a savings of $8.5 billion, not in 1 year, not in 2 years, but over 3 years, and for fiscal year 1984, which began on October 1, it only calls for savings of $1.8 billion out of what CBO now estimates to be a $868 billion budget. That is savings of $1.8 billion out of $868 billion of expenditures.

That is unbelievable when we realize that it comes at a time when we are faced with the highest current and projected peacetime deficits in our history and record Government spending. By contrast, the fiscal year 1982 reconciliation bill known as Gramm-Latta II achieved the greatest savings in history—$130 billion over 3 years.

Mr. Chairman, I wish to insert in the RECORD at this point a table showing the reconciliation savings in these years. That table is as follows:

RECONCILIATION BILLS

[In billions of dollars]

Fiscal year	1-yr. savings	1-yr. deficit [1]	3-yr. savings	3-yr. deficit [1]
1981	4.8	−27.4	[2] 12.9	−18.2
1982	35.2	−44.5	130.5	−64.9
1983	6.8	−115.0	29.9	−281.2
1984	1.8	−183.0	8.5	−563
Medicare savings in Ways and Means bill			[1] 1.1	
Total 3-yr. savings in 1984			9.6	

[1] Deficit projection at time of bill passage.
[2] Estimate based on prorated share of $21 billion in 5-yr. savings.

Mr. Chairman, the gentleman from Oklahoma (Mr. JONES) has brought a bill to the floor today calling for, as I mentioned, $8.5 billion in savings over 3 years. The budget resolution called for $12.3 billion. I am told that the savings from the Energy and Commerce Committee and the Ways and Means Committee will be handled under another bill. Hopefully, that will come forward on Thursday. I would have preferred, as the budget language clearly states, that we had one bill, but we are having two bills.

The chairman of the committee pledged to enforce the budget resolution, but I see very little discipline because the enforcement language was not there this year. In 1981 reconciliation was established as the best and most effective way to achieve budget savings. Reconciliation is the only sure way we have of controlling deficit spending.

□ 1450

It is really not being used this year. This bill would make savings in fiscal year 1984 of only $1.8 billion in spending. That is less than two-tenths of 1 percent and, really, those are not savings. If you want to know what it amounts to over 3 years, well, as I mentioned earlier, it is $8.5 billion out of projected outlays for those 3 years of $2.6 trillion—$2.6 trillion, and we come up with $8.5 billion in savings over those 3 years.

Certainly the question today is whether or not we are going to support the "puny savings"—and I put that in quotation marks—being proposed, or whether we are going to spend that $1.8 billion.

Well, I need not say that I am for saving every possible nickel that we can save. Even though it is a small figure, I am for saving it; but we have not done our jobs as I see that we could have done if we really meant business in cutting back on those deficits.

Certainly I will support the amendment of the chairman to make the 4-percent increase in Federal workers' pay extended from October 1 to January 1, because we can save some money there, as has been already pointed out. We can save about $1.8 billion. The total savings will be about $10.3 billion.

Mr. Chairman, I have already indicated these savings are not great. They are savings of only three-tenths of 1 percent of the projected spending for fiscal year 1984.

This reconciliation bill symptomizes the failure of the effort of our majority at budgeting this year. In 1981, the Congress made a commitment to control deficit spending through reductions in Federal outlays. With the passage of Gramm-Latta, this Congress pledged itself to a series of systematic, phased-in budget savings which would have called for a fiscal year 1984 budget, after adjustments for changes in the economy, of $809 billion. The latest estimate from the Congressional Budget Office is that spending in fiscal year 1984 will be $868 billion, or

$58.2 billion more than was previously committed to under Gramm-Latta in 1981.

Even if we pass this reconciliation bill today, and even if we somehow this week accomplish the total $2.5 billion in reconciled savings and $12 billion in new taxes for fiscal year 1984, this budget is now adding $10.4 billion to domestic spending over the CBO budget resolution base line.

What if we achieve the $12 billion in savings and the $73 billion in new taxes? That would be a ratio of 6 to 1 of tax hikes to spending cuts; $6 additional in taxes for every $1 in spending savings.

I have to ask, whatever happened to the once agreed-upon ratio of 3 to 1 spending cuts over tax increases?

The leadership has changed the entire concept of budgeting that we established in 1981.

The concept behind Gramm-Latta was to bring the budget process under control by holding down the growth in Federal spending and not by taxing to pay for unwise Federal spending. The tool for accomplishing this could have been reconciliation.

Reconciliation never was intended to take the place of tax bills. Its purpose was not to mandate tax increases, but to mandate savings through reduced spending. That concept seems to have changed in the past 2 years.

As a budgetary control device, reconciliation in the past 2 years has come to resemble Shakespeare's account of history repeating itself: the first time as comedy and the second time as farce.

Last year Congress used reconciliation to order $98 billion in tax increases under the guise of reducing the deficit. This Thursday an attempt will be made to use reconciliation to increase taxes by another $73 billion; but even if the chairman of the House Ways and Means Committee, the gentleman from Illinois (Mr. ROSTENKOWSKI) recognizes what the chairman of the Budget Committee does not seem to understand, we do not need reconciliation to enact tax increases.

The entire budget process this year is an attempt to reverse the gains that has been made the first years of this administration and to open the floodgates on Federal spending. The leadership on the majority side of the aisle made this clear from the beginning. Let me quote from a press release put out by the Democratic leadership when they announced their budget plan last March:

> We must restore funding in areas which strengthen and protect our most vital resource—people, while restraining growth in government by holding many programs at present levels.

Well, I do not know of many programs the Democrats have held at present levels in the 1984 budget, but I do know where unnecessary and lavish spending has been proposed, and passed.

Do any of you realize that this House spent more money in one 7-day period in September for new programs or in expanding old programs than is contained in this entire reconciliation bill?

From September 13 through September 21, this House voted to spend $15.8 billion in fiscal year 1984. Let me show you how it was done.

On September 13, the House adopted a $12.1 billion vocational rehabilitation bill which included discretionary education programs.

On September 15, the House voted to spend $200 million in the Trade Adjustment Assistance Act.

On September 21, the House adopted a $3.5 billion jobs bill.

And we have a reserve clause for the first time, that we have alluded to. It was a cute gimmick. As everybody knew, they were going to be dipping into it and they have been.

Well, Mr. Speaker, let me say that we do have a reconciliation bill by name only before us, which in the final analysis I think we should support because it does make a feeble effort—a feeble effort to reduce spending, but it certainly does not do the job that I would like to have seen this Congress do.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I rise in support of the Omnibus Budget Reconciliation Act of 1983, H.R. 4169.

This bill contains the recommendations of the Committee on Post Office and Civil Service. Specifically, it would permanently delay the effective date of civil service cost-of-living adjustments to December and change the measurement period for computation of the COLA to the percent change in the Consumer Price Index (CPI) from the third quarter of the current year over the CPI for the third quarter of the preceding year. This would place the COLA on the same cycle as social security increases. In addition, the bill proposes a 4-percent pay adjustment for Federal employees effective at the beginning of the fiscal year in October.

Granted, these recommendations do not fully comply with the savings targeted in the first budget resolution. As Chair of the subcommittee with jurisdiction over these issues, I must tell my colleagues, however, that these proposals were adopted with much reluctance. Many on our committee would have preferred not to limit the employee pay adjustment to 4 percent or delay the cost-of-living adjustment for our retirees. However, the House had spoken in its first budget resolution, and our committee sought to comply. Most importantly, the recommendations before the House were adopted by an overwhelmingly bipartisan vote.

Mr. Chairman, many people have an unrealistic and distorted perspective of our Federal work force. They view Federal workers as overpaid and nonproductive. The fact of the matter is, however, that the President's own pay agents have reported that Federal employees' pay now trails their private-sector counterparts by an average of 21.5 percent. In addition, the productivity of Federal workers has increased an average of 1.5 percent per year between 1967 and 1981, almost double that of the national average.

The recommendations we are now considering are in keeping with the previous actions by this House and do the least amount of damage to our employees. Morale in our work force is already at an alltime low, and any further erosion in pay and benefits will produce serious consequences for the future. We are on the road to creating a government which will be the employer of last resort.

We need to attract and retain our best and brightest citizens in the Federal service. We need to seek excellence and competence in our employees. I urge my colleagues to pass the bill as written.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 7 minutes to the distinguished chairman of Committee on the Veterans' Affairs, the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, the reconciliation instructions contained in the first concurrent budget resolution directed the Committee on Veterans' Affairs to report spending reductions for fiscal years 1984, 1985, and 1986, totalling $508 million in budget authority and $504 million in outlays.

In a letter to the Budget Committee on June 3, I informed the chairman of the committee that the Committee on Veterans' Affairs had recommended two legislative proposals to the Committee on the Budget that if enacted would result in savings over a 3-year period of $689 million in budget authority and $683 million in outlays.

Our committee recommendation would exceed the targets contained in the budget resolution for the next 3 years.

Mr. Chairman, our committee has moved quickly to carry out the instructions of the House and I am very appreciative of the spirit in which our committee acted.

I want to compliment all the Members for helping meet the targets in the first concurrent budget resolution. With $200 billion in deficits facing us in 1984 and similar deficits in the foreseeable future, we must make every effort to control Federal spending wherever possible.

□ 1500

I want to pay tribute to the veterans throughout the Nation, and to the national veterans service organizations who have supported the committee in agreeing to delay the compensation COLA for 6 months.

Veterans stated early on that they were willing to accept a delay in their COLA increase provided all other Federal beneficiaries, accept the delay as well, and to the chairman of the committee, I certainly want to support the Jones amendment which would make a correction. If we are going to take away a COLA for service-connected compensation veterans, we ought to do it to all Federal beneficiaries and be sure it is fairly done.

Now, Mr. Chairman, I yield to the gentleman from Texas (Mr. LEATH), the distinguished chairman of our Subcommittee on Education, Training, and Employment, for an explanation of title IV of the bill.

Mr. LEATH of Texas. I thank the gentleman for yielding.

Mr. Chairman, a very small part of the cost savings being considered for the Veterans' Affairs Committee involves education programs for veterans and their dependents. The major cost saving in this bill is the delay in the cost-of-living increase in compensation and pension payments to disabled veterans and their dependents.

In addition, to realize the total amount specified in the reconciliation instructions, the committee has also included a recommendation of the administration to change the method of payment for certain individuals who take education courses administered by the Veterans' Administration which will result in a savings of $14.3 million for this fiscal year. The committee rejected proposals to cut or end programs; therefore, approval of this educational cost savings provision will not result in the reduction or termination of any benefits.

Current law permits advance payments of educational benefits to be made to eligible veterans and persons who apply for an advance payment and who meet certain eligibility criteria. The amount of such advance payment is limited to the month, or fraction thereof, in which the training program begins, plus the amount payable for the succeeding month.

Advance payment of educational assistance and subsistence allowance has been a source of substantial overpayments. In many instances, eligible veterans and eligible persons have received an advance payment of benefits and have subsequently failed to pursue, discontinued pursuit of their training program, or reduced the rate of pursuit, resulting in an overpayment of all or part of their advance payment. In addition, the VA pays a reporting fee to each educational institution which elects to handle advance payment checks. Terminating advance payments will also eliminate the payment of a reporting fee to schools which deliver the checks.

VA educational overpayments continue at an unacceptably high rate. Part of the reason is the advance payment, and eliminating it will result in cost savings. At the same time, the veteran or dependent will not have their assistance reduced and will continue to be paid the full amount of their entitlement. Since many veterans accept the advance payment and then fail to commence the course or do not notify the educational institution or the VA that they have changed or canceled the courses for which they received an advance payment, an educational overpayment is established.

In this regard, oversight hearings have demonstrated that advance payments are the source of continuing educational overpayments. For example, at an oversight hearing in Nashville, Tenn., the registrar of Acquinas College in Nashville, Sister Mary Reginald, after rhetorically asking, "Are advance payments really feasible," stated;

We recommend that the Committee on Veterans' Affairs take a close look at advance payments. This regulation seems to represent a high money risk for the Veterans' Administration. Could this be a major contributing factor to the missing $400 million?

Therefore, to meet the mandate of the reconciliation instructions, the committee has included a provision to terminate the authority to make advance payments, which will result in cost savings of $14.3 million.

Mr. MONTGOMERY. I thank the gentleman from Texas, and I would like to yield to the gentleman from Ohio (Mr. APPLEGATE), the distinguished chairman of the Subcommittee on Compensation and Insurance.

Mr. APPLEGATE. I thank the gentleman for yielding.

Mr. Chairman, first I want to thank our distinguished chairman, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, the ranking minority member of the full committee, and my good friend and colleague from Ohio, Mr. BOB MCEWEN, for their assistance in bringing this measure to the floor.

Today we are considering a proposal to provide a cost-of-living increase in benefits for veterans who were disabled as a result of their military service and for the widows and orphans of veterans who died of service-connected causes. It is designed to offset the erosion of benefits caused by inflation.

Mr. Chairman, I wish to assure you and my colleagues that the funding level in title IV of the bill is within our target and that we have more than met our 3-year reconciliation savings requirements.

Service-connected compensation is payable to veterans who suffer from a disease or disability incurred during service. The percentage of disability for a specific disability is assigned by the Veterans' Administration. That agency has established a schedule for rating disabilities which is the guideline for measuring the degree of disability. Compensation is paid for disabilities at ratings of 10 percent, 20 percent, and so forth up to 100 percent. The rate of compensation payable for each percentage of disability is established by law. Additional compensation is payable for the loss of a limb, blindness, and other severe disabilities. An additional dependency allowance is payable to veterans with a rating of 30 percent or more for a spouse, minor children, or dependent parents.

Historically, the Congress has increased compensation rates whenever there has been an appreciable increase in the cost of living since the rates are not indexed to the Consumer Price Index by law. This is necessary to insure that inflation does not erode the purchasing power of those drawing compensation and DIC benefits.

Widows and children of veterans who die of causes determined to be service connected are entitled to monthly payments of dependency and indemnity compensation. The purpose of this benefit is to provide compensation to the designated survivors for the loss in financial support sustained as the result of the service-connected death. Income and need are not factors in determining a surviving spouse's or child's entitlement since the Nation assumes, in part, the legal and moral obligation of the veteran to support the spouse and children.

Payments of DIC for surviving spouses are determined on the basis of the veteran's service pay grade and rate from $445 monthly for the surviving spouse of an E–1 to $1,139 monthly for the surviving spouse of an O–10. Surviving spouses are entitled to an additional $51 monthly for each child.

It is well established that the Congress has placed the very highest priority on the payment of compensation and dependency and indemnity compensation benefits to eligible veterans and survivors.

Mr. Chairman, the bill will also make some modest but essential refinements in the compensation program. It will provide a small increase to a very limited number of veterans who suffer from service-connected total blindness and also from service-connected deafness. There can be no doubt that the combined impact of loss of sight and hearing is devastating and I congratulate our colleague from New Jersey, the Honorable CHRIS SMITH, for bringing this to our attention.

The bill will also remove an inequity that was created in our reconciliation

bill last year, Public Law 97-306. That law provided that the effective date of new payments and increased payments would be deferred until the first full month of entitlement. As a result, one class of veterans suffered an unwarranted deprivation of benefits. Under the existing policy of the Veterans' Administration, if a veteran rated less than 100-percent disabled, is required to undergo hospitalization for more than 3 weeks, he is eligible for a temporary increase to the total rate. As an example, if a veteran is rated 10-percent disabled because of a duodenal ulcer and he is required to undergo emergency surgery for that condition and remains hospitalized for more than 21 days, he is eligible for a total rating from the date of admission to the hospital through the end of the month in which the treatment terminates. As a result, if he were admitted on the second day of a month and remained for 4 weeks, the delay in the effective date of increased payments would be deferred until the following month and since he was discharged in the same month of admission in which he commenced receiving treatment, he is effectively denied the beneficial effect of that provision which recognizes a temporary but total period of disability. Our bill would simply restore the old provisions for these temporarily disabled service-connected veterans without affecting the other savings provisions in Public Law 97-306.

The bill would also permit the Veterans' Administration to recognize the adoption of a handicapped child who is adopted by a veteran after the child's 18th birthday, providing the child was in the veteran's custody before attaining age 18. The committee has been made aware of a few instances where a veteran has taken an afflicted child into his household at a tender age and continued to take care of the child after it becomes an adult. The Veterans' Administration has interpreted current law and held that adoption of the child must have taken place before it became 18 years of age for it to be considered as a dependent of the veteran for Veterans' Administration purposes. Our proposal will correct this situation. The Veterans' Administration, in testimony before our committee, stated that this change was consistent with the statutory scheme of providing additional benefits to veterans with dependents and the administration does not opposed it.

The final refinement to the compensation program would permit the Veterans' Administration to provide benefits to a member of the senior ROTC who is injured in summer camp, regardless of the time of incurrence of the disability. Last year, in Public Law 97-306, we provided that ROTC members who were injured on or after October 1, 1982, would be eligible for benefits. A distinguished member of our committee, the Honorable TOM DASCHLE of South Dakota, has properly pointed out that there is no justification for excluding those few members who were injured prior to October 1982 and our bill would correct this situation.

Mr. Chairman, title IV of H.R. 4169 will provide a much needed and richly deserved cost-of-living increase for our service-connected disabled veterans and their dependents and to the survivors of those gallant men who made the supreme sacrifice fighting for our country. The persons we help today have a glorious record of service to this Nation. They have literally sacrificed life and limb defending this country from its enemies. And to their credit, when they were asked to forego 6 months of their increased compensation, they again stepped forward, saying they had always made sacrifices for our country and they would share their part of the financial burden for 6 months to help control the huge deficits we are facing.

As I said earlier, our committee has met its reconciliation responsibilities in title IV of H.R. 4169, mostly through the 6 months delay in the effective date of the compensation COLA.

I urge all of my colleagues to support the bill.

Again, I want to commend our chairman and the other of my colleagues who have worked to put this bill out.

It is a good piece of legislation, and I urge your consideration of the entire bill.

Mr. MONTGOMERY. I thank the gentleman.

I think he also makes a valid point, that the dependents of the Americans who have been lost in Lebanon actually come under the dependency and indemnity compensation program of the Veterans' Administration.

We certainly want to assure Members of the House that they will be properly taken care of as well as we can.

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. MONTGOMERY) has expired.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 1 additional minute to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I want to thank the distinguished chairman of the Budget Committee and the distinguished ranking minority member, Mr. LATTA, and the members of the committee and staff for the cooperation we have had.

We have been well able to work with this Budget Committee, and I would like to thank the ranking minority member on our Veterans' Affairs Committee, Congressman HAMMERSCHMIDT, for his total support.

We look forward to working with the chairman in other days to come pertaining to reconciliation.

Mr. LATTA. Mr. Chairman, I yield 7 minutes to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of H.R. 4169 which provides for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1984.

Mr. Chairman, H.R. 4169 incorporates the provisions of H.R. 2937 which was reported by the House Veterans' Affairs Committee on June 1 and is in accord with that committee's report to the Committee on the Budget on the Veterans' Administration budget for 1984.

Mr. Chairman, the principal provisions of this bill insofar as it relates to veterans' affairs again shows the commitment of this Nation to that special group of citizens who answered its call to duty and then died or became disabled in its precious cause.

It is perhaps unnecessary to note that we meet today at a time when all of us have such heavy hearts. Those hearts are burdened anew by the stark reality that the United States sends young men and women to far off places to do our national will and indeed to do the will of free people everywhere. But, Mr. Chairman, just as we try our best to understand what we do and why we do it in this imperfect and unpredictable world, let us all agree that when we send our citizen soldiers into peril, we pledge our national conscience to always properly provide for them and for their loved ones when they fall in freedom's cause or when they pay freedom's highest price.

The gentleman from Mississippi and the gentleman from Ohio have explained the principal provision of H.R. 4169 which calls for a 4.1-percent increase in compensation for disabled service-connected veterans, their dependents and survivors. I congratulate the gentlemen for their efforts in bringing this bill to the House floor. I also congratulate the ranking member of the subcommittee, Mr. MCEWEN, for his leadership in this regard.

One final thing, Mr. Chairman, the effective date of this proposed cost-of-living increase is April 1, 1984, instead of the normal date of October 1, 1983. The resultant savings have enabled the House Veterans' Affairs Committee to be in compliance with our budget instructions. All Members should express thanks that this 6-month delay has been graciously accepted by each of the major veterans' organizations who are principal spokesmen for the Nation's disabled veterans and their dependents. This is

the contribution of our Nation's disabled veterans to fiscal restraint in our country. Once again, these most deserving individuals have placed country above self and all of us are in their debt. We pay part of that debt today as we vote for passage of H.R. 4169.

Mr. Chairman, we are reminded again and again how much we owe those millions of young Americans who have placed duty above all else. Over generations of time they have been the defenders and the guardians of peace. The victims of the despicable act of last Sunday are in the same mold. Let us remember that the scriptures proclaim "Blessed are the peacemakers for they shall be called the children of God." It is these children that we honor today as we pass title IV of the bill before us.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Ohio (Mr. McEWEN), the distinguished ranking subcommittee member.

Mr. McEWEN. I thank the gentleman for yielding.

Mr. Chairman, the bill before us incorporates a much needed cost-of-living increase for our Nation's disabled veterans and their dependents. It also contains a provision to fine tune the Veterans' Administration compensation program for certain blind veterans and for service-disabled veterans who are hospitalized in VA hospitals in excess of 21 days. This is a good bill, Mr. Chairman, and I urge its passage.

Mr. Chairman, it has been my privilege to work with the chairman of our Subcommittee on Compensation, Pension, and Insurance Mr. DOUG APPLEGATE on this subject and I congratulate him for his leadership. I also want to express my appreciation to the chairman of the full House Veterans' Affairs Committee (Mr. MONTGOMERY), and the ranking member, the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. Chairman, I must take note of the fact that the effective date of the proposed compensation increase for disabled veterans is April 1, 1984. The delayed date of 6 months has been accepted by what I believe to be the most deserving citizens of our country. The acceptance is the finest tradition of good citizenship and sacrifice for the good of our country. These individuals deserve our highest praise for their devotion to our Nation.

Mr. Chairman, I include for the RECORD a compilation of statements made by various veterans organizations which illustrate their enduring commitment for America. These remarks appeared in the Stars and Stripes article May 26 of this year.

The article follows:

UNSELFISH AMERICANS

(By Representative Bob McEwen)

No group of Americans is more deserving of benefit increases than service connected disabled veterans or their surviving dependents, and yet no group has been more willing to give of themselves time and again for the betterment of our country.

The National Association of Military Widows, and the Disabled American Veterans were joined by numerous other veteran organizations in their support of the proposal to delay the cost-of-living increase this year.

The Blinded American Veterans Association stated before the Committee, "Like other veterans, we are willing to do our share to improve the state of the economy, and if the delay in the cost of living adjustment would contribute in some way to a new economic prosperity, we are willing to make the sacrifice. In this spirit of sacrifice, we are prepared to do our share.

The American Legion testified, "The American Legion does not want to see these deserving veterans, and their dependents and survivors, deprived of benefits they clearly need. (But) the Legion is also aware of the serious fiscal problems that confront the Federal Government, and that both the President and Congress must address.

"For that reason, and because veterans are perhaps the most responsible element of the American social structure, The American Legion will accept the six month delay in increase in these service-connected entitlement programs.

The Paralyzed Veterans of America added, "In light of efforts to restrain and reduce growing budget deficits, we realize that it is incumbent upon all citizens to be willing to assist in the government's efforts."

Adding its voice to these expressions of unselfishness and dedication to America, was the Non-Commissioned Officers Association which stated, "Foremost, this sacrifice can significantly help the nation. Additionally, the savings represented by the proposed delay protects other important improvements in the Veterans Administration budget."

The Veterans of Foreign Wars stated, "Both the President's proposed budget and House Concurrent Resolution 91 would delay cost-of-living increases for Federal beneficiaries for six months. Thus, the 4.1 percent increase in the Compensation and Dependency and Indemnity Compensation Programs would become effective April 1, 1984, rather than October 1, 1983.

"The VFW agrees to this deferred cost-of-living increase and supports it to help reduce the Federal deficit and maintain the integrity of the Compensation Programs."

These special Americans, even though they are disabled, widowed, crippled and blind, have unanimously said that for the good of us all, they are willing to make yet another sacrifice.

How different are these brave men and women from those who boast that they would never lift a finger to aid this nation and yet continue to demand more and more from the beleaguered American taxpayer.

□ 1510

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to add my thanks to our distinguished chairman, the gentleman from Mississippi (Mr. MONTGOMERY), the gentleman from Oklahoma (Mr. JONES), and the ranking minority member of the full committee, the gentleman from Ohio (Mr. LATTA), for their fine cooperation on this bill.

Mr. LATTA. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Chairman, we have come now to the point that we are to implement the savings contained in the reconciliation instructions of the budget adopted by this House earlier this year. For the first time in 3 years the National Democratic budget, as it was called when the committee print was issued to members of the House Budget Committee, was adopted by this House.

I think it is importance, Mr. Chairman, to note what that plan would do.

That plan calls for substantial increases in taxes on the American people. It calls for substantial reductions in defense spending, reductions not just below the level recommended by President Reagan, but below the level recommended by President Carter in his last budget submission.

One would think that there was a silver lining in this budget, that if you raised taxes and cut defense, you deal with the Nation's No. 1 problem: the Federal deficit.

Much to my disappointment, however, when I reached the bottom line of the national Democratic budget, that portion of the budget which was binding, I found that the deficit was higher—not lower—than the deficit of the budget proposed by the President.

One who is not familiar with the budget process might ask, how do you raise taxes, cut defense, and raise the deficit. The way you do it is to fund 11 new spending programs, new add-on social expenditures.

We have come to the point today where we are going to implement the savings from that budget. We had sought in that budget to partially offset the deficit increase by having a budget reconciliation.

I think it is important to note today that while the budget reconciliation instructions call for $2.8 billion reductions in fiscal year 1984 and a $12.2 billion reduction over the 3-year period, that what we vote on today will reduce the deficit only by $1.8 billion.

There are two points I would like to make, Mr. Chairman. No. 1, this proposal hardly scratches the surface of the problem. We are not, in fact, reducing the deficit by 1 percent through this action we are talking about here today on this bill, uness we adopt an amendment which would take it slightly over a 1-percent reduction.

I think this is the kind of timid approach that the American people did not have in mind in asking us to deal with the deficit problem.

I think it is more instructive, however, Mr. Chairman, to note that while we were going to fund all of these new

add-on programs that are now part of the budget with a $73 billion tax increase, we are now told that the Ways and Means Committee has reported a tax bill which according to the Office of Management and Budget will raise revenues only by $5 billion. We set out a target of $12 billion in savings by outlay reduction and we are achieving $8.5 billion. We set out a target of $73 billion in tax increase to close the deficit and the bill reported by the Ways and Means Committee, according to the CBO, achieves only a $5 billion revenue increase.

What we have seen here, Mr. Chairman, is an action taken which raises the deficit, which raises spending, and then when it comes to dealing with that part of the problem that was set out in reconciliation, we do not come close to achieving even the target set in the budget.

The reality is that those who supported this budget, those who offered it, have given us a budget which raises taxes, which cuts defense and which raises the deficit.

I find it somewhat paradoxical that our chairman says we need to have a bipartisan commission to do something about the deficit problem. I thought that was what the budget was about.

We have had an opportunity to do something about that problem here today and we have not done it.

I, for one, am skeptical about setting up a Commission which is in fact going to be made up of partisan leadership. It seems to me that this is an effort to run away from the problem. This bipartisan Commission, which would be basically made up of partisan leadership of this House and of the other body, does not follow the pattern set by the Social Security Commission, and I am very skeptical about its ability to put partisanship aside and to deal with the problem.

In short, Mr. Chairman, I am disappointed by what we are doing today. I think the American people are going to be disappointed as well.

We have taken strong action in the last 2 years which has produced an economic recovery. The inflation rate is down by three-fourths. The prime interest rates are down by 50 percent. We have created 2 million new jobs since January. Total level of income has reached an all-time high.

But at the very time we are making progress, the Congress is clearly intent on going back to the policies of tax and spend that produced our problem in the first place.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. NELSON), a member of the Budget Committee.

Mr. NELSON of Florida. Mr. Chairman, a few minutes ago I took the well and I urged the defeat of the rule. That was on the basis that I thought very much that we ought to have included an opportunity to offer the George Miller amendment on pay-as-you-go. But our side did not prevail, although we had a very respectable vote of 198.

Now we are here to consider the reconciliation package. In my judgment it is clearly in the interest of the Nation that we pass this package: $10.3 billion of savings reconciling the $12.3 billion called for in the budget resolution. That savings is over 3 years. The remaining $2 billion savings will be addressed later this week in a package to come from the Ways and Means Committee.

I just want to recall one conversation I had with a member of the Board of Governors of the Federal Reserve Board. We were talking about this huge deficit and how we were going to deal with it. The size of the deficit is just so gargantuan that it seems to consume you. Yet this Governor, Gov. Nancy Teeters, pointed out: "But you have to start with certain cuts."

We have a long way to go on the deficit but this is a step in the right direction and this is $10.3 billion of deficit reduction.

I urge my colleagues to vote yes on this budget reconciliation package, for it is clearly in the interest of the Nation.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. MARTIN).

Mrs. MARTIN of Illinois. Mr. Chairman, I can claim no great expertise in the machinations of the House of Representatives, but I am having an extraordinarily difficult time figuring out why I should vote "yes" to a nonsuccessful reconciliation package to a dreadful budget resolution. It was an original resolution that called for huge increases in taxes. It did not do much about spending and even those goals could not be met.

This is not a schoolroom where we give grades for effort. In that I would commend the chairman of the Budget Committee and the chairman of the Reconciliation Subcommittee. It has to be extraordinarily difficult working with Democratic chairmen to get them to cut. But we just have not done it.

I would like to give one example from the reconciliation bill.

□ 1520

The chairman has not attempted to mask this. He talks about the differences in SBA and how they are going to achieve savings while initiating a number of new programs. This is how the savings were purportedly achieved: First, we will continue doing what we already do, what we have done since 1981, but we will call it a savings into 1986.

Well, there may be double talk but I do not know about quadruple talk.

The second way was we will cap those loans for disasters at $500 million. I ask you to recall Agnes; $1.2 billion.

You know what this House will do in a disaster year; it will do what it should, it will give disaster relief and the budget will be ignored.

To put a cap on disaster—and I know how powerful the Democratic majority is—but that is saying they know something about 1984 that I think perhaps only God does.

Now if we can accept that, the world would be a happier place; but that is not what a budget is about.

A budget is supposed to plan for emergencies, not say, in effect, "We promise you there will not be one."

What this reconciliation resolution does is this: Because of our deficit we have to leap over a deep chasm and it is a hard leap. And this resolution lets us leap 3 feet but the opposite cliff, and safety, is at least 10 feet away. And what we do is land deep on the rocks.

Jumping 3 feet is not enough, trying hard is not enough, saying the Democratic chairmen will not do enough, is not enough.

To argue that saving $10 billion over 3 years, that somehow every fiscal conservative regardless of party should vote for it is simply an illogical, unreasonable request, and I will not support this resolution which goes merely 3 feet instead of the appropriate 10.

Mr. LATTA. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. LOEFFLER).

The CHAIRMAN. Let the Chair announce that on the majority side, the chairman of the committee, the gentleman from Oklahoma (Mr. JONES), has 9 minutes remaining, and the minority side, controlled by the ranking minority member, the gentleman from Ohio (Mr. LATTA), has 4 minutes remaining.

Mr. LOEFFLER. Mr. Chairman, I thank the distinguished ranking minority member for yielding.

Mr. Chairman, I join my colleagues on this side of the aisle in lending my faint support to the reconciliation measure which we have before us. It represents only a meager savings which is a small drop in the bucket compared to the spending reductions that must be achieved. It is apparent that the spending reductions that are so essential to reduce the magnitude of Federal deficits will not be made today and it remains in the future for the Congress to summon the political will and the statesmanship to reduce further the growth of Federal spending.

My colleague, the gentleman from Ohio (Mr. LATTA), the ranking minority member on the Budget Committee, has very succinctly reviewed the poor scorecard with respect to spending re-

ductions and I will reiterate what this reconciliation instruction provides.

While the budget resolution requested a $12 billion reduction in spending over 3 years, this reconciliation instruction would only provide $8.5 billion of the required spending reductions.

However, when we estimate the entire projected spending of the Federal Government for fiscal years 1984, 1985, and 1986, there is a collective expenditure of some $2.8 trillion. The potential $10 billion savings which we may achieve during the course of this deliberation represents a paltry forty-four one-hundredths of 1 percent of all Federal spending over that 3-year period.

There is no question that the House of Representatives controlled by the majority, not those of us such as the ranking member, myself and others, is falling far short of fiscal discipline.

So today while I rise in faint support of the resolution, I think it is important to note that we will hear probably later today and for the next year and a half calls by those on the other side of the aisle that we have a deficit problem. It is very clear, when you have a $2.8 trillion expenditure level for 3 years and an effort at spending reduction of only $12 billion therein lies the problem of the deficit.

Mr. Chairman, I thank my distinguished ranking minority member for yielding and I yield back the balance of my time.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. PANETTA), the chairman of the Budget Reconciliation Task Force.

Mr. PANETTA. Mr. Chairman, first of all my thanks to the chairman of the Committee on the Budget as well as the members of the full committee, and also my thanks to the chairmen of the various committees and the members of the various authorizing committees who have had to face the instructions under the reconciliation. This is the fifth year that I have dealt directly with legislative savings and the fourth year with reconciliation specifically. It is always a tough challenge; it is never easy. Yet each year, a majority of the chairmen who are instructed by the resolution, despite their concerns and the problems related to their constituencies under their various jurisdictions, are responsive. Very frankly, this year is no different.

Obviously, there is a great deal of concern about the deficit. It has been reflected in speech after speech. We are all concerned about $200 billion deficits and the impact on the recovery, the impact on the outyears, the need to take action.

But at the same time there is almost a paralysis that develops as to how to deal with those deficits.

Almost every excuse is used as to why direct action cannot be taken, whether it is the failure of the President, "We are in a recovery," "deficits do not relate to interest rates," "too little," "too much," "too tough," all of these various reasons are presented.

But if you are in fact concerned about the problem of the deficits, this very frankly is the only game in town.

Yes, it is not enough. And, yes, more steps could be taken. But I recall when we debated the budget resolution and the opportunity was offered to offer either the President's budget or an alternative budget, it was not presented here. It was not offered.

Yet it is easy now to say, "Oh, my goodness, we have not taken enough steps to try to deal with the deficit."

I repeat this is the only game in town. It is here and now. This is a package that can reduce deficits, it can take them below those of the President, and it has been endorsed by the House and by the Senate in the budget resolution that was adopted. This resolution, incidentally, provided for a multiyear reduction of the deficit to, in the vicinity of, $170 billion to $180 billion by 1984 and $131 billion by 1986.

It did it in several ways. One was to reduce defense increases to 5 percent. It restrained appropriations. It provided for entitlement reductions in trying to put some controls on the COLA's. And lastly, it attempted to raise revenues.

You have got to take all of those steps if you are serious about doing anything on the deficit.

The reality is that so far the House has adhered to those goals.

The defense bill which will come to the floor provides for a 5-percent growth rate in defense, almost $1 billion below that contained in the budget resolution.

On appropriations, if you look at all of the appropriation bills we have acted on to date, we are $12 billion below the budget resolution, if you combine those discretionary and mandatory savings.

□ 1530

And on reconciliation we are now dealing with the problem of reductions in entitlements and revenues. Revenues will be dealt with on Thursday.

Reconciliation is obviously the basic tool for implementing those goals in the budget process. We have in the past used reconciliation as the principal tool. In 1984 we have established it again as the tool to try to achieve the goals that we establish in the resolution.

Seven committees were instructed. Seven committees have reported savings of varying degrees.

In this bill before the House, there are five committees that have presented their proposals for reductions. They basically involve limitations on COLA's; reducing the pay increase to 4 percent; recommendations of the Small Business Committee to basically maintain limits that are already on programs under their jurisdiction, and the veterans' area, limits on those COLA's, too.

These basically deal with entitlement reductions. No, they are not massive. No, they are not as broad as many Members would like, but if we are going to deal with deficits, we have to do it in three ways: With defense limits, with entitlements limits and with revenue increases.

And this week we are going to have that challenge presented to the House each day, when we deal with reconciliation today, when we deal with defense in the next 2 days, and when we deal on Thursday with the question of revenues and medicare.

If the Members feel that something has to be done with the deficits, this is the week to concentrate on those steps.

The point is this: This Congress has adopted a resolution that has been worked out in conjunction with the Senate. We passed that resolution. This reconciliation bill seeks to enforce what we said we were going to do in the budget resolution. This is this body's one chance to send a very clear message to the American people that we intend to stand by the resolutions that we adopt.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from California (Mr. PANETTA) has expired.

Mr. LATTA. Mr. Chairman, how much time do I have?

The CHAIRMAN. The Chair will advise the gentleman from Ohio (Mr. LATTA) that he has 1 minute remaining.

Mr. LATTA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. PANETTA) so that he might respond.

Mr. GEKAS. Would the gentleman respond to this question?

If I should vote in favor of this reconciliation, am I adopting within that reconciliation the school luncheon expenditures that we voted for today on the floor of this House?

Mr. PANETTA. No.

Mr. GEKAS. In what way does that figure in on the overall—I thought the gentleman was saying that once we vote this reconciliation, we will have in effect frozen in all the savings that we could have made on the floor of the House with the other appropriations expenditures we approved.

Mr. PANETTA. This reconciliation deals with five committees and areas under their jurisdiction. Basically related to cost-of-living indexes, the pay raise, and areas under the jurisdiction

of the Small Business Committee. It does not relate to the Education and Labor Committee in any way.

Mr. GEKAS. I understand that. What I am asking is: Is when that is contemplated, does the total figure of reconciliation in the gentleman's—is that going to be affected in any way if we change the numbers on other portions of reconciliation?

Mr. PANETTA. No.

Mr. GEKAS. It will not?

Mr. PANETTA. No.

Mr. GEKAS. I thank the gentleman.

Mr. SUNDQUIST. Mr. Chairman, I want to express my extreme displeasure and discontent over this reconciliation bill because of the manner in which we are being forced to accept a congressional pay raise.

Everyone here is well aware of the level of controversy that surrounds a vote on a pay raise for Members of Congress and to deny a separate vote on the issue makes it virtually impossible to evaluate this reconciliation bill objectively. Year after year we do not address the congressional pay raise issue squarely and forthrightly and once again today we follow suit.

I made a commitment during my congressional campaign that I would not support any pay raise legislation which would grant Members of Congress an increase in salary in the same term. My vote today on this reconciliation bill is superceded by the obligation and commitment I have to my congressional district to oppose a pay raise for myself this term.

● Mr. ALBOSTA. Mr. Chairman, today, many Members of the House including myself have the opportunity to keep the promise made to constituents to reduce Federal spending and confront the escalating problem of a high Federal deficit.

By voting in favor of the legislation now before us, both of these very important objectives would be addressed.

It is clear that the United States is facing a crisis that could tear apart the very fabric of our economic life. It is the prospect of continuous large Federal deficits. The discretionary spending reductions contained in the Reconciliation Act are necessary for controlling Federal spending, but more action is needed in order to tackle the mounting deficits.

We must examine, understand, and reach an equitable solution to the long-term deficit problem before we are faced with the additional problems of higher interest rates, higher unemployment, and lower productivity which occur as a result of the deficits.

That is why I fully support the language that appears in the act calling for a domestic economic summit of the President and leaders of the Congress. Only through this bipartisan cooperation and coordination can we even hope to control these skyrocketing deficits and develop sound fiscal policies.●

● Mr. KEMP. Mr. Chairman, the reconciliation bill considered today amounts to the latest in a series of assaults on the economic policies of President Ronald Reagan. This resolution, which calls for a domestic economic summit meeting on the economy, expressly assumes that the current Federal budget deficit is the result of the President's efforts to restore U.S. military capability and to reduce the burden of taxation of American workers.

This resolution and the economic summit it would create are economically damaging and politically inspired. A brief look at the general propositions and at the specific proposals made indicate the dangers inherent in the resolution:

The convening of summit meetings is a tactic used in international diplomacy for consideration of major intractable issues. The amounts place the current budget deficit in these terms to gain support and to attack the policies of the President and Republican congressional supporters. The deficit, however, while undesirably large, is not intractable. Indeed the very policies which the Democrats are seeking to reverse will be the vehicle for reducing the deficit.

As the President has repeatedly stated in his speeches, the major cause of our current deficits is the recession. The combination of reduced revenues and increased social safety net payments is responsible for over three-quarters of the fiscal year 1983 deficit. The substantial outyear deficits being projected by OMB, CBO, and others are based on the assumption that these conditions will prevail over the next 5 years. The assumptions are false and the refutation is appearing already in the statistics.

At the present time, the Treasury is flush with cash. Estimates of the fiscal year 1983 deficit have already been reduced by over $10 billion as revenues have increased far beyond expectations. The economic growth rate in all three quarters this year has exceeded OMB estimates and it appears that this pattern will continue for the fourth quarter and into next year. As revenues increase and as growth in income maintenance payments slows, the deficit will decline sharply. With such evidence at hand, it would be ill advised to recommend major changes in the economic program just as we are achieving long-awaited results.

The effort being made by Chairman JONES and the Democrats is a last ditch effort to bring into question the President's policies. With the current recovery stronger than even the President had predicted, they realize that they must make a move now to capture the deficit argument in order to take credit for the declining deficits next year and for the continued economic recovery. Convening a domestic economic summit, almost regardless of its conclusions or actions, would give them the facade of stepping in at a crucial moment to guarantee economic prosperity when, in fact, they have opposed every major initiative which has been enacted.

Barring renewed Federal Reserve tightening, the pace of the recovery for next year is virtually set. The Democrats have nothing to lose by engaging in high-sounding, bipartisan rhetoric in order to enhance their currently weak position. To support this resolution or similar efforts, is to deny the very principles on which the President's victory and the economic recovery are based.

The specific policies attacked in the resolution by Chairman JONES are designed to do maximum damage to the President and to Republican prospects for both House and Senate in 1984. He leads with the familiar call to reduce the rate at which we are restoring our national defense capabilities. At a time when the Soviet threat has escalated and when our level of commitment to national defense remains well below historical levels, we are asked to abort the rebuilding of our forces to reduce a deficit resulting from totally separate causes. Can anyone believe that increasing our defense capability has been the cause of the recession or the deficit? Moreover, regardless of one's views on the cause of the deficit, could they believe that we should slow the rebuilding of our capabilities under the current threat? It seems clear that neither the American people nor the Republican Party can answer yes to either question.

The distinguished chairman also seeks reform of entitlement spending. Here is another major trap. First, major entitlement spending growth will slow quickly as the recovery continues. The major programs, including social security, are extremely sensitive to the rate of economic activity and the unemployment rate.

Second, we know from bitter experience that every effort to make serious reforms to entitlement programs has been met with a constant barrage of political demagoguery. Last year's attempt to make meaningful, long-term reforms to the social security system became such a political football that the result was piecemeal changes that leave the system in need of further major repairs. Should we look to the Democrats to change their attitude on such reforms or should we look for cosmetic changes which they will then use to take credit for spending reductions resulting from the economic recovery?

Lastly, and as expected, the chairman wants to increase revenues. There is no doubt what is meant here. The

assault from the Budget Committee and the Democratic leadership on the third year of the tax cut and the indexing provisions make their intentions obvious. Whether through a reduction in the rate of indexation or through its outright repeal, the Democratic strategy is to return to a tax system which removes overt responsibility for ever higher tax rates and which provides ever more revenue to feed their spending machine.

In this regard, valuable historical lesson should be recalled. During the last 2 years of the Carter Presidency, with the highest inflation of the century, with the most rapid increases in tax rates in history, the Federal budget deficit more than doubled. Revenues increased by $136 billion, defense spending increased by only $42 billion, and yet the deficit doubled. Inflation induced tax increases did not come close to keeping pace with the spending of the Democrats or with the economic damage being done by their policies. There is no more valuable rebuttal than this to the constant attack on the President and his congressional allies.

Such policies will weaken the economy, threaten the recovery and lead to ever increasing Federal spending and ever widening deficits.●

● Mr. FRENZEL. Mr. Chairman, the outlay savings in this reconciliation bill are better than nothing, but not much.

The framework provided by the fiscal year 1984 budget resolution for deficit reduction and fiscal responsibility was doomed at the start. Only $12.3 billion in 3-year outlay savings were required to be reconciled. Of that, only $2.8 billion in fiscal year 1984 savings were required. That is a whisper in a windstorm.

In light of the severity of the deficit situation, and in light of everyone's knowledge that $73 billion in new revenues would never be raised, the budget resolution figures for reconciliation were meaningless from the beginning.

The reconciliation package before us today is, at best, feeble. Over 3 years, it will only save $8.5 billion, or 31 percent less than was instructed. The savings for fiscal year 1984, at $1.8 billion, are the lowest yearly savings in the history of the reconciliation process. It is no wonder that everyone laughs at the budget process.

There was some doubt that we would reconcile at all this year. Therefore, the fact that we have any bill before us today may be worthy of some small commendation. Yet, the bill falls pitifully short of fiscal responsibility. Having achieved savings in the range of only 1 percent of the projected deficit for this fiscal year, the bill may be worth passing, but it surely is not worth much comment.

Deficits do matter. Reconciliation is our best and only tool for getting deficits down. But this bill makes a joke of the reconciliation process. It does not slow the flow of red ink. It is spending business as usual.

This reconciliation package is proof of Congress inability to legislate in the national interest. Instead of determining areas where policy could be shored up and savings achieved, the five committees merely displayed their ability to thumb their noses at the processes.

The United States cannot endure deficits in the $200 billion range for the next several years. Producers and consumers, employers, and employees have already felt the pinch as deficits have driven up prices and interest rates. Housing, autos, and consumer durables will be expensive to produce and expensive to buy. Crowding out has already occurred.

No one will win from a continuation of Congress profligate spending. Everyone, whether rich or poor, will win if we can succeed in making the difficult decisions needed to use reconciliation in its fullest capacity to reduce the deficit.

There has been a lot of noise on the floor during the past 2 months about bringing deficits down. It has only been talk. This bill is proof of our unwillingness to take action. We are laying the groundwork for the economic suffocation of our own country.

This bill is not enough. I do not commend it. However, because it is my feeling that even the mere $8.5 billion in savings is better than no savings at all, I will cast an unenthusiastic vote in support.●

Mr. JONES of Oklahoma. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the text of the bill, H.R. 4154 is considered as an original bill for the purpose of amendment which shall be considered as having been read. No amendments are in order except the amendment printed in the CONGRESSIONAL RECORD on October 24, 1983, by, and if offered by, Representative JONES of Oklahoma, which shall not be subject to amendment but shall be debatable for 1 hour, equally divided and controlled by Representative JONES and a Member opposed thereto.

The Clerk will designate the amendment in the nature of a substitute.

The text of H.R. 4154 is as follows:

H.R. 4154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND DECLARATION OF PURPOSE

SHORT TITLE

SEC. 101. This Act may be cited as the "Omnibus Budget Reconciliation Act of 1983".

PURPOSE

SEC. 102. It is the purpose of this Act to implement the recommendations which were made by specified committees of the House of Representatives pursuant to directions contained in section 3 of the First Concurrent Resolution of the Budget for the fiscal year 1984 (H. Con. Res. 91, 98th Congress), and pursuant to the reconciliation requirements which were set forth by such concurrent resolution as provided in section 310 of the Congressional Budget Act of 1974.

TITLE II—COMMITTEE ON POST OFFICE AND CIVIL SERVICE

COST-OF-LIVING ADJUSTMENTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM

SEC. 201. (a) Subsections (a) and (b) of section 8340 of title 5, United States Code, are amended to read as follows:

"(a) For the purpose of this section—

"(1) the term 'base quarter', as used with respect to a year, means the calendar quarter ending on September 30, of such year; and

"(2) the price index for a base quarter is the arithmetical mean of such index for the 3 months comprising such quarter.

"(b) Except as provided in subsection (c) of this section, effective December 1 of each year, each annuity payable from the Fund having a commencing date not later than such December 1 shall be increased by the percent change in the price index for the base quarter of such year over the price index for the base quarter of the preceding year in which an adjustment under this subsection was made, adjusted to the nearest $\frac{1}{10}$ of 1 percent.".

(b)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, except that no adjustment under section 8340(b) of title 5, United States Code (as amended by such subsection), shall be made during the period beginning on the date of the enactment of this Act and ending November 30, 1984.

(2)(A) For purposes of the first adjustment under section 8340(b) of title 5, United States Code (as amended by subsection (a)), the base quarter ending September 30, 1983, shall be considered to have been a base quarter in which an adjustment under such section (as so amended) was made.

(B) As used in subparagraph (A), the term "base quarter" has the meaning given such term by section 8340(a)(1) of title 5, United States Code (as amended by subsection (a)).

(c)(1) Section 301(a)(3) of the Omnibus Budget Reconciliation Act of 1982 is amended by striking out "(as determined by the Office of Personnel Management on the basis of the calendar year ending in such year)" and inserting in lieu thereof "(as determined by the Office of Personnel Management under section 8340(b) of title 5, United States Code)".

(2) Section 301(b) of the Omnibus Budget Reconciliation Act of 1982 is hereby repealed.

PAY ADJUSTMENT FOR FEDERAL EMPLOYEES

SEC. 202. (a)(1) Notwithstanding any other provision of law, in the case of fiscal year 1984, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems, shall be an increase of 4 percent.

(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practica-

ble, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1 of such fiscal year.

(b)(1) Notwithstanding any other provision of law, in the case of a prevailing rate employee described in section 5342(a)(2) of title 5, United States Code, or an employee covered by section 5348 of such title—

(A) any increase in the rate of pay payable to such employee which would result from the expiration of the limitation contained in section 107(a) of Public Law 97-377 (96 Stat. 1909) shall not take effect, and

(B) any adjustment under subchapter IV of chapter 53 of such title to any wage schedule or rate applicable to such employee which results from a wage survey and which is to become effective during the fiscal year beginning October 1, 1983, shall not exceed the amount which is 4 percent above the schedule or rate payable on September 30, 1983 (determined with regard to the limitation contained in section 107(a) of Public Law 97-377).

(2) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of the Civil Service Reform Act of 1978, the provisions of paragraph (1) shall apply (in such manner as the Office of Personnel Management shall prescribe) to prevailing rate employees to whom such section 9(b) applies, except that the provisions of paragraph (1) shall not apply to any increase in a wage schedule or rate which is required by the terms of a contract entered into before the date of the enactment of this Act.

(3) The provisions of paragraph (1) shall not apply with respect to wage adjustments for prevailing rate supervisors under the supervisory pay plan published in the Federal Register on May 21, 1982 (47 Fed. Reg. 22100).

TITLE III—COMMITTEE ON SMALL BUSINESS

SEC. 301. Section 7(c) of the Small Business Act is amended by adding the following:

"(5) Notwithstanding the provisions of any other law, the interest rate on the Federal share of any loan made under subsection (b)(1) and (b)(2) on account of a disaster commencing on or after October 1, 1982, shall be—

"(A) in the case of a homeowner unable to secure credit elsewhere, the rate prescribed by the Administration but not more than one-half the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loan plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 4 per centum per annum;

"(B) in the case of a homeowner able to secure credit elsewhere, the rate prescribed by the Administration but not more than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 8 per centum per annum;

"(C) in the case of a business concern unable to obtain credit elsewhere, not to exceed 4 per centum per annum;

"(D) in the case of a business concern able to obtain credit elsewhere, the rate prescribed by the Administration but not in excess of the lowest of (i) the rate prevailing in the private market for similar loans, (ii) the rate prescribed by the Administration as the maximum interest rate for deferred participation (guaranteed) loans under section 7(a) of this Act, or (iii) 8 per centum per annum. Loans under this subparagraph shall be limited to a maximum term of three years.

"(6) Notwithstanding the provisions of any other law, such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to paragraph (5), shall be the rate of interest which is in effect on the date of the disaster commenced: *Provided*, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation: *Provided further*, That the Administration, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall not reduce the amount of eligibility for any homeowner on account of loss of real estate to less than $100,000 for each disaster nor for any homeowner or lessee on account of loss of personal property to less than $20,000 for each disaster, such sums being in addition to any eligible refinancing. With respect to any loan which is outstanding on the date of enactment of this paragraph and which was made on account of a disaster commencing on or after October 1, 1982, the Administrator shall make such change in the interest rate on the balance of such loan as is required herein effective as of the date of enactment.".

SEC. 302. Section 20 of the Small Business Act is amended as follows:

(1) by striking all of paragraph (5) of subsection (q) after the word "Administration" and by inserting the following "is authorized to make $100,000,000 in direct loans and for the programs authorized by sections 7(b)(1) and 7(b)(2) of this Act, the Administration is authorized to make $500,000,000 in direct loans."; and

(2) by adding the following new subsection:

"(t) For each of fiscal years 1985 and 1986, for the programs authorized by sections 7(b)(1) and 7(b)(2) the Administration is authorized to make $500,000,000 in direct loans and for each of such years for the programs authorized by sections 7(b)(3) and 7(b)(4) the Administration also is authorized to make $100,000,000 in direct loans.".

SEC. 303. Section 18(a) of the Small Business Act is amended by striking "October 1, 1983" and by inserting "October 1, 1986".

SEC. 304. Section 7(b) of the Small Business Act is amended as follows:

(1) by striking out the period at the end of paragraph (2) and by inserting in lieu thereof a semicolon; and

(2) by adding after paragraph (3) the following new paragraph:

"(4) To make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary to assist, or refinance all or part of the existing indebtedness (specifically including any direct loans under section 7(a) of this Act which were made to small businesses affected by currency fluctuations and exchange freezes), of any small business concern located in an area of economic dislocation that is the result of the drastic fluctuation in the value of the currency of a country contiguous to the United States and adjustments in the regulation of its monetary system if such concern is unable to obtain credit elsewhere. The Governor of a State may certify to the Administration (A) that small business concerns within the State have suffered substantial economic injury as a result of such economic dislocation, and (B) that such concerns are in need of financial assistance which is not available on reasonable terms. Such economic dislocations must be of such magnitude that without the benefit of disaster loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No disaster loan made hereunder shall exceed $100,000, nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration may permit deferral of payment of principal and interest for one year on loans made hereunder.".

SEC. 305. Section 20(q) of the Small Business Act is amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

SEC. 306. Paragraph (1) of section 4(c) of the Small Business Act is further amended by inserting "7(b)(4)," after "7(b)(3),".

SEC. 307. The amendments made by sections 304 and 305 of this title shall apply to economic dislocations certified by any State Governor to the Small Business Administration after the date of enactment of this Act providing such dislocation commenced since January 1, 1982.

SEC. 308. Section 7(b)(3) of the Small Business Act is amended as follows:

(1) by inserting "continuation of," after "in effecting"; and

(2) by inserting the following at the end of such paragraph: "For the purposes of this paragraph, the impact of the 1983 Payment-in-Kind Land Diversion program, or any successor Payment-in-Kind program with a similar impact on the small business community, shall be deemed to be a consequence of Federal Government action; and".

SEC. 309. Section 7(c)(6) of the Small Business Act is further amended by adding the following at the end of the second proviso: "Employees of concerns sharing a common business premises shall be aggregated in determining 'major source of employment' status for nonprofit applicants owning such premises.".

SEC. 310. Section 3 of the Small Business Act is amended by adding the following new subsection at the end thereof:

"(j) For the purposes of section 7(b)(2) of this Act, the term 'small agricultural cooperative' means an association (corporate or otherwise) acting pursuant to the provisions of the Agricultural Marketing Act (12 U.S.C. 1141j), whose size does not exceed the size standard established by the Administration for other similar agricultural small business

concerns. In determining such size, the Administration shall regard the association as an entity and shall not include the income or employees of any member shareholder of such cooperative: *Provided*, That such an association shall not be deemed to be a small agricultural cooperative unless each member of the board of directors of the association, or each member of the governing body of the association if it is not incorporated, also individually qualifies as a small business concern.".

SEC. 311. Section 7(b)(2) of the Small Business Act is amended as follows:

(1) by striking "small business concern" and inserting in lieu thereof "small business concern or small agricultural cooperative";

(2) by striking "small business concerns" and inserting in lieu thereof "small business concerns or small agricultural cooperatives"; and

(3) by striking "the concern" and inserting in lieu thereof "the concern or the cooperative".

SEC. 312. The amendments made by sections 310 and 311 of this title shall apply to loans granted on the basis of any disaster with respect to which a declaration has been issued after September 1, 1982, under section 7(b)(2)(A), (B), or (C) of the Small Business Act or with respect to which a certification has been made after such date under section 7(b)(2)(D) of such Act.

SEC. 313. This title shall take effect October 1, 1983.

TITLE IV—COMMITTEE ON VETERANS' AFFAIRS

PART A—VETERANS' DISABILITY COMPENSATION AMENDMENTS

SHORT TITLE

SEC. 401. This part may be cited as the "Veterans' Disability Compensation Amendments of 1983".

RATES OF DISABILITY COMPENSATION

SEC. 402. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out "$62" in subsection (a) and inserting in lieu thereof "$65";

(2) by striking out "$114" in subsection (b) and inserting in lieu thereof "$119";

(3) by striking out "$173" in subsection (c) and inserting in lieu thereof "$180";

(4) by striking out "$249" in subsection (d) and inserting in lieu thereof "$259";

(5) by striking out "$352" in subsection (e) and inserting in lieu thereof "$366";

(6) by striking out "$443" in subsection (f) and inserting in lieu thereof "$461";

(7) by striking out "$559" in subsection (g) and inserting in lieu thereof "$582";

(8) by striking out "$648" in subsection (h) and inserting in lieu thereof "$675";

(9) by striking out "$729" in subsection (i) and inserting in lieu thereof "$759";

(10) by striking out "$1,213" in subsection (j) and inserting in lieu thereof "$1,263";

(11) by striking out "$1,506" and "$2,111" in subsection (k) and inserting in lieu thereof "$1,568" and "$2,198", respectively;

(12) by striking out "$1,506" in subsection (l) and inserting in lieu thereof "$1,568";

(13) by striking out "$1,661" in subsection (m) and inserting in lieu thereof "$1,729";

(14) by striking out "$1,888" in subsection (n) and inserting in lieu thereof "$1,965";

(15) by striking out "$2,111" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,198";

(16) by striking out "$906" and "$1,350" in subsection (r) and inserting in lieu thereof "$943" and "$1,405", respectively;

(17) by striking out "$1,357" in subsection (s) and inserting in lieu thereof "$1,413"; and

(18) by striking out "$262" in subsection (t) and inserting in lieu thereof "$273".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

RATES OF ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 403. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$74" in clause (A) and inserting in lieu thereof "$77";

(2) by striking out "$124" and "$40" in clause (B) and inserting in lieu thereof "$129" and "$42", respectively;

(3) by striking out "$50" and "$40" in clause (C) and inserting in lieu thereof "$52" and "$42", respectively;

(4) by striking out "$60" in clause (D) and inserting in lieu thereof "$62";

(5) by striking out "$134" in clause (E) and inserting in lieu thereof "$139"; and

(6) by striking out "$112" in clause (F) and inserting in lieu thereof "$117".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 404. Section 362 of title 38, United States Code, is amended by striking out "$327" and inserting in lieu thereof "$340".

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

SEC. 405. (a) Subsection (a) of section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E-1	$463	W-4	$665
E-2	478	O-1	586
E-3	489	O-2	606
E-4	521	O-3	648
E-5	535	O-4	685
E-6	548	O-5	756
E-7	575	O-6	850
E-8	606	O-7	920
E-9	[1] 633	O-8	1,009
W-1	586	O-9	1,084
W-2	610	O-10	[2] 1,186
W-3	628		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $682.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,272.".

(b) Subsection (b) of such section is amended by striking out "$51" and inserting in lieu thereof "$53".

(c) Subsection (c) of such section is amended by striking out "$134" and inserting in lieu thereof "$139".

(d) Subsection (d) of such section is amended by striking out "$66" and inserting in lieu thereof "$69".

RATES OF DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 406. Section 413(a) of title 38, United States Code, is amended—

(1) by striking out "$225" in clause (1) and inserting in lieu thereof "$234";

(2) by striking out "$323" in clause (2) and inserting in lieu thereof "$336";

(3) by striking out "$417" in clause (3) and inserting in lieu thereof "$434"; and

(4) by striking out "$417" and "$84" in clause (4) and inserting in lieu thereof "$434" and "$87", respectively.

RATES OF SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 407. Section 414 of title 38, United States Code, is amended—

(1) by striking out "$134" in subsection (a) and inserting in lieu thereof "$139";

(2) by striking out "$225" in subsection (b) and inserting in lieu thereof "$234"; and

(3) by striking out "$114" in subsection (c) and inserting in lieu thereof "$119".

EXCEPTION TO COMMENCEMENT OF PERIOD OF PAYMENT RULE

SEC. 408. Section 3011(c) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) This section shall not apply to the commencement of the period of payment to a veteran of an increased award of compensation by reason of a temporary increase in compensation for hospitalization or treatment of the veteran.".

REVISION OF EFFECTIVE DATE FOR RESERVE OFFICERS' TRAINING CORPS COVERAGE

SEC. 409. Subsection (d) of section 113 of the Veterans' Compensation, Education, and Employment Amendments of 1982 (Public Law 97-306; 96 Stat. 1433) is amended to read as follows:

"(d) The amendments made by subsections (a) and (b) and the provisions of subsection (c)—

"(1) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated after September 30, 1982, shall take effect as of October 1, 1982; and

"(2) with respect to deaths and disabilities resulting from diseases or injuries incurred or aggravated on or before September 30, 1982, shall take effect as of October 1, 1983.".

INCLUSION OF CERTAIN ADOPTED CHILDREN WITHIN DEFINITION OF "CHILD"

SEC. 410. Section 101(4)(A) of title 38, United States Code, is amended by adding at the end the following new sentence: "A person covered by clause (ii) of the first sentence of this subparagraph who was a member of a veteran's household at the time the person became 18 years of age and who is adopted by the veteran shall be recognized as a legally adopted child of the veteran regardless of the age of such person at the time of adoption.".

RATES OF COMPENSATION FOR CERTAIN BLINDED VETERANS

SEC. 411. (a) Subsection (o) of section 314 of title 38, United States Code, is amended by striking out "or less," and inserting in lieu thereof ", or if the veteran has suffered deafness (and the hearing impairment in either one or both ears is service connected) rated at 10 per centum or more disabling and the veteran has also suffered service-connected total blindness having light perception only (or less),".

(b) Subsection (p) of such section is amended by striking out "40 per centum"

and inserting in lieu thereof "30 per centum".

EFFECTIVE DATES

SEC. 412. (a) Except as provided in subsection (b), the amendments made by this part shall take effect on April 1, 1984.

(b)(1) The amendments made by sections 408, 410, and 411 shall take effect as of October 1, 1983.

(2) The amendment made by section 409 shall take effect on the date of the enactment of this Act.

PART B—EDUCATIONAL ASSISTANCE AMENDMENTS

TERMINATION OF AUTHORITY TO MAKE ADVANCE PAYMENTS FOR EDUCATIONAL ASSISTANCE

SEC. 421. (a) Section 1508 of title 38, United States Code, is amended by striking out subsection (i).

(b) Section 1780 of such title is amended—

(1) by striking out "subsection (g)" in subsection (a)(1) and inserting in lieu thereof "subsection (e)";

(2) by striking out subsections (d) and (e) (including the center headings preceding those subsections); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(c) The second sentence of section 1784(c) of such title is amended—

(1) by striking out "educational assistance" and inserting in lieu thereof "education loan";

(2) by striking out "at the time of registration"; and

(3) by striking out "section 1780(d)(4)" and inserting in lieu thereof "section 1798(f)(2)".

(d) Section 1790(a) of such title is amended to read as follows:

"(a) If the Administrator finds that an educational institution has charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, the Administrator may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35 of this title.".

(e) The third sentence of section 1798(f)(2) of title 38, United States Code, is amended by striking out "and such delivery" and all that follows in such sentence and inserting in lieu thereof "and the Administrator shall pay such institution a reporting fee as provided under section 1784(c) of this title.".

TITLE V—ADDITIONAL PROPOSAL FOR DEFICIT REDUCTION

FINDINGS

SEC. 501. The Congress finds and declares that—

(1) current projections indicate that the Federal Government's budget deficits will continue at unacceptably high levels for the foreseeable future;

(2) these high deficits can place upward pressure on interest rates, reduce investment, raise the trade deficit, decrease employment, and threaten the vitality of economic recovery; and

(3) reduction of these unacceptably high deficits requires a comprehensive plan to slow the growth of Federal spending, including military and entitlement spending, and to increase revenues.

DOMESTIC ECONOMIC SUMMIT CONFERENCE TO REDUCE THE BUDGET DEFICIT

SEC. 502. (a) The President shall convene a domestic economic summit conference to address the dangerous economic situation created by these projected large deficits.

(b) The summit conference shall consist of the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority leaders and minority leaders of the House of Representatives and Senate, and other appropriate participants from the Congress and the executive branch responsible for the development of economic policy.

(c) No later than forty-five days after the date of the enactment of this Act, this summit conference shall develop and report to Congress a comprehensive plan to reduce the projected deficits in the Budget of the United States.

AMENDMENT OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Chairman, I offer an amendment which was printed in the CONGRESSIONAL RECORD of October 24, 1983.

The Clerk read as follows:

Amendment offered by Mr. JONES of Oklahoma: In section 202(a)(2), strike out "October 1" and insert in lieu thereof "January 1".

At the end of subsection 202(b)(1)(B) strike out the period and insert in lieu thereof the following: ", and shall not be effective with respect to any pay period commencing before January 1 of such fiscal year."

The CHAIRMAN. Pursuant to the rule, the gentleman from Oklahoma (Mr. JONES) will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment simply carries out the mandate that Congress placed on the Post Office and Civil Service Committee with regard to the 4-percent pay increase for Federal employees.

There have been a lot of questions asked about this amendment. It is very simple.

The Post Office and Civil Service Committee reported to the Budget Committee a 4-percent Federal pay raise as of October 1, 1983. In the reconciliation instructions, the assumption was that that pay increase would not take effect until January 1, 1984.

All my amendment does is to carry out those reconciliation instructions to delay for 3 months the 4-percent Federal pay increase.

This amendment would save $1.8 billion, and would reduce the deficit by that amount. Now, this amendment does not single out Federal employees to take a greater share of the sacrifice in our efforts to try to reduce these Federal deficits.

All this does is to recognize that Federal employees, like most everyone else of us, have to sacrifice if we are going to get these deficits down to size. The Members will recall that the Congress has already passed and the President has already signed into law, earlier this year, social security reforms. In that package, we asked the social security recipients to take a delay in their cost-of-living adjustment. The reconciliation bill that is before the House today and which has been reported from other committees has already asked the beneficiaries of veterans' compensation to take a delay in their cost-of-living adjustments. This reconciliation bill has already asked the Federal retirees and civil service and military retirees to take a delay in their cost-of-living adjustment. And all we are asking by this amendment is that the Federal employees share in this sacrifice and delay their pay raise for 3 months until January 1, 1984.

Now I might also point out, because there is some confusion on this, that when the first budget resolution conference was being debated, this was a bipartisan conference with the other party in control of the other body, and the Democratic Party in control of the House. When we came to this issue of Federal pay, we worked out an agreement and those representing the Federal employees signed off on that agreement. We were led to believe that they would support the budget savings.

So this is not anything new that came out of left field. This is something that this House has already directed, already agreed to, and the representatives that I have talked to from these Federal workers' organizations had also agreed to it at the time the conference occurred.

Now let us remind the House that we are living today in an atmosphere of $200 billion deficits. And that those deficits are going to stay in the $200 billion range as far as the eye can see, if I may quote the OMB Director, Mr. Stockman.

Failure to pass this amendment requiring that federal employees' pay increase be delayed for 3 months will mean that that deficit will be increased by $1.8 billion.

Now, the former Senator from Illinois, Everett Dirksen, had a saying: "A billion dollars here, a billion dollars there, pretty soon it adds up to real money."

Well, the reason we have such large deficits is that we fail to act on these sensitive issues that save a billion dollars here, save a billion dollars there, and pretty soon we are at $200 billion deficits.

□ 1540

I hope that this House will follow through and keep its commitment to the American public that it made earlier this year when it passed a budget resolution with reconciliation instructions; to do that, it requires this House

to pass this amendment to delay for 3 months the 4-percent Federal pay increase.

The CHAIRMAN. For what purpose does the gentleman from Michigan (Mr. FORD) rise?

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. FORD) is recognized for 30 minutes.

Mr. FORD of Michigan. Mr. Chairman, I would like to first say that we are very grateful for the cooperation and for the spirit demonstrated by the gentleman from Oklahoma (Mr. JONES) and his committee in trying to work out these very difficult problems, and to the gentleman from California (Mr. PANETTA) of that committee, who has worked with us very closely on reconciliation.

But I must respectfully disagree as strongly as I possibly can with the adoption of the Jones amendment.

Mr. Chairman, while it is really a little unfair to suggest that this amendment is essential to reducing the $200 billion deficit that we are facing, and I suppose it is no more unfair for the chairman to say that than for one of us to say that even if it is adopted, it is not going to make that much difference.

But let me tell you where it does make a difference. If this amendment is adopted, 81 cents of every dollar of the $10.3 billion that will be saved by this bill will come out of the pockets of present and former Federal employees. And we are not just talking about Federal civilian employees; we are talking about military personnel, as well, because the effect of the amendment will be to push the pay adjustment for all personnel back 3 months.

Now, I know that it would border on the unfair, but it should be noted that this puts us in a rather indelicate position. While the President and the Secretary of State are out there on television right now telling everybody about how important our brave marines are in Lebanon, and now in Grenada—and God knows where they will be by the time he signs this law—we are going to send them a great message. We are going to say: "We pass resolutions because we are very upset about the danger you are in and what is happening; but, in the meantime, to get an extra couple of bucks, we are going to shove your pay raise back 3 months."

Now, that is not the best reason for voting against the amendment, but it is at least a dimension that should be considered.

If the amendment is defeated, we will still be saving 76 cents of every dollar from the pockets of present and past Federal employees. And I would like to ask anyone to come up with any group of Americans who are being asked to bite the bullet that deeply and, once again, this often, to balance the budget. Without belaboring the House, I must remind the Members of what I said during the consideration of the rule, that even the Chairman of the President's own Commission on Pay—maybe I should say especially the Chairman of the President's own Commission on Pay—has said that we should be giving these people 21.5 percent for the whole year. We are in here talking about 4 percent, and now we are nickeling and diming about whether it should be for a whole year or for 9 months.

If we go to conference with the other body with the Jones amendment adopted, that becomes a starting point for me, and I do not know where we end up. My suspicion is that if we go to the other body and their position is as it has been most recently given to me remains the same, we will end up someplace in between. So then we are nickeling and diming even small amounts of money. But there is a great deal of symbolism here, it seems to me, that is very deeply involved in serving the American people.

For 6 consecutive years this Congress, under successive Presidents, has backed off on the clear intent of the law passed way back in 1962 to get us out of the business of playing politics with Federal pay and establishing a comparability system that took into account the comparable pay for similar talents and job requirements in the private sector. And that is where the number 21 percent comes from in the Pay Commission report. Just to stay even, with no increase, just to stay even, they should be receiving 21.5 percent this year.

Now, we have only asked for 4 percent. And why is there such a difference between 4 percent for one year and 4 percent for 9 months? Well, aside from the fact that you are talking about a 25-percent decrease in pay adjustment, it is the symbolism of this Congress saying once again, "We think so little of our need for the best and the brightest to be attracted to a career in Government and to stay with us that we are willing, whenever we are looking for a symbolic way to take a bite out of somebody, and you are the easiest targets because a lot of people have discovered that it is kind of popular to kick around public employees."

It does not just happen with our Federal employees. It is now happening to our schoolteachers, it is happening to our policemen, our firemen, our other public employees. I ask you: How do you operate a program like NASA without our Federal employee? How do you operate the Defense Department without our Federal employees in civilian clothes who do most of the housekeeping tasks over there and most of the technical and scientific work that develops and maintains our military strength?

We cannot become for very long the last place that people with talent look for a job because there is nothing else available. And when we have depressions, such as the one we are now trying to struggle out of, and recessions that come from time to time, we will be able to hire a few people, but after we have invested the taxpayers' money in them and developed in them the tremendous resource for the people's business, at the time when they become most valuable to us we will be sending them a signal and saying, "Well, this is really not where you want to stay. Get out of here and go make a living with an employer who at least respects your talents and your dignity enough not to be hacking away at your pension, your health benefits, your working conditions and your pay every time an opportunity presents itself."

I plead with this House to vote against the Jones amendment and pledge this House that I will do the very best I can to work with the other body to leave with the Federal employees what I believe to be a fair interpretation that the House appreciates the job that they do for us and appreciates the necessity of them.

We do not have 3 million Federal employees because we set out to create 3 million jobs. We have 3 million Federal employees because we have 3 million jobs that are absolutely essential for the operation of this country, and someone has to do them. Will we do it with the best and the brightest? Or will we do it with what is left over when everyone else has had their pick?

I submit that this issue comes down to something that simple and elementary. And anybody who tries to attach great importance to budget balancing in the adoption of an amendment—and I shudder to use the word "penurious" because certainly the chairman has been attacked so strongly from the other side of the aisle today about not being penurious enough, that I do not want to add to his woes by coming from this side. As I said, I have nothing but the highest respect for the way that he and his committee have handled this. I understand the pressure they are under. But I want them and the House to understand what the Members, the bipartisan commission of my committee that took this position, understand, because we work day to day with the concerns about how we keep this Government operating well and efficiently and how we spent the billions of taxpayers' dollars in an effective way to get the job done that they expect to have done with their money.

It is clear to me that if we continue this relentless attack on the pay and

benefits of Federal employees we are going to alienate the Federal work force to a point where the work of our Government will be seriously jeopardized.

With this amendment, 81 percent of all the savings achieved in reconciliation this year will come from the pockets of Federal workers and retirees. Even without this amendment, Federal employees and retirees will bear 78 percent of the savings.

This amendment would delay an extremely modest pay increase from the regular October date to January of next year. That may seem like an insignificant move in our efforts to reduce the size of Federal deficits, but believe me, it is not.

First of all, the 4-percent increase is far, far below the amount required under the Pay Comparability Act, a piece of legislation that sadly has been swept under the carpet by this administration. Moreover, the 4 percent in real terms is reduced to a meager 3 percent if it commences in January 1984 rather than in October of this year.

I am aware that the present administration, and a good many of my colleagues as well, feel they can just keep hacking away at the pay and benefits of Federal workers with impunity; that the only consequence will be increased grousing.

This is specious thinking. We have reached the point where another thrust in the attack against Federal workers will affect quality.

I would like my colleagues to hear what Jerome Rosow, Chairman of the President's Advisory Committee, had to say in his annual report:

> While business searches for excellence and considers human resources its most important element, the Federal Government looks only at the short-run savings by not paying its employees wages that they could earn in the private sector. In the long run, Government efficiency will suffer by losing the best and the brightest who will either leave Government service or not enter it in the first place.

I would like to enlighten my colleagues with another quote from Mr. Rosow, this time from an op-ed piece in the Washington Post:

> On all three counts—pay, pension and performance—Federal employees deserve the consideration of the American people. Although it is desirable to continue to improve the Federal compensation system, we must beware of reforms that would have the effect of undermining this system and destroying its viability. In the final analysis, the Federal Government requires career employees of uncommon ability to serve the Nations interest, and it depends on fair, equitable and attractive compensation programs to attract and retain people of this caliber in public service.

This amendment is not simply another move to reduce soaring budget deficits.

If it passes we are going to pay the price—in lower morale, lower productivity and increased difficulty in attracting and retaining the best qualified people to do the work of this Nation.

I urge my colleagues to defeat the amendment and support the pay recommendations package reported by our committee.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. OAKAR), a subcommittee chairman of the committee.

□ 1550

Ms. OAKAR. Mr. Chairman, I rise in opposition to the amendment, knowing full well of the attempts of the chairman of the Committee on the Budget to be fair to Federal employees. I am not privy to agreements, but on the face of the amendment, I have to speak out.

I appreciate the situation of the chairman of the Committee on the Budget and all of his efforts to be fair.

This amendment would delay for 3 months the modest 4-percent pay raise from the regular October date to January of next year. That may seem very inconsequential and insignificant, given our effort to reduce the size of the Federal deficit, but for millions of our Federal employees across the country it is not. I submit to my colleagues that if we are the greatest country in the world, and we are, one reason that we are is that our Government is run well and that we have dedicated people who are career employees who have given up a lot of other opportunities in order to work for the Government. They deserve not to be the dumping ground every time we need cuts in the budget. There are a lot of other areas that we can go to.

The fact is that almost three-fourths of all the savings achieved in this reconciliation come from the pockets of Federal workers and retirees. In my judgment, the demoralization of the Federal employee has reached a record high, and I want to tell this Committee why.

The President had submitted a budget that included no pay raise, attempted to gut their health benefits that were already increased astronomically in the terms of the amount they had to pay, and also attempted to gut their retirement. You cannot do too much more to workers or retirees than to take away any opportunity for any type of raise, attempt to gut their health benefits and their retirement areas.

We were able to be successful in some areas in restoring them. We were unsuccessful in other areas. We feel, as my chairman indicated, that this assault has demoralized our work force and seriously undermined our efforts to attract and retain competent civil servants.

As we consider the amendment, I urge my colleagues to again look at the facts. The Federal Advisory Committee as the President's own advisory committee on Federal pay, as well as his own pay agents, have pointed out that Federal workers' pay now lags behind the private sector counterparts by 21.5 percent. The President has to sign that commission report, and he has done that, so we cannot understand why every year we do not subscribe to an objective commission's report. Therefore, the Federal employees in terms of comparability are vastly below the private sector.

Our committee feels very strongly that we have an obligation to attempt in some small measure, and this is a small measure, to protect the worker in this country. I personally feel that when we start with Federal workers in terms of how we attack them, we then serve notice on all workers in America and all retirees in America that we are really not concerned about who make up the greatest numbers in our country.

Therefore, I think in view of the small amount of money that we are talking about, is it not time that we say to our Federal workers, instead of constantly demoralizing them, "Thank you. We appreciate the services that you give," that range from postal services to our clerks, to those who work in our space area, to those who are our engineers, those who work in our hospitals, to those who serve our veterans, to those who make sure that our older Americans get their social security checks, the whole host of types of training that they have and the kinds of jobs that they have for which we say "Thank you."

Let us vote down this amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. I thank the gentleman from Michigan for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment that is being offered today by my colleague from Oklahoma (Mr. JONES), that would delay for 3 months the 4-percent pay raise for Federal employees. In light of the fact that Federal employees have already shouldered more than their fair share of budget cutbacks, I cannot support this delay in their comparability pay raise.

As we are all aware, the Congressional Budget Office estimates that Federal pay now lags about 20 percent behind private sector salaries for comparable work. Nevertheless, over the past 2 years Federal employees have been asked to accept comparability raises of only 4 percent a year. This hardly bridges the gap between private and Federal wage rates.

At the same time, Federal employees have seen their disposable incomes actually reduced. As a result of the Tax

Equity and Fiscal Responsibility Act of 1982, Federal employees are now subject to the 1.3-percent tax for medicare. In addition, since 1981, the administration has slashed Federal health insurance benefits by an average of 16 percent, while increasing premiums by 56 percent. Thus, many Federal employees have found themselves paying considerably more out of pocket for their benefits.

If we support fairness for Federal employees and if we hope to maintain a dedicated, highly competent work force, we cannot continue to reduce the benefits of Federal service. For that reason, I strongly oppose this amendment and urge my colleagues to join me in voting against it.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, I take the floor today because my constituents who are Federal workers, and I have many of them, have expressed to me a great deal of frustration about the fact that they simply seem to be paying too large a share of the price that we all know will have to be paid in this country if we are to get our fiscal problems under control. They are part of the budget process, as Federal employees and as retirees, and they find that on a regular basis they are being asked to take far less than the Government's own pay studies would justify.

There is a willingness to sacrifice among this group in our population, just as there is in general, but their sense is that they are being asked to make sacrifices that are not typical of others and they see no overall strategy which would lead them to be part of a better, stronger America economically as we emerge from the annual budget process.

That is one of the reasons I am such a strong advocate of the deficit summit that the gentleman from Oklahoma, Mr. JONES, has proposed wherein we would deal with our deficit dilemma in a total, across-the-board way. But to work simply on ways of reducing Federal spending as it relates to our work force is counterproductive. It does add to our dilemma in terms of morale and productivity.

People in the Federal work force, when told by OPM, that they are in need of a 21-percent increase in order to reach comparability with the private sector, and are then told that we can only afford 3½ or 4 percent increase over 9 months instead of a year, are convinced that there is a total disregard for their interests and for their morale in this decisionmaking process. They simply ask us to consider their sacrifices in the total context of what all the other elements of our society dependent on the Federal budget will have to make.

There is no question that unless we begin to reverse this continuing trend to make them the sacrificial lambs, they are going to continue to be disillusioned. I urge that you oppose the amendment to restrict the pay raise.

Mr. FORD of Michigan. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. FORD) has 12 minutes remaining.

Mr. FORD of Michigan. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. BARNES).

□ 1600

Mr. BARNES. Mr. Chairman, despite my enormous respect for my friend, the gentleman from Oklahoma (Mr. JONES), I rise in very strong opposition to this amendment.

I think the amendment basically is a cosmetic exercise. It is, in the classic sense of the term, "pennywise and pound foolish." Drastic reductions have already been made in the level of Federal pay increases for this year and, as we will recall, for many of the preceding years. And here we go again, attempting basically once again to humiliate Federal workers and, I want to note, on a day when our military personnel are engaged in action around the world, our military service personnel as well.

Over the last few years, as every Member of this body knows, Federal salaries have not kept pace with the private sector. The President's Pay Compensation Board told the President that in order for us to raise Federal salaries to private sector levels, Federal employees needed a 21-percent pay raise.

The morale of Federal employees has dropped, particularly under the array of attacks in all the areas of pay, working conditions, retirement benefits, and health benefits. Everything has been hit hard over the last 3 years. And what this amendment does is send yet another signal to Federal employees, the people who run our Government agencies, and to our military personnel who are—I do not want to be overly dramatic, but at this very moment they are giving their lives for our country all over the world—that they are not worth getting a pay raise in October, a pay raise which by law they are entitled to.

When are we going to realize that this kind of effort is going to do more harm than good, that it sends the wrong kind of signal?

Despite the problems and the uncertainties inflicted on Federal employees over the last few years, productivity among Federal workers, we are told by the experts, is still higher than it is among workers in the private sector and private industry. We ought to be rewarding Federal employees; we ought to be rewarding our military personnel for what they are doing for this country because it is in our national interest to do so.

Mr. Chairman, I do not dispute the arguments of those who will tell us that this amendment will save a little money in the short term, but the damage that it inflicts on the Federal Government in the long term is far more important, and that is the question before the House. That is why this amendment should be rejected.

Mr. Chairman, I cannot believe that the House will vote today, after what has happened in the last couple of days in Lebanon, after what is happening today in Grenada, to cut the pay increase that our military personnel are entitled to by law. I trust that the House will reject this amendment.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the distinguished chairman of the committee.

Mr. JONES of Oklahoma. Mr. Chairman, I think the gentleman is aware that the Defense authorization bill which passed this House called for a 6-month delay in the active duty personnel.

Mr. BARNES. Mr. Chairman, I am aware of that fact, but what we are doing here is delaying the pay increase which by prior law the Congress had instituted to take effect on October 1.

I have discussed this with the distinguished chairman of the Committee on Post Office and Civil Service and have been assured that my understanding of what we are doing here if we agree to this amendment is correct, and I cannot believe the House is going to want to do that on this day of all days.

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Chairman, is it wise and sound economic policy to have a demoralized work force, including, as has been mentioned by the gentleman from Maryland, the military personnel who have been called on to sacrifice for this country?

Is it wise and sound economic policy to have a rapid turnover of the work force and lose our most competent people to the private sector?

I say, no, and, therefore, I urge a "no" vote on this amendment.

Mr. Chairman, I would like to point out and put into perspective exactly what we are talking about. I am holding in my hand here a military spare part. The cost to produce this spare part is $25. We have been paying $850 to a prime contractor for this particular spare part, and if we read the studies, what we find out is that if we were to open up competitive bidding on spare parts in the procurement process, we would save in the neighborhood of $4 billion and $7 billion in 1 fiscal year. And here we are talking

about $1 billion a year in savings that will hurt our own Federal work force.

Mr. Chairman, I urge a strong "no" vote on this amendment.

Mr. JONES of Oklahoma. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I think all of us sympathize with the problems and the challenges that have faced the Federal employees, and indeed they have carried more than their share of the burden over the last years.

But I want to make clear to the Members that the reality was that a package that aimed at trying to protect Federal employees from the additional cuts that were sought by the administration. The administration had come forward with additional cuts of almost $1.4 billion in things like increasing employee contributions for retirement, reducing their annuities, computing annuities on a different basis, and modifying the formula for the size of COLA's. All of those efforts were rejected by the committee, were rejected by the House, and were rejected by the Senate.

In place of that was the compromise of coming up with a modified pay raise for October. In the budget resolution the House had passed a 4-percent pay raise effective in October. The Senate had passed one for 4 percent effective in April. As a result of that, the compromise reached in the budget resolution was for 4 percent commencing in January. That was a part of the budget resolution. It was enacted by both the House and the Senate. Our point is that what we said we would do in the budget resolution is what we ought to do when it comes to reconciliation.

Second, it seems to me, just out of fairness, that when we are including here delays for Federal retirees on COLA's for 6 months and for social security recipients for 6 months, that a 3-month delay with regard to pay is not asking too much.

Lastly, with regard to savings, if in fact this amendment is rejected, we will lose almost 15 percent of reconciliation savings that have been targeted under the budget resolution.

So for all those reasons, commitment to the budget resolution, the fact that we have already tried to protect Federal employees from additional reductions from the administration, and to try to retain the savings that we have targeted under reconciliation, Mr. Chairman, I urge the Members to vote for the Jones amendment.

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing this debate, let me strongly urge my colleagues to vote for this amendment.

The issue is very simple. Are we going to reduce the Federal deficits by $1.8 billion, or are we not? Are we going to live up to the commitment we made to the American people to reduce the deficit by $1.8 billion, or are we not? This is the time to follow through on that commitment.

Now, I fully sympathize with those Members who represent more Federal employees than others, and they are voting against this amendment. They are speaking against it. But how can Members go back to their districts and say that they have voted to ask the elderly citizens receiving social security to delay their cost-of-living adjustment for 6 months, that they have voted to ask the veterans to delay their cost-of-living adjustments, that they have gone back and asked the military and civilian retirees to delay their pension cost-of-living adjustments, and that they refused to ask the Federal employees to take even a 3-month delay in their pay raise, and we are going to increase the deficit by $1.8 billion?

Mr. Chairman, the Members can make this a fair sharing of the sacrifice. We can reduce the deficit by $1.8 billion by voting for this amendment. I urge that this amendment be agreed to.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I am happy to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Chairman, let me join the Chairman of the Committee in the statement that he has just made, because, there is here, as he points out, a savings of $1.8 billion in addition to what is in this resolution.

□ 1610

This resolution does not go nearly far enough as far as I am concerned—$8.5 billion over 3 years is not enough; $1.8 billion this year is not enough; but certainly this amendment that the gentleman has proposed will go a little bit further. I think the gentleman has truthfully and correctly pointed out, these retirees, these people who are military retirees, especially, having their benefits cut back, their increase, to the 1st of January, is something that we ought to consider when we are talking now about acting employees of the Federal Government.

Certainly if I had my way, I would do what was proposed by one of the candidates for President on the Democratic side. He proposed that we freeze all this pay for 1 year. I would have been for that; but we are doing the best we can right here under the circumstances. That is all we have before us.

I would urge the Members to vote for this small savings by delaying from the 1st of October to the 1st of January that pay increase.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield to me?

Mr. JONES of Oklahoma. I am happy to yield.

Mr. FORD of Michigan. Just for a point of clarification, the number of $1.8 billion has been thrown around, which startled me until I was reminded that that is what would happen if you projected this budget through fiscal year 1988.

What we are talking about in the current year's budget is $566 million. In fiscal year 1985, it is $602 million and in fiscal year 1986 it is $617.

I would not like the impression left that we are here debating a $1.8 billion difference in this year's deficit.

Mr. JONES of Oklahoma. Mr. Chairman, I thank the gentleman and the gentleman is accurate. The $1.8 billion savings and reduction to the deficit is over a 3-year period, and that underscores my point. Each year, this is not a large sacrifice to ask of Federal employees. We are asking them to take the same kind of delay in their pay increases that we have asked retired people to take in their pension benefits.

It seems to me it is only the fair and the equitable and the right thing to do.

● Mr. PARRIS. Mr. Chairman, I rise in opposition to the amendment which would delay the October 1 pay raise for Federal civilian employees to January 1, 1984.

We have been hearing arguments about how it is only equitable that Government workers have a delay in their cost-of-living increases. We are told that such a delay is consistent with the delay in COLA's for retirees. There are, however, several factors which should be considered before any action is taken to reduce or delay compensation and benefits for Government workers.

For several years now, Government workers have received limited pay increases, have had substantial reductions in health benefits, and have been required to contribute to the medicare trust fund. To add insult to injury, these same employees will soon experience further reductions in their compensation and benefits.

Last year, this Congress enacted a budget which contained a new compensation formula. This formula will result in a pay reduction beginning in January. Unfortunately, any pay increase is going to be offset by new reductions in the Federal Employees Health Benefits Program.

While we do have legislation which would increase the Government's contribution to the health benefits program, its uncertain how quickly we will be able to win congressional approval for that proposal. It has been reported that increases in health insurance premiums could average about 24 percent in January. A 3.5 or 4-per-

cent pay increase would be offset completely if this happens.

The President's own pay advisers have reported that Federal pay lags behind the private sector by about 20 percent. Labor Department surveys show that the average pay increase for U.S. workers in 1983 were between 4.2 and 9.7 percent, with most raises ranging in the 6.5- to 8.5-percent range.

After reductions are made in health benefits and the new pay formula is implemented, it will take much more than a 4-percent pay increase to enable Government workers to just break even. I urge my colleagues to support adequate compensation for our Federal workers and vote against this amendment.●

● Mr. WOLPE. Mr. Chairman, I rise in very reluctant support of the Jones amendment.

I strongly believe that Federal workers deserve far more than a 4-percent pay increase. The President's own Advisory Committee on Federal Pay has recommended that Federal workers receive a 21.5-percent pay raise so as to attain comparability with the private sector. For this reason, I am involved in developing, and strongly supported, the House version of the first budget resolution that passed last March which called for a 4-percent pay increase for Federal workers effective October 1, 1983.

However, after extensive negotiations with the Senate, the compromise budget resolution that emerged from the conference committee delayed that 4-percent increase until January 1, 1984. The conference report—with the January date—was subsequently approved by both the House and the Senate.

If we now vote to disregard our own budget resolution, we would only be demonstrating our lack of discipline in addressing the massive budget deficits that threaten the health of our economy. We have no responsible alternative but to reaffirm the decision this House has already made.●

Mr. JONES of Oklahoma. Mr. Chairman, I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. JONES).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FORD of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

Mr. FORD of Michigan. Mr. Chairman, I hesitated to ask for a quorum because I did not want to take the time of the House to do it, but it is important that we get a rollcall vote on this. I expect it will not change the outcome very much, but it is important to a lot of Members.

So, Mr. Chairman, I would press a point of order that a quorum is not present.

The CHAIRMAN. The request for a recorded vote, the Chair must say to the gentleman from Michigan, has already been denied.

Does the gentleman now make a point of order that a quorum is not present?

Mr. FORD of Michigan. That is correct, Mr. Chairman.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1530

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. FORD of Michigan. Mr. Chairman, I demand a division.

On a division (demanded by Mr. FORD of Michigan) there were—ayes 31, noes 24.

So the amendment was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORD of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4169) to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1984, pursuant to House Resolution 344, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. FORD of Michigan. Mr. Speaker, I demand a separate vote on the so-called Jones amendment adopted by the Committee of the Whole.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: In section 202(a)(2), strike out "October 1" and inset in lieu thereof "January 1".

At the end of subsection 201(b)(1)(B) strike out the period and insert in lieu thereof the following: ", and shall not be effective with respect to any period commencing before January 1 of such fiscal year."

The SPEAKER. The question is on the amendment.

Mr. FORD of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 245, nays 176, not voting 12, as follows:

[Roll No. 417]

YEAS—245

Albosta	Durbin	Levin
Andrews (NC)	Eckart	Levine
Andrews (TX)	Edwards (AL)	Levitas
Anthony	Edwards (OK)	Lewis (FL)
Applegate	Emerson	Livingston
Archer	English	Lloyd
Aspin	Erdreich	Loeffler
AuCoin	Evans (IA)	Lott
Badham	Fascell	Lowery (CA)
Bartlett	Feighan	Lujan
Bateman	Fields	Lundine
Bedell	Fish	Lungren
Beilenson	Flippo	Mack
Bennett	Foley	MacKay
Bereuter	Forsythe	Madigan
Berman	Franklin	Marlenee
Bethune	Frenzel	Marriott
Bevill	Frost	Martin (IL)
Bilirakis	Fuqua	Martin (NC)
Blilley	Gekas	Mazzoli
Boland	Gephardt	McCain
Bonker	Gibbons	McCandless
Breaux	Gingrich	McCollum
Britt	Glickman	McEwen
Brooks	Gradison	McHugh
Broomfield	Gramm	McKernan
Brown (CO)	Gregg	McKinney
Broyhill	Gunderson	McNulty
Bryant	Hall, Sam	Mica
Burton (IN)	Hamilton	Michel
Campbell	Hammerschmidt	Miller (CA)
Carper	Hansen (ID)	Miller (OH)
Chandler	Hansen (UT)	Montgomery
Chappie	Hartnett	Moody
Cheney	Hatcher	Moore
Clarke	Hightower	Moorhead
Clinger	Hiler	Morrison (CT)
Coats	Hillis	Murphy
Coleman (MO)	Hopkins	Myers
Conable	Huckaby	Neal
Conte	Hughes	Nelson
Cooper	Hunter	Nichols
Corcoran	Hutto	Nielson
Coughlin	Hyde	O'Brien
Craig	Ireland	Obey
Crane, Daniel	Jeffords	Olin
Crane, Philip	Jenkins	Ortiz
D'Amours	Johnson	Oxley
Daniel	Jones (NC)	Packard
Dannemeyer	Jones (OK)	Panetta
Daschle	Kaptur	Pashayan
Daub	Kasich	Patman
de la Garza	Kemp	Patterson
Derrick	Kindness	Paul
Dickinson	Kogovsek	Pease
Donnelly	Kramer	Penny
Dorgan	LaFalce	Pepper
Dreier	Latta	Petri
Duncan	Leach	Pickle

Porter	Shumway	Volkmer
Pursell	Shuster	Vucanovich
Quillen	Siljander	Walgren
Ray	Skeen	Walker
Regula	Slattery	Watkins
Richardson	Smith (NE)	Weaver
Ritter	Smith, Denny	Weber
Roberts	Smith, Robert	Whittaker
Robinson	Snowe	Williams (MT)
Roemer	Snyder	Williams (OH)
Rogers	Solomon	Wilson
Rose	Spratt	Winn
Roukema	Stenholm	Wirth
Roybal	Stratton	Wise
Rudd	Sundquist	Wolpe
Sabo	Synar	Wortley
Sawyer	Tauke	Wright
Schneider	Tauzin	Wyden
Schroeder	Taylor	Wylie
Schulze	Thomas (CA)	Young (FL)
Sharp	Thomas (GA)	Young (MO)
Shaw	Valentine	Zschau
Shelby	Vander Jagt	

NAYS—176

Addabbo	Goodling	Oberstar
Akaka	Gore	Ottinger
Alexander	Gray	Owens
Anderson	Green	Parris
Annunzio	Guarini	Perkins
Barnard	Hall (IN)	Price
Barnes	Hall (OH)	Rahall
Bates	Hall, Ralph	Rangel
Biaggi	Hance	Ratchford
Boehlert	Harkin	Reid
Boggs	Harrison	Ridge
Boner	Hawkins	Rinaldo
Bonior	Hayes	Roe
Borski	Heftel	Roth
Bosco	Hertel	Rowland
Boucher	Holt	Russo
Boxer	Horton	Savage
Brown (CA)	Hoyer	Schaefer
Burton (CA)	Hubbard	Scheuer
Byron	Jones (TN)	Schumer
Carney	Kastenmeier	Seiberling
Carr	Kazen	Sensenbrenner
Clay	Kennelly	Shannon
Coelho	Kildee	Sikorski
Coleman (TX)	Kolter	Sisisky
Collins	Kostmayer	Skelton
Conyers	Lagomarsino	Smith (FL)
Courter	Lantos	Smith (IA)
Coyne	Leath	Smith (NJ)
Crockett	Lehman (CA)	Solarz
Davis	Lehman (FL)	Spence
Dellums	Leland	St Germain
DeWine	Lent	Staggers
Dicks	Lewis (CA)	Stangeland
Dingell	Lipinski	Stark
Dixon	Long (LA)	Stokes
Dowdy	Long (MD)	Studds
Downey	Lowry (WA)	Stump
Dwyer	Luken	Swift
Dymally	Markey	Tallon
Dyson	Martin (NY)	Torres
Early	Martinez	Torricelli
Edgar	Matsui	Towns
Edwards (CA)	Mavroules	Traxler
Evans (IL)	McCloskey	Udall
Fazio	McDade	Vandergriff
Ferraro	McGrath	Vento
Fiedler	Mikulski	Waxman
Florio	Mineta	Weiss
Foglietta	Minish	Wheat
Ford (MI)	Mitchell	Whitehurst
Ford (TN)	Moakley	Whitley
Fowler	Molinari	Whitten
Frank	Mollohan	Wolf
Garcia	Morrison (WA)	Yates
Gaydos	Mrazek	Yatron
Gejdenson	Natcher	Young (AK)
Gilman	Nowak	Zablocki
Gonzalez	Oakar	

NOT VOTING—12

Ackerman	Howard	Pritchard
Chappell	Jacobs	Rodino
Erlenborn	McCurdy	Rostenkowski
Hefner	Murtha	Simon

□ 1650

Messrs. NIELSON of Utah, FEIGHAN, and MARLENEE changed their votes from "nay" to "yea."

Mr. ROTH changed his vote from "yea" to "nay."

So the amendment was agreed to.

The SPEAKER. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. MARTIN OF ILLINOIS

Mrs. MARTIN of Illinois. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentlewoman opposed to the bill?

Mrs. MARTIN of Illinois. In its present form, I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. MARTIN of Illinois moves to recommit the bill, H.R. 4169, to the Committee on the Budget.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would advise the Members that the House will go forward with the general debate on the Defense appropriation bill, but the Chair would also like to make the announcement that there will be a briefing in room 2172, Foreign Affairs, by Secretary Shultz with regard to the Grenada incident that took place today.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 4169, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 69

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 69.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. LOTT. Reserving the right to object, Mr. Speaker.

In support of my reservation, I just wanted to inquire, I could not quite hear the gentleman. The gentleman is asking that the House come in tomorrow at 11 o'clock.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

The gentleman is exactly right. We had initially planned to come in at 10 o'clock tomorrow because we have the Defense Department appropriations bill scheduled for our consideration tomorrow.

However, as the gentleman is aware, there is a kind of an agreement between our two parties. Under our rules of our caucus, if 50 Members or more sign a petition requesting a caucus, then we are compelled to hold that caucus; 50 Members or more have signed a petition requesting a Democratic Caucus tomorrow at 8:30 a.m.

For that reason, we are asking unanimous consent that the House may come in at 11 o'clock tomorrow, rather than at 10 as originally scheduled.

Mr. LOTT. Further reserving the right to object, Mr. Speaker, with regard to tomorrow's schedule, could the gentleman tell us first what that might be; and second, I assume if it is the DOD appropriations, do we anticipate trying to complete action on that legislation tomorrow?

Mr. WRIGHT. If the gentleman will yield further, it is our plan to begin general debate immediately upon that and to have general debate today in order that that much may be behind us. That may be accomplished during

the time when Members could be listening to the briefing in the Rayburn Building by the Secretary of State and Secretary of Defense on the situation in Grenada.

Tomorrow when we do convene, at 11 o'clock, assuming that my unanimous-consent request is agreed to, we would go immediately to the 5-minute rule, having finished general debate today and hope to finish the bill tomorrow. I do not know that it is possible that we shall. We will do the best we can. That of course is the biggest bill of any session of any Congress. It is the Defense Department appropriation bill. It contains more money than any other single piece of legislation.

For me to promise the gentleman that we would be able to complete it tomorrow would be perhaps a bit optimistic, but that is what we would try to do. That is what we would hope to do.

Mr. LOTT. But we do not have a time specifically that we will be trying to conclude business tomorrow. We will go as late as we can in an effort to try to finish the appropriations for DOD; is that correct?

Mr. WRIGHT. That is exactly right. It would be a little bit optimistic for me to try to tell the gentleman when we would finish that bill. It is a big bill. And as the gentleman knows, it always is productive of amendment. Members feel that they are entitled to debate those amendments.

□ 1700

So I do not know when we will be able to finish it. We will try to finish it tomorrow if we can.

Mr. LOTT. I thank the gentleman for his comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2915, DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1984 AND 1985

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2915) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GILMAN moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to the House bill (H.R. 2915) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board of International Broadcasting, the Inter-American Foundation, the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes, be instructed to insist that the aggregate authorization level for fiscal year 1984 which is proposed in the conference report be at or below the aggregate authorization level contained in the President's revised budget request for the fiscal year 1984.

The SPEAKER. The gentleman from New York (Mr. GILMAN) is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have just participated in an important debate involving the proposed budget for fiscal year 1984. I share the concerns of my colleagues that we not take any imprudent action that further strains an already inordinately high budget deficit.

Accordingly, Mr. Speaker, I urge my colleagues to support my motion.

Mr. BROWN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Will the gentleman advise me what his instructions would do with regard to Project Democracy and the funds for political parties?

Mr. GILMAN. It would help to establish the National Endowment for Democracy as set forth in the initial bill that we considered here on the House floor.

Mr. BROWN of Colorado. Would it instruct the conferees to do other than adhere to our position with regard to the deletion of funds for those parties?

Mr. GILMAN. It would instruct the conferees to support the proposal and to insist that the authorization level for fiscal year 1984 be at or below the aggregate authorization level contained in the President's budget request.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. GILMAN. Mr. Speaker, I yield to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion because I think this is one of those times when I would not want to tie the hands of the conferees on this particular bill.

I want to assure the gentleman from New York that I agree with the general purposes of the motion and will make every effort to work in the conference to stay within the budget, particularly after we just did the reconciliation resolution. Therefore, I would hope that everybody would vote against this instruction.

I might say to the gentleman from Colorado (Mr. BROWN), who made the inquiry, that, as far as I recall right now, although we have not done the comparative print, the Senate did not do anything to that language.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his remarks, and I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the motion.

There was no objection.

The question on the motion offered by the gentleman from New York (Mr. GILMAN).

The motion was rejected.

The SPEAKER. For what purpose does the gentleman from Colorado (Mr. BROWN) rise?

Mr. BROWN of Colorado. Mr. Speaker, I have a motion at the desk.

The SPEAKER. Is it a motion to instruct?

Mr. BROWN of Colorado. It is, Mr. Speaker.

The SPEAKER. The Chair will advise the gentleman that only one motion to instruct is in order, and the gentleman from New York (Mr. GILMAN) has used that parliamentary procedure.

The Chair appoints the following conferees: Messrs. ZABLOCKI, FASCELL, YATRON, SOLARZ, MICA, CROCKETT, KOSTMAYER, SMITH of Florida, BROOMFIELD, GILMAN, PRITCHARD, and SILJANDER; as additional conferees solely for consideration of title 8 of the Senate amendment and modifications committed to conference, Messrs. PERKINS, FORD of Michigan, ANDREWS of North Carolina, SIMON, ERLENBORN, and COLEMAN of Missouri.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, and that I may be permitted to include tables and extraneous material in connection with the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1984

Mr. ADDABBO. Mr. Speaker, pursuant to the unanimous-consent request granted on October 20, 1983, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Alabama (Mr. EDWARDS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. ADDABBO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4185, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from New York (Mr. ADDABBO) will be recognized for 1 hour, and the gentleman from Alabama (Mr. EDWARDS) will be recognized for 1 hour.

The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I yield myself 13 minutes.

Mr. Chairman, on behalf of myself and the committee I wish to advise you that all we will be doing tonight will be general debate and starting to read the bill for amendment. When an amendment is then offered, the committee will then rise.

This bill comes to you after more than 6 months of intensive hearings, many investigations and audit reports.

This was all carefully reviewed in 3 weeks of markup by the subcommittee before this bill was voted out.

I wish to thank and commend the gentleman from Alabama (Mr. EDWARDS), the ranking minority member of this subcommittee for his expertise and help and also all the members of the subcommittee for their diligence and work in the subcommittee.

Mr. Chairman, I wish to commend Peter J. Murphy and all the members of the subcommittee staff for their untiring and most professional dedication and work with the subcommittee.

Mr. Chairman, I know we are all concerned with the events in Grenada and Lebanon and there will be discussions and possible amendments relative thereto. However, it is my hope that my colleagues will consider this bill as an entire defense bill and each amendment and part thereof, as it relates to defense spending and program needs.

Mr. Chairman, each year we seem to break records with the annual appropriations bill for the Department of Defense. This year is no exception.

The amended fiscal year 1984 defense budget is another record breaker at $260.9 billion, an increase of $28.4 billion—or 12 percent—over the funds made available in fiscal year 1983.

BILL IN PERSPECTIVE

Let me put the fiscal year 1984 peacetime defense budget in perspective by comparing the $260.9 billion in constant fiscal year 1984 dollars with those past budgets during times of war.

It is $35 billion higher than that spent for Defense in fiscal year 1968, the peak of the Vietnam conflict.

It is just $12 billion less than that spent for defense in fiscal year 1952, the peak of the Korean war.

It is only $2 billion less than we spent for defense in fiscal year 1946, at the end of World War II.

When the fiscal year 1984 DOD appropriations bill is signed into law sometime this year, Congress will have provided over $1.1 trillion for our defense since fiscal year 1979—in just 6 years—and we are not at war.

It took Congress over 40 years to appropriate $2 trillion to the DOD, and the Pentagon is proposing to spend almost that much in the next 60 months—between fiscal year 1985 and fiscal year 1989.

Mr. Chairman, the fiscal year 1983 deficit is estimated to be in the neighborhood of an unbelievable $200 billion, which nearly doubles the $100 billion record-high deficit of fiscal year 1982.

And there is little relief in sight, with the fiscal year 1984 deficit predicted to be close to $200 billion.

In my opinion, the Department of Defense must share in our efforts to reduce the overwhelming deficits we are accumulating.

With this background, Mr. Chairman, I bring to the floor a fiscal year 1984 Defense appropriation bill providing some $247 billion, including transfers to fiscal year 1984 of $709.6 million in unexpended balances.

The bill reflects a reduction of $13.9 billion from the budget request.

The bill is $14.5 billion more than the sums made available to defense in fiscal year 1983, an increase of over 6 percent.

WHAT IS NOT IN THE BILL

Mr. Chairman, let me tell you what is not in the bill.

The bill contains no funds for military and civilian pay raises since they were not budgeted. Those funds could be included in a pay supplemental next year.

Contrary to press reports, the bill does not contain funds to covertly set up an RDF for Jordan.

The bill does not contain funds to produce binary chemical weapons or to facilitize production plants to do so.

The bill does not contain any language to close commissaries, nor is it our intention to do so.

MULTIBILLION-DOLLAR PROGRAMS FUNDED

Mr. Chairman, pages 5–7 of the committee's report list a number of significant and highly visible programs funded in the bill, and I commend the Members to read these highlights to easily identify other programs of interest to them.

In addition, I would like to highlight some of the multibillion dollar so-called big ticket items funded in the bill.

Over $5.6 billion to produce 10 B–1B bombers under a multiyear contract. Plus another $749.9 million to continue the development and testing of the B–1B bomber—a total of nearly $6.4 billion.

We recommend $1.3 billion to produce four C–5B airlift aircraft under a fixed price contract.

We recommend $736 million to produce eight KC–10 tanker-cargo aircraft under a multiyear contract.

$2.1 billion for the initial production of 21 MX missiles, plus another $2 billion to continue the development and testing of the missile—a total of over $4 billion for the MX missile.

$407.7 million to produce another 95 Pershing II missiles, plus another $18 million to further develop, test and correct problems with that missile.

AMENDMENTS

Mr. Chairman, I intend to offer amendments:

To deny multiyear procurement of the B–1B bomber, but at the same time fully fund 10 such bombers in fiscal year 1984, as requested, on an annual basis.

To deny production of the MX missile in fiscal year 1984, but to fully fund the development and testing of that missile.

To deny production of the Pershing II missile in fiscal year 1984, but to fund the development and testing of the Pershing II, so that deficiencies in that missile can be corrected. This amendment will in no way affect the full deployment of 108 Pershing II missiles in Europe since Congress has already funded a total of 112 such missiles.

I refer the members to my recent "Dear Colleague" letter and to my additional views appearing on pages 287–289 of the committee's report.

RESERVE COMPONENTS

Mr. Chairman, our Reserve components are to be integrated with active units in time of war under what is termed "the total force concept."

Unfortunately, the Department of Defense has done very little over the years to modernize our National Guard and Reserve units.

By and large, our Reserve components have been training on equipment that can best be described as hand me downs from the active units.

Last year, the committee added some $500 million authorized above the budget to procure modern weapons and other equipment for our Reserve components.

I am proud to announce that the committee has recommended a total of over $1.2 billion authorized above the budget to further modernize Guard and Reserve units.

I would like to refer the Members to pages 7-9 of the report which highlight the types of weapons and equipment funded in the bill.

ARMORED SEDANS

Mr. Chairman, the Defense Department has embarked on a program to provide armored sedans as a protection against the perceived increase in the terrorist threat overseas.

More than a year ago, the committee requested that the Office of the Secretary issue guidelines for determining requirements and for achieving economies through combined procurement and pooling.

No guidelines have yet been issued, and the committee has directed that no additional vehicles be obtained until they are issued.

The committee bill provides for 20 vehicles of the 41 armored vehicles budgeted, and stipulates that the unit cost shall not exceed $100,000.

The committee has learned that the State Department recently leased a fleet of armored sedans.

The cost per vehicle for the 4-year term of the lease is less than $58,000, which includes complete maintenance in Europe.

The State Department believes that after the 4 years, the vehicles have served their useful life and are turned back to the contractor.

The Committee, therefore, suggests that the Department consider the costs and benefits of leasing versus procuring its armored sedans and to report back to the Committee on the results of such an analysis prior to any further vehicle procurement.

If leasing is determined to be the preferred option, the Department can prepare appropriate reprograming actions to transfer funding from procurement to operation and maintenance.

INTELLIGENCE MATTERS

The bill reflects a net reduction of $951.6 million in intelligence and tactical intelligence and related activities programs, a little over one-half of which was not authorized.

Last week, the House passed the Boland-Zablocki-Wright amendment to the intelligence authorization bill. The bill you are considering today contains a provision almost identical in every respect to the Boland-Zablocki-Wright amendment.

I understand there may be an amendment offered to alter sections 749 and 750 of our general provisions relating to the CIA.

Mr. Chairman, with the events occurring in Central America last year and currently, which resulted in the Boland amendment being attached to the fiscal year 1983 defense appropriation bill last year, and brought about the Boland-Zablocki-Wright amendment this year, the committee felt it was necessary to tighten control over certain covert action funds in this bill.

The CIA budgets a certain amount for specific covert actions each year, and also requests a specific sum for the reserve for contingency fund to be used to fund certain unforeseen emergencies and new requirements arising during the forthcoming fiscal year.

Unfortunately, when these reserve for contingency funds are used, Congress is merely notified when they occur during the year as to the amount and purpose for which the funds are to be used.

The President authorizes specific covert actions and the Director of Central Intelligence seeks releases from the reserve for contingencies to fund them. OMB is requested to release the amount of funds required and the appropriate committees are then notified.

Neither the intelligence oversight committees nor this committee have any veto power over the proposed use of these reserve for contingency funds.

At times, only a few days elapes between the time Congress, through its committees, is notified and OMB releases the funds—certainly little time for the committees to conduct hearings and seriously question their use and purpose. This is particularly true when Congress is in recess.

The committee believed that, as part of its oversight function, some mechanism should be established to properly protect the Congress from an improper or questionable use of the reserve for contingency money.

Sections 749 and 750 have been in the Defense appropriation bill for a number of years, but related to the reserve for contingency funds.

Therefore, in an effort to gain better control and oversight over the use of the Reserve for contingency money, the committee has deleted the words "Reserve for Contingency" from both sections 749 and 750, which appear on page 62 of the bill, and substituted the words "Contingency Reprogramming Fund."

The effect of this change is to require CIA to obtain a prior approval reprograming request from the appropriate committees, including the House and Senate Permanent Select Committees on Intelligence, before obligating any money from the contingency fund.

Mr. Chairman, this is all I am going to say on the floor of the House about CIA or covert actions, and I do not intend to discuss any specific covert actions or other activities of the CIA.

The reason for my remarks is to explain to the House the purpose of sections 749 and 750 in the event there is an amendment offered to amend, alter, or change those sections of the general provisions in the bill.

MILITARY PERSONNEL

The committee recommendations for Active and Reserve personnel appropriations for fiscal year 1984 total $47,396,850,000. That is a reduction of $600,950,000 from the budget request, but an increase of $2,330,042,000 over fiscal year 1983 appropriations.

The committee has recommended reductions of $295 million resulting from force structure changes, as follows:

The 1984 Defense Authorization Act reduced active-duty end strengths by 28,800, which results in a $243 million reduction in military pay and allowances.

The authorization end strength cut also results in a reduction in recruiting objectives by the services and reduces the requirement for recruiting and advertising funding by $15 million.

The 1984 Defense Authorization Act also placed a ceiling of 315,600 on European troop strengths, which reduces military personnel requirements by $37 million.

The committee, in order to fully fund authorized end strengths and to avoid numerous reprogramings, decided to add $327.7 million to the military pay accounts.

This increase was required because of the improved retention experienced by the services in fiscal year 1983, which was not budgeted for in the fiscal year 1984 request.

The committee recommendation does not include funds for a pay raise for either military or civilian personnel in fiscal year 1984.

Instead, the committee directs the Department to submit a supplemental request for the pay raise, because of the current uncertainty over the amount and effective date of the raise.

The committee recommends a reduction in Guard and Reserve personnel accounts of $53.5 million associated with the 1984 Defense Authorization Act.

$25 million results from an end-strength reduction of 1,186 in full-time support for the Guard and Reserve.

$28.5 million results from denial of VHA to certain Reservists.

The committee recommends a transfer of $50.5 million from Army Guard and Reserve Personnel accounts to the Army Guard and Reserve O&M accounts.

This transfer reflects the committee's decision to provide a more balanced growth in the full-time manning program.

Instead of a growth of 4,788 Active Guard and Reserve (AGR) personnel, there would be a growth of 2,394 AGR, and 2,394 civilian technicians.

The remaining committee recommendations were made against programs over which the Department of Defense can and should more closely manage.

A reduction of $155 million to selective reenlistment bonuses, which brings the 1984 program down to 1983 levels.

A reduction of $279 million in permanent change of station travel programs resulting from:

Denial of a new temporary lodging expense;

Reduced requirements because of improved retention; and

Denial of full household goods weight allowance by Army.

Remaining reduction of $84.6 million is to programs that the Department of Defense either overbudgeted or failed to provide proper management controls.

In summary, the committee reductions resulted from either authorization decreases or from programs which the Department could not justify.

These reductions should have no adverse impact on readiness or troop retention.

OPERATION AND MAINTENANCE (O&M)

This is the largest O&M appropriation ever considered by the Congress. The committee is recommending reductions totaling $3,659,308,000 from the O&M request of $74,972,674,000, or a reduction of less than 4.9 percent. This reduction is smaller than the one included in last year's committee bill, when we recommended reductions of $4,192,987,000, or 6 percent of the request.

Because the O&M accounts fund our near-term military readiness, I want to assure my colleagues that the bill before you provides for the readiness levels that were included in the President's fiscal year 1984 budget but does so for $3.7 billion less than was requested.

Let me break the $3.7 billion reduction down for you:

The sum of $680 million was deleted to reflect savings which will result from increased competition in ADP procurement, and from outright procurement rather than leasing. The GAO reported to the committee that in over 90 percent of the cases they reviewed, DOD was not acquiring the ADP equipment in the most economical manner.

The sum of $200 million was deleted because of the continued strength of the dollar overseas. When the budget was submitted last January, DOD was projecting that the strength of the dollar would start to decline. Since this has not happened, it means that DOD has requested more funding in the budget than it really needs to support its planned programs.

The sum of $280 million was deleted from the $2.8 billion requested for stock fund purchases due to an authorization reduction.

The sum of $194 million was deleted as a result of delaying a change in the method of accounting for obligations in the O&M account when ordering items from the stock fund.

$651.7 million was deleted for many smaller items that were not approved in the authorization process.

$128.5 million was deleted from the $1.4 billion DOD guesses that it requested for consultants and experts. The committee continues to believe that DOD does not really know how much it spends and that very little control exists over these expenditures.

$74 million was deleted to reflect the savings which will result from halting wasteful yearend spending by DOD activities.

$200 million was deleted because DOD had proposed a 234-percent increase for buying industrial plant equipment. These costs will be reflected directly in the industrial fund accounts where they properly belong.

$500 million was deleted because our investigative staff had found that DOD activities were buying items of equipment at the same time that identical brandnew items were being disposed of as surplus property. Furthermore, inventory records in the property disposal process need to be strengthened.

A total of $75 million was deleted to reflect only a small portion of the potential savings which may be impossible through increased interservice support for base operations and depot maintenance. Last March, the House Government Operations Committee concluded that only a 5-percent reduction due to eliminating service duplication could save $540 million in base operations alone.

A reduction of $90 million is included for the Navy aircraft rework depot maintenance program deleting only a part of the over $200 million in potential savings documented by the GAO.

$200 million was deleted to reflect improved control over pricing of spares and repair parts.

A reduction of $100 million is recommended to reflect the failure of the CINC readiness fund to be included in the authorization.

The remaining reduction of $386 million is the result of many separate smaller adjustments, the larger items of which include: reduced reimbursements to Department of Labor for disability claims; savings in real property maintenance due to increased competition in the contracting process; overseas banking operations; reduced leasing of administrative vehicles; revised requirement for payment of claims; and reduction in the projected costs for the CHAMPUS program.

Based upon the above list, I think it is clear that the proposed reductions do not impact adversely on readiness.

The recommendation does, however, include several increases which will directly improve the readiness posture of our Armed Forces. For example:

$50 million was added to permit the Army to increase the maintenance performed on fielded weapons systems.

$30 million was added to allow Navy pilots to increase their flying hours above the levels included in the budget for tactical and antisubmarine warfare operations.

$18 million was added for unbudgeted LSD-28 operations of the Navy.

$15 million was added to support Air Force F-111 damage repair.

$6 million was added to hire 400 additional auditors for the Defense Contract Audit Agency.

In summary, the reductions being proposed were made judiciously to insure that our ever-improving readiness levels would not be harmed. In addition, it can clearly be seen that the increments to the budget being proposed will have a direct and immediate beneficial impact on readiness and cost control. Finally, the bill before us includes an increase of 5.9 percent over the fiscal year 1983 appropriated level, even before the funding for civilian pay raises is appropriated in the supplemental next spring.

PROCUREMENT

This bill provides approximately $85.2 billion, and includes $709.6 million in transfers from other accounts, which results in a net reduction of $7.4 billion. The major recommendations affecting the procurement appropriation include:

An increase of $53.1 million over the budget for eight EA-6B naval electronic warfare aircraft;

An increase of $32.2 million above the budget for Marine Corps reserve tanker aircraft;

An increase of M-1 tanks which is above the budget request;

An increase of $378 million above the budget for an additional 24 F-16 aircraft for Air National Guard;

Deletion of advance procurement funds for the Sergeant York air defense guns;

A reduction of $80 million for one mine-countermeasures ship;

A reduction of $120 million from the AH-64 helicopter program;

Deletion of all procurement funds for binary chemical weapons;

A reduction of $19.4 million in the antisatellite procurement program; and

Approval of funding for: 84 F/A-18 aircraft; 24 F-14 aircraft; 10 B-1B bombers; 95 Pershing II missiles; 52 Trident II missiles; 600 Bradley fighting vehicles; 144 MK-48 torpedoes; 1,200 MK-46 torpedoes; 3 SSN-688 attack submarines; 3 CG-47 Aegis cruisers; and 1 amphibious assault ship.

In addition, the committee recommended that the overall request of $13.1 billion for spares and repair parts in the procurement account be reduced about 7 percent, including the authorization reductions.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For research, development, test, and evaluation (RDT&E), the bill provides a total of $26.5 billion, a reduction of $2 billion below the budget request. The recommended amount is $3.8 billion above the amount provided in fiscal year 1983 which represents an increase of 16.5 percent.

The RDT&E accounts include hundreds of line items, each of which received careful review during the course of the committee's budget hearings.

Among the major programs funded in the bill under RDT&E are as follows: $508.9 million for ballistic missile defense; $55.9 million to continue development of improvements for the M1E1 main battle tank; $84.6 million to continue tests and improvements to the Patriot air defense system; $71.8 million for development of the ECX aircraft system; $1,496.4 million for development of the Trident II missile; $84.1 million for the JVX joint services advanced vertical lift aircraft; $2,034.4 million for development and test activities for the MX missile program; $279 million to initiate development of a small, mobile ICBM and $75 million to begin a study of a launcher for that missile; $749.9 million to continue development and flight testing of the B-1B bomber; $205.6 million to continue development and testing of an antisatellite attack system (ASAT); and $98.1 million to continue development and testing of the F-110 engine as an alternative fighter engine.

CONCLUSION

Mr. Chairman and my colleagues, I believe we bring to you a good bill. Again, regardless of the facts and circumstances we know of in Lebanon, Grenada, and other places in the world, I would ask my colleagues to carefully consider the amendments, if any, offered on this bill and ask your support of the recommendations of committee.

I thank you for your attention, but before I yield to the gentleman from Alabama, the ranking minority member of the subcommittee, I shall submit a table and further additional details of the bill into the RECORD at this point.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	House bill compared with enacted	House bill compared with estimates
Recapitulation					
Title I—Military personnel	45,066,808,000	47,977,800,000	47,396,850,000	+2,330,042,000	−600,950,000
Title II—Retired military personnel	16,154,800,000	16,772,800,000	16,592,600,000	+437,800,000	−180,200,000
Title III—Operation and maintenance	67,285,510,000	74,972,674,000	71,313,366,000	+4,027,856,000	−3,659,308,000
(Liquidation of contract authority)	(25,000,000)			(−25,000,000)	
Title IV—Procurement	80,749,473,000	92,594,655,000	84,441,827,000	+3,692,354,000	−8,152,828,000
(Transfer from other accounts)	(423,163,000)		(709,600,000)	(+286,437,000)	(+709,600,000)
Title V—Research, development, test, and evaluation	22,705,784,000	28,498,840,000	26,465,715,000	+3,759,931,000	−2,033,125,000
Title VI—Special foreign currency program	3,800,000	3,050,000	3,050,000	−750,000	
Title VII—General provisions (additional transfer authority, sec. 730)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)	
Title VIII—Related agencies	107,156,000	86,300,000	103,383,000	−3,773,000	+17,083,000
Total, Department of Defense (NOA)	232,073,331,000	260,926,119,000	246,316,791,000	+14,243,460,000	−14,609,328,000
(Transfer from other accounts)	(423,163,000)		(709,600,000)	(+286,437,000)	(+709,600,000)
Total funding available	232,496,494,000	260,926,119,000	247,026,391,000	+14,529,897,000	−13,899,728,000
(Transfer authority)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)	
(Liquidation of contract authority)	(25,000,000)			(−25,000,000)	
Distribution by organizational component:					
Army	55,306,736,000	62,063,581,000	58,539,746,000	+3,233,010,000	−3,523,835,000
(Transfer from other accounts)	(198,200,000)		(143,600,000)	(−54,600,000)	(+143,600,000)
Navy	80,207,994,000	83,663,771,000	78,085,192,000	−2,122,802,000	−5,578,579,000
(Transfer from other accounts)	(35,000,000)		(218,000,000)	(+183,000,000)	(+218,000,000)
Air Force	71,490,462,000	86,983,954,000	82,236,500,000	+10,746,038,000	−4,747,454,000
(Transfer from other accounts)	(189,963,000)		(348,000,000)	(+158,037,000)	(+348,000,000)
Defense agencies/OSD	9,067,183,000	11,355,713,000	10,634,370,000	+1,567,187,000	−721,343,000
Reserve and National Guard (procurement)	125,000,000		125,000,000		+125,000,000
Retired military personnel	16,154,800,000	16,772,800,000	16,592,600,000	+437,800,000	−180,200,000
Related agencies	107,156,000	86,300,000	103,383,000	−3,773,000	+17,083,000
General reduction	−386,000,000			+386,000,000	
Total, Department of Defense (NOA)	232,073,331,000	260,926,119,000	246,316,791,000	+14,243,460,000	−14,609,328,000
(Transfer from other accounts)	(423,163,000)		(709,600,000)	(+286,437,000)	(+709,600,000)
Total funding available	232,496,494,000	260,926,119,000	247,026,391,000	+14,529,897,000	−13,899,728,000
(Transfer authority)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)	
(Liquidation of contract authority)	(25,000,000)			(−25,000,000)	

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to pay respects to Chairman ADDABBO and to the members of the committee for the hard work that has been done all year long, and especially to the staff upon whom we depend constantly. I think we have one of the best staffs, the best staff, anywhere on the Hill. They do yeoman service, and I do not know any way that we could turn out a bill of the magnitude of $247 billion without a staff that can help us keep track of the numbers and make recommendations and have information that is available to us as we start to write this bill.

Our chairman has, as usual, been a perfect gentleman. We disagree a lot, but we do it in a fashion that I think is creditable as far as this committee is concerned.

I come here with mixed emotions. It is a good bill. I do not have any real problems with the bill that we bring to the floor. I think we cut more dollars than I would like to have seen cut, but I do not know any heartburn items that will drive the Pentagon up the wall if we pass this bill. There are a few out there that are kicking about, but by and large it seems to me that we have answered most of the Pentagon's concerns, most of the needs of the Department of Defense, and most of the cuts that we have made that there is some concern about having to do with research and development, where we found major increases over last year without a whole lot of justification, and perhaps we cut a 200-percent increase back to 100 percent, something of that nature.

We have cut too much, probably, in O&M, but I think we can get some of

that worked out when we go to conference with the Senate.

The one thing we have tried to do, and I would ask the chairman if he would not agree with me, is write a bill without stepping on the toes of the Committee on Armed Services and without transcending their jurisdiction, and I believe we have done it. I am a little put off to hear that some of our friends on the Committee on Armed Services are going to offer a whole lot of amendments to this bill. We will take them up as the time comes, but I would ask the chairman if we have not made every effort to live up to the agreement that we entered into with the leaders of the Committee on Armed Services.

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Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I am glad to yield to the subcommittee chairman.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we have proceeded very carefully in all our deliberations and our markup on this bill. We actually waited until the Armed Services Committee went through its lengthy debate on the House floor and completed conference before we started our markup to make sure that we had the final authorization figures. I might point out that we stayed well within those overall authorization numbers. We had an agreement with the distinguished authorization committee and we have abided by it. I hope they do the same.

Mr. EDWARDS of Alabama. Mr. Chairman, let me say that I hope on reflection that the members of the Committee on Armed Services will pull back just a little bit from what we hear may be coming.

We also have amendments, as the subcommittee chairman suggested, on the MX, the B1, the Pershing II, and some of the standard systems that we have discussed here before on other occasions, and we will take those amendments as they come and deal with them. I am sure that there will be a good healthy debate.

The thing I would like to make rather clear at this point is the fact that we have made major cuts in the President's defense budget, and I do not know any reason why we should have to look for some kind of an across-the-board cut to trim just a little bit more. We have made major cuts, and I would direct the attention of the Members to the 1983 bills as enacted. Our bill is only $14 billion more than that. We are $18 billion under the President's original 1984 budget. We are $7.8 billion under the budget resolution. We are $6.5 billion under what is called the 302(b) allocation. We are $8.6 billion under the authorization bill, and the President amended his 1984 request in September of this year and we are still $13.9 billion under that.

I think that we have cut about all we need to cut out of this bill. I think we have taken a scalpel to it and we have made some reasoned cuts. I would ask the Members not to feel the need to rise up and make further cuts in this bill.

The President in his original request asked us to bring about a real growth in defense this year over last year of some 10 percent. In his modified budget amendment of September, that was reduced to 8.3 percent. The budget resolution called for real growth of 5 percent. The 302(b) allocation called for real growth of 4.9 percent. The authorization bill called for real growth of 6.2 percent. This bill only has real growth of 2.5 percent in it.

Again I would argue to the Members that we have cut this bill in many places and in many ways, and I do not see the need to make further cuts.

Finally, Mr. Chairman, let me echo what the subcommittee chairman, the gentleman from New York (Mr. ADDABBO), said. We are bringing this bill to the floor at a time when there is great debate on the activities and the disaster in Lebanon and at a time when we are in Grenada trying to help some friends and protect our own people. I hope that as Members consider this bill, we can look at this bill on its merits, that we can deal with the items in it on their merit, and that we do not find ourselves bogged down in debates on this bill over those two situations. There are times and places to deal with those issues, and I would hope that Members will use some restraint as we approach the amendatory process in this bill so that we do not lose our perspective and that we do not jeopardize the great need we have to provide for the defense of this country and to provide what is needed for the troops in carrying out that defense.

The CHAIRMAN. The gentleman from Alabama (Mr. EDWARDS) has consumed 8 minutes.

The Chair recognizes the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I have no requests for time.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Chairman, I rise in support of H.R. 4185, providing for appropriations for the Department of Defense for fiscal year 1984. I believe that, on balance, the committee has brought to the floor a bill that provides most of the funds for the minimum operations of our military service, the continued procurement of weapons systems to which we are committed, and advanced research and development efforts to maintain a slim and decreasing technological edge over our adversaries.

As the chairman and ranking minority member have accurately explained, our bill is below every funding target imposed upon the subcommittee. We are $14 billion below the budget request, $8 billion below the authorization level, and $6.5 billion below the committee's section 302B allocation. Funds are recommended for the continued procurement of the so-called big ticket items including MX, the B-1B bomber, Pershing II, and ground-launched cruise missiles, the C-5B aircraft, and the M-1 tanks.

If the committee has erred in any respect, and I would argue that we have, it would be in cutting deeply into the funds needed to keep our forces in a ready state. The operations and maintenance levels fall short of insuring that a maximum number of our planes are ready to fly upon demand; that our ships are ready to leave port; that our equipment is in working order, and that our troops have enough training time to operate and maintain these systems at peak efficiency. The question of readiness has received much attention over the years, and rightly so. We can all cite the number of planes, ships, tanks, and so forth that we show on paper, but unless they are ready to move when needed, we are placing ourselves at serious risk.

I also regret the full committee's decision to strike the subcommittee's recommendations for the chemical weapons modernization program. I believe the subcommittee compromise was cautious enough in providing only a part of the requested funds, and fencing the money until the Secretary submitted a comprehensive program and budget plan for facilities and weapons. We are all aware of the Soviet actions in Afghanistan using chemical weapons. Their troops are experienced in chemical warfare tactics and equipped with uniforms and equipment resistant to such chemicals. We should not leave ourselves without the means to retaliate against this threat. But, this bill does exactly that, and I feel it is a grave mistake.

I must speak too, in opposition to the committee's action denying funds for the procurement of antisatellite missiles. The Soviets already have ASAT systems operational in space, and, while we are still in the testing stage, delaying our procurement program will give the Soviets another strategic advantage.

In assessing the recommendations made in this bill, the sole question before us is whether it adequately provides for a defense that is capable of protecting U.S. interests abroad and deterring the Soviet threat—a threat that faces us not only in Europe, but

throughout the world. The increasingly destabilizing presence of the Soviets and their surrogates in Central America, the Middle East, and Southwest Asia reaffirms our responsibility to challenge their attempts at world domination. We must be prepared to react in a swift and decisive manner if the need arises.

No one can deny that our resolve to modernize our forces, and deploy retaliatory missiles in Western Europe, has brought the Soviets to the negotiating table in Geneva, albeit with little progress. However, I do not believe that anyone can seriously argue that had we not embarked upon this course, the Soviets would have unilaterally reduced their planned military buildup along its own borders and throughout the world.

The cooperation of our NATO allies continues to be fairly strong, but their contributions to the common defense should be greater. They are devoting a somewhat larger share of their resources to their own defense to supplement our forces in Europe. The agreement in 1979 to deploy Pershing II and ground-launched cruise missiles in Europe to counter the growing Soviet arsenal is on schedule, and our allies have taken the political heat for this decision. Current estimates are that the Soviets have 350 SS-20 missiles aimed at the population of Western Europe, with an equal number ready to serve as backups. How, by any commonsense, can deploying nine Pershing II missiles this year serve as an immediate threat to the integrity of their borders?

We have become increasingly aware of the inefficiencies that persist in the Department's procurement practices of spares and repair parts. Although, in the past we have faithfully funded these requests, I endorse the committee's recommendation to require the Department to achieve greater accountability in this area. We recommend a 7-percent, across-the-board cut for spare parts procurement. However, the Department's own efforts should not go unmentioned, as the Department itself brought this problem to light.

The Secretary's 10-point plan provides incentives for those employees who find cost savings; terminates those employees who knowingly fail to report overpayments; calls for expanded competition, and urges continued audits. The Secretary's plan has been met with cooperation by the private sector, and the Department has been compensated by individual contractors involved with the overcharges. I deplore poor management and mistakes, but am encouraged by the Secretary's commitment to solve this problem.

The committee has also continued what I believe to be a beneficial practice in the long run to provide multiyear procurement for major weapons systems. This year we approve four new contracts for multiyear contracts including the B-1 bomber. In addition to per-unit cost savings that can be achieved through economical order quantities, we also increase the reliability of the delivery date the quality of the equipment through controls, as well as expanding and stabilizing our industrial base. I would suggest, though, that it is important to maintain same degree of flexibility if our strategic position or the service experience with 2 system changes the requirement.

I submit to you that this bill, which admittedly includes large sums, is mostly for the purpose of upgrading or modernizing our existing conventional forces, and not for a massive military expansion.

This bill provides for a 2.5-percent real growth rate, as compared to the amended budget request of 8.3-percent. I believe this is a modest amount, and not without risk, in light of the estimate that it takes a 2-percent real growth rate just to replace obsolete weapons systems and meet new weapons needs. Any change in the inflation rate or the projected fuel costs over the year could easily move this figure to the negative column.

I would urge my colleagues to support this bill without major limiting amendments. We are considering it in a world atmosphere of tension and grave dangers, as witness the terrorism directed at our marines committed to Lebanon in the cause of peace.

We owe the fallen marines—as well as all of the men and women in the Armed Forces, wherever they are around the world, the assurance that they will be supported by the best in weapons and equipment that our technology and productive capacity can supply—in completely adequate quantities, and in time to permit them to deal with any and all eventualities in their many and varied missions.

Mr. ADDABBO. Mr. Chairman, I yield such time as he may consume to an outstanding new member of our subcommittee, the gentleman from Oregon (Mr. AuCoin), who has done an outstanding job in the last session.

Mr. AuCOIN. Mr. Chairman, at the outset, I want to say how pleased I have been to be able to serve under the chairman of the subcommittee, the gentleman from New York (Mr. Addabbo). He is a tremendous chairman and a tireless leader.

I am new to the committee this year. I joined the committee for very specific reasons, one of which was that I felt, and still feel, that the military budget of this Government is excessive. I felt that in the past. Nothing I have seen in the time I have been on the committee changes my view.

With all due respect to the good people on both sides of the aisle on this subcommittee, I believe that the bill is excessive, and I hope that the Members of the House will, as they work their will on this bill, vote to provide reductions.

□ 1730

At a time when this country is running structural deficits of the magnitude we are, $200 billion a year, at a time when the Government is borrowing at a rate that soaks up about 78 percent of the total capital pool in this country, at a time when that factor is keeping interest rates high, at a time when we are making drastic cuts elsewhere in the budget, at a time when this House only moments ago chose to go by a voice vote on a budget reconciliation package because the domestic cuts in it were too hot for many Members to be recorded in favor of or against, I think it is time to apply at last a message of budgetary restraint to the Defense Department. But we are not. There are items in the defense budget that are grossly excessive to what we need for our Nation's defense.

As we work our way through this bill, the basic question that is going to be a common theme for all Members to ask themselves is this: What is necessary for defense? What represents that which is over and above what is necessary for defense? What represents so much beyond what is necessary to defend ourselves that we are actually funding provocation and an invitation to an arms race or to a buildup on the part of our adversaries which in turn leads to a hopeless situation where the possibilities of hostility are greater than they were before. Those are the questions.

In the case of the MX missile, it is not defense. It is an invitation to the other side to strike us first.

In the case of the very destabilizing deployment of Pershing missiles in Europe, where we are actually deploying missiles only 10 minutes or less away from the heartland of the Soviet Union, then the response is going to be very sure on the part of the Soviet Union. I believe that response will be an equally destabilizing move against our installations and against the American homeland.

In a variety of cases, not merely in the case of strategic weapons, I think what we have got in this bill is it is excessive to what is needed to defend this country. And more than that, it represents a provocative aspect that in my judgment is going to work against our interests.

When you take all those things combined and compare them with what we have to do on the domestic side, where we have made real cuts against real people, cutting into the bone and marrow of programs that have hurt people, I just think that this bill leaves a lot to be desired.

So I am going to be joining with the chairman of this committee who has worked for further cuts and with other colleagues on both sides of the aisle to bring this budget into a fairer state.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. RAY).

Mr. RAY. Mr. Chairman, let me take a minute to add my congratulations to the tremendous job that the gentleman from New York (Mr. ADDABBO) and the staff have done in putting together the bill, H.R. 4185. I thank the gentleman for the opportunity of entering into just a slight colloquy here.

On page 190 of the committee report on H.R. 4185 on the subject of NATO air defense and airbase air defense, the report states:

In the judgment of the committee the greatest threat to the United States and allied forces by enemy air strikes is on the Federal Republic of Germany and it therefore feels that all efforts should be directed at neutralizing this threat. The committee believes that DOD should focus its procurement efforts with this available $250,000,000 on the airbase defense of the Federal Republic of Germany first, and should consider fulfilling all air defense requirements there, prior to funding air defense systems on the continent of Europe outside West Germany.

I certainly agree that our primary focus should be on solving the problem in West Germany where the greatest threat lies; but I am concerned that the language is too restrictive in directing that all $250 million be applied to airbase defense in West Germany.

It has been brought to my attention, and I have long been an advocate of airbase defense in Europe, that there are other NATO countries where the United States has undefended airbases and where the Department of Defense is actively pursuing negotiations for cooperative air defense.

I wonder if the gentleman would agree that the report language should be interpreted to allow sufficient flexibility to DOD to conclude agreements in other NATO countries?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. RAY. Yes.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

It was not the intent of our report language to preclude the use of any of the $250 million as part of a balanced cooperative program for air base defense in any other NATO country. Our basic objective was to stress that the primary emphasis should be the air bases in West Germany. I was also only recently made aware of the status of negotiations with other NATO countries, and I believe that if up to $50 million of the $250 million were applied to a solution in one of those countries, that would still be consistent with the intent of our language. I would expect, of course that the Committee on Appropriations would receive full information on requirements, plans and total costs before any final agreements are made, or any funds are obligated or expended. I assure the gentleman we will call for testimony on this matter.

Mr. RAY. Mr. Chairman, I thank the gentleman. That will certainly help in clarification to the DOD and to implement congressional legislation and direction.

I appreciate the opportunity of having this colloquy with the gentleman.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MCDADE).

Mr. MCDADE. Mr. Chairman, I rise in support of H.R. 4185 making appropriations for the Department of Defense and to urge its approval by the Members of this House. I especially want to commend my friends, the gentleman from New York, our chairman, Mr. ADDABBO, and the ranking minority member, Mr. EDWARDS, for the tremendous patience and leadership they bring to the production of this bill. It is one of the most difficult jobs in the Congress and they do it with great professionalism. All the members of the subcommittee are given a role in the shaping of this bill. We often disagree but we do so in a most congenial climate thanks to both men.

Mr. Chairman, this bill contains some $247 billion in total new budget authority. This represents a reduction of about $14 billion below the budget request submitted to us. There is no pay raise contained herein. That issue will be addressed at a later date. There is very little real growth in this budget; the level is somewhere in the neighborhood of 2½ percent. While there is sufficient real growth to continue our modernization program, there is very little growth for new initiatives.

The committee made a number of reductions based in large measure on our concurrence with the Authorization Committee decisions and in a good-faith effort to get the waste and fat out of our programs that have received national attention such as spares procurement and data processing. These failures have made our efforts at rebuilding our defenses all the more difficult. I am not certain that making the deep reductions the committee has made in these programs will solve the instances of waste and abuse. I am certain that unless something is done the erosion of public confidence in the Congress' ability to manage our tax dollars will be so great our defense programs will suffer.

The bill before us today contains the major elements of the administration's strategic weapons program. Funds for MX procurement, multiyear contracting for the B-1B bomber and additional funds for Pershing II and Trident I missiles are in this bill. I am confident that they will be debated again today as they have been at subcommittee and full committee. Such debate is healthy and welcome. I would remind my colleagues, as they vote on these issues, that we are at a crucial phase in our strategic arms limitation talks with the Soviets. The programs we funded in this bill help us to get where we want to be. They help our negotiating team carry a policy that has been honed by the type of debate we are about to enter into today. And while we argue among ourselves about the best way to get there, the Soviets should not assume that we want anything less than the mutual reductions in weaponry that gives true security to both sides.

This year the committee did an exceptional job in funding elements of the Army modernization program and the expanded capability of our naval forces. We can see today how those capabilities are being tested even at this very hour. Yet these programs are going to be in trouble because there is not enough money to fund them. For example, the committee has funded approximately 825 M-1 tanks, despite a budget request for 720 tanks; reduced not because we don't need the tanks but because we have trouble coming up with the money to pay for them.

This budget crunch will get worse next year as all three service branches compete for fewer dollars. This bow wave makes our drive for cutting waste all the more critical. It makes it all the more crucial that we find ways to reduce the costly buildup of strategic weapons. We do not fashion this bill in a vacuum outside the economic considerations facing Congress. We do it inside the process and we are going to face even more difficult choices in the coming years as dollars become harder to get.

Mr. Chairman, this is a good bill. It makes some rather deep cuts in certain items yet does not compromise our basic readiness or strategic needs. It deserves our support.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, during the consideration of the bill, there may be an effort made to put funds into it for the procurement of binary chemical weapons for the construction of chemical weapons facilities. I would urge my colleagues to defeat any such amendments.

While I am not a member of the Defense Subcommittee, I am a member of the full Appropriations Committee and when the full committee considered this bill last week, it contained

funds for the construction of chemical weapons facilities.

I offered an amendment in the committee which was adopted on a vote of 28 to 22 to remove those funds.

Mr. Chairman, while I have reservations about many of the weapons systems in the bill, including the B-1, the MX, the Pershing II, and the cruise missiles, I do support the inclusion of these weapons systems; however, there is one I do not support, one that I think is totally incongruous in reference to my own feeling about our country and what it stands for and one that I feel very strongly that we should oppose, and that is the resumption of the production of chemical weapons which we stopped producing in 1969.

I have a report from the Department of Defense, dated September 27, 1983, concerning the status of the current physical condition of the U.S. chemical retaliatory stockpile that we have on hand which I will include in the RECORD.

I might say that there is in this report a DOD-appointed panel that has examined the status of the stockpile. Many proponents of chemical weapons have used the so-called unstable state of the stockpile as an argument in support for resumed development of these chemical weapons. The DOD report does not substantiate this position.

In response to the question, "What is the current condition of the stockpile of chemical munitions?" the panel found that "leakers are isolated" and the "fraction of the leakers is small (less than 6 per 10,000 artillery projectiles)." That is six ten-thousandths of 1 percent.

The panel concluded: "In general, the components of the munitions appear to be in good shape, except for rare instances of imperfections in the brazed joints * * * these appear to be related to manufacture, rather than aging."

In response to the question, "Are the surveillance plans and procedures adequate to determine the current conditions accurately?" the panel found: "The surveillance procedures currently in use for detecting leakers are well instrumented and monitored."

In response to the question, "What will be the conditions of these munitions by 1990?" the panel concluded: "We have insufficient evidence, either qualitative or quantitative to predict this with any reliability * * * it is our best estimate that at least 50 plus or minus 10 percent of the agent should still be present in 1990, and at least half of the 155 millimeter 8-inch artillery munitions should meet the Army standards for being fully usable with respect to agent * * * we do not expect metallurgical degradation to be a serious problem."

In response to the question, "Is there anything that can be done to prolong the useful life of these munitions?" The panel found that: "Lowering the storage temperatures could significantly extend the lifetime of the stored munitions."

Mr. Chairman, in conclusion, I might say that this report does not substantiate the position that there is substantial deterioration in our existing and very large stockpile of chemical weapons, larger, I might add, than anyone has proposed that we replace with binary weapons.

I would commend the report to my colleagues in hopes that they will see fit to make certain that the House does not place into this measure a provision requiring the resumption of chemical weapons production.

Mr. Chairman, at this point I include the report on the chemical retaliatory stockpile status review, dated September 27, 1983:

REPORT ON THE CHEMICAL RETALIATORY STOCKPILE STATUS REVIEW

(Prepared for Dr. Theodore S. Gold, Department of Defense)

By:

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INTRODUCTION

Much of the U.S. chemical retaliatory stockpile is nearly 30 years old and there is no current production. Field tests of the chemical munitions were halted in the U.S. in 1969, eliminating the previously accepted means of verifying the condition of the stockpile as it aged. The possibility of chemical agent deterioration and/or corrosive reactions with containers, seals, welds, etc., leads to concern not only about the current quality of the stockpile but also about the future condition of the chemical munitions being stored. The militarily useful munitions include 155mm and 8-inch artillery shells and bombs but most of the inventory is in bulk storage.

This panel was formed at the request of Deputy Assistant to the Secretary of Defense for Chemical Matters, Dr. Theodore S. Gold, to review the chemical retaliatory stockpile situation as outlined in the Terms of Reference at Appendix B. This panel has reviewed the Army's chemical stockpile surveillance and sampling program. Committee members have also visited the Tooele Army Depot in Utah, the Chemical Systems Laboratory (now named the Chemical Research and Development Center) at Edgewood, Maryland, and the Army Materials and Mechanics Research Center at Watertown, Massachusetts. In addition, the group has been briefed extensively by Dr. Gold and representatives of many of the organizations involved in stockpile studies, including especially the Surveillance Program, Lethal Chemical Agents and Munitions (SUPLECAM) and the Stockpile Test Program Metallurgical (STPMTL). Furthermore, we have had extensive discussions regarding current technology and equipment for demilitarization/detoxification of chemical agents/munitions.

This panel has not explored the binary agents and offers no comments on them.

DISCUSSION

Dr. Gold has posed a series of questions to which the panel offers the following comments and recommendations.

I. What is the Current Condition of the Stockpile of Chemical Munitions?

Based on the data accumulated by the Chemical Systems Laboratory, the Tooele Army Depot Laboratory, and other laboratories there is evidence of slow decomposition (5-20 percent) of the chemical agents (GB and VX and possibly H) over a 20-25 year period.[1] Leakage in artillery shells has been observed. "Leakers" are isolated and either sealed or detoxified as part of the routine surveillance procedures. The fraction of "leakers" is small (less than six per ten-thousand artillery projectiles)[6] and in most cases, the leaks seem to occur at improperly fitted joints or brazed joints. There are also occasional leaks in the bombs, rockets, spray and bulk storage tanks.

In general, the components of the munitions appear to be in good shape, except for rare instances of imperfections in the brazed joints mentioned earlier. These appear to be related to manufacture, rather than to aging. Regular surveillance indicate the bursters/detonators perform normally.

The phenomenon of flashing, whereby the agent can burn during dispersal and be rendered ineffective is not understood, although decomposition may play a role. In one test series in 1966, the agent in four out of six VX-firings did flash.[2,5]

II. Are the Surveillance Plans and Procedures Adequate to Determine the Current Condition Accurately?

The surveillance procedures currently in use for detecting leakers in storage are well-instrumented and monitored.[2] Early stockpile sampling/analytical procedures (1960-1980) have only provided qualitative information about agent deterioration. There were inadequate reference data at the time of manufacture and there was only a sporadic sampling program for the first few years partially due to reliance upon firing tests. The current SUPLECAM program is clearly required in the absence of firing tests.[3] Refinements in chemical measurement methods and development of a systematic stockpile sampling program for the next 10-20 years are needed. (See Appendix D for SUPLECAM II proposal.)

(a) How can the surveillance plans be improved?

Footnotes at end of article.

There must be a fully developed program for sampling on a regular time scale, but random basis with respect to samples, to provide a meaningful set of data from which to extrapolate the time trends in the decomposition process. There must be a supporting program of examination by the Army Materials and Mechanics Research Center of munition metal parts.

(b) What further tests or analyses can be performed to provide additional useful information?

Several improved new analytical methods are available which can provide greater precision/accuracy than the classical wet methods of analysis.[3, 4] These include: (1) Gas liquid chromatography (GLC) and, (2) Nuclear magnetic resonance spectroscopy (NMR) for ^{1}H, ^{19}F or ^{31}P. Although both of these techniques have been utilized at CSL, and GLC is used at the Tooele Lab and the various mobile labs, neither has officially replaced the older wet method, and there have been no well-characterized standard samples for calibrations. Of course, calibrations of analytical instruments with impure samples/mixtures by GC/NMR techniques can be accomplished, but one must ultimately have high-purity samples of GB/VX in order to put the analytical reference system on a firm foundation. It would be desirable for CSL to prepare, analyze, and distribute standard samples to the various labs for referencing their day-to-day analyses. An intercomparison of lab procedures/results/precisions should be conducted to assure uniformity of analytical procedures and reliability of results. We anticipate that routine analyses will be conducted by GLC.

Mass spectrometric analyses of samples which have been separated by gas chromatography (GC/MS) should also be conducted at CSL to confirm the GC/NMR results, to identify impurities which could be missed even by the NMR, and to put the entire analytical program on a reliable basis.

Random sampling/destructive testing of shell components (metallurgical and engineering tests) should be conducted to supplement the SUPLECAM tests.

Accelerated aging tests of the various agents, with and without inhibitors, should be conducted at CSL, over a range of temperatures—25°C, 70°, 90°, and 110°—to establish activation energies, help validate decomposition mechanisms, and clarify the function of the stabilizers/inhibitors. The base reference temperature (25°) is an essential point, particularly for evaluating the stabilizers' function, even though little decomposition is to be expected in the scheduled time at the lower temperatures.

III. What will be the Conditions of These Munitions by 1990?

We have insufficient evidence, either qualitative or quantitative, to predict this with any reliability.[1-9] Currently, it would appear that by 1990 decomposition of the agent could be as little as an additional 5 percent or so great as to render the munitions almost useless. It is our best estimate that at least 50 ± 10 percent of the agent should still be present in 1990, and at least half of the 155mm/8-inch artillery munitions should meet the Army standards for being fully usable with respect to agent. However, it is within the range of possibility that catastrophic decomposition could occur, due to stabilizer disappearance or other factors, yet unknown.

Based on available information, we do not expect metallurgical degradation to be a serious problem. Ultimately metal parts could be attacked when sufficient decomposition does occur.

IV. What Additional Data Analysis or Studies are Needed to be Able to Predict the Condition of These Munitions Better?

Extensive fundamental studies of the properties of GB/VX including preparations, purifications and stabilities, are needed along the lines outlined in Appendix A. It is especially important that not only a short-term, intensive study of this area be conducted but also that a long-term study, including a system for the continuing surveillance/inventory of the chemical stockpile, be implemented.

V. Is There Anything That Can be Done to Prolong the Useful Life of These Munitions?

Lowering the storage temperatures could significantly extend the lifetime of the stored munitions. A reflective roof covering those munitions which are stored outside would be an improvement. Shiny reflective paint would be desirable. Refrigeration/air conditioning would prolong the life of the agent. Cost effectiveness analyses are recommended as decomposition rate data become available.

There are not yet sufficient data to decide if redistillation of bulk storage agents to eliminate impurities could be significant in prolonging the lifetime of the stored agents. Such data should be obtained. One should also explore the possibility of reducing the deterioration rate of bulk-stored agents by addition of stabilizers.

It should be noted that the cost of filling munitions from bulk storage agent could be considerable; no facilities for such filling are now available.

VI. What is the Applicability of the Above Results to Other Munitions and Agents in the Stockpile, Particularly Bombs?

Dynamic tests of bombs intended for agent delivery should be conducted to evaluate the special stress problems arising in the vicinity of lifting lugs, welds, etc. There may be special corrosion problems when various chemical agents are loaded in aluminum cases.

RECOMMENDATIONS

The Panel recommends:

(1) Immediate funding and activation of the CSL program to study GB/VX decomposition mechanisms as a function of time, temperature, inhibitors, and impurities and that an interim panel review be scheduled in 6-9 months.

(2) That an improved SUPLECAM program be developed and implemented, along with supportive laboratory work at CSL, and that an interim panel be scheduled in 6-9 months.

(3) That those munitions not now under roof be place in covered storage with at least reflective roofing, and further that an investigation of the possibilities of extending the useful lifetimes of agents via improved storage (cooling) and the use of stabilizers be conducted.

(4) Actual field testing of a carefully chosen set of chemical munitions.

(5) Dynamic testing of bombs which contain chemical agents.

APPENDICES (AVAILABLE UPON REQUEST)

A. A research plan for basic studies of chemical agents

B. Terms of reference

C. Agenda of meetings and visit itineraries

D. SUPLECAM II proposal

TERMS OF REFERENCE—CHEMICAL RETALIATORY STOCKPILE STATUS REVIEW

The current US chemical retaliatory stockpile consists of agents and munitions produced from 1943 to 1969. Possible deterioration during this long storage period raises concern regarding the condition of the stockpile of agents and munitions. Of particular concern are the militarily useful munitions: the 155mm and 8-inch artillery projectiles and bombs filled with nonpersistent nerve agent. Determination of the current condition, likely rate of deterioration, and likely consequences of deterioration of the stockpile is technically complex, particularly in view of the existing limitations on field testing. The technical issues involved as well as the resulting implications to stockpile management are the subject of this Chemical Retaliatory Stockpile Status Review.

The panel is requested to review the Army's chemical stockpile surveillance and sampling activities, focus its attention on the 155mm and 8-inch artillery projectiles and provide its judgment on the following issues.

What is the current condition of these munitions? Is there evidence of agent deterioration or decomposition? Of metal parts degradation? Of adequacy of other critical components?

Are the surveillance and sampling plans and procedures adequate to determine the current condition accurately?

How can they be improved?

What additional tests or analyses can be performed to provide additional useful information?

Is actual field testing necessary or desirable?

What will the condition of these munitions be by 1990?

Will decomposition processes render these munitions unfit to fire due to decomposition of chemical agents, due to degradation of metal parts, or due to other factors related to weapons effectiveness (e.g. flashing)? Will these processes render the munitions unsafe to handle?

What is the range of uncertainty?

What additional data analysis or studies are needed to be able to better predict the condition of these munitions?

Is there anything that can be done to prolong the useful life of these munitions?

What is the applicability of the above results to other munitions and agents in the stockpile, particularly bombs?

The review is to be completed by 1 July 1983, with an interim report requested by April 15, 1983.

FOOTNOTES

[1] Toxic Chemical Stockpile Reliability Program; Raw Data With Analyses. Vol. I, II, III; Briefing of 21 March 1983.

[2] Toxic Chemical Inspection Program; briefing of 24 February 1983.

[3] Detection Equipment; Projectiles, SUPLECAM and STPMTL; briefing of 21 March 1983.

[4] Mobile Chemical Laboratory. Instrumentation, Variables and Procedures; briefing of 21 March 1983.

[5] AMSAA Stockpile Reliability Program Analysis; briefing of 21 March 1983.

[6] Toxic Chemical Munitions and Agents; briefing of 21 February 1983. (Secret)

[7] Metallurgical investigations of Leaking Munitions at Tooele Army Depot, A. K. Iverson and F. Chang, 11 March 1983; briefing of 21 March 1983.

[8] The Storage Stability and Stabilization of VX, W. C. Dee and B. Berger, ED-TR-75059, Edgewood Arsenal, Aberdeen Proving Ground, Maryland, August 1975 (Confidential).

[9] "Lethal Toxic Chemical Agents and Munitions Stockpile Reliability Assessment," Quality Assurance Directorate, U.S. Army Armament Materiel Readiness Command, 7 January 1983. (Secret)

● Mr. MAVROULES. Mr. Chairman, today, the House of Representatives

begins debate on this fiscal year 1984 Department of Defense appropriations bill. Unlike other debates on defense, our consideration of this appropriation occurs as the United States faces critical policy decisions on U.S. military forces.

None of us will forget last August, as we watched with amazement when the Secretary of State reported that the Soviet Union shot down an unarmed, commercial jet airliner with 269 passengers.

Then, last weekend came the attack on our U.S. Marines. Now, there is the report that the American military was involved this morning in a movement on the Caribbean Island of Grenada.

We are reminded that the world in which we live is irrational and uncertain, filled with dangers and tensions. And yet this bill, this measurement of our concern and commitment to our own security and the world's stability * * * totals an overwhelming $247 billion.

At this level, we spend $677 million per day, or $4.8 billion per week for national defense. With this staggering level of spending will we meet our legitimate defense needs? Are we helping to build a safer, more peaceful world? Or, are we spending too much, too quickly, for the wrong systems and policies?

Aspects of this bill are essential. The modernization of our conventional forces is critical. It must continue. While we are naturally concerned over the cost of that modernization, it is important that conventional forces be improved so that we raise the nuclear threshold.

But, the emphasis of this bill is not the modernization or readiness of our conventional forces. Instead, its focus is a new generation of strategic weapons * * * systems which will neither make the world more stable or secure, but which will instead, promote and promise only more tension and turmoil.

In July, when I offered the amendment to strike the authorization for the initial production of the MX missile, we lost by a dozen votes. Now, many point to the Korean airliner incident as proof that the MX is required. Yet, I cannot see how building the largest strategic system in our history will make U.S. defenses either sounder or safer.

I will support the Addabbo amendment. The most important decision Congress can make is to not put MX into production.

Also, believing as I do that our emphasis must be our conventional forces, I fully support the Sabo-AuCoin effort to provide 6 additional months before the deployment of the Army's Pershing II missiles in Europe.

With the deadline for that deployment approaching—with an arms control accord on intermediate nuclear forces unlikely—the United States must walk that extra mile for an agreement.

At issue is not our national resolve. The Pershings have been built and packaged for shipment to Europe. They can be deployed promptly if necessary. But once on station, the possibility that we can limit these nuclear missiles will be greatly diminished.

We are told that MX and Pershing are critical to our defense, if only in a symbolic way. As if part of a nuclear poker game, these weapons are proposed as bargaining chips.

In arms control what we need now is not more bargaining chips. Instead, what we need is a little more bargaining; that extra effort in Geneva which can limit the destabilizing deployment of this new generation of nuclear missiles in Europe.

Mr. Chairman, I hope that we can improve this defense appropriations bill by deleting the MX production funds, and delaying the Pershing II deployment in Europe.

If we take these steps, if we move away from a focus on strategic weapons, then indeed we can make an important contribution to national security, and in the process, step away from greater international insecurity.●

● Mr. LEHMAN of Florida. Mr. Chairman, I have consistently supported amendments to delay the deployment of Pershing II and ground-launched cruise missiles in Western Europe. I supported the Dellums amendment to the Defense authorization bill earlier this year, and more recently I supported the Sabo amendment during consideration of the Defense appropriations bill in the full House Appropriations Committee.

The deployment of these weapons is scheduled to take place in December. As the time draws nearer, I became more and more convinced that deployment should be delayed at least until July. It is important that we provide more time for our negotiators in Geneva to obtain an agreement through the INF talks.

Contrary to the administration's expectations, I fear that deployment will not prod the Soviet Union to come to an early agreement. A 6-month delay will give our negotiators the flexibility needed to reach an agreement without resorting to threats from both sides.

There have been some hopeful signs recently in the INF negotiations. The Soviets have raised the possibility of dismantling of some of their SS-20 missiles, and the United States has expressed a willingness to consider the inclusion of Great Britain and France in the negotiations.

I am also concerned that deployment of the Pershing II and cruise missiles will encourage the Soviets to move to a policy of launch-on-warning. Because these weapons will directly threaten the Soviet Union and provide a minimum of warning, we risk making Soviet leaders even more trigger-happy than they may already be. This represents a grave threat not only to the Soviet Union but to ourselves as well since nuclear warfare will quickly escalate and ultimately lead to the end of civilization as we know it.

During consideration of the Defense appropriations bill on the House floor, I intend to support the Sabo amendment. We all share a desire for a reduction in the number of missiles in Europe and a reduction in the level of hostility between the Superpowers. I believe a delay is the best way to accomplish these goals.●

● Mr. MARKEY. Mr. Chairman, let us forget for a moment that we are being asked to approve a 1984 defense appropriation that represents the largest U.S. military spending measure in history.

Let us forget for a moment that we are being asked to appropriate a staggering $247 billion for defense in fiscal year 1984.

Let us forget for a moment that the deficit for fiscal year 1983 is about $200 billion and the administration's defense spending for the next 5 years will likely keep that deficit at $200 billion annually.

Instead, let us just consider for a moment the national security implications of the defense appropriation we are considering today.

And make no mistake about it. This is a watershed bill in terms of the direction it sets our national security.

It is a watershed bill because with it we will be approving some very critical nuclear weapons production and deployment.

Approval of these nuclear weapons will set us on a new and even more dangerous nuclear arms race with the Soviet Union.

I am speaking of the decisions we will be making this week to produce the MX missile and to deploy Pershing II and cruise missiles in Europe.

We have been debating the MX missile for years and years. The Air Force has considered more than 30 different basing modes for the MX and all of them have had their flaws.

One time we are told by the Pentagon that the best way to deploy the MX is to shuttle 200 of them in 4,600 shelters in Utah and Nevada.

Then we are told by the Pentagon that the best way to deploy the MX is to bunch 100 of them in a dense pack field.

Fortunately commonsense prevailed and we have rejected these basing modes.

So in the last 2 years, we have taken vote after vote on the MX. Some people in this Chamber have had an on-again-off-again romance with this weapon.

Well, this week we take the crucial vote on the MX. This week we take the vote on whether we are actually going to begin producing this weapon.

This week we vote on whether to appropriate $2.1 billion to produce the first 21 MX missiles.

And make no mistake about it. No matter what the administration says, once we open up the MX production line, we will never close it down.

There will be no looking back.

You will not be able to say, "Well, I can vote for the missile this time because I will have a chance to stop it later on."

No, a vote this week to begin production of the MX missile commits this Nation to a new strategic arms race with the Soviet Union.

Anyone who believes that the Soviet Union is going to sit on its hands while we deploy the MX;

Anyone who believes that deploying the MX is going to force the Soviets to the bargaining table;

Anyone who believes that the Soviets will not respond to our MX deployment by making a similar deployment—say, of the new Soviet SS-X-24 missile;

Anyone who believes all this, is living in a fairytale world.

No matter how you cut it, a vote for the MX this week means a vote to begin a nuclear arms race with the Soviet Union that will have both sides deploying more first-strike weapons that edge us closer to the threat of a nuclear holocaust.

That is why I urge my colleagues to vote for the amendment that will be offered to cut production money for the first 21 MX missiles. A vote for the amendment is a vote for our national security.

A vote for the amendment is a vote for arms control.

And most importantly, a vote for the amendment is a vote for a halt to the nuclear arms race.

There will be another amendment offered during consideration of this bill, which I hope my colleagues will also support.

That amendment calls for a 6-month delay in the U.S. deployment of the Pershing II and ground-launched cruise missiles to give the INF negotiations a chance to succeed.

Mr. Chairman, the United States and the Soviet Union are on a nuclear collision course in Europe.

Both sides have increased the tension in that area.

Body sides have upped the nuclear ante.

Nobody denies that the Soviet Union has gone beyond its legitimate security needs in this area with the deployment of the SS-20's.

And likewise, nobody believes that deployment of the Pershing II and cruise missiles in Europe will have much military value for the United States.

None other than Richard Perle, the Assistant Secretary of Defense for International Security Policy, was quoted in the June 2 Boston Globe as saying that the Pershing II's and cruise missiles never had much military utility because they are vulnerable to attack.

No, it now appears that the only justification for deploying the Pershing II and GLCM's is that they are needed to show NATO unity, that they are needed to show that NATO can stick to a decision.

Well, I say that this deployment will only show that NATO can stick to a bad decision. This deployment will only tear NATO apart.

This deployment will only heat up the nuclear arms race in Europe.

If we begin deploying Pershing II and cruise missiles, it now appears likely that the Soviet Union will begin deploying intermediate-range nuclear missiles in East Germany and Czechoslovakia.

Those Soviet missiles would be 2½ minutes from their targets in the West. Our Pershing II's would be 5 to 10 minutes from their targets in the East.

I cannot think of a more hair trigger situation. If these deployments are allowed we will have to rely on computers because human decisions can not be made in so few minutes.

I do not think anyone wants to see this type of dangerous situation evolve. Yet in less than 2 months we will begin the deployment of Pershing II and cruise missiles, which will set the process in motion that will result in this dangerous situation.

Mr. Chairman, it is time to give the INF negotiations a chance. That is why I urge my colleagues to support an amendment that will be offered to delay the deployment for up to 6 months so the negotiations can produce some results.

Mr. Chairman, as I said in the beginning, we will be taking some very critical votes with the MX and the Euromissiles this week. I urge my colleagues to vote for a rational defense and to vote for arms control. I urge my colleagues to vote against production of the MX and for a delay in deployment of the Pershing II and cruise missiles.●

□ 1740

Mr. ADDABBO. Mr. Chairman, I have no further requests for time.

Mr. EDWARDS of Alabama. Mr. Chairman, I have no further requests for time.

THE CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law as follows: for general purpose forces $6,150,283,000; intelligence and communications $1,019,030,000; central supply and maintenance $4,688,969,000; training, medical, and other general personnel activities $3,694,467,000; administration and associated activities $1,088,158,000; in all $16,737,284,000. Of the total amount of this appropriation, not to exceed $8,490,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes. Of the total amount of this appropriation, not less than $1,247,000,000 shall be available only for the maintenance of real property facilities.

AMENDMENTS OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 7, line 6, strike out "$6,150,283,000" and insert in lieu thereof "$6,188,223,000".

Page 7, line 7, strike out "$1,019,030,000" and insert in lieu thereof "$1,019,080,000".

Page 7, line 8, strike out "$4,688,969,000" and insert in lieu thereof "$4,690,069,000".

Page 7, line 9, strike out "$3,694,467,000" and insert in lieu thereof "$3,695,027,000".

Page 7, line 10, strike out "$1,088,158,000" and insert in lieu thereof "$1,088,208,000".

Page 7, line 12, strike out "$16,737,284,000" and insert in lieu thereof "$16,776,984,000".

Page 8, line 5, strike out "$1,932,712,000" and insert in lieu thereof "$1,933,012,000".

Page 8, line 5, strike out "$10,102,073,000" and insert in lieu thereof "$10,107,473,000".

Page 8, line 6, strike out "$997,653,000" and insert in lieu thereof "$997,953,000".

Page 8, line 8, strike out "$5,566,099,000" and insert in lieu thereof "$5,568,299,000".

Page 8, line 9, strike out "$1,906,818,000" and insert in lieu thereof "$1,909,618,000".

Page 8, line 10, strike out "$561,226,000" and insert in lieu thereof "$561,526,000".

Page 8, line 11, strike out "$21,344,474,000" and insert in lieu thereof "$21,355,774,000".

Page 9, line 19, strike out "$884,132,000" and insert in lieu thereof "$887,532,000".

Page 9, line 20, strike out "$327,097,000" and insert in lieu thereof "$327,297,000".

Page 9 line 21, strike out "$202,966,000" and insert in lieu thereof "$203,666,000".

Page 9, line 22, strike out "$1,506,650,000" and insert in lieu thereof "$1,510,950,000".

Page 10, line 12, strike out "$2,925,097,000" and insert in lieu thereof "$2,931,147,000".

Page 10, line 13, strike out "$3,787,251,000" and insert in lieu thereof "$3,794,751,000".

Page 10, line 14, strike out "$1,733,986,000" and insert in lieu thereof "$1,734,586,000".

Page 10, line 14, strike out "$1,107,838,000" and insert in lieu thereof "$1,110,038,000".

Page 10, line 15, strike out "$5,113,189,000" and insert in lieu thereof "$5,115,689,000".

Page 10, line 16, strike out "$1,907,758,000" and insert in lieu thereof "$1,911,108,000".

Page 10, line 17, strike out "$474,922,000" and insert in lieu thereof "$475,222,000".

Page 10, line 18, strike out "$17,057,746,000" and insert in lieu thereof "$17,080,246,000".

Page 11, line 13, strike out "$2,200,620,000" and insert in lieu thereof "$2,201,020,000".

Page 11, line 14, strike out "$1,477,257,000" and insert in lieu thereof "$1,477,957,000".

Page 11, line 15, strike out "$2,036,410,000" and insert in lieu thereof "$2,037,210,000".

Page 11, line 16, strike out "$6,501,838,000" and insert in lieu thereof "$6,503,738,000".

Page 12, line 13, strike out "$281,115,000" and insert in lieu thereof "$281,835,000".

Page 12, line 14, strike out "$687,630,000" and insert in lieu thereof "$688,350,000".

Page 12, line 25, strike out "$166,897,000" and insert in lieu thereof "$167,437,000".

Page 13, line 1, strike out "$658,360,000" and insert in lieu thereof "$658,900,000".

Page 13, line 13, strike out "$23,309,000" and insert in lieu thereof "$23,349,000".

Page 13, line 14, strike out "$51,989,000" and insert in lieu thereof "$52,029,000".

Page 14, line 1, strike out "$134,094,000" and insert in lieu thereof "$134,444,000".

Page 14, line 1, strike out "$773,800,000" and insert in lieu thereof "$774,150,000".

Page 14, line 19, strike out "860,619,000" and insert in lieu thereof "$861,269,000".

Page 14, line 21, strike out "$1,176,700,000" and insert in lieu thereof "$1,177,350,000".

Page 15, line 20, strike out "$111,360,000" and insert in lieu thereof "$112,060,000".

Page 15, line 21, strike out "$1,768,650,000" and insert in lieu thereof "$1,769,350,000."

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, this amendment would add a total of $82.7 million to the various operation and maintenance accounts.

The CHAIRMAN. Will the gentleman restate it?

Is his amendment being considered en bloc?

Mr. ADDABBO. Yes, Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. EDWARDS of Alabama. Mr. Chairman, reserving the right to object, I have not seen the amendment. I do not know that I have any objection to it, but it would be nice to see it.

Mr. ADDABBO. It is my understanding that this is the amendment that Mr. DANIELS planned to offer.

Mr. EDWARDS of Alabama. Mr. Chairman, under my reservation, this may be a good time to rise.

There are a lot of words on these three pages. I have not seen this before.

Mr. ADDABBO. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GONZALEZ) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, I was unavoidably absent during rollcall No. 393, taken on October 18, on the de la Garza motion for conference on H.R. 3385, equity to cotton producers under the payment-in-kind program. Had I been present I would have voted "nay."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. WISE) is recognized for 5 minutes.

● Mr. WISE. Mr. Speaker, due to a previously arranged commitment in my district, I was unable to attend the House session of Friday, October 21, 1983. I was not able to be present and cast my votes on the following rollcall votes: No. 409, Close Up Foundation grants; No. 408, an amendment thereto; and No. 410, supplemental compensation extension.

Before leaving for my district, I checked with appropriate offices and there was no indication the conference report for the supplemental compensation would be considered.

Had I been able to cast my votes on these three instances, I would have voted "aye" on each.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted, to:

(The following Members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, today.

Mr. LEACH of Iowa, for 30 minutes, today.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous material:)

Mr. FUQUA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SUNDQUIST, in opposition to H.R. 4169 in the Committee of the Whole today.

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. LOWERY of California.

Mr. BROOMFIELD.

Mr. GUNDERSON.

Mr. BEREUTER.

Mr. GEKAS.

Mr. LEWIS of California in two instances.

Mr. LEACH of Iowa.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. LANTOS.

Mr. FLORIO.

Mr. HEFTEL of Hawaii.

Mr. RAHALL.

Mr. NOWAK.

Mr. LIPINSKI.

Mr. STARK in six instances.

Mr. FORD of Michigan.

Mr. HARKIN.

Mr. RICHARDSON.

Mr. DORGAN.

Mr. HAWKINS.

Mr. ZABLOCKI.

Mr. TRAXLER.

Mr. OTTINGER.

Mr. FROST in five instances.

Mr. ROWLAND.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following title:

On October 21, 1983:

H.R. 1213. An act to amend certain provisions of law relating to units of the national park system and other public lands, and for other purposes;

H.R. 3044. An act to grant the consent of the Congress to an interstate agreement or compact relating to the restoration of Atlantic Salmon in the Connecticut River Basin, and to allow the Secretary of Commerce and the Secretary of the Interior to participate as members in a Connecticut River Atlantic Salmon Commission;

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition; and

H.R. 3706. An act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

On October 24, 1983:

H.R. 730. An act for the relief of Ronald Goldstock and Augustus M. Statham;

H.R. 732. An act for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A. Redmond;

H.R. 745. An act for the relief of Stephen C. Ruks; and

H.R. 3929. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

ADJOURNMENT

Mr. RAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly at (5 o'clock and 50 minutes p.m.) under its previous order, the House adjourned until Wednesday, October 26, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2043. A letter from the U.S. Trade Representative, transmitting notice of a new system of records, pursuant to 5 U.S.C. 522a(o); to the Committee on Government Operations.

2044. A letter from the Deputy Administrator, General Services Administration, transmitting the annual report for 1982 on records disposition activities, pursuant to 44 U.S.C. 3303a; to the Committee on Government Operations.

2045. A letter from the Governor, Farm Credit Administration, transmitting the Farm Credit Administration's activities under the Government in Sunshine Act for calendar year 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2046. A letter from the Under Secretary of the Interior, transmitting notice of the Bureau of Reclamation's agreement for deferment of a construction repayment obligation installment with the Arvin-Edison Water Storage District in Arvin, Calif., pursuant to chapter 418, section 17(b) of the act of August 4, 1939; to the Committee on Interior and Insular Affairs.

2047. A letter from the Deputy Clerk, U.S. Claims Court, transmitting a copy of the court's judgment order of October 19, 1983, regarding the Walker River Tribe of the Walker River Reservation; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANNUNZIO: Committee on House Administration. House Resolution 342. Resolution increasing the maximum amount which the Committee on Post Office and Civil Service may allocate for consultant services out of funds currently available to such committee from the contingent fund of the House for investigations and studies (Rept. No. 98-438). Referred to the House Calendar.

Mr. JONES of Oklahoma: Committee on the Budget. Report on revised 302(a) allocations and spending ceiling pursuant to section 2 of House Concurrent Resolution 91 (Rept. No. 98-439). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3082. A bill to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes; with an amendment; referred to the Committees on Interior and Insular Affairs and Public Works and Transportation for a period ending not later than March 1, 1984, for consideration of such provisions of the bill and amendment as fall within the jurisdictions of those committees pursuant to clauses 1 (l) and (p) of rule X, respectively (Rept. No. 98-440 Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 4206. A bill to amend the Internal Revenue Code of 1954 to exempt from Federal income taxes members of the Armed Forces of the United States who die as a result of hostile actions overseas; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 4207. A bill to establish a basic discretionary grant program to elementary, secondary, and postsecondary institutions to fund projects to create model programs in voter education, and for other purposes; to the Committee on Education and Labor.

By Mr. BILIRAKIS:

H.R. 4208. A bill to amend the Internal Revenue Code of 1954 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mrs. BOXER (for herself and Mr. BEDELL):

H.R. 4209. A bill to amend section 15 of the Small Business Act; to the Committee on Small Business.

By Mr. BRITT (for himself, Mr. WRIGHT, Mr. FOLEY, Mr. MICHEL, Mr. LOTT, Mr. BROYHILL, Mr. JONES of North Carolina, Mr. ANDREWS of North Carolina, Mr. MARTIN of North Carolina, Mr. ROSE, Mr. HEFNER, Mr. NEAL, Mr. WHITLEY, Mr. CLARKE, and Mr. VALENTINE):

H.R. 4210. A bill to designate the U.S. Post Office and Courthouse Building in Greensboro, N.C., as the "L. Richardson Preyer Federal Building"; to the Committee on Public Works and Transportation.

By Mrs. BYRON:

H.R. 4211. A bill to amend title 10, United States Code, to authorize the voluntary withholding of State income tax from military retired or retainer pay; to the Committee on Armed Services.

By Mr. EDGAR:

H.R. 4212. A bill to amend the charter of AMVETS by extending eligibility for membership to individuals who qualify on or after May 8, 1975; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 4213. A bill to credit certain service performed by National Guard technicians prior to January 1, 1969, as Federal employment for the purpose of civil service retirement benefits; to the Committee on Post Office and Civil Service.

By Mr. McNULTY (for himself, Mr. RAHALL, Mr. MARRIOTT, Mr. SHELBY, Mr. EMERSON, Mr. McCAIN, Mr. MOLLOHAN, Mr. BOUCHER, Mr. PRITCHARD, Mr. DASCHLE, and Mr. RICHARDSON):

H.R. 4214. A bill to establish a State mining and mineral resources research institute program, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY (by request):

H.R. 4215. A bill to amend title 38, United States Code, to provide for limited confidential treatment of medical and prosthetic research information; jointly, to the Committees on Veterans' Affairs and Government Operations.

By Mr. PARRIS:

H.R. 4216. A bill to amend title 38, United States Code, to increase from $300 to $600 the amount of burial and funeral expenses payable by the Veterans' Administration in the case of certain deceased veterans; to the Committee on Veterans' Affairs.

By Mr. GEKAS:

H.J. Res. 399. Joint resolution proposing an amendment to the Constitution allowing the President to veto or reduce individual items in appropriations bills; to the Committee on the Judiciary.

By Mr. KRAMER:

H. Con. Res. 196. Concurrent resolution calling upon the President to study the advisability and practicality of a collaborative people-to-people program between the United States and Mexico; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself, Mr. BARNES, Mr. LEACH of Iowa, Mr. TORRICELLI, Mr. HAMILTON, Mr. CROCKETT, Mr. FEIGHAN, Mr. FASCELL, Mr. SOLARZ, Mr. DYMALLY, and Mr. ZSCHAU):

H. Con. Res. 197. Concurrent resolution expressing support for the agreement on a framework for negotiating a peaceful settlement to the conflict and turmoil in Central America which was reached by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua as a result of the initiative of the

Contadora group; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H. Res. 347. Resolution providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by standing and select committees of the House from January 3, 1984, through March 31, 1984; to the Committee on House Administration.

By Mr. GRADISON (for himself, Mr. LUKEN, Mr. MCEWEN, Mr. KINDNESS, Mr. HAMILTON, Mr. SNYDER, Mr. VANDERGRIFF, Mr. DEWINE, Mr. SCHAEFER, Mr. OXLEY, Mr. STAGGERS, Mr. BROOMFIELD, Mr. LAGOMARSINO, Mr. TAYLOR, Mr. COOPER, Mr. WINN, Mr. MCKERNAN, Mr. HATCHER, Mr. ROE, Mr. SIMON, Mr. PORTER, Mr. NIELSON of Utah, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. HUBBARD, Mr. HUTTO, Ms. OAKAR, Mr. LEVINE of California, Mr. CLINGER, Mr. BRITT, Mr. MATSUI, Mr. FRANKLIN, Mr. CORRADA, Mr. MONTGOMERY, Mr. FORSYTHE, Mr. ENGLISH, Mr. THOMAS of California, Mr. MILLER of Ohio, Mr. PASHAYAN, Mr. PANETTA, Mr. ANDREWS of North Carolina, Mr. DANIEL, Mr. DYSON, Mr. FROST, and Mr. DUNCAN):

H. Res. 348. Resolution in honor of Johnny Bench of the Cincinnati Reds; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MOORE introduced a bill (H.R. 4217) for the relief of Patricia Audrey Penton, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 433: Mr. GREEN.

H.R. 1028: Mr. PASHAYAN.

H.R. 1880: Mr. WYDEN and Mr. MATSUI.

H.R. 1955: Mr. COYNE, Mr. DE LA GARZA, Mr. GREGG, Mr. KOGOVSEK, Mr. QUILLEN, and Mrs. ROUKEMA.

H.R. 1959: Mr. SYNAR.

H.R. 2053: Mr. DYMALLY.

H.R. 2127: Mr. BILIRAKIS.

H.R. 2276: Mr. FOGLIETTA.

H.R. 2374: Mr. ANTHONY and Mr. BORSKI.

H.R. 2483: Mr. MATSUI.

H.R. 2533: Mr. LEVIN of Michigan, Mr. VANDERGRIFF, and Mr. VANDER JAGT.

H.R. 2591: Mr. ROE, Mr. SENSENBRENNER, Mr. SMITH of Florida, Mr. SCHUMER, Mr. LUKEN, Mr. EDGAR, Mr. LELAND, Mr. EDWARDS of California, Mr. HERTEL of Michigan, and Mr. MRAZEK.

H.R. 2624: Mr. LEACH of Iowa.

H.R. 2627: Mr. MATSUI.

H.R. 2715: Mr. BROWN of California.

H.R. 2789: Mr. ROBINSON.

H.R. 2847: Mr. MINISH.

H.R. 3043: Mr. ALBOSTA.

H.R. 3141: Mrs. COLLINS and Mr. MATSUI.

H.R. 3255: Mr. BATEMAN, Mr. DAVIS, Mr. JEFFORDS, Mr. MATSUI, Mr. SAWYER, and Mr. YOUNG of Alaska.

H.R. 3269: Mr. NIELSON of Utah.

H.R. 3277: Mr. VENTO.

H.R. 3300: Mr. MATSUI.

H.R. 3318: Mr. DAUB.

H.R. 3325: Mr. WAXMAN.

H.R. 3464: Mr. DREIER of California, Mr. PASHAYAN, and Mr. CORRADA.

H.R. 3486: Mr. HUGHES, Mr. CARPER, Mr. FORSYTHE, Mr. YOUNG of Alaska, Mr. FIELDS, Mr. TAUZIN, Mr. SAWYER, Mr. MCKERNAN, Mr. FRANKLIN, and Mr. ANDERSON.

H.R. 3505: Ms. OAKAR, Mr. WEAVER, Mr. BOSCO, Mr. ZABLOCKI, Mr. DELLUMS, and Mrs. SCHNEIDER.

H.R. 3545: Mr. COURTER.

H.R. 3636: Mr. MATSUI, Mr. CARR, and Mr. EDWARDS of Oklahoma.

H.R. 3681: Ms. KAPTUR.

H.R. 3734: Mr. DORGAN.

H.R. 3739: Mr. STOKES.

H.R. 3748: Mr. NOWAK, Mr. LAFALCE, Mrs. BOXER, Mr. LOEFFLER, Mr. FAZIO, Mr. KILDEE, Mr. AKAKA, Mr. WYDEN, Mr. STARK, Mr. WON PAT, Mr. FOGLIETTA, Mr. CORRADA, Mr. BARNES, Ms. MIKULSKI, Mr. SHANNON, Mr. ADDABBO, Mr. GONZALEZ, Mr. DICKS, Mr. PATMAN, Mr. HAWKINS, and Mr. DWYER of New Jersey.

H.R. 3778: Mr. LOWRY of Washington.

H.R. 3819: Mr. VANDER JAGT.

H.R. 3870: Mr. SHELBY.

H.R. 3973: Mr. MCKINNEY, Mr. JENKINS, and Mr. FISH.

H.R. 3975: Mr. WEBER.

H.R. 3979: Mrs. JOHNSON.

H.R. 4072: Mr. MORRISON of Washington.

H.R. 4162: Mr. LAGOMARSINO, Mr. REGULA, Mr. BILIRAKIS, Mr. SAM B. HALL, JR., Mr. DEWINE, Mr. MCGRATH, Mr. FORSYTHE, Mr. MRAZEK, Mr. SAWYER, and Mr. WHITEHURST.

H.J. Res. 69: Mr. SISISKY.

H.J. Res. 71: Mr. CARR.

H.J. Res. 77: Mr. WISE.

H.J. Res. 103: Mr. WYLIE.

H.J. Res. 121: Mr. BEREUTER.

H.J. Res. 215: Mr. KOSTMAYER, Mr. WILSON, Mr. ANNUNZIO, Mr. IRELAND, and Mr. LENT.

H.J. Res. 307: Mr. ANDREWS of North Carolina, Mr. ARCHER, Mr. BEVILL, Mr. BOEHLERT, Mr. BROOKS, Mr. CLAY, Mr. CLARKE, Mr. CROCKETT, Mr. DELLUMS, Mr. DEWINE, Mr. DYMALLY, Mr. EVANS of Illinois, Mr. SAM B. HALL, JR., Mr. HARTNETT, Mr. HAWKINS, Mr. HOWARD, Mr. HUTTO, Mr. KRAMER, Mr. LAGOMARSINO, Mr. MCKERNAN, Mr. MOODY, Mr. MADIGAN, Mr. MORRISON of Connecticut, Mr. PANETTA, Mr. PARRIS, Mr. PRITCHARD, Mrs. ROUKEMA, Mr. SAWYER, Mr. SCHAEFER, Mr. SNYDER, Mr. SYNAR, Mr. TOWNS, Mr. WATKINS, Mr. WHITLEY, Mr. GONZALES, Mr. FLORIO, Mr. NIELSON of Utah, Mr. PURSELL, Mr. HEFNER, Mr. UDALL, Mr. MATSUI, Mr. MURPHY, Mr. OTTINGER, Mr. VANDER JAGT, Mr. HILLIS, Mr. ENGLISH, Mr. SIKORSKI, Mr. HARRISON, Mr. MCCLOSKEY, Mr. ST GERMAIN, Mr. FLIPPO, Mr. DOWNEY, Mr. GEPHARDT, Mr. CORCORAN, Mr. GRAMM, Mrs. BYRON, Mr. DYSON, Mr. LONG of Maryland, Mr. WOLPE, Mr. NATCHER, Mr. ROGERS, Mrs. BURTON of California, Mr. HOPKINS, Mr. DICKS, Mr. BORSKI, Mr. PERKINS, Mr. MRAZEK, Mr. BIAGGI, Mr. YATRON, and Mr. LEACH of Iowa.

H.J. Res. 329: Mr. RATCHFORD, Mr. DAUB, Mr. HERTEL of Michigan, Mr. FRENZEL, Mr. KEMP, Mr. BATES, Ms. FERRARO, Mr. LEVIN of Michigan, Mr. SIMON, Mr. KILDEE, Mr. FISH, Mr. FAZIO, Mr. CHANDLER, Mr. HYDE, Mr. NICHOLS, Mr. WAXMAN, Mr. BONER of Tennessee, Mr. OWENS, Mr. CONYERS, Mr. EDWARDS of Alabama, Mr. VENTO, Mr. ACKERMAN, Mr. MINISH, Mr. SHUMWAY, Mr. DOWDY of Mississippi, Mr. MATSUI, Mr. VANDERGRIFF, and Mr. GILMAN.

H.J. Res. 332: Mr. FORSYTHE, Mr. HILER, Mr. HUBBARD, Mr. HUGHES, Mr. MOORE, and Mr. PATMAN.

H.J. Res. 375: Mr. DEWINE, Mr. SUNDQUIST, Mr. MRAZEK, and Mr. RAY.

H.J. Res. 382: Mr. KOLTER, Mr. KOSTMAYER, Mr. NIELSON of Utah, and Mr. WHITEHURST.

H.J. Res. 386: Mr. HARKIN, Mr. ROBERTS, Mrs. SCHNEIDER, Mr. ANDREWS of North Carolina, Mr. FOLEY, Mr. SMITH of Florida, Ms. OAKAR, Mr. REID, Mr. MACKAY, Mr. DYMALLY, Mr. RINALDO, and Mr. HOYER.

H. Con. Res. 118: Mrs. BURTON of California, Mr. DE LUGO, Mr. MINETA, and Mr. MURPHY.

H. Con. Res. 178: Ms. KAPTUR, Mr. JEFFORDS, and Mr. OXLEY.

H. Con. Res. 181: Mr. BEREUTER, Mr. BONIOR of Michigan, Mr. FEIGHAN, Mr. MAZZOLI, Mr. SMITH of Florida, and Mr. WORTLEY.

H. Res. 278: Mr. ROTH.

H. Res. 334: Mr. WALGREN, Mr. DASCHLE, Mr. GEPHARDT, Mr. ANTHONY, Mr. MORRISON of Washington, and Mr. FRANK.

H. Res. 340: Mr. BARNES, Mr. BIAGGI, Mr. BLILEY, Mr. BORSKI, Mrs. BOXER, Ms. FERRARO, Mr. HARRISON, Mr. JEFFORDS, Mr. MARTINEZ, Mr. MCGRATH, Mr. OTTINGER, Mr. ROE, and Mr. ACKERMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII sponsors were deleted from public bills and resolutions as follows:

H.R. 4102: Mr. PEPPER.

H.J. Res. 69: Mr. SENSENBRENNER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

260. By the SPEAKER: Petition of Charge d'Affaires, Embassy of Israel, relative to Zion Yosef Begun; to the Committee on Foreign Affairs.

261. Also, petition of the Southold Town Board, New York, relative to nuclear weapons; to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4170

By Mr. GREEN:

—Add to title IV, subtitle I: a new section, section 496:

That section 216 of the Internal Revenue Code of 1954 is amended—

(1) by striking out "an individual" in subsection (b)(2) and inserting in lieu thereof "a person";

(2) by striking out "such individual" in subsection (b)(2) and inserting in lieu thereof "such person";

(3) by deleting paragraph (5) of subsection (b) and inserting in lieu thereof the following new paragraph:

"(5) ENTITLEMENT TO OCCUPANCY.—If a person acquires stock of a cooperative housing corporation by operation of law, there shall not be taken into account for purposes of this section the fact that by agreement with the cooperative housing corporation, the person or his nominee may not occupy the house or apartment without the prior

approval of such corporation. If a person other than an individual acquires stock of a cooperative housing corporation, there shall not be taken into account for purposes of this section the fact that by agreement with the cooperative housing corporation, the person's nominee may not occupy the house or apartment without the prior approval of such corporation.";

(4) by deleting paragraph (6) of subsection (b) and inserting in lieu thereof the following new paragraph;

"(6) ORIGINAL SELLER.—If the original seller acquires any stock of the cooperative housing corporation from the corporation not later than one year after the date on which the apartments or houses (or leaseholds therein) are transferred by the original seller to the corporation, there shall not be taken into account for purposes of this section the fact that by agreement with the corporation the original seller or its nominee may not occupy the house or apartment without the prior approval of the corporation. For purposes of this paragraph, the term "original seller" means the person from whom the corporation has acquired the apartments or houses (or leaseholds therein).";

(5) by adding "(1) IN GENERAL.—" at the beginning of the first sentence of subsection (c) and by adding the following new paragraph:

"(2) SUSPENSION OF DEPRECIATION DEDUCTIONS.—A tenant-stockholder shall be allowed a depreciation deduction in a taxable year for the portion of his stock allocable to a proprietary lease or right of tenancy in property subject to the allowance for depreciation under section 167(a) only to the extent of the portion of the adjusted basis for his stock allocable to such depreciable property at the end of the tenant-stockholder's taxable year in which such deduction was incurred. A tenant-stockholder's depreciation deduction in excess of the basis for his stock allocable to such depreciable property at the end of the tenant-stockholder's taxable year will not be allowed for that year. However, any depreciation deduction so disallowed shall be allowed as a depreciation deduction at the end of the first succeeding taxable year of the tenant-stockholder, and subsequent taxable years of the tenant-stockholder, to the extent that the tenant-stockholder's adjusted basis for his stock allocable to such depreciable property at the end of any such year exceeds zero (before reduction for such depreciation deduction for such year)."; and

(6) by adding a new subsection (d) to read as follows:

"(d) DISALLOWANCE OF DEDUCTION FOR CERTAIN PAYMENTS TO THE CORPORATION.—No deduction shall be allowed to a stockholder in a cooperative housing corporation for any amount paid or accrued to such corporation within the taxable year (in excess of the stockholder's proportionate share of the items described in subsections (a)(1) and (a)(2)) to the extent that, under regulations prescribed by the Secretary, such amount is properly allocable to amounts paid or incurred at any time by the corporation that are chargeable to the corporation's capital account. The stockholder's adjusted basis for his stock in the corporation shall be increased by the amount of such disallowance."

H.R. 4185

By Mr. BENNETT:

—Page 24, line 25, strike out "$53,000,000" and insert in lieu thereof "$79,000,000".

Page 25, line 2, strike out "$218,000,000" and insert in lieu thereof "$300,000,000".

Page 25, line 23, strike out "$1,040,600,000" and insert in lieu thereof "$1,070,100,000".

Page 25, line 23, strike out "$10,913,650,000" and insert in lieu thereof "$11,269,150,000".

—Page 24, line 25, strike out "$53,000,000" and insert in lieu thereof "$79,000,000".

Page 25, line 2, strike out "$218,000,000" through "1983/1987" on line 7 and insert in lieu thereof "$300,000,000".

Page 25, line 23, strike out "$1,040,600,000" and insert in lieu thereof "$1,070,100,000".

Page 25, line 23, strike out "$10,913,650,000" through "transfer" on line 24 and insert in lieu thereof "$11,269,150,000".

By Mr. DANIEL:

—Page 7, line 6, strike out "$6,150,283,000" and insert in lieu thereof "$6,188,223,000".

Page 7, line 7, strike out "$1,019,030,000" and insert in lieu thereof "$1,019,080,000".

Page 7, line 8, strike out "$4,688,969,000" and insert in lieu thereof "$4,690,069,000".

Page 7, line 9, strike out "$3,694,467,000" and insert in lieu thereof "$3,695,027,000".

Page 7, line 10, strike out "$1,088,158,000" and insert in lieu thereof "$1,088,208,000".

Page 7, line 12, strike out "$16,737,284,000" and insert in lieu thereof "$16,776,984,000".

Page 8, line 5, strike out "$1,932,712,000" and insert in lieu thereof "$1,933,012,000".

Page 8, line 5, strike out "$10,102,073,000" and insert in lieu thereof "$10,107,473,000".

Page 8, line 6, strike out "$997,653,000" and insert in lieu thereof "$997,953,000".

Page 8, line 8, strike out "$5,566,099,000" and insert in lieu thereof "$5,568,299,000".

Page 8, line 9, strike out "$1,906,818,000" and insert in lieu thereof "$1,909,618,000".

Page 8, line 10, strike out "$1,561,226,000" and insert in lieu thereof "$561,526,000".

Page 8, line 11, strike out "$21,344,474,000" and insert in lieu thereof "$21,355,774,000".

Page 9, line 19, strike out "$884,132,000" and insert in lieu thereof "$887,532,000".

Page 9, line 20, strike out "$327,097,000" and insert in lieu thereof "$327,297,000".

Page 9, line 21, strike out "$202,966,000" and insert in lieu thereof "$203,666,000".

Page 9, line 22, strike out "$1,506,650,000" and insert in lieu thereof "$1,510,950,000".

Page 10, line 12, strike out "$2,925,097,000" and insert in lieu thereof "$2,931,147,000".

Page 10, line 13, strike out "$3,787,251,000" and insert in lieu thereof "$3,794,751,000".

Page 10, line 14, strike out "$1,733,986,000" and insert in lieu thereof "$1,734,586,000".

Page 10, line 14, strike out "$1,107,838,000" and insert in lieu thereof "$1,110,038,000".

Page 10, line 15, strike out "$5,113,189,000" and insert in lieu thereof "$5,115,689,000".

Page 10, line 16, strike out "$1,907,758,000" and insert in lieu thereof "$1,911,108,000".

Page 10, line 17, strike out "$474,922,000" and insert in lieu thereof "$475,222,000".

Page 10, line 18, strike out "$17,057,746,000" and insert in lieu thereof "$17,080,246,000".

Page 11, line 13, strike out "$2,200,620,000" and insert in lieu thereof "$2,201,020,000".

Page 11, line 14, strike out "$1,477,257,000" and insert in lieu thereof "$1,477,957,000".

Page 11, line 15, strike out "$2,036,410,000" and insert in lieu thereof "$2,037,210,000".

Page 11, line 16, strike out "$6,501,838,000" and insert in lieu thereof "$6,503,738,000".

Page 12, line 13, strike out "$281,115,000" and insert in lieu thereof "$281,835,000".

Page 12, line 14, strike out "$687,630,000" and insert in lieu thereof "$688,350,000".

Page 12, line 25, strike out "$166,897,000" and insert in lieu thereof "$167,437,000".

Page 13, line 1, strike out "$658,360,000" and insert in lieu thereof "$658,900,000".

Page 13, line 13, strike out "$23,309,000" and insert in lieu thereof "$23,349,000".

Page 13, line 14, strike out "$51,989,000" and insert in lieu thereof "$52,029,000".

Page 14, line 1, strike out "$134,094,000" and insert in lieu thereof "$134,444,000".

Page 14, line 1, strike out "$773,800,000" and insert in lieu thereof "$774,150,000".

Page 14, line 19, strike out "$860,619,000" and insert in lieu thereof "$861,269,000".

Page 14, line 21, strike out "$1,176,700,000" and insert in lieu thereof "$1,177,350,000".

Page 15, line 20, strike out "$111,360,000" and insert in lieu thereof "$112,060,000".

Page 15, line 21, strike out "$1,768,650,000" and insert in lieu thereof "$1,769,350,000".

—Page 7, line 6, strike out "$6,150,283,000" and insert in lieu thereof "$6,188,223,000".

Page 7, line 7, strike out "$1,019,030,000" and insert in lieu thereof "$1,019,080,000".

Page 7, line 8, strike out "$4,688,969,000" and insert in lieu thereof "$4,690,069,000".

Page 7, line 9, strike out "$3,694,467,000" and insert in lieu thereof "$3,695,027,000".

Page 7, line 10, strike out "$1,088,158,000" and insert in lieu thereof "$1,088,208,000".

Page 7, line 12, strike out "$16,737,284,000" and insert in lieu thereof "$16,776,984,000".

—Page 7, line 23, strike out "$99,400,000" and insert in lieu thereof "$113,900,000".

—Page 8, line 5, strike out "$1,932,712,000" and insert in lieu thereof "$1,933,012,000".

Page 8, line 5, strike out "$10,102,073,000" and insert in lieu thereof "$10,107,473,000".

Page 8, line 6, strike out "$997,653,000" and insert in lieu thereof "$997,953,000".

Page 8, line 8, strike out "$5,566,099,000" and insert in lieu thereof "$5,608,299,000".

Page 8, line 9, strike out "$1,906,818,000" and insert in lieu thereof "$1,909,618,000".

Page 8, line 10, strike out "$561,226,000" and insert in lieu thereof "$561,526,000".

Page 8, line 11, strike out "$21,344,474,000" and insert in lieu thereof "$21,395,774,000".

—Page 9, line 14, strike out "$181,900,000" and insert in lieu thereof "$205,400,000".

—Page 9, line 19, strike out "$884,132,000" and insert in lieu thereof "$887,532,000".

Page 9, line 20, strike out "$327,097,000" and insert in lieu thereof "$327,297,000".

Page 9, line 21, strike out "$202,966,000" and insert in lieu thereof "$203,666,000".

Page 9, line 22, strike out "$1,506,650,000" and insert in lieu thereof "$1,510,950,000".

—Page 10, line 4, strike out "$2,300,000" and insert in lieu thereof "$2,800,000".

—Page 10, line 12, strike out "$2,925,097,000" and insert in lieu thereof "$2,931,147,000".

Page 10, line 13, strike out "$3,787,251,000" and insert in lieu thereof "$3,794,751,000".

Page 10, line 14, strike out "$1,733,986,000" and insert in lieu thereof "$1,734,586,000".

Page 10, line 14, strike out "$1,107,838,000" and insert in lieu thereof "$1,110,938,ooo".

Page 10, line 15, strike out "$5,113,189,000" and insert in lieu thereof "$5,115,689,000".

Page 10, line 16, strike out "$1,907,758,000" and insert in lieu thereof "$1,911,108,000".

Page 10, line 17, strike out "$474,922,000" and insert in lieu thereof "$475,222,000".

Page 10, line 18, strike out "$17,057,746,000" and insert in lieu thereof "$17,080,246,000".

—Page 11, line 6, strike out "$80,600,000" and insert in lieu thereof "$92,600,000".

—Page 11, line 13, strike out "$2,200,620,000" and insert in lieu thereof "$2,201,020,000".

Page 11, line 14, strike out "$1,477,257,000" and insert in lieu thereof "$1,477,957,000".

Page 11, line 15, strike out "$2,036,410,000" and insert in lieu thereof "$2,037,210,000".

Page 11, line 16, strike out "$6,501,838,000" and insert in lieu thereof "$6,503,738,000".

—Page 12, line 13, strike out "$281,115,000" and insert in lieu thereof "$281,835,000".

Page 12, line 14, strike out "$687,630,000" and insert in lieu thereof "$688,350,000".

—Page 12, line 25, strike out "$166,897,000" and insert in lieu thereof "$167,437,000".

Page 13, line 1, strike out "$658,360,000" and insert in lieu thereof "$658,900,000".

—Page 13, line 13, strike out "$23,309,000" and insert in lieu thereof "$23,349,000".

Page 13, line 14, strike out "$51,989,000" and insert in lieu thereof "$52,029,000".

—Page 14, line 1, strike out "$134,094,000" and insert in lieu thereof "$134,444,000".

Page 14, line 1, strike out "$773,800,000" and insert in lieu thereof "$774,150,000".

—Page 14, line 19, strike out "$860,619,000" and insert in lieu thereof "$861,269,000".

Page 14, line 21, strike out "$1,176,700,000" and insert in lieu thereof "$1,177,350,000".

—Page 15, line 20, strike out "$111,360,000" and insert in lieu thereof "$112,060,000".

Page 15, line 21, strike out "$1,768,650,000" and insert in lieu thereof "$1,769,350,000".

By Mr. HARTNETT:

(Amendment to the amendment offered by Mr. Bennett of Florida.)

—After the amendment to p. 25 line 2 insert the following: page 25 line 14, strike "$221,000,000" and insert in lieu thereof "$301,000,000."

In lieu of the amount proposed to be inserted by the second amendment to page 25 line 23, insert $11,349,150,000.

By Mrs. HOLT:

—Page 22, line 14, strike out "$4,604,616,000" and insert in lieu thereof "$4,611,616,000".

By Mr. LONG of Maryland:

—Page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. After the end of the 30-day period beginning on the date of enactment of this Act, no funds appropriated by this Act may be obligated or expended for any United States Armed Forces which are in Lebanon as part of the Multinational Force in Lebanon.

By Mr. NICHOLS:

—Page 20, line 9, strike out "$4,542,196,000" and all that follows through line 13 and insert in lieu thereof "$4,652,196,000, to remain available for obligation until September 30, 1986, and in addition, $46,400,000 to be derived by transfer from 'Procurement of Weapons and Tracked Combat Vehicles, Army, 1983/1985' and $65,200,000 to be derived by transfer from 'Procurement of Weapons and Tracked Combat Vehicles, Army, 1982/1984', to remain available for obligation until September 30, 1984.".

By Mr. PRICE:

—Page 22, line 17, strike out "$9,994,245,000" and insert in lieu thereof "$10,068,045,000".

—Page 29, line 1, strike out "$21,040,610,000" and insert in lieu thereof "$21,070,610,000".

EXTENSIONS OF REMARKS

THE WORK OF PEACE

HON. CHARLES McC. MATHIAS, JR.
OF MARYLAND
IN THE U.S. SENATE

Tuesday, October 25, 1983

● Mr. MATHIAS. Mr. President, one of the wittiest Members of this body, on being opportuned by another colleague to read one of his speeches, replied: "I only read my own speeches and I only read them once."

That humorous, offhand remark expresses how most politicians feel about reading speeches—their own and others. But every now and then, admittedly very rarely, someone makes a speech that should not only be read but reread, until the message is absorbed and retained. Such a speech was given by Brian Urquhart, Under Secretary General of the United Nations for Special Political Affairs, at the observance of the Bicentennial of the Treaty of Paris at the National Portrait Gallery on September 28.

Mr. Urquhart talked about "the Work of Peace." It is a subject he knows much about not only because of his long association with the United Nations but because his concern for the cause of peace is informed by comprehensive knowledge of world history and of the human motivations that can either destroy or create peace.

Today, when the Senate and the Nation are assailed with questions about our position in Lebanon after the terrorist attack that decimated our Marine contingent in Beirut, Mr. Urquhart's address speaks to our hearts. And nowhere more than when he writes:

> It is important to remember that the work of peace can be physically dangerous. There are always extremists in the world, and sometimes they are prepared to resort to murder to impede the work of peace. I think of Count Bernadotte, our Mediator in the Middle East; of King Abdullah, the most far-sighted of the post-war Arab statesmen, who was assassinated for his stand for peace in the Middle East. I think of Ghandi, who was murdered because he preached the coexistence of Hindu and Moslem. I think of the moderates in the Palestine Liberation Organization and of President Sadat. The work of peace can be violent.

Mr. Urquhart prophetically points out that in Lebanon "the multinational force can become very controversial. It can become part of the problem rather than the referee of the problem, and it can come to be viewed as one-sided and partisan." Certainly part, if not all, of that forecast has now come true.

As we struggle in the days ahead to clarify our purposes and our policies in Lebanon, for we surely must, I commend this speech to my colleagues, to President Reagan, and to others in the administration concerned with keeping the peace and to the people of the United States who will play a critical role in sustaining whatever consensus we are able to construct. It is a brilliant speech and, at the same time, overflows with practical advice in the mechanics of the peace process.

The text of the speech follows:

THE WORK OF PEACE [1]

(Address to the Bicentennial of the Treaty of Paris at the National Portrait Gallery of the Smithsonian Institution, Washington, D.C., September 28, 1983)

For someone engaged, in a modest way, in the work of peace, it is not only an honour to speak on this occasion. It is also a moving experience.

The Treaty of Paris has proved of immense and enduring benefit not only to the United States and Great Britain but also to the cause of order and civility in the world. Its history, its negotiation and its results are in many ways a microcosm of some of the perennial aspects of the work of peace. It is also a model of the importance of attitude and character in this most difficult of all political enterprises. The "returning friendship" which John Adams referred to in relation to the Treaty and the "reunion of all our ancient affections and common interests" by which David Hartley, the British negotiator, characterized it, represent both the spirit in which it was negotiated and the results it achieved.

Of course, the United States and England had traditions in common, but those golden phrases could also, if the spirit were there, apply to some of our contemporary conflicts—Cyprus, for example, where the Turkish and Greek Cypriots have lived together for centuries. Or even the Middle East—after all, the kingdoms of the Philistines, who are now the Palestinians, and of Israel lived side by side in the ancient world and were closely related by blood, custom and association. If only the precepts of the Treaty of Paris could be applied to some of our conflicts now.

The Treaty of Paris is a classic example of how nothing is forgotten like success. Just because it was immensely successful in practice, few people nowadays have heard of it. When I left New York for Washington this afternoon, a French colleague, a man of great learning who prides himself on his world view, asked me how I could leave for Washington instead of talking to President Mubarak of Egypt. When I explained that I was going to celebrate the Bicentennial of the Treaty of Paris, he asked me rather sharply what on earth that was.

Another characteristic of the Treaty is that, at the time, the achievements of its negotiators were widely criticized and disapproved of at home. Benjamin Franklin said of his efforts on the Treaty, "The blessing promised to peace makers, I fancy, relates to the next world, for in this they seem to have a greater chance of being cursed." Both sides, but especially the English, had the perennial problem of hawks. In England there was a strong war party, and the Government had a tenuous majority in the Parliament. The Earl of Shelburne, the Prime Minister, was driven from office as a result of the Treaty, and David Hartley, the negotiator, retired from public life forever. Then as now, the options of Governments were extremely narrow—much narrower than most people are willing to realize—because of the political constraints of their domestic politics.

For this reason the negotiators needed courage, a sense of objective and dedication, and they sometimes disregarded their instructions. That was much easier 200 years ago than now, when perfect communications are not always a blessing. A blind eye, which Nelson used at the battle of Copenhagen, was a privilege of bygone days. Like most of the issues we deal with today, the negotiations between the United States and Great Britain were mixed up in other great and complex issues, some of which are with us still—for example, the question of Gibraltar. Dr. Challinor has described this situation well as follows:

"Seven years after our revolution began, four European nations had been drawn into the struggle, and the war encompassed not only North America, but parts of Africa, India, the Caribbean and the Mediterranean. Many of the naval and military forces of the European powers were engaged in the fight, each pursuing her own national interests."

Things certainly don't change very much.

But Benjamin Franklin and David Hartley were courageous, far-sighted and inspired by the concept formulated by Franklin that "There never was a good war or a bad peace". Their triumph was an enduring one. They proved that making peace, far from being a sign of weakness, is an investment in future strength and prosperity.

Two hundred years later the stakes are higher and the issues even more complex. And what, after all, is peace? Peace is a relative, not an absolute, state. Dag Hammarskjöld, who gave more thought than most people to the work of peace, once said that the United Nations was not created to bring humanity to heaven but to save it from hell. This is a perceptive comment on the nature of peace and its practical dimensions.

Nowadays the basic issue is, quite literally, survival, without which none of our other forms of progress will be very much good because there will be nobody around to enjoy them. For this reason we need, more than ever, the will to peace and the degree of communication necessary to ensure it. This is where organizations like the United Nations come in, or ought to. It is important that we should not be distracted from this basic requirement by red herrings, if that is the right word, like the recent flap over the suggestion that the United Nations sail into

[1] Quotation from Benjamin Franklin, the American negotiator of the Treaty of Paris.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the sunset from New York. This is not what the world is all about.

Two hundred years later, although the urgency and the time frame have changed, the basic factors remain much the same, and so does the public attitude to those engaged in the work of peace. I shall quote as good a description of this attitude as any I know.

"Constantly rebuffed but never discouraged, they went round from state to state helping people to settle their differences, arguing against wanton attack and pleading for the suppression of arms, that the age in which they lived might be saved from its state of continual war. To this end they interviewed princes and lectured the common people, nowhere meeting with any great success, but obstinately persisting in their task, till kings and commoners alike grew weary of listening to them. Yet undeterred they continued to force themselves on people's attention."

That was a description of his followers by the Fourth Century B.C. philosopher, Sung Tzu. Again, nothing very much has changed.

Governments—especially democratic governments—often have narrower options than ever. Or at least governments think they have very narrow options, partly because the media and the present state of communications have made almost instant public reaction possible. To complicate matters further, there always seems to be an impending election somewhere which justifies procrastination and delay. At the present time we have elections coming up in Turkey and Argentina. We have a referendum on the Constitution in South Africa. There is a change of leadership in Israel. And of course, as every four years, there is an election impending in the United States. These prospects further complicate the possibilities for effective action in the pursuit of peace.

It is important to remember that the work of peace can be physically dangerous. There are always extremists in the world, and sometimes they are prepared to resort to murder to impede the work of peace. I think of Count Bernadotte, our Mediator in the Middle East; of King Abdullah, the most farsighted of post-war Arab statesmen, who was assassinated for his stand for peace in the Middle East. I think of Gandhi, who was murdered because he preached the coexistence of Hindu and Moslem. I think of the moderates of the Palestine Liberation Organization and of President Sadat. The work of peace can also be violent.

Over and above personal physical danger, great moral courage is needed. Who will have the courage, for example, to take the vast risk of reversing the nuclear arms race? It is perhaps the greatest statesmanship question of our time.

What are the basic requirements of the work of peace? I quote again from Dag Hammarskjöld.

"Politics and diplomacy are no play of will and skill where results are independent of the character of those engaging in the game. Results are determined not by superficial ability, but by the consistency of the actors in their efforts and by the validity of their ideals. Contrary to what seems to be popular belief, there is no intellectual activity which more ruthlessly tests the validity of a man than politics. Apparently easy successes with the public are possible for a juggler, but lasting results are achieved only by the patient builder."

In this most important of all tasks, persistence is essential. Bad food, lack of food or discomfort can also help. Ralph Bunche, my old mentor and friend, who achieved the impossible in negotiating the Armistice Agreements between Israel and her Arab neighbours in 1948 and 1949, conducted his negotiations on the island of Rhodes in conditions of some severity, not least because the food in the Hotel des Roses was almost inedible. He always maintained that this had been a great help in the negotiations. One should beware of well-fed or comfortable negotiators.

But above all, it is the attitude, and the character, and the courage, and the skill, in that order, of those who are working for peace that will in the end really count. I quote from Hammarskjöld once again the rules which he set out for workers for peace. They are, admittedly, very high-minded.

"It is more important to be aware of the grounds for your own behaviour than to understand the motives of another.

"The other's 'face' is more important than your own. If, while pleading another's cause, you are at the same time seeking something for yourself, you cannot hope to succeed.

"You can only hope to find a lasting solution to a conflict if you have learned to see the other objectively but at the same time to experience his difficulties subjectively.

"The man who 'likes people' disposes once and for all of the man who despises them.

"A successful lie is doubly a lie, an error which has to be corrected is a heavier burden than truth. Only an uncompromising honesty can reach the bedrock of decency which you should always expect to find even under deep layers of evil."

I have to repeat that these are very high-minded principles, but they have a great depth of perception and truth. The best single word is, perhaps, integrity.

To work in the making of peace you must understand other people's motives and you must remain above the conflict. In this connection, I would like to say a word about the art of peace-keeping, which provides the atmosphere in which negotiations can go forward. This is especially relevant in the light of our current concerns over the situation in Lebanon.

After 38 years and 17 peace-keeping operations, I have a dream about peace-keeping. It is that we shall have peace-keeping operations in which the forces of the United States and the Soviet Union and other great powers take part under the mandate and direction of the United Nations. I doubt if I shall see it in my lifetime, although it must come eventually. That, after all, is basically what the UN Charter suggested. But until that time comes along we have to do our best with something less satisfactory. The principles underlying our wide-ranging peace-keeping operations have been relatively simple. They must have broad political support and a broad base in the world community. Force can be used only in self-defense, and therefore our peace-keeping operations are lightly armed.

Our peace-keepers must remain above the conflict; they must never become part of it. Their aim should be to ensure the cessation of hostilities and the maintenance of peace between conflicting forces and, to that end, they should provide the pretext for peaceful conduct and the atmosphere for negotiation. They must have the cooperation of all the parties, however grudging.

In Lebanon we see that older United Nations concept side by side with the newer one of the Multinational Force. The Multinational Force is militarily far more powerful and has far greater fire power than any UN operation. At this moment it has the support of at least three aircraft carriers. But it also has much less flexibility, less capacity to act, and is far more vulnerable when things go wrong. This is because it has a narrow political base, being perceived by most people in the Middle East as a Western, NATO operation. Moreover, its four separate contingents have no articulate, unified command structure. This is all right when nothing is happening, but when things go wrong it is a very considerable hazard, because each contingent will go its own way according to its national instructions and preoccupations. Thus when things go wrong, as they have in recent weeks in Lebanon, the Multinational Force can become very controversial. It can become part of the problem rather than the referee of the problem, and it can come to be viewed as one-sided and partisan.

Unfortunately in Lebanon it is now extremely difficult to change course. Last year it was Israel and the United States who objected to a UN peace-keeping force or observers in Beirut. Fourteen months later, ironically, it is the United States and Israel and the Government of Lebanon who long for a United Nations force to take over, and Syria and the Soviet Union who object to it. This is very frustrating. We must persist in trying to find a means to balance the situation once more in the interests of the people of Lebanon.

Over and above the immediate objectives in a situation like Lebanon, the point of peace-keeping is to control regional conflicts in a world where local conflicts can easily escalate and ignite a global nuclear conflict. For this reason, and in this context, our rather modest efforts take on a considerable importance. It is a technique which must be developed, understood and supported if it is to work.

The work of peace is never finished and seldom gives totally satisfactory results. Immense patience is required. But the actual effort to make peace is the wall between some tolerable degree of order and expectation in the world, and anarchy, cynicism and despair. Momentum is absolutely essential in order to keep some reasonable degree of balance in what otherwise would become desperate conflict situations. The effort for peace is a very important part of the battle.

Let me conclude with some don'ts for workers for peace which come from a long personal experience.

Don't forget that timing is essential and that there is a right time and a wrong time for everything, just as it says in the Bible.

Don't dive into an empty pool. This may create a temporary sensation, but it will leave you stunned and incapable of further action. It is equally inadvisable to dive into a pool of boiling water. You must establish in advance at least the minimal conditions required for productive work.

Don't rely too much on reason. Sometimes an appeal to fear, prejudice or vanity is more effective.

Don't get dragged in on one side of a conflict and then expect to be accepted as impartial.

Don't tell everyone what you think they want to hear. The essence of the game is to establish confidence, which takes a long time. If you want to establish confidence it is no good telling lies, which are always found out in the end.

Don't expect to be popular. Respect will do.

Don't ask the people you are dealing with to commit suicide. To provide a graceful way out of difficult situations should be the aim.

Don't claim credit for any success you may get. People in trouble need credit much more than you do.

Don't lose your temper, except on purpose or on matters of principle.

Don't slam doors or let others slam them.

Don't paint people into a corner. This makes them dangerous, paranoid and obstinate.

In our lifetime we have narrowed the time margin for survival to very dangerous limits. In some circumstances we may have less than 18 minutes in which to make decisions which can well put an end to all organized life on our planet, and shortly this time may go down to six minutes. We have almost instant communications. In this technological nightmare we need more than peacemakers. We need statemanship, leadership, courage and a sense of urgency and persistence in adjusting our institutions and policies. Of course the United Nations does not work as it should, but that is a reason for doubling our efforts to make it work as it should. For this we need a consistent and serious political drive for peace and order. We must not be distracted by ephemeral developments or foolish emotions.

The fact that there has not been a world war for 38 years has tended to make people casual and careless. The tragedy of the Korean airliner should serve to remind us how very dangerous a state of non-communication, or paranoia, or obsession with national security can be in our present world, and how much more dangerous it could be in other situations which are all too easy to imagine.

Apart from leadership, we desperately need a serious drive for public education about the real nature of politics, both national and international, and the real nature of war. Governments need to be supported by constituencies who have a consistent, informed and realistic view of the world.

We can no longer afford the public attitude to the work of peace so well described by Sung Tzu in the 4th Century B.C. The matter is now of the highest and most urgent priority, for we are speaking of human survival. We not only need more Franklins and Hartleys; we also need the civility, the spirit, the attitude and traditions that made them and their work possible.●

IN MEMORY OF JIMMY BURKE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. FORD of Michigan. Mr. Speaker, Jimmy Burke was a great friend and a great Member of Congress. There have been many fine words written about him and he is deserving of every one of them. His death means we have lost an outstanding individual who enriched the lives of his constituents in Massachusetts as well as the lives of his fellow colleagues in Congress.

Jimmy had a marvelous sense of humor and was an excellent public speaker. He chose his words carefully and always used them in going to bat for the rights of the poor and the elderly. Jimmy's advice to us all will be missed, but I will continue to have many fond memories of this wonderful man. My sincere sympathies to his family.●

NATIONAL EDUCATION STUDIES AND WHAT THEY SAY ABOUT COMPUTERS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. STARK. Mr. Speaker, there have been at least eight major studies released this year on the state of education in America, and ways in which the quality of education can be improved.

Many of these studies have referred to the use of computers in the classroom—and, generally, the reports have been very favorable and supportive.

The Ways and Means Select Revenue Measures Subcommittee is currently considering legislation to encourage the donation of computers to schools. In preparation for a field hearing in California on this issue on November 11, I have asked the Library of Congress to analyze the major educational reports and give me quotes from those reports on the pros and cons of computer use in schools.

These quotes raise many questions, which I plan to explore in our November 11 hearings on the Computer Contribution Act, H.R. 701.

The Library's report follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C.

WHAT THE RECENT EDUCATION REPORTS SAY ABOUT COMPUTERS IN SCHOOLS

In response to your request, we reviewed eight of the recent reports on education to determine what role they recommend for computers in elementary and secondary education. Below is an annotated listing of those reports followed by a selection of brief excerpts from each. These excerpts were chosen because they address either of two issues:

Why computers should (or should not) be in the classroom, and how they should be used; and

What problems (if any) they pose for schools.

A more general consideration of many of these reports is provided in "Education in America: Reports on its Condition and Recommendations for Change" by James B. Stedman (CRS Issue Brief 83106).

SELECTED REPORTS

(1) Boyer, Ernest L. High School: A Report on Secondary Education in America. The Carnegie Foundation for the Advancement of Teaching. 1983. Drawn from a 2-year study of 15 high schools, this book presents a comprehensive critique of, and set of recommendations for, high school education. Among its recommendations are a semester-long technology course to explore the consequences of technology for society, teacher training in new technologies, federally funded resource centers to demonstrate technology, and a Federal commission to evaluate educational software.

(2) Business-Higher Education Forum. America's Competitive Challenge: The Need for a National Response. A Report to the President of the United States. 1983. This report considers the United States' position in international economic competition and recommends changes in worker training and greater cooperation between universities and business.

(3) The College Entrance Examination Board. Academic Preparation for College: What Students Need to Know and Be Able to Do. Educational Equality Project. 1983. This report outlines the skills and knowledge that high school graduates should have for success in college. One of the necessary skills newly emerging according to the report is "computer competency."

(4) Goodlad, John I. A Place Called School: Prospects for the Future. 1983. One product of a multi-year study of elementary, junior high and senior high schools, this book provides an in-depth look at what takes place in schools and offers suggestions for restructuring schools and reforming teaching. Computer skills are seen as becoming necessary for students.

(5) The National Commission on Excellence in Education. A Nation At Risk: The Imperative for Educational Reform. 1983. This report recommends major changes in school curriculum and teaching. It calls for a semester-long computer science course as a requirement for high school graduation.

(6) The National Science Board Commission on Precollege Education in Mathematics, Science and Technology. Educating Americans for the 21st Century: A plan of action for improving mathematics, science and technology education for all American elementary and secondary students so that their achievement is the best in the world by 1995. 1983. Focusing on mathematics, science and technology, this report recommends much broader and more rigorous exposure to these subjects throughout schooling, including a semester-long computer science course in high schools. The National Science Foundation is called on to assess educational technology; regional teacher education and computer centers are recommended to demonstrate new technologies; and school districts are called upon to develop explicit computer literacy plans.

(7) Report of the Twentieth Century Fund Task Force on Federal Elementary and Secondary Education Policy. 1983. This report reviews the Federal role in education and recommends changes.

(8) Task Force on Education for Economic Growth of the Education Commission of the States. Action for Excellence: A Comprehensive Plan to Improve Our Nation's Schools. 1983. This report focuses on actions to improve the quality of education that States, localities and business should undertake. "Computer competency" is noted as a skill high school graduates should have.

SELECTED EXCERPTS

Boyer (Carnegie Foundation)

Why and How: "Above all, the classroom should be a place where students are helped to put their own lives in perspective, to sort out the bad from the good, the shoddy from that which is elegant and enduring. For this we need teachers, not computers." (p. 201)

"In the future, computers for the nonspecialist will be so convenient ('user-friendly' is the term) that little technical skill will be

required. Few citizens of tomorrow will spend time at a computer keyboard or will write a computer program. Therefore, the first goal should not be hands-on experience for students. Rather, the urgent need is for students to learn about the social impact technology has played [sic] and will play [sic] in their lives." (p. 195)

"The second priority for the school is to make it possible for students to learn with the computers. Here we have in mind the use of computers to gather information, ..." (p. 196, emphasis in original)

"Learning with computers also means helping students study specific subjects and improve their skill in areas such as writing or spelling or mathematics. Here, the computer may be especially important for remedial work. Today most computer programs are, in fact, designed for rote learning." (p. 196)

"The third priority is to help all student learn from computers. . . . The most powerful teaching use of the computer occurs when students use technology to achieve high-order learning, when a student can, in a very real sense, 'converse' with the computer and develop better thinking in the process." (pp. 196-197, emphasis in original)

"The potential of technology is to free teachers from the rigidity of the syllabus and tap the imaginations of both teacher and student to an extend that has never been possible before." (p. 200)

Problems: "Educators seem confused about precisely what the new miracle machines will do. But the mood appears to be 'Buy now, plan later.' " (p. 189)

"This last finding [concerning the distribution of computers among school districts] is particularly disturbing. It supports the claims of those who fear that the computer revolution in the schools may bypass disadvantaged students." (p. 189)

"Computer companies are aggressively marketing hardware and even giving sophisticated equipment to the schools while failing to help educate the teachers and failing to prepare first-rate material linked to school curricula or objectives." (p. 191)

"The point is, however, that all too much of today's computer instructional material resembles a book cover without pages. The technology is available—and increasingly affordable—but educational content that makes the investment worthwhile is largely lacking." (p. 191)

"Firms are cautious about developing software for the modest school market, and yet, ironically, they are pushing computers on schools with full-scale ads and tax-writeoff proposals to Congress." (p. 192)

"Here is the essential point. The deliberate absence of a computer policy is itself a policy with major risks. We concluded that no school should buy computers, or any other expensive piece of hardware, until key questions have been asked—and answered. Why is this purchase being made? Is the software as good as the equipment? What educational objectives will be served? Which students will use the new equipment, when and why? Are teachers able to fit the technology and the software into the curriculum?" (p. 195)

Business-Higher Education Forum

Why and How: "A citizenry literate in science and math is critical to all sectors of American life; such skills, especially computer-related ones, will be increasingly necessary not only in offices and factories, but in schools and homes as well." (p. 12)

Problems: Not addressed.

College Board (Educational Equality Project)

Why and How: "A revolution in communications and information technology is making the computer a basic tool for acquiring knowledge, organizing systems, and solving problems." (p. 11)

"An influence as pervasive as this requires, among other things, an informed citizenry that not only understands what computers can and cannot do but also is aware of the problems and issues involved in their use." (p. 11)

"Competency in its [computer] use is emerging as a basic skill complementary to other competencies, such as reading, writing, mathematics, and reasoning." (p. 11)

Problems: Not addressed.

Goodlad (A Place Called School)

Why and How: "Perhaps, as with radio and television, computers will be peripheral to the school experience. If so, schools could well become peripheral to human experience." (p. 228)

"We are beginning to recognize that this invention [the computer] must be as much a part of tomorrow's school for students of all ages as the pencil is of today's." (p. 340)

Problems: "But the role to be played [by computers and other technology] in the instructional process remains ill-defined." (p. 341)

National Commission on Excellence

Why and How: "The teaching of *computer science* in high school should equip graduates to: (a) understand the computer as an information, computation, and communication device; (b) use the computer in the study of the other Basics and for personal and work-related purposes; and (c) understand the world of computers, electronics, and related technologies." (p. 26, emphasis in original)

Problems: Not addressed.

National Science Board Commission

Why and How: "It is critical that all students gain an understanding of the operation and capabilities of computers, since this technology has become an integral part of our society and is becoming more important as time passes." (p. 47)

"Modern information technologies offer a tremendous potential for improving education and could revolutionize the education process. . . . The microprocessor in particular is likely to affect education as dramatically as it has every other facet or our lives. . . . If the promise of these technologies becomes a reality, the scale of financial and human resources required for elementary and secondary education would be substantially reduced, while improving the effectiveness of the process." (p. 51)

"In a beginning stage, computer literacy is simply learning about computers—how to use them and how they benefit society. At a more advanced stage, computer literacy includes computer programing. Computer programming is important because it provides a marketable skill and encourages students to think algorithmically and develop problem-solving skills. A large number of time-consuming administrative tasks could be handled by computers." (p. 52)

Problems: ". . . First, the Commission has observed a substantial gap in perception as to the utility of these systems between the producers and the teachers who must apply them. Producers must provide materials that are appropriate to teachers' needs, and teachers must be provided with the necessary training to apply this technology effectively.

"Second, economically advantaged students often have access to computer systems at home or in schools, and thus learn to use the computer as an effective tool. . . . Disadvantaged students may have only limited access to computers, and then only in school for drill and practice. Equal access for all segments of the student population to the best technology available is clearly an important issue. Rapid growth in the number of computers available in the schools may ameliorate such unequal distribution.

"Third, computers are, at their current level of development, educational tools to assist teachers. They are not replacements for teachers.

"Fourth, some currently available software is not of high quality and is difficult to integrate with the curriculum. Many teachers have had unsatisfactory experiences with inadequate software. Improved programs are becoming available and much better programs are expected." (pp. 53-54)

Twentieth Century Fund

Why and How: ". . . we think that schools across the nation must at a minimum provide the same core components to all students. These components are the basic skills of reading, writing, and calculating; technical capability in computers; training in science and foreign languages; and knowledge of civics, or what Aristotle called the education of the citizenry in the spirit of the polity." (p. 1)

Problems: Not addressed.

Task Force on Education (ECS)

Why and How: "In one sense, the advance of technology in the workplace makes work easier by reducing physical demands. But inevitably the advance of technology makes other intellectual and psychological demands. Even those inventions that makes calculations faster and easier—computers, for example—require a high degree of adaptability [of workers]." (p. 14)

"And existing learning time should be made more effective in other ways as well: through the use of student 'mentors,' for example, through the use of high quality and up to date textbooks and through the use of technologies in education—computers, film and videotape, for example—in ways that extend the reach of teachers." (p. 38)

Problems: Not addressed.●

SUPPORT FOR CORRECTIONAL EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. HAWKINS. Mr. Speaker, one of the more neglected areas of support for education exists in the Nation's prisons and jails. The Nation has a considerable stake in the future of its inmate population—that exceeds 600,000 persons—since 95 percent of all inmates return to society after serving an average sentence of between 2 and 3 years. Yet correctional institutions, by and large, offer little opportunity for inmates to receive education, vocational training, and job skills that would prepare them to reenter society in a productive way.

One proposal to strengthen inmate education has been advanced by my colleague, Congressman JOHN CONYERS. His legislation, The Federal Correction Education Act (H.R. 3684) would authorize funds for inmate education, direct the Secretary of Education to distribute funds through all State education agencies, and require that State and local correctional institutions utilize these funds for the education of their inmates.

I want to share with my colleagues at this point in the RECORD Representative CONYERS' testimony before the Senate Subcommittee on Education, Arts and Humanities during hearings on vocational and correctional education. The testimony makes a convincing argument for the strengthening of correctional education.

TESTIMONY OF HON. JOHN CONYERS, JR.—THE NEED FOR CORRECTIONAL EDUCATION

Mr. Chairman and Members of the Subcommittee, I am honored to appear before you today, along with the distinguished Executive Director of the Correctional Education Association, Dr. Osa Coffey, as well as Dr. Lane Murray, the Association's President and Superintendent of the Windham Correctional School District in Texas, and Rev. John Erwin, founder of the pioneering Pace Program for correctional education.

It also is my privilege to be the House sponsor of the Federal Correctional Education Assistance Act (H.R. 3684), designed and first introduced in the Senate by our esteemed colleague, Senator Claiborne Pell, to provide inmates with the training and education necessary for them to lead productive lives in society.

All of us are brought together out of a deep concern for a sorely neglected group of Americans—the more than 600,000 inmates of Federal, State, and local correctional institutions and the even larger group, estimated at 2.2 million individuals, who are at any given time under some form of correctional supervision.

The Subcommittees on Crime and Criminal Justice that I have chaired held a number of hearings in the past several years on the relationship between crime and unemployment. The record of these hearings has forcefully demonstrated the recurring link between unemployment, the lack of job experience and the absence of employable skills, on the one hand, and the persistence and increase of criminal behavior, on the other. The failure, by and large, of Federal, State, and local governments and of correctional institutions to make available to inmates adequate correctional education figures prominently in this equation.

The nation has a great stake in the future of its inmate population since 95 percent of all inmates return to society after serving an average sentence of 2 to 3 years. Yet, tragically, some 60 percent of released offenders wind up back in the jails and prisons.

I am here to suggest that a relatively modest commitment of additional resources to train and educate inmates so that they would be employment ready upon release would go a long way toward their rehabilitation. In particular, the mandating of vocational education funds for inmates, as part of the reauthorization of the Vocational Education Act, also would reduce the tremendous fiscal and social costs that accompany incarceration and recidivism. These costs not only include the billions of dollars spent to maintain and expand correctional facilities, but also the costs of public assistance to inmate families and the costs to society of the social disorder that criminal behavior generates.

At the present time, the correctional system, that embraces 561 State prisons, 49 Federal facilities, 3,500 local jails and 2,600 juvenile retention centers, is costing in excess of $8 billion annually. The rate of growth in the inmate population and in correctional expenditures is truly astounding. Yet what are we getting for this spending?

Prison overcrowding is getting worse. Violence in our correctional institutions, including an upsurge in rioting, is on the rise. This past year alone 110 homicides and 138 suicides have occurred in the prisons. The overcrowding, combined with the inactivity and boredom prevailing in most facilities, constitutes an explosive condition.

The great majority of inmates are male, poor, undereducated, and lacking in any substantial job skills or work experience. Forty-seven percent are black. Sixty-three percent never finished high school. Nearly half were unemployed at the time of their arrest. A majority are learning disabled.

For the most part, correctional institutions offer few opportunities for education, job training, or building marketable skills. Very few institutions offer transitional services that prepare inmates to re-enter society. On the average, the States spend less than 5 percent of their correctional budgets on inmate education. As a result, less than one-third of the inmate population is engaged in educational programs—most of which are meager at best—and only 12.5 percent are involved in vocational programs.

As long as society refuses to define the goals of incarceration in terms of rehabilitation, the existing conditions can only get worse. It is commonly acknowledged by correctional officials that prisons today serve as little more than open classrooms for the propagation of criminal learning. What the Education Commission of the States reported in 1976 holds true today: "It is obvious that to the extent that offenders cannot use knowledge and skill obtained from the normal society, they will use knowledge and skill obtained from deviant cultures to cope in whatever way they can."

The glaring gap between inmate needs and resources has not gone unnoticed by the highest ranking law enforcement officials in the nation. Chief Justice Warren Burger has long championed correctional education as "a common sense application of the concept of society's collective self-interest." Two years ago, in response to the findings of the National Advisory Council on Vocational Education, Justice Burger warned: "Without any positive change, including learning marketable job skills, a depressing number (of inmates) . . . will return to a life of crime after their release. One small but practical positive step . . . is the introduction of mandatory educational and vocational programs for all inmates."

Numerous studies have demonstrated that correctional education, especially vocationally-oriented, leads to tangible, positive results. A study of inmate education in Texas, for example, found that the recidivism rate among offenders enrolled in an educational program was half the rate among those who did not participate. A study of Virginia's Correctional Center for Women found that the recidivism rate diminished in relation to the extent of training and education that inmates received. Whereas the general inmate population in that institution had a repeater rate of 34 percent, the inmates who had completed a business education program had a rate of only 4 percent. An Ohio study indicated that the longer an inmate is involved in education and training, the less likely he or she will become a repeater. These studies emphasize the importance of the quality and content of correctional education. Programs that offer inmates practical, marketable skills have proved to be the most successful. The National Center for Research in Vocational Education has identified the Somers Correctional Institution in Connecticut as having one of the most successful vocational education programs. Upon release 75% of its inmate participants found employment. During their enrollment, motivation and achievement dramatically improved.

The Federal Bureau of Prisons has developed a well-organized correctional education program that has shown high enrollment, positive inmate evaluation, and successful outcomes. Unfortunately, few States have had either the disposition or the resources to develop programs on their own. A letter I recently received from Benjamin Groomes, education director of the State of Florida's Corrections Department, cogently summarizes the problem in correctional education that has been cited in numerous other communications from state correctional officials. Groomes writes in an October 5th letter: "Florida Correctional System is presently the third largest in the country. Approximately 68% of those incarcerated do not possess a high school diploma with more than 60% not having a marketable skill. While there have been strong efforts by the Department to provide educational services, we have been unable to acquire the level of resources appropriate to the need."

The most effective correctional education system appears to exist in only eight States that have created correctional school districts and that are able directly to utilize federal education assistance in their institutions. Even in these States, however, correctional facilities are forced to compete with the schools for scarce resources.

Outside of these States, the only substantial Federal assistance derives from Chapter 1 of the Education Consolidation and Improvement Act of 1981 and the Education for Handicapped Children Act of 1977. The former only provides supplemental education funds for inmates under the age of 21. The latter basically provides only diagnostic services for juvenile offenders.

In general, there are numerous obstacles in the way of adequate inmate educational assistance. The Vocational Education Act authorizes, but does not mandate, inmate education. There is no uniform definition or set of standards governing inmate education. As a result, the National Advisory Council on vocational Education found that only 5 States provide comprehensive and thorough vocational programs for inmates. The widespread lack of cooperation between State education agencies and correctional facilities hampers positive action. Correctional officials also have difficulty dealing with the maze of rules and regulations in Federal assistance programs.

The few Federal programs that deal specifically with State and local correctional facilities are badly understaffed. The National Institute of Corrections (NIC) has recently undertaken a joint demonstration program with the Department of Education, but has assigned only a single staff aide to correc-

tional education. NIC focuses its assistance on prison maintenance rather than inmate education.

In 1979 the Comptroller General reported to Congress that "most States could use Federal assistance programs to help improve curriculum materials and implementation of the education and training programs in their correctional institutions." GAO recommended the targeting of Vocational Education Act assistance for the development of screening and evaluation of inmates' educational needs, the creation of uniform curricula in correctional education, and the prioritizing of vocational and on-the-job training.

In its March, 1981 report, "Vocational Education in Correctional Institutions," the National Advisory Council on Vocational Education recommended that Congress (a) "include in the VEA reauthorization language and policy assuring correctional programs access to funding and services under all provisions of the Act," (b) that "Federal funds, either through the VEA or additional legislation, should be made available to upgrade and expand existing facilities and equipment used in correctional vocational education," (c) that "(such) funds be administered by the state education agency rather than sent directly to correctional agencies, and (d) that "the U.S. Department of Education should establish an Office of Correctional Education."

The Federal Correctional Education Assistance Act would accomplish these purposes. It authorizes $25 million annually for a three-year period for the implementation of a number of correctional education programs, with an emphasis on vocational education and training. It also would include basic education, transitional services such as counseling and job placement, and cooperative programs with private industry for on-the-job training. The program would be administered by the Secretary of Education and funds would be distributed to State education agencies in all States on the basis of their inmate populations. The bill would mandate that the funds be spent solely on inmate education and this mandate would be closely supervised by the Secretary. I am pleased to report that in the relatively brief time since the bill's introduction, 34 Members of the House are sponsors, including the two chairmen of the Subcommittees under whose jurisdiction the legislation falls.

While I am confident that support for this legislation will continue to grow, it is essential now to take steps to reverse the current situation in our jails and prisons and begin to commit solid resources to State and local correctional institutions for the training and education of inmates. Enough models and tested programs now exist to guide the implementation of this federal program.

I urge the Subcommittee to consider setting aside certain funds for the sole purpose of correctional education, as it undertakes reauthorization of the Vocational Education Act.

It is time now to acknowledge that the goal of merely segregating offenders from society and ignoring their future needs upon release is neither viable nor desirable. It is time for Congress to make a solid commitment to inmate rehabilitation with the expectation that upon release the great majority of inmates will have acquired the skills, training and knowledge that will permit them to be gainfully employed and to lead productive lives in society.●

FIELD HEARING ON COMPUTER DONATION TAX LEGISLATION; SUBCOMMITTEE SEEKS ANSWERS TO EDUCATIONAL QUESTIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. STARK. Mr. Speaker, on November 11, the Ways and Means Subcommittee on Select Revenue Measures will hold a hearing in San Francisco to obtain information on the effectiveness of California State tax legislation encouraging the donation of computers to schools, and what lessons the California experience has for Federal tax legislation.

In 1982 the House passed and the Senate Finance Committee approved my bill, H.R. 5733, designed to encourage all computer companies to donate equipment to the Nation's schools. Unfortunately, the bill failed to clear the Senate floor before adjournment. Fortunately for California students, however, the State assembly had passed legislation providing that if Federal legislation were not enacted, a somewhat similar tax incentive program would come into effect for California.

As a result of this State legislation, approximately 11,000 computers have been donated by a number of computer firms to California schools. Mr. Speaker, this is a classic example of the advantages of federalism, in which the States can provide valuable lessons to each other and the Federal Government. The subcommittee hopes to learn from its California hearing whether we should indeed enact this year's version of the Computer Contribution Act (H.R. 701), whether it should be amended, and if so, how.

There is widespread support for legislation to speed the introduction of computers to schools, particularly so lower income schools do not fall behind in the use of this important learning tool.

But significant questions have arisen the giving of equipment alone is wise, if schools and teachers are unprepared or untrained, if there is no curriculum of use, if the software is weak, and so forth. In other words, how can we maximize the learning potential of the computer, once we have it in the classroom?

Therefore, the subcommittee wants to concentrate on a number of educational questions. As the subcommittee's press release states:

The purpose of the field hearing is to determine whether tax concessions encourage substantially increased donations of equipment and whether these donations serve a useful educational purpose in the recipient schools. In addition, the Committee is interested in determining whether these donations have been equitably distributed between schools in different geographic areas and among economically divergent school districts. The Committee hopes to determine whether the California experience might serve as a useful model for a national program.

H.R. 701 includes a requirement for a plan of giving. Thus, a tax incentive for the computer contribution is available only if, among other things, "the contribution is made pursuant to a written plan of the taxpayer which shall seek to prevent undue concentrations of the taxpayer's contributions of computer equipment from the geographic standpoint or from the standpoint of the relative economic status of the donees' students."

The question is, should this plan of giving requirement be expanded to include such things as:

A requirement that more than a certain percentage of the contributions be made in schools where the family income is below average;

Teacher training, equipment upgrading, and software assistance be provided (and included in determining the value of the contribution);

The school being certified have a plan of use for computers, teachers prepared to use the equipment, and so forth.

I hope that the hearing will help obtain answers to these types of questions. This tax incentive bill is estimated to result in about 4 dollars or 5 dollars' worth of donations for every $1 of Treasury cost. But even with this very favorable cost/benefit ratio, we still face the problems of a Treasury cost in an era of unprecedented deficits. Therefore, we must be very, very certain that no donations are wasted, and that the full potential of the benefits is achieved.

Individuals and groups interested in submitting testimony should write (including five copies of statement) to John J. Salmon, chief counsel, Committee on Ways and Means, U.S. House of Representatives, room 1102, Longworth House Office Building, Washington, D.C. 20515, by close of business, November 28, 1983.●

FAIR PRACTICES IN AUTOMOTIVE PRODUCTS ACT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. OTTINGER. Mr. Speaker, I urge my colleagues to vote in favor of H.R. 1234, the Fair Practices in Automotive Products Act, which I reintroduced this Congress. The need for this legislation is as strong as ever if this Congress wishes to assist this Nation in maintaining a strong automobile industry and a healthy economy.

Opponents of this legislation point to the so-called recovery as proof that

the auto industry can heal itself. Yet thousands of unemployed workers in the direct auto and supplier industries are not seeing the benefits of this supposed recovery. Auto sales and employment have fallen drastically since the peak production year of 1978, while imports are occupying a greater and greater share of the market.

In early 1983, 270,000 direct auto workers lost their jobs since 1978. Although 90,000 of them have been rehired, 180,000 remain unemployed. In the auto-supplier industry, 600,000 workers were laid off since 1978. Many of these workers have not been rehired because the American manufacturers are steadily increasing the practice of foreign sourcing for parts.

While American production of automobiles has dropped 40 percent since 1978, the import penetration has continually increased. Between 1973 and 1983, imports in the United States have doubled from 13 percent of our market to 26 percent. Despite Japan's voluntary-restraint agreement which hold their auto imports to 1.68 million units per year, they occupy 22 percent of the American market this year, or 80 percent of the total imports sold in this country.

Even the American manufacturers readily agree that the recent upswing in domestic car sales does not indicate genuine recovery. Both Chrysler and Ford have urged me to support the extension of Japan's voluntary-restraint agreement for an additional year at the present level. Only General Motors has requested that the level be increased to 2 million vehicles so they can import 300,000 small cars from Japan and sell them under the GM label.

While I believe the voluntary quotas are needed, they are a short-term fix to a long-term problem. This Nation cannot continue to adopt a year-by-year automobile trade policy with the Japanese and believe that this will be the answer to our depressed auto industry. Quotas are a noncompetitive short-term solution to the auto problem. If this Nation chooses to shelter our auto industry with quotas the consumer will be the loser who will find fewer choices and higher prices.

H.R. 1234 is the answer we need for a healthy and competitive automobile industry. It will create jobs—193,000 direct automobile jobs and, in the absence of foreign retaliation, over 1 million jobs throughout the economy will be created.

There will be no retaliation. The Japanese manufacturers, who practically hold a monopoly in the U.S. small-car market, would lose 17 to 25 percent of their market if they pulled out of the United States. Nor could the Japanese or the European governments afford to retaliate against other U.S. industries. Japan and Western Europe are highly dependent on the agricultural goods and raw materials they import. While all nations would undoubtedly suffer under an all-out trade war, Japan and Western Europe would be the worst off.

When the legislation comes up for consideration by the full House, I urge my colleagues to vote in favor of this legislation. This bill will help the United States regain the strength the industry has lost over the past decade and save American jobs. It has already sent a message to Japan that continuous abuse of trade will bring congressional action. It is high time that the opponents to the bill understand it is unrealistic to expect America to remain strong and influential in the world, if all basic industries which comprise our industrial strength, move overseas.

I am pleased that 165 Members, Democrats and Republicans, have cosponsored this year. For the edification of my colleagues, their names are listed below:

COSPONSORS

1. Gary Ackerman (D-N.Y.).
2. Joseph Addabbo (D-N.Y.).
3. Donald Albosta (D-Mich.).
4. Bill Alexander (D-Ark.).
5. Frank Annunzio (D-Ill.).
6. Douglas Applegate (D-Ohio).
7. Les Aspin (D-Wis.).
8. Howard Berman (D-Calif.).
9. Tom Bevill (D-Ala.).
10. Mario Biaggi (D-N.Y.).
11. Edward Boland (D-Mass.).
12. William Boner (D-Tenn.).
13. David Bonior (D-Mich.).
14. Robert Borski (D-Pa.).
15. Jack Brooks (D-Tex.).
16. John Bryant (D-Tex.).
17. Sala Burton (D-Calif.).
18. Thomas Carper (D-Del.).
19. Bob Carr (D-Mich.).
20. William Clay (D-Mo.).
21. Cardiss Collins (D-Ill.).
22. Silvio Conte (R-Mass.).
23. John Conyers (D-Mich.).
24. William Coyne (D-Pa.).
25. Geo. W. Crockett Jr. (D-Mich.).
26. Norman D'Amours (D-N.H.).
27. Robert Davis (R-Mich.).
28. John Dingell (D-Mich.).
29. Julian Dixon (D-Calif.).
30. Wayne Dowdy (D-Miss.).
31. Thomas Downey (D-N.Y.).
32. Richard Durbin (D-Ill.).
33. Bernard Dwyer (D-N.J.).
34. Mervyn Dymally (D-Calif.).
35. Roy Dyson (D-Md.).
36. Joseph Early (D-Mass.).
37. Dennis Eckart (D-Ohio).
38. Bob Edgar (D-Pa.).
39. Don Edwards (D-Calif.).
40. Lane Evans (D-Ill.).
41. Walter Fauntroy (D-D.C.).
42. Edward Feighan (D-Ohio).
43. Geraldine Ferraro (D-N.Y.).
44. Thomas Foglietta (D-Pa.).
45. Harold Ford (D-Tenn.).
46. William Ford (D-Mich.).
47. Wyche Fowler (D-Ga.).
48. Barney Frank (D-Mass.).
49. Martin Frost (D-Tex.).
50. Robert Garcia (D-N.Y.).
51. Joseph Gaydos (D-Pa.).
52. Sam Gejdenson (D-Conn.).
53. Richard Gephardt (D-Mo.).
54. Newt Gingrich (R-Ga.).
55. William Gray (D-Pa.).
56. Frank Guarini (D-N.J.).
57. Katie Hall (D-Ind.).
58. Sam Hall (D-Tex.).
59. Tony Hall (D-Ohio).
60. Tom Harkin (D-Iowa).
61. Frank Harrison (D-Pa.).
62. Augustus Hawkins (D-Calif.).
63. Dennis Hertel (D-Mich.).
64. Elwood Hillis (R-Ind.).
65. Frank Horton (R-N.Y.).
66. James Howard (D-N.J.).
67. Carroll Hubbard (D-Ky.).
68. William Hughes (D-N.J.).
69. Andrew Jacobs (D-Ind.).
70. Nancy Johnson (R-Conn.).
71. Ed Jones (D-Tenn.).
72. Marcy Kaptur (D-Ohio).
73. Robert Kastenmeier (D-Wis.).
74. Barbara Kennelly (D-Conn.).
75. Dale Kildee (D-Mich.).
76. Ray Kogovsek (D-Colo.).
77. Joe Kolter (R-Pa.).
78. Peter Kostmayer (D-Pa.).
79. John LaFalce (D-N.Y.).
80. Tom Lantos (D-Calif.).
81. Jim Leach (R-Iowa).
82. Mickey Leland (D-Texas).
83. Sander Levin (D-Mich.).
84. William Lipinski (D-Ill.).
85. Clarence Long (D-Md.).
86. Thomas Luken (D-Ohio).
87. Frank McCloskey (D-Ind.).
88. Joseph McDade (R-Pa.).
89. Bob McEwen (R-Ohio).
90. James McNulty (D-Ariz.).
91. Edward Madigan (R-Ill.).
92. Edward Markey (D-Mass.).
93. Matthew Martinez (D-Calif.).
94. Robert Matsui (D-Calif.).
95. Nicholas Mavroules (D-Mass.).
96. Barbara Mikulski (D-Md.).
97. Norman Mineta (D-Calif.).
98. Joe Minish (D-N.J.).
99. Parren Mitchell (D-Md.).
100. Joe Moakley (D-Mass.).
101. Alan Mollohan (D-W. Va.).
102. Jim Moody (D-Wis.).
103. Bruce Morrison (D-Conn.).
104. Austin Murphy (D-Pa.).
105. John Murtha (D-Pa.).
106. Bill Nichols (D-Ala.).
107. Henry Nowak (D-N.Y.).
108. Mary Rose Oakar (D-Ohio).
109. James Oberstar (D-Minn.).
110. Solomon Ortiz (D-Tex.).
111. Major Owens (D-N.Y.).
112. Jerry Patterson (D-Calif.).
113. Donald Pease (D-Ohio).
114. Carl Perkins (D-Ky.).
115. Melvin Price (D-Ill.).
116. Nick Joe Rahall (D-W. Va.).
117. Charles Rangel (D-N.Y.).
118. William Ratchford (D-Conn.).
119. Bill Richardson (D-N. Mex.).
120. Matthew Rinaldo (R-N.J.).
121. Robert Roe (D-N.J.).
122. Buddy Roemer (D-La.).
123. Harold Rogers (R-Ky.).
124. Edward Roybal (D-Calif.).
125. Marty Russo (D-Ill.).
126. Martin Olav Sabo (D-Minn.).
127. Gus Savage (D-Ill.).
128. James Scheuer (D-N.Y.).
129. Patricia Schroeder (D-Colo.).
130. John Seiberling (D-Ohio).
131. James Shannon (D-Mass.).
132. Philip Sharp (D-Ind.).
133. Richard Shelby (D-Ala.).
134. Gerry Sikorski (D-Minn.).
135. Paul Simon (D-Ill.).
136. Ike Skelton (D-Mo.).
137. Christopher Smith (R-N.J.).
138. Stephen Solarz (D-N.Y.).

139. Gerald Solomon (R-N.Y.).
140. Harley Staggers (D-W. Va.).
141. Pete Stark (D-Calif.).
142. Louis Stokes (D-Ohio).
143. Samuel Stratton (D-N.Y.).
144. Gerry Studds (D-Mass.).
145. Esteban Torres (D-Calif.).
146. Robert Torricelli (D-N.J.).
147. Ed Towns (D-N.Y.).
148. Bob Traxler (D-Mich.).
149. Tom Vandergriff (D-Tex.).
150. Bruce Vento (D-Minn.).
151. Harold Volkmer (D-Mo.).
152. Doug Walgren (D-Pa.).
153. James Weaver (D-Oreg.).
154. Ted Weiss (D-N.Y.).
155. Alan Wheat (D-Mo.).
156. Lyle Williams (R-Ohio).
157. Charles Wilson (D-Tex.).
158. Timothy Wirth (D-Colo.).
159. Robert Wise (D-W. Va.).
160. Howard Wolpe (D-Mich.).
161. Antonio Won Pat (D-Guam).
162. Jim Wright (D-Tex.).
163. Gus Yatron (D-Pa.).
164. Robert Young (D-Mo.).
165. Clement Zablocki (D-Wis.).●

DUCKING THE AIRBAG—AGAIN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. LANTOS. Mr. Speaker, every year 10,000 Americans die in automobile accidents—10,000 men, women, and children who do not need to die. By the simple expedient of requiring airbags in automobiles, these individuals could survive the accidents that now claim their lives.

Furthermore, the Department of Transportation has delayed until next July a decision on whether to require airbags on new automobiles. This controversy would make little difference, if it were not for the fact that between now and next July an additional 7,500 Americans will die, and some of them might be saved if airbags were required.

Earlier this year I introduced H.R. 2693 the Automobile Safety Act of 1983. Among the provisions of this act is the requirement that airbags be included on all new automobiles. I invite my colleagues to join me in cosponsoring this needed piece of legislation.

Mr. Speaker, I call to the attention of my colleagues in the House an editorial that appeared in this morning's New York Times regarding the airbag issue.

DUCKING THE AIRBAG AGAIN

Why won't Washington require the auto industry to use a relatively inexpensive, decades-old technology that could save 10,000 lives a year? Only because the inflating cushion restraint, popularly known as the airbag, has become a symbol of Big Brother for those who want less government. And the latest word from Transportation Secretary Elizabeth Dole suggests that she is reluctant to challenge conservative gospel.

Seat belts work well to reduce auto injuries—but only when they are fastened. When it was discovered that few riders are willing to buckle up, safety officials sought a technological fix.

The record of airbag restraints, sold as options on 10,000 General Motors cars in the mid-70's, shows them to be a reliable, unobtrusive alternative to shoulder belts. It is estimated that protection for front seat occupants would run to about $300, half the price of air-conditioning. But with the help of those who think government has no right to dictate safety standards, Detroit has resisted an airbag requirement.

The latest skirmish began in 1981. In its eagerness to get Washington off Big Auto's back, the Reagan Administration rescinded a rule requiring some form of "passive" restraints in all cars. As written, the rule would have given auto makers a choice of installing airbags or detachable automatic belts, like those available on Volkswagen Rabbits. Officials guessed that Detroit would opt for the cheaper belts and that the belt-hating public would detach them. So the expenditure would prove a waste.

Last year a Federal appeals court, wondering why the Transportation Department didn't repair the faulty rule by insisting on airbags, called the retreat "arbitrary and capricious." In June, all nine justices of the Supreme Court agreed. Mrs. Dole, then new on the job, promised to rethink her predecessor's position.

Mrs. Dole might have called for an end to the 14-year-old debate and solicited comments from the auto companies on when they might reasonably provide airbags. Instead she punted, offering a list of alternatives that range from no passive restraints to a demonstration program for airbags. She deferred a final decision until next July.

This stale controversy would matter little if people would use their seat belts. But they don't, and few opponents of airbags would sanction police action to make them. So while Mrs. Dole ponders the options, a few thousand more Americans will exercise their right to die on the highways, and a few thousand others will taste life on the disability rolls. It's an expensive delay.●

INTERNATIONAL CONFERENCE ON THE QUESTION OF PALESTINE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. RAHALL. Mr. Speaker, I would like to bring to my colleagues' attention a speech given by a former colleague of ours, Hon. Pete McCloskey, recently at the International Conference on the Question of Palestine in Geneva. With the situation in the Middle East dominating the news and the deepening involvement of our U.S. Marines in the region, I feel that Mr. McCloskey's speech gives us added insight in the conflict in that troubled region of the world.

His speech follows:

SPEECH BY MR. PAUL N. MCCLOSKEY, INTERNATIONAL CONFERENCE ON THE QUESTION OF PALESTINE, SEPTEMBER 1, 1983

I am honored that you have asked me to address this Conference as a private U.S. citizen, particularly as a 15 year veteran of the U.S. Congress and as one who as a marine served in the first U.N. Peacekeeping Force in Korea in 1952. And yet, it is perhaps fitting that this Conference be addressed by a private citizen of the United States. As Mr. Kaddoumi of the P.L.O. said on Tuesday, it is to the private citizens of the United States, not the current policies of the U.S. government, where the Palestinians look for justice. I suspect that every delegate here would agree that the fastest way to achieve Palestinian self-determination and a Palestinian state is by changing the minds of 200 million private American citizens who until recently have provided, through their Congress, almost automatically increasing sums of money from the United States to support Israel's invasion of Lebanon and Israel's settlements on the West Bank and Gaza.

So long as that U.S. assistance continues regardless of what Israel does, there seems little chance to curb Israeli violation of U.N. resolution or to achieve justice for the Palestinians. The battle for justice in the Middle East may therefore be won or lost in the minds and hearts of the American people. Many of you have said this to me in the past several days. This may be the single greatest reality which underlies this whole Conference.

If, for example, after Israel invaded Lebanon in June 1982, the United States Congress had cut military assistance to Israel under the same law which we invoked to cut aid to Turkey when Turkey used U.S. weapons to invade Cyprus in 1975, I suspect that there would be no Israeli soldiers in Lebanon today and no rapid building of Israeli settlements on the West Bank. The massacres at Sabra and Chatila may well have been prevented.

Because the goals of this Conference can best be achieved by a change in American public opinion, I hope you will not mind if I advance a few suggestions as to how this Conference can act to change American public opinion. This is presumptuous on my part, but I hope you will forgive me for passing on to you the experience of 15 years in the American Congress and ten election campaigns. I do this in part because it has taken me so long to learn about the cultures and the political systems of the countries you represent, and I have found, in turn, that many representatives of foreign nations are unaware of two basic principles of the American system of government. Indeed, many Americans are unaware of these two principles. They are almost secret principles—kept as secrets by politicians, and even sometimes, at least as involving Israel, by an American press, which, as you know has very few Arab reporters, newspaper publishers or television commentators.

The first of these secrets is that Congress, not President Reagan, presently controls U.S. foreign policy. The second secret is that some 2 per cent of the American people presently control Congress on our foreign policy with respect to the Palestinians.

Our system is not the type of parliamentary democracy that you see in Great Britain, or France or Japan or Israel. Our system rests on an election every two years of those representatives who alone are given the power under our constitution to levy taxes, declare war, or grant money.

It is not the President who gives three billion this year to Israel, only the Congress can authorize that money. If the Congress decrees that Israel will receive 65 modern fighter bombers, the President must comply. The President in turn cannot sell

the AWACS to Saudi Arabia or cruise missiles to Jordan if the Congress forbids it. Note what happened last year when Israel invaded Lebanon last June.

The Israeli's broke 4 solemn and specific agreements with the U.S.A.:

1. In invading Lebanon with U.S. supplied weapons, they violated not only the U.S. Arms Control Law but a solemn agreement that Israel would use these weapons only in self-defence.

2. When Israel used the cluster bomb (CBU) it violated a second solemn agreement that that terrible weapon would only be used if Israel was attacked by the regular forces of two or more nations, and that cluster bombs would never be used in a built-up civilian area. (When I met with Chairman Arafat in West Beirut last July, I found U.S. cluster bomb shells all over the streets of West Beirut including in the courtyard of a Lebanese hospital which housed 800 mentally retarded children).

3. President Reagan proposed his Peace Plan on 1 September a year ago, a plan which sought a freeze on the West Bank settlements, as had been contemplated in the Camp David agreement, Prime Minister Begin rejected the proposal entirely and announced that he was accelerating the pace of development of those settlements.

4. And finally, worst of all, when Ambassador Habib prevailed upon Chairman Arafat and the P.L.O. military forces to leave West Beirut, promising that the women and children and old people left behind would be protected, Israel violated that agreement, and moved into West Beirut, cordoned off the refugee camps of Sabra and Chatila and in the same words as used by Adolph Hitler 40 years ago, ordered in the Phalangists to "purge" the camps.

The U.S. marines were ordered in to protect the Palestinians against Israelis and their allies, the Phalangists.

Yet, in spite of these almost incredible violations of commitments by Israel, a few months later the U.S. Congress voted even more money for assistance to Israel than President Reagan had requested.

It is no wonder that President Reagan has not yet been able to cut off aid to Israel. The Congress would not permit it.

Now, it is true that the American public opinion which for 35 years had been sympathetic to Israel, moved strongly towards justice for the Palestinians during those dark days in the summer of 1982. Despite this shift in public opinion however, Congress, with hardly a dissenting voice, subsequently increased aid to Israel.

You ask why. The answer is simple, but it is not known to very many people, even in the U.S.A. This is the second great secret of our political system. Public opinion does not move Congress until it is translated into political action and involvement. In our political system, a small group of people, perhaps two percent of the entire American public, today control the American political system. If they care deeply enough they can wield greater political power than American presidents.

This seeming contradiction occurs because most members of the U.S. Congress are elected by 2-4 percent of the people who vote. If a Congressman would ordinarily win his seat in Congress by a vote of 52 percent to 48 percent, a shift by 2 percent of the electorate who vote on one issue alone, can change a victory into defeat.

This result is enhanced during a period of antagonism toward the government and public apathy such as has existed in the U.S. since the disillusionment of the Vietnam war and Watergate. If only half of the American people care enough to vote, then the 2 percent minority which cares deeply becomes equal to 4 percent of the vote . . . enough to defeat most candidates for Congress.

If that minority also retains a deep sense of insecurity and fear, resulting from the holocaust and years of anti-semitism; if that minority by virtue of its hard work, family solidarity and individual efforts, has achieved leadership in the fields of banking, law, movie making, and particularly radio and television networks, no Congressman dares challenge that minority.

Democracy thus is not run by either the President or by the majority opinion of the people. Today the decisions of the United States on the Middle East are determined by the Congress, which in turn, is controlled by the power and dedication of that 2 per cent of the American people who support the organized Jewish political effort on behalf of Zionism. That dedicated effort by 2 per cent of the American people has also furnished 8 Jewish senators out of 100 U.S. senators and 33 Jewish congressmen out of 435 U.S. congressmen.

Political power in America is thus there for those who care deeply enough to take it. The Jewish community in America cares, while the Arab American community has thus far been disorganized, divided and confused by the same divided views which characterize the Arab world itself.

The result has been that when one Member of Congress, Paul Findley, spoke out for recognition of the P.L.O. on the floor of the Congress last year, he was defeated by the single minded and powerful financial effort of the Jewish community throughout the U.S. sending money and effort into his congressional district. The effect on other Members of Congress was substantial. At least 30 members of the Congress told me privately that they agreed that Prime Minister Begin's policies were a disaster, not just for the U.S. but indeed for Israel, yet all said also that they dared not say so publicly if they wanted to be re-elected.

This should give you some idea as to what this Conference is up against if it is to successfully change American public opinion so forcefully that individual congressmen can speak out for the Palestinian cause.

There is one step, however, that this Conference can take, a step which, more than any other, could both change American public opinion, and give President Reagan the power to recognize the legitimacy of the P.L.O.

Let me speak for a moment about American public opinion.

Like opinion in any country, American public opinion can often be wrong. Americans can be deluded, they can be deceived, they can be biased. American public opinion can be shaped by historic identities with one people and with historic distrusts of different philosophies which are not always understood. Americans are not always quick to try to understand foreign cultures or foreign religions or foreign interests.

But there is a basic fairness in the American people, and sooner or later that sense of fairness and free press and free expression and the freedom to assemble and petition for redress of grievance and injustice will lead the American people to insist on justice.

Fundamentally, you must establish in the minds of the American people, that the Palestinian cause is just and the Israeli cause is no longer just. To do this, to appeal to the inherent feelings of the American people, requires a step I am afraid this Conference is unwilling to take.

That step is simple. It involves only, in this international setting of the United Nations, that the Conference recognize all of the United Nations resolutions. This includes the original partition resolution 181 of the General Assembly in 1947; it also includes Security Council resolutions recognizing Israel. Israel is required by United Nations resolution 242 to withdraw from the territories occupied following the 1967 war, for example, the second and balancing provision of 242 grants Israel's right to exist free from fears or threat of force.

It is understandable that Palestinians from Jaffa, Acre, West Jerusalem will rebel from a recognition of Israel which denies them the right to return to their homes in peace and dignity. It is understandable that Arab leaders are unwilling to state clearly and unequivocally that if a Palestinian state is to come into being, the price that must be paid is the recognition of an Israeli state. I do not speak of the fairness of this question for Palestinians. But I do speak to the essential emotions to achieve that fairness which can cause a change in the minds and hearts of the American people. I would therefore plead that you end this Conference with an unequivocal and clear recognition and acceptance of all United Nations resolutions relating to the Palestinian question, including resolution 242 in all of its parts. If this Conference should take that single step, I believe you would find a definite change in the attitude of the American people and the acceptance by the American people that the Israelis also accept that clause in resolution 242 which requires withdrawal by Israel from the West Bank, Gaza, the Golan Heights and East Jerusalem.

The single step I speak of involves nothing more than adding two clauses to paragraph 3 of the Draft Declaration (document A/CONF.114/L.3, dated 12 August 1983).

Where paragraph 3 reads: "The International Conference is, furthermore, convinced that peace and stability in the Middle East region can be achieved provided the legitimate inalienable rights of the Palestinian people, defined by the United Nations General Assembly, are universally recognized and then secured and implemented.", a second clause would be added: "Equally necessary is the right of Israel to exist with its pre-1967 borders as defined by the Security Council.".

And where the second sentence reads: "Positive and effective action by all concerned is necessary for the purpose of enabling the Palestinian people to attain these rights, including the right of self-determination and the right to establish its own independent State.", the words "and to assure the Israeli people of their right to live in peace within their pre-1967 borders" would be added.

In conformance with this change I would also suggest inserting the word "East" before Jerusalem in paragraphs 6(c) and 6(d).

The greatest danger facing this conference is the temptation to self-delusion. Here we talk only to ourselves. It is easy to say that which is agreeable to the countries represented here.

But the success of this Conference will lie not in what we say to each other, but what the Conference says to the American people, to the European nations, to the Is-

raelis and to the Palestinians in the occupied territories and those scattered around the world.

To the people of the United States, if the message is two-fold: justice for the Palestinians and security for the Israelis within their pre-1967 borders, this Conference will have opened up a broad new debate in the United States . . . the fairness of which can change American public opinion, and ultimately the actions of the U.S. Congress as well.

I would plead with you, therefore, to adopt the simple change I have recommended—to make this Conference's declaration one of fairness and truth rather than one of partisanship.

To my Palestinian friends, I hope you will understand my position. We have often talked how it would be in Israel's best interest to turn away from Begin and his policies of aggression and discrimination. I hope you can understand my belief that it will best serve Palestinian interests if you can clearly and directly say that which is so often privately admitted, that Israel as a State is entitled to exist within its pre-1967 borders as you are entitled to a Palestinian State on the West Bank, Gaza and a capital in East Jerusalem.

In the nations which have declined to attend this Conference, and indeed, in many of the countries who are attending only as observers, it is being said that nothing constructive can come from this Conference, that is one-sided and biased.

I would ask you to prove these doubters and faint-hearts to be wrong. By balancing the rights of Palestinians and Israelis, you not only demonstrate statesmanship, but you start a small movement towards ending the fear which has caused so many fine people, Jewish and non-Jewish, to support the Israeli government even when it has been terribly wrong.

Fear and hatred are the two greatest barriers to reasoned negotiations between human beings . . . in our time it is an understandable fear on the part of the Jews and an understandable hatred on the part of the Arabs. By showing a lessening of the hatred by those who support the Palestinian cause we can hope for a lessening of fear on the part of the Israelis and their supporters.

The stakes are very high. In a relatively short time Arab leaders can expect to control nuclear weapons as the Israelis do today. The bitterest of enemies must realize, as the U.S. and U.S.S.R. have come to realize, that neither side wins a nuclear war. The nuclear destruction of Jerusalem, Mecca, Tel Aviv and Damascus, Haifa and Riyadh, does not bring justice for the Palestinians.

The issue is not our individual pride or the temporary approval of our friends and countrymen. The issue is whether young Palestinians can hope to grow up in peace and dignity, on the West Bank, in Gaza, Jerusalem and Israel itself. This is what self-determination is all about.

Inchallah.●

MARINES IN LEBANON—BRING THEM HOME

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. STARK. Mr. Speaker, I would like to express my most sincere sympathy to the families and friends of the more than 195 marines slain this weekend in Lebanon. It is a terrible tragedy.

Many of us foresaw just such a tragedy, however, and tried, on September 28 of this year, to bring our marines home. We raised the same questions that still go unanswered during the debate last month on whether or not to invoke the War Powers Act, and allow the President to keep the marines in Lebanon for an additional 18 months. Those questions include: Why are our marines in Lebanon? The role of peacekeepers certainly does not seem viable any more. What is, then, the mission of our marines? Are they to sit in their bunkers and foxholes and wait to be fired upon? It certainly does not seem to me that they are helping anyone in this role. And it is obvious from the television interviews of the marines, themselves, that they are not clear about their mission either.

I believe it is time to bring our U.S. marines home. We are not considered impartial peacekeepers by the Lebanese, and can, therefore, never truly fulfill our role as peacekeepers. A multinational force may be necessary in Lebanon, but we are not appropriate as members of that force. We will continue to lose marines, Americans will continue to lose sons, husbands, and brothers for no clear reason if we do not bring them home now. We must not let any more American marines die in Lebanon.

I want to share the following editorial by George Ball. Can't we ever learn from our past experiences, however tragic?

THE SAME MISTAKE ALL OVER AGAIN

(By George W. Ball)

As one who served as a member of the Executive Committee (the Ex-Com) that advised President Kennedy during the Cuban missile crisis and as an official of the Johnson administration during the Vietnam War, I am appalled at the cavalier way the Reagan administration is violating the lessons America should have learned from those searing experiences.

God knows we might have learned from our tragic Vietnam fiasco that, as a great power, we should deploy our troops only where they are vitally needed and it is clear that they can be effectively used. The role of a peacekeeper in Lebanon interposed between fanatical warring factions is clearly not an appropriate undertaking for the United States. Since we are the most powerful nation, our troops and diplomatic representatives are the obvious focus for the expression of rabid discontents. It was clear at the outset that to commit our troops to such an environment would not only hazard their lives and would leave the initiative to lunatic elements, but it would destroy the freedom of action we need to fulfill our role as the only power capable of talking with both sides and promoting a peaceful settlement.

These are not mere afterthoughts; I made precisely those points to the Senate Foreign Relations Committee in my testimony when the move was first proposed. We would, I asserted, be deploying our Marines in an even more hostile situation than that faced by the British in Northern Ireland.

Our Vietnam experience also showed another reason for prudence: as a great power, we should avoid putting our troops in an untenable position, since we would then have to pay a political price to extricate them. Yet, as we learned to our sorrow in Vietnam, we should never let the prospect of that cost prevent us from closing out a hopeless situation. By 1968, even earlier, most Johnson administration officials shaping our policy in Vietnam had concluded that we could never achieve our avowed objectives at anything approaching acceptable cost. Yet they were so obsessed with what they deemed to be the political costs of extrication that they rejected any serious effort to find the least expensive formula for withdrawal.

Unhappily, the Nixon administation learned nothing from the Johnson administration experience, for it made the same mistake all over again, continuing the fight for four more years. How much better off would we have been had we worked out a careful plan of withdrawal when we recognized the hopelessness of our objectives. Not only would we have been spared the searing anguish of four more years of war that tore the country apart and wasted the lives of another 20,000 Americans and several hundred thousand Vietnamese, but we would have faced a far lower bill in lost prestige than we finally incurred by letting a false appraisal of the cost overshadow reality. Prestige, after all, is an elusive and evanescent abstraction that consists of many elements; other nations and peoples will respect us more if we demonstrate prudence, good sense and realism than if we appear obstinate and foolhardly.

Today we seem on the verge of committing the same mistake. The president refuses to recognize that a beleaguered handfull of our Marines in Lebanon cannot possibly achieve any useful mission. The most they can do is to try to protect themselves as best they can while exposing themselves to more and more losses. In the process their bitter plight will exhibit not America's strength but its impotence.

If, as I believe, the president made a grave mistake to announce that we were leaving our Marines in Lebanon, he made an equally grave mistake to make up his mind precipitately. That impulsive action violated another critical lesson deriving this time not from our experience in Vietnam but the Cuban missile crisis. Recently a few of us who advised President Kennedy during that crisis met to rethink our experience. We agreed that had we fixed on a response within the first 48 hours after learning of the discovery of the Soviet missiles, we would almost certainly have made the wrong decision. Our initial view of an appropriate response would have required a forceful Soviet reaction that would probably have set in train a series of reactions and counter-reactions with horrendous consequences. Instead, we postponed all decisions and actions until we had spent a solid week examining the problem from every angle with meticulous care. Through that rigorous process we shaped a coherent strategy that took full account not only of our response to the missiles but the likely Soviet counter-response and how we would then feel compelled to react. In other words, we looked far down the road, trying to predict the probable course of escalation and where it might lead.

We dare not ignore that lesson today. We cannot risk acting on impulse or indulging the luxury of emotion—and we must strictly abjure heroic attitudes and macho responses. Before announcing policy at a time of crisis, it is imperative that we carefully examine all the consequences and look far beyond our initial action. Yet on Sunday the administration stated, before it knew more than a small fraction of the facts and before it had consulted fully and carefully with our allies or with Congress, that our country will not consider extrication but will keep our Marines in place. Whatever the president might have decided after careful analysis, reflection and consultation, that hasty action seemed highly disturbing for its implications in future crises. These days the stakes are distressingly high. The president can minimize the costs of prestige if he acts judiciously; but how foolish we shall look if Congress must force the president's hand.●

THE IMPORTANCE OF KAMEHAMEHA THE GREAT TO THE HISTORY OF OUR COUNTRY

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. HEFTEL of Hawaii. Mr. Speaker, in testimony October 18, 1983, before Congressman JOHN SEIBERLING's Subcommittee on Public Lands and National Parks, Dr. Adrienne Kaeppler made an eloquent statement of the importance of Kamehameha the Great to the history of our country and the significance of honoring him at the site that is now Fort DeRussy.

Dr. Kaeppler, the curator of oceanic ethnology at the Smithsonian Institution and for 20 years a scholar with the Bernice Pauahi Bishop Museum in Honolulu, does establish the property at DeRussy as the most appropriate place for Kamehameha the Great National Monument—the subject of my bill, H.R. 3642.

Because of the importance of this issue to me, I would like to take this opportunity to share her testimony in the CONGRESSIONAL RECORD.

The testimony follows:

TESTIMONY FOR BILL H.R. 3642: TO ESTABLISH THE KAMEHAMEHA THE GREAT NATIONAL MONUMENT IN THE STATE OF HAWAI'I

Warfare was endemic among the high chiefs of the Hawaiian islands. Battles were fought between brothers and cousins and their supporters, as well as by more distantly related chiefs. Kamehameha, a youth at the time of the first European visits to Hawai'i by Captain James Cook of the British navy in 1778–1779, immediately grasped the importance of guns and European technology as superior to the indigenous Hawaiian style of warfare. At the same time he did not ignore the importance of traditional Hawaiian warfare and was said to have the ability to dodge several spears thrown at approximately the same time.

At the death of Kamehameha's uncle (the high chief or King Kalani'opu'u), Kamehameha's cousin (the King's eldest son Kiwala'o) was named as successor and became the new high chief (or King) of the island of Hawai'i. Kamehameha was given the second place in the Kingdom, the keeper of the war god (Kuka'ilimoku). After the traditional reapportionment of land among the "vassal" chiefs, war broke out almost immediately, and at the battle of Moku'ohai (in 1782) the new king (Kiwala'o) was killed. The stage was set for years of warfare between the chiefs for supremacy of Hawai'i Island. At the same time Kahekili the high chief of the island of Maui, was busy extending his influence and fighting battles over the islands of Kaua'i and O'ahu, which eventually came under his domination.

In the meantime an unfortunate incident between the United States and Hawai'i occurred. A small boat from the American brig *Eleanora* was taken and the Captain Simon Metcalfe slaughtered more than a hundred innocent Hawaiians—in addition to insulting the chief Kameeiamoku. This chief vowed vengeance upon the next ship to pass. As luck would have it, the next ship was the *Fair American* commanded by Metcalfe's own son. The Hawaiians took the *Fair American* and killed the entire crew except Isaac Davis who was spared for his bravery. At the same time John Young from Metcalfe's ship the *Eleanora* had been detained by Kamehameha in order to keep him from reporting the capture of the *Fair American*. Metcalfe sailed for China.

In 1790 Kamehameha appropriated the *Fair American* from Kameeiamoku who had seized it. Taking the ship, its armament and the two foreigners (Isaac Davis and John Young) Kamehameha invaded Maui while Maui's chief Kahekili was away on O'ahu. Supported by the *Fair American's* muskets and two field cannon manned by the foreigners, Kamehameha's forces drove the Maui warriors into 'Iao Valley. Kamehameha gained an easy victory.

The next move involved Keoua, the younger brother of the previously killed King (Kiwala'o), against one of Kamehameha's supporters. The latter was killed and Kamehameha's lands were ravaged. The battles were inconclusive until the volcano goddess Pele erupted, killing a large number of those who had opposed Kamehameha.

The priests of the war god Kuka'ilimoku promised Kamehameha victory if he would build a temple at Pu'ukohola and predicted that war would cease on Hawai'i. The temple was begun but interrupted when Kahekili of Maui and his brother Kaeo of Kaua'i attacked Kamehameha. The *Fair American* was again brought into battle and Kamehameha won a decisive victory. He then completed the temple to the war god, inviting his old adversary, Keoua, to its dedication. Keoua knew that this meant he was to be the human sacrifice, but he went bravely. He was, indeed, sacrificed and his body laid upon the altar of Pu'ukohola (now a congressionally authorized National Historic Site). The island of Hawai'i was unified under Kamehameha.

The years 1791–1794 were years of truce with Kamehameha consolidating his rule on the island of Hawai'i while Kahekili and his relatives held the other islands. On Kahekili's death his brother (Kaeo) and his son (Kalanikupule) went to war. The victorious son then attempted a surprise attack on Kamehameha. However, Kamehameha was warned in advance and gathered an army of more than 10,000 men and took Maui and Moloka'i. He then moved on to his greatest battle of all.

In mid-April 1795 Kamehameha landed in Waikiki. Some 10,000 warriors in 1,200 canoes lined the beach which is now the site of Ft. DeRussy. Kamehameha's army moved up through Makiki and engaged the O'ahu warriors near the areas now known as Punchbowl, Craigside, and Puiwa. Guns and cannon were manned by the two foreigners, Young and Davis. The Oahuans retreated further and further up Nu'uanu Valley. They took their final stand at a temple site (Kahuailanawai) but were driven upward to Nu'uanu Pali—a cliff of no return. At this 600 foot precipice the Oahuans were overwhelmed and many were forced over the Pali by Kamehameha's warriors while others leaped to their deaths. Kamehameha won because of the number and superior training of his warriors, the number of his guns, and the superiority of his artillery with foreigners to man it.

The Battle of Nu'uanu Pali is considered the greatest battle in Hawaiian history and the most important event in Kamehameha's policy to unite the whole Hawaiian group. Kaua'i became part of the Kingdom by diplomatic acts. The Battle of Nu'uanu was the decisive event that changed Hawai'i from a group of warring petty chiefdoms into what became the Hawaiian Kingdom and eventually the 50th state. Although this may seem remote in time and space, had it happened only a few generations later these would all be household names and well-known events followed daily on our living room television sets.

Although Kamehameha gained his Kingdom by warfare, he did not allow the traditional slaughter of the defeated. Only Kalanikupule was offered as a sacrifice to the war god at Moanalua (near what is now Tripler Army Hospital). Kamehameha became a strictly modern King, combining old Hawaiian ways with appropriate ideas and materials from England and America. Those who had fought beside him became his chiefs and counselors. John Young became governor of the island of Hawai'i and other chiefs were appointed governors of the other islands and prime minister. He welcomed foreign vessels and passed laws making Hawai'i safe and for the protection of the weak from the strong. Kamehameha has been called a Polynesian David, the best and greatest of the Kings of Hawai'i.

Without a doubt Kamehameha is the best known of all Hawaiians—a man of international stature. He was a warrior, a diplomat, and a lawmaker far ahead of his time who almost singlehandedly changed a neolithic society into a modern state. A National Monument in honor of Kamehameha the Great would be a fitting way to recognize the achievements of the most important historic figure of the 50th state. On the 25th anniversary of Hawaiian statehood, it is appropriate and timely that Kamehameha the Great be given his rightful place in the history of the pre-European inhabitants of the United States. Also, without doubt, the most appropriate place for such recognition is Ft. DeRussy, the landing and encampment site of Kamehameha's troops when they fought the decisive battle of Nu'uanu.

Further, only a few years later, in 1804, Kamehameha and his heir apparent Liholiho took up residence in Waikiki, the traditional seat of O'ahu royalty. They remained there until 1809 when they moved farther along the waterfront to an area beginning at what is now called Kakaako. During these times the Royal compound must have included what is now Ft. DeRussy. Finally in 1812 he returned to Kailua on the island

of Hawai'i where he remained until his death in 1819. Thus, the formative years of the Hawaiian Kingdom were spent in the Ft. DeRussy area. For many years this has been an open area for recreation and cultural events. The creation of a National Monument in this area would insure that it would continue to be a recreational and cultural area for all citizens of the United States. This National Monument would be a suitable beginning place for cultural and historic tours that could include the famous battle sites and culminate at the Bernice Pauahi Bishop Museum—a museum founded in honor of Princess Pauahi, the last surviving descendant of Kamehameha the Great. At Hale Ho'ike'iki o Kamehameha—the treasure house of the Kamehamehas—can be seen such treasures as the sacred feathered cloak of Kamehameha, the gods associated with him, and the sacred feathered standard which incorporates bones from the chiefs defeated at the Battle of Nu'uanu. Back again at Waikiki, resident and visitor alike would have gained a more profound understanding and appreciation of historic Hawai'i, the persistence of Hawaiian traditions to the present day, and the promulgator of it all, King Kamehameha the Great.●

THOUGHT PROVOKING ARTICLES

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. LOWERY of California. Mr. Speaker, I would like to share with my colleagues two thought provoking articles from the San Diego Union Editorials/Opinion page. The first article titled "Dear Mr. President" appeared on August 26. The second article, "Gross Abuse of Power," appeared on October 10.

The articles follow:

DEAR MR. PRESIDENT:

Welcome to San Diego, which you visit in hopes of closing the dreaded Gender Gap. (There seems to be no secret.) We've wanted to tell you a few things about the Gender Gap, along with the Black Gap, the Latino Gap, the Geriatric Gap, and even the Gay Gap. Trouble is, the harder we tried, the sillier we felt.

After all, what is the Gender Gap? Men, it seems, like you better than women do. Conversely, then, men like democrats less—and we don't hear Sam Donaldson shouting questions to Walter Mondale about the number of males he would appoint to the Cabinet. Our chief fear of the Gender Gap is fear of the Gender Gap itself on your staff. This concern, taken too far, seems to be leading to a vast, frontal assault on the problem: We've appointed so-and-so many women; we didn't really cut the food stamp budget; and so on.

This approach does little to erase the perception that "Reagan hates women." In fact, the more a president protests the unfairness of a label, the more it sticks. In the process, he alienates the growing number of Americans who recognize that a growing economy with fair rules for all is the real answer to inequality—and not more quotas and bureaucrats.

How does a president demonstrate necessary concern for the disadvantaged without falling into a some-of-my-best-friends routine? Chiefly by sticking with his political guns and arguing that his approach works better than the other fellow's.

The Gender Gap seems to us but one example of a broader problem in political strategy: The Agenda Gap, if we may. More and more, the Reagan Revolution is being framed essentially in response to current political emergencies. These fires need putting out, of course, but they beg the question of where the Reagan presidency plans to go in the next two (or six?) years. Will it march on, or simply defend the tax cuts of 1981, talk about the enterprise zone bill that never passed, and appoint bipartisan commissions?

We humbly suggest you go back to the ranch and forget all about the aforementioned Gaps, Mr. President—and instead think about the future. What do you want to accomplish in a second term: A flat tax? A return to Bretton Woods and gold-backed currencies? A defense against nuclear weapons? These would all seem to be Reagan goals, yet there has been little talk of them.

Why not call in Ed Meese, Bill Clark, Jim Baker, and Mike Deaver, and hash it all out? You might start that meeting by throwing Dave Stockman's budget projections in the wastebasket and telling Jim Baker the words "political reality" are temporarily off limits. Then figure out where you want to *go*.

In the phony debate over pragmatism, this has been dismissed as quixotic. Actually, there are two kinds of pragmatism, one good, one bad. Good pragmatism sets goals, and then adopts reasonable means and compromises to reach those goals. Bad pragmatism changes or warps the goals themselves based on a false and timid reading of "political reality."

Good pragmatism elected you in 1980 and passed the tax and budget cuts in 1981, events deemed impossible even days before they occurred. It's what will make your presidency a forward-looking steamroller, passing tax cut after tax cut, enterprise zone after zone—rather than a defensive, reactive, look-what-we-did-three-years-ago one. Paradoxically, this is precisely the best way to defend the impressive things you've already achieved.

So have a good time at the ranch: Instead of fretting about political reality, so-called, we suggest you indulge the impulse to daydream. Above all, if anyone mentions the Gender Gap, shove a few jelly beans into his-or-her mouth and politely change the subject.

GROSS ABUSE OF POWER

Considering that our border with Mexico has been overwhelmed by illegal immigration, it is inconceivable that any public official would dare claim responsibility for sabotaging immigration reform.

Yet this is precisely what House Speaker Thomas P. (Tip) O'Neill Jr. has proudly done. In boasting last week that he will not allow a House vote on what would be the first comprehensive immigration reform in 20 years, Speaker O'Neill has displayed a degree of cynicism that is breathtaking, even by Washington's standards.

The Simpson-Mazzoli immigration reform bill has twice passed the Senate by overwhelming margins and has broad-based support in the House and, indeed, throughout the nation. Nevertheless, Speaker O'Neill has moved to kill the measure for purely partisan purposes.

The speaker maintains that Hispanic Americans oppose the bill because of its employer sanctions. According to the speaker, Hispanics fear that penalizing employers for knowingly hiring undocumented aliens would increase job discrimination against minorities. Mr. O'Neill is convinced that, in killing the bill, he has assured Hispanic support for Democratic candidates in next year's elections.

Thus, in an effort to win a few votes for his party, the speaker has single-handedly smashed the only immigration reform in sight. The delicately balanced and comprehensive product of a bipartisan effort to restore some semblance of order to the border has fallen victim to irresponsible and selfish politics.

Mr. O'Neill's cavalier blocking of a House vote on Simpson-Mazzoli is reprehensible. But at least he finally has been candid about his motives. Early reports had him blocking the bill to prevent President Reagan from wooing Hispanics with a veto of the measure.

There never has been a shred of doubt about the President's support for the measure. Indeed, Attorney General William French Smith has repeatedly pleaded with the speaker to permit a House vote.

Ironically, there is convincing evidence that Mr. O'Neill is dead wrong in claiming Hispanics oppose the bill. One recent poll found that 60 percent of all Hispanic Americans and 66 percent of Hispanic voters clearly support employer sanctions.

Moreover, in killing the bill, the speaker has destroyed what may be the last opportunity to provide amnesty for millions of undocumented aliens who already live and work in the United States. The speaker has sentenced them to continued exploitation and daily fear that they may be apprehended and deported.

Both the Democratic and Republican leaders of the Senate have strongly criticized Mr. O'Neill and hope to find a legislative method to force a House vote on the bill. Realistically, such a scenario is unlikely.

In blocking a vote on Simpson-Mazzoli, Mr. O'Neill has forfeited an opportunity for effective and humane control of immigration. It is perhaps possible such a measure may obtain congressional approval after next year's elections. But the problem on the border is so serious that even a partial solution can't wait. A record 1 million persons have entered the United States illegally from Mexico in the last 12 months. The massive illegal immigration of people seeking a better living will not abate on its own so long as Mexico's economic problems continue.

We therefore urge the administration and Congress to approve a proposal by Alan C. Nelson, commissioner of the Immigration and Naturalization Service, for a 50 percent increase in Border Patrol officers along the U.S.-Mexican border.

An additional 1,000 officers would significantly enhance the effectiveness of the Border Patrol in the San Diego and El Paso areas, where 60 percent of the illegal immigration occurs.

Obviously, enlarging the Border Patrol is not the most effective method of combatting illegal immigration. But the crude political power play of Speaker O'Neill in blocking a House vote on immigration reform leaves us no other choice.●

WE ARE ABOUT TO LAUNCH A COSTLY AND CRAZY ARMS RACE INTO SPACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. BROWN of California. Mr. Speaker, we are on the verge of a major extension of the arms race—into space. Advisers to the President are recommending that the United States develop a space-based missile defense system that could cost $27 billion over the next 5 years, and hundreds of billions beyond that. This first step of the arms race into space is represented by the proposal to build an antisatellite (ASAT) weapons system. The fiscal year 1984 defense appropriations bill was reported out of the House Appropriations Committee last week without procurement funding for ASAT's—and I commend my colleagues on the committee for this. But this is certainly not the last time we will be asked to consider this issue.

The extension of the arms race into space will have as significant, and in my opinion, as devastating an impact on the world as the transition into the nuclear age did. In the Congress, we have yet to take a comprehensive look at the implications. Mr. Chairman, I urge my colleagues to consider this before we make a major commitment to the weaponization of space—we cannot afford to ignore it. I insert the following article on the subject into the RECORD for the consideration of my colleagues. It is an excellent statement:

[From the Washington Post, Oct. 16, 1983]

WE ARE ABOUT TO LAUNCH A COSTLY AND CRAZY ARMS RACE IN SPACE

(By Fred Kaplan)

Sometime very soon, (the date is classified), the United States will test a weapon system that promises to burst through a new threshold in the arms race—a race for military supremacy in outer space. This competition will be almost unimaginably expensive; it will be almost impossible to turn back once it has commenced, and even if the weapons involved work the way they are supposed to, the nation will be less secure in the end.

The new weapon seems deceptively harmless at first glance: a 12-by-13 inch cylinder, loaded with telescopes and infrared sensors, attached to a two-stage rocket small enough to fit under an F-15 jet fighter. The drama—and potential danger—lies in what this small package is designed to do. It's called a Minature Homing Vehicle (MHV), and the idea is to fly the F-15 almost vertically up to the edge of the atmosphere, then fire the MHV into outer space, where it will home in on—and kill—an enemy satellite.

If the first few tests of the MHV system succeed, we may find ourselves propelled, almost inexorably, toward a new era of military conflict. Maj. Gen. John H. Storrie, director of space for Air Force plans and operations, told a House committee last March: "Space is a place; it is not a mission. We are going to continue to do the things in space that we do in the atmosphere and on the ground and on the seas"—that is, to prepare to fight and win wars. A study signed last year by the Air Force chief of staff, titled "Air Force 2000," calls for "space superiority," which requires "the capability to destroy hostile space systems."

Already, both sides—especially the United States—depend on space for a wide variety of military missions. Most of what we know about the Soviet military, especially about its nuclear weapons, comes from satellites. A great deal of military communications, command-control networks, navigational aids and other support systems also are channeled through satellites. Moreover, Maj. Gen. Bernard Randolph, director of the Air Force space systems, has testified that a "major" objective of U.S. space plans is "to expand" our military capabilities in space.

The more we rely on military platforms in space, the more incentive the Soviets will have to develop their own advanced antisatellite (ASAT) weapons, and thus an increasingly crucial element of our military command network will become increasingly vulnerable.

"Right now," according to Paul Stares of the Brookings Institution, "if we lose our space systems, we'd be hurt but not crippled. If we continue to increase our dependence on space systems, then we're just digging a hole for ourselves."

There's one way out of this hole—and that is to negotiate an ASAT arms-control agreement with the Russians. Yet after our forthcoming ASAT tests, this may be impossible. Air Force officials have testified that it will take only six hours to install an MHV ASAT system on an F-15 fighter anywhere in the world at a cost of only $632,000 per plane. Says Stares, "There's no way the Russians could have confidence that every F-15 isn't carrying an ASAT. What are we going to do? Paint the F-15 different colors if it has an ASAT mission?"

Ironically, this moment when we are about to test a new ASAT system is both the last and probably one of the best opportunities for getting ASAT arms-control negotiations under way. To see why requires a brief digression into history.

The United States was the first to develop an ASAT system. From 1963-67, the U.S. Army tested some of its Nike-Zeus ABMs as satellite killers. From 1964-68, the U.S. Air Force fired Thor missiles at deactivated satellites in outer space in what was called the "Squanto Terror" tests (or, in a lower key, "Program 437"). This program was kept alive until 1975.

Not until 1968—well after the Air Force had declared Program 437 "operational"—did the Soviets start up their own ASAT program. The Soviet system is substantially more unwieldy than either the U.S. programs of the 1960s or our forthcoming MHV plan. Their scheme was to launch a "killer satellite" in an orbit that crosses an enemy satellite, and then to blow up the killer, destroying the enemy spacecraft with shrapnel.

Over the next 14 years, the Soviets conducted 20 tests. They have used two different types of guidance systems. One directs the killer-satellite by shining a radar beam on the target. The other is more passive, with infrared systems which seek out the target by the heat that it generates in outer space.

According to John Pike of the Federation of American Scientists, the Russians tested the radar-seeker version 14 times, most recently in 1981, of which 10 were successes. However, more recently, they tested the passive infrared-seeker version six times—and all six were duds.

Even the 10 successes had their limitations. They were all conducted at low altitudes, whereas most U.S. satellities—including all early-warning satellites—are stationed at very high altitudes. They were also conducted within very narrow angles or inclinations (from 60 to 66 degrees), making it difficult to approach even the low-altitude American satellites. Stephen Meyer of MIT concludes, "They've really never had a test of what it would be like going against a real U.S. target."

From 1977-81, the Soviets stopped testing ASAT's. Over part of that period, the U.S. and U.S.S.R. held three series of talks on negotiating an ASAT arms-control agreement. Then came the Soviet invasion of Afghanistan, the death of SALT II—and the ASAT talks faded away.

Last August, Soviet leader Yuri Andropov announced a moratorium on all ASAT testing, and Foreign Minister Andrei Gromyko submitted an ASAT arms-control proposal to the United Nations, with terms that seem to indicate seriousness. One obvious reason for this seriousness is a realization that the United States is about to come out with a new ASAT system that will probably be much more successful than the Soviet model.

Indeed, administration officials have treated the idea of negotiations dismissively precisely because Andropov has proposed them. The reasoning: his fear of our ASAT only confirms that it can give us an edge in the arms race.

But this is shortsighted, and not just because it lessens the likelihood of an arms-control treaty. If the United States goes ahead and tests its new ASAT system, the Soviets undoubtedly will break the moratorium and resumes their own testing—and probably develop a better weapon than the one they have now. This will provoke us to upgrade our system. * * * And the race is on.

From here, any number of scenarios can be imagined: the U.S. or the U.S.S.R. (or both) develops an ASAT that can (potentially) strike satellites at high altitudes as well as low altitudes, thus endangering the all-important early-warning satellites. The other side then develops a system—perhaps involving lasers—that can attack this new ASAT system. Or perhaps he develops a space-based battle station that can defend the satellites. Then the other side builds systems that can attack the defenders. And so it goes. * * *

Indeed, this scenario is precisely what some people have in mind. Although the U.S. Miniature Homing Vehicle program dates back to 1978, its most ardent supporters view it as an entering wedge into the whole panoply of space weapons—some on the drawing boards, some as yet only sparks and glimmers in the fertile imaginations of technocratic enthusiasts—that fall under the rubric of "Star Wars."

Star Wars advocates tasted their first dose of legitimacy last March, when President Reagan told a nationwide TV audience of his "vision of the future." He held out the "hope" that a network of antiballistic missiles (ABMs), space lasers and battle stations—based on decades of research—will "intercept and destroy strategic ballistic missiles before they reach our own soil or that of our allies."

For years, a fringe element—led by Sen. Malcolm Wallop (R. Wyo.) in Congress, Edward Teller and Gen. Daniel Graham (Ret.) in the military-scientific community, and several others in various bureaucracies and think tanks on the east and west coasts—have been keen on moving the arms competition into space. A very small group within the Air Force, recently organized into a Space Command, believes that space can be—as Thomas Karas calls it in his book that chronicles this community—"The New High Ground" from which the United States can reign supreme in all other areas of warfare.

Reagan's speech—which was heavily influenced by talks with Teller—gave this group the legitimacy that it has long sought. Almost at once, "Beltway bandits" and other consulting firms put in contract bids to study "the military utility of space." More important, it became a high-priority issue inside the national-security bureaucracy.

Over the summer, three major outside studies were commissioned on the politics and technology of Star Wars. At this moment, an interagency group consisting of officials from the State Department, the Pentagon, the National Security Council and the Arms Control and Disarmament Agency is drawing up evaluations of those studies to present to the president sometime within the next month.

Officials involved in the studies and the interagency meetings say that nobody now knows how to go about even beginning to build a Star Wars System. Says one Pentagon official, "At this point we have no consensus on what it all means.* * * I don't think we have the kind of answers that we could base any sort of policy on."

In any case, officials are discovering technical problems that may be insurmountable. A ground-based laser wouldn't work through clouds. Even Maj. Gen. Bernard Randolph, director of Air Force space systems, told a House committee last spring that a space-based laser would require 10 megawatts of power (some say much more) and would weigh 150,000 pounds—well beyond the transport capacity of the Space Shuttle. to provide even "a thin ABM capability," we would need 50-100 of these systems. Furthermore, the systems must have perfect accuracy; he likened the mission to pointing a beam "from the Washington Monument to a baseball on the top of the Empire State Building and hold[ing] it there while both of you are moving."

Then there's the cost. Air Force studies have put it at $500 billion. An analyst on one of the government-sponsored "study-groups" puts it as high as $1.2 trillion.

And that probably would not be the end of it. Officials and analysts point out that the Russians could "spoof" any space-based ABM system much more cheaply than it would take us to build one. Just a few techniques: cover the surface of a missle with a mirror that reflects the laser beam; jam the communications between the space system and the ground-control station; shoot it down with a laser system yourself. As one skeptical official puts it, "If it can shoot down a ballistic missile, why can't it shoot down its twin brother?"

Still, the interagency group will not advise Reagan to abandon the Star Wars idea as a piece of budget-busting, technically hopeless pie-in-the-sky. "This is the president's program," says one skeptical official. "We can't tell the president that he's got a nutty idea." Instead, it will probably recommend that the military spend the next several years doing research on whether these problems can be overcome. Even this will cost quite a bit of money.

For example, Robert S. Cooper, Director of the Defense Advanced Research Projects Agency (DARPA), testified last spring that the "Space Laser Program Plan," which will merely "bring us to a point where we can make reliable planning estimates of weapon development costs and schedules," will cost $900 million. Other basic research of this sort could cost as much as $4 billion a year—maybe more—for several years; and even then, nobody will know very much more than before.

All of which leads some analysts to wonder whether it is sensible to start treading down this seemingly endless road to begin with. Though the ASAT program and the Star Wars scheme have different origins, the road to the latter can begin with the former. In fact, the kind of technology needed for advanced ASAT systems—tracking mechanisms, sensors, beams and so forth—is quite similar to the technology needed for shooting down ballistic missiles. And the logic of the ASAT/counter-ASAT arms race provides a grand opportunity for the Star War brigade to bring in their programs through various side or rear entrances if they end up getting locked out of the front door.

The Reagan administration, however, is drawing no connections between ASAT and Star Wars. There is an interagency group dealing with Star Wars and another dealing with ASAT—but they are composed of different people and they never meet. Similarly, the group concerned with ASAT is contemplating various arms-control ideas—but, according to officials, no one has seriously considered delaying the ASAT test until after these ideas have been fully explored.

In short, an historic opportunity to halt a whole new age in the arms race is being neglected, even ignored—not only by the administration, but by congress as well. (It is worth noting that the nuclear freeze movements also have paid scant attention to the imminent prospect of an arms race in space.)

It wouldn't be the first time. In 1970, to cite just the most recent parallel, the United States deployed the Minuteman III intercontinental ballistic missile. It incorporated new technology called MIRV's (multiple independently targetable reentry vehicles), which allowed one missile to carry several warheads, each of which could be guided to separate targets.

Before MIRV's, a first strike destroying the other side's land-based missiles was impossible; one missile could hit only one enemy missile; if one side built extra missiles, the other side could counter by building more too. However, with MIRVs, a single missile could (theoretically) destroy serval enemy missiles. If the U.S. and the U.S.S.R acquired MIRVs, both sides would be at once capable of destroying the other's land-based missiles and vulnerable to such an attack themselves.

Some U.S. officials favored proposing a ban on MIRV's during the Strategic Arms Limitation Talks, but this was rejected because others felt MIRV's gave us a strategic edge over the Russians. Four years later, the Russians deployed their own MIRV's, and now the same people who opposed a MIRV ban a decade ago decry the Soviet MIRV's which they claim have made our own Minuteman missiles vulnerable.

The most interesting strategic arms-control proposal of recent years calls for getting rid of MIRVs. But it's probably too late.

Henry Kissinger told reporters in 1974, "I would say in retrospect that I wish I had thought through the implications of a MIRV'ed world more thoughtfully in 1969 and 1970 than I did." But Kissinger's former NSC aides say that MIRV's were studied thoroughly, that Kissinger knew exactly what their implications were from the beginning, but went ahead with them anyway—to gain a strategic edge.

It's the same with the upcoming ASAT test and the growing political pressure for at least elements of the Star Wars plan. As in the case of MIRV's the adminstration is failing—even refusing—to think through the implications before the world changes in ways it may later regret.●

NEAR EAST REPORT

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. HARKIN. Mr. Speaker, when there are so much conflict and unresolved tensions in the world, we like to remember the great diplomatic successes of the past. Most notable, we like to remember the great success of Camp David which brought about peace between Egypt and Israel and what we hoped would be a long era of normal relations between those two countries.

That is no longer the case. Egypt has brought about a deterioration of Egyptian-Israeli relations. Recently I joined Representative LARRY SMITH and others of my colleagues in a letter to President Hosni Mubarak urging him to return his Ambassador to Israel and take other positive steps to improve United States-Egypt relations. Our relations are affected since the United States played a major role in the Egypt-Israeli peace treaty and has a major stake in continued progress in the Camp David process.

Therefore, it is very timely and I ask unanimous consent that this recent editorial from the Near East Report be printed in the RECORD.

EGYPT BETRAYS THE DREAM

On April 15, 1982 Israel relinquished its last remaining positions on the Sinai Peninsula. It gave up everything: airbases, military outposts, fortifications, civilian settlements, Sharm el-Sheikh and—most significant of all—the strategic depth provided by the Sinai itself.

Israel returned the Sinai to Egypt in exchange for peace and normalization. Today, 18 months after the Israeli flag was lowered over the last segment of Sinai, there is peace. But, as Egypt's Foreign Minister Boutrous Ghali puts it, it is a "cold peace." It is, in fact, not much more than a state of non-belligerency. Egypt, which pledged itself to normalized relations with Israel, is violating both the letter and the spirit of the peace treaty. In so doing, it is convincing some Israelis that pursuing peace with Israel's Arab neighbors is a fruitless exercise

and that the Sinai itself would have been worth more than a frost-covered peace.

At the same time, it is convincing some American friends of Israel that Egypt, for which the Administration has requested $2.3 billion in U.S. aid next year—and which seeks aid on the same favorable terms as those applied to Israel—is obtaining U.S. support under somewhat false pretenses. The U.S.-Egypt aid relationship is predicated, in part, on Egypt's living up to the terms of the U.S.-sponsored peace treaty. Some of Israel's friends in Congress have backed aid to Egypt—have even pushed it—out of the conviction that Egypt was advancing U.S. regional interests in the Middle East by adhering to the terms of the peace treaty.

Egypt's violations of the treaty are many. Perhaps the most flagrant violation can be seen in the continuing absence of the Egyptian ambassador from his post in Israel. The peace treaty itself, as well as a side letter from President Sadat to President Carter, provide for a resident Egyptian ambassador in Israel and a resident Israeli ambassador in Egypt.

However, since September 1982, the Egyptian ambassador has not set foot in Israel. At first it was claimed that he was called home for "consultations" in protest of the Lebanon war. Then the word was put out that the ambassador would return only after Israel agreed to withdraw from Lebanon, a commitment Israel made in its May 17, 1983 agreement with the Lebanese government. However, that changed nothing except Egypt's terms for the return of the ambassador. Its latest condition is that Israel end Jewish settlement on the West Bank. On other occasions, Egyptian spokesmen hase argued that it is Israeli "aggressiveness" in general that prevents the return of the ambassador. In short, Egypt is violating one of the central provisions of the peace treaty. It persists despite assurances it made last spring to the Reagan Administration, as well as to the Israeli government itself.

The area of diplomatic exchange is only one of Egypt's many violations of the peace treaty. Some other examples:

Egypt is placing administrative and bureaucratic obstacles in the way of Egyptian tourists who wish to visit Israel. Accordingly, only a few Egyptians have come to Israel as tourists while 100,000 Israeli tourists have made their way to Egypt.

Egypt has virtually halted Egyptian-Israeli trade. It has stopped issuing import licenses for Israeli goods. As a result, Israel sold only about $4.5 million worth of goods in Egypt in the first half of 1983. By way of contrast, in 1982 Israeli goods worth $21 million were sold in Egypt. (These figures can be contrasted with the $300 million worth of oil which Israel purchases from Egypt each year.)

Egypt has halted all cultural exchanges with Israel.

The state-controlled Egyptian press has renewed anti-Israel and anti-Semitic attack. At the United Nations, Egyptian representatives have joined Arab rejectionists in attacks on Israel. For instance, on June 25, 1983, the Egyptian ambassador to the United Nations likened Israeli actions in Lebanon to those committed by the "barbarous forces of Nazism." He accused Israel of plotting "the liquidation of an entire people."

There have been numerous cases of infiltration from Egypt across Sinai and into Israel. Smugglers, thieves, and individuals carrying explosives have been apprehended. In January, terrorists who had thrown hand grenades at a bus in Tel Aviv were found to have received their orders from PLO agents in Cairo.

In short, Egypt is violating the Camp David peace treaty and is betraying the millions of people in Egypt and in Israel—and around the world—who had such high hopes for the first peace treaty signed between Israel and an Arab state.

Egypt's response to all this is predictable. It will argue—as it has argued—that it is an Arab nation and must demonstrate solidarity with the Arab world. It will argue that Israel's move into Lebanon made it impossible for Egypt to continue on the path of normalization with Israel. However, the Egyptian position conflicts with the peace treaty itself. Neither the Camp David Accords nor the Israel-Egypt peace treaty suggests that Egypt need only fulfill the terms of the peace when it is satisfied with Israel's foreign policy. The Egypt-Israel treaty is a bilateral one. Egypt has no more right to violate its provisions over Israel's agreement with Lebanon than Israel would have if it chose to violate them over Egypt's relations with Syria. The peace treaty is not a document to be held ransom to Egypt's desire to ingratiate itself with Arab rejectionists.

The United States, as guarantor of the Camp David peace, must use its influence to ensure that Egypt resumes living up to the terms of the peace treaty. The Camp David Accords and the treaty are the cornerstones of U.S. policy in the Middle East. To countenance Egyptian violations of the treaty—and to provide massive amounts of aid to Egypt at the same time—is to undermine our own policy. Egypt must be made to understand that the United States will simply not permit that to happen.●

OUR MARINES ARE NOT SAFE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. BEREUTER. Mr. Speaker, I commend to your attention the excellent article by our colleague, the gentleman from New York, Mr. STRATTON, in the Washington Post of Friday, October 21, 1983. How many cease-fires must the Marines witness in the Lebanese quagmire is the question asked by the article. It is a question which I echo.

I will insert the article in the RECORD in the event my colleagues missed it.

LET'S GET OUT OF LEBANON

(By Samuel S. Stratton)

One of the most appealing characteristics of President Reagan has always been his unfailing optimism, even in the face of discouraging circumstances, some economic, some political. That optimism crept in again in Wednesday's televised press conference when the subject of the Marines in Lebanon came up. Asked what he was going to do about the continuing Marine casualties and the deliberate sniper attacks on the "peacekeeping" force, Mr. Reagan replied, "We're going to keep on doing what we have been doing . . . trying to complete the plan that we launched a little more than a year ago . . . to try and have some stability . . . So long as there's a possibility of making the overall peace plan work, we're going to stay there."

One can admire the president for his optimism and determination, but for those of us who have been on the ground in Lebanon in the past few days, there seems to be precious little evidence of "making the overall peace plan work" and a lot of indication that the longer we stay there the rougher it is going to get.

The latest attacks on our Marine forces, which have occurred since the tenuous Sept. 26 cease-fire went into effect, have an especially ominous ring.

When our 10-member House Armed Services Committee delegation visited the Marine outpost at the Beirut International Airport last month, the Marines there were convinced that many of the casualties they had suffered earlier were not intentional but just part of the general sporadic hit-and-miss shooting that had been going on throughout Beirut.

But these latest killings by sniper fire while the cease-fire was supposedly in effect (and apparently coming from Shiite Moslems, the same sect headed by Khomeini in Iran) were clearly deliberate. That distinction raises serious and immediate questions about the effectiveness of the Marine presence, as well as other elements of the Multinational Force, as a "peacekeeping" force.

Officially the mission of the Marines is, by their very presence, to bring an end to the bitter fighting between Lebanon's religious and political factions and thereby establish a firm cease-fire during which the key diplomatic work of broadening the so-called "confessional" balance of the Lebanese government can go forward.

But last week's events make it crystal clear that the mere presence of 1,600 Marines, plus associated elements in the Multinational Force, have not produced a cease-fire, and are unlikely to do so in the near future. Now even the political reconciliation talks have broken down.

The collapse of an agreed cease-fire in Lebanon is, of course, nothing new. There have been dozens of them over the years. But as far as the United States is concerned, this latest turn of events clearly calls for a new and tougher appraisal of U.S. interests in, and responsibilities to, Lebanon. Optimism is all well and good; but a full measure of realism is also essential. Certainly we cannot jeopardize a major portion of our elite combat force in the blind hope that things may get better soon when they are, in fact, getting worse.

Repeated assaults on our Marine contingent suggest a deliberate effort to provoke stepped-up U.S. retaliation by naval air and gunfire bombardment, thus getting us deeper into the Lebanese morass, and making it far more difficut to withdraw. It could even lead to direct confrontation with more than 7,000 Soviet troops reportedly in the vicinity of Lebanon.

What other course is open? How much longer do we wait for the Sept. 26 cease-fire to become a reality? How many more American Marines must be lost to snipers before we come to the reluctant conclusion that in Lebanon not even the Marines, by their very presence, can possibly achieve a cease-fire or a restructuring of the Lebanese government?

In these circumstances, does it really make sense to leave on the books a resolution of Congress and the executive stating as official U.S. policy the determination to leave 1,600 Marines in this impossible situation for yet another year and a half?

In the short three weeks since our committee delegation visited Lebanon, the situation on the ground has changed drastically. Doesn't it really make more sense for us to do as the Israelis finally did: conclude that we can't restructure Lebanon either, and quietly withdraw our forces to other trouble spots that figure higher on our priority list?

Much as we might wish otherwise, even the United States can't expect to right every wrong from pole to pole.●

DANIEL WILLIAM HARTNETT—IN MEMORIAM

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. ZABLOCKI. Mr. Speaker, I was saddened to learn of the untimely death of a conscientious and dedicated civil servant, who has provided invaluable assistance over the past 8 years to Members of both Houses of the Congress. I refer to Mr. Daniel William Hartnett, a senior employee of the Passport Office, who died very suddenly and unexpectedly of a fatal heart attack on October 4.

Mr. Hartnett had served since 1975 as a consular officer in the Diplomatic and Congressional Travel Branch of the Office of Passport Services and was the primary contact for both House and Senate in the issuance of official and diplomatic passports and in obtaining visas for congressional delegations. In this capacity, he carried out his responsibilities with great efficiency and impartiality and was always responsive and helpful in meeting the needs of all official congressional travelers. a man of unfailing and unflappable good humor, Mr. Hartnett epitomized the saying: "The possible will be accomplished immediately; the impossible may take a little longer." In actual fact, he was often faced with seemingly impossible deadlines, but was able to overcome all such challenges with reasonableness and resourcefulness. He will be greatly missed in the years ahead.

While Dan Hartnett's official role was very well known to the Committee on Foreign Affairs, we were not aware until very recently of the extensive volunteer services he performed in behalf of his local community: He had been a member of the Potomac Heights Volunteer Fire Department and Rescue Squad since 1957 and held various leadership positions within that organization and with the American Red Cross. As a result of his lifesaving assistance rendered to a lightning accident victim, Mr. Hartnett received, on April 24, 1974, the highest award presented by the American Red Cross, signed by then-Honorary Chairman Richard Nixon and presented on the Capitol steps by his Congressman, former Representative Robert Bauman.

Mr. Speaker, I include in the RECORD at this point an article from the Charles County, Md. Times-Crescent, which documents some of the achievements of this outstanding public servant and community leader. To his family and many friends in the Potomac Heights and Indian Head communities, I extend my deepest symnpathy.

The article follows:

POTOMAC HEIGHTS RESCUE VOLUNTEER MOURNED

(By Linda Dent-Brown)

Daniel William Hartnett of Indian Head died suddenly last Tuesday afternoon after suffering a fatal heart attack in Washington, D.C.

Shock and disbelief rang through the Potomac Heights and Indian Head communities as friends learned of the unexpected death of the 48-year-old man who was to celebrate his 49th birthday on December 27.

"He was a guy who gave of himself and never asked for anything in return," said friend Charles W. Wills.

"Dan was a very kind and gentle individual," William D. "Buddy" White. "He loved God, his family and his country."

"He was a beautiful person," said Victor B. Bowling Jr., "and a pleasure to work with."

"Dan thought the world of those two boys and his wife. He very much was a family man," added Wills, "I just can't believe it. The night before he was typing a letter for the company (Potomac Heights Volunteer Fire Department and Rescue Squad)."

Daniel W. Hartnett served as secretary for the Potomac Heights Volunteer Fire Department and Rescue Squad, an organization he had actively participated in since 1957. On November 5, he would have celebrated his 26th year of volunteer service to the community with the company.

"Dan preferred to ride the ambulance and he became a leader in this field," said Byrd Raby as he remembered his "friend and fellow volunteer."

"His zeal and enthusiasm was apparent," continued Raby, "and he quickly became a key member of the rescue team." The active volunteer led the squad in number of calls in 1960 and 1961 and in 1963, he was elected rescue captain.

The former rescue squadsman served on the board of directors from 1960-63 and as secretary from 1961-65, "and then stepped down to raise a family," Raby said. "He came back to us to serve as secretary in 1980 and served until his death."

"Dan was a quiet and gentle person who was always ready to help his fellow man," Raby added.

Daniel Hartnett was an American Red Cross first aid instructor and while serving as director of the Charles County Chapter, he pioneered cardiopulmonary resuscitation (CPR) training in the county. He also was one of the first CPR instructors in the county.

His two sons, Jeff and David Hartnett, followed in his path in the volunteer service, both serving with the Indian Head Volunteer Fire Department and Rescue Squad. His wife, Ruth Hartnett, also was very supportive of his volunteer service. The Hartnett family requested that all memorial contributions be made to the Indian Head or Potomac Heights volunteer companies.

Born in Lincoln, Nebraska, in 1934, Daniel Harnett came to the county while working for the Navy at Stump Neck. At his death, he was employed as congressional liaison officer for the Department of State.

The volunteer, father and husband was buried Friday at St. Mary's Star of the Sea Catholic Church in Indian Head where he also was a member of the church choir. Officiating was Father Samuel L. Craig. Interment was at St. Charles Cemetery in Glymont. La Plata and Indian Head volunteer fire department formed a "firemen's ladder arch" in memory of Hartnett and he was afforded honors by the Potomac Heights company.

In addition to his wife and sons, Daniel W. Hartnett is survived by his mother, Helen B. Hartnett, and two brothers, Thomas and William Hartnett.

"I knew Dan had gone to God," said Fr. Newman during memorial services. "Dan has dedicated his life to taking care of other people and I know when Dan got there, those people were there to greet him—all the people who Dan had helped all his life."●

BAN COP KILLER BULLETS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. BIAGGI. Mr. Speaker, earlier this year I introduced a bill (H.R. 953) to outlaw armor-piercing handgun ammunition that can penetrate the bullet resistant vests worn by police officers. The most powerful of these so-called cop killer bullets can penetrate the equivalent of four bulletproof vests in a single shot.

Since over half of our Nation's 528,000 law enforcement officers wear soft body armor on a daily basis, these armor-piercing handgun bullets pose a very serious threat to police. To make matters worse, the number of police officers wearing bullet resistant vests continues to grow dramatically, giving criminals more reason to use armor-piercing handgun bullets.

As one who was wounded 10 times during my 23 years with the New York City Police Department, I am outraged that Federal law allows this type of ammunition to be made and sold, without restriction. After all, the eight armor-piercing handgun bullets that my research has identified are not used for any type of legitimate purpose. There is only one reason any individual would want to use armor-piercing handgun bullets—to kill police officers.

My legislation, appropriately entitled the "Law Enforcement Officers Protection Act," would ban the future manufacture, importation and sale of armor-piercing handgun ammunition, except when needed for law enforcement or military use. It would also provide a mandatory 1 to 10 year prison sentence for any person convicted of using these bullets in a crime. An identical bill (S. 555) has also been

introduced in the Senate by Senator DANIEL PATRICK MOYNIHAN. Over 190 Members of Congress are cosponsors of this vital legislation.

I am pleased to report that Maine recently became the 10th State to outlaw armor-piercing handgun ammunition—other States include Alabama, California, Florida, Illinois, Indiana, Kansas, Oklahoma, Rhode Island, and Texas. Based on this responsible action by the States and the overwhelming support my proposal has received from police officers across the country, I am confident that we will soon have a Federal law against cop killer bullets.

At this time, Mr. Speaker, I wish to insert a very convincing editorial that appeared in the Los Angeles Herald Examiner endorsing my proposed ban on armor-piercing handgun bullets.

The article follows:

[From Los Angeles Herald Examiner, Sept. 26, 1983]

SOME BULLETS ARE BAD—COP-KILLERS

They're called "cop-killer" bullets, because their sole purpose is to pierce the bulletproof vests now worn by half the nation's police officers. Indeed, they can penetrate up to four such vests, laid one beside the other, and each with 18 layers of bulletproof fiber. Yet, since they don't flatten on impact, the bullets are of limited value to police officers trying to stop a fleeing criminal; and, since they tend to ricochet intact, they pose an additional threat to innocent bystanders.

Despite all this, more than 18 months have passed since New York Rep. Mario Biaggi introduced a bill to ban these bullets. In the interim, California and 10 other states have outlawed them, a few ammunition makers have voluntarily agreed to stop producing them, and a number of gun dealers now refuse to sell them. Biaggi's legislation to make the ban nationwide is being held up in Congress, however, pending a report from the Reagan administration that would define precisely which bullets are to be banned.

To be sure, there is some confusion on that point. While most public attention has focused on the Teflon-coated bullet, that's only one of eight armor-piercing types that Biaggi wants to prohibit. Each is made of a different material, which makes it difficult to come up with a precise definition. For now, Biaggi's bill would ban the manufacture, importation and sale of any bullet designed for handguns that can pierce a typical bulletproof vest.

Apparently, that isn't good enough for the Justice Department, which asked for a chance to come up with a better definition. After all, an election year approaches, and the National Rifle Association is hollering about how "there's no such thing as a good or bad bullet"—patently untrue in this particular case—and is otherwise engaged in its usual scaremongering. It is telling hunters, for example, that the bill's language would outlaw ammunition for their rifles.

The Justice Department didn't begin its study until this April and has yet to complete it, although the deadline has already passed. If Justice doesn't produce the promised report soon, Congress should proceed on its own to outlaw this deadly threat to America's law-enforcement officers.●

REMEMBER UKRAINE

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. NOWAK. Mr. Speaker, during the week of September 25, Ukrainian-Americans commemorated the 50th anniversary of the Russian-made famine which resulted in the death of an estimated 7 million men, women and children. That observance culminated in a mass rally October 2 at the Washington Monument.

In connection with that commemoration, I have cosponsored legislation which would establish a commission on the Ukraine Famine, which we hope would not only put this massive tragedy into accurate historic perspective but also help serve to prevent any recurrence of that type of event.

On October 2-3, the Women's Association for the Defense of Four Freedoms for Ukraine Inc. held their seventh convention in New York City.

The proceedings included adoption by acclamation of the following resolution submitted by Mrs. Dasha Procyk of Buffalo, N.Y., the organization's national vice chairman.

I would like to share the text of that resolution with my colleagues as Ukrainian-Americans continue their sustained effort to focus attention and concern on the human rights deprivations in Ukraine.

RESOLUTION

Whereas, the test of civilization is the due esteem given to women, as the quality of life, moral and ethical, is greatly dependent on women; and

Whereas, traditionally women have stood as a bulwark against forces that thwarted or impeded the quality of life of their immediate families or society-at-large and through centuries have proven their deep involvement in every facet of life; and

Whereas, the twentieth century has not yet eliminated human degradation, persecution, denial of basic national and human rights in some parts of the world, the Soviet Union in particular; and

Whereas, the quest of the Ukrainian women to secure these unalienable rights for themselves and their fellow human beings have exposed them to the loss of their freedom, daily harassment, loss of jobs, shelter, exile and possible untimely death; and

Whereas, the Ukrainian women in the Soviet Union have been subjected to a number of reprehensible forms of injustice, most notable of which is guilt by blood and association; and

Whereas, the human rights issue and the non-compliance with the provisions of the Helsinki agreements by one of the signators, namely the Soviet Union, have made a mockery of this act; and

Whereas, an accurate assessment of progress of human rights is redundant if the compliance of the articles are not carried out, and the plight of the Ukrainian women in the occupied Soviet Ukraine is not addressed to; and

Whereas, women of the free world must rally their talent and efforts to cause these problems to be brought up at public forums and discussed with a diligent search for avenues found and implemented; and

Whereas, the gross transgressions against humanity as demonstrated by the recent tragedy of the Korean airliner is but one link in the long chain of offensive conduct of the Russian Communist hierarchy which must be most vigorously condemned; and

Whereas, by observing the 50th anniversary of the Russian man-made famine in Ukraine which resulted in a loss of some seven million Ukrainians, is a dark blot on the conscience of the world that must be not forgotten; and

Whereas, it is inconceivable that fabricated Russian "evidence" be accepted by American courts in proceedings against former Displaced Persons for there is a sustained plot by the Russians to discredit and taint the record of these Americans;

Now, therefore,

We Ukrainian-American Women organized in the Women's Association for the Defense of Four Freedoms for Ukraine, Inc., assembled here in New York City on the 1st & 2nd of October 1983 for the VIIth Convention, do hereby appeal and raise our voices in unison to urge the re-unification of families, free travel, freedom of movement and most of all National and Human Rights for Ukraine. The disenfranchised Ukrainian nation has a right to a free and independent existence.●

CENTRAL AMERICA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. LEVINE of California. Mr. Speaker, today, the tragic events in the Middle East would seem to indicate a breakdown in international communication and cooperation in trying to achieve peaceful, negotiated settlements to regional conflicts.

However, in Central America, we have concrete evidence that cooperation among nations remain possible and is still a vital element in the search for peace. Today I am introducing a resolution which expresses support for the agreement on a framework for negotiating a peaceful settlement to the conflict in the Central American region which was reached by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua as a result of an initiative last September by the Contadora group.

On October 14, in a letter to the Security Council on developments in Central America, the Secretary General of the United Nations reported that the Central American countries had reached agreement on a document of objectives listing elements which threaten the security and peaceful coexistence of the region and agreeing on goals which have to be reached in accordance with the principles of international law to bring about an end to the conflict.

Among the objectives agreed to by the Central American countries were: Respect and guarantees for the exercise of human, political, civil, economic, social, religious, and cultural rights; promotion of actions of national reconciliation in those cases in which there are deep divisions in the society, in order to permit, in accord with the law, participation in political processes of a democratic character, the establishment of internal mechanisms to control or impede the traffic in arms from the territory of any country of the region to the territory of any other country, and the undertaking of programs of economic and social development with the purpose of achieving greater welfare and an equitable distribution of wealth.

While these are just a few of the objectives which have been agreed to in the document of objectives, it is clear that the nations of Central America have carefully considered a wide-ranging solution to the current situation and are serious in their attempt to initiate negotiations to reach an end to the turmoil in the region.

The agreement is the result of dedicated and innovative diplomacy by the member countries of the Contadora group and by the Central American countries. Their efforts in search of peaceful solutions to the conflict in Central America should be congratulated and supported by the United States.

The countries of Latin America have always been leaders in trying to develop diplomatic solutions for the problems which have confronted them. This is evident by such innovative concepts as the Declaration of Ayacucho, which sought to end the competition for conventional arms in the region, and the Treaty of Tlatelolco, which when complete, would create the first nuclear weapons free zone in any populated region of the world.

Once again, through the Contadora group initiative agreed to last week, Latin American countries have proven themselves to be leaders in international diplomacy and have shown their support for solutions agreed to in a rationally negotiated agreement through the international system. They have demonstrated that the combination of creative ideas and dedicated diplomacy can lead to greater understanding among nations and will hopefully bring the countries of Central America to a final solution to the problems which plague the region.

My resolution supports the diplomatic efforts of the Contadora group and the agreement reached by the nations of Central America. I want to congratulate these nations for their diligent efforts to find a solution to their problems through such multinational agreements and negotiations and I hope they will continue to follow this path to bring ultimate peace and security to the region. I encourage my colleagues to support this legislation.

The text of the resolution follows:

H. CON. RES. —

Concurrent resolution expressing support for the agreement on a framework for negotiating a peaceful settlement to the conflict and turmoil in the Central America which was reached by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua as a result of the initiative of the Contadora group

Whereas at the initiative of the four Contadora nations of Colombia, Mexico, Panama, and Venezuela, representatives of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, met on September 7 to 10, 1983, and agreed to a Document of Objectives for resolving the tension which threatens the security and peaceful coexistence of the Central American region; and

Whereas this effort by the countries of the region to resolve their differences peacefully in accordance with internationally recognized principles and under international auspices deserves the support of the United States and other countries: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly supports the initiatives taken by the Contadora group and the resulting Document of Objectives which has been agreed to by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua and which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region;

(2) encourages the United Nations, the Organization of American States, other relevant international organizations, and other countries to support this effort and to assist in bringing about continued negotiations to find a peaceful solution to the tensions and conflict in the Central American region; and

(3) believes that the United States should provide such assistance and support as may be appropriate in helping to reach final agreements, based on the Document of Objectives, which will ensure peaceful and secure solutions to the Central American conflicts.●

THE PRESIDENTIAL LINE-ITEM VETO

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. GEKAS. Mr. Speaker, from the beginning to the end of each year's budget battle, the same cry is heard: Someday, sometime, the budget must be balanced.

Many State governments know that one of the most vital tools in their efforts to keep their budgets balanced is the line-item veto. Today, 43 Governors have that power, and the system of checks and balances provides the State legislatures with the ability to override any gubernatorial veto.

The idea of the Presidential power of line-item veto has been with us since the formation of our Nation. But it was not until the time of the Civil War that the principle of item veto found expression in an American Constitution: The provisional constitution of the Confederate States, adopted on February 8, 1861, permitted the Confederate president to "veto any appropriation or appropriations, and approve any other appropriation or appropriations, in the same bill." Since the Civil War, almost every new State admitted to the Union, along with many of the older States have granted their governors this power.

The question that must now be raised is, Why has the Congress not seen the virtue of the line-item veto and granted that power to the President of the United States? If so many States, whose Governors have the line-item veto power, can achieve a balanced or nearly balanced budget year after year, why would not the same results occur on the Federal level if the President had that same power? Too simplistic perhaps, but I have no doubts that the budget process would be more efficient and pennywise with a Presidential line-item veto power than it presently is without it.

Public support for this power is evident. The following 1981 Gallup poll indicates that 64 percent of Americans favor giving the President this deficit-fighting power:

SOLID MAJORITY BACKS REAGAN ON HIS CALL FOR ITEM VETO POWER

(By George Gallup)

PRINCETON, N.J.—A solid majority of Americans backs President Ronald Reagan in his request for the authority to veto individual items in appropriations bills passed by Congress. At present bills must be approved or vetoed in their entirety.

In the latest survey, 64% of the public favors giving Presidents this power—permitting them to veto specific items in bills passed by Congress—while 24% are opposed. In each of five Gallup surveys conducted since 1945 a solid majority has favored the item veto.

President Reagan renewed interest in this issue recently when he called for a fundamental revision of the Federal budget process, including the power to veto individual budget items.

More than half the states grant their Governors the power of the item veto, but many scholars believe it would require a constitutional amendment to give Presidents this authority.

Those favoring the item veto feel that giving the President this power would stop "pork-barrel" legislation—the inclusion of budget items which primarily serve the expedient political interests of Congressmen without regard to the soundness of the measures on their own merits. Others believe that elimination of the expensive riders frequently tacked onto proposed bills would save millions of dollars.

The main argument offered by those who favor the present system is that it gives the legislative branch more power by forcing a President to accept items (particularly in appropriation bills) which he might not otherwise accept.

Recent Gallup surveys have found the American people to be increasingly cost-conscious in regard to federal spending. A Sep-

tember survey, for example, showed the public to favor, by a 3-to-1 margin, a constitutional amendment to balance the Federal budget each year.

Following is the question that has been asked since 1945:

At the present time, when Congress passes a bill, the President cannot veto parts of that bill, but must accept it in full or veto it. Do you think this should be changed so that the President can veto some items in a bill without vetoing the entire bill?

And here is the national trend:

ITEM VETO

[In percent]

	Favor	Oppose	No opinion
Latest (Oct. 2–5)	64	24	12
1978	70	19	11
1975	69	20	11
1953	63	24	13
1945	57	14	29

As the following table shows, the item veto currently has heavy backing in all major population groups, including those of all political persuasions:

ITEM VETO

[In percent]

	Favor	Oppose	No opinion
National	64	24	12
Republicans	72	19	9
Democrats	57	29	14
Independents	68	23	9
College education	64	30	6
High school	68	21	11
Grade school	47	27	26
Under 30 years	64	26	10
30 to 49 years	68	22	10
50 and older	60	25	15
East	63	25	12
Midwest	67	23	10
South	58	27	15
West	71	22	7

The latest results are based on in-person interviews with 1,508 adults, 18 and older, conducted in more than 300 scientifically-selected localities across the nation during the period October 2–5.

For results based on a sample of this size, one can say with 95% confidence that the error attributable to sampling and other random effects could be three percentage points in either direction.

I have introduced a joint resolution today which will amend the Constitution to include the line-item veto. I urge my colleagues to join with me and others who believe that the dream of the line-item veto should become a reality in the 98th Congress.●

THE SECOND BEIRUT MASSACRE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1982

● Mr. GARCIA. Mr. Speaker, I mourn the tragic deaths of the marines in Lebanon. Their families are not interested in whether or not it is politically opportune for us to be in Lebanon. They are only concerned about the deaths of their sons, and perhaps if we listened a little more closely to these concerns when deciding to continue our presence in Lebanon, the Nation would be better served.

I do not doubt for a moment that any of those killed were not willing to sacrifice themselves to protect the United States. That total commitment is part of the code of honor that symbolizes the Marine Corps. But as legislators and Representatives of the people, we must make certain that any sacrifice they may be called to make is well worth the effort, and is unquestionably in the interest of national security. Anything short of that is not only unfair, it is immoral.

While I did not vote to extend the marines' stay in Lebanon for 18 months, I cast my vote with hesitation. It was a tough vote for all of us. I further wish to emphasize that anyone who did vote to extend the marines' stay should in no way be blamed for this tragedy. We suffer together with this tragedy. But it is my hope that as a result of the bombing the House will reconsider its position on the extension.

I am not certain that we can give the families of the marines a good enough reason for keeping their sons there. This is the second monumental tragedy, Sabra and Shatila were the first, to occur in Lebanon in the last year. I do not want the United States to become hopelessly embroiled in a situation in Lebanon that it cannot escape.●

U.S. INVASION OF GRENADA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. STARK. Mr. Speaker, I guess I am not surprised. This morning President Reagan went ahead with an invasion of the small island of Grenada in the Caribbean. The administration reasoning behind the invasion, and I chose to call it invasion instead of "landing" as the President did since I fail to see the difference, was to protect the lives of the 1,000 or so Americans on the island. Now we all know that one does not proceed with an all-out military invasion of a country, complete with marines and naval warships, to rescue 1,000 people. This is not to downgrade the importance of the 1,000 Americans in Grenada, but if the administration is willing to allow close to 200 marines to be killed in 1 day in Lebanon and refuses to insure their safety by removing them, then the simple threat to 1,000 Americans in Grenada hardly warrants a full-scale invasion.

Of course we all know that the President has been itching to try something like this ever since he was elected. He loves to throw American weight around, and where better than in a small island nation with no armed forces within our own hemisphere. He has to do something with the huge military he has been building up over the last 3 years. You do not launch a military buildup like the Reagan administration's unless you intend to use the force. Now he has.

This stupid move may well cost us the rest of our already deteriorating credibility with other nations of the world. The true interests of the Reagan administration have finally been shown to the world. Under Reagan, the United States will not let other countries do what the United States does not want them to do. And we will invade them to prove it.

It is essential now that the President has shown his true colors, that the Congress take control of the situation. Once again we must invoke the War Powers Act, we have been doing that a lot lately, and bring this insane Reagan foreign policy back into line. We must also stop giving the President the means by which to carryout such invasions. We must stop the military buildup.

We are rapidly headed down the road not to one Vietnam, but possibly two or three, and maybe even World War III. Let us stop the President before it is too late.●

A POLICYHOLDER RESPONDS ON H.R. 100

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. FLORIO. Mr. Speaker, as many of my colleagues know the insurance industry has mounted an expensive lobbying effort against the passage of H.R. 100, "the Non-Discrimination in Insurance Act." The industry has relentlessly pursued stockholders and policyholders through massive mailings alleging drastic results if the bill is enacted.

The industry continues this propaganda in face of overwhelming evidence to the contrary. The General Accounting Office, reported to me, for instance, that in the writing of automobile insurance the factor of miles driven, rather than gender of the driver, was more relevant and if used as the predictor would not cost individual policyholders any more money—CONGRESSIONAL RECORD, April 12, 1983 p. E 1797. Recently, in a publication of the U.S. Health and Human Services researchers determined that differential rates in cigarette smoking are apparently the overwhelming cause of the male-female longevity difference. The Washington Post article describing this study follows.

The industry continues to write its stockholders and policyholders with presentations which do not fairly represent the purpose of H.R. 100, nor the effect that its passage would have. Recently, I received a letter from a constituent who received one of these letters. I think his reponse to the request of the industry to oppose this legislation is instructive, and I urge my colleagues to read it:

The material follows:

RESEARCH LINKS LONGEVITY GAP WITH SMOKING

(By Philip J. Hilts)

Researchers have discovered that the reason women live longer than men is that women have smoked fewer cigarettes in their lifetimes, according to a new study in Public Health Reports, a journal published by the Department of Health and Human Services.

The study concluded that the "overwhelming" reason for the difference in longevity between men and women is cigarette smoking. The conclusion contradicts the speculation of researchers over the years that job stress and style of life might explain the eight-year gap between the life spans of men and women.

The paper, by Dean R. Gerstein of the National Research Council and Gus Miller of Indiana University of Pennsylvania, near Pittsburgh, drew some strong conclusions from the new data:

The study warns that the widening gap between the longevity of men and of women eventually may be erased. Both women and men will die at earlier ages statistically, because women now smoke almost as much as men.

Young women are now taking up smoking at a rate much higher than young men. If women's smoking continues to increase, women will begin to be afflicted with higher and higher rates of disease at all ages, and thus pull down their average longevity, said Gerstein.

Insurance companies that now may charge women lower premiums but also give them lower benefits based on sex are "probably doing this on the basis of the wrong, factor", Gerstein said. Insurance benefits should be calculated on the basis of a history of cigarette smoking, which is the actual cause of longer female longevity, not sex.

"The new study does not necessarily contradict the idea that stress may be a factor in men dying earlier, because it could be that stress causes men to smoke and so both contribute," said Gerstein. "But I am not inclined to think that. I think that whatever other factors are left over after smoking is subtracted doesn't account for much."

The new study was conducted on a sample population of 8,300 people in Erie County, Pa. Researchers discovered that if cigarette smoking were eliminated as a factor, and the higher rate of violent death among young men were discounted, there would be no difference in the life span of men and women.

The findings are the first large study to try to explain the differences in longevity by substracting these two factors.

American women today can expect to live to be 77.9 years old, and men can expect at birth to live to age 70.3, according to 1981 figures from the National Center for Health Statistics. The gap, which was very small at the turn of the century, has been widening ever since, and even with increased smoking among women, it is expected to continue to widen for some years.

Eventually the rise in women's smoking, however, is expected to at least match the men's rate. The gap will narrow, the researchers say, when the younger women begin to contract cancer and other diseases from smoking.

Gerstein and Miller compared the life span of men who neither died violently nor smoked more than 20 cigarettes in their lifetimes, with the life span of women and found the two statistically identical.

Gerstein said he eliminated death by violent causes in the study because there is a wide imbalance in the number of deaths of accident, homicide, and suicide between young men and women. So, he said, men who are not killed violently and do not smoke can be expected to live to the same age as women of their same social level.

"The resulting life expectancy figures for non-smoking men and women of parallel age were virtually identical. Thus, differential rates of cigarette smoking are apparently the overwhelming cause for the male-female longevity difference," the study concluded.

"Actuarial tables should be divided by smoking behavior to reflect this finding," the study added.

"When . . . women who have smoked as much as men reach the later decades of life . . . our study suggests that their lives will be shortened as much as men's and that the present differences in longevity between men and women will disappear," the study concludes.

PETER W. REILLY,
Haddonfield, N.J., August 18, 1983.

Hon. JAMES FLORIO,
House of Representatives,
Washington, D.C.

DEAR MR. FLORIO: Contrary to the wishes of my life insurance company, I am writing to support the Non-discrimination in Insurance Act (H.R. 100) and the Fair Insurance Practices Act (S. 372). I support legislation designed to implement Supreme Court decisions aimed at eliminating insurance rates and benefits keyed to sexual differential mortality tables or sexual based disabilities.

Provident Mutual Insurance Company, and others are using bill stuffers to argue that such tables reflect "objective reality". That view misses the obvious fact that there are many ways to describe reality, but we must choose to act on those descriptions which will further our view of what we should value and what we should not accept.

The choice of male/female mortality tables as a basis for rates and benefits is not "neutral". There are or could be tables reflecting longer lives for members of racial groups, ethnic groups, national origin groups, etc. It would certainly be socially unacceptable to use such facts to create underwriting policy.

The law is a means of expressing what is socially unacceptable. The bills I urge you to support are to carry out the policy that financial distinctions based on gender, accurate or inaccurate, are unacceptable.

Every form of social change is always accompanied by cries that the money cost is too great. I am confident, however, that with a little prodding, the insurance industry will find reliable and acceptable means of underwriting in order to maximize sales and profits.

Certainly, the transition to new methods must be carefully examined to prevent the burden from falling too heavily on any group (consumers, male and female, stockholders, taxpayers). That is a legislator's job, as the Supreme Court recognized in its recent pension decisions. I am sure you will do the job well! This male consumer is confident that the long run benefit to all consumers makes the task essential.

Cordially,

PETER W. REILLY.●

ON THE OCCASION OF JOSEPH McCAFFREY'S RETIREMENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. BROOMFIELD. Mr. Speaker, recently, Joe McCaffrey, dean of the broadcast journalists, retired after 38 years in the business. I am certain that all of my colleagues in the House who knew Joe would agree that he was one of the most competent and knowledgeable broadcast journalists ever assigned to cover the House.

In addition to mastering the issues, Joe knew the personalities and the complexities of the system. He had insights into the legislative and political processes which few journalists ever gain. I particularly enjoyed his report, "Today in Congress," which reviewed the floor and committee proceedings in Congress. As testimony to that program's popularity, it was the longest running sponsored show on the air here in Washington. Joe's other program, "Meet the Member," was on the air for 12 years. In addition to these productions, Joe aired on a daily basis insightful commentaries on the major issues facing our Nation. Joe has the ability to deal with the most convoluted issues in a plain, direct, and understandable way.

Because of his many years covering the Hill, he really learned to appreciate the importance of the legislative branch and its role in America's democratic process. He acknowledged the weaknesses in the system, but maintained a healthy understanding and respect for our open form of government.

Within his own group of professionals in the broadcasting and journalism field, Joe is equally well regarded and was the winner of five Emmys from the Washington Chapter of the Academy of Arts and Sciences.

Although Joe is leaving Washington, he has recently become the owner and publisher of the Culpepper News. I am certain that he will continue to use his professional skills to both inform and entertain the Virginians in his area.

All of Joe's friends on the Hill wish to express our thanks and admiration for his years of dedicated service, and we wish him well in his new endeavors.●

FOOD FOR THOUGHT: USE FOOD AS FOOD

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. DORGAN. Mr. Speaker, the armchair food quarterbacks have started calling signals again on how we should run our farm program. They call the usual play that America produces too much and that is why we spend too much on commodity storage and price supports.

For the moment, I do not wish to debate the broad questions of farm policy; instead I want to focus on food policy and human need. Recently, columnist George Will—who is no champion of welfare programs—argued that we need to use commonsense and to get food to people who are starving or malnourished. Will wrote:

> But here is a better idea: use the food as food. America does not have enough productivity. Government should not pay people, as it today is paying farmers, to produce less—less of something that parts of the world need desperately. Surely it is not beyond the capacity of public policy to make America's agricultural bounty an asset to public policy. Indeed, it is a scandal not to.

Precisely the point.

While the Office of Management and Budget is red dogging Congress on the cost of farm programs and Congress is delaying the game in a debate over foolish target price freezes, 22 African nations face either famine or a food crisis. True, Africa has faced famine before—as recently as 1973–74, when hundreds of thousands died of starvation. But the director general of the United Nations' Food and Agricultural Organization, Edouard Saouma, says that the current crisis affects a much wider area and that prospects for 1983–84 are even worse. As a result, the Food and Agricultural Organization has issued an emergency appeal.

Africa immediately needs 700,000 tons of emergency food aid above regular aid to the affected countries—as well as funds for transportation and fertilizer. These nations need food to prevent starvation now and to provide seed stocks for next year's planting. As Mr. Saouma pleads, "If no food gets to them, they will eat the seeds."

I urge my colleagues to pay heed to the African food crisis and to respond to Mr. Saouma's emergency appeal. Imminent hearings in the House Agriculture and Foreign Affairs Committees will afford an excellent opportunity to share our response.

Meanwhile, I include for consideration a timely article describing the food plight of several African nations. It is a sharp reminder that our food for peace program still makes good sense.

[From the New York Times, Oct. 14, 1983]

A PARCHED LAND, AFRICA DESPERATELY NEEDS FOOD

(By Michael T. Kaufman)

NAIROBI, KENYA, October 12.—From the windows of planes, on flights covering more than 9,000 miles in the last month, much of the African continent appeared parched and crusty, weakening in the grip of a punishing drought that United Nations experts are saying is possibly the most calamitous ever.

For the second year, the rains have failed in what had been the corn belts and breadbaskets of the continent, where nature remains a far more powerful force than politics or technology.

The drought has centered largely on those lands that had been the most bountiful, while isolated and unproductive tracts without roads tying them to markets lie slickened by rain.

The United Nations experts have said the drought is threatening the continent worst food shortages since the early 1970's, when 200,000 to 300,000 people are believed to have starved to death in the sub-Saharan region.

EMERGENCY AID NEEDED

In July, a team of agronomists from the United Nations Food and Agriculture Organization fanned out across the continent collecting statistics on the spreading crop failure and cattle deaths. The teams concluded than in 18 black African countries, with populations totaling 120 million people, some four million tons of emergency grain supplies from abroad will be needed if mass starvation is to be avoided.

Food experts said in June that the 18 countries most affected by the drought were Botswana, Cameroon, Cape Verde, Chad, Ethiopia, Ghana, Djibouti, Lesotho, Mali, Mauritania, Morocco, Mozambique, South Africa, Swaziland, Tanzania, Togo, Zambia and Zimbabwe.

Unlike the drought in the sub-Saharan region 10 years ago, the failure of rains is far more extensive, covering most of southern Africa, the Ethiopian highlands and the chronically parched lands on the edge of the Sahara.

Even South Africa, a country long proud of its agriculture surpluses, has been forced to import more than a million and a half tons of corn this year. Farm income has fallen by half, and hundreds of white farmers have become bankrupt.

JOHANNESBURG POOLS AFFECTED

In Johannesburg, the drought has led to curbs on filling swimming pools and washing cars. But South Africa is a rich country and can buy food abroad, and the inconveniences to its whites seem slight compared with the hardships being endured by blacks in the homelands and the independent nations of southern Africa.

Botswana has had virtually no harvest this year, producing 25,000 tons of corn, a tenth of its needs. Lesotho, Zambia and Swaziland are in crisis, sending our appeals for help as stockpiles dwindle. In the past, some of these countries received food assistance from South Africa, but such shipments are impossible this year.

Even Zimbabwe, one of the rare food exporters in Africa, is preparing to import corn, a staple in the African diet prepared as a kind of porridge called fufu in Zaire, nshima in Zambia and sadza in Zimbabwe.

In the tribal homelands established by South Africa, the situation verges on critical. Tens of thousands of wild donkeys have been ordered shot to preserve shrinking grazing lands for cattle and goats. The cattle herds, which are maintained as family savings and investments, are rapidly dying off.

In one homeland, Lebowa, the average family three years ago owned 10 cattle. By last July the average was down to five, and local officials are predicting that each household will have just a single cow by year's end. Adding to the problems of herders is an epidemic of rinderpest, a cattle disease now sweeping through 14 African countries.

DECLINE IN PRODUCTION

For years, agricultural specialists have deplored national policies in Africa that have led to a steady decline in farm production. With some notable exceptions, like Ivory Coast, many African countries have favored urban food consumers over rural food producers in their pricing policies, resulting in falling production. Diets of city dwellers and rural people have diverged, leading to a growing dependence on imported food as populations have shifted to urban centers.

Indiscriminate land use, deforestation and unlimited wanderings of nomadic herders have quickened the pace of the growth of desert. In other countries, like Zaire, the development of agriculture has been subordinated to mining and commerce. Elsewhere, investments in fertilizer and irrigation pumps have been limited, and systems of land tenure have often failed to synchronize tribal collective traditions with the kind of clear title and ownership needed to secure bank credits.

In the face of the emergency, constructive criticism has given way to pleas for international relief. In Mozambique, where it is estimated that half the livestock had died, irrigation efforts would not be useless. The flows of the rivers have become puny, and tides of the Indian Ocean are forcing their way upstream, leaving water brackish. Marketing policies, however perfect, can do nothing if nothing grows.

VISIBLE IMPACT DIMINISHED

The drought is most severe in southern Africa, but available stockpiles there have so far diminished the visible impact in terms of the swollen stomachs, pencil-thin arms and the yellowing hair that signals protein deficiency.

In Ethiopia, however, where stocks have long been exhausted, these signs and the mounting deaths of children are being increasingly reported by relief workers. The Ethiopian Relief and Rehabilitation Commission announced that in some regions the drought was as severe as the one in 1974, when 200,000 people are thought to have died. It was that drought, particularly efforts to hide its consequences and severity by the Government, that led to the overthrow of Emperor Haile Selaissie.

The Ethiopian Government is now carefully and candidly providing details of the crop failures in Wallo, Tigré and Gondar, the regions hardest hit nine years ago. The Ethiopian Herald, the Government newspaper, said in Gondar alone, 50,000 head of cattle had died.

The third major area of the continent hit by the drought is the sub-Saharan region, where the last good rains came in 1968. Mauritania, which needs 200,000 tons of grain a year to feed its people, produced a tenth of that target last year and is likely to do worse this year. Similar dismal harvests have been registered in Mali and Senegal.

In Ghana, the harmattan, a hot wind that usually comes in January, lasted twice as

long as it normally does, fanning brush fires that destroyed both fields and storehouses. Along with the drought, the fires have cost Ghana a third of its annual food production.●

CONGRATULATIONS TO MOLYCORP ON 60 YEARS OF SERVICE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. RICHARDSON. Mr. Speaker, I want to congratulate Union Molycorp in Questa, N. Mex., on their 60 years of outstanding service. Operation of Molycorp's first flotation mill—one of the first in the country—began exactly 60 years ago. A lot has changed since those early days, but one thing remains the same: Molycorp's proven ability to produce a quality product at the lowest possible cost.

In 1981, the Molycorp Questa division was shut down for remodeling. When it reopens soon, 2 miles of new conveyor belts, new flotation cells and microprocessor control system will vastly improve mill efficiency. Molycorp Questa, therefore, is not only celebrating an anniversary, they are celebrating a new beginning as well.

Molycorp is an integral part of my congressional district in northern New Mexico. Molycorp's payroll represents 30 percent of the private sector payroll in Taos County. It is the largest private employer in that part of the State, and they have made every effort to provide steady employment for the local work force. As proof of this commitment, a major portion of the mill's modifications were done by Molycorp Questa's own employees. For those temporarily laid off, the company has helped Questa obtain community assistance grants from the State and Federal governments. But Molycorp has not looked to others to shoulder all of the burdens. The company provided a $106,000 grant to the village to support many community improvement projects. Recently, a $20,000 grant was given to the Harwood Foundation in Taos, N. Mex., to support the community library system. Overall, the local economy in Questa has greatly benefited from the presence of Union Molycorp.

Mr. Speaker, on their 60-year anniversary, I want to extend my deep appreciation to Molycorp Questa for the many outstanding contributions they have made to northern New Mexico. I am certain their commitment to northern New Mexico will only grow stronger in the years ahead, and we will be the beneficiaries.●

TO HONOR LEO AND GLORIA CUTLER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. LEWIS. Mr. Speaker, on Saturday, November 5, men and women of all faiths will gather in San Bernardino, Calif., to honor Leo and Gloria Cutler as Congregation Emanu El confers upon them the first Rabbi Norman F. Feldheym Award, given for outstanding community service. Unable to attend this gathering, I would like to ask the Congress to join me along with their many friends and admirers in expressing our deep appreciation and gratitude to this man and woman for their many years of dedicated service.

Leo and Gloria Cutler, whose pure desire to promote the welfare of all humanity has guided them in their labors of love, are indeed American citizens of the first order. Their entire life has been an expression of the finest ideals of their double heritage, Judaism and Americanism. It is therefore fitting that on November 5, 1983, they will be honored as the first recipients of the Rabbi Normal F. Feldheym Award for outstanding service to their community.

Their contributions to the religious community are countless. Leo was a member of the Building Fund Campaign Committee which helped to build the Norman Feldheym Religious Education Center, which now serves as the core of all religious education for Jewish youth within the Inland Empire. He has served Congregation Emanu El in San Bernardino as a member of its board of directors, vice president, and president. The United Jewish Welfare Fund has been another recipient of his energies, and in his almost continuous service to that organization he has served on its board of directors, as its treasurer, and, on three different occasions, as its general chairman.

Gloria's contributions are equally distinguished and numerous. She has devoted many hours of service to the Arrowhead Chapter of Hadassah, served as its president, and was honored in 1976 as its distinguished member. She has cochaired the United Jewish Welfare Campaign and served as president of the Sisterhood of Congregation Emanu El. She has also served as the Temple's second and first vice president and currently holds the position of treasurer. Of special note is that in 1980 Gloria became the congregation's first woman president. She and Leo have the distinction of being the only husband and wife to have both served the temple in that capacity.

The secular San Bernardino community has also been greatly enriched by their presence since 1959, when they moved here with their two children, Jeffrey and Roberta. Among the numerous organizations and activities which have benefited from their involvement are the economic development committee of the San Bernardino Chamber of Commerce, the city's planning commission, the corporate board of the San Bernardino Community Hospital and the Valley Lighthouse for the Blind.

Gloria and Leo Cutler have carried out the moral imperative which is so much a part of their Jewish heritage. Mr. Speaker, I take great pride in commending to my colleagues, Leo and Gloria Cutler, whose possession of the finest qualities of mind and heart have permitted them to lay aside their own comfort and devote themselves to the well-being of all the citizens of their community.●

A NATIONAL DAY OF MOURNING

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. LIPINSKI. Mr. Speaker, Sunday, October 23 was a national day of mourning for all Americans. Over 200 Americans were savagely murdered by an early morning terrorist attack at their headquarters in Beirut. Our forces have been sitting targets since U.S. troops were first deployed in Lebanon.

From the very beginning of U.S. participation in the multinational force in Lebanon I have been leery of our involvement. The situation in Lebanon is one of long standing trouble among many groups. It is a civil war between a Christian group and a number of Moslem groups. This civil/religious war, which has been raging off and on for many years cannot be contained or controlled by a few thousand marines from the United States, France, Italy, and Great Britain. We have no business exposing marines to these types of dangers that are everpresent in Lebanon. I am a cosponsor of a resolution that calls for the orderly withdrawal of our troops from Lebanon. I feel that there is no support among the American people for a continuing U.S. presence in Lebanon.

We have involved ourselves in what is essentially a civil war. The goal of the multinational force is as a peacekeeper. But the only way peace can be maintained is if there is agreement on all sides to cease hostilities. This is clearly not the case. Hundreds of violations occur daily. American marines as well as the other members of the MNF are being used as pawns of the various factions. But, most tragically,

our American marines have suffered the most with this latest vicious attack on their barracks.

How many more American lives will be lost before our Government will realize what is really happening in Lebanon? We no longer live in a world, nor do I feel we ever really did, where the United States can act as a world policeman in quelling disturbances. Lebanon is going through a terrible and tragic civil war. We have no business interfering in this situation. We should withdraw our troops as soon as is practical. Finally, I wish to extend my condolences and deepest sorrow to the families of those marines who lost their lives in this despicable attack.●

THE DANGERS OF THE PRESIDENT'S ANTIMISSILE PLAN

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. SEIBERLING. Mr. Speaker, on October 17, Aviation Week and Space Technology magazine broke the news that an administration senior interagency group has recommended to President Reagan that the U.S. forge ahead with a multitiered space-based antiballistic missile defense program. According to Aviation Week, funding for the program "from fiscal 1985 through fiscal 1989 range from $27 billion to $18 billion." The article reports that the:

> Total through deployment of single layer of a multilayered defense by the year 2000 would be $92-$94 billion. A multilayer system would cost approximately $95 billion.

The proposed multilayered defense system could involve a number of developing technologies, including X-ray lasers powered by nuclear explosions, ground-based shortwave-length lasers, chemical infrared space-based lasers, and free electron visible lasers. Although the report's recommendations are purportedly designed to give the President flexibility not to abrogate the 1972 ABM Treaty with Moscow, I think it is high time Congress asked the President to put the brakes on the development of these technologies before they run away from us.

The United States is already on the verge of flight tests of its F-15 ASAT weapon, whose sole purpose is to attack Soviet satellites. We and the Soviet Union are having enough trouble controlling the arms race on Earth, and I am convinced that the last thing we ought to be doing right now is proceeding with an accelerated program to move the arms race into space as well, with associated costs which may well dwarf the current defense budget.

Just as disturbing as the space weapons proposal are the increasing indications that the President just does not have a very clear grasp of the basic issues in United States-Soviet strategic relations, or of the dangers inherent in deployment of systems which would appear to eventually require the abrogation of the ABM agreement. For example, the October 16 New York Times reported that, in a recent meeting with Members of Congress, the President indicated:

> That he had not realized until recently that most of the Soviet Union's nuclear defenses were concentrated in its system of heavy land-based missiles. Mr. Reagan reportedly added that he realized now that his proposals for the Soviets to dismantle their heaviest missiles, without similar concessions by the United States were interpreted by many as one-sided.

It appears that the President is just as unclear about his proposed ballistic missile defense system. The October 18 Washington Post reports that a "senior U.S. weapons scientist who participated in the studies," which preceded the antimissile defense proposal, "said it was the consensus of the scientists involved that U.S. development of a strategic defense would cause the Soviets to redouble their efforts to build new and more effective offensive weapons." Yet in response to a question at his October 19 press conference about the creation of a defensive arms race in space, the President said:

> Well, would that be all bad? If you've got everybody building defense, then nobody's going to start a war.

Mr. Speaker, the dangers of a space-weapons race, which could cost us tens of billions of dollars, and which neither we nor the Soviets can win, are abundantly clear. For example, the United States is moving ahead with plans to deploy its new F-15 antisatellite missile. The F-15 ASAT can be used for no purpose other than to attack Soviet observation and targeting satellites. The Soviets' less sophisticated antisatellite weapon can only be used to attack U.S. observation and targeting satellites. These weapons provide a purely offensive capability, and directly threaten the means we and the Soviets have of verifying arms-control agreements and guarding against nuclear attack. Deployment of these weapons will not enhance our deterrent capability, and will, in my judgment, be very destabilizing. I am deeply concerned that the President is poorly informed on these critical issues, and I urge my colleagues to do all we can to get the administration to proceed slowly and cautiously down this exceedingly dangerous path.●

FOCUSING ON WORLD HUNGER

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. GUNDERSON. Mr. Speaker, in a land of plenty, we devote precious little time to the consideration of the problems of those less fortunate than ourselves. This, unfortunately, is particularly true of the hungry of the world.

Today the House Agriculture Committee will hear from the Secretary of Agriculture and representatives of the State Department, the Agency for International Development, the Board for International Food and Agricultural Development, and others concerned with the world hunger problem.

This hearing is one of several the committee has held on this important global topic in recent years and, while I know that it is impossible for every Member to be present to hear the testimony of the various witnesses, we all should be informed of the dimensions of the problem.

It is for this reason that I am including the text of an article by reporter Scott Richie of the Minneapolis Tribune in the RECORD. Written for World Food Day 2 weeks ago, the article presents a series of startling statistics that truly give us a proper perspective on world hunger and suggestions from several authorities on how we can best fight it.

I commend the attention of my colleagues to the article and the continuing work of the Agriculture Committee on this issue.

[From the Minneapolis Tribune, Oct. 16, 1983]

TODAY IS WORLD FOOD DAY—A LOOK AT THE HUNGRY

(By Scott Richie)

They are, most often, children and women, the young and the very old. They are the victims of droughts, floods, earthquakes, worn-out soils and rapid population growth. They are the poor and they live on every continent.

Every minute, according to the U.S. Agency for International Development (AID), 200 people are born on this planet. Half will die before they are a year old. Of those that live, half will die before their 16th birthday. They will die of hunger, malnutrition and disease.

Today is World Food Day—an international observance that seeks to heighten public awareness of the nearly 500 million people who are underfed and hungry in the world. And their number, according to World Bank estimates, could double by the year 2000.

These malnourished people cannot work as productively as those who have enough to eat, says an AID report. "Toward a World Without Hunger." It is a vicious circle, for without the productivity necessary to bring about economic development, the malnourished continue to lie in poverty and hunger.

Barry Sidman, an official of AID's food aid program, said there are four elements in

the hunger equation: a nation's ability to produce food, its ability to buy and import food on the commercial market, its population growth, and whether the Nation can get food aid.

"When we're talking about hunger and the elements involved, there is a qualitative aspect, too," Sidman said. "If the health of the community is bad, then the ability to consume and utilize the value of the food is minimized."

Sidman said there are two standards used to measure the world's food needs. The first is based on maintaining the status quo, "keeping a country from getting in worse shape in terms of food consumption." The second is based on meeting the nutritional needs of the world's population, and it is a much higher standard, he said.

The U.S. Department of Agriculture estimates that in order for the developing countries of the world to maintain the status quo in food consumption in 1983-84, they will have to get about 12 million metric tons of food beyond what they now grow or can afford to import.

If the need for food is based on minimum nutrition requirements, the amount of food required will be nearly 33 million tons.

By either standard, the amount of food needed by developing countries is greater than what the developing nations have donated. In 1982-83, about 8.84 million tons of grain (the principal food aid commodity) were provided by all the world's donors, with the U.S. share being 5 million tons, Sidman said. In 1983-84, about 9 million metric tons are expected to be donated, he said.

Sidman said that while world food supplies in 1983 were at "record levels," the developing countries were still in desperate straits.

"Global cereal production (all grains) improved 3.4 percent in 1982-83 (1.54 billion tons) over 1981-82 (1.49 billion tons), but the production barely kept pace with world population growth," he said. "And for the developing countries as a group, there was actually a decline in per capita production in 1982-83 (430 million tons produced in 1981-82 to 419 million tons in 1982-83)."

While other parts of the developing world—Asia in particular—have made substantial progress in food production in recent years, Africa's food situation has been deteriorating and has reached crisis proportions, according to The Hunger Project, a nonprofit organization.

Three out of five Africans are chronically malnourished, and famine and mass starvation threaten the lives of more than 200 million people in the 45 countries south of the Sahara, says a Hunger Project report. Of the world's 36 poorest countries, 22 are located in this region.

Population is growing faster in Africa than any other place in the world, the report continues, adding that if present birth rates continue, the population will double in the next 20 years.

The root of Africa's problems, according to the report, is the neglect of agriculture. Drought, poor farming practices and the increasing demand for wood as fuel have turned farmland into desert.

In addition, Africa's political instability and growing strife have resulted in massive disruption of the economy and an unprecedented refugee problem, the report said. "Half the world's displaced and dispossessed people are Africans. More than 5 million have been dislocated as a result of famine, war or political repression."

The food problem in Central and South America, said Sidman, is one more of foreign exchange problems than drought. Adding to the nations' continuing inability to buy food on the import market is the unusual change in weather caused by the recent El Nino phenomenon.

The two hardest-hit countries in that region are Bolivia and Ecuador. In Bolivia, a combination of natural disasters and economic problems in 1982-83 have resulted in the drastic reduction of current availability of basic foods. Bolivia may face shortages of 500,000 tons of potatoes, 90,000 tons of corn and 50,000 tons of rice, Sidman said.

In Ecuador, agriculture suffered from a combination of economic and weather-related events in 1982-83. While heavy rains and floods cut soybean, corn, rice, banana and sugar harvests, oil revenues declined and interest payments for foreign debt jumped 20 percent. The nation uses imported wheat for 35 to 40 percent of its total domestic cereal use.

Like the food situation in the Americas, the hunger problem in southern Asia is not as severe as that in Africa. But food aid still will be critical for many of the less-developed nations.

Bangladesh, Sidman said, is a good example. Ninety-four percent of the nation's cereal import requirements will have to be met by food aid, he said.

"Bangladesh has been improving in terms of domestic agriculture production . . . rice has gone up, wheat also, but they don't produce enough to feed themselves and they don't export enough goods to earn enough to commercially feed themselves," he said.

"Food aid will continue to be critical in allowing Bangladesh to feed its people. In 1984, the U.S. will provide $55 million worth of food aid to Bangladesh."

M. Peter McPherson, administrator of the Agency for International Development, stresses that the solution to world hunger involves more than giving developing countries food.

"Hunger will not be eradicated by agricultural solutions alone," he wrote in the AID report. "Hunger cannot be solved by charity. The permanent salvation of the hungry is not the feeding of individuals, but the economic growth of nations."

"Unless these countries become productive enough to purchase the foods available in the world," said Sidman, "the hunger problem will continue."

Today is the third annual observance of World Food Day.●

THE TRAGEDY OF GRENADA

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. GARCIA. Mr. Speaker, the landing of the Marines in Grenada calls into question this administration's failed policy for Latin America and the Caribbean. The failure to appreciate the legitimate, nationalistic aspirations of this nation has contributed to the current difficulties there.

Grenada has only been independent since 1974. It was ruled for 5 years by a man whose belief in flying saucers played a role in the development of state policy. Having such a leader was hardly an auspicious start for a young nation trying to establish itself. After the coup in 1979, the new Prime Minister, Maurice Bishop, developed closer ties with Cuba and the Soviet Union. While these developments were unfortunate, I believe there was no reason to cut off contact with Grenada.

It is, to a certain extent, understandable that the administration has had problems with Mr. Bishop's government. Grenada is not a democracy, it has not been willing to lessen its ties with either Cuba or the Soviet Union. Yet, the administration made no real attempt to alter the course of Mr. Bishop's government diplomatically. It, instead, chose to isolate Grenada, which, in effect, pushed it closer to the Cubans.

Now, reports indicate that two U.S. marines have died in Grenada, and the fighting continues. What disturbs me most is that I do not believe that this invasion was necessary. I am fully supportive of protecting the lives of American citizens, one of the expressed purposes of the invasion, but we did not have to send in the Marines to guarantee their safety.

We have a definite responsibility as the world's most powerful nation to protect our legitimate interests, but we do not succeed in living up to that responsibility by adopting a confrontational attitude toward nations who have differing political philosophies. Aggression and strength are not necessarily the same.

My primary concern at this point, however, is that the situation in Grenada improves without large-scale bloodshed and loss of life.●

TO HONOR RABBI NORMAN F. FELDHEYM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. LEWIS of California. Mr. Speaker, on Saturday, November 5, 1983, men and women of all faiths will gather in San Bernardino, Calif., to honor Leo and Gloria Cutler as Congregation Emanu El confers upon them the first Rabbi Norman F. Feldheym Award, given for outstanding community service. While the Cutlers are, deservedly, the stars of the evening, I would like at this time to also give public recognition, as well as to express my personal feelings, about the man for whom this award has been established.

Rabbi Norman Feldheym, servant of the Lord, has loved God, as the Biblical phrase commands, with all his heart, with all his soul, and with all his might. And, loving God as passionately as he has, he has had an equal

love for all of God's creatures. Throughout his life he has sought, by example as well as precept, to make our lives nobler. He has demonstrated his love for others by crying out against injustice, intolerance, and wrongdoing, by aiding the weak and the distressed, and by comforting all who are troubled. The establishment of the Rabbi Norman F. Feldheym Award for outstanding community service is eloquent testimony to the success of his life's endeavors.

Rabbi Feldheym has taught me that Judaism is a living, continuing experience, and that the world's very existence is sustained because of the acts of the righteous. My life has been truly enriched through my friendship with such a "Tzaddick"—one who is righteous—and I am honored to pay tribute to him today before the U.S. House of Representatives.●

VOTER EDUCATION: A BOOST FOR VOTER TURNOUT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation which I feel will directly address some of the many problems which contribute to low voter turnout. At the same time, it is my hope that this legislation will help to facilitate voter registration through our schools which would provide a dual purpose in this program. They would help to sponsor voter registration drives of both teachers and eligible students. At the same time, these schools would also conduct educational programs which would help to demonstrate the value of voting and voter participation.

My bill, the Voter Education and Participation Act of 1983, would establish a modest discretionary program which would provide funds to elementary and secondary schools as well as institutions of higher education, for the specific purpose of creating programs to instruct teachers, students, and communities about voting and its importance. It is my intent that this act could also be used to sponsor such worthwhile educational activities such as mock elections and model congresses as well as community symposiums on issues in Federal, State, and local elections.

The funding of this act is modest, totaling $22.5 million over a 3-year period: $5 million in fiscal year 1985, $7.5 million in fiscal year 1986 and $10 million in fiscal year 1987. Projects are to be coordinated with organizations which have a demonstrated interest in voting and voter education. The materials, both training and instructional, are to be disseminated to all those individuals and groups which could benefit from their use. The purpose of such a discretionary program is to give innovative and creative schools an opportunity to use their community resources in a constructive and civically oriented fashion. At the same time, there must also be a dissemination provision in each project sponsored under this act so that as many people as possible can benefit from the information that is generated by such voter education programs.

Mr. Speaker, it is my firm belief that voting is a responsibility that we must take seriously. At the same time, we must recognize that many individuals, especially our young people, are confronted with a number of barriers that impede their full participation in the electoral process. Studies have conclusively demonstrated that children who are exposed to favorable attitudes toward voting and voter participation at an early age, grow up to become responsible and civic minded adults who actively vote in elections and are knowledgeable and informed about the process.

I believe that our Nation's schools, colleges and universities can be the breeding ground for instilling these ideals and reenforcing them in our young people. By utilizing teachers in such a fashion, we can also provide them with important role models to look up to who can demonstrate the importance of voting. With voter participation among the young, age 18–24, the lowest of all voting age groups, something must be done to reverse this trend. This legislation will certainly not be the total answer, but I believe, it is a responsible step in the right direction.

As the author of companion legislation, H.R. 84, that would establish Sunday as the national presidential election day, I feel that the Federal Government can and should play a role in facilitating access to the voting booth. At a recent conference on American voter participation sponsored by Harvard University and ABC, Inc., a variety of public officials, journalists, and noted scholars discussed a variety of reasons why Americans choose not to vote. Gary Orren and Sidney Verba of Harvard outlined in their paper, "American Voter Participation: The Shape of the Problem," the explanations of turnout which show that high voter turnout, is in part, assisted by favorable attitudes toward voting, a vigorous political environment and few, if any, legal barriers to registration, election days, times of poll openings, and closings. My bill can assist a turnaround in many of those areas which are associated with low voter turnout. This bill also incorporates the suggestion made by former President Jimmy Carter, who was a participant in the symposium, who suggested that schools could be used for registration drives, something that had been done in schools in Georgia. I believe the President's point was well taken and have used it, in part, as a basis for this legislation.

As a senior member of the House Education and Labor Committee, I plan to actively work toward timely hearings on the Voter Education and Participation Act. We will hear from the educational community as well as those who are affiliated with organizations that are concerned with voter education. It is my hope that this legislation can become a vehicle for a heightened discussion of the importance of voting and can be an instrument to assist in reversing the disappointing decline in American voter participation which had plagued us for the last two decades.

I urge my colleagues to join with me in support of this legislation.●

ASSAULT ON CIVIL RIGHTS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. OTTINGER. Mr. Speaker, while we are engaged in military crises all over the world, President Reagan has still found the time to continue his incredible assault on the civil rights of Americans.

In the first 6 months of this year, Mr. Reagan proposed replacing three members of the U.S. Commission on Civil Rights, undoubtedly because they were highly critical of his abysmal record on civil rights. He has long since sent the names of his proposed replacements to the Senate for confirmation. As I argued vehemently at the time and a number of Senators apparently agree, the qualifications of these nominees is of little consequence; the President's purge of the Commission is the issue, and it is intolerable.

The President has found to his surprise that few in Congress will traffic in bigotry. Consideration is being given to changing the appointment procedure for the Commission, and leaving intact the Commission's independence. Mr. Reagan decided today he would take no such risk; he has fired the three Commission members already targeted for replacement.

For years, the U.S. Civil Rights Commission has served as an independent conscience of the Federal Government and its efforts to root out discrimination. The President, knowing that his policies can only attract the scorn of this historically independent voice, seeks to muffle this voice at any cost.

The President's battles with the Commission are not isolated events. They are part of a wide-ranging effort by his administration to turn back the

clock, to poison our commitment to equal rights for all Americans.

Just last week we learned that the President's chief civil rights officer, William Bradford Reynolds of the Justice Department, ordered Department lawyers to do everything in their power to prevent the NAACP legal defense fund from entering a school desegregation case in Charleston, S.C. That order typifies almost 3 years of an unprecedented disregard for human rights abroad and civil rights at home.

Consider: The President's failure to enforce the laws of the land against racial discrimination in employment, in housing, and in our schools; his reversal of long-established Justice Department positions on equal opportunity, to the dismay of the Department's legal staff; his funding cuts in programs of particular concern to minorities, from jobs, to housing, to compensatory education, to minority business enterprise and small business loans for vocational training; his appointment of fewer minority candidates to responsible positions than any modern President—all this capped by his extraordinary advocacy of tax exemptions for segregated private schools.

We cannot reverse the President's decision to fire the three members of the Civil Rights Commission. While his moral ground is reprehensible, his legal ground is solid. But we must show the President that Americans in 1983 will no longer tolerate the kind of bigoted behavior that was once, to our shame, a part of our very social fabric. We must speak out strongly about this latest insult to our ideals.●

TWO DECADES OF PROGRESS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Mr. TRAXLER. Mr. Speaker, I rise before this distinguished body today to recognize and pay tribute to the Essexville-Hampton Public School District for 20 years as a K–12 school district.

The theme, "Two Decades of Progress" has been adopted for the yearlong celebration that commenced at the beginning of the 1983 school year, and will proceed through June 1984.

The Essexville-Hampton public schools have developed into a recognized leader in public education in mid-Michigan. Since a vote of area residents in 1962 to bond the school district for $2,600,000 to erect, furnish, and equip a high school building to the present, all five of the Essexville-Hampton public schools have measured up to their motto, "Pattern for Excellence."

Project FAST, a project for individualizing instruction and providing support services to classroom teachers, was entirely developed and implemented by Essexville-Hampton staff and was adopted by the National Diffusion Network of the U.S. Office of Education. Essexville-Hampton staff members trained teachers in 39 States and Japan with Project FAST techniques and materials. Indeed, Essexville-Hampton's influence is much bigger than their size.

All of the Essexville-Hampton schools offer well-rounded programs that contain a heavy emphasis on the basic skills, as is shown by the continuous success of the students on the Michigan educational assessment program tests. Four of the five schools received a commendation letter from the State superintendent of public instruction this past year.

In addition to basic skills, the Essexville-Hampton schools are noted for their excellence in the fine and applied arts. The Broadway musicals, band, and debate and forensics programs deliver excellence each year while the industrial arts department produces State competition winners on a regular basis. In 3 of the last 4 years, the high school athletes have won the conference all-sports trophy for overall excellence. The community education program continues to serve the community as over 11,000 people annually take advantage of the classes offered.

The key to the success of this school district are the constant support of the Essexville-Hampton community, a continuous line of highly qualified and dedicated board of education members, an enlightened administration, and a truly professional teaching staff.

The people of the district care for their children and have 20 years of continual progress toward excellence to prove it. I am deeply honored to represent such a large group of dedicated, hardworking individuals. Please join with me in congratulating these fine folks on a job well done.●

AN OUTRAGEOUS ABUSE OF GOVERNMENT POWER BY HUD IN DALLAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1982

● Mr. FROST. Mr. Speaker, a very serious matter in Dallas involving the Department of Housing and Urban Development has been brought to my attention, and I believe the matter is so serious that I have joined with Congressman JOHN BRYANT, who also represents Dallas, in asking Chairman HENRY GONZALEZ of the Subcommittee on Housing and member of that committee to immediately investigate.

In an October 14 meeting here in Washington with HUD officials, Dallas Mayor Starke Taylor was informed by HUD Deputy Under Secretary for Intergovernmental Affairs June Koch that the Dallas Housing Authority must dispose of 1,000 public housing units in West Dallas before the Federal Government will approve the sale of the Washington Place project.

The 1,000 units in West Dallas are in my congressional district, and the Washington Place project is in Congressman BRYANT'S district.

To force a city to completely abandon 1,000 public housing units in one of its most distressed areas—in exchange for final approval on another high-priority project—is a blatant and arrogant misuse of Government power.

These projects are not in competition with one another on a funding basis; in fact, they involve completely different policy questions. Not only is it inappropriate for HUD to exploit the Washington Place project by withholding final approval until the city submits to the Department's wishes on a separate and vastly different matter, it is, more importantly, outrageous for HUD to barter with the Dallas Housing Authority by using 1,000 low-income units as the condition of approval.

I realize that the Subcommittee on Housing will need more information on these projects before proceeding; however, I want them to know that our staffs are available to work with the subcommittee's staff in an effort to prevent this outrageous action on the part of HUD.

And, Mr. Speaker, it is just that—an outrageous abuse of Government power and an abrogation of HUD's responsibility to low-income tenants, and I sincerely hope the Subcommittee on Housing will investigate this matter immediately.●

MAINE'S OUTSTANDING WOMEN OF 1983

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 25, 1983

● Ms. SNOWE. Mr. Speaker, the State of Maine has long found its human resources to be every bit as valuable as its rich natural resources. Each generation builds on the legacy of human caring and industriousness which has become characteristic of the Maine resident. I take this opportunity to honor the 10 outstanding women of northern and eastern Maine of 1983. Their examples of community involvement are laudable, and well deserving of our recognition.

The article follows:

[From the Bangor Daily News, Oct. 13, 1983]

THE 10 OUTSTANDING WOMEN OF NORTHERN AND EASTERN MAINE OF 1983

Newspaper publisher, dietician, legislative representative, scientist, businesswomen—the list goes on. The list of their achievements even longer. The esteem that is held for them by colleagues, friends and relatives would fill pages. But in the end, the judges—a committee of three, selected by the Bangor Daily News—after much deliberation finally selected from scores of entries the following, who they feel represent *The 10 Outstanding Women of Northern and Eastern Maine.*

The contest is expected to become an annual event along with the publication of *Today's Maine Woman.*

Those selected were:

Mary McBride, born in Blaine, raised in Mars Hill, a resident of Presque Isle, was last honored in 1979 by Beta Sigma Phi Sorority as "Lady of the year." And during that year Aroostookians also honored her by electing her to the Maine Legislature.

During the 109th and 110th sessions of the Legislature she was assigned to the health and institutional services committee, which is directly connected to hospitals, boarding homes, health professions and education institutions.

During her first term as a legislator she presented and steered a bill through the Legislature which subsequently resulted in the expansion of N.M.V.T.I. auto mechanics course and a new building. She is also keenly interested in laws to prohibit drunk driving.

During the last session of the legislature she was assigned to the business legislation committee. One primary concern was the revision of the workmans compensation law which fostered a better business climate in Maine enabling more people to gain employment.

She was instrumental in passing an infant seat-restraining law for the protection of infants; has been a member of a national committee seeking to coordinate activities between states. In the last session she was appointed to the Reapportionment Committee.

They say few women have had or continue to have the impact and influence on the Katahdin Region that Anne R. Erickson, editor-publisher of the Katahdin-Times, does.

For nearly a decade she has kept the public informed in Millinocket and Medway and surrounding communities with local news. Invariably she is first on the scene of fast breaking news stories, getting to the spot by whatever means available, sometimes a plane or snowmobile to cover a mountain rescue, a remote country fire or accident.

Anne's weekly newspaper is a significant voice in the community today, which is a remarkable achievement for a person who just a few short years ago did not know a pica from a point. But today, Anne Erickson can wear any hat in the newspaper business—editor, publisher, reporter, advertising sales person, photographer . . . she can handle it.

Alice J. Tilden's name can be found behind many benefits for crippled children, the Maine Coast Memorial Hospital in Ellsworth, or, as a co-sponsor of the Miss Blueberry Pageant, or Miss Ellsworth Pageant where she lives, and runs Alice's Fashions Inc. which she founded in 1960.

A prominent businesswoman, she and her husband bought the Brookside Restaurant in 1946. In 1957 the couple bought the former Miami Motel which later became Jasper's Motel. In 1980 she sold Jasper's Restaurant and Motel due to her husband's ill health.

Besides numerous affiliations with civic and fraternal organizations—including the Ellsworth Chamber of Commerce, the board of directors, Pierre Monteux School of Music; and as a leader of 4-H Clubs in Ellsworth, Alice Tilden was cited for guiding those women who have worked with her "by setting the ultimate example of how a business and professional woman should dress and conduct herself."

Between 1946-1980 it is estimated that she employed more than 500 people in her restaurant and motel business, and another 100 in her fashion business. She has given gowns to girls participating in pageants; has sponsored many girls in fashion schools; has hired young girls during summer recess, who planned to follow a career in merchandising; and has sponsored several candidates to Miss Maine United Teenager Pageants including the winner in 1978.

M. Barteile Benson is the embodiment of the old French "corage" for mind, heart, spirit. Teile Benson puts courage to work, say her sponsors.

A registered nurse since 1947, she is assistant Administrator of Nursing at Eastern Maine Medical Center, where ". . . as department heads as EMMC, we—and dozens of nurses—have witnessed and benefitted from Teile's knowledge, her serenity and dedication."

Teile is charged with managing efficient and effective delivery of nursing care to patients in all medical and surgical areas, in renal dialysis and alcohol rehabilitation.

A founding member in 1980 of COPES (Community of People Extending Support), Teile served as its first president. The group offers support to the terminally ill and their families. Teile continues as a volunteer caregiver to the dying.

A wife and mother of two grown children, Teile is an active member of St. John's Episcopal Church. She has been superintendent of the Sunday School and an officer in the Altar and Women's Guild. She supports the community and the work of the hospital through United Way and the Hospital Development Foundation. Past community service includes participation in Symphony Women and Jaycee Wives.

Katherine O. Musgrave, holds a B.S. degree from Maryville College, a R.D. from Vanderbilt University, an M.S. from Oklahoma State University, and a C.A.S. from the University of Maine, Orono, where she currently serves as professor of food and nutrition.

She has served as president of the Maine Dietetic Association, as a member of the Maine Nutrition Education and Training Program advisory council, the Joint Council on Food and Agriculture USDA, and as a member of the Scholarship Committee of Phi Kappa Phi.

For more than 12 years Katherine Musgrave served as an advisor to Alpha Beta Chapter of Omicron Nu, the national home economics society. Her successor in that post, Judy E. Libby Hanscom said "I am awed by the footsteps I am following. By example Katherine is a very inspirational colleague."

Wayne L. Thurston, program director, Maine Dairy & Nutrition Council: "She is an individual who you hear former students refer to with admiration and respect. She has the rare ability to take the rather mundane subject of nutrition and make it a viable, relevant and even, exciting subject."

Shirley Atwood of Brewer is currently State Regent for the Daughters of the American Revolution (DAR) and has served as a president of the Maine Federation of Women's Clubs.

A graduate of Cony High School, Augusta, after a brief stint as a journalist she studied theater in New York and married writer Evan David. In North Castine the couple restored an 18th century house where she assisted her author-husband in research and typing.

She married Paul Atwood of Brewer a few years following the death of her first husband, and then became active in women's clubs. In addition to the DAR, and the MFWC (Maine Federation of Women's Clubs) she is a member of the Norumbega Club.

Still interested in theater she assists groups and individuals in their work. She is also a talented crafts person and lectures on the making of quilts. Her old quilts are shown throughout the state.

Although severely troubled by arthritis for the past 20 years, she has continued to travel the state and country in behalf of the many organizations she represents.

Beatrice Bryant operates what is considered by some to be the largest antique woodstove restoring operation in the nation. Located at Thorndike, the sideline to her husband's steel fabricating shop, quickly became the principle source of income for the family.

Mrs. Bryant has been acknowledged for the assistance she provides families in solving their energy problems during a standard six-day work week consisting of 10 hour days.

The family-owned business sits on a 100 acre farm in Thorndike. Since 1970 the family has been actively restoring and retailing antique cast iron cookstoves and parlor heaters.

The market area stretched from the boundaries of Maine across country. And now the family has found buyers in foreign countries too.

Her achievements in the business has earned her the title of most outstanding person in the woodstove industry by the Wood Heat Alliance.

The business began when Mrs. Bryant sold her first stove to earn some extra cash, noting that with eight kids about ready for college the extra cash was urgently needed.

Today the Bryant Steel Works is open year round and features the Bryant Stove Museum with its collection of ornate and beautiful antique stoves.

Bonnie (Bonita) Tidd of Hodgdon has been instrumental in the long-term operation and advancement of 4-H programs in Aroostook County. Her work has positively influenced the lives of numerous youth and adults.

She has been key leader of the 4-H Trail Blazers since its inception in Smyrna, Sept. 10, 1975.

Amongst many accomplishments and achievements including 4-H visits to nursing homes and charitable events to raise money for Houlton Regional Hospital, over the past year she has played a key role in the organization, operation and direction of the newly formed Southern Aroostook 4-H Leaders Association.

Encouraging youth to participate fully in 4-H activities in Aroostook County, she has initiated a 4-H fair as part of the July Fourth festivities in Houlton. She encour-

aged 4-H members to attend a wildlife camp in May where she served as chaperone, kitchen aide, educational program assistant and participant in Sunday services.

Bonnie's nominator Deborah B. Killam says: "I cannot stress enough the impact Bonnie Tidd has had on the lives of 4-H members, parents and adults within the community along with the community itself."

Cathy Sprague of Milo, is recognized not for being a "joiner" but for her "individuality" and "uniqueness" through other avenues of endeavor.

She is best known in Milo for turning her home into a free-loan costume shop that lends out 200-300 various outfits each year to clubs and individuals. And according to Janet Brown "Cathy thinks nothing of whipping up three or four Santa suits just because there is a demand."

Cathy is always present at local school parties either garbed in an Easter Bunny or Mrs. Santa suit. During the holiday season she makes and personally delivers 100 holiday favors for area senior citizens.

She has become widely known for her antique clothing shows which she presents for benefits for George Stevens Academy, Blue Hill, and The Little Red School House for retarded children in Milo. Her shows are also presented before Granges, Eastern Star, Senior Citizen groups, church and other organizations, as well as the Teddy Bear's picnic in Bass Park.

One of 16 children, she and her husband Dwight have two children.

Dr. Elizabeth S. Russell, is a retired senior staff scientist at The Jackson Laboratory, Bar Harbor, who, besides attaining international recognition as a Guggenheim Fellow, and a Fellow of the American Academy of Arts and Sciences and the National Academy of Sciences, also received one of the highest honors possible for an American citizen in 1983, when she was elected a Fellow of the American Philosophical Society.

Dr. Russell, or "Tibby" as she prefers to be known, has resided on Mt. Desert island since 1937. She is the mother of four children whom she raised single-handedly while pursuing a long, varied and productive career.

International recognition has been achieved by Dr. Russell for her research in Mammalian Physiological Genetics. She has authored more than 100 scientific publications and has lectured worldwide.

Dr. Russell's accomplishments are not limited to research. She is extremely active in the educational arena and is passionately devoted to helping young people achieve their goals. She has been a mentor to many aspiring students. She holds honorary degrees from the University of Maine, Colby College, Ricker College and the Medical College of Ohio. She is trustee of the University of Maine, the College of the Atlantic and Associated Universities, Inc. She is also a newly appointed member of the Commission of Education for the State of Maine.

Recently Dr. Russell visited China as a guest of the Chinese Union of Health Care Providers. She has served as president of the Genetics Society of America and as a member of the Advisory Council to the National Institute of Aging.

One colleague describes her as ". . . a warm caring human being . . . who inspires the admiration, trust and affection of all . . .".●

SENATE—*Wednesday, October 26, 1983*

(Legislative day of Monday, October 24, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, God of all wisdom, by whom all things are known, for whom the end is as plain as the beginning, we call upon Thee in this critical hour when fast-breaking events of great significance arouse uncertainty and apprehension. We pray for Thy comfort and peace for those for whom the unexpected means tragedy and loss. We pray for those who bear the overwhelming responsibility for decisive action. Grant them caution when emotions would overreact. Help them to keep events in perspective and not be pressured into premature judgment. Brace them against irresponsible threats from hotheads whose mouths are in high gear while their minds are neutral.

Gracious Father, we pray for the Senate press and media who bear disproportionate responsibility to correctly inform the public who are dependent upon them for the facts. Give them special wisdom and sensitivity as they fulfill their strategic missions in troubled times. And grant to all of us, dear God, patience with and love for each other, and a renewed confidence in Thy faithfulness, nearness and relevance. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, under the order previously entered, after the two leaders are recognized under the standing order, there will be a period for the transaction of routine morning business, and then the Senate will proceed to the supplemental appropriations bill at 10:30 a.m. I hope we can finish that bill in short order.

There are three committee amendments that I think will be considered separately. There may be other amendments. The most controversial issues, I suppose, will be first, Clinch River, which is the second committee amendment, and then the FCC syndication matter.

I remind Senators, as I have done for several days this week, that we need to do the supplemental and the debt limit. I have not yet had an opportunity to discuss this at length with the minority leader or the chairman of the Finance Committee or the ranking minority member, but it is my understanding that a debt limit bill was reported last evening and is now on the calendar. It is Calendar No. 491.

According to my mathematics, Mr. President, if the 3-day rule is observed, we cannot reach that bill until Saturday. I have announced a number of times that whether we are in session this Saturday depends on whether we can do the supplemental and the debt limit. I am willing to modify that a little. As I say, I will discuss it with the minority leader and others in due course today.

However, it seems to me that we either have to trim something off that 3-day rule in order to consider it this week or we will have to be in session on Saturday in order to consider it.

I talked to the Secretary of the Treasury this morning, and he indicated to me that Monday midnight, the 31st, which is when our present debt limit authority will expire, is a crucial and critical date. I have asked the Secretary to give me in writing a statement of the consequences if we do not pass it by Monday midnight.

I am not trying to use a carrot or a stick. I am simply saying that we have a responsibility to deal with this matter, mindful of the fact that the House has already dealt with it in their own way.

So it is up to us to face up to our responsibility, which is to try to do a very difficult and controversial thing by Monday midnight, the 31st of October.

In the course of the day, I will be shopping for time off the 3-day rule so that we can get the debt limit up this week, or there is a strong possibility that we will be in session on Saturday, when the bill will qualify under the 3-day rule.

What I really would like to have—it is not Christmas yet, but I think I can start making up a list—is a time certain to finish both the supplemental and the debt limit this week, before we go out on Friday. That is what we should do, in my opinion.

I understand how filled with emotion these issues are and how difficult, for example, the debate on Clinch River will be, and perhaps how sharply divided the Senate will be on that matter. For years we have said everything we know, and maybe a little more, about Clinch River, and I do not think days of debate are going to necessarily improve the quality of that situation.

So I hope we can get a time limitation on that matter and on the syndication matter, which is a newer item but equally controversial, and maybe finish the supplemental today or tomorrow, and then get on to the debt limit bill and finish it before the close of business on Friday.

That is the best thing to do, in my opinion, the responsible thing to do, and the most desirable thing to do.

However, Mr. President, we will deal with it as we must. Once again, in no way is it meant to be a threat or coercion. I feel that our responsibility is to pass both these measures, and in the case of the debt limit, to do so before midnight Monday next. That may entail long hours for the Senate during this week and the possibility of a weekend session.

Mr. President, I feel that I should consult with the chairman of the Finance Committee and the ranking minority member.

By the way, I congratulate the ranking minority member of the Finance Committee for the honor bestowed upon him last night by his fellow Democrats at a dinner in this city. I was not invited to attend that dinner, but I am advised by those who did attend and who pride themselves on maintaining lines of communication in both camps—theirs and ours—that RUSSELL LONG comported himself in his usual excellent fashion, upholding not only the traditions of the Senate but also of the Democratic Party and of the State of Louisiana and of the Long family. That is quite a load. In any event, I congratulate him.

Mr. President, that is all I should say this morning.

(Later the following occurred:)

Mr. BAKER. Mr. President, earlier today I stated that I felt our duty and responsibility was to diligently try to get action on the debt limit bill before midnight on Monday, October 31.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

In reference to this fact I discussed with the Acting Secretary of the Treasury this morning the importance of that and the consequences if we do not.

First, I ask unanimous consent that a copy of a letter from the Secretary of the Treasury to Senator DOLE, of which I have a copy addressed to me, may appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., October 17, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR BOB: It is essential that Congress act to increase the debt limit by November 1, 1983.

The present debt limit is $1,389 billion. The debt subject to limit, based on our present financing and cash receipt and expenditure estimates, will be $1,386 billion on October 31, and on November 1 it will increase to $1,397 billion, or $8 billion above the limit.

The major reason for the increase in the debt subject to limit on November 1 is that on that date the Treasury is required by the Social Security Amendments of 1983 to transfer an estimated $13 billion from the general fund to the Social Security trust funds. The Act requires that tax receipts which would otherwise be credited to the Social Security trust funds as they are received during a month be credited to the trust funds on the first day of the month. Since the trust funds are invested immediately in public debt securities, the transfer on November 1 will increase the debt subject to limit by $13 billion on that date.

Also, the Treasury's major mid-quarter refunding is scheduled to be announced October 26. That financing is expected to total about $16 billion of new issues of notes and bonds, to refund about $6 billion of securities maturing on November 15 and to raise about $10 billion in new cash needed by that date to pay the Government's current bills. These securities are to be auctioned on November 1, 2, and 3, for settlement on the November 15 refunding date. The Treasury can not conduct these auctions without assurance that it has sufficient debt authority to issue the securities. Consequently, if Congress does not act on the debt limit by November 1, and the auctions are cancelled, there will be a substantial cost to the Treasury. The mid-quarter refundings have been the centerpiece of Treasury financing for many years, and a broad market of various investor groups has developed for these issues. If the securities cannot be issued as scheduled, potential investors will be required to make other arrangements, and the Treasury will be required to borrow later in a less favorable market. An increase of just one-eighth of one percent in the cost of financing these note and bond issues would add about $250 million to outlays for interest on the public debt.

The Treasury also has weekly and monthly shorter-term bill auctions scheduled for late October and early November, which will be more costly as delay on the debt limit bill causes uncertainty in the market and postponements or cancellations of these issues.

I know that you will make every effort to assure action by the Senate on the debt limit bill by November 1, to permit the Treasury to invest the Social Security trust funds and to avoid adding hundreds of millions of dollars to the cost of financing the public debt.

Please let me know if I can be of further assistance.

With best wishes.

Sincerely,

DONALD T. REGAN.

Mr. BAKER. Second, Mr. President, I wish to say I renew my request, my urgent request, that the jurisdictional parties involved, meaning the Finance Committee chairman and ranking member, consider the possibility, in conjunction with the leadership on both sides, of adjusting the requirements of the 3-day rule so that we can reach the debt limit bill this week. It is the intention of the leadership on this side to try very hard to finish this bill before Monday midnight and it may very well require that we be in on Saturday. But before I make a final announcement on that, I would like to explore the possibility of getting the debt limit bill up this week and finishing it before Monday midnight.

Mr. President, I would urge Senators who hear this in their offices and those who may be apprised of it to take account of the fact that it is the intention of the leadership to ask us to remain on Saturday if that is necessary in order to pass the debt limit bill. I will try to have a further announcement on that after I have had an opportunity to confer with the minority leader and with other Members.

ORDER OF BUSINESS

Mr. BAKER. I ask unanimous consent that the time allocated to the distinguished minority leader under the standing order may be reserved for his use at any time during the course of this day.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is ordered.

Mr. BAKER. Mr. President, do I have time remaining?

The PRESIDING OFFICER. The majority leader has 3½ minutes remaining.

Mr. BAKER. I ask unanimous consent to reserve that time as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the majority leader for conserving my time.

If the Senator from Alaska wishes to have some of that time, I am glad to yield it to him.

Mr. MURKOWSKI. I thank the minority leader. I will need about 3 minutes.

Mr. BAKER. Mr. President, the Senator has 5 minutes under the previous order.

Mr. MURKOWSKI. That will be sufficient.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

Mr. BAKER. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 10:30 a.m., with statements therein limited to 2 minutes each.

Mr. BAKER. Mr. President, since we now have 20 minutes for morning business, I ask unanimous consent that the time limitation be changed to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEIRUT ATROCITY FORESHADOWS FUTURE NUCLEAR CATASTROPHE IN UNITED STATES

Mr. PROXMIRE. Mr. President, the atrocity in Beirut should remind us of what terror in the world today foreshadows in a far more catastrophic and dangerous way in the future. In Beirut, using conventional explosives, terrorists killed scores of American and French marines, sailors, and soldiers. Suppose such an attack takes place 10 or 20 years from now. Suppose it takes place not in far-off Lebanon but in several American cities. Suppose explosions occur in Chicago, Los Angeles, New York, Miami, and a number of other American cities. And suppose these terrorists, a few years from now, take full advantage of nuclear weapons technology. What would be the consequence? How many would be killed? How would we punish the perpetrators? And above all what can we do to prevent such a disaster?

Consider that the force that exploded in Beirut a couple of minutes apart—first in the American headquarters and a little later in the French headquarters—came from single trucks. If those trucks had been loaded with nuclear explosives instead of conventional explosives, the entire city of Beirut and everyone in it would have been casualties. Could this nuclear explosion supertragedy happen a few years from now in American cities? Of course. In fact, unless we find a way to stop the arms race and particularly the headlong rush of nuclear weapons technology, it will happen.

In less than 40 years we have come a long, long way on the technology road from World War II when the world's greatest scientists labored for years to set off the first nuclear explosion and many long months after that to produce the first two nuclear bombs. Today, a bright undergraduate at

Princeton or Harvard can provide all the know-how necessary, which together with a little plutonium, can produce a nuclear bomb.

This country has provided hundreds of export licenses to a number of foreign countries to receive nuclear materials, equipment, and technology. Both this country and the Russians are at this moment producing new, more deadly nuclear weapons every single day. Each country has thousands of strategic nuclear warheads in its arsenals. Both the British and French have hundreds. The People's Republic of China has its own nuclear arsenal and five or six other countries are well along on the nuclear path.

It is possible, though unlikely, that terrorists groups may already have started assembling a nuclear capability. But it is very likely with our present, weak antiproliferation policies that within 10 years terrorists groups will have their nuclear capability and certain that they will have this literal life-and-death power over entire countries within 20 years unless we do two things. First, we must stop the nuclear arms technology race. Second, we must vigorously pursue a strong and effective antinuclear proliferation policy.

At this moment this greatest military power on the face of the Earth is puzzled about what to do to answer the terrible atrocity in Lebanon with so many of our young marines and sailors ruthlessly slaughtered. How do we strike back? How do we prevent this kind of atrocity from happening again and again, when we do not even know for sure who did it? Are we helpless? No; because terrible as this atrocity was, heartbreaking as is the loss of these young Americans, the tragedy was limited. It occurred thousands of miles from our shore. It does not threaten this country. And if it is repeated, we will begin to know from where it came and we have the power eventually to stop the terror before the casualties go into the thousands.

But a few years from now, with the advance of nuclear weapons technology, will we have an answer if terrorist groups strike with nuclear explosives in our country? In that event, with literally millions of Americans dead and with our cities lying in a shambles, the answer is obvious. We will have no answer. It will be too late. We will be destroyed and not fundamentally by whatever hate group may have perpetrated the disaster. We will be destroyed by the onrushing nuclear technology.

So the terrible incident in Beirut should remind us of how fragile life and, indeed, the very existence of our country is becoming. Every passing day sees nuclear technology move ahead. Month after month we fail even to try to reach international agreement to stop the testing on which nuclear weapons research depends. And year after year we march mindlessly on selling nuclear materials, equipment, and technology all over the world. Are we setting this Nation up for the genuine possibility of the grand catastrophe of the age: The destruction of America by nuclear armed terrorists?

ELIE WIESEL: REMEMBERING THE HOLOCAUST

Mr. PROXMIRE. Mr. President, the most recent New York Times Magazine contained an indepth article on "The Life and Work of Elie Wiesel." This remarkable man has devoted his life to preserving public memory of the anti-Semitic Holocaust—of which he is a survivor. He has achieved substantial success in his effort. Wiesel deserves credit for much of our current awareness both of the Holocaust and of the need to prevent another such massive act of genocide.

The details of Wiesel's career, as described by the excellent Times article, are most impressive. His prolific writing includes over two dozen books. His million-selling memoir, "Night," has become the most widely read literary work on the Holocaust. He continues a New York lecture series which he began 17 years ago. He chairs the U.S. Holocaust Memorial Council, which will create Washington's National Holocaust Museum. Because of his accomplishments, he is widely viewed as a possible recipient of a Nobel Prize for peace or literature.

The article is also a close examination of Wiesel's personality, and clearly reveals the impact of his Holocaust experience. Reporter Samuel Freedom writes: "To say he is somber is to show restraint." Wiesel himself says: "* * * Every moment is grace. I could have died in '45. In a way I did."

This intimate look at this remarkable man illustrates an important lesson of the Holocaust—that genocide is a horrible crime against humanity which must be guarded against in the future. The United States as a nation began to learn this vital lesson soon after the Holocaust occurred. Our strong backing of a treaty banning genocide was a key factor in its creation and adoption by the United Nations. Yet although 85 nations have ratified the treaty in the ensuing 35 years, the United States is not among them. Perhaps we have yet to fully learn the lesson of the Holocaust. In my view, it is time to respond to that lesson by ratifying the International Genocide Convention.

I am pleased, Mr. President, that the Times magazine has recognized the remarkable accomplishments of Elie Wiesel. The article recalls the terrible genocide of the Holocaust, and I hope that it will encourage this Senate to move promptly to ratify the Genocide Convention.

THE U.S. PRESENCE IN LEBANON

Mr. MURKOWSKI. Mr. President, many people across this great land of ours are asking themselves, "What are we doing in Lebanon?" And "Why should American marines be dying in yet another far off corner of the world?". This question must be addressed.

The first reason we are in Lebanon is to provide a presence which facilitates a climate of security and stability and provides for enforcement of the ceasefire agreement. It is vital that an element of stability be preserved in Lebanon so that a reconciliation government can be formed, a democracy can grow and human rights can be recognized. Such a government must also encompass the major national factions and eventually be able to effectively control the entire country.

The Lebanese people should have the right to choose their own rulers in an atmosphere of law and order, not civil war. The multinational peacekeeping force helps ensure this right to self-determination. Through negotiations between the leaders of Lebanon's factions, the objective of maintaining world peace is advanced.

Our marines have been performing a valuable peacekeeping role which properly belongs to the United Nations. It is also important to recognize, however, that our continued military presence is not the sole solution to the problem in Lebanon. That solution must come from the pending Geneva talks.

Another reason there are United States, French, Italian, and British forces in Lebanon centers around the very real danger that this civil war could easily expand into a regional conflagration which could surpass the destructive scale of the 1967 and 1973 Middle East wars. If such a conflict were to get underway, it could easily develop into a proxy war between the United States and U.S.S.R. We cannot allow ourselves to come that close to the threshold of war in the nuclear era.

In addition, were the battle for Lebanon to spread beyond that tiny country's borders, the flow of Middle East oil exports could be cut off. A Middle East war, spawned in Lebanon, could have a disastrous effect on the economies of the many nations so dependent on Middle East oil for their economic well-being. Indeed, virtually all modern economies are based upon a lifeline of oil. Disruption of Middle East oil supplies would therefore cripple world economic stability.

Hence, the security of oil supplies is inherently tied to the presence of the multinational peacekeeping force in

Lebanon. All oil dependent nations have an obligation and duty to help prevent the disruption of Middle East oil production and exportation. Therefore, I strongly believe that all oil-consuming countries must share the burden of protecting the security of these oil fields. With a broader international presence in the multinational force in Lebanon, I feel that our presence can be steadily decreased.

For too long, the oil consuming nations of the world have relied on the United States to make the sacrifices inherent in providing this protection. Nowhere is this more evident than in yesterday's slaughter of 216 young Americans, more than we lost in any 1 day during the Vietnam war, with one exception.

The level of United States dependence on Middle East oil in 1982 was only 15 percent. On the other hand, Middle East oil made up 70 percent of Japan's oil imports and 82 percent of Italy's. France got 65 percent of its 1982 oil imports from the region, West Germany 36 percent and England 30 percent. It is time that these countries, as well as all other oil consuming nations, realize that their military security and economic well-being hinges on stability in the Middle East. Their policy and willingness to become a part of the multinational force should reflect this reality. These countries must make the hard choice to either lend substantive support to peacekeeping efforts, or face the possibility that their oil supply may be cut off. The United States cannot be expected to simply divert its own energy resources to countries which refuse to assist in the protection of the Middle East oilfields.

An alternative for those countries which do not physically participate in the peacekeeping force could be their financial assistance in the rebuilding of Lebanon's economy and army. Development and security assistance programs are just two ways that other members of the global community could aid in protecting their own economic interests in the Middle East. Many of these nations could also exert influence on the various Lebanese factions in an effort to accelerate the pace of the reconciliation talks.

Mr. President, in conclusion, it may be time to consider a formula under which the makeup of the multinational peacekeeping force directly reflects the beneficiaries of the resource we are trying to protect. I am presently considering the advisability of a Senate resolution which urges just that. I want to emphasize in closing that I am not advocating the abandonment of U.S. responsibilities in the Middle East. We are a great power, and with great power status comes great responsibilities. The United States has more than met those responsibilities. It is time other nations in the international community do the same.

Thank you Mr. President.

LETTER FROM THE PRESIDENT OF THE UNITED STATES CONCERNING THE DEPLOYMENT OF U.S. ARMED FORCES ON GRENADA

Mr. THURMOND. Mr. President, yesterday afternoon after the Senate had recessed, I received a letter from the President of the United States providing a report to Congress, consistent with the War Powers Act, on the emergency deployment of U.S. Armed Forces on the island of Grenada.

In my capacity as President pro tempore of the Senate, I have transmitted this letter to the Parliamentarian of the Senate for prompt reference to the Foreign Relations Committee. Knowing of the keen interest of all Senators and the public in this matter, I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HON. STROM THURMOND,
PRESIDENT PRO TEMPORE OF THE SENATE,
Washington, D.C.

THE WHITE HOUSE,
Washington, D.C., October 25, 1983.

DEAR MR. PRESIDENT: On October 12, a violent series of events in Grenada was set in motion, which led to the murder of Prime Minister Maurice Bishop and a number of his Cabinet colleagues, as well as the deaths of a number of civilians. Over 40 killings were reported. There was no government ensuring the protection of life and property and restoring law and order. The only indication of authority was an announcement that a barbaric shoot-to-kill curfew was in effect. Under these circumstances, we were necessarily concerned about the safety of innocent lives on the island, including those of up to 1,000 United States citizens.

The Organization of Eastern Caribbean States (OECS) became seriously concerned by the deteriorating conditions in the member State of Grenada. The other members of the OECS are Antiqua, Dominica, Montserrat, St. Kitts/Nevis, Saint Lucia, and Saint Vincent and the Grenadines. We are formally advised that the Authority of Heads of Government of Member States of the OECS, acting pursuant to the Treaty establishing the OECS, met in emergency session on October 21. The meeting took note of the anarchic conditions and the serious violations of human rights and bloodshed that had occurred, and the consequent unprecedented threat to the peace and security of the region created by the vacuum of authority in Grenada. The OECS determined to take immediate, necessary steps to restore order in Grenada so as to protect against further loss of life, pending the restoration of effective governmental institutions. To this end, the OECS formed a collective security force comprising elements from member States to restore order in Grenada and requested the immediate cooperation of a number of friendly countries, including the governments of Barbados, Jamaica and the United States, in these efforts. In response to this call for assistance and in view of the overriding importance of protecting the lives of the United States citizens in Grenada, I have authorized the Armed Forces of the United States to participate along with these other nations in this collective security force.

In accordance with my desire that the Congress be informed on this matter, and consistent with the War Powers Resolution, I am providing this report on this deployment of United States Armed Forces.

Today at about 5:00 AM Eastern Daylight Time, approximately 1,900 United States Army and United States Marine Corps personnel began landing in Grenada. They were supported by elements of the United States Navy and the United States Air Force. Member States of the OECS along with Jamaica and Barbados are providing approximately 300 personnel. This deployment of United States Armed Forces is being undertaken pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

Although it is not possible at this time to predict the duration of the temporary presence of United States Armed Forces in Grenada, our objectives in providing this support are clear. They are to join the OECS collective security forces in assisting the restoration of conditions of law and order and of governmental institutions to the island of Grenada, and to facilitate the protection and evacuation of United States citizens. Our forces will remain only so long as their presence is required.

Sincerely,

RONALD REAGAN.

U.S. ACTIONS IN GRENADA

Mr. THURMOND. Mr. President, I rise in support of emergency intervention by U.S. marines and forces of other area nations on the Caribbean island of Grenada.

Earlier this week the leftist government of Prime Minister Maurice Bishop was toppled by even more radical Communist insurgents. This collapse endangered the lives of nearly 1,000 U.S. citizens on Grenada. To protect the safety of these Americans, and to insure that order is restored to Grenada, President Reagan acted swiftly and correctly in this matter.

Mr. President, at the request of a number of Caribbean States, including Antiqua, St. Lucia, Dominica, St. Vincent, and St. Kitts, 1,900 U.S. marines were dispatched to Grenada as part of a multinational force. Their mission is clear: To protect American lives, restore order and prevent the Soviets, and their surrogate Cuba, from establishing further control over this tiny island nation. There is no doubt that the Soviet Union and Cuba are attempting to use Grenada as a strategic military base. The establishment of a large airstrip, which has been under construction by the Soviets and Cubans, would allow the Soviets to easily interfere with vital oil shipments from South America to the United States and our NATO allies in the event of a global conflict.

Mr. President, there is no way to calculate the irreparable damage inflicted by the present Cuban Government, acting at the behest of the Soviets, on the institutions of freedom and democracy in the Western Hemisphere. Cuban interference has resulted in the fall of Nicaragua, the deterioration of the situation in El Salvador, and the shaken stability of Honduras, Panama, Costa Rica, and the rest of Central America.

Unfortunately, at the Bay of Pigs over 20 years ago, U.S. response was weak, unorganized, and inadequate. Today we pay the price for our indecisiveness. Marxist insurgency is rampant in our hemisphere. The rights of democracy, freedom, and liberty, are denied to millions of our island and continental neighbors. Definitely not the least of our concerns is the fact that there now exists a massive Communist arsenal and stronghold on Cuba, less than 100 miles from our borders. The Soviets clearly had in mind establishing a similar offensive military capability on Grenada.

Mr. President, we must remember the important lessons that history has taught us. We cannot afford another disaster in our own backyard. America must act firmly and decisively in our efforts to stem the constant spread of communism in our hemisphere.

The President's decision to join with other concerned countries in protecting innocent citizens, restoring order, and providing an opportunity for Grenadan citizens to regain control over their lives and destinies, was the only sensible course available to him. If we are unwilling to make the sacrifices necessary to protect the lives of our citizens abroad, as well as the security and basic freedoms we enjoy, then we will be forced to watch the progress and promise of over two centuries crumble. I fully support the President's actions in regard to Grenada, and I urge my Senate colleagues and countrymen to do the same.

SUPPLEMENTAL APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now resume consideration of the pending business, H.R. 3959, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The PRESIDING OFFICER. The question is on the first committee amendment.

Mr. BAKER. Mr. President, the chairman of the committee is not here. I do not see anybody who is going to manage on this side from the Appropriations Committee. So we may try to get Senators on deck, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, last evening, I first propounded and then withdrew a unanimous-consent proposal which had been prepared by the Appropriations Committee dealing with the consideration of committee amendments en bloc, with three exceptions.

I am prepared now, at the request of the chairman of the committee, to put that request. It was not put last evening because the minority leader, I believe, indicated he preferred to do no business except simply to lay down the bill.

I inquire of the minority leader if he is prepared to do that now.

Mr. BYRD. I am not, may I say, Mr. President. I will continue to explore that possibility. It may very well be I will acquiesce in this, but at this point I am not prepared to do that.

Mr. BAKER. I thank the Senator.

Mr. METZENBAUM. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. METZENBAUM. Mr. President, I am on the floor because I do have an interest in this subject, but I have a particular interest in a procedure that has started to develop and has actually developed in the Senate concerning the matter of the manager of a bill laying down technical amendments, calling them up, and then being in total control of those amendments that may be offered on the floor.

It is my recollection that that procedure did not exist in prior sessions of the Senate. I want to say that, in connection with this bill or any other bill, I will object to that procedure and would hope that if I am not on the floor at some point that, as usual, my leader, the minority leader, would protect my position, because I do not believe the manager of a bill ought to be in control of what amendments can or cannot be offered and when they can be offered. I just wanted to advise the majority leader that that portion of the unanimous-consent request that was made at page 14605 would be objectionable to this Senator.

Mr. BAKER. Mr. President, this is not a policy of the leadership on this side. This is the request of the manager of the bill. The Senator from Ohio is perfectly within his rights to object to temporarily laying aside that measure even if this were done, and I have no quarrel with that. Under the circumstances, the best thing to do is to wait until the manager of the bill gets here and I will let the Senator from Ohio thrash that out with him.

Mr. METZENBAUM. I thank the Senator.

Mr. BAKER. Mr. President, while we wait, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I am going to propound a unanimous-consent request that has been cleared on both sides of the aisle.

Has the chair laid the bill before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. I ask unanimous consent that the committee amendments to H.R. 3959 be considered and agreed to en bloc, with the exception of the amendment appearing on page 12, line 14 through page 14, line 3, which is the Clinch River breeder reactor issue. The second amendment that would be excepted would be on page 24, line 22, through page 25, line 17. That is the FCC issue, or the syndication question. The request provides that no points of order are waived thereon and that the measure as amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I have no intention of objecting, we have had discussions among ourselves here and we have run a hotline on our side of the aisle. I think that the proposal that has been made here meets with agreement and approval on this side of the aisle, so I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, after line 2, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

Title I of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45), is amended by inserting before the period at the end of the paragraph under the heading "Housing for the elderly or handicapped fund" (97 Stat. 219, 220) the following: ": Provided further, That notwithstanding section 202(a)(3) of the Housing Act of 1959, loans made in fiscal year 1984 shall bear an interest rate which does not exceed 9.25 per centum, including the allowance adequate

in the judgment of the Secretary to cover administrative costs and probable losses under the program".

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For an additional amount for the "Council on Environmental Quality and Office of Environmental Quality", $600,000 to conduct a study to consider and define a National Center for Water Resources Research, and a study to define and plan a National Clearinghouse for Water Resources Information.

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

The limitation on spending for official reception and representation allowance for fiscal year 1984 contained in the "Salaries and expenses" appropriation for the Federal Emergency Management Agency in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (Public Law 98-45), is increased from $500 to $2,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

CONSTRUCTION OF FACILITIES

For an additional amount for "Construction of facilities", $20,000,000, to remain available until September 30, 1986, for partial funding of the construction of facilities at the John F. Kennedy Space Center for the Solid Rocket Booster assembly and refurbishment contractor and for warehousing to be used by the Shuttle processing contractor: Provided, That with the funds appropriated under the "Space flight, control and data communications" account in the 1984 Housing and Urban Development-Independent Agencies Appropriation Act (Public Law 98-45), NASA may enter into a contract with Morton Thiokol, Inc., to amortize the Thiokol Casting Pit Covers over a twelve-year period for a total cost of not to exceed $23,000,000 under the authority granted under Public Law 98-45.

On page 4, strike line 2, through and including line 9;

On page 4, line 12, strike "$57,356,000", and insert "$53,974,000";

On page 4, strike line 16, through and including line 24, and insert the following:

For payments to defray the costs of training and provision of incentives to employers to hire and train certain wartime veterans who have been unemployed for long periods of time as authorized by law (the Emergency Veterans' Job Training Act of 1983, Public Law 98-77), $150,000,000, to remain available until September 30, 1986: Provided, That not more than $25,000,000 of the amount appropriated shall be available for transfer to the "Readjustment Benefits" appropriation to administer the provisions of section 18 of Public Law 98-77. Any unused portion of the amount so transferred may be returned to this appropriation at any time, but no later than December 31, 1984.

On page 5, strike lines 14 and 15, and insert the following:

For additional amounts for "General Operating Expenses", $1,000,000 for an evaluation of the emergency veterans' job training program, and an additional $3,165,000 for necessary expenses to administer the Emergency Veterans' Job Training Act of 1983 (Public Law 98-77).

On page 6, after line 2, insert the following:

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Helen H. Jackson, widow of Henry M. Jackson, late a Senator from the State of Washington, $69,800.

SALARIES, OFFICERS AND EMPLOYEES

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For an additional amount for "Offices of the Majority and Minority Leaders," $140,000.

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

For an additional amount for expenses of the Office of the Secretary of the Senate, $60,000.

GENERAL PROVISIONS

SEC. 1201. The Sergeant at Arms and Doorkeeper of the Senate (hereinafter in this section referred to as the "Sergeant at Arms") may designate one or more employees in the Office of the Sergeant at Arms and Doorkeeper of the Senate to approve, on his behalf, all vouchers, for payment of moneys, which the Sergeant at Arms is authorized to approve. Whenever the Sergeant at Arms makes a designation under the authority of the preceding sentence, he shall immediately notify the Committee on Rules and Administration in writing of the designation, and thereafter any approval of any voucher, for payment of moneys, by an employee so designated shall (until such designation is revoked and the Sergeant at Arms notifies the Committee on Rules and Administration in writing of the revocation) be deemed and held to be approved by the Sergeant at Arms for all intents and purposes.

SEC. 1202. Any provision of law which is enacted prior to October 1, 1983, and which directs the Sergeant at Arms and Doorkeeper of the Senate to deposit any moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for "Miscellaneous Items", or for "Automobiles and Maintenance" shall, on and after October 1, 1983, be deemed to direct him to deposit such moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 1203. (a) Section 105(a)(2) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61-1 (2)) is amended to read as follows:

"(2) New or changed rates of compensation (other than changes in rates which are made by law) of any such employee (other than an employee who is an elected officer of the Senate) shall be certified in writing to the Disbursing Office of the Senate (and, for purposes of this paragraph, a new rate of compensation refers to compensation in the case of an appointment, transfer from one Senate appointing authority to another, or promotion by an appointing authority to a position the compensation for which is fixed by law). In the case of an appointment or other new rate of compensation, the certification must be received by such office on or before the day the rate of new compensation is to become effective. In any other case, the changed rate of compensation shall take effect on the first day of the month in which such certification is received (if such certification is received within the first ten days of such month), on the first day of the month after the month in which such certification is received (if the day on which such certification is received is after the twenty-fifth day of the month in which it is received), and on the sixteenth day of the month in which such certification is received (if such certification is received after the tenth day and before the twenty-sixth day of such month). Notwithstanding the preceding sentence, if the certification for a changed rate of compensation for an employee specifies an effective date of such change, such change shall become effective on the date so specified, but only if the date so specified is the first or sixteenth day of the month and is after the effective date prescribed in the preceding sentence; and, notwithstanding such sentence and the preceding provisions of this sentence, any changed rate of compensation for a new employee or an employee transferred from one appointing authority to another shall take effect on the date of such employee's appointment or transfer (as the case may be) if such date is later than the effective date for such changed rate of compensation as prescribed by such sentence.".

(b) The amendment made by subsection (a) shall be applicable in the case of new or changed rates of compensation which are certified to the Disbursing Office of the Senate on or after January 1, 1984.

SEC. 1204. (a) The fifth sentence of subsection (e) of section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(e)) is amended by striking out "or Minority Whip" and inserting in lieu thereof "Minority Whip, Secretary of the Conference of the Majority, or Secretary of the Conference of the Minority".

(b) The amendment made by subsection (a) shall be effective in the case of expenses incurred or charges imposed on or after October 1, 1983.

SEC. 1205. (a) The Sergeant at Arms and Doorkeeper of the Senate shall furnish each Senator local and long-distance telecommunications services in Washington, District of Columbia, in accordance with regulations prescribed by the Senate Committee on Rules and Administration; and the costs of such service shall be paid out of the contingent fund of the Senate from moneys made available to him for that purpose.

(b) Subsection (g) of section 112 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 58a) is repealed, effective on the first day of the first calendar month which begins more than thirty days after the date of enactment of this Act.

On page 10, strike line 14, through and including line 19;

On page 10, after line 20, insert the following:

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION CONSTRUCTION PROGRAM

For an additional amount for "Construction program", $1,500,000, to remain available until expended, for the Secretary of the Interior to construct a new headquarters for the operation of the Valley Division of the Yuma Reclamation Project and to cover the accompanying relocation costs associated with the move. The cost of this work will be nonreimbursable and constructed features will be turned over to the Yuma Valley Water Users Association for operation and maintenance.

On page 11, after line 8, insert the following:

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For an additional amount for "Energy Supply, Research and Development" $8,000,000, to remain available until expended, of which $4,000,000 shall be made available to implement the four atoll health care plan authorized in section 102 of Public Law 96-205 and $3,000,000 shall be for construction and operation of a second small community solar energy project on the island of Molokai, Hawaii.

On page 11, line 20, strike "$57,000,000", and insert "$60,000,000";

On page 11, after line 21, insert the following:

Of the funds appropriated for "Atomic Energy Defense Activities" in Public Law 98-50, an amount shall be made available to purchase 4 additional helicopters.

Of the funds appropriated for "Atomic Energy Defense Activities" in Public Law 98-50 for Project 82-D-109, 155 mm artillery fired atomic projectile, $50,000,000 are rescinded.

On page 12, line 12, after "(5)", insert "of Public Law 97-425";

On page 14, strike line 4, through and including line 11;

On page 14, strike line 13, through and including line 16;

On page 14, line 17, strike "102", and insert "1301";

On page 15, line 3, strike "103. (a)", and insert "1302";

On page 15, line 3, after "authorized", insert "for a period of two years beginning with the enactment of this Act";

On page 15, strike line 15, through and including line 9 on page 16;

On page 16, line 10, strike "104", and insert "1303";

On page 16, line 17, strike "105", and insert "1304";

On page 16, after line 22, insert the following:

SEC. 1305. Funds available or hereafter made available for the Red River Waterway Project shall be used to provide for construction of a high level replacement bridge for the Louisiana and Arkansas Railway Company near Alexandria, Louisiana, pursuant to an agreement between the Chief of Engineers and the Railway Company and upon terms and conditions acceptable to the Chief of Engineers in the interest of navigation and the expeditious prosecution of the Project. Federal costs of the bridge replacement, including design and construction, shall be limited to $24,270,000 (July 1, 1983 price levels), with an adjustment to this amount, if any, as may be justified by reason of a fluctuation in the cost of construction as indicated by the Engineer News Record's applicable construction indices, plus the cost of necessary real estate interests to be acquired by the Corps of Engineers, which interests may be conveyed to the Railway Company.

SEC. 1306. Section 116(a) of the Rivers and Harbors Act of 1970 (Public Law 91-611) is amended by adding at the end thereof the following:

"Those areas of the river between Howard Street and Caldwell Avenue in Niles, Illinois, that have accumulated silt and side bank sloughing should be excavated to the normal alignment and depth, and the bank rebuilt where sloughing has occurred at an estimated cost of $100,000."

On page 18, after line 2, insert the following:

FISH AND WILDLIFE AND PARKS

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management," $500,000.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Funds appropriated to the National Park Service under this head in Public Law 97-394 shall be available to reimburse the Estate of Bess W. Truman for operation expenses, including maintenance and protection, of the Harry S Truman National Historic Site incurred during the period October 18, 1982 through December 27, 1982.

CONSTRUCTION

Notwithstanding any other provision of law, section 4 of the Act of October 26, 1972, as amended (86 Stat. 1181; 16 U.S.C. 433c note), is amended by striking the numeral "9,327,000" and inserting in lieu thereof "10,500,000".

LAND ACQUISITION AND STATE ASSISTANCE

For an additional amount for "Land acquisition and State assistance," $25,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

On page 20, line 3, after "relocation", insert the following: *Provided further,* That any funds remaining available following completion of these acquisition and relocation activities may be made available to the Commonwealth of Pennsylvania to undertake other approved reclamation projects pursuant to section 405 of the Surface Mining Control and Reclamation Act of 1977: *Provided further,* That funds made available for the above purpose shall be made conditional on the Commonwealth of Pennsylvania accepting title to all properties previously acquired by the Office of Surface Mining in and around the Borough of Centralia: *Provided further,* That funds made available under this head to the Commonwealth of Pennsylvania shall be accounted against the total Federal and State share funding which is eventually allocated to the Commonwealth.

On page 20, strike line 19;

On page 20, strike lines 21 and 22;

On page 20, after line 22, insert the following:

Notwithstanding the provisions of Public Law 97-257, the funds appropriated therein under this head for transfer to the State of Alaska may be used for reconstruction of day schools formerly operated by the Bureau of Indian Affairs.

On page 21, strike line 3, through and including line 8;

On page 21, after line 9, insert the following:

Funds available to the Department of the Interior and the Forest Service in fiscal year 1984 for the purpose of contracting for services that require the utilization of privately owned aircraft for the carriage of cargo or freight shall be used only to contract for aircraft that are certified as airworthy by the Administrator of the Federal Aviation Administration as standard category aircraft under 14 CFR 21.183 unless the Secretary of the contracting department determines that such aircraft are not reasonably available to conduct such services.

On page 21, strike line 20, through and including page 22, line 7, and insert the following:

No funds in this or any other Act shall be used to process or grant oil and gas lease applications on any federal lands outside of Alaska that are in units of the National Wildlife Refuge System, except where there are valid existing rights or except where it is determined that any of the lands are subject to drainage as defined in 43 C.F.R. 3100.2, unless and until the Secretary of the Interior first promulgates, pursuant to section 553 of the Administrative Procedure Act, revisions to his exisitng regulations so as to explicitly authorize the leasing of such lands, holds a public hearing with respect to such revisions, and prepares an environmental impact statement with respect thereto.

On page 22, strike line 21, through and including line 24;

On page 22, after line 24, insert the following:

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For an additional amount for special exhibitions, $250,000, to remain available until expended.

CHAPTER V

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

The Congress disapproves the proposed deferral of budget authority in the amount of $2,050,000 for the United States Railway Association (deferral numbered D84-20), as set forth in the President's special message which was transmitted to the Congress on October 3, 1983. This disapproval shall be effective on the date of enactment of this Act and the amount of the proposed deferral disapproved herein shall be made available for obligation.

CHAPTER VI

DEPARTMENT OF AGRICULTURE

FEDERAL GRAIN INSPECTION SERVICE

INSPECTION AND WEIGHING SERVICES

For expenses necessary to recapitalize the revolving fund established under section 7(j)(1) of the United States Grain Standards Act, as amended (7 U.S.C. 79(j)(1)), $8,000,000.

FOOD AND NUTRITION SERVICE

Effective on October 16, 1983, and until April 16, 1984, the Secretary of Agriculture shall not reduce or withhold reimbursements, shall not collect or attempt to collect funds from an institution, its parents, affiliates or successors, and shall not otherwise affect an institution's participation in the child care food program (42 U.S.C. 1766), where the Secretary's claim relates to payments made in New York during the period January 1, 1975, through December 31, 1976, by the Secretary to the institution as a participant in the child care food program.

On page 24, line 13, strike "PROVISION", and insert "PROVISIONS";

On page 24, line 14, strike "201", and insert "2001";

On page 24, after line 16, add the following:

SEC. 2002. From the Rural Development Loan Fund under the Community Economic Development Act of 1981, $10,000,000 in available appropriations or the remaining balance of the fund, whichever is the lesser amount, shall be obligated in the form of loans only by December 31, 1984.

FIRST EXCEPTED COMMITTEE AMENDMENT—PAGE 12, LINE 14, THROUGH PAGE 14, LINE 3

The PRESIDING OFFICER. The question is on agreeing to the first excepted committee amendment.

The excepted committee amendment is as follows:

On page 12, after line 13, insert the following:

CLINCH RIVER BREEDER REACTOR

Notwithstanding any other provision of this Act and for funding the Clinch River Breeder Reactor project authorized by section 106 of Public Law 91-273, as amended:

For construction and operation of the Clinch River Breeder Reactor project, $1,500,000,000, to be available until expended but contingent upon commitments, satisfactory to the Secretary of Energy, for utility and private sector financial participation for a minimum of 40 per centum of the Department of Energy estimate of remaining capital costs as reported to Congress on March 15, 1983. In addition to the amounts herein appropriated and in consideration for such financial participation and notwithstanding any other provision of this Act, the Secretary is authorized to contract incontestably to (1) provide to participants ownership interests in the project, products, services and/or revenues from the project, (2) repay funds invested by the participants subsequent to the passage of this Act, plus interests, if the project is not completed, not licensed for operation, or terminated at any time, (3) insure revenues from the project for the repayment of debt, (4) indemnify participants against changes in Federal tax laws affecting their financial participation in the project, and (5) indemnify participants and the operator against uninsured liabilities with respect to the project. Such contracts may be assigned and shall be enforceable against the United States in accordance with their terms except in the case of fraud by the assignee. Participation in the project shall not subject a participant to regulation under the Public Utility Holding Company Act of 1935. All moneys received by the Secretary under this heading may be retained and obligated for the purposes of the project and shall remain available until expended. Of the $1,500,000,000 appropriated by this heading up to $270,000,000 may be obligated during fiscal year 1984, of which $135,000,000 may be obligated notwithstanding any other provision of this heading; and up to the following amounts may be obligated during the following fiscal years: $285,000,000 during 1985; $290,000,000 during 1986; $290,000,000 during 1987; $185,000,000 during 1988; $75,000,000 during 1989; $105, 000,000 during 1990 and beyond.

Mr. BAKER. Mr. President, the chairman of the Energy Committee (Mr. MCCLURE) will be here shortly. I know he has no statement to make. I would like to defer to the chairman if he wishes. The Senator from New Hampshire will have a statement on this amendment.

There is no secret about the fact that I support this committee amendment. I urge my colleagues to do so.

With that, although I shall have more to say later, I do not plan to speak at greater length at this time. I would be happy for the Chair to put the question, but I think my responsibility suggests he should not.

Does the chairman of the committee wish to speak now?

Mr. HATFIELD. Yes, Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, H.R. 3959 as reported from the Appropriations Committee recommends total spending of $1,836,828,600 of which $1,500,000,000 is for the Clinch River breeder reactor project. We do not yet have an official budget request from the President, but I understand there is a letter from him endorsing the project and supporting the committee amendment. Setting aside the $1,500,000,000 for that project, this bill recommends $336,828,600, or some $78,027,400 below the amount requested by the President. The recommendations for veterans benefits and pensions amount to $208,139,000 of the $336,828,600.

Some of my colleagues may be wondering why we are considering a fiscal year 1984 supplemental only 24 days after the fiscal year has begun. I will admit it is unusual, but Senators should know that virtually all of these items are requested by the administration and that all but one relate to regular bills that have already cleared Congress. Further, the request for supplemental appropriations for veterans' benefits has some degree of urgency to it.

Mr. President, I hope we can move quickly on this measure. It is really pretty straightforward. The committee must consider the defense appropriations bill soon in order to have it ready for floor action next week, and we must conclude action on this measure before we can have that full committee markup. So I urge my colleagues to let us move expeditiously on this measure.

I yield to Senator STENNIS.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, on this supplemental bill, I am supporting the bill, and I do not know of anyone on this side of the aisle except on this Clinch River matter that has strong reservations. The general idea of the supplemental bill itself, even though it comes at an odd time for fiscal 1984, is in order and proper and should be passed. The further item with reference to the proposed postponement for 6 months, I believe it is, of the effective date for the Federal Communications Commission order on certain rights of television, the originators of their programs as well as the television station itself, is a matter there is a difference of opinion about. I assume it will be considered and perhaps there will be a rollcall vote on it. But I say again for emphasis that the other items in the bill we think are not only proper but good legislation and the Senate should pass it now. There will be another supplemental for fiscal 1984 coming as near as we can tell sometime in calendar 1984, maybe February or March or somewhere in that area. There will be a chance then to have items the committee may see fit to recommend.

I believe that covers the present situation, Mr. President. As I say, I do not know of anyone who is opposed to any of these items except the two I mentioned.

Mr. HATFIELD. I thank the Senator from Mississippi. I suggest the absence——

Mr. HUMPHREY. Mr. President, if the floor manager will withhold, I would like to use this time to make some remarks.

The PRESIDING OFFICER (Mr. DENTON). The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, this bill is officially entitled the supplemental appropriations bill for 1984, but in fact it is the Clinch River legislation. It is the Clinch River phoenix rising once again in our midst. There are appropriations in this bill totaling about $1.8 billion. Of that Clinch River is fully $1.5 billion, so it is by far the bulk of this bill. This bill is in truth the Clinch River proposal. Not only that but it is an appropriation that contains in effect authorization language for an alternative financing scheme. I will address both the merits of Clinch River and the alternative financing scheme later on, but let me say at the outset, Mr. President, that all of us by now know the real nature of this Clinch River struggle. We have long ceased to consider this issue on the merits. It has become a political contest, and that is what it is today. We all know of the arm twisting, the changing of votes in the well in response to that arm twisting, the pulling of victory out of the jaws of defeat by that means. We can only suppose of favors dispensed, of vote buying, and now we see bending of the rules for clearly this is legislating on an appropriations bill, clearly and grossly a case of bending the rules, and the opponents intend to make a point of order against that procedure. It remains to be seen how that will be decided. We have seen plenty of cases where points of order have not been decided on the merits but on the politics. And given the political nature of the struggle, one cannot be overly hopeful in that regard.

And so I make the point that this is largely a political battle at this point.

In connection with my charge of vote buying a moment ago, let me point to a story yesterday in the Energy Daily as an example, headlined "White House Tries to Buy Black Caucus Votes for Clinch River in the House."

I will read just a few paragraphs and then at the end of my remarks I will insert this in full.

The future of the controversial Clinch River breeder reactor, which faces a vital

vote today in the Senate, may depend upon $150 million worth of work for minority contractors. Representative MERVYN DYMALLY of California, has been pressing the administration to set aside that much work for minority firms, but so far the Energy Department has struck at $100 million.

So we know at least on the basis of this article that the Energy Department has hung out the carrot of $100 million reserved for minority construction firms in this proposal, and that shows the length to which the administration and other proponents are going to advance this proposal over what they see as the last hurdle. I am hoping that we can raise that hurdle high enough today so that Clinch River finally will fall short.

I ask unanimous consent, Mr. President, to print this article in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. This is a political struggle and it seems to me highly distasteful. It seems to me in very bad taste for the Senate to be bringing this matter to the floor today. Imagine, embroiling ourselves in a political struggle on a day when literally thousands of Americans in their homes across our Nation are wondering about the fate of their young men in Lebanon and Grenada and here is the Senate proposing to embroil itself in yet another political battle on Clinch River. It seems to me in very, very bad taste. This is not an urgent issue. It can wait a few days. It can wait a few weeks. I urge the leadership to remove this bill from the floor and let us go on to truly urgent business that we can in good taste address during this time of national grief and mourning, such as raising the debt limit; that must be addressed one way or another, such as giving the Appropriations Committee time to consider the Defense appropriation bill for 1984 so that the Department of Defense will not have to operate inefficiently on a continuing resolution. There is plenty of work that we can do, but to embroil ourselves in a purely nonpartisan and political issue, one that clearly is no longer being debated on the issues, seems to me the height of bad taste, very poor taste. So I urge the leadership to withdraw this bill from the floor and stop talking about a weekend session. Let us get on with more important and urgent business.

Now, Mr. President, I want to especially address some remarks to my conservative brethren. This Senator, like most conservatives, supported Clinch River at one time, supported it on the faith that if you are a conservative you support every initiative to advance nuclear power as a means of extracting our Nation from dependence upon overseas and undependable supplies of energy. But let me say to my conservative colleagues and others who are perhaps wavering on this issue that you do not have to support everything radioactive to be conservative. It is attentive conservatism to oppose waste, and this project is wasteful according to many experts.

If we zero out Clinch River today—and I hope that we will—does that kill the breeder reactor research program in the United States? Does that close out forever the options that we might want to exercise some years down the road with respect to commercializing breeder reactors? The answer is no. Many are unaware that Clinch River is not even in fact a part of our breeder reactor research program. It is not part of the base breeder reactor research program of the Department of Energy. If we zero out Clinch River today, the bulk of our research effort continues, the bulk expressed in dollar terms.

Zeroing out Clinch River has no appreciable effect, if any effect, on our base breeder reactor research program, which I and most other opponents of Clinch River support. The base breeder reactor research program goes on. The options for the future will still be there if commercialization of the breeder reactor proves to be attractive and economical.

I make this point: This does not kill our breeder reactor research program. Clinch River is not part of our breeder research program. It is a demonstration plant. Why do we have demonstration plants? To advance the commercialization of products that are close to that commercialization stage.

All the experts I have heard have testified that the United States will be nowhere near commercializing breeder reactors for many decades to come, and therefore Clinch River is an unnecessary demonstration project.

Let me cite the names of a few publications and organizations that ought to gain attention from conservatives.

The Wall Street Journal. Does that sound like a leftwing, antinuclear, antienergy dependence publication? Of course not.

How about the Washington Times? Is that a leftwing newspaper? Is that opposed to energy independence? Of course not.

What about the Heritage Foundation? Is that a leftwing think tank? Is it opposed to nuclear independence and free market economics? The answer is obvious.

Yet, I tell my conservative brethren that every one of those publications or organizations has, for a long time, been an opponent of the Clinch River breeder reactor demonstration project while supporting the base breeder reactor research program, of which Clinch River is not a part.

Mr. President, I think it is worthwhile to read a two-page executive memorandum written by the Heritage Foundation, dated September 19 of this year, inasmuch as presumably a number of Senators are listening over the audio monitor. I read from the Heritage Foundation memorandum:

It seems that Congress never learns. Just as the Senate is wrestling with the fallout from the $2.25 billion bond default by the Washington Public Power Supply System (WPPSS), it is giving consideration to an ill-conceived plan to float $1 billion in federally guaranteed bonds to finish the controversial Clinch River Breeder Reactor. The reactor's supporters also want an additional $1.5 billion in direct appropriations for the project. Like WPPSS, the Clinch River plan would use "off-budget" financing to mask a $1 billion increase in the federal deficit. In short, it is another expensive fiasco in the making.

Last December funding for the Clinch River Reactor was defeated by the House, and it squeaked through the Senate by just one vote. Congress eventually agreed to continue funding only if the Department of Energy (DOE) would "vigorously explore" ways of including private sector finance "that would reduce federal budget requirements."

The new DOE proposal, backed by Clinch River supporters, finesses this requirement with a package that includes private sector financing in name only. Although investors supposedly would provide 40 percent of the $2.5 billion needed to complete the $3.6 billion reactor (current DOE cost estimates), this turns out to mean a $675 million short-term loan from private sources, to be retired in 1990 (with accrued interest) by $1.04 billion in federally guaranteed bonds, together with just $150 million in equity shares and $175 million from the utilities. The remaining $1.5 billion would be provided by the taxpayer through a one-time congressional obligation vote.

Mr. President, I say parenthetically that that is what we have before us—a gigantic, one-time, $1.5 billion appropriation for Clinch River. They will not be coming back next year and subsequent years in order to give Congress a chance to work its oversight responsibilities and to appropriate annually. This is a one-time, gigantic, multiyear, final appropriation, presumably. I do not believe it is final. That is what its proponents say.

I continue reading:

The taxpayer also would be responsible for any further cost overrun, and for redeeming the guaranteed bonds if project revenues fall below expectations.

The plan has many of the inherent weaknesses of the original WPPSS package—and is as bad a deal for the American taxpayer as it would be lucrative for the bondholders and investors. According to Congressional Budget Office Director Rudolph Penner, the tax advantages available "imply that the after-tax rate of return earned by the equity investors would be about 37 percent, while the after-tax rate of return for bondholders would be 7.5 percent." Moreover, the bondholders will enjoy a federal guarantee, so they need care little whether the reactor produces any revenues at all. Not only that, CBO calculates that this private "cost-sharing" plan would actually cost the Treasury nearly $250 million more than financing the reactor with an on-budget appropriation.

So who benefits? Certainly the bondholders. The investment brokers are also likely to do very nicely out of the $1 billion bond offering—as they did with the WPPSS issue. Merrill Lynch, for instance, made $22.5 million in commissions—the largest in the firm's history—by underwriting $750 million in WPPSS bonds. And the contractors can take cheer that future work would be assured, virtually free of congressional oversight or real cost constraints.

The taxpayer, on the other hand, has little to be happy about. Not only will he end up paying more, thanks to the financing package, but he can take little comfort in the "considerable confidence" expressed by Energy Secretary Donald Hodel regarding the estimated completion costs. When the reactor was first authorized in 1971, the cost was put at $400 million (over half to be provided by the utilities). A year later this was revised upwards to $700 million. The most recent estimate by DOE is $3.6 billion. But the ink was hardly dry on that figure before it was revealed that an internal departmental study had predicted a further overrun of $300 million, and a delay in the completion date of 1½ years.

The plan also shifts the enterprise off-budget, and it ends congressional oversight by substituting a one-time obligation of $1.5 billion in place of the annual Clinch River appropriation. When projects are moved off-budget in this way, the taxpayer loses the power to have the management and finances scrutinized by his representatives. Yet the enterprises are not subject to marketplace constraints either. They move to a twilight zone where management is insulated from those who must foot the bill for any mistakes. WPPSS is a classic example of what can happen.

Removing projects from the glare of the federal budget process makes good sense to politicians, however. It means that new debt can be created without expanding the official federal budget deficit. Yet there is only one practical difference between issuing $1 billion in federally guaranteed Clinch River bonds and openly appropriating the money and adding it to the federal deficit—it costs more.

Proponents of the Clinch River project maintain that the technology has enormous commercial value, yet they can only interest the private sector by giving away the store. They say the construction costs are now firm—but estimates have jumped nearly ten-fold in 12 years. They contend that revenues from the project will cover the cost of financing bonds—just as Congress assumed in the case of WPPSS—yet the economics of breeder-generated electricity is, to say the least, uncertain. And when finally pressed for reasons why Congress should borrow and spend at least $2.5 billion, they say that it makes sense because the taxpayers have already sunk $1.5 billion into the project.

It is time for the American public to cut its losses. The breeder reactor might well be the energy technology of the future—so might solar power or some yet unimagined system. That does not mean the federal government should risk billions of dollars on the Clinch River project. It is the epitome of crude industrial policy for Congress to pick an energy "winner" and then bribe a reluctant private sector to invest in it. The marketplace will channel finance into the right technology—at the right time—given the state of available estimates on comparative costs, demand and risk. Then government tries to outguess the market, and ignore its signals, the result is WPPSS.

I repeat, Mr. President, that is an executive memorandum from the Heritage Foundation dated September 19, 1983.

Mr. President, let me return and expand upon a couple points in that memorandum.

Again, the appropriation before us is the Clinch River appropriation of $1½ billion, a multiyear appropriation that means that Senators in voting for it will effectively give up oversight capability over Clinch River in the future.

They also stress the point that in the event of cost overruns, and we can be rather confident that there will be cost overruns based on the history of this project, in the event of delayed construction, and we can be sure that construction will be further delayed because of what has been all throughout this project, in the event that the plant does not operate as reliably as optimistically forecast by the Department of Energy, in the event that the electrical output cannot be sold at the rates forecast by the Department of Energy and the authors of this alternative financing plan, in the event of any perversion of this rosy scenario, who will be asked to come in and make up the difference? This is $1.5-billion appropriation today. Some say that is the last appropriation on Clinch River. I doubt it.

When it comes time to pay off these bonds and revenue is not there sufficient for whatever reason, the proponents will be back for yet more appropriations to pay off the investors who have absolutely no risk whatever, none, in these bonds, none. They know full well that Congress will appropriate whatever money is necessary to repay those bonds if the revenues from Clinch River are insufficient for any reason.

Can any advocate of the free market system, can any supporter of the Reagan administration's emphasis on energy policy directed by the marketplace support such a proposal as this consistently? I think not.

Mr. President, I intend to talk at some length, but I do not want to monopolize the floor at this point. If the floor manager or others wish to speak, I will be happy to yield the floor. But so long as no one is seeking the floor, I will continue.

Mr. President, I mentioned earlier in a special appeal to those who considered themselves to be conservative that the Wall Street Journal consistently, over the last 2 years, at least, has opposed Clinch River, and let me read selected parts of such recent editorials, and I will put the entire editorial in the RECORD at the conclusion of my remarks.

The Wall Street Journal, on September 29 of this year said that:

Congress has become increasingly dubious of the Clinch River project, to be located in Tennessee, because of its rising costs. When the scheme was envisioned in the early 1970s, it was seen as the solution to an anticipated shortage of uranium. With enough inexpensive uranium now clearly available for the foreseeable future, breeder technology won't be economical at least until well into the next century.

Last year, the House defeated the Clinch River appropriation and funding survived by only one vote in the Senate even with the strong lobbying of Sen. Baker. The latest financing plan would have a private group raise a $1.04 billion bond issue, guaranteed by the federal government, that would be repaid with revenues, if any, from the reactor's operation or, more likely, with tax dollars. The plan doesn't have much support in the House, which hasn't provided any fiscal 1984 funding for Clinch River.

While we continue to oppose the Clinch River reactor on economic grounds, there is more at stake here than a mere nuclear power plant. If this funding scheme is allowed to squeak through, it will be a further corruption of the congressional budget process, which is already in shambles. The kind of budgetary legerdemain envisioned by Sens. Baker and McClure would be yet more proof that Congress has abdicated its clearest constitutional responsibility, watching over the purse strings.

That was part of a recent editorial from the Wall Street Journal. I ask unanimous consent to have printed in the RECORD the full text of that editorial at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUMPHREY. Mr. President, another of the publications I mentioned in appealing to conservatives to oppose Clinch River consistent with their belief in the free market and abhorrence of waste is the Washington Times, and I read again the selected operative part of the September 26 editorial which I shall include in its entirety in the RECORD at the conclusion of my remarks.

Clinch backers are trying to slide the plan through the Senate on a continuing resolution. To block this, more than 100 House members want to attach an amendment to the resolution requiring that the project be financed under separate legislation. That would effectively remove it from the continuing resolution, allowing the cost-sharing plan to be voted on in committee on its own merits. Having none, the plan would certainly fail, thereby killing Clinch River once and for all. The breeder's backers know that the only way this project can pass is through the back door. And if the Senate goes along with the strategy, it is abandoning its responsibility to the American taxpayer.

The end has been long in coming. Last year, Congress demanded that a cost-sharing plan be devised. This year, we have one. Figure it's Clinch River's best shot. And since this supposed cost-sharing plan would raise the total cost $250 million more than if the government paid the whole ticket, consider it a dud. As we've said many times over, if Clinch is such a hot idea, the private sector would be lining up with its own fists full of dollars to get a piece of the action, instead of queuing up for government handouts.

Mr. President, I ask unanimous consent that this Washington Times article be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HUMPHREY. A more recent editorial dated October 25, which is just yesterday, in the Washington Times:

CLINCH RIVER FATBACK

If you're trying to locate any of the crusaders for the Clinch River breeder reactor, check the back door at the U.S. Capitol, where all are busy trying to burden a $300 million supplemental appropriations bill with Clinch River's $1.5 billion saddle.

The Clinch crew will then attempt to stuff this hunkering example of off-budget fatback down the taxpayers' throats: The result would be the maintenance of one of the largest boondoggles in the land, and certainly the premier rathole in Howard Baker's Tennessee.

As has been said many times before by many, including us, Clinch River should no longer be allowed to exist.

It isn't practical, it isn't needed, and no matter how much money we throw at it, it isn't going anywhere. And all this talk about how the private sector is willing to risk a billion dollars on the project is bunk.

The biggest risk the participants in this so-called vote of confidence take is on how much the government-guaranteed rate of return on equity shares would be. Could go as low as 20 percent. Or as high as 40 percent. You get the picture. No risk at all.

The bill should be wafting into the Senate this week, perhaps as early as today. It is a bill not to be praised, but to be buried.

Mr. President, I understand my colleague in this effort, Senator METZENBAUM, is on his way to the floor, and I would be happy to yield to him at that point.

While we are waiting, let me cite the opinion of a few more experts about the Clinch River breeder reactor. First, the report of the Energy Research Advisory Board of the Department of Energy in its recommendation of November 1981:

The Energy Research Advisory Board believes that the construction of a breeder reactor demonstration at this time is not an urgent priority and thus under current budget constraints, recommends that such a demonstration be delayed until a future time.—Energy Research Advisory Board, Department of Energy, November 1981.

This was a recommendation to this administration and to the Department of Energy by the Energy Research Advisory Board of the Department of Energy, advice which the Department, obviously, had chosen to reject.

Mr. President, as we get into the details of the alternative financing plan, I can guarantee people are going to be confused because both sides can cite experts who can contradict each other.

The plan itself is complicated, Byzantine, but let me make two points here: That virtually all of the proponents I have seen so far that I can recollect are parties who have some stake in the success of Clinch River, the administration, the Department of Energy, Senators from States in which the facilities are being constructed or components are being constructed, fabricated; labor unions who want the jobs at the sites, and you cannot blame them for that; those who will sell the bonds, the investment brokers, they think it is terrific because they are going to make some big commissions on this ultimately.

But if you take a presumably neutral source of expertise like the Congressional Budget Office you find they oppose it; the Heritage Foundation, and others, the Council for a Competitive Economy.

So if Senators become confused because of the experts cited by both sides who contradict each other, Sentors should give the greatest weight to those who are neutral, presumably the CBO, because the CBO in the House of Representatives just 2 weeks ago issued a report which was highly critical of the proposed alternative scheme. That, of course, has been rebutted, after a fashion, by the experts on the side of the proponents. But if I have to choose between the experts, I am going to choose those who are apparently neutral, and certainly the Congressional Budget Office which serves this body is directly and heavily relied upon, its opinions are, and Rudolph Penner, Director of the CBO, maintains adamantly that his findings are still valid despite the efforts to rebut them by the proponents of Clinch River.

I noticed just recently, the day before yesterday, in fact, the Department of Energy sent letters to Senators which made points in favor of Clinch River which urged that Clinch River go forward. But I would point out to the Senators that this letter to Senators is not signed by the Secretary of Energy. It is curious in an issue that is supported by the administration, by the President, by the leaders of the Senate, most of them, that the Secretary of Energy did not see fit to put his name to this letter. I think there is a message in that.

Secretary Hodel himself has said in public that Clinch River is not essential, it is not part of our base breeder reactor research program. He said we can get along without it, if necessary. He said the option of breeder reactor power for the future is not closed by terminating Clinch River; that it continues as long as we consider the base breeder research program. So that, perhaps. explains the signing of this letter by someone other than the Secretary. It is instead signed by an Assistant Secretary who just happens to have responsibility for nuclear matters there at the Department of Energy so he, too, has a stake in this. After All, he has worked on it a number of years presumably. He has a great psychological stake in it. It is a matter of pride to him that it keep going. It is not the least bit unbefitting that the man sign a letter.

Mr. McCLURE. Mr. President, will the Senator yield? I do not mean to interrupt either the Senator's debate or his thought.

Mr. HUMPHREY. Let me first make an inquiry. What is pending at this time?

The PRESIDING OFFICER. Pending is the first excepted committee amendment regarding the Clinch River project.

Mr. HUMPHREY. There is only one, is there not?

The PRESIDING OFFICER. There is only Clinch River, but there are two excepted committee amendments.

Mr. McCLURE. The first deals with Clinch River and that is the one pending.

Mr. HUMPHREY. That is correct.

I would be happy to yield to the Senator from Idaho but first let me ask unanimous consent that by so yielding when I resume the floor that my remarks will not count as a second speech with respect to the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXHIBIT 1

WHITE HOUSE TRIES TO BUY BLACK CAUCUS VOTES FOR CLINCH RIVER IN HOUSE

The future of the controversial Clinch River breeder reactor, which faces a vital vote today in the Senate, may depend upon $150 million worth of work for minority contractors. Rep. Mervyn Dymally (D-Calif.) has been pressing the Administration to set aside that much in work for minority firms, but so far the Energy Department has stuck at $100 million.

The House has already passed a 1984 supplemental appropriations bill that contains no money for Clinch River. The Senate Appropriations Committee restored funding last week (by an 18-10 vote) and the matter will go to the floor of the Senate today—where it is likely to attract strong opposition and lengthy debate. Last December, Clinch River survived by one vote (49–48) in the Senate.

If the project survives the Senate vote this time, the bill will go to a conference committee for differences to be ironed out. It would then go back to the House and the Senate. Administration strategists hope that, with the help of some of the 21-strong Black Caucus in the House, it could win the vote there.

But the black representatives are far from united in support of Clinch River. As well as having failed to get the $150 million set-aside he is seeking, Dymally by late Monday afternoon had not even managed to get any minority set-aside language into the Senate bill. As the day wore on, his staff was trying to persuade Sen. Howard Baker (R-Tenn.) to offer the crucial promise in an amendment on the Senate floor.

"It is critical that the Senate has in its language money for minority contractors," explained Dymally aide Randall Echols. "The conference has no teeth. It's not too late to insert the language. If the bill passes

without that language, then we have problems. We have a lot of parliamentary procedure problems that could very well squash these efforts."

Dymally's Black Caucus has no great love for nuclear power and in the "alternative budget" it offers every year, the group has traditionally deleted Clinch River funding. Some members of the caucus, the California congressman's aides admit, would not vote for the embattled breeder if the set-aside minority funding was $300 million.

But Echols sees it differently. "The energy industry for some reason has not felt that the minority contracting community can adequately participate in the construction of nuclear power plants," he complained yesterday. "That is a myth. I went to Oak Ridge in Tennessee a couple of weeks ago with a sampling of minority contractors, so that they could illustrate their capabilities to DOE and to major contractors on the project. I thought it was a very successful meeting."

Nonetheless, when Oak Ridge called Echols back, they were only able to increase by $10 million a set-aside offer of $90 million made by Energy Secretary Don Hodel at hearings before an energy subcommittee of the House Science and Technology Committee in early September. Calling the Oak Ridge offer disappointing, Echols points out that "thus far, $1.6 billion of government money has been spent on the project of which only $1.6 million has been realized by the minority contracting community. This is a dismal figure. It's one tenth of one percent when your normal set-aside laws range in the area of 10 percent."

Although he emphasizes that "nothing is guaranteed." Echols promises that a larger set-aside for minorities would greatly sweeten the attitude of many black congressmen towards the breeder. "If you're going to offer money for minorities in this project," he says, "at least offer a figure that will be a viable lobbying tool. The Senate committee has authorized $1.5 billion for completion. What we would like to see is $150 million, which is a cool 10 percent of that."

EXHIBIT 2

BUDGET CLINCH

It's that time of year again. The federal government's fiscal year ends at midnight tomorrow and Congress has yet to pass a budget for fiscal year 1984. Once again Congress will keep the doors of government open by passing a continuing budget resolution. This year a new twist may be added. That is, how to use the continuing resolution to fund a major new program without running the gauntlet of extensive hearings, committee deliberation, floor debates and votes by your elected representatives.

Specifically, Senate Majority Leader Howard Baker and Energy Committee Chairman James McClure may try to include a new financing scheme for the Clinch River breeder reactor. They envision tacking it onto the continuing resolution, in the knowledge that the House budget conferees support the project. If the funding plan gets into the budget resolution, construction could start in a couple of months and it's doubtful the project could ever be stopped. Tax payers would be saddled with a huge financial responsibility into the next century without their elected representatives ever having conducted a serious debate and an up-or-down vote.

Congress has become increasingly dubious of the Clinch River project, to be located in Tennessee, because of its rising costs. When the scheme was envisioned in the early 1970s, it was seen as the solution to an anticipated shortage of uranium. Without enough inexpensive uranium now clearly available for the foreseeable future, breeder technology won't be economical at least until well into the next century.

Last year, the House defeated the Clinch River appropriation and funding survived by only one vote in the Senate even with the strong lobbying of Sen. Baker. The latest financing plan would have a private group raise a $1.04 billion bond issue, guaranteed by the federal government, that would be repaid with revenues, if any, from the reactor's operation or, more likely, with tax dollars. The plan doesn't have much support in the House, which hasn't provided any fiscal 1984 funding for Clinch River.

While we continue to oppose the Clinch River reactor on economic grounds, there is more at stake here than a mere nuclear power plant. If this funding scheme is allowed to squeak through, it will be a further corruption of the congressional budget process, which is already in shambles. The kind of budgetary legerdemain envisioned by Sens. Baker and McClure would be yet more proof that Congress has abdicated its clearest constitutional responsibility, watching over the purse strings.

EXHIBIT 3

TIME'S UP FOR CLINCH RIVER

The Clinch River breeder reactor was started 13 years ago as a demonstration project, and it has since demonstrated itself to be worthy of termination. Congress knows this, and should, with all due dignity, punch its lights out.

The Congressional Budget Office, in an analaysis of a cost-sharing scheme designed to save the staggering behemoth, blasted a hole between its eyes. The plan would raise the government's ante, not lower it, and that's talking big money.

In 1970, when Clinch was born, its estimated cost was $400 million. Three years later, it jumped to $700 million. As of today, some $1.5 billion has been spent, and it's still not finished. The most optimistic completion projection is now $4 billion, with some estimates going to twice that.

Noting this progress, we should also take a look at the way the nation's energy picture has changed since Clinch River was conceived. Back then, it was assumed that the 7 percent annual electric power growth rate seen in the 1960s would continue. Instead, it has dropped below 3 percent. Energy planners also expected over 1,000 new nuclear plants to be on line by the year 2000, making breeders a good idea since fuel supplies would have become low, and breeders can draw more energy from uranium than conventional reactors. But nuclear plant start-ups are as common today as new primary colors. There's plenty of uranium around.

Clinch backers are trying to slide the plan through the Senate on a continuing resolution. To block this, more than 100 House members want to attach an amendment to the resolution requiring that the project be financed under separate legislation. That would effectively remove it from the continuing resolution, allowing the cost-sharing plan to be voted on in committee on its own merits. Having none, the plan would certainly fail, thereby killing Clinch River once and for all. The breeder's backers know that the only way this project can pass is through the back door. And if the Senate goes along with the strategy, it is abandoning its responsibility to the American taxpayer.

The end has been long in coming. Last year, Congress demanded that a cost-sharing plan be devised. This year, we have one. Figure it's Clinch River's best shot. And since this supposed cost-sharing plan would raise the total cost $250 million more than if the government paid the whole ticket, consider it a dud. As we've said many times over, if Clinch is such a hot idea, the private sector would be lining up with its own fists full of dollars to get a piece of the action, instead of queuing for government handouts.

Mr. HUMPHREY. I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I apologize to the Senator's change of thought. I think his reference to the support of the administration needs to be put in context right now. It is a little difficult to contend that when the President of the United States supports a project and an assistant secretary within the Department of Energy signs a letter that somehow it means the man in between is not in support. As a matter of fact, just to underscore that I do have a letter signed by Donald Hodel, Secretary of the Department of Energy in support of the breeder reactor project and his particular solution to the problem and I will at the proper and appropriate time make it a part of the RECORD. I think the Senator ought to know that I do have that, that I do not mean to foxtrap him later. But I think it is the appropriate way, putting the matter in at a later period of time.

Mr. HUMPHREY. I thank the Senator for that information. The fact of the matter is the Secretary of the Department did not put his name on the letter on October 24, and I believe there is a message in that, and I believe in putting it in in the extension of the Clinch River remarks.

Mr. President, let me return to citing public statements of various persons or organizations that have great credibility on matters of energy.

This is from Mason Willrich, vice president for corporate planning, Pacific Gas and Electric Co., speaking to the Uranium Institute in 1981:

It seems to me ironic that the federal government is now pushing ahead with the Clinch River demonstration breeder reactor at a time when a disabled light water reactor immediately threatens the future of the light water reactor industry. There will be no market for breeder reactors unless there is a prolonged period of expansion in the market for light water reactors. If the Reagan administration intends to revive and maintain a viable nuclear power option in the United States, the Three Mile Island cleanup should have, in the near term, a higher priority in the use of scarce government funds than breeder reactor development.

These are the remarks of Walter Olsen, associate editor, Regulation magazine, American Enterprise Institute—American Enterprise Institute.

That is hardly a far right or far left organization, but a middle course organization, I think most would agree. Quoting Mr. Olsen:

All the economic evidence seems to point in the same direction: it won't make sense to build commercial breeders until well into the next century at least. The reluctance of utilities to shoulder the full cost of the project should tip us off that it's a money loser. Projects like this are a millstone dragging down the nuclear industry.

Mr. Olsen's remarks about reluctance of utilities to shoulder the full cost of the project brings up another interesting point, Mr. President. Under the proposed alternative scheme, the utilities will not be called upon nor have they agreed to increase their investment, their share of the cost, their contribution. They will be paying what they agreed to under the original Clinch River proposal back in 1973 or thereabouts. They will be paying what has been long overdue, but no more, not a cent more. They are not increasing their contribution. They are paying outstanding obligations that have been outstanding for some years, and that is all they are doing, paying up on what they originally promised.

Quoting the remarks of Arnold Kramish, former Manhattan Project nuclear physicist; former assistant to the manager, Atomic Energy Commission; member of the National Planning Association's Breeder Board.

In some respects the best way to kill the U.S. nuclear program is to keep Clinch River alive. It will be the subject of controversy year after year until it is built. That's approximately ten more years. Do we want to prolong this controversy, will this controversy be beneficial to the nuclear industry? That is the major question which the nuclear industry and the Department of Energy should ask of itself.

These are the remarks of Thomas Moore, director of Domestic Studies and senior fellow, Hoover Institution, Stanford University.

I might point out, Mr. President, that Mr. Moore is a Republican who supported President Ford and who worked on the Reagan transition team.

Nuclear power offers the nation a benign, safe, non-polluting and economical method of generating electricity. The Clinch River Breeder Reactor, however, would be an expensive, inefficient project that would waste the taxpayers' dollars. In a period of low and falling uranium prices, breeder reactors are unwarranted and the Clinch River project is a particularly poor public investment.

Quoting Gordon Jones, Energy and Environment Foundation, former energy analyst, Senate Republican Policy Committee, and Energy Task Force Director of the 1980 Republican Platform Committee:

Nuclear energy is too important to the Nation's future to allow it to be discredited by the Clinch River project.

Well, Mr. President, I think to say more would be redundant. I think Senators get the picture. Clinch River is not needed. It is not a part of our base breeder reactor research program. Even zeroing out Clinch River today, refusing to provide this appropriation, will not terminate our base breeder reactor research program. That will continue; that is the bulk of the dollars in the breeder reactor research program, in the breeder program.

Clinch River is a minority share in terms of dollars. The bulk will continue even if we zero out Clinch River today. We do not need it. We can preserve the breeder reactor option for the future, commercialization option for the future, by continuing the base program.

I do not suggest that we discontinue the base program. I support it. But I do suggest and urge that we discontinue this demonstration project which is unneeded and an unnecessary waste of taxpayer dollars.

As to the so-called alternative financing scheme, Mr. President, it is complicated and it is difficult to understand. Experts on both sides refute each other. But the basic point for Senators to remember is that the private sector investors in Clinch River bear no risk, zero risk. They will be repaid either by revenue from Clinch River and/or by appropriations of Congress.

If the revenue stream from Clinch River, for whatever reason, any time over the next 30 years is insufficient to repay the private investors, guess who will be asked to make up the difference?

More than likely, this is not the last appropriation, though it is a gigantic one. More than likely, if we go forward, Clinch River will be a bummer in one respect or another, and Congress will have to make up the difference. So the so-called private investors will be repaid their principal and their interest.

We give up effective oversight if we pass this appropriation. It will not be coming back next year or the year after. We will not have an opportunity to review it annually, as we do with projects of this nature. We are kissing off forever oversight responsibility and capability for Clinch River.

But let me make a point which I have not raised before until now. Under the original Clinch River scheme, we have a 5-year obligation to operate the plant. If we opt for the alternative scheme, the new scheme, we have to operate that plant for 30 years in order to generate the revenue stream to repay the investors. And if for some reason, any reason—and there could be many; there are many potential reasons—we would choose not to operate the plant, then Congress is going to have to make up the difference, going to have to appropriate money to pay off the investors.

One last point, and again one that I had not thought to raise until now, but a very, very important one which is frequently overlooked and nearly always overlooked in this whole debate. It will not be enough to go forward with Clinch River. If this is to be a 30-year commercialized plant, Clinch River, by itself, is not enough for that to work.

We are, in addition, going to have to build a breeder reprocessing plant to reprocess the fuel bred by the breeder. How much will that cost? Just $1 billion. You can add that on top of the $1½ billion we are proposing to spend here today.

We need a fuel fabrication plant—again, just a billion dollars. That is $2 billion on top of the $1½ billion we are asking for today. And even that $1½ billion is not going to be enough. I think Senators know that, based on the dismal performance of Clinch River in the past against the projections.

Mr. President, I ask unanimous consent that I may relinquish the floor at this time without my speech upon resumption being considered a second speech in the matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I listened with a great deal of interest to the remarks of my good friend and able colleague from New Hampshire (Mr. HUMPHREY). I could not help but want to make some direct response to some of the individual comments that were made. I shall do so at various points during my remarks.

One in particular, I think, is worth putting into perspective at the outset, because I understand my friend to have said that when we have the events in the Middle East going on we have now, we ought not to be wasting our time talking about Clinch River or a breeder reactor program. Mr. President, the reason I focus on that is that I think my friend from New Hampshire, wittingly or unwittingly, has put his finger upon a very crucial aspect of this debate.

The question that we need to be concerned about with the Clinch River breeder reactor program is future

energy self-sufficiency. To put it in a different way, how do we reduce our vulnerability as a nation to the interruption of energy supplies that have so disrupted and threatened the security of this country and distorted our economy and our domestic and foreign policy in the recent past? How we could overlook the connection between those two things is beyond my comprehension.

Just 10 years ago, almost exactly 10 years ago, there was an oil embargo imposed upon the United States because of our involvement in an earlier Middle East conflict. It was on October 22, 1973, that that embargo became effective. The events in Lebanon do not necessarily and, we pray, will not necessarily result in any kind of open, widespread regional conflict, but they bear that potential. We pray that that will not spread and we, as a matter of fact, pray that if that event should occur, it will not result automatically in the imposition of the same kind of embargo that we saw in 1973 that demonstrated to the world that the industrialized economies had become vulnerable to the imposition of energy shortages and that that vulnerability could and did result in massive economic shifts. We have not yet recovered—indeed, we cannot fully assess the impact of those economic events.

That was followed in 1979 by another demonstration following the fall of the Shah of Iran from power in 1978, the outbreak of the war between Iraq and Iran, that resulted in a reduction in energy supplies that was about 10 percent of the free world's production of oil. That caused, again, a doubling of the price of oil, even after the massive increases that occurred in 1974 as a result of the 1973–74 embargo.

How naive, how shortsighted, how terribly frustrating it is to be faced with the argument that we should not be concerned about energy because we have a war going on in the Middle East. Precisely because there is a war going on in the Middle East, we should be concerned. We can debate about whether this is the right way to respond to that question or not and informed judgments can and will differ on that question. But I think the argument cannot be made and must not be permitted to stand that, somehow, these are unrelated.

Will we need a breeder reactor? Do we need nuclear power? What kind of power do we need? What kind of energy sources do we need? That is the debate we should be entering into, not whether or not this is an irrelevancy to the current international situation.

I am very much concerned that the attention span of the American people, directed as it is by the American media, is about that of a 3-year old. I have a 3-year-old granddaughter who has greater consistency of purpose than this Nation seems to have in meeting our energy crisis. We do have an energy crisis—past, present, and future, Mr. President.

I call attention to a letter which has been addressed to me by the President of the United States, in which he makes this point:

> Congress consideration of whether to complete this project comes almost exactly on the 10th anniversary of the 1973 oil embargo when we, as a Nation, first realized the extent of our then dependence on foreign sources of energy. It truly would be ironic if, on this 10th anniversary of the embargo, during a time of heightened tension in the Middle East, we refused to complete this project at a cost equivalent to approximately 8 days of imported oil.

That letter is addressed to me, dated October 20, 1983. Again, that coincidence of dates. The King of Saudi Arabia, on the 19th of October, 1973, had announced their actions that then became the formal action on the 20th of October, the exact date of the President's letter, and that embargo became effective on October 22, 1973. So there is a reason for us to be concerned about and reminded about energy supply simply because of the tensions in the Middle East that have a potential for doing to us what has been done to us twice before.

Mr. President, during the 97th Congress, we directed the Secretary of Energy to provide Congress with a proposal to reduce the Federal budget requirements for the Clinch River breeder reactor project and to secure greater participation from the private sector. I want to remind my colleagues that this debate that has been held periodically resulted in that congressional action of a little over a year ago, directing that the industry and the proponents of the reactor project come up with an alternative financing program. Again, some people have forgotten that Congress played a role in requiring the result which has been achieved.

In response to that congressional directive the Secretary of Energy submitted to the Congress on August 1 of this year such a plan. I must emphasize that this was not an initiative of the Secretary or of the administration but a response to a congressional directive. After a review by various committees in the House and Senate, as well as numerous analyses by groups such as the General Accounting Office and the Congressional Budget Office, the Senate Appropriations Committee voted to include in this supplemental appropriations bill language which would, in essence, implement the alternative financing plan presented by the Secretary of Energy. This plan was developed by the Secretary in conjunction with the Breeder Reactor Corp., a consortium of 753 electric utility systems, and the nuclear industry, labor, and investment banking firms. Before submitting this plan to the Congress, President Reagan and high level administration officials reviewed it and emphasized their strong support for completion of the project.

Before I turn to the specifics of the financial plan embodied in the appropriations language Mr. President, I feel I must address the question of whether or not breeder technology and, in this case, the Clinch River breeder, is a necessary step in our Nation's energy development. This seems to be the underlying issue before us even though Congresses since the 91st have voted to support this effort. Some opponents have claimed that our decreasing use of energy in this country dictates that we postpone breeder development. I would remind my colleagues of something that perhaps they have missed during all of the public comment, the fact that we are using less energy, that conservation is taking hold, that imported oil is a declining part of our national energy mix, and that is while nonelectric forms of energy use has dropped 15 percent over the past decade, we have increased our demand for electricity by 20 percent. Even while overall energy was going down 15 percent, electric energy demand increased by 20 percent.

Contrary to the claims of some that the breeder technology embodied by Clinch River is obsolete, the GAO and others have repeatedly stated that the technology is sufficiently updated, even after its federally imposed hiatus, that it ranks among the worlds most advanced breeder concepts. As has been said before, over 70 percent of the hardware has been fabricated and well lover 90 percent of the design is complete for this project. If there is any assurance that this project can be built in a timely basis, it is these two facts and furthermore that the licensing process is now uncontested and site preparation has begun. The principal stumbling block remaining in the timely completion and operation of this project is the Congress. The proposal before us today would resolve this by providing a one-time appropriation to the project and permitting the Secretary to utilize private sector investment on a scale never before attempted by this Government.

The total remaining cost of the plant has been estimated at $2.5 billion. Of that, the private sector would provide $1 billion in a combination of equity and debt financing. That is 40 percent of the completion cost. It was never contemplated at the beginning of the project that the utilities should be required to bear a fixed percentage of total project costs in the form of research and development contributions from their ratepayers. True, the initial pledge amounted to a significant portion of conceptual design expense, and

the share which the utility industry will contribute to the total project has declined as a percentage of total costs as the cost of the project has increased. But the responsibility for that result cannot be charged to the Federal Government, where vacillation and a lack of determination to see the project through to completion have brought about delays which have cost hundreds of millions of dollars and driven the cost of the project up to its current level.

The legislation before us offers an opportunity to end that vacillation and reach a decision with respect to the future of the project which will carry the project forward to completion at a cost to the Federal Government which is only 60 percent of the remaining cost of the project. To my mind, that is a significant source of private sector participation.

In order to attract this financing for what is essentially an R&D project, it would be necessary to provide certain guarantees to the private sector. These guarantees include guarantees against a failure to complete or operate the project, against changes in the tax laws, and assurances against liabilities for uninsurable tort liabilities. I hasten to add at this point that contrary to the statements of the projects opponents the purpose of requiring this plan was not to find ways to have the private sector share the risks of this R&D project. The purpose, as clearly stated by the language, was to:

Reduce Federal budget requirements for the Clinch River project or project alternative, and secure greater participation from the private sector.

The proposal before us does that to the tune of $1 billion. What it does not do, which its opponents claim, is guarantee 37-percent return on the private sector investment or create tax revenue losses through diversion of private sector capital. It does create 20,000 jobs. It does offer an opportunity for minority contractors, and it does move this country forward in the face of perilous times for our energy future.

Mr. President, I ask unanimous consent that a list of the groups supporting this project, which includes, among others, the AFL–CIO, NAACP, U.S. Chamber of Commerce, National Society of Professional Engineers, and the Laborers' International Union of North America be included in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF THE CLINCH RIVER BREEDER REACTOR

AFL–CIO.
American Association of Engineering Societies.
American for Nuclear Energy.
American Nuclear Energy Council.
American Nuclear Society.
American Public Power Association.
Association of General Contractors.
Atomic Industrial Forum, Inc.
Edison Electric Institute.
General Federation of Women's Clubs.
Institute of Electrical and Electronics Engineers.
International Association of Bridge, Structural and Ornamental Iron Workers.
International Association of Heat & Frost Insulators and Asbestos Workers.
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.
International Brotherhood of Electrical Workers.
International Brotherhood of Painters & Allied Trades.
International Union of Bricklayers & Allied Craftsmen.
International Union of Elevator Constructors.
International Union of Operating Engineers.
Laborers' International Union of North America.
National Association for the Advancement of Colored People.
National Association of Manufacturers.
National Black Caucus of State Legislators.
National Conference of Black Mayors.
National Rural Electric Cooperative Association.
National Society of Professional Engineers.
New England Council.
Operative Plasterers' & Cement Masons' International Association of the United States and Canada.
Scientists & Engineers for Secure Energy.
Sheet Metal Workers' International Association.
Tile, Marble, Terrazzo, Finishers & Shopmen International Union.
U.S. Chamber of Commerce.
United Association of Journeymen & Apprentices of the Plumbing & Pipefitting Industry of the United States & Canada.
United Brotherhood of Carpenters & Joiners of America.
United Union of Roofers, Waterproofers & Allied Workers.
Utility Workers Union of America.
U.S. Committee for Energy Awareness.
Youth for Energy Independence.

Mr. McCLURE. Mr. President, at this point I would like to review for the RECORD, the language contained in the appropriation bill and explain its intent for the purposes of those who may seek clarification in the event of any legal or administrative debate over the intent of the language. The first sentence on page 12, line 18, is:

For construction and operation of the Clinch Breeder Reactor Project, one billion five hundred million dollars to be made available until expended, but contingent upon commitments, satisfactory to the Secretary of Energy, for utility and private sector financial participation for a minimum of 40% of the Department of Energy estimate of the remaining capital costs as reported to Congress on March 15, 1983.

This $1.5 billion figure represents 60 percent March 15, 1983, DOE estimate of the remaining construction costs. This appropriation may be used for the continued design and construction of the Clinch River breeder reactor, but if such costs are less than $1.5 billion, the remainder of this appropriation could be used for operating, maintenance, upgrading in other project costs during the useful life of the reactor.

The final sentence of this provision provides that $135 million of such appropriation will be available during fiscal year 1984 while the commitments for private-sector financing are being obtained. Further appropriations, the remaining $135 million for fiscal year 1984 and the sums appropriated for following years will be available only if: First, utility and private sector commitments are obtained for at least the remaining 40 percent, approximately $1 billion, of the March 15, 1983, DOE estimated remaining construction costs, plus the amount of interest paid on private-sector debt during construction, and, second, if such commitments are satisfactory to the Secretary.

Private sector financing could be a combination of debt and equity or, if equity can only be obtained at a cost or on terms which the Secretary determines are unreasonable, all debt.

Private-sector financial commitments could take the form of: First, conventional underwriting agreements executed and delivered by investment banking firms, which would obligate such underwriters to purchase for resale to private-investors-specified securities, the proceeds of which would be invested in the project or used to repay other shorter-term private investments in the project; second, contracts with banks or institutional investors, such as insurance companies, to loan funds for the project, and, third, contracts with corporations or other persons to directly or indirectly invest equity funds in the project in order to obtain certain tax benefits derived from an ownership interest in the project assets, which corporations or other persons may include suppliers to, or contractors for, the project. Each such underwriting agreement and contract would have certain conditions that must be satisfied before funds are actually provided by the private sector investors thereunder; such conditions would include, but not be limited to, the requirements that certain Federal contracts described below be in full force and effect, and that private-sector investors receive satisfactory opinions from counsel to the Department of Energy, and, perhaps, other governmental agencies, concerning the enforceability of such Federal contracts, the legal status of the CRBR project, and other related matters.

Also, over 750 electric utilities, including the Tennessee Valley Authority, and project contractors will have contributed more than $150 million for research and development by the end of fiscal year 1983. Furthermore, if the project goes forward, the utili-

ties and the contractors will contribute an additional $175 million, including interest, to the project for research and development.

The Secretary will similarly require that appropriate conditions be satisfied before Federal money, other than the initial $135 million in fiscal year 1984, is actually obligated under this appropriation. Such conditions would include, but not be limited to, the requirement that the private-sector financial commitments which are then in effect be satisfactory to the Secretary. It is expected that the Secretary will be satisfied with the utility and private-sector financial commitments if he has a reasonable basis for believing that such commitments will be met and that such funds would be provided to the project after considering such matters as he deems relevant, which may, but need not necessarily, include: First, the financial condition of the proposed private investors who made such commitments; second, the terms of and conditions to such financing and whether it appears to him that such terms are reasonable and such conditions have a reasonable possibility of being satisfied; and, third, the qualifications and experience of any underwriters which will obtain such financing.

The second sentence of the provision on page 12, line 25—

In addition to the amounts herein appropriated and in consideration for such financial participation and notwithstanding any other provision of this Act, the Secretary is authorized to contract incontestably to (1) provide to participants ownership interests in the project, products, services and/or revenues from the Project, (2) repay funds invested by the participants subsequent to the passage of this Act, plus interest, if the project is not completed, not licensed for operation, or terminated at any time, (3) insure revenues from the Project for the repayment of debt, (4) indemnify participants against changes in Federal laws affecting their financial participation in the project, and (5) indemnify participants and the operator against uninsured liabilities with respect to the project.

provides contract authority, in addition to the $1.5 billion of appropriated funds, under which the Secretary is authorized to enter into long term or other contracts in advance of funding. Contracts entered into by the Secretary pursuant to this authority would be the types of contracts specifically excepted from the Anti-Deficiency Act, and such authority enables the Secretary of Energy to contract to provide the Federal Government assurances which are essential to attract debt and equity investors to the project, as follows:

In addition to the amounts appropriated and in consideration for such financial participation, and notwithstanding any other provisions of this Act,

Private-sector debt and equity investors will participate in the project by investing capital in the CRBR project, either directly or through corporations, partnerships or other organizations commonly used for financial investments. Any person or organization investing in the project or facilitating such investments may be considered by the Secretary to be a participant in the project. The Secretary may under this authority contract with private investors for the required CRBR funding which would assure that the Secretary could continue the construction and operation of the CRBR under the present project arrangements. Such long-term contracts in consideration for such funding, may provide a number of assurances I will specify later. The phrase "notwithstanding any other provision of this Act" assures that the authority of the Secretary to enter into long term or other contracts will not expire at the time specified elsewhere for the continuing resolution.

The Secretary is authorized to contract incontestably to

Private-sector investors have available a vast array of possible investments, some of which are supported by financial commitments of the Federal Govenment; almost all of which Federal financial commitments have been entered into pursuant to legislation which provides that the Governments' commitments thereunder are incontestable. For example, 42 U.S.C. 5919(f)—alternate fuel demonstration facilities; 45 U.S.C. 664(b)—emergency rail services; 46 U.S.C. 1273(e)—Federal ship financing. Thus, in order to make investments in the CRBR project at least as attractive to private-sector investors as investments in other federally supported investments, and to induce such investors to make investments in the CRBR project, it is necessary that CRBR financing contracts similarly be incontestable. The appropriation authorizes, but does not require, the Secretary of Energy to make such contracts incontestable. It is expected that the incontestability of such contracts would be subject to the conditions of such contracts and would not be incontestable with respect to fraud or misrepresentation on the part of the holder of such contract. It is contemplated that the term of such contracts may be coextensive with the term of any capital borrowed from the private investors:

(1) provide to participants ownership interests in the project, products, services and/or revenues from the project,

Private-sector investors will not invest in the CRBR project unless they derive benefits from such investments.

Tax benefits associated with investments in any project are only available to investors which have a direct or indirect ownership interest in its assets; thus, it is necessary to authorize the Secretary to grant to private-sector equity investors ownership in the CRBR project so that such tax benefits will be available to them as a result of such investment.

Equity investors also conventionally participate in the profits of losses, if any, of a project in which they have an ownership interest, and parties which loan funds to a project frequently require that the repayment of the principal of and interest on such funds be secured by a pledge of revenues from the project or some other form of credit; thus, it is necessary to authorize the Secretary to provide to private-sector equity investors and/or parties loaning funds for the project, on a long-term basis, property interests in the CRBR project, products, services and/or revenues so that they may be induced to make such investments and loans.

The extent, term and nature of ownership interests in the CRBR project and its revenues provided by the Secretary of Energy would be established by negotiations between the Secretary and private sector investors providing the financial commitments which must be satisfactory to the Secretary.

(2) Repay funds invested by the participants subsequent to the passage of this Act, plus interest, if the project is not completed, not licensed for operation, or terminated at any time.

This clause authorizes the Secretary to provide the first of the specific assurances which will be required by private sector investors in this federally managed and controlled research and development project as described in the BRC task force report submitted to the Secretary of Energy on June 29, 1983, as follows:

1. Assurances as to completion, licensability and operability.

Governmental contracts to provide sufficient funds to repay all construction loans, private equity and other investments in the Project if it is not completed satisfactorily, fully licensed and placed in commercial operation in a timely fashion, in which case the investors would be entitled to recover their capital plus interest or a return thereon.

Such contracts will define the conditions which constitute completion, licensing, operation, and termination of the CRBR project for purposes of the private investments in the CRBR project and any capital costs. Termination of the CRBR project could occur either before or after it is completed. Completion of the CRBR project may contemplate that it be fully licensed and operating at a level of electric generation over a period of time sufficient to demonstrate its operating reliability, and capability of producing sufficient revenues to enable it to pay its operating and maintenance costs and to provide negotiated returns of and on private debt investments made in the CRBR project. Research and development contributions made by utilities, including TVA, pursuant to their

existing contracts would not be recovered by them under any circumstances.

(3) Insure revenues from the project for the repayment of debt.

This clause authorizes the Secretary to provide the second of the specific assurances which will be required by private sector investors as described in the June 29, 1983, BRC task force report as follows:

2. Assurances that all debt service obligations of the Project as well as its obligations to equity investors will be met under any and all circumstances.

Government contracts to provide sufficient funds to cover all obligations to private investors plus all construction and operating costs, taxes and other claims, with respect to the CRBR Project, and to receive a portion of the proceeds from the sale of the power and any other revenues from the CRBR Project up to the amount of such funds, whether or not there are any such other revenues or power.

Long term contracting authorizing which will insure the availability of an agreed upon level of revenues from the sale of power, steam or other products or services from the project after its completion is necessary so that project revenues will be sufficient to repay private sector capital costs, including interest. The amount to be provided by the Federal Government will be offset to the extent of revenues actually derived from operation of the project. The CRBR project will be operated, managed and totally controlled by the Federal Government, and private sector investors will not assume operating and management risks over which they have no control.

(4) Indemnify participants against changes in Federal laws affecting their financial participation in the project.

This clause enables the Secretary to provide the third of the specific assurances which will be required by private sector investors as described in the June 29, 1983, BRC task force report as follows:

3. Assurances that all tax credits, deductions and other tax incentives, related to the privately-financed portion of the Project, will be available to the private investors as planned.

Governmental contracts to provide sufficient funds to make appropriate repayments to private equity investors if tax incentives are not more available as planned.

Private sector equity investors would commit funds to the project based upon an assumed after-tax rate of return on their investments, an important element of which is the realization by such investors of Federal income tax benefits associated with their ownership interest in the project.

Such contracts will require the Federal Government to pay to private sector equity investors funds in such amounts which, after any taxes on such payments, will provide such investors with the originally contemplated rate of return on their investments if such rate of return would otherwise be reduced by any changes in the Federal income tax laws with respect to such tax benefits, which are expected to include investment tax credits, depreciation expenses, and related matters.

Each investor will bear the risk that its particular tax situation may limit or prevent it from actually using such tax benefits.

And (5) indemnify participants and the operator against uninsured liabilities with respect to the project.

This clause authorizes the Secretary, in addition to maintaining indemnifications outstanding under existing project arrangements, to provide the last of the specific assurances required by private sector investors, as described in the June 29, 1983, BRC task force report as follows:

4. Assurances against liabilities for replacement power costs and all uninsurable tort liabilities, resulting from the CRBR Project. Governmental contracts to provide such assurances.

Such contracts would insure the operator (TVA), private sector investors and contributors against risks for which insurance cannot reasonably be obtained from commercial sources. Such assurances are necessary for private sector investors and contributors because they may be co-owners of the project but will have no control over the operation or management of the CRBR project, or the conditions under which such liabilities could arise.

The CRBR project will be operated by the Tennessee Valley Authority under a full cost-reimbursement contract with DOE; but the TVA will not own the project, or the electricity produced therefrom, nor will the TVA obtain any economic benefits from the CRBR project. Therefore, as operator, the TVA must be fully indemnified against uninsurable risks which otherwise could adversely affect its customers, just as would be the case if the TVA were to contract to operate any facility for another organization.

The third sentence of this provision, beginning on line 12 of page 13—

Such contracts may be assigned and shall be enforceable against the United States in accordance with their terms except in the case of fraud by the assignee.

Will provide a degree of liquidity to investors in CRBR project by assuring that, in accordance with the terms of their contracts, such investment may, with the consent of the Secretary, be assigned or transferred and will remain enforceable against the Federal Government except, of course, in the case of fraud by the holder of such investments.

The fourth sentence of this provision—

Participation in the project shall not subject a participant to regulation under the Public Utility Holding Company Act of 1935.

Exempts participants in the CRBR project which are not presently subject to regulation under the Public Utility Holding Company Act of 1935 from regulation under that act arising in any manner out of their participation in the CRBR project.

The sources of the largest potential equity investments in the CRBR project are business corporations, institutional investors and, perhaps, some individual investors, which are not regulated utility companies. Private sector investors will not accept any ownership interest in the CRBR project if there is any risk that they would be regulated under the Holding Company Act, pursuant to which the Securities and Exchange Commission regulates the terms of securities and their issuance, the capital structure, and certain corporate functions of entities which are subject to regulation thereunder.

Under the Holding Company Act, any "organized group of persons, whether incorporated or not * * * which owns or operates facilities used for the generation * * * of electric energy for sale * * *" is defined as a "public utility company" title 15 United States Code, Sections 79b (1)-(3), (5). This definition would apply to any entity which has an ownership interest in the CRBR project. Any entity which owns, controls or holds 5 or 10 percent of the voting securities of, or directly or indirectly exercises a controlling influence over, a public utility company will be regulated as an "affiliate" of a holding company or a "holding company" under the act. Exemptions from regulation under the Holding Company Act which are presently available are neither sufficiently broad nor permanent, nor can they be obtained by SEC rule or other action in a timely fashion, to provide potential investors with the assurance that they will not become regulated thereunder as a result of their investment in the CRBR project.

If an entity is, or otherwise becomes, regulated under the Holding Company Act and participates in ownership of the CRBR project, it would continue to be or become regulated in the same manner following such investment. The appropriations legislation is not intended to change the nature or extent of regulation of any project participants under the Holding Company Act, if they already are, or for some other reason become, regulated thereunder.

The fifth sentence of this provision is:

All monies received by the Secretary under this heading may be retained and obligated for the purposes of the project and shall remain available until expended.

Such moneys could be obtained by the Secretary from the sale of products and services from the project, and could be used to pay all or a portion of the obligations of the Secretary under contracts with private sector investors, and operating, maintenance, modernization and other project costs.

The penultimate sentence of the appropriation provision, namely—

Of the $1,500,000,000 appropriated by this heading, up to $270,000,000 may be obligated during fiscal year 1984, of which $135,000,000 may be obligated notwithstanding any other provision of this heading; and up to the following amounts may be obligated during the following fiscal years: $285,000,000 during 1985; $290,000,000 during 1986; $290,000,000 during 1987; $185,000,000 during 1988; $75,000,000 during 1989; $105,000,000 during 1990 and beyond.

Divides the $1,500 million appropriation into portions to be available during each fiscal year from 1984 through 1990, all of which, except for $135 million unconditionally available during fiscal year 1984, are contingent upon there being commitments for private sector financing. The funds appropriated for fiscal years 1984 through 1990, with the funds provided by the utility and private investors under this BRC plan, would provide sufficient financing to assure the construction of the project in accordance with the construction schedule.

Mr. President, I want to summarize some of the points which I understand to have been made and which I understood from the statement of the Senator from New Hampshire (Mr. HUMPHREY).

He indicated that the CRBR has nothing to do with the base program which he says he supports. He may well believe that. If indeed he does believe that, then he is misinformed, in my judgment, because I have already been confronted by the arguments of some in opposition who have suggested that if we do not have the Clinch River project we do not need a breeder safety program; if we do not have the Clinch River project, there is no need now to go forward at the same rate with respect to the development of other research projects that deal with future technologies to be used in breeder production in this country.

It has everything to do with the base program, and there is a linkage that will inevitably result in the level of commitment and level of effort to the base program.

He suggests that breeders are not commercial, so that the CRBR is premature. Mr. President, it is, of course, not commercial. It is a demonstration plan. It is an interim step. If, as a matter of fact, we should appropriate nothing or very little until we are ready to go commercial, why are we investing over a half a billion dollars a year in fusion research? Why would we be spending hundreds of millions of dollars a year in solar research and applications? Why are we spending hundreds of millions of dollars in regard to other programs which are precommercial? The very argument that since this is precommercial we should not spend any money simply says we should spend no money across the broad realm of research, development, and demonstration programs from conservation, to geothermal, to solar, to alcohol, to fossil fuels, to all of the rest of the alternatives.

We are right now in the midst of trying to preserve the financial viability of the Great Plains coal gasification project that is in financial difficulty because of the declining price of energy in a fossil energy market. We are going to try to rescue that because it is essential that we build toward the future energy projections in this country, and that requires that interim steps be made. Some have said that we ought not develop a demonstration project, the Clinch River project, because we will not need breeder reactors in this century.

Mr. President, I agree that we do not need a breeder commercial program in this country, and I will tell you that if we do not go ahead with Clinch River we will not have the beginning in the early part of the next century either, for those who would stop us now will not eagerly see us restart.

This is a demonstration program. Some people forget it is not a commercial power-production reactor. It is a 350-megawatt plant. It is sized not to go into the commercial market but to test the theory—the viability and the economics—of a technology that has moved beyond the laboratory stage and is ready to test the next step.

Many years ago, we created a laboratory experiment, moved out of the laboratory into experimental breeder reactor No. 1, and that breeder reactor No. 1—EBR-1—is now a national historic landmark, because it is the first atomic powerplant to produce electricity that went into a commercial power grid. I know a great deal about that, because it happens to be located in my State.

Experimental breeder reactor No. 2 came online almost 20 years ago. That was the follow-on to EBR-1. Some could have argued that EBR-2 should not have been built because we are not ready to go commercial, just as the Senator from New Hampshire has argued that we should not build Clinch River because we are not ready for commercialization. We would not be ready to go to the Clinch River breeder as the next step if we had not built EBR-2.

EBR-2, which has been in operation for almost 20 years, has been an outstanding success as an experimental reactor and as a demonstration of the several technologies and fuel components that can be used in such a liquid sodium-cooled breeder reactor.

The usual reliability factor for fossil fuel plants is on the order of 65 percent. The usual reliability factor for a conventional nuclear plant is slightly lower than that—reliability in the sense of its availability for online production of electricity. But even though EBR-2 is not a commercial reactor—is not even a demonstration reactor—it is an experimental reactor, changing cores, changing conformation—its online availability has been between 65 percent and 70 percent, exceeding the online availability of the commercial reactors in practice, which begins to underline some of the promise of the breeder reactor concept.

Yes; if we are going to have an option to exercise at a time when we might need it, we must take the interim steps now, and Clinch River is the next necessary interim step.

It has always been contemplated that once the Clinch River breeder reactor had been completed and operating, and successfully operating, we would take the experience gained from that construction and operation and merge into the next step—another demonstration project which would follow on, which would be roughly twice size of the Clinch River breeder, another demonstration, another precommercial step that is necessary to take.

We expect the Clinch River breeder will be in operation by 1990. Following that, we would have to merge into a new design, new concept, new project, which would take in excess of 10 years to design, complete, and put into operation, and we are beyond the year 2000 by the time that is taken and those steps, precommercial steps, are necessary.

Let us not be deluded into the notion that since we have a glut of energy today, we have no problems, and since we do not need the breeder reactor today, we need not develop it. Let us not think that if we ever need a breeder, we can buy it from the French. We need to develop the technology, and this is a quantum step forward in the technology.

Even the French are learning, from what we can tell, although their program has moved more rapidly in commercialization than has ours. You could not take a French breeder reactor and move it to the United States and install it in the United States, because it simply could not be licensed in the United States under our own standards today.

I think it is notable, in that respect, to refer to what members of the French CEA and the West German Ministry for Research and Technology have said. Remember, these are French agencies that have made this comment. I quote:

The Clinch River breeder reactor represents an outstanding milestone for the

future of fast breeders in the world. It incorporated technological features and innovations of great interest to the French and German side and its partners.

So this statement comes from both the French and the West German sources commenting upon the state of the art and the state of the technology.

I understand that my friend from New Hampshire made a comment that the CRBR is like WPPSS. All I can suggest is that he was attempting to raise the emotional level of the debate, not the intellectual content of it, by that comment. To say that they are alike simply displays that he either does not understand what the issues are or is attempting to divert our attention from what the issues really are.

I understand that he started by saying that this is a political debate, not one based upon facts. I should like to get back to the facts, not simply use political rhetoric, because Congress will make the right judgment upon the facts, and the right judgment is to move forward in the development of a new technology and the demonstration of that technology.

The suggestion was made by my friend that we lose oversight with this plan. Nothing could be further from the truth. As a matter of fact, we gain greater control under this plan than under the original authorization and the proceedings up to this date. It is important to recognize that these changes—the relative performance between the Federal and non-Federal entities—inject a greater degree of Federal oversight than in the original plan.

Some people criticize that, but I should not think the Senator from New Hampshire wants us to shy away from the fact that that is a factual statement, that we move in that direction.

He and others have criticized the fact that there are no cost overruns covered by the investors. The investors were never obligated to cover cost overruns.

Under the original plan, under any alternative that has ever been presented here, under the alternative that is here today, the private investors are not the guarantors of ultimate cost, never have been, and are not now. That is not a change, although we have by this plan, as directed by Congress last year, an increased participation in which there are risks to the private sector even though the cost overruns are not covered.

Let me make one parenthetical statement with respect to cost overruns. This plan was started in 1969. It was authorized in 1970. It was commenced in 1971. Tell me anything else, from the price of apples to the price of newsprint, that has not changed since 1971. If you look simply at the cost comparisons between various elements in our society, various costs, various products, and consumer goods and services, the cost overruns, if you want to use that term—the cost increases—over that term almost exactly parallel general cost increases throughout our economy, except in the field of energy, which has gone up more rapidly.

I also point out that if it had not been for governmental interventions this plant would have been completed before now at lower cost both then and ultimately than if Government had not intervened. This was put on virtual hold for 4 years during the Carter administration. We made virtually no progress except in the delivery of components which were already then on order and under fabrication, which is again another way of pointing out the fact that many of these components have already been purchased. They are available and ready for installation as soon as the plant can be put together to the point of integrating them into the plant.

To abandon that investment seems to me to be one of the most foolish choices that we should make let alone the cost of termination of the project, and really when we look at the cost of this project we should be comparing the cost of termination with the cost of completion. Upon that basis, we certainly get a very great bargain in completing the plant under the terms that are contained in this financial package in comparison to the cost of terminating its construction, paying its termination costs, and losing every bit of investment that we have made, every bit of technological advancement that we would have gained by completion of this plant and the great setback that we would have if, as a matter of fact, we at some time in 10 or 15 or 20 years decided that again we need to look at the alternative of breeder reactors.

There is one other point that needs to be made with respect to this issue of cost overruns: To the extent that the equity shareholders receive revenues from power sales beyond retiring the debt, the DOE will require sharing of cost overruns. So to the degree that this plant has the potential of returning revenues out of the sale of power which is an incidental benefit of the building of the plant—it is not for that purpose but it has that benefit—to the extent that those revenues are greater than necessary to retire the debt, there will be a sharing of any increased costs beyond those projected. So there is the possibility of a sharing of cost overruns in this instance, not provided by present law, not provided by the current conditions under which this plant has been financed and developed to this point but in an increased obligation for the private sector that was not there under any of the original plans.

I think it is worth also saying with respect to the delay and the increasing expense, it was largely delay for, in the earlier years, technological, environmental, safety concerns, and NRC licensing, and those all contributed to the delay until the administration at an earlier time decided they were opposed to it and it was Congress, supported by analysis of the General Accounting Office, that enabled us to keep the project alive at all. It was congressional action that made it possible for us to be at the point we are today. It would seem very strange that now after so many years that Congress that kept it alive should suddenly decide now that the administration is for it that we should kill it. I would hope that we would not do that.

I point back to an earlier GAO testimony in which Dexter Peach stated:

> We have consistently pointed out that the breeder program is a research and development program and the construction of a demonstration plant such as the CRBR or a similar demonstration plant such as the CRBR or a similar demonstration project is a logical step in the research and development process.

I wish to cover in general terms what I have covered in more specific terms in my prepared remarks placed in the RECORD with respect to private financing.

The allegation has been made that private financing is more expensive. As a matter of fact, there is only one study that indicates that and that is a study that compared the cost of financing under this proposal as against the alternative to total immediate funding by Congress through the appropriations process.

It is only in that comparison. But I do not understand my friend from New Hampshire or my friend from Arkansas or others who may oppose this project as being advocates of an immediate total funding from the Treasury of the United States. Certainly, the direction entered by Congress last year was to find an alternative so that that study, that analysis, that comparison, is totally fallacious and misses the point completely. They have no validity, and I think even those who made that analysis even today and since making that analysis admitted that that comparison was not a valid comparison and should not be used as a basis of judgment by any Member of Congress.

It is also suggested that this is a $1 billion investment which would not be made, that this is an investment which, therefore, detracts from the capital pool that would be available for the creation of alternative enterprises instead.

Let me suggest if there is any very careful analysis of the real costs and alternatives indeed this is a cost-effective application of money in the capital markets of today both in terms of

the advancement of the technology and the reduction or potential reduction of vulnerability of the United States to a reduction in energy supplies coming from offshore and also in the terms of the efficiency of creating jobs as well.

Those analyses have been made and those are almost uniform in their conclusions that this investment rather than detracting from economic growth potential enhances economic growth potential.

I think it would be well to repeat again what I have said earlier because I know it has been stated and restated by my friend from New Hampshire that the CBO study says it will cost $250 million to finance in this manner and that those findings are still valid. Even CBO admits that that statement is not correct. They admit that their analysis is not correct and that those findings should not be used today.

I have addressed the question of whether or not investors have risk and I think indeed we should point out that while under the original financing package they had virtually no risk except the equity which was then contributed, all of which is still at risk, it was not contemplated then and until this time has never been contemplated that the risk would be the private sector risk.

As a matter of fact, there is, however, some additional risk being assumed by the private sector, the risk involved in the question of return on the additional equity investment which they must make, the risk of return on the investment which is not what has been suggested by some, and finally the risk of whether or not they will be able to avail themselves fully of the tax credits that some people have automatically assumed will be theirs and which they hope indeed I think would say believe will be available but which is not a certainty. There is the risk in that regard.

So there are indeed some additional risks to the private sector in the package that has been put here.

Finally, Mr. President, I wish to make one brief comment with respect to the assertion of my friend that somehow this is a bad package because there is $1 billion off budget. I find myself almost incapable of responding to it because it is so high off the wall to allege that because somehow we have required the private sector to go out and borrow $1 billion that we have taken $1 billion off budget. Indeed we have subtracted $1 billion of potential cost from the budget, but we have not put it off budget as was suggested with respect to the strategic petroleum reserve because that is a direct Federal expenditure. All we did in that instance, and I did not agree with that action but it was done by a vote of this body which I resisted but, nevertheless, was passed, is to say we will spend the money but we will not count it. This is an instance where not only will we not spend it, it simply is moved off the budget because the Government will not spend the money. To argue that that is off budget seems to me to be the most specious argument that might have been made and perhaps one of the most outrageous that has been made in the process of this debate so far.

This indeed is a package that is not perfect. Anyone who wishes could perhaps find fault with it and ask that it be modified. Anyone who is concerned might indeed have come up with a different package which they prefer. The fact is this financing package was responsive to a mandate of Congress last year to find ways to reduce the Federal budgetary impact of the completion of this project, and this package does that precisely, exactly, and in a manner which is supportable.

The administration supports it. OMB has looked at it and the support it. David Stockman, who at an earlier time has been a critic of the development of this program, is fully supportive of this program.

Part of the reason is because of the new financing program that has been suggested.

Finally, Mr. President, I said earlier in an interjection in the remarks of the Senator from New Hampshire that indeed we do have a letter from Secretary of Energy Donald Paul Hodel in support of this project. I thought it was a specious argument to suggest that even though the President supports it, the Assistant Secretary has written a detailed letter analyzing the proposal as the reason why they support it, that somehow because the Secretary himself had not signed that second letter bearing the detailed analysis that it somehow indicated his lack of support.

But just to make it very clear, Mr. President, I ask unanimous consent that a letter signed by Donald Paul Hodel, who is incidentally the Secretary of Energy, even though his name appears on the letterhead bearing that does not say down at the bottom he is Secretary of the Department, I assume my friend will not say he is not the Secretary; and therefore it indicates not supporting. It is on the stationery of the Department of Energy and it is dated October 19, 1983, and is addressed to the Honorable HOWARD HENRY BAKER, Jr., majority leader of the U.S. Senate.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, D.C., October 19, 1983.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: Consistent with our discussions over the past several weeks, this letter is to reiterate the desire of the Administration and the Department of Energy to see an amendment implementing the Alternative Financial Plan for the Clinch River Breeder Reactor Project attached to the Supplemental Appropriations bill due to be marked up by the Senate Appropriations Committee this afternoon. It is our belief that this course of action presents us with our strongest legislative alternative of providing funding for the project, and, I might add that the President is quite eager to see that end achieved. I am sure that, as usual, your help in this regard will provide the necessary impetus to accomplish our goal of completing this important project in a timely manner.

Thank you for your consideration.

With best wishes,

Sincerely,

DONALD PAUL HODEL.

Mr. McCLURE. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I rise in enthusiastic opposition to this amendment, vigorous opposition.

Mr. President, let me tell you this amendment is the turkey of the year. I have just been told by the manager of the bill that he would like to treat it with cheese. That would improve the turkey but it would still be a turkey.

I have a whole list of statements in opposition to this amendment as it is presently worded. The first comes from some of the most eminent economists in the country, and they protest the means of financing this operation.

I would like to read it to the Senate because I think anybody who has not made up his mind positively, finally, and turned his back on it, it seems to me this is perfectly devastating.

On May 12, 1983, the U.S. House of Representatives voted 388 to 1 to deny further funding to the Clinch River Breeder Reactor program unless private industry agreed to pay a substantial share of the cost estimated to be between $2.4 and $4 billion.

That, Mr. President, makes it very clear that the overwhelming—and you cannot get a more overwhelming 388 to 1—majority of the House was opposed to this project unless private industry moved in and agreed to pay a substantial share of the costs. So the feasibility of the plan that brings private industry in support of this program is absolutely critical before the approval of this amendment.

On June 23, 1983, a plan was proposed by the Department of Energy. The financing plan is based on the $2.4 billion cost estimate and provides for continued, direct, public funding of $1.5 billion. The nation's electric utilities would contribute $.1 billion financed by newly created tax advantages; the remainder of the funds would be raised by government guaranteed bonds and loans. The lenders (principally insurance compa-

nies, pension funds, investment banks and the like) are to be repaid by selling the electricity generated by the breeder reactor. The public guarantees that the power generated from the reactor whenever it is available will be able to be sold for more than its cost of production. If the breeder fails to break even, then the public will have to pay off all of the project's debts.

The new financing plan does not increase the private sector's risk exposure at all. It only stretches out the public's payments over a longer period of time (with interest costs, of course) and moves the reactor from on-budget to off-budget.

In other words, it moves it out of control of regular monitoring, control of oversight of the Congress.

The new financing plan is based on assumptions that are unlikely to be fulfilled, and if the assumptions are not fulfilled, the plan will increase the public's liability. For example, the plan assumes that the bonds will sell for the same rate as treasury issues. Historically, government guaranteed bonds have carried a risk premium over treasury bonds. Accordingly, interest payments are likely to be higher than those anticipated in the plan.

The costs of the reactor are highly uncertain, but any cost increases are the responsibility of the public. No one knows how much will be required to make the breeder reactor commercially attractive. It is a research and development project that industry cannot handle. That, of course, does not make it a legitimate public project; the breeder reactor must compete for limited public funds with all other public projects. Nevertheless, the public is being asked to commit whatever it takes to make the reactor a commercial entity. The private sector is going to send the tax payments (up to a limit of $.1 billion), it would otherwise make to the treasury, to this project and purchase a limited amount of guaranteed bonds provided they are at least as attractive as treasury bonds.

Mr. President, in conclusion, this statement says the following:

The electricity generated from this project may not have a market. At present, no electric utility is willing to sign a contract to take delivery of the electricity that may be generated by the reactor. TVA and U.S. government studies indicate sufficient electricity capacity in this region at least until the end of the century (the end dates of their studies). This is not surprising since Clinch River was a R&D project and was not sited with consumers in mind. The consequence, of course, of generating the wrong amounts of electricity in the wrong place is that the public will have to pay off the lenders.

In conclusion, the new plan is not cost sharing and does not increase private financing and risk at all. It does increase public liabilities by means of sophisticated financial instruments and off-budget financing. In our opinion, the costs of this project are likely to go higher while the benefits are likely to go lower. Congress should reject this financing plan and stay with the decision of May 1983 to curtail public involvement in the Clinch River Breeder Reactor.

This is signed by Kenneth J. Arrow, Nobel laureate, Stanford University; James Tobin, Nobel laureate, Yale University, who used to be a member of the Council of Economic Advisers in the Nixon and Ford administrations; Walter W. Heller, who was Chairman of the Council of Economic Advisers in the Kennedy and Johnson administrations, and a number of other economists the Senate will recognize. I recognize them because I have been on the Joint Economics Committee for 20 years and have listened to these distinguished experts and I have great respect for their ability, and particularly when it comes to evaluating a program of this kind which would impose immese burdens on the Federal Government.

They include Hendrik S. Houthakker, Harvard University; William Baumol, New York University; Thomas Moore, Hoover Institution; Carolyn Shaw Bell, an eminent economist; Dr. Allen V. Kneese, also an eminent economist; Barbara R. Bergmann, University of Maryland; John Tepper Marlin, economist; Kenneth E. Boulding, University of Colorado—and I think everybody who has had Economics 1 or 101 in college recognizes Boulding as an economic expert; Daniel McFadden of MIT; W. F. Mueller, University of Wisconsin; Dr. Gerard M. Brannon, American Council of Life Insurance; Dr. Robert S. Browne, Howard University; Roger G. Noll, Stanford University; William Capron, Boston University; Richard B. Norgaard, University of California, Berkeley; Dr. Charles Cicchetti, an eminent economist; Leonard A. Rapping, University of Massachusetts; John H. Cumberland, University of Maryland; Dr. Ronald G. Ridker, the World Bank; Allen R. Ferguson, Public Interest Economics Foundation; Clifford S. Russell, also an eminent private economist; A. Myrick Freeman III, Bowdoin College; Robert M. Solow, a very eminent economist from MIT; Robert Haveman, a distinguished University of Wisconsin economist; Anthony Yezer, George Washington University; Charles Holt, University of Texas; Marty Zimmerman, University of Michigan; and Dr. Norman H. Jones, Jr., also an eminent private economist.

These economists represent not a particular partisan view, some are Democrats, some are Republicans, some are independent economists, some are with universities, some are with the private sector, but it is an extraordinarily distinguished group of experts who assure us, on the basis of their study of this proposal that is before now, that it will not meet the fundamental provision and requirement that the House insisted on when they denied the Clinch River breeder reactor program by a 388-to-1 vote; that is that it will not, will not, provide any substantial share or any share of the cost of financing from the private sector.

Mr. President, this morning's New York Times carried an editorial to which I am indebted for my opening remarks when I called this a turkey. I did not mean to be impertinent or to be impudent. I am simply reflecting what the most distinguished and prestigious newspaper in this country called this project.

The headline in the editorial is: "The Clinch River Turkey, Again." Let me read it. It is a short editorial.

Supporters of the Clinch River nuclear breeder reactor are bending the Senate's rules in a last-ditch attempt to breathe another $1.5 billion into the project. Unless the Senate seizes the chance now to bury it, this Tennessee turkey will turn into an $8 billion albatross for the taxpayers.

Every premise on which Clinch River was based has changed. In 1972, uranium seemed likely to grow scarce. Now it is in glut. Then, conventional nuclear reactors had a bright future. Now they are being canceled by the dozen.

Breeder reactors are unlikely to become commercially viable for 50 years. For the Administration to want to demonstrate their commercial feasibility now makes no sense.

Still, nuclear dogmatists insist on finishing the Clinch River breeder. Because it extracts energy from uranium that conventional reactors leave untapped, it's the mystical ingredient of the package in which nuclear power was originally sold, the key to the promise of "inexhaustible" energy. But practice has proved different from theory.

What the nuclear energy industry needs is not Clinch River but down-to-earth efforts to improve efficiency and reliability of conventional reactors—and a standby research program for an advanced breeder reactor in the future.

Even Secretary of Energy Donald Hodel concedes that the Clinch River project is not necessary for the United States to retain a position in breeder technology. Washington will continue to fund breeder research with or without Clinch River.

Breeder boosters in the Senate have tacked a thoroughly discredited "cost-sharing" plan for the breeder onto an appropriations bill, in defiance of Senate procedure. What's the right thing for the Senate to do today about this effort to sneak Clinch River in through the back door? Slam it.

That is the advice of the New York Times in an editorial today.

The whole crux of this matter, Mr. President, is the so-called financing package. Now, that financing package is a complicated package. The Senator from Arkansas, Senator BUMPERS, has made a superlative analysis of this in our committee, a devastating analysis. It was protested by the distinguished Senator from Idaho, Senator MCCLURE.

Mr. President, when these complicated matters come before the Senate, I think we have an absolute duty to insist that we have committees that bring forth a record of hearings from experts. We do not have that. What hearings were held on this package? Very, very little. There was a 1-day hearing of sorts. No committee report. No analysis. No recommendation.

Now, I happen to have been on the Banking Committee for 26 years here in the Senate, I was chairman of that

committee for 6 years. I was chairman during the time when we provided guarantees for New York City, which I opposed, and Chrysler, which I opposed.

Although I opposed those measures in both cases, the guarantees were worked out with the most extreme care, with very careful negotiations over a period of many months; in fact, in one case, over a period of years. They were worked out with the most careful consultations with expert economists and others to protect the Government. We had extensive hearings. We had an exhaustive committee report. We had a very thorough debate on the authorization legislation in the Senate. We have had none of that here—none of it.

Now we are asked to come forward and vote in favor of an extraordinarily complicated proposal which the most eminent economists in the country, Nobel laureates, say will not provide any of the share of cost which the House insisted that we should require from the private sector—none of it.

Mr. President, also appearing in the New York Times was a letter from Dean R. Corren, a New York University research scientist, who is director of the Greater New York Council on Energy. This is what he had to say about the Clinch River reactor. He disputes a letter which had previously appeared in the New York Times and said:

(It) could not have been further from the truth in its characterization of that breeder as a "renewable" resource. Such a claim is an inexcusable extrapolation from the also inexcusable but oft-repeated phrase that the breeder creates more fuel than it uses.

The breeder merely permits the use of a more abundant isotope of uranium than our present reactors use, thus in theory extending nuclear fission's potential about a hundredfold. But there is nothing renewable about it, neither in the mines it requires nor in the wastes it produces.

The key to breeder economics is that it could only be competitive when our reactors have nearly used up all our uranium 235 and when other sources of energy are unavailable. Since our Government has been proved wrong in its projection of cheap power from 1,000 reactors in the year 2000, the breeder will never be economical.

These were not, however, the concerns of Presidents Ford and Carter, who tried insuccessfully to halt the Clinch River pork barrel. They recognized the global peril of a technology that requires the use, storage and transportation of plutonium. This fuel, the stuff of nuclear weapons, would be most aptly termed the ultimate nonrenewable.

That is a letter, as I say, from the director of the Greater New York Council on Energy, a New York University research scientist.

Mr. President, I also want to call to the attention of the Senate a statement from Public Citizens, dated September 28 of this year on the Clinch River breeder reactor. It reads as follows:

The Clinch River breeder reactor is expected to come before the Senate on the continuing resolution this week or on the supplemental appropriations next week.

They were off a couple of weeks.

As you are aware, the project has been disapproved by a majority of the House on the December 1982 Continuing Resolution.

Mr. President, this has nothing to do with my remarks, but I just want to say I have the greatest admiration and respect for my friend from Connecticut. I hope that anybody listening to my remarks today, regardless of their associations in the past, will recognize that he is a marvelous Senator. He indicated that once again when he was managing the Health and Human Services Subcommittee on Appropriations. I happen to be ranking member and I have had an opportunity to observe his action. There is none better.

Mr. President, as I was reading from this letter from Public Citizen, the Clinch River breeder reactor:

Has been supported in the Senate by one-vote margins on the past two continuing resolutions.

I might depart from this letter for a minute to point out that there is no way, no way, that the Clinch River breeder reactor would have had a prayer without the support of the distinguished majority leader—a marvelous man, a great leader, a man who has the respect of all of us. In all the years I have been here, and I have been here 26 years and seen Lyndon Johnson in action—everybody talked about the power he had—and other distinguished and powerful majority leaders, nobody has been able to lead the Senate down the garden path with the skill and the uncanny ability to win by one-vote margins as has the distinguished majority leader, who has so often been able to do that in this Clinch River project. I am absolutely convinced that if it were not for the support of the majority leader, both on the floor and again, of course, in conference, this would have been buried long ago, and by big margins.

At any rate, the letter goes on to say:

Support has been predicated on assurances that the Department of Energy would "vigorously explore proposals including a reconsideration of the original cost sharing arrangement, that would reduce Federal budget requirements . . . and secure greater participation from the private sector." What DOE calls an Alternative Financing Plan will not reduce federal responsibilities for the project. It is time to refuse further federal support for the commercial-scale breeder which industry is not willing to finance.

The Director of the Congressional Budget Office, Rudolph Penner, stated last week before the House Energy and Commerce Subcommittee on Energy Conservation and Power that the cost of CRBR under the plan proposed by the Breeder Reactor Corporation (BRC) in concert with the DOE "is almost $250 million more than if Congress chose to fully fund the project." The plan does not attract new risk-capital from the private sector, but instead involves expensive federal borrowing. The plan takes CRBR off budget, where its mammoth costs can be more easily concealed, and the project can be "protected" from oversight by the Congress.

The Breeder Reactor Corporation task force concedes in the draft of the plan dated June 29, 1983 (Cong. Rec. S 10052), "No venture capital is available for investments perceived to involve high risk, modest return, and small opportunity for speculative gain. . . . [T]he CRBR Project does not offer such an equity stake or the possibility of significant speculative gains to investors. . . . It seems clear therefore, that, no significant amounts of 'risk capital' will be available to the CRBR Project."

Instead, the BRC proposes to raise:

An estimated $150 million of equity capital with the help of federal quarantees of the availability of current tax credits and deductions. The plan also quarantees that these investments will be returned, with interest, if the CRBR is not completed.

$175 million which private utilities have been contractually bound to contribute since 1973. Of their original pledge of $257 million plus interest ($68 million), only $150 million has been paid to date.

$675 million in proceeds through the sale of long-term federally-guaranteed bonds. (Any shortfall in the expected $110 million annually needed revenue to pay off the bonds will be another federal responsibility.)

The DOE/BRC plan requires another $1.4 billion in direct federal appropriations to be added to the more than $1.5 billion the federal government has spent on the program. In addition, the plan imposes no risks on the private sector, while expanding the costs and risks borne by the taxpayer. Let us compare:

Under the original 1973 plan for Clinch River:

The U.S. owns the CRBR plant.

The U.S. receives any revenue the plant might produce.

Congress oversees the project's progress through the annual appropriation process.

U.S. may terminate project's operation after first 5 years.

U.S. only provides fuel for plant's first 5 years.

U.S. assumes no obligations regarding plant revenues.

U.S. Treasury loses no revenue from project tax benefits.

Nuclear industry contributes nearly 40% of plant's projected cost.

That was the original proposal, Mr. President. Contrast that with the present proposal and see how it has seriously deteriorated. Under the present proposal, the 1983 DOE/BRC plan, which we have to vote on,

U.S. surrenders title and right to sell the CRBR to a newly created corporation, The American Energy Development Corporation.

U.S. surrenders right to all plant revenues to the corporation.

Congress loses annual appropriations review. Instead it is asked to approve a single multi-year obligation of $1.4 billion.

U.S. must operate plant for 30 years.

U.S. provides all fuel services for 30 years including breeder reprocessing and fuel fabrication.

U.S. must guarantee against CRBR going into red for 30 years.

Treasury loses nearly $250 million (constant, discounted 1983 dollars) in tax and interest revenues.

Nuclear industry's pledge remains fixed at 8% of DOE's projected cost; no new venture capital is given or placed at risk.

The plan in no way reduces the federal budget requirements for CRBR, as the December '82 continuing resolution directed. There can no longer be a justification for giving the DOE more time and funding on a project so universally regarded as uneconomic and unnecessary. A commercial demonstration of breeder technology is not needed when all experts agree that breeder technology will not be commercially viable until well into the twenty-first century, if ever. Even without Clinch River, 10 percent of the entire federal energy R & D budget is devoted to breeder technology.

Congress Watch joins the Taxpayer's Coalition Against Clinch River in urging that you reject any further federal financing of the CRBR project.

Mr. President, before I yield the floor, I know the distinguished Senator from Washington has been very patiently waiting and I apologize for detaining him. I shall take just another minute or 2 before I surrender the floor so he can speak on this issue.

This statement, Mr. President, comes from the Environmental Energy Study Conference. It reads as follows:

CBO COMPUTATION

Perhaps the most damaging study of the new financing plan, according to critics, comes from the Congressional Budget Office. In new CBO Chief Rudolph Penner's third appearance before a congressional committee since his recent appointment, he testified Sept. 20 that the private financing plan will cost U.S. taxpayers $248 million more over the life of the plant than outright federal financing.

The CBO study compares the new financing plan with the option of paying for the project with federal funds and the existing utility contribution. After computing tax benefits equity investors would get from the plan, including the investment tax credit, accelerated depreciation and interest deductions on construction borrowing, CBO said that in the short run from 1984–1990, the private financing plan would save the federal government $666 million.

To get $666 million, he computed first an overall savings of $675 million from bonds and $150 in new equity and then deducted tax losses of $159 million ($82 million from the investment tax credit and $77 million from interest during construction).

But, CBO says that between 1990 and 2021, when CRBR should be operating, the government will be giving up $3.3 billion in projected power sales that the plan uses to retire the construction bonds. Tax deductions from accelerated depreciation for private parties would cost $361 million, CBO says, for a net loss of $3.6 billion.

Offsetting the $3.6 billion would be tax revenues of $1 billion received from bond and equity shareholders, CBO estimates. "Thus, the private plan would add $2.6 billion more to the federal deficit than the government-financed case over the 1990–2021 period," CBO says.

But, CBO also notes that because the value of receiving a dollar 10 years from now is different and less than the value of receiving the same dollar today, CBO used a discounted dollar analysis "so that the alternatives can be more accurately compared." CBO figures the discount rate by calculating the interest it owes to bondholders or investors at 9 percent minus the 2.5 percent CBO assumes the investors will pay in taxes.

But, even this 6.75 percent discount CBO says the private plan still will cost $248 million more than full federal financing.

Mr. HUMPHREY. Mr. President, will the Senator yield for a moment on this point?

Mr. PROXMIRE. I am happy to yield to my friend from New Hampshire.

Mr. HUMPHREY. I am glad the Senator from Wisconsin once again brought up the matter of the CBO study. It is a fair study. CBO is a neutral party, and it has found in its recent study of the alternative financing scheme that it will be more expensive to the Government than simply completing the plant with annual appropriations.

Now, I raise the point because it was said on the floor 30 minutes or so ago that CBO has since retracted from that position; it no longer stands by its study, which was a shock to me, and so I phoned CBO. While I was not able to speak with Mr. Penner, the director, because he is presently testifying in the House, I did tell his principal assistant, Mr. Dennis Maelby, that it had been said on the floor that the CBO was backing away from that study. Mr. Penner's assistant checked into that and said that is not correct; the CBO still stands by that study.

Mr. PROXMIRE. Mr. President, I want to thank my friend from New Hampshire, who has made such a gallant fight against this project. I think it is important to stress what he has just said, that the CBO is a bipartisan group of experts who do their best. They have a solid reputation. Mr. Penner, as a matter of fact, has been a conservative economist. He has been identified with the conservatives in his views. I think that this study simply has to be accepted on its face, whether they repudiate it or not. And the Senator from New Hampshire certainly has the latest information. They do not repudiate it. But if they did, the study stands and has not been successfully challenged. Indeed, if somebody wanted to challenge a study of this significance, I think at least we ought to have hearings, we ought to have a record, we ought to have it documented, we ought to have people coming in on both sides.

We are working in a fog on this matter. We do not know what all the facts are except the best information we can get is that this is going to burden the Government very heavily with $248 million more than if the Federal Government paid for the whole thing.

Mr. HUMPHREY. If the Senator will yield, in all fairness to the chairman of the Energy Committee, there was at least one hearing in this house on the subject of the alternative financing plan but given——

Mr. PROXMIRE. There was a hearing, but there was no report.

Mr. HUMPHREY. Yes.

Mr. PROXMIRE. There was no opportunity before the Appropriations Committee, for example, had acted on this to study any kind of a record. It was just put through with the notion that we will debate it on the floor.

Mr. HUMPHREY. If the Senator will yield, he is quite correct. There was a first step taken, that is, a hearing was held, but no bill was marked up. No bill was reported out. The bill still languishes in the Energy Committee, likewise in the Finance Committee. This deals with the alternative financing plan. Under orderly procedure, we should insist that those bills be marked up, reported out, and debated on the floor of the Senate. Then, if the plan is authorized, we can come to the appropriations process. But to lump the two together is to violate orderly procedure in the worst possible way. Of course, that is nothing new, but when you consider this is a multiyear appropriation for Clinch River, it puts a little bit different light on it.

Mr. PROXMIRE. Mr. President, I yield the floor.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER. (Mr. COCHRAN). The Senator from Washington is recognized.

Mr. EVANS. Mr. President, I think we must recognize what is at stake here. We have heard a great deal of talk this morning about costs and various methods of financing for Clinch River. The vote we will presumably take sometime today will determine whether or not Clinch River proceeds or whether it dies. What is really at stake, however, is whether we proceed at all with the development of fast breeder technology.

I have served for the last 2 years as chairman of the Pacific Northwest Power Planning Council. As such, I have had an opportunity to examine the costs of generating electric energy and the future of alternatives to existing generating technology. As a result of that experience, I am deeply concerned about another much more fundamental matter than just the cost of proceeding with fast breeder technology.

Mr. President, I rise in support of continued funding of the Clinch River breeder reactor project, and I rise out of concern for our environment, from the perspective of one whose career has been devoted and dedicated to environmental protection. I stand by my record as Governor of the State of

Washington on environmental issues and my concern about the environment continues.

I lend my support to the Clinch River project because of my desire to find an environmentally acceptable alternative to continued reliance on fossil fuels as an energy resource. I am perfectly aware of the potential environmental problems connected with any part of the nuclear industry. We simply have to recognize there are tradeoffs and ultimately have to determine which will be the best for all of us and which will be the least costly.

I consider Clinch River a means to an end, as an important step in the development of fast breeder technology. The Clinch River project represents the continuation of a national research and development effort that began over 30 years ago. This effort to develop fast breeder technology is vital to our Nation's effort to reduce reliance on fossil fuel, and it is imperative that the effort continue.

Mr. President, evidence continues to accumulate that increases in the atmospheric carbon dioxide will substantially raise global temperatures over the next century. A recent study by the Environmental Protection Agency estimates that a 2 degree centigrade increase in global temperature could occur by the year 2050, and a 5 degree centigrade increase by the year 2100. Those years are not too far away. The temperature increase these numbers represent is significant indeed.

These temperature increases are likely to result in dramatic changes in precipitation and storm patterns and a rise in global average sea level. Consequently, agricultural conditions will be significantly altered, environmental and economic systems potentially disrupted, and political institutions stressed. I cannot overemphasize the potential danger embodied in the results of that study, if indeed they are correct.

Increases in atmospheric carbon dioxide result primarily from the use of fossil fuels. The most logical response to the threat of climate change, and, according to the Environmental Protection Agency, the only effective way to prevent further greenhouse warming, is to reduce global dependence on fossil fuels as an energy source.

Mr. President, a further consequence of the continued reliance on fossil fuels is the phenomenon well known to all of us, acid rain. Acid rain is an egregious environmental, political, and economic problem for the United States. The problem will cost all of us as taxpayers and ratepayers enormously in future years if we are unable to deal with the environmental effects of acid rain. The environmental impacts include failure of fish populations to reproduce, reduced growth rate or even die-back of forest tree species, and leaching of nutrients and toxic wastes from soils into our water systems.

Recently, a panel of the National Academy of Sciences concluded that acid rain is almost entirely caused by humans. Industrial sulfur dioxide emissions are the probable source of sulfuric acid found in acid rain, accounting for approximately two-thirds of the acid rain problem. Oxides of nitrogen, caused by the use of fossil fuels, are the cause of nitric acid, accounting for the remainder of the problem.

Admittedly, continuation of the Clinch River project will have little direct impact on the problems of acid rain and the warming of atmospheric temperatures. The Clinch River project, however, is an important national energy research and development project, a vital step in breeder reactor development.

The fast flux test facility which currently operates on the Hanford Reservation in the State of Washington has proven its level of breeder technology. The Clinch River reactor is much larger than the Hanford plant and is the important next step in development of that technology. These successive steps are important to avoid error and avoid ultimately moving into production reactors which either do not work successfully or which prove to be unduly costly.

The breeder reactor will increase the utilization of uranium by about 60 times. It has been estimated that breeder technology will permit the use of domestic uranium stockpiles worth more than $40 trillion and containing energy equivalent to all the world's current known supplies of oil. Let me emphasize: Utilizing breeder technology, the stockpiles of uranium-238 available in this country have the equivalent of all the world's current known supply of oil.

Mr. President, the Clinch River reactor is a further development of the breeder reactor program already underway at the Fast Flux Test Facility at Hanford. The Clinch River reactor is the second step in the breeder program, and will provide the information necessary to the ultimate goal of a liquid metal fast breeder reactor. The Clinch River project hardly represents the final expression of breeder technology. It does, however, represent the best we have available at the present time.

This is not, perhaps, an appropriate time or place to analyze the ultimate feasibility of the breeder reactor or to speculate about the ultimate efficacy of the concept. No single technology can secure a complete break with hundreds of years of reliance on fossil fuels. For this reason, it is important that we move ahead on a number of energy fronts. When I was chairman of the Northwest Power Planning Council, we worked very hard to move strongly in the fields of energy conservation, which I believe is an appropriate and certainly an environmentally benign alternative. I believe we must continue in our conservation efforts. Furthermore, I think it is important to move ahead as rapidly as possible to utilize hydrogen as a cost effective and commercially feasible fuel. We should move ahead on a number of other fronts, to insure that at least one or several of the potential alternatives to fossil fuel breakthrough and secure the new energy needed in an environmentally acceptable way.

No single project can assure a technology as complex and as widely misunderstood as the fast flux breeder reactor. I believe, however, that if breeder technology and the consequences of continued reliance on fossil fuels were more widely understood, the future of breeder technology would be more secure. This belief may be wrong; it may be biased; but without the Clinch River project, it is unlikely to be tested. Without technologies such as the breeder reactor, the Nation will be unable to minimize the resources it needs to carry its energy loads. Not because it chose not to, however; but because it never knew it could.

Mr. HUMPHREY. Mr. President, I congratulate my colleague from Washington on a fine speech, well delivered.

I should simply like to make the point that the question for us is not an either/or question. Sometimes we gain the impression that if we terminate Clinch River, that is the end of our nuclear option and perhaps that is the end of our breeder reactor research option. That is not the case. We have an in-between choice. We can cancel Clinch River, save a lot of money, avoid a lot of waste, and at the same time continue our base breeder reactor program.

That is precisely what will occur if this appropriation for Clinch River is defeated. We will continue our base breeder reactor research program. The breeder reactor option will still be there if we choose to exercise it in the future.

The other point I want to make is that we are all concerned about the effects of burning fossil fuel, the effects on our atmosphere and environment—increasingly concerned.

I make the point that in the generation of electricity, only 4 percent of all the fossil fuels burned in this country are burned to generate electricity. Looked at in perspective, in that only 4 percent of the fossil fuels burned in this country are burned to generate electricity, then I think the argument that we must press forward at all costs with breeder reactor demonstration projects is not quite as strong. Indeed, it is rather weak, in my view.

Mr. President, perhaps it would be in order to put things into focus about the parliamentary situation.

We have before us H.R. 3959, an appropriations bill. At present there is no money in it for Clinch River. There is a committee amendment pending, a Senate appropriations committee amendment, that would add that money if the amendment is adopted. Then, after final passage in the Senate, the matter would go to conference.

Inasmuch as the House version has no money for Clinch River and the Senate version would, it would have to be ironed out in conference. That is where we stand. There is no money in the bill for Clinch River as it came from the House. The proponents are trying to add it as a committee amendment. I urge my colleagues, at the present time, to vote against the amendment, so that we do not add the money.

The underlying bill, which contains the sum $300 million for other miscellaneous programs would not be endangered in any way, and Senators need not be uncomfortable on that score. If they vote against Clinch River, it is simply voting against adding money to this bill as it now stands.

Mr. President, I yield the floor at this time, under the condition that upon resuming the floor, my remarks not be considered a second speech.

The PRESIDING OFFICER. Is there objection? The chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

Mr. McCLURE. Mr. President, will the Senator withhold that?

Mr. HUMPHREY. Yes.

Mr. McCLURE. Mr. President, I am happy not to raise any question about the statement of the Senator from New Hampshire being considered as a second statement, and I just want to note for the RECORD that I think there is a spirit of accommodation. We are trying to get along with respect to the exchanges that take place, back and forth. I hope that all Members, looking at the flow of debate, will recognize the accommodations that have been made and may perhaps have to continue to be made for the various speakers who have spoken thus far and may again wish to speak as the debate develops. I am happy not to raise any question with respect to that at this time, because I think it is important that we do it that way.

Mr. President, there are two or three things that have come up in the debate thus far that need some clarification.

I was necessarily called to a meeting of the majority leadership group and was away from the floor for about 45 minutes. It is my understanding that in that interval, the Senator from Wisconsin, perhaps in a colloquy with the Senator from New Hampshire, indicated that I had said that the CBO is backing away from their study. If those are the words I used, I did not intend to use those words.

The import of my remarks and what I intended to convey is that the CBO in a hearing before our committee admitted that the base case that they had used in their analysis to make the comparisons was not the base case that is before us and, therefore, the results of the study really had no application to the alternatives before Congress. I think that is an accurate statement of the CBO position.

I could refer to a number of the exchanges because CBO in the questioning before our committee was asked with respect to certain provisions of the analysis that they had made, and this question was asked of them:

The CHAIRMAN. Mr. Penner, in preparing the existing arrangement for CRBR with the BRC's private financing plan, did you consider the present arrangement of selling power to TVA at their avoided cost as one of their study cases?

Mr. PENNER. Yes, we did, sir. If you believe that, it would have to be sold at lower cost under the government plan than under the private plan. We don't understand why that would be so, but if that was truly your belief, then the cost comparison would flip-flop and the private plan would be cheaper.

The CHAIRMAN. The private plan would be cheaper if that cost that's now mandated by policy and law would continue?

Mr. PENNER. Yes. We assume the legislation would be changed.

He was then asked why they base their base case upon an assumption that the basic law of the land would be changed in order for them to make that analysis. As a matter of fact, as pointed out there, they were, and I reiterate, making a comparison based not upon current law and policy but upon assumption of certain changes in current law and policy.

There are a number of other matters that have been brought up in the last hour or so in the debate, a couple of which, in addition to the one I have mentioned, I might just mention now.

There was the suggestion that the DOE must operate for 30 years. I point out that the CBO analysis, upon which the opponents seem to put so much credence and make their case on the basis of that analysis, also assumes the same thing. So it seems to me that you should not have it both ways by criticizing something which is the basis of the analysis upon which the criticism is based.

Mr. President, I ask the Senator from Arkansas if he is prepared to take the floor at this time because I understand he had to leave the Chamber temporarily, and I have no reason to delay his beginning the debate.

Mr. BUMPERS. Mr. President, if the Senator from Idaho would indulge me, I yield to the Senator from New York.

Mr. McCLURE. I have no objection to that.

VISIT TO THE SENATE BY THE RIGHT HONORABLE JOHN GILBERT OF THE HOUSE OF COMMONS OF THE UNITED KINGDOM

Mr. MOYNIHAN. Mr. President, I shall ask unanimous consent that the Senate stand in recess for a brief period so that we might welcome our good friend and faithful ally through so many Anglo-American defense matters, the Right Honorable John Gilbert of the House of Commons of the United Kingdom.

RECESS

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senate stand in recess for 1 minute for that purpose.

There being no objection, the Senate, at 1:24 p.m. recessed until 1:25 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COCHRAN).

SUPPLEMENTAL APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3959.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I have listened to all the statements this morning from the various Senators, especially the Senator from New Hampshire, and I probably have little to add. I will probably be repeating what has already been said. I will simply say it louder and more convincingly.

First, the debate today on the Clinch River breeder is probably somewhere between the 5th and 10th debate on the subject we have had since I have been in the Senate. But today's debate should focus on something that is entirely new to the Clinch River debate. We have dealt in the past with only one method of finance and that was the method by which the private utilities in this country were going to join the United States in assuming the risk of this project.

No one in this body and not one scientist involved in the project believes that there are not serious technological risks in going forward with this project, and even the most avid proponent of this particular breeder and this particular technology would be forced to admit that all kinds of things can go wrong.

Mr. President, if you look at the history of breeders throughout the world, if you look even at the history of today's technology in light-water reactors, which we have been building now for over 30 years, you will find Diablo Canyon still not in operation after billions of dollars of expenditure. They seem to have put something in upside down. They built over a fault that could possibly result in an earthquake.

Not only the Washington power group, popularly known as WPPSS, has had unbelievable cost overruns, but also the Tennessee Valley Authority has abandoned five light-water reactors.

When you consider WPPSS with their five reactors and the TVA with their five reactors, does anyone doubt that when we are shutting down operations like that because of faulty technology and because of cost overruns we are going to build the Clinch River breeder, a first of its kind in the world, that we are not going to have cost overruns and we are not going to have serious technical problems?

As I have said many times, you must believe that. You know that is true.

I will come back to cost overruns in just a moment.

If you support breeder reactors, that is your prerogative. Yet that is not a legitimate reason for voting for this particular financing of this breeder reactor.

In the past we have assumed the private sector is going to join the United States in financing this project and, therefore, assuming some of the risk. Why should they not? I do not believe in breeder reactors, at least not right now, but put that aside I am speaking from a prejudiced viewpoint from that standpoint. I do not want breeder reators built in this country right now.

That is not the debate here. The debate is whether this is an acceptable financing plan. To answer that it is my studied opinion that if you were to call Morley Safire, and Mike Wallace and Dan Rather at 60 Minutes and say "Have I got a scam for you," they would hang up thinking that you were drunk. They would not believe that you were actually telling them the truth.

Now, bear in mind the history of where we started and where we are today. In 1973 we started with a projected cost of $699 million, but we all know that it is going to run at least $4.2 billion even under this plan. GAO says it will cost over $8 billion so far as the cost to the Treasury is concerned. That is a pretty big range, is it not, $4 to $8 billion?

In 1973, the private sector agreed to put up about 40 percent of that money. We even talked about a 50-50 sharing arrangement back in 1973. They finally settled on 40 percent. So far we have spent $1.7 billion and they have spent $150 million. In short, they have put up less than 10 percent of the money. So what happened? Through the years we have continued to put up the money and they have continued to renege on their share of the bargain.

Let me digress a moment and tell you what the energy policy of this country is according to President Ronald Reagan. I sit on the Energy Committee, and when Secretary Edwards, the first Secretary of Energy under Ronald Reagan, came before our committee, I asked him why are we abandoning all of our renewable resources such as solar? We were virtually eliminating all money for solar research and the Secretary for Energy said that it was the policy of this administration that we will only fund those sources of energy which are high-risk, long-term technologies.

I asked Secretary Brewer the other day when he testified for this outrageous financing plan whether this was a high-risk project. If he said, yes, that would mean that the possibility of this project not working was good, and therefore, the United States would be assuming all the costs because we are guaranteeing these bonds.

If it is not high risk, then the next question would be, Why are we guaranteeing the bonds?

The third thing I asked him was if this is not high-risk, long-term technology and you said it is not, How does that square with the President's energy policy of only supporting high-risk technologies.

I invite reading the transcript when we get his answer. It is what we do around here when we do not want to answer around here, we mumble.

So here we are today 10 years after the beginning of authorizing this project, and we have put up $1.7 billion to get a hole in the ground in Clinch River, Tenn. Incidentally, it is a site which the original consulting engineers said in a memo is a disastrous location. That same memo, very private in-house memo, to the head of the consulting firm advised getting out of this project as soon as possible because it was a turkey which would saddle them with a disaster and severely tarnish their reputation. What project was it talking about? The same one we are debating here today.

What is this finance plan? Incidentally, you know I agree with this President on one thing on energy, we are putting a half billion dollars a year into fusion research which is long term, which is high risk, but which holds the promise of solving a lot of the future electrical needs of this country, and I have voted for it. I have voted for every single fusion appropriation I have had a chance to vote on, and I have even voted for increased funds any time anybody has suggested we increase the amount. It is not as though I am opposed to new sources of energy. Quite the contrary.

As I said, we originally talked about a 60-40 split, but that changed. I need an audio-visual machine to explain the changes. Write these figures down on the back of an envelope, that is where we got supply-side economics from Arthur Laffer. Take your envelopes and write the figures down. We have spent $1.7 billion and we are proposing to spend an additional $2.5 billion. That is $4.2 billion for the total project to be completed in 1990.

If anybody believes we can finish that project for that, I want to take you back to the cloakroom and tell you about the tooth fairy. Nobody believes that. Are you getting ready to believe in the tooth fairy, Senator?

Mr. McCLURE. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. McCLURE. I was going to invite him to take me back to the cloakroom: One reason was he might cut short the debate and we would be able to explain the details; and second, let me share in the oratorical recognition.

Mr. BUMPERS. Does the Senator state he can get it for $2.5

Mr. McCLURE. Yes, I do.

Mr. BUMPERS. It is like voting on the Panama Canal. History will tell.

Mr. McCLURE. There are a whole host of other reputable scientists and scientists who believe as I do, as a matter of fact. It is on that basis that I make that statement.

Mr. BUMPERS. Everyone here has a right to believe as he wants. Of the $4.2 billion it is going to take to complete the project, according to the Senator from Idaho, we are asking the private sector to put up $1 billion. Well, that is not quite right, they have already put up $175 million and they get credit for that. So we are really asking them to put up $825 million. If the private sector believes in breeder reactors, if they believe that this power can be sold, and they are willing to put their money where their mouth is like they are asking us to do, I will take my seat and say no more.

But that is not quite the case, Mr. President. Of the $825 million, they are actually going to produce $150 million in cash. That is their share of the risk.

Now, in exchange for their $150 million which they are actually putting at risk, they get a 10-percent investment tax credit on the whole $1.0 billion. So they get $100 million back at the outset. Then they get accelerated depreciation on 95 percent of $1.0 billion. Also, if they are allowed to treat their share of this investment—$1.0 billion—as research and development money, they get a 25-percent investment tax credit, or 2½ times $100 million. So in all probability, they are going to get their $150 million, plus about $90 million more, back in the very opening gun. So they are not putting up $150 million at all, are they? Why, no, they are putting up nothing.

Where is the other $675 million coming from for the private sector share and their big risk? They are going to go down to Riggs National Bank and borrow. Incidentally, who are these people that are going to invest? Well, if this thing passes, I am going to try to be one of them. Any-

body in the private sector who wants to can invest in this thing.

In addition investors could not care less whether the money goes into orange trees, pecan trees, a cattle feeder operation out in Colorado, or breeder reactors. They could not care less because Uncle Sam is guaranteeing a 37-percent return on the money. And very few people in this body are doing that well.

The investors will go to banks, and they will not have any trouble borrowing the money. They will borrow $675 million.

They will not have any trouble borrowing the money because Uncle Sam is guaranteeing it. No banker would turn that down. If Uncle Sam's word is not good, whose is? They will borrow it whenever they have to. If we put up $1.5 billion, as this bill provides right now, we will use our money first. They will not even have to produce their share for a few years. We are not only going to guarantee the $675 million, we are guaranteeing the interest on it at 10 percent.

That is a sweetheart deal, but I am not finished.

They will pay that back plus interest when this project is finished. When the project is finished and begins selling power in 1990, it is going to produce, according to the Department of Energy projections, $110 million a year.

The breeder reactor corporation plans to sell power from Clinch River at 11 cents a kilowatt-hour, which could produce $110 million. In sum, they will borrow $1 billion, which is enough to take care of the $675 million plus interest, and then use that $110 million annually to retire those bonds.

You may think that is not such a bad deal, but that overstates the case. They are going to sell the power and amortize those bonds.

There are two or three little problems. What if this thing never produces a kilowatt of power? What happens then? No problem, because the Government would then amortize $1 billion of bonds. How about the private sector, are they going to put up any of the money? Absolutely not; not a dime.

What if this does not produce 375 megawatts? What if it produces 250 and consequently our income is not $110 million a year but $75 million a year? What happens then? Do they have to put up the extra $35 million? Absolutely not, the Government does.

What if the project does not operate at 65-percent capacity and only operates at 55-percent capacity like the French breeder does. That would produce a shortfall. What happens to the private sector then? Nothing, the Government takes care of it.

What if the avoided cost for power in the Southeastern part of the United States is not 11 cents a kilowatt in 1990? What if it is 3 or 4 cents—and the Library of Congress says it will be in 1990—and we only get $30 or $40 million a year? What happens to the private sector? Nothing, the Government takes care of the difference.

Here are two real jewels for you. And I hope each Senator in the U.S. Senate will think about these two things when he casts his or her vote.

What if this thing costs $8 billion instead of $4.2 billion? What share of the extra $3.8 billion, which GAO says this project will cost, what share of the cost overruns does the private sector pick up? Nothing. Not a dime.

Here is one even better. Not only do private investors not take any risk, not only do they take no risk if this project does not ever produce a dime's worth of electricity, they get their 37-percent return regardless of how this project turns out.

Do you know what is better? Let us assume they sell $150 million worth of power a year instead of $110 million. Then what does the private sector get? They get 25 percent of the excess.

I have never heard of anything as shameless. I cannot believe that the President's Science Adviser and an administration official from the Department of Energy can walk into a Senator's office, as they have been doing this week, and say with a straight face, that the private sector will put up a billion dollars. And to all of those who are not hearing my speech—and that is about 90 Senators—a lot of them will believe that.

When the Senators walk through that door, hopefully in the next hour or two, to vote, they will walk down to the well of the Chamber and they will ask what the vote is. They will be told that the Department has produced a plan where the private sector put up a billion dollars.

"Aye."

That is the way it will probably go, though I devoutly hope that is not true.

How would you like, Mr. President, for someone to suggest a little tax shelter for you in which you pay $100,000 and get a 37-percent return on you money. And if this project, which is very risky, happens to turn out poorly, you still get 37 percent. Your 37-percent return is guaranteed by the U.S. Government.

Even better, if the project works and makes more money than we think it is going to, you get the share in excess above our projections. So you not only make 37 percent on your return, you may make as much as 50 or even 100 percent.

But the floor guaranteed by Uncle Sugar is 37 percent.

Mr. President, the one thing that Senators ought not to do in this body, on or off the floor, is misrepresent. It is a good way to erode your credibility and it is a good way to cause people to look twice at anything you say or offer in the future. I am telling you, I have given it to you just as straight as an arrow this afternoon. It is precisely the way I have described it or, if you want to pick around the edges, I may have misrepresented a figure by a million or two or some such thing, but I am telling you, this is the way it is.

Mr. President, it makes WPPSS look like a toy. WPPSS is a good deal. But let me go to another point.

Consider why we got into breeders in the first place. There was a study that showed we had only 8 to 13 years' supply of uranium left. Do you know the most depressed energy in the Southwestern part of the United States now? Uranium. We not only have 30 to 35 years of known uranium reserves, but there is probably much more. So at least the argument that we are fast running out of uranium is no longer valid. It simply is not true. The uranium mines in this country are shut down right now because there is no market. But let me go further and talk about our power needs. I attended the hearing the other day which I found to be very interesting, incidentally, on the WPPSS amendment. The Senator from Idaho was holding hearings in the Energy Committee and had all these people on both sides of the WPPSS issue in to testify. I found it very instructive. The other thing I found was that even if you complete one single reactor in the WPPSS system, and they are certainly going to complete one and maybe two, their director testified that they have 1,200 megawatts of excess power in the Northwestern corner of the United States.

In the Southeast, the fact that TVA shut down five nuclear plants and discontinued building five light-water reactor plants speaks volumes about the need for power in this country right now.

I also alluded to a point awhile ago that I want to remake. That is the projection for this plant is that it will operate at 65-percent capacity. I want you to know that we have been building light-water reactor plants in this country for 30 years. That is an old technology. And what rate do you think they are operating at? Sixty-two percent. A very questionable technology, never before built in the United States or any place else in the world and seriously questioned by a lot of scientists, is not going to operate on a first-time basis at 65 percent, when the French already have two breeders and they have only been able to achieve 55-percent capacity. You and I both know this plant is not going to operate at 65-percent capacity. Of course it is not. Nobody has been able to achieve that, even with a known technology.

Even assuming it does, who will buy the power? The original plan for this whole breeder reactor down in Tennessee was to sell it to TVA. I would rather try to squeeze a camel through the eye of a needle than to sell power to TVA. They have announced not only do they not want it, but they will not buy it at any price, in 1990 or any time soon thereafter.

So, during the hearings on this, I asked, if you are not going to sell to TVA, whom are you going to sell to? They said, we are going to sell to other people in the Southeastern part of the United States—unnamed, incidentally. Nobody knows who they are. It is just in the Southeastern part of the United States. But that is not the real problem, either. They are saying, we are going to sell it to them at 11 cents a kilowatt in 1990. Study the States of Florida, and Georgia, and South Carolina.

Then consider the plan to sell this power at what they call avoided cost. The avoided cost in the Southeastern part of the United States is declining and continues to decline, and CBO estimates that the avoided cost of power in the Southeastern part of the United States in 1990 will be between 3 and 4 cents a kilowatt. So the projection here only overshoots the mark by 7 to 8 cents a kilowatt, an absolute guarantee that the Federal Government is going to pick up one big tab.

Mr. President, if this project should happen to be successful, the investors even have an ownership interest. They get a share of any licenses if it turns out to be worth anything. They share in everything that can possibly succeed about this thing and in nothing by which it could fail. We are talking about a 98-to-2-percent possibility.

Some people say, are we going to be the last industrialized society to build breeders? I hope we are. France is always held up as the big example on breeder reactors and how wonderful they are, but they planned six commercial-sized breeders, but they will build only one. Everything else is on hold and, based on my information, is going to stay on hold.

Germany built the Kalkar reactor at tremendous cost overruns, but they made the private sector contribute 25 percent. That was not guaranteed, either. That was cash out of the pocket of the private sector. I might even withdraw my objection to this plan if we could get a legitimate 25 percent from the private sector. What has Britain done? Nothing. They are not committed to commercial breeders. Japan has one little 200-megawatt breeder called the Joyo, but in 10 years, they have not moved forward to commercialization.

I was in the Soviet Union about 2 months ago and I visited their Energy Department. I must say the only man there that I really thought was very forthcoming with me and gave me some decent answers was the Deputy Director of Energy in the Soviet Union.

Even so, you know how the Soviets exaggerate their successes: "Yes, we have a breeder. We completed a 300-megawatt breeder, "and we are just completing an 800 megawatt and we are about to finish plans for a 1,200 megawatt." But in the only case in my 2 weeks in the Soviet Union where anybody admitted that not everything was perfect, this man who admitted they have serious problems with their breeder program. When you find a Soviet official who tells you he had serious problems, you can bet your bottom dollar they have had disasters.

Mr. President, this is supposed to be a deliberative body. We are supposed to protect the interests of the people whom we represent. They expect us to vote for those things which we honestly feel are in our long-range best interests at a cost they feel they can reasonably afford and to vote no on those things that do not fit that category. Senators tell constituents how terrible the deficits are. Even the President says these deficits did not just spring up overnight.

Well, I do not want to get into a partisan argument about whether they did or did not. All I know is they are three times higher than they have ever been in our history, but we may be adding to the deficit. If you vote for this plan today, you are adding $1½ billion to the 1984 deficit, so you have to go home and tell your folks that you are against deficits as long as it does not require us to quit spending money.

You have to tell them you are against deficits and that big old Government up there just keeps rolling along and piling these deficits up.

And when the Clinch River comes up you vote aye, another billion and a half. I am against deficits in the abstract as long as you do not pin me down to voting against any spending around here.

I saved just about the best for last. The Congressional Budget Office, Rudolph Penner, the new Director of the Budget Office—if there is anybody who wants this confirmed, I have a copy of the CBO study. The other day when I was making this speech in the Appropriations Committee the Senator from Idaho said CBO operated on some false assumptions. Now, we will debate that more in a minute if the Senator wants to, but I have a letter here from CBO simply because the question was raised were their assumptions valid or were they erroneous. It is a very long statement and I am reluctant to put it in the RECORD simply because it will cost a lot to print it. But I invite any Senator who is thinking about voting for this project because CBO's projections were erroneous to look at it. Every single assumption they made in saying that the Federal Government would be better off to finance the entire project rather than going through this scam, every single assumption is justified in that document.

Can you believe that? Can you believe that the Department of Energy would come in here and ask the Senators to vote for something because the private sector was putting up $1 billion when it is such a scam, such a sham that the Congressional Budget Officer has said we would save $250 million if we just forgot about the private sector and borrowed the money in public to finance the entire project ourselves?

So why does somebody not offer an amendment if they want to cut deficits? I like to refer to the Congressional Budget Office because it is a bipartisan group. They do not have any partisan interest in this one way or the other. If you want to save money, why do you not do what the Congressional Budget Office says? Just finance the whole thing and let everybody come in here and vote for $2.5 billion instead of $1.5 billion and save $250 million in the process.

The absolute deficit effect is much, much greater. I am talking about over the entire life of the project to be completed in 1990 and go out of commission in the year 2020.

Light-water reactors are not lasting 30 years in this country and we have a lot of technology on that. Here is something that nobody really knows how it is going to come out, and they say it will last 30 years. Well, when CBO said we can save $250 million over the life of the project, they are talking about from now to the year 2020.

I guess, if I were going to tell the truth, Mr. President, one of the reasons that I am really exercised today is because I do not like to have my intelligence insulted. For the Department of Energy to come in and tell this body that the private sector, indeed, is going to put up $1 billion, I am insulted by that because the private sector is not putting up a thin dime.

If you really believe that we ought to continue research on breeders, we have and we will. This has nothing to do with breeder research in this country. Our base technology program is the world's most advanced. Did you know that no nation on Earth has put more money into research of breeders than the United States? If Clinch River is terminated today, it has nothing to do with that research, which will continue happily along its way.

The late great Senator from Washington, "Scoop" Jackson, and I had a great relationship. I miss him very much. He and I were on opposite sides of this issue. I used to tell him I could

not believe he could continue to vote for that thing. We would laugh back in the cloakroom about it. But in his own home State of Washington, in Hanford, there is a facility there called the fast flux test facility. One approach which has been suggested will be to retrofit that fast flux test facility to generate electricity and close the breeder fuel cycle in what they call a secure automated fabrication facility. And that approach could be carried out just like the British did with their prototype fast reactor. You do not use heat exchangers and you do not use generators, but you could develop a fuel cycle at a total cost of $1 billion. And if that succeeded, maybe we would want to consider breeder reactors.

Mr. President, as I said earlier, I hope that Senators will be very careful about how they vote on this. It was a close vote before.

I am not blaming the Senator from Tennessee for wanting the project. All of us understand things like that. I have wanted a few things in my State that I did not get, which I thought were as meritorious as anything can be. But we are not here to accommodate the majority leader, who is one of the greatest ever to have served this body. He is one of the dearest, finest men anybody has ever known. Everybody wants to accommodate the majority leader. But that is not the issue.

The issue is whether to spend another $2.5 billion and give some private investors the opportunity to get a 37-percent guaranteed return on their money. Vote "yes" and then go home and tell our constituents that the private sector shared the risk with us. They are sharing nothing.

Mr. President, I ask unanimous consent that my yielding the floor and my resumption of the floor will not be considered as a second speech for me today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLURE. Mr. President, I was happy again to accede to the unanimous-consent request of the Senator from Arkansas, as I did earlier to the request of the Senator from New Hampshire. I hope that will be accorded to all Senators who want to participate in this debate. Otherwise, we will not get the exchange that I think is the essence of debate. Otherwise, we will get only sequential statements that often do not respond to the issues that have been raised by the previous statements.

Mr. BUMPERS. The Senator's point is well taken. I do not think that the Senator from Idaho and I—in view of the fact that the majority leader is not on the floor—are in a position to ask for such a unanimous-consent request. I am willing to enter into such a request for today only.

Mr. McCLURE. I understand that. I think that by tolerance and by practice, we will get that accomplished in one way or another. I mean that sincerely. I hope all Members will approach that problem in that fashion.

Mr. President, the statement of the Senator from Arkansas was accurate in one regard, and one with which I will not quibble, and that was that the statement would be louder than anybody else's.

One that I find a little difficult to accept completely is that he is an absolute straight arrow on this issue, and I do not mean that in the sense that he is trying to distort. I am talking about the result, not the purpose.

As to the suggestion that credibility will be lacking if he makes misstatements of fact, he made several misstatements of fact, but I do not charge him with intentionally doing that. I think perhaps it arose from another part of the statement he made a couple of times, in which he said, "I just don't want any breeder reactors built at all; I approach this subject with that bias."

I am afraid that may be due to the rhetorical excesses that have occasionally occurred in the debate with respect to what the factual basis is.

At one point in the discussion, I understood the Senator to say that in order to generate the return, there would have to be a hundred percent availability of the plant and that that was ridiculous to assume, that nobody could assume that. I was ready to take issue with the Senator, until later he said that they assume it will only be operated at 65 percent availability. This is an accurate statement. That is all the assumption that was made. The two statements cannot be true.

It may have been an inadvertence on his part to use the one statement as an issue and a debating point, while at the same time using a different point by using a totally different statistical base. One was accurate; the other was false.

Throughout the argument, we have that kind of overstatement on what the facts may be. Let us not confuse statements that are made positively or loudly with accuracy.

One question was, does anyone believe that this will operate at over 65 percent availability? The Senator from Idaho believes, and the Senator from Arkansas surely must know, that experimental breeder reactor No. 2 has been operating for 20 years as an experimental program, in which they have more downtime than an operating reactor would have because they are constantly changing fuel loading and fuel configurations and different fuels in order to test different assumptions about what would happen; and in spite of that operating constraint, they exceed 65 percent availability.

Yes, I believe that it will exceed 65 percent. As a matter of fact, the estimates are that it will exceed that by 5 percent to 10 percent.

At one point, the Senator said that even light water reactors do not do that well; that the operating history average is 61 percent. But what is the average of a mature plant, not one just starting? The current experience with light water reactors is 80 percent availability. Let us get the facts on the table.

The Senator suggested at one point that there is a guaranteed 37 percent of return. That is not true. Nowhere in the package is there a guaranteed rate of return of that nature—nowhere.

It is represented that CBO says, "Yes, it is, and we back it up." CBO did not represent that, and they do not back it up. As a matter of fact, they said in testimony before our committee that the assumptions they made are not assumptions that are current practice at all.

The Senator suggested at one point that if this bill passes the way it is, he will run out and buy a piece of the action. I wish he would, right now, and then he would have to recuse himself from the debate, and we could get on with the business. As a matter of fact, I might take up a collection and donate some to the Senator from Arkansas.

The fact is that if what he has said were true, let us analyze for a moment what the result would be. Do you think the private sector would be trying to limit its contribution? As the Senator from Arkansas said, "Boy, if this bill passes, I'm going to get a piece of the action."

First of all, that was rhetorical. I expect that he would not. Second, if it were true, the private sector would be out trying to get the whole $2.5 billion. They would not be holding back. They would be in there, urging to expand it, so that they would get more of the guaranteed return. On the face of it, it is a ridiculous assertion. On the face to it, it is false in its assumptions. We cannot have it both ways.

With respect to the question of whether or not the French are ahead of us in this—yes, indeed, they are. And they are not slowing.

The Senator correctly said that Great Britain does not have a breeder program. That is not quite true—nearly true. They have an interest in the development of a breeder program, and they wanted to cooperate with the United States; but they have been unable to get a reliable arrangement with us, so they are turning to the French and West Germans for a cooperative agreement.

Mr. BUMPERS. Mr. President, my precise words were that Britain has no commitment to commercial breeders.

Mr. McCLURE. That is correct, and neither does the United States. This is an essential point, obscured in the debate but, nevertheless, an essential point. We have no commitment to commercialization. We are trying to develop a technology which will be available to use in the event that we decide to use it and need to use it so that we will be able to do that in a reliable and safe manner when, as, and if we get to that point early in the next century that we decide we wish to do that.

At one point the Senator suggested that fiscal conservatism must be consistent. If we go home worried about budget deficits, we must come back here and vote against spending.

I had understood the Senator from Arkansas to say earlier that there is a half billion dollars a year we put into fusion research and he votes for every penny of it. Indeed, he does; so do I. And so should we on this, go ahead with the development of a technology that is just as important to the future of this country and more predictable in its application than is that of fusion.

Yes, I am for fusion research. I hope we get that breakthrough that everyone is waiting for. It is not an easy thing to suggest that we know when or even confidently except in basic optimism to say, yes, we know we will get that breakthrough.

But we need to invest in the research and at the appropriate time in the demonstrations of technologies that must be made available.

The Senator also said at one time in the discussion that this country spends more money in breeder research than any other country. I suspect, absent liquid fossil fuels from synthetic conversions, synthetic programs, conversion of fossil fuels to liquid, from coal primarily, that the United States has spent more money in basic energy research than any other country in the world across the board, in conservation, in solar, in geothermal, in wind energy, in fusion energy, in alcohol fuels programs, the technical aspects of conversions—not the practical applications because Brazil is ahead of us in alcohol fuels production, but not in the basic research for alcohol fuels.

So, yes, indeed we are because we are spending that kind of money across the board. Name another country that has spent as much money as we have on the conversion of ocean temperature water into usable energy for our country, as a matter of fact.

Yes, indeed, we have spent money in these various research areas, and I hope and believe we will continue to.

We have spent a great deal of money in trying to develop a more efficient hydroelectric system and in the conversion of low head hydro into usable and economical supplies of electricity for our country.

Let me suggest, also, that the Senator missed the mark, it seems to me, and this is a matter of judgment, not a matter of fact, missed the mark with respect to whether or not the power is salable.

We have letters of intent from utilities in the Southeast that expect to buy the power when available in 1991. Yes, there is a market there. The Senator is correct, and CBO missed the mark.

Mr. BUMPERS. Mr. President, will the Senator yield on that point?

Mr. McCLURE. I am happy to yield.

Mr. BUMPERS. How binding is a letter of intent?

Mr. McCLURE. I say to the Senator it is not binding. He knows it and I know it. But it also indicates the expectation within those markets that there will be a need for power, and that is the basic question raised, not if we have contracts, but is it marketable, and it is not just their opinion.

The S. M. Stoller Corp. surveyed 25 utilities in the Southeast and of those 25 utilities 7 of the largest expect costs greater than 11 cents per kilowatt hour in 1991.

Perhaps the Senator from Arkansas was unaware of that survey and of those cost projections, and I cannot say that the Stoller Corp. is correct. I cannot say that the utilities that have filed those letters of intent to purchase are correct in their assumptions of what the market will require and what the cost will be. But those are their estimates, not mine, their estimates, and those I think are rather basically confident estimates.

I think we should look at one of the reasons why those estimates may be, indeed, good, and one of the reasons why perhaps this has a logical basis in our expectations and also in our national energy policy, and that is in the Southeast where this plant would operate and where the power would be available rural co-ops in that area of the country burned 50 million barrels of oil in 1982. It is still projected that in spite of all of the shifts, shifts in conservation, shifts of alternative sources, shifts of different kinds of fuel, their projections are that they will be burning 46 million barrels of oil in 1990. CRBR, although that is not its primary mission, can replace 1.7 million barrels of oil per year, one plant, a small plant in its output, but nevertheless a significant impact upon oil consumption in that area of the world which reduces the energy consumption of this country from outside sources, reduces the impact upon our balance of payments and our vulnerability to the energy extortion that sometime occurs by artificial restraints on availability of that oil.

I think it is also perhaps worthwhile to note with respect to the CBO, and I know the Senator from Arkansas was not here at the time I made my earlier comments with respect to their testimony before our committee and what they admitted under questioning in our committee about the assumptions that they used, it would require a change of law before their assumptions could be made. I do not know that the letter the Senator has says that their study is correct. It is a letter that says our methodology was correct and our mathematics are correct.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. BUMPERS. Mr. President, at that point, I wish to ask the Senator this question.

The CBO letter indicated that this agreement will only succeed if as the private sector gets the guaranteed tax credits and that this bill actually provides them with those tax credits if they are not entitled to them under other tax laws.

Mr. McCLURE. No, that is not true. I think the Senator may have misread what CBO said or CBO made a mistake if indeed they said that because that is not correct.

What it says is that they will take their chances under current law with respect to what advantages they can get, what writeoffs, what tax treatment they can get under current law, and the only guarantee that is asked or given is that we will not change the law on them in an adverse way.

In other words, what they are saying is we are going to put some money into this, we are going to go out and borrow $1 billion to put into this thing; we do not want you changing the rules. Let us look at why they ask that.

Mr. BUMPERS. Mr. President, will the Senator allow me to interrupt him at that point?

Mr. McCLURE. Surely.

Mr. BUMPERS. If I may read to the Senator something that is called the CBO staff working paper and ask him to either confirm or deny the accuracy of it, here it is:

> Under the proposed plan, the federal government would be required to cover the full costs of the equity investment, as well as principal and interest payments on the debt, through various tax benefits, project revenues, and, if necessary, federal payments. Thus, the proposal embodies virtually no risks to the new private sector participants. The short-term private investment of $675 million would be retired in 1990 by the issuance (by the equity investors) of an estimated $1.04 billion in 30-year bonds, which would cover the $675 million in short-term construction loans plus interest accrued at 10 percent. The plan would require a government commitment to cover the principal and interest payments on the bonds, either from the reactor's power sales or, if those are not adequate, from other government funds. The sale of $150 million in equity shares in the project would be attracted

through a guarantee of tax benefits and a share of revenue not needed to pay interest on the debt. Because of the uncertainties associated with the newness of the technology, licensing requirements, and the volume and price of future electricity sales, the BRC proposes that the government guarantee that both the equity and the debt holders will be repaid their investments, as well as a minimum rate of return. The actual rates of return would be open to negotiation and would reflect market conditions at the time. All cost overruns would be paid for in full by the federal government.

Does the Senator agree or not agree with that statement?

Mr. McCLURE. I will agree in part and disagree in part, and again the question that the Senator asks in reading that statement of the staff working paper does not really address itself to the point I was trying to make.

Mr. BUMPERS. Mr. President, let me read one sentence.

Mr. McCLURE. Yes.

Mr. BUMPERS. It says the $150 million in equity in the project would be attracted through a guarantee of tax benefits.

Mr. McCLURE. That is a guarantee of tax benefit to the extent, if the Senator read it, that we guarantee we will not change the law. That is the only guarantee on tax benefits.

Mr. BUMPERS. In other words, if we change the law and say we cut down the rate of accelerated depreciation or we reduce the investment tax credits, these people will not be subject to the change of law, is that not correct?

Mr. McCLURE. They would be subject to it, but they would be guaranteed against loss because of it.

Mr. BUMPERS. That is the same thing.

Mr. McCLURE. No, it is not exactly the same thing. I will tell the Senator why they asked for that.

If he will look at the history of this project, the only delays that have occurred have been as a result of lawsuits and governmental inaction. We are asking them to put more money in, and they said, "OK, we will go out there." The Senator asked if there is any risk. Of course, there is risk to them. What if they cannot sell it at 11 cents? He said they could not. That is their risk, they believe they can. You have asked if indeed there was a market for it. You say there is not a market. They say there is, that is their risk. There is risk involved in this but a certain risk they are willing to take and not willing to take and one of them they are not is the make risk of politics in this body that may change the rules for them and cost them some money.

I submit it is not an unreasonable fear with the misunderstanding surrounding this issue.

Both the Senator from New Hampshire and the Senator from Arkansas said in effect much of this argument is redundant. You have heard this five times before says the Senator from Arkansas. What we are trying to guarantee is we will not hear it five times more. This is a one-time shot. This is the opportunity indeed to put that matter behind us and get to other debates and the reason they are concerned about it is in spite of the fact Congress repeatedly voted to do this, there are some few in this body who come in and argue against it. You argue very eloquently, Senator. You said "I don't want any of the darn things not now, not ever, not under any circumstance," and I suspect there is some reasonable expectation on their part if we pass this and say it is a one-time financing package there may be someone, maybe perhaps you, to come back next year and say "I don't care what the rules are, I want to change them and stop it."

Of course, they are concerned about it. The Senator from Arkansas is eloquent and persuasive, not always accurate, but always persuasive and very often eloquent. They are concerned about that.

Mr. BUMPERS. Let me ask you, Senator, whether this is an accurate statement. Here is a committee report which says private sector financing could be a combination of debt and equity or, if equity can only be obtained at cost or terms that the Secretary determines are unreasonable, all debt.

In my original statement, and it has been said here many times today, the private sector put up $150 million. They get a lot more than that in tax benefits, but they are supposed to put up $150 million. Yet, if their cost of the $150 million is determined unreasonable, then they can just go out and borrow the whole thing, $825 million, and the U.S. Government will guarantee every penny of that, plus interest, is that not correct?

Mr. McCLURE. It is not quite correct.

Mr. BUMPERS. What is wrong with this committee report? You are chairman of the subcommittee.

Mr. McCLURE. It is not correct. The way the statement is made in the context of what you are suggesting here today is you are guaranteeing a rate of return which you have said is 37 percent. You are reading that statement in context with your other statement which CBO based upon the best hypothetical case possible. That statement must be read narrowly and cannot be read in the context of the other remarks made.

Mr. BUMPERS. The only point I am trying to make is that if the Secretary decides that requiring $150 million in equity is unreasonable then it will not be required. The money will be borrowed in the private market to provide the private share.

Mr. McCLURE. I think the Senator misreads both the reports and meaning of the amendment.

Mr. BUMPERS. I am just reading it as it is.

Mr. McCLURE. That is what I understand, that is what I am trying to say if you will allow me to, and that is the reason for the provision in the report and the provision in the bill that the Secretary must be satisfied with the totality of the agreement. One hundred and fifty million dollars contributed equity is the minimum amount that is required of the plan; it may exceed that. Indeed, we hope it might exceed that and they would contribute more equity. Their guarantee on their equity is not a guaranteed rate of return—excuse me, a guaranteed rate of profit; it is guaranteed rate of return based upon the amount of money contributed and the market costs of that money. It is not a profit guarantee and that I think is essential to the discussion.

I think it is also well to note that while I do not agree with everything the CBO report has said I have been critical of it and tried to put it into proper perspective. Another part of what CBO says is that compared to current plan and current law the proposal before us will save the taxpayers $59 million over the life, after all you have said and all that can be said about the increased costs and compared to total Federal financing under some hypothetical alternative that this plan in spite of their criticisms of it they admit will save money, at least $59 million over current law. I would hope the Senator would agree even saving $59 million is only a pittance——

Mr. BUMPERS. Who said it would save $59 million?

Mr. McCLURE. CBO.

Mr. BUMPERS. Then you and I must be reading different reports.

Mr. McCLURE. I read it with different glasses then you do. I can see the fine print as well as the bold headlines.

Mr. BUMPERS. Allow me a moment if you will.

Mr. McCLURE. I will give you all the time you need, I expect.

Senator, what I think is essential to the understanding of the CBO analysis is their own admission before our own committee that their base case is not the real case and they said that in testimony before our committee when we questioned them when they appeared at the hearing. You cannot explain it away. You can still ignore it and come back to some other conclusion but the fact of the matter is that CBO themselves said we built up a hypothetical comparison between their plan and hypothetical alternative and that base case which they call the base case analysis is not the real world that

they exist in but a better world they would like to create.

Mr. BUMPERS. You are asking us to take your word for a $59 million savings but reject CBO's estimate, and say CBO does not know what it is talking about.

Mr. McCLURE. That was Mr. Penner's statement, and if I recall——

Mr. BUMPERS. Here is what the Congressional Budget Office said, it is not very long.

Mr. McCLURE. Let me tell you, if I may, and I am depending on staff for this, and we have no reason to doubt that it is correct.

Mr. BUMPERS. We have 500 people over in the CBO we depend on for giving us informaion.

Mr. McCLURE. I believe it was Congressman GORE in the other body who asked the question and in response to a question by Congressman GORE they said if you compare the current proposal, the one before us today, against the current law, that this proposal before us will save $59 million as compared to current law.

Mr. BUMPERS. Senator, just let me get to the bottom line and ask you if you would agree on this: Would you agree the private sector takes absolutely no risk?

Mr. McCLURE. No, I do not agree with that.

Mr. BUMPERS. On the financial plan.

Mr. McCLURE. I do not agree with that.

Mr. BUMPERS. Tell me what their risk is.

Mr. McCLURE. I tried to tell you a while ago.

Mr. BUMPERS. Tell me again.

Mr. McCLURE. If I put it in the report, you overlook it or do not read it, and if I tell you, you say I do not tell you.

Mr. BUMPERS. I am now not talking about what they are already obliged to contribute. I am talking about the balance, $825 million. I want you to tell me and my colleagues where their risk is.

Mr. McCLURE. Tell me, Senator, what you said earlier, repeat for the RECORD.

Repeat what was the criticism of your plan with respect to power revenues.

Mr. BUMPERS. With respect to what, Senator?

Mr. McCLURE. Power revenue. You said it is ridiculous for them to sell it for 11 cents, the market will not begin to bear it for 11 cents. Is that not what you said?

Mr. BUMPERS. I said that they are projecting a sale of $110 million worth of power, based on the projection that this plant will operate at 65 percent capacity and that they could sell the power for 11 cents a kilowatt hour, which is supposed to be the avoided cost. The Congressional Budget Office says, however, that by 1990 the avoided cost of the southeastern part of the United States, which is declining right now, could be as low as 3 or 4 cents per kilowatt. That is what I said before, and that is what I am saying right now.

Mr. McCLURE. All right. Where is their risk?

Mr. BUMPERS. I am not talking about risk of the plant. I do not think the thing is likely ever to produce electricity. I am talking about the risk in dollars to the private sector.

Mr. McCLURE. Well, I was trying to suggest to you that if, indeed, you are right and it cannot be sold for 11 cents, is there not a risk?

Mr. BUMPERS. That means for every dollar it brings in under $110 million a year in sales——

Mr. McCLURE. You suggested there is no market there. You doubted whether the letter of intent means anything, and, therefore, they cannot sell it.

Mr. BUMPERS. I am trying to put it in the best light by saying if there is a market, all they would get is 3 to 4 cents a kilowatt hour for it.

Mr. McCLURE. As a matter of fact, what the Senator suggested a moment ago parallel to WPPSS, I am glad he mentioned that. That is something I have an attachment to and I think some reasonable knowledge about.

He suggested there is a glut of power in the Northwest and therefore we will not be able to sell any kilowatts if we happen to complete two or three plants out there. As a matter of fact, does the Senator know what the Northwest Power Planning Council projections are of power demand by the 1990's in the Northwest?

Mr. BUMPERS. I do, indeed, I sat in the same hearings you did.

I listened to the administrator of WPPSS testify that if they do not build those two plants by 1990 they would still have an excess capacity of 900 megawatts.

Mr. McCLURE. That is not what the administrator of the Bonneville Power Administration said, as a matter of fact, Senator. Your hearing is faulty as well as your eyes.

Mr. BUMPERS. I am not interested in WPPSS at this time. That is a separate debate. Let us talk about Clinch River.

Mr. McCLURE. I think it is worthwhile to analyze the statements you made and the basis upon which they have been made.

Mr. BUMPERS. Let me analyze one you just made a moment ago, that is this is going to save $59 million to the Government. Here is what the CBO says on page 10. "Under the assumptions used in this analysis"——

Mr. McCLURE. There. You see, you have put the key words in there. "Under the assumptions made in this analysis."

Mr. BUMPERS. You are the one who is telling everybody else that CBO has used wrong assumptions. You are going to force me to put that long letter in the RECORD of how they reached that assumption, and it is going to cost the taxpayers about $2,000. I do not want to do that. Let me just hand it to you and you read it.

Mr. McCLURE. You can save $2,000, if you wish.

Mr. BUMPERS. I am going to save it. I am not going to put that in the RECORD because it is too long.

CBO specifically, item by item, refutes all of the things you said the other day in the Appropriations Committee about how their assumptions were wrong.

Mr. McCLURE. I cannot help it if they may indeed—I have not seen that letter—if they may indeed, upon different occasions, say different things. I am just talking about what CBO themselves have said. They said before our committee that the assumptions that they were making were based upon changes in the law and do not deal with the current situation. They said that before our own committee. I think you were there for at least a part of that debate. I am not sure whether you were there when that particular exchange took place, but it is on the record and I read it into the RECORD a while ago.

I can read it into the RECORD again, but again, I think it is redundant.

The second part of it is, in their testimony in the other body under questioning from Congressman GORE, they made the statement to which I have referred with respect to the savings to the taxpayer under this plan of $59 million. Now, that is not my figure. That is not my statement, Senator, that is CBO's statement.

Mr. BUMPERS. Senator, let me do two things quickly, because we are either going to vote here in a minute or I will have to run to the Appropriations Committee.

Here is a letter from the Director of the Congressional Budget Office, Rudolph Penner, to DICK OTTINGER, the chairman of the House Subcommittee on Energy Conservation and Power, which I herewith, by page, send over to you. That supports all those assumptions that you say are erroneous.

Second, if you will, so that our colleagues can choose to either believe CBO's assumptions or choose to believe that you are correct in that they used wrong assumptions, let me just read this into the RECORD. And this is a CBO paper.

Under the assumptions used in this analysis, the breeder reactor corporation plan would cost the Government almost $250 million more than if the Congress chose to fully fund the project. More precisely, the discounted value of the private plan is $258 million less than that of the Government financed version.

This indicates that the short-term savings from the CBO plan would not offset the higher cost to the Government over the life of the plant.

Mr. McCLURE. Senator, I do not think you are hearing. I think you are hard of listening.

Mr. BUMPERS. I am trying to penetrate your mind, not your ears.

Mr. McCLURE. You have succeeded in both, as a matter of fact. But let me repeat—you are forcing me to repeat myself because I have said it before and apparently you have not heard. So I am trying to penetrate through that bias you have against breeders and allow you to at least hear what I am saying.

I have not said that their calculations are wrong. I have not said that CBO admits their analysis is wrong. I am saying that the assumptions upon which it is based are not the real world. They are not the law that now exists. They compare the private plan, the current plan before us in this measure, with a hypothetical alternative that might exist if we change the law and that unless we change the law, according to the assumptions that they make, the comparisons are different. And that is exactly what they said in their testimony before the House when Congressman Gore asked them that question.

Look on page 12 of the staff working paper, if you would, Senator, to which you made reference. Do you have it before you?

Mr. BUMPERS. Yes.

Mr. McCLURE. Look at page 12, paragraph 5. Power sales to TVA.

Mr. BUMPERS. I almost have it memorized, Senator.

Mr. McCLURE. All right, then you would remember this one. The next to the last sentence in that paragraph.

By sharply reducing Federal receipts under the Government-financed plan, this assumption would significantly increase the attractiveness of the private plan, to the extent that its long-term cost to the Government would be $59 million less than the cost to the Government-financed plan.

It is not just in their testimony before the House, it is in the staff working paper.

Now, Senator, there was a comment made a while ago—and I do not mean to belabor this.

Mr. BUMPERS. If I may one comment?

Mr. McCLURE. Surely.

Mr. BUMPERS. That statement is based on the proposition that we would sell power to TVA for 30 years and TVA has already said it will not buy it for 30 years. So how do you save the $59 million when you already know that TVA is not going to buy the power?

Mr. McCLURE. We save a lot more money because we will not sell it to TVA and we will not be constrained to the market within TVA and we will not be subject to those surpluses of energy to which you made reference earlier because TVA does have a surplus and they say they do not need it.

So we make the assumption that we go outside of that market and sell it where there is a market and, under current law, at avoided cost and under current projections at 11 cents or greater.

Now, those assumptions may all be false. Those conclusions may all be wrong. Your judgment may be entirely different. But they are not just mine. I am repeating what others have said, including CBO, in trying to put into context the various arguments that have been made here today.

The Senator said we have got to save money. We are all concerned about budget deficits. We are going to go home and tell the people we are against budget deficits. We are going to come back here and vote to save money and the place to do it is here right now.

The Senator is entitled to that conviction. But I believe the Senator shares with me the belief that the strategic petroleum reserve is a vital component of the security of this country. You know how much the cost of the Clinch River breeder reactor is in terms of imported oil? The cost of completing the Clinch River breeder reactor is the cost of 8 days of imported oil.

What is it we are talking about in the strategic petroleum reserve? We are talking about a Federal expenditure, a Federal investment in security, of about $20 billion, depending upon what the future cost of oil will be over the balance of the fill rate. That $20 billion, in the Senator's judgment and my judgment, is worth doing. We started out with a goal of 750 million barrels of oil in reserve in that strategic reserve, which translated into somewhere between 100 and 120 days of supply for our country based upon our projections of future demand at that time. We said that is worth it—$20 billion for 120 days of supply. We have here an investment for 8 days supply at far lower cost.

What is the real world in which we live? Judgments may vary. Certainly, the Senator from Arkansas is entitled to his judgment, just as every other Member of the Senate is. His judgment says, do not build the breeder, we do not need it; we do not need it now, we will not ever need it.

As a matter of fact, there has been some criticism that the private sector is not investing enough.

Mr. BUMPERS. It is not investing anything.

Mr. McCLURE. What is the private sector investment?

Mr. BUMPERS. They are not investing a dime.

Mr. McCLURE. Mr. President, the Senator knows that is totally false; he knows it. He may argue about what their rate of return is and what they are getting back, but they are putting money up.

Mr. BUMPERS. The Senator is not suggesting that they are taking any risk? Public utilities may not put up a dime of their money. The representative from Merrill Lynch testified in the committee the other day that they are going to call their best customers and say, "Have I got a deal for you."

Mr. McCLURE. Would the Senator answer a question?

Mr. BUMPERS. I shall be happy to.

Mr. McCLURE. What is the private sector contribution, contribution or investment, in fusion research?

Mr. BUMPERS. None that I know of.

Mr. McCLURE. Why should we invest one dime in fusion research if that is the test?

Mr. BUMPERS. There are a host of reasons, Mr. President: Because fusion is a technology that is going to be relatively clean compared to this. It is going to be a long-term supply of energy, not dependent on uranium or plutonium, simply on water, preferably ocean water. It has a theoretical prospect of literally solving all the electricity problems this country will ever have, as far into the future as the eye can see.

It is true, the Government is doing exactly what it is supposed to do on this. On the fusion reactors, they are putting up the money because it is long-term high risk.

Why do we have the private sector in this matter? Why do we even confuse the matter? They are not taking any risks.

Mr. McCLURE. I do not remember what the Senator's contribution was to the debate last year. It may have been an absolute, forthright presentation.

Mr. BUMPERS. It was about the same. I have been making this speech every year I have been here.

Mr. McCLURE. I focus on last year because it was last year that Congress decided after the debates that we would not go forward on this unless the private sector put in more money at the front.

Mr. BUMPERS. That is precisely correct.

Mr. McCLURE. Did the Senator vote for that?

Mr. BUMPERS. You bet I voted for it and I would vote for it today, but I did not expect they would come back with a scam like this.

Mr. McCLURE. The Senator voted if more money would be put in and that is precisely why; now he comes in today and says, now I am against it because they are not putting any money in, not as much as I would like.

Mr. BUMPERS. They are not putting a dime in.

Mr. McCLURE. How about the $325 million worth of contributions they are making?

Mr. BUMPERS. They put $150 million in the past 10 years, which is only 10 percent. Now they propose to put up $150 million and $675 million as long as we get a lot more back in return for it. They do not want their $150 million back, they want $825 million back plus a 37-percent return on their money.

We are getting ready to vote here today and say, it is a deal. It is just that simple.

Mr. McCLURE. Mr. President, it is not that simple. That is not an accurate statement and the last hour and a half would indicate that the Senator knows it.

Mr. BUMPERS. I am telling the Senator, we have the worst communication problem I have ever had in the Senate.

Mr. McCLURE. That is right. I think that is right.

Mr. BUMPERS. Let me take the Senator back to a statement he made earlier indicating that this is not as risky as some people would suggest and alluding to the fact that, yes, we have had breeder reactors in this country before. The Senator is alluding to EBR-1 and EBR-2—those are called experimental breeder reactors. The first one was 1 megawatt, the next one was 62 megawatts. The private sector put up all the money for the Fermi experimental reactor in Detroit. Is that not correct?

Mr. McCLURE. I think that may be correct.

Mr. BUMPERS. That is correct.

Mr. McCLURE. I shall have to check my memory on that. I am not certain of that.

Mr. BUMPERS. Mr. President, you cannot blame the private sector for being a little gun shy, because it turned out to be a dismal, miserable failure.

The second thing I want to say is that we cannot assume that this plant will reach 65 percent capacity and even more because we have had that kind of experience with those experimental breeder reactors. Let me ask the Senator this question: Do any of those reactors have generators? Has any of them ever produced a watt of electricity?

Mr. McCLURE. I am glad the Senator asked that question. I am glad he asked that question because he extends the chance of being enlightened on at least one subject. I have given ample opportunity on this one, but maybe on others, I shall succeed.

EBR-1 contributed the first electricity that went on the commercial grid. It is now a national landmark. It has been mothballed and is not operating, has not for several years. EBR-2 has contributed to the commercial grid for all of the years of its operation, operating for almost 20 years at better than 65 percent online availability. I said that before. The facts are there. I do not think even the Senator from Arkansas can disagree with that one, Mr. President.

Mr. BUMPERS. I am sorry, Mr. President, I was distracted again.

Mr. McCLURE. We are having a communication problem today.

I shall go back, because I said at the outset——

Mr. BUMPERS. Mr. President, I stand corrected. I am apologizing in front of everybody. I stand corrected. There was some electricity—as a matter of fact, I am advised by staff that the original concept of nuclear power in this country was breeder reactors. The Fermi reactor out in Detroit, of course, just apparently disintegrated, did it not?

Mr. McCLURE. I do not recall, Mr. President, but the EBR 1 did not disintegrate. It went through its lifetime, it contributed electricity to the grid. It has a plaque on its wall. I hope the Senator comes out to Idaho someday, where he can walk in and see the date on the blackboard. It is still there, the date they first contributed electricity. I hope he will see that.

Mr. BUMPERS. I think the Fermi reactor was blown through the ceiling.

Mr. McCLURE. I hope the Senator will come out to EBR 2 and talk to the scientists as I have. Argonne National Laboratories activates that particular reactor. Argonne West is the operating entity. I am grateful the Senator from Arkansas at least heard that much of what the Senator from Idaho said.

Mr. BUMPERS. Let me ask one more point: How does the Senator project that this reactor will produce more than 65 percent when the French, who, by all odds, are way ahead of us, can only achieve 55 percent. No reactor has ever been built in the world with this particular technology. So how can the Senator be so sure we are going to receive 65 percent?

Mr. McCLURE. Mr. President, every important scientist and engineer to whom I have talked, without exception, does not question the technological feasibility of this plant. None of them does, Mr. President. Some political figures do. There are some people who are on the fringes outside of the industry who might. But I have not talked to a single engineer or scientist who believes that this project will not work as it has been projected to work and 65 percent availability is, by all odds, a conservative estimate of availability.

Mr. BUMPERS. I think we have bored everybody about as long as we should, and I saw the Senator from Wisconsin (Mr. PROXMIRE) on the floor a while ago. I had promised to save him some time. And so, at this point, I am going to suggest the absence of a quorum to try to locate him and see if he would like to speak right now. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, we have a saying in the practice of law in the little country courthouse that the best rejoinder you ever made is a staircase rejoinder, it is that that you thought of as you were going down the staircase after the trial is over. This is not really in the nature of staircase rejoinder, it is just something that I intended to say earlier and did not say.

There are two reasons for the breeder reactor I did not outline in my prepared remarks, but, nevertheless, I think are important for the debate. One is economic value. The Senator has properly said that if we built a fusion reactor and if it works and if we can commercialize it, there is an almost infinite supply of energy for the future and an important reason to support the research and development of that technology, which I do. I fully support it. But there is a parallel in the breeder program. There is no shortage of uranium. The Senator is correct. But let me tell you what we do with uranium.

We go out and find a naturally occurring deposit of radioactive material created by nature and in place in the soil. We mine that ore and put it through a milling process. That milling process then goes into an enrichment process that produces yellow cake, which then goes into the fuel fabrication, which is then put through a reactor and all of the waste elements at various levels of what is left over are thrown away. In that process we use about 1½ percent of the potential energy in uranium and throw the 98½ percent away. A once-through cycle is one of the most wasteful uses of a resource you could imagine. There is no other resource that we treat so cavalierly and waste so extravagantly as we do uranium. The breeder reactor program is designed to enhance our capability of extracting from some of those products and byproducts an additional quantity of the energy.

I mentioned a moment ago that you mine the ore, and you then put it through a milling process before it goes into the enrichment process. That milling process has the byproduct of the majority of not only the energy but also of the bulk of the ore, and those mill tailings are now stored in yards around this country in 55-

gallon barrels and we call it a waste. It is a waste problem, a waste storage problem. The energy potential in just that one form—if we had a breeder program in which that energy could be further utilized, not totally but further utilized, the energy potential in just that one form of waste is worth at oil price equivalent $26 trillion. We suggest that is something that should not be allowed in a country that has a conservation ethic, in a country that has some concern about the economics and the use of our resources. If you want another statistical equivalent, if we used the price of coal rather than the price of oil, it is $15 trillion about 700 years of energy consumption at current rates of consumption in the United States. And that is an asset we are going to throw away. We are going to deny ourselves the ability to develop the technology that can use it.

Second, one of the arguments that has not figured very widely in the debate here today, but one of the arguments against the breeder is a familiar one that gets into the question of nonproliferation policy, the production of plutonium, and indeed as a matter of fact the breeder reactor in the process does produce some plutonium, but it consumes more plutonium than it produces. As a matter of fact, if those of us who are concerned about weapons proliferation and who support the President in his zero-zero option want to get rid of these nuclear weapons and if we are successful in getting rid of nuclear weapons, we still have a component of those weapons that is harder to get rid of and that is the plutonium element. Suppose we scrap all of our nuclear weapons. What do we do with the plutonium element?

Well, I suspect we would like to treat it like almost every thing else that we believe is garbage. We would like to put it in an incinerator somewhere and burn it up. The available technology for the incineration of plutonium, at least the most likely candidate for that is the breeder reactor in which that not only is a garbage which can be destroyed but it is like some other garbage that we use in some powerplants today. We burn it to produce heat, produce energy which is usable. We convert a liability into an asset. If we can demonstrate that the breeder reactor will work, if we can go ahead with the development of the technology to the point where we can commercialize it, if we go ahead and develop it so that we know that we can do it safely, if we continue both the demonstration of available technology and continue with the base program, we will then be able, with surety to the world, to say we know how to take care of that problem. And we will then be able to move forward with confidence on something that ought to be in the best interests of all of mankind.

Mr. BUMPERS. Will the Senator yield?

Mr. McCLURE. I would be happy to yield.

Mr. BUMPERS. We have been producing electricity in light water reactors now since 1949, that is 34 years. Yet, the Senator and I sat day after day in the Energy Committee laboring over what we were going to do with the radioactive waste from light water reactors; 34 years after the fact we still do not have a solution. So I want to ask the Senator how does he proposed to do away with radioactive waste from this plant which is much more radioactive than radioactive waste from light water reactors?

Mr. McCLURE. As a matter of fact, the Senator asks a thoughtful question and comes to an erroneous conclusion because the last statement he made is not factually correct.

The waste products from a breeder reactor are less difficult from a storage process and from volumes than is a light water reactor.

Mr. BUMPERS. Is that after reprocessing?

Mr. McCLURE. You have to reprocess in that fuel cycle, that is correct. But that is before breeder, not after.

Mr. BUMPERS. The Senator and I are talking different scientists because I am telling him that the scientists I have talked to tell me that the waste from a breeder reactor is much more radioactive.

Mr. McCLURE. There again we have to get into an extended discussion of what radioactive waste is and what the parameters are. You have levels of radioactivity. The ones that are most long lived, the ones we worry about most in terms of geologic storage have very low radioactivity. That is why they last so long. What the scientists to whom you have talked, are talking about are those so-called hot elements, the ones that have high levels of radioactivity. The very fact that they have high levels of radioactivity means they have short lives, relatively speaking, and therefore they are a short-term greater problem but a long-term smaller problem. As the Senator knows from the debate both in the committee and on the floor last year which led to the passage of the Radioactive Waste Storage and Disposal Act, we are putting in place the storage programs which deal with the ultimate disposition as well as the interim disposition of those radioactive wastes which we then believe will have no further economic utility.

So we do have an answer to the radioactive waste problem, both from LWR's and from the breeder reactor.

Mr. JEPSEN. Mr. President, I have listened carefully to the arguments presented by both sides on the merits of the Clinch River breeder reactor project.

When this issue last came before the Senate, Secretary Hodel had been newly named as Secretary of Energy. I cast my vote in favor of the project at that time in order to give him the opportunity to work on the private financing aspects of the project which he assured me were in hand. Indeed, my vote was predicated on increased private participation in this project.

I was disappointed in the outcome of that effort. Though there is an appearance of increased private participation, the bottom line shows that the Federal Government is still far out on the limb with Federal guarantees exceeding $1 billion.

I can only say to Secretary Hodel and the proponents of the project that a golden opportunity has been lost. In the long run it is the American people who have lost, because we do need this technology—but not at this price.

I cast my vote against continued funding for the Clinch River breeder project.

Mr. THURMOND. Mr. President, I rise in support of the Clinch River breeder reactor project. While I have supported this project in the past, the controversies involving financing, technology, nuclear proliferation, and need have prompted my careful reassessment of this project. After thorough study of the project and the new financing plan, I have concluded that the project should go forward with the necessary Federal Government support.

At the heart of this matter is the policy by which this Nation chooses to insure its energy future, and thereby its productive capacity, as we enter the 21st century. What is at issue is whether or not fast breeder reactors need be part of that policy.

Our use of energy has dropped by 5 percent in the last decade due to conservation, the influence of foreign cartels, and economic recession. However, our use of electricity has grown by 20 percent within the same timeframe, and we may expect it to increase. Conservation has been and should continue to be an important part of our national energy policy, but conservation alone cannot insure our energy future.

Our energy resources can be differentiated as renewable or nonrenewable; energy uses can be differentiated as electrical or nonelectrical. Our limited oil and natural gas resources will continue to be better used to run our automobiles, heat our homes, and fuel our industries than to produce electricity. Our Nation's coal reserves are large and must be tapped for the production of electricity. However, the environmental and health effects associated with coal must be adequately addressed, and these effects may eventually limit the rate at which coal will be utilized. Even conventional nuclear power, which we will be required to

utilize to a greater extent in producing electricity, must be recognized as an exhaustible energy resource. Of the renewable energy sources such as solar-based technology, hydroelectric power, breeder reactors, and fusion, only the latter two offer the potential for substantial baseload production of electricity. Only the breeder reactor has technology advanced enough to be available in the next few decades.

Other nations who do not enjoy our current abundance of energy alternatives have already confronted some of the tough choices America must face in the future. With limited or no organic fuel reserves, countries such as Belgium, Japan, France, Great Britain, Italy, India, The Netherlands, and the Federal Republic of Germany are developing breeder technology. Like the U.S.S.R., we too, will most certainly face the same set of options as those countries in the coming years. The U.S.S.R. has chosen to develop breeder reactors. We must, also.

Over the last 30 years, this Nation has invested $3.8 billion in breeder technology research and development. In addition to that outlay, we have invested $1.5 billion in the Clinch River breeder reactor project. The next logical step in that development program would be the completion of this important project. To stop now would not only result in the loss of that total investment of $5.3 billion, but also would result in the expenditure of $300 to $500 million more in termination costs.

More importantly, to stop our breeder technology research and development program now will effectively forfeit to our economic competitors an energy edge, which translates into an economic edge. America's ultimate ability to compete economically in the markets of the world is at stake. During my tenure of service in this body, I have seen this Nation decline from its position of world economic dominance. It will be difficult to prevent further slippage of our economic position, unless we aggressively seek every advantage, and every edge available. The continuation of this Nation's breeder reactor program will help provide a much-needed energy edge for this Nation.

The new financing plan for completion of the Clinch River breeder reactor project has received support from many quarters, including the Secretary of Energy and the President. It is necessary and proper that the Federal Government support a prototype project of this size and scope if the national interest is to be served, as I believe it is in this case. The 7-year expenditure of $1.5 billion needed to complete this project is substantial, but it is small when compared to the economic stakes involved.

Mr. President, in closing, I would caution that a decision to halt work on the Clinch River breeder reactor and forego the international competition for reliable, independent energy resources cannot, as some seem to believe, place the nuclear genie back in the bottle. On the other hand, continued leadership in atomic energy development will allow us to influence how nuclear energy and its associated products are managed throughout the world. It is not in the American character to ignore a challenge. We courageously accepted the challenge of space; we must not be timid in the challenge of energy independence. For all these reasons, I hope that Congress will support completion of the Clinch River breeder reactor project.

Mr. SIMPSON. Mr. President, I have listened with great interest today to yet another round of debate on the Clinch River project—a debate that has been going on for a period long before I came to the Senate. With extraordinary regularity, the debate over this project always seems to involve the same issues—should we go forward with this project, and, if so, who should pay for it? We always seem to have a new and dazzling round of studies, a fresh handful of editorials, and a repackaging of the issues from both sides, but the basic issues that we have been asked to address time and again have essentially remained the same—is this a worthwhile venture and, if so, how should it be financed?

Unfortunately, we have reached the point over these many years, Mr. President, where this project has now become but a symbol—the saliva test, if you will—of whether one is for or against nuclear power. That is too bad. And I, for one, think that it is most unfortunate that we have reached that point. We have long since passed the time, in my judgment, when a vote for or against Clinch River is a vote for or against nuclear power—and I do not certainly cast my vote today on that basis.

I have long held to the view that nuclear power can and must play a critical role in supplying electricity to meet future energy demand, and I have devoted significant efforts since the day I arrived in the Senate—first as ranking member and then as chairman of the Subcommittee on Nuclear Regulation—to insuring that nuclear energy can fulfill its potential and do that safely, efficiently, and effectively. I truly believe that it can.

But the issue here, pure and simple, is one of economics—a question of whether we can justify continued Federal involvement in the financing of this project on the order contemplated under the new cost-sharing plan. I have given a good measure of thought to this issue over the years, and, increasingly, I have come to puzzle whether we have lost sight of what we set out to accomplish with this project back in 1970, when the Congress first authorized CRBR as a demonstration project. For here we are again—12 years later, with $1.6 billion spent and the first trees cleared off the site just over a year ago—and still debating questions that should have been resolved so very long ago.

Assuredly, Mr. President, a large part of the responsibility for 12 years of indecision on Clinch River rests squarely with the Federal Government—time and again we have subjected this project to the consequences of our inability to make long-term decisions on the energy future of this country, and the results have been devastating. A project originally estimated to cost $700 million has soared to nearly six times that amount, 11 years passed before even the most preliminary of site preparation activities began, and a construction permit is not expected until later this year. But we have mindlessly managed to spend $1.4 billion of the taxpayers' money and $150 million of the utilities' money.

And now we are back to ponder, once again, where we wish to go with this project.

All of us are now familiar with all of the facts and figures. Clinch River was authorized by Congress in 1970 as a research and development project to provide operational experience on the safety and environmental advantages and economic potential of liquid metal fast breeder reactor technology. At that time it was estimated that it would cost about $700 million to build a demonstration breeder reactor—an estimate that included 5 years of operation. As it was originally envisioned, this project was to be a joint effort between the Atomic Energy Commission and private industry, with the costs to be shared jointly. In exchange for footing part of the bill, the utilities who agreed to participate were to then be entitled to share in the technological benefits to be derived from the project.

The original authorization for a demonstration breeder reactor—Public Law 91-273, passed in June of 1970—included a provision addressing the question of what the Federal financial role in the project should be: That law provided "That such assistance which the Commission undertakes specifically for this demonstration plant shall not exceed 50 percent of the estimated capital cost of such plant."

At about that same time a group of utilities agreed to contribute $257 million to the project, in exchange for the opportunity to share in the technological benefits of breeder reactor technology. With the mutual backing of the Federal Government and private industry, the Clinch River project was off and running, and estimated to be finished by July of 1982.

In August of 1974, the Atomic Energy Commission then revised its

cost estimate for CRBR upward to $1.7 billion. A year later, the estimate increased to $1.9 billion, and in late 1975, the Congress deleted the language that had been adopted in 1971 discussing the share of the capital costs to be borne by the Federal Government. This action was followed by two further cost increases—$2.2 billion in April 1977 and $3.2 billion in December of 1980.

DOE currently estimates that this project will cost $4 billion—and an additional $100 million will be required for the fascinating item of "startup costs." The project is now estimated to be completed in November of 1989.

With $1.6 billion already expended on this project, an additional firm sum of $2.4 billion will be required to finish it—assuming that the project stays on schedule and within its budget. There is a "great bridge" for sale near the Gowanus in Brooklyn if you believe that one. In addition, we have this $100 million being sought for startup costs. The total—$2.5 billion—is the subject of the cost-sharing plan that we are now considering.

I have cast a jaundiced orb over this cost-sharing plan since it was submitted to the Congress earlier this year, Mr. President, and have had extended discussions over the past few weeks with many of those who were responsible for assembling the plan. In all honesty and candor, I certainly fail to see how the plan before us represents the kind of cost-sharing arrangement that I think Congress—or I—had in mind when we directed DOE to "vigorously explore proposals, including a reconsideration of the original cost-sharing arrangement, that would reduce Federal budget requirements for the Clinch River project and secure greater participation from the private sector." More importantly, I do not believe that the proposal matches up with the kind of cost-sharing that the American public expects or deserves.

For here we see that the Federal Government would put up $1.5 billion toward completion and startup of the project—60 percent of the remaining cost. If the project comes in within its budget—hold your breath here—this one-shot, multiyear appropriation would presumably be the very last appropriation of Federal funds required by the project. In exchange for this Federal funding, the plan calls on the private sector to come up with $1 billion—or 40 percent of the remaining cost; $175 million of the private sector contribution represents the balance due, plus interest, from the utilities on their initial pledge of $257 million; $150 million would be raised by the sale of equity shares; and $675 million would be borrowed from the private sector and repaid, with interest, by the issuance of approximately $1 billion in bonds.

If this plan then unfolds as its proponents intend—with construction to be completed on schedule and within budget, and operation of the plant and sale of the electricity to meet the assumptions set forth in the plan—the Federal Government will then have financed $2.95 billion, or slightly over 72 percent of the total project cost; and the private sector will have contributed $1.15 billion, or just under 30 percent. If the assumptions that have been incorporated into this plan cannot be met, or if there are any additional cost overruns, the financial exposure of the Federal Government may, in fact, be much higher, due to the extensive Federal guarantees that have been included in this plan in order to back up the private sector investment.

As I observe this complex plan, Mr. President, I cannot but marvel as to how terribly distorted our vision of cost-sharing has become since the early days of this project, when the Congress managed to say in a single sentence that the capital costs of this project should be shared equally by the Federal Government and private industry. In fact, the supreme irony in all of this is that the Congressional Budget Office has estimated that this alternative financing plan will cost U.S. taxpayers $248 million more over the life of the plant than if the Federal Government were simply to fund the remaining cost of the project up front with no cost-sharing.

I do not want to redundantly relate the points that have already been made by some of my colleagues here today, but I do wish to highlight a key point or two. First, as I ponder this plan, I note the largest portion of the private sector contribution—the $675 million financed through the sale of bonds—involves absolutely no private sector risk. Quite to the contrary, these bonds are backed, lock, stock, and barrel, by the Federal Government through assurances that all debt service obligations will be met under any and all circumstances. Similar assurances have been provided to insure that the tax benefits now available to those who invest in this project will remain available throughout the entire life of the investment—even if it goes sour. This is, in effect, a guarantee that the Congress will not change the laws that provide these benefits. Would that we could all toady up our bucks that way in the investment areas.

Beyond that, the flow of dollars out of the Federal Treasury according to some estimates—as a direct result of the tax benefits that may be taken under this plan—will amount to approximately $175 million, yielding a net private sector investment of about $825 million.

Second, Mr. President, there is nothing in this plan that addresses the issue of cost-overruns. We have been burned plenty on that one. Any such overruns will obviously be paid for by the Federal Government, thereby increasing the Federal share even further. And even though we are told that a good portion of the design work is now complete, and that many of the components have been ordered and delivered, I would be most boggled if this project were to really end up costing "only" $4.1 billion and be ready to operate by November of 1989. It is almost certain that the Congress will, at some future unknown time, be right back again to address a request for additional funds for CRBR.

And finally, Mr. President, I simply cannot concur with the notion that a contribution of $1.1 billion by the private sector toward the cost of a project for which the Federal Government will have to kick in an additional $3 billion, constitutes the kind of cost-sharing that the Congress originally had in mind for this project when it was first authorized back in 1970, nor when the Congress just in this past year directed the Department of Energy to expore proposals for securing greater financial participation for the private sector.

Where substantial benefits will accrue as a result of a given project undertaken by the Federal Government, I firmly believe that the beneficiary of those benefits—whether it be State or local governments or the private sector—has an obligation to cough up its fair share of the costs of that project. And difficult as it may be, I am convinced that when we begin abiding by that principle—delicately referred to in my State as "putting your money where your mouth is" or "put up or shut up"—then we will begin to reasonably stretch the limited Federal dollars and get more of our truly necessary national projects underway. In fact, I have consistently urged the Congress to take just that approach with the Tennessee-Tombigbee Waterway, and with modifications to the Buffalo Bill Dam right there on my home ground in Wyoming. This latter project is particularly significant because of the State of Wyoming's legislative commitment to provide $47 million for this project—an amount equal to almost one-half of the estimated project cost. Our State is fortunate to be able to do that. We know others are not. But those who can do should do. In these days of fiscal austerity and budget deficits, we simply have no choice, Mr. President, but to require those who stand to benefit the most from undertakings such as these to step forward and share in a greater portion of the costs. And this plan, Mr. President, which is heavily laced with Federal guarantees and assurances, simply does not pass the congressional test of securing greater par-

ticipation from the private sector. For that reason, Mr. President, I will not support this alternative financing plan.

Before I came to that tough decision, I gave a serious amount of thought to just what the full implications—financial and otherwise—would be of abandoning CRBR at this stage of construction. That is referred to as "cut and run" I believe. For indeed a substantial amount of work and a significant investment have already been made in this project; $1.6 billion has already been spent, a large percent of the project research and development has been completed, many of the major components, prototypes, and test items have been ordered, and a large number of components have actually been delivered. Given all of that, I am told that we cannot now afford to pull the plug on CRBR and risk losing all of our initial investment of $1.6 billion, plus an additional $500 million to close up the shop.

Unfortunately, there are too many projects around this Nation that are testaments to the distorted logic that "Lord, we can't stop now!" Taxpayers in every State know a myriad of those misguided efforts which were usually testimonials to some departed congressperson who—during life—had been most generous with someone else's money, that is, yours.

Take a look at Tennessee-Tombigbee. My comments on that turkey are well documented. Look at the Hart Senate Office Building which was originally estimated to cost $48 million and ended up costing $137 million. There is an edifice that we should have said, "no more" to. If we but did that more often, I am convinced that we would end up saving a healthy bundle of jack and, at the same time, slow the swelling tide of projects of really questionable value.

It is indeed most unfortunate that we stand to lose most of the funds that have been invested in this project, but that does not justify in my mind agreeing to spend another $1.5 billion plus in Federal money to finish off this project. It is really time that we call a halt to this project, and its continual draw on the Federal Treasury. It is time, Mr. President, to remove this absurd acid test from the arena of discussion about the future of the nuclear industry, in order that we can get about the task of restoring this industry to a position of strength and vitality through licensing reform and other measures which do not compromise human health and safety. For those and other unpresented reasons. Mr. President, I most reluctantly have determined that I shall oppose this cost sharing initiative and the continuation of this long controversial project.

Mr. HART. Mr. President, once again the Senate is being asked to consider the Clinch River breeder reactor. Once again, we are asked to appropriate huge sums of money for a commercial demonstration project being built before its time, a project that may well prove unsuccessful. And while there is a new twist this time: Incentives and guarantees for private investors so that these investors will receive full return on their investment, the facts remain the same. The Senate is being asked to spend even more money over the $1.7 billion already spent on a project of dubious value.

We can choose among many reasons to oppose the Clinch River breeder reactor. There's something for conservatives, something for liberals, and something for moderates; indeed, one of the remarkable things about the project is the diversity of opposition to it. It is not often the Heritage Foundation, Public Citizen, Paul Weyrich and the New York Times can all agree. But they speak with one voice in support of efforts to terminate the Clinch River breeder reactor once and for all.

Mr. President, opponents of Clinch River can object to the cost. In 1972, when the CRBR project was launched, it was to cost some $500 million, the Government and a group of utilities sharing the costs equally. But the cost of the project has ballooned to more than $3 billion according to the Department of Energy, an estimate the GAO says is $5 billion too low. And still the nuclear industry has yet to make good on its original obligation.

Or we can object to the Clinch River breeder reactor on grounds that it is not needed, that the technology is not ready for a project of this size, and that the demand in the Tennessee Valley area will not be sufficient to justify constructing a new nuclear plant.

Opponents of the Clinch River breeder reactor can also object on grounds that the financing plan the administration developed at the behest of Congress will do nothing but increase the Government's exposure to risks. Under the plan, the investors would receive ironclad guarantees that they would recover full return on investment regardless of the cost overruns or unforeseen technological obstacles. If the CBO is correct in its calculations that the alternative financing proposal will cost the Federal Government $250 million more than a congressional appropriation for the entire cost of the project, the DOE's efforts to distribute the risks of the project more equitably do not inspire much confidence.

Mr. President, these are all excellent reasons to oppose the Clinch River breeder reactor. But the debate over CRBR over the years has not touched often on another important reason to oppose Clinch River: The threat the breeder technology poses to efforts to control the flow of weapons-grade technology around the world.

Let me briefly describe the threat that our Nation faces. To date, our stockpiles include 44 metric tons of separated plutonium warehoused in nuclear power programs throughout the free world. If only 15 pounds of separated plutonium were in some way to surface in the hands of a terrorist group or other fanatical faction bent on destruction, they could construct a crude nuclear bomb that could hold the most powerful nations in the world at bay indefinitely.

Promoting commercial development of breeder reactors and reprocessing plants at home and abroad has paved the way for an industrial process that will produce, by the ton, plutonium that can be used by the pound to make atomic bombs.

We now possess enough separated plutonium to produce 6,500 bombs the size that devastated the city of Nagasaki. By the year 2000, based on industrial projections, if the free world pursues plutonium as a nuclear power fuel, we could have 600 tons of separated plutonium, enough for 88,000 nuclear weapons. In other terms, in less than 17 years, the free world will possess the capability to produce more nuclear weapons than are currently stockpiled by the United States and the Soviet Union combined.

Although encouraging the development of breeder technology may respond to limited industrial interests, it clearly runs contrary to the best interests of national security and it seriously jeopardizes the interests of the public at large.

It will not take long once separated plutonium, by the ton, takes to the highway, for terrorist groups to secure the raw materials of nuclear capability. NRC Commissioner Victor Gilinsky wrote.

* * * the IAEA system does does not protect plutonium in national hands * * * In the process of separation, the plutonium loses its national identity and effective control by any one fuel supplier becomes impossible.

Monitoring tons of plutonium being transported around the world in hundreds of different vehicles, and maintaining accurate accounting for the hundreds of facilities in which plutonium is handled would be an arduous enough task. Operating an intelligence system that could provide quick warning of a diversion or a theft of plutonium would be impossible to accomplish.

Even the President's own Department of Defense has voiced its reservations regarding the International Atomic Energy Agency's ability to safeguard plutonium and other dangerous materials. They cautioned the President about relying on the IAEA, contending that IAEA was "susceptible to third world and Eastern bloc politics, it lacked an intelligence capa-

bility" and then cited the agency as "weak" as an international institution.

With the potential of easy access to separated plutonium, it is a short step to a fanatic threatening to blow up the Washington Monument or a terrorist group smuggling a crude atomic device into a major metropolitan area in the trunk of a car. Thousands of lives would hang in the balance. This is the ultimate nightmare.

The administration repeatedly professes its concern for our national security. But nothing could more seriously jeopardize our security than a world in which every nation or subnational group has some nuclear capability. We must take swift and decisive action to discourage and sharply restrict commerce in nuclear materials and to provide incentives for other nations to forgo the use of plutonium.

Mr. President, if the Clinch River breeder reactor is built, the plutonium it produces probably will not be diverted into the hands of terrorists or a government intent on building a nuclear device. But the precedent it sets may well open a Pandora's box of nuclear proliferation.

Mr. HUMPHREY. Mr. President, unless others wish to make the point further, it is my intent to offer a tabling motion in just a moment.

May I say the situation is that we have before us an appropriation bill which presently contains no money for Clinch River. The pending amendment is a committee amendment that will add $1.5 billion for Clinch River, a multiyear appropriation.

I think all observers recognize and acknowledge by now that Clinch River would no longer be an issue if it were not for the personal popularity of the majority leader. No one wishes to displease HOWARD BAKER, who is a fine man personally, and it is tough to vote against him.

Let me make this point. This is going to be a procedural vote, a tabling motion. It does not rule out any option that the proponents of the Clinch River might wish to exercise in the future. It simply tables this amendment with respect to this bill. The proponents will have ample opportunity on other bills, on separate legislation, which is presently in the Energy Committee and in the Finance Committee.

So this can be looked upon as a procedural vote and no one need fear cutting off the options of the proponents with respect of the future.

So unless my colleague from Arkansas has something to add, Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HECHT). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the committee amendment on page 12, line 14. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STAFFORD (when his name was called). Mr. President, on this vote I have a pair with the Senator from Arizona (Mr. GOLDWATER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS), is necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Michigan (Mr. RIEGLE), would each vote "yea."

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—56

Armstrong	Ford	Moynihan
Baucus	Glenn	Nickles
Bentsen	Hart	Nunn
Biden	Hatfield	Packwood
Bingaman	Hawkins	Pell
Boren	Humphrey	Percy
Boschwitz	Inouye	Pressler
Bradley	Jepsen	Proxmire
Bumpers	Kassebaum	Pryor
Chafee	Kennedy	Quayle
Chiles	Lautenberg	Roth
Cohen	Leahy	Rudman
Cranston	Levin	Sarbanes
DeConcini	Lugar	Simpson
Dixon	Matsunaga	Trible
Dodd	Mattingly	Tsongas
Durenberger	Melcher	Warner
Eagleton	Metzenbaum	Wilson
Exon	Mitchell	

NAYS—40

Abdnor	Gorton	Murkowski
Andrews	Grassley	Randolph
Baker	Hatch	Sasser
Burdick	Hecht	Specter
Byrd	Heflin	Stennis
Cochran	Heinz	Stevens
D'Amato	Helms	Symms
Danforth	Huddleston	Thurmond
Denton	Johnston	Tower
Dole	Kasten	Wallop
Domenici	Laxalt	Weicker
East	Long	Zorinsky
Evans	Mathias	
Garn	McClure	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stafford, for.

NOT VOTING—3

Goldwater	Hollings	Riegle

So the motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SECOND EXCEPTED COMMITTEE AMENDMENT—PAGE 24, AFTER LINE 21 INSERT NEW LANGUAGE

The PRESIDING OFFICER. The clerk will now report the next committee amendment.

The legislative clerk read as follows:

On page 24, after line 21, insert new language down through page 25, line 17.

The excepted committee amendment is as follows:

On page 24, after line 21, insert the following:

SEC. 2003. (a) No funds appropriated by this Act or by any other Act through May 31 may be used to repeal, amend, or otherwise modify the applicability of section 73.658(j)(i) of title 47, Code of Federal Regulations (commonly known as the Syndication Rule; 23 FCC 2d 382); section 73.658(j)(ii) of title 47, Code of Federal Regulations (commonly known as the Financial Interest Rule; 23 FCC 2d 382); and section 73.658(k) of title 47, Code of Federal Regulations (commonly known as the Prime Time Access Rule; 23 FCC 2d 382).

(b) The first subsection of this section shall not limit the authority of the Federal Communications Commission to modify the provisions or applicability of any rule referred to in such section with respect to any network which has fewer than one hundred and fifty television licensees affiliated with such network and such licensees carry not more than twenty-five hours per week on programming from the interconnected program service offered by such network as of date of enactment. As used in this section, the term "network" has the meaning given such term in section 73.658(j)(4) of title 47, Code of Federal Regulations (as in effect August 1, 1983).

The PRESIDING OFFICER. The question is on the amendment.

Mr. HATFIELD. Mr. President, I know this is another one of the controversial amendments. In fact, I believe it is the only other controversial amendment I am aware of.

This is the syndication issue. It has to do with an amendment placed on an appropriation supplemental by the Senator from Alaska relating to the question of syndication of television programs.

I know the Senator from California and the Senator from Alaska and other Senators wish to be heard on this. I am hopeful that they will be on the floor to make their presentation so that we can move ahead and, I hope, complete the bill tonight.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. HATFIELD. I am happy to yield to the majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, if I may have the attention of the Senate for just a moment, I sincerely regret the loss of this committee amendment and the project that it represented. But it is lost. I congratulate those who have won. I hope that there is at least one good thing that comes out of that

from my standpoint. That is, I hope we get on with the passage of this bill. I should like to see us pass this bill today.

Mr. President, may I also say that we still have the debt limit to deal with. While the 3-day rule will not run until Monday on that bill, I have filed a notice of my intention to ask the Senate to suspend the rules so that we can call up the debt limit yet this week.

The deadline for that action is Monday midnight. It is entirely possible that the Senate will be in session this weekend in order to complete action on that measure. It is possible, of course, that we can get an agreement, I suppose, for a time for passage on the debt limit, or that we can get started and finish. Otherwise, I advise Senators that the statement I have been making for some time—that is, that we must do supplemental and we must do debt limit in order to avoid a weekend session—still obtains.

Once again, Mr. President, I regret the loss of this project. I commend the Senator from Idaho for his most diligent effort. I thank those who supported our effort to avoid the tabling of the amendment, but it has grown more difficult with each session to hold on to this project.

What I am about to say next is in no way sour grapes; it is simply a statement of fact. One of these days, I think we shall regret not having an entry in this sweepstakes in this development field. The Senate has spoken. I shall not try to prolong this matter.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me say that the distinguished majority leader has responded with characteristic magnanimity. The majority leader is one of the most magnanimous men I know. It is always easy to be a good winner, but it is not so easy to be a good loser. Football coaches say, "Show me a good loser and I will show you a loser."

I am extremely grateful to the majority leader for his magnanimity and his attitude. It has been a fair fight, going on for many years. He has been the worthiest adversary anybody could have.

I ask the majority leader is it still his intention, if we finish this bill tonight, to lay down the natural gas bill or go to the debt limit bill?

Mr. BAKER. Mr. President, I am not sure. As I said a moment ago, the debt limit is of the utmost priority. I filed a notice of my intention to ask the Senate to suspend the 3-day rule. If we can reach the debt limit, and I hope we can, it is my intention to go to that this week. If we cannot do that, then it will probably be necessary to go to the Natural Gas Act.

If we do not get the Natural Gas Act this week, it is the intention of the leadership on this side to ask the Senate to turn to the Natural Gas Act as soon as possible, and that will probably be next week.

Mr. BUMPERS. I thank the majority leader.

Mr. HUMPHREY. Mr. President, will the majority leader yield? I wish to be recognized, in any case.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I certainly do not see in this a personal victory or defeat for anybody. I hope I see a defeat for a project that is not needed. I have not heard the proponents say they will not try in the future, so I am not prepared to see this phoenix finally reduced to ashes.

SECOND EXCEPTED COMMITTEE AMENDMENT

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. What committee amendment are we about to vote on?

The PRESIDING OFFICER. The clerk will state the committee amendment.

The legislative clerk read as follows:

On page 24, beginning on line 22, insert a new section down through line 17 on page 25 relating to the Federal Communications Commission.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. HATFIELD. I would ask unanimous consent, as it has been cleared on both sides of the aisle, to temporarily lay aside the pending committee amendment in order that we may entertain other amendments and move on with the completion of this bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I will not take but a moment.

Mr. President, could I inquire of the managers how many amendments they know of to the bill itself other than the committee amendment which has now been set aside?

Mr. HATFIELD. We are aware of about five to six amendments that Members have indicated they expect to bring up.

Mr. BAKER. Does the distinguished manager and the chairman of the committee think he can finish this bill today?

Mr. HATFIELD. I do.

Mr. BAKER. How long will it take?

Mr. HATFIELD. Anywhere between 3 and 8 hours.

Mr. BAKER. Mr. President, I never dispute with my friend and chairman of the Appropriations Committee, but I do not plan to ask the Senate to stay 8 hours.

Would the Senator be willing then to try to complete this by 6 p.m.?

Mr. HATFIELD. I say to my most respected leader that I would like to be able to perhaps consider that we go beyond that hour as the light at the end of the tunnel begins to grow brighter. I expect that we could possibly do it by 6. We have a possible time agreement on one controversial amendment relating to the drug coordinator being offered by the proponents. I have not been able to clear it with the opponents of that.

If we get some time agreements, we could conceivably finish by 6, but I would think we ought to at least consider a minimum threshold of 8 p.m.

Mr. BAKER. Mr. President, I think there are a number of Senators who had not expected the Senate to go past the regular adjournment or recess hour today. What I would like to do is to continue until about 6 and then ask the Senate to resume at an early hour tomorrow, if the Senator is agreeable.

Mr. HATFIELD. I would be agreeable and would like to urge the leader to consider bringing the Senate in at 8:30 to be on the bill by 9 a.m.

Mr. BAKER. Mr. President, the chairman of the committee is a stern taskmaster, and I heard a swelling chorus of objections. The Senator from Connecticut will have to wait until I object, because I do not plan to be here at 8:30. But I take in good spirit the suggestion of the Senator. I will compromise with him.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business until 9:30 a.m., in which Senators may speak for not more than 2 minutes each, and that at 9:30 a.m. the

Senate resume consideration of this bill, if it has not been completed prior to that time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Now, Mr. President, may I repeat what I said earlier. I hope we can finish this bill today. We have a good 2 hours to do it. Otherwise, I hope we can do it tomorrow.

I should also repeat what I said earlier. I today filed a notice to attempt to suspend the rules in order to reach the debt limit bill, and it would be my intention to try to do that tomorrow if possible in order to get to that measure. I note the debt limit bill is one of high controversy, but one way or the other we have to try to finish that before midnight on Monday.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. What rules does he have in mind?

Mr. BAKER. Mr. President, when the minority leader, who is such an expert on the rules, rises with that question, as the old Tennessee saying goes, "I ain't going to waive none of my rights."

But the rule I have in mind is the 3-day rule. The bill was reported last evening late, and as I count, since you do not count Saturdays and Sundays, I believe it would be Monday before I could reach the debt limit. What I would hope to do is to try to reach that bill tomorrow, or at the latest on Friday.

Mr. BYRD. He would also be waiving the rule that would make such a motion debatable. What I understand he is saying is he is going to waive the rule to permit him to be on the bill; is that right?

Mr. BAKER. We can do it either way. I would like to do that. To tell you the honest truth, I had not thought of that, but I think that is a splendid idea.

Mr. BYRD. Then what the majority leader is saying is that he is only waiving the 3-day rule and that he is not attempting to waive debate on any motion to proceed?

Mr. BAKER. No, Mr. President, I had not planned to do that, but I sure would like to do that. And now that the minority leader has mentioned it, I may. But the net of this is I do want to try to get to the debt limit bill tomorrow, but I want to see us finish the supplemental first.

I thank the minority leader and I thank the manager of the bill.

SUPPLEMENTAL APPROPRIATIONS, 1984

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2437

(Purpose: Reconcile funding level difference between $55,000,000 appropriated in Public Law 98-45 (HUD—Independent Agencies Appropriations Act) and $54,000,000 authorized in Public Law 98-94 (DOD authorization bill)

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 2437.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate place in H.R. 3959 add the following new section:

SEC. —. The Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1984, under the account, Federal Emergency Management Agency, State and Local Assistance, is amended by adding the following before the period: "Provided, further, that notwithstanding any other provision of law for the fiscal year 1984, $55,000,000 is available for contributions to the States under section 205 of the Federal Civil Defense Act of 1950, as amended, (50 U.S.C. App. 2286) for personnel and administrative expenses."

Mr. WARNER. Mr. President, this amendment is in the nature of a technical amendment. It has been reviewed by the managers of the bill. It is my understanding that it will be accepted.

The amendment to the bill now before us addresses funding for improved emergency management and response of State and local levels. My amendment addresses the appropriation language in the State and Local Assistance Account for fiscal year 1984 for the Federal Emergency Management Agency, as enacted in Public Law 98-45.

Mr. HATFIELD. Mr. President, this amendment has been reviewed by the staff and by both sides of the aisle, and we will accept the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2437) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I express my appreciation to the managers of this bill for their consideration.

I yield the floor.

Mr. HATFIELD. Mr. President, I should like to reiterate the situation in which we are at the moment.

If staff or Senators are listening to these proceedings through the communications system, I urge Senators who expect to offer amendments to come to the floor now. We have notification of a number of Senators who have amendments; and if they are not going to offer them, we would like to know that as well.

We hope at this point to resolve the syndication question, which is the most controversial one; the committee amendment has been temporarily laid aside. The principals to that issue are now engaged in an attempt to resolve it, and I think we can be optimistic about getting it resolved. Once that is resolved, we can move rapidly to third reading.

So if Senators have amendments and wish to offer them, I do not think we should wait too long for them.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATFIELD). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise today to bring to the Senate's attention the Scottsville flood control project.

Scottsville is a small town located in Albemarle and Fluvanna Counties, Va.

The town is situated on a bend of the James River and is subject to severe flooding.

Flood losses in 1969 were about $2 million and in 1972 were $4.05 million.

According to the Corps of Engineers, the 1972 flood caused damage to the sewage treatment plant, a public school, 3 mobile classrooms, 45 commercial buildings, 20 residences, 2 churches, 2 municipal buildings, and 1 industrial building.

Scottsville is one of the most historical communities in the State of Virginia and traces its origins from 1744.

One of its principal assets is that the locality has some of the finest examples of architectural style known as Federal.

Since 1972, the residents of Scottsville have worked very hard to protect themselves from future floods; $1.5 million has been spent to construct a dam on Mink Creek, which flows through the center of the town, and to design and acquire the property to

build a levy between the town and the James River.

An 8-foot levy has already been constructed and paid for, and the town is seeking the funds to raise the height of the levy to 15 feet, so that it will be protected from floods as severe as that which occurred in 1972.

The House of Representatives committee report on the fiscal year 1984 supplemental appropriations bill includes language which directs the Army Corps of Engineers to use funds already authorized for emergency situations to provide an adequate level of flood protection to Scottsville.

The House report directs the corps to use up to $2 million in available funds as an advance measure under Public Law 84-99.

Mr. President, I bring this House report language to the attention of the distinguished managers of this bill and inquire if it is their intention to raise any objection to the language in the conference committee.

I point out that life and property and the very future of this historic community are in serious jeopardy.

Mr. WEICKER. Mr. President, it is my understanding that this is in the House report. Therefore, we do not disagree on this matter. But I want to go a step further.

Mr. WARNER. I am delighted.

Mr. WEICKER. Probably unbeknown to the distinguished Senator from Virginia, I spent 3 years living in Scottsville, Va., while attending the University of Virginia. So I can assure him that in deference to those very happy days and happy memories, I will see to it that the point he is making is carried through in the rest of the process, in honor of Scottsville, Va.

Mr. WARNER. Mr. President, I see that the distinguished chairman of the committee, the Senator from Oregon (Mr. HATFIELD), is presiding over the Senate, and I am heartened by the remarks of my distinguished colleague from Connecticut. I will be the first to move, at the appropriate time, that this project be named "The Honorable Lowell P. Weicker Flood Control Project in Scottsville, Va." [Laughter.]

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Montana permit the Chair to recognize the Senator from Pennsylvania since I have moved the Chair to relieve him specifically to offer an amendment.

Mr. MELCHER. Absolutely.

The PRESIDING OFFICER. I thank the Senator from Montana.

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 2438

(Purpose: To provide $5,000,000 for the construction of certain academic facilities in Cheyney and Lincoln, Pa.)

Mr. SPECTER. Mr. President, I thank the Chair for arranging the recognition, and I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself and Mr. HEINZ, proposes an amendment numbered 2438.

Mr. SPECTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICE. Without objection, it is so ordered.

The amendment is as follows:

On page 24, between lines 11 and 12, insert the following:

CHAPTER VII—DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For part B of title VII of the Higher Education Act of 1965, $5,000,000 to remain available until expended, for construction, renovation and related costs of an urban research park facility to be established jointly by the Cheyney State College of Cheyney, Pennsylvania, and Lincoln University of Lincoln, Pennsylvania, except that the provisions of section 721 (a)(2) and (b) shall not apply to the funds appropriated under this heading, and the amount of the grants paid from funds appropriated under this heading shall not be subject to any matching requirement contained in section 721(c) of such part and shall be used for the facilities of the type mentioned in section 713(g).

Mr. SPECTER. Mr. President, I ask unanimous consent that the text of the "Dear Colleague" letter from Senator HEINZ and myself be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR COLLEAGUE: When the Supplemental Appropriations bill is considered by the full Senate next week, we intend to offer an amendment to add $5 million for "Grants for construction of academic facilities" under part B of title VII of the Higher Education Act of 1965.

If the Congress appropriates this $5 million, Secretary of Education Bell has advised that he will use this funding to complete a transaction under which Provident Mutual Insurance Company will make a gift of properties worth approximately $40 million to Lincoln University and Cheyney University which are two predominantly black universities located in southeastern Pennsylvania. We want to emphasize that this appropriation would not be earmarking because it would not specify the use of the money. Secretary Bell brought this matter to our attention rather than the other way around where Senators may sometimes seek an earmarking for their own states.

It is indispensable that the $5 million appropriation be made immediately as a precondition of the $40 million gift from Provident Mutual to the universities. If the transaction is not completed immediately, then Provident Mutual must make an alternative gift by the end of the calendar year and the Redevelopment Authority of the City of Philadelphia is ready, willing and anxious to accept these properties.

The late availability of this potential gift prevented the U.S. Department of Education from processing this appropriation request in normal course. These buildings are located at 46th and Market Streets in Philadelphia which is approximately 10 blocks from the University of Pennsylvania, Drexel University and the University Science Center. We are personally familiar with the buildings and can attest to their tremendous value for these two distinguished universities.

Considering the high rate of unemployment among minorities, especially in the young adult category in large metropolitan areas, it is obvious that these facilities could make a tremendous contribution to the nation as well as the immediate area which they serve. These buildings would be available for a full range of technology courses for all eligible students. Dr. Herman Branson, President of Lincoln University, has advised that the locale of these buildings would aid both Lincoln and Cheyney in improving their multiracial attendance as called for by the guidelines of the U.S. Department of Education for the promotion of civil rights.

We would appreciate your personal consideration of this matter.

Sincerely,

JOHN HEINZ.
ARLEN SPECTER.

Mr. SPECTER. Mr. President, this letter describes the amendment in some greater detail than I need do at the moment.

This is an amendment seeking $5 million for grants for construction of academic facilities under part B of title VII of the Higher Education Act of 1965.

The reason for this amendment is if the $5 million is appropriated then there is an arrangement under which Provident Mutual Insurance Co. will make a gift of properties worth approximately $40 million to Lincoln University and Cheyney University, which are two predominantly black universities located in southeastern Pennsylvania.

These properties are in the name of Drexel University and the university science center.

The information provided to me by Dr. Herman Branson, President of Lincoln University is that the locale of these buildings will aid both Lincoln and Cheyney in improving their multiracial attendance as called for by the guidelines of the U.S. Department of Education for the promotion of civil rights.

That, Mr. President, is the essence for the reason of the amendment.

Mr. HEINZ. Mr. President, I rise today to argue strenuously for favorable consideration of this amendment.

We have the opportunity to do something here today by passing this small amendment that would be truly historic.

Passage of this amendment would enable Lincoln University and Cheyney State College, two prominent historically black colleges in Pennsylvania to receive the largest private sector grant to black higher education in American history.

Mr. President, we simply cannot afford to pass up this opportunity to promote partnership between the private sector and black higher education.

The Provident Mutual Insurance Co. wants to give its present corporate headquarters to the Urban Education Foundation of Philadelphia, a consortium formed by Lincoln, Cheyney, and the University City Science Center, a high-tech research complex specializing in the incubation and development of small technology-oriented businesses.

That property, 22.2 acres of beautifully landscaped area with nearly 400,000 square feet of building space, is essentially an instant campus worth $40 million.

The headquarters building must be converted to an academic facility with classrooms and science labs.

I am sure my colleagues know that it is a rare day in Washington, D.C. when we in Congress can build a college campus for just $5 million.

Lincoln and Cheyney, both located outside of the Philadelphia metropolitan area, have had a longstanding interest in establishing an innner city campus.

This campus would serve one of the most economically distressed communities in the city.

It would provide a beacon of hope for the poor and minority residents of west Philadelphia, the entire metropolitan area, and, indeed, the entire Nation.

We all know that as a Nation we must redouble our efforts to educate and train this country's black and Hispanic youth, particularly those in our inner cities where teenage unemployment is the worst.

Lincoln and Cheyney have as their principal goal the education of the city's minority youth.

The universities estimate that they would serve a minimum of 6,000 students within the first 3 years of operation.

In addition, to basic courses in English and math, the campus would offer a full range of technology courses including maintenance and repair, business administration, nursing and related health and medical technology courses with a special emphasis on job creation and economic revitalization.

Indeed, Mr. President, the participation of the University City Science Center, established 10 years ago as one of the first university research parks in the Nation. It will provide the national black higher education community with its first model of entrepreneurial partnership.

That is in part why the president of the National Association for Equal Opportunity in Higher Education agreed to ask their member institutions to call their respective Senators urging them to support this amendment.

Never before have any of the prominent historically black colleges been in the position to work in a cooperative venture with an organization with such an outstanding record of economic development in the high-technology area.

The University City Science Center has created many successful small businesses and thousands of jobs over the last 10 years.

Mr. President, this is truly a unique opportunity for us to demonstrate our commitment to black higher education, to private sector support of public services and to the education, training and employment of the Nation's black and Hispanic teenagers.

I urge all of my colleagues to join me in support of this amendment.

Mr. WEICKER. Mr. President, these matters have been discussed in some detail during the past several weeks, and the fact remains that, insofar as the position of the administration, this particular request came with a great deal of suddenness. It was not part of a formal budgetary submission. There are questions about it. By the same token, I do not think anyone can doubt the effort of the Senators from Pennsylvania, Senator SPECTER and his colleague Senator HEINZ, and their desire to do something on behalf of the communities that they represent.

I still think there are answers that have to be given to this matter. On the other hand, I do not think it is going to be resolved in a roaring debate in the Chamber, very few having intimate knowledge as to the institutions involved, the terms of the proposition, et cetera.

In essence, what I am saying is there is great merit to what is being proposed as an amendment, but questions remain. It would be the position of this Senator, speaking on behalf of the committee, that we accept the amendment of the Senator from Pennsylvania at this time.

Mr. SPECTER. Mr. President, will the Senator from Connecticut yield for a question?

Mr. WEICKER. I yield.

Mr. SPECTER. Did I understand the Senator to say he would accept the amendment?

Mr. WEICKER. The Senator is correct.

Mr. SPECTER. Let me express on behalf of my colleague, Senator HEINZ, and myself, appreciation for the Senator's willingness to do that.

I wish to be sure there is no reservation that is going to appear in the conference on the matter. Is there anything to be determined between now and the conference that would affect the attitude of the distinguished Senator from Connecticut on this particular amendment?

Mr. WEICKER. Mr. President, the Senator from Connecticut tries at all times to be totally candid on this matter.

I said I think questions still have to be responded to. I do not think they are going to be answered in a floor debate.

Obviously, the first response to the Senator's question is it will be in conference.

Second, if between now and the conference satisfactory answers can be given to some of these questions, I say it has a good chance of surviving conference.

Third, not being in total control of the conference, there being another side of the Congress, I cannot guarantee 100-percent success.

I think that fairly answers everything that the Senator would want to know.

Mr. SPECTER. Mr. President, I appreciate the Senator from Connecticut cannot guarantee what the other side is going to do.

My sole purpose in inquiring is to inquire of the Senator from Connecticut if he will defend the amendment in conference.

Mr. WEICKER. Mr. President, I have been informed that there is opposition to this amendment which I did not know about. I wonder if we might just have a quorum call while this matter is resolved. It just came again as a surprise to me. If I could I think we owe it to one of our colleagues to check before taking our final action on this measure.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from Missouri.

Mr. DANFORTH. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DANFORTH. Has Senator SPECTER offered his amendment and is his amendment being agreed to?

The PRESIDING OFFICER. It has been offered and it has been reported, been discussed.

Mr. DANFORTH. I thank the Chair.

Mr. President, as I understand the Specter amendment it is my belief

that it is terrible public policy. I can understand the interest of the Senator from Pennsylvania in attempting to get a special appropriation for a particular college or for two particular colleges, and I am confident that the circumstances that would support this appropriation are compelling.

However, I think the bad public policy is if Members of the Senate are to come to the floor of the Senate and offer amendments to appropriations bills for specific educational institutions. Educational decisionmaking is then made on the floor of the Senate and it is made not on the basis of professional judgment as to the relative needs of colleges or universities but rather the decision is made on the basis of what amounts to logrolling by Members of the Congress.

Mr. President, the American Association of Universities held a meeting yesterday and at that meeting the American Association of Universities adopted a position relating to research funds, and the position of the American Association of Universities is to not go to the Congress and ask for appropriations for specific educational institutions. I ask unanimous consent to include in the RECORD, first, a list of the members of the American Association of Universities and, second, a copy of the AAU statement on decisionmaking in Federal funding for research facilities which was agreed to by the association yesterday.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF AMERICAN UNIVERSITIES: AAU MEMBERSHIP

Brown University, Providence, Rhode Island.
California Institute of Technology, Pasadena, California.
Carnegie-Mellon University, Pittsburgh, Pennsylvania.
Case Western Reserve University, Cleveland, Ohio.
Catholic University of America, Washington, D.C.
University of California, Berkeley, Berkeley, California.
University of California, Los Angeles, Los Angeles, California.
University of California, San Diego, La Jolla, California.
University of Chicago, Chicago, Illinois.
Clark University, Worcester, Massachusetts.
University of Colorado, Boulder, Colorado.
Columbia University, New York, New York.
Cornell University, Ithaca, New York.
Duke University, Durham, North Carolina.
Harvard University, Cambridge, Massachusetts.
University of Illinois, Urbana, Illinois.
Indiana University, Bloomington, Indiana.
Iowa State University, Ames, Iowa.
University of Iowa, Iowa City, Iowa.
The John Hopkins University, Baltimore, Maryland.
University of Kansas, Lawrence, Kansas.
University of Maryland, College Park, Maryland.
Massachusetts Institute of Technology, Cambridge, Massachusetts.
McGill University, Montreal, Quebec, Canada.
Michigan State University, East Lansing, Michigan.
University of Michigan, Ann Arbor, Michigan.
University of Minnesota, Minneapolis, Minnesota.
University of Missouri, Columbia, Missouri.
University of Nebraska, Lincoln, Nebraska.
New York University, New York, New York.
University of North Carolina, Chapel Hill, North Carolina.
Northwestern University, Evanston, Illinois.
Ohio State University, Columbus, Ohio.
University of Oregon, Eugene, Oregon.
Pennsylvania State University, University Park, Pennsylvania.
University of Pennsylvania, Philadelphia, Pennsylvania.
University of Pittsburgh, Pittsburgh, Pennsylvania.
Princeton University, Princeton, New Jersey.
Purdue University, Lafayette, Indiana.
University of Rochester, Rochester, New York.
University of Southern California, Los Aneles, California.
Stanford University, Stanford, California.
Syracuse University, Syracuse, New York.
University of Texas, Austin, Texas.
University of Toronto, Toronto, Ontario, Canada.
Tulane University, New Orleans, Louisiana.
Vanderbilt University, Nashville, Tennessee.
University of Virginia, Charlottesville, Virginia.
University of Washington, Seattle, Washington.
Washington University, St. Louis, Missouri.
University of Wisconsin, Madison, Wisconsin.
Yale University, New Haven, Connecticut.

AAU STATEMENT ON DECISION MAKING IN FEDERAL FUNDING FOR RESEARCH FACILITIES

The Association of American Universities represents institutions whose faculties are deeply engaged in research. We share with many other institutions and individuals a commitment to advancing the quality of the nation's research effort. Since the vitality of this effort is closely linked to the soundness of decisions made about science by public bodies, it is both appropriate and important for the AAU to state its collective views about the ways in which those decisions are best made.

The United States has evolved an admirable but fragile system of awarding federal funds for research. In general, Congress appropriates funds for the support of broad categories of research. Subsequently, the administering federal agency issues guidelines for making applications in a manner that assures fair and open competition. Researchers then submit detailed proposals that are judged by experts, scientists chosen for their ability to make sound and careful judgments in the scientific area involved. This method maximizes the scientific return on the federal investment by assuring that awards are made on the scientific merit of the proposal and the professional merit of the proposer.

The same method governed most federal programs in support of scientific facilities when such programs existed. However, in the early 1970s, most federal government programs in support of the construction and renovation of research facilities ended. The subsequent decade-long failure to attend to the capital base of university science has led to a backlog of need that has hampered American science and placed great stress on the processes by which the government allocates scientific resources.

We believe that processes based on the informed peer judgments of other scientists need to be preserved and strengthened. We therefore urge scientists, leaders of America's universities, and Members of Congress to support the practice of awarding funds for the support of science on the basis of scientific merit, judged in an objective and informed manner. Further, we urge them to refrain from actions that would make scientific decisions a test of political influence rather than a judgment on the quality of the work to be done. These principles should apply in making decisions about scientific facilities as well as in awarding funds for research projects.

Finally, we urge officials of the national Administration and Members of Congress to deal promptly with the decay of the physical plant that houses much of the nation's basic research. S. 1537, introduced by Senators Danforth and Eagleton, is a bipartisan effort to deal with this national priority and deserves strong and prompt support.

Mr. DANFORTH. Mr. President, I am not going to prolong this except to say this: We have many colleges and universities located in the State of Missouri. It would be a simple matter for the Senator from Missouri to come to the floor of the Senate and ask for appropriations for my specific institutions.

For example, Stephens College in Columbia, Mo., is now in the process of selling real estate in order to pay for its operations. If Stephens College is now selling real estate to pay for its operations, what would be the difference between the amendment that is now on the floor of the Senate relating to two colleges in Pennsylvania to provide that they can buy real estate and the situation of Stephens College where an amendment could be offered in order to provide the funding so as to prevent Stephens from selling real estate? In other words, a very strong case could be made for an unlimited number of colleges and universities that they have financial needs of one kind or another, and if in the Senate we are going to come before the Senate and ask for appropriations for specific institutions, I think it undercuts any considered way of making decisions on educational funding.

That, Mr. President, is the real point I wanted to make. I think this is a very bad precedent. I think it is not possible to distinguish between the precedent that would be established by this amendment and the circumstances of an unlimited number of colleges and

universities that can put themselves in the same boat.

Mr. SPECTER. Mr. President, I can understand the concern that the Senator from Missouri has expressed, although I do not think it rises to the level of a terrible public policy any day. But the circumstances surrounding this amendment are not those that the Senator from Missouri is concerned about for this reason: The decision to use this money has been made independently by the Department of Education and it is not a matter which has been initiated by the Senators from Pennsylvania in coming to the floor of this body and asking for $5 million as a precondition to getting $40 million worth of building from Provident Mutual.

This matter came to my attention when Secretary of Education Bell called me and said that the Department of Education wanted to undertake this transaction but needed an appropriation of $5 million.

So that it is in response to a determination made by the Department of Education in accordance with the Department's existing procedures and is not a matter of a special privilege for the Commonwealth of Pennsylvania for these two universities in Pennsylvania at the instance of the Senators from Pennsylvania.

The PRESIDING OFFICER. Who seeks recognition?

The question is on the amendment.

Mr. BYRD addressed the Chiar.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I beg the Chair's pardon. I wanted to be sure my friend, the Senator from Mississippi, was here.

The PRESIDING OFFICER. Is there further debate?

Mr. STENNIS. Mr. President, I just walked into the Chamber. I have been out on another matter. I, frankly, do not know of any opposition to this matter on this side.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SPECTER).

The amendment (No. 2438) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2439

(Purpose: To extend the supplemental railroad unemployment benefits for one year)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself, Mr. FORD, Mr. MOYNIHAN, Mr. DIXON, Mr. SASSER, and Mr. METZENBAUM, proposes an amendment numbered 2439.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, between lines 19 and 20, insert the following:

EXTENSION OF SUPPLEMENTAL RAILROAD UNEMPLOYMENT COMPENSATION

SEC. 1206. (a) Section 17 of the Railroad Unemployment Insurance Act is amended—

(1) in subsection (a)(2), by inserting ", or the benefit year beginning July 1, 1983" after "July 1, 1982";

(2) in subsection (e), by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984"; and

(3) by amending subsection (f) to read as follows:

"(f)(1) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1982, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

"(B) March 10, 1983,

and consisting of five consecutive registration periods (without regard to benefit year); except that for purposes of this paragraph, any registration period beginning after June 30, 1983, and before the date of this enactment of the Supplemental Appropriations Act, 1984, shall not be taken into account for purposes of payment of benefits, or in determining the consecutiveness of registration periods.

"(2) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1983, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

"(B) the date of the enactment of the Supplemental Appropriations Act, 1984,

and consisting of five consecutive registration periods; except that no such period of eligibility shall include any registration period beginning after June 30, 1984.".

(b) The amendments made by this section shall apply with respect to days of unemployment during any registration period beginning on or after the date of the enactment of this Act.

(c) Amounts appropriated under section 102(b) of Public Law 98-8 shall remain available without regard to fiscal year limitation for purposes of carrying out the amendments made by this section, and amounts appropriated under such section into the railroad unemployment insurance account in the Unemployment Trust Fund may be transferred into the railroad unemployment insurance administration acccount in the Unemployment Trust Fund as may be necessary to carry out the amendments made by this section (as determined by the Railroad Retirement Board).

Mr. SPECTER. Mr. President, this amendment would reinstitute the program of supplemental benefits for railroad workers which was authorized in the emergency jobs bill that expired on June 30, 1983. Those unemployed workers who have exhausted all available benefits on June 20, or those who were receiving supplemental benefits on that day will now receive a full 10 weeks under this amendment made available by that provision.

This amendment was on other legislation which had been accepted by the distinguished Senator from Kansas (Mr. DOLE). I understand that it is agreeable from his point of view to have this amendment accepted at this time.

I believe it is acceptable to the distinguished Senator from Connecticut (Mr. WEICKER).

Mr. SASSER. Mr. President, I join my distinguished friend and colleague from Pennsylvania, Mr. SPECTER, in offering legislation which is aimed at lessening the dreaded consequences of unemployment for thousands of railroad workers in this country.

Continued high levels of unemployment represent the most pernicious and frustrating of forces which undercut economic efficiency. Unemployment during this last recession climbed to levels not seen since the Great Depression. The Congressional Budget Office predicts that unemployment will average 8.4 percent for the calendar year 1984, and will continue to remain over 7.5 percent until 1988. Today, there are over 10 million Americans out of work.

The railroad industry has been particularly hard hit by this economic downturn. The purpose of this amendment is to help soften the blow for those railroad workers who find that they have slipped through the cracks,

so to speak, when it comes to extended unemployment benefits.

The current situation reads like this. Prior to the enactment of the Omnibus Budget Reconciliation Act of 1981, railroad employees with less than 10 years of service who exhausted their regular unemployment insurance benefits could receive extended unemployment benefits under the Railroad Unemployment Insurance Act during periods of high national unemployment. This was the case because there is a reference in the Railroad Unemployment Insurance Act to the so-called national "trigger" which used to usher in extended benefits under the regular Federal-State unemployment programs. This reference provided that whenever the National Trigger was on for purposes of providing extended unemployment insurance benefits under the Federal-State program, extended benefits would be provided under the Railroad Unemployment Insurance Act for rail employees with less than 10 years of service. The cost of these benefits, of course, was paid from the Railroad Unemployment Insurance Account. The Omnibus Budget Reconciliation Act of 1981, for budgetary reasons having nothing to do with the Railroad Unemployment Insurance program, eliminated the National Unemployment Trigger. This left the Railroad Unemployment Insurance Act with a reference to something that no longer exists with the result that extended benefits could never go into effect for railroad employees with less than 10 years of service—rail employees with more than 10 years service can qualify for extended benefits without regard to the national rate of unemployment. Rail employees with less than 10 years of service are now the only group of workers who cannot automatically qualify for extended benefits.

Workers under the Federal-State programs can still look to the individual State triggers to usher in extended benefits, and they have also received federally mandated extended and supplemental benefits—much of the cost being sustained by direct Federal appropriations.

Earlier this year, in the emergency jobs appropriation, the Congress did appropriate $125 million to provide a one-time 10-week period of supplemental benefits for rail employees with less than 10 years of service. The period of time for payment of these supplemental benefits expired in June of this year, again, leaving short-term rail employees with only the basic 26 weeks of unemployment benefits. Of the original $125 million appropriated in the jobs bill, $83 million is still left, meaning the program enacted in the jobs bill could be extended without need of an additional appropriation. The Railroad Retirement Board estimates that such an extension would cost between $60 and $65 million and that approximately 50,000 unemployed, mostly young family people and desperately needy individuals, would take advantage of the extension.

Rail employees have always had their own program financed by railroad employers who do not pay into State programs. During normal periods, railroad employees did not get benefits under State programs, and this is appropriate. However, during the current economic crisis, both individual State unemployment programs and the railroad unemployment program have been ravaged. As a result, Federal tax dollars have, properly, been pumped into the State programs. These dollars come from income tax paying American citizens and corporations. Since we are now talking about spending these dollars—not the earmarked dollars paid exclusively by participants of the Federal-State programs—I should point out a fact which, while obvious, is not often mentioned during these debates: Railroad employees and their employers are income tax paying citizens. Since their money is in part financing Federal supplemental benefits, rail employees have an equitable right to receive such benefits.

The amendment we are offering embodies fundamental tenets of fairness and equity. It is both fair and equitable and it requires no additional appropriation. I, therefore, urge my colleagues to join us in adopting this amendment.

Mr. DIXON. Mr. President, I am happy to join my good friend from Pennsylvania, Senator SPENCER, in offering this amendment once again.

Last September 30, the Senate passed this amendment as part of the extension of the Federal Supplemental Compensation Act. Unfortunately, it was deleted from the bill in conference.

This amendment will provide 10 weeks of Federal supplemental compensation to railroad workers who lost their jobs after June 30, 1983. It would also allow those workers who were eligible for the program prior to June 30, but who did not collect their full 10 weeks of benefits before the program expired, to receive the remaining number of weeks.

There is ample money available from the March supplemental appropriation. It is estimated that this amendment will cost $60 to $65 million. The original appropriation was $125 million. As I understand it, there is $83 million remaining unexpended.

The railroad unemployment insurance system is separate from the regular State-Federal system, and when Congress abolished the national trigger in the 1982 omnibus reconciliation bill, it also abolished the method by which these workers qualify for extended benefits. Therefore, without this amendment, there are only 26 weeks of benefits available to railroad workers, instead of the 45 weeks available to some. There are no federally funded benefits for rail workers and a maximum of 14 weeks for those under State-Federal system. That, Mr. President, is unfair.

By extending this program, we will be helping approximately 5,000 people in Illinois and approximately 50,000 people nationwide.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr President, I was not on the floor when the distinguished Senator from Pennsylvania was discussing his amendment. It is the understanding of this Senator that it is pretty much the same as the amendment we had to the Federal supplemental compensation proposal.

Mr. SPECTER. It is. And I made the representation that it was the same as legislation previously accepted by the chairman of the Finance Committee.

Mr. DOLE. Mr. President, let me say that this was a matter discussed in the FSC proposal. We had no objection to it on the Senate side. As I understand it, there was not a rollcall on it. I think it was adopted.

The House conferees had misgivings about it. I cannot speak for the conferees except to say that I know they were contacted by Members who were interested in the legislation. There were some who changed their positions, but, by the time that happened, it was too late to take care of it in the FSC bill.

I would say to the distinguished chairman of the committee and the manager of the bill that we did approve this legislation. I certainly have no objection to it going on this bill. I hope the amendment might be accepted without a rollcall.

Mr. SPECTER. I thank the Senator from Kansas.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SPECTER).

The amendment (No. 2439) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPECTER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

amendment no. 2440

Mr. HATFIELD. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS), I send a technical amendment to the desk which has been cleared on both sides of the aisle and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), for Mr. STEVENS, proposes an amendment numbered 2440.

On page 21, line 1, after the word "Alaska" insert the following: "shall remain available until expended and".

Mr. HATFIELD. Mr. President, there is a bill that appropriated the $11.1 million for the 17 day schools in Alaska they transferred in 1982. The language not only restricted the purposes for which the funds could be used in conjunction with the schools, but also the time period in which they could be obligated. This time period is through September 1984. I want to extend the availability until expended. There is nothing sinister about this, Mr. President.

Mr. METZENBAUM. Will the Senator repeat that once more?

Mr. HATFIELD. All this technical amendment is doing is extending the availability of the funds appropriated in 1984 for that purpose until they are expended. That was the intent originally.

Mr. METZENBAUM. I thank the Senator.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2440) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

amendment no. 2441

(Purpose: To appropriate $1,000,000 for Federal financial assistance to any program carried out by a State to assure the honorable burial of certain veterans)

Mr. PRYOR. Mr. President, I have an amendment which I will send to the desk shortly. First, however, I would like to present a brief statement.

Mr. President, I was shocked and dismayed to read in the Washington Post on October 17 that a veteran of the U.S. Navy had been buried in a cardboard casket. This took place at Quantico National Cemetery in Virginia.

I find it unconscionable that this is happening to deceased veterans who leave no money or resources for burial expenses.

I am therefore offering at this time, Mr. President, with the distinguished Senator from Virginia (Mr. WARNER), and also with Senators MELCHER, BYRD, and BINGAMAN, an amendment to provide $1 million to meet this need.

This proposal would provide financial assistance to any program carried out by a State to assure an honorable burial for each veteran who is buried in that State and, during the year ending on the date of the veteran's death, received less than $10,000 in income of any kind.

The distribution formula would be based on the veteran population in each State and the program would be administered by the States in whatever capacity serves veterans and their interests. Arkansas, for example, has a fine and sensitive department of veterans' affairs that could assume responsibility for the project. Most of the States maintain similar operations and would be fully equipped to administer the program.

Mr. President, the group of veterans at least 65 years of age, presently numbering around 4 million, will grow to nearly 9 million by 1999. Additionally, 60 percent of all veterans served by VA hospitals make less than $10,000 a year. There are a lot of poor and elderly veterans in this country and, sadly, many who will be unable to pay for, or have their families pay for, their own funerals.

I believe that this legislation is responsive to the problem. I hope that no veteran in the future need fear that lack of personal funds will mean that an honorable burial will be unavailable.

These patriotic Americans have served us well and their burial arrangements should honor them for their service to our country.

At this time, Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself, Mr. WARNER, Mr. MELCHER, Mr. BYRD, and Mr. BINGAMAN, proposes an amendment numbered 2441.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, after line 20, add the following:

VETERANS' BURIAL EXPENSES

For payments in providing financial assistance to any program carried out by a State (including the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the government of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) to assure an honorable burial for each veteran who is buried in such State and, during the year ending on the date of the veteran's death, received less than $10,000 in income of any kind, $1,000. The Administrator of Veterans' Affairs shall determine whether a program carried out by a State is a program described in the preceding sentence. The total amount of the financial assistance which the Administrator may provide to any State hereunder shall be an amount which bears the same ratio to the total amount of such assistance available for all States during fiscal year 1984 as the total number of veterans residing in such State on the first day of such fiscal year bears to the total number of veterans residing in the United States on such day.

Mr. PRYOR. Mr. President, that concludes my remarks. I think the distinguished Senator from Virginia (Mr. WARNER), who is a cosponsor, may want to make a statement.

Mr. WARNER. Mr. President, I commend my distinguished colleague, the Senator from Arkansas (Mr. PRYOR). He is alerting America to this problem. It is indeed an honor for me to be associated as his principal sponsor of this amendment.

Currently, there are over 28 million veterans in the United States, its territories and protectorates. Of that number, at least 4 million are 65 years of age or older. By the turn of the century, the number of veterans over the age of 65 is expected to increase to nearly 9 million.

These figures reflect an inevitable increase in the number of veterans who will require funds for interment. It is an unfortunate fact that some of those veterans will have neither surviving family members nor sufficient assets to assure interment with the dignity which they deserve.

The Veterans' Administration administers a program providing burial allowances for certain eligible veterans which addresses part of this need. However, it does not cover all those who are in need, nor does it fully reimburse, in all cases, the expenses involved.

Recently, we were all made aware of a sad example when Mr. Albert W. Reynolds, a Navy veteran, was interred at Quantico National Cemetery in a casket that can only be described as unsuitable. It is to the credit of the Administrator of the Veterans' Administration, the Honorable Harry N. Walters, that, when this oversight in the VA burial regulations was brought to his attention, he immediately convened a review which resulted in the issuance of a new regulation to set a minimum standard for the casket used by veterans.

I also commend Mr. Raymond Evans of Arlington, who was the first to bring this sad situation to my attention, and Mr. John E. Sullivan, District Commander of the Veterans of Foreign Wars in Northern Virginia, who has volunteered—with the support of 20 veterans groups—to give Mr. Reynolds a new burial in a more appropriate casket.

We cannot accept undignified interment of the remains of any of our veterans, to whom we owe so great a debt. As the recent tragic events in Lebanon—and now in Grenada—have once again underscored, we call upon our service people to risk their lives in support of the freedoms that we all enjoy.

Their brave courage and willingness to take that risk must receive our highest admiration and a debt of gratitude which cannot be repaid. The very least we can do is insure that the respect we accord them at their passing befits the contribution they made to their Nation and their fellow citizens who reap the benefits of their service.

This bill will encourage the use of State programs to address those cases which are not adequately covered by Veterans Administration statutes. The addition of $1 million to the State programs will insure that every needy veteran will receive a dignified burial. We must never again permit an undignified or dishonorable interment of a veteran's remains to take place.

The soldiers, sailors, marines, and airmen who have served their country with honor and distinction deserve our gratitude and respect. This Nation, which is the symbol of freedom in a troubled world, can do no less than assure that the guardians of that freedom receive the last full measure of our respect when they are laid to rest.

Mr. President, I yield the floor to my distinguished colleague.

Mr. PRYOR. Mr. President, I thank my distinguished friend from Virginia for a very fine statement and also for being a cosponsor, the chief cosponsor on his side of the aisle, for this amendment. He has had a very distinguished career over the last 5 years as a member of the Committee on Armed Services and formerly as Secretary of the Navy. I do not think any Member of this body could give this amendment or this proposal any more credibility. I am very honored to have been able to work with him and to have seen his commitment to the veterans of our country.

Mr. President, I ask unanimous consent that Senator RANDOLPH, the distinguished Senator from West Virginia, be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I yield the floor at this time.

The PRESIDING OFFICER. Is there further debate?

Mr. HATFIELD. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, this is one of those very difficult issues—difficult in the sense that to oppose it casts one in the role of being hardhearted, insensitive, or indifferent, not caring. But I certainly reject that assessment for the following reasons.

First, we have contacted the Veterans' Administration. They have issued regulations to prohibit the recurrence of this kind of terrible experience that the Senator from Arkansas related to us. The House of Representatives Committee on Veterans' Affairs has been sensitive to this issue. They are going to begin hearings on it on November 16.

The VA's first view of the proposed amendment is that it is not possible to administer based on problems of obtaining funeral directors' charges and other details, the verification of costs, and so on.

The chairman of the subcommittee (Mr. GARN) does not support this amendment at this time. The Senate Committee on Veterans' Affairs does not support it at this time. They would like to have the matter referred to them.

The Veterans' Administration itself does not support this amendment at this time until they have had an opportunity to become more intimately involved.

Mr. President, I say to the Senator from Arkansas that the amendment in itself represents a very worthy objective. I think the question is more a matter of timing and in the context that various committees of the Congress and the agencies involved—the agencies of the Veterans' Administration—are trying to correct this matter without this particular route being pursued.

I would be happy to be a cosponsor of an amendment of this kind if, at that point, this problem were not otherwise solved. With the kind of opposition that I know we would face in the Congress, particularly with an authorizing committee that has set itself into some role of action, I know it would be very difficult for this amendment to survive in conference even if we accept it.

Mr. President, I would like to ask the Senator from Arkansas if, on the basis of assurances that we will pursue this at a later time through the appropriations process, if it has not been resolved through the authorizing process, he would be willing to pull his amendment down.

Mr. PRYOR. Mr. President, let me respond to my very distinguished friend, the chairman of the Committee on Appropriations, the Senator from Oregon (Mr. HATFIELD). First, I would like to comment on something he said about himself. That is that some may look at the Senator from Oregon as being hardhearted or something of that nature. I think if people accuse the Senator from Oregon of being hardhearted, they know not whereof they speak. I have the greatest respect for the Senator from Oregon. I only wish that I could go along with his wishes and withdraw this amendment but, for one or two reasons, I think it should not be withdrawn.

First, as to the Committee on Veterans' Affairs in the Senate, I am not a member. One our our chief sponsors (Mr. RANDOLPH) is a member. It is my understanding that this committee has no more scheduled meetings for the remainder of this calendar year.

Second, the distinguished Senator from Oregon mentioned that the Veterans' Adminstration did not support this amendment. I only say that I have the greatest respect for the Veterans' Administration, but it was the Veterans' Administration itself that has allowed, in the past, certain veterans whose families could not pay their burial expenses to be buried in a cardboard casket.

Mr. President, I say to the very distinguished Senator from Oregon that I think we should push forward with the amendment.

I think it is very proper that this extra $1 million we are adding to the supplemental appropriation bill should flow to the States, to the respective veterans service directors in the States. I know that those of us who have been Governors realize that these organizations and these offices work closely with our veterans and are certainly very sensitive to the concerns of veterans on the local level. Therefore, I think that such moneys appropriated could be very, very efficiently and wisely expended in those circumstances which are necessary and justified.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I join with my distinguished colleague from Arkansas in urging that we move forward at this time on this amendment. Indeed, the distinguished chairman of the Appropriations Committee—and

he is too modest to say it—served in World War II as a naval officer; he was the captain of a ship, so I know his heart rests with this measure and as was his duty he brings up possibly some technical objection.

But bear in mind, Mr. Chairman, that the flags of the United States of America are at half mast at this very moment in honor of those who have fallen in the cause of freedom, and we cannot risk having one more veteran of the United States of America between now and whenever the wheels of democracy in the Congress may roll to meet the fate as was dealt a distinguished Virginia veteran.

In view of that, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HATFIELD. Mr. President, will the Senator withhold for a moment?

Mr. WARNER. The Senator will withhold that request.

Mr. HATFIELD. Mr. President, I fear that perhaps this is one of those situations where we have had a bit of miscommunication or conflict in information. I would like to state for the record that there was a direct inquiry made to the majority staff counsel of the Veterans' Affairs Committee and to the minority staff director of that committee as to the committee position. Both of those individuals responded in the negative as to our inquiry.

When we have amendments that we know are coming down the pike, we try to check with the authorizing committees, at least the majority staff and minority staff of each committee, to ascertain the committee position. Wherever it is possible, we would check with the chairman and ranking minority member, of course, but in this case I must state for the record that the information supplied to our committee from the chief counsel of the Veterans' Affairs Committee and the ranking minority staff director is that the committee did not support this amendment.

Rather than running head on into authorizing committees, as we frequently do in the appropriations process, I have tried to be particularly sensitive to the authorizing committees so as not to get at cross-purposes between the appropriations process and the authorizing process.

That happens to be the information that we have in hand. Now, if there has been some misunderstanding, I would like to suggest the absence of a quorum for a moment. Senator SIMPSON, the chairman of that committee, is on his way to the floor and wishes to be heard. I am willing to accept the amendment without the necessity of a rollcall if such position is wrong or if we can get a new position established by the authorizing committee. I was merely trying to protect the authorizing committee in part in my objections to the amendments at this point.

I do not want the Senator from Virginia or the Senator from Arkansas to think that we are merely taking an arbitrary position on a very emotional, a very sensitive question that we all appreciate.

Mr. WARNER. Will the Senator yield?

Mr. HATFIELD. Yes.

Mr. WARNER. Mr. President, we fully recognize, as I stated, that the distinguished chairman of the committee and, indeed, the ranking manager of the committee both have long and distinguished careers in matters relating to the Armed Forces of the United States. We did provide this amendment to the Appropriations Committee staff so that they were on notice. We do not suddenly rise here this afternoon.

I think we all find ourselves in a slightly awkward position. I defer to my colleague from Arkansas as to the amount of time that we have had between putting the Appropriations Committee on notice of our amendments and this afternoon.

Mr. PRYOR. I cannot actually specify how much notice the Appropriations Committee has had. If I have failed in my communication, I do apologize. But I would think that the distinguished Senator from Oregon might want to suggest a short quorum call to see if we might have a conversation about this matter.

Mr. WARNER. I am happy, Mr. President, to comply with the wishes of the distinguished managers of this bill.

Mr. HATFIELD. I thank my colleagues.

Mr. President, I suggest the absence of a quorum.

Mr. DECONCINI. Will the Senator withhold that for a moment?

I wonder if the distinguished chairman might consent to setting the pending amendment aside to take up the emergency conservation program amendment that I understand is acceptable to the committee.

Mr. HATFIELD. Mr. President, I would seek to accommodate the Senator from Arizona and ask unanimous consent to temporarily lay aside, with the acquiescence of the Senator from Arkansas, this amendment so that we might take up an amendment of the Senator from Arizona that the committee is going to accept.

Does the Senator have any objection?

The PRESIDING OFFICER (Mr. DANFORTH). Is there objection?

Mr. PRYOR. The Senator from Arkansas has no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I thank the distinguished chairman and also the Senator from Arkansas.

amendment no. 2442

(Purpose: To make a supplemental appropriation to carry out the emergency conservation program)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an amendment numbered 2442:

On page 24, between lines 11 and 12, insert the following:

EMERGENCY CONSERVATION PROGRAM

For an additional amount to carry out the emergency conservation program authorized by title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $7,000,000, to remain available until expended.

Mr. DECONCINI. Mr. President, my amendment would appropriate $7 million for the emergency conservation program which is authorized under title IV of the Agricultural Credit Act of 1978, Public Law 95-334. Under this program, administered by the Agricultural Stabilization and Conservation Service, the Government shares the cost of assisting and encouraging farmers to rehabilitate farmland damaged by natural disasters.

Cost-sharing under the program is limited to new conservation problems that are created by natural disasters and:

First, if not treated will impair or endanger the land;

Second, materially affect the productive capacity of the land;

Third, represent damage that is unusual in character and, except for wind erosion, is not the type that would recur frequently in the same area, and

Fourth, will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

Basically, the program is used for the removal of debris from farmland; the grading, shaping and releveling of farmland; the restoration of permanent fences, and the restoration of structures and other installations destroyed as a result of flooding, volcanos, tornadoes, hurricanes, and other natural disasters.

In fiscal year 1983, Congress did not appropriate additional funds for the emergency conservation program since there was a carryover of unallocated funds from 1982 in the amount of $18,590,150. Last year, 27 States received funds under this program totaling $16,867,010, and I ask unanimous consent that the fiscal year 1983 allocations by State be included at this point in the RECORD.

There being no objection, the allocations were ordered to be printed in the RECORD, as follows:

Fiscal year 1983 allocations under emergency conservation program

Alabama	$3,000
Arizona	50,000
Arkansas	1,900,000
California	4,700,000
Colorado	495,360
Georgia	39,500
Hawaii	149,000
Illinois	70,000
Iowa	127,500
Louisiana	200,000
Maine	50,000
Michigan	30,520
Minnesota	5,000
Mississippi	4,135,630
Missouri	267,000
Nebraska	200,000
Nevada	500,000
New Mexico	86,800
Oklahoma	100,000
Oregon	190,000
Pennsylvania	48,000
South Dakota	55,000
Tennessee	175,000
Texas	2,200,000
Utah	3,800,000
Washington	198,000
Wyoming	100,000
Total	16,876,010

Mr. DECONCINI. Mr. President, as of today, only $2,045,322 remain available in the program.

As you know, Mr. President, Arizona recently experienced its worst flood this century. Out of 15 counties, nine have been declared Federal disaster areas, and portions of an additional two counties have received the same designation. Estimates of losses resulting from the flood are in excess of $500 million. I have toured the flooded areas and can assure you that many of our farms have been totally devastated.

The Arizona Agricultural Stabilization and Conservation Service has submitted an estimated request of $14,915,674 under the emergency conservation program. I ask unanimous consent that those estimates, by county, be printed at this point in the RECORD.

There being no objection, the estimates were ordered to be printed in the RECORD, as follows:

ENERGY CONSERVATION PROGRAM

[Arizona's estimates of need for fiscal 1984]

County and practice	Number of estimated units needed	Estimated cost per unit	Estimated actual cost of damage	Estimated funds requested
Cochise:				
EC–1 Debris removal	3,000 ac	$100 ac	$300,000	$180,000
EC–2 Grading, releveling	5,000 ac	250 ac	1,250,000	750,000
EC–3 Fence	12,800 rd	7.80 rd	99,840	59,904
EC–4 Ditch	105,600 ft	7.00 ft	739,200	443,520
			2,389,040	1,433,424
Gila			53,000	35,000
Graham:				
EC–1 Debris removal	8,000 ac	200 ac	1,600,000	1,024,000
EC–2 Grading, releveling	9,000 ac	300 ac	2,700,000	1,728,000
EC–3 Fence	100 mi	2,000 mi	200,000	128,000
EC–4 Ditch	211,200 ft	7.00 ft	1,478,400	946,176
Livestock watering facilities	3,000	5,000 ea	1,500,000	960,000
			7,478,400	4,786,176
Greenlee:				
EC–2 Grading, releveling	400 ac	300 ac	120,000	76,800
EC–4 Ditch	16 sys	10,000 ea	160,000	102,400
EC–4 Ditch	5 sys	1,000 ea	5,000	3,200
			285,000	182,400
Pima:				
EC–1 Debris removal	5,400 ac	150 ac	810,000	486,300
EC–2 Grading, releveling	6,486 ac	500 ac	3,243,000	1,945,800
EC–3 Fence	324 mi	2,500 mi	810,000	486,000
EC–4 Ditch	682,763 ft	4.75 ft	3,243,124	1,945,574
			8,106,124	4,863,674
Pinal:				
EC–1 Debris removal	75 mi	1.00 ft	396,000	198,000
EC–2 Grading, releveling	70,000 ac	100 ac	7,000,000	1,000,000
EC–3 Fence	20 mi	11 rd	70,400	35,000
EC–4 Ditch	75 mi	19,536 mi	1,465,200	732,000
			8,931,600	1,965,000
Santa Cruz:				
EC–1 Debris removal	5,400 ac	150 ac	810,000	486,000
EC–2 Grading, releveling	2,058 ac	500 ac	1,029,100	617,460
EC–3 Fence	100 mi	2,500 mi	250,000	150,000
EC–4 Ditch	216,989 ft	4.75 ft	1,030,700	618,420
			2,500,000	1,500,000
Yavapai:				
EC–2 Grading, releveling	1,500 ac	20–35 hr	150,000	75,000
EC–4 Ditch	50 mi	1,500 mi	100,000	75,000
			250,000	150,000
Total estimated damage			29,143,164	
Total estimated funds requested				14,915,674

Mr. DECONCINI. Clearly, the $2 million in unallocated funds remaining in the emergency conservation program will not begin to meet the needs of Arizona farmers, let alone the farmers devastated by floods in Texas and Oklahoma.

The $7 million I am requesting in this amendment is, I believe, modest and reasonable. Although it will not meet the total needs of farmers nationally, it will give us some breathing room until the Department can prepare a supplement request, which, it is my understanding, they are in the process of doing.

I would like to underscore the fact that this is not a giveaway program. It is a cost-sharing program. Current regulations require that the agricultural producer assume the first 20 percent or the cost of a practice to restore his

loss. On the remaining cost of completing the practice, the Government share is 80 percent of the first $50,000, 50 percent of the second $50,000, and 25 percent of the cost above $100,000. The overall maximum level of cost shared by the Government is 64 percent of the total eligible cost. In addition, the maximum payment available under the program is limited to $200,000 per person, per disaster. Our farmers are willing to share in the cost of rehabilitating their property, but they need some Federal help, and they need it now.

Although Arizona recently received $2 million under the emergency conservation program, additional relief is necessary. No Senator enjoys coming to this floor to plead for additional Federal assistance for his or her State, but I can assure you that the Arizona flood was not ordinary in its scope. The physical damage, coupled with the human and emotional suffering resulting from the flood, are a once-in-a-lifetime occurrence. The flood was, quite simply, a catastrophe of monumental proportions. I hope, therefore, that my colleagues will support this amendment, not only to help Arizona, Texas, and Oklahoma farmers, but to reassure their own farmers that assistance will be available should they be struck by a natural disaster.

Mr. DECONCINI. I thank the Senator from Mississippi (Mr. COCHRAN) and his staff for their assistance, and of course the Senator from Missouri (Mr. EAGLETON) and his staff, and the Senator from Oregon who so painstakingly listened many, many times when I offered such an amendment.

Mr. COCHRAN. Mr. President, I commend the Senator from Arizona for bringing this matter to the attention of the State. I certainly sympathize with his situation in Arizona, as well as similar circumstances in Texas, Oklahoma, and perhaps other areas in the country where extensive floods have caused major damage to cropland and have necessitated emergency conservation measures. Earlier this year a similar situation occurred in my State of Mississippi, and emergency conservation measures were implemented with funds from the emergency conservation program of the Agricultural Stabilization and Conservation Service.

In the emergency conservation program, an allocation to a State occurs after the State makes preliminary estimates of the extent of damage caused by the disaster and after DASCO approval, but before SCS technical determinations have been made. These allocations are made for specific disasters and cannot be used for other disasters. After the allocation is made, producers have between 30 and 50 days to make applications for cost-sharing. In the vast majority of cases a Soil Conservation Service technician and an ASCS employee must make a technical determination regarding the acceptability of the proposed work and the actual extent of damage. After a positive determination is made, a signed agreement between the producer and ASCS can go into effect.

Mr. President, I agree with the Senator that this supplemental funding is necessary at this time. As of Monday, October 24, ASCS had approximately $2 million available for this program, which would not be adequate for current estimated finding requirements.

Mr. PRESIDENT. Once again, I commend the Senator from Arizona for offering this amendment, and I ask that the Senate accept the amendment.

Mr. HATFIELD. Mr. President, the Senator from Arizona has presented this amendment for consideration. It has been cleared by, as he indicated, the chairman of the Subcommittee on Appropriations (Mr. COCHRAN), and the staff from both sides of the aisle. The committee is willing to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. STENNIS. Mr. President, if the Senator will yield, there is no objection to the amendment being accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2442) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the Pryor amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 2441

Mr. SIMPSON. I have been listening to portions of the debate. I regret that I was not present earlier to debate this issue. I heard the statement of my friend from Oregon that it is easy to see another situation where one can be portrayed as, I believe, mean-spirited or less than compassionate. The Senator from Arkansas indicated that there is no one in this body who would less fit that description than MARK HATFIELD of Oregon. I believe that.

So here we are again in one of those remarkable things that I get into as chairman of the Veterans' Affairs Committee. I can only tell you that I do not enjoy the role of looking to be less than compassionate or a person who would look like someone out of a Charles Dickens' novel with Uriah Heep overtones.

That is not me. But I can tell you this: As we have our jurisdictional areas, this has never been requested for a hearing by the Veterans' Affairs Committee. I am perfectly willing to hold a hearing on this issue, without question.

I think what we effectively find here is an attempt to appropriate outside of the normal process. That is exactly what we are finding here—extraordinary adventure.

I am not a turf protector. I have plenty to do around here without protecting turf.

The ranking minority member, Senator CRANSTON, and I do not agree with this amendment. I wish Senator CRANSTON were here, and he would express very clearly why he, too, feels that he does not agree with this amendment.

It is a very interesting and emotional and rather compassionate effort, but it does not fit the normal processes in this place. Senator CRANSTON and I, regretfully, would hope that you would not adopt the amendment.

It was stated that the majority and minority of the committee were consulted, and that is not so. Let the record show that that is not so. Let the record show, correctly, that there are no more hearings of the committee scheduled for this session. But let the record also show that we will deal with this matter, because this could be handled administratively by the VA. Indeed, it can.

Two years ago, we had the budget cuts. We know what we went through there with burial benefits. The amendment would propose to add $1 million to preclude the burial of indigent veterans in what are referred as "cardboard boxes." I do not know how that got into the debate, but we are dealing with those issues, as I do in many other areas. It is there. There is not one of us here who does not believe that we should provide the most respectful burials for our Nation's eligible veterans.

If my understanding is correct, the amendment offered by my seatmate, the Senator from Virginia, and by my good friend the Senator from Arkansas attempts to respond to an incident recently brought to the attention of the press, in which an indigent veteran was buried in a "cardboard box."

That unfortunate reference has to do with the material of caskets sometimes being made of something less than some quality of wood. According to Paul Bannai, the Director of Memorial Affairs of the Veterans' Administration, the issue in this case is not one that has to do with lack of money but a lack of minimum standards and proper monitoring. The VA has already issued new standards to preclude burials in this unfortunate fashion. If, indeed, cardboard boxes were used, that is something that rankles me, disturbs me, distresses me. But

new standards have been set up and guidelines have been set up for the monitoring of those standards.

As I say, every one of us here wants to insure that the Nation's veterans will not have to suffer any indignity of interment in cardboard boxes.

However, in this case, merely adding money to an appropriations bill to solve this problem is not the way to go. It is outside the normal processes.

The House has a hearing scheduled on this issue for November 16, and we will be monitoring that. I assure you that we will then see if legislation is required to address this issue.

Again, we seem to choose to legislate in this way, and I hope we would not. I hope we would allow the House to work its will on November 16 with the scheduled hearing. I assure you that we will deal with this matter in the Senate in a responsible method, rather than in this bill, which is so capably managed by the Senator from Oregon.

Mr. WARNER. Mr. President, could the distinguished chairman of the Veterans' Committee be more precise with respect to the fact that the House is to hear it on the 16th of November? What, more precisely, would be the appropriate action thereafter of the Senator's committee?

Mr. SIMPSON. The action of my committee, I say to my colleague, would be to hold a hearing and at the hearing to hear the testimony of the Veterans' Administration, that the case which the Senator from Arkansas and the Senator from Virginia have brought up was created by a lack of proper guidelines for the monitoring of standards, and that has already been adjusted administratively. That will be one of the things that will come out of the hearing, I trust. At that time, there will be testimony from anyone who wishes to say that this is some kind of consistent pattern, which I believe it is not.

Mr. WARNER. The precise question I put to my distinguished colleague is this: Would his hearing be in a time frame, say, immediately following that of the House?

Mr. SIMPSON. Mr. President, our schedule for the recess of this Friday, I believe, is the 18th of November. If that is the case, I think it would be very difficult for the Senate Veterans' Affairs Committee to hold a hearing within 2 days after the House hearing, which is scheduled for November 16.

However, I can assure both my colleagues that the issue will be addressed by this committee in the appropriate forum of a committee hearing. I will assure them of such a hearing, and they will be the first witnesses to appear at that hearing. We will do that soon after we return here on January 23.

Mr. WARNER. Mr. President, I wish to speak further, but at this time I yield to my distinguished colleague from Arkansas.

Mr. PRYOR. Mr. President, I should like to respond with respect to my friend from Wyoming, Senator SIMPSON, the chairman of the Veternas' Affairs Committee.

I first want the distinguished Senator from Wyoming to know that in no way was there an attempt to make a so-called end run—those are my words, my description—around any committee or any jurisidictional entity in the Senate, in bringing this matter to the attention of our colleagues at this time.

However, I think all of us realize that we have to respond to a problem. We are nearly out of time. We will not be permitted, it appears, to have any kind of meaningful hearing before some time next year, 1984, on this issue. I should like to inquire of the distinguished chairman of the Veterans' Committee a little more specifically about that.

He says it would be sometime after the first of the year. Could there be any more specificity in that date?

Mr. SIMPSON. Mr. President, will the distinguished Senator repeat the question?

Mr. PRYOR. Could there be more specificity in the date the distinguished chairman of the Veterans' Affairs Committee had reference to, as to the time for a hearing?

Mr. SIMPSON. Knowing my colleagues from Arkansas and Virginia as I do, since we all came to this place at the same time, persistence is not exactly the weak suit of either Senator. In view of that, and in an attempt to resolve this, I assure them that we will have some type of hearing on this matter before we leave for the Thanksgiving recess. I do not anticipate that it would be a lengthy hearing. But I certainly assure that both sides will be heard.

We have a unique, disturbing type of issue on one case that has appeared before the Veterans' Administration. At that time, I will present everything I can, except those things that would impinge upon family confidentiality. I think the Senators will find, as we often do in this place, that there is another side.

That is what I am requesting, and we will have that hearing after the House hearing and before the recess.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. SIMPSON. I yield.

Mr. STENNIS. Mr. President, I highly commend the statement and position of the chairman of the proper committee, the authorizing committee. On top of that, we know he will do exactly what he says he will do. That is the pattern he follows here. It is a timely matter.

I appreciate the Senator from Arkansas and the Senator from Virginia. I know how genuine it is.

I know around here, when you get an authorization committed to really going into a matter and get some law on the books about it when it is justified, that is the way to really begin a solution of a problem rather than have to come up every year for an appropriation. Whether you get it or not, it is not established until it gets authorized.

The man who represents me in the House of Representatives is named Montgomery, and he is on the committee over in the House of Representatives and is chairman of it now. I feel he will feel this way about it, and I am sure he will act, also.

I thank the Senator.

Mr. SIMPSON. Mr. President, let me assure the Senator from Mississippi, the senior respected Member of this body, that it is one of my great pleasures in working with his Congressman, Mr. MONTGOMERY, as Chairman of the House Veterans' Affairs Committee, and there is no one I enjoy or regard more, and we work well together. We do not let partisanship intrude on our efforts.

I appreciate what the Senator from Mississippi is saying, and I will state quite clearly again that if the Senator would see fit to withdraw this amendment at this time, I will promise that on or before we recess, hopefully between the date of the House meeting, which I am told is November 16, even if that should not take place, we will still have a hearing on that issue before we are to recess for the Thanksgiving period.

Mr. PRYOR. Mr. President, I appreciate the statement of the Senator from Wyoming and also his commitment.

I wish all of our colleagues to know that Senator WARNER and I came to the Chamber with every intention of trying to do whatever it took with the yeas and nays, a germaneness fight, or whatever, to bring this matter up and to have a showdown on it today because we feel it is so important.

But I do accept unreservedly the assurance of the Senator from Wyoming. He is a man of great honesty, integrity, and knowledge in the whole area of veterans' affairs.

I do not want to extract one more drop of blood, so to speak, but I do wonder if my very good friend from Wyoming and perhaps if our chief cosponsor, Senator WARNER, of Virginia, might assure this Senator and this body that no burial will take place, in the meantime, such as the one we read about in the October 17 issue of the Washington Post involving a cardboard coffin.

Do the Senators feel that there are regulations or a monitoring device or

an administrative procedure now in effect at least to carry us over until the time we have some final action on the legislation of this nature?

Mr. SIMPSON. Mr. President, I am advised by the Veterans' Administration just within the past hour that all of the regulations and administrative procedures are in place to assure that this type of thing does not happen again, and the general counsel of VA has assured us that that is in process and implemented within the VA.

Mr. PRYOR. I deeply appreciate the remarks and the commitment from the distinguished Senator from Wyoming and, with the consent of my distinguished colleague from Virginia, Senator WARNER, we will at this time pull this amendment down and, I hope, have a very good hearing on the merits of this issue at the proper time before Thanksgiving.

Mr. WARNER. Mr. President, I respectfully agree with my distinguished colleague from Arkansas and indeed I think the purpose for which we came to the Chamber today has been properly redressed by the distinguished chairman of the committee and although the ranking minority member, Mr. CRANSTON, of California, who is not present, I am sure the Senator from Wyoming will speak for him on this matter because the two of them provide a great deal of leadership in this area, and with the assurances that this incident will not happen again until such time as Congress has the opportunity to address and remedy this situation, I am quite agreeable not to press for the yeas and nays.

Mr. SIMPSON. Mr. President, I deeply appreciate that action on behalf of Senator PRYOR and Senator WARNER.

I assure them that in this instance I do speak for the Senator from California, my colleague, Senator AL CRANSTON. I appreciate the magnanimous action on the part of Senator WARNER, and please know that I remain a very accessible figure and should they wish to discuss those types of amendments at any future time, do not hesitate to contact me. And in the event they do not, I say to my colleague and seat mate, I shall never furnish him any further cigars.

Mr. WARNER. Mr. President, I think we have a technical requirement. If it is agreeable to the Senator from Arkansas, Mr. President, on behalf of the distinguished Senator from Arkansas and myself we at this time ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HATFIELD. Mr. President, we are down now to about the time of ending for the day's session according to the leadership.

First of all, I thank the Senator from Arkansas, the Senator from Virginia, and the Senator from Wyoming for working out this matter in an amicable satisfactory manner.

Mr. President, I wish to propound a unanimous-consent request on a time agreement on the DeConcini-Biden amendment which has been cleared by both sides of the aisle.

Mr. President, I ask unanimous consent that a half-hour time limit be equally divided.

Mr. President, I withdraw my request at this moment and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I propound a unanimous-consent request. I ask unanimous consent that on the Biden-DeConcini amendment that will be called up next that there be a time agreement of 20 minutes equally divided between the proponents of the amendment and the Senator from South Carolina (Mr. THURMOND) to manage the time on the opposition side, with only a tabling motion that would be in order, and no amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2443

(Purpose: To establish an Office on National and International Drug Operations and Policy and a Commission on Drug Interdiction and Enforcement)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware (Mr. BIDEN), for himself, Mr. DECONCINI, Mr. CHILES, Mr. PELL, and Mr. MOYNIHAN, proposes an amendment numbered 2443.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new account:

Office of the Director of National and International Drug Operations and Policy and the Commission on Drug Interdiction and Enforcement

For salaries and expenses, not otherwise provided for, of the Office of the Director of National and International Drug Operations and Policy and the Commission on Drug Interdiction and Enforcement, $1,000,000: Provided that

(a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be a $79,000,000,000 a year industry in the United States.

(4) The annual consumption of heroin in the United States is in the range of four metric tons, and annual domestic consumption of cocaine is estimated to be forty to forty-eight metric tons.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 per centum of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 per centum of heroin users rely upon criminal acitivity as a means of income.

(8) Much of the drug trafficking is handled by syndicates which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires a director of National and International Drug Operations and Policy with the responsibility for the coordination and direction of all Federal efforts by the numerous agencies.

(11) Such a director must have broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this problem so that a unified and efficient effort can be made to eliminate the illegal drug problem.

(b) It is the purpose of the Office to insure—

(1) the development of a national policy with respect to illegal drugs;

(2) the direction and coordination of all Federal agencies involved in the effort to implement such a policy; and

(3) that a single, competent, and responsible high-level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to the illegal drug problem.

(c)(1) There is established a Commission on Drug Interdiction and Enforcement (hereinafter referred to as the "Commission") which shall be composed of:

(A) Four members appointed by the President, one of whom shall be designated by the President as chairman;

(b) The Attorney General, the Secretary of the Treasury, the Secretary of Transportation, and the Secretary of State;

(c) Four members appointed by the Speaker of the House of Representatives

from the membership of the House Committee on the Judiciary; and

(d) Four members appointed by the President pro tempore of the Senate from the membership of the Senate Committee on the Judiciary.

(2) Of amounts appropriated under this account $1,000,000 shall be available for the Commission established under this subsection.

(3) A majority of the Commission shall constitute a quorum for the transaction of its business, but the Commission may provide for the taking of testimony and the reception of evidence at meetings at which there are present not less than four members of the Commission.

(4) Each member of the Commission who is not otherwise in the service of the Government of the United States be compensated at a rate not to exceed the daily equivalent of the rate than payable for grade GS-18 in the General Schedule under section 5332 of title 5, United States Code, for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code. Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(5) It shall be the duty of the Commission to study and evaluate, in accordance with, but not limited to, paragraph (6), existing laws, policies, and procedures governing drug interdiction, including existing authorities for domestic drug interdiction agencies, international drug eradication, crop substitution, and other cooperative programs in source and transshipment countries, and domestic and foreign intelligence-gathering programs for drug interdiction, and to make such administrative, legislative, and procedural recommendations to the President, the Director of the Office of National and International Drug Operations and Policy and to the Congress as are appropriate.

(6) In particular, the Commission shall—

(a) conduct a study and analysis of the effect of provisions in current law which affect possession or transfer of controlled substances and other laws whose purposes are to deter drug trafficking into the United States;

(b) conduct a study and analysis of current administrative and statutory obstacles to enhancing the gathering and tactical use of both domestic and foreign intelligence for use by Federal, state, and local drug interdiction agencies, including the appropriate role for the El Paso Intelligence Center (EPIC);

(c) conduct study and analysis of the *Posse Comitatus* doctrine, including modifications which would improve the use of military resources for drug interdiction and intelligence purposes;

(d) conduct a study and analysis of coordination between Federal, state, and local agencies involved in drug interdiction and intelligence gathering and how such coordination can be improved;

(e) conduct a study and analysis of the relationship between the different segments of enforcement of U.S. drug laws, particularly intelligence gathering, interdiction, prosecution, and results of prosecution, and recommend appropriate legislation and administration actions;

(f) conduct a study and analysis of the allocation of Federal resources in the area of drug interdiction, and make appropriate recommendations regarding a comprehensive, coordinated overview of Federal drug interdiction and enforcement agencies' resource requirements rather than a piecemeal approach to drug interdiction and enforcement budgeting;

(g) recommend a coordinated approach to gathering and verifying drug interdiction seizure, arrest and prosecution statistics;

(h) make a semiannual report to the House and Senate Committees on the Judiciary during the period before publication if its final report (described in subparagraph (I)); and

(i) make a final report of its findings and recommendations to the President, to the Director of National and International Drug Operations and policy and each House of Congress, which report shall be published no later than January 20, 1985.

(j) develop a coordinated interagency federal strategy on narcotics control to be implemented by the Director of National and International Drug Operations and Policy beginning January 20, 1985.

(7)(a) The Commission is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions without regard to the civil service laws, rules, and regulations. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(b) Staff members of the Committee on the Judiciary of the Senate or of the Committee on the Judiciary of the House of Representatives may be detailed to serve on the staff of the Commission by the chairman of the respective committee. Staff members so detailed shall serve on the staff of the Commission without additional compensation except that they may receive such reimbursement of expenses incurred by them as the Commission may authorize.

(8) The Commission may call upon the head of any Federal department or agency to furnish information and assistance which the Commission deems necessary for the performance of its functions, and the heads of such departments and agencies shall furnish such assistance and information, unless prohibited under law, without reimbursement.

(9) The Commission is authorized to make grants and enter into contracts for the conduct of research and studies which will assist it in performing its duties under this subsection.

(10) The Commission is authorized to conduct hearings and prepare written transcripts of the same.

(11) The Commission shall cease to exist upon the filing of its final report, except that the Commission may continue to function for up to 60 days thereafter for the purpose of winding up its affairs.

(12) The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate then payable for grade GS-18 in the General Schedule under section 5332 of such title.

(13) There is authorized to be appropriated the sum of $1,000,000 for necessary salaries and expenses of the Commission.

(d)(1) There is established in the executive branch of the Government an office to be known as the "Office of the Director of National and International Drug Operations and Policy" (hereinafter in this heading referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National and International Drug Operations and Policy (hereinafter in this section referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this.

(2) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than four years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. The Director shall be entitled to the compensation provided for in section 5313, title 5, United States Code. The Deputy Director shall be entitled to the compensation provided for in section 5314, title 5, United States Code.

(3) The Director shall serve as the principal director and coordinator of United States operations and policy on illegal drugs.

(4) The Director shall have the responsibility, and is authorized to—

(a) implement the strategy recommended pursuant paragraph c(6);

(b) thereafter, revise any such strategy and develop, review, implement and enforce all United States government policy with respect to illegal drugs and narcotics;

(c) direct and coordinate all United States Government efforts to halt the flow into, and sale and use of illegal drugs within the United States;

(d) develop in concert with governmental entities budgetary priorities and budgetary allocations of entities of the United States Government with respect to illegal drugs; and

(e) coordinate the collection and dissemination of information necessary to implement United States policy with respect to illegal drugs.

(5) In carrying out his responsibilities under paragraph (4), the Director is authorized to—

(a) direct, with the concurrence of the head of the agency employing such personnel, the temporary reassignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drugs;

(b) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(c) accept and use donations of property from all government agencies; and

(d) use the mails in the same manner as any other department or agency of the executive branch.

(6) Notwithstanding any other provision of law, rule, or regulation to the contrary, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consist-

ent with the general authority of each agency or department.

(7) The Administrator of the General Services Administration shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

(8) The Director shall submit to the Congress, by January 1, 1986, and annually thereafter, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

(9) For the purpose of carrying out the function of the Office there are authorized to be appropriated $500,000 for fiscal year 1985, and such sums as may be necessary for each of the four succeeding fiscal years, to be available until expended.

(10) This subsection shall be effective January 20, 1985.

Mr. BIDEN. The reason the Senator from Arizona and I and others such as Senator PELL, Senator CHILES, and Senator MOYNIHAN who are cosponsors, and Senator NUNN are proposing this amendment is that this is a matter which has been debated in the past on the floor of the Senate and has passed overwhelmingly.

The distinction is we have made the amendment we believe even more palatable by tying together the original amendment with an amendment by the distinguished Senator from Arizona which calls for the setting up of a commission to study how best to attack the drug problem plaguing this country.

I will ask the Senator from Arizona to speak to that in the time we have. But suffice it to say that one of the criticisms of the bill the last time in the discussion with the administration and others was the fact that we were moving precipitantly in restoring the chain of drug matters in this administration.

The beauty of this amendment is in the wisdom of the Senator from Arizona which will be in place for 1 year and it would not be until the end of that Commission at which time a report would go to the so-called drug coordinator who would then be responsible for implementing the strategy and plan prepared by the Commission.

Mr. President, the drug coordinator amendment is familiar to all my colleagues as it is was something that was passed by this body last year by a vote of 63 to 33. This measure was passed overwhelmingly by the House and forwarded to the President where it was pocket vetoed last January, along with other crime fighting initiatives.

The purpose of this amendment is two fold: First, it will establish a cabinet-level office to be called the Office of National and International Drug Operations and Policy. The Director and Deputy Director would be appointed by the President by and with the advice and consent of the Senate. The Director would have authority to: Develop, review, implement, and enforce U.S. Government policy with respect to illegal drugs; direct and coordinate all U.S. Government efforts to halt the flow into, and sale and use of illegal drugs within, the United States; develop in concert with other Federal entities concerned with drug control the budgetary priorities and allocations of those entities with respect to illegal drugs; and coordinate the collection and dissemination of information necessaary to implement U.S. policy with respect to illegal drugs.

Second, this amendment calls for the establishment of a National Commission which for the first time, will develop a comprehensive, coordinated strategy and plan to be implemented by the Office of the Drug Coordinator.

Mr. President, the 97th Congress concluded that Federal coordination and leadership of drug control is such a complex and diverse job that it requires the attention and responsibility of one person. Cabinet-level status for this individual is necessary so that it is clear that this individual reports directly to the President and has sufficient clout to impose a truce on interagency fueding, to insure maximum participation of all agencies and to allocate budgetary resources in a efficient and effective manner.

These comments were echoed by Senators DECONCINI, HATCH, and SPECTER during markup of this amendment in the Judiciary Committee.

Senator DECONCINI stated, "Anyone that looks at this problem will see that coordination is anything but good."

Senator HATCH said he hoped that the administration would not veto this bill because "It is a good idea and it is time we got on with the war on narcotics."

Senator SPECTER discussed with the committee members his efforts to persuade the President to support this bill last Congress and indicated that "the cause is not lost and I think we ought to persevere."

The Judiciary Committee acted on this legislation by voting it out of committee by a vote of 12 to 5.

Additional support for this amendment comes from the Senate drug enforcement caucus so ably cochaired by Senators HAWKINS and DECONCINI which includes 46 Senators; 34 Republicans and 12 Democrats. In a letter to the President dated December 29, 1982, encouraging him to sign into law an eight part crime bill, the caucus endorsed the provision that would "Establish a Drug Enforcement Coordinator."

Additional support for this concept comes from the General Accounting Office in their report dated June 13, 1983, entitled, "Federal Drug Interdiction Efforts Need Strong Central Oversight."

In this report GAO criticized the fragmentation of the Federal drug interdiction effort which is split among three separate agencies in three executive departments, each having different program goals and priorities.

GAO recommended to the President:

That he direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities.

That he make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs.

Mr. President, the Reagan administration has taken many promising initiatives in the area of drug law enforcement. The President is to be commended for committing the additional resources that resulted in the creation of the South Florida Task Force. The Reagan administration has also committed itself to funding two nationwide task force programs instituted within the past year, the organized crime drug enforcement program (OCDE) and the national narcotics border interdiction system (NNBIS).

Despite these actions, I believe the administration's antidrug effort falls short in one crucial respect: the lack of central direction.

At least 15 Federal agencies play a role in the regulation of commerce in dangerous drugs or in the enforcement of other restrictions designed to reduce the abuse of such drugs. These agencies are located in six different departments. Under such circumstances, it is inevitable that divergencies as to priorities will arise and that there will be conflicting interpretations of national policy.

Included in this amendment is an excellently drafted provision of Senator DECONCINI. Senator DECONCINI proposes the establishment of a commission to review and recommend changes in our drug enforcement and interdiction policy and to develop a comprehensive plan and strategy to be implemented under the direction of the drug coordinator. Senator DECONCINI has in the past so accurately stated that we need a comprehensive strategy for attacking the drug problem. We also need a single person of cabinet rank to carry out that strategy. We believe this amendment will resolve the problem of an ineffective strategy and lack of central direction.

FLEXIBLE TO APPOINT ATTORNEY GENERAL

Mr. President, the amendment I propose is written to provide flexibility in its implementation. It does not specify, for example, that the proposed office must be a part of the Executive Office of the President.

Under the provisions of the amendment, the President would be free to appoint an incumbent such as the Attorney General as Director of the central drug agency if, in his judgment,

that were the soundest course. The sole purpose of the proposed legislation is to provide sufficient authority to a single official, one who clearly has the President's attention, for the unified direction of Federal efforts to curb the traffic in illegal drugs.

COMPARISON WITH DIRECTOR OF CENTRAL INTELLIGENCE

What we are seeking in the amendment is to strengthen central direction of the antidrug effort. The Director created by this amendment is to the drug law enforcement community what the Director of Central Intelligence (DCI) is to the intelligence community. It is envisioned that both establish general policies and priorities, approve budget submissions, and prepare a governmentwide program by which the Chief Executive may discharge responsibilities the Constitution explicitly vests in him.

There are four major aspects of the drug problem: Foreign eradication or crop substitution in the source countries, interdiction of drugs before they reach the U.S. borders and streets of our cities, enforcement and investigation of those individuals involved in drug trafficking in this country, and collection of intelligence useful in interrupting the flow of drugs at each of these stages. The Director will oversee the development and implementation of a plan that addresses all of these aspects. He will have the authority, with consultation from the agencies and departments involved, to prioritize the Federal effort devoted to all aspects of the drug effort.

In seeing that the agencies and departments are coordinating and committing their resources in unison with the overall Federal antidrug program the Director will exercise authority similar to that which the Director of Central Intelligence has in coordinating Federal intelligence responsibilities. This does not mean the Director will involve himself with day-to-day command decisions or interfere with individual agency tasks.

Mr. President, we in the Congress have decided that the problem of drug abuse has reached such a dismal state that we must take immediate action. Only last week, we voted 96 to 0 in favor of an amendment to the State Department authorization bill offered by Senator HAWKINS that would cut off aid to nations not making legitimate progress in curtailing the cultivation and production of heroin, cocaine, and other illicit drugs that end up in the hands of young and middle aged Americans.

We voted unanimously last year to increase budgets for Federal agencies responsible for drug interdiction and enforcement. And, last year we voted in a bipartisan manner in favor of this very amendment. We have agreed that drug control is unique in both the danger it poses to the social fabric of the Nation and in the necessary complexity of how our Government should respond.

Until there is one individual who can say to Congress and the American people, this is the plan and this is how we will implement the plan. It will continue to be business as usual with our drug control program: Completion, duplication, and inefficiency.

I ask all my colleagues again, for their support in adopting this amendment.

I now yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. I thank my colleague from Delaware. Mr. President, I rise in strong support of the amendment offered by the Senator from Delaware and the Senator from Arizona. Last year, Senator BIDEN, Senator DECONCINI, and I offered a similar amendment to the Violent Crime and Drug Enforcement Improvements Act. Regrettably, the President vetoed this bill because of his opposition to the "Drug Czar" provision.

In the intervening year, our experience has been that the drug trafficking problem has grown substantially. As a result of the so-called Florida Task Force, we have seen trafficking activity shift to other regions of the country. In the Northeast, for instance, there has been a great increase in coastal drug smuggling over the past year. Figures made available to me this week by the Drug Enforcement Administration in Boston demonstrate how dramatic the change has been: in 1981, seizures of marihuana amounted to 28 tons, a figure which increased to 211 tons in 1982. Already this year, 170 tons of marihuana have been seized along the New England coastline.

I do not believe any Member of the Senate would dispute the need for a more aggressive national attack on the drug trafficking problem. Our underfunded Federal law enforcement agencies are fighting a war against a well-organized, well-financed, $80-billion-a-year industry. What we are seeking to do with this amendment is to provide the high level authority that has been lacking from a program that involves more than a dozen agencies spread throughout the entire Government.

This amendment would provide for a 1-year study of our current drug enforcement capabilities, to be followed, in January of 1985 by the establishment of a Cabinet level office to have the lead authority over the various agencies involved in this effort. We are not seeking to create any new programs or bureaucracy; indeed our amendment explicitly states that someone serving in the Cabinet, such as the Attorney General, could serve in this coordinating capacity.

In the past several years, drug trafficking has become a problem that is national in scope. We cannot rely upon the kind of short-term successes we have had with the Florida task force. What is needed is consistent attack on this problem at the highest levels of our Government, starting with a clearcut strategy for combating drug trafficking in every region of the country.

I urge my colleagues to join in supporting this amendment to provide the strong leadership we must have if we are to win the war against drug traffickers, and I yield the remainder of my time to the Senator from Delaware.

Mr. BIDEN. Mr. President, I yield to the Senator from Arizona.

Mr. DECONCINI. I thank the Senator from Delaware.

We have gone round and round on the subject of drug interdiction in this body for a number of years. We passed out what is known as the comprehensive drug coordinator, as the Senator from Delaware pointed out and as it was pointed out by others.

This, as the Senator from Delaware points out, is far more palatable I believe because it creates a commission which is very similar to the commission that was created for immigration and refugees. It is patterned after that.

I think we know the success of that commission which brought about the Comprehensive Immigration Reform Act that passed this body and is now stalled in the House of Representatives.

I think this combination gives us the best of both worlds, an opportunity to oversee through the commission and in the creation of the drug coordinator at the determination of that commission.

I want to thank the Senator from Delaware for his leadership.

Mr. President, in plain English, this amendment creates a new Drug Commission and establishes a so-called Drug Czar as the coordinator of our national drug effort. Let me briefly explain why I strongly believe that both are needed and why I believe they should be considered in tandem today.

COMMISSION ON DRUG INTERDICTION AND ENFORCEMENT

Mr. President, I am recommending the creation of a new Commission on Drug Interdiction and Enforcement. It is my hope that this Commission will attract the congressional, administration, and private sector experts in the field to develop for the first time a comprehensive, coordinated strategy for waging an all-out war on intercepting drugs as they come across our borders.

Mr. President, back in March of this year, the Vice President announced the creation of a national narcotics border interdiction system (NNBIS), a program designed to mobilize resources to attack the drug smuggling

problem around all of the U.S. borders. I have repeatedly applauded the Vice President's efforts to focus the power and resources of the Federal Government on this sinister drug problem and I will continue to support his program. However, despite the good intentions of the President, the Vice President, and our individual drug interdiction agencies, there is still the critical lack of a coordinated, comprehensive strategy for attacking the drug smuggling problem. The Government needs to prepare for a war on drugs in the same way it prepares for war against an enemy of the United States.

We need a national and international game plan for developing drug interdiction warfare, including bolstering our international intelligence-gathering systems; providing existing military aircraft, radar, and other equipment to our civilian law enforcement agencies for drug interdiction purposes; establishing tough, international drug eradication programs in source and transshipment countries; and developing a coordinated system for allocating Federal drug enforcement resources to the agencies and location where the drug smuggling threat is most acute.

We do not have such a war plan, but we desperately need one. The Vice President cannot do it alone. The individual law enforcement agencies cannot do it on their own. The military cannot do it alone. The Vice President and other key players in the Federal drug interdiction effort need a national strategy to put into effect. I am confident that the Commission on Drug Interdiction and Enforcement will give the administration and the Congress the blueprint for a successful "War on Drugs," a war that we can ultimately win.

Mr President, this Commission would be a truly bipartisan mix of experts from the administration, the Congress, and the private sector. It would consist of 16 members, including four Cabinet members, four from the House Judiciary Committee, four from the Senate Judiciary Committee, and four members appointed by the President, including the Commission Chairman. The Commission will evaluate U.S. policies governing drug interdiction, international drug eradication, foreign and domestic intelligence-gathering strategies, and other important elements that must be developed to build a truly national strategy to combat drug smuggling. A final report from the Commission would be submitted concurrently to the Congress and the administration by no later than January 20, 1985.

OFFICE OF THE DIRECTOR OF NATIONAL AND INTERNATIONAL DRUG OPERATIONS AND POLICY

Mr. President, the idea of creating a centralized office for directing our national drug effort is certainly not a new idea in this Chamber. The so-called drug czar was a key part of the crime bill that President Reagan vetoed last year, but more importantly, it is a concept that has been recognized as essential to our war against drugs in both Houses of Congress. Just as I believe a Commission on Drug Interdiction is needed to map out a comprehensive drug strategy, so, too, do I believe that a drug coordinator is needed to implement such a strategy in the Federal Government.

The Director of National and International Drug Operations and Policy would be a Presidential appointee, confirmed by the Senate, and would serve as the principal director and coordinator of U.S. operations and policy on illegal narcotics and drugs. Clearly, this amendment would not be establishing a large new bureaucracy to compete with existing Federal responsibilities in the drug area. To the contrary this small office would serve as a vehicle for cutting through the traditional "turf" battles among drug enforcement agencies and help to coordinate the Federal drug effort and mobilize all assets of the Federal Government against this devastating menace.

Mr. President, I will not burden my colleagues with the numerous reports and studies that show the seriousness of the drug problem in this country. Suffice it to say that the drug threat to this country is staggering and getting worse. The cost of drug abuse to the economy has been estimated at $25.8 billion a year; the drug trafficking industry is an $80 billion a year empire; and as much as 70 percent of all violent crime in the United States is directly related to drugs. To attack this violent problem in our country, we need tough new measures; we need someone in charge full time who can cut through the bureaucratic and turf snarls that have plagued our drug effort to date; and we need a commission to map out a national war plan for attacking the drug problem from all fronts. This amendment will get the ball rolling in this direction.

Mr. President, the Vice President has done a fine job in the drug interdiction area, but he needs help, full-time help that can devote every day of the week to coordinating our war on drugs and to implementing a national strategy. By creating a commission and a drug coordinator we will be helping the President, the Vice President, the Attorney General, and, most importantly, the country in launching full-scale, full-time warfare against drugs.

I urge the adoption of my amendment.

Mr. BIDEN. May we reserve the remainder of our time?

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield the floor.

The PRESIDING OFFICER. If neither side yields time, time will be charged equally against both sides.

Mr. BIDEN. Mr. President, I see the Senator from South Carolina is prepared to respond. Let me discuss some of the arguments the Senator from South Carolina may raise against this amendment.

Mr. President, one of the arguments against the amendment is that the authority of the Attorney General would be undermined.

I want to make it clear throughout the discussions with the administration, including our meeting with the President, that I had no objection to the Attorney General serving as the chief coordinator. I believe there is sufficient flexibility in the amendment to permit this.

The second argument the distinguished Senator from South Carolina may make is this bill would bring the White House into day-to-day law enforcement decisions.

I have made clear in the past it was never our intent that this office be located in the White House. Indeed, I am not certain where that idea came from in the first place. This bill would create an office in the executive branch of Government not in the Executive Office of the President. Besides unlike White House staff this individual would be appointed with the advice and consent of the Senate and therefore would be appearing before the Senate committee on a regular basis.

ARGUMENT AGAINST

The bill would take away the individual authority of other Cabinet members and Agency heads.

RESPONSE

Now I have always thought that it was clear that such direction would be subject to an appeal to the President and if clarifying language is necessary to make that clear I think that would be acceptable. As a practical matter that is how the DCI enforces tasking requirements upon the components of the intelligence community. For example, if the DCI orders the Secretary of the Treasury to place its highest priority on collecting intelligence on the international banking activities of the Amtorg Bank (an arm of the Soviet Government) and the Secretary of the Treasury feels it is more important to use the Department's resources to find out what Chase Manhattan has done in overextending itself to the Mexicans the Secretary can appeal to the President.

ARGUMENT AGAINST

The administration has not had a chance to explain their objections.

RESPONSE

The fact I am now listing arguments made by the administration indicates their position is widely known. Let me

list for the committee the times and places just in the last year in which the President or a member of the executive branch has commented on this proposal.

Department of Justice letter to the chairman dated September 30, 1982.

The President's memorandum of disapproval in vetoing the crime bill dated January 14, 1983.

Countless news articles about the veto of the crime bill during the week of January 15.

Testimony by the Attorney General and FBI Director Webster at an organized crime and drug trafficking hearing on January 27, 1983.

Testimony by Carlton Turner, Director of the Office of Drug Abuse Policy on February 17, 1983 before the House Judiciary Committee hearing entitled "coordination of drug enforcement efforts".

Senate Judiciary hearing on S. 829 the Comprehensive Crime Control Act of 1983 on May 4, 1983 when the Attorney General and Rudolph Guiliani, former associate attorney general testified.

ARGUMENT AGAINST

The bill would create an unnecessary and costly layer of bureaucracy.

RESPONSE

This is the argument that most troubles me. The whole purpose of this bill is to give one person authority to cut through existing bureaucratic barriers to coordination. Indeed this administration's answer, like those in the past, has been to create coordinating groups and councils. Indeed, we now have at least eight groups or councils or committees that purport to coordinate the activities of the nine Cabinet and 33 agencies involved in drug control and prevention. This is decision by consensus that leaves no one responsible and is not efficent. The public would like to know and Congress would like to know, who is in charge?

Let us be serious. We are not talking here about more government—the office in question need not be large. Indeed, its responsibilities could be performed by personnel borrowed from existing agencies. Also, we could do away with some of these layers of coordinating groups and councils that only further confuse the policy making process. we are talking about making the Government we have work right, and do the job it is supposed to do, not increasing its size.

Mr. President, I withhold the remainder of my time and I yield the floor.

Mr. THURMOND. Mr. President, I yield myself such time as I may require.

I rise in opposition to this amendment and I do it for several reasons. The first is that it is not the appropriate legislation for this amendment. I want to say this: That on the calendar now we have a bill by the able and distinguished Senator from Delaware, S. 1787, which was reported from the Judiciary Committee and which can be considered in due time.

We have reported a crime package, a very fine package, which is ready to be taken up at any moment that those on the other side withdraw their objections.

We passed out several separate bills. We passed one out on capital punishment, we passed one out on the exclusionary rule, we passed one out with respect to habeas corpus, we passed one out with respect to the Federal Tort Claims Act, and we passed one out on the drug czar.

The reason they were not included in this package is they are all controversial, and if any one had been attached to this crime package, there would have been a tussle and a fight over that, and I am very pleased the committee agreed unanimously, all of the members of the committee, on the crime package.

But on these matters they are highly controversial, and that is the reason we sent them out separately.

The distinguished Senator from Delaware can bring this bill up, and I am sure will bring it up, in due time. So this is not the appropriate place for this legislation.

Mr. President, last year this was added to the crime package and the President vetoed the crime package. I am confident that if we add this particular amendment to this appropriation bill the President will veto it. As I say, he has already vetoed a similar one last year.

He is against the crime czar. He has a setup which he thinks is working nicely. He does not want it interfered with. So why run the risk of killing the supplemental bill, which has so many valuable things in it, just to put in this one little thing? I think it is a mistake. Therefore, for those reasons, I oppose the amendment and hope it will be tabled.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield myself such time as I may need.

Mr. President, this is not the crime bill. The Senator from South Carolina is absolutely correct. We agreed to not put this in the crime bill. But the agreement we had was and remains that all those so-called controversial amendments, this being one of those, could be moved in any way which the authors of those amendments felt appropriate, other than the crime bill. That is what we are doing there today.

Mr. President, unless the Senator from Georgia or the Senator from Arizona would like some time, I am prepared to yield back the time and vote on the amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I will yield to the able Senator from Mississippi.

Mr. STENNIS. Mr. President, I am totally opposed to drug traffic of any kind or the illegal sales or anything else. We are bothered with it down in Mississippi. It seems as though Florida has been more successful in banning them and dealing with them. They changed and they come around our way now, come through south Mississippi. So I am totally opposed to it.

But the way to get at it is to get a bill that is really put together by the Judiciary Committee and by the Senator from Delaware. There is no more effective man in this party than he is, and experienced, too.

So let us put together a bill that will be effective and brought about in the right way, rather than the hurry-scurry thing here, putting it in an appropriations bill.

We will just have to be firmer, I say to the chairman of the committee. He is very effective in this, but we will just have to be more firm with reference to so many of these amendments. They have a lot of worth in them, but it is the wrong place.

We do not want to have to put a sign up down in the Appropriations room that says: "This was once the Appropriations Committee room, but now it is legislation on any subject anybody wants. Bring it in."

So I think we will not delay the effectiveness of the bill one bit to defeat this, not on the merits, as I am insisting, but on procedure and get even a better bill with the sponsorhips of the Senator from Delaware and those working with him, Senator DECONCINI from Arizona, and others.

I yield the floor.

Mr. BIDEN. Mr. President, just one closing comment. I do not concede the notion that the President will necessarily veto this bill. I have been in discussions with the administration. They have been much more inclined to discuss the creation of such a position as I have proposed.

So although that might happen, and it did happen in the past, I do not think we can say that with absolute certainty, it will happen again.

Mr. President, I am prepared to vote.

Mr. STENNIS. Mr. President, if the Senator would yield, it is correct, is it not, that his bill is S. 1787, which is on the calendar?

Mr. BIDEN. That is correct.

Mr. President, I am prepared to vote.

Mr. THURMOND. Mr. President, I yield to the distinguished chairman of the Appropriations Committee.

Mr. HATFIELD. Mr. President, I would only say as a matter of record

that I have discussed this matter with not only the distinguished chairman of the Judiciary Committee but also with Senator LAXALT, who has a keen interest in this bill. Senator LAXALT has authorized me to indicate that this amendment, which would provide an automatic triggering mechanism, as I understand it, to put into place a coordinator for drug control at the end of a specified period of time, would be subject to veto by the President and, on that basis, he is opposing the amendment.

As I say, I am merely authorized to make that communication to the body of the Senate at this time.

I yield back my time.

Mr. MOYNIHAN. Mr. President, I rise in support of this amendment to create an Office of the Director of National and International Drug Operations. Such an office will provide needed coordination amongst the several Federal agencies that battle drug abuse and drug-related crime in this country.

By virtually any measure, this Nation is barely holding its own against illicit drug use and commercial activity. In the last 13 years, Congress has enacted a number of measures designed to reduce both the supply of and the demand for drugs. These include the Foreign Assistance Act of 1971, which authorized suspension of foreign aid to countries not cooperating in attempts to reduce the flow of illegal drug traffic to the United States, while financing eradication programs in cooperative supplier-nations; the Reorganization Plan No. 2 of 1973, to coordinate the efforts of many of the agencies related to the prevention of illicit drug traffic; and at least 55 other major and minor anti-drug measures.

Yet the supply and use of many dangerous drugs is rising and will continue to do so. The National Narcotics Intelligence Consumers Committee reported that in 1981, the supply of heroin in the United States rose to 4.0 metric tons; for cocaine, that figure was 34–45 metric tons; for hashish, 200 metric tons; and for marihuana, upward of an almost unbelievable 13,900 metric tons. This committee noted a worsening of heroin and cocaine abuse in 1981, and predicted that the situation would continue to deteriorate at least through 1985. The costs of illicit drugs are virtually incalculable, because of the enormous amounts of crime, health problems, and decreased productivity that accompany their use. Nevertheless, the General Accounting Office estimates that we are faced with an $80 billion-a-year industry. My concern with the dangers of illicit drug activity is long standing. While serving as President Richard Nixon's Assistant for Urban Affairs, I investigated the close relationship between many of the problems facing our cities, especially crime, and the proliferation of narcotics such as heroin. I traveled extensively to Calcutta, Istanbul, and Paris, in an effort to sever the "French Connection." With the cooperation of the French Government, we did manage to stem the flow of heroin entering the United States via France.

The beast is not easily put off. When Mexico became the new center of the heroin trade, we worked with the Mexican Government to coordinate a swift and decisive response. The exit of Mexico as the prime supplier of the U.S. market for heroin created a vacuum filled by poppy-growers in Southwest Asia, particularly Pakistan. Once again, I took to the road, securing commitments from General Mohammad Zia-ul-Haq of Pakistan to take hold of the heroin problem. To my knowledge, however, heroin continues to flow from Southwest Asia. The resources of our Nation's drug enforcement agencies are being taxed accordingly.

This history suggests the complexity of the task confronting those who would lead the fight against drug trafficking and abuse. From the time the poppies are cut in Pakistan or the cannabis is harvested in Colombia, to the time that a young man or woman purchases and consumes the drug on an inner-city street, at least seven Federal agencies have sought unsuccessfully to halt its flow. Consider the organizations that get involved at one time or another—the Internal Revenue Service, the Federal Bureau of Investigation, the U.S. Customs Service, the Coast Guard, the Drug Enforcement Administration, the Food and Drug Administration, and the U.S. Attorney's Office, to name but seven that come to mind immediately.

Each to these organizations does the very best job that it can. But I suggest we are in need of some coordination of these agencies. As early as 1963, President Kennedy's Advisory Commission on Narcotic and Drug Abuse, known as the Prettyman Commission, noted the several agencies involved and deplored the fragmentation. The Commission recommended the creation of a single new agency that would encompass the duties then divided between the bureaus, offices, and divisions of five different cabinet departments. As the drug problem has worsened in the ensuing 20 years, the coordination has also deteriorated—despite the rhetoric of every President since Kennedy.

The establishment of an Office of the Director of National and International Drug Operation and Policy would not, by any means, eliminate the problem of illicit drug activity. Indeed, many specific changes in laws, such as reform of bail and sentencing procedures as well as forfeiture regulations, are needed badly. Nevertheless, the prospects for coordination raised by this proposal represent one immediate and positive step that the Senate can take in the increasingly difficult struggle against drugs.

Mr. THURMOND. Mr. President, I will not take all of that time. I simply want to say that it has been a pleasure to work with the distinguished Senator from Delaware, who is the ranking member of the Judiciary Committee. In every way I could, I have tried to work with him and we got his bill out of the committee. It is now on the calendar. It can reach the Senate in due time.

This is not the place for it here. The President will, in my opinion, veto this whole bill, so why run the risk?

Furthermore, we think the bill that is being worked on now by the distinguished Senator from Delaware with the administration might be worked out, something might be worked out. Why go and pass this now, because later, if the administration is not pleased, they will certainly veto it.

It seems to me the logical thing to do is give the Senator from Delaware more time to work with the administration on this particular matter. It is objectionable on this piece of legislation. The chairman and the manager of the bill is against it. The ranking member on the Appropriations Committee is against it. The Judiciary Committee chairman is against it. We hope the Senate will table it.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER. Time on the amendment has not been yielded back.

Mr. THURMOND. Mr. President, I yield back my time.

Mr. BIDEN. I yield back our time.

Mr. THURMOND. Mr. President, I move to table the amendment.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina (Mr. THURMOND) to table the amendment of the Senator from Delaware (Mr. BIDEN). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. RIEGLE) is absent because of illness in the family.

The PRESIDING OFFICER (Mr. JEPSEN). Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 40, nays 53, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—40

Abdnor	Helms	Quayle
Armstrong	Jepsen	Rudman
Baker	Kassebaum	Stennis
Chafee	Kasten	Stevens
Cochran	Laxalt	Symms
Danforth	Long	Thurmond
Denton	Lugar	Tower
East	Mathias	Trible
Evans	McClure	Wallop
Garn	Murkowski	Warner
Gorton	Nickles	Weicker
Grassley	Packwood	Wilson
Hatfield	Percy	
Hecht	Pressler	

NAYS—53

Baucus	Eagleton	Mattingly
Bentsen	Exon	Melcher
Biden	Ford	Metzenbaum
Bingaman	Glenn	Mitchell
Boren	Hart	Moynihan
Boschwitz	Hatch	Nunn
Bradley	Hawkins	Pell
Bumpers	Heflin	Proxmire
Burdick	Heinz	Pryor
Byrd	Huddleston	Randolph
Chiles	Humphrey	Roth
Cohen	Inouye	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kennedy	Simpson
DeConcini	Lautenberg	Specter
Dixon	Leahy	Stafford
Dodd	Levin	Zorinsky
Domenici	Matsunaga	

NOT VOTING—7

Andrews	Goldwater	Tsongas
Dole	Hollings	
Durenberger	Riegle	

So the motion to lay on the table amendment No. 2443 was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment. The yeas and nays have been ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, since that vote has been vitiated, I wish to announce there will be no more record votes tonight.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, I move the amendment.

The PRESIDING OFFICER. If there is no more debate, the question is on agreeing to the amendment.

The amendment (No. 2443) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NETWORK FINANCIAL INTEREST RULES

Mr. KENNEDY. Mr. President, the Appropriations Committee has added a provision to the supplemental bill offered by the Senator from Alaska, which deals with the so-called network financial interest rules of the Federal Communications Commission. The Stevens committee amendment places a 6-month moratorium on any FCC revision of those rules.

I strongly support the Stevens provision in the committee bill and urge my colleagues to defeat efforts to repeal or to dilute it. All this provision does is to preserve the status quo, so that the Senate can review the important questions involved and can act on pending legislation on this issue, without the undue pressure of new rules already having been issued by the FCC.

I will comment on the merits of the matter briefly. However, I would first like to address a jurisdictional issue that has been raised as a basis for deleting the Stevens amendment. The Commerce Committee has scheduled hearings soon for legislation on this matter introduced by the Senator from California (Mr. WILSON), which I have cosponsored. Senators seeking to delete the Stevens provision suggest that it would defeat the Commerce Committee's jurisdiction by prejudging the issue. On the contrary, Mr. President, the provision insures not only that the committee can hold hearings on legislation, but also that both the committee and the full Senate will be able to decide whether to pass it, before they are faced with preemptive action by the FCC.

An alternative approach may be proposed as a substitute for the Stevens amendment. This approach would leave the FCC free to issue its new rules, but would prevent the implementation of rules for the same period as the Stevens amendment.

The argument is that by letting the FCC further revise its proposed new rules, we would be able to know what compromises the television networks might be willing to let the Commission make in its earlier proposals.

The answer to that suggestion is simple. It is in fact a clever effort to prevent the Congress from exercising its legislative prerogatives, unconstrained by an agency fait accompli. Once the FCC formally promulgates new rules we will doubtless hear arguments that the Senate should hesitate to overturn a formal ruling by the FCC and should let the process of judicial review of that ruling take its normal course without legislative interference. Moreover, those arguments will be made by some of the very same people who now suggest that letting the formal FCC rule go forward will better preserve the status quo and leave the Senate free to block unwise FCC action.

Nor is this a case where the Senate would be acting without the benefit of the relevant agency expertise and record in this matter. There is a voluminous hearing record as well as equally extensive comments by both sides on the proposed rules. The FCC and other agencies have stated their analysis of the issues.

To be candid, at this point we are only talking about changes that the Commission might make as a matter of political compromise in order to temper congressional reaction. Of course, if the FCC has second thoughts about its proposed rule and wants to revise it, that can be communicated to the Senate without a formal final promulgation, for us to consider when we review the advisability of any change in the rules.

In short, for those Senators who have not yet made up their minds on the underlying issues and want to insure full, unfettered Senate review before their options are even partially foreclosed, retention of the Stevens amendment in the supplemental bill is clearly the appropriate position.

As for myself, however, after many months of careful consideration of the arguments offered by both sides, I believe that the repeal or dilution of the financial interest rules poses substantial dangers to the public interest and that the proponents of change have not met their burden of showing what public benefits justify risking the very dangers that the rule has protected us from for over a decade.

For the past 11 years, the financial interest and syndication rules have protected hundreds of independent television stations throughout the country. They have also offered some protection to numerous small- and medium-sized independent television program producers. The rules have protected both groups from the inherent dangers of the television networks exercising their marketpower and their ability to chill the competitive challenge posed by independent stations to network affiliates and network owned stations.

The effort to repeal these rules has marched under the popular banner of "deregulation." As my colleagues know, I have championed true deregulation, where that means a return to free market competition in that industry and palpable benefits to the general public.

In the case of television programing, the three networks have a unique power over access to commercial success. Removing the constraints on the undue exercise of that power cannot realistically be considered deregulation in any meaningful sense at this time. There may be future develop-

ments in the growth of alternative markets for television programs that will significantly dilute this unique network power; but that time has not yet arrived.

It should be remembered, too, that the networks enjoy their special power by virtue of their operation on Government controlled and granted broadcast frequencies.

Absent the present rules, I believe there is a substantial risk that the networks could extract unfair concessions from independent producers—specifically, that the producers give up more of their rights to syndication profits from their programs after network showing, than they would voluntarily choose to sell.

Similarly, there is a substantial risk that the networks could hinder the access of independent television stations to the syndication programing that has enabled them to thrive over the past decade. The new FCC-proposed syndication safeguard does not avert that danger.

The public interest would be threatened with decreased creative freedom and competition in new programing, on the one hand, and with increased advertising rates and consumer prices, on the other.

Given these clear risks, the burden is on those who seek to repeal or to dilute these safeguards to show what benefits would result for the American people. No credible showing of such benefits has been made in the entire FCC record.

In light of that failure, the Congress should insist that the present financial interest and syndication rules be maintained.

● Mr. D'AMATO. Mr. President, I rise today to extend my congratulations to the members of the Appropriations Committee, especially its distinguished chairman, on the fine job done in reporting this bill to the floor. In particular, I would like to comment upon the well reasoned language that the committee has added to the Senate report concerning the redeemable preference share program administered by the Federal Railroad Administration.

I share the committee's opposition to the other body's proposed reprograming of funds from the East St. Louis Gateway project to the Erie-Lackawanna line project between Dover, N.J., and Scranton, Pa. I also compliment the committee for directing that the needs of the redeemable preference share program be reassessed and discussed in the context of next year's budget hearing. Like my colleagues on the committee, I have no desire to prejudice this project. I believe, however, that any reprograming at this time is premature since the Federal Railroad Administration has not yet evaluated the East St. Louis Gateway project and has yet to receive an application on behalf of the Dover to Scranton project.

I appreciate the committee's statement that it is inappropriate to reprogram these funds until the Federal Railroad Administration can give consideration to competition among rail carriers serving this region and to their ability to compete fairly for similar projects on lines previously abandoned or scheduled for abandonment. There is currently a private carrier, the Delaware Otsego System, serving the same region as the Dover to Scranton line. This system has done an admirable job of preserving service along lines that were to be abandoned by Conrail and other bankrupt carriers. Moreover, this has been done with private investment. It is important that we consider the impact that Federal funding of the Dover to Scranton project may have upon this private investment before reprograming any funds.

In addition, it is my understanding that the Delaware Otsego System is completing an analysis in preparation for submission of its own application for redeemable preference share funding. This funding would be used for the rehabilitation and improvement of existing plant and for strengthening working capital, following a period of rapid acquisition of lines previously scheduled for abandonment. It is essential to the effective implementation of this program that the Federal Railroad Administration fully review any application submitted by the sponsors of the Dover to Scranton project, by the Delaware Otsego System, or by any other applicant before making a final determination on the merits of any project.●

● Mr. GARN. Mr. President, chapter I of the supplemental contains nine items falling under the jurisdiction of the HUD-Independent Agencies Subcommittee. Five of these items—all relating to the VA—amend provisions contained in the House version of H.R. 3959. Four new Senate amendments are also contained in this chapter in order to accommodate specific issues involving housing for the elderly and handicapped, water resources centers, FEMA reception and representation allowance and the flight rate of the space shuttle.

The Senate version of chapter I contains $228,739,000 in new budget authority. This compares to $317,521,000 contained in the House version and a budget request of $313,356,000.

A brief description of the actions taken by the committee follows:

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

The Committee has proposed an amendment to the Housing and Urban Development-Independent Agencies Appropration Act of 1984 which would limit the interest rate charged to sponsors of section 202 projects to 9.25 percent on projects starting construction during fiscal year 1984. This amendment, which is identical in intent to a similar proviso contained in the Continuing Appropriations for fiscal year 1983 (Public Law 97-377), is intended to insure that the feasibility of proposed section 202 projects is not impaired as a result of financing costs.

CEQ—STUDIES ON WATER RESOURCES

The Senate bill includes language providing $600,000 to fund two studies to define a National Center for Water Resources Research and a National Clearinghouse for Water Resources Information. The Committee notes that there is a need to augment current research and information dissemination relative to national water resources goals and needs. The contractor(s) selected to perform these studies should represent an organization that does not have a vested interest in the nature, scope or eventual funding of the Centers. Consequently, a university or other research/informational organization rather than a trade or water association should perform the studies.

FEMA—RECEPTION AND REPRESENTATION

The Senate bill increases the limitation on FEMA's reception and representation allowance from $500 to $2,000 for fiscal year 1984. The Committee notes that this does not increase the FEMA appropriation for fiscal year 1984, but reallocates the additional $1,500 from FEMA's salaries and expenses account.

NASA—CONSTRUCTION OF FACILITIES

The Senate bill includes language providing $20,000,000 for partial funding of two Shuttle related facilities at the Kennedy Space Center. These facilities are the solid rocket booster assembly and refurbishment facility, and the warehousing facility to be used by the Shuttle processing contractor.

The Senate bill also contains language permitting NASA to amortize casting pit covers for the solid rocket boosters over a 12 year period of time.

VA—COMPENSATION AND PENSIONS

The House bill provides an additional $66,000,000 to cover a fiscal year 1983 shortfall in compensation and pensions. The Senate bill provides no funds for this account.

The Committee further notes that on October 1, 1983, the fiscal year 1984 VA appropriations of $13,842,000,000 for compensation and pensions became available for recurring payments as well as any retroactive compensation payments that may have been deferred during the last days of fiscal year 1983.

It is the intent of the Committee that if any supplemental appropriation is required for this account, that it be made toward the end of the 1984 fiscal year.

The Committee notes that it was not notified in a timely manner of the need for an additional compensation and benefits appropriation even though the VA was aware of the strong probability of a shortfall several months prior to the August Congressional recess. The Committee does not expect similar reporting delays to occur in fiscal year 1984.

VA—READJUSTMENT BENEFITS

The House bill provides an additional $40,000,000 to cover a fiscal year 1983 shortfall in readjustment benefits. The Senate bill provides no funds for this account.

The Committee notes that it was not notified in a timely manner of the need for an additional readjustment benefit appropriation even though the VA was aware of the strong probability of a shortfall several

months prior to the August Congressional recess. The Committee does not expect similar problems in fiscal year 1984.

The Committee further notes that on October 1, 1983, the fiscal year 1984 VA appropriation of $1,371,000,000 for readjustment benefits became available for recurring payments as well as any retroactive payments that might have been deferred during the last days of fiscal year 1983. It is the intent of the Committee that if any supplemental appropriation is required for this account, that it be made toward the end of the fiscal year 1984.

VA—MEDICAL AND PROSTHETIC RESEARCH

The House bill provides $57,356,000 in fiscal year 1984 for an Agent Orange epidemiological research project. The Senate bill provides $53,974,000 in fiscal year 1984 for the project.

The VA and the Center for Disease Control, under an interagency agreement, have identified that CDC will design and conduct studies to determine whether either Vietnam veterans exposed to the herbicide Agency Orange or Vietnam veterans in general, are at greater risk of suffering long term health effects than the veterans who did not serve in Vietnam.

The Committee notes that the Senate reduction of $3,382,000 from the request in fiscal year 1984 does not effect the scientific integrity of the study. The Committee agrees with the House that a number of the costs appear to be overstated and notes that the estimated costs for administrative expenses, transport estimates, fees for the participants, and the travel arrangement fee are areas where it appears that cost reductions can be made without reducing the funding for medical and psychiatric examinations or laboratory testing.

VA—VETERANS JOB TRAINING

The House bill provides $150,000,000 to fund the emergency job training program for eligible unemployed veterans during fiscal year 1984. The House bill contains the proviso that no more than $20,000,000 of the amount shall be available for the transfer to the Readjustment Benefits account for vocational training. Any unused portion would be returned not later than December 31, 1984.

The Senate bill provides the same funding level as the House and the budget request, but earmarks no more than $25,000,000 for use in vocational training. The bill further specifies that any unused portion of vocational training funds may be returned at any time, but not later than December 31, 1984.

VA—GENERAL OPERATING EXPENSES

The House bill provides a fiscal year 1984 supplemental appropriation of $4,165,000 in the General Operating Expenses account to administer the Emergency Veterans Job Training Act of 1983.

The Senate bill provides $4,165,000 for General Expenses, but earmarks $1,000,000 for a contract to evaluate the effectiveness of the Emergency Veterans' Job Training Act of 1983.

The Committee notes that there has been no budget request for these funds.

TECHNICAL CORRECTION

Mr. President, I would just like to point out that there are several printing errors in the report in the tables immediately following the headings "Compensation and Pensions" and "Readjustment Benefits" on pages 4 and 5, respectively. The year "1984" appearing twice in each of the tables should read "1983".

Mr. President, a final point. I would like to take this opportunity to express my appreciation to Mr. Martin Reiss, the newest member of the subcommittee staff, for his fine staff work on this bill.●

● Mr. HEINZ. Mr. President, I want to take this opportunity to commend my colleague, the distinguished chairman of the HUD Appropriations Subcommittee, Senator GARN, for insuring that the HUD Appropriation Act of 1984 includes an amendment to limit to 9¼ percent the interest rate charged to sponsors of section 202 elderly and handicapped housing projects. This amendment, which is identical in intent to a similar provision contained in the "Continuing Appropriations for Fiscal 1983," is intended to insure that the feasibility of current section 202 projects is not impaired as a result of financing costs.

Under current law, the HUD Secretary annually establishes the interest rate for section 202 loans. He has the discretion to establish a rate which may not exceed the average Treasury borrowing costs for the preceding fiscal year, plus a HUD administrative charge to cover its processing costs and expected losses. Rigid application of last year's Treasury borrowing costs would result in a 1¼ percent increase in the section 202 loan rate to a new rate of 10½ percent. This increase would make infeasible many section 202 projects currently being processed or proposed, unless there was a concomitant increase in rental subsidies or other project income to cover the substantial additional debt service requirements resulting from the higher loan rate. The alternative of increasing rental subsidies, given the limited section 8 funds would not be appropriate.

On behalf of the thousands of senior citizens helped, I am grateful to my colleagues, Senator GARN, that he has prevailed in retaining the 9¼ percent interest rate. This will assure a continued and stable flow of loan funds to finance section 202 projects and assure a greater supply of affordable housing to our Nation's elderly.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past 6:35 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSPECTION AND ROYALTY ACCOUNTING OF FEDERAL AND INDIAN-OWNED PETROLEUM RESOURCES

Mr. MELCHER. Mr. President, when Congress passed the Federal Oil and Gas Royalty Management Act last year we thought that the problems with our system of managing the revenues due the United States, the States, and the Indian tribes were on the way to being solved. That system had some real problems that needed solution. The act provided new authority to address them.

The Department of the Interior has been busy with regulations to implement the legislation, and there is much in this activity of which the Secretary can be proud. However, he is making a big mistake in a very fundamental aspect of the program: the coordination of onsite inspection and royalty accounting.

This is the key to the whole problem. We got into trouble in this program in the first place because the people who were trying to account for the money being received had no idea what was going on out in the field where the oil and gas was being produced. The oil and gas industry was essentially on an honor system in making payments to the Federal Government, to the States, and to the tribes. Not surprisingly, there was widespread question in accounting for all of the royalties due on federally owned and Indian owned petroleum resources.

The act was intended to put all this right, to make a new beginning, to reform the system.

Unexpectedly, unfortunately, and inexplicably the Secretary in implementing the act has put the responsibility for onsite inspection of Federal and Indian leases onshore in an entirely different organization within the Department from the organization that will be handling the accounting. It is an organizational arrangement that simply confounds everyone who knows anything about the program and all the problems it has had.

I have protested to the Secretary about this arrangement, apparently, so far, to no avail. The States and Indians are also very concerned about this arrangement as a number of letters sent to me and to Secretary Watt show.

I ask unanimous consent that copies of these letters be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. I hope the Department can reconsider this very unfortunate organizational arrangement. I very much fear that it will not work as contrived. If my fears materialize, we will know who to blame, but I urge the

Department of the Interior to heed the complaints of myself and others and implement inspection and accounting of royalties from Federal and Indian oil and gas leases as contemplated and urged by Congress, the Linowes Commission, the States, and Indian tribes.

EXHIBIT 1

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., September 6, 1983.

Hon. JOHN MELCHER,
U.S. Senator, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: Thank you for your letter of August 23, 1983, alerting me to the problems associated with the Department of Interior's actions in dividing the responsibility for inspection and accounting in the oil and gas royalty management program. Wyoming shares your concern that such action seems illogical from a royalty management perspective. In fact, we have voiced these concerns twice to the Department, with no satisfactory response.

By this letter I am transmitting a copy of another letter to Secretary Watt requesting clarification on how the Department will maximize coordination and exchange of information between the inspection and accounting functions for royalty management purposes.

Wyoming appreciates the direct interest and action you are taking on this issue. Please feel free to contact me if any additional information or assistance is desired.

With warm regards, I am

Yours sincerely,

ED HERSCHLER,
Governor.

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., September 6, 1983.

Hon. JAMES G. WATT,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR SECRETARY WATT: On two occasions I have submitted comments and requests for clarification regarding Secretarial Order No. 3087, which restructured onshore minerals management functions, and its effect on our joint royalty inspection program for producing federal oil and gas leases. In December, Wyoming submitted the following comment on a draft report entitled -"Minerals Accountability in the Department of the Interior":

"Past history indicates little, if any, communication between inspection and royalty management. The attempt by MMS to bring these two aspects of royalty management together seemed more feasible when site inspection was under the control of MMS. With the recent move of site inspection to the BLM, we see little incentive to coordinate inspection and royalty accounting functions, and have doubts that this will ever be an effective internal control for the MMS. From our point of view, inspection is a natural extension of audit, and these two functions should be under one organization."

Again in February, I requested your responses on the same subject, which was contained in an issue paper prepared by the eight states participating in the joint federal/state royalty audit program:

"The states are concerned about the effect of Secretarial Order No. 3087 (organizational restructuring) on joint auditing and site inspection activities.

"The states generally view this action as a return to the old division of responsibilities with the Bureau of Land Management now replacing the MMS.

"The states see site inspection and production verification as a natural extension of the audit process, and are concerned that synergism of these two vital functions will not be accomplished between the Bureau of Land Management and the MMS. The joint audit states have seen the effects of so many reorganizations of the Department of Interior, that we question whether this much-needed internal control element will ever be viable.

"Several joint audit states have entered into cooperative agreements with the MMS to jointly perform site inspections and production verification review in the field. We are unclear as to the status of these programs given the reassignment of responsibilities.

"The states view the MMS as a business organization, and are concerned that this apparent stripping of such responsibilities as fair market value determination, establishing operating orders and NTLS, and NGPA determinations from the MMS will hamper its effectiveness in dealing with other business organizations, specifically the oil and gas producing companies. Also, our audits almost always take us back to enforcement of federal lease terms, and we are concerned that the MMS will be left out of interpretive issues under the new reorganization.

"We request that the D.O.I. provide the states with a statement addressing these concerns. We would like to be assured that this reorganization will not hamper our joint efforts, and are interested in knowing of any perceived benefits to the joint audits resulting from it in the view point of the D.O.I.

"Specifically, will we be able to fully resolve audit findings involving product valuation and lease provisions interpretation with the MMS structure, and what is the status of existing cooperative agreements to perform joint site inspections?"

I am not yet satisfied that these concerns have been adequately addressed from the perspective of royalty management. While the new division of functions might make sense from a multiple land use management perspective, I am very concerned that this approach is at the expense of a sound, comprehensible royalty management system.

I would appreciate your attention and response to these concerns. Please understand that this letter is not a criticism of the good efforts by the State Office of the Bureau of Land Management to coordinate with our State audit and inspection personnel. Rather, my interest is to convey the importance I place in designing a process which maximizes coordination and exchange of information between the inspection and accounting functions for royalty management purposes.

This interest is embodied in our agreement establishing a strong State/Federal cooperative program to improve the federal inspection and accounting effort. I am now concerned that Interior may lack a strong BLM/MMS cooperative program in the same area. Without a clear and strong link between the inspection and royalty accounting efforts, neither the States nor the Federal government will be assured that we are receiving the revenues to which we are lawfully entitled.

Thank you again for your attention to this matter. With best wishes, I am

Yours sincerely,

ED HERSCHLER,
Governor.

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., September 6, 1983.

Hon. MARK ANDREWS,
Chairman, Select Committee on Indian Affairs, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR ANDREWS: As you may know, Secretarial Order No. 3087 restructured onshore minerals management functions and divided the responsibility for inspection and accounting in the oil and gas royalty management program between the Bureau of Land Management and the Minerals Management Service. While such action may further multiple-use land management goals, I am concerned that this benefit is at the expense of a sound, comprehensible royalty management system. These concerns are raised in the enclosed letter to Secretary Watt, requesting clarification on how the Department will maximize coordination and exchange of information between the inspection and accounting functions for royalty management purposes.

I would appreciate your attention to this issue. Please feel free to contact my office if you have any questions, or if any information or assistance is desired.

With warm regards, I am

Yours sincerely,

ED HERSCHLER,
Governor.

INTERSTATE OIL COMPACT COMMISSION,
Oklahoma City, Okla., September 26, 1983.

Hon. JAMES G. WATT,
Secretary of the Interior, Department of Interior, Washington, D.C.

DEAR MR. SECRETARY: During 1983 I have the privilege of serving as chairman of the Interstate Oil Compact Commission. Earlier this month the Executive Committee of the IOCC held an extensive discussion on the present status of royalty management and the problems of minerals accountability. The committee recognized that significant progress has been made in this area in the last two and one-half years. However, the committee unanimously instructed me to write you and express its concern over the division of responsibilities which is the outgrowth of Secretarial Order No. 3087.

I am confident that you recognize the contributions which the IOCC has made in this area during your term as secretary. On several occasions it has arranged meetings between federal and state officials for open and candid discussions of mutual problems. Staff members testified before the Linowes Commission on more than one occasion and coordinated the testimony of other states. As you know, the Executive Director serves on your Advisory Committee on Mineral Accountability. We believe our track record reflects a positive effort to cooperate with the department while representing the states' interests. It is in this spirit that we question the effect of Secretarial Order No. 3087 on the ultimate solution of royalty accounting problems. One of the major obstacles which the creation of the Minerals Management Services was expected to solve was the lack of communication between the field inspectors and royalty management together appeared to be more achievable when site inspection was under the control of MMS. When site inspection is the responsibility of the Bureau of Land Management we see

little incentive to coordinate inspection in royalty accounting functions.

This problem would appear to be compounded by the fact that MMS is under the supervision of the Assistant Secretary for Energy and Minerals while the BLM is directed by the Assistant Secretary for Land and Water Resources.

There is sound and urgent reason why a close working relationship is needed between the royalty auditing and collection personnel, the field inspectors and the state auditing personnel. I urge you to review the division of authority between MMS and BLM and to restore the site inspection jurisdiction to the MMS.

In closing, let me repeat that excellent progress has been made in the area of royalty management in the last two and one-half years and the department is to be commended for this. This letter is written because the IOCC and the oil and gas producing states fear that Secretarial Order No. 3087 will deter further improvements in the system. Your early and considerate attention of the views of the compacting states will be appreciated.

Sincerely,

ED HERSCHLER,
Governor of Wyoming,
Chairman.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, September 22, 1983.

Hon. JOHN MELCHER,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: This is in response to your August 23 letter concerning the division of the responsibilities in the Department of the Interior for inspection and accounting in the Oil and Gas Royalty Management Program. I have reviewed your letter and have consulted with key personnel within the state of Utah concerning this matter.

The division of responsibilities undertaken by the Department of the Interior will lead to increased administrative costs within the Department for management of this program, making less revenue available to the United States and the states as well as greatly enhancing the possibility of jurisdictional disputes between and among the various parties involved. These items, as well as the necessity to combine the expertise in the Department consistent with recommendations of the Linowes Commission, provide sufficient reason to urge combining the inspection responsibilities of the Bureau of Land Management and the accounting and auditing responsibilities of the Minerals Management Service in one organization within the Department of the Interior. Such management direction is clearly necessary given the critical nature in the development stage of the Federal Oil and Gas Reporting System.

The state of Utah believes that such a combination is in the best interest of the United States and the states.

Sincerely,

SCOTT M. MATHESON,
Governor.

THE NAVAJO NATION,
Window Rock, Ariz. September 2, 1983.

Hon. JOHN MELCHER,
U.S. Senate, Select Committee on Indian Affairs,
Hart Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: I have received your letter of August 4, 1983 and appreciate your concern on the restructuring of the Minerals Management Service. It is apparent that we are both equally frustrated by the irresponsible action taken by the Department of Interior (DOI). On June 9, 1983 I wrote to Secretary of the Interior, James Watt, expressing my concerns on the subject. In response, I received a communication from the Assistant Secretary, Land and Water Resources. Copies of my letter and DOI's response are enclosed. As you will note the Navajo Nation has registered its protest with the Secretary of Interior and would very much like to have further discussion with your office on this matter.

Per your suggestion of establishing better coordination, I am sending copies of all correspondence referred to herein to Senator James McClure, Chairman of the committee on Energy and Natural Resources, and Senator Mark Andrews, Chairman of the Senate Select Committee on Indian Affairs.

Once again, I appreciate your persistent efforts in support of the cause of Native Americans.

Sincerely,

PETERSON ZAH,
Chairman, Navajo Tribal Council.

THE NAVAJO NATION,
Window Rock, Ariz., June 9, 1983.

Subject: Restructuring of the Department of Interior Minerals Management Functions, Order No. 3087 and Amendment No. 1.

Hon. JAMES G. WATT,
U.S. Department of the Interior,
Washington, D.C.

DEAR MR. WATT: It has been brought to my attention that effective December 3, 1982, the minerals management functions on Indian lands were transferred to the Bureau of Land Management (BLM) and the royalty management functions are being retained within the Minerals Management Service (MMS). The Navajo Nation is deeply concerned about the restructuring of MMS and the role of the federal government in effectively carrying out its responsibilities as the Indian trustee. Although the restructuring of MMS and BLM may have been well-intended, the transferring of the minerals management functions on Indian lands to the BLM is not, in my opinion, an improvement. Since the Navajo Tribe was neither consulted nor provided with prior notice of your action, I would like to draw your attention to the following issues:

(1) MMS was previously charged with the responsibility of lease compliance and royalty collection. In spite of this, we faced many problems while all the functions were under the auspices of one department. I am concerned that the diffusion of the minerals management responsibilities may exacerbate this situation.

(2) If the federal government is seriously considering providing Indian Tribes with greater control over the use and development of their mineral resources, it should strengthen the mineral resources expertise within the various Indian Tribes rather than requiring them to rely solely on BLM, an agency without experience in providing services to the Indian Tribes. Mismanagement of Indian mineral resources by the Department of the Interior (DOI) is an established fact. *Jicarilla Apache Tribe* v. *Supron Energy Corporation*, 479 F. Supp. 536 (D.N.M., 1979). The New structure shows no reason to believe there will be improvement in the situation.

(3) It would be worthwhile for DOI to evaluate each individual Indian Tribe's ability to handle their mineral resources to determine whether the Tribe has the capability of undertaking such functions. If a Tribe has the capability, then transfer of these functions to the individual Tribe with the provision of adequate funding and assistance is the most desirable approach for the Tribe. DOI can monitor and review the Tribal control over the development and management of its mineral resources and will encourage Tribal self-determination.

(4) The bifurcation of Indian lease and royalty management functions between BLM and MMS could cause the additional loss of royalty revenues to the Tribes. If lease and royalty management functions are retained within one agency, it is at least possible to reconcile production vs. royalty payment reports. Under the new arrangement, Indian Tribes will locate their royalty revenue data in the giant federal royalty collection pool in Lakewood, Colorado. Currently, some Indian Tribes are already collecting and processing their mineral-derived revenues at the Bureau of Indian Affairs (BIA) Area Office level without MMS involvement. I believe that the same arrangement would work well for the Navajo Nation and other Tribes. This arrangement would provide them with easy and quick accessibility to their revenues.

(5) It is not clear which office would play the lead role in lease compliance enforcement. It appears that DOI is splitting these functions between MMS and BLM. This will cause more uncertainty for oil and gas developers and producers as well as for the land owners.

(6) DOI's actions in consolidating all onshore leasing activities seems to focus more on mineral development than on management and monitoring of existing operating leases. MMS's role in monitoring of existing leases seems to have been overlooked when the restructuring was ordered.

In summary, if DOI sincerely wants to have an effective management program for Indian resources, it can best be achieved by transferring these functions to individual Tribes. Simultaneously, DOI must strengthen Tribal mineral resource expertise by providing appropriate federal assistance instead of transferring these responsibilities and functions to BLM.

Sincerely,

PETERSON ZAH,
Chairman, Navajo Tribal Council.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August 3, 1983.

Mr. PETERSON ZAH,
Chairman, Navajo Tribal Council,
The Navajo Nation, Window Rock, Ariz.

DEAR MR. ZAH: Thank you for your letter of June 9, 1983, to Secretary James G. Watt, concerning the restructuring of the Minerals Management Service and the role of the Federal Government in effectively carrying out its responsibilities as the Indian trustee.

We are committed to having an effective management program for Indian resources. However, because of the number of Indian tribes involved and the importance of this task, it will take a considerable amount of time and effort to develop and implement

correctly. Over the years, the lack of full accountability for Indian revenues has been a serious deficiency pointed out on numerous occasions by the General Accounting Office and most recently by the Commission on Fiscal Accountability of the Nation's Energy Resources. We feel that the new fiscal and production accounting systems will remedy these deficiencies and provide full accountability in the future for all Indian mineral revenues.

The Bureau of Land Management (BLM), the Minerals Management Service (MMS), and the Bureau of Indian Affairs (BIA) will be addressing these efforts and the concerned Indian Tribes will be involved.

Mr. William C. Luscher, BLM State Director, New Mexico, is currently assigned fluid minerals responsibilities in the States of New Mexico, Utah, and Arizona for the Navajo Nation. Please feel free to contact him on Area Code 505 988-6030 if you have any questions concerning the fluid minerals program.

Thank you again for making us aware of your concerns on this important issue. If we may be of any further assistance to you, please let us know.

Sincerely,

GARREY E. CARRUTHERS,
Assistant Secretary,
(Land and Water Resources).

THE RESOURCES AGENCY OF CALIFORNIA,
Sacramento, Calif., September 22, 1983.

Hon. JOHN MELCHER,
U.S. Senate, Select Committee on Indian Affairs, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR MELCHER: Governor Deukmejian has asked me to reply to your recent letter in which you express concern regarding the division of responsibility for inspection and accounting in the Federal oil and gas royalty-management program.

We share your feelings that placing lease inspection responsibility with one Federal agency and the responsibility for accounting and auditing with another may not be in the best interests of the states, primarily because of the possibility of poor coordination and communication between the two agencies. However, without knowing the specific details of the Federal inspection program and the working arrangement between the Bureau of Land Management and the Minerals Management Service, it is difficult to support or oppose either concept.

Overall, we tend to favor the single-agency concept because in California verification of actual production from state-owned leases and accounting are performed by a single agency, the State Lands Commission, which is the State equivalent to the Bureau of Land Management. The State equivalent to the Minerals Management Service, the Division of Oil and Gas, besides ensuring that operations are carried out in a safe and proper manner, collects production data, but it is essentially for the purpose of evaluating reservoir performance.

If I can be of further assistance, please let me know.

Sincerely,

GORDON K. VAN VLECK,
Secretary for Resources.

THE BLACKFEET TRIBE
OF THE BLACKFEET INDIAN NATION,
Browning, Mont., August 17, 1983.

JOHN MELCHER,
Senator of Montana, U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR HONORABLE MELCHER: The Department of the Interior is in the process of dividing the responsibility for inspection and accounting in the Oil and Gas Royalty Management program between two different organizations reporting to two different Assistant Secretaries.

The primary purpose of the Federal Oil and Gas Royalty Management Act of 1982 was to correct the deplorable and very costly mismanagement of the Department's inspection of on-shore oil and gas wells and to collect the royalties owed on the production of oil and gas from Federal and Indian lands in a timely fashion. A common theme documented by Congressional investigations and by the Linowes Commission in all of the accounts and analysis was the inability of the Federal Royalty Managers to relate what happens on the lease to the royalty payment amounts owed to the United States, to Indian Tribes and the states.

During the recent visit between the Secretary of Interior and the Blackfeet Tribal Business Council, one of the concerns presented was the Mineral Management Service absorbing the responsibility for accounting and auditing on the Blackfeet Oil and Gas Royalty Management Program. One specific area discussed in length was the Mineral Management Service enormous expenditure to put together a unified system. The Blackfeet Tribe has developed its own oil and gas accounting system to reinforce any loop holes that the Federal Government might once again allow to happen. Therefore, the Blackfeet Tribe can find absolutely no logic in the Department of Interior placing the responsibility for inspection within the Bureau of Land Management and the responsibility for accounting and auditing in the Mineral Management Service.

On behalf of the Blackfeet Tribal Business Council and its more than 12,000 members, it is recommended that one department, such as the Minerals Management Service, handle inspection and accounting responsibilities for the Department of Interior Federal and Indian oil and gas leases. The Mineral Management Service could then have its own inspectors to provide the maximum coordination between the inspection and accounting responsibilities for oil and gas leases on Indian lands. Your assistance in this matter is greatly appreciated.

Sincerely yours,

LEE WILSON,
Secretary, Blackfeet Tribal Business Council.
ROBERT "SMOKEY" DOORE,
Chairman, Tribal Natural Resource Committee, Blackfeet Tribal Business Council.

EMMETT DEDMON

Mr. PERCY. Mr. President, Chicago recently lost a great newspaperman, historian, author and civic leader, Emmett Dedmon, and I would like today to pay tribute to this fine man. I first knew Emmett Dedmon well during our days together at the University of Chicago, and I continued to follow his career as a journalist and central figure in many Chicago civic and charitable activities. He has always been remarkable—dedicated, caring, thoughtful, a leader in good work—and his loss will be sorely felt. My heart goes out to his family, as well as his many friends, colleagues and the city of Chicago. Mr. President, I pay tribute and send deepest sympathy to his beloved wife, Claire, and son, Jonathan, and his entire family. In tribute to this special Chicagoan I ask unanimous consent that a September 19, 1983 Chicago Tribune article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

E. DEDMON, FORMER EDITOR OF SUN-TIMES

(By Edward Baumann)

Emmett Dedmon, former editor of the Sun-Times, Chicago historian author and civic leader, died Sunday night in Billings Hospital after a lengthy illness. He was 65.

Born April 16, 1918, in Auburn, Neb., Mr. Dedmon came to Chicago in 1940. Except for five years of military service during and after World War II, he worked on the Sun-Times editorial staff from 1940 until he resigned as vice president and editorial director of the Sun-Times and Chicago Daily News in 1978.

Last fall Mr. Dedmon was elected to the Chicago Journalism Hall of Fame.

"With energy and imagination Emmett Dedmon gave editorial leadership to the Sun-Times during one of its periods of significant growth," Sun-Times publisher James Hoge said Sunday. "He contributed mightily to Chicago as editor, author and caring civic leader."

Sun-Times Editor Ralph Otwell said, "Although an adopted son of the city, Emmett had a love affair with Chicago and proudly wore his heart on his sleeve, not only in his civic and charitable activities but also as a jouralist with a strong commitment to Chicago and its people."

"He was very good at everything he did," said veteran Chicago journalist Herman Kogan, who worked with Dedmon at the Sun-Times. "He was a very tough editor, a perfectionist. He demanded work."

Mr. Dedmon most recently worked as a senior consultant for Hill & Knowlton Inc., the world's largest public relations firm, with offices at 111 E. Wacker Dr.

He underwent surgery for cancer at Rush-Presbyterian-St. Luke's Medical Center in the spring of 1982 and returned to work in April.

Mr. Dedmon enlisted in the old Army Air Corps as a private at the outbreak of World War II and rose to the rank of captain. He was a squadron navigator in the first B-17 bomber group to fly nonstop across the Atlantic, and he was the first navigation staff officer at 8th Bomber Command in Europe.

While flying a mission over Hanover in 1943, his plane was shot down by enemy fighters. Mr. Dedmon parachuted out, was captured by the Germans and was held prisoner for two years. During his captivity he wrote a war novel, "Duty to Live," on scraps of paper, taught a course in writing, edited the prison camp newspaper and learned to speak German and Russian.

He returned to the Sun-Times after the war and served variously as assistant foreign editor, book and drama critic, assistant Sunday editor, assistant managing editor,

managing editor and executive editor before being appointed editor in 1965. He was elected vice president and editorial director of the newspaper division of Field Enterprises Inc. in 1968 and held that position until resiging from the newspaper 10 years later.

Mr. Dedmon was the author of seven books: his war novel published in 1946; "Fabulous Chicago," a history of Chicago, its tastes and its morals that became a national best seller in 1953 and was reissued in 1981; "Great Enterprises," the centennial history of the YMCA of Metropolitan Chicago, 1957; "A History of the Chicago Club," 1960; "China Journal," which he wrote in 1972 after visiting China as a delegate of the American Society of Newspaper Editors; and "A History of the Tavern Club," 1978. He also wrote a history of the Standard Oil Co. [Indiana], published in the fall of 1982.

Mr. Dedmon was a trustee of the University of Chicago, national chairman of the university's Alummi Fund and a member and former chairman of the university's Visiting Committee on the College.

He also was a trustee of the Chicago Historical Society and the Illinois Humane Society; past president and a board member of the YMCA of Metropolitan Chicago; director of the Pullman Educational Foundation; a former director of the Chicago Chapter of the American Red Cross and of the United Way of Chicago; a vice president of the Council on Comprehensive Community Services; and a member of the Northwestern University Associates, the National Academic Council of Valparaiso University and the Business Advisory Council of the Chicago Urban League.

He was a founding member of, and North American commissioner for, the Trilateral Commission; a director of the Japan-America Society of Chicago, the Chicago Milwaukee Corp. and the Economic Club of Chicago; a board member of the American Society of Historians and the American Institute of Public Service; and a former president of the Society of Midland Authors.

A longtime resident of the South Shore neighborhood, he most recently lived on North Lake Shore Drive.

He is survived by his wife, Claire; a son, Jonathan; two brothers; and a sister. Funeral arrangements were incomplete.

JOSIF BEGUN'S HARSH SENTENCE

Mr. PERCY. Mr. President, I rise to express my profound concern over the news that Dr. Josif Begun, a Hebrew teacher from Moscow, has received a sentence of 7 years in a labor camp and 5 years in internal exile in the Soviet Union. This was the maximum sentence he could have received and it is so harsh as to cause deep dismay.

Dr. Begun's only crimes were to seek to emigrate and to study and teach Hebrew, the language of his religion. His terrible sentence brings into question the ability of the Soviet Union to abide by its international commitments, since it has pledged in a number of solemn agreements to respect the right to emigrate and to practice one's religion freely.

Why must a person struggle so hard to emigrate to Israel when his government has made it clear that he is unwelcome and will be mistreated in his own country? This is my question, and I am sure that my colleagues share my concern.

Sentences like that received by Dr. Begun can only contribute to a worsening of relations between our two countries. We can only hope that the Soviet Union will reduce the severe sentence it has given Dr. Begun. I urge my colleagues to persist in their efforts for Josif Begun and for all Soviet Jews and other minorities who are oppressed in the Soviet Union.

THE NATIONAL PUERTO RICAN FORUM

Mr. PERCY. Mr. President, today, I urge my colleague from New York, Senator D'AMATO, in commending the employment service record of the National Puerto Rican Forum (NPRF). The NPRF has over 25 years of invaluable experience in delivering employment services to the Hispanic community and other minorities. The development of the basic occupational language training (BOLT) program in the early 1970's was an immediate success due to the professional quality of services provided and the great need for such services. Even in the first year that BOLT was implemented, NPRF went beyond its placement objectives.

The NPRF continues to be a vital service provider today. This organization currently services 3,200 unemployed and underemployed minorities. The NPRF has an excellent track record in the State of Illinois, as well. Through job training and development and language development programs, the NPRF has exceeded its goals of placing Hispanic and other minorities by a large margin. This achievement is especially noteworthy and necessary during the current period of high unemployment. The present rate of unemployment in Illinois is 11.5 percent, the sixth highest rate in the United States. I applaud the successful efforts of the NPRF for helping to alleviate this problem.

The NPRF has also helped to meet the goals of our Nation's efforts to reduce unemployment by establishing working relationships with the business community. I would like to draw my colleagues' attention to the significant activity report of the Department of Labor (DOL), addressed to the Assistant Secretary of Labor, Mr. Albert Angrisani, which cites the NPRF programs as "cost-effective and productive". Such efforts to procure employment for the most needy should be encouraged, and I urge that there be no delay in providing these services to the Hispanic community and other groups in need.

AMERICAN ENERGY AWARENESS WEEK

Mr. PERCY. Mr. President, Monday was the beginning of American Energy Awareness Week. Throughout the Nation, hundreds of localities will be commemorating the 10th anniversary of the OPEC oil embargo. In Chicago, the Greater Chicago Committee to Use Energy Wisely and the Federal Executive Board are conducting an energy awards program at Argonne National Laboratory, as well as a 1-day workshop on energy efficient buildings. I should like to share with my colleagues a letter from the executive vice president of American Energy Week which outlines the many other activities being carried out this week across the country. The local groups conducting these activities should be commended for their efforts to promote energy efficiency and energy awareness across the country.

I ask unanimous consent to have the letter on American Energy Week printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN ENERGY WEEK,
Washington, D.C., October 20, 1983.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: During this week (October 23-29) American Energy Awareness Week will be held across the country for the third year. Events here in Washington and in hundreds of localities throughout the nation from New England to Hawaii are marking the 10th anniversary of the OPEC oil embargo, our progress since then and the need for continued development of all American resources to assure a stable and secure energy future into the 21st century. The slogan for the week is "Energy for a Powerful America."

Organizations of many kinds are sponsoring discussions on the urgency of continued conservation and efficient energy use, on the close tie between our own future stability and that of our free world allies whose well-being is even more dependent than ours on oil imports.

They recognize that the potential resources and technologies of this nation can continue to reduce dependence on oil to a point where it is no longer the primary factor in our energy future.

In Chicago, the Greater Chicago Committee to Use Energy Wisely and the Federal Executive Board are sponsoring an energy awards program at Argonne National Laboratories attended by Undersecretary of Energy Pat Collins, as well as a two-day workshop on energy efficient buildings.

In Massachusetts, an entire week has been devoted to a series of events, including tours of a solar house, an international energy day conjunction with a community in Nova Scotia, and an energy conservation contest for the Commonwealth's School children.

In Hawaii, the week is being observed with an emergency preparedness seminar, energy expos on malls, tours of power plants and other events.

In Albuquerque, New Mexico, a three day, five-state dialogue is planned on major

energy issues, involving the states of Arizona, Colorado, New Mexico, Texas and Utah.

In Portland, Oregon, 30 co-sponsoring organizations have planned an energy expo at the Museum of Science and Industry, neighborhood coalition activities extension service classes and school programs on energy.

In Florida, the State Federation of Women's Clubs and the Homemakers Clubs are holding mall exhibits, an Energy Day Fair, a tabloid sponsored by local vendors, speakers programs at the Naval Training Center and demonstrations for energy advisors. The Discovery Center at Fort Lauderdale is featuring energy in action and a history of American energy usage.

Governors, mayors, and county commissioners and boards of supervisors in many areas have proclaimed this American Energy Awareness Week.

Here in Washington, an energy exhibit has been installed at the Smithsonian's Museum of Natural History in the Constitution Avenue lobby, Walker Memorial Baptist Church has held a special meeting stressing the need for more spiritual energy during the next 20 years, and on October 26 in the Natural History Museum of History a presentation will be made by leaders from government and the private sector on the urgency of continued energy development and its vital impact on our future security.

Government speakers on October 26 will include Dr. George A. Keyworth, the President's Science Advisor, Deputy Secretary of Defense, Paul Thayer, Deputy Postmaster General, Jim Finch, and Deputy Secretary Designee for the Department of Energy, Danny J. Boggs. From the private sector, the speakers will be A. B. Trowbridge, president of the National Association of Manufacturers, Juanita Bryant, international president of the General Federation of Women's Clubs, Dr. Ben Hooks, executive director of the NAACP.

There is positive evidence throughout the country that our citizens are still concerned about our nation's energy situation, and the need for continued development of solutions to this threat to our future security.

Sincerely,

DONALD B. MCCAMMOND,
Executive Vice President.

MESSAGES FROM THE HOUSE

At 2:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2915) to authorize approriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, the Inter-American Foundation, and the Asia Foundation, to establish the National Endowment for Democracy, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ZABLOCKI, Mr. FASCELL, Mr. YATRON, Mr. SOLARZ, Mr. MICA, Mr. CROCKETT, Mr. KOSTMAYER, Mr. SMITH of Florida, Mr. BROOMFIELD, Mr. GILMAN, Mr. PRITCHARD, and Mr. SILJANDER as managers of the conference on the part of the House; and as additional conferees solely for consideration of title VIII of the Senate amendment modifications thereof committed to conference: Mr. PERKINS, Mr. FORD of Michigan, Mr. ANDREWS of North Carolina, Mr. SIMON, Mr. ERLENBORN, and Mr. COLEMAN of Missouri.

At 4:23, a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill, without amendment:

S. 1944. An act to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

The message also announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 4091. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under such acts, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 187. Concurrent resolution deploring the assassination of Benigno Aquino, calling for the conduct of a thorough, independent, and impartial investigation of that assassination, and calling for free and fair elections in the Philippines.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H.R. 3223) entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes"; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints: Mr. WHITTEN, Mr. TRAXLER, Mr. MCHUGH, Mr. NATCHER, Mr. AKAKA, Mr. WATKINS, Mr. HIGHTOWER, Mr. SMITH of Iowa, Mr. ALEXANDER, Mrs. SMITH of Nebraska, Mr. ROBINSON, Mr. MYERS, Mr. ROGERS, and Mr. CONTE to be the managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1903. A communication from the President of the United States transmitting, pursuant to law, a report on recent U.S. military activities in Grenada; to the Committee on Foreign Relations.

REPORT OF THE COMMITTEE ON FINANCE RECEIVED DURING RECESS

Under the authority of the order of the Senate of October 25, 1983, the following report of the Committee on Finance was submitted on October 25, 1983, during the recess of the Senate:

By Mr. DOLE, from the Committee on Finance, without amendment:

H.J. Res. 308. Joint resolution increasing the statutory limit on the public debt (with additional views) (Rept. No. 98-279).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute.

S. 1102. A bill to provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972. (Rept. No. 98-280.)

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments. Without recommendation.

S. 49. A bill to redesignate public land in Alaska to allow hunting. (Additional and minority views filed). (Rept. No. 98-281.)

By Mr. STAFFORD, from the Committee on Environment and Public Works, without amendment.

S. 2006. An original bill to amend the Clean Water Act to provide for a program for reduction of nonpoint sources of pollution. (Rept. No. 98-282.)

● Mr. STAFFORD. Mr. President, today I am filing a report on the Nonpoint Source Pollution Management Act of 1983, a bill that originated in the Committee on Environment and Public Works. It is the committee's intention that this legislation, which would amend the Clean Water Act, be considered by the Senate at the same time as S. 431, the Clean Water Act Amendments of 1983, which was reported from the committee on September 21. When S. 431 is considered, we will move to substitute the test of the Nonpoint Source Pollution Management Act of 1983 for the present provisions of section 12 of S. 431.

The Nonpoint Source Pollution Management Act of 1983 is the product of two hearings and extensive work by the committee. On September 21, 1983, the committee voted unanimously to report this bill. The committee recognized that additional efforts must be made under the Clean Water Act to reduce and control widespread pollution of our Nation's waters by nonpoint sources.

The Clean Water Act's current structure requires limitations on discharges from point sources, primarily industrial and sewage treatment plant discharges. The structure of the Clean Water Act is fundamentally sound, and it has led to substantial progress in cleaning up pollution from these point sources.

It is now clear, however, that controlling point source discharges alone will not insure that the act's clean water goals will be met, because extensive uncontrolled pollution of the Nation's waters emanates from nonpoint sources.

Nonpoint sources of pollution are basically different forms of runoff pollution. This runoff comes from farmlands, forests, surface mines, grazing lands, urban areas, and lands being developed for residential or commercial purposes. The tremendous volumes of water that run off these lands and into the Nation's waters carry a broad array of pollutants resulting in siltation, eutrophication, and toxic contamination of our rivers, streams, estuaries, and lakes.

This legislation establishes a much needed program to insure that resources and concerns of the Federal, State, and local governments, as well as private citizens, begin to be directed toward reducing pollution from nonpoint sources. The legislation acknowledges the important role the States must exercise in developing effective nonpoint source controls and requires the States to implement the necessary nonpoint source pollution control programs.

The bill specifies the elements which the State management programs must include. In addition to identifying waters with major nonpoint source pollution problems and the sources creating those problems, the States are required to identify best management practices which will be undertaken by land owners or land managers to reduce nonpoint sources of pollution.

The legislation gives the States the flexibility to select those best management practices they consider appropriate and to identify the programs, either regulatory or nonregulatory, they will establish to insure the necessary implementation of best management practices. It also requires the States to commit themselves to specific milestones for implementation of the program and of best management practices.

Another important element of the management program is the authority for State identification of Federal financial assistance programs and development projects that the States will review for consistency with the State management programs. The bill provides this authority, which is modeled very closely on the existing provisions of Executive Order 12372, in order to help the States prevent their programs from being undercut by Federal activities. When a State identifies a program or project in this way, the affected Federal agencies and departments must insure that individual assistance applications and projects are submitted to the State for review. The Federal agencies and departments are required to accommodate any State concerns regarding the consistency of the financial assistance applications or projects with the State nonpoint source pollution management program.

The legislation directs that the States submit their proposed management programs to the Administrator of the Environmental Protection Agency for his review and approval. Approved programs are eligible for Federal program implementation grants. The Federal grants are not to exceed 75 percent of the costs of implementing the State program, with non-Federal funds accounting for at least 25 percent of the costs. The bill authorizes $70 million, $100 million, and $130 million in fiscal years 1985, 1986, and 1987, respectively.

Two-thirds of the funds appropriated for grants under this legislation will be allotted to the States based on a table, included in the bill, computed on factors of population and acreage in production in each State.

One-third of the funds appropriated for grants will be made available to the administrator who is authorized to provide additional financial assistance to States seeking to control particularly difficult or serious nonpoint source pollution problems, to implement innovative control measures, and to control interstate nonpoint pollution problems. These funds also may be used to provide grants to Indian tribes.

States are allowed considerable flexibility in how they use these funds. However, none of these funds may be used for sharing with persons the costs of implementing best management practices. The single exception is demonstration projects, which can be subject to cost sharing.

Finally, the legislation would amend section 304(k)(1) of the Clean Water Act to incorporate a reference to this new section. Section 304(k) would then require the administrator, Interior, Army, and other appropriate agencies to provide for the maximum utilization of other Federal laws and programs for the purpose of achieving and maintaining water quality through appropriate implementation of State programs developed pursuant to this legislation.

Mr. President, this bill is the product of extensive consultation with all affected interest groups. It represents a meaningful and important attack on a major water pollution problem that otherwise is not dealth with adequately by the Clean Water Act. It allows States to build upon the results of earlier planning efforts, such as those required by section 208 of the Clean Water Act, by carrying these efforts through to implementation. The committee has been assured by State and local governments, as well as by representatives of persons whose activities are causing nonpoint source pollution, that they take the problem seriously and are committed to reducing it. This program provides a mechanism for doing so.

Mr. President, I believe this legislation will be an important component of the Clean Water Act, advancing our commitment to cleaning up the waters of this Nation. I look forward to Senate passage of this important legislation, as part of the Clean Water Act Amendments in 1983.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Jack E. Ravan, of Georgia, to be an Assistant Administrator of the Environmental Protection Agency; and

Courtney M. Price, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself, Mr. SASSER, and Mr. PRYOR):

S. 2002. A bill to amend title II of the Social Security Act to provide for reform in the disability determination process; to the Committee on Finance.

By Mr. DOMENICI:

S. 2003. A bill to amend the Tariff Schedules of the United States to impose duties on subsidized hydraulic cement, cement clinker, and concrete block and brick; to the Committee on Finance.

By Mr. JEPSEN (for himself, Mr. LEAHY, and Mr. DIXON):

S. 2004. A bill to amend the Farmland Protection Act to improve the administration of such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 2005. A bill to expand markets for United States agricultural products through increased targeting of Commodity Credit Corporation export funds, expanded exports of Commodity Credit Corporation dairy products, and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales, to emphasize the need for increased exports of processed and protein fortified agricultural products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STAFFORD:

S. 2006. A bill to amend the Clean Water Act to provide for a program for reduction of nonpoint sources of pollution; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. SIMPSON:

S. 2007. A bill to amend title 38, United States Code, to provide for limited confidential treatment of medical and prosthetic research information; to the Committee on Veterans' Affairs.

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By Mr. SIMPSON:

S. 2008. A bill to amend title 38, United States Code, to provide for the exclusion of residents and interns from coverage under the Federal Labor-Management Relations Statute; to the Committee on Veterans Affairs.

By Mr. EAST:

S. 2009. A bill to amend the Fair Labor Standards Act of 1938 to exempt tire dealers and retreaders under section 13(b)(10) of that Act in the same manner as certain automobile service and automobile selling establishments; to the Committee on Labor and Human Resources.

By Mr. TSONGAS:

S. 2010. A bill to amend subpart E of part 3 of schedule 6 of the Tariff Schedules of the United States; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. HUMPHREY):

S. 2011. A bill to require high-buoyancy life vests aboard commercial aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2012. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. BUMPERS (for himself, Mr. BENTSEN, Mr. HEINZ, Mr. MATSUNAGA, Mr. MOYNIHAN, and Mr. CRANSTON):

S. 2013. A bill to amend the level of funding authorized for the Maternal and Child Health Services Block Grant for the purpose of ensuring no less than the current level of services for fiscal year 1984; to the Committee on Finance.

By Mr. HART:

S.J. Res. 186. A joint resolution entitled "The War Powers in Grenada Act"; to the Committee on Foreign Relations.

By Mr. MELCHER (for himself and Mr. PRYOR):

S.J. Res. 187. A joint resolution to repeal the Multilateral Force in Lebanon Resolution; to the Committee on Foreign Relations.

By Mr. BYRD (for himself, Mr. BAKER, Mr. THURMOND, and Mr. BIDEN):

S.J. Res. 188. A joint resolution to designate the month of November 1983 as "National Christmas Seal Month".

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PACKWOOD:

S. Res. 250. A resolution waiving section 402 (a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1102; from the Committee on Commerce, Science, and Transportation; to the Committee on the Budget.

By Mr. TSONGAS (for himself, Mr. PELL, and Mr. SYMMS):

S. Res. 251. A resolution to condemn the sale for profit of human organs for transplantation; to the Committee on Labor and Human Resources.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 252. A resolution to authorize representation by the Senate Legal Counsel of Senator Paula Hawkins and employees in the case of *United States* v. *William M. Conover, et al.*; considered and agreed to.

By Mr. BYRD (for himself, Mr. PELL, Mr. MITCHELL, Mr. BAUCUS, Mr. METZENBAUM, Mr. BINGAMAN, Mr. JOHNSTON, Mr. KENNEDY, Mr. TSONGAS, Mr. EAGLETON, Mr. LAUTENBERG, Mr. EXON, Mr. PROXMIRE, Mr. INOUYE, Mr. DIXON, Mr. RIEGLE, Mr. BIDEN, Mr. BENTSEN, Mr. DODD, Mr. SARBANES, Mr. MATSUNAGA, Mr. FORD, Mr. BUMPERS, Mr. PRYOR, Mr. LEVIN, Mr. HART, Mr. MELCHER, Mr. RANDOLPH, Mr. ZORINSKY, Mr. CHILES, Mr. CRANSTON, Mr. LEAHY, Mr. MOYNIHAN, Mr. NUNN, and Mr. SASSER):

S. Res. 253. A resolution expressing the sense of the Senate regarding the replacement of the Multinational Peacekeeping Force in Lebanon with a United Nations presence or other forces from neutral countries; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself, Mr. FORD, Mr. RANDOLPH, Mr. WARNER, Mr. SPECTER, Mr. GARN, Mr. HUDDLESTON, Mr. HEFLIN, Mr. SARBANES, Mr. MATHIAS, Mr. METZENBAUM, Mr. SASSER, and Mr. MELCHER):

S. Con. Res. 79. A concurrent resolution to request the President to urge the Government of Japan to import United States coal; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself, Mr. SASSER and Mr. PRYOR):

S. 2002. A bill to amend title II of the Social Security Act to provide for reform in the disability determination process; to the Committee on Finance.

DISABILITY DETERMINATION PROCESS REFORM

● Mr. MOYNIHAN. Mr. President, I rise today to offer legislation to help protect the rights of disabled Americans. This bill offers revised standards and criteria for the Social Security Administration to apply before terminating a citizen's disability benefits and revised standards and criteria for the appeals process from termination decisions. This legislation has been approved by the Ways and Means Committee of the House of Representatives. It is time for the Senate to do so as well.

Since March of 1981, the Social Security Administration has reviewed the eligibility of 900,000 recipients of disability benefits; the benefits of more than 400,000 have been terminated. Based on current projections, we can expect 250,000 more terminations in the current fiscal year.

Over 20 months ago, on February 9, 1983, I addressed the problem of wrongful terminations on the floor of the Senate. At that time I noted:

> It is our * * * responsibility to insure that the truly disabled receive the DI benefits to which they are entitled. It was not Congress's intent to eliminate both the healthy and the disabled from the disability insurance program.

Against the multitude of sorry tales told of wrongful terminations in the past 2 years, these words ring ever more true.

In hearings held before the Aging Committee on April 7, Peter J. McGough, associate director of the General Accounting Office, reported that a recent study of mentally disabled beneficiaries had found:

> Many individuals who had their benefits terminated despite having severe impairments, and in our opinion, having little or no capability to function in a competitive work environment.

Congress mandated periodic review of social security disability beneficiaries in the Social Security Act Amendments of 1980, a proper response to the rapid growth in the social security disability rolls during the 1970's. Between 1970 and 1976 the number of disabled workers in the social security program nearly doubled—from 1.5 to 2.7 million beneficiaries—while covered work force providing funds for the beneficiaries increased by only 25 percent.

It was never the intent of Congress to mandate reviews that would be described by a Federal Judge in Minnesota as "arbitrary, capricious, irrational and an abuse of discretion." I repeat my statement of February 9, 1982—it was not the intent of Congress to eliminate both the healthy and the disabled from the disability insurance program. The administration's implementation of the 1980 amendments can only be described as such.

At the time of the 1980 amendments, Congress projected a net savings of some $10 million; in 1981, the President's budget projected a savings of $3.5 billion—325 times the original estimate. To achieve this, rather than weeding out of the system those whose medical conditions have improved, hundreds of thousands of truly disabled Americans lost their benefits and were thrown off the rolls.

This body reponded to these sorry circumstances last December, by revising the process and insuring continued disability insurance benefits and medicare coverage for individuals in the process of appealing a decision to terminate. At that time, I supported provisions to require the Social Security Administration and State agencies carrying out case reviews to adopt procedural safeguards, to protect those entitled to DI benefits.

Today, I remain deeply troubled by the current system of review, under which over 40 percent of those reviewed are told they will no longer qualify for benefits. I am disturbed by the financial and emotional burdens of appeal, under current procedures—especially for mentally ill beneficiaries, who comprise nearly 25 percent of all reviews. I am also concerned about the cost of these reviews—an estimated $200 million for New York State alone by the end of 1983. And I am dis-

tressed that many States throughout the country have believed it necessary to defy Federal rules governing the review of disability benefits, refusing to drop anyone from the disability rolls until Federal regulations are eased.

Never in the 27-year history of this program has it so deviated from its primary concern, to provide benefits to persons who cannot work due to disabilities. When the 84th Congress enacted the original provisions of disability insurance in 1956, the committee noted:

> We recommend the closing of this serious gap in the old age and survivor insurance system by providing for the payment of retirement benefits . . . to those workers who are forced into premature retirement because of disability.

We now risk reopening this gap, should we choose not to revise the procedures now being used to deny benefits to tens of thousands of deserving disabled persons.

Despite the emergency legislation approved by Congress last December, protect the benefits of individuals appealing termination decisions, the disability review system still needs comprehensive reform.

The legislation I propose today, a companion measure to Representative J. J. PICKLE'S bill, H.R. 3577, will reform these shameful inequities in the administration of the disability determination process. The legislation requires proof of medical improvement in a recipient's condition before disability benefits are stopped, supplanting the 1956 rule stipulating that a person must be dropped, regardless of his or her disability, if he or she can perform "substantial gainful activity." It would also establish standards of review that reflect medical and technological advances, to more precisely determine medical improvement. In order to monitor medical advances which could have bearing on the evaluation of recipients and their possible medical improvement, the legislation establishes and Advisory Council on Medical Aspects of Disability. This Council, composed of independent medical and vocational experts, will provide advice and recommendations to the Secretary of Health and Human Services on disability standards, policies and procedures. This legislation will reform the appeals process, permanently insuring the continuation of benefits during appeal. It will establish uniform, public policies for all disability decisions and require personal face-to-face hearings during reviews of disability cases.

My colleagues need only recall the wrenching tales of thousands of disabled Americans denied benefits, to appreciate the need for extensive reform of this system. It is, indeed, a shame that we have waited so long to do so.●

● Mr. SASSER. Mr. President, the bill that the distinguished Senator from New York, Mr. MOYNIHAN, and I are offering today represents the culmination of nearly 2 years of work on behalf of many colleagues on the issue of social security disability insurance.

The bill represents a comprehensive approach to a problem which has plagued both the administration of the disability program in the various States and the consequent injustices suffered by thousands of disabled Americans beginning with the hasty acceleration of continuing disability investigations in March 1981. To those of us who have been involved with the SSDI problem, recitation of the compelling evidence used to substantiate the need for major reform at this point becomes redundant and I believe unnecessary.

The injustices and inequities of the system are clearly documented. There are none of us in this body who have not been subjected to heartrending stories of legitimately disabled individuals being indiscriminately removed from disability rolls and thus being deprived of rightfully entitled benefits. While these stories tear at the soul, there are others which boggle the mind. Those instances where erroneous termination has resulted in either actual or attempted suicide begs for a serious and immediate reevaluation of the concepts and processes through which these reviews are conducted.

It was such a reevaluation which eventually led to the passage of H.R. 7093 on the last day of the lameduck session last December. This bill incorporated necessary and important provisions which were meant merely as stopgap or temporary solutions to the disability problems. It was fully acknowledged by those involved that a comprehensive approach incorporating permanent reforms would be necessary this year.

The bill which we are offering today embodies this comprehensive remedy. The bill has undergone extensive scrutiny in both the House Social Security Subcommittee and the Ways and Means Committee and it now appears likely that it will pass the House with little difficulty.

The bill contains important administrative reforms such as a medical improvement standard and the permanent payment of benefits to disabled beneficiaries through the administrative law judge level of appeal. The bill also calls for a moratorium on mental impairment cases.

We think that it is absolutely imperative that the Senate consider this legislation before the end of the current session. The recent need to extend the payment of benefits provision is proof positive that time is of the essence. Far more important, however, is the need to alleviate once and for all the callous mistreatment of thousands of disabled Americans.

Many States have found the necessity for action so great that they have taken matters into their own hands. To date, 28 States have either stopped or modified review of disability cases despite legal contractual obligations between the Social Security Administration and the State disability determination agencies.

I urge my colleagues to join us in supporting this measure and sincerely hope that prompt consideration of the bill will work to further insure its passage in the Senate. We have waited far too long to act on this important issue, let us hope that the ultimate product of our collective energies proves to be a fruitful and effective one. In our estimation, this bill represents a fruitful and effective remedy.●

● Mr. PRYOR. Mr. President, today, I am proud to join with Senator MOYNIHAN in introducing legislation which would make comprehensive and very necessary changes in the social security disability program.

Mr. President, since March of 1981, I have, along with many of my distinguished colleagues, come to this Chamber to express my deep concern over the manner in which the continuing disability investigations are being handled. Story after story, each one more unbelievable than the last, of physical, mental, and financial hardships which have resulted from the reviews of the nonpermanently social security and supplemental security income disabled beneficiaries, have come to us through newspaper accounts, constituent letters and calls, and the like. At this point I believe further illustrations unnecessary to convince my colleagues of the necessity to enact full-fledged reform to right the abuses so prevalent in this most important Government program, and to do it with all possible speed.

At present there is absolute chaos within the disability system. States, as a result of the accelerated review of the nonpermanently disabled, have been faced with overwhelming caseloads, many without the benefit of increased staff to achieve expected review goals. Cases are developed poorly, and in many cases inappropriate consultative physicians are used to document specific disabilities. And inconsistent guidelines for determining disability are used throughout the decisionmaking process.

These and many other factors have contributed to making a fair disability determination close to an impossibility. The States, in their frustration at being placed in the position of the middle man—between the Social Security Administration, the administrative law judges, the Federal courts, and State residents—have responded in varying degrees. Several States have

placed moratoriums on disability reviews altogether, others have imposed restrictions on the manner in which the reviews are conducted. In the absence of legislative action, there is no longer a national program based on a single set of standards and administered in an efficient, consistent manner; rather, a patchwork of different disability programs varying from State to State has emerged.

The legislation we are introducing today is identical to the disability reform package which was reported out by the House Committee on Ways and Means last week. Congressman PICKLE, chairman of the Social Security Subcommittee, is to be commended for the long hours he has devoted to developing a very comprehensive disability package, which is clearly very sensitive to many of the program's problems. The Ways and Means Committee has been successful in formulating legislation which seeks to restore the integrity of the disability program. The time has now come for the Senate to respond to the very great need for program reform, as well.

The major provisions of this legislation make the following changes:

Require the continuation of benefits for those individuals whose conditions have not medically improved to the point of ability to perform substantial gainful activity, with the following exceptions: benefits may be terminated if beneficiary has benefited from advances in medical or vocational therapy or technology to the point where he can perform substantial gainful activity; benefits may be terminated if new evidence shows impairment(s) less severe than originally thought; benefits may be terminated if the individual is performing substantial gainful activity, or if initial disability determination was erroneous, of if benefits were fraudulently obtained.

Require the Secretary to conduct a study—in conjunction with the National Academy of Sciences—regarding the use of subjective evidence of pain in determining disability. The report is due January 1, 1985.

Require the Secretary to consider the combined effect of all of an individual's impairments whether or not each or any qualify individually for disability.

Impose a temporary moratorium on reviews of mental impairments until listings are revised by the Secretary in consultation with an advisory council on medical aspects of disability and published in final form as regulations. This legislation also requires that, in cases of mental impairment, a State-employed psychiatrist or psychologist must complete the medical portion of the review.

Provide a face-to-face evidentiary hearing at the State level for medical termination cases. The claimant must be given a preliminary notice of an unfavorable decision, and given 30 days to request a face-to-face evidentiary hearing before a formal determination is made. The State reconsideration level would be abolished after January 1, 1985. In addition, this legislation instructs the Secretary to initiate demonstrations on establishing the same procedure for initial disability applications.

Give permanent status to current law allowing benefits on appeal through the administrative law judge level.

Require the Secretary to promulgate, in regulation form, specific standards for consultative examinations.

Require that any changes in policy which affect the determination of disability be published in regulation form and subject to public comment.

Require the Social Security Administration to either apply the decisions of circuit courts to at least all beneficiaries within the circuit, or appeal the decision to the Supreme Court for a final ruling.

Mr. President, these are the major provisions of the Ways and Means-passed disability legislation. I know that many of my colleagues are as eager as I am to see the resolution of the many problems which have developed within the disability program. I am hopeful that, with the added encouragement of House action, which is expected in the very near future, that we will see reforms in this important program signed into law before the close of this session of the Congress. There may be additional changes which may be necessary to further improve this legislation, and I would welcome all suggestions. I urge my colleagues to join with me in working toward the goal of comprehensive disability reform this year.●

By Mr. DOMENICI:

S. 2003. A bill to amend the tariff schedules of the United States to impose duties on subsidized hydraulic cement, cement clinker, and concrete block and brick; to the Committee on Finance.

CEMENT, CEMENT CLINKER, AND CONCRETE BLOCK AND BRICK FAIR TRADE ACT OF 1983

Mr. DOMENICI. Mr. President, the House Trade Subcommittee has been holding hearings on a series of proposals to improve the Nation's statutory trade remedies. Last Thursday, Mr. GIBBONS' subcommittee spent the entire morning taking testimony on two-tier pricing systems, upstream subsidies, and export targeting.

I share many of Congressman's GIBBON'S concerns. I have been approached by constituents complaining that Mexico is extensively and unfairly subsidizing the production of cement and exporting it into our market. The effect is that we are losing our own market because of the unfair practices of others. In the first 5 months in 1983, cement and cement clinker imported from Mexico are 449 percent greater than their total imports during all of 1982.

My constituents may not call it upstream energy subsidies or realize that they are being victimized by what is technically referred to as a two-tier pricing scheme, but they know it is costing jobs and preventing plant modernization and expansion here in the United States.

Because I believe this is a very important topic, I am introducing a bill which is another possible approach to the cement industry's problem. My intention is to begin to focus the discussion here in the Senate on the situation. I am considering other possible solutions to the broader problem of energy subsidies, some of which are discussed briefly in the testimony I am including in the RECORD today. I would like to encourage the Senate Subcommittee on International Trade to look at this cement specific bill, as well as other proposed solutions to the problem of two-tier pricing systems and upstream energy subsidies as soon as possible.

The bill is cement specific, and is designed to restore fair competition and to insure that the purposes of the countervailing duty law are not frustrated. The bill would amend the tariff schedule to impose duties on cement receiving an energy subsidy provided by a government or State-owned or controlled enterprise at a price that is less than the true value of such fuel or energy.

The bill accomplishes this by creating a new tariff classification for subsidized hydraulic cement and cement clinker. It would permit interested parties to petition the Commerce Department under procedures similar to those used in countervailing duty proceedings. The Commerce Department would determine whether the imported cement was being manufactured with subsidized energy, and the amount of the subsidy.

The duty imposed would be based on the difference between the cost or price of the subsidized fuel or energy made available to the cement producer by its government controlled, energy producer, and the true value of the energy.

True value is defined as the first of the following that can be determined: Either the price offered to unrelated purchasers for export; or an arm's length price consisting of the amount that was charged or would have been charged in independent transactions with or between unrelated parties in a relevant and uncontrolled market.

The same kind of tariff classification and procedure would be established for subsidized concrete block and brick.

Mr. President, I ask unanimous consent that my statement before the Trade Subcommittee of the Ways and Means Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PETE V. DOMENICI BEFORE TRADE SUBCOMMITTEE OF WAYS AND MEANS COMMITTEE, OCTOBER 20, 1983

I very much appreciate the opportunity to testify before your Subcommittee today, Mr. Chairman, and I congratulate you and the other members of this subcommittee for taking the initiative on the countervailing duty law designed to address the problem of two-tiered financing schemes established by foreign governments on natural resources.

The upstream energy subsidies that you are discussing today have been a menace for years. The domestic nitrogen producers and more recently the carbon black and domestic cement industry have been harmed unfairly by these subsidies. However, the potential is there to become a problem for the entire petrochemical industry and every energy-intensive industry competing with a government-owned monopoly using artificially low-priced energy to promote exports.

I am most familiar with the cement industry so I will focus my remarks on their situation.

In recent years, a disturbing development has emerged in the cement industry. Increasingly, foreign producers located in countries with large reserves of natural gas and oil have been aggressively entering the energy intensive industries such as cement production. These same countries have nationalized their natural resources and have created state-owned monopolies to produce and distribute energy. They have made it a national priority to increase capacity of their energy-intensive manufactures like cement, ammonia, and steel. They have made it a national priority to promote the export of such commodities. They can virtually guarantee whatever share of our U.S. market they want by selling arbitrarily low-priced energy produced by their government-owned and controlled producers to their cement, ammonia and steel producers.

Let me use Mexico as an example because Mexican cement is a particularly troublesome competitor in New Mexico as well as the rest of the Southwest and Florida. Moreover, this is potentially a problem for any energy intensive industry faced with competing with a government-owned monopoly which provides the competition with basic raw materials on a virtually cost-free basis.

Cement manufacturing is a highly energy-intensive process. Energy constitutes about one-half of the direct cost of manufacturing cement. Cement has one of the highest ratios of energy costs to total material costs of all manufactured products. Natural gas and oil are the principal components used in the production of cement. Unfortunately for the international trading system—and especially the U.S. markets—in Mexico, PEMEX is the special government entity which owns and controls production and sale of natural gas and oil. PEMEX sells Mexican cement companies "combustoleo Pesado", a heavy fuel oil at $1.23 per barrel—assuming as Ps 150/1 dollar exchange rate. An unsubsidized cost of fuel needed to produce a ton of cement is $14.96/ton; the subsidized cost for Mexican cement is $.68. Even using the most modern technology, U.S. cement producers cannot hope to compete effectively against Mexican cement which benefits from a subsidy estimated by some of my constituents to be $20.36/ton. $1.23/barrel, that's the arbitrary price the Mexican government has decided to sell heavy fuel oil to its cement producers. That's an artificially low price and that's the unfairness.

This is a classic example of unfair foreign government subsidization of a domestic industry with direct and substantial impact on the United States. It involves precisely the kind of practice that our countervailing duty laws should address, but apparently they do not.

The cement industry tried to use our trade laws to correct this meddlesome and market disrupting practice. Their lawyers established a compelling case before the Commerce Department. The Final Affirmative determination did not take into account the energy subsidy in spite of the uncontroverted facts. The cement industry did win a countervailing duty equal to about 6 percent industry-wide. This 6 percent was allowed because of several other Mexican Government programs, mostly tax credits, immediate depreciation and below market rate financing. That 6 percent countervailing duty looks puny when compared with a 50 percent energy subsidy. It looks to me like a slight inconvenience or just another insignificant cost of doing business. It certainly isn't fairness.

The Commerce Department representatives tell me that to recognize and to impose countervailing duties against such upstream energy subsidies the law needs to be changed. I understand that you are considering three possible approaches to measure the subsidy level for the purpose of imposing countervailing duties.

I would think that either of the first two approaches would correct the problem. The first approach would calculate the countervailing duty based on the difference between the controlled domestic price and the export price.

The second approach uses the difference between the controlled domestic price and the lower of either the export price or the price generally available to U.S. producers. I understand that this approach has been proposed to guard against such situations as the bad bargain/change of circumstances possibility. This is the situation we have with some Mexican natural gas right now. Several years ago we agreed to buy natural gas from Mexico at $4.60 per MCF. This price was agreed upon based on our belief that the price of oil and natural gas would continue to increase. Because this has not happened we are buying gas at $4.60 per MCF, but the price generally available to U.S. producers is $2.80 to $3.00.

I would caution against the type of approach suggested in the third alternative. This formula for determining the appropriate countervailing duty takes the difference between the controlled domestic price and the "fair market value", which would be determined by an assessment of the following four factors: the generally available world price; the average price to U.S. producers; production costs and the extent to which they bear a reasonable relationship to the world price; and the degree of price suppression in the domestic market caused by government regulation.

I don't find either of these two criteria troublesome. However, I do have some concerns about the third and fourth criteria.

I have spent years on the Senate Energy and Natural Resources Committee and the third criteria, production cost and the extent to which it bears a reasonable relationship to the world price. I feel is of questionable value in setting a standard for countervailing duty relief. I can tell you, as will any producer in the natural resource field, that the cost of production does not always logically compare to the value of the product or the world price.

I am also concerned about the feasibility of the fourth criteria. The degree of price suppression in the domestic market caused by government regulation, may be difficult, if not impossible to determine with any certainty or reliability.

These are a few of my thoughts on these three possible formulas. I am sure that the hearing today will give us all a better idea regarding the appropriate measure. I am sure that the subcommittee will arrive at a workable formula.

I can't stress how important this issue is. I think we are seeing just the beginning of what I consider to be a desperate effort on the part of other governments to capture U.S. markets and to earn foreign currency to service their external debt.

Only a year ago Mexico was in the headlines because of the state of its economy, the devaluations of its currency, its unemployment and the specter of default on its loans. Those problems have not disappeared. A recent 1981 study on Mexican energy policies makes it clear that the explicit policy of undervaluing oil and gas and other energy resources, has artifically reduced PEMEX revenues and has forced PEMEX and Mexico to borrow excessively, creating inflation and devaluation of the peso.

These are those who may say that it is none of our business how Mexico chooses to use its natural resources. However, Mexico's energy pricing practices are disrupting U.S. markets and I believe that the ramifications are potentially far reaching. Right now we are hearing about our U.S. producers seeing their customers lured away. I think that the imprudent pricing of these valuable natural resources will result in continued economic ills for Mexico. At the same time the U.S. will lose reliable and efficient domestic industries.

I have already seen the symptoms of this in my own state. New Mexico presently has only one cement plant near Albuquerque. Another plant, in El Paso has provided a substantial amount of cement to my state's market. That plant was built in 1910 and was scheduled to be replaced by another modern plant near Las Cruces. The project is on hold. The President of the company has told me that the unfair competition for subsidized Mexican cement is shrinking the Southwest's market and is severely and adversely affecting the prospects for that plant.

This plant would mean employment for 400 people during the three year construction phase of the project. Additional jobs would be generated because of the need to construct railroad spurs, service roads and electrical facilities. Approximately 150 hourly and salaried personnel would be required to operate the plant with a total annual payroll exceeding $4.5 million. In addition, the plant would consume a number of products and utilize significant services that would be provided from within the state including: approximately 100,000 tons of New Mexican coal at an annual cost of approximately $5 million; approximately 120,000 megawatt hours of electricity at an estimated annual cost of $6 million; Rail-

road and truck freight at an estimated annual cost of $10 million; and Gypsum, iron ore, aluminum materials, operating and maintenance supplies at an estimated annual cost of $1.9 million.

Because of the enormous capital cost involved with the construction of such a plant, it is essential that the producer be assured that it can operate consistently at a fairly high level of capacity before the project is approved. Expanding exportation of Mexican cement not only debases the price of cement in the market, but more importantly, reduces the potential market that the new plant can service.

I have talked about cement and energy today, but this is only one element of a larger problem of how to conduct international trade when other governments insist on upstream energy subsidies and other types of market disrupting practices which are inconsistent with free and fair trade and which undercut our domestic producers.

Unless Congress does something to restore competitiveness and fairness to this sector of the economy the needed revitalization of our industries may not take place.

I have given you one example. There are many, and for this reason I hope you will act quickly to report out a trade remedy bill that has a strong and effective provision addressing the problem of upstream energy subsidies.

Thank you, Mr. Chairman.

By Mr. JEPSEN (for himself, Mr. LEAHY, and Mr. DIXON):

S. 2004. A bill to amend the Farmland Protection Policy Act to improve the administration of such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARMLAND PROTECTION POLICY ACT AMENDMENTS OF 1983

Mr. JEPSEN. Mr. President, this bill is introduced as the Farmland Protection Policy Act Amendments of 1983.

It amends the Farmland Protection Policy Act (FPPA) 7 U.S.C. 4201 et seq., as passed in the Agriculture and Food Act of 1981. My distinguished colleagues, Senator LEAHY of Vermont and Senator DIXON of Illinois, join me in this effort.

American agriculture today has achieved a commanding position in the economies of the United States and many world nations. Much of our success comes not only from the diligent efforts of this Nation's farmers, but also from the fertile, productive cropland with which they have to work.

Currently, the United States has an ample supply of good cropland from which our farmers can produce for profit and from which our consumers will have an affordable and varied food supply.

My concern today, however, lies not with our present domestic and worldwide food and fiber demands and needs, but with those demands and needs of future generations. It is to those people that our actions or lack of action now will speak.

In 1981, Congress passed the Farmland Protection Policy Act in response to growing pressures at the local and State levels on the agricultural land base. My distinguished colleague from Vermont was the principal motivator of that legislation.

During the 1970's population swells and shifts in rural areas, changes in farming technology, changing opportunities for commercial and industrial development, and changes and alternatives in the American lifestyle led to large-scale development on agricultural land.

On the national level, the rate of this development was measured but consistent over roughly a 10- to 15-year time period.

But on the State level, this development was more abrupt and affected all aspects of economic, political, social, environmental life.

On the local level, this change was not only abrupt, but in many cases devastating to the area, destroying whole farm communities.

In 1979, the U.S. Department of Agriculture and the Council on Environmental Quality initiated a joint project to study the rate and effect of continued farmland conversions to developed uses. The result of this project, the national agricultural lands study (NALS), indicated that continued conversions at the documented 1970 rate could, in fact, affect our future ability to produce a varied and affordable food supply, for both domestic and world needs.

The crisis would not be as great at the national level. Yet, many local areas could become excessively or totally dependent on outside food sources, which in many cases was considered unacceptable, at that level.

To the greatest extent, decisions on the rate and direction of development are the sole responsibility and concern of the State and local governments.

The NALS study and findings indicated, however, that many State and local development policies, were impeded, or altered because of actions taken at the Federal level, by the various Federal agencies and independent commissions, as directed by their internal goals and objectives.

The Farmland Protection Policy Act of 1981, responded to the conflicting goals and objectives of the Federal, State, and local governments. It requires that all Federal agencies engaged in actions that could contribute to or cause the conversion of agricultural land to developed uses, shall take steps to avoid or lessen adverse effects on those State and local areas.

These steps were to be based on established criteria, with rules and procedures, promulgated by the USDA and applicable to all Federal agencies.

A review of actions taken by the USDA and other Federal agencies indicates that none of the agencies has seriously considered their impacts on farmland conversions.

The USDA has been slow in promulgating the rules and regulations by which this act should have been put into full effect. And many local communities, in all regions of the country remain concerned and perplexed by the Federal Government's inability to correct what to them is a serious natural resource problem.

The legislation proposed today requires the Secretary of Agriculture, within a more specific time period, to address this issue, and carry out the full intent of the original law.

In addition, the amendments require the Secretary to coordinate the efforts of other Federal agencies in meeting these requirements and to report to the Congress as these efforts progress.

Furthermore, the amendments create an avenue for the expression of public opinion and comment on actions taken by the Federal Government in this regard.

Most importantly because of the Department's expertise in this area, these actions will be coordinated centrally through the office of the Secretary at the Department of Agriculture.

These amendments address what many view as deficiencies in the current law.

Along with the bill, I'm submitting the comments of the Natural Resources Defense Council, Consumers Union, National Audubon Society, National Farmers Union, National Grange, and the National Wildlife Federation prepared in response to USDA's public comment period on the proposed rules and regulations to the act. I ask unanimous consent that they be inserted in the RECORD following my remarks.

I urge my colleagues to review the issue so that we may act expeditiously on this matter.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENTS OF THE NATURAL RESOURCES DEFENSE COUNCIL, CONSUMERS UNION, NATIONAL AUDUBON SOCIETY, NATIONAL FARMERS UNION, NATIONAL GRANGE AND NATIONAL WILDLIFE FEDERATION

(By F. Kaid Benfield and Justin Ward)

I. INTRODUCTION

In the Federal Register of July 12, 1983, the Assistant Secretary of Agriculture published a notice (48 Fed. Reg. 31863) of proposed rulemaking which would establish criteria for implementation of the Farmland Protection Policy Act (FFPA), 7 U.S.C. 4201 et seq. Submitted herewith are the comments on the proposed rule of the Natural Resources Defense Council (NRDC), Consumers Union, National Audubon Society, National Farmers Union, National Grange, and the National Wildlife Federation.[1] For the reasons set forth below, we believe the

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Footnotes at end of article.

proposed rule must be substantially revised if it is to satisfy the requirements and purpose of the FPPA.

II. THE IMPORTANCE OF FARMLAND PROTECTION

The FPPA was a logical and badly needed response to the problems identified in the 1981 National Agricultural Lands Study (NALS) and further articulated in the Act's findings at § 1540, 7 U.S.C. 4201.[2] The latter includes formal recognition by Congress that America's shrinking farmland is a "unique natural resource" essential for providing the country with a sustainable food and fiber supply. The FPPA's stated purpose is to minimize the significant contribution of federal programs to the unnecessary and irreversible conversion of the best of the nation's farmland to non-agricultural purposes.[3]

As Congressman George E. Brown, Jr., a principal sponsor of the FPPA, stated recently:

"In passing this act, the Congress recognized the vital importance of protecting farmland for farming, and asserted that tax dollars should not subsidize projects which needlessly lead to the loss of productive cropland".[4]

The statute is designed to require federal agencies to "stop, look, and listen" before taking actions that can lead to the destruction of prime, unique or other important parcels of farmland.

Given its simplicity and its worthy objectives, it is not surprising that the Act retains strong bipartisan support and that its critics are few in number. Nevertheless, some dissenters persist in attacking the statute with a number of arguments. For instance, it is claimed to be a restrictive measure designed to circumscribe the property rights of individuals. In light of this contention, it bears reiterating that while the FPPA pertains to federal agency actions and to federally-subsidized actions of other government or private entities, it does nothing to restrict any landowner who wishes to convert prime farmland to nonagricultural uses without federal assistance.

Some opponents even dispute the existence of a national cropland conversion problem, challenging a fundamental premise of the FPPA. A few have charged, for example, that the NALS findings were based on faulty statistical information. This argument misses the point. While there is bound to be disagreement on precise numbers, it is inarguable that there is an overall trend of formerly rural areas yielding to industrial, suburban and other development at a rapid pace, particularly around highways and metropolitan areas. We concur with Congressman Brown's views on this subject:

"Even though available statistics are flawed in many respects, the Congress and most citizens recognize that protecting agricultural land from conversion, soil erosion, and other natural hazards is essential and prudent in order to sustain the Nation's agricultural productivity. Most people fortunately recognize there is little to gain from a preoccupation with statistical anomalies and uncertainties when the basic facts are relatively clear".[5]

Others have argued that the existence of commodity surpluses, price supports, and crop and acreage reduction programs indicate that the United States has a surplus, not a scarcity, of farmland. This argument, too, is unpersuasive. First, the FPPA is concerned only with the loss of the most valuable of our agricultural lands, not all of them.[6] The undersigned would be among the first to contend that much land currently being farmed could and in fact must be taken out of production, especially marginal cropland which presents environmental problems such as soil erosion and water pollution. This in no way, however, argues against the notion that the very best, most productive land for farming should remain available for that purpose.

Second, to fail to protect the best farmland on the basis of current surpluses is extremely short-sighted. Demand for agricultural products is steadily rising as the population grows. Moreover, the degree to which there is a surplus is dependent on factors such as weather and export policy, which are difficult to predict and can vary widely.[7] Regardless of need, 21st century farmers and consumers will never be able to reclaim the prime farmland that was paved over with 20th century concrete. We believe that in this context it simply makes good sense for federal agencies to consider carefully the impact of their programs on our most valuable cropland, and to consider alternatives and take steps which would minimize adverse effects.

In short, the FPPA is sound legislation which the undersigned groups and their members have consistently supported. After a long delay,[8] we now commend USDA and the Soil Conservation Service (SCS) for issuing a proposal related to the impact of federal programs on U.S. farmland. However, we consider the July 12, 1983 proposal to be deficient in several important respects. Our comments will first address the weaknesses of the proposal and then recommend modifications. Through this, we hope to contribute to the formation of a workable and effective rule which is consistent with the FPPA.

III. THE PROPOSED RULE FAILS TO ESTABLISH MEANINGFUL CRITERIA

The Act clearly requires that USDA establish criteria for identification of the adverse effects of agency programs on farmland conversion so that agencies may take those effects into account and consider less adverse alternatives. 7 U.S.C. 4202(b). The proposed rule attempts to satisfy this mandate simply by establishing a system for evaluating and assigning numerical ratings to the sites of proposed federal projects. See § 658.4. Under the land evaluation and site assessment (LESA) system proposed, the higher the rating for a site on a given "criterion," e.g., distance from an urban center, the more worthy the parcel of protection as farmland. The rule is explicit in that it establishes no other criteria for federal agencies to use in identifying and considering the effects of their programs. § 658.5(c).

While we believe there can be a place in farmland protection for a more properly designed LESA system (see discussion below), the rule as proposed is clearly inadequate to satisfy the letter and spirit of the statutory call for criteria. In particular, it gives unfettered discretion to agency decisionmakers as to how evaluations are to be made and used, it fails to facilitate identification of many of the most basic impacts of agency programs and it almost completely fails to address the critical question of consideration of program alternatives which are less adverse to farmland.

A. Agency discretion

First, the purported "criteria" in the proposal are far from being actual criteria in any reasonable sense of the word. This is because the breadth of discretion given federal agencies, even those with no expertise or institutional interest in farmland protection, is such that it precludes uniformity in either policy or procedure. This, in effect, defeats the purpose of having a rule.

In some ways, the proposal is quite explicit on this point. Section 658.5(b) allows, for instance, an agency to assign "any relative weighting" to the information it obtains from asking various site assessment questions under § 658.4(b). Under this provision an agency proposing to convert prime farmland would explicitly be free to consider heavily, say, the fact that a federally assisted developer had significantly invested in architectural studies (§ 658.4(b)(10)) while paying little heed to the fact that the project would render remaining farmland nonfarmable (§ 658.4(b)(2)). This result would be highly inconsistent with the purposes of the FPPA.

The proposed rule gives even more discretion implicitly than it does explicitly. It does not indicate at what point in the decisionmaking process the farmland assessment should be made. It totally fails to explain or even suggest to decisionmakers what they should do with the results of their farmland analysis. Instead, the rule simply tracks statutory language requiring the identification of adverse effects and consideration of alternatives. This does not constitute very useful guidance. Should, for instance, an indication of particularly severe impacts trigger a particularly rigorous consideration of alternatives? Should such an indication trigger a requirement that a project be reviewed by USDA and/or higher levels within the initiating agency? If less adverse alternative sites are available but rejected, should there be explicit documentation as to why they were rejected?

There are no clues as to the answers to these and other relevant questions. The rule seems to abdicate even any semblance of the uniformity and direction called for in the statute. It thus fails to provide even meaningful procedural safeguards against unnecessary conversion of prime farmland, to say nothing of its failure to suggest substantive agency policies.

B. Failure to adequately examine program impacts

Moreover, an examination of the "criteria" in § 658.4 reveals that they do not come close to fulfilling their statutory function of assisting agencies in identifying the impacts of programs on farmland conversion. First, the "land evaluation criteria" in the proposed rule (§ 658.4(a)) are designed only to assist appraisals of individual farmland parcels' "value as farmland relative to other parcels in the area," and the "site assessment criteria" (§ 658.4(b)) are designed only to assist the evaluation of "the suitability of each proposed (development) site for protection as farmland." Their focus is primarily on the site, not on the proposed development and alternative to it.

Second, LEAS scores are simply abstract numbers which are inherently relative. They have no meaning except in comparison to other LESA scores. To be sure, a properly designed LESA system could provide assistance in determining the relative value for farmland of various alternative development sites. In fact, such a comparison could be one quite useful component among criteria for deciding which alternative had the least adverse impacts.[9]

But, an abstract LESA rating cannot substitute for the direct, careful analysis of those impacts contemplated by the statute. Among some of the more basic questions which such an analysis should provide an-

swers to are: How many farms would be affected by the proposal? How much acreage? What is the productive yield? What farm income would be lost? What indirect effects on farmland conversion could the proposal have? How long would they take to materialize? Could adverse effects be mitigated without relocation? How? We do not purport to be experts in designing an exhaustive list of relevant considerations, but the rule as proposed fails to present any.[10]

C. Failure to examine alternatives

Given the proposed rule's choice to use an inherently relative scoring system, it is especially surprising that it fails in any sense to give guidance as to how agencies should consider program alternatives which could lessen adverse effects on farmland. Clearly the statute requires the consideration of alternatives; clearly the statute requires that the USDA-developed criteria be designed with the consideration of alternatives in mind. It is therefore a complete mystery why the proposed rule fails to even suggest, much less require, that its criteria be applied to a reasonable range of project alternatives.

We grant that a generous construction of the proposal reveals that some consideration of alternatives is implicit in the proposed LESA system. For instance, site assessment question #6 inquires as to the availability (without additional cost) of other sites less valuable for agriculture. But this is hardly adequate. If the LESA questions are to be used, the rule should be explicit in assuring that they will be used in evaluating alternative sites as well as the proposed development. Moreover, the Act specifically calls for consideration of alternative actions, not merely alternative development locations. What modifications in the design of the project, other than relocation, could be made to limit farmland conversion? The proposed rule does not contemplate such options in any way.

A related deficiency is that by failing to provide a mechanism for comparative evaluation of alternatives, the rule fails to require that agencies examine the desirability of abandoning altogether a project proposal with little value relative to its severe impacts on farmland. Such a requirement would be similar to that imposed by the National Environmental Policy Act (NEPA) under which agencies must compare the relative impacts of a proposed action with those of a "no action" alternative.[11] See 40 C.F.R. 1502.14(d). Here, the limited "criteria" proposed seem to assume, rather than facilitate the evaluation of, the necessity for the underlying action regardless of its impacts. This is plainly inconsistent with the statutory purpose.

It bears mentioning that on August 2, 1982 draft of the proposed rule is far preferable in its approach to establishing a framework for agency decision-making, including the consideration of alternatives.[12] It includes at least a concise "general guidance" section to accompany the criteria which outlines to some degree what an agency's examination of alternatives to farmland conversion should entail. It also explains the circumstances under which officials could determine that there are no feasible alternatives to conversion. This section should be restored.

IV. THE PROPOSED RULE LACKS BASIC FEATURES NECESSARY FOR AGENCY ACCOUNTABILITY

A. Documentation of agency actions

The proposed rule contains no requirement or even encouragement for any sort of record-keeping, reporting or documentation of agency compliance with the FPPA. These rather simple requirements which are basic to open, democratic government, would provide a mechanism for confirmation that federal agencies have, in fact, "used the criteria" in their program evaluations as mandated under Section 1541(b) of the Act. Open decisionmaking is particularly important under the FPPA, which largely forbids judicial oversight of its implementation (see 7 U.S.C. 4209) and leaves the recourse of dissatisfied interested parties to political processes.

USDA's decision to delete a documentation provision from its earlier draft proposal is evidently based on a reluctance to place increased paperwork requirements and administrative burdens on federal agencies.[13] We believe these concerns are unwarranted because they assume a rigid, burdensome reporting process then, in reality, the requirement could easily be structured to provide flexibility in form and content. For instance, the August 2, 1982 draft suggests that documentation of program impacts could be "contained in an environmental assessment or statement or some other review mechanism." No intrinsic feature of this provision would demand lengthy analyses or enormous investments of staff time or other resources by the affected agencies. USDA's concerns notwithstanding, documentation of agency activities is a modest proposition.[14]

B. Lead agency review

In connection with documentation, some mechanism for intra-governmental review of agency implementation is needed to assure compliance with the Act. This review could be made similar to that of CEQ, already required for EISs under NEPA. In his March 25, 1981 letter to the Congress, Secretary Block addressed the "need for the monitoring of [national farmland protection policies related to federal agencies] and their implementation."[15] We concur with this appraisal and contend that USDA, statutorily recognized as "the agency primarily responsible" for the implementation of farmland policy (7 U.S.C. 4201(a)(6)), would be the logical agency to be responsible for such monitoring.

The proposed rule does provide "assistance" (§ 658.3(a)) and "encouragement" (§ 658.6(d)) roles for USDA. It assigns to SCS responsibility for the lesser part (§ 658.4(a)) of LESA evaluations. However, as noted above, it also gives complete decisional authority to federal agency program administrators regardless of whether they have any expertise or interest in the FPPA was enacted partly in response to federal officials' lack of knowledge about agricultural land preservation concerns. The director of the National Agricultural Lands Study, which prompted the legislation, told a Congressional subcommittee recently that "federal program managers often feel that the loss of agricultural land is not a problem or that it is the responsibility of another agency."[16]

The expertise issue carries quite practical ramifications. This can be illustrated by reference to question No. 11 in the site assessment criteria: "Does the farm containing the site [under consideration for conversion to a nonagricultural use] have sufficient land to be expected to continue as a farm?" Aside from the problems with the LESA system described above, providing an accurate answer to this question would require a basic understanding of farming types, agricultural economics, and various land use planning issues. Only a few agencies in government, notably including USDA, are likely to have such expertise.[17]

We suggest that, at a minimum, agency documentation of FPPA implementation be routinely submitted to USDA for a 45-day review period, with comment at USDA's option. This is not very different from the provision outlined in the August 2, 1982 draft of the proposal which calls for USDA to make comments and recommendations in response to reports prepared by other federal agencies. There is nothing substantively binding or obtrusive about such a requirement. The situation arguably would be very different if USDA were granted some sort of decision-making authority or veto power over the programs administered by other agencies, but no such power need be granted to establish at least a basic level of oversight. On balance, we would expect a net savings of time and effort to accrue to federal agencies as a direct consequence of eliminating much of the guesswork on how to apply the criteria.

C. Public review

An obvious corollary to the need for intragovernment review of agency farmland actions is the need for some sort of public review. It is astounding that the proposal provides absolutely no mechanism for affected farmers, consumers, or other interested parties to voice their views about a proposed project or suggest alternatives. It must be stressed again that such mechanisms are absolutely critical for FPPA implementation since, once a final decision has been made to go forward with a project, affected parites have no judicial recourse to assure that its purposes have been heeded. In a democracy, there can be no merit in a rule designed to prevent citizen participation in government.

V. EVEN FOR THE PURPOSE FOR WHICH A LESA SYSTEM CAN BE USEFUL, THE PROPOSAL IS NOT SUFFICIENTLY RIGOROUS

A. Vagueness

As noted above, we believe a well-designate LESA system can be one useful tool for comparing alternative sites. However, for this or any other purpose, the system proposed in § 658.4 is excessively vague and subjective and allows for inordinate variations among scoring decisions. For example, question No. 6 in the site assessment system assigns ten points (the maximum in a system where high numbers favor protection) to a prospective project site where "a large number of other sites less valuable for agriculture exist." Five points are assigned when "a few other" such sites exist; zero points are assigned when "no other" such sites exist. The proposed rule gives absolutely no indication of what constitutes a "large number" or a "few" alternative sites.

Other questions use such similarly undefined terms as "significant" amounts of farmland (#12) and "significant" developer investment (#10). Without defining such terms, the rule cannot possibly ensure consistency in the application of the scoring system. To the contrary, the strong likelihood is that several rational individuals attempting to apply the criteria to a given site would each arrive at different numbers on the 0–10 scale. The lack of precision which characterizes the examples is, unfortunately, typical of most of the questions set forth in the proposed system.

B. The potential to inhibit sound decisions

In addition, certain of the questions could even subvert desirable agency decisions. For

instance, under site assessment question #8, prospective development sites are scored on the basis of their proximity to urban centers. Sites distant from cities receive the most points; those adjacent to cities receive the fewest. In most cases, this would be logical. However, in some circumstances an agricultural site may be more valuable for production of farm products previsely because of its proximity to an urban center or, for that matter, because of relative scarcity of other farmland in the area (see question #'s 1 and 2). As currently drafted, the proposed criteria do not allow for these possibilities, and in such situations the sites would receive illogical low scores under § 658.4.

Some language in the proposed site assessment system is troublesome because it seems by its very terms to run counter to the goal of preserving the best agricultural land. For example, site assessment question #6 limits favorable scores to situations where project sites less valuable for agriculture are available without "significant additional cost." This tends to make farmland preservation a desirable goal only if it can be had for free, which is hardly the intention of the FPPA. An equally troubling problem with question #6 is that it makes sites more worthy of preservation if a larger number of low-cost alternative sites exist. This seems completely illogical. how many desirable alternative sites are needed for a project to be relocatable?

Site assessment question #10 is also fundamentally objectionable in that it allows the amount of planning (as opposed to actual construction) investment a prospective conventer of farmland has made to affect the agency's evaluation of the site. At best this amply illustrates the "mixing" problem described immediately below—developer planning investment has nothing whatsoever to do with site characteristics. But we also believe the question would be subject to great abuse, and we doubt that it should be included among FPPA criteria at all, particularly in a numerical rating system. While we would not assert that in all cases developer planning investment is irrelevant to the suitability of a site for protection, in some cases it may be. Evaluation of it seems best left to a judgement on objective information, not on an abstract rating system.

C. Mixing different kinds of information

A third problem with the LESA system as proposed is that, by creating a single score for all relevant parameters, it prevents the separate determination and examination of quite different kinds of important decisional information. To discharge agency duties under the FPPA with regard to a particular project, a responsible official would need to know, at a minimum: (1) what the impacts of the project on farmland would be; (2) whether relocation to another site would be preferable from a farmland protection perspective; (3) whether other project modifications would be preferable from a farmland protection perspective; and (4) if relocation or modification is preferable for farmland protection, what effects it would have on agency goals. There is a certain logical sequence to this scheme in that questions (2) and (3) need not be reached if question (1) reveals that farmland impacts are nil or minimal; question (4) need be reached only if the answer to either question (2) or question (3) is affirmative.

Section 658.4 prevents the gathering and display of this essential information in its most logical form by combining all notions about sites, development projects, and alternative actions into a single site assessment scale. As indicated above, LESA is most useful when used in the comparative evaluation of alternative sites for agricultural use. It is not nearly so useful in examining program impacts or agency priorities. All LESA questions which do not directly relate to site characteristics (i.e., site assessment Nos. 5, 6, 7, 10, 12, 15, and 16) should be appropriately modified or, in most cases, removed from the scale and incorporated in separate criteria.

VI. NONCOMPLIANCE WITH NEPA

Finally, the proposed rule is deficient in that USDA has failed to examine the environmental impacts of the rule itself and of reasonable alternatives to it, as required by NEPA. 42 U.S.C. 4332(2)(c). There would seem to be little question but that a rule which purports to define federal criteria for consideration of the impacts of agency programs on farmland conversion constitutes a "major federal action significantly affecting the quality of the human environment," for which an environmental impact analysis is required. Moreover, it is clear that reasonable and arguably more protective alternative rules, including the August 2, 1982, draft, could have been proposed in place of this one. Rules and regulations, as well as individual actions thereunder, are subject to the NEPA process, so that an agency can examine "the big picture" as it adopts a particular program. *Jones* v. *Lynn*, 477 F.2d 885 (1st Cir. 1973). 40 C.F.R. 1502.4(b) 1508.18(b)(i)(3); see also S. Rep. No. 91-296, 91st Cong., 1st Sess. 210 (1969).[18]

VII. RECOMMENDATIONS

A. Establish meaningful criteria

The rule should adopt specific criteria which follow the statutory mandate for examination of program impacts on farmland preservation. Many examples of the kinds of criteria that would satisfy this test can be derived from the "effects on farmlands" section of the August 2, 1982 draft. For the proposed action and each reasonable alternative, agencies should assess:

The number of acres of land that would be affected.

Whether prime or unique farmland would be affected.

The existing uses of land on the site.

The extent to which the proposed program action would be compatible with state, local and private farmland preservation programs.

The number of farms that would be affected.

The production history of the site.

The prospective impacts on farmers' income.

The prospective indirect or secondary effects on farmland and when such effects could manifest themselves.

These examples do not purport to constitute a complete list of what USDA should include in the FPPA rule. Nevertheless, they are representative of the kinds of criteria that bear directly on the issue of program impacts on farmland preservation. Furthermore, they are non-technical, objective and structured for ease of comprehension and application. A workable set of criteria including those suggested above would provide a benchmark for comparisons among alternative agency actions and a starting point for choosing those alternatives that minimize the federal contribution to unnecessary and irreversible conversion of important agricultural land.

B. Incorporate direction

The final rule should make it clear that the criteria are to be applied early in the decisionmaking process, before many aspects of the project design are fixed. They should be applied to reasonable alternatives as well as to the proposed action, and less adverse alternatives should be selected where appropriate. Again, unlike the proposed rule which lacks virtually any direction to agency program managers in terms of what they should do with their analytical results, the August 2, 1982 draft provides some useful instruction. For example, the rule should include the 1982 draft's requirement that "federal agencies must first search for alternatives that do not convert farmland." (See August 2, 1982 draft, p. 7). Moreover, the rule should adopt the draft's admonition that alternatives to converting farmland shall not be rejected for study "solely on the basis of moderately increased costs associated with an undertaking." Such guidance, besides serving as a legitimate extension of the statutory mandate for consideration of alternatives, is simply good public policy.

Some language in the 1982 draft guidance needs to be strengthened to ensure consistency in the application of the FPPA rule. Specifically, the section should state: "Program actions that are supported by federal agencies shall (rather than 'ought to') help achieve national goals expressed in legislation." Furthermore, the rule must make clear that "reasonable exploration of alternative sites shall (rather than 'should') seek a location that meets development needs with the least negative impact on farmland resources."

C. Incorporate documentation and review requirements

The August 2, 1982 draft of the FFPA rule outlines a reasonable set of requirements for what agency reports should contain, how they should be distributed to other agencies and how they should be reviewed by USDA. Specifically, the initial draft suggests that agency documentation of compliance with the Act should include project definition and, for each practicable alternative action, an analysis of farmland effects. In addition, the draft recommends that the documents prepared by the agencies to fill this requirement be made available to state USDA Agricultural Lands Protection Committees. The draft establishes a 45-day period during which the USDA committees respond with the comments and recommendations to the agencies' submissions. This approach would provide an acceptable mechanism for USDA review, although there may be others.

Governmental review requirements should be supplemented by a public review mechanism. Interested individuals should have access to the federal agency FPPA documentation and opportunity to submit comments to USDA and other relevant agencies. Public access could be accomplished through appropriate local Publicity and "notice of availability" announcements in the Federal Register. Citizen comments should be included in the public record and considered in decision-making.

In addition to documentation of agency actions, we would favor a requirement for annual or other periodic reporting of agencies' overall FPPA implementation. Such reports could be addressed to USDA as the lead agency and made available for public and Congressional review.[19]

D. Utilize a LESA system in the limited role

As noted, we believe a LESA system can be helpful in estimating the comparative value for farmland of proposed and alternative development sites, particularly where diverse parcels (see n. 9 above) are not involved. Certainly many rural counties and municipalities have made effective use of LESA in this regard—often with beneficial farmland protection results. Therefore, an impoved LESA system should be retained in the FPPA rule as one tool for agency program managers. LESA's role should, however, be restricted to comparisons among alternative sites, and it should supplement, not replace, direct analysis of the impacts of project alternatives.

We recommend that the "National Agricultural Land Evaluation and Site Assessment Handbook" be listed in the FPPA rule as the principal reference for agency LESA evaluation.[20] As compared to the proposed rule, the handbook affords a far more detailed treatment of site suitability along with greater precision in the definition of terms in the scoring criteria. For example, whereas the proposal's site assessment question #1 bases scoring for the amount of land in agricultural use on a highly subjective "very little-some-most" continuum,[21] the handbook's "amount of area in agriculture" criterion assigns scores depending on actual percentages of farmland.[22] This more exact quantification is desirable insofar as it would limit the amount of variation among scoring decisions. In addition, the LESA handbook's method for criteria weighting improves greatly upon the proposed rule's provision that agencies may use "any relative weighting among the criteria" desired.[23]

The LESA handbook, like the proposed rule does suffer from a "mixing different kinds of information" problem (see p. 19) in that impact factors in the site assessment system are somewhat combined with site suitability components in a single analysis. For instance, a sample tabulation in the handbook (p. 602-11) includes "environmental impacts" and "impact on historical/cultural features" as two factors out of a total of sixteen considered in the site assessment. Besides failing to place impact issues on equal footing with site suitability factors, this formulation, as noted above, prevents the logical examination of very different categories of information. The LESA handbook should be amended to remedy this problem by specifying the need to keep impact and suitability parameters separate.

We feel strongly that, although LESA scores are useful for making rough suitability comparisons among different sites, such scores are not sufficiently descriptive to constitute bases for decisions in and of themselves. In other words, a low scoring site should never be judged suitable for non-agricultural conversion on the basis of the LESA analysis alone. LESA scores may be most useful in ruling out the worst conversion choices—for example, by calling attention to farmland parcels of exceptional relative value which clearly deserve preservation.[24]

E. Issue final rule promptly

Finally, we note that although our recommendations—and, for that matter, statutory compliance—would require substantial revisions in the proposed rule, they would not require the same degree of departure from the August 2, 1982 first draft of the rule which was developed by USDA and reviewed by interested parties. We therefore do not believe that the revisions we seek should require an inordinately long time to incorporate and implement. Indeed, any further substantial delay in issuance of final criteria would be both irresponsible and illegal, since the FPPA by its explicit terms was to become fully operative on June 22, 1982, six months after enactment but now over fifteen months ago. The undersigned will be glad to provide whatever assistance we can to USDA to ensure that the final rule is issued promptly.

VIII. CONCLUSION

The proposed rule, although over a year and a half in the making, fails to satisfy the spirit or the letter of the Farmland Protection Policy Act in many respects. We therefore urge USDA to promptly issue a modified rule, as indicated above.

Respectfully submitted,

NATURAL RESOURCES DEFENSE COUNCIL.
CONSUMERS UNION.
NATIONAL AUDUBON SOCIETY.
NATIONAL FARMERS UNION.
NATIONAL GRANGE.
NATIONAL WILDLIFE FEDERATION.

FOOTNOTES

[1] Collectively these organizations represent more than 8 million concerned citizens:

NRDC is a non-profit membership corporation with more than 43,000 members and contributors, dedicated to the preservation, enhancement, and defense of the natural resources of the United States. Through the efforts of its agriculture project, NRDC supports the maintenance and improvement of the productive capacity and soils of our nation's valuable agricultural lands.

Consumers Union is a non-profit membership organization, chartered in 1936 under the laws of the State of New York, with approximately 2.5 million members and subscribers. It provides information, education and counsel about consumer goods and services and the management of the family income, and publishes "Consumer Reports," which regularly carries articles on food, health, product safety, marketplace economics, and legislative, judicial and regulatory actions that affect consumer welfare.

With a membership of 450,000, the National Audubon Society is one of the nation's oldest and largest conservation organizations. The Society's activities include research, education and action programs to preserve wildlife and important natural areas and to protect the natural systems on which life depends.

The National Farmers Union is a national organization representing approximately 300,000 farm families dedicated to the use and conservation of our natural resources in a manner which passes these resources on undiminished to future generations.

The National Grange, representing over 425,000 individuals in 41 states, is the oldest existing farm and rural advocacy organization in America.

The National Wildlife Federation is a private, non-profit conservation-education organization with over 4 million members and supporters.

[2] U.S. Department of Agriculture and Council on Environmental Quality, National Agricultural Lands Study: Final report, 1981.

[3] With regard to farmland conversion by federal activities, the NALS cited over 90 programs administered by 13 federal agencies.

[4] 129 Cong. Rec. H2148 (daily ed. May 10, 1983) (remarks of Representative BROWN).

[5] Id.

[6] The statute is limited in that it protects only "prime" or "unique" farmland or other farmland designated by local governments and USDA as of particular importance. 42 U.S.C. 4201(e). The proposed rule is similarly limited. See § 658.2(a).

[7] For example, the expansion of export markets in the 1970's brought increased demand which, in turn, encouraged the "fencerow to fencerow" cultivation of marginal lands that had been removed from production in previous years. By early 1983, however, demand for exports had fallen and bumper harvests led to large surpluses. USDA responded with a payment-in-kind crop diversion program which idled many acres. But by late 1983, the tables were turning again as a large grain sale to the Soviet Union, coupled with low yields due to drought, promised to bring much of the idled land back into production in 1984.

[8] On May 11, 1983, NRDC wrote to Secretary of Agriculture John R. Block and Office of Management and Budget Director David Stockman, citing excessive regulatory delay and urging progress.

[9] Even for this purpose, LESA may not be useful when sites for large projects having multifarm impacts, such as highways and energy corridors, are evaluated. In these cases it may be impractical to devise a single rating applicable simultaneously to many parcels of land. See, e.g., site assessment questions 3, 8, 9, 11, 13 and 14.

[10] Land evaluation question (5) and site evaluation questions (12), (15) and (16) do address in a general way the impact-related notion of how much farmland would be harmed by a development proposal. These questions, however, suffer from the common LESA deficiencies: They result in ratings for the site, not for the project; they are inherently relative; and they do not call for the production of essential information about program impacts.

[11] National environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. (1969).

[12] This draft was circulated by USDA for review by twelve other federal agencies.

[13] John R. Block, Secretary, U.S. Department of Agriculture to JESSE A. HELMS, Chairman, U.S. Senate Committee on Agriculture June 24, 1983, (Progress Report on Implementation of the Farmland Protection Policy Act).

[14] To a large extent, such a requirement would not place any greater burden on agencies than does NEPA, which already requires that agencies document the environmental impacts of major federal actions significantly affecting the environment. It would simply require that, where farmland, as defined by the EPPA, was affected, some sort of documentation would be required regardless of whether a "major federal action" was being proposed.

[15] 127 Cong. Rec. H7656 (daily ed. Oct. 22, 1981) (remarks of Representative JEFFORDS).

[16] Proposed National Topsoil Preservation Act of 1983: Hearings on H.R. 19 Before the House Subcommittee on Energy and The Environment of the House Committee on Interior and Insular Affairs, 98th Cong., 1st Sess. (July 19, 1983) (statement of Robert J. Gray).

[17] Where applicable, NEPA already calls for agencies to "consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved." § 102(2)(c)(v).

[18] * * *.

[19] We also recommend periodic reporting by USDA to Congress on the implementation of the FPPA. This is especially important in light of weaknesses in the agency's June 23, 1983 statutory report, which included a failure to summarize the effects of federal programs on farmland protection as required under the statute. 7 U.S.C. 4207(1).

[20] U.S., Soil Conservation Service, Department of Agriculture, "National Agricultural Land Evaluation and Site Assessment Handbook," 310-VI-NLESAH, January, 1983 [hereinafter cited as "LESA Handbook"].

[21] Proposed § 658.5(b).

[22] LESA Handbook at 602-F.

[23] LESA Handbook, at 602-10-602-13.

[24] The LESA handbook offers some sample guidelines for decisions based upon the application of the LESA system. (LESA Handbook, p. 603). While such guidelines may be important at the local level for development siting and other planning matters, federal agencies using LESA must remember that, for FPPA purposes, the system is merely intended to supplement their required impact analyses and not to provide the principal basis for decision involving choices among program alternatives.

S. 2004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farmland Protection Policy Act Amendments of 1983".

FARMLAND PROTECTION

SEC. 2. (a) Section 1540(a) of the Farmland Protection Policy Act (7 U.S.C. 4201(a)) is amended—

(1) by inserting "and" after the semicolon at the end of clause (5); and

(2) by striking out "; and" at the end of clause (6) and all that follows through the period at the end of the subsection and inserting in lieu thereof a period.

(b) Section 1541 of such Act (7 U.S.C. 4202) is amended by adding at the end thereof the following new subsections:

"(d) The Department of Agriculture and other Federal agencies shall take steps to assure that the actions of the Federal Government do not cause United States farmland to be irreversibly converted to nonagricultural uses in cases in which other national interests do not override the importance of the protection of farmland nor otherwise outweigh the benefits of maintaining farmland resources.

"(e)(1) Before taking any action, or providing any assistance, that would result in the conversion of farmland to nonagricultural uses, a department, agency, independent commission, or other unit of the Federal Government shall—

"(A) conduct public hearings, and consult with the Secretary, on such proposed action or assistance in order to ensure compliance with subsection (b); and

"(B) submit to the Secretary a statement which describes the manner in which such unit of the Federal Government complied with subsection (b) with respect to such action or assistance.

"(2) Such unit of the Federal Government shall make such statement available to the public in accordance with section 552 of title 5, United States Code, and shall use such statement in conducting any review of such action or assistance.

"(f) The Department of Agriculture shall issue such rules, conduct such reviews, and collect such information as may be necessary to carry out the purpose and policy of this subtitle.".

REPORT

SEC. 3. The first sentence of section 1546 of the Farmland Protection Policy Act (7 U.S.C. 4207) is amended by inserting "and each year thereafter," after "enactment of this subtitle".

PROHIBITION

SEC. 4. Section 1548 of the Farmland Protection Policy Act (7 U.S.C. 4209) is repealed.

● Mr. LEAHY. Mr. President, I am pleased to join today with Senators JEPSEN and DIXON to introduce the Farmland Protection Policy Act Amendments of 1983.

These amendments are designed to improve and strengthen the provisions of the Farmland Protection Policy Act, which was enacted as a part of the Food and Agriculture Act of 1981.

Mr. President, the intent of the farmland protection provisions is clear—to prevent the unnecessary conversion of prime agricultural lands to nonfarm uses due to actions of the Federal Government.

The Department of Agriculture was required to implement this law 6 months after the date of its enactment or June 22, 1981.

Unfortunately, the Department of Agriculture chose to wait 2 years before finally proposing rules to enforce the law.

Mr. President, these proposed rules—even after all of this time—are deficient in two major areas.

First, Federal agencies would be allowed to comply with the act as each saw fit. The Department of Agriculture would play almost no coordinating role.

This was not the intent of the law.

Sections 1541 and 1542 of the Food and Agriculture Act of 1981 clearly indicate that the Department of Agriculture should lead the Federal effort to protect prime farmlands.

Mr. President, the legislation the distinguished Senators from Iowa and Illinois (Mr. JEPSEN and Mr. DIXON) and I are introducing today would correct this problem.

The Department would be required, through rules, reviews, and the collection of information from Federal agencies, to monitor compliance with the terms of the law.

Mr. President, the second problem with the proposed rules is that they do not create any kind of a mechanism for the Department to report to Congress on this.

Section 1546 of the Food and Agriculture Act of 1981 is quite explicit on this point.

I find it quite incredible, after rereading this section, that the Department could determine that a reporting requirement was unnecessary.

Mr. President, our legislation would require the Department of Agriculture to produce yearly reports on their progress on implementing the Farmland Protection Policy Act.

Finally, Mr. President, our legislation adds a section to the act that will greatly improve its overall effectiveness.

The legislation would allow public participation in agency decisions affecting prime farmland. The public's views are vital to the Federal decisionmaking process. Their active participation in matters affecting prime farmland will be most beneficial to all concerned.

Mr. President, the American agricultural industry is one of the most productive and efficient in the world. Our farmers reap harvests which are used to feed the people of our country and needy people of other nations throughout the world.

Our prime agricultural lands form the lifeblood of this great industry. Yet once an acre of this land is lost to nonfarm uses, it is only very rarely ever returned to the farm.

The landmark national agricultural lands study estimated that the United States loses 3 million acres of prime agricultural lands per year.

Local and State governments have worked for years to reduce this loss. In fact, the town of Vernon in my home State of Vermont recently approved a spending measure to enable them to buy the development rights to prime farmland within their borders.

The town of Brattleboro, Vt., has recently completed an exhaustive study of prime farmland in their area and is now at work on methods to protect this land.

Mr. President, it is time for the Federal Government to join this effort. During hearings of the Senate Agriculture Subcommittee on Soil and Water Conservation June 24 in Brattleboro, witnesses from Vermont, the other New England States, and New York all testified in support of such an effort. I want to again thank the distinguished chairman of that subommittee, Mr. JEPSEN, for listening to the views of the Northeast that day.

The American Farmland Trust and other organizations have estimated that the Federal Government is responsible for between one-third and one-half of the loss of prime farmland each year.

The legislation we are introducing today will enable the Federal Government to work more effectively to reduce this loss.

I want to commend Senators JEPSEN and DIXON for the efforts they have made on this issue over the years and urge my colleagues to support this legislation.●

● Mr. DIXON. Mr. President, it is estimated that we are losing our farmland at the alarming rate of 12 square miles every day. In my own State of Illinois, 100,000 acres of farmland per year are lost to nonagricultural uses. Shopping centers, subdivisions, airports, and highways contribute to this loss. Construction and other activities of the Federal Government are partly responsible.

Congress, by enacting the Farmland Protection Policy Act in 1981, recognized as a priority the need to avoid losses of prime farmland caused by actions of the Federal Government. The act requires the Department of Agriculture, in cooperation with other Federal agencies, to develop criteria for identifying the effects of Federal programs on the conversion of farmland to nonagricultural uses. The criteria will then be used to identify Federal programs that could be modified to stem the loss of prime farmland. These efforts will complement those already ongoing on the State and local government level.

This act was to be implemented by June 22, 1982, but the Department of Agriculture did not submit proposed rules for comment until this year.

The rules proposed by the Department do not reflect the intent of the law.

The legislation that my distinguished colleagues, Senator JEPSEN and Senator LEAHY, and I are introducing today will correct this situation.

The legislation would require the Secretary of Agriculture to carry out the original intent of the law.

The Secretary of Agriculture would be required to coordinate the efforts of other Federal agencies and to report to Congress annually on the progress of implementing the Farmland Protection Policy Act.

Finally, this legislation would allow the public to express its opinion and comment on the proposed actions of the Federal Government in carrying out this act.

The State of Illinois recognized the importance of agriculture to its economy when Gov. James Thompson issued Executive Order No. 4 on July 22, 1980. This order required that the State's nine capital development agencies prepare policy statements on how they would consider farmland in their development projects and how they would mitigate adverse impacts of proposed projects on farmland. The Governor designated the Illinois Department of Agriculture as the agency responsible for implementing the policy contained in the executive order. On August 19, 1982, the Governor signed Public Act 82-945, "Farmland Preservation Act," into law. The act codified the terms of the executive order in the Illinois Revised Statutes.

Mr. President, the Federal Government should support States such as Illinois in their effort to protect farmland. This effort requires cooperation at all levels of government. It is important that Federal agencies regulate their activities to insure that local and State programs to protect farmland are not negated by actions of the Federal Government.

The legislation that Senator JEPSEN, Senator LEAHY, and I are introducing provides for the Federal Government to become a full partner with State and local efforts in protecting America's most valued resource.●

By. Mr. HELMS:

S. 2005. A bill to expand markets for U.S. agricultural products through increased targeting of Commodity Credit Corporation export funds, expand exports of Commodity Credit Corporation dairy products, and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales, to emphasize the need for increased exports of processed and protein fortified agricultural products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EXPORT TRADE EQUITY ACT OF 1983

● Mr. HELMS. Mr. President, today I am introducing legislation which will strengthen the hand of the United States in dealing with the foreign export subsidies that are taking markets away from American farmers. This legislation is supported by a broad range of agricultural trade organizations, and I urge my colleagues to adopt it.

Specifically, the bill has four parts. First, it would target the existing Helms amendment funds to export assistance for those commodities and products that have been adversely affected by foreign export subsidies. It would provide for the shipment of 100,000 tons of dairy products in fiscal years 1984 and 1985. It would specifically authorize an export payment-in-kind program, and it would encourage the use of processed, value-added products in Public Law 480.

These actions will use existing funds and surplus dairy products to counter unfair foreign export subsidies. This is a cost-effective way of helping our farmers by expanding exports and restoring a free and fair world market.

USDA analysts estimate that subsidies of the European Economic Community alone have cost the United States $5 to $6 billion a year in exports since 1980. If conditions do not change, the loss could be up to $8 billion by 1987. Such losses are unfair and unjustified, and American farmers should not have to bear this burden.

This new bill is a slimmed down version of S. 822, the Agricultural Export Equity and Market Expansion Act of 1983, which was adopted by the Agricultural Committee with strong bipartisan support this spring. S. 822 contains several controversial provisions and due to the press of Senate business, it has not been possible for the full Senate to consider the measure. In an effort to expedite consideration, this version deletes or modifies the most controversial provisions while retaining several important features of S. 822. I believe it is a compromise which the full Senate should support.

Farm export progams simply must be cost effective, in my judgment, and this legislation clearly meets that test. There are no costs to the Federal Government resulting from this bill—in fact, it should produce savings to the taxpayer. Dairy sales and export PIK dairy exports which result from this provision will cut storage costs and bring in revenues to help reduce the Federal deficit.

I am pleased by the broad support this legislation has received from farm, agribusiness, and trade organizations. The following organizations have expressed support for this amendment:

Corn Refiners Association.
Dairymen, Inc.
Millers National Federation.
National Association of Wheat Growers.
National Broiler Council.
National Council of Farmer Cooperatives.
National Grange.
National Milk Producers Federation.
National Pasta Association.
Rice Millers Federation.
The Fertilizer Institute.
United Egg Producers.

The members of the Agriculture Committee should be commended for their bipartisan effort in developing S. 822. That legislation—and this new version which is derived from it—are designed to strengthen our economy through expanded trade and respond to the unfair practices of other countries.

This legislation will provide for the specific targeting of funds for export assistance provided in current law. I will discuss this in more detail in just a moment, but it is important to note that this provision will use existing funds. It will not require new expenditures.

In addition, the dairy export provision has been modified from S. 822 in an effort to compromise. The total amount of required shipments has been reduced to 100,000 tons from 150,000 tons. Beyond that, the legislation is drafted so that USDA will have additional flexibility in determining how the export shipments are made, either as direct sales or in an export PIK.

Special credit should go to Senator HUDDLESTON and Senator COCHRAN for being the first Senators to propose export PIK legislation last fall. Specific authority for an export PIK was unanimously adopted by the Agriculture Committee this spring, and a slightly modified version is included in this legislation.

Under this bill, the Secretary of Agriculture would be specifically authorized to provide commodities or products acquired by the Commodity Credit Corporation to U.S. exporters and users and foreign purchasers to encourage the development, maintenance, and expansion of markets for U.S. agricultural commodities and products. The commodities that could be made available include wheat, feed grains, upland cotton, rice, milk and their products, and any other agricultural commodities or products acquired by the Commodity Credit Corporation. These commodities or products would be provided at no cost.

Providing CCC agricultural commodities could serve to reduce the overall cost of U.S. commodities to foreign purchasers and thereby increase the competitiveness of U.S. products. An example of such use would be to provide commodities to offset the use of export subsidies by competing exporting nations.

While the bill calls for the Secretary to take positive steps to improve exports of U.S. commodities, it also includes certain safeguards. The bill provides that the program is to be carried out in a manner that gives equal treatment to domestic users of the U.S. agricultural commodity. The example, in the case of cotton, this would be the processor, manufacturer, or other user who opens the bale of raw cotton. With domestic users now adversely affected by imports of cotton products, any action taken by the Secretary

under this provision with respect to exports is to be accompanied by comparable action for domestic users. Nothing in the bill would return us to a two-price cotton system.

Other safeguards include the requirement that Commodity Credit Corporation stocks of agricultural commodities and products that are provided under this authority must be used in such a manner as to encourage increased use either in the United States or in a foreign country and to avoid displacing usual marketings of U.S. agricultural commodities or products.

In addition, the Secretary is required to take reasonable care to prevent the resale or transshipment to other nations of the agricultural commodities and products provided under this program and to prevent the use for other than domestic use in the destination country of such commodities and productions.

If a program is carried out, the Secretary is directed to provide all interested foreign purchasers an opportunity to participate. However, priority is to be given to those foreign purchasers who have been traditional buyers of U.S. agricultural commodities and products, and who continue to purchase such commodities and products on an annual basis in quantities larger than the level of purchases over a previous representative period.

In order to encourage increased consumption and storage of U.S. agricultural commodities and products in foreign nations, the bill authorizes the Secretary to provide supplemental amounts of CCC commodities and products to foreign purchasers who use the proceeds from the sale of such commodities or products for the construction or rehabilitation of facilities in the importing country to improve the importing country's capability to handle, market, process, store, or distribute U.S. agricultural commodities or products. This provision will assist in improving long-term markets for U.S. commodities and products. The development of an improved infrastructure of ports, roads, and other facilities should encourage more efficient and increased utilization of U.S. products in importing countries.

The version of export PIK which I am proposing will specifically name milk products as one of the surplus commodities which could be used. For example, through this authority, surplus dairy products can be offered to countries which purchase U.S. poultry and eggs. Such action would cut back our costly and burdensome dairy surplus, and at the same time benefit our hard-pressed poultry industry. For that matter, I encourage the Department of Agriculture to implement such a program through existing authority as soon as possible.

This legislation also makes special emphasis on the export of value-added, high value products. There are many benefits to the American economy resulting from the export of such products. Each $1 billion in sales of these products generates from 35,000 to 45,000 private sector jobs in related industries.

The bill will encourage the use of processed, value-added products in the Public Law 480 program. Processed milk and products fortified with plant protein are named as specific examples.

The Economic Research Service at USDA recently published a report entitled "High-Value Agricultural Exports: U.S. Opportunities in the 1980's." This excellent report emphasizes the importance of such exports. It also makes the point that the European Community has dominated trade in high-value products due to their aggressive export promotion and export subsidies.

Freedom and fairness in trade have been the hallmarks of U.S. trade policy. While it is not likely that there will ever be a completely free trading system in the world, it is realistic to expect free trade to be a guiding principle for all nations.

Today, U.S. agriculture is organized to operate in this kind of environment, and U.S. farmers have met the challenge to produce for the world marketplace. The consensus in U.S. agricultural policy is that this is not only best for those who benefit from plentiful quantities of high quality food at competitive prices, it is also best for the American people.

In recent years this free and market-oriented trading system has come under assault by those who would destroy it through the use of predatory agricultural export subsidies.

The policy initiatives provided for in this legislation will bring a measure of equity to the world agricultural trading system for U.S. farmers. It is designed to enhance U.S. agricultural exports within the framework of the international agreements our country has entered into, and it is designed to induce those nations which employ predatory subsidies to stop using them.

Our Government has taken every other action at its disposal without effective results. Utilization of some of the same kinds of measures—now being used by many competitor nations—by the United States is the only hope we now have for bringing such nations to the bargaining table so that comity and fairness might be restored to the world trading system.

U.S. AGRICULTURAL EXPORTS DECLINE

Over the past decade, the United States has been the world's largest exporter of agricultural products and commodities, now supplying 80 percent of the soybeans, 60 percent of the feed grains, 40 percent of the wheat and cotton, and 20 percent of the tobacco and rice moving in world trade.

The value of these exports increased from approximately $7 billion in 1970 to $43.8 billion in fiscal year 1981, and the volume has more than doubled in that same period. These exports create more than half a million domestic jobs in related industries, and take the production of 2 out of every 5 acres of cropland. They generate about one-fourth of all farmer's cash receipts, and contribute about $20 billion to our favorable balance of trade.

Despite the many benefits of international trade in farm products to the United States, agricultural exports in fiscal year 1982 was $39.1 billion, a decline of almost $5 billion from the 1981 level. This represents the first year-to-year decline in the value of farm exports in more than a decade. The Department of Agriculture is projecting a further decline in the current year to $34.5 billion—down 12 percent from 1982 and 21 percent below 1981.

There are a number of reasons for the decline of U.S. agricultural exports. The world recession, weak foreign currencies and massive debt of many potential importers, the residual effect of the grain embargo imposed by President Carter in 1980, and very favorable weather conditions worldwide are all causal factors. These are exacerbated by record production and large surpluses, which combine to provide less than normal incentive for importing nations to secure reserves of foodstuffs.

However, in addition to these geopolitical and economic factors, the use of export subsidies by a growing number of competitor nations has become one of the principal causal elements in this decline in U.S. agricultural exports.

The continued application of massive export subsidies by our trading partners and competitors will severely dislocate U.S. agriculture. If these activities continue unchecked, the principal result could be a permanent reduction in the agricultural production base of the United States. Such a situation is unacceptable, and negotiations should proceed forthwith to eliminate the use of such massive, direct agricultural export subsidies as are employed by the European Economic Community and some other nations.

In short, the United States is losing vital agricultural trade, not only because of slack demand, but because of unfair competition from massive foreign export subsidies.

FOREIGN EXPORT SUBSIDIES

Much of the erosion of U.S. agricultural markets overseas is the result of predatory export policies employed by competitor nations. These nations, such as the members of the European Economic Community (EEC) and Brazil, are using massive export subsi-

dies to move their surpluses into world markets, which displace sales from the United States and other competitive export nations.

EUROPEAN ECONOMIC COMMUNITY EXPORT SUBSIDIES

Under the EEC's Common Agricultural Policy (CAP), the EEC pays an exporter the difference between the high internal price and the lower world market price for agricultural commodities and products. Expenditures for the CAP have risen 15 to 20 percent annually from 1977 to 1982.

The EEC's aggressive use of export programs to dispose of surplus stocks generated by their high internal support prices has made the Community a major contender for world markets.

European farm spokesmen relate that their intent is merely to be self-sufficient in the production of basic commodities. However, the facts demonstrate that their policy has gone significantly beyond that. EEC soft wheat prices, for example, are not only significantly above world prices, they have stimulated production as much as 20 percent above self-sufficiency.

The combined budget for domestic and export subsidies for the EEC was $30 billion in 1982. Of course, the amount of subsidy fluctuates from year to year, depending on world economic conditions. But, the fact is that the existence of subsidies at all makes a vital difference as to which nation makes a sale.

EEC farm exports must be subsidized to be sold outside the Community. Recently, EEC butter prices were 53-percent higher than the world market, wheat prices were 38 percent higher.

EEC exports to countries outside the Community have more than doubled in the past 5 years.

The EEC's 1982 exports of over $80 billion in farm products to all sources will continue two decades of uninterrupted gains in their farm exports.

EEC exports of close to $30 billion to non-EEC member countries in 1982 will be approximately three-fourths of the entire U.S. export level.

This dramatic growth is closely correlated with increases in export subsidies. In 1976, the EEC exported $12 billion of agricultural commodities to non-EEC members, using approximately $2 billion in direct export subsidies. In 1982, the EEC exported nearly $30 billion of agricultural commodities to non-EEC members using nearly $8 billion in direct export subsidies.

Of course, there will be times when any commodity such as wheat is in surplus. The United States has acted responsibly in such times by initiating policies to reduce production and by massive storage programs. The EEC, however, has been unwilling to share the burden of supply management. Indeed, their response to surpluses has been to encourage still more production by raising domestic prices and increasing the export subsidy interventions.

The consequences of all this is that the United States has carried the world's wheat inventory, while the EEC has not made a substantial effort to hold their large surpluses. This means that the cost of carrying these world stocks—and consequently much of the costs of the EEC common agricultural policy as it is now being operated—is borne by U.S. farmers and U.S. taxpayers.

The European policies of artifically high internal prices and export subsidies—rather than the storage of surpluses and supply management programs such as those employed by the United States—has produced a world market situation that is damaging to the world trading system and to the U.S. economy.

BRAZILIAN SOYBEAN EXPORTS

Brazilian soybean exports are another case in point. Brazil has used a complex combination of tax incentives, subsidized financing, price controls, quotas, export rebates, and credits, restitutions to crushers and processors, and income tax exemptions to build an industry that now dominates the world soybean oil market.

During the period 1973–81, the U.S. soybean industry lost a significant world share of the crush volume and exports of meal and oil with the following results:

U.S. share of world soybean meal exports declined from 78 percent to 39 percent.

U.S. share of soybean oil exports declined from 64 percent to 24 percent.

U.S. crushing margins, as indicated by USDA's weekly calculation of central Illinois spot margins, declined from 72 cents to 23 cents per bushel.

Utilization of U.S. plant capacity declined from 83 to 71 percent.

U.S. stocks of soybean oil rose to 700,087 metric tons, equal to 106 percent of total exports for the year.

These disastrous trends, are the product of extensive subsidies, particularly in Brazil, compounded by U.S. export embargoes in 1973, 1974, 1975, and 1980.

In 1973–74, the world soybean meal market was 6.4 billion tons. The United States supplied 78 percent, or 5 million metric tons, and Brazil supplied the remaining 22 percent, or 1.4 million metric tons.

By 1980–81, the world market had grown to 15.5 million metric tons. U.S. volume increased to 6.1 million metric tons, but our market share dropped to 39 percent. Over this same period, Brazil increased its market share to 55 percent, exporting 8.6 million metric tons.

In soybean oil, Brazil was not a supplier in 1973–74. The United States had 64 percent of the world market, the EEC had 27 percent, and all others had 9 percent. But by 1980–81, Brazil had jumped to 45 percent of the world soybean oil market. The U.S. share had declined to 24 percent, while the EEC's share had fallen to 14 percent.

The Brazilian soybean industry enjoys the full support of its Government's treasury and is rapidly forcing all other suppliers out of the world market. For example, earnings from soybean oil exports are exempt from income tax in Brazil.

POULTRY

The situation facing the U.S. poultry industry is another case in point. U.S. poultry exports declined in 1982 by one-third in value compared to the previous year.

Exports of whole broilers dropped 75 percent in 1982, from $163 million to just $41.5 million. Export sales of all poultry and poultry products for the period amounted to $478 million, down from $710 million during the same period in 1981.

Most observers attribute the rapidly expanding use of export subsidies by the European Economic Community and Brazil as the major reason for this precipitous decline.

Sale of U.S. broilers are not being displaced because of quality considerations, and they are not being displaced on the basis of production costs. Both these factors tend to work in favor of the United States. Rather, these markets are lost for this product because of the Government financed subsidies employed by competitor nations.

In the EEC, poultry subsidies equal about $195 per metric ton for broilers, which is about 9 cents per pound. Direct subsidy payments to EEC broiler exporters in 1981 totaled nearly $41 million, while whole chicken exports from the EEC to non-EEC nations totaled $371 million. EEC egg exporters received an increase in their export subsidy—to 11 cents per dozen.

The subsidy paid to Brazilian poultry exporters for 1981 is estimated at $37 million, while poultry exports reached a value of $354 million.

The Middle East nations of Egypt and Iraq have historically trailed only Japan as the principal importers of U.S. poultry. But, as a result of these Brazilian and EEC subsidies, the U.S. share of the $650 million Middle Eastern broiler market plunged to less than 1 percent in 1982, while the EEC and Brazilian shares have climbed to 49 percent and 39 percent, respectively.

Competition from EEC and Brazilian poultry exports is likely to increase in the months ahead. French production of broilers is expected to grow by 10 percent a year while domestic consumption is expected to increase by only 3 percent. In 1981,

broiler consumption in Brazil rose by 12 percent, while consumption increased just 2 percent.

In fact the Brazilian poultry industry has expanded so rapidly that it now trails only the United States in total broiler output. Production has risen more than sixfold since 1971 to 1.5 million metric tons in 1982. Broiler exports have quadrupled from 81,000 tons in 1979 to 330,000 tons in 1982. Brazilian broiler exports have gone from 3 percent of domestic production in 1976 to 20 percent in 1982.

Foreign export subsidies work against U.S. exporters in two ways. EEC and Brazilian exports receive a significant competitive advantage in the price-sensitive Middle East market.

At the same time, these subsidies encourage excess production in the EEC and Brazilian export sectors. This surplus output has saturated the Middle Eastern market with whole broilers and eggs, thus lowering prices to levels which U.S. producers cannot meet.

The present decline in U.S. poultry exports is a cause for concern from several points of view. On the basis of pure economic competition, it would appear that U.S. poultry exporters should be dominant and that exports should be increasing.

Certainly, no other country has better production efficiency or technology. Furthermore, the EEC—the largest U.S. competitor—is heavily dependent on feed imports, while the United States is self-sufficient.

Also, the U.S. poultry industry has made strenuous efforts to service export markets. Many U.S. companies have become export-oriented, meeting special requirements such as Arabic labeling and Islamic slaughter specifications.

Moreover, the American poultry industry has come to depend on exports. In 1981, U.S. poultry export brought in $770 million, with the volume of broiler exports accounting for 6 percent of U.S. production.

But U.S. poultry producers have been preempted from gaining a significant share of the Middle Eastern market and now have virtually lost those few customers they had in the area.

In the future, other U.S. export markets—such as those that import primarily chicken and turkey parts—may be significantly eroded. And this situation has developed, not primarily from economic advantage and free competition, but because of the subsidy policies of foreign governments.

RESPONSE OF THE UNITED STATES

Policymakers in the United States have not sat idly by in the face of the problems confronting agricultural trade and exports.

First, Congress and the Secretary of Agriculture have adjusted U.S. domestic farm policies and programs to operate within market forces of supply and demand—even when it has been costly in terms of Treasury outlays and reduced farm income. This has been done in the face of exactly the opposite policy adjustments by those nations utilizing agricultural export subsidies.

Second, Members of Congress and the administration have been active in multilateral negotiations in an effort to bring an end to predatory trading practices by those nations employing them.

POLICY ADJUSTMENTS

U.S. farmers have demonstrated their willingness to take responsible, strong, and effective steps to resolve the problem of oversupply. They have rejected the notion that we can solve our problems by dumping our surpluses on the world market. They have been willing to participate in acreage reduction programs instead.

In 1982, 48 percent of the wheat acres and 29 percent of the corn acres in the United States were in compliance with the Government's acreage reduction program. More than 77 percent of the rice and cotton base acreage was in compliance. However, in spite of the reduction in acreage in 1982, very favorable weather conditions caused actual wheat and coarse grain production to increase by 1 percent.

Because of this unanticipated oversupply, an effort to induce even greater participation in the crop reduction programs for the 1983 crops was undertaken by Congress—this time even to include advance payments for participation. These acreage diversions and prepaid deficiency payments will cost the taxpayers $2.4 billion in 1983.

In addition, Congress has provided for massive storage programs to hold the surpluses. The farmer-owned grain reserve, for example, holds millions of tons of wheat and corn in the United States. For fiscal years 1982 and 1983, the cost of the reserve programs is estimated to be $10 billion.

The Secretary of Agriculture has made use of a host of authorities at his disposal to employ every available means to stop the piling up of these kinds of surpluses and to begin reducing the stocks we now have.

The supply control programs in the United States for 1983 crops provide an example of a massive effort by the United States to control surplus production. For 1983, farmers signed up to idle 82 million acres—a record amount—through the acreage reduction, payment-in-kind, and land diversion programs offered by USDA.

In short, the United States has taken a large number of responsible and costly steps to address the surplus problem.

There is an increasing consensus in the United States, however, that competitor nations have not acted responsibly in the face of the worldwide glut of these crops. Harvested acreage for wheat and feed grains is estimated to have increased 3 percent in Canada and 8 percent in Argentina in 1982. Although the harvested area in the EEC is estimated to have increased by only one-half of 1 percent, the fact that there was any increase at all indicates an unwillingness to restrain production.

The United States has demonstrated that it is possible for farm policies to operate in a way that does not mitigate against the world trading system and against free and fair trade.

However, it is unacceptable for the United States to continue to reduce its agricultural production base because of the application of growing and unrelenting export subsidies by competitor nations. That would mean the elimination of thousands of U.S. farms and a tremendous reduction of our gross national product and the elimination of many thousands of jobs in related industries.

U.S. INITIATIVES TO RESTORE EQUITY TO THE WORLD AGRICULTURAL TRADE STRUCTURE

The United States and other nations have been seeking to end the predatory trade practices being employed by competitor nations trading in world markets. Negotiations and discussions have been underway for several years on these trade matters.

Members of the Committee on Agriculture, Nutrition, and Forestry have held numerous discussions with representatives of the EEC and hearings on various related topics.

In 1982, during committee consideration of agricultural programs in the budget reconciliation process, I offered an amendment directing that $175 to $190 million of Commodity Credit Corporation funds be used to counter the price and credit subsidies of other countries. That amendment was adopted by the committee and approved by the full Senate.

In conference with the House of Representatives, this language was revised to provide the $175 to $190 million for export activities of the CCC in general. President Reagan signed the Omnibus Budget Reconciliation Act of 1982 on September 8, 1982.

On October 20, 1982, Secretary of Agriculture John Block announced a "blended credit" program for financing U.S. agricultural exports. The program used $100 million of the Helms amendment funds as interest-free direct credits, which were blended with $400 million of CCC credit guarantees of private lender financing at market interest rates. The total package provides interest rates at levels competitive with subsidizing countries, so as to encourage potential purchasers to buy U.S. products.

The blended credit program has proven highly successful. By the end

of 1982, all of the funds had been allocated to eight countries to finance the purchase of 2.5 million tons of U.S. corn, wheat, soybean meal, vegetable oil, and cotton.

As part of the agricultural appropriations bill for fiscal year 1983, Congress appropriated not more than $500 million to be used for CCC direct export credits.

On January 11, 1983, President Reagan announced the use of an additional $250 million in interest-free direct credits to be blended with credit guarantees to finance at least $1.25 billion in blended credit export sales. In total, blended credit has financed the sale of more than 7 million tons of U.S. commodities.

In addition, on January 17, 1983, Egypt signed an agreement with the United States to buy 1 million metric tons of U.S. wheat flour over the next 12 to 14 months. USDA is providing enough CCC-owned wheat to enable U.S. suppliers to sell and deliver wheat flour at the agreed-upon price of $155 per metric ton. Credit guarantees will also be used. This action will utilize surplus U.S. wheat and replace subsidized French wheat flour sales to Egypt.

Beyond that, USDA announced in early August a sale of 28,000 tons of surplus dairy products to Egypt.

Apart from these targeted actions, the United States has continually sought to end unfair foreign trade practices through the prescribed procedures of international law, and specifically through the processes provided for under the General Agreement on Tariffs and Trade.

The General Agreement of Tariffs and Trade (GATT), a multilateral treaty with 88 signatory nations, including the United States and the 10 member nations of the EEC, establishes recognized guidelines for fair trade and disputes settlement procedures among nations engaged in international trade. The GATT first went into effect in 1948. In addition to the signatory nations, the GATT is presently applied on a de facto basis to 30 other countries.

Periodically under the GATT mechanism, the trade ministers of the signatory nations convene in multilateral sessions. The most recent ministerial meeting occurred in Geneva in November 1982. This was the first such meeting in almost 10 years, and unfortunately, it did not produce the much-needed progress sought by the United States as necessary to end predatory export practices.

I and other Members of Congress participating in the ministerial conference expressed in great detail to other nations participating, the concerns of U.S. agriculture and the need to begin a work program designed to end predatory export subsidies. These U.S. efforts to negotiate solutions to serious trade problems were publicly rebuffed by the members of the EEC. This occurred despite the fact that the EEC policies are very costly to several of the EEC member states. Instead of agreeing to a work program, a very general communique was adopted at the conclusion of the meeting, and even that was repudiated by Sir Roy Denman, head of the EEC.

The Committee on Agriculture, Nutrition, and Forestry conducted a hearing in December 1982 to hear the reports from the GATT Ministerial and to assess the outcome. Several members stated that, if export-subsidizing nations were unwilling to change their unfair practices, then the United States has no choice but to stand up for American interests in a more forceful way. The same sentiment was expressed by farm organization representatives in hearings this spring.

That brings us to where we are today. We must respond, yet in a way that is reasonable and responsible. This legislation will respond to the unfair trade practices which other countries are employing in a way which benefits American farmers, expands trade to strengthen the U.S. economy, and saves money for the taxpayers of the United States. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill, a letter from Dr. Wayne Boutwell, president of the National Council of Farmer Cooperatives, a section-by-section analysis, and a short summary of my legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Export Trade Equity Act of 1983".

AGRICULTURAL EXPORT PROMOTION

SEC. 2. Section 135 of the Omnibus Budget Reconciliation Act of 1982 (7 U.S.C. 612c note) is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions, effective for each of the fiscal years ending September 30, 1984 and September 30, 1985, the funds specified in this section shall be used by the Secretary of Agriculture for export assistance only in connection with agricultural commodities and products thereof that have been adversely affected, as determined by the Secretary, by price or credit subsidies used by other countries on their agricultural exports.".

DAIRY PRODUCT EXPORTS

SEC. 3. The Secretary of Agriculture shall export not less than one hundred thousand metric tons of dairy products owned by the Commodity Credit Corporation in each of the fiscal years ending September 30, 1984 and September 30, 1985: *Provided,* That to the extent the Secretary carries out this provision through sales of dairy products, such sales shall be made at such prices as the Secretary determines appropriate but not less than the minimum prices applicable under the International Dairy Arrangement: *And provided further,* That the level of exports required under this provision shall be in addition to any donations of dairy products made under the provisions of section 416 of the Agricultural Act of 1949 and the Agricultural Trade Development and Assistance Act of 1954. Such exports shall be made through the Commodity Credit Corporation under such authority as is vested in the Secretary or the Commodity Credit Corporation under law. The Secretary shall report semiannually, through September 30, 1985, to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture on the volume of exports made under this section.

EXPANSION OF MARKETS FOR UNITED STATES AGRICULTURAL COMMODITIES AND PRODUCTS

SEC. 4. (a) Notwithstanding any other provision of law, the Secretary of Agriculture may formulate and carry out a program under which agricultural commodities, including but not limited to wheat, feed grains, upland cotton, rice, and milk, and products thereof acquired through price support operations by the Commodity Credit Corporation are provided to United States exporters and users and foreign purchasers at no cost to encourage the development, maintenance, and expansion of export markets for United States agricultural commodities and products thereof, including value-added or high-value agricultural products produced in the United States.

(b) In carrying out the program authorized by this section, the Secretary of Agriculture—

(1) shall take such action as may be necessary to ensure that the program provides equal treatment to domestic and foreign purchasers and users of United States agricultural commodities and products thereof in any case in which the importation of a manufactured product made, in whole or in part, from a commodity or product thereof made available for export under this section would place domestic users of the commodity or product thereof at a competitive disadvantage;

(2) shall, to the extent that agricultural commodities and products thereof are to be provided to foreign purchasers during any fiscal year, consider for participation all interested foreign purchasers, giving priority to those who have traditionally purchased United States agricultural commodities and products thereof and who continue to purchase such commodities and products thereof on an annual basis in quantities greater than the level of purchases in a previous representative period;

(3) shall ensure, insofar as possible, that any use of agricultural commodities or products thereof made available under this section by made in such manner as to encourage increased use and avoid displacing usual marketings of United States agricultural commodities and products thereof; and

(4) shall take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities or products thereof made available under this section.

(c) If a foreign purchaser sells in the importing country agricultural commodities or products thereof received from the Secretary of Agriculture, under the authority of this section, and uses the receipts from the

sale of such commodities or products thereof for the construction or rehabilitation of facilities in the importing country to improve the handling, marketing, storage, or distribution of United States agricultural commodities or products thereof in such importing country, such purchaser shall be eligible to receive supplemental distributions of agricultural commodities or products thereof under this section. Supplemental distributions under this section shall be made with such commodities or products thereof, at such intervals, and in such amounts as the Secretary determines appropriate taking into account the extent to which facility improvements have been made, the capability of the importing country to distribute or otherwise use additional commodities or products thereof, and such other factors as determined appropriate by the Secretary that are consistent with the purposes of this section.

(d) The Secretary of Agriculture shall carry out the program authorized by this section through the Commodity Credit Corporation.

(e) The Secretary of Agriculture may issue such regulations as the Secretary deems necessary to carry out this section.

(f) The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary of Agriculture or the Commodity Credit Corporation under any other provision of law.

VALUE-ADDED, PROCESSED, AND PROTEIN FORTIFIED PRODUCTS

SEC. 5. (a) Section 201 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721) is amended by adding at the end thereof the following new subsection:

"(c) In distributing agricultural commodities under this title, the President shall consider the nutritional assistance to recipients and benefits to the United States that would result from distributing such commodities in the form of processed and protein-fortified products, including processed milk and plant protein products, and shall take all feasible steps to ensure that an appropriate portion of such commodities distributed each fiscal year be in the form of processed and protein-fortified products. In selecting commodities for distribution under this title, the President shall also consider the nutritional needs of the proposed recipients of the commodities and the purposes of this title.".

(b) Subclause (B) of section 1207(a)(5) of the Agriculture and Food Act of 1981 (7 U.S.C. 1736m(a)(5)(B)) is amended to read as follows: "(B) funding an export market development program for value-added farm products and processed foods at a greater funding level than that provided during fiscal year 1983; and".

NATIONAL COUNCIL OF FARMER COOPERATIVES,
Washington, D.C., September 29, 1983.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: We in the agricultural sector continue to face a major challenge in the area of expanding exports. As you are well aware, the gross value of U.S. agricultural exports fell from $43.5 billion in 1981 to $39.5 billion in 1982. The U.S. Department of Agriculture is currently projecting that the decline will continue in 1983 with the gross value of U.S. agricultural exports expected to reach only $34.5 billion. Mr. Chairman, this decline can be attributed to a number of factors: the worldwide recession, the strength of the dollar, debt burdens faced by many of our foreign customers, and the continued use of unfair trade practices by many of our competitors in the world market.

On behalf of the National Council of Farmer Cooperatives, I want to thank you and the other members of the Senate Agriculture Committee for taking leadership in this area of expanding U.S. agricultural exports. Earlier this year, the Senate Agriculture Committee made this issue a major priority. However, as the year progressed, other issues such as the implementation of the "PIK" program, and target price freeze proposals dominated the Committee's agenda.

I strongly encourage you and the other members of the Senate Agricultural Committee to once again move the issue of agricultural trade to the forefront of your legislative agenda. It is vitally important that the Congress adopt legislation which will help to put the agricultural export sector on the road to recovery. Expanding agricultural exports not only benefits producers, but also benefits the entire economy in the form of creating new jobs and stimulating additional economic activity.

Specifically, I urge the Committee to adopt legislation which would:

(1) Authorize the Secretary of Agriculture to administer export "PIK" programs;

(2) Specify that the $175-190 million, made available through the Omnibus Budget Reconciliation Act of 1982 for the purpose of expanding agricultural exports, be used for those commodities or products which have been adversely impacted through the use of unfair trade practices on the part of our foreign competitors;

(3) Require the Secretary of Agriculture to export surplus dairy products. The amount to be exported under this provision should take into account the projected world demand for dairy products over the next two years; and

(4) Strongly encourage the Secretary of Agriculture to consider the nutritional assistance to recipients and benefits to the U.S. that would result from distribution of additional value added products through the Public Law 480 program.

In addition, I have attached a list of agricultural organizations which have endorsed this four point proposal.

Again, Mr. Chairman, on behalf of the National Council of Farmer Cooperatives, I want to thank you for the leadership you have provided in the area of agricultural trade and encourage you to take action on the agricultural trade proposal outlined above.

Sincerely,

WAYNE A. BOUTWELL.

Dairymen, Inc.
Corn Refiners Association.
Millers National Federation.
National Association of Wheat Growers.
National Broiler Council.
National Council of Farmer Cooperatives.
National Grange.
National Milk Producers Association.
National Pasta Association.
Rice Millers Federation.
The Fertilizer Institute.
United Egg Producers.

SUMMARY OF MAJOR PROVISIONS

Agricultural export promotion. For fiscal years 1984 and 1985, requires that the export promotion funds provided for in section 135 of the Omnibus Budget Reconciliation Act of 1982 (Helms amendment funds) be used only for agricultural commodities that have been adversely affected by price and credit subsidies on exports of other countries.

Dairy product exports. During each of the fiscal years 1984 and 1985, requires the Secretary to export at least 100,000 metric tons of CCC dairy products by sale or otherwise, except that any sales must be at prices above the International Dairy Arrangement minimums and the required level of exports must be in addition to any donations for U.S. foreign assistance under P.L. 480 or other assistance programs.

Export payment-in-kind program. Authorizes the Secretary to establish and carry out an export PIK program using surplus CCC agricultural commodities and products thereof, including among others wheat, feed grains, upland cotton, rice, and dairy. The other provisions of this export PIK program provide for: Domestic users to receive equal treatment relative to foreign purchasers and users in cases where the domestic users would otherwise be disadvantaged; all interested foreign purchasers to be considered for participation, with priority to be given to those that traditionally purchased U.S. agricultural commodities; the CCC commodities to be used to encourage increased sales and avoid displacing usual marketings of the United States; reasonable precautions to be taken to prevent resale or transshipment of the commodities to other countries; and supplemental distributions of commodities to foreign purchasers who use proceeds from the sale of the commodities within the importing country to construct or improve the marketing, storage, or distribution capacity in the importing country.

Value-added, processed, and protein fortified products. Requires the President to consider nutritional assistance to recipients and benefits to the Unted States of providing processed and protein fortified products, including processed milk and plant protein products, under P.L. 480, and to take all feasible steps to ensure that an appropriate portion of the products so distributed are processed and protein fortified products. Also, expresses the sense of Congress that the Secretary fund export market development programs at higher levels than during fiscal year 1983.

SECTION-BY SECTION ANALYSIS

Short title

The first section provides that this Act may be cited as the "Agricultural Export Trade Equity Act of 1983".

Agricultural export promotion

Section 2 amends section 135 of the Omnibus Budget Reconciliation Act of 1982 by adding a new sentence at the end thereof. The new sentence provides that notwithstanding the other provisions of that section, the funds required under that section to be used by the Secretary of Agriculture for export assistance during fiscal years 1984 and 1985, must be used only in connection with agricultural commodities and products that have been adversely affected by price and credit subsidies used on agricultural exports by other countries. Under this new provision the determination as to which commodities and products have been adversely affected will be made solely by the Secretary.

Dairy product exports

Section 3 directs the Secretary of Agriculture to export, during each of the fiscal

years 1984 and 1985, at least 100,000 metric tons of dairy products owned by the Commodity Credit Corportion (CCC).

To the extent that the Secretary carries out the provisions of this section through export sales of dairy products, such sales must be made at prices determined appropriate by the Secretary but not less than the minimum prices applicable under the International Dairy Arrangement. The level of exports required under this section must be in addition to any donations of dairy products for United States foreign assistance under section 416 of the Agricultural Act of 1949 or Public Law 480. Exports are to be made through the CCC under existing authorities available to the Secretary or the CCC, and the Secretary is to report semiannually, through September 30, 1985, to the Senate and House agriculture committees on the volume of exports under this section.

Expansion of markets for U.S. agricultural commodities and products

Section 4 provides specific authority for the Secretary of Agriculture to establish an export payment-in-kind (PIK) program.

Section 4(a) authorizes the Secretary to formulate and carry out a program to provide agricultural commodities and products thereof acquired by the Commodity Credit Corportion to U.S. exporters and users and foreign purchasers to encourage the development, maintenance, and expansion of markets for U.S. agricultural commodities and products thereof, including value-added or high-value products. Under this program, agricultural commodities and products thereof would be provided by the Commodity Credit Corporation to eligible recipients at no cost. The commodities that could be made available include wheat, feed grains, upland cotton, rice, and milk, and their products, and any other agricultural commodities and products thereof acquired by the Commodity Credit Corporation.

Section 4(b) provides that in carrying out an export PIK program under this section, the Secretary must ensure that the program provides equal treatment to domestic and foreign purchasers and users of U.S. agricultural commodities or products thereof in any case in which the importation of a manufactured product made, in whole or in part, from a commodity or product thereof made available for export under the program would place domestic users of the commodity or product at a competitive disadvantage.

Section 4(b) also directs the Secretary, to the extent that agricultural commodities and products thereof are to be made available to foreign purchasers under an export PIK program, to provide all interested foreign purchasers an opportunity to participate in the program, with priority to be given to those foreign purchasers who have been traditional buyers of U.S. agricultural commodities and products thereof and who continue to purchase such commodities and products on an annual basis in quantities greater than the level of purchases in a previous representative period.

Section 4(b) also requires the Secretary to ensure, insofar as possible, that Commodity Credit Corporation stocks of agricultural commodities and products thereof, that are provided to eligible recipients under this section, be used in such a manner as to encourage increased use and avoid displacing usual marketings of U.S. agricultural commodities and products thereof either in the United States or in foreign markets. Under this subsection, the Secretary is also required to take reasonable care to prevent the resale or transshipment to other countries of the agricultural commodities and products thereof provided under this section and prevent the use for other than domestic use in the receiving country of such commodities and products.

Section 4(c) authorizes the Secretary to provide supplemental distributions of CCC commodities and products thereof to foreign purchasers who sell in the importing country agricultural commodities or products thereof received from the Secretary under this section and who use the proceeds from such sales for the construction or rehabilitation of facilities in the importing country to improve the importing country's capability to handle, market, store, or distribute U.S. agricultural commodities or products thereof. Supplemental distributions under this subsection would be made with such commodities or products, in such amounts, and at such times as the Secretary considers appropriate, taking into account the extent to which the facility improvements have been made, the capability of the importing country to handle, distribute, and use additional commodities or products, and such other factors consistent with the purposes of this section as the Secretary determines appropriate.

Section 4(d) provides that the Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

Section 4(e) authorizes the Secretary to issue such regulations as are deemed necessary to carry out this section.

Section 4(f) provides that the authority provided in this section is in addition to and not in place of any other authority provided to the Secretary or the Commodity Credit Corporation under any other provision of law.

Value-added, processed, and protein fortified products

Section 5(a) amends section 201 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) by adding a new subsection (c). The new subsection provides that, in distributing agricultural commodities under title II of Public Law 480, the President shall consider the nutritional assistance to recipients and the United States that would result from providing the commodities in the form of processed and protein fortified products, including processed milk and plant protein products.

The new subsection also directs the President, in distributing agricultural commodities under title II of Public Law 480, to take all feasible steps to ensure that an appropriate portion of the commodities distributed each fiscal year be in the form of protein fortified and processed products. In selecting commodities to meet the requirements of this provision, the President is further directed to consider the nutritional needs of the proposed recipients and the purposes of title II of Public Law 480.

Section 5(b) amends section 1207(a)(5) of the Agriculture and Food Act of 1981 to express the sense of Congress that the Secretary of Agriculture should, and is requested to, expand (to the fullest extent possible) the market development activities of the Foreign Agricutural Service of the Department of Agriculture with particular emphasis on funding an export market development program for value-added farm products and processed foods at a greater level than during fiscal year 1983.●

By Mr. EAST:

S. 2009. A bill to amend the Fair Labor Standards Act of 1938 to exempt tire dealers and retreaders under section 13(b)(10) of that act in the same manner as certain automobile service and automobile selling establishments; to the Committee on Labor and Human Resources.

EXEMPTION OF TIRE DEALERS AND RETREADERS

● Mr. EAST. Mr. President, I rise today to introduce legislation allowing certain exemptions from the overtime premium pay provisions of the Fair Labor Standards Act, title 20, United State Code, section 213, currently enjoyed only by automobile dealers to establishments engaged in selling new or retreaded tires, engaged in retreading tires, or engaged in other service or repair activities related to the automotive industry.

Congress has historically viewed the automotive industry as warranting special treatment under the Fair Labor Standards Act. Prior to 1968, section 13(a)(19) exempted all employees of a retail or service establishment primarily engaged in the business of selling automobiles and other specified vehicles from the act's overtime premium pay provisions. That section was repealed in 1966. However, a more limited exemption from overtime premium pay provisions was maintained under section 13(b)(10), for salesmen, partsmen, or mechanics primarily engaged in selling or servicing such vehicles if employed by a nonmanufacturing establishment primarily engaged in selling those vehicles to ultimate purchasers.

This limited exemption was maintained for automobile dealers in the face of an overall broadening of the act's coverage. Testimony on behalf of automobile dealerships showed that they were experiencing declining profit margins. The National Automobile Dealers Association (NADA) thus requested protection from overtime pay provisions in the face of competition from repair shops, service stations, tire dealers, muffler shops, and independent garages. NADA spokesmen claimed that their competition for the most part was exempt from overtime premium pay provisions under the general retail establishment exemption because most were businesses with less than $250,000 in annual revenues.

Congress responded with a specific exemption for certain employees of automobile dealers irrespective of the dollar volume of the dealerships' business.

The problem that afflicted the automobile dealers in 1965–66 burdens tire dealers, retreaders and other portions of the automobile aftermarket today. Primarily because of inflation, most tire dealers or retreaders no longer

benefit from the general exemption provided for retail or service establishments. The dollar threshold for that exemption increased to $362,500/year as of December 31, 1981. However, as the per unit cost of tires and services provided by such establishments increases, they quickly outgrow this exemption.

The result, then, is that the shoe is now on the other foot. Under current law, many small business firms must pay overtime premium pay to employees doing the same work automobile dealers can have done at straight time pay. This means that the statute is perpetuating a serious competitive disadvantage with no fair rationale. This is contrary to the purpose of the law, which was to equalize the competitive positions of automobile dealers and other establishments.

I propose that Congress amend the current section 13(b)(10)(A) of the Fair Labor Standards Act, title 20, United States Code, section 213(b)(10)(A), to read as follows:

(10)(A) any salesman, partsman, or mechanic primarily engaged in selling, servicing, or repairing, or reconditioning automobiles, trucks, farm implements, tires or any other automotive or implement parts, if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles, implements, new or retreaded tires or other automotive or implement parts, or fuel for such vehicles, to ultimate purchaser. Such provisions also shall not apply with respect to any such salesman, partsman, or mechanic if he is employed by an automotive tire establishment engaged in retreading work on tires which the establishment expects to sell in their reconditioned form.

The new language will maintain the exemptions from the overtime pay provisions presently accorded certain employees of automotive and related implement dealerships. It will simply extend coverage to analogous employees of tire dealers and retreaders, independent garages, muffler shops, and service stations to equalize the competitive situation between automobile dealers and their competition for parts and servicing. It will reinstate the competitive equality Congress originally created, which has been destroyed by inflation.●

By Mr. TSONGAS:

S. 2010. A bill to amend subpart E of part 3 of schedule 6 of the Tariff Schedules of the United States Code; to the Committee on Finance.

TARIFFS FOR SNAP BLADE TOOLS

● Mr. TSONGAS. Mr. President, I am introducing a bill today that will reduce a needlessly high tariff for snap-blade tools; tools currently assembled by only one American manufacturer. These tools—actually cutting blades of about three-fourth inches in length which are hand held and are used by artisans, craftsmen, and construction workers—are currently classified as "knives." The effect of this bill would be to reclassify them as "other knives" for purposes of tariff assessment and thereby reduce the tariff from 11.5 percent ad valorem to 7.5 percent ad valorem. Additionally, the bill provides an automatic annual decrease in the tariff rates through January 1, 1987. The tariff would be reduced to 4.8 percent in 1987, with a greater decrease, to 3.5 percent for products from less developed nations. Communist countries would continue to pay a 40 percent tariff.

These tariff reductions pose no threat to American industry. They were imposed to protect American manufacturers, yet only one U.S. company currently assembles snap-blade tools (the parts are manufactured in Canada). And these tools are in a lower price and quality range than those imported by American distributors. Thus, the current duty being levied is not protecting American manufacturers but hindering American distributors.

My colleague, Congressman BARNEY FRANK, introduced an identical bill earlier this year, H.R. 2851. It is under consideration in the House Ways and Means Committee.

For these reasons, I commend the bill to you and recommend its passage. Mr. President, I ask unanimous consent that the text of the bill follow this statement in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart E of part 3 of schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by inserting immediately after item 649.67 the following new item:

649.69	knives using snap-off blades which are scored into sections to permit the breaking off of used sections, and/or having mechanisms for advancing the next unused sections into positions for use, and blades, handles, and parts thereof.	7.5% ad val. thereof.	5.3% ad val.	40% ad val.

(2) by amending the superior heading to items 649.71 through 649.85 by inserting "(other than knives provided for an item 649.67)" immediately after "other knives".

SEC. 2. (a) Effective with respect to articles provided for in item 649.69 (as added by the first section of this Act) that are entered or withdrawn from warehouse for consumption, on or after each of the dates set forth below, column 1 and the LDDC column for such item are respectively amended by striking out the rate of duty in effect on the day before such date and inserting in lieu thereof the rate of duty appearing below next to each such date:

Date	Column 1 rate of duty	LDDC rate of duty
January 1, 1984	6.8% ad val.	4.8% ad val.
January 1, 1985	5.9% ad val.	4.3% ad val.
January 1, 1986	5.3% ad val.	3.9% ad val.
January 1, 1987	4.8% ad val.	3.5% ad val.

(b) Articles provided for in such item 649.69 shall be treated as having been designated by the President under section 503 of the Trade Act of 1974 as eligible articles for purposes of the generalized system of preferences and all beneficiary developing countries are eligible for preferential treatment with respect to such articles.

SEC. 3. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

By Mr. DECONCINI:

S. 2011. A bill to require high-buoyancy lifevests aboard commercial aircraft; to the Committee on Commerce, Science, and Transportation.

LIFEVESTS FOR COMMERCIAL AIRCRAFT

Mr. DECONCINI. Mr. President, today I am introducing a measure which will provide safer air travel for passengers flying aboard commercial aircraft. While deregulation of the airline industry has resulted in a less restrictive environment for the industry to operate within, free from Federal intrusions, this Senator, and I believe many of my colleagues share the view, that there are certain responsibilities that must remain at the Federal level, particularly in the arena of health and safety. One may be quick to point out that the Federal Aviation Administration has never relinquished its control over flight safety standards. On the other hand, given the types of incidents that have occurred over the past several years involving inadequate or improperly maintained safety mechanisms, it is quite clear that very supportable cases can be made for the imposition of more restrictive safety standards on our commercial aviation industry. Mr. President, this is precisely the reason I am sponsoring this legislation. Its purpose is to require our commercial airline fleet to carry high-buoyancy and quick-donning lifevests.

The overwater emergency equipment in use today is antiquated and although technology has drastically improved the quality of available equipment, safety devices aboard commercial aircraft remain at the design of those manufactured in the 1930's and 1940's. Further, regulations covering airline overwater operations have not materially changed for over 40 years. However, the nature of the accidents has changed: Jet water accident experience shows that very little or no time for preparation can be anticipated. All accidents have occurred at a maximum distance of 30 miles from land and with a maximum notice of 7 minutes.

Presently, FAA regulations require lifevests only for those flights that fly

50 nautical miles beyond the shoreline. This rule is faulty when you consider that 215 airterminal airports in the United States have significant bodies of water surrounding their approach and departure areas. Of the 14,000 U.S. flights per day, 9,000, or 70 percent land or depart over water. Thousands of flights a day operate for extended periods over water within the 50 nautical miles distance from the shoreline zone. As a result, it is estimated that 75 percent of the U.S. scheduled fleet are flying without the benefit of life preserving vests.

Twenty years ago, FAA conducted tests which revealed the deficiencies of the lifevests aboard commercial aircraft. However, it was not until December of 1982 that updated manufacturing regulations on lifevests, through changes in the technical standard orders, came out by the FAA. Lifevests must now have 35 pound buoyancy and be able to be donned in 15 seconds. These standards will not be in effect at the manufacturer's level until January 1985. Because there are no requirements for the industry to replace old vests, the adequate vests may not be in complete use for 10 years. Four airlines, Alaskan, American, Pan Am, and Western Airlines, have taken the initiative to purchase and carry the 35 pound buoyancy vests. However, lifevests are still not available on 75 percent of U.S. flights. Instead aircraft covering those flights are equipped only with flotation cushions, because of the 50 nautical mile rule.

I am distressed that the FAA refuses to acknowledge the need for a strong Federal policy to insure the maximum degree of protection for air passengers in case of an overwater accident. The belief that flotation cushions function adequately as life preservers is a dangerous myth. Flotation cushions place passengers, in the water, on their back, with half their head immersed. This leads to increased body cooling rates, which can cause rapid loss of consciousness and hypothermia. The user must hold onto the cushion straps in order for the device to work. Of course, if an individual is unconscious, this is impossible. After 15 minutes in chilly ocean water, even the healthiest person would lose the use of their hands and forearms. Tests have demonstrated that some types of cushions lose buoyancy only after a few minutes.

These useless flotation devices could be replaced by effective lifevests for a very low cost to the airlines. Approximately 310 million passengers fly on U.S. commercial aircraft each year. The FAA estimates the cost of the new regulation lifevests to be about $40 each. Other estimates place the cost at about $30. A one-time cost to purchase these vests would add only 5 cents to the cost of every airline ticket purchased, for the first year only. The vest has a 10-year service life and maintenance is estimated at an additional 3 cents per passenger per year. Such a cost would not have to be absorbed by the airlines but could be included in the price of the passenger ticket. I cannot believe our flying public would be adverse to spending an additional 3 to 5 cents for a safety precaution that may save their life if an incident was to occur.

On May 5 of this year, a situation did occur which clearly illustrates the inadequacies of the present FAA policy. Eastern Airlines flight 855, flying from Miami to Nassau, had to turn around because the No. 1 engine had lost power. When the other two engines were lost, the pilot notified the passengers that the plane would be "ditching" in 7 minutes; the maximum notification time historically ever provided. Luckily, one of the engines was able to restart and the plane landed safely in Miami. However, many passengers complained they had trouble donning the lifevests on board the aircraft. Had the engines continued to fail, passengers would have been floating in the ocean without any life preservers, with little hope for survival.

Mr. President, this is an issue that should not be taken lightly. The Congress should not sit back and wait until a situation like the Eastern flight occurs again, but ends differently in catastrophe. We must take action now—it is long overdue.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2012. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

AMENDMENTS TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980

Mr. BRADLEY. Mr. President, today I am introducing the Superfund Amendments Act of 1983. This package of amendments to the Comprehensive Environmental Response, Compensation, and Liability Act, more commonly known as Superfund, will allow us to accelerate our progress in cleaning up the worst environmental threat facing our Nation today, hazardous wastes.

The Superfund law authorizes the Federal Government to respond immediately to chemical spills and releases of hazardous substances into the environment. In addition, the law authorizes the Federal Government to participate with the States in long-term actions directed at the permanent cleanup of spills, releases, and abandoned dump sites. These remedial actions are taken at sites listed on a national priorities list now containing 546 sites, 85 of which are in my own State of New Jersey.

The Superfund law was a landmark in environmental legislation. Like no other environmental law, the Superfund provides the financial resources to clean up environmental damage. The law now provides for a $1.6 billion pool of funds, raised mostly from taxes on petroleum and certain chemicals. The Federal Government augments this tax with a $44 million per year authorization.

As important as the Superfund law is, it is flawed in two major respects: First, the $1.6 billion is grossly insufficient to the enormous task; and the second, the law contains several built-in points of controversy that delay cleanup operations. Last March, I introduced S. 816 to extend the Superfund program, tax and authorization an additional 5 years, effectively doubling the resources available to clean up the hazardous waste dump sites that pock our countryside. Today, I am introducing legislation to remove the barriers to effective State-Federal cooperation that have now been identified in the original Superfund law. My intent is to accelerate the cleanup of hazardous waste sites.

First, the bill would provide clear guidance to EPA regarding priority of activities: Clean up first, negotiate second.

Due in part to the Superfund's inadequate resources, until recently EPA has attempted to obtain funding for site cleanup through negotiations with the parties responsible for the release. This negotiation took place before EPA would agree to use Superfund money. While understandable, the result has been extended delays in committing Superfunds to action.

At the Nation's worst dump site, Lipari Landfill in New Jersey, for example, lengthy negotiations between EPA and the main waste generators delayed the cleanup for 2 years. Once the decision to use Superfund was finally made, however, the pace picked up. Cleanup construction began this past summer.

The policy ought to be: Clean up first, negotiate second, litigate third. Any funds obtained in the negotiating or litigating process are deposited in the Superfund account.

Second, the bill would remove EPA's built-in bias toward low-capital cost cleanup options.

Current law has created a built-in bias on the part of EPA toward low-up-front-cost options, while political and fiscal pressures tilt the States in the opposite direction. This has led to delays in reaching EPA-State agreements.

The problem is this. There are two general options for cleaning up a site: excavation and containment. Excavation entails high up-front capital costs

and low operations and maintenance costs. Containment, on the other hand, entails lower up-front capital costs but high and variable operations and maintenance costs. For example, the capital cost of the excavation option at Price's Pit in my State could run $50 to $100 million, but the long-term O&M costs would be essentially zero. On the other hand, the capital cost of the containment option will be $5 to $13 million, but the O&M costs are likely to be in the $30 to $50 million range over 20 or 30 years.

Combine that with the EPA legal interpretation to require the States to pay all O&M costs while EPA pays 90 percent of the capital costs and you can see why EPA and State negotiations have had difficulty. EPA has a strong built-in bias toward low capital cost options. The States, on the other hand, have a strong bias toward high-capital cost options. This bias is strongly reinforced by local opposition to containment options and strong preferences for getting that stuff out of my backyard. Local authorities are inclined to demand the greatest degree of cleanup possible, irrespective of costs, since someone else is footing the bill.

The bill would realign the Federal and State incentives by making both capital costs and O&M costs subject to the same 90/10 cost sharing formula. Decisions would more likely be made on public health, cost-effectiveness calculations, rather than on the basis of who pays for what.

In addition, my bill would allow State and local officials the option to buy more cleanup than EPA decides is cost-effective. As it now stands, if a local mayor wants EPA to excavate a landfill but EPA decides that containment is more cost-effective, the local mayor has no option under the law. My bill gives that mayor the option of using local revenues to provide the community with a more complete cleanup. With this option available to local communities, their residents and officials may become more involved and fiscally responsible participants in the decision. A more rational balancing of benefits and costs may result.

Finally, to facilitate the consensus on the selection of cleanup options, EPA would be authorized under the bill to appoint high-level consultants to give advice to the Administrator or Regional Administrator on a site-by-site basis. These consultants would not be a scientific advisory panel with decisionmaking authority. Rather, the consultants would serve to add credibility to the EPA/State decisionmaker.

Third, the bill removes the uncertainty now associated with the State share of the cleanup costs in those cases where the State owned the landfill site. Current law provides that States may be required to pay at least 50 percent. This ambiguity has caused delays when EPA and the State disagree on the appropriate State share. Our bill removes this bone of contention by stipulating that the State share will be 50 percent in these cases.

Fourth, we would extend the deadline for filing claims against parties responsible for natural resource damage. If the damage was known prior to passage of Superfund, the deadline for filing claims is December 11, 1983. The Interior Department, responsible for issuing guidelines to implement this part of the statute has not done so and may not do so until December 1984. We extend the deadline to 3 years from the date Interior publishes the final regulations.

Fifth, we amend the Superfund law to enable a State to receive a credit for costs it incurred cleaning up Superfund sites between the date of enactment of the law and the date it executed a Superfund agreement with EPA. Congress intended that States which took cleanup actions should be repaid, not penalized, for their aggressive enforcement. EPA's slow start on the Superfund program left many States with unreimbursable, but valid Superfund expenses. This bill permits this reimbursement. It would also allow credits earned at one site to be used at other approved sites within the State.

Sixth, the States would be given the authority to force EPA to take nondiscretionary actions in the event EPA delays or refuses. I hope this authority will not be necessary, but past problems give cause for concern.

Finally, the bill would remove the current ambiguity surrounding State law preemption. The law expressly allows States to impose taxes on chemicals. Both New Jersey State courts and Federal courts have upheld the New Jersey Spillfund tax. And yet the issue is still not settled. The bill endorses this method of raising the revenue—now being contemplated by Washington, Michigan, New York, and Missouri—to come up with the necessary matching funds.

Mr. President, there is no central role of Government than to protect the health and safety of its citizens. During the past several years the Federal Government has had an abysmal record when it came to the cleanup of hazardous wastes. I believe the new Administrator of EPA truly wants to improve that record. But there are legislative steps that must be taken to insure that the intent of Congress—to get these toxic time bombs disarmed and to have that done quickly—can never be flaunted again. These legislative changes are necessary to accomplish that purpose.

I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CLEANUP ACTIONS TO BEGIN PRIOR TO CONCLUSION OF NEGOTIATION

SECTION 1. Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by adding at the end thereof the following: "In the event that the President enters into any negotiation with the owner or operator of the vessel or facility from which the release or threat of release emanates, or any other responsible party, with respect to removal or remedial action to be taken by such owner, operator, or other party, within 60 days of notification of responsible parties the President shall also commence remedial actions under this section, and thereafter seek reimbursement under section 107 for costs incurred for such remedial actions.".

FEDERAL SHARE FOR COSTS OF OPERATION AND MAINTENANCE; USE OF LOCAL FUNDS FOR ADDITIONAL REMEDIAL ACTIONS

SEC. 2. (a)(1) Section 104(c)(3)(C)(i) of such Act is amended to read as follows: "(i) 10 percent of the capital, future operation, and future maintenance costs of the remedial action, or".

(2) Section 104(c)(3)(A) of such Act is amended by inserting before the semicolon the following: ", and payment of 10 percent or 50 percent thereof as required under clause (C)".

(b) Section 104(c) of such Act is amended by adding at the end thereof the following new paragraphs:

"(5) In the event that the State, or the political subdivision thereof, in which the release occurs informs the President that it believes conditions at a site require a remedial action more costly than the action chosen by the President under paragraph (4), the President shall approve such more expensive action; however, the State or political subdivision shall, for purposes of paragraph (3)(C), pay or assure payment of 90 percent of that portion of the costs of such remedial action which exceed the costs of the action chosen by the President.

"(6) For the purpose of advising the President with respect to the selection under paragraph (4) of appropriate remedial action at a particular site, incident, or group of sites, the President may seek the advice of one or more consultants expert in the field of public health or remedial action."

LIMITATION ON STATE SHARE OF CLEANUP COSTS AT FACILITIES OWNED BY A STATE OR POLITICAL SUBDIVISION

SEC. 3. Section 104(c)(3)(C)(ii) of such Act is amended to read as follows: "(ii) 50 percent of the capital, future operation, and future maintenance costs of the remedial action relating to a release at a facility that was owned and primarily used for treatment, storage or disposal at the time of any disposal of hazardous substances in such facility, by the State or a political subdivision thereof. For purposes of clause (ii) of this paragraph the term facility does not include navigable waters or the beds underlying those waters. Contribution by the State or a political subdivision thereof of the 10 per centum or 50 per centum of remedial costs, as appropriate, shall constitute full satisfac-

tion of any claims which the Fund may have against the State and the political subdivision(s) thereof."

STATUTE OF LIMITATIONS

SEC. 4. Section 112(d) of such Act is amended by striking out "date of enactment of this Act" and inserting in lieu thereof "date on which final regulations are promulgated implementing the provision of this Act under which the claim or action is brought."

CREDITS FOR STATE ACTIONS TAKEN PRIOR TO ENACTMENT OF SUPERFUND

SEC. 5. The last sentence of section 104(c)(3) of such Act is amended by striking out "the date of enactment of this Act" and inserting in lieu thereof "the date on which a contract or cooperative agreement is executed between the State and the United States pursuant to this section".

CLARIFICATION THAT NO FEDERAL PREEMPTION EXISTS UNDER CURRENT LAW WITH RESPECT TO TAXATION OR CONTRIBUTIONS TO SIMILAR FUNDS

SEC. 6. Subsection (c) of section 114 of such Act is repealed.

AUTHORITY FOR STATE SUITS TO FORCE IMPLEMENTATION OF ACT

SEC. 7. Section 113 of such Act is amended by adding at the end thereof the following new subsection:

"(d) Any State may bring an action in any United States district court within such State for the purpose of requiring the President or his delegate to take any action required to be taken under the provision of this title. The court shall have the power to require the President or his delegate to take such action if the court finds that the President is required under this title to take such action.".

TRANSFER OF STATE CREDIT FOR INDEPENDENT RESPONSE ACTIONS FROM ONE RELEASE TO ANOTHER

SEC. 8. The last sentence of section 104(c)(3) of such Act is amended by inserting after "the specific release in question" the following: "or any release with respect to which remedial action is authorized under this section".

EFFECTIVE DATE

SEC. 9. The amendments made by this Act shall become effective on the date of the enactment of this Act.

FIXING UP SUPERFUND

● Mr. LAUTENBERG. Mr. President, I am pleased to join my colleague from New Jersey today in introducing the Superfund Amendments of 1983. Concern about the environment and the health and safety of our citizens, stemming from years of inappropriate and unsafe disposal of hazardous wastes, has reached mammoth proportions in my State. And rightly so.

The passage in 1980 of the Comprehensive Environmental, Response, Compensation, and Liability Act, known as Superfund, offered the promise that the Federal Government would assist in cleaning up dump sites which pose a danger to public health or the environment. That promise has not been fulfilled. In New Jersey, which has 85 sites on the national priority Superfund list, including one ranked worst in the country, the first commitment of funds for cleanup was announced less than 2 months ago by EPA. And that was only the sixth such announcement EPA has made in the 2 years that the Superfund program has been in effect. In the meantime, wastes leaking from the dumpsites contaminate nearby streams and land, trees and fish die, and the air carries strange and unpleasant aromas.

The fact is that the Superfund as presently constituted is not sufficient to the task of cleaning up the hundreds of hazardous waste sites in this country. In May, the New Jersey Department of Environmental Protection estimated that it would cost about $200 million to clean up the sites in New Jersey. Clearly the $1.6 billion in the Superfund cannot begin to cover cleanup in all the States. Similarly the pace of activity has been so slow that it is obvious that the 5-year life span of the program is too short. One of my first actions on coming to the Senate was to join with Senator BRADLEY in sponsoring legislation, S. 816, to extend the life of Superfund for an additional 5 years, to 1990, and to double the authorization for the fund.

Several problems have surfaced with the structure of the program. My own State of New Jersey has worked to identify hazardous sites and have them listed by EPA eligible for Superfund cleanup assistance. We now have more sites than any other State. The State's work on identifying hazardous sites and developing cleanup plans has revealed the need to improve some aspects of the Superfund law.

Mr. President, the bill we are introducing today is aimed at resolving some of the problems which have arisen during the early implementation of Superfund. It establishes some simple principles. The provisions in the bill to accomplish these policies are:

First, Superfund policy must be to clean up first and talk later. The need to negotiate with those responsible for creating a hazardous site—to get them to pay for the cleanup—is important. But it should not become an excuse for interminable delays. EPA should begin cleanup as soon as possible, and negotiate while the work is underway.

Second, State and local officials should have more leverage in designing cleanup plans, based on their assessment of the dangers to the public. They should be able to select a method of cleanup which is more substantial than the one which EPA prefers, so long as the State or local government pays for most of the additional cost.

Third, the Superfund program should provide the same cost-sharing arrangements for maintenance of sites as for initial cleanups. This will avoid deterioration of sites once the initial steps have been taken to contain the danger to the public.

Fourth, the Superfund law should guarantee that States will have to pay no more than half the costs of cleaning up sites which they or local governments owned. The present law does not make clear what the State's share should be in such cases.

Fifth, individuals who wish to file suit against the parties responsible for damage to ground water sources or other natural resources will be given an additional 3 years. The present time limit expires in December, but the Department of Interior has not yet issued the rules covering these suits.

Sixth, the bill will require EPA to reimburse States, such as New Jersey, for money they spent to clean up toxic waste sites while waiting for EPA to begin implementing Superfund. Our State spent about $4 million on work at 26 sites, before EPA committed a single dollar. New Jersey should not be penalized for beginning work while EPA dragged its heels.

Mr. President, for too long the danger of hazardous waste dump sites and spills has hung like a cloud over our citizens. Congress has recognized the need to clean these sites and stop their poisons from speading. Inevitably some shortcomings in the law have become apparent as the first efforts to implement the Superfund program have been undertaken. The bill which is being introduced today proposes some improvements in Superfund which will make it a more useful instrument for the States. The States, like New Jersey, which have taken the lead in cleaning up the mistakes of the past will not be penalized for their early action. And all States will have an opportunity to be properly reimbursed for running the sites after they have been cleaned up. The rights of States and others to file claims or suits will be protected.

These improvements being proposed today, together with the extension of the life and size of Superfund proposed earlier this year, will help to assure that the much touted cleanup of hazardous waste can be carried out in earnest.●

By Mr. BUMPERS (for himself, Mr. BENTSEN, Mr. HEINZ, Mr. MATSUNAGA, Mr. MOYNIHAN, and Mr. CRANSTON):

S. 2013. A bill to amend the level of funding authorized for the maternal and child health services block grant for the purpose of insuring no less than the current level of services for fiscal year 1984; to the Committee on Finance.

MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT

● Mr. BUMPERS. Mr. President, I am today introducing legislation to increase the authorization for appropriations for the maternal and child

health services program from $373 million to $499,500,000. This is a modest increase, one that is necessary to maintain the level of current services. Mr. President, this is one of the most cost effective and essential programs we have, and I can say with confidence that this increase in the authorization for the program is necessary if we are to assure adequate services to children and pregnant women.

BACKGROUND

The maternal and child health block grant was created by the Omnibus Reconciliation Budget Act of 1981. It makes funds available to the States to provide health services to low-income pregnant women, mothers, and children. The Federal effort in this area began in 1935 when Congress passed the title V Maternal and Child Health and Crippled Children's Act. The MCH block grant subsumed that program along with the following programs: Lead-based paint poisoning prevention program; voluntary testing and counseling program for genetic disease; hemophiliac diagnosis and treatment centers program; and adolescent pregnancy program.

With the funds, States provide a broad range of services including: prenatal, delivery and postpartum care; well-infant and well-child care; vision and hearing screening; dental care; immunization; school health programs; and diagnostic, treatment and rehabilitation services for handicapped children.

The services have a strong preventative and health promotion thrust: Improve the health status of mothers and children, reduce infant mortality, reduce the incidence of preventable diseases and handicapping conditions, and provide medical services to handicapped children.

Although the major share of the funds goes to the States for services, 15 percent is set aside for the funding of research, training, and innovative programs at the discretion of the Secretary of Health and Human Services. These set-aside funds have supported special projects of regional and national significance—SPRANS. The SPRANS provide the mechanism to respond to the changing needs, issues, and trends in MCH in a timely and thoughtful manner.

FUNDING HISTORY

It should be kept in mind that the funds provided by MCH block grant represent only about 20 percent of the States expenditures for health services for mothers and children. Medicaid sustains the major part of the States efforts. However, the relatively modest contribution of the MCH block grant understates its importance. The program has had far-reaching effects by setting standards for quality comprehensive child health services, reaching populations whose health needs were previously unmet, and supporting research and training. The current administration's attempts to diminish the Federal role in MCH began with the Omnibus Reconciliation Budget Act and its attendant cutbacks representing a 24-percent funding loss. Particularly hard hit were the funds available for discretionary projects, a loss of 44 percent. The table below summarizes the MCH budget history:

Fiscal year 1981—no block grant; the levels represent the totals for the seven programs consolidated into the MCH block grant:	*Millions*
Authorization	$558
Appropriation	457
Fiscal year 1982—the first year of the MCH block grant:	
Authorization	$373
Appropriation (25 percent cut)	348
President's request	291

Note.—My amendment restoring $24.5 million was added to the fiscal year 1982 urgent supplemental appropriations bill. This brought the level to $373 million.

Fiscal year 1983—Reagan proposal to consolidate MCH and women, infant and children's supplemental food program (WIC). Congress did not go along:	*Millions*
MCH authorization	$373
MCH appropriation	373
President's request	347

Note.—As part of the jobs bill, Public Law 98-8, an amendment added $105 million, bringing the total funds to $478 million for fiscal year 1983.

Fiscal year 1984:	*Millions*
MCH authorization	$373
MCH appropriation	399
President's request	373

The House recently passed H.R. 3021, the Health Care for the Unemployed Act, which included an amendment raising the authorization for MCH to $483 million. It should be noted that the $105 million added to MCH in the jobs bill for fiscal year 1983 went entirely for services, that is, no part of the funding was set aside for SPRANS.

My bill would raise the authorization level for fiscal year 1984 to $449.5 million, which would maintain services at a constant level and include the 15 percent set aside for discretionary funding.

Mr. President, this is a very modest increase in this crucial program. Actually, if the 1981 appropriation is taken as a baseline and then adjusted for inflation, we could justify an authorization level for fiscal year 1984 of about $600 million. I realize, however, that a $600 million authorization is out of the question, and I am not asking for that. I am asking that we take the steps necessary to make sure that this program is able to maintain its current level of services for fiscal year 1984 without having to cut local services even more. There are several reasons why the authorization should be increased, and I will mention some of them.

Maternal and child health programs are cost effective.

PRENATAL CARE

The importance and value of adequate prenatal care in reducing death and illness in infancy is well-documented. The cost savings result from the reduced need for the provision of infant intensive care, the reduced incidence of hospitalization for sick infants, and lessened demand for long-term institutional care.

In Mississippi, it costs $1,100 to provide complete prenatal care to a pregnant woman as compared to the $20,000 it costs to provide institutional services to a child with handicapping conditions that could have been prevented through proper prenatal care.

Oregon officials studying women receiving inadequate prenatal care in that State estimate that for the cost of caring for five high-risk premature infants ($150,000), all 149 women involved in the study could have received comprehensive prenatal care, which would have yielded attendant savings.

Ohio advocates estimate that for every $2 million invested annually in prenatal care, the State will save approximately $8 million.

Alabama officials estimate that for every dollar that is spent on prevention of infant mortality and handicapping conditions through medicaid, the State will save between $5 and $10 in long-term institutional care for the severely retarded and day care for the mildly retarded.

Despite the demonstrated effectiveness and importance of prenatal care, millions of economically disadvantaged pregnant women go without adequate care. In 1980, 1 out of every 20 pregnant women received no prenatal care until the last trimester. Furthermore, the evidence suggests that the failure on the part of the pregnant women to use medical services is directly linked to their inability to pay, lack of health care coverage, and unavailability of public free care alternatives.

COMPREHENSIVE CHILD HEALTH CARE

Well-baby clinics, well-child clinics, hearing and vision screening, immunizations and other services which promote health represent an investment that results in substantial savings in the long run. Without these services, health care costs are likely to rise as children require emergency room care, more costly treatment services, and increased hospitalizations.

A study by the Center for Disease Control showed that $180 million spent on measles vaccination programs between 1966 and 1974 saved $1.3 billion in medical care and long-term care by reducing deafness, retardation and other problems.

A 1977 GAO report found that the costs of screening at birth and treatment of seven common disorders was less than one-eighth the projected

costs of caring for an impaired child over a lifetime.

A Pennsylvania study found that children participating in a comprehensive preventive health program had 30 percent fewer abnormalities on rescreening with attendant cost-savings.

An evaluation of a health screening program by the State of Missouri found that children participating in the program had annual medical costs 16 percent lower than those not participating in the program—$253.79 for children in the program versus $318.58 in expenditures for nonparticipants.

IMPACT OF THE REDUCTIONS IN MCH

The loss of funds has required significant and substantial decreases in maternal and child health services. Different States have taken different steps toward cost savings measures. These have ranged from changing eligibility criteria to reduce the numbers served, shutting down projects, and dropping services. States, in coming to terms with the cutbacks, face the propects of trading fewer hours of operation for the services of an audiologist, dropping services for asthmatic children in order to retain services for children with diabetes, or whether or not to replace a dental hygenists. State by State, a reading of cutback's effects paints a bleak future for millions of America's children. Even if MCH had not sustained such severe cuts in 1981, the health needs of many impoverished children would be unmet. With the cuts, even greater numbers of children are placed in jeopardy. Furthermore, the difficult economic times experienced by families has left many without health insurance. Thus, the demand for MCH program services has increased. In sum, 47 States report cutbacks in MCH block grant programs by reducing eligibility and/or health services. Specific examples follow:

In Iowa, the number of mobile field clinics has been decreased from 114 to 108 with a corresponding decrease in the number of children served from 6,258 to 4,368. These mobile clinics provide preventative and early identification services for children with a variety of problems including congenital heart disease, hearing loss and speech/language defects, scoliosis (spinal curvature), muscular dystrophy, cystic fibrosis, and developmental disorders.

In Ohio over 700,000 people are out of work. The State health department estimates that over 1 million people in Ohio have no health insurance. Potentially, in the next 3 years alone, 60,000 children will be born to Ohio parents who have lost health insurance due to unemployment or underemployment. A preliminary look at seven Ohio counties reveals that as unemployment increases so does infant mortality. In the county that includes Youngstown, where unemployment is 18.6 percent, the infant mortality rate increased from 13.7 percent to 14.9 percent between 1980 and 1981.

In Mississippi, the following has occurred or will occur:

County health departments which run maternity clinics will receive less support for nursing staff and service will be targeted only to the very highest risk patients.

The maternity and infant project, which is located in three underserved counties and which serves approximately 6,000 patients per year will be discontinued.

The improved pregnancy outcome project which is located in the county where infant mortality is highest and the improved child health projects, which are located in other areas where infant mortality is very high and which serve 10,000 to 15,000 patients per year, will be markedly reduced.

The adolescent pregnancy project, which provides medical and counseling services, will undergo a 25-percent reduction.

In Idaho, perinatal services will be provided to 200 fewer patients and payment for hospitalization of high-risk pregnant women and infants will be restricted to $400 per patient. A cutback in the number of public health clinics being conducted and their hours of operation will reduce the provision of immunization services to children by public health. Also, the vaccine distribution by private physicians has been terminated.

In Illinois, clinics will be decreased from 480 to 400 which will make clinic services less accessible, and approximately 1,200 fewer children will be served.

In Wisconsin, there will be a drastic decrease in screening for hearing problems. In 1981, 80 diagnostic hearing clinics were held and 3,200 children were screened for hearing loss. By 1983, the target population for hearing clinics will undergo a 50-percent decrease with screening for hearing problems limited to children in prekindergarten, kindergarten, and first grade.

In West Virginia the crippled children's program experienced a 40-percent increase in the number of applicants and referrals in January 1983 compared to January 1982. The percentage of those underemployed and requesting services increased over this same time period by 7 percent.

In Alabama a public maternity clinic had 4,200 more visits by pregnant women in 1982 than in 1981.

In South Carolina a well-baby clinic which previously saw infants before they were 8 weeks old is now unable to see infants until they are 3 months old because of lengthening waiting lists.

In Michigan a county health department has had an increase from 2 to 4 weeks in the waiting period for nonacute pediatric care.

In New York City the maternity and infant care project had to turn away 1,000 applicants for services due to lack of funding in 1982.

In Ohio the utilization of an MCH well-child clinic has increased by 100 percent. In 35 Ohio projects waiting time for an appointment has increased by 30 to 50 percent.

In Oklahoma a health department study found that 50 percent of the pregnant women in the State do not receive adequate prenatal care.

Particularly hard hit by the funding cuts are the programs dependent upon the set-aside funds, including services such as genetic testing and counseling, hemophilia programs, and pediatric pulmonary centers which provide specialized services for children with respiratory diseases and disorders such as cystic fibrosis and asthma.

It is unconscionable that in an era when so much can be done to prevent pain and suffering on the part of mothers and children, that we do so little. The dollar of last resort, as some have called the funds under MCH block grant, are spread far too thin.

Mr. President, in closing let me say that this is one of the best Federal programs we have. It is an investment in the future. We cannot have a sound and healthy America unless we are willing to make the commitment necessary to assure the health of our children. I will continue to fight for adequate funding for this program, and I urge the members of the Finance Committee to act quickly on this legislation. I know that several members of that committee, especially the Senator from Texas (Mr. BENTSEN) have expressed an interest in increasing the authorization for this vital program, and I urge them to do so before we adjourn in November.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 501(a) of the Social Security Act is amended by striking out "fiscal year 1982" and inserting in lieu thereof "fiscal years 1982 and 1983 and $499,500,000 for fiscal year 1984".●

By Mr. HART:

S.J. Res. 186. Joint resolution entitled the "War Powers in Grenada Act"; to the Committee on Foreign Relations.

WAR POWERS IN GRENADA ACT

● Mr. HART. Mr. President, I am today introducing a resolution which invokes the War Powers Act regarding American involvement in Grenada. This legislation is intended to trigger the reporting requirement of the War

Powers Act, and to start the clock on the 60-day limit on the use of U.S. troops in overseas combat.

Like all Americans, I hope the actions taken today will avert the tragedy and horror of Beirut. But regardless of the eventual outcome, it is clear that American combat troops have already been involved in imminent hostilities, and as a result, the War Powers Act must be invoked.

This resolution does not limit the power of the President to implement his foreign policy. Rather, it brings the Congress into the process and will allow for a full and in-depth debate on American involvement in Grenada.

The resolution gives the President 48 hours to report to Congress on the rationale for the introduction of U.S. combat troops into Grenada. He then has 60 days before he is required to bring the troops home unless Congress authorizes a longer stay.

Had the Congress insisted over the past year that the President obey the War Powers Act, the recent tragedy in Beirut might have been averted. At the very least, it would have forced President Reagan to produce something he has not yet: namely, a clear rational policy for Lebanon.

With that in mind, I have included in this resolution a requirement that the President include in his report to Congress a description of the specific goals of the U.S. mission in Grenada and the criteria to determine its success.

Finally, this bill simply implements the War Powers Act, invoking the law to check our military involvement in Grenada. As such, it puts the impetus for further authorization of an American military presence—past the 60-day limit—on the Congress. This is as the law should be, for it gives the Congress its rightful say in crucial foreign policy matters. But, I say now that I will oppose any further extension of U.S. military involvement in this small island country. As far as I am concerned, the 60-day timeframe contained in the War Powers Act is a more than generous amount in this instance—and I will actively fight any extension.

Mr. President, I ask unanimous consent that a copy of this resolution be incorporated into the CONGRESSIONAL RECORD at the close of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 186

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1, the Congress finds that:

(a) Starting on October 25, 1983, the United States Armed Forces were introduced into hostilities or into situations where imminent involvement in hostilities in Grenada were clearly indicated by the circumstances as provided for in section 4(a)(1) of the War Powers Resolution;

(b) No later than October 27, 1983, the President must submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate pursuant to section (4)(a)(1) of the War Powers Resolution which must include the following information:

(1) The circumstances necessitating the introduction of the United States Armed Forces into Grenada;

(2) The constitutional and legislative authority for the introduction of the United States Armed Forces into Grenada; and,

(3) The estimated scope and duration of the hostilities or of the imminent involvement of the United States Armed Forces in hostilities.

Section 2, in the report to the Congress required by the War Powers Act, the President should also include:

(a) A description of the specific goals of United States policy in Grenada, and

(b) A description of the specific criteria that are being applied to determine when the United States Armed Forces participating in the fighting in Grenada have successfully accomplished their mission as described in Section 1, clause b.

Section 3, within sixty calendar days after a report is submitted pursuant to Section 1 (b), the President shall terminate any use of United States Armed Forces in Grenada unless the Congress has (1) declared war or has enacted a specific authorization for such use of United States Armed Forces or (2) has extended by law the sixty-day period.●

By Mr. MELCHER:

S.J. Res. 187. A joint resolution to repeal the Multinational Force in Lebanon Resolution; to the Committee on Foreign Relations.

REPEAL OF MULTINATIONAL FORCE IN LEBANON RESOLUTION

Mr. MELCHER. Mr. President, despite the continuous statements of President Reagan, his Cabinet officials, and others that it is essential to have 1,600 U.S. Marines stationed near Beirut because Lebanon is vital and strategic to the United States, I disagree and reject their contention. This policy statement of the President is nullified by the casual attitude of the Defense Department in, first, permitting and, second, condoning, after the fact, the lack of security measures taken for protection of the Marine headquarters near the Beirut airport. A military action that is claimed to be vital and strategic to the interests of the United States is negligent and haphazard when a high percentage of the U.S. contingent, including the headquarters, is situated in a nondefensible area with only minimal, easily penetrated lines of defensive protection.

A several-story building supported on exposed columns was used as the headquarters and to barracks over 200 marines. The building was not only vulnerable to air or ground artillery attack but also, inconceivable as it is, was vulnerable to demolition by explosives hauled in a pickup truck penetrating over 1 mile from outside the perimeter area through three so-called defense checkpoints. News accounts today tell us that Marine Commandant Kelley assures us that proper security measures are in effect. That is an astounding statement unless there has been a complete revamping of security measures since Sunday.

Senate Joint Resolution 159, approved by majority vote in this Republican-controlled Senate and by majority vote in the Democratically-led House, gave bipartisan endorsement to the President's Lebanon policy, the continued presence of the U.S. Armed Forces contingent in Lebanon for another 18 months, and the approval of further commitment of Armed Forces if necessary to protect those already there. I opposed this policy at the time and I continue to oppose it. The events of Sunday's disaster should cause reassessment. I am, therefore, introducing a joint resolution on behalf of myself and Senator PRYOR today to repeal Senate Joint Resolution 159.

As I interpret Senate Joint Resolution 159, my resolution must be considered by the Senate Foreign Relations Committee within 15-calendar days and, if approved by the committee and approved by the Senate and House, then the President is required by the War Powers Act to submit to Congress within 48 hours his proposal on continued commitment of U.S. Armed Forces in Lebanon, or Congress may act as it previously has with Senate Joint Resolution 159 in setting requirements for the withdrawal or the continued presence of our Armed Forces in Lebanon.

I continue to urge that our Marine contingent be replaced by another military contingent from a country not strongly alined, as the United States is, with Israel. I believe that the presence of U.S. Armed Forces in Lebanon aggravates rather than assists the efforts for a peaceful solution for this strife-torn country with so many ancient conflicting feuds between religious groups. I believe that, rather than assisting the Gemayel government toward stability in Lebanon, the presence of our Marines in their sitting duck position on the Beirut airport flats creates a tempting target for hostile acts of war against them by various Moslem partisans. The United States should continue efforts to work with all factions, including the Saudi Arabians, to reassert an end to hostilities with a real cease-fire and negotiations for peace.

This resolution, if adopted, will perform the proper function of Congress under the War Powers Act to assure the people of the United States that we are developing a good policy to effectuate peace without exposing U.S. Armed Forces to needless attacks with the consequent loss of life and casualties. Furthermore, it will allow the President to reassess his asserted posi-

tion that Lebanon is vital and strategic to United States national interests. That term is apropos to Israel and to Syria, but is not the case for the United States. We do have a vital interest in oil supplies in the Persian Gulf, which is 700 miles away.

We can be supportive of the sovereignty of Israel without maintaining our Armed Forces in Lebanon. Rather, it is vital to the United States to reassess its policy in Lebanon immediately, which this resolution seeks to do.

Furthermore, the invasion of Grenada should not distract us from the timely and urgently needed correction of a disastrous Lebanon policy. There are vital and strategic areas of concern for the United States in Latin America and island countries of the Caribbean. That assessment of Grenada in this hemisphere may be correct for the treaty signatories of the Organization of Eastern Caribbean States, but whatever our decision on Grenada, it should not interfere with immediate reassessment of U.S. Lebanon policy under the War Powers Act.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 187

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Multinational Force in Lebanon Resolution (Public Law 98-119) is repealed.

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. DECONCINI, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 209

At the request of Mr. INOUYE, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 209, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 444

At the request of Mr. SASSER, his name was added as a cosponsor of S. 444, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 815

At the request of Mr. HATFIELD, the name of the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 815, a bill to provide that it shall be unlawful to discriminate against any meetings of students in public secondary schools and to provide the district courts with jurisdiction.

S. 865

At the request of Mr. HATFIELD, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 865, a bill to establish a nationally uniform deep-draft vessel tax for the purpose of financing operations and maintenance of deep-draft commercial channels and harbors; to fund a percentage of new channel improvements; and to provide an expedited procedure for the authorization and permitting of navigation improvement projects and related landside facilities in deep-draft ports, and for other purposes.

S. 1584

At the request of Mr. DANFORTH, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1584, a bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules.

S. 1676

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1676, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 1928

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1928, a bill to amend the Social Security Act to authorize the conduct of federally assisted pilot projects designed to improve the delivery of services under the various human services programs by establishing integrated service delivery systems for those programs.

S. 1939

At the request of Mr. WALLOP, the names of the Senator from Utah (Mr. GARN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Hawaii (Mr. INOUYE), the Senator from Arizona (Mr. DECONCINI), the Senator from Montana (Mr. MELCHER), the Senator from South Dakota (Mr. ABDNOR), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 1950

At the request of Mr. MATTINGLY, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from North Carolina (Mr. HELMS), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 1950, a bill to amend the Internal Revenue Code of 1954 to increase the annual contribution limit for individual retirement accounts from $2,000 to $3,000 and to make such accounts more equitable in the case of lesser earning and nonworking spouses.

SENATE JOINT RESOLUTION 57

At the request of Mr. CHILES, the names of the Senator from Vermont (Mr. STAFFORD), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Joint Resolution 57, a joint resolution to designate the week of April 3 through April 9, 1983, as "National Drug Abuse Education Week."

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the names of the Senator from Nebraska (Mr. EXON), the Senator from Wisconsin (Mr. KASTEN), the Senator from North Carolina (Mr. EAST), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National P.O.W./M.I.A. Recognition Day."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from Rhode Island (Mr. PELL), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Vermont (Mr. STAFFORD), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Missouri (Mr. EAGLETON), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health

and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE CONCURRENT RESOLUTION 71

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Concurrent Resolution 71, a concurrent resolution deploring the assassination of Benigno Aquino, calling for the conduct of a thorough, independent and impartial investigation and calling for free and fair elections in the Philippines.

SENATE CONCURRENT RESOLUTION 79—URGING JAPAN TO IMPORT U.S. COAL

Mr. HEINZ (for himself, Mr. FORD, Mr. RANDOLPH, Mr. WARNER, Mr. SPECTER, Mr. GARN, Mr. HUDDLESTON, Mr. HEFLIN, Mr. SARBANES, Mr. MATHIAS, Mr. METZENBAUM, Mr. SASSER, and Mr. MELCHER) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 79

Whereas, America's coal represents this nation's most abundant source of Energy;

Whereas, the United States is a secure and reliable supplier of coal;

Whereas, this nation has recently undertaken enormous capital expenditures in its port facilities, rail facilities and coal mines in order to enhance its coal exports;

Whereas, the relationship between Japan and the United States has been one of cooperation in a number of areas of vital importance to both nations;

Whereas, Japan has been the largest export market for U.S. mined coal, traditionally importing approximately one-third of its coal requirements from the United States, and generating $1.5 billion in annual trade and 50,000 jobs; and,

Whereas, the Japanese government has placed the U.S. coal industry at a competitive disadvantage by entering into long term contracts with non-American producers, and by subsidizing joint ventures with non-American mining and exporting concerns, resulting in a 50% reduction in the U.S. share of the Japanese coal market; and,

Whereas, such a decline in the U.S. share of the Japanese coal market, in light of the current $20 billion U.S. trade deficit with that nation, is unacceptable; and,

Whereas, a commitment by the Government of Japan to purchase one-third of that nation's coal requirements from the United States would reduce the imbalance in trade;

Now, therefore, be it resolved by the Senate, that

It is the sense of the Congress that, on the occasion of his visit to Japan, in November 1983 the President should express to the Government of Japan that:

(1) immediate action must be taken to reduce the current $20 billion balance of trade deficit currently in its favor,

(2) the reduction of the trade imbalance is critical to the future of United States—Japan trade relations,

(3) the Government of Japan should formally announce its long term commitment to purchase one-third of its metallurgical and steam coal requirements from the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Government of Japan.

● Mr. HEINZ. Mr. President, on behalf of myself, the distinguished Senator from Kentucky, Senator FORD and 12 of our Coal Caucus colleagues, we are today introducing a resolution based on simple fairness.

Its message is direct. It expresses the sense of the Senate that the Japanese Government should take immediate action to reduce the large $20 billion trade deficit which it currently enjoys with the United States. By announcing its long-term commitment to purchase one-third of its metallurgical and steam coal requirement from the United States, such action could in a matter of years reduce the current trade imbalance between our two countries by nearly $3 billion.

If the Japanese Government is serious about a balanced and fair trade relationship with the United States, it will take advantage of the President's upcoming visit to Japan in November 1983 to make such an announcement.

Why is this resolution necessary? Because during the course of the last year Japan has cut in half, a traditional relationship with the U.S. coal industry worth $1.5 billion in trade and 50,000 U.S. jobs.

During the last year alone our exports to Japan have dropped from 22 to 12 million metric tons. If current trends continue, future U.S. coal exports will account for only 3 or 4 percent of the Japanese market. The result—loss of over 35,000 jobs in our coal fields where unemployment is running at 30 percent.

With a balance of trade deficit in Japan's favor running at $20 billion and expected to rise to $25 billion in 1984, such action on the part of the Japanese Government is totally unacceptable.

Our industry and workers have expended billions of dollars to service the Japanese market.

In my own State of Pennsylvania, the private sector in concert with the State government has invested over $50 million to increase the port of Philadelphia's coal export facilities fivefold from 3 to 15 million tons yet our coal export facilities are operating at less than 20 percent of capacity.

Consider that investment already under way or planned could expand our coal port loading facilities nationwide from less than 100 million to 290 million tons by 1985.

Consider that using exiting equipment our barge transportation industry can transport an additional 40 million metric tons of export coal served by our inland waterways.

With continued improvements in our rail and inland waterway transportation system this Nation represents the largest most reliable most secure source of coal in the world today.

How has the Japanese Government responded to our efforts—by placing the U.S. coal industry at a competitive disadvantage—entering into long term contracts with our foreign competitors and subsidizing joint ventures in their coal production and transportation facilities.

We simply cannot accept a Japanese coal buying policy which in a matter of years will relegate this Nation to the roll of a spot supplier competing for less and less of the Japanese market. All that we ask is that the U.S. industry be allowed to compete fairly and freely for its fair and traditional share of the Japanese market.

The commitment we seek from the Japanese Government to purchase one-third of its metallurgical and steam coal requirements is in everyone's interest. It will facilitate better trade from U.S. relations between our two countries, decrease Japan's severe reliance on oil imported from the Persian Gulf, and create a healthier U.S. coal industry for our companies and our workers.

Mr. President on October 17, I conveyed my thoughts on this very important issue to President Reagan. I ask unanimous consent that a copy of that letter be placed in the RECORD at the conclusion of my remarks. In addition I ask unanimous consent that the statement of Mark Joseph, chairman of the Coal Exporters Association also be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 17, 1983.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your upcoming visit to Japan offers an excellent opportunity to take immediate action to reduce our very large trade deficit with that country. It is my hope that you will seek the formal commitment of the Japanese government to purchase one third of its metallurgical and steam coal requirements from the United States.

As a result of your leadership in establishing the U.S. Japan Energy Working Group, both nations have been examining ways in which greater cooperation can be achieved in the trade of coal oil and natural gas. Indeed, the U.S. delegation has been seeking to negotiate a formal commitment by the Government of Japan to stabilize and increase its importation of U.S. mined coal.

Japan at the present time is the largest purchaser of U.S. coal, accounting for $1.5 billion in sales and 50,000 U.S. jobs. Over the past few years, the United States has supplied the Japanese with approximately one third of their metallurgical and steam coal requirements. Unfortunately, our share of the Japanese market is rapidly declining. Today, the United States accounts for only 16% of the Japanese market with even further reductions in market share likely in

the future. Over the past year alone, our sales have dropped from 22 million metric tons to 12 million metric tons.

The Japanese government has placed the U.S. coal industry at a competitive disadvantage by entering into long term contracts with our foreign competitors and subsidizing joint ventures in their coal production and transportation facilities. The failure of the Japanese government to enter into similar arrangements with the U.S. coal industry will have the effect of relegating the United States to the role of a swing supplier at best.

With a $20 billion balance of trade deficit currently favoring Japan, a 50% decline in our coal sales to Japan is totally unacceptable. A long term commitment by the Japanese government to purchase one third of its coal from the United States, could reduce our current trade imbalance by $3 billion in a matter of years.

The importance of export markets to the future of the U.S. coal industry and our coal miners cannot be dismissed. Over 50,000 U.S. coal miners are currently unemployed. In my own state of Pennsylvania, nearly 9,500 miners have lost their jobs since January of 1981.

In an attempt to assist both our miners and our industry, the State of Pennsylvania in cooperation with the private sector has invested over $50 million to increase the port of Philadelphia's coal export capacity from 3 to 15 million tons. Despite this investment, our coal export facilities in Philadelphia are operating at less than 20 percent of their capacity. The commitment which has been made in Philadelphia to coal exports is being made by state and local governments in cooperation with the private sector throughout this nation. In return, we must expect the opportunity to be able to compete fairly in international markets.

U.S. coal producers, miners and exporters have already made significant commitments necessary to serve the Japanese coal market. As Chairman of the Senate Coal Caucus, it is my hope that you will be able to announce that the Government of Japan has agreed to make a significant long term commitment to the U.S. coal industry.

Sincerely,

JOHN HEINZ,
U.S. Senator.

U.S. COAL IN JAPAN: STATEMENT OF MARK R. JOSEPH

Japan is the largest single foreign purchaser of United States coals. During 1982, 25 percent of our total coal exports or 25.7 million short tons worth $1.5 billion, were shipped to Japan. Over 86 percent or 22.3 million tons were classified as metallurgical grade coal and 3.4 million tons as steam grade. In 1982, the United States provided 32.3 percent of total Japanese coal purchases of just over 85 million tons.

The United States began shipping coal in quantity (primarily metallurgical coal) to Japan in the years following World War Two. United States coal producers supplied over 60 percent of Japanese total coal requirements well into the 1960's when our market share began to decline. The period since 1970 has been especially volatile. United States' market share declined from 51.8 percent in 1970 to 29.8 percent in 1973, bounded back to 40.6 percent in 1974 and declined to a low of 17.4 percent in 1978. Although we have regained much of the market share lost, gains made principally due to labor problems and unavailability of coal from our prime competitor, Australia, there is the possibility that both the traditional metallurgical coal market and the developing steam coal market could be closed to United States participation in future years.

METALLURGICAL COAL

United States coals formed the basis for the development and growth of the Japanese steel industry. Although the sixty percent share of the Japanese coking coal market supplied by the U.S. has slipped to approximately 30-35 percent since 1970, actual tonnage shipped has increased, averaging just over 22 million tons since 1979.

The production levels of the steel industry in Japan, as in the United States, are driven by economic considerations. The worldwide recession has resulted in sharp declines in demand for steel worldwide which in turn has caused raw steel production in Japan to decline from 123 million met tons in 1980 to 110 million tons in 1982 and an estimated 105 million tons this year.

These reductions in steel output, coupled with already high coal and coke stocks have caused sharp reductions in Japanese steel mill purchases of metallurgical coal. Metallurgical, or coking coal purchases, which have averaged 70-72 million short tons annually are unlikely to be more than 65 million tons in 1983, a reduction of almost 10 percent.

The reduction in demand for imported coking coal has been spread very unevenly among the major coal suppliers to Japan. The United States has borne the brunt of the demand reduction. Thru August, imports from the United States has been cut by almost 10 million tons or by 50 percent. Alternatively, imports of coking coal from Australia have increased by 1.6 million tons (8.5 percent), and additional coals have been imported from U.S.S.R. and China. Imports from South Africa and Canada have been reduced (by 400,000 and 680,000 tons respectively) but not as severely as has been the case in the United States.

In 1982, 22.3 million tons of U.S. met coal were shipped to Japan—in 1983 no more than 15 million tons will be shipped to Japan. Information available to U.S. suppliers indicate that the U.S. coal will be cut even further in 1984, possibly to no more than 8-12 million tons. Unless steel production levels improve sharply, the future could be equally as bleak for United States coal. Forecasts indicate that, if steel production does not improve, imports of U.S. coals could be cut even further, possibly reaching as low as 4-5 million tons in 1986 and later.

The United States has effectively been reduced to the role as "swing" supplier to the Japanese market. If the economy is flat, the United States coal is the first to be cut. If the economy, and steel production, improves (or if there are supply disruptions elsewhere), the U.S. will be called upon to supply additional quantities of coal.

This buffer situation has put undue hardship on the United States coal industry. The result of recent Japanese decisions have been mine closures and unemployment in Alabama, Virginia, West Virginia, Kentucky, Pennsylvania, Maryland. U.S. companies have closed mines representing in excess of $200 million in investment (made only to serve the Japanese market), at least 7,000 miners have been laid off and additional mine closures and layoffs can be expected unless the Japanese increase their purchases of U.S. met coal.

STEAM COAL

Steam coal use in Japan is relatively new, as is the U.S. role in the Japanese steam coal market. We did not begin shipping steam coal to Japan until 1980, and even now are shipping only 3 million tons or less to Japanese cement mills and utility plants. That figure will decline to no more than two million tons in 1983 and could be even less in 1984.

The long term outlook for United States participation in the slowly growing Japanese steam coal market is equally as bleak. The Japanese overestimated both growth in demand for electrical generation and growth in demand for steam coal use. Forecasts for electricity generation have been revised sharply downward in the past year. However, plans to use LNG and nuclear power remain the same. Therefore, all the reduction in electricity growth is made by reducing the amount of coal that will be used under boilers—delaying the constuction of new coal fired boilers and supporting infrastructure.

A year ago, the Japanese forecasts predicted that 66 million metric tons of steam coal would be imported in 1990 (for utility and industrial use—See Table 3). Recently, this estimate has been revised downward to approximately 43-48 million metric tons. The greater percentage of this requirement is already under long-term contract in Austrialia, Canada, South Africa, in the U.S.S.R. and in China. Thus despite the Japanese expressed interest in both purchase of, and investment in, U.S. steam coal (especially in western states), the United States has effectively been reduced to the role as swing supplier through the end of this decade.

The Japanese have stated that the reason for the sharp decline in coal purchases from the United States is one of price—the United States coals are higher in price than are coals from competing sources. Although not true in all instances, on average this is a correct statement. However, any price differential can be reduced significantly, and continued availability of coal assured, through positive action on the part of the Japanese.

Coal is readily available in the United States due to our abundant reserve base and the large competitive coal mining industry which has traditionally operated at far below capacity levels. As a result, most of the coal purchased from the United States by Japaneses buyers is purchased on a spot basis or under very short term (one year) pricing arrangements. Spot markets are volitile as are spot prices. Over the long run, these spot purchases tend to be at a higher price level than would be the case if the coal were to be purchased under long term contracts (as is true of the Japanese purchases of coal from competitor countries).

Long term agreements, which can be concluded by the Japanese, will assure that the investments necessary to maintain the coal industries capacity to supply their market will continue to be made and that the coal purchased by the Japanese will be at the lowest possible price. As pointed out in a report by the Department of Commerce from the September working group meeting, "Long term contract facilitate investment, planning, scheduling, equipment utilization, all of which translate into lower costs." We would point out that long term supply arrangements are available from every link of the coal exporting chain, from

the mine, to the inland transportation link, the exporting terminal to the ocean carrier.

The United States coal producers and exporters have already made significant financial commitments necessary to serve the Japanese met coal market and are prepared to make the same commitments to serve Japanese steam coal needs.

TABLE 1.—JAPAN IMPORTS OF COAL

[In thousands of short tons]

	1982		1981	
	Tons	Percent share	Tons	Percent share
Coking coal from:				
Australia	27,958	39.1	32,109	44.3
Canada	10,511	14.7	10,531	14.5
China	1,507	2.1	1,278	1.8
South Africa	3,646	5.1	3,266	4.5
U.S.S.R.	1,225	1.7	1,248	1.7
United States	26,357	36.9	23,778	32.8
Other	255	.4	274	.4
Total	71,459	100.0	72,484	100.0
Steam coal from:				
Australia	6,882	49.0	6,256	48.8
Canada	1,435	10.2	1,256	9.8
China	1,624	11.6	1,311	10.2
South Africa	2,574	18.3	1,391	10.8
U.S.S.R.	229	1.6	282	2.2
United States	1,251	8.9	2,336	18.2
Other	44	.4	0	0
Total	14,039	100.0	12,832	100.0

Note: Japanese steam-met classifications differ from those used by U.S. exporters. Coking coal includes both heavy coking coal (volume < 30 percent) and coking coal (volume > 30 percent).

Source: Japan Exports and Imports.

TABLE 2.—JAPAN IMPORTS OF COAL

[In thousands of short tons]

	January to August 1983	January to August 1982	1982–83 change	
			Tonnage	Percent
Coking coal from:				
Australia	20,260	18,675	+1,585	+8.5
Canada	7,114	7,796	(682)	−8.7
China	1,216	900	+316	+35.1
South Africa	2,104	2,496	(392)	−15.7
U.S.S.R.	1,128	773	+355	+45.5
United States	10,829	20,453	(9,624)	−47.1
Other	213	193	+20	+10.4
Total	42,864	51,286	(8,422)	−16.4
Steam coal from:				
Australia	5,543	4,637	+906	−19.5
Canada	484	901	(417)	−46.3
China	1,147	975	+172	+17.6
South Africa	1,799	2,035	(236)	−11.6
U.S.S.R.	236	111	+125	+12.6
United States	770	1,362	(592)	−43.5
Other	31	14	+17	NA
Total	10,010	10,035	(25)	−.2

Note: Japanese steam-met classifications differ from those used by U.S. exporters. Coking coal includes both heavy coking coal (volume < 30 percent) and coking coal (volume > 30 percent).

Source: Japan Exports and Imports.

TABLE 3.—COAL DEMAND OUTLOOK (TENTATIVE ESTIMATE)

[In millions of metric tonnes]

	Fiscal year 1982	Fiscal year 1990		Fiscal year 1995
	Actual figures	Present estimate	Previous estimate	Present estimate
Total demand	95.3	105–113	153	115–137.
Domestic coal	18.9	18–20	18–20	18–20.
Overseas coal	76.4	85–95	133–135	95–119.
Metallurgical coal	66.2	62–65	87	65–71.
Domestic coal	4.6			
Overseas coal	61.6			
Iron and steel	60.7	55–58	80	57–63.
Other	5.5	Approx. 7	7	Approx. 8.

TABLE 3.—COAL DEMAND OUTLOOK (TENTATIVE ESTIMATE)—Continued

[In millions of metric tonnes]

	Fiscal year 1982	Fiscal year 1990		Fiscal year 1995
	Actual figures	Present estimate	Previous estimate	Present estimate
Steam coal (including anthracite).	29.1	43–48	66	50–66.
Domestic coal	14.4			
Overseas coal	14.8			
Electric utilities	14.8	26–30	42	~42.
Other industries and residential, etc.	14.3	17–18	24	~24.
(Cement industry).	(8.9)	(Approx. 9)	(14)	(Approx. 9).

Note: This is a tentative estimate set up for the long-term energy supply and demand outlook. The estimate is expected to be finalized by the end of this year following further expert review of these figures.●

SENATE RESOLUTION 251—CONDEMNING THE SALE OF HUMAN ORGANS

Mr. TSONGAS submitted the following resolution which was referred to the Committee on Labor and Human Resources:

S. RES. 251

Whereas relatively recent medical advancements in the transplantation of human organ transplants have been spectacular;

Whereas such advancements also raise great and troubling ethical and legal questions concerning the process of obtaining human organs for transplant;

Whereas there is a general lack of direction and national policy regarding such process;

Whereas the resulting pressures caused by a lack of national policy has encouraged the practice of the sale of human organs for profit; and

Whereas the sale of human organs for profit is unethical and offends all decent people: Now, therefore, be it

Resolved, That it is the sense of the Senate to condemn the sale for profit of human organs for transplantation and to urge the appropriate committees of the Congress to develop and adopt, as soon as possible, legislation prohibiting this practice.

● Mr. TSONGAS. Mr. President, I am introducing a resolution today with my colleagues, Senator PELL and Senator SYMMS, which condemns the sale of human organs for profit. This resolution is prompted by our belief that the Senate should go on record in opposition to this perverse practice and the Congress should take immediate steps to prohibit the procedure.

The need for human organs for transplantation has reached critical proportions in our Nation. Commercializing and exploiting this need is immoral and unethical. Hopefully, in the future, it will also become illegal. Recent reports have been published in the media on the plans of a Virginia doctor to establish the International Kidney Exchange to broker human kidneys for profit. Under this doctor's plan, potential donors can contact his organization and offer to sell one of their kidneys at a price established by the donor. International Kidney Exchange (IKE) would send potential buyers a list of available kidneys and the proposed prices. The perspective recipient would then be able to bargain hunt for his life, and pay IKE $5,000 for their services.

The potential for exploitation of poor and sick people is incalculable. The idea that vital organ transplants will be performed and determined by the ability to pay is alien to the way we view quality medical care in this Nation. Equally offensive is the doctor's plan to market his organization among indigents in Third World countries. He readily admits that the price paid to these donors could be even cheaper than donors from this country. This suggestion is not only repugnant, it is potentially dangerous since recipients and their doctors would not have full knowledge of the medical history of their donor, risking the possibility of receiving a kidney from a diseased donor.

A vast majority of the medical community is justly outraged by this proposal. While it is true that an individual can live a perfectly normal life with one kidney, removing a vital organ is major surgery and should not be taken lightly. It is not medically advisable to have a kidney removed unless it is absolutely necessary and physicians from the National Kidney Foundation, the American Association of Tissue Banks, the American Society of Nephrology, and the American Society of Transplant Surgeons have joined together in opposing the so-called IKE plan.

One other major area of concern is the potential threat to the traditional practice of donating organs. The implications of material incentives go far beyond the sale of kidneys. Some individuals might be less inclined to donate organs under charitable circumstances if he or she believes they can receive a fee for it. This could have a devastating impact on voluntary donations and unbiased distribution of all organs.

The first kidney transplant took place in Boston 30 years ago and great strides have been made in antirejection drugs. Organ procurement and distribution is an important issue that should be controlled by a national allocation system not a private-sector initiative that virtually assures poor and low-income individuals will be shortchanged. The unconsionable practice of brokering organs for profit should not become an acceptable practice or policy and I urge my colleagues to join me in speaking out against it.●

AMENDMENTS SUBMITTED

CRIME CONTROL ACT OF 1983

LAXALT AMENDMENT NO. 2436

(Ordered to lie on the table.)

Mr. LAXALT submitted an amendment to the bill S. 1762, a bill entitled the "Crime Control Act of 1983" as follows:

AMENDMENTS TO TITLE I (BAIL) S. 1762

On page 19, lines 15 and 16, delete "the defendant" and insert in lieu thereof "he".

On page 21, line 1, after "section." insert the following:

To the extent practicable, a person charged with violating the condition of his release that he not commit a Federal, State, or local crime during the period of release shall be brought before the judicial officer who ordered the release and whose order is alleged to have been violated.

On page 28, deletes lines 7 and 8, and insert in lieu thereof the following:

(1) in subdivision (a), by striking out "§ 3146, § 3148, or § 3149" and inserting in lieu thereof "§§ 3142 and

On page 29, line 5, insert "under" before "18".

AMENDMENTS TO TITLE II (SENTENCING) S. 1762

On page 80, line 10, delete "3671" and insert in lieu thereof "3673".

On page 82, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is greater than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a greater fine or term of imprisonment or term of supervised release than the maximum established in the guideline, or includes a more limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the maximum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is greater than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure.

On page 83, beginning with "or" on line 3, delete through line 19, and insert in lieu thereof the following:

"(3) was imposed for an offense for which a sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1), and the sentence is less than—

"(A) the sentence specified in the applicable guideline to the extent that the sentence includes a lesser fine or term of imprisonment or term of supervised release than the minimum established in the guideline, or includes a less limiting condition of probation or supervised release under section 3563 (b)(6) or (b)(11) than the minimum established in the guideline; and

"(B) the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure; or

"(4) was imposed for an offense for which no sentencing guideline has been issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(1) and is less than the sentence specified in a plea agreement, if any, under Rule 11 (e)(1)(B) or (e)(1)(C) of the Federal Rules of Criminal Procedure;".

On page 84, line 23, delete "c" and insert in lieu thereof "e".

On page 93, delete line 9 through 12, and insert in lieu thereof the following:

(9) by deleting "imposition of sentence is suspended, or disposition is had under 18".

On page 96, after line 8 insert the following and reletter subsequent subsections accordingly:

(f) Rule 6(e)(3)(C) is amendment by adding the following subdivision:

"(iv) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law.".

On page 96, delete lines 11 and 12, and insert in lieu thereof the following:

(1) The item relating to Rule 35 is amended to read as follows:

"35. Correction of Sentence.

"(a) Correction of a sentence on remand.

"(b) Correction of a sentence for changed circumstances.".

On page 97, delete "12" from the beginning of the page and insert "9" in lieu thereof.

On page 97, insert a quotation mark at the beginning of line 4.

On page 121, after line 12, insert the following:

Redesignate subsections in section 4082 accordingly.

On page 124, line 10, delete "3667" and insert in lieu thereof "3669".

On page 124, delete lines 13 through 19, and redesignate subsequent subsections accordingly through page 128.

On page 126, line 8, after "(g)" insert "and redesignating (h) to (g)".

On page 126, line 13 and 14, delete "3666" and "3667" and insert in lieu thereof "3668" and "3669", respectively.

On page 127, line 14, delete "(4)" and insert in lieu thereof "(3)".

On page 127, line 15, delete "title."." and insert in lieu thereof "title."; and".

On page 127, after line 15, insert the following:

(F) by redesignating paragraphs accordingly.

On page 130, line 24, after "(1)" insert "by adding "and" after paragraph (2) and,".

On page 131, line 15, delete "Board" and insert in lieu thereof "the Board".

On page 131, delete lines 21 through 24, and insert in lieu thereof the following: "fense was committed, pursuant to sentencing guidelines and policy statements issued pursuant to 28 U.S.C. 994(a).";

On page 132, after line 22, insert the following:

SEC. 222A. Section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by inserting "notwithstanding the provisions of 18 U.S.C. 3559(b)," before the term "if" in paragraphs (i)(1)(B) and (n)(1)(B).

AMENDMENTS TO TITLE III (FORFEITURE)

On page 164, line 4, delete "remove" and insert in lieu thereof "and remove".

AMENDMENTS TO TITLE IV (MENTAL DISEASE OR DEFECT)

On page 178, delete line 8, and insert in lieu thereof the following: "vincing evidence.".

(b) The sectional analysis of chapter 1 of title 18, United States Code, is amended to add the following new section 20:

"20. Insanity defense.".

On page 189, lines 16, 20, 23, 24, and 25, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 190, line 3, delete "release" and insert in lieu thereof "transfer".

On page 190, lines 3, 8, 15, 18, 19, 20, and 25, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 190, line 22, delete "his" and insert in lieu thereof "the".

On page 191, lines 1, 6, 9, and 10, delete "defendant" each time it appears and insert in lieu thereof "person".

On page 201, delete lines 11 through 18, and reletter subsequent subsections accordingly through page 203.

AMENDMENTS TO TITLE V (DRUG ENFORCEMENT AMENDMENTS)

On page 211, lines 6 and 8, delete "I(b)" and insert in lieu thereof "I(c)".

On page 211, lines 7 and 10, delete "II(a)(5)" and insert in lieu thereof "II(a)(4)".

On page 212, after line 15, insert the following new section:

SEC. 505A. Section 202(c) schedule II(a)(4) of the Controlled Substances Act (21 U.S.C. 812(c) schedule II(a)(4)) is amended by adding the following sentence at the end thereof: "The substances described in this paragraph shall include cocaine, ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives.".

On page 215, line 3, delete "201(g)(1)" and insert in lieu thereof "201(g)".

On page 215, line 4, delete "811(g)(1)) is amended to read:" and insert in lieu thereof "811(g)) is amended to add the following new paragraph:".

On page 215, line 5, delete "(g)(1)" and insert in lieu thereof "(3)".

On page 215, delete lines 10 through 14, and redesignate subsequent paragraphs accordingly.

On page 218, delete line 17, and insert in lieu thereof the following: on a ground specified in section 304(a). Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit, or impose additional restrictions upon, research involving drugs or other substances scheduled under the Convention which is conducted in conformity with this subsection and other applicable provisions of this subchapter.".

On page 218, line 19, after "by" insert the following: deleting "or" at the end of subsection (2), by

On page 220, lines 3 and 4, delete "(f)" and insert in lieu thereof "(g)".

On page 220, delete after "by" on line 18 through line 19, and insert in lieu thereof the following: deleting "and" after paragraph (4), deleting the period and substituting "; and" after paragraph (5), and adding thereto a new paragraph (6) as follows:

On page 220, line 20, delete "(e) Enter" and insert in lieu thereof "(6) enter".

On page 221, line 9, after "by" insert the following: deleting "or" at the end of subpart (A), by

On page 221, line 11, delete "is".

On page 221, line 12, delete "exclusively." and insert in lieu thereof "exclusively,".

On page 221, delete line 20, and insert in lieu thereof the following: may by regulation prescribe, except that if a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention.".

On page 222, line 7, delete "and".

On page 222, line 12, delete "prescribe." and insert in lieu thereof "prescribe; and".

On page 222, after line 12, insert the following new paragraph:

"(3) in any case when a nonnarcotic controlled substance in schedule IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements, prescribed by regulation of the Attorney General, as are required by the Convention, instead of any notification or declaration required by paragraph (2) of this subsection.".

On page 222, line 17, delete "V." and insert in lieu thereof "V,".

AMENDMENTS TO TITLE VI (JUSTICE ASSISTANCE)

On page 228, after line 10, delete "TITLE I" and insert in lieu thereof "TITLE I—JUSTICE ASSISTANCE".

On page 228, Part B of the Table of Contents, delete "SEC. 201. Bureau of Justice programs." and insert in lieu thereof "SEC. 201. Establishment of Bureau of Justice Programs.".

On page 228, Part B of the Table of Contents, delete "Establishment, duties and functions." and insert in lieu thereof "Duties and functions of Director.".

On page 229, delete everything in "Part G" of the Table of Contents and insert in lieu thereof the following new "Part G":

"PART G—CRIMINAL JUSTICE FACILITIES

"Sec. 701. Establishment of the Bureau of Criminal Justice Facilities.
"Sec. 702. Functions of the Bureau.
"Sec. 703. Grants authorized for the renovation and construction of criminal justice facilities.
"Sec. 704. Allotment.
"Sec. 705. State plans.
"Sec. 706. Basic criteria.
"Sec. 707. Clearinghouse on the construction and modernization of criminal justice facilities.
"Sec. 708. Interest subsidy for criminal justice facility construction bonds.
"Sec. 709. Definitions.

On page 229, Part H of the Table of Contents, delete "rules," in the first line and insert in lieu thereof "rules".

On page 229, delete "PART M—EMERGENCY ASSISTANCE" and insert in lieu thereof "PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE".

On page 230, delete "PART N—TRANSITION—REPEALER" of the Table of Contents and insert in lieu thereof "PART N—TRANSITION".

On page 241, line 7, delete "and".

On page 245, line 6, delete "local" and insert in lieu thereof "and local".

On page 248, line 18, delete "STATE/LOCAL" and insert in lieu thereof "STATE and LOCAL".

On page 255, after line 9, insert (in small caps) the following:

"DISTRIBUTION OF FUNDS

On page 262, line 14, after "GRANTS" insert (in small caps) "AUTHORIZED".

On page 262, delete line 16.

On page 264, line 21, delete "706" and insert in lieu thereof "705".

On page 267, line 23, delete "707" and insert in lieu thereof "706".

On page 268, line 16, delete "708" and insert in lieu thereof "707".

On page 269, line 5, delete "709" and insert in lieu thereof "708".

On page 270, line 10, delete "710" and insert in lieu thereof "709".

On page 282, after line 7, insert the following:

"DEFINITIONS

On page 290, after line 13, insert the following:

"AUTHORITY FOR FBI TO TRAIN STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

On page 300, line 20, after "surplus" insert "real and related personnel".

On page 301, line 3, after the word "real" insert "and related personal".

On page 301, line 16, after the word "real" insert "and related personal".

On page 302, line 9, delete "or" and insert in lieu thereof "for".

On page 302, line 25, delete "personal or real" and insert in lieu thereof "real and related personal".

AMENDMENTS TO TITLE X (MISCELLANEOUS VIOLENT CRIME AMENDMENTS)

On page 317, delete line 12, and insert in lieu thereof the following: the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, shall be fined not.

On page 317, line 19, after "section" insert "and section 1952B".

On page 318, line 2, delete "of" and insert in lieu thereof "of,".

On page 318, line 3, delete "pay" and insert in lieu thereof "pay,".

On page 318, line 13, delete "kidnapping" and insert in lieu thereof "kidnaping".

On page 319, line 2, delete "murder," and insert in lieu thereof "murder or kidnaping,".

On page 322, line 19, after "five" insert "nor more than ten".

On page 325, line 1, delete "as" and insert in lieu thereof "on".

On page 325, line 12, delete "title" and insert in lieu thereof "section".

On page 326, line 19, insert "INVOLUNTARY" before the word "SODOMY".

On page 327, after line 20, insert the following:

SEC. 1009A. Section 114 of title 18 is amended by deleting "Shall be fined not more than $1,000 or imprisoned not more than seven years, or both" and inserting in lieu thereof "Shall be fined not more than $25,000 and imprisoned not more than twenty years, or both".

On page 329, delete line 2, and insert in lieu thereof the following: Commission or interstate transmission facilities, as defined in 49 U.S.C. 1671.".

On page 331, after line 5, insert the following:

(f) Table of Chapters is amended to add:

"210. International Extradition.....3191".

On page 331, line 6, delete "(f)" and insert in lieu thereof "(g)".

On page 334, line 7, delete "court." and insert in lieu thereof "court;".

On page 334, line 8, delete "The" at the beginning of the line and insert in lieu thereof "the", and indent lines 8 and 9 to align with lines 2 and 11.

On page 353, line 7, delete "Except" and insert in lieu thereof "(a) Except".

AMENDMENTS TO TITLE XI (SERIOUS NONVIOLENT OFFENSES)

On page 361, delete line 10, and insert in lieu thereof the following:

Code is amended—

(a) by deleting in the first paragraph "shall be fined not more than $2000 or imprisoned not more than one year, or both" and inserting in lieu thereof "shall be fined not more than $10,000 or imprisoned not more than five years, or both;

(b) by adding a new paragraph as follows:

On page 368, after line 12, delete "entities."." and insert in lieu thereof "entities." then add the following new line:

"511. Forging endorsements or signatures on securities of the United States.".

On page 371, line 16, delete "repealed." and add the following: repealed, and the section analysis of Chapter 11 for section 216 be amended to read: "216. Repealed.".

On page 373, delete line 5 and all that follows through the item relating to possession of contraband articles after line 10 on page 374, and insert in lieu thereof the following:

* * * * *

On page 374, line 15, delete "after section 665 a new section 666" and insert in lieu thereof "a new section 667".

On page 374, line 17, delete "666" and insert in lieu thereof "667".

On page 374, line 22, delete "benefit to" and insert in lieu thereof "benefit of".

AMENDMENTS TO TITLE XII (PROCEDURAL AMENDMENTS)

On page 376, line 11, delete "925(a)" and insert in lieu thereof "952(a)".

On page 376, line 22, delete "fifteenth," and insert in lieu thereof "fifteenth".

On page 380, delete lines 3 through 6, and insert in lieu thereof the following:

(2) again in paragraph (c) by deleting "section 1503" and substituting "sections 1503, 1512, and 1513";

(3) by deleting the "or" at the end of paragraph (f), by redesignating present paragraph "(g)" as "(h)", and by inserting a new paragraph (g) as follows:

On page 380, line 9, insert "or" after the semicolon.

On page 380, delete line 25, and insert in lieu thereof "deleted, and amend section analysis accordingly.".

On page 382, after line 11 and before line 12, delete "'3523. Civil action to restrain witness or victim intimidation." and insert in lieu thereof "'3523. Penalty for wrongful disclosure.".

On page 382, line 15, delete the words "in a official proceeding" and insert in lieu thereof "in an official proceeding concerning an organized criminal activity or other serious offense".

On page 382, at the end of line 23, insert the following:

The Attorney General shall issue guidelines defining the types of cases for which the exercise of authority of the Attorney General contained in this subsection would be appropriate. Before providing protection to any person under this chapter, the Attorney General shall—

"(1) to the extent practicable, obtain and consider information relating to the suitability of the person for inclusion in the program, including the criminal history, if any, and a psycological evaluation of, the person;

"(2) make a written assessment in each case of the seriousness of the investigation or case in which the person's information or

testimony has been or will be provided, and the possible risk of danger to persons and property in the community where the person is to be relocated; and

"(3) determine that the need for such protection outweighs the risk of danger to the public.

Neither the United States nor the Attorney General shall be subject to civil liability on account of a decision to provide protection under this chapter.

On page 383, line 23, before "refuse" insert "disclose or".

On page 383, line 24, after "other" insert "matter".

On page 384, line 4, delete the period and insert ", except that the Attorney General shall, upon the request of State or local law enforcement officials, promptly disclose to such officials the identity and location, criminal records, fingerprints, and other relevant information relating to the person relocated or protected when it appears that the person is under investigation for or has been arrested for or charged with an offense that is punishable by more than one year in prison or that is a crime of violence. The Attorney General shall establish an accurate and effective system of records concerning the criminal history of persons provided protection under this chapter in order to provide the information described in the paragraph.".

On page 385, between lines 7 and 8, insert the following:

"(d) ENFORCEMENT OF JUDGMENT IN CIVIL ACTION BY SPECIAL MASTER.—(1) Anytime 120 days after a decision by the Attorney General to deny disclosure of the current indentity and location of a person provided protection under this chapter to any person who holds a judicial order or judgment for money or damages entered by a Federal or State court in his favor against the protected person, the person who holds the judicial order or judgment for money or damages shall have standing to petition the United States district court in the district where the petitioner resides for appointment of a special master. The United States district court in the district where the petitioner resides shall have jurisdiction over actions brought under this subsection.

"(2)(A) Upon a determination that—

"(i) the petitioner holds a Federal or State judicial order or judgment; and

"(ii) the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person with respect to whom the order of judgment was entered,

the court shall appoint a special master to act on behalf of the petitioner to enforce the order or judgment.

"(B) The clerk of the court shall promptly furnish the master appointed pursuant to clause (A) with a copy of the order of appointment. The Attorney General shall disclose to the master the current identity and location of such protected person and any other information necessary to enable the master to carry out his duties under this subsection. It is the responsibility of the court to assure that the master proceeds with all reasonable diligence and dispatch to enforce the rights of the petitioner.

"(3) It is the duty of the master to—

"(A) proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner; and

"(B) to carry out his enforcement duties in a manner that minimizes, to the extent practicable, the safety and security of the protected person.

The master may disclose to State or Federal court judges, to the extent necessary to affect the judgment, the new identity or location of the protected person. In no other cases shall the master disclose the new identity or location of the protected person without permission of the Attorney General. Any good faith disclosure made by the master in the performance of his duties under this subsection shall not create civil liability against the United States.

"(4) Upon appointment, the master shall have the power to take any action with respect to the judgment or order which the petitioner could take including the initiation of judicial enforcement actions in any Federal or State court or the assignment of such enforcement actions to a third party under applicable Federal or State law.

"(5) The costs of the action authorized by this subsection and the compensation to be allowed to a master shall be fixed by the court and shall be apportioned among the parties as follows:

"(A) the petitioner shall be assessed in the amount he would have paid to collect on his judgment in an action not arising under the provisions of this section; and

"(B) the protected person shall be assessed the costs which are normally charged to debtors in similar actions and any other costs which are incurred as a result of an action brought pursuant to this section.

In the event that the costs and compensation to the master are not met by the petitioner or protected person, the court may, in its discretion, enter judgment against the United States for costs and fees reasonably incurred as a result of an action brought pursuant to this section.

"(e) RESOLUTION OF COMPLAINTS OR GRIEVANCES.—The Attorney General shall establish guidelines and procedures for the resolution of complaints or grievances of persons provided protection under this chapter regarding the administration of the program.

On page 385, after line 13, insert the following:

§ 3523. Penalty for Wrongful Disclosure

"Whoever, without the authorization of the Attorney General, knowingly discloses any information received from the Attorney General under section 3521(b)(6) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

On page 387, after line 24, insert a new Part I as follows:

PART I—JURISDICTION OVER CRIMES BY UNITED STATES NATIONALS IN PLACES OUTSIDE THE JURISDICTION OF ANY NATION

SEC. 1201. Section 7 of title 18, United States Code, is amended by adding a new paragraph, as follows:

"(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.

● Mr. LAXALT. Mr. President, I am submitting for printing a group of noncontroversial technical and substantive amendments to S. 1762 for inclusion in the RECORD. These have the approval of the managers of the bill, and we anticipate that they will be offered and approved en bloc without debate when the bill is considered. I submit them and a set of explanations to the amendments for the RECORD.

EXPLANATION OF AMENDMENTS TO S. 1762

Page 19, lines 15-16: Technical Amendment.

Page 21, line 1: Expressly requires to the extent practicable that a person who violates the pre-trial release condition not to commit further crimes while on release be brought back before the same judge who released the person in the first instance to consider appropriate further action.

Page 28, lines 2-8: Technical Amendment.

Page 29, line 5: Technical Amendment.

Page 80, line 10: Technical Amendment.

Page 82, lines 3-19: This is a non-substantive clarifing amendment concerning appellate review of a sentence by the defendant where the sentence is above the applicable guideline or where no guideline for the offense existed.

Page 83, lines 3-19: This is a non-substantive clarifying amendment concerning appellate review of a sentence by the government where the sentence is below the applicable guideline or where no guideline for the offense existed.

Page 84, line 23: Technical Amendment.

Page 93, lines 9-12: Technical Amendment.

Page 96, line 8: This amendment creates, in Rule 6(e) of the Federal Rules of Criminal Procedure, a procedural mechanism whereby a Federal prosecutor could seek a court order to notify State authorities of facts relating to the commission of a State offense. Such a procedure was recently approved by the Judicial Conference's Advisory Committee on Criminal Rules.

Page 96, line 9: Technical Amendment.

Page 96, lines 11-12: Technical Amendment.

Page 97, preceding line 1: Technical Amendment.

Page 97, line 4: Technical Amendment.

Page 121, after line 12: Technical Amendment.

Page 124, line 10: Technical Amendment.

Page 124, lines 13-19: This amendment deletes amendments to 18 U.S.C. 1963 that were inadvertently carried over from prior criminal code bills (S. 1630) and not appropriate in the context of this bill.

Page 124, lines 20 and 22: Technical Amendments.

Page 125, lines 5 and 19: Technical Amendments.

Page 126: Technical Amendments.

Page 127: Technical Amendments.

Page 128: Technical Amendments.

Page 130, line 24: Technical Amendment.

Page 131: Technical Amendments.

Page 132, after line 22: Clarifying amendment to make it clear that the new 18 U.S.C. 3559(b) is not intended to repeal the current death penalty and related procedures applicable to aircraft hijacking, where death results.

Page 164, line 4: Technical Amendment.

Page 178, after line 8: Technical Amendment.

Page 189: Technical Amendments.

Page 190: Technical Amendments.

Page 191: Technical Amendments.

Page 201: This amendment deletes new 18 U.S.C. 4246(g) as redundant since it covers the same subject area as Rule 12.2(c) of the Federal Rules of Criminal Procedure, which took effect August 1, 1983. Moreover, Rule 12.2(c) sets forth a more accurate standard, in light of recent Supreme Court decisions, for determining under what circumstances a defendant's statements made in the course of a mental examination are admissible in evidence.

Page 201, lines 19 and 23: Technical Amendments.

Page 202, line 11: Technical Amendment.

Page 203, line 6: Technical Amendment.

Page 211, lines 6 and 8 and lines 7 and 10: Technical Amendments.

Page 212: An amendment to conform Schedule II(a)(4) to other points of the bill.

Page 215: Clarifying amendment to make it clear that this bill does not intend to change in any way the current mandatory exemption of over-the-counter nonnarcotic drugs from the controlled substances schedule process. It does this by retaining the mandatory provisions of current 21 U.S.C. 201(g)(1) and eliminating over-the-counter nonnarcotic drugs from the new permissive exemption authority proposed by this bill.

Page 218, line 17: Necessary language to continue current law inadvertently left out of S. 829.

Page 218, line 19: Technical Amendment.

Page 220: Technical Amendments.

Page 221, lines 9, 11, and 12: Technical Amendments.

Page 221, line 20: Language that in essence, appears in current law that is necessary to meet U.S. obligations under the Convention on Psychotropic Substances.

Page 222, line 7: Technical Amendment.

Page 222, lines 12-13: Technical Amendments.

Page 222, line 17: Technical Amendment.

Page 228: Technical Amendments.

Page 229: Technical Amendments.

Page 230: Technical Amendment.

Page 241, line 7: Technical Amendment.

Page 245, line 6: Technical Amendment.

Page 248, line 18: Technical Amendment.

Page 255, after line 9: Technical Amendment.

Page 262, lines 14 and 16: Technical Amendment.

Page 264, line 21: Technical Amendment.

Page 267, line 23: Technical Amendment.

Page 268, line 16: Technical Amendment.

Page 269, line 5: Technical Amendment.

Page 270, line 10: Technical Amendment.

Page 282, lines 7-8: Technical Amendment.

Page 290, lines 13-14: Technical Amendment.

Page 300, line 20: Clarifying Amendment.

Page 301, lines 3 and 16: Clarifying Amendments.

Page 302, line 9: Technical Amendment.

Page 302, line 25: Clarifying Amendment.

Page 317, line 12: This amendment would conform the "consideration" clause of proposed section 1952A to that in proposed section 1952B (at page 318, lines 2-3).

Page 317, line 19: The amendment makes the definition of "anything of pecuniary value" applicable both to section 1952A and 1952B as is appropriate.

Page 318: Technical Amendments.

Page 319, line 2: Amendment corrects inadvertent omission of a penalty for an attempt or conspiracy to kidnap another person.

Page 322, line 19: The proposed new offenses for committing a crime of violence with or while carrying a handgun loaded with armor-piercing ammunition inadvertently omitted a maximum prison term. This amendment sets the maximum term for the offense at ten years.

Page 325: Technical Amendments.

Page 326: Technical Amendment.

Page 327: Section 114 punishes maiming. Except for murder and rape, maiming is probably the most serious crime of violence against the person in the criminal code. The penalty for this offense, however, is anomalously low. Whereas the more modern assault statute involving serious bodily injury, 18 U.S.C. 113(f), carries a ten-year and $10,000 maximum sentence, 18 U.S.C. 114 is only punishable by seven years in prison and a fine of $1000. The amendment would elevate the penalty for maiming to twenty years and $25,000.

Page 329, line 2: Amendment to exclude interstate transmission facilities from this general offense concerning destruction of energy facilities, because such facilities are already protected under title 49.

Page 331: Technical Amendments.

Page 334: Technical Amendments.

Page 335, line 7: Technical Amendment.

Page 361: Amendment to further amend 18 U.S.C. 2232 (relating to interfering with a search or seizure) to raise the penalty to a five year felony for unlawfully impeding or preventing a search or seizure by destroying or removing property.

Page 368: Technical Amendments.

Page 371: Technical Amendment.

Page 373, line 5 through 374, line 10: This amendment strikes the new prison contraband provision proposed in Part H of title XI and substitutes a total unified approach to prison contraband.

The prison contraband amendments of the bill (section 1109) were designed primarily to cure a defect in current law under which introduction of contraband into, or movement of such articles within, a prison facility is an offense, but possession of contraband items by a prisoner is not covered. To cure this defect, section 1109 of the bill added a new 18 U.S.C. 1793 to reach possession in a prison facility of escape tools, narcotic drugs, and weapons. Present statutes concerning prison contraband, 18 U.S.C. 1791 and 972 (which also reaches inciting a prison riot), were unchanged.

A number of problems have been noted with the approach adopted in section 1109 of the bill. For example, the ten-year penalty for existing offense remains the same, irrespective of whether the contraband article is a gun or a pack of cigarettes; no penalty is provided for the possession of non-narcotic drugs such as LSD or PCP; a prisoner found carrying an escape tool would be subject to a ten year penalty if charged under existing section 1792 but to only a one year penalty if charged under the new proposed offense. Also, this section of the bill fails to provide needed statutory authority to summarily seize and forfeit contraband articles in Federal correctional institutions. (See, *Sell* v. *Parratt*, 548 F.2d 753 (8th Cir.) *cert. denied*, 434 U.S. 873 (1977); but see *Lowery* v. *Cuyler*, 521 F. Supp. 430 (E.D. Pa. 1981) (upholding confiscation of contraband money and declining to follow *Sell*).

The amendment of section 1109 addresses these problems by creating a single, unified offense to address both the introduction of contraband articles into prisions, and the procurement and possession of these items by prisoners. This new offense is to appear as a new 18 U.S.C. 1791, and it is based on the prison contraband offense included in the criminal code revision bill approved by the Judiciary Committee in the last Congress (S. 1630). Under this new offense, the severity of the penalty would depend on the relative dangerousness of the article involved, with the most severe penalty imprisonment for ten years and a $25,000 fine) applicable to offenses involving firearms and explosives. In all, five levels of penalties are provided.

The aspects of current 18 U.S.C. 1792 concerning prison contraband are deleted so that the offense deals solely with conduct involving prison riots and mutiny. Currently, no fine is prescribed for this offense; therefore, a $25,000 fine has been added.

Finally, a new section has been added to title 28, United States Code, to authorize the summary seizure and forfeiture of contraband articles by Bureau of Prisons personnel. A virtually identical amendment was included in the criminal code revision bill approved by the Judiciary Committee in the last Congress (S. 1630).

Page 374, lines 15, 17, and 22: Technical Amendments.

Page 376, lines 11 and 12: Technical Amendments.

Page 380: Technical Amendments.

Page 382, after 11: Technical Amendments.

Page 382, line 15: This amendment establishes, as a predicate for witness protection, the requirement that the official proceeding involve an allegation of organized criminal activity or other serious offense. This reflects the view that witnesses should be afforded protection only in serious cases.

Page 382, line 23: The first paragraph and subsection (1) reflect the finding that there has been not sufficient delineation of the guidelines for placing persons in the witness protection program. The amendment requires the Attorney General to issue formal guidelines. Subsection (2) requires a written assessment by the Attorney General in each case of the need for protection versus the danger to the community posed by placing a relocated witness in its midst. Subsection (3) requires a determination that the need for protection outweighs the risk of danger to the community. The final sentence makes clear that no civil liability attaches to a decision to afford protection to a witness.

Page 383, line 23: This amendment provides that the Attorney General may disclose as well as refuse to disclose the identity of a protected witness after weighing danger to the witness, detriment to the effectiveness of the program, and benefits to the community or the person seeking the disclosure.

Page 383, line 24: Technical Amendment.

Page 384, line 4: This amendment mandates disclosure to law enforcement authorities of relevant information about a protected witness when the witness is charged with a felony or a violent misdemeanor. Disclosure remains discretionary when the charge involves a non-violent misdemeanor. This comports generally with present practice in the administration of the program.

Page 385, after line 7: Subsection (d) establishes a procedure by which an individual with a judicial order or judgment for money or damages may petition a federal court for the appointment of a master to enforce his or her rights against the protected person. This does not apply to child custody order.

This procedure assures that the identity of the protected person is not publicly disclosed while providing an opportunity to an individual with a legitimate order or judgment to have it enforced.

Under current law it is difficult, if not impossible, for individuals to collect judgments against persons who have entered the Witness Security Program because their location is unknown.

Subsection (e) requires the Attorney General to establish guidelines and procedures for the resolution of complaints by protected persons about the administration of the program.

Page 385, after line 13: This amendment establishes as a felony offense the disclosure of the identity or location of a protected witness when such information is provid-

ed by the Attorney General to assist a state or local investigation.

Page 387, after line 24: This amendment to S. 1762 adds a new Part I to title XII to amend 18 U.S.C. 7 to provide United States extraterritorial jurisdiction of serious crimes committed by or against United States nationals, as when such crimes are committed in Antarctica or on an ice flow. A similar proposal was adopted by the Judiciary Committee in S. 1630 in the 97th Congress. In addition, a similar amendment to 18 U.S.C. 7 with respect to offenses committed aboard space craft was enacted in the 97th Congress (see P.L. 97-96, December 21, 1981).●

FISCAL YEAR 1984 SUPPLEMENTAL APPROPRIATIONS

WARNER AMENDMENT NO. 2437

Mr. WARNER proposed an amendment to the bill H.R. 3959. An Act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, as follows:

At an appropriate place in H.R. 3959 add the following new section:

SEC. . The Department of Housing and Urban Development Independent Agencies Appropriation Act, 1984, under the account, Federal Emergency Management Agency, State and Local Assistance, is amended by adding the following before the period: "*Provided, further,* That notwithstanding any other provision of law for the fiscal year 1984, $55,000,000 is available for contributions to the States under section 205 of the Federal Civil Defense Act of 1950, as amended, (50 U.S.C. App. 2286) for personnel and administrative expenses."

SPECTER AND HEINZ AMENDMENT NO. 2438

Mr. SPECTER (for himself and Mr. HEINZ) proposed an amendment to the bill H.R. 3959, supra, as follows.

On page 24, between lines 11 and 12, insert the following:

CHAPTER VII—DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For part B of title VII of the Higher Education Act of 1965, $5,000,000, to remain available until expended, for construction, renovation and related costs of an urban research park facility to be established jointly by the Cheyney State College of Cheyney, Pennsylvania, and Lincoln University of Lincoln, Pennsylvania, except that the provisions of section 721 (a)(2) and (b) shall not apply to the funds appropriated under this heading, and the amount of the grants paid from funds appropriated under this heading shall not be subject to any matching requirement contained in section 721(c) of such part and shall be used for the facilities of the type mentioned in section 713(g).

SPECTER (AND OTHERS) AMENDMENT NO. 2439

Mr. SPECTER (for himself, Mr. FORD, Mr. MOYNIHAN, Mr. DIXON, Mr. SASSER, and Mr. METZENBAUM) proposed an amendment to the bill H.R. 3959, supra, as follows:

On page 10 between lines 19 and 20, insert the following:

EXTENSION OF SUPPLEMENTAL RAILROAD UNEMPLOYMENT COMPENSATION

SEC. 1206. (a) Section 17 of the Railroad Unemployment Insurance Act is amended—

(1) in subsection (a)(2), by inserting ", or the benefit year beginning July 1, 1983" after "July 1, 1982";

(2) in subsection (e), by striking out "June 30, 1983" and inserting in lieu thereof "June 30, 1984"; and

(3) by amending subsection (f) to read as follows:

"(f)(1) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1982, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

"(B) March 10, 1983,

and consisting of five consective registration periods (without regard to benefit year); except that for purposes of this paragraph, any registration period beginning after June 30, 1983, and before the date of the enactment of the Supplemental Appropriations Act, 1984, shall not be taken into account for purposes of payment of benefits, or in determining the consectiveness of registration periods.

"(2) For purposes of this section the term 'period of eligibility' means, with respect to any employee for the benefit year beginning July 1, 1983, the period beginning with the later of—

"(A) the first day of unemployment following the day on which he exhausted his rights to unemployment benefits (as determined under subsection (b)) in such benefit year; or

"(B) the date of the enactment of the Supplemental Appropriations Act, 1984,

and consisting of five consecutive registration periods; except that no such period of eligibility shall include any registration period beginning after June 30, 1984.".

(b) The amendments made by this section shall apply with respect to days of unemployment during any registration period beginning on or after the date of the enactment of this Act.

(c) Amounts appropriated under section 102(b) of Public Law 98-8 shall remain available without regard to fiscal year limitation for purposes of carrying out the amendments made by this section, and amounts appropriated under such section into the railroad unemployment insurance account in the Unemployment Trust Fund may be transferred into the railroad unemployment insurance administration account in the Unemployment Trust Fund as may be necessary to carry out the amendments made by this section (as determined by the Railroad Retirement Board).

STEVENS AMENDMENT NO. 2440

Mr. HATFIELD (for Mr. STEVENS) proposed an amendment to the bill H.R. 3959, supra, as follows:

On page 21, line 1, after the word "Alaska" insert the following: "shall remain available until expended and".

PRYOR (AND OTHERS) AMENDMENT NO. 2441

Mr. PRYOR (for himself Mr. WARNER, Mr. MELCHER, Mr. BYRD, Mr. BINGAMAN and Mr. RANDOLPH) proposed an amendment to the bill H.R. 3959, supra, as follows:

On page 5, after line 20, add the following:

VETERANS' BURIAL EXPENSES

For payments in providing financial assistance to any program carried out by a State (including the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the government of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) to assure an honorable burial for each veteran who is buried in such State and, during the year ending on the date of the veteran's death, received less than $10,000 in income of any kind, $1,000,000. The Administrator of Veterans' Affairs shall determine whether a program carried out by a State is a program described in the preceding sentence. The total amount of the financial assistance which the Administrator may provide to any State hereunder shall be an amount which bears the same ratio to the total amount of such assistance available for all States during fiscal year 1984 as the total number of veterans residing in such State on the first day of such fiscal year bears to the total number of veterans residing in the United States on such day.

DECONCINI AMENDMENT NO. 2442

Mr. DECONCINI proposed an amendment to the bill H.R. 3959, supra, as follows:

On page 24, between lines 11 and 12, insert the following:

EMERGENCY CONSERVATION PROGRAM

For an additional amount to carry out the emergency conservation program authorized by title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), $7,000,000, to remain available until expended.

BIDEN (AND OTHERS) AMENDMENT NO. 2443

Mr. BIDEN (for himself, Mr. DECONCINI, Mr. CHILES, Mr. PELL, and Mr. MOYNIHAN) proposed an amendment to the bill H.R. 3959, supra, as follows:

At the appropriate place in the bill, add the following new account:

Office of the Director of National and International Drug Operations and Policy and the Commission on Drug Interdiction and Enforcement

For Salaries and expenses, not otherwise provided for, of the Office of the Director of National and International Drug Operations and Policy and the Commission on Drug Interdiction and Enforcement, $1,000,000: Provided that

(a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal Activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be a $79,000,000,000 a year industry in the United States.

(4) The annual consumption of heroin in the United States is in the range of four metric tons, and annual domestic consumption of cocaine is estimated to be forty to forty-eight metric tons.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 per centum of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 per centum of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires a director of National and International Drug Operations and Policy with the responsibility for the coordination and direction of all Federal efforts by the numerous agencies.

(11) Such a director must have broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this problem so that a unified and efficient effort can be made to eliminate the illegal drug problem.

(b) It is the purpose of the Office to insure—

(1) the development of a national policy with respect to illegal drugs;

(2) the direction and coordination of all Federal agencies involved in the effort to implement such a policy; and

(3) that a single, competent, and responsible high-level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to the illegal drug problem.

(c)(1) There is established a Commission on Drug Interdiction and Enforcement (hereinafter referred to as the 'Commission') which shall be composed of:

(A) Four members appointed by the President, one of whom shall be designated by the President as chairman;

(b) The Attorney General, the Secretary of the Treasury, the Secretary of Transportation, and the Secretary of State;

(c) Four members appointed by the Speaker of the House of Representatives from the membership of the House Committee on the Judiciary; and

(d) Four members appointed by the President pro tempore of the Senate from the membership of the Senate Committee on the Judiciary.

(2) Of amounts appropriated under this account $1,000,000 shall be available for the Commission established under this subsection.

(3) A majority of the Commission shall constitute a quorum for the transaction of its business, but the Commission may provide for the taking of testimony and the reception of evidence at meetings at which there are present not less than four members of the Commission.

(4) Each member of the Commission who is not otherwise in the service of the Government of the United States be compensated at a rate not to exceed the daily equivalent of the rate than payable for grade GS-18 in the General Schedule under section 5332 of title 5, United States Code, for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code. Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual travel expenses, when away from his usual place of residence, in accordance with chapter 57 of title 5, United States Code.

(5) It shall be the duty of the Commission to study and evaluate, in accordance with, but not limited to, paragraph (6), existing laws, policies, and procedures governing drug interdiction, including existing authorities for domestic drug interdiction agencies, international drug eradication, crop substitution, and other cooperative programs in source and transshipment countries, and domestic and foreign intelligence-gathering programs for drug interdiction, and to make such administrative, legislative, and procedural recommendations to the President, the Director of the Office of National and International Drug Operations and Policy and to the Congress as are appropriate.

(6) In particular, the Commission shall—

(a) conduct a study and analysis of the effect of provisions in current law which affect possession or transfer of controlled substances and other laws whose purposes are to deter drug trafficking into the United States;

(b) conduct a study and analysis of current administrative and statutory obstacles to enhancing the gathering and tactical use of both domestic and foreign intelligence for use by Federal, state, and local drug interdiction agencies, including the appropriate role for the El Paso Intelligence Center (EPIC);

(c) conduct study and analysis of the Posse Comitatus doctrine, including modifications which would improve the use of military resources for drug interdiction and intelligence purposes;

(d) conduct a study and analysis of coordination between Federal, state, and local agencies involved in drug interdiction and intelligence gathering and how such coordination can be improved;

(e) conduct a study and analysis of the relationship between the different segments of enforcement of U.S. drug laws, particularly intelligence gathering, interdiction, prosecution, and results of prosecution, and recommend appropriate legislation and administration actions;

(f) conduct a study and analysis of the allocation of Federal resources in the area of drug interdiction, and make appropriate recommendations regarding a comprehensive, coordinated overview of Federal drug interdiction and enforcement agencies' resource requirements rather than a piecemeal approach to drug interdiction and enforcement budgeting;

(g) recommend a coordinated approach to gathering and verifying drug interdiction, seizure, arrest and prosecution statistics;

(h) make a semiannual report to the House and Senate Committees on the Judiciary during the period before publication of its final report (described in subparagraph (i)); and

(i) make a final report of its findings and recommendations to the President, to the Director of National and International Drug Operations and Policy and each House of Congress, which report shall be published no later than January 20, 1985.

(j) develop a coordinated interagency Federal strategy on narcotics control to be implemented by the Director of National and International Drug Operations and Policy beginning January 20, 1985.

(7)(a) The Commission is authorized to appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions without regard to the civil service laws, rules, and regulations. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(b) staff members of the Committee on the Judiciary of the Senate or of the Committee on the Judiciary of the House of Representatives may be detailed to serve on the staff of the Commission by the chairman of the respective committee. Staff members so detailed shall serve on the staff of the Commission without additional compensation except that they may receive such reimbursement of expenses incurred by them as the Commission may authorize.

(8) The Commission may call upon the head of any Federal department or agency to furnish information and assistance which the Commission deems necessary for the performance of its functions, and the heads of such departments and agencies shall furnish such assistance and information, unless prohibited under law, without reimbursement.

(9) The Commission is authorized to make grants and enter into contracts for the conduct of research and studies which will assist it in performing its duties under this subsection.

(10) The Commission is authorized to conduct hearings and prepare written transcripts of the same.

(11) The Commission shall cease to exist upon the filing of its final report, except that the Commission may continue to function for up to 60 days thereafter for the purpose of winding up its affairs.

(12) The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate then payable for grade GS-18 in the General Schedule under section 5332 of such title.

(13) There is authorized to be appropriated the sum of $1,000,000 for necessary salaries and expenses of the Commission.

(d)(1) There is established in the executive branch of the Government an office to be known as the "Office of the Director of National and International Drug Operations

and Policy" (hereinafter in this heading referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National and International Drug Operations and Policy (hereinafter in this section referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this.

(2) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than four years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. The Director shall be entitled to the compensation provided for in section 5313, title 5, United States Code. The Deputy Director shall be entitled to the compensation provided for in section 5314, title 5, United States Code.

(3) The Director shall serve as the principal director and coordinator of United States operations and policy on illegal drugs.

(4) The Director shall have the responsibility, and is authorized to—

(A) implement the strategy recommended pursuant paragraph c(6);

(B) thereafter, revise any such strategy and develop, review, implement and enforce all United States government policy with respect to illegal drugs and narcotics;

(C) direct and coordinate all United States Government efforts to halt the flow into, and sale and use of illegal drugs within the United States;

(D) develop in concert with governmental entities budgetary priorities and budgetary allocations of entities of the United States Government with respect to illegal drugs; and

(E) coordinate the collection and dissemination of information necessary to implement United States policy with respect to illegal drugs.

(5) In carrying out his responsibilities under paragraph (4), the Director is authorized to—

(A) direct, with the concurrence of the head of the agency employing such personnel, the temporary reassignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drugs;

(B) procure temporary and intermittent services under section 3109(B) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(C) accept and use donations of property from all government agencies; and

(D) use the mails in the same manner as any other department or agency of the executive branch.

(6) Notwithstanding any other provision of law, rule, or regulation to the contrary, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consistent with the general authority of each agency or department.

(7) The Administrator of the General Services Administration shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

(8) The Director shall submit to the Congress, by January 1, 1986, and annually thereafter, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

(9) For the purpose of carrying out the function of the Office there are authorized to be appropriated $500,000 for fiscal year 1985, and such sums as may be necessary for each of the four succeeding years, to be available until expended.

(10) This subsection shall be effective January 20, 1985.

NOTICE TO SUSPEND THE RULES

Mr. BAKER submitted the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of Rule XVII and paragraph 5 of Rule XVII and that part of Rule VIII, paragraph 2, containing the words "during the first two hours of a new legislative day", as well as the last sentence of paragraph 2, for the purpose of moving to proceed to H.J. Res. 308, a joint resolution increasing the statutory limit on the public debt.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public oversight hearing before the Subcommittee on Public Lands and Reserved Water to receive testimony on the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act (43 U.S.C. 315 et seq.) at the White Sands Missile Range, N. Mex.

The hearing will be held on Monday, November 14, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will meet on Tuesday, November 1, 1983, at 2 p.m. in room 608 Dirksen Senate Office Building to package and report the reconciliation bill of 1984.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, October 26, 1983, in order to receive testimony concerning S. 1841, the National Productivity and Innovation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 27, 1983, in order to receive testimony concerning Mr. Sherman E. Unger to be the U.S. circuit judge for the Federal circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 27, at 11 a.m., to hold a hearing on the situation in Grenada.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MERCHANT MARINE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Thursday, October 27, to hold hearings on S. 1546, Deepwater Port Act Amendments of 1983 and other matters relating thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 26, to hold an oversight hearing on computer security in the Federal Government and private sector.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CIVIL RIGHTS COMMISSION

● Mr. BENTSEN. Mr. President, when I offered an amendment last Friday to save the Civil Rights Commission from its pending extinction, I did so out of a very real concern that this administration is attempting to strangle and vitiate an independent Civil Rights Com-

mission which has served the Congress, several administrations, and the American people for more than 26 years.

I offered my amendment because I considered the situation to be an emergency. If the situation was an emergency then, the situation is even more grave today.

I withdrew my amendment based on the good faith assurances from the chairman of the Judiciary Committee and the majority leader that the Civil Rights Commission reauthorization bill would be marked up and reported by the committee yesterday, and that the full Senate would have an opportunity to debate the bill before this session of the Congress adjourned sine die.

I want to make clear that I believe the chairman of the Judiciary Committee made a good faith effort to fulfill his pledge to me. I want the chairman to know that I believe his pledge fell victim to circumstances beyond his control. I bear the chairman no ill will, and I trust his word as much today as I did 5 days ago. The position of the majority leader is well known, and I want him to know that I trust his word as well.

If anyone broke those good faith assurances, it was Ronald Reagan. The administration's action of physically evicting sitting Civil Rights Commissioners from their offices yesterday is a frustrating outrage.

The President's action torpedoed a compromise that was the result of broad bipartisan concern for the extension of an independent Civil Rights Commission. By the President's action, I must assume that he prefers to have a commission that answers to him alone, and failing that, he prefers to have no commission at all. Well, we cannot block his firing of the Commissioners, but the President will soon learn that the Senate is not powerless to respond. And respond we must.

The principle at stake here is important. It is a principle that has transcended six changes in the oval office, both Republicans and Democrats. The principle is that the long struggle for equality and dignity for minority Americans is worth the fight, that the American dream should extend beyond a privileged few and reach to all of our citizens, no matter the circumstances of their birth or upbringing.

So it is with considerable disappointment that I witnessed yesterday's Civil Rights Commission massacre. Not concern for myself, but for those citizens who will lose their opportunity to succeed in America: Hispanics, women, blacks, native Americans, and the handicapped. I will not sit idly by while their ticket to opportunity in America is voided. In good conscience I cannot and will not allow their part of the American dream to expire.

What the President did yesterday is virtually unprecedented. Of course, Presidents throughout our history have been plagued by critics within the Government, and a few have tried to have those critical voices silenced. But the wholesale dismissal of half a commission is an action that only President Nixon's firing of the Justice Department's leadership in 1973 can match.

This President will tolerate no criticism—no matter how justified or well-reasoned—of his civil rights policies, and he will do all he can to quell the voices of dissent. That being the case, I am compelled to join the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Delaware (Mr. BIDEN) in proposing legislation to remove the Civil Rights Commission from his grasp.

I believe the compromise worked out by Republicans and Democrats on the Judiciary Committee was the best solution, and I would have far preferred that option. But the President's action yesterday rendered that compromise meaningless, and sent us all back to square one. Well, I am willing to meet that challenge, and with the help of my colleagues from both sides of the aisle, I am willing to work to restore an independent, bipartisan Civil Rights Commission that will do the bidding of justice and not of a narrow ideological viewpoint.

Mr. President, I am proud to be an original cosponsor of Senate Concurrent Resolution 78, to establish a Congressional Commission on Civil Rights. The President's action is a form of tyranny, tyranny to put down voices of dissent. I am confident that the principles of right and justice will overcome that tyranny. I hope that those who join me in supporting the very important principle at stake here, the principle of equality of opportunity, will join me in supporting this measure.●

S. 1113

● Mr. D'AMATO. Mr. President, on April 20, 1983, I introduced S. 1113, legislation that would repeal the inclusion of tax-exempt interest for determining the taxation of social security benefits. This bill became necessary because of a little-known provision contained in the social security bailout package which established a direct tax on municipal bonds. The Social Security Amendments of 1983 mandated an income threshold of $25,000—$32,000 for a married couple—for taxation of social security benefits. Included in the threshold calculation are taxable earnings, half of all social security benefits, and all tax-exempt interest income.

Mr. President, I rise today to refute the fallacious arguments that have been used in opposition to S. 1113. Many of these arguments were articulated on August 1, 1983, at a hearing held by the Finance Committee to consider this legislation. At that time, it became apparent that misconceptions still existed concerning the impact of S. 1113.

Perceived equity is the principal concern of those Senators who support the provision including tax-exempt interest in calculating adjusted gross income for purposes of taxing social security benefits. In the Finance Committee hearing, concern was expressed that repeal of the provision would allow an individual with $40,000 of taxable investment income to shift just enough taxable investments into State and local bonds to avoid taxes on social security benefits. In effect, so the argument goes, passage of S. 1113 would allow the wealthy to escape sharing the burden of taxation of social security benefits.

Needless to say, Mr. President, the equity argument does not stand up when scrutinized. Lets look at the example often used, that is, a wealthy individual with $40,000 of taxable investment income. According to the Office of the Actuary of the Social Security Administration, an individual who retires on January 1, 1984, at the age of 65, will receive an average social security benefit of $542 per month, or $6,504 for the year. Half of the social security benefits—$3,252—will be included in the threshold calculation for taxation of social security benefits.

Since this person is argued to have $40,000 of taxable investment income, he or she exceeds the income threshold of $25,000. With a 35 percent marginal tax rate, taxes on these social security benefits would be $1,138.20. For our purposes, I will assume that the taxable investment income is derived from dividends on IBM common stock. It is fair to assume that a retired person would own a blue chip stock such as IBM. On October 11, 1983, IBM common stock was selling at $132¾, with a dividend of $3.80 per share. To receive $40,000 of dividend income a year, this individual would have to own roughly 10,526 shares of IBM, which equates to $1,397,368.40 of investment principal.

To come under the income threshold, the individual would have to sell 4,868 shares of IBM and transfer the proceeds—$646,289—to tax-free municipal bonds. This would reduce taxable investment income to $21,500. Taxable income, when added to half of social security benefits—$3,252—would yield a total adjusted gross income of $24,752, just below the income threshold. If S. 1113 were enacted, this person would have avoided $1,138.20, a year of taxes on social security benefits, by changing the composition of his or her investments.

However, this example does not take into account the commissions that

would be paid to securities brokers to sell 4,868 shares of IBM and buy the equivalent amount of municipal bonds. Securities firms generally charge a commission of 1.25 percent on the proceeds of a stock sale. In the example I have discussed, the sale of 4,868 shares of IBM would have resulted in a brokerage commission of $8,078.50. The average municipal bond commission is between 3 and 5 percent on the amount invested. To be conservative, however, I will use the same 1.25 percent commission charged on the sale of common stock. Consequently, the commission charged for purchasing municipal bonds would also be $8,078.50, for total transactions cost of $16,157.

In this example, the 65-year-old newly retired person would spend $16,157 in commissions to shift investments from taxable securities to municipal bonds in order to save $1,138.20 in taxes on social security benefits. This individual would have to live to be 79 years old before such a transaction would begin to pay for itself, even if we totally disregard the declining time value of money. This is a real problem since, according to the most recent statistics available, the average individual turning 65 on January 1, 1981, will only live to be 77.2 years old.

Mr. President, I offered this long example because I feel that it is wrong to assume that, if S. 1113 were enacted, the wealthy would shift their investments to tax-exempt bonds to avoid taxation of their social security benefits. The commissions incurred to change investment vehicles would be far out of proportion to the taxes saved on the social security benefits.

Furthermore, should S. 1113 be enacted, wealthy individuals would not go to the trouble of switching investment strategies to save a portion of their social security benefits. The affluent individual perceives social security benefits as nothing more than gravy. Wealthy people will not incur brokerage commissions or potential losses on liquidated investments and will not spend the time to save taxes on benefits, which are considered a gift courtesy of the Federal Government.

Alternatively, what about the rich individual whose original income source is $40,000 of only tax-exempt interest? This person would not pay taxes on social security benefits should tax-exempt interest be removed from the threshold calculation. Once again, my bill's detractors point to this example as another inequity that would exist if S. 1113 became law.

Let us look at this example closely. A new issue municipal bond with an AA rating is yielding today roughly 10 percent. To accrue $40,000 of tax-exempt interest, over $400,000 must be invested in municipal bonds. It is hard to imagine an individual who has amassed $400,000 of principal while accruing no taxable income. With few exceptions, wealthy individuals with over $400,000 of principal, have taxable income at least equal to the $25,000 threshold. Certainly, the Congress should not base tax policy on such a very few exceptions.

Mr. President, another common criticism of S. 1113 is that it will be the first step toward unraveling the social security bailout package. Obviously, my intention in introducing S. 1113 is not to destroy the carefully crafted compromise that restored the solvency of the social security system. I do not believe, however, the passage of S. 1113 would lead to the crumbling of the social security package.

Actually the social security package has already been altered by the Senate. The Social Security Amendments of 1983 included a provision that would treat as earnings for social security purposes compensation received by retired Federal judges who continued to perform judicial services. This provision was scheduled to take effect on January 1, 1984. On September 29, 1983, the Senate, by voice vote, passed an amendment to defer the effective date of this provision for 2 years. This amendment was based on S. 1276, introduced on May 12, 1983.

Supporters of S. 1276, and the subsequent floor amendment, stated that both the National Commission on Social Security Reform and the Senate did not support the inclusion of income earned by senior judges for social security purposes. Therefore, these Senators argued, the bailout package should be altered to reflect this fact.

I believe that the same argument should be used in support of S. 1113. The Commission and the House did not support the inclusion of tax-exempt interest for determining taxation of social security benefits. The provision was added in markup by the Senate Finance Committee and adopted in conference. I do not understand how some can oppose my bill on the grounds that it unravels the social security bailout package, yet still support different legislation that also alters the package.

Clearly, some changes will be needed in the Social Security Amendments of 1983. This can be accomplished without destroying the overall package. S. 1113 is one such change.

Mr. President, some members of the Finance Committee staff have questioned whether inclusion of tax-exempt interest for determining taxation of social security benefits would adversely impact the municipal bond market. They have shown that, in certain circumstances, individuals can pay added taxes on their social security benefits and still enjoy the economic benefits of municipal bonds. However, their examples miss the point. Investors are going to flee the municipal bond market because the provision sets a precedent for the taxation of tax-exempt securities. Through quantitative analysis it is impossible to measure what impact the precedent of taxing municipal bonds will have on individual investors.

In my mind, however, the impact of the precedent will be great. Confirming this notion, in an article in the October 10, 1983, issue of Forbes magazine entitled "Don't Do It." The economics editor of Forbes, Bob Weberman, outlined why individuals saving for retirement should think twice before purchasing municipal bonds. Mr. President, I will ask that this article be reprinted in the RECORD, in its entirety, at the conclusion of my remarks.

An unexpected result of the provision including tax-exempt interest in the threshold calculation is that many cities and States are, in effect, taxing their own tax-exempt bonds. Many jurisdictions piggyback the Federal calculation of adjusted gross income for purposes of determining State and city individual income taxes. Unknowingly, many jurisdictions are taxing their own general obligation bonds.

The following States piggyback the IRS calculation of adjusted gross income for personal income tax purposes:

Arizona	Missouri
Delaware	Montana
Georgia	Nebraska
Hawaii	New Mexico
Idaho	New York
Illinois	North Dakota
Indiana	Ohio
Iowa	Oklahoma
Kansas	Oregon
Kentucky	Rhode Island
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	

In addition, New York City also piggybacks the Federal calculation of adjusted gross income. New York City boasts that their municipal bonds are triple tax-exempt—that is exempt from Federal, State, and local taxes. Since both New York State, and New York City piggyback Federal income tax policies, the income generated by New York City bonds is calculated into the income threshold for taxation of social security benefits. In effect, for social security recipients, the Federal Government has mandated that New York City bonds become triple taxed rather than remain triple exempt. Similar situations exist throughout the Nation. It is unconscionable that the Federal Government should be allowed to impose taxes at the State and local level by taxing municipal bonds at the national level.

Mr. President, I have attempted to clear the air of the erroneous arguments made concerning S. 1113. I have made the point that the equity issue does not exist. If S. 1113 is enacted, wealthy individuals will not shift their investments from taxable securities to State and local bonds. In addition, concern that the social security bailout package will crumble as a result of enacting S. 1113 is unfounded. This is nothing more than a scare tactic.

Mr. President, I firmly believe that the issues surrounding S. 1113 are quite clear. The tax on municipal bonds established in the social security amendments, which, to my mind, is clearly unconstitutional, must be repealed. Any Federal infringement on the ability of cities and States to issue tax-exempt securities will result in constricting the existing avenues of municipal finance. Furthermore, the tax is borne solely by the middle-class senior citizens of our society. This is the equity argument that must be addressed. Consequently, I will continue to fight for passage of S. 1113. I urge my colleagues to join me in this effort.

I ask that the article to which I earlier referred be printed in the RECORD.

The article follows:

[From Forbes Magazine, Oct. 10, 1983]

DON'T DO IT

(By Ben Weberman)

I get many letters from people over 65—sometimes one or two decades over—who feel they can't afford to pay taxes. Which tax-free bonds are best, they ask? My answer in many cases is: none of them. Tax-exempt bonds are a lousy investment for most retired people. Don't be quick to let some hungry stockbroker persuade you otherwise.

If you are retired on a pension of $35,000 to $50,000 a year and have investments besides, you may be an exception. You will be in a high enough tax bracket so that it may pay you to buy tax-frees. But those with small pensions and Social Security should look elsewhere. The income necessary to make tax-frees feasible can vary up or down, depending on the spread between tax-free and taxable yields. Right now, the spread is narrow. Good quality tax-frees yield 9.35 percent, while long-term taxable Treasury and corporate issues pay from 11.7 percent to 12.5 percent. But even with that narrow spread you have to be in the 30 percent bracket—taxable income of over $29,900 for a married couple—before it makes any sense to buy tax-frees instead of super-gilt-edged Treasury bonds.

It's easy enough to figure this out: A 9.35 percent tax-free return on $10,000 worth of municipal bonds is $935, while you would have only $875 after paying federal taxes on the 12.5 percent yield that same $10,000 of principal would fetch in taxable corporate bonds. But anyone in, say, a 20 percent bracket would be a bit better off in good corporates. He would get $935 on the $10,000 in munis, but aftertax income of $1,000 on the corporate obligations.

There are other things to consider before you rush into tax-frees. Most are expensive to buy and expensive to sell: With commissions and spreads, a round trip in tax-exempts could cost 5 percent in and 5 percent out, depending on where you do business. Treasury bonds, by contrast, are highly liquid and can be bought with relatively modest spreads.

Then there are state and local taxes. States can't tax the income from federal bonds, but they can tax the income from bonds issued in another state—even when those bonds are exempt from federal taxes. Say you live in an outrageously high-tax place like New York City. You could easily be paying 18 percent in state and city income taxes on so-called tax-exempts. In rough terms this would have the net effect of reducing bottom line yield on tax-exempts by about one percentage point.

Finally, a new tax on some Social Security retirees pushes up even higher the income threshold where tax-frees are sensible. Starting in 1984, retired persons whose annual income from all sources is more than $25,000 for individuals and $32,000 for couples must pay taxes on some of it. Tax-free bond returns must be included in figuring this combined income. The Public Securities Association, not surprisingly, is doing its best to get this provision repealed because it cuts into the lucrative market for selling tax-exempts to the elderly. this new tax is levied on half the total Social Security benefits or half the combined taxable income over the minimums, whichever is smaller. This means that a retiree with an income of $33,600, including Social Security, who has $5,000 in tax-exempt bond interest will pay $602 in taxes on that "tax-free" yield. On the other hand, a pensioner with an income of $78,600 and $20,000 in tax-exempt interest would pay no additional tax on the municipals. For him, tax-free really means tax-free. Why? the guy with $20,000 in taxable income and $4,300 of taxable Social Security benefits pays tax on tax-exempts because the $5,000 of "tax-free" income puts him over the $25,000 threshold on combined income. The retiree with the high income is already there.

How this tax has the municipal bond industry screaming. James Lebenthal, head of the firm bearing his name and legislative committee member of the Public Securities Association, sees it as a major attack on the concept of tax-exemption. He points out that the state of Idaho tried to tax interest on Treasurys in 1948 on the grounds that the tax was not on the income from federal obligations but "on the individual." Congress amended the Internal Revenue Code to prohibit it. But now the federal government is doing the same thing. It hardly seems fair, but that's the way it is.

So, what do you do if you are close to retirement age and you already have a portfolio of tax-exempts? In such a case you probably have a paper loss. My advice would be: Switch into something else and use the realized capital losses to reduce your current income taxes. Remember that you can use $6,000 of long-term capital losses against $3,000 of ordinary income. You can also use the losses to offset capital gains elsewhere in your investments. But even if you are already retired and not paying much in taxes, it may pay you to switch and thus improve your spendable income.

It's a basic axiom of financial common sense that fear of taxes shouldn't be allowed to distort investment decisions. It appalls me how frequently elderly people sin against common sense in this regard—and how frequently stockbrokers knowingly mislead them.●

THREE MEMBERS OF CIVIL RIGHTS COMMISSION FIRED

● Mr. HART. Mr. President, I deplore the President's action in firing three members of the U.S. Commission on Civil Rights, Mary Berry, Blandina Cardenas Ramirez, and Murray Saltzman. Such precipitous and irresponsible action shows scant regard for the integrity of the Commission and the efforts of the Congress to break an impasse over its future.

Since 1957, the Civil Rights Commission has well served the Nation as a "watchdog" on civil rights. The Commission, through reports, statements, and the efforts of individual Commissioners, has educated Americans on the realities of discrimination in our Nation, and the steps we must take to insure equal opportunity regardless of race, color, creed, religion, sex, or national origin. Thanks to the Commission, ours is a more equal and just Nation since 1957.

All Presidents have come under the Commission's fire. That is the way it should be. Without the ability to continually prod members of all administrations—regardless of their political persuasion—into a deeper commitment in support of civil rights—the Commission would lose much of its force and legitimacy. But President Reagan is the first President to have fired sitting Commissioners, precisely because their views are different from his own. That is not the way the Commission is supposed to work, and that's not the way civil rights will be protected in this Nation.

Today's firings point out the real issues in this debate: not busing, not quotas, but the ability of the U.S. Civil Rights Commission to be a strong force for effective civil rights enforcement and education.

It is bad enough that the President fired three Commissioners, but it is inexcusable to do so at a time when Members of Congress of both parties are delicately attempting to work out a bipartisan solution to the impasse. Today's action will exacerbate the difficulties in achieving a compromise which will keep the Commission in existence beyond the winding down period.

I would hope that an administration concerned about its record in enforcing the civil rights of all Americans would not want on its conscience the death of the U.S. Civil Rights Commission. But that is exactly what will happen unless the administration can stop its wrangling for political advantage and seek the high road on the path to a strong Commission.

Mr. President, last week President Reagan announced his support for the Martin Luther King national holiday. Now is the time for him to show that he learned something from that exercise and join those of us across the

Nation working to make a Civil Rights Commission strong enough and independent enough to do its job.●

U.S. YOUTH COUNCIL AND INTERNATIONAL YOUTH YEAR COMMISSION

● Mr. MOYNIHAN. Mr. President, I rise today to bring to the attention of this body the fine contributions of the U.S. Youth Council (USYC). A broad range of young Americans participate in this fine organization, including representatives from both political parties, trade unions, major civil rights groups, and religious organizations. The USYC is one of the most diverse organizations of its kind.

The USYC provides future American leaders with the opportunity to meet with one another, while learning about the importance of international affairs, and to extend the hand of friendship to their foreign counterparts. The council has successfully promoted international exchange and educational programs, broadening the knowledge and experiences of many of our Nation's young persons.

Mr. President, this worthy organization established the International Youth Year Commission (IYY) in December 1981. This commission applied for and received recognition from the State Department as America's foremost nongovernmental group to coordinate our Nation's observation of the U.N. International Youth Year. Since the State Department's recognition, the membership of the IYY Commission has expanded from 18 to 57 organizations. The commission has made significant progress in the last 15 months to coordinate and promote the International Youth Year.

These two organizations have performed a noble service by enchancing youth awareness and international harmony. The council and the commission deserve the utmost respect, support, and commendation from this body.

I urge my colleagues to review the membership of the International Youth Year Commission, and I ask that a list of the member groups be printed in the RECORD.

The list follows:

INTERNATIONAL YOUTH YEAR COMMISSION MEMBER ORGANIZATIONS

A. Philip Randolph Institute.
A Presidential Classroom for Young Americans.
Abdala Cuban Youth Movement.
Alpha Kappa Alpha Sorority, Inc.
Alpha Phi Alpha Fraternity, Inc.
American Council of Young Political Leaders.
American-Israel Public Affairs Committee.
American Student Association.
Arrow, Inc., National American Indian Youth Committee.
Big Brothers/Big Sisters of America.
B'nai B'rith Youth Organizations.
Center for Russian Jewry With Student Struggle for Soviet Jewry.
Charles Edison Memorial Youth Fund.
College Democrats of America.
College Republican National Committee.
Convenant House.
Distributive Education Clubs of America.
Freedom Leadership Foundation.
Frontlash, Inc.
Future Farmers of America.
Institute on Religion and Democracy.
Intercollegiate Studies Institute.
International Association of Students in Economic and Business Management.
International Center for Integrative Studies.
Leadership Institute.
Legacy: International Youth Program of the Institute for Practical Idealism.
Lincoln Institute for Research and Education.
NAACP, National Association for the Advancement of Colored People, Youth and College Division.
National Association of Secondary School Principals/Student Councils.
National Congress of American Indians.
National Forensic League.
National 4-H Council.
National Urban League.
National Youth Day.
New American Patriots.
North American Jewish Students Network.
North American Jewish Youth Council.
People-to-People Committee for the Handicapped.
People-to-People International.
Recruitment and Training Program.
Sister Cities International Youth Committee.
Student National Education Association.
Teen-Age Republicans.
United Negro College Fund.
United States Jaycees.
Veterans of Foreign Wars of the United States—Youth Division.
Vocational Industrial Clubs of America.
Volunteer: The National Center for Citizen Involvement.
World Affairs Council of Philadelphia.
Young Americans for Freedom.
Young America's Foundation.
Young Democrats of America.
Young Republican National Federation.
Young Social Democrats.
Youth for Energy Independence.
Youth Institute for Peace in the Middle East.
Youth Policy Institute.●

THE 125TH BIRTHDAY OF THEODORE ROOSEVELT

● Mr. D'AMATO. Mr. President, on the occasion of the 125th birthday of Theodore Roosevelt, I take great pride in bringing to your attention just a few of the outstanding contributions of this native New Yorker—the 26th President of the United States.

Born on October 27, 1858, into a situation which could have offered a life of leisure and ease, Theodore Roosevelt entered politics and devoted his life to public service. As commander of the Rough Riders, Theodore Roosevelt, or as he was more affectionately known T. R. became a national hero during the Spanish-American War. He then went on to become Governor of New York, Vice President, and our youngest President, when he succeeded to this office when President McKinley was assassinated in September 1901.

T. R. significantly changed this Nation's domestic and foreign policies. He believed that Government should act fairly both to business and labor. He thus proposed the addition of a Secretary of Commerce and Labor to the Cabinet. This was accomplished in 1903. He reacted positively to the problems highlighted by muckrakers such as Upton Sinclair. It was during his administration that the Meat Inspection Act and the Federal Food and Drug Act were passed. Protection of our Nation's forests was also a high priority. The U.S. Forest Service was established in 1905 and more than 125 million acres were added to the national forest.

Theodore Roosevelt envisioned the United States as a world leader. He believed that such a leadership role had to be supported by a strong armed forces, the so-called big stick. Between 1902 and 1905, Mr. Roosevelt persuaded Congress to authorize the building of 10 battleships and 4 armored cruisers. He believed that a canal across Central America was necessary for the fleet to shift rapidly between the Atlantic and Pacific oceans and then turned this belief into reality by negotiating the building of the Panama Canal.

Mr. Roosevelt was the first American to receive the Nobel Prize for peace. He won the prize for his efforts to end the Russo-Japanese War. He brought representatives from Japan to Portsmouth, N.H., and served as the mediator in these talks, which eventually led to the Treaty of Portsmouth.

Mr. President, in light of Theodore Roosevelt's accomplishments, I am especially honored to pay tribute to our 26th President on this occasion of his 125th birthday.●

TAKING ON THE DOCTORS

● Mr. KENNEDY. Mr. President, I would like to insert in the RECORD a recent editorial from the Washington Post entitled "Taking on the Doctors." The editorial describes and applauds a Ways and Means Committee amendment to the reconciliation bill that would freeze for 6 months the minimum medicare charges allowed for physicians services to hospital inpatients and mandate assignment for these charges.

Under current law, a physician providing services to medicare patients has two choices: He can accept medicare's recognized reasonable charges or he can ignore them. In the former case—which is called accepting assignment—the beneficiary is liable for the normal 20 percent copayment. In the latter case, the beneficiary is liable for

the 20 percent copayment plus whatever additional charges the physician chooses to impose.

Mr. President, these excess charges cost beneficiaries an estimated $2.1 billion annually. These excess charges are amounts our elderly and disabled beneficiaries can ill afford. Medicare already covers only about 42 percent of the elderly's medical costs; medicare beneficiaries already spend a shocking 20 percent of income for health care. Any freeze on medicare recognized physician fees that does not also mandate assignment would result in increased costs to beneficiaries and worsen an already grave situation.

Mr. President, Senator METZENBAUM and I are sponsors of a bill, S. 1635, that would require assignment of all medicare charges. The 1984 budget resolution mandates that medicare savings be achieved without imposing any additional costs on medicare beneficiaries. I would like to take this opportunity to announce that I and Senator METZENBAUM will be offering some version of the Ways and Means amendment on the floor as a substitute for any reconciliation provisions that seek to achieve savings at the expense of medicare beneficiaries.

The editorial follows:

TAKING ON THE DOCTORS

As part of the almost forgotten budget reconciliation effort, the House Ways and Means Committee has completed work on legislation placing further restraints on the fast-growing Medicare program for the aged and disabled. Over the last two years, Congress has raised costs for Medicare participants and set strict limits on hospital payments. Now, the committee sensibly reasons, it is time to require a contribution from the doctors.

The committee's plan would save more than $1.7 billion over three years, of which $900 million would come from smaller payments to doctors. But so huge is the Medicare program that those savings would amount to a negligible loss for the average physician. The plan would apply only to doctors' charges to hospitalized patients, and it would freeze the maximum Medicare reimbursement payments for only six months at a level about 6 percent less than the currently prevailing rates.

So modest and temporary is the sacrifice asked of the doctors that organized medicine has scarcely objected to the freeze. But there is another element in the committee's plan that alarms the doctors. That is a rule that would prevent them from shifting unrecovered costs to patients by requiring doctors to accept the Medicare payment limits—including the 20 percent contribution from patients—as payment in full for in-hospital services.

Most doctors now charge considerably more—27 percent on average—than the Medicare limits. Even if they can't always collect the remainder from patients, keeping nominal charges higher inflates the cost basis for adjusting Medicare limits in the following year. Of course, it's not the prospect of losing money that the doctors cite with concern. It's the principle. Ever since Medicare began pouring billions into their pockets, doctors have been alert to the threat that the government might, as one congressional staffer put it, "come between the patient and the doctor in the all-important billing relationship."

Some spokesmen for the elderly fear that the fee restrictions will cause doctors to refuse to serve hospitalized Medicare patients. But it's hard to imagine that many—if any—doctors would be so mean-spirited. For a few years—thanks primarily to fewer patient visits rather than to price restraint—doctors have, like most other people, fallen behind inflation. But last year, in the midst of a recession, doctors scored their greatest income gains in 15 years, bringing their average after-expense income to over $100,000. Especially noteworthy are the six-digit incomes regularly earned by surgeons, anesthesiologists and other specialists who—not by coincidence—also draw the largest reimbursements from Medicare. When large government benefits have been conferred on an already well-favored group for many years, and the cost of those benefits has become very burdensome to the society, some compromising of principle may be required.●

A CONSENSUS ON REBUILDING AMERICA'S VITAL PUBLIC FACILITIES

● Mr. SASSER. Mr. President, the Labor-Management Group earlier this week released a report on our Nation's infrastructure needs in which it called for a long-term, multibillion-dollar commitment toward the repair and replacement of old, and the construction of new, public facilities in our Nation.

Because the report, "A Consensus on Rebuilding America's Vital Public Facilities" represents the confluence of thinking of a number of major corporate and labor leaders in our country, it demands serious review and consideration.

When the report was released, there was much attention given the group's projection that spending increases of $9 to $11 billion a year will be required to meet highway, bridge, urban water supply and wastewater treatment needs in the foreseeable future.

I want to point out today that certain of the group's recommendations find expression in two bills already pending in the Senate—S. 676, the Capital Assistance Revenue Sharing Act (or CARS Act) of 1983, which I introduced last March 3; and S. 1432, the Federal Capital Investment Program Information Act of 1983, which I joined my colleague, Senator DAVE DURENBERGER, in introducing on June 8, 1983.

As the chairman and ranking member of the Subcommittee on Intergovernmental Relations, Senator DURENBERGER and I are concerned about the roles of Federal, State, and local governments in meeting the challenge presented by the declining condition of our Nation's infrastrucutre, and the need for new public facilities brought on by population growth in certain regions of our Nation.

In this context, I believe the significance of the Labor-Management Group's general policy recommendations regarding the role of Federal, State, and local governments should be underlined. The relation between the recommendations and the two bills I have mentioned is clear:

First, the report says:

The Federal Government's role in the infrastructure areas reviewed should include the establishment of standards to ensure the public's general welfare and safety, and funds for research and development, as well as catch-up capital funding in areas of critical need, such as wastewater treatment. State and local governments should provide infrastructure services properly adapted to local needs, and should cooperate in interstate and regional arrangements when such arrangements represent the most efficient approach.

The CARS Act would authorize $3.5 billion a year, allocated through a streamlined version of the extremely efficient general revenue sharing program, to State and local governments to pay for just the kind of capital improvement projects emphasized in the Labor-Management Group's report.

State and local governments have cut back on capital spending in recent years—a point underscored by the group's report: State and local government investment expenditures dropped from 2.2 percent of our Nation's GNP in 1961 to 1.1 percent in 1981.

The bill would provide some immediate catchup funding to undertake projects which have been deferred or delayed; at the same time, it leaves to State and local governments—who know and understand their own capital improvement needs better than any single Federal agency, the range and flexibility to establish priorities.

Of course, the levels of funding in my legislation are meant to complement, not supplant existing federal grant programs for capital spending. The Labor-Management Group's recommendations in this area also warrants consideration.

Second, the report says:

There is a need for a federal capital budgeting process that identifies capital, maintenance, and operating funding requirements; clarifies funding responsibilities between federal, state, and local authorities; and assists in the development of a process for setting capital priorities based on objective economic analysis.

The Federal Capital Investment Program Information Act moves decisively in this direction. It would require in the President's annual presentation of the Federal budget to the Congress reports on current service levels for public capital investments and alternative high and low levels for such investments over 10 years in current dollars and over 5 years in constant dollars; capital investment needs in each major program area over 10 years; policy issues involved in new and existing capital programs; projections of

State and local government investments; and related matters.

We in the Congress are going to need such information, and so will the executive branch, if we are to move convincingly to the capital budgeting proposed by the Labor-Management Group. S. 1432 provides the Congress with an instrument to respond to this recommendation as S. 676 provides the Congress with the framework for a response to the first recommendation. I urge my colleagues to give prompt and serious consideration to both measures.

The other policy recommendations of the group deserve close attention and consideration. While the document is lengthy, it deserves to be shared by greater numbers. Therefore, I ask that the executive summary of the Labor-Management Group report be printed in the RECORD.

The report follows:

EXECUTIVE SUMMARY OF THE LABOR-MANAGEMENT GROUP REPORT

FOREWORD

The Labor-Management Group is a private, non-governmental group of labor and business leaders who meet informally to discuss issues which affect economic growth, full employment, and other mutually shared goals.

The Group believes the national interest requires a new spirit of mutual trust and cooperation between Labor and Management. It is in this spirit that the Group frames its discussions, mindful that such discussions will not always result in consensus. Infrastructure renewal is an issue which has produced areas of joint agreement. The Group is hopeful that this study can contribute to the rebuilding of America's vital public facilities.

An executive summary and study recommendations are contained in Chapter 1 of this report. A discussion of underlying trends causing infrastructure deterioration is contained in Chapter 2 and an analysis of highways, bridges, urban water supply and wastewater treatment facilities is contained in Chapters 3 through 6.

LABOR-MANAGEMENT GROUP MEMBERSHIP

Coordinator: Professor John T. Dunlop, Harvard University.

Labor members:

Lane Kirkland, President, AFL-CIO.

Thomas R. Donahue, Secretary-Treasurer, AFL-CIO.

Douglas A. Fraser, President Emeritus, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, AFL-CIO.

John H. Lyons, President, International Association of Bridge, Structural & Ornamental Iron Workers, AFL-CIO.

Lloyd McBride, President, United Steelworkers of America, AFL-CIO.

Gerald W. McEntee, President, American Federation of State, County and Municipal Employees, AFL-CIO.

Glenn E. Watts, President, Communications Workers of America, AFL-CIO.

William H. Wynn, President, United Food and Commercial Workers, AFL-CIO.

Management members:

Clifton C. Garvin, Jr., Chairman, Exxon Corporation.

Stephen D. Bechtel, Jr., Chairman, Bechtel Group, Inc.

Charles L. Brown, Chairman, American Telephone & Telegraph Company.

James E. Burke, Chairman, Johnson & Johnson.

James H. Evans, Chairman, Union Pacific Corporation.

Philip M. Hawley, Chairman, Carter, Hawley, Hale Stores, Inc.

Ruben F. Mettler, Chairman, TRW Inc.

Roger B. Smith, Chairman, General Motors Corporation.

John F. Welsh, Jr., Chairman, General Electric Company.

Walter B. Wriston, Chairman, Citicorp.

Staff coordinators:

Rudolph A. Oswald, AFL-CIO.

Kenneth Young, AFL-CIO.

Mark J. D'Arcangelo, G.E.

Henry J. Lartigue, Jr., Exxon.

CHAPTER 1—EXECUTIVE SUMMARY AND RECOMMENDATIONS

Dam and bridge failures from coast to coast, water main ruptures in major cities, and a magnificent but seriously worn national highway network are a few of many examples of the tragic deterioration of the nation's physical plant.

The warning clarion of the news media has heightened the public's awareness of the decay of our infrastructure—the 1980's term for such key public works as highways, bridges and water facilities. And coupled with the new national awareness of the seriousness of the problem has come a growing public understanding of the vast sums of money that will be needed to make things right.

Deterioration of some parts of the nation's infrastructure has begun to affect industrial productivity. When water mains burst, a community is subjected to inconvenience, property damage and health hazards. When a bridge is closed or weight limits are imposed, established traffic patterns are disrupted, and extra costs are encountered in the use of alternative routes. When sewage lines and treatment facilities are inadequate, raw sewage pollutes open waterways.

The nation's infrastructure problem is of sufficient magnitude and seriousness to warrant the attention and concern of all its citizens. The Labor-Management Group has undertaken an analysis which examines key underlying causes of this problem and offers policy recommendations for its solution.

The term "infrastructure" has been used broadly and it encompasses a wide variety of different capital facilities and public functions. Some of these functions relate to advances in health, knowledge, and general welfare, which could be defined as "social infrastructure." Other facilities and functions are directly related to commercial transactions and the provision of necessities such as water and sewer services. These facilities could be defined as "physical infrastructure."

This report concentrates on publicly operated physical infrastructure facilities—highways, bridges, urban water supply systems and wastewater treatment facilities. These facilities account for approximately 40 percent of non-military capital investment expenditures by governments at all levels and their importance to the country's economic health is self-evident.

The Causes of Deficient Infrastructure

Six broad trends contribute to the nation's current infrastructure problems:

A Coincidence of Life Cycles: Physical facilities eventually wear out or become obsolete, and, unfortunately, the life cycle of much of the U.S. infrastructure is drawing to a close concurrently.

Those portions of public infrastructure traceable to industrialization and urbanization between the late 1800's and 1930, such as urban water, sewer, and public transport facilities, are reaching the twilight of their natural lives. Additionally, the Interstate and Defense Highway System, for which construction was begun in 1956, has been subjected to heavy wear and tear, as well as weathering, and it is reaching a critical point in its life cycle. Other facilities put in place during previous periods of capital expansion are also wearing out, resulting in a peak level of new investment and repair needs for users and taxpayers of the 1980's.

Shifts In Population and Industry: Americans are migrating from the Northeast and Midwest to the South and West, and from city centers to suburbs.

These population shifts have resulted in two different infrastructure problems—those of the older regions and those of growing areas. The infrastructure of older regions may no longer be the right size for the diminished market served. This can mean a competitive disadvantage for established cities and regions, as well as the loss of tax base.

On the other hand, expanding population centers in the South and West demand large, new infrastructure investments. Houston is experiencing serious congestion on its freeway system and a backlog of other necessary expansion projects. Many Western cities are concerned their growth will be limited by scarce water supplies.

High Inflation and High Interest Rates: Unprecedented high levels of inflation in the late 1970's and high real interest rates since 1980 have contributed to the postponement of needed infrastructure spending.

High inflation and interest costs are a problem for any enterprise, private or public, that seeks to create capital assets. They raise current dollar estimates of future funding required for needed investments. They also add to investor uncertainty, discouraging investments that produce benefits in the future—a characteristic of infrastructure projects. Moreover, revenues are less likely to keep pace with cost increases during periods of high inflation. This is particularly true in the public sector where taxes or user charges—major sources of revenues—often cannot be adjusted without legislative approval.

Although inflation has slowed since 1980, real interest rates have increased dramatically—reaching 7 percent during the first quarter of 1983 for high quality municipal bonds. These high rates encourage the delay or cancellation of marginal, slow-payback projects.

Declining Share of GNP Devoted to Infrastructure: Although total federal, state, and local government expenditures have risen as a percentage of gross national product during the past twenty years, government (non-military) investment expenditures have declined as a share of GNP. These trends are summarized below.

GOVERNMENT INFRASTRUCTURE SPENDING TRENDS (1961–81) TOTAL AND INVESTMENT EXPENDITURES

[Current dollars in billions]

	1961	1981	Average annual growth rate (percent)
Total Federal, State, and local government expenditures:			
Current dollars	$149.1	$979.7	10.0
Percent of GNP	28.4	33.3	
Investment expenditures (nonmilitary):			
Federal Government:			
Current dollars	$5.1	$32.1	9.6
Percent of GNP	1.0	1.1	
State and local governments:			
Current dollars	$11.6	$33.5	5.0
Percent of GNP	2.2	1.1	
Total:			
Current dollars	$16.7	$65.6	6.8
Percent of GNP	3.2	2.2	

Federal investment expenditures have averaged about 1 percent of GNP during the past 20 years. State and local capital spending, however, has declined as a percentage of GNP from 2.2 percent in 1961 to 1.1 percent in 1981. Most of this decline occurred in recent years and it has undoubtedly contributed to current infrastructure problems.

Federal Program Emphasis on Capital Projects Rather Than Repair and Maintenance: The Federal Government historically has emphasized the capital cost of public works projects rather than operating or maintenance costs. An example is the Interest and Defense Highway System where, until recently, federal funds covered 90 percent of construction costs, but no repair costs.

There is a need to reassess the proper balance of federal funding between new construction and rehabilitation. This reassessment appears to be underway in the highway program, where it is widely recognized that a major share of future funding must go to rehabilitation and reconstruction of existing facilities as opposed to construction of new highways.

Growth in Social Relative to Investment Expenditures: One explanation for shortfalls in infrastructure funding is that social priorites are changing. Expenditures for public facilities have become less popular, compared with other claims on federal and state and local budgets. In a comprehensive analysis of trends in the mix of government spending published by The National Bureau of Economic Research in 1980, Professor George F. Break identified three structural changes in government expenditures during the postwar period: domestic programs gained significantly in relation to defense programs; social security and welfare spending increased rapidly; and social investment expenditures in health, education, and other areas increased in relative importance, but less dramatically than transfer payments to individuals.

Some observers speculate the rise of social spending has squeezed out resources otherwise available for physical infrastructure. Others say the social welfare and transfer payment trend is irrelevant to actual or needed physical investment spending. While this study may contribute to a better understanding of government spending trends and the need for additional infrastructure investments, it does not attempt to put forth policy recommendations for government funding priorities.

It is not possible to quantify the exact contribution of each of these trends to the deteriorated infrastructure conditions now confronting this country. However, taken together, the trends provide a useful historical context for understanding the complexity of the problem and its origins.

The Funding Shortfall

A comprehensive assessment of infrastructure funding needs is not available. There are, however, "needs studies" for facilities which receive federal funding, such as highways, bridges, and wastewater treatment. These studies are required by legislation and they are prepared by federal agencies. Cost estimates included in these studies are shaped by a number of factors such as the quality of economic cost-benefit studies, uncertainties regarding future use, and social policy objectives (i.e. water quality standards). Despite these limitations, however, the studies represent the best available information from which to develop estimates of infrastructure funding requirements. They form the basis of the funding shortfall estimates included in this study.

In addition to reviewing published government reports, the Infrastructure Task Force's research in preparing this report included field visits and dozens of interviews with government officials, scholars, leaders of key associations and public interest groups, and other experts in the specific infrastructure areas.

Absent policy changes, it appears annual investment spending needs for the facilities studied are approximately $38 billion per year over the next 12 years.

ANNUAL INFRASTRUCTURE CAPITAL FUNDING NEEDS 1983–95

[Constant 1981 dollars in billions]

	Total	New construction	Repair, rehabilitation and replacement
Highways and bridges (excludes local roads)	$24.0	$7.4	$16.6
Urban water supply	7.2	3.4	3.8
Wastewater treatment	6.6	6.2	.4
Total	37.8	17.0	20.8

Highway and bridge funding of approximately $24 billion per year is needed for new construction and the repair, rehabilitation, and replacement of 1.2 million miles of existing highway systems. This 1.2 million miles includes the Interstate System and other federally-aided highways, and accounts for more than 80 percent of the nation's traffic volume; but excludes nearly 2.8 million miles of local roads. New construction expenditures for highways and bridges total $7.4 billion per year, with more than one-half ($3.9 billion) earmarked for completion of the Interstate. Repair, rehabilitation, and replacement programs needed to restore highways to their 1978 conditions, assuming no relaxation of current standards, are expected to cost $16.6 billion annually.

Urban water supply funding needs are estimated at $7.2 billion per year based on a 1980 report prepared by the President's Intergovernmental Water Policy Task Force. This report assumes replacement of water mains more than 90 years old, and rehabilitation as required of mains less than 90 years of age. Nearly one-quarter of the 756 urban water supply systems studied will require new sources of water supply during the next ten years.

The Environmental Protection Agency's 1982 Needs Survey indicates that meeting the goals of the Federal Water Pollution Control Act will require wastewater treatment facilities costing $6.6 billion per year. There exists a backlog of facilities required to serve the 1980 population and to meet expansion needs through the year 2000.

Comparison of the $38 billion annual capital needs with current or planned expenditures shows an expected capital funding shortfall of approximately $9 to $11 billion per year. Details of this shortfall are shown below.

COMPARISON OF ESTIMATED ANNUAL CAPITAL NEEDS 1983–1995 WITH CURRENT OR PLANNED EXPENDITURES

[Constant 1981 dollars in billions]

	Estimated needs	Current or planned spending	Estimated shortfall
Highways and bridges	$24.0	$19.0	$5.0
Urban water supply	7.2	6.4	.8
Wastewater treatment	6.6	1.6–3.9	2.7–5.0
Total	37.8	27.0–29.3	8.5–10.8

The $19 billion in anticipated annual funding for highways and bridges includes $4.4 billion of expected benefits from increases in user fees included in the Surface Transportation Act of 1982. Despite these increases, there still appears to be a funding shortfall of approximatey $5 billion per year.

The urban water supply funding shortfall of $800 million per year was determined by assessing institutional, financial, and physical constraints affecting urban water supply systems and identifying those systems likely to incur funding shortages in the future.

Wastewater treatment funding needs are largely dependent on the Federal Government's Municipal Wastewater Treatment Construction Grants Program. Given the current federal budget deficit, the future of this program is highly uncertain. Eligible wastewater treatment projects can receive 75 percent of their funding from the Federal Government. Historically, these federal programs have also been a significant factor in determining state and local wastewater treatment spending. If federal funding continues at its present $2.5 billion annual rate, the shortfall is expected to be less than $3 billion, but cutbacks could raise the shortfall to $5 billion per year.

Critical Policy Issues

National trends and policies affect the decisionmaking processes of America's 50 state governments and 35,000 local governments—many of which have ownership and management responsibilities for the four infrastructure areas studied. Therefore, the Labor-Management Group sought to identify broad policy areas which could be addressed in the aggregate, recognizing that individual decisions would of necessity reflect specific local circumstances. Four critical policy issues are addressed in this study.

Who should pay for the publicly provided services threatened with disrepair, and how should they pay?

How should major capital projects needed for growth and rehabilitation be financed?

How should public facilities be organized and managed to achieve long-term results?

What role should the federal, state and local governments play in helping to rebuild America's vital facilites?

General and specific policy recommendations are summarized in the following paragraphs. These recommendations have been

developed from an analysis of the critical policy issues related to infrastructure renewal in general, and a detailed review of key infrastructure areas.

General Policy Recommendations

Labor and Management support the application of the following guidelines in evaluating and developing solutions for rebuilding America's vital public facilities.

Who pays for use and how?

Users and direct beneficiaries should pay a fair share of the costs of infrastructure services included in this study. But, the imposition of new user fees or increases in existing fees should be determined on a case-by-case basis, recognizing social, political, economic and technological conditions.

How should major capital projects be financed?

To improve access to capital markets, increased reliance on financing backed by user revenues should be encouraged. States can play a larger role in facilitating local government access to financial markets by helping to pool risks, improving information flows and reducing transaction costs.

How to organize and manage for results?

Public facility units should be scaled to achieve efficiencies available from natural or user-oriented boundaries and managed to achieve long-term objectives. Operating performance can be improved and future costs, including capital requirements, can be reduced through greater attention to proper maintenance and repair. Government reorganization of responsibilities for infrastructure should ensure accountability to the public and due regard to the interests of existing personnel and collective bargaining relationships.

What is the role of each level of government?

The Federal Government's role in the infrastructure areas reviewed should include the establishment of standards to ensure the public's general welfare and safety, and funds for research and development, as well as catch-up capital funding in areas of critical need, such as wastewater treatment. State and local governments should provide infrastructure services properly adapted to local needs, and should cooperate in interstate and regional arrangements when such arrangements represent the most efficient approach.

There is a need for a federal capital budgeting process that identifies capital, maintenance, and operating funding requirements; clarifies funding responsibilities between federal, state, and local authorities; and assists in the development of a process for setting capital priorities based on objective economic analysis.

Specific Policy Recommendations

Labor and Management have agreed on the following specific policy recommendations for the areas studied.

Highways and bridges:

Funding: User fees have been the primary funding source for major highways and bridges included in the Federal-Aid systems. During the past 20 years, user fees have not increased to meet overall funding needs. Although federal highway user fee increases provided in the 1982 Surface Transportation Act and fee increases enacted by at least 26 states during the past two years should help, further increases may be required.

Fees levied as highway user fees should be used to fund highway programs, and, at state or local option, complementary alternative transportation facilities.

Access to capital: The use of revenue/backed bonds should be expanded to fund the building and repair of road segments and bridges.

Government roles and responsibilities: During the 1960's, most federal funding was directed toward new construction rather than the rehabilitation of existing highways. The 90 percent federal, 10 percent state matching ratio was one of the incentives adopted during this period to promote the early completion of the Interstate System. Much of the system is at the end of its design life and emphasis should be shifted toward additional 4R (repair, resurfacing, restoration, or reconstruction) spending. To accomplish this: federal programs should be structured to match more closely state and local needs; and federal and state highway programs should be strengthened to encourage local governments to undertake needed maintenance and repair programs.

Federal highway design and construction standards should be continually assessed to determine if opportunities are available to lower capital costs by adopting regional standards or other safe, cost efficient alternatives.

Urban water supply:

Funding: Urban water supply systems are heavily dependent upon user fees for financing; and rate adjustments, determined on a case-by-case basis, represent a key funding option for urban water supply systems. In many instances, water user fees do not recover costs, do not provide funds essential for future needs, and do not encourage conservation. Users should be charged on the basis of water consumption.

Access to capital: States should provide greater assistance to local communities to broaden their access to capital markets. Bond-pooling and state guarantees might be employed to achieve this objective. The use of revenue bonds should be expanded to the extent possible to fund water facility projects.

Organization and management: Water filtration facilities should be located to take advantage of natural hydrological boundaries. Federal and state programs should be strengthened to promote regional solutions that will achieve these efficiencies, while simultaneously focusing local attention on the maintenance, repair and capital replacement needs of urban water supply systems.

Water conservation programs should be expanded to reduce water demand and reduce capital requirements for new water sources.

Wastewater treatment:

Funding: User fees designed to encourage reduction of pollution as well as to provide financial support are an essential feature of wastewater management. EPA programs for technical assistance, research and development, enforcement and water quality management should receive increased support.

A long-term issue that needs to be addressed in wastewater treatment is how to provide capacity to meet expanding water treatment and sewer construction needs, as well as rebuilding or replacing existing facilities when they wear out. The 1981 amendments to the Clean Water Act authorized appropriations for the construction grant program of $2.5 billion a year through 1985 compared with approximately $5 billion per year during the 1973–1980 period.

The federal construction grant program should provide ample flexibility for optimal project selection at the state, regional or local level. The greatest need in some areas of the country may be construction of wastewater treatment plants of sufficient capacity to meet water quality standards. Other areas may need new interceptor or trunk sewer lines to facilitate treatment plant construction on a regional scale. Some older cities may have a priority for separating storm and sanitary sewer systems, or reconstructing antiquated main sewer lines. Some areas may want to create holding capacity for stormwater runoff, so that it can be treated before being discharged into natural waterways. The federal grant program should allow for these differences and encourage processes designed to achieve optimal project selection.

Organization and management: Insufficient attention has been given to the maintenance, repair, rehabilitation and replacement of wastewater treatment facilities. Deferred maintenance has increased the costs and capital outlays needed for major rehabilitation. This issue involves training personnel at existing facilities, generating and diffusing innovative technologies, and developing sound budgetary approaches.

Since water quality concerns affect strategies for developing and paying for wastewater infrastructure, attention must also be given to the joint federal/state effort responsible for monitoring and enforcing water pollution control policies.

Congress, the Administration, and the public should give informed, penetrating consideration to the following proposal for a more regionalized approach to water pollution control.

A region-wide approach should be used to address stormwater runoff and nonpoint sources of water pollution such as agriculture, mining, forestry, and road and building construction. Where storm and sanitary sewer systems are separate, untreated stormwater runoff compounds the water pollution control effort. In combined storm/sanitary sewer systems, however, a heavy rain can flood the treatment facility.

Congress should establish regional water quality authorities with boundaries established by natural drainage basins and with authority to regulate wastewater discharges into natural waterways from point and nonpoint sources. Existing municipal or regional treatment authorities could become operations districts within the regional authorities, shifting boundaries over time as necessary to improve coverage and achieve the optimum size for efficient operations.

The EPA should establish region-wide effluent limits for each regional authority.

Consideration should also be given to establishing a system of EPA-sanctioned effluent fees designed to encourage the limitation and control of pollution at its source. These fees should be related to the cost of treating discharges and/or the estimated damage to waterways of failure to treat such wastes. The system should be administered by the regional authorities, and should apply to both public and private effluent sources. The effluent fees should provide funding for wastewater treatment facilities.

Government role and responsibilities. The Clean Water Act of 1972 launched the nation on a Herculean undertaking. It set national pollution control goals, authorized a far-reaching permit system to regulate discharges into natural waterways, and established a multi-billion dollar annual federal grant program for construction of wastewater treatment facilities. In the decade since passage of this act, the nation's capacity to treat waterborne wastes has been expanded enormously and valuable experience has been gained in the management of water quality.

Although considerable progress has been made since 1972, notably with respect to control of industrial water pollution, America has a long way to go to achieve a satisfactory, effective long-term approach to water quality. A full assessment of the success of the Clean Water Act and later amendments to it is beyond the scope of this report—as is a review of pending proposals for both legislative and regulatory changes in the program—but Labor and Management have concluded that more progress is needed with respect to municipal wastes, toxics and control of nonpoint source pollution. A number of changes have already been put in place and these may result in substantial improvements, but our studies lead us to believe that there are additional opportunities for further progress in effective management of the nation's water quality.

Conclusion

Although aggregate increased spending of $9 to 11 billion (1981 dollars) per year is indicated through the comparison of needs and current spending levels, the task, if approached on a facility-by-facility basis, should be manageable for the majority of cases. Difficult political decisions are necessary. Citizen resistance may be strong, and improved government management and organization will not come about easily, quickly, or without resistance. However, the time for action is now. An informed citizenry will be the safeguard that will ensure that our vital facilities and in turn, our nation, stay healthy and safe for generations to come.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. May I say that I have a few items in my folder of things that can be done, I believe, by unanimous consent. I wonder if the minority leader is prepared to consider these items?

Mr. BYRD. Mr. President, this side is prepared to proceed.

Mr. BAKER. I thank the minority leader.

HOUSE CONCURRENT RESOLUTION 187 HELD AT THE DESK

Mr. BAKER. Mr. President, first I ask unanimous consent that House Concurrent Resolution 187, a concurrent resolution abhorring the assassination of Benigno Aquino, be held at the desk pending further consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. BAKER. Mr. President, I have a resolution in respect to Senate legal counsel, and while ordinarily I do not ask the Senate to proceed to matters that have not yet been placed on the calendar, we have been doing that in the case of legal counsel when it is felt to be routine and regular.

Mr. President, in view of that I now send to the desk a resolution for myself and the distinguished minority leader and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. 252) to authorize representation by the Senate legal counsel of Senator PAULA HAWKINS and employees in the case of *United States* v. *William M. Conover, et al.*

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, this resolution would authorize and direct the Senate legal counsel to represent Senator PAULA HAWKINS and staff in response to a subpena which has been issued by one of the defendants in a Federal criminal prosecution styled *United States* v. *William M. Conover, et al.*, now pending in the U.S. District Court for the Middle District of Florida. The subpena directs Senator HAWKINS to testify and to produce correspondence pertaining to alleged irregularities in the procurement practices of a federally assisted rural electrical cooperative in Florida. At Senator HAWKINS' request, the Senate legal counsel would be authorized to assert all privileges to which Senator HAWKINS may be entitled.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 252) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 252

Whereas, the case of United States v. William Conover et al., No. 83-70-Cr-T-8, is pending in the United States District Court for the Middle District of Florida;

Whereas, counsel for defendant Anthony R. Tanner has caused to be issued a trial subpoena for the taking of testimony and the production of documents upon Senator Paula Hawkins, relating to the investigation and hearing of the Subcommittee on Agricultural Credit and Rural Electrification into the procurement and election procedures of rural electrical cooperatives;

Whereas, pursuant to sections 703(a) and 704(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a) (Supp. V 1981), the Senate may direct its counsel to represent the members and employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI(2) of the Standing Rules of the Senate, no member may be absent from the service of the Senate without leaves;

Whereas, when it appears that documents, papers, and records under the control of or in the possession of the Senate are needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it.

Resolved, That the Senate Legal Counsel is directed to represent Sentor Paula Hawkins or any Senate employees substituted for her in connection with subpoenas issued for testimony and the production of documents in the case of *United States* v. *William M. Conover, et al.*

JOINT REFERRAL OF S. 1978

Mr. BAKER. Next, Mr. President, I would pose this request. I ask unanimous consent that S. 1978, a bill to amend the Internal Revenue Code of 1954, and the employee Retirement Income Security Act of 1974, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

SHIPPING ACT OF 1983

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Rpresentatives on S, 47.

The PRESIDING OFFICER laid before the Senate the following message from the Houe for Representatives:

Resolved, That the bill from the Senate (S. 47) entitled "An Act to improve the international ocean commerce transportation system of the United States", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

That this Act may be cited as the "Shipping Act of 1983".

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SEC. 2. DEFINITIONS.

As used in this Act—

(1) "agreement" means an understanding, arrangement, or association (written or oral) and any modification or cancellation thereof; but the term does not include a maritime labor agreement;

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; the Antitrust Civil Process Act (76 Stat. 548), as amended; and amendments and Acts supplementary thereto;

(3) "assessment agreement" means an agreement, whether part of a collective-bargaining agreement or negotiated separately, to the extent that it provides for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized;

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count;

(5) "Commission", except in section 17, means the Federal Maritime Commission;

(6) "common carrier" means a person holding itself out to the general public to provide transportation by water of passengers or cargo between the United States and a foreign country for compensation that—

(A) assumes responsibility for the transportation from the port or point of receipt to the port or point of destination; and

(B) utilizes, for all or part of that transportation, a vessel operating on the high seas or the Great Lakes between a port in the United States and a port in a foreign country;

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff, but does not include a joint service, consortium, pooling, or transshipment arrangement;

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier;

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of his shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement;

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;

(11) "forest products" means forest products in an unfinished or semifinished state that are of a size too large for the largest commercially available container or that are offered for carriage by the shipper as non-containerized cargo in lot sizes having a volume greater than two thousand five hundred and sixty cubic feet or that are transported in shipload lot sizes;

(12) "inland division" means the amount paid by a common carrier to an inland carrier for the inland portion of through transportation offered to the public by the common carrier;

(13) "inland portion" means the charge to the public by a common carrier for the non-ocean portion of through transportation;

(14) "loyalty contract" means a contract with an ocean common carrier or conference, other than a service contract or contract based upon time-volume rates, by which a contract shipper or consignee obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference;

(15) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier;

(16) "maritime labor agreement" means a collective-bargaining agreement between an employer subject to this Act, or group of such employers, and a labor organization representing employees in the maritime or stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group; but the term does not include an assessment agreement;

(17) "nonvessel-operating common carrier" means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in his relationship with an ocean common carrier;

(18) "ocean common carrier" means a vessel operating common carrier, but does not include one engaged in ocean transportation by ferry boat or ocean tramp;

(19) "ocean freight forwarder" means a person in the United States that—

(A) dispatches shipments from the United States via common carriers and books or otherwise arranges space for those shipments on behalf of shippers; and

(B) processes the documentation or performs related activities incident to those shipments;

(20) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country;

(21) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features; the contract may also specify provisions in the event of nonperformance on the part of either party;

(22) "shipment" means all of the cargo carried under the terms of a single bill of lading;

(23) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made;

(24) "shippers' council" means an association of shippers or their agents;

(25) "through rate" means the single amount charged by a common carrier in connection with through transportation;

(26) "through transportation" means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port; and

(27) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

SEC. 3. AGREEMENTS WITHIN SCOPE OF ACT.

(a) OCEAN COMMON CARRIERS.—This Act applies to agreements by or among ocean common carriers to—

(1) discuss, fix, or regulate transportation rates, including through rates, cargo space accommodations, and other conditions of services;

(2) pool or apportion traffic, revenues, earnings, or losses;

(3) allot port or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or nonvessel-operating common carriers; and

(6) control, regulate, or prevent competition among themselves.

(b) MARINE TERMINAL OPERATORS.—This Act applies to agreements among marine terminal operators (to the extent the agreements involve ocean transportation in the foreign commerce of the United States) and to agreements among one or more marine terminal operators and one or more ocean common carriers to—

(1) discuss, fix, or regulate rates or other conditions of service; and

(2) engage in exclusive, preferential, or cooperative working arrangements.

(c) ACQUISITIONS.—This Act does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

SEC. 4. AGREEMENTS.

(a) FILING REQUIREMENTS.—A true copy of every agreement entered into with respect to an activity described in section 3 shall be filed with the Commission, except agreements related to transportation to be performed within or between foreign countries and agreements among common carriers to establish, operate, or maintain a marine terminal in the United States. In the case of an oral agreement, a complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the form and manner in which an agreement shall be filed and the information and documentary material that is to accompany the agreement.

(b) CONFERENCE AGREEMENTS.—Each conference agreement must—

(1) state its purpose;

(2) provide reasonable and equal terms and conditions for admission and readmission to conference membership for any ocean common carrier willing to serve the particular trade or route;

(3) permit any member to withdraw from conference membership upon reasonable notice without penalty;

(4) prohibit a conference from engaging in—

(A) a boycott or any other concerted action resulting in an unreasonable refusal to deal;

(B) conduct that unreasonably conditions or otherwise unreasonably restricts the ability of a shipper to select a common carrier in a competing trade, an ocean tramp, or a bulk carrier;

(C) conduct that discourages the use or development of intermodal services or technological innovations by members; and

(D) any predatory practice designed to eliminate the participation or deny the entry, in a particular trade of a common carrier not a member of the conference, an ocean tramp, or a bulk carrier;

(5) provide for a consultation process designed to promote—

(A) commercial resolution of disputes; and

(B) cooperation with shippers in preventing and eliminating malpractices;

(6) establish procedures for promptly and fairly considering shippers' requests and complaints; and

(7) provide that any member of the conference may take independent action—

(A) on any matter relating to the price of services offered by the conference and resulting in a decreased cost to a shipper, upon not more than two working days' notice to the conference, and that the conference will include the new price as a rate item in its tariff for use by any member, effective no later than two working days after the receipt of such notice; and

(B) on any service item not related to price, upon not more than ten working days' notice to the conference, and that the conference will include the new service item in its tariff for use by any member, effective no later than ten working days after the receipt of such notice;

however, this paragraph does not impair the right of the conference to enforce compliance by its members with respect to contractual commitments undertaken under section 7(c).

(c) INTERCONFERENCE AGREEMENTS.—Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences must provide the right of independent action for each conference.

(d) ASSESSMENT AGREEMENTS.—(1) Assessment agreements shall be filed with the Commission and become effective on filing. The Commission shall thereafter, upon complaint filed within two years of the date of filing of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in any such proceeding within one year of the date of filing of the complaint. To the extent that an assessment or charge is found in the proceeding to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. These adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded.

(2) This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to maritime labor agreements or to assessment agreements, except as provided in paragraph (1). This section does not exempt from this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier that are or have been required to be set forth in a tariff, whether or not those rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

SEC. 5. ACTION ON AGREEMENTS.

(a) NOTICE.—Within seven days after an agreement is filed, the Commission shall transmit a notice of its filing to the Federal Register for publication.

(b) REVIEW STANDARD.—The Commission shall reject any agreement filed under section 4(a) that, after preliminary review, it finds inconsistent with the requirements of section 4. The Commission shall notify in writing the person filing the agreement of the reason for rejection of the agreement.

(c) REVIEW AND EFFECTIVE DATE.—Unless rejected by the Commission under subsection (b), agreements, other than assessment agreements, shall become effective—

(1) on the forty-fifth day after filing, or on the thirtieth day after notice of the filing is published in the Federal Register, whichever day is later; or

(2) if additional information or documentary material is requested under subsection (d), on the forty-fifth day after the Commission receives—

(A) all the additional information and documentary material requested; or

(B) if the request is not fully complied with, the information and documentary material submitted and a statement of the reasons for noncompliance with the request.

The period specified in paragraph (2) may be extended only by the United States District Court for the District of Columbia upon an application of the Attorney General under subsection (i).

(d) ADDITIONAL INFORMATION.—Before the expiration of the period specified in subsection (c)(1), the Commission may request from the person filing the agreement any additional information and documentary material it deems necessary to make the determinations required by this section.

(e) REQUEST FOR EXPEDITED APPROVAL.—The Commission may, upon request of the filing party, shorten the review period specified in subsection (c), but in no event to a date less than fourteen days after the date on which notice of the filing of the agreement is published in the Federal Register.

(f) TERM OF AGREEMENTS.—The Commission may not limit the effectiveness of an agreement to a fixed term.

(g) SUBSTANTIALLY ANTICOMPETITIVE AGREEMENTS.—If, at any time after the filing or effective date of an agreement, the Commission determines that—

(1) the agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

(2) the likely harm from the reduction outweighs any likely private or public benefits of the agreement;

it may, after notice to the person filing the agreement, seek appropriate injunctive relief under subsection (h).

(h) INJUNCTIVE RELIEF.—The Commission may, upon making the determination specified in subsection (g), request the Attorney General to bring suit in the United States District Court for the District of Columbia to enjoin operation of the agreement. The court may issue a temporary restraining order or preliminary injunction and, upon a showing that—

(1) the agreement is likely to result in a harmful reduction in competition in the ocean commerce of the United States; and

(2) the likely harm from the reduction outweighs any likely private or public benefits of the agreement;

may enter a permanent injunction. In a suit under this subsection, the burden of proof is on the Commission. The court may not allow a third party to intervene in a suit under this subsection.

(i) COMPLIANCE WITH INFORMATIONAL NEEDS.—If any person filing an agreement, or any officer, director, partner, agent, or employee thereof, fails substantially to comply with any request for the submission of additional information or documentary material within the period specified in subsection (c), the United States District Court for the District of Columbia, upon application of the Attorney General at the request of the Commission—

(1) may order compliance;

(2) shall extend the period specified in subsection (c)(2) until there has been substantial compliance; and

(3) may grant such other equitable relief as the court in its discretion determines necessary or appropriate.

(j) NONDISCLOSURE OF SUBMITTED MATERIAL.—Except for an agreement filed under section 4, information and documentary material filed with the Commission under section 4 or 5 is exempt from disclosure under section 552 of title 5, United States Code, and may not be made public except as may be relevant to an administrative or judicial action or proceeding. This section does not prevent disclosure to either body of Congress or to a duly authorized committee or subcommittee of Congress.

SEC. 6. EXEMPTION FROM ANTITRUST LAWS.

(a) IN GENERAL.—The antitrust laws do not apply to—

(1) any agreement that has been filed under section 4 and is effective under section 4(d) or section 5, or is exempt under section 15 from any requirement of this Act;

(2) any activity or agreement within the scope of this Act, whether permitted under or prohibited by this Act, undertaken or entered into in the reasonable belief that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 15 from any filing requirement of this Act;

(3) any agreement or activity concerning the foreign inland segment of through transportation that is part of transportation provided in a United States import or export trade;

(4) any agreement or activity with a shippers' council organized under the laws of a foreign country and operating exclusively outside the United States, including an agreement or activity that affects cargo transported in a United States import or export trade;

(5) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other

terminal facilities outside the United States; or

(6) subject to section 19(e)(2), any agreement, modification, or cancellation approved by the Commission before the effective date of this Act under section 15 of the Shipping Act, 1916, or permitted under section 14b thereof, and any properly published tariff, rate, fare, or charge, classification, rule, or regulation explanatory thereof implementing that agreement, modification, or cancellation.

(b) EXCEPTIONS.—This Act does not extend antitrust immunity—

(1) to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this Act with respect to transportation within the United States;

(2) to any discussion or agreement among common carriers that are subject to this Act regarding the inland divisions (as opposed to the inland portions) of through rates within the United States; or

(3) to any agreement among common carriers subject to this Act to establish, operate, or maintain a marine terminal in the United States.

(c) LIMITATIONS.—(1) Any determination by any agency or court that results in the denial or removal of the immunity to the antitrust laws set forth in subsection (a) shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act (15 U.S.C. 15), or obtain injunctive relief under section 16 of that Act (15 U.S.C. 26), for conduct prohibited by this Act.

SEC. 7. TARIFFS.

(a) IN GENERAL.—

(1) Except with regard to bulk cargo and forest products, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports on its own route and on any through transportation route that has been established. However, common carriers shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall—

(A) plainly indicate the places between which cargo will be carried;

(B) list each classification of cargo in use;

(C) set forth the level of ocean freight forwarder compensation, if any, by a carrier or conference;

(D) state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change affect, or determine any part or the aggregate of the rates or charges; and

(E) include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

(2) Copies of tariffs shall be made available to any person, and a reasonable charge may be assessed for them.

(b) TIME-VOLUME RATES.—Rates quoted in tariffs may vary with the volume of cargo offered over a specified period of time.

(c) SERVICE CONTRACTS.—An ocean common carrier or conference may enter into a service contract with a shipper to provide specified services under specified rates and conditions, subject to the requirements of this Act. Each contract entered into under this subsection shall be filed confidentially with the Commission, and a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and such essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for non-performance, if any.

The exclusive remedy for a breach of contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

(d) RATES.—No new or initial rate or change in an existing rate that results in an increased cost to the shipper may become effective earlier than thirty days after filing with the Commission. The Commission, for good cause, may allow such a new or initial rate or change to become effective in less than thirty days. A change in an existing rate that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) REFUNDS.—The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to filing an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require, which gives notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within one hundred and eighty days from the date of shipment.

(f) FORM.—The Commission may by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject a tariff that is not filed in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void, and its use is unlawful.

SEC. 8. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—No controlled carrier subject to this section may maintain rates or charges in its tariffs filed with the Commission that are below a level that is just and reasonable, nor may any such carrier establish or maintain unjust or unreasonable classifications, rules, or regulations in those tariffs. An unjust or unreasonable classification, rule, or regulation means one that results or is likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classifications, rules, or regulations that the controlled carrier has failed to demonstrate to be just and reasonable. In a proceeding under this subsection, the burden of proof is on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges, classifications, rules, or regulations filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void, and their use is unlawful.

(b) RATE STANDARDS.—For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classification, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) EFFECTIVE DATE OF RATES.—Notwithstanding section 7(d), the rates, charges, classifications, rules, or regulations of controlled carriers may not, without special permission of the Commission, become effective sooner than the thirtieth day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within twenty days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) DISAPPROVAL OF RATES.—Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why those rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfulness in such a proceeding, the Commission may suspend the rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend those rates, charges, classifications, rules, or regulations on not less than sixty days' notice to the controlled carrier. No period of

suspension under this subsection may be greater than one hundred and eighty days. Whenever the Commission has suspended any rates, charges, classifications, rules or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject the new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) PRESIDENTIAL REVIEW.—Concurrently with the publication thereof, the Commission shall transmit to the President each order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within ten days after the receipt or the effective date of the Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if he finds that the stay is required for reasons of national defense or foreign policy, which reasons shall be specified in the report. Notwithstanding any other law, the Commission shall immediately grant the request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) EXCEPTIONS.—This section does not apply to—

(1) a controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) a controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of a controlled carrier in any particular trade which are covered by an agreement effective under section 5, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States;

(5) a trade served exclusively by controlled carriers; or

(6) a controlled carrier registered in a state that on the effective date of this Act, is among those designated a beneficiary developing country for purposes of the generalized system of preferences, provided for in title V of the Trade Act of 1974 (88 Stat. 2066; 19 U.S.C. 2461 et seq.), and set forth in general headnote 3(c) of the Tariff Schedules of the United States, and that has vessels registered within its jurisdiction that are privately owned and not operated by a controlled carrier.

SEC. 9. PROHIBITED ACTS.

(a) IN GENERAL.—No person may—

(1) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable;

(2) operate under an agreement required to be filed under section 4 that has not become effective under section 5, or that has been rejected, disapproved, or canceled; or

(3) operate under an agreement required to be filed under section 4 except in accordance with the terms of the agreement or any modifications made by the Commission to the agreement.

(b) COMMON CARRIERS.—No common carrier, either alone or in conjunction with any other person, directly or indirecty, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges that are specified in its tariffs;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff by means of false billing, false classification, false weighing, false measurement, or by any other unjust or unfair device or means;

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) engage in any unfair or unjustly discriminatory practice in the matter of—

(A) rates;

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight in proper condition; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship;

(8) offer or pay any deferred rebates;

(9) use a loyalty contract, except in conformity with the antitrust laws;

(10) demand, charge, or collect any rate or charge that is unjustly discriminatory between shippers or ports;

(11) make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(12) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transaction to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier.

Nothing in paragraph (12) shall be construed to prevent providing such information, in response to legal process, to the United States, or to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this Act, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorizted by that carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act is prohibited.

(c) CONCERTED ACTION.—No conference or group of two or more common carriers, may—

(1) boycott or take any other concerted action resulting in an unreasonable refusal to deal;

(2) engage in conduct that unreasonably conditions or otherwise unreasonably restricts the ability of a shipper to select a common carrier in a competing trade, an ocean tramp, or a bulk carrier;

(3) engage in conduct that discourages the use of intermodal services or technological innovations by member carriers;

(4) engage in any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of a common carrier not a member of the conference, a group of common carriers, and ocean tramp, or a bulk carrier;

(5) negotiate with a nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by those nonocean carriers: Provided, That this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or an association of ocean common carriers; or

(6) except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract, allocate shippers among specific carriers that are parties to the agreement or prohibit a carrier that is a party to the agreement from soliciting cargo from a particular shipper.

(d) MARINE TERMINAL OPERATORS.—(1) No marine terminal operator may—

(A) fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing, or delivering property; or

(B) agree with any other marine terminal operator or group of two or more common carriers to boycott, or unreasonably discriminate in the provision of terminal services to, any common carrier or ocean tramp.

(2) The prohibitions in subsection (b) (11) and (12) apply to marine terminal operators.

(e) JOINT VENTURES.—For purposes of this section, a joint venture or consortium of two or more common carriers but operated as a single entity shall be treated as a single common carrier.

SEC. 10. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

(a) FILING OF COMPLAINTS.—Any person may file with the Commission a sworn complaint alleging a violation of this Act, other than section 5(g), and may seek reparation for any injury caused to the complainant by that violation.

(b) SATISFACTION OR INVESTIGATION OF COMPLAINTS.—The Commission shall furnish a copy of a complaint filed pursuant to subsection (a) of this section to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the Commission shall investigate it in an appropriate manner and make an appropriate order.

(c) COMMISSION INVESTIGATIONS.—The Commission upon complaint or upon its own motion may investigate any conduct or agreement that it believes may be in violation of this Act. The Commission may by order disapprove, cancel, or modify any agreement filed under section 4(a) that operates in a manner inconsistent with this Act. With respect to agreements inconsistent with section 5(g), the Commission's sole remedy is under section 5(h).

(d) CONDUCT OF INVESTIGATION.—Within ten days after the initiation of any proceeding under this section, the Commission shall set a date on or before which its final decision will be issued. This date may be extended for good cause by order of the Commission.

(e) UNDUE DELAYS.—If, within the time period specified in subsection (d), the Commission determines that it is unable to issue a final decision because of undue delays caused by a party to the proceedings, the Commission may enter a decision adverse to the delaying party.

(f) REPORTS.—The Commission shall make a written report of every investigation made under this Act in which a hearing was held stating its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information, and the published report shall be competent evidence in all courts of the United States.

(g) REPARATIONS.—For any complaint filed within four years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest at commercial rates compounded from the date of injury) caused by a violation of this Act plus reasonable attorneys' fees. Upon a showing that the injury was caused by activity that is prohibited by section 9(b) (5) or (7) or section 9(c) (1) or (4), or that violates section 9(a) (2) or (3), the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 9(b)(6) (A) or (B), the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(h) INJUNCTION.—(1) In connection with any investigation conducted under this section, the Commission may bring suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that the Commission has reasonable cause to believe that a violation of this Act has or is about to take place, and that enjoining that conduct is in the interest of the public, and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the issues under investigation. Any such suit shall be brought in the district in which the defendant resides or transacts business.

(2) After filing a complaint with the Commission under subsection (a), the complainant may file suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the complaint. Any such suit shall be brought in the district in which the defendant has been sued by the Commission under paragraph (1); or, if no suit has been filed, in any district in which the defendant resides or transacts business.

SEC. 11. SUBPENAS AND DISCOVERY.

(a) IN GENERAL.—In investigations and adjudicatory proceedings under this Act—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission which rules and regulations, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(b) WITNESS FEES.—Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

SEC. 12. PENALTIES.

(a) ASSESSMENT OF PENALTY.—Whoever violates any provision of this Act, or any regulation issued thereunder, or Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this Act, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation constitutes a separate offense.

(b) ADDITIONAL PENALTIES.—(1) For any violation of section 9(b) (1), (2), (3), (4), or (8), the Commission may suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed twelve months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 11, the Commission may, after notice and an opportunity for hearing, suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) A common carrier who accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended is subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) If, after notice and hearing, the Commission finds that the action of a carrier or a foreign government has unduly impaired access of a vessel documented under the laws of the United States to ocean trade between foreign ports, the Commission shall take action that it finds appropriate, including the imposition of any of the penalties authorized under paragraphs (1), (2), and (3).

(6) Before any order under this subsection becomes effective, it shall be immediately submitted to the President who may, within ten days after receiving it, disapprove the order if he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) ASSESSMENT PROCEDURES.—Until a matter is referred to the Attorney General, the Commission may, after notice and an opportunity for hearing, assess each civil penalty provided for in this Act. In determining the amount of the penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree or culpability, history of prior offenses, ability to pay, and such other matters as justice may require. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty.

(d) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under this section may obtain review thereof under chapter 158 of title 28, United Stated Code.

(e) FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Attorney General at the request of the Commission may seek to recover the amount assessed in any appropriate district court of the United States. In such an action, the court shall enforce the Commission's order unless it finds that the order was not regularly made or duly issued.

(f) LIMITATIONS.—(1) No fine or other punishment may be imposed for criminal conspiracy to violate any provision of this Act, or to defraud the Commission by concealment of any such violation.

(2) Any proceeding to assess a civil penalty under this section shall be commenced within five years from the date the violation occurred.

SEC. 13. COMMISSION ORDERS.

(a) IN GENERAL.—Orders of the Commission relating to any violation of this Act or any regulation issued thereunder shall be made, upon sworn complaint or on its own motion, only after opportunity for hearing. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) REVERSAL OR SUSPENSION OF ORDERS.—The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing shall,

except by special order of the Commission, operate as a stay of such order.

(c) ENFORCEMENT OF NONREPARATION ORDERS.—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Attorney General, at the request of the Commission, or any party injured by the violation, may seek enforcement by a United States district court having jurisdiction over the parties. If, after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) ENFORCEMENT OF REPARATION ORDER.—(1) In case of violation of any order of the Commission for the payment of reparation, the person to whom the award was made may seek enforcement of the order in a United States district court having jurisdiction of the parties.

(2) In a United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States District Court who prevails shall be allowed a reasonable attorney's fee to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties in the order may be joined as defendants, in a single suit in any district in which any one plaintiff could maintain a suit against any one defendant. Service of process against a defendant not found in that district may be made in a district in which is located any office of, or point of call on a regular route operated by, that defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

(e) STATUTE OF LIMITATIONS.—An action seeking enforcement of a Commission order shall be filed within four years after the date of the violation of the order.

SEC. 14. REPORTS AND CERTIFICATES.

(a) REPORTS.—The Commission may require any common carrier, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires, and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes required to be filed with the Commission under this section shall not be released to third parties or published by the Commission.

(b) CERTIFICATION.—The Commission shall require the chief executive officer of each common carrier and, to the extent it deems feasible, may require any shipper, consignor, consignee, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under the provisions of this Act;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) a policy of full cooperation with the Commission in its efforts to end those illegal practices.

Failure to file a certification shall result in a civil penalty of not more than $5,000 for each day the violation continues.

SEC. 15. EXEMPTIONS.

The Commission, upon application or on its own motion, may by order or rule exempt for the future any class of agreements between persons subject to this Act or any specified activity of those persons from any requirement of this Act if it finds that the exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce. The Commission may attach conditions to any exemption and may, by order, revoke any exemption. No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons and departments and agencies of the United States.

SEC. 16. REGULATIONS.

The Commission may prescribe rules and regulations as necessary to carry out this Act.

SEC. 17. COMMISSION ON THE DEREGULATION OF INTERNATIONAL OCEAN SHIPPING.

(a) ESTABLISHMENT AND COMPOSITION.—(1) There is established the Commission on the Deregulation of International Ocean Shipping (hereinafter referred to in this section as the "Commission").

(2) The Commission shall be composed of twenty-two members as follows:

(A) the President or a person designated by him;

(B) the Secretary of State, the Attorney General, the Secretary of Transportation, the Chairman of the Federal Trade Commission, and the Chairman of the Federal Maritime Commission, or a person designated by each official;

(C) four members from the United States Senate appointed by the President, two from the membership of the Committee on Commerce, Science, and Transportation and two from the membership of the Committee on the Judiciary;

(D) four members from the United States House of Representatives appointed by the President, two from the membership of the Committee on Merchant Marine and Fisheries and two from the membership of the Committee on the Judiciary; and

(E) eight members from the private sector appointed by the President, including representatives of ocean common carriers, shippers, maritime labor organizations, nonvessel-operating common carriers, and ports.

(3) The President or his designee shall be the chairman of the Commission.

(4) The majority leader of the Senate and the Speaker of the House shall make recommendations for the appointments of their respective members to be made pursuant to paragraphs (2) (C) and (D) within thirty days after the date of the enactment of this Act.

(5) The President shall make all of the appointments in accordance with paragraph (2) after receiving the recommendations set forth in paragraph (a)(4), but such appointments shall be made no later than sixty days after such date of enactment. The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by deregulation of international shipping.

(6) The first meeting of the Commission shall be called by the President no later than thirty days after the beginning of the first fiscal year occurring after the date of enactment of this Act.

(7) The term of office for members shall be for the term of the Commission.

(8) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(9) Twelve members of the Commission shall constitute a quorum (but a lesser number may hold hearings).

(10) The Commission shall select a vice chairman from among its members.

(b) COMPENSATION OF MEMBERS OF THE COMMISSION.—(1) Officials of the United States Government and Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as officials and Members, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission appointed from the private sector shall each receive compensation not exceeding the maximum per diem rate of pay for grade 18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the performance of the duties vested in the Commission, plus reimbursement for actual travel, subsistence, and other necessary expenses incurred by them in the performance of those duties, notwithstanding the limitations in sections 5701 through 5733 of title 5, United States Code.

(3) Members of the Commission appointed from the private sector are not subject to title II of the Ethics in Government Act of 1978, Public Law 95-521, as amended, or to section 208 of title 18, United States Code. Before commencing service, these members shall file with the Commission a statement disclosing their financial interests and business and other relationships involving or relating to ocean transportation. These statements shall be available for public inspection at the Commission's offices.

(c) COMMISSION FUNCTIONS.—The Commission shall conduct a comprehensive study of, and make recommendations concerning, the deregulation of international ocean shipping by common carriers. The study shall specifically address—

(1) various options for deregulation of the international ocean shipping industry, with reference to their ability to promote an efficient, stable, and competitive United States common carrier fleet;

(2) the opportunities for harmonizing United States policy toward international ocean shipping with the policies of our major trading partners;

(3) the system for determining tariffs based on the classification of goods and its role in a future deregulated industry; including the most effective method for eliminating unnecessary cargo classifications as a basis for establishing tariffs and the feasibility of establishing a single tariff by each conference or common carrier for all cargoes shipped in units of comparable size, weight, and handling characteristics;

(4) the role of the antitrust laws in the international shipping industry and their impact upon our relations with foreign nations;

(5) the impact of any rules of competition adopted or being considered by our trading partners and their relationship to the trend

in the developing world toward structured cartelization;

(6) the impact deregulation may have on the growth of State-owned or State-controlled merchant fleets;

(7) the size of the United States liner fleet, by number and cargo capacity, which each of the deregulation options may produce;

(8) the future structure and role of the Federal Maritime Commission in a deregulated international ocean shipping industry;

(9) the need for antitrust immunity for ports and marine terminals in their commercial relations with one another and with conferences of ocean common carriers; and

(10) the continuing need for, and the utility of, the statutory requirement that tariffs be filed with and enforced by the Federal Maritime Commission.

(d) POWERS OF THE COMMISSION.—(1) The Commission or, on the authorization of the Commission, any committee thereof, may, for the purpose of carrying out its functions, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or the committee may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the chairman or vice chairman, or any duly designated member, and may be served by any person designated by the chairman, the vice chairman, or that member. In the case of the failure of a witness to comply with a subpena or to testify when summoned under authority of this section, sections 102, 103, and 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) apply to the Commission to the same extent as those sections apply to Congress.

(2) For the purposes of sections 552, 552a, and 552b of title 5, United States Code, the Commission shall not be considered to be an "agency", as that term is defined in sections 551(1) and 552(e) of that title. The Commission is not subject to the Federal Advisory Committee Act, Public Law 92-463, as amended.

(3) Each department, agency, and instrumentality of the executive branch of the government, including independent agencies, shall furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(4) Subject to such rules and regulations as may be adopted by the Commission, the chairman may—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of that title; and

(B) procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5, United States Code.

(5) Persons in the employ of the Commission pursuant to subsection (4) shall be considered to be Federal employees for all purposes.

(6) The chairman may rent office space for the Commission, may utilize the services and facilities of other Federal agencies with or without reimbursement, may accept voluntary services notwithstanding section 1342 of title 31, United States Code, may accept, hold, and administer gifts from nongovernmental sources and transfers of funds from other Federal agencies, and may enter into contracts with any public or private person or entity for reports, research, or surveys in furtherance of the work of the Commission.

(e) FINAL REPORT.—The Commission shall submit to the President and to the Congress not later than one year after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission resulting from the study undertaken pursuant to subsection (c), including its recommendations for such administrative, judicial, and legislative action which it deems advisable. Each recommendation made by the Commission to the President and to the Congress must have the majority vote of the Commission present and voting.

(f) EXPIRATION OF THE COMMISSION.—The Commission shall cease to exist sixty days after the submission to Congress of the final report under subsection (e).

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission.

SEC. 18. OCEAN FREIGHT FORWARDERS.

(a) LICENSE.—No person may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that—

(1) the Commission determines to be qualified by experience and character to render forwarding services; and

(2) furnishes a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

(b) SUSPENSION OR REVOCATION.—The Commission shall, after notice and hearing, suspend or revoke any license if it finds that the ocean freight forwarder is not qualified to render forwarding services or that it willfully failed to comply with any provision of this Act or with any lawful order, rule, or regulation of the Commission. The Commission may also revoke a forwarder's license for failure to maintain a bond in accordance with subsection (a)(2).

(c) EXCEPTION.—A person whose primary business is the sale of merchandise may forward shipments of the merchandise for its own account without a license.

(d) COMPENSATION OF FORWARDERS BY CARRIERS.—(1) A common carrier may compensate an ocean freight forwarder in connection with any shipment dispatched on behalf of others only when the ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

(A) engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space; and

(B) prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the shipment.

(2) No common carrier may pay compensation for services described in paragraph (1) more than once on the same shipment.

(3) No compensation may be paid to an ocean freight forwarder except in accordance with the tariff requirements of this Act.

(4) No ocean freight forwarder may receive compensation from a common carrier with respect to any shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on that shipment.

SEC. 19. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The laws specified in the following table are repealed:

Shipping Act, 1916:	
Sec. 13	36 Stat. 117
Sec. 14a	46 U.S.C. 813
Sec. 14b	46 U.S.C. 813a
Sec. 18(b)	46 U.S.C. 817(b)
Sec. 18(c)	46 U.S.C. 817(c)
Sec. 26	46 U.S.C. 825
Sec. 44	46 U.S.C. 841b
Merchant Marine Act, 1920:	
Sec. 20	41 Stat. 996
Merchant Marine Act, 1936:	
Sec. 212(e)	46 U.S.C. 1122(e)
Sec. 214	46 U.S.C. 1124
Omnibus Budget Reconciliation Act of 1981:	
Sec. 1608	95 Stat. 752

(b) CONFORMING AMENDMENTS.—The Shipping Act, 1916 (39 Stat. 728), as amended (46 U.S.C. 801 et seq.), is amended as follows:

(1) in section 1 by striking the definitions "controlled carrier" and "independent ocean freight forwarder";

(2) in sections 14, 15, 16, 20, 21(a), 22, and 45 by striking "common carrier by water" wherever it appears in those sections and substituting "common carrier by water in interstate commerce";

(3) in section 14, first paragraph, by striking "or a port of a foreign country";

(4) in section 14, last paragraph, by striking all after the words "for each offense" and substituting a period;

(5) in section 15, fourth paragraph, by striking "(including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" and also "with the publication and filing requirements of section 18(b) hereof and";

(6) in section 15, sixth paragraph, by striking ", or permitted under section 14b," and in the seventh paragraph, by striking "or of section 14b";

(7) in section 16, in the paragraph designated "First", by striking all after "disadvantage in any respect" and substituting "whatsoever.";

(8) in section 17 by striking the first paragraph, and in the second paragraph, by striking "such carrier and every";

(9) in section 21(b) by striking "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act," and substituting "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this Act.";

(10) in section 22 by striking subsection (c);

(11) in section 25, at the end of the first sentence, by adding "under this Act";

(12) in sections 30 and 31, after the words "any order of the board", by adding "under this Act,";

(13) in section 29, by striking out "any order of the board," and inserting in lieu

thereof "any order of the board under this Act,"; and

(14) in section 32(c), after the words "or functions,", by adding "under this Act,".

(c) TECHNICAL AMENDMENTS.—Section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by—

(1) striking after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—";

and

(2) striking after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—".

(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously approved or licenses previously issued by the Commission shall continue in force and effect as if approved or issued under this Act; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act.

(e) SAVINGS PROVISIONS.—(1) Notwithstanding subsection 7(c), each service contract entered into by a shipper and an ocean common carrier or conference before the date of enactment of this Act may remain in full force and effect and need not comply with the requirements of that subsection until fifteen months after the date of enactment of this Act.

(2) This Act and the amendments made by it shall not affect any suit—

(A) filed before the date of enactment of this Act; or

(B) with respect to claims arising out of conduct engaged in before the date of enactment of this Act, filed within one year after the date of enactment of this Act.

SEC. 20. EFFECTIVE DATE.

This Act shall become effective one hundred and eighty days after the date of its enactment, except that sections 16 and 17 shall become effective upon enactment.

SEC. 21. COMPLIANCE WITH BUDGET ACT.

Any new spending authority (within the meaning of section 401 of the Congressional Budget and Impoundment Control Act of 1974) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in advance in Appropriations Acts. Any provision of this Act which authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

SEC. 22. COMMISSION REPORT.

The Commission shall collect and analyze information that will assist in determining the impact of this Act, including data on—

(1) increases or decreases in the level of tariffs;

(2) changes in the frequency or type of common carrier services available to specific ports or geographic regions;

(3) the number and strength of independent carriers in various trades; and

(4) the length of time, frequency, and cost, of major types of regulatory proceedings before the Commission.

The Commission shall report this information, together with an analysis of the impact of this Act, to Congress before December 31, 1988.

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate, six of whom shall be members of the Commerce Committee and three of whom shall be members of the Judiciary Committee.

The motion was agreed to; and the Chair appointed, from the Committee on Commerce, Mr. PACKWOOD, Mr. GORTON, Mr. STEVENS, Mr. KASTEN, Mr. LONG, and Mr. INOUYE; from the Committee on the Judiciary, Mr. THURMOND, Mr. HATCH, and Mr. METZENBAUM.

AMENDMENTS TO CERTAIN INDIAN EDUCATION ACTS

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 726.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 726) entitled "An Act to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "DEFINITIONS" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—";

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) For the purpose of determining the Indian student count pursuant to paragraph (7) of subsection (a), such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term. Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term. Indian students earning credits in any continuing education program of a tribally controlled community college shall be included in determining the sum of all credit hours. For such purposes, credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such program.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the repair and renovation of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "FEASIBILITY" in the heading of such section and inserting in lieu thereof "ELIGIBILITY";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (b) and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to the product of—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act; and

"(2)(A) $4,000 for fiscal year 1983,

"(B) $4,000 for fiscal year 1984,

"(C) $5,025 for fiscal year 1985,

"(D) $5,415 for fiscal year 1986,

"(E) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under such Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of section 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized for carrying out section 107, $30,000,000 for each of such fiscal years.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out section 112(b) for each of such fiscal years.

"(b)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

"(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"SEC. 111. (a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to the product of (i) the per capita payment for the preceding fiscal year, and (ii) such applicant's Indian student count for the current fiscal year;

"(B) the Secretary shall next allocate an amount equal to the product described in subparagraph (A) to applicants who did not receive funds under such section for the preceding fiscal year, in the order in which such applicants have qualified for assistance in accordance with such section, and no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B) the Secretary shall allocate such funds by ratably increasing the amounts of the grant determined under such subparagraphs.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A), the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.

"(3) References in this subsection and subsection (a) to section 107 shall, with respect to fiscal year 1982, be deemed to refer to section 106 as in effect at the beginning of such fiscal year.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for us by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or under utilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1984. Such report shall also include an identification of property (1) on which structurally sound buildings suitable for use as educational facilities are located, and (2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is repealed.

SEC. 13. Section 5(a)(1) of the Navajo Community College Act is amended by striking out "October 1, 1979" and inserting in lieu thereof "October 1, 1984".

SEC. 14. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

Mr. BAKER. Mr. President, I move that the Senate disagree to the House amendments and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. ANDREWS, Mr. GOLDWATER, Mr. GORTON, Mr. MURKOWSKI, Mr. MELCHER, Mr. INOUYE, and Mr. DECONCINI conferees on the part of the Senate.

SENATE JOINT RESOLUTION 188—NATIONAL CHRISTMAS SEAL MONTH—PLACED ON CALENDAR

Mr. BAKER. Mr. President, I have a Senate joint resolution (S.J. Res. 188) by the distinguished minority leader, Senator BYRD, Senator THURMOND, Senator BIDEN, and myself, to designate the month of November 1983 as "National Christmas Seal Month."

I ask unanimous consent that the joint resolution be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966

Mr. BYRD. Mr. President, I understand that there is a message from the House on H.R. 4091 which has come over today.

The PRESIDING OFFICER. There is.

Mr. BYRD. Mr. President, I ask that the first reading be had of that bill.

The PRESIDING OFFICER. The clerk will read.

The assistant legislative clerk read as follows:

A bill (H.R. 4091) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under such Acts, and for other purposes.

Mr. BYRD. Mr. President, I ask for the second reading of the bill.

Mr. BAKER. Mr. President, I object to further consideration of the bill.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, may I say for the RECORD, for the benefit of those who may read the RECORD and who may hear these proceedings and not understand, that the procedure we have just gone through is an established procedure under the rules of the Senate, specifically, rule XIV.

Mr. BYRD. Mr. President, I cannot hear the majority leader. I can hear him, but I cannot understand what he is saying.

The PRESIDING OFFICER. The Chair respectfully asks Senators to please take their conferences into the cloakrooms.

Mr. BYRD. Mr. President, I do not see all conferences moving to the cloakroom.

The PRESIDING OFFICER. The Chair does not, either.

Mr. BAKER. Mr. President, I respectfully ask that our colleagues either talk louder or lower. (Laughter.)

The PRESIDING OFFICER. The majority leader may proceed.

Mr. BAKER. Mr. President, I apologize to my friends at the rear of the Chamber.

I was about to explain that what happened just now was that, pursuant to a rule of the Senate, rule XIV, a method is provided, under certain circumstances, for placing a matter directly on the calendar and circumventing the usual procedure of referring the bill or resolution to a committee.

The reason I make this explanation is so that Members and others may understand that I am not objecting to this measure as such but, rather, facilitating the move, under rule XIV, to place the matter directly on the calendar.

Mr. BYRD. Mr. President, anent the rule XIV matter which the majority leader has referred to, I should like the RECORD to show that I made the request for the reading at the request of another Senator.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I have certain items on the Executive Calendar that are cleared for action on this side. I inquire of the distinguished minority leader if he is prepared to consider all or any portion of the nominations on today's Executive Calendar.

Mr. BYRD. Mr. President, in response to the question of the majority leader, it was with respect to the Consent Calendar, am I correct?

Mr. BAKER. Yes. Will the minority leader bear with me one moment?

Mr. BYRD. Surely.

Mr. BAKER. Mr. President, the request I wish to put to the minority leader is whether he is in position to consider all or any part of the nominations on today's Executive Calendar.

Mr. BYRD. Yes.

Mr. President, this side is ready to proceed with certain nominations on the Executive Calendar.

Mr. BAKER. Mr. President, I would be most pleased to hear the nominations that are cleared on the other side and will say in advance that those will be the only nominations that we will take up since there is no objections on this side.

Mr. BYRD. I thank the majority leader.

Mr. President, the minority is ready to proceed with all nominations on the calendar beginning with page 1 and ending with page 5 inclusive, with the exceptions of the following calendar orders numbered 312, 351, 352, and 355.

Mr. BAKER. I thank the minority leader.

Mr. BAKER. Mr. President, I assume that the minority leader is also clearing those nominations on the Secretary's desk in the Army, Foreign Service, and Navy. Is that correct? That would be on page 5.

Mr. BYRD. Yes. I am looking at them. I will just take a second to look at all these and see if anyone is on here from West Virginia.

Mr. BAKER. I admire the caution and care and wisdom of the minority leader. I must say in looking over this if there is a name from Tennessee, it jumps out at me like a flash of light.

Mr. BYRD. I see none from West Virginia.

I am ready to proceed as the majority leader suggested.

Mr. BAKER. I thank the Senator.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session now to consider the nominations on today's Executive Calendar with the exceptions of the calendar order numbers just recited by the minority leader.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

The legislative clerk read the nomination of Susan E. Phillips, of Virginia, to be Director of the Institute for Museum Services.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL INSTITUTE OF BUILDING SCIENCES

The legislative clerk read the nominations of MacDonald G. Becket, of California, and Kyle Clayton Boone, of North Carolina, to be Members of the Board of Directors of the National Institute of Building Sciences.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

ARMY

The legislative clerk read nominations of Brig. Gen. Vernon J. Andrews., Army National Guard of the United States.

Brig. Gen. Luis E. Gonzalez-Vales, Army National Guard of the United States.

Brig. Gen. Gray W. Harrison, Jr., Army National Guard of the United States.

Brig. Gen. John W. Kiely, Army National Guard of the United States.

Brig. Gen. Alexis T. Lum, Army National Guard of the United States.

Brig. Gen. Willard A. Shank, Army National Guard of the United States to be major generals.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

The legislative clerk read the nomination of Col. Edward G. Pagano,

Army National Guard of the United States, to be brigadier general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NAVY

The legislative clerk read the nomination of Rear Adm. Albert J. Baciocco, Jr., to be vice admiral, and the nomination of Rear Adm. Thomas J. Hughes, Jr., to be vice admiral.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

ENVIRONMENTAL PROTECTION AGENCY

The legislative clerk read the nomination of John C. Martin, of Virginia, to be Inspector General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of John C. McGraw, of Pennsylvania, to be Assayer of the Mint of the United States at Philadelphia, Pa.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The legislative clerk read the nomination of Henry F. Cooper, Jr., of Virginia, to be an Assistant Director of U.S. Arms Control and Disarmament Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Richard W. Murphy, of Maryland, a career member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Army, Foreign Service, and Navy placed on the secretary's desk.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, to demonstrate the influence that I have in the Senate, I move to lay the majority leader's motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Would that the observation of the minority leader were correct.

Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that is all I have. I yield to the minority leader.

REPLACEMENT OF THE MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

Mr. BYRD. Mr. President, I send to the desk a resolution which I ask to have printed and also appear in the RECORD. I ask that it be appropriately referred. I offer this resolution on behalf of myself and Senators BAUCUS, BENTSEN, BIDEN, BINGAMAN, BUMPERS, CHILES, CRANSTON, DIXON, DODD, EAGLETON, EXON, FORD, HART, INOUYE, JOHNSTON, KENNEDY, LAUTENBERG, LEAHY, LEVIN, MATSUNAGA, MELCHER, METZENBAUM, MITCHELL, MOYNIHAN, NUNN, PELL, PROXMIRE, RANDOLPH, RIEGLE, SARBANES, SASSER, TSONGAS, and ZORINSKY.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

The resolution is as follows:

S. RES. 253

Whereas 219 Marines, and possibly more, were killed in Lebanon on October 23, 1983, as the result of a terrorist attack on our headquarters at the Beirut Airport;

Whereas the United States Marine contingent of the Multinational Peacekeeping Force was, and continues to be, deployed in exposed positions in and around the Beirut Airport, that Marines occupying sentry positions reportedly were not allowed to carry loaded weapons; and the security for the Marines was obviously inadequate;

Whereas the assassination of Lebanese President elect Bashir Gemayel, the destruction of the U.S. Embassy in Beirut which resulted in 17 Americans being killed, and acts of violence of a similar nature using similar methods have been characteristic of the internal situation in Lebanon particularly since the 1975–1976 Civil War in that country;

Whereas the history of similar acts of violence in Lebanon presented strong evidence of the necessity to provide the most stringent security safeguards for our Marine contingent;

Whereas the United States is not perceived as a neutral participant in the peacekeeping force;

Whereas warring factions in Lebanon, aided by external forces, have used, and continue to use, violence as a means to settle inter-confessional disputes;

Whereas the various members of the Multinational Peacekeeping Force have been, and will continue to be, targets of violence from those elements involved in, and contributing to, the internal conflict in Lebanon;

Whereas a broadly-based peacekeeping force in Lebanon would be a more appropriate demonstration of the vital interest of the international community in a stable Middle East;

Whereas S.J. Res. 159, extending by 18 months the participation of the Marines in the Multinational Peacekeeping Force which passed by a vote of only 54–46 in the United States Senate, demonstrated a strong divergency of opinion regarding the mission and role of U.S. Marines in Lebanon: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) provide immediate, maximum protection and security for U.S. forces in Lebanon; and

(2) vigorously pursue, in coordination with our allies in the Multinational Peacekeeping Force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence, or to other forces from neutral countries, in order to hasten the withdrawal of U.S. ground forces.

(3) prepare and transmit to the Congress a report setting forth the measures he has taken to carry out paragraphs (1) and (2).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. BYRD. Mr. President, the Democratic conference took action on two major issues today—one dealing with the situation in Lebanon and the other relating to the invasion of Grenada.

In the case of Lebanon, the caucus endorsed, without opposition, a sense of the Senate resolution which calls upon the President to:

First, provide immediate, maximum protection and security for U.S. forces in Lebanon; and

Second, vigorously pursue, in coordination with our allies in the multinational peacekeeping force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a U.N. peacekeeping presence, or to other forces from neutral countries, in order to hasten the withdrawal of U.S. ground forces.

What we Democrats did today in conference was the next logical step in responding to the recent events in Lebanon. We are offering the President a constructive alternative to that of maintaining the status quo which would allow us to accommodate an or-

derly withdrawal of U.S. forces from Lebanon.

There are deeply-held concerns on the part of all of us that the mission and role of U.S. participation in the MNF has changed dramatically over the course of the last year. We originally participated in the MNF as a peacekeeping force. However, peacekeeping implies a neutral presence.

Unfortunately, we are not perceived as a neutral participant in a peacekeeping force.

For this reason, it is our belief that a more broadly based peacekeeping force, which can be perceived as being neutral, would be a more appropriate demonstration of the vital interest of the international community in a stable Middle East.

We do call for any action we take to be taken in cooperation and coordination with our allies in the multinational peacekeeping force.

As Senators recall, the legislation authorizing the continued participation of U.S. forces in the multinational force for another 18 months, passed by a vote of only 54-46. This represents sharply divergent views in the Senate as to the administration's jusitification for our continued presence in Lebanon.

Therefore, this action today reflects the deep concerns expressed by the Senate in its September 29, 1983 vote on Senate Joint Resolution 159.

As to the issue of Grenada, the Democratic conference, without opposition, reported a conference resolution which states:

(1) That the provisions of section 4(a)(1) and 5(b) of the War Powers Resolution had been triggered by the introduction of U.S. troops in Grenada; and

(2) That the President's letter to the President pro tempore of the Senate, dated October 25, 1983, did not fulfill the requirements of the War Powers Resolution.

Mr. President, I ask unanimous consent to include in the RECORD an action that was taken by the Democratic conference with reference to Grenada.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE SENATE DEMOCRATIC CONFERENCE ON THE APPLICABILITY OF THE WAR POWERS ACT TO THE SITUATION IN GRENADA

The Democratic Conference without opposition concludes: (1) that the provisions of sections 4(a)(1) and 5(b) of the War Powers Resolution have been triggered by the introduction of U.S. troops into a situation in Grenada where "imminent involvement in hostilities [was] clearly indicated by the circumstances"; and (2) that the President's letter to the President pro tempore of the Senate, dated October 25, 1983, does not fulfill the requirements of the War Powers Resolution.

Mr. BYRD. Mr. President, the last item I referred to is a resolution from the Senate Democratic conference on the applicability of the War Powers Act to the situation in Grenada.

Mr. President, I ask unanimous consent, in connection with these matters, to also insert into the RECORD at this point a copy of the letter which was sent by the President to the President pro tempore of the Senate on October 25, 1983. I am sure that letter has been made public.

Mr. BAKER. Mr. President, if the Senator will yield, I have distributed copies of it. The President pro tempore placed it into the RECORD. I appreciate the minority leader also doing it.

Mr. BYRD. Mr. President, even though it was placed in the RECORD this morning, I think it should be placed in the RECORD again in connection with my own remarks so as to be there for verification purposes.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 25, 1983.

DEAR MR. PRESIDENT: On October 12, a violent series of events in Grenada was set in motion, which led to the murder of Prime Minister Maurice Bishop and a number of his Cabinet colleagues, as well as the deaths of a number of civilians. Over 40 killings were reported. There was no government ensuring the protection of life and property and restoring law and order. The only indication of authority was an announcement that a barbaric shoot-to-kill curfew was in effect. Under these circumstances, we were necessarily concerned about the safety of innocent lives on the island, including those of up to 1,000 United States citizens.

The Organization of Eastern Caribbean States (OECS) became seriously concerned by the deteriorating conditions in the member State of Grenada. The other members of the OECS are Antigua, Dominica, Montserrat, St. Kitts/Nevis, Saint Lucia, and Saint Vincent and the Grenadines. We were formally advised that the Authority of Heads of Government of Member States of the OECS, acting pursuant to the Treaty establishing the OECS, met in emergency session on October 21. The meeting took note of the anarchic conditions and the serious violations of human rights and bloodshed that had occurred, and the consequent unprecedented threat to the peace and security of the region created by the vacuum of authority in Grenada. The OECS determined to take immediate, necessary steps to restore order in Grenada so as to protect against further loss of life, pending the restoration of effective governmental institutions. To this end, the OECS formed a collective security force comprising elements from member States to restore order in Grenada and requested the immediate cooperation of a number of friendly countries, including the governments of Barbados, Jamaica, and the United States, in these efforts. In response to this call for assistance and in view of the overriding importance of protecting the lives of the United States citizens in Grenada, I have authorized the Armed Forces of the United States to participate along with these other nations in this collective security force.

In accordance with my desire that the Congress be informed on this matter, and consistent with the War Powers Resolution, I am providing this report on this deployment of United States Armed Forces.

Today at about 5:00 AM Eastern Daylight Time, approximately 1,900 United States Army and United States Marine Corps personnel began landing in Grenada. They were supported by elements of the United States Navy and the United States Air Force. Member States of the OECS along with Jamaica and Barbados are providing approximately 300 personnel. This deployment of United States Armed Forces is being undertaken pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

Although it is not possible at this time to predict the duration of the temporary presence of United States Armed Forces in Grenada, our objectives in providing this support are clear. They are to join the OECS collective security forces in assisting the restoration of conditions of law and order and of governmental institutions to the island of Grenada, and to facilitate the protection and evacuation of United States citizens. Our forces will remain only so long as their presence is required.

Sincerely,

RONALD REAGAN.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 9 a.m. After the recognition of the two leaders under the standing order, there will be a brief period for the transition of routine morning business until 9:30 a.m. in which Senators may speak for not more than 2 minutes each.

At 9:30 a.m., the Senate will resume consideration of the supplemental appropriations bill. It is anticipated that votes will occur on that measure. It is hoped that the measure can be completed and taken to final passage during the morning hours, meaning by 11 or 11:30 tomorrow.

After that, Mr. President, the leadership on this side will try very hard, one way or the other—I hope by unanimous consent—to get to the debt limit bill, since the debt limit expires at midnight Monday next and all sorts of grave consequences would flow were we not to do that. So I hope by noon tomorrow, or even by 11 a.m., that we are able to reach the debt limit bill. I genuinely hope we can do so by mutual consent.

I will say, for the benefit of all Senators, but the minority in particular, that things look better on this side. We may be able to clear unanimous consent to do that on this side of the aisle. I will have a further report to make to the Senate in that respect some time tomorrow.

Mr. President, we will spend whatever time we need to spend on the debt limit. Tomorrow is Thursday, and the regular late evening. I would like to avoid a late evening, if possible. But we can do so only if we can finish the debt limit bill.

Mr. President, if we finish the supplemental and the debt limit, it will not be the intention of the leadership on this side to ask the Senate to remain in on Saturday. If we do finish the debt limit bill and the supplemental tomorrow, it would be the intention of the leadership on this side to ask the Senate to turn to the Natural Gas Act. I expect a rather lengthy debate on that measure and a fair amount of controversy. I would not be so bold as to suggest that we will finish that either this week or perhaps well into next week. But that is the next order of business.

I had hoped earlier to be able to get to the defense appropriations bill next week, Mr. President, and I had announced that would be the desire of the leadership on this side. However, it appears now that we will not have the defense appropriations bill from the House of Representatives in time to consider it on this side of the Capitol next week. If that situation changes, then the schedule may change.

But, for the moment, the schedule for the next few days is the completion of the supplemental, the completion of the debt limit bill, and the consideration of the Natural Gas Act. There may be other matters, Mr. President, that can be taken up and disposed of routinely and in minimum time. Of course, conference reports as they are received will be taken up and considered, along with other privileged matters.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. BAKER. Mr. President, notwithstanding the fact that the staff on both sides of the aisle do show an eagerness to continue this evening, it seems to me that the better part of discretion calls for us to recess.

Therefore, Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 a.m., tomorrow morning.

The motion was agreed to and the Senate, at 6:49 p.m., recessed until Thursday, October 27, 1983, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 26, 1983:

DEPARTMENT OF THE TREASURY

John C. McGraw, of Pennsylvania, to be Assayer of the Mint of the United States at Philadelphia, Pa.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Henry F. Cooper, Jr., of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

NATIONAL INSTITUTE OF BUILDING SCIENCES

MacDonald G. Becket, of California, to be a member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1984.

Kyle Clayton Boone, of North Carolina, to be a member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1984.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Susan E. Phillips, of Virginia, to be Director of the Institute for Museum Services.

DEPARTMENT OF STATE

Richard W. Murphy, of Maryland, a career member of the Senior Foreign Service, class of Career Minister, to be an Assistant Secretary of State.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

ENVIRONMENTAL PROTECTION AGENCY

John C. Martin, of Virginia, to be Inspector General, Environmental Protection Agency.

IN THE ARMY

The following officers for appointment as Reserve Commissioned officers in the Adjutant Generals Corps, Army National Guard of the United States, Reserve of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Vernon J. Andrews, xxx-xx-xxxx xxx-x... Army National Guard of the United States.

Brig. Gen. Luis E. Gonzalez-Vales, xxx-xx-x... xxx-x... Army National Guard of the United States.

Brig. Gen. Gray W. Harrison, Jr., xxx-xx-x... xxx-x... Army National Guard of the United States.

Brig. Gen. John W. Kiely xxx-xx-xxxx Army National Guard of the United States.

Brig. Gen. Alexis T. Lum, xxx-xx-xxxx Army National Guard of the United States.

Brig. Gen. Willard A. Shank, xxx-xx-xxxx Army National Guard of the United States.

To be brigadier general

Col. Edward G. Pagano xxx-xx-xxxx Army National Guard of the United States.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Albert J. Baciocco, Jr., xxx-xx-x... xxx-x... 1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Thomas J. Hughes, Jr., xxx-xx-x... xxx-... 1110, U.S. Navy.

Navy nominations beginning Robert E. Riera, Jr., and ending Geoffrey E. Schwartz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 3, 1983.

FOREIGN SERVICE

Foreign Service nominations beginning Thomas D. Boyatt, and ending James L. Ward, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 4, 1983.

IN THE ARMY

Army nominations beginning William A. Abel, and ending Patricia L. Wyatt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 17, 1983.

HOUSE OF REPRESENTATIVES—*Wednesday, October 26, 1983*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With the fires of conflict in our world, we pray, O Divine Creator, that Your still small voice will be heard amid and above the clamor. May Your word of justice and reconciliation, of understanding and tolerance, encourage us to seek the paths of peace. As all people have been created by Your will, so teach us to live as one people. Putting aside hatred and suspicion, and putting on the cloak of righteousness, let us fight the good fight for concord and goodwill, seeking Your peace that passes human understanding. Bless all those people, O God, who seek to do the right even in an uncertain world, that together we will do those things that honor You and bring confidence and hope to all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 1062) entitled "An act to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.," returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same.

The message also announced that the said bill was passed, two-thirds of the Senators present having voted in the affirmative.

U.S. INVASION OF GRENADA

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, in light of the situation that we are now facing in Grenada and the death and destruction that has taken place in Lebanon, I think it is appropriate for the House to put off its discussion and debate on the defense appropriation bill until we can reflect more carefully on the events of these last few days.

President Dwight David Eisenhower said on April 16, 1953:

> Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone, it is spending the sweat of its labors and the genius of its scientists, the hopes of its children.

I believe that in order to secure a positive future for our children we ought to reflect carefully on the actions of the administration yesterday in Grenada.

I think those troops ought to be removed.

There were no clear, direct threats to U.S. medical students or other American citizens living in Grenada. There was no request for assistance from officials of the St. George's Medical School, which many Americans attend. There was no input into the decision from the people of Grenada. The President failed to adequately consult Congress in planning and executing the invasion. President Reagan's motives in ordering the invasion were honest, but I believe that his reasons were shallow.

The Secretary of State spoke yesterday of the "atmosphere of violence" in Grenada and the "vacuum" of power there. However, these conditions exist in many other nations—we have not invaded them. Many other countries have experienced a bloody coup d'etat—we have not invaded them. Other nations or groups of nations have asked us for military assistance—we have almost never responded by supplying troops to overthrow the existing government. There are no special conditions which separate this case from many others where we have not found military force to be the answer. Are we to send in our marines and Rangers every time there is an international disturbance? Are we to adopt the interventionist policies of the Soviet Union, which we have criticized so frequently?

One of my major objections to this action regards its timing. This ill-advised adventure shifts our attention away from the serious situation facing us in Lebanon. Our primary concern now should be the safety of our marines in Beirut; our attention should be on securing peace in Lebanon, rather than on possibly illegal military adventures in the Caribbean.

The U.S. Government certainly should support the establishment of a democratic government in Grenada, but there are numerous peaceful ways to achieve this goal. Democracy is a fragile flower which must grow. It cannot be imposed by military means, no matter how much we might wish it.

Mr. Speaker, let us pull the Defense bill until we can think more clearly about these important issues.

A JOINT RESOLUTION CALLING FOR THE ESTABLISHMENT OF A BIPARTISAN NATIONAL COMMISSION ON FEDERAL BUDGET DEFICIT REDUCTION

(Mr. AuCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, recently the national columnist David Broder stated that if we faced an international crisis with the potential to inflict as much damage on the United States as do $200 billion Federal deficits that there would be an immediate, effective, bipartisan response to that danger.

Unfortunately we have seen no adequate response, frankly, from either political party.

Mr. Speaker, without such a response, neither the conservative agenda for capital formation nor the liberal agenda for helping the needy will be possible because we will be allowing debt service in our budget to reach the No. 1 or No. 2 item in that budget. That is why my colleague from Ohio, Mr. WYLIE, and I, along with 12 Republicans and Democrats, have introduced a joint resolution calling for the establishment of a bipartisan National Commission on Federal Budget Deficit Reductions.

The proposal has won the support of the National Home Builders Association who agree that this may be the only way we can achieve a face-saving way to break the ideological hangups that seem to beset both political parties.

It may be the only way to deal with entitlements, tax loopholes, and excessive military spending all at once, so that there is the certainty of equality of sacrifice in order to get this deficit under control.

I urge my colleagues to support the resolution. We are gaining momentum. With their help I believe such a commission is possible.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE UNITED STATES RISKS BECOMING SCAPEGOAT FOR GRENADA

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the invasion of the tiny island of Grenada is illegal, immoral, and a wasteful expenditure of resources and human lives. It is imperative that the Congress exercise its contitutional powers to restore sanity to our foreign policy. We must reject this new policy which implies that the United States is responsible for maintaining democratic institutions in all of the countries of the Western Hemisphere.

I sincerely hope that this administration is not planning to invade Haiti where dictators have murdered, tortured, and denied basic human rights to its citizens for decades. My pleas to this administration is that it not invade the nation of Chile where armed thugs invaded the presidential palace and murdered the constitutionally elected head of government, Salvadore Allende. Today Chile still has not restored its democratic institutions.

In Grenada, the murder of Maurice Bishop and his cabinet was an outrageous atrocity. The new military government was a scandal. Overnight Grenada became a political tragedy. The only worse thing that could have happened is this attempt to solve the internal problems of Grenada by the violence of military intervention and invasion. The United States will now become the scapegoat. Within a few days the poor and unemployed will be blaming the United States for their condition. Throughout the Caribbean the next generation will forget the facts and only anger and bitterness will shape their attitudes and governmental policies with respect to the United States.

Before more harm is done, within the next 48 hours, let us evacuate all Americans and withdraw from Grenada. Let the people of Grenada work out their destiny. In the final analysis these internal problems can only be solved by the people of Grenada themselves.

THE SUPREME SACRIFICE

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, for several anxious days I have been keeping in close touch with a family in my district who have a young marine in Lebanon. They are waiting for word on that young man's safety. It is one thing to watch worried and grieving parents on television from all across the United States and quite another to share with them on a day-to-day basis their feelings.

I hear those in this Chamber, Mr. Speaker, who support the President say, "Well, if we are a great American power we have got to be willing to act like one."

What they are saying is if we believe in a foreign policy we must be prepared to sacrifice the lives of our sons and brothers and fathers and husbands.

I have sat through what they call a secret briefing with Secretary Weinberger and Secretary Shultz. I have listened for that foreign policy, that impetus that would lead me to ask my son to serve in Lebanon. I must tell you quite candidly I have not heard it because, ladies and gentlemen of the House, 1,900 of the bravest marines in the world cannot contain a religious civil war that has raged for decades; 1,900 of the finest American marines cannot contain 60,000 Syrian troops, and 1,900 marines, in the words of the Marine Commandant, cannot even be protected in Beirut from the attack of the fanatic in an area of the world that is teeming with fanatics.

□ 1110

Mr. President, if you cannot take your case for Lebanon to the American people, then for God's sake, bring the marines home.

ARMED SERVICES COMMITTEE TO HAVE HEARINGS ON SECURITY OF MARINE BASE IN LEBANON

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, yesterday the House Armed Services Committee, in closed session, was able to ask questions about the security of the Marine base in Beirut.

The answers were not adequate. And yesterday I requested that we have a full hearing on the security of the Marine base in Beirut.

We have in today's paper the Marine Commandant, Gen. Paul X. Kelley, saying that he was totally satisfied. We have many questions to ask.

The chairman has said that we will meet next Tuesday for a full hearing and we will report to this Congress.

A FOREIGN POLICY OF NO POLICY

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, the American people have been absolutely stunned by the events of the last few days. We woke up on Sunday morning to learn that an untold number of U.S. marines—and the count now stands at 216—had been killed by a bombing attack on their barracks in Beirut.

Before we could recover from that shock, we learned that more marines had invaded Grenada. More death, more war, more grief-stricken families.

These new tragedies have obscured the foreign crisis that had already troubled the American people in Central America. The overriding question now is: Do we have any foreign policy guiding us, or are we just lurching from disaster to disaster, from military intervention to military intervention?

We can survive with a questionable economic policy, we can survive with a debateable energy policy, we can even survive with an undefined trade policy; but we cannot survive with a foreign policy of no policy.

ADMINISTRATION IS DESTROYING CONSTITUTIONAL FRAMEWORK OF THE UNITED STATES

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the Reagan administration's invasion of the small island nation of Grenada is immoral, illegal, and unconstitutional.

What it does substantively is to demean the reputation and the traditions of the United States. It tends to destroy the distinctions which exist between our international behavior and that of the Soviet Union.

There is no way of distinguishing what we are doing in Grenada and what they have done in Afghanistan.

What is worse is that the Reagan administration has quite clearly decided to undercut the Constitution of the United States. This is not just a matter of ignoring the War Powers Resolution. That legislation applies when American military personnel are placed in a situation where hostilities exist—where people are shooting at one another—or where there is an imminent likelihood that hostilities will erupt.

In this instance, we are creating the hostilities ourselves by undertaking an unprovoked military invasion of a sovereign nation. That is a deliberate act of war and requires approval in advance by the Congress of the United States.

This administration is intent, not only in undercutting the prestige and honor of the United States, but in destroying the very constitutional framework of our Government. In ordering the invasion of Grenada, Ronald Reagan has adopted the tactic of the Japanese attack on Pearl Harbor as the new American standard of behavior. The Congress of the United States

cannot allow this perversion of our system to go unchallenged.

LET'S CALL THE WHOLE THING OFF

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, some 40 years ago, George Gershwin popularized a little ditty that went like this:

You like po-ta-to and I like po-tah-to,
You like to-ma-to, and I like to-mah-to,
Po-ta-to, po-tah-to, To-ma-to, to-mah-to!
Let's call the whole thing off!

At about the same time that Mr. Gershwin was writing his tune, Mr. Reagan was starring in the kind of movies that recent incidents in Grenada cannot help but remind one of. Think about it for a moment—a small Caribbean island, a band of bearded local militia, a lot of beautiful and confused residents, and throw in a few angry tourists for comic relief. Unfortunately, this is not a grade B movie, it is not even a very good script—two American marines have already lost their lives.

But if that is the way Mr. Reagan persists in looking at these issues, maybe he will listen to a little advice from Mr. Gershwin. If Gershwin were alive today, perhaps he would consider this rewrite:

You like po-ta-to, I like po-tah-to,
You say Gre-na-da, I say Gre-nah-da,
Po-ta-to, po-tah-to, Gre-na-da, Gre-nah-da,
Let's call the whole thing off.

WE WERE THERE WHEN NEEDED

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, I regret to disagree with many of my Democratic colleagues who preceded me here.

I support the action taken by the United States in conjunction with the Governments of Jamaica, Barbados, and the members of the Organization of Eastern Caribbean States.

I live in Puerto Rico and we are very close to Grenada. And although our normal reaction would be one of nonintervention on the internal affairs of a foreign country, we are not dealing with an established Government. They do not follow the basic rules of civility and order. This action was necessary to protect the lives of 1,000 U.S. citizens and other foreign nationals, but also to protect the life and well-being of the citizens of Grenada.

I hope that civility and order will be restored there by some temporary government, followed by free elections as soon as possible, so that the people of Grenada are able to choose their own government and not be ruled by a band of thugs.

I think that we could not have neglected to respond to those friends, democratic governments like Prime Minister Eugenia Charles of Dominica, who said: "We cannot take over or do anything concerning these thugs. We need your help."

And we were there at the time that it was needed.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT ACTIVITIES AND TRANSPORTATION OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING 5-MINUTE RULE

Mrs. COLLINS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Activities and Transportation of the Committee on Government Operations be permitted to meet today to receive testimony while the House is operating under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

Mr. WALKER. Mr. Speaker, reserving the right to object, could the gentlewoman tell me, has this been checked with the minority?

Mrs. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Illinois.

Mrs. COLLINS. I thank the gentleman for yielding.

It has been checked with the minority and they have agreed to it, both the ranking member and the ranking member on the subcommittee.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

ANSWERS ARE ASKED FOR

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Mr. Speaker, now that American soldiers are engaged in a war on a tiny island in the Caribbean, some important questions need to be answered.

First, what steps did the administration take, short of an invasion, to see that American interests were protected? Is armed intervention now our first alternative? What diplomatic options were pursued?

Second, what evidence is there, other than pure speculation, to support the contention that American lives were endangered? Surely, it is just as plausible to speculate that creating a state of war on the island would also put our citizens in jeopardy.

Third, what will be our posture if the elements we seek to root out take to the hills and engage in a guerrilla struggle against the authorities we have left in their place? Will we take to the hills in pursuit and continue our mission indefinitely or will we leave it to a few hundred soldiers from our Caribbean allies to do the job?

Fourth, if this is a joint venture in concert with our allies, why are we providing 85 percent of the manpower and why did our allies wait 5 hours to land on beaches that our soldiers had already secured?

Fifth, is it our policy to enforce treaties around the world that we are not a party to? Does this policy supercede our obligation, to the charter of the Organization of American States?

Mr. President, we ask for the answers.

AN ECONOMICS TEST

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, many of the problems of a free international economy have been caused by the rapidity of change in our domestic economy. For instance, the percentage of our citizens employed in agricultural pursuits in this Nation has decreased from 50 to 3 percent in 50 years.

Earlier this morning our colleague from Connecticut, Mr. MCKINNEY and I jotted down some suggestions that would guarantee that our colleagues would have flunked a test on simple economics in the 1950's.

At that time if you said that you could experience recession and higher inflation at the same time, or if you believed that the value of gold would go to $500 and not destroy world order, or that real inflation would be 3 percent and the prime rate at the same time would be 10½, or that the price of energy could triple and the world economy would not collapse, or if you thought the United States would become an isolationist island economy rather than Japan, you would have been severely questioned. Now, all of these statements are fundamentally true on this date in October 1983.

□ 1120

But if you had seriously forecast them 30 years ago, you would surely have flunked economics I–A.

NATIONAL COMMISSION OF FEDERAL BUDGET DEFICIT REDUCTIONS

(Mr. MORRISON of Washington asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, with each day that passes, the prospects for a stable, and sustained, economic recovery grow dimmer and dimmer. We can continue to pay lipservice about the creators, and the problems, and the solutions, and the impacts, of the Federal budget deficit—lipservice from now until election day and we will have done two things—we will have allowed the already staggering deficit to mushroom out of control, and we will have convinced the American people that Congress is incapable of addressing the one element of our economy which negatively impacts each and every one of us.

It is clear that a consensus for an effective plan to tackle the deficit will not emerge because no one wants to bite the bullet. We can help build a consensus, however, if we set about to form an objective group that will forge a program to control and substantially reduce the deficit. I urge my colleagues to support efforts, as I am, to establish a bipartisan National Commission on Federal Budget Deficit Reductions.

By bringing together both parties, and representatives of the public and private sectors, and credit-sensitive industries, we will have the best chance of achieving a reasonable compromise with which we can all live. We cannot talk around this issue any longer, Mr. Speaker. Such a bipartisan effort must be established immediately. The alternatives are unthinkable.

THE FEDERAL BUDGET AND PROJECTED DEFICITS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, in a time of international crisis, one can easily overlook the continuing domestic crisis we face with regard to the Federal budget and projected deficits.

Quite simply, deficits threaten our recovery, our economy, and our country. They threaten our security and our way of life as surely as any foreign entanglement—taking their toll day by day and dollar by dollar. They threaten our dreams and aspirations, denying the young and the elderly the chance to own homes and support families.

I think it is time for Congress to lay aside its political differences and explore how we can resolve, together, our national economic problems. Therefore, I believe a bipartisan National Commission to review all options on the deficit is necessary.

We must seek a broad consensus on deficit reductions, or be faced with divisive turmoil in our free market.

We must agree on a balanced-budgetary plan, or be willing to let growing deficits decide our future for us.

We in Congress must act, or be negligent in our duties. We must try and we must succeed.

GRENADA

(Mr. MARTIN of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Mr. Speaker, President Reagan is right in Grenada.

Let us remember what was happening in Grenada. The Communist government of Prime Minister Bishop that had come to power by force had itself a week ago been overthrown and assassinated by even more violent Communists who sought to insure that Grenada would become a stronger Cuban and Soviet military base. Those who then came to power did not consider themselves to be a government. Why should we recognize them as such?

The people of Grenada had no say in these series of armed robberies of their country; and so our purpose, along with our regional allies, is to return to Grenada to the Grenadans and to eliminate this new Communist threat to the region.

Some of our colleagues in the other body equate this attempt to liberate Grenada with the Soviets' attempt to subjugate Afghanistan. If the Soviets can overthrow their own puppet government in Afghanistan because it was not ruthless enough, must they be allowed to overthrow Grenada as well?

They seem to be insisting that we uphold the right of self-determination only for the blood-loving Communist gangsters.

We have heard a lot here about whether our action in joining with all the countries in that region to remove those who stole Grenada constitutes a violation of some international principle. Well, Mr. Speaker, it is clear that one doctrine was violated: The Brezhnev doctrine has been violated and no longer applies to the Caribbean.

HE IS DOING HIS JOB

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, I have listened for 3 years now to some of my colleagues from the other side of the aisle criticize the President for not having a foreign policy, for drifting from one situation to another, for reacting instead of planning. Now I sit here and listen to them criticize him for doing what they have urged him to do all along.

I would remind everyone that almost 4 years ago another President sat in the White House. He was caught off guard by a bloody revolutionary government that took 54 Americans hostage and held them for 444 days. America was humiliated. The most powerful Nation on Earth and we were helpless.

I would now like to point out that President Reagan faced the same situation except that there were 1,000 Americans in Grenada. Our Marines have gone in. They have secured the safety of the Americans and they have laid the groundwork for a democratic government on that tiny island.

I suppose that if the President is going to be criticized, it might just as well be for doing his job—protecting American lives, promoting democracy and showing the world that we are in firm control of our foreign policy and not reacting to world events after they happen. It would be nice, however, if Congress backed him in doing this.

PRAYER IN THE CLASSROOM

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, 20 years have passed since the U.S. Supreme Court began the series of decisions which have gradually informed the Nation that the Court believes that the framers of our Republic intended to prohibit voluntary group prayer in public schools.

Over these years, an overwhelming majority of the American people have consistently expressed their support for restoring prayer in the classroom; but the Congress has failed to respond.

The formulation of public policy on such a vital issue is the responsibility of elected Representatives, not the privilege of the judiciary. In recent years, measures to restore prayer in our Nation's schools have been referred to the Committee on the Judiciary where they languish without the benefit of a hearing.

Accordingly, I have filed a motion with the Clerk of the House to discharge the Judiciary Committee from consideration of House Joint Resolution 100, proposing a constitutional amendment to allow voluntary "individual or group prayer in public schools or other public institutions," and urge my colleagues to join in bringing this issue out of the cellar of the judiciary and into the full light of the House floor for consideration, where it belongs.

Please visit the Clerk's desk and join in signing the petition to discharge House Joint Resolution 100.

MR. PRESIDENT, YOU DID THE RIGHT THING, AND YOU DID IT WELL

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, well, the nay sayers are back at work—those for whom President Reagan and the U.S. Government can do no good. Yes, the critics are already attacking the mission in Grenada, calling the President "trigger happy," and condemning him for his attack on the peaceful and well intentioned leaders of that Caribbean island.

Well, Mr. Speaker, those leaders were murderers and terrorists—prompted by the "peaceful" People's Republics of Cuba and the Soviet Union. Despite the disinformation which is hard at work in this country today, they threatened the lives of American citizens and the security of neighboring Caribbean islands, and yes, ultimately, all free people in the Western World.

But, of course, we all know what the nay sayers would be saying if several hundred of our American citizens had been killed before we acted, they would have criticized him for being insufficiently decisive.

So Mr. President, I congratulate you. You did the right thing, and you did it well.

AN OPPORTUNITY TO RETURN CUBAN CRIMINALS

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, we should be proud that our President took action yesterday in Grenada to protect American lives and to restore order there, in the interests of American security. We should be proud of that fact. There are those who are questioning whether or not American lives were really in danger down there. How many lives have to be lost? How many Americans have to be taken hostage? How much of a threat do we have to have before we act?

I submit to the Members that we had plenty of concern yesterday and over the weekend, and long before that, about the ruthless and bloodthirsty leadership that has evolved in Grenada to justify taking those actions.

Now we have an opportunity to take some additional action. It is my understanding there are about 600, or so Cubans that we are about to return to Cuba from the island of Grenada. We have over 1,000 Cuban criminals from the Mariel boat lift still in the Atlanta Federal Penitentiary. I submit that this is the perfect opportunity for the President to ship back those 1,000 Cuban criminals from the Atlanta Penitentiary, along with the ones from Grenada, to Cuba now. I have a letter I will be circulating among my colleagues to urge the President to do precisely that. I hope the Members will join me and sign this letter to support that initiative.

STATESMANSHIP OF THE SPEAKER

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I am rather consistently critical of many of the policies you advocated, but you should be commended for your statesmanship yesterday regarding our intervention in Grenada.

When our fighting men are on active duty in the field, they have the right to expect support from Congress. The sacrifices they are making, their courage and heroism, merit our gratitude and admiration.

Unfortunately, no sooner did news of our liberation in Grenada come out than some Members scampered to the well of the House or to the recording studio to denounce that action. From the nature of the circumstances, they could not have possibly had all the facts as the intervention had only begun hours before and the briefing from the Secretary of State and the Secretary of Defense was to take place late in the afternoon.

Some did not need the facts, because as always, their aim was political partisanship, and as is becoming increasingly frequent, it was being advanced by attacking the actions of the President taken in the interest of national security.

Statesmanship means rising above petty partisan interests when the national interest is really at stake. You proved yourself capable of statesmanship yesterday. Too bad that some of our colleagues did not. Too bad some of them are here today compounding their mistake by siding with Communist thugs as they criticize our President's actions against those thugs.

THANKS FOR LIBERATING GRENADIANS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise to express my thanks and the thanks of my constituents to the magnificent American fighting men who are now engaged in rescuing our countrymen who were endangered by the Marxist reign of terror in Grenada, and who are also engaged in liberating the Grenadian people. They deserve the thanks of all Americans.

The response of many on the other side of the aisle to this heroic action is instructive. They are ready to believe every peace offer made by the Sandinistas and Castro, but they reflexively disbelieve every statement of their own Government. They vote to cut off funding for covert action in Nicaragua, but they speak against our open, overt action in Grenada. They talk about their devotion to human rights, but they speak against this military intervention to liberate the Grenadian people from Marxist tyranny.

Mr. Speaker, I submit that we should support the President in this action to secure the safety of the Americans on the island, and to help our allies maintain their free, pluralistic governments.

A CASTRO, SANDINISTA, OR KHOMEINI ON GRENADA?

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I have sat and listened yesterday and today to many people who have been referred to as "naysayers" criticizing and condemning our action in Grenada. It just reminds me of the same people or their predecessors in thinking that give us a Castro by condemning Batista and would have decried any interference, who gave us the Sandinistas instead of Somoza, and who blessed us with Khomeini instead of the Shah of Iran. If we had sat and let Grenada go the way that they have urged we do before, we would probably be blessed with similar events on that island.

I want to congratulate the President for acting effectively when the iron was hot and the time was right before we had an established government and a real problem on our hands.

I also want to congratulate the Speaker, Mr. O'NEILL, for his statesmanship yesterday which, unfortunately, was not reflected by many members of his party on his side of the aisle.

GRENADA: THE WISDOM OF INTERVENTIONISM

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, the wisdom of our recent actions in the Caribbean remains in doubt.

I have personal qualms that the administration may be too inclined to play the role of policeman for the world and have particular concern that American troops may already be too thinly spread. To be involved simultaneously in such disparate parts of the globe as El Salvador, Lebanon,

South Korea, and now Grenada is to run the risk of overextension.

In a political context, the U.S. intervention in Grenada may turn out to be an extremely popular electoral issue next year. But I think it important that Congress ask today if the administration has fully thought through all of the ramifications of the course on which it has embarked.

It is, after all, far easier to capture a capital than govern the countryside. As Maurice Bishop, whose rule we so recently deplored, but whose martyrdom we now use as justification for our intervention, warned in a speech 2 years ago: It may be easy for foreign troops to land in Grenada, but it could prove very difficult for them to leave. There is simply no assurance that stiff resistance and/or a continuing guerrilla strategy against interventionist forces will not be the order of the day.

While it is conjectural whether American lives, particularly those associated with the medical school, were in any real jeopardy prior to the intervention, it is clear that the school is now vulnerable to a terrorist act of retribution.

The principle of intervening in the domestic affairs of other states is always troubling. It is particularly so in this instance given the fact that Grenada is a member of the British Commonwealth and that our most loyal ally, Great Britain, strongly objected to our decision. Technically, in fact, U.S. forces are now engaged in combat with troops which under other circumstances might be serving Her Majesty the Queen.

We must recognize that events of this nature have ramifications in other parts of the Third World as well as in the context of East-West relations. The full slate is yet to be written on the impact of this intervention to our general foreign policy goals. In any case, it is clear we have reconstituted gunboat diplomacy in an era when the efficacy as well as the morality of great power interventions have come increasingly into question.

In Lebanon, at issue has been the diplomatic judgment to insert troops and the military judgment on how best to deploy them. Both judgments are under critical scrutiny today. Likewise, in Grenada, a diplomatic judgment has been made to intervene and a military one has taken place to do so with limited force. Questions remain, however, whether that force, which represents numerically less than the island's own armed forces, is adequate to insure a quick resolution of the conflict and whether sufficient policy planning has gone into establishing the framework by which Grenadan society will evolve after military order is established. Who, for instance, will become interim authorities? How will they hold elections? In what time frame? What constitutional and legal sanctions will they and their successors operate under? The answers to these questions are far from clear.

It is said that an individual's character is best revealed by what he or she does when no one is watching. Analogously, a nation's character is perhaps best revealed when it has overwhelming power in relation to an adversary. Whether it acts with impunity or in such a manner as to expand respect for law and order is the true test. The events of the next several weeks will reveal much about the character as well as judgment of current American political leadership.

Only time can provide a definitive assessment of our policy in Grenada. If a legitimate democratic government can be established capable of governing in peace with its neighbors, the intervention may not be in vain. But unfortunately, the precedent for our actions and their dubious viability under international law may temper any short-term success which may occur. The setting up of a less belligerent, more responsible government on this tiny island republic is a noble goal. But if it is accomplished without regard to the obligations states undertake to international order, the loss could be far greater than the gain.

STATESMANLIKE POSITION OF SPEAKER AND MAJORITY LEADER

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I would like to make two points today.

One, we have our differences with regard to Grenada and we have our differences with regard to Lebanon, but I would like to ask the American people at this very difficult time to first, remember to pray for the President and the leaders of our Government and the leaders of our Congress on both sides for wisdom and guidance and knowledge to do the right thing.

The second thing, Mr. Speaker, I would like to pay personal tribute to you and to the majority leader, the gentleman from Texas, JIM WRIGHT, for a very responsible and I think a statesmanlike position that you have taken.

I know it must be very difficult when many Members on your side who have honest differences do not agree with what you are doing, but I think you have handled yourself exceptionally well and I am very proud to serve in the Congress with Speaker of the House "TIP" O'NEILL and Majority Leader JIM WRIGHT.

IT AIN'T GOING TO HAPPEN

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, along the lines of one picture being worth a thousand words, or fact being more persuasive than rhetoric, if the situation in Grenada is what some of our friends on the majority side would like us to believe it is, why is it that the fighting going on there right now is not against Grenadian forces but against Cuban combat troops; not Grenadians but Cubans?

You might wonder how did these Cuban forces get there so quickly. The answer is Mr. Speaker, they have been there for a long time, as they have been in Angola, as they have been in Ethiopia, as they have been in Nicaragua, and so many other places in the world where they do not belong.

We talk about sending messages here in the House all the time, but yesterday we sent a real message to the terrorists of the world, we sent a message to Fidel Castro, and those who would communize the entire Western Hemisphere. We sent them a message yesterday: "It ain't going to happen."

SUPPORT FOR BIPARTISAN DEFICIT REDUCTION COMMISSION

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I join my colleagues in support of the establishment of a bipartisan National Commission on Federal Budget Deficit Reduction. A National Commission offers the best chance for finding solutions to our mounting deficit crisis. If we fail to act now, we will run the risk of ruining our present economic recovery with Government debt, double-digit interest rates, and enormous trade defects.

The budget deficit for fiscal year 1982 soared to over $100 billion and the forecasts for the coming years are even more staggering. The Congressional Budget Office estimates that we will run up $1 trillion in deficits over the next 5 years. This means that the Treasury will be paying around $200 billion in interest payments each year; 53 percent of America's savings will be absorbed by the Federal Government in subsidizing the deficit. Any extended economic recovery will be inhibited by this draining of the savings pool. There will not be funds available for private sector investments.

This bleak picture makes it imperative that we establish a bipartisan National Commission with the goal of seeking consensus solutions for reducing the budget deficits. Budget deficits are not a Democrat or Republican issue. It cannot be solved by partisan rhetoric and finger pointing. Both par-

ties must share in the blame, in the creation of our present deficits, and working together through this Commission is a necessary first step to solving the problem.

□ 1140

MILITARY FORCE SUBSTITUTES FOR DIPLOMACY IN GRENADA

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, while the Secretary of State was briefing this body on keeping the peace in Lebanon, his colleagues in the Pentagon were in the final stages of planning for the invasion of Grenada.

Once again the Congress of the United States was in on the landing, but not the takeoff. Once again this administration has committed U.S. troops outside our borders—and the Congress was not consulted.

We in the Congress learned through the mass media that some 1,900 troops were sent to Grenada as part of an invading force.

We now discover that the British Government expressed grave concerns about that decision. We now are told that the request for U.S. intervention was not agreed to by all of the Caribbean states.

It is becoming increasingly clear that this administration took the decision first, and asked questions later. This administration chose to use U.S. military force, once again for unclear objectives, once again when other options were available.

This Nation has chosen yet again to substitute war for diplomacy. We in the Congress cannot continue to bury our heads in the sand and allow Americans to continue on so dangerous a course. We have the legislative tools at our disposal—we must use them—before it is too late.

IS AMERICA'S ONLY MISSION "MISSION IMPOSSIBLE"?

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, this is Wednesday, and we must be in Grenada or Nicaragua or Lebanon or God knows where tomorrow. If we follow the reasoning put forth by many of my colleagues on this side of the aisle, we may well be cheering on American forces in dozens of countries all over the world.

Mr. Speaker, there is a feeling of anxiety sweeping over this country. My constituents are calling me and saying they are afraid to turn on the radio for fear of yet another military involvement.

This administration is using military force instead of foreign policy. It is relying on bullets instead of brains, the brains God gave us. Before we contact one more mother or father and advise them that their 19-year-old son is dead or limbless or blind for reasons these families do not understand, I ask this President and this administration to develop an achievable and responsible foreign policy instead of turning America into a nation whose only mission is "Mission Impossible."

SHOULD THE MARINES STAY IN LEBANON?

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, the American people are sharing a great sense of national mourning over the horrible bombing of our Marine headquarters in Beirut. As a Member of Congress who visited these marines in that headquarters less than 1 month ago, I assure the Members that I feel a great personal loss of my own.

For the past few days now, I have been asking myself, what do we do now? Furthermore, I have asked myself what contribution a force of 1,200 marines can make toward resolving the multitude of problems that are facing people in this turbulent part of the world.

We have put our marines in a defensive position in a nation wracked by civil war and in an area of the world that fights peace as strongly as it fights for war. I believe that ultimately a withdrawal may be our best alternative.

Others have been asking themselves the same questions. Yesterday the Anniston Star, an award-winning newspaper in my congressional district, ran as its lead editorial an article entitled "Should the Marines Stay?" This is a thought-provoking article. It is one that I believe is worth sharing with my colleagues, and I submit this editorial for the RECORD.

[From the Anniston Star, Oct. 24, 1983]

SHOULD THE MARINES STAY?

If it achieves nothing else, the loss of 165 or so American lives in the terrorist bombing in Lebanon will force a needed reassessment of the U.S. role in Lebanon.

Why are the Marines in Beirut? Should they remain there? If so, for how long? These questions are not answered with simplistic, emotional responses like, "Stop the killing, bring the boys home," or "We can't cut and run," or "Our Marines must fight back and revenge the deaths."

Keeping our Marines in Lebanon, asserting their "right" to be there is not an end in itself. The Marines should remain there only if they are serving an important function.

At present there are 1,200 Marines in Beirut. They are there at the request of the Lebanese government, part of an international peacekeeping force consisting of French, Italians and British troops as well as Americans. The French also lost 31 lives in a similar suicide terrorist bombing Sunday.

The international force was sent there to maintain peace in the Beirut area as Syrian and Israeli troops pulled back, to help the Lebanese government maintain order. It was hoped they would be an impartial, stabilizing influence.

It hasn't worked. Fighting has erupted among a number of Lebanese factions vying for control of the divided nation. There has been more, not less, fighting since the international peacekeeping force arrived. The fighting has continued, at a lower level, since the most recent cease-fire agreement.

The Marines, then, are making little contribution towards maintaining the peace—because there is no peace to keep. Because they are Americans, however, they are natural targets. Extremist groups (are they any other kind there?) will continue to attack them by various means. The Marines must be allowed to defend themselves, but how? Against whom? They can hardly wage aggressive combat in a nation they have come to pacify, against civilian or irregular forces that melt back into the urban population.

Should the Marines remain in Beirut? Only if the situation allows the international force to perform its original function. The Lebanese factions are scheduled to meet in Geneva this week to try for some sort of national reconciliation. If this process begins and seems to hold some hope for peace and unity, the Marines should remain and help.

If, however, the meeting doesn't take place, or fails in its purpose, the Marines should come home. They can make no contribution during continued civil war in Lebanon. It is not their job to enforce peace on all factions. At present their dying is serving little purpose.

WHITE HOUSE ACTIONS IN GRENADA AND LEBANON

(Mr. DANIEL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. DANIEL. Mr. Speaker, I have two points to make, if I may.

It seems to this Member that the President should make an announcement to the world that there will be no more Cubas in the Western Hemisphere, and then everyone who has an interest including Members of Congress, can make the determination as to which side they wish to support.

The other point I would like to make is with respect to Lebanon. In that area of the world we are reaping the whirlwind of terror unleashed when Khomeini replaced the Shah of Iran as the head of that country.

Mr. Speaker, I have just talked to the national commander of the American Legion, Mr. Keith Kreul, who just met with the President this morning. He has issued a news release as a result of that meeting. I include that news release in the RECORD, as follows:

WASHINGTON, D.C., October 26, 1983.—The leader of America's largest veterans organization emerged from a White House briefing on the situation in Grenada and Lebanon this morning talking of strong support for President Reagan's actions. Keith Kreul, Commander of The American Legion, told reporters he found it "appalling that some Americans believe we should cut and run from Lebanon."

Kreul expressed sadness and dismay over the loss of American lives in Lebanon and Grenada but said "we recognize that America's role in the world demands sacrifice in support of our allies and our own interest wherever they may be threatened in the world."

Kreul said Reagan's action in the Caribbean basin region "sends an unmistakable message to Marxist revolutionaries that the Western Hemisphere is not theirs for the taking."

Following his briefing by White House staff members, Kreul spent time on Capitol Hill meeting with Congressional leaders concerning the current world situation.

DEPARTMENT OF DEFENSE CASUALTY NOTIFICATION PROCEDURE

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I am deeply distressed about the inability of the U.S. Department of Defense, overseer of the strongest and most sophisticated military force in the world today, to adequately and expeditiously inform the next of kin about the status of their marine sons who were either injured or killed or are safe after the brutal bombing of the U.S. Marine barracks in the early morning hours of October 23 in Beirut, Lebanon.

My offices in Washington and in the First Congressional District of Kentucky have been besieged with frantic phone calls from relatives of marines who were either in Beirut or en route to Lebanon.

This morning at 7:20 a.m. my administrative assistant, Jim Kanouse, a former military officer, received a telephone call from Mr. and Mrs. Charles A. Norfleet, Sr., of Pembroke, Ky. Mr. Norfleet said that their son, Lance Corporal Charles A. Norfleet, Jr., was somewhere in Lebanon, but thus far he had been unable to obtain any information concerning his welfare.

Using his military experience, my administrative assistant was able to obtain limited information and at least inform the parents that their son's unit was not in Beirut at the time of the bombing. However, on this the fourth day after the terrorist attack, Mr. and Mrs. Norfleet are still uncertain about the whereabouts or safety of their son. How many more next of kin are in their same situation?

Mr. Speaker, there must be a better way in this computer age of 1983.

OECS ACTION SUGGESTS "AUNT JEMIMAISM" IN GEOPOLITICS

(Mr. SAVAGE asked and was given permission to address the House for 1 minute.)

Mr. SAVAGE. Mr. Speaker, I want this body to know that, along with my colleague, JOHN CONYERS of Michigan, I walked out of the ill-conceived Congressional Black Caucus briefing yesterday, on Grenada, by Eugenia Charles, Prime Minister of Dominica and chair of the hastily formed aberration called the Organization of East Caribbean States. I walked out because I felt insulted by her deliberate misinterpretation in referring to article 8 of the OECS charter as giving legal authority for the U.S. invasion. That citation only confers the powers to, and I quote: "coordinate the efforts of member states for collective defense and the preservation of peace and security against external aggression * * *." Unquote.

This puppet of our President represents "Aunt Jemimaism" in geopolitics. The total populations of the few nations she claims to represent are only about as many as reside in one of our congressional districts.

Our Nation has no right, legal or moral, to dictate by military might the internal affairs of any sovereign nation. It raises to an international level Reagan's ante-bellum attitude toward blacks in this country, as evidenced in his firing of the more than half of the Civil Rights Commission yesterday.

Further, this gunboat imperialism is an extension of his fraudulent policy of constructive engagement in South Africa.

Contrary to statements of the President, England has declared that he was aware that it does not support the U.S. invasion, and no evidence has been given that any Americans were in danger from the Government of tiny Grenada. Indeed, I do protest the official lies and wrongs of the past few days.

HOUSE LEADERSHIP COMMENDED FOR ACTION ON FOREIGN POLICY ISSUES

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, as a Republican who usually has a distinct difference of opinion with the leadership of this body on any number of issues, I think that credit needs to be given where credit is due. I commend the Speaker and the distinguished majority leader for their leadership in pushing for nationwide unity during the past 24 hours as we have witnessed the Marine landing—along with the five free nations in the Caribbean—on the island of Grenada. The Speaker and the majority leader have put politics aside, and I am grateful for their leadership this week.

I must confess, however, to being dismayed at the reaction of many members of the majority party. As I sat through the closed-door briefing yesterday with the Secretary of Defense and the Secretary of State, I was amazed to hear the lamenting and wails of dissent from Members who were sharply critical of our involvement in Grenada. Their criticism of the President was especially disconcerting in light of the time element involved.

The President made this decision after days of consideration and consultation with the nations affected by the events in Grenada, but there I sat, hearing the cries of foul play only hours after the operation began.

I couldn't help but think that had the administration done nothing to protect the lives and security of Americans on Grenada, those same Members of Congress who leveled such harsh criticism would be the same ones who would be assailing the President had he taken no action, and if we had indeed been faced with hostage situation we faced in Iran.

Mr. Speaker, now is the time for unity and bipartisanship. I urge in the strongest terms for those members of the majority to pay heed to their own leadership—and put partisan politics aside as the events in Grenada unfold.

□ 1150

RESERVE JUDGMENT ON PRESIDENT'S DECISION ABOUT GRENADA

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, a lot of us have very sincere, and I think, understandable doubts about the wisdom of our invasion of Grenada. But, I am not prepared to say at this point that the President and the Organization of Eastern Caribbean States were wrong in their recent actions.

Two points stand out for me. First, Grenada's military rulers had already demonstrated their capacity for butchery when they executed Prime Minister Maurice Bishop, members of his cabinet, labor leaders and a number of private citizens, including women and children. In fact, their takeover was so bloody that even Fidel Castro denounced it.

Second, the 1,000 or so Americans on the island were not being allowed to leave. Their departure was postponed and postponed and postponed, and like the entire population, they were under

a 24-hour curfew with violators subject to being shot on sight.

Does anyone really doubt that they would have done just that and perhaps more?

In 1979 in Iran we were on notice that Americans could be subject to severe violence and we tried to reason with fanatics diplomatically, fanatics that really did not recognize international norms, basic standards of civilized conduct. That was a foolish mistake and that is what the President has stated that he was trying to avoid. He did not want to repeat the mistake made in Iran.

I do not think we can solve international problems through military action, but on a call such as this the benefit of the doubt, I think, must go to the President for now.

In view of the fact that our Armed Forces are now on the ground committed in combat in Grenada, I think that we should reserve judgment on the decision made by the President and the Organization of Caribbean States and ask for the prayers of all Americans for both our combat forces, for the President, and all the leaders of this great Nation of ours.

LISTEN TO THE DEMOCRATICALLY ELECTED LEADERS OF THE EASTERN CARIBBEAN

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I would urge my colleagues, as I did yesterday, to resist all temptations to lump together the situation in Grenada with events in Lebanon and Central America. The only thing these events have in common is their timeframe. They are literally and figuratively worlds apart and have to be viewed in that manner or we will make serious and irrevocable mistakes in judgment.

I am seriously concerned that so many, particularly those in the national media, are lumping these events together and fitting them into convenient stereotypes rather than taking the time to understand the history of the region, and listen to the duly elected leaders of the island nations that make up the eastern Caribbean.

These English speaking islands of the eastern Caribbean form part of a chain running from off the coast of Florida to the coast of Venezuela. But they have nothing in common with Latin America or Central America other than the Caribbean Sea. These island nations have no history of bloody coups which have been a common occurrence in the power struggles that have engulfed Latin and Central America for centuries.

Instead the islands of the eastern Caribbean have a history and a tradition of democratic principles. A bloody coup, such as occurred in Grenada, is an aberration and an abomination to the people of this region where democracy has been the rule rather than the exception.

How then did we get into the situation that exists in the region today? Again, I say, we must look to the history of these islands for the answer. The history of these islands goes back to Christopher Columbus. All the major powers of Europe fought over these islands. Practically all of the islands of the eastern Caribbean, including Grenada, were colonized at one time or another by Great Britain, and for over 300 years Britain extracted enormous profits from her colonies in the eastern Caribbean. But, by the fifties and sixties of this century, the economic balance shifted, and as worsening conditions in the colonies islands fueled an increasing need for subsidies, and an increasing spirit of nationalism, Britain decided to pull out and cut her colonies loose. Granting independence was a pragmatic economic decision by the British.

Tragically, when Great Britain pulled out she left her former colonies without the means to defend themselves from aggression from within or without. We are seeing the consequences of that tragic mistake today. For last week during the bloody coup in Grenada, when individuals seized power by force and brutally executed the prime minister and members of his cabinet, neither the people of Grenada, nor the people of the neighboring eastern Caribbean islands were able to respond. The problem is that these small independent nations of 70,000 to 100,000 people were left with no capacity to protect themselves from violence, within or without.

I ask you to listen to the democratically elected leaders of the eastern Caribbean. They are the ones who cried out for help.

USE THE CARIBBEAN INITIATIVE PLAN

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, like many Members of the House, I spent virtually all of yesterday at different briefings. As a member of the Intelligence Committee I was briefed by the Central Intelligence Agency. As a Member of the House I was briefed by the Secretary of State and the Secretary of Defense. Candidly, at none of these briefings was the gentleman from Kentucky advised that the U.S. citizens in Grenada were in any danger at any time prior to the U.S. invasion of that island.

So, there must have been another reason to invade Grenada. That was to change its government.

I think all of us abhor Marxist-Leninist philosophies. We abhor communism and can think of nothing worse by way of a government and we would want to do everything possible to be sure that islands like Grenada are not governed by such people. But, there are other initiatives better than invasions of islands and seeking apparently to change governments that I feel would lead to a better life for the people of the Caribbean.

One of the things which this Chamber did barely a few months ago was to adopt the Caribbean Initiative plan, a tough series of votes for many of us.

I fear that if America is in the posture of being once again the invader, the oppressor, the imperialist in the area of the Caribbean, the United States will lose credibility with people of the region, and the whole Caribbean Basin Initiative plan may itself come apart at the seams. To the gentleman from Kentucky the Caribbean Basin Plan seems to offer a greater possibility for a lasting peace and prosperity in the region than invading Grenada.

APPOINTMENT OF CONFEREES ON H.R. 3223, DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3223) making appropriations for Agriculture, Rural Development, and related agencies programs for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. ROEMER). Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection, appoints the following conferees: Messrs. WHITTEN, TRAXLER, MCHUGH, NATCHER, AKAKA, WATKINS, HIGHTOWER, SMITH of Iowa, and ALEXANDER, Mrs. SMITH of Nebraska, and Messrs. ROBINSON, MYERS, ROGERS, and CONTE.

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE CONFERENCE REPORT ON H.R. 3223, DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow to file a conference report on the bill (H.R. 3223) making appropriations for Agriculture, Rural Development, and

related agencies programs for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR UPGRADING OF FOUR POSITIONS ON CAPITOL POLICE

Mr. MINISH. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 343) providing for upgrading of four positions on the Capitol Police for duty under the House of Representatives, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 343

Resolved, That (a) there are established four additional positions of sergeant on the Capitol Police for duty under the House of Representatives.

(b) Each appointment to a position under subsection (a) shall be made—

(1) by the Capitol Police Board, with prior approval of the Committee on House Administration; and

(2) without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 2. Four positions of private on the Capitol Police for duty under the House of Representatives are abolished.

SEC. 3. Until otherwise provided by law, there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this resolution.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. MINISH) is recognized for 1 hour.

Mr. MINISH. Mr. Speaker, the Committee on House Administration reported the resolution favorably by unanimous voice vote at its meeting on October 25.

The resolution responds to a request by the Sergeant at Arms that appropriate legislation be passed to create four new positions of sergeant to correct a shortage of sergeants available for field supervision resulting from assignment of four existing sergeants in the field to more specialized duties. Two sergeants were assigned to the drug enforcement branch, one to the bomb squad and one to the criminal investigations divisions.

To offset this cost of $96,084—4 times $24,021—the Sergeant at Arms requests to abolish four currently vacant positions of private. This savings of $73,028—4 times $18,257—will leave a net cost of $23,056.

It is my understanding that the four new positions of sergeant would be filled by personnel currently eligible for promotion to the rank of sergeant.

□ 1200

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Kansas, the ranking minority member of the committee.

Mr. ROBERTS. I thank the gentleman for yielding.

As the gentleman indicated, House Resolution 343 did pass the full committee with no objection this last Tuesday. This resolution does respond, as the chairman has pointed out, to a request by the Sergeant at Arms that we do have four new positions of sergeant. We are in fact correcting the situation where these folks have been assigned to special duties and we need more officers in the field.

This side of the aisle has no reason to object to this bill. I rise in support of it and urge my colleagues to support the bill as well.

Mr. MINISH. Mr. Speaker, I thank the gentleman for his support, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ALLOWING TRANSFER TO PORTSMOUTH SUBMARINE MEMORIAL ASSOCIATION, INC., OF THE OBSOLETE SUBMARINE U.S.S. "ALBACORE"

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 1944) to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. HUNTER. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman, the gentleman from Florida (Mr. BENNETT), for an explanation of the Senate bill.

Mr. BENNETT. Mr. Speaker, S. 1944 would allow the obsolete submarine U.S.S. *Albacore* (AGSS-569) to be transferred to the Portsmouth Submarine Association before the expiration of the otherwise applicable 60-day congressional review period. Depending upon the date of adjournment, the 60-day period could extend into next year. The bill is identical to H.R. 3980, which was reported favorably by the Armed Services Committee on October 25, 1983. No objection to the transfer or the waiver of the notification period was expressed during committee consideration of H.R. 3980.

Mr. HUNTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete submarine United States ship Albacore to the Portsmouth Submarine Memorial Association, Incorporated, a nonprofit corporation organized under the laws of the State of New Hampshire.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3980) was laid on the table.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, and that I may be permitted to include tables and extraneous material in connection with the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1984

Mr. ADDABBO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York, (Mr. ADDABBO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of

the bill, H.R. 4185, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, October 25, 1983, the Clerk had read through line 19 on page 7 and pending were amendments offered by the gentleman from New York (Mr. ADDABBO) and a unanimous-consent request to consider the several amendments en bloc.

Is there objection to the unanimous-consent request of the gentleman from New York (Mr. ADDABBO) to consider the amendments en bloc?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) is recognized for 5 minutes in support of his amendments.

Mr. ADDABBO. Mr. Chairman, the amendment would add back $82,700,000 in the operation and maintenance title of the bill. It would restore certain reductions made by the committee as follows: for the Army bachelor furniture, $8 million; Army libraries, $6.7 million; theater Army repair program, $25 million; and real property maintenance, $43 million. It would specifically appropriate an additional $39.7 million for O&M for the Army; $11.3 million for O&M Navy; $4.3 million O&M for the Marine Corps; $22.5 million for O&M Air Force; $1.9 million for O&M defense agencies; $720,000 for O&M Army Reserve; $540,000 for O&M Navy Reserve; $40,000 for O&M Marine Corps Reserve; $350,000 for O&M Air Force Reserve; $650,000 for O&M Army Guard; and $700,000 for O&M Air Guard.

Mr. Chairman, since the markup by the subcommittee, we have received further information from the Department of Defense and we feel that the original reductions which we made in the subcommittee should be reconsidered. The military can always use additional money for O&M and on their behalf I offer this amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from New York (Mr. ADDABBO), and express appreciation not only to the chairman, the ranking minority member, but to his staff for working this matter out.

I think it will redound to the credit of the committee, and certainly will contribute to the readiness of our military forces.

I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. ADDABBO).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that the balance of title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words.

I would like to open a colloquy with the chairman.

As I read page 24 of your bill, it states that the funds for the battleship reactivation are for the U.S.S. *Wisconsin.*

It is my understanding that the U.S.S. *Missouri* was supposed to be the next battleship reactivated.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

The gentleman is correct, and I have recently discussed this matter with the Department of the Navy, and they have advised me that the battleship *Missouri* is in much better condition than the *Wisconsin.* They hope to use funds appropriated in fiscal year 1984 to reactivate the *Missouri* on the west coast and we will be working out the details of this issue when the bill goes to conference with the Senate.

Mr. ANDERSON. I thank the gentleman for his explanation.

The CHAIRMAN pro tempore (Mr. MINISH). The Chair recognizes the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

I wanted to make mention of the matter just discussed by the gentleman. Since I represent the naval shipyard into which the *Missouri* was originally supposed to come last year, I am concerned that a decision in the other body denied that opportunity. That has created a tremendous difficulty for people in my district.

The employment level at the Navy shipyard has been affected, and private shipyards up and down the west coast have been affected as a direct result of it since previous planning had taken place. I am encouraged to hear the exchange that just took place, and I am hopeful that the Navy's preplanning on the reactivation of the *Missouri* will not be lost. I am also hopeful that the many shipyard workers in and around my district and the district of the other gentleman from California and several others will not lose their jobs or will not be in jeopardy from a future decision not to proceed with the *Missouri.*

This decision to reactivate the *Missouri* has been made by the Department of the Navy in the national interest and does affect my district in a very direct way, and I am hopeful that his problem will be worked out in this Congress.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I would like to commend the gentleman from New York for his action, and to say that I think that the performance of the *New Jersey* has well justified the refurbishing of the *Missouri,* and I again commend the committee.

□ 1210

The CHAIRMAN pro tempore. Are there any further amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,116,748,000, and in addition, $22,500,000 to be derived by transfer from "Aircraft Procurement, Army, 1983/1985", to remain available for obligation until September 30, 1986.

PARLIAMENTARY INQUIRY

Mr. BETHUNE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BETHUNE. Does the point of order to any line in this particular title have to be made before the amendments to the title are commenced?

The CHAIRMAN pro tempore. The Chair would advise the gentleman that the bill is being read by paragraph.

Mr. BETHUNE. The answer is until we get to it, my point of order on a particular paragraph would be protected until we get to the paragraph?

The CHAIRMAN pro tempore. Unless the title is open by unanimous consent.

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: Page 18, line 8, strike out "$3,116,748,000" and insert in lieu thereof "$3,198,448,000".

Mr. MONTGOMERY. Mr. Chairman, what this amendment does is add back to the Army aircraft six C-12's, it adds 16 AH-64's, it adds production of the UH-60, and it implements the JSTARS program.

The Appropriations Committee on Army aircraft reduced this program by 10 percent. My amendment would reduce the cut to 7.1 percent, so it still is a reduction under the Appropriation Committee.

The C-12, this amendment would add $11 million to procure six C-12 aircraft for the Army National Guard. Under the bill it says that this would be a provision for leasing and they provided in the bill to lease these C-12's for $1 million. In my opinion, that is not enough.

To summarize the C-12 issue, leasing is just not feasible economically and it should delay the C-12 program. So we would like to buy the C-12's instead of leasing them.

The AH-64 Apache, I would add $41 million to restore procurement of 16 Apaches, and these Apaches, by adding them, there is a good possibility they would go to the Army National Guard.

We are also adding the UH-60 Blackhawks and this amendment would restore $23 million of the $49 million cut in the UH-60 programs and allows the program to proceed in a stable manner taking advantage of the net savings in the program.

My last part to this amendment is known as JSTARS, Mr. Chairman. This is a Joint Surveillance and Target Attack Radar. This is one of the most promising of the emerging technologies that we have before us.

Gen. Bernard Rogers, testifying before our committee, urged that we be able to deploy JSTARS as soon as possible.

Mr. Chairman, this is a reasonable amendment. A lot of this equipment would go to the National Guard and Reserve. If it had not been for the Authorization Committee on Armed Services of this House and also Appropriations Committee, which bill I am trying to amend at this time, we would not be getting the proper equipment for the National Guard and Reserve.

This is a reasonable approach. I hope this amendment would be accepted.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

As the gentleman knows, his authorizing committee added $1.2 billion for the Guard and Reserve and the Appropriations Committee fully funded almost all of the programs for the Guard and Reserve. The C-12 aircraft go to the Active Army and six U-21 aircraft are transferred to our Reserve components, our bill permits this to occur.

I would like to ask the gentleman a question relative to the JSTARS program which he is seeking to increase by $5 million. I was wondering why he would be increasing the appropriation by $5 million for procurement when the gentleman's own committee had reduced the RDT&E funding by some $54 million for this program? Why would you want to start procurement in a program while reducing RDT&E on the same program? Isn not procurement premature?

Mr. MONTGOMERY. After review we felt like the $5 million would be reasonable and it would send a message to the DOD that the Congress wants this program accelerated, and that was the reason for that action.

I yield back the balance of my time.

Mr. ADDABBO. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the committee bill includes more than $3.1 billion in this appropriation. We have carefully reviewed all of these programs. We support the C-12 program. But we have found that it is less costly to lease rather than to buy, and we placed in the operation and maintenance account $1 million so that all of these planes, the additional six, can be leased.

There is no reason to buy them. If we lease, we save money because the contract is based on competition and the manufacturer must then maintain and support them and not the services. The Guard and the Reserve have no objection to the action of the subcommittee since these new aircraft will go to the Active Army as directed in the House Armed Services Committee's own report.

Relative to the AH-64, the gentleman adds an additional $41.8 million to procure 112 rather than 96 AH-64 gunships. Last year the Congress appropriated procurement funding for 48 gunships. This was fully supported by the Appropriation Committee. At the time, the program was to ramp up to 96 aircraft in fiscal year 1984.

Now they wish to go from 48 to 112. Such a large ramp up invites cost overruns and waste. By keeping their so-called feet to the fire we have been able to bring this program cost down. Increasing it from the 48 to 112 makes no sense at this point in time. The $41.8 million is not needed.

As to UH-60 Blackhawk, the amendment proposes to give them, or throw to them, $23.1 million. My colleagues, I would ask you to listen very carefully to this. I know we want to give our services the best of everything. But, the $45.8 million reduction in the bill for this program was based on a paper prepared by the Army itself. It was not our findings. The paper is dated June 21, 1983, and shows savings amounting to $14.5 million in fiscal year 1983 and $34 million in fiscal year 1984.

These savings result from the net effect of production acceleration, economic price adjustments, and business base adjustments. So, therefore, we do not in any way reduce the number of UH-60 Blackhawks requested in fiscal year 1984. The numbers remain the same. We are procuring them all. All we did was take the reduction of $45.8 million which the Army had given up.

Turning to the last item, $5 million for the JSTARS program. The budget request for JSTARS was $163.9 million in RDT&E. The authorizing committee made a reduction in this request because they felt that amount of money was not justified.

The money that we are requested to place back in this budget is $5 million for procurement that was not requested by the Pentagon, and I believe the authorizing committee reduction in RDT&E is evidence that this additional funding is not warranted.

Therefore, my colleagues, I would ask your support in defeating this amendment. We believe that the $3.1 billion the committee has appropriated in this bill for the aircraft procurement, Army, is sufficient.

□ 1220

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, let me preface my remarks here by saying that I think that the Appropriations Committee has worked long and hard—sometimes they work too long.

We all seek the same thing and I would hope that the members of the committee and the Members of the House would not consider the offering of several amendments by our committee as in any way a reflection or a comment on our part as to the actions of the Appropriations Committee.

It is just that in certain areas we have legitimate, bona fide differences of opinion and we think in certain areas the cuts were too deep.

We too spent a great deal of time studying the subject matter. Based on our findings and our facts, we feel the cuts were too deep in certain areas and we are seeking to restore them.

The statement of the ranking member (Mr. EDWARDS) and the chairman (Mr. ADDABBO) yesterday, as to their deliberations and their agreements with our committee and the jurisdictions involved, and so forth, are absolutely right. Two years ago we met, had an agreement which, as I understand it, is just a restatement of the law.

We have no quarrel with appropriations over what was appropriated. That is not involved here.

What we felt should happen was that we would like to see appropriated the things that we did authorize. We are not concerned about things that were being appropriated that were not authorized.

They have, as far as I know, kept faith and done a great job in that regard. Also, I drew an inference from what was said, though, that it was felt that if we did not accept the product of that committee that somehow we were breaching the agreement because they were not violating it by appropriating more than was authorized.

That is not the case at all. I feel that there are certain areas where the cuts are too deep, they were unnecessary and I think will be detrimental to our defense posture.

As was pointed out in the general debate yesterday we started off with a request by the administration for over 10 percent real growth. Then it got back to the House and the Senate and our Budget Committees took this up and started working on it and it came back to a 4-percent real growth, at one time, then it went back to 6 percent. And it generally wound up with a little over 5 percent real growth that the Committee on the Budget authorized and was the bogey or the mark for our committee.

We set to work to live up to what the House told us to do. We endeavored as sincerely as we could to meet what we thought was the mandate put on us by the House to prudently prune the administration's requests down to which the House said we could live with.

And we did this. We spent some 4 months surgically reducing in all of the areas. We did this and it was painful. A lot of programs fell out, a lot of people felt they were being hurt by it.

By trying to live up to what the House told us to do, we did it, we passed it on the floor and the House accepted it.

That is the authorization bill.

Then in talking with some of the members on the Appropriations Committee, I said, "Well, what do you think about it?" And they said, "Well, we think you did a good job and we do not think there is going to be any violence done, substantial violence done to the efforts of the authorizing committee."

But, Mr. Chairman, when you look at the final product, we took out over $12 billion from what the President asked, to come up with about a 5-percent real growth figure.

Now the Appropriations Committee has taken several billion dollars more than this, several billion dollars less than the amount that the House has already authorized, and cut out many programs and deleted programs or reduced programs that we feel are very serious indeed.

So, I am making these comments in a general sense because there will be several amendments offered during the course of the afternoon to restore certain line items.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(By unanimous consent Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. Now, the amendment offered by my colleague from the other side of the aisle, Mr. MONTGOMERY of Mississippi, addresses four elements which are in aviation: The six C-12's; we looked at these. I heard what the chairman of the Subcommittee on Appropriations said but we really felt that this was probably the most prudent way to go. That is what the services asked.

Now, the UH-60 and the JSTARS are included but at this time I would like to focus my remarks and address one element of the four with which I am most familiar.

I am talking about the Apache helicopter. This is a program that we have been working on now in one mode or another for 10 or 12 years. It started out with the Cheyenne helicopter program and it got too expensive, and after spending about $3 billion the program was canceled, and we started off with a new one called the Apache. That is the one that is before us today.

Just last month, after many years of deliberation and debate here on the floor, and with the Senate, and in conference, they went into production and last month the first Apache rolled off the production line in Mesa, Ariz. It is a very formidable weapons system. It is quite an advance in the state of the art. It is something that the Army desperately needs. It is the first new helicopter that has been fielded now in 20 years, a fighting ship, a gunship.

We need it and everybody has agreed that "OK, we need it." So then we have to make a decision: "Well, how much is it going to cost? And at what rate should we produce it?"

Well, the DOD request came up. This action of the committee deletes or cuts back 16 Apaches and cuts the funding approximately $90 million below the authorization.

We did not just arbitrarily pick a figure; the Army told us what they needed for a production rate. We looked at it, we studied it, we heard the testimony and we approved an authorization at a set level of production, and the House approved it.

It was not attacked, but now the action of the Committee on Appropriations is to cut out the funds for 16, cut out the funding of $89.9 million or approximately $90 million.

Our amendment would restore 16 birds. What does this mean? First let me say that the program is on cost and ahead of schedule.

What they came in and asked for, we approved, we authorized it and it is in production and on cost and ahead of schedule.

So why are we going to cut it? What would be the effect? According to what the Army tells us, and I have spoken with them personally, the reduction of the production rate to 96 would increase, increase the unit cost, that is each aircraft would increase the unit cost by $1 million per aircraft and increase the program total cost by $450 million.

□ 1230

We need the Apaches in quantity to counter the 3-to-1 advantage in heavy armor and artillery and tanks of the Warsaw Pact. We need the Apaches to counter the 3-to-2 advantage on attack helicopters of the Warsaw Pact.

The Army intends to ramp up production rate to 12 per month. And I am told by the Army—and they were concerned about this—that in this deletion it will slow the delivery rates of those planes that they very desperately need, it will make the cost of each one—now, this does not say we will not ultimately get them, we get them later—it will increase the cost of each helicopter by about $1 million. It will cost $450 million more than we need to spend for them.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. DICKINSON. So you have to ask why. What is the rationale? What good does it do? We have presented the program. It has not been attacked. It is on cost. It is ahead of schedule. We have no problems with it now. To delete the production rate and slow it down by 16 birds, aircraft, this year simply adds to the cost of the total of each aircraft and simply adds to the total cost of the program. It benefits no one. There is no rationale that I can think of why we should delete the funding for these 16 aircraft this year.

And this is a part of the amendment offered by the gentleman from Mississippi (Mr. MONTGOMERY). They were

offered en bloc. And I am speaking only to that one portion, but I think probably similar facts would appertain to other elements of the amendment also.

So I would ask the members of the committee and this is not an assault or trying to undo the work of the Appropriations Committee, we need it. It does not save money. It costs. This is what the Army tells us. It is not just a figment of our imagination.

I am disappointed that the Appropriations Committee felt constrained to make this reduction in production numbers.

I would ask the Members of the House to look at the figures, examine the facts, and support our committee in this add-back amendment of amounts that the House has already authorized and that we very desperately need.

I yield back the balance of my time.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, I hope that we can get this all out of our system on this amendment as far as the discussion between the Armed Services Committee and the Appropriations Committee is concerned and deal with the future amendments as they come up on the merits.

But I do think that we might just as well have it out here a bit. We understand that the Armed Services Committee is supposed to authorize the items that we then deal with in Appropriations. And we understand their responsibility and I do not feel very comfortable up here opposing amendments to provide more for defense because it is a little out of keeping with my basic approach to defense.

But after the authorization process is over, and after the Congress has dealt with it, then somebody has to try to put dollars to what is authorized. And it is not a happy circumstance to be in, to feel in your bones that you would like to put a little more money here and a little more money there.

But we come to you with a $247 billion bill. These four items add $87 million. Insignificant in the scheme of things. But if you do not deal with these small items from time to time $247 billion becomes $257 billion and $260 billion and somewhere there has got to be a limit.

And I think our committee has done a good job. We have not gutted the Apache. What we did was go with the Army's original schedule. It appeared to us to be a normal ramp up in production rates. I do not apologize for trying to approach the procurement of the Apache in an orderly and proper way and I think that is what we have done.

We tried to save some money on the C-12 by leasing instead of buying. And the money that would be added back here, over the budget, would be to procure, to buy, rather than to lease.

We think what we did on the Blackhawk was responsible. We found the money to provide for the helicopters. And we knocked out $5 million add-on over the budget for JSTARS.

I do not think that is some sinful approach to the defense of this country. It is an effort to try to find an orderly way to bring the needs of the defense together and find the dollars to pay for them. And I think that is what our job is. Not to stay in hot water with the Armed Services Committee, not to stay in hot water with the Pentagon or the President, but we are looking at a $200 billion deficit. And we have got to find some way to deal with that.

We have come in with 2½ percent real growth, not enough for me, I said that in my opening remarks. And I am quite sure that when the Senate finishes with this bill that we will have some compromises as are in order and we will come up with something larger than 2½ percent real growth.

But if we start picking away at this simply because the other committee does not like everything we have done, then we are not going to have an appropriations process that works in the proper way.

The Army has not required any of these items. They have not come to us and said, "Gee, you have done wrong. You have ruined us." They have never done that. The Army has not asked for these amendments.

I submit that our subcommittee did an adequate job on these four items.

And I would urge the Members to vote down the amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to take this opportunity to commend the gentleman in the well, the gentleman from Alabama (Mr. EDWARDS) for his leadership in the markup. As the ranking Republican on the Appropriations Committee, I sat in on a lot of that markup and I want to commend the gentleman for his statesmanlike leadership.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. EDWARDS) has expired.

(At the request of Mr. CONTE and by unanimous consent, Mr. EDWARDS of Alabama was allowed to proceed for 2 additional minutes).

Mr. CONTE. I commend the gentleman in forging a very delicate balance on this bill. I know that he does not agree with some of the cuts that have been made and I have been in disagreement with him. I have sided with the chairman of the committee on some of the cuts that he offered.

The gentleman from Alabama showed great leadership. He is one of the most outstanding Members of the House and I know of no one in the House that knows more about the military posture and the defense bill than JACK EDWARDS of Alabama.

There are many items in this bill—and I am sure the gentleman from Alabama will agree with me—where amendments were offered in subcommittee, and the proponents said, "Put more money in it and we will save, we will save money in the long run."

□ 1240

And we would add another $100 billion to this bill to save $25 billion.

It is just like my wife going broke buying bargains out of the bargain store. And you cannot do this. You have got to draw the line somewhere. I think the gentleman has come out with a decent, responsible bill, and I hope this House will support it and defeat this amendment.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Texas.

(By unanimous consent, Mr. EDWARDS of Alabama was allowed to proceed for 3 additional minutes.)

Mr. PICKLE. I appreciate the gentleman yielding.

Mr. Chairman, I am not knowledgeable on the specifics of this amendment. I assume that the planes are needed and that the Army would like to have them in its arsenal. Whether it is an emergency nature or whether they should have the planes, I am not questioning. I would, though, like to have the House consider that you are now talking about whether you lease these planes or whether you purchase the planes.

Now, our Committee on Ways and Means had considerable hearings on this subject, and that particular item is or will be a part of the tax bill that is pending to come before us, that is the question of sale or lease. I think the House ought to be mindful that whenever you lease, under normal circumstances, it costs more than if you make an outright purchase. I do not think anybody disagrees with that as a premise. Sometimes a lease is a proper way, and certainly that ought not be discouraged if it is proper.

Earlier this year we saw where the Navy was going to lease some 25 prepositioned ships for the Indian Ocean, and they claimed that it would save the Navy's budget almost $20 million. The truth of the matter is that it would cost the taxpayers, that is the Federal budget, about $250 million more almost immediately, within the first few years. Now, that is an added cost to the Treasury. I do not know whether that Navy contract will be maintained, because actual contracts have been let and I do not know whether they will be able to stop that.

But I say to the Members that the question ought to be raised in this Committee in reference to this amendment or other leasing amendments: If you have a lease that is for a specific, fixed price, and at the end of that lease, a culmination of it can be made where we can actually buy it for that amount, then that is a normal lease sale transaction and I do not think tax credits will be involved and, under normal circumstances, that would be approved.

But if you are talking about a lease here, as the committee apparently is talking about, that is not at a fixed price, and if it is just optional, to be negotiated, then I say to you that tax credits, the investment tax credits, the accelerated depreciation, all of these credits that the third-party entrepreneurs will get, come into question. That would cost the Federal budget millions of dollars.

So I think that whatever you do about this amendment with reference to the C-12 and the other things pending, this Appropriations Committee and the Congress must keep in mind that if you are talking about leasing, that sounds good, but normally, if you are not careful, it is a back-door way of financing a back-door budget figure. I would hope that the Appropriations Committee and the Armed Services Committee will help us, the Congress, determine what is a definite policy that we should follow, not alone with respect to this particular amendment, but to the overall policy that if you lease, you normally will cost the taxpayer a great deal more than if you just buy.

Mr. EDWARDS of Alabama. I thank the gentleman for his contribution. I am sure the gentleman would not want to leave the impression that all leasing is bad and all buying is good.

Mr. PICKLE. I did not say that. I made it clear that I did not.

Mr. EDWARDS of Alabama. And I want to reiterate what the gentleman has said, that is not the purpose of the gentleman's comment.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I will tell my friend, the gentleman from Texas (Mr. PICKLE), that this matter has been fully investigated by the Air Force, and the Treasury Department has concurred in the Air Force study which concludes that, when considering all tax aspects, in this case leasing would be cheaper for the military.

Under the lease, the contractor, the company that produces the plane, they must maintain and support it. It does not fall upon the Department of Defense. That saves the taxpayers dollars.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. EDWARDS) has expired.

(By unanimous consent, Mr. EDWARDS of Alabama was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. If the gentleman will yield further, on the question of buying or leasing, if the gentleman's amendment is passed, I think it is detrimental to the Department of Defense. We have said that we support the C-12 program. The planes are needed. And if they find leasing is detrimental, they can come back either on a reprograming or a supplemental for procurement funds. But under the study we have received, where we can save defense dollars and maintenance and support, and in the final analysis, we feel that the leasing is less costly at this point in time. I would add that the DOD has already signed leases for 40 of these same planes.

Mr. PICKLE. Mr. Chairman, I will say to the gentleman that I am not questioning the study, and I am not familiar with it in this particular case; so I cannot take issue with the gentleman on that.

I do say to the gentleman, though, that there is a tendency on the part of the various committees of Congress to lease, preserve a sale—and lease back procedures, that costs the Federal Treasury much more under normal lease and sale back procedures.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am inclined to just make a few comments on the colloquy that has just taken place between our ranking minority member on the Appropriations Subcommittee, as well as the members of the Armed Services Committee.

A long time ago, this Member has the real honor of serving as a member of the Armed Services Committee, and I know how diligent the members of that committee are, and I know they stand for a strong national defense. They spend a lot of time, a lot of hours, in their meetings and in their hearings. If there is another group on Capitol Hill that spends more time and is more involved in trying to understand the defense requirements of our Nation, it is the Appropriations Subcommittee on National Defense. Most of us would like to provide all of the funding, and in some cases even more funding, that the Armed Services Committee authorized. The problem we face is that funds are just not unlimited. We have to be reasonable in the requests that we make to the American taxpayer for the dollar that we spend, we have got to do the very best we can to provide a strong national defense at the best price possible. And that becomes the job of the Appropriations Committee.

I agree with the gentleman from Alabama. I think we have done a pretty good job. There are a few places I would make my own changes, I would add a little more here and I would take a little more, possibly, in some other place. But, generally, we have before the House a pretty good appropriations bill. I do not think it is going to create any negative situation as it relates to our national defense capabilities.

I see the possibility this year, as happened last year, of a number of amendments coming from my former colleagues on the Armed Services Committee, and they may very well be the kinds of things we would like to do. But just understand, we have spent a long time balancing our needs, recognizing that we need more than just the particular pieces of hardware at issue in this particular amendment. And I would hope that the Members of the House would pay close attention to what the Appropriations Committee has done and recommended.

I compliment the gentleman from Alabama for taking the position that he has taken, because I know that he too would like to be able to spend more money in certain defense areas but he also knows the limitations under which we work.

Mr. MAVROULES. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Montgomery amendment. I am disturbed that the House Appropriations Committee bill leaves a real decrease of 1.3 percent rather than real growth in the procurement account. With the funding of tremendous increases in strategic programs like the B-1 and MX and other nuclear systems like the Pershing II this means that the appropriations bill makes major and disproportionate cuts in conventional modernization programs for which there should be the strongest support.

Two cuts, in particular, which disturb me are the reduction of 16 Apache and a $49.5 million cut in the UH-60A Blackhawk program.

Last year the AH-64 program was under assault in Congress because of cost growth. After considerable pressure from the Congress, the Army and the contractor worked out what was, in effect, a contract with the Congress to reduce program costs. Part of the plan was a decision to accelerate production to make maximum savings from economic rates of production. The Appropriations Committee recommendation to reduce AH-64 procurement from 112 to 96 would undo all the progress we have made in reducing cost. Ironically, the argument the Appropriations Committee used in cutting the program was that GAO said there was still a potential for cost growth. Well, the surest way I know of

to make that cost increase a self-fulfilling prophecy is to stretch out the program.

The Army is already almost through with negotiations for 112 aircraft and to force them to go back now and start all over negotiating with subcontractors and vendors for quotes on 96 aircraft could delay contract definitization by 6 to 9 months. Such delays are costly.

The Montgomery amendment would allow us to procure the 16 aircraft for $41.8 million—a cost of $2.6 million per aircraft—provided we allow the Army to fund the program services contract annually—as the costs are increased.

I know the Appropriations Committee feels strongly about the full funding principle but we make exceptions to it regularly where it makes sense to do so.

And in this case, full funding is penny wise and pound foolish. We have a chance to buy AH-64's at $2.6 million apiece. If we adhere to full funding of program support costs—which are really only estimates anyway—then next year we will have to pay $8-9 million each for the same 16 aircraft. That just doesn't make sense—especially since we need the helicopters.

I am also concerned about the UH-60A cut of $49.5 million because I think the Appropriations Committee misunderstood the Army testimony.

A program manager is given the authority to manage his program funding to produce end items. In every program there is not one but several contracts he has to negotiate to produce that end item. In some negotiations he does better than expected—in others he may not do as well in the negotiations as he had planned for. But we allow the program manager flexibility. We give him one total budget, not a series of contract budgets. He has to have the freedom to use savings on one contract to offset increased costs in other contracts.

The Army testified to the Appropriations Committee that there would be savings of $49.5 million on one contract—the airframe multiyear contract. The Army did not say there would be savings of $49.5 million over the entire program. Some of those airframe savings must be reapplied to other contracts to support accelerated production—without which most of the savings in the airframe contract would evaporate.

The Montgomery amendment would reapply $23.1 million on the airframe contract to other contracts. If we do not do this—if we do not spend the $23 million to support acceleration to a monthly production rate of 10 per month, we have a catch 22—that is the airframe savings will disappear and there is a serious doubt we can avoid a production line break in May 1985.

I urge the adoption of the Montgomery amendment.

□ 1250

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I think the gentleman has made an excellent point that the Committee on Armed Services has already labored over this bill and has made cuts to accommodate the strategic spending.

Mr. Chairman, I would like to point out something else that I do not think has been touched on with regard to the attack helicopter. We have talked about the fact that members of the Committee on Appropriations Defense Subcommittee would like to spend on a number of programs if they had the dollars available to do it, but they are constrained by the budget not to do it.

The attack helicopter that we are building, the AH-64, is going to be the main counterforce that we will have in Western Europe to counter the massive tank buildup that the Warsaw Pact nations have made. Right now they have about 30,000 tanks in Western Europe. We only have about 7,500. We have stationed almost half a million American servicemen and servicewomen in Western Europe who are threatened by those tanks. The attack helicopter is really late in coming. It is a counter that will fill a void that has existed for many years. Right now our people are threatened by that tremendous tank imbalance.

This helicopter is one of the weapons that is going to cure that imbalance. I think we are doing a disservice to our people, if we are going to keep them in Western Europe. Those half a million people may deserve to have the weaponry that they are going to need to counter that massive Warsaw Pact tank force.

Mr. MAVROULES. I thank the gentleman for his comments.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MAVROULES) has expired.

(On request of Mr. GLICKMAN and by unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Chairman, one of the items in this amendment concerns adding funds for the C-12 utility aircraft. As the gentleman in the well knows, and my colleague from New York, these items are to be provided by reason of a leasing situation.

My concern is that if perchance the gentleman from Texas (Mr. PICKLE) or some other Members of this body or the other body succeed in either killing or substantially modifying the leasing provisions so that that type of situation is not allowed to occur, will my colleague from New York come back and recommend that those C-12's actually be procured through the normal purchase route?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, I would assure the gentleman from Kansas that the subcommittee fully supports the C-12 program, all of them that have been authorized. We have only made this change because we feel, and I say this based on an Air Force study, that this is the cheapest way to go.

If we find that because of a change in law or conditions that this is not the best way to go, that to procure them is the best way to go, we have already stated that they may come back for either a supplemental or reprograming and they would have the full support of the subcommittee.

Mr. GLICKMAN. I appreciate the response of my colleague.

Mr. MAVROULES. Finally, Mr. Chairman, I urge my colleagues to support the Montgomery amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I would be glad to yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, let me just say, in line with what the gentleman has already pointed out and what has been said before, these cuts are not forced by the budget. The process, as we all are aware, is that OMB first looks at what they think they can afford Government-wide, not just DOD, and they give their input to the administration that sends the budget over.

Then the Congress looks and says what it thinks it can, in the budget process, afford.

So there is an administration budget, then the Congress came along and said that is too much, we want to cut that 10.2 percent real growth in half, so that is the Congress budget, and we did that.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MAVROULES) has again expired.

(On request of Mr. DICKINSON and by unanimous consent, Mr. MAVROULES was allowed to proceed for 4 additional minutes.)

Mr. DICKINSON. If the gentleman will yield further, then we are coming to deal with this on the authorizing committee, see that the ceilings put on us by the Committee on the Budget, we start taking things out that have been requested in the 10 percent real

growth to come down to 5 percent. We did this. We met the budget. We did what the full House said they wanted done. We did this.

Then we came back with our package and we said this is what you told us to do, this is the ceiling. We have done it, and we ask you to authorize it. They did. They accepted the product of our committee. They authorized it in these amounts, so we cut the budget for the administration, we cut the budget for the House itself.

So there are no budget constraints driving us down several billion dollars below this. Everything that we are asking for here can be put back in and it will still be under what the House said they would be willing to pay for, that we need, that we have authorized. It does not violence and is not driving up the deficit over what we already agreed in this House we are willing to accept in the authorizing process and in the budget ceiling that was passed.

So what we are saying is that these particular programs, out of all the cuts that have been taken, we feel strongly are not wisely made and should be restored because you have already agreed to this amount, we have done what you said. We are not over the budget; we are under the budget. Now these additional cuts to the budget are not required to do what the House told us to do. They are needed. They should be restored and I would urge that the House restore them.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman makes an excellent point that even under this amendment we are still under the budget. The Committee on Appropriations cut the Army aircraft by 10 percent. My amendment only adds back 3 percent, so there is still a 7.1-percent cut in Army aircraft by the Committee on Appropriations.

This is a reasonable approach.

Mr. MAVROULES. Mr. Chairman, one of the figures we should pay close attention is that in the procurement account it is minus 1.3 percent.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, I am glad the gentleman restated that minus 1.3 percent for the procurement budget. We know the reason for that minus 1.3 percent is the fact that last year in the procurement account we had two aircraft carriers that are not in the bill this year. That was over $6 billion.

I would hope that the gentleman from Alabama (Mr. DICKINSON), is not saying that the Committee on Appropriations is not supposed to review what the authorizing committee has done or what the Committee on the Budget has done, just because we have reached a certain goal. We do not go by goals. We go by what is proper and justified for funding. When the military itself says, "We have a $45 million in savings," then we should take those savings, not because we are looking for a 3- or 4-percent growth. The authorizing committee says, "We have reduced so much, we have reached our goal; therefore, we should not go below that goal." I am hoping that the gentleman from Alabama did not mean that we should do the same thing.

Mr. DICKINSON. If the gentleman will yield for a response, that is not what this gentleman intended to say. Of course, we recognize the function of the Committee on Appropriations. That is your function and duty, to review.

My point was that in the Apache helicopter, the Army does not say that what you have done is a savings. It is a dead loss, $450 million added to the program, and $1 million a helicopter added over what it would cost as they were originally funded. They did not tell you this was a saving.

So what I am saying is that the budget has not forced the reduction here; it has been done for other reasons. We could put the money back in, agree to the amendment, and still be well under what the budget is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. MONTGOMERY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ADDABBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 193, not voting 21, as follows:

[Roll No. 418]

AYES—219

Akaka	Brown (CA)	Dickinson
Albosta	Bryant	Dingell
Anderson	Burton (IN)	Dorgan
Andrews (NC)	Byron	Dowdy
Andrews (TX)	Campbell	Dreier
Applegate	Carney	Duncan
Archer	Carr	Durbin
Aspin	Chappell	Dyson
Badham	Chappie	Eckart
Barnard	Cheney	Edwards (OK)
Bartlett	Clarke	Emerson
Bateman	Coleman (MO)	English
Bedell	Coleman (TX)	Erdreich
Bennett	Courter	Erlenborn
Bereuter	Craig	Evans (IL)
Bevill	Crane, Daniel	Feighan
Biaggi	Crane, Philip	Fiedler
Bilirakis	D'Amours	Fish
Bliley	Daniel	Flippo
Boggs	Dannemeyer	Florio
Boner	Daschle	Frank
Borski	Davis	Franklin
Boucher	de la Garza	Frost
Breaux	Derrick	Gephardt
Britt	DeWine	Gibbons
Gilman	Lungren	Rose
Gingrich	MacKay	Rowland
Gore	Madigan	Rudd
Gramm	Marlenee	Schaefer
Guarini	Marriott	Sensenbrenner
Hall, Ralph	Martin (NC)	Shelby
Hall, Sam	Martin (NY)	Shumway
Hammerschmidt	Mavroules	Siljander
Hance	McCain	Sisisky
Hansen (ID)	McCloskey	Skeen
Hansen (UT)	McCollum	Skelton
Harkin	McCurdy	Smith (IA)
Hartnett	McEwen	Smith (NJ)
Hatcher	McGrath	Smith, Denny
Heftel	Mica	Solomon
Hillis	Molinari	Spence
Holt	Mollohan	Spratt
Hopkins	Montgomery	Staggers
Hubbard	Moody	Stark
Huckaby	Moorhead	Stenholm
Hunter	Morrison (WA)	Stratton
Hutto	Murphy	Stump
Hyde	Neal	Sundquist
Ireland	Nichols	Synar
Jenkins	O'Brien	Tallon
Johnson	Oakar	Tauzin
Jones (NC)	Olin	Taylor
Jones (OK)	Ortiz	Thomas (CA)
Jones (TN)	Oxley	Thomas (GA)
Kaptur	Packard	Valentine
Kazen	Panetta	Vander Jagt
Kennelly	Parris	Vandergriff
Kindness	Pashayan	Volkmer
Kolter	Patman	Vucanovich
Kramer	Patterson	Watkins
Lagomarsino	Pease	Weber
Latta	Pepper	Wheat
Leath	Pickle	Whitehurst
Lent	Price	Whitley
Levitas	Quillen	Whittaker
Lewis (FL)	Ratchford	Williams (MT)
Livingston	Ray	Wise
Lloyd	Reid	Wright
Loeffler	Richardson	Wylie
Long (LA)	Ridge	Yatron
Lott	Rinaldo	Young (AK)
Lowery (CA)	Roemer	Young (MO)
Lujan	Rogers	Zablocki

NOES—193

Ackerman	Ferraro	Levine
Addabbo	Foglietta	Lipinski
Alexander	Foley	Long (MD)
Annunzio	Ford (MI)	Lowry (WA)
Anthony	Ford (TN)	Luken
AuCoin	Forsythe	Lundine
Barnes	Fowler	Mack
Bates	Frenzel	Markey
Beilenson	Fuqua	Martin (IL)
Berman	Garcia	Martinez
Bethune	Gaydos	Matsui
Boehlert	Gejdenson	Mazzoli
Bonker	Gekas	McCandless
Boxer	Glickman	McDade
Brooks	Goodling	McHugh
Broomfield	Gradison	McKernan
Brown (CO)	Gray	McKinney
Broyhill	Green	McNulty
Burton (CA)	Gregg	Michel
Carper	Gunderson	Mikulski
Chandler	Hall (IN)	Miller (CA)
Clay	Hall (OH)	Miller (OH)
Clinger	Hamilton	Minish
Coats	Hawkins	Moore
Coelho	Hefner	Morrison (CT)
Conable	Hertel	Mrazek
Conte	Hightower	Myers
Conyers	Hiler	Natcher
Cooper	Horton	Nelson
Coughlin	Howard	Nielson
Crockett	Hoyer	Nowak
Daub	Hughes	Oberstar
Dellums	Jeffords	Obey
Dicks	Kasich	Ottinger
Dixon	Kastenmeier	Owens
Donnelly	Kemp	Paul
Downey	Kildee	Penny
Dwyer	Kogovsek	Perkins
Dymally	Kostmayer	Petri
Edgar	LaFalce	Porter
Edwards (AL)	Lantos	Pursell
Edwards (CA)	Leach	Rahall
Evans (IA)	Lehman (FL)	Rangel
Fascell	Leland	Regula
Fazio	Levin	Ritter

Roberts	Shuster	Udall
Robinson	Sikorski	Vento
Rodino	Simon	Walgren
Roe	Slattery	Walker
Rostenkowski	Smith (FL)	Waxman
Roth	Smith (NE)	Weaver
Roukema	Smith, Robert	Weiss
Roybal	Snowe	Whitten
Russo	Snyder	Williams (OH)
Sabo	Solarz	Wilson
Savage	St Germain	Winn
Sawyer	Stangeland	Wirth
Scheuer	Stokes	Wolf
Schneider	Studds	Wolpe
Schroeder	Swift	Wyden
Schulze	Tauke	Yates
Schumer	Torres	Young (FL)
Seiberling	Torricelli	Zschau
Sharp	Towns	
Shaw	Traxler	

NOT VOTING—21

Boland	Fields	Mineta
Bonior	Gonzalez	Mitchell
Bosco	Harrison	Moakley
Collins	Hayes	Murtha
Corcoran	Jacobs	Pritchard
Coyne	Lehman (CA)	Shannon
Early	Lewis (CA)	Wortley

□ 1310

The Clerk announced the following pair:

On this vote:

Mr. Corcoran for, with Mr. Hayes against.

Messrs. FOGLIETTA, SMITH of Florida, and FOLEY changed their votes from "aye" to "no."

Ms. OAKAR, Mr. GORE, and Mr. GUARINI changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

I am quite concerned about language appearing in the committee report apparently blocking implementation of the new authority to pay travel and transportation for dependent children of members stationed overseas until the committee has reviewed the plan for implementation. Section 910 of Public Law 98-94 authorized payment for one annual round trip between school in the United States and the member's duty station overseas for children of members of the military. This section, added through my amendment, attempts to bring military children up to parity with the children of other Federal employees stationed abroad. Further, it is a small, but important, way that we can make a military career more attractive and less destructive to traditional family life. I think it would be dreadful if we did not fund this program.

Mr. ADDABBO. I thank the gentlewoman for yielding to me.

I would like to provide the gentlewoman with some assurances for myself and the Committee on Appropriations. We strongly support the decision to provide one annual trip at Government expense for the dependents of military personnel.

I fully support, and I believe the majority of my committee fully supports this program. Our problem was that we could not get decent information from the DOD. First, they said it would cost $1 million per year, and then they said $2.4 million a year, although the basis for this estimate is still unclear.

We did not want to appropriate a fixed sum of money until we know what funds are actually needed.

Mrs. SCHROEDER. I understand your position because I was unable to get decent information from DOD also. My concern is that I want DOD to be able to start paying for these trips as of October 1 so that children can visit their parents for Christmas or Thanksgiving this year. I do not want DOD reading your committee report as saying that they cannot go ahead and provide transportation for dependent students immediately.

Mr. ADDABBO. If the gentlewoman will yield further, I believe the DOD should start providing this transportation immediately and should pay for it out of existing O&M funds.

The law clearly states, whenever possible, the Military Airlift Command or Military Sealift Command should be used on a space-available basis for such travel. While I believe DOD should go forward immediately to provide this kind of benefit, I still would insist on better budget justification from DOD for operating this program.

Mrs. SCHROEDER. I really appreciate the assurance of the chairman that that is the intent of the committee in helping to clarify it.

Mr. CONTE. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentlewoman for yielding.

At the outset I want to commend the gentlewoman from Colorado. I want to rise to state my support for the effort to correct an inequity which exists in our present overseas military dependent benefits. It is a recognized requirement for the dependents of our overseas diplomats and civilian officials to be able to come back to the States to pursue postsecondary education. Yet, this benefit is denied our uniformed services dependents.

As our senior noncommissioned and commissioned officers contemplate retirement or further reenlistment, one of the major factors is the education of their children who have reached college age. As you can imagine this is not only a matter of inequity that exists between our civilians and our military, but if we do not have this benefit, its absence becomes a major factor in keeping experienced soldiers, sailors, and airmen on active duty.

The program will not cost much and would certainly be limited in the number of trips that can be taken. Nonetheless we should approve it and provide the funds that are necessary to effect the program.

The gentlewoman is absolutely correct, I was going to offer an amendment to straighten this out, and I am glad that we have had this dialog here today with the chairman, and I want to thank the chairman and we have straightened this matter out.

Mrs. SCHROEDER. I thank the distinguished gentleman from Massachusetts, because I am sure that will straighten it out.

You are right, fairness dictates this is long overdue.

Mr. CONTE. Thank you.

Mrs. SCHROEDER. I yield back the balance of my time.

The CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

The Clerk will read.

The Clerk read as follows:

MISSILE PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, as follows: For Other Missile Support, $9,200,000; for the Patriot program, $885,000,000; for the Stinger program, $100,500,000, and in addition, $37,300,000 to be derived by transfer from "Missile Procurement, Army, 1983/1985"; for the Laser Hellfire program, $218,800,000; for the TOW program, $189,200,000; for the Pershing II program, $407,700,000; for the MLRS program, $532,100,000; for modification of missiles, $123,300,000; for spares and repair parts, $261,702,000; for support equipment and facilities, $108,200,000; in all: $2,807,702,000, and in addition $37,300,000 to be derived by transfer, to remain available until September 30, 1986: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by $28,000,000 for revised economic assumptions.

POINT OF ORDER

Mr. RAY. Mr. Chairman, I make a point of order that the language on page 19, line 5, after "$100,500,000" through "1983/85" on line 6 constitutes a reappropriation of unexpended balances of appropriations and thus is not in order under rule XXI, clause 6.

The $37,300,000 that would be transferred from the Army missile funds, 1983-1985, would be extended in availability to September 30, 1986.

Such an extension of these funds through appropriation is prohibited by the rules.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. DREIER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DREIER of California. Does the ruling of the Chair on the gentleman's point of order mean that title IV is underfunded by $37.3 million for Stinger missile procurement in fiscal year 1984?

The CHAIRMAN. The Chair will state that the gentleman is not making a parliamentary inquiry.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 19, lines 8 and 9, strike "for the Pershing II program, $407,700,000," and on line 11 strike "$261,702,000" and insert in lieu thereof "$236,602,000" and on line 12 strike "$2,807,702,000" and insert in lieu thereof "$2,374,902,000".

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

We have passed this some time ago, and I would like to take this a bit out of place, but I would like to point out to the body that there is a funding for some 5,000 sea-air mariner program slots.

I think that this is in the right direction. However, I would like to see that at a higher strength level; but as I say it is moving in the correct direction. This a very important program. As we know, reserves of all branches are terribly important, but even according to your report here, the Navy Reserve needs bolstering, and this is probably the best and most cost-effective way of doing it, and I would certainly urge your continued interest in this particular area, I guess they call it the SAM program.

Mr. ADDABBO. The committee fully supports the program and continues to monitor it to make sure it is properly funded.

Mr. SKELTON. Thank you, I think the gentlewoman from California has a request.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, does the gentleman know whether there are any funds in this bill earmarked for the disestablishment of the Marine barracks at Mare Island Naval Shipyard or for removal of marines for that facility?

Mr. ADDABBO. I am aware of no funds in the fiscal year 1984 appropriation bill for that purpose, and I have been assured by the Commandant of the Marines that the matter is being fully investigated and before any decision is made, there will be full discussion with the Congresspersons from that area, and also with our committee.

Mrs. BOXER. I thank the gentleman. That confirms my understanding. I further understand that the Navy and the Commandant of the Marines will take no such action without first discussing it, not only with me but other interested Members of Congress. Gen. P. X. Kelley made that comment to me and I wanted to make sure it was in the RECORD, and I thank the gentleman for yielding.

Mr. ADDABBO. The amendment I have just offered would strike $432.8 million for the Pershing II procurement.

Many of my colleagues ask why I am again moving to strike Pershing II funds. That question has been answered in previous years.

We have offered amendments in previous years to cut the procurement because the research and development had not been complete. As of this date, there have been 18 test shots of Pershing II missiles. The test program was originally supposed to have concluded 28 shots, but was curtailed because of technical problems and a fixed, inflexible deployment date. There have still been no long-range shots against land targets and none are planned.

Mr. Chairman, my colleagues, to those who say we must honor our agreements with our NATO allies, I reply that this amendment would in no way affect that agreement.

We already have nine Pershing II missiles ready for deployment in Europe. That will meet the December 1983 IOC date.

□ 1330

We have already appropriated in the 1982 and 1983 fiscal years sufficient funds to procure 112 Pershing II missiles. The full deployment in Europe is defined as 108 missiles.

As I said before, we have already appropriated funds for 112, so the number required for full deployment has been fully funded in the 1982 and 1983 appropriations.

My amendment would simply strike the procurement funds for the Pershing II in the 1984 fiscal year appropriation.

Why do I recommend that? First, they are not needed. Second, if the arms control talks continue and they are successful, we have been told that this program will be canceled. But if a procurement contract has already been signed, there will be millions and millions of dollars spent on cancellation costs.

Under my amendment, we would continue the research and development, so the program continues. We must have additional research and development because we know that there are problems with the Pershing II that still have to be corrected. If we allow another procurement contract in fiscal year 1984, and if we find in R&D that changes must be made, then our Defense Department must pay for those changes.

If on the other hand we do not sign a procurement contract, we proceed as we would under my amendment.

The CHAIRMAN pro tempore. Time of the gentleman from New York (Mr. ADDABBO) has expired.

(By unanimous consent Mr. ADDABBO was allowed to proceed for 2 additional minutes.)

Mr. ADDABBO. If we proceed under my amendment, we will continue the R&D, but stop the procurement in fiscal year 1984. Then we will be able to make any changes that the R&D program indicates are needed. Further production missiles would not have to be altered after they have been built. If arms control agreements have not been signed, then we can sign a procurement contract for a missile that will fly, and will work.

We do not have those assurances right now.

So, therefore, let me repeat: we have already appropriated procurement funds for 112 missiles. The planned total deployment is 108 missiles. This does not in any way affect our agreement of deployments with any of our allies. My amendment simply calls for a proper appropriation procedure.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Ladies and gentlemen of the House, you have heard the siren's song and I want you to be a little careful now because the gentleman from New York (Mr. ADDABBO) has been singing that song for a number of years. He just happens to find that this is the vehicle he can use this particular year to try to stop the Pershing II.

I admire him for his tenacity. But we have fought this battle before. This is not a new issue. This is not something that has all of a sudden come up for the first time on the floor of the House.

We have voted on this issue of the Pershing II time after time and the Congress has voted to carry it forward for every good reason.

If you want to bring Ambassador Paul Nitze home, you tell him that he is going to get zero this year in Pershing II money.

It is fine to say that all you need in Europe is 108 missiles. But you know

better than that. You have got to have spares and the program calls for some 24.

You have got to have training missiles back in the States and the program calls for 172.

That is a total of 304 Pershing II's. That is not 108.

So you can send every wrong signal in the book if you stop Pershing II now.

We have not done what we have set out to do. We will not continue to be able to bargain with the Soviets if we stop now.

We simply must go forward with this program.

This is what I called in the full committee a "blink" amendment. The question is who is going to blink first.

We have a program going forward. It is the program that has brought the Soviets to the bargaining table. It is going to keep them there if we keep going forward with it. They will go home and we might as well come home if we stop this program now.

I urge that this amendment be defeated.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Washington.

Mr. DICKS. I want to compliment the gentleman from Alabama (Mr. EDWARDS).

I think all of us in this House are concerned and troubled by the circumstances that we find ourselves in with the Soviet Union.

I have been one of those who have urged that we try to merge the INF and the START talks because I think it would give us an ability to more effectively come to grips with the issues that must be dealt with to get an arms control agreement. I cannot think of one thing that would do more damage to our credibility in the NATO alliance today than procurement if this signal would go out throughout Europe, that the U.S. Congress had voted to terminate the Pershing II program. Yes, the chairman can talk about the fact that we have procured 112, but I think to get 108 in the field we probably have to have 300 Pershings or more. So it would have a drastic effect on the program.

I hope that we can have an arms control solution to this problem, but I am convinced that it would be a mistake for the United States, from a credibility point of view, and from a foreign policy point of view, to terminate this program at this point. I think it would send the wrong signal to our allies and to the Soviets, and I think it would undercut the ability to get the arms control agreement that we all so desperately want.

I hate to oppose my chairman but I think on this particular issue he is wrong. His amendment was rejected in the full committee and in the subcommittee.

I commend the gentleman from Alabama (Mr. EDWARDS) for presenting the other side of this case.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Michigan.

Mr. PURSELL. I congratulate the gentleman for an excellent statement and I think you are right. It is the wrong signal at the wrong time.

Negotiations are in place. I think it is critically important that our NATO allies have the confidence that we have consistency in our negotiation policy.

To that effort it would be a mistake to backtrack on a key issue that is part of the negotiating comprehensive arms control discussions and therefore I support the gentleman for his remarks in regard to this effort.

Mr. EDWARDS of Alabama. I thank the gentleman.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

While we have raised the specter of arms talks failing and the NATO alliance coming apart if we do not procure more than 112 Pershing missiles, let us try and put some of this discussion in perspective.

There is not a person in this room that does not believe that the best way to deal with the question of Pershing deployment is at the bargaining table and hope that we do not have to deploy them. But if that fails, we then are faced with a different set of questions.

The two-track decision that was made in 1979 anticipated that we would continue with the SALT process, and would not have the major buildup of arms that we have had.

The Europeans, while favoring the two-track proposal, were never as excited about deploying Pershing and cruise missiles as were we.

Now consider the fact that over the last few years, and actually since the flexible response doctrine of Secretary McNamara in 1967, we have had in Europe about 6,000, 6,000 nuclear weapons. A lot of them are atomic demolition munitions. Some of them are used to stop invading armadas of airplanes. Many of them are located right on the border in West Germany, and they are in a position where if they are not used right away in the event of a conflict in Europe that these weapons would be lost to the invading Soviets.

Former Secretary of Defense McNamara writes in this quarter's Foreign Affairs that the whole notion of adding nuclear weapons, more nuclear weapons in Europe is madness.

West Germany is about the size of Oregon.

A U.S. report suggests that if 150 nuclear weapons were used in a conflict just in the theater in West Germany that anywhere between 5 and 6 million Germans would die. The opportunity for the war to escalate wildly out of control would be staring us right in the face.

So what does the gentleman from New York want to do about this?

□ 1340

What he sensibly asks for in this amendment is not that we stop deployment, since that is not what the amendment is about; it is a careful recognition that nuclear weapons in Europe serve absolutely no purpose other than to deter the other side's nuclear weapons.

We cannot conceivably think of a rational use of nuclear weapons in a conventional force in Europe that would not do us more harm than good.

That is quite clear. What the gentleman is suggesting is that the money is there, for 108 Pershing weapons, that we do not need any more than 108 and I would argue, though this is not what the gentleman's amendment is about that we do not even need the 108.

For authority on this question of military need for these weapons I would cite no less an authority than Richard Perle who said, off the record, though he has not denied the statement, that the Pershing missiles, the 108 Pershings and the other complement of cruise missiles are political weapons, they are not military weapons. They serve no military purpose.

Do we need more weapons that serve no military purpose? The gentleman from New York has answered that question for us. We do not. We can continue the talks, we can continue to hold the threat of deployment of 108 over the Soviets because that money is not touched.

What the gentleman is saying is more than 108 are not necessary.

I would hope that the Members listening to this debate will recognize that this in no way inhibits our negotiation. It is just a rational attempt to begin the process of limiting weapons that serve no military purpose in Europe.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I would be happy to yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman from New York's (Mr. DOWNEY) excellent remarks and I hope that Members have listened because he speaks sense.

This issue involves a roll of the dice. We are being asked to fund a weapon that has no military value but has a political intent.

The CHAIRMAN. The time of the gentleman (Mr. DOWNEY of New York) has expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. Mr. Chairman, will the gentleman continue to yield?

Mr. DOWNEY of New York. I will continue to yield to the gentleman.

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Chairman, that intent is that it will frighten the Soviet Union into a negotiation and a treaty.

What I worry about is that deploying these destabilizing weapons might have some other effect. I would ask the gentleman if it is not just as likely that the Soviet Union would adopt countermeasures against the United States rather than rush, frightened, with its tail between its legs, to a treaty? And, what might some of those countermeasures be, if in fact that is the option available to the Soviets?

Mr. DOWNEY of New York. The gentleman raises an excellent point. Sometimes we are loathe to recognize, that we are not as candid with one another as we should be. The idea that you would actually raise the notion that deployment of these weapons will beget deployment of Soviet weapons, is greeted with the sort of derision that one usually associates with attempts at unilateral disarmament.

The fact is that once these weapons will be deployed, the Soviets will probably deploy the SS-22 somewhere in Eastern Europe or somewhere in the eastern portion of the Soviet Union and threaten, though they already threaten us with hopeless redundancy, targets in Alaska and we will have a greater escalation of the number of nuclear weapons.

So there is no purpose served by this. If is unfortunate that we cannot tell the members of the Politburo as well, the fact is we cannot, but we can tell each other what makes sense and what does not make sense because this is a democracy where, presumably, decisions are made rationally, though one wonders.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman's comments.

Mr. WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, these arguments have been made over and over and they will continue to be made over and over. In addition, every year this appropriation bill comes up there will be another vehicle by which the gentleman from New York (Mr. ADDABBO) will attempt to stop or derail the Pershing program.

But I would say to my other friend from New York (Mr. DOWNEY) and my friend from Oregon (Mr. AUCOIN) that it is quite in order if the intention is a political intention, and our intention is through political means of deploying this missile, to somehow persuade the Soviet Union to negotiate in a real and effective manner and to negotiate in a way that will seriously cause a certain amount of disarmament to take place in Europe. I would remind my friends that the Soviet Union has been deploying for 4 years the SS-20. There are now some 275 to 300 SS-20's with triple nuclear warheads deployed that have not been answered by the United States nor by NATO.

Since we have not answered this deployment, have they done, as the gentleman from New York said? Have they exhibited any good sense whatsoever? Have they exhibited any moderation? Have they slowed or hesitated their deloyment?

Of course not. They continue to deploy at the rate of two or three per month and we continue to talk.

I would submit that our European allies have already taken the political heat. There is a government in place in Itlay that ran on the platform of deployment of the cruise missiles in Sicily. There is a government in place, by a handsome margin, in West Germany that ran on the platform of deploying the Pershing missiles that the West Germans asked us to develop in the first place. There is a government in place in the United Kingdom that ran on the platform of deploying cruise missiles in that country. I would say to you that the Europeans have taken the heat, and they are at the present time suffering demonstrations and it would be unmentionable at this point in time for the United States to pull the rug out from under them.

I would also say that the Soviet Union has 277 in place and they have not yet begun to negotiate. We have none in place.

The Europeans, in a public opinion poll, show themselves to be totally in support of our two-track system.

Certainly I do not believe there is anyone in the Chamber who honestly believes that the Soviet Union will begin to negotiate seriously until the Pershings are in place and until the cruise missiles are in place.

I respectfully ask for your vote on this amendment.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I will yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman (Mr. WILSON) is a very active and diligent member of the subcommittee. He knows the testimony we received is that 108 missiles is the total planned deployment and that we have funded 112 missiles in fiscal years 1982 and 1983. Now does it make any sense to procure additional missiles which, and the gentleman has heard the testimony, have problems, as revealed by the 18 test shots? Even Under Secretary Thayer has told us that Pershing II has uncertainties. GAO say it is not prudent to go ahead with procurement at this time. Should we not look ahead to that third buy when we have already procured the number of missiles necessary to complete our agreements on deployment? Should we not now pause to make sure that it meets all requirements?

Mr. WILSON. The Chairman, certainly better than anyone else, knows that if you are going to deploy 198 you have to have additional training missiles and you have to have spare parts. The Chairman knows that.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield further?

Mr. WILSON. I yield further to the gentleman.

Mr. ADDABBO. I thank the gentleman once again for yielding. As far as training is concerned, some has already taken place. Other training lies in the future. Regarding spare parts, as the gentleman knows, separate funds for spare parts have been appropriated in fiscal years 1982 and 1983. I say again that we have already funded 112 missiles and their associated spare parts, and we still continue the R&D. Why procure more missiles until the full results of R&D testing are available?

Mr. DICKS. Mr. Chairman, will the gentleman yield to me?

Mr. WILSON. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I think it is important for the Members to get a total perspective on this issue. I compliment the gentleman from Texas (Mr. WILSON) for the way he has presented it because I think he does present the political realities that we must face.

The total procurement in this program to get 108 missiles in the field would be around 300 missiles. So in essence what this amendment would do is stop one third of the way through the program, and I would suggest that that will undercut our efforts and send the wrong signal right at the time when we are coming up to the date of deployment.

□ 1350

The CHAIRMAN. The time of the gentleman from Texas (Mr. WILSON) has expired.

(At the request of Mr. DICKS and by unanimous consent, Mr. WILSON was allowed to proceed for 2 additional minutes.)

Mr. DICKS. I would differ with the gentleman from Texas on this one point—I would hope the administration would make its best and final offer in Geneva before deployment. We could have a period where the talks fall apart and there be further

deterioration in superpower relations which I think would be very dangerous at this point in time, and we should make every effort to avoid such a possibility.

I would hope that the gentleman from Texas would join with me in urging the administration to do its level best to get that arms control agreement that I know we both want.

I think the gentleman from Texas is correct. Sending the kind of a signal this amendment represents at this time would be terribly damaging to our relations. Sometimes we in the Congress do not realize the impact of these votes and these amendments when they are portrayed in the European press. All of a sudden, people who have been standing with us on going forward with this deployment, would be undercut. I think it would be a tragic signal to send.

This amendment, as the gentleman knows, was rejected overwhelmingly in both the full committee and in our subcommittee. I would hope that we would stand pat, especially since we are coming up on the very critical date of deployment.

Mr. WILSON. I thank the gentleman and I certainly agree with the fact that we should make our best and final offer before deployment.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose this amendment, and I do so for several good reasons.

For many years, NATO has relied on the presence of short-range and intermediate-range nuclear weapons to deter possible attacks by the Warsaw Pact. There are now a number of Pershing IA intermediate-range missiles deployed in Europe that will be replaced by the Pershing II. In addition, there are nuclear capable Lance missiles now deployed within the NATO area as well as a number of nuclear capable aircraft. While the exact numbers of Soviet intermediate-range missiles are now known, there is no disagreement that the Soviet Union's intermediate-range forces outnumber those of NATO by about 600 to 0. The SS-20, for example, is considered by Western Europeans to be the most threatening and coercive of all Soviet nuclear weapons. They can strike within minutes with more than 1,000 warheads.

We must remember how the decision to either negotiate a ban on intermediate-range missiles or to deploy counterbalancing NATO missiles came about. Our NATO partners closely observed our bilateral negotiations with the Russians to limit strategic nuclear weapons in SALT I and SALT II. They saw that these negotiations and the SALT agreements did little to enhance the security of Western Europe.

NATO agreed, in December 1979, that the United States would engage in good faith negotiations with the Russians to limit or eliminate the intermediate-range ballistic missiles that then threatened, and now threaten, Western Europe. It was believed then, and it is believed now, that if the INF negotiations fail to decrease the threat and danger, then NATO must deploy similar weapons in its own defense. A 4-year waiting period was established. That period is now approaching its end, and we are still at the negotiating table.

I should note that, prior to the December 1979 NATO decision, the Soviet Union was never willing to negotiate on the subject of intermediate-range nuclear weapons. While the NATO decision did bring the Soviets to the negotiating table, it has not brought about serious negotiations on their part nor have they made the slightest concession. In fact, it is the opinion of all the experts with whom I have spoken on this subject, both here and abroad, within government and outside of government, that the Soviets will not negotiate seriously until they see that we are in fact prepared to deploy the Pershing II and the ground-launched cruise missile within NATO.

As the December deadline approaches, the Soviet Union has pulled out all of the stops of its propaganda organs. Soviet propaganda argues that the Pershing II is a destabilizing first-strike weapon. Yet, the Soviets fail to explain how only 108, single-warhead, limited-range Pershings could make a disarming first strike on some 2,000 Soviet ground-based ballistic missiles. They also fail to convince the world how the more than 350 Soviet triple warhead SS-20's, and some 300 SS-4 and SS-5 missiles, are not destabilizing first-strike weapons.

The purity of the Soviet's so-called peaceful intent was also called into question when during the negotiations on SALT II they deployed 200 SS-20 warheads. Since the 1979 NATO decision, they have deployed approximately 600 additional SS-20 warheads. These are in addition to the approximately 600 Soviet intermediate-range warheads that they had deployed prior to 1978.

The Soviets opened the Pandora's box of intermediate-range missile deployment even while they were negotiating on the subject of nuclear arms limitations. Having done this, they now argue that the United States would begin an irreversible escalation of the arms race if it deploys even the small number of Pershing II missiles in Germany this year. I would say to those who might use that argument, that this deployment would not necessarily be irreversible. Neither is the SS-20 deployment irreversible. Those decisions are for the Kremlin to make.

Mr. Chairman, we debated this matter extensively on June 16 and July 26 of this year. On June 16, an amendment to prohibit the use of funds to procure Pershing II missiles was rejected by a vote of 73 to 319. On July 26, an amendment to delay deployment of the Pershing II and ground-launched cruise missiles until December 31, 1984, was defeated by a vote of 101 to 320.

Mr. Chairman, adoption of this amendment would be most harmful to our arms control negotiations in Geneva. It would be disastrous to the NATO alliance. It would be bad diplomacy. We are now negotiating in good faith and we will continue to negotiate as long as the Soviets remain at the negotiating table. If we remove the incentive for the Soviets to negotiate, with this amendment, the Soviets will have won their battle through propaganda and without any concessions to NATO. I urge the House to soundly defeat this amendment as it has done on two previous occasions.

The CHAIRMAN. The time of the gentlewoman from Maryland (Mrs. BYRON) has expired.

(At the request of Mr. WILSON and by unanimous consent, Mrs. BYRON was allowed to proceed for 2 additional minutes.)

Mr. WILSON. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I yield to the gentleman from Texas.

Mr. WILSON. I thank the gentlewoman for yielding.

Does the gentlewoman agree with me that if we intend to deploy 109 Pershing missiles that more than 109 must be built in order to have spare parts and tests and training?

Mrs. BYRON. I could not agree more.

Mr. WILSON. I thank the gentlewoman.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentlewoman for yielding.

Mr. Chairman, I want to compliment the gentlewoman on what I consider to be a very thoughtful statement that clearly explains to this House the issues that are at stake here.

And I particularly want to compliment the gentlewoman for again, as the gentleman from Texas did, pointing out the fact that during this time frame when we have been talking, the Soviets have been deploying SS-20's. There are some 250 SS-20's that have been deployed over this last 4 years and a number of additional ones have been deployed east of the Urals.

I frankly hope that somehow we can get an arms control agreement, and the course advocated by the gentle-

lady provides the best prospects for this.

Another point that the gentlewoman made that is important for Members to realize is that the President has said that we are not irrevocably committed to the continued deployment to the full planned 108. We may start deployment, then if an agreement could be reached, we could take out the Pershing II's, if that was the basis for the agreement that both sides agreed to.

So I think those two points should be emphasized.

I want to compliment the gentlewoman for an excellent statement. I know of the gentlewoman's work on the Armed Services Committee in this area and I think the gentlewoman is doing a great service to this House.

Mr. AuCOIN. Mr. Chairman, I move to strike the requisite number of words and rise in favor of the amendment.

Mr. Chairman, some of my colleagues on the Defense Subcommittee have told the Members of the House that we need the Pershing II because that alone is going to produce a treaty.

Those Members are betting. They are placing a bet that funding of this weapon, destabilizing though it may be, is going to produce that treaty.

I bet otherwise. I am betting they are wrong. And so is the chairman of the subcommittee and our allies.

Who can say with confidence which of us is right? You really cannot. So it is up to Members to think hard about this issue and decide.

On my side of the issue are these facts: This weapon represents a threat of a strike some 8 to 10 minutes away from the Soviet heartland.

The Pershing II will strike no target within the Soviet Union that cannot be hit by other means. The SS-20 that has been mentioned today gives the Soviets the ability to hit nothing that they would not otherwise be able to hit.

□ 1400

The Pershing II does not counter the SS-20 since the SS-20 will arrive on target regardless of the Pershing II.

So the real question is where we are placing the bets.

My bet is that the funding and deployment of the Pershing II in the climate we have in the world today is going to not produce a treaty, it is going to cause the Soviet Union to adopt countermeasures that the gentleman from New York (Mr. DOWNEY) and I discussed a few minutes ago.

Among those countermeasures could be the deployment of their rockets in some of their eastern satellites, which would destabilize the situation in Europe even more than it is today.

Among those countermeasures also could be—in fact we have been told very well may be—the stationing of Soviet submarines off the coast of America with new, quick-strike weapons pointing at the United States in a comparably destabilizing way.

So I would simply say, if those risks are at least as likely as successful negotiations that so far are going nowhere, why run the risk of this roll of the dice, funding of a destabilizing weapon.

I hope that the Members of the House will approve the chairman's amendment, strike funds for a weapons system that has no military requirement. Even Richard Perle has said so, as the gentleman from New York has indicated. It does not have a military requirement. We have the ability to hit all of those targets anyway with all the rest that is in our arsenal.

Let us just back off for a moment, let both superpowers catch their breath, at a time of real tension and real danger in the world. Let us pass the Addabbo amendment.

Mr. KEMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Addabbo amendment. I think it would be a big mistake for the House of Representatives to pass this amendment, particularly at this time of testing for the Free World.

The single most important foreign policy objective of the Soviet Union for 1983, I believe, is to drive a wedge between the United States and our allies in the Atlantic alliance.

The single, most important undertaking that today commands the unanimous support of the NATO Alliance is the theater nuclear force modernization program beginning in December with the deployment of the Pershing II and the groundlaunched cruise missiles.

The single thing the Soviets most want to do in 1983 is to make sure that the West does not deploy those missiles.

Failing that, the second most important thing they want for 1983 is to delay their deployment.

The gentleman who was the previous speaker, who is a friend and a very thoughtful member of the Appropriations Committee on which I serve, suggested that it might be the United States' deployment of the Pershing missile which is going to destabilize the balance of power in Europe.

My friends, the balance of power has shifted for the first time in our lives from Western Europe to the Warsaw Pact East with the massive Soviet military buildup of the last two decades. In Europe the deployment of the destabilizing SS-20 has brought an entire new category of weapons arrayed against our allies. To date, the Soviets have fielded 350 SS-20 launchers, each reloadable, each missile capsule containing three independently targetable warheads, capable of striking every major capital and every industrial and military installation in Western Europe with virtually no warning time.

This strategic goal of the Soviet Union, I think, would be greatly enhanced if the U.S. House of Representatives were to deny funding for NATO TNF modernization. I apologize if that sounds harsh, but I am a little bit disappointed that it would be suggested on the floor of the House that the United States was somehow going to upset the balance, when over the past few years, it is the Soviet Union that has added 3,000 new warheads on modern missiles, while the United States has withdrawn 1,000 nuclear weapons from Europe. As Hans Genscher, Chancellor Kohl's Foreign Minister, pointed out, this Western alliance's two-track decision in 1979 to negotiate while preparing for deployment was tantamount to "a one-sided moratorium that lasted 4 years," while the Soviet Union pursued a massive unilateral buildup, directly threatening the security of the West.

Francois Mitterand, the socialist leader of France, was speaking in Belgium earlier this month, and he said that the real disequilibrium between West and the East is that the East alone has the Euro missiles and the West alone has the pacifist movement, the peace movement. The thing that Francois Mitterand and Helmut Kohl have in common is not economics, or monetary policy, or international trade; it is their determination that the West must modernize its deterrent forces in Europe in order to restore the balance of power between the West and the East, and maintain the peace.

It seems to me that it would be a terrible signal, just a few weeks and days before the deployment was to begin, for us in this body to undercut our allies in Europe in their struggles to provide for NATO's defense needs. How can America, as leader of the Free World, split from our allies on this most critical issue?

Stop and think for a moment. Italy, which has just gone through a wrenching political campaign, which has a left-of-center government, as does France, is willing to work with the United States. In meeting our mutual defense needs, Italy is playing an integral role in the Atlantic alliance, in NATO, and they join with Germany and the United Kingdom in their determination to meet the unprecedented threat to the security of the West that is posed by the massive Soviet buildup.

Japan, too, is united with the West in this effort. Now, imagine Japan taking a foreign policy position in support of the deployment of the Pershings and the GLCM's in December. That is a risk for Japan. In recent

months, the Soviets have directly and crudely threatened Japan and Prime Minister Nakasoni for his outspoken support of a strong West. The Japanese have solidly supported United States and Western European foreign policy since the Williamsburg Conference, which was so successfully held under the aegis of this country and our President.

How can we falter in our resolve, when our allies have been so determined and steadfast? I beg you, do not send this signal to the world at this critical moment in the history of our country and the free world.

Another statement was made that we cannot guarantee an agreement between the Soviets and the United States in the theater nuclear weapon talks. It is true, we cannot. But I will tell you one thing: If you cut this money out of the Pershing II program, I will guarantee you there will be no agreement. This will absolutely sabotage any negotiations going on between the United States and the Soviet Union because it would simply tell the Soviets that if they hold on, if they keep the pressure on, if they send more people into the streets, they will achieve their objection of disrupting NATO's defenses. Now, let me say parenthetically that I am not suggesting that the peace movement is totally driven by the Soviet Union; but you can bet that they are doing their best to exploit it to handicap the ability of Western governments to meet their defense requirements.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. KEMP was allowed to proceed for 1 additional minute.)

Mr. KEMP. Does anybody not recognize that it was the Soviet Union, in a heavy-handed way, with Mr. Andropov coming to power, that tried to influence West German elections? Does anybody doubt their interest in this critical decision?

I suggest urgently that we must not send this very negative signal to our allies, and to the Soviet Union. If the U.S. Congress should cut funding for NATO TNF modernization, our European allies certainly will question America's commitment to their security, and in an atmosphere of doubt, our allies would be more likely to accommodate than resist Soviet pressure. The Soviets would be encouraged in their intransigence, and rewarded for their vast military buildup. If we forgo our commitments to NATO, we would only be forcing the finalization of Europe and increasing the risk of war.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my friend, the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for his statement. I think he has hit the heart of the problem here, and that is that our Western allies and their leaders have been subjected to intense pressure to refrain from installing the Pershing II. They have right now maintained a very fragile resolve, and I think it is ironic that we are undercutting that resolve on this side of the ocean.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(On request of Mr. DICKS and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield.

Mr. KEMP. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman from New York, and I will be very brief.

I think it is very important what he said about undercutting negotiations. I asked Ambassador Nitze, who is, I think, on both sides of the political aisle respected as a knowledgeable individual, as an individual who helped craft the very thoughtful walk in the woods proposal that was made, and Ambassador Nitze said that if this Congress killed the Pershing II program or stopped it, he might as well pack his bag and come home. There would not be anything to negotiate with the Soviet Union.

We have got to be prepared to give something up in these negotiations. And what Ambassador Nitze said was that if you stop this, first of all, it will devastate the alliance and, second, "I might as well come home because there is nothing to negotiate with the Soviet Union."

Mr. KEMP. Mr. Chairman, the gentleman's remarks on the floor are equal to the remarks he has made in our committee on this issue, and I commend him for it. I want to say that I appreciate his efforts on behalf of not only this issue but many others that affect our country's security.

In the INF negotiations at Geneva, we are seeking to eliminate all intermediate-range nuclear weapons. Why should the Soviet Union have any interest in dismantling one missile in their huge inventory if through patience and intransigence they succeed in disrupting U.S. modernization, without having to give up anything? Cutting funding for our modernization effort would undercut our ability to reach a stabilizing, verifiable, and equitable arms control agreement which is so important to this country, and to Members on both sides of the aisle.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Ohio.

□ 1410

Mr. McEWEN. I thank the gentleman for yielding.

Mr. Chairman, I would just like to add to what the gentleman from Washington has said: That we have some history on this, and that is that for 3 years we sought to negotiate this issue with the Soviet Union, during which there was no response. It was not until the United States submitted to the request from the allies, as has been mentioned, the United Kingdom, West Germany, Italy, and France, that the Soviet Union ever even went to Geneva for the INF talks.

Now to somehow insinuate that we withdraw that commitment, that somehow or other we abandon the commitment that President Carter made to go to the negotiating table, that that is going to begin an agreement, is sheer folly.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. I would like to wrap this up and thank my colleague, the gentleman from Ohio.

Mr. Chairman, I guess the thing that bothers me the most in this debate, and I want to say this as candidly as I can without offending anybody, is the idea that somehow the United States of America, or the administration, or those Members on both sides of the aisle who believe in a strong modernization program, are somehow provoking a Soviet buildup, or that we are responsible for destabilizing the situation.

I think that is a wrong reading of reality. I think the Soviet Union, I would say to my friend from Oregon, is going to go ahead and take steps to test this country irrespective of what we do with regard to the Pershing II; but I respect him for his very honestly and sincerely held view.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Let me just finish my comment and then I will be glad to yield to the gentleman, because I know he has been a thoughtful participant in this debate.

Words are so precious. What we say in the U.S. Congress with regard to these issues is critically important to the rest of the world, which is looking to us not only for leadership, but for signs of whether events are moving in favor of the free world, or against us.

What we do here affects the course of disarmament negotiations. What we do here in this body affects the course of history. What we do here affects not only our adversaries but particu-

larly affects the confidence of our friends; and they are precious to us, those friends, because they are relatively tough to come by in a dangerous world.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. It reminds me a little bit of the 1930's when Sir Stanley Baldwin was debating in Britain with Neville Chamberlain over whether or not Britain, in the face of the Fascist and Nazi expansion of their influence in Europe and in Northern Africa, whether or not Great Britain would even have a defense ministry. Britain in 1936, in the wake of the massive violation of the Versailles Treaty undertaken by the Nazis and the Fascists, did not even have a defense ministry; and Sir Stanley Baldwin, the Prime Minister, was debating the issue with Neville Chamberlain.

Chamberlain said, "Why do we not give Winston Churchill what he wants most? Why do we not give him a Defense Ministry?"

Baldwin said to Chamberlain, "We could not do that. It would be provocative to Mr. Hitler."

I do not mean to suggest that the gentleman's arguments are the same, but there is an element of this debate which sounds eerie to me. It disturbs me that we have people in this country who are saying so loudly that the United States and our democratic allies are the ones who are provocative. We are not provocative. I will tell you what is provocative. Weakness is provocative. Weakness causes wars, not the strength and the resolve of the democratic West. I beg you not to give in to those who want to cut our critical defense efforts at this critical moment in the life of this Nation and our allies.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding.

Mr. Chairman, I want to say to the gentleman that I respect his views, as well.

Mr. KEMP. I appreciate that.

Mr. AuCOIN. I disagree with his views, but I do respect them.

Mr. KEMP. I understand the gentleman does.

Mr. AuCOIN. I want to say to the gentleman further that I do not think it is a question of a repeat of Chamberlain or any of that. People can have honest differences over the Pershing and what its effects are without having to be typecast into that mold. I know the gentleman means that, even though by repeating the denial a number of times one would wonder what his point is.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(On request of Mr. AuCOIN and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, I want to take my time back just long enough to say to my friend——

Mr. AuCOIN. I want the gentleman to yield one more time.

Mr. KEMP. I will yield again.

I have stood on this floor for the last 2 days and heard the United States of America called outlaws.

Mr. AuCOIN. I understand.

Mr. KEMP. I have heard the United States of America, our President and the administration called provocateurs. I have heard this administration and our country's word being challenged less from the Soviet Union than from the floor of this House and I could not stand it any longer.

That is why I rose to say: Do not undercut your country in a time of international crisis. I am not asking you to suspend your criticism; I am simply saying let us think about the lessons of history.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding.

Mr. Chairman, the gentleman did not hear this gentleman say any of those things, though I disagree with the gun-slinging the administration is doing in the world. Right now, I would like the gentleman to engage in a colloquy with this gentleman over the Pershing II.

Mr. KEMP. I would be glad to and please be assured I know the gentleman to be a man of honor and one who has not undercut our Nation's foreign policy.

Mr. AuCOIN. I would like to ask the gentleman: If we see a collapse of the negotiations and the production of no treaty, and if instead the "other bet" ends up materializing, which is my bet, that this present Pershing deployment course is going to lead us not to a treaty but to military countermeasures against the United States on the part of the Soviet Union——

Mr. KEMP. May I take a minute to answer?

Mr. AuCOIN. In that case, my question to the gentleman who is so convinced that our arms buildup is going to lead to arms control instead of to catastrophe, is this: Would those Soviet countermeasures not create a more unstable world than the one we have today?

Mr. KEMP. For purposes of debate, I would grant the gentleman his premise.

Mr. AuCOIN. That is exactly the point that the gentleman from Oregon was making.

Mr. KEMP. May I have my time back for just a second? I would like to answer the gentleman.

Mr. AuCOIN. Certainly.

Mr. KEMP. If the gentleman's hypothesis were to be true, it would be predicated, I think, on a separate scenario, and that would be the one that the gentleman seems to be pursuing.

Let me say to the gentleman that I think the Soviets would not even be at the negotiating table if it were not for the resolve of the United States of America, the Carter administration, the Reagan administration, and this Congress, thanks to the leadership of some very lonely battlers for a more modernized weapons program for this country, to build up our defenses. I do not think they would even be talking to us. I think it is empirically true that that is the case. As Churchill said, "We arm to parlay." Our strength is the key to the prospects for negotiations, and our future security and peace.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from New York to strike the funds for the Pershing II. In so doing, I would like to make a number of comments.

First, I would like to speak briefly to the historical context within which the decision to go forward with negotiations or deployment are taking place; second, to give you this Member's view with respect to what the Soviet response will be to that deployment if the decision is to deploy in December; third, to give you my thought with respect to what I believe the political response will be among the individual NATO countries and the implications for our involvement in the NATO alliance.

Third, and finally, I would like to assert as strongly and as powerfully as I can that if we deploy this weapon in Western Europe in December in an effort to reduce Soviet SS-20's, we will not reduce SS-20's, but we will set in motion a set of objective realities that, in my estimation, will bring the world in a quantum fashion to the brink of thermonuclear war, and I would like to try to assert that in my arguments.

First, to the historical context very briefly. In 1979, the United States and our NATO allies came together and they said, in response to the Soviet deployment of SS-20's directed at Western Europe, intermediate nuclear force, that we should go to Geneva, engage in talks that would hopefully arrive at a satisfactory arrangment whereby we would limit the deployment of intermediate range nuclear

weapons. If the talks did not produce a satisfactory agreement, we would then go forward in December 1983 with the deployment of cruise missiles and Pershing II missiles.

□ 1420

First of all, in terms of historical context, take your minds back to 1979. What the Europeans were saying in 1979 was that we had to bring together two factors: First, to reduce our intermediate range nuclear force; and second, bring some stabilization to our strategic nuclear force.

In 1979, the thought was that the strategic arms limitation talks No. 2—SALT II—would go forward, that there would indeed be some stable strategic situation arising, and against that backdrop, we would limit the number of intermediate range nuclear weapons.

First, I would suggest to the Members that in the fall of 1983, we do not have a strategic arms limitation agreement, and we certainly do not have a stable strategic situation, so there is no stable strategic backdrop against which we can, in my estimation, negotiate a satisfactory limit to our intermediate range force.

Now if we go forward with deployment in December 1983, this is my humble opinion with respect to what the Soviet Union's response will be: Instead of the limitation or reduction of Soviet SS-20 weapons, I believe that the Soviets—and they have already said this; a number of Eastern European nations have already said this—will increase their weaponry, and that what will happen is not a reduction of SS-20's but an increase in more modern, sophisticated intermediate range nuclear weapons—SS-21's, SS-22's, SS-23's, maybe SS-24's, and God knows what else.

If indeed, instead of the Soviet Union coming to the table, as a result of our deployment, if indeed the response is not a reduction of nuclear weapons in Europe but an increase of weapons in Europe, then that leads me to my next point. What will be the political response and the political consequences of this deployment?

I believe, first, that people in Western Europe, when they look around and realize that the promise of deployment did not produce the Soviet Union at the table, reducing the number of weapons, and that the weapons were increased, will recognize what is going on, and I am saying that great tension will emerge in all the Western European countries because they will see an escalation in the arms race, not a deescalation. That is going to produce incredible political turmoil in virtually every single one of the individual nations that make up our NATO alliance.

Now, I say to my colleagues on both sides of the aisle, particularly those who are supporters of the NATO alliance, that there are grave implications.

The CHAIRMAN pro tempore. (Mr. WATKINS). The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, for those who support our involvement in the NATO alliance, I would simply say this: I think that they must consider very carefully the potential political response and realize that it may very well be to blow the alliance asunder if indeed there is a deployment.

So I believe that, first, the Soviets will increase their weapons, and I believe the political response in Western Europe, in the individual countries, may be so powerful that it may topple governments; and second, that it may blow the alliance apart.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. Let me finish my comments first, and then we can engage in a colloquy. I would like to present the totality of my arguments.

Now, Mr. Chairman, if we deploy the missile, we will set in motion, as I said earlier, a set of objective realities that will bring the world close to the brink of thermonuclear war.

Why do I say that? No. 1, to deploy the Pershing II missile is to deploy a war-fighting weapon, not a deterrent weapon. The Pershing II missile is considered to have the most accurate warhead ever devised by the United States. It has the capacity to travel between 1,000 and 1,2000 nautical miles.

We have, No. 1, increased the range of the Pershing missile. Let us ask ourselves the intelligent question. Do we increase the range of a weapon simply for deterrent purposes, or do we increase the range because we want to have a war-fighting capability? We have increased the range of the Pershing missile.

Second, we have improved the accuracy of the Pershing missile. Do we improve the accuracy of a weapon simply to leave it sitting there for deterrent purposes, or do we improve the accuracy because we contemplate going beyond the intellectual, the political, and the military threshold to make nuclear war unacceptable or unthinkable? No, we cross that threshold to increase the accuracy because we contemplate the potential of nuclear war.

Third, we bring the proximity of the weapon closer to our so-called adversary. We have the capacity to build the Pershing II missile, but if we deploy the Pershing II missile in the United States, traveling 1,000 to 1,200 miles, and we push the button, it drops into the sea. So to make it effective, we have to have some other place to deploy it so that it can strike. In West Germany, it can strike. That means that we have improved the accuracy, improved the capacity to destroy, increased the range, and moved the proximity of this weapon closer to our adversary.

All of these factors lead this Member to believe that this weapon is not a deterrent weapon; it is a war-fighting weapon. And I say to my colleagues on both sides of the aisle that we must understand the enormous implications of moving beyond nuclear deterrence to war-fighting capability. I believe we should never cross that threshold, and anyone who believes that we can fight, survive, and win a nuclear war is, in my estimation, by definition, certifiably mentally disturbed.

We have to preserve the integrity of this planet, we have to preserve the integrity of our people, and the only way to do it is to not engage in the deployment of war-fighting weapons.

Let me make a second point, Mr. Chairman, and I hope that this point does indeed frighten the Members. The 6- to 10-minute timeframe has been discussed. Let us talk about it in some detail. If we deploy the Pershing missile in West Germany, we would be deploying a weapon 6 to 10 minutes from the Soviet Union. It would not be able to reach Moscow, but it certainly could strike deeply into the Soviet Union. Six to 10 minutes, in my estimation, is an insane amount of time when we contemplate the result of the exchange of thermonuclear war materials that might result in the deaths of tens of millions of human beings. But take that 6- to 10-minute traveltime, from launch to explosion, and put it up here in your mind's eye because I would like to come back to it.

I would suggest to all my colleagues that there are more occasions than the American people would be comfortable with and more occasions than many of us on this floor or many of my colleagues who are observing this debate would feel comfortable with. American computer systems have malfunctioned and made mistakes, communicating to the power through our monitors of these computers, and indicated that we have been under attack from the Soviet Union. Now, it takes between 25 and 40 minutes for a missile to travel from the Soviet Union to the United States. So while many of us were asleep, someone was evaluating whether this information that was communicated through this computer was correct and whether the computer was making a mistake or not. Well, 25 to 40 minutes is an insane amount of time, but at least we have had 10 to 15 minutes to evaluate the integrity of the information flowing from the computer. We have had that 10 to 15 minutes.

Now, let us come back to the 6- to 10-minute timeframe. We had 10 to 15 minutes to determine whether those computers were malfunctioning. Thank goodness for that. If we had to launch simply on the warning, we probably would not even be here; the world would have been engulfed in thermonuclear war.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I ask this question: Suppose the Soviet Union's computer malfunctions; with a weapon deployment 6 to 10 minutes from them, how much time do they have to evaluate the mistake? Do they have 10 minutes? Do they have 15 minutes? Do they have enough time for Andropov to consult with the Politburo? Do they have time for Ronald Reagan and Andropov to get on the hotline? Do they have time for Ronald Reagan to meet with the National Security Council in a 6- to 10-minute timeframe?

To deploy the Pershing II missile is to render obsolete all of our efforts at diplomatic arrangements to preclude the horrendous possibilities of thermonuclear war.

Now, I think that one can, as a result of this, make the following intellectual argument: If we deploy the Pershing missile in West Germany 6 to 10 minutes from the Soviet Union, the entire future of this planet—listen to me—the entire future of this planet may hang on the credibility of the Soviets' computer system.

Now, are the Soviets No. 1 in computer technology? No. We are. And in the last 10 years, we have had a number of mistakes that could have led us to thermonuclear war.

Is the Soviet Union second in computer capability? No. Japan is.

Are they third? No. They may be fourth or fifth.

The interesting contradiction is that the President of the United States has gone on television and said that we must never provide the Soviet Union with sophisticated new computer technology. Well, if we deploy the Pershing missile and the world may hang on the credibiltiy of the Soviets' computer system, we had better give them the best computer technology known on the face of the Earth if we are crazy enough to deploy this heinous weapon.

So here we are with bated breath hoping that the Soviet Union does not make a mistake with its computer system.

□ 1430

I believe that their response will be to increase their weapons. Their response may be to place their weapons in a lock-on warning situation, which would take the world to a totally irrational posture.

So we are setting in motion today objective realities.

Finally, Mr. Chairman, for those in this room who remember the Cuban missile crisis, the world stood on the brink of thermonuclear war when we said to the Soviets that placing missiles in Cuba essentially 6 to 10 minutes from the United States is so thoroughly unacceptable to us that we are prepared to risk thermonuclear war.

I offer this observation. If we thought that deploying weapons in Cuba, directed at the United States, was a hostile act, what makes anyone believe that deploying missiles in West Germany 6 to 10 minutes from the Soviet Union would not be perceived as provocative?

Mr. Chairman, we are setting in motion a permanent Cuban missile crisis. We may stand here and talk about sending messages, but the message I want to send is a message to our children that this is not a futureless society, that they have a right to the future and that we will guarantee their future.

To deploy this absurd and dangerous weapon and assume that it is on military grounds is to belie the reality.

To argue that we have to employ this weapon on political grounds is an absurdity. We are setting in motion objective dangers here. The world is not going to come to an end if we do not deploy this Pershing missile.

All these arguments, Mr. Chairman, as I see it, go clearly and powerfully to stopping this deployment. It is not necessary. I do not believe anyone would march into this well and assert with any degree of integrity and any straight face that not to purchase this weapon or to deploy it would mean that we would be the victims of a nuclear attack from the Soviet Union. I do not think anyone is bazarre enough to make that argument; but I think that one can make the intelligent argument that if we deploy it, we may very well trigger in factors that will take us far beyond anything we have ever known.

Mr. Chairman, I have taken some time to try to make an argument and I make it very powerfully and I do not take the well every day, but I believe so strongly that the most destabilizing act that we can engage in at this moment is to deploy these weapons in Western Europe in December.

I plead with you to support this amendment to stop going forward. We have already, by the threat of the deployment, got the Soviet Union to offer three responses. They may not be acceptable to us, but at least they have begun to react.

To deploy these weapons changes the situation dramatically and drastically and very frighteningly.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my colleague.

Mr. GEKAS. Just one question I would like to ask. Is it not so that if we adopt the gentleman's position that we would be in effect canceling out our commitment to our allies, to the North Atlantic Treaty Organization, and the very people who, on behalf of the free world, have requested this American action?

Mr. DELLUMS. I think the gentleman has asked a good question.

The CHAIRMAN pro tempore (Mr. WATKINS). The time of the gentleman has expired.

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the gentleman be granted 1 additional minute.

Mr. DELLUMS. Mr. Chairman, I ask for 2 additional minutes. I cannot answer the gentleman in 1 additional minute.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, the gentleman has asked a good question. I have tried in part to answer it by stating the historical context within which this request was made.

In 1979, the emphasis of that request was not deployment, and I have gone to Western Europe. I have talked with the Social Democrats who were in power at the time that this decision was made and they said that our emphasis was not on deployment of the weapon. Our emphasis was on negotiation. We simply said deployment, if you cannot negotiate.

The problem, as I see it, is that there are great dynamics that are moving us toward deployment of these weapons, rather than more creative energy toward negotiations.

No. 2, if we buy the gentleman's argument No. 1, he has already stated that we have purchased a number of these Pershing II missiles already. To not purchase anymore certainly does not back off our word.

No. 3, to move back away from December, as if in some way we have to walk in lockstep toward a particular date of deployment and not have the creative dynamics of negotiation is an absurdity.

Finally, we know as politicians that we cannot control the movement. All I am saying is that rigid adherence to a deployment time schedule is not what will reduce weapons in Europe, but the tenacious clinging to the concept of peaceful political negotiations is what it seems to me will bring us to that point. So I do not believe that.

Finally, I have talked with Willie Brandt and other members, other leaders and former leaders in Western Europe. In my estimation, they believe

that the emphasis ought to be on negotiation.

Willie Brandt came to the United States and gave the historical background and then said to an ad hoc hearing of Members of Congress here on Capitol Hill that, at a minimum, we ought to defer and delay this deployment for at least 6 months, giving us an opportunity for successful negotiation, not deployment.

Mr. GEKAS. Mr. Chairman, will the gentleman yield further?

Mr. DELLUMS. I yield to my colleague.

Mr. GEKAS. Mr. Chairman, the gentleman would agree, would he not, that there has been no request from these very same allies in the context of recent developments not to deploy.

The CHAIRMAN pro tempore. The time of the gentleman from California has again expired.

(At the request of Mr. ADDABBO, and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, would the gentleman repeat the question?

Mr. GEKAS. The question was, in view of all the gentleman has said has transpired and all the gentleman's conversations about what has happened in the last few months, there has been no request from those very same allies not to deploy. There has been no request from our allies to postpone deployment. There has been no request from them not to supply the wherewithal within which to go ahead with deployment. Is that not a correct statement?

Mr. DELLUMS. No, it is not a correct statement. It is a very simplified statement. Let my try to answer it in some detail.

First, the leader of England, Margaret Thatcher and the leader of West Germany has said that we ought to go forward, but in other countries this is clearly a question and even in those two countries the latest polls show that the overwhelming majority of the people in these allied nations totally oppose and are terribly frightened by the potential of the deployment of these weapons.

In Amsterdam, for example, they have not made the decision in the Netherlands. I would risk this prediction, that when the vote is taken on the question of deployment in some of the Western European countries, that the vote will be "no." I believe in the Netherlands the vote will be "no." So there is no unified approach. You have some leaders in Europe who say go forward, but you have got millions of people who live in those countries and who believe that they may very well be the first nuclear battlefield.

I would suggest to the gentleman that we may not be the first battlefield, but we certainly will be engulfed in some nuclear war if we go down that road. I think that is an open question.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the distinguished chairman of the subcommittee.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

We know that the Pershing II would not have helped us in Lebanon or in Grenada. I do not even think the Pershing II is going to help us in Europe, especially if it does not work.

Referring again to my amendment—my amendment just says to stop the procurement until the Army completes development and testing and has a missile that we know will work.

We have, as I said before, already appropriated the money for 112 of these missiles. Stop the procurement now. See what happens in our arms control discussions; but more important, complete the R&D so that when we do procure the remaining missiles, we are assured they will work.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not prolong the debate, but I would like to make just a few points, because I think it is very important that we realize where some of our colleagues are coming from.

I have great admiration and respect for my colleague, the gentleman from California; however, it should be pointed out that he has a very differing view than many of us, I think most of us, on the defense of this Nation.

In addition to opposing the Pershing II missiles, the gentleman has opposed almost—I will not say almost all, but many of our defense systems which are vital to the security of our country.

In one period earlier this session, the gentleman sent us five letters in 1 week.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield for a personal privilege?

Mr. BURTON of Indiana. I do not have time. I want to make a couple points.

Mr. DELLUMS. The gentleman has challenged my credibility.

Mr. BURTON of Indiana. Well, let me finish.

At one point during this session, the gentleman sent five letters in 1 week which proposed to cut off all funding for the B-1 bomber; all funding for the peacekeeper missile, the MX; all funding for the Pershing II and ground cruise missiles; all funding for the M-1 tank. The gentleman wanted to cut our civil defense back to almost zero, and he also wanted to cut our military forces, our actual manpower, back by 15 percent over a 5-year period at a level of 3 percent a year.

Now, I think the people of the United States of America need to know that in many of our minds that is unilateral disarmament. The Soviet Union and its allies and its colleagues and surrogates are a menace to world peace and to the future security of the United States of America and unilateral disarmament invites aggression.

In 1938 in this country, Winston Churchill said:

> Does anyone believe that a call to a strong military defense is a call to war? Quite the contrary. The only guarantee of peace is to have a strong defense.

That is just as true today as it was then.

I submit, Mr. Chairman, that we need to provide for an adequate defense for this country. We need to work with our NATO allies to preserve the security of their countries as well as our own. They have asked for us to deploy these weapons and we need to go ahead with it.

□ 1440

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California for one quick question. That is all, just one.

Mr. DELLUMS. I would not dignify that response.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. I thank my colleague for yielding.

I am more than willing to yield. All I have ever asked was to allow me to state as cogently as possible the full range of my arguments. In response to the gentleman, I would make several quick points.

First of all, one of the tactics that we tend to use here is to challenge the personal credibility or the integrity of the individual Member. What this gentleman feels is important but the other important aspect, perhaps more importantly, is the argument that this gentleman makes is not a cogent argument.

Attack the argument. The gentleman attacks the credibility of the individual Member, and that is a gross insult, and I have never attacked the integrity of any individual Member here.

I try to listen to the intellectual comments of the argument presented by my colleagues.

Finally, the great bad word of the 1980's for a Member of our political body to be referred to is "You, unilateralist, you."

That is enough to start a fight. The guy says, "No, I am not a unilateralist, I am a multilateral, verifiable," so on and so on, but I am not a unilateralist.

My argument is simply this: The tragedy of this body, including colleagues on my side of the aisle, including a number of my liberal colleagues on this side of the aisle, is that they can only fight one weapons system at a time.

I am trying to fight a concept. I am trying to fight a mentality. There are a number of assumptions on which we establish foreign, and military foreign policy. That does not make me any less an American. That does not make me any less concerned about the national security of this Nation.

What this gentleman has been trying to do is to force my colleagues to think in different terms.

I have worked very hard to present my arguments. None of you have marched into the well and said my 6- to 10-minute timeframe is absurd. Dignify the credibility of the argument. Do not spend time challenging the personal integrity of any individual Members. That detracts from us, and it detracts from this body and from a debate around the question of nuclear arms which I perceive to be the moral issue of our time.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

I think it is very unfortunate when any individual of this House is characterized as a unilateral disarmer. That does no one any service.

My colleague from California and I agree on some issues and disagree on others, but he always takes the floor and makes a very intelligent case for his point of view, and I think we all ought to listen to what he is saying, because all perspectives should be heard in this Congress.

The gentleman from California spends a lot of time in preparation. He comes here prepared to debate these issues, and I think he does a service to this House in presenting his point of view.

Mr. DELLUMS. I thank my colleague.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DREIER OF CALIFORNIA

Mr. DREIER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER of California: Page 19, line 5, strike out "$100,500,000" and all that follows through "1983/1985';" on line 6 and insert in lieu thereof "137,800,000;".

Page 19, line 12, strike out "$2,807,702,000" and insert in lieu thereof "$2,845,002,000".

Mr. DREIER of California. Mr. Chairman, my amendment is straightforward. It reinstates the $37.3 million that the gentleman from Georgia's point of order has struck out.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

As I understand it, the point of order being conceded on the Stinger, it is now necessary to come back with an amendment to put that money in at this point on this side of the aisle.

We have no problems with it, and we accept the amendment.

Mr. DREIER of California. I thank the gentleman for his support.

I believe that it is very important for us to do everything possible to move ahead with this. All we are doing is supporting the committee position, and the committee has strongly stated in their report that it is important for full funding of the Stinger program. Based on the committee report, they were making no attempt to bring about any kind of reduction.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

I just want to rise in support of the gentleman's amendment.

I think it is important that we recognize that the Stinger is a substitute for the Red Eye.

These are both hand-held antiaircraft weapons, but the Red Eye which is the standard weapon for that purpose at the present time is a heat-seeking missile, and that means that the missile has to go up the tail pipe of a departing aircraft, so by the time you are ready to fire the Red Eye, the enemy has already dropped his ammunition and moved on.

The Stinger will make it possible to get an oncoming aircraft, and therefore, the money that the gentleman is proposing to add to the bill would provide for the development of the advance Stinger, and I think it is a very important system.

Mr. DREIER of California. I thank the gentleman for his fine addition, and I will say in closing that all we are doing here is supporting the committee's position. I urge my colleagues to support the amendment and yield back the balance of my time.

Mr. ADDABBO. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to this amendment.

What this amendment does is add $37.3 million to procure the basic version of the Stinger. It does not procure the advanced version of the Stinger, which we support.

The Army says that the basic Stinger has limitations against the postulated threat. Indeed, the Army has started prototype production of an advanced model, and plans to begin development of yet a third version in fiscal year 1984.

The Army has already contracted for over 8,000 of the basic Stingers. That is more than enough of an inventory of basic Stingers, which may not adequately meet the threat.

What we are saying is, go ahead with the advanced version. Next year we will further fund the advanced versions, but to spend $37.3 million to buy additional deficient Stingers makes no sense at all, and that is what this amendment does.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

I thought the amendment that was being offered was very simply replacing the money in the same program that was knocked out on a point of order because it was funded through another source.

What is being done with this amendment that would change what the committee set out to do?

Mr. ADDABBO. The committee position was to provide the requested sum of $137.8 million, made up of $100.5 million in new funds, and $37.3 million transferred from the prior year appropriation. Our report spoke to the second generation, and said that no more than the absolute minimum of basic Stingers should be procured. By providing an appropriation of $137.8 million, as this amendment does, more funds are made available for the basic Stinger and that is what we are opposing.

□ 1450

Mr. EDWARDS of Alabama. I am not aware that that was the gentleman from California's intention.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from New York.

Mr. STRATTON. It is my understanding, I would say to the chairman, is it not, that the committee has origionally proposed to spend $137.3 million in the bill for the Stinger. But on a point of order $100 million of that $137.3 million has to be dropped.

However, the proposal of the gentleman from California (Mr. DREIER) is simply to take that remaining $37.3 million and use it for as many Stingers as we can buy. And not all of these, I would say to the chairman, as I understand it, would be basic Stingers. Some of these would be advanced Stingers.

And since it is necessary to have this weapon, I think we ought to spend at least the money that still remains.

Mr. ADDABBO. It is the intention of the gentleman from New York, the

chairman of the committee, to support the Stinger in this second version.

Funds remain available in the 1983 appropriation for the basic Stinger. We said that more basic Stingers should not be bought, so we move that funds out of 1983 and into the 1984 budget for the advanced Stinger.

If this amendment carries, this gives the Army an additional $37.3 million which will continue to permit them to buy the basic Stinger, which is inadequate.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want this thing to go off in the wrong direction. I think everybody in this room dealing with this subject understands what it is we are trying to do. I do not want, because we end up with a confused vehicle, to do the wrong thing.

As I understand it, it is the gentleman from California's intention to do with this money now offered exactly what it is that the subcommittee set out to do through another source of funding.

I do not see anything that is wrong with what he is trying to do and I do not see any reason why we cannot do that through this amendment.

We can certainly say here as a matter of legislative history that it is our intention that this money be used not for the basic Stinger, as was the desire of the subcommittee in its original language, that the purpose of the committee is to provide the funds for those Stingers that were contemplated by the subcommittee's effort.

Is that the intention of the gentleman from California?

Mr. DREIER of California. Will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. DREIER of California. Absolutely. I thank the gentleman for yielding and I will say what we are doing is responding to the point of order that was ruled on earlier today by the gentleman from Georgia. Our response is simply to implement the committee recommendation.

Mr. EDWARDS of Alabama. I would say as a matter of legislative history, fine. Let the Army take that $37.3 million we could not move forward and reprogram it or turn it back to the Treasury. But I do not think that ought to defeat what it is the subcommittee is trying to do and what the gentleman was trying to do.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

If it is the legislative history that the transfer of funds was stricken by the point of order, and that the Army is not to use those funds to buy the basic Stinger, our concerns are satisfied. If those funds and the funds we are appropriating in this bill are for the second and third generation Stinger, then I would accept the amendment with that legislative history. We could possibly clarify this point further when we get into conference.

Mr. EDWARDS of Alabama. And I would agree with the gentleman that that is the legislative history.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, without regard to section 4774, title 10, United States Code, for the foregoing purposes, and such lands and interests therein may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $4,542,196,000, and in addition, $83,800,000, to be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1983/1985", to remain available for obligation until September 30, 1986.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would have liked to offer an amendment at this point to allow the Army to provide a second source for the M1 tank engine but I recognize that because of the action on the authorization bill I am unable to under the Rules of the House.

I just simply want to remind this body that second sourcing provides an opportunity to save $10,000 per engine and over $60 million over the life of this program, based on the bids that were received by the Army.

I would hope that at some point in the legislative process we will have an opportunity to reconsider what I continue to believe was a very unwise decision, and restore some competitive pressure on this program.

Just the other day the Vice Chief of the Army came to my office and I said to him, "What about this engine dilemma? What about the problems? Is the contractor now providing those engines on a timely basis?"

And the Vice Chief of the Army told me, he said, "Congressman, after the authorization bill was passed with that amendment barring competition," he said, "we have not received engines on a timely bases from the prime contractor."

Just as I expected, as soon as the threat of competition was removed we have gone back to the same kind of sloppy work that we had before.

I have never been so disappointed in my career in this House as I was when we voted to do away with competition, competition that would have provided a savings to this Government.

I hope that the other body will find a way to come forward with an amendment that will allow the Army and the Defense Department to have the competition that they request.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the chairman.

Mr. ADDABBO. I thank the gentleman for yielding.

As a general proponent of dual sourcing but an opponent of the gentleman's amendment to the Armed Services authorization bill, I must again point out—and I do not want to waste the time of the committee at this point to rehash what we have found out—but there may be no real savings. The Army says, well, there may or may not be a savings.

Until we know for sure that there is going to be a savings, we should only spend money for surveys. When we know there is going to be a savings, then we could move ahead.

On what the Vice Chief has told the gentleman, we had our surveys and investigations staff as well as GAO continually monitoring Defense Department programs. Sometimes the savings by giving to a second source are offset by the cost of Government-furnished equipment or other start-up costs which are millions and millions of dollars, also, a second source might make sense if we know we are going to go ahead with more than 840 tanks per year. Then the committee would look at it. But at this point in time there was no savings, no proof of savings except alleged savings.

Mr. DICKS. I only point out to my chairman that I appreciate the fact that he has said he is prepared to look at this issue if in fact we get from the contractor a bid that shows that real savings can be achieved.

I would point out that the bid that was received did have the contractor providing the basic facilities as part of that bid.

Second, there would be a $10,000 per engine savings.

So I think the gentleman has made his point.

Mr. ADDABBO. But there are other costs like Government-furnished equipment.

Mr. DICKS. If I can respond to my chairman, I appreciate the fact that he has demonstrated a willingness to reconsider this matter and that the only objection he had to competition

was on the question of whether in fact it would save us some money.

There is no one who I respect more in this House for the kind of dedicated work that he does to try and hold down wasteful defense spending than my distinguished chairman. He has served this country and this House very, very well as the chairman of our subcommittee. And he has always acted in a way that is trying to be frugal with the taxpayers' money and no one respects that more than the gentleman from Washington.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I would be delighted to yield to another great patriot, the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL. The only point I would like to make is would the gentleman agree that this engine contract was competed?

Mr. DICKS. All I can tell the gentleman from Virginia is that the Army felt it was not getting quality work done by the incumbent contractor.

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent Mr. DICKS was allowed to proceed for 3 additional minutes.)

Mr. DICKS. The Army wanted to have a competition to determine whether they could get another contractor to come in and provide part of the work. The gentleman is correct, the incumbent contractor did originally win the competition, but they were not doing a good job, and that is why the Army wanted go to a second source.

The bids were received and it is my information from the Army that had the second source been accepted we would have saved $10,000 per engine.

□ 1500

Now why would this Congress want to stand in the way of competition? Why would this Congress want to say that the Army cannot consider a second source? Why would this Congress want to stop the competitive process, which is what we need to do if we are going to get defense spending under control?

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I, of course, yield to the gentleman.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, did the gentleman ever inquire of the Army as to why they did not cancel the contract when the contractor was not performing, rather than waiting until after he had spent millions of dollars to upgrade his equipment as the Army requested him to do?

Mr. DICKS. The problem is that the Army needs to get those engines because we have the tank program underway.

What they were trying to do is to bring in competition, first, to increase their surge capability; and second, to put pressure on the incumbent contractor on the threat of losing a substantial part of the business, to do a better job.

I would like to tell the gentleman from Virginia (Mr. DANIEL) that the moment the Armed Services Committee amendment went into place suddenly we are now getting shoddy work done by the incumbent contractor. I think it is unfortunate that we have stepped in and said that there cannot be competition on these tank engines.

Mr. DANIEL. I think the gentleman is perfectly correct up to a point. But the point I was trying to make, Mr. Chairman, is that the Army should recognize the deficiencies in these contracts or in the performance, before they request a contractor to upgrade the equipment so that they can meet the performance standards.

To do otherwise, it seems to me, is to destroy the industrial base.

Mr. DICKS. We want to expand the industrial base, that is one reason why we want more competition, that is why we want somebody else to build these engines.

Mr DICKINSON. Mr. Chairman, will the gentleman yield to me?

Mr. DICKS. Mr. Chairman, I of course yield to the distinguished ranking member of the Committee on Armed Services, someone whose judgment I respect on most matters.

Mr DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I can assure the gentleman that my judgments, and what I will be saying here, are based on facts and not fiction.

I can understand what the gentleman has said. Much of what he has said I have no quarrel with. The basis on which he makes a plea for second sourcing, I agree with. We went over most of this in the authorization process.

But the gentleman is saying something has happened subsequent to that time.

Mr. DICKS. That is true.

Mr. DICKINSON. Which is contrary to the facts as I know them. I did not want that left without being corrected.

Mr. DICKS. Would the gentleman from Alabama be prepared to sit down with me, and with the Army and hear what they have to say about this competition so that there cannot be any misunderstanding?

The CHAIRMAN. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKINSON. Mr. Chairman, would the gentleman yield further?

Mr. DICKS. I of course yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding further.

Mr. Chairman, I would be very pleased to do so. Let me say that I, subsequent to the authorization bill, discussed this with the Army and I am told, whether it is right or wrong, I am told by the Army that Avco-Lycoming is in fact producing on schedule and they have no complaint with the product.

But let me say that the gentleman based this on the premise that we are trying to stifle competition. Nothing could be further from the truth. There was a competition when the contract was originally let.

How many competitions should you have in the life of a contract? Well, maybe that is problematical. But now the problem is, the gentleman knows, that the Army had trouble initially with the manufacturer. They got at cross purposes. They got very dissatisfied with Avco. That has been the history of it.

Mr. DICKS. If I could take back my time for just a minute, I talked to the Vice Chief of the Army last week. He says they are still dissatisfied with Avco, the incumbent contractor.

I would suggest competition is in the national interest and what we did on the authorization bill was not a very wise decision.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just set the record straight, and this is on my time: We have never tried to stifle competition. We believe in it. When the contract was originally completed, there was a competition and it was selected through a competitive process.

There was trouble with the manufacturer subsequent to that time. We have a difference in fact, between what the gentleman from Washington has from what I have, so we can resolve that as to what the Army says the situation is now. However, the fact is that when the authorization bill came up we debated all this. We have never been opposed to competition. It is a question of how many times must you make them go over this same hurdle?

Now, prior to the bill and prior to going into conference, I personally sat down and talked with Mr. Ambrose, Deputy Secretary of the Army. We discussed this. He came up with a whole new set of figures that had never, never surfaced during our hearings.

We started out and we talked about buying 7,000 tanks. Nobody questions that.

Then they were going to require an additional 3,000 engines, spares, parts.

Three days before we were to go into conference he comes up with a figure of 13,000.

The question then was: "Well, now, if you are going to start a second source, a new source has to be facilitized, and has to come on line. They have to build up a learning curve so that they can then be competitive." If you are only going to buy 7,000 engines or 10,000, at what point during the buy would the second source come on so as to effect these savings?

If you have to facilitize upfront and make the gross capital investment, will you have enough engines left to produce then to make a significant savings? Only by adding the additional 3,000 engines that they came up with—and they never did explain where they came from—but only by stretching the buy over what we had been told in committee and in subcommittee and had debated, only then could you justify going to the second source.

That is the reason we opposed opening up for a new competition, a second source. But I have subsequently talked to people from Garrett; I have subsequently talked to the Senator from Arizona (Mr. GOLDWATER) who is very interested in this, and I subsequently talked to the Army, and I said, "We are for a savings if it can be done. We have no objection to a second source if you can justify the additional tanks."

Mr. DICKS. Why then did you put language in the bill that says you cannot have a second source?

Mr. DICKINSON. If the gentleman will allow me to complete on my time, we would be very pleased to have a second source if the gentleman can show the justification for enough engines in the buy to make a second source profitable, or where it saves money.

So that comes up to how solid the figures are on how many engines you are going to have to have and how soon the second source could come on board.

So the gentleman and I start from the same basic premise, we would like to save money, we would like to have good competition which drives the cost down. It is a question of how many we are going to buy and how soon they can come on line.

Mr. DICKS. Mr. Chairman, will the gentleman yield further?

Mr. DICKINSON. I yield to the gentleman.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, the amendment that I offered to the author of the bill provided that you could not have a second source unless the Army could certify that it was cost-effective.

I am surprised, with that kind of language, that the gentleman and the Members of the committee opposed my amendment. It says only if it is cost-effective.

Mr. DICKINSON. Unfortunately, this sort of gets into conflicts and personalities. But knowing some of the people involved in the program in the past, we knew the Army was determined to take this contract and take it away, contrary to law. We were not going to allow that.

If they could justify it on the facts, fine, but personalities got involved and we just did not want to do that.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $9,994,245,000, to remain available for obligation until September 30, 1986.

The CHAIRMAN. Does the gentleman from Alabama (Mr. NICHOLS) seek recognition?

Mr. NICHOLS. Yes; I do, Mr. Chairman.

Mr. Chairman, I offer an amendment relating to page 20, line 9, of the bill.

The Clerk proceeded to read the page and line numbers of the amendment.

POINT OF ORDER

Mr. ADDABBO (during the reading). Mr. Chairman, I raise a point of order against the amendment. We have already passed that section.

Mr. NICHOLS. Mr. Chairman, I was on my feet at the time.

The CHAIRMAN. The Chair recognizes the gentleman was on his feet but did not know that he was seeking recognition.

Mr. NICHOLS. Mr. Chairman, I was at the microphone. I was standing. I was prepared to offer my amendent had the Chairman recognized me.

The CHAIRMAN. The Chair will have to make the observation that the gentleman from Alabama was not seeking active recognition. The Chair recognized the gentleman was on his feet but did not notice that he was seeking recognition by any vocal expression.

Mr. NICHOLS. Mr. Chairman, I of course must abide by the Chair's decision on it, but I would ask the chairman of the Subcommittee on Appropriations who saw me standing if he would relinquish his position on that matter.

□ 1510

Mr. ADDABBO. Mr. Chairman, I cannot relinquish it, because if I relinquish it to the gentleman, there are other Members who are not here who have amendments they wish to offer, and I would not go back to them.

So I deeply regret my position.

Mr. NICHOLS. Mr. Chairman, I ask unanimous consent that I be permitted to offer my amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. ADDABBO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended, as follows: for the Trident submarine program, $1,398,400,000; for Trident submarine program advance procurement, $306,500,000; for the T-AK cargo ship conversion program, $900,000; for the SSN-688 nuclear attack submarine program, $1,988,000,000; for the reactivation of the U.S.S. Wisconsin, $57,700,000; for the aircraft carrier service life extension program, $95,900,000; for the CG-47 AEGIS cruiser program, $3,200,550,000; for the DDG-51 guided missile destroyer program, $53,000,000; for the LSD-41 landing ship dock program, $405,500,000; for the FFG-7 guided missile frigate program, $218,000,000 which shall be derived by transfer from subdivisions of "Shipbuilding and Conversion, Navy 1980/1984", "Shipbuilding and Conversion, Navy 1981/1985", and "Shipbuilding and Conversion, Navy 1982/1986" and "shipbuilding and conversions, Navy 1983/1987", and in addition, not to exceed $100,000,000 may be transferred pursuant to this provision to the FFG-7 guided missile frigate program from other subdivisions of this account, provided that the FFG-7 guided missile frigate shall be constructed with an upgraded MK-92 fire control system and an X-band phased array radar; for the T-AO fleet oiler ship program, $349,900,000; for the MCM mine countermeasures ship program, $221,000,000; for the MSH coastal mine hunter program, $65,000,000; for the T-AGS surveying ship program, $34,500,000; for the T-AKR fast logistics ship program, $219,000,000; for the T-AH hospital ship

program, $210,000,000; for the T-AFS combat stores ship program, $11,000,000; for the LHD-1 amphibious assault ship program, $1,365,700,000; for the strategic sealift program, $31,000,000; for craft, outfitting, post delivery, cost growth, and escalation on prior year programs, $1,040,600,000; in all: $10,913,650,000, and in addition, $218,000,000 to be derived by transfer, to remain available for obligation until September 30, 1988: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by $140,500,000, as follows: $27,500,000 for consultants, studies, and analyses, and $113,000,000 for revised economic assumptions: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

Mr. McKINNEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have to say that I was somewhat surprised to be sitting in my office and hear my good friend from the west coast move once more into the foray of the M1 tank engine.

I heard comments that the work was sloppy. I heard comments that things had deteriorated. I heard comments that the Army was dissatisfied.

Mr. Chairman, I have to tell my colleagues that 12,700 of my constituents work in the Avco/Lycoming plant and make that engine. They have had incredible problems throughout the history of that engine, mainly because the design of the entire tank had some intrinsic problems. One of the problems obviously was the fact that the engine, being a turbine engine, has to take in a great deal of air. There were dust problems, grit problems. Those were not of Avco/Lycoming's design.

And I would just like to say to the Members of the House that I really feel it is somewhat sad that union members, over 10,000 of them; nonunion members, over 2,000 of them, worked night and day to solve the problem of that engine. Some did not get paid extra for that work, but they believed in the plant and themselves and the engine. They have solved the problems. The Army assures me that they are satisfied. We had problems with the Chrysler Corp. We had problems with too much Army surveillance. They are ahead of production. Local 1010 of the United Auto Workers has shown themselves to be in the very basic concept we talk about now, not antagonism, but cooperation with both management and the military to build an engine that is superlative.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, I have just been advised by staff that the Army has sent a letter of commendation to the workers at Avco for superior work. I thought this should be made a part of the record.

SEPTEMBER 23, 1983.

To All Avco Employees:

It is well known to many of you that I have, during the two years I have been in office, both been critical of the rate of improvement in product quality for the AGT 1500 engine and have personally pressed hard for additional actions to achieve high quality levels. It is clear from the latest data that in recent months Avco has achieved substantially better levels of quality performance. I am pleased to acknowledge your efforts and encourage you to sustain and better the results of recent months.

It is very important to both Avco and the Army that this engine be a standout component of the M1 Tank. The importance includes not only operating performance, but also durability, maintenance requirements, and overhaul costs.

I am confident that sustained effort of the kind you are demonstrating will make the engine such a standout.

JAMES R. AMBROSE,
Under Secretary of the Army.

Mr. McKINNEY. I am delighted at my friend's comments. And I would simply say I have heard about this and I think that this is a work force in a plant that showed a can-do spirit for this country. We argued this issue throughout the authorization bill and as far as I am concerned, it is settled. I felt that I had to run over here and turn around to the members of local No. 1010 and say, "Guys, I know what you did. I know how late you stayed. I have watched the whole process. And these ladies and gentlemen of Avco have turned around in a grindingly poor industrial city in the northeast and made a 35-year-old Navy plant turn out some of the best damned engines in the United States of America."

POINT OF ORDER

Mr. BENNETT. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BENNETT. Mr. Chairman, I make a point of order that the language on page 25, line 2, after "$218,000,000" through "1983/1987", on line 7, and also the language after "$10,913,650,000", on line 23 through "transfer" on line 24—all in the paragraph "Shipbuilding and Conversion, Navy"—constitute a reappropriation of unexpended balances of appropriations and thus is not in order under rule XXI, clause 6.

The language would extend the availability of the funds until 1988 and would make them available for purposes different than those for which they were originally appropriated.

The CHAIRMAN. Does the gentleman from New York (Mr. ADDABBO) wish to be heard on the point of order?

Mr. ADDABBO. I do, Mr. Chairman.

Mr. Chairman, I concede the point of order.

The CHAIRMAN. For the benefit of the Chair, would the gentleman from Florida (Mr. BENNETT) please delineate the precise page and line.

Mr. BENNETT. Mr. Chairman, I make a point of order that the language on page 25, line 2, after "$218,000,000", through "1983/1987", on line 7, and also the language after "$10,913,650,000", on line 23 through "transfer" on line 24—all in the paragraph "Shipbuilding and Conversion, Navy"—constitute a reappropriation of unexpended balances of appropriations and thus is not in order under rule XXI, clause 6.

That is the precise language.

The CHAIRMAN. The gentleman from New York (Mr. ADDABBO) concedes the point of order?

Mr. ADDABBO. I do, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 25, line 2, after "program," insert the following: "which shall be derived by transfer from subdivisions of the paragraph;".

Mr. ADDABBO. Mr. Chairman, my amendment provides $218 million for the FFG 7. The committee supports this program. The Navy Department notified the committee that there were prior years unobligated funds that could have been used, but have now been stricken by the point of order.

My amendment proposes to fund the FFG 7 program within the current shipbuilding account. We were advised by the department that there were sufficient prior year funds to construct the FFG 7. Now we are saying that $218 million of the funds in this paragraph are to be used for the FFG 7, plus the additional $100 million in transfers which are set forth further in the bill.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have tried to follow the chairman in his explanation. As I read it, the chairman's language refers to $300 million which shall be derived by transfer from subdivisions of the paragraph.

Am I reading that correctly?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding. We are now stating that the $218 million "shall be derived by transfer from subdivisions of the paragraph," because we did provide for the additional $100 million to

make the $318 million on line 7. So now we fully fund the FFG 7 within this shipbuilding appropriation.

Mr. EDWARDS of Alabama. Then do I understand that under the language proposed by the chairman that this $218 million could come from anywhere in this account having to do with shipbuilding?

□ 1520

Mr. ADDABBO. The gentleman is correct.

Mr. EDWARDS of Alabama. Is the chairman prepared to suggest where in this account those funds would come from?

Mr. ADDABBO. We have been informed in various discussions that the Department could absorb substantial sums of money within this $10.9 billion appropriation.

Mr. EDWARDS of Alabama. Since this gentleman has not been so informed, would the chairman enlighten us as to who informed the chairman that that money is available in those accounts?

Mr. ADDABBO. Well, in various discussions with the Navy they needed authorization to appropriate funds and transfer some of the funds they could find from previous years and the balance could be absorbed within this years account.

We do know that they have over $200 million left over from prior year funds they can possibly reprogram or transfer these funds forward with the approval of the legislative and appropriations committees. But, again, within this account I believe there are sufficient funds to provide this $218 million.

Again, this gentleman and I know the full committee fully supports the FFG-7 frigate program. And if they find that they do not have the available funds, they can show us how they are being hurt by this amendment.

Mr. EDWARDS of Alabama. Let me see if I understand what the chairman is saying. That while the amount of money that we provided in our bill for the FFG was ruled out of order because it was prior year money, the chairman is saying they can take that same money and reprogram it, with proper approval, and build the same ship with the same money?

Mr. ADDABBO. Very possibly. And if they cannot do it, again, we can correct it when we meet with the Senate in conference. The subcommittee fully agrees that the FFG-7 should be funded, and we believe there are sufficient funds within this account or other accounts to build it without giving them any additional new money.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this issue is an issue which I had expected to address in an amendment to restore the funds for various ships which the committee in its euphoria thought could be obtained by getting funds that had been otherwise appropriated.

I therefore took this up with the Secretary of the Navy, and he wrote me on October 25:

I am writing in response to your questions regarding the adequancy of the total Shipbuilding and Conversion, Navy appropriation recommended by the House Appropriations Committee.

In the past three years, we have made great strides toward rebuilding the Navy with new and more capable ships. At the same time, we have worked to improve the management of the shipbuilding program to deliver ships on time within cost. Our management efforts have been predicated upon introducing more realistic cost estimates into our budget submissions and then working closely with industry to see that the ships are built in the most efficient manner. As you may recall, Navy's efforts to avoid overpricing of the FY 84 SCN budget received considerable publicity in the media, and some even charged that the resulting budget request of $12,698,800,000 was too optimistic. At my direction, this budget had undergone greater scrutiny and analysis than any SCN budget in recent history to ensure that it was neither overpriced nor underpriced. Moreover, when lower estimates emerged subsequent to the budget submission (−$113M in escalation projection, and reduced TAH option prices, for example), Congress was informed.

I have reviewed the HAC recommended bill. It appears that the most optimistic economic and management assumptions have been applied in nearly every case, and the issue of full funding has been ignored. Further, I am convinced that the reduction of $1.1 billion below the authorization, while approving all authorized ships except one mine countermeasure ship costing $80 million, would result in cost overruns with the requirement for subsequent request to the Congress for the needed additional funds, or construction of inadequately equipped ships.

I will pause, for a minute, from that letter, to say that very recently the General Accounting Office came forth with the statement about cost overruns in the Navy. And do you know what the chief criticism was? Their chief criticism was that the Navy greatly underpriced the cost of ships, and they seriously criticized the Navy for doing that.

The Navy, therefore, is trying to correct those processes and tries to now be absolutely sure that it should neither be overpriced nor underpriced. But the GAO has said that the Navy has repeatedly underpriced, and that is the reason why we have had these tremendous overruns in the Navy. The Navy was trying to be conservative. Now it is trying to be precisely accurate. Therefore, if you did what the chairman of the subcommittee asks you to do, you would simply say you would like to have the ships, but do not want to pay for them. That is what it amounts to saying.

Now I will go on to read the next part of this letter. I am near the end of it. This is the letter from the Secretary of the Navy:

My second observation relates to the FFG 7 Guided Missile Frigate in the FY 84 Authorization Bill. It is clear that Congress has expressed its will in favor of delaying the end of production of this fine class. However, the HAC directs "that this ship be built with the MK-92 upgraded phased array radar" (a system not yet developed and not possible for any FY 84 ship), but no money is directly provided in the recommended appropriations bill to build this ship. Instead, the bill would make available $318M anticipated to be saved in the construction of other ships in the fiscal year 1980 through 1984 shipbuilding program. It would be irresponsible for me to agree that an FFG 7 so configured could be constructed for the amount proposed for transfer from FY 84 and prior years, even if such funds could become available.

Now, of course, this amendment makes it worse than the original bill was because this says, "Find the sums somewhere in your cost overruns, or wherever it is." I do not know why that makes sense, but that is essentially what the chairman of the committee has suggested.

I will not deal with each one of those programs, because they will come up in another amendment.

Now, I talked to the chairman of the subcommittee the other day on the floor, and I said, "Why do you not agree to this amendment?"

And he said, "I am not in any way opposed to the ships. I just want you to find the money somewhere else."

The CHAIRMAN. The time of the gentleman from Florida (Mr. BENNETT) has expired.

(By unanimous consent, Mr. BENNETT was allowed to proceed for 5 additional minutes.)

Mr. BENNETT. The Chairman told me that he had talked to the Secretary of the Navy, as I remember it, and the Secretary of the Navy implied to him that he could find them somewhere else in the SCN program. So I called the Secretary of the Navy. I said:

If that is true, I am not going to offer this amendment. I am not going to go forward with this, if you have got that money. I want you to spend it out of the money you have in hand.

So he said, "That is absolutely untrue. I must have misled the chairman in some way."

So the Secretary wrote him a letter. I have that letter before me. This is a letter addressed to the gentleman from New York (Mr. ADDABBO), and it is dated October 25:

Attached please find a letter sent this date to Chairman BENNETT outlining my support for his initiative.

We are gratified that the House Appropriations Committee supported the present shipbuilding program for 1984 almost in its

entirety, and we appreciate your efforts in that regard. The House Appropriations Committee's action, however, has raised questions concerning the principles of full funding and adequate long lead in the SCN account. The Department of the Navy strongly supports these principles.

You have not actually said you are abandoning full funding. If you abandon that thing, you ought to say so. But you are not saying that, because that has been our policy in the past.

The Secretary continued to ADDABBO:

Some specific cases involving the full and adequate long lead funding are outlined in greater detail in the attached letter written in response to Chairman BENNETT's queries.

And I have already quoted that letter to you.

In his letter to the gentleman from New York the Secretary said:

In light of the fact that the appropriations bill is so far under the budget resolution, bearing in mind the importance of maintaining the integrity of the congressional budget process, I would urge you to support Congressman BENNETT's amendment on the SCN which is entirely consistent with the congressional budget resolution.

That is the end of the letter which the Secretary of the Navy has written to Chairman ADDABBO and he wrote it at the request of me when I understood from the chairman of the subcommittee that he had talked in some way with the Secretary of the Navy and the Secretary of the Navy said they could find the money somewhere. The Secretary of the Navy assured me that there was no way of doing that. And all that the bill before you, if you add the amendment of the chairman, would do, would be just to say, "We are in favor of building ships, but you find the money, even though you do not have the money to fund them with."

□ 1530

Bear in mind that our branch of Government, the legislative branch of Government, asked the General Accounting Office to report to us what were the problems with overfunding in the Navy and very recently came forward with this statement that the problems with overruns in the Navy are primarily that the Navy has underpriced the cost of the ships.

So for him to say, or for anybody to say that the answer to this problem is just to go ahead and tell the Navy:

Even though you underpriced the cost of the ships, we are going to tell you that you can get them even cheaper. You can find them somewhere where you have money running around which is not identified, which does not exist.

Therefore, Mr. Chairman, I vigorously oppose this amendment.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Will the gentleman agree that this ship, the FFG-7, was not budgeted; that this was authorized over and above the budget and was not requested by the Navy?

Mr. BENNETT. It has been requested by the Navy.

Mr. ADDABBO. All right, but it was not in their budget. Is that correct?

Mr. BENNETT. It was not in the original budget request; that is correct.

Mr. ADDABBO. It was not in the budget.

Mr. BENNETT. In the original budget request.

Mr. ADDABBO. All right. And then they want the ship, and this is when my discussion was had with the Secretary. They said, "Get us the ship. We will find the funds."

The Department gave us a list of all prior-year programs from which funds could be transferred. The gentleman has raised a point of order on those prior-years' funds, but the Navy, I repeat the Navy, gave us a list where they have over $200 million which they could use for this ship. So what we are doing, we are throwing to them an additional $218 million if my amendment fails.

What I am saying is, we support the program. We support this add-on. But take the money out of existing funds. They have it. They have pointed out the prior years and they can then fund it this year because they can move money around, as the gentleman well knows. Why give them an additional $218 million when they, themselves, have given us a list of over $200 million they have in excess.

Mr. BENNETT. The Navy is not allowed to move money between years without legislative authority. The Secretary of the Navy never in any way implied to me at any time that he had the kind of money that the gentleman is now indicating. The letter which he wrote just yesterday, which I asked him to write if it were true—I asked him if it is true that you do not have the money, do not write the letter, but if you have the money then write the letter and tell us on the floor so we will understand.

The Secretary of the Navy does not have the power to move 1-year money to another-year money.

After all, let us just think about this for just a second before you get up tight. After all, if there is any money laying around somewhere that does not need to be spent, it can go to the General Treasury, so nobody has been hurt by properly authorizing in the past years.

The CHAIRMAN. The time of the gentleman from Florida (Mr. BENNETT) has expired.

(On request of Mr. ADDABBO and by unanimous consent, Mr. BENNETT was allowed to proceed for 2 additional minutes.)

Mr. ADDABBO. Mr. Chairman, if the gentleman will yield further, in the list that we received from the Navy, and this was September 15, on the FFG program in 1980 they have $26.5 million; in the FFG program for 1981, they have $4.1 million; in the FFG-7 program in 1982, they have $23.5 million; in the FFG-7 program in 1983, they have $2.4 million. This is only part of the list that they gave us.

Mr. BENNETT. Well, we never received any such statement like that from the Secretary fo the Navy, and we do have these signed letters from the Secretary of the Navy, both of them signed yesterday, and one of them addresses the specific thing you referred to, saying they do not have adequate money for it. So maybe in September there was something like that floating around. It never floated to my committee. I am not saying the gentleman did not receive it. But it is pretty old; it is outdated. They have not been able to identify any of those funds today.

So if we need to buy these ships, we ought to fund these ships. If there is any money to be turned back to the Treasury, it will be turned back to the Treasury anyway.

We will do a real damage to defense if we accept the chairman's suggestion, his amendment here. We will not do any damage to defense if we oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The question was taken; and on a division (demanded by Mr. ADDABBO) there were—ayes 2, noes 8.

Mr ADDABBO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1550

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

Mr. ADDABBO. Mr. Chairman, I renew my demand for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 287, noes 140, not voting 6, as follows:

[Roll No. 419]

AYES—287

Ackerman	Frost	Moore
Addabbo	Fuqua	Morrison (CT)
Akaka	Garcia	Mrazek
Albosta	Gaydos	Murphy
Anderson	Gejdenson	Myers
Andrews (NC)	Gekas	Natcher
Andrews (TX)	Gephardt	Neal
Annunzio	Gingrich	Nowak
Applegate	Glickman	Oakar
Archer	Gonzalez	Oberstar
Aspin	Goodling	Obey
AuCoin	Gore	Olin
Barnes	Gradison	Ortiz
Bartlett	Gramm	Ottinger
Bates	Gray	Owens
Bedell	Green	Panetta
Beilenson	Guarini	Pashayan
Bereuter	Hall (IN)	Patman
Berman	Hall, Ralph	Paul
Bethune	Hall, Sam	Pease
Bevill	Hamilton	Penny
Biaggi	Hance	Pepper
Boehlert	Harkin	Perkins
Boggs	Harrison	Petri
Boland	Hayes	Pickle
Boner	Hefner	Pritchard
Bonior	Heftel	Rahall
Bonker	Hertel	Rangel
Borski	Hightower	Ratchford
Bosco	Hiler	Reid
Boucher	Howard	Richardson
Boxer	Hoyer	Ridge
Breaux	Hughes	Rinaldo
Brooks	Jacobs	Ritter
Brown (CA)	Jenkins	Roberts
Broyhill	Jones (NC)	Rodino
Bryant	Jones (TN)	Roe
Burton (CA)	Kaptur	Roemer
Byron	Kasich	Rostenkowski
Campbell	Kastenmeier	Roukema
Carper	Kazen	Roybal
Carr	Kennelly	Russo
Clarke	Kildee	Sabo
Clay	Kindness	Savage
Coats	Kogovsek	Sawyer
Coelho	Kolter	Scheuer
Collins	Kostmayer	Schneider
Conable	Kramer	Schroeder
Conte	LaFalce	Schumer
Conyers	Lantos	Seiberling
Cooper	Leach	Sensenbrenner
Coughlin	Leath	Shannon
Coyne	Lehman (CA)	Sharp
D'Amours	Lehman (FL)	Shaw
Daschle	Lent	Sikorski
Daub	Levin	Simon
de la Garza	Levine	Skeen
Dellums	Levitas	Skelton
Derrick	Lewis (CA)	Slattery
Dicks	Lipinski	Smith (FL)
Dingell	Loeffler	Smith (IA)
Dixon	Long (LA)	Smith (NE)
Donnelly	Long (MD)	Smith (NJ)
Dorgan	Lowry (WA)	Snyder
Downey	Lujan	Solarz
Durbin	Luken	Spratt
Dwyer	Lundine	St Germain
Dymally	Markey	Staggers
Early	Marriott	Stark
Eckart	Martin (IL)	Stenholm
Edgar	Martin (NC)	Stokes
Edwards (AL)	Martinez	Studds
Edwards (CA)	Matsui	Swift
Edwards (OK)	Mavroules	Synar
Emerson	Mazzoli	Tallon
English	McDade	Tauke
Erdreich	McHugh	Tauzin
Evans (IL)	McKinney	Thomas (GA)
Fascell	McNulty	Torres
Fazio	Mica	Torricelli
Feighan	Michel	Towns
Ferraro	Mikulski	Traxler
Fields	Miller (CA)	Udall
Fish	Miller (OH)	Valentine
Florio	Mineta	Vento
Foley	Minish	Volkmer
Ford (MI)	Moakley	Vucanovich
Frank	Mollohan	Walgren
Walker	Whitten	Wyden
Watkins	Williams (MT)	Yates
Waxman	Williams (OH)	Yatron
Weaver	Wilson	Young (AK)
Weber	Wirth	Young (FL)
Weiss	Wise	Young (MO)
Wheat	Wolpe	Zablocki
Whittaker	Wright	

NOES—140

Anthony	Hammerschmidt	Nichols
Badham	Hansen (ID)	Nielson
Barnard	Hansen (UT)	O'Brien
Bateman	Hartnett	Oxley
Bennett	Hatcher	Packard
Bilirakis	Hawkins	Parris
Bliley	Hillis	Patterson
Britt	Holt	Porter
Broomfield	Hopkins	Price
Brown (CO)	Horton	Pursell
Burton (IN)	Hubbard	Quillen
Carney	Huckaby	Ray
Chandler	Hunter	Regula
Chappell	Hutto	Robinson
Chappie	Hyde	Rogers
Cheney	Ireland	Rose
Clinger	Jeffords	Roth
Coleman (MO)	Johnson	Rowland
Coleman (TX)	Jones (OK)	Rudd
Courter	Kemp	Schaefer
Craig	Lagomarsino	Schulze
Crane, Daniel	Latta	Shelby
Crane, Philip	Leland	Shumway
Crockett	Lewis (FL)	Shuster
Daniel	Livingston	Siljander
Dannemeyer	Lloyd	Sisisky
Davis	Lott	Smith, Denny
DeWine	Lowery (CA)	Smith, Robert
Dickinson	Lungren	Snowe
Dowdy	Mack	Solomon
Dreier	Madigan	Spence
Duncan	Marlenee	Stangeland
Dyson	Martin (NY)	Stratton
Erlenborn	McCain	Stump
Evans (IA)	McCandless	Sundquist
Fiedler	McCloskey	Taylor
Flippo	McCollum	Thomas (CA)
Foglietta	McCurdy	Vander Jagt
Ford (TN)	McEwen	Vandergriff
Fowler	McGrath	Whitehurst
Franklin	McKernan	Whitley
Frenzel	Molinari	Winn
Gibbons	Montgomery	Wolf
Gilman	Moody	Wortley
Gregg	Moorhead	Wylie
Gunderson	Morrison (WA)	Zschau
Hall (OH)	Nelson	

NOT VOTING—6

Alexander	Forsythe	Mitchell
Corcoran	MacKay	Murtha

□ 1600

Mr. LELAND and Mr. GREGG changed their votes from "aye" to "no."

Messrs. WISE, BOEHLERT, EMERSON, ARCHER, and LEVITAS changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1610

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Page 24, line 25, strike out "$53,000,000" and insert in lieu thereof "$79,000,000".

Page 25, line 2, insert "$300,000,000,000, and in addition" after "frigate program,".

Page 25, line 23, strike out "$1,040,600,000" and insert in lieu thereof "$1,070,100,000".

Page 25, line 23, strike out "$10,913,650,000" and insert in lieu thereof "$11,269,150,000".

Mr. ADDABBO. Mr. Chairman, I demand a division of the three separate issues addressed by the gentleman's amendment.

The CHAIRMAN pro tempore. The question will be divided into its four components.

The gentleman from Florida (Mr. BENNETT) will be recognized for 5 minutes in support of the first part of his amendment.

Mr. BENNETT. Mr. Chairman, my amendment would restore funds to the authorized level in three ship programs and provide an appropriation for ships of $11,269,150,000, an increase of $355.5 million.

As amended, the bill would do three things:

Provide $300 million for construction of one FFG-7 guided missile frigate, which the committee has approved. The Appropriations Committee itself provided $79 million for design and advanced procurement for the lead *Burke*-class destroyer, the DDG-51; and provides $29.5 million for the procurement of long lead components for the landing craft air cushion.

I am offering this amendment because the reductions made in programs in the bill, unless restored, will result in cost overruns or the delivery of incompletely equipped ships.

This amendment does not add any ships. The Appropriations Committee put these ships in there. It just has not put any money in for the ships.

As members of the committee are well aware, there have been numerous instances of ships costing more than estimated. As a matter of fact, the General Accounting Office recently came out with a published booklet in which they aimed primarily opposition to the Navy's estimates of ships as being too low. They said that that was a cause of the overruns, the basic cause of the overruns.

So the Navy has been trying to correct that and has been accurate in its statements to the best of its ability. If you took the committee's position you would take exactly contrary to what the General Accounting Office says is our chief problem with overruns. The General Accounting Office has issued reports critical of the Navy, strictly critical statements about the budgeting costs, and has said that they should be more realistically estimated.

In fact, the 1984 budget request and the Appropriations Committee recommendation include funds for cost growth on the fiscal year 1981, 1982, and 1983 shipbuilding programs.

In light of this history, it is not reasonable to conclude that the shipbuilding program can be carried out with appropriations more than $1 billion less than the Navy's estimate for

the program, as would be provided in the bill before us.

I would like to quote from a letter from the Secretary of the Navy on this matter. At this point I will read. I have already read this once but a lot of people did not understand and a lot of people were not on the floor. I am not going to read the whole letter. It has already been put in the RECORD and already been read, as a matter of fact.

The Secretary of the Navy told me:

I have reviewed * * * (this) bill. It appears that the most optimistic economic and management assumptions have been applied in nearly every case and the issue of full funding has been ignored. Further, I am convinced that the reduction of $1.1 billion below the authorization, while approving all authorized ships except one mine countermeasure ship costing $80 million, would result in cost overruns with the requirement for subsequent request to the Congress for the needed additional funds, or construction of inadequately equipped ships.

This bill has merely said we just do not want to put the money in for paying for them needed and approved ships, and I think that is a very serious error and it should be corrected. We should be realistic about it.

If the Navy was building a lot more ships than it needed, or if the cuts we had already made in the Navy's ships were not sufficient, or if we had not made adequate cuts in defense in 1983, there might be some grounds for this sort of legerdemain which says build ships out of nothing. But there is no justification for this.

The President asked for a 10-percent increase. We are now down to a 2-percent increase in real growth for the Department of Defense. Our committee cut it to 5 percent and it is now down to 2 percent, and it will still be down to 2 percent when you have actually funded these ships which the committee has said it wants to build.

It will be a grave mistake to go into a planned cost overrun for these ships.

Mr. Chairman, I heartily hope that everyone will vote for this amendment because it certainly will be in the interests of strong national defense. It is not adding to anything. It is what was in the authorization bill. The Appropriations Committee says they like the ships and that they are needed. They just said go out and find the money somewhere else.

There is no way to find the money. If I could find the money, then I would be delighted to do it that way, the way the chairman would like, and go out and find the money, but the money is not there.

The Secretary of the Navy, after I confronted the gentleman from New York (Mr. ADDABBO) with this matter, he said, "Well, the Secretary of the Navy said we could find this money."

The Secretary of the Navy yesterday presented me a letter in which he said we cannot do it, you cannot build ships out of air, and so please, offer your amendment and please get it passed.

I talked to the chairman of the subcommittee. He said, "Well, the Secretary of the Navy told me he could find these funds somewhere in the SCN account."

So I confronted the Secretary of the Navy and said, "I do not want to offer this amendment if you can find the money. I would much rather find it somewhere." He said, "We don't have that money. There is no way we can do it."

I said, "Well, just don't ask me to, tell the chairman about it. You write a letter to the chairman."

So he wrote a letter to the chairman and said he attached the letter he wrote to Congressman BENNETT, which I have already referred to. He said we do not have the money and we cannot find the money.

Please vote for this amendment.

Mr. ADDABBO. Mr. Chairman, I rise in opposition to the amendment.

There are three parts to this amendment. One is relative to the $26 million add-on for the DDG-51. The Department was to award this contract for the ship last December. There has been a slip of 1 year. They do not need these funds in the 1984 appropriation. There has been a slip, so they do not need the $26 million add-on which is part of this amendment.

□ 1620

The gentleman offered another amendment to add an additional $29 million for the LCAC program.

Again, there has never been the requirement for advance procurement for this program. These are funds which are not needed in the 1984 appropriation bill and therefore that is $29 million which could be saved.

These are, again, I tell my colleagues, matters that will be in conference and will be looked at. But they do not have to be added into this bill by the Committee on Armed Services.

The gentleman now offers an amendment to add $300 million on top of the $218 million this House has just agreed to. This House has just agreed to my amendment which added in $218 million for the FFG-7.

What the gentleman from Florida wishes to do is to throw another $300 million on top of that, give them $600 million for a $300 million ship. That is what it amounts to. They have the money. I have a list given to me by the Navy where they have over the $218 million. His amendment would add $300 million of new money, which would give them a total of $600 million to build one ship which goes for $300 million.

I ask for defeat of the amendment.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to strike the last word. In fact, this House has been traumatized this week by the actions that have occurred in Lebanon, by the problems that we are facing now in Grenada with the invasion of our troops.

We have not counted the bodies in Lebanon; we do not know the outcome of the problems in Grenada.

As I traveled around the House floor and listened to the different Members' conversations, many of the conversations are focused on the international problems we face as a nation.

It seems to me, Mr. Chairman, that it really is inappropriate today for us to be debating this bill, whether it is the amendment of the gentleman from Florida or whether it is key amendments dealing with the MX or neutron weapons or nerve gas cannisters or levels of force in the defense bill.

Mr. Chairman, I think that we ought to be discussing today and working very diligently in private sessions and in briefings in our response and direction we must take toward Lebanon and Grenada, and we ought to hold for a week or two the specifics of this debate.

Mr. Chairman, let me be specific and brief: All of us, regardless of our position on the level of troops in Lebanon, or the rightness or wrongness of the problems we face in Grenada, are honestly interested in seeking answers to some specific questions.

In the wake of this week's tragedies it occurs to me that we ought to be in thoughtful conversation about the response and direction that we should be going as a nation and that rather than dealing with the amendments to the Defense bill, that can be demogogued one way or the other or can be misinterpreted by the press or others, we ought to rise at this moment and come back to this issue in a week or 10 days after we have clarified the situation in Grenada and after we have mourned and buried our dead and developed a strategy and response to the problems in Lebanon.

I know the good will of our chairman, Mr. ADDABBO. I know the pressures on the leadership to adjourn by the 18th of November.

I know that Members know what the outcome of the debate and the issues are going to be. I know many of us who have voted on all of the major controversial issues pretty much assume what the outcome is going to be. But I think as we deal with this appropriation debate today we deal out of a sense of emotion and not out of a sense of reason. We deal out of a sense of ignorance of the present needs nationally.

I urge the leadership of the House to rise on this issue, to consider some other issues that may be pending, and

to come back to this issue next week or in the next 10 days.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

I fully agree with the gentleman, Mr. Chairman, The only problem I have is that we face a November 10 continuing resolution expiration date. The Senate is moving ahead with their bill.

If we do not take some action and proceed as far as we can with this bill, we can be faced with a continuing resolution with the House not having worked its will.

I fully agree. I would rather have the bill come up 2 weeks from now but the continuing resolution expiration date of November 10 prevents me from doing that.

It is my intention, I will tell the gentleman in the well, after the disposition of this amendment we will probably get to the amendment on the B-1 and then it is the intention of the Chair to rise at that point.

Mr. EDGAR. I thank the gentleman for the clarification.

I would only respond to the gentleman by saying that I think we can meet the November 10 deadline adequately but it seems to me the pressures on us are too great to continue today.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(By unanimous consent Mr. EDGAR was allowed to proceed for 1 additonal minute.)

Mr. EDGAR. Mr. Chairman, I appreciate the chairman's problem in terms of time and speed. I think the leadership has already decided that this bill will not be up for consideration tomorrow.

I think we ought to rise at this point, we ought to come back to this when we can be more thoughtful about the gentleman from Florida's amendment and all other amendments pending to this legislation, when we can have some clarity as it relates to Grenada and when we can come back with a clear and decisive opinion with relation to Lebanon rather than trying to deal with this bill and rushing into the legislative process at a time of uncertainty internationally.

I thank my colleagues for allowing me to express one person's view. I recognize the leadership has, perhaps, a different point of view, but I would hope my colleagues would support rising as quickly as possible on this legislation.

Mr. FOGLIETTA. Mr. Chairman, I move to strike the last word and I rise in support of the amendment of the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Florida.

Mr. BENNETT. I thank the gentleman for yielding.

Mr. Chairman, the chief reason I wanted to be yielded to here is because I wanted to clarify some of the things that have been said.

It has been confused when it was said $300 million was added, and that $218 million was already in to make almost $500 million or $600 million for the ship.

Well, it might cost that much money. But that is not what this amendment will do.

The $218 million referred to is the $218 million that does not exist. It was authorized—$300 million has been authorized by the authorization committee; $218 million was appropriated only theoretically by the Appropriations Committee.

It was said, "Well, you can have money if you can find it somewhere." But there is nowhere to find it.

In order to make the last amendment fit into this and make a logical bill out of it, I went back to the authorization figure of $300 million, and language that follows makes it a bona fide amendment so it will fit in.

You can go to conference properly, you can knock out the $218 million anyway as it is not real money, just a hunting license.

□ 1630

The amendment does give an appropriation for $300 million for the ship. The ship will cost at least $300 million, that is the authorized figure for it.

And so there really is not any real confusion now about this measure.

Mr. Chairman, the essence of this is that we put back in here only the ships which are in both the authorization bill and the appropriation bill. No added ships. That is all it is. Just the ships that are both in the authorization bill and the appropriation bill.

All I am trying to do is make realistic that the ships will be built and not build them out of some dream money that does not exist. Because the money does not exist, according to the Secretary of the Navy, to build these ships with.

Mr. FOGLIETTA. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we need to understand what we are doing.

Mr. Chairman, I understood Chairman ADDABBO to ask that the amendment be divided into three parts.

The CHAIRMAN pro tempore. The Chair would advise the gentleman that the conversation the gentleman had led the Chair to believe it was divided into four parts.

Mr. EDWARDS of Alabama. Well, several parts.

And my concern therefore is, are we going to in fact have four votes. Is that the Chair's understanding?

The CHAIRMAN pro tempore. The Chair will advise the gentleman that under the rules there is now pending the equivalent of four separate amendments. There will be four votes and we may have four separate debates.

Mr. EDWARDS of Alabama. Mr. Chairman, I would like then to try to direct the Members' attention to one issue and not try to talk in general terms about four issues. And I would therefore like to ask the Chair which of the four amendments is before us.

The CHAIRMAN pro tempore. The Chair will read. It is on page 24, line 25, "strike out $53 million and insert in lieu thereof $79 million."

Mr. EDWARDS of Alabama. If I understand the amendment then this is the one that has to do with the DDG 51 program. And I would ask Members then because of this apparent confusion or potential confusion to try to direct our attention to the DDG 51 program and resolve that and then talk about something else.

And I would just like to point out to the Members that the Navy decided last year that it was not going to let the design contract out to private contractors, but it was going to bring design process inhouse and do it in the Navy.

We concluded, that being the case, there was no need for advance funding of the program at this time. Let the Navy do its inhouse design work. Then come back with a program which this committee would be more than happy to fund.

I would urge the Members in that situation then to vote down the amendment on the DDG 51 and let us move on to the next amendment.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. BENNETT) is recognized.

There was no objections.

Mr. BENNETT. Mr. Chairman, the Secretary of the Navy yesterday wrote me this letter as follows and I will just read the one paragraph about the 51:

> The appropriations bill would reduce funding for the *Burke*-class destroyer by $26 million. The Navy faces block obsolescence of a large part of the destroyer force in early 1990. Accordingly, it is essential to begin construction of the lead DDG 51 destroyer next year if we are to have the ships to replace those that will retire.
>
> The $79 million is necessary if we are to maintain our schedule and purchase ships at the lowest cost to the taxpayers.

The item that the gentleman referred to was addressed in the authorization committee by striking $20 million. So the Secretary of Navy has said

that he needs these funds. I am sure he does.

I ask for a vote.

AMENDMENT OFFERED BY MR. HARTNETT TO THE AMENDMENT OFFERED BY MR. BENNETT

Mr. HARTNETT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARTNETT to the amendment offered by Mr. BENNETT: On page 25, line 14, strike out "$221,000,000" and insert in lieu thereof "$301,000,000".

On page 25, line 23, insert "plus an additional $80,000,000" before "and in addition".

Mr. HARTNETT. Mr. Chairman, this is an amendment which would in effect add one minesweeper, one mine countermeasure ship to the two that the other body is attempting to add.

When it came out of our authorization by the Armed Services Committee, this bill contained three mine countermeasure ships. It was reduced by the Appropriations Committee to two.

Mr. Chairman, I want to just take a minute. I realize that a minesweeper is not a romantic ship. It does not win wars, it does not really add significantly to our fleet of offensive weapons, but to me a minesweeper is probably one of the most defensive ships that the Navy could possibly have.

Mr. Chairman, with the terrorism of today as witnessed in the terrible bombing in Lebanon over the weekend, it would be very easy for terrorists to mine our harbors and mine our coastal waters. It would be very easy for unfriendly nations to mine our harbors and mine our coastal waters by using commercial freighters to lay these mines, using submarines to lay these mines.

Mr. Chairman, I think the most significant thing that I can say to my colleagues here in the House is that in our entire fleet, our ever dwindling fleet of naval vessels, we only have three minesweepers. One is stationed in Florida, the *Fidelity*, and it is used for training; one is in Charleston, S.C., and one is located on the west coast.

Mr. Chairman, we have been told by the Department of Defense and by the Navy that, "Well, we have other methods of sweeping mines. We have helicopters. We have sleds."

Mr. Chairman, in order for helicopters and sleds to be effective, you must control the airspace in the area in which you are trying to sweep. We should witness, if nothing else from the Falkland Islands, the problems that the Argentines and the Brits had, because neither had adequate minesweeping facilities to be sure that those ships would not have been mined as they came and went out of those waters in and around Argentina.

I think it is vital to the defense of the fleet which we already have, and as I mentioned to my colleagues the ever dwindling fleet which we already have, to be able to move the fleet if and when the time arises. And, Mr. Chairman, not only under actual mining, but the threat of actual mining, we would paralyze, for a period of time, the entire U.S. Fleet that was located in U.S. ports if we were even threatened that those ports were mined. We would have no way whatsoever of moving that fleet. And I have said repeatedly that if you do not want to authorize and appropriate any more minesweepers, that is all right, because every ship that we have in our fleet now can act as a minesweeper once.

As it goes over a minefield, we will know where the mines are, we will have located them, and we will have indeed swept them, we will have sent to the bottom of our coastal waters one of our own naval vessels because of our inability and our lack of desirability in appropriating money to build any more minesweepers.

I have been tireless in my efforts. I have been relentless in my efforts to urge this Congress to give us an adequate number of minesweepers to clear our harbors and to clear our ports in the event they were mined by unfriendly nations or by terrorists.

And time and time again, we have moved to the left and moved to the left the number of minesweepers which we presently have.

I say to my colleagues that over the next 8-year period we will have no longer any minesweepers in our fleet. If we do not modernize that fleet, beginning now, beginning today, with an adequate number of minesweepers, we will have no minesweeping capabilities.

The ships that are assigned to the Naval Reserve Fleet now are more than 37 years old and there are 18 of them. We only have three active duty minesweepers to clear all of our home ports, the Straits of Hormuz if they were to be mined, and any other areas in this world, Mr. Chairman, where we might have to move our fleet.

I think it is a pitiful shame that we have let what was once a very strong minesweeping force degenerate to such an insignificant and incapable force of minesweeping.

I can only urge this Congress, this committee here today, to amend the amendment of the gentleman from Florida (Mr. BENNETT) so as to include an additional $80 million—I know the chairman must be saying, "When are they going to quite hitting me with these millions of dollars' worth of figures"—to build this much needed and long past due minesweeping.

□ 1640

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to commend the gentleman from South Carolina, who has brought up this issue of the mine countermeasure ships. I commend the gentleman for his interest in this program because it is one of those programs which is very often overlooked. At a time when we need to cut the defense budget, there is always the tendency to cut the little things. And, unfortunately, mine countermeasures is one of those things that gets classified as a little thing.

Let me ask the gentleman from South Carolina, if I might, How many ships, mine countermeasure ships, does the gentleman say we have?

Mr. HARTNETT. Presently, we have three active duty ships, we have three minesweepers that are capable of performing their function. We have 18 in the Reserve Fleet, all of which are more than 37 years old and which have already been rated by the Navy as incapable of performing their duties that are assigned to them.

Mr. ASPIN. What else do we have in the antimine force? We also have some helicopters, I understand, and some sweepers?

Mr. HARTNETT. Yes; we do. We have helicopters that pull sleds behind them. Now, that would be all right in our home ports. But if we had to carry out minesweeping efforts anywhere else in the world through the vital straits, like Hormuz, we would have to control the airspace in order to use helicopters to sweep mines. And that might not always be the case. We may not always control the airspace, so we would be relying on surface vessels to sweep the mines for us.

Mr. ASPIN. How does this force that we have compare at the present time with the requirements that we might anticipate in time of war? What do we know about that?

Mr. HARTNETT. Well, if you take the ports which we have on the west coast and the ones which we have on the east coast, if a significant number of our ships were in our home ports, we would have to move those three minesweepers around one at a time, and I guess we would have to go through the Panama Canal to get them back and forth to the west coast. I would say to the gentleman from Wisconsin there would be no way that we could quickly and adequately clear our ports to move our ships out.

Mr. ASPIN. I thank the gentleman.

Mr. Chairman, I think that, clearly, this is one of the areas that very often gets overlooked in the general debate. I do not know, but it seems to me that the gentleman has got a case. I think we have got at least a case to consider this, and it seems to me that I have been listening to the gentleman talk about this issue before in the House Armed Services Committee. I know he has had a longstanding interest in it, and I know he has brought the issue up time and time again. It seems to me

that we have got a case that we might listen to him.

We authorized three; is that right?

Mr. HARTNETT. I will answer the gentleman's question in the affirmative. We authorized three, and the Appropriations Committee appropriated for two.

Mr. ASPIN. And the appropriation at the moment is for two,

Mr. HARTNETT. Yes.

Mr. ADDABBO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the committee fully supports the mine countermeasures ship program. But we have found that the original cost estimates for the first ship was about $87 million. Some 4 months after the Department received its appropriation, we received a request for an additional $19 million for cost growth funding for the first ship.

Now, the current estimate is about $119 million, which is about 37 percent over the original estimate.

Our investigative staff, which is currently reviewing this program, has found that this program has serious problems including the potential for enormous cross growth.

I must point out that the committee reluctantly appropriated the funds for two of these ships because we support this program. Why? Why do I say reluctantly?

Because when we look at MCM program, we see that in a short period of time it has gone from $87 million to nearly $119 million.

Let me read to you the Department of the Navy letter which points out that the change order funding situation is critical, it has not gotten any better, and the Navy has severe problems with this program. In an internal document from the Supervisor of Shipbuilding, Conversion, and Repairs, Sturgeon Bay, Wis., the subject of MCM class change order money is discussed as follows:

> Attachment 1 is a change order money situation as of 30 August, 1983. As we have discussed the situation is critical and not getting better.
>
> Your attention is invited to Category 2 changes. All Category 2 items are significant changes. SUPSHIP has used every legal contractual maneuver to develop and incorporate the desired changes without committing fiscal resources. The time to pay the piper is upon us. Unfortunately, without additional changes or the money, at least 2 category items will not be adjudicated. Without adjudication the Contractor will not proceed.

Mr. Chairman and my colleagues, this simple wooden minesweeper has design specifications numbering almost 800 pages. Yet the Department has submitted nearly 300 pages of new changes. Our investigation staff now tells us that no one really knows what this program is going to cost. I must point out again we do support the program. But let the program proceed in an orderly fashion. Two ships are sufficient to keep this program moving to see exactly where we are going, and how much it is going to cost. At this point in time, to add an additional MCM ship on top of the two that we have appropriated money for would not be prudent and in the best interest of the taxpayers who are looking for a strong and efficient national defense.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from South Carolina.

Mr. HARTNETT. I thank the chairman for yielding, and I thank him for his courtesies this morning.

Mr. Chairman, I would just say to you that if the ship is not what it is purported to be, if the cost is not what it is estimated to be, then not only should we not have three, we should not have two, and we probably should not have one.

I know the chairman is interested in mine countermeasures, and I deeply appreciate that. But, Mr. Chairman, the ship is a good ship. It deals with complicated mines. This ship has to be able to sweep mines. There are all types of magnetic mines, percussion mines, medium-depth mines, deep-water mines, shallow-water mines. The mechanics and the mechanisms on this ship themselves are complicated. And to say that because the Trident submarine had serious cost overruns and many thousands of change orders does not mean it is not a good submarine. It is the same with the minesweeper.

Mr. ADDABBO. Again, I fully agree that the program is a good one. The ship ultimately may turn out to be a good one. But we should not throw this much money into the program until we have an efficient program.

What we have found is that money has never cured overruns, and never has cured the types of problems this program is incurring. More money oftentimes just creates greater problems. When we keep a tight rein on them, then we find that we get cost-effective ships and we get ships that work and will meet the threat. That is why I tell the gentleman that this amendment is premature.

We will continue to review the program. There was quite a bit of sentiment within the subcommittee not to fund it at all. But to show our intention and our belief that we do need these programs, we are willing to fund two ships. But we must keep a tight rein on it when we find this type of an operation within the Navy.

The CHAIRMAN. The time of the gentleman from New York (Mr. ADDABBO) has expired.

(By unanimous consent, Mr. ADDABBO was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. Mr. Chairman, will the gentleman yield for one more question?

Mr. ADDABBO. I yield to the gentleman from South Carolina.

Mr. HARTNETT. I thank the gentleman for yielding again.

Mr. Chairman, is it not true that, although this amendment calls for $80 million, and you say that the cost run is as high as $113 million——

Mr. ADDABBO. Nearly $119 million for the first ship of the class.

Mr. HARTNETT. $119 million. Would we not get a better deal on three ships, would we not get them cheaper per copy if we built the three rather than the two and maybe bring the cost down to what it was originally estimated to be?

Mr. ADDABBO. No, because we still do not know the cost of the first MCM ship.

Let me just read the bottom line of this internal memo: "Recommendation. PMS 303 organize a MCM-1 change order relief fund bake sale."

Mr. HARTNETT. I appreciate the gentleman's yielding. I understand his interest in mine countermeasures.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words, and I would like to address the questions that are raised here.

The letter from the Secretary of the Navy about this says as follows, the letter from Secretary Lehman, written yesterday:

> The Navy is critically short of minesweeping ships. The few ships in the fleet are more than 25 years old.
>
> The design problems encountered in the MCM program earlier this year are being resolved. Funding 3 ships this year offers the opportunity for cost savings through competition. With 2 shipbuilders in the program, 3 ships is the minimum that can be ordered each year if we are to maintain realistic competition.

□ 1650

Mr. Chairman, I did not offer this as a part of my amendment simply because I wanted to underline in all the other things in this amendment a consistency which was in all the other parts of the amendment. These were places where the committee said, "Yes, we need these ships for the defense of America, but we want the Navy to find the money for these ships."

Somewhere they are supposed to find the money, and the Secretary of the Navy has said as of yesterday there is no way to find the money for those ships which are in the other part of my amendment.

But this is in no way to be construed in opposition to this particular ship. This ship was in the authorization process. It is a greatly needed ship. It ought to be built, and I am happy myself to support this addition to the amendment. I hope sincerely that the

amendment to the amendment will be agreed to.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment to add one mine countermeasure vessel to the bill. The reason I do that is this: I realize the chairman, the ranking member and others are presenting some very valid arguments, but we are a maritime nation. We have at this time 21 minesweepers. The Soviet Union has 388. Some of ours are as old as 30-year vintage. The Soviets have state-of-the-art minesweepers. Ours are obsolete. Many of them are outmoded.

As our Nation moves to build a modern Navy, much attention has been focused on the big-ticket items in the naval budget. However, far too little attention, I think, has been given to protecting our ports and seaways from the dangers of mines. It makes little sense to construct aircraft carriers and refurbish battleships if we cannot move them in and out of our ports during wartime. Yet at the present time, the Navy's 21 minesweepers could keep open only 2 of the 12 ports that are most vital in time of war.

Since we depend on our open sea lanes and harbors as part of our military strategy, it is absolutely vital that we have the wherewithal to keep them open. At the present time, however, we must rely on minesweepers that are over 30 years old. We need a new generation of technology, up-to-date minesweepers to replace the current ships.

World War II technology simply is not going to suffice in a future conflict. In short, to fund only two ships instead of three because of design or technical problems would be to do so under false pretenses. All systems are go, and when all the 14 ships are completed, the United States will be much better defended against the threat of mines.

Vice Admiral Walters and other people in Naval Operations have said that no segment in our naval warfare has been underfunded for so many years as has been the mine warfare community. This becomes apparent, I think, when we take a look at our force of 21 compared to the Soviets 388. If we are going to have security, if we are going to protect ourselves, even if we take all the minesweepers in NATO and other allied countries, the Soviets would still have one-third more than all of us combined.

The fiscal year 1984 defense appropriation includes three minesweepers, one less, incidentally, than the administration requested. For our security, we cannot allow the mine warfare community to be underfunded any longer. Therefore, I would urge that we strongly support the Hartnett amendment which would appropriate funds for all three mine countermeasure ships, still one less than requested by the administration.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I would be happy to yield to the gentleman from South Carolina.

Mr. HARTNETT. I thank the gentleman for yielding, and I appreciate his remarks.

There are many who urge us not to go on with this mad nuclear race that the world is experiencing and to build other methods, conventional methods, of protecting America. I would remind the gentleman in the well that the ship that we asked for is not a nuclear-powered vessel. It does not carry nuclear arms. It has no warheads. As a matter of fact, it probably does not even have a gun. All it does is guarantee our other warships that they can move freely in and out of their ports in time of war. It is probably the most simple, peace-loving ship ever constructed by a nation. It is incapable of performing an offensive movement. It is strictly a defensive vessel.

Mr. ROTH. I thank the gentleman for his remarks, because he is right on target. No matter how many millions we spend to rejuvenate the Navy, to build a strong Navy, if we cannot move those ships it is useless. We cannot move those ships unless we have the minesweepers to do it.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall try not to take too much time. The gentleman from South Carolina was correct a while ago that if these systems are not ready, if in fact these minesweepers should not be funded then we should have zero instead of the two. In truth, we had no minesweepers in our original markup and we were importuned by Members from Wisconsin and Michigan and the gentleman from South Carolina to go back and reconsider.

We did go back in our markup and I, in fact, was the one who offered the amendment to put two minesweepers in our bill that you now have before you. The reason we held off originally and the reason that we only put two in ultimately was because there are many problems yet to be solved with these minesweepers. The detailed design work is only 40 percent complete on these ships. These systems are really not yet fully up to par and ready to go.

So what we felt was necessary ultimately was, all right, go with two, but do not go any further than that until we get some of these problems worked out. I am mindful of the fact that in the gentleman's own committee, the Committee on Armed Services, you knocked one out. The administration requested four. You knocked one out and you said in your language during the hearings process:

> The committee was informed of design and configuration problems in the MCM lead ship. As a result of the design problems and to slow the program, the committee recommended the reduction of $80 million and one MCM ship.

We found some of the same problems you found, and we in fact reduced by one further ship. I think we come to the floor probably having done more than we should do because of the requests by Members in this House.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I am happy to yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Alabama summarizes very, very well. Our committee is for mine countermeasure ships. We are just worried that with the technical problems we have with these ships that we ought not to go ahead as fast as the authorizing committee wants to go ahead.

I must tell the people who have an interest in this that the disposition of the committee was to fund none of these ships because of the technical problems. So we have come a very significant way. Some would suggest that we may have even come too far with the kinds of technical problems that are faced.

So I would hope the House, the committee, would stay with the Appropriations Subcommittee that took a hard look at this.

I am for the mine countermeasure ships, and I agree with the gentleman from South Carolina that we need those ships desperately in the Navy. They are critical. But we certainly do not want to buy ships where we have serious technical problems. That is not going to solve the military requirement that the gentleman from South Carolina has so carefully portrayed to this body. I think the gentleman from South Carolina ought to consider that fact in pressing this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. HARTNETT) to the amendment offered by the gentleman from Florida (Mr. BENNETT).

The question was taken; and on a division (demanded by Mr. HARTNETT) there were—ayes 15, noes 28.

So the amendment to the amendment was rejected.

□ 1700

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT) and the question has been divided into four parts.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent to withdraw my previous request that the question be divided, and that we vote en bloc on the four parts of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BENNETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 420]

Ackerman	Byron	Dyson
Addabbo	Campbell	Early
Akaka	Carney	Eckart
Albosta	Carper	Edgar
Alexander	Carr	Edwards (AL)
Anderson	Chandler	Edwards (CA)
Andrews (NC)	Chappell	Edwards (OK)
Andrews (TX)	Chappie	Emerson
Annunzio	Cheney	English
Anthony	Clarke	Erdreich
Applegate	Clay	Erlenborn
Aspin	Clinger	Evans (IA)
AuCoin	Coats	Evans (IL)
Badham	Coelho	Fascell
Barnard	Coleman (MO)	Fazio
Barnes	Coleman (TX)	Feighan
Bartlett	Collins	Ferraro
Bateman	Conable	Fiedler
Bates	Conte	Fields
Bedell	Conyers	Fish
Beilenson	Cooper	Flippo
Bennett	Coughlin	Florio
Bereuter	Courter	Foglietta
Berman	Coyne	Foley
Bethune	Craig	Ford (MI)
Bevill	Crane, Daniel	Ford (TN)
Biaggi	Crane, Philip	Forsythe
Bilirakis	Crockett	Fowler
Blilley	Daniel	Frank
Boehlert	Dannemeyer	Franklin
Boggs	Daschle	Frenzel
Boland	Daub	Fuqua
Boner	Davis	Garcia
Bonior	de la Garza	Gaydos
Bonker	Dellums	Gejdenson
Borski	Derrick	Gekas
Bosco	DeWine	Gephardt
Boucher	Dickinson	Gilman
Boxer	Dicks	Gingrich
Breaux	Dixon	Glickman
Britt	Donnelly	Gonzalez
Brooks	Dorgan	Goodling
Broomfield	Dowdy	Gore
Brown (CA)	Downey	Gradison
Brown (CO)	Dreier	Gramm
Broyhill	Duncan	Gray
Bryant	Durbin	Green
Burton (CA)	Dwyer	Gregg
Burton (IN)	Dymally	Guarini
Gunderson	McCandless	Schroeder
Hall (IN)	McCloskey	Schulze
Hall (OH)	McCollum	Schumer
Hall, Ralph	McCurdy	Seiberling
Hall, Sam	McDade	Sensenbrenner
Hamilton	McEwen	Shannon
Hammerschmidt	McGrath	Sharp
Hance	McHugh	Shaw
Hansen (ID)	McKernan	Shelby
Hansen (UT)	McKinney	Shumway
Harkin	McNulty	Shuster
Harrison	Mica	Sikorski
Hartnett	Michel	Siljander
Hatcher	Mikulski	Simon
Hawkins	Miller (CA)	Sisisky
Hayes	Miller (OH)	Skeen
Hefner	Mineta	Skelton
Heftel	Minish	Slattery
Hertel	Moakley	Smith (FL)
Hightower	Molinari	Smith (IA)
Hiler	Mollohan	Smith (NE)
Hillis	Montgomery	Smith (NJ)
Holt	Moody	Smith, Denny
Hopkins	Moore	Smith, Robert
Horton	Moorhead	Snowe
Howard	Morrison (CT)	Snyder
Hoyer	Morrison (WA)	Solomon
Hubbard	Mrazek	Spence
Huckaby	Murphy	Spratt
Hughes	Murtha	St Germain
Hunter	Myers	Staggers
Hutto	Natcher	Stangeland
Hyde	Nelson	Stenholm
Ireland	Nichols	Stokes
Jacobs	Nielson	Stratton
Jeffords	Nowak	Studds
Jenkins	O'Brien	Stump
Johnson	Oakar	Sundquist
Jones (NC)	Oberstar	Swift
Jones (OK)	Obey	Synar
Jones (TN)	Olin	Tallon
Kaptur	Ortiz	Tauke
Kasich	Ottinger	Tauzin
Kastenmeier	Owens	Taylor
Kazen	Oxley	Thomas (CA)
Kennelly	Packard	Thomas (GA)
Kildee	Panetta	Torres
Kindness	Parris	Torricelli
Kogovsek	Pashayan	Towns
Kolter	Patman	Traxler
Kramer	Patterson	Udall
LaFalce	Paul	Valentine
Lagomarsino	Pease	Vander Jagt
Latta	Penny	Vandergriff
Leach	Perkins	Vento
Leath	Petri	Volkmer
Lehman (CA)	Pickle	Vucanovich
Lehman (FL)	Porter	Walgren
Lent	Price	Walker
Levin	Pritchard	Watkins
Levine	Pursell	Waxman
Levitas	Quillen	Weaver
Lewis (CA)	Rahall	Weber
Lewis (FL)	Rangel	Weiss
Lipinski	Ratchford	Wheat
Lloyd	Ray	Whitehurst
Loeffler	Regula	Whitley
Long (LA)	Reid	Whittaker
Long (MD)	Richardson	Whitten
Lott	Ridge	Williams (MT)
Lowery (CA)	Rinaldo	Williams (OH)
Lowry (WA)	Ritter	Wilson
Lujan	Roberts	Winn
Luken	Robinson	Wirth
Lundine	Rodino	Wise
Lungren	Roe	Wolf
Mack	Roemer	Wolpe
MacKay	Rogers	Wortley
Madigan	Rose	Wright
Markey	Rostenkowski	Wyden
Marlenee	Roth	Wylie
Marriott	Roukema	Yates
Martin (IL)	Rowland	Yatron
Martin (NC)	Roybal	Young (AK)
Martin (NY)	Rudd	Young (FL)
Martinez	Russo	Young (MO)
Matsui	Sabo	Zablocki
Mavroules	Savage	Zschau
Mazzoli	Sawyer	
McCain	Schaefer	

□ 1720

The CHAIRMAN. Four hundred fifteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida (Mr. BENNETT) for a recorded vote.

Does the gentleman insist upon a recorded vote?

Mr. BENNETT. Yes, Mr. Chairman, I insist upon a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair would also like to announce to the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 85, noes 342, not voting 6, as follows:

[Roll No. 421]

AYES—85

Badham	Hatcher	Packard
Barnard	Hertel	Pashayan
Bateman	Hillis	Patman
Bennett	Holt	Patterson
Bliley	Hunter	Pepper
Boggs	Hutto	Price
Britt	Ireland	Quillen
Broomfield	Kemp	Ray
Bryant	Lagomarsino	Roemer
Burton (IN)	Lewis (CA)	Rose
Carney	Lloyd	Roth
Chappell	Lott	Rudd
Coleman (TX)	Lowery (CA)	Schneider
Crane, Daniel	Lungren	Shumway
Crane, Philip	Marlenee	Siljander
Daniel	Martin (NY)	Sisisky
Davis	McCain	Smith (NJ)
DeWine	McEwen	Snowe
Dickinson	McGrath	Solomon
Dreier	McKernan	Spence
Dyson	Mica	Stratton
Edgar	Molinari	Stump
Fascell	Mollohan	Vandergriff
Fiedler	Montgomery	Vucanovich
Foglietta	Moorhead	Whitehurst
Franklin	Neal	Whitley
Gilman	Nelson	Wortley
Hall, Ralph	Nichols	
Hartnett	Ortiz	

NOES—342

Ackerman	Brown (CO)	Dowdy
Addabbo	Broyhill	Downey
Akaka	Burton (CA)	Duncan
Albosta	Byron	Durbin
Alexander	Campbell	Dwyer
Anderson	Carper	Dymally
Andrews (NC)	Carr	Early
Andrews (TX)	Chandler	Eckart
Annunzio	Chappie	Edwards (AL)
Anthony	Cheney	Edwards (CA)
Applegate	Clarke	Edwards (OK)
Archer	Clay	Emerson
Aspin	Clinger	English
AuCoin	Coats	Erdreich
Barnes	Coleman (MO)	Erlenborn
Bartlett	Collins	Evans (IA)
Bates	Conable	Evans (IL)
Bedell	Conte	Fazio
Beilenson	Conyers	Feighan
Bereuter	Cooper	Ferraro
Berman	Coughlin	Fields
Bethune	Courter	Fish
Bevill	Coyne	Flippo
Biaggi	Craig	Florio
Bilirakis	Crockett	Foley
Boehlert	D'Amours	Ford (MI)
Boland	Dannemeyer	Ford (TN)
Boner	Daschle	Forsythe
Bonior	Daub	Fowler
Bonker	de la Garza	Frank
Borski	Dellums	Frenzel
Bosco	Derrick	Frost
Boucher	Dicks	Fuqua
Boxer	Dingell	Garcia
Breaux	Dixon	Gaydos
Brooks	Donnelly	Gejdenson
Brown (CA)	Dorgan	Gekas

Gephardt	Madigan	Scheuer
Gibbons	Markey	Schroeder
Gingrich	Marriott	Schulze
Glickman	Martin (IL)	Schumer
Gonzalez	Martin (NC)	Seiberling
Goodling	Martinez	Sensenbrenner
Gore	Matsui	Shannon
Gradison	Mavroules	Sharp
Gramm	Mazzoli	Shaw
Gray	McCandless	Shelby
Green	McCloskey	Shuster
Gregg	McCollum	Sikorski
Guarini	McCurdy	Simon
Gunderson	McDade	Skeen
Hall (IN)	McHugh	Skelton
Hall (OH)	McKinney	Slattery
Hall, Sam	McNulty	Smith (FL)
Hamilton	Michel	Smith (IA)
Hammerschmidt	Mikulski	Smith (NE)
Hance	Miller (CA)	Smith, Denny
Hansen (ID)	Miller (OH)	Smith, Robert
Hansen (UT)	Mineta	Snyder
Harkin	Minish	Solarz
Harrison	Moakley	Spratt
Hawkins	Moody	St Germain
Hayes	Moore	Staggers
Hefner	Morrison (CT)	Stangeland
Heftel	Morrison (WA)	Stark
Hightower	Mrazek	Stenholm
Hiler	Murphy	Stokes
Hopkins	Murtha	Studds
Horton	Myers	Sundquist
Howard	Natcher	Swift
Hoyer	Nielson	Synar
Hubbard	Nowak	Tallon
Huckaby	O'Brien	Tauke
Hughes	Oakar	Tauzin
Hyde	Oberstar	Taylor
Jacobs	Obey	Thomas (CA)
Jeffords	Olin	Thomas (GA)
Jenkins	Ottinger	Torres
Johnson	Owens	Torricelli
Jones (NC)	Oxley	Towns
Jones (OK)	Panetta	Traxler
Jones (TN)	Parris	Udall
Kaptur	Paul	Valentine
Kasich	Pease	Vander Jagt
Kastenmeier	Penny	Vento
Kazen	Perkins	Volkmer
Kennelly	Petri	Walgren
Kildee	Pickle	Walker
Kindness	Porter	Watkins
Kogovsek	Pritchard	Waxman
Kolter	Pursell	Weaver
Kramer	Rahall	Weber
LaFalce	Rangel	Weiss
Latta	Ratchford	Wheat
Leach	Regula	Whittaker
Leath	Reid	Whitten
Lehman (CA)	Richardson	Williams (MT)
Lehman (FL)	Ridge	Williams (OH)
Leland	Rinaldo	Wilson
Lent	Ritter	Winn
Levin	Roberts	Wirth
Levine	Robinson	Wise
Levitas	Rodino	Wolf
Lewis (FL)	Roe	Wolpe
Lipinski	Rogers	Wright
Loeffler	Rostenkowski	Wyden
Long (LA)	Roukema	Wylie
Long (MD)	Rowland	Yates
Lowry (WA)	Roybal	Yatron
Lujan	Russo	Young (AK)
Luken	Sabo	Young (FL)
Lundine	Savage	Young (MO)
Mack	Sawyer	Zablocki
MacKay	Schaefer	Zschau

NOT VOTING—6

Coelho	Kostmayer	Livingston
Corcoran	Lantos	Mitchell

Messrs. SAM B. HALL JR., FOLEY, and ENGLISH changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. WRIGHT was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. WRIGHT. Mr. Chairman, I take this time to announce the planned schedule for tomorrow and the remainder of the week.

It is my understanding that the manager of the bill, the distinguished chairman, will move that the Committee do now rise upon the termination of this announcement.

That will conclude our legislative business for today and then tomorrow we will take up the Treasury-Postal appropriations bill and hope to complete it.

Having done that, we would plan to take up the Export Administration Act and finish it. Pending is the Gray amendment. We would finish both of those bills tomorrow, if it is at all possible.

There will be a Friday session. We will finish by 3 o'clock, but we would hope to complete the VISTA bill on which general debate already has been conducted, the Domestic Voluntary Service amendments. After that, time permitting, we would take general debate on the domestic content bill but general debate only, and that would conclude the program for this week.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I yield to my friend, the distinguished minority leader.

Mr. MICHEL. I thank the gentleman for yielding.

Would the gentleman speculate as to when this measure that we are debating today would be up again for consideration?

Mr. WRIGHT. At the present time it appears most likely that this bill would come back for further consideration on Tuesday of next week, not on Monday, but on Tuesday.

There will be votes on Monday, however. There will be business on Monday and Members should expect to be here.

□ 1730

The schedule for next week will be announced tomorrow. But as it now appears, this bill would return on Tuesday of next week.

Mr. MICHEL. If the gentleman would be good enough to yield further, as I understand it, the Gray amendment on the export bill is in the last title, which suggests that maybe that one could be wrapped up rather expeditiously. Would it be in order for that one to be taken up first tomorrow and disposed of prior to the appropriation bill?

Mr. WRIGHT. The gentleman is asking why should we not take the Export Administration Act first. I think because we have a time staring us in the face for the completion of the appropriations process and we have promised to try to complete the Treasury-Postal appropriation so that we will have done our work at least in this House on all of the appropriation bills in a timely way. We want to finish it.

Then I think maybe the Gray amendment may require as long as 2 hours. I would presume that a great many of the Members may want to be heard on it, one side and the other.

Mr. MICHEL. I thank the gentleman.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that the balance of shipbuilding and conversion, Navy, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my intention now to have a colloquy with a few of my colleagues and then I will ask the Committee to rise.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, if I could have the attention of the distinguished chairman of the Subcommittee on Defense, the floor manager of the bill. I had planned to offer an amendment to the bill to restore a reduction made in the F/A-18 program.

After considering the matter, I have not called up the amendment but would like to have a colloquy with the gentleman from New York.

The Appropriations Committee funded the additional buy of 84 F/A-18 aircraft in fiscal year 1984 as was authorized. However, the committee cut $69.5 million from the support funds requested for the aircraft. I believe this additional money is needed to support the future deployment of the F/A-18 in Navy and Marine Corps squadrons and I am concerned if the reductions are allowed to stand the net effect will be to reduce the number of aircraft that can be purchased.

The authorizing committees examined the F/A-18 program very carefully. We examined the GAO reports on the program and were mindful of some of the concerns expressed by the Appropriations Defense Subcommittee. The conferees on the authorization bill did make a reduction of $15.1 million in the F/A-18 program. However, the additional reduction of $69.5 million, in my opinion, is too severe and should be restored.

Mr. Chairman, 242 production F/A-18 were approved by Congress through fiscal year 1983. By the end of next September, 160 of these aircraft will

be in the Navy and Marine Corps inventory. When assigned to squadrons and placed on aircraft carriers, they must be properly supported with ground and shipboard maintenance equipment. Ground support equipment is required to outfit eight squadrons and two aircraft carriers with maintenance equipment. Also, two repair facilities must be established. The Navy cannot provide for these necessary support items and still procure 84 aircraft for fiscal year 1984 at the level of funding recommended.

We have appropriated about $9 billion to date for this program. To spend that much money to procure aircraft but not adequate support for them would be penny-wise and pound-foolish. To cut $69.5 million out of the support money now would jeopardize orderly deployment of the F/A-18.

My review of this with the Navy would indicate that if the $69.5 million reduction goes through, the effect would be to force the Navy to buy three fewer aircraft than planned. The Navy also informs me that a delay in the procurement of these support items in fiscal year 1984 could add more than $100 million to the eventual cost in the years 1985-88.

Mr. ADDABBO. I would advise the chairman of the House Armed Services Committee that I have discussed this matter with other members of the subcommittee and, as I pointed out to the chairman, I know of his deep concern about the F/A-18 program.

I know the gentleman from Illinois has worked tirelessly on this matter and in view of his special concerns I will reexamine the funding requirements for this program and assure the gentleman that his concerns will be taken into account when the matter is considered in conference. And I will ask the House conferees to strongly reconsider this matter in conference.

Mr. PRICE. I thank the gentleman.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Oregon.

The CHAIRMAN. The time of the gentleman from New York (Mr. ADDABBO) has expired.

(By unanimous consent Mr. ADDABBO was allowed to proceed for 5 additional minutes.)

Mr. ADDABBO. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, If the gentleman from New York would agree, I would like to engage him in a colloquy on a subject of concern to myself and my friend, the gentleman from California (Mr. LEVINE). That subject is the subject of guarantees or warranties—the words are interchangeable—of defense weapons systems by prime contractors.

Mr. ADDABBO. By all means.

Mr. AuCOIN. It is my understanding that a provision was included in the Defense appropriations bill in the other body to require prime contractors of defense weapons systems to provide the U.S. Government with a written guarantee that the system will indeed function as required.

This language was originated by Senator ANDREWS, a member of the Defense Appropriations Subcommittee in the other body, and I understand it was so noncontroversial in subcommittee that the provision was included in the bill with little discussion.

Mr. ADDABBO. I am not familiar with the circumstances surrounding the Senate action but we ought to be demanding weapons that work as they were intended. They ought to be reliable.

Mr. AuCOIN. It is my understanding that requiring guarantees could potentially save this country billions of dollars. For example, according to the Air Force, it will save almost $2 billion over the 20-year life cycle of its new fighter aircraft engine because it secured warranties for them. This is just one example. There are many others.

Mr. ADDABBO. That is true.

Mr. AuCOIN. The guarantee idea is not new. It is my understanding that in the commercial sector there are warranties for aircraft, communications satellites, and the *Columbia* and *Challenger* orbiters for the space shuttle program. In addition, in the military sector manufacturers in Europe warranty such high technology weapons as short- and long-range air defense systems for their country's defense and NATO forces.

If the guarantee/warranty provision is ultimately included in the Senate-passed version of the Defense appropriations bill, would the gentleman from New York, the distinguished chairman of the House Defense Appropriations Subcommittee, be sympathetic to its inclusion in the version worked out between the two bodies in conference?

Mr. ADDABBO. Yes, I would personally, but there will be other members participating in the conference and I would have to consider their views as well.

Mr. AuCOIN. Would the gentleman agree to explore the idea of guarantees and perhaps agree to hold hearings on it should the provision not survive the conference?

Mr. ADDABBO. Yes, I would. I am generally supportive of it—it would save the taxpayer a lot of money and would put responsibility for the production of a quality product where it belongs—on the contractor.

Mr. AuCOIN. I thank the gentleman.

□ 1740

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield to me?

Mr. ADDABBO. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman from Oregon (Mr. AuCOIN) not agree, however, that it would be unwise to have a blanket rule requiring warranties or guarantees on weapons systems generally? Would the gentleman not agree it has to be on a case-by-case basis?

Mr. ADDABBO. Mr. Chairman, I would fully agree with the gentleman (Mr. EDWARDS of Alabama). We would have to review it and that would be the main reason for a hearing. I think that if we addressed this issue in conference we would certainly consider the concerns of the gentleman.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield further to me?

Mr. ADDABBO. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding. I would like to ask the gentleman if he would be more specific as to what the gentleman (Mr. EDWARDS of Alabama) means as to his comment on a case-by-case basis versus a blanket warranty or guarantee program.

I think I agree with the gentleman. I want to make sure that I understand.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield further to me?

Mr. ADDABBO. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding again.

My concern is that any time you have a warranty it is going to cost somebody something. So I think you have to weigh the request for a warranty against the savings that you might bring about because you do not have maintenance or other problems because it is warranted by the contractor.

So while it sounds good and I think that the concept is good, there is a cost. No contractor is going to give you a warranty without putting something in his price to take care of that insurance.

I am sure the gentleman would agree with that.

Mr. AuCOIN. I do agree with that.

Mr. EDWARDS of Alabama. So I think it is important, I would suggest, that if you are going to encourage warranties that we go about it in such a way that we weigh one cost against the other potential cost before we make judgments that all warranties ipso facto, are meritorious.

Mr. AuCOIN. If the gentleman from New York would yield to me again, I would say I certainly agree with what the gentleman (Mr. EDWARDS of Alabama) just stated, and I think we all agree.

Mr. MOAKLEY. Mr. Chairman, will the gentleman from New York yield to me?

Mr. ADDABBO. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I thank the gentleman for yielding.

Will the gentleman from New York engage in a brief colloquy?

Mr. ADDABBO. It will be my pleasure.

Mr. MOAKLEY. Mr. Chairman, page 205 of the committee's report makes reference to emerging technology which utilizes recombinant DNA and hybridoma which may be applicable to medical research in infectious diseases. It further states that the Department of Defense should examine this technology to determine whether it should be budgeted in fiscal year 1985.

Mr. ADDABBO. The gentleman is correct.

Mr. MOAKLEY. If this examination should be completed sooner and the technology appears promising, does the committee's report preclude funding this technology in fiscal year 1984 by means of a reprograming?

Mr. ADDABBO. No. The Department is free to submit a reprograming request if it so desires, and such a request will be considered by the committee in accordance with its regular procedures.

Mr. MOAKLEY. I thank the gentleman.

Mr. WATKINS. Mr. Chairman, will the gentleman yield to me?

Mr. ADDABBO. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman for yielding.

I agree with the committee's finding that "additional RDX/HMX production facilities may be required," as the committee report stated. A recent GAO study of defense materiels found that "the most critical shortage is in the explosive RDX/HMX." One hundred percent of the U.S. supply of these explosives, and more than 85 percent of the free world's supply, comes from a single plant. Because this sole source of supply is vulnerable, the Army believes, and I concur, that the production base should be expanded and diversified to various areas of the country. A similar proposal was advanced in the midseventies. At that time, McAlester Army Ammunition Plant was designated as one of the best suited sites for RDX/HMX production. Extensive studies were completed, including the environmental impact study, and everything was in readiness to move forward to production, but implemention was deferred. Significant savings could be achieved if a production and finishing line were added to the McAlester AAP because this work has already been done and paid for. For the same reason, the facilities could be brought on line much faster at McAlester. In the event the Defense Department advances plans to expand and diversify the RDX/HMX production base, the committee has expressed its intent to review the plans and the site selection criteria. Does the chairman agree that McAlester AAP should be considered as one of the first production sites in any initial phase to increase the RDX/HMX production base following completion of the Longhorn prototype plant?

Mr. ADDABBO. Certainly, the committee is aware of the extensive work that has already been completed at the McAlester AAP. The committee is also committed to strengthening our defense base while achieving all savings possible. All site selection criteria will be taken into consideration, including the factors mentioned by the gentleman from Oklahoma, as well as the available manpower pool and unemployment. And if the need for RDX/HMX production is as great as the GAO and the Army contends, the factors cited by the gentleman will certainly be an advantage to including the McAlester site in the initial production phase.

Mr. WATKINS. I thank the chairman for his consideration and his time.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

On the subject that the chairman and the gentleman from Oklahoma were discussing, I am sure the chairman's answer is intended that there should be a broad approach to this. The chairman is not necessarily recommending Oklahoma or anywhere else but that the matter should be looked at for all available and appropriate sites.

Mr. ADDABBO. The gentleman is absolutely correct.

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding.

Mr. Chairman, with reference to the matter that the gentleman from Oklahoma has just discussed I would like to state that I am concerned over the directive by the committee contained on page 138 of the report regarding a facility to manufacture RDX/HMX explosives. I am at a loss to understand why the committee feels the need at this time to cease efforts on RDX/HMX until the Army can give the committee a master plan.

Surely the committee is aware that DOD is still evaluating the benefits of investing in new RDX/HMX production facilities. In fact, I am informed that a decision should be reached in the November/December time frame, concurrent with the development of the fiscal year 1985 budget request, and is not formulation of a master plan such as called for by the committee, impossible if the Congress denies the Army the ability to study and develop plant designs for the proposed HMX/RDX production facilities?

Mr. ADDABBO. Mr. Chairman, this is potentially a $1 billion program. What we are asking of the Department of Defense is to give us a master plan with a funding profile so that we know what the costs are to be. It was not intended that studies leading to such a plan be stopped.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ADDABBO was allowed to proceed for 7 additional minutes.)

Mr. ADDABBO. We need information as to what facilities are to be built. We are asking for a definitive program, dollar-wise and facilities-wise so that we may properly appropriate the funds when needed and where they are needed.

But we are not proposing any site or any final decision by the Army.

Mr. SAM B. HALL, JR. If the gentleman would yield further, I understand, looking at the second paragraph on page 38 where it says:

> While the committee recognizes that additional RDX/HMX manufacturing facilities may be required, it directs that no further efforts be undertaken until the Army has prepared and submitted to the committee for review a master plan.

Do I understand the chairman to state that the committee is directing that no further efforts be undertaken until the Army submits its plan?

Mr. ADDABBO. We feel there should be no actual commitments made until the plan has been submitted so that we can see what the entire program appears to be and what the entire cost may be.

So that matter will be fully reviewed by the committee.

Mr. SAM B. HALL, JR. It is not the intent of the gentleman to stop anything going on at this moment.

Mr. ADDABBO. It is definitely not our intention to stop any of the studies leading to submission of a master plan.

Mr. SAM B. HALL, JR. I thank the chairman very much.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, the concern expressed by the gentleman from Texas I think is understood.

The point that we are trying to make in this language is, and we do this in other areas and we need to do it more, we get these proposals thrown

at us and they do not really have anything much to support them. We ran into this on the binary.

□ 1750

We did not know where the facility was going, what it was going to look like and all the other things that were involved. We feel like we ought to know more of the overall plan before we move forward on this.

That is the purpose of this.

The CHAIRMAN. The time of the gentleman from New York (Mr. ADDABBO) has expired.

(At the request of Mr. EDWARDS of Alabama and by unanimous consent, Mr. ADDABBO was allowed to proceed for 5 additional minutes.)

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Oklahoma.

Mr. WATKINS. I thank the gentleman for yielding.

I just want to thank the chairman and also the ranking Republican member on the Defense Appropriations Committee for their understanding and consideration of McAlester being included in the initial production phase.

I would like to say I support the position of the gentleman from Texas because Longhorn has been longtime planning, but I did want to elevate the fact that back a few years ago the environmental studies, all the water studies, all economic studies on McAlester AAP was concluded to be in positive and would save the taxpayers a great deal of money. I wanted to make sure that was part of the record and encourage that the DOD and Army to include the McAlester AAP in the initial phase of production.

I appreciate the gentleman's time and allowing us time to discuss it.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Does the gentleman from Texas want to discuss this subject further?

Mr. SAM B. HALL, JR. If the gentleman will yield to me, no, sir. All I wanted to do was just protect the interests of the Longhorn Ordnance plant in my district of east Texas, just to be brutally frank about.

Mr. EDWARDS of Alabama. This gentleman understands that gentleman's desire to protect.

If the chairman will continue to yield, I want to be clear on where we left the bill. As I understood the gentleman he opened up all the shipbuilding sections to amendments; is that what the gentleman requested?

Mr. ADDABBO. Before we rise, the Clerk will read the next paragraph. We will then be completed with the shipbuilding portion of the bill.

Mr. EDWARDS of Alabama. So that before we rise there will be one more paragraph read?

Mr. ADDABBO. The gentleman is correct.

Mr. EDWARDS of Alabama. And nothing further will be open to amendment at that point?

Mr. ADDABBO. The gentleman is correct.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Chairman, I just want to associate myself with the remarks of the gentleman from Texas (Mr. SAM B. HALL, Jr.).

Mr. Chairman, I take this opportunity to register my disagreement with language contained in the Appropriations Committee report on 1984 defense appropriations. With no discussion of the matter in subcommittee, the committee in its report directs that no further efforts be undertaken at this time by the Army with regard to expanding production capabilities for RDX/HMX. RDX/HMX is a material used as the basic ingredient for explosives used in munitions of all types for the Army, Navy, Air Force, and Marines. The U.S. Army is the service that manages the production of this critical substance and provides it to the other services for their use. There is presently only one production facility for RDX/HMX and it is not satisfying the present requirement of our armed services. The Army, after studying the peacetime and mobilization requirements for RDX, determined that immediate action is required in order to increase production. To continue the Army's study of RDX production needs requires no new appropriations this year. The Army and DOD intended to utilize existing funding capability to continue this critical study. To simply insert language in the committee report to prohibit further efforts in this regard, without discussion of the matter in subcommittee, seems to me to be unwarranted and unwise.

(By unanimous consent, Mr. ZABLOCKI was allowed to speak out of order.)

PRESIDENT REPORTS TO SPEAKER ON DEPLOYMENT OF MILITARY PERSONNEL

Mr. ZABLOCKI. Mr. Chairman, I ask for this time in order to advise the Members that the Speaker of the House has received a letter from President Reagan which purports to be in compliance with the 48-hour reporting requirement of the War Powers Resolution dealing with the introduction of U.S. Armed Forces into hostilities.

Albeit, the President did not in that report state specifically and definitively that he is reporting under section 4(a)(1) of the War Powers Resolution. Rather, the report states only that it is consistent with the War Powers Act. Because I believe the President did not properly comply with the law, in order to be helpful to the President I have today introduced a joint resolution which states that section 4(a)(1) of War Powers became operative on October 25. This resolution sets the clock going under the War Power Act, of 60 days plus 30 days, that the marines can stay in Grenada unless the Congress approves additional authorization.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed one vehicle required for physical security of personnel notwithstanding price limitations applicable to passenger carrying vehicles but not to exceed $100,000 per vehicle and the purchase of not to exceed six hundred and sixty-seven passenger motor vehicles of which six hundred and twenty-five shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows: For ship support equipment, $673,909,000; for communications and electronics equipment, $1,562,750,000; for aviation support equipment, $686,757,000; for ordnance support equipment, $926,162,000, of which $698,000 shall be available only for procurement of 9mm handgun ammunition; for civil engineering support equipment, $196,622,000; for supply support equipment, $112,474,000; for personnel/command support equipment, $267,601,000; in all: $4,295,412,000, to remain available until September 30, 1986: *Provided*, That within the total amount appropriated, the subdivisions within this account shall be reduced by $130,863,000 as follows: $16,863,000 for spares and repair parts; $20,000,000 undistributed reduction; $4,000,000 for consultants, studies, and analyses; and $90,000,000 for revised economic assumptions.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that the balance of "Other Procurement, Navy" be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported

that that Committee, having had under consideration the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, had come to no resolution thereon.

DELAY THE PERSHING AND THE CRUISE

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OTTINGER. Mr. Speaker, last night I had arranged for a special order to discuss the placement of Pershing missiles in Europe. I think it is a matter of the most crucial danger to the United States and to the world, having missiles placed within 6 to 10 minutes from Russia.

A number of Members did submit statements. We were unable to have the special order because the House went out so quickly.

Mr. Speaker, I called this special order today because within the next 2 days, we will have our last chance to stand up for military sanity by voting to delay the deployment of Pershing and cruise missiles in Western Europe. I want to thank my other colleagues who are here to join me in this effort.

The subject at hand is how we can best serve our own security needs and those of our NATO allies in Western Europe. The answer reached 3 years ago was to put U.S. land-based missiles in Europe to counteract the Soviet threat, and supposedly to create an arena for arms negotiation with the Soviets. The plan calls for 108 Pershing II ballistic missiles to be deployed in West Germany and 464 ground-launched cruise missiles to be divided among West Germany, the United Kingdom, Italy, the Netherlands, and Belgium. Three years ago, NATO set a target deployment date of December 1983 on the assumption that we would get an arms reduction agreement with the Soviets before that. Today, we are just 2 months from deploying these weapons: We have no agreement, we have fomented outrage in many European nations, and come close to putting a rift in the NATO alliance. The plan that was formed by a President whose policies relied on negotiation, is being carried out by a President who believes only in confrontation.

Deploying these weapons presents the single most destabilizing measure we could take. Not only do these missiles make Europe into a nuclear playground, they place the world in grave danger of nuclear war by accident, not by design. According to the Center for Defense Information:

> Deployment of the Pershing II missiles in Europe will increase substantially the risk of nuclear war, as both countries move closer to putting their forces on a hair-trigger to cope with the increased danger of surprise attack.

The Pershing and cruise missiles are attractive to NATO because they can reach targets within the Soviet Union and because they are extremely accurate; for the same reasons, they are extremely threatening to the Soviet Union. The Pershing has created more of a stir because of its wide range (1,000 miles) and extreme accuracy (within 100 feet of its target). The cruise's advantage is its flight path which imitates that of a plane, and a guidance system which allows it to fly beneath most radar detection beams.

Placing the Pershing II only 5 to 10 minutes from Moscow, is indeed a new threat to the Soviet Union. A warning blip on their radar screen could elicit a hair-trigger response; with only 5 minutes to decide whether or not a threat is real, the chance of accidental retaliation and escalation into war increases geometrically. When we consider a Soviet response, we must remember two things. First, their computer systems are far inferior to ours, and ours produce 120 mistaken alerts each year. Second, the Soviets tracked a plane for 2 hours before shooting it down over the Sakhalin Islands. Do we want to force them to make a 5-minute life-and-death decision based on uncertain computer warnings?

The Soviet SS-20's, the threat to which we are responding, are highly vulnerable weapons. Deployed in groups of nine, the SS-20's are based at a limited number of deployment centers. Moreover, the missiles must be launched from readied launch sites, making them easily targetable by NATO. Furthermore, the advantage that they have given the Soviets is highly overstated. In the 1960's, the Soviets had about 600 SS-4's and SS-5's trained on Western Europe. With the introduction of the SS-20, they now have a total of about 490 missiles (248 older weapons, and 243 SS-20's). The SS-20 does not materially change the Soviet threat to strategic areas in Western Europe. For many years, the Soviets have had a portion of their other strategic forces aimed at Europe, including: almost 200 SS-11 and SS-19 land based missiles as well as submarine based missiles. The "new threat" of the SS-20 is not new at all.

The strategic balance, even with the SS-20's, is such that our European allies can be protected without the Pershing and cruise. We should be striving to avoid a new buildup of our arsenals, rather than heightening the balance of terror, a tactic which historically has not worked. In the 1960's we deployed Minuteman and Titan missiles to close what was then perceived as a missile gap. In fact, no such gap existed, and our missile buildup prompted the Soviets to develop a genuine ICBM threat. In the 1970's, we deployed MIRV's, refusing to negotiate a ban because of our technological lead. The Soviets responded in kind, and now point more warheads at us than ever before, actually lessening our security because it is much harder to detect the number of warheads with satellite intelligence than simply to count missiles. As former British Defense Minister Dennis Healey testified, "It is certain that Russia will deploy similar weapons in response, so as to maintain the present equivalence. So the West will gain nothing by their deployment any more than it did by installing MIRV's."

The Soviets today have already stated that a new nuclear deployment has begun in anticipation of the cruise and Pershing. We have been given no indication that the Soviets will be more willing to negotiate at the INF talks; rather, they have said they will walk out. Yet the President insists that our bargaining chip is deployment. When the Soviets tried to send missiles to Cuba, we responded with a naval blockade, yet our deployment is supposed to elicit rational and reasonable discourse.

In rushing to confront the Soviets in Europe, the United States should also consider the future of the NATO alliance. Never before has an issue so divided our allies. We have seen demonstrations all over the United States and Europe, the controversy has engendered factionalism within the alliance, and even caused Spain to threaten breaking from NATO. Surely such reaction deserves more than a passing glance. A delay in deployment simply admits that we have more to discuss, and provides a chance to build on the few steps we have made without bringing in the real threat of war.

Finally, I agree with the assessment of former West German Chancellor Willie Brandt and SPD Arms Control Chairman Egon Bahr that "A solution of this set of problems would prove easier if the INF negotiations were connected with the START negotiations at this point." Strategic negotiation makes little sense when one carves up the world of nuclear weaponry. Because nuclear strategy depends on a system of forces for conventional, intermediate range and theater nuclear forces, it is only reasonable to discuss arms control in the broadest context. Equity can be served with much greater ease if concessions in intermediate range forces could be countered with strategic or theater force reduction and vice-versa. This is an eminently practical idea that needs time to gain support. We will have no time to develop that support after deployment.

There is little likelihood of the Soviets capitulating to the United States position in INF, either today or tomorrow. After the December deployments

by the United States, the Soviets will move forward with their own new deployments. The Pershing and cruise missiles have failed and will continue to fail as bargaining chips to make the Soviets see things our way. As Dennis Healey pointed out, "Unless a freeze can be agreed to in the next few months, both sides will embark on new weapons programs which will rapidly destabilize even the existing balance, and make future arms control more difficult." We are deluding ourselves and our allies if we continue to pretend that agreement is around the corner on our terms.

● Mr. GOODLING. Mr. Speaker, when discussing the Pershing missiles, we should remember that the decision to deploy them in Europe was not an exclusively American decision—the decision to deploy the Pershing II in Europe was a NATO decision, endorsed by the leaders of our major NATO allies. Nor must we forget why NATO made such a decision: At the time, 1979, the Soviet Union had deployed some 90 SS-20's, aiming them at major European population centers. Since then, Soviet deployments have risen to some 260 SS-20's. To date we have yet to deploy a single new missile in Europe. We had hoped to be able to cancel deployment through negotiations with the Soviets at Geneva. But now, 4 years have gone by and the talks have gotten us nowhere. At the same time, the Soviets have continued to deploy new missiles in the Soviet Union itself and in Eastern Europe. The situation at present is such that even the Socialist Presidents Gonzalez of Spain and Mitterand of France, as well as the conservative leaders of the United Kingdom and the German Federal Republic view deployment of the Pershing II as a necessity.

Over the weekend we heard of the mass demonstrations throughout Western Europe and some even in America against the Pershing II; hundreds of thousands of Europeans are said to have taken to the street to proclaim their opposition to the Pershing II. Yet we should also remember those millions who did not protest deployment, the people who voted in the governments which favor deployment. Do not forget that the Social Democrats in West Germany were voted from power when that party's hardliners began to vacillate against the Pershing, threatening the policies of their party head, the then Chancellor Helmut Schmidt who strongly favored the Pershing missile. The Europeans are scared, and they have a right to be with some 260 SS-20's pointed at their throats. The Pershing will offer them protection against the Soviet threat. If, on the other hand, we do away with the Pershing, we will have taken a big step in the direction of the Finlandization of Western Europe. And that will, in time, lead to its Sovietization.

Last, we bear in mind what messages we would send the world were we not to deploy the Pershing II in Europe. To our allies we will say that we are unreliable, that our professed commitments mean nothing. To the Soviets we will say, go ahead, we will not stand in your way—walk all over us and the rest of the free world. On the other hand, if we act positively today, the Soviets may begin to negotiate seriously at Geneva. If the Soviets were to show themselves sincerely willing to cut back their threatening SS-20's, then the Pershing will not be necessary. We have been waiting 4 years: The ball is in their court.●

● Mr. OBERSTAR. Mr. Speaker, I welcome this opportunity to debate the issues involved in the deployment of Pershing II and cruise missiles in Europe. It is vital that we explore every meaningful option for arms control available now before we go ahead with deployment.

I would not ask my colleagues to consider a delay in deployment of Pershing II and cruise missiles unless I considered such a delay to be in the best long-term interests of the United States. In 1979, when the NATO nations agreed to the two track decision on deployment they believed that the United States and the Soviet Union would have reached an arms agreement by this time and deployment would have been unnecessary. Because of the failure of SALT II and the reluctance of the Reagan administration to take arms reduction negotiations seriously, however, no arms control agreement has been achieved. A 6-month delay in deployment would give the United States and the Soviet Union one final opportunity to reach an agreement. We should not deprive ourselves of this opportunity.

The delay would be contingent upon a Soviet agreement to enter into negotiations which would result in an intermediate-range nuclear force—INF—treaty by the end of the 6-month period. The ultimate result of such a treaty would be a U.S. agreement not to deploy INF missiles in exchange for substantial reductions in Soviet INF missiles.

Deployment of Pershing II and cruise missiles would escalate the arms race. It would undermine arms reduction negotiations and provoke a similar response by the Soviet Union. Deployment of these missiles will not push the Soviet Union to the negotiating table. The Soviet Union will interpret deployment as a serious threat to their security and may respond by increasing its INF missiles in Eastern Europe or possibly even by deploying nuclear weapons in the Western Hemisphere. The best way to prevent this from happening is to negotiate an INF treaty now.

Deployment would not enhance the security of the Western World. The missiles would be within minutes of Soviet targets. Human response to a launch warning would be virtually impossible. The Soviet Union and the United States would be forced to rely on computers to confirm a missile launch, the same computer warning systems which have malfunctioned in the past. Nuclear missile forces would be placed on a launch-on-warning mode. A mistaken launch of a nuclear missile cannot be corrected. To think that a computer error could trigger an all out nuclear exchange is extremely frightening.

Divisions within the NATO alliance could precipitate as a result of deployment. In recent weeks we have seen large-scale demonstrations against deployment of INF missiles in Europe. Millions of people throughout Europe have participated in these peaceful demonstrations. The demonstrators have been joined by prominent European leaders, including former West German Chancellor Willie Brandt. Lack of public support for deployment will jeopardize the future unity of NATO. Moreover, U.S. leadership in NATO could be severely weakened. Recent polls have indicated that an increasing majority of Europeans favor either nondeployment or a delay in deployment.

I urge my colleagues who up until now have opposed a delay in deployment to reconsider seriously their position and support an amendment to the Defense appropriations bill which would delay deployment until July 1984. Once the missiles are deployed, the Soviet Union will not bargain. They will simply respond in a similar fashion. Therefore, we must demonstrate our willingness to negotiate now before it is too late. We have the opportunity to avoid a major escalation of the arms race and we should not let it slip by.●

● Mr. MARTINEZ. Mr. Speaker, I join my fellow Members of Congress today in support of the amendment offered by the gentleman from Minnesota. The Pershing missile has many drawbacks which should prohibit its deployment in the European nuclear theater. As many have pointed out, the Pershing missile will force the Soviet Union into a dangerous launch-on-warning position greatly enhancing the chances of accidental nuclear disaster.

However, today I would like to address an area which I believe is equally as threatening as the actual deployment of those Euro-missiles. Through past statements and media campaign designed to denigrate the peace movement at home and abroad, the Reagan administration attempted to link those opposed to the deployment of the new medium-range nuclear missiles to Moscow and communism.

This misinformed scare tactic might not appear as ominous had it been generated by some political extremist group. However, its importance takes on new proportions when stated as accepted fact by the executive branch of our Government. Not only does this shed light upon the lack of seriousness with which the present administration views the majority of people in Europe and America who oppose the deployment of the Pershing missiles, it also is an example of what we might expect to profit from the President's attempts at reaching an agreement on arms control with the Soviet Union.

For the past 3 months polls have consistently shown that as many as 75 percent of the West Germans, 80 percent of the Belgians and well over half of the Italians and the United Kingdom oppose the stationing of the cruise missiles. This past weekend an estimated 2 million peace marchers gathered in the cities of Europe and the United States in an attempt to send their message to President Reagan and the Congress. Their message was "do not deploy these missiles because we judge them to be too great a threat to our existence. Deployment can only be achieved against the will of the people, and the people will voice their protest every step of the way."

The present administration displays a callous disregard toward the people who they are asking to live with the missiles, and the governments who have acquiesced to the Pershing missile's deployment. We have further divided NATO and coerced the governments of Europe to act against the will of their people. For the administration to belittle these developments by claiming that Moscow has engineered and manipulated them is an affront to all concerned, peace-minded people throughout the world.

I urge the passage of this amendment to delay the deployment of the Pershing missiles and support the efforts of those people whose ongoing contributions work toward the future and a sane and peaceful world order.●

● Mr. EDWARDS of California. Mr. Speaker, I rise to wholeheartedly support the amendment to be offered by Congressman SABO, delaying the deployment of the Pershing II missiles until July 1, 1984.

President Reagan insists that the December deployment of these missiles is essential to achieving U.S. objectives in enhancing NATO security in Western Europe and possibly forcing the Soviets to negotiate more seriously in the START talks.

Under the President's plan, we will deploy 108 new missiles within 10 launch minutes of many of the Soviet Union's key command bunkers and nuclear storage sites. These missiles will be capable of delivering a 10- to 20-kiloton nuclear warhead to a target up to 1,800 kilometers from the launch site. According to Mr. Reagan's unique brand of logic, this policy will definitely make the Soviets much more amenable to negotiate in the arms reduction talks, since their own defense system will now be in jeopardy. His logic continues that the Soviets, of course, will not set about to deploy more powerful missiles of their own to try and shore up their national security systems.

In fact, history has proved how well this concept works—in the 1960's when we deployed the Minuteman and Titan missiles to close the then-perceived missile gap, the Soviets responded by developing and deploying more powerful missiles of their own. Again, in the 1970's when we deployed MIRV's to again close the missile gap, the Soviets again responded by deploying an even larger and more powerful missile arsenal. Each time we have deployed new missiles to enhance NATO's defense structure, the Soviets have responded in kind. Yet President Reagan now thinks that they will have a change of heart.

The people of Western Europe demonstrated for the world to see exactly how much they want these weapons of death and destruction deployed on their doorstep. What makes the December deployment even more despicable is that this is supposed to be the season of good will and brotherhood among people around the world. I cannot think of a better way to show our good will toward our brothers and sisters around the world than by the deployment of these missiles. What a lovely present to give the human population.●

● Mr. DOWNEY of New York. Mr. Speaker, NATO plans to deploy 108 Pershing II ballistic missiles and 464 ground launched cruise missiles—GLCM—in five European countries, including West Germany, the UK, Italy, the Netherlands, and Belgium. NATO is scheduled to begin deploying the missiles in December, unless an agreement is reached at the U.S.-U.S.S.R. negotiations in Geneva. But there is slim hope for an agreement by December.

In Europe, polls indicate upward of 70 percent of the people question whether this modernization of our nuclear forces is as necessary to Western security as NATO officials contend. Is there a military rationale for the Euromissiles? Would they enhance U.S. and NATO security? The answer to both questions is no. The new missiles are an unnecessary addition to NATO's existing nuclear arsenal of some 6,000 battlefield nuclear weapons, and pose a serious risk to the nuclear balance.

On July 26, I voted for an amendment to the Defense authorization bill which would delay deployment of Pershing II and GLCM's in Western Europe. That amendment lost but I intend to fight for a similar amendment when the House takes up the Defense appropriations bill. The amendment would delay deployment until July 1, 1984. I believe that willingness to reduce dramatically or forgo deployment is our most powerful bargaining tool to achieve deep Soviet reductions. Indeed, in discussions with Soviet officials during a recent congressional trip to the U.S.S.R., it was clear the Soviets regard our actions with respect to the Euromissiles as a major test of U.S. intentions.

Under the existing schedule, however, President Reagan plans to begin deployment in 2 months, leaving insufficient time to make meaningful progress in negotiations. The actions I support to delay deployment do not in any way reduce production of these missiles; however, they do provide more time for our negotiators in Geneva. If we do not delay deployment for a reasonable period, it is almost certain that the Soviets will turn from the negotiating table and will, instead, increase deployment of their SS-20's and possible new missiles.

Finally, in a recent essay in Foreign Affairs—which I commend to you—former Secretary of Defense Robert McNamara argues that all nuclear weapons are militarily useless and serve only to deter the other side's use of nuclear weapons. This being the case, our present Western European nuclear forces remain effective. Newer Pershing II's and GLCM's add nothing to our tactical capability in Europe. Taking the money spent on the missiles and spending it instead to improve the readiness of our conventional forces in Europe would make much more sense.

In sum, I believe that deployment of new Euromissiles will harm our efforts to achieve meaningful arms control, will further destabilize the strategic balance, and will add nothing to our conventional force strength. It is in the best interests of the United States and our allies to delay, and through arms agreements halt, the installation of Euromissiles.●

● Ms. KAPTUR. Mr. Speaker, I join with my colleagues today to speak out against the deployment of Pershing and cruise missiles in Western Europe. I support the amendment to delay deployment of the missiles until July 1984, unless an intermediate-range nuclear forces treaty has been ratified by the United States and the Soviet Union, or unless the President certifies after March 19, 1984, that no substantial progress is being made in negotiations.

The planned deployment of ground-launched cruise and Pershing II missiles in December 1983 has been justified as an enhancement to the security of our European allies. I believe, how-

ever, that deployment will only intensify already high East-West tensions, and increase the strains within the Atlantic Alliance. Our security will best be served by a United States-Soviet arms agreement. Further, the history of previous conflicts on European soil provides strong guidance that deployment in Germany can only exacerbate Soviet-German tensions that have taken years to calm. And the folly of it all is that the German Government does not have first authority over these missiles, but rather the United States, located 2,000 miles away.

The special characteristics of the Pershing II missile in conjunction with its proximity to the Soviet Union can endanger both Western Europe and the United States by making nuclear war more likely. This deployment can lead to a "launch-on-warning" policy on the part of the Soviet Union, thereby escalating the chance of a nuclear war starting by computer error. The Pershing II missiles will threaten the Soviet Union with capabilities that go far beyond countering the SS-20 missiles; they can reach targets in the Soviet Union within 8 to 10 minutes from West Germany. Also, the Pershing II's primary targets include vital command and control centers in the Soviet Union. The unprecedented accuracy of the missile and its relatively low yield make it an ideal weapon for attacking hardened command silos which in turn will threaten the Soviet Union's ability to retaliate.

The case for a delay is a strong one. It will be a sign of considerable strength and sincerity, to delay the missiles at this critical juncture. The interests of both the United States and Europe will be served by delaying these initial deployments. Let me touch upon three major reasons why I support a delay.

First, a delay will provide more time for working out realistic compromises between the United States and the Soviet Union in the current arms talks. Both sides have somewhat modified their positions since negotiations began, but both sides need more time to develop a practical agreement that takes into account their respective security needs. Deployment in the absence of an agreement will increase nuclear instability in Europe, and prompt further Soviet modernization and deployment instead of restraint. Deployment may also jeopardize the success of the negotiation process, at least for the near term.

Second, we cannot ignore the enormous controversy in Europe over these new nuclear weapons. Europeans are justifiably concerned about the danger of nuclear war. They do not want to participate in a new round of the nuclear arms race unless it is absolutely necessary. A delay will help ease tensions in Europe, and give Europeans more time to reach a consensus without the pressure of an immediate deadline. A delay will also help prevent further divisions within NATO by demonstrating U.S. sincerity, flexibility, and leadership.

Third, a postponement of deployment will allow us to more thoroughly test the Pershing II and cruise missiles. Testing results to date have been erratic. A delay will insure that all technical problems with the new weapons are worked out and that we will not waste billions of dollars or missiles that may not really work the way they are supposed to or may be quickly superseded by new weapons.

If we deploy the missiles in Europe now, it is inevitable that the Soviets will put in new arms of their own. In fact, yesterday, the Soviet Union announced that it had started preparatory work for the deployment of new Soviet missiles in East Germany and Czechoslovakia. Increasing the level of nuclear capability on both sides is a blueprint for disaster. A delay in deployment of the cruise and Pershing missiles can make a major contribution toward achieving a negotiated arms control settlement.●

● Mr. MAVROULES. Mr. Speaker, I want to thank the gentleman from New York for yielding, and I want to associate myself with his remarks.

I support a delay in the deployment of this new generation of theater nuclear forces. I do so because I believe that we must go that proverbial extra mile if we are truly serious as a nation and as one of an alliance of Western nations about creating an atmosphere of stability and peace in Europe.

No less is demanded of us in the Atomic Age, and no less is demanded by the 1979 NATO accord whose purpose was to reduce the nuclear threat to Europe posed by Soviet intermediate-range missiles.

It is imperative that we remember this objective.

The basis for the INF dual-track approach has always been to render the deployment of the American missiles unnecessary by persuading the Soviets to cut back their own theater nuclear forces.

That has not changed.

There is thus nothing wrong and everything right with allowing more time in which to reach an accord with the Soviets.

A 6-month delay would better serve the security of the West than going ahead to meet a deadline set 4 long years ago.

No one in this Chamber can doubt that much has changed the complexion of the world since then.

Instead of a stable arms control environment promised by a ratified Salt II treaty, we have, for instance, an accelerated arms race, heightening the dangers of atomic weapons not only to Europe but also to the continental United States.

Instead of cooperation among nations, we have conflict and tension—in Lebanon, in El Salvador and Nicaragua, and now in Grenada.

It would be an ironic twist of fate, foreshadowing tragic consequences, if we abet this trend—if we now allow these 572 missiles to take on a life of their own, and leap from the drawing board to operational bases, without due regard for the main intent of the 1979 NATO accord.

We cannot let that happen. Our goal must be to reduce the nuclear threat to Europe, not enlarge it. In the name of that worthy goal, I support a 6-month delay.

Let us go the extra mile for peace and security.●

● Mr. LEHMAN of Florida. Mr. Speaker, I have consistently supported amendments to delay the deployment of Pershing II and ground-launched cruise missiles in Western Europe. I supported the Dellums amendment to the Defense authorization bill earlier this year, and more recently I supported the Sabo amendment during consideration of the Defense appropriations bill in the full House Appropriations Committee.

The deployment of these weapons is scheduled to take place in December. As the time draws nearer, I become more and more convinced that deployment should be delayed at least until July. It is important that we provide more time for our negotiators in Geneva to obtain an agreement through the INF talks.

Contrary to the administration's expectations, I fear that deployment will not prod the Soviet Union to come to an early agreement. A 6-month delay will give our negotiators the flexibility needed to reach an agreement without resorting to threats from both sides.

There have been some hopeful signs recently in the INF negotiations. The Soviets have raised the possibility of dismantling of some of their SS-20 missiles, and the United States has expressed a willingness to consider the inclusion of Great Britain and France in the negotiations.

I am also concerned that deployment of the Pershing II and cruise missiles will encourage the Soviets to move to a policy of launch-on-warning. Because these weapons will directly threaten the Soviet Union and provide a minimum of warning, we risk making Soviet leaders even more trigger-happy than they may already be. This represents a grave threat not only to the Soviet Union but to ourselves as well since nuclear warfare will quickly escalate and ultimately lead to the end of civilization as we know it.

During consideration of the Defense appropriations bill on the House floor, I intend to support the Sabo amendment. We all share a desire for a reduction in the number of missiles in

Europe and a reduction in the level of hostility between the superpowers. I believe a delay is the best way to accomplish these goals.●

● Mr. DELLUMS. Mr. Speaker, there has yet to be a good faith effort to negotiate the deployment of theater nuclear forces in Europe. On August 26, Soviet President Yuriy Andropov offered to liquidate all the missiles that the Soviet Union would remove from Europe as part of mutual, verifiable agreement on limiting intermediate range nuclear forces—INF—in Europe. This would include the solid-fuel, mobile-launch SS-20's, which alegedly provoked the 1979 NATO decision to deploy Pershing II and cruise missiles in five West European countries (West Germany, the Netherlands, Belgium, England, and Italy). The Andropov proposal was not acted upon, even though it directly addressed one of the stated principal concerns of the NATO allies.

In my judgment, the Pershing II missile is currently the single most destabilizing weapons system in either side's nuclear arsenal. Carrying a warhead of 200 kilotons—16 times the size of the atomic weapon that destroyed Hiroshima—the Pershing II has a launch-arrival time of less than 10 minutes to major military targets in the Soviet Union. It would create an immediate Cuban missile crisis for their leadership, and force them to move to a launch-on-warning nuclear strategy, thus putting the entire Northern Hemisphere in jeopardy of a nuclear holocaust. At every opportunity since its inception, I have undertaken legislative action to terminate all funding for the Pershing II program. In July, I also introduced an amendment to defer deployment of the Pershing II and cruise missiles for a year, hoping to spur progress on INF arms control negotiations, but that proposal was also defeated.

In mid-September I went to Italy, England, the Netherlands, and West Germany, at the invitation of parliamentary leaders in those countries, to discuss the impending crisis that will be the consequence of the Pershing II and cruise deployment, and at an international conference in Rome, I discussed these issues with a number of European parliamentarians from various NATO countries, including Greece and Spain. In The Hague, the Foreign Relations Committee of the Dutch Parliament discussed the issue with me in great detail, and the members were gratified to learn that some in the U.S. Congress share their concern about the threat to world peace that would be caused by this deployment.

In West Germany, I had extensive meetings with Bundestag members from the Social Democrat Party (SDP), including Willi Brandt and Peter Glotz, the SDP's International Secretary, the Green Party, including Petra Kelly and former Bundeswehr General Gert Bastian, and even some members of the Christian Democrats (CDU) who serve on the West German Foreign Affairs Committee. Their collective concern about being made hostage to the ideological confrontation between the nuclear superpowers reinforced my determination to do everything possible to terminate all funding for these heinous weapons, and to try to educate as many Americans as possible to the common dangers we face.

A decision to defer deployment of the Pershing II and cruise missiles at this juncture in East-West relations is the least that we can do to slow down the further escalation of the nuclear arms race and ultimate self-immolation through a nuclear holocaust. In the name of sanity and survival for our children let us act—now—to halt this madness.●

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the subject of my 1-minute speech today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL THEATER WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 292) to provide for the designation of the week of June 3 through June 9, 1984, as National Theater Week, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I do so just to indicate that this bill is not going to cost any money. There will be no appropriations. The minority has no problem with it.

Mr. GREEN. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from New York.

Mr. GREEN. Mr. Speaker, I thank the gentlewoman from Indiana (Mrs. HALL) for bringing this measure to the floor.

Mr. Speaker, as the Member from the east side and midtown Manhattan, my district encompasses most of the theater district, where some of the best in theatrical entertainment can be viewed. Therefore it was a pleasure for me to introduce House Joint Resolution 292, which designates the week of June 3, 1984, as "National Theater Week."

National Theater Week is a worthwhile tribute to the thousands of Americans all over the United States in professional theater companies, high schools, colleges, and community theaters whose talents make the American theater one of the finest cultural and educational resources in the world.

National Theater Week has been endorsed by theaters, unions, and art agencies in all 50 States. Included among these are 350 legitimate theaters, 7 nationally prominent unions with thousands of members, individual State and community arts agencies, as well as the National Association of State Arts Agencies.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentlewoman from Indiana (Mrs. HALL)?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 292

Whereas many Americans have devoted much time and energy for advancing the cause of theatre; and

Whereas the theatres of America have pioneered the way for many performers and have given them their start in vaudeville and stage; and

Whereas theatre is brought to Americans through high schools, colleges, and community theatre groups as well as through professional acting companies; and

Whereas citizens of America have been called upon to support the theatre arts in the Nation's interest; and

Whereas many individuals and organizations are hailing the strength and vitality of the theatres of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 3 through June 9, 1984, shall be proclaimed "National Theatre Week" throughout the country, and all citizens are urged to support this effort with assistance to theatres throughout the country.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HALL of Indiana: Page 2, line 4, strike "proclaimed National Theatre Week throughout the country" and insert in lieu thereof: "designated National Theatre Week and the President is authorized and requested to issue a proclamation calling upon the people".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. HALL).

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed,

and a motion to reconsider was laid on the table.

□ 1800

NATIONAL DRUG ABUSE EDUCATION WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 57) to designate the week of April 3, 1983 through April 9, 1983, as "National Drug Abuse Education Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding. Mr. Speaker, I am pleased to rise in strong support of Senate Joint Resolution 57, which as you know, was passed by the Senate earlier. This measure designates the week of April 3-9, 1983, as National Drug Abuse Education Week. It is estimated that the illicit drug trade involves approximately $90 billion in retail business per year; it is a killer of our youth and destroys their future. By removing the demand for drugs, we can help reduce the illicit drug trafficking that plagues so many of our cities, villages, and townships.

This national awareness and education week is sought because the most effective deterrent we have in fighting drug abuse is the education of parents and our children, whether it be at home, in the school, or in the community. This most important facet has been in the forefront of Mrs. Reagan's work to combat drug abuse, and I applaud her efforts in this area. The public television program, "Chemical People," has the support of Mrs. Reagan and seems to raise the consciousness of the public of the dangers of drug abuse. All of us must do whatever we can to encourage the education of our children, our teachers and parents with regard to the deadly affects of drug abuse. As ranking minority member of the Select Committee on Narcotics, I have heard countless hours of testimony bearing out the irreperable harm to our society as a result of drug abuse. I strongly urge our full support for this legislation, Mr. Speaker, and urge my colleagues to take part in drug education activities.

Mr. COURTER. Mr. Speaker, further reserving the right to object, I would like to agree with the words of my colleague, and I, too, would like to go on record congratulating the President's wife for becoming involved in this very crucial issue. It is a good commemorative. I urge my colleagues to vote in favor of it.

● Mr. DAUB. Mr. Speaker, I would like to rise in support of Senate Joint Resolution 57 which will declare the week of November 2 through 9 "National Drug Abuse Education Week."

I have a very specific interest in this concern because Mary Jacobson, who is a resident of Omaha, Nebr., has been the national president of the National Federation of Parents for Drug-Free Youth. This organization held its first national conference last year with 46 States represented and our very distinguished First Lady, Nancy Reagan. serving as the national chairperson.

The concern about drug abuse among our young people is a concern of national importance. Nearly all of your young people are confronted with drugs at one time or another. Young people ages 15 to 25 are dying from abuse in greater numbers today than in the past, and children ages 11 and 12 are being exposed to these substances every day.

The National Federation of Parents for Drug Free Youth is responding to the problems that families are facing when they find out that a young son or daughter has been experimenting with drugs. This organization can serve as a support group for the family. Most importantly, these organizations can alert parents and youth of the horrifying effects of drug abuse so when the young are confronted with drug questions, they can make the right choice and not the choice they may feel is fashionable with their peers.●

● Mr. BENNETT. Mr. Speaker, I support this needed legislation. There is no greater curse alive in this day than the tragedy of drug abuse.

I particularly congratulate Mrs. Reagan, the First Lady, for her inspiring fight against drug abuse. If the first family accomplished nothing else in these "Reagan years," this fight against drug abuse would justify the leadership the President and Mrs. Reagan have on their shoulders. God bless you Mrs. Reagan and your fine husband too.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 57

Whereas the illegal drug trade consists of approximately $79,000,000,000 in retail business per year;

Whereas removing the demand for drugs would reduce the illegal drug trade;

Whereas drug abuse destroys the future of many of the young people and adults in the Nation;

Whereas the eradication of drug abuse requires a united mobilization of national resources, including law enforcement and educational efforts; and

Whereas the most effective deterrent to drug abuse is education of parents and children in the home, classroom, and community: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 3, 1983, through April 9, 1983, is designated as "National Drug Abuse Education Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to participate in drug abuse education and prevention programs in their communities and encouraging parents and children to investigate and discuss drug abuse problems and possible solutions.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HALL of Indiana: Strike line 1, page 2, and insert in lieu thereof "That the week of November 2, 1983, through November 9, 1983, is".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. HALL).

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mrs. HALL of Indiana: Amend the title so as to read: "Joint resolution to designate the week of November 2, 1983, through November 9, 1983, as 'National Drug Abuse Education Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL FAMILY WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 45) designating the week of November 20, 1983, through November 26, 1983, as "National Family Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewomen from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, under my reservation I would first like to mention that I was remiss in not mentioning the fact that it is the Speaker pro tempore, the gentleman from Florida, who is the sponsor of the previous com-

memorative on National Drug Awareness Week, and I would like to congratulate the Speaker pro tempore. I apologize for my oversight.

Mr. Speaker, under my reservation, I yield to the gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. I thank the gentleman for yielding.

Mr. Speaker, as the sponsor of this resolution calling for National Family Week for the 10th time, I would like to thank the 225 Members of Congress who signed the resolution calling for Thanksgiving week to be designated as National Family Week.

The objective is to draw attention to the importance of the family in American life. The family is the heart of America. Strong families mean a strong nation. All of us are concerned about the fact that 50 percent or more of all marriages now end in divorce, and there are now some 13 million children around the country who live with one parent. Many of the problems of drug abuse, of children dropping out of school, of psychological problems with children stem because of the family breakup.

The purpose of this resolution is to draw attention to the fact that the family is very important. Strong families mean a strong country, and we can solve many of our social and economic problems if families are intact, as they ought to be.

I would like to thank the gentlewoman from Indiana (Mrs. HALL) for bringing up this resolution, and I again thank all of those Members who have voted to designate Thanksgiving week as National Family Week.

Mr. COURTER. I thank the gentleman from Utah for his observations.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 45

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 20, 1983, through November 26, 1983, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DIABETES MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 121) to designate November 1983 as National Diabetes Month, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I simply do so to indicate the minority has no problem with the resolution and, in fact, is very much in favor of this commemorative.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 121

Whereas diabetes kills more than all other diseases except cancer and cardiovascular diseases;

Whereas eleven million Americans suffer from diabetes and five million seven hundred thousand of such Americans are not aware of their illness;

Whereas $9,700,000,000 annually are used for health care costs, disability payments, and premature mortality costs due to diabetes;

Whereas up to 85 per centum of all cases of noninsulin-dependent diabetes may be controllable through greater public understanding, awareness, and education; and

Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Diabetes Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

Mrs. HALL of Indiana. Mr. Speaker, 11 million Americans suffer from diabetes, a leading cause of blindness, kidney, disease, heart disease, stroke, birth defects, and lower life expectancy. Greater public understanding awareness, and education would reduce complications caused by diabetes, and increase the control diabetics have over their disease. Mr. Speaker, I urge the adoption of this resolution which authorizes and requests the President to issue a proclamation designating November 1983 as National Diabetes Month.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

THE CHADHA RESPONSE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. LOTT) is recognized for 60 minutes.

● Mr. LOTT. Mr. Speaker, today I am adding 28 new cosponsors to H.R. 3939, the Regulatory Oversight and Control Act, which I first introduced on September 20 with 17 cosponsors. This bill has been specifically drafted in response to the Supreme Court's June 23 decision in I.N.S. against Chadha holding the legislative veto unconstitutional.

H.R. 3939 offers an alternative not only for the 20-odd legislative veto provisions which now apply to various agency regulatons, but would extend that alternative to all regulations which are subject to informal rulemaking under section 553 of the Administrative Procedure Act. Major regulations would be subject to approval by the enactment of a joint resolution, while nonmajor regulations could be disapproved by the same means. Automatic consideration of major rule resolutions is provided if committees do not report as required by the bill, and one-fourth of the membership could force committee and floor consideration of nonmajor rule resolutions.

The bill recognizes that congressional review of individual regulations is not the only answer to restoring political accountability to the regulatory process. The bill also forces internal agency reforms including requirements for cost-benefit analyses on major rules and their alternatives, and the periodic review by agencies of all existing major rules, tied to a sunset date. Most of the regulatory reform provisions of the bill are taken directly from the compromise of H.R. 746 in the last Congress worked out between the Speaker's Office, the White House, our Judiciary Committee, and business and public interest representatives.

Finally, the bill amends House rules to improve on our oversight efforts of existing programs, agencies, and regulatory activities, establishes a Regulatory Review Calendar in the House for the orderly consideration of approval and disapproval resolutions, and permits limitation amendments on appropriations bills for regulations whose disapproval resolutions have either

not been considered by the House or have passed the House but not been enacted during the 90-day review period.

Mr. Speaker, I think the Congress would be well advised to give serious consideration to a generic law of this kind for regulations before we have a new proliferation of conflicting, confusing, and chaotic legislative veto alternatives spring up on individual authorization bills. Moreover, the requirements for committee consideration and reports and expedited procedures for consideration on set days, provided for in H.R. 3939, are essential to making any such congressional review process both a credible and workable one.

At this point in the RECORD, Mr. Speaker, I include a list of the cosponsors of H.R. 3939 together with an article on the bill which appeared in the September 29, 1983, issue of Roll Call:

COSPONSORS OF LOTT "REGULATORY OVERSIGHT AND CONTROL" BILL (H.R. 3939)

Thomas J. Bliley, Jr. of Virginia.
John B. Breaux of Louisiana.
Hank Brown of Colorado.
James T. Broyhill of North Carolina.[1]
Dick Cheney of Wyoming.[1]
E. Thomas Coleman of Missouri.[1]
Tom Corcoran of Illinois.
Hal Daub of Nebraska.
Michael DeWine of Ohio.
David Dreier of California.
Jack Edwards of Alabama.[1]
Mickey Edwards of Oklahoma.
Bill Emerson of Missouri.
Hamilton Fish, Jr. of New York.[1]
Edwin B. Forsythe of New Jersey.
James V. Hansen of Utah.
Henry J. Hyde of Illinois.[1]
Jack F. Kemp of New York.[1]
Thomas N. Kindness of Ohio.[1]
Ken Kramer of Colorado.
Robert J. Lagomarsino of California.[1]
Delbert L. Latta of Ohio.[1]
Elliott H. Levitas of Georgia.[1]
Jerry Lewis of California.[1]
Marilyn Lloyd of Tennessee.
Tom Loeffler of Texas.
Alfred A. McCandless of California.
James G. Martin of North Carolina.[1]
Lynn Martin of Illinois.
G. V. Montgomery of Mississippi.
Carlos J. Moorhead of California.
Stan Parris of Virginia.
Charles Pashayan, Jr. of California.[1]
James H. Quillen of Tennessee.[1]
William R. Ratchford of Connecticut.
J. Kenneth Robinson of Virginia.
Harold S. Sawyer of Michigan.
Mark D. Siljander of Michigan.
Thomas J. Tauke of Iowa.
Gene Taylor of Missouri.[1]
William M. Thomas of California.[1]
Guy Vander Jagt of Michigan.[1]
Bob Whittaker of Kansas.
Chalmers P. Wylie of Ohio.
Doug Barnard of Georgia.

GOP WHIP LOTT OFFERS BILL FOR LEGISLATIVE VETO RELIEF

(By Rich Burkhardt)

When the Supreme Court declared that Congressional use of the legislative veto against executive rulemakers is unconstitutional, a flurry of activity began within Congress to find ways to retain control over the bureaucracy. The first attempts immediately after the decision were aimed at specific agencies and rules, but now House Minority Whip Trent Lott (R-Miss) has proposed a bill to cover all executive rules.

Lott's legislation, the "Regulatory Oversight and Control Act," proposes a waiting period between the proposal and enactment of all rules and regulations. During that period, Congress would review the proposed rules, and action would be needed before major rules could take effect.

Major rules, which are defined as "those which an agency or the President determine would have an annual impact of $100 million or more on the economy or would otherwise have substantial impact on some sector," could not take effect unless a joint resolution of approval is passed within "90 days of continuous session of Congress."

All other rules would automatically take effect after that same 90-day period, unless Congress passes a joint resolution of disapproval. Non-major rules could also take effect if neither House has acted on a disapproval resolution within 60 days after receipt of the rule, or if one House has rejected a disapproval resolution.

Safeguards are also provided in the Lott bill to prevent resolutions of approval for major rules from being bottled up in committee by chairmen who might be hostile to the proposed rules. Those provisions require the appropriate committee chairman or his designee to introduce a resolution of approval within one day after receipt of a major rule, and act on that resolution within 45 days after the rule is received.

If the committee does not act within the prescribed 45-day period, the approval resolution is automatically discharged and sent to the whole House and placed on the appropriate calendar for action. A motion to proceed on such a resolution is considered privileged, and if adopted, debate limited to two hours.

Since using the same type of procedures for non-major rules "could burden the Congress with hundreds of rules resolutions every year which any Member might introduce," according to Lott, a different procedure is used for minor rules, which requires "a showing of substantial support" before a disapproval resolution can come to the House floor.

That procedure involved filing a "motion for consideration" of a disapproval resolution with the Clerk of the House after a resolution of disapproval is introduced, no later than 25 days after the proposed rule is received. If one-fourth of the House Members sign the resolution for consideration within 30 days of receipt of the rule, the committee must consider the resolution.

The appropriate committees has 45 days after receiving a proposed non-major rule to consider it; otherwise it is automatically discharged. Once it reaches the House floor, the motion to proceed is privileged and nondebatable if the committee has voluntarily discharged the disapproval resolution, or debatable for 20 minutes if the resolution was automatically discharged.

The Lott legislation also contains provisions for dealing with resolutions coming from one body to another. If one House had not reported or discharged its own resolution 75 days after Congress receives the proposed rule, the resolution from the other House is considered discharged and gets privileged consideration.

If a resolution is received from the other body and the receiving House has already reported or discharged a resolution, consideration would occur on the action taken by the other house, to avoid votes on two resolutions.

Since joint resolutions are employed for both resolutions of approval and disapproval, any decision by Congress on executive rules would then go to the President for his signature. If he vetoed the Congressional action on the proposed rule, Congress would then have to go through the normal override procedure.

In addition to proposing how approval of rules would be handled, the Lott bill also proposes several changes in House Rules to deal with the loss of the legislative veto. Because of the volume of approval and disapproval resolutions that will result, a special Regulatory Review Calendar is created which would be called on the first and third Monday and second and fourth Tuesday of each month.

Resolutions whose review period would expire before the next call of the Regulatory calendar would be given top priority during these sessions, Lott said.

The purpose of the special calendar is to enable the House leadership to retain control over scheduling and be able to advise Members of forthcoming action.

Another proposed House rules change involves modifying a rule instituted at the beginning of the 98th Congress, which prohibits amendments limiting funding from being offered until after the rest of the amendment process is complete, and then only if the House votes down a motion for the committee of the Whole to rise and report the bill to the House.

The new rule would enable limiting amendments to be offered during the initial process to halt funding for proposed executive rules which have not been considered by the proper authorizing committee of the House, or if they have been passed by the House but not enacted.

Other changes in House operating procedure in the Lott legislation would required all House committees to adopt their oversight plans at the beginning of each Congress, and would prohibit consideration of a committee's funding resolution unless their oversight plans had been adopted and submitted to the Government Operations Committee.

Each Committee's final report at the end of each Congress would also have to contain an oversight report, contrasting the review actually conducted with the plan laid down at the beginning of each Congress.

The Lott bill also gives the Speaker authority to appoint joint ad hoc oversight committees containing members from two or more committees whose jurisdiction over a particular rule might overlap.

The bill is not Lott's first at solving the legislature veto question. He introduced a similar regulatory reform package in 1981, which never got considered by the full House.

[1] Denotes cosponsors of bill when originally introduced on September 20.

THE BETTER BUSINESS INVESTMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, I am introducing legislation today to elimi-

nate double taxation of dividend income by eliminating individual income taxes on dividend income. My bill quite simply excludes the gross income amounts received by individuals as dividends from domestic corporations.

There are three excellent reasons for Congress to take this step. First, and most obvious, dividend income is double-taxed under current law. Corporations pay taxes on the income before it is distributed to shareholders as part of their corporate income tax. Individuals then pay taxes on the same income when paying their Federal income taxes, with the exception of the first $100 in dividend income received. This taxpayer double jeopardy is patently unfair.

Second, this double tax discourages investment in corporate stocks. Our tax system is not exercising investment neutrality, penalizing as it does investments in business growth—the last thing we should be doing after years of repeated, crippling recessions. Our economy has been reeling for a decade, and we must take firm steps to encourage the business growth that we say we need to create jobs and reduce Federal deficits. The success of the tax reductions in the Economic Recovery Tax Act of 1981 is very instructive. It is time to eliminate this disincentive to investment in business growth.

Finally, by eliminating this double tax at the individual level, we will make it easier for American citizens to invest and build up equity that can provide for retirement in later years, or for home, education, and family.

I urge my colleagues to do the fair thing, the smart thing, and support the Better Business Investment Act when it is considered by Congress. Mr. Speaker, for the benefit of my colleagues, the text of my bill follows:

H.R. 4219

A bill to repeal the dollar limitation on the amount of dividends received by individuals which may be excluded from gross income.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short Title.

This Act may be cited as the "Better Business Investment Act of 1983.

SEC. 2. Dollar limitation on exclusion of dividends from gross income repealed.

(a) IN GENERAL.—Subsection (a) of section 116 of the Internal Revenue Code of 1954 (relating to partial exclusion of dividends received by individuals) is amended to read as follows:

"(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include amounts received by an individual as dividends from domestic corporations."

(b) CONFORMING AMENDMENTS.—Paragraph (4) of section 301(e) and paragraph (7) of section 643(a) of such Code are each amended by striking out "partial".

(c) CLERICAL AMENDMENTS.—

(1) The heading of such section 116 of such Code is amended by striking out "partial".

(2) The item relating to section 116 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out "Partial exclusion of dividends and interest" and inserting in lieu thereof "Exclusion of dividends".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends received in taxable years beginning after December 31, 1983.●

U.S. TROOPS IN GRENADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

● Mr. FASCELL. Mr. Speaker, we are all deeply concerned about the presence of U.S. troops in Grenada and the deaths and injuries of American servicemen. However, under the circumstances which existed in that region, which is virtually in our own backyard, I believe the U.S. action was justified.

Our friends in the Organization of East Caribbean States, whose leaders I know and respect, requested our assistance in a difficult and dangerous situation in which they saw the stability of their region seriously threatened. The events in Grenada of the past week, culminating in the assassination of most of the existing government and the resulting chaos in that country, did pose very real danger for not only our own citizens living and studying there, but for citizens of the other Caribbean nations as well. The stabilization of the situation was imperative in order to ensure the safety of these innocent civilians. I hope that order will be restored quickly so that our troops can be withdrawn and the people of Grenada will be able to make their own decisions about the future of their country and its government.

While I support the action, I must share my deep concern with our colleagues over the lack of prior consultation with the Congress pursuant to the War Powers Act. For most of yesterday, the entire world knew more about what was happening in Grenada than the Congress.

As most of our colleagues know, I am one of the strongest proponents of a bipartisan foreign policy in this body. I believe the administration would have benefited by advising and consulting with Congress beforehand. As one of the authors of the War Powers Act, I am deeply distressed that the law was not complied with so that the Congress could have also shared in the responsibility of this commitment of U.S. troops and lives.●

□ 1810

DISASTER IN LEBANON

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, they are still counting the dead in Lebanon. Meanwhile, an invasion of Grenada has been mounted and the occupation of Honduras goes on.

Alongside that, there is a not-so-secret war against the Government of Nicaragua, not to mention the U.S. involvement in El Salvador.

The risks of these entanglements are now quite clear. It is a shame and a blot on this Nation's conscience that those risks were not adequately assessed before the disaster in Lebanon. Now the question can no longer be evaded.

Last week I repeatedly characterized our situation in Lebanon as a trap. Now the trap has sprung. Our troops have been murdeously assaulted, with more than 200 dead and perhaps over 75 wounded. I mourn their loss, honor their memory. These young sailors and marines never had a chance even to resist the terrorists, the attackers who destroyed their billets in the early hours of Sunday. Their lives have been wasted. Their deaths were needless.

I cannot find the words to express the sorrow that I feel over that tragic loss. I do not have the words to express my feelings. Sunday after I had spoken here in closing out the session last week and had asked the President, "How long, Mr. President?" and had asked my colleagues, while they were all shooting off to go home and have a good, big juicy steak, and the President in the comfort and relaxation of the White House dining room, to think of those marines who were in imminent peril and under the shadow of death or serious bodily harm.

I know that sounded to some, perhaps, even shrill, but I was trying to raise a fundamental question. Ever since the debate on the so-called War Powers Resolution, which it was not at all, it was, and I continue to say, a lot of talk on a second Gulf of Tonkin resolution, except this one was sort of festooned with some promises by the President, and commitments and reservations meaning nothing. But it was not a war powers resolution.

Now we have wasted lives. There is no human expression that could describe, of course, the baseness, the vileness of the attackers who killed them, nor are there words to convey the frustration that I personally do feel. As I say, I feel great frustration that the majority of the Congress did not heed numerous warnings, did not ask hard questions about what was

possible in Lebanon, let alone what the risks were when the President was handed a blank check to continue exercising a policy that was never and has never been defined.

Meanwhile, in the sessions we had, like the caucus this morning and the others, and the President and our leaders speaking and strutting, and the world opinion reported not unlike what I had said was world opinion about our policy thus far in Latin America, where we do not have one single nation in the Western Hemisphere, including Canada, supporting that policy.

It reminded me of those words in Shakespeare:

But when we in our viciousness grow hard,
O misery on it!
The wise Gods seal our eyes!
Make us adore our errors,
Laugh ats while we strut to our confusion.

I feel frustration that no one was willing to listen to, let alone attempt to answer the question of what our options would be in the event of a major attack against our forces in Beirut. Exactly a week ago I was asking that question from this very same forum.

What will you do, my colleagues. What, Mr. President, will you do if the sniping continues and the killed are 2 at a time, or some, God forbid, I said, attack that takes 10, 15, 20 or more? What will you do, Mr. President?

Of course I feel frustration to equal the sorrow that I feel now over the needless waste of better than 200 of our finest young men. Last week on many occasions I talked about how our policy in Lebanon was a trap. Today, to my dismay, there are many voices saying what mine alone said last week, that an attack would leave us with three bitter choices:

One, to become actively involved as combatants in history's most protracted, most fractured, most complex civil war.

Or to leave the marines in their static and dangerous positions.

Or, three, to get out at huge political and national embarrassment, considered by many.

Now that at last the choices are generally recognized, I hear this shocked and sad chorus that says, "Our losses have been so great that it would be a disaster to retreat. Our country would be irreparably damaged by such a course." Those same voices admit that they never thought it would come to this, never thought such a disaster possible; that if they had known that the risks were so grave they would never have agreed to keep the marines in Lebanon. In other words, they say we are irrevocably trapped, hostages to events that we can no longer control.

There is a kind of sad acquiescence to the inevitability of staying on in Lebanon, and with it a hope that there will be no further attacks. But those sanguine expressions born of the desperate need for national solidarity and resolve in the face of disaster still fail to come to grips with the magnitude of the trap into which we have fallen.

Last week and before that, as long ago as May, I discussed how the danger confronting the U.S. forces in Lebanon would grow with each passing day. There is no longer any dispute about that. But look how many have died. Beyond that, I talked about how from a military point of view our static and passive position in Beirut was impossible and even militarily irresponsible.

Today, in the wake of catastrophe, there are many second guesses about how better military planning might have avoided the disaster. But only a few are seeing the real points, the real nature of the choice that now becomes so brutally clear, the choice that I talked about last Thursday night and in several preceding statements.

Militarily, it is still impossible to fully protect a static and passive force that is confined to the low ground in an urban area. That is as true today as it was last week. But if military logic is followed, the U.S. forces must become active combatants, must in short abandon the very role that they have been assigned, the role of peacemaker. If they become actively engaged in combat, they enter a morass that will take many more lives, could last years, and might never secure peace in that land of endless strife between religious factions, strife that has been going on for more than a thousand years, family divisions, and near universal conflict between countries, contending religious leaders and would-be leaders of the Arab world.

□ 1820

Moreover, they would enter on the side of a government that represents only a Lebanese faction that does not even control the city limits of its own capital, and that has only one aim, and that is to hang onto power in the hope of gaining some ultimate advantage against competing factions and warlords.

What is worse, U.S. entry into combat would instantly unite the disparate factions that are now attempting to overthrow the Gemayel government. And so taking the responsible course of military action destroys the whole policy upon which the Marine detachment was sent to Lebanon in the first place and places the United States in the midst of a civil war we never wanted nor in which we have any real interest.

That is the nature of the trap in Lebanon. If to withdraw is unthinkable, it is militarily witless to keep troops tied down in a passive, static role that subjects them to an ever-growing threat of attack. But it is the most unthinkable thing of all to sink into the bottomless sea of violence that is the ultimate reality of Lebanon today and for centuries past.

So here we are, in the aftermath of catastrophe, coming to understand, too little and too late, the real dimensions of the trap in Lebanon. If there were no good choices before, there are even fewer good choices now. Our innocent young men have paid the price of congressional refusal to face the facts and ask the hard questions and risk challenging an empty and hopeless policy.

As I said this last Monday, the marines have not failed; we have. They have not lacked honor and courage; we have. They have not lacked will; we have. And I repeat that tonight. They paid that price of refusal to face the facts, make the hard decisions, ask the difficult questions, and challenge the President as the coequals that indeed we are. Our leaders are forgetting that, and these young men paid the price of congressional refusal to risk challenging an empty and hopeless policy.

The reality of Lebanon is unchanged. Only the tragedy has been compounded, the political stakes multiplied, and, for the United States, the trap sprung. So great are our losses, so high the political stakes, our national leadership has frozen into inflexibility, playing out a hand whose emptiness is apparent to all, hoping for some miracle to unravel the Gordian knot of Lebanese fractiousness and ages-old fratricide.

The reality is that the Government of Lebanon today is no different today than it was last week. It still does not control even the city limits of Beirut, any more than it did 6 months ago when the U.S. Embassy was bombed at great cost to human life. If ever there was evidence of that lack of control, we have it now.

Syria is still in Lebanon, controlling a third of the country. Through the Druze and other factional allies, Syria controls much of the center of Lebanon, outside and maybe even inside the limits of Beirut. And Syrian designs on Lebanese territory are no different now than last week, and the ability of Syria to pull the strings in Lebanon is still the same today as it was then.

Israel still holds the southern third of Lebanon. There is no evidence that Israel ever intends to leave, because their condition for departure is the departure of Syria, which has been in Lebanon for 8 years and has never given up claims over Lebanese territory, claims dating back to the days after World War I.

Yet another reality is that there is still something like 16 private armies operating in Lebanon, some for and some against the official government. Added to these are fanatical armed

bands of one kind or another whose only apparent aim is to earn heavenly immortality by killing as many innocents as possible—unarmed peacekeepers, helpless prisoners, women, children, or even former allies.

For example, the Druze leader operating at the behest of the Syrians is the successor of his father who was killed by the Syrians. This is the gangster-ridden, fratricidal, shifting sea into which we have committed our troops, for who knows how long, on a mission no one can define nor has even to define.

The tragedy of Lebanon is endless, and now we are drawn into it. The true test of our leadership will be whether or not we can extricate ourselves from Lebanon or whether it will become a new Vietnam. I say, as I said months ago, that it is time to get out.

The original possibility of accomplishing what we set out to accomplish no longer really exists, if indeed it ever did. Whatever possibility of uniting Lebanon and bringing about peace that ever existed really vanished weeks and months ago in the poisoned, frozen hatreds of the Lebanese factions and the shifting interests of the nations that are manipulating events in that tormented, demented land. All that remains for us is to decide whether to commit our troops to that endless quagmire or to get out. To my mind, the only real choice is to get out.

The test of our national leadership lies not in its ability to make brave statements in the wake of disaster but to understand what the future possibilities are and to extricate our troops from impossible military situations without delay. Our policy was a long gamble to begin with. It was unwise militarily and warned against by military advisers from the very outset. It was an extraordinarily dangerous political move, warned against by those who had seen such danger before.

But the warnings were ignored, and now it is time to ask the questions and make the hard decisions that have evaded for months on end. And now, after this bloodshed, the risks and the costs are greater than ever. It is not the Marines who failed; it is those who put them in an impossible situation, giving them an assignment no tiny military force could every accomplish and then pretending that there was no real danger.

Mr. Speaker, Lebanon was, from the beginning, a trap. It is now a disaster.

TRAGEDY IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

● Mr. FUQUA. Mr. Speaker, the flag atop this building, as well as countless flags throughout America are at half mast today as we mourn our marines killed and wounded in Lebanon. The latest figures indicate over 200 dead, large numbers wounded, and others unaccounted for. A tragedy of this proportion affects us all. My heart goes out to the families of those marines who died serving their Nation in a far-off land.

Now, as we pick up the pieces, we must determine our national course of action. I believe our policy should contain several elements.

First, we must move our troops to higher ground. They are in a basically indefensible position at the airport and they must have secure quarters that they can defend.

Second, we must recognize that we cannot permit ourselves to be blackmailed by international terrorists. If our enemies ever believed that a senseless act like this would radically alter U.S. foreign policy,we would be held hostage to every terrorist in the entire world. No, we cannot be blackmailed.

Third, as the President indicated in his televised statement, there are no easy solutions to the difficulties in the Middle East and "we cannot withdraw our troops while their mission remains." They are part of a multinational peacekeeping force and they have accomplished some of their goals since their arrival. We are not in Lebanon as warriors but as peacekeepers. My concern is that we insure that they are given the tools necessary to perform their role. They cannot be sitting ducks.

As we mourn our national loss, we should convey our sympathy and understanding to the French Government and the families in France who also lost loved ones in a dastardly raid yesterday. Our resolve, and that of our allies, must be stronger than ever.●

FRANK ENEA LUCIDO—A PAESANO FOR ALL TIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, this weekend the family of Frank Enea Lucido, who recently turned 83 years old, will hold a party in his honor, and I would like to take this opportunity to tell my colleagues about the life of this great man, whom I am proud to call my friend.

Frank Lucido has been a well-known figure in Monterey, Calif.—my hometown—for nearly four decades. Born in 1900 in Pittsburg, Calif., Frank moved to Monterey when he was 44, and his business, political, and social activities have made him a favorite of Monterey residents since that time.

Frank established himself in business well before he came to Monterey. In 1918, he became the youngest movie exhibitor in California when he became manager of the Palace Theater in Pittsburg. In 1925, he and his uncles built the California Theater there, and in 1935, they built the Enean Theater.

In 1944, Frank came to Monterey, where he and the Enean family built the Enean Cannery. During the years after World War II, he bought the Harry Greene estate, which he had admired since he visited Monterey as a boy. In 1970, he sold the estate, where he had lived for many years.

Frank has always been very active in civic clubs and Italian Catholic organizations. In 1976, Frank became politically active, organizing the 60's Club in Monterey against high taxation in Monterey, and he has continued his interest in reducing the level of taxes.

Frank has had a lifetime interest in the arts, not only as a businessman but also as an artist himself. Six years ago, he produced an opera that he had written called "La Chiave," which is Italian for "The Key." It ran locally in Monterey and was a great success. Frank had begun the first draft of his opera back in 1956. It is based on the stories that his grandfather told him about the smuggling of tobacco from North Africa to Sicily in the 1860's.

In addition, Frank has, for many years, been the maestro of the annual Santa Rosalia Festival in Monterey, and long ago he composed a song for the festival.

Mr. Speaker, it is difficult to sum up 83 years of a man's life in a statement of this kind. A witness to the great San Francisco earthquake and fire, a friend of John Steinbeck, an acquaintance of Cecil B. DeMille, a washing machine salesman, a writer, a producer, a theater owner, an active citizen, and a friend to all those who have known him, Frank Lucido certainly deserves the many tributes he has received.

One of his most recent tributes came on his 83d birthday, September 23, when Mayor Gerald Fry of Monterey made that date Monterey Frank Enea Lucido Day. I look forward to participating in the celebration in his honor on October 30, and I know my colleagues join me in wishing Frank the best for many years to come.●

SHAME ON YOU, JAMES ROOSEVELT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, never in the history of two programs so important to our elderly, social security and medicare, have Congress and the American people been more conscious of the pressing need for cooperative efforts to guarantee that these pro-

grams are adequately funded and there when needed.

We have met the challenge of social security in a bipartisan manner. Now we are going to have to come to grips with the reality of the medicare crisis, and I am confident we will.

Unfortunately, while so many of us, Republicans and Democrats alike, are concentrating on programs of positive action to preserve and strengthen social security and medicare, there are out there in this land opportunists whose conduct suggests they are taking personal advantage of the situation. They must be exposed.

Many of our constituents across the country are being solicited by the prominent son of a former President to send him money so that he personally will be able to guarantee that the Nation's commitment to social security and medicare is kept.

A letter from James Roosevelt to millions of Americans plays upon the worst fears of our concerned citizenry. It mentions a severe threat to the very existence of social security and medicare and urges all recipients to send him $10 "to help block the rich and powerful forces who would destroy" those two programs.

He says his goal is to get at least 1 million participants which, at $10 a person, would give him $10 million to play with.

Allegedly, he would use these millions to communicate to Congress what each of us, regardless of party affiliation, already knows, that social security and medicare are vital programs whose financial integrity and future must be assured.

□ 1830

What does Mr. Roosevelt offer those who are conned into his scheme? Information that is readily accessible within the public domain, through the TV and radio and printed media. The only difference is that Mr. Roosevelt's information comes to them with a gold-embossed personal plastic membership card.

Shame on you, James Roosevelt. You tarnish the otherwise bright luster of a great name and deserve to be exposed. Shame on you.

Mr. Speaker, so that my colleagues will be fully apprised of this sham, I include in the RECORD a copy of the infamous James Roosevelt solicitation letter received by my constituents and by many other constituents across this land.

The letter is as follows:

MY FATHER STARTED SOCIAL SECURITY—NOW, WE MUST ACT TO SAVE SOCIAL SECURITY AND MEDICARE!

DEAR CONCERNED AMERICAN: Will you spend 45 seconds, right now, to save Social Security and Medicare?

If your answer is "Yes" then sign and return the enclosed official certified petition to the Congress of the United States right now!

Never in the 45 years since my father, Franklin Delano Roosevelt started the Social Security system has there been such a severe threat to Social Security and Medicare benefits.

Just consider these facts:

Ronald Reagan's recently enacted "Social Security" bailout is just a stop-gap measure. It won't permanently solve the threat to the continued payment of our Social Security and Medicare benefits. For this assurance, we need a permanent non-political solution.

The Medicare Fund faces even more severe funding problems than Social Security. Without citizen action we could lose many of Medicare's benefits.

Recently three United States Senators and the Budget Director recommended cutting Social Security, including the cost-of-living increases which benefit 35 million Americans.

In 1982 Congress cut $17 billion from Medicare.

Just recently, the National Commission on Social Security suggested taxing Social Security as ordinary income!

Another proposal would increase the minimum age for receiving Social Security to 68.

Three government reports now say unless we act Now, Medicare benefits will have to be cut severely or the Medicare fund will go bankrupt!

Last year a proposal was made to wipe out even minimum Social Security benefits for 3,000,000 (3 million) retirees.

Still another proposal would have cut 40 percent from early retirement benefits.

The Medicare Fund has borrowed $12,400,000,000.00 (12.4 billion dollars!) from the Social Security Fund. Medicare is in so much trouble it has been unable to even pay the interest on this loan! This debt endangers both Social Security and Medicare.

In addition, Medicare now faces continuing deficits, which further threaten both these vital programs.

We, as a nation, have a solemn commitment to the tens of millions of our people who have paid into Social Security and Medicare over their long working years. These Americans are counting upon Social Security and Medicare, and they must have it, or face a crippling financial hardship.

Deep cuts will mean a dreary existence for present and future Social Security and Medicare recipients, and will create a terrible hardship on their children and grandchildren—those who will somehow have to support retired family members.

Must it be so? Must we break our solemn commitments to the men and women who worked so hard, and paid their fair share into Social Security and Medicare?

No, it need not happen, not if you will join with me and millions of Americans to stop it—right now.

The politicians say we can't afford Social Security and Medicare. But, they say we can afford ever increasing welfare payments.

They don't say we can't afford millions upon millions of new South American and Asian and Haitian immigrants.

They don't say their rich corporate buddies have to give up their tax loopholes.

They don't say we should stop the illegal aliens who cost billions each year.

And they don't say we can't afford the politician's limousines and foreign junkets and billion dollar pet projects.

No. They say we can't afford Social Security and Medicare.

They are saying, in effect, "Let the retired widow go without a decent meal or enough heat or health care. Let her live in an unsafe neighborhood, and wear shabby clothes. But please, not one less gallon of gasoline for my limousine!"

Well, we've got to show them! We must take action, by mounting a mass petition drive and forming a huge organization, to Save Social Security and Medicare.

It is my goal to deliver 1,000,000 petitions to the Congress of the United States this year alone. These Petitions demand the preservation of Social Security and Medicare, and keeping the solemn commitment they represent, for our people.

I served as Secretary to the President in the White House when my father held that office.

And I served for 11 years as a Member of the United States Congress.

So I know, better than anyone, how powerful is our "right to petition the government for a redress of our grievances."

So, please, right now, sign and mail me your petition. It has never been so necessary, so urgent, that you take action.

At the same time, please seriously consider joining your National Committee to Preserve Social Security and Medicare.

The National Committee is a non-profit, tax-exempt organization, comprised solely of concerned Americans such as yourself, who have invested a small amount to help block the rich and powerful forces who would destroy Social Security and Medicare.

The National Committee to Preserve Social Security and Medicare is non-partisan and non-governmental. We have no corporate members, no special interest group support, and no source of income other than the voluntary dues of ordinary Americans who want our nation to keep its commitment to the Social Security and Medicare programs.

As a Member, your annual dues are only $10. And for this you will receive a gold embossed personal plastic membership card, a regular newsletter which includes how your Senators and Congressmen stand on Social Security and Medicare, and other vital information on how you can help your cause.

In addition, as a Member, you will be enrolled in the Legislative Alert Service.

The Legislative Alert Service will immediately advise you, by telegram or letter, of fast breaking developments in Washington with respect to the Save Social Security and Medicare programs.

Your Legislative Alert will also tell you how you can best act to help—such as by calling your Congressman's local office or sending one of your Senators an immediate letter.

And, most importantly, you will be helping to make it possible to continue our work here in The Capitol to protect, defend and improve the Social Security and Medicare Programs.

So, please act today. Mail your Officially Certified Petition to the Congress of the United States today. Hopefully, you will also join your National Committee to Preserve Social Security and Medicare at the same time—but in any case, please act today. I have enclosed a first-class, postage paid envelope for your use.

Urgently awaiting your reply, I am,

Most sincerely yours,

JAMES ROOSEVELT,
U.S. Congressman (Retired), Chairman, National Committee to Preserve Social Security and Medicare.

P.S.—Thousands of ordinary Americans, like yourself, have invested an average of $10 to send petitions, such as the one en-

closed, to concerned people all across our country. Naturally, they hope you will also join them as Members of the National Committee to Preserve Social Security and Medicare, but even if you cannot afford to join please do, at least, sign and return your petition.

If you fail to at least return your Petition, the investment of so many Americans will go to waste. At the same time, I will be very disappointed if you don't join, because we must continue collecting petitions and funding our work with the Congress, so join your fellow Americans, as a Member, if you possibly can.

Mr. Speaker, the letter is a disgrace.

Among other things, it is highly critical of the program which has saved the social security system by assuring its financial integrity, a program painstakingly fashioned by our President, by our Speaker, and by a bipartisan commission of dedicated and determined Americans, including that champion of the elderly, our distinguished colleague, the gentleman from Florida, the Honorable CLAUDE PEPPER.

In addition to misrepresenting a good plan, the Roosevelt letter uses all the scare language it can muster.

It says we are talking in terms of letting a retired widow go without a decent meal, or enough heat, or enough health care. It talks about that and suggests that all of us who serve in the Congress are more concerned about 1 more gallon of gasoline for our fancy limousines—limousines, incidentally, which we do not have.

The letter is a disgrace and I say, shame on you, James Roosevelt.

Mr. Speaker, a copy of the petition above referred to is as follows:

PETITION TO THE CONGRESS OF THE UNITED STATES

From: Agricola Tucci, Box 672, Utica, N.Y. 13503; Officially Certified Petition Number: 966-10A-00257030-3-01.

To: Senator ALFONSE M. D'AMATO; Senator DANIEL P. MOYNIHAN; Congressman SHERWOOD L. BOEHLERT.

Whereas, tens of millions of Americans rely upon Social Security payments and Medicare protection, and

Whereas, tens of millions more Americans are depending upon Social Security and Medicare during their upcoming retirement years, and

Whereas, these Americans have paid into the Social Security System for many years, and

Whereas, the recent Congressional legislation gives no permanent solution to the problem of funding Social Security and Medicare.

Be It Resolved, That I (we) demand that every commitment to Americans who qualify for Social Security and Medicare Benefits be kept, and

Be It Further Resolved, That I (we) urge the Congress of the United States to take no action which would be destructive to the Social Security and Medicare benefits which have been solemnly promised to our people.

As further evidence of our determination to protect our vital Social Security and Medicare programs, I (we) have become Members of the National Committee to Preserve Social Security and Medicare. (Mark out this sentence if you have decided not to join.)

Sign here:

AGRICOLA TUCCI.

NATIONAL SECURITY AND THE CLINCH RIVER BREEDER REACTOR

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, the Clinch River breeder reactor project has national significance beyond being the next logical step in our research and development program. It is important to recognize that national security is enhanced by having an inexhaustible domestic energy resource available for wide-scale deployment. Breeder reactor technology is the only inexhaustible energy approach that is scientifically proven to be capable of deployment without bankrupting the Nation. It can fill the inevitable gap in what we know are depleting energy reserves and growing energy demands, but it can do so only if we continue our 35-year effort at its development.

A strong United States will be one that minimally relies on other nations for energy to run our economy. Breeder reactors can tap the energy equivalent of the OPEC oil reserves in the Government stockpile of depleted uranium now stored at our uranium-enrichment plants. Energy security can be guaranteed simply by being able to use what we already have in storage through breeder reactor technology.

Additionally, if we wish to be secure by limiting nuclear proliferation, we must have a seat at the table in peaceful use of the atom. Other nations are developing breeder technology and if we wish to influence that development to foster the proliferation resistance of its utilization, we must continue with projects like the CRBR. Ambassador Richard T. Kennedy said it very well in his statement before the recent hearing of the Science Subcommittee on Energy Research and Production and I ask that his statement be printed below for your consideration.

I urge my colleagues to support this project when the issue comes before you.

With my remarks, I include herewith correspondence from the Department to our colleague, to the Honorable MARILYN LLOYD.

DEPARTMENT OF STATE,
AMBASSADOR AT LARGE,
Washington, September 21, 1983.

Hon. MARILYN LLOYD,
Chairman, Subcommittee on Energy Research and Production, Committee on Science and Technology, House of Representatives.

DEAR MADAM CHAIRMAN: I am pleased to respond to your request for my views on the Clinch River Breeder Reactor (CRBR) Project as it may relate to achieving U.S. non-proliferation and other international goals.

A number of large industrialized countries have, as a major element of their ongoing energy research and development efforts, programs designed to assess the promise of the fast breeder reactor as a potentially significant future energy source. Most recently, for example, the United Kingdom has indicated that it plans to open negotiations leading to participation in development with a European group, including France, the FRG, Italy, Belgium and the Netherlands.

The Liquid Metal Fast Breeder Reactor (LMFBR), the concept of the Clinch River Breeder, has been widely considered as the most promising concept for research and development. Development programs and plans all comprise base technology efforts accompanied by construction and operation of progressively larger breeder power plants. Demonstration LMFBR's of the same intermediate size class as Clinch River have been operated in the United Kingdom, France, and the USSR; construction of such plants is also planned in Japan and the FRG.

The LMFBR involves the use of substantial quantities of plutonium and also involves the use of reprocessing technology to separate and make available that plutonium. Thus, international safeguards and physical security arrangements are vital considerations in the development of any system. This in turn will require both leadership and international cooperation, if the non-proliferation goals we seek are to be achieved and protected. Active U.S. participation in such a program would enhance our ability to contribute effectively and to have the impact which our technical competence and commitment to sound non-proliferation standards justify. If, on the other hand, the United States does not play an active role in breeder technology development and demonstration, its ability to influence the formulation of safeguards and physical security systems and techniques essential to the future deployment of that technology will be diminished.

The Administration seeks to enhance the posture of the United States as a reliable supplier and cooperative partner in the use of nuclear energy for peaceful purposes. At the same time, it seeks to assure that sensitive technologies, such as reprocessing and the breeder reactor, are not employed except where advanced nuclear programs are in place and there is no proliferation risk, as is the case of the industrialized countries now pursuing breeder research and development. The simple fact is that this development is going forward, and the United States will better be able to affect the course of the development in ways that can most effectively support its nonproliferation goals and objectives, if it participates actively in it.

Active United States participation on its own account and cooperation with others will facilitate the development of the essential agreed set of norms and procedures which will lessen the potential proliferation risk associated with the use of plutonium in the fast breeder reactor program. An active U.S. system development program could provide a basic test bed for the development and application of such norms and procedures. In this way, the United States would be able to exert the fullest measure of influence and give the most effective guidance.

For these reasons, I believe that if it were decided to go forward with a fast breeder reactor development program, such as that contemplated with the Clinch River

LMFBR, important nonproliferation objectives could be well served and United States leadership in the effort to strengthen the worldwide nonproliferation regime could be furthered.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

RICHARD T. KENNEDY.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MITCHELL (at the request of Mr. WRIGHT), for today, on account of medical check-up.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKERNAN) to revise and extend their remarks and include extraneous material:)

Mr. CORCORAN, for 10 minutes, today.
Mr. GINGRICH, for 60 minutes, today.
Mr. GINGRICH, for 60 minutes, on October 27.
Mr. GINGRICH, for 60 minutes, on October 28.
Mr. BOEHLERT, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. FASCELL, for 5 minutes, today.
Mr. CROCKETT, for 10 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. DYMALLY, for 60 minutes, on October 27.
Mr. DONNELLY, for 60 minutes, on November 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DANIEL, and to include extraneous material, during debate on H.R. 4185 in the Committee of the Whole today.

(The following Members (at the request of Mr. MCKERNAN) and to include extraneous matter:)

Mr. GINGRICH.
Mr. LEACH of Iowa in three instances.
Mr. ARCHER.
Mr. GREEN.
Mr. BEREUTER.
Mr. LEWIS of Florida.
Mr. SHUMWAY.
Mr. BETHUNE.
Mr. KEMP.
Mr. LOTT.
Mr. PAUL.
Mr. GOODLING.
Mr. WEBER.
Mr. SCHULZE.
Mr. GILMAN.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. APPLEGATE.
Mr. ROYBAL.
Mr. VALENTINE.
Mr. OBERSTAR.
Ms. MIKULSKI.
Mr. RODINO.
Mr. FLORIO.
Mr. LEVINE of California in two instances.
Mr. LONG of Maryland.
Mr. EDGAR.
Mr. HAMILTON.
Mr. BOLAND.
Mr. ROE in two instances.
Mr. DYMALLY in two instances.
Mr. OTTINGER.
Mr. KOLTER.
Mr. MINETA in two instances.
Mr. SOLARZ.
Mr. ACKERMAN.
Mr. RANGEL in two instances.
Mr. BERMAN.
Mr. SKELTON.
Mr. SWIFT.
Mr. TORRES in two instances.
Mr. LEHMAN of California.
Mrs. BOXER.
Mr. CONYERS in two instances.
Mr. GUARINI.
Mr. STOKES in two instances.
Mr. GARCIA.
Mrs. KENNELLY.
Mr. WYDEN.
Mr. MRAZEK.
Mr. MARKEY.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on October 25, 1983 present to the President, for his approval, a bill of the House of the following title:

H.R. 3363. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, October 27, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2048. A communication from the President of the United States, transmitting a report on the deployment of U.S. Armed Forces to Grenada (H. Doc. No. 98-125); to the Committee on Foreign Affairs and ordered to be printed.

2049. A letter from the Secretary of Education, transmitting a followup on the report submitted in March, 1983 (Ex. Com. No. 804) on the cause of the decline in the selection of minority sponsors in the section 202 program, as requested in House Report No. 97-959; to the Committee on Appropriations.

2050. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-71, "Successor in Interest to a Gasoline Products Marketing Agreement Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2051. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act, 5-72, "Senior Citizen Motor Vehicle Accident Prevention Course Certification Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2052. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-73, "Public Postsecondary Education Reorganization Clarification Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2053. A letter from the Director, Office of Personnel Management, transmitting the final personnel regulations designed to enhance the role of performance for the operations of the Federal Government to be published in the Federal Register (proposed regulations Ex. Coms. Nos. 679 and 1541), pursuant to 5 U.S.C. 4703(b)(6); to the Committee on Post Office and Civil Service.

2054. A letter from the Secretary of Commerce, transmitting the annual report on the activities of the national climate program for fiscal year 1982, pursuant to section 202(b) of Public Law 97-375; to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. Supplemental report on H.R. 2751 (Rept. No. 98-163, Pt. II). Ordered to be printed.

Mr. BENNETT: Committee on Armed Services. H.R. 3980. A bill to allow the obsolete submarine U.S.S. *Albacore* (AGSS-569) to be transferred to the Portsmouth Submarine Memorial Association before the expiration of the otherwise applicable 60-day congressional review period; with amendments (Rept. No. 98-441). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4136. A bill to amend title XVIII of the Social Security Act to provide for reconciliation savings and other changes with respect to the medicare program, to amend title XIX of such act to increase the Federal medical assistance matching percentage for services provided to certain pregnant women and young children under

State medicaid plans, and for other purposes; with an amendment (Rept. No. 98-442, Pt. I). Ordered to be printed.

Mr. BROOKS: Committee on Government Operations. Report on Federal Crop Insurance Corporation: Risk management and mismanagement (Rept. No. 98-443). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITT:

H.R. 4218. A bill to extend duty-free treatment to Meta-toluic acid (MTA); to the Committee on Ways and Means.

By Mr. CORCORAN:

H.R. 4219. A bill to repeal the dollar limitation on the amount of dividends received by individuals which may be excluded from gross income; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 4220. A bill to change the name of the "Ernest Orlando Lawrence Livermore National Laboratory" facilities at Livermore, Calif., to the "Livermore National Laboratory"; to the Committee on Armed Services.

By Mr. FAZIO (for himself, Mr. COELHO, and Mr. LEHMAN of California):

H.R. 4221. A bill to establish in the Department of State the position of Under Secretary of State for Agricultural Affairs; to the Committee on Foreign Affairs.

By Mr. KASTENMEIER:

H.R. 4222. A bill to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 4223. A bill to suspend for a 3-year period the duty on 4-0-beta-D-Galactopyranosyl-D-fructose; to the Committee on Ways and Means.

H.R. 4224. A bill to suspend for a 3-year period the duty on nicotine resin complex; to the Committee on Ways and Means.

H.R. 4225. A bill to suspend for a 3-year period the duty on an iron dextran complex; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4226. A bill to provide for the minting of gold coins and silver coins by the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RANGEL:

H.R. 4227. A bill to amend the Internal Revenue Code of 1954 to extend the provisions of section 167(k) of such code; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 4228. A bill to establish a Commission for the Advancement of Educational Computer Software for the purpose of conducting a national competition and a fair designed to encourage the development of low cost, quality computer software for use primarily in the instruction of students at the primary and secondary school levels; to the Committee on Education and Labor.

By Mr. SWIFT (for himself and Mr. LENT):

H.R. 4229. A bill to amend the Communications Act of 1934 to provide a national policy regarding cable television; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.J. Res. 400. Joint resolution designating September 14, 1984, as "National Women Veterans Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. MARLENEE:

H.J. Res. 401. Joint resolution proposing an amendment to the Constitution of the United States to provide for 4-year terms of office for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. STUDDS, Mr. BARNES, Mr. WOLPE, Mr. CROCKETT, Mr. GEJDENSON, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. GARCIA, Mr. LEACH of Iowa, Mr. ZSCHAU, Mr. MARKEY, Mr. MILLER of California, and Mr. MOODY):

H.J. Res. 402. Joint resolution declaring that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when U.S. Armed Forces were introduced into Grenada; to the Committee on Foreign Affairs.

By Mr. LEACH of Iowa:

H. Con. Res. 198. Concurrent resolution expressing the support of the Congress for the United Nations on the occasion of the 38th anniversary of the coming into force of the Charter of the United Nations; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Montana (for himself, Mr. PERKINS, Mr. GOODLING, Mr. MURPHY, Mrs. MARTIN of Illinois, Mr. GUNDERSON, Mr. WIRTH, Mr. SIMON, Mr. BARTLETT, Mr. KOGOVSEK, Mr. HAWKINS, Mr. KILDEE, Mr. PETRI, Mr. GAYDOS, Mr. MARTINEZ, Mr. OWENS, Mr. ACKERMAN, Mr. FORD of Michigan, Mr. BOUCHER, Mrs. BURTON of California, Mr. ECKART, Mr. PACKARD, Mr. CHANDLER, Mr. CORRADA, and Mr. LOWRY of Washington):

H. Res. 349. Resolution to express the thanks of the House of Representatives to America's educators; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. SABO, Mr. D'AMOURS, Mr. FORD of Tennessee, Mr. KASICH, Mr. LEACH of Iowa, Mr. TALLON, Mr. REGULA, Mr. LEHMAN of Florida, Mr. RUSSO, Mr. WHITTAKER, Mr. MCEWEN, Mr. HEFTEL of Hawaii, Mr. GARCIA, Mr. LENT, Mr. CHAPPELL, Mr. HUTTO, Mr. LIVINGSTON, Mrs. BURTON of California, Mr. NATCHER, Mrs. SCHNEIDER, Mr. BURTON of Indiana, Mr. MICA, Mr. PASHAYAN, Mr. FAZIO, and Mr. SUNIA.

H.R. 214: Mr. PATMAN.

H.R. 470: Mr. COURTER.

H.R. 765: Mr. FISH and Mr. LAGOMARSINO.

H.R. 1136: Mr. BOSCO.

H.R. 1225: Mr. PARRIS.

H.R. 1376: Mrs. LLOYD, Mr. ROYBAL, Mr. MCNULTY, and Mr. BEDELL.

H.R. 1434: Mr. GREGG.

H.R. 1675: Mr. SHUMWAY.

H.R. 1706: Ms. SNOWE, Mr. COURTER, Mr. MCCLOSKEY, Mr. PETRI, Mr. MCKERNAN, Mr. FORD of Tennessee, Mr. D'AMOURS, Mr. SABO, Mr. LEVIN of Michigan, and Mr. BURTON of Indiana.

H.R. 2352: Mr. RINALDO.

H.R. 2474: Mr. WEISS, Mr. WEAVER, and Mr. ROYBAL.

H.R. 2714: Mr. FROST, Mr. WOLPE, and Mr. MCNULTY.

H.R. 2928: Mr. MATSUI.

H.R. 3016: Mr. OXLEY, Mr. GREGG, Mr. PEASE, Mr. VENTO, Mr. WEAVER, Mr. LELAND, Mr. HEFTEL of Hawaii, and Mr. CRAIG.

H.R. 3175: Mr. RICHARDSON.

H.R. 3651: Mr. BROWN of Colorado, Mr. GREEN, Mr. PASHAYAN, Mr. FORSYTHE, Mr. LAGOMARSINO, and Mr. WHITEHURST.

H.R. 3713: Mr. GEKAS.

H.R. 3790: Mr. SUNDQUIST.

H.R. 3858: Mr. BLILEY, Mr. BIAGGI, Mr. FORD of Tennessee, Mr. LUKEN, Mr. HILER, and Mr. ALEXANDER.

H.R. 3884: Mr. WON PAT, Mr. EDWARDS of California, Mr. OWENS, Mr. CONYERS, Mr. WEISS, Mr. FAUNTROY, Mr. CROCKETT, Mr. FORD of Tennessee, and Mr. ROYBAL.

H.R. 3939: Mr. BLILEY, Mr. BREAUX, Mr. BROWN of Colorado, Mr. CORCORAN, Mr. DAUB, Mr. DEWINE, Mr. DREIER of California, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FORSYTHE, Mr. HANSEN of Utah, Mr. KRAMER, Mr. LEVITAS, Mrs. LLOYD, Mr. LOEFFLER, Mr. MCCANDLESS, Mrs. MARTIN of Illinois, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. PARRIS, Mr. RATCHFORD, Mr. ROBINSON, Mr. SAWYER, Mr. SILJANDER, Mr. TAUKE, Mr. WHITTAKER, Mr. WYLIE, and Mr. BARNARD.

H.R. 4052: Mr. ANTHONY.

H.R. 4128: Mr. OLIN and Mr. SENSENBRENNER.

H.J. Res. 20: Mr. DEWINE, Mr. EVANS of Iowa, Mr. WILLIAMS of Ohio, Mr. RINALDO, and Mr. SISISKY.

H.J. Res. 74: Mr. CONTE, Mr. SWIFT, Mr. CLAY, Mr. LIVINGSTON, and Mr. MAZZOLI.

H.J. Res. 103: Mr. HOYER, Mr. MCEWEN, Mr. MCHUGH, and Mr. WOLF.

H.J. Res. 215: Mr. LONG of Louisiana, Mr. MOORE, and Mr. MADIGAN.

H.J. Res. 307: Mr. SISISKY, Mr. BURTON of Indiana, Mr. WYDEN, and Mr. CARR.

H.J. Res. 322: Mr. MATSUI, Mr. STANGELAND, Mr. LANTOS, Mr. FRENZEL, Mr. MINETA, Mr. MCEWEN, Mr. RICHARDSON, Mr. BERMAN, Mr. FROST, Ms. KAPTUR, Mr. BEVILL, Mr. HOPKINS, Mr. ACKERMAN, and Mr. DYMALLY.

H.J. Res. 385: Mr. FORSYTHE, Mr. LAGOMARSINO, Mr. MITCHELL, Mrs. SCHNEIDER, Mr. YATRON, Mr. TORRICELLI, Mr. CLINGER, Mr. HARRISON, and Mr. WILSON.

H. Con. Res. 100: Mr. SAWYER, Mr. MARTINEZ, Mr. RUDD, Mr. HANSEN of Idaho, Mr. KOGOVSEK, Ms. MIKULSKI, Mr. ECKART, Mr. MCCLOSKEY, Mrs. LLOYD, and Mr. SIMON.

H. Con. Res. 181: Mr. APPLEGATE, Mr. FRENZEL, Mr. LEVIN of Michigan, Mr. MAVROULES, Mr. MCCANDLESS, Mr. RAHALL, and Mrs. SCHNEIDER.

H. Res. 205: Mr. MOORHEAD.

H. Res. 311: Mr. SILJANDER.

H. Res. 334: Mr. FLIPPO, Mr. LEVIN of Michigan, Mr. RAHALL, Mr. SEIBERLING, Mrs. ROUKEMA, Mr. SAWYER, Mr. BEREUTER, Mr. PATTERSON, Ms. KAPTUR, Mr. BROOMFIELD, and Mr. BEDELL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

262. The SPEAKER presented a petition of David S. Fraser, St. Albert, Alberta, Canada, relative to the Congressional Medal

of Honor; which was referred to the Committee on Armed Services.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1904

By Mr. MARRIOTT:

—Page 7, beginning on line 4, strike out "$25,000,000" and all that follows through "1987" and insert in lieu thereof "$35,000,000 for fiscal year 1984, $36,250,000 for fiscal year 1985, $37,563,000 for fiscal year 1986, and $38,941,000 for fiscal year 1987."

—Page 7, beginning on line 22, strike out "$3,000,000" and all that follows through "1987", and insert in lieu thereof "$10,000,000 for each of the fiscal years 1984, 1985, 1986, and 1987."

—Page 3, after line 5, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

"(7) beginning not later than 90 days and completing not later than 180 days after the date of enactment of the Child Abuse Amendments of 1983, review State statutes establishing childrens trust funds for the prevention of neglect, sexual exploitation, molestation, and other forms of abuse of children, and compile, publish, and widely disseminate information relating to the development of such trust funds as a resource in combating child abuse;".

H.R. 4139

By Mr. FRANK:

—On page 37, lines 10 through 15, strike SEC. 514.

H.R. 4170

By Mr. MORRISON of Connecticut:

—At the end of the bill, insert the following new title:

TITLE XIV—TAX RATE EQUITY ACT OF 1983

SEC. 1401. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Tax Rate Equity Act of 1983".

(b) TABLE OF CONTENTS.—

TITLE XIV—TAX RATE EQUITY ACT OF 1983

Sec. 1401. Short title: table of contents.
Sec. 1402. Revenue gained from $700 cap to be used to reduce Federal deficits.
Sec. 1403. $700 cap on individual income tax reduction.

SEC. 1402. REVENUE GAINED FROM $700 CAP TO BE USED TO REDUCE FEDERAL DEFICITS.

Whereas projected Federal deficits threaten to abort economic recovery for all Americans, and

Whereas the need to reduce these deficits is one of the paramount issues facing this Congress:

It is the sense of the Congress that—

(1) the revenue gained from a cap on the third year of the individual tax rate cut be applied to a reduction in Federal deficits, and

(2) the Budget Committees apply the revenue gained from such cap to reduce deficit projections.

SEC. 1403. $700 CAP ON INDIVIDUAL INCOME TAX REDUCTION.

(a) JOINT RETURNS, ETC.—Subsection (a) of section 1 (relating to married individuals filing joint returns and surviving spouses) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) FOR TAXABLE YEARS BEGINNING IN 1984.—

"If taxable income is:	The tax is:
Not over $3,400	No tax.
Over $3,400 but not over $5,500.	11% of excess over $3,400.
Over $5,500 but not over $7,600.	$231, plus 12% of excess over $5,500.
Over $7,600 but not over $11,900.	$483, plus 14% of excess over $7,600.
Over $11,900 but not over $16,000.	$1,085, plus 16% of excess over $11,900.
Over $16,000 but not over $20,200.	$1,741, plus 18% of excess over $16,000.
Over $20,200 but not over $24,600.	$2,497, plus 22% of excess over $20,200.
Over $24,600 but not over $29,900.	$3,465, plus 25% of excess over $24,600.
Over $29,900 but not over $35,200.	$4,790, plus 28% of excess over $29,900.
Over $35,200 but not over $45,800.	$6,274, plus 37% of excess over $35,200.
Over $45,800 but not over $60,000.	$10,196, plus 42% of excess over $45,800.
Over $60,000 but not over $85,600.	$16,160, plus 46% of excess over $60,000.
Over $85,600	$27,936, plus 50% of excess over $85,600.

"(4) FOR TAXABLE YEARS BEGINNING AFTER 1984.—

"If taxable income is:	The tax is:
Not over $3,400	No tax.
Over $3,400 but not over $5,500.	11% of the excess over $3,400.
Over $5,500 but not over $7,600.	$231, plus 12% of the excess over $5,500.
Over $7,600 but not over $11,900.	$483, plus 14% of the excess over $7,600.
Over $11,900 but not over $16,000.	$1,085, plus 16% of the excess over $11,900.
Over $16,000 but not over $20,200.	$1,741, plus 18% of the excess over $16,000.
Over $20,200 but not over $24,600.	$2,497, plus 22% of the excess over $20,200.
Over $24,600 but not over $29,900.	$3,465, plus 25% of the excess over $24,600.
Over $29,900 but not over $35,200.	$4,790, plus 28% of the excess over $29,900.
Over $35,200 but not over $45,800.	$6,274, plus 33% of the excess over $35,200.
Over $45,800 but not over $60,000.	$9,772, plus 38% of the excess over $45,800.
Over $60,000 but not over $85,600.	$15,168, plus 42% of the excess over $60,000.
Over $85,600 but not over $109,400.	$25,920, plus 45% of the excess over $85,600.
Over $109,400 but not over $162,400.	$36,630, plus 49% of the excess over $109,400.
Over $162,400	$62,600, plus 50% of the excess over $162,400."

(b) HEAD OF HOUSEHOLD.—Subsection (b) of section (1) (relating to heads of households) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) FOR TAXABLE YEARS BEGINNING IN 1984.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 12% of excess over $4,400.
Over $6,500 but not over $8,700.	$483, plus 14% of excess over $6,500.
Over $8,700 but not over $11,800.	$791, plus 17% of excess over $8,700.
Over $11,800 but not over $15,000.	$1,318, plus 18% of excess over $11,800.
Over $15,000 but not over $18,200.	$1,894, plus 20% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,534, plus 24% of excess over $18,200.
Over $23,500 but not over $28,800.	$3,806, plus 28% of excess over $23,500.
Over $28,800 but not over $30,000.	$5,290, plus 32% of excess over $28,800.
Over $30,000 but not over $34,100.	$5,674, plus 36% of excess over $30,000.
Over $34,100 but not over $44,700.	$7,150, plus 39% of excess over $34,100.
Over $44,700 but not over $60,600.	$11,284, plus 46% of excess over $44,700.
Over $60,600	$18,598, plus 50% of excess over $60,600.

"(4) FOR TAXABLE YEARS BEGINNING AFTER 1984.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $4,400.	11% of the excess over $2,300.
Over $4,400 but not over $6,500.	$231, plus 12% of the excess over $4,400.
Over $6,500 but not over $8,700.	$483, plus 14% of the excess over $6,500.
Over $8,700 but not over $11,800.	$791, plus 17% of the excess over $8,700.
Over $11,800 but not over $15,000.	$1,318, plus 18% of the excess over $11,800.
Over $15,000 but not over $18,200.	$1,894, plus 20% of the excess over $15,000.
Over $18,200 but not over $23,500.	$2,534, plus 24% of the excess over $18,200.
Over $23,500 but not over $28,800.	$3,806, plus 28% of the excess over $23,500.
Over $28,800 but not over $34,100.	$5,290, plus 32% of the excess over $28,800.
Over $34,100 but not over $44,700.	$6,986, plus 35% of the excess over $34,100.
Over $44,700 but not over $60,600.	$10,696, plus 42% of the excess over $44,700.
Over $60,600 but not over $81,800.	$17,374, plus 45% of the excess over $60,600.
Over $81,800 but not over $108,300.	$26,914, plus 48% of the excess over $81,800.
Over $108,300	$39,634, plus 50% of the excess over $108,300."

(c) UNMARRIED INDIVIDUALS.—Subsection (c) of section 1 (relating to certain unmarried individuals) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) FOR TAXABLE YEARS BEGINNING IN 1984.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $3,400.	11% of excess over $2,300.
Over $3,400 but not over $4,400.	$121, plus 12% of excess over $3,400.
Over $4,400 but not over $6,500.	$241, plus 14% of excess over $4,400.
Over $6,500 but not over $8,500.	$535, plus 15% of excess over $6,500.
Over $8,500 but not over $10,800.	$835, plus 16% of excess over $8,500.
Over $10,800 but not over $12,900.	$1,203, plus 18% of excess over $10,800.
Over $12,900 but not over $15,000.	$1,581, plus 20% of excess over $12,900.
Over $15,000 but not over $18,200.	$2,001, plus 23% of excess over $15,000.
Over $18,200 but not over $23,500.	$2,737, plus 26% of excess over $18,200.
Over $23,500 but not over $28,800.	$4,115, plus 30% of excess over $23,500.
Over $28,800 but not over $34,100.	$5,705, plus 38% of excess over $28,800.
Over $34,100 but not over $41,500.	$7,719, plus 42% of excess over $34,100.
Over $41,500 but not over $55,300.	$10,827 plus 47% of excess over $41,500.
Over $55,300	$17,313, plus 50% of excess over $55,300.

"(4) FOR TAXABLE YEARS BEGINNING AFTER 1984.—

"If taxable income is:	The tax is:
Not over $2,300	No tax.
Over $2,300 but not over $3,400.	11% of the excess over $2,300.
Over $3,400 but not over $4,400.	$121, plus 12% of the excess over $3,400.
Over $4,400 but not over $6,500.	$241, plus 14% of the excess over $4,400.
Over $6,500 but not over $8,500.	$535, plus 15% of the excess over $6,500.
Over $8,500 but not over $10,800.	$835, plus 16% of the excess over $8,500.
Over $10,800 but not over $12,900.	$1,203, plus 18% of the excess over $10,800.

"If taxable income is:	The tax is:
Over $12,900 but not over $15,000.	$1,581, plus 20% of the excess over $12,900.
Over $15,000 but not over $18,200.	$2,001, plus 23% of the excess over $15,000.
Over $18,200 but not over $23,500.	$2,737 plus 26% of the excess over $18,200.
Over $23,500 but not over $28,800.	$4,115 plus 30% of the excess over $23,500.
Over $28,800 but not over $34,100.	$5,705, plus 34% of the excess over $28,800.
Over $34,100 but not over $41,500.	$7,507 plus 38% of the excess over $34,100.
Over $41,500 but not over $55,300.	$10,319 plus 42% of the excess over $41,500.
Over $55,300 but not over $81,800.	$16,115 plus 48% of the excess over $55,300.
Over $81,800	$28,835 plus 50% of the excess over $81,800."

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—Subsection (d) of section 1 (relating to married individuals filing separate returns) is amended by striking out paragraph (3) and inserting in lieu thereof the following

"(3) FOR TAXABLE YEARS BEGINNING IN 1984.—

"If taxable income is:	The tax is:
Not over $1,700	No tax.
Over $1,700 but not over $2,750.	11% of excess over $1,700.
Over $2,750 but not over $3,800.	$115.50, plus 12% of excess over $2,750.
Over $3,800 but not over $5,950.	$241.50, plus 14% of excess over $3,800.
Over $5,950 but not over $8,000.	$542.50, plus 16% of excess over $5,950.
Over $8,000 but not over $10,100.	$870.50, plus 18% of excess over $8,000.
Over $10,100 but not over $12,300.	$1,248.50, plus 22% of excess over $10,100.
Over $12,300 but not over $14,950.	$1,732.50, plus 25% of excess over $12,300.
Over $14,950 but not over $17,600.	$2,395, plus 28% of excess over $14,950.
Over $17,600 but not over $22,900.	$3,137, plus 37% of excess over $17,600.
Over $22,900 but not over $30,000.	$5,098, plus 42% of excess over $22,900.
Over $30,000 but not over $42,800.	$8,080, plus 46% of excess over $30,000.
Over $42,800	$13,968, plus 50% of excess over $42,800.

"(4) FOR TAXABLE YEARS BEGINNING AFTER 1984.—

"If taxable income is:	The tax is:
Not over $1,700	
Over $1,700 but not over $2,750.	11% of the excess over $1,700.
Over $2,750 but not over $3,800.	$115, plus 12% of the excess over $2,750.
Over $3,800 but not over $5,950.	$241, plus 14% of the excess over $3,800.
Over $5,950 but not over $8,000.	$542, plus 16% of the excess over $5,950.
Over $8,000 but not over $10,100.	$870, plus 18% of the excess over $8,000.
Over $10,100 but not over $12,300.	$1,248, plus 22% of the excess over $10,100.
Over $12,300 but not over $14,950.	$1,732, plus 25% of the excess over $12,300.
Over $14,950 but not over $17,600.	$2,395, plus 28% of the excess over $14,950.
Over $17,600 but not over $22,900.	$3,137, plus 33% of the excess over $17,600.
Over $22,900 but not over $30,000.	$4,886, plus 38% of the excess over $22,900.
Over $30,000 but not over $42,800.	$7,584, plus 42% of the excess over $30,000.
Over $42,800 but not over $54,700.	$12,960, plus 45% of the excess over $42,800.
Over $54,700 but not over $81,200.	$18,315, plus 49% of the excess over $54,700.
Over $81,200	$31,300, plus 50% of the excess over $81,200."

(e) ESTATES AND TRUSTS.—Subsection (e) of section 1 (relating to estates and trusts) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) FOR TAXABLE YEARS BEGINNING IN 1984.—

"If taxable income is:	The tax is:
Not over $1,050	11% of taxable income.
Over $1,050 but not over $2,100.	$115.50, plus 12% of excess over $1,050.
Over $2,100 but not over $4,250.	$241.50, plus 14% of excess over $2,100.
Over $4,250 but not over $6,300.	$542.50, plus 16% of excess over $4,250.
Over $6,300 but not over $8,400.	$870.50, plus 18% of excess over $6,300.
Over $8,400 but not over $10,600.	$1,248.50, plus 22% of excess over $8,400.
Over $10,600 but not over $13,250..	$1,732.50, plus 25% of excess over $10,600.
Over $13,250 but not over $15,900..	$2,395, plus 28% of excess over $13,250.
Over $15,900 but not over $21,200..	$3,137, plus 37% of excess over $15,900.
Over $21,200 but not over $28,300..	$5098, plus 42% of excess over $21,200.
Over $28,300 but not over $41,100..	$8,080, plus 46% of excess over $28,300.
Over $41,100	$13,968, plus 50% of excess over $41,100.

"(4) FOR TAXABLE YEARS BEGINNING AFTER 1984.—

"If taxable income is:	The tax is:
Not over $1,050	11% of taxable income.
Over $1,050 but not over $2,100.	$115, plus 12% of the excess over $1,050.
Over $2,100 but not over $4,250.	$241, plus 14% of the excess over $2,100.
Over $4,250 but not over $6,300.	$542, plus 16% of the excess over $4,250.
Over $6,300 but not over $8,400.	$870, plus 18% of the excess over $6,300.
Over $8,400 but not over $10,600.	$1,248, plus 22% of the excess over $8,400.
Over $10,600 but not over $13,250.	$1,732, plus 25% of the excess over $10,600.
Over $13,250 but not over $15,900.	$2,395, plus 28% of the excess over $13,250.
Over $15,900 but not over $21,200.	$3,137, plus 33% of the excess over $15,900.
Over $21,200 but not over $28,300.	$4,886, plus 38% of the excess over $21,200.
Over $28,300 but not over $41,100.	$7,584, plus 42% of the excess over $28,300.
Over $41,100 but not over $53,000.	$12,960, plus 45% of the excess over $41,100.
Over $53,000 but not over $79,500.	$18,315, plus 49% of the excess over $53,000.
Over $79,500	$31,300, plus 50% of the excess over $79,500."

(f) REMOVAL OF $700 CAP ONLY IF DEFICIT LESS THAN 2 PERCENT OF GROSS NATIONAL PRODUCT.—Section 1 is amended by adding at the end thereof the following new subsection:

"(g) REMOVAL OF $700 CAP ONLY IF DEFICIT LESS THAN 2 PERCENT OF GROSS NATIONAL PRODUCT.—

"(1) IN GENERAL.—The rate schedules set forth in paragraph (4) of subsections (a), (b), (c), (d), and (e) shall not apply (and the rate schedules set forth in paragraph (3) of such subsections shall continue to apply) to taxable years beginning in any calendar year before the first calendar year for which the requirement of paragraph (2) is met.

"(2) REQUIREMENT.—The requirement of this paragraph is met for any calendar year (hereinafter in this paragraph referred to as the 'determination year') if (and only if) the Secretary of the Treasury determines, and publishes such determination in the Federal Register, before November 15 of the preceding calendar year, that the estimated deficit in the Federal budget for the fiscal year ending in the determination year will be less than 2 percent of the projected gross national product as of the close of such fiscal year. The estimate under the preceding sentence shall assume that the rate schedules set forth in paragraph (4) of subsections (a), (b), (c), (d), and (e) will apply to taxable yeas beginning in the determination year."

(g) TECHNICAL AMENDMENTS.—

(1) SECTION 21 NOT TO APPLY.—

(A) Subsection (d) of section 21 (relating to effect of changes) is amended by inserting ", section 1403 of the Tax Rate Equity Act of 1983," after "Tax Act of 1981".

(B) The subsection heading for subsection (d) of section 21 is amended by inserting "OR TAX RATE EQUITY ACT OF 1983" after "TAX ACT OF 1981".

(2) WITHHOLDING.—Paragraph (3) of section 3402(a) (relating to income tax collected at source) is amended by adding at the end thereof the following new sentence: "Notwithstanding subparagraph (B), the Secretary shall take into account the amendments made by section 1403 of the Tax Rate Equity Act of 1983."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

H.R. 4185

By Mr. MARKEY:

—Page 79, after line 14, insert the following new section:

SEC. 797. None of the funds appropriated by this Act may be used to support or maintain members of the Armed Forces in Grenada after (1) the end of the 30-day period beginning on the date of the enactment of this Act, or (2) the end of the 3-day period beginning on the date on which all United States citizens desiring to be evacuated from Grenada (other than members of the Armed Forces) have been evacuated, whichever is earlier. This section shall not apply to the use of the Armed Forces of the United States to respond to a clear and present danger of an attack on the United States or to a use of the Armed Forces specifically authorized by law after the date of the enactment of this Act.

By Mr. MONTGOMERY:

—Page 18, line 8, strike out "$3,116,748,000" and insert in lieu thereof "$3,198,448,000".

By Mr. RAHALL:

—Page 49, line 2, strike out "specialty metals or".

By Mr. STRATTON:

—On page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. None of the funds appropriated by this Act may be obligated or expended for the continued deployment of land-based United States Armed Forces participating in the Multinational Force in Lebanon after March 1, 1984, unless the Congress of the United States adopts a concurrent resolution which contains the following findings:

(a) That the President of the United States has defined a clear and realistic mission for U.S. Forces stationed in Lebanon.

(b) That the President has established a set of policy goals in Lebanon that are achievable and has a clear agenda for achieving those goals.

(c) That security arrangements for American forces in the area have been upgraded to the maximum extent possible.

—On page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. None of the funds appropriated by this Act may be obligated or expended after March 1, 1984 for the continued deployment of land-based United States Armed Forces participating in the Multinational Force in Lebanon.

EXTENSIONS OF REMARKS

BEEF AND CITRUS FRUIT EXPORTS TO JAPAN—ACTION NEEDED

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. BEREUTER. Mr. Speaker, this Member has spoken frequently in past months about our Nation's problems in exporting beef and citrus products to Japan. With President Reagan scheduled to visit that country next month, I think that we must once again focus our attention on this important agricultural issue. We cannot allow this sad situation to continue. Soon the Japanese must be convinced of the need for immediate change in their protectionist policies.

A current issue of Challenge magazine carried an enlightening article by C. Peter Timmer and Michael Reich regarding this vexing problem. I hope that my colleagues will read the following excerpts from that piece and join me in seeking a permanent solution to this unfortunate trade problem.

JAPAN AND THE U.S.: TRADING SHOTS OVER BEEF AND ORANGES

(By C. Peter Timmer and Michael R. Reich)

Disputes over beef and citrus mask the weightier issues of autos, steel, electronics, and grain which require basic adjustments in Japan's agricultural sector and in American smokestack industries.

The recent round of negotiations and conflicts over agricultural trade between the United States and Japan reminds us that the economics and politics of trade are not easily separated. At first glance it seems ludicrous that beef and oranges should become the focus of attention in a trade relationship dominated by automobiles, electronics, steel, and grain. Many Japanese have made precisely that point. They argue that in concentrating on the demand that Japan liberalize imports of oranges and high-quality beef, U.S. negotiators have lost sight of the substantial exports of American agricultural commodities to Japan.

Overall agricultural trade between Japan and the United States certainly illustrates a basic interdependence. As Fred Sanderson of the Brookings Institution noted, more farmland in the United States is devoted to growing crops for Japan than there is farmland in Japan itself. Indeed, more American land is devoted to growing feedstuffs for Japanese livestock than Japanese land is devoted to growing rice for the main staple of the Japanese diet. In a real way, the United States depends on Japan as a market nearly as much as Japan depends on the United States as a supplier.

Nevertheless, "an examination of the conflicts over beef and citrus reveals the stakes for the agricultural economies and the domestic politics of both the United States and Japan. The conflicts over beef and citrus are connected to key issues of structural adjustment for agriculture and industry, especially the long-run role of rice in Japanese agriculture and that of automobiles and other 'smokestack' industries in the American economy, as well as to the political pressures that obstruct and facilitate negotiations in the two countries."

ISSUES OF STRUCTURAL ADJUSTMENT

Some Japanese argue that a too-rapid liberalization for beef and citrus would "undermine" the structural adjustment of Japanese agriculture to persistent and high-cost rice surpluses. That process of adjustment is partly impeded by high and rising land prices, which make consolidation into economically efficient units very expensive. But here cause and effect are not easy to separate. Protection from imports and support of prices not only maintain the existing structure of Japanese agriculture, they also cause high land prices. Consequently, a strong case can be made that greater imports and lower prices would speed up—not slow down—the process of adjustment.

The process of structural adjustment therefore is at the heart of resolving the current negotiating impasse. During the adjustment process, Japanese policy aims to "maintain the livelihood" of the Japanese farmer. But that objective is inconsistent with structural adjustment if it means continued livelihood in farming. Facing Japanese producers of citrus and beef with greater competition from imports creates a dilemma for policymakers because these two sectors are being used to generate incomes for farmers who must reduce rice production due to large rice surpluses. Thus the Japanese see the orange and beef sectors as basic parts of the rice adjustment process, not simply as commodities that stand alone.

This dilemma of Japanese agricultural policy has a direct parallel in American industrial policy. It is as if auto workers in Detroit were trained to produce buses and railway cars in response to Japanese efficiency in auto production, only to discover that Japan can also produce these goods more cheaply. Understandable as it may be, the Japanese desire to maintain the livelihood of Japanese farmers in farming is no more feasible than is the U.S. desire to maintain the livelihood of American auto workers in the auto industry. If Japan justifies its access to the U.S. auto market by arguing that "structural adjustments" are necessary for American workers to compete with Japanese industrial products, then the same argument holds in reverse for Japanese farmers and American agricultural products.

This contrast expresses the essence of the American negotiating argument about "fairness." The United States provides relatively free access for goods that Japan can produce efficiently; therefore, Japan should provide free(r) access for goods that the United States can produce competitively. The U.S. Trade Representative refers to this argument as "equity in market access" and as "fair trade." Since no question exists about the competitiveness of American farm products, access should start there.

The Japanese respond that "fairness" must be tempered by Japan's overriding need for "food security." Japan is already heavily exposed to the uncertainties of international markets for wheat, corn, and soybeans. Moreover, the Japanese believe that the present high degree of self-sufficiency in rice and "consumer-ready" products like beef and citrus could not be further eroded without serious political consequences at home. The political consequences of trade hit both countries. The Japanese showed that they understand the importance of the auto industry in U.S. politics by agreeing to restrict auto experts while the industry was in recession.

In considering each of these views, it must be understood that both "fairness" and "food security" are extremely vague terms at best, and emotion-laden political catchwords at worst. Their use in negotiating positions raises issues that go beyond negotiations over beef and citrus and extend to general problems of protectionism.

"Fairness" is a two-sided concept that can equally justify opening new markets and protecting existing employment in old industries. It tends to be a static concept used to block structural change, and it can easily become an inflammatory symbol that fuels trade wars. Certainly it is not "fair" for auto or steel workers to lose their jobs or for Japanese farmers to lose their livelihoods. A natural political response of governments is to hide behind quotas. On the other hand, fairness can also be used in a positive manner, if both sides find ways to use the grains from increased trade to compensate the losers and to assist the adjustment process. The United States and some Japanese economists have argued, for example, that deficiency payments on beef could maintain the income of Japanese livestock producers as well as benefit Japanese consumers through lower prices, and aid U.S. producers through increased trade.

"Food security"(or even "industrial security") is a two-sided concept. Even for food staples the term is hard to define, and it is frequently confused with food self-sufficiency. Food security may involve a production strategy, a storage strategy, a financial flexibility strategy, or even long-term trade agreements. Most countries are concerned about food security because of sharp fluctuations in prices for important foodstuffs in international trade. Japan was stung by the U.S. embargo on soybeans in 1973 and has long been suspicious of open trading in the thin and highly unstable world rice market.

AGRICULTURAL PROTECTION AND FOOD SECURITY

Japan is not alone in adopting agricultural protection in pursuit of food security. Many other countries do the same. But ironically, agricultural protection can reduce food security. As documented and argued by D. Gale Johnson, dumping adjustment problems onto a residual world market makes the markets themselves less stable. The instability reduces food security for those countries still trading, thus pressuring them to withdraw as well. But the domestic costs of such autarky are extremely high, both to consumers and taxpayers as the European

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Community and Japan both know full well (along with U.S. dairy and sugar consumers). The central problem is how the gains from trade can be realized without paying an enormous political price to organized farm blocs.

Here is where the negotiations over beef and oranges assume dimensions well beyond the trade in the commodities themselves. What is on the bargaining table are the "fairness" and the "security" of international trade, not simply beef and oranges. On these points, the positions of both countries have their strengths and weaknesses, and both sides should recognize that such issues will not be resolved permanently or in a single round of negotiations.

The U.S. negotiating position is not as strong as our trade and agriculture officials would like. Our call for "fairness" is somewhat inconsistent with the heavy protection of the American dairy industry and the reintroduction of sugar quotas in 1982 to protect a few thousand sugar growers. Similarly, the repeated attempts to use American food exports as a political weapon have threatened the sense of food security for the Japanese.

On the other side of the table, the Japanese are far more vulnerable to protectionist retaliation than their agricultural negotiators may realize. The American manufacturing and service sectors (as well as the agricultural sector) express real anger and frustration over failure to gain fair access to Japanese markets. Accumulating case studies document the disparity between agreements made by the Japanese government to open markets and the impediments that remain and prevent access to those markets. Pressures are building in the United States for retaliatory measures (euphemistically called reciprocity) to protect American industry from Japanese imports. The linkage between current negotiations over agricultural commodities and trade problems in manufactured goods may not formally be on the bargaining table, but that connection permeates the negotiating attitude of the U.S. side.

Because of this linkage, it would be a tragic mistake for the Japanese to misjudge the strength of the U.S. position. For $500 million in agricultural trade, Japan may be risking exports of $5 billion or perhaps even $50 billion in manufactured products. It is here that fairness, for all its emotional imprecision, plays such a crucial role in the U.S. negotiating position. It is also here that Japanese understanding of U.S. protection of its own dairy and sugar industries can precipitate a hard-nosed and mutually beneficial discussion of what fairness means in an agricultural context.

THE SHORT TERM AND THE LONG TERM

A modest expansion of the import quotas for beef and citrus, the likely outcome of the current talks, may reduce tensions in agricultural trade between Japan and the United States for the short term—which may be very short, as it was after the 1978 agreement in the Tokyo Round of the Multilateral Trade Negotiations. It is unlikely that U.S. interest groups and producers will be fully satisfied with anything less than total liberalization. Since no interim resolution was reached before the Williamsburg Summit, the beef and citrus issue will probably reappear, as a domestic political issue in the U.S. presidential campaign in late 1983.

But even if beef and citrus were fully liberalized, tension could still continue in bilateral agricultural trade relations. While beef and citrus are important issues for the specific interest groups and became strong symbols for U.S. industrial interests that want market access to Japan, they are peripheral to the major problems of agricultural adjustment in Japan. And it is those problems that have the largest potential consequences for bilateral trade.

The central issues for the long-term adjustment of Japanese agriculture are rice production and rice policy, especially the question of price. Through the goverment's generous support system for the producer price of rice, Japan's farmers receive about three to four times the world price. That policy skews the allocation of resources in Japan's domestic agriculture toward rice production and away from other crops, contributes to the high cost of land, and thereby plays a major role in making Japanese agriculture high-cost, smallscale, and uncompetitive. That system requires protection for many Japanese crops and agricultural products to assure survival.

The price of rice is widely debated each year in Japanese agricultural and political circles. But it does not appear to be a central issue for consumers, partly because of the decline in the percentage of household budgets spent for rice, partly because of the decline in rice consumption and partly because large government subsidies keep prices to consumers below prices paid to farmers. Consequently, the matter is more a tax and budget issue than it is a consumer issue. And because Japan has very large budget deficits, rice prices become an important political and economic issue.

Despite the domestic debate, discussion of Japan's price policy for rice is taboo in the agricultural negotiations between the United States and Japan. In some ways, the two countries debate beef and citrus as a substitute for dealing with the much more difficult and important issue of rice. Japanese agricultural and industrial interests insist that Japan must produce its own rice, to protect the nation's food security. U.S. rice producers, on the other hand, have expressed a strong interest in being able to ship California rice to Japan. U.S. producers have also objected strenuously when Japan has exported its subsidized rice to other countries that have bought U.S. rice in the past.

While U.S. and Japanese negotiators need to resolve the immediate problems of liberalization for beef and citrus, they also need a forum to discuss the long-term issues of adjustment for Japanese agriculture and its consequences for bilateral agricultural trade. How can the United States help provide adequate food security and a strong agriculture for Japan? What would a lower-cost, more efficient structure for Japanese agriculture look like? What form should U.S.-Japanese agricultural trade take in the future?

Answers to these questions could reveal a path by which both Japan and the United States can begin to liberalize their agricultural trade, thus providing leadership for similar moves by the European Community and the rest of the world. Freer world trade in agricultural products can improve both national and global food security, and in addition can carry significant benefits for the world's consumers. The price would be a faster adjustment of farmers to the realities of an interdependent global economy. Government policy would need to cushion the adjustment, paying both economic and political costs. But to continue to prevent these structural adjustments will be expensive to consumers and ultimately to workers in export industries. Delayed adjustment and the protection that makes the delay possible could risk destroying the delicate fabric of world trade itself.●

RAIDING AMERICA'S RETIREMENT FUTURE—PENSION ASSET RAIDS BY EMPLOYERS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. ROYBAL. Mr. Speaker, in a statement of Thursday, September 22, 1983, concerning the termination of overfunded defined benefit pension plans and reversions of "excess assets" to employers, one line in one portion of the statement was inadvertently left uncorrected. Specifically, on page E4491 in the continuation paragraph preceding from the previous page, in the first column, the first line read as follows:

The value of the benefits of this plan will be directly related to the Harper & Row stock, which has declined since the purchase.

This sentence is corrected and should have read as follows:

The value of the benefits of this plan will be directly related to the Harper & Row stock, whose market value has never met the original purchase price paid by Harper & Row for this stock.

It is pertinent to point out that Harper & Row stock has, after substantial shares were acquired from the Minneapolis Star and Tribune, traded from as low as $8½ in June 1981 to a closing price of $17 on October 20, 1983.●

THE UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL HONORS JOSEPH BENEDICT AND REPRESENTATIVE JOSEPH EARLY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. BOLAND. Mr. Speaker, on October 14, 1983, the University of Massachusetts Medical School in Worcester, Mass., held its annual convocation.

In addition to receiving a report on the current status and future plans of the university's medical center, participants in the convocation witnessed the bestowing of a significant honor on two of the leading citizens of the Commonwealth, Mr. Joseph T. Benedict of Worcester and our colleague, Congressman JOSEPH D. EARLY. The university's medical school is a relatively young institution, having accepted its first class of students in 1970. Despite its youth, the school has

proven itself to be what those who had encouraged its establishment had hoped it would be, an institution of the highest quality whose presence in the Commonwealth is of incalculable benefit to the people of Massachusetts.

Much of the credit for the medical school's success must go to Joe Benedict and Congressman JOE EARLY. Joe Benedict has devoted countless hours to providing sagacious advice to officials at the university concerning the multitude of problems that arise in the course of establishing and operating a school of medicine. JOE EARLY's skill as a legislator—so often displayed in the Halls of Congress—and his diligence in the pursuit of a goal he believed worthwhile were crucial in the decision to locate the school in Worcester. I believe that time has borne out his judgment that the center of the State was the proper place, for a host of reasons, in which to locate the medical school.

Mr. Speaker, both Joe Benedict and JOE EARLY merit the thanks and the praise they received on October 14. The honorary doctor of humane letters degrees which were conferred upon them are testaments to the high regard in which they are held by those interested in the furtherance of higher education in Massachusetts. I would like to insert the citation which accompanied those degrees at this point in the RECORD:

HONORARY DEGREE RECIPIENTS

MR. JOSEPH T. BENEDICT, THE DEGREE OF DOCTOR OF HUMANE LETTERS

Joseph T. Benedict: National leader in banking, outstanding citizen, Air Force general, chairman of the University of Massachusetts Hospital Management Board since its inception, sometime farmer and valued friend and supporter of the University of Massachusetts Medical Center. You have provided leadership to your own profession of banking at statewide and national levels, you have served your country with distinction in war, and you have provided leadership and service to your church and to major community organizations. The extraordinary quality of that service, however, has been matched or overshadowed by your role as friend, confidante, source of strength and revered advisor to the leadership of this young institution over the critical years since its founding.

I, therefore, by the authority of the Board of Trustees of the University of Massachusetts, confer upon you the degree of Doctor of Humane Letters, *honoris causa*, and admit you to all its rights and privileges. In token of this I present you with this diploma and invest you with the appropriate hood.

Given at Worcester, Massachusetts, October 14, 1983.

HONORABLE JOSEPH D. EARLY, THE DEGREE OF DOCTOR OF HUMANE LETTERS

Joseph D. Early, Member of Congress: Educator, naval officer, public servant extraordinary, alumnus of the College of the Holy Cross and devoted family man. You have demonstrated throughout your career as a public servant, a consistent dedication both to those you serve directly and to all of the people. Through your tireless and able leadership in support of education, and especially medical education, you have earned national recognition as a pivotal figure. You played the key role, in the face of more parochial interests on the part of legislative leadership, in bringing the University of Massachusetts Medical School to Worcester. We honor you today as an outstanding legislator and public servant and salute your constant efforts on behalf of us all.

I, therefore, by the authority of the Board of Trustees of the University of Massachusetts, confer upon you the degree of Doctor of Humane Letters, *honoris causa*, and admit you to all its rights and privileges. In token of this I present you with this diploma and invest you with the appropriate hood.

Given at Worcester, Massachusetts, October 14, 1983.●

A. PAUL KITCHIN AND FAMILY'S DEDICATION TO SERVICE

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. VALENTINE. Mr. Speaker, I rise today to express my great sense of loss at the passing Saturday of Alvin Paul Kitchin, Jr., a distinguished Member of the House of Representatives during the 85th, 86th, and 87th Congresses.

A devoted husband and father, Paul Kitchin served the citizens of the Eighth Congressional District with honor and distinction. Born in Scotland Neck, N.C., September 13, 1908, he was educated in the public schools and at Oak Ridge Military Institute, which he attended from 1923 to 1925. He earned a law degree from Wake Forest Law School in 1930, was admitted to the bar that same year and began practicing law in his native Scotland Neck.

In 1933 he joined the Federal Bureau of Investigation, embarking on more than 12 years of outstanding service with that Agency. He coordinated counterespionage efforts between the FBI and the Navy in the Southeast and along the east coast during World War II.

After the war, Mr. Kitchin, resumed his law practice in Wadesboro, N.C., which he continued until he was elected to the 85th Congress in 1956. Over the course of three terms, he charted a distinguished legislative career. He served as an assistant majority whip, was a member of the Armed Services Committee, and in 1960 coauthored the Kitchin-Ayers bill, which set Federal minimum wage standards. During the 87th Congress, he chaired the House Select Committee on Export Controls, which investigated U.S. trade with Communist-controlled nations.

After completing his third term, Paul Kitchin was appointed by Senator Sam Ervin as special counsel for the Senate Judiciary Committee. Two years later he returned to Wadesboro to resume his law practice, which he continued until his retirement earlier this year. He practiced law with H. P. Taylor, Jr.

Public service was not a new concept for Paul Kitchin. His work in the Congress was the latest milestone in a long family tradition, and his ancestors comprise a veritable Who's Who of North Carolina political history. His grandfather, William Hodges Kitchin, a lawyer from Scotland Neck, was one of the most notable political leaders of the latter half of the 19th century, and served in the 46th Congress.

Two uncles also went to Washington. William Walton Kitchin of Scotland Neck and Roxboro, N.C., served with distinction in the Congress from 1897 to 1909, when he became Governor of North Carolina. Claude Kitchin served in this august body from 1901 until his death in 1923. He was an outstanding chairman of the House Ways and Means Committee, and led this House as majority leader in the 64th and 65th Congresses. Paul Kitchin's father, Alvin Paul Kitchin, Sr., was a prominent Scotland Neck attorney who served several terms in the North Carolina State Senate.

Clearly, this is a family devoted to the concept of public service, a concept Paul Kitchin personified. His record of outstanding service is an inspiration to us all.

Mr. Speaker, I insert the article from the Washington Star reviewing the contributions to State and Nation of Paul Kitchin and his family in the RECORD:

[From the Washington Star, Feb. 8, 1959]

KITCHINS HAVE BEEN HERE BEFORE

(By Isabelle Shelton)

When the Clerk of the House of Representatives get to the "K" on the roll call, he is very likely to find a Kitchin from North Carolina.

Four times since 1879 members of the big Kitchin family of that State have served in the House. This includes the present Congress, where the State's eighth district is represented by Paul A. Kitchin, Jr., who first came to Congress two years ago.

The present Congressman's grandfather, William Hodges Kitchin, and two of his uncles, Claude and William Walton Kitchin, all have preceded him in Congress.

In fact, most of the 11 children (9 sons and 2 daughters) of the original Congressman, William H., have been in politics in one way or another.

Claude and William W. were two of the sons. A third, Paul (father of the present Congressman) served in the North Carolina Senate and House for many years. A fourth, Leland, was on the State highway committee and several statewide agriculture committees. A fifth, Thurmond, made his mark in education, as president of Wake Forest College in North Carolina.

Claude's only daughter, Anna, also was very active in politics during Franklin D.

Roosevelt's presidency. She toured the country making speeches on his behalf.

Representative Kitchin hopes that his son, Henry Little, 20, will follow in the family tradition an enter politics, too. An older son, Paul III, is studying medicine.

GREAT REGRET

One of his great regrets, the present Congressman says, "is that I've been so busy since I got here I haven't had time to trace down more about my family. I know a little bit, but not as much as I'd like to, and many of the old folks in the family, who knew it, have passed on. I think I could find more data in the Library of Congress."

However, he has the pictures of all his Congressional ancestors on the wall of his office in the Old House Office Building. And he knows the bare facts of the family tree, because they have been collected by many family members who belong to the DAR and similar organizations, he said.

"But I want to know more about the political activities of my ancestors," he said.

"I know that William W.—"Old Captain Buck," the family called him—came originally from Lauderdale County, Ala., and I believe that his father, Boaz Kitchin, was in State and county politics down in Alabama. But I'd like to know a lot more about Boaz, and his forbearers.

CIVIL WAR CAPTAIN

"Capt. Buck" got his name because he organized a company of State militia, which later became a part of the Confederate Army during the Civil War, the Congressman said.

"Buck commanded it all through the war, and came out a captain," he said. "After the war he went through the Reconstruction period in Eastern North Carolina. It was a hard struggle, and I understand it made him very bitter. I am guessing that that experience is what got him interested in politics."

His ancestor served one term in Congress, in 1879 and 1880 and then was defeated in the next primary, Mr. Kitchin said. "Capt. Buck" did not seek office again, but he had the reputation in the family of being "quite a character" and of "ruling the roost"—meaning his plantation and his 11 children—with an iron hand, Mr. Kitchin said.

Claude Kitchin, who represented his father's old district, North Carolina's 2d, in Congress from 1901 until his death in 1923, cut the widest swathe of the Kitchins in Congress.

He was majority leader of the House from 1915 to 1919 which spanned the period when this country entered World War I. He took the lead in the House in opposition to this step, opposing his own Democratic President, Woodrow Wilson.

William Walton Kitchin represented what is now North Carolina's 5th district for 12 years, from 1897 to 1909. He resigned to assume the Governor's chair, where he served four years.●

A TRIBUTE TO ALLAN ZIEGLER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to Mr. Allan Ziegler, a prominent Los Angeles leader who will receive the prestigious Heart of Gold Award on October 29, 1983.

This unique award is presented annually by the Medallion Group of Cedars-Sinai Medical Center in recognition of an individual who has made outstanding contributions to philanthropic causes.

Mr. Ziegler moved to Los Angeles in 1922. After his graduation from Los Angeles High School, he continued his education at the University of Southern California where he received both his bachelor's and law degree. While attending college, Mr. Ziegler became active in founding Westco Products, a family business, which is now the leading manufacturer of bakery supplies in the United States.

During World War II, he served his country with distinction as a lieutenant on the destroyer, U.S.S. *Laymon.*

Twenty-five years ago, Mr. Ziegler received the first Eternal Light Award from the Jewish Theological Seminary for his humanitarian efforts. Over the years he and his wife, Ruth, have continued these efforts, directing them toward several worthwhile charities and institutions. Among their major contributions have been the endowment of the administration building at the University of Judaism and facilities at Sinai Temple, Camp Ramah and the Jewish Home for the Aging.

Mr. Ziegler's leadership positions have included the presidency of Sinai Temple, including the honorary life president, member of the executive board of the University of Judaism, executive member of the National Ramah Commission, vice president of Camp Ramah and Los Angeles Hebrew High School and member of the board of Homes for the Aging. In addition, Mr. Ziegler has served as an officer of the National Bakery Suppliers Association for years.

It is a pleasure to bring Mr. Ziegler's accomplishments to the attention of my colleagues and to commend Mr. Ziegler for his exemplary display of public service. He is an exceptional member of our community and most deserving of the Heart of Gold Award.●

BUFFALO, N.Y., LEADS THE WAY IN PROVIDING QUALITY EDUCATIONAL OPPORTUNITIES FOR ALL CHILDREN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. KEMP. Mr. Speaker, the public school system in Buffalo, N.Y., is proving that this Nation can fulfill its commitment to equal rights and opportunities in a positive and voluntary way. Buffalo has achieved the integration of its public schools by implementing what Secretary of Education Bell has called the best desegregation program in the country, consisting of a voluntary communitywide effort to provide educational choice and excellence to all families, regardless of race.

Buffalo's program of early childhood academies and specialized "magnet" schools has admirable met its goal of integrating the schools while continuing to provide quality education for all youngsters. The success of the program is summed up in the words of Robert Bowles, a black student who graduated from the Buffalo Traditional School last year, who said about his experience at the school: "I had forgotten about race.* * * Here black and white are invisible."

The New Republic recently examined Buffalo's program, and I commend this article to my colleagues. I also would like to take this opportunity to urge my colleagues in the other body to follow our lead in the House of Representatives and pass the Emergency School Aid Act which will provide a program of competitively awarded grants to school districts undertaking the gargantuan task of voluntarily integrating their schools.

The article follows:

MAGNET SCHOOLS: BUSING WITHOUT TEARS?

(By James Traub)

A dozen first graders are seated around a set of xylophones, triangles, and drums at the Waterfront School in Buffalo, New York. Half the children are white, half are black. The teacher instructs them to begin tapping out a rhythm one by one. At first they produce only a weird dissonant clacking, the tuneless tune of Tibetan monks. But as more children chime in the harmony begins to take shape, all the more lovely for being unexpected. It hangs in the air for a moment, quite whole, until, one by one, the children stop playing. As I walk through this cheerful and humane corner of one of Buffalo's "magnet" schools, the harmony remains as an echo, the whisper of a momentous hope that black and white children might learn together in an educationally inspiring setting.

During these panic-stricken times in urban public school systems, integration seems to be a will-o'-the-wisp. In many inner cities so few school-age white children remain that even court-ordered desegregation plans seem to offer too little too late. A number of serious scholars—including black authorities like Derek Bell, the dean of the University of Oregon Law School—have even suggested that the drive for integration be abandoned in order to focus exclusively on improving the quality of the schools. It is only against this background of confusion and despair that one can understand the allure of magnet programs, which claim to integrate schools by improving them, and to substitute free choice for compulsion.

Before they were seized upon as a desegregation tool, magnets were called "specialty schools," or, in 1960s lingo, "alternative schools." The idea was to attract students who might have defected to private schools, or had simply fallen by the wayside, by shaping a school to their needs—thus the honors, vocational, or "open" school. They

traditionally drew students from around the district, rather than the neighborhood. Desegregation plans, of course, rely on precisely this scrambling of neighborhood boundaries, except that they do so through mandatory reassignment, or, to use the dreaded term, busing. So when court-ordered desegregation moved northward and westward in the early 1970s, a number of cities, including Philadelphia, Houston, Dallas, St. Louis, and Milwaukee, devised "school enrichment" programs focusing on magnet schools, in order to bring about desegregation through the parents' and children's choice, or simply to avoid swallowing the bitter pill of busing.

But it has proved to be far easier to improve the schools than to integrate them; or, more precisely, it has been hard to improve them so much that whites will voluntarily enroll in a racially mixed inner-city school. Many urban schools are so debilitated and aimless that almost any form of attention helps. Replacing the traditional general school with a school for business management or the performing arts or languages or even military preparation often shocks an old institution into wakefulness. Students—and, in many cases, teachers—have volunteered to be there. The fact of free choice, like the fact of change, may be as important as the content of the choice or change. Choosing a school is a privilege usually reserved for the rich.

It isn't hard to see the attraction of such a system, especially in a country where virtually everything is supposed to pass muster in the marketplace. One may mourn the eclipse of the general school, and its sustaining vision of a common body of knowledge; but most magnets teach basic skills at least as thoroughly as traditional inner-city schools, where the liberal arts are often present in name only. Magnet schools may be a worthy innovation even if they don't desegregate the schools.

And if they don't? Vincent Franklin, a scholar at Yale who has studied the Philadelphia magnets, gets annoyed when he hears that they "failed" because they didn't attract whites. "The whole approach didn't fail," he insists, "if you look at the academic achievement of both the blacks and whites who attended." Yet this argument lands one at the doorstep of the old separate-but-equal heresy. Is the highest aspiration of the magnet idea, and school enrichment generally, to provide quality schooling in a segregated setting? An increasing number of black parents seem ready to acquiesce to this notion; whites, of course, always have been. But it is here that Buffalo's subtle harmony comes in. Magnet schools and the spirit of volition which they carry, it seems to say, can change the atmosphere of a school system; and within this new atmosphere, parents may accept mandatory desegregation with a grace that scarcely seemed possible before.

In the mid-1970s Buffalo's children received an education that was both segregated and mediocre. In 1977 third grade reading scores stood at the state's 34th percentile. (Two-thirds of New York State's children, that is, did better.) Sixth graders occupied the 25th percentile in math. And to make matters worse, the previous year Federal Judge John T. Curtin had ordered the city to devise a plan to desegregate the schools.

Most cities have responded to the gavel in one of two ways. Those with liberal governments, like Boston, have generally done as they were told, unloading a comprehensive busing plan on an often enraged citizenry. More conservative cities, like Chicago, have ducked and dived and begged for time until most of the whites have left town, at which point desegregation becomes moot. Buffalo did neither. It decided to undertake what Associate Superintendent Joseph Murray calls "a massive job of persuasion" of the largely hostile community. It then restructured the schools along lines that would both desegregate them and bring them into conformity with the parents' goals for their children.

It was a compact that had to do not with legal sanction but with sincerity—the city's sincerity in remaking the schools and showing no favorites, the parents', in submitting to Buffalo's vision of the common good. At the outset racial violence, in the style which Boston had just made famous, seemed inevitable. But the city's ingenuity in giving parents what they asked for, in the integrated setting which they did not necessarily ask for, carried the day. Murray is especially proud of the school board's success in closing one of the most hardened all white schools and one of the most hardened all black schools and reopening the black school as Vocational Tech—a magnet which parents in both neighborhoods had requested. It then managed to coax working-class Irish into the formerly all black school in a black neighborhood.

In the following years parents did not block school entrances, and the city did not stall. Unlike many cities which toyed with school enrichment, Buffalo took a flail, not a butter knife, to its schools. The school board established a number of new schools to concentrate on the needs of children from prekindergarten to the third grade, and abolished the junior highs in order to place children in "that difficult phase" with younger and older students. Old schools were emptied to make way for magnets. Racially segregated schools were closed or blended together, and students were sent around the city. By this fall all but one of the seventeen magnet schools (the Hispanic one) had a population half white and half minority; and all but four of the city's schools met Judge Curtin's standard that they enroll at least 30 percent, but not more than 65 percent, minority students. Few other cities with an equally large school population (forty-seven thousand, 54 percent minority) could make such a claim.

The magnets, in their splendid variety, demonstrate that virtually all of the competing educational theories of the last twenty years are correct, if not entirely correct, when applied with a careful hand. Buffalo has, among others, a traditional school and an open school, a Montessori school and a computer-based school, a bilingual school and a Native American school (so far, no finishing school or yeshiva). Most of these schools have waiting lists, and even the loftiest citizens of Buffalo (save the Catholic school diehards) are happy to send a child to the honors or the performing arts school.

This is not to say that the schools are necessarily afire with scholarly energy. The Buffalo Traditional School, for example, is a sort of civilian military academy where cadets are raised on a stern diet of discipline and basic skills. The school has a dress code as long as your arm ("no high heels without backstraps"), and adults shepherd students through the halls from one class to the next, where they must line up and await the teacher. As in many other inner-city high schools, classroom discussion is desultory, and a half-dozen randomly selected English papers written by seniors bore few signs of literacy.

But the surliness of students and the frustration of staff that pervade such schools seems to be absent here. The attendance and graduation rates are high, if the SAT scores are not. And the school is integrated beyond reproach. Robert Bowles, a black student who graduated last year, said he had left Traditional in the ninth grade. "But I had to come back. I had forgotten about race. Over there it meant something that I was black. Here black and white are invisible."

Across town, the Waterfront School (kindergarten through eighth grade) is as distinctive for its atmosphere of harmony and warmth as Traditional is for its disciplinary fervor. In this elegant "school without walls," the doors are not locked, the gym and home ec classes are coed, and even four-year-olds walk around unattended. The school is abuzz with moms and dads who drop in to have lunch or to help out. I asked four of them why they sent their children to Waterfront. One mentioned the school's atmosphere. The second, whose son has a learning disability, its promotion and self-reliance. The third, the school's seamless integration of races as well as classes. The fourth, who had no particular interest in progressive education, expected his son to benefit from the school's reading and math program.

Why can't everyone do what Buffalo has done and consign forced busing to the dustbin of history? The first answer is that other cities don't try hard enough. Buffalo waved its court order at anyone who stood in the way of its drastic reforms—a tightfisted city council as well as recalcitrant parents. Other cities do not take this precipitous plunge; they rename their schools rather than reinvent them. Or, like Philadelphia and Chicago, they toss a few magnet schools into the usual broth and throw up their hands when a melting pot doesn't materialize. Or, like Houston and Dallas, they declare victory when the schools are enriched, even though they are scarcely enriched with white students.

But there is a more fundamental problem: truly "voluntary" desegregation, that totem raised by the Reagan Administration, does not work. Even in Buffalo, 15 percent of the students must be mandatorily reassigned to achieve the judge's criteria for racial balance. The problem, simply stated, is that large numbers of white parents cannot be persuaded to send their children to all black schools. Virtually every serious scholar agrees with the finding of Abt, Inc., a management consulting firm which published a study in 1979 on magnet schools, that they "are not effective as the primary or solitary means of desegregation." Any of a dozen cities offer proof of this conclusion. From 1975 to 1980 St. Louis had a wholly voluntary desegregation plan depending on magnets. The schools attracted so few whites that the city was forced to develop a new plan under which white suburban schools have agreed to accept a fixed percentage of inner-city minority students over the next five years. Inner-city magnets continue to play a major role in the plan, though nobody expects them to attract large numbers of suburban whites.

Well, some people do—the Reagan Administration, for one. Since 1981, the Justice Department's Civil Rights Division has stopped pressing cities to desegregate the schools by whatever means necessary, looking instead for negotiated settlements limit-

ed to voluntary means. Busing, William Bradford Reynolds declares dramatically, has "created a lost generation educationally." Numerical quotas, such as those Judge Curtin has devised, are "what we've been fighting in this country for years." Anyway, he adds, compulsion is unnecessary. He is asked to name one place where voluntary programs have done the job. Chicago, he says after a pause, has taken some "very positive" steps. Yet 82 percent of Chicago's black elementary school students attend schools with no white students at all. According to Gary Orfield, a scholar of desegregation at the University of Chicago, the city "hasn't even fulfilled its separate-but-equal responsibilities."

What was difficult for Buffalo will prove far more painful in larger cities, and may be unattainable in Chicago and a few others. Yet Buffalo's example proves that desegregation need not be a perpetual dark drama of compulsion and surly compliance. Black and white parents, it has become axiomatic to say, want the same thing—a good education for their children. Educators who mine this universal ambition may find there something that will improve the schools, and maybe even integrate them as well.●

A TRIBUTE TO STUART ROME

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Ms. MIKULSKI. Mr. Speaker, the Baltimore community has lost a true and distinguished friend with the death of Stuart Rome. All of us who knew Mr. Rome mourn his passing but will remember well his many contributions in the field of health-care law and all the time and energy he gave to the many civic activities in which he was involved. Mr. Rome was a marvelous example of how community volunteers add to the quality of all our lives. The following eloquent letter to the editor taken from the Baltimore Sun sums up the deep feelings of the people in Baltimore:

STUART ROME

EDITOR: The death of Stuart Rome must remind many people from many different callings of our compounded debts to a generous and caring citizen.

Although only 46, he was a veteran practitioner of "the difficult art of giving." He gave of himself, his talents and his time to many causes: to his profession, especially to that branch in which he had earned a special place, health-care law; to many civic organizations such as the ACLU, the NAACP, the American Jewish Committee, the Baltimore Jewish Council, Echo House and the Baltimore Association for Retarded Citizens.

But he gave especially to the enlightened support of the arts, that sector of our environment that always seems to be endangered. He served ably in high-profile roles such as the Board of the Baltimore Museum of Art and Artscape; but he was also ever alert to the needs of the new, the marginal, and the unestablished. Thus, as a volunteer he brought one of the best legal minds in the city to the service of struggling groups that turned to the Maryland Arts Council for professional help.

Many knew Stuart Rome best for his eight years of patient, imaginative labor as the president of the Baltimore Film Forum. Caring deeply about the arts of the film himself, he was committed to sharing his enthusiasms with the community. His efforts were a constant reminder of two things about the arts in our society: that they are always in need of nurture and that they can give pleasure while bringing people together in their enjoyment.

With incisive wit and warm hospitality, he taught an unlikely group of amateurs and fanatics how to keep a major cultural initiative afloat and on course. He taught them too, this band of "St. Martin's Road Irregulars," how to enjoy themselves while serving.

Stuart Rome's persuasiveness as an advocate of our own better instincts was nowhere more evident than in the extraordinary way that he could always enlist the various energies and talents of his wonderful wife and daughters in the same causes that occupied so much of his life. Their house was—early and late—a home for the arts in Baltimore.

If Baltimore is diminished by Stuart Rome's untimely loss, we are all as citizens enriched by the example of his steady dedication to sharing, to those labors of community to which he gave of himself so generously.

RICHARD MACKSEY,
Baltimore.●

IMF AUTHORIZATION LONG OVERDUE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. BEREUTER. Mr. Speaker, the time has long passed for Congress to approve the President's request for an additional $8.4 billion contribution to the International Monetary Fund. Despite the wide variety of arguments used by the opponents to prove that this additional funding is not needed or can be obtained through other sources, the truth is, it cannot be. While we debate such issues, however, we miss an important point: Hundreds of thousands of jobs—American jobs—are on the line.

The Lincoln Journal recently made several important observations about congressional handling of this issue which I believe merit the attention of this body. I hope that all of the Members will read the following editorial and join me in pressing for swift action on this vital legislation:

[From the Lincoln Journal, Oct. 3, 1983]

RESOLVING THE DEBT CRISIS

Though critics of his defense budget might disagree, Ronald Reagan can hardly be regarded as a spendthrift. He is not in the habit of throwing public money at causes conservatives consider foolish.

Given his attitudes, and because he is leader of a nation that has seldom been lavish in dispensing foreign aid, it is a measure of the problem the world faces that the president favors a new $8.4 billion contribution to the International Monetary Fund.

The problem stems from the $700 billion debt now owned by developing nations, much of it to commercial banks. If the countries default on those debts—and many are behind in their payments—the globe's whole financial structure could go topsy-turvy.

Obviously 8.4 billion U.S. dollars is a drop in the bucket of total debt. But the ripples it would set in motion are important.

If America makes that contribution to the IMF, other nations will be encouraged to contribute, too. The goal is to boost the organization's resources by 47 percent. If the United States doesn't contribute, some countries may renege on money already pledged to the IMF.

Given sufficient capital, the IMF can make new loans to help the financially troubled nations weather their crises. That in turn will attract additional credit from commercial banks.

The IMF also can do one thing commercial banks ordinarily cannot—it can demand that the governments of the developing lands receiving the loans put their economic houses in order. It can impose conditions that may spell the difference between fiscal success and failure. But before it can do this, it has to have money to loan.

So what's in it for Americans, besides the satisfaction of having aided economically troubled nations? Jobs, for one thing.

About 4 percent of the U.S. gross national product is exported to developing countries. Without additional IMF help, these countries will cut back on imports in order to have money to pay interest on their debts.

Robert Hormats, a financier who used to be an assistant secretary of state, believes 300,000 U.S. jobs have been lost in the past 18 months because of import reductions in Latin America alone.

So it's not simply a matter of bailing out the bankers. The American worker has a stake in this, too. Clearly banks made some imprudent loans to developing countries. But default and the resulting social turmoil provide no solution. By contrast, short-range IMF help could give the nations time to increase exports and benefit from world economic recovery, and thus meet their debts.

Reagan has bought this argument. Congress, still bickering over the proposed IMF contribution, should go along.●

TAKE THE HIGH GROUND IN LEBANON

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. LEWIS of Florida. Mr. Speaker, I would like to share with you and my other colleagues a thought-provoking article on the U.S. role in Lebanon by my good friend Col. Delk Simpson (retired. U.S.A.F.) of North Palm Beach.

[From the North County News, Oct. 8, 1983]

NOW IS THE TIME FOR DECISION

(By O'Wighton Delk Simpson)

There is nothing more that we can do about the shooting down of the Korean jetliner 007 by the Russians. The Russians have once again revealed themselves as

being cruel, suspicious and paranoid about their defense. They have always been like this, hundreds of years before the communists, and will always be like this.

There is, however, something that could be gained from this cruel tragedy. There is a greater chance of cooperation between the nations of Western Europe now than there has been for many years past. Now is the time that a great decision could be jointly made that would do much for world peace and at the same time thwart Russia's plans for world domination.

The United States, Britain, France and Italy, the "peace-keeping" nations in Lebanon, must now decide what is to be their long range policy and the importance of the Middle East to world peace. What do we want in the Middle East and how are we going to obtain and maintain it.

In the Congress there is now a debate about the War Powers Act. Can President Reagan keep the U.S. Marines in Lebanon longer than sixty days without the permission of the Congress? Must he pull the leathernecks out or get the OK of the hill? Will the Congress undercut the authority of the President by forcing him to remove our forces, thus seizing the administrative branch of the government's right to make and conduct foreign policy?

These are critical questions that must be answered but should be answered based on local political feelings. The basic question is too critical to be reduced by myopic view of partisan politics by insular congressmen. The long range policy must be determined by the best creative minds we and our allies have at their disposal. Evidently we have, so far, not had the benefit of the most knowledgeable experts on the complicated situation in Lebanon and the Middle East. One thing is clear. We cannot leave the Marines, nor can Britain, France and Italy, leave the "peacekeeping" force on the flatlands of Lebanon to be shot at from the Chouf Mountains like fish in a barrel. We must decide to take the high ground for the protection of the troops and the pacification of the country or we must withdraw.

The decision on what to do, extend the occupied areas or withdraw completely, must be based on what the western nations want to accomplish in the Middle East and how they want to implement it.

In the making of this long range, far reaching policy, Lebanon can have no say. It is not strong enough to speak through its present government. It must accept the decision of the peace keeping nations. Nor can Israel be allowed to have any part in the formation or implementation of the decision. Hatreds against Israel are too strong, too deeply rooted for Israel to take part. The Israeli army must be confined to fortress Israel for the foreseeable future and must remain neutral in the problems of Lebanon. The Palestinian problem must be part of any western peace keeping government of occupation.

The Syrians must withdraw from Lebanon and accept equality of treatment for all Moslem and Christian factions by the western forces.

There should be a military government ruling Lebanon such as the Allies had in Germany and Japan following World War II and that government would be in place for as long as it takes to pacify the entire area. This will take a long, long time.

The United States and its allies must be prepared to decide on such an action based on a long range commitment, not just from one administration to another. If the United States is truly a world power then it must act like one. If the U.S. and its allies in Europe do not care about the Middle East and it is not essential to the western world's economy and stability, then we should withdraw at once and leave the door open to Russia. They are ready and have a grand plan for the entire area. They have had all along and will keep the pot boiling for as long as we are acting with confusion and stop-gap policies.

You can bet the Russians are not confused about what they want in the Middle East any more than they feel guilty for having shot down a civilian airliner killing 269 innocent people.

Now, can the western democracies meet the challenge? Can the United States Congress demonstrate the sagacity of statesmen? The answers mean the peace of the entire world and the survival of freedom and democracy.●

LABOR'S BAD IDEA

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. SHUMWAY. Mr. Speaker, this week the Economic Stabilization Subcommittee will complete its extensive hearings on industrial policy. Although very little in the way of consensus can be said to exist as to the appropriateness of most industrial policy proposals, it is my expectation that within the next couple of weeks the majority will come forth with a formal legislative package.

In the absence of any demonstrable evidence that greater Government intervention in the economy will make things better, legislation calling for economic cooperation councils and national development banks can best be viewed as a political exercise. It is no secret that in some circles "industrial policy" is being promoted as a possibly popular alternative to the President's economic program. Prominent among the proponents of industrial policy is organized labor.

While I have no quarrel with the right of labor, or any other group or individual, to take a position for political purposes, it concerns me that industrial policy is being increasingly portrayed as a panacea for all our economic ills. As Washington Post columnist Hobart Rowen recently pointed out:

It would appear that the AFL-CIO and the assorted Democratic presidential hopefuls are seeking to ensure the maintenance of the status quo, preserving old-line industries through subsidies and changing the course of investment through something like the old Reconstruction Finance Corporation.

The industrial policy debate has been valuable in terms of helping identify some of the reasons for our economic problems and analyzing our future needs. Above all else, the debate has shed light on the extreme complexity of economic relationships, both domestic and international. It would be unfortunate, to say the least, if this important debate leads to politically motivated, simplistic, and counterproductive actions.

The complete text of Rowen's column follows:

LABOR'S BAD IDEA

(By Hobart Rowen)

The AFL-CIO, as expected, has now ground out its own version of an "industrial policy" it says is needed to revitalize and strengthen the American economy, and enable it to meet competition from abroad, notably Japan.

Endorsed by former vice president Walter F. Mondale and most of the other Democratic candidates, this kind of approach is little more than trade protection by another name. A key element is a "National Development Bank," which would channel investment into specific projects selected by a tripartite government-industry-labor board.

This is in the pattern of a proposal by President Carter in 1980, supported now by New York banker Felix Rohatyn and former duPont executive Irving Shapiro. They argue that the "free market" doesn't always make the right decisions. For example, the free market, Rohatyn says, would have condemned New York City, Lockheed, and Chrysler to needless bankruptcies.

Because of the recession last year that created heavy unemployment in the auto, steel and related industries, the demand to "do something" along these lines—call it trade protection, "fair" trade, "reciprocity" and, more recently, "industrial policy"—has won a lot of fans in Congress.

But happily, and at long last, the debate over the need for an American "industrial policy" is being turned into something more than self-serving pleading on behalf of special interests that have dominated the discussion so far.

Sar Levitan, a distinguished labor economist, points out that the sort of business-labor partnership envisioned by the AFL-CIO has in the past resulted in little more than joint appeals for government help "as a means of preserving profits and jobs."

And in a new study for the Brookings Institution, former Economic Council Chairman Charles L. Schultze does the most thorough job to date of pinpointing some basic fallacies of the sort of industrial policy demanded by the AFL-CIO.

He shows that recent declines in American manufacturing output are not due to "de-industrialization" but to the recession and overvalued dollar—both, incidentally, residual results of Reaganomics. Similar points have been made by Walt Rostow, C. Fred Bergsten, and Lawrence Chimerine of Chase Econometrics, among others.

Chimerine observes that, "While some specific [American] industries are declining because of weaker demand, this is a natural process and reflects structural changes that cannot be reversed."

Thus, while the demand for steel in the United States has declined, due to the trend to lighter cars, the demise of the market for steel cans and excessive labor costs, there has been an offsetting, fast growth in some other manufacturing industries. But that doesn't help things in Pittsburgh, where talk of a national industrial policy sounds enticing.

Another faulty premise, according to Schultze, is the attribution of Japan's suc-

cess to an industrial policy, coupled with the further assumption that we could copy or adapt it. He finds other and more basic reasons for Japan's successes: the initiative and vigor of its private industry, coupled with the extraordinary private savings rate.

I would stress as well the wholly different labor-management relationship in Japan, where the name of the game is cooperation rather than confrontation. Rostow makes the point that the minimum requirement for any serious new industrial policy is some method of controlling prices and wages—an incomes policy—to get real interest rates down. And this would required a brand-new, non-confrontational relationship between management and labor.

But it would appear that the AFL-CIO and the assorted Democratic presidential hopefuls are seeking to ensure the maintenance of the status quo, preserving the old-line industries through subsidies and changing the course of investment through something like the old Reconstruction Finance Corporation.

If the United States tips this way, says Schultze, "the wheels with the loudest squeaks might get a bit of extra financial grease. . . . In the process, resources would be misallocated, incentives for industrial efficiency reduced, and competitive forces blunted."

Without using the phrase "industrial policy," a report of the Democratic Policy Committee under Sen. Robert Byrd on Sept. 28 warned that trade deficits could be responsible for the loss of 600,000 jobs this year, "many of which are in high-paying industrial sectors."

Byrd demanded "strong action to promote exports, to reestablish a fair set of rules that govern international trade, and to enhance our capacity to innovate." That's the blinders-on, mercantilist approach. It's hard to believe that Democratic political leaders find themselves so devoid of economic policy ideas. But they apparently are.●

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. OBERSTAR. Mr. Speaker, on Friday, October 21, I was necessarily absent from the House because of longstanding commitments in Minnesota.

I rise to indicate my position on the three recorded votes taken on Friday.

Had I been present, I would have voted:

"Nay" on rollcall No. 408, an amendment to H.R. 3324, closeup authorization;

"Yea" on rollcall No. 409, passage of legislation authorizing appropriations for grants to the Close-Up Foundation; and

"Yea" on rollcall No. 410, approval of the conference report to H.R. 3929, legislation extending the Federal supplemental compensation program.

The House passed H.R. 3929 by a vote of 300 to 5. While I support passage of the FSC extension, I believe that the legislation is inadequate to address the needs of long-term unemployed Americans. The bill provides additional weeks of benefits only for those who first became eligible for FSC after April 1, 1983. This reachback provision is woefully inadequate. In view of the Senate rejection of any reachback when it first considered FSC extension last month, however, the House conferees were limited in their ability to obtain sufficient reachback.

The Senate insistence on an 18-month extension unfortunately reduces chances for improving the deficiencies of this reachback provision.●

STRENGTHENING THE BUDGET PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, October 26, 1983, into the CONGRESSIONAL RECORD:

STRENGTHENING THE BUDGET PROCESS

Even members of Congress are wondering whether they really control the budget. To a large degree, the budget is on "automatic pilot". About 75 percent of all outlays are "uncontrollable" and cannot be changed without amending the law. Billions in outlays are not in the budget. One third of the budget is indexed for inflation. Growing loan guarantees and a wide variety of tax deductions and credits make budget management tougher still. Congress often complicates matters by approving exceptions to budget limits. Taking the budget off automatic pilot is the most important fiscal problem before Congress today.

The budget process is what Congress uses to control the budget. It is a "war between the parts and the whole" in that it tries to satisfy conflicting desires. Congress wants to control the budget, but it also wants to meet people's demands for spending. This is the dilemma.

Congress finds it increasingly hard to cut spending and to raise taxes. It tends to spread programs geographically, and the budget it manages tends to grow. These tendencies were reinforced in the early 1970's by reforms which decentralized power in Congress but also gave special interests stronger influence on the budget. At the same time, Congress saw a need to consolidate budget data so that it could understand the budget as a whole and challenge the President's domination of the budget. Thus, it set up the budget process.

The budget process gave Congress knowledge of the budget and an ability to do economic analysis without the executive branch. It worked well enough until the economic troubles of the late 1970's. In the face of those troubles, Congress adopted new procedures. It put more emphasis on the first budget resolution so that additional spending would be curbed, and it forced spending down through a process called "reconciliation". The appearance of huge deficits, however, meant that Congress was still not doing enough to resist demands for spending.

A stronger budget process is needed, but any changes must be made with an awareness that many problems of the budget process are political, not merely procedural. Procedures affect politics and vice versa, but as the economy has deteriorated, Congress has moved from redistribution of growing revenues from a vibrant economy to redistribution of shrinking revenues from a stagnant economy. This politically harder task has added to Congress's unhappiness with the budget process. Procedural improvements are necessary, but they can be made only by taking account of the fact that politics and procedures cannot be separated.

Few members of Congress suggest a return to the old way of doing things, so most of the debate revolves around changes in the present budget process. The taxpayer who wants restraint in spending has much at stake in this debate. Some proposals would weaken the present process by curtailing reconciliation, allowing appropriation bills to come up before a budget resolution had passed, or insulating some spending form the budget process. Proposals to fortify the present process fall into four main categories.

The first category includes proposals to strengthen the budget committees. The new emphasis on the first budget resolution, and reconciliation, could be written into law. Bills that exceeded specific subceilings on spending could be ruled out of order, just as bills that break overall ceilings are today. Revenue-raising plans, like spending plans, could be spelled out in detail. The second category includes proposals to unify the budget. All "off-budget" items could be brought back into the budget. Legislation that would move items off the budget in the future could be repealed. Binding ceilings for loan guarantees could be enforced. The third category includes proposals to improve budget data. The same set of economic assumptions could be used by all participants in the budget process. Capital spending could be highlighted, as it is in many state budgets. Comparisons could be made between spending on the one hand and loan guarantees and tax breaks on the other. The fourth category includes proposals to make the budget process more efficient. Congress could move toward a two-year budget cycle, perhaps beginning with two-year authorizations and appropriations where stable funding is really needed. Irrelevant amendments could be kept out of the reconciliation process. The budget resolution itself could be simplified, and descriptions of spending programs could be standardized.

A few proposals would make for radical change in the budget process. One would have Congress roll all 13 of its appropriation bills into an omnibus bill. Overall ceilings and specific subceilings on spending would be set during a single debate, but the budget committees would able to offer amendments to reduce spending. Special interests' influence on the budget would be limited by this proposal because committees would have to accept blame for spending beyond specific subceilings. However, there would be a temptation to load the omnibus bill down with irrelevant amendments, and the President's check on appropriations, the veto, would become practically useless because the government would close down if the bill failed to pass.

A second radical proposal would have Congress shake up the three-level arrangement in which budget, authorizing, and appropriating committees have overlapping jurisdictions and conflicting roles in the budget process. One idea is to reorder committees'

jurisdictions and spending "functions" so that they are more parallel. Another is simply to remove one of the levels from the budget process. If realized, each of these ideas would make the budget process simpler, but neither is popular in a legislative body where budget power is guarded so jealously.

The crux of the dilemma remains clear: is Congress willing to strengthen the budget process and ignore some of the demands for more spending? I believe that strengthening the budget process along the lines of some of these proposals is essential if the budget is to be handled in a disciplined fashion.●

OPPOSING COLA INCREASES FOR MEMBERS OF CONGRESS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. VALENTINE. Mr. Speaker, since Members of the House were unable to cast a rollcall vote on final passage of the Omnibus Reconciliation Act, H.R. 4169, I would like to go on record as being opposed to the inclusion of an executive cost-of-living adjustment, amounting to 4 percent, for Members of Congress. Mr. Speaker, I was also opposed, as recorded, to the rule, H. Res. 344.

Over the past several years, the Congress and the President have been asking for tremendous sacrifices from the American people. Despite the fact that many Americans have suffered as a result of this, the Congress, during the last days of the 97th Congress, voted to substantially increase compensation for its Members. I, of course, was not a Member when that pay increase was voted.

We must remember to whom we are responsible, and must be willing to tell our constituents when we feel a raise is merited and needed. And just as important, we should be willing to go on record in votes on increases.

I cast my vote against this legislation and I am unequivocally opposed to a pay increase for Members of Congress at this time.●

INVASION HAS EX-RESIDENTS SAD SUPPORT

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. BETHUNE. Mr. Speaker, the quest for information about Grenada continues. I believe Members will find the following news story from the Arkansas Democrat on October 26, 1983, to be very interesting and informative:

[From the Arkansas Democrat, Oct. 26, 1983]

INVASION HAS EX-RESIDENT'S SAD SUPPORT

(By Anthony Mober)

An Arkansan who lived in the tiny Caribbean island nation of Grenada for three years and became a "close friend" of Maurice Bishop, the late prime minister of that country, supports Tuesday's early morning invasion of Grenada by U.S. Marines and Army Rangers.

Norris Newton, 28, a student at the University of Arkansas Medical School, served as the Grenadian representative to Caribbean Medical Charities Inc. from 1979 until 1982, while he was a medical student at St. George's University in the Grenadian capital.

The CMC is a Texarkana-based, nonprofit organization that helps provide medical care and health services for underdeveloped nations in the Caribbean basin.

"Maurice Bishop was a friend of mine," Newton said. "We spoke on many occasions, first in the carrying out of my duties with CMC, then later as friends. He was a good man who sincerely wanted the best for his country."

Bishop, three of his cabinet members and many of his supporters were shot and killed by Grenadian soldiers on Oct. 19, culminating a bloody coup staged by the country's military. Bishop was ousted a week earlier by Deputy Prime Minister Bernard Coard, a radical Marxist who felt that Bishop was too slow in implementing socialist policies. Coard has since vanished from sight.

"What it basically boils down to is that the communists, led by the Soviets and Cubans, were getting very entrenched in the politics of Grenada," Newton, a native of Texarkana, said Tuesday. "This disturbed Prime Minister Bishop greatly. What has not been very well-reported in the press is that he was not a communist. He was a left-wing socialist, but he was not a communist. The military—the generals who ousted him—are the communists.

"Bishop was on the verge of making a pact of reconciliation with the West," Newton added. "He had traveled to the United States, Canada and Great Britain. He was trying to break his ties to the Soviets. And, when the Russians saw they were losing him as a patsy, they had him executed."

Bishop was a lawyer and economist, educated at Oxford University while Grenada was still part of the British Commonwealth. The 39-year-old prime minister had just returned from a European tour when he was overthrown.

After Grenada left the British realm in the mid-1970s, Britain helped install Sir Eric Gray as the first prime minister. Newton said Gray was an "ultra right-wing dictator" who would not allow free elections, and who robbed the nation's treasury. When Bishop's father was mysteriously killed in 1976, Newton added, many thought Gray was behind it.

"Maurice Bishop came to power in 1979 in a peaceful, bloodless coup, nothing like the one that happened last week," Newton said. "His coup, in '79, was necessary. The people of Grenada were living in extreme poverty, without proper health care, schools, nutrition or housing. Bishop's dream was to see that his people got those things, and then he wanted to restore democracy."

According to Newton, Bishop indicated to him that he planned to emulate Gamal Abdel Nasser, the Egyptian president of the 1960s who invited the Soviet Union into his country to build up public works and defense, then unceremoniously kicked them out as those projects neared completion.

"When Maurice came to power, the first thing he did was approach President Carter and ask for assistance, but the United States turned him down. They thought he was too much a socialist," Newton explained. "So he was forced to look elsewhere for help."

Newton was in Grenada during the turbulent times when Bishop seized control and began obtaining military and civilian aid from Communist bloc nations. He said Bishop wanted literacy programs, hospitals and schools. Those were instituted, but along with them came a two-mile-long airstrip for Soviet and Cuban fighter and bomber aircraft and a Cuban submarine base on Grenada's Calvigney Island.

"This wasn't what Maurice wanted," Newton said. "When he saw all this military buildup, he started trying to normalize relations with the United States, and that is probably what got him killed."

Newton said he had reason to believe that "virtually all" of Bishop's supporters were killed in the coup, leaving behind only Communists and radical Marxists.

"Anything like today's invasion is a sad event that you can never be happy about. But I support the president's decision," Newton said. "If we had waited any longer, the Russians and Cubans might have completed their naval base and anti-aircraft stations. Then, it would be impossible to do what we did today. After Maurice was overthrown, the situation couldn't get better. It could only get worse.

Grenada is in the middle of the sea lanes between the Caribbean and the oil fields of the Middle East," he added. "It is very strategic to American interests."

"Maurice Bishop's dream that democracy would come back to his country wasn't going to live under the Communists," Newton said. He paused, then added, "Maybe, now, it can."●

MARCH ON TRENTON

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. RODINO. Mr. Speaker, on August 27, a quarter of a million people gathered here at the Lincoln Memorial to commemorate the 20th anniversary of the historic March on Washington of 1963. As one who participated in both of these events, I was especially gratified at the huge turnout from my home State of New Jersey, which constituted one of the largest State delegations.

The goals of that march—jobs, peace, and freedom—will be reaffirmed by many of New Jersey's concerned citizens at a march on Trenton, which will take place on Saturday, October 29.

On August 27 we turned our attention primarily to Federal issues, and one of the major goals of the day—passage of the legislation declaring a national holiday in honor of Martin Luther King, Jr.—has already been achieved. There is, of course, a long

way to go until we truly reach the "sunlit path of racial justice," and a good deal that we in the Congress must work for.

There is also a great deal of work that must be done at the State and local level—and that is why the march on Trenton is so important. The event is being organized by a coalition of elected officials and concerned citizens who want to continue our longstanding commitment to social justice, and who want to address the pressing problems facing the State, such as unemployment, crime, education, and environmental matters.

I am proud of the spirit and determination of the people involved with the march on Trenton.●

RICHARDSON TESTIMONY ON THE UNITED NATIONS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. LEACH of Iowa. Mr. Speaker, the Subcommittee on Human Rights and International Organizations of the House Foreign Affairs Committee, recently convened two hearings on the subject of "The U.S. Role in the U.N." On September 27, 1983, at the first of those hearings, the subcommittee received testimony from the Honorable Elliot L. Richardson, a distinguished former public servant who has held a number of high level administration posts, including those of Secretary of Health, Education, and Welfare and Attorney General.

Testifying in his present capacity as president of the United Nations Association of the U.S.A., Ambassador Richardson reflected on what he described as the "presence in this country of a narrow nationalism that once was called isolationism." He described this new nationalism as a form of ideology, based on fear and suspicion which rejects cooperative ways of handling international problems. In contrast, he pointed out how uncharacteristic such an attitude is of the American people, who historically have shunned ideology in favor of pragmatic approaches to problem solving.

Ambassador Richardson defended the proposition that the United States should continue to host the United Nations and noted that the United Nations contributes about $700 million to the New York area economy alone, almost as much as the U.S. share of the U.N. budget.

Ambassador Richardson's statement in support of the United Nations is refreshing at a time when prominent U.S. officials have raised questions about the value of the United Nations to this country. I commend the full text of his statement to the attention of my colleagues.

STATEMENT OF THE HONORABLE ELLIOT L. RICHARDSON

It is a pleasure for me to testify once again before this subcommittee. I congratulate you on holding these hearings at this moment. The relationship between the United States and the United Nations is an important one that involves profound issues of this country's view of itself and of the world at large. As President Reagan once again reaffirmed in his speech to the opening session of the UN General Assembly yesterday, this country has been supportive of the UN since its founding. "Our goals are those that guide this very body," he said, adding, "Our ends are the same as those of the UN's founders." The President emphasized that, "The UN has a proud history of promoting conciliation and helping keep the peace. . . . The UN and its affiliates have made important contributions to the quality of life on this planet, such as directly saving countless lives through its refugee and emergency relief programs."

Nevertheless, many people continue to question the usefulness of the world organization, and the Senate recently voted to make debilitating cuts in U.S. support for the UN. In recent days there has been a series of intemperate remarks about the UN, going so far as to question whether it should remain in the United States. These comments have been unfortunate, it seems to me, in all respects but one, namely that they do provide an opportunity for reflection on the underlying causes of the problem and the true attitudes of the American people.

I should like at this point to read to the subcommittee a brief statement on these issues by six former Secretaries of State, seven former United States Permanent Representatives to the UN, and two former National Security Advisers:

"The United Nations is an important instrumentality in the conduct of American foreign policy. Our experience, both in our public and private roles, has brought this home to us. The United Nations provides this country with a forum for protecting and promoting our own interests as well as for seeking solutions to problems we share with other countries. It is appropriate as well that this country should be the site of the United Nations, given the vision that has guided us as a nation and given the role we play, on all levels, in the world today. We all recognize the shortcomings of the United Nations, but we live in a very imperfect and increasingly dangerous world and we must make the best use possible of whatever means we have for managing the problems that beset us."

Those who have authorized me to make this statement on their behalf include Alexander M. Haig, Henry A. Kissinger, Edmund Muskie, William P. Rogers, Dean Rusk, Cyrus Vance, Zbigniew Brzezinski, Brent Scowcroft, George Ball, Arthur Goldberg, Donald McHenry, Daniel P. Moynihan, John Scali, William Scranton, and Andrew Young. Needless to say, I heartily concur with the sentiments of this distinguished bipartisan group.

For my own remarks here today, I shall begin with some comments on the location of the United Nations in the United States. It is generally accepted that President Roosevelt pressed to have the headquarters of the UN in this country because he wanted to do all that he could to thwart efforts by American isolationists—of whom there seems always to be a vocal if not large contingent—to keep the U.S. from joining the organization. But that is history. What is more important is that there are good reasons today for keeping the UN headquarters here. Some of them are practical—the UN contributes about $700 million to the New York area economy alone, nearly as much as the U.S. portion of the UN budget. In addition, UN development programs spend substantial sums for U.S. goods and services.

Secondly, it is useful to the U.S. to have delegates from virtually every country in the world experience American society at firsthand. Those of us who have genuine confidence in the strength and attractiveness of our system can only welcome this unique opportunity to impress the rest of the world.

What I believe to be the most important considerations, however, are less tangible. This country is the proper site for the preeminent world organization because of the role America plays in the world. The United States is not just the leader of a coalition, nor just a leader of a certain group of countries that share our values and political system, it is the leading country in the entire world community. It is regarded as such by all, though the fact may not always be admitted or rejoiced in. As such it is our proper function and our responsibility to be the home of the United Nations.

We should all recognize, however, that the argument is not really about the site of the UN. It is about the organization itself, and our relationship to it, and in turn it is about how we see ourselves in relation to the rest of the world and how we believe the problems we face should be dealt with.

To some extent, of course, the thought that the UN might take itself elsewhere reflects exasperation at criticism by others, and it evaporates with the first sober thought about what the UN means for us. As such, it is inconsequential. At another level, however, it reflects the persistent presence in this country of a narrow nationalism that once was called isolationism. Although it has long been a feature of the American political scene, it is not a characteristically American viewpoint. It is a form of ideology, and we are a people who have generally shunned ideology, and who developed pragmatism to a fine art. It emphasizes fear and suspicion of the outside world, and we are a people who have thrived on confidence and an openness to the rest of the world. It is at heart a rejection of cooperative ways of dealing with problems, while no people in the world has prided itself more, or with more reason, on knowing how to make things work by cooperative effort.

The rallying point for this narrow viewpoint is hostility to the United Nations, though it is not the UN itself that is fundamentally at issue. Like other attempts to adjust to the realities of global interdependence, the UN is the target of a sense of frustration and resentment. These feelings spring from a number of simplistic assumptions, all of them wrong:

That the U.S. is still consistently able, as we like to think it once was, to protect and promote its own interests solely by its own efforts;

That organized, multilateral means of solving or dealing with problems are not only in the main unnecessary, but are to be distrusted; and

That unilateralism is forced on us by an essentially hostile world.

This is a crippling vision of the world for a superpower with global responsibilities. Whether we like it or not, our fate is indissolubly bound up with the actions of coun-

tries with different economic, political and social systems, as well as with other developed Western countries. In today's world, scarcely an important American interest, and no serious threat to our well-being, is within our power to manage or control by ourselves or with a few friends. Native American pragmatism, faced with that reality, would see only one sensible course—to employ every available means, including the use of multilateral organizations, to bring to bear on these concerns the joint efforts of the countries necessary to their successful management.

Fortunately, the American people continue to show the commonsense and pragmatism they are known for. A public opinion poll conducted this past summer by the Roper Organization for the United Nations Association demonstrates once again that a clear majority of the public believes that the UN is important, that the U.S. should maintain or increase its participation in it, and that the organization is a place where we can hope to work out acceptable solutions to important problems. Only a small minority characterizes the UN—as do the neo-isolationists—as an anti-American organization where a hostile majority consistently comes to decisions against U.S. interests. Roughly the same number (19 percent) would have the U.S. give highest priority to answering attacks on their country in the UN rather than on working for agreements on major global issues.

Mr. Chairman, I will submit the poll results and their analysis for the record, since I believe they are significant and relevant to this discussion. Let me here note a few of them that are most indicative.

When they were asked which of three statements came closest to their feelings about the UN today, by far the greatest number (49 percent) agreed that "Although the US is frequently outvoted, enough common ground exists on most issues for the US to work within the UN." Asked whether the UN should be given more power or less power to cope with seven major global issues, 67 percent wanted the UN to have more power to deal with reducing the superpower confrontation and with supporting human rights, 64 percent advocated giving it more power to conserve natual resources, and 55 percent wanted the UN to do more to help poor countries develop. On none of the issues were more voices heard for lessening UN power than for increasing it.

The public response was realistic both in its appreciation of the UN's usefulness and in its awareness that the UN is far from perfect. Forty-six percent thought the UN was doing a good or fairly good job; 42 percent thought it was doing a bad job (a more favorable rating, incidentally, than in a 1980 poll commissioned by UNA-USA). At the same time, 57 percent wanted the U.S. to increase its participation or leave it at present levels, against 25 percent who wanted it decreased. Just over half believed the U.S. should exercise more control over how its money is used by withholding part of our financial support when the UN does things we disagree with.

These mixed and discriminating responses reveal a thoughtful appreciation of the UN and the very mixed bag of a world it reflects. What the public seems to be saying in its pragmatic way is that there are critical problems the U.S. cannot deal with alone, that the UN can help deal with them, and that we should not get too upset about the rhetoric. On the other hand, the public also seems to be saying that the UN is not dealing adequately with these problems. The poll results speak of increasing the UN's powers. This translates, in part, into an increased commitment by the member governments to use the UN for solving problems. It also means finding ways to make the organizations that constitute the UN system work better, as well as devising new means to address new or changing problems.

The focus of debate in this country about the UN should be on these practical issues. It too seldom is. We are diverted from serious purposes by such irrelevancies as petulant comments about the UN's presence in this country. Not nearly enough creativity and energy is being expended on generating policies that will shape the institutional means to meet future crisis. The United Nations Association of the USA has underway a major new program designed to produce ideas and propose constructive courses of action. It will make an important contribution in itself, but should also stimulate a wider effort in the universities, public affairs institutions, and the Government. There are few tasks more urgent.●

THE AMERICAN PEOPLE SHOULD BE INFURIATED BY OUR MISGUIDED DIPLOMACY IN LEBANON

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. GREEN. Mr. Speaker, as our minds begin to clear from the incomprehensible tragedy which occurred in Lebanon this past weekend, some important questions begin to emerge. Certainly one that has come to my mind in recent days is why it was necessary to transfer our wounded marines to West Germany and Cyprus when a well-equipped Israeli hospital was less than an hour away and had been made available to us by the Israelis.

Within 3 hours of the explosion at the U.S. Marine barracks, the Israeli liaison office in Beirut offered assistance to the U.S. Government Ramban Hospital in Haifa, Israel, an excellent facility experienced in treating war wounds, was put on alert. By 10:30 a.m. Beirut time, barely 4 hours after the explosion, the Israeli Government issued a formal offer of assistance to the American Government, an offer that was declined by our Government.

And yet it was not until 3:15 p.m. Beirut time that the first casualties reached a British military hospital in Cyprus and not until 7:15 p.m. Beirut time that the first evacuees reached Wiesbaden, West Germany.

In addition, the offer was made of a special rescue unit of the Israeli Army, equipped with unique devices for rescue. This offer was also rejected by the United States. The French, however, accepted an Israeli offer of assistance, although the Lebanese Government objected to the entry of an Israeli unit into Beirut.

The consequences of the American refusal of Israel's offers will never be known for certain. Two marines did die on the way to the hospitals in Cyprus and West Germany. Could they have been saved with immediate attention? Who knows? A medical specialist at Weisbaden Air Force hospital is quoted as saying that much of the surgery performed upon the wounded marines when they arrived there was intended to prevent infections caused by improper cleansing and bandaging of their wounds prior to aeromedical evacuation. It certainly could be argued that the delayed hospitalization increased the risk of infection.

Was this really the time to argue the status of Israel as a strategic asset of the United States or are we just perfecting the art of shooting ourselves in the foot?

An article in the Washington Post this week quotes a Pentagon source as saying that the Israeli aid was refused because, "We did not want to confuse the situation even further. By accepting Israeli assistance, we would have infuriated the Arabs." I think it is the American people who should be infuriated by our misguided diplomacy in this case.●

MERIT PAY AND MASTER TEACHERS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. GINGRICH. Mr. Speaker, I would like to recommend this reprint from the March 1979 Kappan to all my colleagues. Let me call special attention to the comments on teacher motivation.

[From Kappan magazine, March 1979]

WOULD BEAR BRYANT TEACH IN THE PUBLIC SCHOOLS? THE NEED FOR TEACHER INCENTIVES

(By William F. Casey III)

"I ain't nothin' but a winner" is the motto of the Alabama head football coach Paul "Bear" Bryant. Bear's statement is ungrammatical and unscholarly, but it identifies precisely what we need in our nation's public school faculties: winners. Winners come from the ranks of motivated individuals, and this is where public education is failing. There is no consistent motive for teachers (much less students) to strive for excellence.

Bear Bryant is a master of motivation. He makes Saturday's game the supreme goal of his players' strivings. Coach Bryant once spoke to his players thus during the practice week:

"I know what you're going through, and I know what you're thinking. When it's hot like this, and you've been out there for two hours, and I'm standing up on that tower yelling at you, you're thinking, "Yeah, you big bastard, let's see you get your ass down here and do better." And when I just made

you run another wind sprint, and you're down at the end of the field, you're thinking, "If that s.o.b. makes me run one more I'm coming up there and kick his butt." But you put it off. You put off kicking my butt for another day. And you come back the next day, and you pull on those clammy jock straps, and you got the jock itch, and it's miserable, and the uniform smells, and your shoes smell, and you're tired before you go out. And that's not much fun. And then I'm on you at practice. But you wait. Then on Friday you begin to feel a little different. Practice is over. You breathe easier. And on Saturday when you put those silks on and everything's clean and fresh-smelling, and you go out to warm up and the fans are yelling for you * * * well, that's what it's all about."

The scenario for the public school teacher is not all that different: We go in there on Monday and it's tough. Homeroom is in an uproar and we got clammy forms to fill out. The whole place smells. First period acts dumb and the activity you worked up for second doesn't work as well as you had hoped. Then the principal gets on you about drinking coffee in class and you say to yourself: "Yeah, you big bastard, let's see you get down here and do better." You work your butt off on Tuesday and Wednesday, hassled by such things as lunchroom duty and make-up tests, and then some parent calls to complain that you said "damn" in class and the principal is on you again. You got to cover someone's class during your planning period on Thursday and the headache is just awful. Friday afternoon you're staring at 2,000 essays that need grading and not one damn one of them is legible. Then comes Saturday * * *

And there ain't no game!

You can't have winners without motivation, and I doubt seriously that you can have outstanding schools without teachers who want to be winners. There are no games on Saturday for the teacher, but there can be motivation. We must move away from the notion that all teachers are the same and must be paid on the same scale. We must motivate teachers to be winners by instituting a system of merit pay for outstanding teachers.

Public school policy makers and the general public hold some very strange notions about teachers:

Teachers are somehow different from other human beings in that they will continually work beyond the call of duty without any hope of material reward.

Students are more important to teachers than the teacher's self, family, and friends, and teachers will continue to take time from these other aspects of life in order to develop outstanding courses.

An excellent teacher will see a lot of change in the students and therefore be motivated to continue striving for excellence.

I don't know why anyone should believe these things. Very few of us claim to be able to walk on water, as some Alabama fans claim Coach Bryant does. Joan of Arc doesn't teach French in the public schools. Nevertheless, there is irrefutable evidence that these three strange notions are indeed held. That evidence lies in the fact that we persist in using the "step increase" method of paying teachers. This foolish reward system will continue to drive hard-working, ambitious teachers from the profession.

The notion that a teacher will see a lot of change in students is the most damaging to the profession. The public wisdom (or delusion) is that teachers are motivated by seeing students develop as human beings. This most basic of public school myths is false for a number of reasons:

Observable changes in students are rare even if the teaching is excellent.

For every flash of student insight that rewards the teacher, there will be 10 students who appear to remain apathetic or interested only in the normal concerns of teenagers: sex, sports, automobiles, etc.

Flashes of student insight do not pay bills. Teachers are not exempt from the ravages of inflation. Nor do we harbor secret desires to live in genteel poverty.

Altruism and intrinsic rewards only go so far. And it isn't far enough.

New teachers are almost invariably idealistic, and this carries them through the first couple of years. The problem of motivation begins when the novelty wears off and the day-to-day pressures mount. Teachers soon discover that being an excellent teacher is tremendously demanding, while being mediocre is extremely easy. The not-so-new teacher gazes upon the local scene and notices things that tend to make him want to fit into the comfortable groove (or get out).

He will be paid the same, regardless of the quality of his instruction, and will not be fired unless he commits a gross indiscretion.

Students will like him more (at the time) if his course isn't very demanding, and their parents will hassle him less if he doesn't push too hard.

He will get along better with the administration and faculty if he renounces his drive for excellence.

He will have more time to do the "idiot work" (better known as "non-teaching duties") required of all teachers.

At the bottom of all of this newly found awareness lies a simple question: Why should I, as a classroom teacher, strive for excellence? Provide the answer yourself.

The teacher reward system (or better, non-reward system) must bear responsibility for this lack of teacher motivation. Public education is paying the price as the quality of learning fails to improve, taxpayers pass Proposition 13s, and good teachers leave the public schools while the mediocre and catatonic remain to tap the public till. (A few good teachers do remain. May God have mercy on them, because the system won't.)

What are educational policy makers (including teacher organizations) doing about all of this? A little bit of everything except instituting merit pay. Hundreds of researchers are busily preparing such gimmicks as criterion-referenced tests, which will supposedly tell us who is learning and who is not. Good luck, folks. Will anyone be rewarded if the scores are good? Will anyone get the axe if scores are poor? Don't hold your breath. All the sophisticated evaluation methods added to all the innovative teaching methods will not produce quality education unless teachers are sufficiently motivated that they will work hard. Just remember that it wasn't the wishbone formation that won all of those games for Alabama and gave them UPI number one ranking. It was talented and motivated football players. Coach Bryand has told you that.

For anyone not living in the Alice-in-Wonderland world of the public schools, the questions are obvious and frustrating: Why do we pay teachers only on the basis of seniority and degrees held? Why don't we reward creativity and effort? What's wrong with a little old-fashioned American free enterprise and competition for teachers?

These questions lead to another: Is there a logical basis for merit pay? Yes, there is. It produces teacher creativity and effort. Perhaps teacher effort and creativity do not guarantee learning, but without them the public schools are condemned to mediocrity or worse. Opponents of merit pay claim that these things are hard to measure, but if any reasonably intelligent parent were to spend a month in a public school, he or she would be able to tell the difference—easily.

So now you're all in favor of merit pay for teachers, right? Of course not. You probably believe that merit pay would cause conflict among the faculty. And you are probably right. You may also believe that merit pay would do no good. I think you're dead wrong about that. I choose to ignore all the sage writing of my predecessors and offer these basic principles for implementing a merit pay system in the public schools:

1. Merit pay should be awarded only for outstanding effort and creativity in the classroom.

2. The responsibility for applying for merit pay should rest with the individual teacher. He or she should be required to present his/her case in the same way that a lawyer presents a case. The burden is on the teacher.

3. There should be no annual review for everyone. The tendency would be to give every teacher a "little something," and this would defeat the idea.

4. Awards of merit pay should be made on a one-year basis. No resting on laurels.

5. Merit pay awards should be sufficient to make a real difference. An award of $100, for example, would turn the idea into a laughingstock.

6. A merit pay system should not be based on student results on standardized tests. If you want standardized teaching, foreget the whole idea.

7. Merit pay should not affect the current step increase system and should in no way be tied to seniority.

8. Merit pay competition should be conducted as openly as possible, with posted lists of applicants. This should prevent admitted do-nothings from even applying. It would also prevent the system from being used as an administrative disciplinary tool. If you want to keep your teachers in line, forget merit pay and make them run gut sprints.

9. An individual's financial need should play no part in the process. Such consideration as "poor Joe, he has six kids and needs it" should not enter the picture. If you want to meet teachers' needs, institute a system of teacher welfare. The fact that a teacher "needs" more money will not improve his instruction one iota unless he understands that classroom teaching performance and effort are being rewarded.

10. "School spirit" should play no part in consideration for merit pay. I know this sounds silly, but any public school veteran knows that it sometimes is considered. If you want rah-rahs, forget merit pay and hire ex-cheerleaders for your faculty.

11. Non-teaching duties should not be considered. If you want good form-filler-outers, load your faculty with accountants. If you want efficient monitors, consult Pinkerton's. Remember, you're seeking to improve instruction.

12. Lastly, forget that old saw, "He must be a good teacher; he gets along so well with others." This personality trait, so beloved of pseudo-progressive educationists, does not insure good teaching. If "getting along well with others" is the most important thing you look for in teachers, forget merit pay and henceforth recruit your faculty from

the local cemetery. Thousands are said to coexist in that institution with nary a cross word.●

UNITED STATES: WHAT DIRECTION?

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. APPLEGATE. Mr. Speaker, the United States has lost over 220 marines and many more seriously injured in the past few days—and we are at peace. What direction is the President trying to take the Nation? To keep the peace in Lebanon? What peace? There is none now, there has been none, and there will be none in our lifetime any more than over the past several centuries.

It seems we have two options. First, either pull out, or second, stay there and be committed to increased confrontation and more deaths and no resolution to the problem.

If the President and the Congress insist that the marines stay there then arm them, allow them to fight and to defend themselves. Do not saddle them with weapons they cannot fire like toy soldiers.

Our marines are little more than sitting ducks for snipers and bombers and this must be stopped.

But to what extent is the United States going to police the world and face continued confrontations by military and terrorist attacks? First Lebanon, now Grenada and next—Central America?

The President and Congress must reassess our role in the world.●

WATT IS WRONG AGAIN—LET US SET THE RECORD STRAIGHT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. LEVINE of California. Mr. Speaker, once again, Secretary James Watt is wrong. Last week, Secretary Watt claimed that he has added more land to the Federal estate than anyone since William Henry Seward negotiated the purchase of Alaska from Russia in 1867. This statement is simply not true.

In reality, Secretary Watt has done very little to acquire new lands. In fact, he tried to eliminate spending to acquire new parklands. He has not requested a single dollar for new parkland acquisition. His budget request included only enough money to cover obligatory court awards and administrative costs. Over the past 3 years, on the average, Congress has approved three times as much money as Secretary Watt has requested for new parkland acquisition.

In addition, Secretary Watt's fiscal year 1984 budget request did not include any money for wildlife refuge land acquisition. However, congress approved over $42 million for refuge acquisition.

When we take a close look at the new lands Secretary Watt is claiming to have acquired, we find that the lands were either acquired through a trade, in exchange for oil and gas rights, or as result of Congress requiring him to purchase the lands.

The major land addition is 800,000 acres in northern Alaska in Prudhoe Bay, which was added to the Arctic National Wildlife Refuge. Under the Alaska Statehood Act, the State of Alaska is allowed to make certain land claims. Originally, Alaska made a land claim of 800,000 acres in the Arctic. The State then switched its claim to some Bureau of Land Management lands in Bristol Bay, which amounted to roughly the same number of acres, making the 800,000 acres in Prudhoe Bay available for the Arctic National Wildlife Refuge. There was no increase in the number of acres of land under the jurisdiction of the Department of the Interior.

An additional 325,000 acres of land adjacent to the 800,000 acres was added to the Arctic National Wildlife Refuge because the Federal Government contends that Alaska made an illegal claim.

Approximately, 100,000 acres of land was added to the Gates of the Arctic National Park in Alaska in exchange for oil and gas rights for the Native Alaskans of Kaktovik Village.

Secretary Watt traded a portion of St. Matthew Island, a wilderness area and national wildlife refuge 250 miles off the coast of Alaska, for 12,000 acres of nonwilderness land on the Alaska mainland in order to allow the Atlantic Richfield Corp. to construct an airfield, port, and oil storage facility on the island. The development will threaten one of the largest seabird nesting colonies in the world.

About 75,000 acres of land has been added to the Federal lands as a result of Congress requiring Secretary Watt to purchase new parklands that were authorized by Congress which he refused to request funding for.

As one can see, Secretary Watt's claim that he is responsible for acquiring more new land than anyone else since 1867 is both misleading and inaccurate. When traded lands are taken into consideration, the lands acquired since Secretary Watt took office are about equal to the lands that were given away.●

HINDUJA FOUNDATION FINANCES ENDOCRINE LAB AT MASSACHUSETTS GENERAL HOSPITAL

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. DYMALLY. Mr. Speaker, I wish to direct the attention of my fellow Members to a partnership agreement now in effect between Massachusetts General Hospital (MGH) and the Hinduja Foundation, an Indian philanthropic organization. Their partnership, in my opinion, serves as a model for international cooperation in the areas of health care and research.

The costs of U.S. health care and research grow annually at an astronomical rate. U.S. hospitals need new sources of funding if they are to improve their research facilities. India, for its part, is in need of technical advice on the organization, management, operation, and staffing of Hinduja National Hospital in Bombay, India. The Hinduja Foundation and MGH recently realized that they could be of mutual benefit.

As a result of their agreement, officials of Massachusetts General Hospital are advising the Hinduja Foundation in the establishing and operating of the 350-bed acute care Hinduja National Hospital in Bombay. MGH officials will provide advice on recruiting, training of staff, and research. In return, the Hinduja Foundation has established the Hinduja Charitable Trust in the United States. The trust will give $1 million to MGH to establish research laboratories in the endocrine unit of MGH's Medical Services Division. In giving this donation, Hinduja trustees said:

> We recognize that the remarkable advances in scientific and medical research achieved over the past decades hold great promise for breakthrough in the diagnosis and treatment of many diseases that have plagued mankind for centuries. In the creating of this laboratory at the MGH, we want to provide a window to the future for the people and scientists of India. At the same time, we will promote the training of selected Indian scientists in this medical revolution.

The special research focus of the MGH Hinduja Laboratories will be on understanding hormonal control of calcium metabolism and bone disorders that are influenced by nutritional factors and aging. It is anticipated that research coming out of this laboratory will be a welcome aid to the rapidly aging U.S. population as well as to the many citizens of India who suffer bone diseases related to nutritional deficiencies.

The Hinduja-MGH agreement is remarkable because it puts into practice a level of international cooperation

that is rarely achieved in these troubled times. It seems that international cooperation all too often results in the destruction of human life these days even when that result was not the initial purpose of cooperation. It is refreshing to have an instance in which cooperation results in the preservation of life and the relief of human suffering. The example of the Hinduja Foundation and MGH is deserving of widespread recognition and universal emulation. I suspect we would have a far more stable world if nations and organizations within nations based cooperative agreements more often on the principle that human life is to be valued and less often on the principle that power is to be amassed and defended.●

HELPING THE FAMILIES OF SLAIN SERVICEMEN AND WOMEN

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. ARCHER. Mr. Speaker, in the aftermath of the massacre of U.S. marines in Lebanon and the loss of American lives in Grenada as well this week, all of us are painfully aware of how little we in Congress can do to relieve the anquish of the families who have lost their loved ones.

There is, however, perhaps one small way in which we can help ease at least some of the economic hardship which will be felt by those families.

I have introduced legislation, H.R. 4206, amending current tax law relating to the treatment of income earned by members of the Armed Forces who are killed in the line of duty. The legislation would exempt from Federal taxes any income earned by the soldier who dies as a result of hostile action for the years he served overseas during and just prior to his death.

A similar provision already exists in current law, but it applies only to those who die in areas designated as "combat zones" by an Executive order of the President. No such zones have been designated since Vietnam.

H.R. 4206 simply adds a section to existing law that provides the same tax treatment to servicemen and women who die as a result of hostile action while serving overseas. Therefore, such cases as servicemen killed while on a hostage rescue mission—such as the attempt in Iran in 1980—Americans assigned to U.N. forces who are killed in the line of duty, and the recent situations involving American troops in Lebanon and Grenada would be covered by the new provision.

In fact, the bill is intentionally made retroactive to tax years beginning after December 31, 1979, which covers all open tax years in conformance to the IRS Code, in order to address the specific examples I have noted, as well as all such occurrences since that time and in the future.

I urge my colleagues in the House to join me in pressing for expeditious consideration of this legislation and will welcome all Members of the House as cosponsors.

It is one small way in which we can express our concern to the families of our slain servicemen for their own economic well-being in this time of grief.●

SUPPORTING MATERIAL TO H.R. 2911

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. McNULTY. Mr. Speaker, it is my pleasure to inform my colleagues of a bill which I introduced, H.R. 2911, that creates an ongoing program of water research. The bill is scheduled for the suspension calendar on October 31, 1983. I would like to have the following reprinted in support of my bill.

I include the following in support of my bill:

"Water—people say it is a crisis waiting to happen. It is a crisis now."—Congressman ROBERT ROE.

Before you decide that the above statement exaggerates the magnitude of the Nation's water crisis stop to think of the many ways the crisis evidences itself on a daily basis. For example, do you remember lakes in North America that supported abundant fish, or farms that used to exist in western and northern Texas before they depleted their water supplies? Farmers are the nation's largest users of water and they watch in alarm as their supplies rapidly decrease. The end result is food shortages, sharp rises in the cost of food, declines in agricultural exports and devastating economic effects on the multitude of industries connected with food production and distribution.

The Ogallala aquifer, which is the Nation's largest source of underground water, underlies eight states and supplies water to one hundred eighty counties. In addition, it waters forty percent of the country's cattle. It takes sixty thousand gallons to produce a ton of steel, nine hundred thirty five gallons of water to raise a steer, one hundred twenty gallons to produce an egg, and more than twenty five billion goallons to satisfy domestic needs. Consequently, the acquifer is being depleted at the rate of fourteen million acre feet per year.

Pollution too has taken its toll on our water system. The Northeast is experiencing constant increase in the acid content of its lakes which is depleting natural life and threatening metropolitan drinking water. Florida has used so much of its groundwater that it is suffering an intrusion of seawater into its fresh water. Long Island's water has been contaminated by toxic waste. In Tucson, which is the largest city in the Nation dependent on groundwater, wells have been polluted with trichloroethylene.

The water crisis is indeed upon us and it is a National crisis. Whether the costs of our diminshed water supply quantitatively or qualitatively, are obvious or hidden this Congress needs to be immediately responsive. To that end, H.R. 2911, a bill to create an ongoing program of water research has been introduced. Since its introduction in May it has passed both the Water and Power Subcommittee and the full Interior Committee by unanimous voice vote. A similar bill also passed the Senate by voice vote.

The intent of the bill is to establish a water research center in each state at a land grant university or other educational institution. The Secretary of Interior is authorized to make grants to the institutes, but only after careful review of their proposed research projects. In addition the Secretary must establish procedures for a continuous review of the institutes and terminate funding for those which fail. Funds will initially be matched on a one to one basis with this later changing to one dollar of Federal money for every two non-Federal dollars. The Secretary is also authorized to make matching grants to other institutes, foundations, firms, individuals, and state and local governments for similar purposes.

A transfer of Federal water desalinization plants to Roswell, New Mexico and Wrightsville Beach, North Carolina is also authorized. These plants will be utilized to research brine water purification and the costs/benefits of various desalting processes and products. This transfer is crucial because funding for the plants was not included in last year's Department of Interior budget. The communities are ready to take them.

Finally, the bill provides funding for technology transfer, an integral and vital part of this entire effort. While the institutes funnel research results to the community, they will also learn current research needs.

Although institutional research is not new, the bill does add new direction and accountability measures that were unknown in the past. First created in 1964 and subsequently authorized through 1982, the institutes were not authorized in 1983. Funding was, however, later provided. Through the years, the institutes' studies have yielded considerable research and educational gains at favorable costs/benefits. Descriptions of some of these projects, possibly including one or more in your state or District, are on hand in our offices, and we urge you to contact us for copies of them.

SUMMARY OF MEASURED DIRECT COSTS AND BENEFITS OF SELECTED EXAMPLES OF UNIVERSITIES WATER RESOURCES RESEARCH

Projects description	Federal costs	Other costs	Total costs	Direct monetary benefits	Benefit costs ratios
South Dakota: Improving irrigation scheduling	35,530	NA	35,530	3,000,000	44
Pennsylvania: Fracture-trace napping	90,000	NA	90,000	32,000,000	355

SUMMARY OF MEASURED DIRECT COSTS AND BENEFITS OF SELECTED EXAMPLES OF UNIVERSITIES WATER RESOURCES RESEARCH—Continued

Projects description	Federal costs	Other costs	Total costs	Direct monetary benefits	Benefit costs ratios
New York: Design of sewer extension systems	12,700	6,000	18,700	40,000,000	2,139
Ohio: Optimum water use and recycle program	25,000	50,000	75,000	7,500,000	100
Hawaii: Municipal effluent disposal and water conservation	NA	NA	542,641	3,000,000	55
Texas, New Mexico, Oklahoma: Low pressure drip irrigation system to save water and energy	198,213	600,000	798,213	3,021,200,000	3,785
Illinois: Reduction of storm sewer costs	40,530	50,000	90,530	9,140,000	101
Arizona: Alternative sources of cooling water for power plants	6,950	3,450	10,400	5,205,000	500

WATER POLLUTION CONTROL FEDERATION,
Washington, D.C., October 20, 1983.

Hon. JAMES F. MCNULTY, Jr.,
House of Representatives,
Washington, D.C.

DEAR MR. MCNULTY: Enclosed is a copy of a Resolution passed by the Board of Control of the Water Pollution Control Federation at its meeting in Atlanta, Georgia on October 6, 1983 in support of a national water resources research program.

The Water Pollution Control Federation is a nonprofit, educational, membership organization founded in 1928 and devoted to the development and dissemination of information concerning the nature, collection, treatment, and disposal of domestic and industrial waste. The Federation has as an integral part of its mandate the pledge to act as a source of education to the general public as well as to individuals engaged in the field of water pollution control. WPCF is classified as a 501(c)(3) organization for tax purposes by the Internal Revenue Service.

WPCF is composed of 44 Member Associations in the United States and Canada and is affiliated with 21 other organizations with similar objectives around the world. Approximately 30,000 people belong to the Federation either through these Member Associations or directly. They come from almost every profession in the wastewater treatment field, and include civil, design, and environmental engineers, biologists, bacteriologists, local and national government officials, wastewater treatment plant operators, laboratory technicians, chemists, students, teachers, industrial technologists, and equipment manufacturers.

Sincerely yours,

ROBERT A. CANHAM.

RESOLUTION TO SUPPORT A NATIONAL WATER RESOURCES RESEARCH PROGRAM

Whereas, the Nation faces serious water resources problems including water shortages and excesses, the impairment of water quality, the need to restore damaged water, issues on water rights, and competing water uses; and

Whereas, these problems require a coordinated and sustained program of planning and research to solve them; and

Whereas, there is a strong need to prepare future engineers and scientists to solve these problems; and

Whereas, H.R. 2911 authorizes an ongoing program of water resources research and education. Therefore, be it

Resolved, That the Water Pollution Control Federation endorses the need for such federal legislation and strongly recommends enactment of H.R. 2911 at the earliest practical time.●

THE SITUATION OF OUR MARINES IN BEIRUT

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. EDGAR. Mr. Speaker, last week I rose to characterize the situation confronting our marines in Beirut, Lebanon, as similar to that faced by the American hostages in Iran from 1979 to 1981. I noted that the death of an American in Beirut last week barely made the front page in our newspapers, that we had already become accustomed to loss of American life in Lebanon.

Now the marines are in the headlines again, and each day we watch the death toll from Sunday's attack on the marine barracks in Beirut increase. I share the anger of all Americans at the senseless murder of over 200 marines in Beirut. This terrible tragedy demonstrates yet again the indefensible military position faced by our forces in Lebanon. Our troops are asked to keep a peace that does not exist, and are held hostage to the rivalries of the various Lebanese factions, to sniping and mortar attacks, and to the actions of suicide commandos.

There are no words that can adequately express our sorrow to those who have lost their loved ones. We all share the agony of those still waiting to learn if their sons are among the dead. The best way to serve the memory of those who have given their lives is to spend the coming days reevaluating our presence in Lebanon. Earlier this month I voted against the 18-month extension for the marines in Lebanon; I felt that our troops were helpless hostages in Beirut because we have no clearly defined purpose there. The President must now clarify why we are in Lebanon, the military goal of our marines there, and how they are to accomplish that goal.

I believe that the President should immediately invoke the War Powers Resolution, acknowledging the true nature of the conflict in Lebanon and bringing Congress more fully into the decisionmaking process. We must have an accounting—the President must state a reason for the sacrifice we made last Sunday in Beirut.●

DRUGS: THE PROBLEM, THE EXPENSE, AND THE URBAN COMPLEX

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. RANGEL. Mr. Speaker, on September 23, 1983, I had the privilege of chairing a workshop on drug abuse as part of the 13th Annual Black Caucus Legislative Weekend. The workshop, which was entitled, "Drugs: The Problem, The Expense, and The Urban Complex," brought together experts in the fields of drug law enforcement, international narcotics control, and drug abuse treatment, rehabilitation, prevention, and education. The workshop examined the nature and extent of drug abuse and drug trafficking in our society and the impact of drug abuse and drug trafficking on the black community.

One of our panelists who discussed drug abuse treatment issues at the workshop was Mr. Ron Clark, who is executive director of RAP, Inc., a nonprofit drug abuse rehabilitation and education program in the District of Columbia. Mr. Clark has provided me with a copy of his remarks made at the workshop which I am pleased to insert into the CONGRESSIONAL RECORD. Mr. Clark's comments and observations on the treatment of drug abuse within the black community are both provocative and timely and I would like to share them with you.

DRUGS: THE PROBLEM, THE EXPENSE, AND THE URBAN COMPLEX

(By Ron Clark)

Frantz Fanon has taught us oppression can cause psychological and emotional dysfunction. We see it in increased child use, murders, rapes, spouse abuse, drug abuse.

If we view drug addiction as part of the dysfunction caused by oppression, then we should not isolate it as something foreign and different from the problems we all have as members of an oppressed nation.

We should not be surprised by the number of young black people who get involved in drug addiction.

We have not been able to take advantage of the assumption that being born black in America means that you are afflicted with a condition that could cause you to act out in some way and plucked out of society and destroyed. If we make the assumption that that is true, our treatment should reflect our understanding of that, but in fact, it does not. We basically have used treatment methods that we have learned through edu-

cational systems that we have very little influence over, or input into. I'm talking about frames of reference. Many of you here today are psychologists, psychiatrists, sociologists. I'm asking you to question your training as it relates to the black condition.

Have you transferred your training without adapting it to what you have learned about the effects of oppression? One of the problems we have today is the belief that we have the right to versatility in treatment. Some people believe that methadone is all right. Some believe that counseling is all right. Some believe that half-way houses are all right. I believe, and some of you will disagree with me on this, that we have to arrive at one form of treatment, one form of treatment has to come within a residential setting. If we look at the problem as a widespread one, that we all have been affected by oppression, then we should understand that some of us need to go through a more structured re-educational environment.

The point is, we all need to be re-educated. But some of us, because of the depth of the effects of oppression and its manifestation, i.e. drug addiction, murder, and other things already mentioned, need to structure to handle it.

We understand that mental illnesses have to be treated over a long period of time in residential settings, institutional settings, we're very clear on that.

We do not transfer that same understanding about the length of time needed to recover from the problem of drug addiction.

We do not transfer that same understanding of drug addiction as a slow form of suicide and death and certainly as self destructive. If we did, we could clearly know that a person has to go through a process of re-education, again assuming that we have all been mis-educated. That process of re-education would take anywhere from a period of one to two years. It can't be done by walking into a clinic and getting some orange juice and methadone, walking out and continuing your life. The depth of the disruption of the life of a drug addict is so great, it affects the whole being. So, to remove the physical part of the addiction, does nothing to restore the being; to repair the terrible cracks in the character that come as the result of the misunderstanding of self and everything that surrounds it.

Therefore, the restoration of the being would require time and residential living that would slowly rebuild and re-educate that individual to a point of understanding self in relationship to the rest of mankind.●

NATIONAL COUNCIL OF SAVINGS INSTITUTIONS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. PATTERSON. Mr. Speaker, I would like to invite the attention of my colleagues to the formation of a new trade association—the National Council of Savings Institutions. Significantly, the council's stated purpose is to represent those savings and loan associations and savings banks who hope to benefit most fully from the opportunities created by the Garn-St Germain Act.

It was that act, passed in November 1982, that allowed thrift institutions broader powers to provide a contemporary line of financial services and thereby attract more customers. And it was that act, too, that wiped away almost all the statutory differences between S&L's and savings banks.

The result of Garn-St Germain, and other deregulatory initiatives, has been to inject the savings industry with new drive and purpose. It also made the consolidation of the National Savings & Loan League and the National Association of Mutual Savings Banks into the council a natural and intelligent decision.

Thrift institutions may be on a much healthier footing now, but many issues concerning banking's changing role are still to be resolved. The Council's opinions, delivered in its magazine Bottomline and other publications, should prove a welcome source of progressive thought on that subject.●

A RESOLUTION ON NICARAGUA

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mrs. KENNELLY. Mr. Speaker, I would like to bring to the attention of my colleagues the following resolution on cruise and Pershing missiles and on Nicaragua.

The resolution on Cruise and Pershing missiles was adopted by the House of Bishops of the Episcopal Church at its annual meeting in Spokane, Wash. The resolution was subsequently adopted at the 199th Annual Convention of the Diocese of Connecticut on October 22. This resolution was adopted in preference to a draft which asked that the deployment be delayed for 1 year.

A RESOLUTION ON THE DEPLOYMENT OF NEW NUCLEAR MISSILES IN EUROPE

Be it resolved that the House of Bishops of the Episcopal Church declares its conviction that the installation of the new Pershing and Cruise nuclear weapons, the so-called Euro-missiles, combined with the possibility of computer error, makes the danger of an atomic war by accident, miscalculation or intent greater than ever; and

Be it further resolved that the House of Bishops, concerned that such deployment may set off further escalation of the arms race, calls on the President of the United States and the Congress to delay or to abandon altogether any plans to install these weapons and to intensify negotiations leading to a mutually verifiable reduction of nuclear arms.

The following resolution on Nicaragua was adopted by the House of Bishops of the Episcopal Church:

A RESOLUTION ON NICARAGUA

Whereas we believe that solutions to current conflicts in Central America are best achieved through negotiation rather than by resort to arms,

Therefore be it resolved, that the House of Bishops of the Episcopal Church voices its opposition to efforts by the United States Administration to support forces seeking the overthrow of the present Nicaraguan Government by use of arms, calls for the withdrawal of all foreign land and naval forces from the region, and urges the Administration to support the efforts of the Contadora Group seeking a way of peaceful negotiation for solving the human rights and justice issues, including those affecting the Miskito Indians; and

Be it further resolved that a copy of this resolution be sent to the President of the United States and to the Secretary of State.●

PERSONAL EXPLANATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. ACKERMAN. Mr. Speaker, due to official business in the district, I was unable to be present in the Chamber during part of the proceedings on Wednesday, October 19, and Tuesday, October 25. Had I been present, I would have voted "no" on rollcall No. 395, the Frenzel amendment to H.R. 3231, Export Administration Amendments, and "no" on rollcall No. 417, the Jones amendment to H.R. 4169, Budget Reconciliation Act.●

INDUSTRIAL "POLICY"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to bring to the attention of my colleagues a recent op-ed piece in the New York Times supporting a coherent industrial policy. While I realize there has been a proliferation of material on this subject, the author of this piece has a unique position from which to write in support of this idea. The author, Daniel Sharp, is an executive with Xerox Corp. Many corporate leaders have expressed their disapproval of industrial policy because of their fear that such policy will grant the Government to target particular industries. I believe Mr. Sharp's favorable argument will lay to rest many of the fears that some of my colleagues may share with many of these corporate leaders. I urge my colleagues to read the following article:

INDUSTRIAL "POLICY"

(By Daniel Sharp)

STAMFORD, CONN.—There is a lot of argument these days about whether or not the United States should experiment with a national industrial policy. In fact, we already have such a policy—and have had one for most of the nation's life. Why not, then, have a coherent and competitive one? As a

businessman, I feel that business and labor must do more to participate with the Government in developing such a policy.

What America has is not a coherent policy. It is a ragtag collection of laws, regulations, tax, tariffs, subsidies and practices that are often contradictory and counterproductive. In a sense, however, they constitute a de facto industrial policy: They involve widespread Government interference in the "free market" and, together, do much to determine the international competitiveness of American industry.

What are some of these regulations? The Federal Government supports agriculture with $22 billion in subsidies and $10 billion to $15 billion for the Payment in Kind program. Another $10 billion to $20 billion goes to subsidize home ownership—and, thus, the housing industry. The production of steel, autos, textiles and large motorcycles also gets special attention or protection, as does the shipping industry. These billions of dollars often help to protect jobs and to bolster specific industries but they rarely boost the country's international competitiveness or protect American consumers and taxpayers.

Even those industries that do benefit are often pulled and pushed in many different directions by contradictory Government policies. Consider agriculture. We are the world's largest and most productive agricultural exporter. Yet we have no national strategy to protect our farmland and fresh water supply, and intermittently we embargo agricultural export sales. We are prevented by law from selling Alaskan oil to Japan, even though it might offset $2 billion to $3 billion a year of our trade deficit with Japan.

In other instances, Government "investment" simply does not accomplish what is intended. Education is perhaps the saddest example. Despite enormous sums spent to create public school systems and subsidize private ones, we produce fewer engineers and scientists than Japan, which has half our population.

Nor are our macro-economic policies—exchange rates, interest rates, decisions affecting the size of national deficits and money supply, trade and payments balances—as effective as they might be. Why? Largely because they are often determined by short-term needs and domestic political pressures rather than consideration of our long-term competitiveness.

The Government supports 50 percent of the country's research and development. Yet most of this money goes to defense-related products, and R. & D. strategy is not coordinated with other aspects of our industrial policy.

In many ways, the Government is part of the problem. Some of this is due to disorganization: Federal agencies overlap and contradict each other and there is little coherent guidance. The Government also has created impediments to our international competitiveness. Export controls and embargoes on such American products as pipeline equipment, high-tech products and grain often help create the impression that America is an unreliable supplier. The Foreign Corrupt Practices Act and antitrust restraints—though perhaps laudable in their aims—can be counterproductive.

As a taxpayer, I am concerned about Government profligacy. As a business man, I am distressed at the inefficiency of widespread intervention and so often helps to preserve a declining past at the expense of a more competitive future. Obviously, some of our older industries are esssential and must be maintained. But I am personally angry that our Government supports these increasingly uncompetitive industries without requiring them to restructure, retrain and adapt to international markets.

An ideal industrial policy might mean less—not more—Government involvement. Certainly, the government should not be trying to decide unilaterally which of our industries are "winners" and which are "losers." Reshaping our policy to make it more coherent might mean removing Government-created obstacles to competitiveness. It might also mean less Federal spending—but more money better spent on infrastructure, industrial R. & D., training, retraining and incentives to save and invest.

No industrial policy can work without the active involvement of the business community. We in business often assume that we will be the victims of such a policy. We may well be if we refuse to participate. Only if we join in, can we hope to be among the beneficiaries—along with labor and the rest of the American people.●

A LOVER OF LIFE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mrs. BOXER. Mr. Speaker, I am pleased to enter into the RECORD a very moving letter from a 19-year-old constituent of mine—Eddie Scourbys—sometimes young people pose the issues better than we do.

DEAR BARBARA BOXER: I am a 19-year-old young man from Marin County, California and I have fears of the nuclear age. In previous wars the question was "if" we will be involved in a war, but now with the advance of nuclear weapons the question is no longer "if" the question is "when" is it going to happen?

If you agree with this statement, then what is the sense of living now if I could die tomorrow or the next day or the next? The idea of an eventual nuclear war takes a lot away from my heart to strive for personal success and to find my own "good life." It does not matter how far I run to get away from it because it is like a shadow—always following in my footsteps. There is no place that is safe from this human made disease that lingers on day after day. In my mind, to who or what do I owe the thanks of giving me this lifetime burden? This is not a political question but one for human reasoning to answer. In your travels through the halls of our leaders please bring this letter and share these feelings with them and if they should deny the fact that what you say could ever be said then take this letter out as written proof that people (or someone) think this way.

By the time you get this letter we all could be gone and if this happens I suppose you can disregard it all together.

I have taken the time to express my feelings about an eventual nuclear war and I sure hope you decide to use this letter as a piece of public proof to make people running our government listen and understand a little more about a very important "human rights" decision. Life goes on, but how far in the nuclear age?

A lover of life.

EDDIE SCOURBYS.●

ENERGY: BETTING ON THE LOSERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. CONYERS. Mr. Speaker, I want to share with my colleagues a very insightful article on the failure of U.S. energy policy that appears in the Institute for Policy Studies' Federal budget study. The study, requested by 60 Members of Congress, deals with every aspect of Federal policy and its impact on the budget.

Daniel Deudney of the Worldwatch Institute in Washington and a former congressional aide has developed an impressive perspective on national energy policy. In the following excerpts from his article, "Energy: Betting on Losers," Deudney offers a number of promising alternatives to current energy policy.

The article follows:

ENERGY: BETTING ON THE LOSERS

(By Daniel Deudney)

The central fallacy of energy policy as it was conceived and practiced by both the Democratic and Republican administrations in the 1970s was the tendency to see energy in isolation from other values—equity, employment, environment, and economics. This tunnel vision is rooted in an overreaction to and misinterpretation of the oil shocks of the seventies and nutured by the inability of technocratically included analysis to simultaneously reflect multiple values. The oil crisis of the last decade is real enough and reflects the beginning of a shift from petroleum-based energy systems. But the widespread assumption that energy generally is in short supply is largely false, and has led to the fallacious notion that the country must develop any and all energy supplies at whatever cost necessary. Presidential energy advisor Michael Halbouty's "produce, produce, produce . . ." is but an expression of this shortage hysteria. The reality is that the nation could pursue any of several divergent energy supply paths, none of which is clearly superior to the others on energy grounds alone.

Energy choices, then, hinge upon values and issues that transcend the confines of what now passed for energy analysis. The real choices in energy policy involve decisions about the kind of society in which we want to live. The nation's investment in energy systems must supply more than just energy. Goals shared by the overwhelming majority of Americans—equity between social groups and generations, efficient use of natural resources, local control, competition in the marketplace, and a healthy environment—should be the arbiters of energy technologies. The one-dimensional technocratic obsession with maximizing energy output per se has obscured but not altered the fundamentally nontechnical character of the choices we face.

Fortunately, at least in the energy area, these shared goals do not have to be in conflict with one another. They do, however, dictate an energy strategy radically divergent from the one being pursued by the Reagan administration. Contrary to its own

stated belief in the market, and contrary to the explicitly expressed preferences of most Americans, the Reagan administration has almost overnight wagered the nation's limited resources on technologies that are clear losers.

During the 1970's, the nation avoided making difficult choices and trade-offs by funding more of everything. But the nation cannot afford and does not need to fund any and all energy technologies. Choices need to be made, and the budget crisis of the early 1980s is forcing a particularly brutal winnowing process. In a perverse version of the "last hired, first fired" policy, the Reagan administration is cutting funds for the newer, more promising energy sources, reverting the nation's research and development priorities back to the days before the oil embargo, the conservation revolution, or the collapse of civilian nuclear power.

The biggest beneficiary of Reagan largesse has been the nation's most disappointing energy source: nuclear power. Although few have been willing to admit it, the nuclear power option in the United States is essentially dead for the foreseeable future. Economics, shifting patterns of energy demand, growing safety problems, assertions of states rights, and waste disposal setbacks have killed the civilian nuclear power industry. The only question is whether we will spend billions on further subsidy transfusions to a malodorous corpse or whether we will start making the necessary funeral arrangements.

The centerpiece of any progressive challenge to the Reagan energy policy must be opposition to budgetary emphasis on nuclear power in general and on advanced nuclear systems in particular. A realistic goal is to cut the nuclear budget by three-fourths and redirect the remaining funds into desperately needed waste storage and light water reactor (LWR) safety programs. The administration's continued support for nuclear power in the face of market rejection belies its much touted adherence to the free market. In the nuclear program, the federal government has created a powerful and permanent constituency for expenditures that have little positive bearing on the nation's energy needs. Unless the giant corporations and government nuclear labs are taken off the dole, the federal government will continue to starve other, more promising energy sources.

If the Reagan administration's support for nuclear power will have little or no negative impact on the fate of the nuclear industry, its opposition to conservation and renewable energy is in danger of doing real harm.

In the decade since the oil price shock of 1973, conservation of energy has been by far the largest new contributor to the nation's energy supplies. In 1973 most energy analysts projected that U.S. energy consumption in 1980 would be 20 quads higher than turned out to be the case. (Total U.S. energy use in 1980 was about 78 quads.) A 1982 study headed by energy analyst Eric Hirst of Oak Ridge National Laboratory estimates that half the savings came from decreased economic growth. Of the 10 quads in savings attributable to improved efficiency, half are the result of price factors and half the result of government energy conservation programs. (By contrast, all the nuclear power plants in the country produce less than 2 quads). On a dollar-for-dollar basis the federal energy conservation programs are one of the best investments the country has made.

As impressive as recent efficiency improvements have been, the potential has barely been explored. The reductions of 10-30 percent in energy use have typically resulted from simple "housekeeping" changes or investments with almost instant pay-back periods. Throughout the 1980's investing in fuel efficient auto engines will be cheaper than drilling new oil wells; insulating houses cheaper than bringing natural gas from Alaska and replacing old electric motors cheaper than building new power plants. Beyond these already economically advantageous shifts in capital stocks, modest investments in research and development promise major transformations in the way industrial society uses energy: 50 mile-per-gallon automobiles, industrial cogeneration, heat pumps, and commercial buildings that largely heat themselves.

The conservation revolution of the 1970's was more than a passive event of limited significance. Rather it is the foundation upon which an entirely new energy future can be grounded. The long neglect of conservation by supply-oriented energy analysts has recently been corrected by several detailed studies of conservation's full potential. The most authoritative, the Solar Energy Research Institute's monumental 800-page "A New Prosperity," estimates that energy consumption can be reduced from the current 78 quads to 57 quads in the year 2000—with an economy almost twice as large as today and a population of 254 million. (The Reagan administration found the report so threatening and persuasive that DOE attempted—unsuccessfully—to suppress publication of the report.)

The stated policy of the Reagan administration on energy conservation is that higher prices will encourage energy conservation. Market prices were, without doubt, a principal impetus to the efficiency improvements of the 1970's. But significant market imperfections require intelligent, moderate, carefully considered, but hardly extensive government involvement in energy conservation. During the Ford and Carter years, an array of relatively inexpensive, modestly intrusive programs tailored to overcoming the nonmarket barriers to improved efficiency in different sectors of the economy were designed and put into place. Appliance manufacturers were required to display energy use data, utilities to provide their customers with audits of household energy use, and automakers to manufacture more fuel-efficient engines. A small research and development program in energy efficiency improvements in generic industrial processes such as coal coking, textile drying, and metal smelting was also begun. Under the guise of budget reductions and deregulation, the Reagan administration is moving to eliminate these programs, many of which were just beginning to have powerful influence on energy investment patterns.

Simply relying on higher market prices to achieve improved efficiency will create misery and lead to neglect of some of the most cost effective efficiency investments. For millions of low-income Americans who can barely afford to heat and light their homes or get from place to place, higher prices mean deprivation, not conservation. While deriding conservation as a quick route to lower standards of living, the Reagan administration's conservation-through-price-increases strategy will itself deprive millions of Americans of a decent standard of living. A crucial component of any energy strategy centered around improved energy efficiency is, therefore, a mechanism to ensure that lower-income Americans have access to capital to invest in energy saving appliances, automobiles, and housing.

Taking equity seriously in energy policy is more than attending to the side effects of higher prices. When the poor live in the leakiest houses, drive the least efficient automobiles, and use the most outmoded appliances, capital transfers to the poor are high-payoff investments for the nation—not welfare. During the 1970's the energy-caused downward mobility of many Americans was slowed somewhat by programs such as Fuel Assistance, and Low Income Weatherization. As inadequate as these programs were, they have been drastically curtailed by the Reagan administration. In addition to restoring these programs, the conservation and solar tax credits should be made refundable, so that lower-income Americans can participate in the restructuring of the nation's capital stock along more efficient lines.

The transformation of the nation's energy demand picture opens up new supply options. With increases in energy consumption reduced—if not reversed—renewable energy can meet an important share of the nation's energy needs. Taken in combination, hydropower, biomass (particularly wood), solar collectors, photovoltaic cells, and wind machines can meet one-quarter of the nation's energy needs by the year 2000. The ability of renewable energy technologies to provide approximately this amount of energy by 2000 has been argued by major studies from groups as diverse as the Harvard Business School's Energy Project, the Union of Concerned Scientists, and the Friends of the Earth. Generating one-quarter of our energy from direct and indirect solar energy would greatly diversify and decentralize at least part of our energy system. The Reagan administration, however, has declared war on renewable energy, and has sought to make dramatic reductions in federal spending in this area. The implications of these cuts will vary from technology to technology. A brief examination of two important but radically different renewable technologies—photovoltaics and wood—will reveal the consequences of Reagan's "solar eclipse."

For an administration at war with the nation's best energy hopes photovoltaics are a prime target. Hardly yet a household word, photovoltaics are thin wafers of silicon or other crystalline substance that convert sunlight directly into electricity. Today electricity from photovoltaic cells costs as much as power generated by new nuclear power plants (i.e., several times the average retail price). But a decade ago the gap was 1,000 times and the price of photovoltiac cells is still falling. Experts in industry, government, and the universities expect photovoltaics to be cost competitive by the late 1980's, and the basis for a major industry in the 1990's. The keys to realizing this fabulous potential are research and development, and investments in new manufacturing techniques.

The Reagan administration's response to the photovoltaic potential has been deep budget cuts: the proposed fiscal 1982 budget for photovoltaics was $62 million, a 60 percent reduction from the previous year. The impact of Reagan's photovoltaics budget will be to improve the competitive position of Japan and Europe, possibly retard the technology, and certainly increase the oil companies' control of it. Before the Reagan era, the United States was the clear leader

in the global competition to command markets for this new technology. As Reagan cuts back, the Japanese and the West Europeans have dramatically increased their spending on photovoltaics. The Japanese in particular see photovoltaics as a "sunrise industry" worthy of major government backing. One Japanese company, Sanyo, is spending $50 million on a factory to build a type of photovoltaic cell pioneered at the U.S. Solar Energy Research Institute (SERI). The U.S. photovoltaics program that evolved in the Carter years had two facets, research and development, and procurement. The purchase of photovoltaic cells by federal agencies such as the National Oceanic and Atmospheric Administration, the Forest Service, and the Department of Defense for remote energy needs created a market for cells while cutting the costs of operating the federal government. More importantly, this market enabled small, independent photovoltaic firms to finance investments in new production techniques. Without this support, the technology of such firms will either remain undeveloped, perhaps depriving the country of a superior cell technology, or else fall into the hands of the oil companies. While the almost unlimited capitalization of the oil company photovoltaic firms will ensure a U.S. presence in this new industry, the new effect of the Reagan administration cuts will be to slow the pace and narrow the scope of photovoltaic development in the United States. By the 1990's this could mean higher prices and foreign dominance of a major new industry.

At the other end of the technological spectrum, another renewable energy giant—wood—is being totally neglected. By ignoring one of the nation's fastest growing energy sources, the Reagan administration continues a long-established practice. While the eyes of the energy policy community in the seventies focused on exotic high-technology sources, wood energy experienced a dramatic renaissance. In heavily forested, oil-dependent New England, wood supplies 7 percent of total energy, three times the preembargo level. By 1980 wood supplied more energy than nuclear power, a startling accomplishment in light of the more than $36 billion in federal subsidies for civilian nuclear power. Not surprisingly, the forest products industry, the United States' largest manufacturing consumer of oil and gas, has led the return to wood. By 1990, the industry expects to be more than 75 percent self-sufficient.

The return to wood is more than a temporary or insignificant aberration that will soon burn itself out. Although wood is stigmatized as a primitive energy source, a variety of commercially available modern technologies—ranging from efficient wood stoves to wood pelletizers, to wood gasifiers—and an enormous resource base make wood an important fuel for the future. Recent studies by several energy research groups, most notably the Office of Technology Assessment, indicate that wood could provide between 10 and 15 quads, or 15 to 20 percent, of the nation's energy supply on a permanent basis.

Relying on wood for an important share of the nation's energy supply would have important equity, employment, and national security advantages. Since the ownership of wood resources is widely distributed and unlikely to be monopolized, millions of rural landowners will have a new, permanent source of income. On the employment side, wood energy use will provide six to seven times as many jobs as obtaining the same amount of energy from coal. These jobs will require moderate to low skills and will be located—unlike jobs in strip-mined coal, offshore oil, or shale oil—in regions where people already live and where a public infrastructure is already in place. Unlike the high technology, capital intensive solutions favored by the Reagan administration and the oil companies, wood would enhance and build upon existing social structures.

Using wood as an energy source is not without its problems. Inefficient burning, air pollution, and forest deterioration plague many wood-burning regions, and could limit wood's long-term potential. But these problems could be largely eliminated by two simple, inexpensive federal initiatives. First, a refundable tax credit for highly efficient wood stoves equipped with smoke afterburners would simultaneously put wood more on par with other subsidized energy sources, reduce inefficient burning, and virtually eliminate air pollution. With this federal encouragement, large numbers of wood stove users would have an incentive to buy the catalytic combusters ($100 ceramic honeycombs) that are needed to protect against harmful wood stove emissions. Second, to avoid environmental harms and to ensure adequate supply, improved management and reforestation practices must be brought to the 58 percent of the nation's forests that are owned by small (1-1,000 acres) landholders. One prototype for spreading better tree cutting and planting practices is the U.S. Department of Agriculture's New England Pilot project. Under this two-year-old program, landowners receive both technical and financial assistance in evaluating tree stands, constructing access roads, and marking trees for cutting. For a net cost to the government of $1.4 million, the program has led directly to the management of 20,000 acres, and has generated enough residues to displace 400,000 barrels of fuel oil. A nationwide expansion of this program to cover all small private land parcels would cost between $9 million and $20 million a year. Yet even this small prototype has been terminated by the Reagan administration.

A NEW AGENDA

The greatest irony of the Reagan anti-conservation strategy is that the many Americans who call themselves conservatives hold a set of values more capable with the sustainability ethos than with the boomer mentality. The Republican abandonment of a fiscal balanced budget is but symptomatic of the distance between the "burn the furniture" school of thought and the deeper conservative values of decentralized power, concern for intergenerational equity and the Yankee tradition of "more from less." Indeed, the nation's resource picture would improve considerably if we adopted in practice what the "conservatives" preach. First, a "no free lunch" approach would seal the fate of both nuclear power and synfuels. Second, an extension of the "balanced budget" concept to include our interaction with nature as well as the Federal Treasury would demand a complete reversal of the Reagan indifference to ecosystem and resource depletion. Yet a third conservative device—the use of constitutional guarantees or judicially hard to change insitutions is also worth using in the environmental/resource area.

The conservative tradition has long recognized that matters such as the money supply, basic civil rights, and the court system should be removed from immediate political control, because valuable social goods will be lost if short-term, visible aggregation prevails. But why should it be easier to do irreparable damage to an aquifer or a wilderness than to remove judges from office, tamper with rights or print more money. The same conservative impulse that says some things must be sheltered from the short-term winds of political or economic expediency should be used to restructure EPA and federal land management.●

HONORING MISS CALIFORNIA LATINA 1983-84, LISA AMEZQUITA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. TORRES. Mr. Speaker, on September 18, 1983, the first annual Miss California Latina Beauty Pageant was held in Norwalk, Calif. I am proud to inform my colleagues that Lisa Amezquita, a constituent of mine, was crowned Miss California Latina for 1983-84.

Miss Amezquita is a senior at Santa Fe Springs High School. During her reign as Miss California Latina, Lisa will travel to Hawaii with Madeline Velazquez, the 1983 Miss Los Angeles Latina. Lisa will also fulfill the responsibilities of her title by attending various social and civic functions and promoting good will throughout California during the upcoming year.

I would also like to congratulate Thomas and Dorothea McGiffin of Paragon Productions for their fine work in producing and directing the pageant. The event is sure to grow in size and public recognition in the years to come.

Mr. Speaker, I ask my fellow colleagues of the House of Representatives to extend our heartiest congratulations to Lisa and best wishes for the coming year.●

CABLE COMMUNICATIONS ACT OF 1983

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. SWIFT. Mr. Speaker, several days ago Chairman WIRTH, of the Telecommunications Subcommittee, and others introduced the Cable Telecommunications Act of 1983, H.R. 4103. As a member of that subcommittee who urged the cable industry and the National League of Cities to sit down and work out compromises of their differences on the issues involved, I am endorsing Chairman WIRTH's effort by introducing an almost identical bill. My bill embodies one fundamental change: I have delet-

ed a provision which gives cable systems the right to enter into certain aspects of the telephone business. This provision was never part of the compromise. With this exception, the language of my bill is identical to the chairman's bill.

I want to take this opportunity to discuss the legislation and to clarify my reasons for dissenting with regard to the telephone provision.

WHY LEGISLATION IS NEEDED

First, there has been a set of issues separating local franchising authorities from the cable industry for a long time. There have been abuses of the franchising process by both parties. There needs to be some resolution on these matters.

When dealing with these complex and difficult problems it is always my feeling that if the participants can work out compromises, Congress should then examine the result to assure that the public interest is upheld and adopt the agreement. It is for that reason that at a time when the cable industry was on the verge of passing legislation through the Senate that was ideal to its purposes—but without real input from the cities—I joined others, Representative WIRTH most prominent among them, urging the two parties to try to work things out. They did that and we have here the result of that work.

It is a long way from perfect. It is not everything the cable industry wanted—though it goes a very long way toward fulfilling its agenda. It is not what all the cities want. But no compromise ever looks very good when compared to whatever one's sense of the ideal is.

This bill achieves a number of very important things well and, on balance, is something I am willing to lend my name to, introduce, and start through the legislative process.

HOW MY BILL DIFFERS

There is one provision of the other bill that is unacceptable to me. It was never part of the cable-cities compromise and carries the potential for much mischief. That provision permits cable into some aspects of the local telephone loop to offer competitive services.

Mr. Speaker, those of us who serve on the Telecommunications Subcommittee are beginning to understand the rapidly expanding technology surrounding telephone service and data transmission. It is difficult to distinguish between a digitized voice conversation and the transmission of data. My colleagues' bill defines telephone service as voice communication, but not high volume data transmission. Thus, cable companies would be allowed to enter the high volume data business on an unregulated basis. High volume data transmission is the lucrative end of a local telephone company's business, and those revenues help offset the high cost of local residential service.

My bill simply deletes the definition of telephone service from my colleagues' bill. The result is that the provisions of my bill do not deal with telephone service. It leaves to others the task of determining what telephone service is.

In general, we are just now beginning to fully realize the effects of permitting competition into the long distance telephone service, and those effects promise staggering rate increases for average Americans. Before we rush into similar policy changes regarding the local loop, I think it is only prudent to let the dust settle a bit more from those FCC and Federal court decisions that were made over a decade ago regarding the long lines.

Specifically, my concern is that allowing cable systems into this area will considerably undermine the revenue base of the local telephone companies. The cable systems and other competitors to follow will drain off the lucrative, high-volume, computer-data business and leave the higher cost, low profit, residential business to the local telephone company. Most important, this provision would keep telephone companies regulated, while cable systems would be free of regulation. The local telephone companies will then become the Penn Centrals of the industry.

Mr. Speaker, as you are aware, the telephone system in this country has undergone some wrenching changes. Many of these changes have been at the behest of the FCC and the Justice Department in their efforts to accommodate both technological change as well as to promote this administration's almost religious belief in deregulation. Indeed, there has been almost a hysteria in town to promote competition in the telephone industry at any cost. Well, the problem is that whatever the causes of these changes in our telephone system, no one, and I mean no one, has any clear and concise idea of what the ultimate effects of these changes will be.

We do know that local rates can more than double. We do know that it will become more difficult for people to obtain and maintain their telephone service. There is reason to believe that some rural telephone companies may go out of business as higher rural costs force their subscribers off the system. And we do know that high volume business users can reap windfall rate reductions because of these changes.

We also know that the American public is very uneasy. Mr. Speaker, perhaps you read the recent New York Times/CBS News poll on the ATT breakup. Only 29 percent of the respondents said they understood the changes to come.

Indeed, it has been suggested that the introduction of competition into the telephone industry will bring about the deterioration of the integrated network that has made our telephone system second to none. After all, it must be remembered that there is a considerable argument that the telephone system is a true natural economic monopoly. As the monopoly becomes unraveled, so does its effectiveness.

For those who would reject this concern, I would suggest that they look no further than recent developments in the airline industry. Whatever the reality of the situation, advocates of an absolutist free market policy can not be as cocky today as they were in the late 1970's, when they were dismantling the airline regulatory structure.

In short, Mr. Speaker, I am saying that we have moved a very long way into the deregulated telephone environment already. It is time to take a breather. Let us wait and see the results of the last several rounds of deregulation before we move into the next phase.

With this one reservation, Mr. Speaker, I believe that we have made a good first cut at producing legislation which will stimulate the cable industry and provide a sound framework within which the cable industry can bring to the American public new variety in television programming and other services. Although I am uneasy with some other provisions of this bill, specifically those which would allow for the modification or termination of commitments in franchises with regard to both equipment and services, and also the provision dealing with pole attachments, I am confident we can work these matters out in our committee. I look forward to working with Chairman WIRTH and the rest of my colleagues toward this end.●

THE DEATH OF THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. MRAZEK. Mr. Speaker, recently, Peter King, the comptroller of Nassau County, N.Y., spent 6 days in Northern Ireland acting as an observer at two trials involving Catholic nationalists accused of Irish Republican Army activities.

Mr. King has long been a leader in the United States of those concerned about the violence and denial of human rights in Northern Ireland. The trials that he attended involved two recent instances of the controversial British Government policy of

holding nonjury trials based on the unsubstantiated testimony of informers. These so-called supergrass trials rarely observe the most basic standards of justice.

I am inserting a copy of Mr. King's observations. While everyone might not agree on each of his findings, they certainly demand our careful review and actions.

THE DEATH OF THE CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

I just recently returned from Belfast, Northern Ireland, where I served as an international observer at the "Super-Grass" informer trials at the invitation of Relatives for Justice, a Northern Ireland based organization. During my stay in Belfast I observed proceedings in two of the informer trials (McGrady and Grimley); met with members of the legal profession, officials of the Northern Ireland Office, relatives of defendants and a representative of the Official Unionist Party; and visited a prisoner in Belfast's Crumlin Road Jail. Based upon these experiences, I have categorically concluded that the criminal justice system in Northern Ireland has become nothing but an extension of British military policy and that the informer cases against alleged members of the Irish Republican Army are "show trials" reminiscent of Stalin's Russia.

I realize the implications of such conclusions but the fact is that the criminal proceedings being conducted by the British against Northern Ireland's Catholic community would never be tolerated in the United States or England. Consider the following:

Defendants are being convicted on the uncorroborated testimony of informers.

Defendants are denied jury trials.

Most defendants—even those in non-capital cases—are denied bail and are imprisoned for as long as two years before being brought to trial. However, three members of the Royal Ulster Constabulary (Northern Ireland police), who were accused two weeks ago of murdering a Catholic, were granted bail.

Defendants are detained and interrogated by the police for up to 7 days during which time they are not allowed to speak or meet with anyone including their lawyers or family members.

Large members of defendants—as many as 38 in one case—are tried together in a mass trial despite the fact that the crimes they are accused of committing are totally unrelated.

Defendants are not allowed to assert the defense of entrapment.

Spectators are required to give their names and addresses before entering the courtroom—a practice which is "inherently intimidating."

Defendants in one informer case (Patsy McGuirk) were denied their right to confront the informer before trial.

Although a number of Northern Ireland's Judges have strong Unionist and Orange Order backgrounds, defendants are not allowed to request a Judge to disqualify himself because of prejudice.

Except for the media, spectators in the courtroom are not allowed to take notes and are thereby prevented from recording what they are observing. I was allowed to take notes for two days. However, on the third day I was ordered to stop by the Police who told me the Judge thought I was "a threat to the Judge's security."

Although the Police are allowed to sit among themselves and talk in the courtroom, I observed a defendant's wife being barred from court in the afternoon because she smiled at her husband when leaving the court that morning.

Although members of the unionist community are occasionally brought to trial on the basis of informer testimony, the overwhelming number of defendants in these cases are from the Catholic community.

Relatives visiting prisoners in Crumlin Road Jail are made to wait in line outside the prison for up to one hour. They are subjected to public ridicule and have no protection from the elements.

Finally, I had occasion to meet with Fr. Denis Faul, an outspoken opponent of the IRA, who says Sunday Mass in Long Kesh Prison Camp outside of Belfast from which 19 IRA prisoners had successfully escaped on September 25th. When Fr. Faul went to Long Kesh on October 2nd, he learned that the prison guards had been so enraged by the escape that they brutalized the prisoners who had not escaped. Attack dogs were turned loose in the prison and 18 prisoners were hospitalized for severe dog bites. Numerous other prisoners were severely beaten, particularly the prisoners who were recaptured. In all, 80 prisoners required hospitalization. The reaction of the Northern Ireland office to Fr. Faul's allegations was to threaten to keep him from Long Kesh if he persisted in speaking out.

Northern Ireland has become a police state. The last bulwark of a free society is an independent judiciary. The sad fact is that the Judges of Northern Ireland have allowed themselves to become an extension of the inhuman, oppressive military policy which characterizes British rule in Northern Ireland. Americans should be particularly concerned with this breakdown of justice in Northern Ireland because the United States and England share a common legal heritage. Moreover, as the leading voice for human rights in the western world, the United States can no longer remain silent while England carries on its tyrannical rule in Northern Ireland. If we as Americans do not speak out and condemn these brutalities, there will be blood on our hands as well.●

MASASHI KAWAGUCHI

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1982

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today in honor of one of the Los Angeles community's most valuable citizens, Mr. Masashi Kawaguchi. At a testimonial dinner on November 8, 1983, Mas will be honored for his philanthropic activities—and let me tell you, Mas deserves the tribute.

For more than 30 years, Mas has devoted himself to serving his community. As an entrepreneur who transformed a single fish and poultry store into a corporation with five plants and 700 employees, Mas Kawaguchi has provided an essential service with uncommon skill.

Yet Mas has served as more than a super-businessman. He has been a super-citizen. Mas has actively served on the boards of such community organizations as Hirpshima Kenjinkai, the Los Angeles Hongwanji Buddist Temple, the Japanese Chamber of Commerce, the Japanese American Cultural Community Center, and the Kyodo System of Japanese Language Schools.

Perhaps most notably, Mas established the Kawaguchi-Kihara Memorial Foundation in 1978. This foundation contributes $100,000 each year to various nonprofit groups, including the Boy Scouts of America, the Japanese American Citizens League, the City of Hope Hospital, and the American Heart Association.

Mr. Speaker, as you can see, these contributions are truly extraordinary. Mas Kawaguchi has indeed given unselfishly of himself to his community for over three decades. Today I ask all the Members of this House to join me in honoring this dedicated, effective citizen and in wishing Mas and his wife Michiko all the good fortune they richly deserve. Thank you.●

TENNESSEE'S TEACHER OF THE YEAR

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. COOPER. Mr. Speaker, I would like to pay special tribute today to Mrs. Sandra Couch of Sparta, Tenn., who has recently been recognized as Tennessee's Teacher of the Year for 1983.

Sandra Couch has been a teacher in Sparta for the past 10 years. She currently teaches home economics at the White County High School, where she herself had been a student. She is also the chairperson of the school's consumer homemaking department and the faculty adviser of Future Homemakers of America Club.

Sandra's teaching philosophy is quite admirable. She does not limit her teaching to just one subject area, but she takes every opportunity to teach students in writing, mathematics, history, science, and other subjects. By teaching more than just her specialty, Sandra Couch is showing her students how to have an active, curious mind. This may be the most important lesson of all.

Her parents, Mr. and Mrs. Yancy Hunter, her husband, Kenny Couch, and her two childern, Kent and Kylie, have reason to be proud. Sparta and White County are lucky to have such a valuable teacher. I am very proud to congratulate Sandra Couch for being named Tennessee's 1983 Teacher of the Year.●

JESSICA SAVITCH

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. SCHULZE. Mr. Speaker, I rise to express my sorrow over the untimely death of Jessica Savitch, one of television's most competent and professional journalists. Ms. Savitch will be remembered for her insightful, authoritative reporting and a talent which won her numerous awards and the acclaim of her peers.

Ms. Savitch was born in Kennett Square, Chester County, Pa., the oldest of three daughters of Florence and David Savitch. As a youngster she attended Kennett schools, until the death of her father prompted her mother to relocate to the New Jersey area. She is recalled by Mr. Kenneth Wendall, her world history teacher at Kennett Junior-Senior High School, as being a top student who was involved in the home economics and drama clubs and was elected to the student council.

Although she did not seek to be a role model, Ms. Savitch was a pioneer in her field. Pursuing her dream of becoming a reporter, she charted a course for herself at a time when few women occupied positions of authority in television news. When she was growing up in Kennett Square, in the 1950's, the word "anchorwoman" was nonexistent and the field of broadcast journalism offered few opportunities for women. It was during her high school years that her career goal began to take shape and definition. Hired as a disc jockey and news reader on the radio show, "Teensville," the experience provided her with a sense of belonging and clear determination to pursue a career in broadcast journalism. However, she soon discovered that with few women working in broadcasting, a wide range of obstacles and myths about women persisted in the industry.

She first encountered this reality while a student at Ithaca College when she was denied an on-air position at the college's AM and FM station. She experienced other barriers to advancement when, after receiving her bachelors degree, in 1968, she proceeded to search for an entry-level broadcasting position. As recounted in her autobiography, "Anchorwoman," she sent résumés to dozens of radio and television stations only to be rejected for a variety of specious reasons, among them that women could not work late and women's voices were not authoritative. Always undaunted, she continued to hone her craft as a research assistant in New York until she was hired by KXOU-TV, a CBS affiliate in Houston, as a general assignment reporter. Three months after she joined the station, she auditioned for the vacant weekend anchor position and was selected over several male applicants thus becoming the first anchorwoman in the South.

Increasingly determined to seek broader challenges, Ms. Savitch signed with KYW-TV in November 1972. Her popularity with viewers and her thorough and aggressive reporting merited her promotion to coanchor of the early and late evening editions of Eyewitness News. While in Philadelphia, she became noted for her journalistic zeal and produced several award-winning documentaries and special reports. Her five-part series, "Rape * * * the Ultimate Violation," which won the Clarion Award from Women in Communications, Inc., was viewed in legislatures in Pennsylvania, New Jersey, and Delaware and was a catalyst for revision of laws regarding the treatment of rape victims in those States.

Through personal dedication and commitment, Ms. Savitch forged a path of her own and helped to carve an expanded field of opportunities for women emerging in television news. Whether covering Capitol Hill, reporting feature stories, or serving as anchor, Jessica Savitch projected total competence. In the high-powered world of network news, she provided an inspiration to many women broadcasters and earned the respect of all her colleagues, male and female. Moreover, even in the face of personal loss and tragedy, she was the consummate professional.

Ms. Savitch often took time to advise students seeking careers in broadcasting. She commented in her autobiography that television news is a delicate balance of serving public good and private gain. "Dedicate yourself," she said, "to understanding the difference. Draw the line between the two and stick to the public good."

Mr. Speaker, the high ideals and qualities of personality and talent which endeared Jessica Savitch to her family, friends, and the viewing public will be keenly missed in Pennsylvania and throughout the Nation.●

THE COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. GARCIA. Mr. Speaker, in the closing days of business before the summer district work period, the House considered and passed S. 118, creating a Commission on the Bicentennial of the Constitution. At that time, I intended to enter into a colloquy with my colleague from Pennsylvania, Mr. FOGLIETTA. Unfortunately, time constraints did not allow us to do so. For that reason, I would like to make a brief statement at this time to address those issues that we had planned to discuss.

This bill, S. 118, is the companion bill to H.R. 1987, which I authored. One of the primary duties of the Commission established by the bill will be to "plan and develop activities appropriate to commemorate the bicentennial of the Constitution." This includes, in the language of the bill, "a limited number of projects to be undertaken by the Federal Government." In doing so, the Commission is directed to take into consideration "the historical setting in which the Constitution was developed and ratified."

This celebration should be of a national scope, and should take place throughout the country. Certainly Philadelphia, where the Continental Congress met in 1787 and adopted the Constitution, occupies a special category historically and should appropriately be recognized as such. The language of the bill states that all activities should "balance the important goals of ceremony and celebration with the equally important goals of scholarship and education." I would think that Philadelphia can, and will, be an important part of our celebration of this significant milestone.●

RECOGNITION FOR BUD GREENWELL, PRESIDENT, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 11586, SANTA FE SPRINGS, CALIF.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. TORRES. Mr. Speaker, I would like to call to the attention of my colleagues an individual I have come to know and admire over the past few years. Bud Greenwell, president of local 11586, Communications Workers of America, has dedicated his career to improving the welfare of his coworkers and his community.

Born April 22, 1944, in Compton, Calif., Bud was raised and attended local schools in nearby Lynwood. After he graduated from Lynwood High in 1962, Bud began working for General Telephone of California. In 1965 he entered the U.S. Army and was stationed in Vicenza, Italy. During his tenure in the U.S. Army, Bud was awarded both the Soldier of the Month and the Soldier of the Quarter of the Battalion Division. He also received the Good Conduct Medal and was honorably discharged in 1967. Following his service in the U.S. Army, Bud resumed his position with Gener-

al Telephone of California. Bud married his lovely wife, the former Joanna Boyd-King of Norwalk, Calif., on August 30, 1969. Bud and Joanna have two children, Anna Elizabeth and Bradley Jacob.

For nearly 20 years, Mr. Speaker, Bud Greenwell has been an active member of the labor union movement. Since working at General Telephone of California, Bud has been a member of CWA Local 11586. He became a steward of CWA Local 11586 in 1976. In 1977, he became an executive board member of CWA Local 11586 and a year later the local's vice president. From 1979-82, Bud served as the executive president of local 11586. In 1982 the members of local 11586, seeing Bud's commitment to the workers of the communications industry, voted him their president.

In addition to his involvement in the affairs of CWA Local 11586, Bud has been active in other union activities and civic organizations. He is a member of the Los Angeles County Federation of Labor, the Coalition of Labor Union Women, the Committee on Political Education and has served as the coordinator of the employee assistance program for alcohol, drugs, and social services.

Among his many civic activities, Bud has been involved in organizations like, Toys for Tots, the United Way, the City of Hope, the March of Dimes, various nonprofit fundraising telethons and the Red Cross Blood Drive. He is also a member of the Los Angeles Olympic Citizen Advisory Commission.

Mr. Speaker, Bud's record shows a commitment to his fellow worker and his neighbor. I ask my fellow colleagues to join me in thanking Bud for this commitment and wish him well in the years to come.●

HAWTHORNE, CALIFORNIA LIBRARY CELEBRATES 70 YEARS OF SERVICE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. DYMALLY. Mr. Speaker, I am pleased to join with my fellow Members in the California Delegation and with those everywhere who respect the contributions our public libraries make to the quality of life in America in celebrating 70 years of public service by the Hawthorne Library. Hawthorne Library has been a part of the Los Angeles County Public Library family since 1913.

In its first years Hawthorne Library was housed in a basement. In its seven decades the library has moved from those humble beginnings to become a major resource of more than 130,000 volumes for the people of the 31st District of California. Through its long history, Hawthorne Library has contributed meaningfully to the self-education, wisdom, and growth of all residents in the community.

It is very much to be regretted that across the Nation many State and local governments are feeling the need to pare back their budgets, and that one of the victims of this paring back has been the libraries of the Nation. In California, over the past several years many branch libraries have been closed, librarians have been laid off, and the hours of many libraries still operating have been reduced. This is a tragic occurrence. It stunts the intellectual growth of our children, and deprives adults of access to information in an age in which information has become so essential to our activities that many have called this the "Information Age."

When a library has survived not only the trials of this decade but that of six previous decades as well, it is a cause for joy, celebration, and thanksgiving. It is such a cause because it means much more than that a building has survived the ravages of time; it means that one of the primary public institutions contributing to the growth of our own humaneness has survived all attempts at destruction. Libraries are repositories of the most enduring fruits of our intellect. When we celebrate the anniversary of a library, we celebrate the triumph of our humanity.●

RECOGNITION OF SERVICE, PASSAIC COUNTY DETACHMENT, MARINE CORPS LEAGUE, INC.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. ROE. Mr. Speaker, November 10, 1983, will mark the 208th birthday of a branch of our armed services that has been celebrated in legend and song, and which, as we have seen in recent weeks, has literally put its life on the line to preserve peace and democracy around the world. It is a branch of our armed services which can claim great credit in helping to make—and keep—our great Nation a free one. I speak, of course, of the U.S. Marines. It is not my intention here to detail the illustrious history of the Marines, for if I were to do so, I would be speaking for a very, very long time.

Mr. Speaker, while this year marks more than two centuries of longevity for the Marines, it also marks the 50th birthday of a related organization which, in my home area of Passaic County, N.J., has provided a great service in spreading throughout its domain the pride and spirit of the Marines. I speak of the Passaic County Detachment of the Marine Corps League, Inc., and its exemplary commandant, John A. Miller of Paterson, N.J.

According to the national charter of the Marine Corps League, Inc., it is the duty of the organization "to perpetuate the history of the U.S. Marine Corps, and by fitting acts to observe the anniversaries of historical occasions of particular interest to Marines."

Mr. Speaker, the very first commandant of the Passaic County Detachment of the Marine Corps League in 1933 was Charles J. Huntington. Recent commandants have included Louis DeSantis, Sr., Michael Bremus, Robert Bressman, Joseph White, and Louis DeSantis, Jr.

Mr. Speaker, the Passaic County Detachment, Marine Corps League, Inc., adhering to the principles of its charter, will convene next month for its annual birthday ball with the purpose of not only recognizing the Marines' 208th anniversary, but also to wish them Godspeed in their many valiant efforts around the world, and remember all of those brave marines who have answered the call of their country. I join them in heart in this effort, and I commend the Passaic County Detachment of the Marine Corps League, Inc., for its outstanding service to the Marines, the State of New Jersey and this Nation for the past 50 years.●

THE GRENADA INVASION: GUNBOAT DIPLOMACY AT ITS WORST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. RANGEL. Mr. Speaker, I rise to voice my strong opposition to the use of American soldiers and marines to invade the island of Grenada.

President Reagan has embarked on a frightening policy of gunboat diplomacy. He is showing a growing proclivity for using force without hesitation whenever and wherever he deems it necessary. I am really concerned that this may only be the beginning of a new era of violent diplomacy at the expense of constructive dialog.

President Reagan has tried to convince us that the deployment of Marines and Rangers was the only viable option to protect American lives and restore democracy. Does he not realize that his Caribbean policy is largely responsible for the bloody coup that led to the murder of Maurice Bishop? If he is so interested in restoring democracy to the Grenadan people, he should have opened a line of communication with Bishop.

Mr. Bishop was repeatedly rebuffed by the President, who tried with some success to isolate Grenada. As is often the case, this isolation merely served to push Grenada into the arms of the Soviets and Cubans. Reagan made a terrible blunder that is now causing the deaths of young men from many nations. His foreign policy lacks tact, wisdom, and the will to take the lead in negotiating solutions to the world's problems.

It is interesting to observe that the Reagan administration has been most selective in deciding where to push for democracy. The President has very cozy relations with some of the most brutal regimes in the world, including South Africa, Guatemala, and Chile. Our credibility will suffer because of his unrestrained use of force. He is naive to think otherwise.●

STEVE BELICK

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today in honor of an extraordinarily valuable citizen, Mr. Steve Belick, Santa Clara's city clerk.

Steve Belick has served Santa Clara as a public official for 36-years. In 1947 after fighting for our country honorably in the Second World War, Steve was appointed to the position of Santa Clara city clerk, and in 1952, Steve became the first elected city clerk as well as the appointed city auditor of Santa Clara. During Steve's early years in public office, Santa Clara was adjusted to a new city charter, and Steve's strong leadership helped Santa Clara make the essential transition. Having proven his ability, Steve was consistently reelected as city clerk, and in the next three decades, Steve served not only as Santa Clara's city clerk but also as Santa Clara's city manager and director of finance. Thus, Steve presided over the development of one of our country's most prosperous cities.

Clearly then, Steve Belick has served his country, his city, and the Santa Clara community in an exemplary manner. Mr. Speaker, I ask you and all Members of this House to join me in honoring this outstanding individual, and in wishing Steve and Geraldine Belick all the good fortune they deserve. Thank you.●

TRIBUTE TO WILLIAM POPEJOY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to William Popejoy, the winner of the Distinguished Citizen Award from the Anti-Defamation League of B'nai B'rith, Pacific Southwest Region Financial Industry Committee.

William Popejoy has been a leader in the national savings and loan industry since the 1960's. He currently serves as the chairman of the California Savings & Loan League and as a member of the board of directors of the Federal Home Loan Bank of San Francisco. He is also a member of the Federal Home Loan Mortgage Advisory Committee and is regional legislative chairman of the United States Savings & Loan League.

William Popejoy has also been an active member of his community, giving his time and energy to numerous worthwhile causes. He has been a generous supporter of the Anti-Defamation League, assisting in their community relations projects and research.

Mr. Speaker, William Popejoy is clearly deserving of the Distinguished Citizen Award he is to receive. He has led an exemplary life, and has earned the respect of all who know him.

On November 2, 1983, William Popejoy will be honored at a dinner-dance in Los Angeles. I would like to extend to him my congratulations and best wishes on this happy occasion, and commend him for all that he has done. William Popejoy is certainly a distinguished citizen.●

AN INSIGHT ON CAPITALISM

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. WEBER. Mr. Speaker, Andy Hilger, owner of WJON Radio in St. Cloud, Minn., has written an excellent article on the virtues of the market economy in the St. Cloud Visitor. Andy expressly points to those institutions which are fostered under a market economy—families, small businesses, and property.

This article deserves the attention of Members as well as those who will be asked to contribute to the upcoming research sponsored by the National Conference of Catholic Bishops. The bishops over the next year will undertake to examine and comment on the nature of American capitalism. Their task is great—reflecting on this piece will make their answer about the success of the market process a little easier.

Mr. Hilger, I believe, forces us to ask ourselves about the future of the market order in this Nation. A strangling government is likely to destroy the incentives for wealth creation and distribution.

The article follows:

[From the St. Cloud Visitor, Oct. 13, 1983]

THREE CHEERS FOR CAPITALISM!

(By Andy Hilger)

(Andy Hilger is the owner of WJON-WWJO radio in St. Cloud; he has worked in radio in the area in various positions since 1958. He, his wife Carol and their four children are St. Cloud residents and members of St. Paul's Parish.)

The Catholic bishops of America will soon debate a Church statement concerning Christianity and capitalism. Bishop George Speltz of the St. Cloud Diocese is one of five bishops writing the statement.

Capitalism is a system in which land, factories and tools are owned by individuals or by the businesses they form instead of by government. These individuals or businesses compete with one another, using their own labor or hired labor to produce goods and services sold in a free market for a profit, with a minimum of government control or interference.

Capitalism or private free enterprise, as it is often called, has played a crucial role in building America into the greatest success story in history. Two hundred years ago, America was a poor nation where men and women worked 12 to 18 hours a day at least six days a week. Child labor was required for families to survive. Horses and oxen pulled wagons and plowed fields. Electrical power didn't exist. The internal combustion engine was 100 years away. There was no running water in our homes.

Today, is a marked contrast. Workers' wages have reached a level unprecedented in any nation on earth. We produce in one hour the wheat it took our forefathers one week to produce. We travel in five hours the distance it took them two seasons.

One-half of all the goods produced in the past 10,000 years have been produced in the United States in the past 200.

The number of people who own shares in public companies is over 125 million, or 75 percent of the population over the age of 13. They own through life insurance policies, pension plans or direct ownership.

Many of our great institutions such as hospitals, universities, houses of worship, social program, and art museums flourish on the profits of the free enterprise system.

Americans have been accused of being exploitive, wasteful and extravagant. The Catholic bishops of Latin America have described their countries as "victims" of U.S. capitalism. Professors, authors and social commentators point their fingers at capitalism for its imperfections.

Yet, Americans in fact are not only the most productive but most generous people on earth; people swim rivers and ride ocean rafts to get here.

Let me suggest some elements of a successful and healthy system of capitalism that the bishops might consider for their statement:

STRONG FAMILIES

Capitalism needs loving and supportive homes, the best training grounds for the young in the habits of cooperative and re

sponsible conduct required of a good employer or employee. Children raised in such homes learn that they will have to be responsible parents, a strong antidote to the ideal that government must care for everyone. Parents and children learn that authority must be exercised, responsibility accepted, rules obeyed, good habits developed, selfishness must give way to sharing, and that nothing worthwhile is accomplished or talents developed without hard work and dedication.

PERSONAL INTEGRITY

No one in business can survive if he's dishonest or doesn't serve the public interest. A sharpie may gain a temporary advantage, but, over the long haul, his business will surely falter and fail. In order to succeed, a person in business must treat others right, and be totally honest.

LAWFULNESS

Capitalism flourishes most in a free society. But a free society, like a family, is not where everyone does his own thing. That is a jungle and the inhabitants are savages. We must learn to cooperate with laws and informal codes of conduct. . . the Ten Commandments, professional ethics, sportsmanship, manners, morals, partriotism, loyalty, fidelity, truthfulness, giving a good day's work for a good day's pay. When these codes of conduct break down, government will move in with heavy hand and regulate more and more details of citizen behavior. Some say America is turning into a society "without rules." That could result in a police state and a breakdown of our free enterprise system.

INCENTIVES AND RISK-TAKING

Capitalism needs risk-takers. Those with faith, who risk their fortune, mortgage their home, and dedicate themselves to the success of a new business. They must sacrifice immediate gain and reject leisure for the possibility of future reward. There is no guarantee. Four out of five new businesses don't last one year. But, America was built by courageous people who could see farther than others and took risks. The rewards of risk-taking must not be taxed away by politicians stoking the coals of envy. Destroying incentives will dampen entrepreneurial ambition and lead to ecomonic stagnation.

PRIVATE PROPERTY

The desire for private property, whatever its form, is deeply rooted in man's nature. When government owns the tools of production, production goes down and the tools don't last long. When you own something, you take care of it, and seek to improve it. Consider the care given a house you own and one you rent. Farmers in Russia produce 50 percent of its national agriculture output on privately-owned one-acre plots. Destroy a person's desire for ownership of private property and you destroy his self-respect and his hope for self-improvement.

AN UNDERSTANDING OF WEALTH

We hear much from our religious media and educational leaders about the need for redistributing wealth. That usually means higher taxes to transfer income from the well-off to the poor. I don't object to that idea in principle, but it can get out of hand, and, if carried to the extreme, be economically destructive. Too pervasive a welfare system can destroy work incentives, both of those from whom income is extracted and those to whom it's given.

Ayn Rand wrote in The Fountainhead "Men have been taught that the highest virtue is not to achieve, but to give. Yet one cannot give that which has not been created. Creation comes before distribution . . . or there will be nothing to distribute. The need of the creator comes before the need of any possible beneficiary. Yet we are taught to admire the second-hander who dispenses the gifts he has not produced above the man who made the gifts possible. We praise an act of charity; we shrug at an act of achievement!"

We need a theology of capitalism. In my view, it would be grounded on an empirical study of how wealth is produced among nations, even small nations like Japan with few natural resources. It would also emphasize the necessary elements of responsible freedom, strong family life, personal integrity, lawfulness, risk-taking, incentives, and respect for personal property. It is the responsibility of our religious and cultural leaders not to point fingers at a system, but to transmit ideals and standards, to build a responsible populace.

Capitalism is for a free people. It recognizes that man is special, that he has a spirit more important than his belly, and that he should be free . . . not to terrorize his neighbor or satiate his appetites, but to evolve into the kind of whole man God intended him to be. St. Paul wrote: "Freedom is what we have. Christ set us free . . . do not allow yourselves to be slaves again."

Capitalism is the economic dimensions of freedom. We should study it, shore up its defenses, strengthen its components, and proclaim it to all who will listen.●

PERSONAL EXPLANATION ON HOUSE CONCURRENT RESOLUTION 187

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. PAUL. Mr. Speaker, I would like to take this opportunity to explain why I voted "present" on House Concurrent Resolution 187, the resolution deploring the assassination of Benigno Aquino.

I agree—as I am certain all of us do—with most of the statements in this resolution. I, too, deplore the assassination. I, too, would like to entend my condolences to his family. I, too, believe that there should be a thorough, impartial, and independent investigation of this heinous crime. I certainly support free and fair elections in the Philippines. I also favor a free press.

There are, however, several statements in this resolution that I find questionable. While I did not find them so objectionable as to vote "no," I was compelled to vote "present."

I cannot endorse the statement that "in the wake of the assassination there may be a greater tendency on the part of the Filipino people to support those who would resort to violence as a way to bring about change in the Philippines." Although there were large demonstrations immediately following Aquino's death, there is no evidence that violence has become standard operating procedure for the Filipino people. I find it inappropriate for the U.S. Congress to utter prophesies of future gloom and doom.

My major objection to House Concurrent Resolution 187 concerns section 4. This section contains a thinly veiled threat to resort to the old carrot-and-stick tactic. Or should I say dollar-and-stick tactic?

Many will argue that this is an acceptable tactic. After all, why not get some leverage or return on our foreign aid investments? I agree that if we are going to give away billions each year, we should not do so indiscriminately. However, I do not think we should be giving away the money in the first place.

We have failed to examine critically whether we have the right, as a body, to dangle the almighty dollar under the noses of foreign leaders. We currently have the power; we have appropriated that for ourselves. But do we honestly have the moral right, or the constitutional authority, to confiscate billions of dollars from hard-working U.S. taxpayers and give them to the Marcoses, the Jaruzelskis, and the Andropovs of this world? No, we do not.

Nowhere in the Constitution does it grant Congress the power to finance and prop up foreign governments, regardless of their political hue.

Benigno Aquino's assassination was a despicable act. However, let us not use one man's tragic death as the pretext for our foreign policy approach to another nation.●

HONORING RABBI GREENZWEIG

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. SOLARZ. Mr. Speaker, on Sunday evening, the Council of Jewish Organizations, one of the most distinguished groups providing a full range of social services in Brooklyn, will be honoring one of our community's best known and most effective leaders, Rabbi David Greenzweig.

I want to take this opportunity to honor the rabbi before my colleagues in the House of Representatives, and pay tribute to him, on the eve of this gala event.

Rabbi Greenzweig, a descendant of a great and long line of rabbinic scholars, is at the center of the religious life of our community. He is the most distinguished leader of the Bobov institutions in our community. But in addition to the substantial spiritual contributions which he has made, his mark and accomplishments are also evident in terms of his leadership on social service issues.

Rabbi Greenzweig was one of the founders, 10 years ago, of the Council of Jewish Organizations—COJO. This is an umbrella group, representing over 170 organizations which serve the community of Boro Park, providing an impressive range of community, employment, career, educational, mental health, and other services to my constituents. For 4 years, the rabbi served COJO as its president.

He initiated a series of contacts with the New York City, New York State, and Federal agencies which, at his urging, awarded several important grants to fund services for the aging.

He acted as liaison between COJO and the civic community of Boro Park on many important occasions.

He made housing preservation and neighborhood stabilization one of his highest priorities. These activities have helped substantially to counter the trend of urban flight so prevalent in Northeastern communities.

How would I best describe Rabbi Greenzweig?

He loves his fellow man. He fulfills his religious commitments in the most profound and beautiful ways. He loves his country. And he loves his community.

In my view, COJO, by honoring this exemplary man, does itself a tribute through its recognition of his fine work.●

CONGRESSIONAL SALUTE TO THE HONORABLE JOSEPH ORDINI OF PATERSON, N.J., OUTSTANDING BUSINESSMAN, COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. ROE. Mr. Speaker, on Sunday, October 30, residents of the city of Paterson, my congressional district and the State of New Jersey will join together in testimony to a prominent businessman, outstanding community leader and good friend, the Honorable Joseph Ordini of Paterson, N.J., whose standards of excellence throughout his lifetime have earned him the highest respect and esteem of all of us who have the good fortune to know him. I am sure that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Joe Ordini, his good wife Wilma; their children: Joseph Jr., Carole, and Paul; and their grandchildren: Charles, Kim, Jennifer, Michael, and Kate on this special milestone of achievement in their family endeavors—public recognition by a grateful community.

Mr. Speaker, the pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream—that is the success of the opportunity of America—and the mark of distinction in our society of "the self-made man."

Do you and our colleagues remember the last time you heard that expression: "The self-made man?" It is most refreshing to share with you and our colleagues the substance of life's pursuits and good deeds of a most distinguished citizen and his good family of my Eighth Congressional District, Mr. Joseph Ordini, Sr., whose aspirations and success in the mainstream of America's business enterprises does indeed portray a great American success story.

Mr. Speaker, with your permission I would like to insert at this point in our historic Journal of Congress the story of Joseph Ordini, Sr., as presented to me by the cochairmen of the testimonial in Joe's honor, Larry Giglio and Charles Giannelli. This profile of Joe Ordini's vigorous efforts in fulfillment of life's purpose intertwined with the warmth of inspiration and hope that is ever present in our land of opportunity reads as follows:

HONORABLE JOSEPH ORDINI, SR., A GREAT AMERICAN SUCCESS STORY

Joseph Ordini was born April 12, 1921 in Paterson, New Jersey and is one of nine children of Italian immigrant parents, Peter Ordini and Vincenza Gallo Ordini, who were blessed with six sons: Joseph, the late Louis Sr. (an inductee of the Paterson Hall of Fame), John, Alexander, Frank and Albert; and three daughters: Caroline Ordini Truhlar, Rose Ordini Napadano and Theresa Ordini Del Sardo.

Joe Ordini is a graduate of Public School #15, Sandy Hill Park, Paterson, New Jersey and Paterson's Eastside High School, where he performed as an outstanding athlete, winning All-State honors in football before graduating in 1941. For three years, Joe lettered in baseball and football. In his senior year, as a running back, Joe set high school records as a punter and averaged at least one touchdown per game. On Thanksgiving Day, before 12,000 spectators at Hinchcliff Stadium, Joe scored two touchdowns against Central High School, running 90 yards for one score.

In the late 30's and early 40's, Joe was a starting player on a nationally known softball team, "Bob Wardle's Hot Tens," out of Paterson, New Jersey. As a softball player, Joe was a hard throwing pitcher and slugging outfielder. In his softball career, he pitched three no hit, no run games, and has a lifetime batting average of over 400.

As a pitcher and outfielder for the "Hot Tens," he played non-stop on the team that set the World Endurance Record of 570 continuous innings, spanning 24 hours and 15 minutes, against the "Denville Sharks" of Denville/Rockaway, N.J.

Larry Doby, one of Joe's high school team mates, always had the highest praise for Joe's athletic ability and hoped that they would both win scholarships and be able to go on to college and play ball together. Joe Ordini did win several athletic scholarships, including full scholarships to Georgetown University and Boston University, but he chose not to attend college. Instead he enlisted in the United States Coast Guard to serve his country in America's time of need.

Joe served with distinction during World War II. He initially enlisted in the Coast Guard, but was later transferred to the United States Navy. During his four-year tour (June 1942–February 1946) Joe was a Radarman on several United States ships, including the USS Knoxville, and progressed through the ranks to First Class Petty Officer. He saw action and duty in the North Atlantic as well as the Mediterranean prior to his honorable discharge in 1946.

In 1946, Joe Ordini married his high school sweetheart, Wilma Ruth Day of Paterson, New Jersey and they are proud of their three children: Joseph Jr., Carole and Paul; and five grandchildren: Charles, Kim, Jennifer, Michael and Kate.

Upon completion of his military service, Joe went to work for his older brother Lou, selling wholesale cleaning and janitorial supplies. Wholesale selling was not Joe's forte at that point in his life, so he left that line of work in 1948 to begin his own business, Home Newspaper Delivery Service, for the greater Paterson, New Jersey area. At this point, Joe's entrepreneurial spirit came to the fore. He began offering free hampers, toasters, coffee pots, and other appliances as a premium if people would subscribe to his newspaper delivery service.

In his first year in business, Joe tripled his volume, while continuing his athletic exploits. He has won many individual local and state championships in handball and bowling.

In 1951, Joe realized that selling toys and appliances would be more lucrative than giving them away in return for newspaper delivery subscriptions and commenced selling toys and small appliances from his basement and garage in Paterson, New Jersey. He soon expanded his sales market to a neighboring state. By 1966 a standard/large size store was not adequate for Joe's extensive swimming pool, lawn mower, pool table and multi-faceted toy business. In addition to building several warehouses, he bought the Riverside Bowling Alley which he converted into a tremendous retail outlet store.

Always politically active behind the scene and a highly compassionate civic-minded individual and outstanding community leader, Joe Ordini became President of the Sparks Buying Group. Sparks was an overseas purchasing group comprised of twelve independent businessmen. Joe served as President of the Sparks Group from 1962 to 1970.

Joe was principal owner and partner of a multi-million dollar Home and Roam Leisure Products from 1974 to 1980. Joe's multi-million dollar operation is incorporated in New Jersey as Joe Ordini, Inc. In 1971 Joe and his son, Joe, Jr., opened a second retail outlet in Morrisville, Pennsylvania. In 1975 that operation was moved to Bristol, Pennsylvania. In 1983, Joe Sr. and Joe Jr. opened their third retail outlet store in Newark, Delaware. Joe Ordini has firm plans to continue his expansion program by opening additional retail stores.

Joe Ordini, entrepreneur, businessman, civic leader . . . continues in the highest of American tradition to build his business and provide jobs for his fellow Americans.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life and way of life here in America. The story of Joe Ordini's life truly enfolds the

real heartbeat and pulse of America—the businessman and his family—and the dream and achievements of a distinguished citizen who climbed the ladder of success in the great American way.

Joe's personal commitment to the economic, social and cultural enhancement of our community has been a way of life for him. I appreciate the opportunity to call your attention to his lifetime of outstanding service to people and seek this national recognition of all of his good works. We do indeed salute a distinguished citizen, good friend, and great American—the Honorable Joseph Ordini, Sr. of Paterson, N.J.●

PROMOTING COMPUTER USAGE IN THE CLASSROOMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. SKELTON. Mr. Speaker, today I am introducing legislation to promote computer usage in the classrooms, increase teacher knowledge of computer software, and bring the business sector and the educational community together to work on developing instructional software.

At this time the vast potential of computers in classroooms is not being realized. Teachers have only a limited knowledge of computers and instructional software. Additionally, educational software is very expensive and many school districts cannot afford to bring this vital teaching aid to their students.

The National Educational Software Competition Act, which I am introducing today, would lead to teachers having a better selection of and understanding of educational software. Also, by increasing competition among manufacturers, we can try to bring the price of software under control and eventually down, thereby making it available to all school districts.

Are computers vital to education? Studies show that computers increase student motivation, interest, and cognitive learning. This is vital in an age where there is so much a person must know to survive. A solid education is more important today than at any point in our history.

The competition will be judged by a bipartisan commission of educators appointed by the President. Finalists in the competition will be invited to display their entries at a fair where industry, educators, and the public will be able to view the software entered, and see it in actual use. The fair will also provide an opportunity for teachers to learn about the use of computers as teaching aids and how to select the right kind of software for their needs.

The National Educational Software Competition Act will bring industry and educators together to work on the shortage of computer software for use in classrooms. It is a step in the direction of excellence in education.●

PERSONAL EXPLANATION ON H.R. 4154

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. KOLTER. Mr. Speaker, I oppose H.R. 4154, the Omnibus Budget Reconciliation Act, because it contains a pay raise for Members of Congress. The pay raise is in the form of an automatic cost-of-living adjustment of 4- percent for all Federal employees. I strongly favor a cost-of-living increase for Federal employees but not for Members of Congress.

We should have defeated the closed rule on this bill to allow us to have a separate vote on the pay raise. Our constituents have the right to know how each and every one of us stand on this issue. There are many good aspects of this bill, but on balance I opposed it because the pay raise provision was not removed. We do not need a pay raise in Congress, not even a 4-percent cost-of-living increase. There are too many people in this country who are unemployed, losing their homes or without enough food or clothing for this Congress to even consider a pay raise. I will continue to strongly oppose this pay raise at every turn. I hope we can change this vote before Congress adjourns for the year.●

SUBCOMMITTEE ON HOUSING WILL LOOK INTO HUD'S POSITION ON DALLAS PUBLIC HOUSING

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 26, 1983

● Mr. FROST. Mr. Speaker, yesterday I reported to the House of Representatives the very serious matter in Dallas involving the Department of Housing and Urban Development relative to an October 14 meeting here in Washington between HUD officials and Dallas Mayor Starke Taylor.

At that meeting, Mayor Taylor was informed by HUD Deputy Under Secretary for Intergovernmental Affairs June Koch that the Dallas Housing Authority must dispose of 1,000 public housing units in west Dallas before the Federal Government will approve the sale of the Washington Place project in Dallas.

This blatant and arrogant misuse of Government power—to force a city to completely abandon 1,000 public housing units in one of its most distressed areas—prompted Congressman JOHN BRYANT and I to call for a full investigation by the Subcommittee on Housing of the Banking, Finance and Urban Affairs Committee into these issues.

I am very pleased with Chairman GONZALEZ's prompt action to pursue this matter. He has scheduled a hearing and investigation by his subcommittee for 10 a.m., November 3, 1983, in room 2128 of the Rayburn Office Building.

It is my understanding that Mayor Taylor, Jack Herrington, executive director of the Dallas Housing Authority, Warren Lindquist, HUD Assistant Secretary for Public and Indian Housing, and Ms. Koch will testify before the subcommittee.

Bartering low-income housing units as conditions for the approval of other projects of interest to the city of Dallas continues to be an outrageous position for any Government agency to assume, and I look forward, with interest, to hearing this matter aired before Chairman GONZALEZ's subcommittee.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, October 27, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 28

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous items, including S. 499, S. 831, S. 842, S. 1231, S. 1807, S. 1914.
SD-215

2:00 p.m.
Finance
To hold hearings on S. 476, to reform the continuing disability review process of the social security disability program, and the substance of H.R. 4170, to provide for tax reform.
SD-215

OCTOBER 31

10:00 a.m.
Joint Economic
To hold hearings on industrial policy and economic cooperation
2253 Rayburn Building

2:00 p.m.
Foreign Relations
Arms Control, Oceans, International Operations, and Environment Subcommittee
To resume hearings on international communications and information policy
SD-419

Judiciary
To hold hearings on S. 1870, to provide penalties for certain offenses involving counterfeiting and trafficking in phony credit and debit cards and related fraud.
SD-226

NOVEMBER 1

8:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Bus Regulatory Reform Act (Public Law 97-261).
SR-253

*Environment and Public Works
Business meeting, to resume markup of S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men.
SD-562

10:00 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold oversight hearings to review General Services Administration policies relating to the disposal of surplus real property.
SD-342

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings to examine the role of whistle blowers in administrative proceedings.
SD-226

Rules and Administration
Business meeting, to consider Senate Resolution 127, to make the Select Committee on Indian Affairs a permanent committee of the Senate, Senate Resolution 239, relative to expenditures by the Select Committee on Indian Affairs, and other pending legislative and administrative business.
SR-301

Small Business
Business meeting, to mark up S. 1429, to provide for the continuation of the small business development center program.
SR-428A

Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To hold hearings on defense profits and the C-5A program.
SD-628

2:00 p.m.
Budget
Business meeting, to consider the reconciliation aspects of House Concurrent Resolution 91, revising and replacing the congressional budget for the U.S. Government for fiscal year 1983 and setting forth the congressional budget for the U.S. Government for fiscal years 1984 and 1985.
SD-608

3:00 p.m.
Conferees
On H.R. 2915, authorizing funds for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and authorizing supplemental funds for the fiscal year ending September 30, 1983.
S-116, Capitol

NOVEMBER 2

8:30 a.m.
Energy and Natural Resources
To continue hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

Labor and Human Resources
To hold hearings on the nominations of Leaanne Bernstein, of Maryland, Claude G. Swafford, of Tennessee, Robert A. Valois, of North Carolina, William C. Durant III, of Michigan, Robert F. Kane, of California, and Michael B. Wallace, of Mississippi, each to be a Member of the Board of Directors of the Legal Services Corporation.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1707, proposed Competition in Television Production Act.
SR-325

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521, to encourage the utilization of Federal criminal justice information services and other alternative proposals for the exchange of criminal history information to assist State-run institutions in hiring individuals to work with juvenile offenders.
SD-226

10:00 a.m.
Environment and Public Works
To hold hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 803, to establish the Commission on the Centennial Review of the Civil Service.
SD-138

Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

Select on Indian Affairs
To hold hearings on S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe.
SD-124

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine the effectiveness of Federal child health-care programs.
SD-628

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Select on Indian Affairs
To hold oversight hearings to determine the legislative intent of the Alaska Natives Claims Settlement Act (Public Law 92-203), with relation to Shee Atika, Inc.
SD-124

Conferees
On H.R. 2915, authorizing funds for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and authorizing supplemental funds for the fiscal year ending September 30, 1983.
S-116, Capitol

NOVEMBER 3

8:30 a.m.
Energy and Natural Resources
To continue hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John H. Riley, of Virginia, to be Administrator of the Federal Railroad Administration.
SR-253

Small Business
To hold hearings to examine the competitive situation existing between public utilities and certain small business-owners.
SR-428A

Joint Economic
To hold hearings on antitrust policy regarding joint research and development ventures.
2212 Rayburn Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Saundra B. Armstrong, of California, to be Commissioner of the Consumer Product Safety Commission.
SR-253

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on long-term health care.
SD-215

NOVEMBER 4

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1707, proposed Competition in Television Production Act.
SD-106

Joint Economic
To hold hearings on employment/unemployment statistics for October.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Toxic Substances Control Act (Public Law 94-469).
SD-406

Finance
To hold hearings on S. 1822, to encourage investments in mortgage-backed securities through trusts for investments in mortgages.
SD-215

NOVEMBER 7

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to resume consideration of S. 873, establishing a fund within the Department of the Treasury to provide assistance to certain organizations for research and training in Soviet and Eastern European studies, and proposed student loan consolidation amendments.
SD-628

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50, to provide access to trade remedies to small businesses, and S. 1672, to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

NOVEMBER 8

9:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the transportation of household goods.
SR-253

Labor and Human Resources
To hold hearings on private sector initiatives to promote the health and well-being of the American family.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 9

9:30 a.m.
*Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 197, authorizing funds for fiscal year 1984 to provide for a study on the adequacy of certain airline industry practices and Federal Aviation Administration rules and regulations concerning air quality aboard aircraft.
SR-253

Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up proposed legislation authorizing funds for fiscal years 1984 and 1985 for the Nuclear Regulatory Commission.
SD-406

NOVEMBER 10

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

NOVEMBER 14

9:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings on acquisition of land and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act (43 U.S.C. 315 et seq.) at the White Sands Missile Range in New Mexico.
SD-366

11:30 a.m.
Finance
Health Subcommittee
To resume hearings on long-term health care.
SD-215

NOVEMBER 15

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the direction of the development of a civil space station.
SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the current condition of America's coal industry.
SD-366

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old-age provisions contained in the Older Americans Act.
SD-430

2:00 p.m.
Governmental Affairs
To hold oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-342

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings on the human resources impact on American families and women in transition.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To continue oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-124

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

2:30 p.m.
Select on Ethics
Closed business meeting.
S-207, Capitol

NOVEMBER 17

9:45 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on Federal arts policy.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

DECEMBER 7

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the status of Job Corp programs.
SD-430

DECEMBER 14

9:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations; to be followed by a business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

CANCELLATIONS

OCTOBER 28

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 26, proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations.
SD-226

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to consider S. 873, establishing a fund within the Department of the Treasury to provide assistance to certain organizations for research and training in Soviet and Eastern European studies, and proposed student loan consolidation amendments.
SD-430

OCTOBER 31

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on the substance of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government, and S. 1723, to redesignate the U.S. Trade Representative as the President's representative for trade negotiations.
SD-215

SENATE—*Thursday, October 27, 1983*

(Legislative day of Monday, October 24, 1983)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Let us observe a moment of silence for the marines in Lebanon and in Grenada, those who have lost their lives and their loved ones, those who are injured, and those whose families do not know.

God of mercy and love, our Nation, our city, our elected leaders stand in need of divine grace and guidance. As the Senate pursues essential legislation which cannot wait, the clouds of tragedy in Lebanon and uncertain conflict in Grenada hang heavily and oppressively over all activity. The grief of families who have lost a son—the agony of others who wait anxiously for some word from a loved one is shared by all. Dear God, help us through these difficult hours that the right decisions will be made, the right action taken, and all that should be done will be done. We need Thee, Lord. Meet us in grace and love. Humbly we beseech Thee in Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

QUORUM CALL

Mr. BAKER. Mr. President, I need to consult with the minority leader for just a moment. We have not had a chance to talk this morning. Just for a second, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I have had an opportunity now to confer with the minority leader on a range of things, primarily the schedule of the Senate. We have a number of complications that I will not burden the Senate with at this point except to say that as soon as I can reach the parties involved, which includes the managers of the supplemental appropriations bill and the debt limit matter, I will confer once more with the minority leader and we will see how we are going to proceed. But I remind Senators that we have a debt limit that expires on Monday at midnight, and the commitment the leadership on this side has made is that we will stay this week as long as we need to, including Saturday, in order to try to finish the debt limit.

Mr. President, I am not now prepared to make any further announcement on the course of action, however, until I have had a chance to meet with Senator HATFIELD, with the ranking minority member of the Appropriations Committee, and with Senator DOLE and Senator LONG, or at least to meet with the minority leader after he has had an opportunity to meet with his colleagues on these subjects.

Mr. President, I reiterate, we have to finish the debt limit. We need to finish the supplemental, and we have very little time to do it.

ASSASSINATION OF KOREAN OFFICIALS IN BURMA

Mr. BAKER. Mr. President on October 9, a terrorist attack in Rangoon during a State visit by President Chun Doo Hwan decimated the Government of our ally, the Republic of Korea. Seventeen members of President Chun's official party lost their lives in that attack. The dead included the Deputy Prime Minister, Suh Suk Joon, the Foreign Minister, Lee Bum Suk, the Minister of Commerce and Industry, Kim Dong Whie, the Minister of Energy, Suh Sang Chol, Secretary General to the Presidency, Hahm Byung Choon, Senior Secretary for Economic Affairs, Kim Jae Ik, and several other senior Korean officials.

Several of the victims were well and favorably known to Members of this body, and to many other Americans. They had studied in the United States—the Deputy Prime Minister was a graduate of Vanderbilt University and others received degrees from Harvard, George Washington, Stanford, and other fine American institutions. They had also worked in the United States as professors in American universities or as government officials. Many of us remember Secretary General Hahm's service here as his country's Ambassador, and not long ago I visited with Foreign Minister Lee, a fine man for whom I had great affection and respect. They were all men of truly remarkable talent, in economics, law, and politics, and they had already made a profound and lasting contribution to their country and to the United States-Korea relationship. They were friends of the United States, and of many Americans.

In the aftermath of that terrorist bombing, which came little more than 1 month after an earlier, equally savage blow—the Soviet attack on a Korean airliner—the atmosphere in Seoul is one of understandable anger, and frustration. Although Burma's investigation of the Rangoon attack is not yet complete, there is a widespread assumption in Seoul that North Korea was responsible for this outrage, and indeed there are indications that point in that direction.

Despite the intense anger felt toward the North in these circumstances, the Government of the Republic of Korea has acted with great forbearance and restraint. President Chun has declared that while another provocation of this magnitude would bring swift retaliation, none is contemplated in this instance. Instead, he has called upon his countrymen to win the diplomatic and economic competition—a competition the South is clearly winning.

I believe this moderate and statesmanlike approach to an issue of intense emotional magnitude is exemplary. It has helped to insure that an always dangerous situation on the Korean peninsula does not become critically so, and it has marked with even greater clarity the essential difference between our Korean ally and its Northern adversary—the difference between civilized behavior and the barbarity of those who do not accept civilized standards of behavior. The Republic of Korea deserves, and has, the full support of the United States in this time of trial.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. Under the standing order, the minority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve my time under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPUTERS AND EDUCATION

Mr. BYRD. Mr. President, a Washington Post editorial on September 21 made some important points about the use of computer technology in the classroom. All of us concerned about improving the quality of education in this country might find this editorial, and the Carnegie Foundation report it references, useful in our thinking about remedies we in the Congress might propose. The editorial reminds us that quick fix remedies are likely to do more harm than good, especially quick fix proposals to outfit our schools with computer hardware and software before an adequate needs assessment and a use plan have been developed.

I ask unanimous consent that the full text of the editorial as it appeared in the Washington Post and the following excerpts from the Carnegie Foundation report be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 21, 1983]

CLASSROOMS AND COMPUTERS

Improving the nation's educational system will require many years of thoughtful investment. That sort of long-term commitment doesn't suit the American temperament very well, and many would-be reformers have seized upon the computer as a way to short-cut the process. Thoughtfully used, computers could help out in the schools in many ways, but quick-fix remedies are likely to do more harm than good.

Among the many valuable contributions made in the recently released study by the Carnegie Foundation for the Advancement of Teaching is a sober look at the potential for technology in improving U.S. education. The history of classroom innovations is not promising. In the words of the report: "Virtually every new piece of hardware introduced into the schools in the past three decades has been oversold, misused and eventually discarded."

Well-designed computer systems could help schools in many ways. They can tabulate vast amounts of administrative data, provide access to research material, automate and enliven rote learning and, in their most sophisticated incarnations, communicate both visually and verbally with students in the mastery of complicated subject matter.

None of these wonders is produced, however, by plunking down assorted pieces of hardware in classrooms. A computer is no better than the software that tells it what to do. Without thoughtfully designed instructional programs that are thoroughly understood by teachers and made a part of their routine curricula, computers will be of no more enduring interest or value to students than the latest arcade game.

Simply "getting to know" a computer is neither difficult nor especially useful in itself. Most computer users in the future will require no more complicated skills than typing, reading and writing. And for those who want ultimately to become involved in the design and programming of computers, solid understanding of mathematics, language and logic is far better preparation than immersion in the details of a particular system. The real skill in using computers lies in figuring out what they can do and how they can do it better—not in telling them how to do it.

The Carnegie report has many thoughtful suggestions—none of them simple or costless—for making the current wave of technology a more useful contribution to classrooms than earlier waves. Notably absent from that list, however, are the scattershot tax-credit proposals that would allow computer manufacturers to dump their surplus inventory on the schools at the taxpayers' expense.

VIII. TECHNOLOGY: EXTENDING THE TEACHER'S REACH

Technology, particularly computers, can enrich instruction. But educators are confused about precisely what the new machines will do. The strategy seems to be: buy now, plan later. The absence of computer policy is itself a policy with major risks. A number of important steps should be taken to link computers to school objectives.

No school should buy computers, or any other expensive piece of hardware, until key questions have been asked—and answered. Why is this purchase being made? Is available software as good as the equipment? What educational objectives will be served? Which students will use the new equipment, when, and why?

In purchasing computers, schools should base their decisions not only on the quality of the equipment, but also on the quality of the instructional material available. School districts also should take into account the commitment of the computer company to work alone—or in collaboration with other companies—to develop instructional materials for schools.

Every computer firm selling hardware to the schools should establish a Special Instructional Materials Fund. Such a fund would be used to develop, in consultation with classroom teachers, high-quality, school-related software.

For technology to be used effectively, teachers must learn about the new equipment. Computer companies should provide technology seminars for teachers to keep them up-to-date on the uses of computers as a teaching tool.

A National Commission on Computer Instruction should be named by the Secretary of Education to evaluate the software now offered for school use and propose an ongoing evaluation procedure that would be available to the schools. Outstanding teachers should comprise an important segment of such a panel.

Federal funds should be used to establish ten Technology Resource Centers on university campuses—one in each major region of the nation. These centers would assemble, for demonstration, the latest technology. Computer firms would provide equipment, materials, and personnel to demonstrate what is available—and how it can be used.

Schools should relate computer resources to their educational objectives. Specifically, all students should learn about computers; learn with computers; and, as an ultimate goal, learn from computers. The first priority, however, should not be hands-on experience, but rather educating students about the social importance of technology of which the computer is a part.

Prospects for a technology revolution in education go far beyond computers. Through the use of television, films, video cassettes, the classroom can be enormously enriched. In this connection, we recommend:

A National Film Library should be established with federal support. This resource center would secure outstanding film and television programs, both commercial and public offerings, index and edit them, and make them available for school use.

School districts with access to a cable channel should use the facility for school instruction and a district-wide plan for such use should be developed.

All commercial television networks should set aside prime-time hours every week to air programs for education and * * *.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 9:30 a.m., with statements therein limited to 2 minutes each.

HUNDREDS OF FINGERS ON THE NUCLEAR TRIGGER

Mr. PROXMIRE. Mr. President, how good is our nuclear deterrent? Could some careless or blundering member of a missile crew launch a nuclear missile at the Soviet Union and begin the last war? The answer is: "Yes." Can we be sure that if the Soviet Union should launch a nuclear attack against us we would so surely retaliate that the Soviets could be assured that any first strike by them would be an act of suicide? The answer is: "No." Is the Soviet Union's nuclear deterrent as accident prone as ours? The answer is: "Very probably yes."

Why do we permit this colossal power of death and destruction to threaten our existence every waking and sleeping minute of the day and night as long as we live? The answer is only partly because massive nuclear arsenals are now a fact of life for as long as we live. It is also because these massive nuclear arsenals are under the control of many human begins who are as fallible as all the rest of us human beings. Many persons have the notion that the President of the United States or the Soviet leader will decide whether and when there will be a nuclear war between the two superpowers. We know both are fallible human beings, but we also know they have generally been cautious and careful people who will in all likelihood only act soberly and on the basis of the fullest possible knowledge of the

consequences of their action. We also know this would very likely be true of any United States or Soviet head of state. But how sure are we that Reagan or Andropov would make the fateful decision that could undermine the continued existence of our two countries?

In an article in the New York Daily News on October 18, Joseph Volz offers some chilling answers to these questions. He reports that there are many fingers on the nuclear trigger. The Volz report only covers the U.S. land-based missiles. It provides a glancing reference to the decisions that might be made by our naval personnel in deciding whether or not to launch our submarine based missiles, and says nothing about airborne personnel and the independence of their decision to launch or not launch bomber-carried nuclear missiles. Clearly whatever independence our land-based personnel might have to determine the launching of land-based missiles, sea and airborne personnel would be far freer to fire their nuclear missiles. Since more than 70 percent of our strategic missiles are at sea or in the air, the discretion to decide when the last world war starts is even more widely dispersed than Volz describes in his article and he describes a surprising degree of independent discretion in nuclear missile launching. Furthermore, Volz does not report on the corresponding discretion of Russian personnel manning their massive nuclear arsenal. Most of their missiles—more than 70 percent—are land based. But they are, of course, at scattered sites and in spite of the tight centralization of control and command that the Russians favor, they too must leave the decision to launch to hundreds of individuals—under some circumstances—such as the destruction of the Russian central command headquarters.

The Volz article dramatically shows that in spite of the strongest kind of efforts to centralize control of our missile system in the hands of the President, much discretion still stays with individual soldiers. Consider the way the Volz story leads off:

The crewmen at the Titan missile complex outside Wichita, Kansas, were irked at having to leave their TV set to walk upstairs and push the "acknowledge button" every time headquarters sent a message.

So they rigged up a Rube Goldberg gimmick, using parts from an old pinball machine. They could punch the button without leaving the TV.

But Barry Bird, a former Titan technician, said that one day a screw from the gimmick dropped down into the launch panel.

"It shorted out the system which was supposed to prevent the missile from being fired until we got a lawful command," Bird said, "In other words, we enabled the missile and could have launched it without getting the okay from anybody."

Other former Titan maintenance men from the 1970's found out independently that they could fire their missiles, too. One said: "It was common knowledge among the enlisted men that it did not take much to enable the missiles. We were always fooling around with them. Only the officers were in the dark because they normally did not have much technical background."

Air Force officials flatly denied that anyone could launch the missiles without a lawful command, according to Volz. Those Air Force officials may be right or the technicians may be right. Frankly, from the 5 years I spent in the military in World War II, I would not want to bet against the technicians. It seems a pretty good educated guess that under some conditions, someone down the line probably could fire one of our missiles.

The Volz story also explores the possibility that the military personnel manning our missile bases might disobey a lawful order to turn their keys and fire their nuclear missiles. It seems that probably some would fire, some would not. But Volz points out how this problem has been met with a further refinement that may be even more dangerous. Volz found that even if every one of the missile crews refused to fire:

A general flying in an airborne command post called Looking Glass has the power, when given the word, to fire them all . . . It's a backup system . . . to insure launch if ground communications are wiped out.

Could the general overrule everyone and launch on his own discretion? The answer is not very comforting. He could do so only in emergencies.

Mr. President, all of this reminds us once again that we must find a way to end this suicidal rush to nuclear extermination via the nuclear arms race. We have to find a way to stop this runaway nuclear arms technology. If there is a better answer than the nuclear freeze followed by massive, mutual verifiable reductions, let us hear it.

Mr. President, I ask unanimous consent that the article to which I referred from the New York Daily News by Joseph Volz be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York News, Oct. 18, 1983]

ARMS CONTROL, LIVING WITH THE BOMB: HOW MANY FINGERS ON TRIGGER?

(By Joseph Volz)

The crewmen at the Titan missile complex outside Wichita, Kan., were irked at having to leave their TV set to walk upstairs and push the "acknowledge button" every time headquarters sent a message.

So they rigged up a Rube Goldberg gimmick, using parts from an old pinball machine. They could punch the button without leaving the TV.

But Barry Bird, a former Titan technician, said that one day a screw from the gimmick dropped down into the launch panel.

"It shorted out the system which was supposed to prevent the missile from being fired until we got a lawful command," Bird said. "In other words, we enabled the missile and could have launched it without getting the okay from anybody."

Other former Titan maintenance men from the 1970s found out independently that they could fire their missiles, too. One said: "It was common knowledge among the enlisted men that it did not take much to enable the missiles. We were always fooling around with them. Only the officers were in the dark because they normally did not have much technical background."

Bird and his buddies never made an effort to actually fire their missiles. No American has tried to fire a nuclear weapon for real since President Harry Truman ordered B-29s to drop those two A-bombs on Japan 38 years ago.

Yet in this supersonic age—a Minuteman can hit the Soviet Union 30 minutes after launch—the question remains: Could a weapon be fired by a deranged officer, or by accident?

Air Force officials insist the answer is "no." Whatever might have been possible a decade ago, they say, is not possible now.

In the Titan system—which carries a huge nine-megaton warhead, biggest in the U.S. arsenal—a system has been installed to prevent any firing before a six-number code, radioed from headquarters, is punched in at the missile site. Anyone trying code numbers in some kind of process of elimination would quickly set off a warning light at higher headquarters.

First Lt. David French, an instructor in the newer Minuteman system, agrees.

"No one has the codes on the Minuteman we need to launch," he said. "A madman couldn't launch. The safeguards are fabulous and they work. We could all get together and there is no way we could launch."

But how about an accident? Three years ago, two Titan missile officers became convinced that somehow a live missile had been activated while they were going through a test-launch procedure. They refused to press the launch button, believing they had single-handedly prevented World War III.

When Parade magazine published their account last August, Gen. Bennie Davis, commander of the Strategic Air Command, was so concerned that he rushed to the Pentagon to tell correspondents the two young officers did not know what they were talking about. The missile had been electronically disabled even though the panel lights continued to function.

Former Lt. David Mosley, since discharged for being overweight, told Parade that he and his commander, Capt. Henry Winsett, later court-martialed for falsifying records, "saved the world" on Nov. 19, 1980, by refusing to fire their missile at silo 532-4 outside Wichita. Mosley said he could not be certain if the missile would have hit the Soviet Union, but "it probably would have gone north."

Davis insisted, though, that the missile was involved in a "combined systems check" and "the first thing you have is a separate maintenance team which comes out and takes all the firing squibs out of the missile, takes all the components out that permit it to fire its liquid propellants."

He said: "The missile cannot fire."

A team of Wichita Eagle-Beacon reporters investigated Mosley's account at the same time as Parade and, after watching an Air Force simulation of a Titan launch, decided the account could not be verified. The paper did not print a story at the time.

But there is another angle to the story—reporters Nolan Walters and Michael Ginsburg now conclude that for two weeks after the test, the missile was not operational and Air Force brass were not aware of it. SAC headquarters had one less missile ready to fire than it thought.

John Hammans, a former Titan mechanic, takes the question of missile inoperability one step further. He claims that "at any given time your missile could be down and you wouldn't know it. There was no foolproof system of quality control."

Even if a few missiles are down, provided SAC commanders know about them, U.S. defenses are not dangerously weakened, SAC officials say. After all, there are thousands of warheads, and SAC retargets Soviet bases, making sure that the most important ones are always under the nuclear gun.

But there is another aspect to be considered: With all the safeguards built into the missile system to prevent an accidental or unauthorized launch, could the Soviets actually destroy all of the U.S. missiles before we were able to make a decision to fire?

It's possible, some experts say. The National Command Authority—meaning the President and other U.S. civilian and military leaders—must order any launch. Yet a sub submerged in the Atlantic off Norfolk, Va., could blow up the nation's capital within 12 minutes after firing its missiles.

If the President and most of the cabinet were killed, the American government would be out of business. Yet the remaining civilian leaders still would have to decide quickly what to do. The American decision would have to be made within about 30 minutes—the amount of time it would take Soviet land-based missiles to wipe out all American land-based missiles.

That would leave U.S. missile-carrying subs at sea. But chances are good, say the experts, that radio communications to the subs would have been completely wiped out by Soviet missile blasts.

Even more important than our technical ability is whether the U.S. has the willpower to retaliate.

Do we? Is it possible that our young missilemen will not put their keys into their launch panels when they get the real word, like Mosley and Winsett mistakenly thought they had received?

Perhaps the missilemen might believe the air defense computers at the North American Aerospace Defense Command had goofed again, as they had in the past. Or, perhaps the officers would reason that they would not be the ones to kill millions of innocents, regardless of who fired first.

At a time when intentions are more important than actions, U.S. officials want to make clear to the Soviets that we will strike back. If the soviets really believed we would not fire, they might be willing to try to cripple us with a nuclear attack.

So once again, the focus shifts to the missile silos. Will the crews fire, or will the 1,000 Minuteman missiles sit like paralyzed giants unable to attack before they, themselves, are destroyed? Prof. Arthur Sweny, a Wichita State University industrial psychologist who has done an exhaustive study of misslemen, says there is no way to know what will happen in those final moments, regardless of what the crewmen say now.

But there have been published reports that in November 1979, when for a short time NORAD thought real missiles had been fired at the U.S., some crewman did not insert their launch keys.

Air Force officials say the NORAD error was discovered so quickly that the missilemen did not have to insert their keys. No one did anything improper, says the high command.

Clearly, though, some Air Force officers believe, to this day, that some missilemen did not perform properly. Because of that incident, says Capt. Gary Strasburg, a Minuteman flight commander, "We've had it drilled into us to follow orders so much that I think the guys would go ahead and insert their keys to avoid what happened in 1979."

Okay, suppose—despite everything—the Minuteman commanders refuse to launch. What then?

Well, it turns out that although Air Force recruiters don't stress the point when looking for missile crews, all the missiles can be launched even if every silo commander refuses to put in his key.

A general flying in an airborne command post called "Looking Glass" has the power, when given the word, to fire them all. It's a backup system, not designed to override some kind of rebellion by silo commanders, but instead to insure launch if ground communications are wiped out.

Like everything else in the missile age, that raises a new question: Could a crazed general—a Looking Glass plane is in the air at all times—override everybody and blast off himself?

Air Force officials again reply "no." They insist that on a day-to-day basis the airborne commander is locked out of the system. It is only in emergencies that he has the power to fire.

Even if the Air Force feels it has the power to stop a nuclear madman, the same cannot be said for the Navy. There is no way to halt a submarine crew from firing off its weapons, Navy officials concede privately.

The Navy's launch procedures will be the subject of an upcoming article.

GOLDEN FLEECE AWARD FOR OCTOBER

Mr. PROXMIRE. Mr. President, I gave my Golden Fleece Award for the month of October to the Department of Housing and Urban Development—HUD—for wasting $232,000 of the taxpayers' money because HUD officials could not do simple addition. Private landlords hauled away this juicy windfall when HUD bureaucrats miscalculated rental payments. These adders puffed the rents and snaked $232,000 from the taxpayers' alligator wallets when they should have scaled back the payments.

HUD forked over these overpayments to landlords who own housing projects in Dallas, Chicago, and San Francisco. The tenants who live in these projects pay about 25 percent of the rent while HUD—meaning the taxpayer—pays the rest.

Because the taxpayer pays most of the rent, HUD is supposed to require landlords to submit financial data justifying proposed rent increases. If they expect utility costs to increase 7 percent, for example, HUD approves an increase sufficient to pay these additional costs.

In a sample of 46 requested rental increases, which were checked after HUD had approved them, the Department paid an additional $1,900,000 in rent, but $232,000 of this total was flat overpaid because of plain old errors in addition. The error rate amounted to a staggering 12 percent of the total. If this same error rate applies throughout HUD, the taxpayer is beign bilked out of tens of millions of dollars.

HUD supervisors were out to lunch and did not check the data on 27 of the 46 requested increases. The addition errors slipped by when supervisors rubberstamped whatever their inboxes contained.

These addition errors were all too typical of HUD's management of this program. Some of the required justification data were missing for 37 of the 46 approved increases. HUD approved every cent of the $1.9 million even though $1.2 million was unjustified as required by HUD regulations.

Landlords could have submitted this data and HUD promptly lost it. Or HUD officials may have approved the increases without the data. In either case, HUD stands convicted of administrative sloppiness. Perhaps HUD really stands for have not use diligence.

The Department has been organized and reorganized into administrative chaos. I am sure that top management gets a kick from shifting boxes around on an organizational chart. But HUD's performance down in the trenches leads me to conclude that management should spend less time brewing this organizational snake-oil and more time dealing with the ABC's of proper management.

THE BUTTERFLY AT BIRKENAU

Mr. PROXMIRE. Mr. President, Joseph Stalin once said that "a single death is a tragedy. A million deaths is a statistic." This seemed to be his own personal justification for the massacres of millions of his own people in the wake of his purges; for Stalin, history would not take offense to such an impersonal loss of life—people would never be close enough to feel the pain. Hitler probably reasoned in a similar manner. Only the survivors would feel the suffering; the untouched would choose not to believe or simply to forget.

Sadly, much of what these ruthless men predicted has come true. The millions who died in the Nazi Holocaust have become statistics in the minds of many; the personal emotion of such tragedy has been muted by our longing to forget and move on. Granted we must not dwell on the past. But we must live the present with a knowledge of the past in our minds. We must live with that bond of humanity that says we can feel the suffering of

others—even if they are far away from us. I believe, Mr. President, that we are more humane than Mr. Stalin gives us credit for; for us, a million deaths should mean a million tragedies.

Perhaps in poetry we can capture the true human emotions associated with the pain and suffering of others, as distant as they may be. Joy Anderson visited Auschwitz in 1983 and gave us such a piece, entitled "The Butterfly at Birkenau":

Forty years of memories could not be put to rest until I came to the place where suffering/ of unspeakable magnitude was the everyday experience of my people./

The need to commingle my scream of outrage with their cries of pain—all this time I had focused on the/ enormity of their punishment and their days of deprivation and humiliation;/

But that was before I saw the butterfly at Birkenau.

We were there to say we did not forget, and to light the candle of remembrance. In those shattering moments of/identity I looked where no one should ever have needed to look—into the charred chambers of death,/ and there in the midst of unbearable despair, sweetly and surely, the butterfly flew into the pit/ and stayed to hear our collective prayer./

I knew all at once the collective souls of my people were surely in Heaven basking in an everlasting glow./

At the very moment the service ended, I watched the butterfly gracefully ascend up, up toward the blue heaven./ I understood the sign G-d had given me in this hell hole on earth./

My brothers and sisters are at peace forever—/

And the beast is in the fire—/

Because I saw the butterfly at Birkenau.

Hopefully, we can feel a sense of suffering that this passage tries to convey—a sense of individuals rather than statistics. There is also a sense of hope in the poem, as those who had the evil perpetuated against them are at peace forever.

Mr. President, we must remember that genocide strikes individuals, and each victim feels its pain. That it brings so many personal tragedies is reason enough for a treaty to deal with it. I thus urge ratification of the vital Genocide Convention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INDUCTION OF DR. JAMES BURROWS EDWARDS AS PRESIDENT OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, on Saturday, October 15, 1983, Dr. James Burrows Edwards officially became the sixth president of the Medical University of South Carolina (MUSC), which is located in historic Charleston, S.C.

When this reputable college was established in 1824, its first chief administrators were called deans. The first dean of MUSC was Thomas G. Prioleau, who served from 1824 to 1828. The era of deans ended during the administration of Kenneth M. Lynch, who, after holding the title of dean from 1943 to 1949, became the first president of MUSC. Each of the deans and presidents who have led MUSC since its founding have served ably in their leadership positions, and their valuable contributions are worthy of recognition. Dr. Edwards is certain to continue in this tradition of administrative excellence.

Mr. President, I was honored to join Vice President GEORGE BUSH, who delivered the keynote address, at the induction ceremony for Dr. Edwards at MUSC on October 15. As Vice President BUSH stated in his speech at this important event, Dr. Edwards is a distinguished leader in many areas, and his proven record of accomplishments make him one of South Carolina's finest sons.

In addition to being a respected oral surgeon, Dr. Edwards has made numerous achievements as a public servant. He served with dedication as a State senator; as the first Republican Governor of South Carolina since Reconstruction; and as Secretary of the U.S. Department of Energy and a key member of the President's Cabinet. In each of those posts, Dr. Edwards worked ably and diligently to serve the best interests of the public.

Dr. Edwards left Washington to take on yet another challenging responsibility—assuming the duties as president of one of our country's most outstanding medical colleges. In this post, Dr. Edwards will continue to build upon his tremendous reputation for public service by utilizing his medical and administrative expertise to benefit MUSC, an institution which shares his commitment to excellence in health care.

In addition to the Vice President, my wife, Nancy and I were pleased to join many other distinguished individuals at the induction ceremony. They included: Secretary of Labor Raymond J. Donovan; Congressman and Mrs. Thomas F. Hartnett; Congressman and Mrs. Carroll Campbell, Jr.; former South Carolina Governor Robert E McNair; South Carolina State Treasurer Grady L. Patterson, Jr.; Comptroller General Earle E. Morris, Jr.; and South Carolina State Senator Rembert C. Dennis.

Mr. President, in order to share more about this significant event, I ask unanimous consent that Vice President BUSH's keynote address, Dr. Edwards' inaugural message, and the induction program appear in the RECORD in their entirety at the conclusion of my remarks.

I know that my fellow colleagues join me in wishing Dr. Edwards well in this new endeavor, and I am confident that great progress in the medical field will be made under Dr. Edwards' direction.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY VICE PRESIDENT GEORGE BUSH AT THE MEDICAL UNIVERSITY OF SOUTH CAROLINA

As many of you may know, this represents a sort of homecoming for Barbara, who attended school right here in the neighborhood, at Ashley Hall.

We've had the pleasure of visiting South Carolina, and Charleston, quite a few times over the years—often enough so that we feel at home and among friends whenever we have a chance to travel this way.

That's certainly true today, as we gather to install Jim Edwards, a native Charlestonian, as President of the Medical University of South Carolina. We're glad to be here, to share this moment with you, because this is a proud day for Charleston. It's a proud day for the state of South Carolina. And it's a proud day—indeed, a historic day—for the great cause of medical education and health care across America.

Reflecting on what this moment, this day, means to this audience, I'm reminded of the theme of President Reagan's inaugural address, delivered nearly three years ago, in January, 1981.

The President spoke of a new beginning for our country. That's exactly what I believe Jim Edward's leadership means to the Medical University of South Carolina. Today marks a new beginning—and what a magnificent tradition your new university president has to build on.

Medical education in South Carolina has a long, distinguished history. That history began with the founding of this institution as the first medical school in the Deep South, in 1824.

At that time, there were only 14 schools of medicine in all the United States. The American medical profession was still in its formative stage, and here in South Carolina your first medical school student body consisted of 30 would-be doctors.

It was in November, 1824 that the Medical College of South Carolina opened its doors in what has been described as a "proper ceremony before an interested public."

I wonder what a member of that early 19th century audience would think if he or she could be here to see the great tree of learning—a palmetto, of course—that's grown from the seeds planted that day 160 years ago?

Today the six colleges that comprise the Medical University of South Carolina enroll some 2500 students and more than 300 medical residents, with 700 fulltime and 800 part-time faculty members across the state.

But its not accurate to measure the growth and social impact of your Medical University simply by citing the size of your student body and faculty. There's also the vital contribution made by the University's teaching hospital to health care in South Carolina, treating amore than 20,000 sched-

uled patients and approximately 200,000 outpatients each year.

From a small medical college to a great medical university—this institution, like South Carolina as a whole, has come quite a way since 1824.

But impressive as that record of progress and growth may be, if I could sum up the meaning of today's ceremonies in one brief thought, that thought would be: The best is still to come.

The best is still to come: the members of this audience know it—all South Carolinians know it—and I know it—because we know Jim Edwards.

We know Jim as professional in his field, a practicing oral surgeon.

We know him as a professor, a teacher.

We know him as public servant who rose to the highest position in state government and carried out his duties with a sure hand—diligently, skillfully, and with the larger interests of the people of South Carolina always uppermost in his mind.

And we know him—in my own case and Senator Thurmond's from first-hand observation in Washington—as a member of President Reagan's Cabinet who took on and mastered a tough assignment, dealing with the problem of energy—one of our most critical areas of national concern.

We know Jim Edwards in all these roles. But most important for the future of the Medical University of South Carolina, we know him as a leader and an administrator who has the dedication, the vision and the know-how to get things done.

The Southeast is rapidly emerging as a pivotal region for American medical education, research and health care. We're all familiar with the work being done at Duke and Vanderbilt Universities, in Atlanta and in Birmingham.

Knowing Jim Edwards as I do, I don't have the slightest doubt that we're going to see the Medical University of South Carolina take its place not simply as an important institution in this state but as one of the great health centers of this region—and of the nation.

Today, as I've said marks a new beginning. In the years ahead, the sense of hope and expectation South Carolinians feel today will be more than justified. The Medical University of South Carolina will advance—it will flourish—it will bring new credit and distinction to the tradition of medical education and health care in your state.

And it will accomplish all this, in my opinion, because central to that tradition—the tradition of ever-improving medical education and service to people—is the concept that quality medical care can best be provided in a free, not a government-controlled and regulated system.

As President Reagan told the convention of the American Medical Association a few months ago, "We have the best care in the world, because it has remained private. And, working together, we'll keep it that way."

This isn't to argue that our system is perfect. As long as suffering and illness exist in this world, no health care system can be described as perfect. But whatever its limitations, America's health care system remains the world's finest. And make no mistake, we're determined to keep it that way, with administrators like Jim Edwards and institutions like the Medical University of South Carolina in the forefront.

Yet medical education, as we know, is simply one facet—crucial though it may be—of our nation's educational system.

If we're going to have skilled physicians along with leaders in other fields in the years ahead, we need to ask hard questions today about the quality of American education from elementary school through the undergraduate college level.

These hard questions are being asked, with fresh urgency, in the aftermath of the National Commission on Excellence in Education report on the state of education in America—a report alarming in its implications for the future unless changes are made in the current approach being taken to this problem.

As the Commission report points out, the answer to these hard questions doesn't lie, as some have insisted in past years, in simply spending money. The record of recent decades is one of ever-increasing expenditures and ever-decreasing results, in terms of educational standards.

Money is needed, yes, because there is no short-cut to quality education and because, as Senator Thurmond has said, quality education is "the most valuable gift we can give our children."

But not money alone. What's needed is money well-spent.

Even before the National Commission filed its report, President Reagan recognized and addressed this problem. Many of the Commission's recommendations—such as merit pay to provide incentives for teachers—reinforced the wisdom of the President's views on how to upgrade the quality of American education.

That has been and remains one of the top priorities of the Reagan Administration. But ultimately the answer to our educational problems lies not in Washington or in any vaunted panaceas emanating from Washington. The answer lies—and this fundamental philosophy of the administration is in harmony, I believe, with the philosophy of most South Carolinians—at the state and local levels.

If we're to improve the quality of American education, the initiative has to be taken at the grass roots, where the problems addressed by the National Commission are uniquely realized and understood.

We need concerned parents—concerned citizens—concerned and skilled administrators to get American education as a whole back on track—to prepare the doctors, leaders and citizens of future years for their responsibilities in a free society.

I mean skilled administrators in the field of education like Jim Edwards—men and women up to a great challenge and who have the vision, courage and initiative to put our nation's resources to work for the greatest possible good.

Jim, I congratulate you on your new assignment. And I congratulate the Medical University and the people of Charleston and of South Carolina on having a native son like Jim Edwards to take on that assignment.

Barbara and I are glad to have had the opportunity to be here on this day of new beginning—a beginning, I feel certain, that will bring vast rewards to the field of health care and medicine here in South Carolina and across America as we move into the decade of the 1990's and on into the Twenty-first century.

SPEECH DELIVERED BY JAMES B. EDWARDS, D.M.D., ON THE OCCASION OF HIS INSTALLATION AS PRESIDENT OF THE MEDICAL UNIVERSITY OF SOUTH CAROLINA

Mr. Vice President, Mrs. Bush, Senator and Mrs Thurmond, Congressman and Mrs. Hartnett, Congressman and Mrs. Campbell, students, faculty, ladies and gentlemen:

I am, indeed, honored today to have such an outstanding group of leaders to share this occasion with us here at M.U.S.C. We are especially honored to have the Vice President and Mrs. Bush with us. Barbara is one of the most sincere and gracious ladies in Washington.

I have known the Vice President for many years, and have observed him closely during my years in Washington. I admire him for his clarity of thought, and his courage to take a stand. We are, indeed, fortunate to have him as our Vice President, and I feel that, some day, he is also going to make an outstanding President.

For over 11 months now, I have had the privilege to serve as President of the Medical University of South Carolina. I am proud to tell you that this University, in some way, on every day, stands and shines. This University shines when a young student gains insight and knowledge concerning a procedure or theory, when a patient is successfully treated, or when a breakthrough occurs in one of our fine research laboratories.

These 11 months have passed quickly. If asked what events stand out, I would start with my first day in office on November 5, 1982. On that day, I announced the formation of a Private Sector Task Force of leading South Carolina businessmen. Their charge was to study the University's operations in light of the best current business practices. This Task Force was exceedingly generous, providing us with approximately 330 workdays of free consultation, valued at more than $275,000. I salute these outstanding South Carolinians for their generosity. I thank them for their many excellent recommendations. And, I hold up their work as a national model of private-public cooperation.

Also, on the first two days in office, I visited seven major affiliated hospitals in the State. It gave me an opportunity to pledge cooperation and to see the progress in health care that is being made. I was, indeed, impressed by the scope and quality of the services that I found. I was particularly pleased that the Medical University, as the administrating institution, had a part in this progress.

Shortly after assuming this office, we drew a set of objectives to enhance the University's three major missions of education, research and service. One of my strong interests has been an expanded role for the University as a patient referral center. In this regard, we will be undergoing much remodeling to accommodate new technologies, and to allow for the growth and regrouping of services. One project in which I have been personally involved is the Palmetto Pavilion. We plan the conversion of an entire floor of our hospital to provide the very finest patient accommodations possible. We have raised most of the funds from the private sector for this project (over $600,000) and, to those of you who have pledged support, I take this opportunity to thank you.

Bricks and fine buildings are very important to us, but the most valuable asset I have discovered here is the brilliant faculty and outstanding research scientists who, each day, expand our horizons of knowledge. Along with these, we have a team of the finest clinical staff and nurses that an institution could possibly have; and they are supported by a dedicated group of health care personnel who I am very proud of.

For decades, South Carolina has reached beyond this Nation's borders to bolster its trade and industrialization. We, too, reached

out this year and established formal international ties with Alexandria University in Egypt, and Colombia, South America. These international ties will enable us to carry out scholarly exchanges and cooperative research to the benefit of our collective nations. We foresee a number of exciting research possibilities as we look into major health problems still besetting much of the world.

I have also been encouraged by the progress of the South Carolina Research Authority and our Drug Science Foundation. These two groups, with representatives from academia and industry, offer excellent vehicles for outstanding achievements in research and marketing here at the Medical University and our sister institutions, U.S.C. and Clemson.

Perhaps, the highlight of the year was the 22 town hall meetings I scheduled for all units of the University. M.U.S.C. employees heard, first-hand, what our hopes and ambitions are. These meetings were very helpful to me, for I could hear what the major concerns of the employees were. They helped reshape some of my preconceptions.

As brief as my tenure has been, I am drawn to this conclusion: I could not have entered the academic field of the health sciences at a more exciting time. This University's intellectual resources, constantly replenished by bright, young minds, are fueling programs leading not only to improved patient care but which, in themselves, are an attraction to new and sophisticated developments in our State.

I recently read where the outstanding American author, James B. Michener, believes that his literary career stands as a great tribute to the American way of life. Because he did well in school, he received scholarships and fellowships, ultimately attending nine of the world's finest universities, always at public expense. It was calculated that American taxpayers spent about $11,000 on educating Michener and, in return, his writing have generated over $68 million back to the public coffers. If he had been born in a country other than America, he believes he would never have been discovered. Michener concludes that American public education is a splendid gamble, made possible by a free society.

Now, as supporters of this institution of higher public education, you invest—you don't gamble—when you invest in our bright, young minds here at M.U.S.C. As Michener entertains and educates those who read his books, our students will treat, educate, and discover new cures for diseases. These are students worthy of your support.

There are many challenges here. There are fiscal challenges and cost containment. There are challenges to established practices in health care. There are challenges of numbers, specialties and distribution. I welcome these because we possess the talent and one of the finest traditions of service in this Nation. I am proud to carry this tradition forward in this, the 159th year, of M.U.S.C.

While President of this institution, it is my vision to continue true quality and excellence in teaching, service and research. With the help of our talented faculty, our dedicated M.U.S.C. employees, Trustees, and supporters, I believe that our values can be established, that our service will be second to none, and that we can design successful plans for the future.

First, I hope to instill a sound value system and belief in our institution. By values, I mean pride in a job well done, openness and candor to each other and to the public, a strong belief in our organization and the mission we perform; the value of human dignity and courtesy to those we teach, treat, and associate with each day.

Second, I hope to strengthen our dedication to service. An institution succeeds or fails on the service it provides. M.U.S.C. *will* provide service that we can all be proud of.

Third, our institution must plan for the future and be flexible. We must stay on the leading edge of technology; we must increase our research and expand our base of knowledge; we must question and prepare for the changes and challenges in the health care delivery field.

There is an inscription on a marker in Old Saint James Church in England that states:
A vision without a task is a dream.
A task without a vision is drudgery.
A vision and a task is the hope of the world.

We have hope; we have a task; we have a vision. We at the Medical University have a vision of a world without cancer, a vision of fewer babies born with unsound minds and bodies, a vision of healthier and happier old people, productive 'til the end. We at M.U.S.C. *also* have a task—a task to teach, to treat, to instill values, and to expand our knowledge. And, our hope is that we can alleviate pain and suffering of mankind, and that the health of our State's citizens and the citizens of the world will improve.

America has the best health care delivery system in the world. We at the Medical University of South Carolina will contribute to that continued success.

Dr. Hanna, Members of the Board, I accept your charge and, with God's help, we will maintain that vision, and truly be a part of "the hope of the world".

Thank you.

The Installation of James Burrows Edwards as President of the Medical University of South Carolina

INSTALLATION PROGRAM

Presiding: Charles B. Hanna, Chairman, Board of Trustees.

Processional: Triumphal March from Aida, Verdi; the Citadel Band, Lieutenant Colonel Earl Raymond Mays, Director.

The audience is requested to rise when the procession enters and remain standing for the Invocation, posting of the colors, pledge of allegiance and national anthem.

Order of procession

Student representatives, delegates of colleges and universities, delegates of learned societies, the faculty, administrative officers, platform guests, board of trustees, presidential party.

Invocation: The Right Reverend C. FitzSimons Allison, bishop, Episcopal Diocese of South Carolina.

The Citadel Color Guard: Posting of the colors.

Pledge of allegiance: The Honorable Grady L. Patterson, Jr., treasurer, State of South Carolina.

Singing of the national anthem: Mrs. Lindy C. Lowe, MUSC Department of Human Resources.

Welcoming remarks: Charles B. Hanna.

Greetings to the president: Scholarly community at large, student body, alumni, faculty.

Introduction of installation speaker: The Honorable Strom Thurmond, U.S. Senator, South Carolina.

Installation address: The Honorable George Bush, Vice President of the United States.

The navy hymn: Melita, the Citadel Band.

Charge to the president and presentation of presidential medallion: Charles B. Hanna.

Presidential address: James Burrows Edwards.

Honorary degree: Doctor of humane letters, the Honorable George Bush. Reading of citation—W. Marcus Newberry, Jr., acting vice president for academic affairs and dean of the college of medicine.

Conferring of honorary degree: James Burrows Edwards, president.

Closing remarks: Charles B. Hanna.

Benediction: The Rev. James T. Blake, pastor, Morris Brown A.M.E. Church.

Recessional: Crown Imperial, Walton, the Citadel Band.

Following the installation, a public reception will be held on the East Lawn (Ashley Avenue entrance) of the Basic Sciences—Dental Medicine Building. In case of inclement weather, the reception will be moved to the lobby and portico of the Administration Building.

VICE PRESIDENT GEORGE BUSH

George Herbert Walker Bush was born in Milton, Mass., on June 12, 1924. Upon graduation from Phillips Academy in Andover, Mass., in June, 1942, he immediately enlisted in the U.S. Navy. At age 18, he was the youngest commissioned pilot in the Navy at the time. He served from August, 1942, to September, 1945, as a naval aviation cadet and carrier pilot, and fought in the Pacific, winning three air medals and the Distinguished Flying Cross.

Returning home, he entered Yale University, completed his economic degree in 1948 graduating Phi Beta Kappa, and captained the varsity baseball team. After graduation, Mr. Bush moved to Texas and three years later co-founded a small royalty firm, Bush-Overby Development Company, in 1951. In 1953, he co-founded Zapata Petroleum Corporation, and one year later—at age 30—Mr. Bush became president and co-founder of a third firm, Zapata Offshore Company. The fledgling firm pioneered in experimental offshore drilling equipment. Today much of the energy produced around the world is drilled for by the rigs that Zapata pioneered.

Mr. Bush was elected to the U.S. House of Representatives in 1966 from Texas' 7th District. One of the few freshman members of Congress ever elected to serve on the Ways and Means Committee, he was reelected to the House without opposition two years later.

From 1971-73, Mr. Bush served as the U.S. Ambassador to the United Nations and as Chairman of the Republican National Committee from January, 1973, to September, 1974. In October, 1974, Mr. Bush traveled to Peking and served for more than a year as Chief of the U.S. Liaison Office in the People's Republic of China. He was then appointed Director of Central Intelligence, where he helped write the Executive Order that guaranteed the protection of civil rights of U.S. citizens. Mr. Bush was sworn in as the 43rd Vice President of the United States on January 20, 1981.

He is married to the former Barbara Pierce of Rye, N.Y., and they are the parents of five children. Twelve institutions have presented him honorary degrees. His father, the late Prescott Bush, served as U.S. Senator (R-Conn) from 1952-1962.

JAMES BURROWS EDWARDS

James Burrows Edwards left the post of U.S. Secretary of Energy to begin service on November 5, 1982, as President of the Medi-

cal University of South Carolina. A practicing oral and maxillofacial surgeon in Charleston since 1960, he has exemplified citizen participation in public affairs, exercising leadership in a variety of elective and appointive offices. He became South Carolina's first Republican Governor in more than 100 years in 1975.

Born in Hawthorne, Fla., on June 24, 1927, Dr. Edwards has been a South Carolinian since early childhood. He is a 1950 graduate of The College of Charleston and earned his Doctor of Dental Medicine degree in 1955 from the University of Louisville. Following graduate studies at the University of Pennsylvania, he completed a residency in oral surgery in 1960 at the Henry Ford Hospital in Detroit, Michigan.

During World War II, Dr. Edwards served in the U.S. Maritime Service and later was on active duty as a Lieutenant in the U.S. Navy Dental Corps from 1955-57. He remained in the Navy Reserve until 1967, holding the rank of Lieutenant Commander upon discharge.

A recognized leader in the fields of health care and education, he was appointed by the President as a member of the Federal Hospital Council from 1969-73 and served on the Governor's Statewide Commission for Comprehensive Health Care Planning from 1968-72. Later, as Governor, he established the South Carolina Energy Research Institute to recommend ways to develop energy resources and was chairman of the Energy Subcommittee of the National Governors' Association. In 1978 he served as Chairman of the Southern Governors' Conference.

Dr. Edwards has been the recipient of honorary degrees from nine institutions: The College of Charleston, University of South Carolina, Bob Jones University, The Citadel, Francis Marion College, Baptist College of Charleston, Erskine College, University of Louisville and Georgetown University.

Dr. Edwards was married in Mount Pleasant, S.C., on September 1, 1951, to Ann Norris Darlington. They have two children, James Burrows Edwards, Jr., and Catharine Edwards Wingate.

LEARNED SOCIETIES AND ASSOCIATIONS

1847—American Medical Association, F. William Dowda, M.D., Board of Trustees.

1849—South Carolina Medical Association, Randoph D. Smoak, Jr., M.D., President.

1876—Association of American Medical Colleges, Marion Anderon, M.D.

1886—The Scientific Research Society, Daniel J. Antion, Ph.D., President, University of South Carolina Chapter.

1895—Southern Association of Colleges and Schools, J. Floyd Tyler, B.A., Member, Standard and Reports Committee.

1896—Palmetto Denatl, Medical and Pharmaceutical Association, James E. Brown, D.D.S., Chairman of the Board.

1907—South Carolina Nurses' Association, Lucy M. Hartley, M.N., President.

1932—American Society for Medical Technology, H. Elise Galloway, M.S., President.

1939—South Carolina Dental Assistants' Association, Joyce E. Nettles, C.D.A., President.

1954—South Carolina Dental Hygienists' Association, Barbara W. Ankersen, M.S., President-Elect.

1961—Council of Graduate Schools in the United States, Arnold Schwartz, Ph.D., Board of Directors.

VISITING INSTITUTIONS

1636—Harvard University Charles duFort Ravenel, M.B.A., Alumus.

1693—The College of William and Mary, Lyon G. Tyler, B.A., Alumus.

1746—Princeton University, Julian T. Buxton, Jr., M.D., Alumnus.

1766—Rutgers, The State University of New Jersey, Raymond S. Frisch, B.S. in M.E., Alumnus.

1769—Dartmouth College, James D. Decker, II, M.S., Alumnus.

1770—College of Charleston, Edward M. Collins, Jr., Ph.D., President.

1772—Salem College, Mrs. Ernest Richter, B.A., Alumna.

1785—University of Georgia, Robert MacInnes, B.B.A., Alumnus.

1789—The University of North Carolina, Macon G. Patton, M.B.A., Alumnus.

1801—University of South Carolina, James B. Holderman, Ph.D., President.

1821—Amherst College, Stephen N. Rous, M.D., Alumnus.

1828—Medical College of Georgia, Margaret B. DeVore, M.D., Associate Dean for Students, School of Medicine.

1834—Tulane University, James A. Cook, Ph.D., Alumnus.

1834—Wake Forest University, E. Carwile LeRoy, M.D., Alumnus.

1837—Davidson College, Clarence W. Legerton, M.D., Trustee.

1838—Duke University, Fred A. Crawford, Jr., M.D., Alumnus.

1839—Erskine College, John Miller Grier, Ph.D., Dorn-Reeder Professor of Modern Language.

1842—The Citadel, Brigadier General George, Meenaghan, Ph.D., Vice President for Academic Affairs.

1845—Limestone College, William J. Briggs, Ed.D., President.

1851—Northwestern University, Charles D. Clawson, B.S. Life Regent.

1854—Columbia College, Miriam Freeman Rawl, Ph.D. Vice President for Academic, Affairs and Dean of the College.

1854—Wofford College, J. Sidney Fulmer, M.D., Alumnus.

1855—Michigan State University, Lorin Browning, Ph.D., Alumnus.

1856—Birmingham-Southern College, Mrs. E. Ravenel Mansfield, M.A., Alumna.

1856—Mars Hill College, William Arthur Earp, Ed.D., Alumnus.

1856—Newberry College, Glenn E. Whitesides, Ph.D., President.

1857—Queens College, Mrs. G. Carswell, Hughs, Trustee.

1861—Massachusetts Institute of Technology, Benedict Rosen, S.B.E.E., Alumnus.

1870—Allen University, David W. Williams, Ph.D., President.

1870—Benedict College, Henry Ponder, Ph.D., President.

1872—Lander College, Larry A. Jackson, D.Litt., President.

1873—Vanderbilt University, Joseph C. Ross, M.D., Associate Vice-Chancellor for Medical Affairs.

1876—Johns Hopkins University, J. O'Neal Humphries, M.D., Alumnus.

1878—Mississippi State University, G. Rayner Gaillard, J.D., Alumnus.

1880—Presbyterian College, William McLeod Frampton, Jr., D.D., Presbyterian Minister (Ret.)

1882—Paine College, Yvonne D. Jackson, B.A., Alumna.

1885—Pfeiffer College, Glen Roy Gale, Ph.D., Alumnus.

1886—Winthrop College, Philip Lader, J.D., President.

1889—Clemson University, Horace E. Fleming, Jr., Ph.D., Director, Strom Thurmond Institute.

1889—Converse College, R.T. Coleman, Jr., LL.D., President.

1891—Randolph-Macon Woman's College, Julia Ragsdale Waddell, A.B., Alumna.

1896—South Carolina State College, M. Maceo Nance, Jr., LL.D., President.

1897—Voorhees College, George B. Thomas, Ed.D., President.

1905—Gardner-Webb College, Ron Thomas, Ph.D., Alumnus.

1906—Georgia Southern College, J. Stephen Wright, Ph.D., Director, Office of Rural Health,

1908—Coker College, James D. Daniels, Ph.D., President.

1908—Morris College, Luns C. Richardson, L.H.D., President.

1927—Bob Jones University, Bob Jones, S.T.D., Chancellor.

1942—Fairleigh Dickinson University, Charles R. Kays, D.M.D. Alumnus.

1954—Coastal Carolina College of the University of South Carolina, Fred W. Hicks, Ph.D., Chancellor.

1954—United States Air Force Academy, Colonel Ronald L. Copsey, USAF, Alumnus.

1958—St. Andrew's Presbyterian College, Thomas R. Blackburn, Ph.D., McGaw Professor of Chemistry.

1964—Baptist College at Charleston, John A. Hamrick, Th.M., President.

1964—Nova University, Anne B. Godbee, Ed.D., Alumna.

1970—Francis Marion College, Thomas C. Stanton, Ph.D., President.

1975—Morehouse School of Medicine, James A. Goodman, Ph.D., Vice President, Administration and Policy.

MEDICAL UNIVERSITY OF SOUTH CAROLINA

The Medical University is South Carolina's only free-standing academic health center providing a comprehensive range of programs in the biomedical sciences.

Founded in 1824 as the oldest medical school in the South, its College of Medicine pioneered in the clinical teaching of students in a hospital specifically provided for this purpose and members of its faculty wrote some of the first American medical textbooks.

The University was a proprietary institution through its early history, but with more rigorous national standards and the much heavier financial demands they placed upon the school, the State was prevailed upon to assume ownership in 1913. University status was achieved in 1969.

The institution includes six colleges, the division of continuing education and a major teaching hospital. In addition to the College of Medicine, there are the College of Pharmacy, in continuous service since 1894; College of Graduate Studies, which issued its first graduate degree in 1951; College of Nursing, celebrating its centennial in 1983, which instituted its four-year baccalaureate program in 1965; College of Allied Health Sciences, established in 1966, which offers 26 training options; and College of Dental Medicine, which graduated its first class in 1971. A Dean of Continuing Education was appointed in 1979.

Today the scope and geographical extent of its services are impressive. Through consortial and regional affiliations, cooperation takes place with other colleges and agencies, and more than 50 hospitals around the state are able to participate fully or in part in numerous programs.

The University's honor roll of distinguished contributors to medicine includes Sims (founder of American gynecology), Thomas (surgical innovations), Strobel (epi-

demiology), Geddings (pathological anatomy), Wagner (pathological and surgical anatomy), Parker (neurosurgery), Porcher (germ theory), Chazal (epidemiology), Banov (community health), Lynch (asbestosis), Walton (pharmacology), Knisely (anatomy), Smithy (heart surgery), and Waring (medical history).

DEANS

1824-28—Thomas G. Prioleau
1828-29—Henry R. Frost
1829-34—Edmund Ravenel
1834-35—Henry Dickson
1835-36—James Moultrie, Jr.
1836-38—Henry Frost
1838-40—Eli Geddings
1840-41—James Moultrie, Jr.
1841-42—Eli Geddings
1842-43—C. U. Shepard
1843-47—Henry R. Frost
1847-50—James Moultrie, Jr.
1850-66—Henry R. Frost
1866-67—Julian J. Chisolm
1867-73—F. M. Robertson
1873-74—George E. Trescott
1874-77—Robert A. Kinloch
1877-82—J. P. Chazal
1882-89—J. Ford Prioleau
1889-91—Robert A. Kinloch
1892-06—Francis L. Parker
1906-08—Edward F. Parker
1908-08—Allard Memminger
1908-43—Robert Wilson
1943-49—Kenneth M. Lynch

PRESIDENTS

1949-60—Kenneth M. Lynch
1960-62—John T. Cuttino (Acting)
1962-64—H. R. Pratt-Thomas
1964-75—William M. McCord
1975-82—William H. Knisely
1982- James B. Edwards

BOARD OF TRUSTEES

Ex Officio: Richard Wilson Riley, A.B., LL.B., Governor of the State of South Carolina.

Hyman Rubin, A.B., Chairman of the Senate Committee on Medical Affairs.

David O. Hawkins, Member of the House Committee on Medical, Military, Public and Municipal Affairs.

Officers of the board of trustees

Charles B. Hanna, B.S., M.D., Chairman, John L. Pressly, A.B., Vice Chairman, Elizabeth G. Castle, Acting Secretary.

Members of the board of trustees

Stanley C. Baker, Jr., B.S., M.D., Greenwood; Roswell N. Beck, B.S., M.D., Florence; Melvyn Berlinsky, Charleston; Walter B. Brown, Winnsboro; Charles B. Hanna, B.S., M.D., Spartanburg; Dorothy A. Manigault, B.A., J.D., Greenville; E. Conyers O'Bryan, Jr., M.D., Florence.

Harrison L. Peeples, B.S., M.D., Estill; John M. Pratt, B.S., M.D., York; John L. Pressly, A.B., Due West; J. Harlon Riggins, Simpsonville; Thomas C. Rowland, Jr., M.D., Columbia; Phillip D. Sasser, B.A., J.D., Conway; Luther B. Wannamaker, B.A., St. Matthews.

INSTALLATION COMMITTEE

Dr. James A. Richardson, Chairman.

Mr. Christopher E. Clare, Mr. Robert H. Fox, Miss Julia P. Goode, Mr. Charles B. Gudaitis, Mr. Stephen L. Jones, Mr. William J. Kanapaux, Jr., Mrs. Margaret G. Locklair, Mrs. Caroline B. Lown, Mr. William M. Matthew, Dr. E. Sue Metzger, Mr. John E. Milkereit, Dr. W. Marcus Newberry, Jr., Mrs. Claire Z. Robinson, Dr. J. William Smith, Mrs. Elizabeth P. Waters, Dr. C. Wayne Weart.

MARSHALS

Dr. James A. Richardson, Grand Marshal.

College of Medicine: Dr. Lawrence L. Hester, Jr., and Dr. Kelly T. McKee.

College of Graduate Studies: Dr. J. Douglas Balentine and Dr. Rosalie K. Crouch.

College of Dental Medicine: Dr. Alfred C. Waldrep, Jr., and Dr. Walter W. Fingar.

College of Pharmacy: Dr. Blake F. Putney and Dr. Edward D. Sumner.

College of Nursing: Ms. Brenda Craig and Ms. Billie Ellis.

College of Allied Health Sciences: Dr. Thomas J. Stewart and Dr. Harriet C. Reavis.

THE CITADEL COLOR GUARD

Color Guard Commander, Ralph M. Engeler; Sword Bearer, James R. Martin; United States Flag Bearer, Edward A. Fienga; South Carolina Flag Bearer, Luther C. Kissam.

USHERS

Students from all Colleges of the Medical University of South Carolina.

ECONOMIC COST OF DRUG ABUSE TO OUR SOCIETY

Mrs. HAWKINS. Mr. President, if money talks, I respectfully ask the taxpayers of this country to listen.

The economic cost of drug abuse to our society has reached an unbelievable $16.4 billion. The cost of treating drug abusers in hospitals and special health care facilities—many of which are funded through medicare and medicaid—is $1.3 billion. Accidents caused by drug abuse on the job, as well as job loss and reduced productivity because of time spent in a treatment center has reached a full $3.8 billion.

The drug abuser has had an even greater impact on the criminal justice system and the welfare system, which we all pay for: $4.8 billion, $4.5 billion of this—a full 94 percent—is borne by the criminal justice system, which includes paying police officers, courts, judges, lawyers, as well as supporting the prison system. Drug abusers affect American productivity in general because of their time spent in prison or in committing crimes. A total of $6.5 billion worth of productivity was lost as a result of persons engaged in crime careers related to drug abuse.

All of which adds up to $16.4 billion on the calculator. These statistics are from the most recent available comprehensive study, done in 1977. If these statistics were adjusted to 1983 dollars, the cost would be $25.8 billion. The problem today has obviously worsened and become even more expensive.

The noneconomic costs to our society and the future of our Nation cannot even be comprehended. I cannot measure in numbers of dollars the deeper consequences of drug abuse to American society. I cannot quantify for you the unspeakable mental and physical suffering of the drug-abuse victim and the tragic deterioration of his mind and body. I cannot add up for you the psychic damage to the drug abuser's family and friends and the strain on their relationships, which may never be normal again. I cannot compute for you the effects of drug abuse on our military readiness or on our children's ability and willingness to learn. I cannot calculate for you the extent of these kinds of costs simply because they are so great and so deep and so pervasive as to be incalculable. I do not like mysteries, but we must live with this one.

What we must not do, however, is sit complacently in the face of a shocking fact: Unless we take swift action to decrease significantly the drug traffic in this country, and throughout the world, the power and glory of our country will very surely go bankrupt.

CATASTROPHIC COVERAGE FOR MENTAL ILLNESS

Mr. STEVENS. Mr. President, I wish to commend the Office of Personnel Management for its recent requirement that all Federal employee health plans carry catastrophic coverage for mental illness. The impact on individuals and families struck by mental illness can be as devastating as that of physical illness. Yet, while almost all of the Federal employee plans contain some catastrophic protection for physical ailments, none carry it for mental ones.

I was especially pleased that Dr. Don Devine, Director of OPM, has moved forward quickly in response to the universally recognized need for catastrophic protection against high mental health charges. Inpatient catastrophic protection against mental illness will now be available in nearly every FEHB fee-for-service plan. This indeed is a milestone. Previously, such protection was practically nonexistent in the FEHBP.

Under the plan, once the inpatient catastrophic limit for out-of-pocket expenses has been reached, most plans will pay 100 percent of inpatient mental health costs for the remainder of the contract year up to a maximum lifetime limit. Annual inpatient mental health catastrophic limits range from $4,000 to $8,000. Maximum mental health lifetime limits range from $25,000 to $75,000. Most plans also either maintain or improve outpatient mental health benefit levels.

These improvements in mental health benefits have been accomplished at no increased cost to the FEHB program. These improvements have been accomplished with virtually no reduction in the actual value of mental health benefits to any plan.

I want to commend OPM and the carriers for their cooperation in this effort. I am sure Federal employees and the public will be better served by their actions.

HIGH PRAISE FOR BISMARCK

Mr. BURDICK. Mr. President, I want to bring to the attention of my colleagues an article that appeared last Sunday in the New York Times travel section about the capital of North Dakota, Bismarck, and its sister city across the Missouri River, Mandan.

The eastern liberal press is not always so well thought of in North Dakota, but I think the people of my State would be very happy with this article. It is an accurate, positive description of two beautiful, energetic, forward-looking cities.

The author, Larry Woiwode, captures what I think out-of-Staters find most striking about North Dakota—an incredible sense of openness, in the land as well as in the people. He also points out what many fail to understand: That North Dakota is still a young State, one in which the last homesteaders settled not more than 70 years ago. It is a land that is still raw in many ways, one in which history is just below the surface of everyday life and where nature is still a dominating force.

Mr. Woiwode does not limit himself to generalities. He has listed some excellent restaurants that rival anything Washington has to offer, and he mentioned several hotels and motels I join him in recommending. Although he did not write about the Badlands or Theodore Roosevelt National Park, both well worth a visit, he included a fine review of the parks and campgrounds along the beautiful Missouri River in the immediate Bismarck-Mandan area.

I commend this article to everyone who has occasion to go West, and I hope it encourages them to stop in the Bismarck-Mandan area for a visit. All too often people tell me they have driven through North Dakota. Mr. Woiwode has done an excellent job of describing for travelers why they should stop.

I ask unanimous consent that a copy of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNDER THE BLUE SKY OF NORTH DAKOTA—BISMARCK IS A CONGENIAL CITY WITH A CAPITAL'S PACE

(By Larry Woiwode)

In the heart of every transcontinental traveler there probably lurks a buried fear of being stranded in Bismarck, North Dakota. It would be in the midst of a blizzard. Either the plane you were on would be forced into a landing, or at the Interstate turnoff to Bismarck your car would develop one or another of those mechanical failures that seem programmed into present-day equipment.

Actually, you might be surprised to find your surroundings so congenial, and will be taken aback by the awesome arch of sky overhead. You'll probably find yourself looking over a shoulder, and then turning in a circle, in the way that many do when set down here, as if to assure yourself that you're beneath this much breadth of unpolluted blue. Visitors speak of all defenses eroding under this sky, so that they feel constantly watched. From inside a car, they have a sense of floating or flying, depending upon the speed, with sky outside the windows all around. For however long you might remain in Bismarck, this sky will probably have the greatest and most lasting impact.

Bismarck (population 44,500) is in a valley of one of the south-curving runs of the Missouri River—the true line of demarcation, as many have observed, between East and West. West River Country, as it is called, is more arid and topographically rugged—less arable than the rest of the state, and thus less tamed by modern farming practices, which here, in the extreme, take the form of fields a mile square. Here are the Missouri breaks and river plains and bluffs, and the buttes—conical, mesa-topped, rounded—that begin their slow climb, across plains that tend to be more rolling than east of the Missouri, toward the Rockies that rise in Montana. The Missouri further marks the division between Central and Mountain time. In summer an afterglow of the sun's last light remains across the western horizon until 10 o'clock. Distances tend to be measured in hours of travel.

Bismarck is only a few minutes from Mandan, its companion city across the Missouri, on the river's western bank. If you ask certain people what to do in Bismarck, they'll say, "Go to Mandan." Most of these are undoubtedly Mandanites, and their response might rise out of a feeling of being overshadowed. Bismarck is the capital of North Dakota, with the pace and the social pressures that one expects of a city where different factions struggle for temporal power—though this pace is, admittedly, about 55 in comparison to Manhattan's 98. Bismarck is a youthful city with a rough-edged, outgoing warmth, and streets so clean they seem scrubbed every night. But it can't be denied that there is a distinctiveness to Mandan to be savored, a Western aura embodied in its buildings of three stories and less, or that many of the attractions to the visitor lie in this community that opens onto the West.

The first landmark to command your attention in Bismarck will be the Capitol, whether you see it from the Interstate, or come blanking in a westward curve around it, as most airliners do, lining up for their approach down to Bismarck Airport. Nineteen stories high, a shaft of Indiana limestone tiered with regular rows of windows, it rises above the rolling countryside like an anomaly, as if the directness of the natives had been thrust straight up.

It was built between 1932 and 1935, at a time when the future was looking even grimmer than at present, because of droughts and the country's financial depression, for a cost of more than $2 million. It mirrors, in miniature, Manhattan skyscrapers of this era, and its grounds cover more than 100 acres. The uncluttered richness of its interior reveals something of the spare, poetic sense of place that natives tend to have, and of their gratitude for this heritage of land: many of its settlers were European immigrants. The main entrance doors and the facade around them are of solid bronze, now dimming from weather, and inside bronze columns rise 40 feet to the ceiling of Memorial Hall, as it is named. Four light fixtures of bronze, 12 feet long, meant to represent ripened heads of what (the local form of gold), hang low from the hardwood ceiling.

If the visitor wishes, he may stop in and say hello to the governor, Allen I. Olson, who is that accessible in this state of about 600,000 inhabitants in toto.

Although North Dakota supplies the wheat for about half of the bread consumed in the United States (besides a bit for certain areas of Russia, some farmers would grumble), it's often been said that the state's most valuable resource is its people. Demographics alone suggest that they're largely exported, and most major employers, including many branches of the United States Government, have found that there are few workers more dependable and motivated. It would be a loss to the visitor not to become acquainted with one, in perhaps a Scandinavian or an Icelandic apotheosis.

While at the Capitol, it is worth a trip to the observation tower, 250 feet up, to see the gentle curve the Missouri takes through Bismarck-Mandan, not clearly depicted on any map. The newest attraction on the Capitol grounds is the Heritage Center. This three-story building, completed in 1981, lifts out of a scoop of land like a compressed corner of the state rising to the surface. There have been local complaints about its cost (more than $8 million), exemplified by the couple leaving it last winter, overheard saying, "At least the other one was functional." The other one is Liberty Memorial Building, with the grandiose, Greco-Roman facade of the government buildings in Washington, D.C., which became too small to house the State Museum, the State Historical Society and the volumes and archives of the state's history. It is now the State Library.

The new building, to this local, seems eminently functional, perhaps functional above all, besides bowing in its simple lines to a harmony with the land. In its large, warehouse-like museum, covering 22,000 square feet, the visitor can get a sense of how close history is to the surface in this young and largely undeveloped state. Most of the recorded portions of that history, discounting beadwork and rock painting that press forward with an urgency of their own, cover little more than 100 years, when Bismarck was still a part of the Dakota Territory; North Dakota will celebrate its centennial as a state in 1989.

The buffalo and our native American Indians—the Mandan and the Sioux—are prominently featured in permanent displays along with early automobiles and farming machinery, and Red River ox carts used by the Metis. The many European cultures that have gathered here and had their effect are represented by their crafts and traditional dress, and the theme of the center when it opened was "North Dakota Speaks With Many Voices." This will temper your impression of the state's youth.

In another part of the center is a perfectly raked auditorium for special program which is worth a peek into even if nothing is going on for its interior of quarter-sawn oak. And in another wing is the formidable library of local and Western history, from the Mandans and the Sioux of Bodmer and Catlin and Lewis and Clark, through the era of steamboat travel on the river and Custer, through Teddy Roosevelt and the Marquis de Mores at Medora, to the founding of the Nonpartisan League (see the film "Northern Lights") and the Farmer's Union, and their effects on national history. North Dakota

still retains the only state-owned bank in America, at Seventh and Main in Bismarck, a notable building.

To visit some of the locales of this history, you will have to have an automobile. There is no public transportation in Bismarck, and the taxi service is minimal; during a recent blizzard, when more than a few of those transcontinental travelers were stranded at the airport, not one cab was running. The rental cars—there are four agencies just at the airport—are available for rental only during regular business hours. One has to look ahead to this. And if it is late spring or summer, one would do well to have along warm clothes; there are freezes in August, along with some wonderful Indian summers into October, and there is at least one freeze during the month of May.

The Capitol grounds are between Seventh and Ninth streets in this simply laid-out city (The Greeter, a publication that can be picked up at the airport, besides listing local events, has a map in each issue), off Interstate 94, which is one of the two routes between Bismarck and Mandan. The other, Memorial Drive, is known as the midway, or, more colloquially, "the strip." If you park at Fifth, on Main or Broadway in Bismarck, you will be within walking distance of most of the main shops and municipal buildings.

Bismarck has a symphony orchestra which often plays at the Civic Auditorium, also close. There are chamber groups and jazz groups and other, imported performers at Bismarck Junior College and Mary College, and usually good, live entertainment at one or another of the lounges of three popular motels: Der Mark Lounge, at the Kirkwood Motor Inn, The Dockside Lounge, at the Holiday Inn, and the Porthole Lounge, at Mandan's Seven Seas Motor Inn. The campus of Mary College, south of the airport, on a hillside with a panoramic view of the Missouri, was designed by Marcel Breuer, and is worth a visit.

Traveling west on Main will take you to one of the bridges across the broad Missouri (boating, fishing, canoeing and water-skiing take place on this in season), but before the bridge, at First Street, so inconspicuous you might miss it, is the small historic center of Camp Hancock. This is the site that the city of Bismarck was plotted around. The camp was founded on an upriver trip of the United States Army in 1872, and was garrisoned, among others, by Captain B. F. Slaughter and his wife, this last a remarkably liberated lady for her day. She was a graduate of Oberlin College, a close friend of Susan B. Anthony, and began the first school in Bismarck, the first Sunday school and was the first postmistress, which had her standing up to George Armstrong Custer, who wanted the mail delivered to him out at Fort Lincoln first. One of the log buildings of Camp Hancock, wearing a veneer of white siding now, houses the park's offices and a small museum (open from May 15 to Sept. 15). If it's winter, you can brush the snow aside from the pane beside the museum's entrance and see the original logs of one of the first buildings put up by white settlers.

At the river, if you follow its left bank, which is south, you will come to a children's zoo that even those who can barely tolerate zoos find not so offensive. Perhaps it's because the zoo sprang out of a local family's love for animals, and grew up on a small farm; this family, the Marc Christiansons, still run the zoo. A scaled-down train travels around the grounds and children are always interested in Clyde, believed to be the largest Kodiak brown bear in the world; he weighs in at a ton.

Across the Missouri, the highway forks into an access onto I-94, the business branch of which leads to Mandan's Main Street, or, if you veer to the left, onto the strip. Near the beginning of the strip, to the right, is the most acclaimed local restaurant, the Gourmet House, which caters to our legislators and landed millionaires and politicians from out of state.

In this ranching area, beef is the specialty, and you won't go wrong with either the prime filet mignon at $12.50 or the Porterhouse exceptionale at $15.95. There is a wonderful luncheon buffet of prime rib roast, with all the trimmings, for $5 a plate. Fiesta Villa, south of 94 in Mandan, has excellent Mexican food, along with generous margaritas and varieties of Mexican beer, as does the Paradisio in North Bismarck. A meal for two at either place is about $10, minus drinks.

And here the visitor should be apprised that no liquor is available anywhere in North Dakota on Sunday, so if one has a predilection for it, or merely wants a beer with a Sunday picnic (there are several good city parks), then one would do well to stock up on Saturday, or be prepared to drive to South Dakota, which is not uncommon; the nearest place is about an hour from Mandan.

Just beyond the Gourmet House is the Gaiety II, the local version of Gilley's, which ususally has country-western/pop entertainers of national reputation, and is the place for the young. So is the Silver Dollar, on Main Street in Mandan and, back on Main in Bismarck, the Front Page. Most night spots and "lounges" operate blackjack casinos, since this form of gambling has recently been legalized, within limits, by our state legislature; no single act of it has probably so affected tourism. Blackjack tables are legally operated by nonprofit organizations, such as the V.F.W. and Elks, and can be found in their clubs. In public places, an area is rented or turned over to a nonprofit organization, which walks off with the night's take. Across from the Gaiety is an inexpensive motel, the Colonial, with a bar and liquor store, a "bottle shop," in the local euphemism, where entertainers at the Gaiety usually hang out. The most elegant inexpensive place to stay in the area is the Lewis and Clark Hotel, on Main in Mandan, with rooms for two beginning at $18.

South of Mandan a few miles is the confluence of the Heart and Missouri rivers, which is where, according to Indian legend, the first man appeared. There is good camping along the river here, both for plug-in vehicles and those who like to rough it, and it's one of the few state campgrounds I've been in without vendors on its fringes, besides all the firewood you can use already cut up for you and free for the taking. The cost is $2 a day, after the $4 for a camping permit, which is good for a season.

Close to the campground is a museum of fieldstone, operated by the Department of Parks and Recreation, which is built in the unmistakable style of the W.P.A. projects of the 1930's. Outside the museum a footbridge leads across a moat that was a part of the fortifications around a Mandan Indian village—the Slant Indian Village, as it is named, for its position on its site. The W.P.A. did extraordinary work here in reconstructing, on the old foundations, several Mandan earth lodges. The lodges once honeycombed this hillside overlooking the Heart and the Missouri. The Mandans were an advanced, argicultural civilizaiton and by entering their lodges, which one may do, a sense is got of how they perceived life. Each lodge is curved like the earth, which they apparently preferred to feel they were sheltered beneath, as if to shield out the sky, and the buffalo boats they used on the river—willow frames covered with sewn buffalo hide—are like miniatures of their lodges reversed. Examples of these and of other artifacts and implements are on exhibit inside the spacious, dirt-covered domes.

Outside, the effect of the sky again registers, as it must have on the Mandans, and more so, then, with its arch of limitlessness. And now you might notice the blockhouses on the hills around. These are remnants of Fort McKeen, an infantry outpost of the now-infamous Fort Abraham Lincoln, which attracts visitors from across the globe. It was from Fort Lincoln that the troops left for the battle that has come to be written about more than any military encounter in history, including Napoleon's travails, the Battle of the Little Big Horn, or Custer's Last Stand.

The parade grounds of Fort Lincoln, across the road from the park museum, lie bleak and silent under the arch of sky. The only activity recently seen there, besides people walking in contemplative silence, was a local farmer making hay. A wooden flagpole like a lashed-together mast bears the American flag above a barren field, where even a few moments spent bring on feelings of misgivings and desolation. All that is left is a pile of stones here or there, marking the foundations of a building.

Across a road that circles the parade grounds are the foundations of the officer's quarters. One of the larger piles of these stones, now crumbling and thrown out of former regular lines, has a sign that reads, simply, Custer's Home. A trail leads up over the hill behind it, and this is the trail that Custer and his men took west on their way to Montana and the country of the Little Big Horn, with the full retinue of an Army band playing, according to different sources (including Custer's wife), either "Barbara Allan" or "The Girl I Left Behind Me," or perhaps both, as they went over the hill and out of sight.

Again, this is history so close to the surface that the visitor can scarcely help but feel it, and it is this, and the bending presence of the unaffected, unpolluted blue above, that he'll carry with him out of this country. Bismarck is the site and center of one of the last frontiers, the visitor will discover, in more ways than one.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now resume consideration of the pending business, H.R. 3959, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 2444

(Purpose: To provide funds for the termination of the use of certain seepage basins at the Savannah River plant in Aiken, S.C.)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. MATTINGLY, Mr. HOLLINGS, and Mr. NUNN purposes an amendment numbered 2444.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, after line 24, insert the following:

TERMINATION OF THE USE OF CERTAIN SEEPAGE BASINS

Of the funds heretofore appropriated for "Atomic Energy Defense Activities", $30,000,000, of which at least $8,000,000 shall be derived from funds appropriated to the Department of Energy for fiscal year 1984 for the operation of the L Reactor at the Savannah River Plant, Aiken, South Carolina, and the remainder shall be derived from funds appropriated for project 82-D-124, to remain available until expended, for use by the Secretary of Energy—

(1) to terminate, within 24 months after the date of enactment of this Act, the use of seepage basins associated with the fuel fabrication area at the Savannah River Plant, Aiken, South Carolina; and

(2) to submit to the appropriated committees of Congress, within 6 months after the date of enactment of this Act, a plan for the protection of ground water at the Savannah River Plant which shall include—

(A) proposed methods for discontinuing the use of seepage basins associated with the materials processing areas;

(B) provisions for the implementation of other actions appropriate to mitigate any significant adverse effects of on-site or off-site groundwater and of chemical contaminants in seepage basins and adjacent areas, including the removal of such contaminants where necessary; and

(C) provisions for continuing the expanded monitoring program of groundwater impacts involving the appropriate South Carolina agencies in accordance with the statutory responsibilities of such agencies.

Mr. THURMOND. Mr. President, this amendment to H.R. 3959, the fiscal year 1984 supplemental appropriations bill, is aimed at protecting the ground-water supplies at and near the Savannah River plant in Aiken, S.C. This amendment is essentially the same language that I offered to the 1984 Department of Defense authorization bill, which was accepted by the Armed Services Committee, and passed by the Senate. This amendment is cosponsored by Senators MATTINGLY, HOLLINGS, and NUNN, and I believe it should be acceptable to the chairman and ranking member of the Appropriations Committee.

In April of this year, the Energy Department at the Savannah River plant site reported that two organic compounds—triclene and perclene—had leaked from a seepage basin into shallow ground water in a 180-acre area around the plant's fuel fabrication facility. Small quantities of triclene were reported to have been found in an important ground water resource called the Tuscaloosa aquifer, which runs beneath the facility and provides drinking water supplies to citizens of South Carolina and Georgia. No contamination, however, has been discovered offsite to date.

Mr. President, my amendment would, first, provide funds for the construction of waste treatment facilities so that the use of seepage basins in the fuel fabrication area may be terminated; second, provide funds to initiate cleanup of existing chemical contamination in the fuel fabrication area; and third, require the Secretary of Energy to submit a plan for further mitigative actions, the elimination of seepage basins at other areas of the site, and an expanded monitoring program.

Finally, Mr. President, I would like to make three points regarding the nature of this amendment. First, I submit this amendment to H.R. 3959 because of my concern that the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1984 apparently will not be considered by the House of Representatives, thus thwarting the will of the Senate on this matter as previously expressed by passage of S. 675. Second, this amendment is not intended nor should it be construed as a rebuke of the Department of Energy. On the contrary, the Energy Department has acted responsibly in this matter, having quickly identified the problem and undertaken remedial actions without benefit of authorization or appropriations. I am informed that the Department already has spent over $9 million in an effort to resolve this problem. Unfortunately, however, more funding is needed. This leads me to my third and final point. I share with the distinguished chairman of the Appropriations Committee, and, indeed, with all Senators, a desire to keep Government spending to a minimum. At the insistence of Senator HATFIELD, we have modified this amendment to provide that already appropriated funds will be used to address this potential threat to the public's health. We simply cannot take chances with the public's safety and the quality of our drinking water supplies. I, therefore, hope that all Senators will join me in supporting this amendment, which so clearly seeks to protect the health and welfare of the public.

Should the Department of Energy need additional funds to carry out environment projects at the Savannah River plant, I am assured by the chairman of the Appropriations Committee that he will give every consideration to any such request.

Mr. MATTINGLY. Mr. President, I commend the President pro tempore for this excellent amendment that he has put forward. I also thank the distinguished chairman of the Appropriations Committee for cooperating in this endeavor because we tried jointly at the Savannah River plant to make sure that it was going to be a plant that would be put together that would not let loose particles that were going to be dangerous to the surrounding communities and people in my State and the State of the senior Senator from South Carolina.

The money for this small amendment will be taken from appropriated savings which I think is an admirable way to do that. I commend once again the chairman of the Appropriations Committee and the ranking minority member for cooperating with us on this amendment.

Mr. HATFIELD. Mr. President, I thank the Senator from Georgia for his remarks.

The amendment has been reviewed by the minority staff and the ranking member of the committee as well as the majority staff and myself. Mr. President, we are willing to accept the amendment.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

Mr. HOLLINGS. Mr. President, I am pleased to join my distinguished colleagues from South Carolina and Georgia in cosponsoring this important amendment to provide funds for certain environmental programs at the Savannah River plant.

The money will be used for three vital purposes: To close down old seepage basins in SRP's fuel fabrication area, to clean up some old hazardous waste pits elsewhere on the site, and to finish studies on the environmental effects of the hot water used to cool the plant's reactors.

All three of these actions are legally mandated—the first by the Resource Conservation and Recovery Act, the second by the Superfund law, and the third by a formal memorandum of understanding between the Department of Energy and the State of South Carolina. DOE has commendably moved to meet these new requirements, and now it is time for the Congress to provide them with the necessary funds.

I might add, Mr. President, that the amendment provides this funding

without increasing the overall Energy Department appropriation. The money will be reprogramed from other, less urgent departmental activities.

Given the importance of these clean-up activities, and given that the amendment does not increase appropriations, I urge my colleagues in the Senate to accept this language.

The PRESIDING OFFICER. Is there further debate?

Mr. STENNIS. Mr. President, I am familiar with this project and its progress and some lack of progress. I really think it is timely. I hope that the Senate will see fit to put it in this bill. I do not know of anyone on this side of the aisle that opposes it, although there may be and they just have not reported it to me. I approve of this amendment and hope that we can pass it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from South Carolina (Mr. THURMOND).

The amendment (No. 2444) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the chairman of the Senate Appropriations Committee, Senator HATFIELD, and the ranking member, Senator STENNIS, for their cooperation in this manner. It is a matter of tremendous importance to a number of States because the water supply there, the Tuscaloosa Aquifer, runs out under several States and this is extremely important to protect the water supplies.

I wish also to express my appreciation to Senator MATTINGLY of Georgia for his fine cooperation and assistance in connection with this matter.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

AMENDMENT NO. 2445

(Purpose: Maintains funding at current operating levels for specific Labor Department job training projects; does not require additional appropriations)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), on behalf of himself, Mr. EAGLETON and Mr. WEICKER, proposes an amendment numbered 2445.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . From the appropriation under the Department of Labor Appropriation Act, 1984, of sums to carry out the Job Training Partnership Act, the Department of Labor shall expend funds for the periods covered by such appropriation in accordance with the directives expressed in the paragraphs referring to special national programs under the heading "Employment and Training Administration", subheading "Training and Employment Services", in the Joint Explanatory Statement of the Committee of Conference accompanying the Conference Report on H.R. 3913 as set forth in House Report 98-422.

Mr. STENNIS. Mr. President, may we have quiet? This is an important matter.

The PRESIDING OFFICER. The Senate will please be in order. Those people conducting conversations in the rear of the Chamber will please cease their conversations.

Mr. HATFIELD. Mr. President, this is a very simple amendment. It gives a conference report directive agreed to last week, on the fiscal 1984 Labor-HHS-Education appropriations bill, the force of law.

It is our understanding that the Labor Department intends to ignore this directive, which specifically maintains funding at fiscal year 1983 operating levels for the Human Resources Development Institute, 70,001 Ltd., and the National Displaced Homemakers Network. If the intent of Congress is to be carried out, it appears that bill language is necessary in this instance.

Mr. President, we have had some previous recent experience with the Department of Education and other Federal agencies that have chosen to totally ignore report language that has been agreed to by both houses of Congress. We do not write report language merely to see ideas in print. Even though it is understood that report language does not have the same binding quality as if the language is in the bill, traditionally and historically, that report language has certainly been taken into serious consideration by the agencies.

I have noted a trend whereby agencies not only are not taking into serious consideration the report language, but also, they are very quick to say: "We're not going to. We are ignoring it. We don't consider it binding; therefore, we don't consider it of importance."

As I say, we had that with the Department of Education on a matter; and when we deducted $40 million from their central office operating expenses for a period of time, they began to read the report language.

I hate to have to move things that should be handled as strong recommendations and directives from Congress in the form of bill language, but I think it is important to do this at this time to let the agencies know that Congress is serious when we write report language, with the understanding that they do not have the binding effect of law, but still we expect them to be given serious consideration.

This has been a very flippant, totally uncalled for response by the Department of Labor. Therefore, it seems to me that it is important to let the record be made very clear at this point.

So I submit this amendment, on behalf of Senator WEICKER, Senator EAGLETON, and myself. It has been cleared on both sides.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, during the entire calendar year 1983, I do not know of any subject matter in which there has been shown as much general interest and specific interest on the part of various committees as in these training programs to which this amendment relates. It is already the policy, as I understand it. The chairman is proposing this in order to write it into law, to give it more force and effect.

Mr. HATFIELD. That is correct.

Mr. STENNIS. It could be that in the course of years, we have put a little too much in the reports and that the Departments are getting tired of it.

Strictly on the merits, this amendment deserves support, and I do support it. I know that a number of my colleagues also support it. I do not know of any opposition. I hope the amendment is adopted.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 2445) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2432

(Purpose: To appropriate $500,000 for the Washington Tourist Information Facility in the Great Hall of the Herbert Clark Hoover Building)

Mr. HATFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD), on behalf of Mr. TOWER, proposes an amendment numbered 2432.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, after the period of line 15, add the following: "For the Washington Tourist Information Facility in the Great Hall of the Herbert Clark Hoover Building, $500,000.".

Mr. HATFIELD. Mr. President, I offer this amendment on behalf of the Senator from Texas (Mr. TOWER).

The amendment would appropriate $500,000 to cover major operating expenses for the Washington Tourist Information Facility in the Great Hall of the Herbert Clark Hoover Building.

This center is operated by the National Park Service and fulfills a vital need for a centrally located tourist information facility in the District of Columbia. Since the failure of the visitor's center at Union Station, the District of Columbia has been forced to accommodate the thousands of tourists from the United States and abroad who flock to our Nation's Capital each year. It is imperative that we maintain a central tourist information service to demonstrate the pride Americans take in their Capital.

While the Great Hall Tourist Information Center has received help from private sources, in order to continue its operations it is my feeling that it is essential to operate this service as a federally funded service, with operating guidelines and management directed by the National Park Service.

Therefore, I offer this amendment today on behalf of Senator TOWER and I join with Senator TOWER in urging our colleagues to join in support of it.

Mr. STENNIS. Mr. President, if the Senator will yield, I have no objection to this amendment. From what knowledge I have, it is justified.

I noticed we want more tourists. Most of them are taxpayers. We want more of them. We certainly had a generous share of them this year, and they are entitled to this service, and it has to be handled.

I support the amendment. I do not know of any opposition to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 2432) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I yield the floor.

AMENDMENT NO. 2446

(Purpose: To Retain The Urban County Designation Under the Community Development Block Grant Program for Anoka County, Minnesota)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 2446.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

The first paragraph under the heading "Community development grants" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984, (Public Law 98-45) is hereby amended by striking out the period at the end thereof, and inserting the following: *Provided further*, That any unit of general local government which was classified as an urban county in fiscal year 1983 pursuant to section 102(a)(6) of the Housing and Community Development Act of 1974, as amended, shall continue to be classifed as an urban county for the purposes of the allocation of funds provided therein for fiscal year 1984.

Mr. BOSCHWITZ. Mr. President, today I am offering an amendment that will allow Anoka County, Minn., to continue participating in the urban county portion of the community development block grant program. This amendment is noncontroversial and has been cleared by both sides.

Mr. President, in order to qualify as an urban county—and thus be eligible for a specific funding allocation—a county must meet a 200,000 population threshold level. Anoka County met this requirement prior to 1981, but inexplicably, the 1980 census count put its population at just below 200,000. Data from the State demographer's office showed its population well above the needed level.

So, for the past 2 years Congress has recognized that Anoka County should have retained its urban county status and has supported efforts to keep it in the program.

This year, because of delays in receiving the updated Bureau of the Census figures, Anoka County is once again facing the possibility of losing its targeted urban county funds. No one involved disputes that Anoka County is over the 200,000 level—current State data puts it up to 207,130—but it faces a loss of funds anyway—almost $2 million in total.

The amendment I am offering is only a stopgap measure, for HUD informs me that in fiscal year 1985 Anoka County will be once again officially on its list of urban counties because the Bureau of the Census will finally have the census update completed.

However, without this amendment, Anoka County faces a funding loss that will have a tremendous effect on the low-income residents served by its programs. Currently Anoka County is in the second year of a 3-year joint powers agreement entered into with surrounding municipalities. An agreement it entered into because of HUD regulations. If it is to complete its obligations for the third year, clearly it will need its fiscal year 1984 urban county share.

The CDBG program is well respected and has proved invaluable to Anoka County's efforts to serve its lower income residents. I urge my colleagues to support my efforts to continue Anoka County's urban county status, and I urge them to accept my amendment.

This amendment has virtue and it has been cleared on both sides. I ask for the acceptance of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 2446) was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2447

(Purpose: To include poultry, eggs, and the fresh products thereof within the definition of "meat" for the purpose of the Prompt Payment Act)

Mr. MATTINGLY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) for himself and Mr. NUNN proposes an amendment numbered 2447.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . Notwithstanding any other provision of law, the terms "meat" and "meat food products" as used in the Prompt Payment Act (P.L. 97-177; 96 Stat. 85) in section 2(a)(2)(B)(i) thereof shall include also edible fresh or frozen poultry meat, poultry meat food products, fresh eggs and perishable egg products.

Mr. MATTINGLY. Mr. President, this amendment has been cleared by the Governmental Affairs Committee. And what it does is amend the Prompt Payment Act, Public Law 97-177, to add "meat" and "meat food products."

It is a noncontroversial amendment. I believe it has been cleared on both sides. I ask for its acceptance.

Mr. HATFIELD. Mr. President, both sides have looked at this amendment, and it has been cleared.

Mr. STENNIS. Mr. President, I have no objection to the amendment, and I do not know of any objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 2447) was agreed to.

Mr. MATTINGLY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2448

(Purpose: To permit the Secretary of Agriculture to donate the Bamboo Research Station in Savannah, Ga., to the University of Georgia)

Mr. STENNIS. Mr. President, on behalf of the Senators from Georgia, Mr. NUNN and Mr. MATTINGLY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. STENNIS), on behalf of Mr. NUNN and Mr. MATTINGLY, proposes an amendment numbered 2448.

On page 24, between lines 11 and 12, insert the following:

DONATION OF CERTAIN PROPERTY

Notwithstanding any other provision of law, the Secretary of Agriculture shall have the authority to donate, without consideration, the land, buildings, facilities and equipment at the USDA Plant Introduction Station, commonly known as Bamboo Research Station in Savannah, Georgia, to the College of Agriculture, University of Georgia.

Mr. STENNIS. Mr. President, this amendment concerns the transfer of a small piece of land.

I have here in my hand a letter of the Senator from Georgia (Mr. NUNN) from the Department of Agriculture approving the amendment and the transaction in its entirety.

I know of no opposition to the amendment.

● Mr. NUNN. Mr. President, today I am offering an amendment on behalf of myself and Senator MATTINGLY.

This amendment gives the Secretary of Agriculture the authority to donate the property and facilities of the U.S. Plant Introduction Station, commonly known as the Bamboo Research Station, Savannah, Ga., to the College of Agriculture, University of Georgia.

Mr. President, the Bamboo Research Station consists of approximately 51 acres of land made up of plant-nursery type plots and 13 buildings and related structures constructed in the 1920's and 1930's. In 1979, the Agriculture Research Service (USDA) began the process of reducing program activities at the Bamboo Research Station. ARS plans are to close the facility by September 1984. In 1979, ARS also initiated negotiations with the University of Georgia for the university to operate the Bamboo Research Station.

The Agriculture Research Service wished, at that time, to donate the facility to the university. When ARS made its proposal to transfer the property to the University of Georgia, no State funds were available to operate the Station. Therefore, the transfer was postponed. Subsequently, operating funds were approved by the board of regents of the State of Georgia and since late 1981 the University of Georgia has operated the Bamboo Research Station under a cooperative agreement with the Department of Agriculture. This cooperative agreement expires September 1, 1984.

In May 1983, the University of Georgia informed the U.S. Department of Agriculture that the university now wishes to take possession of the Bamboo Research Station. Senator MATTINGLY and I contacted Secretary of Agriculture John Block to encourage his approval of this transfer of property to the University of Georgia. In his response, dated July 15, 1983, Secretary Block stated that:

We feel that the donation of the Station to the university has much merit and would benefit all concerned. However, neither the USDA nor ARS has the authority to transfer or donate the subject property to the university.

Mr. President, this amendment would simply give Secretary Block the authority necessary to complete this transfer to the University of Georgia so that the university can continue the current research activities at the Bamboo Research Service. Also, this transfer will allow the University of Georgia to conduct expanded research on soil types, climate and environment conditions of the coastal area of Georgia. Acquisition of this facility will help the College of Agriculture, University of Georgia, better serve the increasing number of people in coastal Georgia. The facility will become an important center for applied research and an educational center with primary emphasis on horticulture, plant sciences, and energy conservation.

Mr. President, I urge the adoption of the amendment.●

Mr. STENNIS. The Senator from Georgia is here and I will be glad to yield to him if he wishes or if he wishes the floor.

Mr. MATTINGLY. Mr. President, I add that the senior Senator from Georgia and myself thank the chairman and the ranking minority member of the Appropriations Committee for their kind consideration of this amendment.

I move its approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 2448) was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, we are trying to clean up these amendments as rapidly as possible, and we are going to have to have the cooperation of Senators who expect to offer amendments. We are trying to assess where we are, and I think we are down now to a handful of amendments.

If Senators will appear in the Chamber, we are ready to accommodate the consideration of their amendments.

There is one committee amendment which deals with syndication, and on that matter an effort has been made to resolve that matter. I do not think it has been resolved. The leader has indicated that we have to soon move to the debt ceiling question, and so we are very anxious to do as many of these amendments as possible before we have to take this bill down.

This bill will have to be set aside probably very shortly, and if Senators wish their amendments considered, they should be here now for that consideration.

I am very hopeful that later we can get a unanimous-consent agreement that restricts any amendments to this bill to the single amendment dealing with the question of syndication when we return to the bill next Tuesday. So we want to get all other amendments except syndication out of the way today within the next short while.

I have a list here of what we know to be at least indications of the past, an amendment by Senator HEINZ, by Senator KENNEDY, by Senator PACKWOOD which deals with syndication; by Senator HAWKINS, Senator MOYNIHAN, Senator D'AMATO, Senator HELMS, and Senator MURKOWSKI. I know of no other amendments except those, and I

am very hopeful that those Senators will come to the floor and take care of their business.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. HATFIELD. I withhold.

Mr. PACKWOOD. On the matter of syndication, it is my intention in a short while to offer a request for a motion to strike a portion of the appropriations bill.

Whether Senator DOMENICI's amendment is offered subsequently today or on next Tuesday I do not know, but I would like to have a vote and a ruling on a point of order, if there is going to be a request for a rollcall after the Chair has ruled.

Mr. President, let me take a few moments to explain what the situation is on syndication. We are really here not dealing with a procedural issue as far as the proponents of the provision in the appropriations bill are concerned. Those who do not like the action the Federal Communications Commission will soon take on syndication want to stop them from taking it in hopes of changing it, in hopes of whether the President might change the Chairman, appoint new members, convince some new members to change or in some other fashion convince the Commission to take its position, they want the Congress to delay any action of the Commission for 6 months and to require the Commission at the end of the 6 months to vote again, a second time, on the issue of syndication.

Syndication is simply this: It involves giants and does not involve widows on food stamps against General Mills.

This is basically like Gulf and Western own Paramount, and now TV networks own shows on CBS, which shows the television shows, and the issue is who shall have the right to syndicate those shows after they have been shown twice on the major networks. In 1970, because the FCC was afraid of the dominance of networks, a rule was passed that in essence prohibited the networks from syndicating shows even if they produced their own shows. They can show them on their own networks twice, and then pass them to other hands for syndication. All of the recent shows, such as "MASH," are syndicated by someone who originally produced them.

However, in the mid-1970's, the FCC, with the advent of cable and seeing the coming of satellite television began to realize the networks did not have the dominant position they once had, and as the giants in other industries, like Gulf and Western, bought Paramount and began the business of producing TV shows, the FCC wondered whether the balance of power had not shifted sufficiently so that the giants involved no longer needed the protection of the Federal Government and, to be very frank about it, they do not.

If Gulf and Western, on the one hand, owning Paramount, the production end produces a show that wants to sell it on NBC or ABC they are not a helpless, pitiful giant. They can buy one of the agents. They do not need the intervention of the Federal Government to work out in behalf of Gulf and Western whatever negotiations are necessary.

So from 1971 to 1981 the Commission gathered a great deal of information. There were a great many academic studies done on the subject of syndication. In the 1970's the FCC began a formal inquiry with a capital "I"; it is a formalized proceeding looking into all of the aspects of the networks, including syndication rules.

The proceedings were commenced while Dick Wiley was Chairman of the Commission.

It was temporarily suspended, pursuant to a congressional aspect, so that it could be done by the incoming new Chairman, Charles Ferris.

A specific $2 million grant was appropriated by Congress to the Federal Communications Commission to set up an independent study of the issue of syndication. That Commission had subpena power, they traveled all over the country, they talked to program creators, syndicating television stations, producers, all in the process of production, all of the parties who ever wanted to testify in this procedure on both sides, who testified before that body, and I emphasize this was a body separate from the Federal Communications Commission.

I want to read a list of those who testified for and against the syndication rule before this independent Commission. This is what I call the first bite of the apple.

Mr. President, in the hope of abbreviating proceedings, I will simply say this. There is no question that every single party who ever wanted to testify for or against the syndication rule testified before this Commission: All of the movie studios, networks, everybody. That Commission unanimously recommended that syndication be done away with. The FCC started its own hearing. All of the same parties testified again before the FCC. All of the networks, all of the movie producers, all of the big giants on both sides testified, and the FCC has now announced that it is going to eliminate its own syndication rule.

That was the second bite at the apple the parties had.

They now want a third bite at the apple, and what they want to do is postpone the effective date of the Commission's action and require the Commission to vote at the end of that 6-month period, before May 30, once more on this action in the hope that pressure from a variety of sources will call on the Commission to change. They then want a third bite at the apple.

Mr. President, rule XXV of the standing rules of Senate states that the Committee on Commerce, Science, and Transportation has jurisdiction over all legislation and matters relating to communications. This amendment is legislation and it clearly relates to communications.

Also, rule XV, paragraph 5, states that:

> It shall not be in order to consider any proposed committee amendment—which contains any significant matter not within the jurisdiction of the committee proposing such amendment.

The committee amendment relating to the FCC financial interest and syndication rule, which appears at pages 24, line 22 through page 25, line 17 of the bill, is in violation of rule XV in that under the precedents of the Senate, it is legislation on an appropriations bill. The Committee on Appropriations is specifically precluded by rule XVI from reporting a bill containing amendments proposing new or general legislation. Thus, it would appear that it is not within their jurisdiction to do so, and I raise the point of order that the committee amendment is in violation of rule XV.

The PRESIDING OFFICER. At this point, the amendment is not pending.

Mr. STEVENS. Regular order, Mr. President.

Mr. PACKWOOD. Regular order.

SECOND EXCEPTED COMMITTEE AMENDMENT—PAGE 24, AFTER LINE 21 INSERT NEW LANGUAGE

The PRESIDING OFFICER. The regular order is the final committee amendment, which the clerk will report.

The legislative clerk read as follows:

> On page 24, line 22, insert new language down through page 25, line 17.

Mr. PACKWOOD. Mr. President, I raise the point of order that the committee amendment is in violation of rule XV.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Mr. STEVENS. Mr. President, I appeal the ruling of the Chair.

Mr. President, the matter is debatable and I will not debate too long except to state that I offered this amendment in the Appropriations——

Mr. STENNIS. Mr. President, we will have to have consideration where we can hear and understand. This is a far-reaching matter. There is a lot of interest in it.

The PRESIDING OFFICER. The Senator is correct. Will all Senators please cease conversations in the Chamber? Those members of the staff, please cease conversations or leave the Chamber.

Mr. STENNIS. I thank the Chair.

Mr. STEVENS. Mr. President, I offered this amendment in the Appropriations Committee on behalf of the distinguished Senator from Arizona (Mr. GOLDWATER). He is chairman of the Communications Subcommittee and he has taken a position that his subcommittee needs a reasonable time to review the proposed action of the Federal Communications Commission on the subjects of financial interest and syndication.

This amendment is not intended to prejudice the merits of the issue nor to reach a final decision. It provides the Senate with breathing time, time within which to hold a hearing and to have a more complete study of the impacts of the proposed action of the FCC.

Mr. President, the elimination of the syndication and financial interest rules may have a detrimental impact on competition. These rules were instituted as remedial action to deal with the monopoly situation created by the FCC's television allocation scheme. The allocation regulations promulgated by the FCC in 1952 assured that there could be three and only three national broadcast networks. To repeal the two rules that deal with the syndication and financial interest without reexamining the regulatory scheme of the television station allocation that permitted the networks to dominate the broadcasting industry appear to the chairman of the subcommittee unwise.

I share his distress with that these rules are being promulgated in a fashion that do not deal with the subject of competition as they should and the focus of the FCC's attention on the syndication and financial aspects of their present rules needs the scrutiny of the Congress.

The chairman of the subcommittee does intend to hold hearings on November 2 and 4. The networks still command approximately 80 percent of the viewing share in this Nation. They are the only medium that reaches 98 percent of American homes. There is not a fourth network. The new technologies, while offering some promise of competition, do not appear to present any threats to today's networks. The subcommittee takes the position that Congress needs some time to examine the structure of this industry.

This amendment merely places a hold on the FCC action in order to permit that review.

Mr. President, the review is essential. We have a bill that has been presented here in this body by the distinguished Senator from California. It has been cosponsored by Senator GOLDWATER, Senator HATCH, Senator HECHT, Senator RUDMAN, Senator BAUCUS, Senator BENTSEN, Senator CRANSTON, and Senator KENNEDY. As I said, there are scheduled hearings on that bill before the Communications Subcommittee on November 2 and 4.

Unfortunately, the distinguished Senator from Arizona is not present. He is not present because of an overriding interest of national concern that took him out of the country temporarily. I might say that he regretted having to be away knowing that this matter would be coming up.

The action that the Senate is asked to take, admittedly as a legislative rider to an appropriations bill, merely preserves the subcommittee's jurisdiction. I want to emphasize to the Senate that it does not attempt to reverse the FCC's action. It merely preserves the subcommittee's jurisdiction so the matter can be examined and the subcommittee can hopefully present to the Senate and to the Congress recommendations to deal with this matter.

Mr. President, I do not take this matter lightly because I have had conversations with those people in my State who do operate the network affiliates. They are very disturbed that I am participating with any kind of delay in terms of the proposed FCC action. I want to state to the Senate that I am doing so because I remember so vividly the hearings that Senator Pastore conducted in the communications area and these rules were vital to the outcome of those hearings.

The rules that are in effect now are not just simply the financial and syndication rules, they are also the prime time access rule, the rule that preserves just three networks rather than opening up the whole concept of networks to competition. Those rules need examination, too, if the FCC is to proceed in this manner that has been proposed.

I think that the request that the Senator from Arizona has asked me to make to all Members of the Senate is one that ought to be listened to; and that is, if a subcommittee has announced its intention to hold hearings on a subject such as this—and, incidentally, was not able to in the past because of a disagreement within the committee framework, but it is arranged now that those hearings will be held. They are hearings of a substantial nature. They will cover the subject not only of this rule but the implications down the road of the proposed FCC action as far as competition is concerned.

I believe that the request of the distinguished Senator from Arizona ought to be granted and that his subcommittee ought to be given the time to explore this matter. In the interest of fairness, the Senator from Arizona ought to have the opportunity to pursue not only the hearings on November 2 and 4 but further hearings if necessary, including hearings outside of Washington, because this is a matter that needs public understanding if we are to have any possibility of acting on it or of even understanding the implications of the FCC's proposed action.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. CHAFEE.) Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I thank the Chair.

Mr. President, I would like to make an observation or two if I may. The question that we have before us is not germaneness. The question before us is jurisdiction. The question before us is: Are we going to allow regulatory agencies to perform their duty and then if we dislike that, we have the prerogative of passing legislation to correct that? What we find here is usurping committees.

Now, I was pretty green when I came here and wet behind the ears, I guess, but the leadership on the majority side now taught this fellow a lesson. And that lesson was it has not been to the committee yet; it ought to go before the committee. And that was the argument I got.

I merely wanted to put a couple of additional directors on the TVA Board. That is all. That is all I wanted, just a little simple request, but I could not get it up. But I was admonished on the Senate floor that it cannot be done because it has not gone to the committee.

Well, what was good then ought to be good now. We usurp the committee system if we allow this to continue. We say the Senate is being asked today to decide the extremely complicated issue without benefit of any hearings and the Commerce Committee is well prepared under its leadership to begin hearings on this issue.

The dates have been set but the Senate is being asked to decide the issue basically today. The arguments are not on jurisdiction. The arguments are on the issue and the issue has not been dealt with yet.

I think it is very fortunate that committee chairmen are asked to decide and be divided here today based on usurping the normal procedures.

As we see this amendment, it prohibits the Federal Communications Commission from concluding its work. If we do not like it, we can change it. We have had that all along. We tried to have the legislative veto. We have had legislative veto by way of legislation ever since the Congress has been organized.

This amendment was adopted in the Appropriations Committee without one word of Senate testimony, either from the Federal departments and agencies which examine the rules—

Justice, Commerce, FTC—or from interested parties.

The distinguished Senator from California (Mr. WILSON) will have an opportunity to bring forth all of those people he would like to have testify in 3 days of hearings.

I just say to the Members of the Senate, let us proceed under the normal procedures. Let us let the Commerce Committee work its will and bring it forth to the Senate floor under the able leadership of our committee.

The PRESIDING OFFICER. Will the Senator suspend? There is a constant undertone in the Chamber. Will those who wish to discuss matters do it in a quieter voice or step into the cloakrooms?

The Senator may proceed.

Mr. FORD. I thank the Chair.

So, Mr. President, whether you are for or against the issue, the question is jurisdiction. The question is the procedure of the Senate. The question is the rules of the Senate. I understand we get more votes than we do most anything, but sometimes I have seen where in an emotional situation the votes are given and they wish they had not been.

This matter has been thought out by the Parliamentarian. He has advised the Chair and the Chair has ruled. I think the Senate should abide by that rule. I hope my colleagues will blow away the smoke of how many lobbyists have been lobbying this Hill and not let it interfere with the jurisdiction of this body. I thank the Chair.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I rise to support the appeal offered by the distinguished Senator from Alaska. I commend him on behalf of our friend, Senator GOLDWATER, who has made a request for simple fairness, that his subcommittee have the time and the opportunity required to give a full hearing to a matter of immense complexity and of immense importance to the American people. It has to do with competition in the provision of television programing, and it will affect the American people in two ways, both in terms of the diversity and range of choice that they will enjoy, and in terms of what they will pay for the products that are advertised on free television.

First of all to the point of order, Mr. President, what we are really doing in appealing the ruling of the Chair is saying, as the Senator from Alaska has said so eloquently, that what really is at stake here is not substantive legislation but rather the opportunity for the committee of jurisdiction to have the opportunity to conduct full hearings. Fairness demands that. If I may say so, not only fairness to the Senator from Arizona, the distinguished chairman of the Subcommittee on Communications, but fairness to this Senator.

I look forward, Mr. President, to bring forward witnesses and evidence that will get into all of the infinite details on network practices prior to rules on the development of independent programing because of the enormous growth, virtually a tripling, in the number of independent producers and doubling of independent television stations during these rules which have operated to so increase competition that, from the standpoint of national advertisers, they will testify, and have, they have enjoyed a benefit as advertisers amounting to between 20 and 60 percent reduction in the cost of advertising, where they have been able to enjoy a competition in markets that are served both by network affiliates and by independent television stations, a benefit which is lost to them in those markets served exclusively by network affiliates.

Mr. President, I look forward to the hearings. I look forward to being able to demonstrate along with those witnesses that what is being offered in the name of deregulation will in fact result in market concentration and a sharp loss of competition of the very type that gave rise to the Justice Department investigation beginning in the midfifty's and carrying forward into the seventy's even after the rules were imposed. Even after they had been in existence, the Justice Department found market concentration in their antitrust investigation. That would be as nothing as to what will occur if the rules are repealed.

But, Mr. President, I stray into the merits. I will simply say I look forward to delving into them in the greatest detail, detail that is possible only if there is a full legislative hearing by Senator GOLDWATER'S subcommittee. What the Senator from Alaska is asking is simple fairness. He offered this amendment at the request of Senator GOLDWATER. It is for the purpose not of enacting substantive legislation. That is not what we will be voting on this morning. What we will be voting on is to give Senator GOLDWATER'S subcommittee time and opportunity to fully investigate this question.

I must say I thought that my friend from Kentucky made a compelling argument that Senator GOLDWATER and his subcommittee should have precisely that opportunity. This is of immense importance to the American people. Fairness to Senator GOLDWATER, and to the many, many others who are cosponsors of this legislation, require that the appeal be upheld.

I yield the floor.

Mr. FORD. Will the Senator from California yield for a question?

The PRESIDING OFFICER. The Senator from California will be recognized.

The junior Senator from California has yielded the floor, and the Chair recognizes the senior Senator from California.

Mr. CRANSTON. Mr. President, I join my distinguished colleague from California on this issue. I urge that the ruling of the Chair be overruled. At best, this is a very marginal case of legislation on an appropriations bill. As the Senator from Kentucky said, it is basically an issue of jurisdiction. I would like to point out that the Congress has not hesitated to intervene in the past with agency proceedings, as it has done when agencies such as the ICC and the CAB undertook deregulation of the rail, trucking, and air travel industry.

We are not writing any real form of legislation in the Stevens amendment.

We are simply asking for a delay in an action by the FCC to give Congress time to consider the matter and to act. What we seek is simply a delay in the proceedings now before the Federal Communications Commission to repeal and modify the FCC's financial interest and syndication rules.

These FCC rules, which prohibits the networks from owning a financial interest in programs produced for television or from owning syndication—Re-run—rights in such shows, have guided the present evolution of the film industry into the diverse, creative and dynamic industry that it is today. Undoing these rules as the FCC would do would undo the industry.

The television entertainment industry employs thousands of workers in many capacities ranging from actors, directors, producers, musicians, electricians, and other, all of whom would be displaced and inconvenienced by the threatened change coming from the FCC's decision to repeal and change the financial interest and syndication rules.

Television entertainment and network broadcasting are not pure, free market industries. The networks are the creations of governmental action. The television spectrum available for showing mass audience entertainment is limited.

Under these circumstance, we should consider carefully, not hastily, any proposal as far-reaching as the FCC's in undoing the evolved structure and arrangements within the television entertainment industry.

Mr. President, I support the amendment of Senator STEVENS. I oppose the ruling of the Chair.

Mr. DOMENICI. Mr. President, I would like to ask the chairman of the committee (Mr. PACKWOOD) a question.

How long has this Commission been working on the subject matter that is before us on an appropriations bill today?

Mr. PACKWOOD. Mr. President, does the Senator mean on the subject

matter itself? It started in the mid-seventies when it received a $2 million appropriation from Congress to appoint a separate commission to study this subject. The Commission studied it. The FCC, after that Commission was done, went through the entire study themselves. It has been about 6 or 7 years altogether.

Mr. DOMENICI. Mr. President, I commend the distinguished chairman of the authorizing committee that has jurisdiction for what he is doing today. This is a little different from the usual point of order. That is a serious one for the U.S. Senate the way the distinguished chairman has raised it because it is patent that what we are going to do here today if we do not sustain his point of order is change the rules of the Senate. I submit we are going to change them to our detriment.

The rule is as simple as it can be:

It shall not be in order to consider any proposed committee amendment which contains any significant matter not within the jurisdiction of the Committee proposing the amendment.

What we have heard here on the floor is debate on the substance. The debate should not be on the substance, because the authorizing committees of the U.S. Senate are about to wither away. They have almost reached the state where they have wilted and are no longer effective. If we choose to violate this rule and send every one of these matters to the Appropriations Committee, we might as well do away with authorizing committees. That is what we are starting to do today.

I do not care to argue the substance. In the Appropriations Committee, I argued that we should not be involved in this. Let it run its course. It has been years getting there. Now the argument is the committee will consider it if we will just give them 5 or 6 months. I think we ought to do what our rules say and sustain the distinguished chairman of the full committee.

Mr. KASTEN. Mr. President, last week the Senate Appropriations Committee voted 16 to 13 to place a 6-month moratorium on the Federal Communications Commission's action on the financial interest and syndication rules.

I voted against this 6-month moratorium in committee and I will vote against the delay again today.

These rules were adopted by the Commission in 1970. The financial interest rule prohibits the three major television networks from investing in programs which are broadcast on the networks in exchange for a profit-sharing interest. The syndication rule prohibits the three major networks from entering the business of selling individual programs, either those already broadcast on the networks or original programs, directly to local stations on a nonnetwork basis. In the view of may economic and telecommunications scholars, these rules represent the high-water mark of unjustified Government intrusion into a marketplace capable of functioning properly to serve the interests of the television viewing public. Rather than curing imbalances, the rules have apparently generated their own unacceptable distortions.

The rules have been the subject of study and debate virtually since they were adopted. This study and debate has been extensive. Scholarly and bipartisan. In the mid-1970's the Brookings Institution published a report concluding that the rules were misguided. In the late 1970's Congress authorized a special FCC staff study of the rules which took 2 years to complete and which involved the compilation of thousands of pages of evidence. This special staff study concluded that the rules were unfounded, ill-conceived, and counterproductive and should be repealed. Recently, as a part of an ongoing FCC proceeding, the Departments of Commerce, Justice, and the Federal Trade Commission have reviewed the rules in detail and determined that they should be eliminated in their present form.

What I am troubled by are efforts in both Houses of Congress to bypass all of this study and expert opinion and impose a moratorium on the FCC's ability to complete its work of reviewing this outdated set of rules. It is the function of the Congress to establish the broad framework of communications policy. But we have delegated to the FCC, as the expert Government agency, the authority to implement that policy subject to congressional oversight. Pursuant to that delegation the FCC adopted the financial interest and syndication rules. Pursuant to that delegation they should be permitted to review them for their continued effectiveness and if the FCC determines that the rules are no longer warranted they should be permitted to act to repeal them.

We often hear the complaint that Government is incapable of acting expeditiously. We in Congress are often critical of the failure of the various departments and agencies of the Government to consider and act on matters of importance in a deliberate but timely manner. Here we face a Commission that has spent over 5 years and millions of taxpayers' dollars examining these issues yet some in Congress are suggesting that the FCC be prevented from completing its consideration of the subject for an additional 5 years. That is simply bad Government. The FCC should act and act now.

Mr. LAUTENBERG. Mr. President, the Federal Communications Commission is about to conclude its consideration of significant changes in rules governing the role of television networks in owning and syndicating television programing. The issue is a complex one. There is legislation, S. 1707, which would postpone Commission action until 1988. That bill and the issue in general is scheduled to be reviewed by the Committee on Commerce, Science and Transportation. As a member of the committee, I plan to examine the issue closely, and the evidence and points of view raised. At this point, I have not reached a conclusion about the merits of the Commission's tentative decision or any other changes in the existing regulations on financial interest and syndication rights.

I appreciate the effort by the distinguished chairman of the Commerce Committee to defend the committee's substantive jurisdiction over this matter, by raising a point of order to the amendment to the appropriations bill suspending final Commission action until May 31. However, as a member of the committee, I view the appropriations bill language as actually preserving the practical exercise of the committee's substantive jurisdiction. The amendment allows the committee to consider the matter before the Commission takes final action. For that reason, I am supporting this delay until May 31.

● Mr. MOYNIHAN. Mr. President, I rise to support Senator PACKWOOD's point of order regarding Senator STEVENS' amendment to the supplemental appropriations bill to restrict the FCC from repealing or modifying the financial interest and syndication rules. I support the point of order of my friend from Oregon, because the amendment clearly infringes upon the Commerce Committee's jurisdiction over communications legislation. In addition, I believe that the financial interest and syndication amendment violates rule XXVI of the Standing Rules of the Senate. That rule, of course, prohibits the Appropriations Committee from reporting a bill containing legislative amendments. The amendment in question certainly falls under that category.

I strongly believe that Congress should not alter the FCC's decision. Since 1977, the FCC has conducted two exhaustive studies on the effects of the financial interest and syndication rules. Both studies concluded that the rules should be repealed or significantly modified. In the most recent study, initiated by Chairman Mark Fowler, the FCC considered initial and reply comments from more than 200 interested organizations, as well as oral presentations of 40 parties. Every Federal agency that participated in the proceeding—the Federal Trade Commission, the Commerce Department, and the Justice Department—recommended that the rules be repealed or modified. The FCC's conclu-

sions were also supported by independent analyses conducted by the Brookings Institution, the American Enterprise Institute, the New York Times, and the Wall Street Journal.

Despite the FCC's support of repeal of these rules, not to mention the supporting conclusions of many other organizations, the Appropriations Committee adopted Senator STEVENS' amendment. The committee adopted the amendment without a single word of Senate testimony from either the Federal Government or other interested parties. I do not believe that this body should move so hastily to stay the FCC's decision.

I urge my colleagues to join me to permit the FCC to carry out its rulemaking decision.●

Mr. PACKWOOD. Mr. President, I move to table the appeal from the Chair's ruling and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ARMSTRONG (when his name was called). Present.

Mr. HELMS (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Arizona (Mr. GOLDWATER), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 32, nays 57—as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—32

Abdnor	Exon	Murkowski
Bingaman	Ford	Packwood
Burdick	Grassley	Percy
Cochran	Heflin	Pressler
D'Amato	Jepsen	Proxmire
Danforth	Johnston	Quayle
Dixon	Kassebaum	Sasser
Domenici	Kasten	Specter
Eagleton	Lugar	Thurmond
East	Melcher	Zorinsky
Evans	Moynihan	

NAYS—57

Baker	Boschwitz	Cohen
Baucus	Bradley	Cranston
Bentsen	Byrd	DeConcini
Biden	Chafee	Denton
Boren	Chiles	Dodd
Dole	Laxalt	Randolph
Durenberger	Leahy	Riegle
Garn	Levin	Roth
Gorton	Long	Rudman
Hart	Mathias	Sarbanes
Hatch	Matsunaga	Simpson
Hatfield	Mattingly	Stafford
Hawkins	McClure	Stennis
Hecht	Metzenbaum	Stevens
Heinz	Mitchell	Symms
Huddleston	Nickles	Trible
Inouye	Nunn	Wallop
Kennedy	Pell	Warner
Lautenberg	Pryor	Wilson

ANSWERING "PRESENT"—2

Armstrong	Helms

NOT VOTING—9

Andrews	Goldwater	Tower
Bumpers	Hollings	Tsongas
Glenn	Humphrey	Weicker

So the motion to lay on the table was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. PACKWOOD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the yeas and nays on my motion to appeal be withdrawn.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. STEVENS. Mr. President, I ask for immediate consideration of the committee amendment that is pending.

The PRESIDING OFFICER. The question is on the appeal from the ruling of the Chair. Shall the decision of the Chair stand as the judgment of the Senate?

(Putting the question.)

The PRESIDING OFFICER. The nays appear to have it. The nays have it.

The question is on agreeing to the committee amendment.

(Putting the question.)

The PRESIDING OFFICER. The ayes appear to have it. The ayes do have it.

The committtee amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, let me just give——

Mr. STEVENS. Mr. President, we cannot hear the Senator from Oregon. If you want to finish this bill at all so that we can turn to the debt ceiling bill, we must have order in the Senate.

The PRESIDING OFFICER. The Chair will ask those conversing to please cease their discussion. The request is a fair one by the Senator from Alaska and the Senator from Massachusetts. Will the Senators please cease their discussions?

The Senator from Oregon.

Mr. HATFIELD. Mr. President, at this point, we have, I believe, about three other amendments to handle, and then we will be ready for final passage on the bill. We have an amendment from the Senator from Alaska, an amendment from the Senator from Maine (Mr. MITCHELL), an amendment by the Senator from Massachusetts (Mr. KENNEDY), and a number of colloquies, and I believe that is the extent of the amendments we are aware of—and Senator HELMS from North Carolina.

I yield the floor.

AMENDMENT NO. 2449

(Purpose: To redesignate certain time zones)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) for himself, Mr. STEVENS, Mr. MATSUNAGA, and Mr. INOUYE proposes an amendment numbered 2449.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, insert between lines 17 and 18 the following new section:

SEC. 2004. (a) Section 4 of the Act entitled "An Act to save daylight and to provide standard time for the United States," approved March 19, 1918 (15 U.S.C. 263) is amended—

(1) by striking out "Yukon" and inserting in lieu thereof "Alaska"; and

(2) by striking out "Alaska-Hawaii" and inserting in lieu thereof "Western Pacific".

(b)(1) Any reference to Yukon standard time in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to Alaska standard time.

(2) Any reference to Alaska-Hawaii standard time in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to Western Pacific standard time.

Mr. MURKOWSKI. The amendment which I propose is simple and straight forward. It will change the appellation of two time zones to reflect the true geographical parameters those zones encompass.

Mr. President, at the present time, the State of Alaska is subject to a time zone designated as "Yukon Standard Time" while the State of Hawaii is subject to a time zone designated "Alaska-Hawaii Standard Time." Neither designation is indicative of the majority of the land mass contained within those zones.

Mr. President, this amendment will clarify that ambiguity by redesignating "Yukon Standard Time" to read "Alaska Standard Time" and "Alaska-Hawaii Standard Time" to read "Western Pacific Time." This is name change only, not a statute change. It is necessary now because change is effective November 1.

I am pleased to note that the senior Senator from Alaska and my distinguished colleagues from Hawaii, Senators MATSUNAGA and INOUYE, have joined with me in this amendment. I am hopeful that the rest of my colleagues will give this amendment favorable consideration and that the matter will be dispensed with quickly by voice vote. Mr. President, I ask for approval of the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, this matter has been cleared on this side of the Appropriations Committee, but I note that it is a matter of my colleague's jurisdiction. We just had an issue involved in that question, and he would like to make some comments.

Mr. PACKWOOD. Mr. President, I have no objection, and under the result that this will be offering an amendment from the floor and would not be trampling on the committee's jurisdiction, I favor the amendment.

Mr. MURKOWSKI. I ask for the approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2449) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2450

(Purpose: To propose funds for a program of health care for unemployed workers)

Mr. RIEGLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan (Mr. RIEGLE) for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. CRANSTON, Mr. METZENBAUM, and Mr. RANDOLPH, proposes an amendment numbered 2450.

Mr. RIEGLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, between lines 15 and 16, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $900,000,000, to be available only if a program is enacted into law providing for such benefits under the Social Security Act or under the Public Health Service Act.

Mr. RIEGLE. Mr. President, twice before the Senate has acted to express itself in overwhelming numbers to provide the funding on a health care insurance bill for unemployed workers should we achieve a compromise on this issue.

I can report that we had a meeting today on a bipartisan basis and we are making very good progress at working out the legislative package which would provide the health care vehicle for the unemployed.

But we face the situation that we will pass authorizing legislation and we may not be able to provide the money to implement the program. So what this amendment would do is to set aside the money but only under the condition that there would be authorizing legislation that would trigger the use of the money.

I hope the Senator from Oregon will feel this to be an acceptable amendment because it has been overwhelmingly approved by the Senate twice before.

As I say, we are on the verge of developing a compromise on this critical matter, and we hope shortly to bring this forward on some authorizing vehicle.

Mr. President, the amendment Senator KENNEDY and I are offering today is identical to the amendment we offered on the Labor, Health and Human Services, Education appropriations bill in the Senate just 3 weeks ago. That amendment was withdrawn as a result of a colloquy between Senator KENNEDY, myself, and the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education, of the Committee on Appropriations, Senator WEICKER. At that time, on the 4th of this month, Senator WEICKER urged us to delay the offering of our amendment until the authorizing legislation had cleared the Senate. He reminded us that a supplemental appropriations bill would soon be in front of this body providing us with the opportunity to enact appropriations for the critically needed program we have been actively working on to provide health benefits for unemployed workers.

Mr. President, that supplemental appropriations bill is now the pending business of the Senate and we have yet to enact the authorizing legislation providing these needed benefits to the millions of our Nation's unemployed workers. I am however pleased to announce that over the last several weeks we have been working to develop a Senate proposal that addresses the wide variance of concerns among those Senators that have taken an active part in the development of this legislation. Members of our professional staffs have met many times in an effort to design a legislative approach that will address the unmet health care needs of unemployed workers, while recognizing the legitimate concerns of business and the State governments we are asking to administer the program. The product of this effort is a legislative package that will soon be before this Chamber. Our current intention is to offer authorizing legislation as an amendment to the debt limit bill or to the House passed bill, H.R. 3021. If the final touches on this proposal can be successfully negotiated—and I believe they will—we will be offering the authorizing legislation providing health benefits for unemployed workers together with the chairman of both the Senate Finance Committee and the Labor and Human Resources Committee along with several other Senators from both sides of the aisle.

Since we are so close to moving this authorizing legislation through the Senate, it is essential that we adopt the amendment we are offering today to assure that sufficient funds will be immediately available to the States the moment the President signs the bill into law. Millions of unemployed workers and their families have waited long enough for this legislation. I believe it would be tragic, if after many months of difficult negotiations and deliberations we enact health care benefits for unemployed workers into law, only to find that we failed to appropriate funds to start the programs.

The appropriations bill before us today is likely to be the last appropriations bill we will consider before we send the authorizing legislation to the President for signature. Like the amendment we offered earlier this month, funds will only be available if and when that authorizing legislation is signed into law. The objective is simple: We want to assure that there will not be any further delay once the program becomes authorized by law. For these reasons, I urge all of my colleagues to join with us in supporting this amendment today.

THE UNEMPLOYED MUST BE PROVIDED HEALTH COVERAGE

Mr. BYRD. Mr. President, I wish to commend the distinguished senior Senators from Michigan and Massachusetts for their leadership on this amendment. Millions of Americans who lost their jobs during this recession, and their families, are in truly dire circumstances as a result of their having lost medical insurance coverage when they lost their jobs. Many of them are foregoing needed medical treatment because they simply cannot afford the cost. When treatment is ab-

solutely essential, even that with a relatively small cost poses a grave threat to their strained financial circumstances. Major illnesses or accidents lead inexorably to distitution.

By the same token that this Nation rightly has determined that laid-off workers should receive unemployment insurance benefits as a temporary partial financial cushion to enable continued house or rent payments, purchase of food, and payment of utility bills, it is right and proper that we assure on the same temporary basis that these persons can obtain needed basic medical assistance.

It is important to keep in mind that every significant proposal for health insurance for the unemployed now before the Congress limits this assistance to those who have no other health coverage. It will not go to those who have access to employer-related coverage through a working spouse. It will not go to the elderly or disabled because they have medicare coverage. It will not go to welfare recipients under the AFDC or SSI programs because they have medicaid coverage.

I am very hopeful—in fact I believe it is nothing short of essential—that the Senate will be able to consider and pass authorizing legislation for this program very soon. The Congress must complete action on this legislation before we adjourn sine die. Because final action on this legislation may come in the late hours of the session, it may be very difficult at that time to provide appropriations necessary to implement the program. Consequently, it is only prudent that we act now to include in the appropriations bill before us the funding provided in this amendment—that will become available for expenditure only upon the enactment of authorizing legislation.

Again, I wish to compliment the Senators who have placed this issue before the Senate. I urge the distinguished chairman of the Finance Committee, Senator DOLE, the distinguished chairman of the Labor and Human Resources Committee, Senator HATCH, Senators KENNEDY, RIEGLE, and QUAYLE, and other Senators key to the negotiations leading toward a suitable bipartisan agreement on authorizing legislation to redouble their efforts and bring a bill to the Senate floor just as soon as possible.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Chamber is not in order. We must have order. It is difficult for other Senators to hear the business being transacted. So I ask the Senators conversing to please cease their conversations or conduct themselves to the cloakroom.

Mr. HATFIELD. I thank the Chair.

The Senator from Michigan is correct. This is something which has been voted upon as related to the present resolution.

Let me suggest to the Senator from Michigan and the Senator from Massachusetts what circumstances we are in at the moment.

First of all, with the Clinch River breeder reactor removed, $1.5 billion from this bill, we are now $400 million—this is an item of a $925 million amendment which would more than double the total supplemental appropriations legislation.

We face the following sequence: If this amendment were adopted at this time, it has not been authorized in the committee, any committee, which has this matter under consideration.

We would go to the House in conference. The House will not accept something that is not authorized, and the House has expressed to us frequently that even contingency authorization is not as satisfactory, so this would probably be dropped in conference.

If we got it through conference and we got the conference support adopted by some miracle, the White House has indicated they will not accept this unless there is a self-financing plan in place.

If we go ahead and make an appropriation we either destroy or diminish the possibility of a self-financing plan.

My suggestion to the Senators from Michigan and Massachusetts would be that we have a CR which expires on November 10. I have consulted with Mr. DOLE who believes they will have this matter handled by that time, and the Finance Committee as to the authorization process.

We are going to have a second CR as it relates to foreign operations, and we have one for the Treasury, at least. We may have a second CR, and assuming we have this matter worked out and a plan agreed to, even though it has not been passed by both Houses and not signed by the President, I would support an effort by which the Senators from Massachusetts and Michigan with a CR with that authorization behind us.

But I must say I hate to go to the House conference and find the programs frequently knocked down by a technicality, which I think is always a minus in the long run.

So if the Senators would withhold at this time, I would give them that commitment to support this on a CR if we have the authorization process completed in the Senate.

Mr. HEINZ. Will the Senator yield?

Mr. HATFIELD. Yes.

Mr. HEINZ. Mr. President, first, I want to say to my good friend, the Senator from Oregon, that we are making tremendous progress on getting bipartisan agreement on a health insurance package. I anticipate that we would have that agreement not only among Republicans and Democrats, but between the Human Resources Committee and the Finance Committee by the close of business today. Assuming that we are going to reach that agreement and, frankly, there are only a relatively small number of somewhat technical or jurisdictional issues, none of which are really substantive, in this Senator's judgment, standing in the way of coming to an agreement, and since Senator DOLE, Senator DURENBERGER, Senator HATCH, Senator QUAYLE, Senator KENNEDY, and Senator RIEGLE, to name just a few of the Senators, including myself, are confident that the Finance Committee and the Human Resources Committee can agree on this package within the next 24 hours, it seems to me that this provides quite a reasonable opportunity, indeed the only opportunity for some weeks, to make sure that when we do bring the enabling legislation up it will not be neutered by the fact there is no money available.

Now, I am sensitive to what the chairman of the Appropriations Committee has said. I am not going to get in the way of the discussion between him and my friend, the Senator from Michigan. But I just want him to know that we not only have a package that I think could be agreeable to a bipartisan group, but it is going to meet the guidelines stated by the Office of Management and Budget Director Stockman, that we are going to have a program of the scale that he said he would favor if it were paid for, and we are going to have the means of paying for it that is going to be, I think, broadly acceptable.

I thank my friend for yielding.

Mr. KENNEDY. Mr. President, has the Senator yielded the floor?

Mr. HATFIELD. I have yielded the floor.

The PRESIDING OFFICER (Mr. EAST). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as my colleague, the Senator from Michigan, Senator RIEGLE, has pointed out, this body has gone on record early in the spring in the budget resolution. We have had two overwhelming votes in this body about this particular issue.

The issue has been raised by a number of us, the Senator from New York, Senator MOYNIHAN, Senator RIEGLE, and myself. In the supplemental, I raised this issue and we were given the assurance at that time by the chairman of the subcommittee, Senator WEICKER, that it would be appropriate to take it up on this particular measure. Now we are asked to defer it to the continuing resolution.

Quite frankly, even though I think that the support and the votes are there, which is important, but, more importantly, the need is continuing and ongoing.

As the Senator from Michigan has pointed out, and as I know the Senator from Oregon understands, with the increase in infant mortality and other health care needs, some 10 million families in this country are without health insurance because the head of the household has lost his or her job. So there really is a great sense of urgency.

But I would rather, for one, win this issue with the support of the chairman of the Appropriations Committee than perhaps be successful today with his opposition and going into the conference.

I must say I am heartened by his willingness to be a supporter of this at the time of the continuing resolution. I think he has stated that, if I understand him correctly, the continuing resolution will be passed no later than November 10. So what we are really talking about is just a very few days. Am I correct in that understanding?

Mr. HATFIELD. The Senator is correct. I did make that clear, based on the contingency of the Finance Committee having completed their work, which Mr. HEINZ has indicated they expect to do very shortly. Because I raised the point of going to conference on an unauthorized program that automatically fails practically every time. We have had maybe one or two exceptions. It is almost an automatic thing with the House saying, "We don't accept anything on appropriations on an unauthorized program."

So I think if the Senate has authorized it in a sense and we are going with an authorized program, I would certainly support it on that contingency.

Mr. KENNEDY. Mr. President, as the Senator from Pennsylvania has pointed out, there have been two committees, both the Human Resources Committee and the Finance Committee, that have reported out bills with the same financial commitment. As the Senator from Oregon understands, this program will be financed out of income averaging, so the point that has been made that it is a new program that will be on the deficit does not apply to this particular program. In fact, we are not weighting down an appropriation bill by offering this.

But, as I indicated before, I think the support of the Senator from Oregon for this measure on the continuing resolution will be extremely important and helpful. I think all of us are interested in results.

I do not know how my colleague from Michigan feels where there is such an extraordinary need, but I hope that, with that understanding and that commitment, he would respect the request of the Senator from Oregon and proceed in that manner.

Mr. RIEGLE. Mr. President, I, too, appreciate the commitment that the chairman of the committee has given to support this measure at the time of the continuing resolution.

I would just like to say in response to the concern about the House, voiced by my friend from Oregon; the House might very well be willing to accept this particular amendment, because there is a very strong sentiment for it. It is a bipartisan sentiment there, as it is here.

I think, too, of the fact that it is a contingency; in other words, we are not providing dollars nonetheless another authorization comes forward.

In addition, as the Senator from Massachusetts has pointed out, there will be a revenue offset, so that this is not additional spending without a revenue source. As a matter of fact, it will be budget neutral in that respect because we are providing a financing mechanism through adjustments in the income-averaging tax provision.

So while I would like to go forward with this, because we do have 9 to 10 million familes out there right now in very dire circumstances with respect to health care, I think, on the basis of the commitment that we will have the support of the chairman of the appropriations committee on the continuing resolution that has to come up by the 10th of November, I am willing to withdraw the amendment today on the basis of that understanding because I would like to be able to go forward together on this.

Mr. HATFIELD. I thank the Senator from Michigan.

Mr. RIEGEL. Therefore, Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 2451

Mr. MITCHELL. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MITCHELL) proposes an amendment numbered 2451.

Mr. MITCHELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 State. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

Mr. MITCHELL. Mr. President, I want to thank the chairman of the Committee on Appropriations, Senator HATFIELD, and ranking Democrat, Senator STENNIS, for their help on this amendment. I also want to recognize the assistance of Senator JOHNSTON, ranking member of the Appropriations Subcommittee on Energy and Water Development.

My colleagues on the Committee on Environment and Public Works, Senators STAFFORD and RANDOLPH, chairman and ranking Democrat of the full committee, and Senators ABDNOR and MOYNIHAN, chairman and ranking Democrat on the Water Resources Subcommittee, have also been most accommodating. I very much appreciate their aid in facilitating favorable and timely consideration of this measure.

This amendment would deauthorize a Corps of Engineers navigation project in Eastport, Maine and transfer title to the project to Eastport. The measure has broadbased support. I first learned of the need for the amendment from the State Representative from the area, Harry Vose, and the chairman of the Eastport Authority, Bob Keezer. The Maine Department of Transportation and the Army Corps of Engineers also support the legislation. The amendment is noncontroversial, would require no Federal funds, and should receive early and favorable consideration.

Eastport, Maine, is a depressed area with 30-percent unemployment. The town has taken the initiative to improve its economic status, and its efforts include port development. In order to proceed with port improvements, it is necessary to strengthen the Eastport breakwater, a Corps of Engineers navigation project authorized in 1960, and dredge its berth. This would provide a more competitive shiphandling operation, increasing cargo exports from 50,000 to 80,000 tons per year.

A 1980 Corps of Engineers evaluation found that there was insufficient economic justification for future Federal maintenance or improvements to Eastport Harbor. Accordingly, the corps will not provide assistance to Eastport to modify the breakwater. Eastport would like to finance—through a State bond issue which is expected to be approved in early November—and conduct the work itself. All of the necessary permits and licenses have been approved, and Eastport is very eager to begin work in November when financing is obtained. However, it is precluded from doing so by the Rivers and Harbors Act which prevents it from making permanent alterations to a facility under corps au-

thority. To resolve this problem it is necessary to congressionally transfer authority for the breakwater from the corps to Eastport.

It is inportant that the Eastport project be deauthorized as soon as possible so that work can begin in November. Eastport will have funding for the improvements by then and must either begin before winter weather or wait until spring. I again stress that the deauthorization measure would require no Federal funds and is noncontroversial. I urge my colleagues to give it favorable consideration.

This has been cleared by the chairman and ranking member of the authorizing committee, and by the chairman and ranking member of the Appropriations Committee. I know of no opposition to it.

Mr. HATFIELD. Mr. President, I wonder if the Senator from Maine would be willing to let us temporarily set aside this amendment for a few moments while we check with another source and take up an amendment of the Senator from North Carolina, which will be very brief.

Mr. MITCHELL. I have no objection.

Mr. HATFIELD. Mr. President, before the Senator from North Carolina is recognized, I would once again like to say that we are moving toward third reading of this supplemental bill. The leadership has indicated they want to wind this up quickly. If Senators who have amendments are not here, we just cannot wait. I think we have given about the third notice today for Senators to be on the floor and present their amendments. We will not wait and delay third reading.

The PRESIDING OFFICER. Is there objection to temporarily setting aside the Mitchell amendment? Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. I thank the Chair and the able Senator from Oregon.

AMENDMENT NO. 2452

(Purpose: To appropriate funds for the Sam J. Ervin, Jr. Program in Public Affairs)

Mr. HELMS. Mr. President, I have an unprinted amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself, Mr. BAKER, and Mr. STENNIS, proposes an amendment numbered 2452.

At the appropriate place in the bill, insert the following:

For providing financial assistance to the Sam J. Ervin, Jr. Program in Public Affairs, $500,000.

Mr. HELMS. Mr. President, this amendment is cosponsored by the distinguished majority leader (Mr. BAKER), and the distinguished Senator from Mississippi (Mr. STENNIS), both of whom served in the Senate with, and both of whom share my deep affection and admiration for, a great North Carolinian.

Mr. President, this amendment would provide funds for the Sam J. Ervin, Jr. Program in Public Affairs at North Carolina State University in Raleigh.

Senator Ervin certainly needs no introduction in this Chamber where he represented North Carolina so well and with such distinction from 1954 through 1974. Senator Sam, as most of us know him, has exemplified the highest standards of public life as attorney, State supreme court justice, State representative, and a U.S. Senator. He also served briefly in the House of Representatives in the U.S. Congress.

Mr. President, North Carolina State University has established an endowment to sustain a fellowship program, public service research laboratory, and distinguished speakers series. The fellowship will enable outstanding young Americans to study public affairs and prepare for careers in public service. Fellowships will be available to graduate students who will be designated as Ervin fellows. Scholarships will also be available to outstanding undergraduate students. Distinguished lectureships in public service research will be conducted in a manner that will exemplify the interests, concerns, and integrity of Senator Ervin during his entire public career.

Mr. President, North Carolina State University is attempting to raise funds for the Sam J. Ervin, Jr. Program in Public Affairs through private contributions. These contributions, however, will not be sufficient in themselves to endow the program in the manner which it deserves. This amendment would simply provide for $500,000 for this worthwhile program, in addition to the private contributions.

I might emphasize at this point, Mr. President, that this is by no means a new idea. In the past, the Senate has supported the Hubert Humphrey Institute of Public Affairs at the University of Minnesota, the Carl Albert Congressional Studies Center at the University of Oklahoma, and most recently the Maureen and Mike Mansfield Foundation at the University of Montana.

The difference, I might add, is that the aforementioned projects involved a number of millions of dollars in appropriations while this amendment provides for only $500,000.

The Sam J. Ervin, Jr., Program in Public Affairs will be a living tribute to Senator Ervin, who now lives in retirement with his dear Miss Margaret in Morganton, N.C. It will recognize a great American's contribution to Government and public affairs in a manner comparable to the recognition that several other States have given to their outstanding public leaders and certainly in a manner befitting Senator Ervin's distinguished service to his nation.

Mr. HATFIELD. Mr. President, I understand the joint leadership supports this proposal, and, on our side, I am willing to accept the amendment.

Mr. STENNIS. Mr. President, I am glad to support this amendment personally. I know of no opposition on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2452) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2451

Mr. HATFIELD. We can now return to the amendment of the Senator from Maine.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine (Mr. MITCHELL).

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I have had an opportunity to look at the amendment. It is identical to an amendment that was offered by Congresswoman OLYMPIA SNOWE in the House of Representatives. My understanding is that it has the full support of all the citizens in Eastport. It is noncontroversial, as Senator MITCHELL has said. I would ask to be added as a cosponsor and I urge its adoption.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank the distinguished chairman of the committee and the ranking member for their cooperation.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2451) was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2453

(Purpose: To provide funds for an emergency food distribution and shelter program)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR), for himself, Mr. SPECTER, Mr. SASSER, Mr. KENNEDY, Mr. LEVIN, Mr. BRADLEY, Mr. BINGAMAN, Mr. BUMPERS, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. PELL proposes an amendment numbered 2453.

Mr. PRYOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, between lines 9 and 10, insert the following:

EMERGENCY FOOD DISTRIBUTION AND SHELTER PROGRAM

For an emergency food distribution and shelter program to be carried out by the Director of the Federal Emergency Management Agency, $40,000,000, such sum to remain available for obligation until March 31, 1984, and to be made available under the following terms and conditions:

(1) The Director of the Federal Emergency Management Agency shall, as soon as practicable after the date of the enactment of this Act, constitute a national board for the purpose of determining how the program funds are to be distributed to individual localities. The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Incorporated, the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board. The representative of the Federal Emergency Management Agency shall serve as chairman of the national board.

(2) Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

(3) The Director of the Federal Emergency Management Agency shall award a grant for $40,000,000 to the national board within thirty days after the date of the enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations.

(4) Eligible private voluntary organizations shall be nonprivate, have a voluntary board, have an accounting system, and practice nondiscrimination.

(5) Participation in the program shall be based upon a private voluntary organization's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

(6) Total administrative costs may not exceed 2 percent of the total appropriation.

(7) As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

Mr. PRYOR. Mr. President, I offer this amendment on behalf of Senators SPECTOR, SASSER, KENNEDY, LEVIN, BRADLEY, BINGAMAN, PELL, BUMPERS, MOYNIHAN, RIEGLE, and myself.

Mr. President, this amendment would provide $40 million for a short-term winter emergency food and shelter program.

This would be similar to the highly successful, temporary program established last spring in the jobs bill and administered by the Federal Emergency Management Agency, along with six nonprofit voluntary agencies. These were the United Way of America, the Salvation Army, the National Conference of Catholic Charities, the National Council of Churches, the Council of Jewish Federations, and the American Red Cross.

For countless men, women, and children, last spring's emergency situation is not over. A hard, cold winter lies ahead. This emergency program is not meant to be a permanent one. It will expire on March 31, 1984, and none of the participants involved would support an effort to make it permanent. But we must prepare today for the coming months of winter, and the food and shelter that will be needed.

The record of this program in fiscal 1983 is impressive. Let me point out a few major accomplishments:

First, some 33 million meals were served and more than 2.2 million nights of lodging were provided, all within 6 months.

Second, administrative costs were waived by the national board, by board organizations, and by the fiscal agent—United Way of America—as well as by local agents in most cases. United Way estimates that it absorbed costs of at least $250,000.

In addition, during the time period involved, from April to September of this year, United Way itself absorbed some 6,000 staff hours as well as the $250,000 in costs it expended. FEMA devoted one full-time staff member to the project and absorbed all mailing expenses.

Other figures resulting from the project are equally impressive. For instance, 961 civil jurisdictions received awards covering 57 percent of the Nation's unemployed. According to local board plans, awards totaling $50,790,000—including the $790,000 earned as interest on the grant funds—are making possible the 33 million additional meals and 2.2 million additional nights of lodging for the homeless.

Over the time period covered, Mr. President, some 3,600 private voluntary organizations received funds. The speed and efficiency with which this disbursement was handled is also impressive. Award notices went out on May 9, and the first checks were cut on May 27. A month later, some $41 million had been spent, and by August 28, all allotments had been completed. At a time when bureaucracies are criticized for slow work, this program offers a model of quick action.

The board also established a fraud alert system to assure that these funds were not used improperly. Once again, the system worked. The small number of problems were identified and appropriate action was taken.

One major benefit of the emergency food and shelter program is that the board concept provided organizations an unusual opportunity to work together. Cooperation was not only possible, it was encouraged, and it became the rule of the day.

Another fringe benefit is that the program brought together Government and private agencies in a way that has far-reaching and important consequences. The positive alliances have already affected communities across America outside of food and shelter distribution.

Many times, local Red Cross chapters, ministerial associations, food banks, Traveler's Aid societies, veterans' organizations, YWCA and YMCA branches, senior citizen organizations, community centers, and other organizations stepped forward to serve local needs in a local crisis. This is one more of those great stories about our country and the willingness of our people to rally in support of each other.

Mr. President, I urge support of this amendment.

● Mr. KENNEDY. Mr. President, I support the Pryor amendment and am pleased to be a cosponsor. As Senator PRYOR has indicated in his statement today and in a statement he made several weeks ago, the program administered through FEMA run by the Emergency Food and Shelter National Board has been successful in providing meals for the hungry and shelter for the homeless. The private charitable organizations who chose to involve themselves in this program deserve our highest commendation. The programs were established in hundreds of cities and towns across this country quickly and the money was allocated efficiently. The administrative costs were remarkably small for a program of this magnitude.

Now, however, these organizations have distributed all the money appropriated to them for this emergency program. Moreover, as millions of poor Americans face another winter, threatened by a lack of food, heat, or even a home, we see that virtually all of the money distributed by these charities has been spent. These organizations report that less than 20 percent of the money originally appropriated remains for use this winter. They believe that an additional $40 million will go a long way toward continuing the effective work that they and thousands of local organizations have done

for the last few months with these Federal moneys. With energy and food costs continuing to rise and unemployment remaining above 9 percent despite the promised economic recovery, I do not see how this body can refuse to provide additional funds to these organizations. I know in my own State of Massachusetts, private charities have used this money to help thousands of poor residents. In Lynn, for example, the Salvation Army spent $18,000 providing 31,000 meals and $6,700 providing 870 nights of shelter. The Lazarus house in Lawrence spent $25,000 and provided 5,000 meals and 1,500 nights of shelter. The Inter-Church Council in New Bedford spent $3,950 and provided 7,000 meals. In addition, this organization spent $9,200 to provide 1,640 nights of shelter.

These are only a few of the many examples that I could provide. In the State as a whole, just over $350,000 were expended to provide almost 200,000 meals; almost $150,000 were spent providing 12,000 nights of lodging. Less than 1 percent of the funds distributed to Massachusetts were spent on administrative costs. I am convinced that these statistics are the hallmark of a remarkably successful program.

The private charitable organizations which have participated in this program have repeatedly emphasized that it is not their intent to make this a permanent program. It is an emergency program and, as such, should only be temporary. They believe, however, as do I, that this Nation faces a severe challenge in meeting the needs of the poor for food and shelter. They believe, as do I, that our Government must look very carefully at these problems and strive to devise a permanent solution.

Next month, I shall hold a series of forums around the country to examine the resurgent threat that hunger poses to the citizens of this Nation. I hope to make a series of proposals to address these problems at the conclusion of my meetings around this country. In the meantime, I believe this program will continue to help address the problem in the short term. I urge my colleagues to support this amendment and to continue the support we first demonstrated for these private charities in the jobs bills.●

● Mr. SASSER. Mr. President, I support the amendment offered by my distinguished colleague from Arkansas (Mr. PRYOR).

As an original cosponsor of the Emergency Food and Shelter Act passed by this body last March, I am pleased to inform the Senate that the National Board therein established and charged with the duties of carrying out the food and shelter programs has carried out its duties in a most efficient and timely manner. The emergency food and shelter program proves that our Nation's nonprofit organizations serve us well. The Emergency Food and Shelter Act speaks highly of this Nation's ability to merge our public and private sectors into a comprehensive and successful effort. I commend the Federal Emergency Management Agency and those six volunteer agencies who so generously gave their time and services in order to provide relief to over 6.2 million American citizens.

Mr. President, I think it is important for each of us here today to recognize that the $50 million we appropriated for the National Board last year has been spent in exactly the manner in which it was intended. We often hear that Federal programs designed to provide food assistance to our Nation's poor are marred by fraud and abuse. Let me emphasize that no fraud or abuse has been associated with the emergency food and shelter program.

It is clear that the emergency food and shelter program has been successful. Less than 2 percent of the appropriated funds have been used for administrative purposes. The 961 civil jurisdictions across the country have been served by this program. The emergency food and shelter program has meant 31,678,185 additional meals and 2,244,473 additional nights of lodging. Approximately 57 percent of our Nation's unemployed have been served by these funds. The competence of the National Board, as well as the 900 local boards which were formed, have assured that these funds were distributed nationally in only 6 months.

Mr. President, the work of these volunteer organizations is far from complete. There are still many Americans in need of the vital services conducted by the National Board. Hunger and homelessness throughout the Nation still persists.

We are told that as a result of budget cuts in the food stamp programs since October 1981, as many as 17 million persons have had their benefits reduced, and an additional 1 million persons have become ineligible for food stamps. The Congressional Budget Office reports that the $1.4 billion cut in food stamp programs over the past 2 years has deeply affected those persons most seriously impoverished. We are further advised that America is faced with a growing number of new poor and working poor, those persons who have exhausted their unemployment benefits or financial resources, and are forced to turn to welfare agencies for assistance. We are advised to expect a dangerously harsh winter in many parts of the country. This will be especially devastating for the homeless population.

Mr. President, these realities have resulted in a continued emergency situation. The national board of volunteers has estimated that an additional 6.2 million Americans can be served if the resources are provided. Congress can and must provide this assistance to our economically displaced citizens who continue to experience cold nights and insufficient nourishment. We have already established the apparatus to easily implement an emergency food and shelter program. We have set in motion a method, proven to be successful, by which we can assist our needy citizens in local communities.

I believe that Congress has the responsibility to provide the minimum life necessities to those who are unable to provide for themselves. We have seen local communities pull together in an effort to provide these necessities. As winter quickly approaches, I urge my colleagues to allow this successful community action to continue. Let us not turn our backs at a time when we have the opportunity to assist so many of our citizens who are in desperate need of help. Let us not ignore the problems of the hungry and the homeless. I give my full support to the Emergency Food and Shelter Act, and I encourage my distinguished colleagues to join us in adopting this amendment.●

Mr. SPECTER. Mr. President, I join my distinguished colleague from Arkansas in offering this amendment. First, I would like to commend Senator PRYOR for his leadership and compassion with regard to this issue.

Mr. President, this program is a continuation of the program started in the jobs bill in March 1983. It was created to meet an emergency caused by increased numbers of hungry and homeless people.

The issue of homelessness and the hungry is a multifaceted subject which includes circumstances such as high unemployment and the end of unemployment benefits, lack of low-cost housing, and the deinstitutionalization of mental patients without the proper community support systems.

It is predicted that this will be a harsh winter. In addition, with the recent droughts food prices will go up even higher. Although there has been some improvement in the economy, there continue to be pockets of the hard-core unemployed who are still suffering from the recession. Just this past month, United States Steel laid off another 4,000 management and salaried employees in Pittsburgh, Pa., and in Erie, General Electric has temporarily laid off 1,900 workers.

For those of you who are concerned about this becoming an ongoing program, the director of the United Way Federal Relations Office has put in writing that "the nonprofit community is opposed philosophically to becoming part of a permanent government program providing for basic human needs."

In fact, this program is a drain on their staffs and resources, since a good many of the United Way and other nonprofit organizations waived the administrative costs—thus permitting more funds to go directly to those people in need.

The success story is an impressive one. For example: In Pittsburgh, as of October 19, $146,545 has been spent for food providing 117,302 meals. That is at an average cost of $1.25 for each meal. In Erie, $128,480 has been spent for 382,990 meals at an average cost of 34 cents per meal.

In talking to Mr. Jim Painter, social services director of the Pittsburgh branch of the Salvation Army, he emphasized that all of the families in the following case histories were assisted both before and after the emergency food and shelter funds became available, using whatever other resources the Salvation Army could locate. The emergency funds were a very helpful boost to their regular funds at a time these moneys were low. He cited these examples:

First. A man and wife, both approximately 45 years of age, with four children ranging from 2½ months to 18 years. He worked for United States Steel for 18 years and was laid off from the Homestead Works in March 1981. In July 1983 he had overdue gas, electric, and sewage bills, but his main concern was that his mortgage was about to be foreclosed. The emergency funds provided a $400 voucher which prevented foreclosure of his mortgage for that month.

Second. A man aged 42, wife aged 37, three children aged 11, 7, and 5. He worked for 12 years for the Union Railroad—a subsidiary of United States Steel—and was laid off in March 1982. The family is now receiving food stamps but refuses to go on welfare. The father is able to find occasional odd jobs and the mother is also looking for work. If they do not find work soon in Pittsburgh they may live with relatives in Atlanta and look for work there. The family received a $171 food voucher from the Emergency Food and Shelter Act funds.

Third. A man aged 32, wife aged 30, children aged 9, 6, and 4 months. He was formerly a construction worker but laid off. The family received a $171 food voucher from the emergency funds in July 1983. In September the father secured a job with the U.S. Postal Service.

Fourth. A laid off steelworker, wife, and three children. His unemployment compensation ended in June. In July they were about to be evicted from their home for nonpayment of rent. The emergency funds provided $229 for 1 month's rent, plus a $171 food voucher. The family was also referred to the Urban League for counseling about housing.

Fifth. At the time these emergency food and shelter funds became available, Pennsylvania State welfare checks were delayed due to problems encountered in the State legislature. The Salvation Army was able to give food vouchers from these emergency funds to a number of welfare families without funds.

And of course, the Pittsburgh Salvation Army is just one of many nonprofit organizations in Pennsylvania and across the Nation which are providing these much needed services.

I urge my colleagues to join Senator PRYOR and me in supporting this amendment. I thank the distinguished chairman for his consideration of this amendment.

● Mr. LEVIN. Mr. President, I want to commend the distinguished Senator from Arkansas, Senator PRYOR, for his initiative in offering this amendment to appropriate an additional $40 million to meet the emergency food and shelter needs of Americans during the upcoming winter months. As an original cosponsor of the amendment, I want to state at the outset my belief that continued funding is necessary in light of the high unemployment rates in Michigan and throughout the country.

The Congress took an important step toward meeting emergency human needs when it approved, as part of the jobs bill, $50 million to be distributed by a national board comprised of charitable organizations. Each of these organizations—the United Way of America, the Salvation Army, the National Conference of Catholic Charities, the National Council of Churches, the Council of Jewish Federations, and the American Red Cross, has contributed to the success of this program. I know I speak for many Americans when I say that the Nation owes a debt of gratitude to the thousands of dedicated people working for these voluntary organizations who have been working to see that basic human needs of the unemployed and others do not go unmet.

Mr. President, authorization for the emergency food and shelter program expired on September 30, 1983. As I understand it, there is approximately $10 million still in the pipeline from the original appropriation. Senator PRYOR's amendment would simply provide an additional $40 million to meet emergency food and shelter needs this winter. It will expire on March 31, 1984.

Letters I have received from local organizations in my own State of Michigan reflect the success of the emergency food and shelter program. For example, the United Way of Delta County wrote to me on August 12, 1983, informing me that as of the end of July they had already provided 6,450 meals and 661 nights' lodging through 3 volunteer agencies in Delta County. The letter states:

> We wish to thank you for your part in securing these funds for our area as we have been particularly in need of help because of the high unemployment rate. The closing of the Harnischfeger plant was a major cause of that high rate. . .

Another letter I received from the Ostego County United Way states:

> The $9,822 allotted to us will purchase 965 meals and 250 nights of emergency lodging for needy persons in Otsego County. There has been a great need for these kinds of services which the community has been struggling to provide.

According to the data released by the Emergency Food and Shelter National Board, the $50 million appropriated by Congress as part of the jobs bill has provided 31,678,185 additional meals and 2,224,473 additional nights lodging for the Nation's needy. Because the winter months are quickly approaching, it is necessary that we approve additional funding now which can be distributed by the national board quickly. I therefore urge my colleagues to support Senator PRYOR's amendment.●

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I have discussed this amendment with my comanager (Mr. STENNIS). We have decided to accept the amendment and take it to conference.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. PRYOR. Mr. President, I sincerely thank the chairman of the Appropriations Committee. He was very instrumental in having this other appropriation added to the jobs bill. I am deeply grateful for his support and for his efforts on this amendment.

I also am grateful for the support of the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, as far as I know, and I am speaking primarily now to the Senator from Oregon, we are ready for the third reading.

The PRESIDING OFFICER. The Pryor amendment has not yet been adopted.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2453) was agreed to.

Mr. PRYOR. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2454

(Purpose: To commend the U.S. Armed Forces for their rescue of the United States citizens on Grenada)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2454

At the end of the bill, add the following: "SEC. . It is the sense of the Senate that the United States Armed Forces engaged in military operations at Grenada are to be commended for their rescue of United States citizens on that island, and for their valor, success, and exemplary conduct in battle, which has been in the highest traditions of the military service."

Mr. HELMS. Mr. President, obviously, as the clerk has indicated, this is a sense-of-the-Senate amendment, which does something which we in Congress ought to do more frequently. That is to pay tribute to the young men who are sent to various parts of the world in risk of their lives to carry out the orders of their Commander in Chief. Whatever position one may take about any decision of the Commander in Chief, this Member believes that the U.S. Marines and the U.S. Army Rangers who were sent to Grenada conducted themselves in the most exemplary fashion and are a credit to the United States of America.

I shall not belabor the Senate with a discussion of this matter beyond saying that most, if not all, of the marines who were sent to Grenada were stationed in North Carolina. That does not mean they were North Carolinians, all of them, but it does mean that they were sent to Grenada largely from Camp Lejeune and Cherry Point. This Senator is very proud of America's Marines. I think it is appropriate for the Senate to pay its respects to these young men.

At the same time we ought to pay tribute also to the U.S. Army Rangers who have also played a key role in the successful evacuation of the U.S. citizens in Grenada. The Rangers have a long history of toughness and courage, which they displayed as well in Grenada

And of course the U.S. Navy and U.S. Air Force performed admirably.

Mr. President, this short sense of the Senate amendment need not consume much time.

Mr. President, I believe all Americans must have been deeply moved by the scenes on television of our fellow citizens arriving home from Grenada at Charleston Air Force Base. The feeling of gratitude, and the feeling of relief which the evacuees expressed was matched, no doubt, by the feeling of pride and confidence in the valorous work of our military men.

Some of the statements of the evacuees were quoted in this morning's press:

"' I have been a dove all my life,' said Jeff Geller, of Woodridge, N.Y. 'I just can't believe how well those Rangers came down and saved us. Those Rangers deserve a lot of credit. I don't want anyone to say anything bad about the American military.' "

And here is another quote:

" 'I really loved Grenada, but I fully support President Reagan's move. . . . He really did save our lives,' said Grace Brooke, a 1982 William and Mary College graduate who worked last year at Arlington Hospital in Virginia . . . 'The big pyschological problem for me was treating a Cuban who shot two of our men . . . You see these guys who laid down their lives for you; it was rough,' Brooke said."

Said one student, "God bless America, God bless Reagan, God bless our military."

Mr. President, that is a representative sampling of the reactions of those students as they returned to America, where they actually kissed the soil. It tells volumes about the heroism and professionalism of the military forces that made the evacuation possible—not only the Rangers and the Marines, but the U.S. Navy and U.S. Air Force as well.

I believe, therefore, Mr. President, that it is appropriate for the Senate to make positive recognition of the outstanding performance and bravery of our military in bringing about this success. The work of these young men and women is in the highest traditions of the military service of our country, and they are to be commended.

I move adoption of the amendment.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. HATFIELD. Yes.

Mr. STENNIS. Mr. President, I said as far as I know, there were no other amendments. I was referring to this side of the aisle. I did not know about the Senator's amendment.

Mr. HATFIELD. Mr. President, we have had no copy of the amendment. I wonder if the Senator would be willing to temporarily lay this aside for a moment until we can see a copy.

Mr. HELMS. I think it should be temporarily laid aside. I apologize for not having gotten a copy to the Senator. I thought that had been done.

I ask unanimous consent that my amendment be temporarily laid aside.

The PRESIDING OFFICER. The amendment will be temporarily set aside.

AMENDMENT NO. 2455

(Purpose: To make technical corrections)

Mr. HATFIELD. I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment numbered 2455.

Strike all on page 6, lines 15 and 16, and insert in lieu thereof the following: For an additional amount for "Secretary of the Senate", $60,000.

Mr. HATFIELD. Mr. President, this does not change the figure in the bill at all. All it does is reassign an amount and a category, so it is a technical amendment. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2455) was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the amendment was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2454

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from North Carolina.

Mr. STENNIS. Mr. President, I have a request for what I hope will be no more than a very short delay. I had not seen a copy of this amendment. Senators on this side of the aisle had not seen a copy of it. I ask if we could suspend for a moment until I can get a call back on that.

Mr. HELMS. Mr. President, that is entirely appropriate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that Senator DOLE and Senator CHILES be added as cosponsors to Mr. HELMS' amendment.

Mr. HELMS. I also ask unanimous consent that the distinguished Senator from Idaho (Mr. SYMMS) be added as a cosponsor.

The PRESIDING OFFICER. If the distinguished Senator from North Carolina would add me as a cosponsor.

Mr. HELMS. I ask unanimous consent to add Mr. EAST as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I will be quite brief. I believe and I agree with the sentiments of the amendment. I do not think the subject matter is fully covered. The full matter would take some time.

The urgency is to get this bill passed and disposed of, and while one is in

good humor I think we can get a voice vote passing the bill, so I support the amendment and I am glad to.

Mr. HELMS. I thank the Senator for that.

Mr. HATFIELD. I move we agree to the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 2454) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, H.R. 3959 as reported by the Appropriations Committee provides $1.8 billion in budget authority and $0.3 billion in outlays for fiscal year 1984 for activities of the Veterans' Administration, the Departments of Agriculture, Energy, and Interior, and miscellaneous Federal programs.

Enactment of this bill as reported would put the Appropriations Committee $6.6 billion in budget authority and $0.3 billion in outlays below its overall allocation under the budget resolution when prior-year outlays, actions to date, and possible later requirements are taken into account. After excluding funding for the Clinch River breeder reactor, the Appropriations Committee is below its allocation by $8.1 billion in budget authority and $0.3 billion in outlays.

The Appropriations Committee is close to its outlay allocation under the budget resolution only 1 month into the fiscal year. I therefore urge my colleagues to refrain from adding further floor amendments to increase spending.

Mr. President, I ask unanimous consent that a table showing the relationship of the reported bill, together with other actions completed and possible later requirements, to the budget resolution be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE APPROPRIATIONS COMMITTEE STATUS

[Dollars in billions]

	Fiscal year 1984—	
	Budget authority	Outlays
Action to date by Appropriations Committee [1]	$516.4	$500.6
H.R. 3959, as reported in the Senate	1.8	0.3
Possible later requirements	11.4	10.2
Adjustment to conform mandatory programs to budget resolution assumptions	+0.2	−0.3
Appropriations Committee total	529.8	510.8
Committee 302(a) allocation	536.4	511.1
House-passed level	528.3	510.8
President's request	518.3	505.5
Committee total compared to:		
Committee 302(a) allocation	−6.6	−0.3
House-passed level	+1.5	+0.1
President's request	+11.5	+5.4

[1] Includes enacted regular appropriation bills, regular appropriation bill conference reports agreed to in both Houses, the continuing resolution in all other cases, and other prior actions.

Note: Totals may not add due to rounding.

VETERANS' EMERGENCY JOB TRAINING

Mr. CRANSTON. Mr. President, I am delighted to see that the pending supplemental appropriations measure for fiscal year 1984—H.R. 3959—would make available $150 million for the full funding of the recently enacted Emergency Veterans' Job Training Act of 1983, Public Law 98-77.

As one of the principal authors of Public Law 98-77, I have been working for some time now to secure this funding, and I want to congratulate the very able chairman of the Appropriations Subcommittee on HUD-Independent Agencies (Mr. GARN) and the chairman of the full Appropriations Committee (Mr. HATFIELD), as well as the ranking minority members of the subcommittee and the full committee (Mr. HUDDLESTON and Mr. STENNIS), on the inclusion of this provision in the bill.

Mr. President, Public Law 98-77, which was signed into law on August 15 of this year, authorizes the appropriation of $150 million in each of fiscal years 1984 and 1985 for an emergency program of job training assistance for long-term unemployed Korean conflict and Vietnam-era veterans. However, efforts to provide funding for the new program began even before the measure became law. On June 21, the Senate approved—as a result of an amendment offered in the Appropriations Committee by the Senator from Arizona (Mr. DECONCINI)—full funding for the new program in the HUD-Independent Agencies Appropriations Act, 1984. However, at the request of the Director of the Office of Management and Budget, that funding was deleted in conference and thus was not included in that appropriations measure as signed into law as Public Law 98-45.

In light of the desires of the conferees on the regular fiscal year 1984 appropriations measure, as stated in the joint explanatory statement accompanying that conference report, to "wait until enactment of authorizing legislation" before considering funding for the new measure, during the Senate's consideration of the conference report on June 29, I discussed with the distinguished Senator from Utah our mutual expectation that the appropriations necessary for this new initiative would be enacted in the context of the continuing resolution for fiscal year 1984—meaning the first such resolution. Our colloquy appears at page 1792 of the RECORD for the day.

However, because of efforts to pass a continuing resolution providing only continuation funding and thus to keep all amendments off the first continuing resolution, inclusion of the funds in the first continuing resolution was not possible.

Thus, on September 29, during Senate consideration of the first continuing resolution, the distinguished chairmen of the Appropriations Committee and its Subcommittee on HUD-Independent Agencies and I discussed this matter, and I received their assurances that they would support the funding of the program in this supplemental appropriations measure. I was most grateful for those assurances and appreciate their cooperation in this effort. That colloquy appears at page 26307 of the RECORD.

At this time, Mr. President, I would like to reiterate an additional understanding that I reached from the two chairmen: That is, that, if this supplemental appropriations measure has not been enacted by the time that the next continuing resolution is taken up in early November, action must and will be taken at that time to provide funding for the Emergency Veterans' Job Training Act through the second continuing resolution. As we agreed on September 29, any delay beyond that point will not be tolerable.

Mr. President, I believe it is imperative that we secure funding for the new job measure as soon as possible, and I am pleased to support—and urge my colleagues to support—the provisions of the pending measure that would make this funding available in this supplemental bill. However, I want to make clear that I will continue to do all I can to make certain that funding is made available not later than November 10 when the present continuing resolution expires.

Mr. President, I also want to take this opportunity to extend my thanks again to the distinguished chairman of the subcommittee for his responsiveness to concerns I raised on September 29 dealing with language that had been proposed on the House side to require targeting of funds on certain veterans. As I explained during our discussion then, I believed the approach recommended by the House Committee on Appropriations was not only unwise but also unworkable. Subsequently, on October 5, the language was deleted from the measure on a

point of order raised by Congressman MONTGOMERY, the very able chairman of the House Veterans' Affairs Committee.

Mr. President, I ask unanimous consent that the text of a letter on that issue that I wrote to the chairman of the House Rules Committee, Congressman CLAUDE PEPPER, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. I was especially pleased that my concerns in this area were shared by the Senate Appropriations Committee and note the language contained in the committee's report on this measure—on page 6 of Senate Report No. 98-275—where the committee notes its belief "that the inclusion of a targeting procedure at this time would make the program more difficult to administer." Further, the committee expressed its intention ". . . to maximize the number of veterans retrained and remaining in positions utilizing their new skills." I could not agree further.

Again, I want to thank the distinguished chairman of the HUD-Independent Agencies Subcommittee for his always excellent cooperation.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., October 3, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, D.C.

DEAR CLAUDE: As the Ranking Minority Member on the Senate Veterans' Affairs Committee, I am writing to urge you not to recommend a rule to the House of Representatives in connection with its consideration of H.R. 3959, the proposed "Supplemental Appropriations Act, 1984", that would prohibit points of order being raised against the measure. As you know, under Senate precedent, a provision that would otherwise be subject to a point of order in the Senate as legislation on an appropriations measure is not subject to such a point of order if the provision is contained in the measure that passes the House. Hence, your action in the Rules Committee could well determine the outcome of Congressional consideration on this matter.

My specific concerns relate to funding for the Emergency Veterans' Job Training Act of 1983. As you may know, that measure (Public Law 98-77), enacted on August 15, authorizes the appropriation in each of fiscal years 1984 and 1985 of $150 million to establish an emergency program of job training assistance for unemployed Korean conflict and Vietnam-era veterans. The House Appropriations Committee has approved the full fiscal year 1984 appropriation in the supplemental measure. However, the Appropriations Committee has added language that is apparently intended to override the targeting provisions of the veterans' job legislation as enacted into law. That Committee's proposal would require $25 million of the fiscal year 1984 appropriation to be unavailable for obligation until July 1, 1984, and thereafter to be "obligated on the basis of those veterans unemployed for the longest period of time".

As you may know, the Emergency Veterans' Job Training Act provides that the veterans eligible for the participation in the new program are those who are unemployed and who have been unemployed for 15 out of 20 of the weeks preceding their application for the program. We adopted these eligibility criteria in order to focus on the needs of long-term unemployed veterans. Unemployment for 15 out of 20 weeks has traditionally been widely accepted as a measure of long-term unemployment.

In my view, the House Appropriations Committee's proposal is both unwise and unworkable. If enacted, it could have the effect of denying help to many of the veterans Congress intended to benefit. Where employers have jobs available and are ready and able to hire eligible veterans under the new program, they should be encouraged to do so as quickly as possible in all cases. Congress should not create roadblocks that could keep thousands of veterans from filling available jobs in the very possibly vain hope that, at a later point, certain other veterans might be able to benefit from the program. This point takes on particular importance in light of the fact that, once funding is available, veterans have "window periods" of only 12 months in which to make application for participation in the program and of only 15 months in which to initiate training. In the cases of eligible veterans who, after finding a suitable job opportunity, might be made at least temporarily ineligible by the Appropriations Committee's provision, those veterans could be expected to encounter great difficulty in finding, within a possibly very short period, VA-approved positions to replace the ones they would have lost.

In addition to frustrating many unquestionably deserving veterans who believe that this veterans' emergency job training program could be their avenue out of the despair of joblessness, the Appropriations Committee's proposal would present extremely severe administrative problems that the VA might be unable to solve quickly. This administrative confusion could result in employers shying away from the program in order to avoid becoming embroiled in the inevitable delays and errors that such a nationwide shuffling of available funds and individual veterans' eligibilities would create. Such discouragement of employers could produce large-scale program failure.

Claude, I believe it is clear that the language in question is subject to a point of order in the House as legislation on an appropriations measure and that it is in the best interests of our Nation's veterans for the House to have an opportunity to address this issue as a body. Thus, I strongly urge you, as the Chairman of the Rules Committee, to oppose a rule that would prevent a point of order from being raised against this language.

Thank you for your attention to this matter.

With warmest regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

● Mr. SARBANES. As the distinguished chairman of the committee knows, the Corps of Engineers decided earlier this year to close the Chesapeake Bay Model which is located in Matapeake, Queen Anne's County on Maryland's Eastern Shore. Over the last several years, the Bay Model has been utilized for important research on the Chesapeake Bay and was an important element in the concerted effort to preserve the Chesapeake Bay.

As a result of the corps action to close the Bay Model, a task force of eminent public officials, scientists, and private citizens was formed to determine how best to utilize the Bay Model in the future. The task force reviewed a great number of proposals and recommended that a feasibility study be undertaken. This study will be funded and carried out by the State of Maryland.

However, it is clear that if the model is closed and all the machinery is removed, it is very likely that no near term disposition of the Bay Model will be effectuated and the Government will have the property on its rolls for some time. There is a possibility that a Chesapeake Bay Center could be established at the Bay Model and the facility could be obtained by a non-Federal entity.

It is, therefore, important that the Bay Model remain open until July 1, 1984, so that the feasibility study can be completed. In this respect, it is my hope that the committee will support the maintenance of the Bay Model in a fresh water mode until the feasibility study is complete.

Mr. HATFIELD. The committee agrees that the corps should maintain the Bay Model until July 1, 1984, so that the feasibility study can be completed.

Mr. SARBANES. I thank the distinguished committee chairman.●

SOUTH PLATTE FLOODING

● Mr. ARMSTRONG. Mr. President, I would like to call the attention of the distinguished chairman of the Appropriations Committee to paragraph 6 on page 8 of the report accompanying H.R. 3959 when it was reported by the House Appropriations Committee. That paragraph registers concern about the floods this spring and summer along the Platte River and its tributaries. The Army Corps of Engineers is directed to prepare, within available funds, a plan to address this very serious situation; the corps is also called on to supply any budgetary information or legislative materials necessary to facilitate this plan. Is the Senator familiar with this portion of the report?

Mr. HATFIELD. The passage referred to by the Senator from Colorado is very familiar and he has summarized it correctly.

Mr. ARMSTRONG. My purpose in bringing up this subject, Mr. President, is to inquire of the Senator from Oregon whether, in the view of the Appropriations Committee, this language would restrict the corps' review of the flood problem to the State of

Nebraska or whether that review should also cover the flood problem of upstream tributaries of the Platte River, such as those in Colorado? Corps officials have told my staff they would interpret the instruction as requiring this sort of regional review.

Mr. HATFIELD. It seems to this Senator that such a review would have to consider upstream tributaries for it to be very meaningful at all. It is the committee's understanding that this is the effect of the provision mentioned by the Senator from Colorado.

Mr. ARMSTRONG. I am relieved to hear the Senator's interpretation of this matter. The flooding situation in Colorado this spring and early summer was terribly serious and destructive. Heavy winter snows were washed into the Platte River Basin by the early and heavy rains that caused an accelerated snowmelt. Floodwaters poured out of the mountains, through the Cache la Poudre and Big Thompson Rivers, through the three large corps reservoirs around Denver to empty into the South Platte mainstem. The river was running at or above capacity for 2 months straight and the resulting bank erosion posed a very serious problem to thousands of acres of agricultural land and to several urban areas along the river's length.

Much of northeastern Colorado was severely affected by the deluge and the State declared Larimer and Weld Counties to be disaster areas in a state of emergency. The damage toll is still being added up, but the preliminary estimate by Colorado officials is that something like $5 million in damage to public and private property was directly caused by the flooding. For these reasons, Mr. President, it is important that the language in the House report be understood to direct that the corps study include the Colorado tributaries of the Platte River.

Mr. HATFIELD. That is my understanding of the matter, Mr. President, and I can well sympathize with the concerns raised by the Senator from Colorado.

Mr. ARMSTRONG. I thank the distinguished chairman for his words and for this clarification.●

● Mr. BAUCUS. Mr. President, the House of Representatives committee report accompanying this bill states that, "within available funds, the Corps of Engineers is directed to allocate $150,000 for design of the Havre Weir project in Montana." The Senate Appropriations Committee has taken no action concerning this matter. Can I have the distinguished chairman's assurance that this language could be included in the conference report?

Mr. HATFIELD. Mr. President, I am aware that this language is part of the House committee report, and the committee supports that language. Actually, the committee action approves the House language and we expect the corps to carry out the directions of the Congress on this matter.

Mr. BAUCUS. I thank the distinguished chairman.

Mr. President, I originally intended to offer an amendment to the supplemental appropriations bill that would allow the Bureau of Reclamation to assist the State of Montana on the Muddy Creek project using existing funds. These existing funds would be provided for under "General Investigations" in Public Law 98-50. My amendment would have simply made $10,000 available under "Technical Assistance to States" to be used for the Muddy Creek project, Montana.

I have agreed not to offer this language as an amendment if I could have the assurance of chairman of the Appropriations Committee that he would seek to include the language in the conference report. I would consider this or similar language to be appropriate:

> The committee recommends that of the funds appropriated in Public Law 98-50 under General Investigations, $10,000 shall be available for transfer to the State of Montana to continue erosion control studies on the Muddy Creek Project, Montana.

Mr. HATFIELD. Mr. President, I understand that the Bureau of Reclamation has no objection to the language just stated by the Senator from Montana.

With this understanding, I will seek the inclusion of appropriate language as requested by the Senator from Montana in the conference report.

Mr. BAUCUS. Mr. President, I thank the distinguished chairman for his understanding and assistance with this matter.●

● Mr. HEINZ. Mr. President, I am pleased that the Senate Appropriations Committee and the House of Representatives have acted responsibly by approving $42 million for the acquisition and relocation of the private homes and businesses that are endangered by the underground mine fire burning beneath the Centralia area.

Since May of 1962 the community of Centralia has been disrupted and torn by an ever-spreading mine fire. This fire continues to burn out of control endangering the lives and homes of Centralia's residents. Many of the area's workers lost their livelihood as 23 mines were permanently closed due to the fire. Families have been forced to install carbon monoxide detectors in their homes to monitor combustive gasses that flow into their homes through cracks in the earth caused by the intense heat underneath. In 1981, 27 homes had to be relocated because of the high risk to the residents' safety and health. Human lives continue to be threatened through lethal gasses and subsidence.

The following chronology of the many studies and efforts at fire suppression will show that the residents of Centralia have suffered long enough waiting for a solution to the dangers they face. It will show that every possible alternative has been explored and that our prompt response today is essential for the protection of the families in Centralia.

In May 1962, fire was discovered in a waste disposal area operated by the Borough of Centralia. Borough workmen attempted to halt the spread of the fire by suppression techniques of water flooding and clay seals, but these efforts were unsuccessful and the fire continued to spread to the Buck Mountain coal bed.

Two months later, the Pennsylvania Department of Mines (DOM) and the U.S. Bureau of Mines (BOM) investigated the problem and discussed possible alternatives for controlling the fire. The fire had advanced far enough that fumes and gasses had spread throughout other abandoned and active mines. Therefore, PA DOM ordered the closing of 23 active mines in the area, resulting in the loss of over 140 jobs. By October 1963, PA DOM had spent about $106,000 in three projects attempting to control the fire through excavation, hydraulic flushing, and trenching.

Between 1966 and 1973, nearly $2.9 million was spent in several other State and Federal efforts to slow the fire's progress. Through 1978, funding by the State and Federal governments had exceeded $3.3 million.

In 1978, following the complaints of residents of Centralia about noxious fumes, PA BOM installed carbon monoxide gas detectors in several homes and inspectors began making weekly tests for gas seepage. These efforts were coordinated with a new U.S. agency created in 1977, the Office of Surface Mining (OSM). On December 31, 1979, OSM and PA BOM entered into an interagency agreement whereby OSM provided PA BOM with funds to gather data on the current status of the mine fire by additional drilling and thermal mapping. The gas monitoring program was continued with funds from OSM's abandoned mine lands program.

In 1980, OSM funded the relocation of seven families who were exposed to carbon monoxide contained in the fumes emitted from the fires. Additionally, a gas ventilation project was undertaken by OSM at a cost of $572,000.

As required by the interagency agreement between OSM and PA BOM, the Bureau developed a plan with alternatives and cost estimates on how the fire could be controlled or extinguished. This study cost $388,000.

In 1981, under a memorandum of understanding between Pennsylvania and the Department of the Interior, signed by Governor Thornburgh and Secre-

tary Watt, the Department provided $1 million from the Abandoned Mine Reclamation Fund to buy 27 homes and relocate the families. The properties acquired were in a 16-acre area judged to be extremely high risk area to the safety and health of the residents.

In 1982, $850,000 was appropriated for a drilling project and related matters in the Centralia mine fire. Nearly $1.5 million in additional funds were spent during 1982 and early 1983 to further study the spread of fire and to install a central gas monitoring system.

OSM released this report on July 12, 1983, and the conclusions were significant. The study found that the Centralia mine fire is more extensive and threatening than originally believed and that the fire could spread over an area of approximately 3700 acres, which could also threaten the communities of Byrnesville and Germantown.

The study outlined several fire control options ranging in cost from $103.5 million to $660 million. A Pennsylvania Department of Community Affairs report has prepared a budget detailing the cost of relocating the community's homes, businesses and nonprofit institutions at nearly $42 million. A clear majority of the homeowners in the Centralia area have voted in favor of relocation, which this appropriation will enable.

My distinguished colleague, Senator SPECTER, the Governor of Pennsylvania, and I have worked closely with the Secretary of the Interior to resolve this tragedy. Cooperation between Federal and State agencies has been extraordinary. The Commonwealth of Pennsylvania has agreed to the provision that the Federal discretionary share shall not exceed 75 percent of the cost with the State bearing 25 percent or $10.6 million of the $42 million appropriated.

After 21 years of studies and attempts at fire suppression. I believe this solution is the most humane and responsible one available. I urge my colleagues to recognize the special and urgent plea from the families in Centralia. Please support the $42 million appropriation from the Abandoned Mine Reclamation Fund for the purpose of relocating the residents of the Centralia area.●

LABOR DEPARTMENT SPECIAL NATIONAL PROGRAMS AND ACTIVITIES

Mr. WEICKER. Mr. President, earlier today the Senate adopted an amendment offered by our distinguished committee chairman, Mr. HATFIELD, on behalf of myself and Senator EAGLETON. This amendment was required in order to compel the Department of Labor to expend appropriated funds in accordance with the directives of the statement of managers accompanying the conference report on H.R. 3913, the Labor, Health and Human Services, and Education Appropriation Act, 1984.

I indeed regret that circumstances arose which necessitate the amendment. We have a long tradition of comity which has developed between the agencies of the executive branch and the Congress with respect to report language accompanying appropriations and colloquys on the floor of the Senate and House. This is as much an accommodation to the executive as it is to the legislative branch. In order to maintain flexibility which is inherently the right of an administration, we in the Congress have deferred to using reports and colloquys to provide legislative guidance regarding the expenditure of appropriated funds. Frankly, as chairman of the Labor, Health and Human Services, Education Subcommittee which oversees the appropriation of $100 billion, I have urged the subcommittee members to limit earmarks even in reports to an absolute minimum. Hence, only where we found extraordinary circumstances to warrant it, did the committee include language directing the expenditure of funds in a specific manner.

Because of the unique situation this year with implementation of the Job Training Partnership Act and the accompanying reduction of funds available for national activities, the committee found it necessary to express its view with respect to certain recurring contracts in special national projects and activities. Three of these projects—Human Resources Development Institute, Displaced Homemakers, and 70,001 Ltd., were specifically named in the Senate report accompanying H.R. 3913, as reported to the full Senate. That bill, incidentally, included $7,000,000 on an annual basis, in addition to the House appropriation levels, in order to fund these programs without unduly impacting other activities of a discretionary nature.

As we know, it was necessary to continue funding for the Department of Labor on the continuing resolution (H.J. Res. 368). The statement of managers on that legislation contained the following directive:

> With respect to national activities under the Job Training Partnership Act, the conferees direct the Department of Labor to maintain current funding levels for all recurring categories of projects during the period of this Continuing Resolution, including specifically 70,001 Ltd., the Human Resources Development Institute, and the National Displaced Homemaker's Network.

Clearly, it was the intent of conferees that three particular contracts be funded at 1983 levels. Yet, Mr. President, this directive was not followed. Now, we have sent to the White House for the President's signature a regular appropriation bill (H.R. 3913). That legislation includes the funding level approved by the Senate for special national programs and the statement of managers provides this directive (House Report 98-422):

> The conferees direct that ongoing special national programs be maintained, including specifically maintaining funding at fiscal year 1983 operating levels for the Human Resources Development Institute, 70,001 Ltd., and the National Displaced Homemakers Network.

I do not believe the intent of the conferees can be construed as ambiguous. This language, narrower than the first conference report, was developed after discussions with Department personnel. Yet, the Department of Labor indicates little movement to comply. I would add that before agreeing to sponsor this amendment, I made one last effort to reach my friend, the Secretary of Labor, regarding this matter. His unavailability left us little choice.

As chairman of the Senate subcommittee and as a manager on the part of the Senate, I believe this amendment is necessary to enforce the position taken by the Senate and two conferences. I regret the necessity to depart from tradition and earmark in the bill; however, if this is what it takes to enforce the views of the Congress—and in this instance, it is an imperative—I will do so. Mr. President, this is not the only instance where the committees of conference and the House and Senate Appropriations Committees have provided guidance through reports. It is, however, the only instance where we have been told, in spite of efforts to reach an accommodation, that compliance would not be forthcoming. There should be no mistake that when this chairman urges a colleague to accept report language in lieu of bill language, that I will do everything within my authority to see that the departments and agencies make every reasonable effort to carry out that guidance. And, when an agency refuses to follow clear and repeated instruction, I will take whatever action is necessary to see that guidance implemented, even if it means earmarking in legislation. It is my sincere desire that it will be unnecessary to repeat this action. I would hope the Department will see the wisdom of my argument and avoid a situation where the Congress is forced to legislate matters which in the past have been left to administrative discretion and accommodation.

● Mr. D'AMATO. Mr. President, I wish to extend my congratulations to the members of the Appropriations Committee, especially its distinguished chairman, on the fine job done in reporting this bill to the floor. In particular, I would like to comment upon the well reasoned language that the committee has added to the Senate report concerning the redeemable preference share program administered by the Federal Railroad Administration.

I share the committee's opposition to the other body's proposed reprograming of funds from the East St. Louis Gateway project to the Erie-Lackawanna line project between Dover, N.J., and Scranton, Pa. I also compliment the committee for directing that the needs of the redeemable preference share program be reassessed and discussed in the context of next year's budget hearing. Like my colleagues on the committee, I have no desire to prejudice this project. I believe, however, that any reprograming at this time is premature since the Federal Railroad Administration has not yet evaluated the East St. Louis Gateway project and has yet to receive an application on behalf of the Dover-to-Scranton project.

I appreciate the committee's statement that it is inappropriate to reprogram these funds until the Federal Railroad Administration can give consideration to competition among rail carriers serving this region and to their ability to compete fairly for similar projects on lines previously abandoned or scheduled for abandonment. There is currently a private carrier, the Delaware Otsego System, serving the same region as the Dover-to-Scranton line. This system has done an admirable job of preserving service along lines that were to be abandoned by Conrail and other bankrupt carriers. Moreover, this has been done with private investment. It is important that we consider the impact that Federal funding of the Dover to Scranton project may have upon this private investment before reprograming any funds.

In addition, it is my understanding that the Delaware Otsego System is completing an analysis in preparation for submission of its own application for redeemable preference share funding. This funding would be used for the rehabilitation and improvement of existing plant and for strengthening working capital, following a period of rapid acquisition of lines previously scheduled for abandonment. It is essential to the effective implementation of this program that the Federal Railroad Administration fully review any application submitted by the sponsors of the Dover to Scranton project, by the Delaware Otsego System, or by any other applicant before making a final determination on the merits of any project.●

Mr. HATFIELD. Now, Mr. President, I know of no other amendments. The Senator from Mississippi indicates he knows of no other amendments.

Mr. STENNIS. That is correct.

Mr. HATFIELD. Third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time. The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 3959), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move that the Senate insist on its amendments and that the Senate ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. EAST) appointed Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. ANDREWS, Mr. D'AMATO, Mr. STENNIS, Mr. PROXMIRE, Mr. INOUYE, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, and Mr. HUDDLESTON conferees on the part of the Senate.

Mr. STEVENS. Mr. President, I am sure that the majority leader will comment later on the work that has been performed here by the distinguished Senator from Oregon (Mr. HATFIELD) and the distinguished Senator from Mississippi (Mr. STENNIS). All of the Senate should join in congratulating these two Senators for expediting this bill through the Senate.

RECESS UNTIL 2:15 P.M.

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate at this moment, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 1:01 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the occupant of the chair, the Senator from Indiana, and I are the only ones in the Chamber at this time.

Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business to extend not longer than 15 minutes in length in which Senators may speak for not more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

SOCIAL SECURITY DISABILITY: THE NEED FOR REFORM

Mr. COHEN. Mr. President, much attention has focused lately on the flawed Social Security disability review process which has deprived many severely disabled individuals of their right to benefits. The experience of one of my constituents, a 61-year-old disabled veteran, suggests that the initial application process is deficient as well.

Recently, Robert Layman of Belgrade, Maine, was denied disability benefits despite his bilateral cataracts, emphysema, arthritis, diabetes, and other medical problems. In justifying its decision, the Social Security Administration wrote to Mr. Layman saying:

> You are able to see fairly well with your left eye. Based on your description of the job you performed as a chauffeur for 12 years, we have concluded that you have the ability to return to this job.

Mr. President, perhaps Mr. Layman does not meet the strict eligibility standards of the disability program. But for him to receive a notice telling him that he can return to work as a chauffeur despite his limited and worsening eyesight, I think defies belief.

If this case is typical, it is no wonder only 29 percent of those who applied for disability benefits in 1982 were granted them. By contrast, in 1977, 46 percent of the applicants were allowed benefits. The law governing eligibility for disability benefits was not significantly altered during those years, but the Social Security Administration apparently has narrowed its interpretation of the statute.

I hope that my colleagues will join me in working for legislative reforms in the disability program that will insure that our disabled workers receive the benefits they have earned.

ORDER AND DEMOCRACY

Mr. SYMMS. Mr. President, I submit to the RECORD an excellent editorial from the Wall Street Journal entitled "Order and Democracy." The article questions whether any Member of Congress will rise to say forthrightly that this use of American power (in Grenada) was wrong. The denunciators have wasted no time, and there are shrill calls for the invocation of the War Powers Act by those who would like to snatch defeat from the jaws of victory.

The big media and Soviet apologists have been hard at work, trying to paint the administration into a corner on this issue. The Washington Post, the same paper that was hoodwinked by those infamous liberators, Castro and Nicaragua's Sandinistas, is questioning the justification of American intervention, and calling the rescue mission an invasion. Is the word liberator only reserved for pro-Soviet, Marxist regimes, who overthrow, uninvited I might add, legitimate democratic governments?

Despite the media's concerted efforts to discredit the administration's assertion that the students on Grenada were in no immediate danger, and to challenge the necessity of the soldiers and marines' landing, the American people are refusing to follow their lead. The jubilant faces of those students who recently deplaned safely back in the United States, grateful to the marines and soldiers for saving their lives, and proud of the brilliantly executed mission, are a sharp contrast to certain sullen media spokesmen who somehow believe the first amendment gives them the right to advance knowledge about this military operation, the successful completion of which was dependent on absolute secrecy.

You will not hear the papers inform you of the strategic significance of the Channel of Trinidad, the 40-mile strip of water below Grenada through which a great deal of oil is shipped, or the fact that the Soviets spent countless rubles to construct an airstrip capable of accommodating their bombers. Nor will you hear that Ambassador the Soviets appointed to Grenada was the American equivalent of a four-star general, which gives some clue to the strategic emphasis the Soviet leaders had placed on the tiny island nation.

Despite the adverse press emanating out of Washington, D.C., most Americans strongly support American efforts in Grenada, and are proud that our Armed Forces prevented the possibility of another Iranian hostage scenario there. Bravo, Mr. President. The Americans in Grenada are safe, the Grenadan people will have the chance to elect a government of their choice, and the forces of freedom have enjoyed their first victory since the beginning of the Soviet move toward world hegemony.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial to which I have made reference.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ORDER AND DEMOCRACY

For the record, we suppose President Reagan has to say that the "overriding purpose" of the American invasion of Grenada is to protect the lives of Americans attending a medical school on the island. But of course this is not meant to be believed, and if anyone missed the point they should listen to Eugenia Charles, prime minister of Dominica and chairman of the Organization of Eastern Caribbean States, which asked the U.S. to help clean up the mess in Grenada.

As Mrs. Charles's comments excerpted nearby demonstrate, nothing concentrates the mind so powerfully as the prospect of a Soviet-Cuban puppet state on the next island. Dominica, like the other islands that supported the invasion, is a democracy and would like to remain that way. They are not so blind as to fail to recognize a familiar pattern that had been repeated in Grenada: A government established with communist help, asking in communist advisers. A leader trying to assert a measure of independence, moving a millimeter away from the communist line, and ending up displaced and dead. The next step in the pattern, they see full well, is the export of subversion and revolution in all directions. They ask the help of the U.S., and given the recent record are probably a bit surprised to receive it.

Not so surprisingly, Prime Minister Charles brushes aside questions about the Marquis of Queensbury rules. On the front lines, the blunt fact is that small and vulnerable democracies have every reason to feel endangered by a base for subversion in their midst, and every right to seek help from those able to give it. There is little time for the moral complexities—what is an invasion, what treaties govern, what is the definition of sovereignty—that perplex Georgetown salons.

For his own part, President Reagan was clear enough that rescuing medical students was not the only objective of the mission. The operation is also intended to prevent further chaos and to "restore order and democracy on the island of Grenada." U.S. troops may leave promptly, but only if the island is secured by the forces of other Caribbean states pending an election that restores Grenada to the democratic community.

No doubt there will be some second-guessing of the operation. Casualties have been sustained. As administration planners predicted, the head of the medical school appeared to say, from the safety of Long Island, that students were perfectly content with Grenada's 24-hour curfew and that any deaths are the fault of Americans. But interestingly, the congressional reaction has been restrained, with Tip O'Neill saying this is not the time to question. If the operation succeeds, as now seems likely, its importance will extend far beyond the Caribbean.

For in domestic political terms, the lesson will be that nothing succeeds like success. The administration sent more forces onto the tiny island of Grenada than it has into the swamp of Lebanon; no quagmire here. We are likely to learn that the American people are not opposed to any use of force, only to the use of force for no obtainable purpose. This will be immensely liberating in future crises around the world.

On the international scene, the lesson is even more important. For throughout the world, the question is not whether America has the power to protect its friends; the question is whether it has the will. This demonstration that it does indeed will be encouraging to other nations under attack, especially in Latin America but also throughout the world. Unless we fritter away the advantages in an orgy of self-doubt and indecision, the Grenadian action is bound to result in an overnight improvement in the U.S. geopolitical position.

It will be interesting to read the commentary and listen to the congressional reaction these next few days. No doubt there will be questions and insinuations. But we wonder who will rise to say forthrightly that this use of American power was wrong. Who will tell us that replacing the murderous government of Grenada and restoring order and democracy is immoral? If no one will say that what happened in Grenada is wrong, why should a different morality apply in the rest of Latin America and in the rest of the world? And if someone dares to say that the U.S. was immoral in Grenada, let him debate with Mrs. Charles.

EXTENSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time just consumed by the distinguished Senator from Idaho be considered as in morning business and that the time for morning business be extended for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

INCREASE IN PUBLIC DEBT LIMIT

Mr. BAKER. Mr. President, I guess this is the moment that we need to address the question of the debt limit bill which is Calendar Order No. 491.

Mr. President, what I wish to do in a moment is to ask unanimous consent to go to that measure.

Before I do, let me say that I am prepared to ask the Senate to remain in today and tomorrow and Saturday, if necessary, to try to finish this bill if we can reach this bill and as long as necessary on Monday if we have not finished it since the debt limit bill expires on Monday night at midnight.

I hope that there will not be an objection to that, but I believe that the distinguished Senator from Kansas, the chairman of the Finance Committee, is on his way to the Chamber, I see the distinguished ranking minority member here.

Let me put the request. I am sure this request is satisfactory with the chairman of the committee and it may be that we will have to have some colloquy on reservations anyway.

So, Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of House Joint

Resolution 308, Calendar Order No. 491.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, reserving the right to object, if I may be allowed to speak for as much time as is necessary, which will not be long, on a reservation, I wish to proceed to do that. I reserve the right to object, and let me say to the distinguished majority leader that we on our side of the aisle had a caucus about this matter. We realize that the distinguished majority leader has taken the precautionary measure yesterday of putting in writing a notice to suspend the rules in the event the unanimous-consent request is objected to, which he has a right to do and which he should do under the circumstances and which I would do if I were in his place.

That motion to suspend the rules is one that would require two-thirds vote of those present and voting—and, incidentally, at some point in time on an entirely different matter I am going to raise the question about Senators who are voting "present," but that has nothing to do with this. I trust they will read the rules in the meantime about voting "present" on rollcalls.

Now, to continue, the distinguished majority leader, as I say, can move to proceed to take up his motion to suspend and he would have to receive a two-thirds vote to carry his motion. Whether or not he can get the two-thirds vote, I do not say.

That is neither here nor there for the moment.

The Senators on our side are concerned—let me say I am concerned—about the fact that this matter has been in the Senate's jurisdiction since June when the House sent over to the Senate a resolution under the Budget Act in which they included the debt limit extension so that the House did not have a separate vote on the debt limit. That measure came over to the Senate in June.

What concerns me, and my concern is shared by a good many of my colleagues, if not all of them, is that this matter which the distinguished majority leader wishes to go to now—the extension of the debt limit—was not brought before the Senate until today, Thursday, when there is a time problem of sorts which would result if final action is not taken on this bill by midnight Monday of next week. In other words, it would begin to cost the Government daily a sum of money which I presume would run into some millions of dollars.

So here we are, the committee reports the measure on yesterday, at about 11 o'clock I believe, and the 3-day rule would expire, I believe, on Monday, at about 11 o'clock or some such. May I ask the Chair if I am correct.

The PRESIDING OFFICER. The report will be available 11:03 on Monday.

Mr. BYRD. I thank the Chair.

Here we are, and I certainly am not attempting to point the finger at anybody and blame this on anybody and I do not want the majority leader to feel I am blaming him for this, but I am expressing a concern which I think is a justifiable one, that although the measure has been over here from the House since June, the Senate has delayed until late October to take action. We do not like to be put into the position, on our side, of having to object to proceeding to the matter when the debt limit will expire Monday next at midnight. The report will not have been available for 3 days under the 3-day rule until Monday, nor will the measure have been on the calendar for one legislative day.

We think that with all of the time that has elapsed since June, this measure should have been before the Senate long prior to today. It puts us in a situation now where we feel we will not be able, perhaps, to adequately debate the measure, and conceivably could be put into a difficult position insofar as offering amendments are concerned if we reach the hour of midnight Monday, and have not yet finished action on the bill. I doubt that situation will occur but it does cause us some concern.

I would want to express the hope that in the future every effort will be made by the appropriate committee to report the debt limit measure, in ample time to give the Senate an opportunity to deliberate as it should, without our being boxed into a corner and asked to waive the 3-day rule, and Senators do not have time enough to gear up, and to adequately study the report and prepare amendments if need be.

This is supposedly the greatest deliberative body in the world but under these conditions we do not have the opportunity to deliberate.

Now, having said that, and the majority leader may want to respond to that, it is our intention on this side to accede to the request in this instance, provided that there will be no votes on Monday prior to 5 p.m., so as to accommodate Senators on both sides of the aisle from far away places, if action is not completed between now and Monday, and also provided that, if the leadership on the other side moves to table amendments on this side, the leadership on the other side must do the same with amendments from that side or, in the alternative, that we have up and down votes on all amendments. But if the majority leader could accede to those conditions, I think we can get an agreement to the request made by the distinguished majority leader that the Senate now proceed to take up the debt limit bill.

I am also told that, may I say to the distinguished majority leader, that a Senator has sent me a note in which he says he cannot give unanimous consent to proceed if there be final passage prior to 5 p.m. on Monday. Now that Senator is not present and I do not know whether he would lodge that objection if it became clear that we were in position to complete action today, which we will not be, or tomorrow, or Saturday. So whether he is simply restricting his objection to Monday, that would have to be inquired about.

I remove my reservation of objection for the moment.

Mr. BAKER addressed the Chair.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I withdraw.

Mr. LONG. Reserving the right to object, I would not be willing to agree to that condition of voting at 5 o'clock Monday unless it can be made clear that the Senate is able to agree or come to a final vote today or tomorrow or even Saturday, that would not apply.

Now, it would be all right with this Senator, if we did not complete our work on this bill until Monday, that we would not vote prior to 5 o'clock on Monday, but I think that is an unreasonable request for anyone to say that if we can reach final passage today or tomorrow or even Saturday, we could not proceed to vote.

I will respect the Senator's request, as far as I am concerned, with regard to not voting on Monday prior to 5 o'clock. I understand that. But I do not think we ought to be limited so that we cannot vote until Monday even if we have finished debate on the bill before then.

Mr. BAKER. Mr. President, I agree with the Senator from Louisiana. Indeed, I think surely there must be some wiggle room in here someplace. Because if we could finish today, tomorrow, or Saturday, I think we ought to finish.

As the point was made by the minority leader, we have been living at the ledge of the cliff for so many years now on debt limits that surely we ought to learn not to do this. So we ought not to postpone it until the last day.

I am perfectly willing to agree that if we are on this bill on Monday that there will not be any votes until 5 o'clock on Monday. We may not have to do that, but we could do that. I would not want to stack votes from Saturday until Monday, but I would be perfectly willing to stack votes on Monday.

If that is the interpretation of that condition—and I really hope that it is—then I have no problem with it. I am prepared to say to the minority

leader that I checked with the chairman of the committee on this side and he and I agree that, as far as we are concerned, there is no real need to worry about tabling versus a vote on the merits. The order could include a provision that the vote will occur on amendments rather than on tabling motions.

On the suggestion about scheduling, I do not see any problem with that. I think 6 o'clock today will be a good full day, considering the problem we have already had with the supplemental, and a small price to pay for getting the thing underway. I would expect, however, that we could continue tomorrow until 4 or 5 o'clock and then, if we are not finished, come in on Saturday. And I urge Senators to consider that we will be in on Saturday if we have not finished, for the very reason the minority leader pointed out, that we need to do this thing instead of backing up against the final moments.

So, Mr. President, I am prepared now, and I do modify my request in the following respects.

Mr. SYMMS. Mr. President, reserving the right to object. I did not come in the Chamber with the intentions to object, but could the majority leader tell me, then, if he is setting up a situation where final passage on this may come late on Friday afternoon?

Mr. BAKER. Yes, Mr. President, it could. Under the arrangement we are setting up, it could come today or it could come tomorrow, or it could come Saturday or it could come Monday. There is no proviso for when it would occur.

Mr. SYMMS. Mr. President, I say to the majority leader, if we are going to do this, why do we not stay here and do it today and let the Senate work its will on it and finish so those Senators that have schedules can meet them? Maybe it cannot be done. Maybe there are more amendments and the majority leader may not know how many amendments there are.

Mr. BYRD. Could I help the majority leader in that regard?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, there are only 9 hours left in the day and we will not finish today. There are enough amendments on this side that I can confidently tell the majority leader we will not finish. Maybe that will help him in answering the question on his side.

Mr. BAKER. That kind of helps make me blue, but I understand. I thank the minority leader, but I must say I am not surprised.

Mr. President, I hope the Senator from Idaho will consider that there is a possibility that we will finish this weekend, but there is also a possibility it will be Monday.

I really urge that we go ahead with this matter. I was about to put this request, Mr. President. I was about to modify the request so that no tabling motions would be in order.

Mr. LONG. Mr. President, reserving the right to object, my understanding was that the suggestion of the minority leader suggested that if the majority leader moved to table amendments, he would act uniformly with regard to them. He would not just move to table Democratic amendments. But I did not think he was requesting—and I am not prepared to agree—that individual Senators would not have a right to move to table if they are opposed to particular amendments. I think that is a different matter.

Mr. BYRD. I think what I said, what I certainly intended to say, I did not intend to limit it to the majority leader, but I did intend that it be limited to the leadership on the other side.

Mr. LONG. That is fine. I am not objecting if someone is speaking for the manager or the leadership of the bill and sees fit to move to table. But if an individual Senator wants to move to table, it seems to me that his right to do so should be protected. I believe what we are talking about is if the leadership moves to table, he should move to table the amendments of both sides, which I anticipate he may very well want to do. If so, it ought to be uniform. That is the position I believe we are talking about. But individual Senators I do not believe should be barred from making a motion to table.

It might be a Senator would want a test of strength, or he might have some other purpose. As far as the Senator from Louisiana is concerned, he has no objection if the leadership wants to move to table all amendments. Frankly, that does not require unanimous consent. The leadership can speak for himself on it.

Mr. BYRD. His request to proceed now requires unanimous consent unless he can muster two-thirds on a motion. The point that I was making was that if the leadership on the other side is going to move to table amendments on this side they ought to do the same on the other side or give us all an up-or-down vote on amendments.

Mr. LONG. That is exactly what I had in mind. It would not require any unanimous consent. The majority leader could stand there, speaking for the leadership, and say he is going to move to table every amendment or else he is not going to move to table. Either one, it is all right with me.

Mr. BYRD. That is the condition on our giving unanimous consent for the leader to take up the bill.

Mr. LONG. As I say, he does not require unanimous consent to commit himself. He can commit himself to anything he wants to.

Mr. BYRD. I understand that he can do that. But I am saying that I or any Senator can also object to his request to proceed, which I do not want to do.

Mr. BAKER. I do not want him to, either. Let me say this: I understand the point being made by the Senator from Louisiana. I am sort of at a loss as to how to put this in words.

If the Senator from Louisiana would object to a provision of the unanimous-consent order that no tabling motions would be in order, which I understood him to say, then I suppose the request would be—I do not know how to do it except to say I should make tabling motions on everthing—I would prefer not to do that—because, otherwise, it would be a requirement that somebody has to pick and choose which ones are going to be tabled and which ones are not.

Mr. LONG. Mr. President, the request was simply that if the majority leader or the manager of the bill should move to table one amendment, that he uniformly move to table all others on both sides of the aisle. But he should do it one way or the other, either move to table them all or not to move to table any of them.

Mr. BAKER. I wonder if it would help any if I promised not to move to table anything and leave it up to the individual Senators and the managers of the bill to decide that, and the distinguished Senator from Louisiana is one of the managers of the bill.

Mr. BYRD. Mr. President, my intent was that, if the leadership on the other side—which includes the majority leader and the majority whip and the majority manager of the measure or their designees—if they are going to move to table amendments offered by Democrats we want them to table amendments offered by members on the Republican side. I do not want to limit the condition only to Mr. BAKER. and Mr. DOLE.

Mr. DOLE. I will do that. I will table everything.

Mr. BAKER. I think the best thing to do is just to have that understanding. I will give the minority leader my assurance that I will be absolutely indiscriminate in making my motions to table.

Mr. BYRD. The majority leader understands why I am making this request.

Mr. BAKER. Yes, I do understand.

Mr. BYRD. Mr. President, if I move to table an amendment that comes from the majority side, I will not have the support of Senators on that side. But if the majority leader moves to table an amendment offered by Democrats, he has the Republican votes to table. I have watched the other side of the aisle over the years. If the Democrats move to table a Republican-sponsored amendment, the Republicans, almost to the man, vote against that tabling motion.

Mr. BAKER. Will the Senator yield to me?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, I confess and plead guilty to the charge that I originated that policy on this side when I was minority leader, and I have regretted it ever since I became majority leader.

Mr. BYRD. The Senator was very successful in executing that policy.

Mr. BAKER. But I am sure my friend the minority leader will have observed by now that I often now make motions to table Republican measures, which I had refused to do steadfastly before.

Mr. BYRD. The Senator has mellowed a great deal since he became majority leader.

Mr. BAKER. There are very few advantages to growing older, but one of them is to learn not to do things that you did foolishly before. That was one of my long and growing list of things I should never have done.

Mr. President, Senator DOLE said it is not that old nor that long.

Mr. President, I am willing to accede to the suggestion of the minority leader that if I make the tabling motion, it will be made on either side. I must reserve the right, if we are not going to table everything or prohibit tabling motions, to decide, though, when I will or will not make a tabling motion. That is why I was having trouble with it. I think the simplest thing to do is to say I will not make any tabling motions and leave it up to the discretion of the manager of the bill on this side.

Mr. BYRD. I will have to hear from the manager of the bill that he will treat both sides alike, if he moves to table amendments on this side, he will do the same on his side.

Mr. DOLE. I can assure the minority leader of that. I will consult with the manager on that side. We generally work pretty well together. Normally I will give an up-or-down vote. I think Members are entitled to an up-or-down vote. In rare cases when we want to see where you are there might be a tabling motion. If it is not satisfactory with Senator LONG, I will not do it.

Mr. LONG. As far as the Senator from Louisiana is concerned, when this matter was discussed with the minority leader it was the thought of the Senator from Louisiana that when tabling motions were made either by Mr. BAKER or Mr. DOLE, the probabilities were that many of them were going to carry, but if they were made from this side of the aisle, especially if we did not have a Republican cosponsor making the motion, they very likely would not be carried.

We merely wanted to ask the leadership to be uniform. Whichever way the leadership wants to go, either to move to table none of the amendments or move to table them all, we would like the leadership at the manager's desk, whether it be Mr. DOLE or Mr. BAKER, to do it one way or the other, either to move to table all amendments or not move to table any of them.

Mr. BAKER. Mr. President, let me offer a suggestion. I understand fully what the Senator from Louisiana is saying. I do not know how you are going to do that, though, except as follows: I do not plan to make any tabling motions. I urge that managers of the bill may consult before they make any tabling motions and attempt to agree when they make them or when they do not. As majority leader I will not plan to make any tabling motions at all. I will urge the managers to be equitable and fair in deciding whether you will have an up-or-down vote. We fully realize and acknowledge that in this statement we are not circumventing the right of any Senator, other than the ones I just stated, to make a tabling motion if they wish.

Mr. BYRD. I am not sure I understand the majority leader. Is he saying that there may be some tabling of amendments on this side and that there will be a selective tabling, and that there will not be the same tabling on the other side?

Mr. BAKER. No; it will be equal on both sides. I am just removing myself from the matter and leaving it up to the two managers to decide when they will or will not move to table.

Mr. BYRD. In other words, the Senator is saying they may table some and may not table some?

Mr. BAKER. Yes; I urge that the two managers will consult together and decide what the policy will be on that. If they are not together, if they disagree on that, then it will be up to the distinguished manager of the bill on this side or the distinguished manager of the bill on that side to make their own separate decision. But I would urge them to do it together and I believe they will do it together.

Mr. DOLE. If we cannot, it will be an up-or-down vote.

Mr. BAKER. If they cannot agree on tabling, it will be an up-or-down vote.

The PRESIDING OFFICER (Mr. TRIBLE). Is there objection?

Mr. METZENBAUM. Objection.

Mr. BYRD. I remove my reservation.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Did the Senator from Ohio object to the request?

Mr. METZENBAUM. I did.

Mr. BYRD. May the minority leader inquire as to what is the reason for the objection?

Mr. METZENBAUM. I will be happy to indicate. I feel that if this matter comes to a vote prior to the latter part of the afternoon on Monday, and I have no objection to its coming to a vote in the latter part of the afternoon on Monday, the rights of the Senator from Ohio might be prejudiced.

Mr. BAKER. Mr. President, I would be perfectly willing to arrange for a time certain on Monday but I did not think we would get that.

Mr. METZENBAUM. I would be agreeable to 4 or 5 o'clock. I would be perfectly agreeable. I do not know about others.

Mr. LONG. Mr. President, the Senator from Louisiana does not want to give unanimous consent to vote on amendments to the bill. It would be all right with this Senator if by 5 o'clock on Monday we have not disposed of all amendments, just proceed to vote on final passage of the bill. That is all right with the Senator from Louisiana. But I do not want to agree to what is otherwise the usual arrangement, that all amendments pending would be voted on before we vote on the bill. It is all right with this Senator to agree to a time certain to vote on the bill, but only if that means that any amendment not voted on prior to that time will not be voted on.

Mr. METZENBAUM. I might say to the majority leader that I would be perfectly comfortable if there were an understanding, and the majority leader controls the time, that the final vote on passage would not occur before 5 o'clock on Monday afternoon.

Mr. BAKER. Mr. President, I would be absolutely delighted to enter into an agreement that would provide that final passage of the vote will occur not later than 5 o'clock on Monday and also to assure Senators that I will ask the Senate to remain in as long as necessary today, tomorrow, and Saturday, and prior to 5 o'clock on Monday in order to accommodate the needs of Senators to present their amendments. I am perfectly happy to do that. I would like to suggest as one modification, that we provide for third reading not later than, say, 3 o'clock on Monday so that we have an hour or so of debate before we have the vote on final passage.

Mr. BYRD. Mr. President, reserving the right to object, I think that if I were to agree to this I would be going against the instruction of my caucus. Would the majority leader say that there would be no votes prior to 5 p.m. on Monday? It would be all right with me to say that a final vote will occur no earlier than 5 p.m. on Monday.

Mr. BAKER. Mr. President, there is one problem. This is a different formulation but one that is appealing to me. The complication is, as the manager of the bill points out, if we adopt any of these several amendments that are anticipated, we will have to have a conference and complete conference action, and the bill will have to be sent to the President by midnight. That is going to cut us very short.

Mr. METZENBAUM. I might point out that I have just learned from an Associated Press dispatch that the sale of Treasury issues was called off today because the Congress has not acted. I am not quite clear why that was since all indications were that they had the money to go up to midnight on Monday.

Mr. BAKER. I talked to the acting Secretary of the Treasury who indicated to me that it is their policy and has been their policy in the past when they put out the notice of the sale of those debt instruments that unless they can assure potential purchasers that they are going to be able to deliver, they cancel or postpone the proposed issue. They do not wish to be in a position of advertising and then not being able to accept bids or quotations. This was done, if I am not mistaken, on the last debt limit and perhaps the one before that.

Mr. METZENBAUM. Can the majority leader indicate what the cost is to the Treasury of the cancellation?

Mr. BAKER. If there is any cost at all, I cannot say. It is a rather persuasive argument, however, I hope, that we can get on with the business at hand.

Mr. METZENBAUM. I have no objection to getting on with the matter. I have no objection to any amendments or whatever particular amendments are taken up, I just would like to have an opportunity to be protected until 5 o'clock on Monday.

Mr. ARMSTRONG. Mr. President, could the majority leader yield to me for a question?

Mr. BAKER. Yes, Mr. President, I yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I have been listening with interest about the discussion of various arrangements for the convenience of Senators. It was not my intention to intervene in the discussion of whether we should or should not take up this bill by unanimous consent, notwithstanding some earlier speculation that I might oppose the motion to take it up. I am perfectly prepared to agree to a unanimous-consent request to take it up. But I must admit that I am a bit baffled by the request of the Senator from Ohio, and, frankly, I am a little on guard about it. Can he explain to us why it is that he does not want a vote to occur prior to 5 o'clock on Monday?

Mr. METZENBAUM. I would be happy to at some future date.

Mr. ARMSTRONG. Mr. President, I would be glad to agree to a consent request, perhaps, at some future date.

Mr. BYRD. Mr. President, who has the floor?

Mr. BAKER. I believe I do. I yield to the minority leader.

Mr. BYRD. Mr. President, may I say to the Senator that I think he asks a legitimate question. I have to say that in our caucus, a request was made that if we agree to the unanimous-consent request by the majority leader, one of the conditions would be that insofar as Monday is concerned, there be no votes before 5 o'clock.

Mr. ARMSTRONG. If the Senator will yield to me, I thought the discussion was quite clear that that was not the nature of the request of the Senator from Ohio. I understood he was simply asking the majority leader not to schedule a vote at any time before 5 o'clock on Monday; that if we finish the bill tonight, we could not vote on it; if we finish it tomorrow, we could not vote on it; if we finish it Saturday, we could not vote on it. If his request is merely that no vote occur on this matter before 5 o'clock on Monday, I do understand that. But as the proposition is framed or at least as I understand it, it raised a question in my mind. If it is only about Monday, then I would have no difficulty.

Mr. BAKER. Mr. President, I hope the Senator from Ohio will reconsider that, the situation is complex. As the minority leader points out, he has a caucus action, I believe, on this subject that must be taken into account. We have the hard fact to deal with that this thing may have to go to conference and that we have to get it to the President Monday night before midnight.

I wonder if the Senator from Ohio would reconsider and provide that passage will occur not later than 5 o'clock or, in the alternative, as the Senator from Colorado just restated, if we are still on this bill on Monday—and we may not be; we may finish it before that—no votes would occur prior to 5 o'clock. I am sure we could do that.

Mr. METZENBAUM. I would like to point out to the majority leader that if he moves to waive the rules and go to the bill, the majority leader is realist enough to recognize that if the Senator from Ohio were to determine that no votes shall occur before 5 o'clock on Monday, that is not really a very challenging undertaking. I am suggesting that I do not intent nor do I desire to follow that procedure.

I think that there is no reason that we have to rush this matter. There is nothing, really, for the Senate to be dealing with prior to that time. If we conclude our action by Monday at 5 o'clock, I think there will time enough to meet the responsibilities that we have as far as the debt limit is concerned.

Mr. BAKER. Mr. President, let me say that the Senator from Ohio does that quite often, attempts to instruct the majority leader on what he may do and what he may not do. I assure the Senator from Ohio that I believe I have a passing familiarity with the rules.

Mr. METZENBAUM. I do not intend to do that.

Mr. BAKER. I have great respect for the Senator's endurance. I am sure he must understand that I have a job to do and that job is to get the Senate to act on legislation we must deal with. If the Senator decides to debate at length, of course, he may do so. And of course, I may stay and listen.

Mr. METZENBAUM. I understand that.

Mr. BAKER. If the Senator decides to do that, he may keep us going for 8 hours or 24 hours, or 72, and I am going to be here listening.

I say to the Senator from Ohio if we are not going to be able to deal with this bill, it is not beyond the realm of possibility that the majority leader might decide that we ought to go to the natural gas bill or there might be other measures.

Mr. METZENBAUM. That is all right.

Mr. BAKER. Mr. President, this is the most important measure we have to deal with. I suggest to Senators that we ought to find a way to deal with it in the regular way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am hopeful that this request will be favorably considered. Let me state it so we are absolutely clear, since we have dealt with several different formulations.

I ask unanimous consent that the Senate now proceed to the consideration of House Joint Resolution 308, Calendar No. 391.

I further ask unanimous consent that if action on that matter has not been completed by Monday next, no votes on that measure occur before 5 p.m.

Mr. BYRD. Mr. President, reserving the right to object—and I will not object—I think the majority leader understands that we have already agreed that any tabling motions that are made will have to be agreed upon by both managers.

Mr. BAKER. Yes; we have agreed to that. Also, I have agreed, so that we have some idea about scheduling, that it be the intention of the leadership on this side to ask the Senate to remain in session until about 6 p.m. today, until about 5 p.m. tommorrow. On Saturday, we would come in about 10 o'clock and stay in session until midafternoon or thereabouts, if necessary.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is ordered.

Mr. BAKER. Mr. President, I am very grateful, very relieved, and I thank Senators for their cooperation.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 308) increasing the statutory limit on the public debt.

The Senate proceeded to consider the joint resolution.

Mr. DOLE. Mr. President, I had hoped that we might dispose of this measure today. We have taken quite a little time getting to it.

I assume that there are some amendments. Maybe we can do it today, but I hope we can do it by tomorrow; because I pointed out to the majority leader that it is not that the Senate Finance Committee is without something to do. We have a number of matters, particularly reconciliation, which we need to address by midnight on Monday, unless there is an additional extension of time.

So it will be necessary for the Finance Committee to be meeting maybe tomorrow and maybe Saturday. It is hoped that other Members will appreciate the fact that we have a lot of work to do in that committee.

Mr. President, House Joint Resolution 308 is a product of the budget resolution for fiscal year 1984 that was approved by Congress last June. The increased debt limit in House Joint Resolution 308 is the level that was deemed appropriate through fiscal year 1984 in the budget resolution.

PRESENT LAW AND DEBT STATUS.

The public debt limit currently is $1,389 billion. This is $7 billion above the $1,382 billion debt outstanding last Tuesday morning when the Committee on Finance began its markup of House Joint Resolution 308.

That margin will not last long enough to finish the day on Tuesday, November 1. Anticipated tax receipts of $13 billion earmarked for the social security trust funds in November must be credited to the trust funds and invested immediately in U.S. securities. This mandatory action alone would raise the debt above the present limit, even if there would be no other change from the amount outstanding during the markup.

The Treasury's operating cash balance was about $27 billion last week, and it should remain at about that level through October. In the absence of an increased debt limit, the cash balance will be drawn down in order to pay bills as they come due.

CONSEQUENCES OF DELAYED ENACTMENT

TREASURY FINANCING

On Wednesday, October 26, the Treasury Department announced its plans for the usual midquarter financing. The plans involve raising $16 billion—$10 billion in new cash—in notes and bonds of 3-, 10-, and 30-year maturities. Auctions for these issues—I understand there has been some change in that—were to be held on November 1, 2, and 3, and the financings were to be settled on November 15.

This financing, as well as the increase in the debt limit, is vital to the continued functioning of the Federal Government. The Secretary of the Treasury has stated, however, that the auctions will be cancelled without assurance that current law will provide sufficient public debt authority to issue the securities. It has been the experience of the Treasury Department that delayed auctions ultimately result in higher costs of borrowing, because when the carefully ordered plans of investor groups have been disrupted, a premium interest rate is a necessary additional cost to compensate investors for having had to make unscheduled and undesirable portfolio adjustments. Treasury has estimated that a premium of one-eighth of 1 percent would add about $250 million to interest outlays on the public debt.

With no change in the debt limit by November 1, the Treasury Department could only issue refundings of expiring issues. Investors then could be expected to demand premium interest rates even for rollovers of maturing issues.

Among the bonds and other debt that could not be issued are savings bonds, and Treasury would have to send thousands of notices to employers who have payroll savings plans, banks, and all other institutions through which savings bonds may be purchased. Refundings could not be made of certain special issues for State and local governments which help these governments stay within the Federal arbitrage limits for tax-exempt bond issues.

FEDERAL OUTLAYS

Expenditures for all Federal Government activities could continue only until the operating cash balance on hand on November 1 and subsequent daily new tax and other receipts were exhausted. These expenditures include payments—in the first 3 days of the month—of social security benefits, civil service and military annuities, veterans benefits, and various other individual entitlement programs. Payments to Government contractors, or fulfillment of obligations or as periodic performance payments, are made daily. Periodic interest payments on outstanding Federal debt usually are made on the 15th day of each month.

The Committee on Finance was informed that the operating cash balance which may be on hand on November 15 would not be large enough to make in full all the interest payments that come due. Such a failure would constitute the first U.S. default on debt obligations. Even if the Federal Government's creditors might forebear from any legal action, and would wait patiently until funds for payments to them would become available, there would be an irreversibly adverse effect on the Federal Government's credit. Investors would question forever the absence of risk that has been associated so far with the ownership of U.S. Treasury securities.

SPENDING PRIORITIES

When there is doubt whether an increase in the public debt limit will be enacted before an existing limit will expire or be reached, speculation arises whether the President or Secretary of the Treasury has authority to exercise legally sanctioned priorities with respect to different spending programs. The best information available to the Committee on Finance indicates that no such priorities are in existence. Each law that authorizes expenditures or makes appropriations stands on equal footing, and there are no grounds for the administration to distinguish a payment for any one program over any other program. As a consequence, the Secretary of the Treasury can be expected to make payment on the Federal Government's legal obligations to pay as they come due until funds are no longer available.

CONCLUSION

There is no doubt that the increase in the public debt limit to $1,614.6 billion is necessary for fiscal year 1984, and it is abundantly clear that there should be no further delay.

I am aware that many Senators desire to attach amendments to this bill that, it is hoped, would improve controls over Federal fiscal activities. I agree with the objective of the Senators, but I also believe that the immediate dangers of delaying enactment of the increased debt limit any further should deter the Senate from using the bill as an implement for budget control.

This is a big political football. Everybody gets a chance to kick around the debt ceiling and offer all kinds of expensive amendments. This is one time when I think Members would soberly reflect on spending amendments, when we are raising the debt ceiling.

One trillion, six hundred billion dollars is a lot of money. We are told that if we do not do something on the deficit, it is going to double between now and the end of this decade.

The interest on the debt now exceeds $120 billion; and on the new debt, unless we do something about it by the year 1990, we could be paying as much as $250 billion in interest. That does not create any jobs. It does not do anything for the economy in any State. It does not do anything for the taxpayers, except require them to pay more taxes so that we can pay the interest on the debt; because in the

past, for a long, long time, we have not focused on how we can attack it.

I hope that particularly as Members offer spending amendments, they will remember that we are about $1.6 trillion in debt, or will be by next October 1, and that we are faced with efforts now to reduce the deficit.

The Senator from Kansas has been talking to Members of the Senate Finance Committee and others to see if we can put together a deficit reduction package before we leave this year which would reduce the deficit over the next 3 years by about $120 billion. We are told that if we do that, if we do take responsible action, we have a good opportunity to moderate interest rates, not immediately, but at least keep them from going higher and maybe keep them down a bit and make certain that the recovery is going to be sustained for a longer period of time.

I know that this is a ritual the Senator from Louisiana has been through more often than the Senator from Kansas. It is an exercise, and it gives everybody a chance to reflect on it. There are always those who say, "You should have done this 1 month ago"; but I think the record will show that, over the years, this is generally done near the end of the cycle, when there is some urgency on the part of the Senate and the House to act. Otherwise, we would never do anything but debate not only the debt but also every amendment anyone wants to offer.

I have no argument with anybody offering amendments, so long as we can defeat them. Some amendments may be good, some may be better than others, and some may just be withheld for a while for historic purposes.

In any event, it is my hope that we can pass this measure and do it quickly, dispose of the amendments, and not worry about what happens on Monday, but dispose of it before then.

I yield the floor.

Mr. ARMSTRONG. Mr. President, this bill, this proposal for a stupendous increase in the national debt, is really a monument to the failure of Congress to deal with the most pressing fiscal problem facing this country—in fact, the most pressing economic problem facing this country. While it is not the most pressing moral issue, it is one of the most pressing moral issues, because there is a question as to how much debt we are going to inflict on future generations of America, which, in my estimation, has very profound moral implications.

Somebody said—I think it was the head of the famous race commission—that Washington is a town without guts. I am not exactly sure what that means, but I think it means that there is a lot of lip service to the notion of fiscal responsibility but little real determination to do anything about it. There is a lot of talk and smoke and hot air, but when it comes to voting to cut spending, we would rather appoint a blue ribbon commission or have President Reagan and TIP O'NEILL get together for a summit conference, or think that if we ignore the problem, it will go away.

The reality is that the deficit is mounting very quickly; and in a few years, as the distinguished Senator from Kansas has pointed out, it will not be only $1.5 trillion; it will be $2 trillion; it will be $3 trillion—and there is no telling where it may end.

Long before we get up to the projected numbers that are before us, it may be that our economy will collapse or there will be runaway inflation or something else. I do not say this to be an alarmist, but simply to raise it as a realistic possibility. It has happened in other countries, and I do not know of any reason why the United States of America is immune from the laws of economics which have brought ruin to other countries which have experimented with deficit financing.

I am examining and will presently send to the desk a brief but insightful analysis of the trends of Federal spending and taxing and deficits in this country.

I note, for example, that as recently as 1960, the total Federal expenditure was less than $100 billion. This was not back in the stone ages; it was not at the turn of the century or in 1800. That was in 1960.

President L. B. Johnson was not noted, I guess, as a particularly frugal person. He never really made his reputation around here as a great fiscal conservative. Yet, I remember when he was seen to publicly agonize about whether he wanted to be the first President of the United States to send up a budget in which this country would spend more than $100 billion in a single fiscal year.

Again, I point out that was not President Andrew Jackson or President George Washington. That was President L. B. Johnson, less than two decades ago. He did not know whether or not we should spend in 1 year as much as $100 billion.

Here we are just absentmindedly on a kind of a quiet Thursday afternoon with only three Senators in the Chamber getting ready to approve an increase in our national debt which is more than all of the total of Federal spending from the time of the American Revolution up until just a very few years ago, up until maybe a decade ago.

Mr. President, in 1970, just 13 years ago, the total of Federal spending was $197 billion, and many of us were worried in that year that we were beginning to run a deficit in that year. There was quite a little concern and alarm actually that we had for the fiscal year a deficit of $3 billion. At the time, it seemed like an enormous amount of money. Many people predicted if we kept on going that way, we would soon get into really deep trouble.

The progress of this is, that by the year I got here, we had spending at ever-increasing rates and by that time, the national debt had reached, what seemed to me when I was elected to Congress a decade ago, the astronomical sum of $435 billion.

Now we are talking about raising the debt limit four times that amount with the virtual certainty that we will presently be asked to take it from $1.600 trillion to $1.800 trillion or $2 trillion or $2.5 trillion, or so on.

Mr. President, I am going to send to the desk in a moment a table which outlines Federal spending for selected years 1960, 1970, and 1980, and then for each year, 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988—the future years being projections. These are based upon the midyear budget estimate of the Office of Management and Budget.

For each of these years, we had either the calculated or projected extent of Federal spending, the Federal deficit, Federal taxes, percentage of gross national product, State and local taxes, the estimated level of the national debt, some information about corporate profits, corporate income taxes, and so on.

Then, accompanying this table, will be a functional analysis showing by budgetary function where the money has gone in each of those years and also some indication of the assumptions on which the budgetary projections are based with respect to real GNP growth, unemployment, interest rates, GNP deflator, and so on.

I can summarize very briefly the conclusion which I draw and which I think other Senators may draw from this data, and it is that we are on a crazy-spending spree. We are on a binge like no one has ever seen before, and I cannot imagine what anyone could say to the Senate or to the country that would call this to their attention.

It is a supreme irony, I think, that here we have what is supposed to be the most conservative Senate we have ever seen and yet we are just casual, just thoughtless, even sensory overload, agreeing to another gigantic increase in the national debt. We are going further and further into the red with every passing day and doing so with an aura of utter abandon as if no one cares or paid any attention.

Mr. President, I do not know how many Senators feel keenly about this. We will find that out when it comes time to vote on the issue, I guess, or on amendments or something.

I wish it to be known as at least one Senator, I think we are making a

tragic mistake to just let this go by and to pile more debt on top of what we have already, and I foresee it is going to have increasingly serious economic and other kinds of consequences.

In the first place, it appears to me there is every probability that this heavy load of additional debt, some $300 billion in increased debt authorized by this resolution, will further crowd out private borrowers in the capital markets.

I hope that my colleagues will take a moment to examine the committee report and to read the very learned discussion of this matter by my colleague Mr. SYMMS, from Idaho, who really discusses in very forthright and candid terms the probable effect on the capital market of this large increase in the national debt. I am not going to try to paraphrase what he said or read it to you. But I hope you will take a look at it so when the crunch comes, and I do not think it is very far down the line, no one will be in a position to say we were not warned.

Personally, I have absolutely no doubt whatsoever, if we just continue down this course, that interest rates will again be rising very shortly, and I do not say this as an alarmist. I think we are stating a fact. I do not think we should sit here today and pretend that somehow we can inflict this amount of debt on our country again and expect that interest rates are going to stay even at their present high levels of 11, 12, or 13 percent. They are going to be back up in the 20's again, and that is not just my opinion. Actually I reach that conclusion after talking to many of the most distinguished economists in our country. For example, the Nobel laureate Milton Freedman has written extensively on this. He is predicting that we will see inflation and interest rates well up into the mid-20's by 1985 or 1986.

I know some people think that the economy is going to hold together fine for the next 12 or 14 months and get past the next election and then in January 1985 we will come back here with a mandate and with a renewed sense of really we are going to buckle down and do the job. It is not going to be easier in January 1985. We will be past another election and another election will be coming up and after that it is never going to be easy.

The question is how bad things have to get in the country before we are ready to make the decisions that practically every business concern, practically every State government, practically every county government in America has already made, and that is to stop this horrendous rate of increase in Federal spending.

I stress that it does not take anything very drastic or unusual or creative in order to control the problem. All we have to do is to take the simple commonsense step that has been taken by virtually every economic unit in the country except the Federal Government.

We all know families that have faced this problem, and when they do, when your outgo exceeds your income for a long period of time what you do is you find a way to adjust your expenditures. I have had to face that sometimes in my own family life. Many of you have had a similar experience.

I would bet there is not a Senator in this room who has not talked to the businessmen and women who have not had to do that with their businesses. It is simple. When it gets to that point, it is that or you do not survive. You find ways to make savings, even things you are not prone to do, even things that might have seemed unacceptable or might have seemed unthinkable becomes thinkable and acceptable when the choice is going out of business or to slim down your operation.

So you see companies all over America that are finding ways to make important savings. Sometimes it means closing plants. Sometimes it means selling off divisions. Sometimes it means cutting back on the headquarters staff. In some cases it meant their chief executives have had to go on $1 a year status. There are all kinds of different formulas for it. But company after company after company, when faced with the choice between liquidation and/or economizing, suddenly find they are able to economize and often to slim down their operation in a way that not only saves some money but makes them more effective and more competitive in international markets.

A lot of working men and women have had to make that decision. We have many of them in Colorado, I think, for example, of the workers in the Colorado fuel and iron plant down in Pueblo, Colo., who spent literally generations negotiating some of the best labor contracts in this country, pay and fringe benefit packages, which they willingly gave up a few months ago in order to keep their company on a competitive basis and keep this mill open. In one whack, voluntarily reopening the contract at their option, they gave up $5 an hour, something that would have just been unthinkable for a labor organization to do a few years ago.

That is not a unique case. It happened in the automobile industry. It happened in the airline industry. It happened among working men and women all over this country who recognize that at some point you have to scale back your spending in order to make the spending and the income match up.

Nor is it just in the private sector that this has happened. In my State of Colorado the legislature has just gone through a special session. We have a constitutional requirement for a balanced State budget and so when the revenue fell short of the spending they had an emergency session. They had to meet day and night. They had to finally come in on a Sunday morning to get the job done, but they met their constitutional duty. They scaled back spending and put in a tax increase and got the budget balanced, and it is balanced again this year just like it has been every year since statehood, and like the budgets are balanced year after year in every one of the States of this country and there are about 38 of them that have balanced budget constitutional amendments.

That same pattern is seen in county government and State government and all kinds of school boards and special districts where teachers and firemen and other county and State employees are having to find ways to operate more effectively and at lower cost.

So far as I am aware, Mr. President, the only outfit that has yet to face that economic reality is the Federal Government. The only concern, the only economic unit that I am personally aware of—there may be some others that I just do not know about—but the only big economic unit in the country that has not faced up to this is the Federal Government.

Somehow we just go on pretending that we can borrow indefinitely, that there are no consequences to the idea of just spending whatever we think is desirable or necessary and then borrowing the difference between what our taxes raise and what we have in our spending plan.

Mr. President, I think it is a very foolish thing, so I want to mention at the outset that this is going to have a pronounced effect on the Nation's capital markets.

My colleague, Senator SYMMS, has discussed this in a very fruitful manner, and I urge my colleagues to pay attention to what he says.

I will want to point out that this inevitable increase in borrowing means higher interest rates. That is kind of an abstraction. It is a big deal in Wall Street and in the capital markets, but let me tell you it is more than an economic abstraction, it is literally the difference between young couples being able to buy homes or not, and whether new businesses can get started.

We will never know exactly how many new enterprises that can create hundreds of thousands or millions of jobs just do not get off the ground because they cannot afford the interest on the money at 14, 15, 16, 17, 18 percent that might have come into existence and into this Nation's job prosperity if we had not had this massive

debt and forced interest rates up where if we had pursued the proper economic policies to have interest rates fall historically to 6, 7, 8, 9 percent.

I remember when I went into business just about 23 or 24 years ago on a shoestring, mostly with borrowed money for which I paid the then market rate of about 6 percent, I went into business on August 28, 1959, Mr. President.

In those days, America was No. 1 by just about every standard you can think of. We were the most admired nation in the world, with the strongest economy; we were growing, our gross national product was going up by 2.5 percent year after year. Inflation was thought to be somewhat of a problem. It was roaring along at 1 percent. But if your credit was better than mine, instead of paying 6 percent, you probably could obtain it at 4 and 5 percent.

In the last 20 years, when the national debt went from $250 billion to now a proposed $1.6 trillion, the situation has changed, and I do not think it is nearly any coincidence that when we run up $1.25 trillion in the national debt, I am not surprised that this had had some ripling effect in the economy.

Interest rates recently peaked at 21 percent, 22 percent, and 23 percent for some peaking.

They moderated and came under 11 percent, but they appear to many of us to have started up again. The mortgage lending rate, which is more indicative than the prime rate, has gone up 250 basis points, maybe 150 basis points in the last 3 or 4 months, indicating I think not only foreseeable hardship among home buyers and home builders and people in the real estate profession in this country but also a growing suspicion that maybe Milton Friedman and others who are predicting higher interest rates could be right during that same period of time when we are amassing this enormous public debt, indicating that something has happened to our basic economic structure.

The gross national product which grew year after year almost without interruption in the fifties and sixties began to slow down, and finally by the last couple of years of the decade of the seventies grew very slowly and finally ceased to grow at all, and our economy began to shrivel at one point, and automobile production which was up to 10 million at one point fell to less than 5 million, and housing starts fell at 1.5 million, a third, and the stock market by 1980 or 1981 stood at more or less half than what it had been a decade or two earlier after adjusting for inflation.

The bond market crashed. In fact, I am told that the bond portfolio loss has been about $2.5 billion. I think this is what happens when you have the kind of massive increase in deficits and public debt you have had in this country.

It is not surprising to me that we have terrible economic problems. The thing I find remarkable is that our economy has so much vigor and resilience that the situation is not even a lot worse than what it turned out to be.

I believe we have begun to turn the corner. I believe we have started to reverse the policies that got us into such terrible economic trouble during the last part of the 1970's, 1980, and 1981.

First of all, we gave a signal—I hope it will not turn out to be a false signal—that we are entering an era of budgetary restraint. There was a lot of talk, brave talk, about how to get it under control, but certainly we were led to believe that Federal spending control was a high item of this kind. Secondly, we cut the taxes, at least we cut the tax rate. We did not reduce the significant burden of the rate of reduction because the rates we put in were just about enough to offset the otherwise scheduled increases.

In other words, the reduction in business and personal income tax rates and the tax rates were such that we made the income tax rates different, we made the rate in TEFRA easier, the gasoline tax, in fact, is in one of the tables I am going to insert in the RECORD, those taxes appear as a percent of gross national product, dipped only slightly as a result of the tax reductions and are marching up again. They remain now roughly in the range of historical standard, and by 1988, according to the projections I have, will be up to, but also as a percentage of the gross national product.

To be specific, in 1960 we had $100 billion in total and that was 19.68 percent of GNP. It is estimated that in 1984 it will be $668 billion and 18.38 percent of GNP; and by 1988 the taxes will be $1.041 trillion, 20.42 percent of GNP, on the high side, but it does not take into account that the economy is also staggering under the burden of fairly rapidly rising State and local taxes.

But in any case, Mr. President, the fact that we did reduce the rates just at a critical moment appears to have had a salutary effect. In many cases we are seeing economic recovery in housing, in automobiles, in the stock market, although I do not profess to understand the stock market. I think the dramatic runup in the stock market is a barometer of public opinion and public confidence.

But the one fear that seems to haunt everybody, whether it is on Wall Street or Main Street, is these enormous deficits, the tremendous runup in the national debt. It is amazing to me that no matter to whom you talk, whether it is the most erudite, best informed of professionals or business economists or somebody on the street, whether it is a taxi driver or somebody in a coffee shop, somebody in a university or in the board rooms of business, the one question that comes up over and over again, and it does not matter whether you are talking with Democrats or Republicans, liberals or conservatives, in my limited meetings, it does not have a regional significance, east, west, north, south, the thing that seems to petrify people over this country and indeed thoughtful observers, is what in the world are we going to do about these enormous deficits.

In fact, I must say most of the people I am in touch with about this tell me that if we do not do something to get these deficits corrected the country is going to go through a wringer. There are several different scenarios. I sat with the chairman of the Federal Reserve Board, Dr. Volcker, yesterday, and he described one or two possible scenarios, but he did not mention anything we had not heard before.

Mr. SYMMS. Mr. President, will the Senator yield at that point?

Mr. ARMSTRONG. I would be happy to yield.

Mr. SYMMS. I would like to mention one point that Chairman Volker did make and I have heard him make this point before the Budget Committee, the Finance Committee, and the Joint Economic Committee. He said the best thing the Congress can do is to insure a continuation of growth in the economy is to cut spending. That is the No. 1 priority, cut spending, since tax increases will not go nearly as far toward helping solve the problem of reducing the deficit.

I do not think that he said that in any kind of confidence. He has stated that both publicly and privately. I think that is the major message of the Senator's excellent speech. I am sorry to interrupt him.

Mr. ARMSTRONG. I appreciate the Senator's observation.

Of course, he knows how strongly I feel about the need to curtail spending, not because I take any pleasure in cutting back on spending even for worthwhile programs, many of which I would like to enlarge, but just the realization that it becomes a question of priority.

This is a great, prosperous, generous country, but unless we are willing to set some priorities and get our fiscal house in order, we are going down the drain. I think that is apparent to all Senators.

What is not perhaps agreed upon by all Senators is just how close to the edge we can skate, how thin the ice is becoming. Can we get another year, another 2 years? I mentioned earlier there seems to be some popular idea that the economy is in good enough

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shape that we can last out through the next election and once we get past the next election then we are going to come back and really solve this problem.

I heard that before the last election. I remember vividly that, shortly after the new administration took over and came up on the very first occasion, the Secretary of the Treasury, newly sworn into office, asked to raise the debt limit. He did it with a little sense of embarrassment. I mean, after all, he was asking a bunch of Republican Senators who had just taken control of the Senate after spending a generation criticizing the Democrats for raising the national debt, then here we are 40 days into office and he comes, he fresh in his office and we newly in control of the Senate for the first time in 26 years, and he comes around and says, "Well, things are different now. We got to raise the national debt."

That was just the start. But, at that moment, many of us wondered how many times we would be asked to do that. Would we be able to get spending under control and would this be a once-in-a-lifetime proposition? In fact, I think a number of Senators voted for that first increase in the national debt thinking it would be the only time in their lives they would ever be called to do so, because with President Reagan in the White House and a bunch of enthusiastic conservatives in the Senate, surely we would have spending under control.

Well, of course, it has not worked out that way at all.

Mr. HART. Mr. President, will my colleague from Colorado yield for a question?

Mr. ARMSTRONG. Of course, I am happy to yield.

Mr. HART. I apologize for interrupting the flow of his remarks, but I was wondering, given the fact we are to be on this measure for another couple of hours today, for those of us who have amendments to offer, what the Senator's plan are. Would he be offering an amendment or what are his time constraints here?

Mr. ARMSTRONG. It is not my intention that I will speak at great length. I have a few points I wish to make and then I will be offering an amendment.

Mr. HART. The Senator will be offering an amendment?

Mr. ARMSTRONG. Yes, it is my intention to offer an amendment shortly.

Mr. HART. I thank my colleague.

Mr. ARMSTRONG. Mr. President, having discussed briefly the economic issues involved, I ask unanimous consent to have printed in the RECORD several tables entitled "Economic Trends," "Congressional Budget Office Projections," "Budget Outlays Functions in Billions of Dollars," and "The Growth of Entitlement Spending," which I think my colleagues and others who might pore over the RECORD at some time would find of interest.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ECONOMIC TRENDS

[In billions of dollars, except percent]

	1960	1970	1980	1981	1982	1983	1984	1985	1986	1987	1988
GNP [1]	507	993	2,633	2,938	3.059	3,299	3,636	3,973	4,322	4,697	5,101
Federal Spending (current services) [2]	92	196	577	657	728	810	866	948	1,032	1,112	1,190
Spending as percent of GNP	18	20	22	22	24	25	24	24	24	24	23
Federal deficit (surplus, current services)	(.3)	3	60	58	111	210	200	206	219	228	210
Deficit as percent of GNP		.002	2.26	1.97	3.62	6.36	5.51	5.18	5.07	4.86	4.11
Federal taxes	100	206	563	599	618	600	668	748	862	940	1,041
Taxes as percent of GNP	19.68	20.70	21.38	20.38	20.20	18.18	18.38	18.82	19.94	20.00	20.42
State and local taxes	36	87	223	NA	NA	NA	NA	NA	NA	NA	NA
State and local taxes as percent of GNP	7	9	8	NA	NA	NA	NA	NA	NA	NA	NA
National Debt	284	370	908	998	1,109	1,318	1,519	1,725	1,944	2,172	2,381
Debt service as percent of GNP (interest on 10 yr T-note)	1.8	1.9	2.84	3.27	4.71	4.23	4.22	4.04	3.91	3.51	3.13
Corporate profits	49.8	75.4	242.4	232.1	175.0	201	267	304	342	385	408
Corporate income taxes [3]	22.5	35.0	72.4	73.7	49.2	35.5	51.8	60.5	74.0	NA	NA
Corporate social insurance taxes	5.4	18.6	64.6	91.0	100.5	105.0	121.0	137.5	152.0	NA	NA
Total corporate tax	27.9	53.6	136.0	164.7	149.7	140.5	172.8	198.0	226.0	NA	NA
Corporate tax as percent of GNP	5.5	5.4	5.2	5.6	4.9	4.3	5.2	4.9	5.2	NA	NA

[1] OMB midyear estimate for data covering 1983–88.
[2] Current services estimates reflect the anticipated cost of continuing Federal programs and activities at present spending levels without policy changes; that is, ignoring all new Presidential initiatives.
[3] 1983–86 tax projections from President's budget for fiscal year 1984.
Source; Statistical Abstract; OMB; President's budget for fiscal year 1984. Date prepared: Oct. 26, 1983.

CONGRESSIONAL BUDGET OFFICE PROJECTIONS

	1983	1984	1985	1986
Spending	$807	$868	$929	$989
Revenue	600	677	748	842
Deficit	207	191	181	147
Percent:				
Real GNP growth	3.1	5.0	4.0	3.5
Unemployment rate	9.7	8.4	7.9	7.5
Interest rate (T-bill)	8.8	8.6	7.7	7.4
Inflation (GNP deflator)	4.5	4.8	4.8	4.8

Source: Congressional Budget Office, August 1983.

BUDGET OUTLAYS BY FUNCTION

[In billions of dollars]

	1960	1970	1980	1981	1982	OMB 1983	OMB 1984	OMB 1985	OMB 1986	OMB 1987	OMB 1988
Federal spending:											
National defense	45.2	78.6	135.9	159.8	187.4	214.8	242.3	285.2	323.1	354.3	385.7
International affairs	3.0	4.3	10.7	11.1	10.0	11.0	13.5	13.7	13.1	12.6	12.6
Space and technology	.6	4.5	5.7	6.4	7.1	7.8	8.3	8.4	7.9	7.7	7.1
Energy	.5	1.0	6.3	10.3	4.7	4.6	3.8	3.2	3.2	3.3	4.0
Natural resources	1.6	3.1	13.8	13.5	12.9	12.5	10.8	10.0	9.3	8.9	8.7
Agriculture	2.6	5.2	4.8	5.6	14.9	25.3	13.8	10.8	11.4	13.0	13.7
Commerce and housing credit	1.6	2.1	7.8	3.9	3.9	5.1	2.8	−1.1	−1.6	−2.0	−2.9
Transportation	4.1	7.0	21.1	23.4	20.6	21.1	25.9	26.9	27.0	27.5	27.9
Community development	.2	2.4	10.1	9.4	7.2	7.4	7.8	7.2	6.7	6.6	6.5

BUDGET OUTLAYS BY FUNCTION—Continued

[In billions of dollars]

	1960	1970	1980	1981	1982	OMB 1983	OMB 1984	OMB 1985	OMB 1986	OMB 1987	OMB 1988
Social services and education	1.0	8.6	30.8	31.4	26.3	27.2	26.5	25.2	25.1	25.0	25.0
Health	.8	13.1	58.2	66.0	74.0	82.3	90.5	100.3	109.5	120.0	131.8
Income security	18.8	48.1	193.1	225.1	248.3	279.4	275.2	288.3	306.3	322.2	340.1
Veterans	5.4	8.7	21.2	23.0	24.0	24.9	25.5	26.3	27.0	27.8	28.9
Justice	.4	1.0	4.6	4.7	4.7	5.3	5.5	5.6	5.6	5.6	5.7
General government	1.0	1.9	4.5	4.6	4.7	5.8	5.6	5.7	5.8	6.0	6.2
General purpose funds	.2	.5	8.6	6.9	6.4	6.4	6.8	6.6	6.8	7.1	7.3
Interest	8.3	18.3	64.5	68.7	84.7	89.0	103.5	114.0	122.4	128.6	130.2
Allowances							.9	3.6	5.6	7.7	9.8
Offsetting receipts	−2.5	−6.6	−21.9	−16.5	−13.3	−19.9	−21.0	−21.8	−23.2	−23.8	−24.8
Total Federal spending	92.2	196.6	579.6	657.2	728.4	809.8	848.1	918.3	990.9	1,058.0	1,123.6
Budget receipts	92.5	193.7	520.0	599.3	617.8	599.9	668.4	748.1	861.9	939.7	1,041.4
Surplus/deficit	+.3	−2.8	−59.6	−57.9	−110.6	−209.9	−179.7	−170.2	−129.0	−118.3	−82.2
	1960–70	1970–79	1980	1981	1982	OMB 1983	OMB 1984	OMB 1985	OMB 1986	OMB 1987	OMB 1988
U.S. economy (percent):											
Real GNP growth	3.9	3.5	−.4	−1.9	−.9	3.1	5.2	4.2	4.0	4.0	4.0
Unemployment	4.8	6.2	7.0	7.5	9.5	9.9	8.9	8.2	7.5	6.9	6.2
Interest rate (T-bill)	3.96	6.27	11.5	14.1	10.7	8.6	8.5	7.8	7.2	6.6	6.1
Inflation (GPN deflator); percent of change, over year	2.33	7.1	13.5	10.4	5.9	4.6	4.8	4.9	4.6	4.5	4.4

Source: Office of Management and Budget, July 25, 1983. President's budget (assumes savings which may not materialize).

GROWTH OF ENTITLEMENT SPENDING

[In percent]

	1960	1970	1980	1982	1983	1984	1986	1988
Social security and railroad retirement	12.0	31.0	107.0	159	176	188	211	243
Military retired pay	.7	3.0	10.0	15	16	17	18	20
Federal employee retirement	3.0	6.0	20.0	29	32	33	37	41
Unemployment	3.0	3.0	11.0	24	35	29	25	20
Medical care [1]	1.0	12.0	49.0	68	77	88	119	148
Student assistance	.4	2.0	8.0	8	8	7	7	7
Food and nutrition assistance [2]	.2	1.0	14.0	15	17	16	16	17
Farm price supports [3]	4.0	1.5	2.7	12	19	12	6	6
Public assistance and related programs	3.0	6.0	20.0	21	22	21	22	24
Housing assistance	.1	.5	5.0	8	9	11	12	13
Total	27.4	66.0	246.7	359	411	422	473	539

[1] Medicare, medicaid, supplemental medical insurance trust fund, hospital insurance trust fund.
[2] Food stamps, nutrition assistance for Puerto Rico, milk program, etc.
[3] Although farm price supports are not entitlements, per se, their effect on the budget is very similar
Source: Office of Management and Budget (OMB); Statistical Abstract of the United States.

Mr. ARMSTRONG. Mr. President, I would like to mention just briefly what I perceive as a sort of overlooked issue—and I do not want to dwell on it because it is self-explanatory—and that is the moral implications of this debt. Usually we talk about the macroeconomic effect of it. Sometimes behind closed doors we talk about the political effect of it, although I hope to say a few more words about the political aspects here on the floor.

But I do not think we ought to overlook that there is a question about the morality of a group of adult citizens like us, let alone Senators who, in effect, are senior citizens—that is what Senator really means, I am told, in its original derivation—saying we are going to live beyond our means and then run up a debt which presumably our children are going to have to pay. I think that is a rotten thing to do year after year.

I think if my wife and I were to buy houses, or cars, or fur coats, or jewelry, or take vacation trips and promise that our children were going to pay for it, that we would become pariahs in our neighborhood. We would be ridiculed. We would be thought to be poor parents.

Ladies and gentlemen, without dwelling on it or making more of it than it is, I just want to suggest to you that for a bunch of Senators to year after year run up this public debt and then say: "Well, some future generations will deal with it some way; they will pay it, or refinance it, or roll it over, or turn it over, or suffer the inflation and unemployment and stagnation that it entails," I think it is a rotten thing and I just want to note it.

Now, I want to turn for a moment to the political aspects of this. I would like to first address my Democratic friends. It is not plain to me why a bunch of Democrats, having been excoriated for a generation by Republicans for raising this national debt, would now want to cooperate in doing what I judge to be not only unwise but politically very unpopular. So I think there is every incentive for Democratic Members of this body to vote against this bill, and I hope every one of you will.

To my Republican friends, most every one of which have voted against this legislation, practically every one of which have campaigned against it, I think we have a very strong reason to vote this bill down. I do not know if my experience is typical, but I bet there is maybe half of the Republican Members of this body who have vigorously criticized their predecessors for voting repeatedly to raise the national debt.

I do not want to bog down in nostalgia, but I will just tell you that was one of the cutting issues in the Colorado campaign of 1978. I judge from a political standpoint, if from no other, that my predecessor, who used to be the Senator from Colorado, wishes that he could call back his numerous votes to raise the national debt because, believe me, I called them to his attention on every street corner of Colorado.

Does the Senator from Louisiana wish me to yield at this point?

Mr. LONG. Yes, for a question.

Mr. ARMSTRONG. Yes, I am happy to yield to the Senator from Louisiana.

(Mr. SYMMS assumed the chair.)

Mr. LONG. Mr. President, will the Senator be so kind as to point out the scenario that he foresees in the event that the bill is voted down? I know that the Senator is completely sincere in his position, and he feels he is doing the responsible thing. Maybe we should vote with him. But I wish he would spell out what he thinks will happen next in the event we vote this bill down. What is the sequence of events he would anticipate?

Mr. ARMSTRONG. Yes, Mr. President, I am leading up to that. I appreciate the Senator's inquiry. Word has reached my ears that the Senator from Louisiana may, indeed, vote against this bill. I hope that he will.

Within a very brief time, I expect to explain exactly what events I would expect to occur if, in fact, we vote this down.

But let me just sum it up this way, to conclude my thoughts on the political issue involved. It seems to me that while obviously the political question is not the primary one, we ought to do what is right for the country, and I earnestly believe that killing this bill, to be followed by some event which I will describe presently, would be by far better for the future of our country.

I just want to say, for the benefit of anybody who cares about such things, for Republicans to vote to increase this debt without at least extracting some measure of spending restraint or institutional reform of the process really fosters the worst kind of public cynicism about what we have been

telling our people at home for a generation.

My Republican colleagues, those few on the floor and any who might be listening on the squawk box, it took us about 20 years to finally convince the voters of this country that deficit spending was a bad thing. And every poll I have ever seen on this subject indicates that we have succeeded in doing so. We have convinced the public, at long last, of a simple equation: deficits equal inflation; deficits equal high interest.

Now, I think that is an accurate perception. I think we did a public service by persuading the public of this. But is it not an irony that, after we did so, when we finally got control of the Senate and when we finally got Mr. Inflation Fighter himself, Ronald Reagan, elected to the White House, we have not had, in the words of Peter Grace, guts enough to do what it was we said we wanted to do when we ran for public election in the first place?

So my appeal on a political level to my colleagues is: Let us do what we promised to do. Let us get spending under control. What could be simpler than that?

And if there is any meaning or purpose in this process, it appears to me, is for people who run for public office to go out and tell people what they intend to do and if they get elected to do it, not to get elected to public office and proceed, for heaven's sake, to do the opposite. So much for the political parts of it.

Let me turn now briefly to a discussion of the argument that I anticipate might be made urging support of this, even though it is distasteful. First, we might be told this is sort of a routine, pro forma thing; that it is just a ministerial act, you know, the cake is baked and we are just confirming something that is already set in cement; that the spending has occurred and the bills have to be paid.

My friends, however you feel about the issue, that is absolutely bunk. The money will not be paid out if we do not pass this bill.

Now, there are other considerations which I will come to presently. Somebody might say: "Oh, there is going to be chaos or good programs might be cut back." That is a good argument. That is a valid argument.

But the argument that this is a routine matter or that the spending occurs anyway is simply not the case. For whatever it is worth, I believe that this statutory limit is binding; that we will not go above this amount unless we pass a statute to raise the amount. If that be true, then one effect of failing to raise the statutory debt limit would be to precipitate some resolution of the daily deficit.

Now, that might mean we would have to scale back spending in popular programs. It might mean we would have to raise taxes. It might mean there would be a degree of chaos over in the executive branch. It might mean they may have to stay up all night over in the Treasury Department figuring out what to do next.

It might be inconvenient for the Secretary of the Treasury who has pointed out in gest, of course, that he is personally liable for any debts which are run up beyond the debt ceiling.

But do not let anybody think that by voting to increase this amount of the national debt that it does not matter, because it really does.

Second, is the notion sometimes advanced that we owe it to ourselves and, therefore, it does not really matter. That, I think, is an idea that has been more or less discredited. In any case, let me point out that we do not owe it all to ourselves. A large part is now owed to foreign nationals, foreign governments, and so on. The fact that they own a substantial part of this debt, and, in fact, to refinance the debt, let alone expand it, in this way, requires an enormous infusion of foreign capital and puts us in a dependent position which is unbecoming to the greatest country in the world and puts at hazard our security interest, our international banking system, our international trade interest, and to a large extent our military interest as well.

If they decide to pull the plug on themselves, and they might hurt themselves and I judge they would, if they decide to get tough with us on refinancing this debt, foreign nationals have a lot of clout in this issue.

That brings me to the argument that is usually raised, and which will answer the question of the Senator from Louisiana, of will there not be chaos if we do not pass this bill? What will happen if we vote this down? Commonly, it is asserted that the situation will be anarchy, it will just be terrible, the checks will not go out. I am not persuaded that even if we did not pass the bill for 2 weeks that that is the case.

I have chatted with some of the guys over at Treasury and I am personally convinced that there is a lot more money in the pipeline than we are commonly led to believe. There are emergency measures that can be taken so that even if we did not pass it for 2 or 3 weeks nothing would really happen except business as usual.

At some point it would mean the Government would have to go on a daily cash basis. In other words, how much cash do you have coming in, how much do you have to have to meet the obligations going out?

I would say to my colleague from Louisiana that long before that, way before we get to that point, something else would occur. If we were to actually defeat this bill, what would happen is that an accommodation would be reached with enough Senators voting in the negative to obtain their vote, some kind of a deal would be cut. It happens all the time. That is the regular process around here. If you want something, you withhold your support until the measure pending is put in form satisfactory enough to justify your support for it. That is the legislative process, or at least it is an important aspect of the legislative process.

I will tell you right now, Mr. President, raising the national debt is anathema to me but there is a way to get my vote for it. If we happen to defeat this measure, there is a way that I can be persuaded to increase the national debt. That is if they put one of two things in the bill along with the debt increase. Either some measure of spending restraints, and I do not have something in mind but if we defeat the bill in 5 minutes I can come up with a list of shopping instructions that would get my vote, or some measure of institutional reform of the process that would hold out the hope that even over a long period of time we could gradually slow this thing down, not to cut the budget but to gradually slow down the rate of increase so that at some distant point in the future, 2 years, 3 years, 4 years, 5 years out we would not face another deficit, that we would be in a position where we could gradually get this thing on track.

Mr. LONG. Will the Senator yield for a question?

Mr. ARMSTRONG. Yes.

Mr. LONG. Do I take it the Senator is suggesting that if the measure is voted down, that would perhaps set the stage for an agreement whereby we would phase into a balanced budget over a 3- or 4-year period, something along that line, where we would agree that we would increase the debt only by a certain amount and then at a future date by a certain amount more and that meanwhile we would undertake to reduce the deficit essentially to zero?

Mr. ARMSTRONG. The Senator is exactly correct. In fact, I am prepared to specify a quite specific proposal which I think would emerge as a compromise which would help to make that possible, not as a panacea but as one measure, which I think the Senator is familiar with, which would form the basis of a compromise. I invite the Senator to consider it because it is based upon an idea which the Senator from Louisiana has suggested. It is the enhanced rescission power of the President.

For the benefit of Senators who may not be as familiar with this as I know the Senator from Louisiana is, let me explain. Presidents clear back to the time of Thomas Jefferson have exercised the power not to spend money that was not needed. About 8 or 9

years ago Congress decided Presidents were exercising too much latitude and they adopted the Budget Control and Impoundment Act which, among other things, provided that when a President wanted to rescind spending previously authorized he had to send up a so-called rescission message and if no action was taken within 45 days by the Congress to approve that rescission, then the President had to go ahead and spend the money, even if it was not needed, even if it was wasteful, even if the circumstances had changed.

In the first couple of years after this measure was on the books, President Ford and President Carter sent up some rescissions but what happened is that the committees just ignored them. They pocket-vetoed them. About 85 percent of all rescissions sent up here were ignored so Presidents quit sending them. The practical effect of this legislation, unintentional I am sure but the practical effect, was to put the President of the United States in a kind of straitjacket that no other Executive in the world is in. You do not find your Governors hamstrung this way; you do not find the chief executive officers of any corporation put into this kind of a box. Can you imagine the board of directors of International Harvester, General Motors, or Continental Airlines saying to their chief executive officer: "You must spend this money even if in your judgment you find out it is not needed"?

What can we do about it? The one I favor, and there are many versions, including the one that the Senator from Louisiana has advocated, is to simply say if the President wants to rescind some spending, let him send up the message, but reverse the presumption and say if Congress does not disagree within 45 days then the decision stands and he gets to make the savings.

That is one kind of quite specific institutional reform which could form the basis of compromise in which Senators who might withhold their vote would then agree to vote for the passage of the debt ceiling if we defeated it in the first place.

I have a specific reason to think that could be the basis of the compromise. I would like to share it with the Senator and others who may be interested.

The reason is this, and I have been shopping this around with some of my colleagues on this side of the aisle. I know the Senator from Louisiana at least on previous occasions has discussed it with some of his members and I know there is substantial support among Senators for this notion. Yet I am not going to offer this amendment on the bill at this time. The reason is that I do not yet have the endorsement and support of the administration. I have asked repeatedly for them to look at it. They are looking at it. They indicate to me, the people downtown, that they really would like it but they are not prepared to come up here and actually ask for it. Frankly, I think it is kind of preposterous for Senators to stand up and say we want the President to have this enhanced authority unless the President or his people are prepared to say: "Yes, we want it." And they do want it. Deep down inside they do want it. Privately they will tell you they want it. Privately they will agree that it is preposterous to bind the hands of the President. But they have to have an excuse, a reason to really hang their hats on in order to say: "Yes, we will do it. We would like to have it. We will fight for it. We will lobby for it."

I do not have the slightest doubt that if we had that kind of signal from the White House that we could pass some form of enhanced rescission proposal through this body. Since I know there have been a number of meetings on it in the White House and in offices around here by both Senators and people in the executive branch, I have practically no doubt, though I cannot guarantee it, I have very little doubt that in fact they would be forthcoming to support an enhanced rescission amendment. That is what I think would happen in the event we defeated this bill.

That is my strategy.

Earlier in the week, maybe 10 days ago, there was some speculation that the Senator from Utah, the Senator from Idaho, and others might start a filibuster on this bill. I do not have any intention of doing that. In fact, I have about spoken my piece. I am going to offer a little amendment of a different kind in just a moment. I do not think there is any leverage in a filibuster. I would not hesitate to do it if I thought it would help the country or help get an amendment passed. But I cannot quite foresee a sequence of events in which trying to keep the Senate up all night would help. If I thought losing a night or two of sleep would save us any money, I would do it, but it is not that kind of a situation. It is a clear issue so that if enough Senators vote no on this turkey so we kill it once, we will get some bargaining power. If the Senator from Louisiana will help us, the chances are a lot of his groups will follow. I have every reason to think that a large number of Republican Senators are ready to vote this down. Then while it is under a motion to reconsider we will go back in the cloakroom and we will put together a package that will probably save this country billions of dollars.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. ARMSTRONG. Of course, Mr. President.

Mr. LONG. The Senator knows that up to this point, the Senator from Louisiana has voted to extend the debt limit every time it has come up since President Reagan took the oath of office, and also under Democratic Presidents for many years, going way back. It may be that I have always voted for debt limit extensions—I cannot recall when I voted against them. But the Senator from Louisiana, certainly since the day he became Finance Committee chairman, which is way back now, probably 17 years ago, and certainly since the day Ronald Reagan took the oath of office, has voted consistently to pass the debt limit bills. Even though many Democrats were observed withholding their votes until the vote was nearly over, the Senator from Louisiana always answered to his name when they called it, leaving no doubt that he was going to vote to extend the debt limit.

Those times that it happened, it was the point of view of the Senator from Louisiana that we had no choice. We had a temporary debt limit at that time. If it were not passed, the Government was not going to be able to do anything.

Now as the Senator from Louisiana advocated it has been changed, so that if this increase in the new permanent limit does not pass, the Government could still spend everything it takes in; it would just be against the law to spend more than it takes in. Some people say that this would be the end of the world, but I would guess that in most of the 50 States, that is the way they are doing business right now. They do not have the power to spend money if they do not take it in. Is that not right?

Mr. ARMSTRONG. Absolutely right.

Mr. LONG. If they want to spend more than that, they have to go for a bond issue and get the public to go along with it, or in some cases to support a constitutional amendment.

When we pass this debt limit bill, that is basically what we are voting for, a bond issue. We are voting to authorize the Treasury to issue some bonds and go deeper into debt because we are spending more than we are taking in.

The Senator from Louisiana finds great difficulty in believing that it is going to be any disaster for the country if, over a period of a week, 2 weeks, or even a month, this Government were actually in a position that it could not spend money it is not taking in.

From the point of view of the Senator from Louisiana, it would be likely that the President would make the payments he claimed held the highest priority, like social security checks. But he could very well take the view that there are other kinds of payments he would have to delay or cut back on. He might say to an agency, "Sorry, we don't have enough money,

lay off some of your people; we don't have the money to pay all of them."

That would be a drastic thing to do, but that would wake people up to the fact that we are getting ready to do something about this matter; we are not planning to live with it forever.

The President could also tell people on public works projects, on Government contracts, or on defense projects, "Just hold the phone, hold everything. We don't have enough money to pay you everything we planned on, so just hold up, defer some of this and hold back until we are in better shape and have more money in the till." Everybody would be paid.

People might say, if you do that, you are going to cost the Government some money. For example, they will tell us if we do not pass this bill, it will cost the Government some money, because they will have to change their plans to finance the deficit in the Treasury. And that may be. Say it costs $250 million as some have suggested, by not passing this bill, due to causing Treasury to have to change its bond issue sales and refinancing plans.

We are talking about increasing the national debt by an amount that exceeds all the debts that existed up to the end of World War II, including the deficit incurred in World War II. When you are talking about increasing it by $225 billion, and your financing problem due to a delay should cost you 0.1 of 1 percent of that amount, that is a small price to pay for changing our pattern on deficit financing so that we start moving toward a balanced budget rather than in the other direction.

At one time, I thought we were going to solve the deficit problem with the congressional budget process. I think the Senator might have had hopes of that sort himself. I certainly thought so. But it has not done the trick yet. I hope still that it might be made into an effective process to cut the deficits. But we always had the debt limit here, and it has had the potential of limiting spending if we wanted to use it for that purpose.

I am very tempted, I say to the Senator, to consider just voting against the debt limit extension this time, with the understanding that I do not want to shut the Government down and I would be willing even to go deeper in debt—provided that we really feel that at some point we are getting this situation under control, we are turning the thing around and moving toward fiscal responsibility. We are not doing that right now. If all we are going to do is just automatically increase this debt limit by the figure that the administration gives or the figure that passes the House on the budget resolution, it is pretty apparent now that all we are going to do is go deeper and deeper into debt.

We are already more than $1 trillion in debt. While it took almost the entire history of the Nation, up to 2 years ago, to get the first $1 trillion in debt, at the rate we are going, we shall pass the next trillion while Ronald Reagan is President, assuming he serves for two terms. I know the Senator does not want that to happen.

The President said he is opposed to big deficits. Unless somebody finds a better way of doing business than we are doing now, can the Senator see any other result than a $2 trillion debt if we just keep on going? I have the figures in my hands. It was bad enough, may I say, when President Reagan came in. When Jimmy Carter turned the keys to the White House over to Ronald Reagan and said, "Congratulations," and Mr. Reagan took the oath of office, at that point, the debt was $925 billion. And frankly, the Senator from Louisiana, being the former chairman of the Committee on Finance, thought that this was a nice time to turn over the chairmanship of the Finance Committee because I would not have to be the manager of the bill that asked the Nation to go a trillion dollars in debt; it was BOB DOLE's turn. He had the happy privilege of coming out here and asking us to go over the trillion dollar mark.

I always thought, can we not find some way to hold off that fateful day, find some way to trim spending, maybe even look for a tax increase? Then it turned out that this job fell into the lap of my dear friend, the Senator from Kansas (Mr. DOLE).

Well, we thought, and I know the Senator thought that, Ronald Reagan having said that most of our problems could be traced to deficit financing, he was going to recommend that we balance the budget. I assume he was sincere about that. I have found myself thinking many times that maybe it was the tremendous tax cut that caused the situation to be this bad. But there is no doubt about this: We are spending too much money and we may have to raise taxes, too, if we are going to be responsible.

It does seem to the Senator from Louisiana that, somehow or other, we ought to try to find ways to prod our colleagues into going along with us and do just what our duty requires, that we try to bring spending under control.

Frankly, I think the Senate is going to have to find tax increases as well as spending cuts. This Senator would go along with that, just because he has been around here long enough and been on the Finance Committee long enough that the burden of responsibility would assert itself from force of habit. But I think we have to get these deficits under control, we have to turn around this process from where the deficit is getting bigger and bigger and try to make it smaller.

Mr. ARMSTRONG. Mr. President, I am not surprised, but I am greatly heartened and encouraged, by the statement of the Senator from Louisiana, a statement which reflects his characteristic wisdom I hope that, as he reflects upon it, he will be disposed to vote against it.

I put this question to the Senator: Based on his vast experience with legislation in this body over many years, does he feel that my expectation is a reasonable one: That if we were to defeat the bill, a process of negotiation and accommodation would then ensue and that some form of restraint, some form of institutional change, some form of change which would lead to the kind of balanced condition he has described, is a reasonable possibility?

Mr. LONG. I think that if you defeated the bill, the first thing that would happen would be that all sorts of pressure would be brought to bear, particularly on those on the Republican side of the aisle, to change their votes. First, there would be a great hue and cry: "You didn't mean this. This is going to be a disaster. The world is going to come to end. We'll lose the next election unless we rally behind our President."

There would be enormous pressure brought to bear on Senators on the Republican side of the aisle. I know that the Senator from Colorado would not change because of that type of pressure.

Mr. ARMSTRONG. No, but I would change if they would sweeten the deal, if it would give us some reform to go with the debt.

Mr. LONG. That is the point. First, there would be pressure on Senators on the Senator's side of the aisle to change their vote, to reconsider and change and pass the bill.

Mr. ARMSTRONG. Before the Senator goes on, I ask him this: In that circumstance, if the Senator from Louisiana were giving political advice to a Senator who had voted against increasing the debt ceiling and who then found himself under heavy pressure from some quarter to change his vote and, instead, to raise it, aside from the merits, would he think it would be the course of political wisdom to give in to that kind of pressure?

Mr. LONG. May I say this: If I were a Member on the Senator's side of the aisle, if I were a Republican Member of the U.S. Senate, I would not vote against this bill if I planned to change my vote later and vote for it. People find you out for what you are when you do that kind of thing.

Mr. ARMSTRONG. Let me associate myself with that observation, except to say that it applies to both sides of the aisle. If Senators vote against this in the hope that by defeating the bill or bringing it to the brink of defeat, we can extract as the price of its final

passage an element of significant reform, then they should hold out for the reform. They should not say at that point, "I'm going to vote against it because somebody twists my arm or for some other consideration."

The Senator is right, that we should approach this with a spirit of earnestness, and that is the spirit in which I will approach it, as I know he will.

Mr. LONG. The thought occurs to me that in the event the bill were voted down and the administration, from the President on down, were not able to change votes on the Republican side of the aisle, or could not change enough votes to move to reconsider and change it after they put the pressure on Senators who were not willing to continue to do business this way and said, "Either you will have to give us your support for something that is going to mean fiscal and monetary responsibility or we are not going to do business that way"—if they had to come to terms to do it, they would come to terms. The Senator from Colorado knows that, and I know it, because they would have no choice about it.

(Mr. HECHT assumed the chair.)

Mr. ARMSTRONG. Mr. President, I hope every Senator is listening on the squawk box to what the Senator from Louisiana just said, because there is not a Member of this body who has more perspicacity or experience, who has performed this same maneuver more times over many years, as a manager and a leader of this body, than the Senator from Louisiana. What he said is that in that case, they would make a deal, and that is absolutely right.

Mr. LONG. They would have no choice. They would have to settle for some arrangement for which Senators could vote.

For example, the Senator from Colorado has said he would not vote to extend the debt limit. He is not going to have them run further into debt. But there must be a significant change in the way we are doing business in order to get his vote. There must be something that moves us toward fiscal responsibility, not to go another $225 billion in debt; not just some conversation that, something will happen later on.

If the administration had to agree to support a package that would really move us toward responsible fiscal money management in spending and taxing, to bring the genie inside the bottle, in my judgment they would have no choice but to do it, and they would do it. If one has no choice about something, he does what he has no choice about. If the administration has no choice, I think they would be compelled to do the sort of thing the Senator is talking about.

Mr. ARMSTRONG. Mr. President, I thank my colleague from Louisiana for his contribution.

I hope that all Senators, as we work our way through this bill and other Senators speak, will reflect on what he has said.

I think the choice is clear. At this stage of the game, granting the fact that we no longer have a temporary debt limit but a permanent debt limit, that the world would not come to an end, it would mean that there would be a daily balanced budget. A vote to kill this bill is, in fact, a vote for the precondition to budgetary reform.

In a moment, I will offer an amendment which will provide Senators an opportunity to test the wind as to how we feel about this.

Before I send the amendment to the desk, I yield to the Senator from Idaho.

Mr. SYMMS. I thank the Senator.

Mr. President, I compliment the Senator from Colorado (Mr. ARMSTRONG) and the Senator from Louisiana (Mr. LONG) for their remarks.

I hope all Senators have been listening on the squawk box to this discussion between the two Senators, because the point they are making is well taken.

I remember very well that when President Reagan came into office, we still had a temporary debt ceiling. We discussed it with Senator LONG and we discussed it in the Finance Committee. The big hue and cry in 1981 was, just turn on the lights, and we are going to start working on sweeping out the closet and straighten out this spending machine in the Federal Government. It did not work out that way.

If Senators want to use their prerogatives and represent their States, this is a marvelous opportunity to get something done before we run our children into further debt.

The Senator from Colorado, while I was in the chair, made an excellent point in the discussion with respect to the debt obligations we are imposing on parents and children. I see there is a chart on the other side of the Chamber that points out that every American has the responsibility for nearly $10,000 of Federal debt. As someone has said, "No wonder the baby cries when he is born, when he realizes how much debt he is being born into."

I think the Senator from Colorado and the Senator from Louisiana made a very good point, and it is worth reiterating for those colleagues who may be listening on the squawkbox, that the last time the national lid was raised, the debt was made a permanent debt.

As the Senator from Louisiana has said, this is very much like a businessman who has a long-term mortgage. As long as he can pay the interest on the mortgage, most likely the bank is not going to foreclose on the business—as long as he can continue paying the interest. When he cannot pay the interest, is the time at which the bank begins foreclosure.

What we are seeking the Federal Government to do here today is to finally sit down face reality and realize that if we continue to spend at our current rate, we will be $2 trillion in debt by 1985. It took from Alexander Hamilton to Michael Blumenthal to get to $1 trillion; it will take about 8 years to reach $2 trillion. The only choice we will have as a Nation will be to pay off the debt with cheaper dollars, which means more inflation, and more inflation will mean higher interest rates, which will mean economic disaster for the country down the road.

So I think now really is the time to face reality, and we can make some substantial headway by reducing the deficit through a long-term program that will decrease the rate and level of Government spending. There is no reason to think we could not be out of the mess we are in, in 2 or 3 years from now if we worked to implement long-term spending reductions. Otherwise, as far as this Senator is concerned we have gone into debt far enough and we might as well stop now and grind to a halt so that we are forced to face our responsibilities.

I agree with the Senator from Colorado that everything would not be stopped because we now have a safety valve. It is a permanent debt which means that incoming revenues will not be used to pay down what was formerly the temporary debt, but instead can be used to finance current expenditures only to the extent of current revenue.

I thank the Senator for yielding.

Mr. ARMSTRONG. Mr. President, I thank the Senator for his observations and in response I will only say that if we had a roomful of Senators like the Senator from Idaho this country would not be in the financial mess it is in because if there is one thing he has shown over and over again it is he is willing to make tough decisions on spending and to set his priorities and that he cares about the economic future of this country. I honor him and thank him for it.

Mr. President, I have occupied the Senate long enough. Let me send to the desk my amendment.

AMENDMENT NO. 2458

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) proposes an amendment numbered 2458.

On page 2, line 1, strike the figure 1,614,600,000,000 and insert 1,450,000,000,000.

Mr. ARMSTRONG. Mr. President, let the record reflect that the clerk choked upon the large number which he was called upon to read.

Mr. President, this is not the reform amendment about which I spoke earlier. This is not a reform amendment. This is just an amendment that cuts the dollar amount.

Why should we adopt such an amendment? Why is $1,450,000,000,000 a better number than $1,614,600,000,000?

Only for this reason: That in the event for some reason we are not successful in defeating this bill, it brings it back before us in a more timely way so that we will have an earlier opportunity to work out the kind of permanent reform which the Senator from Louisiana, the Senator from Idaho, and many other Senators feel is desirable.

Second, by putting in this lower number it seems to me that we give an added measure of incentive to those who are looking at this downtown to recognize that we are really serious about this, that we are just keeping the situation under a closer rein. After all, to go to the number which I have suggested of $1,450,000,000,000 is not a modest increase. This is not a penny-pinching increase. After all, it is more of an increase than I personally wished to go. It would be a $61 billion increase. Surely, that is enough and that is a long enough rein to put the Government on.

So both for tactical reasons and for reasons of policy raising the debt increments of $60 billion would certainly seem enough.

I hope that we will adopt this amendment and I ask for the yeas and nays. I will withhold that request if staff would like to summon the Republican manager of the bill so he can be present when that request is put.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. ARMSTRONG. Mr. President, may I ask we just withhold this request while the Republican manager comes? I think he will have no objection to my request. But would staff see if the Senator from Kansas is available or if the staff could just let him know about it. I am just asking to order the yeas and nays on this amendment.

Mr. Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield the floor?

Mr. ARMSTRONG. Yes.

Let me proceed in this way. Let me go ahead and ask for the yeas and nays. I believe there is no objection to that, although I have not actually confirmed that with the Senator from Kansas, but if he has an objection to the yeas and nays I will ask for it again at a later time.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have listened with keen interest to the beginning of the debate on the extension of the debt ceiling limit.

I intend to ask my learned friend and colleague from Louisiana, the manager on this side, a few questions on this to help put it in perspective so that all might understand.

With the interesting charts that we have displayed in the back of the room, I think that they quite adequately give the Members of the Senate the dire, if not disaster, road that we have been launched upon.

I have a figure, too, that I think may be a little bit more simple and may help put this in perspective.

According to my information, and I would appreciate my friend from Louisiana correcting me if I am wrong, my information indicates that 2 years ago, to be specific, on October 22, 1981, we broke through the $1 trillion debt ceiling limit for the first time in the history of the United States of America. That simply means that after 205 years we broke the $1 trillion ceiling for the first time.

Then on August 16, 1982, we went to $1.2 trillion, extending it more, and on January 31, 1983, we went from $1.1 trillion, which was the figure on August 16, 1982, and then we went to $1.2 trillion in January 1983, and in June 1983 we advanced that further to $1.4 trillion. Now we are being asked to increase the debt ceiling by the same administration that first took us through the $1 trillion limit back 2 years ago. In the last 2 years we have had the remarkable and almost unbelievable rise in the debt limit. If the administration's recommendation passes the Senate we would be at $1.6 trillion.

Am I to understand, and I am wondering if the people of the United States understands, that under this administration, in the past 2 years, we have increased from $1 trillion to $1.6 trillion, after taking us about 205 years to bust through that first $1 trillion figure for the first time in our history?

Do I correctly interpret the figures, I ask my friend, the ranking minority member of the Finance Committee, the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator is correct.

Let me just emphasize a point the Senator is making. I have figures here which I will be glad to provide for the RECORD. These figures show what our public debt was on a consolidated basis, which I think is the fairest way to look at it—Insofar as the Government holds money in Government trust funds, to that extent we are sort of ahead of the hounds with money on hand to meet obligations. That is the case of the social security trust fund and civil service retirement fund and various other funds. The contingent liability greatly exceeds the funds on hand, but to the extent that we have money in those funds we are just that much ahead in meeting the obligations that must be paid.

So if you look at it on the basis of the debt that is held outside the Federal Government itself, the Federal debt held by the public, that figure actually declined under President Harry Truman. Even though some were concerned during his day that we were going deeper in debt, on a consolidated basis, the debt was actually reduced to a very considerable extent, to the extent of about $23 billion from 1946 through 1953. But now on that same basis, if we pass this measure here, the debt limit will exceed what it was at the time President Truman was President, just with the projected figures of this administration, by more than 6 to 1.

In other words, if you just take the figures that I will put in the RECORD, we are looking at a projected cumulative debt held by the public that will be $1.502 trillion—more than 6 times as much as we owed at the time President Truman left office.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Growth of Publicly Held Federal Debt Under Post World War II Administrations."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

GROWTH OF PUBLICLY HELD FEDERAL DEBT UNDER POST WORLD WAR II ADMINISTRATIONS

[In billions of dollars]

President and fiscal year	Deficit (−) or surplus (+)	Federal debt held by public
1946		241.9
Truman (April 1945–January 1953):		
1947	+3.9	
1948	+12.0	
1949	+0.6	
1950	−3.1	
1951	+6.1	
1952	−1.5	
1953	−6.5	
Subtotal	+11.5	218.4
Eisenhower (January 1953–January 1961):		
1954	−1.2	
1955	−3.0	
1956	+4.1	
1957	+3.2	
1958	−2.9	
1959	−12.9	
1960	+.3	
1961	−3.4	
Subtotal	−15.8	238.6

GROWTH OF PUBLICLY HELD FEDERAL DEBT UNDER POST WORLD WAR II ADMINISTRATIONS—Continued

[In billions of dollars]

President and fiscal year	Deficit (−) or surplus (+)	Federal debt held by public
Kennedy (January 1961–November 1963):		
1962	−7.1	
1963	−4.8	
Subtotal	−11.9	254.5
Johnson (November 1963–January 1969):		
1964	−5.9	
1965	−1.6	
1966	−3.6	
1967	−8.7	
1968	−25.2	
1969	+3.2	
Subtotal	−42.0	279.5
Nixon (January 1969–August 1974):		
1970	−2.8	
1971	−23.0	
1972	−23.4	
1973	−14.8	
1974	−4.7	
Subtotal	−68.7	346.1
Ford (August 1974–January 1977):		
1975	−45.2	
1976	−66.4	
TQ [1]	−13.0	
1977	−44.9	
Subtotal	−169.5	551.8
Carter (January 1977–January 1981):		
1978	−48.8	
1979	−27.7	
1980	−59.6	
1981	−57.9	
Subtotal	−194.9	794.4
Reagan (January 1981–):		
1982	−110.6	
1983	−195.4	
1984 [2]	−179.7	
1985 [2]	−170.2	
Subtotal [2]	−670.3	1,502

[1] Transitional quarter.
[2] 1984–85 based on projections in the July 1983 mid-session review of the President's budget for fiscal year 1984.

Mr. LONG. That is something to be concerned about—look at the rate at which we are going into debt. The rate at which we will go into debt during this next year, if we vote this resolution, the debt increase of $225 billion will exceed what the entire privately held debt was when Harry Truman left office. In other words, you will be voting, if you vote for this, for $225 billion increase in the national debt, and all the Presidents in history through World War II and through Truman's term after World War II accumulated a national debt of $218 billion—a lesser figure than this increase right here in this bill.

The thing that bothers this Senator so much, that gives him cause for grave concern and severe doubt that he can vote for this bill, is that going into debt at that rate we see no prospect of turning the situation around and heading it in the other direction to where we begin to at least reduce the deficits rather than see them grow larger.

Mr. EXON. I thank very much the explanation given by my friend from Louisiana. I very much appreciate the fact he has verified the figures he just referred to because I suspect it is far past time that we inform the American public forthrightly we are going into debt faster today, and have been in the last 2 years than at any time in our previous history. There can be no question about that and it should be laid on the line.

Now, given those astronomical figures, and as the Senator from Louisiana has just said, even worse is the fact that there seems to be no possibility in the future we are going to turn this around, which we are all trying to do, and I would simply additionally like to point out that the national debt of the United States is an accumulation of the deficits that occur each and every year, and our attitude because of the deficit and the fact that these days no one even considers ever retiring or paying off any part of the accumulated national debt, with an accumulation of the interest, and the fact that today we are spending over—what is the figure that we are paying on interest on the national debt now as far as the budget is concerned? The figure is something like $115 billion; is that about the approximate figure of interest on the national debt?

Mr. LONG. It is in the vicinity of $100 billion a year.

Mr. EXON. How much?

Mr. LONG. $100 billion.

Mr. EXON. $100 billion a year.

If I remember correctly, about 20 years ago was not the total obligation, the total yearly budget of the Federal Government, about just under $100 billion, or putting the question another way, is it not true we are spending more on just interest costs to the American taxpayer, interest costs alone on the national debt, today are as much if not somewhat more than the total of the Federal Government including deficits 20 years ago?

Mr. ARMSTRONG. The Senator is correct.

Mr. LONG. I am told it was about fiscal 1962 that budget spending was first above $100 billion.

Mr. EXON. I thank the Senator from Louisiana and the Senator from Colorado. I think it is very important that we get across to the people what is happening in this country and unless we do something to correct it where we are likely to go in the future, and I suggest where we are likely to go is into bankruptcy.

I would suggest if any of us were bankers looking at this financial statement of the Federal Government as if we were looking at a private business interest of a private individual we would have to conclude this individual is bankrupt beyond any chance of repair or salvation. That is how serious the situation is.

I would like one further explanation from my friend from Louisiana and that is something that has confused and confounded this Senator from Nebraska, who is a fiscal conservative, always has been, and always will be.

But I am extremely puzzled, and I am wondering if my friend, the ranking minority member of the Finance Committee, can explain to me the repeated statements by the present Secretary of the Treasury that we need not worry about Federal deficits, if I might have the attention of the ranking minority member, and, of course, since I see the chairman of the Finance Committee on the floor maybe he can help out on this, also.

With regard to the figures we have just cited I asked a question as to whether or not the Senator from Louisiana or any others share the belief by the present Secretary of the Treasury that we need not worry about deficits. They are really something that do not bother us. Do deficits bother the Senator from Louisana? Does he agree with the present Secretary of the Treasury that we need not worry about these horrible figures that confront us?

Mr. LONG. Well, I am very concerned about these very large amounts Senator, and so is every group I have had an occasion to visit. I have visited with businessmen, financiers, bankers, people who understand something about money and debt, both here and abroad. It was my privilege during the recess to attend some meetings in Europe, in Belgium, in the Netherlands, and in West Germany, and throughout that area we heard the point of view of people who are concerned about the value of the dollar as well as the fiscal and monetary matters of international finance. Whenever it was suggested that deficits do not matter, particularly that deficits in this country do not matter, without exception everybody involved in those governments over there spoke out strongly that the largest capitalistic nation on Earth, the United States, running deficits of this size creates all kinds of problems not only for us but for people throughout the world.

As a matter of fact, the problems that exist in Brazil, in Mexico, and these other Third World nations where the debtor countries owe a lot of money that they are required to pay in dollars, the fiscal problem of the United States causes those dollars to be drawing a very high interest rate and that in turn makes it difficult now for them to pay their debts. So our deficits are creating problems for people all over the world.

Mr. EXON. I would further like to inquire of the Senator from Louisiana, since he used the term businessmen and financiers have a great concern about deficits in the national debt, was not the Secretary of the Treasury a businessman and a financier before he joined this Government?

Mr. LONG. Yes; he was, and the point is that those in his fraternity do not agree with him. I have not found anybody who has the responsibility in the private world or for that matter anyone who has held the same job that Mr. Regan has now, any former Secretary of the Treasury, who shares his view on that matter.

Mr. EXON. I thank my friend. One more final question I would like to pose to him that I think has been very troublesome to the people of the United States as we try and work our way out of this thing.

As I understand the structure of the present Government, the President has two key and main advisers to him with regard to fiscal policy, one of those, of course, being the Secretary of the Treasury who is charged with the main management of the money affairs. The Treasury Department, under the Secretary of the Treasury, puts out the borrowing and all these kind of things, a tremendously important post. The Secretary of the Treasury is one of the key economic advisers to the President.

The other one is the Chief Economic Adviser, the man who serves the President as his economic adviser, Mr. Feldstein.

Now, it seems to me that it is very clear today from the pronouncements made by Mr. Feldstein, on one hand, and Mr. Regan, the Secretary of the Treasury, on the other one, Mr. Regan saying the deficit should not be of any concern to anyone and Mr. Feldstein is simply saying the deficit is the biggest thing we have to worry about today.

With those two people sitting on the right hand and left hand of the President of the United States advising him, it seems to me the President must be as confused about the proper economic policies of this Nation as are these two advisers. How does the Senator from Louisiana respond to that? How does he feel about it?

Mr. LONG. Well, Mr. President, I do not want to create any more problems for Mr. Feldstein than he has already. Mr. Feldstein has let it be known what he really thinks about the matter. He thinks it is irresponsible and it could ultimately be a disaster to run the huge deficits that we are running. I am sure he is advising President Reagan of that. He has advised members of Government, Members of the Senate, and Members of the House. He has advised the business community of his views on that. There is no doubt that Mr. Feldstein, as chairman of the Council of Economic Advisers, very definitely feels that we must turn this situation around, that we cannot continue to run these huge deficits.

The Senator has probably read that Mr. Feldstein has been told by some of the powers that be in the White House—I do not know whether it be the President, but others who apparently speak for the President—in effect to low key it, to quit saying that; that he should conform to what the pattern seems to be; if he cannot go along, you might say, with the views of the Secretary of the Treasury—which nobody else goes along with—that he just ought to be quiet and say nothing.

That is what the media says. I am fairly sure that investigative reporters and these enterprising media people undoubtedly know what they are talking about. It is not just one of them saying it, that is what you are getting from all the responsible publications who are knowledgeable in the area.

The Senator also knows that Mr. Paul Volcker has a very responsible job, reappointed by President Reagan now to be Chairman of the Federal Reserve Board. The President surely must have had a very high regard for Mr. Volcker to reappoint him as Chairman of the Federal Reserve Board, knowing the enormous influence of that position and the enormous responsibility and the impact of the person who holds that job on the fate of our Nation.

Mr. Volcker's views are known to us. Basically, as I understand Mr. Volcker's views, they are that you ought to reduce spending every way you can reduce it. Then you ought to turn to the revenue side and raise taxes, because you cannot responsibly continue to run these huge deficits; that they are both inflationary and that they compel higher interest rates than the Nation ought to have. And he cannot do his job the way it ought to be done if we will not do our job on the fiscal side, which is the matter of trying to keep our spending within our revenue.

Mr. EXON. I thank my friend from Louisiana. I yield the floor.

Mr. RUDMAN. Mr. President, I was in my office this afternoon doing some work and, as usual, listening on the speaker to the activities on the floor. It struck me that the conversation then taking place between the Senator from Louisiana and the Senator from Colorado was one of the more remarkable conversations that I have heard since I have been here.

I decided it was the kind of conversation we all ought to be here for. Probably one of my greatest criticisms of this body—and I include myself—is we do not spend enough time on the floor to listen to some of the things that occur here.

The conversation was interesting enough to have me make a trip over from the Hart Senate Office Building, because I have some questions that I would like to pose to the Senator from Colorado and the Senator from Louisiana, who have more expertise in this particular area.

But before I do, I just want to say in response to the colloquy just concluded between the Senator from Nebraska and the Senator from Louisiana, that there is enough blame to go around. The questions posed by the Senator from Nebraska would seem to indicate that Ronald Reagan somehow is now guilty of being the greatest big-time spender of all times. Well, there are some policies of this administration I do not share.

But let me quote a few figures for the edification of my colleagues so we understand that Republicans and Democrats alike can share enough blame for all of the $1.6 trillion.

For instance, let us take the figures from 1977 to 1983 and let us look at entitlement programs, those things on which, whether we appropriate the money or not, the money is spent. Social security in 1977 was $84 billion; it was $164 billion this year. Medicare was $22 billion in 1977; it was $57 billion this year. Civil service retirement was $10 billion in 1977; it is $21 billion this year. Medicare went from $10 billion to $20 billion; military retirement from $8 billion to $16 billion; and food stamps from $5 billion to $12 billion. And they are on an ascending geometric projection. There is nothing static about the numbers. They are rising geometrically and they will have the same performance over the next 5 years as the previous five.

My observation simply at this point in the RECORD is that there is plenty of blame to go around. If my memory is correct, everyone of these programs was in effect on the 20th of January of 1981.

Now my question for the Senator from Louisiana and the Senator from Colorado—and it is not rhetorical I can assure you—if I understand your supposition, it is that we ought to precipitate a mini-crisis around here. We ought to essentially say no—which is my inclination—and in return for saying no to this particular piece of legislation before us, we will be able to negotiate some kind of an arrangement that will at least show a trend in the right direction. And I think that is probably correct. I think that is probably exactly what will happen.

I think it is important that everybody clearly understand the excellent point made by both of my colleagues; we are not dealing with a permanent debt ceiling, and the situation which would have required the immediate liquidation of all of that debt, which is what we faced up until last year, is no longer extent. We are in a new ball game. We do not have to start retiring that debt under the present state of the law. That was the point they both made and that is correct.

The point I do not understand this is one:

Let us assume the Senate refuses to act favorably on the pending matter; that it then makes the point the coun-

try is one a cash basis and, until some accommodation is made, by necessity the country can only spend through the executive branch what it takes in.

My question simply stated, which would require a complex answer, is: Who decides what we spend the money for at whatever rate it comes in? Is it proportional? Is it an executive choice? Is it covered by statute? How is that decision made?

I think these are very important questions and could influence the vote.

Mr. ARMSTRONG. Mr. President, if the Senator will yield to me, I would like to respond because the issue being raised is one which I have also raised with responsible authorities.

First, let me point out that long before that condition would exist, the crisis would result, in my opinion. The reason I say that is simply this: the minute we either defeat this bill or appear to be on the brink of doing so, that is where the process of accommodation will begin, and it need not be a lengthy process. We have been down this road many times on matters inherently much more complex. Perhaps no more important but much more complex. We have often seen where in an hour or overnight it is possible to work something out.

There are on the stove, so to speak, a number of proposed reforms, the most attractive of which, in my opinion, is the enhanced rescission authority of the President which I have suggested earlier in several different variations. It has been drafted a number of different ways. My assumption is that if this afternoon, tonight or sometime tonight or tomorrow we would do that, that in a matter of hours or at least over the weekend we would work out some kind of a deal.

If at some point, we got to the stage where we reached an impasse and nothing could be resolved, then it would be up to the Secretary of the Treasury to make the determination which the Senator has asked about. I have recommended to the Secretary of the Treasury, with whom I discussed this matter a few days ago, that he undertake the legal research to answer the question which the Senator has raised. Whether he has completed that research, I do not know. To be frank, I am not sure whether he will be willing or even whether he should be willing to reveal in advance how that would work.

I am convinced from my own discussions that the result would not be chaos. It would be, in my opinion, inconvenient, but there is no thought, as the Senator from Louisiana has pointed out, that we would have a disruption in the orderly process of the Government. Ships at sea would continue to steam. Our Armed Forces would remain on the job. Social security checks would go out. At some point, it would get to be very inconvenient, but there would not be any precipitous kind of anarchy developing as a result of this.

I cannot give a more complete answer for the reasons I have already stated.

Mr. RUDMAN. I thank the Senator from Colorado. I assume that there is still a question as to how that crisis might be met.

You know, Mr. President, it is ironic——

Mr. LONG. Will the Senator yield?

Mr. RUDMAN. I yield to the Senator from Louisiana if he would like to answer the same question.

Mr. LONG. I tend to subscribe to the statement of the Senator from Colorado. I make the point that we have a law concerning impoundment, and we also have a debt limit law that we have passed subsequent to that where we knocked out the temporary debt limit. I would feel that the courts would have to construe that to mean we knew what we were doing when we eliminated the temporary debt limit, and by doing so, we intended that the President could spend what he had on hand, but not spend what he did not have on hand. That would mean that he would have the power to decide to pay this bill and not that one. It seems to me that he would have the power, under those circumstances, to tell people to hold up on certain spending, to either defer or stretch out construction on things under way, even to lay off Federal employees if he needed to. There are all kinds of things he can do on the theory that he could only pay what he had the money to pay, and he could only incur the obligations that he had the money to fund.

I would assume by the time they got through studying it all they would conclude that, in effect, the facts of the case supersede the anti-impoundment law and that the President has the power to spend what he has on hand but it is against the law to spend what he does not have. Therefore, he could pay those things he though would claim the highest priority.

I would agree with the Senator from Colorado that if we found ourselves in that situation. I do not have any doubt that we would work it out. The Senator from Colorado is saying he would vote to increase the debt limit provided we had a firm arrangement where we were going to bring spending under control.

To my point of view, you are going to have to not only reduce spending but you also will have to put some additional taxes on or raise taxes to meet this problem. In my view we would probably have to do both, cut spending and raise taxes to get the votes necessary, provided Senators were sincere.

The Senator may have heard me over the speaker that no doubt if the bill failed to pass, the first thing would be we would have frantic entreaties from the White House to change our votes. But I think if we stuck to our guns we could at that time force a compromise that would mean a reduction in spending and an increase in taxes, or both, if enough Senators insisted on it.

Mr. RUDMAN. I thank the Senator. Let me just make this observation. I see the chairman of the committee is on the floor, and there is no one in this body for whom I have more respect. In fact, before we left on our recess this summer the Senator from Kansas gave a speech about the state of the economy which I had copied and sent to friends all over New Hampshire, saying it was probably the most lucid recitation of the facts we were facing. For 3 weeks I went around my State saying what Senator DOLE had said on this floor.

When I came here in 1981, the debt ceiling issue first came up within 4 or 5 weeks of the time we were sworn in as Members of this body. I was told since we were now in the majority and since we had a Republican President in the White House, that it was absolutely irresponsible—irresponsible—to vote against increasing the ceiling.

In addition to that, the argument was made, which was true at that time, that checks would not go out and that all things would come to a halt. The most compelling argument was that under the status of the code at that time, had we not passed it, it would have required immediate liquidation of the prior debt since we would have then been operating under a $400 billion permanent debt limit ceiling and everything else was temporary.

That argument made a great deal of sense to me and I voted once to increase the debt limit. Then I voted twice and three times.

Let me confess here on the floor of the Senate when I ran for this office in New Hampshire, I chastened my Democratic opponent for doing the same thing. I have done precisely what I criticized him for doing. The record will show that clearly. There is no reason for hiding it. It is true.

I think we have reached the point here that I am seriously considering voting against this measure to do precisely what the Senator from Louisiana and the Senator from Colorado were saying, and that is to precipitate a crisis. I do not think it is important that we go home on the 18th of November. As a matter of fact, the greatest service we can probably do for the country would be to stay here and have one whale of a squabble right through Christmas Eve and at least make some progress. Maybe it is higher taxes but not without lower spending. Maybe it is a combination of both. Maybe it is an across-the-board

cut. Maybe it is a change in indexation. Maybe all of us will have to give up some of the things we hold so dearly.

This much I know: These economists come to us and say, "1984 is an election year and the Speaker and the President tacitly have made an agreement and have said it is too hot to handle right now, let us not touch it with a 10-foot pole, let us get through the election and then we will take care of the whole thing."

First, I do not think any of us were elected here for the purpose of self-perpetuation. That is No. 1.

Second, I do not think any of those economists really know what is going to happen. All the interest rates have to do is bump 1½ points, and we will be in the middle of another recession in the middle of 1984. Quite frankly, whether you are Republican or Democrat I think the people will say, "You all have to go," and they will be right.

I must say, Mr. President, that I am reaching the point where it seems to me that the only way to get anything done around here is in a period of crisis. What the Senator from Colorado is saying and the Senator from Louisiana is saying, if I may paraphrase them, is we need some kind of a crisis to force us to take necessary action to correct the deficit problem. But it will be a minicrisis because under the present state of the law the social security checks will still go out.

I know this much: I was not elected to this body to be here for 6 years and see the national debt go from $1 trillion to $2 trillion. I will not vote for these increases much longer. I have not made up my mind what I am going to do now. I am thinking about it. But I am getting perilously close to thinking the Senator from Colorado and the Senator from Louisiana may have put their finger on the magic button by saying, "Let us have it out right now. Let us put everyone's feet to the fire, the administration, the Congress. Let us do the tough thing."

I yield the floor.

Mr. SYMMS. Mr. President.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, first of all, I appreciate the statement of the Senator from New Hampshire. He expresses the frustration we all feel, but we have 2 be a little realistic. We cannot always have it our way. Some in this body say, oh, let us cut spending; other people say, let us raise taxes. We do not have the votes to do either. The deficit keeps going up. I believe we have to find 51 in this body on both sides of the aisle who are willing to vote on a balanced package.

I just left a press conference with the distinguished Senator from Missouri (Mr. DANFORTH), the distinguished Senator from Oklahoma (Mr. BOREN), and the distinguished Senator from Wyoming (Mr. WALLOP). We want to address this crisis if, in fact, there is a crisis. But it has to be done in a realistic way.

There are never going to be enough votes in here to reduce this debt by just cutting spending. It will make a good speech, but the votes are not there. There are not enough votes in here to do it all by raising taxes. What we have tried to put together is the package that will assure the President that, before we get into any tax increases, we are going to reduce spending.

We have a $120 billion package. It was motivated by the efforts of Senator BOREN, Senator DANFORTH, and Senator WALLOP, who came to the Senate Finance Committee and said we have to do something, much as the Senator from New Hampshire just said. After a lot of debate and some changes, their resolution was adopted by, I think the last time I looked at the record, 13 to 0. There were seven members who were not recorded.

Based on that resolution, the staff went to work. The resolution said to report by next March. We cannot wait until next March. Nothing is going to happen next March. It is going to happen this year or it is going to happen late in 1985. And 1985 might be too late.

We can precipitate a crisis here, I assume, by voting down the debt ceiling. It is all right with this Senator, I guess.

Mr. RUDMAN. Will the Senator yield for a question at that point?

Mr. DOLE. I will.

Mr. RUDMAN. My question was a very sincere one. I know the Senator from Kansas has tried mightily to get people to do the very kind of thing we are talking about here this afternoon. With all of his great persuasive power, the facts are the facts: we have not succeeded. Does the Senator from Kansas feel we have a better chance if, the following day, the checks may not go out?

Mr. DOLE. I can bet you will have a lot of phone calls and a few people wondering what happened, that we have been here all year long and we could not act fast enough to preserve my social security check or my veterans check.

Talk about a crisis for the President. The President might be a little distressed, but I think there might be others in the country who would be a little more distressed.

Again, I was in the House of Representatives, in the minority there. I always took great delight in voting against the debt ceiling. I put out a big press release every time I did that and said, I was a fiscal conservative. I must say I voted for a lot of farm programs and other things that helped increase that debt.

There is something about becoming part of the majority around here. You have to change a little bit. You have to make things happen. You may not like it.

Mr. ARMSTRONG. Will the Senator yield?

Mr. SYMMS. Will the Senator yield for a question?

Mr. DOLE. Yes, I yield.

Mr. SYMMS. Mr. President, I think the Senator from New Hampshire made a point and I would like to ask a question that I think will help answer his question.

No. 1, Mr. President, we do not have to do that, according to the plan about which Senator ARMSTRONG, Senator LONG, and myself have been talking. None of us expect to solve all of our problems overnight. However, if we are persuasive enough to get enough of our colleagues to vote this down, some initial form of spending control might be put in place. Then, we could continue to force this issue every 45 to 60 days until the Congress has adequately addressed our fiscal problems.

I do not expect we are going to get a package out of this that is going to solve the whole debt problem. I wish we could.

I would be prepared to vote for spending cuts from the President's salary on down to the janitors salary, and everybody else included who receives a Government check, to solve this problem. Unfortunately, that is not politically realistic.

Does not the Senator from Kansas think if we do this in a methodical fashion and do it now, we can precipitate action on the part of Congress now, make some headway, do it again in February, do it again in March, so we can systematically start reducing this deficit so in 2 or 3 years, we can see the light so we finally have this thing stopped? We are not making it this way.

Mr. DOLE. I do not dismiss the arguments, obviously, of the Senator from Colorado and the Senator from Idaho, who are making a valiant effort for something to happen. I am willing to vote for spending cuts. Maybe the only way we can do it is precipitate a crisis. I have to believe there is another way that is going to require give and take from everybody.

Mr. DANFORTH. Mr. President, I wonder if the Senator from Kansas would yield at this point.

Mr. DOLE. Yes.

Mr. DANFORTH. I am interested in hearing the comments of the Senator from Idaho and the Senator from New Hampshire and the Senator from Colorado about how we have to precipitate a crisis, as though the role of the U.S. Senate is to precipitate a crisis on purpose. I suggest that we already have a crisis. When we have a national debt which is now at $1.3 trillion,

going up to $1.6 trillion by 1986, going up to $2 trillion under the present schedule of events, we already have a crisis. We do not need to create a crisis; we have a crisis.

The question is not whether or not we need more of a crisis than we have right now. The question is what are we going to do about it? What takes political courage is not to vote against the debt ceiling. Politicians, for I suppose as old as the country is, have voted against increasing the national debt. There is no courage in that. That is a press release. That is something that gains us popularity. It helps us win elections, to go out and vote against national debt. It is a wonderful TV commerical, to vote against the national debt.

I am going to tell you what takes courage, Mr. President: To put together a plan to do something about the crisis that exists. What takes courage is to put together a legislative measure which is going to reduce the size of the Federal deficit. That is the hard work.

That is what Senator DOLE has done. Senator DOLE has, 1½ hours ago, released to the press a plan which would reduce the deficit by about $120 billion over a 3-year period of time. Is it going to be enacted into law? It may be because of the sense of urgency which some of us feel. But the hard thing that those of us in the Senate are going to have to do, Republicans and Democrats, is agree to the kinds of measure he is proposing, which deal with the revenue side of the budget, which deal with the entitlement portion of the budget, these great untouchables that many of us feel so strongly about.

What we are going to have to do is not just say, oh, look at the crisis, or can we increase the crisis, but come up with a program in order to deal with it. That is what Senator DOLE has done. I respectfully suggest to those who are questioning Senator DOLE that, instead of voting against increasing the debt ceiling, we should do something positive, affirmative, and constructive to help this country. That is support the efforts of the Senator from Kansas.

Mr. ARMSTRONG. Mr. President, will the Senator yield to me?

Mr. RUDMAN. Will the Senator yield for a question?

Mr. DANFORTH. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. RUDMAN. Will the Senator yield for a question?

Mr. DANFORTH. Of course.

Mr. RUDMAN. I could not agree more with my friend from Missouri. He is absolutely right. He has a bill pending of which I am a cosponsor. I believe it is called the Danforth-Boren-Rudman bill. It addresses the question of indexing the CPI in a very realistic way. I want to ask the Senator a realistic question. Does the Senator think he has a good chance of passing that tomorrow, or does he think he may have a better chance of passing it in the midst of a crisis, when we said, "No more debt"? Which scenario would the Senator prefer for the passage of his legislation?

Mr. DANFORTH. I believe that the last best chance of reducing the deficit by a substantial margin in this session of Congress is to support the proposal that Senator DOLE has made today. I believe that it incorporates the basic concepts of CPI minus 3 in a way which is much more palatable politically. It also deals with appropriations. It also has some specific tax proposals, mainly closing loopholes.

Therefore, I think we should focus our attention on the one proposal that has the best chance of passing. I do not believe that voting against the debt ceiling bill is going to materially increase the possibility——

Mr. RUDMAN. Mr. President, will the Senator yield?

Mr. MATTINGLY. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. The Senator from New Hampshire is about to ask me a question.

Mr. RUDMAN. I wonder whether the Senator from Missouri thinks it might be better to let us have a chance to vote on the legislation offered by the Senator from Kansas, announced today, which I will support, before we have to vote on the pending measure.

My point, I say to the Senator from Missouri, is simply this: I do not think it will pass, and I do not think the Senator from Missouri thinks it will. But it might pass if we precipitated a crisis within a crisis, and I agree with the Senator's earlier comment that we are in one now.

Mr. DANFORTH. I think there is a reasonable chance that it will pass. I do not think I would put my bankroll on it, but I think there is at least a reasonable chance that it will pass, simply because of the fact that there is a growing sense of urgency not only in Congress but throughout the country as well. I think that sense of urgency has to be channeled to some useful purpose, and that is exactly what Senator DOLE has given us.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. DANFORTH. Senator MATTINGLY was asking a question.

Mr. MATTINGLY. Does not the Senator think that the amendment offered by Senator ARMSTRONG would focus the attention more toward reform? We keep talking about crises, which probably is an overstatement. But the problem is that if you increase the debt ceiling bill to $1.6 trillion, everybody is going to turn their back and go home, which is what they always do, until the next time it comes up. Does not the Senator think that if you lower that to the level that the Senator from Colorado has, it really tends to focus attention where it should be focused?

Mr. DANFORTH. I understand what the Senator from Colorado is trying to do, but I think the time has come to get off the gimmicks and on to the substance. I think that substance is exactly what Senator DOLE is talking about in this bill. I hope we could form the kind of bipartisan concensus for Senator DOLE's proposal so that we could do some real legislating.

Mr. MATTINGLY. I do not want any gimmicks, either, but does the Senator not think that if you are trying to get something substantive, this will force it to happen, rather than extending it out to some long future date? We do have a tendency sometimes to take a recess and go home.

Mr. DANFORTH. I know a lot of people have said that we should not recess on November 18, and that is fine with me, provided we are doing something constructive. I do not think it does us good to sit around if we are going to do more harm than good. I believe there really is one way we can do something constructive, and that is to support the sort of legislation which Senator DOLE has proposed, which will require all of us to give something on something that is very important to us.

Senator ARMSTRONG feels very strongly about not raising taxes. Other Senators feel very strongly about not touching the entitlement programs. Some feel strongly about taxes. But if you believe that the size of the deficit is of paramount importance, then it is important to be able to give on some things that you have thought are important but do not have that kind of absolute priority.

Mr. MATTINGLY. The Senator from Missouri is talking about giving on things. Why do we not go back to the summer of 1982 and just get the rest of the cuts we were supposed to get when we passed the $100 billion tax package, which we did not get?

Mr. DANFORTH. I think that if the Senator from Georgia were able to spend an hour putting on paper everything that should be done for the deficit, he would have, by his lights, the perfect program. If the Senator from Colorado were to do the same, he would have, by his lights, a perfect program. The same for me or for Senator LONG or for anybody else. We all have in our own minds the perfect approach to reduce the deficit.

However, somehow, we will have to put together something that nobody likes very much but that everybody will go along with. That means that, among other things, we will have to

have both President Reagan and Speaker O'NEILL under the same roof.

Yes, if I were doing it, I would be happy to just concentrate on the spending side, but I do not think it will be possible to put together a concensus unless all of us give something, and that is Senator DOLE's proposal.

Mr. MATTINGLY. I think that limiting the increase on the increase gives us the time to come up with some reforms, and if you do not, you will not get it.

Mr. ARMSTRONG. Mr. President, I think we are close to a vote. I should like to respond to some of the issues raised in the last few minutes.

Mr. EXON. Mr. President, will the Senator from Colorado yield me 10 seconds?

Mr. ARMSTRONG. I yield.

Mr. EXON. The Senator from Nebraska would like to be a cosponsor of this amendment.

Mr. ARMSTRONG. I appreciate that. Mr. President, I also ask unanimous consent that the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Idaho (Mr. SYMMS) and the Senator from Utah (Mr. HATCH) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, to put in perspective what we are talking about, I hope the Senator from Missouri will reflect carefully upon the course of this debate. I think that upon reflection, he might not wish to characterize the proposal of the Senator from Kansas as the only possible solution to the problem.

I do not happen to favor the proposal of the Senator from Kansas, but I would acknowledge that it is a reasonable and thoughtful approach. I want to suggest that the Senator from Louisiana also has a reasonable and thoughtful approach. Some people think his better. The Senator from Colorado has an approach which, in the opinion of some persons, is a reasonable approach.

There is no exclusive title to one idea that is the only one you have to be for if you favor solving the problem.

The point made by the Senator from New Hampshire is the appropriate one.

If the Senator from Missouri thinks the answer to this is the proposal he and the Senator from Kansas advanced this afternoon, then put it up as an amendment, and let us vote on it. I do not favor that proposal, but I do favor breaking this logjam. We are in a gridlock. Let us settle this.

The worst thing we can do is to say, "Put it on auto-pilot and increase the debt limit $200 billion or $300 billion."

That is why the Senator from Louisiana and I think it would be better to vote this bill down than to let that happen. If there are votes for any reasonable reform short of doing that, then let us prove it by voting for something.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ARMSTRONG. I yield.

Mr. LONG. Let me say to the Senator that I am tempted to vote for the amendment and tempted to support his position. But I have not made up my mind at this point. I hope the record makes that clear.

Mr. ARMSTRONG. Yes.

Mr. LONG. I have not finally made up my mind on it.

Let me say this to the Senator: one of the reasons I find myself inclined to support the Senator's amendment and in great sympathy with the position he is taking is that I can recall the days when we really used this debt limit to help control spending. Back in the days when Harry Byrd, Sr., was chairman of the Finance Committee, President Eisenhower found it his painful duty to come up here and ask us to increase the debt limit. Prior to that time, if you will just look at the figures, we had actually been reducing the publicly held debt, and under President Truman's term, we actually reduced the debt on an overall basis due to a number of factors that have to do with war surpluses and things like that. But when President Eisenhower became President, he found it his painful duty to ask us to increase that debt limit.

Under the leadership of Harry Byrd, Sr.—and keep in mind Harry Byrd, Sr., was a Democrat who supported Mr. Eisenhower for President against the nominee of his own party—Senator Byrd, Sr., chairman of the committee, simply was not willing to go along with that increase unless they had certain concessions and certain understandings about what was going to be done about spending, we did not pass what they sent up here. We passed something less than that with an understanding that they were going to do certain things to help bring spending under control.

Now the Senator knows, and I believe I know it, and everything I read tells me this, that the way it stands now the administration is not planning to ask us to vote for any tax increase measure and not planning to send any drastic spending cuts up here on the theory it is better to leave things as they are until after the next election, and they would consider those things after the next election, that is, in 1985. But there are not many Senators who agree with that.

Take the chairman of the committee, Senator DOLE. He is working now trying to put together a package where we both cut spending and we raise taxes to try to help meet this problem.

I must differ with my friend here who says that the best way to control spending is to pass this measure just the way it stands, because once we do that we turn the White House loose and say nothing will happen until 1985.

If I were a businessman out there looking at the interest rates being higher than they should be and looking at the Third World going broke and not being able to pay their debts because the interest rates are tied to the American dollar, which they must pay or default—I would find myself saying that this just means there is no hope until after the American election, and then you might hope that the President might change course and at that point decide he will support the tax increase and major spending cuts that he refuses to support at this point.

So if we pass this bill, that is the end of it. That is our last chance to do anything to bring fiscal responsibility into this Government between now and the next election. That is a way of saying we will clear the decks now, we are not going to do anything about taxes.

Look at what we have out of the White House. We are told out of the White House that even if we try to pass the President's own recommendation, which is a contingent tax, it is a 5-percent surtax on income and a tax on oil, even if we pass the President's own recommendation he will veto it unless we agree to a whole bunch of spending cuts which so far as I know have not been specified. He is finding an excuse to veto his own recommendation.

How are we going to get deficits under control unless we tell them that "Sorry, the money is not there. You cannot spend it because you do not have it, and if you want more money then there is a way you can get it. You have to come to terms with us or something. Do not say we cannot do anything."

There are 45 of us who voted for the Helms amendment which would have required a 5-percent across-the-board cut on everything. Forty-five Senators are a lot of Senators. That is only six less than a majority. So to say we cannot do anything, therefore we must pass this bill and just turn it all loose to just go the way things are going for the next year and a half until after the election is not going to achieve anything.

The Senator from Missouri referred us to his amendment. If we had passed the amendment he started out with, that would have really done some good as far as fiscal responsibility is concerned. He was proposing to cut the entitlement programs 3 points on the inflation; for the first 3 points of inflation you would not get an increase in social security or the other entitlement programs. Then he was going to couple that with saying you would not

get the first 3 points in indexing on the tax law. That would have really done a lot of good.

But look what he had to settle for, a pious hope. That is all this sense of the Senate resolution is that we agreed to. And even that sense of the Senate resolution is not part of the debt limit bill, is it?

Mr. STENNIS. Mr. President, may we have order here?

Mr. LONG. It is not a part of the bill. It is a Senate resolution.

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG. It is a Senate resolution, not even a part of this bill here. It will not go to the White House. It is a sense-of-the-Senate resolution that the deficits are too high, that we should try to find ways to both raise taxes and cut spending.

Fine; I have been going that way for some time.

If we pass that resolution just exactly the way it is, what does it mean? It does not even go down to the President. That is just a pious hope. Everyone knows that we are not going to save this country with a pious hope. We tried that too many times before.

Mr. DANFORTH. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. DANFORTH. Mr. President, Senator DOLE's approach that was suggested this afternoon is much more concrete than a pious hope. Senator DOLE has proposed a specific legislative approach to reduce the size of the deficit by about $120 billion over a 3-year period of time. As a matter of fact, it incorporates within it very much the same concept that Senator BOREN and Senator WALLOP and I proposed in CPI minus 3. His is 2½ percent for 2 years rather than 3 percent for 3 years. But it is essentially the same concept.

I have always said with respect to CPI minus 3 that there is nothing written in stone about CPI minus 3. I have said that what it is is a kind of a stand-in for concept and the concept is that if we are going to reduce the size of the deficit we cannot reduce the size of the deficit to a reasonable level without getting at both the revenue side of the budget and the entitlements.

What is wishful thinking in my opinion, what is pie in the sky thinking in my opinion, is to think that we can solve the deficit fiddling with the debt ceiling. When does that work? Maybe sometime in the distant past when Harry Byrd, Sr., was around here, but never since the Senator from Missouri has been around here has the debt ceiling had any effect whatever on the size of the deficit.

What has an effect on the size of the deficit is real legislation, and I think that is what we should be debating.

Mr. LONG. I say to the Senator we will solve the whole thing if we do not pass this bill here. They will be on a cash basis. All they can spend is what they are taking in. The whole thing would be solved. I admit there would be a lot of uproar when you hear from the people affected. I agree with that. It would probably be drastic if we do that. What it means is you cannot go deeper in debt. All you can spend is what you are taking in.

At least, Mr. President, this bill could be used as leverage, and that is what the Senator is talking about. This is the only measure we have that offers us any real potential leverage to do anything about spending. We tried all the rest of it, and that is the only leverage we have to put the pressure on the President and the White House and others to get a vote and say we have to do two things, either of which are not necessarily popular. We have to cut spending and raise taxes.

The Senator from Kansas (Mr. DOLE) is trying to do something about that. He has shown leadership and a lot of courage to try to do something, even though we have not had any signals out of the White House that they are for any of it. But his package is not on this bill.

If the Dole bill or the Dole amendment had been agreed to, then we could say we are getting somewhere. We are going to improve the situation about $120 billion over 3 years. But that proposal is not on the bill.

Mr. DOLE. Mr. President, I shall just take 1 minute, and then I think we want to vote on this.

I agree with the Senator from Colorado. The amendment that I proposed is obviously not the only solution. I mean there are probably a lot better solutions. But we tried to balance, put together a balanced package, and that does not please everyone, but certainly the Senator from Colorado, the Senator from Louisiana, and a number of Senators have made a lot of effort to try to find a solution. Maybe we will do it yet.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. ARMSTRONG. Mr. President, I encourage the Senator from Kansas to offer his proposal as an amendment so that we can see if the votes are there. It may well be that the Senator from Missouri is 100 percent right, that it is going to sail through and solve the problem.

I have some reservations about it. I wish to debate the issue. I wish to look at the pieces of it and raise some questions, and whether I will vote for it or not I wish to reserve my judgment on it. But I say to him get it up, and I hope that Senator DANFORTH and Senator BOREN will bring out their bill as well and others and I will have some amendments to suggest.

But let us do not just whistle this bill through and pass the debt ceiling increase and not at least attempt to solve the problem.

I think we should vote on the pending amendment which is really not a great reform. It just lowers the total and at least keeps the issue before us next year.

Mr. DOLE. Mr. President, I have discussed this informally with the distinguished Senator from Louisiana. I think we more or less agreed on what would be germane amendments we wished to give Senators on each side an up-or-down vote. If they are going to start offering War Powers Act amendments and nuclear freeze amendments, I am going to move to table those.

So if it is all right with the Senator from Louisiana we will have an up-or-down vote on this amendment.

Mr. LONG. Yes.

Mr. BAUCUS. Mr. President, I rise to support and cosponsor the Armstrong amendment.

INTRODUCTION

The American people are tired of hearing that tomorrow, always tomorrow, we will get the Federal budget under control.

This amendment is designed to force us to get it under control. It would reduce the new debt limit from $1,614 billion to $1,450 billion. That is an increase of $61 billion over the current limit. Basically, this increase gives the Government enough money to run through the end of the year. That way, I hope it will force this Chamber, the House, and the President to earnestly address the problem of the swelling public debt.

THE DEBT PROBLEM

Mr. President, debt hangs over our heads like Damocles' sword, threatening to chop off the recovery.

For example, in 1980 the total public debt was $907 billion. Next Monday or so, it will reach $1,389 billion. That is an increase of 53 percent.

During the same time, the annual deficit has risen from $60 billion—2 percent of GNP—in 1980 to $207 billion—6 percent of GNP—now.

Interest on the public debt has just about doubled, rising from $74 billion to $148 billion.

At the rate we are going, we will take the amount of public debt incurred during the first 207 years of our history, and we will double it in the next 6.

What does this mean? As Paul Volker told the Joint Economic Committee last week, the prospect of persistent high deficits is threatening the balance and ultimate sustainability of the recovery itself.

More specifically, such huge budget deficits create at least three major problems.

They hold interest rates up.

They threaten to reignite inflation.

And they distort exchange rates and thereby create a huge trade deficit, that has shifted more than 2 million jobs overseas.

THE STALEMATE

So what are we doing about deficits? So far, nothing. Our two main political leaders, President Reagan and Speaker O'NEILL, are acting like Alphonse and Gaston, each politely insisting that the other step forward first.

Mr. President, this is unacceptable. We need a concerted, bipartisan effort to face the heat and cut the deficit.

PRINCIPLES

While doing so, we should follow four main principles.

The first principle is timing. It is economically unwise and politically irresponsible to wait until after the election. It is like fiddling while Rome burns. We must act. Not later. Now.

The second principle is symmetry. The American people do not trust Congress. Perhaps rightly, they fear that any tax increase will be used not to cut the deficit but instead to fuel more spending. To restore their trust, any deficit reduction package must both raise revenue and cut spending, preferably in equal measure.

The third principle is breadth. I know that in Montana, people are ready to sacrifice for the Nation's good. But only if they know that everybody else will sacrifice, too. Therefore, deficit reduction burdens must be broadly distributed.

The fourth principle is compassion. During the past few years, lower- and moderate-income people have borne heavy economic burdens. We should not make them heavier.

CONSTRUCTIVE PROPOSALS

One constructive proposal is the Danforth-Boren-Wallop three-for-all proposal, S. 1627, which would reduce the indexing of taxes and non-means-tested entitlements, both, by 3 percentage points, thereby reducing the deficit by about $117 billion.

I like the broad approach taken in S. 1627.

However, I also have several specific concerns about it. I am concerned that it may have a disproportionate impact on the poor and the elderly. I am concerned that it may set a bad precedent by manipulating indexing. And I am concerned that it does not touch military spending.

I hope these concerns can be addressed. For example, I am studying whether the tax indexing provision should be replaced by a proportional surtax, whether the zero bracket amount should be fully indexed, and whether we should broaden the proposal by including a temporary corporate tax increase.

Another constructive proposal is the one Finance Committee Chairman DOLE has take in the draft deficit reduction package he announced today.

Mr. President, I congratulate Senators DANFORTH, BOREN, WALLOP, and DOLE. They have submitted constructive proposals. They have gotten the debate underway.

But someone is missing. From the other end of Pennsylvania Avenue, we have heard nothing. I cannot understand why. All his political life, President Reagan has campaigned against deficits. Now we have the highest deficits ever. But, even so, President Reagan refuses to take his head out of the sand and join the debate. Not the debate about whether to reduce deficits. The debate about how.

Until he does, it is unlikely that we can make further progress.

THE AMENDMENT

This is the background to today's debate.

Ahead of us are huge deficits as far as the eye can see. And before us is a proposal to increase the public debt limit by $225.6 billion. That will carry us through until the end of the fiscal 1984.

That is too easy. It takes the pressure off. It lets us adjourn in a few weeks and return to our States acting like nothing is wrong. Then we can come back in January and go back to business as usual.

I believe that, instead, we extend the public debt only through the end of the year. That way, the Government can continue for a few months.

But more importantly, it puts a gun to our heads. It gives all of us—the Members of the Senate, the Members of the House, and the President—enough time to come up with a serious, long-term solution to the debt problem. But no more.

I urge my colleagues to support this amendment and then work together to dam the river of red ink that threatens to drown us all.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

If there be no further debate, the question is on agreeing to the amendment of the Senator from Colorado. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Tennessee (Mr. BAKER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER), are necessarily absent.

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Nebraska (Mr. ZORINSKY), are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), would vote "yea."

The PRESIDING OFFICER (Mr. RUDMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced. Yeas, 70; nays, 15, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—70

Abdnor	Grassley	Nickles
Armstrong	Hart	Nunn
Baucus	Hatch	Pell
Bentsen	Hawkins	Percy
Bingaman	Hecht	Pressler
Boren	Heflin	Proxmire
Boschwitz	Helms	Pryor
Bradley	Huddleston	Quayle
Burdick	Humphrey	Randolph
Byrd	Inouye	Riegle
Chiles	Jepsen	Rudman
Cochran	Johnston	Sarbanes
Cohen	Kasten	Sasser
D'Amato	Lautenberg	Simpson
Denton	Leahy	Specter
Dixon	Long	Stennis
Dodd	Matsunaga	Symms
Domenici	Mattingly	Thurmond
Durenberger	McClure	Trible
Eagleton	Melcher	Tsongas
East	Metzenbaum	Warner
Exon	Mitchell	Wilson
Ford	Moynihan	
Garn	Murkowski	

NAYS—15

Chafee	Kassebaum	Roth
Danforth	Laxalt	Stafford
Dole	Lugar	Stevens
Gorton	Mathias	Wallop
Heinz	Packwood	Weicker

NOT VOTING—15

Andrews	DeConcini	Hollings
Baker	Evans	Kennedy
Biden	Glenn	Levin
Bumpers	Goldwater	Tower
Cranston	Hatfield	Zorinsky

So the amendment (No. 2458) was agreed to.

Mr. STEVENS. Mr. President, this is the last vote tonight.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ARMSTRONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that Senators BAUCUS and RUDMAN be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I wish to inquire of the chairman of the committee and the deputy majority leader. I would like to inquire as to what is expected the rest of this day and what can we tell our people about tomorrow. Is there really a Santa Claus? In

other words, are we really going to be in on Saturday?

Mr. STEVENS. Mr. President, if the Senator will yield, I might say that the majority leader is absent temporarily. He will be here tomorrow.

It is our intention to come in and resume consideration of this bill at approximately 10 o'clock in the morning. We intend to be on this bill until at least 6 o'clock tomorrow evening.

We will come into session on Saturday at 10 a.m. and continue on the bill. Hopefully, we will try to finish it if it is at all possible. Of course, if we can finish the bill tomorrow, we will not be in Saturday.

That is not an idle threat. It just appears that there are going to be a lot of amendments to this bill and we will have to proceed on Saturday.

Mr. BYRD. I understand.

Mr. STEVENS. Mr. President, we think there is a 50-50 chance that the bill may be finished tomorrow by 6 p.m. If it is, we will not be in on Saturday and we will come in on Monday to start on the gas bill. The gas bill is scheduled to be started the first of the week. We hope we can finish this debt limit bill before Monday.

Mr. BYRD. Most of us on this side are prepared to be here on Saturday. I would like to know if there is a 50-50 chance in being here on Saturday.

Mr. STEVENS. The 50-50 refers to finishing tomorrow night.

Mr. DOLE. The Senate Finance Committee has another problem. We are supposed to meet on the budget reconciliation measure on Monday. If we are going to be tied up on this proposal, we will have a hard time getting on the reconciliation measure.

I hope we will not see Grenada amendments and Lebanon amendments being offered to this bill. I am willing to work with anyone who has amendments, particularly those which might be somewhat germane. I will agree not to talk very long. We could finish this by tomorrow.

Mr. BYRD. Mr. President, may I ask the Senator, and he may have already answered my question, will there be any more rollcall votes tonight?

Mr. DOLE. No.

Mr. BYRD. We are definitely going to have rollcall votes tomorrow?

Mr. STEVENS. We are informed definitely there will be rollcall votes, probably early in the morning.

Mr. BYRD. What times does the Senate resume tomorrow?

Mr. STEVENS. We hope to resume consideration of this bill at 10 a.m. tomorrow.

Mr. METZENBAUM. Mr. President, can we inquire if there will be rollcall votes on Saturday? So often, when we are in session on Saturday, some of us show up and others fail to show up. Then there is a question of protecting them and stacking the votes. I think we all ought to be treated equally. I have no objection to being here Saturday if you want us to be here, but I think we ought to then not be in any way deterred as far as going forward with rollcall votes.

Mr. STEVENS. Mr. President, there will be no stacking of votes on Saturday. I can assure the Senator if the Senate is in session on Saturday, there will be votes on Saturday.

Mr. BYRD. The majority leader said earlier he would not stack votes on Saturday. He might stack votes on Monday but not on Saturday.

I yield the floor.

Mr. DOLE. Mr. President, the Senate has indicated that they at least want to take up the debt ceiling again in January. Obviously, everyone on that side wants to do that because they can offer all of those crazy amendments again.

Some on this side think there will be some magic solution between now and January.

What I may do tomorrow is offer a 15-day extension of the debt ceiling so that we put some pressure on people to try to face up to the deficit problem this year. That will be whether we want to face up to the deficits or not. If you want to put it off until next year, forget it. Nothing will happen next year. It is an election year.

I am prepared to indicate to Senators who are concerned about this, who do not raise it all at once, who want to address it piecemeal, that I do want to address it. If we can put pressure on the Senate Finance Committee, the Budget Committee, and other committees, maybe we ought to just have a little 15-day extension. That would really put some pressure on the White House and the Congress to do something before we leave here if, in fact, we do leave here November 18.

Mr. ARMSTRONG. Will the Senator yield?

Mr. DOLE. Yes.

Mr. ARMSTRONG. Mr. President, I want to compliment the Senator on the suggestion he is making. I hope if he pursues this, he thinks more in terms of a 10-day extension. Ten days is plenty of time for the Finance Committee to look carefully at this package, to look at the Danforth-Boren package, to look at the suggestions I have offered, and those that others have offered. The Budget Committee should look at them.

If we are serious about this, we must have active cooperation from downtown. I am told that I may get a telephone call yet this afternoon from those who are looking at a proposal I have submitted.

There is no sense in 15 days because that almost assures that we cannot meet the November 18 target date set for adjournment.

If the Senator decides to pursue it, I hope he will look at 7 to 10 days. Then when we come back, let us have a full-scale debate. Let us get these proposals before us, as the Senator from Louisiana has suggested, and see if there are votes to pass something. Anything at that point. Well, maybe anything is too ambitious a statement, but certainly some proposal is preferable to just increasing the debt.

Mr. STEVENS. Mr. President, will the Senator yield right there?

Mr. DOLE. Could I say one word in response?

If, in fact, that would happen tomorrow, maybe all those who have all these amendments will hold them for a couple of weeks. They may look even better in 2 weeks than they look now. Then we can finish this tomorrow and go onto something important.

Mr. STEVENS. Will the Senator yield?

Mr. DOLE. Yes.

Mr. STEVENS. I do hope the Senators will reflect a little bit on the schedule before us. Yesterday, we added a new item to the "must" list. That is the Civil Rights Commission. We have the reconciliation bill coming, the defense appropriations bill, the continuing resolution, which must be finished before November 10. If the Senator and others are thinking about extending this for a short period of time, I hope they will reflect on the schedule that has already been established.

As a matter of fact, it has been established by law, not the leadership. There is nothing we can do about that. We must deal with reconciliation, must deal with the appropriations process before November 10. There will be three bills on this floor from the Appropriations Committee within that time. I assure the Senator there is no time for access to the floor for this bill. There is no time.

Mr. DOLE. We can make time. I have heard that story before. You can bring up that bill tomorrow and it could eat up 4 days. You can bring up those bills tomorrow or Saturday.

Mr. LONG. Will the Senator yield?

Mr. DOLE. Yes, I yield.

Mr. LONG. Mr. President, let me applaud the very able manager of the bill, the chairman of the committee (Mr. DOLE), for the magnificent way he reacted to this amendment.

Mr. DOLE. To that defeat.

Mr. LONG. Let me say to the Senator he has the greatest potential to turn a defeat into a victory of anybody I know around this place. I congratulate him for that. The Senator, to my certain knowledge, has been trying to do just exactly what Mr. ARMSTRONG is seeking to achieve and what the Senator from Louisiana is seeking to achieve by his vote. The Senator has been trying to give us fiscal responsibility.

He even took the lead in a tax measure, the biggest tax increase we have

passed in recent years, and he assumed the burden of doing it on his own, before he had the support of the President of the United States.

Again, he is trying to provide the leadership in both reducing spending and in raising taxes to reduce this enormous deficit. And he is doing it on his own. It is not the White House pushing him to do it; he is trying to get the White House to come along. I can only applaud the Senator from Kansas for what he is trying to do in that regard.

I hope we can strengthen his hand. I agree with him that if this is a 10- or 15-day extension so we can produce a measure that will reduce spending and raise taxes out of the committee, which will not only be an authorization but a measure which takes effect, so much the better. I shall be happy to support that type of thing. So I applaud the Senator for both his leadership and his genius and imagination in saying, well, if that is the way the Senate wants to do business, let us get with it and see if we cannot reduce spending and raise taxes, do both, to get the genie back inside the bottle.

Mr. DOLE. I thank the Senator. I commend both the Senator from Colorado and the Senator from Louisiana. I think there has been an overwhelming demonstration here that we need to do something. That is a lot more important than getting out of here on the 18th, as far as this Senator is concerned, if we can do it. We can always make another timetable. We make those every day.

I say to Senators about to offer nongermane amendments, why not extend this for 15 days and save these amendments? They are all going to be better with age. Let us go home.

I know the Senator from Florida has a nongermane amendment dealing with the Cubans. I am not an expert on that. I shall have to draft somebody to debate that. But I hope we can leave off all the nongermane amendments and, by tomorrow morning, I will have prepared a 12- or 15-day amendment and maybe all those who are concerned about Saturday or maybe next week, we can alleviate that and the Senate can bring up more important bills that are pending, including health care for the unemployed.

Mr. CHILES. Mr. President, before I send this amendment to the desk, I want to comment just a little bit on the Armstrong amendment and what happened to that. I really think that was a positive sign for the body. I think it is a positive sign that a lot of people in here are concerned about that deficit as it goes up and up and are concerned about the fact that we just come in here and are about to raise the debt ceiling some $200 billion, almost a quarter of a trillion dollars. There was great concern about that. I think some of us in this body, including the ranking minority member of the Committee on Finance, have certainly been concerned.

I hope to have an amendment to offer tomorrow that will express doing something about that. That amendment would be just to provide that that debt ceiling would not go into effect until we incorporate the reconciliation package. I understand that the Senator from Kansas has tried to hold a number of meetings to try to get some support on his committee and to do something on reconciliation. It always seems that we never quite get enough of a gun at our head to do that.

We voted in this body in July on what we would do to save some $86 billion off the debt. Yet when it comes up to the time that we are supposed to put that into effect, everybody sort of starts slipping away.

I know that is not all on one side of the aisle. I see the Democrats in the House are saying, "We shouldn't lead on this." So everybody is kind of sitting back saying, "We have to wait on the President." The President is saying he is not going to lead because we have not cut spending. So everybody is saying they are going to do something, but nothing ever gets done.

This is a vehicle that sort of gives us a chance to enforce that. I think the vote on the Armstrong amendment shows that there are some people in here ready to put one more gun to our head, into our mouth or something else, that will cause that.

I hope people will be listening and following that tomorrow, when we have up some amendments. This amendment of the Senator from Florida I hope will be considered by everybody to be germane on that point, saying we are going to try to cut this deficit, that we are concerned about it. I shall be putting that in.

AMENDMENT NO. 2459

(Purpose: To express the sense of the Congress regarding the return to Cuba of Cuban nationals captured by the United States Armed Forces in Grenada)

Mr. CHILES. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES) (for himself, Mr. HUDDLESTON, Mr. NUNN, Mr. RANDOLPH, Mr. D'AMATO, Mr. BENTSEN, Mr. BYRD, Mr. BOREN, Mr. MATTINGLY, Mrs. HAWKINS, Mr. DECONCINI, Mr. SYMMS, Mr. ZORINSKY, Mr. JEPSEN, Mr. HELMS, Mr. HART, Mr. EXON, Mr. BAUCUS, Mr. BURDICK, Mr. FORD, Mr. INOUYE, Mr. SASSER, Mr. METZENBAUM, Mr. LEAHY, and Mr. PRYOR) proposes an amendment numbered 2459.

Mr. CHILES. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution, add the following:

Sec. 2. (a) The Congress finds that—

(1) United States forces in Grenada currently hold in confinement more than 600 Cuban nationals captured during hostilities;

(2) the government of Cuba during the Mariel boatlift of 1980 forced a large number of undersirable and often dangerous persons on the United States;

(3) an estimated 6,000 of these Cuban nationals are now incarcerated in State and Federal prison facilities in the United States;

(4) many of these individuals have been found to be deportable under the immigration laws of the United States;

(5) these Cuban nationals represent a burden to law enforcement, the criminal justice system and ultimately to the American taxpayer;

(6) ongoing legal proceedings may result in the release of many of these prisoners posing a serious threat to the security of American citizens; and

(7) efforts by the President to negotiate a return to Cuba of these Cuban criminals have been unsuccessful.

(b) It is the sense of the Congress that the President should insist that as a condition for repatriation of Cuban nationals captured by United States Armed Forces in Grenada the Government of Cuba should agree to the return to Cuba of all Cuban nationals in the United States who are found to be deportable under the immigration laws of the United States.

Mr. CHILES. Mr. President, I think there are some 24 other Senators who have joined with me on this resolution. Others have said they would like to join with us. That is a sense of the Congress resolution. It is a message to the President.

This is an opportunity, and I think it is a crucial time to express ourselves on this dilemma. Many will remember the Mariel boatlifts, when Castro saw fit to empty his prisons, to send out all of the dregs and felons that he had in Cuba. I shall have to say that some people who were trying to flee communism came in that boatlift, but as soon as Castro saw that happening, my colleagues will remember, he went in and seized boats in the harbor and would not let them leave until he loaded them up with his convicted murderers, convicted rapists, and all of the other dregs he had in his prisons. He sent those out to the United States.

Mr. President, I know of no time in which any country has had to accept felons convicted of heinous crimes from any other nation. Our immigration law prohibits admission of criminals into the United States. If such persons attempted entry, we sent those people back home. But, of course, as we attempted to do that with the Cuban criminals as we found out the kind of people were forced upon us, Castro said, "No, we won't take them back."

We were not certain of the criminal status of some of the Cubans. But I can tell you, Mr. President, it did not take us too long to find out about them, because they quickly committed felonies in this country. Now, many of those are incarcerated and our States are having to hold them.

Mr. President, recognize that we have many people in our jails that the States are having to pay for that are under parole from the Attorney General of the United States. Under the conditions of a parole, of course, you have to be a good citizen and you have to stay a good citizen or you get shipped home. But these people were not good citizens to start with; they have not behaved like good citizens since they have been here. They have robbed, shot, and killed people in our States, our citizens. Now they are incarcerated in our jails. And we cannot send them back to Cuba because Castro has said no. It is about time we forced Castro to say yes.

In the past, the administration has tried to do something about that. Every time they have attempted to do something, Castro has simply refused to allow those people to come back. This, I think, for the first time gives us an opportunity, with what has happened in the successful operation in Grenada. We have some leverage for the first time. We know that we have captured over 600 Cubans. That number, I understand, may go as high as 1,000.

Those are people whom Castro has already said he wants to welcome home as heroes, those so-called construction workers—construction workers with military detachment. If he wants to do that, then this calls on the President to use this opportunity, when we have some leverage, to send back those "construction workers" along with the deportable aliens in this country.

I spell that out: The deportable aliens, those who could be deported under our laws, who meet all the legal requirements for being deported, except that Castro will not take them back.

What we are saying in this sense of the Senate resolution, on which we have 24 cosponsors, is: "Mr. President, use this opportunity that you now have because of the successful operation in Grenada and apprehension by Cuban nationals. Let us use this position of strength as a means of sending back at long last, the Cuban criminals who we have housed since 1980. I am hoping the President will use this as he negotiates the return of the Cubans captured on Grenada.

RETURN OF MARIEL CRIMINALS WITH THE CUBAN PRISONERS

Mrs. HAWKINS. Mr. President, I rise in support of the resolution submitted by my colleague from Florida, Senator CHILES, calling for the return of Cuban prisoners in American jails who arrived in 1980 during the Mariel boatlift. These are men, in many cases vicious criminals, who Castro emptied out of his prisons and foisted on the American people. It was another attempt by Castro to humiliate the United States. When boats from America arrived in Mariel harbor in 1980 in search of relatives, friends, and loved ones, Castro forced these people to include in each boatload a certain number of outcasts that he wanted to come to the United States. As a result boatload after boatload of social malcontents, hardened criminals, and Cuban spies landed on our shores mixed in with honest, hardworking Cubans who were looking for freedom from Castro's oppression.

Some of the hardened criminals who arrived in Florida during the boatlift were discovered right away. Many of them are now incarcerated in a Federal facility in Atlanta. Others, however, blended in with their fellow travelers and escaped detection. In the weeks and months after landing, many returned to their criminal activities. There are still hundreds of Mariel criminals in Florida jails or on State supervised probation.

On May 18, 1983, I wrote to President Reagan expressing my concern over the criminals, spies and other undesirable elements that arrived with law-abiding Cubans in 1980. In that letter, I urged the President in the strongest terms to "do all in your power to return criminal Marielitos to Cuba or deport them elsewhere." Seven days later then-Assistant Secretary of State for Inter-American Affairs Thomas O. Enders requested that the Cuban Government take back the criminals they had camouflaged as part of the Mariel boatlift. This request was met with refusal. We had little leverage, and the Cubans who had pulled a fast one on us were not about to resolve a problem they intentionally caused.

Some have suggested that we return these Cuban criminals by forcing them through the fence at our Navy base in Guantanamo, Cuba. This solution has an alluring appeal, Mr. President. But I recently visited our base in Guantanamo and am convinced that that is an impractical solution. I have seen the boundary fence that separates the U.S. base from Cuban territory. I have seen the no man's land between the U.S. and Cuban forces. I have seen the bunkers that comprise part of the Cuban defenses. And I am convinced that as attractive as this idea might seem to some, it is not possible. Sure we could push these Cubans through the fence, but we cannot force the Cuban Government to let them out of the no man's land into Cuba. As a result, the base commander told me sooner or later we either would force them to starve to death in the no man's land, or if they tried to reenter the base prevent them from doing so with as much force as necessary. Neither course of action is satisfactory.

We may now, however, Mr. President, have a solution to this problem. We may now, at long last, have the leverage we need with the Cuban Government to force them to take these Mariel criminals back. As the Senator from Florida has pointed out we now have in the neighborhood of 1,000 Cuban prisoners in Grenada. The Cuban Government has already made inquiries with several Latin and Central American countries to act as go-betweens for the release of the Cubans. If he wants his countrymen back—I say fine. But I also say let him take all of the Cubans who should go back to Cuba including those that we have been housing at taxpayer expense in our prisons since 1980.

This is our opportunity to act. We may never have a chance like this again. Mr. President, I hope my colleagues will join Senator CHILES and me in this effort to restore justice. We can do so by urging the administration to make the return of Mariel criminals a quid pro quo for the return of Cuban prisoners from Grenada. Let us not pass this chance by.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. CHILES. I yield to the Senator from Kentucky.

Mr. HUDDLESTON. I thank the Senator.

Mr. President, I rise to join the Senator from Florida in the offering of this amendment and to commend him for initiating its introduction at this time.

Mr. President, for years, immigration to the United States has been out of control. Millions of aliens have crossed our borders in violation of our immigration laws, and we have made no serious effort to stop the illegal flow. This never-ending flow of people is beginning to cause serious social and economic problems for our country, and it is urgent that we take strong action to address this problem.

For a long time, we have been aware that it is well known around the world that the United States is not serious about protecting its borders. This general knowledge has encouraged many people to come here illegally, knowing the odds favor their not being caught and deported. Until a strong message is sent out assuring that we will enforce our immigration laws, and that those who are apprehended entering the country illegally will be immediately returned, we will not make much progress in solving our problem of large-scale, illegal immigration.

The immigration control and reform legislation, which the Senate has twice passed, will give INS the tools it needs to bring immigration under control.

This bill would assure that those who enter the United States illegally will be swiftly returned to their home countries. However, there is one aspect of illegal immigration problems upon which this legislation will have little affect. In cases where a foreign government has pursued a policy of forcing out undesirable citizens, we have been, historically, able to do very little to return them to their home countries. This is especially true if that foreign country has a government with which we do not have good relations.

We faced this situation in 1980, when Castro permitted about 125,000 Cubans to enter the United States in a mass boat exodus. While most of these people were honest and productive individuals, many were criminals or people with mental problems. Among the undesirables are 1,083 who are presently being detained in a facility in Atlanta, at a cost of $14 million per year. There are others, with mental problems, who are being treated at an annual cost of about $11.6 million. Efforts to return those who are excludable to Cuba have not been successful to this point.

However, the recent military action on Grenada provides us with the opportunity to force Castro to take back the criminals he sent to our shores. The U.S. forces on Grenada have captured several hundred Cuban soldiers and it is presumed that Castro will want them returned to Cuba. I believe that this is the perfect opportunity to also return the undesirables he sent to us in 1980.

This expresses the sense of the Senate that "the President should insist that the Cuban Government agree to the return of all individuals classified by the Department of Justice as deportable aliens as a condition for repatriation of those Cuban nationals captured in Grenada."

I urge my colleagues to support this amendment.

Mr. President, I do not know that there has been a greater example of cynicism on the part of a head of state than that experienced during the Mariel boat lift that brought to this country some 125,000 Cubans. It was an operation that started with a genuine desire of Cuban citizens to come to the United States, many of them to be reunited with families. It was seized upon by Fidel Castro to attempt to embarrass this country and his former citizens who were now in this country, by emptying his jails and sending a number of undesirables and requiring that boats there take some of these passengers in order to return to the United States.

Efforts have been made by the State Department of the United States and by the Justice Department to work out an arrangement whereby those deportable aliens would be returned to their country and to the responsibility of Cuba, where it should be. But the Government of Cuba has resisted every effort, has shown no inclination whatever to cooperate with the United States and to accept those deportable aliens back.

This is an opportunity, as the Senator from Florida has indicated, for us to have some leverage to use in this matter. It is the first time we have had any leverage since this incident occurred.

So I think we should seize upon this opportunity, give the President some direction, some indication from the Senate, that this is a desirable way to approach this problem, and see if we can bring about a resolution.

The American taxpayer is paying in the neighborhood of $26 million a year just to house these individuals. The legal situation being what it is in this country, there is always the possibility that a judge may order that these criminals be released on this society. There is public danger involved.

Mr. CHILES. The Senator from Kentucky is right on that point.

Two days ago, a hearing was held in the Federal court in Atlanta regarding whether the judge was going to continue holding those prisoners there. There are over 1,000 there.

Mr. HUDDLESTON. Even though they are known to have committed felonies, the judges might take the position that since they may not have committed a felony in this country, we cannot continue to hold them, and they will have to be released. If we cannot send them back to Cuba, there is no place for them to go except the streets of America. That is not a desirable situation. It is a perversion of this country's very generous immigration policies, and it is an indignity that has been heaped upon the United States by Fidel Castro.

So there is ample justification, in my judgment, to seize on this opportunity and try to bring about a resolution of this problem. I am very pleased to join as a cosponsor of this amendment.

Mr. DOLE. Mr. President, there will not be a vote on this amendment this evening. But I hope that overnight we might think about the 15-day extension of the debt ceiling and bring this amendment up as a separate item. I would be willing to cooperate with the Senator from Florida to have it tomorrow, but as a sense of the Senate resolution, on its own, if we can work that out.

I assume there is no limit on how many amendments can be offered, but I believe there may be some hope that with a 15-day extension, there is enough interest in this Chamber on both sides to put together a budget deficit package. Nobody has a corner on the market, but we do not have much time.

At this point, I would just as soon terminate the proceedings on this bill for the evening and yield to the distinguished acting majority leader, Senator STEVENS.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask that there now be a period for the transaction of routine morning business, during which Senators may speak for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of Public Law 91-230, as amended (20 U.S.C. 1209(d)), I herewith transmit the 1982 annual report of the National Advisory Council on Adult Education.

RONALD REAGAN.

THE WHITE HOUSE, *October 27, 1983.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills and joint resolutions:

On September 20, 1983:

S.J. Res. 131. Joint resolution designating "National Cystic Fibrosis Week."

On September 24, 1983:

S. 675. An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

On September 26, 1983:

S. 1872. An act to increase endowment funds for eligible individuals under part C of title III of the Higher Education Act of 1965.

On September 29, 1983:

S. 118. An act to provide for the establishment of a Commission on the Bicentennial of the Constitution.

On September 30, 1983:

S. 1625. An act to amend the District of Columbia Retirement Reform Act.

S. 1850. An act to amend title 38, United States Code, to extend for 1 year the authority of the Veterans' Administration to provide certain contract medical services in Puerto Rico and the Virgin Islands.

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month."

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week."

On October 3, 1983:

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day."

On October 4, 1983:

S. 602. An act to provide the broadcasting of accurate information to the people of Cuba, and for other purposes.

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

On October 5, 1983:

S.J. Res. 140. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week."

On October 12, 1983:

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building."

S. 1724. An act to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

S.J. Res. 159. Joint resolution providing statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

On October 13, 1983:

S. 216. An act to amend title 18 of the United States Code to prohibit certain tampering with consumer products, and for other purposes.

S. 884. An act to provide for the use and distribution of funds awarded the Red Lake Band of Chippewa Indians in docket No. 15-72 of the U.S. Court of Claims.

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Mont., and the Assiniboine Tribe of the Fort Peck Indian Reservation, Mont., in docket No. 10-81L by the U.S. Court of Claims, and for other purposes.

S.J. Res. 102. Joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week."

On October 14, 1983:

S.J. Res. 128. Joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day."

On October 17, 1983:

S. 1894. An Act to designate the Foundation for the Advancement of Military Medicine as the "Henry M. Jackson Foundation for the Advancement of Military Medicine," and for other purposes.

On October 18, 1983:

S. 1499. An Act to settle certain claims of the Mashantucket Pequot Indians.

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 45. Joint resolution designating the week of November 20, 1983, through November 26, 1983, as "National Family Week"; and

S.J. Res. 121. Joint resolution to designate November 1983 as "National Diabetes Month."

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 6:20 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 1944. An act to allow the obsolete submarine U.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period;

S.J. Res. 45. Joint resolution designating the week of November 20, 1983, through November 26, 1983, as "National Family Week"; and

S.J. Res. 121. Joint resolution to designate November 1983 as "National Diabetes Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1904. A communication from the Clerk of the U.S. Claims Court transmitting, pursuant to law, a copy of the Court's order entering judgment for the plaintiffs in the Walker River Tribe of the Walker River Reservation against the United States; to the Committee on Appropriations.

EC-1905. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Korea; to the Committee on Armed Services.

EC-1906. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Air Force Global Weather Central Initiates Positive Action to Assess Adequacy of Software Inventory"; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-449. A petition from a citizen of Concord, N.H. urging Congress to support the MX missile program; to the Committee on Armed Services.

POM-450. A petition from a citizen of Concord, N.H. urging Congress to cooperate with President Reagan to make America's military power second to none; to the Committee on Armed Services.

POM-451. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Finance.

"RESOLUTION

"Whereas, in an effort to secure greater taxpayer compliance with federal tax laws, the Congress of the United States enacted several tax measures designed to encourage better reporting of income through its passage of the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248). Among the tax measures included in this law is one designed to increase the compliance rate of food and beverage service employees who receive tip income. Section 314(a) of the new law creates an additional set of employer reporting obligations, including a tip-allocation rule, for food or beverage establishments which normally employ more than ten persons; and

"Whereas, Beginning with the 1983 calendar year, qualifying food and/or beverage establishments will be required to file annual information returns showing gross food and beverage sales receipts, employee-reported tip income, aggregate charge receipts, and aggregate charge tips for calendar years beginning after December 31, 1982. In addition, beginning April 1, 1983, the returns must include information regarding the new special eight-percent tip-allocation rule, which requires qualifying employers to allocate and report as tips among tipped employees an amount equal to the difference between eight percent of the gross receipts of the establishment received during any payroll period and the aggregate amount of tips reported by employees at the establishment during the same period. However, this allocation will not be required if the employees voluntarily report aggregate tips equal to at least eight percent of the establishment's gross receipts or the employer demonstrates that the average tip rate for employees is less than eight percent and allocates tip income at the lower rate; and

"Whereas, The new eight-percent tip-allocation rule mandated by the Tax Equity and Fiscal Responsibility Act of 1982 has sparked a great deal of concern by employers and employees of qualifying food or beverage establishments. Many of these employees do not feel that their actual tip incomes come anywhere near eight percent of the cost of the food and beverages which they serve. Moreover, they believe that this requirement discriminates unfairly against blue-collar workers, requiring them to pay taxes on tips that they do not make. In addition, this law adds to the already substantial record keeping and reporting requirements which currently exist for tipped employees and their employers; now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature memorialize the Congress of the United States to

repeal the changes to Section 6053 of the Internal Revenue Code added by Section 314(a) of the Tax Equity and Fiscal Responsibility Act of 1982; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation."

POM-452. A petition from a citizen of Concord, N.H. urging Congress to reject the nuclear freeze resolution; to the Committee on Foreign Relations.

POM-453. A resolution adopted by the Rocky Mountain Conference of the United Methodist Church concerning repression in the United States; to the Committee on the Judiciary.

POM-454. A resolution adopted by the Romanian Baptist Association of United States and Canada relating to prayer in public schools; to the Committee on the Judiciary.

POM-455. A resolution adopted by the Reformed Presbyterian Church of North America relating to abortion; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

On October 26, 1983:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 250. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1102; referred to the Committee on the Budget.

On October 27, 1983:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1108. A bill to amend various provisions of law to provide for more effective highway and motor vehicle safety regulations and enforcement, and for other purposes (with additional views) (Rept. No. 98-283).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 254. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1108; referred to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs;

Nan R. Huhn, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of 15 years.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mrs. HAWKINS, Mr. WARNER, Mr. BURDICK, Mr. BUMPERS, Mr. ANDREWS, Mr. BRADLEY, Mr. RANDOLPH, Mr. HOLLINGS, Mr. HEFLIN, Mr. RIEGLE, Mr. STAFFORD, Mr. TSONGAS, Mr. HEINZ, Mr. MELCHER, Mr. MATSUNAGA, Mr. CRANSTON, Mr. GRASSLEY, Mr. LUGAR, Mr. MITCHELL, Mr. MATHIAS, Mr. PERCY, Mr. BIDEN, and Mr. DOLE):

S. 2014. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children; to the Committee on the Judiciary.

By Mr. HART:

S. 2015. A bill to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ZORINSKY:

S. 2016. A bill to allow State agencies to continue to elect to use a system of retrospective accounting for the purpose of determining benefits under the Food Stamp Act of 1977, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 2017. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers and members of the uniformed services who receive subsistence and housing allowances; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. HEINZ, Mr. METZENBAUM, and Mr. RIEGLE):

S. 2018. A bill to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 2019. A bill to permit until December 31, 1986, the duty-free entry of magnetron tubes used in microwave cooking appliances; to the Committee on Finance.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2020. A bill to amend the Internal Revenue Code of 1954 to permit certain retroactive elections to relinquish the carryback period for net operating losses; to the Committee on Finance.

By Mr. STEVENS (for Mr. GARN):

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945; read twice and placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

S. Res. 254. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1108; to the Committee on the Budget.

By Mr. STEVENS (for himself, Mr. BAKER, and Mr. BYRD):

S. Res. 255. Resolution to direct the Senate legal counsel to represent Senators BENTSEN, CHILES, D'AMATO, FORD, HAWKINS, JEPSEN, MITCHELL, RIEGLE, SASSER, and SYMMS in the case of *Larry C. Flynt, et al.* v. *United States, et al.*; considered and agreed to.

By Mr. DOLE (for himself, Mr. LEAHY, Mr. D'AMATO, Mr. BENTSEN, Mr. BUMPERS, Mr. MOYNIHAN, Mr. HEINZ, Mr. HATFIELD, Mr. EXON, Mr. GORTON, Mr. COHEN, Mr. PRESSLER, Mr. MATTINGLY, Mr. RIEGLE, Mr. DURENBERGER, Mr. GLENN, Mr. PERCY, Mr. HART, and Mr. ARMSTRONG):

S. Con. Res. 80. Concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes; to the Committee on Foreign Relations.

By Mr. QUAYLE (for himself, Mr. RIEGLE, Mr. KASTEN, Mr. DIXON, Mr. HEINZ, Mr. SPECTER, Mr. METZENBAUM, Mr. ROTH, Mr. LUGAR, Mr. PROXMIRE, Mr. WARNER, Mr. EAGLETON, and Mr. LAUTENBERG):

S. Con. Res. 81. Concurrent resolution expressing the sense of the Congress with respect to the urgency of extending the Japanese automobile export restraints beyond March 31, 1984, at the current level of 1,680,000 vehicles, to foster recovery and reduce high unemployment in the American automobile industry; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mrs. HAWKINS, Mr. WARNER, Mr. BURDICK, Mr. BUMPERS, Mr. ANDREWS, Mr. BRADLEY, Mr. RANDOLPH, Mr. HOLLINGS, Mr. HEFLIN, Mr. RIEGLE, Mr. STAFFORD, Mr. TSONGAS, Mr. HEINZ, Mr. MELCHER, Mr. MATSUNAGA, Mr. CRANSTON, Mr. GRASSLEY, Mr. LUGAR, Mr. MITCHELL, Mr. MATHIAS, and Mr. PERCY):

S. 2014. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children; to the Committee on the Judiciary.

MISSING CHILDREN'S ASSISTANCE ACT OF 1983

Mr. SPECTER. Mr. President, today Senator HAWKINS and I, along with many of our colleagues in the Senate, are introducing the Missing Children's Assistance Act of 1983. A child's disappearance, a tragedy repeated 1.8 million times each year in the United States, is a national problem that will be solved only with a greater national commitment. That is the purpose of this legislation.

The horror of a child's abduction was dramatically conveyed to the Nation earlier this month in a broadcast of the television movie "Adam." It portrayed the true story of 6-year-old Adam Walsh's kidnaping and murder, and the heroic efforts of his parents, John and Revé Walsh, to awaken the country to these brutal crimes against innocent children.

This year, thousands of children reported missing will never be found by their families. Responsibility for finding these children falls first on local law enforcement, but their recovery

frequently cannot be solved on a local basis alone.

Abducted children are often moved long distances. Parents and local law enforcement have neither the resources nor the expertise to mount widespread searches or to collect critical information on missing children cases.

Last year, the Senate responded to this problem by passing the Missing Children Act, providing for the inclusion of data on missing children into the FBI's computerized criminal information network. As chairman of the subcommittee responsible for processing that legislation, I had the privilege of working with Senator HAWKINS, John Walsh, Howard Davidson of the ABA's Legal Resource Center, and other dedicated advocates for our children. It was an important first step, but more must be done.

Millions of children remain at risk, vulnerable to abduction, abuse, and murder. If missing children are to be brought safely home, it is imperative that the Federal Government assume a more active role.

The Missing Children's Assistance Act of 1983 provides this vital second step. This act, in recognition of the need for national coordination in this area, extends the authorization of the Juvenile Justice and Delinquency Prevention Act through 1988, and requires that the Administrator of the Office of Juvenile Justice and Delinquency Prevention to develop programs:

First, to establish and maintain a national toll-free telephone line where individuals may report information regarding the location of missing children; and

Second, to establish a national resource center and clearinghouse to provide technical assistance to State and local governments, agencies, and individuals in locating and recovering missing children; to coordinate public and private efforts to locate and recover missing children; and to disseminate national information on innovative missing children's programs, services, and legislation. In addition, the legislation would authorize the Administrator to fund other programs designed to prevent child abductions or to assist in the recovery of abducted children.

These are critical services that are not currently being provided by any Government agency. The Missing Children Assistance Act will guarantee that a coordinated comprehensive program exists at the Federal level to assist in solving the horrible tragedy of a missing child.

I ask unanimous consent that the Missing Children's Assistance Act of 1983 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Missing Children's Assistance Act of 1983".

SEC. 2. The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), is amended by adding at the end of title I thereof the following new part:

"PART E—MISSING CHILDREN

FINDINGS

"SEC. 271. The Congress finds that—

"(1) over 1,000,000 children are missing from their homes each year;

"(2) thousands of these children are abducted under circumstances which immediately place them in grave danger;

"(3) many of these children are never reunited with their families;

"(4) often, there are no clues as to the whereabouts of these children;

"(5) many missing children are at great risk of both physical harm and sexual exploitation;

"(6) of the over 3,000 unidentifiable bodies that are discovered annually, hundreds are children;

"(7) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(8) abducted children are frequently moved from one locality to another, requiring the cooperation and coordination of local, State and Federal law enforcement efforts;

"(9) on frequent occasions, law enforcement authorities quickly exhaust all leads in missing children cases, and require assistance from distant communities where the child may be located; and

"(10) Federal assistance is urgently needed to coordinate and assist in this interstate problem.

"DEFINITION

"SEC. 272. For purposes of this part the term 'missing child' means—

"(1) any missing person thirteen years of age or younger; or

"(2) any missing person under the age of eighteen if the circumstances surrounding such person's disappearance indicate that such person is likely to have been abducted.

"DUTIES AND FUNCTIONS OF ADMINISTRATOR

"SEC. 273. (a) The Administrator—

"(1) may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this part,

"(2) shall make such arrangements as may be necessary or appropriate to ensure that there is effective coordination among all federally funded programs related to missing children, and

"(3) shall provide adequate staff and agency resources which are necessary to properly carry out his responsibilities pursuant to this part.

"(b) The Administrator shall, by making grants to, or entering into contracts with, public agencies or nonprofit organizations (or combination thereof), provide for programs—

"(1) to establish and maintain a national toll-fee telephone line where individuals may report information regarding the location of missing children;

"(2) to establish and maintain a national resource center and clearinghouse to—

"(A) provide technical assistance to local and State governments, public and private nonprofit agencies and individuals in locating and recovering missing children;

"(B) coordinate public and private efforts to locate and recover missing children; and

"(C) nationally disseminate information on innovative missing children's programs, services, and legislation; and

"(3) to periodically conduct national incidence studies to determine the actual number of children reported missing each year, the number of children who are victims of stranger abductions, the number of children who are the victims of parental kidnappings and the number of missing children who are recovered each year.

"(C) The Administrator shall compile, analyze, publish, and disseminate an annual summary of recently conducted research, and research currently being conducted, on missing children, as well as prepare, in conjunction with the Advisory Board on Missing Children, an annual comprehensive plan for assuring cooperation and coordination among all agencies and organizations with responsibilities related to missing children.

"GRANTS

"SEC. 274. (a) The Administrator is authorized to make grants to, and enter into contracts with, public agencies or nonprofit private organizations, or combinations thereof, for research, or demonstration or service programs designed—

"(1) to educate parents, children and community agencies in ways to prevent the abduction of children;

"(2) to assist in the recovery or tracking of missing children;

"(3) to aid communities in the collection of materials which would be useful to parents in the identification of their children;

"(4) to increase knowledge of the psychological consequences on both parents and children in a child's abduction, both during the period of disappearance and after the child is recovered; and

"(5) to collect detailed data from selected States or localities on the actual investigative practices utilized by law enforcement agencies in missing children's cases.

"(b) In considering grant applications under this part, priority shall be given to applicants who—

"(1) have demonstrated experience in providing services to missing children or their families; and

"(2) substantially utilize volunteer assistance.,

"ADVISORY BOARD

"SEC. 275. (a) The Administrator shall, within ninety days after the date of enactment of this part, appoint an Advisory Board on Missing Children (hereinafter referred to as the 'Advisory Board'), which shall meet periodically. Such Board shall be comprised of five members of the general public with experience or expertise related to missing children. The Advisory Board shall assist the Administrator in coordinating programs and activities related to missing children which are planned, administered, or assisted by any Federal agency.

"(b) The Advisory Board shall assist in the preparation of the annual comprehensive plan on missing children developed pursuant to section 273(c) and shall submit the first annual plan to the President and Congress not later than eighteen months after the date of enactment of this section.

"(c) Members of the Advisory Board shall be entitled, for each day such member is engaged in the actual performance of his or her duties as a member of the Board, to be paid at a rate not in excess of the daily

equivalent rate of pay payable to a GS-18 employee under section 5332 of title 5, United States Code, including traveltime. All members of the Board shall be reimbursed for travel (including per diem in lieu of subsistence) as authorized by section 5703 of such title, subsistence, and other necessary expenses incurred by them in the performance of their duties.

"CRITERIA FOR GRANTS

"SEC. 276. The Administrator, in consultation with the Advisory Board on Missing Children, shall establish annual research, demonstration, and service program priorities for making grants or contracts pursuant to section 274 and, not less than sixty days before establishing such priorities, shall publish in the Federal Register for public comment a statement of such proposed priorities.".

SEC. 3. To carry out the provisions of this Act, there are authorized to be appropriated $10,000,000 for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987.

SEC. 4. Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by striking out all after "ending" through ", and" and inserting after "1984" the following: ", September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988".

SEC. 5. Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out all after "ending" though ", and" and inserting after "1984" the following: ", September 30, 1985, September 30, 1986, September 30, 1987, September 30, 1988".

Mrs. HAWKINS. Mr. President, last year we took a vital step forward in addressing the tragedy of missing children when President Reagan signed into law the Missing Children Act. That law created two national clearinghouses of information; one on missing children, the other on the unidentified dead who are buried each year in nameless graves.

For some time we have been studying the additional steps which should be taken at the Federal level to assist in the tracking and safe recovery of missing children.

We are already coordinating a national effort to mobilize the thousands of volunteers who have expressed an interest in helping to address this problem. I am currently working with ACTION, the National Agency of Volunteers in Service to develop a program—at both the national and local level—that will utilize the existing net work of volunteer and civic organizations who are concerned with this problem.

Today, I am pleased to join Senator ARLEN SPECTER, a determined legislator on children's issues, in cosponsoring legislation to implement another important aspect of this program.

The Missing Children Assistance Act of 1983 will provide specific urgently needed help to parents, agencies, volunteer action groups, and citizen groups who have worked so hard to solve these tragedies. The act, at a requested funding level of $10 million, will provide a national toll free telephone number which will be used to report information on the location of any missing child. The bill would support a national resource center and clearinghouse to provide assistance to all communities and agencies desperately in need of the best programs available to assist in the location and recovery of missing children. The Center will coordinate the efforts of the group and individuals, public and private who are working to solve the problem and it will compile ritual data on the incidence of the case of a missing child in this country. Currently we are still at a loss to accurately and completely report to this country on the exact nature and number of missing children.

In addition, the legislation would make grant funds available to selected public agencies and nonprofit private organizations to take the critical step forward into real programs of education and prevention. Believe it or not the horrible family experience of a missing child can be prevented if these tools are available to parents, schools and communities. It is important to note that the groups currently wishing to solve this problem will be eligible to receive the funding.

The most important point to make is that right now we have a great gap in the tragedy of missing children. It is a gap of accurate data and understanding. A gap of programs to prevent and deter criminal abduction. A gap of assistance to parents and those concerned citizens who report the sighting of a child. A gap of understanding, appreciation, and solutions for the case of a missing child. This legislation will begin to close that gap and to become a second step toward the safety and protection of our children. I hope you will all work with us to see this vital legislation made into law.

● Mr. BUMPERS. Mr. President, I am proud to be an original cosponsor of the Missing Children's Assistance Act of 1983.

The statistics on missing children are grim, and bear repeating: 1.8 million children disappear from their homes each year. Some are murdered; many thousands more are never found. We can only speculate about the great risks of physical harm and sexual exploitation that may befall these children. We share the grief and anguish of the families who have yet to learn about their children's fate.

We can take steps to aid law enforcement officials and parents in their efforts to locate and recover missing children. The Senate moved in this direction last year by passing the Missing Children's Act. That act extended the FBI's authority to collect and record data concerning missing children in their computerized criminal information network.

Today, with the introduction of the Missing Children's Assistance Act of 1983, we take the next step in addressing a problem that requires a coordinated national effort.

This act will provide a national toll-free telephone line where individuals may report information regarding missing children. The act also calls for the establishment of a national resource center and clearinghouse to provide technical assistance to the States and local governments and to gather and disseminate information on exemplary missing children's programs.

The bill will stimulate and facilitate the exchange of information which is so vital in locating missing children as well as in developing more effective and comprehensive strategies to resolve the problem. Although we have thousands of committed local law enforcement officials who deal daily with these tragic situations, the problem cannot be solved solely at the local level. These children are frequently moved from one location to another and from one State to another. It is clear to me that this is a situation that demands a closely coordinated effort among local, State and Federal officials.

Mr. President, this measure will not be a cure-all but it is a thoughtful second step toward resolving this tragic problem. Every parent in this country should applaud this measure, and I urge its early enactment into law.●

Mr. MATHIAS. Mr. President, I am pleased to join as a cosponsor of the Missing Children Assistance Act of 1983, which has been introduced today by my distinguished colleague, Senator ARLEN SPECTER. Congress took the first step in addressing the problem of missing and abducted children when it enacted the Missing Children's Act of 1982. I believe that Senator SPECTER'S bill is an appropriate way to continue our effort to solve this problem, and I urge my colleagues to support this important legislation.

Children are particularly vulnerable to kidnapings, murders, and mysterious disappearances. Perhaps we cannot know the grief felt by a parent whose child is the victim of a vicious random act. But we can respond to that grief by committing more resources to prevent child abductions and to assist in locating missing children.

The Missing Children Assistance Act of 1983 would establish new programs within the Office of Juvenile Justice and Delinquency Prevention to coordinate public and private efforts to locate and recover missing or abducted children. It would also provide technical assistance to State and local police and support agencies concerned with the problem of missing children. Fi-

nally, the act would authorize OJJDP to develop additional prevention and assistance programs, and to publicize other related innovative programs. The kinds of programs envisioned in this legislation would give real help to the parents of missing children, and I believe they deserve strong support.

Mr. BRADLEY. Mr. President, I am pleased to join Senators SPECTER and HAWKINS in the effort to establish a comprehensive Federal program to assist families, as well as State and local governments in finding missing children.

Millions of Americans were recently awakened to the tragic difficulty American parents face in trying to locate missing children. The tragic case of Adam Walsh has given us the opportunity to press forward for a more comprehensive solution to the problem. Child Find, a nationwide grassroots organization dedicated to finding missing children, reports that there are 150,000 children reported missing each year. Almost 100,000 of these children are abducted by a parent; of the other 50,000 who run away or are abducted, 5,000 return unharmed, 5,000 are found dead, and the rest remain missing.

Given the magnitude of the problem, last year the Congress passed the Missing Children Act which provided for inclusion of data concerning missing children into the FBI computer. This was a good first step, but the legislation simply did not go far enough. This is a national problem that will only be solved through a broader national commitment. And that is why I have joined with Senators SPECTER and HAWKINS, leaders in this area, as a cosponsor of the Missing Children Assistance Act of 1983, which will establish a national toll free telephone line to link parents with their missing children and will establish a clearinghouse to provide help to State and local governments in locating and recovering missing children.

Mr. President, the need for this legislation was highlighted by a recent case in New Jersey. In 1982, a police lieutenant in Blairstown, N.J., found the body of an unidentified young woman. She became known throughout the United States as Princess Doe. Since that time the police searched through 12,000 leads and have been unable to identify the deceased young woman. This bill, in conjunction with last year's changes which I cosponsored, will help provide assistance to the police at the local level as well as to the thousands of families who presently have no information about their missing children.

Mr. President, it is virtually impossible to fully comprehend the pain and the anguish that these children and their families are going through—the uncertainty and the agony of not knowing where to turn. I urge my colleagues to act quickly on the legislation so we can begin to help families avoid some of this needless suffering.

This month the Nation was deeply moved by the television account regarding the abduction and death of Adam Walsh. I do not know whether any law could have been passed that might have saved his life. But I do know that laws can be passed that will save other children's lives. The efforts of the Walshes and hundreds of other concerned families have served to burn this issue into our national conscience. The country cannot and will not forget Adam. Because of his tragedy, we have already taken one step to aid missing children. It is my deep hope that his tragedy will move Congress to take additional steps to help save the lives of possibly thousands of other children.

By Mr. HART:

S. 2015. A bill to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

BOUNDARY OF THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT

● Mr. HART. Mr. President, today I am introducing legislation to establish a boundary for the Black Canyon of the Gunnison National Monument in western Colorado. This legislation will formalize the existing administrative boundary. In addition, the act authorizes the Secretary of the Interior to acquire additional lands in order to protect the visual integrity of the monument, which is being threatened by development in certain areas.

The Black Canyon of the Gunnison has long been heralded as a unique national resource. The people of Montrose County and western Colorado recognized this and mounted an effort which culminated in the proclamation of March 2, 1933, signed by President Herbert Hoover, designating the Black Canyon as a National Monument. The monument was enlarged by similar actions in 1938-39, and 1960 to its present size of 13,672 acres. In 1978, over 11,000 acres of the monument were designated wilderness, an effort this Senator actively supported in Congress.

Today, the outstanding vistas and unique experience afforded visitors to the Black Canyon of the Gunnison is threatened by development encroaching on certain areas of the monument. As agricultural lands inside become available for subdividing, areas along the northern boundary stand to lose, and in some cases have already lost the natural beauty visitors expect from the Nation's parklands. If this threat is not addressed it will only be a matter of time before development extends to the Canyon River, severely degrading the monument's appeal.

The legislation I am proposing today will allow the Secretary of the Interior to acquire either scenic conservation easements or title for up to 7,000 acres of additional lands to protect the monument. It will also allow the Secretary to continue the historical agricultural use of this land, if requested by the landowners.

Local officials and landowners in the affected area support this legislation as the best approach to a delicate problem. In addition, Congressman KOGOVSEK who represents Colorado's Third District where the monument is located, has introduced similar legislation in the House of Representatives.

Mr. President, this legislation is urgently needed to preserve the Black Canyon Monument, one of several national treasures in the State of Colorado. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SEC. 1. For the purposes of this Act—

(1) the term "Monument" refers to the Black Canyon of the Gunnison National Monument located in Montrose County Colorado.

(2) the term the "Secretary" refers to the Secretary of the Interior.

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the Black Conyon of the Gunnison National Monument has been and remains an integral and important part of the national park system;

(2) the integrity of this valuable resource significantly threatened by encroaching development activity on adjacent private lands;

(3) the Monument has no legislatively established boundary.

(b) The purpose of this act is to—

(1) establish a boundary for the Monument in order to insure the preservation and integrity of a valuable national resource;

(2) require the Secretary to acquire all land within the boundary not now under his supervision.

SEC. 3. (a) The boundary of the Monument shall be as generally depicted on the map entitled "Boundary Map, Black Canyon of the Gunnison National Monument," dated August 1, 1983, and numbered 80,013, which shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Superintendent, Black Canyon of the Gunnison National Monument.

(b) Not later than six months after the date of enactment of this Act, the Secretary shall file a legal description of the revised boundary with the Committee on Energy and Natural Resources of the Senate and with the Committee on Interior and Insular Affairs of the House of Representatives. Such legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typo-

graphical errors in such legal description (and in the map referred to in subsection (a)) may be made.

SEC. 4. (a) The Secretary is authorized and directed to acquire all lands and interest therein within the boundary of the Monument. The Secretary shall acquire less than fee interests in such lands in all cases where such interest will adequately protect the visual, natural, historic or cultural resources of the Monument, except that the Secretary shall acquire lands in fee if requested by the owner of such land or if the Secretary determines fee acquisition is required to protect the above mentioned resources or is required for administrative or development purposes.

(b) All lands under the administrative jurisdiction of the Secretary within the boundary of the Monument as of the date of the enactment of this Act, shall be transferred to the administrative jurisdiction of the National Park Service to be administered as a part of the Monument.

(c) Upon request by a landowner, and if determined by the Secretary to be compatible with the visual integrity of the Monument, the Secretary shall permit as a condition of the acquisition of any less than fee interest in land under this Act—

(1) livestock grazing to continue at levels and locations exercised by the owner of such land prior to August 1, 1983; and

(2) commonly accepted operation and maintenance practices supporting livestock grazing to continue to be allowed, including maintenance of domestic, livestock and agricultural water conveyance systems, and construction and maintenance of required fencing and stock ponds.

(d) Subject to valid existing rights, Federally owned lands and interests therein within the Monument are withdrawn from entry or appropriation under the mining laws of the United States, from operation of the mineral leasing laws of the United States, from operation of the Geothermal Steam Act of 1970, and from disposition under the public land laws.

SEC. 5. The Secretary shall administer the Monument in accordance with the provisions of this Act and the provisions of law generally applicable to units of the National Park Service including the Acts of August 26, 1916 (39 Stat. 535) and August 21, 1935 (49 Stat. 666).

SEC. 6. Effective October 1, 1984, there is hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to carry out the provisions of this Act.●

By Mr. ZORINSKY:

S. 2016. A bill to allow State agencies to continue to elect to use a system of retrospective accounting for the purpose of determining benefits under the Food Stamp Act of 1977, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ACCOUNTING SYSTEM FOR DETERMINING BENEFITS UNDER THE FOOD STAMP ACT

● Mr. ZORINSKY. Mr. President, I am sending to the desk of the Senate clerk a bill which amends Public Law 97-35, the Omnibus Budget Reconciliation Act of 1981. This bill provides States some essential flexibility in administering the food stamp program by allowing them the option of applying the monthly reporting with retroactive budgeting—the so-called MR/RB—requirement.

MR/RB was one of the sweeping changes made by the Omnibus Budget Reconciliation Act of 1981. In the food stamps area, it is now clear that will require massive extra paperwork, great caseload churning, and additional administrative cost and effort for relatively small savings in actual benefit payout. It will also bring needless hardship and difficulty to eligible families.

Under MR/RB, food stamp recipients must fill out and return a lengthy questionnaire on income and household circumstances each and every month—the MR part of MR/RB. This is what produces so much extra paperwork. Studies show that only a few families change circumstances so frequently and so dramatically as to need monthly monitoring.

Retroactive budgeting—the RB part—requires that each recipient's benefits for the next month be based on the data provided in the report for the previous month. This causes families who lose employment to wait an additional month to receive food stamp help—often needlessly forcing them onto local general assistance—supported by the local property tax—again causing extra paperwork. It also keeps families on food stamps an extra month after they have regained employment.

Studies conducted since enactment of this change in administering the food stamp program indicate that monthly reporting is not in fact particularly cost effective if applied indiscriminately to all recipient types. Some very fragmentary research before Public Law 97-35 had suggested that significant reductions in food stamp program costs might be achieved through MR/RB. Update evidence, however, shows that MR/RB provides no real long-term savings but mainly just front-end savings as a lot of families are temporarily thrown off the rolls for primarily paperwork reasons.

The key problem with MR/RB requirements is the overwhelming administrative task they present for many States. Because of the huge additional volume of paperwork required by MR/RB, State and local resources are diverted from other important activities and from other administrative methods to reduce errors and assure accurate and timely benefit payments.

In those cases where monthly reporting or retroactive budgeting actually does increase program efficiency for certain categories of food stamp recipients—such as transient low-income families—States can be trusted to employ it. However, where it is inefficient, States will have the flexibility to opt for a locally designed and more efficient process. Thus, the effects of this bill would only apply to those States where MR/RB requirements simply do not make for good public policy.

State option for MR/RB has widespread support. Thirty-two State social service commissioners have already expressed their strong support for making MR/RB a State option, my State of Nebraska included. State option would also comply with the Reagan administration's announced policy of giving States maximum flexibility.

If MR/RB remains in effect on a nationwide basis, State and local administration of the food stamp program will be made unnecessarily complex and considerably less efficient. States need the flexibility to design and administer the program in a cost-effective manner. This legislation allow that flexibility.

I invite my colleagues to review the following text of the bill and section-by-section analysis of the bill, and join in cosponsorship.

Also, Mr. President, I ask that the letter received from Ms. Gina C. Dunning, and the summary statement attached thereto on the increased administrative cost for Nebraska under the new procedure, be included in the RECORD. Ms. Dunning is director of the Nebraska Department of Social Services. Also, Mr. President, I ask that the text of the bill in its entirety and the section-by-section analysis be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 107(b) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; Stat. 361) is repealed.

(b) Section 108(c) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 361) is repealed.

SEC. 2. Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2012(c)) is amended—

(1) by inserting "(or, if approved by the Secretary, a shorter period for categories of households selected by the State agency to improve the administration of the program)" after "six months", and

(2) in paragraph (2) by adding at the end thereof the following: "The limitation establishing the maximum length of a certification period allowed under this paragraph may be waived by the Secretary to improve the administration of the program.".

SEC. 3. (a) Section 5(f)(2)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(2)(A)) is amended by inserting after "households" the following: ", for households that have no earned income and in which all adult members are elderly or disabled members, and for those categories of households with respect to which the filing of periodic reports of household circumstances would result in unwarranted administrative expenditures (as shown by the State agency to the satisfaction of the Secretary)".

(b) Section 5(f)(3)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(3)(B)) is

amended by inserting the following before the period at the end thereof: "and for supplementing, at the option of the State agency, allotments of households that experience sudden and significant losses of income (including losses of more than $100 in a month)".

SEC. 4. (a) Section 6(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)) is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "State agencies that elect under section 5(f)(2)(B) to use a system of retrospective accounting shall require categories of households with respect to which retrospective accounting applies, selected by the State agency involved and with the approval of the Secretary, to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary.", and

(2) by striking out the second sentence.

(b) Section 6(c)(5) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(5)) is amended by striking out "(except" and all that follows through "reports)".

SEC. 5. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

SECTION BY SECTION

SECTION 1. Section 1 maintains periodic reporting and retrospective budgeting as state options in the food stamp program, so that states may determine whether these administrative systems are effective and would serve the needs of the program in their states. Periodic reporting and retrospective budgeting are currently state options in the food stamp program, but under the Omnibus Reconciliation Act of 1981, these state option provisions expire on October 1, 1983. After that, the state option turns into a federal mandate with all states required to institute these systems by October 1. Recent research data and program experience indicates that in many jurisdictions, these systems do not reduce errors or improve program performance, but do increase administrative costs and result in denial of benefits to some households in legitimate need. Section 1 therefore retains state flexibility by making the state option provisions permanent and by repealing the provision turning the state option into a federal mandatory requirement on October 1.

SECTION 2. Under current law, states are prohibited from recertifying households subject to periodic reporting/retrospective budgeting systems any more frequently than once every six months. Section 2 allows states to select categories of households (with the approval of the Secretary) to be recertified at more frequent intervals. This is intended to allow states to use more frequent recertifications where the state can show this would be likely to reduce errors.

Section 2 also makes a technical correction in the statute to permit the Secretary to authorize certification periods of longer than 2 months for households not subject to periodic reporting where he finds this would improve the administration of the program. This will allow the Secretary to make food stamp certification periods coterminous with SSI certification periods for SSI households (especially for SSI household who apply for and are recertified for food stamps at Social Security offices). The statute already allows the Secreatry to permit certification periods of more than 12 months for households who are subject to periodic reporting, but due to a technical drafting error made in the statute during enactment of the Omnibus Reconciliation Act of 1981, this language fails to apply to SSI households. That Congress had intended this provision to apply to SSI households is clearly shown by the 1981 Senate Agriculture Committee report.

SECTION 3. Section 3(a) corrects another technical drafting error. Currently, the statute excludes migrant farmworker households from both periodic reporting and retrospective budgeting. However, due to a drafting oversight, all other categories of households excluded from periodic reporting—such as elderly households with no earnings—are not similarly excluded from retrospective budgeting. It is administratively impractical to use retrospective budgeting for households not subject to periodic reporting. This part of section 3 rectifies this technical problem by clarifying that those categories of households excluded from periodic reporting are similarly exempt from retrospective budgeting.

Section 3(b) would provide states an option to provide temporary supplemental benefits for those households subject to periodic reporting/retrospective budgeting who experience a sudden and significant loss of income. Under periodic reporting and retrospective budgeting, a household's benefits for a given month are normally based on the household's income during the second preceding month (e.g., a household's July benefits are based on its income back in May). If such a household were to experience a major income loss after the end of May, its food stamp benefits would not be increased to reflect the income loss for at least two months—creating hardship in the meantime. Prior to the 1981 Reconciliation Act, the Food Stamp Act required that in cases where a household experienced an income loss of more than $50 a month, supplemental benefits would be provided during the interim period so that the household did not face hardship in getting enough food. However, the 1981 Act repealed the supplemental benefits provision and no assistance whatsoever is now provided to deal with these hardships. Section 3(b) of this bill is designed to address this issue. It stakes out a middle ground by providing states an option to supplement the benefits of those households who suffer an income loss of more than $100 a month.

SECTION 4. This section removes from the law the detailed prescription of which categories of households have to report in states using periodic reporting/retrospective budgeting. Instead, states would select the categories of households to report periodically (and to be subject to retrospective budgeting), with the approval of the Secretary. As noted above, the exclusion of migrant and elderly and disabled households is retained. In addition, an exclusion is provided for those categories of households whose inclusion in periodic reporting/retrospective budgeting can be shown by a state to result in unwarranted administrative costs. This is intended to give states with greater flexibility to select the categories of households to be subject to periodic reporting/retrospective budgeting, so that states may target on those households where this system would be most effective.

SECTION 5. This section provides that the provisions of the bill, except for section 1, are effective upon enactment. Section 1, which extends the current state option regarding the use of periodic reporting and retrospective budgeting, would be effective October 1, 1983.

STATE OF NEBRASKA,
Lincoln, Nebr., October 14, 1983.

Hon. EDWARD ZORINSKY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ZORINSKY: We understand that H.R. 3557 has been introduced into the House of Representatives to make Food Stamp Monthly Reporting/Retrospective Budgeting (MR/RB) optional to each state, rather than mandatory. We are writing this letter to request your support for this legislation.

We are of the opinion that the concept of monthly reporting as a method of increasing program efficiency has been oversold. When the Food Stamp Act was amended, making MR/RB mandatory, it was perceived as a vehicle to claim major savings and to reduce errors in entitlement programs. First year data from the Colorado experiment (1976-1977) was used in arriving at an estimate of program savings ($257 million projected nationwide during the 1984 fiscal year, the first year it was to be fully implemented). Second year studies of the Colorado experiment, however, revealed MR/RB had a negative effect upon program spending (findings of the Center on Budget and Policy Priorities). Given this and other evidence currently available, it appears likely that the original estimate overstated the effects of this policy change.

The enclosed sheet provides a financial analysis of the additional costs the State of Nebraska can expect in the event MR/RB remains a mandatory procedure. Our analysis is similar to many studies that we have received. We have also informally surveyed other state agencies, and it appears they too are not convinced that MR/RB is cost efficient.

We appreciate your time and consideration regarding this important matter. Please feel free to contact my office if you have any question, or if you require any further information on this subject.

Sincerely,

GINA C. DUNNING,
Director, Nebraska
Department of Social Services.

Administrative costs to implement MR/RB for food stamp households

One-time costs:	
Initial work order (#3107)	$67,800
Loading cases (3 Full-time Employees-1 month)	2,732
On-going costs (Annualized):	
Programing ($100/mo.)	1,200
Material Division:	
Folding, Insert, Pre-sort	4,200
Forms, envelopes and postage	60,369
Personnel:	
25 FTE's (Income Maintenance Employees—Grade II)	407,100
3 FTE's (Income Maintenance Aides)	39,330
2.4 FTE's (Data Entry)	26,231
Total Cost for First Year	608,962
Nebraska [1] State Funds	304,481
Federal [1] Funds	304,481

[1] Considering a total cost of $608,962 in added administrative costs and the small estimated saving of $108,000, the monthly reporting procedure does not meet the budget reduction objectives.

Cost estimate is conservative, does not consider expenses of worker training, legal appeals, and other activities associated with MR/RB.

Estimated [1] Savings for First Year.....108,000

Savings estimate is projected from quality control data, assumes all overpayments, underpayments, and payments to ineligibles which are the result of client failure to report will be corrected by MR/RB (Monthy Reporting-Retroactive Budgeting).●

By Mr. HELMS:

S. 2017. A bill to amend the Internal Revenue Code of 1954 with respect to deductions for the payment of certain expenses by ministers and members of the uniformed services who receive subsistence and housing allowances; to the Committee on Finance.

DEDUCTIONS FOR PAYMENT OF CERTAIN EXPENSES BY MINISTERS AND MEMBERS OF THE UNIFORMED SERVICES

● Mr. HELMS. Mr. President, in June of this year I introduced Senate bill 1587 to prevent the Internal Revenue Service from enforcing a revenue ruling which provides that ministers may no longer deduct interest and taxes paid on a personal residence to the extent the amounts expended are allocable to tax-exempt income. It has now come to my attention that the Office of General Counsel of IRS has approved a proposed revenue ruling which would accord similar treatment to deductions claimed by members of the Armed Forces who receive housing and subsistence allowances.

Mr. President, ever since the formation of the various branches of our armed services it has been the practice to provide members of the uniformed services with appropriate housing or with a housing allowance where appropriate housing has been unavailable. The granting of subsistence and housing allowances, separate and apart from actual pay, has been the traditional method for compensating members of the armed services and has been provided for either by regulation or by statute. It is codified today in title 37 of the United States Code.

Allowances paid to our military personnel traditionally have been recognized as being exempt from taxation. Both the courts and the Internal Revenue Service have held that subsistence and housing allowances are not items of income. For many years the Internal Revenue Service's regulations specifically have provided that subsistence and housing allowances need not be included in the income tax returns of members of the uniform services. Up to now, members of the Armed Forces have, fully within the letter of the law, deducted interest and taxes on their personal residences just like other taxpayers.

As with ministers, prior to Revenue Ruling 83-3, members of the uniformed services have received an additional benefit when taking such deductions because some of their compensation, in the form of housing and subsistence allowances, is exempted from gross income. In Revenue Ruling 83-3, the IRS has attempted to diminish the benefit available to the clergy. In General Counsel Memorandum 38948, the IRS has expressed its approval of a proposed revenue ruling which similarly would diminish the benefit available to members of our Armed Forces.

Mr. President, as I stated in June when I introduced S. 1587, some would question even whether the IRS should be making what appear to be outright changes in substantive law. The sole purpose of my bill is to prevent the IRS from enforcing Revenue Ruling 83-3 and to prevent the IRS from issuing or enforcing any revenue ruling concerning housing allowance tax deductions to members of the uniformed services.

Traditionally, Congress has tried to promote religion by refraining from taxing religious activities and by providing certain tax benefits for those involved in religious activities. In a similar manner, Congress has tried to bolster and maintain the military strength of our country by providing various incentives and tax benefits to those who serve in our Armed Forces. The recent tragedy in Beirut emphasizes the sacrifices which our military personnel are asked to make on behalf of their country. In return for their service to the country, it is perfectly proper that the Government grant certain benefits which may not be available to the civilian populace. Given the sometimes undesirable location and conditions under which our military personnel are required to live, surely it is not too much to ask that they be permitted to retain the full benefits of their current housing allowance tax deduction.

Mr. President, I ask unanimous consent that the text of Revenue Ruling 83-3, General Counsel Memorandum 38948 and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Amendment Relating to Deductions for the Payment of Certain Expenses by Ministers and Members of the Uniformed Services Who Receive Subsistence and Housing Allowances.

(a) IN GENERAL.—Paragraph (1) of Section 265 of the Internal Revenue Code of 1954 (denying a deduction for payment of certain expenses relating to tax-exempt income) is amended by adding at the end the following sentence: "The preceding sentence shall not apply to income described in Section 107 and shall not apply to the allowances described in 37 U.S.C. §§ 402 and 403."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any deduction for any taxable year beginning after December 31, 1982.

REV. RUL. 83-3, ISSUES

(1) May a veteran deduct educational expenses if the amounts expended are allocable to veterans benefits that are exempt from taxation?

(2) May a minister deduct interest and taxes paid on a personal residence if the amounts expended are allocable to a rental allowance excluded from gross income under section 107 of the Internal Revenue Code?

(3) May a student deduct educational expenses if the amounts expended are allocable to a scholarship that is excluded from gross income under section 117 of the Code?

FACTS

Situation 1. During a taxable year, an unmarried veteran with no dependents, who is an attorney employed by a law firm, received five monthly payments totalling $780 from the Veterans' Administration pursuant to 38 U.S.C. section 1651 et seq., which provides for educational assistance allowances. The purpose of the allowance is to meet, in part, the expenses of a veteran's subsistence, tuition, fees, supplies, books, equipment, and other educational costs. 38 U.S.C. section 1681(a) (1979). Based upon the legislative history behind 38 U.S.C. section 1681 (1979), it is determined that Congress intended one-half of the allowance to be attributable to subsistence and one-half to be attributable to educational costs. See S. Rep. No. 269, 89th Cong., 1st. Sess. 17 (1965). These payments are exempt from taxation under 38 U.S.C. section 3101(a) (1979). The taxpayer incurred expenses for tuition, fees, books, and other expenses in connection with three courses of advanced law education taken at a local university. The employer required the attorney to take the three courses as a condition of continued employment.

During the year, the veteran incurred and paid expenses of $1,054 for the education.

Educational expenses for courses required by the employer as a condition of continued employment generally are deductible as ordinary and necessary business expenses under the provisions of section 162 of the Code, provided the taxpayer elects to itemize deductions.

Situation 2. During the taxable-year, a minister of a gospel who is employed as a pastor of a church received $19,000 as compensation from the church and a combined rental and utility allowance of $6,300. The rental and utility allowance is excludable from the gross income of the minister under section 107 of the Code, to the extent used to rent or provide a home.

During the year, the minister used the rental and utility allowance, together with other funds, to make monthly payments for the residence in which the minister lived. Those payments totaled $8,400 and consisted of principal ($500), insurance ($400), real estate taxes ($1,400), interest ($4,000), and utility costs ($2,100). The minister incurred no other expenses directly related to providing a home during the taxable year. Interest and real property taxes paid are generally deductible expenses under the provisions of section 163 and 164 of the Code, respectively, provided the taxpayer elects to itemize deductions.

Situation 3. Same as in *Situation 1,* except the taxpayer is not a veteran and the $780 qualified as an amount received as a scholarship solely attributable to tuition that is excludable from gross income under section 117 of the Code.

LAW AND ANALYSIS

Section 162 of the Code allows as a deduction all the ordinary and necessary expenses

paid or incurred during the taxable year in carrying on any trade or business.

Section 163 of the Code allows as a deduction all interest paid or accrued within the taxable year on indebtedness.

Section 164 of the Code allows, except as otherwise provided, as a deduction for the taxable year within which paid or accrued, state and local real property taxes.

Section 265(1) of the Code provides that no deduction shall be allowed for any amount otherwise allowable as a deduction that is allocable to one or more classes of income other than interest (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by subtitle A of the Internal Revenue Code, or any amount otherwise allowable under section 212 that is allocable to interest (whether or not any amount of such interest is received or accrued) wholly exempt from the taxes imposed by subtitle A.

Section 1.265-1(c) of the Income Tax Regulations provides that expenses and amounts otherwise allowable that are directly allocable to any class or classes of exempt income shall be allocated thereto, and expenses and amounts directly allocable to any class or classes of nonexempt income shall be allocated thereto. If an expense or amount otherwise allowable is indirectly allocable to both a class of nonexempt income and a class of exempt income, a reasonable proportion thereof determined in the light of all the facts and circumstances in each case shall be allocated to each.

The purpose of section 265 of the Code is to prevent a double tax benefit. In *United States* v. *Skelly Oil Co.*, 394 U.S. 678 (1969), 1969-1 C.B. 204, the Supreme Court of the United States said that the Internal Revenue Code should not be interpreted to allow the practical equivalence of double deductions absent clear declaration of intent by Congress. Section 265(1) applies to otherwise deductible expenses incurred for the purpose of earning or otherwise producing tax-exempt income. It also applies where tax exempt income is earmarked for a specific purpose and deductions are incurred in carrying out that purpose. In such event, it is proper to conclude that some or all of the deductions are allocable to the tax exempt income. See *Heffelfinger* v. *Commissioner*, 5 T.C. 985 (1945), which held that Canadian income taxes on income exempt from U.S. tax are not deductible in computing U.S. taxable income; *Banks* v. *Commissioner*, 17 T.C. 1386 1952), which held that certain educational expenses paid by the Veterans' Administration that were exempt from income tax, were not deductible; *Christian* v. *United States*, 201 F. Supp. 155 (E.D. La. 1962), where a school teacher was denied deductions for expenses incurred for a literary research trip to England because the expenses were allocable to a tax-exempt gift and fellowship grant; and Rev. Rul. 74-140, 1974-1 C.B. 50, which concludes that the portion of the state income tax paid by a taxpayer that is allocable to the cost-of-living allowance, a class of income wholly exempt under section 912 of the Code, is nondeductible under section 265.

In *Manocchio* v. *Commissioner*, 78 T.C. 989 (1982), a taxpayer attended a flight-training course that maintained and improved skills required in the taxpayer's trade or business. As a veteran, the taxpayer was entitled to an educational assistance allowance from the Veterans' Administration pursuant to 38 U.S.C. section 1677 (1976) equal to 90 percent of the costs incurred. Because the payments received were exempt from taxation under 38 U.S.C. section 310(a) (1976), the taxpayer did not report them as income. The taxpayer did, however, deduct the entire cost of the flight training course, including the portion that had been reimbursed by the Veterans' Administration. In a reviewed opinion, the court held that the reimbursed flight-training expenses were nondeductible under section 265(1) of the Code.

In *Manocchio*, the petitioner contended that the Service was estopped from challenging the claimed deduction because of petitioner's reliance on the holding of Rev. Rul. 62-213, 1962-2 C.B. 59, that held that expenses for education, paid or incurred by veterans, that are properly deductible for federal income tax purposes, are not required to be reduced by the nontaxable payments received during the taxable year from the Veterans' Administration.

In rejecting petitioner's argument, the court stated that the Internal Revenue Service has very broad discretion to correct a mistake of law in a ruling and do so with retroactive effect. The court stated:

"Given the fundamental differences in the way these benefits are computed, we cannot say that respondent's decision to treat them differently for tax purposes is 'so devoid of rational basis' as to constitute an abuse of discretion." 78 T.C. 989, 1002, 1003.

In all three situations, the taxpayer has incurred expenses for the purposes for which the tax-exempt income was received. Permitting a full deduction in each situation would lead to a double benefit not allowed under section 265 of the Code.

HOLDINGS

In *Situation 1* and *Situation 3*, the amount of the itemized deductions for tuition, books and other expenses connected with further education must be decreased to the extent the expense is allocable to the amounts received for such expenses from the Veterans' Administration or as a scholarship, as the case may be.

In *Situation 2*, the amount of the itemized deductions otherwise allowable for the interest and real estate taxes must be decreased to the extent the expenses are allocable to the rental allowance received from the church.

The following demonstrates one reasonable method of allocation under section 1.265-1(c) of the regulations that will be accepted by the Internal Revenue Service.

In *Situation 1*, the $1,054 of educational expenses that otherwise qualify for deduction is decreased by one-half of $780 (or $390), computed by multiplying $1,054 (the amount of the expense that is otherwise deductible) by a fraction, the numerator of which is $390 (the amount of the reimbursement allocable to deductible educational costs) and the denominator which is $1,054 (the total of all expenditures to which the reimbursement is applicable): $1,054 x 390÷$1,054=$390. Therefore, the itemized deduction for educational expenses under section 162 is $664 ($1,054 − $390).

In *Situation 2*, the $4,000 of interest otherwise deductible under section 163 of the Code is decreased by $3,000, computed by multiplying $4,000 (the amount of the interest otherwise deductible) by a fraction, the numerator of which is $6,300 (the combined rental and utility allowance) and the denominator which is $8,400 (the total of all expenditures to which the rental and utility allowance is applicable), or $4,000 x $6,300÷$8,400=$3,000. Therefore the deduction for interest allowable under section 163 in *Situation 2* is $1,000 ($4,000 − $3,000).

In *Situation 2*, the $1,400 of real estate taxes otherwise deductible under section 164 of the Code is decreased by $1,050 computed by multiplying $1,400 (the amount of the real estate taxes otherwise deductible) by a fraction, the numerator of which is $6,300 and the denominator of which is $8,400 (as indicated in the preceding paragraph), or $1,400×$6,300÷8,400=$1,050. Therefore, the itemized deduction for real estate taxes allowable under section 164 in *Situation 2* is $350 ($1,400−$1,050).

In *Situation 3*, the $1,054 of educational expenses that otherwise qualify for deduction is decreased by $780, computed by multiplying $1,054 (the amount of the expense otherwise deductible) by a fraction, the numerator of which $780 (the amount of the scholarship) and the denominator of which is $1,054 (the total of all expenditures to which the reimbursement is applicable): 1,054×780÷1,054=780. Therefore, the itemized deduction for educational expenses allowable under section 162 is $274 ($1,054−$780).

EFFECT ON OTHER REVENUE RULINGS

Situation 1 and *2* of this revenue ruling are similar to the situations in Rev. Rul. 62-213, 1962-2 C.B. 59, and Rev. Rul. 62-212, 1962-2 C.B. 41, which hold that the amounts paid by the taxpayers are fully deductible.

Rev. Rul. 62-212 and Rev. Rul. 62-213 are revoked.

PROSPECTIVE APPLICATION

Under the authority contained in section 7805(b) of the Code, this revenue ruling will not be applied to educational expenses paid by veterans who are currently enrolled in an educational program and incurring expenses under the circumstances described in *Situation 1* until the end to the current academic year, but no later than June 30, 1983. Further, this revenue ruling will not be applied to ministers under the circumstances described in *Situation 2* until the end of the minister's current contract year, but no later than June 30, 1983.

CC:I-377-78; I-177-81—BRL:
RPCUNNINGHAM, AUG. 21, 1981

Gerald G. Portney, Assistant Commissioner (Technical).

Attention: *Director, Individual Tax Division.*

In a memorandum dated February 16, 1981, the Director, Individual Tax Division (T:I) forwarded a proposed revenue ruling (Control No. 7808070705) for our concurrence or comment. In a subsequent memorandum dated March 16, 1981, the Director, Individual Tax Division requested our expeditious consideration of the above-named case pursuant to the case being designated as a "Fast Track" ruling in a meeting held on October 8, 1980. Furthermore, in a memorandum dated April 23, 1981, the Director, Individual Tax Division forwarded another proposed revenue ruling (Control No. 8011176951) for our formal consideration in connection with our consideration of the above proposed revenue ruling. For purposes of clarity in this memorandum, the first proposed revenue ruling (Control No. 7808070705) will be referred to as ruling I and the subsequent proposed revenue ruling (Control No. 8011176951) will be referred to as ruling II. We will herein propose to consolidate the two rulings by adding the facts presented in ruling II as Situation 2 in the framework of ruling I.

ISSUES

1. Whether a veteran is entitled to a deduction under I.R.C. §162 for educational expenses when the veteran has received nontaxable amounts from the Veterans' Administration to pay for tuition, fees, books, and other expenses connected with further education.

2. Whether a member of the uniformed services of the United States may deduct expenses for interest and real property taxes on the member's personal residence when the amounts expended are allocable to a tax exempt quarters allowance.

3. Whether a minister of the gospel who receives a nontaxable rental allowance under section 107, is entitled to a deduction for interest and taxes paid with respect to the minister's principal residence.

4. Whether a student may deduct educational expenses under section 162 if the amounts expended are allocable to a scholarship that is excluded from gross income under section 117.

CONCLUSION

We agree with the conclusions reached in both proposed revenue ruling I and II regarding the application of section 265(1) to all four situations. Under section 265(1) the taxpayers in all four situations will not be allowed a deduction for expenses incurred which are allocable to the receipt of tax free income. We disagree, however, on the exact method of allocating the tax free income among expenses incurred under Treas. Reg. §1.265-1(c). In particular, we believe that the Veterans' Administration assistance payment in Situation I should be allocated between subsistence and other direct educational costs, and should not be allocated solely to the direct educational costs.

FACTS

Situation 1.—During a taxable year, an unmarried veteran with no dependents, who is an attorney by a law firm, received five monthly payments totalling $780 from the Veterans' Administration pursuant to 38 U.S.C. §1651 *et seq.*, which provides for education assistance allowances. The purpose of the allowance is to meet, in part, the expenses of a veteran's subsistence, tuition fees, supplies, books, equipment, and other education costs. 38 U.S.C. §1681(a) (1979). These payments are exempt from taxation under 38 U.S.C. §3101(a) (1979). The taxpayer incurred expenses for tuition, fees, books and other expenses in connection with three courses of advanced law education taken at a local university. The employer required the attorney to take the three courses as a condition of continued employment. During the year, the veteran incurred and paid expenses of $1,054 for the education. Education expenses for courses required by the employer as a condition of continued employment generally are deductible as ordinary and necessary business expenses under the provisions of section 162, provided the taxpayer elects to itemize deductions.

Situation 2.—Basic allowances for subsistence and quarters for members of the uniformed services of the United States are provided for by 37 U.S.C. §§402 and 403 (1981). The basic allowance for subsistence is payable to all officers at a specified amount per month and to enlisted persons, when authorized, at a specified amount per day. The basic allowance for quarters payable to members who are not furnished quarters in kind varies in amount according to the member's grade or rank and whether the member does or does not have dependents. The basic allowances for subsistence and quarters are excludable from gross income. A taxpayer who was a member officer at grade O-5 without dependents would receive, pursuant to 37 U.S.C. §1009 (1981), a quarters allowance of $354 per month (approximately $4,250 for the year) and receive subsistence of $82.58 per month (approximately $1,000 for the year). The taxpayer incurred the following expenses totaling $8,000 to provide a home: principal ($750), interest ($6,000), insurance ($250), and real estate taxes ($1,000).

Situation 3.—During the taxable year, a minister of the gospel who is employed as pastor of a church received $19,000 as compensation from the church and a rental and utility allowance of $6,300. The rental and utility allowance is excludable from the gross income of the minister under section 107, to the extent used to rent or provide a home.

During the year, the minister used the rental and utility allowance, together with other funds, to make monthly payments for the residence in which the minister lived. Those payments totaled $6,300 and consisted of principal ($500), insurance ($400), real estate taxes ($1,400), and interest ($4,000). Utility costs amounted to $2,100. The minister incurred no other expenses directly related to providing a home during the taxable year. Interest and real property taxes paid are generally deductible expenses under the provisions of section 163 and 164, respectively, provided the taxpayer elects to itemize deductions.

Situation 4.—Same as in Situation 1, except the taxpayer is not a veteran and the $780 qualifies as an amount received as a scholarship excludable from gross income under section 117.

ANALYSIS

Section 265(1) provides that no deduction shall be allowed for any amount otherwise allowable as a deduction which is allocable to one or more classes of income other than interest wholly exempt from the taxes imposed by subtitle A.

Treas. Reg. § 1.265-1(c) provides that expenses and amounts otherwise allocable which are directly allocable to any class or classes of exempt income shall be allocated thereto; and expenses and amounts directly allocable to any class or classes of nonexempt income shall be allocated thereto. If an expense or an amount allowable is indirectly allocable to both a class of nonexempt incme and a class of exempt income, a reasonable proportion thereof determined in the light of all the facts and circumstances in each case shall be allocated to each.

The basic question presented by the proposed revenue rulings is whether the various expenses which were incurred are nondeductible by reason of section 265(1) since the taxpayer in each situation received the exempt funds to cover, at least in part, the expenses he incurred. For purposes of the proposed revenue rulings and this memorandum it is assumed that the income received in each situation is tax exempt under either section 107, 117, 37 U.S.C. §§402 and 403 (1981), or 38 U.S.C. §§3101(a) (1979). It is further assumed that the expenses incurred by the taxpayer would be otherwise deductible under section 162, 163, or 164. Therefore, our analysis will focus upon the application of section 265(1) and the proper allocation of expenses to be made under Treas. Reg. § 1.265-1(c).

Proposed revenue ruling I holds that in Situations 1 and 4 (shown herein), the amount if itemized deductions for tuition, books and other expenses connected with further education must be decreased to the extent the expense is allocable to the amounts received for such expenses from the Veterans' Administration or as a scholarship, as the case may be. Ruling I additionally holds that in the facts of Situation 3, the amounts of the itemized deductions otherwise allowable for the interest and real estate taxes must be decreased to the extent the expenses are allocable to the rental allowance received from the church. Proposed revenue ruling II (treated herein as Situation 2) holds that the amount of the itemized deductions otherwise allowable for interest and real estate taxes must be decreased to the extent the expenses are allocable to the members' nontaxable basic quarters allowance. We agree with the holdings for each situation, however, we do not necessarily believe the allocation of expenses in each situation is appropriate.

The expenses that are incurred by the taxpayer in Situations 1, 2, and 3 are not being matched directly with the tax exempt funds on a dollar for dollar basis. If the taxpayer was being compensated with tax exempt funds for his exact expenses as they were incurred, it appears a reimbursement theory would apply and require that any deduction otherwise allowable with respect to the expense be decreased to the extent the expense is allocable to the reimbursement. *See for example Burnett v. Commissioner,* 356 F.2d 755 (5th Cir. 1956) *cert, denied,* 385 U.S. 832 (1966). Furthermore, in Rev. Rul. 80-173, 1980-27 I.R.B. 8, the Service held that the reimbursement theory applied only to the payments made to pilots under 38 U.S.C. 1677 (1979) and did not apply to the subsistence and education allowance payments paid to veterans under 38 U.S.C. 1681 (1979). With respect to ministers, although the rental allowance excludable under section 107 must be used to rent or provide a home, the rental allowance does not need to be used for interest or taxes in order to be either received by the minister of the gospel or excluded from gross income. Therefore, we do not see the direct relationship necessary to apply the reimbursement theory. Rather, the amounts which the taxpayer seeks to deduct as expenses are sufficiently related to the receipt of tax free income that the expenses may be viewed as allocable to the tax exempt income for purposes of section 265(1).

With respect to situation 4, it is possible for the reimbursement theory to be applicable to a situation involving the receipt of a tuition payment. We have altered the facts in our revised proposed revenue ruling, however, to bring situation 4 into agreement with the other situations and within the coverage of section 265(1).

Once subject to section 265(1) only those expenses allocable to the tax exempt income are disallowed as deductions. Treas. Reg. § 1.265-1(c) sets forth an allocation process covering expenses which are either directly or indirectly allocable to tax exempt income. We agree with the proposed revenue ruling's use of Treas. Reg. § 1.265-1(c) for allocation purposes but we believe it may have been applied inconsistently in proposed revenue ruling I. In Situation 1 of proposed revenue ruling I a formula is established which allocates the total expenditures for educational expenses to the amount of tax exempt income received. In Situation 2 of proposed revenue Ruling I, nondeductible expenses are also allocated to the tax exempt income.

The Veterans' Administration payments in Situation 1 are made pursuant to 38 U.S.C. § 1681 (1979) and although designated as eductional assistance the payments expressly provide for the veteran's subsistence as well as tuition, books, and other educational costs. Since the assistance payment is at least partially for subsistence expenses, which are nondeductible personal expenses of the veteran, it would seem the educational cost $1,054 is not the only expense allocable to the $780 of tax free income. Thus, we agree with the formula presented in Situation 1 of proposed revenue ruling I but we believe the denominator which represents the total of all expenditures to which the reimbursement is applicable would theoretically have to include the veteran's subsistence expenses.

Difficultuies arise if we try to attach a figure, for allocation purposes, to the amount the veteran spent on subsistence. For "indirectly allocable" expenses Treas. Reg. § 1.265-1(c) provides that a reasonable proportion of such expenses, determined in the light of all the facts and circumstances of each case, should be allocated to the exempt and nonexempt income. On the other hand, the $780 tax free assistance from the Veterans' Administration could be allocated between the veteran's nondeductible subsistence expenses and his other deductible educational expenses. One logical way to determine how much of what the veteran spent on subsistence, and should be allocated to the tax free income, is to determine what portion of the assistance payment was intended for subsistence and what portion was intended to cover the other educational costs. An examination of the statutory development of the educational assistance allowance under 38 U.S.C. § 1681 (1979), as well as the legislative history behind the various public laws providing for veteran's benefits, may be helpful in determining the proper allocation.

Although Congress has not specifically stated what portion of the educational assistance allowance provided for in 38 U.S.C. § 1681 is attributable to subsistence and what portion is attributable to educational costs, our examination of the legislative history provides some insight into the intent of Congress in establishing an educational assistance allowance. It is clear that some portion of the allowance is attributable to subsistence and some portion is attributable to educational costs. In 1944 a veteran could receive $500 per year for educational costs and up to $450 ($675 if dependents) for a subsistence allowance. These amounts are approximately equal. In 1966 the Senate noted that due to the high cost of education the post-Korean veteran would pay a much greater proportion of his educational allowance for tuition than was the case with a similarly circumstanced Korean veteran enrolled in school in 1952. The Congress was made aware of a Library of Congress study stating that a post-Korean veteran could be expected to pay over 50 percent of his education allowance for tuition as contrasted with 28 percent for an identical amount paid to a Korean veteran in 1952. S. Rep. No. 269, 39th Cong., 1st Sess. 17 (1965). Subsequent to 1966, there seems to be a Congressional awareness of rising educational costs at a rate sometimes exceeding the rise in the cost of living. It is arguable that since 1952 there is a tone throughout the legislative history of the educational assistance allowance that Congress sought to provide an equal amount for educational costs as for living costs. There exists no evidence that Congress intended to provide more for subsistence than for education.

We therefore submit that the most reasonable conclusion that may be drawn from the legislative history of the educational assistance allowance provided for in 38 U.S.C. § 1681 (1979) is that Congress intended that one-half of the allowance is attributable to subsistence and one-half is attributable to educational costs. In reaching this conclusion we have relied on the existence of a Congressional awareness of rising educational (tuition) costs, the assumption that Congress in 1966 was moved by the Library of Congress study that over 50 percent of the educational assistance allowance was going toward tuition, the impression in the legislative history that subsistence and education were nearly co-equal factors in the allowance, and the separate but generally equal treatment of educational costs and subsistence allowance present in 1944.

Since we have concluded that the Veterans' Administration allowance may be viewed as one-half for subsistence and one-half for direct educational costs we believe the proposed revenue ruling should reflect this. One way to demonstrate this allocation is to treat the veteran as receiving a $780 reimbursement that would be initially allocated one-half to the non-ductible subsistence expenses and one-half to the deductible educational expenses. The result of this would be to only have $380 of the $780 reimbursement allocable to the $1,054 of educational expenses which will in turn increase the amount of section 162 deduction allowed.

There is one other situation in proposed revenue ruling I where the distinction between direct and indirect expenses is unclear. The minister in Situation 3 was provided both a rental allowance of $4,800 and a utility allowance of $1,500. Proposed revenue ruling I combines these two allowances and treats them in the formula as entirely indirect expenses. It would seem, in accordance with Treas. Reg. § 1.265-1(c), that the allowance for utilities is specific and direct and should therefore be treated as a direct expense. It would then follow that $4,800 rental allowance would be treated as for indirect expenses and the formula in the proposed revenue ruling would be applied accordingly. For purposes of simplicity, however, we have combined the rental and utility allowances in the revised proposed revenue ruling to constitute one $6,300 rental and utility allowance which may be treated as an indirect expense.

One overriding consideration in determining the proposed allocations in the proposed revenue ruling is that the method of allocating indirect expenses which is present, i.e., the proportion which the tax free income received bears to the total expenses incurred to which the payment relates, is not a mandatory method of allocation. Rev. Rul 59-32, 1959-1 C.B. 245, held that the portion of any administration expenses of an estate or trust attributable to the earning of tax exempt income, which is not deductible for Federal income tax purposes, is allowable as a deduction for Federal estate tax purposes. The ruling additionally concluded that the maximum amount deductible from gross income is limited by virtue of section 265(1) to that portion of such expenses which is attributable to includible gross income. In the case of *Mallinckrodt v. Commissioner*, 2 T.C. 1128, *acq.*, 1944-1 C.B. 18, the court held that in the absence of any evidence indicating a more reasonable method of allocation, that the expenditures are to be allocated to taxable income and nontaxable income of such years in the proportion that each bears to the total of taxable and nontaxable income for such years. Although the *Mallinckrodt* case found it reasonable to prorate expenses on the basis of total income, the Service in Rev. Rul. 63-27, 1963-1 C.B. 57, recognized the method of allocation set forth in both the court's decision and Rev. Rul. 59-32, but concluded that the method of allocation was not mandatory. Rev. Rul. 63-27 set out to clarify the Service's position on allocation under Treas. Reg. § 1.265-1(c) and pointed out that the method set forth in Rev. Rul. 59-32 was merely an example method and that since it was not mandatory, another reasonable method would be acceptable under the language of the regulations.

The difficulty we see with the allocation formula presented in proposed revenue ruling I is that there is no indication that another reasonable method would be accepted. We believe the revised proposed revenue ruling should reflect that although the illustrated method will be accepted if the taxpayer decides to utilize it, the taxpayer may choose another reasonable method of allocation under the facts and circumstances, and fit within the allocation requirement of Treas. Reg. § 1.265-1(c).

Regarding proposed revenue ruling II (shown herein as Situation 2), we believe it fits squarely within the treatment and conclusion reached concerning the portion of the veteran's payment in Situation 1 which is allocable to education. We do not believe there is a conflict with the position taken in proposed revenue ruling II and Rev. Rul. 55-572, 1955-2 C.B. 45, considered by this office in G.C.M. 28769, . . . A-468453, A-473633 (March 31, 1955). Since there was no basis for travel expenses incurred in Rev. Rul. 55-572 to be allocated to the tax exempt basic allowance for quarters and subsistence, we agree there is no viable authority to reduce the deductible travel expenses by the tax free allowance received. We believe, however, that section 265(1) may be appropriately applied to Situation 2 to require the taxpayer to decrease his itemized deductions otherwise allowable for interest and real estate taxes to the extent the expenses are allocable to the member's nontaxable basic quarters allowance.

We have added dollar amounts to the subsistence and quarters allowance received by the taxpayer and the expenses incurred by the taxpayer in Situation 2. The member will receive $1,000 of subsistence and $4,250 of quarters allowance. Similar to the treatment of the veteran the payment directly allocable to nondeductible subsistence will not be considered, and only the $4,250 received will serve as the basis for determining the amount of deductible interest and real estate taxes in the same manner as the minister's deductions in Situation 3 are determined.

Our conclusion in this case conflicts with G.C.M. 31939, . . . and . . . A-616368 and A-632506 (March 16, 1961), (underlying Rev. Ruls. 62-212 and 62-213), and consequently it is revoked. Because certain conclusions reached in G.C.M. 35161, . . . I-5072 (December 12, 1972), and G.C.M. 35169, . . . I-4654 (December 15, 1972), were based on Rev. Ruls. 62-212 and 62-213, those two memoranda are modified by deleting that portion of the analysis dealing with Rev. Ruls. 62-212 and 62-213 and modifying the analysis to make section 265(1) applicable. The conclusion reached in G.C.M. 34548, . . . I-890 (July 1, 1971), is reaffirmed. Al-

though the conclusion of G.C.M. 34506, *Assistance Payment Under Section 235 and 236 of the National Housing Act*, I-3733 (May 26, 1971), was not followed (*see* G.C.M. 35111, *Assistance Payments Under Section 235 and 236 of the National Housing Act*, I-3733 (November 13, 1972); Rev. Rul. 75-271, 1975-2 C.B. 23; Treas. Reg. § 1.163-1(d)), the result and part of the analysis is consistent with this memorandum and to that extent it is reaffirmed.

In summary, we agree with the ultimate conclusions in all three situations of proposed revenue ruling I, but we have made some changes to reflect our position on the allocation issue. In addition, we have added the situation from proposed revenue ruling II into the framework of proposed revenue ruling I, as Situation 2 and we agree with its conclusion. Attached is a revised proposed revenue ruling for your consideration, which combines the situations from both proposed revenue ruling I and II.

Kenneth W. Gideon, Chief Counsel.

By: Donald J. Drees, Jr., Acting Assistant Director, Interpretative Division.●

By Mr. KENNEDY (for himself, Mr. HEINZ, Mr. METZENBAUM, and Mr. RIEGLE):

S. 2018. A bill to amend the Public Health Service Act to authorize financial assistance for organ procurement organizations, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL ORGAN TRANSPLANT ACT

Mr. KENNEDY. Mr. President, today I am joining with Senators HEINZ, METZENBAUM, and RIEGLE in introducing the "National Organ Transplant Act." This bill will contribute to the creation of a national strategy on organ transplantation.

The tragic plight of many of our citizens in desperate need of organ transplants in order to live continues to receive coverage in our mass media. This coverage has not only evoked an outpouring of positive emotions from the American public, but it has also highlighted the need for a national policy on organ transplants.

In my own State of Massachusetts, Charles and Marilyn Fiske could not find a donor for a liver for their 10-month-old daughter, Jamie, last year until a plea was made before a session of the American Academy of Pediatrics; this plea received major television network coverage. Subsequently, a liver from a 10-month-old Salt Lake City auto accident victim was offered for transplantation.

I want to stress that the liver offered for transplantation for the Fiske's child did not come from Massachusetts or from New England or even from the Midwestern States. The compassionate action of citizens living in a State regions removed from Massachusetts saved little Jamie's life. This fact alone suggests the benefit that can be found in an organ donor network that has nationwide capabilities.

Jamie Fiske was lucky. The pleas of her family could be answered. However, there remain those who wait for the miracle of modern medicine to save their lives.

Mary Gray of Washington, D.C., is still waiting. Ashley Bailey of Clyde, Tex., is still waiting. Crystal Dieticker of North Bend, Wash., is still waiting. Shanna Wilkerson of Conroy, Tex., is still waiting, and Richard Sutton of San Antonio, Tex., is still waiting. These children are not the only ones who wait. Paul Raymond, 48 years old, from West Bridgewater, Mass., also waits. And Patricia Carter, 36 years old, from Hummelstown, Pa., is waiting.

Those who need liver transplants and wait are joined by those who wait for other organs. Patricia Ronan of Woburn, Mass., still struggles for her life as she waits for a new heart and lungs. Lorene White of Nashville, Tenn., waits at Stanford University for a heart.

The case of a 49-year-old father of seven children epitomizes the host of issues in today's inadequate transplant policy. Donald Rager of Josephine, Pa., was told that unless he could come up with $60,000, he could not even be considered for a heart transplant. And unless Mr. Rager has a heart transplant, he will die. Friends, relatives, and neighbors managed to raise almost $25,000 from a variety of local events. Finally, a local bank agreed to a loan just last week.

Donald Rager's life is still on the line. After weeks of worrying about getting the money for a transplant, he has to worry about finding a donor of a heart.

Because there was no system of financing available, Donald Rager had to turn to handouts and donations. Because there is no national computerized organ donor network in place, Mr. Rager's fate rides on a patchwork organ procurement system that is spotty in some areas and overlaps in other areas.

Thus, the Congress must be concerned about the current system of organ identification and allocation, as well as the current system of reimbursement for transplant procedures that does not adequately cover new technologies which offer both life and hope to those citizens faced with either death or severe limitations in their lives.

Mr. President, there are those who feel that the Federal Government has not been responsive to the needs of potential transplant recipients. Medicare does not reimburse for either heart of liver transplants. In fact, the only organ transplants for which medicare reimburses are kidney and cornea transplants. The Health Care Financing Administration (HCFA) considers liver and heart transplants experimental rather than therapeutic, reasonable, and necessary.

Currently, Federal dollars, through the end stage renal disease program, pay for a hodgepodge of organ procurement agencies. Federal dollars also pay for several networks set up to exchange information about kidneys or corneas.

However, because of HCFA interpretations, those agencies and networks cannot recover the cost of identifying and procuring organs other than kidneys of corneas. This means that a separate system has to be set up for hearts, livers, and other organs. Clearly, this policy breeds duplication and inadequacies.

As a result of these concerns and the obvious need for information by the American people, I introduced, in August, legislation, S. 1728, to create a National Task Force on Organ Procurement and Transplant Reimbursement. This legislation would direct the Secretary of Health and Human Services to convene for 6 months a 12-member task force to assess the status and adequacy of organ procurement and dissemination mechanism, as well as develop a plan for a permanent body to make recommendations to public and private insurers on the appropriateness of insurance reimbursement for particular transplant procedures.

In the weeks following the introduction of S. 1728, a number of ethical questions have been raised in the debate on organ transplants. There are those who advocate the buying and selling of human organs at Federal expense. There have been proposals to make the procurement system a for-profit system. These proposals raise a set of questions of equal importance—questions that must be addressed by our public policy.

This Congress has already decided that liver transplants may be available to the minor dependents of military personnel who require such procedures. As a result of a provision in the Department of Defense Authorization Act, liver transplants are reimbursable by CHAMPUS at hospitals which have been approved for such purposes by the Secretary of Defense. This provision was a very positive step forward, but America needs a national policy that addresses the needs of all our citizens, not just military dependents. And we need a policy that addresses all transplant organs, not just livers.

In the House of Representatives, Congressmen GORE, WAXMAN, and SKEEN have provided valuable leadership on this issue. Some 2 months after the introduction of S. 1728, H.R. 4080, the National Organ Transplant Act was introduced in the House. I have had time to study the House bill, to compare its content with objectives of S. 1728, to review the record of the hearings which gave rise to H.R. 4080 and to conclude that the Senate should have an opportunity to address the solutions proposed by the National

Organ Transplant Act. As a result, I am introducing the Senate version of H.R. 4080.

I anticipate that changes will be proposed to the National Organ Transplant Act once it reaches the responsible committees. The National Organ Transplant Act can benefit from the contributions and ideas of other Senators and Representatives interested in assuring that an adequate organ procurement system and transplant reimbursement mechanism exist in this country.

I urge my colleagues to join with Senators HEINZ, METZENBAUM, and RIEGLE and me in our efforts. Out of the debate of the Senate and in cooperation with our friends in the House, we will be able to forge a comprehensive, effective national policy that will bring hope to those of our citizens who need organ transplants in order to live.

● Mr. HEINZ. Mr. President, I am pleased to introduce today, with Senators KENNEDY, METZENBAUM, and RIEGLE, S. 2018, the "National Organ Transplant Act." This legislation will establish a national framework to effectively deal with the current problems associated with organ transplantation. The critical need for such a national strategy on organ transplantation is obvious. We all know there is something fundamentally wrong in our country when it takes a national media campaign for an organ donation for a family to save the life of a loved one.

Last year, over 5,000 Americans benefited from recent dramatic improvements in organ transplant surgery. Tragically, however, many thousands of other Americans are left waiting, and many will die because they cannot be matched with suitable donors. In addition, hundreds of donated organs were wasted because we lack an effective national system of matching organs with needy donors.

This senseless waste has occurred despite the outstanding efforts of many individuals and organizations involved with organ procurement and despite widespread Federal funding. We urgently need a clear national strategy for an effective national system of organ retrieval and distribution.

This bill establishes such a system by creating a U.S. Transplantation Network to assist in uniting the existing 110 organ procurement systems into one nationwide network. Through a computerized national registry, this network will link individuals who need organs with donated organs. This bill also establishes a National Center for Organ Transplantation within the Department of Health and Human Services. This center will coordinate the Federal role in organ transplanation, as well as the organ procurement activities of Medicare. The existing organ procurement system, despite widespread Federal funding, has operated without such assistance.

In addition, this bill authorizes a program of grants to develop and expand local organ procurement organizations throughout the country. It also provides to the Secretary of Health and Human Services a mechanism to help insure the timely availability of these new lifesaving technologies.

Last, and quite significantly, this bill prohibits the sale of human organs. Human organs for sale raises the specter of black-market trafficking in human flesh. Such profiteering must be prevented at all costs.

The need to define the Federal role in organ transplantation prompted my sponsorship, along with Senator KENNEDY, of S. 1728, to establish a National Task Force on Organ Procurement and Transplant Reimbursement. Subsequent to the introduction of S. 1728, Congressmen GORE and WAXMAN held hearings, culminating in the introduction of H.R. 4080, the National Organ Transplant Act. Having reviewed their bill, along with the record of related hearings in both the House and the Senate, I now believe the approach embodied in H.R. 4080 merits our support and therefore we are introducing the Senate version of this bill.

Support for this legislation is widespread within the medical community. Dr. Thomas E. Starzl, the preeminent liver transplant surgeon from the University of Pittsburgh, terms this bill as not only useful but obligatory.

I have continuing concerns that Federal involvement be supportive of private sector initiatives in this area, rather than dictate private sector behavior through unnecessary regulation. I believe this bill can accomplish that goal. In addition, this legislation, as all health legislation, must be evaluated in the context of medical cost containment efforts. A study by the Health Care Financing Administration (HCFA) has shown that organ transplants can actually save money. This study reflected that over a 5-year period, for every increase of 1,000 patients transplanted per year, $12 million would be saved by the Government under its end stage renal disease program.

I would hope that this legislation invites rigorous debate on these and other issues from my colleagues to assure that a comprehensive national strategy on organ transplantation is formulated.

I urge my colleagues to join with Senators KENNEDY, METZENBAUM, RIEGLE, and myself in support of this bill to help assuage the anguish of thousands of Americans who look to an organ transplant as their or their loved one's last hope.●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2020. A bill to amend the Internal Revenue Code of 1954 to permit certain retroactive elections to relinquish the carryback period for net operating losses; to the Committee on Finance.

ELECTIONS TO RELINQUISH THE CARRYBACK PERIOD FOR NET OPERATING LOSSES

● Mr. RIEGLE. Mr. President, I am today introducing a perfecting amendment to section 172 of the Internal Revenue Code of 1954 to permit a one-time election to forgo the carryback of certain net operating losses (NOL's). I am pleased that my colleague from Michigan has joined as a cosponsor of this matter.

The Tax Reform Act of 1976 (TRA) added section 172(b)(3)(c) to permit taxpayers to make an irrevocable election not to carry back an NOL from a taxable year but instead to only carry the NOL forward for the allowable carryforward period, which was then 7 years. Those not exercising such election are required to carry back NOL's. The purpose of the TRA provision was to facilitate greater use of NOL's and investment tax credits (ITC's) which interact with each other.

Recognizing the benefits of the new section 172 provision, Congress, in order to further maximize the use of NOL's and ITC's, included an amendment to the section in the Economic Recovery Tax Act of 1981 (ERTA) to extend the carryforward period from 7 years to 15 years for taxable years ending after 1975 and ITC's earned in taxable years ending after 1973. However, many taxpayers who had NOL's in the late 1970's and early 1980's were induced to carry back losses and not elect to carry them forward because at the time the carryforward period was only 7 years. Because they did not anticipate being able to absorb their NOL's in the coming 7 years, these taxpayers were better off to carry back a loss even at the expense of allowing some of their previous years' tax credits to go unused.

My amendment will allow taxpayers to make a one-time election to forgo the carryback of NOL's incurred in taxable years ending after December 31, 1975, and for which tax returns were filed before August 31, 1981, the date of enactment of ERTA. This election would be permitted only for a taxable year which is still open and only if the taxable years to which the NOL's were originally carried back are still open with respect to the NOL's in question.

It is only reasonable to conclude that certain taxpayers may well have elected to forgo carryback if the 15 year carryforward period had been in effect at the time. This amendment would correct an inequity by permitting these taxpayers a 1-year window

period in which to make a new election.

In keeping with the intent of section 172(b)(3)(c), the merits of my amendment are clearly in evidence. The proposed amendment is merely a perfecting technical change to insure the maximum taxpayer utilization of NOL's and ITC's. My amendment would accomplish its objective with no significant revenue loss to the Treasury. In fact, as a general rule, taxpayers who make the new election would be required to pay additional taxes now for the taxable years to which their NOL's had been originally carried back, and this additional revenue may not be offset until the NOL's are used perhaps as late as 15 years after they are incurred.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD at this point, and commend it to the attention of my colleagues.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW ELECTION TO RELINQUISH CARRYBACK PERIOD FOR CERTAIN NOLS.

Section 172(b)(3) of the Internal Revenue Code of 1954 is amended by inserting after subparagraph (C) the following new subparagraph (D):

"(D) Any taxpayer may make the election described in subparagraph (C) (without regard to the limitation contained in subparagraph (C) on when such election may be made) after October 31, 1983, and before November 1, 1984, with respect to—

"(i) any taxable year—

"(I) ending after December 31, 1975,

"(II) for which the original tax return was filed before August 14, 1981, and

"(III) for which the period (including any extensions by agreement under section 6501(c)(4)) within which as deficiency may be assessed in accordance with section 6501 has not expired, or

"(ii) any taxable year which is a loss year for which the original tax return was filed after August 13, 1981, if at the time of filing such return no portion of such net operating loss for such loss year was carried to an earlier taxable year but, as a result of an election made pursuant to this subparagraph with respect to a taxable year prior to such loss year, all or a portion of such net operating loss would be carried back unless an election is made with respect to such loss years."

SEC. 2. EXTENSION OF TIME FOR ASSESSING A DEFICIENCY.

Section 6501 is amended by adding the following subsection:

"(r) Deficiency Attributable To Election Under Section 172(b)(3)(D).—The period for assessing a deficiency attributable to any election under section 172(b)(3)(D) shall not expire before the date 1 year after the date on which the Secretary is notified of such election."●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. COCHRAN, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 37, a bill to temporarily reduce the duty on certain disposable surgical drapes and sterile gowns.

S. 476

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 564

At the request of Mr. MATSUNAGA, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 564, a bill to establish the U.S. Academy of Peace, and for other purposes.

S. 764

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. ARMSTRONG), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 1163

At the request of Mr. GLENN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1163, a bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

S. 1167

At the request of Mr. DURENBERGER, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1167, a bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a motor vehicle will be determined in the same manner Government employees determine reimbursement for use of their vehicles on Government business.

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school age children and for other purposes.

S. 1680

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1691

At the request of Mr. ARMSTRONG, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1691, a bill to amend the Social Security Act to recognize effective program adminstration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs and for other purposes.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. D'AMATO), the Senator from Ohio (Mr. GLENN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 2001

At the request of Mr. PROXMIRE, his name was added as a cosponsor of S. 2001, a bill to amend the Clean Air Act to reduce interstate transport of pollutants, control acid deposition and for other purposes.

SENATE JOINT RESOLUTION 137

At the request of Mr. RIEGLE, the names of the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Kansas (Mr. DOLE), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Senate Joint Resolution 137, a joint resolution to designate April 7, 1984, as "World Health Day."

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE JOINT RESOLUTION 173

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana (Mr. LONG) was added as a cosponsor of Senate Joint Resolution 173, a joint resolution commending the historic American buildings survey, a program of the National Park Service, Department of the Interior.

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution

181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. DOMENICI, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from Idaho (Mr. MCCLURE), and the Senator from Maine (Mr. COHEN) were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

At the request of Mr. HOLLINGS, the names of the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. BENTSEN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Michigan (Mr. RIEGLE), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Concurrent Resolution 70, supra.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

SENATE RESOLUTION 225

At the request of Mr. BAUCUS, the names of the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Idaho (Mr. MCCLURE), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Resolution 225, a resolution relating to the dismantling of nontariff trade barriers of the Japanese to the the import of beef.

AMENDMENTS NO. 2427

At the request of Mr. BENTSEN, his name, and the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Montana (Mr. MELCHER), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Oklahoma (Mr. BOREN), the Senator from Arkansas (Mr. PRYOR), the Senator from Alabama (Mr. HEFLIN), the Senator from Montana (Mr. BAUCUS), the Senator from Kentucky (Mr. FORD), the Senator from Nebraska (Mr. EXON), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of amendment No. 2427 intended to be proposed to S. 979, a bill to amend and reauthorize the Export Administration Act of 1979.

SENATE CONCURRENT RESOLUTION 80—RELATING TO BALTIC STATES SELF-DETERMINATION

Mr. DOLE (for himself, Mr. LEAHY, Mr. D'AMATO, Mr. BENTSEN, Mr. BUMPERS, Mr. MOYNIHAN, Mr. HEINZ, Mr. HATFIELD, Mr. EXON, Mr. GORTON, Mr. COHEN, Mr. PRESSLER, Mr. MATTINGLY, Mr. RIEGLE, Mr. DURENBERGER, Mr. GLENN, Mr. PERCY, Mr. HART, and Mr. ARMSTRONG) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

SENATE CONCURRENT RESOLUTON 80

Whereas the United States, since its inception, has been committed to the principle of self-determination;

Whereas the United States, has adhered to the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and other relevant instruments relating to human rights;

Whereas the United States, has supported the Declaration of Granting of Independence to Colonial countries and Peoples, adopted by the United Nation's General Assembly in Resolution 1514 (XV) of December 14, 1960, and has taken note of the resolution on the question of the Baltic States, adopted by the European Parliament in its session on January 13, 1983, in Strassbourg, France;

Whereas the three Baltic republics, Estonia, Latvia, and Lithuania, did not become member republics of the Soviet Union voluntarily, but rather were occupied militarily and subsequently incorporated by force into the Soviet Union and have since been governed by governments approved by, and subservient to, the Government of the Soviet Union; and

Whereas the United States has consistently refused to recognize the unlawful Soviet occupation of the Baltic States and has continued to maintain diplomatic relations with representatives of the independent republics of Estonia, Latvia, and Lithuania: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States, as a member of the United Nations, should fulfill its obligations, on the basis of the appropriate international instruments, to promote and encourage respect for human rights and fundamental freedoms in Estonia, Latvia, and Lithuania;

(2) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should take all necessary steps to bring the question of self-determination of the Baltic States before all appropriate forums of the United Nations, especially before the next session of the United Nations Human Rights Commission as a priority topic under agenda item 9 entitled "The Rights of Peoples to Self-Determination and its Application to Peoples Under Colonial or Alien Domination" and to discuss specifically in those forums—

(A)(i) the continued reports of widespread violations of human rights and fundamental freedoms in Estonia, Latvia, and Lithuania, including the freedom of expression, the freedom to worship according to the dictates of one's own conscience, the freedom to celebrate one's cultural heritage, and the freedom to choose one's place of residence; and

(ii) the persecution of persons seeking to exercise such rights;

(B) the United States' most profound concern that the people of Estonia, Latvia, and Lithuania be granted the right to self-determination, to choose their own form of government, their own economic, political, and social system without any outside intervention, subversion, coercion, or constraint of any kind; and

(C) a political resolution of the situation in Estonia, Latvia, and Lithuania on the basis of—

(i) the withdrawal of Soviet troops from these states,

(ii) respect for the independence, sovereignty, and territorial integrity of Estonia, Latvia, and Lithuania, and

(iii) strict observance of the principle of nonintervention by one sovereign state in the internal and external affairs of another sovereign state.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

● Mr. DOLE. Mr. President, I am pleased to join Senators LEAHY, D'AMATO, BENTSEN, BUMPERS, MOYNIHAN, HEINZ, HATFIELD, EXON, GORTON, MATTINGLY, RIEGLE, DURENBERGER, GLENN, PERCY, HART, ARMSTRONG, COHEN, and PRESSLER in submitting a Senate concurrent resolution on self-determination for the Baltic States, calling upon the President of the United States to direct the American delegation to the United Nations to bring the question of self-determination for Estonia, Latvia, and Lithuania before all appropriate fora of the United Nations, and in particular, before the U.N. Commission on Human Rights.

Mr. President, as my colleagues in the Senate are aware, the Soviet Union is the largest remaining colonial empire on the face of the Earth. Among its many colonies are the formerly free Baltic Nations of Estonia, Latvia, and Lithuania. This resolution would give serious impetus to international recognition of the colonial status of these Baltic States and would call attention to continued Soviet human rights violations and religious repression in those countries. I would note here that our Government has never recognized the Soviet occupation of the Baltic States and continues to recognize the accredited diplomatic representatives of the previous independent Governments of Estonia, Latvia, and Lithuania.

Mr. President, I hope that my colleagues in the Senate will support this concurrent resolution.●

SENATE CONCURRENT RESOLUTION 81—RELATING TO JAPANESE AUTO EXPORT RESTRAINTS

Mr. QUAYLE (for himself, Mr. RIEGLE, Mr. KASTEN, Mr. DIXON, Mr. HEINZ, Mr. SPECTER, Mr. METZENBAUM, Mr. ROTH, Mr. LUGAR, Mr. PROXMIRE, Mr. WARNER, Mr. EAGLETON, and Mr.

LAUTENBERG) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 81

Whereas the American automobile industry is a key national industry utilizing other key industries such as steel, iron, rubber, textiles, and electronics, and accounting for over three million jobs and fifty thousand small and medium sized firms in every State in the Nation;

Whereas over one million men and women have lost jobs as the automobile industry has gone through the worst period in history, partially due to the unprecedented influx of imported vehicles, particularly from Japan;

Whereas the projected American trade deficit of one hundred billion dollars for 1984 will have the effect of increasing unemployment in the United States, particularly in the automobile industry;

Whereas automobile trade has represented fifty-four billion dollars or one-third of the total United States bilateral trade deficit with Japan over the past five years;

Whereas despite the effectiveness of efforts to modernize and retool, domestic automobile companies need time to recover from the devastating impact of the last five years;

Whereas despite continuing efforts to make higher quality cars at lower cost, the American automobile industry is still at a competitive disadvantage in the world market because of tax inequities and misaligned currencies;

Whereas even with a program restraining imports to a level understood to represent approximately 16 percent of the market, Japanese cars have been able to capture over 22 percent of the American automobile market;

Whereas this record high penetration of the United States domestic market and the record high trade deficits have weakened the American automobile industry; and

Whereas any increase in the number of Japanese automobiles coming into this country will continue to take away jobs and needed capital from the American automobile industry: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in order to reduce high unemployment in the United States automobile industry, to foster the recovery of United States automobile production, and to avoid the United States trade situation from further deteriorating, the President and his representatives should urge the Japanese to extend the voluntary automobile export limits beyond March 31, 1984, at the present level without any exceptions.

Mr. QUAYLE. Mr. President, today I am submitting a concurrent resolution expressing the sense of the Congress that the President and his representatives on their forthcoming visit to Japan, should urge the Japanese to extend their voluntary auto export limits to the United States, at their present levels. This voluntary Japanese program is due to expire on March 31, 1984. This is a reasonable request and one that should be honored.

Mr. President, while an economic recovery is currently in progress, we still face major problems in international trade. A trade deficit of over $100 billion is now being projected for next year—a deficit so large it could endanger the recovery.

Of the $150 billion trade deficit which the United States has accumulated over the last 5 years with the rest of the world, fully $64 billion has been with Japan. Approximately 80 percent of this U.S. trade deficit with Japan—about $54 billion—has been in automotive products.

Mr. President, the economic health of many States, including my own State of Indiana, depends on the revival of the U.S. auto industry.

The trade deficit we have suffered in auto products has heavily contributed to our persistently serious unemployment problems. The U.S. auto industry is a key industry and accounts for over 3 million jobs in important businesses in every State. Steel, iron, rubber, textiles and electronics are directly impacted when U.S. auto sales decline. Over the last few years over 1 million men and women have lost their jobs as the auto industry has gone through its worst period in history.

It is essential that the American auto industry, which is just beginning to recover after 5 devastating years, be permitted to continue to improve its competitive position. The long-term health of the American economy depends on this.

Mr. President, Japan is our second most important trading partner, after Canada. The welfare of the Japanese people, as much as our own, is heavily dependent on the continuation of amicable trade relations between our two countries.

In April 1981, the Japanese voluntarily agreed to limit the number of autos they would export to the United States to 1.678 million cars per year. This voluntary restraint agreement will expire on March 31, 1984. It has been reported in the press that the Japanese would like to increase their auto exports to the U.S. by 40 percent to 2.35 million cars.

While the U.S. auto industry has made substantial progress over the last few years in increasing productivity and current sales are very promising, I believe that it is essential that the voluntary restraint program continue at current levels so further progress can be made. Today, the American auto industry suffers in the international marketplace due to factors not of its own making, including inequitable tax policies and misaligned currencies. The end of the Japanese voluntary restraint program would make this difficult situation even worse.

I urge my colleagues to support this resolution. The resolution calls for the continuation of current United States-Japan trade relationships in the auto market, and will permit our auto industry more time to improve its international competitiveness.

Mr. DIXON. Mr. President, I am pleased to join my colleagues in submitting this concurrent resolution today.

I do not need to tell anyone here of the terrible toll this recession has taken on the domestic automobile industry.

Currently, the Japanese voluntarily limit the number of cars they export to the United States, to 1.68 million. However, that limitation expires on March 31, 1984. Our resolution expresses the sense of the Congress that the President and his representatives should urge the Japanese to extend these restraints beyond the current expiration date and that the current level should be maintained.

Any increase could cause considerable back-sliding in the industry, which would lead to the loss of hundreds of thousands of jobs.

I believe that a healthy American auto industry is vital to the continued strength of our economy. We should urge Japan to continue its voluntary restraints at current levels. By accepting even a small increase, the United States would be giving tacit approval to the unfair advantage Japan has, due to its financial and trade policies.

The domestic auto industry has made great strides in streamlining its system, improving productivity, reducing costs, and manufacturing a product today which is reliable, energy efficient, and competitive. We have come a long way, but we are not out of the woods yet.

We must encourage domestic auto companies to remain full-line producers. Unless our automakers participate effectively in the production of small cars, another oil shortage could, for all intents and purposes, destroy this indispensable industry.

Most importantly, we need to keep American small car manufacturing jobs here. An increase in the number of cars presently entering this country could have a severe effect on the domestic production of small cars.

One example that really hits home is the Chrysler plant in Belvidere, Ill. It is currently scheduled to be the facility where the proposed "P" car will be built. Should Japanese restraints not be extended, the company has announced it will abandon plans to build a new small car in my State.

For those of you who are not familiar with Belvidere, it currently houses the production facility for the Plymouth Horizon and the Dodge Omni. The company has plans to invest $600 million in a new small car to replace these models. However, because of the uncertainty of continued restraints, the company is delaying a commitment to the "P" car for 9 months. If the limits are not extended, Chrysler

may join other domestic companies in importing foreign products rather than developing its own.

I cannot tell you, my friends, the potential disaster it would cause in my State, if we were to suddenly lose 4,200 jobs in Belvidere. It is close to Rockford, Ill., which, as you may know, has been among the top 10 cities in the Nation in unemployment for several years. The Rockford area is fighting back, as is the State of Illinois. We need the security of at least an additional 2 years of restraints at current levels or below.

This amendment is a bipartisan effort in response to a truly national problem. Labor and management have joined together in asking that we give ourselves a chance—to compete, to produce, to survive.

I urge my colleagues to support this resolution.

● Mr. RIEGLE. Mr. President, today, along with a bipartisan group of my colleagues, I am introducing a resolution expressing the sense of the Congress that the President and his representatives should urge the Japanese to continue to restrain their automobile imports at the current level of 1.68 million vehicles per year.

Later today Ambassador Brock will be arriving in Tokyo where he will be continuing his discussions with the Japanese on auto trade, and preparing for President Reagan's visit to Japan in November. This resolution, which was delivered to Brock yesterday, will send a clear message that we simply cannot tolerate any increase in the number of Japanese cars flooding the American market while the U.S. auto industry is in the midst of a massive retooling program.

A similar resolution, introduced in the House, already has 129 cosponsors.

The American automobile industry still accounts for over 1 out of every 5 manufacturing jobs in the country; 50,000 small and medium sized businesses—in every State in the Nation—and, many other key industries such as steel, iron, rubber, textiles, and electronics are dependent in some way upon the auto industry.

As long as this key basic industry is vulnerable, industrial unemployment will continue to stay well above 9 percent—as it has for the last 19 months—and sustained economic recovery will be impossible.

I am sure all of my colleagues are aware of what the auto industry has gone through in the last 5 years. Sudden and unexpected changes in market demand, rising interest rates, lingering recession, and an unprecedented influx of imports—particularly from Japan—have had a devastating impact on this key American industry throwing over 1 million men and women in auto-related jobs out of work.

Two years ago, in response to this crisis, Japan agreed to limit their auto imports to the United States to 1.68 million passenger cars. This figure was understood to allow Japan 16 percent of the American domestic market; a far bigger market share than Japan is allowed in any other major industrialized nation.

Many of us thought that even 1.68 million cars was too many—that it would not give the American automobile industry the breathing room it needed. In reality, the restraints proved to be even less effective because of the deep recession.

Domestic U.S. sales plummeted from an average of 10.2 million vehicles during the 5 years preceding the restraints to an average of 8.2 million the past 2 years. This meant that the 1.68 million that would have been 16 percent in a normal sized market enabled the Japanese to get more than 22 percent of this depressed market. So, not only did the restraints offer little relief to the American industry and its workers, the Japanese still were able to increase their market share at the very time the American companies were most in need of help.

In spite of this great drain on capital resources, the American automobile industry has embarked on an unprecedented program of retooling and modernization. The effectiveness of this is obvious. But while there has been an upturn in the market for new cars, the auto industry and its employees are still in the same precarious position.

The American automobile industry is still far from recovery. Over the last 5 years working capital has decreased almost $10 billion. During this same period long-term debt has increased almost $5 billion.

It will take more than a few good months to compensate for the worst years in the history of the industry. Chrysler, for example, had a record high second quarter profit this year but the company had lost an average of $350 million in each of the last 10 straight quarters.

There are still over 500,000 men and women laid off in auto-related industries. In my home State of Michigan, the unemployment rate is still over 14.5 percent.

Any increase in the restraint level would steal away more jobs and needed capital from the industry—and choke off any benefits of general economic recovery.

An extension of the restraints at the current level is needed to preserve jobs now, and more importantly, to allow the industry to compete and create jobs in the future. Anything else will be interpreted by those involved in our basic manufacturing industries as a sign that our economic industrial base—and the jobs it represents—will be even more vulnerable in the coming years.

Mr. President, I ask unanimous consent that a dear colleague letter sent to all Senators be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
October 26, 1983.

DEAR COLLEAGUE: We are introducing a resolution expressing the sense of the Congress that the President and his representatives on forthcoming visits to Japan, should urge the Japanese to extend their auto export limits to the United States at their current levels. This voluntary Japanese agreement is due to expire on March 31, 1984.

A trade deficit of over $100 billion is now being projected for next year—a deficit so large it could endanger the recovery. A very substantial proportion of our recently accumulated trade deficit has been with Japan, and heavily in automotive products.

The trade deficit we have suffered in auto products has heavily contributed to our persistently serious unemployment problems. The U.S. auto industry is a key industry and accounts for over 3 million jobs in important businesses in every state. Steel, iron, rubber, textiles and electronics are directly impacted when U.S. auto sales decline. Over the last few years over one million men and women have lost their jobs as the auto industry has gone through its worst period in history.

While the U.S. auto industry has made substantial progress over the last few years in increasing productivity, we believe that it is essential that the voluntary restraint program continue at current levels so further progress can be made. Today, the American auto industry suffers in the international market place due to factors not of its own making, including inequitable tax policies and misaligned currencies. The end of the Japanese voluntary restraint program would make this difficult situation even worse.

We urge your support for this resolution. If you wish to cosponsor, please call Barbara McLennan at 224-4598 or Mike Bloomfield at 224-6785.

Sincerely,

DONALD W. RIEGLE, Jr.
ALAN J. DIXON.
DAN QUAYLE.
ROBERT W. KASTEN, Jr.●

SENATE RESOLUTION 254—WAIVING CONGRESSIONAL BUDGET ACT

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 254

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1108. Such waiver is necessary because S. 1108 authorizes the enactment of new budget authority which would first become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. S. 1108 would authorize to be appropriated, out of the Highway Trust Fund, $44,500,000 for fiscal year 1984 for certain

activities of the Secretary of Transportation under section 205 of S. 1108. In addition, section 314 of S. 1108 would authorize to be appropriated $1,200,000 for fiscal year 1984 for purposes of undertaking a comprehensive study of the safety characteristics of heavy trucks.

The Committee on Commerce, Science, and Tranportation did not consider S. 1108 until after May 15, 1983 in order to allow the Committee to hold extensive hearings on the bill. Waiver of section 402(a) would allow for implementation of various safety programs, including (by means of grants to qualified States) such desirable safety programs as legal drinking age limitations, traffic recordkeeping systems, and child safety seats.

The authorizations contained in S. 1108 are necessary to ensure that sufficient funds are available for the Secretary of Transportation to carry out the activities contained in S. 1108.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1984

THURMOND (AND OTHERS) AMENDMENT NO. 2444

Mr. THURMOND (for himself, Mr. MATTINGLY, Mr. HOLLINGS, and Mr. NUNN) proposed an amendment to the bill (H.R. 3959) to make supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 11, after line 24, insert the following:

TERMINATION OF THE USE OF CERTAIN SEEPAGE BASINS

Of the funds heretofore appropriated for "Atomic Energy Defense Activities", $30,000,000, of which at least $8,000,000 shall be derived from funds appropriated to the Department of Energy for fiscal year 1984 for the operation of the L Reactor at the Savannah River Plant, Aiken, South Carolina, and the remainder shall be derived from funds appropriated for Project 82-D-124, to remain available until expended, for use by the Secretary of Energy—

(1) to terminate, within 24 months after the date of enactment of this Act, the use of seepage basins associated with the fuel fabrication area at the Savannah River Plant, Aiken, South Carolina; and

(2) to submit to the appropriate committees of Congress, within 6 months after the date of enactment of this Act, a plan for the protection of groundwater at the Savannah River Plant which shall include—

(A) proposed methods for discontinuing the use of seepage basins associated with the materials processing areas;

(B) provisions for the implementation of other actions appropriate to mitigate any significant adverse effects of on-site or off-site groundwater and of chemical contaminants in seepage basins and adjacent areas, including the removal of such contaminants where necessary; and

(C) provisions for continuing the expanded monitoring program of groundwater impacts involving the appropriate South Carolina agencies in accordance with the statutory responsibilities of such agencies.

HATFIELD (AND OTHERS) AMENDMENT NO. 2445

Mr. HATFIELD (for himself, Mr. EAGLETON, and Mr. WEICKER) proposed an amendment to the bill H.R. 3959, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . From the appropriation under the Department of Labor Appropriation Act, 1984, of sums to carry out the Job Training Partnership Act, the Department of Labor shall expend funds for the periods covered by such appropriation in accordance with the directives expressed in the paragraphs referring to special national programs under the heading "Employment and Training Administration", subheading "Training and Employment Services", in the Joint Explanatory Statement of the Committee of Conference accompanying the Conference Report on H.R. 3913 as set forth in House Report 98-422.

BOSCHWITZ AMENDMENT NO. 2446

Mr. BOSCHWITZ proposed an amendment to the bill H.R. 3959, supra; as follows:

At the appropriate place in the bill insert the following:

The first paragraph under the heading "COMMUNITY DEVELOPMENT GRANTS" in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984 (P.L. 98-45) is hereby amended by striking out the period at the end thereof, and inserting the following: *Provided further*, That any unit of general local government which was classified as an urban county in fiscal year 1983 pursuant to section 102(a)(6) of the Housing and Community Development Act of 1974, as amended, shall continue to be classified as an urban county for the purposes of the allocation of funds provided therein for fiscal year 1984.

MATTINGLY (AND OTHERS) AMENDMENT NO. 2447

Mr. MATTINGLY (for himself, Mr. NUNN, and Mr. PRYOR) proposed an amendment to the bill H.R. 3959, supra; as follows:

At the end of the bill add the following new section:

SEC. . Notwithstanding any other provision of law, the terms "meat" and "meat food products" as used in the Prompt Payment Act (P.L. 97-177; 96 STAT. 85) in section 2(a)(2)(B)(i) thereof shall include also edible fresh or frozen poultry meat, poultry meat food products, fresh eggs and perishable egg products.

NUNN (AND MATTINGLY) AMENDMENT NO. 2448

Mr. STENNIS (for Mr. NUNN and Mr. MATTINGLY) proposed an amendment to the bill H.R. 3959, supra; as follows:

On page 24, between lines 11 and 12, insert the following:

DONATION OF CERTAIN PROPERTY

Notwithstanding any other provision of law, the Secretary of Agriculture shall have the authority to donate, without consideration, the land, buildings, facilities and equipment at the USDA Plant Introduction Station, commonly known as Bamboo Research Station in Savannah, Georgia, to the College of Agriculture, University of Georgia.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 2449

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. MATSUNAGA, and Mr. INOUYE) proposed an amendment to the bill H.R. 3959, supra; as follows:

On page 25, insert between lines 17 and 18 the following new section:

SEC. 2004. (a) Section 4 of the Act entitled "An Act to save daylight and to provide standard time for the United States," approved March 19, 1918 (15 U.S.C. 263) is amended—

(1) by striking out "Yukon" and inserting in lieu thereof "Alaska"; and

(2) by striking out "Alaska-Hawaii" and inserting in lieu thereof "Western Pacific".

(b)(1) Any reference to Yukon standard time in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to Alaska standard time.

(2) Any reference to Alaska-Hawaii standard time in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to Western Pacific Standard time.

RIEGLE (AND OTHERS) AMENDMENT NO. 2450

Mr. RIEGLE (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. CRANSTON, Mr. METZENBAUM, and Mr. RANDOLPH) proposed an amendment to the bill H.R. 3959, supra; as follows:

On page 1, between lines 15 and 16, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $900,000,000, to be available only if a program is enacted into law providing for such benefits under the Social Security Act or under the Public Health Service Act.

MITCHELL AMENDMENT NO. 2451

Mr. MITCHELL proposed an amendment to the bill H.R. 3959, supra; as follows:

At the appropriate place, insert the following:

Sec. . (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

HELMS (AND OTHERS) AMENDMENT NO. 2452

Mr. HELMS (for himself, Mr. BAKER, and Mr. STENNIS) proposed an amendment to the bill H.R. 3959, supra; as follows:

At the appropriate place in the bill, insert the following:

For providing financial assistance to the Sam J. Ervin, Jr. Program in Public Affairs, $500,000.

PRYOR (AND OTHERS) AMENDMENT NO. 2453

Mr. PRYOR (for himself, Mr. SPECTER, Mr. SASSER, Mr. KENNEDY, Mr. LEVIN, Mr. BRADLEY, Mr. BINGAMAN, Mr. BUMPERS, Mr. MOYNIHAN, Mr. RIEGLE and Mr. PELL) proposed an amendment to the bill H.R. 3959, supra; as follows:

On page 3, between lines 9 and 10, insert the following:

EMERGENCY FOOD DISTRIBUTION AND SHELTER PROGRAM

For an emergency food distribution and shelter program to be carried out by the Director of the Federal Emergency Management Agency, $40,000,000, such sum to remain available for obligation until March 31, 1984, and to be made available under the following terms and conditions:

(1) The Director of the Federal Emergency Management Agency shall, as soon as practicable after the date of the enactment of this Act, constitute a national board for the purpose of determining now the program funds are to be distributed to individual localities. The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Incorporated, the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board. The representative of the Federal Emergency Management Agency shall serve as chairman of the national board.

(2) Each locality designated by the national board to receive funds shall constitute a local board for the purpose of determining how its funds will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national board except that the mayor or appropriate head of government will replace the Federal Emergency Management Agency member.

(3) The Director of the Federal Emergency Management Agency shall award a grant for $40,000,000 to the national board within thirty days after the date of the enactment of this Act for the purpose of providing emergency food and shelter to needy individuals through private voluntary organizations.

(4) Eligible private voluntary organizations shall be nonprofit, have a voluntary board, have an accounting system, and practice nondiscrimination.

(5) Participation in the program shall be based upon a private voluntary organization's ability to deliver emergency food and shelter to needy individuals and such other factors as are determined by the local boards.

(6) Total administrative costs may not exceed 2 percent of the total appropriation.

(7) As authorized by the Charter of the Commodity Credit Corporation, the Corporation shall process and distribute surplus food owned or to be purchased by the Corporation under the food distribution and emergency shelter program in cooperation with the Federal Emergency Management Agency.

HELMS (AND OTHERS) AMENDMENT NO. 2454

Mr. HELMS (for himself, Mr. DOLE, Mr. CHILES, and Mr. EAST) proposed an amendment to the bill H.R. 3959, supra; as follows:

At the end of the bill, add the following:

"Sec. . It is the sense of the Senate that the United States Armed Forces engaged in military operations at Grenada are to be commended for their rescue of United States citizens on that island, and for their valor, success, and exemplary conduct in battle, which has been in the highest traditions of the military service."

HATFIELD AMENDMENT NO. 2455

Mr. HATFIELD proposed an amendment to the bill H.R. 3959, supra; as follows:

Strike all on page 6, lines 15 and 16, and insert in lieu thereof the following: *For an additional amount for "Secretary of the Senate", $60,000.*

NATURAL GAS DEREGULATION ACT

JEPSEN AMENDMENT NO. 2456

(Ordered to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to the bill (S. 1715) to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortion as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Fair Marketing Act of 1983".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) problems of market imbalance threaten the natural gas industry;

(2) such problems are likely to result in natural gas users being burdened by excessively high prices;

(3) interstate commerce is significantly affected by market imbalance;

(4) an urgent need exists to provide immediate relief from natural gas contract provisions which cause market imbalance; and

(5) adequate information regarding the operation of the natural gas market is not available to the Congress and the public.

(b) The purpose of this Act is to correct imbalances in the natural gas market in order to restrain prices charged to natural gas users by—

(1) defining "abuse" in the Natural Gas Policy Act of 1978, and to protect natural gas users from the results thereof;

(2) eliminating indefinite price escalator provisions in natural gas contracts;

(3) providing a market-out provision to every natural gas pipeline company when the natural gas is not marketable at the contract price;

(4) providing every natural gas pipeline company with the legal ability to reduce the deliveries of high-priced natural gas down to 50 per centum of contract volume whenever the pipeline has more supply than demand;

(5) requiring that any pipeline wishing to exercise such contract right shall exercise it first against its highest price source of natural gas and any contracts it may have for supplies with producing companies affiliated with the pipeline company;

(6) providing a producer the ability to transport natural gas to another purchaser in any case in which the pipeline that had contracted for that natural gas does not accept delivery because its supply exceeds its demand;

(7) enhancing the competitive options for local distribution companies in purchasing the least expensive supplies of natural gas available;

(8) requiring the filing with the Federal Energy Regulatory Commission of all contracts for the first sale of natural gas for public disclosure; and

(9) repealing the incremental pricing provisions of the Natural Gas Policy Act of 1978.

DEFINITION OF ABUSE; EFFECT

SEC. 3. (a) Section 2 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301) is amended by adding at the end thereof the following:

"(38) ABUSE.—The term 'abuse' includes misrepresentation, imprudence on the part of the pipeline, failure by a pipeline to bargain at arms-length with any producer, and the entering into of or operating pursuant to any contract by any pipeline with any producer if such contract materially prevents the pipeline from responding to changes in customer demand or other market forces.".

(b) Section 601 of such Act (15 U.S.C. 3431) is amended by striking out the period at the end thereof and inserting in lieu thereof ", which determination shall avoid any contract provision based upon such grounds.".

AMENDMENTS TO TITLE III—FACILITATING NATURAL GAS PRICE RESPONSIVENESS

SEC. 4. Title III of such Act (15 U.S.C. 3361-3375) is amended by adding at the end thereof the following:

"SEC. 316. INDEFINITE PRICE ESCALATOR PROVISIONS DECLARED VOID IN NATURAL GAS CONTRACTS.

"Any price provision in any present or future contract for the first sale of natural gas to any pipeline, which does not establish a specific unit price predictable with certainty at any present and future time over the duration of the contract, shall be of no force or effect, unless otherwise determined by the Commission for good cause shown.

"SEC. 317. NATURAL GAS CONTRACTS DEEMED TO INCLUDE MARKET-OUT PROVISION.

"Any present contract for the first sale of natural gas to any pipeline shall be deemed to allow the pipeline to escape the contract or to negotiate a new lower price if the natural gas is not marketable at the contract price, unless otherwise determined by the Commission for good cause shown.

"SEC. 318. NATURAL GAS CONTRACTS DEEMED TO INCLUDE ADJUSTMENT PROVISION TO REDUCE PURCHASE REQUIREMENTS.

"(a) INCLUSION.—Any present contract for the first sale of natural gas to any pipeline shall be deemed to include the contract provisions set forth in subsection (b), unless otherwise determined by the Commission for good cause shown.

"(b) PURCHASE REQUIREMENT ADJUSTMENT PROVISION.—The contract provisions deemed included in any contract described in subsection (a) are as follows:

"(1) GENERAL RULE.—The pipeline may, without obligation to pay, exercise a right not to accept delivery of any portion of the volume of natural gas which the pipeline has contracted to accept, if the pipeline has determined that it cannot market the total volume of natural gas contracted for.

"(2) AMOUNT OF REDUCTION.—The pipeline may not reduce, pursuant to these contract provisions, the volume of natural gas the pipeline accepts delivery of below a level equal to 50 percent of the volume the pipeline contracted to take delivery of under the contract (without regard to any previous reduction under these contract provisions).

"(3) HIGHEST PRICED GAS REDUCED FIRST.—Except as provided in paragraph (4), the pipeline may not reduce under these contract provisions the volume of natural gas the pipeline accepts delivery of if the pipeline has not exercised its right under these provisions to reduce (to the maximum extent permitted under paragraph (2)) the volume of natural gas the pipeline has contracted to take delivery of at a higher price under any other contract.

"(4) AFFILIATED PRODUCERS.—The pipeline may not reduce under these contract provisions the volume the pipeline has contracted to take delivery of if the pipeline has not exercised its right under these provisions to reduce (to the maximum extent permitted under paragraph (2)) the volume of natural gas the pipeline has contracted to take delivery of at the same or a higher price under any other contract between the pipeline and any affiliate of the pipeline.

"(5) CONTRACTED TO TAKE DEFINED.—For purposes of these contract provisions, the term 'contracted to take' refers to the volume of natural gas of which the pipeline has contracted to take delivery under a contract (whether or not the pipeline is obligated under the contract to pay for any lesser volume in the event delivery is not taken).

"(6) EFFECT OF TAKE-OR-PAY AND MINIMUM-BILL PROVISIONS.—Any provision of any contract shall not apply to the extent it requires a pipeline to pay any fee or other charge with respect to any natural gas for which delivery is not taken pursuant to these contract provisions.

"(7) CONTRACTS COVERING MORE THAN ONE CATEGORY OF NATURAL GAS.—Any contract establishing two or more categories of natural gas for purposes of pricing the natural gas delivered under the contract shall be treated as separate contracts for each such category.

"(c) EFFECT OF FAILURE TO EXERCISE CONTRACT PROVISION.—The failure to exercise the contract provisions in subsection (b) of this section by any pipeline under the jurisdiction of the Commission shall create a rebuttable presumption that such failure constitutes abuse, as defined in section 2(38) of this Act.

"(d) FIELD DRAINAGE, CASING HEAD OR OTHER SIMILAR REQUIREMENTS.—The contract provisions in subsection (b) of this section shall not apply to the purchase of natural gas when it is determined by the Commission to be justified because of field drainage, casing head or other similar requirements.

"SEC. 319. NATURAL GAS CONTRACTS DEEMED TO INCLUDE TRANSPORTATION OBLIGATION TO SECONDARY PURCHASERS.

"(a) INCLUSION.—Any present or future contract for the sale of natural gas to any pipeline shall be deemed to include the contract provisions set forth in subsection (b), unless otherwise determined by the Commission for good cause shown.

"(b) TRANSPORTATION OBLIGATION CLAUSE.—The contract provisions deemed included in any contract described in subsection (a) are as follows:

"(1) GENERAL RULE.—Whenever the pipeline has exercised its right under any contract provision (including the contract provisions provided under section 318 of the Natural Gas Policy Act) to reduce the volumes of natural gas the pipeline is obligated to take delivery of on the grounds that the pipeline cannot market the total volumes for which it is so obligated for, the pipeline shall provide, on behalf of the seller, transportation of any of the volume of natural gas—

"(A) which is involved in the reduction,

"(B) which is resold by the seller to another purchaser, and

"(C) which the pipeline would be required to pay for in the absence of the exercise of such contract provision.

"(2) TERMS AND CONDITIONS.—The terms and conditions of such transportation shall be in accordance with regulations prescribed by the Commission.

"(c) CONSIDERATION.—The consideration for any transportation provided under the contract provisions stated by this section shall be at $.05 per million Btu's plus the cost of such transportation, as established by the appropriate State or Federal regulatory body, unless such regulatory body has established, by rule, a different rate as just compensation for such transportation.

"SEC. 320. ENHANCING COMPETITIVE OPTIONS FOR LOCAL DISTRIBUTION COMPANIES IN THE PURCHASE OF NATURAL GAS.

"(a) The Commission, in cooperation with the affected State commissions and the national organization of the State commissions, shall endeavor to restructure relationships between pipelines and local distribution companies for the purpose of reducing gas distribution purchase costs through increased reliance on competitive market forces. Local distribution companies shall be encouraged to seek the least expensive supply of natural gas from among the pipelines, producers of natural gas and others. A pipeline shall not discriminate between its own gas and that of others in providing transmission, storage and brokerage services for local distribution companies.

"(b) The Commission shall report annually to the Congress on the accomplishments under this section and the need for additional legislation.".

FILING OF CONTRACTS

SEC. 5. Section 315(c) of such Act (15 U.S.C. 3375(C)) is amended to read as follows:

"(c) FILING OF CONTRACTS.—Within 180 days of the enactment of this subsection, the Commission shall issue final regulations to require any first sale purchaser of natural gas under a present or future contract to file with the Commission a copy of such contract. Such regulations shall assure reasonable public access to all terms of such contracts which may materially affect the retail rates for which natural gas under such contract is sold.".

REPEAL OF INCREMENTAL PRICING

SEC. 6. Title II of such Act (15 U.S.C. 3341-3348) is repealed.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 7. The Natural Gas Policy Act of 1978 is amended—

(1) in section 121(b)—

(A) by striking out "Effective beginning on the effective date of the incremental pricing rule required under section 201, the" and inserting in lieu thereof "The"; and

(B) by striking out "shall cease to apply" and inserting in lieu thereof "shall not apply";

(2) in section 502 (15 U.S.C. 3412) by striking out subsection (d);

(3) in section 504(b) (15 U.S.C. 3414(b))—

(A) by striking out paragraph (3) and redesignating subsequent paragraphs accordingly;

(B) in paragraph (1), by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)"; and

(C) in paragraph (3) (as redesignated), by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)";

(4) in section 506 (15 U.S.C. 3416) by striking out subsection (d);

(5) by repealing section 507 (15 U.S.C. 3417);

(6) in section 601(c)(2) (15 U.S.C. 3431(c)(2))—

(A) by striking out "—(A)" and inserting in lieu thereof a comma;

(B) by striking out "and" at the end of subparagraph (A); and

(C) by striking out "(B) such recovery is not inconsistent with any requirement of any rule under section 201 (including any amendment under section 202),"; and

(7) in the table of contents by—

(A) striking out the items relating to title II and the item relating to section 507; and

(B) adding at the end of the items for title III the following:

"Sec. 316. Indefinite price escalator provisions declared void in natural gas contracts.

"Sec. 317. Natural gas contracts deemed to include market-out provision.

"Sec. 318. Natural gas contracts deemed to include adjustment provision to reduce purchase requirements.

"Sec. 319. Natural gas contracts deemed to include transportation obligation to secondary purchasers.

"Sec. 320. Enhancing competitive options for local distribution companies in the purchase of natural gas.".

REMEDIAL ACTION AND PROHIBITION OF INCREMENTAL PRICING

SEC. 8. (a) REMEDIAL ACTION.—Effective beginning on the date of the enactment of this section, each interstate pipeline and local distribution company which was formerly subject to the provisions of title II of the Natural Gas Policy Act of 1978 shall take the following actions:

(1) Each such interstate pipeline shall clear both its unrecovered incremental gas costs account and its unrecovered incremental surcharges account of all amounts accumulated therein by—

(A) transferring, as of such date of enactment, all such amounts to its unrecovered purchased gas costs account,

(B) proceeding to collect all such amounts in due course pursuant to regulations prescribed by the Federal Energy Regulatory Commission (hereinafter in this subsection referred to as the "Commission"), and

(C) doing all such other acts as the Commission may prescribe for the purpose of effecting the repeal of title II of such Act as of the date of the enactment of this section.

(2) Each such local distribution company shall clear both the unrecovered incremental gas costs account and the unrecovered incremental surcharges account of all amounts accumulated therein by—

(A) transferring, as of the date of enactment of this section, all such amounts to the account to which the company's purchased gas costs are ordinarily debited, and then

(B) proceeding to collect all such amounts in due course, whether pursuant to pertinent regulations prescribed therefor by the regulatory body having jurisdiction over such company's rates and charges, or otherwise.

(b) NO FURTHER INCREMENTAL PRICING PERMITTED.—Effective beginning on the date of the enactment of this section, no interstate pipeline or distribution company which was formerly subject to the provisions of title II of the Natural Gas Policy Act of 1978 shall—

(1) debit any amount to any unrecovered incremental gas costs account;

(2) debit any amount to any unrecovered incremental surcharges account;

(3) bill incremental pricing surcharges to any customer under the authority of such provisions; or

(4) otherwise comply with the provisions of part 282 of title 18 of the Code of Federal Regulations or other regulatory provisions which implement title II of such Act.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "unrecovered incremental gas costs account" means the account designated as Account 192.1 of the Uniform System of Accounts Prescribed for Natural Gas Companies, parts 201 and 204 of title 18 of the Code of Federal Regulations;

(2) the term "unrecovered incremental surcharges account" means the account designated as Account 192.2 of the Uniform System of Accounts Prescribed for Natural Gas Companies, parts 201 and 204 of such title 18; and

(3) the term "unrecovered purchased gas costs account" means the account designated as Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies, of such parts 201 and 204.

Amend the title so as to read: "To amend the Natural Gas Policy Act of 1978 to clarify the definition of abuse, to restrain natural gas price increases by facilitating price responsiveness during periods when supplies exceed demand, to enhance competitive options for local distribution companies in purchasing the least expensive natural gas available, to repeal the incremental pricing of natural gas, and for other purposes.".

VERMONT WILDERNESS LEGISLATION

STAFFORD (AND LEAHY) AMENDMENT NO. 2457

(Ordered to be referred to the Committee on Energy and Natural Resources.)

Mr. STAFFORD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill (S. 897) to designate national forest system lands in the State of Vermont for inclusion in the national wilderness preservation system, and for other purposes; as follows:

On page 1, strike all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Vermont Wilderness and Recreation Area Act of 1983".

TITLE I—NEW WILDERNESS AREAS

FINDINGS AND POLICY

SEC. 101. (a) The Congress finds that—

(1) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the national wilderness preservation system;

(2) in recognition of this urgent need, certain suitable lands in the national forest system in Vermont were designated by the Congress as wilderness in 1975;

(3) there exist in the national forest system in the vicinity of major population centers and in Vermont additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act (78 Stat. 890);

(4) these and other lands in Vermont which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance, and enhancement of their wilderness character; and

(5) the Wilderness Act established that an area is qualified and suitable for designation as wilderness which (i) though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and (ii) which may, upon designation as wilderness, contain certain preexisting nonconforming uses, improvements, structures, or installations; and the Congress has reaffirmed these established policies in the subsequent designation of additional areas, exercising its sole authority to determine the suitability of such areas for designation as wilderness.

(b) The purpose of this title is to designate certain national forest system lands in the State of Vermont as components of the national wilderness preservation system, in order to preserve such areas as an enduring resource of wilderness which shall be managed to perpetuate and protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation.

DESIGNATION OF WILDERNESS AREAS

SEC. 102. In furtherance of the purposes of the Wilderness Act, the following lands in the State of Vermont are designated as components of the national wilderness preservation system:

(1) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately twenty-one thousand four hundred and eighty acres, as generally depicted on a map entitled "Breadloaf Wilderness-Proposed", dated September 1983, and which shall be known as the Breadloaf Wilderness;

(2) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand seven hundred and twenty acres, as generally depicted on a map entitled "Big Branch Wilderness-Proposed", dated September 1983, and which shall be known as the Big Branch Wilderness;

(3) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand nine hundred and twenty acres, as generally depicted on a map entitled "Peru Peak Wilderness-Proposed", dated September 1983, and which shall be known as the Peru Peak Wilderness;

(4) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately one thousand and eighty acres, as generally depicted on a map entitled "Lye Brook Additions-Proposed", dated September 1983, and which are hereby incorporated in and shall be deemed to be a part of the Lye Brook Wilderness as designated by Public Law 93-622; and

(5) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately five thousand and sixty acres, as generally depicted on a map entitled "George D. Aiken Wilderness-Proposed", dated September 1983, and which shall be known as the George D. Aiken Wilderness.

MAPS AND DESCRIPTIONS

SEC. 103. As soon as practicable after this title takes effect, the Secretary of Agriculture shall file the maps referred to in this title and legal descriptions of each wilderness area designated by this title with the Committee on Energy and Natural Resources, United States Senate, and the Committees on Agriculture and Interior and Insular Affairs, United States House of Representatives, and each such map and legal description shall have the same force and effect as if included in this title: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 104. (a) Subject valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this title, any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Vermont with respect to wildlife and fish in the national forest in the State of Vermont.

(c) Notwithstanding any other provision of the Wilderness Act or any other provision of law, the Appalachian Trail and related structures, the Long Trail and related structures, and the associated trails of the Appalachian Trail and the Long Trail may be maintained.

EFFECT OF RARE II

SEC. 105. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation (RARE II); and

(2) the Congress has made its own review and examination of national forest system roadless areas in the State of Vermont, and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest system lands in States other than Vermont, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Vermont;

(2) with respect to the national forest system lands in the State of Vermont which were reviewed by the Department of Agriculture in RARE II, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the national wilderness preservation system and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

(3) areas in the State of Vermont reviewed in such final environmental statement and not designated as wilderness upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Vermont for the purpose of determining their suitability for inclusion in the national wilderness preservation system.

TITLE II—WHITE ROCKS NATIONAL RECREATION AREA

FINDINGS AND POLICY

SEC. 201. (a) The Congress finds that—

(1) Vermont is a beautiful but small and rural State, situated near four large cities with combined metropolitan populations of over 15,000,000;

(2) geographic and topographic characteristics of Vermont provide opportunities for large numbers of people to experience the beauty of primitive areas, but also place unusual pressure to provide options to maximize the availability of such lands for a variety of forms of recreation;

(3) certain lands on the Green Mountain National Forest are of a predominantly roadless nature and possess outstanding wild values that are important for primitive recreation, watershed protection, wildlife habitat, ecological study, education, and historic and archeological resources, and are deemed suitable for preservation and protection as part of a national recreation area; and

(4) the White Rocks National Recreation Area presents a rare opportunity to provide for primitive recreation and for other forms of enjoyment that are compatible with it.

(b) The purposes of this title is to designate certain national forest system lands in the State of Vermont as the White Rocks National Recreation Area containing approximately thirty-six thousand, four hundred acres as generally depicted on a map entitled "White Rocks National Recreation Area." dated October 1983, in order to preserve and protect its existing roadless character, wild forest and aquatic habitat for wildlife, watershed protection, opportunities for primitive recreation, scenic, ecological and scientific values.

DESIGNATION OF WHITE ROCKS NATIONAL RECREATION AREA

SEC. 202. In order to preserve watershed, wildlife habitat, and primitive and semiprimitive recreation, certain lands in the Green Mountain National Forest, Vermont, which comprise approximately thirty-six thousand and four hundred acres, as generally depicted on a map entitled "White Rocks National Recreation Area—Proposed", dated September 1983, and are designated as the White Rock National Recreation Area.

MAPS AND DESCRIPTIONS

SEC. 203. As soon as practicable after this title takes effect, the Secretary of Agriculture shall file the map referred to in this title and legal descriptions of the recreation area designated by this title with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this title: *Provided, however.* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF THE NATIONAL RECREATION AREA

SEC. 204. (a) Subject to valid existing rights, the White Rocks National Recreation Area designated by this Act shall be administered by the Secretary of Agriculture only in accordance with the findings of this title and the laws, rules, and regulations applicable to the national forest in a manner compatible with the following objectives:

(1) the continuation of existing primitive and semiprimitive recreational use in a natural environment;

(2) timber cutting shall be permitted only to maintain existing wildlife habitat and recreational uses;

(3) preservation of wild forest and aquatic habitat for fish and wildlife; and

(4) protection and conservation of special areas having uncommon or outstanding wilderness, biological, geological, recreational, cultural, historical or archeological and scientific and other values contributing to the public benefit.

(b) Construction of new roads shall be prohibited in the area.

(c) Wheeled vehicles are permitted only on existing systems roads of the Forest Service.

(d) Notwithstanding any other provision of law, federally owned lands within the areas designated as the White Rocks National Recreation Area are withdrawn from all forms of appropriation under the mineral leasing laws, including all laws pertaining to geothermal leasing, and all amendments thereto.

(e) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the State of Vermont.

(f) Within eighteen months from the date of enactment of this Act the Secretary shall develop and submit to the Committees on Interior and Insular Affairs of the House of Representatives and Energy and Natural Resources of the Senate a comprehensive management plan for the recreation area.

(g) In conducting the reviews and preparing the comprehensive management plan required by this section, the Secretary shall provide for full public participation and shall consider the views of all interested agencies, organizations and individuals.

Amend the title so as to read "To designate certain national forest system lands in the State of Vermont for inclusion in the national wilderness preservation system and to designate a national recreation area.".

Mr. STAFFORD. Mr. President, Senator LEAHY and I are submitting a substitute amendment to S. 897, the Vermont Wilderness Act.

This substitute amendment encompasses an agreement that has been reached among the many varied interests in Vermont concerning the designation of additional wilderness in the Green Mountain National Forest.

As with any compromise, no one is totally happy with this bill. Some individuals will continue to voice their disagreement. However, thanks to constructive, good-faith negotiations between the various Vermont interest groups, we have a proposal that addresses the most urgent needs and desires of all sides.

The amendment would designate 40,000 acres of Vermont's Green Mountain National Forest as wilderness. In addition to this 40,000 acres of wilderness, 22,000 acres, which had been included for wilderness designation in our original bill, will be designated as a national recreation area.

This national recreation area designation will permit a more varied use of the 22,000 acres than would have been possible under the wilderness designation.

Included in our substitute amendment is a designation of 21,000 acres of Forest Service land in East Middlebury, Vt., which will be called the Breadloaf Wilderness Area. There is an additional 13,600 acres south of Forest Service Road 10, near Mount Taber, and including Baker Peak, Styles Peak, Peru Peak and Pete Parent Peak. These areas will be desig-

nated the Big Branch Wilderness and the Peru Peak Wilderness areas.

In addition, 5,000 acres near the town of Woodford, Vt., that is densely wooded and contains a large number of beaver ponds at high elevation, will be designated the George D. Aiken Wilderness Area, in honor of former U.S. Senator George D. Aiken, the father of the Eastern Wilderness Act.

In addition to these four areas, the substitute amendment will add an additional 1,000 acres to the existing Lye Brook Wilderness in the Green Mountain National Forest.

The national recreation area designated by our amendment would consist of 22,000 acres north of Forest Service Road 10, including Wallingford and Little Rock Ponds, Wilder Mountain and the so-called White Rocks Area, which is a nesting site for peregrine falcons. The designation of the national recreation area would control timber cutting in the area while allowing continued wildlife management and the use of motorized vehicles on existing roads and trails.

This amendment represents a Vermont answer to a very difficult question that has confronted Vermonters. Our amendment takes into account the most significant needs and concerns of all interested parties.

The effort to designate wilderness in Vermont brought two congressional hearings to Vermont this year. In addition, members of the delegation received hundreds of comments from Vermonters by mail and in person.

The original Vermont Wilderness bill, S. 897, proposed to add 65,000 acres of wilderness in the Green Mountain National Forest. As I have said, this amendment would add only 40,000 acres of wilderness and 22,000 acres of national recreational area to protected lands in the Green Mountain National Forest. The changes made by the congressional delegation reflect our commitment to Vermonters to listen to all views on our original proposal.

In essence, the substitute reflects accommodations made primarily to local recreational users of the areas including hunters, fishermen and snowmobilers. Accommodations were also made to Vermont timber producers by redrawing of boundaries to allow the continued access to some high quality timber. It is the intention of the Vermont delegation that local Vermonters' recreational use, such as snowmobiling, hunting and fishing, should be accommodated as much as possible, consistent with the desire to protect these areas of the Green Mountain National Forest.

While the original proposal would have affected several major snowmobile trails, this proposal has little impact on snowmobile trails in the Green Mountain National Forest. In particular, the main north-south corridor trail being established by the Vermont Association of Snow Travelers has been preserved.

The creation of the national recreation area will allow for the continued use of the area by snowmobiles. This area will also allow hunters and fishermen vehicular access on existing roads to areas within the national recreation area.

It is also the intent of the delegation that the State of Vermont would continue to manage the fish and game in the wilderness areas and the national recreation area, including the stocking of the beaver ponds as it has done in the past.

In regards to the concerns of the timber industry in Vermont, the delegation has removed large areas of highly productive timber from the proposed wilderness areas both in the Breadloaf area and in the proposed Big Branch area, which we have divided into the national recreation area and the Big Branch and Peru Peak Wildernesses. Substantial timber has been released for continued production.

This amendment meets the legitimate interests of all concerned Vermonters and it is the concept that I will work to get enacted.

Mr. President, it is my hope that the Senate Committee on Energy and Natural Resources will give early consideration to S. 897 so that it can be enacted into law before the Congress adjourns this year.

INCREASE IN PUBLIC DEBT LIMIT

ARMSTRONG (AND OTHERS) AMENDMENT NO. 2458

Mr. ARMSTRONG (for himself, Mr. EXON, Mr. MATTINGLY, Mr. SYMMS, and Mr. HATCH) proposed an amendment to the joint resolution (H.J. Res. 308) increasing the statutory limit on the public debt; as follows:

On page 2, line 1, strike the figure 1,614,600,000,000 and insert 1,450,000,000,000

CHILES (AND OTHERS) AMENDMENT NO. 2459

Mr. CHILES (for himself, Mr. HUDDLESTON, Mr. NUNN, Mr. D'AMATO, Mr. BOREN, Mrs. HAWKINS, Mr. DECONCINI, Mr. SYMMS, Mr. ZORINSKY, Mr. JEPSEN, Mr. HELMS, Mr. HART, Mr. EXON, Mr. BAUCUS, Mr. BURDICK, Mr. FORD, Mr. INOUYE, Mr. SASSER, Mr. METZENBAUM, Mr. LEAHY, Mr. PRYOR, Mr. RANDOLPH, Mr. BENTSEN, Mr. MATTINGLY, and Mr. BYRD) proposed an amendment to the joint resolution, House Joint Resolution 308, supra; as follows:

At the end of the joint resolution, add the following:

SEC. 2. (a) The Congress finds that—

(1) United States forces in Grenada currently hold in confinement more than 600 Cuban nationals captured during hostilities;

(2) the Government of Cuba during the Mariel boatlift of 1980 forced a large number of undesirable and often dangerous persons on the United States;

(3) an estimated 6,000 of these Cuban nationals are now incarcerated in State and Federal prison facilities in the United States;

(4) many of these individuals have been found to be deportable under the immigration laws of the United States;

(5) these Cuban nationals represent a burden to law enforcement, the criminal justice system, and ultimately to the American taxpayer;

(6) ongoing legal proceedings may result in the release of many of these prisoners posing a serious threat to the security of American citizens; and

(7) efforts by the President to negotiate a return to Cuba of these Cuban criminals have been unsuccessful.

(b) It is the sense of the Congress that the President should insist that as a condition for repatriation of Cuban nationals captured by United States Armed Forces in Grenada the Government of Cuba should agree to the return to Cuba of all Cuban nationals in the United States who are found to be deportable under the immigration laws of the United States.

TRANSFER OF AUTHORITY FOR PUBLICATION OF CALENDAR OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

Mr. STEVENS (for Mr. DURENBERGER) proposed an amendment to the bill (S. 1267) to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes; as follows:

On page 5, between lines 21 and 22, insert the following:

(d) Section 6103(a) of such title is amended to read as follows:

"(a) The Administrator shall maintain a computerized information system providing access to—

"(1) the information described in paragraphs (1), (2), (5), (6), and (7) of section 6102(a) of this title; and

"(2) such portions or summaries, as the Administrator considers appropriate, of the information described in paragraphs (3) and (4) of such section.".

On page 5, line 22, strike out "(d)" and insert "(e)".

On page 6, line 9, insert "(as amended by section 3(d) of this Act)" before the comma the second place it appears.

On page 6, line 10, strike out "(d)" and insert "(e)".

DEBT LIMIT EXTENSION

CHILES AMENDMENT NO. 2461

(Ordered to lie on the table.)

Mr. CHILES proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the end of the bill, insert the following new section:

SEC. 2. (a) The Congress finds that—

(1) under current law the nation faces massive Federal deficits which are estimated by the Congressional Budget Office to be approximately $200,000,000,000 for each of the fiscal years 1984, 1985, and 1986,

(2) leaving current laws unchanged would add almost $1,000,000,000,000,000 to the national debt over the next five years,

(3) more than $100,000,000,000 each fiscal year of such deficits is structural in nature and will remain even if the economy expands to the level of full employment,

(4) continuing such massive levels of Federal deficits in the fact of continued expansion of the private sector is likely to drive up interest rates and abort the economic recovery,

(5) Congress has already adopted a budget resolution which commits the Congress to reduce the Federal deficit and limit the increasing national debt, and

(6) the revised public debt ceiling contained in this joint resolution is derived from the spending and revenue plan of the budget resolution.

(b) The amendment made by the first section of this joint resolution shall not apply to obligations issued after—

(1) November 21, 1983, unless all designated committees of the Congress have submitted by such date legislative provisions which reduce the Federal deficits for fiscal years 1984, 1985, and 1986, by the amount specified in the reconciliation instructions contained in section 3 of the first concurrent resolution on the budget for fiscal year 1984 (H. Con. Res. 91), and

(2) the earlier of—

(A) December 21, 1983, or

(B) ten days following the adjournment sine die of the first session of the 98th Congress,

unless the legislative provisions described in paragraph (1) have been enacted into law.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Committee on Small Business will hold a full committee hearing on November 11, 1983, in Madison, Wis., on the "Obstacles Faced by Small Business in Federal Procurement." The hearing will begin at 10 a.m., in room 421 South, State Capitol. Senator KASTEN will chair. For further information, please contact Bill Montalto of the committee staff at 224-3099, or Luis Luna of Senator KASTEN's staff, at 224-8645.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Government Regulation and Paperwork will hold an oversight hearing on November 15, 1983, on the Paperwork Reduction Act of 1980. The hearing will begin at 9:30 a.m. in room 428A Senate Russell Office Building. Senator HATCH will chair. For further information, please contact John McNamara of the committee staff at 224-2809.

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mrs. HAWKINS. Mr. President, as chairman of the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture, Nutrition, and Forestry, I wish to announce that the subcommittee will conduct a hearing on Thursday, November 17, 1983, at 9:30 a.m. in 328-A Senate Russell Office Building.

The purpose of the hearing is to receive testimony on S. 1300, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983.

Requests from those wishing to testify should be addressed to Senator PAULA HAWKINS, U.S. Senate, Washington, D.C. 20510, attention: Mr. Stuart Sweet.

ADDITIONAL STATEMENTS

CARRIER ALERT WEEK

● Mr. GLENN. Mr. President, I am pleased to cosponsor Senate Joint Resolution 141, a resolution to designate the week of December 4, 1983, as "Carrier Alert Week." With this resolution, the U.S. Congress joins States and local communities across the Nation in recognizing the accomplishments and continuing contributions of Postal Service letter carriers who participate in the carrier alert program.

The carrier alert program was created by the U.S. Postal Service and the National Association of Letter Carriers. Carriers taking part in this program monitor the mailboxes of elderly and handicapped people for accumulations of mail that might signal a sudden illness or injury. They report unexplained accumulations to participating social service agencies for appropriate followup. This service has saved lives and is a daily reassurance for thousands of frail and homebound elderly.

During the past year, letter carriers in 37 States and over 170 communities have participated in carrier alert, and many more programs are being planned for this year. The American Red Cross and the United Way have served as sponsoring agencies in many areas. As the ranking Democratic member of the Senate Special Committee on Aging, I am also pleased that State and area agencies on aging are getting involved in the program by helping to establish local programs.

Although the carrier alert program is new, I believe it is important to recognize the thousands of letter carriers who have unofficially provided this service for many years. We have all heard of heroic and thoughtful deeds performed by postal workers. The carrier alert program makes it easier for concerned and dedicated letter carriers to contact community agencies that can help.

I urge my colleagues to join me in paying tribute to the thoughtful letter carriers who perform this needed and greatly appreciated service by supporting this resolution for "Carrier Alert Week."●

S. 1913—SCHOOL LUNCH IMPROVEMENT

● Mr. D'AMATO. Mr. President, I rise to cosponsor S. 1913, a bill to provide for improvements in the school lunch and other child nutrition programs. I commend my distinguished colleague from Kentucky for introducing it.

One of the wisest investments we as a nation can make is in the future of our children. These child nutrition programs nurture the good health upon which, as has been scientifically documented, rest the hopes for a better education for our children. The billions we spend on education will be wasted if the children in the classroom are distracted by hunger.

We in the Senate have an obligation also to consider this matter in more human terms. No child should suffer from hunger or malnutrition. We have the opportunity to constructively address this issue. I hope that we will do so and I urge my colleagues to adopt this amendment.●

RALPH GRANT HONORED

● Mr. LAUTENBERG. Mr. President, Newark Council President Ralph T. Grant, Jr., is being honored tomorrow by friends and colleagues for his many achievements and selfless dedication to the community.

I wish to join in honoring him.

Mr. Grant is a veteran of the civil rights initiatives of the 1950's and 1960's, and worked on many projects with the late Dr. Martin Luther King, Jr.

Mr. Grant has served as principal of a private school and as a professor of sociology for Shaw University and Fairleigh Dickinson University.

He was elected to the Newark City Council in 1978 and reelected in 1982, and now serves as its president.

Mr. Grant has also served Newark as president of United Community Corp., chairman of the board of T.E.A.M., and chairman of the board of Concerned Citizens of the College of Medicine and Dentistry of New Jersey, among other positions.

His friends have called the honorary dinner "An Evening To Remember," which is appropriate for such an individual who should be remembered by the citizens of Newark.●

STATUS REPORT ON BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year

1984 pursuant to section 311 of the Congressional Budget Act.

Since my last report congressional action has been completed on the Labor, Health and Human Services, and Education appropriations bill, H.R. 3913; Interior appropriations bill, H.R. 3363; extension of Federal supplemental compensation program, H.R. 3929; and Land Exchange for Certain Mineral Lease Bidding Rights Act, S. 96.

The report follows:

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET, STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 91, REFLECTING COMPLETED ACTION AS OF OCTOBER 24, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	922,125	852,125	679,600
Current level	903,510	844,815	665,354
Amount remaining	18,615	7,310	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $18,615 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $7,310 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $0 million for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., October 26, 1983.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is tabulated as of close of business October 24, 1983 and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

These totals include estimates for all legislation that has cleared the Congress this session including annualized amounts for the 1984 continuing appropriations, P.L. 98-107. Since my last report Congressional action has been completed on the Labor, Health and Human Services, and Education appropriations bill, H.R. 3913; Interior appropriations bill, H.R. 3363; Extension of Federal Supplemental Compensation Program, H.R. 3929; and Land Exchange for Certain Mineral Lease Bidding Rights Act, S. 96.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	507,335	588,351	665,354
2. Entitlement authority and other mandatory items requiring further appropriation action	3,764	3,386	
3. Continuing resolution authority	309,435	184,277	
4. Conference agreements ratified by both Houses	82,976	68,601	
Current level	903,510	844,815	665,354
Budget resolution, House Concurrent Resolution 91	922,125	852,125	679,600
Current level is:			
Over resolution by			
Under resolution by	18,615	7,310	14,246

Sincerely,

James Blum
(For Rudolph G. Penner, Director).

WIDESPREAD BUSINESS SUPPORT FOR SENATE EXPORT ADMINISTRATION ACT EXTENSION

● Mr. HEINZ. Mr. President, as the author, along with Senator GARN, of S. 979, a bill to renew the Export Administration Act, I would like to note the widespread support among national business leaders for this legislation. Both Senator GARN and I believe the bill is a carefully constructed compromise which effectively protects the rights and credibility of exporters without compromising our national security needs.

S. 979 is designed to meet a number of important objectives. It insures protection for our national security and foreign policy interests while at the same time it bolsters U.S. economic security through exports. The bill contains a strong contract sanctity provision that is intended to reverse the current view among foreign customers that American business is an unreliable party to a contract, a view due in part to export controls imposed by this and previous administrations. Furthermore, the Heinz-Garn bill provides for more streamlined and efficient licensing procedures, while at the same time encouraging trade by eliminating the licensing requirements for nonmilitarily critical goods exported to our allies.

Mr. President, the following correspondence which I have received is a sample of the thoughts and concerns of the business community dealing with U.S. export policy. These letters reflect a central point in this debate: The need to keep intact the delicately structured compromise Senator GARN and I have assembled. Although it may be tempting to tinker with one provision or another, the result will be to unravel what the Banking Committee has so painstakingly assembled. The result will work to the detriment of both our exporters and those concerned with national security. These letters reflect the fact that the private sector understands this point very well and supports enactment of S. 979 in its present form. I insert these letters in the RECORD.

The letters follow:

HARSCO CORP.,
September 28, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: As Chairman and Chief Executive Officer of a Corporation with manufacturing facilities located in your state, I write to urge your support for H.R. 3231, the extension of the Export Administration Act (EAA).

The EAA of 1979 expires on September 30, 1983. The Senate Banking Committee has reported S. 979, the Export Administration Act Amendments of 1983. The bill extends and modifies the Act, particularly with respect to foreign policy export controls and national security export controls.

While we may have reservations about some provisions, we urge you to support S. 979 without any amendment which would weaken the Committee bill. We commend the entire Banking Committee for its efforts in shaping a bill which would protect our national security and foreign policy interests while enhancing our economic security through exports.

We view this legislation to amend the current Export Administration Act as extremely important in light of the fact that exports, and the jobs they generate, are critical to the health of the domestic economy. The U.S. share of world exports has been declining due in part to U.S. export control policies which cause foreign customers to view American businesses as unreliable suppliers.

S. 979 will be considered by the full Senate very soon. We urge you to support the bill. We hope that our concerns about several national security provisions will be addressed in conference.

Sincerely,

J. J. BURDGE,
Chairman and Chief Executive Officer.

[Mailgram]

DECISION DATA COMPUTER CORP.,
Horsham, Pa., August 4, 1983.

Hon. H. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

SIR: The purpose of this letter is to ask you to support the Senate EAA bill, S. 979 (the "Bill") and amendments which may be offered by the Banking Committee to further clarify this bill. I have reviewed this bill and I believe that it provides an appropriate balance between protecting the national security and permitting U.S. companies to remain competitive in the international market.

Decision Data is a high technology company which provides computer peripheral equipment to users throughout the world. The continued growth of our company is to a large extent dependent upon selling our products into the international market. For the sake of the over 1,000 people who are dependent upon Decision Data for their employment and for the broader concern of having a strong U.S. economy. I believe that

you should oppose unnecessary restrictions on U.S. companies which will prohibit us from maintaining a competitive position in the international marketplace. A healthy export sector is not only vital to the success of companies such as Decision Data but also to that of our economy and our strength and future as a nation.

While I am sensitive to the need for a strong national security policy in order to prohibit adversary nations from improving their military capacity, I feel that these controls must be carefully constructed so as to accomplish their purpose without infringing on the international trade which is so important to our international trade objectives. In my opinion, the national security can be protected most effectively by strengthening the Commerce Department and providing the U.S. Customs with the proper directions.

The bill, as presented to the Senate, is a balanced bill which will best achieve our objectives, I ask that you vote for the bill and any amendments which are recommended by the Banking Committee members which are intended to further clarify the proposed regulations. I also urge you to vote against any floor amendments intended to hinder West-West trade.

Very truly yours,

HOWARD BERNARD, Sr.,
Vice President.

AMAX, INC.,
Washington, D.C., September 12, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: In the coming weeks, the Senate will be debating S. 979, reauthorization of the Export Administration Act. I am writing to advise you of AMAX's support for this legislation and to express our hope that you will give it favorable consideration.

Of particular interest to us is the issue of contract sanctity. In the nonferrous metals and minerals business, we deal in commodities which are similar in quality irrespective of source and whose prices are determined on world markets. Reliability as a supplier therefore becomes extraordinarily important to a U.S. mining company trying to compete in international trade. Capricious government export control actions diminish the credibility and impugn the dependability of American raw materials producers, precluding them from achieving prices much above those of a metal merchant.

While AMAX is also supportive of other proposed changes such as limits on extraterritorial application of foreign policy export controls and strengthened provisions on foreign availability, protection of contracts is the single most important aspect of the Act for our company and its employees. We therefore urge you to resist any attempts to weaken the contract sanctity provisions of S. 979 when the Senate takes up this legislation.

Sincerely,

JOHN H. PAUL,
Director,
Office of Governmental Affairs.

U.S. CHAMBER OF COMMERCE,
Washington, D.C., September 8, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: As the Senate prepares to take up S. 979, the Export Administration Act Amendments of 1983, I want to emphasize the importance of this bill to members of the U.S. Chamber, and respectfully urge your careful consideration. S. 979 represents a thoughtful effort to balance the national security and foreign policy needs of the United States and the crucial need to enhance our economic security through increased exports. While the Chamber has a number of concerns with the legislation, on balance, we believe S. 979 deserves your support.

The Chamber has consistently supported a strong defense effort by the United States, including efforts to prevent the transfer of truly militarily critical technologies and goods to our adversaries. To achieve this objective, it is crucial that we focus our export control efforts on those items that would contribute significantly to the military potential of our adversaries and work for the elimination of controls on those marginal and strategically unimportant items that unnecessarily consume a substantial amount of licensing resources.

By streamlining current licensing procedures, S. 979 provides for a more efficient use of export control resources. Specifically, the legislation codifies existing multiple licenses and establishes a new comprehensive operations license for western destinations. Moreover, S. 979 eliminates licensing requirements for nonmilitarily critical technologies and goods destined for countries that maintain export controls on those goods and technologies in cooperation with the United States.

Most significantly, S. 979 contains provisions related to the imposition of foreign policy controls which would constitute a major step toward restoring this country's reputation as a reliable supplier. Specifically, it contains a provision under which existing contracts cannot be abrogated when foreign policy controls are imposed. The Chamber views this as a key provision and would strongly resist efforts to place either a time limit on its protections or create categories of cases that may be exempted from contract sanctity protection.

Consistent with the expanded enforcement authority provided by the bill, the Chamber supports an amendment to be offered by Senator Dixon that would provide for due process in the implementation of all penalty actions. Judicial review need not retard the export control process. Rather, it can strengthen the integrity of the process by making provision for firms seeking relief from arbitrary and capricious administrative decisions.

The Chamber continues to have reservations about provisions of S. 979 granting the President new authority to impose import controls. If these provisions are enacted, it is extremely important that the new authority be carefully circumscribed so as not to conflict with our international obligations. It is important that such authority not be used as a vehicle for protectionism or become a source of division within the Western alliance.

Finally, I would like to emphasize that the Chamber believes the system of checks and balances and interagency review, as provided for in the existing process, is the correct and most workable approach. The Department of Commerce should retain its licensing and enforcement authority. Consequently, any changes in such authority provided for under S. 979 should not be implemented in a way that significantly alters this balance and thereby undermines a central objective of the bill—to streamline and restore predictability to the export administration process.

In conclusion, I would like to comend the Banking Committee for the hard work and thoughtfulness that has gone into S. 979. We appreciate the committee's sensitivity to the dual objectives of promoting national defense and enhancing economic security through increased exports. Both of these objectives can be furthered by passage of S. 979.

Cordially,

HILTON DAVIS,
Vice President.

CIGNA CORP.,
Philadelphia, Pa., October 3, 1983.

Hon. JOHN HEINZ,
Russell Senate Office Building,
Washington, D.C.

DEAR JOHN: I urge your support for S. 979, the reauthorization of the Export Administration Act, which is currently pending before the Senate.

The legislation as drafted reflects the constructive contributions of the Finance and Banking Committees. It strikes a fair balance between legitimate national security and foreign policy concerns and the need for the United States to preserve and improve its export position. Unnecessary restrictions would undermine our economic interests, job opportunities, and relations with other nations. Excessive strictures only play into the hands of our competitors.

CIGNA Corporation insures international trade and seeks legislation which will both foster trade and defend American foreign policy interests. I believe S. 979 accomplishes both goals and hope you will vote for it.

Sincerely,

ROBERT D. KILPATRICK,
President.

[Western Union Telegram]

KULICKE & SOFFA INDUSTRIES,
Horsham, Pa., September 27, 1983.

Senator JOHN HEINZ,
Washington, D.C.

DEAR SENATOR HEINZ: The Semiconductor Equipment and Materials Institute, Inc. (SEMI), representing over 700 firms, opposes exports to the east block of semiconductor manufacturing equipment that is militarily critical. S. 979, currently pending before the Senate, would strengthen national security controls over East-West trade while enabling U.S. firms to compete on a more equal footing in free world markets. SEMI urges you to support this bill, and in particular, the following provisions:

1. Continued availability of bulk licenses, such as the distribution license for exports to Western destinations;

2. Establishment of a comprehensive operations license for the transfer of critical technology to Western destinations;

3. Elimination of certain individual license requirements within COCOM.

Enactment of this legislation is essential to sustaining a technological vitality of U.S.-based manufacturers.

C. SCOTT KULICKE,
President.

THE COCA-COLA CO.,
Atlanta, Ga., August 5, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: I am writing in reference to pending legislation which would

extend and renew the Export Administration Act. It is my understanding that the Senate and House are attempting to schedule floor action on this legislation in the very near future.

The legislative history of these important bills clearly demonstrates a concern from both the business community and the Congress that certain foreign policy export controls have imposed significant costs in terms of lost markets and have created a reputation of unreliability toward U.S. exporters.

As efforts are underway to renew the Export Administration Act, I hope Congress will adhere to the general principles of contract sanctity, advanced consultation, cost/benefit analysis, examination of foreign competition, and alternative means to achieve foreign policy goals important to the U.S. By recognizing these principles in the legislation, an Export Control Act can be developed which protects U.S. policy but yet does not undermine U.S. competitiveness in international trade or erode our reputation in international commercial reliability.

Maintaining credibility and reliability as trading partners in fulfilling both contracts and commitments are vital to the ability of the U.S. business community to effectively compete in the international marketplace. Hopefully, the final product will strengthen these important qualities for the U.S. business community.

Thank you for your leadership and work in this important area.

Sincerely,

DONALD R. KEOUGH.

THE BUSINESS ROUNDTABLE,
Washington, D.C., September 12, 1983.

Hon. JOHN HEINZ,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR HEINZ: I am writing to you regarding Senate Bill 979 which would reauthorize and amend the Export Administration Act of 1979. On behalf of the Business Roundtable, I request your support of S. 979 when it comes before the entire Senate.

As you know, the Export Administration Act provides the President with authority to control U.S. exports for national security and foreign policy reasons. National security controls are important because they prevent militarily critical goods and technologies from falling into the hands of our adversaries. Foreign policy controls have been used for much different reasons, including symbolic gestures of disapproval.

S. 979 goes a long way toward establishing a much needed balance between the legitimate foreign policy and national security concerns of our country and the increasingly critical need to protect U.S. exports and export-related jobs.

We, and others in the business community, are particularly pleased that S. 979 contains the following provisions.

FOREIGN POLICY CONTROLS

1. A consultative role for the Congress in the decision to impose foreign policy export controls.

2. A requirement that the full implications—including the probability of success—be determined before foreign policy export controls can be imposed, expanded, or extended.

3. An obligation to seek the agreement of other nations to limit the foreign availability of American products sought to be controlled.

4. A "contract sanctity" provision—in the event foreign policy controls are imposed—which would protect existing contracts, but would also preserve the right of an Administration to prohibit U.S. companies from entering into future contracts for the export of controlled items.

NATIONAL SECURITY CONTROLS

1. A reasonable decontrol of products and a streamlining of licensing requirements for exports to freindly nations.

2. A "comprehensive operations license" which would cover multiple transfers of technology to reliable consignees. Additionally the bill provides for multiple transfers of goods to approved consignees under a "distribution license."

We are concerned about some aspects of S. 979, such as its transfer of West-West license review authority to the Department of Defense and its controls on imports into the United States. Business would like to remove these provisions.

Still we believe S. 979 is a good bill and I urge you to vote in favor of it.

Sincerely,

LEE L. MORGAN,
Chairman, Task Force on International Trade and Investment, The Business Roundtable.

IBM,
Mechanicsburg, Pa., September 1, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: I am aware that you will be bringing S. 979, legislation to re-authorize the Export Administration Act, to the Senate floor during September.

IBM believes the Senate Banking Committee has reported sound and useful legislaton, striking a balanced compromise between many competing interests. As part of the Committee leadership, you should know that we are urging the Senate to support the bill, as reported, and Committee amendments, without further major amendment. We believe it will contribute substantially to promoting U.S. national security and foreign policy interests, while permitting American companies to compete more successfully in international markets.

As the wording of specific amendments becomes clear, you will be hearing from our Washington office.

Sincerely,

S. T. HENSLEY,
Site Manager,
Field Engineering Division.

UNITED TECHNOLOGIES,
Washington, D.C., September 20, 1983.

Hon. H. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR JOHN: I am writing to express our views on the Export Administration Act Amendments of 1983. While we have reservations about some provisions, we urge you to support S. 979 without any amendment which would weaken the Committee bill. We commend the entire Banking Committee for its efforts in shaping a bill which would protect our national security and foreign policy interests while enhancing our economic security through exports.

We view this legislation to amend the current Export Administration Act as extremely important in light of the fact that exports, and the jobs they generate for our employees in your state, are critical to the health of United Technologies. The U.S. share of world exports has been declining due in part to U.S. export control policies which cause foreign customers to view American businesses as unreliable suppliers.

S. 979 will be considered by the full Senate very soon. We urge you to support the bill. We stand ready to discuss any aspects of the bill with members of your staff.

Sincerely,

CLARK MACGREGOR,
Senior Vice President.

[Mailgram]

BUTLER, PA., *September 22, 1983.*

Hon. JOHN HEINZ,
Capitol One, D.C.

DEAR SENATOR HEINZ: It is my understanding that the Senate will soon consider S. 979 which revises and extends the Export Administration Act. On behalf of ARMCO in Butler, Pennsylvania I request your support for this bill which goes a long way toward establishing a much needed balance between our foreign policy and national security concerns and the critical need to preserve U.S. export and export related jobs.

ARMCO units have a number of products on the export control list which are required to have an export license. As a result we lose orders and indirectly jobs to a foreign competitor with a similar product not hampered by such requirements.

Also I ask that you vote for an amendment to be offered by Senator Dixon to provide U.S. companies with a limited "due process" appeal mechanism from decision involving denial of export licenses and impositions of sanctions and penalties.

Sincerely,

DAVID E. TODD, *President,*
Electrical Steel Division,
ARMCO.

[Mailgram]

AMBRIDGE, PA.,
September 22, 1983.

Hon. H. JOHN HEINZ III,
U.S. Senate,
Washington, D.C.

It is my understanding that the Senate will soon consider S. 979 which revises and extends the Export Administration Act. On behalf of ARMCO in Ambridge, Pa., I request your support for this bill which goes a long way toward establishing a much needed balance between our foreign policy and national security concerns and the critical need to preserve U.S. exports and export-related jobs.

ARMCO units have a number of products on the export control list which are required to have an export license. As a result, we lose orders—and indirectly jobs—to a foreign competitor with a similar product not hampered by such a requirement.

Also, I ask that you vote for an amendment to be offered by Senator Dixon to provide U.S. companies with a limited "due process" appeal mechanism from decisions involving denial of export licenses and impositions of sanctions and penalties.

Sincerely,

C. T. GORDER, *Manager, ARMCO.*

SEPTEMBER 27, 1983.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: The Semiconductor Equipment and Materials Institute, Inc. (SEMI), representing over 700 firms, opposes exports to the East bloc of semiconductor manufacturing equipment that is militarily critical.

S. 979, currently pending before the Senate, would strengthen national security controls over East-West trade while enabling U.S. firms to compete on a more equal footing in Free World markets. SEMI urges you to support this bill, and in particular, the following provisions:

Continued availability of bulk licenses, such as the Distribution License, for exports to Western destination;

Establishment of a Comprehensive Operations License for the transfer of critical technology to Western destinations; and

Elimination of certain individual license requirements with COCOM.

Enactment of this legislation is essential to sustaining a technological vitality of U.S.-based manufacturers.

Very truly yours,

HENRY C. WEBSTER,
President.

M. L. BURKE CO.,
UNION CITY, CALIF.,
July 26, 1983.

Hon. JOHN HEINZ,
U.S. Senate, Russell Building, Washington, D.C.

DEAR SENATOR HEINZ: As members of the U.S. Chamber of Commerce active in export trading, we urge your support for certain provisions of the Senate Banking bill S. 979.

Specifically, we feel it is important to retain the contract sanctity provision prohibiting imposition of foreign policy export controls or agreement which had been entered into prior to the President's pronouncement of imposing controls. Without this clause, U.S. business is classified by our trading partners as unreliable suppliers. Without this provision, smaller U.S. business firms can suffer irreparable damage from a high capital outlay which they then cannot recover. This provision is critical to U.S. business, and we oppose any alteration to include a time limit or to provide for exceptions.

We also support the retention of the requirement that certain basic determinations be made by the President prior to instituting controls. It makes no sense to injure U.S. business to the benefit of our recalcitrant allies.

Further, we strongly urge your support in retaining the provision requiring that; if 6 months after the imposition of export controls it is found that those items under control are still readily available to the country for which the control was directed, in comparable quantity and quality outside of the U.S., the Department of Commerce must license the export of that product or technology.

Your active following and support of these provisions will be appreciated. I also request your comments and continued updating of the status of S. 979.

Very truly yours,

M. L. BURKE CO.,
MAURICE L. BURKE,
President.

OWENS-CORNING FIBERGLAS CORP.,
Huntingdon, Pa., September 16, 1983.

Senator JOHN HEINZ,
443 Russell Building,
Washington, D.C.

DEAR SENATOR HEINZ: It is my understanding that the Senate will consider S. 979 which revises and extends the Export Administration Act. On behalf of Owens-Corning in Huntingdon and Mount Union, I request your support for this Bill which goes a long way toward establishing a much needed balance between our Foreign Policy and National Security concerns and the critical need to preserve U.S. exports and export-related jobs.

The Huntingdon Plant manufactures a product on the export control list which is required to have an export license. As a result, we lose orders—and indirectly jobs—to a foreign competitor with a similar product not hampered by such a requirement.

Also, I ask that you vote for an amendment to be offered by Senator Dixon to provide U.S. companies with a limited "due process" appeal mechanism from decisions involving denial of export licenses and impositions of sanctions and penalties.

Sincerely,

R. H. KIZER,
Plant Manager, TOD/IOD Division.
R. F. BEAVER,
Plant Manager, MOD Division.

LORANGER INTERNATIONAL CORP.,
Warren, Pa., August 25, 1983.

Hon. JOHN HEINZ,
Washington, D.C.

DEAR JOHN: I am writing to ask you to support passage of the Export Administration Act extension (H.R. 3231 and S. 979) which will be on the floor the week of September 12. This is vital to the future not only of Loranger International Corporation, but also to the overall competitive stance of U.S. high technology industries. We need you to oppose amendments to the Bill which would restrict our ability to export to customers in Western nations.

Loranger International Corporation makes Electronic Equipment and related Hardware, Software and Firmware. We currently employ 148 people and expect to employ 300 by 1985.

We recognize and support the necessity of depriving Soviet Bloc and other unfriendly nations of Western technology that can improve their military capability. However, if the controls are not carefully constructed, they can rob U.S. companies of crucial commerical markets in the West without preventing acquisition of the embargoed technology by our adversaries.

The Export Administration Act of 1979 has been effective in limiting the legal flow of technology to unfriendly powers. But it needs improvement. The current system is inefficient and discriminates against U.S. exporters in competition with companies in other Western nations. Too many of my company's shipments to free world customers are controlled and many license applications are repetitious or routinely approved. Too many items are embargoed by the U.S. unilaterally, thereby handing our aggressive and effective competitors in Japan and Western Europe additional markets and the jobs they might have generated in the U.S.

The objectives of preventing critical technology transfer and promoting exports are not in conflict. Both DoD and the CIA have testified that only a small portion of critical technology transfer to the East occurs through legal trade. Most technology leakage to the Soviet Bloc occurs through espionage or open scientific literature. Focusing export controls on truly critical items and streamlining the control procedures can both improve the effectiveness of the controls, thereby strengthening our national security, and make exporting of legal items easier.

The Export Administration Act expires on September 30. We need this bill passed before that. A "simple extension" of the present law would leave us saddled with the delays and uncertainty of the current Act and would constitute a major threat from this current opportunity to improve our nation's international trade viability.

We appreciate your support.

Sincerely yours,

J. ALBERT LORANGER,
President.

CATERPILLAR TRACTOR CO.,
Peoria, Ill., July 28, 1983.

Hon. JOHN HEINZ,
U.S. Senate, Washington, D.C.

DEAR SENATOR HEINZ: I am writing to request your support for S. 979 which would reauthorize the Export Administration Act of 1979. We have carefully followed development of this bill, and we believe it will achieve a critical balance between our country's national security and foreign policy concerns and the need to protect U.S. exports and jobs.

Of particular importance to Caterpillar has been the imposition of export controls for foreign policy reasons. Caterpillar's own experience clearly displays the problems in the current export law.

Prior to 1978 our company had achieved 85 percent dominance of the Soviet market for our type of product, and we expected to see continued strong demand for our equipment. In 1978 Caterpillar pipelayer exports to the Soviet Union were placed under a special licensing requirement by the Carter Administration. While we were prohibited from freely exporting, our principal worldwide competitor, Komatsu of Japan, increased its sales of such products to the Soviets. Virtually overnight, this foreign company replaced Caterpillar as the primary supplier to the Soviet Union. Today, Komatsu dominates the Soviet market, and Caterpillar is no longer a major factor there.

The bottom line of this unfortunate situation is that the Soviets have been able to satisfy their demand for pipelayers and related machines, Caterpillar was shut out of the market, and our Japanese competitor received the orders. The most serious impact was a loss of jobs for Caterpillar workers.

The imposition of foreign policy-motivated controls has similarly affected other American companies, and their employees. Markets have been lost—perhaps indefinitely—as result of a growing international concern regarding the "unreliability" of American companies as suppliers. Foreign competitors have quickly moved in to capture former marketing strongholds. And countless U.S. jobs have been lost in the process.

We believe that S. 979—with the addition of the "due process" amendment which will be offered by Senator Alan Dixon—would go a long way toward addressing the problems and inequities which have arisen in prior exercises of U.S. export controls. As I said, we believe S. 979 is a reasonable and realistic approach to protecting both our national security and foreign policy objectives and U.S. jobs.

Sincerely,

H. RICHARD KAHLER,
Manager, Governmental Affairs.

GOULD, GNB BATTERIES, INC.,
AUTOMOTIVE BATTERY DIVISION,
Dunmore, Pa., July 23, 1983.

Hon. JOHN HEINZ,
U.S. Senate, Washington, D.C.

DEAR SENATOR HEINZ: The Automotive Battery Division of Gould Inc. in Dunmore urges your support of S. 979. This legisla-

tion amends the Export Administration Act in a manner which will enhance the competitiveness of U.S. industry in the world markets.

Our export licensing laws have two major responsibilities—to limit the legal flow of technology to unfriendly powers and to ensure that legitimate sales of American products can be conducted efficiently, fairly and without unnecessary delay. The current law needs improvement on both scores. The Senate Banking Committee has taken many of the steps necessary to meet these often seemingly conflicting goals.

The bill is expected to come to the floor before the August recess. Gould Inc. would appreciate your support of these bipartisan objectives.

Sincerely,

CHESTER S. KUCINSKI,
Plant Manager.

SUN CO., INC.,
Radnor, Pa., September 26, 1983.

Hon. JOHN HEINZ,
U.S. Senate, Washington, D.C.

DEAR JOHN: As you know S. 979, the Export Administration Act, will shortly come to the floor for your consideration. We urge you to vote in favor of this bill.

The revised Export Administration Act is a carefully thought out piece of legislation which should ease the task of controlling export of U.S. technology to adversary nations, while still permitting U.S. manufacturers to compete in world markets. In addition, the bill's extension of restrictions on exports of Alaskan crude oil contributes to our national energy security.

I join with my colleagues at Sun and other members of American industry in urging you to support this bill.

Sincerely,

THEODORE A. BURTIS,
Chairman of the Board,
Chief Executive Officer.●

FALSE CONFESSIONS IN NICARAGUA

● Mr. ARMSTRONG. Mr. President, the Washington Post of Sunday, October 23, contains a story which illustrates how the Sandinista junta in Nicaragua is employing torture of prisoners to extract false "confessions" as part of the disinformation campaign about the nature of the opposition to the regime. I ask that the story: "Nicaraguan Prisoner's Story Illustrates the Role of Propaganda," be printed in the RECORD. I urge all of my colleagues to read it carefully.

The article follows:

(By Robert J. McCartney)

MANAGUA, NICARAGUA, Oct. 22—In the first part of the interview, the captured Nicaraguan guerrilla said he had been trained in Honduras to be a frogman. Later he changed his story.

Six U.S. journalists crowded around the hospital bed of the counterrevolutionary rebel with a cast on his hips and right leg. He described how he had been taught scuba diving and sabotage on the Honduran island of Roatan in preparation to attack coastal targets in Nicaragua.

"We studied maritime survival, explosives, diving," Emerson Uriel Navarrete said Wednesday as tape recorders whirred and the reporters took notes. He related how he and nine other recruits of the CIA-funded Nicaraguan Democratic Force had been shown photographs of targets to be attacked at the ports of Corinto and Puerto Sandino, where seaborne guerrillas staged raids last week.

Nicaraguan State Security officials had allowed the correspondents to interview Navarrete, apparently in the hope that he would confirm that CIA agents had been his instructors at Roatan. Barricada, the official newspaper of the ruling Sandinista Front, already had run a front-page story quoting Navarrete as naming four CIA operatives who had trained him.

Navarrete, speaking after security agents had left the room at the reporters' request, confirmed many details of the Barricada story. But he insisted that no CIA agents had been on the island.

Suddenly, more than halfway through the hour-long interview, Navarrete began to cry. As the reporters listened in amazement, he said he had been lying about the frogman training.

"I have to tell lies to be able to survive," he whispered between sobs. "they told me I was going to say what they told me, and they told me things that now I am telling you."

Navarrete, a wiry 28-year-old, said Sandinista security agents had twisted his wounded leg back and forth while he was imprisoned for 16 days in the city of Matagalpa after his capture. He showed metalwork around several lower teeth that he said had been bent inward when agents hit him with their fists.

Navarrete said that he had, in fact, been an antigovernment guerrilla but was only a foot soldier. Asked what parts of his stories were lies, he said that only the information about the diving instruction was false.

"The course at Roatan is a lie. It was invented by them," he said.

It was impossible to confirm what Navarrete said, including his claims about his treatment by the Sandinista State Security. As a guerrilla, he could have a political interest in accusing the Sandinistas.

His backtracking on his frogman story, however, seemed to offer a rare glimpse into the shadowy world of government propaganda. While the U.S. Central Intelligence Agency and Honduras are known to be supporting the Nicaraguan rebels, his comments suggested that security officials cooperating with Barricada had invented the story about the frogman course and the CIA trainers to whip up public resentment.

In addition, the incidents showed the difficulties that reporters in Central America have in dealing with the allegations of prisoners on all sides. There always is the danger that the prisoner—at his jailer's mercy in a region where torture allegations are common—has been fed his story beforehand.

Governments here try hard to influnece public opinion abroad, particularly in the United States. Nicaragua regularly trots out captured anti-Sandinista guerrillas who say that they were forced at gunpoint to join the insurgents, that rebel deserters are shot if captured or that morale is bad among their former comrades.

Government officials and armed guards are present during these testimonies, and journalists generally are not allowed to cross-examine the prisoners privately.

Reporters in Honduras recently faced a similar situation when captured guerrillas said at news conferences that they had been trained in Nicaragua and Cuba. In El Salvador, journalists wondered about a prisoner who was presented by the Treasury Policy and publicly confessed to killing a U.S. military adviser there.

The U.S. government and private American organizations opposed to the Sandinistas have presented a series of defectors and prisoners to give testimony about Sandinista activities. One of the most prominent, a former Sandinista intelligence official, has been signed up on a virtual U.S. lecture tour under State Department auspices and made available to speak on an ever-expanding range of topics from surveillance of U.S. diplomats and reporters in Managua to Soviet and Cuban foreign policy in Central America.

Early this year, a Nicaraguan Army defector received significant press attention with descriptions of torture and mass killings by the Sandinistas. Although U.S. officials questioned about the claims expressed some doubt, they said they were pleased by the coverage of the story.

In an earlier case, similar to the Navarrete interview, the State Department was embarrassed when it presented to the Washington press a Nicaraguan said to have been captured fighting alongside Salvadoran guerrillas, expecting him to describe his official mission on behalf of the Sandinistas. But he recanted publicly, saying he had no connection to the Nicaraguan government and had come to fight on his own.

In that incident, however, the guerrilla himself apparently had duped the State Department by telling officials one story and then taking it back when presented to the media.

The reporters who interviewed Navarrete had a further taste of these difficulties later Wednesday while interviewing three counterrevolutionary airmen who had been captured Oct. 3 when their C47 supply plane was shot down. Lt. Gustavo Villanueva of the State Security branch of the Interior Ministry insisted on siting in for these interviews, saying that the prisoners were dangerous and might attack the correspondents. He also stopped the reporters from interviewing one of the three in English, insisting that Spanish be spoken.

The three airmen, who had been presented at news conferences earlier, were interviewed individually and provided numerous details about their lives before joining the rebels and their work for the Nicaraguan Democratic Force.

Two of them also repeated earlier descriptions of several English-speaking advisers at their Honduran air base whom they said they believed to be CIA agents. Their versions were consistent; both said, for example, that the senior "gringo" at the base, identified as Maj. West, was about 50, short and thin, and spoke little or no Spanish.

There were a couple of subtle hints, however, that some parts of their stories may have been fabrications. During a brief moment when the security official was outside the room, the reporters whispered to Maj. Roberto Amador, "Is what you are saying true?" The answer was only partially reasuring: "Most of it." Next question: "Were you mistreated?" Long pause. "I don't think so."

During a moment alone with the next prisoner, Wilfredo Gutierrez, he also was asked whether he was telling the truth. There was another long pause while he slowly, deliberately looked at the walls and ceilings as though searching for hidden microphones. Then he looked squarely at the reporters and said firmly: "Yes."

After the interviews, the correspondents met at a restaurant to try to figure out how to handle the material.

"How do you write a credible story based on the testimony of four tortured liars?" one reporter asked, only half in jest.

We decided to ask for a second interview with Navarrete Thursday to have more time to question him on how he had been fed his story on his charges of mistreatment. Security official Villanueva said that it would not be possible to see him again until Monday at the earliest and there was no assurance that the reporters would be able to meet the prisoner privately.

A variety of signs indicated that Navarrete had been used for propaganda purposes. The newspaper Barricada, for instance, had quoted him as saying that he had been a sailor in El Salvador's Navy. The paper apparently was trying to link the Nicaraguan rebels to the Salvadoran government.

"They told me I also should say that I was a sailor for El Salvador which is absurd." Navarrete said. "I have not worked as a Salvadoran sailor, although I earned a living fishing there," before going to Honduras for rebel infantry training.

At one point while Navarrete was recanting his original tale, security official Villanueva unexpectedly walked into the hospital room. The prisoner suddenly began talking about how Cuban doctors had treated his wounds.●

NOTIFICATION TO THE SENATE OF A REVISED ALLOCATION PURSUANT TO SECTION 2(c) OF THE BUDGET RESOLUTION FOR FISCAL YEAR 1984

● Mr. DOMENICI. Mr. President, pursuant to section 2(c) of the budget resolution for fiscal year 1984 (H. Con. Res. 91), I hereby report to the Senate on behalf of the Committee on the Budget an adjusted allocation to the Committee on Appropriations under section 302(a) of the Congressional Budget Act. The details of this adjustment are contained in the following letter from the Committee on the Budget to the Committee on Appropriations.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., October 17, 1983.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you of an adjustment in the spending totals allocated to your Committee under the Budget Resolution for fiscal year 1984 (H. Con. Res. 91). This adjustment is made pursuant to section 2(c) of the Budget Resolution dealing with reserve programs.

In accordance with section 302(a) of the Congressional Budget Act, the budget authority and outlay totals in the Budget Resolution were allocated among the committees of the Senate. These allocations, contained in the statement of managers accompanying the conference report on the Budget Resolution, excluded amounts set aside in a budget reserve for identified new initiatives in domestic programs.

Section 2(c) of the Budget Resolution provides that the amounts in the budget reserve are to be allocated to the appropriate committees of the Senate upon enactment of authorizing legislation or at the point the Senate proceeds to consider entitlement or other direct spending legislation. The programs in the budget reserve and the amounts in the reserve fund for each program are set forth in the statement of managers accompanying the conference report on the Budget Resolution.

On October 24, 1983, the President signed Public Law 98-135, an act to provide federal supplemental compensation benefits for the unemployed, one of the programs contained in the budget reserve. Accordingly, the section 302(a) allocation to your Committee under the Budget Resolution is hereby adjusted as follows:

[In millions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Original committee allocation	536,138	510,889
Previous reserve adjustments:		
Direct loans for farm ownership, operating, or economic emergency	75	75
Veterans job training program	150	150
Adjustment for Federal supplemental compensation benefits for the unemployed	1,500	1,500
Adjusted committee allocation	537,863	512,614

The adjustment for Federal supplemental compensation benefits for the unemployed reflects the amount for that program in the reserve fund.

Sincerely,

PETE V. DOMENICI,
Chairman.●

YELLOW RAIN

● Mr. ARMSTRONG. Mr. Lucio Lami, a reporter for the Italian newspaper Il Giornale, recently wrote an article about the use of biological and chemical weapons by the North Vietnamese in Laos and Cambodia, and about the curious and obtuse silence by many in the West about this gross violation of international law and internationally recognized human rights. A translation of that article was printed in the current issue of Commentary magazine. Mr. Lami describes graphically some of the massive and irrefutable evidence of the use of poison gas, and, more appalling, the lengths to which some westerners have gone to suppress this evidence and its implications. He asks if the current silence in the West about Yellow Rain is any less shameful than the silence, 40 years ago, about Auschwitz, Buchenwald, and Treblinka. It is a question we should all be asking ourselves. I ask that the translation of Mr. Lami's article: "Yellow Rain: The Conspiracy of Closed Mouths," be printed in the RECORD.

YELLOW RAIN: THE CONSPIRACY OF CLOSED MOUTHS

(Lucio Lami)

When one investigates the use of Soviet chemical weapons in Laos and Cambodia (and, for that matter, in Afghanistan as well), the difficulty lies not in gathering evidence, which by now is within the grasp of anyone who searches for it, but rather in understanding by what sophisticated mechanisms this evidence has been obscured, discredited, and minimized by the very persons who should bring it forward. And since the great falsifiers are all Westerners, one encounters a second difficulty: how to explain to the victims the absurd game of political complicity by which the "chorus of closed mouths" has come to be organized.

A few months ago, during mymost recent visit along the Cambodian and Laotian borders where the guerrillas operate, I gathered so many and such detailed accounts of chemical warfare that anyone in my position would have had enough evidence for a grave and definitive verdict. At Ban Sangae I heard the testimony of Prith Song, the survivor of a gas attack on January 6 in the area of Non Chan, and the testimony of Chun Sarom, survivor of the attack of January 14. These two young men still had symptoms of poisoning, about which I heard the testimony of Miss Garcia, the attending doctor. The nature of the symptoms was confirmed by Dr. Jibbhong Jayarasu, a specialist in these things, who in recent days had treated twenty-eight gassed persons.

Along the Laotian border I heard the detailed testimony of Khommi Vang, the village chief of Ban Nam Jao, who, on December 22, 1982, between 8 and 9 in the morning, witnessed a "yellow-rain" attack launced from a Vietnamese airplane. Eyewitnesses described the effects of the attack, which wounded ten persons in the village, and roughly eight in the surrounding area.

The same description of "yellow rain," launched at the beginning of February on Nam Ngao and on Pa Mon, were heard from the refugees fleeing those villages. From the inhabitants of Ban Hue Sai, a Laotian village under Soviet and Vietnamese control, I heard of deposits of chemical weapons in the former religious house of the Oblates, a building visible from the Mekong.

In the region of Non Chan, in the first days of my arrival, a Vietnamese from the chemical units was killed, and his gas mask was taken by the Khmer Blancs. They insisted that I photograph and examine the mask before it was given to the West German embassy in Bangkok, which had secretly asked for it. The mask was of a new variety and confirmed that Vietnam was obtaining gas masks from various sources.

It is obvious that all countries, through their embassies in Thailand, have been collecting evidence. They have, by now, obtained a bit of everything: samples of infected soil and vegetation, blood samples from victims, samples of yellow powder, "top-secret" autopsy results, photographs of scarred and burned victims of chemical attacks (the photographs remind one of Hiroshima).

The documentation is immense (indeed, the Thai government has a special section of its intelligence service to deal with this material), and for some time the embassies collecting it have considered the evidence irrefutable. But the West is silent. Arrogantly challenging the obvious, the American national press continues to raise subtle questions, as if instead of a tragic reality one were talking about the Loch Ness monster; the press continues to say, "If it is true that 1,500 Hmong tribesmen have been killed by nerve gas," when it is sufficient to go there to discover that the number of dead is closer to 15,000, if not more. The Washington Post wrote last February that the "credibility of the charge" (of the use of gas) has been placed in further doubt by the fact that the gathering of evidence has been entrusted to

the American secret services. Such evidence—said the Post—is used by Reagan to convince Congress to finance American chemical-weapons programs.

Europe is no better. A few months ago a noted French newspaper spoke about Vietnamese gas attacks in these terms: "No definitive proof, but strong suspicions," and thus the dead come to be the objects of black humor like the character in the famous joke. (Alas! If he weren't dead, he would still be alive.)

In the United States, in the meantime, at regular intervals one reads reports from skeptical professors who, with great echoes in the press, deny the evidence of the sampling carried out at the request of the State Department. These statements are not presented for what they are (technical disputations of marginal questions: Was the sample contaminated? Did it contain traces of one or another substance?), but as a general challenge to a reality that they do not wish to accept. Instead of the thousands of deaths (many of them among the Hmong tribesmen, precisely those who remained loyal to the last to the Americans), one hears about learned scientific analyses.

Meanwhile, Western journalists, respecting the Thai veto that obliges them to stay far away from the zones where the gas is used, live their pleasant days in Bangkok. Of the hundreds of "information kamikazes"—the great investigative reporters who crisscrossed Vietnam during the "patriotic war" against the United States—there is not a trace. A mysterious syndrome of disinterest in the phenomenon seems to have spread like an epidemic across four continents.

This silence permits the most shameful and the most aberrant complicities between the Vietnamese and the West. An impressive example: the doctors of the International Red Cross—in violation of all medical standards—refuse to help victims of gas attacks, "because to accept them in the hospitals would create a political problem." Protests are lively, but useless. The International Red Cross in Thailand is under United Nations control, and UN organizations favor with their silence the slaughter of Laotian and Cambodian anti-Communists, guilty of having refused to accept their "liberation" by the Vietnamese.

Amos Townsend of the International Rescue Committee appealed to the U.N. Border Relief Organization which supervises the International Red Cross in Thailand. At a meeting on November 4, 1982, Townsend officially asked why the Red Cross denied assistance to gassed victims. He was given no answer and—even worse—his question was removed from the transcript of the meeting. The same treatment was given to his second question: "Why were the results of the autopsy of a twenty-two-year-old Cambodian woman, killed by Vietnamese gas and carried to the hospital of Kao I Dang, suppressed, even though the autopsy was performed by Red Cross doctors? No reply. Question deleted from the transcript.

The assistance agencies that work alongside the U.N. carry out their own campaign of obfuscation, while the newspapers say that "evidence is insufficient."

Almost all of the medical agencies, even the private ones, are under U.N. control, and they have adapted to these methods and deny help to gas victims. On December 2, 1982, the question was raised by a scientist, Dr. Jibbhong of the Catholic Office for Emergency Relief to Refugees (COER), who pleaded that the doctors "respect professional ethics and put their personal interest aside." The appeal was not in the transcript. All the U.N. humanitarian agencies make efforts to prevent the truth from appearing in the press: there is no worse enemy of the journalist who tries to work in the area than the United Nations.

Indeed, we owe some of the most brilliant operations of suppressing the truth to UN officials. The most tragic, perhaps, took place some time ago. Two years back rumors were heard in Bangkok to the effect that the Vietnamese were producing new gas mixtures that were capable of deceiving investigators as to their toxic content and their origin. These new substances—it was said—were the result of experiments in a laboratory conducted by a "new Doctor Mengele" who operated on human subjects. No one accepted these rumors, which were so clearly "defamatory" to Vietnam. But in April 1982, Adelia Bernard, of COER, was secretly taken to Phnom Penh where, thanks to a person who worked at the Hôpital Sovietique, she was informed of the incredible truth. The experiments were taking place, in that very same hospital as well as elsewhere, and were being conducted on healthy children ranging from two to ten years of age. The children were kept in special homes and during the experiments were placed in transparent plastic spheres equipped with two valves, one for oxygen, the other for the gas that was being tested. There were approximately one hundred child guinea pigs in the area of the hospital alone, while many others lived in laboratory camps built on the tiny islands of the Mekong. The latter were injected with toxic substances.

Incredulous, Mrs. Bernard asked for proof, and after negotiating the payment of $300, her interlocutor entered the hospital and returned with a plastic sphere, with valves and tubes, inside of which lay the dead body of a three-year-old baby. Adelia Bernard put the sphere in a sack and carried it back to Bangkok, where she deposited it on the desk of Mark Brown, a representative of the UN High Commission for Refugees. Brown did nothing, and no "case" was opened.

Brown has gone, perhaps prudently transferred or removed. But not a word is to be heard of that terrible episode, which takes us back to the days of Treblinka, and which makes us all guilty of a shameful silence.●

AGRICULTURAL CONTRACT SANCTITY

● Mr. BENTSEN. Mr. President, I have asked unanimous consent that I be added as a cosponsor of amendment No. 2427, to be offered to S. 979, the Export Administration Act. I also have asked unanimous consent that Senators HUDDLESTON, MELCHER, ZORINSKY, BOREN, PRYOR, LEAHY, HEFLIN, BAUCUS, FORD, EXON, and SASSER be added as cosponsors of this amendment.

It had been my intention to offer this amendment to S. 979 when that bill comes to the floor. This amendment is in essence identical to one that Congressman STENHOLM of Texas offered to the bill in the House. The Stenholm amendment was adopted by voice vote. Congressman STENHOLM had asked me to offer this amendment in the Senate, and I had agreed to and had started the groundwork for this effort. However, I note that the distinguished Senator from Minnesota (Mr. BOSCHWITZ) has introduced this as a printed amendment, and so I will join with him in cosponsoring this amendment rather than having both of us duplicate the work involved in winning its approval in the Senate.

Mr. President, throughout the last decade agricultural embargoes have done immense damage to the American farmer. These embargoes had badly tarnished our reputation as a reliable supplier of food—a reputation without which we cannot expect to be a major long term presence in the international export market.

We have taken steps to protect and refurbish that image. I was pleased to sponsor a contract sanctity provision that was enacted into law as part of the Futures Trading Act of 1982 (Public Law 97-444). Agricultural export contracts are now protected from the effects of any embargo for a period of 270 days. This amendment would simply preserve the agricultural contract sanctity provision in existing law.

The subject of contract sanctity will once again be an issue when the Export Administration Act, S. 979, comes to the Senate floor. The House version of this bill contains language that is significantly different from the language in S. 979 as reported.

The adoption of this amendment to S. 979 will avoid any possible problems with the conference on this bill. Such action will assure that, whatever happens with regard to other contract sanctity provisions, the agricultural contract sanctity in existing law will not be imperiled. This is because this amendment is exactly the same as the House language, and thus will not be an item of conference.

This amendment is not intended to in any way modify or undercut the other contract sanctity provisions that will be debated when S. 979 comes to the floor. It is my understanding that S. 979 is not intended to repeal or modify the existing contract sanctity law for agricultural products, and that the contract sanctity language in S. 979 as reported may be even broader than existing law. If that is the case, then there should be no objection to spelling that intent out with this amendment.

This amendment is a simple but necessary safety precaution for American farmers, and I urge my colleagues to join in supporting it.●

● Mr. HUDDLESTON. Mr. President, I am today joining a number of other Senators as cosponsors of amendment No. 2427 to the bill (S. 979) to amend and reauthorize the Export Administration Act of 1979, and for other purposes.

Senator BENTSEN and I had intended to introduce a similar amendment to S. 979 to preserve the agricultural contract sanctity provision approved by Congress last year as part of Public Law 97-444, the Futures Trading Act of 1982. We joined Senator DURENBERGER and many others in the Senate in adding the contract sanctity provision to the Futures Trading Act.

This provision prohibits the President, if he implements restrictions on trade with another country, from nullifying existing agricultural export contracts providing for delivery within 270 days after the announcement of the trade suspension. The only exceptions to this prohibition are periods in which the President declares a national emergency or Congress has declared war.

The provision provides farmers, exporters, and our foreign customers a clear statement of this Government's policy with respect to export sales. It is an important step toward restoring the reputation of the United States as a reliable supplier of agricultural commodities to world markets.

The provision must be preserved if our farmers and exporters are to be successful in their efforts to regain shares of foreign markets lost because of past uncertainty surrounding our commitment to deliver agricultural products under existing contracts. Any weakening of the contract sanctity provision of current law would undo much good work in the past few years to strengthen export markets.

The amendment is straightforward and clarifies the policy adopted by Congress last year. It simply states that nothing in the Export Administration Act will be construed to modify, repeal, supersede, or otherwise affect the contract sanctity provision of existing law. I urge my colleagues to support this amendment to reaffirm our commitment to contract sanctity.●

EXPLORATION AND DEVELOPMENT OF OCEAN MINERAL RESOURCES

● Mr. McCLURE. Mr. President, I would like to alert my colleagues to an important symposium sponsored by the Department of the Interior on future U.S. efforts to explore and develop ocean mineral resources. The symposium will be held on November 15-17 at the U.S. Geological Survey National Center in Reston, Va.

As my colleagues know, the President issued a proclamation on March 10, 1983 establishing an Exclusive Economic Zone (EEZ) of the United States which extends to a distance of 200 nautical miles contiguous to the territorial sea of the United States, including the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and other U.S. overseas territories and possessions. Within the EEZ, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and nonliving, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

The purpose of the DOI symposium will be to examine the status of current and proposed activities among academic institutions, the private sector, and Government agencies involved in evaluating, leasing, exploring, and developing mineral resources of the EEZ; will identify future research and data needs and program objectives and priorities of interest to all three sectors; and will define the best course of action by the Government, the private sector, and academia in the EEZ to evaluate this vast national domain within a framework of mutual cooperation. Minerals of interest include oil and gas, geothermal resources, and strategic and critical minerals such as cobalt, zinc, manganese, silver, and copper. Basic scientific, technological, and management needs associated with the assessment and development of these resources will be discussed.

The importance of evaluating and subsequently developing strategic and critical minerals on the ocean floor cannot be overemphasized. Our growing dependence for such strategic and critical minerals as cobalt and manganese (91 percent and 99 percent respectively) from sources considered to be politically and economically unstable is a concern that we all share. Any effort to reduce our minerals dependence should be pursued vigorously, not only for cobalt and manganese but for other imported mineral commodities considered to be strategic and critical. The survival of this Nation as a democratic society demands nothing less.

I therefore urge my colleagues and their staffs to participate in the upcoming DOI symposium concerning this extremely important subject.●

CAPITALIST AND PROUD OF IT

● Mr. ARMSTRONG. Mr. President, one of the great contradictions of our times is how Communist insurgencies continue to attract adherents despite the fact that political repression and poverty are the hallmarks of Communist regimes throughout the world.

One of the reasons for the continued spread of Communist control of nations, even in our own hemisphere, is the failure of the free world to recognize the importance of the war of ideas that is being waged throughout the world. Michael Novak, in a recent address at the Shavano Leadership Seminar in Colorado, discussed the critical need for Americans to understand capitalism and what has made it work to the advantage of free people.

I ask to include Mr. Novak's remarks in the RECORD and I commend it to my colleagues. Mr. Novak is contributing a great deal in both original thinking and historical perspective to the war of ideas that we need to understand.

The remarks follow:

[From Imprimis, October 1983]

CAPITALIST AND PROUD OF IT

(By Michael Novak)

Editor's Preview: Democratic capitalism, the system that has given the United States unparalleled wealth, freedom, and cultural richness, seems to be losing ground in the global war of ideas. Socialist notions, bankrupt as they are, continue seducing the emerging countries, placing our free-world on the intellectual defensive, and bemusing domestic liberals. Even many conservatives have not rallied to capitalism's defense.

To regain the initiative in this idea war, Americans must understand better what Adam Smith saw as the unique trinitarian character of our system—a democratic policy, a capitalist economy, and a pluralistic moral-cultural sphere mutually balancing one another. Our advocacy must celebrate not only the virtues of free enterprise, but also America's quieter strengths, like the role community plays in our lives, the way our creativity multiplies wealth, the edge diversity gives us in problem-solving.

The war of ideas can swing in freedom's favor, scholar Michael Novak concludes, if we take our stand as democratic capitalists and proud of it.

America with its system of democratic capitalism is engaged throughout the world in a war of ideas, a war which by several measurements we seem to be losing.

Around the world since 1948, 111 new nations have been formed. There were then 49, there are now about 160. Most of those new nations have chosen, or had chosen for them, forms of political economy that are not like ours. Today there still are not more than 30 democracies in the world, and every country that does function as a democracy, functions also as a capitalist system—that is, with a large private property sector, a large reliance on markets, and a clear reliance on incentives.

Yet a whole host of nations in our lifetime have chosen their form of political economy, and many are not choosing our way. Country by country, we can see them—Nicaragua most recently, Angola, and so many others—making choices of political economy about which one can confidently predict they will end in depression and poverty.

There is no reason that commands people in the emerging nations to make these choices. But even if leaders of the Third World were trained in Paris or in London, or indeed at Harvard or MIT, they are nonetheless likely to choose a statist direction.

At the time of its revolution in 1972, Bangladesh put into effect an economic plan, designed at MIT and Harvard, according to which the government nationalized every

industry in the country. Americans did that, not Soviets or Chinese. A decade later, every one of those industries is losing money, and the government, having run them into the ground, is now desperately trying to sell off what remains to private bidders. One could have predicted that, but Harvard and MIT didn't predict it.

Another example of why I say we are in a war of ideas: I have served twice at the U.N. Human Rights Commission in Geneva, and I can report to you quite candidly out of those two experiences that few of our allies, even those who come from mixed economies, ever speak in defense of the capitalist part of their system and ours. When they speak of political economy at all, they defend the "caring," "compassionate," socialist side of the system. They do not resist the socialist rhetoric at all, rhetoric which permits those who consider themselves democratic socialists to speak the same language as the representatives of the Soviet Union and China. In economic matters, they use virtually the same concepts, virtually the same methods of analysis, and although some are thinking of democratic outcomes and others are not, the language is bewitchingly the same.

You hear a great deal about "obscene profit," and it seems to occur to no one that profit is simply another name for development. That is, in any economic activity, if you are not taking out more than you are expending—whether you call the surplus "capital accumulation" or "profit" or whatever—then you are spinning your wheels or going backward. This is a rule that applies to socialist regimes just as it does to capitalist regimes: each has to show capital accumulation or it is running itself into the ground. Yet at the U.N. many speak in favor of development at the same time they are against profits. It makes no sense at all, but nobody even argues the question. The arguments have been neglected for almost forty years now.

TO FIGHT BACK WILLING AND WELL

How can we begin to turn this situation around? If we are to fight a war of ideas, two things are necessary. First we must be willing to fight. On program after program I am called by organizers, asking if I would please come to represent a point of view. Their tone of voice often gives me to understand that they regard it as the reactionary point of view, but in any case these people plead with me to come because they can't find anybody else. No doubt there are good reasons why spokesmen for democratic capitalism avoid many pre-stacked occasions, but nonetheless, our views are often not expressed.

Then, secondly, when we do express this point of view, it is important not to make fundamental mistakes, not to argue on terrain decided by our adversaries. It is very important to begin really looking at our society, this peculiar democratic capitalism that we have, and to understand it as it is.

For a very long time, throughout most of our history, it was not so essential for Americans to understand our system. Those who founded this country were so scarred by the era of religious wars through which they had just passed that they didn't want to set high a threshold of metaphysics or faith or philosophy as an entrance price at the door. They wanted people to begin to live and act without stating explicitly their deepest personal principles, because they did not want us to be divided on them. They had the insight that human beings are able to do many things together even though they do them for quite different reasons, each out of a quite different metaphysics.

So it has long been argued that Americans have a great advantage because we are a practical people, not an ideological people. We don't have to debate with the Soviets over Marxism and Leninism and Adam Smith. If they need a bit that will drill deep enough to get their oil and they can't make it, they will have to come to us to get it. If we build a better mousetrap, the world will beat a path to our door.

But now that world of non-ideoligical common sense has passed away. Today we see ideas ruling the world. It is not practical common sense that is leading the people of Nicaragua and Angola and the rest in their drive to build a socialist order. They are being led by ideas—bad ideas—to create societies which, you can predict, will be disasters. The role of ideas in the world has acquired extraordinary salience.

DETRACTORS LEFT AND RIGHT

Here in the United States, the attack on democratic capitalism and the weakness of our counter-attack have a couple of basic sources. One relates to certain real interests of groups in conflict, the other to some powerful intellectual currents.

There are now 16 million people working for all levels of governments in the United States, and 16 million working for the major corporations that make up the fortune 500—a virtual stand-off in terms of numbers. There is real money, real power, real influence at stake between these two portions of our elite. One group still thinks the way the old elite thought: the business of America is business, the way to move oneself and the country ahead is through the private sector. The other groups, which has been called the "new class," recognizes that power, wealth, and influence accrue to them in proportion as the government grows.

At issue are two radically different visions of political economy for this country. On the one side is the idea that this will be a better country if we have a caring, compassionate government—which means a bigger government. On the other side is the idea that this will be a better country if we shrink and limit the role of government so as to encourage and stimulate the activities of individuals and associations outside of government. These two very different images of what will make a good country spring out of two quite different philosophies, and point to very different results in the distribution of power, wealth, and influence.

The second of these ideas, the idea of democratic capitalism, has been sharply on the defensive in the United States for several decades now, not only because of the growth of new class but also because of intellectual traditions inherited from both the left and the right.

On the intellectual left, the social sciences tend to dominate. Marx himself conceived of socialism as social science applied. His fundamental assumption was that society, like nature, can be analyzed, taken apart, and put back together again in a more inventive and helpful way. Most people in the social sciences tend naturally to focus on those aspects of life which are statistically significant or subject to quantification. They do not catch in their methods of analysis very much about the free will of individual human beings, the role of markets, or the interplay of freedom. They notice rather the effects of social conditioning and group behaviors of various kinds, which sets them up to think in a socialist vein even if they are not explicitly socialist in their politics.

For example, the social scientists talk and write a great deal about alienation. But suppose you were to look neutrally at the world without having read too many books, to see where alienation is most severe today among 160 nations. In which countries would you find the greatest alienation, and in which countries would you find the greatest personal satisfaction, the brightest hope for the future, the strongest appreciation of their own worth? The democracies, obviously, would score the best. Yet this is exactly the opposite of what you would guess by reading sociological tracts on alienation.

But it is not surprising that those on the left are anticapitalist. What is surprising is that so many leading conservative intellectuals in fields like history, literature, philosophy, and religion are also anti-capitalist. My good friend George Will writes his anti-capitalist column every three months. Russell Kirk runs his annually in National Review. It is quite typical for a certain type of literary, religious, or philosophical conservative to prefer the eighteenth century as the high point of human development. George Will describes himself as a "stained glass conservative." I call him a "rose trellis conservative," because George really does think that rural England was lovelier when there was a rose trellis over every cottage. No floors, no plumbing, no screens; but on the other hand no asphalt, no credit cards, no massage parlors.

From religious loyalists within conservative ranks, the attack on capitalism and the corporations can be especially potent, because the advent of democracy and capitalism has contributed to reducing the authority of religious institutions. The fact remains that democratic and capitalist countries tend also to be the most religious countries of the world. The United States, specifically, is at once the most democratic, the most capitalist, and the most religious country in the world. Nonetheless it is true that some of the centrality of the religious leader in a pre-capitalist social order has been lost. He moves out of the center somewhat. The grandest and most inventive buildings in town are less often the cathedrals and more often the banks and universities.

For a variety of reasons, then, we have seen surprisingly little spirited defense of that particular blend of political economy called democratic capitalism coming even from conservative intellectuals in America today.

WHAT ADAM SMITH SAW

The time has come for Americans both left and right to take a fresh look at democratic capitalism in order that we may begin to think and act effectively in its defense. The place to begin is in 1776—not only with the Declaration voted in Philadelphia, but also with a book published in Edinburgh.

That was the year Adam Smith published his classic work, "An Inquiry into the Nature and Causes of the Wealth of Nations." Smith, for the first time in history, asked the right question. Even today most of the social science studies ask about the causes of poverty, which is the wrong question. Suppose you learn the causes of poverty; who wants it? The interesting question is the cause of wealth, and Adam Smith was the first to imagine that wealth could be systematically increased in a sustained way. He saw for the first time that economic development could occur, that the world was

not trapped in an eternal cycle where you must forever have seven fat years followed by seven lean years.

In looking at the New World from Scotland, Smith observed two experiments taking place. He observed that South America had far richer resources than North America: fabulous gold, silver, and lead, compared to humble crops of corn and tobacco, the mainstays of a good but hard living being eked out by the people strung out along the Atlantic Coast. The rank and quality of people, too, favored South America: aristocrats, generals, colonels, brave soldiers rewarded for their services; while in North America there were many more commoners, dissidents, the poor, criminals, refugees.

But Smith predicted, in spite of all this, that South America would end in poverty and oppression because it was reproducing a bankrupt idea—the idea of the Holy Roman Empire, dominated by great landed estates with nobility and peasants, a close union of church and state, a political economy run essentially by large landholders and the military. That system, he argued, could not thrive economically; it had never thrived in a thousand years of European history prior to 1776.

By contrast, Adam Smith argued that despite the relative poverty of North America, there would emerge on this continent unprecedented liberty and unparalleled prosperity. He attributed this, again, not to natural resources or population, but to its systemic idea. The Founders knew they were launching a new experiment in political economy, and so did Adam Smith, watching it from abroad, even before it was formalized in the Constitution.

TRINITARIAN SYSTEM

Smith noted and admired two overriding characteristics of this new idea that was emerging in North America. One was the separation of church from the state, and the separation of the press from the state, and the separation of the universities from the state. This grew out of the principle that you cannot trust political leaders to make decisions of conscience or ideas or information, because the life of the spirit is too important to leave to politicians. It was an important idea, and a fairly new one, though it had already been established in Geneva and some free republics of Europe, and it was to a certain extent observed in Great Britain itself.

The second principle was even more striking: namely, that you can't trust political leaders to make economic decisions either. Therefore you must separate economic institutions as much as possible from the state. This was far more original. It was in place hardly anywhere in Europe, although again some free cities had been built around this principle.

In the United States, a whole continent was to be built around these two separations, these three quite independent systems.

There was to be a democratic political system, with human rights, electoral suffrage, constitutional procedures, checks and balances.

Then there was to be a capitalist economic system based on private property, markets, and incentives (meaning systematic inequalities).

And finally there was a third, separate moral-cultural system, with free-standing churches, universities, newspapers, later radio and television, associations of poets and philosophers—quite rich sets of institutions in the moral-cultural sphere, institutions not entirely beholden to either the political system or the economic system.

All of this wisdom was summed up on American coins, on which was embossed the little inscription, "In God We Trust." The meaning of that statement in practice is, "in nobody else."

The genius of the system is that by dividing the powers you allow no one to control all of it. It is a completely Jewish and Christian idea, based on a profound observation of human life. It is not accidental that it grew up in a culture in which people had long been taught the doctrine of original sin.

That doctrine warns us that every human being sometimes sins. It follows, therefore, that you cannot trust too much power to anybody. On the other hand, the orthodox teaching about original sin also points out that most people, most of the time, are generous, decent, responsible. The first principle makes democracy and capitalism and pluralism necessary. The second principle makes a system based on all three possible.

As an example of the interplay between the different parts of our system, look at the opening of the American West, a case study in what today is fashionably called "development."

The Congress very early devised the Homestead Act, so that we would not be opening the West with several great families ruling everything like another Argentina or El Salvador, or even like the American South with its large plantations. Instead you saw a governmental decision that the idea of the United States was to have as many property owners (capitalists) as possible, for the protection of democracy. Not only would ownership be thrown open to everybody who could come out and claim a homestead, but there would also be the land-grant colleges, on the principle that the cause of wealth is intellect. And it would be the government that would establish these colleges—not in order to direct life but in order to empower life. Later there would be the Extension Service, and then eventually rural electrification, the Highway Act, the great dams and irrigation systems.

This is not a libertarian vision; ours has been a very active government. But neither is it a socialist vision, because the democratic capitalist government imagines itself as empowering people, not managing them. It puts in place those institutions which permit free people to build a better life for themselves through individual action and voluntary association.

For the government to undertake direct steps to manage the farms, to manage development, would be the socialist idea. But simply to put in place some of the prerequisites of economic development which the private sector itself could not put in place—this is the democratic capitalist idea of development. It is a thoroughly American idea. It has been proven marvelously effective by our own history. And it is equally applicable today in other settings around the world, settings where we need not be losing the war of ideas in the way we seem to be doing at present.

UNDERSTANDING OURSELVES BETTER

Fighting back in that war requires that we truly understand our system and argue for it on the basis of its genuine strengths, not with concepts about America that fail to do it intellectual justice.

We need, for example, a more lively appreciation of the notion of community, the strong role community has played in the American story. Most people who argue for our system in Rotary Clubs or Chambers of Commerce (as well as most Republican politicians) argue in terms of the individual. There is an emotional reason for that, but it is not an accurate reason. It reflects the experience of almost every entrepreneur. Most people who have started a business or made an invention have had the experience of everyone telling them it couldn't be done. Therefore it is obvious to the businessman that at so many places in one's life, there is nobody to rely on but oneself.

But this same entrepreneur, arguing for the individual, often fails to remember that his next step on the road to success, after that first lonely breakthrough, was to start a corporation. And the corporation, the most distinctive mark of democratic capitalist societies, is a social invention. It grows from an insight that economic tasks are too complicated to be fulfilled by one person alone or even by one generation alone; they need an organizational form which can transcend those limitations and endure. Moreover, this marvelous social institution depends for its success on an extraordinarily high range of social qualities.

Social cooperation is not a highly developed talent in most cultures. Most cultures, ironically, are either too radically individualist, or (an extension of the same trait) too family-centered. Neither individualism nor familism is as socially open and socially effective as the principle of free association. Our system is unusual in its strong emphasis on social skills. It has formed a new idea of community.

Think of any political campaign, when kids are brought out to go to Iowa, New Hampshire, or somewhere that they have never been, age 18, with their tennis shoes, and within 24 hours they are able to begin organizing a statewide campaign with nobody giving orders, no dictators, but with immense cooperative skills. Americans know how to do that characteristically, in whatever field of endeavor. Americans have developed a new and different type of historical personality—the communitarian personality. It is certainly not the rugged individualist we hear so much about.

Another of the fundamental ideas of democratic capitalism which we may tend to undervalue is the fostering of creativity and intellect. What answer did Adam Smith arrive at for his famous question about the cause of the wealth of nations? Intellect, he concluded, causes the wealth of nations—not natural resources. Most of the things we call resources today were not known to be resources 200 years ago. Human resourcefulness, the applied intelligence of man, made them so.

Jacques Servan-Schreiber wrote a book in 1968 called "The American Challenge". The American challenge, he said, was typified by astounding statistics like the fact that 70% of the chemicals sold in France that year had not even been in existence 10 years earlier, and that all of them were invented and manufactured in America. If this goes on, he said, France and the others will be completely owned by America. And how do the Americans do it? They have organized their lives to favor intelligence. Ours is the society in history which moves most quickly from a new idea to its manufacture to its widespread distribution.

Servan-Schreiber is an example of getting the point right. An example of getting it wrong is the ads and the political rhetoric you hear, warning that the United States will have to go on an energy diet, since our

6% of the world's population is using close to 40% of the world's energy. But that can't be true; think about it. For what the world meant by "energy" back in 1776 when Adam Smith was writing was the human back, horses and oxen, running water, the sun, the wind. Now the 6% of the world's population in the United States are not using 40% of the sun—not even Jane Fonda charges us with that. No, the energy we are using in such abundance is energy of our own creation.

It was in 1809 that the first person figured out how to make anthracite coal burn; everybody knew it burned hotter and longer, but you couldn't ignite it. But an American outside of Philadelphia figured out how to ignite it, thus opening up the anthracite fields of Pennsylvania, and so made possible the locomotive, the skyscraper, the ocean-going steamer, and so forth. It was in 1859 that an American dug the first oil well, also in Pennsylvania in Titusville. Then you had natural gas, you had the first electric light in New Jersey in 1878. In short, nearly all the things we now call energy were invented in the United States by the same 6% of the world's population. And today some 60% of those energy resources—by the figures mentioned above—are being enjoyed by others around the world who share the fruits of our inventiveness.

A third point which we should stress in defending the American system, a point we have already looked at, is pluralism. A society is more likely to be creative and more likely to build community if it allows for a vast variety of human beings, attitudes, viewpoints, and values, providing ways for all of them to argue out their differences in public. Fire will be struck from these arguments, and a much larger range of possibilities will be conceived than if we were all homogeneous. This vision of the possibilities of pluralism depends very much on an anti-utopian recognition that you can't trust human beings too much.

This way of approaching matters is different from the libertarian political way. It is different from the classical economic way of defending free enterprise. It helps to explain why the United States as a system has been able to learn whatever we may have needed to learn from socialism, far more easily than socialism finds it possible to learn from us.

NO GUARANTEE

The key is that we have such a broad base to work from. We recognize that there are important roles for government, for the polity. We allow for a great range of invention and possibility in the economic system. And we allow for an enormous range of moral and cultural values. Within this wide frame of reference we find it quite easy to learn lessons from almost anywhere and apply them, remake them, do them our way, and absorb them into our system.

The vitality, the ability to make a better life for our people and all peoples, the vision to respond positively to the future, are overwhelmingly present in America because of this unique trinitarian system.

But nothing guarantees that this system will endure forever. It is an experiment. Our failure to defend it well, with spirit and with intelligence, would be an unforgivable failure, a tragedy for the world.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. David S. Sullivan, a member of the staff of Senator STEVEN D. SYMMS, to participate in programs sponsored by foreign educational organizations, the Japanese Institute for Strategic Studies and the Korean Asiatic Research Institute in Tokyo, Japan, and Seoul, Korea, from August 26 to September 6, 1983.

The committee has determined that participation by Mr. Sullivan in the programs in Tokyo, Japan, and Seoul, Korea, at the expense of the Institute of American Relations, to discuss foreign and defense policies is in the interests of the Senate and the United States.●

ADDITIONAL PRINTING OF EULOGIES FOR SENATOR HENRY M. JACKSON

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 487, Senate Resolution 247.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 247) authorizing the printing of additional copies of a compilation containing the eulogies of the late Senator Henry M. Jackson.

There being no objection, the Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

S. RES. 247

Resolved, That there shall be printed for the use of the Joint Committee on Printing the maximum number of copies of a compilation containing the eulogies delivered in Congress on the late Senator Henry M. Jackson, which may be printed at a cost not to exceed $1,200.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CHRISTMAS SEAL MONTH

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate Calendar No. 495, Senate Resolution 188.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 188) to designate the month of November 1983 as "National Christmas Seal Month."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration and, without objection, the joint resolution will be considered to have been read the second time at length.

The joint resolution (S.J. Res. 188) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 188

Whereas chronic diseases of the lung afflict well over seventeen million Americans, cause more than two hundred thousand deaths annually, at a cost to the Nation of more than $48.8 billion each year in lost wages, productivity, and in direct costs of medical care;

Whereas leading the fight in the voluntary sector to prevent illness, disability, and death from lung disease is the American Lung Association—the Christmas Seal People—a nonprofit public health organization supported by individual contributions to Christmas Seals and other donations;

Whereas chronic obstructive pulmonary diseases have been among the fastest rising causes of death—an 87 per centum increase in the past ten years. Almost seven million Americans, including two million two hundred and fifty thousand children, suffer from asthma;

Whereas, two and one-half million people have emphysema, while seven million eight hundred thousand suffer from chronic bronchitis. And it is expected that lung cancer will surpass breast cancer as the leading cause of cancer deaths among American women during this decade:

Whereas the American Lung Association, the Nation's first national voluntary public health organization, was founded in 1904 as the National Tuberculosis Association to combat TB when this lung disease was known to nearly every American family and one in seven deaths resulted from tuberculosis. Beginning in 1907, Christmas Seals were used to raise funds through private contri-

butions to provide education to Americans about the disease;

Whereas, in its early years, the National Tuberculosis Association pioneered in school programs aimed at motivating our young people to establish healthful living patterns. That tradition remains strong as the American Lung Association, through its community Lung Associations, helps educate the public, patients, and their families about lung diseases; sponsors community action programs for good lung health; underwrites medical research; supports education for physicians and other health care workers; wages vigorous campaigns against cigarette smoking and air pollution. The primary source of funding for more than seventy years has been Christmas Seals. This year, Christmas Seals will be in sixty million homes. Tuberculosis has been subdued considerably, but not eradicated in the one hundred and two years since the discovery of the tubercle bacillus by Doctor Robert Koch. The disease is still responsible for one in one thousand deaths—many among children. The American Lung Association continues to work with Congress to better distribute resources to control tuberculosis and work toward its eradication;

Whereas the American Lung Association works with the National Heart, Lung and Blood Institute, a major component of the National Institutes of Health, to support research, training, and demonstration programs relevant to the lung, as well as the National Institute of Allergy and Infectious Diseases and the National Institute of Environmental Health Sciences, in addition to the Tuberculosis Program of the Centers for Disease Control, the Office of Smoking and Health, and the Office of Health Promotion; and

Whereas the American Lung Association continues to cooperate with Federal agencies to bring about a decrease in the serious problem of lung disease, a mission to which its volunteers and staff are committed: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Christmas Seal Month" and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the month with appropriate activities supporting the Christmas Seal program.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 400, Senate Resolution 208, the Budget Act waiver to accompany calendar order No. 365, S. 1267.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, there is no objection to this request.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 208) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1267.

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 208) was agreed to, as follows:

S. RES. 208

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1267. Such waiver is necessary because S. 1267 authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 16, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority to transfer partial responsibility for the Catalog of Federal Domestic Assistance from the Director of the Office of Management and Budget to the Administrator of the General Services Administration. No specific amount is currently authorized for producing the catalog, and it is presently funded out of general funds appropriated to the Director to carry out his responsibilities under chapter 61 of title 31, United States Code.

S. 1267 would transfer the responsibility for preparation, printing, and distribution of the catalog to the General Services Administration and would authorize to the Administrator such sums as may be necessary to carry out such responsibilities. The amount authorized to the Director of the Office of Management and Budget under section 6101 of title 31, United States Code, is correspondingly reduced by S. 1267 to reflect the Director's decreased responsibilities under chapter 61. There is, therefore, no net increase in Federal funds authorized by S. 1267.

The proposed transfer is assumed in the President's fiscal year 1984 budget request. The Appropriations Committees of the Senate and the House of Representatives have therefore had adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLICATION OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS CATALOG

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 365, Senate bill S. 1267.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1267) to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with amendments as follows:

On page 2, line 18, strike "Administrator of General Services";" and insert "Administrator";".

On page 3, line 13, strike "Code" and insert "Code (as amended by the first section of this Act),".

On page 3, line 16, strike "(5)" and insert "(7)".

On page 3, line 23, strike "a computer program" and insert "an iterative procedure or algorithm which can be written as a computer program;".

On page 4, line 3, strike "statement or program" and insert "statement, procedures, or algorithm,".

On page 5, line 8, after "title" insert "(as amended by section 2(4) of this Act)".

On page 5, line 10, strike "redesignating paragraph (2) as paragraph (3) and" and insert "striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and".

On page 5, line 14, strike "(2) and insert "(3)" and strike "(1)" and insert "(3)".

On page 5, line 16, strike "(2)" and insert "(4)" and strike "The Director".

On page 5, line 18, strike "(b)" and insert "(a)".

On page 5, line 19, strike "in" and insert "of".

On page 5, line 20, strike "in" and insert "of" and strike "Senate; and". "and insert "Senate.".".

On page 5, line 22 insert

(d) Section 6104(b)(1) of such title is amended to read as follows:

"(1)(A) all substantive information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (1), (2), (5), (6), and (7) of section 6102(a) of this title; and

"(B) such portions or summaries, as the Administrator considers appropriate, of the information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (3) and (4) of section 6102(a) of this title;".

On page 6, line 8, strike "Section 6103 and 6104" and insert "Section 6103".

On page 6, line 9, after "Code" insert "and section 6104 of such title (as amended by section 3(d) of this Act)".

On page 6, line 10, strike "each".

On page 6, line 11, after "appears" insert "in such sections".

So as to make the bill read:

S. 1267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chap-

ter 61 of title 31, United States Code, is amended—

(1) by adding at the end of section 6101 the following new paragraphs:

"(5) 'Director' means the Director of the Office of Management and Budget.

"(6) 'Administrator' means the Administrator of General Services."; and

(2) by striking out the phrase "Director of the Office of Management and Budget" each time that it appears and inserting in lieu thereof "Director".

SEC. 2. Section 6102 of title 31, United States Code, is amended—

(1) by striking out "prepare and maintain information on domestic assistance programs" in subsection (a) and inserting in lieu thereof "collect and review information on domestic assistance programs and shall provide such information to the Administrator"; and

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof "The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis.";

(3) by striking out "Director" in subsection (c) and inserting in lieu thereof "Administrator";

(4) by striking out "and" at the end of subsection (c)(1), by striking out the period at the end of subsection (c)(2) and inserting in lieu thereof "; and", and by adding thereafter the following new paragraph:

"(3) shall ensure that the information in the computerized system is made current on a regular basis and that the printed catalogue and supplements thereto contain the most current data available at the time of printing.".

SEC. 3. (a) Section 6101 of title 31, United States Code (as amended by the first section of this Act), is further amended by adding at the end thereof the following new paragraph:

"(7) 'formula' means any prescribed method employing objective data or statistical estimates for making individual determinations among recipients of Federal funds, either in terms of eligibility or actual funding allocations, that can be written in the form of either—

"(A) a closed mathematical statement; or

"(B) an iterative procedure or algorithm which can be written as a computer program;

and from which the results can be objectively replicated, within reasonable limits due to rounding error, through independent application of such statement, procedures, or algorithm, by different qualified individuals.".

(b) Section 6102(a) of such title (as amended by section 2(1) of this Act) is further amended—

(1) by striking out subparagraph (E) of paragraph (2) and redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) a specification of each formula governing eligibility for assistance or the distribution of assistance under the program, which shall be described through the use of—

"(A) the language used to specify each such formula in the law authorizing the program;

"(B) the language used to specify each such formula in any Federal rule promulgated pursuant to the law authorizing the program; or

"(C) a mathematical statement which is derived from the language referred to in subparagraphs (A) and (B) of this paragraph;

"(4) a description of all data and statistical estimates used to carry out each formula specified pursuant to paragraph (3), and an identification of the sources of such data and estimates;".

(c) Section 6102(c) of such title (as amended by section 2(4) of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) shall transmit annually the information compiled under paragraphs (3) and (4) of subsection (a) to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.".

(d) Section 6104(b)(1) of such title is amended to read as follows:

"(1)(A) all substantive information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (1), (2), (5), (6), and (7) of section 6102(a) of this title; and

"(B) such portions or summaries, as the Administrator considers appropriate, of the information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (3) and (4) of section 6102(a) of this title;".

SEC. 4. Section 6103 of title 31, United States Code, and section 6104 of such title (as amended by section 3(d) of this Act) are amended by striking out "Director" each place it appears in such sections and inserting in lieu thereof "Administrator".

SEC. 5. Title 31, United States Code, is amended by striking out section 6105 and inserting in lieu thereof the following:

"§ 6105. Oversight responsibility of Director

"The Director shall have oversight responsibility for the exercise of all authorities and responsibilities in this chapter not specifically assigned to the Director.

"§ 6106. Authorization of appropriations

"After October 1, 1983, there may be appropriated to the Administrator such sums as may be necessary to carry out the responsibilities of this chapter.".

SEC. 6. The analysis of chapter 61 of title 31, United States Code, is amended by striking out the item relating to section 6105 and inserting in lieu thereof the following:

"6105. Oversight responsibility of Director.
"6106. Authorization of appropriations.".

SEC. 7. The Director of the Office of Management and Budget shall transfer to the Administrator of General Services such personnel, property, records, and unexpended balances of appropriations available in connection with any authorities and responsibilities so transferred, as the Director of the Office of Management and Budget determines are necessary to carry out the responsibilities transferred pursuant to this Act.

amendment no. 2460

(Purpose: To make a technical correction)

Mr. STEVENS. Mr. President, I send to the desk a technical amendment on behalf of Senator DURENBERGER.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) on behalf of Mr. DURENBERGER proposes an amendment numbered 2460.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, between lines 21 and 22, insert the following:

(d) Section 6103(a) of such title is amended to read as follows:

"(a) The Administrator shall maintain a computerized information system providing access to—

"(1) the information described in paragraphs (1), (2), (5), (6), and (7) of section 6102(a) of this title; and

"(2) such portions or summaries, as the Administrator considers appropriate, of the information described in paragraphs (3) and (4) of such section.".

On page 5, line 22, strike out "(d)" and insert "(e)".

On page 6, line 9, insert "(as amended by section 3(d) of this Act)" before the comma the second place it appears.

On page 6, line 10, strike out "(d)" and insert "(e)".

● Mr. DURENBERGER. Mr. President, S. 1267 now before the Senate would transfer selected responsibilities for publication of the printed Catalog of Federal Domestic Assistance and the computerized data base containing information on Federal domestic assistance programs from the Director of the Office of Management and Budget (OMB) to the Administrator of General Services Administration (GSA). The bill requires further that annually GSA would provide Congress comprehensive documentation on formulas used to allocate Federal domestic assistance moneys and on the data and statistical estimates used to implement such formulas.

Since the enactment of the Federal Program Information Act of 1977, OMB has been solely responsible for all phases of compilation and maintenance of both the computerized and printed versions of the information of Federal domestic assistance programs. OMB believes that GSA, as a line agency with actual day-to-day responsibility for managing programs and with extensive experience in assembling and disseminating information, is better equipped to produce the catalog than is OMB, a staff agency to the President. I basically agree with this assessment.

My one concern in permitting this transfer is that OMB retain ultimate responsibility for the catalog so that the difficult management and coordination of a Government-wide activity such as this is given the priority it deserves by all of the participating agencies. To this end, I introduced S. 1267

on May 12, 1983, to transfer only the actual preparation and printing and distribution of the catalog to GSA. This legislation provides that oversight, validation, and correction of data submitted by the agencies, and policy setting concerning implementation of the Program Information Act remain the responsibility of OMB. Moreover, OMB would remain responsible for collecting data from the agencies and would remain the central contact of all line agencies with respect to Federal assistance program information. Further, OMB would retain responsibility for insuring the overall quality of the catalog and the computerized information system.

The other important provision of S. 1267 deals with the way this Government manages the formulas and statistics it uses to allocate billions of dollars of Federal assistance. This legislation will provide for compiling information on Federal allocation formulas and the statistics used to implement them in a central location and make it available to Congress on a regular and updated basis. I cannot overemphasize the importance of bringing this information together to provide both Congress and the executive branch a comprehensive picture of how we fund the intergovernmental system of grants and assistance.

As required in S. 1267, the improvement of formula documentation can be accomplished with little additional effort and expense on the part of Federal agencies. This is a long overdue effort, and I am delighted to say OMB is supporting it.

This is a good bill, and I urge its adoption.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2460) was agreed to.

Mr. STEVENS. Mr. President, I send to the desk a statement in behalf of Senator ROTH in the form of a Congressional Budget Office estimate and ask unanimous consent that it be printed in the RECORD as requested by Senator ROTH.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 6, 1983.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 1267, a bill to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RUDOLPH G. PENNER,
Director.

COST ESTIMATE OF SEPTEMBER 6, 1983

1. Bill No. S. 1267.

2. Bill title.—A bill to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes.

3. Bill status.—As ordered reported by the Senate Committee on Governmental Affairs, August 1, 1983.

4. Bill purpose.—This bill transfers responsibility for publication of the catalog of Federal domestic assistance programs from the Office of Management and Budget (OMB) to the General Services Administration (GSA), and includes additional reporting requirements. OMB would retain oversight responsibility. The bill authorizes the appropriation of such sums as may be necessary to perform this activity. In fiscal year 1983, $669,000 has been appropriated for this activity. The President has requested that $1.4 million be appropriated to GSA in fiscal year 1984 for this purpose.

5. ESTIMATED COST TO THE FEDERAL GOVERNMENT

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Estimated authorization level	1.4	1.5	1.6	1.6	1.7
Estimated outlays	1.3	1.5	1.6	1.6	1.7

Note.—The costs of this bill fall within budget function 800.

Basis of estimate.—This estimate assumes eleven full time equivalent positions will be required by GSA for publication of the catalog. Estimated costs of employee compensation and overhead, including computer time, are based on information provided by GSA and OMB. The estimated budget impact in fiscal years 1985 through 1988 has been projected using CBO's specialized price indices to reflect likely cost increases during that period. The estimate of annual outlays is based on historical spending patterns, assuming that the entire estimated amount is appropriated each year.

6. Estimated cost to State and local governments.—None.

7. Estimate comparison.—None.

8. Previous CBO estimate.—On May 10, 1983, the CBO prepared a cost estimate on H.R. 2592, a similar bill, as ordered reported by the House Committee on Government Operations. This cost estimate is identical to the earlier one.

9. Estimate prepared by Judith Walker (226-2860).

10. Estimate approved by C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 61 of title 31, United States Code, is amended—

(1) by adding at the end of section 6101 the following new paragraphs:

"(5) 'Director' means the Director of the Office of Management and Budget.

"(6) 'Administrator' means the Administrator of General Services."; and

(2) by striking out the phrase "Director of the Office of Management and Budget" each time that it appears and inserting in lieu thereof "Director".

SEC. 2. Section 6102 of title 31, United States Code, is amended—

(1) by striking out "prepare and maintain information on domestic assistance programs" in subsection (a) and inserting in lieu thereof "collect and review information on domestic assistance programs and shall provide such information to the *Administrator*"; and

(2) by striking out the second sentence of subsection (b) and inserting in lieu thereof "The Director shall be responsible for ensuring that the Administrator incorporates all relevant information received on a regular basis.";

(3) by striking out "Director" in subsection (c) and inserting in lieu thereof "Administrator";

(4) by striking out "and" at the end of subsection (c)(1), by striking out the period at the end of subsection (c)(2) and inserting in lieu thereof "; and", and by adding thereafter the following new paragraph:

"(3) shall ensure that the information in the computerized system is made current on a regular basis and that the printed catalogue and supplements thereto contain the most current data available at the time of printing.".

SEC. 3. (a) Section 6101 of title 31, United States Code (as amended by the first section of this Act), is further amended by adding at the end thereof the following new paragraph:

(7) 'formula' means any prescribed method employing objective data or statistical estimates for making individual determinations among recipients of Federal funds, either in terms of eligibility or actual funding allocations, that can be written in the form of either—

"(A) a closed mathematical statement; or

"(B) an iterative procedure or algorithm which can be written as a computer program;

and from which the results can be objectively replicated, within reasonable limits due to rounding error, through independent application of such statement, procedures, or algorithm, by different qualified individuals.".

(b) Section 6102(a) of such title (as amended by section 2(1) of this Act) is further amended—

(1) by striking out subparagraph (E) of paragraph (2) and redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) a specification of each formula governing eligibility for assistance or the distribution of assistance under the program, which shall be described through the use of—

"(A) the language used to specify each such formula in the law authorizing the program;

"(B) the language used to specify each such formula in any Federal rule promulgated pursuant to the law authorizing the program; or

"(C) a mathematical statement which is derived from the language referred to in subparagraphs (A) and (B) of this paragraph;

"(4) a description of all data and statistical estimates used to carry out each formula specified pursuant to paragraph (3), and an identification of the sources of such data and estimates;".

(c) Section 6102(c) of such title (as amended by section 2(4) of this Act) is further amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) shall transmit annually the information compiled under paragraphs (3) and (4) of subsection (a) to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.".

(d) Section 6103(a) of such title is amended to read as follows:

"(a) The Administrator shall maintain a computerized information system providing access to—

"(1) the information described in paragraphs (1), (2), (5), (6), and (7) of section 6102 (a) of this title; and

"(2) such portions or summaries, as the Administrator considers appropriate, of the information described in paragraphs (3) and (4) of such section.".

(e) Section 6104(b)(1) of such title is amended to read as follows:

"(1)(A) all substantive information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (1), (2), (5), (6), and (7) of section 6102(a) of this title; and

"(B) such portions or summaries, as the Administrator considers appropriate, of the information on domestic assistance programs that, at the time the catalog is prepared, is in the system under paragraphs (3) and (4) of section 6102(a) of this title;".

SEC. 4. Section 6103 of title 31, United States Code (as amended by section 3(d) of this Act), and section 6104 of such title (as amended by section 3(e) of this Act) are amended by striking out "Director" each place it appears in such sections and inserting in lieu thereof "Administrator".

SEC. 5. Title 31, United States Code, is amended by striking out section 6105 and inserting in lieu thereof the following:

"§ 6105. Oversight responsibility of Director

"The Director shall have oversight responsibility for the exercise of all authorities and responsibilities in this chapter not specifically assigned to the Director.

"§ 6106. Authorization of appropriations

"After October 1, 1983, there may be appropriated to the Administrator such sums as may be necessary to carry out the responsibilities of this chapter.".

SEC. 6. The analysis of chapter 61 of title 31, United States Code, is amended by striking out the item relating to section 6105 and inserting in lieu thereof the following:

"6105. Oversight responsibility of Director.
"6106. Authorization of appropriations.".

SEC. 7. The Director of the Office of Management and Budget shall transfer to the Administrator of General Services such personnel, property, records, and unexpended balances of appropriations available in connection with any authorities and responsibilities so transferred, as the Director of the Office of Management and Budget determines are necessary to carry out the responsibilities transferred pursuant to this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 461.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the amendments of the House to the bill (S. 461) entitled "An Act to extend the authorization of appropriations for the Office of Government Ethics for five years", with the following amendments:

(1) Page 1, line 15 strike out all after "years." over to and including line 3 on page 2

(2) Page 2, strike out all after line 3, over to and including line 7 on page 3, and insert:

AUTHORITY OF DIRECTOR

SEC. 2. (a) Section 402(a) is amended by striking out "under the general supervision of" and inserting in lieu thereof" in consultation with".

(b) Section 402(b) is amended—

(1) in paragraph (1)—

(A) by striking out "and recommending to the Office of Personal Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(2) in paragraph (2)—

(A) by striking out "and recommending to the Office of Personnel Management";

(B) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(C) by striking out "President or the Office of Personnel Management" and inserting in lieu thereof "President or the Director";

(3) in paragraph (6) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director";

(4) in paragraph (12)—

(A) by inserting "and the Office of Personnel Management" immediately after "Attorney General"; and

(B) by striking out "Office of Personnel Management" and inserting in lieu thereof "Director"; and

(5) in paragraph (15) by striking out "and recommending for promulgation by the Office of Personnel Management" and inserting in lieu thereof ", in *consultation with the Office of Personnel Management, and promulgating".*

(3) Page 5, strike out lines 1 to 10, inclusive

(4) Page 5, line 14, strike out [SEC. 7.], and insert: *Sec. 6.*

(5) Page 5, line 21, strike out [SEC. 8.], and insert: *Sec. 7.*

(6) Page 6, strike out line 6, and insert: *"(2) who are employees of the White House Office and*

(7) Page 6, line 14, strike out [SEC. 9.], and insert: *Sec. 8.*

(8) Page 7, line 7, strike out [SEC. 10.], and insert: *Sec. 9.*

(9) Page 8, line 20, strike out [SEC. 11.], and insert: *Sec. 10.*

(10) Page 10, line 9, strike out [SEC. 12.], and insert: *Sec. 11.*

(11) Page 11, line 21, strike out [SEC. 13.], and insert: *Sec. 12.*

(12) Page 12, line 2, strike out [SEC. 14.], and insert: *Sec. 13.*

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments to the Senate amendment to the House amendment.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table is agreed to.

GEORGE W. WHITEHURST FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 552.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 552) entitled "An Act to designate the Federal Building in Fort Myers, Florida, as the 'George W. Whitehurst Federal Building and United States Courthouse' ", do pass with the following amendment:

Page 2, lines 3 and 4, strike out ["George W. Whitehurst Federal Court Building".], and insert: *"George W. Whitehurst Federal Building and United States Courthouse.".*

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPORT-IMPORT BANK ACT OF 1945 AMENDMENT

Mr. STEVENS. Mr. President, on behalf of Senator GARN, I ask unanimous consent to place on the calendar a joint resolution (S.J. Res. 189) and send the resolution to the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, there is no objection to placing the resolution on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE OF AGRICULTURE COMMITTEE FROM CONSIDERATION OF SENATE RESOLUTION 233

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of Senate Resolution 233, a resolution to express the sense of the Senate concerning the adverse effect of U.S. agricultural exports of proposals to modify the common agricultural policy of the European Community, and I ask that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SENATE LEGAL COUNSEL TO REPRESENT CERTAIN SENATORS IN CASE OF FLYNT AGAINST U.S.A.

Mr. STEVENS. Mr. President, I send to the desk a resolution which I introduce on behalf of the distinguished majority and minority leaders and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 255) to direct the Senate Legal Counsel to represent Senators BENTSEN, CHILES, D'AMATO, FORD, HAWKINS, JEPSEN, MITCHELL, RIEGLE, SASSER, and SYMMS in the case of *Larry C. Flynt, et al.* v. *United States, et al.*

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. BAKER. Mr. President, this resolution would authorize the Senate legal counsel to represent 10 Members who have been named as defendants in the case of Larry C. Flynt, et al. against United States, et al., which is now pending in the U.S. District Court for the District of Columbia. The plaintiffs are challenging the constitutionality of the Federal statute that permits unwilling recipients of sexually oriented mailing matter to direct the Postal Service to prevent the mailing of such material to them. The suit arises out of the request by a number of Members of the Senate and House that the Postal Service direct the plaintiffs to take their congressional addresses off of the mailing list of the plaintiffs' Hustler magazine. The suit seeks to enjoin the congressional defendants from attempting to prevent plaintiffs from sending them this material. The Members of the Senate named as defendants have requested the Senate legal counsel to represent them, and this resolution would direct the counsel to provide representation in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

SENATE RESOLUTION 255

Whereas, in the case of Larry C. Flynt, et al. v. United States, et al., Civil Action No. 83-3062, pending in the United States District Court for the District of Columbia, the plaintiffs have named as defendants Senators Bentsen, Chiles, D'Amato, Ford, Hawkins, Jepsen, Mitchell, Riegle, Sasser, and Symms in a challenge to the constitutionality of 39 U.S.C. § 3008 (1976);

Whereas, pursuant to section 703(a) and 704(a) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(a) and 288c(a) (Supp. V 1981)), the Senate may direct its counsel to defend the members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senators Bentsen, Chiles, D'Amato, Ford, Hawkins, Jepsen, Mitchell, Riegle, Sasser, and Symms in the case of Larry C. Flynt, et al. v. United States, et al.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 1865 AND S. 1327 INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 292, Senate bill 1865, and Calendar No. 469, Senate bill 1327, be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INCREASE IN PUBLIC DEBT LIMIT

Mr. STEVENS. I now yield to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I think we are still in morning business. I would ask unanimous consent that we return to the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I have no objection to returning to the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2459

Mr. CHILES. Mr. President, there has been some discussion that we may be able to handle the amendment as a sense of the Congress in regard to the Cuban prisoners in a manner off of the debt ceiling bill tomorrow. Because that is a possibility, I would ask unanimous consent to temporarily lay aside that amendment and then send to the desk an amendment which I would ask be made the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I cannot assure the Senator that the first amendment will be dealt with as he desires.

Mr. CHILES. I understand.

Mr. STEVENS. Under that circumstance, I would have no objection if the Senator filed that amendment and we gave him unanimous consent that that amendment will be the next amendment in line. But to have his amendment be put aside at this time means that it would become then the measure that would have to be set aside for any other amendments to be considered tomorrow. I would prefer that he either withdraw the first amendment or indicate that he intends to call up this amendment after the other amendment is disposed of.

Mr. CHILES. That would be fine. If we could put this in line after the other amendment is disposed of, that would satisfy me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that the Senator has a pending amendment which is a sense-of-the-Senate amendment and that following the disposition of that amendment, the Senate will turn to the consideration of the Senator's second amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair.

Mr. CHILES. I thank the Chair.

ORDER FOR RECESS UNTIL 9:45 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:45 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, it is the intention of the leadership to turn to the consideration of the pending business at 10 a.m., or as soon as the leader's time expires, if that is later. There are no special orders tomorrow. The Senate should be on notice that we will be on the pending business early and that there will be a pending amendment.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. STEVENS. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate now stand in recess.

The motion was agreed to; and at 6:48 p.m., the Senate recessed until Friday, October 28, 1983, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate October 27, 1983:

DEPARTMENT OF STATE

Charles H. Price II, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

IN THE AIR FORCE

The following-named officer for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with the date of rank to be determined by the Secretary of the Air Force.

MEDICAL SERVICE CORPS

To be colonel

Robert S. Williams, [redacted]

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated.

CHAPLAIN

To be colonel

John B. Kenney

NURSE CORPS

To be colonel

Mary A. Blaubach

HOUSE OF REPRESENTATIVES—*Thursday, October 27, 1983*

The House met at 10 a.m.

Rabbi Solomon J. Sharfman, Young Israel of Flatbush, Brooklyn, N.Y., offered the following prayer:

Our Father who art in Heaven we invoke Thy blessing upon this House of Representatives, the seat of legislation and government for our great Nation of diverse creeds, races, interests, and loyalties, the greatest human agency for the betterment of mankind that the world has ever known. In this hour of grave crises that beset our country we pray that they may be speedily resolved to the benefit of our Nation and all humanity. Protect our servicemen on land and sea and air, and return them in health and safety to their families and to us. Endow the men and women who serve here with the spirit of wisdom, prudence, fortitude, and courage to foster the unity, vigor, the maturity, and the knowledge of all our people, great and small, to eradicate discrimination, strife and the deadly poisons of hatred and violence that evoke bitterness, fear, and the feeling of helplessness in our citizens.

Bless them, for they continue to play a fateful role in fulfilling the dreams and promoting the welfare of democratic nations all the world over. Help them to keep our Nation strong, to dispel the awful threat of war that darkens the Earth and to strive to attain for all Thy children liberty with justice and peace everlasting.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 27, answered "present" 10, not voting 46, as follows:

[Roll No. 422]

YEAS—350

Ackerman	Dicks	Kennelly
Akaka	Dingell	Kildee
Albosta	Donnelly	Kindness
Alexander	Dowdy	Kogovsek
Anderson	Downey	Kolter
Andrews (NC)	Dreier	Kostmayer
Andrews (TX)	Duncan	Kramer
Annunzio	Dwyer	LaFalce
Anthony	Dyson	Lagomarsino
Archer	Early	Latta
Aspin	Edwards (AL)	Leach
AuCoin	Edwards (CA)	Leath
Badham	English	Lehman (CA)
Barnard	Erdreich	Leland
Barnes	Fascell	Lent
Bartlett	Fazio	Levin
Bateman	Ferraro	Levine
Bates	Fiedler	Levitas
Bedell	Fish	Lewis (CA)
Beilenson	Flippo	Lewis (FL)
Bennett	Florio	Lloyd
Bereuter	Foglietta	Loeffler
Berman	Foley	Lott
Bethune	Ford (TN)	Lowry (WA)
Bevill	Fowler	Lujan
Biaggi	Frank	Luken
Bilirakis	Franklin	Lundine
Bliley	Frenzel	Lungren
Boehlert	Frost	Mack
Boggs	Fuqua	MacKay
Boland	Garcia	Marlenee
Boner	Gaydos	Marriott
Bonior	Gibbons	Martin (IL)
Bonker	Gilman	Martin (NC)
Borski	Glickman	Matsui
Bosco	Gonzalez	Mavroules
Boucher	Gore	Mazzoli
Boxer	Gradison	McCain
Breaux	Gramm	McCandless
Britt	Gray	McCloskey
Brooks	Green	McCollum
Broomfield	Guarini	McCurdy
Brown (CA)	Gunderson	McEwen
Broyhill	Hall (IN)	McGrath
Bryant	Hall, Ralph	McHugh
Burton (CA)	Hamilton	McKernan
Burton (IN)	Hammerschmidt	McKinney
Byron	Hance	McNulty
Campbell	Hansen (UT)	Mica
Carney	Harrison	Michel
Carper	Hartnett	Mikulski
Carr	Hatcher	Miller (CA)
Chandler	Hayes	Mineta
Cheney	Hefner	Minish
Clarke	Hertel	Molinari
Clinger	Hightower	Mollohan
Coats	Hiler	Montgomery
Coelho	Hillis	Moody
Coleman (MO)	Hopkins	Moore
Coleman (TX)	Horton	Moorhead
Collins	Howard	Morrison (CT)
Conable	Hoyer	Morrison (WA)
Conte	Hubbard	Murphy
Cooper	Huckaby	Murtha
Corcoran	Hughes	Myers
Courter	Hunter	Natcher
Coyne	Hutto	Neal
Craig	Hyde	Nelson
Crane, Daniel	Ireland	Nichols
D'Amours	Jeffords	Nielson
Daniel	Jenkins	Nowak
Dannemeyer	Johnson	Oakar
Daschle	Jones (OK)	Obey
Daub	Jones (TN)	Ortiz
Davis	Kaptur	Owens
de la Garza	Kasich	Oxley
Dellums	Kastenmeier	Packard
Derrick	Kazen	Panetta
DeWine	Kemp	Pashayan
Patman	Schumer	Thomas (GA)
Patterson	Seiberling	Torres
Paul	Sensenbrenner	Torricelli
Pease	Shannon	Towns
Penny	Sharp	Traxler
Pepper	Shaw	Valentine
Perkins	Shelby	Vander Jagt
Petri	Shumway	Vandergriff
Pickle	Shuster	Vento
Porter	Siljander	Volkmer
Price	Simon	Vucanovich
Pritchard	Sisisky	Watkins
Pursell	Skeen	Waxman
Quillen	Slattery	Weaver
Ratchford	Smith (FL)	Weber
Regula	Smith (IA)	Weiss
Reid	Smith (NJ)	Wheat
Richardson	Smith, Denny	Whitehurst
Ridge	Smith, Robert	Whitley
Rinaldo	Snowe	Whittaker
Ritter	Snyder	Whitten
Robinson	Spence	Williams (OH)
Rodino	Spratt	Wilson
Roe	Staggers	Winn
Rogers	Stangeland	Wirth
Rose	Stenholm	Wise
Rostenkowski	Stokes	Wolf
Roth	Stratton	Wolpe
Roukema	Studds	Wortley
Roybal	Stump	Wright
Rudd	Sundquist	Wyden
Russo	Swift	Wylie
Savage	Synar	Yates
Sawyer	Tallon	Yatron
Schaefer	Tauke	Young (MO)
Scheuer	Tauzin	Zablocki
Schneider	Taylor	Zschau
Schulze	Thomas (CA)	

NAYS—27

Brown (CO)	Evans (IA)	Markey
Chappie	Fields	Miller (OH)
Coughlin	Forsythe	Roberts
Dickinson	Gejdenson	Roemer
Dorgan	Goodling	Sabo
Durbin	Harkin	Schroeder
Eckart	Holt	Sikorski
Edwards (OK)	Jacobs	Solomon
Emerson	Lipinski	Walker

ANSWERED "PRESENT"—10

Conyers	Martin (NY)	Ottinger
Dymally	McDade	St Germain
Evans (IL)	Oberstar	
Gekas	Olin	

NOT VOTING—46

Addabbo	Hansen (ID)	Parris
Applegate	Hawkins	Rahall
Chappell	Heftel	Rangel
Clay	Jones (NC)	Ray
Crane, Philip	Lantos	Rowland
Crockett	Lehman (FL)	Skelton
Dixon	Livingston	Smith (NE)
Edgar	Long (LA)	Solarz
Erlenborn	Long (MD)	Stark
Feighan	Lowery (CA)	Udall
Ford (MI)	Madigan	Walgren
Gephardt	Martinez	Williams (MT)
Gingrich	Mitchell	Young (AK)
Gregg	Moakley	Young (FL)
Hall (OH)	Mrazek	
Hall, Sam	O'Brien	

□ 1020

Mr. DE LA GARZA changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 1, 1983:

H.J. Res. 284. Joint resolution commemorating the 25th anniversary of the National Aeronautics and Space Administration;

H.J. Res. 366. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes;

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes; and

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983.

On October 7, 1983:

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Safety Week of 1983."

On October 11, 1983:

H.R. 2972. An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes;

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes;

H.R. 3871. An act to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984; and

H.R. 4101. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

On October 12, 1983:

H.R. 3813. An act to amend the International Coffee Agreement Act of 1980.

On October 13, 1983:

H.R. 3415. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

On October 14, 1983:

H.R. 2840. An act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska; and

H.R. 3379. An act to name a U.S. Post Office Building in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office Building."

On October 17, 1983:

H.R. 3835. An act to designate the U.S. Post Office Building in Oshkosh, Wis., as the "William A. Steiger Post Office Building."

On October 18, 1983:

H.R. 1556. An act to authorize the conveyance of the Liberty ship *John W. Brown.*

On October 24, 1983:

H.R. 3321. An act to provide for the striking of medals to commemorate the Louisiana World Exposition; and

H.R. 3929. An act to extend the Federal Supplemental Compensation Act of 1982, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3103. An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3103) entitled "An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STAFFORD, Mr. SYMMS, Mr. DOMENICI, Mr. CHAFEE, Mr. ABDNOR, Mr. RANDOLPH, Mr. BENTSEN, Mr. BURDICK, and Mr. MOYNIHAN; and on all matters affecting urban mass transportation assistance: Mr. GARN, Mr. TOWER, and Mr. DIXON, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 47) entitled "An act to improve the international ocean commerce transportation system of the United States," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PACKWOOD, Mr. GORTON, Mr. STEVENS, Mr. KASTEN, Mr. LONG, and Mr. INOUYE from the Committee on Commerce, Science, and Transportation; Mr. THURMOND, Mr. HATCH, and Mr. METZENBAUM from the Committee on the Judiciary to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 726) entitled "An act to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ANDREWS, Mr. GOLDWATER, Mr. GORTON, Mr. MURKOWSKI, Mr. MELCHER, Mr. INOUYE, and Mr. DECONCINI to be the conferees on the part of the Senate.

RABBI SOLOMON J. SHARFMAN

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, it is my pleasure and privilege to introduce to my colleagues today's visiting chaplain, Rabbi Solomon J. Sharfman. I would like to thank the House Chaplain, Reverend Ford for arranging Rabbi Sharfman's appearance here today.

Rabbi Sharfman is one of the leading rabbis in Brooklyn and in New York City. For 45 years he has been the spiritual leader of Young Israel of Flatbush and has been instrumental in that time in the development of the Young Israel movement. He is respected for his scholarship and for his work in the Jewish community and in the community at large, he is revered for his wisdom and he is loved for his compassion and insight.

The rabbi's accomplishments in the Flatbush community are legendary. The establishment of the Vaad Harabonim and Rabbinical Board of Flatbush, the Flatbush Eruv, the Mikvah, and the Gemilath Chasodim of Flatbush are some of his monumental achievements.

He has also been active in the overall Jewish community serving as the president of the Rabbinical Council of America, the Synagogue Council of America, and chairman of the New York State Kosher Advisory Board.

In addition, Rabbi Sharfman is presently a member of the Committee for the Aged of New York City. He was cited by the U.S. Air Force for his work during World War II in both Europe and North Africa.

I would like to point out that the rabbi is accompanied by Mrs. Sharfman and a delegation from Young Israel of Flatbush and I would like to welcome them to Washington as well.

I would like to take this opportunity to salute Rabbi and Mrs. Sharfman in this the final year of their 45 years of service to our community. This is a particular honor for me in that it was Rabbi Sharfman who presided at our wedding. To be in the glow of Rabbi Sharfman's sun has been both a pleasure and an honor for Iris and me. We know of no one for whom we have more respect. On behalf of our community and in the presence of my colleagues I would like to say thank you to Rabbi Sharfman for your contribution to making Brooklyn the very special place that it is. When you move to Israel we will miss you dearly.

DECEMBER DEPLOYMENT OF PERSHING II AND GROUND-LAUNCHED CRUISE MISSILES

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I rise today to express deep concern about the deployment of Pershing II and ground-launched cruise missiles in Western Europe in December. I am heartened by recent initiatives on both sides at the INF talks in Geneva and applaud the President for his September 26 U.N. proposal. However, de-

spite the limited progress that has taken place in Geneva, I am doubtful that an agreement can be worked out before deployment begins in December.

Therefore, Mr. Speaker, I would propose we delay deployment of these missiles to allow our negotiators in Geneva more time to work out an agreement. If we lose the opportunity for an agreement by deploying in December, we will suffer a major setback in our relations with the Soviets. A delay would put the United States in a peacekeeping role, ease current strains within the NATO alliance, and in no way jeopardize the interim security of our European allies.

PRESIDENT REAGAN TOOK THE RIGHT ACTION IN GRENADA

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, there is an old saying that a picture can be worth a thousand words. I am certain that many of my colleagues and millions of Americans saw the picture of one of the first American students evacuated from Grenada kneeling and giving thanks when he arrived on American soil in Charleston, S.C. His actions and the statements of support and thanks made by other returning Americans in my mind provides the most dramatic justification for the action taken by the President in Grenada.

Who can find fault with a policy which seeks to avert a catastrophe which could affect American citizens? What was one to do—wait until the Cubans established a strong foothold in Grenada and than made our citizens their hostages? No; I contend the President took precisely the right action and whenever possible when we deal with our Communist adversaries we must operate from a position of strength.

The six American servicemen who have died to save their fellow Americans deserve our Nation's highest praise and gratitude. They were patriots of the highest order. In many respects the American mission in Grenada has been accomplished and I believe the administration is committed to ending our military involvement as soon as possible.

For those who would be critical of what we did in Grenada—just remember the words and actions of those Americans whose very lives may have been saved because of it. This is not the time to engage in partisan second guessing.

SGT. MAJ. F. B. DOUGLASS

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, many of us lost constituents last Sunday in Beirut. I lost two, and have had two wounded so far. They were just boys.

I traveled to Beirut on two occasions, July 4 and 5, and then again just 3 short weeks ago. I knew those boys. I ate with them, I played volley ball with them, and I talked with them.

But I rise today to honor a man who made a profound impression upon me, and I did not really know whether Douglass was his first name or his last name. It really did not matter. I saw him, I knew him, I knew him as big, wonderful black Douglass. He was special.

And so to the family of F. B. Douglass of Cataumet, Mass., I want to say that this Member was proud to have known him. He is what the corps is all about. A 21-year marine, he was tough, and he was warm. He was strong, and he was caring, He was only 6 feet 5, but he stood 10 feet tall. He was their Sergeant Major, and I am very glad that our paths crossed.

WRIGHT PATMAN CREDIT UNION SELLS OLYMPIC COINS AND DONATES PROFITS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I am proud to announce that the Wright Patman Congressional Federal Credit Union is one of the first financial institutions in the country to begin selling Olympic commemorative coins minted by the U.S. Government. Presently only the 1983 silver dollar coins are available but after the first of the year the 1984 silver dollar and gold 10 dollar coins will be on sale.

I am hopeful that every Member of this body and most of their staff will buy an Olympic coin since $10 of the sale price of every dollar coin and $50 of every gold coin goes directly to the U.S. Olympic Committee and the Los Angeles Olympic games. In addition, the Wright Patman Credit Union, which bought the Olympic coins in bulk at a discount, will donate all profit from the sale of the coins to the U.S. Olympic Committee. That means our Olympic athletes will get a double helping of financial aid from the credit union and its members.

Mr. Speaker, if every financial institution followed the example of the Wright Patman Federal Credit Union and sold Olympic coins on a nonprofit bases, our Olympic teams would never again have to worry about enough money to train Americas' athletes.

WHAT KIND OF POLICY, MR. PRESIDENT?

(Mr. HARKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARKIN. Mr. Speaker, on Tuesday I spoke to this body, asking why we did not accept the Israeli Government's offer to receive our wounded marines at the hospitals in Israel, especially the one in Haifa only 30 minutes away.

I asked at that time what kind of a policy led to this decision. I have now learned some new information. You remember the first pictures that came back from Beirut after that Sunday morning bombing? We saw pictures of our young marines sifting through the rubble trying to pick up pieces of concrete, to lift them off by hand.

What I now have learned is that Israel offered special teams, specially trained teams, to come and move that rubble. I understand that they have special equipment that they designed that is inflatable to move this concrete. They have special sonar devices to locate individuals who may be buried, and they have special oxygen devices to get air to individuals trapped under this type of debris.

Just 3 hours after the bombing, the Israeli Government offered that assistance and it was turned down. Unbelievable as that sounds—it was turned down. Now we will never know whether or not these teams could have saved additional American lives, but why did we not accept that offer?

So on Tuesday I asked the question. I said, "Mr. President, what kind of policy led to the decision to not accept the offer to utilize the hospital in Haifa?" Today I ask again, Mr. President, what kind of policy led to the decision to not accept the offer of Israel to use these specialized teams to help clear the rubble and perhaps save additional American lives? What kind of policy, Mr. President?

THANK GOD FOR OUR ARMED FORCES

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, on Grenada and the situation there, the world screams at us. Nations overseas which we have defended with our billions and with our blood condemn us.

The news media at home howls because for a brief moment in our history they have been denied access to the battlefield.

Members of Congress fret and carp.

What would have been said by them and us if we had yielded those bright, young Americans to the Cuban bayonet? What a beautiful sight to see

those, our youthful countrymen, kiss the soil of South Carolina with praise and thanks on their lips.

On Grenada, Mr. Speaker, I as a Democrat stand with my President and say thank God for our Armed Forces.

WHAT IS IT FOR?

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, to use the casual phrase of Abraham Lincoln, doesn't it seem strange that of 1,000 Americans who were on Grenada at the time that the bloodthirsty Commies took over the country and had their cutthroat custody for several days, not one was blindfolded, not one was tied up, not one was harmed in any way that we know about?

Mr. Speaker, the Americans' lives that were in danger on Grenada apparently were not the ones who were already there. The American lives endangered on Grenada were those who were sent there to die, and did die.

Aside from making the Russians look better in Afghanistan, and making our Constitution look worse in the United States, what is it for?

ACTION ON CLINCH RIVER BREEDER REACTOR REGRETTABLE

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I want to take this opportunity to thank all those Members of the House who expressed their support for the Clinch River breeder reactor, not only this year, but over the past 6½ years that we have worked to maintain this technology. As most Members know, the Senate yesterday by vote of 56 to 40 tabled further consideration of the alternative financing plan and further funding for this project. Under the circumstances, and given the budgetary concern of the present, that action essentially halts the Clinch River project for at least the near term.

I think the action is most regrettable first because I believe we will eventually build a breeder reactor to meet our energy needs. It is an attractive and a feasible technology that incorporates conservation of existing fuel as well as improved operating efficiency and safety; second, because the taxpayers have now lost any tangible benefits from the more than $1.6 billion invested in the project. The Department of Energy has advised me that they are now drawing up termination plans for Clinch River. Those steps will add another $250 million or more to the final cost, and those funds will have to be appropriated by this body during the coming months.

While I am disappointed by the Senate action, particularly in light of the momentum we had gained in the House, I have no regrets about the time and effort I put into this battle over the past 6 years. I believe history will prove that yesterday's Senate vote was a step backward from a responsible energy policy.

I would only add my thanks to all the supporters of Clinch River who have helped me over the years and in particular Senator HOWARD BAKER for his personal commitment to this project. We put our hearts and minds into this effort, and even though we did not prevail, I am proud of the battle we waged.

QUESTIONS PRESIDENT MUST ANSWER TONIGHT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, tonight the President will address the Nation and the world. These are questions he must answer:

Why are our military forces in Lebanon?

What is our mission—our objective in Lebanon?

Are there nonmilitary means to accomplish this mission?

Is our mission achievable through military means?

If there is no alternative but the military, then do we have the military resources to accomplish our objective?

Who will oppose our military forces and what are their capabilities to deny us success?

Will devoting our resources to this task weaken our ability to meet other more important national security needs?

What will be the consequences if we succeed?

What will be the consequences if we fail?

How long will it take to accomplish this mission?

What will be its cost?

What will be its cost in American lives?

Are the American people prepared and willing to make this sacrifice and pay this cost?

WE HAVE NO BUSINESS CHOOSING THE GOVERNMENT OF GRENADA

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, if we do not leave Grenada immediately, the long term consequences of that invasion will badly damage our relations with our friends throughout this hemisphere and the world.

Saving the lives of American citizens, Mr. Speaker, is a good and a sound policy, and I commend it. But taking over a government and taking over a country is not. If our goal is to save lives, Mr. Speaker, we should evacuate all remaining Americans who wish to leave and we should leave, but we have no business choosing the Government of Grenada.

A BACKGROUND UPDATE ON THE EASTERN CARIBBEAN

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, there will be a lot said on the floor today about the action in Grenada. As the only representative in the Congress from the region of the English-speaking eastern Caribbean, I want to remind my colleagues again of the two points I have been stressing over the past 2 days: First, we must not confuse the eastern Caribbean, with its history of democratic rule, with other areas of the world, like Latin and Central America, where democracy has been a fleeting experience at best. Second, we must look to the history of these islands to see that the genesis of the situation can be traced to the defenseless state these islands were left in when Britain pulled out after 300 years of colonial rule and exploitation.

Britain pulled out of that chain of small islands for pragmatic economic reasons: They were no longer profitable. The rationale was independence, but Britain left those small islands, her former colonies, woefully unprepared for nationhood—without adequate protections against aggression from within or without, and without the basic economic tools—infrastructure, utilities, roads, schools, and hospitals, that any nation, no matter how small, must have to survive. Let us face facts: The best defense against anarchy and aggression in any form is a strong equitable economy.

The problems in Grenada grew out of the void left by the British. And we have just been plain lucky that there have not been more Grenada's already among those struggling islands. It is a credit to the strength of the people of these islands that there have not been more.

PRESS PITS CONSERVATIVES AGAINST LIBERALS ON GRENADA

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute.)

Mrs. MARTIN of Illinois. Mr. Speaker, in this morning's Washington Post, an article accuses conservative Republicans of enjoying death and destruction and indeed, being in Heaven, because this Nation faces difficult times in international events.

Well, I am a conservative Republican, and, like liberal Democrats and other conservative Republicans, I have mourned the deaths of our fallen sons, and to accuse any group or any party, yours or mine, is wrong.

But let us listen how this canard is based. First of all, it is based on going into Grenada. No other President, this column says, would have done that. Well, I would not distrust Democratic Presidents that much. I would hope that any President would rescue these young men and women who kissed the ground as they came back to this free Nation.

Moreover, Mr. Speaker, there is a gratuitous insult in this column to the Prime Minister of Dominica. Perhaps this columnist was not familiar with either that country or that leader, but many Members of Congress are and were and have welcomed the strong leadership she and President Reagan have shown.

THE PRESIDENT'S ACTION ON RESCUE MISSION IN GRENADA JUSTIFIED

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, "God bless America, God bless Reagan, God bless our military." These are the words of one of the American medical students returning from Grenada, and I would suggest that they eloquently respond to the cacophony of criticism that rained down on the President in this Chamber in the last couple of days in terms of his courageous action in Grenada.

Mr. Speaker, I must say that I was disgusted to hear some of our colleagues on television in the last couple of days say, "We can't trust this President," that there is no evidence that these students were in danger, and that somehow we should listen to the chancellor of a university who stands to make money if in fact he can keep those students there rather than having action taken by the President of the United States.

I do not recall Members on our side of the aisle criticizing President Carter when we tried to rescue our citizens in Iran. Yet, unfortunately, in this instance, some have sought to receive some political capital from criticizing this President.

This is not a partisan issue, Mr. Speaker. This is a time when the President made a courageous decision. The facts have proven him to be right. We should remember that those words, "God bless America, God bless Reagan, God bless our military," were not uttered by the citizens in our Embassy in Iran for over 1 year.

DISTURBING STATEMENTS ON LEBANON AND GRENADA OFFSET BY STATESMANSHIP OF HOUSE LEADERSHIP

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, for the past few days I have listened in this Chamber to my colleagues' reactions to the recent events in Lebanon and Grenada.

I was disturbed by some of their statements.

They were angry and were quick to criticize and condemn.

They refused to rise above partisan politics and rally around a greater cause—our Nation at a time of crisis.

Instead they lashed out to find fault and lay the blame somewhere, anywhere, while more than 200 of our marines lay dead in the rubble of the military headquarters in Beirut.

Speaker O'NEILL, you are to be commended for your patriotism and your statesmanship.

You have risen above partisan politics during this time of tragedy. What a shame many others did not follow your lead.

I, too, want to be a patriot first and I hope my colleagues will long remember and follow your example.

Lest we not forget we are charged with representing the United States and its citizens.

COMMENDING HOUSE SPEAKER AND PRIME MINISTER OF DOMINICA FOR STAND ON GRENADA

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I heard a previous speaker, Mr. LUNDINE, quote a student returning from Grenada saying, "God bless America, God bless Reagan, God bless the armed services" for saving lives as quoted on the front page of the Washington Post this morning.

I agree with DAN and I would only like to add, "God bless Eugenia Charles for her leadership and for standing tall." I think, as one of the previous speakers, the gentlewoman from Illinois (Mrs. MARTIN), pointed out so well, Prime Minister Charles was savaged in this morning's paper by a journalist who did not really respect or understand the Congress stand that Eugenia Charles took on behalf of eastern Caribbean countries and the cause of democracy in our hemisphere. I want to say God bless Speaker O'NEILL. God bless you for taking the stand you have taken in the last 2 or 3 days on behalf of a bipartisan foreign policy and I for one respect your leadership in these difficult days.

I have heard this country savaged in the last few days and President Reagan accused of incredible things. We have been called mad, we have been called outlaws, we have been called bandits, and we have heard our Nation compared to the U.S.S.R. in Afghanistan. I do not think the vast majority of the American people really agrees with that. I think the vast majority of the American people—indeed of the free world—agree with that young man who got off the plane last night from Grenada, bent over and kissed the ground, and then said, "God bless America."

He said he had been a dove all his life and he just wanted everybody to know that he respected the rangers, the marines, and the U.S. military for the job they are doing for all of us. Well, so do I.

I want to say one other thing. I will bet there are a lot of folks around this world who would say, "God help the world if there was not a United States of America that was willing to take the heat and willing to take the responsibility of keeping the light of freedom, peace, and democracy alive, not only in the eastern Caribbean but throughout the world."

Above all, God bless America.

RETURNING STUDENT CONFIRMS SERIOUSNESS OF STUDENTS' SITUATION IN GRENADA

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I would like to speak briefly to the allegations that were made in the well of this House yesterday to the effect that the students in Grenada were actually very secure and very safe, and that there was no reason for us to go in.

I would like to quote one of those students, Randall Tressler, a first-year student. He said this:

> I spoke with a lot of Granadians on campus and they said they were afraid. The airport was closed, with no sure way for us to get out. They lifted the curfew for 4 hours and four of us went out for food. We ran the entire distance to a store and were met by a military officer with a submachine gun. It was serious.

Mr. Speaker, there are a lot of American parents today who are very grateful that Ronald Reagan leads the foreign policy of this Nation and not some of the liberal Decocrats who spoke yesterday.

STATEMENT BY LIBERALS ON GRENADA REFUTED

(Mr. WEBER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, in view of the statements of the students returning from Grenada, let us remember the words of some of our leftist colleagues yesterday:

"There is no clear, direct threat to U.S. medical students," said one of our colleagues.

Another said, "Our action is immoral, illegal, and unconstitutional." Finally, one of our colleagues went so far as to say, "There is no way of distinguishing what we are doing in Grenada from what the Soviets have done in Afghanistan," and another Member compared our marines' heroism derisively to a grade B movie.

The fact is, Mr. Speaker, that America's vital interests and literally American lives are jeopardized by this dangerous attitude that presumes American foreign policy is always wrong and the projection of force is always immoral.

The facts prove otherwise, Mr. Speaker. Iran proves otherwise, Grenada proves otherwise, and the American people know otherwise.

□ 1050

THANKS TO A COURAGEOUS PRESIDENT

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, I rise today to join with my other colleagues in expressing my thanks to the fact that we have as President of this country someone who is willing to show the strength and the independence which has traditionally been the character and nature of this country.

As we stand here today as Americans and acknowledge the fact that American lives were in danger in a country that had essentially gone into a level of terrorism equal to that of other nations which have confronted Marxist takeovers, that a country's rights and the rights of the people of that country were being usurped by a Cuban effort to dominate the military action in that country; as we stand here today, we also recognize that finally we have in the President of this country someone who is willing to stand up and say that when American lives are at stake, we will not tolerate any interference. When a country is threatened by a Cuban takeover, we will not tolerate interference.

It is our obligation as a nation to defend Americans wherever they may be and anyone who stands here and says that Americans should be given over to the type of terrorism that was occurring in Grenada totally fails to understand the purposes and the nature of this country.

MESSAGE OF STUDENTS HOME FROM GRENADA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, over the past couple days we have heard Members in this Chamber and others throughout the world criticize the President for our involvement in Grenada. We have heard the terms "warmonger" and, "gunboat diplomacy" used.

Well, last night we saw the results of that action. Students were getting off the plane. They were kissing the ground. They were saying, "God bless America." They were thanking the President for sending in the marines and the rangers. That speaks for itself.

I would like to say that on behalf of the people of the United States of America, rather most of the people of this country, and on behalf of those students who were freed just yesterday, "Well done, Mr. President."

A PREMATURE DEMONSTRATION

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, liberal demonstrators across the country are criticizing the action taken in Grenada. In my own district on Tuesday, the day of the invasion, my staff got a call at 2 o'clock in the afternoon announcing that there would be a demonstration and press conference in Little Rock today in opposition to the Grenadian action. This was 3 hours before the Congressmen and Senators even got any sort of official word from the Department of Defense or the Department of State.

They had already made up their minds that they were going to demonstrate against this President and this administration before the facts were even known. This is partisan, baseless opposition, from people who are so eager to undermine the President that they cannot hear what the students are saying. They cannot see the students kissing the ground when they returned to this country. They cannot see that the Cubans and the Soviets are encroaching into that region and depriving the freedoms of those small countries down there in that area. They just cannot see because they are so busy and so blinded by their desire to undermine this administration and this President and they are so willing to do it before the facts come in. They have got their minds made up.

ANGUISH AND RELIEF

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, it was not too long ago that every American citizen went through a prolonged period where anguish tore at each American heart as we awaited the outcome of our fellow American citizens who were held hostage in Iran. That anguish was amplified when our fellow Americans were killed in an attempt to rescue those American citizens.

That anguish that was felt then is now replaced by a great sense of relief, when in a similar Grenada situation our fellow American citizens went through a brief period comparatively in worrying about their fellow American citizens, and even though other fellow American citizens again lost their lives, the objective was met, the saving of American lives.

The President of the United States is to be thanked for not allowing history to be repeated.

THE PRESIDENT HAS ACTED COURAGEOUSLY IN GRENADA

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, when U.S. forces went into Grenada, we were given two reasons for that. The first reason was we were asked by the states in that area to intervene.

The second reason was that we were going to rescue American citizens whose freedom and lives were in danger.

Both of those reasons have been ridiculed and criticized on this floor, I think disgustingly so; but let us look at the facts.

We were, in fact, asked by the neighboring nations to go into that country. Those are free nations with long democratic traditions. They have been extremely supportive of what we have done over the last couple of days.

And what does that earn them on this floor? It earns them demeaning speeches from people who ought to know better.

Second, Americans have been rescued, and what did they say when they came home? They said their lives were in danger, that they were grateful for the military, that they were grateful to President Reagan for having accomplished this mission.

Mr. Speaker, the President acted courageously. He made clear to the world that we intend to protect our citizens throughout the world.

WHY NO LIVE AMMUNITION FOR OUR MARINES IN BEIRUT?

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, when the President speaks to the American people this evening, there are several questions I hope he will answer.

First, if my information is accurate, why did we refuse the aid of the Is-

raelis to use a hospital which was only 30 minutes away to save the lives of American soldiers?

Second, why did we refuse aid offered by the Israelis to help uncover the rubble of the destroyed Marine barracks so that we could save American lives?

Moreover, there are rumors, and I hope they are false, that our marines did not have live ammunition in their rifles. If this is true, what order was given those men so they would not have the authority to carry live ammunition?

We now have reports that there is no evidence that the marines fired any bullets at the pickup truck as it broke through the gates.

I hope the President provides an explanation to the American people this evening.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. RUSSO. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I commend the gentleman for his statement concerning our refusal of Israeli rescue equipment and I think the reason for this is the same reason that our military leaders did not get together with the Israeli military leaders to stop some of the confrontations that took place in Lebanon last year. That was due to the U.S. State Department, in my estimation, and there is absolutely no excuse for it, and I commend the gentleman for bringing this up.

Mr. RUSSO. And I think our people need and deserve those answers.

RESOLUTION CALLING FOR IMMEDIATE WITHDRAWAL OF OUR FORCES FROM GRENADA

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, "U.S. Says Grenada Invasion Is Succeeding." That is the headline in today's New York Times. Radio reports this morning said that the fighting in Grenada should be over sometime today.

Mr. Speaker, I am introducing a resolution calling for the immediate withdrawal of our forces from Grenada. If our Government is to be believed, our troops are no longer needed there.

Mr. Speaker, as a classroom teacher, I was embarassed for the President when he said that one of the reasons for invading Grenada was to preserve the constitution which the British left.

Mr. Speaker, the British did not govern the colonies with a constitution, and the reason is simple, they have no constitution. The constitution is an American innovation. The British are not governed by a constitution.

Now, if that is just a little part of the misinformation which comes from our head of state, what are they really telling us about our real mission in Grenada?

We cannot allow this Nation to once again pursue a diplomacy of troops and gunships. That brand of diplomacy was discredited long ago, along with the "big stick."

We need to bring the troops back home.

□ 1100

THE STAKES ARE MUCH HIGHER IN LEBANON THAN IN GRENADA

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I wanted to join my colleague from Illinois (Mr. RUSSO) in saying that I look forward tonight to the President's address to the American people regarding Lebanon and Grenada.

A message from the President on Lebanon is long overdue. I rise today, because for weeks I have been talking about Lebanon and the tragedy that, as I see it, has unfolded there. Frankly, there are some questions that must be answered.

In Grenada I am prepared to support the President of the United States. If American lives were in danger, he had no choice. In Lebanon the issue is much less clear. In Lebanon the stakes are much higher. In Lebanon, the questions go much deeper. If the President makes an error tonight and glosses over and skims over and just hits the highlights on Lebanon, shame on him.

He is missing an opportunity tonight, unless he tells us what is at stake in Lebanon, why our Marines are there, what is their mission and how many lives we are willing to lose to accomplish the goals.

I wish the President well. I and the Nation will listen closely tonight and respond tomorrow.

THE RELIEF AND APPRECIATION OF THE AMERICAN MEDICAL STUDENTS IN GRENADA

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARTNETT. Mr. Speaker, last night in my hometown of Charleston, S.C., the U.S. Air Force safely landed medical students from the island of Grenada, and in Charleston, that little sleepy town in the lazy old South, all the national media had assembled with their microphones and cameras and lights and pads to record the remarks of those students as they got off that plane, denouncing the invasion of their sleepy little island in the Caribbean where they were learning to practice medicine, but much to the chagrin of the national news media, no greater patriotic display has been witnessed by the national media in this country since our returning prisoners of war from Vietnam and our hostages from Iran have returned safely to the American soil.

You know how proud and surprised those bright young students must have been as they hid fearing for their lives in those dormitories when there was a knock at their door, and they opened the door, and there was a bright, smiling face of an American GI, and he said, "Hi, students, we are Americans. Do you want to go home?"

It is amazing to me that the same party that gave us John Kennedy, the great Democrat President who said, you know, let every nation know we will pay any price, bear any burden, aid any friend, and oppose any foe, that same party that gave us John Kennedy has given us some of the rhetoric which you have heard here on the floor of the House this morning.

I yield back the balance of my time.

ERRONEOUS COMPARISON OF AFGHANISTAN AND GRENADA

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, yesterday and today, two Members of the Democratic Party took to this well during 1 minute speeches and compared the Soviet invasion of Afghanistan with what is turning out to be the liberation of Grenada.

I believe that those two individuals owe an apology to the freedom fighters in Afghanistan. They owe an apology to the Afghani people who are experiencing one of the greatest genocides of this century, a genocide perpetrated by Soviet invaders.

I think they spoke hastily. Perhaps they too now realize that they spoke hastily. I would be willing to convey their apology to these fighting for their lives in Afghanistan.

I would be willing to convey their apology to the U.S. marines and rangers who, it now seems, have been welcomed as liberators. There may be some similarities indeed, not the kind that were thought of by those two individuals who took to the well; but in this morning's New York Post is a headline story that a top Soviet general directed the bloody coup in Grenada.

A four-star Soviet general, acting as Russian Ambassador to Grenada, mastermined last week's bloody coup on the Caribbean island, U.S. intelligence officials told the Post last night.

Gen. Gennadi Sazhenev is described in U.S. files as one of the Soviet's top specialists in covert action. He is attached to the

Kremlin's military intelligence branch known as GRU.

It is reported that one of his Grenadian henchmen, Lt. Col. Hubert Lane, was the man who actually carried out the assassination of Prime Minister Maurice Bishop.

They say he then embarked on the brutal slaughter of at least 18 children.

It was last week's grisly coup that triggered the U.S. invasion of Grenada on Tuesday.

Mr. Speaker, there lies the only similarity. Soviet brutality is present in both Afghanistan and Grenada.

IRRESPONSIBLE AND UNINFORMED COMMENTS ABOUT GRENADA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the destructive, irresponsible and uninformed comments of liberal Democrats about Grenada and the Soviet-Cuban imposed dictatorship are almost beyond belief. Not since Chamberlain appeased Hitler have we heard such talk from elected officials in a free society.

One Member called it the moral equivalent of invading Duluth, Minn.

Well, let me say, if the Soviet Union killed the mayor of Duluth, Minn., I would hope we would take appropriate steps to protest Duluth.

Another gentleman said he was calling for the immediate withdrawal of our forces from Grenada. How then would he exist in a world where, as was just stated by the gentleman from Pennsylvania, the Soviet Union is deliberately extending its power, and there is a remarkable similarity between the Soviet execution of Afghanistan leaders in 1979 and the Soviet-inspired execution of Grenadian leaders in 1983. If in fact we are to follow the Chamberlain liberal Democrat line of withdrawal from the planet, we would truly have tyranny everywhere, and we in America could experience the joys of Soviet-style brutality and murdering of women and children.

Thank you, Mr. Speaker.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1984

Mr. ROYBAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4139) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1984, and for other purposes, and, pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided between the gentleman from Ohio (Mr. MILLER) and myself.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYBAL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4139, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from California (Mr. ROYBAL) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MILLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Appropriations Committee has reported the Treasury, Postal Service, and general Government bill for your consideration. That bill provides $11.9 billion in recommended appropriations for 1984, an increase of $300 million over the budget and $401 million over 1983. The departmental amounts are as follows:

For the Treasury Department, $4.8 billion, a reduction of $32.5 million below the budget and $270 million over 1983;

For the Postal Service, $879 million, an increase of $479 million over the budget and $90 million over 1983;

For the Executive Office of the President, $93.5 million, a reduction of $5.1 million below the budget, and an increase of $4.2 million over 1983;

For the independent agencies covered by this bill (such as GSA, the Office of Personnel Management, the Tax Court, and others), $6.1 billion, a reduction of $142 million below the budget, and an increase of $401 million over 1983.

Now, let me highlight a few of the significant items in the bill:

First, in the U.S. Customs Service, the committee restored the 1,775 personnel recommended in the budget to be RIF'd (fired).

The purpose of this increase is to provide adequate funding to maintain the personnel level of the Customs Service at the 1983 level. The budget proposed a reduction in personnel of 1,775 below present on-board strength, including several hundred customs inspectors. The committee feels that in view of the severe drug problem in this country, it just was not prudent to reduce the very agency that mans our borders and ports of entry. Again, this is not an increase, but rather an effort to maintain the present strength in order to counter the large influx of drugs into this country. In addition, there has been a recent agreement with the Armed Services to provide military aircraft to the Customs Service. Funds will be needed by the Customs Service to support this increased air interdiction effort.

Second, in the Internal Revenue Service, the committee reduced the $100 million request in the budget for modernization initiatives to $75 million. The committee felt that $100 million in 1 year could not be wisely and efficiently used. We, of course, fully support the modernization program and will fund it as needed.

Also, the committee restored $25 million to the taxpayer assistance program, including tax assistance to the elderly, in order to continue these programs at present levels.

Third, in the Postal Service, the committee provided the full amount in the House passed budget resolution—$879 million—in order to keep the postage rates for nonprofit mailers at the present level for fiscal year 1984. This is an increase of $479 million over the budget. The committee also directed the Postal Service to continue 6-day mail delivery including rural mail delivery. Pages 26 to 31 of the report provide details.

Fourth, the committee denied funding for the Property Review Board in the amount of $415,000 because of lack of authorization. I call the attention of the Members to the additional views of Mr. CONTE on this matter on page 88 of the report.

Fifth, in the General Services Administration, the committee has attempted to reach a compromise in connection with the rent increase (standard level user charge—SLUC) requested by GSA.

Members will recall that the committee did not allow any rent (SLUC) increases last year. This had the effect of reducing the funds in the SLUC revolving fund by $342 million.

As Members know, the Public Building Amendments of 1972 (Pubic Law 92-313) directs GSA to charge commercial equivalent" rates for all space occupied, including space in Government-owned buildings. The funds so accumulated are then used by GSA (when so provided in appropriation bills) to construct new buildings, repair and rehabilitate buildings, pay commercial rent, maintain buildings, provide heating, cooling, lighting and protection, and other directed functions.

The committee recommends in the accompanying bill that agencies pay a 14-percent increase in rent over 1982—

a net 7-percent, annual increase. This increase is recommended because rents were frozen in 1983 at the 1982 level. The committee feels that it is necessary to permit a small increase in order to provide more funds in the revolving fund for new construction and necessary repairs and alterations to Government buildings.

The bill also contains several general provisions which limit the use of appropriated funds. I will cover a few of these provisions at this time:

INGREDIENT LABELING OF ALCOHOLIC BEVERAGES

The committee has inserted in the bill a provision which prohibits the Bureau of Alcohol, Tobacco and Firearms from issuing a regulation which would require ingredient labeling in alcoholic beverages. This is a controversial issue legally, financially, and medically. The issue is currently in the courts and no one can predict with any certainly when it will be finally adjudicated. The committee has inserted this prohibition in the bill to give the alcoholic beverage industry a brief period of time in which to adjust to whatever the final decision is on this issue.

CARIBBEAN BASIN COUNTRIES

The committee has inserted in the bill a provision which prohibits the importation of agricultural products from Caribbean Basin countries to protect unfair competition with U.S. agricultural producers.

MARKETING ORDERS

The committee has inserted a general provision prohibiting the use of funds appropriated in this act for the Office of Management and Budget for the purpose of reviewing any agricultural marketing orders or any activities or regulations.

Finally, the bill also contains the identical language on abortion coverage related to Federal employee health benefit plans which was adopted by the House on June 8, 1983, by a vote of 226–182.

Mr. Chairman, this is a good bill and a fair bill.

□ 1110

This is a bill that has met, of course, with some controversy, but that I suppose is the purpose of this House, to face controversy, to make decisions.

But in this instance I believe that this bill is fair and proper. While I believe that there may be some controversy on some issues, I still feel that those controversies will be resolved and that this bill will pass.

I commend this bill to the attention of the Members of this House.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding. Mr. Chairman, our respected subcommitte chairman, my friend ED ROYBAL of California, has presented to the House H.R. 4139, the second Treasury, Postal Service, and general appropriation bill for fiscal year 1984 to come to this floor this year. On June 8, by a vote of 149 to 259, the House rejected the first bill, H.R. 3191. The chairman, the ranking minority member, each of us who serve on the subcommittee and our committee staff, undertook the difficult task of reexamining that bill and reducing the total level of funding. We have done that. The bill before us now would provide a total of $11,877,701,300, a reduction of approximately $110 million below the funding recommended in H.R. 3191.

Yes, H.R. 4139 is nearly $300 million above the administration's budget estimates. A look at the budget proposals shows why this is necessary. Funding had to be restored to forestall drastic reductions in essential programs.

This is an important bill. It provides funding for the major law enforcement and revenue-collecting agencies of the Department of Treasury. It provides support for charitable, nonprofit groups through the Postal Service revenue foregone program. It includes the Executive Office of the President, Office of Personnel Management, GSA, the Merit Systems Protection Board, and a number of other offices of the Government. Your committee has carefully analyzed these individual funding requests. We have recommended reductions, below the budget where these were practicable. We have also recommended increases, above the budget, where we judged them to be in our national interest.

The details of the bill are clearly explained in the Committee Report 98-417. I will mention only a few items to illustrate why the committee found it necessary to restore funding for some of the programs the administration sought to reduce.

The budget proposed to eliminate 1,775 positions in the Customs Service. The committee has restored $52,760,000 to maintain these positions. I, and many other Members of this House, hold very strong views on our Customs Service. The magnitude of Customs responsibilities demand that we give them the resources and the personnel they need to carry out their missions. I am most seriously concerned that our efforts to combat drug trafficking should be strengthened and I strongly support the cooperation of the Department of Defense with our civil agencies in this battle. I would, and in fact did, support the addition of more personnel for Customs so that we can increase our vigilance and break the back of the drug problem. Total employment (average positions) at Customs have not been increased since 1979 but the workload continues to increase. The performance of overtime is a requirement for our customs inspectors. That should also be remembered when we look at proposals to reduce the personnel at Customs.

Another budget proposal was the termination of the Bureau of Alcohol, Tobacco and Firearms enforcement of the Federal contraband cigarette law. Organized crime and other bootleggers are costing our States hundreds of millions of dollars in lost revenues. This is inherently an interstate problem and the Federal Government has a responsibility. The committee restored $4.2 million and 68 positions to BATF to continue the program at the 1983 level. We are also directing the Advisory Commission on Intergovernmental Relations to look into the seriousness of this problem and recommend actions that can be taken to reduce the losses to our States.

Within the Internal Revenue Service, the committee has added $25 million to keep the taxpayers assistance programs up to the 1983 level. Language has been included in the bill to insure that this important program is maintained. The committee, in the report, also specifically directs that Volunteers in Tax Assistance and Tax Counseling for the Elderly be continued at the current levels.

The bill includes $15 million, the same amount provided last year, for reimbursement of specified and approved expenses for diplomatic protection at the United Nations. This service is performed by city police in behalf of the Federal Government. The tensions in the world today underscore our responsibility to provide the best security possible for the diplomatic community here in this country. The budget proposed just $1 million for this purpose.

Four and a half months ago I spoke on the floor of the House of the vital importance of the Postal Service revenue foregone program. The bill before us includes $879 million, $479 million over the budget for this program. It is the minimum amount needed to maintain the current postal rates being charged to our charitable, nonprofit organizations. Any lesser amount would increase their rates which, in turn, would reduce their ability to communicate with the people, reduce their ability to raise funds and, I fear, would reduce their ability to carry on the programs which are so sorely needed.

The inadequacy of the administration's budget estimates for these programs is clear and, in my judgment, the recommendations of the committee deserve the full and unanimous approval of the House. As I have said, reductions were made in many areas of the bill and some of them will hurt. I have called attention only to items in titles I and II of the bill. There is much more in this bill—programs and issues of great interest and concern to all of us. I am sure these will be fully

discussed. We have brought to the floor a good bill and I urge the support of the House.

Mr. ROYBAL. I thank the gentleman for those remarks.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the distinguished gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. I wish once more to commend the gentleman in the well, the distinguished gentleman from California (Mr. ROYBAL) and the distinguished ranking minority member, the gentleman from Ohio (Mr. MILLER) and the entire subcommittee for the work which they have done on this bill.

Yes; it does have some controversial aspects. We will deal with those a little later.

But at this time I want to particularly commend the committee for restoring the 1,775 positions for the U.S. Customs Service. These, Mr. Chairman, as you recall, year after year this committee has put into the bill because of the demands that befall this country in support of our financial needs, the collection of duties that go into the Treasury, the interdiction of drugs, and the other duties of the Customs Service.

We along the border need these inspectors very badly. As you will recall, last year the committee added 100 inspectors to the border area from Brownsville, Tex., to San Diego, Calif. I do not see how the administration or how OMB under the facts as they are would even recommend that there be one reduction, much less 1,775.

I want to commend the gentleman and his committee for restoring those positions which are very sorely needed in this country to uphold the fiscal laws of this country.

Again I want to express my appreciation for the gentleman's committee having restored these positions to the Customs Service.

□ 1120

Mr. ROYBAL. Mr. Chairman, I thank the gentleman from Texas for those kind remarks.

The CHAIRMAN. The gentleman from California (Mr. ROYBAL) has consumed 12 minutes.

Mr. MILLER of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is, of course, the second time around that the House is considering a Treasury, Postal, and General Government appropriations bill.

None of the Members relished the task of having to mark up the bill a second time and bring it back for reconsideration on the House floor.

Mr. Chairman, the gentleman from California (Mr. ROYBAL) has had a lot of patience with many of us who may sometimes have differing opinions. And I appreciate that very much.

The subcommittee staff members, "Tex" Gunnels and Bill Smith, are also patient and helpful. With hard work on the part of all the members of the subcommittee, we were able to bring to the floor a bill that we feel will be approved this time around.

The amount of the bill is $11,877 million. Now we will undoubtedly have amendments, we will hear about where we are too high and where we are too low. Frankly, as most Members know, I feel we can reduce spending in every bill. But nevertheless, this has been worked out and we will be arguing, we will be debating about that $12 billion.

But I think we should keep in mind that the total, including permanent authority, under this bill is $207,704,000,000. Furthermore, of the $12 billion that we are appropriating, more than $5.4 billion is mandatory spending.

The amount that we are considering in the bill that is flexible, where we can have some change, is only $6.5 billion.

Now the amount of $207 billion that I speak of includes about $145 billion interest on the national debt. That is the largest single item.

So we are talking about very close to $208 billion that does not show.

I think that we need to keep that in mind as we move along.

There are a number of items that I intend to discuss but the chairman has already covered those. I will not take the time of the House in order to rehash them.

Members should be aware that the Bureau of the Mint was removed from our bill the first time around and is not in this bill. It was removed because of a lack of authorization.

But the Senate already has in their markup some $52 million for the Bureau of the Mint. Now we are aware that we are not going to shut down the mint. The mint shall stay in business. So we know that the bill will undoubtedly be up some $52 million after conference.

One fact of interest about this bill is that it funds three major revenue-producing agencies. While we are looking at expenditures, it is worth noting the amounts of revenue these agencies will bring in.

The estimated revenues for 1984 from the U.S. Customs Service are $11.2 billion.

The Bureau of Alcohol, Tobacco and Firearms is expected to collect $9.7 billion in 1984. The Internal Revenue Service is expected to collect $668.4 billion for a total of $689 billion in revenue.

Yet we are talking about a $12 billion appropriation bill. There are many items we will discuss as we move along in the bill.

Mr. Chairman, at this time I yield 5 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. I thank my friend for yielding.

Mr. Chairman, my friend, the distinguished and hard-working, dedicated gentleman from Ohio, has my thanks for yielding time here so that I may engage in a colloquy with the distinguished gentleman from California, the chairman of the Subcommittee on Appropriations, Mr. ROYBAL.

Mr. Chairman, it has been publicly reported that some senior administration officials are stalling a proposed U.S. Customs Service ban against importation of Soviet products which were manufactured by slave labor.

The purpose of the colloquy is to insure or to urge that the administration do enforce the law which has been on the books for the past 50 years and urge that the Commissioner of Customs and Secretary of the Treasury take the necessary steps to insure that importation of goods made with forced labor be halted insofar as it is concerned with Soviet Russia. The law which has been on the books for 50 years has been enforced elsewhere, excluding the Soviet empire.

I refer specifically to section 1307 of the Smoot-Hawley Tariff Act which has been on the books since 1930 and has been enforced. It would be redundant to put an amendment in here to urge that the law be enforced. It is already there on the books.

I would like to just recount that insofar as the Soviet Union is concerned, it is well documented that the goods that we have been importing, to the tune of about $200 million, have been manufactured by forced labor in the labor camps there and, just as a matter of information to the membership, let me point out that on pages 24394 and 24395 of the RECORD of September 15 of this year, 1983, there is documentary evidence of this.

So I ask that this body urge that the administration do enforce the law.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. RUDD. I yield to the gentleman of the subcommittee.

Mr. ROYBAL. I thank the gentleman for yielding.

It is my understanding at the present time that the Soviet Union actually exports to the United States $227 million worth of goods. It is also my understanding that this could and may be increased in the future.

Is it not so that what the gentleman (Mr. RUDD) is seeking to do is that we enforce existing law? And that law is contained in section 1307 of the Smoot-Hawley Tariff Act of 1930. Now this is a law that has not been enforced with regard to the Soviet Union. Therefore, is it not true that what the gentleman (Mr. RUDD) is

seeking to do is to mandate the enforcement of this law?

Mr. RUDD. That is correct, Mr. Chairman.

The Customs department has wanted to enforce the law, but apparently there has been some sidetracking of their desire to enforce the law.

I want to urge that the administration do enforce the law.

□ 1130

The importations amount to over—as the gentleman pointed out—$200 million and most of them, they can be easily identified by Customs, have been manufactured by slave labor in the Soviet Union and we want the Soviet Union treated as the rest of the world with regard to the importation of these products.

Mr. ROYBAL. If the gentleman will yield further, may I say that I agree with the gentleman in that the enforcement of that section of the law should, of course, be enforced.

Mr. RUDD. I thank my distinguished chairman.

Mr. ROYBAL. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I rise in support of H.R. 4139, providing appropriations for the Treasury Department for fiscal year 1984. Of especial importance, this bill contains appropriations for the U.S. Customs Service and development of its capability to interdict drug smugglers.

I chair the Government Operations Subcommittee on Government Information, Justice and Agriculture, where we have conducted a series of hearings on this Government's inability to contain durg smuggling, especially by air. This Nation is in trouble. We have more cocaine on our streets than ever before, and it is purer and cheaper than ever before.

The Customs Service does the best it can, but it lacks even the basic equipment it needs to be effective. Because the direct purchase of this equipment would be prohibitively expensive, we directed our attention to the Department of Defense, under the umbrella of the Posse Comitatus Act.

In consultation with Adm. Dan Murphy, the Vice President's Chief of Staff, and Secretary of Defense Weinberger, we found that there was an opportunity for us to provide some relief to Customs through loaning certain available military equipment, mostly aircraft and radars. This will, for the first time, give Customs the capability to detect, intercept, and arrest the smugglers who are now flying across our borders unseen.

These assets are scheduled to be deployed in many locations across the southern border of the United States, and will also be used in the south Florida and Caribbean threat areas.

This will be accomplished without exceeding the President's budget request, using funds already requested for air interdiction, but reprograming them from purchase of a small number of light aircraft to operation and maintenance of the military assets.

This plan has been endorsed by the Vice President, the Secretary of Defense, the Assistant Secretary of the Treasury for Enforcement, and the Commissioner of Customs. It has been endorses by the chairman of the House Appropriations Subcommittee on Treasury, Postal Service, and General Government; the chairman of the House Armed Services Subcommittee on Seapower and Strategic and Critical Materials, and the chairman of the Subcommittee on Readiness. In the Senate, the plan is supported in the Senate Appropriations Committee.

This initiative deserves the support of every Member who has a problem in his district with drugs. It will allow us to go home for the recess and point to strong, affirmative steps taken by the Congress to advance the war on drugs. I urge your support.

Mr. MILLER of Ohio. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I have worked very closely with the chairman of the subcommittee, the gentleman from California (Mr. ROYBAL), and the ranking minority member, the gentleman from Ohio (Mr. MILLER).

I commend both of these gentlemen for their leadership on bringing and forging this bill here today.

We have had trouble with this bill. I have been on the committee now 25 years and I do not recall another Treasury bill ever coming to the floor of the House, and being defeated and sent back to the committee. And it really was unfortunate after all the weeks of hearings, the markup, to have this done to the subcommittee.

So this bill has gone back and a very, very delicate balance has been brought forth here. There are some provisions in here, I am sure, that some Members do not like. There are maybe some money amounts in there that some Members do not like.

But I hope that we will all be responsible here today and if there are provisions that have to be stricken, then they will be stricken, but I hope we will pass this bill today, send it over to the Senate so that we can get on our way and clean up all of these appropriation bills, this and Defense, which will be cleaned up next week, and the foreign aid bill.

We are probably going to conference on State-Justice and Commerce early next week. We are in conference right now with the Senate, down in H-140, on the agricultural bill. We will be able to clean up these bills and we will have a good track record which all of us can go back home with some pride to our constituents.

So, therefore, without taking any further time, I will insert my statement in the RECORD. I hope that this bill will be passed.

Again, I want to congratulate the chairman, ED ROYBAL, and the ranking minority member of this committee, the gentleman from Ohio (Mr. MILLER). They have worked very, very hard to bring forth a bill that we all can vote for today.

Mr. Chairman, I rise in support of this bill making appropriations to the Treasury Department, the Postal Service, and various independent agencies of the Federal Government. I would like to say at the outset, however, that even though I support this bill, I do have a couple of reservations about it which I will address shortly.

The bill provides $11.8 billion in new obligational authority for requests which have been reviewed by the Treasury/Postal Service Subcommittee. Included in that authority is funding for various items which are under permanent, indefinite authorizations such as payment to the civil service retirement and disability fund, and the interest on the national debt.

I might say here, Mr. Chairman, that the current estimate for interest on the national debt for fiscal year 1984 is $144.5 billion. This figure should tell us that we need to continue to direct our attention toward efforts to reduce the deficit. A sustained reduction will be the ultimate catalyst which brings down real interest rates. In title I of the bill, the committee has provided $627.7 million for the Customs Service—a figure which includes a restoration of 1,775 positions proposed for elimination by the Office of Management and Budget. This figure conforms to the House-passed authorization for the Customs Service.

As the Members know, the Customs Service has frequently been the target for various reductions in the last few years despite additional responsibilities which continue to be assigned to it. For example, the relatively new operation exodus program tasked Customs with stemming the illegal flow of high technology out of this country.

In order to make that worthwhile initiative work, it must be adequately funded to provide personnel levels sufficient to carry out its goal, and to provide for necessary training needs and program support. The figure for Customs in the bill will provide those resources.

Another example where adequate funds are needed is the Special Narcotics Task Force. Year after year, we talk on this floor about the need to do something to combat the illegal flow of drugs into this country. Finally, we have a program which is showing some

signs of making inroads into the problem. If we want to continue our progress, we need to provide funding to sustain our efforts, and maybe expand them. In this bill, we have provided those resources.

In another area of title I, the committee has provided sufficient funds to the Internal Revenue Service to allow that agency to support the necessary personnel levels to carry out the provisions of the Tax Equity and Fiscal Responsibility Act of 1982, and to continue its data processing modernization efforts.

A large portion of the allowed personnel increase over last year's level reflects a restoration of positions for taxpayer service, including toll-free telephone assistance.

In this new bill, the committee has retained a provision I added which stipulates that taxpayer service activities remain at the fiscal year 1983 levels, and that positions allocated to those activities not be reduced below the fiscal year 1983 levels. In the data systems modernization category, the committee reduced by $25 million, a request by the IRS for a $100 million open ended appropriation.

The committee agrees with the need to modernize data systems, but feels the $100 million request is more than can be spent in 1 year. Pursuant to administration requests, the committee has also provided for reductions of $9 million in the account of the Bureau of the Public Debt, and $3 million in the account of the Bureau of Government Financial Operations. These reductions are tied to reestimates of fiscal year 1984 requirements.

Elsewhere in title I, the committee has provided $157 million for the Bureau of Alcohol, Tobacco, and Firearms, and has restored $4.2 million and 68 positions for continued enforcement of the cigarette smuggling program in 1984, in an effort to curb racketeering in the sale and distribution of cigarettes.

Title II of this bill contains the revenue foregone appropriation for the Postal Service in the amount of $879 million for fiscal year 1984. This appropriation funds the costs to the Postal Service that it foregoes in providing reduced rate service to nonprofit charities, publishers who mail to school libraries, smalltown newspapers, and veterans magazines.

In this category, the committee has sought to maintain, in so far as is possible, the current level of support for this program, given the financial postures of the nonprofit organization at this time, and the consequences their service would suffer if mailing costs escalated substantially. Title III of the bill provides $93.4 million for funding for the Executive Office of the President.

Funds are included here for those entities which provide staff, logistics, and administrative support to the policymaking apparatus of the executive branch. The committee is $5.1 million below the administration request, reflecting administrative savings, including those associated with standard level user charge reductions. Also reflected here is the failure to provide the requested $415,000 for the Property Review Board.

In the early part of my statement, I mentioned that while I support this bill, I have some reservations about it. One of those reservations is in title III—the lack of funding for the Property Review Board. On page 88 of the committee report, I have some additional views on this matter, but I will address it briefly here.

The Property Review Board was created by Executive order in February of 1982 to assist the President in reviewing Federal polices involving real property aquisitions, ulitizations, and disposals, and to insure that properties no longer essential to the Federal Government be identified and released for disposal.

There are those who say there is no specific authorization for this entity—they are right insofar as there is no piece of paper containing a specific authorization for that particular board. However, the Federal Property and Administrative Services Act of 1949, in the portion pertaining to management and disposal of Government properties, gives the President authority to prescribe such polices and directives as he shall deem necessary to effect the provisions of the act—directives means Executive orders.

The law also provides authorization for "such sums as may be necessary to carry out the provisions" of the Federal Property and Administrative Services Act. This is sufficient authority to fund this entity and those who proposed its deletion know it. If we search the history of appropriations acts through the years, I am sure we would find funding for other entities like the Property Review Board, created by Executive order.

Lack of authority is an excuse to hide behind in this instance. The real reason for proposing to delete this Board is that it is moving to dispose of properties which some Members would rather not see disposed. The sad aspect of this situation is that the Federal property disposal process has been inefficient for some time, in response to that inefficiency, the President has created a board to remove those obstacles and make the disposal process function as Congress intended. In the process of moving toward a more efficient system, we can bring some needed revenues into the Treasury—maybe up to $2 billion in 2 years.

I think the creation of this Board was a wise move, and to those who want to zero it out for personal reasons, do not complain about the inefficiencies of the property disposal system in the future because you have helped block a solution to the problem.

In connection with title III, Mr. Chairman, I would like to make one other point. Both the House and the Senate have consistently expressed strong desires to see a solution to the problem of persistent inspection delays at U.S. borders and airports. Page 39 of the committee report accompanying this bill again expresses that desire.

As one who has followed this matter from the outset, I strongly urge the Office of Management and Budget and the administration to move forward as soon as possible with the implementation of a plan to consolidate the management of primary border inspection functions. The matter has been delayed too long over jurisdictional squabbles. It is time to move forward.

Mr. Chairman, title IV of the bill contains, among other things, funding for two major independent agencies—the General Services Administration and the Office of Personnel Management. Within the GSA portion, the major activity is the Federal Buildings Fund, which carries for fiscal year 1984, a limitation on expenditures of $1.95 billion. This is the fund into which collections flow from charges levied on Government agencies by GSA for rent.

These standard level user charges—or SLUC charges—are expended for construction, building alterations and repairs, building security, and other housekeeping activities of the Federal Government, within the confines of set limitations. For SLUC charges for fiscal year 1984, the committee has, in the general provisions, placed a 14-percent limitation on any increases. Hopefully the appropriate legislative committees will review the law governing these charges so that some consistent method of assessing Government rental costs may be attained.

Also under the GSA portion is $1.5 million for the National Historical Publications and Records Commission to allow that Commission to continue to provide technical assistance grants to organizations engaged in preserving documents of historical value.

I have sought funding for these technical grants in each of the last 3 years, Mr. Chairman, because I think the preservation of historical documents is vital to the understanding of our development as a nation. I would hope that Members would continue to give this function the attention it deserves.

At this point, I would like to point to another title IV item—allowances and staff for former Presidents. The bill contains only $260,300 for this function. Members will recall that during consideration of the first Treasury/

Postal Service bill in June, funds for this account were reduced, by amendment, from the recommended $1,171,000 to $260,300, so as to provide only for pensions. As I stated at that time, I do not think an appropriations bill is the proper place to curtail the staff support of former Presidents. If there are valid reasons to reduce funding in this area, proper hearings should be held to change the laws which authorize these allowances.

For the Office of Personnel Management, Mr. Chairman, the committee has provided $3.9 billion in funding for the Government's payment to the Civil Service Retirement and Disability Fund under a permanent indefinite authorization, and $1.5 billion for funding for Government annuitants' health benefits.

These two appropriations meet the requested levels, and are important because they assure that the Government keeps up its share of maintaining the retirement and health benefits system as promised to present and past Federal workers.

In title V of the bill, Mr. Chairman, there are various general provisions applicable to this act. One of those provisions, section 508, contains language with which I disagree—that being an administrative funding prohibition designed to keep the Office of Personnel Management from going forward with certain management regulations proposed earlier this year. New regulations were again published on October 25. I would hope we do not add a similar provision here today, but rather allow these new regulations to go forth in the spirit of a sound effort on the part of both the Congress and the Office of Personnel Management to work together to attain the best possible solution to the changes which need to be made in the system.

In closing, I want to congratulate the chairman and the ranking minority member of the Treasury/Postal Service Subcommittee, for bringing forth a bill which addresses the needs of the agencies under its jurisdiction under some difficult and controversial circumstances. We have made the cuts we needed to make to reduce the bill's totals without damaging the operating capabilities of the various agencies. To this extent, we have made progress, and I urge the Members to support the bill.

Mr. MILLER of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I would like to open up by saying that our chairman and our ranking members have devoted long hours to this bill and that has been an effort that has been difficult from the very beginning. I want to commend them for good hard work.

I would like to highlight some key provisions in the bill for our colleagues because they are particularly important, I believe.

One has been mentioned and that is the U.S. Customs Service provisions that include $627.8 million for the Customs Service.

Now the committee has restored the 1,775 Customs positions which the administration had wanted to eliminate with the expectation that many of them will be used for fighting the drug traffic that concerns us all.

It is an issue which touches the lives of millions of families and thousands of communities across this country.

Mr. Chairman, I want to commend the Customs Service for their efforts during fiscal year 1982 when they seized $6.9 billion worth of drugs. The foreign producers and smugglers have not let up on their efforts to bring drugs into this country, an illegal industry which now is worth $100 billion in our country alone.

On behalf of parents across the country, I would call on the Customs Service to use these additional funds they are receiving in this bill to help continue the effort to stem the tide of drugs coming across our borders.

And, Mr. Chairman, the second point I would like to mention is the funding in the bill for the Internal Revenue Service taxpayers assistance programs. These programs are especially important to our senior citizens. And while different types of taxpayers use this assistance, it is especially important to our older citizens, who comprise only 9.9 percent of our taxpayers, but they comprise 14.4 percent of the users of the telephone assistance of the IRS, 24½ percent of the users of walk-in assistance, and 18 percent of the users of the correspondence assistance. So this money will be especially helpful to our senior citizens.

And, of course, I strongly support the full $879 million funding of revenue foregone. This measure will insure that neither our Nation's charities nor our rural newspapers will have to shoulder any additional rate increases over the next year. These charities are having a hard time enough making ends meet, charities ranging from the VFW to Save the Children. I applaud the committee for deciding against any rate hikes for our charities.

Finally, I support section 511 of the bill, which gives our Nation's farmers some badly needed protection against cheap foreign imports.

At the same time, Mr. Chairman, I do have some reservations about some provisions of the bill, most notably including the elimination of funding for the Property Review Board. This Board has an essential mission in expediting the possible sale of surplus Government property. They have an important mission and I would hope that at some point this funding could be restored.

Finally, I oppose those provisions prohibiting the implementation of the OPM regulations. Recent polls show that Americans have lost much of their confidence in their civil servants and that is a question which we will have to address eventually in this body.

Mr. Chairman, the bill before us today is a good bill. It is a compromise bill. And it certainly deserves to be passed and sent on to the President for signing.

I urge its passage.

● Mr. FRENZEL. Mr. Chairman, this is our second try at the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1984, H.R. 4139.

We defeated the first bill, H.R. 3191, on June 8.

My remarks on the earlier bill, H.R. 3191, apply to this bill as well. However, I believe it is useful to note, in addition, that nearly half of the bill is subject to points of order. That is, the last 16 pages are used to legislate on an appropriations bill.

The obvious sections have been deleted on successful points of order. Unfortunately, many of the borderline irregularities still remain. The problem is that the Appropriations Committee, which is always late in completing its bills, seems to have all the time in the world to invade the jurisdictions of other committees.●

● Mr. MATSUI. Mr. Chairman, I rise in strong support of H.R. 4139, Treasury, Postal Service, General Government appropriations for fiscal year 1984. Chairman ROYBAL and his colleagues on the Appropriations Committee are to be commended for their efforts to craft a thoughtful proposal for consideration by the House today.

One of H.R. 4139's provisions prevents the General Services Administration (GSA) from closing the Federal Information Center located in Sacramento, Calif. The GSA sought to close down this branch office and divert all inquiries to San Francisco via one toll-free line. Such an action would prove detrimental to the users of Federal information services—including the local and State government—in the Sacramento area.

I think that a brief recitation of the facts demonstrates the need for this legislation. The Sacramento center utilizes four incoming lines and one research line, together, manned by three employees. In 1982 alone, the FIC dealt with 123,282 inquiries—30,716 walk-ins and 92,359 telephone calls—which represents a 25-percent increase over the 1981 total of 100,712.

Beyond the large volume of requests it processed last year, other compelling reasons exist to maintain a FIC in Sacramento. Because Sacramento is the seat of city, county, and State government, the need for an office to de-

termine whether issues come under Federal jurisdiction or should be referred to other Government agencies is essential. The fact that the Sacramento center responded daily to approximately 50 telephone calls from offices of the State of California or provided referral to State offices demonstrates the need for such a service.

Sacramento has developed an outstanding reputation for supplying a high level of information to the public making toll calls to San Francisco agencies unnecessary. As such Sacramento's FIC reduces the burden on San Francisco's Federal agencies in dealing with many time-consuming calls. In addition, the Sacramento FIC serves one of the Nation's largest contingent of U.S. Air Force retirees in the world.

I believe that Sacramento's FIC provides fundamental assistance to citizens seeking to understand the complex structure of our Government. By taking away this resource, we make our citizens' lives poorer and continue to raise, in however small steps, the people's insulation and alienation from their Government.

I urge my colleagues to adopt H.R. 4139.●

● Mr. LEHMAN of California. Mr. Chairman, I rise today to support H.R. 4139 as it was approved by the Appropriations Committee. I would like to commend Chairman ROYBAL and the members of the subcommittee for bringing this measure to the floor.

In particular I would like to ask my fellow Members in the House to oppose the amendment being offered here today to delete certain provisions from the bill dealing with the Office of Management and Budget. These provisions would move to restore order to the markets for a long list of fresh fruits and vegetables that are governed by grower-initiated marketing orders.

In the past 3 years the Office of Management and Budget has done all that it can to administratively disrupt this program and frustrate the attempts of farmers, marketers, and the U.S. Department of Agriculture to provide the consumers of these products a steady supply of high quality fresh fruits and vegetables. Through the efforts of the OMB's Director, Mr. Stockman, marketing orders that have been authorized by Congress, approved by the growers involved and that have operated successfully for years have been held up by administrative delay after delay.

I would ask my colleagues to support America's farmers in this regard and to defeat this amendment. Let us leave the business of our agricultural policy to the USDA, not to the Office of Management and Budget. Vote against this amendment and keep Mr. Stockman off of the farm and in his office where he belongs.●

● Mr. WYDEN. Mr. Chairman, I rise in support of a strong commitment by the U.S. Government to the U.S. Customs Service and, in turn, to our international trade community.

The fiscal year 1984 Treasury, Postal, and General Government appropriation bill makes a strong statement opposing any reduction of important Customs services.

Included in this measure is a section similar to an amendment I offered—and that was adopted—to a continuing resolution in December 1982. The amendment I offered last December prevented the Customs Service from using any funds to close the Portland, Oreg. district office, or from taking any other action to reduce or consolidate the functions of that office.

The section included in the fiscal year 1984 Treasury appropriations bill says that none of the funds made available in this act may be used to reduce the number of entry processing locations, to consolidate or centralize duty assessment or appraisement functions, or to reduce the number of import specialists of the U.S. Customs Service.

The Oregon district office, which is responsible for processing and collecting duties on all imports flowing into Oregon, southwest Washington, and Alaska, has experienced a sharp increase in activities in recent years. Duties collected jumped from $90 million in 1978 to $161 million in 1981.

In addition, the port of Portland handled 4.3 million tons of import and export cargo with Japan alone in 1981—a $3.3 billion trade relationship.

In spite of this impressive record of growth, the Oregon district office continues to be one of more than 30 offices included in Customs Service proposals to centralize entry processing locations by relocating import specialists to other district offices. It has also been reported that the Customs Service has contemplated downgrading the Oregon office from a district office to an area office.

From a regional point of view, any reduction in services at the Oregon Customs Office would be devastating to our efforts in Oregon to diversify our economic base by building a world class international trading center.

Oregon's timber-based economy has been devastated by the recession and the need to expand and diversify our economic base has never been more critical. Because of our magnificent waterway transportation system and our geographic proximity to the Pacific rim, expanded international trade represents by far our best chance for success.

But just as important, from a national perspective, I can see absolutely no logic in any proposal to reduce our Customs operations nationwide. Our economy is becoming more and more interdependent with the economies of other nations throughout the world. We are hurtling full speed ahead toward an era of unprecedented international trade.

If we are going to be able to compete successfully in the global marketplace of the future, we simply must make sure adequate resources are provided to enable us to quickly and efficiently process the increasingly large volume of goods that will be flowing in and out of this country.

It is important to remember that international trade is a two-way street. If any reduction of import services were to take place, fewer carriers would be willing to service these ports and this would inevitably hurt exporters as well as importers. Without a strong import base, vessels will not call and exporters will be forced to look to other ports for their shipping needs.

We should all remember that imports draw ships that rather than leave empty, pick up goods to be exported. In the Northwest and around the country, this means increased exports of electronics equipment, lumber, paper, and agriculture products.

And increased exports mean good news for everyone.●

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Mr. MILLER of Ohio. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses for the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $36,400,000.

Mrs. BOXER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to compliment the gentleman from California and his committee for the work they did on the OMB portion of this bill. But, Mr. Chairman, I want the American people to know what the President's Director of the OMB, David Stockman, had asked originally for his budget.

Mr. Stockman requested a 20-percent increase in his budget. Let me repeat that: A 20-percent increase in Mr. Stockman's budget. That was his request.

This is the same man who said: "The Congress is like a kid with a broken piggybank when it comes to public revenues. If the money is there, they, the Congress, will spend it. They'll spend all the money that's there and a little besides."

That is Mr. Stockman's sharp tongue. But what does he do? In a year when the Congress asked for itself, for its own budget, an 8.6-per-

cent increase, in a year that the President handed this Congress a budget with a near $200 billion deficit, in such a year, David Stockman, the self-proclaimed budget slasher, asks for a 20-percent increase in his budget.

As you know, Mr. Chairman, I had planned to offer an amendment to cut back Mr. Stockman to the same 8.6-percent increase as Congress got, but the gentleman from California (Mr. ROYBAL), the chairman of this committee, has done that job through his intelligent budget setting ability, and I thank the gentleman for it.

In this bill as it is now before us, unlike the way Mr. Stockman wanted it, the OMB increase is the same as the Congress, approximately 8 percent—but not thanks to Mr. Stockman, thanks to Members of this Congress.

I again want to compliment the gentleman from California for his hard work on this portion of the bill.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I ask unanimous consent to revert back to only section 105 for the purpose of offering an amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The portion of the bill to which the amendment relates is as follows:

SEC. 105. None of the funds appropriated under this Act shall be obligated or expended to implement, administer, or enforce the provisions of title III, subtitle A of the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSTENKOWSKI: Strike out section 105.

Mr. ROSTENKOWSKI. Mr. Chairman, section 105 provides that none of the funds appropriated can be spent to administer the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) which imposed withholding on interest and dividends. As this body well knows, those provisions of TEFRA were repealed earlier this year.

It is my understanding that the Appropriations Committee and its Subcommittee on Treasury Appropriations are aware that this section is no longer necessary but that it was inconvenient to delete the provision earlier.

I would ask then that the Committee agree to delete this section at this time.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, may I inform the gentleman at this time that the committee has no objection to the deletion of this section.

Mr. MILLER of Ohio. Mr. Chairman, if the gentleman will yield, we have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.); $1,300,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended, 42 U.S.C. 4271-79; $2,000,000.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $215,000.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses for the Committee for Purchase from the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles; $678,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $10,400,000.

GENERAL SERVICES ADMINISTRATION FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $1,949,315,000 of which (1) not to exceed $68,235,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

California:

Los Angeles, Warehouse, Demolition, $599,000

Long Beach, Federal Office Building, $3,200,000 (site and design)

Massachusetts:

Waltham, Federal Archives and Records Center extension, $1,621,000

Tennessee:

Knoxville, Federal Building, $14,990,000

Washington:

Seattle, Federal Archives and Records Center Extension, $3,525,000

Construction Projects, less than $500,000, $1,000,000

Purchase:

Acquisition and Improvements of United States Postal Service Properties, $23,300,000

Other Selected Purchases including options to purchase, $20,000,000:

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1985, and remain in the Federal Building Fund except funds for projects as to which funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $10,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification of the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $65,109,000, which shall remain available until expended, for repairs and alterations: *Provided further*, That funds in the Federal Building Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Arkansas:

Little Rock, Post Office, courthouse, $4,269,000.

District of Columbia:

Liberty Loan Building, $2,757,000

Steam Distribution System, $886,000

Louisiana:

New Orleans, F. Edward Hebert Federal Building, $611,000

Maryland:

Middle River, Federal Depot, $1,892,000

Suitland, Naval Intelligence Command, Building #1, $643,000

Michigan:

Detroit, Federal Building, Courthouse, $4,957,000

Ohio:

Cincinnati, Post Office, Courthouse, $1,138,000

Utah:

Ogden, Internal Revenue Service, $3,036,000

Washington:

Yakima, William O. Douglas Federal Building, Courthouse, $1,025,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1985, and remain in the Federal Buildings Fund except funds for projects as to which funds have been obligated in whole or in part prior to such date; (3) not to exceed $145,500,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed $880,500,000 for rental of space; (5) not to exceed $686,500,000 for real property operations; and (6) not to exceed $103,471,000 for program direction and centralized services: *Provided,* That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from building then, or thereafter to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056 as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this fund during fiscal year 1984, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $1,949,315,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

APPROPRIATION TO THE FEDERAL BUILDINGS FUND

NASHVILLE UNION STATION

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of this Act, there is hereby appropriated to the fund established by section 210(f) of the Federal Property and Administrative Services Act, as amended by 40 U.S.C. 490(f), $1,500,000 to be available for transfer to the metropolitan government of Nashville-Davidson County, Tennessee, for the preservation of Union Station, Nashville, Tennessee, under such terms and conditions as the Administrator deems necessary in the interests of the United States.

PERSONAL PROPERTY

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement (including royalty payments), inspection, standardization, property management, and other supply management activities, transportation activities, utilization of excess and disposal of surplus personal property, and the rehabilitation of personal property including services as authorized by 5 U.S.C. 3109, $152,200,000.

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and for the Information Security Oversight Office established pursuant to Executive Order 12356, directives issued pursuant thereto, and other applicable authorities, including acceptance and utilization of voluntary and uncompensated services, $89,805,000 of which $1,500,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended.

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the administrator with respect to utilization of excess real property; the disposal of surplus real property; the utilization survey, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98-98h), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166); including services as authorized by 5 U.S.C. 3109 and reimbursement for recurring security guard service; $36,500,000 of which $14,464,000, shall be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460 1-5), and of which $22,947,000 for the transportation, processing refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile shall remain available through fiscal year 1985.

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

LIMITATION ON AVAILABILITY OF FUNDS

During the fiscal year ending September 30, 1984, not more than $120,000,000, in addition to amounts previously appropriated, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and critical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition.

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; including transportation audits by in-house personnel; for transportation audit contracts and contract administration for which payment to any contractor shall not exceed 50 per centum on the overpayment identified by any contract audit; for providing accounting, records management, and other support incident to adjudication of Indian Tribal claims by the United States Court of Claims; and services authorized by 5 U.S.C. 3109; $120,000,000: *Provided,* That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code.

OFFICE OF INFORMATION RESOURCES MANAGEMENT

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; $46,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $19,513,000: *Provided,* That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, $260,300: *Provided,* That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff) and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget.

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for changes for space and services and those expenses of renovation and alteration of building and

facilities which constitute public improvements, performed in accordance with the Public Building Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 4. Not to exceed 1 per centum of the personnel compensation made available in appropriations for operating expenses and salaries and expenses, excluding the Federal Buildings Fund, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 5. Funds in the Federal Buildings Fund made available for fiscal year 1984 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. 6. Funds made available by this or any other Act for the payment of rent shall be hereafter available for the purpose of leasing space without regard to section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a).

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles and advances or reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $106,000,000 together with not to exceed $48,572,000 for administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of this appropriation shall be available for the salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act, as amended (74 Stat. 849); $1,506,339,000, to remain available until expanded.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts, to be credited to the Civil Service Retirement and Disability Fund, $3,908,490,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181), and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles; $19,622,000, together with not to exceed $1,200,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board, and not more than $5,000 for advances or reimbursements to applicable funds of the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of the Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978 (44 FR 75915) and the Civil Service Reform Act of 1978 (Public Law 95-454), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $4,300,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $16,200,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $16,000,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1984".

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any points of order against title IV?

Are there any amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans' Administration; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a

domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 507. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions, or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

SEC. 508. None of the funds appropriated under this Act shall be obligated or expended to implement, promulgate, administer, or enforce the proposed Office of Personnel Management regulations and the proposed Federal Personnel Manual issuances published in the Federal Register on March 30, 1983, on pages 13341 through 13381, as superseded by proposed regulations and Federal Personnel Manual issuances published in the Federal Register on July 14, 1983 on pages 32275 through 32312.

SEC. 509. Notwithstanding any other provisions of this Act, none of the funds made available to the General Services Administration by this Act shall be obligated or expended for the procurement by contract of any service which is performed by veterans in their capacities as employees of the General Services Administration in any position described in section 3310 of title 5, United States Code, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 510. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages.

SEC. 511. None of the funds appropriated by this Act may be used by the United States Customs Service in the enforcement of any provision of law to the extent that such provision would permit agricultural products to enter the United States from Caribbean Basin countries (as defined in the Caribbean Basin Economic Recovery Act) duty-free.

SEC. 512. None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplusing or disposal of any portion of land identified on the date of enactment of this Act as Fort DeRussy in Honolulu, Hawaii.

SEC. 513. None of the funds appropriated in this Act may be used for administrative expenses to close the Information Resources Management Office of the General Services Administration located in Sacramento, California.

SEC. 514. No funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.)

SEC. 515. No funds appropriated under this Act for the Department of Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order with respect to title V?

□ 1150

POINT OF ORDER

Mr. ROSTENKOWSKI. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROSTENKOWSKI. Mr. Chairman, I make a point of order against section 511 of H.R. 4139 on the grounds that it violates paragraph (b), clause 5, rule XXI of the Rules of the House of Representatives.

Mr. Chairman, this provision would prevent the U.S. Customs Service from the enforcement of any provision permitting agricultural products to enter the United States from Caribbean Basin countries duty free. The recently enacted Caribbean Basin Economic Recovery Act provides for the duty-free entry of certain products from countries designated by the President as Caribbean Basin countries. Section 511 of this bill overrides this provision by preventing Customs from establishing this new category of duty-free products in the Tariff Schedules.

Paragraph (b), clause 5 of House rule XXI makes bills and resolutions containing tax and tariff measures which are reported by any committee not having jurisdiction to report tax or tariff measures and amendments to such bills or resolutions in the House or proposed by the Senate subject to a point of order at any time during House consideration of the legislation.

Just as tax measures include all provisions having the substantive effect of amending the Internal Revenue Code, tariff measures include all provisions having the substantive effect of amending the Tariff Schedules. Section 511 is clearly a tariff measure, since the inability of the Customs Service to enforce the provision of present law generally requiring the duty-free entry of agricultural products from designated Caribbean Basin countries will result in those products which would be subject to duty in the absence of the Caribbean Basin Economic Recovery Act continuing to be subject to duty. Thus, section 511 clearly is a substantive amendment to the Tariff Schedules and a tariff measure within the score of rule XXI.

Mr. Chairman, I urge the Chair to sustain this point of order against section 511 of H.R. 4139 on the grounds that it violates paragraph (b), clause 5 of rule XXI of the House of Representatives.

The CHAIRMAN. Does the gentleman from California (Mr. ROYBAL) wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, the issue that is being raised on this point of order is a very important one. No one can deny that. The question is whether an otherwise valid limitation which is proper under rule XXI, clause 2 is no longer in order by virtue of rule XXI, clause 5(b). Paragraph (b) was added in the 98th Congress in House Resolution 5, and voted upon on January 3, 1983.

Mr. Chairman, I maintain that this provision is not a tax or tariff measure which is prohibited by the new rule. It is a limitation which prohibits the Customs Service from enforcing a certain provision of law which allows agricultural products from Caribbean Basin countries from entering the United States duty free. The provision does not actually change the existing statute and it does not modify any tax or tariff measure. I think it is important that we note that the exact words of the new rule are "No bill * * * carrying a tax or tariff measure shall be reported by a committee not having jurisdiction * * *."

The rule says nothing about limitations, or restrictions on enforcement provisions. Mr. Chairman, it is my position that the rule prohibits only bills actually carrying tax or tariff measures, and that limitations on Executive actions are still in order under the new rule.

I ask for a ruling on this very important issue.

The CHAIRMAN (Mr. SHARP). Are there other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Illinois has raised a point of order against section 511 on the ground that the section constitutes a tariff measure falling within clause 5(b) of rule XXI.

The Chair has listened to the arguments on both sides of the issue. On the one hand, the section in question results in the imposition of a higher tariff on certain imported products and changes the application of the Caribbean Basin Recovery Act; on the other hand, there is the argument that the section is nothing more than a familiar limitation on an appropriation bill of the type held in order for many years.

This is the first case in which the Chair has been called upon to apply the new clause 5(b) of rule XXI, and the Chair has weighed the implica-

tions of his ruling in this particular case. It seems to the Chair that the existing law is clear. The Caribbean Basin Act would permit the duty-free entry of certain agricultural products providing that certain Presidential determinations have been made in accordance with that act. The effect of the enactment of section 511 would be to deny duty-free status to those agricultural products and the Chair notes that the Committee on Appropriations in its report on page 77 states that the committee intends for the Customs Service to continue to collect the applicable duty rates in effect on July 26, 1983. The Chair, therefore, thinks it is clear the effect of this provision in this appropriation bill is to cause duties and certain imports to be imposed where none are required, and to require executive branch officials to actually collect revenue contrary to existing tariff law and thus finds that the provision is a tariff measure in violation of clause 5(b) of rule XXI. The Chair sustains the point of order.

Are there other points of order to title V?

POINT OF ORDER

Mr. GIBBONS. Mr. Chairman, I wish to make a point of order against section 507.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GIBBONS. Mr. Chairman, I make a point of order against section 507 of H.R. 4139 as constituting legislation on an appropriation bill and, therefore, in violation of clause 2 of rule XXI. Clause 2 of rule XXI states that:

> No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditures not previously authorized by law. No provision changing existing law shall be reported in any general appropriation bill except germane provisions which retrench expenditures.

Rule XXI, clause 2, has been interpreted to mean that the language in an appropriation bill may not impose on Federal officials additional duties not required by law or make the appropriation contingent upon the performance of such duties.

Section 507 prohibits appropriated funds from being used in the procurement of any stainless steel flatware not produced in the United States or its possessions unless the Administrator of General Services makes a determination that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States cannot be procured as and when needed from domestic sources.

Section 507 places a limitation upon the use of appropriated funds and establishes a new procurement requirement not existing under current law. It specifically imposes an additional duty on a Federal official to make a determination not presently required by law.

For these reasons, I urge, on a point of order that section 507 violates rule XXI, clause 2, be sustained. This point of order was sustained previously against identical language in H.R. 3191 when it was considered by the House on June 8 of this year.

The CHAIRMAN. Are there other Members who wish to be heard on this particular point of order?

Mr. ROYBAL. Mr. Chairman, the committee concedes the point of order.

The CHAIRMAN (Mr. SHARP). The Chair sustains the point of order.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent that we return now to title I of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. ADDABBO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair would inquire whether or not there was a Member standing in objection to the request to return to title I. Is there objection?

Mr. ADDABBO. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Are there further points of order to title V?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment which I understand is acceptable to the committee on both sides.

The Clerk read as follows:

> Amendment offered by Mr. OBEY: Add the following language to section 510: ", except if the expenditure of such funds is necessary to comply with a final order of the Federal court system, 90 days after which enforcement may occur.".

□ 1200

Mr. OBEY. Mr. Chairman, I will not take very long to explain this amendment.

We simply have a situation here in which I am trying to assure that the language of the bill itself is identical to the way the language is described in the committee report. This relates to an administrative ruling of the Bureau of Alcohol, Tobacco and Firearms containing the issue of proper labeling. The bill had a flat prohibition on the enforcement of that ruling. The report said that the ruling could not be enforced until the court finally disposed of it.

Mr. Chairman, I think that is the proper thing to do, and I understand the committee has no objection on either side of the aisle.

Mr. ROYBAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment adds language to section 510, and we find no objection to that language.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment to strike section 514.

The Clerk read as follows:

> Amendment offered by Mr. FRANK: On page 37, lines 10 through 15, strike section 514.

Mr. FRANK. Mr. Chairman, in offering this amendment, I am joined by the gentleman from Massachusetts (Mr. CONTE), the gentleman from Illinois (Mr. YATES), and the gentleman from California (Mr. MILLER). This is the free enterprise amendment to this bill.

We have in effect now marketing orders whereby the producers of various agricultural commodities get together and vote based on part on the size of their produce and what the policy ought to be in their industry.

The Consumers' Union has said this:

> Every Tuesday morning for eight months each year, a group of executives from competing companies meet in downtown Los Angeles to discuss production levels in their industry. At each meeting, they agree on how much of that output they'll allow to reach consumers. A quota system is adopted, and every firm in the industry is told how much of its product it can ship to the marketplace.
>
> In most industries, such meetings would amount to a conspiracy in restraint of trade . . .

In this case it is not only legal but they have Federal sanction because we have growers to decide what in effect will be grown and what will be sold. It is an effort to try to keep prices higher than they nornally would be and to stabilize the market in general.

We are not here proposing that these be abolished. We are not proposing that they be substantively amended. We are not even proposing that the principle of one-person one-vote, that radical notion, be put in here, because it is still based on how much is grown to a certain extent.

Under the President's Executive order on regulatory reform, the Office of Management and Budget has a right to review and comment on these orders to the Department of Agriculture. What the Appropriations Committee has said is that out of all the regulations we have—OSHA, EPA, Food and Drug Administration—we are going to give a complete exemption from any OMB review in the regulatory process.

Let me speak more precisely, Mr. Chairman. As I read this amendment, there is nothing in here that would prevent people in OMB from reading the orders. All they are prevented from doing is talking about them to anyone. They cannot exercise the usual regulatory review over these orders alone.

Many of us have some concerns about regulatory review and OMB procedures. But why do we single out one set of orders? And the one we single out is those where the producers themselves go out and vote among themselves and decide how they are going to cut up the pie and how many oranges can be shipped into the market and who can be allowed to participate; and in all of those questions, which are wholly producer dominated, there are not consumers represented here very much, and there are no consumers voting.

This is a price-fixing scheme with Goverment sanction, where the people are allowed to cartelize their own industry, and we are talking here about whether or not OMB ought to be allowed even to comment on it.

Out of all the regulations we have in this Government, those that protect the public health and public safety and the basic rights of a whole body of people, why do we single out this particular form of regulation, self-regulation by the producers, of the producers, and for the producers? Why do we single that out as one which the OMB cannot even comment on as a rider in an appropriation bill?

I await the outcome of this vote with interest, Mr. Chairman. We will get an idea of what people think about the free market, and we may also get some indication of where we are on OMB, because if we are in fact to say, not that OMB's regulatory procedures should be changed, not that they should be made more open, not that they should be made different one way or the other than they are now, but that OMB is such an impossible agency that it should not be allowed even to participate, then I would assume that OSHA will be next and FDA will be next and the EPA will be next. There certainly can be no justification for singling out this antifree enterprise, anticompetition, anticonsumer, do-it-yourself regulation by producers of the market as such a sacrosanct activity that the Federal regulatory people are not even allowed to talk about it.

Democracy is a wonderful thing, and so is participation. But allowing the producers of a certain commodity, by their own vote, based in part on how rich they are, not how many they are, to whack up their own market, and then to say, "We don't want to even get from the independent regulatory group comments on their effects," is, I think, something the House ought not to do.

Mr. Chairman, this does not stop the marketing orders. It does not prevent them, although some work perhaps ought to be done there. It does not reform the whole OMB process. It just exempts this cartel from even a review from OMB.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, marketing orders in essence are regulations issued by the Department of Agriculture which limits the amount of certain agricultural commodities that can be produced.

Now, the basic purpose of these marketing orders is to create stability in the agricultural markets by limiting the amount of production to the appropriate needs of the country and thus prevent some years where production far exceeds consumption and other years where consumption far exceeds production.

The Office of Management and Budget has become involved in reviewing issuings of these market orders. May I also state that the Office of Management and Budget involves itself in the affairs of many regulatory agencies, which is a practice that I personally feel should be discontinued.

The committee inserted this provision in the bill because it felt that the Department of Agriculture, not the Office of Management and Budget, is solely responsible for this important agricultural function. We have received letters and communications from interested organizations, but particularly from our own Committee on Agriculture, which has this to say: The gentleman from Texas, Mr. KIKA DE LA GARZA, the chairman of that committee, in his letter of this date addressed to me says:

> As you know, the Agricultural Marketing Agreement Act of 1937 gives explicit authority to the Secretary of Agriculture to administer federal marketing order programs. However, over the past three years the Office of Management and Budget has taken it up on itself to review agricultural marketing orders. OMB's recent review of marketing order programs has led to considerable delays in implementing program changes which have adversely affected not only producers but consumers as well.

Again he points out the fact that here is a responsibility vested in the Department of Agriculture that OMB now seeks to assume and possibly change, and it has resulted then in the delay in the implementation of that program.

He goes on to say:

> OMB officials have not tried to hide the fact that they are philosophically opposed to federal market order programs. This has become increasingly evident through their recent attempts to substantially modify existing order programs now in existence. OMB's apparent goal is to ultimately eliminate market order programs through the regulatory review process.

□ 1210

Now, I think that the important words that we find in this letter are that the Act itself gives the Department of Agriculture that responsibility, not OMB.

This is the reason why I stand in opposition to this amendment.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall support this amendment.

Mr. Chairman, this is the day of the euphemism. We find it difficult to face hard facts and when we look in the dictionary for the definition of the word euphemism, we find that it is defined as "the substitution of an inoffensive phrase for one that is generally considered to be too explicit," like the use of the phrase "the slumber room" for the funeral business or the Pentagon's attempt to smooth over the prospect of a nuclear war by using the phrase, "an all-out strategic exchange."

That leads me to the use of the euphemism in connection with this amendment, the use of the phrase, "the marketing order."

Orderly marketing, we are told, is the necessity for placing agricultural products on the market. It has such a nice, attractive, efficient sound, that we do not see any harm in connection with the use of this phrase.

Now, last year we saw pictures of millions of oranges in the State of California which were allowed to disintegrate to spoil, not be allowed to go to the market or even be given to the programs for the poor, to supplement the use of cheese or butter or some of the other enormous quantities of agricultural products that are feeding people of lower incomes.

Those products were destroyed under the so-called marketing agreements and most of the Nation's fruits, vegetables, and milk, are brought to market today under so-called marketing orders under which the consumer gets no break at all.

I asked a friend of mine on the Agriculture Committee how the orderly marketing under marketing orders differs from what Sheik Yamani calls orderly marketing under OPEC. What is the difference between that and orderly marketing?

I am sure that Sheik Yamani would love to have a marketing order for his oil products. We condemn that. What is the difference?

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. YATES. Surely, I am glad to yield to my friend, the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, let me say to my very distinguished friend, there is a difference between the OPEC and the marketing orders. No country is forced to join OPEC, but in the United States once a marketing order is issued, you are legally bound by it; so the marketing orders and the people who draw them have a legal binding power that Sheik Yamani wishes he had.

Mr. YATES. Right; so what can the consumer do? Who is there to protect

the consumer? What agency or Governmental office? None. We do not have the protection of the consumer any more by the Federal Trade Commission.

I hold no brief for the Office of Management and Budget. I have been fighting David Stockman ever since he was elevated to his very august position; but if there is any kind of a review procedure to protect the consumer, I am in favor of it. It is not much that OMB does but its all we have. I welcome the overseeing functions that the Office of Management and Budget has undertaken.

I do not know why we must put into this bill a provision that will destroy that function for the Office of Management and Budget.

I think it is sparse. I think it is tiny. I think it is small. I do not think they have a very great function in this respect, if that is the only way that a consumer gets any kind of protection against the so-called marketing orders.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. YATES. I yield to my friend, the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, as the gentleman knows, I am from an agricultural State.

Mr. YATES. I know that.

Mr. GIBBONS. I can confirm what the gentleman has said. The principal effect of agricultural marketing orders is to raise the price to the consumer. They are an antiquated price fixing arrangement, and I do not know why this committee will not allow even the studying and the issuing of a report on this very anticompetitive practice.

Mr. YATES. Well, I thank the gentleman. The gentleman is exactly right. The only kind of protection that we have and the only kind of information we receive these days from the Department of Agriculture that is biased in favor of the producers is the kind of review function the Office of Management and Budget tries to exercise.

Mr. Chairman, I hope this House approves the amendment of the gentleman from Massachusetts.

Mr. RUDD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the purpose of marketing orders, of course, is to bring quality to the citrus industry and to maintain an orderly market condition in order to provide parity in prices for farmers who are involved in this and to protect consumer interests by prohibiting any action that would raise producer prices above a conscionable level and to set conditions that would avoid unreasonable fluctuations in supplies and prices. That was the purpose of the 1937 act. It enabled this to be done.

The Office of Management and Budget has decided that it must intervene into the affairs of the private sector and the farming industry. None of these people over there are farmers or have any knowledge of this, but they want to make sure that the Government is going to impose regulations that are unnecessary, because the industry can regulate itself. That is the sole reason why this section is in here. I oppose its removal because the industry itself does a remarkable and a superb job of providing the best citrus possible throughout the year, without any fluctuations between supply and demand so that everybody gets what they need when they need it. It has worked very well for the last 40 or 50 years and I think that any intervention or intrusion by the Federal Government, by the Office of Management and Budget which is trying to do this, would destroy that and would raise prices and destroy quality control.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have a clash here between people who I think have similar goals in mind, and that is that we all would like to see perishable fruits and vegetables made available on the market at the lowest possible price. We have some disagreement over how we can accomplish that year after year.

I am afraid I have to speak today from the perspective of one who is very sensitive to the market conditions that face the smaller grower who cultivates tree fruits, nuts, and vegetable crops that are very vulnerable to being perishable under adverse weather conditions in one year and then in the next, for example, may face a glut on the market that would simply drive the price down to the point where they cannot begin to meet the costs of production that they must attain in order to stay in business.

There is no question that we are debating whether or not we want to have marketing orders in this amendment, because OMB with a rigid philosophical premise has done all it could possibly do to frustrate the use of marketing orders in the last several years. They do it in a way that is rather pernicious. They simply delay and delay until the marketing order is about to run out and in the process overrule the USDA and require the industry to accept whatever proposals they wish to make to change the regulatory approach that the marketing order has used traditionally throughout most of this century.

□ 1220

When we use marketing orders, we are talking about preserving for the consumer a high quality product. We are talking about making certain that there is acceptance from the consumer year after year because of a standard of excellence that can only be assured when the grower, the producer is in a position to insure that he is not placing on the market in years when we have a short supply, low quality goods, and at the same time suffering the long-term consequences of that action.

We are talking about guaranteeing a reliable supply so we do not go from feast to famine again, thereby shaking out most of the basic small grower community and allowing concentration and power in a few hands in the case of these very perishable crops. We are talking about sustaining reasonable prices over time. Much of what has been objectionable at OMB is simply their philosophical opposition to reserve and prorates where we simply bring onto the market at a regular flow over a period of time at a stable price the products that most of us have learned to have very much available to us in our local market throughout most of the year even when they have a very brief harvest season with market orders.

We do not, for example, have a situation where there is a temporary glut, low prices and then throughout the rest of the season a high price for a lower quality good when supplies run short.

Every study done either by USDA, or by people who do not come with a particular bias against this grower community, has shown that there is no real increase in retail pricing over time.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

Would he consider the Consumer Union to be one of those that has an antigrower philosophy?

Mr. FAZIO. The Union is operating under the philosophy that Mr. Stockman espouses which is to say there should be no regulatory agency whatsoever involved in this area of the food economy.

They would like to benefit when there is an oversupply on the market, and would not like to pay the price when market conditions change the inevitable concentration of power occurs and when the product is in short supply and prices go sky high.

I would like to think that they would understand the benefit of a regular, orderly marketplace, but they apparently do not.

Mr. FRANK. Mr. Chairman, will the gentleman yield further?

Mr. FAZIO. I yield again to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

You do consider the Consumer Union and allied groups to be antigrowers so when he dismisses the studies of other people who are antigrower——

Mr. FAZIO. The Consumer Union has a blind spot on this issue. There have been many, many studies, very objective, done in the academic world in particular which show over time there is really no variation in prices.

Retail prices are going to be fluctuating, but they will be far less likely to be onerous for the consumer, if we allow marketing orders to do the job they have done for many years.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

Are we not really talking about basic fundamentals, the foundation of our system of government for the Republic to allow those who use the sweat of their brow and their own labor to receive the fruits of that labor and, of course, they will not be able to do this if they are going to be told how and when they can do it or how much they can grow, with the Government regulatory interference?

Mr. FAZIO. I appreciate the gentleman's comment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. RUDD and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. FAZIO. I appreciate the gentleman's assistance in gaining time.

There is a tendency to believe that there is sort of a Simon Legree out there in the grower community, somebody who is really ripping off, usually described as typically representative of large corporate agribusiness.

Let me tell you the people who tend to agree with the gentleman from Massachusetts (Mr. FRANK) are those large corporate interests who wish to buy when the market is flush, when there is plenty on the market from the producer, the small grower community at low prices, and then make a profit in that differential between the retail price and what little they must pay to the grower.

We are talking about preserving the small family farmer who is very often in business on small acreage, who waits for years for his orchard to mature, for example, who has no other recourse than to work together to see that his product has a continual and regular flow to the market at a reasonable price so that he can preserve his tenuous place in the farm economy.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Kentucky.

Mr. ROGERS. I thank the gentleman for yielding.

I think the gentleman has put the whole question in good focus here and brought out some good points, and I join him in opposing this amendment.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

I have no objection to agricultural marketing orders. I am concerned about the public policy implications of the amendment.

You are basically saying no funds appropriated in this act shall be given to OMB to review a marketing order. We have wrestled with that with the FTC and the FDA and it is a very questionable public policy to open the door and not let the Office of Management and Budget under any administration who is responsible for looking at regulatory affairs to say they cannot look at one.

Let me make one other point.

Mr. FAZIO. Reclaiming my time, OMB has operated in a way that would eliminate the use of marketing orders by simply delaying them until they were no longer in effect. OMB has taken out against marketing orders in philosophical terms and they are now in a position where they are running the U.S. Department of Agriculture in this area. And that is a tragic misapplication of OMB's responsibility to review only the cost implications of the regulatory process. In fact, the cost of these programs to the taxpayer is nil.

Fruit and vegetable marketing orders were authorized under the Agricultural Marketing Act of 1937. The act grants the Secretary of Agriculture the explicit authority to administer marketing order programs for various commodities for the purpose of stabilizing the market. The 47 Federal marketing orders for fruits, vegetables, and milk have a twofold purpose: To assure the farmer of a reasonable income over the long run, and to assure the consumer of an adequate supply of food at a reasonable price.

The Secretary of Agriculture administers the marketing order programs though recommendations received from grower administrative committees. Prior to establishing a marketing order for a particular commodity, the growers will design a program around the characteristics of that specific commodity. For example, the almond industry operates a reserve pool program; that is, a portion of a bumper crop one year may be held in reserve and metered out during the following seasons. In the case of citrus fruit, advantage is taken of the characteristic that the fruit can be stored on the tree. It is allocated into the marketplace in an orderly fashion over the full season through prorates, thus avoiding the vagaries of a fluctuating market. After development of a program, the U.S. Department of Agriculture submits the program to growers in referendum. For example, in order to establish a program for citrus fruit, it requires a favorable vote from 75 percent of the eligible growers having 67 percent of the volume, or vice versa.

Marketing orders have been one of the most reviewed and studied regulatory programs in the Federal Government. Since 1941, 36 different studies have been completed, 14 of these studies since 1970. Each of these studies offered conclusive evidence that marketing order programs are of considerable benefit to both producers and consumers. Yet marketing orders continue to be criticized by free market economists who argue that supply and demand forces should be allowed to operate without regulation. They argue that if the orders were terminated, consumers would experience lower retail prices for commodities such as raisins, almonds, and navel oranges.

The critics of marketing orders fail to recognize the unique characteristics of the commodities which are included under the program. We cannot think in annual production cycles when it comes to commodities such as tree fruits, grapes, and nuts. For example, a grape producer must buy the land, plant the grapevine, and then wait at least 3 years before they begin to bear and return any income. Citrus fruit and nut trees take over twice as long before their first crop is produced. Given volatile supply and demand conditions, producers must be assured of a reasonable future return on their investment, while consumers must be assured of a high quality, long-term supply of these commodities at reasonable prices. Marketing order programs are designed to maintain long-run stability, eliminating ruinous gluts as well as shortages that would make consumer prices increase dramatically.

The U.S. Department of Agriculture is strongly supportive of the marketing order system. However, the Office of Management and Budget reflects the free market viewpoint by supporting the elimination of many Federal regulations, including agricultural marketing orders. The provision contained in the subcommittee's version of the fiscal year 1984 Treasury and Post Office appropriations bill would once again allow the Secretary of Agriculture to administer the Federal marketing order programs by eliminating OMB's veto power over administrative decisions relating to individual order programs.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I rise to oppose this amendment. It will appear, of course, that the California delegation is taking an inordinate amount of time on this amendment but the reasons for that

are quite simple: We are the predominant State in the Union in the uses of marketing orders. While I have had my own reservations with regard to the operation of marketing orders for a number of years, I am convinced that they play an invaluable role in California agriculture, and should not be tampered with lightly by OMB.

I am in a postion now, as a member of the Agriculture Committee and chairman of the Subcommittee on Department Operations, which has jurisdiction over this subject matter, to devote quite a bit of time to market order issues, and I have done so over the last several years.

I am not totally convinced that marketing orders are the best possible mechanism to use to protect the interest of both farmers and consumers. However, I think that the actions taken by OMB in an effort to disrupt marketing orders are totally uncalled for and possibly even illegal, in the light of the fact that these actions conflict with the jurisdiction of the Department of Agriculture under other law.

I have, therefore, supported keeping the Office of Management and Budget out of the marketing order field and have instead pressed the Department of Agriculture to more vigorously exercise the legal prerogatives which are established in law to regulate marketing orders.

Now, I am interested in having the Members of Congress look at this in a somewhat broader context.

You all know that we are going to be discussing a milk bill in the very near future. I would like to have you look at that comparable situation, which is today costing this country several billion dollars a year in taxpayers' money in an effort to stabilize the market.

In the situation of fresh fruits, we have a similar and perhaps even greater need to stabilize the market in a perishable commodity, and we do it in California, and in the other States which use marketing orders, through the voluntary cooperation of a multitude of growers and other participants with no cost to the taxpayer, and it seems to be working.

Now, I have been taking a very serious look at the total farm policy situation in this country and its success, or failure in maintaining a healthy agriculture together with ample food supplies at reasonable prices.

I do not pretend to have reached any good answers. But I will tell you right now that the marketing order approach is far superior in its results in California to the approach that we are following in connection with milk, or wheat, or corn, or other commodities.

I am going to suggest that we look at farm policy in the light of achieving an overall approach to maintaining a stable, vigorous, and productive agriculture in this country. Such a farm policy will not be attained if we allow the philosophical biases of OMB to make such policy on an ad hoc basis. Now is not the time to allow OMB to gut marketing orders, for no good reason except it seems to run contrary to their philosophy of how markets should work.

If OMB applied that same thinking to milk, we would have no milk support prices, at all for example, and most dairies would be owned by the banks that now hold their notes. Is OMB proposing to eliminate milk support prices? No. What we are going to consider next week in the so-called milk compromise bill is a proposal which, with at least some adminstration support, will add about $2 billion to the cost of milk to the consumer and a couple of billion dollars to the income of the dairy producers by continuing to maintain unduly high dairy support prices. As far as I can tell, this will not achieve any particular good to the taxpayers. If OMB were consistent in their devotion to nonintervention in the market, they would be actively opposing the entire concept of milk support prices.

We need to think very clearly about whether there may not be superior policy alternatives for dealing with agricultural problems.

In this situation, I strongly support the position taken by the gentleman from California (Mr. FAZIO) and the gentleman from California (Mr. ROYBAL). Without pretending that there is any perfection in the way marketing orders operate, I think we are justified in not allowing OMB to tamper with them at the present time. We do need to develop a coherent agricultural policy in which the concept of marketing orders with suitable limitations, may have a very important role.

I would like to see us work this out in an intelligent way. I should point out, if it has not already been pointed out, that in California we have been seeking to ameliorate some of the criticisms of marketing orders. We do include consumers on marketing order boards.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. We do include consumers on marketing order boards. The purpose of marketing orders is not to exploit the consumer, but is to insure, as has been pointed out so well by the gentleman from Arizona, the orderly marketing of a high quality of product, and we think that goal is being achieved.

□ 1230

I recognize that the gentleman from Florida, my good friend, Mr. GIBBONS, takes a different view, and there is a good reason for him to do that. Orange marketing in Florida is completely different than in California. Most of the Florida product does not go into the fresh orange market. Some of it does. But Florida producers are able, by transforming their oranges to juice and other byproducts, to avoid a major part of market fluctuations.

We cannot do that when we are selling fresh fruit, a perishable product, to a national market, as we do in California. That market needs stabilization. And market orders, believe me, are the best device that has yet been invented to stabilize the market. It was developed years ago. It needs to be fine-tuned, I agree. But we cannot afford to throw it out because somebody does not think it comports with their particular philosophy.

Mr. DE LA GARZA. Mr. Chairman, I rise in opposition to the amendment.

We have to divide the issue in two. One, is the attempt by OMB to, in fact, evade the law which was passed in 1937 giving the Secretary of Agriculture the authority in the development and the carrying out of marketing orders.

Second, it bypasses—and this is very important to us, and I cannot fathom any Member or any subcommittee chairman or any committee chairman not agreeing with this—it is an attempt by OMB to bypass not only their own administration, but to bypass the Congress.

This is a basic constitutional obligation of the Department of Agriculture under the law passed in 1937, and of the Congress, both the oversight committee in the Committee on Agriculture and the Committee on Domestic Marketing.

I say this is wrong if for no other reason than that, and we should do everything possible to keep OMB from infringing, perhaps illegally, on the authority of the Secretary and on the authority of the Congress.

I think that should suffice for this issue and I think that every Member should, because of his inherent interest in this body, support the committee and vote against the amendment.

Second, there is much confusion about marketing orders. There is a very simple explanation.

Many years ago, there developed a cooperative effort. We have cooperatives in all of the producing areas in the United States. But some of them seeking a quasi-governmental cloak have gone into marketing orders.

Everything is for the advantage of the consumer. You can point to the fact that they throw some oranges away in California. This is the exception. This is not the rule.

The basic responsibility of your Committee on Agriculture is the consumer. And let me tell you—and you cannot forget this—the American con-

sumer is the best fed, qualitywise, in the world, possibly in the history of the world. The American consumer, each family uses the least amount of disposable income for food than any other major developed country in the world, possibly in the history of the world.

We have hungry people in America not because of the farmer, not because of the cost of food. We have hungry people because there are not the jobs and they are not making enough in the jobs. It never has been the fault of the farmer.

The farmer has always produced and will continue to produce.

What I would like to leave with you also is that more often than not, when you buy at the store, or when you eat at a restaurant, the least amount of what was paid for that food went to the farmer. When you buy the bread, the eggs, the milk, the cheese, the butter, whatever, the lowest amount went to that farmer. If there is any subsidy, it is the American consumer being subsidized by the producer, by the farmer.

And in order to have orderly marketing, quality food, at times commensurate with the needs of the perishable commodity, you have these marketing orders.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield briefly to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding and I wonder if the gentleman could reaffirm for us, because he is so knowledgeable about argicultural programs, these programs do not operate at a cost to the taxpayers; is that not correct?

Marketing orders function at a cost to the individuals who are involved in the growing community solely; is that correct?

Mr. DE LA GARZA. There is no cost to the taxpayer. They assess themselves. They have to vote, sometimes geographically, sometimes by the commodity.

There is the onion marketing order, lettuce marketing order, carrot marketing order.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I briefly yield, because I would like to continue with my time, but I will yield for a question.

Mr. FRANK. My question is this: The gentleman says that the problem here is OMB is acting illegally. Exactly the same argument can be made with regard to many, many other agencies. That is, we have an operating agency given the authority to regulate and we have an Executive order giving OMB the power to comment and review.

My question is: If that is the case, let us bring in a bill that deals with that OMB relationship with all of the agencies, not just to single out just one. People ought to be clear that this then sets a precedent that in the future may apply to other agencies.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(By unanimous consent Mr. DE LA GARZA was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. The gentleman is correct, and we do that, and we welcome the gentleman any time to our committee to address that issue.

David Stockman does not like marketing orders. If he goes around the Secretary of Agriculture and if he goes around the Congress, he does not give a darn. He is going to do it and that is all there is to it.

If you want this Congress dictated to under that approach then that is something else. I do not think that we should be.

But getting back, because it really pains me to hear Members somehow pointing the finger at the farmer, that he is manipulating for money, that he is manipulating for greed, because he is not. The American consumer gets the best quality food from that farmer for the lowest amount of disposable income in the world, in the history of the world. They get good quality food and the one that gets the least of anything you buy is that farmer. So that should not be an issue here.

If there is hunger, we know as a matter of fact that we not only feed ourselves but we feed a lot of other people in the world. Some we give away. Some we sell with blended credit to needy nations.

Also, this is very important. We are the most free in trade. We have the fewest restrictions on trade. They can just dump on us every perishable commodity, all kinds of commodities, and they come in and we have few restrictions.

This is part of the farmers'-producers' attempt to regulate market as best they can, always with the consumer in mind. And I do not want that mentality to sink in here. The farmer knows there has to be a consumer to buy his product. He cannot just produce it and let it evaporate into the air. So the major thing in the mind of every farmer is he has got to have a viable consumer that wants his product. So there is no attempt at all, ever, in any way, to injure that consumer because that is his market. That is where he gets his return from selling his product.

Again, it pains me to hear Members think here is this greedy farmer seeing what all he can get.

Now, there are some rich farmers but those are really the exception. There is corporate farming. This is the exception.

You are talking of a fellow with less than 100 acres. In fruits and vegetables in my area it is 20 acres, 25 acres. They want some order, some assistance, but I put that off to the side because I do not think we should even be arguing, the facts are so credible and so apparent.

But do you want David Stockman to tell this Congress, your Appropriations Committee, your Agriculture Committee, the Department of Agriculture, I am going to do this notwithstanding the law, to bypass us and give the force of law, that he does not have, to something that he wants to do?

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MILLER of California. Mr. Chairman, I object.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROBERT F. SMITH. Mr. Chairman, I move to strike the requisite number of words.

This is a very important issue not only for this Congress but for agriculture.

I think sometimes we misinterpret what marketing orders are all about. I think we ought to review for just a moment that marketing orders are a voluntary method by which farmers band together to limit commodities to go to the market.

□ 1240

It is a voluntary program and they are self-assessed.

In our Government we spend about $2.6 million, most of it by assessment to farmers who have voluntarily put their minds together to control a crop that may be coming.

In doing that, we have guaranteed for the American consumer quality in product as well as a stability in that product.

Now when it occurs that marketing orders are not involved in 47 products in this country, you are going to have an erratic situation as far as production, and you are going to be at the whim of the larger producers, and the consumer is going to suffer.

So I think what we must remind ourselves in this question is should the Office of Management and Budget—and, by the way, I have been downtown arguing this issue with members of the OMB across the table when the OMB attempted to eliminate the

spearmint and peppermint marketing order. So do not say to me that OMB is just looking at the issue of marketing orders; the OMB would like to eliminate marketing orders. And that is what this discussion ought to be about.

So rather than this kind of amendment, I suggest if you want to discuss and debate the question of marketing orders, let us have a straight-out debate. This is a surreptitious way of eliminating marketing orders, and I suggest it is not the best way for either the farmer of this country or the consumer in this country or the Congress.

Mr. Chairman, I rise to oppose the amendment. I have long believed that everyone has a place and a function in this world. If you find someplace where a man or woman can best contribute to the goals of everyone, by golly, give them the run of the range and the tools to work and let them do their best.

But do not let them muck up the things they are not prepared to do. If you have got a good plumber, keep him out of the wiring. And if you have got a good accountant, keep him out of the barnyard. In this case, it means allowing agriculture to manage marketing orders instead of OMB.

The concept of marketing orders is easily supportable, not only in terms of the farm producers in this country, but in terms of the consumer. They provide Americans with high quality.

But when it comes to our cost to assure that marketing order controlled products are available in the same fashion, we could have reasonably priced and consistently available sources of certain farm products. Many of our colleagues have, and will further expand on their value, so I will not belabor those points.

As someone who was sent here from an agricultural district, I want to emphasize to you that the marketing order represents a workable and extremely cost-effective method of providing the American farm product consumer with what he or she wants and needs.

There are, of course, many ways the American Government works at making products or services available to Americans. A comparison of some of those might just be valuable in this discussion if we recognize just exactly what the real issue here is: Keeping the Office of Management and Budget from controlling, and thus crippling, the device of the marketing order.

This Government makes judgments every day about what the American shopper wants and what he or she receives. Once those decisions are made, we do not even hesitate in investing billions of taxpayers dollars to assure that the product is available. Through the use of subsidy to keep the producer in business or to the marketer to make up for insufficient profit margin or other reasons, we are daily dumping billions of tax dollars into the responsibility we have adopted: giving the buyer what he or she wants.

We have determined that it is in the public interest to keep milk readily available in stores year-round. As such, we pay more than $2.3 billion yearly to support dairy prices. That $2 billion assures quality, quantity, and availability.

Similarly, we have determined that American grain should be available when and where we need it at a price that the consumer can afford it. The investment in this administration's payments-in-kind program today stands at an estimated $6 billion yearly. Those two programs alone—both of which provide us with the assurance that the products are available and affordable to Americans—cost the Treasury nearly $9 billion. The total Government cost is less than $3 million. Not billion, million.

The total amount spent on marketing orders is one three-thousandth the budget for milk and grain supports alone.

The real reason for the comparison should be obvious: If OMB retains or, forbid the thought, expands its role in marketing orders, we might just as well consider the entire program dead.

Once that happens—once the marketing order is no longer available—we are going to be flush up against a real choice.

We are going to have to determine which of the 47 marketing order products need to be translated into subsidies to keep them on the shelves, and then find the money to pay those subsidies.

Or, we are going to have to determine just how we tell the American consumer that onions, oranges, and other products are not important any more; or they cannot be bought by the working family any more because the price is too high; or that they will be a terrific bargain when they are in season and almost totally unavailable any other time.

Marketing orders are a bargain for this Government. Make no mistakes, they save us money and a whale of a lot of grief from the consumer.

Keeping the OMB out of marketing order business and leaving it with the Department of Agriculture is not only appropriate, it's critical.

It is leaving the specialities to the specialists; the right way to conduct the business of this Government.

I urge that you oppose this amendment. Thank you for your attention.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment offered by my colleague from Massachusetts (Mr. FRANK). This is a provision which prohibits the Office of Management and Budget from using any funds appropriated in this bill to review agricultural marketing orders. Essentially, marketing orders are supply control measures which restrict the flow of certain agricultural products at different points in time. While in some cases they may preserve some market stability, there is a down side to marketing orders, that being that they tend to restrict supply to the benefit of certain large agricultural entities and thus freeze out competition.

One does not have to be an economic genius to figure out the effects on the marketplace of freezing out competition. From a consumer standpoint, such freezing out keeps prices artificially high.

The administration does not want to end the marketing order program; it simply wants OMB to have the latitude to review marketing orders pursuant to the need for regulatory relief and assess them in the context of existing marketing conditions.

In a letter I received last week from the National Independent Dairy Food Association, the conclusions of a Justice Department memorandum on marketing orders for oranges was cited as follows: Restricting growers to specified percentages "imposes substantial costs on our economy in terms of waste and resource misallocation." What that says to me is let the marketplace do its work. Justice is not the only Government entity which has expressed concern over the need to review marketing orders. The Federal Trade Commission and the Small Business Administration have also expressed concern over quantity controls which artificially raise prices.

At issue here is not whether OMB is interfering with the regulatory process; the issue is whether the market should be controlled to the detriment of consumers. We all know the answer to that is no. Let us support OMB review of the marketing order program and in so doing support consumer interests and independent producers. Let us vote for this amendment offered by my colleague from Massachusetts.

Now I would like to direct a question to my colleague from Massachusetts. As you know, I am a small farmer and maybe raise more tomatoes than anybody in this House.

The gentleman from Michigan (Mr. TRAXLER) has sampled and tasted some of my fine products.

Now this year I had an overabundance of tomatoes up there and I was away during the August recess so I, trying to be a decent neighbor, gave all of my neighbors on Lamar Road some of those surplus tomatoes. Now if I were under that marketing order,

would I have been prohibited from doing that?

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my colleague from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I would say to my friend that I am glad that he speaks here under congressional immunity because I treasure my colleagues despite our partisan differences and he may have just committed a Federal crime or admitted to the commission of a crime by wantonly distributing tomatoes in violation of a marketing order and, yes, the imprudent distribution of food without the permission of the growers—and I want to say to the gentleman from Texas, if I can, I appreciate the fact that all these growers take time from their busy schedules of picking and planting and shaking and whatever, and they sit down and they have all these votes and they spend all this money just to benefit the consumer. It is an unparalleled example of beneficence. They are not looking, he tells us, to increase their income. It is solely to protect the consumer that they do all this work.

I would say to the gentleman from Massachusetts (Mr. CONTE) that those people who are doing all this work to help the consumer, shame on him for scattering those tomatoes in their way.

Mr. CONTE. Oh, thank you, thank you, thank you for sparing me from violating the law again.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my colleague from Michigan.

Mr. TRAXLER. I thank the gentleman for yielding.

Mr. Chairman, my distinguished friend from Massachusetts is a fine tomato. I want to give some testimony here on his behalf and say that those tomatoes are some of the finest grown in the United States, even though they probably are illegal.

Mr. FRANK. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I yield to my colleague from Massachusetts.

Mr. FRANK. The way the marketing order sometimes works, it is some of the better quality produce that they feel that they have to hold back at certain times. So the quality of the tomatoes in and of themselves would not prohibit them from being covered by the marketing order.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend from California.

Ms. FIEDLER. I thank the gentleman for yielding.

When it comes to tomatoes, you are absolutely an expert, there is not a Member in this House who would not agree with that.

I wonder if the gentleman can go back, however, if he will.

The CHAIRMAN. The time of the gentleman (Mr. CONTE) has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. Mr. Chairman, will the gentleman yield further?

Mr. CONTE. I yield to my colleague from California.

Ms. FIEDLER. I thank the gentleman for yielding again. I wonder if the gentleman could go back to the statement that he read regarding the citrus industry.

Mr. CONTE. On oranges.

Ms. FIEDLER. Could the gentleman please go back to that for a moment and restate that for the House?

Mr. CONTE. It was a letter I received from the National Independent Dairy Food Association. The conclusions of a Justice Department memorandum on marketing orders for oranges was cited in that letter as follows: Restricting growers to specified percentages "imposes substantial costs on our economy in terms of waste and resource misallocation."

Ms. FIEDLER. If I may just make a comment on that, I do not know about its impact perhaps on dairy products, but I do have some understanding about its impact on the citrus industry, particularly the orange industry, and it is my understanding from the growers that were it not for marketing orders we would not have the year-round supply because of the marketing orders and the fact that they are able to plan in advance, they can actually store the fruit on the trees themselves and, consequently, they have some better balancing of the items being sent to the market. Year-round people are going to have it, they are actually able to store it in that unique way in the citrus industry. So I would have to raise questions as to whether or not the information coming from the dairy industry is necessarily correct as it relates to citrus.

Mr. CONTE. Well, let me try this one then. Here is a letter from John Block, Secretary of Agriculture, I think you know the guy.

Ms. FIEDLER. Yes.

Mr. CONTE. Well, it says:

It has come to my attention that an amendment has been proposed to the appropriation bill for the Office of Management and Budget (OMB) which would prohibit the use of funds by OMB for the purpose of reviewing agricultural marketing orders or related regulations.

I am opposed to the proposed amendment because OMB oversight is an essential part of the Administration's plan to reduce the burden of Federal regulation. Executive Order 12291 defines OMB's role in making the regulatory process more efficient and coherent.

Agricultural marketing orders were identified early in 1981 by the Vice President's Task Force on Regulatory Relief as a type of regulatory program to be reassessed and possibly modified. After intensive review, policy guidelines were issued by this Department and endorsed by OMB. These guidelines established the parameters for actions on marketing orders by the Secretary of Agriculture. These programs recently underwent another intensive review which resulted in a reaffirmation of Administration support for the marketing order concept. With the President's concurrence, the policy guidelines were further refined to clarify the directions these programs should take.

These programs are administered by this Department in full accord with the enabling legislation and OMB review provides for consistency in implementing general regulatory policy. I ask that the proposal be rejected.

□ 1250

Now he is very much opposed to this language that is in the bill and for what the gentleman from Massachusetts (Mr. FRANK) is trying to do.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

(At the request of Ms. FIEDLER and by unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. If the gentleman will continue to yield, on that point, I did have the occasion to talk with Secretary Block on the issue of the marketing order, not on the specific language of this particular bill, but it was my understanding that he supported the concept of the marketing order, particularly as it related to the citrus industry. So if there is some technical disagreement that I am not familiar with, that is one thing, but he was an active advocate for retaining the citrus orders within the administration. We had rather indepth discussions with the White House. It appears as though there is strong support from within OMB, among one individual in particular, who opposes retaining the marketing orders on the basis of some philosophic viewpoint, but when it comes to practical application of it in the marketplace, it has been effective in helping to make certain there is a free flow of supply to the consumer and competition, on top of that, continues to abound with the growing interests within the agricultural industry itself.

Mr. CONTE. We are all in accord. The Secretary is in accord. He is for the marketing orders, but he is also for review by OMB.

And what we are doing here by the language that is in the bill, we are depriving that reivew by OMB. That is the issue.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

I think it is patently obvious that the Secretary of Agriculture has been

required by the administration to take a position that really runs against the grain of most of agriculture. The Secretary apparently believes in marketing orders. If OMB would let him administer them, none of us would be here objecting to their regulatory role now.

It is not a regulatory review that we are objection to with OMB. It is that they are frustrating the marketing order overview by stringing out the process of approval until the order runs out of time, by using their power to review as a way of blocking the effectiveness of marketing orders. And that is why we have this amendment to put an end to the abuse of the process. They have been dictating terms to these agricultrual commodity groups.

I appreciate the gentleman helping us to clarify that.

Mr. CONTE. It is really tough to oppose my best friends over here.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. CONTE) has again expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 2 additional minutes.)

Mr. COELHO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. COELHO. I thank the gentleman for yielding.

Mr. Chairman, I just want to assure the gentleman in the well that—he talked about his tomatoes, and so forth—the gentleman is in violation of no law, contrary to the two farmers who sit up here and decided what they knew about agriculture, that the gentleman's tomatoes are very safe, and the gentleman is very safe. The gentleman can say what he said outside this Chamber, as well as in the Chamber. I would be happy to help the gentleman say it.

Mr. CONTE. I agree with the gentleman from California because I refuse to join that marketing order. I want to be a free man. And the Members know I am very independent. And I want to grow my tomatoes and do whatever I want with them.

Mr. COELHO. The gentleman does not have to join a marketing order to do that.

Mr. CONTE. I do not want to join a marketing order. The last marketing order that came through here I think was for peaches. And the consumer got the pits.

And how about that nut marketing order. Do my colleagues remember that nut marketing order that went through here? What a bag full of nuts that was.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair notes a disturbance in the visitors' gallery in contravention of the law and the rules of the House. The doormen and the police will remove from the gallery those persons participating in the disruption.

Mr. MILLER of California. Mr. Chairman, I am opposed to these kinds of marketing orders because many of the marketing orders that we are discussing, in fact, prorate the amount of produce that can go to market. And I dare say that my good friend of Massachusetts, if he was a grower of oranges last year and he worked very hard every day, and he grew navel oranges and he took good care of those trees, at the end of the year when it came time to pick those oranges and take them to market, they would have told him that for every 10 oranges that he picked, he could not take 4 to market. That is because last year, almost 40 percent of the oranges and 60 percent of the lemons were set aside from the market.

Contrary to what the gentlemen who have come to the well have said, this is not a voluntary agreement. If you grow navel oranges, and a marketing order is issued for navel oranges, you are required to abide by the marketing order. If you do not, you will be fined. If you try to sell them to the school lunch program at reduced rates, if you try to provide them to senior citizens at reduced rates, or if you are just an old-fashioned free economist and entrepreneur and you want to strike a deal with Safeway, or Lucky Stores or A&P at a lower rate, you will be fined.

So much for the free market system.

The gentleman from Arizona says that OMB is making a major intrusion into the free market system. Let us talk about Government sanctioned price fixing, because that is what this is. The gentleman from Illinois (Mr. YATES) referred to euphemisms. Let us talk about what it is.

This is price fixing, this is restraint of trade, and the agriculture community has gotten the Government to go along with it.

The purpose of the language in the bill is to further insulate marketing orders from the scrutiny that the Department of Justice has given them and found them to be against the consumers' best interests, that the Department of Agriculture has scrutinized them, that the GAO has looked at and said the overriding purpose of these acts is to maximize return to the producers.

Let us talk about this economy, this free market system of tough family farmers who go out and grow oranges. They grow them with federally subsidized water, brought to them by the taxpayers of the United States. If they have an overabundance of crop and we have a lot of oranges, the Federal Government insists, according to their committee, how many they must not bring to the fresh market to keep their prices high. If they have a freeze and a disaster, they get Federal loans.

This is the most socialized segment of our economy in the country. There is no risk for these people, except if you are a hard-working farmer. If you are a hard-working farmer and you want to take everything you grow to market, the Government is going to tell you you cannot. And I would like to have the response of the gentleman from Arizona (Mr. RUDD) to that kind of Government intrusion against these farmers.

What is the gentleman going to tell you at the end of the growing year? What are they going to enforce after this committee of producers has gotten together and whacked up the market? They are going to tell you in this last year that 4 out of every 10 navel oranges must not be taken to the fresh market.

Now I want all of my colleagues, as we go to the holiday season, I want the Members to go down to buy navel oranges and take the price and tell your constituents and your consumers that this price was brought to them by the Federal Government. It may have been lower, because 40 percent of the oranges nationwide were prevented from going to market. Or if you like lemons, 60 percent of the lemons were prevented from coming to market. Where did they end up? This is where they ended up. They ended up in feed lots for which the grower got little or no money except maybe the cost of transporting 83,000 tons or oranges to feedlots, sanctioned by the Federal Government.

And if the grower said, "Gee, I don't want to feed cattle, I would like to feed people"—one grower actually said that—they threatened a lawsuit against him.

□ 1300

Others have said, "I want to grow all I can produce. I want to buy an additional grove."

"I am sorry, it is not in your economic interest to do so," says the marketing order.

Well, it is in your economic interest, says the marketing order, because what this price fixing does is to say, "We will protect the least efficient grower in our group. So no matter how hard you go out and work, you will not get the return of your labor."

I thought that was one of the major tenets of the free market system of the Republican Party; I thought that was one of the major tenets of the market system of our economy in this country; that if you worked hard, you got the benefits of your labor.

Now we have Government-sanctioned price fixing, we have Government-sanctioned antitrust actions to say that is not true.

I think you ought to understand that there are a number of producers of oranges and other crops who do not agree with marketing orders but they are bound because the order is not voluntary, as some Members have suggested. It goes to the crop, not to the grower.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, some people have said that there is a consumer representative on the board. Check this one out. This is one consumer representative who is picked by the industry people on the board, and he has no voting rights.

That is the consumer interest on this one. Do you all feel a little better about representing the consumers when you have the Government that threatens to take people and to fine them if they violate the marketing order? That is what we are talking about here.

Now, there have been attempts by OMB to review them, to see if they drive up the cost of fruits and vegetables. And I have trouble with OMB. I join with the gentleman from Massachusetts (Mr. FRANK) the effects of OMB intrusion on EPA and OSHA activities.

Now, maybe what we need is a perfecting amendment to this amendment that says that OMB shall not review any regulation of any agency of the Federal Government, and then all of the committee chairmen would be happy. Labor would be delighted. We would not have OMB sticking their nose into regulations to protect workers.

But somehow this group went and got themselves a very special piece of language that insulates them from reviewing the marketing orders in this case.

So I just think that you ought to know that not only are people upset because we pay people not to grow, in this instance we pay people to basically throw away the commodities that they are growing, to feed them to cattle, to provide them to markets that are not accessible to the American consumer.

The biggest insult, I guess, is that out of the 83,000 tons that were fed to cattle last year, 72,000 of those tons were produced by federally subsidized water brought to you by the taxpayers, a real insult to the people of this country.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would say to the gentleman from California that the main reason some people are upset is because some of them do no understand marketing orders. And the reason they do not understand marketing orders is because they have been getting so much misinformation in the last 2 years.

Mr. MILLER of California. Mr. Chairman, would the gentleman like to talk about something I said about marketing orders? Will the gentleman yield?

Mr. SMITH of Iowa. I am going to explain it right now.

Mr. MILLER of California. I hope the gentleman will yield.

Mr. SMITH of Iowa. Yes; I will yield.

Mr. Chairman, the reason is this: I am from a consumer State, and I am speaking from the standpoint of the consumer. We could not even raise an orange tree in a hothouse in Iowa.

But I remember when some people stood here on the floor a few years ago and they said, "If we could just get rid of this sugar program, we will have cheap sugar."

Sugar was 4 cents a pound at the time, and since then it has been about 20 cents, down to 10 cents, up and down.

Well, what happens under marketing orders is that instead of having the surplus year when things are so cheap they drive most producers out of the business, there is a steady price. And when low prices drive most out of the business like that, it takes 2, 3, 4, or 5 years before you get new producers back in production to bring the price down again. Prices will go up in the meantime.

So, it means cheap prices about 1 year out of 5 and high prices 4 years out of 5. That is the reason for those marketing orders.

Now, let us talk about the price of oranges, navel oranges. Last year was one of those years, as 1972 and 1973 were, when they were in surplus. Well, let us talk about that, a navel orange costing 15 cents. It takes 3 minutes, working at $3 an hour, minimum wage, it takes 3 minutes, to pay for one orange. Somebody out there planted the tree, they sprayed the tree, they took care of the tree, they put the water on the tree, they picked the orange, they took it to a warehouse somewhere, they graded it, they did all of these things, transported it, paid at least minimum wage to transport it, and probably some more, too, they brought it to you in the local grocery store, and somebody there took care of you to check you out at the counter, and they charged you, for one navel orange, less than you could earn at minimum wage in the time that it took to eat it. You could not eat it in the 3 minutes it took to earn the money at minimum wage to pay for it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I suggest that that is not the test in the economy of this country. The test in the economy of this country is the question: What will the market bear?

And that market has been artificially set for all of his work, that wonderful orange grower. Do you know what he got? A Government-guaranteed supported price, not the free market system.

Mr. SMITH of Iowa. He did not get a Government-guaranteed price.

Mr. MILLER of California. So I appreciate all of the work, except he is working in the hothouse that the gentleman is talking about. He is fully protected.

Mr. SMITH of Iowa. He did not get a Government-guaranteed price. He got a price that is set by the marketing order, and that was not a Government-guaranteed price.

Mr. MILLER of California. An order set by a committee which is made up of the growers that guarantees them the level of price that they determine to be enforced by the Federal Government, and Department of Justice, the Department of Agriculture. That is a Government-guaranteed price.

Mr. SMITH of Iowa. Just mark your word, you look at all of the products where you have had marketing orders. If you do not have a marketing order, you will be back in here 5 years from now, talking about the high price, because without a marketing order it will be a lot higher than it is now.

And I am talking in terms of consumer interest because I come from Iowa where we do not raise one orange.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Missouri.

Mr. VOLKMER. I quite agree with the gentleman. I, too, am from an area where we do not have the fresh fruits and vegetables. But it is not only just the price fluctuations that bother me. I agree that we would have more years of ups and downs because it takes longer, as I understand it, for an orange it takes about 5 years from the time you plant that tree until you get your first orange from it; and, therefore, it is going to take a while. If those groves are not taken care of, they are not going to produce.

But the other thing is supply. It has been pointed out earlier by the gentlewoman from California. I would hate to go back to the time when I can remember that there were very few times in the year when I could get that orange. There were only certain times of the year.

Mr. SMITH of Iowa. The gentleman from California is too young to remember this like the gentleman from Missouri and I can remember it.

Mr. VOLKMER. Now you can get them the year round.

Mr. SMITH of Iowa. I remember when oranges were not even available for middle-income people.

Mr. VOLKMER. That is right.

Mr. SMITH of Iowa. Let alone poor folks.

Mr. VOLKMER. That is right.

Mr. SMITH of Iowa. In the wintertime.

Mr. VOLKMER. Three or four oranges a year I was happy to get.

Mr. SMITH of Iowa. Now you can go down to your grocery store and see them buying oranges with food stamps, and you certainly could not have afforded them even if you were a middle-income person before they had marketing orders.

Mr. VOLKMER. The same way with lettuce and everything else.

Mr. SMITH of Iowa, That is true.

Mr. VOLKMER. You can get them all year round. Without a marketing order you are not going to be able to do that.

Mr. SMITH of Iowa. So I say this: It is a consumer vote today, and the consumer vote is to vote against this amendment.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. ALBOSTA. I object, Mr. Chairman.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was granted will be recognized for 1 minute and 45 seconds each.

(By unanimous consent, Messrs. FAZIO, COELHO, and THOMAS yielded their time to Mr. PANETTA.)

(By unanimous consent, Mr. VOLKMER yielded his time to Mr. ALBOSTA.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ALBOSTA) for 3½ minutes.

Mr. ALBOSTA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members, what we are debating here today seems to be the marketing order legislation rather than an amendment that would strike the authority of OMB.

Let me give you an example of what happened in Michigan just recently with the cherry situation. Remember California is not the only State in the Nation that gets the opportunity to use marketing orders. Michigan has that opportunity when they need it also. We had a request for a marketing order by the cherry growers in my district in Michigan. A very, very important situation arose. Farmers plant trees, it takes years to get those trees into production. We cannot control the weather. The weather did as it pleased and gave us one great big crop of cherries a year ago. Those cherry growers asked specifically the Department of Agriculture for a marketing order. At that point in time, OMB chose to stop that marketing order, not because it was a budgetary item, but because of a philosophical viewpoint that they had against marketing orders.

□ 1310

What happened to the consumers in this particular case? Cherries at that point, because there was a big crop, dropped to about 16 cents a pound. The farmers left them laying in the field because it was unproductive to harvest them. Many of them went broke.

The next year, had they been given that marketing order, they would have stored those cherries, had a uniform way of marketing those cherries and at a reasonable price to the consumer. We would have had cherries at a uniform price right on through this year.

The next year the crop dropped off. That is this last harvest I am referring to. What price do you suppose the consumer is now paying for those cherries? About 50 cents a pound, because we did not have a marketing order in effect in 1982.

So I ask you: Who is the benefactor of marketing orders, and should we have people who have a philosophical viewpoint, not a legislative viewpoint but a philosophical viewpoint, given the right—given the right, gentlemen—to make the consumer pay a greater price for that product?

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. PANETTA) for 5 minutes and 15 seconds.

Mr. PANETTA. Mr. Chairman, the issue here is really not marketing orders because regardless of what we do on this amendment, marketing orders will continue to be in existence and in effect.

The real question here is the process that we use in approving marketing orders and whether we, in the Congress, are going to permit OMB to bypass the basic legislative process in attacking marketing orders, if they do not like them. That is really the issue.

Marketing orders have been in existence in this country since 1937. There are now some 47 different marketing orders that are in existence. The purpose obviously then, and I think now, was to try to stabilize the supply and prices and try to provide some order where otherwise there would be chaos.

But more importantly, there is a process for approving those marketing orders. That process is for the growers to present their proposal to USDA. The Department of Agriculture then has hearings and publishes regulations. If the public, consumer groups, or others are offended by whatever is contained in these marketing orders, changes can be proposed. They are free to present their objections at that time through the review process.

The Secretary of Agriculture, for a large portion of the last 40 years that marketing orders have been in effect, has had the final say, considering all the arguments, as to what that final order would look like.

It has only been within the last 2 years that OMB has been given the authority to review these regulations. If they reviewed them on the basis of cost to the Federal Government, that would be one thing. I do not think we would object. That is their role. That is what OMB is there for.

But what OMB has done time and time again is to apply their basic philosophy in opposition to marketing orders to delay these marketing orders and to basically stop the process from moving forward. That is not their role. That is not what Congress provided when it enacted the basic marketing order law. That is the issue being addressed here with regard to this amendment.

Arbitrarily, a number of commodities have come before OMB. Did OMB object on the basis of cost in each of these? No. It was philosophical. Or they simply said nothing and continued to delay these marketing orders from going through.

What was the end result? The end result was chaos. The end result was higher prices for the consumer. So what we try to address today is not the issue of marketing orders nor the process that they follow, but the issue of whether OMB, because of philosophical differences, can then move arbitrarily to stop these marketing orders from going through.

This is a message. There is no mistake about it; this is a message. I do not know how successful the gentleman from California will be in holding this on the Senate side, but it is necessary to send this message: that when it comes to basic changes in legislation, that is a matter that Congress should deal with. That is a matter that my subcommittee should deal with.

Marketing orders are not pure. They need to be looked at. We need to look at changes that need to be made in that process, but it ought to be done here. It ought not to be done arbitrarily by an executive agency that is

trying to implement a philosophical approach rather than fulfill the duties that they were assigned under law.

I urge opposition to the amendment.

(By unanimous consent, Mr. MILLER of California yielded his time to Mr. FRANK.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. FRANK) for 3½ minutes.

Mr. FRANK. Mr. Chairman, I thank the gentleman from California for his temporary allegiance and I would just point out that even that temporary allegiance I got from the gentleman from California is a lot more than the budget director is getting from his side of the aisle.

I think that we ought to note that on this rather extraordinary amendment to deprive the Office of Management and Budget from even commenting on marketing orders, one Member on the other side has risen in his defense. So it may be that this marks a certain lack of confidence in the Director of OMB. I certainly would not want to interpose any objection to that process.

My problem is with the selectivity with which it is being addressed.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. FRANK. Apparently a rescuer has arrived for the gentleman. I yield to the gentleman from Washington.

Mr. PRITCHARD. I appreciate the gentleman yielding.

Mr. Chairman, I just want to note that we will make it two, because I would rise in support of the proposal. I did not want it to be just one.

Mr. FRANK. I thank the gentleman. His support is doubling. I would hope there would be even more support, and I appreciate the gentleman from Washington coming.

But, of course, as the gentleman from California said, the question of OMB ought not be addressed with special preference for one area. The Gentleman from California makes some reasonable points. However, his remedy is, it seems to me, much too heavy handed.

If OMB is using deadlines unfairly, then give them deadlines by which they have to act or let them forfeit their right. But this does not say OMB must act in time, OMB may not stop the orders; this says OMB cannot even discuss it. So who, then, are we left with? The growers, who have today been revealed to me as the great consumer advocates, the most beneficent, unselfish people in the world. Apparently alone in the American economy, they do not operate out of the profit motive.

There is nothing wrong with looking for a profit. There is something wrong with getting together, dividing up the market to enhance your profit, and then telling the consumers you have done it in their interest. Who would be the independent reviewer? The U.S. Department of Agriculture, whose relationship to these growers is one of support and cooperation.

If you do not accept this amendment, you cut out from this official governmental process the only agency not tied into the producer complex. Any voice whatsoever for the consumer is stricken. If OMB is behaving poorly, then some changes in their procedure could be mandated, but if the House is going to conclude that OMB ought not ever to get involved where another agency has administrative control, then be advised that it ought not to stop with the Department of Agriculture.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

It shows us what hard times the consumers have come upon if we have to depend upon OMB as being the consumer representative, and yet we have nobody else in the picture.

Mr. FRANK. I agree with the gentleman. Apparently all those efforts in the past, which predated my coming here, to set up a consumer advocacy agency were unnecessary.

We have the orange growers, we have the raisin growers, we have the almond growers. Apparently there have been these hidden advocacy groups whose role we have not fully appreciated.

The fact is that without this amendment, we will have no voice formally commenting on what is an inevitable tendency of people who are in any business not primarily to protect the consumer but to enhance their income. That is not bad business. What would be bad business would be for the Government to say go ahead, cartelize the agency, and we will not even have an independent comment process on it.

Mr. CHAIRMAN. The gentleman from Michigan (Mr. TRAXLER) is recognized for 1 minute and 45 seconds to close debate.

□ 1320

Mr. TRAXLER. Mr. Chairman, it pains me greatly to disagree with my esteemed colleagues who promote this amendment.

I would reiterate what one of our distinguished colleagues said earlier. Four percent of the people of America feed the rest of America and millions of others around this world. We have a remarkable system, and let me tell the Members it is the most efficient production system in the world.

The genius of this system is that we have been able, through a combination of private and public techniques and styles and interwoven strategies, to assure a very plentiful food supply at the lowest cost to the consumer of any country in the world. In no other country is such a low percentage of individual income devoted to the purchase of food as in the United States. We are indeed blessed.

The result of this effort—and this is really an attack on marketing orders, not some procedural attack, this goes right to the heart of the issue—is that we would see what my friend, the gentleman from Michigan, aptly described and what our colleague, the gentleman from California, described as not what the sponsors of this amendment would like but rather the exact opposite. We would see an increase in the price of food and fiber in the United States.

Now, my colleagues do not want that, nor do I. We have orderly marketing orders.

In conclusion, Mr. Chairman, let me say that we should take this out of the Harvard yard and go to the barnyard. I would like to extend an invitation to my colleague from Massachusetts to join me in the barnyard, he would personally see what the consequences would be of his amendment. I hope that he will come to rural America with me to see America's finest—the American farm family.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 319, not voting 17, as follows:

[Roll No. 423]

AYES—97

Ackerman	Gibbons	Ottinger
Addabbo	Gradison	Owens
Anderson	Green	Paul
Barnes	Gregg	Pease
Bartlett	Guarini	Petri
Beilenson	Gunderson	Porter
Biaggi	Hiler	Pritchard
Boland	Hughes	Pursell
Borski	Hyde	Rangel
Broomfield	Johnson	Ratchford
Burton (CA)	Kasich	Rinaldo
Carper	Kennelly	Ritter
Cheney	Kostmayer	Rodino
Collins	Kramer	Roemer
Conte	LaFalce	Roukema
Conyers	Lent	Russo
Corcoran	Levin	Savage
Courter	Levitas	Scheuer
Crockett	Lewis (FL)	Schneider
D'Amours	Luken	Schumer
Dannemeyer	Lungren	Shannon
Donnelly	Mack	Simon
Dwyer	Markey	Stark
Early	Mavroules	Studds
Edgar	Mazzoli	Torricelli
Edwards (CA)	McCloskey	Vento
Fascell	McGrath	Walgren
Ferraro	Miller (CA)	Weber
Foglietta	Miller (OH)	Weiss
Frank	Minish	Williams (OH)
Frenzel	Molinari	Yates
Garcia	Morrison (CT)	
Gejdenson	Nowak	

NOES—319

Akaka	Ford (MI)	McNulty
Albosta	Forsythe	Mica
Alexander	Fowler	Michel
Andrews (NC)	Franklin	Mikulski
Andrews (TX)	Frost	Mollohan
Annunzio	Fuqua	Montgomery
Anthony	Gaydos	Moody
Applegate	Gekas	Moore
Archer	Gilman	Moorhead
Aspin	Gingrich	Morrison (WA)
AuCoin	Glickman	Mrazek
Badham	Gonzalez	Murphy
Barnard	Goodling	Murtha
Bateman	Gore	Myers
Bates	Gramm	Natcher
Bedell	Gray	Neal
Bennett	Hall (IN)	Nelson
Bereuter	Hall (OH)	Nichols
Berman	Hall, Ralph	Nielson
Bethune	Hall, Sam	Oakar
Bevill	Hamilton	Oberstar
Bilirakis	Hammerschmidt	Obey
Bliley	Hansen (ID)	Olin
Boehlert	Hansen (UT)	Ortiz
Boggs	Harkin	Oxley
Boner	Harrison	Packard
Bonior	Hartnett	Panetta
Bonker	Hatcher	Parris
Bosco	Hawkins	Pashayan
Boucher	Hayes	Patman
Boxer	Hefner	Patterson
Breaux	Heftel	Penny
Britt	Hertel	Pepper
Brooks	Hightower	Perkins
Brown (CA)	Hillis	Pickle
Brown (CO)	Holt	Price
Broyhill	Hopkins	Quillen
Bryant	Horton	Rahall
Burton (IN)	Hoyer	Ray
Byron	Hubbard	Regula
Campbell	Huckaby	Reid
Carney	Hunter	Richardson
Chandler	Hutto	Ridge
Chappell	Ireland	Roberts
Chappie	Jacobs	Robinson
Clarke	Jeffords	Roe
Clay	Jenkins	Rogers
Clinger	Jones (NC)	Rostenkowski
Coats	Jones (OK)	Roth
Coelho	Jones (TN)	Rowland
Coleman (MO)	Kaptur	Roybal
Coleman (TX)	Kastenmeier	Rudd
Cooper	Kazen	Sabo
Coughlin	Kemp	Sawyer
Coyne	Kildee	Schaefer
Craig	Kindness	Schroeder
Crane, Daniel	Kogovsek	Schulze
Crane, Philip	Kolter	Seiberling
Daniel	Lagomarsino	Sensenbrenner
Daschle	Lantos	Sharp
Daub	Latta	Shaw
Davis	Leach	Shelby
de la Garza	Leath	Shumway
Dellums	Lehman (CA)	Shuster
Derrick	Levine	Sikorski
DeWine	Lewis (CA)	Siljander
Dickinson	Lipinski	Sisisky
Dicks	Livingston	Skeen
Dingell	Lloyd	Skelton
Dixon	Loeffler	Slattery
Dorgan	Long (LA)	Smith (FL)
Dowdy	Long (MD)	Smith (IA)
Downey	Lott	Smith (NE)
Dreier	Lowery (CA)	Smith (NJ)
Duncan	Lowry (WA)	Smith, Denny
Durbin	Lujan	Smith, Robert
Dymally	Lundine	Snowe
Dyson	MacKay	Snyder
Eckart	Madigan	Solomon
Edwards (AL)	Marlenee	Spence
Edwards (OK)	Marriott	Spratt
Emerson	Martin (IL)	St Germain
English	Martin (NC)	Staggers
Erdreich	Martin (NY)	Stenholm
Evans (IA)	Martinez	Stokes
Evans (IL)	Matsui	Stratton
Fazio	McCain	Stump
Feighan	McCandless	Sundquist
Fiedler	McCollum	Swift
Fields	McDade	Synar
Fish	McEwen	Tallon
Flippo	McHugh	Tauke
Florio	McKernan	Tauzin
Foley	McKinney	Taylor
Thomas (CA)	Waxman	Wolpe
Thomas (GA)	Weaver	Wortley
Torres	Wheat	Wright
Towns	Whitehurst	Wyden
Traxler	Whitley	Wylie
Udall	Whittaker	Yatron
Valentine	Whitten	Young (AK)
Vander Jagt	Williams (MT)	Young (FL)
Vandergriff	Wilson	Young (MO)
Volkmer	Winn	Zablocki
Vucanovich	Wirth	Zschau
Walker	Wise	
Watkins	Wolf	

NOT VOTING—17

Carr	Howard	Moakley
Conable	Lehman (FL)	O'Brien
Erlenborn	Leland	Rose
Ford (TN)	McCurdy	Solarz
Gephardt	Mineta	Stangeland
Hance	Mitchell	

□ 1330

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for with Mr. Carr against.

Messrs. LONG of Louisiana, SKELTON, HARKIN, and SHAW changed their votes from "aye" to "no."

Messrs. HUGHES, GUARINI, and McCLOSKEY changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1340

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR: On page 36, strike lines 3 through 13 and insert the following:

SEC. 509. Notwithstanding any other provision of this Act, none of the funds made available to the General Services Administration by this Act shall be obligated or expended for the procurement by contract of any service which is performed—

(1) by any veteran (within the meaning of section 101(2) of title 38, United States Code) in the capacity as an employee of the General Services Administration in any position described in section 3310 of title 5, United States Code, or

(2) on or after the date of the enactment of this Act by any other employee of the General Services Administration in any position referred to in paragraph (1) unless priority in the procurement by contract of such service is given to any qualified nonprofit agency for the blind or any qualified nonprofit agency for the severely handicapped as determined by the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped pursuant to Public Law 92-28 (41 U.S.C. 46 et seq.).

Mr. EDGAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. EDGAR. Mr. Chairman, the amendment which I am offering tracks the existing language in this legislation to protect the jobs enumerated in section 3310 of title 5, United States Code, that are currently occupied by and reserved for veterans.

It also gives a priority for the issuance of contracts to shelter workshops for the handicapped. But more importantly it focuses on protecting those specific jobs that are presently held by veterans and protects them from being contracted out.

The amendment only clarifies the language in the bill to state that the priority for contracts for sheltered workshops will not affect veterans' jobs. Hence, contracting out can only apply to those positions which are not occupied by veterans.

This particular amendment is supported by the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, and the AMVETS.

The amendment represents a compromise version supported by the committee of the more comprehensive provision which was approved in the continuing resolution last year.

That particular amendment banned contracting out for all positions, both veteran and nonveteran.

This amendment provides for a compromise considering the interests of all parties involved. It provides that we clarify the intent of the contracting out desired by the General Services Administration and protect the jobs of veterans.

Again, Mr. Chairman, the amendment could clarify the existing language of the bill and the intent of the committee to restrict the use of funds for the General Services Administration to prohibit the contracting out of certain functions which are currently being performed by veterans occupying positions enumerated in section 3310 of title 5, United States Code.

The amendment is identical to the original language of the bill in that this protection would only be given to veterans who are actually occupying those positions at the present time.

It also restates the committee's intention that if contracts are to be awarded for these functions—which are performed by veterans and nonveterans alike—that sheltered workshops for the handicapped should have priority for those contracts under existing law.

However, the amendment states that the contracting not alter the current employment status or function of those veterans currently occupying those positions.

In other words, the amendment would protect those veterans' jobs, while at the same time, giving the sheltered workshops for the handicapped priority if the General Services Administration is determined to contract for the remaining positions.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding.

It is my understanding that the amendment does make possible the better protection of Vietnam veterans.

Mr. EDGAR. Correct.

Mr. ROYBAL. The amendment also elevates the priority for the handicapped?

Mr. EDGAR. That is also correct.

Mr. ROYBAL. These are two subject matters of great importance, and I am in favor of those amendments.

Now, with regard to the legislative committee, what position has the legislative committee taken on these two subjects?

Mr. EDGAR. The legislative committee has had two hearings on this subject centered around the bills introduced by our colleague from Texas, Mr. LEATH. It is my understanding that the chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY, and the chairman of the Veterans' Affairs Subcommittee on Education, Training and Employment, Mr. LEATH, are in full support.

The Committee on Post Office and Civil Service has not come to a resolution of the matter, although a compromise similar to the compromise which I am offering today has been generally discussed by that committee. There has been no vote per se.

This provision is designed to allow further time for that authorizing committee to resolve the issue of the veterans' preference contained in section 3310 of title 5 and protect those veterans who currently occupy those positions. The amendment also provides priority for the sheltered workshops.

Mr. ROYBAL. Since the legislative committee is in support of the amendment being represented, I have no objection to it.

Mr. EDGAR. I thank the gentleman for his support.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I rise in strong support of the gentleman's (Mr. EDGAR) amendment. Since the Veterans Preference re Act of 1944, the law has required that in examinations for positions of guards, elevator operators, messengers, and custodians in the competitive Federal service that competition be restricted to veterans preference eligibles as long as there are veterans preference eligibles available. (5 U.S.C. 3310)

Congress has established a comprehensive program of veterans' rights and benefits to help veterans make a successful and continuing readjustment to civil life. In that regard, one of the longest standing veterans preference rights is the provision which requires that Federal civil service positions of guards, elevator operators, messengers, and custodians will be filled by veterans.

According to the latest information, there are several thousand veterans who hold these positions. Unless the Edgar amendment is approved, there is a possibility that these positions could be abolished through contracting out by the GSA under the provisions or OMB Circular A-76.

As I have indicated on previous occasions, if there is to be any reduction or elimination of veterans benefit, then it should be done by the authorizing committee. A veterans benefit should not be reduced or ended indirectly.

Congress enacted the law (5 U.S.C. 3310) and the Congress should not permit the administration to, in effect, terminate these positions being occupied by veterans by contracting for the services these veterans are currently providing as Federal employees. The Edgar amendment will assure that veterans will not be hurt by contracting out these positions which have been reserved for them.

BOB EDGAR is doing an outstanding job as chairman of the Subcommittee on Hospitals and Health Care of the Veterans' Affairs Committee, as he did as chairman of our Education, Training and Employment Subcommittee in the 97th Congress. He has built a sound record of leadership and support of veterans' rights and benefits, and I commend him for offering this amendment today which will guarantee that these veterans will not lose their jobs by being contracted out at some future date.

Mr. EDGAR. I thank the gentleman for his support.

I yield back the balance of my time.

Mr. LEATH of Texas. Mr. Chairman, I rise in support of the Edgar amendment which provides that funds available to the GSA shall not be used to contract out certain jobs presently being held by veterans in Federal civil service. I am referring to a little-known provision of law which has reserved a small number of Federal positions to be filled by veterans, if veterans are available. This is section 3310 of title 5, United States Code, which has been in effect for many years and was passed by Congress to help veterans make a successful readjustment to civil life following their service in the Armed Forces during a period of war.

BOB EDGAR'S amendment is in line with an amendment that I offered, which has now become law, Public Law 97-306, which prohibits contracting out within the Veterans' Administration's Department of Medicine and Surgery for services which are determined to be direct patient care or incident to direct patient care. The Office of Management and Budget has shown a zealousness to carry out its Circular A-76, which if successful, would have seriously impaired the capacity of the Veterans' Administration to provide the quality of medical care that veterans deserve and Congress intended.

In addition, it was my privilege to introduce two bills, H.R. 828 and H.R. 829 at the request of the Disabled American Veterans (DAV). Both of these bills, which have been referred to the Post Office and Civil Service Committee, would prevent the Office of Management and Budget from contracting out to the private sector those positions which have been reserved and set aside for veterans under section 3310 of title 5, United States Code.

While the Edgar amendment would not go as far as the provisions in H.R. 828 and H.R. 829, it will prohibit the GSA from contracting out the jobs being occupied by veterans under section 3310, title 5, United States Code.

Approval of the amendment that BOB EDGAR is offfering today will be another signal to the Office of Management and Budget that Congress does not tolerate the end of veterans benefits by contracting out. The Congress should thoroughly review the programs as provided in H.R. 828 and H.R. 829, rather than addressing the issue each year in an appropriation bill.

BOB EDGAR'S deep concern and strong support of veterans' programs has been well established as an outstanding member of the Veterans' Affairs Committee. He knows the concerns of veterans. All of the major veterans organizations have expressed their support of this amendment to me and I commend him for offering this amendment today and urge its approval by the House.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania (Mr. EDGAR).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title V?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at this time I would ask the chairman of the subcommittee to enter into a colloquy with me.

Section 508 of the pending legislation deals with the efforts of the committee and the House to preclude the implementation of regulations which have been published by the Office of Personnel Management.

Those regulations were first published on March 30, 1983, and subsequently republished in an amended form on July 14, 1983.

Section 508 was approved by the subcommittee, and by the full committee and most recently it was approved by the full committee on October

meeting on October 18 of the full Appropriations Committee on the approval of this bill, the Office of Personnel Management published revised regulations on October 25, 1983.

In discussing the possibility of offering an amendment to this section which would include therein a preclusion on the implementation of the October 25 regulations, I have been informed that such an amendment would probably be in order.

However, I have, in discussions with the chairman of the committee, determined that there is another vehicle on which this can be done if, in fact, accommodations and agreements cannot be reached between the Congress and the Office of Personnal Management.

Mr. Chairman, at this time I would like to ask you, is it your belief that it is the intention of the committee in this bill to preclude the implementations of the personnel regulations that were published first in March, and then in July?

I yield to the gentleman for purposes of this colloquy.

Mr. ROYBAL. It is definitely the intention of the committee to do so.

Mr. HOYER. Is it the opinion of the chairman, had the most recent October 25 regulations been published prior to our markup, that they would have been included within the language of this bill?

Mr. ROYBAL. Yes; they would have.

Mr. HOYER. Mr. Chairman, is it also your opinion that if we find it necessary to do so, that language similar to section 508 can and will be included in the continuing resolution that will have to be passed prior to November 10, 1983?

Mr. ROYBAL. I would like to inform the gentleman that I hope we do not get to the continuing resolution stage. If we do get to that stage, we will act accordingly.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the effort to prevent implementation of the OPM reduction in force and pay regulations. The proposed regulations are an improvement over the previous regulations published by OPM, but I remain opposed to their implementation and I view them as still too arbitrary and a giant step in the wrong direction.

The proposed regulations should be opposed by the Congress because they make substantial changes in the civil service system, adversely affecting compensation and other rights and benefits of employees throughout the Federal Government.

[illegible] regulations do make significant [illegible] the merit pay pro- [illegible] for managers and supervisors. Merit pay supervisors and managers lost the right to within-grade pay raises under the Civil Service Reform Act. The merit adjustments they have been getting do not make up for the loss of the within-grade increases. While I support the initiative taken by OPM to address this inequity for managers and supervisors, I am convinced that other portions of the proposed regulations would be devastating to the rest of the work force.

Longtime Government employees with average performance ratings, who now have the greatest job protection because of seniority, would be fired before less senior workers with better ratings whenever a reduction in force occurs.

A great number of employees have indicated to me that the current method of assessing performance, the performance appraisal system, is not a valid indicator in effectively rating Federal personnel. We should not permit the implementation of any regulations which disregard an individual's commitment and contribution to a career in the civil service.

Historically, individuals have been attracted to careers in the Federal Government because Federal employment offered some employment security and reasonable retirement benefits. The proposals made by OPM will make it even more difficult to attract and retain qualified personnel. Rather than taking steps to improve current problems like placement for RIF victims, OPM is asking employees to accept new schemes on OPM's word that the changes will benefit the civil service.

While these proposals are an improvement over the ones which had been previously published, they are still too arbitrary and could invariably lead us to a return to a spoils system. These proposals are unacceptable and could have a devastating impact on the Federal work force. The Congress has a responsibility to preserve the integrity of the civil service by preventing OPM from making such major changes in the civil service by regulatory fiat.

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend my distinguished friend, the gentleman from California, for his diligent work, and that of the subcommittee, in bringing the Treasury appropriations bill back to the House floor for reconsideration after the unfortunate events of June 8.

□ 1350

Mr. Chairman, I am specifically concerned about a provision in H.R. 4139 which appropriates funds for the U.S. Customs Service at page 5, and I appreciate the courtesy of my good friend, the chairman of the subcommittee, in engaging in a colloquy with me on this particular matter. That section funds the functions of the Customs Service which relate to the enforcement of U.S. trade laws, the control of imported products into the United States and the investigation and control of customs fraud.

The Oversight and Investigations Subcommittee of the Committee on Energy and Commerce has held several days of hearings which specifically focused on the problems associated with the U.S. Customs Service in terms of staffing levels and in terms of the continued ability of import specialists special agents, inspectors, auditors, and other Customs Service personnel to handle the enormous and increasing number of illegal imports which continually enter the United States.

In the hearings before my subcommittee witnesses from steel, auto parts, electronics, the textile industry, testified that inadequate enforcement of our trade laws have had a devastating effect on our national economy and that the businesses of American citizens have suffered tremendous losses.

Specific examples were cited with regard to the continued flood of counterfeit products and imports which were evading our antidumping and countervailing duty laws.

Mr. Chairman, enormous numbers of fraud cases remain on the books, some 60 in number, some dating back 5 to 7 years. I could spend many hours recapitulating the instances of customs fraud and material injury to various industries in our economy which flow from undetected imports and fraudulent practices associated with imports, but I should not take the time of the House to deal with those matters in extension at this time.

I would like to address a few questions to my distinguished friend regarding the mechanism which the Customs Service will use to go about remedying these problems.

First I would ask my distinguished friend: Does he agree with me that the U.S. Customs Service ought to consider as its top priorities greater emphasis on controlling the flow of illegal imports of manufactured goods such as autos, auto parts, electronics, textiles, and counterfeit products in other lines as well as other goods?

Mr. ROYBAL. Will the gentleman yield?

Mr. DINGELL. I yield to my good friend.

Mr. ROYBAL. I thank the gentleman for yielding.

May I say it is indeed a high priority program and that I do agree.

Mr. DINGELL. I thank the gentleman.

I also would like to ask my distinguished friend if he recognizes that

the Customs Service should consider this import problem as a matter of highest priority and if he agrees with me that as many personnel as possible should be allocated within the Customs Service to help control the flow of these illegal imports?

Mr. ROYBAL. If the gentleman would yield, I will respond by saying that I believe that the drug problem is the No. 1 priority. But Customs should give consideration to the issue the gentleman refers to.

Mr. DINGELL. I thank my good friend. I would like to also ask him about the Customs Service and increasing its efforts to remedy the outstanding customs fraud cases now pending and whether or not it should make all possible efforts to allocate a sufficient number of personnel to uncover future cases of fraudulent activity associated with circumventing our counterveiling and antidumping laws.

Mr. ROYBAL. May I state to the gentleman's question that I agree with him not only to the extent that it does not hamper enforcement of drug laws, but that sufficient personnel should be made available to uncover all types of fraudulent activity.

Mr. DINGELL. By the way, I want to agree with my friend with regard to the importance of enforcing our drug laws. Those are matters of great concern to the gentleman and all of the Members here.

I am also concerned about the problem of assignment of personnel within the Treasury Department, particularly the Customs Service and the BATF to assist the Secret Service in its task of protecting Presidential candidates during elections.

As we know, there are many contenders for the Presidency in the forthcoming Presidential election. I assume numerous personnel within Treasury will be reassigned to fulfill that task.

While I do not quarrel with the need to provide for this protection, I am concerned where the personnel are taken from.

Considering the gravity of the problem associated with illegal imported goods, counterfeit goods, customs fraud, and the impact this problem has on our economy, I hope the gentleman will agree with me that whenever practicable the Secret Service should draw on personnel outside the Customs Service and particularly should not draw on individuals such as import specialists customs agents, and special agents who are needed to prevent the importation of illegal and counterfeit goods.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

(By unanimous consent Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. ROYBAL. If the gentleman will continue to yield, I most certainly agree with the gentleman, for I agree that protection of candidates must be given top priority. The Secretary of the Treasury should take this matter into consideration when allocating customs funds and personnel for that purpose.

Mr. DINGELL. And they can take them from the BATF or elsewhere instead of the Treasury Department.

Mr. ROYBAL. Yes; if it is necessary to protect the candidates and the President of the United States.

Mr. DINGELL. But also to see to it that we do deal with the very important questions of customs fraud and that sort of thing.

Mr. ROYBAL. The gentleman is correct. I most certainly agree.

Mr. Chairman, I yield back the balance of my time.

Mr. DE LUGO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a brief colloquy with the distinguished chairman of the subcommittee.

I would like to address these brief remarks to the distinguished chairman of the subcommittee.

The U.S. Virgin Islands retained the Danish tariff authority in effect when the islands were purchased from Denmark in 1917. Consequently the Virgin Islands are not included in the customs territory of the United States. The government of the Virgin Islands currently imposes a 6-percent tariff on a number of goods pursuant to its authority granted by Federal law.

The U.S. Customs Service collects these duties for the Virgin Islands and generally provides a U.S. presence for enforcement purposes. The collections are paid for by the Virgin Islands government.

The U.S. Customs Service also preclears passengers returning to the United States from the U.S. Virgin Islands, as well as through the Virgin Islands from several non-U.S. points. Duties collected from the preclearance activities go into U.S. Treasury, but the Virgin Islands pays for these collections out of the revenues collected per its duties.

The preclearance activity has been conducted in the islands since 1967 when the Governor of the Virgin Islands requested the service. Preclearance was viewed then, as it is now, as a boom to our tourist trade, allowing airline passengers the convenience of making quick connections and booking their luggage through to destinations.

The agreement to preclear passengers returning from the Virgin Islands has been continually reviewed by the Customs Service. Unlike foreign locations such as Bermuda and Canada which have cost sharing agreements in which they pay the difference between operating in the United States and preclearing locally, the Virgin Islands pays the cost of preclearance. The staffing of the Virgin Islands operations is included in customs ceilings set by OMB and therefore becomes a target when cutbacks are necessary. Furthermore, Customs is nervous about the continued ability of the Virgin Islands to cover the preclearance through duties collected. This has placed considerable strain on the local government.

In light of this I ask the distinquished chairman of the subcommittee: Will he support customs continuation of preclearance in the virgin Islands?

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. DE LUGO. I will be happy to yield to the distinguished chairman.

Mr. ROYBAL. I would like to assure the gentleman that this committee is mindful of the fact that there is a preclearance operation going on throughout the country. I have had the opportunity of seeing this operation. I have not been to the Virgin Islands; I am sure, however, that it is just as efficient as it is elsewhere.

I can assure the gentleman that this committee will continue the support of the preclearance in the Virgin Islands.

Mr. DE LUGO. I thank the distinguished chairman.

I would like to ask: Does this mean that the chairman agrees that the House should examine whether changes in law are needed to solidify this arrangement?

The goal would be to insure that the Federal as well as the territorial needs are adequately served.

Mr. ROYBAL. May I assure the gentleman that this committee is continually looking into possible changes to better put into place an efficient operation and we will definitely continue to do that.

Mr. DE LUGO. May I address one final question to the chairman?

Would you agree to hold hearings, if necessary, on this matter?

Mr. ROYBAL. Yes. The hearings will start no doubt during the first month of next year. We invite the gentleman to make his presentation at that time.

Mr. DE LUGO. I thank the chairman and I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title V?

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

□ 1400

Mr. Chairman, I rise for the same purpose as the last two gentlemen, to note that on page 5 the subcommittee has been gracious enough to incorporate an amendment to the appropriations or the Customs Service which

was added when the previous bill was on the floor.

I simply wanted to thank the subcommittee chairman (Mr. ROYBAL) and the ranking minority member (Mr. MILLER of Ohio) for their courtesies in preserving that number and to remind them of the discussion that we had on the floor at the time that they accepted that amendment of $627 million.

Although the bill contains no restriction or special appropriation for the Operation Exodus, the chairman at the time indicated that he was satisfied with the two authorizing committees' limitation of $14 million on that particular operation and that he would be cognizant, at least, of our wishes and try to carry out what the authorizing committees had suggested.

With respect to the previous two speakers I hope that they will bring some of their concerns to the authorizing committee as well as to the Appropriations Committee. We will look forward to working with them on any complaints or suggestions for improvement that they may have in the operation of the Customs Service.

As all Members know, the Customs Service is stretched about as thin as any group can be. We are authorizing and appropriating a good deal more than the President actually asked for.

We will pay an enormous amount of overtime even though we added 650 new positions this year. We have to work together to make sure that we do not have our customs people doing work that is not the highest priority at all times.

I really appreciate the cooperation of the subcommittee on this matter and look forward to it in the years to come.

Mr. Chairman, I yield back the balance of my time.

Mr. LOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could, I would like to address a couple of questions to the distinguished chairman of the Subcommittee on Appropriations who brought the bill to the floor today, the gentleman from California, (Mr. ROYBAL).

You know, earlier this year we defeated this appropriations bill on the floor and I have been checking to see how that vote went. I looked at the bill to see what the real differences are between what we defeated earlier and what we have now and frankly I do not see a whole lot of difference. It is about $100 million or so less than the original $12 billion bill we defeated.

The so-called abortion language was controversial; it is going to be controversial again. Why should a Member that voted against it last time vote for it this time?

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the distinguished chairman.

Mr. ROYBAL. I thank the gentleman for yielding.

First of all, Mr. Chairman, I think this House is mandated to follow the regular procedure. The regular procedure is of course the consideration of various bills presented to the House. If we do not pass this bill we will have to fund the 62 departments that come under this bill with a continuing resolution.

If the gentleman believes that a continuing resolution is the way to manage the fiscal affairs of this country, then perhaps he should vote against this bill.

I believe, and so do members of the committee, that this House is entitled to make that choice and that choice can be made today.

Now, there are several reasons why this bill was defeated the last time which I am not going to discuss at this moment. But if we are faced with the same situation it could result in the same outcome.

I sincerely hope that it does not. The bill that is now before you is not just $100 million less but $122 million.

Mr. LOTT. I beg the chairman's pardon.

Mr. ROYBAL. $122 million less.

Mr. LOTT. $122 million less than the $12 billion we had earlier.

Mr. ROYBAL. Yes.

Mr. LOTT. Well, I agree with the gentleman, certainly the continuing resolution is not the route to go. But when the House votes and Republicans and Democrats say "no" and vote down the bill we hope that the committee that has jurisdiction in this area would take the bill back and make substantial revisions or changes before they bring it back to the House.

You cannot just come back and say "it is basically the same bill but if you do not pass this then you will have a continuing resolution."

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I will yield.

Mr. ROYBAL. I certainly hope the House is wiser today than it was the last time this bill was presented.

We are giving the House another opportunity.

Now, the gentleman knows that the reason why the bill was defeated is a subject matter that will probably be taken up in a few minutes. That is the amendment on abortion.

I sincerely hope that the Members of this House take the position on the matter of abortion and let it rest at that and that when the vote comes on the bill that they do not take out on the bill their objection or agreement with the abortion issue. The two are separate and distinct votes and each must stand on its own.

Mr. LOTT. I appreciate the gentleman's comments. But I do want to say that, other than the abortion issue, and other than the funding level, there are a number of other problems. For instance, there is no funding included for the Bureau of the Mint. There is a general provision delaying implementation of OPM personnel regulations; an increase of $479 million in Postal Service subsidies; there are no funds for the Property Review Board which reviews and disposes of nonessential Federal property; there are limitations on the President's Caribbean Basin Initiative program, and a reduction in funds for former Presidents.

Mr. ROYBAL. Mr. Chairman, will the gentleman continue to yield?

Mr. LOTT. I would be glad to yield further to the gentleman from California.

Mr. ROYBAL. Some of the subjects that the gentleman has mentioned for the attention of the House could have been stricken out on a point of order. Every Member of this House had that opportunity during this long debate. Some points of order were called and sustained but no one called a point of order on the subject matters that you make reference to. Because of that we all assume that everything is in order.

The gentleman (Mr. LOTT) could have called a point of order or offered an amendment to strike each section, or whatever it was that the gentleman desires to do, at the proper time. But the proper time does not happen to be at this moment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Chairman, I would follow up on the chairman's comment. I am referring to the general budget process that we follow which I think many of us feel borders on some degree of disaster, not so much in the process itself but in how we are operating under the process.

The point I wanted to make was that the chairman has just made, yes, this bill is only $122 million below the bill that was defeated in the first instance when this bill was considered on the floor. However, we have now gone through every title of the bill which appropriates money to certain objects.

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. LOTT) has expired.

(On request of Mr. HOYER and by unanimous consent, Mr. LOTT was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, will the gentleman continue to yield?

Mr. LOTT. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

In point of fact, we have gone through every title. Any Member had the opportunity of striking either the full sum or reducing the sum that was appropriated under each title of the legislation. That has not been done. In fact, very few amendments were offered to reduce sums at all.

We are now at a point where the bill has gone through the entire reading in terms of appropriations. We are talking about specific limiting language in the legislation but if the budget process is going to work it ought to work so that when we get to the bottom line—and certainly there are going to be questions on the issue of abortion and very frankly I have a view on that and will vote that way when and if it comes up for a vote but I certainly intend to vote, in the final analysis, for the passage of this legislation because that is the way the process ought to work.

We have had the opportunity for the House to work its will on the numbers. It has worked its will to this point on the numbers except in the final total figure.

Now, I would suggest to the gentleman that to vote against this bill in the final analysis would be to try to send a message to somebody somewhere and government cannot continue to operate on simply sending messages and not responsibly, and in the final analysis passing in a timely fashion its appropriations bill.

Mr. LOTT. I agree with the gentleman. Again, as I said, I do not like to go with the continuing appropriations process. But I must reemphasize that the Members need to know the amount of the bill here, they must know that it is over last year's level, they must know that it is over the Presidential request, they must know that whether or not they were knocked out on a point of order there are still some very controversial positions not relating to abortion in this bill. They need to be aware of that when we get to final passage.

I think my personal objection is that they are trying to use these appropriations bills to change regulations or implementation of regulations, and the overall levels are apparently still unacceptable to the administration.

But I would agree with the gentleman.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the gentleman from Massachusetts.

Mr. CONTE. I just hope that we get enough votes to pass this bill here today because I would hate to see it go back.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. CONTE and by unanimous consent Mr. LOTT was allowed to proceed for 2 additional minutes.)

Mr. CONTE. We are getting close to when our continuing resolution expires, November 10. We will have to put it in the continuing resolution.

I agree with the gentleman this is no way to legislate.

□ 1410

At least give this a chance to go over to the Senate and then we will go to conference, see if we can iron out some of these things. I have to say this bill in some of the areas is over the President's budget, but it was somebody on our side—and I am not going to mention any names—in that subcommittee who put that additional money in. Some of those could have been written out today on a point of order. Unfortunately, some Members were not here when that point of order could have been raised.

I just hope that we can get enough votes to get this bill out of here, not back into the subcommittee again. Let us get into a conference with the Senate. Then if it is not right, then if it is still objectionable to OMB and to the President, we will get a veto and I am sure we will have enough votes in here to sustain the veto. But, give us a chance to work our will.

Mr. GIBBONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had about resolved to forego my right to express my opinion about this bill, but after the last colloquy I think I ought to say something.

I think there should be a reasonable amount of comity in the House of Representatives so that we do not put ourselves in a hostile position with the Appropriations Committee all the time.

The Members know what the rules of the House are. And we expect the Members to abide by them. This bill is full of potential points of order, points of order that some of the most atrocious have already been raised and the matters have been stricken. But I do not understand why the Appropriations Committee feels that it must do everyone's work in the House.

We are able to take care of these matters. Many of the things that are in here are matters that are within the jurisdication of my own subcommittee. I have never found any Member of this House or this Appropriations Committee who has asked us to even look at the matters.

I commend the Chair for his historic ruling on the point of order on the Caribbean Basin Initiative. I cannot think of a more highhanded way of reversing a decision made by the House of Representatives, in a law signed by the President, than the way the Appropriations Committee did by an 18-to-19 vote on that particular proposal. Without any notification, without any hearings, without anything else.

Now, I am not a member of the Appropriations Committee, but I would like a reasonable amount of comity from them. I do not want to have to send staff to sit in on the hearings, to sit in on the markup, and to come down here and raise points of order.

I do not think that we ought to act like that.

There are other things in this bill that, frankly, I am disturbed about. The Appropriations Committee has tied the hands of the executive branch in making reasonable changes within the Treasury Department on customs collections. They have said we shall not abolish any of the "sacred cow" headquarters around the country. Headquarters that are obviously inefficient, that both Democratic administrations and Republican administrations have sought to close, but for some reason, for some featherbedding reason, they are maintained.

Now we have a terrible, terrible deficit crisis on our hands. If we cannot make small, reasonable changes in the way the Government is administered, instead of protecting "sacred cows," then perhaps more points of order will be raised against this bill.

If the Appropriations Committee is going to continue to raid other committees' jurisdictions, then perhaps we will have to station people in the Appropriations Committee meetings to find out what is going on. I do not want to do that. I want to work with comity with my fellow Members of the House. But, as the gentleman from Mississippi (Mr. LOTT) pointed out, this bill is not a lot different than it was once before when the House overwhelmingly rejected it.

And at this point you can put me down as being undecided.

The CHAIRMAN. Are there further amendments to title V? If not, the Clerk will read.

The Clerk proceeded to read title VI.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any points of order against title VI?

POINT OF ORDER

Mr. MORRISON of Connecticut. Mr. Chairman, I raise a point of order.

The portion of the bill to which the point of order relates is as follows:

SEC. 609. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

(b) No part of any appropriation contained in this Act shall be available for the

payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MORRISON of Connecticut. Mr. Chairman, I raise a point of order against subsection (a) of section 609.

That subsection of the bill fails to comply with clause 2 of rule XXI in that it is legislation on an appropriation.

The CHAIRMAN. Does the gentleman from California (Mr. ROYBAL) wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the provision is stricken.

POINT OF ORDER

Mrs. BOXER. Mr. Chairman, I raise a point of order.

The portion of the bill to which the point of order relates is as follows:

SEC. 618. No funds appropriated by this Act shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions, except where the life of the mother would be endangered if the fetus were carried to term, under such negotiated plans after the last day of the contracts currently in force.

The CHAIRMAN. The gentlewoman will state her point of order.

Mrs. BOXER. Mr. Chairman, I rise to make a point of order on title VI, section 618. I make a point of order to strike section 618 of the bill, lines 3 through 11, on page 49, on the grounds that this language constitutes legislation on an appropriations bill in violation of rule XXI, clause 2.

The Chair has ruled on this matter before. Based on these clear rulings, I insist on my point of order, and ask that section 618 be stricken from the bill.

The CHAIRMAN. Does the gentleman from California (Mr. ROYBAL) wish to be heard on the point of order?

Mr. ROYBAL. Mr. Chairman, I concede the point of order.

Mr. SMITH of New Jersey. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I rise to oppose the point of order being made by the gentlewoman from California (Mrs. BOXER).

Just let me say that I am very grateful to the Appropriations Committee for having included the language contained in the bill that provides that none of the funds appropriated in H.R. 4139—the Treasury Postal appropriations bill—shall be used to pay for abortion insurance except in those cases where the life of the mother would be at stake.

I think what the Appropriations Committee is to be commended for is its action for heeding the very clear and unmistakable majority sentiment of this body. Members will recall that on June 8 of this year the House voted 226-to-182 in favor of an amendment that I offered at that time, to preclude the use of Federal funds for abortion under the Federal employees health benefits program. The Appropriations Committee included my language in the bill.

I would like to point out to the Chair that section 618 of H.R. 4139 simply seeks to codify OPM's intended policy. As a matter of fact, OPM has requested its insurance carriers not to provide abortion coverage, except to save the life of the mother, which is exactly what section 618 accomplishes.

I ask the chairman to take note of this and I urge the Chair not to sustain the point of order being raised by the gentlewoman from California.

The CHAIRMAN (Mr. SHARP). The Chair is prepared to rule. On June 17, 1977, and on September 22, 1983, rulings by the Chair held essentially the same language to be legislation on an appropriations bill since requiring new determinations and judgments by Federal officials.

Accordingly, the point of order is sustained.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent, that if there are no further points of order to be raised, that all debate on title VI and all amendments thereto close at 2:50 p.m.

The CHAIRMAN. The Chair wants to be clear on the request of the gentleman. The gentleman said 2:50 p.m.?

Mr. ADDABBO. That is 2:50 p.m., Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WEBER. Mr. Chairman, reserving the right to object, I do so to ask if any time on a vote to be taken, for instance, on the motion to rise, would come out of the time in the event the gentlewoman's unanimous consent request——

Mr. FRENZEL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. SMITH of New Jersey. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SMITH of New Jersey. Mr. Chairman, would it be in order at this time to offer a change in the language that would not be considered under the House rules to be legislating on an appropriations bill?

The CHAIRMAN. The Chair will first entertain any amendment to the bill which is not prohibited by clause 2(c), rule XXI, and will then entertain amendments proposing limitations pursuant to clause 2(d), rule XXI.

□ 1420

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

Mr. MORRISON of Connecticut. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: On page 49, immediately after line 2, add the following new section:

"SEC. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions, under such negotiated plans after the last day of the contracts currently in force."

POINT OF ORDER

Mr. MORRISON of Connecticut. Mr. Chairman, I would like to be heard on my point of order.

The CHAIRMAN. The Chair will hear the gentleman's point of order.

Mr. MORRISON of Connecticut. Mr. Chairman, my point of order is that this amendment constitutes a limitation on an appropriation and cannot be considered by the House prior to the consideration of a motion by the Committee to rise.

The CHAIRMAN. The Chair must indicate to the gentleman that no such preferential motion has yet been made.

The gentleman is correct that a motion that the Committee rise and report the bill to the House with such

amendments as may have been adopted takes precedence over an amendment proposing a limitation.

Mr. MORRISON of Connecticut. Mr. Chairman, then I move that the Committee do now rise.

PARLIAMENTARY INQUIRY

Mr. ROYBAL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROYBAL. Mr. Chairman, where does the Committee stand at this moment with regard to the motion that has been made to rise?

The CHAIRMAN. The Chair must indicate that he had actually recognized the gentleman from Connecticut (Mr. MORRISON) on a point of order, and in the process the gentleman concluded his remarks by attempting to offer a simple motion to rise.

It would be more appropriate if a motion to rise and report the bill to the House with such amendments as have been adopted, pursuant to clause 2(d), rule XXI were offered instead.

Does the gentleman have such a motion?

Mr. ROYBAL. Mr. Chairman, first of all, the gentleman must withdraw his motion; is that not correct?

The CHAIRMAN. The gentleman from Connecticut (Mr. MORRISON) has not yet been recognized for the purpose of making a motion, to begin with. That is what the Chair is trying to indicate.

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 229, not voting 11, as follows:

[Roll No. 424]

AYES—193

Ackerman	Boxer	Coughlin
Addabbo	Britt	Coyne
Akaka	Brooks	Crockett
Alexander	Brown (CA)	Daschle
Anderson	Broyhill	de la Garza
Andrews (NC)	Bryant	Dellums
Andrews (TX)	Burton (CA)	Derrick
Anthony	Carper	Dicks
AuCoin	Carr	Dingell
Barnes	Chandler	Dixon
Bates	Clarke	Downey
Beilenson	Clay	Dymally
Berman	Coelho	Edgar
Boehlert	Coleman (TX)	Edwards (AL)
Bonker	Collins	Edwards (CA)
Bosco	Conyers	Evans (IL)
Boucher	Cooper	Fascell
Fazio	Lehman (FL)	Savage
Feighan	Leland	Scheuer
Ferraro	Levin	Schneider
Fiedler	Levine	Schroeder
Flippo	Levitas	Schumer
Foglietta	Lowry (WA)	Seiberling
Foley	Lundine	Shannon
Ford (MI)	MacKay	Simon
Ford (TN)	Markey	Sisisky
Forsythe	Marlenee	Slattery
Fowler	Martin (IL)	Smith (FL)
Frank	Martin (NC)	Smith (IA)
Frenzel	Martinez	Snowe
Frost	Matsui	Solarz
Garcia	McCandless	Spratt
Gejdenson	McCloskey	Stark
Gekas	McCurdy	Stokes
Gilman	McKernan	Studds
Glickman	McKinney	Swift
Gonzalez	McNulty	Synar
Gray	Mikulski	Tallon
Green	Miller (CA)	Thomas (GA)
Guarini	Mineta	Torres
Hall (IN)	Moody	Torricelli
Hatcher	Morrison (CT)	Towns
Hawkins	Morrison (WA)	Udall
Hayes	Mrazek	Valentine
Hefner	Murphy	Vandergriff
Heftel	Neal	Vento
Hightower	Olin	Walgren
Horton	Ortiz	Watkins
Hoyer	Ottinger	Waxman
Huckaby	Owens	Weaver
Jacobs	Panetta	Weiss
Jeffords	Patterson	Wheat
Jenkins	Pease	Whitley
Johnson	Pepper	Whittaker
Jones (NC)	Pickle	Williams (MT)
Jones (OK)	Pritchard	Wilson
Kaptur	Pursell	Wirth
Kastenmeier	Rangel	Wise
Kazen	Ratchford	Wolpe
Kennelly	Richardson	Wright
Kogovsek	Rodino	Wyden
Kolter	Roukema	Yates
Kostmayer	Rowland	Zschau
Lantos	Roybal	
Lehman (CA)	Sabo	

NOES—229

Albosta	Davis	Hubbard
Annunzio	DeWine	Hughes
Applegate	Dickinson	Hunter
Archer	Donnelly	Hutto
Aspin	Dorgan	Hyde
Badham	Dreier	Ireland
Barnard	Duncan	Jones (TN)
Bartlett	Durbin	Kasich
Bateman	Dwyer	Kemp
Bedell	Dyson	Kildee
Bennett	Early	Kindness
Bereuter	Eckart	Kramer
Bethune	Emerson	LaFalce
Bevill	English	Lagomarsino
Biaggi	Erdreich	Latta
Bilirakis	Erlenborn	Leach
Bliley	Evans (IA)	Leath
Boggs	Fields	Lent
Boland	Fish	Lewis (CA)
Boner	Florio	Lewis (FL)
Bonior	Franklin	Lipinski
Borski	Fuqua	Livingston
Breaux	Gaydos	Lloyd
Broomfield	Gibbons	Loeffler
Brown (CO)	Gingrich	Long (LA)
Burton (IN)	Goodling	Long (MD)
Byron	Gore	Lott
Campbell	Gradison	Lowery (CA)
Carney	Gregg	Lujan
Chappell	Gunderson	Luken
Chappie	Hall (OH)	Lungren
Cheney	Hall, Ralph	Mack
Clinger	Hall, Sam	Madigan
Coats	Hamilton	Marriott
Coleman (MO)	Hammerschmidt	Martin (NY)
Conte	Hansen (ID)	Mavroules
Corcoran	Hansen (UT)	Mazzoli
Courter	Harkin	McCain
Craig	Harrison	McCollum
Crane, Daniel	Hartnett	McDade
Crane, Philip	Hertel	McEwen
D'Amours	Hiler	McGrath
Daniel	Hillis	McHugh
Dannemeyer	Holt	Mica
Daub	Hopkins	Michel
Miller (OH)	Reid	Spence
Minish	Ridge	St Germain
Molinari	Rinaldo	Staggers
Mollohan	Ritter	Stangeland
Montgomery	Roberts	Stenholm
Moore	Robinson	Stratton
Moorhead	Roe	Stump
Murtha	Roemer	Sundquist
Myers	Rogers	Tauke
Natcher	Rostenkowski	Tauzin
Nelson	Roth	Taylor
Nichols	Rudd	Thomas (CA)
Nielson	Russo	Traxler
Nowak	Sawyer	Vander Jagt
Oakar	Schaefer	Volkmer
Oberstar	Schulze	Vucanovich
Obey	Sensenbrenner	Walker
Oxley	Sharp	Weber
Packard	Shaw	Whitehurst
Parris	Shelby	Whitten
Pashayan	Shumway	Williams (OH)
Patman	Shuster	Winn
Paul	Sikorski	Wolf
Penny	Siljander	Wortley
Perkins	Skeen	Wylie
Petri	Skelton	Yatron
Porter	Smith (NE)	Young (AK)
Price	Smith (NJ)	Young (FL)
Quillen	Smith, Denny	Young (MO)
Rahall	Smith, Robert	Zablocki
Ray	Snyder	
Regula	Solomon	

NOT VOTING—11

Conable	Gramm	Moakley
Dowdy	Hance	O'Brien
Edwards (OK)	Howard	Rose
Gephardt	Mitchell	

□ 1440

Messrs. HOPKINS, ANNUNZIO, DICKINSON, MICA, and HARKIN changed their votes from "aye" to "no."

Messrs. TORRES, BRYANT, WHITTAKER and WATKINS changed their votes from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: On page 49, immediately after line 2, add the following new section:

"SEC. 618. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions, under such negotiated plans after the last day of the contracts currently in force."

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes in support of his amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that, after the word "abortions," "except where the life of the mother would be endangered if the fetus were carried to term" be added.

The CHAIRMAN. The Clerk will report the modification embodied in the unanimous-consent request.

The Clerk read as follows:

Insert after the word "abortion," and after the word "abortions," "except where the life of the mother would be endangered if the fetus were carried to term,".

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Accordingly, the amendment is modified.

The gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes in support of his amendment.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, since the unanimous-consent request has been granted, may I say that I as chairman of the subcommittee have no further objection to the amendment, and sincerely hope that we can go on with the rest of the bill, vote on it, and conclude our work for the day.

Mr. SMITH of New Jersey. Mr. Chairman, I appreciate the distinguished gentleman from California for not objecting to my amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the distinguished ranking minority member of the Appropriations Committee.

Mr. CONTE. Mr. Chairman, we likewise have no objection to accepting the amendment.

Mr. SMITH of New Jersey. I thank my good friend Mr. CONTE not only for his support for my amendment but for his leadership on this issue.

Mr. Chairman, I rise this afternoon to again offer an amendment to the Treasury-Postal Service appropriations bill to prohibit Federal funds from being used to purchase insurance to pay for abortions.

I would like to commend the Appropriations Committee for including this vital abortion rider in H.R. 4139. I think it is most unfortunate that my friend from California is seeking to circumvent the clear and demonstrable majority will of this body on this issue. But then again, she is perfectly within the rules to object, but her objection forces this body to once again grapple with the controversial issue of abortion.

Mr. Chairman, my amendment is not a new amendment. It has been approved by this body on four separate rollcall votes, most recently on June 8 by the overwhelming margin of 226 to 182.

Mr. Chairman, the Federal Government currently contributes approximately 60 percent of the moneys toward the purchase of health insurance for its employees. The remaining 40 percent of the cost is borne by the Federal employee himself or herself. So it should be obvious and abundantly clear then, that the Federal Government does provide a substantial sum of money—a majority share, in fact—toward the purchase of health insurance for its work force. The component of that health insurance, it seems to me, should be of interest and concern to the membership.

According to the Office of Personnel Management, in calendar year 1980, 17,000 elective abortions were provided under the auspices of the Federal employees health benefits program at an estimated cost of $9 million. Although some carriers dropped abortion coverage while Public Law 97-276—the continuing resolution which expired on December 17, 1982—was in effect, today there are 8 employee organization plans and 67 comprehensive carriers that provide payment for elective abortions.

So, I believe, Mr. Chairman, the issue before this body is simple and direct: Should the taxpayer be forced to underwrite the cost of abortions for Federal employees?

I believe we should not. I believe we must not.

Abortion, after all, Mr. Chairman, is utterly cruel and inhumane treatment of an unborn baby. Abortion exploits women.

Since the landmark 1973 Supreme Court decisions, over 15 million helpless infants have been killed or mutilated by abortion. A small number have survived their abortion and have gone on to be adopted. Let no one fool you, and I hope my colleagues listen carefully—the methods of abortion are gruesome and cause great pain to the unborn child. These methods include bodily dismemberment, the crushing of the baby's skull and body parts, and poisoning by saltwater—a method whereby a caustic saline solution is injected into the baby's amniotic sac, the child inhales the saltwater and dies a slow, painful death from the toxic substance. It takes about 1½ to 2 hours for the baby to die in a saline abortion.

I truly believe that anyone who has observed the remains of an aborted baby can never again remain ignorant of the truth that abortion kills one of us. Mr. Chairman, abortion is the ultimate form of child abuse because it not only batters its victim, it usually kills its victim.

Several weeks ago, Mr. Chairman, the Washington Times carried a feature article about NancyJo Mann, of Des Moines, Iowa, a woman who had a saline abortion midway through her pregnancy. She was 5½ months pregnant, as a matter of fact. Today NancyJo remembers October 30, as the day she "killed my baby girl."

Ms. Mann has recently founded Women Exploited by Abortion (WEBA), a group of over 10,000 women all of whom have had abortions and have come forward to tell their tragic stories.

In her own words, this is how Ms. Mann describes her abortion: "I went in and I asked, what are you going to do to me?" All he—the doctor—did was look at my stomach and say: "I am going to take a little fluid out, put a little fluid in, you'll have severe cramps and expel the fetus."

"I said: Is that all?" He said: "That's all."

"It did not sound too bad. But what that doctor described to me was not the truth."

Ms. Mann went on to say:

"Once they put in the saline there's no way to reverse it. And for the next 1½ hours I felt my daughter thrash around violently while she was being choked, poisoned, burned and suffocated to death. I did not know any of that was going to happen. And I remember talking to her and I remember telling her I didn't want to do this, I wished she could live. And yet she was dying and I remember her very last kick on her left side. She had no strength left."

"I've tried to imagine us dying that kind of death, a pillow put over us, suffocating. In 4 minutes we would pass out. We would have that gift of passing out and then dying. But it took her 1½ hours just to die."

"Then I was given an intravenous injection to help stimulate labor and I went into hard labor for 12 hours. And at 5:30 a.m. on the 31st of October I delivered my daughter whose name is now Charmaine Marie. She was 14 inches long. She weighed over a pound and a half. She had a head of hair and her eyes were opening."

"I got to hold her because the nurses didn't make it to the room in time. I delivered my girl myself. They grabbed her out of my hands and threw her, threw her, into a bedpan. After they finished and took her away in the bedpan, they brought a lady in to finish her last hour of labor lying next to me. She had a healthy baby boy."

"That was tough."

"I liked NancyJo, I liked me, prior to the abortion. But shame and remorse and guilt set in—I mean, when you get ahold of your own daughter and you see what you did. She was not a fetus. She was not a product of conception. She was not a tissue adhering to the uterine wall. She was my daughter and I got to hold her, at only 5½ months, 22 weeks. So those are cheap, inhuman words to use around me."

Further on in the interview, Ms. Mann states: "No one thought 10 years ago of the aftermath. We are the aftermath."

She also states in the interview, and I ask my colleagues to pay close attention to this:

"One psychological effect we see almost all the time is guilt. Others are suicidal impulses, a sense of loss, of unfulfillment. Mourning, regret and remorse. Withdrawal, loss of confidence in decisionmaking capabilities.

They feel that maybe they've made a wrong decision, maybe they can't make another decision right in their life. Lowering of self-esteem. Preoccupation with death."

Mr. Chairman, I am sure my colleagues do not want to be in the postion of paying for this misery.

I am sure my colleagues do not want to be party to the literal extermination of unborn children.

I am sure my colleagues do not want to be party to the exploitation of women.

I believe it is time we brushed aside forever the endless euphemisisms and doubletalk, the smokescreens, and the distortions of the abortion lobby. I believe it is time we faced the truth and reality of abortion—and as we do I predict we will be shocked by the sheer horror and violence of abortion.

Mr. Chairman, the lives of the women and their babies are precious beyond words. As legislators, it is our responsibility to protect the weak, the vulnerable, the helpless. We have an obligation to protect human rights. I believe we need to demonstrate our commitment to both mother and child to show love and compassion to both, to be concerned for the safety and welfare of both.

My amendment prevents the Federal Government from paying for the demise of an innocent child, but in a very real way also says, that we will not be party to the exploitation of the child's mother.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH), as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROSTENKOWSKI) having assumed the chair, Mr. SHARP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4139) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEBER. The Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

□ 1450

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 297 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3231.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, with Mr. DE LA GARZA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, October 19, 1983, title III was open to amendment at any point.

Are there any amendments to title III?

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAY:

Page 64, add the following after line 25:

SUBTITLE 3—INVESTMENT IN SOUTH AFRICA

PROHIBITION

SEC. 331. The President shall, not later than 90 days after the date of the enactment of this Act, issue regulations prohibiting any United States person from making any investment in South Africa. For purposes of the preceding sentence, the term "investment" means—

(1) establishing or making a loan or other extension of credit for the establishment of a business enterprise in South Africa, including a subsidiary, affiliate, branch, or office in South Africa; and

(2) investing funds in an existing enterprise in South Africa, including making a loan or other extension of credit, except that this paragraph shall not be construed to prohibit—

(A) an investment which consists of earnings derived from an enterprise in South Africa established before the date of the enactment of this Act and which is made in that enterprise; or

(B) the purchase of securities on a securities exchange.

The President may issue such licenses or orders as are necessary to carry out this section.

ENFORCEMENT; PENALTIES

SEC. 332. (a) The President shall take the necessary steps to insure compliance with the regulations issued pursuant to section 331, including establishing mechanisms to monitor compliance with such regulations. The President may also hold hearings, issue subpenas, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpena the attendance and testimony of witnesses and production of all books, papers and documents relating to any matter under investigation.

(b)(1) Any United States person, other than an individual, that violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $1,000,000.

(2) Any individual who violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle shall be fined not more than $50,000, or imprisoned not more than five years, or both.

(c)(1) Whenever a United States person violates the regulations issued pursuant to section 331 of this Act or any license or order issued under this subtitle—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried to the act or practice constituting the violation and,

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the United States person committing the violation itself.

TERMINATION OF PROHIBITION

SEC. 333. If the President determines that the Government of South Africa has made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life in

that country and toward an end to discrimination based on race or ethnic origin, the President shall submit that determination, and the basis therefor, to the Congress. The regulations issued pursuant to this subtitle, and any license or order issued under this subtitle, shall terminate upon enactment of a joint resolution approving such determination.

Page 65, line 1, strike out "3" and insert in lieu thereof "4".

Pages 65 through 67, redesignate existing sections 331 through 334 as sections 341 through 344, respectively.

Page 67, insert the following after line 19:

(c) The regulations issued pursuant to subtitle 3 of this title shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of those regulations.

Page 67, line 23, strike out "332(3)" and insert in lieu thereof "342(3)".

Mr. BONKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. GRAY. Mr. Chairman, this amendment would direct the President to develop regulations prohibiting new investments in the Republic of South Africa.

This prohibition would be lifted if South Africa made substantial progress toward full participation by its people in the social, political, and economic life of the country, and toward an end to racial discrimination.

This amendment seeks to end economic support of apartheid in a moderate way, while at the same time not interfering with the $7 to $14 billion export-import trade between the United States and South Africa. Nor does it require any American corporation presently in South Africa to divest their operation and leave the country. Nor does it prevent the investment of profits earned by those firms in South Africa who are U.S. owned subsidiaries.

During the 97th Congress, two subcommittees of the House Foreign Affairs Committee—the Subcommittee on International Economic Policy and Trade, and the Subcommittee on Africa approved the intent of this amendment when they approved H.R. 3597, both I might add, by large majorities.

My amendment is essentially the same as H.R. 3597, which was first introduced in the 97th Congress and reintroduced in the 98th Congress as H.R. 1392.

The need for congressional action to halt new investment in South Africa has grown more acute since the bill was first introduced in May, 1981. South African repression has become more harsh for the 80-percent majority including those who labor in American subsidiaries in that country.

South Africa is the only country in the free world which practices legally mandated racial segregation and oppression, resulting in semi-slave status for 80 percent of its population; the jailing, torture, and death of nearly one-third of its black labor leaders; the assignment of the 70-percent black majority to an impoverished 13 percent of the land, and the establishment of a military council whose sole purpose is to insure that the apartheid system remains intact.

From 1950 to 1981, U.S. direct investments in South Africa have grown from $140 million to $2.6 billion, while during the same time, the insidious grip of apartheid has expanded. These investments have provided the economic underpinning upon which apartheid has flourished and every new U.S. investment has helped to continue and strengthen that apartheid.

Clearly, the United States, the champion of democracy and human rights in the free world, can no longer continue to do business as usual with South Africa. And at best, this amendment represents a moderate yet direct approach, which must be taken, if our fundamental economic and political interests on the continent of Africa are not to suffer—especially in the wake of continued polarization and violence in South Africa.

Passage of this amendment will definitively state, as we have done in the past when applying sanctions to over 18 other nations—ranging from Poland to Uganda—what our great Nation's values are and that we are willing to act against oppression wherever it exists.

Congressional enactment of this legislation will not bring an immediate end to apartheid, but it will clearly demonstrate that the United States will no longer continue to provide economic support for apartheid through new investments.

I therefore, urge your support of the Gray amendment to the Export Administration Act, H.R. 3231.

□ 1500

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

I want to congratulate the gentleman on his statement. I know this is a difficult and emotional issue, for all of us. It is one that the gentleman has given incredible attention to and for which he deserves great credit.

He certainly is a champion on the subject of promoting and extending the universal values as found in the Declaration of Independence to the rest of the world. I share his profound belief that our Declaration of Independence was written for all people and for all time—as the Pope said, "The right to be free and the right to join an association, labor or otherwise is not a privilege granted by government but a right given by the inalienable source, God," and as I said, "That is true for all people and for all time."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. KEMP and by unanimous consent, Mr. GRAY was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for again yielding.

Extending human rights, not only to South Africa, but to the rest of the world, is a necessity and the gentleman has been consistent in his efforts. He has stood on the floor of the House many times fighting for the cause of human dignity, racial justice and hope for people everywhere.

He stands tall, not only in front of his colleagues, but throughout the world and I just want to commend him for the effort that he has made.

This is a moderate approach I have some questions, as the gentleman knows, because we have discussed this at some great length. We have a dear and mutual friend in Dr. Leon Sullivan who has been one of those who also has been a giant in the area of trying to extend dignity and justice in South Africa and to do away with the policy of apartheid that is abhorrent to many of us on both sides of the aisle.

As I said, I do have questions and concerns but I would hope that we find a mutually beneficial way to make the change and progress that is necessary, not just in the country alluded to by the gentleman from Pennsylvania but in other parts of the world so incredibly important for this country to be true to its own revolution. I again want to thank him for standing up and championing this cause, and I join him in the cause and I want him to know that I consider him to be truly one of the most progressive and compassionate leaders in the U.S. Congress due in no small degree to his friendship with Dr. Sullivan who has raised many of our consciences in this regard.

Mr. GRAY. I want to thank the gentleman from New York for his support of this effort.

It is an effort which will not interfere with our export import trade, or those who are presently there, but it begins to get us away from the future financing of apartheid through direct investments and provides an opportu-

nity for the President of the United States to certify to the Congress that there has been substantial progress. I also believe that as we look at the tremendous flash spots that are taking place across the world, it will say clearly to not only Americans but also to the rest of the world, that we are not only willing to light a candle for those oppressed in Poland but we are also willing to at least strike a match for those oppressed in South Africa.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GRAY) has expired.

(By unanimous consent, Mr. GRAY was allowed to proceed for 3 additional minutes.)

Mr. GRAY. I would also point out to my colleagues that while we were imposing sanctions on Poland because of the military regime and the oppression of the labor leaders, the oppression there is still not at the level as it is in South Africa where 30 percent of those labor leaders in South Africa are incarcerated or banned.

It seems to me that if we are to be consistent in our values and principles and maintain a dialog not only with South Africa but also the other nations of the world, then it is time for us to take this kind of modest effort to prevent the future economic underpinning of apartheid.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

One of my concerns that I have shared with the gentleman from Pennsylvania is the recognition of the fact that this country does not impose this type of sanction on even the Soviet Union who are massive violators of human and civil rights. That has been the thing that has troubled me the most. I want to find a way to make the changes that are necessary, and to support the gentleman, while at the same time recognize that there is a strong difference between the export of revolution and terror by the Soviet Union and the fact that South Africa is a friend of the United States.

Can the gentleman give me some idea as to how he handles this question of what we do with a country like the Soviet Union that is so blatantly extending revolution and insurrection throughout the world while blatantly violating the human rights of its own citizens—Jews and Christians alike.

Mr. GRAY. Let me respond before I yield to my colleague, the distinguished chairman of the Subcommittee on Africa of the House Foreign Affairs Committee.

First of all, we have got to recognize that right now at this very moment there are 20 nations where we have some kind of limitation or sanction, and in fact if you look at those 20 nations, most of them fall under the kind of concern that the gentleman from New York has expressed.

We have a total embargo on Cuba, on Vietnam, on Cambodia, and also a total embargo on Iran and North Korea, and of course, we remember for 20 years, 1951 to 1971, we had a total embargo against the Republic of China for the very concern that the gentleman has articulated.

In fact, it was the President of his party that opened a new relationship and lifted those restrictions on Communist China. From time to time we have imposed sanctions, limitations on the Soviet Union ranging from grain to pipeline, and so we have consistently, and bipartisanly said that it is appropriate for our foreign policy interests to provide for some limitation, some economic sanction when it is clearly in our policy interest in terms of the gentleman's question. If you look at the 20 countries we currently have limitations on, most of them are under the category he just mentioned.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GRAY) has expired.

(By unanimous consent, Mr. GRAY was allowed to proceed for 4 additional minutes.)

Mr. WOLPE. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Michigan.

Mr. WOLPE. I thank the gentleman for yielding in order to respond to the important question raised by the gentleman from New York.

The gentleman in the well is right, quite right, this is in no sense unprecedented action contemplated here. Even before the recent Polish and Korean airline crises, the Soviet Union itself was denied most-favored-nation trade status, CCC agricultural credits and OPIC investment guarantees and was subject to the most rigorous national security export controls.

Moreover, the United States has maintained complete embargoes on economic relationships with a variety of the countries. One country that was not mentioned in the list that was presented by the gentleman from Pennsylvania was that of North Korea, in addition to Cuba and Cambodia and Vietnam.

We implemented a similar embargo against Iran during the hostage crisis a short while ago.

The United States also maintains a complete embargo on economic relations and transactions with the white minority Government of Rhodesia prior to the coming of power of the Government of Zimbabwe and a trade embargo against the brutal Idi Amin Government of Uganda. So, from the standpoint of precedental experience, this amendment is really a very modest effort.

Mr. KEMP. If the gentleman would yield, I would say I agree with that. It is modest.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Connecticut.

Mr McKINNEY. I thank the gentleman for yeilding.

I congratulate my friend from Philadelphia for writing what I think is a very careful piece of legislation.

Leon Sullivan and I met perhaps 12 years ago, and what he proposed, and over 140 American corporations in South Africa are living up to, is in fact a very decent, very fair and really very basic right of human beings who are unemployed.

I think for us to continue to invest new money in South Africa with its hideous and contemptible history of race relations is to disavow the entire history of this country.

I would like to congratulate my friend, and say that I think he has done a very good job.

I also should say because this issue will come before us in a far different way, that as ranking member of the District Committee, I think it is up for the Congress of the United States to make this kind of decision. I hope the decision will be made and I hope it passes, and I hope it is sustained; but in no way will I allow a civic jurisdiction to make this kind of decision and I will oppose it because I know this statement is being watched, but I think what the gentleman from Philadelphia has done is right. I strongly support him and I applaud hm on his efforts.

Mr. GRAY. I want to thank the gentleman from Connecticut because his State, Connecticut, has gone ever further than my proposed amendment by calling for a complete divestiture of public funds in terms of the Republic of South Africa. I think we have to recognize in this Congress that there are States, at least three States, that have gone further than the Congress has ever gone.

There are 21 State legislatures that are currently considering legislation that goes further than any of the legislation in title III, including my amendment. Thus, the Congress will not be leading, at this point even if we pass my amendment. We will be following. The next thing I want to point out in conclusion is simply this: We can talk about the fact that we abhor apartheid. We can say that it is wrong but until you do something to oppose it other than with words, we will not be the Nation of leadership in the free world. We will not have the kind of input into the developing nations of the Third World and in the Continent of Africa because they will always say, America, you say you abhor apartheid

but you have not been willing to combine your rhetoric with your practice.

□ 1510

I believe that this amendment combined with title III provides an excellent opportunity for us to disassociate ourselves from the financing of apartheid. Whether we like it or not, every new U.S. investment that goes into South Africa is providing the economic underpinning of apartheid, and it is an absolute contradiction for us to say that we are opposed to apartheid, but yet we will continue to invest in and provide the economic strength so that it can continue to oppress.

The CHAIRMAN pro tempore. (Mr. DE LA GARZA). The time of the gentleman from Pennsylvania (Mr. GRAY) has again expired.

(By unanimous consent Mr. GRAY was allowed to proceed for 2 additional minutes.)

Mr. GRAY. I hope that the Members of this body will support this amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I certainly want to compliment the gentleman from Pennsylvania. I think his amendment is an excellent one and it is a fair one and it is long overdue.

I remember way back in 1958 in college, in the University of Minnesota, of trying to get this type of an amendment through the Minnesota area with public funds. So I think what you are doing is very fair. It is long overdue and I do hope that we would all move forward as fast as possible to ratify it and get it as a part of the law.

Mr. GRAY. I want to thank the gentlewoman from Colorado (Mrs. SCHROEDER) because I know she would like to be informed that Minnesota was one of those States that significantly passed legislation to divest itself of public funds held in those doing business in the Republic of South Africa.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I thank the gentleman for yielding.

I would like to join in support with my colleague. The Foreign Affairs Committee and two separate subcommittees have held hearings on this particular subject.

I think it is important to note that the symbolic nature of this act is as important as the substance. Indeed, it does set us apart from the Government of South Africa. In some instances it is clear the United States is not doing enough in every country around the world to oppose racism, oppose policies that oppress peoples. But that cannot be the argument to stop us as we move forward to develop a better record in fighting these kinds of policies.

So I want to applaud my colleague from Pennsylvania for his efforts and hope that the House passes this amendment.

Mr. GRAY. I thank the gentleman and I yield back the balance of my time.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise to commend and pay special tribute to the gentleman from Pennsylvania (Mr. GRAY). He has persevered with an enlightened and reasonable approach resulting in the amendment he offers which heralds the beginning of a solution to a difficult and objectionable situation existing in South Africa.

Mr. Chairman, I urge my colleagues to approve the Gray amendment to prohibit new investments by American firms in the Republic of South Africa. Adoption of this amendment by the Congress will send a strong and clear message to that nation that the United States will not permit new American investment that only serves to prop up the doctrine of apartheid maintained in the only nation in the free world where racial segregation and oppression are legally decreed.

This is a fair and reasonable method to demonstrate our opposition to the cruel and repugnant doctrine of apartheid. As we know, U.S. investment in South Africa is massive—we are the second largest source of foreign investment. More than 300 U.S. subsidiaries are operating in South Africa, with investments totaling $2.6 billion. This amendment does not represent a change in our commitment to international free trade, however. It does not require withdrawal of current investments or liquidation of existing holdings. Nor does it prohibit the reinvestment of profits earned by firms currently doing business in South Africa.

What this amendment does do is ban future investment in a country where a white minority subjects its 80 percent majority of nonwhite population to lives of degradation, forced labor, separation of families and the loss of dignity and hope for the future. As a nation committed to racial equality and human rights, we can no longer justify increasing American investment to nourish the economic growth of a regime that denies a majority of South Africans the right to participate fully in the social, political and economic life of that nation.

Enactment of this amendment will not immediately end apartheid. But it will send a forcible notice to South Africa that America's economic support cannot be used to strengthen the doctrine of apartheid, while preserving the opportunity for negotiations to bring about a peaceful change. In applying sanctions to some 18 other countries, we have defined our Nation's values and demonstrated our commitment to act against political or economic oppression. I urge support of this amendment as a restatement of our dedication to basic human rights. And as the gentleman from Pennsylvania has already so eloquently stated, its time we squared our deeds with the rhetoric that we have been used to around here.

Mr. SOLOMON. Mr. Chairman, I rise to speak in opposition to the amendment.

Mr. Chairman, as the ranking minority member of the Subcommittee on Africa of the Foreign Affairs Committee, I do rise in opposition to the amendment and I do so for two reasons.

Mr. Chairman, first, this amendment, which is very far-reaching in its implications, did not come before the Africa Subcommittee for review during this Congress. Because only two of the nine members who currently serve on the Africa Subcommittee served on that subcommittee during previous Congresses, I think we all would have benefited from having this issue come before the subcommittee for the kind of investigation and analysis that it certainly deserves and I agree it does deserve that kind of analysis.

I also understand that this amendment did not come before the Banking Committee this Congress. I am sure that there are members on that committee who would have appreciated receiving the kind of information that is gleaned from holding hearings which we all know are valuable.

My second reason concerns the misgivings I have about the substance of the amendment itself. Whatever the Members of this House may think about the administration's policy of constructive engagement and which I strongly personally support in dealing with South Africa and related issues, I would pose this question: Does disengagement hold any more promise?

My concern is that this amendment may have the ironic effect of hurting the very people it is intended to help, and I am certain the gentleman from Pennsylvania, Mr. GRAY, the sponsor of the amendment, does not want to hurt those people.

Let us not kid ourselves, this first step, a prohibition on any new American investment in South Africa, is really a prelude to outright disinvestment. And also let us make no mistake, the first persons to bear the brunt of this action will be the black people of South Africa.

A ban on new investment, or even a total disinvestment, will not so much strike a mortal blow at the South African economy as it will, in fact, make

life much more difficult for the many people who are struggling along at the margins of that economy. And the issue extends beyond the borders of South Africa itself to include the other countries in the area, who find themselves, particularly in this period of regional drought and worldwide recession, with national economies that are closely interrelated with that of South Africa.

I can only conclude by making the same plea that I made before the Africa Subcommittee several weeks ago. Let us avoid the temptation of posturing in front of domestic constituencies here in the United States, a safe distance from the South African conflict. And let us put the needs of all people in southern Africa uppermost in our consideration.

I believe that can best be done by a continuing American involvement with the private sector in South Africa. Working within the framework of the Sullivan principles, American business has a vital role to play in South Africa. I trust that we will not hinder these efforts.

Now let me, Mr. Chairman, talk about constructive engagement. Let me recall a conversation that I had with Mr. Mugabe, head of the Zimbabwean Government, when I was there not too long ago. At the urging of some of our delegation, Mr. Mugabe was being urged to come out against constructive engagement, against the policies of the United States. And he did so reluctantly.

After he finished telling us why he did not think it was working, I engaged him in a colloquy and we talked about the constructive engagement policy that Zimbabwe has with South Africa, and certainly Zimbabwe is not a supporter of apartheid in any way. For your information, that is the former country of Rhodesia. Certainly they would have nothing to do with apartheid, with prolonging or promoting it in any way.

Yet, by the admission of Mr. Mugabe, Zimbabwe does about 30 percent of its total trade directly with South Africa, with the South African economy.

Not only do they do 30 percent of their trade directly with them, but 80 percent of their total trade goes through South Africa to other countries, and I said—I will yield to my distinguished colleague when I have finished—I said to Mugabe: "Is this not a form of the constructive engagement?" And Mr. Mugabe looked me in the eye and he said, "Congressman, yes, it is, but we do it as a matter of survival." I said, "Oh, Mr. Mugabe, let me say this to you: Between South Africa and Soviet Russia, those two countries control about three-quarters of the world's strategic metal supply and industrial metal supply; strategic metals dealing with the national security of our country and industrial metals meaning American jobs." And I also said, "What would happen if we let constructive engagement go down the drain and we let the Russians come in and dominate South Africa and all of southern Africa, where would that leave the United States of America?" It would mean Russia then would control 75 to 80 percent of all these precious metals.

So I said, "Mr. Mugabe, maybe we do it for survival, too."

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. SOLOMON. Mr. Chairman, Mr. Mugabe had no answer to that, because he knew that I was right.

You know, I know that we all want to do what we think is right, and I certainly do not question the motives of the sponsor. I agree with Congressman KEMP that Mr. GRAY has been a leader in the efforts of human rights and against apartheid. It is a question of what we are doing is working and the worst thing in the world that we can do for the black people in South Africa is to ruin the economy of that country, because they are the people that will suffer.

That is why I am up today on my feet opposing the gentleman's amendment, even though I know he is sincere in offering it.

I think if this issue does have merit to it, we ought to bring it back to our subcommittee. I am sure that the chairman, Chairman WOLPE, and myself would be more than glad to hold hearings. The ranking member and chairman of the Banking Subcommittee would be more than willing to hold hearings. Those hearings would be for the purpose of informing Members of Congress, of which there are about 35 percent new Members serving today over last year's Congress, so that they would know what we are doing before we deal with such a terribly, terribly important issue as this.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman.

Mr. GRAY. I thank the gentleman for yielding.

Mr. Chairman, let me just say to the gentleman that there are several assumptions that he has made which therefore led to an incorrect conclusion. First of all, he says that South Africa and Zimbabwe trade with one another, and thus that is a reflection of a constructive engagement policy.

What needs to be pointed out to our colleagues here is that that trade is based upon the fact that all of the transportation routes in Southern Africa were built during the colonial period. They originate in South Africa and move upward. Thus, simply because the Zimbabwe Government has only one way to ship their goods out, that is through the railroad that leads through South Africa, I would not make the conclusion that Mr. Mugabe and Zimbabwe are supportive of the apartheid government and claim that it is constructive engagement.

We have to recognize that most of the transportation routes throughout Africa were established before those nations were in existence. And, therefore, Mozambique—in Mozambique, you have an interesting situation where there is a powerplant that is located miles inside of Mozambique but all of the power that it generates is not used in Mozambique but it goes to South Africa. Why? Because when it was built years ago, it was built for South Africa by the colonials.

So to assume that simply because there is trade between Zimbabwe and South Africa, that is a constructive engagement policy, I think overlooks those facts.

Second, the gentleman mentions that I am trying to help certain people.

Well, I do not think he is aware of who I am trying to help. I want to make it very clear to my colleagues and to all of the people in this great Nation I am not trying to help anyone but the United States and the people of America to have a correct foreign policy where, on the one hand, we are not saying, "Let us light a candle for those oppressed in Poland," and then turn our backs against those who are oppressed in South Africa. That is a contradiction.

The CHAIRMAN. The time of the gentleman (Mr. SOLOMON) has expired.

(On request of Mr. GRAY and by unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. GRAY. Will the gentleman yield further?

Mr. SOLOMON. I yield to the gentleman.

Mr. GRAY. So if the gentleman is implying that my amendment seeks to help someone in South Africa, I want to point out that my amendment is seeking to put America on a right foreign policy course so that we will have the ability to bring about change in that region and be a broker, not simply be seen as the ally and financier of apartheid but also one who really cares about the values that we preach.

Third, I would point out to the gentleman, as he mentioned strategic materials, that my amendment, as the gentleman knows, if he read it carefully, does nothing to affect our ability to get the chrome, to get the titanium or any of those strategic materials, at all.

It does not impact on export-import trade, and thus it is misleading to sug-

gest that there is a strategic danger to this country's security interests.

And, finally, I would point out to the gentleman I have been to Zimbabwe on several occasions. I met with Mugabe. I would point out that the last time Mr. Mugabe was here, which was since the gentleman's visit, I believe, he called for the United States of America to live up to its principles and values and show the same kind of policy toward South Africa that we have shown toward Poland, toward Cuba, toward Vietnam, and toward Cambodia. So that in Africa and in all of the developing nations of the world this country will have credibility and thus when we speak people will know that we stand for what we say.

I would just simply point that out to the gentleman from New York.

□ 1530

Mr. PHILIP M. CRANE. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

Mr. Chairman, first, let me congratulate the gentleman from Pennsylvania (Mr. GRAY) for the intent of his legislation. However, I share the concerns of my colleague from New York over the consequence.

Back in 1975, I and about half a dozen other colleagues from this body traveled to South Africa. We met with people from every walk of life, including black leaders, Indian leaders in Durban, and white leaders who were opposed to the policy of apartheid in that country.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(At the request of Mr. PHILIP M. CRANE and by unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. PHILIP M. CRANE. What the black leadership told us at that time—and two of those gentlemen are still serving in this body, the gentleman from New York (Mr. LENT) and the gentleman from Virginia (Mr. WHITEHURST), who can vouchsafe for the statements I am making at this time—the black leaders we spoke to as well as the Indian population in Durban, all certified to the fact that if you injure South Africa economically, they are the first ones who are going to be laid off. They added that the best thing that can happen is increased economic growth in the country because with that growth the South Africans are dependent upon increased numbers of blacks and Indians, as well, for jobs in their economy, as well as promotions to more responsible kinds of jobs. And at the university in Durban, the Indian population is training people for increased managerial positions in their economy and they have been getting those positions to the degree the economy has flourished.

Now, reference was also made to the Cabora Bassa Dam, up in Mozambique. I visited Cabora Bassa back in 1974. That project was financed by the South African Government, but the Government of Mozambique is a beneficiary of it in terms of the moneys that they garner from producing electricity there.

Mozambique and South Africa could not be more opposed ideologically. And there are antagonisms over the question of apartheid, too.

A wide range of complexities should be thoughtfully examined before reaching a decision on this issue. In the absence of appropriate hearings on this matter, to truly determine who is going to be helped and who is going to be hurt, we should not proceed.

Some of those other parties in southern Africa who do business with the South African Government, and that includes black labor coming out of Mozambique should be consulted.

I really think this is a much more complicated subject than it appears and I think the gentleman from New York stated the proper position we should take very effectively.

For those reasons, I think the amendment should be defeated.

Mr. SOLOMON. Mr. Chairman, if I could reclaim my time, the gentleman has brought out a very valid point. Even though Mr. Mugabe when he was here had just voted against the United States by sustaining on the Korean airliner situation—which riled me no end—he was here for a handout for further foreign aid to his country.

And the point the gentleman is making is that if this amendment creates a further financial problem in South Africa which really controls the economy of all of southern Africa, it means that we are going to be put in a position of having to shell out more and more money to help those people who are going to need the help.

That is why we are all trying to accomplish the same thing, but we are trying to go about it in different ways. And that is why I respect the gentleman from Pennsylvania (Mr. GRAY) in his position, but I would hope that the gentleman would also respect ours and at least give us a chance to have the hearings on this issue.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Washington (Mr. PRITCHARD), a member of the committee.

Mr. PRITCHARD. I thank the gentleman from yielding.

Mr. Chairman, it is a rare occasion when I get up and oppose my subcommittee chairman, the gentleman from New York (Mr. SOLARZ).

Let me just say, leaving aside the issue of South Africa, this measure was brought before this body to do something about our ability to put American goods overseas and increase our exports. And we know it is vital to the economy and health of this Nation.

Now, I am perfectly willing to help get this issue before this body, help get it through the Foreign Relations Committee.

I think you can make a good case on both sides.

What I am fearful of is that you are going to put this measure on the export bill and you are going to have the whole thing sink. And I do not think the Members want that to happen.

So I would plead with my colleagues that you set this measure aside. Let us get this export bill though. I know the gentleman from Washington (Mr. BONKER) has worked long and hard on it. His liberal credentials are as good as anybody's in this Chamber and no one has been more concerned with human rights than DON BONKER. And I just think that we ought to follow his leadership. Let us get this export measure through, help the movement of American goods overseas and then I know that many of us will join together and get this measure before the body. We will have hearings. Let us take it on separately where it can get proper attention.

So I would hope we would set it aside. I think it is in the best interests of this country.

Mr. SOLOMON. Mr. Chairman, I yield back the balance of my time.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Gray amendment. It would prohibit new investment in South Africa by American firms and individuals until the human rights situation significantly improves.

South Africa today practices a deliberate, legally imposed Government-supported system of institutionalized racial discrimination.

This system of apartheid is alien to everything that our great Nation stands for. It is repugnant to the American ideal of freedom and of justice. And it violates the common principles of all free people around this globe.

Should we adopt this amendment in the House of Representatives, we will send a message to Pretoria. To the Government of South Africa we will say the United States will not finance indirectly or directly a system alien to our own beliefs and values. To the whites who support apartheid, we will say we cannot count on American financial support any longer. To those whites who have so courageously stood against apartheid, we say that this body commends them for their courage and for their vision.

Mr. Chairman, what we intend to do here is to help the United States. Africa is a vast continent with a vast potential for human development, for economic progress, for political cooperation, which can be mutually beneficial to our Nation as well as theirs.

It is in the best interests of the United States to pass this amendment to support the Gray amendment because it will help our security interests while supporting American values.

The system of apartheid is a relic of a colonial history. The Gray amendment opens the door to a future for Africa and to better relations for those of us in the United States.

Mr. SOLARZ. Mr. Chairman, I want to thank my very good friend from Arkansas (Mr. ALEXANDER) for adding his most eloquent voice to those who have already spoken in favor of this amendment. Having his support for this cause means a good deal to all of us who have been working so hard on its behalf.

I rise in support of the amendment offered by Mr. GRAY which builds upon title III of the bill which requires U.S. firms with more than 20 employees to follow a fair employment code, bars new bank loans to the Government of South Africa except for health, education or housing facilities accessible and available to all South Africans, and ban the importation of the kruggerrand or other South African gold coins to the United States after the effective date of the act.

Mr. Chairman, if I might, I would like at this point to clarify a misprint which appeared in the committee report on H.R. 3231 which seemed to imply that existing gold contracts would not be affected by this legislation. Let me make it perfectly clear that the intent of the legislation as reported by the committee is to bar any import of the Krugerrand or other South African gold coins from the effective date of the legislation.

Today, I want to pay a very special tribute to my very good friend and colleague, a distinguished Member from Pennsylvania (Mr. GRAY). He has demonstrated that one Member, cloaked in the armor of right and righteousness can really make the difference in terms of what we do in this Chamber.

We are on the verge of passing an amendment which virtually everyone would have said, just a few months ago, could probably never be passed. And the fact that we have gone as far as we have is a tribute in large measure to his untiring and indefatigable efforts on behalf of this amendment.

He has spoken not only publicly, but privately, to literally dozens and dozens of Members of this House in order to muster support on behalf of this proposal.

And I think that not only his colleagues in the House, but the people of this country, and the millions and millions of black Africans and white South Africans, who share their opposition to the apartheid system owe him a great debt of gratitude.

Some of our friends on the other side of the aisle have said that it is inappropriate to bring this legislation before the House in view of the fact that no specific hearings have been held about it during the course of the current session of Congress.

Let me say in response to that otherwise reasonable argument, that as the former chairman of the Subcommittee on Africa, before there was a peaceful transfer of power to my very good friend from Michigan (Mr. WOLPE)—there were no coups here—we followed all of the normal electoral procedures, that in the course of the last session of Congress, we held 3 days of hearings on this legislation. We heard testimony from about a dozen witnesses, representing the administration, representing the academic community, representing labor, representing business, representing groups in the private sector. Prior to those hearings, on this legislation we held close to a dozen hearings on the situation in South Africa. Here they are. They are available and have been available to each and every Member of the House.

□ 1540

I predict that over time there will be at least a dozen doctoral dissertations written about the history, politics, and economy of South Africa on the basis of these hearings. Since those hearings have been held, nothing fundamentally new has happened in South Africa that would in any significant way alter the judgments that led to the proposal of this legislation.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(On request of Mr. WOLPE and by unanimous consent, Mr. SOLARZ was allowed to proceed for 3 additional minutes.)

Mr. SOLARZ. I thank the gentleman for getting me this additional time.

Mr. Chairman, I might say that when we held hearings on this legislation, we also marked it up, and it was reported out by an overwhelming vote of both the Subcommittee on Africa and the Subcommittee on Economic Trade. It was not, unfortunately, taken up in the full committee, but that was only because time ran out and the session came to an end.

So I think this legislation has been adequately considered. It certainly has been carefully considered. It poses fundamental questions with which I think most Members of the House in any case are fully familiar.

We have heard from some of our other friends on the aisle that if the day ever came when the Soviet Union took control of South Africa that this would pose a serious threat to American interests in that region and around the world. Let me say that I share to some extent those concerns. I do not want to see a pro-Communist or pro-Soviet Government come to power in Pretoria, but I say to my friends who have raised that argument that with every day that the apartheid regime remains in power in Pretoria, the chances for just such an eventuality increase geometrically.

We are paying a very heavy price for our identification, notwithstanding our protestations concerning our opposition to apartheid with this regime. The fact of the matter is that the great majority of blacks in South Africa, not to mention countries throughout the rest of the continent, believe that we are, at best, indifferent to apartheid and, at worst, supportive of it. We need legislation like this in order to send a strong signal to the regime in Pretoria that we will not continue to conduct business as usual with them, so long as they maintain their apartheid policies. We are sending a strong signal to the black majority in South Africa, which sooner or later, inevitably, will come to power in that country, that we were on the side of change rather than on the side of the status quo.

I think this is a very carefully drawn and prudent piece of legislation. It does not prohibit trade between the United States and South Africa. It does not require disinvestment on the part of the 350 American firms doing business there. It does not even prohibit those firms from reinvesting whatever profits they may make in South Africa itself.

All this legislation does is say, that from the date of the enactment of this legislation, there shall be no further new investment in South Africa.

Now, why is that prudent? It is prudent, first of all, because it sets a limit on increasing American investment in a country with one of the most volatile political situations in the world. I hear a lot of my colleagues in the House complaining about the imprudence of many American banks that were pouring good money after bad into many of these Third World nations that now appear unable to repay their loans.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has again expired.

(On request of Mr. BONER of Tennessee and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. I have heard dozens of Members ask why, particularly in retrospect, these banks were not more prudent in extending loans to countries that now appear unable to pay them back, thereby jeopardizing their financial solvency.

I say to my colleagues in the House that this is a prudent limitation because South Africa is like a volcano waiting to explode. I hope that day never comes. I hope there can be a peaceful transition in South Africa. I think we have to do everything we can to bring it about, but we have to recognize that the prospects for a cataclysmic confrontation of people in that country are very great and should it come, American investment there will objectively be jeopardized.

So, I think this is prudent to place a limitation on our economic exposure in South Africa. It is also prudent in another sense. We clearly have a long-term interest in maintaining a constructive and productive economic relationship with South Africa. But our ability to do so, when the day comes that the racist regime in Pretoria is no longer in power, may very well be compromised if, in the interim, those who will eventually be in a position to determine the destiny of that country come to the conclusion that we helped those who were attempting to thwart their legitimate aspirations to be in a position to exercise the same rights as all of the other people in their country.

Mr. Chairman, in conclusion I want to say that there are some who have said that it is not the responsibility of the United States to choose between black and white in Africa. The choice that confronts us in South Africa is not between black and white. There are, after all, many whites in South Africa who are just as opposed to the apartheid system as the blacks. The choice that confronts us in South Africa is the choice between right and wrong, between justice and injustice, between decency and indecency.

In the context of that choice, this amendment offered by the gentleman from Pennsylvania (Mr. GRAY) puts us on the side of right, on the side of justice, on the side of decency, while at the same time serving the long-term interests of the United States in maintaining access to South Africa and containing the spread of communism on the continent.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words.

Mr. BONER of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to my colleague, the gentleman from Tennessee.

Mr. BONER of Tennessee. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, for the last 3½ decades, the white minority Government of South Africa has instituted and maintained a policy of racial repression known as apartheid. This policy denies and refutes the civil, political, and human rights of more than 22 million blacks in South Africa. This policy must be denounced by all people who strive to uphold the basic rights of all human beings.

The elimination of apartheid is an international responsibility. Clearly, the United States should take a leadership role in promoting these efforts. To do anything less, either in words or deeds, would be contrary to the American principles of guaranteed human rights and self-determination.

But the time for words alone has passed. South Africa has remained unmoved by the world's outrage against its system of apartheid. Protests against detentions without trial of black workers have gone unheeded. Forced removals of thousands of black men, women, and children to the so-called homelands have accelerated. The second-class treatment of millions of black South Africans has persisted with no indication that the Government is interested or willing to change its policy.

The South African Government must be shown that it is not immune to worldwide condemnation. The amendment before us today will remind that Government that the United States will not tolerate its indifference to human suffering and the continued violation of the fundamental rights of its black citizens.

For too long, quiet diplomacy has been the basis of our policy toward South Africa. Yet the only thing to come of this quiet diplomacy is a twentyfold increase in U.S. direct investments in South Africa since 1950. These investments have played a significant role in providing support to the economy of South Africa. That economy, in turn, provides support for the maintenance of apartheid.

The Gray amendment is an important step toward reversing that increasing trend in U.S. investments. Specifically, it directs the President to develop regulations prohibiting new investments in South Africa. Such a prohibition is a clear and unequivocal statement that American investment will no longer provide the economic underpinning for apartheid in South Africa.

I urge my colleagues to turn quiet diplomacy into forceful action—action that will begin the end to apartheid.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am glad to yield to my colleague, the gentleman from Louisiana.

Mr. LIVINGSTON. I appreciate the gentleman yielding.

Mr. Chairman, I rise in support of the Gray amendment, of which I am a cosponsor. I have added my name to this amendment because I firmly believe the time has come for some affirmative expression to be made by this Nation in opposition to continuing enforcement by the South African Government of their policy of apartheid.

South Africa has been a long-standing ally of the United States. Our people are of common heritage, and I have no desire to drive a wedge between them. They are our friends, and friends should always support each other when they are right. But to be true friends, they must also feel free to speak up when one believes the other to be wrong.

Apartheid is indeed wrong, and the United States has been silent about that fact for too long. Wrongs are not rectified by silence, so we should be silent no more. We should voice our objections to this harmful and wrongful policy of our friends, and we should convey to them that we have the strength of our convictions. Apartheid cannot be tolerated in a free society. Survival of the human race depends on human beings learning to live together in openness and in freedom. They can only do so if all people of whatever ethnic or cultural heritage respect the rights of their neighbors to peacefully coexist in harmony and equality.

For this reason, I have decided to lend my name to the amendment offered by the gentleman from Pennsylvania (Mr. GRAY). I believe it is a positive attempt to express to our friends in South Africa the feeling that while we regret that apartheid has continued for as long as it has, we cannot change what has been, or what is, today. But we can change the future, and so I believe that the gentleman's amendment, being prospective in nature, is well motivated and well directed.

□ 1550

Notwithstanding other provisions in this bill which I oppose because of their retroactivity, the amendment offered by the gentleman from Pennsylvania (Mr. GRAY) directs the President to issue regulations prohibiting Americans from establishing businesses in South Africa prospectively. It gives him the power to enforce those regulations until such time as he can certify that South Africa has made progress against apartheid, and until Congress concurs in that certification by passage of a joint resolution.

As noted earlier, I do not agree with those who would penalize the people of South Africa or, for that matter, U.S. individuals and businesses who do business with South Africa for what has happened in the past. I do not agree with the provisions of title III in the bill which would overturn ongoing economic transactions, mandate restrictive employment standards for businesses currently operating in South Africa, revoke outstanding private U.S. bank loans to the South African Government, and ban the sale of Krugerrands in the United States today.

However, a statement should be made, and it should bear some practical application to the objectionable conduct beyond mere symbolism. This amendment is intended to cut off all future transactions beyond maintenance of ongoing trades with South Africa until the policy of apartheid is changed. Persons or companies who have negotiated in good faith with individuals or with the government in South Africa will not lose their investment as a result of this amendment, so long as their transactions are consummated within a reasonable period of time following the passage of this provision.

Mr. Chairman, the gentleman has been most lenient with his time. I had intended to engage the gentleman from Pennsylvania (Mr. GRAY) in a colloquy, but I do not want to impinge on the gentleman's time unless he would yield further, and I would be happy later to ask unanimous consent for 5 additional minutes for the gentleman.

Mr. WOLPE. Mr. Chairman, I would be pleased to yield to the gentleman, but first let me say that I want to congratulate the gentleman from Louisiana (Mr. LIVINGSTON) for his most forceful and eloquent statement.

I think one of the most encouraging aspects of the amendment that is before us right now, the amendment offered by the gentleman from Pennsylvania (Mr. GRAY), is the bipartisan support that it has generated in recognition of the national interests that are involved in this important issue before us.

Mr. Chairman, I am pleased to yield further to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman's statement, and I appreciate also his yielding further.

At this time, Mr. Chairman, if I may engage the gentleman from Pennsylvania (Mr. GRAY) in a colloquy, let me ask this:

Am I correct in saying that the gentleman's amendment does not terminate or prohibit the continuation of existing economic relations between South Africa and American companies?

Mr. GRAY. Mr. Chairman, will the gentleman from Michigan yield?

Mr. WOLPE. I yield to the gentleman from Pennsylvania.

Mr. GRAY. Mr. Chairman, the gentleman from Louisiana is absolutely correct. My amendment does not prohibit a continuation of existing economic relations with South Africa.

Mr. LIVINGSTON. Is it also correct to say that this amendment is intended to mean that people or companies now negotiating with South Africa to establish businesses will not be precluded from starting those businesses?

Mr. GRAY. Mr. Chairman, I would say to the gentleman from Louisiana that the amendment is quite clear in that it prohibits any new investment in South Africa. However, the President is required to promulgate recommendations implementing this provision within 90 days of enactment, and thus any business currently negotiating with the Republic of South Africa would be able to consummate its present plans up to the final regulations being enacted and implemented.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman.

Finally, let me ask one further question.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WOLPE) has expired.

Mr. GRAY. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. WOLPE) be allowed to proceed for 3 additional minutes.

The CHAIRMAN. The Chair had understood that the gentleman from Louisiana (Mr. LIVINGSTON) was going to ask for 5 additional minutes for the gentleman from Michigan (Mr. WOLPE).

Does the gentleman make that request?

Mr. LIVINGSTON. I make that request, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana (Mr. LIVINGSTON)?

There was no objection.

Mr. LIVINGSTON. Finally, Mr. Chairman, if the gentleman will yield further, I would ask the gentleman from Pennsylvania (Mr. GRAY) if it is his intention only to curtail future businesses which are not either in operation or in the process of negotiation?

Mr. GRAY. Mr. Chairman, the gentleman is absolutely correct.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman, and I urge my colleagues to support the Gray amendment because it demonstrates our opposition to apartheid without invoking sanctions against ongoing business activities. Such a signal is indeed long overdue, and I thank the gentleman from Michigan (Mr. WOLPE) for his tolerance and for his yielding to me at this time.

Mr. WOLPE. Mr. Chairman, I thank the gentleman for his very important contribution.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I wish to engage in a short colloquy, if I may, with the gentleman from Pennsylvania.

I just wish to point out to the gentleman that this is the correct approach, in my opinion. It is a reasonable approach, and the gentleman is going after something in a moderate, correct manner. I just want to relate to the gentleman, as I mentioned briefly a few moments ago, that this whole subject is one that affects us, I think, in more aspects of our national stature than we initially thought.

I had occasion to be speaking with a group of captains at Fort Benjamin Harrison just a few weeks ago, and among these captains were several from other nations. In the question-and-answer colloquy, one of the questions put to me by a young man from Botswana was on this very issue.

I am pleased to say that I, of course, gave him the positive answer to his thoughts at that time. So our relationship with other countries in a military stature, oddly enough and as foreign as that seems, really is touched by this subject.

Mr. Chairman, I congratulate the gentleman for this amendment, and I think it is the right way to go.

Mr. GRAY. Mr. Chairman, if the gentleman from Michigan will yield further, I want to thank the gentleman from Missouri (Mr. SKELTON).

I think it is very, very clear that when we look at this amendment, we can see that it is a minimal, modest approach which clearly says that we are not going to finance apartheid in the future. It does not affect our export-import trade. It has provisions to exclude the 300 subsidiaries that are there.

I would point out something else. As the gentleman learned from his experience in talking with those from southern Africa. I remember when I went to South Africa a few years ago on my first trip that I met with corporate executives, and one particular executive worked for IBM. He was black. I asked him in the American consulate office to give me his view on what America was doing, and he reminded me—and this is what some of us here do not realize—that if any South African, not just black, but even if a white South African, suggests any kind of limitation or sanction, that is considered sedition and treason.

I said to him, "I was not aware of that."

He said, "I would rather not talk to you here. That's all I can say."

Later on, out in the street, he said to me, "You remember the question you asked?" And he gave me the answer. He said, "Even though I work for an American corporation, I would hope that you would do something to disassociate yourselves from apartheid, because you are only talking about something like 70,000 black South Africans out of a work force of over 3 million." And he said to me that he thought that unless we did something, it would be interpreted as our support.

I said to him, "Why didn't you speak to me like this in the consulate office? No one was there, just the two of us."

He looked at me and he said, "Because I don't know if it's bugged."

This is someone who, in our consulate office, is afraid to speak the truth and stand up for the values that we believe in because he is afraid that even there his words would be heard and he could go to jail.

Then I remember, in conclusion, when we left with the majority leader JIM WRIGHT, at the airport another South African came up to me to say goodby. He had been one of the young men working at the embassy. He happened to be black, and he embraced my wife and he embraced me and he cried and he said, "Do something. We need your help."

For anyone to suggest that this amendment in its modest approach is in some way going to hurt the majority in that country is really just trying to avoid the issue, and that is whether or not we are going to do something today that sends a signal to South Africa that we are not going to finance it.

And, interestingly enough, particularly for my friends who are conservative, let me add this.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WOLPE) has again expired.

(On request of Mr. DOWNEY of New York, and by unanimous consent, Mr. WOLPE was allowed to proceed for 5 additional minutes.)

Mr. GRAY. Finally, Mr. Chairman, if the gentleman will yield further, I conclude by saying that not too long ago I was in the Soviet Union. I was the only elected official who was there when the Korean airliner No. 007 was shot down and there were also human rights problems there. For those Members who are worried about the other communion, let me say that I remember meeting with some refuseniks, Jews, who were being oppressed because of their religious beliefs. I remember one of them saying to me as I left, with the same kind of tears in his eyes, "Please keep trying. You're the only hope we have."

□ 1600

All I am simply saying is that we as a nation must stand up for freedom and justice, not only in terms of the Soviet Union, not only in terms of Poland, but in terms of South Africa as well, and this amendment is a modest approach to do that.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield further, I thank the gentleman for his colloquy and again commend him for being on the right track.

Mr. WOLPE. Mr. Chairman, I want to begin, first of all, by offering my own personal tribute to the gentleman from Pennsylvania (Mr. GRAY) and also to the gentleman from New York (Mr. SOLARZ) for the tremendous leadership that they have provided on questions relating to southern African policy for several years in this Congress.

There is probably no subject that is more difficult for Members of Congress to deal with than the subject of South Africa, for two reasons. First of all, Africa is very distant from the experience and from the awareness of most of our constituents. Despite the fact that America has increasingly vital economic, strategic, and political interests in the continent, there is still very little that is known about the continent or about the region of southern Africa.

Second, in addition, whenever we talk about South Africa, all of our own experience with race comes to the foreground and it is a very emotional and difficult subject to attend to. So I commend the gentleman from Pennsylvania (Mr. GRAY) and the gentleman from New York (Mr. SOLARZ) for the work they have done over the past several years.

Mr. Chairman, there is no question with which the Subcommittee on Africa has been more intensively involved than the question of southern African policy, precisely because American interests are so intimately involved with that region. We have had not only many, many hearings, but we have also had a markup session in the last session of Congress that recommended approval of the Gray amendment. In addition, I and a number of my colleagues have traveled to the region on several different occasions, on one occasion to South Africa itself.

There are really two or three points that I want to share with my colleagues with respect to what we have learned in the course of those hearings and in the course of our conversations in Africa. First, it is important to understand that the situation in South Africa is rapidly deteriorating. I want to emphasize that, because some of the remarks that were made previously seemed to suggest that there is a fairly stable situation in South Africa. Nothing could be further from the truth.

The situation is deteriorating. Over the past 3 years, there has been a radical intensification of domestic repression. In 1981 alone, over 300 trade union leaders and members were arrested. People are once again dying in detention. We have seen the acceleration of the forced removal of blacks from the urban areas back to the so-called homelands or Bantustans. In every respect, the situation in South Africa itself has become more repressive in the past 3 years.

By the same token, not only is there intensified repression within South Africa itself, but South Africa is now engaging in a pattern of systematic aggression against virtually all its regional neighbors. As we speak this afternoon, South Africa is occupying Angolan soil. It has attempted to destabilize the Government of Zimbabwe and has sent troops into Zimbabwe. It is supporting a dissident movement in the country of Mozambique. It has tried to overthrow the Government of the Seychelles. It has launched brutal raid into the countries of Lesotho and Mozambique.

Now, that particular pattern of regional aggression by South Africa and the pattern of intensified repression inside South Africa form the context of the debate that is taking place at this moment.

This is the second point that needs to be understood: For the first time, the United States is directly implicated in these developments. That is what we learned by our conversations in Africa. For the first time, the United States is viewed as aiding and encouraging those activities.

Now, this may not have been the intention of anything that the United States has done.

The CHAIRMAN pro tempore (Mr. YATES). The time of the gentleman from Michigan has expired.

(At the request of Mr. SOLARZ, and by unanimous consent, Mr. WOLPE was allowed to proceed for 5 additional minutes.)

Mr. WOLPE. But the fact of the matter is that the various kinds of new liberalized relationships that now exist with South Africa in the form of trade, more quiet diplomacy and the like, have had the consequence of communicating to the entire continent the view that the United States is now making a new accommodation with apartheid. That may not have been the intent of the initiatives that have been taken these past 3 years, but that is clearly their consequence.

In the eyes of Africans, not only in the region, but throughout the continent, the United States is engaged in a new kind of alliance, one that I know Members of this institution would not want to sustain. That is not a perception that we want to communicate to the Africans, and yet it is a perception that has emerged, and that has been reported to us by African leaders, by whites who are opposed to the system

of apartheid within South Africa, and by government leaders throughout the continent.

My third proposition is simply that it is not in America's national interest to allow those perceptions to continue and that is what is at stake here.

The amendment of the gentleman from Pennsylvania (Mr. GRAY) would state unmistakably, so there can be no ambiguity, that we are no longer going to verbally condemn apartheid and then engage in business as usual as we have been doing for so long.

We are going to make clear that the U.S. relationship to South Africa will be directly conditional upon what happens in that country from this point on.

We are saying, in effect, we are not going to cut relationships, but by gosh, we are not going to allow the expansion of American investment unless there is some change in the direction of the elimination of apartheid.

I would note that in the amendment of the gentleman from Pennsylvania, the President has the ability to make such a finding and thereby allow expanded investment in South Africa.

What we are trying to do in this amendment, as well as in other language contained within the Export Administration Act, is to eliminate the ambiguity that has undermined American national interests in the region and throughout the continent.

Mr. Chairman, let me make one final point. I respect the view of those that say economic links and activity is a way of encouraging nonviolent, evolutionary change inside South Africa. But I submit that, on the basis of our conversations, on the basis of what is happening in South Africa, that just the reverse is true. What we have been doing is signaling to the Afrikaners, signaling to the present South African regime, that there no longer will be any cost attached whatsoever, no matter what they do in terms of domestic oppression or in terms of their aggression within the region; so what we have done is actually, albeit perhaps unintentionally, to effectively encourage greater repression, greater aggression, and thereby greater long-term violence.

We have to get our diplomatic signals straight. We must be consistent. We must eliminate the ambiguity that is plaguing our approach to southern Africa.

The gentleman from Pennsylvania has offered a very modest effort that I think can help to redirect and reshape American diplomacy in a way that can far better save American national interests.

Mr. OLIN. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to the gentleman from Virginia.

Mr. OLIN. Mr. Chairman, I am very thankful that the gentleman is willing to yield some time.

I would just like to address the House for a few minutes on the subject of my personal experience in South Africa. I am very much in favor of this amendment. I support it with deep conviction.

My experience comes from about 10 years of being a businessman that had dealings with South Africa. My company that I used to work for had a plant—several plants—there. I was involved in exporting equipment to South Africa. I visited South Africa over a 10-year period about every 2 years, a rather extended trip. I got to know the people that live there. I got to know the black people in our plant. I got to know the so-called European people. I got to know some of the white people, both of English descent and Afrikaners.

I met with the Prime Minister, Mr. Vorster, at that time and some members of his cabinet.

I visited the township areas where the black people lived. I observed what was happening there, the fact that husbands and wives could not live together. They had to live in township areas.

I observed the fact that they had to carry identification cards, the fact that with the slightest infraction, people were suddenly missing, and this included Anglican Church people and others.

□ 1610

I investigated the situation there with regard to Americans being there, and I found out that in our plant, the black people in that plant were not allowed by law to do any work that required thinking, or the ability to read, and even though the black people could go to school, they had to pay for it.

Then I found out after a couple of visits that the economy of South Africa had increased and they ran out of white people, and so the businesses, in order to get their business done, had to put black people into jobs that did require some thinking and some learning and I thought, well, maybe this is a step forward, the administration, the Prime Minister seemed to be talking as though maybe there would be some way to work out of this problem, but then it changed.

As the gentleman from Michigan said, the policy change was severe and startling. The Prime Minister changed, and they came up with this concept of the homelands, and under the concept, every black person in South Africa, as you probably well know, is assigned to a tribe, and he is identified with a homeland area and these homeland areas are scattered throughout the country.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WOLPE) has expired.

Mr. WOLPE. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. FRENZEL. Mr. Chairman, I reserve the right to object, although I will not object.

Mr. Chairman, the quality of debate has been excellent. On the other hand, I would like to point out, we have had at least a dozen speakers in favor and only two opposed. Somewhere in the game we ought to impose a little balance.

I know the gentleman will withdraw that request, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. OLIN. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Virginia.

Mr. OLIN. I thank the gentleman for again yielding.

Over a period of time, and I talked to the Afrikaners running the country, the policy of allocating the black people to the homeland is about the last straw with regard to what is happening in South Africa. The white people have no intention of changing their policy. There is no way that people in the world can condone what is going on there.

It is an absolute horror and getting worse and with all my heart, I hope that we pass this legislation and perhaps some that is more harsh in the time to come because there is an injustice going on there, and it will not be improved by commercial investment in that country.

The black people are being hurt every day more and more. I urge support for the amendment.

Mr. WOLPE. I thank the gentleman very much for his observations and they are based upon personal experience and I wish that every Member of this body had the opportunity to personally visit South Africa. In my previous life, I used to teach African politics and thought I knew something about the subject of South Africans but I really did not and I did not realize that fact until I actually was in the country itself. It is a difficult thing to describe and you have captured the essence of South Africa's apartheid system in your observations.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. Mr. Chairman, my

colleague, Mr. GRAY, is to be commended for leading the effort to ban further additional new investment to South Africa. The Gray amendment is long overdue.

South Africa is unique among the nations of the world in institutionalizing legal, political, economic, and social oppression against the great majority of its people. The white population of South Africa constitutes less than one-sixth of that country's population. More than 20 million black South Africans have lived and continue to live under the sword. They are subject to the Terrorism Act, which permits arbitrary detention without charge or trial. They are subject to the Internal Security Act, which permits the preventive detention of individuals whom the State alleges to be engaged in antigovernment activities. They are also subject to the Unlawful Organizations Act that outlaws any association that is opposed by the Government, as well as the Abolition of Passes Act, which requires the fingerprinting and indentification of every African over the age of 16, applying only to blacks.

This amendment does not cut off existing investments in South Africa. It merely calls for a halt to any further investments. The Gray amendment is an appropriate signal to send to the investment community, to South Africa, and the rest of the world that the U.S. Congress will not support any further economic advantage to a nation whose legal and political order is so repugnant to civilized opinion.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WOLPE) has again expired.

(On request of Mr. CROCKETT and by unanimous consent, Mr. WOLPE was allowed to proceed for 3 additional minutes.)

Mr. CROCKETT. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Michigan.

Mr. Chairman, I rise in strong support of the Gray amendment.

I think further, Mr. Chairman, that at a time and on a day when the black nations of Africa are vigorously criticizing our government for what is occurring in Grenada, it is extremely fortuitous that we now on this occasion, with respect to the denial of civil rights in South Africa, have an opportunity to reassert our dedication to the principles of democracy in that country.

The provisions of the Gray amendment were extensively reviewed by two subcommittees of the Foreign Affairs Committee in May and June of 1982. As a participant in the hearings and markup on the measure, I was very pleased to find both the Subcommittee on Economic Policy and Trade, and the Subcommittee on Africa, in strong agreement with its provisions. That agreement was reflected in the affirmative voice vote by which the bill was reported out by the two subcommittees.

The Gray amendment, which would direct the President to develop regulations prohibiting new investments in South Africa by U.S. businesses and individuals, is a long overdue sanction against the most racist and oppressive Government of South Africa.

We cannot afford to carry on "business as usual" in South Africa as long as human rights violations are carried out on the scale they are by that country's apartheid system and as long as that country is actively engaged in violating the territorial sovereignty of its neighbors.

For example, last week, South African military commandos raided the Mozambiquan capital of Naputo and bombed an apartment building injuring five persons and causing substantial physical damage. This is the fourth time in 3 years that South Africa admittedly has raided a neighboring independent black African nation, killing and injuring scores of innocent people as it attempts to eliminate any opposition to its domestic policy of racial segregation and oppression.

The Reagan administration would have us believe that its so-called policy of constructive engagement with the Republic of South Africa would enable the United States to influence the South Africans to make positive changes in its domestic and foreign policy. What we see, however, is a South African Government, with a supportive American ally, taking even more reactionary and destabilizing actions in the region which cannot lead to peace. On the contrary, the South African policy of destabilization and American acquiescence will only lead to greater violence, misery and the likelihood that external forces will become involved in the regional conflict.

I would remind my colleagues that the economic sanctions we are considering against South Africa are by no means unique or unprecedented. On the contrary, we have a long record of using economic and trade restrictions as a tool of our foreign policy. The Soviet Union, Vietnam, Iran, Cuba, and other nations have been denied access to American technology, have had trade embargoes and other sanctions imposed on them, by the United States as a means of protesting violations of human rights, or as inducements to adopt more humane policies toward their peoples and their neighbors.

We can do no less now when we consider the barbarous, uncivilized behavior by the South African Government as it continues to enslave more than 75 percent of its population is the apartheid system—denying the African majority the opportunity to participate in the political social or economic life of their country.

The United States involvement in the South African economy provides a very strong support for that system. The passage of the Gray amendment in the Export Administration Act would serve to lessen our future involvement in their economic system, by halting new investments by U.S. businesses or individuals. We would begin to use our tremendous economic leverage in the same way we have used it in Europe and in other areas of the world—to seek policies of humane and just behavior.

Mr. Chairman, it is obvious to even the most casual observer that the U.S. policy of constructive government being pursued by the administration has been a failure. All carrot and no stick in dealing with a government like that of South Africa has little or no effect on firmly entrenched government and business interests. There has been no movement toward fuller participation by blacks in the government or in the business world of South Africa. On the contrary, tensions have mounted as oppression grows within that country.

It is in the interests of the United States to put our money where our mouth is in South Africa. If, indeed, we stand for the free will and human rights that have been the basis for so many of our previous foreign economic decisions, then we must take the opportunity offered today and impose these sanctions on South Africa.

I urge my colleagues to support the Gray amendment.

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. MOLINARI. Mr. Chairman, I rise in strong support of the Gray amendment.

Mr. Speaker, time has come for us to speak out and to show just how abhorrent we find the apartheid policies of the South African Government. We have seen no improvement in that Government's policies, and we must therefore pursue the options open to us to bring about change.

The fact that direct U.S. investment represents over 17 percent of all foreign investment in South Africa illustrates the leverage that we do have to make our voices heard. It is almost self-evident why we must speak out. Legal racial segregation and repression exists for 80 percent of the population of South Africa; nearly one-third of the country's black labor leaders have been jailed, tortured, or killed; the 70-percent black majority has been given a mere 13 percent of the land; a military council exists for the sole purpose of insuring the viability of the apartheid system. When one recognizes that

apartheid flourishes under a system whose economic underpinnings are supported and strengthened by our direct investment—including loans—there is only one conclusion that can be reached—we must tell that Government that we will no longer contribute to an immoral policy that blatantly ignores all precepts of basic human rights.

The amendment at hand seeks to end our economic support of apartheid without interfering with the current import-export trade between the United States and South Africa. Neither will any ongoing operations of any U.S. firm need to be divested or liquidated. Moreover, the President is given authority to end economic sanctions when he determines that South Africa has made substantial progress toward full participation of all its citizens and an end to apartheid.

I refer to the words of one of my colleagues who spoke earlier on this amendment. As a white businessman who had conducted business in South Africa, the gentleman had a unique opportunity to evaluate conditions in that country as they affect the nonwhite population. Even in his own plant he was only permitted to hire blacks to perform menial jobs. Only when a shortage of labor existed were blacks allowed to fulfill other, more substantive positions.

I believe this amendment is an appropriate vehicle for displaying the view of the Congress that business as usual with South Africa is absolutely unacceptable. As long as the existing deprivation of human rights persists, new investments in the country can only be taken as implicit support of a government completely out of touch with the values for which America stands.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I rise in strong support, as well, and wish to commend both the chairman of the subcommittee and the gentleman from Pennsylvania (Mr. GRAY) for courageous and outstanding work. This is going to be a historic moment in the House of Representatives. I am proud to be part of it.

Mr. Chairman, I rise in support of the amendment offered by my colleague which would prohibit new investment in the Republic of South Africa. We have before us a golden opportunity to signal American dissatisfaction with the pace, or lack thereof, of change in that country.

In South Africa today, 5 million white people decide the lives of 25 million black and colored people. Nearly 9 million black people have been declared foreigners in their own land and assigned to four impoverished, so-called independent, homelands. More than 3 million blacks have been shoved off white-owned lands onto desolate homelands which offer no hope of economic self-sufficiency. The daily movement of blacks and coloreds are regulated by a network of security laws which violate the most basic freedoms, which Americans hold so dear. Nearly half of all black workers are forced to leave their families in the desolate homelands while they migrate long distances in pursuit of jobs. All blacks are confined to rigidly segregated and inferior schools, housing, and social services.

After 3 years of the Reagan administration, South Africa has not modified any of these conditions. Instead, we have seen cosmetic changes and farcical constitutional reforms. Conditions have further deteriorated for black South Africans. Negotiations over a Namibian settlement have suffered from delay after delay, and have finally run into the brick wall of insistence that the withdrawal of Cuban troops from Angola be linked to a Namibian settlement. Finally, allegations of aggression from South Africa against its black-ruled neighbors in Angola, Mozambique, and Zimbabwe have increased. Most importantly for us in the U.S. Congress, our Government is increasingly identified as the protector and friend of the repressive system of apartheid. This will have disastrous long-term implications for our national security.

Congressman GRAY'S amendment is an economic sanction, and as such is a dramatic shift in America's foreign policy. The prohibition on new investment in South Africa would end, however, as soon as South Africa has made substantial progress toward full participation of all its people in the social, political, and economic life of that country, and toward an end to apartheid. American loans alone do not maintain the system of apartheid, but with bank loans amounting to roughly $4 billion, they are a substantial form of support. More important, however, is their symbolic value. Every new American loan further buttresses a system of racism—a worse racism than we fought, and continue to fight, so hard in our own country.

Constructive engagement has not worked. It is now time to try a new approach—an approach with some teeth in it. And if the amendment in question does not change the system of apartheid overnight, it will at the very least separate the United States from the preposterous, monstrous system that perpetrates daily injustices on the 25 million black and colored South Africans.

If we only succeed in doing that, then it is enough.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise in strong support of the Gray amendment to title III of the Export Administration Act and I commend my colleague for his efforts on behalf of this amendment. Certainly this amendment will provide a strong signal of condemnation of the current apartheid policies in South Africa, and, because of its provision banning all new investments in that country, it will send a message to the world that the United States stands ready to act decisively in following up that condemnation with strong action.

The Government of South Africa, in following a legally mandated policy of racial segregation and discrimination against more than 90 percent of its people, has instituted a legal structure of human bondage that has existed for more than 300 years. Within the strictures of such bondage, the minority whites—just 8 percent of the total 32 million population of South Africa—have denied blacks not merely the status of South African citizenship, but their essential humanness. Through years of repression and denial of such human dignity, they have driven black South Africans into an abyss of humiliation and despair.

Apartheid as practiced in South Africa tethers blacks to poverty. Blacks are restricted to living in segregated towns and what are termed "homelands," found in rural areas and on the outskirts of cities. If found in a white neighborhood without proper permission, a black can be arrested and fined or imprisoned. Blacks must apply to be recognized as authorized work seekers to get jobs in the industrial and business centers found predominantly in white areas where their status is one of an indentured slave. Their only option is to be subjected to migrant work and slave wages in black areas.

Those from the homelands who are fortunate enough to get urban employment rights cannot hope to ever be allowed to live in the cities with their families. Instead, single men are housed in state-owned barracks called hostels. The few blacks who do get urban rights to live and work with their families outside the homelands have only recently been allowed to purchase leases on houses. This right is further restricted in the Capetown area where they are able to rent only from the state authorities who deliberately allow housing shortages to develop.

The black in South Africa is barred from voting in national elections. In fact, apartheid dogma has maintained that blacks are but temporary sojourners in South Africa. For to recognize blacks as actually being South African would mean conceding political participation.

The present South African Government is composed of three chambers: One, omnipotent white supremist chamber, and two ineffectual chambers for coloreds and Indians. Prime Minister Botha has pledged that there would not be a fourth chamber for blacks in the South African Parliament through his children's lifetime. So be it—neither will there be new U.S. investment in South Africa through his children's lifetime.

Under the amendment offered by Mr. GRAY, all current U.S. investments in South Africa remain unaffected. By passing this amendment, we, as officials of the U.S. Government, are declaring that until significant advances and constitutional changes are instituted in South Africa, no more American money will go to perpetuate or advance apartheid. It is a shame in an age where people of all races the world over contribute to the betterment of our lives, that one small corner remains in the shackles of unapologetic apartheid.

I strongly urge my colleagues to join in support of this amendment, for to do otherwise is to accede to the present South African political structure that extols human bondage. To engage in such passivity is, in the words of Jean Paul Sartre, to join the ranks of the oppressor.

I am confident that we will not do that and that we will pass this timely and essential amendment.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I rise in support of the Gray amendment.

During the past 48 hours many Members of Congress have repeatedly called for a more effective foreign policy based less on force and military intervention and more on peaceful diplomacy. The violent invasion of the tiny, sparsely populated island of Grenada has shocked and dismayed many of us. The restoration of democratic institutions and human rights was cited as one reason why this president chose to sacrifice human lives in Grenada. Today, we are seeking to pass the Gray amendment which prohibits new American investment in South Africa as a first and small, but very necessary step to pressure for the establishment of democratic institutions in South Africa.

This amendment moves to peacefully attack the most monstrous nation on the face of the Earth. Slavery is the only accurate and truthful way to describe South Africa's system of apartheid. This slavery of 80 percent of the population is unparalleled in the civilized world. By denying blacks any citizenship role and allowing them no self-determination, the Government of South Africa makes all blacks the wards of the state, their slaves, the Government then becomes the owner of all of the nation's blacks.

For much too long we have treated these uncivilized rulers of South Africa with civility. For much too long we have poured American capital into a system which buys massive amounts of arms each year in order to maintain this system of government slave ownership. To invest more American money in South Africa is to make these slaveholders stronger.

This amendment is the least of the numerous diplomatic steps which should be taken immediately. We need a foreign policy which takes the offensive and calls on all of the civilized world to follow the U.S. leadership. To establish a peaceful world with democratic institutions and respect for human rights we must reject invasions and violent interventions. America can redeem itself by showing the moral leadership in South Africa which it failed to show in Grenada.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Georgia.

Mr. FOWLER. Mr. Chairman, I rise in support of the amendment offered by my colleague from Pennsylvania (Mr. GRAY) and commend his leadership and that of the chairman of the subcommittee.

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, I rise in strong support of the amendment offered by my colleague, the gentleman from Pennsylvania (Mr. GRAY).

It is about time that this body made it clear that we will no longer turn our backs to the double face that this Nation has shown in its dealings with South Africa. We cannot, on the one hand, decry oppression and blatant violations of human rights, and then, on the other, continue to support a regime which ranks first among nations in violation of those rights. I urge the passage of this amendment, which will terminate U.S. investments in South Africa. A failure to do so will be seen around the world, and in the United States, as condoning the practice, and the institution of apartheid.

Mr. Speaker, America is being seen in other parts of the world as accepting the status quo in South Africa. This cannot be allowed to continue. The Reagan administration's quiet diplomacy has produced only quiet results—so quiet as to be inaudible. Quiet diplomacy has allowed South Africa only enough rope to hang itself. Instead of demonstrating good faith, and liberalizing its policies, South Africa has stepped up its repression internally, and pursued its aims across the borders of every nation with which it shares a border. If our objectives are truly to promote justice in South Africa, then our actions must reflect that desire. Quiet diplomacy has failed utterly to do this; concrete action must take its place.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Chairman, I congratulate Mr. GRAY for his outstanding leadership on this amendment. We have a bipartisan opportunity to move ahead as a Nation to abolish apartheid in South Africa.

I have been to Africa and talked to the people there and feel that if we can make a commitment to Grenada, Lebanon, and other parts of the world, this is the time to make a moral commitment to make apartheid a thing of the past, and this would be a step forward for this Nation and the people of South Africa. Dr. Leon Sullivan, author of the Sullivan Code and a personal friend, should also be congratulated for his national leadership in promoting justice in South Africa. Title III of this bill embodies his principles. Again, I support strongly, the Gray amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I rise to strongly support this amendment prohibiting new U.S. investment in South Africa.

South Africa stands alone as the only nation in the world which determines the rights of its citizens on the basis of race. This enables one-fifth of the population to totally control the remaining four-fifths Black majority.

Apartheid is South Africa's legalized system of racial segregation.

As has been stated, U.S investments have grown substantially over the past three decades, and now amount to $2.6 billion annually.

Without question, such investments bolster the South African economy, and insure the perpetuation of apartheid and continuation of South Africa's illegal occupation of Namibia.

Races are required to live in separate districts, with Africans assigned to Homelands which comprise only 13 percent of the land. Blacks no longer have the right to own property, and in the past three decades 2.1 million Africans have been forcibly moved into these homelands.

A black cannot enter a city without a pass, and cannot remain for more than 72 hours without a specific work permit.

The U.N. estimates that two black South African children die of malnutrition each hour in South Africa, and data on life expectancy is no longer even made available by the government.

To be black is to be without political rights or representation. South Africa's record of torture, bannings, imprisonments without trial, and executions rank among the world's worst.

The time has come to bring an end to America's support for the destructive apartheid system. With this amendment, our Nation will demonstrate its willingness to use its moral and economic force to bring about justice and equality for South Africa's black majority.

This amendment is reasonable and modest, and I strongly urge its adoption.

Mr. TOWNS. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from New York.

Mr. TOWNS. Mr. Chairman, I rise in support of the Gray amendment.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I rise in support of the Gray amendment.

Mr. Chairman, I urge my colleagues to support the Gray amendment which expresses the United States' deep concern about apartheid in South Africa.

South Africa's military aggression against neighboring countries and its police repression of black citizens are mounting alarmingly.

By adopting a policy of "constructive engagement" with the South African Government, the United States has sent a signal to black and white South Africans that America endorses their government's violence, and turns a deaf ear to appeals for peaceful change.

For example, under constructive engagement, the United States has substantially relaxed export controls on sales to the South African military and police. A provision in title I of this bill restores the controls that this country successfully maintained for 4 years. Under relaxed controls, the United States has licensed a number of questionable sales: 2,500 shock batons for South Africa's police, 6 aircraft for South Africa's military, a computer for a government arms manufacturer, 2 computers useful in nuclear weapons development for a government research institute, and competition by American firms to manage South Africa's nuclear reactor.

It is critical that the United States work to strengthen forces for peaceful change in South Africa. Congress and the administration have made a good start by working together to establish a scholarship program in the United States for black South African students, and by expanding assistance to emerging black South African unions.

But the United States only undermines prospects for peaceful change and strengthens the institutions of violence when it lowers barriers to trade with the South African military and police.

And the United States only associates itself with white supremacy. We strengthen ties with the South African regime as it intensifies its repression of the black majority.

Increasing American engagement with the South African Government identifies the United States with South Africa's mounting military aggression. South Africa destabilizes the entire region with its raids into Angola, armed attacks on neighboring capitals and aid to insurgents and saboteurs in bordering nations.

American engagement with the South African Government also identifies the United States with South Africa's mounting police repression. Political detainees face torture and death, and police shoot the leaders of nonviolent demonstrations. The following are only selected examples of a pattern of aggression and oppression on the part of the South African Government which have intensified since the advent of constructive engagement:

SOUTH AFRICA'S GROWING INTERNAL REPRESSION AND MILITARY AGGRESSION SINCE U.S. RELAXED CONTROLS ON SALES TO MILITARY AND POLICE

INTERNAL REPRESSION

U.S. announced relaxed arms embargo ten days after labor leader Neil Aggett died in detention. This was the first police murder of political detainee since US tightened its arms embargo in '78. Since Aggett's death, South African police murders of political detainees have continued.

Recent investigations have revealed widespread police torture of political prisoners.

Police killed Saul Mkhize in April of this year as he led a non-violent demonstration against the forced removal of his black village from an area that has been designated "white." Two days before he was shot, Mkhize had written to Prime Minister appealing for assistance.

The South African government has accelerated its forced removals of black farmers and villagers from the 87% of the country that has been assigned to the 15% white minority. Three million blacks have been forcibly resettled in barren, overcrowded black homelands. Two million more are scheduled for resettlement.

Over last two years, police have staged repeated raids against squatter camps where black families have attempted illegally to live together. Police have demolished squatter shacks in the middle of winter, then have surrounded the squatters with barbed wire, and attacked women and children with tear gas and police dogs. Finally, the squatter families have been forcibly separated, with some members remaining to labor in white areas while others were trucked to distant homelands.

A black in South Africa must at all times carry a pass showing that he has permission to work and reside in white areas. Pass law arrests in 1982 were double the level in 1980.

ESCALATING MILITARY AGGRESSION AGAINST NEIGHBORING COUNTRIES

South Africa has launched increasing raids into southern Angola.

The South African military has raided residential neighborhoods in the capitals of Mozambique and Lesotho, killing more than 50 people in their homes.

The South African government supports anti-government insurgents in Mozambique and Angola.

South Africa has trained and supported saboteurs in Zimbabwe and Mozambique, including those who attacked Zimbabwe's oil pipeline.

Average black South Africans face growing police harassment. Raids on squatter settlements, forced removals of blacks from their homes, and mounting arrests under South Africa's notorious pass laws are part of daily life for black citizens.

If Congress now rejects this legislation expressing American concern about apartheid, we will send a clear signal to South Africa's blacks and whites that the United States condones government violence, and has given up working for peaceful change.

Mr. WOLPE. Mr. Chairman, I do appreciate the forbearance of the gentleman from Minnesota, and I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to speak against the amendment.

I am about to rush in where angels fear to tread and thus correctly characterize myself.

I do believe that this has been a most interesting debate, well conducted. I must say, too, that the distinguished and able gentleman from Pennsylvania has done a splendid job on his amendment. The presentations in support of the Gray amendment leave very little room for those of us, who do not believe in interfering in international commerce, to move without looking as though we are rednecks, and that is certainly not my intention.

Nobody I know likes apartheid. All of us wish that it did not exist, and yet, Mr. Chairman, there are many practices in many countries of this world of which we do not approve. Some of them are not as noxious as apartheid. Some of them are. Yet, in this bill which is designed to prevent the escape of American technology which might assist our enemies, we have added a section that relates to a prohibition on foreign investment in only one particular country.

The amendment, of course, would not be germane but for the fact that the committee accepted, in its own deliberations, a nongermane amendment by Mr. SOLARZ, therefore, making Mr. GRAY's amendment in order.

There are plenty of sanctions against South Africa within the bill in title III. As a matter of fact, as has been earlier pointed out, there may be

so much in it that it is going to weight down the bill.

In this regard, I would like to remind the committee that we are operating under a state of emergency, that the Export Administration Act has expired and the administration is obliged to operate both our military and foreign policy control program under the emergency powers of the Emergency Economic Powers Act.

This amendment in my judgment sets a dangerous precedent for interference into the private sector. It does limit new investment in South Africa, but in addition, it makes it very difficult for companies that are already there to be able to improve their capabilities, so that they may continue to hire South Africans, both black and white. One of the laws of the marketplace is grow or die. If U.S. companies cannot grow in South Africa they may die. Their employees will go down with them.

That means that the first Purple Hearted casualties are going to be the employees of American firms in South Africa who are the only people, as I understand it, in South Africa, that have a chance to enjoy anything like equal treatment in employment.

The American presence in South Africa is the only example in the area of responsible corporate activity.

□ 1620

There are, I understand, over 100,000 South Africans working for the more than 300 American firms, many of them, the great majority of them, covered by the Sullivan Code.

I will grant that that code is not very well carried out even by the signatories, but at least some efforts are being made.

Certainly no one would argue that any employees in South Africa have better or more equal treatment than those who are employees of American firms.

Now, remember, what we are doing here is a unilateral boycott on investment. No other countries are joining us in this action. So it means that as American investment is given up, as American influence and as American example for equal treatment recedes from South Africa, it will be replaced by others. And in my judgment it is highly doubtful that that which replaces the American influence will be half as important, half as effective and half as good a thing for those South African employees, both black and white.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from New York.

Mr. SOLOMON. I think the gentleman is making an extremely valuable point. I would just like to quote several paragraphs briefly of people that share that view.

Just for example, the Honorable Gatsha Buthelezi, Chief Minister of the Black National State of KwaZulu and leader of the Zulu people, he says:

Some . . . in America have got the whole issue exactly upside down. They seem to think it is immoral for American companies to invest here but irresistably profitable. The truth is the opposite. It is morally imperative that American firms remain active here.

Let me quote one of the most well known black journalists in all of southern Africa, Percy Qoboza.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has expired.

(On request of Mr. SOLOMON and by unanimous consent Mr. FRENZEL was allowed to proceed for 2 additional minutes.)

Mr. FRENZEL. I yield to the gentleman from New York and I hope that he will leave me a minute.

Mr. SOLOMON. I will.

Mr. Qoboza goes on to say:

If you want a complete transformation of this society, the easiest thing to do is get everybody packing up their bags, taking their money out of the country and resisting all forms of investment in the country. But, of course, the moment you do that you create economic chaos. And that is a sure guarantee for full scale, bloody racial confrontation which would unleash a bloodbath such as we have never seen.

Let me quote you Mr. Andrew Young who I think you all know. He said in the Chicago Tribune on February 6, 1978:

If we cut off investments we would lose jobs in this country—

The U.S.A.—

And we would not necessarily help blacks in that country.

Now let me quote you STEPHEN SOLARZ, whom we all know so well and who is a colleague from New York who I respect. But at a Senate subcommittee, the Senate Subcommittee on Africa hearing on page 721, Mr. SOLARZ says, "During the course of my discussions with nationalist and black leaders in South Africa," black leaders, "I found an almost universal conviction that it would be a mistake for the United States to withdraw its investment from South Africa . . ."

I could go on and cite Vernon Jordan, and I could go on and cite dozens that appear in this article. It just backs up what the gentleman is saying.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Pennsylvania (Mr. GRAY), the author of the amendment.

Mr. GRAY. Let me just say to my colleague from New York he quoted Andrew Young in 1978 and the quote was against disinvestment. Andrew Young has written, I think, to every Member of this House in support of this amendment because this amendment is not disinvestment. It is no new investment.

Let me also point out the implication that no other country is doing this, what about Japan? Since 1973 Japan has not permitted any direct investment in the apartheid regime of South Africa. Sweden has a similar prohibition, the Netherlands. The 10 European Common Market countries have subscribed to a code of conduct which limits much of the economic activity. In 1978 Canada withdrew all Goverment backing for trade with South Africa.

So the implication that has been stated here about Andrew Young, that is just not so. And we are not talking about disinvestment, as the gentleman from New York knows. We are talking about no new investment.

Finally, I would point out what recently Chief Buthelezi said. He indicated that although disinvestment might be harmful, he saw it as the only alternative in light of the transigence of apartheid. And now he has recently shifted his position.

But I would also remind the gentleman that Chief Buthelezi, who is the head of the largest tribe there, if he made a public statement advocating disinvestment it would be sedition and treason and he would go to jail. So you are not going to have a quote from Chief Buthelezi except a recent indication that he was reconsidering his viewpoint because of the fact that apartheid has not been willing to negotiate.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has again expired.

(By unanimous consent Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I asked for the 1 minute additionally so that I may yield to the distinguished gentleman from New York, the new Mr. SOLARZ.

Mr. SOLARZ. I thank the gentleman for yielding, since my ears perked up when I heard my good friend from New York (Mr. SOLOMON) refer to a statement I had allegedly made before a Senate subcommittee.

Let me say that if the gentleman read that correctly then I suspect the Senate may be having the same kind of problems with their staff which we seem to be having with our staff over here because the truth is that I never said anything like that.

What I have said is that while there may be disagreement among the black people of South Africa over whether American investment is in their interests or not, the overwhelming majority certainly believe that to the extent there is such investment it ought to be obligated to comply with fair employment principles like the Sullivan Code.

Furthermore, I have also said that those of us who have traveled to South Africa, and who have had an opportunity to meet with the black and colored leaders of that country, find that privately the great majority of them, not all, but the overwhelming majority do favor prohibitions on new investment.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. FRENZEL) has again expired.

(On request of Mr. SOLARZ and by unanimous consent Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. I yield to the loquacious gentleman from New York who is oft quoted but not enough quoted, Mr. SOLARZ.

Mr. SOLARZ. I thank my sparring partner from the other side of the aisle for yielding.

I just wanted to conclude by saying that the reason many of those who privately indicate their opposition to new investment are constrained from publicly taking that position is, as the gentleman from Pennsylvania pointed out, it would constitute a violation of South African law and they could very well end up in jail were they to say so publicly.

But I am satisfied, having been there on many occasions, that the great majority of black and colored leaders in that country would in fact favor the Gray amendment.

Mr. FRENZEL. I thank the gentleman for his contribution.

To sum up, myself, albeit in a losing cause, I want to congratulate the gentleman from Pennsylvania (Mr. GRAY), but also to say we are poised on the verge of an action which, by restricting new investment, is disinvestment; and which is going to hurt ourselves, and thousands of South African employees; and which ought to be handled in other forum rather than as a burdensome amendment to a very necessary bill.

I yield back the balance of my time.

Mrs. BOGGS. Mr. Chairman, I move to strike the requisite number of words and I rise in full support of the amendment offered by the gentleman from Pennyslvania, (Mr. GRAY) because it makes an important statement and it does so in a very sensible manner.

It takes pains to avoid adverse impact on U.S. interests which already have investments in South Africa. It assures that the 300 U.S. subsidiaries currently operating there with investments totaling upward of $10 billion may be continued, that the current investment and holdings may be maintained and that earnings derived from existing enterprises in South Africa may be reinvested.

The amendment thereby assures that the employment of South Africians in these enterprises will be enhanced and that there will be a minimal adverse impact on U.S. investors and on the balance of trade.

As the second largest, next to Great Britain, foreign investor in South Africa, the United States has unwittingly supported the practice of apartheid.

On the other hand, our Nation has often imposed sanctions on other nations to support our national values and principles. The Gray amendment will make that important statement in South Africa.

Mr. NEAL. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I urge my colleagues to support our own American dedication to human rights, self-determination and equal rights under law by voting for the Gray amendment to the Export Administration Act.

Legally mandated segregation and discrimination are repulsive to the American conscience and contrary to our national interests. We have an opportunity today to make a statement of our convictions and back them up with real economic incentives.

Mr. Chairman, the United States, in its bilateral relations with other nations, must seek basic human rights for all people. Indeed, our democratic ideals and practical concerns demand that we do everything reasonable in our power to encourage personal freedom and constitutional like majority rule around the world. Mr. GRAY's amendment to prohibit new investment, pending a determination by the President and agreement by Congress, that conditions regarding apartheid have substantially improved, is an important step in the right direction.

As a leading nation in the world community, it is our moral and ethical obligation to withhold support for the brutal system of apartheid practiced in South Africa. Again, I urge my colleagues to support this important amendment.

□ 1630

Mrs. BOGGS. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. HEFTEL).

Mr. HEFTEL of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding and I rise in support of the amendment offered by Congressman GRAY to prohibit new U.S. investments in the Republic of South Africa until the President establishes that the country has made substantial progress in allowing all its people to participate in its social, political, and economic life.

I am a representative of Hawaii, the State which is known as a meeting ground between East and West, which prides itself in having aloha—true fealty—for peoples of all racial and social backgrounds, and in which people of numerous cultures and races live in a graceful equilibrium. I would not represent my constituents if I did not support Congressman GRAY in his strong and noble stand against the injustice of South African apartheid.

I am particularly in favor of the establishment of both civil and criminal penalties for individuals and corporations violating the investment prohibition.

And I look forward to the day when these sanctions can be lifted.

Mrs. BOGGS. Mr. Chairman, I yield back the balance of my time.

Mr. BETHUNE. Mr. Chairman, I move to strike the last word.

I thank the chairman. Mr. Chairman, I, like many others, had considered the idea of revising and extending my remarks because the debate has been rather fulsome. But, upon reflection and after hearing the many reasons that were stated recently in opposition to the bill, I am prompted to go ahead and make the remarks that I had intended at the outset.

Reasons not to act. You can always find reasons not to act. It struck me, as I thought about that: Whence the reason for apartheid in the first place?

I would direct Members' attention to the classic work on the origins of totalitarianism written by Hannah Arendt.

In that excellent treatise, the author has this to say about race: "A device for political organization and rule over foreign peoples discovered during the first decades of imperialism," "a principle of the body politic, and a principle of foreign domination." "The discovery was actually made on the 'Dark Continent'." "Race was the emergency explanation of human beings whom no European or civilized man could understand." "Race was the answer to the overwhelming monstrosity of a whole continent populated and overpopulated by savages."

In Joseph Conrad's book "Heart of Darkness," it is said: "Exterminate all the brutes, and this answer resulted in the most terrible massacres in recent history."

Now I read that because it is plain that the original purpose, according to the scholars who have studied the business of imperialism and totalitarianism, that the object is to dominate people. This has carried over throughout the years in South Africa.

So now what has happened, as time has worn on, is that there has developed there a mindset. It is insidious the way the mindsets can develop over time. Who knows exactly what starts them? But the fact is as they develop they become thicker and thicker, impenetrable.

You have to break those mindsets from time to time if you expect there ever to be real and meaningful change.

You have to break a mindset in order to open up the way for new faces and for new ideas. I can speak with some authority about this because I was born and raised in the State of Arkansas.

When I came back home to my State in the late 1960's after serving 4 years as an FBI agent, I found that our State was dominated by a political machine headed by Orville Faubus. I do not have to recount all the details of the experiences that we suffered and the people, particularly, black people, in Arkansas suffered during those years.

But it was plain to see that a mindset had developed and no change, no real change, could occur unless the mindset were first broken and that the way could be opened up fresh ways of looking at things.

We Republicans did that in Arkansas in the late 1960's by defeating the Faubus machine and I can assure Members that the most important event as a result of that was not the changes that took place in the judicial halls or in the legislative chambers, but the changes that took place in the hearts and minds of men and women throughout our State.

What we learned is that there can be no prosperity for white Americans or for white Arkansans unless there is prosperity for black Americans and for black Arkansans; the rising tide lifts all boats, so it is said.

So that was a great lesson for us. What I learned by that and what I learned by serving in the legislative body here in the Congress is that the first thing you have to do, if you ever want to have progress and change, is to break those thick, leathery mindsets that hold us back and keep us from seeing things in the way we ought to see them.

So while it is easy to sit here and fashion reasons why we should not act, just as all the reasons were given why we should not have acted in Arkansas back in the 1960's, let us instead think about the reasons to act.

It is necessary to break the mindset that exists in South Africa and we Americans can have a role in that.

I think the Gray amendment would do precisely what it is that I have been talking about here, because it will put pressure on our companies, on our Government officials, and that pressure will flow down and will work on the government officials and business people of South Africa. When that happens the mindset will begin to unravel and change can occur.

That is the reason to act in support of the Gray amendment.

Mr. LELAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.I90[H27OC3-741]HAYES

Mr. HAYES. Mr. Chairman, will the gentleman yield to me?

Mr. LELAND. I yield to the gentleman from Illinois.

Mr. HAYES. I thank the gentleman for yielding.

Mr. Chairman, as the newest Member of this House, I rise to give my support to the amendment proposed by my colleague, Representative BILL GRAY, of Pennsylvania, to prohibit new U.S. investments in the Republic of South Africa. Any Member of this House who has taken the initiative to study the situation in South Africa, knows that the South African Government persists in its policy of blatant racism and severe oppression of blacks. Theirs is a system built on violence, economic exploitation and deprivation of basic human and civil rights.

I do not have a problem of delineating justice from injustice or right from wrong.

I wholeheartedly endorse this long overdue measure as a necessary step in the right direction, but I want to emphasize that it must be only the beginning of a firm U.S. policy of support for the struggle of South Africa's 24 million indigenous black citizens who have been pushed to the brink of annihilation by their government's genocidal apartheid policies.

The details of apartheid are well known throughout the civilized world. At this moment, millions of innocent South African people are being forced into reservations which provide no possibilities for their economic survival. Throughout that country, black people are denied rights we Americans hold as basic to citizenship. They are not allowed to fully own homes, to vote or to pursue quality education. They are not allowed to live within their country's major cities or to move throughout the land without passes which they must carry from birth to death. They are forced into virtual slave labor situations where they earn the most meager of wages.

There is little wonder that the life expectancy of blacks in South Africa is 20 years shorter than it is for whites. Over 40 years ago the United States and much of the industrialized world claimed ignorance of Adolf Hitler's genocidal policies toward Jews during the Holocaust in Nazi Germany. But what excuse can these nations offer today for condoning the wholesale destruction of millions of innocent people?

The fact that the South African Government continues to try to suppress and destabilize its neighboring countries, Angola, Zambia, Mozambique, Zimbabwe, and others constitutes one of the great threats to world peace today. We cannot afford to let the presumption that South Africa is an anti-Communist government serve as a rationale for terror, oppression, murder, and suspension of human rights.

To do nothing in the face of these blatant acts of genocide and aggression and to allow Americans to support these policies through loans and investments make a mockery of all of the pronouncements of freedom and democracy this country has ever made. To allow U.S. companies to move plants from our country to South Africa; to continue to buy materials produced in South Africa; and to export our technologies to that racist society is to sanction stealing jobs from American workers. If we are committed to world peace, we cannot allow American firms like Westinghouse, Bechtel, Fluor, Babcock and Wilcox, and others to export nuclear plants, placement parts, and technical assistance to South Africa.

We, as leaders, have an obligation to make sure that America discontinues its support for this injustice and serves as a crusading force for justice and human rights in southern Africa.

I urge my colleagues to pass this amendment because it will send a clear message to the Government of South Africa that the United States will not provide further economic support for a country that functions on the dehumanizing policy of apartheid.

□ 1640

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. LELAND. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. I thank the gentleman for yielding.

Mr. Chairman, I will be unavoidably absent from the chamber when the vote is taken on this amendment.

I rise in strong support of the amendment.

Mr. LELAND. Mr. Chairman, I rise to support the Gray amendment from a different perspective.

I want to, first of all, commend the gentleman from Pennsylvania for his wisdom and his vision, because, indeed, this amendment is one that will give an opportunity to truly send a message as was stated to the South African Government that indeed there are people in the U.S. Congress who feel very strongly that their government is wrong.

Mr. Chairman, I am particularly concerned but from a different perspective as I have alluded to that many people do not understand that there are some of us in this Chamber who would rather this amendment be something different.

The CHAIRMAN. The time of the gentleman from Texas (Mr. LELAND) has expired.

(At the request of Mr. HOYER and by unanimous consent, Mr. LELAND was allowed to proceed for 4 additional minutes.)

Mr. LELAND. Mr. Chairman, I do not think that the gentleman's amend-

ment goes far enough, as a matter of fact. I feel that we should disinvest all of those assets that we have invested in South Africa. As a matter of fact, I fought very rigorously the CAB from granting the landing rights into Houston, Tex., in my district, into my city, to South African Airway, from flying into Houston, Tex. And Pan Am Airlines, as a matter of fact, engages in investments in South Africa. They, as a matter of fact, have a regular schedule that flies from New York into South Africa all the time, back and forth. I will not ride Pan American Airlines because of that.

I feel very strongly that indeed we have to show real objection to what the South African Government represents.

Apartheid, Mr. Chairman, is nothing in terms of the nebulous overtures that I have heard about in those who have spoken in opposition to this amendment for the limited investments in South Africa. What apartheid is is racism. It is constitutionalized racism, as a matter of fact. In this country, Mr. Chairman, historically we have fought slavery. There was a strict division between the North and the South because we had different views about what slavery represented. And there were those who argued that slavery was an institution that should be protected because it was in the economic interests of this Nation that we continue to support slavery in this Nation.

Well, those are the same kinds of arguments that are being waged and engaged in South Africa, as a matter of fact. And now we hear some of the same arguments on the floor of this Congress. It is wrong. And we are going to have to stop that, Mr. Chairman. We are going to have to stop South Africa at all costs.

As my colleague from Michigan (Mr. WOLPE) had indicated, things have gotten more restrictive as far as blacks and coloreds and Indian people are concerned, or Asians, in South Africa.

South Africa engages in slavery. There is no question about the fact that the conditions that the people live in in South Africa is slavery.

I would suggest to my colleagues that when I first got to Congress in 1979 I was invited by my colleague from New York (Mr. DOWNEY) to visit with some South African parliamentarians so that we could express our concerns with them. And I hesitated because I did not want to appeal to some people who I knew were against the interests of black people in South Africa and who would probably be against the interests of black people in America, for that matter.

And so under a very severe reluctance I did indeed go because I felt that I had possibly something to learn.

I went there to this meeting and met with these people and I heard them over and over again say to us at that meeting that there was no way that South Africa was going to alleviate the conditions that existed there. There was no way that moreover than just merely petitioning the country and allowing black people to move freely in some parts of the country. That they were not going to do anything as far as apartheid was concerned.

And they said, "Yes, we understand that America has a few white collar black people who have arrived to the U.S. Congress. And yet America is always asking them to do things about apartheid in South Africa or to get rid of South African apartheid. And yet America still does nothing more than to discriminate still racially against black people in America."

Well, I suggested to them at that time, Mr. Chairman, that I was not a white collar black person in America who had just been given privileged opportunity to serve in the U.S. Congress. I told them the story that I come from the Fifth Ward in Houston, Tex., a very poor community. How my mother reared two boys by herself, working at a pharmacy, at a corner drugstore, at nighttime, and going to school in the daytime to get a college degree so that she could better the life of her two children and how I had evolved myself, working my way through college, and achieving a station in life that was fought for by my mother and myself.

The CHAIRMAN pro tempore (Mr. AUCOIN). The time of the gentleman from Texas (Mr. LELAND) has expired.

(At the request of Mr. DELLUMS and by unanimous consent, Mr. LELAND was allowed to proceed for 5 additional minutes.)

Mr. LELAND. I was sickened at the thought that they had suggested that in this country that all we had done was made a token overture to white collar black people. There is no way I can claim to be a white collar black person.

I was evolved and given an opportunity in this country because we have laws and by the Constitution those laws have been protected, that give black people and other enthic minorities the same opportunity to participate. Sure, we are not all right in America today, but we are more right than South Africa is. And I defended America by saying this to them. That if in fact I was in South Africa and if in fact I had the same lot that I had experienced during the time that I was growing up in America and not given the opportunities that I have been given in this country to participate in the political process and whatever process that I sought in a constructive way to be a productive citizen in this country, that indeed, though I am a peaceful person and a pacifist that if indeed if I was in South Africa, that I would rise up myself, and grab a gun and blow the heads off of each one of those persons who was a parliamentarian, anybody who would deny me my freedom in a country like South Africa.

Mr. Chairman, I suggest that this amendment is a reasonable amendent. I had to compromise to support this amendment. I tell my colleagues that I do not think that this amendment goes far enough. Some of my colleagues think that it goes too far. I would suggest that we are reasonable Members in this Chamber and we come to compromises. That is what the political process is all about. That is what democracy in America is all about.

So, if in fact we are going to demonstrate to that Government of South Africa that apartheid is more than wrong, it is unjust, inhuman, it is not right, then in fact we are going to have to look at measures like this in order to alleviate the horrible, horrendous conditions that exist in South Africa.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. LELAND. I yield to the gentleman from Michigan.

Mr. CONYERS. I commend the gentleman on his statement because he has mirrored some of the reflections that I had about this amendment.

The gentleman from Texas has made an analysis between slavery in America and apartheid in South Africa that can no longer be ignored. There is a virtual condition of slavery existing with the support, the continuing support, of the American economic multinational system.

And so I can only say that I associate myself most closely with the gentleman's remarks and admire the way that the gentleman has put them on the record for this hearing.

I might add, has my colleague thought with all of the friends of this amendment, and I think it is going to pass, we are going to have a big job if this is not going to be just a symbol. We have the U.S. Senate to talk to and I hope all of our friends here that are anxiously voting and proudly supporting the gentleman from Pennsylvania (Mr. GRAY) will take a few steps over to the other part of the Congress and help us really make this a law.

I again commend my colleague from Texas.

Mr. LELAND. I appreciate the gentleman's remarks.

□ 1650

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. LELAND. I yield to the gentleman from California.

Mr. DELLUMS. I thank my colleague for yielding.

Mr. Chairman, I would first say that I rise in strong support of the amend-

ment offered by the gentleman from Pennsylvania (Mr. GRAY).

Second, I would like to associate myself with the remarks of my distinguished colleague from Texas. I think my colleague has made the most powerful statement on the floor of Congress in defiance of an insane and ludicrous process that continues to advance notions of racial superiority that, if they were not so violent and so hostile and so tragic and sick, they would be humorous in their absurdity.

I would simply like to add this: A few days ago we brought to law the opportunity for this country to celebrate the birthday of a magnificent, prophetic black man, the Reverend Doctor Martin Luther King, who understood, in challenging the insanity and the cruelty of racism in this society, that the struggle for civil rights and human rights was a journey upon which the entire Nation had to embark and that racism and discrimination was not the sole province of the Southern States of this country, but it was a journey that all of the States of this country had to embark upon.

I believe that the struggle for human rights and the journey for freedom of all people on this planet is a journey that the entire planet has to embark upon. The human rights violations are not exclusive to South Africa, but because of the institutional nature of it, because of its history and because of its vicious reality and symbolism, that it is one place where that journey has to start. It will not end there, but it has to start there.

I agree with my colleague that this is an extraordinarily modest effort. I cannot give you, Mr. Chairman and Members of this body the words to allow you inside this person's spirit to understand the level of anger and hatred that I feel for any system on the face of this earth that continues to perpetuate tragic notions of racial superiority in 1983 when this planet is becoming increasingly smaller and interdependent and interrelated. Freedom is a journey upon which the entire world must embark, the journey for human rights, and South Africa is a place that we must challenge.

The CHAIRMAN pro tempore. (Mr. AUCOIN). The time of the gentleman from Texas (Mr. LELAND) has expired.

(By unanimous consent, Mr. LELAND was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, if the gentleman would yield further, I simply again reiterate support for this modest effort. I think this country ought to go far beyond this amendment, but this is the reality of the moment. Let us support it, to make this statement, to communicate the position that we at least are beginning to move toward challenging this absurdity.

I thank my colleague for the articulate nature of his presentation and for his courage.

Mr. LELAND. I appreciate the statement of the gentleman from California.

Mr. Chairman, let me say further that I heard earlier from the gentleman from New York (Mr. SOLOMON) that he was fearful that something bad was going to happen in South Africa with the Soviet Union and the Communist threat that it might pose.

Let me suggest to all of my colleagues that I know that we in the Congressional Black Caucus, but many of us black people in America, most of us black people in America, feel that apartheid in South Africa is just as abhorrent as is communism. We feel as strongly, as the gentleman from California has stated, that apartheid is something that is totally unacceptable to us.

So for us to say that we want to embrace a constructive engagement with South Africa, and further our economic relationship with South Africa is totally objectionable to us because we feel that, indeed, that only enhances the opportunities for these people to further restrict justice and equality that is deserved by the majority of the people there.

If in fact we are going to advocate for democratic institutions around the world, and if in fact we are going to accede, by the way, to the invitation of the Organization of Eastern Caribbean States to invade Grenada in the name of freedom there, then in fact let us accede to the invitation on the part of the OAU and go into South Africa and help to liberate the people of South Africa in the majority there.

Mr. LEACH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we basically have three issues that have been presented to the House in regard to this amendment. One has to do with certain practical trade concerns, one has to do with strategic concerns, and one has to do with moral concerns.

I would argue to this body that instead of these concerns being counterposed, they are actually in synonymity. The fact of the matter is that practically, in the short term, it may not be good for our trade to adopt this amendment, but I think all of us in this body have to recognize that there are a number of countries in Africa that care very deeply about apartheid and our trade may well be jeopardized unless this Nation takes a profoundly different tack.

In addition, as we look in the long term at South Africa, whether it be this year, next year, or a century from now, at some point the majority black population is going to govern. When that time comes, I am not so sure on a practical basis that our trade concerns are not for this body to take steps like that embodied in the Gray amendment at this time.

The same can be said for strategic concerns. We have a number of strategic issues at stake in Africa. If we stand up implicitly for apartheid, my strong feeling is the strategic position of the United States of America will be jeopardized.

That brings us to the moral issue, and on moral grounds anything that bolsters apartheid is anathema to this country as well as to people around the world. If we look at what distinguishes the United States of America from all other countries in the history of the world, it is that we were the first country founded under the principle of individual rights.

The first great debate in this country at the time of the founding of our Nation involved standing up for the rights of man: life, liberty, and the pursuit of happiness.

The second great debate in American history revolved around whether we were going to expand those individual rights to all individuals who did not happen to be male and of a pale face. That was what the great Civil War was all about. As a Republican, I would stress that a Republican President made the step of sacrificing more men and women in combat than in any other war in American history for the principle of advancing individual rights and dignities. It is this principle we all stand by today.

Finally, let me just come to the issue of South Africa and note another great individual in world history who adopted a policy in that land called "satyagraha" which means nonviolent struggle. His name was Mahatma Gandhi. Gandhi began his professional career in South Africa, revolted against the system of caste that existed in that country, and later took his struggle to his own land of India.

The point is, Mahatma Gandhi, Abraham Lincoln, Thomas Jefferson all stand for similar principles which Americans stand for today—respect for individual rights.

Finally, let me just stress that Gandhi entitled his autobiography "Experiments With Truth." He viewed virtually every act in life, perhaps carrying it to an extreme, as a battle between good and evil. I would say on this issue of apartheid we stand today for good if we vote to advance the American Government's opposition to anything that bolsters such an abhorrent principle. The Gray amendment is a reasonable, responsible step in the direction that underscores American history, enhances our strategic position in the world, and at the same time, in the long term, will be in our practical trade interest.

I urge adoption of the amendment.

Mr. BONKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we conclude debate on this important issue, I would like to commend the gentleman from Pennsylvania (Mr. GRAY), the Black Caucus, and so many others who have been actively involved in this issue. Indeed, it is a timely and important debate, not only because it puts into focus the atrocities of the apartheid system, a method of racial discrimination that has so long plagued the people of South Africa, but it also throws into question American policy and whether we are going to stand idly by and witness the institutionalized racism that exists in that country.

It is time that we develop the policies that will bring about positive changes in that country that are so long overdue.

As a former member of the Subcommittee on Africa, as a former chairman of the Subcommittee on Human Rights, I have actively pursued those policies. I also strongly supported similar legislation that was considered by the Committee on Foreign Affairs in the last session of Congress and, of course, as chairman of this subcommittee, I was only too happy to accommodate the gentleman from New York (Mr. SOLARZ) in incorporating the present title III into the Export Administration Act prior to coming to the House floor for debate.

Mr. Chairman, I feel compelled to express some reservations about this legislation on procedural grounds only and would like to comment that in the Export Administration Act so far, we have accepted the Berman amendment, which would reimpose for 1 year the current foreign policy controls on the export to South Africa's military and police entities certain kinds of equipment, primarily those that deal with computer processing.

□ 1700

We also on the floor adopted the Wolpe amendment on nuclear nonproliferation which specifically provides that we would nullify the administration's approval of the licensing of American firms to provide management services for nuclear power facilities in South Africa.

Then, of course, we have incorporated the Solarz amendment to which I referred a few moments ago which would mandate the implementation of the Sullivan principles, would provide for bans on future bank loans to the South African Government or any entity owned or controlled by the South African Government, and would also ban the import of Krugerrand gold coins or any other gold coins minted or offered for sale by the South African Government.

Then, of course, we are now debating the Gray amendment.

As I mentioned earlier, I think the time has arrived for us to send a very strong and forceful message to South Africa. I believe that we have placed in the Export Administration Act a number of provisions that will bring about that successful message.

Mr. Chairman, if there is no other discussion, I think it is time that the committee vote on the Gray amendment.

Mr. FISH. Mr. Chairman, I rise in support of the Gray amendment, which will send a message to the Government of South Africa that in protest of their policies of apartheid we will no longer do business as usual.

H.R. 3231 only prohibits loans from U.S. banks to the South African Government, and we must do more. The amendment prevents new investment and economic support by U.S. companies without affecting current holdings or investments in South Africa. The amendment does not affect the import-export trade between the two countries.

Although I am aware of the importance of free world trade, I cannot sanction the further financial support of the South African Government. U.S. bank loans total $3.7 billion, and over 300 U.S. subsidiaries operating in South Africa have invested more than $2.6 billion.

We must take a stand against South Africa's legally mandated system of racial segregation and discrimination. The President is directed by the Gray amendment to develop regulations prohibiting new investment in South Africa. The authority for the economic sanctions end only when South Africa makes substantial progress toward full participation by all its people in social, economic, and political life.

We do not tolerate discrimination in the United States. We must make it clear to our friends and allies that we will not tolerate discrimination of the type practiced in South Africa. We have already made clear, in our trade sanctions against 18 other nations, including Iran, Poland, Uganda, and Cuba, that we stand firm against oppression throughout the world. The Gray amendment reinforces our convictions and values.

● Ms. KAPTUR. Mr. Chairman, as a cosponsor of H.R. 1693, I rise in support of the Gray amendment. Passage of this amendment would clearly demonstrate that the United States is willing to act against South Africa's apartheid system. Institutionalized racism cannot be condoned.

In South Africa, an individual's economic, political, and social rights are determined exclusively by skin color. Fully 80 percent of the population has no political rights. An extensive legal system continues this repression. Our Government must be a force for human rights wherever they are violated.

The Gray amendment would require U.S. corporations which invest in South Africa to comply with fair employment principles. It would also prohibit the sale of South African gold coins in the United States. Further, it would prohibit U.S. commercial bank loans to the Government of South Africa and its agencies, except for loans made for education, housing or health on a nonracially discriminatory basis.

Passage of this legislation will not end apartheid. But it will send a message to South Africa. We will let the oppressed know that we are trying to make a difference in their lives.

Mr. Chairman, we have an obligation to oppose apartheid in our actions as well as our speeches. I urge my colleagues on both sides of the aisle to stand with me today against apartheid.●

● Mr. COYNE. Mr. Chairman, I rise in strong support of the amendment to the Export Administration Act by the gentleman from Pennsylvania (Mr. GRAY) an amendment which would prohibit all new investment in South Africa by U.S. firms and individuals.

As elected representatives, we are often asked to make political and economic decisions. On occasion, we are asked to make moral decisions. In this instance, we face an ethical choice: Do we support or oppose investment in a nation whose political and economic system is held together by that morally vicious repugnant system of racial discrimination known as apartheid?

I hope that my colleagues will join me in opposition to new investment in South Africa by voting in favor of the Gray amendment. Our action, if successful, will not go unnoticed in Pretoria. Direct American investment in South Africa accounts for more than 17 percent of all foreign investment in that nation. There are now more than 300 U.S. subsidiaries operating there, with investments totaling $2.6 billion. By halting new investment, we will send a message to those who would institutionalize racism. The economic impact of that message, I would hope, will cause that nation's government to reassess the nature of its policies.

Mr. Chairman, the New York Times earlier this year summarized the current situation well in an editorial of May 28. The editorial identified the source of the problems in that troubled land. It said:

> But the true, and truly evil, explanation is homegrown. It is the system of apartheid, which has the appalling effect of making 21 million blacks strangers in their own land. For all the years of talk of power sharing or conciliation, in every vital respect power in South Africa remains the monopoly of 4.5 million whites. The huge black majority is left with "citizenship" rights in patchwork

homelands that Pretoria pretends are sovereign states.

Years of conciliatory attempts at persuasion have indeed been less than fruitful. The repression of those in South Africa who speak out against the immoral policies of their government continues. For some, this assertion of human rights has led to their death. At this point, I would like to share with my colleagues an article on interrogation techniques by the South African security forces which appeared in the October 4, 1982, Christian Science Monitor. The torture of political detainees is, I would suggest, one more argument in favor of a yes vote on the Gray amendment.

The article follows:

[From the Christian Science Monitor, Oct. 4, 1982]

NEW LIGHT ON SOUTH AFRICAN POLICE INTERROGATIONS

(By Paul Van Slambrouck)

JOHANNESBURG.—A rare shaft of light is falling on interrogation methods used by South Africa's security police and the effects they have on persons detained under this country's tough internal security laws.

It comes from the inquest into the cause of death of Neil Aggett, a white doctor and trade union official found hanged in his cell last February while in security police custody.

In a warm, crowded courtroom in downtown Johannesburg, a parade of former security prisoners, many of whom knew Dr. Aggett, have gone before a judge describing their life while in the custody of security police. They describe varied conditions. But a composite picture from testimony so far suggests the police use techniques ranging from verbal intimidation to physical torture to gain information and confessions.

Under South African law, security detainees can be held indefinitely even though they may never be charged with a crime. While a board of review considers detentions longer than six months, the government has final say on whether a detention is continued.

Persons detained have no right to a lawyer or even to a visit from family, and they are beyond the reach of the courts. They are under the total control of the police who detain them.

Critics of the security laws have urged the government to adopt as a minimum a police code of conduct for dealing with detainees. But no such code has been adopted, and what goes on in security cells and interrogation rooms remains largely a mystery to South Africans.

Dr. Aggett was the 46th security detainee, but the first white one, to die in police custody. His death sparked a public outcry here and led to a large public demonstration by both blacks and whites.

Six months after Dr. Aggett's death, another security prisoner, Ernest Moabi Dipale, was found hanged in his cell.

The South African government has labeled Dr. Aggett's death a suicide, but the Aggett family is attempting to establish in the inquest that their son was induced to commit suicide—a crime in South Africa.

The counsel for the minister for law and order has promised testimony later by policemen that would refute the charges of the security prisoners.

Three former detainees told the court of sessions of interrogation in which they were repeatedly punched and slapped by police. All three had bags placed over their heads, and two of them alleged they were given electric shocks.

One of the detainees alleging electric shock, Shirish Namabhai, complained of the assault to a district surgeon. The surgeon later wrote a report that "scab-like wounds" were found on Mr. Nanabhai's arms, where he claimed the shocks were administered.

Pramanathan Naidoo, a former detainee now serving a one-year jail sentence for harboring an escaped prisoner, told the court of "exceptionally cruel treatment" by the police during a seven-day interrogation session. He said he was periodically slapped and punched for giving "wrong" answers to questions about his membership in the banned African National Congress and the South African Communist Party.

He was made to stand naked, with his right wrist handcuffed to his right ankle. He was later beaten on the bottom of his feet. He claimed he eventually fell asleep on his feet from exhaustion and became aware he was talking to the police, without knowing what he was saying.

The counsel for the minister of law and order said Naidoo's affidavit was full of lies and half-truths and policemen would refute it.

The Aggett family appears to be trying to establish that their son's condition worsened noticeably in the few weeks prior to his death as a result of the way the police treated him. Several of the security prisoners who knew Aggett while in prison have testified on a sharp change they observed in Aggett's personality and physical condition.

Yvette Brytenbach, the last person outside the prison to visit Dr. Aggett, described him less than six weeks before his death as physically and mentally fit and "optimistic."

Security prisoners who saw him days before he died described him as unresponsive, and having difficulty walking.

Aside from the allegations of physical abuse, some former detainees offered glimpses of the severe mental stress of detention. Indeed, some critics of detention say the conditions are so stressful as to render confessions or information gained under them highly suspect.

Keith Coleman, a former detainee, admitted during testimony about Dr. Aggett's condition that although he could remember events of his detention, he had little recall of dates or the sequence of events.

Dr. Liz Floyd, Aggett's girlfriend, said she was verbally threatened and intimidated during her detention, but was not physically assaulted. She said one police interrogator spent nearly an hour intimidating her with stories of other detainees who had jumped to their death from windows.

Dr. Floyd reminded the court of the mental stress of detention. Referring to the 10th floor interrogation center of John Vorster Square prison in Johannesburg, she said: "I think it is very difficult for people sitting in this courtroom to understand what it is like on the 10th floor, especially after three months of detention. Even though you know your rights, you begin to doubt them. Theoretically, I knew I was not guilty, but I began to doubt that."

The inquest is continuing.●

● Mr. UDALL. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Pennsylvania. The gentleman's amendment will prohibit all new investment in South Africa by American firms or individuals. In so doing, it will send a clear and unequivocable signal to the South African Government; it will serve as an expression of our deep objection to the practice of apartheid.

For decades now, the South African Government has pursued its racist policy of segregation despite world condemnation. It has ignored world opinion, just as it has ignored the human rights of its nonwhite population. It is time to give greater force to our own beliefs in this matter. We can do that by voting in favor of the Gray amendment.

I know that there are those in this body and elsewhere that hope we can persuade South Africa to relax its apartheid policy by continued commerce with that nation. I do not share that view. Despite limited sanctions, despite earlier boycotts, the South African Government has persisted in its brutally racist policies. It has made only token concessions.

Meanwhile, U.S. direct investment in South Africa has continued to increase. In 1950, U.S. direct investment amounted to only $140 million and in 1961 only $353 million. Today, however, U.S. investment exceeds $2.6 billion.

As long as that trend continues, as long as the nations of the world continue to treat South Africa as any other nation for purposes of investment, there will be no concessions from the South African Government, there will be no end to apartheid.

During the past 3 years, this administration has tried various carrot and stick approaches to South Africa, but those attempts have utterly failed to change circumstances in that racially torn country. Apartheid remains unchanged.

There are those who believe that this amendment goes too far. Again, I disagree. This amendment will not affect the export-import trade between the United States and South Africa. It will not require American companies to divest themselves of any South African operations. It will not prohibit the reinvestment of profits earned by firms currently doing business in South Africa.

The amendment before us is a carefully crated amendment. It will serve as a strong message to the South African Government, but it will not work any unjustice on American firms or individuals.

I urge my colleagues to support this amendment. It is, I believe, a vote that will further the cause of racial equality; it is a vote for human decency. It is the least that we can do to aid millions of South Africans struggling for justice and freedom.●

● Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered

by the distinguished gentleman from Pennsylvania, Mr. GRAY, to have this Nation take a definitive and perhaps consistent position against the morally repugnant apartheid policies in South Africa.

The Gray amendment would bar all new investment in South Africa by U.S. firms or individuals. The amendment clearly defines the parameters of what is considered a new investment. It includes loans or extensions of credit for the establishment of a business in South Africa including subsidiaries or branches of such enterprises. It also includes investing funds in existing enterprises in South Africa including loans or any other types of credit. The amendment was carefully developed so as not to infringe upon existing investments.

This is a historic day in the House for we are putting more than our rhetoric forward against the policies in South Africa. South Africa is the only nation in the world which practices—and more importantly which legally sanctions racial discrimination and segregation. The result is a form of severe economic oppression of more than 70 percent of the nonwhite population in South Africa.

The United States is not a minor player in the economy of South Africa. Currently there are more than 300 U.S. subsidiaries operating there with investments totaling some $2.6 billion. Private and public sector bank loans from U.S. banks to South Africa total $3.7 billion. All told we are the second-largest source of foreign investment in South Africa.

That is the critical issue before us. Are we with our investment serving to allow the racism and discrimination so endemic to South Africa to continue and flourish? Is it that U.S. investment has no morality? Do we send a signal to the world that we are tolerant of these practices? The United States has taken great strides to combat discrimination in our Nation—we should expect the same commitment when our funds are involved.

To me this amendment sends the proper signal to South Africa and the world. It demonstrates a consistency of commitment which we need if we are to root out the problem of racial discrimination in the world. It must be passed today.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GRAY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ: Page 63, line 24, insert "other than an individual" after "person".

Mr. SOLARZ. Mr. Chairman, this is a technical amendment. I believe it is acceptable to the chairman of the subcommittee and to the ranking minority member.

It would simply provide that in the event of a violation of that section of title III relating to the sale or the purchase of Krugerrands, insofar as an individual violates the section, that individual would not be subjected to the criminal penalties that are contained in the act, and they would only have civil penalties imposed against them. The inclusion of the criminal penalties for an individual violation of the Krugerrand provision was the result of an oversight in the original drafting of title III, and this is designed to correct it.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the distinguished chairman of the subcommittee.

Mr. BONKER. Mr. Chairman, I understand the amendment to be technical and conforming, and I have no objection to it.

Mr. SOLARZ. Mr. Chairman, I thank the subcommittee chairman, and I yield back the balance of my time.

● Mr. KOSTMAYER. Mr. Chairman, I rise in support of the so-called Solarz amendment which provides for enforcement of the Sullivan Principles against multinational companies doing business in South Africa.

I do so, Mr. Chairman, because I believe strong action by the Congress will have an influence on other countries with corporations doing business in South Africa. Just as the creation of the Sullivan Principles themselves served as a catalyst for American companies to bring about changes in their plants, factories and mines in South Africa, so congressional adoption of them into law will, I believe, have a domino effect on other nations.

Ultimately, of course, we are looking for the Government of South Africa itself to respond to the international call for abandonment of its cruel and racist policy of apartheid. The United States should be a leader in this movement.

And it is not a hopeless quest, Mr. Chairman. Just as years of public outrage brought about the eradication of Jim Crow laws in our country, so too there are some positive changes taking place in South Africa. As Rev. Leon Sullivan of Philadelphia, author of the Sullivan Principles wrote last May in the Washington Post, in the 6 years since the principles were initiated at a time when blacks were not even legally considered employees in South Africa, significant changes have occurred including: Desegregation of plants in spite of apartheid laws, blacks joining whites in skilled job training programs and black trade unions being recognized.

But as Reverend Sullivan goes on to say,

In my opinion, the voluntary support of the principles has been effective, but is not getting the desired results quickly enough. More enforcement is needed. As I have testified before congressional committees on several occasions: The full compliance with the principles of all American companies with operations in the Republic of South Africa should be made mandatory by the U.S. Government, and backed up with embargoes, tax penalties, sanctions, loss of government contracts and any other effective means.

Mr. Chairman, I urge my colleagues to join in this effort to achieve racial equality in South Africa, and to sustain the Solarz amendment and the committee bill.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MC KINNEY

Mr. McKINNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. McKINNEY. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The text of the amendment offered by Mr. McKINNEY is as follows:

Amendment offered by Mr. McKINNEY: Page 57, strike out lines 15 through 19 and insert in lieu thereof the following: "not export any goods or technology directly or indirectly to South Africa.".

Page 58, lines 21 and 22, strike out "violates the provisions of paragraph (1)(A)" and insert in lieu thereof "exports any goods or technology in violation of paragraph (1)".

Page 59, line 2, strike out "(1)(A) of this subsection," and insert in lieu thereof "(1) and this paragraph,".

Mr. McKINNEY. Mr. Chairman, during the Banking Committee's consideration of the proposal which became title III of the Export Administration Act it came to my attention that one of the sanctions against U.S. companies for noncompliance with the fair employment regulations would be to prohibit the use by that company of the Export-Import Bank anywhere in the world.

I share the concern of my colleagues, Mr. SOLARZ and Mr. GRAY, and congratulate them for their efforts in bringing this legislation to the House. I think it is important to have strong penalties for noncompliance by companies operating in South Africa. With respect to the Eximbank the House acted in 1978 to prohibit any Exim credit in support of any export which would contribute to maintaining or enforcing South African apartheid. I do not propose to alter this prohibition in any way.

To extend the prohibition throughout the world strikes me as being too

severe, however. It also might cause unanticipated adverse economic results for other nations and for our foreign trade. My amendment simply removes the reference to the use of the Export-Import Bank services. The existing legal bar against any Exim loans or credits being used to benefit apartheid or South Africa remains in force as it should.

During his testimony before the Banking Committee my friend, Mr. SOLARZ, stated that he thought the penalties for noncompliance in this legislation are pretty strong, even without the provision involving the Eximbank. With his support and cooperation I developed this amendment which I urge the House to adopt.

As I said, my amendment has Mr. SOLARZ' approval and it has been cleared with the chairman and ranking minority member of the subcommittee. I believe it is noncontroversial and ask for its adoption.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding, and I just want to say that I support his amendment. It is designed to deal with the problem which the gentleman pointed out when this was considered by the Banking Committee. I am pleased to support the amendment.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the subcommittee chairman.

Mr. BONKER. Mr. Chairman, the subcommittee chairman has no objection to the amendment. I understand it is conforming in nature, and that the author of title III approves of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. McKINNEY).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

Mr. WEISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of title III of the Export Administration Act, a section of the bill containing measures to help distance the United States from South Africa's racist regime, and all amendments which have been adopted thereto. I commend my colleague from New York for his outstanding work on this legislation.
legislation.

I would also like to express my support for the provision in the bill that would restore the prohibition on sales of certain items to the military, police and other agencies of the South African Government and the amendment to prohibit new corporate investment in South Africa.

These measures will serve as a counterforce to the discredited policy of constructive engagement which the United States has extended to South Africa during the past several years. Under constructive engagement, repression and misery have intensified for South Africa's nonwhites, although the policy was intended to influence that nation to modify the apartheid system and end its illegal occupation of Namibia. Instead, conditions are deteriorating for South Africa's blacks who are being stripped of their citizenship and forced into desolate, poverty-stricken homelands.

As a result of constructive engagement, the United States is now implicated in the escalating violence of the region. Throughout Africa, the United States is viewed as a friend of the totalitarian regime in South Africa and an ally in its scheme to delay independence for Namibia and further reenforce the apartheid system. Black leaders in South Africa and throughout the continent have appealed to the United States to put pressure on Pretoria before it is too late. I believe it is urgent that we embark on a new course of action in South Africa. With the provisions contained in the Export Administration Act, we could demonstrate that the United States does not support a system that withholds civil, political and human rights on the basis of one's skin color.

Title III of the act would establish legally enforceable fair employment standards for American firms operating in South Africa with more than 20 employees, prohibit U.S. bank loans to the South Africa Government and its parastatals—except for loans for educational, housing, and health facilities available without discrimination in areas open to all groups—and ban importation into the United States of the Krugerrand or other South African gold coins.

The employment standards are essentially a mandated version of the voluntary Sullivan code that was implemented in the mid-1970's. Approximately 350 American firms with more than 100,000 workers operate in South Africa, but one half of them have not signed and one-third of the signatories have failed to implement the voluntary code. The standards include racial integration at the workplace, equal pay, minimum wage standards, more nonwhites in administration, labor union recognition, and fair labor practices.

Title III would also ban U.S. bank loans to South Africa, which is important because the Government of that nation cites these loans as evidence that it is respectable and creditworthy. Thus, the loans, which amounted to more than $600 million in 1982, help to reenforce apartheid.

The third major provision of title III is to ban the importation of the Krugerrand. The Krugerrand is the largest selling gold coin in the United States, due to vigorous advertising by the South African Government. It provides South Africa with income that helps maintain apartheid. Critics say this impinges on free trade, but this argument becomes meaningless in the context of the denial of far more basic freedoms.

Opponents of these measures also claim that we are imposing sanctions selectively, ignoring other nations that violate human rights. However, there is no other nation in the world where racism is entrenched in the constitution, the political system, and the laws and regulations that govern one's every move. Moreover, the United States has not hesitated to impose stringent trade and banking restrictions on other nations, including Cambodia, North Korea, Iran, Rhodesia, Central African Republic, and Uganda. We have not acted against all nations that violate human rights but this in no way justifies failure to act against South Africa.

Both the Berman provision prohibiting sales of nonlethal weapons to the South African military, police and other government agencies, and the Gray amendment to prohibit new corporate investment in South Africa would reemphasize our opposition to apartheid. The weapons sales prohibition was lifted by the Reagan administration in 1982 and should be restored. The ban on new investments would also guard against U.S. involvement on the side of the Government in case of civil violence. Under South Africa law, foreign corporations must give the Government access to their facilities during national disruptions.

I believe that these provisions collectively offer an opportunty to redirect U.S. relations with South Africa—to embark upon a course of action consistent not only with American beliefs in freedom and equality but with national security interests, since there can be little doubt that drastic change is on the way in South Africa. Thus, our American tradition of democracy, our national security interests and our compassion for the long suffering of nonwhites in South Africa should compel us to approve this legislation. I urge my colleagues to support the measures introduced by Congressmen SOLARZ, BERMAN, and GRAY and to oppose any weakening or damaging amendments.

The CHAIRMAN. If there are no further amendments to title III, the Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO), who has an amendment that provides a new title.

AMENDMENT OFFERED BY MR. ANNUNZIO

Mr. ANNUNZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANNUNZIO: Add the following at the end of the bill:

TITLE IV—SOVIET UNION

GOLD COINS

SEC. 401. No person, including any bank operating under the laws of the United States, may import into the United States any gold coin minted in the Soviet Union or offered for sale by the Governemnt of the Soviet Union.

ENFORCEMENT; PENALTIES

SEC. 402. (a) The Secretary, in consultation with the Secretary of the Treasury and the Secretary of Commerce, shall take the necessary steps to insure compliance with the provisions of section 401, including—

(1) issuing such regulations as the Secretary considers necessary to carry out section 401;

(2) establishing mechanisms to monitor compliance with the provisions of section 401 and any regulations issued pursuant to paragraph (1) of this subsection;

(3) in any case in which the Secretary has reason to believe that a violation of section 401 has occurred or is about to occur, referring the matter to the Attorney General for appropriate action; and

(4) in any case in which the Secretary has reason to believe that any person has furnished the Secretary with false information relating to the provisions of section 401, referring the matter to the Attorney General for appropriate action.

(b)(1) Any person, other than an individual, that violates section 401 of this Act shall be fined not more than $1,000,000.

(2) Any individual who violates section 401 of this Act shall be fined not more than five times the value of the gold coins involved.

(c)(1) Whenever a person violates section 401 of this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall, upon conviction, be fined not more than $10,000, or imprisoned not more than five years, or both.

(2) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

APPLICABILITY TO EVASIONS OF TITLE

SEC. 403. This title shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this title or any regulations issued to carry out this title.

COOPERATION OF OTHER DEPARTMENTS AND AGENCIES

SEC. 404. (a) Each department and agency of the United States shall cooperate with the Secretary in carrying out the provisions of this title, including, upon the request of the Secretary, taking steps to insure compliance with the provisions of this title and any regulations issued to carry out this title.

(b) The Secretary may secure directly from any department or agency of the United States information necessary to enable the Secretary to carry out the Secretary's functions under this title.

DEFINITION

SEC. 405. For purposes of this title, the term "Secretary" means the Secretary of State.

Mr. ANNUNZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Chairman, the tragic massacre of American marines and sailors in Lebanon has sickened the American people. The situation in Lebanon demands strong and decisive action on the part of our Government.

But we must not let what happened in Lebanon make us forget that only a few weeks ago 61 innocent Americans were murdered by the Soviet Government when Korean Air Line flight 007 was attacked by Soviet fighter planes, and in all 269 men, women, and children died.

The Russians and hopeful that the Beirut massacre will draw attention away from the Korean airline downing and that there will be less clamor in this country to take action against the Russians.

Mr. Chairman, we cannot forget what happened on Korean flight 007. We cannot be fooled into believing that the Russians are anything but murderers. The entire concept of their political regime is based on fear, intimidation and murder. The Russian Communists are never going to change. And while I stand here today grieving for the loss of American lives in Beirut, I know that at the same time we cannot let that situation be used to draw our attention away from the Russian murderers.

This amendment bans the importation of gold coins from the Soviet Union into the United States. Over the past 4½ years, the Soviet Union has exported nearly $46 million worth of gold coins to our country. These coins are used to raise much needed hard currency for trade with the West.

While I doubt any patriotic Americans would now buy Soviet coins, the Russians will surely count on Americans forgetting the tragedy as time passes. The ban on these coins will assure that we will not forget. There will not be a return to business as usual as long as the Soviet Union continues on its current course.

These Soviet coins represent blood money. They are stained with the blood of the 269 innocent people who were murdered on Korean Air Lines flight 007. They are stained with the blood of the forced labor used to mine the gold. And they are stained with the blood of the countless millions the Soviet Government has killed over the 65-year course of its reign.

My colleagues, it is time we stop sending American dollars to pay Russian fighter pilots to shoot down unarmed civilian airplanes. Over the past few weeks I have taken the floor of this House repeatedly, urging stronger measures against the Soviet Union for the callous murder of innocent people. This is one measure we can take now, and I urge the adoption of this amendment.

Mr. BONKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have some reservations concerning this amendment, again on procedural matters. In this case we are today debating the Export Administration Act, and this is an import control matter.

□ 1710

It really properly belongs with the Committee on Ways and Means, the Subcommittee on Trade, which has jurisdiction over import issues.

Second, the amendment, as I understand it, would ban the import of gold coins from Russia. I do not think that amounts to a great deal, but we have just taken action on title III, which will place a ban on the import of Krugerrand gold coins from South Africa. I am not sure ultimately who we are really hurting, whether we are hurting the Russians in this case or hurting the mom and pop coin collectors in the United States; but in any case, if that is the wish of the gentleman from Illinois and this body, I have no objection.

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT OFFERED BY MR. ANNUNZIO

Mr. PAUL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PAUL to the amendment offered by Mr. ANNUNZIO: In the matter proposed to be inserted by the amendment, insert "AND OTHER WARSAW PACT COUNTRIES" after "TITLE IV—SOVIET UNION".

In section 401 of the matter proposed to be inserted by the amendment, insert "(a)" after "401." and add the following at the end of section 401:

(b) No department or agency of the United States Government may make any loan directly or through a foreign subsidiary to the government of any Warsaw Pact country or to any corporation, partnership, or other organization which is owned or controlled by the government of any such country, as determined under regulations issued by the Secretary.

(c) The prohibition contained in subsection (b) of this section shall not apply to any loan or extension of credit for which an agreement is entered into before the date of the enactment of this Act, but shall apply to any renewal of any loan or extension of credit unless the terms and conditions for such renewal are specifically set forth in an agreement executed before the date of the enactment of this Act.

Mr. BONKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FRENZEL. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GIBBONS. Mr. Chairman, I reserve a point of order, as well. Let the gentleman have his debate.

The CHAIRMAN. The gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Chairman, this is an amendment to the amendment offered by the gentleman from Illinois. It changes the title and includes "and other Warsaw countries".

What it does, is it cuts off all government departmental or agency loans to the Warsaw Pact nations.

Today we are in a period of time where we have acute confrontation with the expansion of communism. We have just seen in recent days the invasion of an island to overthrow a Marxist dictatorship, and yet at the same time we extend many subsidized loans to the Soviet bloc nations.

We know that all funds are fungible and when funds get into the hands of Soviet bloc nations, it means it gets into the hands of the Soviets, who then are quite capable of transferring funds to their Cuban partners, who then can subsidize and play games down in the Caribbean as well as Central America; so I think this is a very appropriate amendment.

This means that we would not be extending credit to the Warsaw Pact nations. I feel this is a very appropriate thing to do in light of what has happened in recent weeks.

We have seen a Korean airliner shot down by the Soviets. We talk real tough, though we continue the loans to the Soviet bloc nations.

I believe we should cut off all these loans, and yet we are promoting and actually encouraging and expanding these loans to the Soviets.

I do not see how in one breath we can confront them in a military sense and in another breath expand the loans to the Soviets.

It is for this reason that I offer this amendment, believing that it is the proper thing to do. It is the proper American course to take and say that it is no longer feasible nor wise for the American people to be asked to subsidize by low interest rates to the Soviet bloc nations; so this I see as a perfect opportunity on a bill dealing with exports to make this point and make this issue and see that these loans are cut off.

POINT OF ORDER

Mr. GIBBONS. Mr. Chairman, I raise a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. GIBBONS. Mr. Chairman, I raise a point of order against the Paul amendment on the grounds that it is not germane to the Annunzio amendment and on the grounds that it is not germane to this bill.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. PAUL. Yes, Mr. Chairman, I would like to be heard.

The CHAIRMAN. The gentleman is recognized.

Mr. PAUL. Mr. Chairman, I think it is very appropriate to the bill. We are dealing with exports. This has to do with exports and our subsidizing of the exports to Soviet bloc nations.

It is appropriate to the Annunzio amendment because the title will be changed. The title does not limit it to the Soviet Union in dealing with coins, but when I change the title, it does then permit us to deal with a broader aspect of trade and, in particular, the subsidized trade that I am talking about.

Mr. FRENZEL. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, under rule XVI, clause 7, the rule of germaneness, it is required that amendments must be germane to the subject.

I note here that we are talking about a new title in the amendment offered by the gentleman from Illinois, which refers to the Soviet Union and refers to gold coins.

The gentleman from Texas has introduced an amendment which refers to the Soviet Union and half a dozen or more other countries, known as the Warsaw Pact countries.

In addition, the amendment of the gentleman from Texas deals not with gold coins, but with loan authority and the prohibition of extensions of credit that relate to agencies that have nothing to do with the amendment proposed by the gentleman from Illinois.

It follows exactly a previous ruling that would say an amendment relating to primary elections in a bill dealing with general elections would also be nongermane.

Mr. Chairman, I ask that the Chair declare the amendment out of order under rule XVI, clause 7.

The CHAIRMAN. Does the gentleman from Texas wish to respond to the point of the gentleman from Minnesota?

Mr. PAUL. I do not, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Illinois (Mr. ANNUNZIO) deals only with the subject of the importation of gold coins from the Soviet Union, whereas the amendment offered by the gentleman from Texas (Mr. PAUL) deals with a different subject, namely, loans to any Warsaw Pact country.

It is clearly not germane to the amendment offered by the gentleman from Illinois and, therefore, the point of order is sustained.

The question is on the amendment offered by the gentleman from Illinois (Mr. ANNUNZIO).

The amendment was agreed to.

● Mr. MINETA. Mr. Chairman, I rise in support of H.R. 3231, the Export Administration Act amendments. Economic recovery and the achievement of long-term economic growth will depend to a great extent on Government policies which remove export disincentives and encourage a dynamic export sector in this economy.

The primary objective of our export control legislation is and must continue to be the protection of U.S. national security interests. However, in pursuing this objective we must minimize the disruptive effects on U.S. exporters and concentrate our efforts on effective multilateral controls. We must recognize that to remain globally competitive America cannot take a cavalier attitude toward exporting. In the high technology field, Western Europe, Japan, and the newly industrialized countries are highly competitive with the United States. We do not enhance our national security by attempting to unilaterally control items which are readily available from these competing nations.

This point was dramatically confirmed by the State Department's leading East-West trade expert, Mr. William A. Root, who is resigning his post as Director of the Office of East-West Trade because of the Defense Department's refusal to cooperate with U.S. allies on matters of export control.

Indeed, the most compelling reason for seeking a sound and rational export control policy is our long-term security interests. Our military is increasingly dependent on commercial breakthroughs in high technology products. If we have ineffective controls, which inhibit our businesses, we may be jeopardizing our long-term preeminence in the high technology field. Certainly there are few who doubt the direct correlation between a strong and innovative American economy, and an America that can guarantee its security.

Another unique difficulty in controlling high technology commodities is the fact that today's advanced, highly sophisticated product is tomorrow's mass market item. Our control procedures should take this into account and exhibit the flexibility to adapt quickly to the rapidly changing circumstances which should determine whether an item is controlled.

How we amend and extend the Export Administration Act will have a substantial impact on this Nation's economy for years to come. We are

faced with the challenge of fashioning a law which responds to the concerns and difficulties faced by U.S. exporters, without jeopardizing national security. The bill before us today will enable us to meet this challenge.●

● Mr. FRENZEL. Mr. Chairman, I thank my colleague, Mr. BONKER, for calling for a reconsideration of the Roth amendment, now the Hutto language, which was passed by us in committee last week. Since the original Roth amendment was amended or substituted three times, I believe that there may have been a few of us who were not wholly aware of exactly what we were voting for or against. I am grateful for this opportunity to explain just what was passed.

The Hutto revised Roth amendment is not an improvement over the current law. It is a status quo amendment giving the Secretary of Commerce authority to require export licenses if he or she determines they are likely to be diverted to an adversary nation. Applied to the current administration, we can expect just as many licenses as is the case now.

Mr. Chairman, I urge that my colleagues overturn this Roth/Hutto language. The language offered in the Bonker bill provided what I consider to be the proper balance of national security emphasis and export promotion.

The bill has a greatly strengthened enforcement section. Penalties for illegal shipments are much tougher, and I believe they will act as a deterrent against those who think they can get away with an illegal shipment, or act as a conspirator in an attempt to divert materials from another country to an adversary.

In addition, the Department of Commerce enforcement effort has been strengthened, and I have every confidence that Commerce will be able to locate and prosecute more offenders than ever before. It is worth remembering that most of the illegal shipments are caught outside of the export licensing process. They are caught largely by tips received by Commerce or the CIA, or other agencies. It is true that our allies at Cocom do not have the same kind of enforcement mechanism as do we and it is occasionally difficult to prosecute offenders in other countries. However, that is also a separate issue which should not cloud the issue we are discussing.

Our Government must spend more effort urging our allies to develop strong enforcement systems such as our own and then to use them. The Bonker bill also seeks to beef up our Cocom operation which should be helpful in this regard.

Requiring licenses for shipments to our closest allies at Cocom is just a needless paper chase which has bogged down our license officers under a pile of license applications 99 percent of which will be approved anyway. Many of the tough applications which need to be examined closely—those to Eastern bloc nations—are shuffled to the bottom to the pile.

Letters of credit are lost, or some nations refuse to buy from us due to the length of our licensing process. We ought to free our licensing officers to spend most of their time on the applications which truly do have the potential of creating a militarily critical technology transfer which would be detrimental to U.S. security.

Under the Bonker bill, the Secretary would have the authority to require licenses for certain end users which are suspect or known violators. I can appreciate the criticism that such a list of end users should not be made public, and I would think that some system could be developed that would keep the list confidential. One idea that surfaced recently was that perhaps Commerce could require post card notification of sales to Cocom nations which would just list the end user. Commerce could then quickly flag those cards on the end user list and contact the company directly that a license would be required. Those companies which do not hear from Commerce within 10 days of receipt of the card at Commerce would be free to ship. This would leave a modest paper trail also.

Mr. Chairman, we have no convincing evidence from the opponents of the Bonker bill's national security language that we should not try to simplify our law by eliminating licenses to Cocom countries. There is no national security risk, in my opinion. There would only be added emphasis on the sale of critical technologies to those countries not on the Cocom list. My belief always was that this is where the Export Administration Act was supposed to make its impact anyway.

Remember, we are not eliminating any licenses which must be made to non-Cocom countries. We are eliminating them to our allies. If our allies choose to transship them to other nations, they must obtain a license in their own countries and obtain Cocom approval.

We are not harming our national security. We are redirecting our emphasis to the area where it is needed most—sales of militarily critical materials to our adversaries or to countries outside of Cocom which have a record of diverting shipments to our adversaries.

I urge the defeat of the Hutto/Roth language.●

The CHAIRMAN. Are there further amendments?

Mr. BONKER. Mr. Chairman, I know of no further amendments to the bill.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SEIBERLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, pursuant to House Resolution 297, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

□ 1720

Mr. BONKER. Mr. Speaker, I demand a separate vote on the so-called Roth amendment to section 106 dealing with exports to Cocom countries.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

Mr. ROTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. FRENZEL. Mr. Speaker, I object.

The SPEAKER. The Chair will advise the gentleman that his request is not in order.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Page 10, strike out lines 1 through 13 and insert in lieu thereof the following:

(b) Section 5(b) of the Act is amended by adding at the end thereof the following: "No authority or permission to export may be required under this section before goods or technology are exported in the case of exports to a country which maintains export controls on such goods or technology cooperatively with the United States, except that the Secretary (1) may require an export license for the export of such goods or technology that the Secretary may determine are likely to be directed to a country described in section 620(f) of the Foreign Assistance Act of 1961, and (2) shall require, as a condition to exporting any good or technology subject to export controls under this section which is on the list of militarily critical technologies established pursuant to subsection (d) of this section, that the good or technology not be re-exported to any

country to which exports are controlled under this section without the prior approval of the Secretary, through deliberations of the group known as the Coordinating Committee. The Secretary shall assure that the documentation required to carry out clause (2) of this subsection is sufficient to ensure compliance with that clause. The Secretary shall also by regulation require any person exporting any goods or technology to a country which maintains export controls on such goods or technology cooperatively with the United States to notify the Department of Commerce of those exports.".

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ROTH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 188, nays 223, not voting 22, as follows:

[Roll No. 425]

YEAS—188

Albosta	Goodling	McDade
Anderson	Gradison	McEwen
Applegate	Guarini	McGrath
Archer	Hall (OH)	McKinney
Aspin	Hall, Ralph	Miller (OH)
Badham	Hall, Sam	Minish
Barnard	Hammerschmidt	Molinari
Bennett	Hansen (ID)	Montgomery
Bevill	Hansen (UT)	Moorhead
Bilirakis	Hartnett	Morrison (WA)
Bliley	Hatcher	Murtha
Boggs	Hertel	Natcher
Breaux	Hightower	Neal
Broyhill	Hiler	Nelson
Burton (IN)	Hillis	Nichols
Byron	Hopkins	Olin
Campbell	Horton	Oxley
Carney	Hubbard	Packard
Carr	Huckaby	Pashayan
Chappell	Hughes	Patman
Chappie	Hunter	Paul
Cheney	Hutto	Pepper
Clarke	Hyde	Perkins
Conte	Ireland	Pursell
Cooper	Jenkins	Ray
Courter	Jones (NC)	Regula
Craig	Jones (TN)	Rinaldo
Crane, Daniel	Kasich	Ritter
Crane, Philip	Kazen	Robinson
D'Amours	Kildee	Roe
Daniel	Kindness	Roemer
Daub	Kramer	Rogers
Davis	Lagomarsino	Roth
de la Garza	Latta	Rowland
Derrick	Leath	Rudd
DeWine	Lent	Russo
Dickinson	Lewis (FL)	Sawyer
Dorgan	Lipinski	Schaefer
Dreier	Lloyd	Schulze
Duncan	Loeffler	Sensenbrenner
Dyson	Long (MD)	Shaw
Edwards (OK)	Lott	Shelby
English	Lujan	Shumway
Erdreich	Lungren	Shuster
Erlenborn	Mack	Siljander
Fiedler	Marlenee	Sisisky
Fields	Martin (IL)	Skeen
Flippo	Martin (NC)	Skelton
Florio	Martin (NY)	Smith (NJ)
Fowler	Mazzoli	Smith, Denny
Franklin	McCain	Smith, Robert
Frost	McCandless	Solomon
Fuqua	McCloskey	Spence
Gilman	McCollum	Staggers
Gingrich	McCurdy	Stump
Sundquist	Volkmer	Wise
Tallon	Walker	Wolf
Tauzin	Watkins	Wortley
Taylor	Whitehurst	Yates
Thomas (GA)	Whitley	Young (AK)
Torricelli	Whittaker	Young (FL)
Traxler	Williams (OH)	Young (MO)
Valentine	Winn	

NAYS—223

Ackerman	Ford (TN)	Owens
Addabbo	Forsythe	Panetta
Akaka	Frank	Patterson
Alexander	Frenzel	Pease
Andrews (NC)	Garcia	Penny
Andrews (TX)	Gaydos	Petri
Annunzio	Gejdenson	Pickle
Anthony	Gekas	Porter
AuCoin	Gephardt	Price
Barnes	Gibbons	Quillen
Bartlett	Glickman	Rahall
Bateman	Gonzalez	Rangel
Bates	Gray	Ratchford
Bedell	Green	Reid
Beilenson	Gregg	Richardson
Bereuter	Gunderson	Ridge
Berman	Hall (IN)	Roberts
Bethune	Hamilton	Rodino
Biaggi	Harkin	Rostenkowski
Boehlert	Hawkins	Roukema
Boland	Hayes	Roybal
Boner	Hefner	Sabo
Bonior	Heftel	Savage
Bonker	Hoyer	Scheuer
Borski	Jacobs	Schneider
Bosco	Jeffords	Schroeder
Boucher	Johnson	Schumer
Boxer	Jones (OK)	Seiberling
Britt	Kaptur	Shannon
Brooks	Kastenmeier	Sharp
Broomfield	Kemp	Sikorski
Brown (CA)	Kennelly	Slattery
Brown (CO)	Kogovsek	Smith (FL)
Bryant	Kolter	Smith (IA)
Carper	Kostmayer	Smith (NE)
Chandler	LaFalce	Snowe
Clay	Lantos	Snyder
Clinger	Leach	Solarz
Coats	Lehman (CA)	Spratt
Coelho	Lehman (FL)	St Germain
Coleman (MO)	Leland	Stangeland
Coleman (TX)	Levin	Stark
Collins	Levine	Stenholm
Conable	Lewis (CA)	Stokes
Conyers	Long (LA)	Stratton
Coughlin	Lowery (CA)	Studds
Coyne	Lowry (WA)	Swift
Crockett	Luken	Synar
Dannemeyer	Lundine	Tauke
Daschle	MacKay	Thomas (CA)
Dellums	Madigan	Torres
Dicks	Markey	Towns
Dingell	Martinez	Udall
Dixon	Matsui	Vander Jagt
Donnelly	Mavroules	Vandergriff
Downey	McHugh	Vento
Durbin	McKernan	Vucanovich
Dwyer	McNulty	Walgren
Dymally	Mica	Waxman
Early	Mikulski	Weaver
Eckart	Miller (CA)	Weber
Edgar	Mineta	Weiss
Edwards (AL)	Mollohan	Wheat
Edwards (CA)	Moody	Whitten
Emerson	Moore	Williams (MT)
Evans (IA)	Mrazek	Wilson
Evans (IL)	Murphy	Wirth
Fascell	Myers	Wolpe
Fazio	Nielson	Wright
Feighan	Nowak	Wyden
Ferraro	Oakar	Yatron
Fish	Oberstar	Zablocki
Foglietta	Obey	Zschau
Foley	Ortiz	
Ford (MI)	Ottinger	

NOT VOTING—22

Burton (CA)	Howard	O'Brien
Corcoran	Levitas	Parris
Dowdy	Livingston	Pritchard
Gore	Marriott	Rose
Gramm	Michel	Simon
Hance	Mitchell	Wylie
Harrison	Moakley	
Holt	Morrison (CT)	

□ 1740

The Clerk announced the following pairs:

On this vote:

Mr. Corcoran for, with Mr. Moakley against.

Mr. Gramm for, with Mr. Morrison of Connecticut against.

Mr. DANNEMEYER changed his vote from "yea" to "nay."

Messrs. CONTE, PERKINS, and DAUB changed their votes from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ERLENBORN. In its present form, Mr. Speaker, I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill, H.R. 3231, to the Committee on Foreign Affairs, with instructions to report it back forthwith with the following amendment: Page 27, line 4, strike out all that follows:

"SEC. 113" through line 12, and redesignate succeeding subsection (b), (c), and (d) as (a), (b), and (c) and references thereto accordingly—

Page 27, line 13, after "the Act" insert "(50 U.S.C. App. 2405(a))", and strike the word "further".

Page 28, strike out line 4 and all that follows through "(B)" on line 7.

Page 29, line 19, strike out "(a), (b) and (c)" and insert in lieu thereof—"(a) and (b)".

The SPEAKER. The gentleman from Illinois (Mr. ERLENBORN) is recognized for 5 minutes in support of his motion.

Mr. ERLENBORN. Mr. Speaker, I rise in support of the motion to recommit which would retain the President's existing authority to impose extraterritorial export controls.

The limitation on the President's authority to conduct U.S. foreign policy contained in section 113(a) of this bill is untenable. Moreover, if adopted, this provision could lead to an export of jobs from the United States.

Section 113(a) removes from the President the authority to apply foreign policy export controls extraterritorially. His ability to control exports of U.S. subsidiaries operating abroad

or control the foreign origin product of U.S. technology is eliminated by this provision. Thus, the President's ability to respond effectively and rapidly to international crises is severely hampered, and his authority to carry out U.S. foreign policy is undermined.

Mr. Speaker, if section 113(a) is permitted to remain in this bill, I can see instances where U.S. companies will relocate abroad. Why would they do so? Simply, Mr. Speaker, to avoid U.S. export control laws. We cannot afford to lose to other countries the jobs that this provision could take away from the American worker.

Those who argue for section 113(a) would claim that the antievasion provisions of the bill would prevent U.S. companies from transferring their businesses abroad. I cannot accept that argument. Would a company intent on insuring that U.S. export control laws not apply to it signal to those enforcing the act that its purpose in moving offshore was to evade U.S. law? I think not.

U.S. foreign policy controls arise in many different contexts. For example, we impose foreign policy controls to combat international terrorism, to promote human rights and to distance the United States from the hostile actions of countries such as Libya. Each of these controls requires extraterritorial application to be effective. It would not be in our national interest to lose the ability to dissociate U.S. technology from the production of products overseas which could be used to facilitate acts of terrorism or violations of internationally recognized human rights. Nor would it be in our interest to lose the ability to control the export from other countries of U.S. goods to assist, for example, terrorists in their repugnant activities.

As I said last week when we were debating this issue, Mr. Speaker, the administration is cognizant of the need to apply extraterritorial foreign policy controls judiciously. The President must retain his present authorities for foreign policy controls to be effective.

For these reasons, I urge your support on this motion to recommit.

Mr. Speaker, all Members, I believe, received a letter from Secretary of Commerce, Malcolm Baldrige, dated October 24, in which he expressly supports on behalf of the administration the motion to recommit with instructions that I have just offered, and I hope the Members will vote for the motion to recommit.

Mr. BONKER. Mr. Speaker, I rise in opposition to the recommittal motion.

Mr. Speaker, this is one of the most important reforms in the committee bill, and I might add it was reaffirmed by a vote of the full House earlier.

This is the committee position. What is does essentially is it removes the President's authority to apply export controls, foreign policy controls extraterritorially, that is outside the United States.

□ 1750

It does not eliminate the President's authority, but it does require congressional approval if he wants to apply those controls extraterritorially in the future.

If we do not reject this motion, we in effect will be placing U.S. firms with subsidiaries in other countries in an awful dilemma. On the other hand, they are expected to comply with U.S. law which says, in effect, by the President's authority, terminate the contracts. On the other hand, they have to comply with the resident country's laws in which they are located which say in effect, honor the contracts.

And in our last episode with the Yamal pipeline many of our firms were placed in this terrible dilemma.

It is also adding to our growing reputation of being an unreliable supplier in a fiercely competitive world economy.

Mr. Speaker, Congress must bite the bullet and choose between exports and foreign policy gestures on this provision more than any other that is in the law.

I might add that the committee's position is fully supported by the entire business community and by the AFL–CIO.

Mr. Speaker, to reject this motion is a pro export vote.

I urge a "no" on the motion.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. BONKER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the motion to recommit this bill with instructions to strike the bill language limiting the President's authority to impose export controls extraterritorially. We have already voted once against an amendment which would have deleted that language. Further, the language in the committee bill does allow such extraterritorial application, if agreed to by joint resolution of Congress.

Our companies and our allies still have not let us forget their vehement opposition to U.S. controls extended to subsidiaries of U.S. companies abroad to prohibit sales to the building of the Yamal pipeline. There was great confusion as to whether we had the authority to impose such restrictions, and if we did, why we would take such an action which seemed so wrongfully aimed at companies which are under the laws of other countries. In many cases, we were asking those companies to choose between conflicting laws of their country of residence and country of company headquarters. If other nations took the same action in our country, we would be outraged.

Rather than take this drastic action, we should have consulted with our allies and requested their participation in the export controls. Without cooperation of our allies, nobody believes that controls can ever be effective and therefore should not be extended at all.

Countries which do not agree with our export control policy will only be too quick to make a sale we have given up. Why should we condemn a foreign subsidiary of a U.S. company to watch its closest competitor in its country of residence make a sale that it cannot? It is irrational to accept self-inflicted wounds to no good purpose.

On the other hand the committee's language is sensible. It leaves the door open for congressional approval of extraterritorial controls should the situation warrant it, but it would deny such controls when Congress believes they are not in the best interest of our country.

It can be argued the President should have flexibility to impose controls on our own companies, but it makes little sense to extend that flexibility to companies under jurisdiction of other nations. Our role should only be an attempt to convince other countries to act with us on those rare occasions when controls may be considered desirable.

I urge a vote against the motion to recommit.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BONKER. I yield to the distinguished majority whip, the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I wish to rise in opposition to this motion which would remove the prohibition of extraterritorial export controls.

Last May, the House Foreign Affairs Committee reviewed the Export Administration Act and concluded the President should not have the authority to impose extraterritorial controls.

This provision threatens to recreate the conditions which surrounded the pipeline sanctions last year. In that dispute, the United States found that the strain within the Atlantic Alliance was greater than their measured impact on the Soviet Union and its capacity to complete the Yamal pipeline.

This measure would create the following dangers for the United States:

It weakens the ability of the Western alliance to establish a common policy on East-West trade. Extraterritorial sanctions create political resentment which makes it difficult to obtain agreement and support from our allies when seeking to limit the flow of advanced technology through the Cocom process.

It creates the danger of retaliation against U.S. trade by our allies.

It causes divisions in the Atlantic Alliance which the Soviet Union can exploit.

Mr. Speaker, this provision poses a danger of dividing us from our allies while benefiting the interests of the Soviet Union. I therefore urge the Members to oppose this motion.

Mr. BONKER. Mr. Speaker, I urge my colleagues to reject the motion to recommit, and I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 124, nays 285, not voting 24, as follows:

[Roll No. 426]

YEAS—124

Applegate	Hertel	Pashayan
Badham	Hiler	Patman
Berman	Hillis	Petri
Bilirakis	Hopkins	Porter
Bliley	Hubbard	Pursell
Broomfield	Hughes	Ray
Brown (CO)	Hunter	Regula
Broyhill	Hutto	Rinaldo
Burton (IN)	Hyde	Ritter
Byron	Ireland	Robinson
Campbell	Kasich	Rogers
Carney	Kramer	Roth
Chappie	LaFalce	Rudd
Cheney	Lagomarsino	Schaefer
Coats	Latta	Schulze
Coleman (MO)	Lent	Sensenbrenner
Courter	Lewis (FL)	Shaw
Craig	Lloyd	Shumway
Crane, Daniel	Loeffler	Shuster
Crane, Philip	Lott	Siljander
D'Amours	Lujan	Skeen
Dannemeyer	Lungren	Skelton
Daub	Mack	Smith (NJ)
Davis	Marlenee	Smith, Denny
DeWine	Martin (IL)	Smith, Robert
Dickinson	Martin (NC)	Snyder
Dreier	Martin (NY)	Solomon
Duncan	McCain	Spence
Edwards (OK)	McCandless	Stump
Erlenborn	McCollum	Sundquist
Evans (IA)	McDade	Valentine
Fiedler	McEwen	Walgren
Fields	McGrath	Walker
Forsythe	McKernan	Watkins
Franklin	Miller (OH)	Weaver
Gekas	Molinari	Whitehurst
Gilman	Montgomery	Wolf
Gingrich	Moorhead	Wortley
Gradison	Neal	Young (AK)
Hansen (ID)	Nielson	Young (FL)
Hansen (UT)	Oxley	
Hartnett	Packard	

NAYS—285

Ackerman	Annunzio	Bateman
Addabbo	Anthony	Bates
Akaka	Archer	Bedell
Albosta	Aspin	Beilenson
Alexander	AuCoin	Bennett
Anderson	Barnard	Bereuter
Andrews (NC)	Barnes	Bethune
Andrews (TX)	Bartlett	Bevill
Biaggi	Hall, Ralph	Pepper
Boehlert	Hall, Sam	Perkins
Boggs	Hamilton	Pickle
Boland	Hammerschmidt	Price
Boner	Harkin	Quillen
Bonior	Hatcher	Rahall
Bonker	Hawkins	Rangel
Borski	Hayes	Ratchford
Bosco	Hefner	Reid
Boucher	Heftel	Richardson
Boxer	Hightower	Ridge
Britt	Horton	Roberts
Brooks	Hoyer	Rodino
Brown (CA)	Huckaby	Roe
Bryant	Jacobs	Roemer
Carper	Jeffords	Rostenkowski
Carr	Jenkins	Roukema
Chandler	Johnson	Rowland
Chappell	Jones (NC)	Roybal
Clarke	Jones (OK)	Russo
Clay	Jones (TN)	Sabo
Clinger	Kaptur	Savage
Coelho	Kastenmeier	Sawyer
Coleman (TX)	Kazen	Scheuer
Collins	Kemp	Schneider
Conable	Kennelly	Schroeder
Conte	Kildee	Schumer
Conyers	Kindness	Seiberling
Cooper	Kogovsek	Shannon
Coughlin	Kolter	Sharp
Coyne	Kostmayer	Shelby
Crockett	Lantos	Sikorski
Daniel	Leach	Sisisky
Daschle	Leath	Slattery
de la Garza	Lehman (CA)	Smith (FL)
Dellums	Lehman (FL)	Smith (IA)
Derrick	Leland	Smith (NE)
Dicks	Levin	Snowe
Dingell	Levine	Solarz
Dixon	Lewis (CA)	Spratt
Donnelly	Long (LA)	St Germain
Dorgan	Long (MD)	Staggers
Downey	Lowery (CA)	Stangeland
Durbin	Lowry (WA)	Stark
Dwyer	Luken	Stenholm
Dymally	Lundine	Stokes
Dyson	MacKay	Stratton
Early	Madigan	Studds
Eckart	Markey	Swift
Edgar	Martinez	Synar
Edwards (AL)	Matsui	Tallon
Edwards (CA)	Mavroules	Tauke
Emerson	Mazzoli	Tauzin
English	McCloskey	Taylor
Erdreich	McCurdy	Thomas (CA)
Evans (IL)	McHugh	Thomas (GA)
Fascell	McKinney	Torres
Fazio	McNulty	Torricelli
Feighan	Mica	Towns
Ferraro	Mikulski	Traxler
Fish	Miller (CA)	Udall
Flippo	Mineta	Vander Jagt
Florio	Minish	Vandergriff
Foglietta	Mollohan	Vento
Foley	Moody	Volkmer
Ford (MI)	Moore	Vucanovich
Ford (TN)	Morrison (WA)	Waxman
Fowler	Mrazek	Weber
Frank	Murphy	Weiss
Frenzel	Murtha	Wheat
Frost	Myers	Whitley
Fuqua	Natcher	Whittaker
Garcia	Nelson	Whitten
Gaydos	Nichols	Williams (MT)
Gejdenson	Nowak	Williams (OH)
Gephardt	Oakar	Wilson
Gibbons	Oberstar	Winn
Glickman	Obey	Wirth
Gonzalez	Olin	Wise
Goodling	Ortiz	Wolpe
Gray	Ottinger	Wright
Green	Owens	Wyden
Gregg	Panetta	Yates
Guarini	Patterson	Yatron
Gunderson	Paul	Young (MO)
Hall (IN)	Pease	Zablocki
Hall (OH)	Penny	Zschau

NOT VOTING—24

Breaux	Holt	Moakley
Burton (CA)	Howard	Morrison (CT)
Corcoran	Levitas	O'Brien
Dowdy	Lipinski	Parris
Gore	Livingston	Pritchard
Gramm	Marriott	Rose
Hance	Michel	Simon
Harrison	Mitchell	Wylie

□ 1800

The Clerk announced the following pair:

On this vote:

Mr. Corcoran for, with Mr. Moakley against.

Mr. VOLKMER changed his vote from "yea" to "nay."

Mr. PORTER changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

□ 1810

1982 ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Thursday, October 27, 1983.)

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3231, EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

Mr. BONKER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 3231) to amend the authorities contained in the Export Administration Act of 1979, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, and crossreferences, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the bill, H.R. 3231, which was just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXPORT ADMINISTRATION ACT OF 1979 EXTENSION

Mr. BONKER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the bill (H.R. 4230) to extend the authorities under the Export Administration Act of 1979, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4230

A bill to extend the authorities under the Export Administration Act of 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking out "October 14" and inserting in lieu thereof "November 18".

SEC. 2. There are authorized to be appropriated to the Department of Commerce for the fiscal year 1984 such sums as may be necessary to carry out the Export Administration Act of 1979.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1904, CHILD ABUSE AMENDMENTS OF 1983

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-447) on the resolution (H. Res. 350) providing for the consideration of the bill (H.R. 1904) to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2751, NATIONAL FOUNDATION ON ARTS AND THE HUMANITIES ACT AMENDMENTS OF 1983

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-448) on the resolution (H. Res. 351) providing for the consideration of the bill (H.R. 2751) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2114, MARITIME PROGRAMS OF DEPARTMENT OF TRANSPORTATION AUTHORIZATIONS, 1984

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-449) on the resolution (H. Res. 352) providing for the consideration of the bill (H.R. 2114) to authorize appropriations for the fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MILITARY TRANSPORTATION FOR FAMILIES OF WOUNDED MARINES

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute.)

Mr. BOEHLERT. Mr. Speaker, on Tuesday I made a request to the administration, a request supported by the Speaker and the majority and minority leadership, that immediate consideration be given to providing transportation to Germany for the families of the marines who were critically wounded in Lebanon and have been medically evacuated to Germany. The objective, of course, was to bring loved one's together during this time of crisis.

I am pleased to announce that the administration has responded with great sensitivity to our request for transportation to Germany for the families of the servicemen injured in the Lebanon bombing. The military will, as we requested, reunite the servicemen with their families as quickly and conveniently as possible. They are already doing so in the case of one marine from my district, Lance Cpl. Jeff Nashton, of Rome.

The military will be reviewing transportation requests on a case-by-case basis. Most of the marines hospitalized in Europe will be brought back home for further treatment within about 6 days. Ten of the approximately seventy marines initially hospitalized there have already been returned for additional care.

In any instance in which a marine will not be returning soon and the physician feels a family visit is desirable, the military will provide transportation promptly.

This is what has happened in the case of the Nashtons. The military arranged for, and paid for, a round trip flight on Lufthansa for Jeff's parents, Al and Olympia, and his wife, Lori. They will be leaving New York at 7:30 p.m. tonight. The military also offered to pay for the flight from Utica to LaGuardia Airport, but Empire Airlines said it would provide the flight for free.

Everyone with whom I have talked in the administration including Secretary of Defense Weinberger, has responded magnificently to this request in this time of crisis. Our marines, who have lived up to their motto "Semper Fideles," deserve no less.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3866

Mr. PHILIP M. CRANE. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Alabama (Mr. EDWARDS) be removed as a cosponsor of H.R. 3866. The gentleman from Alabama was erroneously added as a cosponsor.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1820

A LETTER FROM MARINE MAJ. ROBERT T. JORDAN

The SPEAKER. Under a previous order of the House, the gentleman from Kentucky (Mr. HOPKINS) is recognized for 5 minutes.

● Mr. HOPKINS. Mr. Speaker, yesterday afternoon I received a letter from a marine major serving his country and the cause of peace in Lebanon. I met Maj. Robert Jordan a few short weeks ago when I visited our troops in Beirut. The letter is dated Friday, October 21, 1983, literally within hours of the horrendous and cowardly attack that has so deeply shocked and grieved us all.

In the sad aftermath of Sunday's tragedy, one of the constant themes sounded throughout the Nation by private citizens, public officials, and the news media has been the need to clarify the goals of the American mission in Lebanon.

In his letter, Major Jordan offers the most direct, clear, and concise description of those goals I have heard during the entire 432 days our forces have been assigned in Lebanon.

I offer this letter to my colleagues for your serious consideration as you try to sort out the pertinent facts and reach your own conclusions about our role in this troubled region of the world.

As for me, the message from this dedicated marine officer serves to reinforce my continuing opposition to any effort on this floor which might tend to sever the already thin thread of protection of our troops.

I am convinced that by mandating military tactics through obtuse legislative manuevering, this body invites disaster far greater than even the calamity of last Sunday's cowardly attack.

The letter follows:

JOINT PUBLIC AFFAIRS BUREAU,
MARINE AMPHIBIOUS UNIT,
New York, NY., October 21, 1983.

Hon. LARRY J. HOPKINS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HOPKINS: Thank you for reassuring my family upon your return from Lebanon. They were very pleased to hear from you.

The spirits of the Marines are high here despite the efforts of terrorists to destroy our morale and to inflame public opinion to force withdrawal of the multinational forces in Lebanon.

The one thing that concerns these Marines is what kind of reception they will have when they get home in December. The rhetoric that is bandied about in Congress is not always understood by the rifleman who is asked to make the sacrifices required to implement his nation's policy.

Personally, I think our course here is correct. Now that we are committed, I think it is important that we demonstrate our national resolve to see the situation through to a successful conclusion.

As one who experienced Vietnam firsthand, I'm all too aware of the effects of vacillation and indecision. After TET '68 we had beaten the north Vietnamese. Unfortunately our victory was clouded by misinformation and emotionalism and finally we were defeated by our own lack of resolve. Today, millions are suffering in bondage because of our lack of national moral integrity.

I'm concerned, too, by what I've seen of our national leaders who have visited Lebanon. The majority arrived with preconceived ideas, are misinformed and after only hours on the ground pontificate their point of view as if they fully understand the situation. I am still struggling to understand after being in the thick of it for months and after more than a year of study.

I'm also concerned that the majority of our "leaders" seem more concerned with responding to the latest public opinion poll than with "leading" and informing their constituents as to the realities of the situation. The basis of democracy is a well informed public. I'm afraid much of our legislation is based on popular misconceptions of an illiterate public as elected representatives "respond" instead of *lead*.

Lebanon is one of the keystones to stability in the middle-East. It is in our interest to see her a strong nation and a buffer between Syria and Israel.

Americans must come to realize that, if we are to continue our standard of living, we must maintain an access to the energy reserves located in this part of the world.

I'm convinced there is no quick solution here. We are dealing with centuries of blood feuds complicated by the international goals of the Soviets acting through their surrogates. Our "presence" is a difficult role to explain, not only to the public back home but to the Lebanese. But the Syrians, the Israelies and the PLO understand. That is why they are working so hard to try and force the multinational force out of Lebanon.

The government of Lebanon is not what I would wish it to be. It will have to become more representative if it will ever succeed. But it is the legal government and there are indications it is becoming more responsive to national concerns rather than sectarian fears. It will take time for it to evolve. Fear is its enemy. Without the multinational forces it will not have the time it needs.

I am concerned about those who seem dedicated to forcing us into a more aggressive role. I think our posture as a neutral presence is proper. It is a difficult role. It requires restraint and discipline. But our currency lies in the lack of aggressive intentions and our past record of departing the area when the situation became tranquil.

You are correct about Congress' record on foreign affairs. There are too many parochial interests competing for that body to be responsive in situations requiring quick responses and long term resolve.

I don't have all the answers. Much of what I see here I don't like. But I'm confident of one thing: Lebanon needs us. She needs us to be resolute and strong against foreign influence and neutral and non-aggressive toward the various Lebanese factions.

Thank you for your concern. If I may be of service you may reach me through the international operator at 832-749.

"Semper Fidelis."

ROBERT T. JORDAN,
Major U.S. Marines,
OIC, JPAB—Beirut.●

MORE ALLIES IN LEBANON

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, yesterday I wrote the President regarding my concerns about our current U.S. policy in Lebanon, with particular reference to the need to broaden the involvement of our allies in helping the Gemayal government solidify its power. Columnist George Will, in a column appearing yesterday in the Chicago Sun-Times, raised similarly constructive questions, and I ask my colleagues to carefully consider his suggestions in the column which follows:

[From the Chicago Sun-Times, Oct. 26, 1983]

U.S. POLICY IS IMPOTENT

(By George Will)

There have been even more cease-fires in Lebanon than there have been explanations of the mission of the multinational force in Lebanon.

In Vietnam, the Marines were supposed to be instruments of "nation building." In Lebanon, it seems that the marines' unfulfillable mission has been to avoid casualties—which, as Henry A. Kissinger says, they could do best back in North Carolina.

In fixed position, in numbers irrelevant to any imaginable mission, the U.S. forces are trapped. President Reagan took the oath of office as one hostage crisis was ending. Now he has his own.

The original idea was for the marines to be interposed between PLO, Syrian and Israeli forces as they disengaged. Israel has agreed to withdraw when Syria does, but there never was reason to think Syria would agree. Syrian nationalism, Syria's deepening dependence on the Soviets, and Syria's decreasing sense of danger make withdrawal increasingly unlikely.

Defense Secretary Caspar W. Weinberger now says the U.S. "commitment" is "to restore peace to the area." But 1,600 marines obviously can make no military contribution to that, and have no discernible diplomatic relevance.

The Reagan administration's first misconception concerning the Mideast was that Saudi Arabia could be a pillar of our strategic strength. Imagine the effect on the Saudis as they watch the rise of Iranian power and the inability of the United States to project convincing power for a clear purpose.

The administration's second misconception born of wishful thinking (and some coolness toward Israel) was that Syria would be spontaneously cooperative—that is, cooperative without coercion. Here is where the strongest force in the region—Israel's—becomes relevant:

A premise of U.S. policy, for decades, has been that Israel is a strategic asset to the United States, with identical objectives. But with Israel's economy in crisis and its morale shattered by the worst 15 months in its 35 years, Israel is, for the moment, a diminished asset. But it still is formidable and could be helpful.

Kissinger states the truth with a directness that should not be exclusively a luxury of persons out of power: The truth is that satisfactory negotiations are impossible until the balance of forces on the ground has shifted in our favor.

Syria is a Soviet client that sees no risk in obduracy. The best development now would be or a local power, Israel, to bomb Syrian artillery positions in the Bekka Valley. The second best development would be for U.S. aircraft to do that. Something must be done to convince Syria that its army is at risk. What certainly is at risk today is the crux of Reagan's foreign policy.

The aim of Reagan's foreign policy is to repair U.S. credibility—to re-establish the material capability, and national will, to project force. But the U.S. involvement in Lebanon, as currently configured and explained, promises another protracted demonstration of impotence.●

LEBANON DISASTER

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, all of us have been through an extraordinary—I would say overwhelming week. We are distracted by the weird invasion of Grenada, a nation consisting of 110,000 souls on an island no bigger than the District of Columbia. Yet despite that sensational event, every glance we make out the window brings the tragedy of Lebanon back to mind. Those half-masted flags, the daily casualty lists, and the information sheets from the Pentagon that tell of the mechanics of how the harvest of dead will be handled, would not let us forget the horror of Lebanon, nor the trap that the United States is in, nor the failure of Congress to meet its responsibilities to question and change a policy that had failed long before disaster struck.

It is not enough to deplore the military blunders that contributed mightily to the tragic killing of so many of our men in Lebanon, for the short and brutal truth is that it was the political policies we endorsed in Congress that were responsible for most of the military errors. For example, the majority that endorsed the War Powers Resolution compromise a few weeks ago never questioned the wisdom of keeping those troops in an open, exposed, low encampment. There were few who bothered to ask about how defensible the position was. The prevailing view was that same vacuous, pollyanna White House statement that back in January said:

(The situation) is not fraught with danger . . . (the Marines) have been there

three or four months without any major incident . . . they are not in conflict, not in contact with anybody that could produce a major incident.

About 3 months after that airy dismissal of genuine concern about the safety of the marines, a suicide bomber destroyed the U.S. Embassy in Beirut, at a loss of 63 lives—mostly Lebanese who worked in the Embassy, but including 17 of our Foreign Service personnel, some of our best and brightest people in public service. Most assuredly, they were not in conflict with anybody, but they got killed anyway, because that is the nature of the fratricide that has been going on in Lebanon since time immemorial. The Embassy bombing was a stark warning that Americans were targets for terrorists, and that in Beirut, to be a person of good will does not mean that you will not become a target for some fanatic who thinks that the sure ticket to Heaven is to blow up innocents who do not belong to your particular sect or faction or militia or splinter group, or who just happen to be in the way of your car bomb. But while we mourned the dead, only a very few of us became concerned enough to wonder about the wisdom of staying in the quagmire of Lebanese politics.

I had opposed putting Americans into Lebanon in the first place. I knew that the military advisers had said it was a bad idea. And I also shared the view of people like George Ball, who warned that putting American troops into a multinational force would draw attacks from extremists of one kind or another, to whom Americans are a symbol. It was like putting iron filings in front of a magnet, and then expecting the magnet not to suck those filings in. I expressed all of this, but in the rush of unwarranted optimism that this would be an operation of a couple of weeks, such questions were treated as not just impertinent, but downright irreverent.

After the Embassy was destroyed, and the Marine mission had dragged on from weeks into 6 months, with no end in sight, I asked myself again: "What is being accomplished?" Is not it time to evaluate this troop commitment and bring the troops home if their presence has not brought about any discernible difference? And I could not find any evidence that the peace talks that were supposed to flow from this multinational force's presence in Beirut had happened, or that there was any prospect of bringing about a government of national unity in Lebanon. It was plain that the longer the stalemate went on, the more unstable the situation would become, the more our Marines would be endangered. I began once more to raise questions.

I asked the chairman of the Committee on Foreign Affairs (Mr. ZABLOCKI) why the War Powers Act did not apply to Lebanon. I cited in detail the committee's own study of the act. And while I got a respectful hearing and a thoughtful response, the answer was essentially, "we don't want to invoke the act until and unless there is some clear crisis." I persisted, and asked what would trigger the committee to consider invoking the act, and the reply was to this effect: "We'll know when it happens." The committee, obviously, did not want to vitiate the act by risking the accusation of crying wolf or risk raising questions that might be brusquely dismissed by confident administration supersalesmen. The possibility of appearing partisan or slightly to one side of respectability was a powerful force to maintain the status quo. The committee was privately concerned about the commitment to Lebanon, but not willing to make its fears openly known, or to raise publicly the fears that were privately felt. On June 16, I offered House Joint Resolution 298, calling for the withdrawal of our forces from Lebanon. That resolution recites exactly how the War Powers Act applies to the force in Lebanon, and it specifically warned how the situation was dangerous and that the dangers would increase as time passed. But there was no action on the resolution, even though no one could refute the arguments that I raised at that time. Complacency was the order of the day, and it was just not respectable to raise uncomfortable questions at a time when the marines were presumed to be living in perfect safety. In the soft sunshine of early summer, the Embassy bombing almost forgotten, no one wanted to look anything less than optimistic about the future in Lebanon.

On August 29, almost a year to the day after the marines arrived in Beirut, 2 were killed and 13 wounded by mortar and artillery fire that landed on their position during a fight between the Lebanese Army and one or two of the Moslem factions. My fears were renewed. But the official line was: "These were accidents. Nobody is aiming at the marines. They just happened to get caught in the crossfire." Then on September 4, the Israelis withdrew from their positions near Beirut, despite pleas from President Reagan that they stay in place. The Israelis had, during their occupation of the mountain areas near Beirut, decided that their erstwhile Christian allies had limited value, and so had helped rearm the Druze factions that oppose the Gemayel government and which, ironically, are now controlled by the Syrians, the most bitter enemy Israel faces. As soon as the Israelis pulled back to their previously prepared positions at the Awali River, warfare between the factions broke out in earnest. Two more marines died in mortar and rocket barrage on September 6. By then no one could deny any longer that the marines were indeed targets, and the commander on the ground said bluntly, "This fire is aimed and adjusted." Meaning, in laymen's language, that the artillery attacks were deliberate. The next day, the U.S. Forces started shooting back with artillery. That was the turning point: The crisis could not be denied, but it was already too late—our role had changed irrevocably because our troops had been forced to fight back. From that moment on, the peacekeeping mission was impossible. Back in Washington, the War Powers Act suddenly became a matter of urgent concern. The President denied that it was relevant to the situation—there was not any hostility in Lebanon, he claimed. But no one could be convinced that a shooting war is anything but hostilities. The administration, however, was not ready to get out of Lebanon. They tugged, hauled, jawed, and jollied the leadership of the House and Senate alike to pass a symbolic resolution that stated in effect, well, yes, there are hostilities and Congress does have the right to limit this commitment, but you, Ronald Reagan, have 18 more months to do whatever it is you want to do in Lebanon. Here in the House, only a minority of Democrats bought that threadbare face saver, but it passed anyway. Press comments were to the effect of, "there isn't any real reason to think that hanging on in Lebanon will make any difference, but what the heck, let's go along." Back in Beirut, things calmed down because the factions had run out of steam or ammunition or both, and everyone happily forgot about Lebanon again.

But the signs were ominous. The Gemayel government still had not succeeded in setting up any peace talks, and in fact had not tried very hard. Their attitude was expressed by an anonymous warlord allied with Gemayel, who said that if they could just hang on until 1985, Israel would attack Syria and the situation would change in favor of the Christian factions again. During this lull, the Syrians frantically rearmed the Druze and other factions, while the United States shipped arms to the Lebanese Government as fast as possible. The lull came to an end on October 14, when another marine died, this time from sniper fire. The Marines engaged in a battle of harassment, with each unit having a sniper team to pick off snipers in a nearby neighborhood. The next day, another marine died and three more were wounded by a sniping and grenade attack. It was on that day that the marines started talking about their return fire. I recall one statement that something like 14 hostile snipers had been picked off by marine marksmen. Meanwhile, Gemayel was proposing sites for peace talks, while

his opposing warlords were rejecting them. When finally everyone agreed to meet at Geneva, there was a flurry because there were not enough hotel rooms available in that city. But just the fact that talks supposedly were about to start, after a year or more of delay, raised the flagging spirits of those who hoped that the peacekeeping mission actually might bring about peace in Lebanon, and who also hoped that giving the President his blank check a few weeks before had not been a mistake.

But this was unwarranted optimism. At that time, I started asking my colleagues how they thought Lebanese territorial integrity was going to be restored, when Syria had not given up its longstanding claims, occupied one-third of the country, and was calling the shots for a formidable array of Moslem opponents of the Gemayel government. How, I asked, did we expect to get the Israelis to leave, which our policy was supposed to be aimed at, when they showed no sign of leaving—and in fact, the Lebanese-Israeli agreement signed earlier more or less legitimized the Israeli occupation—how could we expect much to come of a situation in which the government we supported did not control even the city limits of Beirut? How could we achieve the Secretary of State's goal of a Lebanese Government balanced among the religious factions, when Gemayel was talking about a secular, nonreligious government? But no one could answer these questions. No one wanted to hear them. And I talked about how Lebanon was a trap—how no one who had intervened there had ever gotten out, despite claims at each intervention that it would be over in a matter of weeks or months. I reminded my colleagues that the United States itself had been in Lebanon more than a year, despite intentions to get out in weeks or at the outside, 3 months. I talked about how the situation was becoming more dangerous, and asked how long—how long would this go on. But no one responded.

And now, in the aftermath of catastrophe, there are brave statements that we must stick together. But that begs the question. The question—long before any marine ever died—was what we could hope to accomplish in the quagmire of Lebanon. How was it that having a pitifully small force encamped and confined in a terribly exposed position in the midst of the most treacherous waters of the most treacherous area of the world, would bring about the peace that has eluded Lebanon since the days of the Hittites? How was it that leaving these men to be attacked at leisure by any one of dozens of armed bands of fanatics would end the endless civil, fratricidal, and feudal wars of Lebanon? How was it that having these men exposed to ever-growing danger would convince Syria to give up claims that go back decades and generations, or Israel to give up ambitions and claims dating back to the days of King Solomon? And that is still the question. There is still no answer, for the truth is that letting marines be killed does not weigh heavily on any Lebanese conscience, just our own. And it is in the name of commonsense and conscience that I once again ask that this hopeless mission be abandoned. Let us not waste one more life in Lebanon. There was never a reason to let any American die there. The deaths and carnage we have seen have not brought 1 inch of progress, nor one glimmer of hope. How much more should our best young men suffer for an empty and failed policy.

NEW MEDICAL EVIDENCE ON HUNGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, a New York Times article on October 21, 1983, captured the essence of a hearing held by the Subcommittee on Domestic Marketing, Consumer Relations and Nutrition the day before. As the article points out, the subcommittee heard new evidence of hunger and malnutrition from doctors and health professionals.

While the data presented in the hearing are not necessarily generalizable to the population as a whole, they are persuasive evidence that there is, indeed, a problem of poverty-related hunger in this country and that the lack of food resources does contribute to health problems, especially among children. The studies presented confirm the impressions formed by subcommittee members during field hearings held earlier this year on the issue of domestic hunger. I expect that the subcommittee will hold additional hearings as new evidence becomes available. The New York Times article follows:

[From the New York Times, Oct. 21, 1983]

DOCTORS TELL HOUSE PANEL OF NEW DATA ON HUNGER

(By Robert Pear)

WASHINGTON, October 20.—Three doctors testifying before a Congressional subcommittee today presented new medical evidence of hunger and malnutrition in America.

The evidence was given by Dr. Victor W. Sidel, president of the Public Health Association of New York City; Dr. Agnes Lattimer of Chicago, president of the Illinois chapter of the American Academy of Pediatrics, and Dr. J. Larry Brown, a lecturer at the Harvard School of Public Health.

Dr. Sidel reported results of interviews conducted by medical students with more than 400 people at food pantries, soup kitchens, welfare offices and health clinics in New York State. Many of these people, he said, were "eating less than what is recommended to meet energy needs."

On the average, he said, their caloric intake was well below the norm for other people and below the lower end of the range recommended by the National Academy of Sciences.

INCOME THE MAJOR REASON

Dr. Sidel, who is also a professor at the Albert Einstein College of Medicine, said, "Among the people interviewed, lack of income, not nutrition misinformation, seems to be the major reason for poor diets." He and the other witnesses appeared before the House Agriculture Subcommittee on Nutrition, headed by Representative Leon E. Panetta, a California Democrat.

Dr. Lattimer said that in the last two years, there had been a 24 percent increase in admissions to Cook County Hospital in Chicago for such symptoms related to malnutrition as abnormally low weight and height, wrinkled skin, diarrhea and dehydration.

Dr. Brown said pediatricians at teaching hospitals affiliated with the Harvard Medical School had also observed an increase in the number of children admitted for malnutrition or "failure to thrive."

Dr. Frederick L. Trowbridge of the Federal Centers for Disease Control said that surveys by his agency had found a "modest improvement" over the last seven years in the nutritional status of children entering publicly supported health and nutrition programs. The agency's data are based on examinations of 200,000 children in 32 states.

NOT A CONTRADICTION, HE SAYS

But Dr. Trowbridge said his data did not necessarily contradict the findings of the other doctors. "Our surveillance data cannot be taken as representative of United States children generally," he said. "These data," he continued, "will not reflect the nutritional status of children who, for whatever reason, are not served" by public health and nutrition programs.

Hunger has emerged in the last few months as a national issue with political implications. In August, President Reagan established an advisory committee, the Task Force on Food Assistance, to investigate reports of hunger. Mr. Reagan said he found such reports "perplexing" because poor people were entitled to receive free food stamps.

However, Dr. Brown said his research indicated that food stamp allotments were, in many cases, inadequate. "Most of the emergency facilities report that food stamp allotments last only to the third week of each month." he said. Reagan Administration officials have suggested that in such cases food stamp recipients did not plan their budgets properly.

Representative Panetta has held hearings around the country to investigate reports of hunger. Some Democrats say cutbacks in Federal nutrition programs, adopted at Mr. Reagan's request, contribute to the problem. Republicans say they expect the problem to abate as unemployment declines.

THE LONG RUN AND REALITY

With respect to such hopes, Dr. Brown said: "We are advised that in the long run the economy will return to normal. But the problem is that a child does not eat in the long run. An elderly person does not live in the long run. From a nutritional perspective, they live now. They are hungry now."

Dr. Sidel reported that 40 percent of all the people in his study said they were

eating less than they thought they should. One-third of the parents said they sometimes went without food so their children could eat. Dr. Sidel, Dr. Lattimer and Dr. Brown all said they believed hunger was increasing, though they had not been collecting data long enough to show long-term trends. Regardless of whether the problem was growing, they said, it is serious.

The doctors also agreed that hunger was easier to define than to measure. They urged Congress to expand food assistance programs without waiting for the problem to be documented in exhaustive detail over the next few years.

Representative Bill Emerson of Missouri, the ranking Republican on the subcommittee, was wary of such recommendations. He said that in the fiscal year 1983, which ended Sept. 30, the Federal Government spent $17.5 billion for food assistance programs, an increase of nearly 27 percent over the 1980 level. While Government programs have their place, he said, private feeding programs may provide help in a "kinder, more humane manner."●

A FEW WORDS FROM ABE LINCOLN

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. JACOBS) is recognized for 5 minutes.

● Mr. JACOBS. Mr. Speaker, now that we have heard from Lyndon Johnson, Richard Nixon, Gerald Ford, James Carter, and Ronald Reagan on what they have called the inherent constitutional war power of the Commander in Chief—MacArthur made the same kind of argument for his commandership—how about a few words from Abe Lincoln? to wit:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't."

The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where Kings have always stood. Write soon again. Yours truly.

A. LINCOLN,

WASHINGTON, D.C., *February 15, 1848.*●

A POIGNANT LETTER FROM A LEBANESE STUDENT GROUP

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, earlier this week I received a very poignant letter from the Lebanese Student Group at Lamar University, located in Beaumont, Tex. This group of students wished to convey their profound feeling of outrage at the recent massacre of U.S. marines in Lebanon and asked that I extend their deepest feelings of sympathy to the American people and to the families of the slain marines.

These young people stress that although this atrocity was committed within the boundaries of their nation, they disavow any affiliation with the parties who are responsible. Indeed, they reiterate their desire for a peaceful settlement and an end to the bloodshed for their people, and for those who have sought to help.

I hope my colleagues will take a moment to read this letter which captures the anguish and turmoil of the Lebanese conflict.

The letter follows:

Beaumont, Tex., October 24, 1983.

DEAR SIR: It is with feelings of great sadness, shock, and outrage that I write this letter on behalf of the Lamar University branch of the Lebanese Students' Association. May we, through you as a public figure, express our belief that the atrocity recently committed in our country, but not, may we stress, by our country, is a crime not only against your nation and your people, but also against humanity as a whole.

Please convey our most sincere condolences to the American people, and in particular to the families of the murdered Marines. We share your grief; we share your anger; and we share your frustration over such senseless acts of wanton terrorism.

There is nothing we want more than to see a fair peace in our country. There is nothing we want less than to see one more death in the ranks of those helping us to that end.

Yours sincerely,

ELIE CONSTANTINIDES,
Secretary, L.U. Lebanese Students' Association.●

FISCAL YEAR 1984 SPENDING AND REVENUE LEVELS

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1984.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., October 26, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. Pursuant to Committee Rule 10, I am herewith transmitting the status report under H. Con. Res. 91, the First Concurrent Resolution on the Budget for Fiscal Year 1984. This report reflects the adjusted resolution of October 25, 1983, and the current CBO estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of business October 24, 1983.

With best wishes,
Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1984 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 91, REFLECTING COMPLETED ACTION AS OF OCTOBER 24, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	923,809	853,386	696,600
Current level	902,791	844,100	665,354
Amount under ceilings	21,018	9,286	
Amount under floor			14,246

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $21,150 million for fiscal year 1984, if adopted and enacted, would cause the appropriate level of budget authority for that year as set fourth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $9,286 million in outlays for fiscal year 1984, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1984, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., October 26, 1983.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1984 budget (H. Con. Res. 91). This report for fiscal year 1984 is tabulated as of close of business October 24, 1983 and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with H. Con. Res. 91.

These totals include estimates for all legislation that has cleared the Congress this session including annualized amounts for the 1984 continuing appropriations, P.L. 98-107. Since my last report Congressional action has been completed on the Labor, Health and Human Services, and Education appropriations bill, H.R. 3913; Interior appropriations bill, H.R. 3363; Extension of Federal Supplemental Compensation Program, H.R. 3929; and Land Exchange for Certain Mineral Lease Bidding Rights Act, S. 96.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	506,625	587,641	665,354
2. Entitlement authority and other mandatory items requiring further appropriation action	3,756	3,381	
3. Continuing resolution authority	309,435	184,277	
4. Conference agreements ratified by both Houses	82,976	68,801	
Current level	902,791	844,100	665,354
Budget resolution, H. Con. Res. 91	923,809	853,386	679,600
Current level is:			
Over resolution by			
Under resolution by	21,018	9,286	14,246

Sincerely,

JAMES BLUM
(For Rudolph G. Penner,
Director).

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984 AS OF CLOSE OF BUSINESS OCTOBER 24, 1983

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	510,538	488,040
Enacted previous session		154,335
Offsetting receipts	−107,231	−107,231
Enacted this session:		
HUD, Independent Agencies appropriations, Public Law 98-45	51,223	30,310
Energy water development appropriations, Public Law 98-50	14,449	7,855
Legislative branch appropriations, Public Law 98-51	1,473	1,282
1983 supplemental appropriations, Public Law 98-63	72	1,038
Transportation appropriations, Public Law 98-78	10,932	9,738
1983 jobs supplemental appropriations, Public Law 98-8	0	2,080
Social Security Act amendments, Public Law 98-21	13,780	−3,200
Tobacco support level freeze, Public Law 98-59	0	−132
Caribbean Basin Initiative, Public Law 98-67	10	10
Railroad Retirement Solvency Act, Public Law 98-76	3,444	331
Amendments to the Federal Supplemental Compensation Act, Public Law 98-92	31	31
Continuing appropriations, 1984, Public Law 98-107	5	4
Military Construction Authorization Act, Public Law 98-115	−4	−4
Military Construction appropriations, Public Law 98-116	7,104	2,322
District of Columbia appropriations, Public Law 98-125	601	581
Temporary supplemental compensation extension, Public Law 98-118	197	249
Total enacted this session	103,318	52,497
Total enacted	506,625	587,641
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Child nutrition	417	222
Department of Defense:		
Civilian pay raises	517	501
Military pay raises	1,205	1,169
Foreign Service retirement fund	3	3
Offsetting receipts	−3	−3

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1984 AS OF CLOSE OF BUSINESS OCTOBER 24, 1983—Continued

[In millions of dollars]

	Budget authority	Outlays
Range improvements	2	1
FUBA (TAA extension, Public Law 98-120)	33	33
Medicaid	556	556
Advances to unemployment:		
Insurance trust fund	3,932	3,932
Offsetting receipts	−3,932	−3,932
Special benefits, disabled coal miners	20	20
Special benefits, Federal employees	12	12
Social services block grants	25	25
Guaranteed student loan program	132	
Goverment payment for annuitants	164	149
Payment to civil service retirement fund	197	197
Offsetting receipt	−197	−197
Payment to Foreign Service retirement fund	1	1
Offsetting receipt	−1	−1
Civilian agency pay raises	673	692
Total	3,756	3,381
III. Continuing resolution authority: Continuing appropriations, 1984, Public Law 98-107	309,435	184,277
IV. Conference agreements ratified by both Houses:		
Interior appropriation, H.R. 3363	8,357	5,880
Labor, HHS, and Education appropriations, H.R. 3913	71,016	59,318
Extension of Federal supplemental compensation program, H.R. 3929	3,599	3,600
Land Exchange for certain mineral lease bidding rights act, S. 96	4	4
Total	82,976	68,801
Total, current level as of October 24, 1983	902,791	844,100
Budget resolution, H. Con. Res. 91	923,809	853,386
Amount remaining:		
Over ceiling		
Under ceiling	21,018	9,286

Note.—Detail may not add due to rounding.

CONFERENCE REPORT ON H.R. 3223

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 3223) making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-450)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3223) making appropriations for the Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 8, 10, 14, 18, 21, 22, 26, 27, 31, 32, 39, 40, 44, 45, 47, 48, 51, 52, 53, 54, 57, 58, 59, 60, 61, 63, 64, 65, 66, and 70.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 13, 15, 23, 30, 35, 36, 37, 41, 42, 43, 46, 55, and 67, and agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$36,000,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$474,278,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *$27,725,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$17,000,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$247,655,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$2,000,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$328,829,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$263,238,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$718,000,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$31,000,000*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$6,000,000*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate num-

bered 62, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$5,016,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,400,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *and not to exceed $3,626,000 for automated data processing*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 11, 24, 25, 28, 29, 49, 50, 56, 71, and 72.

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
DANIEL K. AKAKA,
WES WATKINS,
JACK HIGHTOWER,
NEAL SMITH,
BILL ALEXANDER,
VIRGINIA SMITH,
J. K. ROBINSON,
JOHN T. MYERS,
HAROLD ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

THAD COCHRAN,
JIM MCCLURE,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
MACK MATTINGLY,
ARLEN SPECTER,
MARK O. HATFIELD,
TOM EAGLETON,
JOHN C. STENNIS,
LAWTON CHILES,
QUENTIN N. BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3223) making appropriations for the agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

Amendment No. 1: Appropriates $477,000 for necessary expenses for congressional liaison as proposed by the Senate.

Amendment No. 2: Appropriates $6,930,000 for the Office of Governmental and Public Affairs as proposed by the House instead of $7,092,000 as proposed by the Senate.

Amendment No. 3: Deletes House language providing a separate appropriation of $477,000 for the Office of Congressional Affairs.

FEDERAL GRAIN INSPECTION SERVICE

INSPECTION AND WEIGHING SERVICES

Limitation on Administrative Expenses

Amendment No. 4: Limits administrative expenses to $36,000,000 for inspection and weighing services instead of $34,777,000 as proposed by the House and $44,313,000 as proposed by the Senate.

AGRICULTURAL RESEARCH SERVICE

Amendment No. 5: Appropriates $474,278,000 for the Agricultural Research Service instead of $470,470,000 as proposed by the House and $482,995,000 as proposed by the Senate.

The conference agreement includes the following program amounts:

	House	Senate	Conference
Basic research	$217,070,000	$220,070,000	$217,070,000
Human nutrition	34,180,000	32,080,000	34,180,000
Aquaculture	269,000	444,000	296,000
Beckley, W. Va. Lab	1,810,000	2,060,000	1,991,000
Wenatchee fruit research	1,198,000	1,498,000	1,318,000
Yakima fruit research	1,122,000	1,422,000	1,234,000
Peach research	1,677,000	2,077,000	1,845,000
Potato research	4,556,000	4,756,000	4,756,000
Post-graduate fellowships		10,000,000	5,000,000
All other	208,588,000	208,588,000	206,588,000
Total	470,470,000	482,995,000	474,278,000

OFFICE OF HIGHER EDUCATION

The conferees will expect that the Office of Higher Education will remain a part of the Agricultural Research Service until the appropriate committees of Congress have reviewed the authorities and funding requirements of the Office.

INTEGRATED REPRODUCTION MANAGEMENT

The conferees are aware of the need for research and extension to implement an Integrated Reproduction Management (IRM) program in concert with private industry. Producers need information and approaches which are integrated and targeted to actual management situations and production practices. IRM is a multi-functional and multidisciplinary approach to solving reproductive problems.

The conferees have been advised that the Department plans to devote the following sums to IRM in fiscal year 1984:

Agricultural Research Service:	
Reproductive efficiency	$7,481,000
Reproduction diseases	4,433,000
Cooperative State Research Service:	
Reproductive efficiency	7,454,000
Reproduction diseases	2,076,000
Cooperative Extension Service:	
Reproductive efficiency	2,400,000
Reproduction diseases	225,000
Total	24,069,000

The volume of technological information from the component parts of reproductive efficiency research is greater than most producers can effectively integrate and apply in reaching optimum production efficiency. Integration must occur among various disciplines, and among research, extension, and industry groups. Little of the present funding is allocated specifically for such integration.

Therefore, the conferees will expect the Department to develop a comprehensive plan for a fully coordinated IRM program and to report to the appropriate committees of Congress the plans for such a program, including funding levels.

NEW QUARANTINE TECHNOLOGIES

The House report directed the Secretary to establish and lead an interagency task force on the timely development and implementation of new post-harvest plant infestation treatments, and to report to the appropriate committees of Congress at the earliest possible date. On September 30, 1983, the Environmental Protection Agency announced cancellation of EDB fumigation of papaya, citrus, and other fruits and vegetables, effective September 1, 1984. In order to develop alternative technologies to meet the September 1, 1984 deadline, the conferees will expect the Secretary to report the findings of the task force to the appropriate committees of Congress by February 15, 1984.

Amendment No. 6: Deletes Senate language requiring that not less than $10,000,000 shall be available for grants and fellowships.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that none of the funds in the act may be used to terminate or reduce Federal involvement in research programs conducted at Belle Glade, Lake Alfred, or Fort Pierce, Florida.

Amendment No. 8: Deletes Senate language earmarking not less than $5,000,000 for animal cancer research. The conferees have been advised that the Department has budgeted over $6.7 million for animal cancer research in fiscal year 1984.

BUILDINGS AND FACILITIES

Amendment No. 9: Appropriates $27,725,000 for buildings and facilities of the Agricultural Research Service instead of $24,625,000 as proposed by the House and $27,727,000 as proposed by the Senate.

The conference agreement provides for the following facilities:

	House	Senate	Conference
Old West Vet. School in Nebraska (constr.)	$12,050,000	$12,050,000	$12,050,000
Children's Nutrition Research Center at Houston (planning)	6,900,000	5,500,000	5,500,000
Virginia-Maryland Vet. School at VPI (constr.)	$4,500,000	$4,500,000	$4,500,000
Plant Stress and Soil Moisture Lab at Lubbock, Texas (planning)	800,000		500,000
Technology Transfer Center in Southeast Oklahoma	375,000		375,000
Forage Seed Center at Corvallis, Oregon (constr.)		4,000,000	3,200,000
Metabolism and Radiation Research Lab in North Dakota (planning)		850,000	800,000
National Soil Tilth Center at Ames, Iowa (planning)		827,000	800,000
Total	24,625,000	27,727,000	27,725,000

SCIENTIFIC ACTIVITIES OVERSEAS

(Foreign Currency Program)

Amendment No. 10: Appropriates $5,000,000 for foreign currency research as proposed by the House instead of $6,149,000 as proposed by the Senate. The conferees are convinced that better research results are obtained when these funds are limited.

COOPERATIVE STATE RESEARCH SERVICE

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment earmarking $25,234,000 for special research grants instead of $23,914,000 as proposed by the House and $24,884,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The following table reflects the conference agreement for special research grants:

[In thousands of dollars]

	House	Senate	Conference
Special Research Grants (Public Law 89–106)	(23,914)	(24,884)	(25,234)
STEEP-Soil Erosion in N.W	622	622	622
Food and Agriculture Policies	156	156	156
Soybeans	518	518	518
Pest Management	3,091	3,091	3,091
Rural Development Centers	311	311	311
Soybean Cyst Nematode (Missouri)	300	300	300
Bean and Beet (Michigan)	97	97	97
Animal Health	7,156	7,156	7,156
Aquaculture (Stoneville)	270	270	270
Dairy and Beef Photoperiod (Michigan)	35	35	35
Pesticide Clearance	1,440	1,440	1,440
Minor use animal drugs	240	240	240
Pesticide Impact Assessment	2,069	2,069	2,069
Dairy goat research (Texas)	100		100
Bean Flour (Michigan/Texas)	80	80	80
Aquaculture (general)	518	518	518
Germplasm resources	902	902	902
Blueberries (Michigan)	96	96	96
Peach tree short life (S. Carolina)	192	192	192
TCK Smut (wheat)	361	361	361
Acid precipitation	695	695	695
Sugarland use research (Hawaii)	150	150	150
Mosquito research	480	480	480
Int'g. Prod. Systems (Oklahoma)	200		200
Horticultural studies (Poteau, Okla.)	50		50
Dried Bean (North Dakota)	25	25	25
Sunflower insects (North Dakota)	80	150	150
Tropical and subtropical	2,980	2,980	2,980
Potato research (Eastern/Western)	400	600	400
Biomass energy research (Oregon)		800	800
Asparagus yield decline (Michigan)	100	100	100
Bio-control of grasshoppers	50		50
Wool research (Texas)	150		150
Ag Policy Institute (Mo.)		450	450

Amendment No. 12: Earmarks $17,000,000 for competitive research grants instead of $10,000,000 as proposed by the House and $21,500,000 as proposed by the Senate. The conference agreement provides $15,000,000 for plant science grants and $2,000,000 for human nutrition grants.

Amendment No. 13: Earmarks $5,760,000 for the support of animal health and disease research as authorized by section 1433 of Public Law 95-113 as proposed by the Senate.

Amendment No. 14: Deletes Senate language earmarking $1,000,000 for rangeland research grants.

Amendment No. 15: Provides that funds for grants for the 1890 land-grant colleges' research facilities shall remain available until expended as proposed by the Senate.

Amendment No. 16: Appropriates a total of $247,655,000 for the Cooperative State Research Service instead of $233,575,000 as proposed by the House and $252,805,000 as proposed by the Senate.

EXTENSION SERVICE

Amendment No. 17: Earmarks $2,000,000 for the Renewable Resources Extension Act of 1978 instead of $4,000,000 as proposed by the Senate.

Amendment No. 18: Deletes Senate language referencing section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act.

Amendment No. 19: Appropriates $328,829,000 for the Cooperative Extension Service instead of $326,829,000 as proposed by the House and $330,829,000 as proposed by the Senate.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Amendment No. 20: Appropriates $263,238,000 for salaries and expenses of the Animal and Plant Health Inspection Service instead of $277,552,000 as proposed by the House and $251,453,000 as proposed by the Senate.

The conference agreement includes the following program amounts:

	House	Senate	Conference
Golden nematode	$1,007,000	$900,000	$1,007,000
Brucellosis eradication	81,383,000	60,000,000	69,500,000
Pseudorabies	1,776,000	2,660,000	2,248,000
Scabies eradication	493,000		
Screwworm	52,410,000	47,410,000	50,000,000

The conferees have received assurances that brucellosis State agreements and indemnity rates will not be reduced at this level of funding.

Producers of herbs and spices have had difficulty shipping their products from Hawaii to the mainland, making it impossible to make business decisions. The conferees expect APHIS to remedy this situation in an expeditious manner.

ECONOMIC RESEARCH SERVICE

Amendment No. 21: Appropriates $43,841,000 for the Economic Research Service as proposed by the House instead of $45,024,000 as proposed by the Senate.

STATISTICAL REPORTING SERVICE

Amendment No. 22: Appropriates $53,903,000 for the Statistical Reporting Service as proposed by the House instead of $55,598,000 as proposed by the Senate.

WORLD AGRICULTURAL OUTLOOK BOARD

Amendment No. 23: Appropriates $1,500,000 for the World Agricultural Outlook Board as proposed by the Senate instead of $1,522,000 as proposed by the House.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

STORAGE OF CCC-OWNED COMMODITIES

The conferees are concerned that cost-effective procedures for storage of CCC-owned commodities have not been followed. New extended storage agreements (2-year) have resulted in cases of payment for unused storage space. Therefore, the conferees will expect the Department to formulate plans for long-term (four or more years) storage agreements where practical and cost-effective, especially in connection with the Food Security Reserve, by December 31, 1983, to assure the most cost-effective rates for storage of CCC-owned commodities.

OFFICE AUTOMATION

The conferees are concerned that numerous questions remain regarding the proposed office automation project and feel that proceeding to nationwide implementation at this point would not be advisable. In place of full implementation at this time, the conferees feel that ASCS should develop and test statewide prototypes of the proposed system. These prototypes would go beyond the previous pilot tests by including State office automation, use of terminals at the counter, and the actual software, hardware, communication, and procedures of the proposed system. A major purpose of prototype testing would be to keep detailed records of the actual costs and benefits (both monetary and nonmonetary) experienced and to explore fully the viability of the proposed system design when implemented statewide. Changes such as a more flexible, and perhaps less expensive, approach to meeting the needs in the various locations could then be incorporated. The conferees believe that such a "fly-before-you-buy" approach will make for a future system that will serve USDA and farmers both better and more cost-effectively.

The conferees will expect to be kept fully informed as the Department proceeds with this approach.

DAIRY INDEMNITY PAYMENTS

The conferees have been advised that claims of some dairy processors remain outstanding. The conferees feel that the failure to act on these claims relates to difficulty ASCS has experienced in understanding the system of milk marketing in Hawaii due to its complex structure. The conferees will expect the Department to expeditiously process outstanding claims so that those processors who have suffered losses are adequately reimbursed.

CORPORATIONS

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $200,000,000 for administrative and operating expenses of the Federal Crop Insurance Corporation instead of $238,987,000 as proposed by the House and $228,987,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

FEDERAL CROP INSURANCE CORPORATION FUND

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $85,117,000 instead of $120,000,000 as proposed by the House and $100,000,000 as proposed by the Senate

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement will provide a total of $110,000,000 for the Federal Crop Insurance Corporation Fund.

COMMODITY CREDIT CORPORATION

CONTRACT SANCTITY

The conferees will expect the Department to prepare a report to the appropriate committees of Congress detailing the contracts that were purchased from private businesses or compensations paid as a result of the

Russian embargo at the time of the invasion of Afghanistan. The conferees will also expect the Department to include in the report a listing of those contracts that were not purchased or claims that were not paid by CCC, along with recommendations for compensating those businesses.

REIMBURSEMENT FOR NET REALIZED LOSSES

Amendment No. 26: Deletes Senate language requiring the Secretary of Agriculture to carry out the original commitment to producers under the payment-in-kind program. This provision was enacted into law in the fiscal year 1983 Supplemental Appropriations Act (P.L. 98-63).

TITLE II—RURAL DEVELOPMENT PROGRAMS

Rural Development Assistance

Office of Rural Development Policy

Amendment No. 27: Restores House language reference citations under the Consolidated Farm and Rural Development Act.

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $2,000,000 for the Office of Rural Development Policy instead of $2,388,000 as proposed by the House and $2,127,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes up to $350,000 to further encourage initiatives for the creation of new job opportunities in rural, depressed areas of Oklahoma.

The conference agreement does not include any funds for development or implementation of a rural strategy which provides for rural housing block grants.

Farmers Home Administration

RURAL HOUSING INSURANCE FUND

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $3,261,000,000 of loans shall be insured instead of $3,397,000,000 as proposed by the House and $3,361,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 30: Makes a technical correction.

Amendment No. 31: Provides that 6,000 rental units may be assisted during fiscal year 1984 as proposed by the House instead of 7,000 as proposed by the Senate.

Amendment No. 32: Provides $62,000,000 for rental assistance agreements as proposed by the House instead of $73,000,000 as proposed by the Senate.

AGRICULTURAL CREDIT INSURANCE FUND

Amendment No. 33: Provides $718,000,000 for real estate loans instead of $740,100,000 as proposed by the House and $713,000,000 as proposed by the Senate.

Amendment No. 34: Provides not less than $31,000,000 for water development, use, and conservation loans instead of $53,100,000 as proposed by the House and $26,000,000 as proposed by the Senate.

Amendment No. 35: Deletes House language earmarking $600,000,000 for economic emergency loans if authorizd by law. Should these loans be authorized, supplemental funding will be considered.

RURAL DEVELOPMENT INSURANCE FUND

Amendment No. 36: Provides $270,000,000 for insured water and sewer facility loans as proposed by the Senate instead of $375,000,000 as proposed by the House.

RURAL WATER AND WASTE DISPOSAL GRANTS

Amendment No. 37: Appropriates $90,000,000 for rural water and waste disposal grants as proposed by the Senate instead of $125,000,000 as proposed by the House.

The conferees concur in the House report language regarding the use of 1981 regulations for the water and waste disposal loans and grants. The conferees will also expect the Department to report on these regulations in connection with the hearings on the fiscal year 1985 appropriation bill.

MUTUAL AND SELF-HELP HOUSING

Amendment No. 38: Appropriates $6,000,000 for mutual and self-help housing instead of $5,000,000 as proposed by the House and $12,500,000 as proposed by the Senate.

RURAL RENTAL ASSISTANCE PAYMENTS

Amendment No. 39: Appropriates $49,000,000 for rural rental assistance payments as proposed by the House instead of $62,000,000 as proposed by the Senate.

Amendment No. 40: Provides that 4,750 new units may be assisted during fiscal year 1984 as proposed by the House instead of 6,000 new units as proposed by the Senate.

SALARIES AND EXPENSES

The conferees agree that up to $1,600,000 is available for the circuit rider program to provide for an expansion of the program.

Rural Electrification Administration

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND

LOAN AUTHORIZATIONS

Amendment No. 41: Makes a technical correction.

Amendment No. 42: Provides that not less than $3,360,000,000 in loans shall be guaranteed during fiscal year 1984 as proposed by the Senate instead of $4,745,000,000 as proposed by the House.

Amendment No. 43: Provides that not more than $4,145,000,000 of loans may be guaranteed during fiscal year 1984 as proposed by the Senate instead of $5,950,000,000 as proposed by the House.

Conservation

Soil Conservation Service

CONSERVATION OPERATIONS

Amendment No. 44: Appropriates $346,947,000 for conservation operations as proposed by the House instead of $341,313,000 as proposed by the Senate.

The conferees concur in the $450,000 earmarked in the Senate report for a groundwater study in 25 counties in eastern Arkansas and futher agree that these funds shall be in addition to the State's allocation.

Amendment No. 45: Deletes Senate language providing $2,000,000 to be used to initiate the special areas conservation program authorized by the Agriculture and Food Act of 1981. The conferees note that the special areas program may provide additional flexibility in addressing critical soil erosion and water conservation problems. Therefore, the conferees will expect that within available funds the Soil Conservation Service, in conjunction with the Agricultural Stabilization and Conservation Service, will carry out the necessary program development and planning activities leading to the preparation of special area reports called for in the Act. The conferees will expect the Department to include a request for funding the conservation activities provided for in the Act with its fiscal year 1985 budget request.

CONSERVATION TILLAGE

The conferees are aware of a conservation tillage demonstration project which has been underway in the Great Lakes region involving the Soil Conservation Service, the Environmental Protection Agency, the Army Corps of Engineers, and local and State authorities. This project is designed to demonstrate that conservative tillage methods can be employed to reduce nonpoint source pollution and soil erosion. The conferees will expect ASCS and SCS to continue these efforts, within available funds and with other applicable agencies, with special emphasis on Lake Erie, Lake Huron, and the Saginaw Bay.

WATERSHED PLANNING

Amendment No. 46: Appropriates $8,675,000 for watershed planning as proposed by the Senate instead of $8,877,000 as proposed by the House.

RESOURCE CONSERVATION AND DEVELOPMENT

The conference agreement includes up to $350,000 to fund a program which maximizes the southcentral and southeastern portions of Oklahoma's agriculture and natural resource potential in such a manner as to generate the greatest economic development and job creation.

In view of the repeated failure to request funds for the RC&D program, the conferees direct that no changes be made in the program's operating procedures.

Agricultural Stabilization and Conservation Service

WATER BANK PROGRAM

Amendment No. 47: Appropriates $8,800,000 for the water bank program as proposed by the House instead of $10,000,000 as proposed by the Senate.

EMERGENCY CONSERVATION PROGRAM

Amendment No. 48: Deletes Senate language appropriating $7,000,000 for the emergency conservation program. The conferees are aware that additional funds are needed for this program and expect that a supplemental budget request will be submitted once the program needs have been determined by the Department.

TITLE III—DOMESTIC FOOD PROGRAMS

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That $6,000,000 shall be used to conduct an extension of the ongoing school lunch pilot project study of alternative means of providing assistance under the school lunch program by distributing all cash and all letters of credit in lieu of commodities: Provided further, That such extended study shall be conducted for the school year 1984-85.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides for the completion of the ongoing cash in lieu of commodities pilot study in the school lunch program at the end of the 1983-84 school year. This study will be completed

under the methodology in place on October 27, 1983, and the required full report will be made to Congress by December 15, 1984.

The conference agreement also provides for a limited extension of the pilot study through the end of the 1984-85 school year. This extension will involve 16 of the school districts currently using the cash in lieu of commodities approach and 16 of the school districts currently using the commodity letter of credit approach. This extension, including bonus commodities, will be all cash in lieu of commodities or all letters of credit in lieu of commodities. A full report on this extension of the study will be made to Congress by December 15, 1985. The conferees assume that control sites will remain constant. During the extension, when control sites receive bonus commodities, the other participants shall receive either cash in lieu of bonus commodities or letters of credit in lieu of bonus commodities.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that if funds available for Nutrition Education and Training grants require a ratable reduction in those grants, the minimum grant for each State shall be $50,000.

FEEDING PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

Amendment No. 51: Deletes Senate language regarding average participation rates. The conference agreement provides a fiscal year 1984 appropriation level of not to exceed $1,360,000,000 for the feeding program for women, infants and children.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

The conferees note that recent legislative modifications in the administrative funding formula for the commodity supplemental food program means that a larger portion of the appropriated funds will be expended for this purpose than had been calculated at the time of the President's budget request. Therefore, the conferees will expect the Department to request a supplemental appropriation for the higher administrative funding burden, and not reprogram funds within the total appropriation.

FOOD STAMP PROGRAM

Amendment No. 52: Deletes Senate language providing that during fiscal year 1984 the provisions of the Food Stamp Act of 1977, as amended, concerning private nonprofit drug addiction or alcoholic treatment and rehabilitation programs, shall also be applicable to publicly operated mental health centers. This change was accomplished in the Continuing Resolution.

NUTRITION ASSISTANCE FOR PUERTO RICO

Amendment No. 53: Deletes Senate language providing that the food stamp program in Puerto Rico may continue to be operated as a cash program during the first three months of fiscal year 1984. This change was accomplished in the Continuing Resolution.

FOOD DONATIONS PROGRAMS

Amendment No. 54: Appropriates $166,061,000 for the food donations programs as proposed by the House instead of $169,061,000 as proposed by the Senate.

Amendment No. 55: Makes a technical correction.

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $875,000 for the elderly feeding program for meals served in fiscal year 1979.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

Amendment No. 57: Appropriates $83,717,000 for the Foreign Agricultural Service as proposed by the House instead of $85,217,000 as proposed by the Senate.

PUBLIC LAW 480

Amendment No. 58: Provides for a program level of $872,000,000 for titles I and III of the P.L. 480 program as proposed by the House instead of $936,000,000 as proposed by the Senate.

Amendment No. 59: Appropriates $402,000,000 for titles I and III of the P.L. 480 program as proposed by the House instead of $466,000,000 as proposed by the Senate.

Amendment No. 60: Provides for a program level of $650,000,000 for title II of the P.L. 480 program as proposed by the House instead of $682,000,000 as proposed by the Senate.

Amendment No. 61: Appropriates $650,000,000 for title II of the P.L. 480 program as proposed by the House instead of $682,000,000 as proposed by the Senate.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Amendment No. 62: Appropriates $5,016,000 for the Office of International Cooperation and Development instead of $3,516,000 as proposed by the House and $6,016,000 as proposed by the Senate.

The conferees have included $1,500,000 to support an agricultural scholarship program for foreign students from countries which have graduated from AID assistance. The conferees will expect OICD to consult with the Foreign Agricultural Service, the Department of State, and the appropriate committees of Congress to prevent the selection of students from countries which are competitors with U.S. agricultural exports. In making such determination, consideration shall be given to the production potential of the countries selected. Students should be from those countries needing specific assistance in developing agricultural systems necessary to meet the food needs of their domestic populations.

Amendment No. 63: Deletes Senate language earmarking $500,000 for the Caribbean Basin Initiative.

TITLE V—RELATED AGENCIES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 64: Appropriates $360,410,000 for salaries and expenses of the Food and Drug Administration as proposed by the House instead of $364,410,000 as proposed by the Senate.

Amendment No. 65: Deletes Senate language providing that $5,000,000 shall remain available until expended to meet unanticipated costs of emergency activities not provided for in budget estimates. The conference agreement includes $1,000,000 for this purpose, within the annual appropriation amount.

BUILDINGS AND FACILITIES

Amendment No. 66: Appropriates $4,875,000 for buildings and facilities of the Food and Drug Administration as proposed by the House instead of $5,875,000 as proposed by the Senate. The conferees will expect that no organizational component will bear a disproportionate share of the reduction in funding for repair and improvement.

STANDARD LEVEL USER CHARGES (FDA)

Amendment No. 67: Appropriates $22,164,000 for Standard Level User Charges of the Food and Drug Administration as proposed by the Senate instead of $21,594,000 as proposed by the House.

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 68: Appropriates $26,400,000 for the Commodity Futures Trading Commission instead of $24,855,000 as proposed by the House and $26,645,000 as proposed by the Senate.

Amendment No. 69: Limits the amount available that may be expended for automated data processing to $3,626,000 instead of $2,416,000 as proposed by the House. The Senate bill placed no limitation on the amount of funds available for ADP. The conferees agree that within this amount, $200,000 is to be used only to provide in-house and contractor support for a five-year plan for ADP development, including establishment of effective management controls over ADP expenditures.

TITLE VI—GENERAL PROVISIONS

Amendment No. 70: Deletes Senate language waiving restriction on employment of aliens.

Amendment No. 71: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named, insert: *624.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate language prohibits the relocation of the Hawaii State office of the Farmers Home Administration.

Amendment No. 72: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 625. (A) The Commodity Credit Corporation shall use the authority in its charter, including blended credit or other authorities, to promote exports of farm commodities, including perishables as well as basic commodities.

To the extent practicable, the expenditures and contributions required by this section shall be targeted by the Secretary of Agriculture to facilitate sales of United States products in markets in which foreign competing products are, in the Secretary's determination, subsidized directly or indirectly resulting in a competitive disadvantage for such United States products.

(B) For necessary expenses to carry out the Temporary Emergency Food Assistance Act of 1983, as amended by P.L. 98-92, $50,000,000: Provided, That this appropriation shall be available upon transmittal of an official budget request to the Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends Senate language, which provided that not less than $5,000,000 shall be available for the promotion of U.S. agricultural exports, to provide instead that the Commodity Credit Corporation shall use the authorities under its charter to promote exports.

The conference agreement includes language fully funding the continuation of the Temporary Emergency Food Assistance Program.

This program was originally authorized by P.L. 98-8, which also appropriated $50,000,000 for fiscal year 1983. This authorization extended through September 30, 1983. Therefore, funding was not considered in House and Senate action on the fiscal year 1984 bill. The program has been reauthorized through fiscal year 1985 by P.L. 98-92, which was approved on September 2, 1983. The Continuing Resolution (P.L. 98-107) extended funding for this program at the fiscal year 1983 rate. The Administration has testified in support of the program. The conference agreement includes $50,000,000 to continue the program during fiscal year 1984, upon transmittal of an official budget request to the Congress.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$39,352,499,000
Budget estimates of new (obligational) authority, fiscal year 1984	31,770,164,000
House bill, fiscal year 1984	31,716,392,000
Senate bill, fiscal year 1984	31,804,155,000
Conference agreement, fiscal year 1984	31,671,074,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	−7,681,425,000
Budget estimates of new (obligational) authority, fiscal year 1984	−99,090,000
Continuing resolution (P.L. 98-107)	+3,101,000
House bill, fiscal year 1984	−45,318,000
Senate bill, fiscal year 1984	−133,081,000

JAMIE L. WHITTEN,
BOB TRAXLER,
MATTHEW F. MCHUGH,
WILLIAM H. NATCHER,
DANIEL K. AKAKA,
WES WATKINS,
JACK HIGHTOWER,
NEAL SMITH,
BILL ALEXANDER,
VIRGINIA SMITH,
J. K. ROBINSON,
JOHN T. MYERS,
HAROLD ROGERS,
SILVIO O. CONTE,
Managers on the Part of the House.

THAD COCHRAN,
JIM A. MCCLURE,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
MACK MATTINGLY,
ARLEN SPECTER,
MARK O. HATFIELD,
TOM EAGLETON,
JOHN C. STENNIS,
LAWTON CHILES,
QUENTIN N. BURDICK,
JIM SASSER,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. STANGELAND (at the request of Mr. MICHEL), for tomorrow, on account of official business.

Mr. HANSEN of Utah. (at the request of Mr. MICHEL), for tomorrow, on account of official business.

Mr. DENNY SMITH (at the request of Mr. MICHEL), for tomorrow, on account of official business.

Mr. HAMMERSCHMIDT (at the request of Mr. MICHEL), for tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MACK) to revise and extend their remarks and include extraneous material:)

Mr. HOPKINS, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, October 31.

Mr. WALKER, for 60 minutes, October 31.

Mr. GINGRICH, for 60 minutes, November 1.

Mr. WALKER, for 60 minutes, November 1.

Mr. GINGRICH, for 60 minutes, November 2.

Mr. WALKER, for 60 minutes, November 2.

Mr. GINGRICH, for 60 minutes, November 3.

Mr. WALKER, for 60 minutes, November 3.

Mr. GINGRICH, for 60 minutes, November 4.

Mr. WALKER, for 60 minutes, November 4.

Mr. GINGRICH, for 60 minutes, November 7.

Mr. WALKER, for 60 minutes, November 7.

Mr. GINGRICH, for 60 minutes, November 8.

Mr. WALKER, for 60 minutes, November 8.

Mr. GINGRICH, for 60 minutes, November 9.

Mr. WALKER, for 60 minutes, November 9.

Mr. GINGRICH, for 60 minutes, November 10.

Mr. WALKER, for 60 minutes, November 10.

Mr. GINGRICH, for 60 minutes, November 11.

Mr. WALKER, for 60 minutes, November 11.

Mr. GINGRICH, for 60 minutes, November 14.

Mr. WALKER, for 60 minutes, November 14.

Mr. GINGRICH, for 60 minutes, November 15.

Mr. WALKER, for 60 minutes, November 15.

Mr. GINGRICH, for 60 minutes, November 16.

Mr. WALKER, for 60 minutes, November 16.

Mr. GINGRICH, for 60 minutes, November 17.

Mr. WALKER, for 60 minutes, November 17.

Mr. GINGRICH, for 60 minutes, November 18.

Mr. WALKER, for 60 minutes, November 18.

Mr. CORCORAN, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. DINGELL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. JACOBS, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. KOGOVSEK, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LEATH of Texas, remarks appear immediately prior to the vote on the Edgar amendment.

Mr. FISH, prior to the vote on the Gray amendment to H.R. 3231 in the Committee of the Whole today.

(The following Members (at the request of Mr. MACK) and to include extraneous matter:)

Mr. QUILLEN.

Mr. ROGERS.

Mr. WORTLEY.

Mr. GILMAN in two instances.

Mrs. ROUKEMA.

Mr. MARRIOTT.

Mr. SHUMWAY in two instances.

Mr. MARTIN of North Carolina in two instances.

Mr. TAUKE.

Mr. PAUL.

Mrs. JOHNSON.

Mr. GOODLING.

Mr. FISH.

Mr. WHITEHURST.

Mr. STUMP.

Mr. KEMP.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. APPLEGATE.

Mr. SKELTON.

Mr. MCHUGH.

Mr. STOKES in three instances.

Mr. BIAGGI in 10 instances.

Mr. BERMAN.

Mr. WEISS.

Ms. OAKAR.

Mr. MATSUI.

Mr. HALL of Ohio.

Mr. RAHALL in two instances.

Mr. FLORIO in two instances.

Mr. LIPINSKI.
Mr. STARK.
Mr. FROST.
Mr. CORRADA.
Mr. JACOBS.
Mr. CONYERS.
Mr. GUARINI.
Mr. RAY.
Mr. ACKERMAN.
Mr. DIXON.
Mr. BORSKI.
Mr. ADDABBO.
Mr. SCHEUER.
Mr. WYDEN.
Mr. GEPHARDT.
Mr. HAYES.
Mr. DINGELL.
Mr. WILLIAMS of Montana.
Mr. LONG of Maryland.
Mr. DOWNEY of New York.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following title:

S. 1944. An act to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period;

S.J. Res. 45. Joint resolution designating the week of November 20, 1983, through November 26, 1983, as "National Family Week"; and

S.J. Res. 121. Joint resolution to designate November 1983 as National Diabetes Month.

A BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3913. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1984, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Friday, October 28, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2055. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposal legislation to amend section 404(d) of title 37, United States Code, to authorize the payment of a per diem in lieu of subsistence in an amount sufficient to meet normal and necessary expenses of travel in the area to which such travel is performed, and for other purposes; to the Committee on Armed Services.

2056. A letter from the Assistant Vice President, Director of Human Resources, Farm Credit Banks of Springfield, Mass., transmitting the annual report of the group retirement plan for the farm credit bank in the First Farm Credit District for the year April 1, 1982, to March 31, 1983, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2057. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to amend the Act of August 1, 1956 (22 U.S.C. 2691); jointly, to the Committees on Foreign Affairs and the Judiciary.

2058. A letter from the Secretary of Energy, transmitting the fifth annual report of the Department's activities, pursuant to section 657 of Public Law 95-91; jointly, to the Committees on Armed Services, Foreign Affairs, Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Interim report on the war against drug smuggling: The soft underbelly of the United States (Rept. No. 98-444). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on USDA's cheese distribution: A good program gone wrong (Rept. No. 98-445). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on the Bureau of Prisons/District of Columbia Department of Corrections reimbursement dispute (Rept. No. 98-446). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 350. Resolution providing for the consideration of H.R. 1904, a bill to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Rept. No. 98-447). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 351. Resolution providing for the consideration of H.R. 2751, a bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes (Rept. No. 98-448). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 352. Resolution providing for the consideration of H.R. 2114, a bill to authorize appropriations for the fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 98-449). Referred to the House Calendar.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 3223 (Rept. No. 98-450). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BONKER:

H.R. 4230. A bill to extend the authorities under the Export Administration Act of 1979; to the Committee on Foreign Affairs.

By Mr. ANTHONY (for himself, Mr. LEATH of Texas, Mr. CONABLE, Mr. GUARINI, Mr. PICKLE, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. JONES of Oklahoma, Mr. GEPHARDT, Mr. JENKINS, Mr. FOWLER, Mr. FLIPPO, Mr. HANCE, Mr. HEFTEL of Hawaii, and Mr. THOMAS of California):

H.R. 4231. A bill to amend the Internal Revenue Code of 1954 to reduce the holding period required for long-term capital gain or loss treatment and for other purposes; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 4232. A bill to amend the Tariff Schedules of the United States to clarify the classification of any naphtha described as both a petroleum product and a benzenoid chemical; to the Committee on Ways and Means.

By Mr. BROOKS (by request):

H.R. 4233. A bill to revise certain provisions of chapter 57 of title 5, United States Code, relating to the subsistence allowances of Government employees while performing official travel, and for other purposes; to the Committee on Government Operations.

By Mr. CARNEY:

H.R. 4234. A bill to amend the Panama Canal Act of 1979 with respect to claims for injuries; to the Committee on Merchant Marine and Fisheries.

By Mr. FAUNTROY:

H.R. 4235. A bill to increase the authority of the government of the District of Columbia with respect to political activities of D.C. employees; to the Committee on the District of Columbia.

By Mr. GREEN (for himself and Mr. DOWNEY of New York):

H.R. 4236. A bill to provide for the designation of the week beginning on the first Sunday in June of each year as "National Theatre Week"; to the Committee on Post Office and Civil Service.

By Mr. LOWRY of Washington:

H.R. 4237. A bill to amend title 5, United States Code, to guarantee equal pay for work of comparable worth in the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 4238. A bill to authorize printing of the back side of U.S. paper money of the denomination of $1 by a method other than the intaglio process; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PICKLE:

H.R. 4239. A bill to amend the Internal Revenue Code of 1954 to limit the application of stock voting rights passthrough to certain employee stock ownership plans, and for other purposes; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. WYLIE, Mr. NEAL, and Mr. LEACH of Iowa):

H.R. 4240. A bill to provide for the temporary extension of the activities of the Export-Import Bank of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STARK:

H.R. 4241. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of employee stock ownership plans; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4242. A bill to eliminate the authority of the Secretary of the Interior to construct and administer scenic roads as a part of the Sleeping Bear Dunes National Lakeshore, Mich., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYDEN (for himself and Mr. GEPHARDT):

H.R. 4243. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to permit investment by employee benefit plans in residential mortgages; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. WHITTEN:

H.J. Res. 403. Joint resolution making further continuing appropriations for the fiscal year 1984; to the Committee on Appropriations.

By Mr. DYMALLY (for himself, Mr. TOWNS, Mr. DIXON, Mr. EDWARDS of California, Mr. WEISS, Mrs. BURTON of California, Mr. FAUNTROY, Mr. CONYERS, Mr. MITCHELL, Mr. HAYES, Mr. LELAND, Mr. DELLUMS, Mr. OWENS, Mr. CLAY, Mr. CROCKETT, Mr. RANGEL, and Mr. MARTINEZ):

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress that the United States should recognize the right of the people of Grenada to territorial integrity, calling upon the President immediately to remove U.S. Armed Forces from Grenada, and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 180: Mr. PARRIS.

H.R. 873: Mr. MCKINNEY.

H.R. 1016: Mr. KOSTMAYER and Mr. CARNEY.

H.R. 1617: Mr. MCKERNAN and Mrs. JOHNSON.

H.R. 1918: Mr. CONYERS.

H.R. 1959: Mr. GEKAS.

H.R. 2053: Mr. CONABLE.

H.R. 2099: Mr. PACKARD and Mr. CARPER.

H.R. 2100: Mr. PACKARD and Mr. CARPER.

H.R. 2464: Mr. ANNUNZIO.

H.R. 2772: Mrs. MARTIN of Illinois, Mr. DYMALLY, and Mr. FISH.

H.R. 2815: Mr. TOWNS.

H.R. 2977: Mr. FUQUA, Mr. ROGERS, Mr. LUNGREN, Mr. DUNCAN, and Mr. FIELDS.

H.R. 3028: Mr. CHENEY, Mr. ROBERTS, and Mr. BROYHILL.

H.R. 3264: Mr. MCKINNEY.

H.R. 3498: Mr. YATES, Mr. DE LUGO, Mr. MATSUI, Mr. LEVINE of California, and Mr. RICHARDSON.

H.R. 3512: Mr. ROWLAND and Ms. MIKULSKI.

H.R. 3529: Mr. HEFTEL of Hawaii.

H.R. 3635: Mr. REGULA, Mr. HERTEL of Michigan, and Mr. GOODLING.

H.R. 3642: Mr. FOLEY, Mr. SAVAGE, and Ms. MIKULSKI.

H.R. 3651: Mr. MCCANDLESS, Mr. DAUB, Mr. FRENZEL, and Mr. PORTER.

H.R. 3734: Mr. MCEWEN.

H.R. 3755: Mr. YATES and Mr. LUKEN.

H.R. 3790: Mr. QUILLEN and Mr. ASPIN.

H.R. 4016: Mr. APPLEGATE and Mr. FISH.

H.R. 4020: Mr. WORTLEY, Mr. HORTON, and Mr. PASHAYAN.

H.R. 4095: Mr. CROCKETT, Mr. SCHUMER, Mr. WOLPE, Mr. EVANS of Illinois, Mr. WHITTAKER, Mr. STOKES, and Mr. MITCHELL.

H.R. 4209: Mr. CONTE, Mr. BOEHLERT, Mr. BILIRAKIS, Mr. SISISKY, Mr. ADDABBO, Mr. BRITT, and Mr. GONZALEZ.

H.R. 4210: Mr. ANDERSON, Mr. ANNUNZIO, Mr. BARNES, Mr. BEVILL, Mr. BRYANT, Mr. COELHO, Mr. DYMALLY, Mr. FOWLER, Mr. FRANK, Mr. FUQUA, Mr. HAMILTON, Mr. HARRISON, Mr. HATCHER, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. MATSUI, Ms. MIKULSKI, Mr. MITCHELL, Mr. PERKINS, Mr. RATCHFORD, Mr. ROE, Mr. SWIFT, Mr. UDALL, Mr. VANDERGRIFF, and Mr. WORTLEY.

H.J. Res. 103: Mr. STARK.

H.J. Res. 268: Mr. BEREUTER, Mr. STARK, Mr. WORTLEY, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANTHONY, Mr. APPLEGATE, Mr. ARCHER, Mr. ASPIN, Mr. BATEMAN, Mr. WALGREN, Mrs. BOXER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. COELHO, Mr. CONYERS, Mr. DANIEL, Mr. DE LUGO, Mr. DICKS, Mr. DOWNEY of New York, Mr. FOGLIETTA, Mr. GRAMM, Mr. HARRISON, Mr. HEFNER, Mr. HOYER, Mr. BROOKS, Mr. KASTENMEIER, Mr. HILER, Mr. DASCHLE, Mr. WOLPE, Mr. MITCHELL, Mr. SABO, Mr. SILJANDER, Mr. VANDER JAGT, Mr. WHITEHURST, Mr. MARRIOTT, Mrs. HALL of Indiana, Ms. OAKAR, Mr. YATES, Mr. LEVIN of Michigan, and Mr. RINALDO.

H.J. Res. 277: Mr. HAMILTON, Mr. FLIPPO, and Mr. RUDD.

H.J. Res. 326: Mr. MONTGOMERY, Mr. DAUB, Mr. HANSEN of Idaho, Mr. BARNARD, Mr. HEFNER, Mr. HARTNETT, Mr. TALLON, Mr. BENNETT, Mr. SILJANDER, Mr. BROYHILL, Mr. ANTHONY, Mr. BATEMAN, Mr. JENKINS, Mr. HATCHER, Mr. WHITLEY, Mr. HAMILTON, Mr. VANDERGRIFF, Mr. SIMON, Mr. BARTLETT, Mr. SYNAR, Mr. BREAUX, Mr. ROWLAND, Mrs. LLOYD, Mr. SPRATT, Mr. DANIEL, Mr. RAY, Mr. JONES of Tennessee, Ms. BOGGS, Mr. BRITT, Mr. JACOBS, Ms. OAKAR, Mr. DE LA GARZA, Mr. SKELTON, Mr. YOUNG of Missouri, Mr. FLIPPO, Mr. DUNCAN, Mr. NICHOLS, Mr. EMERSON, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. EDWARDS of Alabama, Mr. KASICH, Mr. MARTIN of North Carolina, Mr. WYLIE, Mr. STENHOLM, Mr. LIVINGSTON, Mr. SISISKY, and Mr. DANNEMEYER.

H.J. Res. 382: Mr. KAZEN, Mr. MORRISON of Washington, Mr. TALLON, and Mr. QUILLEN.

H.J. Res. 384: Mr. OTTINGER, Mr. LAFALCE, Mr. WALGREN, Mr. YATES, and Mr. PEASE.

H.J. Res. 386: Mr. WYDEN, Mr. ADDABBO, Mr. THOMAS of Georgia, Mr. IRELAND, Mr. MCCAIN, Mr. DANNEMEYER, Mr. LONG of Louisiana, Mr. MCEWEN, Mr. BROWN of California, Mr. WAXMAN, Mr. FAZIO, Mr. CHAPPIE, Mr. ALBOSTA, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. TALLON, Mr. VANDERGRIFF, Mr. HALL of Ohio, Mr. SISISKY, Mr. SPRATT, Mr. SPENCE, Mr. FLORIO, Mr. KILDEE, and Mr. MILLER of California.

H.J. Res. 389: Mr. SMITH of New Jersey.

H.J. Res. 402: Mr. HARRISON and Mr. BEREUTER.

H. Con. Res. 81: Mr. COLEMAN of Missouri.

H. Con. Res. 163: Mr. DWYER of New Jersey, Mr. PORTER, and Mr. WALGREN.

H. Con. Res. 173: Mr. EVANS of Illinois, Mrs. JOHNSON, Mr. SEIBERLING, Mr. MCGRATH, Mr. OTTINGER, Mr. FISH, Mr. MRAZEK, Mr. WORTLEY, Mr. MARTINEZ, and Mr. JEFFORDS.

H. Con. Res. 178: Mr. RAHALL, Mr. WYLIE, Mr. MCEWEN, and Mr. DURBIN.

H. Con. Res. 181: Mr. FAZIO, Mr. IRELAND, Mr. MINETA, Mr. SOLARZ, and Mr. WEISS.

H. Res. 205: Mr. LUNGREN.

H. Res. 334: Mr. KINDNESS.

H. Res. 349: Mr. ANDREWS of North Carolina, Mr. PATTERSON, Mr. PRITCHARD, Mr. FUQUA, Mr. DONNELLY, Mr. DYMALLY, Mr. YOUNG of Missouri, Mr. EVANS of Iowa, Mr. MILLER of California, and Mr. WALGREN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3866: Mr. EDWARDS of Alabama.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1234

By Mr. DANNEMEYER:

—Amend the title so as to read: "A bill to require the disclosure of the domestic content of motor vehicles sold in the United States, to strengthen the competitiveness of the United States automobile industry, and for other purposes.".

—Page 14, strike out lines 11 and 12 and insert the following:

This Act may be cited as the "UAW Wage Differential Protection and Anti-Auto Consumer Act of 1983".

—Page 22, line 24, strike out "Three" and insert "Five".

Page 23, strike out lines 19 and 20 and insert the following: "at least four nominees for the remaining three appointments required under subparagraph (A)(iv).".

Page 24, strike out lines 11 through 15, inclusive, and insert the following:

"(5) The members of the Advisory Council shall elect the Chairman of the Advisory Council from among members appointed under paragraph (3)(A)(iv). A majority of the mem-".

Page 24, line 18, strike out "either of the Cochairmen" and insert "the Chairman".

—Page 25, strike out line 19 and all that follows thereafter down through line 10 on page 27 and insert the following:

SEC. 5. DISCLOSURE OF DOMESTIC CONTENT RATIOS.

(a) IN GENERAL.—Each vehicle manufacturer shall cause to be prominently placed on each motor vehicle manufactured by it in each model year after model year 1983 for ultimate retail sale in the United States a label that discloses the domestic content ratio, computed by such manufacturer on the basis of the best available information available at the time, of such manufacturer for such model year.

(b) REGULATIONS.—The Secretary shall prescribe such rules and regulations as may be necessary or appropriate to carry out this title, including, but not limited to, rules and regulations that specify—

(1) the form, and manner of application, of the disclosure labels required under subsection (a), including, but not limited to, requirements to ensure that any significant change in the domestic content ratio of a manufacturer during a model year will be,

to the maximum extent practicable, so disclosed; and

(2) how domestic content ratios are to be computed by vehicle manufacturers, including in appropriate cases, how automotive products are to be allocated among vehicle manufacturers in cases such as where—

(A) a vehicle manufacturer sells automotive products manufactured by it in the United States to another vehicle manufacturer;

(B) two or more vehicle manufacturers in joint venture produce automotive products in the United States; and

(C) a vehicle manufacturer produces motor vehicles for ultimate retail sale in the United States, some of which will be sold by that manufacturer and some by another vehicle manufacturer.

—Page 27, strike out line 11 and all that follows thereafter down through line 2 on page 29 and insert the following:

SEC. 6. INFORMATION AND REPORTS.

(a) VEHICLE MANUFACTURERS RECORDS AND INFORMATION.—Each vehicle manufacturer must establish and maintain such records, and provide such information, regarding the production and sale of automotive products by it as the Secretary by rule shall require for purposes of carrying out this title.

(b) AUTHORITY TO OBTAIN INFORMATION.—(1) The authority granted to the Secretary under subsection (b)(1) of section 505 of the Motor Vehicle Information and Cost Saving Act (as in effect on the date of the enactment of this Act) to obtain information and data, and access thereto, that is deemed advisable by him for purposes of carrying out part V of that Act may be used by the Secretary for purposes of obtaining the information and data, and access thereto, that is necessary or appropriate to carry out this title.

(2) The authority granted to the district courts of the United States under subsection (b)(2) of such section 505 to enforce compliance with action taken by the Secretary under subsection (b)(1) of such section may be used by such courts to enforce actions taken by the Secretary under paragraph (1) for purposes of carrying out this section.

(3) The Secretary shall disclose any information and data obtained under this section to the public only in accordance with section 552 of title 5, United States Code; and any matter described in subsection (b)(4) of such section 552 shall not be disclosed to the public, except that where such matter may be relevant to any administrative or judicial proceeding to enforce this Act, such matter may be disclosed in such proceeding only in a manner which would not result in competitive damage or disadvantage, as determined by the Secretary or a court, because of such disclosure.

(c) ANNUAL REPORTS.—As soon as practicable after the close of each model year after January 1, 1984, the Secretary shall prepare and make available to the public a report setting forth the domestic content ratio achieved by each vehicle manufacturer during such model year.

—Page 29, strike out line 3 and all that follows thereafter down through line 9 on page 32 and insert the following:

SEC. 7. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITED ACTS.—It is unlawful for—

(1) any vehicle manufacturer to violate section 5(a);

(2) any vehicle manufacturer to place on a motor vehicle a disclosure label knowing that the domestic content ratio disclosed therein is false or not computed in accordance with the rules and regulations issued by the Secretary;

(3) any person, other than the ultimate purchaser at retail, to remove from a motor vehicle a disclosure label required to be placed on such vehicle under section 5(a); and

(4) any person to violate any rule or regulation issued under section 5(b).

(b) CIVIL PENALTIES.—Any vehicle manufacturer or person who commits an act that is unlawful under paragraph (1) shall be liable, after notice and opportunity for a hearing, to the United States for a civil penalty of not more than $10,000. Each day of a continuing violation under this subsection shall constitute a separate offense.

(c) PROCEDURES.—(1) Before issuing an order assessing a civil penalty against any person for a violation of subsection (a), the Secretary shall provide to such person written notice of the proposed penalty.

(2) The Secretary shall promptly assess such penalty, by order, after the date of the receipt of the notice under paragraph (1) of the proposed penalty.

(3) If the penalty has not been paid within sixty calendar days after the assessment order has been made under paragraph (2), the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, such assessment.

(4) If any person fails to pay an assessment of a civil penalty after the appropriate district court has entered final judgment in favor of the Secretary under paragraph (3), the Secretary shall institute an action to recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or judgment shall not be subject to review.

(d) AUTHORITY TO COMPROMISE PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any penalty that is subject to imposition or that has been imposed under this section.

—Page 32, strike out line 10 and all that follows thereafter down through line 9 on page 34.

Renumber the succeeding sections accordingly.

—Page 34, line 5, strike out "two years" and insert "one year".

Page 34, line 6, strike out "every two years" and insert "annually".

By Mr. FRENZEL:

—On page 18, line 1, insert "two-wheeled" after the word "any".

On line 2 insert period after "fuel" and strike language beginning with "which" through line 11.

—On line 19 of page 25, strike "1985" in the title and insert in lieu thereof "1984".

On page 26, in the table on line 5, strike "1985" and insert in lieu thereof "1984" and replace each succeeding year to "1985 and 1985".

—On page 25, section 5, strike lines 23 and 24 and insert in lieu thereof "vehicle manufacturers shall strive to achieve the minimum domestic content ratio that shall not be less than the higher of—".

H.R. 1904

By Mr. MILLER of California:

—At the end of the bill add the following new title:

TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

SHORT TITLE

SEC. 301. This may be cited as the "Family Violence Prevention and Services Act".

DECLARATION OF PURPOSE

SEC. 302. It is the purpose of this title—

(1) to assist States in effort to prevent family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence; and

(2) to provide technical assistance and training relating to family violence programs to States, local public agencies (including law enforcement agencies), nonprofit private organizations, and other persons seeking such assistance.

GRANTS AUTHORIZED

SEC. 303. (a)(1) In order to assist in supporting the establishment maintenance, and expansion of programs and projects to prevent incidents of family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence, the Secretary is authorized, in accordance with the provisions of this title, to make grants to States.

(2) No grant may be made under this subsection unless the chief executive officer of the State seeking such grant submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(A) provide that funds provided under this subsection will be distributed in grants to local public agencies and nonprofit private organizations for programs and projects within such State to prevent incidents of family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence;

(B) provide, with respect to funds provided to a State under this subsection for any fiscal year, that—

(i) not less than 70 per centum of such funds will be distributed in grants to nonprofit private organizations within the State; and

(ii) in the distribution of funds by the State under this subsection, the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, particularly those projects the primary purpose of which is to operate shelters for victims and dependents of victims of family violence;

(C) set forth procedures designed to assure an equitable distribution of grants and grant funds within the State;

(D) specify the State agency to be designated as responsible for the administration of programs and activities relating to family violence which are carried out by the State under this title and for coordination of related programs within the State;

(E) provide for keeping records and making such reasonable reports as the Secretary may deem essential to carry out the purposes and provisions of this title;

(F) develop procedures to assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by a program, project, or activity conducted, regulated, or assisted by the Department of Health and Human Services, and provide assurances that the

address or location of any shelter for victims and dependents of victims of family violence which is in receipt of a grant under this subsection will, except with written authorization of the person responsible for the operation of such shelter, not be made public;

(G) set forth procedures to assure active participation by knowledgeable individuals and organizations in the development and review of programs and projects within the State funded under this title; and

(H) provide assurances that any project for which a grant is made under this subsection will—

(i) seek to coordinate its activities with other related public and private programs in the area; and

(ii) be administered and operated by personnel with appropriate skills (including language skills), training, or experience.

(3) The Secretary shall approve any application that meets the requirements of this subsection, and the Secretary shall not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove, and opportunity for correction of any deficiencies.

(b)(1) The Secretary is authorized to make grants to Indian tribes and intertribal organizations for projects designed to prevent family violence and to provide immediate shelter and other assistance for victims and dependents of victims of family violence.

(2) No grant shall be made under this subsection unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this title. Such application shall comply, as applicable, with the provisions of clauses (D), (F), and (G) of subsection (a)(2) of this section.

(c) No grant may be made under this section in any fiscal year to any single entity (other than to a State) for an amount in excess of $50,000, and the total amount of such grants to any single entity may not exceed $150,000, or be awarded in excess of three fiscal years.

(d) No funds provided through grants made under this section may be used as direct payment to any victim or any dependent of a victim of family violence.

(e) No income eligibility standard may be imposed with respect to any individual seeking assistance or services from any local public agency or nonprofit private organization which receives a grant under this title.

(f) No grant may be made under this section to any local public agency or nonprofit private organization unless such agency or organization provides for the following local share as a proportion of the total amount of Federal funds provided under this title to the program or project involved: 20 per centum in the first year such program or project receives a grant under this title, 30 per centum in the second such year, and 33⅓ per centum in the third such year. Except in the case of a public entity, not less than 50 per centum of the local share of such agency or organization shall be raised from private sources. The local share required under this subsection may be in cash or in-kind. The local share may not include any Federal funds provided under any authority other than this title.

(g) The Secretary shall assure that not less than 75 per centum of the funds distributed under subsections (a) or (b) of this section shall be distributed to entities for the purpose of providing immediate shelter and related assistance to victims and dependents of victims of family violence.

ALLOTMENT OF FUNDS

SEC. 304. (a) From the sums appropriated under section 308 for grants to States for any fiscal year, each State shall be allotted for payment in a grant authorized under section 303 an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than whichever is the greater of the following amounts: one-half of 1 per centum of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made, or $50,000 for the purposes of section 303; and

(2) Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eight of 1 per centum of the amounts available for grants under section 303(a) for the fiscal year for which the allotment is made.

For the purpose of the exception contained in paragraph (1) of this subsection only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(b) For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent satisfactory census data available to the Secretary.

(c) If the sums appropriated under section 308 for any fiscal year for grants to States under section 303 are not sufficient to pay in full the total amounts which all States are entitled to receive under such section for such fiscal year, then the maximum amounts which all States are entitled to receive under such section for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(d)(1) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 308, the amount allotted to a State has not been made available to such State in grants under section 303 because of the failure of such State to meet the requirements for a grant, then the Secretary shall reallot such amount to States which are eligible to receive grants under section 303.

(2) Funds made available by the Secretary through reallotment under paragraph (1) shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

ADMINISTRATION

SEC. 305. (a) The Secretary shall designate an individual within the department to administer the programs and activities carried out under this title (including activities described in subsection (b) of this section). This individual shall have expertise relating to the family violence prevention and services programs administered by the department.

(b) The Secretary shall—

(1) be responsible for overseeing and maintaining records on all programs and activities carried out under this title and shall seek to coordinate all Federal programs and activities, to the extent such programs and activities relate to family violence;

(2) encourage and support research activities associated with the provision of shelter and other assistance to victims and dependents of victims of family violence; and

(3) provide for the establishment of a national information and resource clearinghouse on family violence and for its operation in coordination with the information clearinghouse maintained by the National Center on Child Abuse and Neglect under section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101(b)(2)), in order to—

(A) collect, analyze, prepare, and disseminate information and statistics relating to the incidence and prevention of family violence and the provision of immediate shelter and other assistance to victims and dependents of victims of family violence; and

(B) provide information about alternative sources of assistance available with respect to the prevention of incidents of family violence and the provision of immediate shelter and other assistance to victims and dependents of victims of family violence.

(c) The Secretary is authorized to make grants to public or nonprofit private entities or enter into contracts with public or private entities to provide technical assistance, training, and outreach services, to the extent that such assistance is not otherwise available, to States, local public agencies, and nonprofit private organizations participating or interested in participating in the programs and projects authorized by this title.

EVALUATION

SEC. 306. The Secretary shall review, evaluate, and report to the Congress, not later than two years after the date funds are obligated under section 303(a) for the first time after the date of enactment of this title, as to the effectiveness of the programs administered and operated pursuant to this title.

DEFINITIONS

SEC. 307. As used in this title:

(1) The term "family violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by a person against another individual to whom such person is or was related by blood or marriage or otherwise legally related, or against another individual with whom such person is or was residing in a relationship of husband and wife.

(2) The term "Indian tribe" means—

(A) any tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688); or

(B) any Indian community the members of which are recognized as eligible for services under the Indian Health Care Improvement Act (90 Stat. 1400).

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable State law or regulations governing the provision, on a regular basis, of shelter, safe home,

meals, and related assistance to victims and dependents of victims of family violence.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 308. (a) There are authorized to be appropriated to carry out the provisions of this title $15,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $30,000,000 for fiscal year 1986.

(b) Of the sums appropriated under subsection (a) for any fiscal year—

(1) 90 per centum shall be used by the Secretary for making grants to States, Indian tribes, and intertribal organizations under sections 303(a) and 303(b), of which not less than one-half of 1 per centum or more than 1 per centum of such sums appropriated under subsection (a) shall be available for the purposes of making grants to Indian tribes and intertribal organizations under section 303(b); and

(2) 10 per centum shall be used by the Secretary for carrying out the provisions of this title.

STUDY OF ABUSE OF ELDERLY INDIVIDUALS

SEC. 309. (a) The Secretary shall conduct a full and complete investigation and study, including analysis of necessary data, of the nature and incidence of abuse of elderly individuals.

(b) Not later than eighteen months after the date of enactment of this Act, the Secretary shall prepare and submit a report to the President and to the Congress on the results of the study required by subsection (a) of this section, together with such recommendations, including recommendations for legislation, as the Secretary seems appropriate.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

LAW ENFORCEMENT TRAINING AND TECHNICAL ASSISTANCE GRANTS

SEC. 310. (a) From the amount appropriated pursuant to subsection (c) for any fiscal year, the Attorney General shall make grants for the purpose of providing regionally-based training and technical assistance to provide the personnel of local and State law enforcement agencies with means for responding to incidents of family violence.

(b) Grants under this section shall be awarded competitively on the basis of an application containing such information and assurances as the Attorney General may require by regulation. In selecting grant recipients, the Attorney General shall select recipients who have demonstrated their effectiveness in preparing the personnel of local and State law enforcement agencies for the handling of incidents of family violence and shall give priority to those applications which propose projects or programs which will develop, demonstrate, or disseminate information with respect to improved techniques for responding to incidents of family violence by law enforcement officers.

(c) There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years for which this title is in effect.

H.R. 2751

By Mr. COLEMAN of Missouri:

—At the end of the bill add the following new section:

"NATIONAL MEDAL OF ARTS

"SEC. . (a) There is hereby established a National Medal of Arts, which shall be a medal of such design as deemed appropriate by the President, on the basis of recommendations submitted by the National Council on the Arts, and shall be awarded as provided in this section.

"(b) The President shall from time to time award the medal, on the basis of recommendations from the National Council on the Arts, to individuals or groups who in his judgment are deserving of special recognition by reason of their outstanding contributions to the excellence, growth, support and availability of the arts in the United States.

"(c) Not more than twenty such medals may be awarded in any one calendar year.

"(d) An individual may not be awarded the medal unless at the time such award is made that individual—

"(1) is a citizen or other national of the United States; or

"(2) is an alien lawfully admitted to the United States for permanent residence who—

"(A) has filed an application for petition for naturalization in the manner prescribed by section 334(b) of the Immigration and Nationality Act; and

"(B) is not permanently ineligible to become a citizen of the United States.

"(e) A group may not be considered for such an award unless that group is organized or incorporated in the United States.

"(f) The presentation of the award shall be made by the President with such ceremonies as he may deem proper, including attendance by appropriate Members of Congress.

"(g) Any funds necessary for the implementation of this section shall be derived from funds otherwise available to the National Endowment for the Arts."

H.R. 4185

By Mr. MARKEY:

—Page 79, after line 14, insert the following new section:

SEC. 797. None of the funds appropriated by this Act may be used to support or maintain members of the Armed Forces in Grenada after the end of the 30-day period beginning on the date of the enactment of this Act. This section shall not apply to a use of the Armed Forces specifically authorized by law after the date of the enactment of this Act.

—At the end of the bill, add the following new section:

SEC. . None of the funds appropriated by this Act may be used to support or maintain members of the Armed Forces in Grenada after the end of the 30-day period beginning on the date of the enactment of this Act. This section shall not apply to a use of the Armed Forces specificially authorized by law after the date of the enactment of this Act.

—At the end of the bill, add the following new section:

SEC. . None of the funds appropriated by this Act may be used to support or maintain members of the Armed Forces in Grenada after (1) the end of the 30-day period beginning on the date of the enactment of this Act, or (2) the end of the 3-day period beginning on the date on which all United States citizens desiring to be evacuated from Grenada (other than members of the Armed Forces) have been evacuated, whichever is earlier. This section shall not apply to the use of the Armed Forces of the United States to respond to a clear and present danger of an attack on the United States or to a use of the Armed Forces specifically authorized by law after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

SIDNEY YATES: A WELL-DESERVED HONOR FOR A MAN OF COMPASSION

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. McHUGH. Mr. Speaker, I was pleased to learn that our good friend and colleague, Mr. YATES of Illinois, was recently honored as the first recipient of the David S. Malkov Humanitarian Award by the members of the Anshe Emet Synagogue in Chicago. The text of the award tells a lot about the man who received it:

"Who is honored? He that honors mankind." Anshe Emet Synagogue Chicago, Illinois salutes the Honorable Sidney R. Yates, Member of Congress, 9th District of Illinois. Through a dedicated lifetime of public service, you have demonstrated through innumerable acts, both public and private, your deeply rooted compassion for all. You have expanded the horizons of our nation's cultural life. Your social concern has been sustained by the well springs of our religious heritage.

In recognition of your consecrated career, marked by high courage in times of our nation's greatest challenges, the Anshe Emet Synagogue presents to you the David S. Malkov humanitarian award with the fervent hope that you may continue your consecrated efforts for many years.

Signed by the president of the synagogue, Richard Kohn, and Rabbi Seymour Cohn, this award is a tribute to a remarkable man to whom all of us in the House of Representatives are deeply indebted.

Serving as I do with SID YATES on the House Appropriations Committee, I can testify that his counsel and advice has been a source of great help to me over the years, and I know that this view is shared by all of those who have had the privilege of serving with SID in Congress.

In accepting this award, SID has thoughtfully traced the many contributions that the Jewish community has made to our society and culture as public officials over the years. As SID notes at one point in his remarks:

It is the Jewish people throughout the ages who because of the pain and suffering they experienced profoundly know and appreciate the price of liberty, the Jewish people who have opposed the discrimination of bigots and autocrats, of tyrants and dictators, of rightist and leftist governments; the Jewish people who believe implicitly in personal liberty and justice.

As one of those who recognizes the profound truth in those words, I want to take this opportunity to commend SID for his many personal contributions to our society. And for the benefits of those who have not seen the full text of his remarks, I am inserting a copy into the RECORD at this point.

STATEMENT OF REPRESENTATIVE SIDNEY R. YATES

Thank you very much for your very generous statement and thank you very much for the award you have given me. I am proud and honored to have been selected as the first recipient of the David S. Malkov Humanitarian Award—proud because it is named for a real mensh and a real humanitarian—my good friend David Malkov, who is well on his way to reaching a hundred years. We wish him health and happiness on his way to that goal. Thank you, David, very much.

I am proud to receive the award at Anshe Emet because it was here that I was confirmed sixty years ago to join all of our people who view life not only for its opportunities for joy and rewards, but for the possibility of contributing, of sharing, of helping. That is the heritage of Judaism.

I am sorry my wife Addie is not here today. She is not well and though she wanted to come, I thought it better that she stay in Washington. She sends her love to all her friends at Anshe Emet. The rest of my family is here—Steve and Debbie and my grandchildren, Jonathan and Lauren, who were so helpful in electing me in my last campaign for Congress. Jonathan, I would have you know, is now a very hard-working Hebrew scholar.

I have been in Congress since 1949. When I first ran for office, I came here to Anshe Emet to speak to Rabbi Solomon Goldman, a blessed memory with whom I remained in close touch during his lifetime. Now I remain in close touch with my good friend, Rabbi Seymour Cohen, a rabbi in the tradition of the great rabbis, learned, wise, sympathetic, well informed and helpful, with whom I have consulted on so many occasions. I count my time in Congress from Goldman to Cohen.

Rabbi Goldman encouraged me to enter public service. Not too many years before that it was commonly thought among many Jews that they should not strive for elective public office. It was felt that Jews should not become too prominent, that we must not antagonize the non-Jewish community, that we must not place ourselves in positions which would require us to make responsible decisions which would affect the lives of other people. Not too many years before that the office of Governor of Illinois was graced by Judge Henry Horner whose German Jewish friends advised him to the leave the probate bench to seek the office of Governor for the reasons I have just stated. It was perfectly alright to hold a learned office like a judge, but not an administrative high office whose responsibilities would require decisions that not only might affect the whole state, but might have national impact. Henry Horner rejected their arguments and went on to become one of the great Governors of Illinois.

We find the same arguments being made in Argentina today where a wave of anti-Semitism has spread through that country. Synagogues are being defaced, anti-Semitic broadcasts are being sent out over the radio. Jewish businessmen receive threats and Jews are being warned not to seek public office. It turns out that Jacobo Timmerman was not alone in the treatment he received as a Jew from Argentine higher officials.

The point is that we must not retreat because to retreat would be to give in to the most vicious elements in society who would deny the Jews their birthright as equal citizens.

We are not retreating in this country. More and more Jews are seeking office and being elected as governors, as senators, as members of Congress, and to local offices of every kind. It is not only good for them that they should serve—it is good for their communities and it's good for the country because of their heritage which upholds the dignity of the individual. It is the Jewish people throughout the ages who because of the pain and suffering they experienced profoundly know and appreciate the price of liberty, the Jewish people who have opposed the discrimination of bigots and autocrats, of tyrants and dictators, of rightist and leftist governments; the Jewish people who believe implicitly in personal liberty and justice. That is why I count myself fortunate to have had the honor and privilege of serving in Congress because of the opportunity it provides among its many duties and responsibilities of being able to serve my fellow human beings, of being able to fight for their honor and dignity against powerful and influential forces; of being able, in measure, to correct injustice and indignities against human beings.

I think immediately of the case of Admiral Rickover in 1953, who was on the verge of being kicked out of the Navy even though he was the most expert and best qualified officer in his field. Everybody said nothing could be done—but I learned then that one voice in Congress could move mountains. Our fight defeated the brass in the Navy. Rickover got the hearing we wanted and received the promotion he so richly deserved.

I think of the immigration cases—the heartbreaking cases—of the unending waiting by loved ones in America for their loved ones in some foreign land, particularly in the Soviet Union or Romania or Poland or Hungary where just indicating a desire to emigrate resulted in vindictive retaliation. I remember the case of the Hungarian immigrants in 1956 when the Russians crushed the Freedom Fighters with their tanks, and it was necessary to clear away immigration obstacles for Hungarians who might have been thrown into prison.

And I recall the cases of the Soviet Jews—so many of them—trying for years to obtain their freedom in a new country. The cases of the ordinary people and the gifted refuseniks. I remember the case particularly of Felix Aronovich whose mother and brother were in Chicago and who were joined by Felix's wife and baby while Felix languished without work in Leningrad as he waited

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

month after month for clearance to come here.

I remember taking his case to the highest Russian officials, including Brezhnev, when I went to the Soviet Union as a member of the Speaker's party. It still took time—but what a time for celebrating when at long last he joined his family in this country.

And my mind goes back to 1948 before I was in Congress when I was campaigning for my first election. Speaking at Temple Ezra, a German-Jewish temple that was being dedicated, and I remember the Rabbi saying, "Here we are, Jews from all over the countries of Europe who have seen our synagogues burned to the ground by the Nazis. . . . We Jews are gathered here today to dedicate and witness our new synagogue rising like a phoenix from the ashes from the old ones.

It is the Jewish people throughout the ages who know the price of liberty, who are opposed to the philosophy of tyranny and to dictatorships, who have been the champions of personal liberty.

Jews make their contributions to government just as they have contributed over the centuries to every endeavor in spite of discrimination and prejudice directed to them. Their work in the arts, in the sciences, in humanities, stand out like shining lights in the pages of history. Will Durant in his book, "The Story of Civilization," says, "We must study in greater detail these numerically and geographically insignificant Jews who gave to the world one of its greatest literatures to its most influential religions and to many of its profoundest men." Men like Sigmund Freud who according to one biographer gave the world the single most intellectual force of the 20th Century. It is interesting that in his book "Self-Portrait," Sigmund Freud gives credit to the religious discrimination to which he was subjected in Vienna for making his discoveries. Faced with such discrimination, Jews question the theories and exploded the myths of the past as Freud says, "At an early date, I became aware of my destiny: to belong to the critical minority instead of the unquestioning majority. I developed a certain independence of judgment."

I don't think that that is an adequate justification for anti-Semitism. The fact is Jews throughout the ages have not surrendered to the heavy-hand of adversity, but have found ways to rise above their deplorable plight to advance not only their own cause, but the cause of mankind, through the profound use of their minds, their sensitivity to beauty, their emotional discipline, they are captured by the excitement of ideas and the power of creativity. The necessity of becoming more creative because in spite of the lesson which the Holocaust brought to the conscience of the world, we see anti-Semitism still clouding the human spirit in France, in Argentina, in the United States.

Fighting it is a community responsibility. It is also a government responsibility. We are fortunate in being blessed in this country with a humane government and in the recognition by the American people of the beneficent purposes of government. There is still so much work to be done in this country. The press carried the story the other day that the poverty rate rose last year to 15 percent, the highest in 17 years. We cannot forget the words of former Senator Hubert Humphrey that "the moral test of a government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadow of life, the sick, the needy, and the handicapped."

I subscribe to Senator Humphrey's credo. People need food and jobs and good health and homes and roads and culture and learning and care for the aging and the young.

Your award recognizes that philosophy. That is why I accept it with pride and honor and thank you very much for it.●

ROUKEMA LAUDS WOODLEA HOME

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mrs. ROUKEMA. Mr. Speaker, I am pleased to bring to the attention of our colleagues the 10th anniversary of the Woodlea Home for Girls in my hometown of Ridgewood, N.J. This residence has served as an effective and essential anchor for countless young women during the very unstable, formative years of their lives.

The efforts of the many groups involved in keeping this residence alive should not go unnoticed. Consequently, I would like to share with you an editorial from the Ridgewood News which appeared October 23 and ask that it be printed in the RECORD at this point.

WOODLEA AT 10

The tenth anniversary of the Woodlea Group Home for Girls in Ridgewood, celebrated last Sunday, brought out a number of former residents, some with their husbands and children. The event was like "old home week" for those who had lived at the Prospect Street home during part of their teenage years. Woodlea provides a family environment for many girls who otherwise might be placed in foster homes or other institutions because of unsatisfactory home situations. It is a tribute to Woodlea's accomplishments that some who received aid there have joined the so-called helping professions.

At the anniversary celebration, the 12 young people presently residing at Woodlea proudly showed off the well-kept house and grounds. This sense of pride also should be shared by Ridgewood and the members of the Junior League of Bergen County and the Children's Aid and Adoption Society of New Jersey who continually support Woodlea.

Those whose vision and financial support made Woodlea a reality must sense real satisfaction and pride in what has been accomplished at the home over the last decade.●

EPA HAZARDOUS WASTE INVESTIGATORS UNDER FIRE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. FLORIO. Mr. Speaker, in the near future the House will resume consideration of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983. It is expected that an amendment will be offered to strike the provision in our bill which would authorize EPA's trained criminal investigators to exercise basic law enforcement authority.

I am convinced that because H.R. 2867 would place significant restrictions on land disposal of hazardous waste, there will be a much greater incentive to dispose of toxic waste illegally. As the following article from the New York Times indicates, illegal disposal and accompanying violence may be occurring at an accelerated rate already. The information provided by the Times is another reason for rejecting the amendment to deprive EPA investigators of the basic tools they need to do their job.

VIOLENT ACTS PROMPT DEBATE OVER GUNS FOR EPA AGENTS

ORLANDO, FLA.—A federal agent and two technicians from Atlanta went to the backwoods of Alabama recently to gather samples of soil and water near a business suspected of illegally dumping toxic chemicals.

Someone fired a revolver over their heads. The men, sent by the Environmental Protection Agency, dived behind stacks of rusty, oozing 55-gallon drums. When the bullets stopped, the three fled, unhurt, their work incomplete.

That March 17 incident was one of a dozen violent or potentially violent situations to confront E.P.A. agents since the agency began its criminal investigation program a year ago. As word of the incident spread through the agency's five criminal investigation field offices, some of the 22 agents began carrying weapons for protection, according to one who asked not to be identified. In so doing, they were breaking the law.

Whether the law should be changed is now being debated in Washington.

The House of Representatives is scheduled this week to begin considering amendments to the Resource Conservation and Recovery Act of 1976, which governs the disposal of hazardous waste. One proposed change, favored by many in Congress, would give powers akin to those of United States marshals to environmental investigators enforcing that law. The agents would be empowered to carry weapons, execute research warrants and make arrests.

ADMINISTRATION NOT SO EAGER

"To really get at the big guys, where there's political corruption and organized crime," said a lawyer on the staff of a House subcommittee that deals with environmental laws, "you need full criminal enforcement powers."

But the Reagan Administration is less eager to see such powers given to E.P.A. agents.

Attorney General William French Smith could use his administrative authority to grant the investigators law-enforcement powers without Congressional action. And he could, in one action, do so with regard to all the 16 environmental laws Congress would have to amend.

But F. Henry Havicht 2d, the Acting Assistant Attorney General for land and natural resources, said: "The granting of the power to carry a gun and make arrests is a serious, significant step, and so it's something the executive branch as a whole needs

to make sure there is enough information about."

Michael Brown, the outgoing criminal enforcement counsel for the E.P.A., noted that other Federal agents, such as those for the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms, are authorized to carry weapons. He also said that "tick inspectors" for the Department of Agriculture were so authorized.

At the same time, however, he said: "The question of a criminal investigation program at any place but the F.B.I. raises Governmentwide issues. People in the Federal Government get nervous about a little bunch of law-enforcement agents running around the various agencies carrying guns."

Those who favor the use of weapons cite increasing evidence of organized crime's involvement in the illegal disposal of toxic wastes.

Law-enforcement powers are "desperately needed" now, said Representative Albert Gore Jr., Democrat of Tennessee. "The reason for this is the extraordinary degree to which illegal activities are going on in the hazardous waste area, and convincing evidence of the involvement of organized crime."

MOB CASES A PROBLEM

Peter Beeson, associate enforcement counsel for the environmental agency, said it was impossible for agents to tackle cases involving mobsters when they could not protect themselves with guns.

"Currently, we are not equipped to investigate the involvement of organized crime in the hazardous waste industry," Mr. Beeson said. "That is the type of investigation that would require full law-enforcement authorities."

An internal Environmental Protection Agency document obtained from Congressional sources details 12 violent or potentially violent encounters that occurred after the agency began criminal investigations. The list, titled "Risks Associated With Environmental Investigations," includes these incidents:

An informant in a Chicago-area hazardous waste disposal place was warned that he would be murdered if he continued to cooperate with the authorities.

In the Philadelphia area, a suspect in a hazardous waste investigation fired on state inspectors, assaulted a state air inspector, released attack dogs on Government agents and verbally threatened other officials.

In the Seattle area a person suspected of illegal dumping firebombed a hazardous waste site.

Officials of the E.P.A. and the Justice Department would not discuss the listed encounters, including the shooting incident in Alabama.●

"TARGETING" IN THE ARMS INDUSTRY WAS A MISFIRE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. SHUMWAY. Mr. Speaker, although the extensive debate over industrial policy has clearly thus far not led to widespread advocacy of greater government intervention in the economy, there are nevertheless those who propose such new Federal institutions as an Economic Cooperation Council and a National Development Investment Bank. While there exist a number of variations of these proposals and others, the fact remains that proponents of an activist industrial policy believe that government, through an inevitable political process, can somehow make better economic decisions than the marketplace.

For our colleagues who may be sympathetic toward this view, I recommend a recent Wall Street Journal editorial by Richard McKenzie. Using defense contracts as an example, Professor McKenzie shows how, by intervening in the economy, government will often make the efficient producers the losers at considerable cost to consumer and taxpayer welfare.

The full text of the editorial follows:

"TARGETING" IN THE ARMS INDUSTRY WAS A MISFIRE

(By Richard B. McKenzie)

Proponents of a national industrial policy sometimes advocate using defense expenditures to ease the pain of economic hardship felt by the unemployed. Specifically, they recommend that perceived social problems caused by the growing mobility of capital, the lagging competitiveness of U.S. industries in world markets and structural changes in the U.S. economy should be solved in part by "targeting" defense procurements to contractors in "distressed areas" of the country.

Contrary to what may be presumed, the Reagan administration has tested such an industrial strategy on a limited scale, and the results have been disastrous—from both defense and employment perspectives.

Beginning in 1954, defense-appropriations bills have included what has come to be known as the "Maybank Amendment," which specifically prevents the Defense Department from using its funds to "relieve problems of economic dislocation." However, in 1981 and with the acquiescence of the Reagan administration, Congress required the Defense Department to allocate as much as $3.4 billion in contracts to producers in "labor surplus areas" as designated by the "Labor Department". The procurement limit was raised to $4 billion in 1982. Instead of taking the low bids in 1981 and 1982, the Defense Department could pay contractors in labor surplus areas a premium of as much as 5% above the lowest bid from a non-labor surplus area.

The 1981-82 test of the "modification of the Maybank Amendment" covered nearly 36,000 contracts valued at a little more than $3 billion. Only 956 of these contracts, valued at about $88 million, actually were assigned to non-low bidders in labor surplus areas. However, those contracts cost the Defense Department an additional $1.8 million in premiums paid on its purchases and an additional $1.7 million in administrative costs (because of the added complications in evaluating acceptable bids)—or $3.5 million the Defense Department would not have had to spend if the Maybank Amendment had been in full force. Given the magnitude of the defense budget, $3.5 million is the proverbial drop in the bucket. Still, this new industrial strategy meant the national defense suffered marginally as a consequence. The U.S. literally got less bang for the defense buck during the two-year test.

Admittedly, a major purpose of the Maybank modification was to create and save jobs. But Defense Department analysis indicates that the test had a perverse effect: On balance, jobs were destroyed. The 956 contracts awarded to non-low bidders in labor surplus areas increased employment in those areas by 3,207 jobs. But the low bidders in the non-labor surplus areas lost 3,335 jobs because they did not get the contracts. In short, the test program destroyed, on balance, 128 jobs at a cost to American taxpayers of $3.5 million (or about $27,000 per job destroyed). The cost would have been substantially greater (upwards of $24 million in procurement costs alone) had the 5%-premium limit not been in force.

The net loss of jobs should have been expected. Companies in labor surplus areas that aren't able to outbid their competitors often are stuck paying noncompetitive wages. As a consequence, they are less inclined to hire as many workers as employers elsewhere.

The added cost of modifying the Maybank Amendment for a short, two-year period is, in itself, cause for concern. However, the long-run consequences of not having the Maybank Amendment in full force can be even more detrimental to the health of the nation's economy and defense posture.

When the Defense Department is forced to accept above-low-bid contracts, efficient producers in labor surplus areas that would otherwise have been low bidders have less incentive to keep their costs in check, and inefficient producers are rewarded with what are, in effect, political plums. Fortunately, in 1983 the approved premium to non-low bidders was lowered to 2.2%, but that is still unnecessarily high.

The three-year test of using defense expenditures to pursue industrial goals reveals an important principle voters should never forget in assessing proposals from industrial-policy enthusiasts: When government spends money to subsidize "winners" (under the guise of improving employment opportunities), it will often help "losers" (those concerns that can't compete). In the process, the government will often make the efficient producers the "losers" at considerable cost to consumer and taxpayer welfare.●

A SALUTE TO DR. AND MRS. IRWIN SILVERMAN ON THEIR 50TH WEDDING ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. GUARINI. Mr. Speaker, this weekend, I have been invited to participate in a most joyful celebration marking the 50th wedding anniversary of my good friend, Dr. Irwin Silverman, and his dear wife, Fay.

This couple, residents of Weehawken, N.J., have raised a splendid family while giving most of their time and talents to their community and our Nation.

Dr. Silverman earned his Ph. D. degree from the University of Chicago in 1930 and his doctor of law degree in 1933. He wrote his thesis under the direction of Prof. Ernst Freund, on the

"Comparison of Negotiable Instruments Law" as compared with those proposed by the Hague Conference for International Codification of the Laws.

It was at this point in his life when he took Fay Silverman as his bride on October 29, 1933, while still a student at the University of Chicago. Indeed, this marriage of 50 years is proof positive that this couple has much in common, including their family surname.

They are the parents of two daughters, Carol Silverman Linker, Ph. D., of Augusta, Maine, who is the mother of Todd and Sara, the grandchildren of Dr. and Mrs. Silverman; and Sue Smith, the wife of Dr. Mack Smith, of Atlanta, Ga. Mrs. Smith is a teacher of English literature.

The excellent family leadership provided by the Silvermans indeed demonstrates that home is the place where character is built, where sacrifices to contribute to the happiness of others are made, and where love has taken up its abode.

The Silvermans have been blessed by these two lovely daughters. They have lived the famous words of George Bernard Shaw, who wrote,

> Life is a flame that is always burning itself out, but it catches fire again every time a child is born.

Fay Silverman can best be described as the model wife, as portrayed in the Book of Proverbs:

> Who can find a virtuous woman? For her price is far above rubies. The heart of her husband doth safely trust in her, so that he shall have no need of spoil. She will do him good all the days of her life . . . She stretcheth out her hand to the poor; yea, she reacheth forth her hands to the needy . . . She openeth her mouth with wisdom, and in her tongue is the law of kindness.

The Silvermans have enjoyed a life full of love, not only in their life together, but also in looking outward to their community and world. Of all the music that reaches farthest into heaven, the greatest is the beating of a loving heart.

Dr. Silverman served in the U.S. Government for many years under the administrations of Franklin Delano Roosevelt and Harry Truman. During his long and illustrious career in Government service, Dr. Silverman traveled with President Truman and actively worked for the statehood of Hawaii and Alaska. His guidance helped shape home rule for Guam, the Virgin Islands, and the Samoan Islands. He was an important part of the team, along with Senator Robert Taft, in creating the commonwealth charter for Puerto Rico. He also was instrumental in implementing Operation Bootstrap there, which helped millions of Americans citizens on this beautiful and strategically important island develop their economic strength and independence. As Chief Counsel and later Assistant to the Secretary of the Interior, serving until 1954, Dr. Silverman was assigned for varying periods of time to assist in projecting and developing socioeconomic and political programs in our territorial possessions. These programs dealt primarily with taxation, fiscal policies, revenue sharing, economic development, transportation, and the delivery of education and health services.

His outstanding work was in collaboration with Gov. Paul McNutt, of the Philippines, during its transition from territorial status to independence; and later with Govs. Owen Long of Hawaii and Ernest Gruening of Alaska during those States' transitions from territorial status to statehood. In addition, as mentioned before, Dr. Silverman helped Gov. Luis Munoz-Marin of Puerto Rico develop Operation Bootstrap, and also Govs. Carleton Skimmer, Guam, Phelps Phelps, Samoa, and Morris de Castro, Virgin Islands, when these men engineered the transition of these islands from the status of island possession to home rule. Dr. Silverman also assisted Senator Elbert Thomas of Utah, who was the first Commissioner of the Pacific Trust Territory, during the transition and transfer of certain Pacific Islands from Japan to the United States after World War II.

Dr. Silverman pursued a career in banking and finance from 1954 to 1968. He served as president of the West Indies Bank and Trust Co. and as president of the West Indies Investment Co., as well as the president of the West Indies Insurance Co. He was president of the Saddle Brook Bank and president of the Lodi Trust Co.

In 1958, Dr. Silverman founded the CAGUAS Federal Savings Bank, which is celebrating its 25th anniversary this year. With Dr. Silverman's assistance and leadership, it is the second largest banking institution in Puerto Rico.

So, accordingly, we are privileged today to take part in this double celebration, the golden anniversary of a perfect marriage, and the silver anniversary of a most successful banking operation.

Dr. Silverman was also involved in assisting the University of Cairo, Egypt, establish a school of public administration. He was requested to teach there by personal invitation from Anwar Sadat, the Egyptian President, just 6 months before his assassination.

Dr. Silverman has assisted more than 400 students to find careers in the important areas of public administration. One of his many proud recommendations has led to the appointment of Russell Dorn, a young man from Jersey City, as city administrator in Las Vegas, Nev.

I am pleased to be invited to the celebration at El Dorado Hotel in Puerto Rico with so many close friends of the Silvermans. These friends will not let Irwin and Fay slip into retirement because they know that the best catharsis in the world is an active mind that is always seeking new challenges and broader accomplishments.

We are reminded by the words of Henry Wadsworth Longfellow, that "Nothing is too late until the tired heart shall cease to palpitate."

History tells us that Cato learned Greek at 80 and Sophocles wrote the timeless "Oedipus" at the same age. Chaucer wrote "The Canterbury Tales" at age 60, and Goethe toiled past his 80th birthday completing "Faust." We recall the tremendous leadership provided during World War II by Charles de Gaulle and Winston Churchill, both beyond threescore and ten, the cleverness of Thomas Edison, the inventor, and even this year's Nobel Prize for Science winner, Barbara McClintock, who has reached the tender age of 81. Verdi produced his masterpiece "Othello" at age 80 and the famous "Ave Maria" at the age of 85; Alfred Lord Tennyson wrote "Crossing the Bar" at age 83.

Oliver Wendell Holmes said, "To be 70 years young is far more cheerful and hopeful than to be 40 years old."

Remember, the race is over but the work is never done while the zeal to work remains. For to live well is to be productive—the true purpose of living. The joy of life is found in the quality of our existence, our sense of values, and a determined will to achieve a better world for all our fellowman.

Since 1933, this marriage has witnessed the leadership of the dynamic Franklin D. Roosevelt as President, and the diabolical reign of Adolf Hitler; the warmth and strength of Fiorello La Guardia as mayor of New York; and the famous National Recovery Act which Dr. Silverman helped implement. The Silvermans bought gas for less than 15 cents a gallon; the price of gold was $20 an ounce. They saw "Design for Living" on Broadway with Noel Coward, Alfred Lunt, and Lynn Fontaine. They were part of the Great Depression and World War II and America's involvement in other conflicts in Korea, Vietnam, and now parts of world as reported in today's alarming headlines. They saw the advent of the United Nations, whose 38th anniversary was celebrated on October 24, carrying out the great work of President Harry Truman and Eleanor Roosevelt. The Silvermans have witnessed man's conquest of space, and lived through the world's most explosive period of technological development in the advent of the automobile, radio, television, computers, and telecommunication. In a more day-to-day sense, they witnessed the introduction of pineapple juice at the

Chicago World's Fair, Campbell's chicken noodle soup, Ritz crackers, and the production of margarine from soybeans.

In a larger sense, they were part of a glorious era of human rights progress as advanced by Mohandas Gandhi, Dr. Martin Luther King, Golda Meir, and Lyndon B. Johnson.

A review of the Silverman legacy shows that they have provided in the home, kindness; in business, honesty; in society, courtesy; in play, fairness; to the strong, trust and good will; to the weak, help; to the unfortunate, empathy and assistance; and to all men and women, reverence and love.

I am sure my colleagues in the House of Representatives join me in a wish that Irwin and Fay live in good health as long as they want and never want as long as they live. They have shown us that life—and the spirit of America—are tunes which are sung together.●

REACTION IN DALLAS TO HUD'S DEMAND FOR DISPOSAL OF 1,000 LOW-INCOME PUBLIC HOUSING UNITS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. FROST. Mr. Speaker, this morning, the Dallas Times Herald editorially responded to the news of the meeting between Dallas Mayor Starke Taylor and HUD Deputy Under Secretary for Intergovernmental Affairs June Koch on October 14.

The editorial speaks for itself, and I insert a copy of the Times Herald's comments at this point in the RECORD:

HUD WAY OFF BASE

The U.S. Department of Housing and Urban Development's demand that the Dallas Housing Authority sell or destroy 1,000 apartments in West Dallas in order to get permission to sell another public housing project, Washington Place, was an incredible, almost nonsensical misuse of government power. Blessedly, HUD officials apparently are having second thoughts about their strange announcement, and—in the wake of outraged protests—now are saying that the West Dallas units could be retained. But the issue never should have been raised in the first place.

Dallas Mayor A. Starke Taylor, Jr. disclosed earlier this week that in a conference with HUD officials in Washington, he was told that the federal agency would not approve the pending sale of the Washington Place public housing project to Baylor University Medical Center unless the Dallas Housing Authority disposed of 1,000 units in West Dallas. Mayor Taylor was discussing various housing issues with HUD officials, including the long-delayed sale of Washington Place and the need to renovate the West Dallas projects, where 1,000 units are boarded up because of a shortage of funds for rehabilitation.

The most startling part of Mayor Taylor's account of the meeting with HUD was his report that one department official suggested that the city could "blow up" the West Dallas units as far as HUD was concerned.

U.S. Rep. John Bryant, who represents the district in which Washington Place is located, has been active in helping work out the sale of the project to Baylor. After learning of HUD's linkage of the disposal of West Dallas units to the sale proposal. Rep. Bryant charged that the Reagan administration was "totally insensitive to public housing" and had no interest in seeing it exist anywhere.

President Reagan is no fan of public housing, to be sure, but the place in which to argue national policies on the future of existing projects or the expansion of housing subsidy programs in the halls of Congress, not a HUD conference room. Certainly, it was inappropriate for HUD to inject the West Dallas project into negotiations on the sale of Washington Place.

We think it is time for HUD to make a decision on the Washington Place plan, based solely on the merits of the proposal. Whether the Dallas units are demolished, rehabilitated or turned over to private companies to renovate and operate should be an entirely separate issue.

Mr. Speaker, I would again like to note for the record, that Chairman HENRY GONZALEZ of the Subcommittee on Housing of the Banking, Finance, and Urban Affairs Committee has scheduled a hearing and investigation by his subcommittee on these issues for 10 a.m., November 3, 1983, in room 2128 of the Rayburn Office Building.●

THE IMPACT OF EURO-MISSILE DEPLOYMENT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. SEIBERLING. Mr. Speaker, barring a last-minute agreement between United States and Soviet INF negotiators, we are on the verge of moving forward with a major modernization and expansion of NATO's theater nuclear weapons force. The decision to deploy more than 500 Pershing II and cruise missiles has touched off massive demonstrations in Europe, and has contributed significantly to the distinct chilling of United States-Soviet relations.

Since the end of World War II, the United States has been committed to the defense of Western Europe, even if that defense involved actions which could lead to a nuclear attack on the territory of the continental United States. Our historic commitment to the defense of Western Europe has not provided us with easy choices. On the one hand, the United States relies heavily on our strategic nuclear forces to enhance NATO's deterrent credibility. On the other, there is increasing concern that we may someday be confronted with the choice of an all-out strategic nuclear war, if faced with a conventional defeat in a war in Western Europe.

This dilemma prompted NATO countries to search for a solution which, in theory, enhanced NATO deterrent credibility, while providing for a means of limited escalation—short of global nuclear war— should deterrence fail. The deployment of Pershing II and cruise missiles in Europe would, so the theory goes, greatly complicate conventional attack planning for the Soviets, since they would have to calculate that any attack on the West might prompt a retaliatory attack on Soviet territory by the new INF weapons. This uncertainty is designed to enhance NATO's conventional deterrence, since the Soviets could never be certain that an attack on NATO would not be met with a retaliatory strike by Pershing II's. In addition, the proposed deployment of improved INF weapons was supposed to counter Soviet improvements in their INF forces.

The supposition that the United States is otherwise not committed to the defense of NATO is fallacious on its face. The United States permanently bases 300,000 service personnel in Western Europe. Any Soviet attack on NATO would automatically involve U.S. personnel in the conflict, so no case can be made that we are not committed to NATO defense. Nor do I subscribe to the "limited escalation option" which deployment of cruise and Pershing II missiles is supposed to provide. The short warning time which the Pershing II would give the Soviets will inevitably prod them to move to a launch-on-warning posture. A mistake by the Soviets would thus be catastrophic, since undoubtedly the limited use of nuclear weapons in Europe would rapidly escalate into a strategic nuclear exchange.

Whether or not it is because they recognize the weakness of the original rationale, the administration's current rationale for deployment of Pershing II and cruise missiles is that such a deployment is the only way to force the Soviets to bargain seriously in the INF negotiations. Unfortunately, the deployment would constitute a grossly disproportionate threat to the Soviet Union, since, unlike the Soviet INF missiles which do not threaten the U.S. home territory, the short warning time and the accuracy and range of the U.S. INF missiles would pose a dire threat to the Soviet's home territory. The Pershing II's, which are purportedly very accurate, will have a flight time of 6 to 10 minutes to targets on Soviet territory.

During the Cuban missile crisis, the United States was prepared to go to war with the Soviet Union because of the Soviet's decision to base intermediate range nuclear missiles on Cuba, just 90 miles off the Florida coast, and a few minutes flight time from key military targets in the United States.

President Kennedy called this a "deliberately provocative and unjustified change in the status quo that cannot be accepted by this country." For 13 days, the nations of the world held their breath as the United States and the U.S.S.R. struggled to defuse tensions at the very brink of global nuclear war. What many Americans do not remember is that the President, through his brother Robert, gave private assurances to the Soviets that U.S. INF missiles based in Turkey would be withdrawn after the Cuban crisis was resolved. While I do not suggest that this was the major reason that the Soviets withdrew their missiles from Cuba, it is clear that the U.S. missiles in Turkey were of great concern to the Soviets.

I am convinced that the Soviet response to Pershing II and cruise missile deployment will be such that the nuclear threshold will be lowered, rather than raised. With such a short warning time, it seems likely that Soviet planners would be forced to assume that a NATO attack could come at any time. Accordingly, the Soviets seem likely to move to a hair trigger alert posture, greatly increasing the risk of an accidental theater nuclear war. Since such an occurrence would almost certainly escalate out of the NATO theater, the consequences of a launch on warning posture could be catastrophic.

As former West German Chancellor Willy Brandt said recently in a briefing for Members of Congress,

* * * highly accurate American missiles which take only a few minutes to reach the Soviet Union, deployed on the territory of a country (Germany) which invaded Russia twice with terrible effects—may perhaps have as great a trauma for the Soviet Union as Soviet medium-range missiles on Cuba were for the USA. Thus there are also dangers which result from individuals getting out of control or from failure of the computer system. If following a Pershing II deployment, the Russians decided to put their missiles into a "Launch-on-warning position," this could introduce another factor of extreme uncertainty.

Far from reassuring the European members of NATO, deployment of U.S. INF missiles will produce severe strains in our relations with our NATO allies. The mere prospect of such deployment is already creating widespread unrest among all segments of the population of leading NATO countries in Europe, as it has brought home to people there that the two superpowers are getting set to fight a nuclear war limited to Europe. The fact that it probably would not remain limited to Europe is not much comfort to Europeans who will be wiped out if it starts there.

There have been recent indications that both the administration and the Soviets are becoming more flexible in their efforts to reach an agreement at the INF talks. If that is the case, and if we are to maximize the prospect for success of those talks, then it seems to me that in itself is reason enough to delay Pershing and cruise missile deployment. Such a delay would give the President time to make good on his encouraging words at the United Nations, and the Soviets would be called on to make good on their stated willingness to negotiate major reductions in their SS-20's in return for limitations on Pershing II and cruise missile deployment.

Congress has an opportunity to help buy the INF talks a little time, by amending the fiscal 1984 defense appropriations bill to require a 6-month delay in deployment. If nothing else, it will provide a relaxation of tensions at a time when they have reached highly dangerous dimensions. Since the reasons for deployment are political, not military, nothing will be lost by such a delay. Much may be gained.

I beseech my colleagues to seize this opportunity to make a fresh start in these crucial negotiations, to give time for sober reflection on both sides, to show that we are not powerless to halt this robot-like march in a grim spiral toward nuclear escalation, confrontation, and mutual destruction.●

COUNCILMAN CLYDE CLEVELAND OF DETROIT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. CONYERS. Mr. Speaker, the Honorable Clyde Cleveland, a member of the city council of Detroit, is being honored this week in recognition of his distinguished public service to the citizens of Detroit and the State of Michigan.

Councilman Cleveland came out of the civil rights movement in which he played an active role as a leader in the Congress of Racial Equality. When he was elected to the Detroit City Council nearly 10 years ago, he was one of the youngest council members in history. The civil rights movement shaped his political life. Throughout this years of service in the city of Detroit, he continued to practice an activist politics directed toward the concerns of citizens. He has spearheaded efforts to improve housing, health care, and education and to create employment opportunities for all citizens.

Councilman Cleveland has broadened his concerns to include international issues and foreign trade. As chairman of Detroit's International Trade Committee, he has been a leader in the drive to attract foreign trade to Detroit, having led in 1979 a highly successful mission to Nigeria and Liberia that resulted in new business and employment for the city. Detroit figures importantly in international affairs, and Councilman Cleveland has contributed significantly to building Detroit's contracts around the world.

I want to share with my colleagues at this point in the RECORD a proclamation in recognition of Councilman Cleveland's exemplary public career, which will be presented to him on Friday, October 28, 1983, in a testimonial in his honor.

U.S. House of Representatives, First Congressional District of Michigan

PROCLAMATION IN RECOGNITION OF THE HONORABLE CLYDE CLEVELAND

Whereas, Clyde Cleveland, the distinguished Chairman of the City of Detroit's International Trade Committee, Vice-Chairman of the Southeast Michigan Council of Governments, and Member of the City Council of Detroit, has exemplified the highest standards of public service, and

Whereas, Concilman Cleveland has ably and energetically served the citizens of Detroit and the State of Michigan in numerous public capacities and as a catalyst in the efforts to improve housing, health care and education, expand employment opportunities, and protect consumers, and

Whereas, Councilman Cleveland has devoted himself to the economic revitalization of the City of Detroit, as a leader in the City's drive to attract foreign trade, having led in 1979 a successful trade mission to Nigeria and Liberia that resulted in new business and employment for the City, and

Whereas, Councilman Cleveland has actively served within the Democratic Party, at the 1980 Democratic National Convention, as a Member of the Democratic National Committee and the National Black Caucus, as a Vice-Chairman of the Michigan Democratic Party, in his Precinct and his City, and on behalf of voter registration drives, and

Whereas, Councilman Cleveland is a devoted member of the Chapel Hill Baptist Church and has won the highest service awards for community service from fraternal orders and civic associations, and

Whereas, the Friends of Clyde Cleveland will honor the Councilman at a Detroit dinner on Friday, October 28, 1983 in recognition of his exemplary public career and the 10th Anniversary as a Councilman of Detroit, therefore, be it

Resolved, that The Honorable Clyde Cleveland is awarded this Proclamation in recognition of his distinguished public service and such Proclamation shall be printed in the Congressional Record of the Congress of the United States.

JOHN CONYERS, Jr.,
Member of Congress.●

NATIONAL FAMILY WEEK—IT IS TIME TO HONOR AMERICA'S STRENGTH—HER FAMILIES

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. MARRIOTT. Mr. Speaker, yesterday I had the privilege to witness the U.S. House of Representatives passing House Joint Resolution 69, a

measure designating Thanksgiving week, November 20–26, as National Family Week. I applaud the efforts of this body in recognizing the importance of our families. Too often we hear only of the problems families face—it is time that the family unit is commended for the important role it plays in making America great by making Americans great. I would like to thank the chairman of the Post Office and Civil Service Committee, and the chairwoman of the Census and Population Subcommittee for allowing this measure to be considered under the unanimous-consent calendar, and I salute the overwhelming majority of my colleagues who have not only cosponsored this resolution, but have overwhelmingly cast their vote in support of National Family Week.

Mr. Speaker, as the ranking Republican on the House Select Committee on Children, Youth, and Families, I have had the opportunity during the past year to visit with and talk to hundreds of our young people and with their families. It was tremendous to see first hand the everyday activities of hundreds of families that make up America. And, while the problems of families in the 1980's are what we on the Select Committee on Children, Youth, and Families must confront in our hearings, it is important to note that the well-being of the family in America is still a vital force—it is still America's success story. Families in our Nation are strong and they are healthy; it is for this reason that America is a world leader among nations and is one of the greatest producers on Earth.

Therefore, if this is the case, Mr. Speaker, why is it important to have a week proclaiming National Family Week? For two reasons, the first, of course, is to applaud the family unit, to congratulate families with mothers, fathers, brothers, and sisters, aunts and uncles, grandfathers and grandmothers that work together and help each other. It is also to congratulate all the single parents of America who must assume the roles of mother, father, breadwinner, and comforter and still maintain the strength of the family unit. The definition of family is not as important as the relationship of the family members to each other.

The second reason, Mr. Speaker, is that by having a week set aside to think about the family and its significance, we can also look at what has gone wrong with our families in these past two decades and set goals to build our families up. What is it that the people of our country can do to strengthen the family unit, to reverse any destructive trends, to put away individual, selfish goals and dedicate ourselves to working for the combined goals of every member of the family unit.

This, Mr. Speaker, is the importance of having Thanksgiving Week proclaimed as National Family Week.

I have seen a great number of unfortunate statistics during my studies on the family. I am increasingly alarmed at the upheaval in our families due to divorce, drugs, alcohol, child abuse, and neglect, and the selfishness of parents. All of this leads to the breakup of the family. It is now estimated that 50 percent of all marriages in the United States end in divorce; 50 percent that is a 700-percent increase in just the last decade. And, involved in those court cases are over 1 million of our children. An alarming 13 million—over half of all U.S. children under the age of 18—have either one or both parents missing from their home. It has been documented that within 3 years of a divorce decree, half of the fathers never see their children again and an alarming rate have turned their backs on the the support of their children, forcing mothers and their children to become dependent upon the welfare system.

A description of the human toll of these trends, and others that lead to parental absence, is best offered by Dr. Armand Nicholi of the Harvard Medical School and former chairman of the Massachusetts Governor's Commission on Children and the Family. Dr. Nicholi, a congressional witness at both House and Senate hearings testified that:

> If one factor influences the character development and emotional stability of a person, it is the quality of the relationship he experiences as a child with both of his parents.

And yet another trend that Dr. Nicholi has noted as making it more difficult for parents to attain an important and loving relationship with their children is the shifting of child care from parents to other agencies. Much of the research on the dynamics of family attachment compels us to reflect upon the crucial role that both parents play in the healthy development of young children. Likewise, we must recognize the desire and economic need for many women to work outside their homes. We should go beyond the polarizing rhetoric that too often dominates the public debate over these often competing needs as we seek to strike a balance which fosters sound child development.

Our Government today spends a great deal of its monetary resources in attempting to repair a lot of the damage that has occurred due to the breakup of a family unit. Most of the AFDC and Government welfare subsidy programs are going to single women who are heads of households, where the husband is gone and not paying child support and the women are untrained to find adequate employment. Disillusioned youth and parents, alike, turn to drugs and crime, fighting for the attention they lack in the family unit. Our Government must pay for these pleas of help through Government-assistance programs. We need juvenile detention centers, drug-abuse programs, crime-prevention programs, child-abuse treatment centers and funding. It is estimated, Mr. Speaker, that if the families in America were all as strong as the majority of them are, if they were healthy, viable units providing the nurturing, sustenance, and attention that growing children and aging grandparents, alike, need, our Government would save $100 billion per year from the Federal deficit.

Strong families build strong characters. A Gallup survey shows that 41 percent of adults who felt very close to their parents, have a high self-esteem. It is the person with low self-esteem, now clocked at 30 percent of our population, that has a greater number of health-and-stress problems. They are less productive, have a greater number of problems related to alcohol and drug abuse and are generally less satisfied with many aspects of their lives including a great deal of confusion about their moral and ethical standards. Now, if these individuals become parents—will they provide the self-esteem needed by their offspring?

As I go around the country and interview the youth of America who have had personal problems such as drug abuse, or who have run away from home, turned to prostitution, or were involved in other problems with the law—most of these are junior or senior high school dropouts—children who have been provided no direction in their lives. And many of these come from broken families.

Children who have contemplated suicide have family-related problems. I would like to share with you a fact that I recently learned from Metro Health, Inc., of Chicago, a hotline manned by 220 volunteers who receive 300,000 phone calls a year from youth with an average age of 16. They informed me that 55 percent of all those who call contemplating suicide are victims of family and emotional problems. Some 10 percent have problems related to drugs, 10 percent to sex, 4 percent to pregnancies, 3 percent to medical problems, and 3 percent to child abuse. And, as I indicated before, these are offsprings of the more core problems surrounding many of our unhappy family situations.

The best role models for children today are their parents. It is time that we addressed this fact—that we strive to point out the importance of having one-on-one relationships between parents and children, between grandparents and grandchildren, between sisters and brothers. These interactions can only foster the feeling of security and well-being.

The biggest problem facing our country is that we are breeding a generation of people who do not feel good about themselves or good about their country. This self-confidence—the building blocks for character—should be developed in the home.

It is the challenge, not only to the Members of the House of Representatives, or to the members of the Select Committee on Children, Youth, and Families, but to all Americans, that indeed our children and their families need our personal attention.

We must dedicate the week of November 20 to 26 as National Family Week. We must proclaim the success story of the American family. We must stress what we as individuals can do to help foster healthy families across the country. To whatever extent we must promote Federal policies to foster that attention, we as legislators should do. But even more, we must recognize and applaud what families today, whether or not they are headed by two parents or a single parent, are achieving in nurturing their children to be productive citizens.

And productive citizens make for a productive America.

Again, I congratulate those Members of Congress who have worked for the passage of the national family proclamation, but I must congratulate even stronger the daily activities—the ups and the downs—faced by our intact families who meet the responsibilities of raising our youth.

No successes in life compensate for the failure in the home. There is no greater success that the success of a family unit—it is self-sustaining for generations. Families that pray, play, and work together stay together.

During the week of November 20 to 26, fathers, mothers, aunts, uncles, children, and grandparents must all take a bow for they should be recognized for their importance to the society.

I applaud the American family—the building block of America. Let's proclaim her success story all across America.●

MY DREAM

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. WEISS. Mr. Speaker, I would like to recommend to my colleagues who may not have seen it in a column in the Sunday, October 23, issue of the Washington Post by Richard Cohen.

Mr. Cohen eloquently expresses the thoughts of many Americans who have been disturbed by President Reagan's public statements on the Dr. Martin Luther King holiday legislation.

The President's lack of enthusiastic support for the holiday bill and his apparent reluctance to dispel unfounded allegations that question Dr. King's patriotism are, I believe, revealing of the administration's views toward the civil rights movement which Dr. King led.

The column is reprinted here:

MY DREAM

I have a dream.

I have a dream that the president of the United States, when asked last week at his press conference whether he thought that Martin Luther King had been a communist sympathizer, would not have tried to make a joke ("We'll know in about 35 years, won't we") and would instead have knocked the question right out of the park by saying "no."

He would have said that there was really no reason to believe so. That what Martin Luther King did was in the best tradition of America, not communism, that he was a peaceful man, that he put his life on the line time and time again until, finally, he was killed. No, he was not a communist.

I have a dream that the president said that we all know what's in those FBI files. They are a collection of garbage, the detritus of the FBI reflecting J. Edgar Hoover's animus toward King—uncollaborated reports, hearsay and innuendo linking King to someone who was suspected of being a communist sympathizer. That's several steps away from being a communist.

I have a dream that when asked to comment on Sen. Jesse Helms' attempt to thwart an attempt to make King's birthday a holiday, the president was critical of the senator from North Carolina. He would have condemned the man as unrepresentative of the South, certainly of North Carolina, and he would not have praised Helms' "sincerity." What has Helms' sincerity have to do with anything? The man has always been a sincere reactionary, a sincere obstructionist when it comes to race. His sincerity is not in question. Only his decency.

I have a dream that the president, when asked a second time about King, would not have talked about the man grudgingly as if he were an abstraction, but would have recognized him as a genuine hero. He would have recalled his valor, his commitment to nonviolence, the criticism he took from more militant blacks who called him an Uncle Tom, the ignominy of having his own government poke into his sex life, the nights he spent in jail, his eloquence, his charisma—in short, his greatness. Nothing like that was said, though. Nothing.

In my dream the president would not have called the civil rights era "a crisis in our country," but a resolution of the crisis—a long-overdue reform. He would not have made it sound like an aberration, but an example of America finding itself, of finally starting to do the right thing—of the best of America finally conquering the worst.

Such a president would not describe racial discrimination as something "pretty foreign to what is normal to us," but as something routine, ordinary. He would note that it existed since before the founding of the Republic and that it was universal and pervasive. He would mention slavery and Jim Crow and go from there to talk of the plight of blacks today. And then he would say that all this, this awful history, is why we cannot let up on civil rights activity and why the Justice Department must be vigilant, not lackadaisical as it is nowadays.

I have a dream that the president of the United States, when asked why he is going to play golf at a club without a single black member, would not pooh-pooh the alleged exclusionary policy, but would say firmly and flatly that if it were true he would not play. He would not say, as the president did, that he saw a black playing in the Master's Tournament, which is a *non sequitur.* It is like saying that since years ago blacks performed at restricted theaters, those theaters were not restricted to white audiences.

In my dream, the president would say all these things. He would not have had to call King's widow to apologize; she would have called him with thanks. This president would have said that he was grateful for what King did. He would say that just as when Lincoln freed the slaves, he freed us all, so Martin Luther King honored the entire country with his work and we all benefited. And then in my dream the president would say that he understood little of these things at the time, but he had learned better and he had been wrong.

I have a dream. But what I saw was a nightmare.●

MVPQ FORMULA IS THE ROOT CAUSE OF INFLATION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. SHUMWAY. Mr. Speaker, I would like to share with my colleagues an excellent article which recently appeared in my hometown newspaper, the Stockton Record. Authored by Donald H. Buck, who teaches economics at Delta College, the article represents a lucid, straightforward analysis of what inflation is and who is to blame for it.

I wholeheartedly agree with the assertion that the cause is "the Government, playing Santa Claus, to give the voters something for nothing."

And I also agree that such an undertaking is impossible. I urge my colleagues to read on, and to bear Donald Buck's warning in mind when the temptation to spend more than we have beckons.

MVPQ FORMULA IS THE ROOT CAUSE OF INFLATION

(By Donald H. Buck)

This morning's lesson is going to require just a bit more concentration, but it will be worth it. How often do you get in on the really big secrets, after all?

Just think: in a few minutes you will know what the process is that causes inflation! With that new-found knowledge you can amaze your friends.

We start with the definition: Inflation is when the money supply grows faster than the supply of goods and services.

It is easiest to see by this equation: MVPQ. "M" is the quantity of money, the number of greenbacks, say. "V" is the velocity at which it is spent, the number of times a given dollar moves from one person to another in a year. If you multiply M times V, you get the economic activity of the country, the financial side.

"P" is the general price level. (Imagine a nation which produces nothing but cars. P is then the price of a Chevy.) "Q" is the quantity of goods produced—the number of Chevys. If you multiply P times Q (price times quantity), you get the economic activity of the country again, the physical side.

Over short periods of time the rate at which we spend our income tends to remain relatively constant. In other words, we can think of V as some fixed number. Over short periods of time the physical output of the country remains fairly constant. (Our output has tended to increase about 3 to 4 percent a year.) You can think of Q as some fairly constant figure.

If we look at the equation MVPQ with V and Q locked into place, and then the government were to double the money supply, the left-side would become 2MV, twice as big as before. But since it is an equation, the right-hand side must double.

Because Q is (relatively) fixed, what must happen is that prices double.

Look back at the definition: Inflation is when the money supply grows faster than the supply of goods and services. When the government puts out greenbacks faster than we can build more Chevys.

Now take a deep breath and plunge on. We're now able to understand the whole process. Here goes:

(1) Congress and the president adopt a budget with a deficit. (They will spend more than they dare take from us in taxes.)

(2) The Treasury borrows the needed amount to cover that deficit. They do it by selling government bonds.

(3) Somebody buys these bonds. Could be an individual, or an institution like a bank or pension fund.

(4) The buyer sends a check to the Treasury and receives a bond.

(5) The Treasury spends the borrowed money. Welfare checks, defense, agricultural subsidies, whatever.

What's happened so far? Some money has come out of the economy into the hands of the government and right back out into the economy again. Somebody different now has the money, but the amount is the same. No more money, no more Chevys, no inflation.

But there's a bond out there. Watch closely now.

(6) The Federal Reserve (different from the Treasury, remember) buys that bond "in the open market."

(7) It pays for it with a check made out of thin air.

(8) "M" is bigger. But, of course, with "Q" the same, (no more Chevys), prices (P) must increase.

That's it. You can breathe normally again. You're now initiated into that elite group: those who understand what causes inflation.

It isn't OPEC; it isn't big business; it isn't labor unions. It's the government. Wanting to play Santa Claus, to give voters something for nothing. Impossible. So they cheat by giving us more dollars. All existing dollars then buy less.

One detail: it takes about 18 months for that extra "M" to work its way through the system and push up "P". That time lag tends to fool people. For a short while there's no pain.

But it comes. As inevitable as the sunset, the tides, or the seasons, it comes. When the government increases the money supply faster than we increase the quantity of goods and services, prices rise.

Now you see why Paul Volcker is so important. He can keep the lid on. Or he can tear us apart with inflation.●

ESOP IMPROVEMENT ACT OF 1983

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. STARK. Mr. Speaker, today, I am introducing legislation to protect employee pension plans from potential abuse. It will amend sections of the Internal Revenue Code to help insure that the retirement funds of workers in certain companies will not be tampered with and that the participants in these pension plans will enjoy all the rights and benefits due them.

My bill focuses specifically on Employee Stock Ownership Plan (ESOP) pension funds and on potential abuses in closely held companies, those firms offering securities that are not of the so-called "registration-type" class. Basically, it adopts recommendations made by the General Accounting Office in its report of June 20, 1980, entitled, "Employee Stock Ownership Plans: Who Benefits Most In Closely Held Companies?"

The Employee Retirement Income Security Act of 1974 (ERISA) defines an ESOP as a stock bonus plan or a stock bonus and money purchase plan that meets the qualification requirements of the Internal Revenue Code. Tax-credit pension ESOP's are designed to invest primarily in employer securities and maintain individual accounts for each participant. Benefits are provided as employers contribute company stock to the accounts of plan participants which can then be sold when participants leave the ESOP. The cost to the company depends on the stock value when it is contributed; benefits to the employee depend upon its value when it is sold. Along with the pecuniary value of the stock contributions, employees should also enjoy voting rights and a sense of greater involvement in their company.

Theoretically, ESOP's help employers by giving them tax credits and possible gains in worker productivity; they help stockholders by giving them a larger market for their shares; and they help employees by allowing them to build stock ownership in their company, improving their morale and providing for a secure retirement.

There are, however, abuses of the plans by ESOP contributors which undermine these potential benefits. Both publicly traded and closely held companies have been guilty of raiding ESOP assets to support weak financial structures or to finance takeover battles. These misuses of funds have been the focus of some congressional attention and the target of several class-action lawsuits; hopefully, they will not reoccur.

In addition, many closely-held companies have taken advantage of certain provisions in the tax code to deny their ESOP participants certain stockholder rights and to use questionable methods of valuing the stock they contribute. It is these abuses that my bill is designed to eliminate by removing the differences in tax-credit qualification requirements for ESOP's offered by closely-held and publicly-traded companies.

The GAO report stated that, in direct defiance of the ERISA prudence requirement, plans of closely held companies generally are not being operated in the best interest of participants. For example, complete voting rights are not passed through to participants, thus denying them full capital ownership. Section 409A(e) of the Internal Revenue Code does not require companies that do not offer registration-type class securities to pass through voting rights except on issues requiring more than a majority vote. This excludes participants from almost all votes, including the choice of a board of directors. My bill would amend that section and section 4975(e)(7) to guarantee that ESOP participants in closely-held companies have the same voting rights as those in publicly-traded firms.

Another abuse practiced by some closely-held companies occurs when they value the stock that is contributed to and withdrawn from the ESOP. According to the GAO report, some companies overvalue the stock they contribute to the plan and then use a different formula to undervalue it upon withdrawal. This is, at best, blatant deception and, at worst, outright robbery. It causes employees to participate in a plan which does not provide adequately for their future, and it is a shabby way to treat workers who have shown an interest in the health of their company by agreeing to provide it with valuable equity capital.

At present, section 409A(h)(1) only requires employers to repurchase securities under a "fair valuation formula" which has failed to protect plan participants in the past. My bill would right these wrongs by requiring company practices to be consistent with any valuation formula used for purposes of sections 44G or 48(n), which set forth rules for contribution, credit, and valuation.

Mr. Speaker, my bill is a fairly simple measure but a logical and important one. It is time we prevent companies from playing hide-and-seek or roulette with the funds their employees depend upon to insure a comfortable retirement. My bill does not create any new rules; it merely requires closely-held ESOP's to abide by the same

regulations as their publicly-traded counterparts.

In the interest of fairness and decency, I urge my colleagues to support this legislation and give their constituents a chance to plan for a secure, stable retirement.●

HIGHER RATES MAY DEVELOP TELEPHONE CASTE SYSTEM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. SKELTON. Mr. Speaker, as Congress debates the impending breakup of AT&T and proposed Federal Communications Commission rulings which are scheduled to go into effect in January, I commend to my colleagues an insightful article which appeared in the Independence Examiner of Missouri. The author, Gary Edwards, is a prominent journalist and news director for KCUR Radio in Kansas City. Mr. Edwards' article goes a step beyond the current arguments against higher telephone bills which will force people to choose between heating, eating, or having a telephone lifeline for emergencies and companionship. Mr. Edwards points out that we may be on the brink of developing a "communications class system" wherein economic success will be linked to the new computer and communications services which are becoming available to those who can afford to own a phone. He makes the thought-provoking comment that the value of these new telecommunications systems can be paralleled with that of books in an earlier age.

Unfortunately, at this time, we have no scientific way to accurately gage the full impact of the AT&T breakup. We do know, however, that we must remain true to our national commitment to universal telephone service which in this day and age will also mean access to tools of knowledge.

Copy of article follows:

HIGHER RATES MAY DEVELOP TELEPHONE CASTE SYSTEM

(By Gary Edwards)

I'm sure you've heard that your telephone bill is expected to go up sometime after Jan. 1. You aren't alone because higher phone rates will be felt across the nation. Senior citizens and the poor will be especially hard hit, even here in eastern Jackson County.

With your phone bills going through the ceiling, we may be witnessing the first step in the creation of what some people are calling a "communication class system." Here's what's happening:

The vast AT&T network, because of an anti-trust settlement, is being broken into separate entities. The 22 local phone companies, such as our own Southwestern Bell, will be on their own. This means AT&T won't be subsidizing our long distance calls. So the Bell telephone systems are asking for huge rate increases, totaling more than $4 billion nationwide. In Missouri, Southwestern Bell wants to raise the basic rate from $9.55 per month to $14.55 per month.

Unfortunately, there's more. On top of that proposed telephone rate hike the Federal Communications Commission plans to add a $2 monthly surcharge, rising eventually to $10 on everyone's phone. These increased costs can be nothing but a tremendous burden for those who must decide during the winter months if they will "heat or eat."

A few months ago I talked with Les Brown, the editor of Channels magazine. He discussed the idea that the exploding communications technology being felt in the nation, such as computers, videotext, satellites and more, will create a "communications class system."

In other words, only those who can afford the information soon to be offered by these cable and computer systems will benefit financially. It includes stock market reports and important agriculture facts, to name just a few. It will be harder to climb the financial ladder without this new information—the future equivalent of books—and the poor will be without.

We could be seeing Les Brown's prediction begin to come true with the skyrocketing telephone bills. It's quite possible that many people will have to drop their phone service if these higher rates go through. The most likely victims are rural and small town residents (which it costs the phone company more to serve) and senior citizens and the poor. They would not only lose basic communication services, but they would not be able to take advantage of the coming technology that requires the use of the home phone.

Your congressmen have a say in all this. They don't have the power to lower your local phone rates, but they can stop the FCC surcharge referred to earlier. They can also force the phone companies to provide phone services at a discount for those who can't afford them. Down the road, Congress may be forced to face much larger issues in this arena, such as: Do all Americans have the right to a home computer and access to government data banks?●

LAOOC "YOUTH LEGACY KILOMETER"

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. DIXON. Mr. Speaker, on July 28, 1983, the Los Angeles Olympic Organizing Committee (LAOOC), in conjunction with AT&T, announced the largest youth sports fundraising effort in history, the 1984 Olympic relay. Individuals, businesses, and organizations across the United States have joined with the LAOOC, AT&T, and several national youth groups to attempt to create a Youth Sports Legacy. The goal is to establish a fund to be used for the training of young athletes in Olympic sports.

At the ancient Olympic games, where sports competition was part of a religious observance, a sacred flame was offered to the Gods, and glowing embers were kept burning before their altar at Olympia. A ceremonial torch was lighted at the beginning of the Amsterdam games in 1928 and burned at the entrance to the main stadium for the duration of the games. This dramatic symbolism of the flaming torch captured the imagination of the sporting world and has been repeated at Olympic games ever since.

The 1984 Olympic torch relay will begin on May 8, 1984, when the Olympic flame arrives from Greece, and end 82 days later at the opening games in the Los Angeles Memorial Coliseum. Thousands of Americans will carry the Olympic torch through all 50 States and the District of Columbia in the longest torch relay in history. The relay will cover 19,000 kilometers—nearly 12,000 miles—and pass through over 1,000 communities throughout the United States.

The LAOOC has allocated 10,000 kilometers of the torch relay route as Youth Legacy Kilometers. Any individual, group corporation, or organization that makes a commitment of $3,000 to the LAOOC Torch Relay Foundation can designate a torchbearer for a Youth Legacy Kilometer. The hope is to raise $30 million that will enhance the sports programs of the Boys and Girls Clubs of America and Family YMCA's throughout the United States.

This is an excellent way for the communities throughout America to join hands to help relay the Olympic torch across the country. They will be sharing in the excitement of the relay as well as sowing the seeds for youth athletic programs that will provide an opportunity for young athletes to enjoy Olympic sports long after the 1984 games have ended.●

LIBERATION OF GRENADA

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I wish to insert in the RECORD yesterday's editorial from the New York Post.

The landing in Grenada by our forces and those of our Caribbean allies is a blow for freedom and human rights. Many of my colleagues on the other side of the aisle do not understand that in the anarchic world beyond our borders force must at times be used in defense of our values. The Post understands this, and its editorial sets forth the justice of our action:

The editorial follows:

[From the New York Post, Oct. 26, 1983]

INVASION OF GRENADA—THE CLEAREST SIGNAL YET TO ALLY AND ENEMY ALIKE

The U.S. Marines' invasion of Grenada, a key forward base in Moscow's relentless bid to subvert Central America and the Caribbean Basin, announces three basic points to the world.

The Reagan Administration will not stand by and see one country after another in the area infiltrated by Soviet and Cuban advisers and turned into Soviet satellites.

The Reagan Administration is prepared and has the will to act decisively to defend vital U.S. national interests wherever and whenever they are challenged or threatened.

The Reagan Administration is resolved to meet Moscow's challenge wherever it is mounted—overtly, as in Europe where SS-20 missiles are aimed at every European country; or covertly, as in Lebanon where Syria is doing Moscow's work for it by trying to wreck the legitimate Lebanese government of President Gemayel.

THE BACKGROUND

Contingency plans for the Grenada invasion had been drawn up for some weeks. They were brought under active consideration following the savage Marxist coup against Prime Minister Bishop's already Marxist—but, apparently not sufficiently Marxist—government.

Bishop was put under house arrest and then marched before a firing squad and summarily shot dead last week. So were several other members of his cabinet. His education minister, a woman, was beaten to death.

Bishop's deputy prime minister Bernard Coard, at first thought to have been a Cuban-Moscow instrument in this grisly affair, apparently was not present and is now "missing."

Indeed, from the moment of Bishop's overthrow, there was, in fact, no government in Grenada. Gun-toting mobs of soldiers were running wild, disorder was mounting and a thousand Americans—most of them medical students or senior citizens—were in imminent danger.

SOME ASSESSMENT

Reagan was portrayed in the New York *Times* in the aftermath of Sunday's bombing outrage as a President "under siege," a leader who had been "exhausted" by the Beirut tragedy and suddenly made "old."

Some sort of tired old man!

Following the Beirut bombing, Reagan flew back from Augusta, Georgia in the dawn hours, held National Security Council meetings on the new crisis in Lebanon, dealt with the mounting chaos in Grenada and decided on the U.S. Marines' limited operation.

Some sort of old man!

Reagan hasn't been sitting in the Oval Office wringing his hands.

Reagan hasn't been lighting candles and hoping for the best.

In the midst of the reporting of the Beirut carnage, he spent Sunday reviewing plans for the Grenada invasion. He conferred throughout Monday on the military moves required, called in the Congressional leaders on Monday night and told them what he was going to do. There was not a single dissent.

LONG OVERDUE

The Grenada action was overdue. Cuban construction workers had completed a new 10,000-foot runway at Salinas Airport which would enable it to take every aircraft in the Soviet-Cuban inventory and provide a vital refueling stop for Cuba's military airlift to Africa.

It would have provided the Soviets with a much shorter air route to the region.

Yet what do we see when Secretary of State Shultz meets the Washington press corps to explain why the Marines went in to rid Grenada of Soviet-Cuban occupation and repression?

Lo and behold, with American forces fighting—at the unanimous request of the Organization of Eastern Caribbean States—to restore freedom to the people of Grenada, to return to them their lost independence and sovereignty, what is the first question?

The first question is: how can the Reagan Administration violate the Organization of American States' charter that no member country will invade another?

Simple. The Organization of Eastern Caribbean States are not members of the OAS nor subject to that provision of the Rio Treaty.

RIGHT ON TARGET

Speaker Tip O'Neill got it exactly right yesterday when he said: "This is no time for the press of America or we in public life to criticize our country while U.S. troops are in action."

Just as well. What was going on in Grenada posed a clear threat to peace in the entire Caribbean area—and, by extension, in all of Central America.

Grenada may be only a tiny spice island in the Caribbean, but its significance as a Soviet forward base was vast.

Yesterday's successful U.S. action to restore Grenada sovereignty sends a clear signal of determination to America's allies as much as to its enemies.●

WHY ARE U.S. TROOPS IN GRENADA

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. APPLEGATE. Mr. Speaker, why are U.S. troops in Grenada? The Congress and the American people were told we invaded this island to secure the safety of some 1,000 Americans residing there. I support that. But, U.N. Ambassador Jean Kirkpatrick has stated to the United Nations that our troops were in Grenada to reestablish democracy on the island. I believe the President should be up front with the American people as to exactly why we are there and why more marines must die.

If Grenada is so important to the United States as to force a change of the government there from a Marxist regime to a democracy, then why not invade Cuba? That is surely far more of a threat to our national security than Grenada. No one is a greater believer in democracy than I. I would like to see it practiced in every nation in the world; but, do we have this right to impose it by invasion and force or should we do it through political procedures? Is it worth sacrificing the lives of American troops?

It is ironic that while England and France join the United States as part of the multinational peacekeeping force in Lebanon, they oppose our actions in Grenada. Where does the Reagan military policy stop and commonsense begin?●

NATION'S GOVERNORS CONCERNED OVER ICC IMPLEMENTATION OF STAGGERS RAIL ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. RAHALL. Mr. Speaker, I have stood on a number of occasions to deplore the manner in which the Interstate Commerce Commission is implementing the Staggers Rail Act of 1980. The Commission is ignoring the intent of Congress that captive shippers and users of coal be protected from monopolistic railroad pricing practices and has instituted a policy which will lead to increased electrical rates from coal-fired utility powerplants.

To counter the most disruptive and subversive of the ICC actions, I have introduced legislation, H.R. 2584, which seeks to place some reason back into railroad coal ratemaking.

I am pleased to report that the Southern Governors' Association, during its recent annual meeting in Austin, Tex., has adopted a resolution expressing similar concerns. This resolution makes the same points as does a resolution adopted by the National Governors' Association in August and an earlier resolution adopted by the U.S. Conference of Mayors. All state that Congress should intervene in this matter if the ICC fails to adjust its deregulatory course.

I ask that the Southern Governors' Association Resolution No. 12 be printed in the RECORD.

RESOLUTION NO. 12. RAIL RATE DEREGULATION

(Approved by the Southern Governors' Association, Sept. 28, 1983; Submitted by Gov. Mark White of Texas)

BACKGROUND

The nation's rail freight system continues to be of key importance to the transportation of coal. In the Staggers Rail Act of 1980, Congress recognized the unique dependence of coal shippers on rail transportation and the importance of balancing the needs of rail carriers, coal shippers and the public. However, the Southern governors are extremely concerned that the way in which the Interstate Commerce Commission (ICC) has been implementing provisions of the law is placing an unfair burden on captive coal shippers, coal producers, consumers of electricity and consumers of coal and is unduly inhibiting the ability of

United States coal to effectively compete in the international market.

RECOMMENDATIONS

Product and Geographic Substitution or Competition.—Under the Staggers Act, rates for shipments are deregulated unless the ICC determines that a particular shipment is captive or a carrier has market dominance in transporting goods. The ICC in its regulations does not consider a shipment as captive or a rail carrier as having market dominance if geographic modal or product substitutions are available. The Southern governors are troubled by this overly restrictive interpretation of the law and believe that the application of this theoretical standard to coal shippers is unfair and inappropriate. With regard to product substitution the negative effect on shippers and consumers of coal is particularly severe because an electric utility plant could be required to convert to other energy sources at prohibitive costs. The governors urge the ICC to revise its regulations immediately so that a finding of captive shipments and market dominance of a railroad is made when no economical alternative means for transportation exists for a particular rail movement.

Coal Rate Guidelines.—The proposed coal rate guidelines for coal shipments subject to ICC review do not give equitable consideration to all parties involved. The Southern governors urge the ICC to immediately revise these guidelines so that the needs of captive shippers are balanced against the railroads' need for a reasonable rate of return, as provided in the Staggers Rail Act.

In the absence of such immediate ICC regulations and guidelines revision, the Southern Governors' Association urges Congress to take all actions necessary to protect captive coal shippers.●

THE 50TH ANNIVERSARY OF THE GREAT FAMINE IN THE UKRAINE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. WORTLEY. Mr. Speaker, on Sunday, October 30, the Syracuse Ukrainian American community, together with the rest of the members of the Captive Nations Committee, will commemorate the tragic holocaustal policy of starvation forced upon the Ukraine in 1932-33 to force the deeply religious and freedom-loving Ukrainians into submission to the Communist tyrants.

The planned solemn commemoration will be a time for all of us to reflect on freedom we enjoy in this country, and the extent to which it is endangered elsewhere by those who oppose human freedoms and dignity. We do not need to look very far back in the pages of history to find examples of the continued oppression of non-Russian countries by the Soviet Union.

But let us not forget what happened in 1932-33: As many as 7 million Ukrainians died of starvation during this era, and the Soviet Government turned down aid from the International Red Cross, which would have saved countless lives. This famine was deliberately started in an all-out effort to break the spirit of the Ukrainians.

And so it is that in Syracuse, N.Y., the anniversary of this horrible famine will not go unnoticed. Our citizens of Ukrainian ancestry have not forgotten and they do not intend that this inhuman act will be forgotten. Citizens of the free world must vow that the deaths of so many people will never allow us to forget the terrible price we are paying for our freedom.●

CONGRESS SHOULD ENACT H.R. 2883

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. QUILLEN. Mr. Speaker, the events of recent days command our attention for the most compelling of reasons: the loss, and potential loss, of life experienced by America's courageous and dedicated Armed Forces. The Nation grieves for the dead and wounded among our forces in Lebanon and the units currently fighting in Grenada. Congress must act with the utmost dispatch to insure that all is being done to provide safe shelter and adequate medical support for those who risk their lives to achieve America's policy objectives. As we speak today, the headlines and evening newscasts continue to vividly impose upon our national conciousness the impact of the rising death toll resulting from the carnage in Beirut. Sadly, we all know we have not heard the last cries of anguish from the families of the victims. It is, therefore, in the determination that future conflicts produce as little national and personal anguish as possible, that I urge all Members of this body to fully support passage of H.R. 2883, a bill I have cosponsored, which would allow the passenger vessels, *Princess* and *Countess* to be transferred to the U.S.-flag fleet.

Our Nation's military spokesmen have often voiced their deep concern over the absence of an adequate U.S.-flag passenger ship capability, for use as military auxiliary in emergency situations. It is evident from recent events that their fears are well founded.

During the Falkland Islands crisis, three British passenger vessels were pressed into service with the task force in the South Atlantic. Their presence and the rapid availability of their resources for troop housing and hospital support contributed immeasurably to limiting the loss of life. Without the benefit of similar resources, our marine detachment in Lebanon suffered as great a loss of life in a fleeting instant, as the British suffered throughout the entire Falklands campaign.

If the American military had access to an adequate, existing U.S.-flag passenger vessel fleet, our country would today, probably not be pained by the greatest loss of life experienced by our military since the Vietnam war. If the *Princess* or the *Countess* had been pressed into service with the peacekeeping force in Lebanon, the marines who were living in facilities which were virtually on the front lines, could have been safely housed offshore on one of those vessels in comfortable quarters safe from terrorist attack and equipped with adequate hospital resources and even recreational facilities to ease the tedium of a sometimes boring, yet always dangerous assignment.

Fortunately, early reports from the Caribbean indicate that the large American community on Grenada is now safe. However, if they had been evacuated in quick fashion they would have been housed in marginal facilities offshore and strained the availability of offshore housing for military personnel.

Only a few days ago none of us could have predicted the current chain of events. None of us can predict what crisis may emerge in the days ahead. The reflagging of the *Princess* and *Countess* represents the best opportunity to insure that the United States is quickly prepared for the days ahead no matter what may happen. The measure is given full support by those industry representatives whose primary concern is for national security rather than personal gain. We must not allow our hands to be tied by tenuous half-promises of new buildings which, if they actually set sail, will not be available for years and would leave American forces open to the same kind of savagery which has cost us so much of the promise of our young. Let us not delay. We can act now to insure the safety of our fighting forces or we can stand frozen in the dangerous hope that our military will not be further brutalized by those with no respect for the sanctity of human life. I urge you to rise to the pressing challenge before us, and insure the former so that the Nation will not soon again witness the latter.●

H.R. 3050 IS NECESSARY TO KEEP THE REVOLVING FUND SOLVENT

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. RAY. Mr. Speaker, I am a longtime supporter of rural electric cooperatives. I know of the valuable service they render to families who live in

rural areas. I can remember when my own family was first able to get electric service at our farm in Crawford County, Ga.

Because of this strong, personal interest in the work of electric membership cooperatives throughout Georgia, I want to support their legislative goals whenever possible. In this light, I have studied carefully H.R. 3050, the REA revolving fund solvency legislation. The EMC's themselves readily admit that they are asking much from the Federal Government in this bill, because one of its major provisions is the conversion of $7.9 billion in loans owed by REA to the Treasury into permanent capital of the REA revolving fund. I have tried to balance this provision with my strong commitment to eliminating the Federal deficit and reducing the national debt.

During the course of my deliberations, I have sought the advice of a number of experts in this field, and I am satisfied that the conversion of loan principal along with the other provisions of H.R. 3050 is necessary to keep the revolving fund solvent.

The $7.9 billion represents pre-1973 loan principal obligations, which the revolving fund presently is scheduled to begin repaying to the Treasury in 1993. Such repayment, however, would merely be transferring funds from one Government account to another. By retaining these payments in the revolving fund, the Government would be making the $7.9 billion available for loans to rural electric borrowers without continued heavy annual appropriations.

Over the years, REA has had to borrow money at current market rates but has been restricted in the rates it could charge the cooperatives. Because of the recent surge in interest rates, this arrangement has drained money from the revolving fund. H.R. 3050 would allow the REA administrator to increase interest rates to make sure that interest income covers interest expense.

Congress cannot allow the REA revolving fund to become insolvent. Too many of our people are dependent on the services of REA. Instead, we must act decisively to save the fund and to allow it to operate as any sound business should. Therefore, I have decided to cosponsor H.R. 3050 and will work hard for its passage in the House.●

TRIBUTE TO JOHN SHERMAN COOPER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. ROGERS. Mr. Speaker, tonight a very special honor will be presented to one of the truly great men of Congress and of Kentucky.

Senator John Sherman Cooper of Somerset, who served this Nation as lawmaker, ambassador, and outstanding public citizen for so many years, will receive tonight the honor of Distinguished Rural Kentuckian.

Mr. Speaker, this past week in my weekly column, I wrote of Senator Cooper's contributions to his State and Nation. I have included them here, so that all the Members of the House can join me in saluting a great American from Kentucky, Senator John Sherman Cooper.

This week, a very special honor will be bestowed on one of Kentucky's greatest citizens.

Former U.S. Senator John Sherman Cooper, of Somerset, will be only the second person ever to receive the prestigious Distinguished Rural Kentuckian Award, presented by the Rural Electric Cooperatives of Kentucky. This award will mark Senator Cooper's outstanding contributions to the State during his many years of public service.

I know I do not have to tell most of you about Senator Cooper because he is as much one of us now as he was years ago. Those of us who know Senator Cooper know that the name Mr. Kentucky which he carries was born of love, hard work and undying devotion to the Commonwealth and its people.

The list of those who have spoken of Senator Cooper's greatness is seemingly endless. People of both parties and all walks of life have seen the ability of Senator Cooper to work for the good not only of Kentucky, but also of the Nation. Throughout his 19 years in the Senate, 8 years as Pulaski County judge, and 2 years in the Kentucky Legislature, John Sherman Cooper has stood for honesty, integrity, and the needs of the common man.

It was John Sherman Cooper who fought for needed appropriations to help provide money for TVA and rural electrification, trying to bring a better life to those people he said "lived in the hollows and down the dirt roads." It was Senator Cooper who helped shape the tobacco program, which has meant survival for literally thousands of small tobacco growers who might otherwise have been run over by large, corporate farms. When Kentucky's rivers and lakes needed upgrading, it was Senator Cooper who fought the battles to help modernize and preserve these valuable resources.

John Sherman Cooper's contributions, however, go beyond legislative matters. He was noted for his continually standing up for the common man. He knew the problems people faced from his experiences in Pulaski County, and he brought that background with him to Washington, never swerving in his efforts to improve the quality of life for all.

When he retired in 1973 at the age of 71, Senator Cooper was lauded for his outstanding career. The Washington Post called Senator Cooper, "the Senate at its best." The late Senator Everett Dirksen, of Illinois, called him "competent, conscientious and courageous." Former President Dwight D. Eisenhower told him, "You have represented our country with true distinction, ability, and diplomatic skill."

As a Senator, Ambassador, county judge, lawyer, World War II veteran, teacher, statesman—John Sherman Cooper represented the finest tradition of Kentucky to the eyes of an entire world. Not since the great Henry Clay has Kentucky seen such tremendous leadership.

I know that you join me in honoring Senator John Sherman Cooper this week, as he receives his Distinguished Rural Kentuckian award. Senator Cooper's contributions to rural Kentucky speak for themselves. Let us also not forget his contributions to all mankind.

When Senator Cooper retired, he concluded his announcement by saying, "Thanks to all. To the great Republic; for the principles it lives by and keeps alive; for man's vast future. Thanks to all."

Senator Cooper, thanks to you.●

TRIBUTE TO OTIS CHANDLER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. BERMAN. Mr. Speaker, Mr. Speaker, I rise today in order to pay tribute to Otis Chandler, who has been selected to receive the National Jewish Hospital and Research Center/National Asthma Center's 1983 Humanitarian Award for his outstanding philanthropic and community service.

Otis Chandler is the chairman of the board and editor-in-chief of the Times Mirror Co. His concern for the Nation and the State of California, as well as his deep involvement in community affairs, has earned him the respect of all who are familiar with him. His generosity will enable the NJH/NAC to continue its program of research, physician education, and patient care for millions suffering from lung diseases and malfunctions of the auto-immune system.

Mr. Speaker, Otis Chandler will be honored at a dinner to be held on November 15, 1983, in Los Angeles, Calif. I would like to take this opportunity to congratulate him on this award, and commend him on his years of outstanding community service and generous philanthropy.●

RESTORING A CONSTITUTIONAL MONETARY SYSTEM

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. PAUL. Mr. Speaker, on October 3, 1983, the Supreme Court dismissed one of the most important cases to come before the Court in many years. This was an appeal by a citizen against the State of Maryland, which had taken his land for public purposes and under the Constitution had to make "just compensation."

Since article I, section 10, clearly says that no State shall make anything but gold and silver coin a tender in payment of debts, this citizen asked for payment in silver dollars. The State of Maryland refused, and the Supreme Court says there is no substantial Federal question here. I strongly disagree with this theory the Supreme Court reflects—that our existing monetary system, based as it is on a unit of account that has been entirely stripped of any definition on the statute books, is somehow constitutional.

I have introduced H.R. 4226, the Coinage Act of 1983, to remedy this situation. This bill authorizes the coining of money in the traditional, constitutional units of silver dollars as well as troy ounces of gold. It does not suddenly overturn the existing monetary system of the United States, but provides for a reasonable and gradual transformation of our financial affairs. Most important, however, it provides for a constitutional monetary unit and reaffirms the original unit of account of the United States as established during the American Revolution and in the Mint Act of 1792.

The minority staff of the Committee on Banking, Finance and Urban Affairs, Subcommittee on Consumer Affairs and Coinage, have prepared a section-by-section analysis of the bill, which I request be printed in the RECORD along with the text of H.R. 4226.

Section-by-section analysis of H.R. 4226 follows:

SECTION-BY-SECTION ANALYSIS—H.R. 4226

SEC. 1. Short title. "Coinage Act of 1983"

SEC. 2. Findings. Although Congress is empowered to coin gold and silver by the Constitution, and the States are mandated by Art. I, Sec. 10, to "make no Thing except gold and silver Coin a Tender in Payment of Debts," such coins are not presently being minted or circulated. Sec. 5103 of Title 31 makes Federal Reserve Notes legal tender, but these have depreciated more than 90 percent in the past decade from the nominal par value of one dollar in silver (established as 371.25 grains in 1792).

SEC. 3. Coins Authorized. This section repeals the authorization for minting copper-nickel sandwich coins and re-establishes silver and gold coins.

Silver coins would be of the precise weight and alloy of the traditional silver money of the United States throughout our history: the dollar of 317.25 grains fine silver; the half-dollar of 185.625 grains; the quarter of 92.8125 grains; and dime of 37.125 grains.

A gold coinage is authorized in units of one troy ounce, half-ounce and quarter-ounce with 10 percent alloy of copper and silver. No fixed value for gold coins in terms of silver dollars is specified. The relationship between the value of the gold coins and the silver coins will be determined by the free market, avoiding the problems inherent in a bimetallic standard due to over- and under-valuation. Technically, this is known as a "parallel" standard. A reform of this nature was recommended by a Committee of Congress in the 1830s but not adopted. The U.S. Gold Commission repeated this recommendation in its Report to Congress in 1982.

The number of coins to be minted in each year will be determined by the Secretary of the Treasury "to meet the needs of trade." The existing coins in circulation will not be withdrawn, but will continue to circulate as long as people freely choose to use them as "decimal fractions of the unit of account of the Federal Reserve System." This will eliminate any burden on retail merchants or operators of vending machines, since the token money would still be available for many years, thus permitting a gradual and smooth transition to gold and silver coinage.

SEC. 4. Unit of Account. Paragraph (a) declares the unit of account of the United States government to be the same as it was originally established in the Mint Act of 1792 (1 Stat. 246, 250). This means that all appropriations and financial records of the government in future fiscal years will have to be calculated in terms of silver dollars. The unit of account of the government (dollar) is separated from the "unit of account of the Federal Reserve System." Hereafter, Federal Reserve Accounting Unit "Dollars" would be treated in the U.S. the same as any other currency unit with the same name, e.g. Canadian dollars, Australian dollars, New Zealand dollars, etc.

Paragraph (b) gives every taxpayer the freedom of choice to keep his financial records in terms of silver dollars or gold ounces, or to keep them as they are today in the "unit of account of the Federal Reserve System." Since government is the servant, not the master, it must not be allowed to dictate which form of money a citizen must use for his personal financial records.

Paragraph (c) repeals the legal tender monopoly for Federal Reserve Accounting Unit Dollars. They are to be used as a tender in payment only of those debts for which the debtor has contracted to pay in such units. This provision also permits a smooth and gradual changeover, since most debts and contracts today call for payment in F.R.A.U.D.s.

Paragraph (d) assures that all existing tax laws and banking regulations that favor paper money are nullified. Silver dollars and gold ounces can be used with checking accounts, savings accounts, credit cards, travelers checks, etc. Discriminatory taxation, which might tend to drive gold or silver out of circulation in favor of paper, is prohibited.

Paragraph (e) establishes the rule courts shall follow when awarding damages in civil cases—the plaintiff shall choose whether he will get gold, silver, or paper money, except if the government is the plaintiff, the respondent will choose the form of monetary payment. Reference to the "Official Conversion Rate" assures that the free market value "at the time that the claim or cause of action accrued" will prevent inflation or deflation from affecting the monetary value of a judgment, which might be in court for many years. Provision is also made for claims and causes of action that arise before this bill becomes law and may be concluded afterward. Judges are prevented from denying citizens the right to choose either gold or silver in payment.

SEC. 5. Free Market Price of Gold and Silver. Paragraph (a)(1) requires the Secretary of the Treasury to publish the formula that will determine the exchange ratios between gold ounce coins, silver dollar coins, and paper money. Once this formula is established, anyone will be able to obtain price quotations from the gold and silver markets and know what the exchange rates are. Stockbrokers, commodity brokers, and financial services companies would know on a minute to minute basis by means of computer terminals. The Secretary of the Treasury would publish the "Official Conversion Rate" every hour, which would become the government's own exchange rate for gold, silver, and paper.

Paragraph (2) requires the Secretary of the Treasury to make the formula for gold and silver conversion rates span the entire world and embrace a 24-hour market for the precious metals, but the major United States markets in Eastern, Central, and Pacific time zones are particularly emphasized. Paragraph (3) explains how the words "competitive market conversion ratio" are to be interpreted in the rest of the Section. Paragraph (4) guarantees that the small quantity of metals traded on some markets will not distort the prices in the formula. By specifying six widely separated markets, with different volume weights, it will be impossible for anyone to rig the prices of gold or silver.

Paragraph (b) sets the Official Conversion Rate for gold ounce coins and silver dollar coins in terms of paper money, and the Official Conversion Rate for gold ounces in terms of silver dollars.

SEC. 6. Treasury Operations. Paragraph (a) explains how the Treasury department will make disbursements of gold and silver coins in exchange for bullion and other coin.

Paragraph (b)(1) provides for the replacement of paper money in our economy with gold and silver coins. Paragraphs (2) and (3) assure that any F.R.A.U.D.s paid to the Treasury for silver dollars and gold ounce coins will be sent back to the Federal Reserve and taken out of circulation.

The Federal Reserve currently issues its Notes as liabilities that are backed by assets—gold certificates with a par value of $42.22 and U.S. government bonds with a value of over $150 billion. The gold certificates are a form of lien against Treasury gold, so this lien will be removed first; then the U.S. government bonds on which the Federal Reserve earns interest will be redeemed and cancelled. As Americans turn in depreciated paper money for gold and silver coins, the Federal Reserve System will gradually shrink—its budget will have to be cut, as its role in our monetary system is phased out. The process will be gradual, to permit an orderly change in our banking and financial system. It will go forward at whatever speed the public chooses, depending upon how many silver dollars or gold ounce coins are demanded by the public.

Paragraph (c) provides that the action of the individual who chooses to redeem paper

money will govern both the rate of exchange he is entitled to, not any bureaucratic inefficiency at the Treasury. Moreover, if the Mint cannot produce gold and silver coins rapidly enough, this section will assure that neither the conversion rate nor the free market price of bullion will be affected. Paragraph (2) covers the situation that some people may want to obtain paper money or foreign currency in exchange for silver dollars or gold ounces.

SEC. 7. Paper Money. Paragraph (a) gets the government entirely out of the paper money business. It is clear from the debates at the Constitutional Convention in 1787 that the Federal government is not supposed to issue paper money, notwithstanding the Supreme Court decisions in subsequent years.

Paragraph (b) strengthens the law against counterfeiting and fraud by making it a Federal crime, with the same penalties that apply today for counterfeiting Federal Reserve Notes, for anyone to issue fraudulent paper money. It would still be a cause of action for recovery under civil and common law as well. Banknotes, travelers checks, and any other form of honest paper money, issued by any person or corporation that people are voluntarily willing to accept would be permitted. The free market can then determine the optimal mixture of coin and substitutes for coin, including currency and bank deposits, without the further need for a manipulative governmental monetary policy.

H. R. 4226

(A bill to provide for the minting of gold coins and silver coins by the United States)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION. 1. This Act may be cited as the "Coinage Act of 1983".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) Section 8 of Article 1 of the Constitution provides that Congress shall have the power to coin money;

(2) the United States presently lacks a sound monetary system based on the constitutional standard of gold and silver coins; and

(3) the people of the United States are compelled by law to accept for debts a form of paper money that has significantly depreciated from its nominal value.

COINS AUTHORIZED

SEC. 3. Section 5112 of title 31, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) The Secretary of the Treasury may mint and issue only the following coins:

"(1) one dollar coins which shall contain 24.057 grams silver;

"(2) half dollar coins which shall contain 12.028 grams silver;

"(3) quarter dollar coins which shall contain 6.014 grams silver;

"(4) dime coins which shall contain 2.405 grams silver;

"(5) one troy ounce coins which shall contain 31.103 grams gold;

"(6) half ounce coins which shall contain 15.551 grams gold; and

"(7) quarter ounce coins which shall contain 7.775 grams gold.

"(b)(1) The silver coins specified in subsection (a) shall contain silver of 900 parts per 1,000 and copper of 100 parts per 1,000.

"(2) The gold coins specified in subsection (a) shall contain gold of 900 parts per 1,000 and an alloy, to be determined by the Secretary of the Treasury, of 100 parts per 1,000.

"(c)(1) The Secretary of the Treasury shall mint the appropriate number of coins, in each denomination specified in subsection (a), necessary to meet the needs of trade.

"(2) Notwithstanding any other provision of law, all coins struck under the authority of the United States before the date of the enactment of this paragraph and not made of silver or gold shall, after the date of the enactment of this paragraph, be considered as decimal fractions of the unit of account of the Federal Reserve System.".

UNIT OF ACCOUNT

SEC. 4. (a) After the date of the enactment of this Act, the unit of account of the United States, and territories under the jurisdiction of the United States, shall be the silver dollar of 24.057 grams silver.

(b) All other financial records which are required to be maintained under any Federal or State law may, at the election of the person maintaining such records, be stated in terms of gold coins, silver coins, or the unit of account of the Federal Reserve System.

(c) The first sentence of section 5103 of title 31, United States Code, is amended by striking out "for all debts" and inserting in lieu thereof "only for such debts, taxes, duties, or dues that are contracted or calculated in the unit of account of the Federal Reserve System, notwithstanding the use of the term 'dollar' ".

(d) Neither the United States nor any State—

(1) shall impose an excise or transaction or capital gains tax, calculated in any other monetary unit, upon the use of gold or silver or upon depository services which involve the promise to pay with gold or silver; or

(2) shall restrict the convenient transfer of any ownership or equity interest in gold or silver, such as checking or savings accounts, or certificates of deposit or promissory notes stated in terms of gold or silver.

(e)(1) If any party to a legal action before any court or administrative agency of the United States or of any State or territory within the jurisdiction of the United States elects to receive any judgment, award, or penalty in gold or silver, the rate of conversion of gold or silver into the unit of account of the Federal Reserve System shall be the rate which prevailed at the time that the claim or cause of action accrued. The Official Conversion Rate on public record at such time shall be conclusive evidence of such rate.

(2) In all claims or causes of action accruing prior to the effective date of this Act, the plaintiff shall have the burden of proving by a preponderance of the evidence the appropriate conversion rate of gold or silver into the unit of account of the Federal Reserve System or the unit of account of the Federal Reserve System into gold or silver.

(3) Neither gold nor silver shall be prohibited as lawful tender in payment of debts.

FREE MARKET PRICE OF GOLD AND SILVER

SEC. 5. (a)(1) In accordance with regulations that shall be prescribed by the Secretary, the Secretary shall establish a formula for determining on an hourly basis the Official Conversion Rate between gold, silver, and the unit of account of the Federal Reserve System.

(2) The Secretary shall collect information on gold and silver transactions from the organized gold and silver exchanges in London, England, Hong Kong, New York, New York, Chicago, Illinois, San Francisco, California, and the standard metropolitan statistical area in which Los Angeles, California, is located.

(3) The Secretary shall use such information together with such formula to determine the competitive market conversion ratio of gold and silver in terms of the unit of account of the Federal Reserve System.

(4) In using such information with such formula, the weight given to the information received from any such gold and silver exchange shall be equal to the ratio, expressed as a percentage, which the total amount of gold and silver sold on such exchange during the period involved bears to the total amount of gold and silver sold on all such gold and silver exchanges during such period.

(b)(1) The competitive market conversion ratio of gold as determined under this section shall be the Official Conversion Rate between the unit of account of the Federal Reserve System and gold.

(2) The competitive market conversion ratio of silver, as determined under this section, shall be the Official Conversion Rate between the unit of account of the Federal Reserve System and silver.

(3) The competitive market conversion ratio of silver to gold and gold to silver as determined under this section shall be the Official Conversion Rate between gold coins and silver coins.

TREASURY OPERATIONS

SEC. 6. (a)(1) The Secretary shall exchange gold bullion or gold coin from any source for its equivalent fine weight in gold coins minted under section 5112(a) of title 31, United States Code. At the election of the person offering such gold bullion or gold coin to the Secretary, any difference in units of weight shall be paid in silver or the unit of account of the Federal Reserve System at the Official Conversion Rate.

(2) The Secretary shall exchange silver or silver coin from any source for its equivalent weight in silver coins minted under section 5112(a) of title 31, United States Code. At the election of the person offering such silver or silver coin to the Secretary, any difference in units of weight shall be paid in gold or the unit of account of the Federal Reserve System at the Official Conversion Rate.

(b)(1) The Secretary is authorized to receive units of account of the Federal Reserve System and to disburse, in exchange therefor, gold and silver coins minted under section 5112(a) of title 31, United States Code.

(2)(A) The Secretary shall immediately use any unit of account of the Federal Reserve System, which may be received from the disbursement of gold or silver coins, to redeem and cancel the gold certificates held by the Federal Reserve System.

(B) Payment for such certificates shall be at their par value of 42.22 units of account of the Federal Reserve System per troy ounce.

(3) When all gold certificates held by the Federal Reserve System have been redeemed and cancelled, the Secretary shall use any additional proceeds from the disbursement of gold or silver coins to redeem and cancel United States Government obligations held by the Federal Reserve System.

(c)(1) All purchases and disbursements of gold or silver by the Secretary shall be made at the applicable Official Conversion Rate prevailing at the time of entering into the

agreement to disburse or receive gold or silver even if the delivery of such gold or silver does not occur at the time of entering into such agreement.

(2) The Secretary shall make payments for purchases of gold and silver coins or bullion from the Exchange Stabilization Fund.

PAPER MONEY

SEC. 7. (a) After the date of the enactment of this Act, neither the Secretary of the Treasury nor the Treasurer of the United States shall issue, or authorize to be issued, any form of paper currency under the authority of the United States.

(b) Notwithstanding any other provision of law, any person may manufacture, and use in commerce, promissory notes, certificates, bills of audit, and other substitutes for the money of the United States, except that if such substitutes are not honored in lawful money of the United States at par value on the date of maturity, such person shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.●

GRENADA—AN INTEREST TO PUERTO RICANS

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. CORRADA. Mr. Speaker, the events unfolding in Grenada continue to capture our attention and interest. Yesterday, I spoke in support of the action taken by the United States, at the request of the neighboring governments of Grenada. The Governor of Puerto Rico, Hon. Carlos Romero-Barceló, also issued a statement in response to the situation which I ask be included in the RECORD.

STATEMENT BY GOVERNOR OF PUERTO RICO

This week's international intervention in Grenada occurred after the reported murders of 17 Grenadians—including the Prime Minister—and the wounding of 69 others. The savagery of that military coup manifested a callous and wanton disregard for human life, not to mention the fundamental human rights of the citizens of Grenada. It was this turn of events which prompted several of Grenada's democratically governed neighbor nations to request United States assistance to safeguard the stability of their region.

Also of grave concern has been the safety of foreigners in Grenada, including one thousand American citizens. If the military regime in Grenada had imprisoned or harmed American civilians—as occurred at the U.S. Embassy in Iran several years ago—then the President of the United States would have been severely criticized for failing to evacuate them, especially since they were in a situation of even greater vulnerability than that of the more than 200 Marines killed last Sunday in Beirut.

It is our devout hope that the multinational force now in Grenada can quickly, and with a minimum of bloodshed, set the stage for the initiation of a dialogue among Grenadians, which will lead expeditiously to the establishment of a free and democratic regime on that troubled island. The turmoil and tragedy which have befallen the people of Grenada this month are without doubt the consequence of four and a half years of totalitarian influence there.●

A FREE GRENADA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. LIPINSKI. Mr. Speaker, I want to commend the President for his swift actions in rescuing the 1,000 American students and retirees from the anarchy and disarray on the island of Grenada. While many have criticized the President for his actions, I believe he took the only course open to us in our responsibility to the U.S. citizens living on Grenada. The military junta that ruthlessly took power did not have support from the citizens of Grenada. In addition, the junta could not guarantee the safety of the U.S. citizens on the island.

I applaud the President's and Secretary of Defense's statements that American forces will remain on Grenada only as long as it takes to establish a democratic government that is chosen by the Grenadan people. From all accounts, it is clear that the Soviets and Cubans were intimately involved in propping up the Marxist military junta that overthrew the government of Prime Minister Bishop. Cuban soldiers have been firing on our marines, and there are reports of Soviet advisers and KGB agents holed up in the Russian Embassy. In order to avoid any further American casualties overseas, it was essential for the President to send in the marines and rangers to rescue the American medical students. The situation called for this type of response. While many times I am wary of deploying U.S. troops on foreign soil, I feel it was necessary in this case. We must show the Soviets and their Cuban surrogates that we will not allow them to impose their will on any people or country, when it is shown that there is no support for their actions or beliefs. Grenada was a British protectorate before it became independent in 1979. The British instilled a long history of democratic institutions and representative government in Grenada. I am sure with U.S. help as well as assistance from Grenada's neighbors in the Organization of Eastern Caribbean States, democratic institutions will be restored in Grenada.

The United States must show the Soviets, Cubans, and any other group that we will protect our citizens wherever they may be, and that we are committed to helping all peoples who want to live in freedom and under a democratic form of government.●

LEGISLATION NEEDED TO CLARIFY TAX TREATMENT OF DISTRICT HEATING AND COOLING AND GEOTHERMAL ENERGY SYSTEMS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. HALL of Ohio. Mr. Speaker, members of the North American District Health and Cooling Industry were in Washington, D.C. last week to promote the enactment of H.R. 2105, the District Heating and Cooling Tax Incentives Act of 1983.

This legislation, introduced by the gentleman from Minnesota (Mr. OBERSTAR), would make some technical changes in the Internal Revenue Code to improve the Federal tax treatment of district heating and cooling facilities.

As a cosponsor of H.R. 2105, I am aware of the significant energy efficiency benefits which the concept of whole city heating and cooling facilitates. In a total energy or whole city heating system, wasted thermal energy can be captured for use in city buildings. Instead of dumping a powerplant's excess heat into a nearby river or the atmosphere through a cooling tower, the currently wasted heat can be put into a piping system and sent through insulated piping to heat and cool the city's buildings. Through the installation of underground roadways for energy distribution, America can take advantage of all its energy resources.

One of the chief benefits of district heating and cooling is that it facilitates the use of heat supplied by a wide variety of wasted or underutilized heat sources. One of these is the heat suspended in underground water, a form of geothermal energy. Unfortunately, a temperature requirement of 50 degrees Celsius—122 degrees Fahrenheit—imposed by Internal Revenue Service regulations is preventing individuals and businesses utilizing this resource from qualifying for the existing geothermal energy tax credits. I have introduced H.R. 2927 to overturn the IRS temperature requirement and to specify the allocation of the credit for mixed or hybrid systems involving geothermal energy. An identical bill, S. 1237, has been introduced in the other body by Senator STEVEN SYMMS.

It is my hope that provisions to clarify the tax status of geothermal energy applications and district heating and cooling systems will be included in pending legislation to extend the current energy tax credits, which expire at the end of December 1985. Wide cosponsorship of H.R. 2105 and H.R. 2927 will help this effort.

We are currently observing the 10th anniversary of the Arab oil embargo. Although we no longer have long lines at the gasoline stations to remind us of the energy crisis, it is still in our national security interest to become energy self-sufficient. Promotion of geothermal energy and district heating and cooling should be an important part of the national effort to reduce our dependence on fossil fuels to heat and cool our dwellings and businesses.

Many other nations of the world have learned the lessons of the oil embargo and are moving forward with programs utilizing geothermal and district heating and cooling systems. The District Heating Industry Association's executive director was in France this year to observe the booming district heating industry in that country.

For the benefit of my colleagues, his report from the Washington letter of the North American District Heating and Cooling Institute follows:

THE DH BUSINESS APPEARS TO BE BOOMING IN FRANCE

(By Richard Eckfield)

Following the final meeting of the International Energy Agency's Advisory Panel overseeing the technology review of the use of district heating and combined heat and power in IEA countries (see related story), I took the time to visit with some old acquaintances in France, and to make a few new ones, in an effort to determine how the subsidy program, passed a year prior to Mitterand's election in France, is faring.

A year ago last May I had visited many of the top French government officials to discuss their aspirations for French DH. At that time they had grand plans for using heat from nuclear plants and tapping geothermal energy to heat the Paris region, plus had a host of other DH schemes pending. In May of 1982, they had even approved construction of a major new DH development for Marseille . . . imagine that, district heating on the French Riviera.

As could be expected . . . with a new government had come a reorganization of the bureaucracy, and many of my acquaintances of a year ago were gone or reassigned. The new DH super funding agency is the AFME—Agence Francaise pour la Maitrise d l'Energie, which interestingly enough, translates to French Agency for Self Control of Energy. It administers the French DH assistance and promotional programs.

What two years ago was presented as a flat subsidy program, providing a subsidy of 380 French Francs per meter of piping; 150 French Francs per MW thermal if the heat was a waste heat source, i.e., heat from an electric power plant; and 70 French Francs per MW thermal in subsidy for coal-fired boilers, had now become a negotiable level of subsidy which is currently providing around 20 percent of the DH project costs.

For 1984 the government is anticipating allocating some 2 billion French Francs to the district heating development stimulation efforts ($263 million in U.S. dollars—at the rate of 7.6 French Francs equals $1 U.S. dollar). At a 5 to 1 leverage rate this will create $1.3 billion U.S. in new DH investment in France next year.

For certain special programs, such as the construction of geothermal wells as heat sources for DH systems, the national government also guarantees paying 80 percent of the cost of the first geothermal well. If the well does not produce adequate heat, the central government pays 80 percent of the cost. If the well does produce suitable hot water for DH, 50 percent of the government's financial guaranatee must be repaid. . . . However, that still leaves the central government supporting 30 percent of the cost for these types of DH projects. For DH projects utilizing wood wastes, the national government will cover up to 50 percent of the costs. A school and hospital heat source conservation program pays up to 90 percent of the costs for hospitals to change away from scarce fuels (oil & gas) and 50 percent of the costs for schools.

All of these programs appear to be working, and in addition to creating energy independence, the programs are creating much needed jobs for the otherwise shifting French economy. Without a doubt, one of my most interesting interviews was with Rodolphe Szymanek, Director of Energy And New Technology for primarily privately owned Compagnie Generale de Chauffe (CGC).

This organization currently runs 65 DH systems in France. Another 40 projects are on the drawing boards with 8-10 scheduled to start construction within the next twelve months. Progress on these projects, Szymanek attributes in large measure, to the governmental stimulation of DH. The projects range in size from 2,000 dwellings to over 20,000. For the DH temperature buffs, you will want to know that about half of the CGC projects function at 180°C. (356°F.) and above. The others group around 110°C. (230°F.), with five small geothermal projects and industrial waste heat projects operating in the 70/80°C. (159°-175°F.) range.

With respect to geothermal, an estimated twelve to fifteen new geothermally heated DH systems will commence next year, in the I'ile-de-France (Paris Region) area, and Szymanek estimates this rate of development will continue at least through 1987. If there is an average size to a geothermal project, which usually delivers heat at 70°C. (159°C.), it appears to be sized around 3,000 dwellings.

The water-based heat pump is also playing an important role in many of the CGC geothermal projects, where they use a heat pump to capture a few remaining degrees of heat from return water to be re-introduced as new heat supply water. As the graph below shows, what would normally be a 72°C. (162°F.) well supplying the equivalent of 21.4 million BTU of heat per hour from a 200 m^3/h geothermal well, with the addition of a heat pump the BTU yield of the same well is increased up to 33.2 million BTUs per hour.

It should be noted that there are many parts of the U.S. and Canada which have geothermally heated ground water, similar to that which is found in the Paris region. Wells in these areas of America would be more than capable of supplying similar DHC installations. However, current U.S. tax laws only facilitate the development of such geothermal resources if they are hot/powerful enough to support electric power generation, thus, many viable heat use schemes have been thwarted. Legislation, introduced by Congressman Tony Hall of D-Ohio, (H.R. 2927) would help rectify this situation by extending the energy tax credits now available to "hotter" water geothermal schemes, to the use of geothermal wells similar to those being developed in the I'ile-de-France.

Not to focus too heavily on just geothermal, let the record show that France is placing equal emphasis on coal use and the use of heat now rejected from electric power plants, including the nuclear plants. We, however, will cover those efforts in a future Washington Letter report.

Szymanek concluded that the French Government's (AFME's) DH initiatives, assistances and promotional efforts had produced a substantial level of business for CGC. I concluded that France, like so many other industrialized nations, is well on its way to increasing its level of energy, and perhaps economic independence through the increased use of its indigenous energy resources, made possible through District heating systems.

TRIBUTE TO JOSEPH PEPPER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Ms. OAKAR. Mr. Speaker, last Wednesday, the State of Florida and the Pepper family lost a wonderful man. The death of Joseph Pepper, the brother of our esteemed colleague and friend, Senator CLAUDE PEPPER, marked the end of a fruitful, active, and happy life—characteristics of all with the Pepper name.

Joseph Pepper touched the lives of many during his 73 years. His contributions to his country, his friends, and his family were many. Mr. Pepper served his country as a member of the Army Air Corps during World War II and the State of Florida by bringing his magic touch to the restaurant and real estate businesses. But most of all, Mr. Pepper loved his friends and family and gave of himself unselfishly. Everyone who knew him will especially miss his music. He sang and played the harmonica and piano. Truly he was an all-American man.

I would like to extend my condolences and prayers to the Pepper family—to his wife, Anne; his daughter, Joann Silano; his sister, Sarah Willis; and to his brothers, Frank and Claude.●

TRIBUTE TO TOM BARLOW, BASKETBALL PIONEER AND HALL OF FAMER, A TOUGH MAN WITH A GENTLE HEART

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. BIAGGI. Mr. Speaker, it was 1926, at the very first basketball game ever staged in New York's Madison Square Garden, then pitting Eddie Gottlieb's original Philadelphia Warriors, the top professional team at the

time, against Nat Holman's original New York Celtics. The arena was packed, and all the sports world watched and waited, as the world famous garden marquee blared out: "Tom 'Cave Man' Barlow vs. Celtics."

Yes, Mr. Speaker, a man and a legend were on top in New York. "Cave Man" Barlow, out of East Trenton, a literal giant at 6 feet 1 inch, 200 pounds—rare dimensions for early basketball—reputed to be one of the meanest, orneriest, toughest, roughest guys of his era, who had scrapped and fought every inch of his way through the old basketball cages, topped and surrounded on all sides by chicken wire, was ready to do battle, ready to be as tough as he had to be to succeed. And tough he was. "Nobody ever gets away with anything from him," it was said of the "Cave Man." He was a tenacious guard who roughed up the sport's best players, and who was always able to supply vital baskets and foul shots in crucial games.

And so it was at the garden. Tommy Barlow, looking very much like a cave man, single handedly bottled up the Celtic offense with powerful blocks, and contributed a dozen points to win the World Championship over the Celtics, and bring fame to his beloved city of Trenton, N.J.

Called the greatest guard that basketball has ever developed, and the best player ever seen, Tom Barlow was enshrined in the National Basketball Hall of Fame in 1981. In an interview upon his notification of election, he reflected on himself and his reputation, smiling and with a twinkle in his eye:

> Aw, I wasn't all that tough. Let's just say that I was as tough as I had to be to survive * * * but at heart, I always was a very gentle person.

He was also kind and gentle, qualities which, along with his exceptional athletic skills, have made him loved and revered throughout the sports world for so many years.

"Of all the marvelous people who have entered the Hall of Fame . . . Tom Barlow was the most truly appreciative, the most thrilled by the experience . . . ," spoke Hall of Fame executive director Lee Williams. It was often said that Tom Barlow, who never sought players' fees, nor riches in his playing career, was rich in family, and the friendships amassed over the years, and indeed he was so very rich in family and friends.

Tom Barlow, labeled the "Babe Ruth of Basketball" at the height of his sports career, passed away on September 26 of this year at the age of 87. Until his last illness he drove his own car, smoked his favorite cigars, enjoyed the life of the country squire, and always retained a vital interest in the doings of his lifetime friends and the happenings in his beloved Trenton.

His great, good friend Nat Holman, said of Tom Barlow at his Hall of Fame induction, "It's important that the world know about a man like Tom who was such a great player and a great individual." In a similar warmth of spirit, I offer this tribute of the U.S. House of Representatives to the fame and memory of Thomas B. Barlow, basketball's first star.

Born at 529 North Clinton Avenue, East Trenton, in 1896, the son of George and Catherine Corbett Barlow, Tom Barlow, by his own admission, "had been playing every kind of sport from the time I could walk," emerging very early as an especially talented basketball, baseball, and football player with the famed Laurel Club. In addition to his exceptional basketball prowess, Tom Barlow was a baseball catcher coveted by many major league clubs, including the New York Yankees. It was said of Tommy Barlow, that he could "go to the majors anytime, but he's too great a basketball player." In his late teens, Barlow was a standout, getting the princely sum of $15 per game to play for the professional Trenton club of the old Eastern League.

Almost immediately, his extraordinary talents came to the attention of Eddie Gottlieb, one of the pioneers of the game and a founder of the National Basketball Association. Tom Barlow best describes his own career in the following way;

> Gotty signed me for this SPHAS (South Philadelphia Hebrew Association) in the early 20's. Eventually, Gotty's team became the Philadelphia Warriors (winner of the 1926 World Championship) . . .
>
> I was in the Army about six months—the Armistice in 1918 saved my outfit from going to Russia, of all places—but I was playing all the time with the Trenton Tigers, the SPHAS, in the Penn State League, the New York League and with Greenpoint (Brooklyn) in the Metropolitan League.
>
> I'd play anywhere someone wanted me. Gotty took his teams all over the Midwest, barnstorming. The 20's, during Prohibition, were unbelievable. We played everybody in the country. I never once signed a contract with anybody. My brother Charlie and I ran the Barlow Mills Co. (a building contractor firm) all the time. My best year, I probably made about seven or eight thousand dollars playing basketball.

And yet in 1932, at the age of 36, after a particularly rough contest in Wilmington, Tom opened the window on the train coming home and tossed his bag full of gear into the Delaware River. It was his own personal way of ending his glorious basketball career.

Tom Barlow's professional basketball career brought him into close contact with many famous people in all walks of life, whom he knew on a first-name basis. "What a great life it was even then," Barlow was to later recall, full of memories, some bittersweet, some funny, some sad, but always exciting, always unforgettable.

It is also interesting to note what a different game it was in those days. As Tom recalled,

> One of the guys I played with was pretty tough with the booze. He showed up one night with a snootful. He shot the fouls. We called him "Old Crow". He just about could stand up straight, but he sank 21 of the 22 foul shots.

Of another time, Tom remembered:

> A sweet lady jabbed me in the rump with a hatpin one night. Right through the cage. She turned out to be the principal of Reading High School. Mrs. Charles Howe Cook, a society matron in Trenton, wife of the head of the pottery, climbed up on top of the cage one night, trying to get in and punch one of the players.

Those were the days—the days of the game played by the now immortalized Tom Barlow.

Tom Barlow retired from basketball in 1932, to settle down and marry Mildred Kelty, his lovely wife of 52 years. Mildred later described Tom as "one of the kindest, most thoughtful persons I have ever met." Tom could not pass up the chance to quip, "I guess Mildred saw a diamond in the rough."

That same retirement year saw Tom Barlow appointed as chief building inspector of the city of Trenton, and he was to become a familiar figure at city hall until his civil service retirement over 30 years later.

Some of the greatest thrills of Tom Barlow's life came at age 85 in 1981, upon his election and induction into the hall of fame. His nomination had been made years earlier by basketball immortal Eddie Gottlieb, but Eddie Gottlieb's death had left the issue in limbo. It was Nat Holman, fellow pioneer of the game and early opponent, still bearing the scars of his skirmishes with Barlow, who championed Barlow's selection before the honors committee.

At the time of his notification, Mildred Barlow recalled:

> He was very emotional for a moment, then he just stood there beaming. He was crying a little, and he said, "this has to be the greatest thing that ever happened to me."

It is said that Tom Barlow may have smiled more on his induction day, April 27, 1981, termed basketball's greatest day, than at any time in his almost totally full 85 years.

The famous sportcaster, Curt Gowdy, hall of fame president, solemnly read the induction statement which installed him. Nat Holman tore off the protective covering to reveal the individual Thomas B. Barlow stained-glass panel in the honors court section of the building. Holman and Barlow embraced warmly and emotionally. There were more than a few wet eyes among the Barlow family and the enthusiastic gathering of 47 people from Trenton headed by Mayor Arthur J. Holland.

"I'm on cloud nine," Tom Barlow had exclaimed that day. The marvel-

ously talented athlete, dubbed the "Babe Ruth of Pro Basketball" and "Cave Man" Barlow during 20 years of pioneering the game with many of the East's most famous teams, became just the 53d player to be enshrined.

Tom Barlow was the life of a man, all man, tough man, good man, talented man, thoughtful man. He could have been a major league catcher, but he chose instead to become one of the greatest of those men who paved the way for the NBA players of today.

To his family, his loving wife, Mildred, children, Thomas B. Barlow, Jr. of Toms River, N.J., and Barbara Barlow, of New York City, and grandchildren, Thomas B. Barlow III and Louise C. Barlow II, we extend our fondest good wishes for their happiness, full of love and pride for the qualities and tradition of Tom Barlow. While he is gone, and his likes will never come again, it is comforting, for all who have admired this great man, to realize that he has been immortalized in the Basketball Hall of Fame.

Barbara Barlow, truly her daddy's little girl, spoke so lovingly of the qualities of her father at his funeral, and I offer her recollections as part of our own memorial tribute to the great Tom Barlow.

The following was submitted to be printed in the RECORD.

ST. MARY'S CATHEDRAL,
Trenton, N.J., September 30, 1983.

I am Barbara Barlow, Tom Barlow's daughter. How often I have used these words to identify myself throughout my lifetime—and with such pride. Truly a unique position representing an almost profound relationship.

This giant, gentle, peaceful man with the big cigar, great sense of humor, sparkling, sensitive eyes and easy laugh was my father. He was also chocolate candy, ice cream, cake, turtleneck sweater, big feet and ball games.

Most of all this was a graceful man. A grace not acquired in a studied manner, but rather, a natural gift. He had an attitude toward life that was uniquely his own and therefore, learned by those of us fortunate enough to have shared his space. The Catechism speaks of the "outward and visible" sign of an "inward and spiritual" grace. Perhaps our secular idea of grace is the harmony produced by a synthesis of a certain quality of heart, intellect, and ideals combining to form an individual's personal truth.

We Barlows have had, if you will, the "luck of the draw." We have been so thoroughly surrounded by the love of two beautiful parents that, for me, it was sometimes difficult to see the world as it really was. How often I stumbled—and fell. Daddy taught me to see disappointment as a step forward—to a higher, better place. And for those of you who know us well, he got me back often. Perhaps in the final analysis, it was my preferred place. The laughter and the loving were guaranteed with him. He gave the best hugs—and whose are irreplaceable.

But we have a huge bank account of love—he gave away all that he had. And because of this, we can afford to be strong. Can't we Mother?

I was told recently that Tom Barlow was the "class of the field." It reminded me of the penetrating, lasting impression he made on everyone, regardless of how infrequent or short the meetings. He seemed to have touched no one lightly. He was always remembered—and he remembered.

He was a balanced man who arranged his life with the appropriate amounts of work and leisure. He never amassed a fortune but then again, he rarely left us and always had that perishable commodity to give—his time.

In his 87 years my Father achieved all of the hoped for milestones in his long happy life. 75 years old, 80 years old (what a party in Flemington, our real home), 50 years married (not a bed of roses, he would add) and, of course, the Hall of Fame. He had all of the experience of life that he desired and because of the love of my Mother truly discovered the meaning of life. He always spoke of life's circle—how he and Mother started together and how my brother, Tom, and I were a lovely addition to their lives and that they would be together alone again. And that was good, as it should be.

I wish to share a secret publicly with my mother. In late August I sat at Daddy's feet in his den and we talked . . . . about important things; the Yankees, Bill Martin, Herschal Walker, the NBA, 7th Avenue, David's cookies and Breyers new flavor of the month, peach. "Name the best day you can remember, Daddy." He puffed on his cigar, paused (he always paused—great timing!) "Easy! The day I married your mother—for the second time, 1982!

You made him the happiest of men and I thank you, Mother. His love for you was boundless, and your devotion to him unparalleled. Together you were the best team and certainly, the funniest.

Before I close, I wish to pass along to you the "best lesson." Never part in anger—in person, on the telephone or, especially, to go to sleep. Days began with kisses and ended with kisses, and if we separated, and came together six times during the day, count 12 more kisses.

Like all fathers and daughters, I suppose, we had our rituals. "Lock you car doors, Babs" (and he is the only one who could call me that and not arouse my anger). "Do you have enough money? (Here is a bet, don't tell Mother!) "What time will you be home?" (This was when I was 35).

We have a crucifix Daddy's mother gave to him when he first went away to play professional ball. It was sewn in every uniform he wore. After that it went with his pocket change. Over the past 30 years it has gone back and forth between us. It is now my permanent gift. It is only fitting, Daddy, that I leave you a permanent gift—my smiling face.

We never parted without these words; and I use them for the last time. . . .

I love you, Daddy, God bless you!●

TRIBUTE TO TERENCE CARDINAL COOKE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. GILMAN. Mr. Speaker, the greatness of a man is measured by the legacy he leaves behind, and by that standard, His Eminence, Terence Cardinal Cooke was indeed a great man.

The Cardinal's death on October 6 ended the brilliant career of an eloquent spokesman of virtue, and a dedicated humanitarian. His unwavering love of life, even through the suffering of the illness which was to finally overtake him, was an inspiration to all throughout the world.

Cardinal Cooke was born in New York City in 1921, the child of Michael and Margaret Cooke, both of whom were immigrants from Ireland. He was educated in Catholic elementary schools in the Bronx and West Nanuet, and after attending St. Joseph's Seminary, he was ordained in 1945.

Soon thereafter, Cardinal Cooke became the chaplain of St. Agatha's Home in Nanuet, N.Y., located in my congressional district. Having had the opportunity of getting to know this distinguished religious leader through the years of his extensive work in the mid-Hudson Valley, I gained a tremendous degree of respect for Cardinal Cooke not only as a holy man, but as a scholar, and as a warm and personable human being.

At the funeral services for Terence Cardinal Cooke at St. Patricks Cathedral in New York City, I was greatly moved by the Homily offered by his Eminence William Cardinal Baum. In order to share those thoughts with my colleagues, I request to have a portion of the Cardinal's remarks inserted at this point in the RECORD:

A PORTION OF THE HOMILY OF HIS EMINENCE, WILLIAM CARDINAL BAUM, AT THE MASS OF CHRISTIAN BURIAL OF HIS EMINENCE, TERENCE CARDINAL COOKE, SAINT PATRICK'S CATHEDRAL, MONDAY, OCTOBER 10, 1983

It is an honor and a joy at this moment to speak on behalf of our Holy Father, Pope John Paul II. It is his wish that I express his heartfelt condolence to his sister and sister-in-law and all of the members of the Cardinal's family. To the Bishops, clergy, the religious and faithful of the Archdiocese of New York and the Military Ordinariate and to the countless friends of Cardinal Cooke who are present in this Cathedral of Saint Patrick and who, though they are not present, are united with us in their prayers and their affectionate regard for our beloved friend. On several occasions in these recent weeks, the Holy Father has reached out to his venerable brother, Terence Cooke, to sustain and console a suffering friend; and today the Holy Father sends his message in order to sustain and console all of us who experience such a great sense of loss. United with us in mind and heart, Pope John Paul II realizes fully that a close and trusted friend has departed from this world. The Holy Father is with us spiritually in these very moments as we offer Holy Mass for the eternal repose of Cardinal Cooke. . . .

Indeed, under the leadership of the Holy Father all the bishops in Synod have prayed for Cardinal Cooke during his last hours. When the news of the Cardinal's death reached the Pope Thursday morning, the Holy Father interrupted the work of the

Synod to announce this fact and to lead the Fathers of the Synod in prayer for their brother.

Within this Mass, this act of giving thanks and glory to God, Father, Son and Holy Spirit, we find a moment to recall, to remember, the life of Cardinal Cooke. Terence Cooke was born, nurtured, lived and died in New York. The son of believing and loving parents, he was always mindful of his Irish heritage and maintained his links not only with the Irish of New York, but with the people of the Emerald Isle. Even in these last days of his suffering here on earth, the Cardinal full of love and concern for Ireland spoke to his people with intense conviction about the needs of that land for justice, reconciliation and peace.

Together with his heritage, Terence Cooke combined the heart and spirit of a real New Yorker. He loved the city tenderly and deeply. He loved its diversity, its complexity. He loved all of its people of all religious communities and of all ethnic and racial origins. In fact, he opened his heart to all including strangers and wanderers. To be in the presence of Cardinal Cooke for any length of time was to be with a man who was always hearing and joining in that famous refrain, "I love New York." To put it another way, Terence Cooke not only loved New York, he enjoyed it every moment of his life, and as a real New Yorker, he had the good humor and the gift of ready wit, which characterizes this town. He felt the same about the other parts of the Archdiocese and visited ceaselessly and with great pleasure all the counties and communities of this Archdiocese. He rejoiced with the Church of New York including not only the city, but also the suburban and rural areas. In fact, he considered this mixture of elements to be both a manifestation and an indispensible source of health and vitality of the Archdiocese.

Terence Cooke from his early childhood wanted to be a priest. By God's grace he pursued and reached that goal and even after, as a priest, he gave himself completely to his Lord and to his people. . . .

Early in his life as a priest, Father Cooke was given special responsibility for Catholic Charities and for the Catholic Youth Organization, that is, for carrying out the works of mercy and the work of preparing young people for life which are essential parts of the Church's mission. He brought to this work a practical, clear headed energetic devotion. He was motivated entirely by his love for Christ, seeing in the poor and the suffering the face of Christ, and seeing in the young the hunger and thirst for Christ.

After twenty years of service to the Archdiocese and several years of loyal service as Secretary to Cardinal Spellman, Terence Cooke became an Auxiliary Bishop and then in 1968, the successor to Cardinal Spellman as Pastor of the Church of New York. While it is impossible to mention all of his achievements, a few points should be emphasized.

Terence Cooke was, in the best sense, a priests' priest. He had an understanding of and an acute sensitivity to the needs, to the problems, to the hopes and to the sufferings of priests. He knew how to speak to and to lift up priests of all ages and conditions.

It was his task to guide the Archdiocese of New York during some years of tension, conflict and trials. With firmness, with gentleness and with loving generosity, he has been able to guide his Church safely through these troubled times.

Cardinal Cooke, with his great gifts of comprehension and kindness was always the one to reconcile, to unify. He was always the steady, strong and cheerful pastor of his people. One can recall, for example, his courageous efforts to maintain and strengthen Catholic Schools and to provide pastoral service to hundreds of thousands of newcomers, many of them poor, bewildered and unable to speak the language of this nation. To witness Cardinal Cooke in action, working happily and with confidence was an inspiration not only to the people of New York, but to his brother bishops. To see him move through these times and among such a diverse population, reminds one of another hero of another time who, by his presence, quieted anxiety, insecurity:

> "A largess universal, like the Sun
> His liberal eye doth give to everyone,
> Thawing cold fear."
> (Henry V. Act 4, Chorus)

. . . Cardinal Cooke took with deep seriousness his responsiblity as a Doctor Fidei, his responsibility as a teacher of God's Word and of the teaching of the Church. He carried out this responsibility with fidelity and courage, ready to risk criticism and opposition, confident that he was doing the work of the Lord. This has been especially evident in recent years when Cardinal Cooke served as Chairman of the Pro-Life Committee of the National Conference of Catholic Bishops . . .

The Cardinal has also shown us how to carry out our educational mission on all levels and has shown us how future priests should be prepared for their ministry.

Throughout all of his life as a priest, Father Cooke was able to reach out to those who were not members of his own Church and with the guidance of the Council, Cardinal Cooke grasped with great clarity, the importance of our engagement in the ecumenical movement. He embraced enthusiastically the teaching of the Council on the need to show more vividly the unity which already exists among Christians and to work for the restoration of full visible unity among those who profess faith in Jesus Christ as Lord and Savior. In countless ways, the Cardinal reached out to and collaborated with the other Churches of this community. The work which has been accomplished and the bonds of spiritual friendship which have been strengthened will remain as memorials to his dedication to the cause of Christian unity and as a stimulus to all of us.

Cardinal Cooke also realized, following the teaching of the Council, that Christians, for the most profound reasons, are intimately and spiritually related to the Jewish people, and as Archbishop of New York, he seized every opportunity to foster respect, cooperation and, indeed, affection between Christians and Jews.

The Catholic Church in New York, under his leadership, should be seen as a kind of model in fostering these relationships. Certainly the veneration and love manifested this day for Cardinal Cooke by so many friends belonging to other religious communities is a cause for rejoicing.

Cardinal Cooke had responsibilities beyond the great Archdiocese of New York, as Vicar of the Military Ordinariate. He was also the bishop of all the Catholics in the Armed Forces of our country and their families. With boundless energy the Cardinal labored cleaselessy and traveled tirelessly to serve the men and women of our Armed Forces; with strength and yet with delicacy, the Cardinal guided many priests of the Military Ordinariate in their pastoral service. As it could be said of his service to New York, it can also be said that Cardinal Cooke loved every minute of his service to the military. Cardinal Cooke had a profound respect for the people of the Armed Forces as generous defenders of our nation and he also looked upon them as keepers of the peace. Because he understood the military better than many others, he saw the members of the Armed Forces as lovers of peace and as people willing to sacrifice themselves for the peace and happiness, both of the United States and of the human family.

Terence Cardinal Cooke was a complete man, a man with a universal vision. In this context it is good to recall his years of service as President of the Catholic Near East Welfare Association. Even in the last days of his life, the Cardinal was working and praying for peace in the Lebanon. Last year, the Cardinal made a special journey to the Lebanon to meet with the leaders of the Catholic Church and to offer his support in their efforts in effecting reconciliation. With a clear understanding of the complexity of the issues, the Cardinal took the occasion of this visit to reach out not only to Catholics but to the other Christian communities and, indeed, to the Moslem communities of the Lebanon. Because of this understanding of the importance of building relationships between Moslems and Christians his name is held in great veneration in the Lebanon and in much the Near East. His vision, his concern, his love was universal, was in the fullest sense of the word, Catholic. The beautiful image of the Messianic age drawn from the words of the Prophet Isaih and found in the First Reading of our Mass today (Isaah 25:6-9) inspired the Cardinal in his efforts locally, nationally and internationally to be the peacemaker. The reconciler:

> "On this mountain, the Lord of Hosts will provide for all peoples,
> On this mountain he will destroy the veil that veils all peoples,
> The web that is wovern over all nations; He will destroy death forever.
> The Lord will wash away the tears from all faces;
> The reproach of His people He will remove
> From the whole earth;
> For the Lord has spoken."

As a Cardinal, Terence Cooke has served the successor of Peter, the Bishop of Rome. As a member of the Pope's Senate that is, as one of the Holy Father's Counselers in the government of the Universal Church. The Cardinal accepted this title with a great sense of responsibility. He was always ready, at a moment's notice, to journey anywhere in the world and to undertake any mission committed to him by the Holy Father. The Popes whom he served as Cardinal appreciated deeply his generosity, and Pope John Paul II feels more keenly than can be expressed the lost of this friend and counseler. As a participant in two conclaves and as a Cardinal of the Holy Roman Church, this man, so American, so much a New Yorker, has also proved himself to be a universal man.

On the last occasion when it was my privilege to speak with the Cardinal, he repeated over and over again, with reference to the Church and the Bishop of Rome, the word communio. In his suffering he saw with perfect clarity the significance of that word. He was witnessing to the mystery of our oneness with Christ and with one another and to the mission of Peter to confirm his brothers in faith.

In these last days of his sojourn on earth, the faith, the hope and love of Terence Cooke became manifest with a new radiance. The radiance of Christ Crucified and Risen. Terence Cooke accepted his suffering with complete patience, with complete trust in the Will of God. Fiat Voluntas Tua—Thy Will be done. In union with the living Christ, he responded to the Father and because of this likeness to Christ, he was empowered through the power of the Holy Spirit to continue his pastoral ministry. In this context one word must be added of tribute to the personal staff and household of the Cardinal and to his physician. Among his many other gifts, Cardinal Cooke was able to inspire deep loyalty. Those who have loved and served him so well in the past, have stood with him in these last days and have made it possible for him to teach and serve the rest of us until the very moment of death.

Our dear friend, our venerable brother, our Father in God has been taken from us, but with the conviction of faith, we are convinced that he remains with us in the communion of the Saints. It is not within our power to offer adequate thanks to God for the life of Terence Cooke, but God has given us the way to offer adequate thanks through offering of the Eucharist, the Sacrifice of the Mass. We pray that the gift granted to Terence Cooke, the gift of saying yes to God and to the gift of eternal life will also be granted to us as we repeat the words of the Lord and the words of Terence Cooke—Fiat Voluntas Tua—Thy Will be done.●

THE FREEZE IN CONGRESS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. MARKEY. Mr. Speaker, one of the truly historic debates the U.S. House of Representatives has had was on the resolution calling for a bilateral United States-Soviet freeze on nuclear weapons, followed by major and mutual reductions in both superpowers' nuclear arsenals.

The freeze resolution was the people's resolution because it was borne of the grassroots concern in America over the threat of nuclear war. The resolution the House passed last May 4 represented a clear and forceful call from the American people to halt the nuclear arms race.

I would like to commend to my colleagues a very thoughtful article that has been written by my good friend from Ohio, Congressman EDWARD F. FEIGHAN. The article which appears as a chapter in the book, "The Nuclear Freeze Debate: Arms Control Issues for the 1980's," analyzes the House consideration of the freeze resolution. The following is an excerpt from that excellent article:

THE FREEZE IN CONGRESS

(By Edward F. Feighan)

Any candidate running for election in the fall of 1982 noticed that a new issue had joined the list of topics that was certain to come up at any candidates' night. It did not matter if you were running for local, state, or federal office. On every talk show, and in every forum in which candidates sought to get their message across, they had to have a position on the nuclear weapons freeze.

The freeze was probably the only "international" issue that was universally debated. In a congressional election in which the economy and Reaganomics were the primary issues, freeze advocates made themselves felt in a number of campaigns, dropping candidates' literature along with their own literature in support of the hundreds of freeze referenda on the November 1982 ballot.

As a newcomer to congressional politics, and a freeze advocate, I was impressed by the depth of the grassroots commitment to the freeze. It seemed to me to be one of the clearest cases I had ever seen of the public will shaping national policy in a complicated, and often arcane, field. The freeze was focusing both intellectual and emotional energy on the very basic issue of survival, and literally millions of citizens responded. Of course, the debate in Congress complicated the issue. Each phrase became the subject of endless interpretation; each word became a term of art as the rhetoric of the arms control establishment was invoked to obfuscate the clarity of the moving force behind the freeze movement. While House passage of the freeze resolution was considered a foregone conclusion, the endless debate and semantic gymnastics could have been predicted with almost as much certainty. Nevertheless, the freeze passed in the House because the people—not the politicians—wanted it to.

The movement that gave birth to the freeze could be a textbook example invented to illustrate an obscure political science text—except it really happened. It is a tangible expression of the deepest concerns of the American people. It demonstrates again, as did the fall of the Nixon presidency, that the creaky machinery of democracy can be made to work if the people demand it, and if they think the stakes are high enough.* * *

Like most legislative solutions, the freeze resolution was far from conclusive. The two year debate produced no definitive winners or losers.

The freeze supporters were able to fend off repeated attacks on their priorities, and the fact that President Reagan refused to endorse the final resolution paid eloquent testimony to their efforts. On the other hand, even the most ardent freeze advocates recognized that without presidential support the freeze was nothing more than a symbol of conern. And even that symbol was cloudy. It was not the direct demand echoing out of the American countryside; it would not end the arms race tomorrow. Freeze negotiations, like the debate, would be long, divisive, and complicated. In the meantime, as the subsequent House approval of the MS demonstrates, Congress will not legislate a hold on all nuclear developments.

The one clear message that did emerge was that the American people will no longer stand idly by while nuclear decisions are made. Neither the president nor the congress can ignore the new constituency for arms control that has forced the president to the negotiating table and the congress into a crash course on the intricacies of national security policy. Like it or not, nuclear policy-making is fast becoming democratized.

In the long run, arms control can only benefit from the added attention. Tocqueville explains this point best in "Democracy in America." Admitting that our democratic system is often "clumsy," he adds that "it does what the most skillful government cannot do; it spreads throughout the body social a restless activity, a super-abundant force, and energy never found elsewhere, which, however little favored by circumstances, can do wonders."

If nothing else, the freeze movement demonstrated that it is a political force to be reckoned with. The trick for policymakers is to keep that energy alive, to create a durable national consensus on nuclear issues, and to translate that public concern into a meaningful policy that protects our national security while preserving the nuclear peace. That goal is a "wonder" we cannot do without.●

WHO IS RESPONSIBLE?

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. BORSKI. Mr. Speaker, I am outraged by the statements attributed to Gen. P. X. Kelley, the Marine Corps Commandant, that he is "totally satisfied" with the security measures in place at the time of the terrorist attack on our troops in Beirut.

I believe his statements raise serious doubts about the ability of our military policymakers and strategists to understand and prepare for terrorist methods used in that region of the world.

I have sent a letter to Secretary of Defense Weinberger expressing my strongest concern for the security of our marines in Beirut.

I offer this letter to my colleagues for their consideration.

HOUSE OF REPRESENTIVES,
Washington, D.C. October 26, 1983.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am writing to express my strongest concern for the security of our Marines in Beirut, especially in the light of statements attributed to Gen. Paul X. Kelley, the Marine Corps commandant. General Kelley is reported by United Press International to have said that he is satisfied that the Marine commander in Beirut had taken adequate protective measures before the suicide bombing attack Sunday. He is further quoted as saying in reference to the terrorist who caused the death of over 200 Americans: "If you have a determined individual who is willing to risk his life, or rather give up his life, chances are he's going to do that. So let's not blame the security measures."

I completely reject the General's statements, and his outlook. Two hundred and sixteen men are dead and General Kelly claims they were adequately secured. That is outrageous. "Adequate" is an offensive word in this situation: either we took all possible security measures or we did not. In the context of this region, where terrorist attacks are commonplace, security measures consisting of a barbed-wire fence, a chain-link gate, sentries without ammunition and

a few sandbags, are tragically insufficient. To suggest that our troops were adequately positioned and secured is to suggest that terrorist attacks are a fact of life that we can't defend our men against. I don't accept that.

The events of October 23, 1983 suggest that the United States is still ignorant of the strategies necessary to deal with terrorism, including carbombings. The terrorist attack on the U.S. Embassy in Beirut on April 18, 1983 should have demonstrated to our military strategists and commanders that we are not dealing with conventional warfare. Your own assumption, as reported by the New York Times, that "nothing can work against a suicide attack like that" further demonstrates the conventional warfare outlook which so appals me. Until we understand the particular methods of warfare intrinsic to this region, we will be vulnerable to repetitions of this tragedy.

Top level U.S. military policymakers have refused to accept any responsibility for Sunday's tragedy, claiming we can't stop a terrorist willing to give up his life to accomplish a mission. I find that offensive and I think most Americans would agree. If your military advisors can't provide for the security of our troops in Lebanon, then we have no business being there and we should pull out immediately.

One possibility is that our military commanders understand and are capable of securing our forces against terrorist attacks, but failed to do so in order to carry out a policy decision that a diplomatic objective justifies the risk to our troops. If the decision was made to provide minimal security in order to preserve our concept of a symbolic "presence", then a tragic and criminal miscalculation of both the risk to our men and the boundaries of American acceptance of the Administration's foreign policy objectives has occurred.

As one who supported the goal of the U.S. Marines in Beirut on a peacekeeping mission, I demand that the Marine Corps act to maximize security. I totally reject any notion that security was "adequate". Once again, either we took all possible security measures or we did not. If we did, then we are not prepared to defend ourselves in this region of the world, and we should get the Marines out immediately. If we did not take all possible security measures, then we should have, and someone is responsible. Who, Mr. Secretary, is responsible?

I would appreciate your prompt reply.

Sincerely,

ROBERT A. BORSKI,
Member of Congress.●

MR. REAGAN'S ILLEGAL INVASION OF GRENADA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. OTTINGER. Mr. Speaker, I am dumbfounded by this administration's extraordinary decision to invade and overthrow a sovereign nation in the name of securing the safety of American citizens. There can be no explanation of our invasion of Grenada that will mitigate the world's impression that the United States has no regard for international law. The invasion is in clear violation of the U.N. Charter and the OAS Treaty.

The OAS Treaty of 1948 clearly states, "No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any state," whether through "armed force" or otherwise. Article 17 of this treaty further emphasizes that "The territory of a state is inviolable; it may not be the object, even temporarily, of military occupation or other measures of force taken by another state, directly or indirectly, on any grounds whatever." While the United States and Grenada are both members of OAS, the United States did not seek approval from OAS in advance for its military invasion of this nation.

Furthermore, the United Nations Charter bars "the threat or use of force" in an international arena except when used for individual or collective self-defense against "armed attack." It is abundantly clear that neither the United States nor any of the other invading countries were under such attack.

As a rationale for United States military action in Grenada, Secretary of State Shultz cites the 1981 treaty that establishes and provides for the "collective security" of the members of the Organization of Eastern Caribbean States. First, neither the United States, Jamaica, nor Barbados is a member of OECS. Second, article 8 of this treaty provides for "arrangements for collective security against external aggression." There is no provision for taking military action without the prior provocation of "military aggression." Third, such arrangements must be made by unanimous consent. In addition to Grenada, St. Kitts-Nevis and Montserrat did not vote.

In addition to President Reagan's violation of numerous bodies of international law, Mr. Reagan has once again violated U.S. law by not invoking the War Powers Resolution of 1973. While granting Congress only the minimal courtesy of informing its leaders that American troops had begun landing in Grenada, at no point did the President formally report to Congress that troops were being introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances," as he is required to do by this act. Not only is President Reagan not supported by law, but in fact it is also clear that he has violated both national and international law with every one of his actions.

Had we any indication that our citizens were in danger in Grenada? The dean of the medical school there claims that the students were in no danger at all. Three representatives we sent confirmed this. Secretary of State Shultz says merely that "he had different information."

On the other hand, since the Marine invasion, the students faced a very clear threat. Today, in fact, I heard from a constituent who had heard from his son, a student at the medical school on the island. His son had been airlifted off the island with 120 other students and taken to Puerto Rico. The student said the invasion has caused widespread panic at the school and full-scale fighting in the streets.

Will Mr. Reagan now feel that he has a right to invade any country where he does not like what is happening? What earthly criteria were used in this decision? Clearly, they did not include the desires of our major allies, like Britain, who steadfastly urged us not to intervene in what is still part of the British Commonwealth, and an active interest of theirs. Rather, this extreme action belies our strongest outcries against the Soviet invasion of Afghanistan, an invasion that we correctly have protested since the first day the Soviets crossed its border.

I am most disturbed that daily we become more like the Russians, in the worst aspects of their policies that we claim to abhor. Our invasion of Grenada, like our using ex-Samoza troops to overthrow the Government of Nicaragua, is a clearly illegal act, taken under the ugly premise that might makes right. It completely undermines our credibility in seeking to muster world support against Russian excesses.

Furthermore, we are emulating the Russian police state internally, censoring what Government officials can say or write, emasculating the Freedom of Information Act which gives our citizens access to Government documents, conducting secret wars through the covert actions of the CIA, keeping Congress uninformed about Government military actions Congress should authorize, ignoring the War Powers Act, putting people in jail without trials, denying the presumption of innocence. It is sad to see the freedoms of this country eroded in the name of protecting those very freedoms.

With this latest maneuver, the President has placed citizens in needless danger, angered the U.S. closest allies, and further threatened the reliability of any of our foreign policy agreements. He has done nothing to assure our southern friends that they are safe in our front yard. What he has done is assure them that the safety they enjoy is contingent on their not displeasing us, lest they find a battalion of troops at their doors. Mr. Reagan deserves the world's censure and blame.●

AIPAC ON MAINTAINING U.S. FORCES IN LEBANON AND IN OPPOSITION TO THE LONG AMENDMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. KEMP. Mr. Speaker, our colleagues SAM STRATTON and CLARENCE LONG are sponsoring an amendment to the defense appropriations bill that would cut off all funding for U.S. forces maintaining the peace in Lebanon. While I have certain concerns about our military mission in Lebanon, I believe that withdrawing our forces would be a serious mistake. We must not let international terrorism dictate U.S. foreign policy.

I direct the Members' attention to the following letter to me from Tom Dine, executive director of the American Israel Public Affairs Committee. Tom has been an insightful and eloquent spokesman for U.S. interests in the strategically vital Middle East. His letter, and the accompanying AIPAC memorandum, set forth the case for keeping our forces in Lebanon. I commend my colleagues attention to Tom's thoughtful words, as we consider our vote on the Stratton-Long amendment.

The letter and memorandum follow:

AMERICAN ISRAEL
PUBLIC AFFAIRS COMMITTEE,
Washington, D.C., October 26, 1983.

Hon. JACK KEMP,
U.S. House of Representatives,
Washington, D.C.

DEAR JACK: Given the tragic events of recent days surrounding our Marines in Lebanon, I call to your attention an AIPAC memorandum of September 15th that discusses the importance of continuing their presence. The rationale for our forces in Lebanon is as valid today as it was on September 28th when a bipartisan majority of the U.S. House of Representatives voted favorably to support the compromise resolution.

To withdraw the U.S. Marines now in the face of Sunday's terrorist attack would provide the clearest evidence that large-scale terrorism works and that the U.S. is not prepared to stand up to terrorism. Pulling the Marines out now would project an image of American weakness which would have a negative effect on world order and on countries which look to the United States for assistance. It would send a signal to allies like Israel that we are no longer willing to defend American interests in the Middle East.

Enclosed is a copy of the AIPAC memorandum.

With warmest personal regards.

Sincerely

THOMAS A. DINE.

[Memorandum of September 15, 1983]

SYRIA'S WAR AGAINST LEBANON

It is in the American national interest to maintain an independent and stable Lebanese government and to assist in reasserting its authority over all Lebanon. Achieving this requires a clear American resolve, jointly expressed by the Executive Branch and the Congress. The United States must not only maintain its forces in Lebanon, it must also be willing to use them if necessary. These are fundamental prerequisites to bring Lebanon back from the brink of a Soviet-backed Syrian takeover.

From the day that the American sponsored Israel-Lebanon Accord was signed, Syria has made it clear in actions and words that its objective is to overthrow the Lebanese government. Damascus has:

Sponsored attacks on the Multinational Peacekeeping Force in an effort to weaken Western support for the Lebanese government. (It is also the prime suspect in the bombing of the American Embassy)

Organized a Lebanese opposition of Druze, Shiite and leftist Sunnis in an attempt to undermine the legitimacy of President Amin Gemayel.

Vetoed an American-brokered political settlement between the Government and the Druze in a successful effort to ensure the outbreak of hostilities in the Chouf mountains which surround Beirut and create chaos within the city itself.

Dispatched some 2,500 PLO, Iranian and Libyan troops to assist the Druze in the takeover of the Chouf and the advance on Beirut.

Supplied large scale logistical and communications support for this campaign.

Moved its own forces west to the strategic position of Bhamdoun on the road to Beirut.

Refused to withdraw its 40,000 troops from Lebanon, despite a formal Lebanese request.

Sought Lebanon's expulsion from the Arab League.

Without the backing of the United States, the Lebanese Army will be unable to block the Syrian-sponsored advance on Beirut and the Lebanese government will fall. Lebanon will be lost.

If this is permitted to happen, the United States will suffer a severe strategic setback:

The balance of power in the Middle East heartland will tip in favor of the Soviet Union and its radical proxies.

Moderate regimes—not just in the Middle East and the Persian Gulf but throughout the world—will feel that they cannot count on the support of the United States.

Lebanon will be recreated as the base for international terrorism.

The strategic position of the West in the Mediterranean will be weakened.

An already unstable region—vital to the United States—will be further destabilized.

Beyond this, the American-sponsored peace process will be seriously undermined:

The Israel-Lebanon Accord will be stillborn and Lebanon will be embroiled again in the Arab-Israeli conflict.

American diplomacy will be discredited.

Syria and the Soviet Union will have established a stranglehold over the peace process which Jordan and Saudi Arabia will not dare challenge.

Syrian intransigence, aggression and subversion will be rewarded, creating the conditions for a larger war in the future.

Syria's President Assad will emerge as a new Nasser with the ability and motivation to threaten pro-American regimes in the Arab world.

Lebanon can be saved. But a clear American resolve is the prerequisite. For too long the Administration has been prepared to believe the best of the Syrians, which has only enabled Assad to do his worst.

If the United states is now prepared to say no to Syria in a resolute voice which has the backing of the Congress and the American people, Assad will have to think again. If the Syrians and their surrogates understand that further offensive action will not be tolerated, they are unlikely to continue their advance on Beirut. If the Lebanese factions realize that while we will not become involved in civil strife, we most certainly will deter foreign intervention, they will have to take the task of political reconciliation more seriously.

There is nothing inevitable about a Syrian victory in Lebanon. The national interest demands that the United States prevent it.●

PRESS BANNED IN GRENADA

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. HAYES. Mr. Speaker, I feel compelled today to voice my concern over, not only the recent events in Grenada which have culminated in the armed intervention of that country by forces from the United States and certain Caribbean allies, but also by the ban of the press, imposed by the Reagan administration.

America's press—its print, its radio, and television reporters—were barred from providing our citizens with on-the-scene news coverage of events occurring inside Grenada, events involving the U.S. invasion of this tiny island, by the militarily strong United States. The American public is entitled to be informed of the actions being taken by the U.S. military in Grenada or anywhere else in the world.

Once again, we sent our marines to be used as the "world's policemen." Whether or not we accept the peculiar rationale released by the administration to justify this gunboat diplomacy, the American people cannot accept, for another day, the denial of their historically hard-earned rights to have the facts of such events brought directly to them by their own free and unrestricted press. Mr. Speaker, I deplore President Reagan's actions to disallow the American people the opportunity to see and hear the actions taking place in Grenada, not simply through the Pentagon's reports, but through the investigative process supplied by our own free press. I hope that the right to freedom of the press would be honored should a similar situation develop.

The survival of our right to be informed through our own free press may well be worth whatever risks such assignments may bring to our newspeople.●

TRIBUTE TO AMERICA'S TEACHERS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. WILLIAMS of Montana. Mr. Speaker, yesterday I introduced House Resolution 349, to express the thanks of the House of Representatives to America's teachers.

American education is both a potter's wheel and a mirror of our values. It shapes our future while reflecting our present and our past. As such its condition is always a reflection of either our neglect or our care and concern. There are clearly cases of individuals doing less than their best. But it is our lowered expectations, our benign neglect that is the greatest culprit.

During American Education Week, as all of us struggle to find solutions to the difficulties facing American education, let us take a moment to "thank a teacher"—to recognize that America's educators have been—and will be again—one of our greatest resources.

The wording of the resolution follows:

Whereas, America's schools and personnel play a significant role in helping families insure their children's growth and development;

Whereas, America's teachers contribute significant effort to encouraging the intellectual development of American citizens;

Whereas, America's schools help youngsters acquire important and positive social skills that help them survive the vagaries of change and of chance;

Whereas, America's tremendously productive and imaginative workforce are products of the country's universal education system;

Whereas, America's scientists and inventors, the harbingers of our future, are educated in America's schools;

Whereas, American education has been and remains the crucible for encouraging the collaboration of our ethnic and cultural diversity; and

Whereas, America's schools have consistently provided an informed citizenry who have been willing to work for a free nation and a free world: Now, therefore, be it

Resolved, That as the week of November 13-19 is designated American Education Week, 1983, the House of Representatives of the United States, while fully recognizing the difficulties currently facing America's educational system, extends its thanks to America's teachers and other educational personnel for the many positive contributions American education has made to the quality of our lives. Further, the House of Representatives calls on all Americans to join together in working for the restoration of America's educational system to its rightful place of preeminence among America's other great cultural institutions.●

A REASONABLE DELAY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. FISH. Mr. Speaker, we have tried for some time to reach an agreement with the Soviet Union on intermediate range forces in Europe. Our goal has consistently been to minimize the number of nuclear missiles and warheads on both sides. Thereby reducing the threat of Soviet SS-20's aimed at Western Europe. Our allies have been fully behind deployment, yet elements in Western Europe continues to rally against the December placement of Pershing II and cruise missiles.

Although we are placing these missiles in Europe in response to Soviet deployment of SS-20's aimed at our allies, the Soviets do not view our action in this manner. A new escalation of the arms race, due in part to Soviet overreaction, could in fact endanger Europeans rather than making them safer. Destabilization could follow when our plan is to stabilize the balance of power.

I think we can avoid these potential consequences of deploying the Pershing II and cruise missiles while achieving our goals. Serious efforts must be made on both sides to reach an agreement, at least in principle, by December. But the pressure of meeting this deadline could be too great to provide a sound basis for agreement. A delay, along the lines suggested in the following editorial by Tom Wicker in the October 24 New York Times, could help in breaking the current impasse in negotiations.

I urge my colleagues to read Mr. Wicker's comments closely. He is not suggesting anything that would endanger our allies or cause the President to lose credibility. What do we lose by an offer by President Reagan to delay initial deployment by 6 months if the Soviets agree in principle to negotiate within that period a treaty providing for minimum U.S. deployment of cruise missiles, no Pershing II's, and dismantling of most of their SS-20's?

Mr. Wicker's article follows:

BREAKING THE DEADLOCK

(By Tom Wicker)

Demonstrations against the deployment of American medium-range missiles in Europe have so far changed nothing, and the Soviet-American negotiations in Geneva remain deadlocked; so the superpowers are at an impasse that if not broken will result in a new and unnecessary round of nuclear escalation.

On the one hand, the United States has pledged to begin deployment of 572 Pershing 2 and cruise missiles in December if no agreement is reached by then to reduce the number of Soviet SS-20 missiles aimed at Western Europe. Such an agreement, the U.S. insists, must be based on rough equality with the Soviet Union in medium-range weapons.

On the other, the Russians have pledged not to enter an agreement that allows the U.S. to deploy any medium-range missiles in Europe, since these could reach the Soviet Union itself. And Moscow is equally committed to responding in kind when and if such deployment begins.

Neither side shows the slightest willingness to back away from these pledges. Each hopes, no doubt, that the other will give in. But the primary reason each is adamant is the fear that if it yields it will be perceived by the other as weak—the loser in a high-level game of chicken.

It's difficult to understand, after 40 years of cold war and the arms race, how either superpower could think the other lacking in will. But both apparently fear some last-minute compromise would only cause the other to harden its terms; and Mr. Reagan has repeatedly said that he does not expect Moscow to bargain seriously until after U.S. deployment begins.

He may be right; the Russians have not pledged categorically to break off the negotiations if deployment begins. And if the apparent ineffectiveness of antinuclear demonstrations in Europe finally has disabused Moscow of the notion that deployment can be prevented by public protests, the Russians may be induced to make the best deal they can.

But much will have been lost. The Russians are committed to respond to Western deployment by stationing more nuclear weapons in Eastern Europe and emplacing missiles where they will threaten the mainland U.S. as the Pershing 2's will threaten Soviet home territory—with only about eight minutes' warning time. That probably means missiles aimed at the U.S. from the Chukotski Peninsula across the Bering Strait from Alaska; and it may mean more Soviet submarines with nuclear missiles stationed near North American coasts.

If it follows the historical pattern of the arms race, this Soviet "response" may well exceed the initial U.S. deployment. Even if it doesn't, because the U.S. insists that placing missiles in Europe only redresses a present Soviet advantage, any new Soviet action may be seen by American hard-liners not as a response but as an unwarranted extension of the original Soviet advantage.

Not only will both superpowers then literally threaten each other with intermediate-range missiles, a highly destabilizing development. The difficulties of reaching an agreement at Geneva also may be compounded; and the escalation of suspicion and ill will—of which both sides already have plenty—will have further darkened Soviet-American relations.

Is this familiar cold war action/reaction ritual really necessary once again? Must each side keep on playing chicken when agreement is in the interests of both?

Mr. Reagan already has gone further than he probably ever expected to in seeking that agreement; and full U.S. deployment will require a minimum of five years anyway. Why wouldn't it make sense, therefore, for Mr. Reagan to offer a six-month delay in initial deployment if the Russians agree in principle to negotiate within that period a treaty providing for no Pershing 2's in Western Europe, minimum U.S. deployment of cruise missiles and commensurate dismantling of Soviet missiles?

That might open the way to something like the "walk in the woods" agreement in-

formally reached by the Geneva negotiators last year—75 slow U.S. cruise missiles and 75 Soviet SS-20's, giving the West a warhead edge but precluding what Moscow fears most, the deployment of Pershing 2's only eight minutes from Soviet targets.

It's true that Yuri Andropov now insists on no U.S. deployment at all, but the Russians also have let fall some hints that the "walk in the woods" formula might be negotiable. If Mr. Reagan compromised on the December deadline, Mr. Andropov might yield on his no-deployment stance. And if no agreement finally were reached within the six months, nothing would be lost but a brief delay in U.S. deployment.

Such an offer would please the NATO allies, who prefer an agreement to deployment; and if Mr. Andropov refused it, the onus would clearly be on him. Besides, why shouldn't the U.S., at so little cost and in the pursuit of arms reduction, make the first effort to break a needless deadlock?●

H.R. 2382

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. TAUKE. Mr. Speaker, we are pleased to announce today that 221 Members of the House have cosponsored H.R. 2382, the Broadcast Licensing, Renewal, and Deregulation Act. It is genuinely encouraging that, in less than 7 months, this important legislation, designed to remove burdensome and unnecessary radio and television regulations, has received the strong support of a majority of the House.

This widespread support indicates that it is time for the House to address this issue.

The Senate has supported, on two separate occasions, the deregulation of the broadcasting industry. It has had the opportunity to debate and vote on this issue. And it has shown that it overwhelmingly favors deregulation of the broadcasting industry.

The House, on the other hand, has not been given the opportunity to consider broadcast deregulation legislation. We should do so now, and I am confident that we will.

The 1934 Communications Act, under which the broadcasting industry operates, was written when fewer than 600 radio stations were on the air, and television was only a pipedream. Substantial regulation was necessary because many communities had access to only one or two radio outlets. But today the situation is different. Currently, more than 9,200 radio stations and more than 1,100 television stations are on the air presenting a multitude of choices for consumers. In this competitive marketplace, which has rapidly exploded, it is difficult to find justification for substantial regulation.

In my view, the enactment of H.R. 2382 would benefit Americans because: First, it upholds the principle of the first amendment; and second, it relieves Americans of the costs of unnecessary Government regulations.

Government-imposed requirements that stations broadcast specified amounts of particular programing inherently intrude upon the broadcasters' first amendment right of free speech. By their very nature, Government-imposed programing obligations remove programing decisions from broadcasters and their viewers and give those decisions instead to the Government. In my view, it is inappropriate to allow Government officials to determine the kinds of programing that broadcasters must air.

Further, Americans pay, in a variety of ways, for the regulations that H.R. 2382 would eliminate. As taxpayers, they pay for the Federal bureaucracy that is necessary to enforce these regulations. As television viewers and radio listeners, they indirectly pay the costs of the regulations to the extent that radio and television stations must spend their limited resources on complying with these rules rather than on providing programing services to the public. And as consumers of products and services advertised on radio and television, they also indirectly pay the costs of these regulations to the extent that stations increase advertising rates in order to recover the costs of complying with these rules.

At the heart of this legislation is the elimination of the so-called comparative license renewal process. The comparative renewal process was supposed to spur incumbent licensees to provide programing of interest to radio and television listeners and viewers served by those stations. In fact, however, stations have an economic incentive to broadcast programing of interest to their audiences even in the absence of the comparative renewal process because stations which do a good job of serving their communities tend to be more profitable than those which do not. People listen and watch stations that are good performers.

Another important aspect of H.R. 2382 is the elimination of the formalistic ascertainment requirements. Under that ascertainment process, stations must spend large amounts of money to supply the FCC with detailed, written reports and the results of their interviews with community residents on the kinds of programing desired by those residents. Unfortunately, failure to interview the proper number of community residents, failure to conduct interviews in the manner prescribed by the FCC, or failure to supply the interview results in the format approved by the Commission will subject a license to enforcement actions.

We are moving forward to allow full House consideration of this vital issue. Attempts to allow full consideration of the broadcast deregulation issue have been stymied in the past by an influential minority of the House. I am confident that now, with the support of a majority in the House, we will have the opportunity to seriously and fully consider this important issue.●

MARYLAND CHAPTER HONORS JOSEPH ROCHE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. LONG of Maryland. Mr. Speaker, it gives me great pleasure to share with my colleagues some of the outstanding achievements of one of my constituents, Mr. Joseph A. Roche, a highly respected member of the Baltimore community, who has been a moving force in the local and national chapters of the Ancient Order of Hibernians. On Saturday, October 29, the Maryland chapter of the Ancient Order of Hibernians will be honoring Joseph Roche for his unselfish contributions to this fine organization.

Joseph Roche's record of service to the order goes back 25 years at the division, county, State and national levels. In August 1982, Mr. Roche was honored by his colleagues in the Ancient Order of Hibernians with its greatest achievement—the office of national president. Throughout his association with the order, Mr. Roche has been known as a man who can get the job done. His record as national organizer is unmatched. As a result of his intensive membership drives, 50 divisions were added to this fine organization over a 5-year period.

Beyond his activities with the Ancient Order of Hibernians, Joseph Roche finds time to be an active member of his community through memberships in the Kingsville Recreation Council, the Maryland Irish Caucus, and the Emerald Isle Club. I know my colleagues join me in wishing John A. Roche, his wife, Lucille and their seven children—"Slainte."●

PROTECTING OUR NUCLEAR WEAPONS PRODUCTION FACILITIES VITAL TO OUR NATIONAL DEFENSE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. DINGELL. Mr. Speaker, protecting our nuclear weapons production facilities from theft and sabotage is vital to the national defense, as well as, the health and safety of our Nation. Over the past year, the Subcommittee on Oversight and Investigations has spent a considerable amount of time on this issue. Because of the

highly sensitive and classified nature of the subject, unfortunately, we have had to conduct the investigation in a nonpublic fashion. Although improvements have been made, we are far from satisfied with the pace of the improvements, as well as, the management structure and the attitudes of certain key officials at the Department of Energy.

Mr. Speaker, today, I sent a letter to Secretary Hodel, outlining several of my concerns about this program.

The letter follows:

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., October 26, 1983.

Hon. DONALD P. HODEL,
Secretary, Department of Energy, Washington, D.C.

DEAR MR. SECRETARY: From your participation in our hearing process and our mutual discussions, you are well aware of the deep and abiding concern of the Subcommittee on Oversight and Investigations over failures within your Department. Government-owned facilities which produce nuclear materials and nuclear weapons critical to the national defense are not adequately protected. This, as you know, has been amply proven by our investigation into the extent of the inadequacies and the reasons that this sorry situation arose.

However remote the possibility, if there were a successful theft of significant quantities of Special Nuclear Material (SNM) or sabotage at one of these facilities, the impact on the nation's weapons program and the public health and safety would be incalculable. As you know, a number of these facilities are one-of-a-kind—if sabotaged, the weapons program would come to a halt for as long as six to twenty-four months with attendant serious impacts on our stockpile and our nuclear deterrent capability.

The attitude of Department of Energy officials directly responsible for the safeguards program is unacceptable. They have attempted to mislead this Subcommittee and, according to the General Accounting Office, have mislead the President. They appear to be more dedicated to turf battles and bureaucratic infighting than they are to protecting the national security. Now I learn that key officials are being rewarded for their actions rather than punished.

An award should serve as a clear beacon of outstanding public service to the rest of the bureaucracy. The action of these individuals is so threatening to the national security that it makes a mockery of the process. For example, an Assistant Secretary received a $10,000 bonus after he was allowed to resign. I suggest that these awards be rescinded and the money returned to the Treasury.

Since the September 1982 hearing, we have found examples of vaults containing significant quantities of plutonium in a desirable form, which could not be defended; sensors and alarms that do not work; guards who cannot shoot; during one exercise, guards fired on one another rather than the attacking force; a guard force with a .6% chance of interrupting an attacking force; a guard force that responded to a mock attack 16 minutes after the attackers had left with plutonium; a Japanese camera crew, in a helicopter, filming a highly sensitive bomb facility without challenge; contractors refusing to allow guards to respond to a mock attack; and, a disgruntled former employee who drove past guards at the main gate and threatened to destroy a key facility.

It is clear to me that you are being ill-served by those subordinates who are being so richly rewarded. If the Department of Energy had followed the recommendation made a year ago by the General Accounting Office and the Subcommittee and had established an Office of Safeguards Evaluation reporting directly to the Secretary, you could have saved yourself a good deal of grief and the country an unacceptable risk.

Since 1981 and after the severe vulnerabilities came to light at our most critical weapons facilities, the five key officials responsible for the safeguards program have received over $115,000 in cash awards and several Presidential Awards and Secretarial Gold and Silver Medals. This flagrant cronyism is the most outrageous example of the "Buddy Bonus System" I have seen to date.

For example, in January 1983, exercises were conducted at Savannah River which resulted in the guard force refusing to take certain critical actions. It was also revealed that the guard force had no plans or training to conduct other essential operations to protect the facility from theft of plutonium and sabotage of production reactors. Therefore, for years the public health and safety was in serious jeopardy—and key officials either knew for years, or should have known, of this situation. Security at Savannah River has improved substantially since the Committee and the Department of Energy have focused on the problem—a clear sign the job can be done.

We were assured by top Department of Energy officials at a hearing on September 10, 1982 that the security at these facilities was adequate. This, despite the fact that independent assessments conducted in 1979 and 1980 by the Department of Energy and the General Accounting Office had clearly identified major deficiencies in the management structure underlying the defective physical protection program. While the Subcommittee was staggered by the contrast between the Department of Energy's view that essentially all was "okay" and by the (by then abolished) independent assessment program reports, it was even more deeply disturbed by subsequent events. After the September 1982 hearing, a series of additional revelations, identified only because of the direct pressure of this Subcommittee, provided a distressing view of the ability of the Department of Energy to protect vital materials and facilities at a variety of locations. We observed a clear indifference on the part of the Department to make key changes in the personnel responsible for its failures. The Department seems to have failed to recognize the connection between the woefully ineffective systems and attitudes and the people responsible for them in the first place.

The Subcommittee held hearings on Savannah River and related issues in April 1983. At that hearing, I pointed out that certain key officials at the Department of Energy had put this nation's national security and public health and safety in serious jeopardy. The Subcommittee wanted to know who was going to be held accountable for these and other incredible failures. Assistant Secretary Roser was later asked to resign—but Mr. Roser is not the only responsible official. I asked you to carefully examine the role of other responsible officials—in particular: Troy Wade, Principal Deputy Assistant Secretary; James Culpepper, Deputy Assistant Secretary for Security Affairs; Ralph Caudle, Director of the Office of Safeguards and Security; and Robert Morgan, Manager of the Savannah River Operations Office.

Since the April hearing, the list of facilities with seriously inadequate security systems is growing—at least three other facilities have come to the attention of the Subcommittee Members. The staff has recently visited two of these facilities, interviewed officials, and reviewed documents.

These visits and documents reveal the depressing fact that key Department officials, the same officials involved from the beginning, should not have been surprised by these situations. There were documents in the system that clearly revealed the problems. One of these situations came to light nine months after the September 1982 hearing—the other, a year later.

In what would appear to be a frantic attempt to rectify a managerial problem, suddenly, massive resources and personnel are now being poured into these facilities in an attempt to string goldplated fencing around a serious managerial problem.

International terrorism is increasing, and consequently, the risk to our weapons facilities has increased. For example, one of the major objectives of General Dozier's kidnappers was to determine the location of U.S. nuclear weapon stockpiles in Europe. Colonel Khaddafi's interest in obtaining a nuclear weapon or weapons material is well-known. Of serious concern is the recently revealed theft and sale of extremely sensitive technology involved in the Minuteman missile program.

The debacle in Lebanon is a case in point. I am sure that if something happens at one of these facilities involving an extortion attempt or a nuclear explosion, the Department of Energy and the National Security Council will suddenly decide it is time to take this issue seriously. Then, of course, it will be too late.

In the face of this management debacle, you can imagine my surprise when I learned that five of the officials identified in the April hearing as bearing a major share of the responsibility for this situation have been rewarded with medals and bonuses for their "outstanding" work at the Department of Energy on the safeguards program. I am incredulous.

The following are examples of the Department of Energy's perverse reward and punishment system:

Herman Roser, Assistant Secretary for Defense Programs, killed the independent assessment program which had been severely critical of his security program when he was the Manager at Albuquerque. At the Subcommittee's hearing in September 1982, he misled the Subcommittee about the status of security at the Department of Energy's facilities. He was recently asked to resign. Mr. Roser received the following awards: 1980—Presidential Meritorious Service Award—$10,000; 1981—11 percent SES bonus of $5,802; 1982—19 percent SES bonus of $11,115; 1983—15 percent SES bonus of $10,080.

Troy Wade, Principal Deputy Assistant Secretary, was the Assistant Secretary's point man on safeguards and heavily involved in the issue over the last year. Mr. Wade also recommended that Mr. Roser terminate the independent assessment program. Mr. Wade received the following awards: 1981—President's Meritorious Service Award—$10,000; 1982—17 percent SES

bonus of $9,945; 1983—Secretarial Meritorious Service Award (Silver Medal), and 19 percent SES bonus of $12,768. Mr. Wade was further rewarded recently by being named Manager of the Idaho Operations Office.

James Culpepper, Deputy Assistant Secretary for Security Affairs, has line responsibility for the Department of Energy's safeguards program. Mr. Culpepper was in charge of developing the controversial Sixth Annual Report to the President on the status of safeguards. The General Accounting Office characterized that report as misleading. Mr. Culpepper received the following awards: 1981—20 percent SES bonus of $10,022; 1982—10 percent SES bonus of $5,850; 1983—8 percent SES bonus of $5,240.

Ralph Caudle, Director of the Office of Safeguards and Security, has the day-to-day responsibility for the safeguards at weapons production facilities. Similar to Mr. Roser, Mr. Caudle continued to assure the Subcommittee that security at Department of Energy facilities was adequate. This was not true and documents in his file clearly indicated that it was not true. Mr. Caudle received the following awards: 1982—5 percent SES bonus of $2,925, and Special Act of Service Award of $5,000; 1983—Secretarial Meritorious Service Award (Silver Medal), and 11 percent SES bonus of $7,018.

Robert Morgan, Manager of the Savannah River Operations Office, in 1981, as Acting Assistant Secretary, put a hold on the independent assessments program that had been highly critical of safeguards at Savannah River. At the September 1982 Subcommittee hearing, Mr. Morgan misled the Subcommittee about the status of safeguards at Savannah River. In January 1983, a Department of Energy assessment found Savannah River safeguards in shambles. Mr. Morgan received the following awards: 1981—Presidential Distinguished Service Award—$20,000; 1982—11 percent SES bonus of $6,435; 1983—Secretarial Meritorious Service Award (Gold Medal).

This is a curious reward and punishment system—it seems to have been stood on its head. Those who put the public health and safety and the national security in jeopardy are rewarded and those who bring serious problems and vulnerabilities to light are going unrewarded.

Would you please supply all documents, memoranda, correspondence, and related papers involved in the recommendation and consideration of the various awards and promotions for Messrs. Roser, Wade, Culpepper, Caudle, and Morgan.

Please supply the requested information by Wednesday, November 2, 1983. If you have any questions regarding this request, please contact Michael Barrett or Peter Stockton of the Subcommittee staff at 225-441.

Thank you for your cooperation in this matter.

Sincerely,

JOHN D. DINGELL,
Chairman.●

THE FARMINGTON ASSOCIATION CELEBRATES 30TH ANNIVERSARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mrs. JOHNSON. Mr. Speaker, I rise to commend the Farmington River Watershed Association of Connecticut as it celebrates 30 years of service to the Farmington Valley and the State. Founded in November 1953 by a handful of concerned citizens who had become alarmed by the deterioration of the Farmington River, the association deserves special recognition for responsible dedication to environmental preservation.

The association has clearly grown and prospered as demonstrated by the impressive membership which exceeds 1,000 individuals and over 100 corporate members. By working closely with valley towns fronting on the river, the association has been successful in its efforts to restore the quality of the Farmington's waters with parts of the river now graded "A" or drinkable, and the remainder safe for fishing and swimming.

On the eve of its 30th anniversary the association has numerous accomplishments to celebrate. Perhaps the most dramatic is the return of the Atlantic salmon to the Farmington, a project cherished by the association. Their compilation and publication of "Oil Spill" and "Toxic Waste Spill" manuals for use by watershed towns has better equipped these towns to meet emergencies. Today, the association is active in flood plain zoning issues, hydropower issues, and studying the consequences of acid rain. These accomplishments and involvements testify to the significant contributions which the association has made toward protecting the Farmington River and improving the quality of our environment.

Only recently, in cooperation with the Connecticut Department of Environmental Protection and the National Park Service, the association has completed a searching study of the watershed area outlining solutions to be considered by local communities. In 1981 the association played a significant role in the public referendum which by 2 to 1 defeated a planned diversion of the west branch of the Farmington River. for its outstanding environmental work the association was presented with the HCRS Achievement Award by the U.S. Department of the Interior.

I am delighted to recognize the association on the floor of the Congress and to share in the excitement of its 30th anniversary. The members of the association can take great pride in their contributions to environmental preservation. I look forward to the opportunity of working with the association in the years ahead to maintain this commitment and dedication to excellence.●

NEW YORK CITY CELEBRATES ITS 300TH BIRTHDAY

GARY L. ACKERMAN

OF NEW YORK

GERALDINE A. FERRARO

OF NEW YORK

JOSEPH P. ADDABBO

OF NEW YORK

JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Messrs. ACKERMAN, ADDABBO, SCHEUER, and Ms. FERRARO. Mr. Speaker, Queens County of the city of New York will be celebrating its 300th birthday on Tuesday, November 1. On that day in 1683, Queens County was established by an act of the New York Colonial Assembly. When it was formed, Queens County was three times its present size, and it included parts of what is now Nassau County. Because of its size and richness, Queens has helped its residents relax from the travails of the inner city. The path that has led Queens to where it is today has been paved with the commitment of these residents who decided to live in the "rural" outskirts of New York City, rather than in the main residential and industrial areas.

At its birth, Queens County was comprised of Newtown, Flushing, Jamaica, and Far Rockaway. As time passed, other communities sprung up within the county, each with their own unique characteristics leading to the diverse yet unified community that Queens County is today. Within a few miles a person can devour pasta, consume croissants, munch on a souvalaki, and drink saki. This ethnic diversity evident throughout Queens has served as a positive attribute which makes Queens such a unique place in which to live.

On January 1, 1898, the Borough of Queens, with its present boundaries, became incorporated into the city of New York. The amazing growth of the borough is best reflected by its tremendous population surge. In 1850, there were just 20,000 people in Queens, but by the time the county became part of New York City, the population grew to over 150,000 people. Many of these people were attracted by the appearance of industry and technology in this outer borough. By 1920, the population had reached nearly half a million. The continued population growth indicated a critical

need to make the borough more accessible to individuals from Manhattan, and to enable residents of Queens to travel to the inner city. Hence, the city of New York early in this century embarked on projects to erect bridges and construct tunnels connecting the two boroughs, early this century. These engineering feats allow millions of New Yorkers to commute between the boroughs, and is a blessing to the 2 million present residents of Queens.

Queens has also developed as a place of parks, entertainment, and recreation. The borough has served as home of the 1939-40 and the 1964-65 World's Fairs; the first home of the United Nations, the point of entry to this country of countless immigrants through Idlewild—now John F. Kennedy—Airport; and the subject of many of F. Scott Fitzgerald's writings. In addition, Queens has established itself as a sports mecca by serving as home for the 1969 World Champion New York Mets, is the present site of the U.S. Open Tennis Tournament, and the hometown of numerous world-class athletes. Despite all these edifices, organizations, and people, Queens has not received the recognition it merits. That, however, keeps our home borough as the special treasure of its residents.

Mr. Speaker, Queens County has served as a home, a place of work, and a place of creation for millions of Americans and countless other citizens of the world. We ask that the Members of the Congress of the United States join us in congratulating Queens County; Donald R. Manes, borough president; John E. Rollo, chairman of the Queens Tricentennial Commission; members of the Queens Tricentennial Commission; and citizens of the Borough of Queens.●

ROUKEMA LAUDS WYCKOFF MAN

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mrs. ROUKEMA. Mr. Speaker, whenever U.S. troops are committed to combat, as they were earlier this week in Grenada, all of us are concerned in the utmost for their safety. In this instance, we were also concerned for the safety of the U.S. citizens on the island.

Because of the nature of the operation, communication with Grenada was limited at best. Naturally, this caused even greater anxiety for relatives of those involved.

One of the heroes of this week is Robert Neukomm of Wyckoff, N.J., who spent hour after hour in front of his ham radio maintaining one of the few direct links this country had with Grenada during the confrontation. Despite a recent illness which had hospitalized him, Mr. Neukomm, who is 62 years old, remained at his station and provided valuable information to relatives of U.S. nationals on the island and of servicemen, the news media, and even the State Department.

Mr. Neumann is a Marine veteran himself, a member of the Bergen Amateur Radio Association, and official section manager for the Northern New Jersey American Radio Relay League. Although he was exhausted, he continued to operate his radio, and, when asked if he did not want some sleep, replied, "My first obligation is to help in the 'national emergency.' "

This has been a difficult week for our country, but we should all be heartened by the example of Robert Neukomm.●

MARCOS AND AQUINO

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. STUMP. Mr. Speaker, I would like to submit the following article by Frederic S. Marquardt which appeared in the Arizona Republic on August 23, 1983:

President Ferdinand Marcos of the Philippines has been called a dictator, but no one ever called him stupid.

So put aside the theory that he ordered the assassination of his political foe, former Philippine Sen. Benigno Aquino Jr.

Marcos could handle Aquino alive. Dead he might become a hero-martyr.

In fact, Marcos had gone out of his way to try to persuade Aquino to stay in the United States. The president's wife, Imelda, sought out Aquino in New York recently and told him that Philippine army intelligence had heard about a plot to kill him. She advised him to delay his return until security forces could catch the plotters.

Oddly enough, that made his return double jeopardy. He already was under a death sentence for murdering a lieutenant in his native province of Tarlac.

In the same 1977 trial, he had been convicted by a military court on charges of possession of firearms and of being a Communist. Two leaders of the Communist Party of the Philippines were found guilty at the same time.

Aquino refused to testify in the trial and said he was convicted by a kangaroo court. Marcos ordered the trial reopened so Aquino could present his evidence. He again was convicted.

Altogether, Aquino spent eight years in jail.

Probably because he did not want his leading opponent to die in a Philippine prison, Marcos gave him executive clemency and allowed him to go to Dallas for open heart surgery in 1980. After a triple coronary bypass operation, Aquino became an energetic activist.

He forgot his promise to go home, linked up with the Movement for a Free Philippines headed by another ex-senator, Raul Manglapus, and took an active part in the plot to "destabilize" Marcos.

Harvard University made him a fellow on its Council for International Relations. He pushed his anti-Marcos crusade in signed articles in the Wall Street Journal and elsewhere. In New York he warned Marcos to step down or face an urban guerrilla uprising far greater than those of the Communists and Muslims in the Philippines.

Not long thereafter 10 bombs were exploded in metropolitan Manila, killing an American woman tourist and injuring 30 others. An American-Filipino named Arther B. Lovely, who claimed he learned terrorist tactics at a camp in Arizona, went to Manila and blew himself up making a bomb in his room at the YMCA.

Asked about going home, "Ninoy" as Aquino is familiarly known, said, "I have no moral obligation to return to my solitary cell because I was jailed by an illegal regime which has no moral authority."

Meanwhile, partly under American pressure, Marcos was lightening the bonds of his dictatorship. He put an end to martial law, disbanded the military courts, held open elections. Strangely enough, Aquino's followers boycotted elections they had demanded.

When Imelda Marcos told Aquino he would be jailed if he returned to Manila, he said, "I assumed she did not want me back, so I thought I had better go."

For months he had been announcing his coming departure. When the Phillippine government would not renew his passport, he assumed another name, secured false travel documents, and persuaded China Airline, based in Taiwan, to fly him to Manila.

He had an American friend along with him, a radio newsman who happened to tape him an hour before he landed. "I am not afraid to die. I must lead my people," he said.

As Aquino got off the plane someone dressed as an airport maintenance man, came up behind him and shot him in the head. A bullet-proof vest was worthless. The assassin was gunned down in turn.

Just how Aquino expected to lead his people under a pseudonym is hard to figure out.●

GRENADA AND THE WASHINGTON POST

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. GOODLING. Mr. Speaker, not unnaturally the Washington Post ran an editorial on Grenada and our involvement there. The editorial, entitled, "Grenada: The Morning After," takes an unnecessarily belligerent attitude toward the crisis and our participation therein. Although relief is expressed that the American nationals in Grenada are safe, the editorial goes on to express misgivings about the loss of Cuban lives in the conflict, about who is supposed to guarantee a return to the democratic process in Grenada, and finally what negative repercussions our involvement in Grenada will have throughout Latin America. The

term "intervention" is repeatedly used throughout the editorial; glossed over is the fact that the east Caribbean countries requested the assistance of the United States in returning one of their own—to which they are treaty bound, under the Organization of East Caribbean States—to the democratic fold. Completely ignored is the Post's own report that Governor General Sir Paul Scoon of Grenada appealed to his Caribbean neighbors for help in bringing the island to normalcy.

With the murder of Prime Minister Bishop and 16 members of his government, and the house arrest of the Governor General, Grenada ceased to have a government. The thugs who overthrew the Bishop government did not attempt to style themselves as a government, and were able to overthrow the legal government only with the complacency and possibly the cooperation of the Cuban "construction workers"—armed like troops and which may number the equivalent of two battalions—for whom the Post's editors seem so concerned.

From the concluding paragraph of the editorial, I got the impression that the editors of the Post were hoping that the evacuated Americans would disclaim the need for U.S. involvement, or for a U.S. rescue mission. But on the front page of the Post was an article which most certainly vindicated the rescue mission. One of the medical students is quoted as saying: "I just can't believe how well those rangers came down and saved us." The article goes on to state: "Their reports, among the first eyewitness version of events since the invasion early Tuesday by the United States and several Caribbean allies, painted a tableau of fear, bloodshed, and chaos among students and citizens of the tiny nation." How sad that the editorial could not have praised the lengths to which the U.S. Government is willing to go through to secure the safety of its nationals, of the willingness of the U.S. Government to afford assistance to its tiny neighbors in the Caribbean, the East Caribbean States.●

A SHOT IN THE ARM FOR HOUSING

HON. RON WYDEN
OF OREGON
HON. RICHARD A. GEPHARDT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. WYDEN and Mr. GEPHARDT. Mr. Speaker, today we would like to introduce a refined version of a bill we offered earlier this year to help give the housing industry a much-needed shot in the arm.

H.R. 1418, the Residential Mortgage Investment Act of 1983, which we introduced in February, was designed to remove unnecessary and arbitrary regulatory barriers—erected by the Department of Labor in interpreting the ERISA statute—that have discouraged private pension funds from investing more than a miniscule percentage of their assets in housing and mortgage securities.

The bill we introduce today has the same goal—and the same effect. It differs only to the extent that it contains fine tuning provisions worked out during lengthy consultations between ourselves, the National Association of Homebuilders and the Building and Construction Trades Department of the AFL-CIO. This new bill represents a consensus agreement between those groups and ourselves as to how we can attain our common goal—insuring the economic vitality of private pension funds while identifying a new, important source of capital for the capital-starved housing industry.

Our bill represents good policy on all fronts.

It is cost effective. As a matter of fact, it would not cost the Government—or the taxpayers—1 single cent. Instead, it represents a marketplace solution to the needs of one of America's most important industries. That is why we are calling it the no-cost, no-subsidy housing bill, just as we called our earlier bill.

Our bill also is fair. It would not give preferential treatment to residential mortgages as an investment option for private pension funds. It simply would place those mortgages on an even footing with other investment opportunities by removing regulatory barriers that have resulted in their being treated as second-class investments—despite compelling evidence that residential mortgages are a better investment than some blue chip stocks and Treasury bills.

Finally, our bill protects the integrity of private pension funds. By retaining the prudent man rule, it insures that investments in residential mortgages will be made under the same traditional and conservative standards that followed for all pension fund investments.

Mr. Speaker, we do not pretend to believe that our bill will resolve all the problems of the housing industry. But we do think it will result in a significant new infusion of mortgage capital into the housing marketplace, and that this new source of capital will have a downward impact on mortgage interest rates—an important accomplishment for the housing industry and consumers alike.

We also think a majority of our colleagues will agree with us on this matter. Some 150 of our colleagues have signed on as cosponsors of the bill we introduced earlier this year, including the distinguished majority leader, Mr. WRIGHT. A similar bill we introduced during the 97th Congress also gained the support of a large number of our colleagues.

Mr. Speaker, once again, we are pleased to be able to introduce the new, consensus version of our no-cost, no-subsidy housing bill. This legislation will benefit the housing industry, consumers and private pension funds alike, and we urge our colleagues' full support.

The bill and section-by-section analysis follow:

H.R. 4243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Residential Mortgage Investment Act of 1983".

SEC. 2. AMENDMENT OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

Section 408 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108) is amended by adding at the end thereof the following new subsection:

"(g)(1) IN GENERAL—The prohibitions provided in Section 406(a) shall not apply to any of the following transactions:

"(A) Any qualified mortgage transaction engaged in by a plan if the transaction received the prior approval of an independent fiduciary.

"(B) The purchase, retention, sale, exchange, or transfer of any interest in a residential mortgage loan if the loan is eligible for purchase by or if the payment of principal and interest on the loan is guaranteed or insured by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, or any other Federal or State agency.

"(C) The acquistion, purchase, retention, sale, exchange, or transfer by a plan of any residential mortgage-backed security, or a participation in the security, if the security or participation bears one of the three highest ratings of a nationally recognized rating service.

"(2) DEFINITIONS—FOR PURPOSES OF THIS SUBSECTION—

"(A) The term 'independent fiduciary' means a fiduciary who—

"(i) is an individual or organization with expertise and experience in advising investors regarding transactions similar to the transactions which the plan desires to make and to the transactions described in this subsection; and

"(ii) acknowledges in writing to the plan that it will make decisions with respect to transactions described in this subsection for which the individual or organization is acting in its capacity as a fiduciary of the plan.

"(iii) as to a particular transaction, is not a party-in-interest other than in its capacity as a fiduciary of the plan under this subsection.

"(B) The term 'mortgage investment pool' means an aggregation of residential mortgage loans, originated by one or more lenders, that is established by a plan or lender, or transferred to a trustee, to create a residential mortgage-backed security.

"(C) The term 'origination' means carrying out the process by which financing is obtained for residential dwellings.

"(D) The term 'participation' means an ownership interest in a residential mortgage

loan, mortgage investment pool, or residential mortgage-backed security, which is held in common with another person or legal entity.

"(E) The term 'qualified mortgage transaction' means—

"(i) the issuance of a residential mortgage financing commitment by a plan;

"(ii) the receipt of a fee by a plan in exchange for issuing a residential mortgage financing commitment;

"(iii) the origination, acquisition, purchase, retention, sale, exchange, or transfer by a plan of a residential mortgage loan or a participation in the loan (regardless of whether the action is taken pursuant to a residential mortgage financing commitment);

"(iv) the sale, exchange, or transfer by a plan of a residential mortgage loan or a participation in the loan (regardless of whether the action occurred before or after the maturity date of the loan);

"(v) the servicing or contracting for servicing of a residential mortgage loan (regardless of whether the residential mortgage loan is part of a mortgage investment pool or a mortgage-backed security) by a plan for reasonable compensation, including collecting mortgage payments, assuring that taxes and insurance premiums for the residential dwelling units are paid, making decisions relating to foreclosures, and executing foreclosures;

"(vi) the acquisition, purchase, retention, sale, exchange, or transfer, or the issuance of a commitment to purchase or sell, an interest or participation in a mortgage investment pool or a residential mortgage-backed security; or

"(vii) the formation and operation by a plan of a mortgage investment pool.

"(F) The term 'residential dwelling' means a structure designed for residential use by one or more families including—

"(i) a detached house;

"(ii) a townhouse;

"(iii) a manufactured house (regardless of whether the house is considered real or personal property under State law);

"(iv) a condominium unit;

"(v) a unit in a housing cooperative;

"(vi) a unit in a multiunit subdivision (planned unit development) which is subject to recorded documents which limit the use of the unit to residential purposes for maintenance and facilities; and

"(vii) a structure consisting of two or more residential dwelling units.

"(G) The term 'residential mortgage financing commitment' means a contractual obligation or option to originate, acquire, purchase, retain sell, exchange, or transfer a residential mortgage loan, mortgage investment pool or a participation in the pool, which must be satisfied or may be exercised by a plan or a trust or other entity designed to facilitate such actions by a plan.

"(H) The term 'residential mortgage loan' means a loan secured by—

"(i) a mortgage or deed of trust on residential property held in fee simple absolute title as security for payment of a debt;

"(ii) the pledge of a leasehold with a term of at least 99 years;

"(iii) the pledge of a leasehold with a term extending at least 10 years beyond the term of the mortgage; or

"(iv) a leasehold wherein fee simple, absolute title vests in the borrower by operation of law; or

"(v) a mortgage or deed of trust secured by a condominium unit; or

"(vi) a loan secured by a share or shares in a residential cooperative.

"(I)(i) The term 'residential mortgage-backed security' means—

"(I) any interest in a mortgage investment pool which meets the requirements of clause (ii); or

"(II) any interest in a loan which is secured by a mortgage investment pool or residential mortgage-backed security and which meets the requirements of clause (ii); or

"(III) any interest in a debt instrument collaterized by the cash flow from a mortgage investment pool or residential mortgage-backed security.

"(ii) a mortgage investment pool or loan meets the requirements of this clause if the mortgage investment pool or loan—

"(I) is held in trust or under an agreement for the benefit of the security holders; and

"(II) is secured solely by, or represents solely interests in, residential mortgage loans, property which was used to secure residential mortgage loans and has been acquired by foreclosure, or undistributed cash.".

"(3) No rule, regulation or order shall be promulgated which implements, interprets or limits the provisions of paragraphs (1) and (2) of this subsection and no rule, regulation or order shall be promulgated pursuant to sections 406 or 408 which implements, interprets or limits the term "reasonable rate of interest" with respect to a qualified mortgage transaction."

SEC. 3. AMENDMENT OF THE INTERNAL REVENUE CODE OF 1954.

(a) EXEMPTION.—Subsection (c) of Section 4975 of the Internal Revenue Code of 1954 (relating to prohibited transactions) is amended by adding at the end thereof the following new paragraph:

"(4) EXEMPTION FOR CERTAIN MORTGAGE TRANSACTIONS.—The prohibitions provided in subparagraphs (A), (B), (C), and (D) of paragraph (1) shall not apply to any of the following transactions:

"(A) Any qualified mortgage transaction engaged in by a plan if the transaction received the prior approval of an independent fiduciary.

"(B) The purchase, retention, sale, exchange, or transfer by a plan of any interest in a residential mortgage loan if the loan is eligible for purchase by or if the payment of principal and interest on the loan is guaranteed or insured by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, or any other Federal or State agency.

"(C) The acquisition, purchase, retention, sale, exchange, or transfer by a plan of any residential mortgage-backed security, or a participation in the security, if the security or participation bears one of the three highest ratings of a nationally recognized rating service.".

(b) DEFINITIONS.—Subsection (e) of Section 4975 of such Code (relating to definitions) is amended by adding at the end thereof the following new paragraphs:

"(10) INDEPENDENT FIDUCIARY.—For purposes of subsection (c)(4), the term 'independent fiduciary' means a fiduciary who—

"(A) is an individual or organization with expertise and experience in advising investors regarding transactions similar to the transactions which the plan desires to make and to the transactions described in subsection (c)(4); and

"(B) acknowledges in writing to the plan that it will make decisions with respect to transactions under subsection (c)(4) for which the individual or organization is acting in its capacity as a fiduciary of the plan.

"(C) as to a particular transaction, is not a party-in-interest other than in its capacity as a fiduciary of the plan under subsection (c)(4).

"(11) MORTGAGE INVESTMENT POOL.—For purposes of subsection (c)(4) the term 'mortgage investment pool' means an aggregation of residential mortgage loans, originated by one or more lenders, that is established by a plan or lender, or transferred to a trustee, to create a residential mortgage-backed security.

"(12) ORIGINATION.—For purposes of subsection (c)(4), the term 'origination' means carrying out the process by which financing is obtained for residential dwellings.

"(13) PARTICIPATION.—For purposes of subsection (c)(4), the term 'participation' means an ownership interest in a residential mortgage loan, mortgage investment pool, or residential mortgage-backed security, which is held in common with another person.

"(14) QUALIFIED MORTGAGE TRANSACTION.—For purposes of subsection (c)(4), the term 'qualified mortgage transaction' means—

"(A) the issuance of a residential mortgage financing commitment by a plan;

"(B) the receipt of a fee by a plan in exchange for issuing a residential mortgage financing commitment;

"(C) the origination, acquisition, purchase, retention, sale, exchange, or transfer by a plan of a residential mortgage loan or participation in the loan (regardless of whether action is taken pursuant to a residential mortgage financing commitment);

"(D) the sale, exchange, or transfer by a plan of a residential mortgage loan or a participation in the loan (regardless of whether the action occurred before or after the maturity date of the loan);

"(E) the servicing or contracting for servicing of a residential mortgage loan (regardless of whether the residential mortgage loan is part of a mortgage investment pool or a mortgage-backed security) by a plan for reasonable compensation, including collecting mortgage payments, assuring that taxes and insurance premiums for the residential dwelling units are paid, making decisions relating to foreclosures, and executing foreclosures;

"(F) the acquisition, purchase, retention, sale, exchange, or transfer, or the issuance of a commitment to purchase or sell, an interest or participation in a mortgage investment pool or a residential mortgage-backed security; or

"(G) the formation and operation by a plan of a mortgage investment pool.

"(15) RESIDENTIAL DWELLING.—For purposes of subsection (c)(4), the term 'residential dwelling' means a structure designed for residential use by one or more families including—

"(A) a detached house;

"(B) a townhouse;

"(C) a manufactured house (regardless of whether the house is considered real or personal property under State law);

"(D) a condominium unit;

"(E) a unit in a housing cooperative;

"(F) a unit in a multiunit subdivision (planned unit development) which is subject to recorded documents which limit the use of the unit to residential purposes and provide for maintenance and facilities; and

"(G) a structure consisting of two or more residential dwelling units.

"(16) RESIDENTIAL MORTGAGE FINANCING COMMITMENT.—For purposes of subsection (c)(4), the term 'residential mortgage fi-

nancing commitment' menas a contractual obligation or option to originate, acquire, purchase, retain, sell, exchange, or transfer a residential mortgage loan, mortgage investment pool or a participation in the loan, which must be satisfied or may be exercised by a plan or a trust or other entity designed to facilitate such actions by a plan.

"(17) RESIDENTIAL MORTGAGE LOAN.—For purposes of subsection (c)(4), the term 'residential mortgage loan' means a loan secured by—

"(A) a mortgage or deed of trust on residential property held in fee simple absolute title as a security for payment of a debt;

"(B) the pledge of a leasehold with a term of at least 99 years;

"(C) the pledge of a leasehold with a term extending at least 10 years beyond the term of the mortgage;

"(D) a leasehold where fee simple, absolute title vests in the borrower by operation of law;

"(E) a mortgage or deed of trust secured by a condominium unit; or

"(F) a loan secured by a share or shares in a residential cooperative.

"(18) RESIDENTIAL MORTGAGE-BACKED SECURITY.—

"(A) IN GENERAL.—For purposes of subsection (c)(4), the term 'residential mortgage-backed security' means—

"(i) any interest in a mortgage investment pool which meets the requirements of subparagraph (B); or

"(ii) any interest in a loan which—

"(I) is secured by a mortgage investment pool or residential mortgage-backed security;

"(II) meets the requirements of subparagraph (B); and

"(III) any interest in a debt instrument collaterized by the cash flow from a mortgage investment pool or residential mortgage-backed security.

"(B) REQUIREMENTS.—A mortgage investment pool or loan meets the requirements of this subparagraph if the mortgage investment pool or loan—

"(i) is held in trust or under an agreement for the benefit of the security holders; and

"(ii) is secured solely by, or represents solely interests in—

"(I) residential mortgage loans;

"(II) property which was used to secure residential mortgage loans and has been acquired by foreclosure; or

"(III) undistributed cash.".

(c) REGULATIONS.—Subsection (f) of Section 4975 of the Internal Revenue Code of 1954 (relating to special rules) is amended by adding at the end thereof the following new paragraph:

"(6) REGULATIONS.—No rule, regulation or order shall be promulgated which implements, interprets or limits the provisions of paragraphs (4) of subsection (c) or of paragraphs (10) through (18) of subsection (e) and no rule, regulation or order shall be promulgated pursuant to this Section which implements, interprets or limits the term 'reasonable rate of interest' with respect to a qualified mortgage transaction."

SEC. 4. The provisions of sections 2 and 3 of this Act shall be in addition to and independent of any other provision of the Employee Retirement Income Security Act of 1974, as amended. Nothing in this Act shall be construed as limiting or otherwise affecting the interpretation or construction of the provisions of the Employee Retirement Income Security Act of 1974, as amended, and the Internal Revenue Code of 1954, as amended, in effect prior to the date of enactment of this Act.

DESCRIPTION OF S. — A BILL TO AMEND THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AND THE INTERNAL REVENUE CODE OF 1954 TO PERMIT THE INVESTMENT BY EMPLOYEE BENEFIT PLANS IN RESIDENTIAL MORTGAGES

The purpose of S. — is to remove unnecessary and artificial barriers which discourage employee benefit plan trustees from investing in the residential mortgage market. The bill contains four sections. Section One is the title, Section Two is an amendment to ERISA exempting certain residential mortgage transactions from the prohibited transaction provisions of ERISA, Section three is an amendment to the Internal Revenue Code of 1954 exempting certain residential mortgage investments from the prohibited transaction provisions of the Code, and Section Four makes clear that this exemption is in addition to any other exemption set forth in section 408 of the statute.

Section Two amends ERISA section 408 by adding at the end a new subsection. New subsection (g) provides that the prohibited transaction provisions found in section 406(a) of ERISA, will not apply to certain mortgage transactions engaged in by employee benefit plans provided certain conditions are met.

EXEMPT MORTGAGE TRANSACTIONS

The bill exempts three general classes of mortgage transactions. First, it exempts a specially defined category of qualified mortgage transactions if the transactions receive the prior approval of an independent fiduciary. Second, it exempts transactions involving residential mortgage loans if the loans are backed by the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Government National Mortgage Association, or any Federal or State agency. Last, transactions involving residential mortgage-backed securities or participations in such securities are exempt if the security or participation bears one of the three highest ratings of a nationally recognized rating service.

DEFINITIONS

A "qualified mortgage transaction" is defined to include the following transactions:

(1) The issuance of residential mortgage financing commitments by a plan.

(2) The receipt of a fee by a plan in exchange for issuing a commitment.

(3) The origination, acquisition, purchase, retention, sale, exchange or transfer of a residential mortgage loan or of a participation interest in such a loan.

(4) The sale, exchange or transfer of a residential mortgage loan or of a participation interest in such a loan regardless of whether the transaction occurred before or after the maturity date of the loan.

(5) The servicing (or contracting for servicing) of a residential mortgage loan (whether or not the loan is part of a mortgage investment pool or a mortgage-backed security) by a plan for reasonable compensation. Such servicing includes but is not limited to collecting mortgage payments, assuring that taxes and insurance premiums for a dwelling unit are paid, making decisions concerning foreclosures and actually executing foreclosures.

(6) The acquisition, purchase, retention, sale, exchange, transfer, or the issuance of a commitment to purchase or sell an interest in a mortgage investment pool or a residential mortgage-backed security.

(7) The formation and operation by a plan of a mortgage investment pool.

The term "independent fiduciary" is defined in the bill as an individual or an organization that is advising investors concerning mortgage investments and acknowledges in writing that it wil be a fiduciary with respect to such mortgage investment transactions. As to any particular transaction, an independent fiduciary may not be a party-in-interest other than in its capacity as a fiduciary.

A "residential mortgage loan" (hereinafter "loan") is any mortgage or deed of trust on a residence in fee simple; the pledge of a leasehold with a term of at least 99 years; the pledge of a leasehold with a term extending at least 10 years beyond the term of the mortgage; a leasehold for which absolute title vests in the borrower by operation of law; a mortgage secured by a condominium unit; or a loan secured by a share in a residential cooperative.

A "mortgage investment pool" (hereinafter "pool") is defined as an aggregation of loans originated by one or more lenders, that is put together by a plan or a lender, or transferred to a trustee, to create a residential mortgage-backed security.

A "residential mortgage-backed security" (hereinafter "mortgage-backed security") is defined as an interest in a pool, a loan secured by a pool or mortgage-backed security if the pool or loan is held in trust under an agreement for the benefit of the security holders and is secured by or represents solely interests in, loans, property which had secured the loans and has been acquired by foreclosure, and undistributed cash. A residential mortgage-backed security also includes any interest in a debt instrument collateralized by the cash flow from a pool or a mortgage-backed security.

A "residential dwelling" is described as any structure designed for residential use by one or more families and includes, but is not limited to, a detached house, a townhouse, a manufactured house, a condominium unit, a unit in a housing cooperative, a unit in a planned unit development and any structure having two or more residential dwelling units.

A "commitment" means a contractural obligation by the plan or an option to originate, acquire, purchase, retain, sell, exchange or transfer a loan, pool or a participation interest in such pool.

A "participation" is an ownership interest in a loan, pool, or mortgage-backed security, the ownership of which is held in common with others.

"Origination" is defined as carrying out the process by which financing is obtained for purchasers of residential dwellings.●

WHO ARE THE "CONCERNED SCIENTISTS"?

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. WHITEHURST. Mr. Speaker, journalists and opponents of nuclear power are wont to cite the Union of Concerned Scientists as their principal authority in making statements or writing articles in opposition to nuclear power, specifically the nuclear power industry.

The "Skeptical Eye" column in the November 1983, issue of Discover pursues the question of who the UCS really are, and for whom they really speak. I commend this to my colleagues, because I believe they will find it both interesting and enlightening—and I hope it will offer a slightly different perspective on the pronouncements emanating from this group.

CONCERNED SCIENTISTS?

The Union of Concerned Scientists. To those who follow the news, the name conjures up an image of masses of scientists, all looking concerned about nuclear energy. Indeed, few reporters complete their stories about the problems or progress of nuclear power plants without soliciting comments from the UCS. As a result, though the organization is also actively crusading against the nuclear arms race, it has become best known for its widely quoted views about nuclear power. Boiled down, the message conveyed by the UCS is clear: nuclear plants are inherently unsafe, and if they cannot be made safe, they should be shut down before a disaster occurs.

That viewpoint, supposedly supported by a large number of scientists, has had a powerful impact on public opinion and on the future of the nuclear power industry. But what the public, and apparently most of the press, does not know is that the UCS represents neither science nor most scientists.

Although five of the nine members of its board of directors are scientists, the directors have little to do with the day-to-day operations and nuclear energy pronouncements of the UCS. These are left to the energy staff, which consists of two lawyers, two non-scientist researchers, a policy analyst, two scientists, and a Navy-trained nuclear engineer.

It is the engineer, Robert Pollard, a former project manager for the Nuclear Regulatory Commission (NRC), who most influences the UCS on nuclear safety issues. Pollard, who left the federal agency when he became dissatisfied with its enforcement of nuclear plant regulations, feels that he has an important mission—"to keep showing the public that they're not being protected in the way the industry and the NRC claim they are." That is an admirable goal. But in trying to achieve it, Pollard has become a little overzealous. He thinks that not a single nuclear powerplant in the country meets NRC standards, and since none can, they should all be shut down.

Furthermore, Pollard considers nuclear plants to be more deadly then other power sources. He concedes that a major dam failure, for example, could kill as many as a quarter of a million people in minutes. Still, he says, "it's not going to fundamentally alter the human race," as he believes nuclear power accidents—and the consequent release of radiation—eventually could. It is this view that is conveyed by the press to the public as the voice of science.

In fact, despite the UCS's claim to some 100,000 members, or sponsors, as it calls them, it is far from the voice of science. Its sponsors are people who have read the UCS mail solicitations and contributed an average of $17 each to support the cause. How are they recruited? "We trade mailing lists, just like everyone else," says Howard Ris, the UCS deputy director. But how many of the members are scientists? Not only does the UCS not know, but in 1981 it refused to cooperate when two political scientists—Stanley Rothman of Smith College and Robert Lichter of George Washington University—asked to poll UCS sponsors to determine their scientific backgrounds.

That attempt was part of a larger study Rothman and Lichter conducted. They reported in the September 8 issue of *Nature* that, of 741 scientists they picked at random (from names listed in *American Men and Women of Science*) and queried, 53 per cent believed that the country should proceed rapidly with nuclear energy. Thirty-six per cent urged moving ahead, but slowly. Among energy experts (which included 163 from the random sample and 195 chosen specifically from fields related to energy) the respective percentages were 70 and 25. In addition, 68 per cent of the scientists and 85 per cent of the energy experts considered the risks of nuclear energy acceptable.

Perhaps the most important criticism of the UCS comes from a scientist who has served as an adviser to the group, Nobel laureate Hans Bethe, a nuclear physicist at Cornell. "I agree with everything they say about nuclear weapons," he says, "but disagree with everything they say about nuclear power." Bethe thinks the UCS is exploiting fears of nuclear power and distorting facts to support its cause. "It has to be made clear to the public," he says, "that nuclear power and nuclear arms are totally different things."

The fact remains that fear of nuclear energy is widespread among Americans. That is a tribute to the public relations skills of the UCS and the gullibility of reporters who accept its views as scientific gospel.●

ISRAEL BUYS SOUTH AFRICAN COAL WHILE U.S. COALFIELD UNEMPLOYMENT GROWS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. RAHALL. Mr. Speaker, on a number of occasions I have openly criticized the Japanese for dramatically reducing their purchases of U.S. coal while increasing their purchases from other exporting nations.

I make these criticisms because of the large trade imbalance between the United States and Japan, which is continuing to grow, and due to the fact that rather than buy from an ally, the Japanese are now investing in coal-related facilities in countries such as the Soviet Union and China.

I firmly believe that a certain degree of reciprocity must be maintained between the United States and its trading partners, especially when those trading partners benefit greatly from their relationship with this Nation.

I make no country exempt, and for this reason must extend my criticism to Israel.

When the Israelis look for coal, they do not look to the United States—the largest and most stable source of coal in the world. Rather, the Israelis go to South Africa and purchase coal produced by slave labor from an apartheid government.

Mr. Speaker, Israel is the beneficiary of approximately one-third of the U.S. foreign-aid package receiving many billions of dollars in grants and loans from our Government. In effect, U.S. citizens and businesses are paying taxes which support Israel's military and economy. Yet, those taxpayers in southern West Virginia and throughout the Appalachian coalfields are suffering from the worst coal slump in decades today. There is massive unemployment and misery in the hills and hollows of Appalachia with about 32 percent of the coal labor work force now on the unemployment rolls.

In 1982, Israel purchased 700,000 tons of coal from South Africa, yet bought only 96,495 tons from the United States. This trend continues in 1983. Recently, the Israeli Electric Corp. took delivery of South African coal from the 160,000-ton coal-carrier *Hadera.*

I would submit that South Africa has done very little for Israel. Meanwhile, U.S. servicemen have died in Lebanon due to circumstances created as a result of the Israeli invasion of that country last year. Furthermore, it is expected that the U.S.-aid package to Israel in 1984 will be increased in excess of the $2.5 billion 1983 level of support.

So I would suggest, Mr. Speaker, that Israel consider these issues while it buys coal from South Africa and make a determination of what South Africa has done for Israel and what the United States has done for Israel. The choice should be clear.●

BANKRUPTCY: THE LAST REMAINING LOOPHOLE IN RCRA

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. FLORIO. Mr. Speaker, there are currently in litigation more than a dozen RCRA and Superfund cases in which the defendant has found it convenient to declare bankruptcy rather than clean up the endangerment he has created. There are several other similar situations where the Government has found it pointless to pursue litigation. Who pays for the cleanup of these sites? It is not the bankrupt's estate—that is divided among the secured creditors.

Assuming the site is eventually cleaned up, the money will come from Superfund, which is partly financed by the American taxpayer. It should be kept in mind, however, that Superfund cannot pay for more than 175 sites—and there are 546 sites on EPA's priority list. Thus, unless Superfund is reauthorized, the taxpayer will have to pay the bill for cleanup. And if no money is available, the hazardous

waste dump will simply remain a danger to public health.

My amendment simply requires that before the assets of a bankrupt's estate can be distributed, the property must be decontaminated. This is a legitimate, commonsense requirement. It deserves your support.

I attach a copy of the amendment for the convenience of my colleagues.

AMENDMENT TO H.R. 2867 AS REPORTED OFFERED BY MR. FLORIO

Page 40, after line 21, insert:

TREATMENT OF CLAIMS

SEC. . Subtitle G is amended by adding at the end thereof the following new section:

"SURVIVAL OF CLAIMS

"SEC. 7011. (a) PENDING ACTIONS.—Notwithstanding any other provisions of law, no obligation with respect to any property shall be diminished, discharged, or abandoned which is the subject of an action by any person under section 7002 of this Act, by the Administrator under section 3008 or 7003 of this Act, or by a State (if such action is based on the exercise of a State regulatory power established to implement a plan approved under section 4007 of this Act), while such actions are pending.

"(b) TRUST.—Notwithstanding any other provision of law, the proceeds from the sale or liquidation of property subject to any of the actions specified in subsection (a) shall be held in trust to be used to satisfy any judgments resulting from the actions referred to in subsection (a) or to satisfy any outstanding judgment against the property owner for violations of this Act.".

(2) The table of contents for such subtitle G is amended by inserting "Sec. 7011. Survival of claims." after the item relating to section 7010.●

STATEMENT OF SECRETARY, CARIBBEAN CONFERENCE OF CHURCHES

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I want to bring an important message from Rev. Allan Kirton, general secretary of the Caribbean Conference of Churches, to my colleagues' attention. The following statement was made on October 25, in response to the U.S. invasion of Grenada. The religious leaders of the people affected by our Government's recent action must be heard, even though they disagree with the administration's portrayal of the situation. The statement follows:

STATEMENT FROM GENERAL SECRETARY CARIBBEAN CONFERENCE OF CHURCHES

(By Rev. Allan Kirton)

The Caribbean Conference of Churches, reaffirming its principled stance against military intervention in the Caribbean by forces external to the region, strongly deplores the events of the past few hours leading to this morning's invasion of Grenada. The fact of Caribbean presence among the invading forces by no means alters that principle. The Caribbean Conference regrets that the decision to invade was reportedly in response to requests from certain Caribbean leaders. However, reports from the CARICOM Heads of Government meeting over the weekend had spoken of agreement on a fact-finding mission and a peacekeeping force and so we are disturbed that subsequent developments have resulted in additional violence and loss of life. We feel great concern for CARICOM and for the future viability of the integration movement which are endangered by disregard for the rules of unanimity as required by both the CARICOM treaty and the treaty of the Organization of Eastern Caribbean States.

The Caribbean Conference of Churches looks to an early end to the present conflict leading to a withdrawal of all foreign forces and for the Grenadian people to be provided with the opportunity to establish peace and order under a government of their own choice and not one that is externally imposed.

The Caribbean Conference of Churches stands in solidarity with the churches and people of Grenada, assuring them of our continued prayers and of our readiness to respond through the Council of Churches of Grenada. Finally, the Caribbean Conference of Churches expects that the Churches will be involved in any initiative in the resolution of the present crises.●

YONKERS POLISH COMMUNITY CENTER CELEBRATES 50TH ANNIVERSARY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. BIAGGI. Mr. Speaker, this year marks the 50th anniversary of the Polish Community Center, located in Yonkers, N.Y.

Formed in 1917 as a pleasure club by a handful of men, it was not until 1933 that these men saw the realization of their dream and their club was transformed into a true community center, blending the American spirit with the ancient Polish tradition, serving as a meeting place for all walks of life. However, the center has never lost its Polish character, and stands as a monument to the Poles of the city.

Over the years, the center has experienced great change. Today, with its fine catering service and beautiful dining rooms, the center is the location of many community events. It is also the home of numerous Polish organizations including: the Polish Center Athletic Association, the Polish American Eagle Soccer Club, and the Polish American Senior Citizens, and the meeting place for the Westchester Pulaski Association, the Westchester Police Pulaski Association, and the Westchester Pulaski Republican League. On Pulaski day in October the center is the location of a heritage day celebration, which brings together all the Polish Americans to remember and celebrate their heritage.

As a representative of the Yonkers community, I applaud the Polish community center's work and am very hopeful they will continue to serve the city of Yonkers for many years to come.●

A SALUTE TO REV. EDWARD SMALL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mr. STOKES. Mr. Speaker, it is a signal honor to join with the Starlight Baptist Church family and community in saluting Rev. Edward Small on his 27 years of faithful service to that great church and the Cleveland metropolitan area. Reverend Small is the founder and pastor of Starlight Baptist Church in East Cleveland, Ohio.

Both church members and community leaders will assemble on Saturday, October 29, 1983 at Cleveland's Bond Court Hotel to pay tribute to this dynamic human being and servant of God. Speaking from my personal association with Reverend Small and on behalf of all 21st district residents, I congratulate him and the entire Starlight Baptist Church congregation on this joyous occasion.

Mr. Speaker, there are few individuals in the Cleveland area who have made such a profound impact on the area's citizens and the programs of various institutions as Reverend Small has done. He has been a tower of strength and fountain of inspiration for those persons who know him personally and for those who are acquainted with him through his broadcast ministry.

Mr. Speaker, Reverend Small is a man of impeccable ideals. His idealism is complimented by his determination to turn his dreams into reality. Furthermore, Reverend Small is a man who in his day to day associations, exemplifies the teachings of his savior.

In preparing my remarks in honor of Reverend Small, I paused to think about what, exactly, has made him such a exceptional human being. Mr. Speaker, in answering that question, I have to point to the strength of Reverend Small's character and his determination to overcome adversity. These two characteristics have sustained Reverend Small through many of life's trials and tribulations.

At this time, I would like to share some of those experiences and achievements of Reverend Small with my colleagues.

A native of Sawyerville, Ala., Reverend Small knew the meaning of adversity at an early age. Born one of 11 children to a poor black family in rural and segregated Alabama, Reverend Small sacrificed what many Amer-

icans take for granted today, an education, to support his family. At the age of 14, Mr. Speaker, Reverend Small left school to work in the fields in order that his family could eat and keep a roof over their heads. He did so out of necessity. However, the necessity and desire for an education stayed with him.

After working many years in the fields of Alabama and in dangerous coal mines, Reverend Small migrated to Detroit with his new bride, Theresa Turner, and his family. After several other moves, the family settled in Cleveland.

Mr. Speaker, I have to interject at this point, that move was both beneficial to the Small family and to Cleveland. The Small family became a vital part of the community and Reverend Small assumed a position with the Jones and Laughlin Steel Co. where he was employed for over 15 years.

During his tenure of employment with that company, Reverend Small found time to complete the requirements for the GED certificate. With the receipt of his GED certificate, Reverend Small attained a goal that he had set for himself many years before.

However, Mr. Speaker, there was another mission awaiting Reverend Small. That was the ministry.

In 1953, while associated with Calvary Hill Baptist Church, Reverend Small received his call to the ministry. In January, 1956, Reverend Small founded the Starlight Baptist Church with 10 members.

Due largely to his faith and dedication, Reverend Small's congregation expanded and moved to two locations before locating at its present site in east Cleveland. Today, the congregation of Starlight Baptist Church amounts to more than 3,000 individuals.

During the time of the church's growth, Reverend Small actively pursued his thirst for knowledge. He attended extension classes at the Ashland College and completed a 2-year course in pastoral psychology at Case Western Reserve University.

Through his studies, religious convictions and personal experiences, Reverend Small has been able to assist his church congregation and other segments of the community. During the height of the civil rights struggle and particularly the riots in the Cleveland area, Reverend Small emerged as the voice of reason and calm. An advocate of nonviolence, Reverend Small helped to restore calm to the city streets in Cleveland and hope to those in despair. He also returned to his native State, Alabama, to aid in the civil rights struggle in the 1960's. His message there was one of nonviolence.

And so, Mr. Speaker, Reverend Small is a man of peace, a man of hope and most importantly a man of God. For his work, he has earned respect and power in the religious community. He is the moderator of the Union District Missionary Association and has served as the vice moderator for the National Baptist Convention.

Within the Starlight Baptist Church, Reverend Small was the catalyst for the creation of the church's credit union and has formed several unique ministries to serve not only his congregation but also the community.

Reverend Small is an asset to the church, those of us who know him and to the entire Cleveland metropolitan area. He has made an indelible mark on the hearts and minds of countless people.

At this time, Mr. Speaker, I ask my colleagues to join with me in saluting Reverend Edward Small on 27 years of tireless service to the Starlight Baptist Church and the community.●

CRISES IN LEBANON AND GRENADA

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 27, 1983

● Mrs. COLLINS. Mr. Speaker, in the last 3 days, two events in global affairs have placed U.S. foreign policy in a precarious position: the bombing in Beirut and the takeover in Grenada.

LEBANON

On Sunday, October 23, 1983, a bomb exploded in the U.S. military base in Beirut airport killing over 215 U.S. marines. The incident marked one of the bloodiest days in marine history, surpassing the month long Tet offensive in Vietnam and Pearl Harbor.

The lone assailant, who was driving a truck loaded with explosives, crashed through a lightly guarded security post and smashed into marine sleeping quarters in the early morning hours. The troops were sent by the Reagan administration to Beirut on a peacekeeping mission.

This ruthless and senseless event brings to mind the date of September 30, 1982, when the United States suffered its first military casualty in Lebanon as one marine died and three were wounded when a bomb exploded near Beirut airport. Since that time, and over 200 lives later, the United States has committed itself to attaining and keeping a Mideast peace. It is a painful price we are paying to keep a peace which has been tentative at best.

I have been, and will continue to be an advocate of a prudent military policy when the maintenance of world peace lies in the balance.

Toward that end, I supported a substitute to the bill endorsed by the administration, which required the President to invoke the War Powers Act or withdraw the military troops by the end of November under penalty of fund termination. This substitute, unlike the bill which was adopted, would have given the United States more flexibility in determining different scenarios should extraneous and unforeseen circumstances arise.

Now is the time to draw the line: We must sever the military ties with Lebanon or risk an uncertain and bloody future. It is not worth the human lives we have lost trying to preserve the symbolism of peace we initially went into Lebanon with. We cannot and should not let our troops be sitting ducks in an international shooting gallery.

GRENADA

On Tuesday, October 25, 1983, about 2,000 marines and soldiers, backed by 11 U.S. Navy warships, invaded the small Caribbean Island of Grenada. The reason, explained the Reagan administration, was to rescue 1,000 U.S. citizens, mostly medical students in Grand Anse.

It is with deep regret that I note the tragic events which occurred in Grenada during the past several days, events culminating in the death of Prime Minister Maurice Bishop and the recent marine invasion.

This past summer, Mr. Bishop came to this country and sought to meet with the Reagan administration and to discuss those points on which his government and the U.S. Government differed. I lament the failure of the administration to respond to the pleas to meet with the Bishop government during that time—especially upon seeing what has happened in recent days.

While I cannot condone U.S. interference with the internal affairs of other countries, I remain steadfast in my feeling that the protection of American lives should be our primary responsibility. Accordingly, I will do everything in my power to make sure the Reagan administration keeps its commitment by leaving Grenada within 7 to 10 days. This should be more than ample time to get the U.S. citizens out of that war-torn country.

My consummate fear regarding both Beirut and Grenada is that, unless we take clear, decisive, definitive actions now, a successful and lasting peace will further elude us.●

HOUSE OF REPRESENTATIVES—*Friday, October 28, 1983*

The House met at 10 a.m.

Rev. W. Douglas Tanner, Jr., Church of the Saviour, Washington, D.C., offered the following prayer:

O Lord, Author of all life and of our yearnings for liberty and wholeness, we pray Thee this day to grant us Thy peace. We grieve the cost of the only way we seem to know to settle differences among nations; we lament the suffering of battlefield casualties, be they Lebanese, French, American, Grenadian, or Cuban. Create in us a deep awareness that the real security of our Nation lies neither in the skill of our strategies nor in the might of our conquests. Sear into our hearts the wisdom of John Winthrop: the only way to provide for our posterity is to follow the counsel of the prophet Micah, to do justly, to love mercy, and to walk humbly with Thee, and if we shall be seduced and worship other gods, our pleasures, and profits, and serve them, we shall surely perish out of the good land we possess; therefore, let us choose life by obeying Your voice. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BETHUNE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BETHUNE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 21, answered "present" 3, not voting 111, as follows:

[Roll No. 427]

YEAS—298

Ackerman	Alexander	Andrews (TX)
Akaka	Anderson	Annunzio
Albosta	Andrews (NC)	Archer
AuCoin	Frank	McKernan
Badham	Franklin	McKinney
Barnard	Frenzel	McNulty
Barnes	Fuqua	Mica
Bartlett	Gaydos	Miller (CA)
Bateman	Gekas	Mineta
Bates	Gilman	Minish
Bedell	Gingrich	Mollohan
Beilenson	Glickman	Moody
Bennett	Gonzalez	Moore
Bereuter	Gradison	Moorhead
Berman	Gray	Morrison (CT)
Bethune	Green	Morrison (WA)
Bevill	Gregg	Murphy
Biaggi	Guarini	Myers
Bilirakis	Gunderson	Natcher
Bliley	Hall (IN)	Nelson
Boehlert	Hall (OH)	Nichols
Boner	Hall, Ralph	Nowak
Bonior	Hamilton	Oakar
Bonker	Hansen (ID)	Obey
Borski	Hatcher	Olin
Boucher	Hawkins	Owens
Boxer	Hefner	Packard
Britt	Hertel	Panetta
Brooks	Hightower	Parris
Broomfield	Hiler	Pashayan
Brown (CA)	Hillis	Patman
Brown (CO)	Horton	Patterson
Broyhill	Hoyer	Paul
Burton (IN)	Hubbard	Pease
Campbell	Huckaby	Penny
Carney	Hughes	Pepper
Carper	Hyde	Perkins
Carr	Ireland	Petri
Chandler	Jeffords	Pickle
Chappie	Jenkins	Porter
Cheney	Johnson	Price
Clarke	Jones (TN)	Quillen
Clinger	Kaptur	Rahall
Coats	Kasich	Rangel
Coelho	Kastenmeier	Ratchford
Coleman (MO)	Kazen	Ray
Coleman (TX)	Kemp	Regula
Conable	Kennelly	Reid
Cooper	Kildee	Ridge
Courter	Kindness	Ritter
Coyne	Kogovsek	Robinson
Craig	Kolter	Rodino
Crane, Daniel	Kostmayer	Rogers
Crane, Philip	LaFalce	Roth
D'Amours	Lagomarsino	Roukema
Daniel	Lantos	Rowland
Dannemeyer	Latta	Roybal
Daschle	Leath	Rudd
Davis	Lehman (CA)	Savage
de la Garza	Lehman (FL)	Scheuer
Dellums	Levin	Schneider
Derrick	Levine	Schulze
DeWine	Levitas	Seiberling
Dicks	Lewis (CA)	Sensenbrenner
Donnelly	Lewis (FL)	Shannon
Downey	Lloyd	Sharp
Dreier	Loeffler	Shelby
Duncan	Long (LA)	Shumway
Dwyer	Lowry (WA)	Shuster
Edgar	Luken	Siljander
Edwards (CA)	Lundine	Sisisky
English	Lungren	Skeen
Erdreich	Mack	Slattery
Erlenborn	Madigan	Smith (FL)
Evans (IL)	Marlenee	Smith (IA)
Fascell	Martin (IL)	Smith (NE)
Fazio	Martin (NC)	Smith (NJ)
Feighan	Matsui	Smith, Robert
Fiedler	Mavroules	Snowe
Fields	McCain	Snyder
Fish	McCandless	Solomon
Flippo	McCloskey	Spence
Foglietta	McCollum	Spratt
Foley	McDade	Staggers
Ford (TN)	McEwen	Stenholm
Fowler	McGrath	Stratton
Studds	Vander Jagt	Winn
Sundquist	Vandergriff	Wirth
Synar	Vento	Wise
Tallon	Volkmer	Wolf
Tauke	Walgren	Wolpe
Tauzin	Waxman	Wortley
Taylor	Weaver	Wylie
Thomas (CA)	Weber	Yatron
Thomas (GA)	Weiss	Young (FL)
Torres	Wheat	Young (MO)
Torricelli	Whitehurst	Zablocki
Towns	Whitley	Zschau
Udall	Whittaker	
Valentine	Whitten	

NAYS—21

Coughlin	Forsythe	Roberts
Dickinson	Gejdenson	Roemer
Durbin	Harkin	Sabo
Eckart	Jacobs	Schroeder
Edwards (OK)	Jones (OK)	Sikorski
Emerson	Markey	Walker
Evans (IA)	Miller (OH)	Yates

ANSWERED "PRESENT"—3

Dymally	Ottinger	St Germain

NOT VOTING—111

Addabbo	Hammerschmidt	Murtha
Anthony	Hance	Neal
Applegate	Hansen (UT)	Nielson
Aspin	Harrison	O'Brien
Boggs	Hartnett	Oberstar
Boland	Hayes	Ortiz
Bosco	Heftel	Oxley
Breaux	Holt	Pritchard
Bryant	Hopkins	Pursell
Burton (CA)	Howard	Richardson
Byron	Hunter	Rinaldo
Chappell	Hutto	Roe
Clay	Jones (NC)	Rose
Collins	Kramer	Rostenkowski
Conte	Leach	Russo
Conyers	Leland	Sawyer
Corcoran	Lent	Schaefer
Crockett	Lipinski	Schumer
Daub	Livingston	Shaw
Dingell	Long (MD)	Simon
Dixon	Lott	Skelton
Dorgan	Lowery (CA)	Smith, Denny
Dowdy	Lujan	Solarz
Dyson	MacKay	Stangeland
Early	Marriott	Stark
Edwards (AL)	Martin (NY)	Stokes
Ferraro	Martinez	Stump
Florio	Mazzoli	Swift
Ford (MI)	McCurdy	Traxler
Frost	McHugh	Vucanovich
Garcia	Michel	Watkins
Gephardt	Mikulski	Williams (MT)
Gibbons	Mitchell	Williams (OH)
Goodling	Moakley	Wilson
Gore	Molinari	Wright
Gramm	Montgomery	Wyden
Hall, Sam	Mrazek	Young (AK)

□ 1020

So the Journal was approved.

The results of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would advise the Members that in order to expedite the business of the day, only the gentleman from North Carolina

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

(Mr. BRITT) will be recognized for a 1-minute speech.

We will then go into the bill, H.R. 2655. At the completion of the bill, those Members who desire to take 1 minute at that time may do so.

Then we will go into general debate on domestic content, so that we will be out of here at a reasonable hour.

REV. DOUGLAS TANNER

(Mr. BRITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRITT. Mr. Speaker, each of us, in our involvement in political life, has one or two people very important to us who make that political journey with us. The Reverend Douglas Tanner, who delivered the opening prayer this morning before the Congress, is one of those companions without whom I would not be in Congress.

Doug not only was my campaign manager, but over a long period of time, my spiritual adviser, and fulfilled that role as pastor/prophet both during the campaign and in his position on my staff here in Washington.

It was a moving moment for me to have Doug give the prayer for this body, and I continue to count on him politically and spiritually as he leaves my staff for other pursuits. He leaves my staff, but not my team.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1983

The SPEAKER. Pursuant to House Resolution 301 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2655.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2655, to extend and improve the Domestic Volunteer Service Act of 1973, with Mr. FLIPPO, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Monday, October 17, 1983, all time for general debate had expired.

Pursuant to the rule, the Committee amendment in the nature of a substitute printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1983".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—NATIONAL VOLUNTEER ANTI-POVERTY PROGRAMS AND ADMINISTRATION

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 101. Section 101 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) (hereinafter in this title referred to as "the Act") is amended—

(1) by inserting ", all geographical areas," after "all walks of life" in the second sentence;

(2) by striking out in the second sentence "elderly" and inserting in lieu thereof "low-income, elderly,"; and

(3) by inserting at the end of such section the following new sentence: "In addition the objective of this part is to generate the commitment of private sector resources and to encourage part-time volunteer service at the local level to carry out such purposes.".

ASSIGNMENT OF VOLUNTEERS

SEC. 102. (a) Section 103(a) of the Act is amended by—

(1) inserting ", including work" after "programs" the first place it appears;

(2) striking out in paragraph (2) ", under the supervision of nonprofit institutions and facilities; and" and inserting in lieu thereof a semicolon;

(3) redesignating paragraph (3) as paragraph (6); and

(4) inserting after paragraph (2) the following new paragraphs:

"(3) in addressing the problems of the homeless, the jobless, the hungry, and low-income youth;

"(4) in addressing the needs of illiterate or functionally illiterate youth or other persons;

"(5) in addressing the special needs of homebound elderly wishing to remain in their own homes and to enable institutionalized elderly to return to home settings; and".

(b) Section 103(b) of the Act is amended by—

(1) striking out all that follows the first sentence of such subsection; and

(2) inserting immediately before "The Director" the following new sentence: "The Director shall ensure that not less than 20 per centum of all volunteers under this part are fifty-five years of age or older.".

(c) Section 103 is further amended by—

(1) redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) The Director shall provide each low-income volunteer with an individual plan for job advancement or for transition to a situation leading to gainful employment. Whenever feasible, such efforts shall be coordinated with an appropriate private industry council (PIC) under the Job Training Partnership Act.

"(d) The Director shall provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this part to (A) encourage them to use in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development of appropriate employment opportunities for the use of such skills and experience, and the placement therein of such volunteers.".

(d) Section 103(f) (as so redesignated in subsection (c) of this section), is amended by striking out in the first sentence "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "to work in a program or project in any community unless the application for such program or project contains evidence of local support and".

SUPPORT SERVICES

SEC. 103. Section 105(b) of the Act is amended by inserting "pre-service and in-service training," after "supervision,".

PARTICIPATION OF BENEFICIARIES

SEC. 104. Section 106 of the Act is amended by striking out "take all necessary steps to".

LIMITATIONS

SEC. 105. Section 108(a) of the Act is amended by—

(1) striking out in the first sentence "1977" and inserting lieu thereof "1984"; and

(2) striking out all of the second sentence.

SERVICE LEARNING PROGRAMS; STATEMENT OF PURPOSE

SEC. 106. Section 111 of the Act is amended by—

(1) inserting immediately before "This" the following new sentence: "The purpose of this part is to assist students, through service-learning programs, to undertake volunteer service to low-income communities in such a way as to enhance the educational value of the service experience."; and

(2) striking out "encourage other students" in the third sentence and all that follows through the end of such subsection and inserting in lieu thereof the following: "provide technical assistance and training to encourage other students and faculty to engage in volunteer service on a part-time, self-supporting basis, to meet the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise.".

SPECIAL SERVICE-LEARNING PROGRAMS

SEC. 107. (a) The heading of section 114 of the Act is amended to read as follows:

"AUTHORITY TO PROVIDE TECHNICAL ASSISTANCE AND TRAINING".

(b) Section 114(a) of the Act is amended by inserting "for technical assistance and training" after "grants and contracts".

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

SEC. 108. Section 121 of the Act is amended by striking out ", by encouraging" and all that follows before the period at the end of such section.

AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

SEC. 109. Section 122(a)(1) of the Act is amended by striking out "educational opportunities for veterans" and inserting in lieu thereof "career development, employment, and educational opportunities for unemployed and underemployed veterans".

LIMITATIONS ON GRANTS AND CONTRACTS

SEC. 110. The Act is amended by inserting after section 123 the following new section 124:

"LIMITATIONS

"SEC. 124. After the date of enactment of the Domestic Volunteer Service Act Amendments of 1983, recipients of grants or contracts for new projects under this part shall be selected through a competitive process which includes public announcement of the availability of funds for such grants or contracts, general criteria for the selection of new recipients, and a description of the application and review process.".

REVISION OF TECHNICAL AND FINANCIAL ASSISTANCE PROVISIONS

SEC. 111. (a) Section 123 of the Act is repealed.

(b) Title I of the Act is further amended by inserting after section 124 (as added by section 11) the following new part:

"PART D—TECHNICAL AND FINANCIAL ASSISTANCE TO VOLUNTEER PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 131. The purpose of this part is to provide technical and financial assistance to support voluntary organizations and volunteer efforts at the national, State, and local level. The purpose further is to encourage persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in institutions and situations when the application of human talent and dedication may help to meet such needs.

"AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

"SEC. 132. The Director is authorized to make grants or contracts to provide technical and financial assistance to Federal agencies, State and local governments and agencies, and private nonprofit organizations, which utilize or desire to utilize volunteers in connection with carrying out the purposes of this part. Such assistance may be used to facilitate and improve (1) methods of recruiting, training, or utilizing volunteers; (2) the administration of volunteer programs; (3) national technical assistance and training programs, including the creation or expansion of private capabilities where possible; and (4) the development of new voluntary organizations and the development of a financially secure base for emerging and established organizations, with particular emphasis on low-income, minority, and community-based groups. In providing such technical and financial assistance, the Director, to the maximum extent feasible, shall utilize existing programs and shall seek to avoid duplication of existing programs in the public or private sector. There shall be public notice of the availability of funds for grants or contracts under this part and of the process required to apply for such funds.".

ADMINISTRATION AND COORDINATION; ESTABLISHMENT OF AGENCY

SEC. 112. Section 401 of the Act is amended by striking out all of such section after the fourth sentence and inserting in lieu thereof the following: "There shall also be in such agency one Associate Director who shall be appointed by the President, with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated 'Associate Director for Domestic and Anti-Poverty Operations' and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency three Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, one such Assistant Director shall be primarily responsible for liaison with private voluntary organizations under part D of title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act. In the event of a vacancy in the position of Director, or in the absence or inability to act of the Director, the order of officials who shall act as Director of the ACTION Agency shall be, the Deputy Director, the Associate Director for Domestic and Anti-Poverty Operations, the Assistant Director responsible for Older American Volunteer Programs under title II of this Act, the Assistant Director responsible for VISTA and other anti-poverty programs under title I of this Act, and the Assistant Director responsible for liasion with private voluntary organizations under title I of this Act.".

AUTHORITY OF THE DIRECTOR

SEC. 113. (a) Section 402(1) of the Act is amended by inserting immediately before the semicolon at the end thereof the following: "except that the number of schedule B and C employees, individuals employed on a temporary basis at GS-8 or higher, experts, and consultants shall at no time exceed 8.5 per centum of the total number of individuals employed by the ACTION Agency".

(b) Section 402 is further amended by—

(1) striking out all of paragraph (13); and

(2) redesignating paragraphs (14) and (15) as paragraphs (13) and (14), respectively.

ELIMINATION OF NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

SEC. 114. Section 405 of the Act is repealed.

REPORTS

SEC. 115. Section 407 of the Act is amended by inserting at the end thereof the following new sentence: "Such report shall reflect the findings and the actions taken as a result of any evaluation conducted pursuant to section 416.".

CHANGES IN NOTICE AND HEARING PROCEDURES

SEC. 116. (a) Section 412 of the Act is amended by—

(1) inserting "(a)" after "412.";

(2) striking out in paragraph (1) "nor shall an" and all that follows to the end of such paragraph and inserting in lieu thereof a semicolon;

(3) redesignating paragraph (2) as paragraph (4);

(4) inserting after paragraph (1) the following new paragraphs:

"(2) an application for refunding under this Act may not be denied unless the recipient has been given (A) notice at least ninety days before the denial of such application of the possibility of such denial and the grounds for any such denial, and (B) opportunity to show cause why such action should not be taken;

"(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract award, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and the Agency; and"; and

(5) inserting at the end thereof the following new subsection:

"(b) In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.".

(b) The heading of section 412 of the Act is amended to read as follows:

"NOTICE AND HEARING PROCEDURES FOR FINANCIAL ASSISTANCE"

EVALUATION

SEC. 117. Section 416(a) of the Act is amended by striking out "periodically" and inserting in lieu thereof "biennially" and by striking out "or project evaluated." and inserting in lieu thereof "or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act.".

ELIGIBILITY FOR OTHER BENEFITS

SEC. 118. Section 418 of the Act is amended by inserting "workers' compensation," after "unemployment".

LEGAL EXPENSES

SEC. 119. Section 419 of the Act is amended by striking out "or section 8(b)(1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1))".

REQUIREMENTS FOR PRESCRIBING REGULATIONS

SEC. 120. Section 420 of the Act is amended—

(1) by striking out in subsection (c)(1) "Except as provided in paragraph (2)(B) of this subsection, no" and inserting in lieu thereof "No";

(2) in subsection (c)(2)(A) by striking out "(A)" after "(2)";

(3) by striking out paragraph (B) of subsection (c)(2); and

(4) in subsection (d)—

(A) by striking out in the second sentence "Except as is provided in the following sentence, no" and inserting in lieu thereof "No"; and

(B) by striking out the third sentence.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 121. Section 501 of the Act is amended by striking out "There is" and all that follows through the end of such section, and inserting in lieu thereof the following: "(a) There is authorized to be appropriated to carry out title I of this Act such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986. Of the amounts appropriated under this section, not less than $25,000,000 for fiscal year 1984, $28,000,000 for fiscal year 1985, and $30,000,000 for fiscal year 1986, shall first be available for carrying out part A of title I.

"(b) No part of the funds authorized for programs under part A of title I of this Act may be used to provide volunteers or assistance to any program or project authorized under parts B, C, or D of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION AND COORDINATION

SEC. 122. Section 504 of the Act is amended—

(1) by striking out "$30,091,000" and all that follows through the end of such section and inserting in lieu thereof "such sums as may be necessary for fiscal years 1984, 1985, and 1986.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 123. (a) The table of contents of the Act is amended—

(1) by striking out

"Sec. 114. Special service-learning programs."

and inserting in lieu thereof

"Sec. 114. Authority to provide technical assistance and training.";

(2) by striking out

"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance."

and inserting in lieu thereof

"Sec. 412. Notice and hearing procedures for financial assistance.";

(3) by striking out the item related to section 123 and inserting in lieu thereof the following:

"Sec 124. Limitations.

"PART D—TECHNICAL AND FINANCIAL ASSISTANCE TO VOLUNTEER PROGRAMS

"Sec. 131. Statement of purpose.

"Sec. 132. Authority to Establish and Operate Programs.";

and

(4) by striking out the item related to section 405.

(b) Sections 112 and 122(c)(2)(B) of the Act are amended by striking out "103(d)" and inserting in lieu thereof "103(f)".

(c) Section 114(a) of the Act is amended by striking out "and (c)" and inserting in lieu thereof "and (e)".

EFFECTIVE DATE

SEC. 124. (a) Except as provided in subsection (b) of this section, this title shall take effect October 1, 1983.

(b)(1) The amendment made by section 113(a) of this title shall take effect January 1, 1984.

(2) The amendment made by section 114 of this title shall take effect January 1, 1986.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 14, line 1, strike out "Of the amounts" and all that follows through line 5.

Mr. BARTLETT. Mr. Chairman, at the end of this week, I do not believe that this amendment will take very long, but it is a critical amendment as this House and this Congress begins and continues to debate the role of the Federal Government in restraint of the growth of the Federal Government.

I offer an amendment to strike, Mr. Chairman, the funding floor for VISTA in title I in H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983. If adopted, my amendment would leave in place the "such sums as necessary" language which authorizes funds for title I for fiscal years 1984, 1985, and 1986.

Mr. Chairman, there are four programs in title I of H.R. 2655. Part A, which is VISTA, part B, which is the service learning program which promotes voluntarism among students in this country, and part C, the citizen participation and volunteer demonstration program which fosters locally sponsored volunteer projects that are demonstration projects, and part D, a new technical assistance initiative.

In H.R. 2655, a funding floor for VISTA has been added at a minimum of $25 million in 1984, $28 million in 1985, and $30 million in fiscal year 1986. Mr. Chairman, that is a minimum of a funding floor of $25 million in fiscal year 1984 in this bill, but the fiscal year 1983 appropriation for VISTA was $11.8 million.

So if the funding floor provision is enacted, we would be requiring a fiscal year 1984 appropriation for VISTA of $25 million before any funds could be allocated to the other three programs in title I.

Now, a $25 million appropriation would represent a 112-percent increase over fiscal year 1983, a doubling of the funds for that one program before the others are funded.

I offer my amendment for these reasons:

First, each program in title I must be allowed to stand on its individual merits. Parts B and C should not be held hostage, as they are by this bill, by an excessive funding floor for VISTA.

Second, we must give the Appropriations Committee and the appropriations process realistic guidelines for setting appropriations. But a mandated annual increase in 1 year of 112 percent is neither realistic nor is it justified.

When the rest of the Government is being held to constant-level funding or to a 5.3-percent increase in 1 year, as this Congress tries to restrain the growth of the Federal Government, a 112-percent increase in 1 year is justified neither by reason nor by benevolent title.

And, third, we must prevent the adoption of legislative provisions which would create administrative chaos.

Action would be required, if this bill passes without my amendment, to begin procedures for closing out all grants authorized by parts B and C.

□ 1030

Fourth, we must avoid the adoption of this controversial provision which could well trigger a Presidential veto and, therefore, the elimination of funding for all of ACTION, including the very popular and very benevolent Older Americans Volunteer program in title II.

Since the last major reauthorization of the Domestic Volunteer Service Act in 1973, VISTA has had a funding floor, Mr. Chairman, and with the exception of fiscal years 1974 through 1976, the appropriations for VISTA have always been above those authorized funding floors, and since the funding floors have been consistently honored in the appropriations process, we should not take that funding floor lightly. It cannot be dispensed with. Particularly if it has a devastating effect on other programs, we should very seriously consider the House actions today.

Proponents for the funding floor for VISTA would suggest that it serves as a catalyst for an increase in appropriations for VISTA from year to year. Perhaps so, but an annual increase even in the largest increase in the history of VISTA, the largest annual increase has only been 16 percent and the largest decrease has only been 47 percent. So a 112-percent increase is unjustified and out of line and devastating to the cause of restraining growth of Federal spending in all areas that we consider.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. BARTLETT) has expired.

(On request of Mr. PERKINS and by unanimous consent, Mr. BARTLETT was allowed to proceed for 1 additional minute.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I would be happy to yield to the distinguished chairman, the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

First of all, let me commend the two chairmen of the subcommittees which worked on this legislation. Congressman AUSTIN MURPHY has done an outstanding job as chairman of the Subcommittee on Select Education in drafting the legislation dealing with VISTA which is contained in title I of the bill. Congressman IKE ANDREWS has also done an outstanding job as chairman of the Subcommittee on Human Resources in formulating the provisions of title II affecting the Older Americans Volunteer programs. Now, Mr. Chairman, let me address the Bartlett amendment.

Mr. Chairman, the gentleman has failed to tell the committee that 2 years ago we had a minimum funding for VISTA of $34 million. At that time, we had nearly 5,000 VISTA employees and now we only have about 1,900 because the appropriation has been cut back to $11.8 million. We are trying to come to some reasonable solution here, some reasonable number, by increasing the number of volunteers from 1,900 up to about 3,000.

So that is the reason we oppose the gentleman's amendment. We think we should have a reasonable number of volunteers in this area, and I have to emphasize that more than 25 percent of this number serves the elderly.

Mr. BARTLETT. Mr. Chairman, if I may reclaim my time, the chairman is correct in terms of past history, but the chairman has to understand that a 112-percent increase in 1 year is hardly reasonable to justify.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

Mr. Chairman, I think as the distinguished chairman of the committee

has pointed out, it is not surprising why this amendment is being offered, but let us put into perspective what has happened to VISTA. First of all, let us talk about what VISTA used to do back in 1981.

In my home State of Colorado, VISTA volunteers have established senior citizen outreach services, neighborhood revitalization efforts, food and nutrition programs, energy conservation and weatherization initiatives, advocacy programs for the handicapped, economic development projects on Indian reservations, and job identification programs for the unemployed. There is simply no question that VISTA efforts have made a significant difference to the quality of life in Colorado and throughout the Nation.

Since 1981, VISTA's budget has been slashed, its programs decimated. Its once nearly 5,000-strong volunteer corps is now less than 1,800. The number of VISTA projects has fallen from close to 900 to fewer than 400. In 1981 there were 16 projects in Colorado. Today there is only one.

Despite Congress continued commitment to the VISTA program, the Reagan administration has done everything possible to eliminate it. When efforts to kill it absolutely have failed, the administration has sought to strangle the program through a series of devastating personnel actions. The Civil Service Subcommittee, which I chair, is conducting ongoing oversight of the personnel situation at ACTION and has determined that despite two costly reductions-in-force, the agency has been hiring a record number of political appointees. Over 200 long-time career employees have lost their jobs due to supposed budget cuts and programmatic changes only to be replaced by political hires.

According to the General Accounting Office, 18.9 percent of the persons on the ACTION agency payroll were noncareer or political appointees. This is quite probably the highest ratio of noncareer to career employees anywhere in the Federal Government. ACTION Director Thomas Pauken has so demoralized the career staff through his political machinations that several of ACTION's most senior career staff sought voluntary details and transfers to the Environmental Protection Agency (EPA) during the height of the EPA controversy. Mr. Pauken has made an obvious and most deliberate effort to rid the Agency of career employees whom he believes are unsympathetic to his own political agenda. And he has been tragically successful. Fortunately, the Education and Labor Committee has addressed this issue by including in H.R. 2655 an 8.5-percent cap on certain categories of noncareer personnel. Although I believe that the 5-percent cap included in the original version of the bill would have been more appropriate. I am pleased that at least some restriction on the excessive hiring of political appointees has been included.

The VISTA program has been and can be again a forceful vehicle for the energy, caring and commitment of thousands of Americans who are eager to serve their country and to work to solve the problems of poverty. I urge full funding for the VISTA program to keep this vital effort alive.

Mr. NELSON of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Florida.

Mr. NELSON of Florida. I thank the gentlewoman for yielding.

Mr. Chairman, I just want to thank the gentlewoman for her comments and say that I agree with the position that she has articulated. I oppose the amendment. Today we consider the Domestic Volunteer Service Act. With positive action, the Congress will renew its support for the ACTION Agency, including VISTA, the Foster Grandparents program, and the Retired Senior Volunteer program.

This needed legislation needs to be spared the ax and passed.

I support these organizations and their commitment to community services. This legislation can be taken as a good sign by those who are elderly, disabled, hungry, or unemployed that the Congress has not forgotten them.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by my distinguished colleague, the ranking member of our subcommittee, the gentleman from Texas (Mr. BARTLETT).

First, I would like to point out that the VISTA funding floor contained in H.R. 2655 is not a new addition to the Domestic Volunteer Service Act. Ever since the legislation was first adopted, more than 10 years ago, including the last extension in the Reconciliation Act of 1981, there has been a funding floor for VISTA. The floor has always been Congress way to insure that VISTA, the Agency's only fulltime antipoverty program, receives priority over other title I programs. The floor has proven to be essential to assure VISTA's survival.

In fiscal year 1983, it was the existence of the floor, and only the existence of the floor, that allowed a legal opinion from GAO restoring $1 million to VISTA after the Agency misappropriated it for administrative purposes.

Second, although I have no doubt that the amendment is well intentioned, any argument that the funding floor jeopardizes the Agency's new initiatives in areas such as refugees, literacy, alcohol and drug abuse, Vietnam veterans' leadership program, and hunger would have no merit. In reality, it is VISTA funding, not part C demonstration grant money, that has been used by the Agency to develop and support these priority areas.

Let us look at the record for fiscal year 1983 for each of those areas.

On problems of refugees, ACTION demonstration grants in fiscal year 1983 provided absolutely no funding. I repeat: No funding.

□ 1040

VISTA resources, however, were used to provide more than 140 full-time volunteers to 25 projects in 16 States to work on refugee problems. And I would like to remind my colleagues that a VISTA worker is not really a VISTA employee but in reality a VISTA volunteer earning a gross salary of $95 a week on average and on call 24 hours a day, 7 days a week.

For literacy work, an area in which this administration has expressed a particularly strong interest, ACTION demonstration grants have provided no funding in fiscal year 1983, not a cent. However, VISTA is providing 330 volunteers assigned to over 55 projects in 34 States, working full time to combat the problem of illiteracy.

Even in the area of drug abuse, the primary recipient of agency demonstration grants, part C grants have provided less than $500,000 to 13 projects in 11 States. VISTA, on the other hand, has provided four times as much; more than 312 VISTA volunteers work in 50 projects in 31 States on the problems of drug abuse.

The Vietnam Veterans Leadership program in fiscal year 1983 received only 23 percent of its budget from ACTION demonstration grants. VISTA, on the other hand, has provided 61 full-time volunteers to work on veterans projects in 31 States, 19 of them to VVLP projects. The vast majority of VVLP funds, however, are provided by interagency transfers from other departments of the Government and would be unaffected by what floor we establish here today for VISTA.

I have saved for last the issue of hunger. There are few national problems that exceed the present crisis proportion of this problem. Just this morning I picked up a paper saying that the hunger crisis in U.S. cities is growing worse. There are very few areas in which the full-time commitment of VISTA volunteers has made more of a contribution over the years. Food banks are telling us that they urgently need more of these valuable volunteers.

What does the part C demonstration budget provide for the hunger problem that is so critical today? Nothing, not a cent. But more than 20 percent of the VISTA projects, over 440 of our volunteers in more than 94 projects in 40 States work in this very vital area.

I want my colleagues to clearly understand that when anyone talks about ACTION initiatives in the area of literacy, they are talking about VISTA. When anyone talks about ACTION's work with hunger and distribution of food to the needy, they are talking about VISTA. When anyone talks about ACTION's work with runaway and troubled youth, they are talking about VISTA. When anyone talks about ACTION's work with refugees or the homeless or the handicapped or initiatives in domestic violence or in full-time efforts with senior citizens, they are talking only about VISTA. And any reduction of VISTA funding will hurt most these programs for which the Agency and my colleagues are expressing the greatest concern.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. MURPHY) has expired.

(By unanimous consent, Mr. MURPHY was allowed to proceed for 1 additional minute.)

Mr. MURPHY. Mr. Chairman, the funding floor for VISTA in this bill will not diminish the ACTION agency's new program initiatives, but a removal of the floor surely will.

Finally, I would like to remind my colleagues that the funding level for VISTA in H.R. 2655 does not even return the program to the funding level it had in January 1981, prior to Gramm-Latta and reconciliation. In fact, with the exception of the last 2 years, the $25 million is less than the program has received in any year since 1969. The proportion of Americans living below the poverty line has increased almost 50 percent since that time. But the administration continues to oppose Federal spending for a program specifically designed to help Americans lift themselves out of poverty. Our colleagues decry a 110-percent increase for VISTA—but what they are talking about is an increase of only $13 million for an effective antipoverty program, when more people are living in poverty than at any time since 1965.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding, and let me say that I respect the gentleman as the subcommittee chairman on which we serve.

My question is, does the gentleman believe that there is value to parts B and C, the demonstration projects, the projects that involve teenagers and students and the projects that create new drug abuse programs and a way to test out new ideas?

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. MURPHY) has again expired.

(On request of Mr. BARTLETT, and by unanimous consent, Mr. MURPHY was allowed to proceed for 2 additional minutes.)

Mr. BARTLETT. Mr. Chairman, will the gentleman yield further?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I ask the question because the purpose of this amendment is to point out that there is substantial value to less costly demonstration programs that could well be eliminated by a funding floor that makes a 112-percent increase.

Does the gentleman believe that there is value to the Big Brothers or Big Sisters in Nassau County?

Mr. MURPHY. There is no question that the GAO survey and our hearings have produced the fact that we get the most production in the field with VISTA dollars. I have just outlined to my colleagues all the various programs in which VISTA participates.

The gentlewoman from Colorado pointed out all the community projects. VISTA has already been involved in every demonstration project we can point to in part C and has provided the bulk of the volunteer energy and services in combatting those problems.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield further?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, would the gentleman then advocate that we eliminate parts B and C and eliminate the literacy management project in Syracuse or San Francisco or Covenant House in New York? Would the gentleman advocate that we simply eliminate demonstration projects of that sort?

Mr. MURPHY. No; I certainly would not, but we know from the history of this administration since 1981 that if we do not provide a floor for VISTA funding, we may wind up with just discretionary programs and not get the most from our dollars, which is VISTA funding.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Bartlett amendment.

This amendment addresses what I consider to be a fatal flaw in H.R. 2655. The amendment removes the VISTA funding floor from the bill.

I believe it is essential that this amendment be adopted. If the VISTA funding floor is left in place, the three other activities authorized under title I of the act will in all probability receive no funding for the next 3 years. Several programs, some of which have been in operation for nearly 20 years, would be terminated

As the gentleman from Texas has observed, the adoption of his amendment would in no way remove the possibility of VISTA receiving signficantly increased funding for the next 3 fiscal years. Under the "Such Sums" authorized in the bill for title I, which is left in place under the Bartlett amendment, appropriations can be raised to $25 million, $30 million, or even $50 million. The amendment would allow our Appropriations Committee the flexibility it needs to judge the merits of all the title I programs equally and to fund them accordingly.

Mr. Chairman, I am surprised that we do not have members of the Appropriations Committee participating in this debate because it is the obvious purpose of this amendment to take away from the Appropriations Committee the judgment that they have been created to exercise. It is forcing the Appropriations Committee, if they want to continue these other programs, parts B, C, and D, to do so only after fulfilling the funding floor required in the bill before us.

The funding floor currently in H.R. 2655 requires the first $25 million of any appropriation in title I to be spent for VISTA, part A, in fiscal year 1984. This requires a 112-percent increase in appropriations over the current fiscal year.

I hope that when this amendment comes to a vote, all Members will understand that a vote for the Bartlett amendment is not a vote against VISTA. I have heard Members take the floor here today in the debate and tell us how good VISTA is. There is no argument about that, but we are not, in the Bartlett amendment, suggesting a termination of VISTA. We are merely saying, let this Congress, through its Appropriations Committee, year by year pass an informed judgment as to how to allocate these funds.

The Bartlett amendment is a vote for the service-learning program. It is a vote for volunteer programs in New York to fight drug and alcohol abuse. It is a vote to help provide shelter to runaway and homeless youth in Houston, and it is a vote for a program to improve the academic performance of students in Maine.

I know that some of my friends on the other side of the aisle support maintaining the present funding floor in this bill on the assumption that it would be removed or reduced later in conference with the Senate. I question whether we should take the risk of this happening. I ask my colleagues who plan to vote against the Bartlett amendment whether they want to take the chance of losing all funding for parts B, C, and D of title I.

Mr. Chairman, I think it is time now that we lay our differences aside re-

garding the success or failure of the VISTA program.

□ 1050

This amendment should be judged on its merits. Regardless of how we feel about VISTA, I think that all of us should support the Bartlett amendment to show our support for the other programs in parts B, C, and D, and to allow the Appropriations Committee and this House and this Congress to exercise the judgment we were elected to exercise, rather than to put a forced feeding feature into this bill, as is now in the bill before us.

I urge adoption of the Bartlett amendment.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield.

Mr. MURPHY. Mr. Chairman, I just want to add to what the gentleman has said. We have always had a floor for VISTA funding, and yet we have not disregarded the other sections or the other projects.

Mr. ERLENBORN. Well, let me answer my colleague. I understand what the gentleman is trying to do. He is trying to force a level of funding for VISTA. He is trying to increase this at least by 112 percent.

Now, if all of us would do the same thing for all the programs we like, and we increased our total budget for operating this Government 112 percent, then what would be the deficits that we face?

Day after day, every morning or early afternoon during the 5-minute rule and many evenings during the special orders, we hear people from this side of the aisle take to the well and condemn the vast deficits that have been created, the tremendous debt that this country now has to service, which costs over $100 billion just to pay the interest.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 2 additional minutes.)

Mr. ERLENBORN. It is now costing over $100 billion a year merely to pay the interest on the debt that we have run up.

Now, if we continue to make decisions like this to force increased funding and increase our deficit, how much more are we going to have to pay in interest on the debt that could otherwise be used to find these programs for services?

We could have a lot more in the way of services provided in our current level of spending within the budget for fiscal year 1984 if we were spending it on services instead of on interest on the national debt.

It is decisions like this to protect our favorite programs that forces the extra spending that increases the deficit.

Now, there is no way that you can continue to condemn the administration for the deficits in the past couple years and the deficits that we anticipate in the next couple years if you participate in forcing spending that is not reasonable, that is actually causing the debt to go up. You cannot complain about the President and his policies.

Mr. GAYDOS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Bartlett amendment.

VISTA provides a unique opportunity for addressing emergency food, shelter, and employment problems facing both urban and rural communities.

An additional $13 million invested in the VISTA program—the amount of new money in this bill—could provide for the recruiting, training, and placing of an additional 1,800 VISTA volunteers, many of them from the ranks of the unemployed, to work in hundreds of hard-pressed communities on projects designed to: support existing foodbanks and establish new food banks and food distribution programs to feed the hungry; and to establish job training, job readiness, job placement and referral programs to assist the unemployed and the underemployed.

Based on VISTA's track record in these areas, coupled with its proven ability to generate additional volunteers and private sector resources at the local level, an additional $13 million spent on VISTA would reap tangible benefits for communities many times greater than the Federal Government's investment. The low-income and unemployed persons trained to serve as VISTA's would be both recipients, as well as providers, of these essential services. It is an important aspect of VISTA—well worth remembering—that their service as VISTAS allows unemployed and low-income individuals to contribute to the solution of problems, rather than being identified as a problem themselves. I support the increase in funding for VISTA for these reasons, and therefore oppose the Bartlett amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to my chairman, the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding.

I think we all know that much of this money for VISTA volunteers deals with problems of the elderly.

Now, 17 percent of VISTA volunteers themselves are elderly. The committee bill includes a new requirement that at least 20 percent of the volunteers must be elderly.

Then again, the National Associations for the Elderly all understand this connection between a strong VISTA program and the needs of our senior citizens. For this reason, the committee's funding floor for VISTA has been endorsed by the American Association of Retired Persons, the National Association of Foster Grandparent program directors, the National Association of Retired Senior Volunteer program directors, the National Association of Senior Companion project directors, and the National Council of Senior Citizens.

A vote against the Bartlett amendment is a vote for the senior citizens.

Mr. GAYDOS. Mr. Chairman, I thank my colleague.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words and I rise in strong support of the amendment.

Mr. Chairman, the issue before us in this amendment relates to the very heart of the legislation, the viability of title I programs. Under the provisions included in the committee reported bill, a so-called funding floor of $25 million for fiscal year 1984, for $28 million in the succeeding year and $30 million for the fiscal year 1986 is provided for VISTA. Under this provision, absolutely no funding can be provided for the other title I programs until the funding floor has been satisfied.

The merits of VISTA is not the issue of this amendment. The Appropriation Committee can choose to appropriate the full $25 million if it so desires; but to kill the rest of the title I programs at the expense of the preservation of this funding floor, I think would be ludicrous.

This amendment has been characterized by some Members from the other side of the aisle as an "anti-VISTA" bill. We are not opposing this in this amendment. To charge us with opposing this is simply hogwash. The amendment is nothing of the sort.

Would an amendment that is intended to phase out VISTA leave a "such sums" authorization for the program in place? I do not think so. Members who support the Bartlett amendment can honestly say that their action in no way undermines the possibility of VISTA receiving substantially increased appropriations for the next 3 years.

Let me outline why the Bartlett amendment is a much needed addition to H.R. 2655. First of all, the President has said that if the VISTA funding floor is left in the bill, he will veto the bill. If this happens, we will be left without an authorization not only for VISTA, but also for the Older American Volunteer programs. A vote for the Bartlett amendment is, therefore, a vote for the Older American Volunteer programs. Second, the Appropriations Committees of both the House and the Senate have shown absolutely no inclination to raise VISTA appro-

priations from the current $11.8 million up to $25 million in 1 year. If I am right in this regard, one of three things will happen. The Appropriations Committee could simply override the requirements of the VISTA funding floor with language included in the appropriations bill; or second, the Appropriations Committee could adhere to the legal requirement and provide no funding for other title I programs; or finally, the Appropriations Committee could simply ignore the offending provision and appropriate for all three parts of title I as if there was no funding floor.

In my opinion, all three of these possible outcomes would be highly undesirable. All three would signify disregard for our procedures. We would be in the position of having promised to fund VISTA higher, but then not following through.

I appeal to all Members, whether you support VISTA or not, to support the amendment of the gentleman from Texas. With it we will preserve the future of all title I volunteer programs. With it we will preserve the proper functioning of the appropriations process. Finally, we will have passed a bill here today that we can all support in conference committee and urge the President to sign.

I urge an "aye" vote on the amendment.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, Congressman BARTLETT. Over the past 18 years the VISTA program has had a significant and positive impact on the elderly. VISTA volunteers have worked in local communities on identifying and developing local solutions to the problems of the elderly in the areas of housing, energy conservation and weatherization, crime prevention, food and nutrition, health care, alcohol and medication abuse, and rural transportation to name just a few areas.

Under H.R. 2655, because of my amendment adopted in committee 20 percent of all VISTA volunteers would be required to be 55 years of age or older. Because of the inclusion of the VISTA funding floor, this would enable a minimum of 2,000 seniors to serve as full-time VISTA volunteers over the next 3 years. VISTA is the only ACTION program that provides an opportunity for full-time service by older Americans. Through VISTA, older Americans can be both providers, as well as recipients, of needed services.

Currently 17 percent of all VISTA volunteers are themselves senior citizens and literally hundreds of VISTA projects focus on serving the elderly VISTA's involvement in providing food and shelter to needy seniors, greater employment opportunities for individuals 55 and older desiring to stay in or reenter the job force is particularly impressive. VISTA provides new and exciting avenue for seniors, many of whom have the time, the energy, and the commitment to work full-time at addressing poverty and poverty related problems in their own local communities and neighborhoods.

H.R. 2655 and the VISTA funding floor included in the bill enjoy broad support from major senior citizen constituency groups, including the American Association of Retired Persons, the National Council of Senior Citizens, the Villers Center on Aging, as well as the three associations representing the Popular Action Older American Volunteer programs; RSVP, FGP, and SCP.

The funding floors included for VISTA in H.R. 2655 in no way and I repeat, in no way, jeopardize ACTION's Older American volunteer programs as some would have you believe.

A vote for the Bartlett amendment is a vote against senior citizens and a vote to deny greater opportunities for seniors to serve the needy of our Nation. I urge my colleagues to vote "no" on the Bartlett amendment.

□ 1100

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I would like to associate myself with the comments of the gentleman from New York.

Mr. Chairman, I rise in opposition to the Bartlett amendment and I would like to add my voice to those of my colleagues who support H.R. 2655 and who recognize the contributions that the VISTA program has made to their respective States during the 18 years of its existence. Washington State, too, has been positively and productively served by thousands of VISTA volunteers throughout the years. I welcome this opportunity to honor those volunteers who have served the State of Washington as well as those Washingtonians and other citizens who have served as VISTA's in every part of the country.

H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983, would authorize the funding floors for VISTA for fiscal years 1984 through 1986 at levels of $25, $28, and $30 million respectively. For the most part, these funding levels represent a return to budget amounts of years long past and signal an effort to stop the current administration from eliminating this program entirely.

But, why should we support such a program as VISTA and, indeed, increase the level of support that it has received during the most recent past? VISTA manifests many positive American ideals such as voluntarism, citizen participation, local initiative, and a commitment to community self-help and social justice. VISTA enables and encourages the least advantaged Americans to participate in and gain greater control over the decisions that affect their lives.

Since 1965, over 75,000 Americans, representing every age, racial, economic, and regional group in this Nation, have served as VISTA volunteers. Paid only a subsistence allowance, these volunteers are now almost entirely recruited from the communities in which they will work. And within these communities they have worked for and developed thousands of community-based, self-help projects, such as agricultural cooperatives, food banks, domestic violence shelters, literacy education, and economic development and neighborhood revitalization programs.

Most of these programs have continued after VISTA assistance was phased out. But many of these needed projects would not have even existed without the initial aid of VISTA's volunteers. VISTA, in short, is a program with a proven and honorable track record. It represents a remarkable return on the Federal Government's small investment. It is estimated that on average, for every $6,800 it takes to support a VISTA volunteer per year, $24,000 in resources are generated locally, yielding more than 350 percent in return value. This includes resources such as foundation grants, profitable businesses, donated goods and services, and corporate contributions. VISTA's are well known for their creativity and resourcefulness. Each VISTA recruited an average of 24 unpaid full- or part-time volunteers at the local level.

Volunteerism, cost-effective Government programs, local self-help, neighbor helping neighbor, collaboration with the private sector—the VISTA program sounds like an initiative the Reagan administration would support. Instead, the Reagan administration has worked to undermine and eliminate the VISTA program. One might ask why the Reagan administration has been so involved in efforts to bring about VISTA's demise? Perhaps it has to do with the people who are served most directly by VISTA programs—the poor and the disadvantaged among us. Despite ACTION's "new initiatives" in the areas of hunger, drug abuse, veterans, literacy, and runaways, the lack of Reagan administration support for H.R. 2655 is further evidence of the total disregard for the poor that is inherent in Reagan administration policies.

VISTA volunteers are committed to helping the poor. In the State of Washington alone, the list of accomplishments is impressive:

The first VISTA volunteers to serve in Washington were assigned to the Seattle Housing Authority, helping housing project residents develop health clinics and child care programs. They also worked with parent advisory committees to help improve education programs in schools attended by low income and minority students.

Other VISTA's, assigned to the central area motivation program in Seattle, helped develop consumer education, recreation, and early childhood development programs. They also helped establish one of the first black-controlled credit unions, the Central Area Federal Credit Union.

VISTA volunteers serving in the Yakima Valley helped develop effective migrant education programs, expanded day care and early childhood education projects in migrant worker housing areas, and Spanish-English, bilingual programs in public schools. They also helped establish mobile health vans to serve migrant farm workers.

Under the sponsorship of several legal services offices, VISTA's helped expand legal-aid programs to the poor in Yakima, Walla Walla, Corant, Okanogan, Stevens, Kittitas, and Skagit Counties. The office of public defender in Okanogan County, started by a VISTA lawyer in 1975, still exists today.

VISTA volunteers assigned to Seattle's capital hill neighborhood helped develop Community House, one of the first halfway houses helping former mental patients make the difficult transition from institutional care to independent living in the community. This facility, too, continues to operate long after VISTA's involvement in the project was phased out.

VISTA's have helped to establish economic development projects sponsored by the Kalispell, Quinault, Makah, Quilente and Swinomish Indian Tribes in such areas as agriculture and fish hatcheries.

During 1982, two VISTA volunteers assigned to the Washington State literacy project recruited and trained 297 volunteer tutors and initiated tutoring for over 400 people. Although the literacy project lost over $21,000 in Federal funding, private sector and grassroots funding increased by $34,000. VISTA's played a pivotal role in generating this increased private sector and grassroots support for this project.

Currently, in the Pike Market area of Seattle, VISTA volunteers are assisting in the development of a senior center, health clinic, child care center, and food distribution programs for low-income residents.

In Spokane, Yakima, Longview/Kelso, Everett, Mount Vernon, Tacoma, and Olympia, VISTA's sponsored by YWCA and community action agencies have helped develop and expand women's shelters and other domestic violence and rape relief programs.

These are but a few of the achievements of VISTA volunteers. VISTA has been a creative and positive force in the State of Washington. The poor, the elderly, and the disadvantaged have been well-served by the VISTA program. And the increase in the quality of life has benefited the entire State. Evidence of the skills, determination and accomplishments of VISTA volunteers, are evident.

To end, I would like to illustrate what the experience of serving in VISTA has meant to those who have participated. In VISTA's early days, many of the VISTA volunteers were young, idealistic individuals from middle class backgrounds. My colleague Mr. MURPHY recently shared with me a letter he received from a former VISTA volunteer who first came with his wife to Washington State and, like many former volunteers, never left. He wrote:

> Thirteen years ago, my wife and I began our post-college careers as VISTA volunteers, We were both nationally recruited and "parachuted into a community" to develop post-release options for the mentally ill have people from outside the community to bring in new enthusiasm, energy, and ideals. . . I can assure you that neither my wife nor I were radicals seeking to make structural changes in our society. Idealistic, yes. Radical, no, we were not. Now, thirteen years later, I find myself as the Executive Director of a community-based youth organization which sponsored a VISTA project for the past two years.

Currently, the letter writer, Charles Shelan, is executive director of Thurston Youth Services Society in Seattle which, among other things, is responsible for organizing three citizens' panels in rural communities for the purpose of holding young offenders accountable for crimes they committed.

This particular project has been responsible for recruiting 20 volunteers during the past 2 years. Without the VISTA volunteers to organize and maintain it, this project could not have existed.

VISTA has made major contributions to the lives of the volunteers, to the States in which they have served, and most importantly, to the poor and disadvantaged of our society. I agree wholeheartedly with the Mr. Shelan who so poignantly wrote:

> I definitely believe there is a need to continue the VISTA program. It is cost-effective, and most importantly, it gives middle Americans an opportunity to learn about and propose solutions to local problems such as poverty, unemployment, and crime.

The need for VISTA has never been greater. Without hesitation we must pass this most worthy and cost-effective legislation.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard some statements made today that I think make me pause and take stock of what this bill does. Last Monday, I spoke in favor of this bill.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment, which despite the rhetoric to the contrary is nothing more than a not-so-veiled attempt to kill the VISTA program. The funding floor language is not new. If it had not existed over the last couple years, the administration would have been successful in its attempt to kill VISTA which has been so vital in ameliorating the effects of poverty by encouraging self-sufficiency instead of handouts. The program is needed now more than ever. The talk about programs held hostage is misleading. VISTA is precisely the vehicle to undertake the kinds of activities that need to be undertaken, and, indeed, ACTION has always turned to VISTA to undertake new initiatives.

In the last few years, voluntarism and self-help have been promoted at the highest level of Government. The VISTA program represents the finest in that tradition. Yet, despite its proven track record, the administration has repeatedly tried to eliminate the program.

Why would the administration want to kill a program with the record of achievement that is VISTA's? According to ACTION's last program evaluation, each VISTA volunteer generated an average of $24,000 per year in resources at the local level through foundation grants, donated goods and service, income-generating businesses, corporate contributions, and the like. In addition, each VISTA volunteer was found to have recruited an average of 15 other unpaid volunteers at the local level.

The return on the Government's comparatively small investment is remarkable. I can attest to the important contributions this program has made both in my home State of Ohio, and my district, the greater Toledo area. Those who question the VISTA's effectiveness in communities across this Nation, clearly have no experience with VISTA projects.

VISTA volunteers in North Toledo Area Corp., were instrumental in the rehabilitation of an abandoned store which they transformed into a neighborhood health center. The center has become indispensable to meeting the health-care needs of the low-income residents of the area. The VISTA volunteers were critical in raising the necessary cash and inkind contributions

to operate the center. Their work did not stop with this success. A community park and shelter which has been closed for 2 years is now opened and functioning because of the VISTA effort. Over the years, VISTA volunteers in our area have been involved in the distribution of surplus food commodities, and their activities included locating ethnic seniors who are unable to speak English and are often excluded from subsistence programs.

These examples from Toledo are replicated across Ohio from the Pike County Canning Center which is improving the nutritional needs of area low-income people, to the Ohio Youth Service Network which is working with runaway and other troubled youth across the State, to the Columbus, Ohio, Literacy Council which has provided English lessons to refugees, unemployed Americans, and others in need of assistance. In each of these instances, VISTA has promoted self-help and garnered private sector resources.

There are those who argue that VISTA volunteers are not real volunteers because they receive a modest allowance for their work. VISTA is not unique in providing its volunteers a subsistence level allowance. Many privately and federally supported programs provide stipends to their volunteers. I ask, is $375 a month in living allowance to much for a VISTA volunteer who works at considerable personal sacrifice giving up a year of his/her life to enable the dispossessed to gain self-sufficiency?

Mr. Chairman, we must oppose any attempts to weaken a program that functions in the finest tradition of American volunteerism. Today, with the poverty rate rising 15 percent of the population, it is penny wise and pound foolish to gut a program targeted to the most disadvantaged segment of our society. I call on my colleagues to oppose this amendment.

Mr. NIELSON of Utah. Mr. Chairman, we have heard the last two or three speakers say the Bartlett amendment is a vote against older Americans, because it prohibits their participation and prohibits the use of VISTA volunteers to help older Americans.

The Older American Volunteer programs are in grave jeopardy. The Foster Grandparent program is in jeopardy, and RSVP and ACTION programs are also.

The bill calls for such sums in the VISTA program and all others except the other programs depending on having at least a $25 million floor for the VISTA program.

That requires an increase of 112 percent. If the funding is not to that 112-percent increase, then the entire program goes down the drain.

If you really want to help older Americans and the VISTA program and other programs, then you should vote for this amendment and free them from bondage to the VISTA funding level. There is nothing to say that the Appropriations Committee cannot also give the $25 million, but it does jeopardize all of them and invites the veto.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman aware that part B projects and demonstration projects and young student volunteer projects exist in over 33 percent of the districts Members represent in this House?

Mr. NIELSON of Utah. The gentleman is correct. Some of the States which are in jeopardy are Illinois, New Jersey, New York, Texas, Pennsylvania, Florida, Michigan, California, Massachusetts, and Georgia, 14 States in all.

Mr. BARTLETT. There are States all over the Nation and districts all over the Nation, and because as the gentleman knows, the demonstration projects, they are applied for every year; and there could well be projects for every Member of this House.

The gentleman, of course, knows that there is the bipartisan support with letters to ACTION asking for student volunteer projects from all over the country the gentleman knows that.

Mr. NIELSON of Utah. That is correct.

Mr. BARTLETT. The gentleman, I suppose, is aware also of the national antidrug program called Pride, which is based in Atlanta, but is a national program, that would be endangered unless this amendment is passed?

Mr. NIELSON of Utah. That is correct.

The ranking minority member of this subcommittee has done an excellent job of expanding the things which VISTA volunteers can do, things which constitute appropriate service.

He has broadened the scope making VISTA more extensive and more directly applicable to the problems we have, taking away some of the earlier stigma of some of the abuses that were associated with VISTA in the 1960's.

I would plead with you, if you have any desire to save the other programs, the Foster Grandparents program, the Older Americans program, the RSVP program, if you feel any of these do any good, do not jeopardize them by an unwise rejection of the Bartlett amendment. Vote for the Bartlett amendment, so we can save the rest of the programs.

Thank you.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that we have heard both sides of the aisle discuss this amendment, but let us just be very clear about what is going on here.

The reason we have increased the floor to VISTA, the reason we have tried to provide the same amount of funding that was provided in 1969, is simply that we do not trust this administration to have the best interests of VISTA at heart.

We do not trust this administration that has led the fight against these kinds of programs, has sought to undermine them with the use of the Republican side of the aisle on the Education and Labor Committee, has sought to undermine them with the administration of the VISTA and ACTION programs. If we are going to preserve the very best of ACTION, the very best of VISTA, then this floor must be required.

It is very interesting that Members of Congress get up here and say what is best for the senior citizens, and how somehow this is going to jeopardize them. As Mr. BIAGGI has pointed out, the very people who are the beneficiaries of those programs for the elderly, and the very people who are involved in running those programs for the elderly, support this legislation and support the funding floor for VISTA. So what we are asking is to protect VISTA from the ravages of this administration who would reduce it even further, absent this floor, from what it was in 1969.

I think the issue is very clear. We saw them come after this. I was part of the fights in 1981 when they sought to destroy the floor at that point, so administratively they could get rid of the VISTA programs. But what we all know is that VISTA is one of the most cost beneficial programs in Government. It attracts volunteers from all segments of our society, from poor people to professional individuals who lend their talents to their communities and to programs in need.

I think that if you vote for the Bartlett amendment, you are doing nothing more than gutting the VISTA program. You are doing nothing more than turning your back on what little voluntarism the President says he so strongly favors, what little voluntarism we have in this country with this vehicle.

This is one of the very few vehicles we have for that, and you ought to see the list of people who support this, the people whose best interests the Republicans say they are speaking for. They oppose the Bartlett amendment, and so should Members of the House.

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas (Mr. BARTLETT).

I do so not out of opposition to VISTA, but solely in support of the congressional committee system. The Education and Labor Committee is charged with the initial responsibility of setting the amounts appropriated for various programs. The Appropriations Committee is able to make such decisions from the vantage point of the entire Federal budget, and then the full House has to approve those decisions.

Now, as we have heard, H.R. 2655 would override that normal procedure by mandating that the first $25 million appropriated for all title I programs must go to VISTA.

That is as opposed to $15 million last year for all programs. VISTA may be deserving of the money. I think it is.

This decision belongs to the Appropriations Committee, and we should not hold all title I programs hostage to force the Appropriations Committee to act in a certain way with respect to VISTA funding.

Once one congressional committee begins overriding its boundaries by invading the jurisdiction of another committee, the entire committee system can be undermined.

The VISTA funding floor is just such an invasion.

□ 1110

Although I support VISTA, I urge you to vote for the Bartlett amendment to protect the congressional committee system. This is a good program and it can stand on its own merits when the time comes for setting appropriations.

It has been said that there has been a funding floor in the past and there has.

What level has it been at? Roughly two-thirds of the amount in the floor for VISTA for the amount for all title I funding appropriated in the preceding year. For example, the first year, 1975, $22.3 million for VISTA. The title I total appropriation was $37 million. Last year, 1982, $16 million floor for VISTA and about $20 million for all title I programs.

Suddenly we are talking about a floor, raising it from $8 million to $25 million for VISTA as opposed to $15.6 million spent for all title I programs last year. It sticks out like a sore thumb. It is clearly an invasion of the Appropriation Committee's jurisdiction and I urge a vote for the Bartlett amendment to restore balance to our system.

Mr. BEREUTER. Mr. Chairman, I rise in support of the Erlenborn-Bartlett amendment. One of the very positive initiatives offered by this administration has been to again encourage Americans to roll up their sleeves and turn their considerable energies to tasks that call for volunteers. During the last 2 years, we have seen more citizens than ever answer that call, in countless efforts in communities across the country.

These efforts by private citizens, through private agencies and organizations, serve to enhance the modest national agenda developed over the years to assist volunteers. Internationally, the founding of the Peace Corps set the pace for worldwide humanitarian efforts that brought incalculable benefits to developing nations and enriched those who participated in the program. Volunteers in Service to America (VISTA) built on the spirit of the Peace Corps, authorizes subsistence assistance for volunteers at home.

Several of my colleagues are concerned that VISTA has failed to live up to its mandate to undertake antipoverty programs. In truth, some of their criticisms are accurate. The Education and Labor Committee, however, has clearly restated the program's mission, and attempted to set a funding floor that in more prosperous times might make good sense. Today, in this reauthorization effort however, it does not.

I have considered the arguments of my distinguished colleagues across the aisle, and while I understand them, I believe fiscal prudence is necessary to protect all the vital functions of the ACTION programs. Certainly, VISTA volunteers represent the best of the American tradition of helping one another. Certainly there have been times that their hard work and creative ideas meant the difference between success and failure for many community endeavors. In the best situations, VISTA responds to the real needs of real people. But what of the other superb volunteer programs? Are we willing to jeopardize the service learning projects—like the young volunteers in action projects in Nebraska, for example—and other special programs for a funding floor for VISTA? This Member is not, and I urge my colleagues to support the Erlenborn/Bartlett amendment, and cast a vote to insure the reauthorization of a program that has the potential to maximize its appropriated dollars tenfold.

● Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Mr. BARTLETT). The gentleman's amendment would strike the provision which establishes a funding floor under the Volunteers in Service to America, the VISTA program. The funding floor provision was adopted by the Committee on Education and Labor in order to insure at least a minimum level of funding for a program that has meant so much to those with so little.

As many of my colleagues will recall, upon the passage of Gramm-Latta, the VISTA budget was slashed by more than 75 percent. The number of volunteers has fallen from a 1981 level of 5,000 to fewer than 1,800 at present. However, hundreds of thousands of low-income Americans lost much more.

Currently, 142 VISTA volunteers are assigned to 40 food banks or co-ops. But the national need is so much greater that the 140 volunteers would be hard pressed to meet the needs of my district, let alone the Nation.

At the present time there are only 330 VISTA volunteers assigned to 63 VISTA projects working to fight illiteracy; 330 volunteers is just not enough.

VISTA volunteers—the majority of whom are low income—continue to generate the tangible benefits of jobs, resources, and services for poor communities, as well as the intangible benefits of justice and dignity, hope and self respect for the poor. H.R. 2655 would begin to restore the VISTA program so that more may benefit and fewer may suffer. Indeed, if one desired to destroy the VISTA program, one need look no further than this amendment.

I understand from reading the gentleman's dissenting views in the committee report that he offers his amendment in the spirit of promoting voluntarism in America. I would suggest that supporters of the amendment more closely examine VISTA and the basic principles it embodies—local decisionmaking, self-help, and neighbor helping neighbor. It may interest supporters of the amendment that nearly all volunteers are recruited from the communities in which they serve. In this way, VISTA is not only servicing the needs of poor communities through specific projects, but is also developing the skills of community residents, thereby nurturing local leadership and community self-sufficiency. Rather than being identified as the problems themselves, many low income volunteers become problem solvers through the opportunities that VISTA provides.

We are told that VISTA must be further cut back so that it does not constitute a threat to privately funded organizations. Many of these organizations perform an outstanding service in their efforts to assist the poor. But these very organizations strenuously object to the contention that their efforts are hampered by VISTA. In an open letter to all Members of Congress, which I will submit for the record, 45 private antipoverty organizations emphasize that "part-time non-stipend volunteers could in no way take the place of full-time VISTA volunteers."

We have heard that the authorization level in the committee bill represents an unjustified increase from the fiscal year 1983 level of $11.8 million. Even if VISTA was fully funded at the levels proposed in the committee bill,

however, it would still fall short of the 1981 level by more than 35 percent.

This is particularly important when you consider how many millions of Americans have lost their jobs and their homes during the last 3 years. Millions more have lost food stamp benefits, exhausted their unemployment insurance, and have been abruptly terminated from the disability rolls. Home and farm foreclosures are at the highest rate since the depression, but these people need nor want handouts. What they need are the tools to help them help themselves.

I urge this body not to support this amendment, and to approve the full proposed authorization level for the VISTA program.

At this point I include the following letter:

OCTOBER 14, 1983.

DEAR REPRESENTATIVE: We are writing to express our strong support for H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983, as reported by the Education and Labor Committee. It is our understanding that debate on this bill will begin immediately following the Columbus Day recess.

As organizations traditionally concerned with eliminating poverty and addressing the basic human needs of the disadvantaged, the elderly, the handicapped, and the poor, we have been aware for many years of the work of VISTA and its volunteers. In our judgment, VISTA is one of the most vital and cost-effective federal programs working to overcome a broad range of domestic problems—hunger, illiteracy, family violence, unemployment, crime, homelessness—facing millions of poor Americans today.

We are deeply disturbed by the innumerable efforts over the past few years to undermine and eliminate VISTA, a program that, at a minimal cost to the government, has provided so much to those who have so little. It seems incongruous that VISTA should be targeted for extinction at the precise time that many of the basic principles it embodies—local decision-making, self-help, neighbor helping neighbor, people as problem solvers—are hailed as virtues by those who would abolish the program.

The VISTA program represents what is best in this country: voluntarism put to work to benefit millions of people, young and old, who have been left out and left behind. VISTA now, as in the past, is dedicated to the basic American idea of helping people to help themselves. It enable persons from all walks of life, economic levels, geographic areas, and ages to serve their country and communities. VISTA is not a Democratic or a Republican program. It is very much an American program that is worthy of support from Republicans as well as Democrats, conservatives as well as liberals.

Since 1965, over 75,000 Americans have served as VISTA volunteers and have proudly demonstrated that our government can help people to help themselves. VISTA's "hand-up" approach to addressing poverty and poverty-related problems has provided millions of our nation's poor with an opportunity for a better life. VISTA has also brought positive and lasting improvements to thousands of rural and urban low-income communities and neighborhoods. Today, VISTA volunteers—the majority of whom are themselves low-income—continue to generate the tangible benefits of jobs, resources, and services for poor communities, as well as the intangible benefits of justice and dignity, hope and self-respect for the poor.

We agree wholeheartedly with the Education and Labor Committee's conclusion that the need for a cost-effective self-help program like VISTA has grown, rather than diminished. In this time of tightening budgets and cutbacks in so many social programs that help the poor and disadvantaged, VISTA volunteers have played and should continue to play an important role in addressing the problems that confront the poor and disadvantaged.

Recent studies by business, voluntary, religious, and philanthropic organizations all show that the federal government cannot rely on the private sector to fill the gap caused by cutbacks in the broad spectrum of social programs designed to assist the poor. The VISTA program has a proven record in working with and assisting private sector organizations such as ours to help the truly needy. Based on our collective experience, we know that part-time non-stipended volunteers could in no way take the place of full-time VISTA volunteers.

One of the most important aspects of VISTA volunteers' work is their effort to identify, recruit, and effectively involve part-time volunteers in the activities of the organizations with which they work. VISTAs have been must successful as catalysts and mobilizers of financial and volunteer resources at the local level. Studies show that on the average, each volunteer, at a cost of less than $7,000 a year, recruits over 15 part-time and full-time volunteers for his or her project and is able to generate over $24,000 in financial resources at the local level.

While some might argue that the VISTA funding floors included in HR 2655—$25 million, $28 million, and $30 million respectively for fiscal years '84, '85, and '86—are a 110% increase over VISTA's currently $11.8 million budget, and therefore are unjustified, we would respond by pointing out that these funding levels are still far below those of just two-and-a-half years ago. Since January of 1981, VISTA's budget has been slashed from $34 million to $11.8 million, and the number of volunteers has been reduced from nearly 5,000 to fewer than 1,800.

During these difficult economic times, we must not retreat from our national commitment to help people help themselves. Now is the time to reaffirm and intensify this commitment and to ensure that the federal government encourages and freely supports self-help programs such as VISTA. As the number of people living in poverty continues to grow, the need for VISTA grows as well.

We urge your full support of HR 2655 as proposed by the Education and Labor Committee. On behalf of the poor and disadvantaged people we represent, we request that you oppose any and all efforts to reduce the funding that this bill provides for VISTA. VISTA is a program that deserves your continued and wholehearted support.

Sincerely,

Alliance for Justice.
American Association of Retired Persons.
Americans for Indian Opportunity.
Association of Retarded Citizens.
Blinded Veterans of America.
Children's Defense Fund.
Camp Fire, Inc.
Center for Community Change.
Coalition on Block Grants and Human Needs.
Disability Rights Center.
Disability Rights Education and Defense Fund.
Federation of Jewish Philanthropies.
Friends of VISTA.
International Ladies Garment Workers Union.
Jewish Fund for Justice.
Laubach Literacy Action.
Leadership Conference on Civil Rights.
League of Women Voters of the United States.
Literacy Volunteers of America.
Mexican American Legal Defense Educational Fund.
National Association of Community Health Centers.
National Association of Foster Grandparent Program Directors.
National Association of Retired Senior Volunteer Program Directors.
National Association of Senior Companion Project Directors.
National Association of Social Workers.
National Center for Urban and Ethnic Affairs.
National Coalition Against Domestic Violence.
National Coalition for the Homeless.
Nation Council of La Raza.
National Council of Senior Citizens.
National Low-Income Housing Coalition.
National Neighborhood Coalition.
National Network of Runaway and Youth Services.
National Rural Housing Coalition.
National Youth Work Alliance.
Rural America.
Rural Coalition.
Second Harvest.
The Children's Foundation.
United Steelworkers of America.
Vietnam Veterans of America.
Villers Center of Aging.
Volunteer: National Center for Citizen Involvement.
Women's Equity Action League.
Women's Technical Assistance Project.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. BARTLETT).

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 9, noes 12.

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 428]

Ackerman	Andrews (TX)	Barnard
Akaka	Annunzio	Barnes
Albosta	Applegate	Bartlett
Alexander	Archer	Bateman
Anderson	AuCoin	Bates
Andrews (NC)	Badham	Bedell

Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conyers
Cooper
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Daschle
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Donnelly
Dorgan
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Eckart
Edgar
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Gaydos
Gejdenson
Gekas
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Harkin
Hawkins
Hefner
Hertel
Hightower
Hiler
Hillis
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Luken
Lundine
Lungren
Mack
Madigan
Markey
Marlenee
Martin (IL)
Martin (NC)
Martinez
Matsui
Mavroules
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mollohan
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Rudd
Sabo
Savage
Scheuer
Schneider
Schroeder
Schulze
Seiberling
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stenholm
Stratton
Studds
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

□ 1120

The CHAIRMAN pro tempore. Three-hundred twenty-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Texas (Mr. BARTLETT) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Members will have 5 minutes on this vote.

The vote was taken by electronic device, and there were—ayes 132, noes 215, answered not voting 86, as follows:

[Roll No. 429]

AYES—132

Archer
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gekas
Gingrich
Glickman
Goodling
Gradison
Green
Gregg
Gunderson
Hansen (ID)
Hiler
Hillis
Hubbard
Hunter
Hyde
Ireland
Jeffords
Johnson
Jones (OK)
Kasich
Kemp
Kindness
Lagomarsino
Lewis (CA)
Lewis (FL)
Loeffler
Lott
Lowery (CA)
Lungren
Mack
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McEwen
Miller (OH)
Moore
Moorhead
Morrison (WA)
Myers
Nichols
Nielson
Olin
Packard
Pashayan
Paul
Petri
Porter
Quillen
Regula
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rudd
Schulze
Sensenbrenner
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith, Robert
Snyder
Solomon
Spence
Stenholm
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Whitten
Wolf
Wortley
Wylie
Young (FL)
Zschau

NOES—215

Ackerman
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boehlert
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Carr
Chappell
Clarke
Coelho
Coleman (TX)
Conyers
Cooper
Coughlin
Coyne
Crockett
D'Amours
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dymally
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Fuqua
Gaydos
Gejdenson
Gilman
Gonzalez
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Harkin
Hatcher
Hawkins
Hefner
Hertel
Hightower
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jenkins
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Markey
Marlenee
Martinez
Matsui
Mavroules
McCloskey
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mollohan
Moody
Morrison (CT)
Murphy
Murtha
Natcher
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Owens
Panetta
Parris
Patman
Patterson
Pease
Penny
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Rinaldo
Rodino
Roemer
Rowland
Roybal
Sabo
Savage
Scheuer
Schneider
Schroeder
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Spratt
St Germain
Staggers
Stratton
Studds
Swift
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Udall
Valentine
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Williams (OH)
Wirth
Wise
Wolpe
Yates
Yatron
Young (AK)
Young (MO)
Zablocki

NOT VOTING—86

Addabbo
Boggs
Boland
Bosco
Breaux
Burton (CA)
Byron
Clay
Collins
Conte
Corcoran
Daub
Dixon
Dowdy
Dyson
Early
Ferraro
Forsythe
Frost
Garcia
Gephardt
Gibbons
Gore
Gramm
Hall, Sam
Hammerschmidt
Hance
Hansen (UT)
Harrison
Hartnett
Hayes
Heftel
Holt
Hopkins
Howard
Hutto
Kramer
Latta
Leach
Lipinski
Livingston
Lujan
MacKay
Madigan
Marriott
Martin (NY)
Mazzoli
McCurdy
Michel
Mitchell
Moakley
Molinari
Montgomery
Mrazek
Neal
O'Brien
Ortiz
Oxley
Pepper
Pritchard
Pursell
Richardson
Roe
Rose
Rostenkowski
Russo
Sawyer
Schaefer
Schumer
Shannon
Shaw
Simon
Skelton
Smith, Denny
Solarz
Stangeland
Stark
Stokes
Stump
Synar
Traxler
Watkins
Williams (MT)
Wilson
Wright
Wyden

□ 1130

The Clerk announced the following pairs:

On this vote:

Mr. Hance for, with Mr. Addabbo against.
Mr. Corcoran for, with Mr. Dyson against.
Mr. Stump for, with Mr. Moakley against.
Mr. Oxley for, with Mr. Boland against.
Mr. Gramm for, with Mr. Pepper against.
Mr. Denny Smith for, with Mr. Ortiz against.
Mr. Stangeland for, with Mr. Mitchell against.
Mr. Daub for, with Mr. Dixon against.

Mr. ENGLISH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1140

The CHAIRMAN pro tempore. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—OLDER AMERICANS VOLUNTEER PROGRAMS AMENDMENTS

GENERAL AMENDMENTS REGARDING PROGRAMS

SEC. 201. (a) Section 201(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(a)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Director".

(b) Section 201(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(b)) is amended by striking out "30 per centum" and all that follows through "years", and inserting in lieu thereof "and 30 per centum in any subsequent such years".

(c) Section 211 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5011) is amended—

(1) in subsection (a) by striking out "he" each place it appears and inserting in lieu thereof "the Director",

(2) in subsection (b)(2)—

(A) by striking out ", and of a particular foster grandparent providing,", and

(B) by striking out "such relationship" and inserting in lieu thereof "such services",

(C) in subsection (d)—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Director", and

(B) by striking out "$2" each place it appears and inserting in lieu thereof "$2.20", and

(4) by amending subsection (e) to read as follows: "(e) For purposes of this part—

"(1) the terms 'low-income person' and 'person of low income' mean any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section, and

"(2) each such person whose income is not more than 100 per centum of such poverty line, as so adjusted, shall be given special consideration for participation in projects under this part.".

(d) Section 212(b) of the Domestic Volunteer Service Act of 1973 (32 U.S.C. 5012(b)) is amended to read as follows:

"(b) For purposes of this section, the term 'community action agency' means an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).".

(e) Section 213 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5013) is amended—

(1) in subsection (a) by inserting "services designed to enable persons to leave such institutions and live in settings in which home health care will be received;" after "other institutions;",

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)", and

(B) by adding at the end thereof the following new paragraph:

"(2) The Director shall encourage agencies and organizations which receive funds for projects under this part—

"(A) to recruit unpaid volunteers who by reason of professional training (including training in medical sciences, social sciences, and home economics) and experience will be utilized to train senior companions—

"(i) to make initial assessments of the needs of older persons to whom services may be provided under this part; and

"(ii) to provide home health care and homemaking services; and

"(B) to make greater use of experienced senior companions who have special skills and leadership ability to assist, and to coordinate the activities of, other senior companions.", and

(3) by adding at the end thereof the following new subsection:

"(c)(1) During the three-year period beginning on the effective date of subsection (b)(2), the Director shall conduct an evaluation of the impact of the actions taken as a result of such subsection. Such evaluation shall include information regarding—

"(A) the extent to which the cost of providing long-term care is reduced as a result of the services provided by senior companions;

"(B) the effectiveness of the services provided by senior companions;

"(C) the extent to which the health care needs of senior companions are reduced as a result of their participation in projects under this part;

"(D) the extent to which there is coordination of projects under this part and other Federal and State efforts designed to enable older persons to receive care in their own homes;

"(E) the effectivness of using volunteers and experienced senior companions in the manner described in subsection (b)(2); and

"(F) such other matters relating to this part as the Director deems appropriate.

"(2) Not later than the expiration of such period, the Director shall submit to the Congress a report describing the results of the evaluation conducted under paragraph (1).".

(f)(1) Section 222 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5022) is amended—

(A) by striking out "SEC. 222." and inserting in lieu thereof "(b)"; and

(B) by inserting below the section heading the following:

"SEC. 222. (a) For purposes of making any grant or contract under this title, the Director may not take into consideration the amount of or the use made of any local contribution in excess of the amount of the local contribution required under this title if such use is consistent with the requirements of this title.".

(2) The heading of section 222 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5022) is amended to read as follows:

"AWARD DETERMINATIONS; PAYMENTS"

(3) The table of contents of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4051 et seq.) is amended by striking out the item relating to section 222 and inserting in lieu thereof the following new item:

"Sec. 222. Award determinations; payments.".

AMENDMENTS AUTHORIZING APPROPRIATIONS

SEC. 202. (a) Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)) is amended—

(1) by striking out "$28,691,000 for fiscal year 1982 and"; and

(2) by inserting "$31,872,000 for fiscal year 1984, $33,306,000 for fiscal year 1985, and $34,638,000 for fiscal year 1986" after "1983,".

(b) Section 502(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(b)) is amended—

(1) by striking out "$49,670,000 for fiscal year 1982 and"; and

(2) by inserting "$58,797,000 for fiscal year 1984, $61,443,000 for fiscal year 1985, and $63,901,000 for fiscal year 1986" after "1983,".

(c) Section 502(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(c)) is amended—

(1) by striking out "$16,610,000 for fiscal year 1982 and"; and

(2) by inserting "$31,422,000 for fiscal year 1984, $32,296,000 for fiscal year 1985, and $33,108,000 for fiscal year 1986" after "1983,".

POVERTY LINE

SEC. 203. (a) Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is amended—

(1) by striking out "established by the Director of the Office of Management and Budget" and inserting in lieu thereof "defined by the Office of Management and Budget based on Bureau of the Census data"; and

(2) by inserting "For All Urban Consumers" after "Consumer Price Index".

(b) Section 683(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9912(c)(1)) is amended by striking out "section 624" and inserting in lieu thereof "section 624 or 625".

JUVENILE JUSTICE AMENDMENTS

SEC. 204. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is amended—

(1) by striking out subsection (e);

(2) in subsection (f) by striking out "Attorney General" and inserting in lieu thereof "Administrator"; and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in subsection (a)(1) by inserting ", except as provided in subsection (b)(3)" before the period at the end thereof, and

(2) in subsection (b)—

(A) in paragraph (1) by striking out "appointed by the President", and

(B) by adding at the end thereof the following new paragraph:

"(3) If a member required under paragraph (1) to be appointed is not appointed, or if a vacancy required under paragraph (2) to be filled is not filled, by the President within the applicable ninety-day period, then such member shall be appointed, or such vacancy shall be filled, by the Speaker of the House of Representatives.".

(c) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "section 201(f)" and inserting in lieu thereof "section 201(e)".

EFFECTIVE DATES

SEC. 205. (a) Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) The amendments made by subsection (c)(3)(B) and subsection (e) of section 201 of this title shall take effect on October 1, 1983.

Mr. JEFFORDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the bill before us, H.R. 2655. I do so because I continue to be impressed by the results of the programs authorized by this bill.

In my State of Vermont, VISTA volunteers are involved in a broad array of useful, productive activities. The Vietnam veterans' leadership program does a fine job of working with veterans. With the help of VISTA volunteers, the program is able to reach out across the State, counseling veterans on everything from agent orange, to alcohol and drug abuse, to training and employment.

In cooperation with the Vermont Office on Aging, VISTA volunteers are working across the State in job services offices to help senior citizens find suitable employment. Over the past 2 years, these volunteers have placed more than 400 seniors in jobs, and have counseled hundreds more in how to find work.

VISTA volunteers are working in correctional centers across the State to bring senior volunteers into the centers to work with youthful offenders, who comprise over 40 percent of the population of these centers. There is solid evidence that programs such as this result not only in skills training for the offenders, but in a more general reduction in the tension and hostility of the facilities.

There are just a few of the benefits under the VISTA program. They are from one State only, but are duplicated across the country.

In sum, the programs authorized by this bill are worthwhile and entirely consonant with efforts to promote voluntarism in this country. I urge my colleagues to give this bill their support.

The CHAIRMAN pro tempore. Are there any amendments to title II?

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI: Page 17, strike out lines 7 through 17, and insert in lieu thereof the following:

"(e) For purposes of this part, the terms 'low-income person' and 'person of low income' mean—

"(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

"(2) any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.".

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Chairman, I am offering this technical amendment to correct an oversight in drafting. Unfortunately, this oversight would disqualify many current participants from eligibility for the Foster Grandparents and Senior Companions programs. Senior citizens in my State of Wisconsin would be particularly hard hit by this oversight. Let me explain.

Under current law, there are two different eligibility tests for these Older Americans programs First, any person is eligible to participate whose income "is not more than 125 percent of the poverty line" set forth in the Economic Opportunity Act. Alternatively, any person is eligible to participate whose income falls "at or below" that same poverty line as adjusted to "take into consideration existing poverty guidelines as appropriate to local situations." Preference is given to persons who qualify under the second test.

The drafters of this bill sought to update the referenced poverty line from that of the old Economic Opportunity Act to that of the new Community Services Block Grant Act. Unfortunately, they did this by deleting the second eligibility test, presumably on the assumption that the two tests were really the same and that the old legislative language was unnecessarily verbose. This is not true because the second test allowed for adjustments for local situations.

The key adjustment that has been made is for State supplements to Federal social security income. In at least six States, these State supplements bring certain persons currently participating in the Foster Grandparents or Senior Companions programs above 125 percent of the poverty line. Thus, the poverty programs of these States would disqualify current Foster Grandparents and Senior Companions from further participation in these Federal programs. I am sure no one ever intended such a misguided result. The six injured States are Alaska, California, Colorado, Massachusetts, Oklahoma, and alphabetically last but certainly not least, Wisconsin. The generosity of these enlightened States should not be penalized.

My amendment would correct this drafting oversight by restoring the second test for eligibility coupled with the old preference. Therefore, the drafters intent would still be accomplished without the unfortunate and unintended side effect. I urge you to vote for my amendment and preserve the eligibility of these needy Foster Grandparents and Senior Companions in Wisconsin and elsewhere.

Mr. ANDREWS of North Carolina. Mr. Chairman, if the gentleman will yield, I have no objection to the amendment and, in fact, I think it improves the bill.

Mr. PETRI. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PETRI

Mr. PETRI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PETRI: Page 22, line 15, insert "and" at the end thereof.

Page 22, strike out lines 16 through 18.

Page 22, line 19, strike out "(3)" and insert in lieu thereof "(2)".

Page 22, strike out line 21 and all that follows through line 14 on page 23.

Page 23, line 15, strike out "(c)" and insert in lieu thereof "(b)".

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Mr. Chairman, I recognize and appreciate the concern that led the Education and Labor Committee to add section 204(b) to this bill. Under current law, the President is required to fill vacancies on the National Advisory Committee for Juvenile Justice and Delinquency Prevention within 90 days of the occurrence of such a vacancy. Despite this requirement, there were long-standing vacancies on the Advisory Committee at the time H.R. 2655 was being marked up by the Education and Labor Committee. Even though this bill is not really a juvenile justice bill, it became a vehicle for trying to spur appointments to the Advisory Committee. Accordingly, section 204(b) provides that if a vacancy on the Advisory Committee is not filled within the requisite 90-day period, then "such vacancy shall be filled by the Speaker of the House of Representatives." Because this spur is no longer necessary, I am now offering this amendment to delete 204(b) from this bill.

This spur is no longer necessary because the President has filled all the vacancies on the Juvenile Justice Advisory Committee. As best as I can tell, the members of the Advisory Committee fulfill the statutory requirements. If this section of the bill was designed solely to speed the filling of current

vacancies on the Advisory Commission, then its purpose has been accomplished.

Absent the need to spur action, this provision is unwise for several reasons. First, the Advisory Committee is an executive agency and should be under the authority of the executive branch. The sole tasks of the Advisory Committee involve making recommendations regarding the "planning, policy, priorities, operations, and management of Federal juvenile delinquency programs." It is simply inappropriate, and may be unconstitutional, for a representative of the legislative branch to appoint a member of such an executive Advisory Committee.

Second, this provison would not necessarily solve the vacancy problem because the President presumably could remove the Advisory Committee members appointed by the Speaker, leaving that committee right back where it started. A recent Federal court decision (*Martin* v. *Reagan*, 525 F. Supp. 110 (D.C. Mass. 1981)) has held that the functions of a similar advisory committee, the National Institute of Justice Advisory Board, "fall into the category of purely executive." As such, the President had the complete authority to remove committee members at will. If the President used this authority to remove members of the Advisory Committee appointed by the Speaker, the situation would be even more confused than it is now.

Third, it is unusual to confer this appointment power on the Speaker. Not that I do not think that our Speaker is competent to fill in for the President in making these appointments. I am sure that he is. But that is not his job. And I doubt whether the other House of Congress would be willing to confer this power on our Speaker without a similar power for their majority leader.

While this provision makes sense in the context of the problems that gave it birth, those problems have been at least temporarily resolved by the appointment of a full Advisory Committe. I hope the vacancy problem will not reoccur. On this point, it should be noted that the Juvenile Justice Act is scheduled for reauthorization next year. During the reauthorization process, I will be delighted to work with the chairman of the Human Resources Subcommittee, the distinguished gentleman from North Carolina, to add some appropriate language to the Juvenile Justice Act to encourage more timely appointments to the Advisory Committee. In the meantime, I ask that you delete this provision from this bill by voting for my amendment.

My amendment makes one further change in the juvenile justice portion of this bill. Currently, the two authorized Deputy Administrators of the Office of Juvenile Justice and Delinquency Prevention are appointed by the Attorney General. This bill reduces to one the number of such authorized Deputy Administrators and makes that remaining deputy appointed by the office's Administrator. My amendment would keep this appointment power with the Attorney General. This is in line with the official position of the Department of Justice and, I believe, noncontroversial.

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. Mr. Chairman, First, let me just acknowledge my colleague from Wisconsin (Mr. PETRI) for his leadership and spirit of bipartisan cooperation as we have worked together within the Subcommittee on Human Resources to develop a strong bill for House consideration.

Mr. PETRI and I have conferred about his amendment and there is no objection. The minor amendments to the Juvenile Justice Act included in the committee bill were contained in the original bill and, as Mr. PETRI notes, were intended to remedy Presidential noncompliance with several provisions of the law revealed during committee oversight hearings in 1982.

With regard to the Presidentially appointed National Advisory Committee, the General Accounting Office has recently informed me that, due to the President's failure to appoint members as prescribed by law, the Advisory Committee was in noncompliance for a period of 30 months and prohibited from carrying out its congressionally mandated role as intended. Just over a month ago, perhaps not by coincidence, as this bill approached House consideration, the President finally fully complied and completed the appointments. Given this situation, I welcome my colleague's offer to assist us during next year's reauthorization in order to find ways to prevent this circumstance from occurring again and I accept his amendment.

The provision which remains, on which I believe we all agree, eliminates one of two deputy positions within the office. While reducing bureaucracy, it will also remove an unintended "glitch" in the Juvenile Justice Act which allowed this administration to successfully circumvent the provisions of the Vacancies Act of 1868. Because of this display of "bad faith," the Office of Juvenile Justice was left without a required, presidentially appointed Administrator for more than 22 months, while a series of acting deputies appointed by the Attorney General filled in on a temporary basis. The provisions contained in H.R. 2655 will provide an effective remedy. It is unfortunate that such a remedy is required. The position being eliminated is not presently occupied.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'CANDLESS

Mr. McCANDLESS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCANDLESS: Page 16, strike out lines 18 through 22, and insert in lieu thereof the following:

(2) in subsection (b)—

(A) in paragraph (1) by striking out ", pursuant to the provisions of paragraph (2) of this subsection",

(B) by striking out all of paragraph (2), and

(C) in paragraph (3)—

(i) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)", and

(ii) by redesignating paragraph (3) as paragraph (2),

Page 17, line 3, strike out "and".

Page 17, after line 5, insert the following new subparagraph:

(C) by inserting before the period the following: ", except that such terms shall include any mentally retarded individual or individuals regardless of chronological age", and

Mr. McCANDLESS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCANDLESS. Mr. Chairman, this amendment would entirely remove the restriction of the chronological age for mentally retarded persons to receive services under the Foster Grandparents program.

Current law allows foster grandparent services to be continued for the mentally retarded beyond their 21st birthday if such services were begun before age 21, provided that the same individual continues in that role of the foster grandparent.

H.R. 2655 would change this to allow a different person to provide services to a mentally retarded recipient who was over 21, but the recipient must have started the program at an earlier age.

My amendment would make it legal, if deemed appropriate by the hospital, to arrange the foster grandparent services for a mentally retarded person, even if his physical age is over 21 at the time such services begin.

This change would not affect the number of persons taking part in the program.

According to the hospital advisory board at the Frank D. Lanterman Hospital and Development Center in Pomona, the passage of this amendment would not increase the cost of the operating of the Foster Grandparents program in that hospital.

It would, however, give the hospital the flexibility—and I repeat that, the flexibility—to make the foster grandparent services available for the mentally retarded based upon individual need.

Mr. Chairman, the physical age of a mentally retarded person has nothing to do with his mental age.

Mr. Chairman, we have had a dialog here on the floor this morning, and this amendment started out as a bill that I introduced, H.R. 3829. If the committee chairman, the gentleman from North Carolina (Mr. ANDREWS) is amenable, I would ask unanimous consent to withdraw my amendment under the condition that he would agree to schedule it at the earliest possible date for hearing in his committee.

Mr. ANDREWS of North Carolina. Mr. Chairman, if the gentleman will yield, I am pleased to so agree.

The gentleman has made to me privately, as well as here on the floor, a very persuasive argument for expanding the program or having a new program, as the case might be, to serve the purposes which he has described. I am very amenable to moving forward with him in an effort to find the means by which we can do so.

Mr. McCANDLESS. I thank the chairman of the subcommittee.

Mr. Chairman, under those conditions, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WEISS. Mr. Chairman, I rise to express my wholehearted support of H.R. 2655 to reauthorize the Volunteers in Service to America (VISTA) program. VISTA was created 18 years ago to strengthen and supplement efforts to eliminate poverty and poverty-related human, social and environmental problems. Today, we have an opportunity, in H.R. 2655, to reassert our commitment to VISTA and to this Nation's poor and hungry people.

During the past 2½ years, President Reagan has been relentless in his efforts to abolish this vital antipoverty volunteer program. This is the same man who campaigned on the value and historic tradition of America's volunteer spirit. Reagan decimated VISTA's budget in fiscal years 1982 and 1983 and even proposed the program's complete demise by the close of fiscal year 1983. As a consequence of these budget cuts, nearly one-half of the VISTA-sponsored projects and volunteer positions across the country have been eliminated. Concurrently, for the first time since VISTA's inception, poverty, and hunger are on the rise. Now, the House has a chance to reverse the damaging course of the Reagan administration and begin to repair this valuable program.

H.R. 2655 provides for a 110-percent increase in VISTA's current authorization level. This would return VISTA to its funding level of 14 years ago—not factoring in a cent for inflation or cost-of-living. In real terms, the $25 million authorized for VISTA in fiscal year 1984 equals 73 cents for every American living in poverty. Yet, through VISTA this tiny expenditure results in a wealth of services and assistance to the needy.

Over 94 VISTA projects nationwide are concentrating on feeding people and addressing hunger-related problems. These projects involve over 390 VISTA volunteers in the hard work of organizing soup kitchens, soliciting surplus and salvage food from local food producers and suppliers, mobilizing community assistance, and providing assistance to hungry families, senior citizens, and unemployed workers, whose numbers are growing every day. Nearly all VISTA volunteers are recruited from the community in which they willl work. The dollar return on VISTA funds expended on one volunteer easily bears out the cost-effectiveness of the program. While it costs less than $7,000 to maintain a VISTA for 1 year, ACTION's own data shows that one volunteer generates over $24,000 in additional resources to the community. In Chicago, 4 Westtown VISTA's developed 1,200 jobs for the unemployed; in Kentucky, VISTA's helped low-income women found a crafts cooperative which now distributes its goods nationwide and abroad; in Minnesota, 12 VISTA's helped senior citizens develop a discount buying program which now serves over 180,000 seniors, saving them thousands of dollars each year; and the examples go on.

As we complete consideration of H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983, I urge my colleagues to support the continuation of this most vital program in fiscal year 1984 and beyond and to reject any and all amendments that would reduce the funding level for VISTA included in this bill. Once and for all, Congress must put an end to the Reagan administration's misguided and ill-conceived effort to discredit and eliminate VISTA. We should not turn our backs on this program which has given so many Americans—rich and poor, young and old—the sense of pride, hope, dignity, and self-worth. With 34 million Americans living in poverty, now is the time to expend rather than eliminate a cost-effective program such as VISTA that helps the poor to help themselves.

● Ms. SNOWE. Mr. Chairman, I wish to offer my support of the bill under consideration, H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983. This bill reauthorizes for 3 years the outstanding volunteer programs of the Action Agency.

The Foster Grandparents, Senior Companion, and Retired Senior Volunteer programs have all demonstrated their worth in providing senior citizens with the opportunities to share their lifetime of skills and knowledge in ways that benefit children and adults with special needs. The spirit of voluntarism is truly personified by the invaluable contributions of these individuals who give their time, energy and compassion so tirelessly.

In a similar vein, the VISTA program provides a vehicle through which Americans can serve on a full-time basis to assist in antipoverty efforts at the community level. VISTA, throughout its history, has had a significant impact upon the elderly of our society. Given the proverty focus of the program and the fact that almost 25 percent of our elderly are poor, VISTA has been heavily involved in the lives of the elderly poor. While they themselves receive only a modest subsistence allowance, VISTA volunteers routinely serve more than 40 hours a week, 7 days a week, and are on call 24 hours a day.

Through VISTA, seniors are both providers and recipients of vital human services. Today, over 12 percent of all VISTA volunteers are older persons, and many are low income, locally recruited volunteers who serve in the neighborhood or community in which they live. The bill we are considering today broadens the opportunities for full time volunteer service by senior citizens by requiring that 20 percent of all volunteers be 55 years of age or older.

During the past decade, VISTA has provided opportunities for over 500 people in my home State of Maine to dedicate their lives to serve the neediest of Maine's citizens. The subsistence allowance which VISTA provides has enabled individuals, 98 percent of whom over the past 7 years have been local Maine citizens, to serve fellow Mainers. Through local recruitment and assignments, VISTA has also helped develop a cadre of experienced and talented people who, long after their volunteer service, continue to serve their home communities. Some examples of successful programs in Maine include:

The Maine Older Workers program in Bangor uses locally recruited senior citizens as VISTA volunteers in the role of job developers. As a result of this partnership between the Bureau of Maine's Elderly and VISTA, dozens of low income elderly persons have acquired greater self-sufficiency through both full- and part-time employment.

VISTA volunteers assigned to HOME—Homemakers Organized for Full Employment—in Orland are developing a family farms project through which low-income families are provided a new, low-cost, energy-

efficient home on enough land to enable the family to become self-sufficient.

Through the Maine Municipal Association, VISTA volunteers have assisted in developing local support and self-help groups for victims of family violence and batterers in rural, previously unserved areas.

In addition, VISTA has played a prominent role in economic development by assisting producer and consumer cooperatives, as well as cooperative housing efforts. Energy-related programs such as home heat conversion projects and coordinated firewood marketing have also been implemented.

Older Americans are willing and able to help their communities and their peers because they have done so throughout their lives. The bill we are considering today broadens the volunteer opportunities of Older Americans and deserves our strong support.●

● Mr. STOKES. Mr. Chairman, as we begin debate on H.R. 2655, the Domestic Volunteer Service Act, I would like to share with my colleagues just a few of the urgent pleas I have received from social service agencies and nonprofit organizations throughout the State of Ohio alerting me to the remarkable successes of the VISTA program and urging my continued support of this most valuable and worthwhile program:

VISTA workers assigned to the free/store food bank have been instrumental in the expansion of our services to the needy in the Cincinnati area. VISTA has been a creative vehicle for the partnership between home service providers and the private sector. Any plan to cut back present funding for VISTA would be devastating for our program and many others like it.

VISTA volunteers are needed to help Ohio Youth Services Network Agencies continue their worthwhile services to runaways and other troubled youth and their families. It would be extremely difficult for a volunteer, with no stipend, to do the work of a VISTA volunteer.

If the VISTA program were eliminated, Ohio would suffer a serious setback with the loss of the Columbus Literacy Council. Now is not the time to eliminate VISTA. There are too many unemployed Americans who need better reading skills to get new jobs.

The President wants volunteers to do the work formerly accomplished by paid people. Volunteers must be directed and supported by full-time volunteers. Paying VISTA's to direct the volunteers is the best way to use Federal dollars.

Since 1965, more than 75,000 men and women from all walks of life and all age groups have dedicated a year or more of their lives to helping those less fortunate, by joining the VISTA program. Nearly 1,800 volunteers have served in Ohio alone and countless Ohioans have served as VISTA volunteers nationwide, all having agreed to serve around the clock for poverty-level allowances in urban neighborhoods, rural communities, on Indian reservations, in migrant fields, in the hollows of Appalachia and in inner-city communities—all striving to improve the lives of our most disadvantaged citizens: the hungry, the homeless, the illiterate, the elderly, and the unemployed.

Ohio VISTA volunteers have worked with Cleveland's elderly immigrants of many nationalities to help them obtain services and resources to which they are entitled. VISTA's have given support and assistance to the States' school lunch and breakfast programs for needy children. VISTA volunteers have created a community cannery in order to meet the nutritional needs of low-income citizens in Pike County. VISTA's assigned to the Ohio Council of Churches' refugee resettlement program have aided in the resettlement of over 2,000 refugees over the past 3 years and successfully assisted in the raising of over $1 million for the project from private sector sources. Additionally, these VISTA's recruited and trained over 11,000 community volunteers to assist in refugee resettlement.

VISTA volunteers working with local residents in north Toledo were responsible for raising $200,000 in cash and inkind contributions from the private sector to establish a family health center, the first of its kind in a low-income north Toledo neighborhood. The VISTA volunteer responsible for this successful venture initially came to Ohio as a nationally recruited volunteer, and upon completion of her year of service was hired as the director of the center.

The free store/food bank in Cincinnati, with the help of VISTA volunteers, in 1982 increased donations of food from the private sector food industry from 400,000 pounds to 1,500,000 pounds. In addition, VISTA's helped provide technical assistance to 140 organizations in the Cincinnati area which are involved in distributing food to the needy. In 1983, due in large part to the vital role of VISTA volunteers, the food bank hopes to distribute 3 million pounds of food to the needy and hungry in Cincinnati.

VISTA volunteers assigned to operation feed food bank in Columbus provided technical assistnce to 100 food pantries providing many food supplies to the poor in 1982-83 and were responsible for quadrupling donations of food from private-sector organizations. These are just a few of Ohio's success stores. With so many Ohioans still out of work, the VISTA program should be allowed to continue its important work in my staff. Through VISTA, the unemployed can be both providers and recipients of vital services.

Yet, the past 2½ years have seen a drastic reduction in the number of VISTA volunteers. VISTA's budget has been slashed by nearly 65 percent, denying thousands of Americans an opportunity to serve their country and community. Tragically, this has occurred at a time when the number of people living in poverty has risen from 29.3 million persons to 34 million persons. Not since 1965, the year in which VISTA along with a number of other vital antipoverty programs were created, has the poverty level been this high.

Now is the time to revitalize and strengthen VISTA, not destroy and bury it as the administration would like to do. The need for a low-cost, effective, self-help program like VISTA, targeted to addressing the basic human needs of those traditionally left out and left behind in our society, has undoubtedly grown, not diminished.

I am delighted that H.R. 2655 includes a 3-year authorization of VISTA and provides increased authorization levels for VISTA for fiscal years 1984, 1985 and 1986. As a member of the Appropriations Committee, I have worked actively to increase much-needed funding levels for VISTA. So, I strongly endorse those provisions of H.R. 2655. The companion bill in the Senate, S. 1129, the Community Volunteer Service Act, received nearly unanimous support from the Senate Labor and Human Resources Committee, and was recently passed in the Senate unanimous-consent calendar.

Let us act swiftly on this bill and reject the appeals of those who wish to eliminate VISTA or in any way reduce the funding floors provided for VISTA in H.R. 2655. This legislation is worthy of this body's wholehearted support. I urge the adoption of this measure.●

● Mr. AuCOIN. Mr. Chairman, I rise in support of H.R. 2655, the Domestic Volunteer Service Act amendments, extending VISTA and the older American volunteer programs for 3 years.

VISTA has been a target of the administration's budget cuts for the past few years. But, I am firmly convinced that VISTA is a cost-effective program and is necessary, now more than ever.

The only national volunteer program, VISTA meets the crucial needs of the poor and hungry. In my congressional district, VISTA volunteers at Oregon Food Share operate a statewide network of emergency food assistance which distributed nearly 8 million pounds of surplus food last year to ill, elderly, and needy Oregonians. Since 1981, 20 VISTA volunteers have assisted in recruiting and coordinating the efforts of thousands of community volunteers. They have distributed almost 210,000 pounds of surplus food, increased the number of statewide corporate food donors from 20 to 70, established 5 new volunteer community food advisory committees and much more.

In Washington County, Oreg., the Community Action Agency uses 10 full-time VISTA volunteers who have also made great contributions to the area. They provided support for housing referral and information services for almost 400 low-income families. They completed an assessment of employment and training needs of people on public assistance and provided technical assistance to gleaning groups, wood co-ops, and the Tualatin Valley Food Center.

VISTA is also cost effective. A 1979 evaluation of the agency concluded that a $7,000 investment, the salary of a volunteer for 1 full year, generated an average of $24,000 in private and public resources to the benefit of the local community. In addition, that VISTA volunteer recruited 15 additional volunteers to work in local antipoverty projects.

I call that a good deal.●

● Mr. ROYBAL. Mr. Chairman, I rise today in support of H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983. While the antipoverty programs that are provided under this act are critical to all low-income people, as chairman of the Select Committee on Aging, I must emphasize H.R. 2655's importance to the lives of the elderly.

There are two programs, the Older American Volunteer and Volunteers in Service to America (VISTA), which remain the primary vehicle to promote voluntarism for senior Americans.

First, the Older American Volunteer programs: Foster Grandparents, Retired Senior Volunteer (RSVP), and Senior Companions were created on the premise that communities benefit from the contributions of older volunteers, and the older volunteers are provided an opportunity to become integral members of their communities. The strong support that these programs enjoy is proof that they are effective and needed.

While the bill's authorization levels are sufficient to maintain the current programs, I am especially happy to see that the authorization for the Senior Companion program provides $12 million more than would be required in each year for expansion of services.

Other important provisions relating to the Older American Volunteer programs are:

Increases in the hourly stipend for Foster Grandparents and Senior Companions from $2 to $2.20;

Increases in the range of services that Senior Companions may provide to elderly persons who are confined to their homes; and

Limits on the local contribution that may be required for a Senior Volunteer Project to 30 percent of the total cost.

Second, with regard to the Volunteers in Service to America programs, the amendment to its reauthorization requires at least 20 percent of all VISTA funds be targeted to volunteers age 55 and older. This provision would provide an estimated 2,000 full-time volunteer positions for seniors over the next 3 years. These positions will provide opportunities working with the homeless, runaways, families, the unemployed and the underemployed, energy conservation efforts, child care centers, food banks, literacy projects, and alcohol and drug abuse prevention in local communities.

Again let me stress the importance of this bill to not only the elderly of this country, but to all low-income Americans. I strongly urge your support for this most vital piece of legislation.●

● Ms. MIKULSKI. Mr. Chairman, I rise in support of VISTA. I stand with those of my colleagues who support America's commitment to fight hunger and poverty within our Nation. We in this House, who are charged with representing our people, must stand behind their efforts to help themselves overcome these hardships. We must stand with volunteers in service to America.

Too many in government and the media are acting as if the war on poverty is over. I am not sure if that means we won or it was a tie. I challenge anyone here to tell the poor people in their districts this good news. There are some neighborhoods in my own district where my constituents would really like to know that they do not have to worry anymore. But you know that we have not ended poverty in this country. You know that the poeple back home are worried more than ever about their economic security.

We have a lot of work to do in urban neighborhoods like my own, and in rural districts, working with the very young to help them get a chance in life, and working with the old who deserve to live out their lives in respect and dignity—but right now they cannot pay their food and fuel bills.

I had the honor of speaking to over 1,000 former and current VISTA volunteers during the 15th year anniversary celebration of VISTA in 1980. At that commemorative event, I was inspired and moved by the many hundreds of people there who were not ashamed to be idealists and committed to helping the disadvantaged help themselves.

When the VISTA program was launched in 1965, the first training school for volunteers was held in my hometown of Baltimore. My old social work professor, Dan Thursz, set up the program, and I am very proud that I taught community organizing to the first class of VISTA volunteers. I thought they were bright, energetic, committed people with a wonderful group of sponsoring agencies—and I still think so.

I have always had a special place in my heart for VISTA and for the principles of community participation and self-help on which it was founded. I have always believed strongly that the only real solutions to community problems are those in which the community is involved. No one knows as much about the needs of a neighborhood as the people who live there.

Listen very carefully to the following words as they describe the essence of what a VISTA volunteer and the VISTA program are all about:

> Only when the human spirit is allowed to invent and create, only when individuals are given a personal stake in deciding their destiny, in benefiting from their own risks, only then can society remain alive, prosperous, progressive and free.

These are not my words, but rather the words of none other than President Reagan. However, President Reagan's rhetoric does not match his actions. The Reagan administration has over and over again attempted to destroy VISTA, one of the most successful Federal volunteers programs for enabling low-income people to gain greater control of their lives and communities. By trying to kill VISTA, this administration is directly contradicting its own stated commitment to voluntarism. Through administratively dismantling VISTA, Reagan officials are directly circumventing and ignoring the clearly expressed intent of Congress to maintain the cost-effective, antipoverty program.

As we debate H.R. 2655, we should not be questioning whether $25 million for fiscal year 1984 is too much—but rather we should be asking is $25 million adequate? While I am pleased that this bill provides increased funding for fiscal years 1984–86, I want to point out that the fiscal year 1984 funding floor of $25 million is still far below VISTA's budget of just 2½ years ago. In fact, $25 million was VISTA's funding level in 1969.

Why, I ask, do we not scrutinize excessive defense appropriations and cost overruns in the military budget as diligently as we do this lean and effective antipoverty program? Why are we not attempting to deploy more volunteers in service to America in the domestic battlefields of poverty and despair?

These are tough times for America's 34 million poor and these are tough times for the Nation. The economic and psychological shocks that have hit this country over the past few years mark the end of an era. By the close of the Second World War, America was the richest, strongest Nation in the world. As the leader of the free world, we set foreign policy. We built a suburban society based on unlimited access to cheap energy and other resources. We are proud of the fact that ordinary people in America had a

standard of living that could only be matched by millionaires in other countries. Now all that has changed.

We have had to realize with a shock that our resources are limited. We cannot go on consuming so much more than our share of the world's resources while people in this country and in other nations go hungry. Here at home there are new and complicated problems. Hard-working people who have been trying to provide for their own future suddenly have to worry about whether they can pay their rent and mortgages. Young people who struggle to put themselves through school and pay ever rising tuition, then find there are not any jobs available when they graduate. No wonder people seem angry and confused.

But when I see the people who are working at the local level to improve their communities and take control of their own lives, I feel a great surge of hope for the future. Sure, it is the end of an era. But it need not be the end of the world.

The commitment, the skills, the experience, and the energy of VISTA volunteers and their sponsors are exactly what the United States needs today and in the future.

We need leaders who know how to work with people—not on them.

We need activists who understand how to make policy from the bottom up—not impose it from the top down.

We need the dedication, the commitment and the idealism of our people—young and old.

We need VISTA.

In a time of limited resources, we must make choices. I choose VISTA as it represents our best in helping people help people find lasting solutions to their problems. I urge you to stand with volunteers in service to America in support of H.R. 2655. This bill asks little for a program that does so much for so many.●

● Mrs. COLLINS. Mr. Chairman, few problems confronting the United States are as troubling as the plight of the unemployed. Each day we hear of crowds of people lined up at a new grocery store, a fast food outlet, in the hopes of gaining a job. Yet Government assistance and attention to this problem is not increasing, it is dwindling.

Today we are considering the funding of a very small low-budget program—VISTA—that has had remarkable success combating unemployment. I am personally familiar with the tangible results of VISTA volunteers have brought to the unemployed on the West Side of Chicago. VISTA volunteers played a critical role in the development of Westtown Concerned Citizens Coalition, a group of 11 Latino community agencies and churches that are attempting to bring economic resources and justice to Chicago's Latino community, which totals 20 percent of the population of the city of Chicago.

In 1978, several of the VISTA volunteers assigned to Westtown Concerned Citizens Coalition helped found a program called SEARCH, which created jobs for more than 50 residents of Westtown. Other VISTA volunteers obtained a $500,000 CETA contract from the city, which provided on-the-job training to 75 unemployed youths. Still other VISTA workers were able to negotiate a computer-training program at Malcolm X College for 50 youths. Using community development block grant funds, 30 other youths were trained in housing rehabilitation under the supervision of carpenters and electricians. The youths rehabilitated 18 housing units in the area. And, VISTA volunteers helped train large numbers of Westtown residents to pass the test for post office employment. Two hundred and six Latinos were eventually hired at the post office—earning average salaries of $18,000 per year.

In a 3-year period, VISTA volunteers, all locally recruited, low-income residents of Westtown, generated $5,000,000 for this Hispanic community. The work of the VISTA's resulted in an influx of $36 million into the economy of that neighborhood in the form of salaries brought home by residents and programs of benefit to its people. Rev. Jorge Morales, pastor of St. Luke's United Church of Christ and president of the board of Westtown Concerned Citizens Coalition, testified before the Government Operations Subcommittee on Manpower and Housing in March 1982. He told the committee that as far as leadership training, reduced street violence, and the creation of optimism and hope for a deteriorating community, no other organizations or programs had contributed more.

Many community people say that "VISTA was the best thing that ever happened to Westtown." Yet despite this program's solid achievements and recognition by the Congress as an outstanding VISTA project, Westtown flunked the Reagan administration's political litmus test and was denied refunding. This project had a proven track record and the expertise to address the problems of unemployment, and should have been encouraged to expand its work in Chicago.

I seriously question this administration's commitment to voluntarism, and its commitment to the jobless. In VISTA, we have a program that embodies both of those concerns—yet, the President has proposed the elimination of VISTA. In VISTA, we have a program that is designed to help the poor help themselves—yet, its administrators want to end it. In VISTA, we have a cost-effective program that is the very cornerstone of this Nation's antipoverty program. And yet, some of my colleagues here do not support it.

Right now, today, three VISTA volunteers are working with the unemployed in the Pilsen and Humboldt Park areas of Chicago. Assigned to the Spanish Coalition for Jobs, they have—in 1 year—placed just over 400 low-income people in jobs. Each of those three VISTA's costs us taxpayers about $6,000 per year; $6,000 multiplied by three volunteers is $18,000. Can we not afford $18,000 to find jobs for 400 jobless people? Is that not a reasonable expense, a cost-effective use of Government funds?

I say to you, not only is VISTA affordable—it is essential.

As long as there are hungry people in America, we need VISTA. As long as there are unskilled, illiterate adults seeking jobs, we need VISTA. As long as there are gang crimes and drug pushers, we need VISTA. As long as there are homeless people in America, we need VISTA.

VISTA is the true embodiment of voluntarism in America. Let us give it the recognition and the support it deserves.●

● Mr. AKAKA. Mr. Chairman, today, the House considers H.R. 2655, legislation to authorize our Government's major domestic volunteer antipoverty programs. In voting for the passage of H.R. 2655, I am certainly pleased to witness the overwhelming support my colleagues in the House have given to this bill.

There is no doubt in my mind that domestic volunteer programs such as Volunteers in Service to America (VISTA) provide an essential service to the communities in my State. Just 2 weeks ago, I attended ceremonies to give recognition to a group of volunteers of the VISTA program for their valuable services on the island of Molokai. These VISTA men and women are to be commended for their fine work and willing devotion to improve the economic conditions on Molokai. While the residents of Molokai have suffered substantially, given the high rate of unemployment in this area, VISTA activities have increased the capability of the people of this island to improve the conditions of their own lives.

The administration would like to eliminate programs such as VISTA, but clearly, the House vote today reaffirms a commitment to support the concept of voluntary service. I for one believe in VISTA, and I share the vision of the volunteers on Molokai who are continuing in their efforts to help individuals and communities overcome the social and economic problems of their island. I hope that we as a Congress and as a nation can recognize the valuable resource we have in our volunteers and similar programs which foster voluntarism.●

The CHAIRMAN pro tempore. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. FLIPPO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2655) to extend and improve the Domestic Volunteer Service Act of 1973, pursuant to House Resolution 301, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 30, not voting 91, as follows:

[Roll No. 430]

YEAS—312

Ackerman	Biaggi	Chappie
Akaka	Bilirakis	Clarke
Albosta	Bliley	Clinger
Alexander	Boehlert	Coats
Anderson	Boner	Coelho
Andrews (NC)	Bonior	Coleman (MO)
Andrews (TX)	Borski	Coleman (TX)
Annunzio	Boucher	Collins
Anthony	Boxer	Conable
Applegate	Britt	Conyers
Aspin	Brooks	Cooper
AuCoin	Broomfield	Coughlin
Barnard	Brown (CA)	Courter
Barnes	Bryant	Coyne
Bateman	Burton (IN)	Crockett
Bates	Byron	D'Amours
Bedell	Campbell	Daniel
Beilenson	Carney	Daschle
Bennett	Carper	Davis
Bereuter	Carr	de la Garza
Berman	Chandler	Dellums
Bevill	Chappell	Derrick
DeWine	Kindness	Rahall
Dickinson	Kogovsek	Rangel
Dicks	Kolter	Ratchford
Dingell	Kostmayer	Ray
Donnelly	LaFalce	Regula
Dorgan	Lagomarsino	Reid
Downey	Lantos	Ridge
Duncan	Leath	Rinaldo
Durbin	Lehman (CA)	Ritter
Dwyer	Lehman (FL)	Robinson
Dymally	Leland	Rodino
Eckart	Lent	Roemer
Edgar	Levin	Rogers
Edwards (AL)	Levine	Roth
Edwards (CA)	Levitas	Roukema
Edwards (OK)	Lewis (CA)	Rowland
Emerson	Lewis (FL)	Roybal
English	Long (LA)	Sabo
Erdreich	Long (MD)	Savage
Evans (IA)	Lott	Scheuer
Evans (IL)	Lowery (CA)	Schneider
Fascell	Lowry (WA)	Schroeder
Fazio	Lundine	Seiberling
Feighan	Mack	Sharp
Fiedler	Markey	Shelby
Fish	Marlenee	Sikorski
Flippo	Martin (IL)	Siljander
Florio	Martin (NC)	Sisisky
Foglietta	Martinez	Slattery
Foley	Matsui	Smith (FL)
Ford (MI)	Mavroules	Smith (IA)
Ford (TN)	McCain	Smith (NE)
Fowler	McCandless	Smith (NJ)
Frank	McCloskey	Snowe
Franklin	McCollum	Snyder
Frenzel	McCurdy	Solomon
Fuqua	McDade	Spence
Gaydos	McEwen	Spratt
Gejdenson	McGrath	St Germain
Gekas	McHugh	Staggers
Gilman	McKernan	Stenholm
Gingrich	McKinney	Stratton
Glickman	McNulty	Studds
Gonzalez	Mica	Sundquist
Goodling	Mikulski	Swift
Green	Miller (CA)	Tallon
Gregg	Miller (OH)	Tauke
Guarini	Mineta	Tauzin
Gunderson	Minish	Taylor
Hall (IN)	Mollohan	Thomas (GA)
Hall (OH)	Moody	Torres
Hall, Ralph	Moore	Torricelli
Hamilton	Moorhead	Towns
Harkin	Morrison (CT)	Udall
Hatcher	Morrison (WA)	Valentine
Hawkins	Murphy	Vander Jagt
Hefner	Murtha	Vandergriff
Hertel	Myers	Vento
Hightower	Natcher	Volkmer
Hiler	Neal	Vucanovich
Hillis	Nelson	Walgren
Horton	Nichols	Waxman
Hoyer	Nowak	Weaver
Hubbard	Oakar	Weiss
Huckaby	Oberstar	Wheat
Hughes	Obey	Whitehurst
Hunter	Olin	Whitley
Hyde	Ottinger	Whittaker
Ireland	Owens	Whitten
Jacobs	Packard	Williams (OH)
Jeffords	Panetta	Winn
Jenkins	Parris	Wirth
Jones (NC)	Pashayan	Wise
Jones (OK)	Patman	Wolf
Jones (TN)	Patterson	Wolpe
Kaptur	Pease	Wylie
Kasich	Penny	Yates
Kastenmeier	Petri	Yatron
Kazen	Pickle	Young (AK)
Kemp	Porter	Young (FL)
Kennelly	Price	Young (MO)
Kildee	Quillen	Zablocki

NAYS—30

Archer	Dannemeyer	Rudd
Badham	Dreier	Sensenbrenner
Bartlett	Erlenborn	Shumway
Bethune	Fields	Shuster
Brown (CO)	Hansen (ID)	Skeen
Broyhill	Johnson	Smith, Robert
Cheney	Loeffler	Thomas (CA)
Craig	Lungren	Walker
Crane, Daniel	Nielson	Weber
Crane, Philip	Paul	Zschau

NOT VOTING—91

Addabbo	Hayes	Pursell
Boggs	Heftel	Richardson
Boland	Holt	Roberts
Bonker	Hopkins	Roe
Bosco	Howard	Rose
Breaux	Hutto	Rostenkowski
Burton (CA)	Kramer	Russo
Clay	Latta	Sawyer
Conte	Leach	Schaefer
Corcoran	Lipinski	Schulze
Daub	Livingston	Schumer
Dixon	Lloyd	Shannon
Dowdy	Lujan	Shaw
Dyson	Luken	Simon
Early	MacKay	Skelton
Ferraro	Madigan	Smith, Denny
Forsythe	Marriott	Solarz
Frost	Martin (NY)	Stangeland
Garcia	Mazzoli	Stark
Gephardt	Michel	Stokes
Gibbons	Mitchell	Stump
Gore	Moakley	Synar
Gradison	Molinari	Traxler
Gramm	Montgomery	Watkins
Gray	Mrazek	Williams (MT)
Hall, Sam	O'Brien	Wilson
Hammerschmidt	Ortiz	Wortley
Hance	Oxley	Wright
Hansen (UT)	Pepper	Wyden
Harrison	Perkins	
Hartnett	Pritchard	

□ 1200

Mr. EDWARDS of Oklahoma and Mr. QUILLEN changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes."

A motion to reconsider was laid on the table.

Mr. MURPHY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1129) to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Volunteer Service Act of 1983".

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 2. Section 101 of the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "eliminate" and inserting in lieu thereof "alleviate";

(2) by striking out ", social, and environmental" in the second sentence thereof;

(3) by inserting "low-income individuals," before "elderly" in the second sentence thereof; and

(4) by adding at the end thereof the following new sentence: "It is the further pur-

pose of this part to encourage the commitment of the resources of the private sector and to encourage volunteer service at the local level to carry out the purposes set forth in this section.".

RECRUITMENT

SEC. 3. Section 102 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) If any VISTA volunteer who is recruited locally becomes unavailable for service, the recipient of the project grant or contract has the right to replace the volunteer.".

ASSIGNMENT

SEC. 4. (a) Section 103(a) of the Act is amended—

(1) by inserting after "States" in the matter preceding clause (1) the following: "in the local communities in which the volunteers were recruited";

(2) by striking out "and" at the end of clause (2);

(3) by striking out "the Economic Opportunity Act of 1964, as amended (42 U.S.C. chapter 34)" and inserting in lieu thereof "the Community Service Block Grant Act, the Headstart Act, or the Community Economic Development Act of 1981," in clause (3) thereof; and

(4) by redesignating clause (3) as clause (5) and by inserting immediately after clause (2) the following new clauses:

"(3) in addressing the problems of the homeless, the jobless, the hungry, illiterate adults, and low-income youths;

"(4) in addressing the special needs connected with alcohol and drug abuse prevention, education, and related activities, consistent with the purpose of this part; and".

(b)(1) The first sentence of section 103(b) of the Act is amended to read as follows: "The Director shall assign low-income community volunteers in their home communities or in nearby communities and when necessary shall assign nationally recruited specialist volunteers wherever such volunteers are needed.".

(2)(A) The second sentence of section 103(b) of the Act is amended by striking out "shall insure that each such volunteer is provided" and inserting in lieu thereof "may provide that each such volunteer is furnished".

(B) The third sentence of section 103(b) of the Act is amended by striking out "shall insure" and inserting in lieu thereof "may provide".

(C) The fourth sentence of section 103(b) of the Act is amended by striking out "shall" and inserting in lieu thereof "may".

(c) Section 103 of the Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Whenever feasible, the Director, in providing for an individual plan for job advancement or for transition to a situation leading to gainful employment under subsection (b), shall coordinate the activities connected with such plan with an appropriate private industry council established under the Job Training Partnership Act.".

(d) The first sentence of section 103(e) (as redesignated by subsection (c) of this section) is amended by striking out "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "work in a program or project in any community unless the application for such program or project contains evidence of local support and".

TERMS AND PERIODS OF SERVICE

SEC. 5. (a) Section 104(a) is amended—

(1) by striking out ", social, and environmental" in the first sentence thereof; and

(2) by striking out "this" in the second sentence thereof and inserting in lieu thereof "the requirement for full-time commitment".

REPEAL OF LIMITATIONS

SEC. 6. (a) Section 108 of the Act is amended—

(1) by striking out in the first sentence of subsection (a) "1977" and inserting in lieu thereof "1984";

(2) by striking out all of the second sentence of subsection (a); and

(3) by striking out ", social, or environmental" in clause (2) of subsection (b) thereof.

SERVICE LEARNING PROGRAMS

SEC. 7. Section 111 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 111. The purpose of this part is to provide for a program of part-time or short-term service-learning by secondary and post-secondary school students through participation in activities that strengthen and supplement efforts to alleviate poverty and poverty-related human problems.".

REPEAL OF UNIVERSITY YEAR FOR ACTION PROGRAM AND SPECIAL CONDITIONS

SEC. 8. (a) Section 112 of the Act is repealed.

(b) Section 113 of the Act is repealed.

(c)(1) The table of contents of the Act is amended by striking out items "Sec. 112." and "Sec. 113.".

(2) The table of contents of part B of title I of the Act is further amended by striking out "Sec. 114." and inserting in lieu thereof "Sec. 112.".

SPECIAL SERVICE LEARNING PROGRAMS

SEC. 9. (a) Section 114 of the Act is redesignated as section 112.

(b) Section 112(a) of the Act (as redesignated by subsection (a) of this section) is amended by striking out "and on such terms and conditions as described in subsections (a) and (c) of section 103" and inserting in lieu thereof the following: "as described in section 111".

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

SEC. 10. Section 121 of the Act is amended—

(1) by striking out ", social, and environmental"; and

(2) by adding at the end thereof the following new sentence: "It is the further purpose of this part to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the Federal, State, and local level.".

REQUIREMENT OF EQUITABLE DISTRIBUTION OF ACTIVITIES

SEC. 11. Section 122(a) of the Act is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) In carrying out programs authorized by this part, the Director shall establish criteria to make grants and enter into contracts, in each fiscal year, on the basis of merit and of an equitable geographic distribution of programs.".

FOSTER GRANDPARENT PROGRAM

SEC. 12. Section 211(b)(2) of the Act is amended by adding at the end thereof the following new sentence: "If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent.".

SENIOR COMPANION PROJECTS TO ASSIST HOMEBOUND ELDERLY

SEC. 13. Section 213 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Director is authorized to make grants or contracts for Senior Companion projects to assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home care settings.

"(2)(A) The Director is encouraged to recruit, subject to subparagraph (B), Senior Companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train Senior Companion volunteers to provide initial and continuing needs assessments and appropriate in-home services for Senior Companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use Senior Companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer Senior Companion volunteers in performing their assignments and in coordinating activities of such volunteers.

"(B) Senior Companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

"(3) The Director shall conduct an evaluation of the impact of the projects assisted under this subsection based upon a sample survey of projects so assisted. In the third year of such study, the Director shall prepare and submit a report to the Congress. Such evaluation study shall include information on—

"(A) the extent to which costs of providing long-term care are reduced by using volunteers who receive stipends in the provision of long-term care services,

"(B) the effectiveness of the provision of long-term care with the use of volunteers,

"(C) the extent to which health related costs of the Senior Companion volunteers themselves are affected because of their involvement in the project,

"(D) the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and

"(E) the effectiveness of using Senior Companion volunteer leaders and of involving Senior Companion volunteers based on the training of the volunteer leaders and volunteers.".

OLDER AMERICAN VOLUNTEER PROGRAMS; NON-FEDERAL CONTRIBUTIONS

SEC. 14. (a) Part C of title II of the Act is amended by adding at the end thereof the following new section:

"USE OF NON-FEDERAL CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

"SEC. 224. Whenever non-Federal contributions made to volunteer programs for older Americans under this title is in excess

of the amount required by the Director, the Director may not restrict the manner in which such contributions are expended if expenditures from non-Federal contributions are consistent with the provisions of this Act.".

(b) The table of contents of part C of title II of the Act is amended by inserting after item "Sec. 223." the following new item:

"Sec. 224. Use of non-Federal contributions in older American volunteer programs.".

ESTABLISHMENT OF AGENCIES

SEC. 15. Section 401 of the Act is amended—

(1) by inserting before the period at the end of the first sentence the following: "in order to provide a focal point for volunteerism at the Federal, State, and local level"; and

(2) by striking out all of such section after the fourth sentence and inserting in lieu thereof the following: "There shall also be in such agency one Associate Director who shall be appointed by the President with the advice and consent of the Senate, and shall be compensated at the rate provided for level 5 of the Executive Schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated 'Associate Director for Domestic and Anti-Poverty Operations' and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency three Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, one such Assistant Director shall be primarily responsible for liaison with private voluntary organizations under part C of title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act. In the event of a vacancy in the position of Director, or in the absence or inability to act of the Director, the order of officials who shall act as Director of the ACTION agency shall be, the Deputy Director, the Associate Director for Domestic and Anti-Poverty Operations, the Assistant Director responsible for Older American Volunteer Programs under title II of this Act, the Assistant Director responsible for VISTA and other antipoverty programs under title I of this Act, and the Assistant Director responsible for liaison with private voluntary organizations under title I of this Act.".

SPECIAL LIMITATIONS

SEC. 16. Section 404(f) of the Act is amended—

(1) by striking out "and except as provided in the second sentence of this subsection" in the first sentence thereof, and

(2) by striking out the second sentence thereof.

REPEAL OF THE NATIONAL VOLUNTEER SERVICE ADVISORY COUNCIL

SEC. 17. (a) Effective January 1, 1986, section 405 of the Act is repealed.

(b) Effective January 1, 1986, item "Sec. 405" in the table of contents is repealed.

TECHNICAL AMENDMENT

SEC. 18. Section 417(c)(1) is amended by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)".

ELIGIBILITY FOR OTHER PROJECTS

SEC. 19. Section 418 of the Act is amended by inserting "workers' compensation," after "public assistance,".

REGULATIONS REQUIREMENT

SEC. 20. (a) Section 420(c)(1) of the Act is amended to read as follows:

"(c)(1) Notwithstanding any provision of subchapter II of chapter 5 of title 5, United States Code, relating to administrative procedure, any proposed regulation prescribed pursuant to this Act for the administration of any program under this Act may not take effect unless the public has been afforded 30 calendar days to comment on the proposed regulation prior to its publication in final form in the Federal Register.".

(b) Section 420(c)(2) of the Act is amended—

(1) by striking out "(A)" after "(2)"; and

(2) by striking out paragraph (B).

(c)(1) The second sentence of section 420(d) of the Act is amended by striking out "Except as is provided in the following sentence, no" and inserting in lieu thereof "No".

(2) The third sentence of section 420(d) of the Act is repealed.

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

SEC. 21. Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

"SEC. 501. (a) There is authorized to be appropriated to carry out part A of title I of this Act $15,000,000 for fiscal year 1984, $17,000,000 for fiscal year 1985, and $19,000,000 for fiscal year 1986.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

"(c) There is authorized to be appropriated to carry out the provisions of part C of title I of this Act $1,984,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.".

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM AUTHORIZATION

SEC. 22. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM AUTHORIZATION

"SEC. 502. (a) There is authorized to be appropriated $27,445,000 for each of the fiscal years 1984, 1985, and 1986, for the purpose of carrying out programs under part A of title II of this Act.

"(b) There is authorized to be appropriated $48,400,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying out programs under part B of title II of this Act.

"(c) There is authorized to be appropriated $24,016,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying out part C of title II of this Act. Of the amount appropriated in each fiscal year $12,000,000 shall be available to carry out section 213(c).".

ADMINISTRATION AND COORDINATION

SEC. 23. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $29,348,000 for each of the fiscal years 1984, 1985, and 1986.".

MOTION OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MURPHY moves to strike out all after the enacting clause of the Senate bill, S. 1129, and to insert in lieu thereof the text of the bill, H.R. 2655, as passed, as follows:

That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1983".

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AND ADMINISTRATION

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 101. Section 101 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) (hereinafter in this title referred to as "the Act") is amended—

(1) by inserting ", all geographical areas," after "all walks of life" in the second sentence;

(2) by striking out in the second sentence "elderly" and inserting in lieu thereof "low-income, elderly,"; and

(3) by inserting at the end of such section the following new sentence: "In addition the objective of this part is to generate the commitment of private sector resources and to encourage part-time volunteer service at the local level to carry out such purposes.".

ASSIGNMENT OF VOLUNTEERS

SEC. 102. (a) Section 103(a) of the Act is amended by—

(1) inserting ", including work" after "programs" the first place it appears;

(2) striking out in paragraph (2) ", under the supervision of nonprofit institutions and facilities; and" and inserting in lieu thereof a semicolon;

(3) redesignating paragraph (3) as paragraph (6); and

(4) inserting after paragraph (2) the following new paragraphs:

"(3) in addressing the problems of the homeless, the jobless, the hungry, and low-income youth;

"(4) in addressing the needs of illiterate or functionally illiterate youth or other persons;

"(5) in addressing the special needs of homebound elderly wishing to remain in their own homes and to enable institutionalized elderly to return to home settings; and".

(b) Section 103(b) of the Act is amended by—

(1) striking out all that follows the first sentence of such subsection; and

(2) inserting immediately before "The Director" the following new sentence: "The Director shall ensure that not less than 20 per centum of all volunteers under this part are fifty-five years of age or older.".

(c) Section 103 is further amended by—

(1) redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections (c) and (d):

"(c) The Director shall provide each low-income volunteer with an individual plan for job advancement or for transition to a situation leading to gainful employment. Whenever feasible, such efforts shall be coordinated with an appropriate private industry council (PIC) under the Job Training Partnership Act.

"(d) The Director shall provide or arrange for educational and vocational counseling of volunteers and recent former volunteers under this part to (A) encourage them to use

in the national interest the skills and experience which they have derived from their training and service, particularly working in combating poverty as members of the helping professions, and (B) promote the development of appropriate employment opportunities for the use of such skills and experience, and the placement therein of such volunteers.".

(d) Section 103(f) (as so redesignated in subsection (c) of this section), is amended by striking out in the first sentence "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "to work in a program or project in any community unless the application for such program or project contains evidence of local support and".

SUPPORT SERVICES

SEC. 103. Section 105(b) of the Act is amended by inserting "pre-service and in-service training," after "supervision,".

PARTICIPATION OF BENEFICIARIES

SEC. 104. Section 106 of the Act is amended by striking out "take all necessary steps to".

LIMITATIONS

SEC. 105. Section 108(a) of the Act is amended by—

(1) striking out in the first sentence "1977" and inserting in lieu thereof "1984"; and

(2) striking out all of the second sentence.

SERVICE LEARNING PROGRAMS; STATEMENT OF PURPOSE

SEC. 106. Section 111 of the Act is amended by—

(1) inserting immediately before "This" the following new sentence: "The purpose of this part is to assist students, through service-learning programs, to undertake volunteer service to low-income communities in such a way as to enhance the educational value of the service experience."; and

(2) striking out "encourage other students" in the third sentence and all that follows through the end of such subsection and inserting in lieu thereof the following: "provide technical assistance and training to encourage other students and faculty to engage in volunteer service on a part-time, self-supporting basis, to meet the needs of the poor in the surrounding community through expansion of service-learning programs and otherwise.".

SPECIAL SERVICE-LEARNING PROGRAMS

SEC. 107. (a) The heading of section 114 of the Act is amended to read as follows:

"AUTHORITY TO PROVIDE TECHNICAL ASSISTANCE AND TRAINING".

(b) Section 114(a) of the Act is amended by inserting "for technical assistance and training" after "grants and contracts".

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

SEC. 108. Section 121 of the Act is amended by striking out ", by encouraging" and all that follows before the period at the end of such section.

AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

SEC. 109. Section 122(a)(1) of the Act is amended by striking out "educational opportunities for veterans" and inserting in lieu thereof "career development, employment, and educational opportunities for unemployed and underemployed veterans".

LIMITATIONS ON GRANTS AND CONTRACTS

SEC. 110. The Act is amended by inserting after section 123 the following new section 124:

"LIMITATIONS

"SEC. 124. After the date of enactment of the Domestic Volunteer Service Act Amendments of 1983, recipients of grants or contracts for new projects under this part shall be selected through a competitive process which includes public announcement of the availability of funds for such grants or contracts, general criteria for the selection of new recipients, and a description of the application and review process.".

REVISION OF TECHNICAL AND FINANCIAL ASSISTANCE PROVISIONS

SEC. 111. (a) Section 123 of the Act is repealed.

(b) Title I of the Act is further amended by inserting after section 124 (as added by section 11) the following new part:

"PART D—TECHNICAL AND FINANCIAL ASSISTANCE TO VOLUNTEER PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 131. The purpose of this part is to provide technical and financial assistance to support voluntary organizations and volunteer efforts at the national, State, and local level. The purpose further is to encourage persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in institutions and situations when the application of human talent and dedication may help to meet such needs.

"AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

"SEC. 132. The Director is authorized to make grants or contracts to provide technical and financial assistance to Federal agencies, State and local governments and agencies, and private nonprofit organizations, which utilize or desire to utilize volunteers in connection with carrying out the purposes of this part. Such assistance may be used to facilitate and improve (1) methods of recruiting, training, or utilizing volunteers; (2) the administration of volunteer programs; (3) national technical assistance and training programs, including the creation or expansion of private capabilities where possible; and (4) the development of new voluntary organizations and the development of a financially secure base for emerging and established organizations, with particular emphasis on low-income, minority, and community-based groups. In providing such technical and financial assistance, the Director, to the maximum extent feasible, shall utilize existing programs and shall seek to avoid duplication of existing programs in the public or private sector. There shall be public notice of the availability of funds for grants or contracts under this part and of the process required to apply for such funds.".

ADMINISTRATION AND COORDINATION; ESTABLISHMENT OF AGENCY

SEC. 112. Section 401 of the Act is amended by striking out all of such section after the fourth sentence and inserting in lieu thereof the following: "There shall also be in such agency one Associate Director who shall be appointed by the President, with the advice and consent of the Senate, and shall be compensated at the rate provided for level V of the Executive schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated 'Associate Director for Domestic and Anti-Poverty Operations' and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency three Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, one such Assistant Director shall be primarily responsible for liaison with private voluntary organizations under part D of title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act. In the event of a vacancy in the position of Director, or in the absence or inability to act of the Director, the order of officials who shall act as Director of the ACTION Agency shall be, the Deputy Director, the Associate Director for Domestic and Anti-Poverty Operations, the Assistant Director responsible for Older American Volunteer Programs under title II of this Act, the Assistant Director responsible for VISTA and other anti-poverty programs under title I of this Act, and the Assistant Director responsible for liaison with private voluntary organizations under title I of this Act.".

AUTHORITY OF THE DIRECTOR

SEC. 113. (a) Section 402(1) of the Act is amended by inserting immediately before the semicolon at the end thereof the following: "except that the number of schedule B and C employees, individuals employed on a temporary basis at GS–8 or higher, experts, and consultants shall at no time exceed 8.5 per centum of the total number of individuals employed by the ACTION Agency".

(b) Section 402 is further amended by—

(1) striking out all of paragraph (13); and

(2) redesignating paragraphs (14) and (15) as paragraphs (13) and (14), respectively.

ELIMINATION OF NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

SEC. 114. Section 405 of the Act is repealed.

REPORTS

SEC. 115. Section 407 of the Act is amended by inserting at the end thereof the following new sentence:

"Such report shall reflect the findings and the actions taken as a result of any evaluation conducted pursuant to section 416.".

CHANGES IN NOTICE AND HEARING PROCEDURES

SEC. 116. (a) Section 412 of the Act is amended by—

(1) inserting "(a)" after "412.";

(2) striking out in paragraph (1) "nor shall an" and all that follows to the end of such paragraph and inserting in lieu thereof a semicolon;

(3) redesignating paragraph (2) as paragraph (4);

(4) inserting after paragraph (1) the following new paragraphs:

"(2) an application for refunding under this Act may not be denied unless the recipient has been given (A) notice at least ninety days before the denial of such application of the possibility of such denial and the grounds for any such denial, and (B) opportunity to show cause why such action should not be taken;

"(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract award, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and the Agency; and"; and

(5) inserting at the end thereof the following new subsection:

"(b) In order to assure equal access to all recipients, such hearings or other meetings

as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.".

(b) The heading of section 412 of the Act is amended to read as follows:

"NOTICE AND HEARING PROCEDURES FOR FINANCIAL ASSISTANCE".

EVALUATION

SEC. 117. Section 416(a) of the Act is amended by striking out "periodically" and inserting in lieu thereof "biennially" and by striking out "or project evaluated." and inserting in lieu thereof "or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act.".

ELIGIBILITY FOR OTHER BENEFITS

SEC. 118. Section 418 of the Act is amended by inserting "workers' compensation," after "unemployment".

LEGAL EXPENSES

SEC. 119. Section 419 of the Act is amended by striking out "or section 8(b)(1) of the Small Business Act, as amended (15 U.S.C. 637(b)(1))".

REQUIREMENTS FOR PRESCRIBING REGULATIONS

SEC. 120. Section 420 of the Act is amended—

(1) by striking out in subsection (c)(1) "Except as provided in paragraph (2)(B) of this subsection, no" and inserting in lieu thereof "No";

(2) in subsection (c)(2)(A) by striking out "(A)" after "(2)";

(3) by striking out paragraph (B) of subsection (c)(2); and

(4) in subsection (d)—

(A) by striking out in the second sentence "Except as is provided in the following sentence, no" and inserting in lieu thereof "No"; and

(B) by striking out the third sentence.

AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

SEC. 121. Section 501 of the Act is amended by striking out "There is" and all that follows through the end of such section, and inserting in lieu thereof the following: "(a) There is authorized to be appropriated to carry out title I of this Act such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986. Of the amounts appropriated under this section, not less than $25,000,000 for fiscal year 1984, $28,000,000 for fiscal year 1985, and $30,000,000 for fiscal year 1986, shall first be available for carrying out part A of title I.

"(b) No part of the funds authorized for programs under part A of title I of this Act may be used to provide volunteers or assistance to any program or project authorized under parts B, C, or D of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.".

AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION AND COORDINATION

SEC. 122. Section 504 of the Act is amended—

(1) by striking out "$30,091,000" and all that follows through the end of such section and inserting in lieu thereof "such sums as may be necessary for fiscal years 1984, 1985, and 1986.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 123. (a) The table of contents of the Act is amended—

(1) by striking out

"Sec. 114. Special service-learning programs."

and inserting in lieu thereof

"Sec. 114. Authority to provide technical assistance and training.";

(2) by striking out

"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance."

and inserting in lieu thereof

"Sec. 412. Notice and hearing procedures for financial assistance.";

(3) by striking out the item related to section 123 and inserting in lieu thereof the following:

"Sec. 124. Limitations.

"PART D—TECHNICAL AND FINANCIAL ASSISTANCE TO VOLUNTEER PROGRAMS

"Sec. 131. Statement of purpose.

"Sec. 132. Authority to Establish and Operate Programs.";

and

(4) by striking out the item related to section 405.

(b) Sections 112 and 122(c)(2)(B) of the Act are amended by striking out "103(d)" and inserting in lieu thereof "103(f)".

(c) Section 114(a) of the Act is amended by striking out "and (c)" and inserting in lieu thereof "and (e)".

EFFECTIVE DATE

SEC. 124. (a) Except as provided in subsection (b) of this section, this title shall take effect October 1, 1983.

(b)(1) The amendment made by section 113(a) of this title shall take effect January 1, 1984.

(2) The amendment made by section 114 of this title shall take effect January 1, 1986.

TITLE II—OLDER AMERICANS VOLUNTEER PROGRAMS AMENDMENTS

GENERAL AMENDMENTS REGARDING PROGRAMS

SEC. 201. (a) Section 201(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(a)) is amended by striking out "he" each place it appears and inserting in lieu thereof "the Director".

(b) Section 201(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(b)) is amended by striking out "30 per centum" and all that follows through "years", and inserting in lieu thereof "and 30 per centum in any subsequent such years".

(c) Section 211 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5011) is amended—

(1) in subsection (a) by striking out "he" each place it appears and inserting in lieu thereof "the Director",

(2) in subsection (b)(2)—

(A) by striking out ", and of a particular foster grandparent providing,", and

(B) by striking out "such relationship" and inserting in lieu thereof "such services",

(3) in subsection (d)—

(A) by striking out "he" each place it appears and inserting in lieu thereof "the Director", and

(B) by striking out "$2" each place it appears and inserting in lieu thereof "$2.20", and

(4) by amending subsection (e) to read as follows:

"(e) For purposes of this part, the terms 'low-income person' and 'person of low income' mean—

"(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

"(2) any person whose income is not more than 100 per centum of such poverty line, as so adjusted and determined by the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.".

(d) Section 212(b) of the Domestic Volunteer Service Act of 1973 (32 U.S.C. 5012(b)) is amended to read as follows:

"(b) For purposes of this section, the term 'community action agency' means an eligible entity as defined in section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)).".

(e) Section 213 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5013) is amended—

(1) in subsection (a) by inserting "services designed to enable persons to leave such institutions and live in settings in which home health care will be received;" after "other institutions;",

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)", and

(B) by adding at the end thereof the following new paragraph:

"(2) The Director shall encourage agencies and organizations which receive funds for projects under this part—

"(A) to recruit unpaid volunteers who by reason of professional training (including training in medical sciences, social sciences, and home economics) and experience will be utilized to train senior companions—

"(i) to make initial assessments of the needs of older persons to whom services may be provided under this part; and

"(ii) to provide home health care and homemaking services; and

"(B) to make greater use of experienced senior companions who have special skills and leadership ability to assist, and to coordinate the activities of, other senior companions.", and

(3) by adding at the end thereof the following new subsection:

"(c)(1) During the three-year period beginning on the effective date of subsection (b)(2), the Director shall conduct an evaluation of the impact of the actions taken as a result of such subsection. Such evaluation shall include information regarding—

"(A) the extent to which the cost of providing long-term care is reduced as a result of the services provided by senior companions;

"(B) the effectiveness of the services provided by senior companions;

"(C) the extent to which the health care needs of senior companions are reduced as a result of their participation in projects under this part;

"(D) the extent to which there is coordination of projects under this part and other Federal and State efforts designed to enable older persons to receive care in their own homes;

"(E) the effectiveness of using volunteers and experienced senior companions in the manner described in subsection (b)(2); and

"(F) such other matters relating to this part as the Director deems appropriate.

"(2) Not later than the expiration of such period, the Director shall submit to the Congress a report describing the results of the evaluation conducted under paragraph (1).".

(f)(1) Section 222 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5022) is amended—

(A) by striking out "SEC. 222." and inserting in lieu thereof "(b)"; and

(B) by inserting below the section heading the following:

"SEC. 222. (a) For purposes of making any grant or contract under this title, the Director may not take into consideration the amount of or the use made of any local contribution in excess of the amount of the local contribution required under this title if such use is consistent with the requirements of this title.".

(2) The heading of section 222 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5022) is amended to read as follows:

"AWARD DETERMINATIONS; PAYMENTS".

(3) The table of contents of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4051 et seq.) is amended by striking out the item relating to section 222 and inserting in lieu thereof the following new item:

"Sec. 222. Award determinations; payments.".

AMENDMENTS AUTHORIZING APPROPRIATIONS

SEC. 202. (a) Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)) is amended—

(1) by striking out "$28,691,000 for fiscal year 1982 and"; and

(2) by inserting "$31,872,000 for fiscal year 1984, $33,306,000 for fiscal year 1985, and $34,638,000 for fiscal year 1986" after "1983,".

(b) Section 502(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(b)) is amended—

(1) by striking out "$49,670,000 for fiscal year 1982 and"; and

(2) by inserting "$58,797,000 for fiscal year 1984, $61,443,000 for fiscal year 1985, and $63,901,000 for fiscal year 1986" after "1983,".

(c) Section 502(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(c)) is amended—

(1) by striking out "$16,610,000 for fiscal year 1982 and"; and

(2) by inserting "$31,422,000 for fiscal year 1984, $32,296,000 for fiscal year 1985, and $33,108,000 for fiscal year 1986" after "1983,".

POVERTY LINE

SEC. 203. (a) Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) is amended—

(1) by striking out "established by the Director of the Office of Management and Budget" and inserting in lieu thereof "defined by the Office of Management and Budget based on Bureau of the Census data"; and

(2) by inserting "For All Urban Consumers" after "Consumer Price Index".

(b) Section 683(c)(1) of the Community Services Block Grant Act (42 U.S.C. 9912(c)(1)) is amended by striking out "section 624" and inserting in lieu thereof "section 624 or 625".

JUVENILE JUSTICE AMENDMENTS

SEC. 204. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "section 201(f)" and inserting in lieu thereof "section 201(e)".

EFFECTIVE DATES

SEC. 205. (a) Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) The amendments made by subsection (c)(3)(B) and subsection (e) of section 201 of this title shall take effect on October 1, 1983.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: An Act to extend and improve the Domestic Volunteer Service Act of 1973, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2655) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1129

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 1129, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, GAYDOS, BIAGGI, ANDREWS of North Carolina, SIMON, MILLER of California, MURPHY, CORRADA, WILLIAMS of Montana, ERLENBORN, GOODLING, COLEMAN of Missouri, PETRI, Mrs. ROUKEMA, and Mr. BARTLETT.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2655, the bill just passed.

The SPEAKER pro tempore (Mr. TORRICELLI). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the amendments of the House to the bill (S. 461) entitled "An act to extend the authorization of appropriations for the Office of Government Ethics for 5 years."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 552) entitled "An act to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Building and U.S. Courthouse."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested.

S.J. Res. 188. Joint Resolution to designate the month of November 1983 as "National Christmas Seal Month."

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have asked for this time for the purpose of receiving the schedule for the balance of the day and for next week, and for the purpose of discussing the schedule, I yield to the distinguished majority whip.

Mr. FOLEY. Mr. Speaker, I thank the Republican whip for yielding.

The House will proceed, following the announcement of this program, to receive requests for 1-minute speeches and to take up the bill, H.R. 1234, the Fair Practices and Procedures in Automotive Products Act, the so-called domestic content bill, for general debate only.

It will be my intention to ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

On Monday, October 31, the House will consider seven bills under suspension of the rules, as follows:

H.R. 2911, the Water Resources Research Act of 1983;

S. 448, the Belle Fourche irrigation project authorization;

H.R. 1761, ocean dumping;

H.R. 2395, the Wetlands Loan Act;

H.R. 2853, National Ocean Policy Commission;

H.R. 3851, Federal Food, Drug and Cosmetic Act amendments and

House Joint Resolution 402, invoke section 4(a)(1) of the War Powers Resolution with respect to Grenada.

All votes as ordered on suspensions will be postponed until Tuesday, November 1, but continuing on Monday, October 31, the House will consider H.R. 2867, the Hazardous Waste Control and Enforcement Act, and will complete consideration of that bill.

On Tuesday, November 1, the House will meet at noon and take up the Private Calendar. There are no bills scheduled under suspension on that day. We will proceed to take recorded votes on suspensions debated on Monday, October 31, and then we will proceed to the further consideration of H.R. 4185, the Defense Department Appropriations Act for fiscal year 1984.

□ 1210

On Wednesday and the balance of the week, November 2, 3, and 4, the House will meet at 10 a.m. and will consider H.R. 4185, the Defense Department Appropriations, fiscal year 1984, hoping to complete consideration; H.R. 4170, the Tax Reform Act of 1983, subject to a rule being granted; H.R. 1234, the Fair Practices and Procedures in Automotive Products Act ("Domestic Content"), to complete consideration; and H.R. 2114, the maritime programs authorizations for

fiscal year 1984, with an open rule, one hour of debate.

The House will adjourn by 3 p.m. on Friday. Adjournment times on other days will be announced daily. This is made subject to the usual consideration that conference reports may be brought up at other times, and any further program will be announced later.

I would like to say that it is the intention of the leadership to have a reasonably early adjournment on Monday, October 31, because many Members will want to be with their families, particularly those with small children, early in that evening, so the House will not be proceeding late on Monday, the 31st.

Mr. LOTT. Mr. Speaker, if I could ask the distinguished whip in that regard, I understand that next week we are facing a time problem, a deadline of sorts, with the debt ceiling and that could possibly occur at midnight, Monday, October 31. What can the gentleman tell us about that?

Mr. FOLEY. I thank the gentleman for that comment. It is, I think, appropriate to say that the one exception to the announcement that I just made regarding a reasonable adjournment on Monday is that the debt ceiling authority does expire at midnight on the 31st, Monday, and that if the other body, which is now considering that legislation, should take action which requires the concurrence of the House, it might be necessary for us to schedule consideration of that on Monday evening. That is the one exception that I can think of that would interfere with the otherwise announced intention to adjourn early.

Mr. LOTT. So we hope that it does not come to that, but there is a possibility we might have to stay and wait for the Senate to act, if they have not already acted on it.

Mr. FOLEY. The gentleman from Mississippi is correct.

Mr. LOTT. I would like to clarify for all the Members that we do anticipate recorded votes on Monday in the afternoon after the suspensions on the so-called RCRA bill. There are amendments pending and final passage is also intended, so we can anticipate a vote or votes on Monday afternoon; is that correct?

Mr. FOLEY. The gentleman is again correct. The only postponement of votes on Monday will be with respect to votes ordered on suspensions.

On the so-called RCRA bill, which is going to be taken up after the suspension calendar, no postponement will occur and the votes will be taken as ordered on Monday.

Mr. LOTT. Can the Members anticipate a session next Friday?

Mr. FOLEY. I think the Members should anticipate a session next Friday and I think, without trying to carry it too far, that it would be wise for Members on both sides to assume that there will be votes on Monday and Friday through the remainder of this month. We are intending to adjourn, as has been announced, sine die on the 18th of November and under those circumstances I think Members should anticipate that no Monday or Friday is likely to be free of votes. There may be exceptions to that, but the safer course would be to prepare for that.

Mr. LOTT. I assume that would not apply to November 11, which is Veterans Day, a Friday.

Mr. FOLEY. The gentleman is correct. Obviously, a holiday would be an exception.

Mr. LOTT. So at this point we can look for votes next Friday; but as I look at the schedule, the Tax Reform Act has not been granted a rule and is not now scheduled before the Rules Committee.

Also, the Rules Committee has not taken up Immigration Reform or Bankruptcy Reform.

When we look at the agenda, it is possible it may not be necessary to meet on Friday.

Mr. FOLEY. Well, I would tell the gentleman, it is very difficult to look beyond the week ahead to what the circumstances might be in the following weeks.

I would, however, caution Members that if the assume that Mondays and Fridays will be free of votes, they may find themselves embarrassed by a schedule which includes votes on those days.

On the other hand, the schedule has to be announced as it is determined week by week.

I would say to the gentleman that it is true there are some bills for which rules have not yet been obtained and without those rules, those bills will not actually be considered; but at the present time the schedule as announced is the one that we intend to press for in the forthcoming week.

Mr. LOTT. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, OCTOBER 31, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday, next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the right to object.

Mr. WALKER. Mr. Speaker, I reserve the right to object to mention a point that I mentioned last week.

I notice on the schedule that there is no scheduling of the dairy legislation in the Calendar for next week. The one way we could get to that particular legislation would be to have Calendar Wednesday, which would allow the Agriculture Committee, that is the first called, to bring that bill to the floor with some immediacy.

I am hesitant to continue to allow unanimous consents to be granted on Calendar Wednesdays if we are not going to schedule that piece of legislation.

Can the gentleman give me any kind of indication as to when we might get that legislation to the floor?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. FOLEY. I would advise the gentleman that in conversations with the distinguished chairman of the Committee on Agriculture, the gentleman from Texas (Mr. DE LA GARZA), he informed me today that it was his intention to seek a rule from the Rules Committee on Tuesday next.

Mr. WALKER. So we could anticipate the probability of having the bill on the schedule for the next week; is that a reasonable expectation?

Mr. FOLEY. I would say if not next week, the week after, but within a week's time or of that dimension, following the granting of a rule and subject to the granting of a rule.

It is the intention of the chairman and the committee to bring the dairy bill to the House under conditions which will permit a vote on all the major amendments that have been under consideration in the House and which were a matter of discussion.

Mr. WALKER. Mr. Speaker, I thank the gentleman for the information.

Of course, if we brought it up under Calendar Wednesday, Members would have the right to offer amendments as well.

I do think that it is necessary to put the House on notice that if we do not see a scheduling of that bill, this gentleman intends at some point to permit the calling of the Calendar Wednesday to give the Agriculture Committee that opportunity to bring the bill to the floor.

Mr. FOLEY. Well, I cannot speak for the gentleman. The gentleman will

have to speak for himself, as always; but my belief is that after the Committee on Agriculture presents its request for a rule and the Rule Committee acts, the gentleman will have no need to be concerned about consideration under Calendar Wednesday.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 726, TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978 AMENDMENTS

Mr. MURPHY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees: Messrs. PERKINS, FORD of Michigan, ANDREWS of North Carolina, SIMON, MILLER, of California, WILLIAMS of Montana, KOGOVSEK, OWENS, HARRISON, ACKERMAN, PENNY, ERLENBORN, JEFFORDS, GOODLING, COLEMAN of Missouri, PETRI, GUNDERSON, and PACKARD.

There was no objection.

□ 1220

ISRAELI ASSISTANCE OFFER IN LEBANON SHOULD HAVE BEEN ACCEPTED

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, while the President delivered an excellent address last night—I regret that he did not shed any light as to why our Government did not accept two generous offers of assistance from Israel, one for medical assistance the other for special rubble removal equipment to help us in rescue efforts of marines in Beirut.

An Israeli military unit was prepared to enter Lebanon immediately after the tragic bombing. It was equipped with specialized equipment to more quickly lift slabs of concrete, as well as sonar equipment to detect survivors and oxygen which could be pumped into exposed areas of rubble to keep survivors alive. The Israeli offer was transmitted to the French who turned it over to the Lebanese Government who turned the offer down. As I said in a telegram to Secretaries Shultz and Weinberger—why did not we overrule the Lebanese in this instance—especially when the Israeli equipment could remove rubble four times faster than the machinery we had.

We also specifically rejected immediate medical assistance in Israeli hospitals which were only 80 miles from the bomb site.

It would seem that any action that could have saved lives should have been accepted without question. How many of the 219 marines who were killed might have been saved? We may never know this answer but we have a right to know why we failed to accept the help of Israel.

DEFENSE SENSE, THE SEARCH FOR A RATIONAL MILITARY POLICY

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, our colleagues, Congressman RON DELLUMS, has just authored a most significant text, entitled, "Defense Sense, the Search for a Rational Military Policy."

Whether the Members of this House agree or disagree with the positions taken by Congressman DELLUMS over the years, each of us should be very proud of this significant contribution to scholarship and the debate on defense policy.

The book "Defense Sense" represents a comprehensive examination of all aspects of America's defense policy and is written in clear, profound and precise language.

RON DELLUM's book takes a subject of vital importance to all Americans and places it within the reach of the average citizen, the military establishment and students of this major issue.

I congratulate Congressman DELLUMS for this achievement, and I am proud to call him friend and colleagues.

SANDINISTA OFFER TO NEGOTIATE SHOULD BE ACCEPTED BY THE ADMINISTRATION

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, overshadowed by the tragic events of the last few days was what appeared to be an encouraging communique from the Sandinista Government of Nicaragua.

But almost as soon as it was offered, the four draft treaties were given an icy reception by the Reagan administration. They rejected all of the treaties protesting their strident anti-U.S. polemics. But the proposed accords contain no strident attacks on the opinions and legitimate security concerns of the United States.

The administration also found the Nicaraguan draft treaties deficient in not covering every military consideration. But the treaties were never intended to be comprehensive, and they even make specific reference to the need for further discussions about foreign military advisors and national arms levels.

In addition, the President rejected the treaties for not addressing the role of the Contadora nations. But under the Nicaraguan proposals, the Contadora countries would become the guarantors of the treaties.

We can only assume, by the Reagan administration's frosty attack on the offer of the Nicaraguans to sit down and negotiate a treaty that will bring peace to the region, that it has goals in Nicaragua other than a simple peace. Is the goal of the Reagan administration to change the internal character of the Nicaraguan Government, even if that means subjecting the entire region to continuing instability and violence?

The Reagan administration should accept the Sandinistas offer to negotiate. There can be no long-term military solutions to the problems in Central America. Teddy Roosevelt suggested we "speak softly and carry a big stick." We have affirmed that we have that big stick; the rest of the world is now waiting to see if a great power knows when to speak softly.

UNANSWERED QUESTIONS CONCERNING LEBANON

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, President Reagan's statement last night touched our deepest feelings of patriotism for the gallantry of our marines in Lebanon.

Yet, Mr. President, our respect for their courage does not diminish our responsibility in Congress to ask whether we have sent these young men on an impossible mission. I waited last night to hear how 1,600 marines could quiet a civil war which has raged for decades.

And I listened last night to hear how 1,600 marines could force 60,000 Syrians to leave Lebanese soil.

Mr. President, you still have not answered those questions. Until you do, our objective in Lebanon will be more easily stated in patriotic terms than in terms of political and military reality. As the grim task of burying our fallen heroes continues in the coming days, our feelings of patriotism will not diminish—but the questions will remain.

Sixteen hundred young men—too few marines to save Lebanon, too many American lives to lose.

THE UNITED STATES HAS DONE THE RIGHT THING IN GRENADA

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, 2 years ago I was the first U.S. Congressman to visit the tiny island nation of Dominica. While visiting with Prime Minister Eugenia Charles and her Cabinet, along with the ministers and Cabinets of other parliamentary democracies in that part of the world. St. Lucia to the south, St. Vincent and the Grenadines, I saw that they were quite concerned for their own security and safety as a result of the events that had occurred in 1979 in Grenada, with the overthrow of the parliamentary democracy by Maurice Bishop. Mr. Bishop was personally popular, but they were concerned about their safety.

Therefore, it does not surprise me that Miss Charles, the Prime Minister, along with the OECS would ask the United States to intervene once Mr. Bishop was murdered.

I think the United States did the right thing. I think that in our own security interests, because of the strategic location of that region, the Caribbean Basin, I think for the sake of the OECS, and for the sake certainly of the 1,000 Americans on Grenada that the United States acted properly.

AMERICAN PRESENCE IN GRENADA IS WARRANTED

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, last night President Reagan delivered one of the most powerful, most moving addresses ever spoken on American television.

I thought he did a very thorough job in explaining our presence in Lebanon and explaining our presence in Grenada.

In Lebanon where the Syrians, a puppet of the Russians, are the basic cause for unrest, the fact is that 18 months ago the Lebanese Government did not have an army. Today they have 20,000 men and 18 months from now, they will have 50,000 men, and we believe they will be able to defend themselves.

In Grenada, where the Cubans, a puppet of the Russians in the Caribbean, were in the process of sustaining a military base, certainly our presence there was warranted.

Mr. Speaker, in these trying days, our Marines, our Army have performed magnificently. All Americans are proud for what they have stood for, the fact that they have stood up and shown the entire world what America stands for and what it means.

AMERICAN ALLIES SHOULD ACTIVELY PARTICIPATE TO SECURE EASTERN CARIBBEAN

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I have been making the point for the past 3 days that to understand the Grenada situation and be able to make a rational assessment of the rightness of the role of the United States, we must look at the history of the eastern Caribbean and when we do, we will see that we have been just plain lucky that there have not already been more Grenada's in that region.

We have to keep that region in perspective. We are talking about a chain of little islands in the English-speaking eastern Caribbean. With populations of only, on the average, 70,000 to 100,000 people. These little islands were colonies for hundreds of years under Britain, it has been only during the past 15 or so years these islands were cut loose and told they were nations. They were given the trappings of nationhood but not the tools that any nation needs to exist. And above all none of the defenses they needed to protect themselves from aggression from within or without. Yesterday Prime Minister Eugenia Charles of Dominica said it all. When asked by a major news service if the OECS had asked Britain for help, she replied "no" because, she said, the British made it very clear when they pulled out that they would not defend their former colonies.

We answered their call for help, as the President explained so well last night. I am pleased that Britain is gradually backing down from the position they took on Tuesday of condemning U.S. action, and that they are now saying they would in sympathy consider participating in a peacekeeping force in the Caribbean. I would hope they would do far more than that in the eastern Caribbean that was once such a gold mine to them. I would hope they would actively participate and join with the President in his efforts to secure the region economically as well as politically through the Caribbean Basin Initiative.

□ 1230

THE HIGH TECHNOLOGY VOCATIONAL EDUCATION ACT OF 1983

(Mr. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JENKINS. Mr. Speaker, as we all know, the U.S. productivity rate has lagged behind foreign competition for more than a decade. Harvard economist James Medoff calculates that as much as 60 percent of the dropoff in productivity growth may be due to what he calls labor market imbalance; that is, a misfit of people to jobs. A large gap exists between the knowledge and competence required on the job and the skills actually possessed by individuals who are looking for work.

I have introduced legislation to assist in narrowing this gap. The High Technology Vocational Education Act of 1983 would promote the contribution of high technology equipment to vocational-technical schools through an expansion of the charitable donation tax deduction provided in section 170 of the Internal Revenue Code. In addition, the bill would extend the research and development (R&D) tax credit to include payments made to public vocational education programs to supplement teacher salaries and to fund scholarships and loans.

I believe this is an important bill, in view of the current and severe shortage of adequately prepared technicians and skilled workers in high technology areas. Through expansion of the existing tax law, we can increase private sector involvement in the training of individuals to install, maintain, and operate advanced technology equipment.

The application of advanced technology to the workplace is changing the knowledge and skills that workers need. No longer frills, computer-driven equipment is integral to the jobs of the present and future. Computers now direct the functioning of pneumatic and hydraulic machine tools, industrial robots, drafting equipment, and laser-directed sensory equipment for farm machinery.

A primary mechanism available to train workers is our Nation's vocational-technical education programs. However, vocational-technical schools and programs rarely have the resources to modernize training equipment and they are seldom able to offer potential instructors trained in these technical areas competitive salaries to business and industry.

A nationwide survey by the American Vocational Association reveals some startling statistics. Of 227 vocational-technical schools participating in the survey, over half were not using computer-assisted design or manufacturing technology in their curriculum at all. Almost 20 percent had no fiber optics technology available for students and 74 percent had not acquired robotic or laser technology equipment. In the technical area generally, 44 per-

cent of the tools and equipment being used was over 10 years old.

Similar disturbing statistics were revealed by a survey conducted by the American Association of Colleges and Junior Colleges. Of 433 respondents, 89 percent indicated shortages or critical shortages of computer science instructors in their programs, while 67 percent reported shortages or critical shortages of electronic technology teachers.

A major effort utilizing the resources of both the public and private sector is needed to modernize curriculum and laboratory equipment and to provide incentives for the employment and retention of quality instructors.

Extending charitable donation tax deduction eligibility to the private sector for high technology equipment donations to public vocational institutions is an important step in insuring increased productivity and insuring that a new generation of workers acquires the necessary skills for successful employment. Our Nation's vocational schools cannot absorb the cost of expensive high technology equipment used in business and industry without assistance. My bill will aid in the modernization of these training programs and assist in attracting and holding faculty and students in these programs.

A summary of the provisions of my bill follows:

SUMMARY OF HIGH TECHNOLOGY VOCATIONAL EDUCATION ACT

Section 1. Title.

Section 2. Provides charitable donation tax deduction treatment under Section 170 for high technology equipment donated to public vocational education schools for teaching purposes.

Qualified recipients:

1. VocEd programs in public secondary schools.

2. Public area (post-secondary) VocEd schools.

Qualified uses: The direct education of VocEd students and faculty in technical vocational education curriculums such as medicine, computer science, electronic drafting, electrical and engineering technologies.

Qualified equipment and services:

1. Computers and associated display, printer and disc drive hardware.

2. Other electronic and technical equipment which is reprogrammable.

3. Education software.

4. Installation costs, replacement parts, test equipment, mock-ups simulators, trainer's test kits and aids, and service contracts on donated equipment.

Miscellaneous terms and conditions:

1. Only new computers may be donated. Both new and used scientific and technical equipment can be donated if not more than 2 years old.

2. All donated hardware must carry normal warranties.

3. Orientation must be provided by the donor sufficient to make one teacher per computer proficient in its use and applications.

4. Donors must diversify the geographic location of donated equipment to avoid concentrating gifts in selected markets, or in high income neighborhoods.

5. Donors of new equipment must be taxpayers who regularly assemble and sell such equipment.

6. No retransfer of gifts by donees can occur in exchange for money, other property or services for 5 years.

7. Donated equipment cannot be used abroad.

8. Retail value of single equipment unit must be at least $250 (except replacement parts).

9. Total allowable deductions by a taxpayer are limited to 10 percent of taxable income.

10. Taxpayer cannot claim allowable deductions under this bill if donated computers or equipment exceed (on a product-by-product basis) 20 percent of the number of units of such products sold in the applicable year by the taxpayer.

Amount of allowable deduction:

1. New scientific equipment and computer hardware, donated out of inventory: Fair market value, limited to the lesser of (A) the sum of basis plus one-half of the ordinary income gain that would have been realized by the contributor had the new inventory property instead been sold or (B) twice basis.

2. Used scientific equipment. 150 percent of original cost less accumulated depreciation.

3. Computer software. Purchased by taxpayer prior to contribution: Fair market value. Developed by taxpayer: One-half of fair market value.

4. Maintenance and repair services. Lesser of (A) fair market value of such services (as determined by the amount normally paid by customers for such services) or (B) 150 percent of the costs of the taxpayer in providing such services.

5. New Equipment donated, not out of inventory: fair market value.

Section 3. Expand the 25 percent R&D tax credit to include payments made to public vocational education schools which are used to supplement salaries for teachers in science and technical curriculums and for scholarships and loans to students in these fields.

Qualified recipients:

1. VocEd programs in public secondary schools.

2. Public area (post-secondary) VocEd schools.

Qualified uses of payments eligible for the credit:

1. To supplement salaries for high school and post-secondary VocEd teachers in science and technical fields.

2. To fund scholarships and loans to post-secondary VocEd students in science and technical curriculums.

Miscellaneous terms and conditions:

1. To be eligible for the credit, taxpayer payments for faculty salaries must be made pursuant to a 3-year commitment by the contributor.

2. To be eligible for the credit, taxpayer payments under this bill for any taxable year must exceed the average of such payments made in the previous 3 tax years. Only 65 percent of the excess of that average will be eligible for the credit.

DEMONSTRATIONS AGAINST U.S. ACTIONS AROUND THE WORLD

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, this week I have been appalled to see the demonstrations around the world in opposition to the Grenada operation in which the United States participated with other Caribbean countries. I have to ask myself where were these demonstrators when Russia invaded Afghanistan, when Russia shot down the Korean airliner murdering all aboard, and when Russia continued to direct the dictatorship of the Polish people.

It seems these people who we call our friends in the so-called free world are quick to demonstrate against the United States and our actions when they disagree, but when the Soviet Union does something that we disagree with we have trouble finding those demonstrators protesting.

If they want to condemn our Government, then perhaps they also should go and experience the type of lifestyle that those people in Poland are living. Maybe then they would appreciate the democracy that we represent.

OUR MARINES IN LEBANON

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, the President has added very little to why our marines are dying in Lebanon. He asked us to pray, and we had better pray because there is very little reason to have confidence that the purpose of our Lebanon mission is any more clear.

Buried in the rubble of Beirut are more than the bodies of brave marines. Buried is our rationale for being in Lebanon, and events in the rest of the world simply cannot change that.

How can 1,600 marines in Lebanon bring warring factions together or is Lebanon to be the battleground for an East-West confrontation which could lead to a world war?

I listened very carefully to the President. He said withdrawing our marines from Lebanon would be a signal that our boys died in vain.

If the only way to honor our dead is for more to die, then, Mr. President, I implore you to reconsider our policy. Saying that our dead marines are safe in God's arms is soothing for our grieving parents but it does not make our policy achievable.

U.S. POLICY IN LEBANON

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I agree with the President about Grenada.

I agree with the President about America having global responsibilities.

I agree with the President about the extraordinary courage and sacrifice demonstrated by the American fighting man.

I agree with the President about America having an important interest in the affairs of the Middle East.

However, I could not disagree more with the President about our policy in Lebanon, a policy that sent a brave band of 1,600 men into a war zone with orders not to shoot. Frankly, that is a policy unworthy of 1 life, much less 232.

The President should have announced last night that he was firing the person or persons responsible for security at the airport in Beirut, the person that gave us marines without ammunition, a defense without tank traps, and a Corps unprepared for terrorism in the land of the terrorist.

The President and I disagree over a major point of his foreign policy. In Lebanon he sees our marines as a threat to the enemies of peace. I see our marines under their current orders and in their current numbers as a target for the enemies of peace.

Mr. President, for the sixth week and the ninth time I ask you either to remove the target or secure it.

THOMAS R. BRADLEY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise this morning to report the very sad passing of a dear friend of mine and a major leader in the Maryland-Washington labor movement. I speak of the death yesterday of Tom Bradley.

Thomas M. Bradley was a tireless advocate for the rights and concerns of the working men and women of this country. His ceaseless devotion and ability to draw people of differing views together made him one of the most effective trade unionists in this country.

When I spoke with him on the phone just Wednesday, he was talking about the future—about new ideas and new enthusiasm for the difficult task ahead in aiding the thousands out of work because of the recession. Despite a severe heart attack, he was looking at recovery, and the news yesterday of his death was a real shock to all of us.

Tom began his career as an electronics worker at the Towson Bendix plant, where he helped organize workers. After a brief stint in the Navy and a crash course at the Baltimore Technical Institute, he returned to Bendix and the International Association of Machinists. There was no stopping him then. He served in every position in the union, from shop steward to president.

In 1974 he became the president of the Baltimore Council of the AFL-CIO and, in 1979, he was elected president of the Maryland-District of Columbia AFL-CIO. And there was no more devoted, effective leader in that post.

Tom was instrumental in persuading the Maryland Governor to call a special session of the general assembly in 1982 in order to extend unemployment compensation benefits for laid-off workers. This session he lobbied successfully for increased payments, and, largely thanks for his efforts, benefits rose in July and will do so again in December.

In his days as president of the IAM, he was mindful of the need for all the unions to work together, and it was his key support that led to the growth of the American Federation of State, County and Municipal Employees. He knew that help for one was help for all, and this underlying philosophy led him to the position of power and influence he held at his death.

Mr. Speaker, Tom was a great leader, a great persuader, and a great ally and, above all, a great friend. His dynamism, his integrity and his judgment drew the respect and admiration of all who knew him.

I know that you will want to join with me in sending heartfelt condolences to Jean, his wife; his son Thomas Jr., and his three daughters, Kathleen, Karen and Caroline.

I will miss his thoughtful advice, his warm good humor and his friendship. The people of Maryland are the poorer for his passing.

FUTURE U.S. ROLE IN GRENADA

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, as the fighting subsides in Grenada and as American citizens and others are now protected and safe from violence, the question arises as to what should be the next action.

The President has said that in addition to protecting American and foreign lives we are there to guarantee the restoration of democracy and stability to the island. I believe that the administration should seriously consider the removal as soon as possible of American forces and the substitution therefore of an international force, largely centered around Caribbean countries, with the participation of Great Britain which has a historic role with respect to a Commonwealth country.

Sir Geoffrey Howe, the British Foreign Secretary, said yesterday in the House of Commons that Britain would be willing to consider a participation in such a force.

The Commonwealth countries could then guarantee the security of the islands and participate in the development of internationally observed and internationally sanctioned free elections which could allow the Grenadian people as promptly as possible to take over the conduct of their own affairs and select their own government.

That more than anything else will, I think, silence criticism of the U.S. action and justify American purposes and traditions in that region.

□ 1240

AMERICANS: SET ASIDE PARTISANSHIP, STAND SHOULDER TO SHOULDER WITH THE PRESIDENT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, watching Americans arriving home from Grenada on television. I could not help but be reminded of the return of U.S. hostages from Iran.

But fortunately there was one important difference.

Because our Government acted decisively, these Americans did not spend 444 days of terror-filled captivity.

Anyone who doubts they were in imminent danger need only listen to the Americans own descriptions of the fear they felt and the danger they experienced as the Grenadian Government dissolved into lawless and bloody chaos during the past week.

And the television footage of warehouses stacked to the ceiling with Cuban and Soviet-made arms should convince even the most disbelieving Americans that Grenada was being transformed from a friendly island paradise into a staging area for Caribbean revolution.

Mr. Speaker, I am proud of the courageous steps President Reagan took in Grenada and I believe a majority of Americans also share that feeling.

Mr. Speaker, the action President Reagan took was necessary, proper and came just in time. This is the time for all Americans to set aside partisanship and stand shoulder to shoulder with our President.

WE GOT THERE JUST IN TIME

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, the action on Grenada was an extraordinary event and unquestionably calls for extraordinary rationale.

On Tuesday and Wednesday of this week many of us here were calling on our allies around the world, on our colleagues here in the Congress, particu-

larly the liberal Senators and Congressmen who are so inclined to jump on the President at the first opportunity, to wait until the facts began to come in from Grenada.

Wait, we said, until the President has a chance to explain his position and provide the extraordinary rationale for this action. But they could not wait. They could not wait for the facts.

It was criticized, criticized with little or no concern over whether it would undermine the President or divide the country on an issue of this magnitude.

Well, the evidence is in now. The Cubans and Soviets clearly had a plan to take over that little democratic island down in the Caribbean. The students were in jeopardy but now they are safe.

I think an important lesson has been learned here and I hope it has been learned by all. Clearly we have demonstrated our resolve to our friends in that part of the world. As the President said last night in his remarkable speech, "We got there just in time."

THE UNITED STATES IS NOT THE INITIATOR OF AGGRESSION

(Mr. EDWARDS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Oklahoma. Mr. Speaker, the cry about the warmongering of Ronald Reagan in El Salvador, Lebanon, and Grenada is a case of denying reality. The reality is that in all three instances what is properly the subject of debate is not warmongering but the manner of our responding to warmongering by others.

The common thread in South America, the Caribbean and the Middle East is that in each instance: First, Soviet surrogates have undertaken to depose by force legitimate governments; and second, United States in different ways and for difference reasons has intervened.

While it is legitimate to debate the quality and character of the governments under attack and to harbor different views as to the proper response, it is reality that in each instance the aggression, the warmongering was of and by the Soviet bloc and part of its deliberate policy to destabilize governments friendly to the West and replace them with new governments friendly to the Soviet Union.

It is legitimate to debate how the United States should respond to these challenges and potential threats; it is not legitimate to attempt to portray the United States as the initiator of aggression. To make such claims is to undermine one's own credibility.

Speaker O'NEILL increased his credibility by his response to the events in Lebanon and Grenada.

Unfortunately, the same thing cannot be said of some of his colleagues whose preprogramed responses resist the attempted intrusion of reality.

UNITED STATES STRONGLY BEHIND LAND FOR THE TILLER PROGRAM

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, it is heartening to see the growing support in this country for our actions in Grenada. I think it is also heartening and interesting to see, within the last few days, that the bloody regime in Surinam has expelled the Cuban diplomats. But on another positive note I would inform my colleagues that in response to our study and an urgent request from the AFL-CIO, the administration is planning to provide funds, through the Agency for International Development, to protect campesinos and union leaders in El Salvador.

Mr. Speaker, this Member strongly encourages this important step and urges the administration to bring this project from the realm of contemplation to reality.

Over the last months, we have heard reports from independent witnesses of the great progress in that strife-torn country in the very difficult task of land reform. It has been slowed under the weight of threats and illegal peasant evictions. In January 1981, two Americans working for the American Institute of Free Labor (AIFLD) were shot to death in a San Salvador hotel. The protection of Americans and Salvadorans who are taking an active role in land reform is, therefore, a message to citizens in both countries that the United States is strongly behind the full implementation of the Land for the Tiller program.

Our demonstrated support for the 250,000 campesinos of the Union Popular Democratica, which is associated with the AFL-CIO, will be a clear message to all who are trying to stop or hinder El Salvador's move to a more equitable society. I urge my colleagues to also voice their support for this administration initiative.

REMARKS REGARDING THE DISCHARGE PETITION ON H.R. 1510

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, there are those of us on both sides of the aisle who have sought to bring about the enactment of a comprehensive reform of our immigration laws. Legislation was reported out of the Judiciary Committee on May 5, the Agriculture Committee on June 21, the Education and Labor Committee on June 23, and the Commerce and Energy Committee on June 27. Since then H.R. 1510 languished in the Rules Committee until your obituary on the legislation was announced on October 4.

Mr. Speaker, it is wrong for the People's House to be denied the opportunity to even debate legislation of such importance to our Nation. The committee process has worked to produce a legislative product. Yet, despite the hard work put into hearings and markup by four committees in this Congress and two committees in the last Congress, we are informed that it has been all been for naught.

Mr. Speaker, in a democratic institution charged with the responsibility of meeting the needs of the polity, this is an intirely unacceptable situation. If we fail to address the question of how as a sovereign Nation we can best regain control over our borders, we will not have risen to the level of responsibility expected of us by those who have sent us here to face rather than run away from the difficult problems confronting our country.

Mr. Speaker, since it is evident to all of us in this body that the normal legislative channels have been closed with regard to any legislation concerning immigration reform, extraordinary relief is called for. It is for that reason that I have filed discharge petition No. 5 providing for consideration of H.R. 1510, the Immigration Reform and Control Act of 1983. I urge my colleagues to sign the petition so that we might enable this institution to address the challenge posed to our Nation by the uncontrolled flow of illegal immigration.

PRESIDENT REAGAN: WILLING AND READY TO TAKE CHARGE IN TIME OF A CRISIS

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. I thank the Speaker.

Mr. Speaker, in light of the recent information available to us about Grenada the President is to be applauded for his initiative where American lives and eastern Caribbean security were at stake.

Grenada was no longer just an island paradise. The Soviet Union and Cuba were preparing to use Grenada as a springboard for terrorism in the region, another threat against freedom in the Western Hemisphere.

Over 1,000 Cubans were found stationed on the island and at least five warehouses loaded with Soviet arms and munitions were seized. Can

anyone say they were on a peaceful mission?

The President is to be commended for taking preventive action where American lives and interests are at stake.

Thank God confidence again is restored in the American citizen.

The United States is indeed a nation with global responsibilities and we cannot turn our backs on nor run from international terrorism and intimidation.

It is reassuring to Americans everywhere that we have a President ready and willing to take charge in a time of crisis.

I thank the Speaker.

SEND BACK THE HARDENED CRIMINALS

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, in 1980 during the Cuban Mariel boatlift through the deviousness of Fidel Castro and the incompetence of the Carter administration literally thousands of hardened Cuban criminals entered this country. A thousand or more of those are still in the Atlanta Federal Penitentiary today who were detected and detained. Another 1,000 or more are languishing in State or local prisons around the country.

A couple of days ago I began the circulation of a letter signed now by more than 220 of my colleagues, a clear majority of this House, urging the President of the United States to ship back at least 1,000 or so in the Atlanta Federal Penitentiary of these hardened Cuban criminals along with the Cubans today that are captives as a result of the Grenadian invasion, ship them back together to Cuba with expedition and with certainty.

Now, some have raised that there are some legal obstacles to this matter.

I say to those who have, that the President should step forward with the same boldness that he struck within the Grenadian invasion in the first place, to overcome those legal niceties. This matter is too grave and too important to the citizens of America to allow the continuation of the existence of these hardened criminals on our shores as a result of Fidel Castro's brazenness.

I thank my colleagues for joining me in this and I hope they will make the necessary calls to the Department of State, the Department of Justice, and the White House to make sure that this message is carried forth in the next couple of days.

□ 1250

FEDERAL RESERVE SHOULD BRING INTEREST RATES DOWN NOW, NOT LATER

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I want to congratulate the President on his speech last night and say how much I agree with it. I thought he was right in doing what he did both in Grenada and in Lebanon, and I appreciate his leadership.

I equally agreed with the President when he announced this morning that he opposes plans to raise taxes in 1983 and 1984 as a way of reducing deficits. He wants to reduce the deficits by continuing the economic recovery and cutting spending and he is right.

But I was particularly disturbed this morning to read on the news wire one of fine writers in this town, Mary Beth Franklin of UPI, quoting a Member of the Senate as suggesting that he has a private arrangement with Federal Reserve Board Chairman Paul Volcker.

Senator DOLE said that during a closed meeting with Federal Reserve Board Chairman Paul Volcker Thursday morning, Volcker indicated "that if we did the responsible thing on the fiscal side, it would give him more flexibility on the monetary side" to reduce interest rates.

Mr. Speaker, how dare Paul Volcker tell someone that he will be lowering interest rates if something is done by Congress, not only does this contradict testimony he gave to the Banking Committee, but if interest rates can come down because of a deal to raise taxes, they can come down right now. With the prices of gold and other commodities falling, there is no market signal that would tell us that we have to tighten up on the money supply and keep interest rates as high as they are now. They are not only hurting the American people, they are hurting our friends and allies in our hemisphere and around the Third World. This is causing pain and austerity throughout the economy of the United States and also of Central and South America and causing havoc with U.S. exports.

It is absolutely imperative that the U.S. Congress on a bipartisan basis send a signal to Paul Volcker at the Federal Reserve Board that we expect interest rates to come down right now, not later, not after a deal is made but right now.

UNITED STATES: PROXY SUPPLIER OF ARMS TO THE PLO?

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, perhaps you did not notice a small item in yesterday's news. It was indicated that China is going to supply weapons to Yassar Arafat's wing of the PLO.

Now that is the same China—the Democratic People's Republic of China—that Caspar Weinberger recently promised to supply with U.S. arms.

Quite apart from the obvious insanity of supplying weapons to a nation which is at least a potential adversary of immense proportion, and quite apart from the general folly of being a principal armament supplier in a world already teeming with means of human destruction, is the United States suddenly about to become a supplier—by proxy—of arms to Mr. Arafat and his Palestinian Liberation Organization?

Let us put a stop to U.S. arms sales to China before something as stupid as this scenario actually occurs.

FAIR PRACTICES AND PROCEDURES IN AUTOMOTIVE PRODUCTS ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 336 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1234.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New York (Mr. OTTINGER) will be recognized for 30 minutes, the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes, the gentleman from Oklahoma (Mr. JONES) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the need for this domestic content legislation is greater now than it ever has been before. A lot of people point to an economic recovery in the automobile industry to argue that the legislation is no longer needed.

But the fact of the matter remains that there are some 180,000 auto workers still out of work. And there were 600,000 workers in the parts industry

who were out of work as of last year, most of whom have not been rehired because of the increasing outsourcing—that is the placement of orders with foreign companies by our domestic industry.

Indeed, most of our domestic manufacturers recognize this recovery is transient and not a healthy one and have contacted me to ask my help in pressing for an extension of the so-called voluntary restraint agreement with Japan, which would keep the limitation on Japanese imports at 1.68 million cars.

I would like to point out that the voluntary agreement does not count the 70,000 vehicles shipped through Puerto Rico, 82,500 station wagons. So in reality the Japanese are now shipping as many as 1,832,500 vehicles.

The administration, at the present time, is in the course of negotiations with Japan and Japan is asking for an increase in that voluntary agreement from 1.68 million cars to 1.8 million cars, plus those station wagons and other vehicles. That presents a tremendous threat to our industry.

General Motors presently has been negotiating with Suzuki and Isuzu and it has been written in all the press for the importation of 300,000 Japanese cars in the next year.

Chrysler has announced that if General Motors goes ahead with that plan, it will not be able to afford to compete producing its new model small car in the United States. And it is estimated that by that action alone some 65,000 jobs would be lost.

Mr. BONIOR of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. BONIOR of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman on the effort he has made on behalf of this very important piece of legislation and for the remarks that he has made this afternoon.

Mr. Chairman, there are not some in this body who proclaim that we no longer need the type of legislation provided in H.R. 1234. They say the domestic auto manufacturers' profits are up and people are being called back to work. Let us take a look at that. While it is true domestic profits are up and some workers have been recalled, it is also true that well over 200,000 autoworkers and nearly 600,000 additional workers in auto related industries remain jobless. That makes nearly three-fourths of a million people who have not been called back. And as long as the U.S. auto manufacturers continue to increase their purchase of foreign auto parts and components, most of those people will never be called back. According to a recent Commerce Department report, U.S. manufacturers are importing 2.5 million engines and 1.7 million transmission. Not more than a few years ago we imported none. Imports in this massive quantity take jobs away from domestic suppliers and crush the hopes of employment for those 600,000 people.

If we are in a recovery, whose recovery is it? If manufacturers' profits go up but take the unemployment rate with them, where is the benefit? If manufacturers persist in importing auto parts, insuring the continued unemployment of over one-half million people, where is the recovery?

For those of my friends who think the auto import situation has improved, let me cite some statistics from the energy and commerce committee report on H.R. 1234. Between 1972 and 1982, Americans nearly doubled their purchases of foreign automobiles. In 1982, foreign auto manufacturers took 27.8 percent of the U.S. auto market. In 1982, domestic auto production declined to its lowest level in 23 years and plants were operating at only 60 percent of capacity. Remember, we are talking about an industry which creates more jobs, feeds more businesses and produces more income than virtually any other industry in this country. While the U.S. auto industry is big business, it is still in big trouble.

Many people will be eagerly watching the proceedings on H.R. 1234 for what we do will dictate what they do. For example, the voluntary restraint agreement (VRA) we have with Japan which limits the number of cars they can export to the United States in a given year, expires in March of 1984 and will have to be renegotiated. There are several available options. United States and Japanese negotiators could keep the level at 1.6 million cars or lower. They could keep the 1.6 million level but include the 400,000 light trucks and 85,000 hatchback cars currently not included in the 1.6 million figure. They could increase the number of allowable imports or they could, as the Japanese Minister for International Trade and Industry indicated he wanted to do, not extend the agreement at all.

If this body does not pass H.R. 1234, we will be sending a clear message to the Japanese that they should keep pushing for substantially increased voluntary restraint agreement levels, or that they do not really have to renegotiate the agreement at all because the U.S. Congress is not serious about trade negotiations.

Why is the voluntary restraint agreement important? Let me tell you. If the VRA is renegotiated at all, the level set will have a very great impact on domestic auto production. According to a letter from Mr. Lee Iacocca, chairman of the board for the Chrysler Corp., to Mr. William Brock, U.S. Trade Negotiator, in early September of this year, Chrysler is seriously negotiating a joint venture with Mitsubishi for an assembly program in the United States. Mr. Iacocca, warns however, without holding the line or decreasing the VRA limits, the negotiators for American plants will be scrapped and Chrysler will instead have to increase their Japanese imports rather than produce cars here. Similarly, the Ford Motor Co. has considered a joint venture with Toyo Kogyo in the United States. But, like Chrysler, if the VRA is increased, allowing even more Japanese imports, Ford and Toyo Kogyo will not be able to compete with the 280,000 cars General Motor would then be able to import from its Japanese affiliates. In that event, Ford has indicated it will still consider the joint venture, but in Mexico. So you would have an American company, a Japanese company, producing cars in Mexico for export back to the United States.

If we are to keep any type of small car production in this country, we cannot allow the Japanese to browbeat us into accepting a high voluntary restraint agreement (VRA). The best way to do that is to show the Japanese we are serious about tough trade negotiations. Approval of H.R. 1234 would go a long way in doing just that.

William Brock is currently trying to negotiate a number of trade issues with the Japanese before President Reagan visits Japan for a summit meeting in early November. If we defeat this bill, Mr. Brock is forced to negotiate out of a position of weakness because we will have shown the Japanese that the U.S. Congress is not serious about tough trade negotiations.

There are some in this body who would shrink from this legislation for fear or making the Japanese mad; for fear of angering that nation by modestly asserting ourselves in our own domestic market. If fear of Japanese reprisals can immobilize the U.S. Congress, then Tokyo, not Washington, will dictate American trade policy and it will reflect Japan's best interests, not ours.

But the fact is, Japan will not retaliate against U.S. imports if we establish domestic content requirements. Japan has never filed a General Agreement on Tariffs and Trade (GATT) complaint. In fact, Japan's historical response to nations limiting their imports has been to build plants in those countries—exactly what Japanese auto companies have begun doing in the United States: Honda in Ohio and Nissan in Tennessee. The Japanese companies stated in congressional hearings that they would comply with the domestic content requirements if they had to rather than lose the U.S. market.

A nation with glass trade policies will not throw stones at U.S. domestic content regulations. Japanese retaliation against American goods would

leave them open to the scrutiny of their own tight trade policies. Japan's nontariff barriers such as processing charges, licensing charges and approval and transport charges, double the price of U.S. autos effectively prohibiting their import and allowing Japan to control 99 percent of its own domestic market. Japan still has trade barriers against beef, agricultural products, and computer software as well as maintaining their own domestic content regulations for military aircraft.

In fact, if Japan did look for alternative sources for the goods they import, they would be hard pressed to find any country whose automotive trade policy was as lenient as ours—even with domestic content regulations. Italy only allows the import of 2,200 foreign vehicles a year. The British have frozen their allowable imports at 10 percent of their total auto market and the French hold imports to just 3 percent. In addition, 30 countries have domestic auto content requirements. Mexico requires 70 percent for passenger cars and 80 percent for trucks. Argentina requires from 75 to 96 percent local content depending on weight and Korea demands 60 to 95 percent. Yet there are those who feel we should timidly negotiate trade policy out of fear of Japanese reprisals—reprisals which have historically never come.

Mr. Chairman, H.R. 1234 means jobs for our country. There are cars to be built and we can decide who builds them. We can breath life into our auto industry or we can suck in our breath out of fear. The men and women who have for so long proudly worked to make this country a major industrial power, now look to us to deliver them from unemployment lines, to deliver them from the agony of joblessness. It is up to this Congress to take the leadership. We can keep small car production in this country by passing this bill or we can hand it to our competitors by defeating the bill. The consequences of our actions are as simple and straightforward as the bill number—1-2-3-4. As the Honda commercial says, "We make it simple."

Mr. OTTINGER. Mr. Chairman, our import situation continues to get worse. We are anticipated to have a record balance of trade deficit this year of $70 billion. The administration has predicted that this deficit will go to $100 billion next year.

What we are seeing is just a bleeding of the U.S. manufacturing capability and industrial base. We simply cannot afford that. Automobiles are by far the most important factor in our industrial base. Automobiles account for 21 percent of our steel, 50 percent of our malleable iron, 34 percent of the zinc used in the United States, 12 percent of the primary aluminum, 13 percent of copper, and 60 percent of synthetic rubber, and a very large factor in our textile industry.

What we will see if the Japanese arrangement is permitted to go forward and Chrysler cancels its small car production in the United States, we are going to see a very fast erosion of our manufacturing capability. I think that is very dangerous from a national security standpoint. It will result in an economic catastrophe for the United States.

There has been a great deal of concern from people who have discussed this legislation on a number of points.

One is that it is protectionistic. I have been a classic free trade advocate. I believe that is the best approach for the world. But the fact of the matter is that free trade does not exist. It certainly does not exist with automobiles where every major European country has quotas, from 3 percent in England, to 10 percent in Germany and France. Thirty-one countries have content requirements. Every major automobile-producing country in the world has quotas or domestic content restrictions, except the United States.

So that free trade just is not there. And the question is, How can you move to free trade? Our negotiators go to international conferences. Mr. Brock tries very hard. But he continually comes back emptyhanded because we have no leverage. The United States is holding up alone the banner of free trade while all the other countries of the world are restricting imports into their countries and are taking advantage of the free U.S. market.

We simply cannot afford that. This is the singlemost effective legislation in stemming that flow.

When Chairman DINGELL and myself were in Japan, together with other members of the Commerce Committee, U.S. Ambassador Mansfield made it clear that while he did not like the idea and did not support domestic content legislation, that in terms of getting the Japanese to drop their restrictions, both tariff barriers and nontariff barriers on all sorts of goods, this was the singlemost effective instrument he had.

□ 1300

A good many of our Representatives from agricultural districts and from timber districts are getting a good deal of pressure based on a fear of retaliation. And I can virtually guarantee you that there will be no retaliation if this legislation passes. The Japanese are just far too dependent on the U.S. market and are far too guilty of their own restrictive practices; they would never go before a GATT, because they restrict virtually everything. They even just reneged on an agreement that we made with them to try and let in baseball bats. But through standards, through regulations, through trading companies that they operate, through subsidizing their exports, they could not afford to go into GATT and make a challenge against us.

Indeed, they are so dependent upon the imports that they bring in, that I think there is no chance of retaliation. In the case of autos, the United States only exported 1,300 cars to Japan last year. Retaliation in this regard would not have any impact.

This legislation sends the right signals. If we were to defeat the legislation, there is no question but that the Japanese would run rampant over our markets. It is estimated that they would take as much as 40 percent of our market by 1986. We simply cannot afford that.

I strongly urge the passage of this legislation.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield briefly to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding, and I want to compliment him on his speech.

Mr. Chairman, I rise today in support of H.R. 1234, the domestic content bill, "Made in America." It is a well-respected, proud label. But should laws be enacted to preserve the domestic market for certain American goods? Hidden within this question lies the future of many of America's basic industries.

Ideally, free trade creates the most efficient allocation of resources and the lowest inflation rate over the long run. But our current trade laws have failed to permit American industry to compete equally with their foreign counterparts. We have suffered from inaccessiblity to the world markets even as our trading partners have enjoyed almost unlimited access to the U.S. market.

The auto import situation has served to dramatically highlight this problem and has contributed to a general awareness that we must be prepared to make fundamental changes in our trade policy if we are to maintain our crucial industrial base and halt the flow of jobs to foreign workers.

No one here need be told the importance of this bill. In September of last year, Toyota sent a telegram to each of its 1,100 U.S. dealers asking them to join the fight against the domestic content bill. Nissan made a similar request. Since then, a varied assortment of domestic and foreign organizations have taken sides on this issue.

I recognize the arguments which have been raised against this legislation. But it is time to send a clear message to our trading partners. That message is: The United States has had enough of other nations merely paying lipservice to the concept of free and fair trade and has finally decided to force the issue.

The automobile industry plays a significant role in the U.S. economy, accounting for roughly 3.3 percent of total gross national product. Yet nearly 28 percent of all automobiles sold in the United States are imported. The $40-billion-a-year Japanese auto industry, alone, captures 22 percent of the American market. Voluntary Japanese import restrictions of 1.68 million units annually expires in April 1984. Pressure is on to increase this level to 1.8 million units. Where will the jobs be—Japan or America?

I recognize the business acumen of our trading partners. But that is not the sole reason for their successes. While our markets have remained relatively open to imports, the other major industrial nations have erected numerous trade barriers and subsidized the costs of their industries' products.

I would also point out the negative impact or disproportionate shouldering of the international defense burden has had on our economy, even as it has enabled our allies to redirect the funds they save on defense back into their economies. Japan, in particular, has reaped the fruits of this situation. Their capital intensive automotive industry is a direct reflection of their minimal defense costs.

We cannot continue to ignore the impact imports have had on our economy and the employment situation. It is merely an illusion to think that this situation will be corrected voluntarily by our trading partners. H.R. 1234 will send the signal to our allies to take notice of their trading policies. No longer will America tolerate unfair practices in the international marketplace.

Mr. OTTINGER. Mr. Chairman, I appreciate the gentleman's support.

Ms. MIKULSKI. Mr. Chairman, as I said last year, and I now want to reaffirm, I believe that a local content requirement is desperately needed to revitalize our troubled domestic auto industry, and to establish a sound, jobs-oriented jobs policy.

I feel that one of the biggest threats of the national security of the United States is not only the invasion of a foreign enemy but the invasion of the United States by foreign imports. I believe that foreign imports are eroding our jobs base. When you erode and take away the opportunity for people to earn their own living, you threaten the very basis of democracy.

This domestic content legislation has been called protectionist legislation. If it is to protect jobs, then I am absolutely for it. However, I think of it not as protectionism, but as economic nationalism. Now is the time for the Congress of the United States to stand up for the people of this country and make sure that we have a strong automobile industry.

This Congress has passed two jobs bills. I was happy to vote for those jobs bills that provide work in the public sector. But I believe that the best jobs are in the private sector and I believe that it is the responsibility of the Congress to provide the legislation so that America can be able to be competitive, be able to make automobiles, be able to make steel, be able to make textiles, and, most of all, not only be able to produce products but be able to produce jobs.

Very simply, if you sell here, build here.

Mr. BROYHILL. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. I thank the gentleman from North Carolina for yielding time to me.

Mr. Chairman, first let me say I am well aware of the serious economic problems facing the American auto industry. I would be quite pleased to consider legislation that would actually help this important American industry. The domestic content bill is not, I believe the proper course to take, however.

Support for local content seems to be based on several fallacies. One is that it will create hundreds of thousands of jobs in the auto industry. H.R. 1234 will not lead to significant job creation; it could even lead to job destruction. According to Commerce Department studies, any jobs created would be offset, at least partially, by the job losses it would produce. Foreign auto manufactures with plants in the United States will not be able to keep up current production rates if they are forced to meet local content requirements. This could well result in the closing of assembly facilities here in the United States.

There are other problems associated with this bill such as possible retaliation against U.S. exports. The Commerce Department estimates that for every $1 billion of U.S. exports eliminated by retaliation, 25,000 jobs could be lost.

We all know the serious situation faced by the American auto industry. I implore my colleagues to takes a serious look at the possible effects this legislation could have on our economy. In this case, I fear, the losses far outweigh the gains.

I would also remind my colleagues that almost every major newspaper in the United States, including the Detroit Free Press, has come out editorially in opposition to this legislation, the U.S. Chamber of Commerce, and a host of other impartial observers.

Mr. Chairman, this is the wrong way to go at the wrong time.

Mr. BROYHILL. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, I rise in opposition to this bill. Its initial problem is that it has the wrong title. Now, it carries the printed title of the domestic content law, but in reality its true title should be "The United Auto Workers Wage Preservation and Anti-Auto Consumer Act of 1983."

And I cannot blame the members of the United Auto Workers for what they are up to, because, you see, through the monopoly power which they have in the auto industry of this country, they have been able to muscle their way to a wage rate in that industry that is 28 percent higher than the average manufacturing employee in the United States.

The average wage in America for nonautomobile workers is $7 an hour. In the UAW they have muscled their way to the point where that wage rate is $9.50 an hour. And when you further compare the wage rate of American automobile workers to those in Japan, the disparity is even greater. It is better than two to one in favor of the American autoworker versus the Japanese autoworker.

The situation of noncompetitiveness of American industry and the auto industry has gotten so bad that when you compare the cost of a Japanese subcompact car produced in Japan with the cost of an identical car produced in America, the cost, landed in my home area of southern California, is $2,000 cheaper for the Japanese-made car than the American-made car. That is because of two factors: The productivity of Japan is such that they can produce that car in 111 hours. It takes our American automobile workers 200 hours to produce that same car.

When you combine that difference in productivity with the difference in wage rates, it means the consumer in southern California can buy that subcompact car $2,000 cheaper than the American-made car. Is it any wonder why the consumers all over this country have been voting with their dollars to buy foreign-made cars rather than the higher priced American automobiles?

Well, I will come back to my initial theme. If you are an officer in the United Auto Workers, what do you do if your product is, because of lack of productivity and higher wage rates, priced essentially out of the American market?

Well, you come in here to the Congress and you say, "Friends, we have got troubles. We do not want our auto workers to face the competition of foreign-made goods, so protect us with this law. We enjoy a wage rate higher than the rest of the world, we want to protect it."

And that is not unusual in the history of this country, because a little over 50 years ago American farmers came into this Chamber and convinced Con-

gress in 1930 to adopt a similar law to protect American farmers from foreign-made food products. The law in 1930 was called the Smoot-Hawley Tariff Act designed to protect American farmers. And after its adoption in 1930, we saw a downturn in international trade of major proportions. Within 3 years that downturn of trade had reached the point where it had reduced it by better than 25 percent, and the U.S. trade was significantly reduced, as well.

People sometimes do not want to learn the lessons of history, and this flag of protectionism which my colleagues on the Democratic side are flying—and, incidentally, this flag of protectionism is one of the issues which divides the two great parties in the country today.

□ 1310

When this measure came up last year, 74 percent of the Democrats in the House flew the flag of protectionism to protect this wage differential for the benefit of the United Auto Workers of America; 74 percent of the Republicans flew the flag of free trade.

It is interesting by way of contrast between the two great parties because historically, down through the history of our Republic, the Democratic Party has stood for great principles, one of them being free trade.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

Mr. BROYHILL. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. DANNEMEYER. But in this century, the Democratic Party has picked up the flag of protectionism and it is the Republican Party that is flying the flag of free trade.

I could also ask, in this statement Ralph Nader, where are you when we need you, you who speak for the consumers of America, because this bill, if adopted, will cost, according to the Congressionall Budget Office, an increase in cost of $333, the Department of Commerce, $450, the Federal Trade Commission, $527, $838.

Should we vote in this House to visit this increased cost on the consumer of America to protect this wage differential enjoyed by the United Auto Workers? I do not think so. That is a bad policy.

To my Democratic colleagues, let me close by making this statement: In the 1930's the Republican Party flew the flag of protectionism and it brought it to a sad state. I can only hope, in a spirit of charity, that the Democrats flying the flag of protectionism in the 1980's will enjoy the benefits of what that did for the Republican Party in the 1930's.

Mr. Chairman, I yield back the balance of my time.

Mr. BROYHILL. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in oppositon to the bill, H.R. 1234.

By attempting to aid certain sectors of the automotive industry, this protectionist legislation does greater harm to the American consumer and other export industries across this Nation. The recent recovery in the domestic auto industry is further indication that it would be unwise to enact this damaging legislation.

One of the primary arguments used by proponents of this legislation is that it will provide new jobs in the domestic auto industry. Wharton Econometrics of Philadelphia has estimated that by 1991, there would be a net gain of 58,000 jobs in the auto industry. However, this would be offset by an estimated loss of 423,000 jobs in other sectors of the economy. In my judgment, it is poor public policy to attempt to bolster one industry in a manner that would so adversely impact on many other segments of the economy.

I am also gravely concerned about the consumer impact of this legislation. Aside from the net loss in jobs, an interagency task force has estimated that the average cost of U.S. car prices may go up as much as 4.5 percent. The resulting consumer burden of approximately $4.8 billion is a very high price to pay for 58,000 jobs. In my mind, this is an unfair burden to place on the consumer in exchange for limited benefits for the automotive industry.

My final argument, and I believe, one of the most compelling arguments against this legislation, is that it is protectionist, and as such, will have profound consequences on world trade generally and on U.S. exports in particular. This legislation would provoke reprisals from our trade partners that would hurt other sectors of our economy. It is a proven fact that trade barriers decrease the productivity of the world economic system. In this case, no country stands to win. It must be the firm policy of this body to promote free trade whenever possible, and this instance must be no exception.

In view of these and other compelling arguments, I urge my colleagues to vote against H.R. 1234, to protect the American consumer, and to preserve America's leadership in promoting free international trade.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 1234, the Fair Practices in Automotive Products Act. The preservation of a healthy automotive industry is absolutely essential to the vitality of the American economy. Automobile and truck manufacturing transformed the economic life of this Nation and are essential to our economic and defense base. It is a tragedy to see these sectors erode, part by part, in the face of global competition.

The recent upturn in auto sales and automobile industry employment is most welcome. But we have been in a deep trough for some time and American automobiles are still being produced at a rate much lower than before. In 1978, U.S. auto companies built 12.6 million cars and trucks. The Commerce Department projects 1983 production will total 9.1 million—thus production is down over 25 percent from 5 years ago. In addition, another unmistakable trend is toward a world car. This means that we are producing an increasing number of American cars with an increasing proportion of foreign parts.

The costs of decreased auto production and the consequent employment losses are substantial. Workers and sometimes entire communities reel from the shocks of huge plant closures or substantial layoffs. Auto employment levels are substantially less than in 1978. In 1978, employment averaged one million while the 1983 figure is 730,000. So employment remains roughly 30 percent less than before. These workers will not find quality replacement jobs anytime soon, as the large numbers of long term unemployed testify.

I support domestic content legislation as the appropriate response for several reasons. First, our Nation has tried other trade alternatives in the past 20 years. Despite our tireless and consistent efforts, these alternatives have failed. Attempts to redress trade barriers through GATT have not worked. Certain markets, like the Japanese, have literally remained impenetrable to our imports—not only in autos, but in computers, television, and many other sectors. Second, the level of voluntary quotas is too high already and continues to rise. Voluntary quotas merely cultivate a marketplace that is categorically unfair. Additionally, efforts to pass trade reciprocity legislation have not been successful. Content legislation remains our last resort.

Second, I support content legislation because our competitors cost advantage is based on many factors—some of which can only be offset by a countervailing initiative like content legislation. Content is a checkmate alternative in an imbalanced trade world. This point can best be developed by examining our auto trade with Japan.

The dollar/yen exchange rate provides Japan with a substantial cost ad-

vantage against the United States. Yet part of the exchange rate imbalance is due to the way in which the Japanese control their credit markets. These markets are impenetrable to us.

In addition, Japan forgives—on exports—an automobile commodity tax that amounts to about $600 per vehicle.

Let us also look at what actually happens to our automobiles when they arrive in Japan. While we allow the Japanese the luxury of self-certification with regard to safety requirements and emission control standards on their cars sold here, the situation is quite different when our cars reach the docks in Japan. We accept their cars here, without question. We take their word. But do they accord us the same courtesy? The answer is a clear and resounding, "no." When our cars are brought to Japan, they are subject to a rigorous, complex, and costly certification and distribution process. Each one of our cars is forced to go from one inspection site to another, once it reaches the docks. Even if every single car is exactly the same, the process does not change. This adds several hundred dollars to the cost of every American car sold in Japan.

The result of this myriad of restrictions—in just one nation—amounts to a $2,000 Japanese cost advantage over U.S. cars. The result is staggering. In 1982, the U.S. exported 3,149 cars to Japan; Japan sold 1,801,185 cars in the United States, let me repeat: Imported cars account for 27 percent of the U.S. market. Of this total, 22 percent is accounted for by Japan. And the trend is up. Imports from Japan rose 35 percent from 1978 to 1982.

In a final note of interest on Japan's trade practices, beyond the auto trade restrictions outlined above, Japan also has domestic content legislation, but in another industry. The industry is aircraft, an industry where the United States has a significant international edge and threatens their nascent industry. Thus they bar our entry.

In light of Japan's trade practices, and those of 31 other countries with auto trade restrictions, to those who suggest domestic content is tough legislation, I suggest you are right. But it is tough legislation that is demanded.

Third, domestic content will send a clear signal to all of our trading partners that the rules of the game must apply equally and fairly to all participants. Passing content will give this and future Presidents of our country the needed bargaining power to negotiate trade equity in other fields. For example, access to our automobile market is so important to a country like Japan that content will become a bargaining chip which can be used to open their markets to other products especially our agricultural exports.

Fourth, the direct benefits of content to the U.S. economy are enormous. Each percentage of domestic content is worth 25,800 jobs in auto supplier and manufacturing industries. And we should not forget the benefit to the U.S. treasury. The U.S. Government collects $1,750 less in taxes from each Japanese-made car sold here than it would collect from an American-made car.

Finally, let me say that we cannot sit idly by and let our manufacturing base wither away. Increasingly we are becoming the largest banana republic in the world, a country which exports agricultural goods and imports finished goods. This is not a situation a developed country should accept. With content, we could help create equity imports and exports. Without it, finished auto good imports will take 40 percent of the U.S. market and the use of imported components of the Big Three auto companies will rise from 5 to 20 percent.

I grew up in the heart of auto country U.S.A. The people in my area do not ask for much. They are practical, tough, and fair. They also know when they are being done in. They know it is time for a response by our Government to a substantial trade balance caused by unfair trading practices. Domestic content is it.

Mr. JONES of Oklahoma. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding time to me.

Mr. Chairman, today, the House considers H.R. 1234, the Fair Practices in Automotive Products Act of 1983. I rise in strong support of this bill. It is a reasonable measure which addresses a most serious economic problem.

Our domestic automobile industry is the backbone of this Nation's transportation system, one of our first lines of defense, and one of the largest employers in our Nation. Even in our current sluggish economic condition, this and related industries provide over 5 million jobs to our economy. For example, more than 20 percent of the steel made in the United States, 12 percent of the primary aluminum, half of the malleable iron, and three-fifths of the synthetic rubber in this Nation are used in automobile production; and over 50,000 businesses spread throughout every congressional district in our Nation are directly based upon automobile production.

But as we speak, Mr. Chairman, the domestic automobile industry—so vital to the economic health of our Nation—is under assault from foreign nations who shield their own industries from the rigors of open competition while taking refuge in our Government's inaction. And they have seized upon this inaction as a means of capturing a lion's share of our Nation's domestic automobile market.

The United States, unilaterally adhering to so-called free trade principles, has imposed virtually no restrictions on foreign automakers' access to the U.S. car market. As a result, imported car sales rose from 15.3 percent of total U.S. car sales in 1970 to 27.8 percent in 1982. Japanese automakers were the chief beneficiaries of increased foreign car sales in the United States last year. More than 80 percent of all foreign cars sold in the United States were sold by Japan.

The economic consequences of these imports have been devastating. According to a June 1983 report to the Congress, by Department of Commerce Secretary Malcolm Baldrige, in 5 years since 1978, more than one-third of all Americans employed in the automobile manufacturing industry—346,000 out of 1,031,000—have lost their jobs. In addition, says this report, the number of autoworkers on indefinite layoff for 1982 averaged 238,000, and an additional 600,000 employees in auto-related industries and services have joined the unemployment ranks since 1978.

Yet we continue to hear the drumbeat of some who caution against U.S. intervention in existing trade relationships. I, too, believe in unencumbered commerce among the many nations of the world. In an ideal world where each nation pursues the same goals, free trade would be a policy worth striving for. I do not feel, however, that we should engage in unilateral inactions detrimental to our economy when virtually every other country in the world chooses not to observe such a principle. Among the world's major auto producers, Mr. Chairman, the United States is virtually alone in the freedom of access it grants to foreign auto manufacturers. No other nation in the world would permit, or has permitted, such deep market penetration at the expense of its own workers and industry. Every other major automobile manufacturing country has erected barriers to prevent this. In some instances these are tariff barriers. In other instances they are nontariff barriers such as quotas, domestic content requirements, or other requirements.

Japan, which has replaced the Ford Motor Co. as the No. 2 manufacturer of cars sold in the United States, imposes a complex distribution system which virtually eliminates the possibility of selling large numbers of American cars in their country. Additionally, they impose a 15 to 20 percent commodity tax which falls disproportionately on U.S. cars because the tax is based on size and weight. Japanese dealers impose extremely high dealer margins of profit on U.S. cars, further driving up the price of American-manufactured cars in Japan. The combined affect of these and other coordinated policies push up the price of

U.S. automobiles purchased in Japan by 50 to 100 percent or more over U.S. effective retail prices. At the same time, the price of a Japanese automobile sold here in the United States is actually as much as 25 percent lower than the price Japanese citizens pay for the same model.

Germany, France, Italy, and England impose a 10.9-percent tariff on American-manufactured cars. This compares to a tariff of only 2.8 percent which the United States imposes on other nation's automobile exports to the United States. In addition, France, England, and Italy have mandatory restrictions on the quantity of Japanese autos imported into their countries.

Brazil, Mexico, Argentina, and Korea, have tariffs which range from a low of 35 percent for Mexico to a high of 150 percent for Korea. Each of these nations also have domestic content requirements ranging from 60 to 96 percent.

To put it simply, Mr. Chairman, the United States has become a convenient place to dump cars. We have become, in fact, the patsy of the world. Honest people may disagree on how to address this problem of imports, but clearly, we cannot ignore it.

Almost 3 years ago, the outgoing Secretary of Transportation issued a report which examined conditions in the auto industry. He warned of dire consequences if the industry failed to recover. He spoke of a "permanently diminished industrial and employment base" in our country. I am sure that such a condition is not acceptable to those of us charged with guiding the course of our Nation. Despite that dire prediction, the current administration has done virtually nothing to address the problem. They say as general economic conditions improve, the industry will recover. But we know that is not so. A recent analysis showed that of the more than 500,000 industry workers who have lost their jobs since 1978, as many as 200,000 will not be reemployed in the industry if our Nation's present trade policy remains unaltered. Even in the context of a general economic program, the Government has a responsibility to address this problem. The administration's failure to do so necessitates this piece of legislation. Even if the administration chooses not to act, the Congress must.

The current administration has struggled with a sick economy, and their failure to treat more than the symptoms is baffling. The cost to the Federal Government is high. Three years ago, it was estimated that each imported car cost the Government more than $1,000 because of the social services unemployed auto workers received and the taxes which they did not pay. Today, that figure is $1,750.

Over 20 percent of the workers in my home town of Flint, Mich., are unemployed. But the sickness in our economy extends far beyond the borders of Flint, and even beyond the borders of the Northeast/Midwest region of our country. In the past, the auto industry has helped to lead us out of recession. I know it would like to do so again. Instead, the auto industry faces disaster. The time has come when we must examine the Federal policies which have contributed to their plight and take corrective action. I ask my colleagues to support this legislation. It is time for a degree of equity to be added to our Nation's trade policies.

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to H.R. 1234, the so-called Fair Practices in Automotive Products and Procedures Act of 1983, the domestic content legislation.

This bill is not new to this House. It was debated at length last year. The distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Florida (Mr. GIBBONS) carried the fight then and would be here today except for another commitment that he had to keep in his own district. He shares that same strong opposition that we will be discussing at this time.

This bill was considered in the last Congress. At that time, the Subcommittee on Trade of the Committee on Ways and Means dedicated nearly 2 weeks of hearings to the bill. Because it had held such a recent and extensive series of hearings on the legislation, the subcommittee this year requested written comments on H.R 1234 for new or additional views from all witnesses heard during the 97th Congress and we received oral testimony from the administration and major private sector interests.

The responses received indicated that many of those witnesses were even more forceful in their opposition this year to the domestic content legislation than they were last year.

On September 15, the subcommittee ordered H.R. 1234 reported adversely by vote of 10 to 3. On September 20, the full Committee on Ways and Means ordered the bill reported adversely by a voice vote.

There are several important reasons for the Committee on Ways and Means' adverse report. First, the estimates of the economic effects of the bill on our economy alone provide ample reason to defeat it. The Congressional Budget Office, the Congressional Research Service, the Wharton Econometrics Forecasting Group, all cite the negative impact the bill will have on automobile prices, on the gross national product, and on the total employment of the U.S. economy.

The most important of these, in the context of this legislation, is the harm that it will do to employment in the United States. While the United Auto Workers testified that the bill would create or preserve more than 1 million jobs by 1990, the Wharton group maintains that only 58,000 new automobile jobs would be created by 1991, while over 400,000 jobs would be lost in other sectors of this economy.

This is the price the American work force is being asked to pay, and the question here is whether the auto industry needs this kind of protection at a time when the American automobile industry is undergoing its briskest growth period in several years. This year, projected profits are estimated at more than $5 billion for the U.S. automobile industry. One company reported this week that its profits for the first 9 months of this year were higher than any full year in its entire history.

Second, the bill's purpose is to encourage production in the United States of automotive products. In fact, the committee determined during its consideration that H.R. 1234 creates a disincentive, not an incentive, but a disincentive for foreign automakers to invest in America. Further, the president of Nissan USA, whose company has already invested $660 million in a plant in Tennessee, testified that this legislation not only would prevent further Nissan investment in this country, but it would seriously jeopardize the existing Tennessee operation.

Finally, the consequences for U.S. trade policy and the international trading system are most serious.

□ 1320

Instead of following the route which would be acceptable under our international obligations, the bill circumvents all of the established procedures by unilaterally legislating import relief. That relief, the domestic content requirements, directly violates our GATT obligations and subjects U.S. export industries, especially agriculture—our strongest export industry—to retaliation by our trading partners.

Mr. Chairman, it was brought out earlier by the gentleman from New York that the Japanese would not likely retaliate or carry a protest to GATT because of their own trading practices. The fact is that the Japanese are already in consultations with us in GATT concerning a complaint against the United States because of the voluntary restraint that now exists.

So there would be retaliation, and for this reason alone, the agriculture community, which is our largest exporter, overwhelmingly opposes this legislation. They are joined in their opposition by major trade associations,

such as the Business Roundtable, the National Association of Manufacturers, the Aerospace Industry Association, and others.

There are far more constructive approches to fair trade. Rather than leading the world trading system down the path of protectionism, like the Smoot-Hawley Tariff Act of 1930, we should be looking toward expansion of a system for trade opportunities abroad. If other countries have erected barriers to our trade, we should force them to tear them down, and if this fails, we should reciprocate in kind. But unilateral U.S. action which so flagrantly violates all the rules of international trade will only work against us, against our fragile recovery, and against our millions of jobs in the export sector.

This body has already passed an expanded reauthorization for trade adjustment assistance for workers adversely impacted by imports. Additionally, the Ways and Means Committee has under consideration a comprehensive reform of our trade remedy laws which the subcommittee chairman, the gentleman from Florida (Mr. GIBBONS), is shepherding through the committee. The stated aim of that legislation is leveling the playing field of international trade.

We will be resolute in defending American rights in international trade while at the same time not violating our international obligations. By passing this legislation, the only thing Congress will have exported is protectionism. At the same time, we will have thrown thousands of Americans out of work, depressed our gross national product, and refueled the fatal fires of inflation.

Mr. Chairman, I urge that this bill be defeated.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I am happy to yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, I rise in support of H.R. 1234.

In the short time available to me, I would like to make one point and ask the question: Can Members of this House vote for this bill without feeling guilty?

Opponents will try to lay a guilt complex on Members and try to make them feel a little unclean and make them feel like they ought to slink out of the Chamber after voting for H.R. 1234.

The answer to the question is, yes, Members can vote for this bill without feeling guilty. If this is a form of protectionism, so be it. Every nation protects the basic economic interests of its people. That means that every nation protects its basic industries. That is especially true in a democracy, and it cannot be any other way. A representative body must represent the economic interests of ordinary citizens or they will not stay in their jobs.

Erudite economists can construct sophisticated theories about how free trade benefits everybody in the long run, but the ordinary working man or woman in any nation in the world views it more narrowly. He views it in terms of asking himself, "Do I have a job or don't I have a job?"

So the elected representatives in a democracy must fashion public policy with that inescapable fact in mind. Thus, every nation protects its agricultural industry. Certainly Japan does; we have heard that. Certainly the European community does; we have heard that.

Every auto manufacturing nation tries to protect its own auto industry. The United Kingdom and Germany restrict Japanese imports to less than 10 percent of their market. France restricts Japanese imports to less than 3 percent, and Italy to less than 1 percent. Brazil has a domestic content requirement.

And what about Japan? Until a few years ago it was impossible for foreign cars to enter the Japanese market. Now it is merely next to impossible.

Never fear; what we do here today at the bottom line is no different from what every other industrial nation does for its auto industry.

Yes, Mr. Chairman, Members can vote for H.R. 1234 without feeling guilty. No industry is as crucial to the economic health of this country as the auto industry.

● Mr. PICKLE. Mr. Chairman, there is no dispute that our domestic auto industry and its workers face serious problems. The industry has been hit hard by the recession and by high interest rates, and has struggled over the past several years to stay afloat in the highly competitive small-car market. The issue here, however, is whether domestic content is the appropriate response.

Under H.R. 1234, auto manufacturers, which sell over 100,000 cars in the United States, would be required to meet strict local content requirements of up to 90 percent for the largest foreign car companies.

Studies show that some 200,000 jobs would be created in the auto industry. But our trading partners would probably retaliate by imposing import restrictions against other U.S. industries. For example: Japan is the largest market for U.S. agricultural exports, with sales of $6.6 billion last year. I do not think we want to risk retaliation against our agriculture industry. Nor should we jeopardize the competitiveness of the American electronics industry, aerospace industry, or service-oriented industries, such as the banking and insurance industries. While entry into the Japanese market is not completely open, it is by no means closed. Passage of this legislation is more likely to reverse rather than accelerate the advancements we have made toward liberalizing trade with Japan so far.

The bottom line is that the benefits of this legislation to the domestic auto industry would not outweigh the costs incurred by other sectors of the economy. Alternatives to local content legislation have been advanced which deserve our attention. The Ways and Means Committee is presently considering proposals to combat unfair trade practices. The U.S. Trade Representative is engaged in ongoing negotiations for the removal of foreign barriers to U.S. exports.

Domestic content is not the answer, Mr. Chairman, and I urge my colleagues to vote "nay" on final passage.●

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues today to vote against H.R. 1234, a bill requiring foreign auto manufacturers to use a specified percentage of U.S. parts and labor in autos sold in this country. This legislation violates all principles of sound economics and effective trade policy, and, if enacted, would adversely affect our national economy as well as the international trading system. Any success achieved in revitalizing the U.S. auto industry through the establishment of domestic content requirement, would be at the expense of other American workers, industries, consumers, and our economy as a whole.

H.R. 1234, in effect, calls on the majority of Americans to bear the costs of a short term "shot in the arm" for the American auto sector. That "depressed" sector is now reporting record profits and sales, and recalling laid-off employees. Contrary to the claims of the bill's proponents, H.R. 1234 does not require or provide a viable program of recovery for the Nation's auto manufacturers. Rather, at best it allows the industry to postpone making the adjustments needed to enhance its long-term competitiveness, efficiency, and productivity. At worst, it encourages the industry to be sloppy, costly, and uncompetitive.

The bill is touted as a jobs program. It does have an effect on jobs. It actually will cause massive job losses.

In terms of jobs, H.R. 1234 would be detrimental to the overall interests of the American work force. The Congressional Budget Office estimates that domestic content requirements would create 38,000 jobs in the auto industry, while simultaneosly eliminating 104,000 jobs in other sectors of our economy. This translates into a net loss of 66,000 jobs.

I challenge the proponents of this bill to convince American workers employed in U.S. ports, auto dealerships,

and in U.S. assembly plants for foreign cars that H.R. 1234 is a jobs bill. Not only would their jobs be endangered upon enactment of H.R. 1234, but employment in key U.S. export sectors would be threatened as well.

Are we not smart to bring a bill to this floor which will create unemployment? Should we not be grateful to the Commerce Committee for giving us a chance to lose more jobs? Is it not wonderful that we can put 66,000 people out of work just to satisfy the highest paid workers in the world?

H.R. 1234 is also espoused as an investment bill. This legislation is expected to prompt foreign auto manufacturers to relocate their production facilities in the United States. However, I believe this would not be the case. H.R. 1234 will not stimulate foreign investment in our country. Quite the opposite—it has the potential of driving away the foreign car production plants already stationed here and could inhibit future plans for expansion. At least that is the testimony of foreign producers who have already invested in the United States.

Passage of H.R. 1234 will set a dangerous precedent for other American industries seeking a solution to their problems. If the auto unions and auto industry succeed in persuading this Congress to impose domestic content requirements, we will find ourselves inundated with similar protectionist requests from other industries experiencing economic difficulties whatever the orgin of those difficulties. Needless to say, this scenario has profound negative implications for our national economy.

By virtually closing the U.S market to imported cars, H.R. 1234 would protect the U.S. auto industry from foreign competition, thus providing no incentive for the industry to assess its predicament under normal marketplace conditions. Domestic content requirements would discourage U.S. car producers from seeking the cheapest sources of supply, which would further damage their long-term competitive position. The U.S. consumer would be faced inevitably with a limited selection of cars at higher prices. Increases in consumer costs would be immediate.

This bill also has negative international ramifications. It directly violates articles III and XIX of GATT, regarding local content requirements and quantitative restrictions, respectively. It runs counter to other bilateral commercial agreements, including our Treaty of Friendship, Commerce and Navigation with Japan, and the United States-Canadian Automotive Products Agreement.

One change made to last year's domestic content bill is the adoption of an amendment in H.R. 1234 which declares a congressional "finding" of injury to the U.S. auto industry. This was done in an attempt to make the bill GATT-compatible by bringing it in line with the language of article XIX, more commonly known as the escape clause. Ambassador Brock has made it quite clear, however, that a "finding" of injury by a handful of friends of the UAW does not satisfy our GATT obligations. Article XIX requires the United States to show that increased imports have caused or threaten to cause serious injury to the U.S. auto industry. There has been no showing H.R. 1234 does not do this—it merely declares a finding of injury without any elaboration or investigation. It is the equivalent of declaring that the sky is blue on a cloudy day, or perhaps more accurately, it is the logical equivalent of the declaration that we have deficits because the American people are undertaxed.

Furthermore, article XIX only permits relief of a temporary nature—H.R. 1234 legislates permanent protection. In addition article XIX requires compensation be paid to any trade loss associated with temporary escape clause action—regardless of any immediate retaliation that might occur. Compensation as a result of the dramatic long-term restrictions of H.R. 1234 will run to hundreds of millions of dollars.

Through the imposition of local content requirements, the United States would be inviting retaliation from numerous foreign auto exporters, most notably but by no means limited to Japan. Retaliation could take the form of increased tariffs, quotas, local content requirements and other restrictive measures, all of which would hinder current export expansion efforts. Retaliation would not be limited to the American car industry, but probably would be directed toward the major American export sectors, including agriculture, computers and aircraft. It thus remains understandable why farm associations, business groups and foreign trade associations have come out in such forceful opposition to H.R. 1234.

To put it simply, enactment of H.R. 1234 would endanger the vitality of the entire global trading system. A spiral of retaliatory protectionist measures would be put into motion, which once underway, would be difficult to reverse. It would undermine the unrelenting efforts of our trade negotiators to gain wider market access for a whole host of U.S. exports. Our long-standing commitment to an open and free trading system, which has served this country well, would be all but abandoned. Are we willing to go this far in order to provide temporary relief to one U.S. labor union? Shall we put many average-wage workers out of work to preserve a few jobs in the highest wage industry in the country?

Before concluding, I remind my colleagues of the substantial improvement in the situation of the domestic auto industry this year. Sales have increased by 16 percent, production has risen by 23 percent and total car sales for 1983 are expected to increase by 1.3 million units over last year. Domestic content requirements played no part in this impressive recovery. Rather, market forces are largely responsible. Constructive ways must be found for the U.S. auto industry to regain its global competitive position, H.R. 1234 is not the answer. It will only work to the detriment of the industry's and our country's long-term economic health.

You will note that the Ways and Means Committee report is titled "Adverse Report." I have never seen such a recommendation before.

Mr. Chairman, the exercise of debating and amending this bill at a time when legitimate business awaits action by this House is questionable at best—one might say irresponsible. The President, has promised to veto H.R. 1234 should, by some unforeseen circumstance, the Senate choose to entertain the bill. I hope the House will demonstrate fairness and good judgment and reject the bill now. I urge my colleagues to vote "no" on H.R. 1234.

□ 1330

Mr. OTTINGER. Mr. Chairman, I yield 4 minutes to the distinguished chairman of the Committee on Energy and Commerce, my good friend, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I want to express my commendations and gratitude to the distinguished gentleman from New York. We in Michigan and throughout the country owe him a particular debt of gratitude for the outstanding job that he has carried forward in handling this legislation.

There have been some comments made about studies around here. I have listened to them with interest. They were made by colleagues for whom I have affection and for whom I have respect and for whom I have so much respect and affection that they are entitled to be wrong occasionally and still maintain some shred of it.

My dear friend, the gentleman from Oklahoma, and my good friend, the gentleman from Minnesota, are what you call visceral free traders. You lay an issue before them, they look at it viscerally. Is it free trade or not free trade? They want this country to be a free trade nation and that is a splendid idea. I applaud that.

We had a statute which was called the Reciprocal Trade Act which encouraged that. It worked splendidly for a few years, but that was back in

the 1930's. We are now in the 1980's. Reciprocal trade has not worked for years because this country has not had reciprocal trade.

Now, it is under the jurisdiction of the committee on which my two colleagues sit and where they very diligently sit on all legislation that relates to trade.

This country has lost millions of jobs recently because of discriminatory practices against American industry. There is great complaint about the studies.

Now, the first study, the Wharton study, was paid for by the Japanese. The second, the Harbridge study, was paid for by the import automobile dealers.

Now, what do you expect, that the study is going to come back and say something that those who commissioned it did not want? I cannot believe that.

I would observe to my good friends that the study that was done in-house here was done by a congregation of visceral free traders. What do you expect from that kind of study, that you are going to get a visceral free trade response. These studies, including those of the Commerce Department and the CEA, all anticipated the most enormous retaliation against American trade. That is not going to occur. There is very little the Japanese can do to retaliate against American trade. They have been doing it for years. Citrus, meat products, grains, all are discriminated against by the Japanese. Tobacco, discriminated against by the Japanese in all its forms and in all ways. Automobiles, finished products, computers, things of that kind, all discriminated against by the Japanese.

You are going to sit here and tell me—now, I am Polish and occasionally we are accused of being dumb or slow learners, and sometimes we are. For a long time I was a free trader. I thought it was a great way. Then all of a sudden I realized that we are the only Nation in the world that opens our markets, our credit markets and everything else. We say, "Come, sell here."

We say, "We would like to sell you a little bit in return."

They will sell like crazy over here, but you try to get those Japanese to buy something from the United States and you are going to find you have a real difficult lesson at hand.

What my colleagues should understand here is that what we are doing is something which has been done by some 30 nations in this world. They say domestic content. They practice it against the United States.

I would observe that the Japanese sell there and the Japanese impose no retaliations against these other countries.

Now, I know the Japanese have been over here saying, "Oh, we are going to make more opportunity for you in our market," and some of our bumpkins still believe that; but when it comes time to try and sell in those markets, you find that you do not sell in those markets because they have evolved a whole coterie of new devices, tariff and nontariff devices alike, to keep Americans out of those markets.

This is a nice message to the Japanese, whether your people export citrus or agricultural products or finished goods or manufactured products or steel or whatever it might happen to be to send to the Japanese, and we had better start sending some more or this Nation is going to be reduced to the delightful prospect of all engaging in either working for McDonald's or engaging in the earning of a precarious existence by taking in each other's washing.

Mr. Chairman, I rise in support of H.R. 1234, the Fair Practices in Automotive Products Act.

It is one of the most important jobs protection and economic revitalization bills that the Congress will consider this year. It is legislation vital to the American economy and to the working people of America, many of whom have been out of work now for so long that they are losing hope of ever being able to support their families again.

Mr. Chairman, H.R. 1234 has been extensively aired by our committee in hearings on April 12 and 28, and May 6, 1983, with over 25 witnesses.

It has been suggested by the distinguished chairman of the Trade Subcommittee of the Committee on Ways and Means that his subcommittee only had 26 days to consider H.R. 1234. I beg to differ with him. I point out that under the rules you, Mr. Chairman, referred H.R. 1234 "concurrently" to the Ways and Means Committee and to the Energy and Commerce Committee. This was done on February 2, 1983. Thus, both committees had an equal time to consider the bill. Indeed, Ways and Means had more time, because the referral gave that committee an additional 30 days after we reported the bill on June 30, 1983, and in fact that period was extended to September 21.

Mr. Chairman, both committees had ample time to consider and amend the bill. We held hearings. The other committee did not. We amended it. The other committee did not.

Mr. Chairman, America has for too long been the dumping ground for nations that want the benefits of selling their products in the United States at subsidized prices, while all but slamming the door to American exports. All over the world we hear leaders of other nations call for a return to free trade and rejection of protectionism. As always, they interpret the term "free trade" to mean "America accept our goods and services free of restrictions, while we protect our industries and services from U.S. competition." It is one-sided free trade and you can bet America—its industries, its agriculture, and its farmers and workers—is not on the plus side.

Unfortunately, present and past administrations have encouraged this one-sided free trade policy by their failure to negotiate with strength. They constantly appear fearful of offending other nations by insisting that they open their import doors to our industrial, agricultural, and other goods and services.

We need only point to this administration's total failure over the past several months to announce any firm policy of insisting upon further extensions of the Japanese voluntary auto export agreement. On June 6, 1983, the U.S. Trade Representative, Ambassador William E. Brock, said these voluntary restraints are "effectively meeting the import issue." But on July 6, Japan's Minister for International Trade and Industry, announced to Japan's auto makers that the restraints "will not be extended" beyond March 1984. On that same day, I wrote to Ambassador Brock asking him whether he knew in advance of this new Japanese position and what the administration will do to reverse it. He never responded.

The administration seems to be paralyzed on the issue. It seems content to avoid it and hope that domestic auto production will expand so significantly that the matter will be mooted. At the same time, the administration has wasted no effort in condemning H.R. 1234, which is the only real club the administration has to persuade the Japanese to extend these restraints.

A recent Commerce Department publication entitled "1983 U.S. Industrial Outlook" discusses challenges to U.S. industry. It observes that "import competition—primarily Japanese—presents another critical challenge for the industry in the 1980's." It adds that once voluntary export restraints are lifted, import penetration primarily from the Japanese, "could easily increase from the current 27 percent to 35 to 40 percent of the new car market before the end of the decade." The vice chairman of the board at Chrysler, Mr. Gerald Greenwald, agreed with these predictions. He said:

> There is little need, I suppose, to dwell once again upon the gruesome statistics that we have all heard so many times before—statistics that attest to the disastrous impact of Japanese imports on America. It is true that a full 65 percent, or $13 billion, of this Nation's huge $20 billion trade deficit with Japan lies in automobiles. It is true that our $13 billion deficit (which could climb to $28 billion by 1987) translates into the loss of at least a half-million jobs in this country. It is true that the Japanese automakers took 22.5 percent of the domestic American auto market in calendar year

1982, and without import quotas, that number could easily climb to 35 to 40 percent. And it is true that for each Japanese car sold in this country, the United States suffers a loss of $1,750 in taxes on the local, state, and Federal levels.

This Nation cannot tolerate this situation. Congress must do something about it. To put our economy back on track and our people back to work requires, among other things, a more realistic approach to our trade problem. I, and the cosponsors of H.R. 1234, believe that H.R. 1234 is the answer. It would insure that we will continue to have an auto industry and the jobs associated with it, while simultaneously providing the competitive pressure to insure our automobile industry will modernize and improve its processes and its products.

The automobile industry in the United States is tied to more jobs, more businesses, and more income throughout the economy than virtually any other industry. Even today, with the current slump, well over 2 million jobs in the United States are associated with automobile production and its supplier industries; 21 percent of the steel made in the United States; 12 percent of the primary aluminum; 50 percent of the malleable iron; and 60 percent of the synthetic rubber are used in auto production. Over 50,000 businesses are directly based upon automobile production and roughly 3.3 percent of GNP and 9 percent of total goods production in the United States are associated with motor vehicle manufacture.

How, then, will H.R. 1234 address our current problems? What it will do is require that any manufacturer of motor vehicles—whether foreign or domestic—which sells more than 100,000 vehicles in the United States each year must contribute something to this country in the form of jobs and investment. The requirement in 1987, the final year of a realistic phase-in period, ranges from 10 percent for a manufacturer selling 100,000 vehicles up to a maximum of 90 percent for a manufacturer selling over 900,000 vehicles in the United States during a model year.

In order to comply, a vehicle manufacturer may choose to manufacture in the United States any component that it wishes, in any production configuration it wishes. The manufacturer can export the surplus if its U.S. production of a component exceeds its needs for U.S.-made cars, and get credit for these exports. With this flexibility, it is clearly possible for any company which sells more than 100,000 cars in the United States to find something they can manufacture economically in the United States.

A number of myths have sprung up regarding the potential impact of this legislation. I would like to address them now because I expect them to be raised by the opponents of H.R. 1234 throughout the debate on this bill.

First, there is the assertion that foreign manufacturers, in particular the Japanese, will abandon the U.S. market rather than comply with the bill. The United States is the largest market for automobiles in the world—and currently it is the only open market that exists. In 1981, the United States accounted for over 20 percent of the automobiles sold worldwide by Nissan, over 25 percent of those sold by Toyota and 35 percent of those sold by Honda. In addition, after years of negotiating with U.S. companies, Toyota and General Motors recently agreed to coproduce small cars in the United States. It is hard to believe that the success of these negotiations is not related to passage of H.R. 5133 in the House last session and our current actions on H.R. 1234.

Indeed, this is in line with the response which Japanese automobile companies have shown to other countries' domestic content laws. In Mexico, for example, Nissan opened an engine plant with a capacity of 450,000 engines per year in order to comply with Mexican domestic content law—and Nissan only sells 20,000 cars per year in Mexico. These facts tell me that, despite all their protestations to the contrary, major foreign companies will adjust to this bill and start building or buying in the United States.

A second, and related, myth concerns the possibility of retaliation. We have heard time and time again from the critics of this bill that it will be the start of a major trade war. Again, let us look at the facts. First, no country except Japan is immediately affected. All companies, other than the Japanese manufacturers, either sell too few cars in the United States or have already built sufficient U.S. capacity to bring them into compliance. Further, many of these countries—France, Italy, and Great Britain—themselves have tough and in most cases tougher restrictions on imports of Japanese cars—why should they object if we impose much less restrictive requirements than they have adopted themselves?

Nor are the Japanese going to retaliate either. Japan is far more dependent on world trade than we are. The Japanese know that any further restriction on trade would damage their economy far more than ours. So far they have been able to exploit our idealistic commitment to textbook "free trade" while closing off their own markets to the United States and other countries. The time when the United States could afford to passively accept this practice is gone. The Japanese understand this, and so does the rest of the world. That is why the Japanese have begun investing in the United States—they know that their current program of full employment in Japan at the stake of unemployment in the rest of the world is unacceptable. But they have not changed and will not change unless we make them do so, and that is why this bill must become law. This bill will not start off a trade war, and it is time to closely examine the arguments of those who so loudly claim that it will.

Finally, I look forward to exploring the myth that this is narrow "special interest" legislation. Although H.R. 1234 addresses only domestic content requirements on automotive products, it is part of an overall response to a growing trade problem that exists in virtually all sectors of the U.S. economy. This is illustrated in a November 10, 1982, report from Deputy U.S. Trade Representative, Mr. David R. McDonald, to the chairman of the Subcommittee on Trade of the Ways and Means Committee entitled "Japanese Barriers to U.S. Trade and Recent Japanese Trade Initiatives." The report catalogs barriers which limit the exports of many U.S. industries—not just automobiles. This includes:

Onerous Japanese tariffs on beef, wood products, tobacco, computers, and other commodities;

Quotas on beef, citrus, fruit and vegetables, and other agricultural goods;

Restrictive standards and testing requirements on medical equipment, electrical products, pharmaceuticals, automobiles, sporting goods, plywood, chemicals and other products; and

"Buy-Japan" policies for government agencies and government regulated monopolies—the most important being the purchasing policies of the NTT telephone monopoly that has effectively excluded U.S. producers from the Japanese market.

The policies of Japan are among the most restrictive, but Japan is far from the exception in the world today. The problems we experience today with Japan are just the precursor of what will happen when other newly industrialized countries (NIC's) such as Korea, Brazil, and Mexico come into full economic bloom. All of these countries employ much the same practices as Japan, with the same effect on U.S. jobs. Our current approach to trade issues is not solving these problems.

H.R. 1234 will respond to this situation. As reported by our committee, H.R. 1234, consistent with the requirements of GATT, recognizes—at least implicitly—that we do not need more investigations of the auto industry before there is a sufficient record on which to act.

The bill states that the Congress finds, consistent with GATT, that automotive products are being imported into the United States in such increased quantitites, and will continue

to be so imported, as to be a substantial cause of serious injury, and a continued threat, to the domestic automobile industry, including its suppliers and workers. As required by GATT, we have given notice of the need to take emergency action on imports and we have conducted consultations ad nauseam with the other contracting parties, but with little result.

H.R. 1234 also provides certainty of action in order to meet these emergencies and to control the situation reasonably. We cannot wait for the executive branch to develop alternative remedies when it has become clear that the executive branch has no desire to cope with this emergency and develop such remedies.

H.R. 1234 is fair and even-handed emergency legislation. It does not preclude imports, but encourages imports so long as they have domestic parts. It applies to domestic firms, as well as foreign firms.

It is fortunate for the Nation and our people that domestic auto sales are improving. But the improvement is precarious. Small changes in interest rates and/or increased imports could doom the recovery. Sales are higher than in 1982, but that is of little comfort when one realizes that total domestic sales in calendar year 1982 were only 5.7 million passenger cars, while imports totaled over 2.2 million passenger cars.

Most importantly, the number of employed production workers in 1978 was about 782,000 employees. During the first 7 months of this year, the average number of employed production workers was only 544,000 employees. That is a loss of nearly 240,000 persons in this industry since 1978. That in itself is grounds for support of this bill.

I urge the House to adopt this important legislation.

At this point, I insert relevant documents concerning this legislation, particlarly my exchange of correspondence with the Secretary of State:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., July 6, 1983.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative,
Washington, D.C.

DEAR MR. BROCK: Thank you for your June 6, 1983 letter indicating your opposition to H.R. 1234, the Local Content bill.

Your letter states that voluntary restraints on auto exports implemented by the Japanese in 1981 and extended through next March "have put a clear limit on Japanese imports". You add that these voluntary restraints are "effectively meeting the import issue".

Today, however, the news media reports that Japan's Minister for International Trade and Industry, Mr. Sosuke Uno, announced to Japan's automakers that the restraint "will not be extended". As you know, the domestic auto industry and labor uniformally urged last winter that the agreement be extended through March 1985.

A recent Commerce Department publication entitled "1983 U.S. Industrial Outlook" discusses challenges to U.S. industry. The Commerce Department observes that "import competition—primarily Japanese—presents another critical challenge for the industry in the 1980's". It adds that once voluntary export restraints are lifted, import penetration primarily from the Japanese "could easily increase from the current 27 percent to 35 or 40 percent of the new car market before the end of the decade".

Clearly, such a result would be a serious blow to the domestic industry.

I request that you inform the Committee to what extent you or other Administration officials were consulted in advance by the Japanese about this announcement.

Does the Administration agree with this unilateral Japanese action? If not, what actions do you plan to reverse it?

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., October 24, 1983.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative,
Washington, D.C.

DEAR MR. BROCK: On July 6, 1983 I wrote to you expressing concern about an article indicating that Japan's Government had decided not to extend its voluntary restraints on automobile exports to the United States beyond March 1984. I asked what you and others in the Administration knew of this announcement, whether Administration officials were consulted in advance, and what you planned to do about it. I have never received a written reply.

I understand that later this week you will travel to Japan to attend a conference and that you will, at the same time, engage in discussions about these restraints. The October 19, 1983 edition of the Wall Street Journal reports that "at a meeting of senior policy-makers" in the Reagan Administration, a decision was made to "signal" the Japanese that the Administration wants to continue the restraints on exports to the United States but would make concessions. The article reports a willingness on the part of the U.S. to increase the shipment levels from 1,680,000 cars per year to 1,800,000 cars per year.

If the article is accurate, I am pleased to see that the Administration has finally concluded that a further extension of the restraints is in the best interests of this Nation, particularly in light of the Administration's present opposition to H.R. 1234, the Fair Practices and Procedures in Automotive Products Act. At the same time, I am concerned that the Administration is publicly signaling the Government of Japan that it is willing to increase the restraints, when there is no similar public evidence from Japan that the Japanese will even entertain the idea of further restraints. This concession is even more disturbing given the fact that the current agreement does not cover the 70,000 vehicles that are shipped to Puerto Rico and transshipped to the U.S., as well as 82,500 station wagons and utility vehicles which are not covered by the current voluntary restraints. Together with the Administration's increase, this would raise the actual level of Japanese imports to the United States to 1,952,500 vehicles, unless of course you plan to eliminate these current exceptions to the voluntary agreement.

I request your reply by November 8, 1983 to the following:

1. Does the Administration now believe that Japan's Government no longer is taking the hard line of last July that there shall be no restraint extension after March 1984?

2. Is this proposed increase an addition to the 70,000 vehicles allowed through Puerto Rico and the 82,500 station wagons and utility vehicles not covered by the restraints?

3. Is the figure of 1,800,000 the Administration's bottom line or will an even higher number result after negotiation?

4. What is the basis for the figure of 1,800,000 and what is its impact?

5. An article in the October 20, 1983 edition of the Journal of Commerce indicates that Japan's automakers are shipping substantial numbers of "used" cars through Guam and Puerto Rico. We understand that the Bureau of Customs is investigating this matter. Please provide the results of that investigation, including a statement of any laws or regulations that may have been violated.

Sincerely,

JOHN D. DINGELL,
Chairman.

[From the Journal of Commerce, Oct. 24, 1983]

UNAUTHORIZED IMPORTS OF AUTOS "WIDESPREAD"

(By Ripley Watson, Jr.)

A Miami attorney handling a suit charging warranty fraud in the unauthorized selling of Honda automobiles imported from Guam believes the problem is more than just a local one.

"I have reason to believe that this is a national situation," said Jeffrey A. Tew, attorney for the plaintiffs in a $60 million class-action law suit against two Honda dealers in Miami.

"Since a trade magazine reported the suit earlier this month," he said, "we've received phone calls from people around the country saying that this is happening in other places. These reports indicate that dealers can sell the Hondas at $1,000 over list price, so they're anxious to get the cars any way they can."

Such imports from places like Guam, Puerto Rico, the Virgin Islands and others are outside the quotas assigned the U.S. distribution subsidiaries of the Japanese manufacturers under the restraints on new car shipments agreed to by the Japanese automobile industry three years ago. The companies also contend the transactions are outside their control.

Meanwhile, a spokesman for the office of the U.S. Trade Representative reported that imports of used Japanese cars came to 455 in the period from April 1 to Aug. 30, an increase from 179 in the similar 1982 period. Both figures were far below the 1,500 used Japanese cars imported in the same five months of 1980, or before the April 1, 1981, imposition of the restraints.

The figures also were far below erroneous data reported by this newspaper last week indicating that imports of such cars came to nearly 13,000. Spokesmen for the U.S. subsidiaries of the Japanese automakers suggested at the time that the unauthorized imports came through distributors in Guam, Puerto Rico and the like—the practice that came to light in the Miami suit.

The suit was filed, Mr. Tew said, after the plaintiffs discovered that a faulty air conditioning compressor was not covered by warranty and that their car was not imported

from American Honda Motor Co., the authorized distributor in this country.

It seeks to have the court declare that the cars involved were covered by warranty and also seeks damages from the dealers involved. These were computed at $5,000 per car for the alleged 2,000 cars, plus court costs, attorney's fees and $50 million in punitive damages.

The dealers are scheduled to enter their pleas in the suit this week.

Mr. Tew suggested that a similar situation exists in imports of watches—in cases where the manufacturers set quotas for U.S. distributors—and in imports of other products in high demand in the United States. The dealers simply buy the product outside the country and bring it in illegally, he added.

Cliff Schmillen, senior vice president of American Honda, said he had sent a letter in June warning Honda dealers that importation of cars from any distributor other than American Honda was a breach of their sales agreement with the company.

"We have nothing to do with the distributor in Guam," he said. "We can't warranty a car we didn't sell."

He said that no action had been taken against the two Miami dealers, but added that "if it continues, we would have a problem."

The U.S. Trade Representative's spokesman commented that the office was concerned about potential circumvention of the restraint program by cars imported from places like Guam. He said the problem has been raised with the Japanese, but that there was no evidence of any large scale shipments.

THE SECRETARY OF STATE,
Washington, October 22, 1983.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives.

DEAR MR. CHAIRMAN: I understand domestic content legislation for automobiles, H.R. 1234, may be considered by the full House of Representatives shortly. I am writing to express the State Department's opposition to this bill on foreign policy grounds, and to urge you to weigh this view against other concerns which have led you to so effectively support this bill.

We oppose this "local content" approach to the problems of the auto sector because it would unravel trade agreements of great economic value to us and would risk devastating retaliation. We have fought the "local content" schemes of other countries and we should continue to resist such schemes at home.

The trading system which has developed under the General Agreement of Tariffs and Trade (GATT) is far from perfect, and we are working to improve it. It is, however, a good system, and it has contributed enormously to the economic growth of the world, particularly the United States, Western Europe, and Japan. It is important to preserve the basic health of the GATT system even as we try to enhance it.

I can think of no greater danger to that system, however, than the application, by the most important GATT trading country, of a strict "local content" regime to a major sector such as automobiles. The negative impact on Canada and Japan—two of our major trading partners—would be enormous and extremely disruptive to their economies. Since the United States could not possibly offer compensation in other areas for the trade losses our partners would incur in the automotive sector, they would undoubtedly retaliate against our exports. We could then find ourselves in a situation of retaliation and counterretaliation, with a rapid shrinkage of world trade and prosperity. This would adversely affect all sectors of the American economy, including our important automotive industry.

The stakes for the American economy are simply too great to run this risk. Employment in many of our key sectors such as aircraft, electronics, coal, and agriculture would be threatened immediately. And the value which foreign countries place on our adherence to international agreements would rapidly diminish if we were to flout our GATT obligations, ignore the spirit and purposes of the United States-Canada Auto Pact, and open ourselves to challenges of violations of the Treaties of Friendship, Commerce, and Navigation which we have with many of our trading partners.

Our basic domestic interests and our international obligations argue for the defeat of H.R. 1234.

Sincerely yours,

GEORGE P. SHULTZ.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., October 26, 1983.

Hon. GEORGE P. SHULTZ,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am in receipt of your October 22, 1983 letter stating your Department's opposition to H.R. 1234, the Fair Practices and Procedures in Automotive Products Act of 1983. I understand that you plan to send a similar letter to some of my colleagues in the House prior to House Floor consideration of the bill.

Your letter states that you oppose local content legislation "on foreign policy grounds." The reasons cited in support of your opposition, however, relate to economic and trade concerns, and never mention any foreign policy issues. The economic and trade arguments are similar to those offered by other Administration witnesses at our hearings last spring, and offer nothing new. The arguments were considered by the Committee when it decided to report the bill to the full House.

Your letter states that the local content approach "would unravel trade agreements of great economic value to us and would risk devastating retaliation." These statements are difficult to understand. In the case of Japan, I have some difficulty in identifying any trade agreement, including GATT, which would be of "great economic value" to the United States and which would be unraveled. I point out that the bill is consistent with Article 19 of GATT, which provides remedies in case of injury to a signatory country as a result of imports. Certainly, legislation consistent with that provision would not unravel GATT.

As for retaliation, you suggest that the bill would adversely affect the domestic automotive industry. That is hard to imagine in the case of Japan because so few cars are exported to that country by the U.S.: less than 1,300 last year. Nor do U.S. firms export large numbers of vehicles to other countries. In fact, since World War II, our domestic firms have established manufacturing facilities in those foreign countries where they sell automobiles, providing jobs and investment to those countries in return for the benefit of access to their market. If the Japanese automakers had followed a similar approach on the same scale, H.R 1234 would probably have never been introduced.

Your letter also states that "local content" for automobiles would have a negative impact on Canada and Japan which "would be enormous and extremely disruptive to their economies". I also do not understand this comment in the case of Canada, where we have an auto pact with which H.R. 1234 is consistent. Moreover, as noted in the enclosed news article, Canada is moving to adopt its own content law for exactly the same reasons that many in Congress support H.R. 1234. In the case of Japan, I observe that its automobile trading practices have been extremely disruptive to this Nation's economy. H.R. 1234, however, is not intended to curtail or halt trade with any country, including Japan. Rather, it is designed to achieve legislatively what the Administration has been unable to achieve by voluntary action: to encourage Japan, which has long been the beneficiary of free trade and open markets in the U.S., to provide job-creating opportunities in the U.S.

In short, unlike the Administration, we believe that this country's basic domestic interests lie in passage of H.R. 1234, not in its defeat. Such a defeat would in all likelihood make Japan an even more difficult trading partner, particularly at a time when U.S. Trade Representative Brock is negotiating with the Japanese Government to extend the voluntary restraints on auto imports. Moreover, this legislation is needed to provide more stability in auto trade. We need more protection than would be available by simply depending upon the goodwill of another country to extend such agreements each year.

Sincerely,

JOHN D. DINGELL,
Chairman.

□ 1340

Mr. OTTINGER. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the domestic content bill and thank my colleague from New York (Mr. OTTINGER) for this time to speak. I want to commend him for his sponsorship of the bill and his diligent efforts in working for passage of H.R. 1234.

This bill is an investment bill—an investment in jobs—an investment in the future vitality of our domestic automobile industry—and an investment in the economic health of our Nation. At a time when millions of Americans are out of work and U.S. auto production is the lowest in 25 years, this bill goes a long way toward putting Americans back to work and revitalizing a large portion of our country's idle industrial capacity. Unless we adopt a policy that deals with the realities of auto trade and investment, the deterioration of the auto industry will continue at an intolerable rate.

And let me tell you, I have experienced first hand the hardships of being an autoworker, forced into un-

employment because of a plant closing, Chrysler west coast.

The positive jobs impact of this legislation is enormous. Approximately 2.4 million jobs in this country are related to auto production directly or indirectly. The auto industry provides critical support for other key industries, particularly steel, rubber, glass, aluminum, and some high technology areas.

CHART 1

Jobs we have lost:

	Number
Auto:	
1979	990,000
1983	680,000
Total	310,000
Suppliers:	
1979	2,340,000
1983	1,600,000
Total	740,000

As this chart illustrates, over 1 million jobs have been lost in the auto industry and its supplier industries in the last 4 years. Almost 300,000 auto workers are still out of work across the country. Estimates are that more than 250,000 of these lost jobs are directly caused by Japanese imports. The Congressional Budget Office and Library of Congress place the ratio of imported cars to auto jobs lost at 6.5 to 1. In comparing the average 1978 auto employment figure of 759,800 with the latest on-roll employment figure totaling 533,100, we see a percentage drop of 30 percent! That is 30 percent no-rehires—workers who will not be coming back to their jobs. Those who point to recovery of the auto industry should take careful note of these figures.

If the quotas are allowed to expire, Japanese penetration of the U.S. auto market could increase from the current level of 26 percent to as high as an estimated 40 percent by 1986. This translates into over a half million American jobs that could be lost unless we act now on the domestic content legislation.

CHART 2.—*U.S. Jobs at stake (Economists estimate the auto unemployment impact by State in 1985–86 of relaxed Japanese import restraints)*

	Amount
Michigan	181,000
Ohio	73,000
Indiana	33,000
California	29,000
New York	23,000
Missouri	22,000
Pennsylvania	18,000
Wisconsin	18,000
Illinois	17,000
Tennessee	12,000
Georgia	11,000
New Jersey	10,000
Texas	10,000
Kentucky	10,000
North Carolina	8,000
Oklahoma	7,000
Delaware	6,000
Maryland	5,000
Kansas	6,000
Other	51,000
Total, United States	550,000

U.S. jobs at stake as a result of relaxed Japanese import restraints. Cite figures of top three States: Michigan, 181,000; Ohio, 73,000; and Indiana, 33,000.

And in my own State of California, 29,000.

Cite total figure of 550,000.

I ask you, my colleagues, to vote these numbers—numbers representing individuals who will be joining the unemployment lines unless we in Congress take action to maintain a competitive auto industry.

CHART 13.—Jobs we would gain (jobs saved or created by 1989 with auto content law)

Auto	213,000
Suppliers	503,000
Others	670,000
Net job gain	1,386,000

Mr. Chairman, let us take a look at what effect enactment of the domestic content bill will have on jobs. By 1989, the law would create or preserve 1,386,000 jobs that would otherwise be lost. Of those, the auto companies would provide 213,000 more jobs, suppliers to the auto companies would have 503,000 more jobs, and the ripple effect throughout the rest of the economy would create an additional 670,000 jobs! Bear in mind that each auto job supports 2.36 direct auto related jobs. What is at stake here is whether the United States will continue to produce small cars and keep the hundreds of thousands of jobs that go with them.

In closing, I would like to remind my colleagues that a majority of Americans support domestic auto content legislation. A survey by the Los Angeles Times found that 60 percent of the people support auto content and another poll showed that 74 percent of the American public favor such a law.

This bill is not designed to bar competition from foreign auto makers. Rather, it is designed to encourage foreign motor vehicle and parts manufacturers to invest some capital, to build plants, and to provide jobs in this country where they enjoy a huge market for their products. It is a bill to protect American workers at a time of depression-level unemployment, to protect communities in our districts from disastrous plant closings, and to protect a dangerously shrinking American industrial base. A vote for H.R. 1234 is a vote in the national interest. I urge my colleagues to enthusiastically support this priority legislation.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman in the well for his statement. There is some talk about a speculative loss of jobs, and we are talking about loss of jobs in total auto-related industry of 275,000 in just 4 years.

Mr. Chairman, I rise in strong support of H.R. 1234, the Fair Practices in Automotive Products Act. This bill is crucial to our country. It is desperately needed to maintain a vital sector of our economy and industrial base—the auto/truck related industries.

Critics of this legislation claim that it is not necessary. They point to increased sales and returning workers as sign of a revitalized auto industry.

Such a view is short-sighted and ignores the uncertain state of our domestic auto industry. We cannot look at today's auto sales and employment picture in a vacuum. Today's increases follow a severe depression and record unemployment in the auto industry. While gains have been made, strong recovery is not now guaranteed.

The facts point out the serious nature of the problem, auto related employment is 275,000 less than in 1978.

Indeed, our auto industry is still in a most fragile condition. Plants remain idle, future plans are conditional and tens of thousands of auto- and auto-related workers are still out of jobs.

The future of this key component lies as much in the hands of our Government as much as in the pocketbook of the consumer. By passing H.R. 1234, this body will state our commitment to a viable domestic auto industry and other industries which are such essential components of our economy. We will recognize the plight of thousands of unemployed autoworkers and the need to insure that they are not the victims of unfair trade. Finally, we will be speaking out against the continued unfair trade policies of our competitors.

Free trade is important to our economy and we should support free trade efforts. But we cannot let the banner of free trade envelop unfair trade and smother American industry and workers.

There should be no illusions. Unfair trade advantages still favor many foreign imports. The Japanese yen today remains grossly undervalued. This allows Japanese manufacturers to underprice their autos at low U.S. dollar levels. In addition, Japanese export vehicles enjoy a rebate on the 22.5-percent commodity tax. These two factors result in a cost advantage of nearly $2,000 for each Japanese imported vehicle. It is an advantage which, if not offset by import restraints, would lead to 35 to 40 percent of the U.S. market going to imports by 1985.

Mr. Chairman, our domestic auto manufacturers are planning new and expanded facilities in this country. In my own district, Ford is now planning to expand its light truck assembly plant. These are important and encouraging steps and if fulfilled, will put our auto industry on a strong footing.

But we must look at these plans in the reality of the world economy. Lightweight trucks are a new product line. Initially, this field was dominated by imports. Just now, our own domestic manufacturers are beginning to hold their own. Why the delay? A major reason was that foreign imports were circumventing the 25-percent truck tariff. Lightweight trucks were shipped to this country in two parts which were easy to reassemble. These trucks were then incorrectly assessed at a 4-percent parts tariff. Only a strong congressional response corrected this abuse and give our own lightweight truck industry a chance to survive. However, the Japanese Government is now seeking to undermine our established tariff policies. MITI has indicated that it will appeal this tariff to GATT. This suit is not justified. We did not create a new tariff, rather we are now properly enforcing those tariffs covered under existing law and agreements.

In a similar vein, the Japanese are seeking to undermine our domestic subcompact car industry before it has an opportunity to gain a share of the market. Ford and Chrysler are both planning to start production lines for subcompacts in this country. But these plans are dependent upon current negotiations. The Japanese Government is now indicating that they will no longer abide by the voluntary auto restraints. In addition, GM is, ironically, seeking separate quotas to import 300,000 autos into this country for sale under the GM label. Should either action occur, the Ford and Chrysler proposals will be doomed. The out sourcing problem is of significant concern surely the auto industry seeking to remain in business in the absence of any remedy will continue to purchase more and more components outside the United States.

Mr. Chairman, it is clear that the sound future of our auto industry is by no means assured. The passage of this legislation and congressional and administration support for current restraints and tariffs is essential for a healthy auto industry. While the United States receives constant criticism for our modest activities to redress auto/truck trade imbalances, the fact remains that of all of our major free trade auto producing partners, the United States has one of the highest percentage of imported vehicles. We need not apologize nor retreat from our efforts to provide an orderly market and economy in the auto production segment so crucial to the U.S. industrial base and world economies.

H.R. 1234 will be a crucial part of this effort. I urge my colleagues to support this measure.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HERTEL).

Mr. HERTEL of Michigan. I thank the gentleman for yielding me this time.

Mr. Chairman, for 3 years I have sat and watched the high unemployment rate in the auto industry and the high unemployment rate nationwide. However, I have seen no offer of help from the administration. They offer no ideas or support of the auto industry in this country.

Last year, we had this very same debate, the same arguments were put forth against the legislation but no ideas for helping the auto industry and those hundreds of thousands of unemployed workers.

In fact, we see that many of our colleagues do an excellent job of representing the Japanese Government's point of view. I was elected by Americans. I was elected by people that were concerned about unemployment and people that were unemployed.

I have sat in their living rooms and talked to those people and their families about the problems that they have. There are over 300,000 still in the auto industry in America alone, as well as related industries such as machine tools, steel, rubber, glass, textiles, aluminum, and chemicals. These people are not afraid of Japanese retaliation, because the Japanese economic policy has already harmed them and their families.

I do not think that a majority of this Congress is afraid of Japanese economic retaliation.

Mr. DINGELL said before, they have done as much as they can to us in all industries that they can, be it agricultural or be it auto. It is time that we showed them that we do not believe in the principle of free trade when other nations, from Germany to Britain to France to Italy to Japan in particular, limit imports of our goods and especially autos to their countries.

It is very ironic, that the very people unemployed, concerned about unemployment, who lose profits in this country are paying their taxes to defend the Japanese nation. Let me tell my colleagues, they are not happy about it. They are angry, they want this Congress to do something and they have the foresight to understand something many of my colleagues here do not.

The auto industry is the basis of our defense industry and keeps this America strong. We ask you to pass this bill. After 3½ years of crisis in the auto industry, it is time we pass H.R. 1234, the Fair Practices and Procedures in Automotive Products Act of 1983. In spite of some increases in automobile output in the last several months, there are still almost 300,000 unemployed autoworkers and it is estimated there are 1 million American workers who have lost their jobs because of conditions in the automobile and related industries such as machine tool, steel, rubber, glass, textiles, aluminum, chemical, and others.

This bill would encourage foreign auto firms to invest here and provide jobs here. It would also encourage domestic-based auto companies to continue investing here and provide jobs here. Unless we deal with the realities of auto trade and investment immediately, the deterioration of our automobile industry will continue at an intolerable rate even in the face of the current revival, which is indeed fragile.

More than 30 nations have content laws on their books. While we adhere to the principle of free trade, the rest of the industrial world has carefully calculated restraints on Japanese auto sales—Britain holds Japan to 11 percent of its auto market while negotiating with Honda and Nissan to build cars on British soil; Germany restricts Japanese products to 10 percent of its auto market; France to 2.5 percent; and Italy permits them to sell 2,500 cars in all. Last year, Japanese imports took 22.6 percent of an admittedly smaller market in the United States. If the Japanese want a bigger piece of the market in these countries, they understand very well that it will take a commitment to invest in local production.

Faced with this kind of competition from Japanese firms, acting as instruments of Japanese national trade policy, the U.S. automakers plan strategies to cut their costs and to become importers themselves. GM has announced it will import 300,0000 cars per year from its Japanese partners beginning in model year 1985—Ford talks about a Mexican joint venture, and Chrysler renews its act with Mitsubishi, and all three domestic companies greatly expand their foreign parts purchases.

The U.S. Ambassador to Japan, Mike Mansfield, told a congressional delegation only a few months ago that the content bill is the pressure which is forcing the Japanese to open up their markets, and to begin behaving more fairly.

This Nation cannot have a healthy economy without a healthy auto industry. The industry is pivotal in terms of employment, technology, and links to other industries. Even in 1981, the industry employed well over 700,000 auto workers and 1.65 million supplier workers for a total of 2.35 million jobs. The industry consumes 21 percent of all the steel used in this country, 50 percent of the malleable iron, 34 percent of the copper, and 60 percent of the synthetic rubber. History has shown that there has been no substantial recovery without a recovery in the auto industry. The impact of the industry is unmistakable and the problem must be addressed without further delays.

They understand that to be a consumer, you first have to have a job. That is what H.R. 1234 will do—it will put America back to work, and at the same time build our industrial base which so many seem willing to destroy at great sacrifice to the industrial workers and a real threat to our security.

Mr. BROYHILL. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. LENT).

Mr. LENT. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to H.R. 1234, the Fair Practices and Procedures and Automotive Products Act of 1983.

While the arguments against this legislation are myriad, I would like to focus on two very important aspects: Its impact on American consumers and its impact on American jobs.

First of all, this is, and make no bones about, an anticonsumer bill. The Department of Commerce conservatively estimates that this legislation will result in an increase of 10 percent in the price of new cars.

Wharton Econometric Forecasting Associates did an analysis of this legislation in July which concludes that auto prices would rise by more than 10 percent costing the American consumer $18 billion a year.

Incidentally, the distinguished chairman of the Energy and Commerce Committee debunked this Wharton study by saying just a few minutes ago that it was prepared at the behest of the Japanese auto industry.

I note that the study was reviewed by professor Lawrence R. Klein who is not only chairman of the Wharton Professional Board, but he is also the 1980 Nobel Laureate in Economics. So, I wonder if the claim is being made that he is being bought off. Other estimates are even higher. For example, the American International Automobile Dealers Association estimates that new car prices will increase between $850 and $3,200 apiece.

The National Automobile Dealers Association testified before our committee in May that in 1982 the average price of new cars and light duty trucks purchased in the United States was $9,991.

□ 1350

If you add an additional $1,000 per vehicle, plus the $312, it would cost a consumer to finance this price—computed at 14-percent interest for 48 months—NADA estimates an average selling price of $11,303.

Many consumers cannot afford to buy a new car at that price.

According to the Council of Economic Advisers, "each additional job created in auto and auto-related industries would cost consumers almost $100,000 in higher prices."

Consumers cannot afford this legislation.

According to the Wharton study:

The American consumer would be worse off with local content legislation than without it, because the U.S. economy would suffer slower growth, lower income, higher unemployment, and more rapid inflation.

There was earlier testimony regarding the prevalence of domestic content requirements in other countries.

According to the International Trade Administration's analysis of auto local content laws in other countries, May 1983, only three industrialized nations—Portugal, Spain, and Australia—impose domestic content requirements on their automotive industries.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LENT. I will be happy to yield.

Mr. FRENZEL. Has the gentleman ever heard of any consumer demanding to buy an Australian, Portuguese, or a Brazilian car?

Mr. LENT. No, I have not.

Mr. FRENZEL. Neither have I.

Mr. LENT. And the gentleman's point is well taken.

As a matter of fact, Spain and Portugal both plan to eliminate these requirements prior to their entry into the EEC sometime between 1985 and 1987.

So let me say it once more. We cannot afford this legislation.

The second point I would like to make is that this legislation is not going to produce a million plus jobs for our auto industry, as the proponents claim, without any substantiation.

Australia has had higher local content levels in place since the late 1940's. They require 85 percent domestic content—not far from the 90 percent required in H.R. 1234. The impact on consumer prices in Australia is alarming. A car that would sell for $9,587 in the United States sells for $14,380 in Australia.

Let me say it once more—we cannot afford this legislation.

Second, this legislation is not going to produce a million plus jobs for our autoworkers.

While their figures vary somewhat, all of the experts who have reviewed this legislation agree that the number of auto jobs created by this legislation are but a small fraction of the proponents' estimate of 1.3 million jobs.

For example, the Congressional Budget Office testified before the Ways and Means Committee last September on the predecessor bill (H.R. 5133) that the bill's net effects for the U.S. economy—measured in terms of real economic growth, inflation, and employment—would be negative. Specifically, CBO estimated that this legislation would only create 38,000 jobs in the auto sector and 69,000 jobs in auto-related industries. This is a far cry from the million plus jobs that the proponents cite.

Second, these jobs would be more than outweighed, according to the CBO, by the elimination of 173,000 jobs because of retaliatory measures. And retaliation is something we can most likely expect according to trade experts like U.S. Trade Representative Bill Brock, Secretary of State Shultz, and Ambassador Mike Mansfield, among others.

In a telegram to Secretary Shultz on April 19, Ambassador Mike Mansfield stated that local content legislation is "a dangerous form of protectionism [which] could well bring about retaliation."

That would result, according to the CBO analysis, in a net loss of 66,000 jobs. These losses will occur in our ports and transportation, as well as export industries such as aircraft, electronics, and agriculture.

A recent study done by Wharton Econometric Forecasting Associates also concluded that "total employment in the United States would be reduced." They estimated that "by 1991 only 58,000 jobs would be gained in the auto sector, while 423,000 jobs would be lost in the rest of the U.S. economy."

This underscores the point that any relief which this bill might provide to autoworkers—at the expense of other American workers—would be neither significant nor immediate.

There are now over 70 organizations ranging from the chamber of commerce and the National Association of Manufacturers to General Motors and Ford to the International Longshoremen's Association and the National Association of Stevedores who oppose this legislation. Within the last week, Union Pacific Railroad joined the ranks of those opposing this bill.

How can we view legislation that will cost consumers billions of dollars and create a net loss in American jobs as anything but undesirable? Indeed, legislation of this sort could help turn the current recovery in our economy around.

In closing, I urge my colleagues to vote against this legislation.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. LENT. I will be happy to yield to the gentleman from New York.

Mr. OTTINGER. I would just like to point out that while the figures cited from the Congressional Budget Office by the gentleman are accurate, they are incomplete. The Congressional Budget Office also said that if there were no retaliation, as we think would be the case, there would be 5.5 jobs created in other areas for every job created in the automobile industry which would result in better than a million jobs being created.

Mr. LENT. I would like to reclaim my time from the gentleman and state that the only point is that he says "if" there would be no retaliation there would be no loss of jobs. The State Department, the USTR, the Commerce Department, Ambassador Mike Mansfield and other trade experts confirm the likelihood of retaliation in response to this legislation. Furthermore, whether you look at the CBO or the Commerce Department or the Wharton Econometric Forecasting Associates, every one of these analyses are that the United States will see a net loss of jobs if this bill becomes law.

Mr. FRENZEL. Mr. Chairman, I yield 8 minutes to the distinguished ranking minority member of the Ways and Means Committee, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, some of the discussion on this floor from the proponents of the domestic content bill has echoes from history. As I recall, it was 1856 when under the stalwart banner of Millard Fillmore the Native American Party moved forward as a fragment of the Whig Party under the banner of "America for the Americans."

It was a lineal descendent of the Know Nothing Party and also a fragment of the Whig Party, but the 1856 campaign resulted in the ultimate demise of the Whig Party. I think those who are pressing this type of argument had better consider the possible political extrapolations of their position.

It also seems to me that we are at this time hearing remarkable zenophobia in advocating particular short-term policies which in the long run can only be counterproductive. Remember Millard Fillmore, friends.

The quote from John Gardner that occurs to me would indicate that if this type of thinking were carried to its ultimate conclusion foreigners from more vigorous countries will come from abroad to marvel at our quaint ways and we will ourselves be relegated to the ranks of museum countries.

In fact we must be prepared to compete; we must make American goods the best in the world. We must provide a system that will encourage American goods to be the best in the world rather than cowering around the barricades and pretending that America is no longer able to compete.

I urge my colleagues to oppose H.R. 1234, a bill establishing domestic content requirements for automobiles sold in the United States. This is a dangerous piece of legislation. It would be a major setback for our current economic recovery and the international trading system.

Although designed ostensibly to rescue the troubled U.S. auto industry, H.R. 1234, like its 1982 predecessor, includes little to spur the industry to address its basic problems of competition beyond what it is already doing. Instead, the bill would allow the industry to shrink behind a wall of protectionism, ignoring international realities.

You could say that it was a bad idea in the first place. If it were a good idea it would be an idea whose time has come and gone, as the auto industry has already gone through a substantial period of recovery.

At this point, any possible boon to the auto industry through the passage of H.R. 1234 would come at the expense of other American industries, U.S. consumers, and the national economy as a whole. In its widely quoted study undertaken last year on domestic content legislation the CBO estimated that if enacted this bill would cause a net loss of 67,000 jobs, an increase in prices of nearly $500 per car, and a reduction in GNP of 0.1 percent.

These substantial economic costs attributed to domestic content have not changed since last year. What has changed in 1983 is the profit position of U.S. auto manufacturers. The industry currently is experiencing a dramatic recovery. General Motors had the highest profit on record in the past quarter. We have had similar increases in most of the other American auto producers.

The industry certainly is experiencing a dramatic recovery. Automobile sales in July were 41 percent higher than July a year ago. This has led to the rehiring of many auto workers who were unemployed last year.

Interestingly enough, this recovery is taking place without the benefit of any domestic content requirements.

The Congressional Budget Office has pointed out that last year's estimates on the benefits of domestic content legislation are in fact overstated when applied to 1983, given the current resurgence in the domestic industry. The costs of the legislation, however, remain unchanged.

□ 1400

In my view, should this legislation be enacted, we clearly would be violating our international trading obligations. Foreign retaliation could be expected in a quick and extensive manner. Foreign retaliatory measures would not, however, be limited to the U.S. auto industry. Rather, all U.S. exports, including agricultural goods, aircraft, and computers, would be in the line of fire.

Proponents of H.R. 1234 claim that Japan would not retaliate against U.S. exports if the United States adopted domestic content requirements. As evidence, they note that Japan has yet to take retaliatory actions against other countries, almost exclusively developing countries, that have invoked similar legislation. This might be true in the case of the 23 countries with domestic content laws on the books. However, the case of the United States would indeed be different. In a recent comparative study of domestic content regulations, the Department of Commerce concludes that the:

> Large size of the U.S. market and the importance of the United States-Japanese automotive trade relationship would lead Japan to respond differently to U.S. enactment of a domestic content law than it has to the adoption of similar measures by other countries.

We also must not forget that the United States would be obligated to provide country-by-country compensation for lost trade resulting from action taken under this legislation, whether or not immediate unilateral retaliation is undertaken by affected trading partners.

We must consider more constructive alternatives to alleviate the problems facing the U.S. auto industry. We simply cannot afford to resort to "quick fix" legislation, such as H.R. 1234, which would have negative effects not only on the U.S. economy and the international trading system, but on the long-term health of the one industry it is designed to save.

Mr. Chairman, the administration has registered its strong opposition to H.R. 1234. The President has vowed to veto it. I urge my colleagues to vote "no" on H.R. 1234. I realize this would draw a mixed reaction here, but then this House should accept its responsibility, set partisanship aside and soundly reject this legislation.

Mr. Chairman, I also hope this body will consider the interests of consumers. I do not know who represents the consumers nowadays in the U.S. economy. Many of the people who used to talk about consumer protection were in fact interested in dealing with the protection of consumers in relation to safety and things of that sort. Nobody seems to care about the cost of what America buys.

Clearly this type of legislation directly goes into the cost of living and makes the economy, which still has as its lodestar competition, function less perfectly. To eliminate some of the most effective competition available in the American marketplace today clearly would reduce the incentives to our auto industry to produce better cars at a cheaper price and ultimately for the benefit of the American consumer and for the benefit of the American economy and the world at large.

I certainly hope my colleagues will reject this legislation.

Mr. BROYHILL. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Mr. Chairman, I am not a visceral free trader; nor am I a shill for the Japanese Government. I am a representative of 553,000 people from the northeast part of Indiana, farmers, laborers, manufacturers, all of whom would suffer if H.R. 1234 be-

comes enacted into law. There is a myriad of reasons why H.R. 1234 is not the right prescription for some of our trade maladies which we are now facing. Many of these have already been identified. It is going to cost American jobs, not add jobs. There has been some pretty potent testimony to that effect.

It is going to cost American consumers. There has been testimony to the effect of an increase in the cost to the average American consumer for the purchase of an automobile.

It is going to invite retaliation, as many eloquent people have testified and it is going to protect one industry at the expense of others.

During the debate and discussion on the rule I read, I think, an impressive list of industries that have come out in opposition, in vehement opposition to H.R. 1234 because they see that to the gain of perhaps one industry and/or union, other industries and unions are going to be seriously jeopardized.

Let me specifically address just for a moment here the impact on agriculture.

I hold in my hand a letter from the Farm Bureau sent to all Members on October 24. I quote portions from that:

The Farm Bureau representing over 3 million member families is concerned that farm exports could be put in grave jeopardy should H.R. 1234, a bill to establish domestic content requirements for motor vehicles sold in the United States become law. This bill is viewed as the most protectionist of any legislation under consideration by the U.S. Congress. It does nothing to address the basic issue of how to increase U.S. productivity and the output per hour of nonfarm workers. It is outright protectionist and would invite retaliatory measures by them. If this should occur exports of farm commodities and products which amount to $35 million annually are likely targets. Japan—

I repeat Japan—

our best single customer for U.S. agricultural commodities, with about 6 to 7 billion dollars' worth purchased annually, would be hard hit should domestic content legislation be passed. The European community which imports about 8 to 9 billion dollars' worth of U.S. farm commodities and products each year also export automobiles to the United States.

The National Grange has been active in forming a group of farm associations and producers which have come out in opposition to this bill and I commend the Farm Bureau and the National Grange for standing up and being counted at a time when this directly threatens the livelihood of our farmers in an extremely important agricultural and export market.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. COATS. I yield to the chairman of the committee.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Mr. Chairman, I have a letter that shows 14 or 16 national farm organizations who are opposed to this bill. We would like to put this in the RECORD.

The letter follows:

NATIONAL GRANGE,
Washington, D.C., October 25, 1983.

Hon. SAM GIBBONS,
Chairman, Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We urge your opposition to H.R. 1234, the "domestic content" bill which would violate our international trading agreements and obligations and would threaten disruption of major agricultural and other U.S. export markets. Retaliatory actions and reactions which would almost certainly be triggered by passage of this bill could result in economic conflict which would be devastating in hopes for resolving the serious economic problems facing the U.S. and its world trading partners.

In addition to its serious threat to vital U.S. agricultural export markets, the bill has been appropriately labeled as the most profoundly anti-consumer bill before the Congress. If enacted, it would sharply accelerate already increasing costs of automobiles to consumers; also, the strong prospect is that it could trigger a damaging trade war which would cost U.S. consumers additional billions of dollars as worldwide competition declined.

Furthermore, enactment of the bill would cost consumers, farmers and non-UAW workers far more in terms of lost jobs and dollars than any possible benefits to automobile workers whose wage rates are far above those of almost all other U.S. workers.

U.S. farmers and agricultural exporters encourage you to seek a more rational solution to the serious unemployment and other problems facing the U.S. auto industry. H.R. 1234 is an inadequate and misguided proposal which would not accomplish its objective, but instead would do further serious damage to our vitally needed $40 billion agricultural export market, to all of us as consumers, and to our vital national interests.

Sincerely,
American Soybean Association.
Grain Sorghum Producers' Association.
International Apple Institute.
MFA Incorporated.
Millers' National Federation.
National Association of Wheat Growers.
National Broiler Council.
National Corn Growers Association.
National Council of Farmer Cooperatives.
National Forest Products Association.
National Grain Trade Council.
National Grange.
National Soybean Processors Association.
National Turkey Federation.
Poultry and Egg Institute of America.
Farm Bureau.

Mr. FRENZEL. Mr. Chairman, may I yield the balance of my time to the gentleman from North Carolina (Mr. BROYHILL)?

The CHAIRMAN. The gentleman from Minnesota (Mr. FRENZEL) has 10 minutes remaining.

Mr. FRENZEL. I do so yield that time to the gentleman from North Carolina.

The CHAIRMAN. The Chair would, then, advise the gentleman from North Carolina (Mr. BROYHILL) that he has 19 minutes remaining, the gentleman from New York (Mr. OTTINGER) has 12 minutes remaining, and the gentleman from Oklahoma (Mr. JONES) has 21 minutes remaining.

Mr. BROYHILL. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. COATS).

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman from Oklahoma (Mr. JONES) for bringing that to the attention of all the Members. That is a letter that we have, addressed to Chairman GIBBONS of the Committee on Ways and Means and the Members should avail themselves of this information.

I asked the Members from States throughout this country to investigate and find out just what agriculture means to their particular States and what agriculture means to their economies. It is not just the Midwest corn and soybean producing States that I am talking about. States like California with $2.8 billion a year of exports, States like Texas with $2.6 billion per year of exports; North Carolina, Arkansas, the State of Washington, these are not States that we normally think of as agricultural producing States yet each of those exports over $1 billion a year, exports of agriculture commodities.

It is important to the economy of those States and it is extremely important to the economy of this Nation.

It is one segment of our economy that is helping to hold the line in terms of our export situation.

Mr. Chairman, I urge defeat of this bill.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. I thank the gentleman.

Mr. Chairman, I cannot believe we are down in this well today arguing whether or not American goods are going to be treated the same way that foreign goods are treated. It just defies my imagination to say it is all right for us to lose jobs while permitting rapid penetration of our markets and at the same time we will not ask for any similar concessions from our trading partners.

I hear much about free trade, competition, avoiding retaliation; "let us not do anything to cause disruptions in foreign trade" opponents say.

□ 1410

Well, that is exactly why I support the domestic content bill, because these disruptions have already occurred, because this country's failure to treat other countries goods as ours are treated overseas has resulted in increased unempolyment in the United States.

Let me give my colleagues one brief example from my experience. Coal. I

am from West Virginia. We are a major coal producer. Half of our coal that is produced is exported overseas. We met, several of us, recently with White House officials. I asked them, "What is the situation with coal sales to Japan?"

Let me tell the Members what the results are. In 1981, this country exported 31 percent of all the coal that Japan bought. What is it this year in 1983, just 2 years later? Sixteen percent.

No long-term contracts have been signed with U.S. coal producers by Japanese companies. But they have signed those long-term contracts with Australia, who is coming on as a major coal producer.

Retaliation you say. I point out that Australia has that dreaded domestic content law, as do 31 others.

Those Members concerned about agriculture, I point to you the picture that was in the New York Times the other day, Japanese farmers marching in protest saying that too much American goods have already penetrated their market.

In several meetings with administration officials, I keep hearing that negotiations are ongoing, but they keep also telling us how frustrating those negotiations are with the Japanese. And they say, "Keep the pressure on, keep the pressure on, keep the pressure on." What pressure?

I ask that we have fair trade besides free trade.

Mr. OTTINGER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, this legislation ought to be subtitled "The Realism in Foreign Trade Act," because it does reflect the realism of the world marketplace where other countries have no hesitation whatever to dump their commodities and their unemployment on the U.S. marketplace, under conditions in which they export goods produced under financing and under protection by their laws and trade practices for domestic goods. They produce commodities designed to undercut products produced in the U.S. marketplace and thereby protect their workers against unemployment, protect them against a real fair and open competitive market.

This legislation really represents a shot across the bow of those countries with no reluctance to subsidize or otherwise protect a wide range of their products.

It is a legislative substitute for tougher trade negotiations by our trade representatives. If the United States had taken a tougher stand in the past on trade negotiations, whether in the GATT or in bilateral negotiations, we would not have the problem that we are facing in many of our domestic industries in which we are undercut and we have seen jobs lost by unfair foreign trade practices.

Mr. Chairman, the Fair Practices in Automotive Products Act of 1983 is an important departure for Congress, leaving behind an era of benign neglect of basic industries and blind allegiance to so-called free trade and moving into fair trade and responsible domestic industrial policies.

Domestic content is not a slogan. Unemployment in the domestic auto industry is real: From 1978 through 1982, employment in automobile manufacturing plummeted from over 750,000 to less than 500,000. At the same time, domestic auto sales fell by nearly 40 percent and imports captured a 27-percent share of our market. We hear rosy stories of recovery from the administration; but for many auto workers and steelworkers, recovery has not yet arrived. We cannot take the short-sighted view that this recession is ending so H.R. 1234 is not necessary. We need domestic content legislation today as much as we did when the 97th Congress passed H.R. 5133. H.R. 1234 will insure long-term foreign investment in the American market, new money creating new jobs in auto manufacturing and related industries.

Domestic content is not a novelty. Forty of the fifty countries monitored by the Office of the U.S. Trade Representative have implemented some type of performance requirement for foreign companies wishing to do business there.

These are not only underdeveloped countries—they include Australia, Austria, Canada, France, Ireland, Norway, Portugal, and Spain.

Domestic content is workable. H.R. 1234 would require an auto manufacturer selling over 100,000 vehicles in the United States to include in its cars a certain level of American made content, to be phased in over a 3-year period. A manufacturer could include parts and equipment as well as labor, utilities, taxes, insurance and advertising in its computation of U.S.-based content. These content levels do not represent an impossible task for the foreign manufacturer. Volkswagen of America already exceeds the content level which H.R. 1234 would require by 1986. Volkswagen, with domestic sales of about 350,000 in 1982, has a domestic content of 40 percent, well above the 35.9 percent which would be required by 1986. Volkswagen invested $300 million in its Westmoreland, Pa., plant which currently employs 3,000 (its 2,500 hourly workers are UAW) and manufactures 100,000 cars per year. This plant has been hit by the recession too—its peak production was 200,000 cars a year, at which stage the plant employed 5,700 workers. Volkswagen is planning to put an additional $200 million in this plant to equip it for a new model. Other foreign auto manufacturers are following the Volkswagen example: Both Honda and Nissan have built plants in America.

We have heard from other members, from the administration, that this bill would cause disruptions of domestic supplies of imported autos, and higher prices for all cars, and even layoffs. Yet, the examples of Volkswagen, Honda, and Nissan show that investment by foreign manufacturers is desirable and advantageous to our domestic economy. We have not seen grave disruptions in the work force as a result of such investment. Instead we have seen new jobs created, and new technologies taught to our workers.

In voting for domestic content legislation, we are signaling our foreign competitors to make investments in the market from which they have profited heavily. We are not closing our borders to foreign trade; we are encouraging new investment and emphasizing our commitment to maintain and strengthen our auto industry.

Mr. JONES of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment on some of the remarks made by my good friend, the distinguished chairman of the committee, the gentleman from Michigan (Mr. DINGELL). Particularly two points he made. In my comments I had pointed out there were six major independent studies made of this legislation, all of which showed that jobs would be lost, that there would be a net loss of jobs if this legislation were enacted.

The gentleman from Michigan (Mr. DINGELL) tried to taint two of those studies, one done by Harbridge, the other done by the Wharton Econometric Forecasting Group, pointing out that these were commissioned by Japanese interests.

Well, even if they were, there are still at least four other studies. First, the Congressional Budget Office, who is not hired by the Japanese; the Congressional Research Service of the Library of Congress, not hired by the Japanese; the Council of Economic Advisers, presumably not hired by the Japanese; and the Department of Commerce. And even as the gentleman from Michigan (Mr. DINGELL) is smart enough to use the word "visceral free trader." I can assure the Members that anybody who is smart enough to use that term is also smart enough to know that the U.S. Department of Commerce is not a visceral free trader.

All these studies concluded there would be a net loss of jobs.

Another point that was made by the gentleman from Michigan is that 30 other nations have domestic content legislation and we ought to get on the bandwagon, in essence.

Nearly all of those 30 other nations are less developed countries. And what we are being asked to do in this legislation is to join the bandwagon of trade protectionism as practiced by such competitors as the Philippines, Peru, Morocco, Uruguay, Yogoslavia, and about 24 others. It is not exactly the league in which we are competing.

Those of us who are opposed to this legislation are not opposed to fair trade. In fact, we have vigorously fought for changes in our trade laws that will insure a fair and level playing field for international commerce.

The reciprocity legislation, which the gentleman from Minnesota (Mr. FRENZEL) and I and several others have cosponsored, has already passed the Ways and Means Committee. It is presently languishing in the Commerce Committee, where, as the gentleman from Michigan (Mr. DINGELL) appropriately said, it is being sat on.

And I think that legislation is a much better answer that will allow us to insure fair trade, a fair ability to compete in international markets without forcing us to unilaterally violate international trading agreements.

There are better alternatives. Those alternatives are waiting to be acted upon by this House, as soon as the appropriate committees release them. And I think that is the way to go. But this particular legislation, which indeed will lose jobs in a net way, is not the legislation to deal with unfair trade practices against this industry or any other industry.

Mr. BROYHILL. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. FIELDS).

Mr. FIELDS. Mr. Chairman, I rise to express my strongest opposition to this misguided, ill-conceived and dangerous piece of legislation.

There are a number of reasons why H.R. 1234 should be defeated. It will cost thousands of American jobs. It violates the General Agreement on Trade and Tariffs and every international trade agreement this country has signed. It sets an extremely bad and dangerous precedent for the future by encouraging other struggling industries to seek legislative relief. And, it is counterproductive to the very industry it seeks to assist.

It is no coincidence that General Motors, Ford, and Chrysler have all expressed their strong opposition to this legislation. They, unlike the proponents of this bill, recognize that in order to be competitive in the future they must have the flexibility to purchase parts and components from the cheapest source of supply.

While every Member of this body is sympathetic to the plight of our Nation's unemployed auto workers, I believe we need to create employment opportunities for these workers without adversely affecting the lives or livelihoods of thousands of other Americans.

In my judgment, it serves no useful purpose to create jobs in the domestic automobile industry by simultaneously destroying jobs in other sectors of our economy.

As a representative of our Nation's third largest port, I find this legislation totally unacceptable because it places in jeopardy the jobs of nearly 36,000 Americans who make a living from our port system.

In my own city of Houston, it has been estimated that this legislation may cost the jobs of nearly 1,600 hard-working Americans who pay their taxes, who believe in the free enterprise system and who now find they may lose their job, through no fault of their own, because of the misguided actions of their Government.

Mr. Chairman, I believe the price of this legislation is simply too high. The cure is worse than the disease and I urge my colleagues in the name of fairness and equity for all Americans, not just auto workers, to reject this misguided and ill-advised bill.

Mr. Chairman, let me also say that I believe the timing of consideration of this bill is particularly bad. Not only is the Reagan administration currently involved in delicate negotiations with the Japanese on a number of trade matters but the economic health of the domestic auto industry has improved dramatically since we last debated this legislation.

For example, sales of American cars are up over 18 percent from 1982 with total car sales expected to be about 9.3 million units as compared with 8 million units in 1982.

As a result, General Motors has recalled 65,000 laid off workers in 1983. The Ford Motor Co. has recalled 4,000 unemployed workers. And Chrysler Corp. has rehired 15,000 laid off workers so far this year.

Mr. Chairman, we must not consider this legislation with a myopic view nor should we proceed without considering the consequences of our actions. Despite the proponents assertions, this bill will not create jobs. In fact, according to the Congressional Budget Office, for every one job created by this legislation, two Americans will lose theirs.

To be more specific, this bill is expected to cause the loss of 4,690 jobs at the Port of Baltimore, 3,318 jobs at the Port of Los Angeles, 3,101 jobs at the Port of Jacksonville, 2,583 jobs at the Port of Long Beach, 2,334 jobs at the Port of New York, 2,289 jobs at the Port of Portland, 1,960 jobs at the Port of Seattle, and 1,337 jobs at the Port of Tacoma, Wash.

These figures are based on the estimate that this bill will result in the reduction of 1 million automobile imports which historically have had the greatest economic impact on a per ton basis of any imported commodity.

Mr. Chairman, this positive sales activity has led the Congressional Budget Office to recently state that:

> The potential net benefits to the industry given current conditions are smaller than when H.R. 5133 was considered, while the potential costs to the economy as a whole remain undiminished.

CBO concludes that:

> Even in the absence of retaliatory actions, the bill's net long term results would be negative since gains for the U.S. automotive industry would be more than outweighed by losses in other sectors of the ecomony.

Mr. Chairman, at this point, I would like to submit for the RECORD a letter I received earlier this year from Mr. Robert C. Meyer, the director of planning and development for Gulf States Toyota, Inc., in Houston, Tex.

In this letter, Mr. Meyer quantifies and substantiates the amount of domestic content which Gulf States Toyota places in its automobiles before their distribution to dealerships throughout Houston and other parts of southwestern United States.

Since I do not believe Gulf States Toyota is unique, I believe this data is extremely important because it clearly demonstrates the millions of dollars in domestic content which is being used on a daily basis in cars that cross our docks every day.

In summary, Mr. Chairman, I would say to my colleagues that if you want to save over 66,000 jobs, if you want to save our consumers $4.8 billion, if you want to uphold our treaty obligations and if you want to avoid massive international retaliation from our trading partners, then I strongly urge you to join with me in voting "no" on H.R. 1234.

The letter follows:

GULF STATES TOYOTA, INC.,
Houston. Tex., May 24, 1983.

Hon. JACK FIELDS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FIELDS: It was certainly a pleasure meeting you last Friday during your visit to our Port facility

Mr. Pyle has asked me to forward to your attention some additional statistics regarding labor costs and total dollars of U.S. sourced accessories which are attached to our vehicles prior to leaving the Port of Houston.

Port labor cost/vehicle	$80.55
Total labor cost	
1982 actual (million)	$4.40
1983 projected (million)	$5.25
U.S. sourced port installed options/vehicle	$357
Total U.S. sourced accessories (million)	$23.2
Truck bed cost/truck (manufactured in California)	$265
Total truck bed cost (million)	$3
Labor/truck bed installed	$25
Full time port employees	223

Part time port employees	80
Total port employees	303

I hope the above information proves helpful; if you should require additional information, please do not hesitate to contact me.

Regards

ROBERT C. MEYER,
Director of Planning and Development.

□ 1420

Mr. JONES of Oklahoma. Mr. Chairman, I am going to yield back all but 5 minutes of my time, which I yield to the gentleman from New York (Mr. OTTINGER) to yield to the gentleman from Washington (Mr. BONKER) when he arrives.

The CHAIRMAN. The gentleman from Oklahoma (Mr. JONES) had 17 minutes remaining. He yields all of that back but 5 minutes to the gentleman from New York (Mr. OTTINGER), who had 9 minutes remaining.

So that gentleman from New York (Mr. OTTINGER) has 14 minutes remaining, and the gentleman from North Carolina (Mr. BROYHILL) has 13 minutes remaining.

Mr. OTTINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CARR).

Mr. CARR. Mr. Chairman, as we debate this bill today, a basic question is at stake. The question is not simply one of putting Michigan's people back to work, or putting auto workers and suppliers all over this country back to work. The question is this: Are we going to call the shots in the world market, or are we going to let other nations call the shots for us?

It just amazes me, but it seems to me that some people here have forgotten who the home team is. We have people in this House who are willing to vote billions of military dollars to protect our interests in Grenada and Lebanon and all over the world, but they are not willing to spend 1 dime protecting our interests in Dearborn or St. Louis or Pontiac or Detroit. We have people here who are willing to ask this House time and time again to help American agriculture. We just heard a lot about American agriculture. But we have got these same people who turn right around and will not spend 1 minute of effort trying to save the American auto industry.

It seems to me that we ought to find out who the home team is.

We have heard a lot about competition here on the House floor. Well, our own Lee Iacocca, the chairman of the Chrysler Corp., has been very eloquent when he states that you can get rid of all stock dividends and all profits, you can have every auto executive working for $1 a year, and you can have all of the auto workers taking half their wages. But you cannot compete against an $800 to $2,000 subsidy that every Japanese automobile has when it hits these shores. You cannot compete against a subsidy.

I sat just a few weeks ago across the table from a Minister or one of the officials with MITI, the Ministry of International Trade and Industry in Japan, and he admitted that they have a subsidy of their automobiles coming into this country. How are we going to compete with that? That is not free trade. That is not fair trade. That is making us suckers, and we ought to find out who the home team is, and we ought to be as tough for our own interests at home as we are abroad.

Right now, 27 percent of the automobiles in our domestic market are imports. It is estimated that close to half of the small cars in our domestic market are made by the Japanese. The Japanese are making a killing selling cars in this country: they have kept the yen artificially low, they have given tax refunds to auto makers who export to the United States. They are, in effect, subsidizing their auto industry's invasion of our market at between $800 and $2,000 per car.

The Japanese and the Europeans are making the rules in the world auto market, not us. Under their set of rules, our auto manufacturers and workers are the losers. And our taxpayers have been the losers as well. In Michigan they have shouldered heavier property taxes to compensate for the loss of supplier industries in the community. And all over the country, the taxpayers have had to help pay for the unemployment compensation for those who have lost their jobs in our auto industry.

At the height of the recession, 270,000 autoworkers were out of work. But even now, as the administration holds up all those statistics and percentage points as signs of recovery, 180,000 people who once worked in the auto industry are still out of a job.

These people are out of jobs because our country is refusing to take a stand in favor of American jobs and American people and American production. We should not have to sit back while Japan places taxes and fees and rules on every car of ours they import; and while Japan floods our market with Toyotas and Hondas. We should take the driver's seat, and tell them one thing: You want to sell your product in America, you produce part of it in America. You employ our workers. You help our economy, for a change.

That is the meaning of domestic content: 193,000 direct jobs for Americans; 450,000 jobs for American auto parts suppliers. These jobs can have a multiplier effect—producing more jobs for Americans in the steel industry and the rubber industry and other industries hurt by recession. Let us not hang back while others make the rules. Our auto industry has the technology and our autoworkers have the willingness to make us No. 1 in the world. Let us not allow unfair trade practices to thwart our comeback in the world economy.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CARR) has expired.

Mr. BROYHILL. Mr. Chairman, if I yield 2 additional minutes to the gentleman from Michigan (Mr. CARR), will the gentleman yield to me?

Mr. CARR. I will be glad to yield to the gentleman from North Carolina.

The CHAIRMAN. The gentleman from Michigan (Mr. CARR) is recognized for 2 additional minutes.

Mr. BROYHILL. Mr. Chairman, the same issues and facts have come up time after time, and the question I ask is: Can the gentleman point to some section of this bill that would take care of the problems that he is talking about? This bill does not provide the appropriate procedures or mechanisms that would address the problems he acknowledged.

If the gentleman wants to sit down and deal with legislation which will remedy the problems he mentioned, he can be assured of my willingness to discuss such legislation with him.

Mr. CARR. Mr. Chairman, I will tell the gentleman that I could favor other formulas that might, in my view, be better. This is the only train that is leaving the station. And, as has been said here, we need to send a message to the Japanese as our trade negotiators go into negotiations with them on their own voluntary import quotas.

I think it is an important message to send and I think it is an important statement to make.

It was said just a few moments ago that GM, Ford, and Chrysler are against domestic content. Well, I suppose that is true. But if you analyze the statements of the leadership of Ford and Chrysler, they are certainly in favor of this Congress doing something for this American auto industry if this is not the bill.

And let me tell the gentleman something about General Motors, my good friend in Pontiac and Lansing, Mich. While they do not want us to pass domestic content, they are about to begin to practice it because they have gone into a domestic content agreement with Toyota to build 50-percent content in Freemont, Calif. So they are believing in it in practice if they are not supporting it in this bill.

Mr. BROYHILL. If the gentleman will continue to yield, if the gentleman wants to sit down with me and others who have voiced opposition to this bill and talk about a reciprocity type legislation, I will be glad to work with the gentleman.

Mr. CARR. I will be glad to work with the gentleman on that.

Mr. BROYHILL. This is the wrong answer to the problem.

Mr. CARR. Well, this is the vehicle we have today, I would tell my dear friend, and I will be glad to work with him on others.

Mr. BROYHILL. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. I thank the gentleman for yielding.

Mr. Chairman, I want to state at the outset that the largest employer in my district is the Geneva Works of United States Steel, the largest steel plant west of Gary, Ind. This plant has had 2,000 people unemployed in the past because of the weakness in the automobile industry.

I also want to emphasize that while I believe in fair trade, I believe in free trade, as well. Japan has not played fair in this area. They expect unfettered access to our markets, but they subject our automobiles to dismantling and rebuilding, adding up to $7,000 in extra costs per car. The Japanese Government also subsidizes its industry unfairly, as the last speaker just indicated.

In spite of this, however, H.R. 1234 is the wrong way to address this problem. It violates our GATT agreements. Also, passage of H.R. 1234 will invite similar legislation for every other industry—the steel industry, the coal industry, any other industry that wants to have protection from foreign competition will come with the same kind of legislation.

A much better way would be to negotiate fair agreements such as those negotiated with European steel recently, to reduce their exports of steel to this country. I fully support reciprocity types of agreements, and I would support continued efforts in that direction, as the ranking minority Member, the gentleman from North Carolina (Mr. BROYHILL), just mentioned.

Finally, H.R. 1234 would precipitate a situation where we have retaliation in all of our exports, particularly in high technology and agriculture. It would cost about 65,000 jobs overall.

Contrary to the claims of its proponents, H.R. 1234 will not accomplish its stated objectives. It will not result in:

The restoration or creation of new jobs in the auto and auto-related industry;

The recovery of an ailing auto industry—a recovery I might add that has already begun without the aid of the supposed benefits of H.R. 1234;

The eradication of the economic conditions which were the contributing factors to the auto industry's recent troubles; and

The creation of an economic environment that insures a continued recovery and a prolonged period of profitability for the domestic auto industry and its employees.

At the risk of repeating my colleagues, I must point out the detrimental effects such legislation will have on the auto industry and the American economy in general. Protectionalist legislation such as H.R. 1234 and its predecessor, H.R. 5133, will result in:

The reduction of foreign competition which in turn reduces the American producers' incentive to produce technologically competent cars at competitive prices;

The elimination of over 177,000 jobs in industries that will suffer from the retaliatory measures our trading partners adversely affected by H.R. 1234 will assuredly take;

An increase in the price of a new car by at least 10 percent;

The limitation on the selection of cars available to consumers;

The repudiation of our international obligations under the General Agreement on Tariffs and Trade (GATT) and other agreements;

The jeopardization of foreign auto manufacturers' existing and future investments in the United States;

An increase in the Federal regulatory burden; and

The creation of needless antagonisms between our trading partners that will jeopardize the ongoing negotiations with our trading partners as well as any concessions that they have already made.

Please understand that I have noted only a few of the most negative effects of this legislation. If time permitted, I would cite many more.

After comparing the negative effects of this legislation against the alleged benefits, the citation of H.R. 1234 as the panacea for all that ails the auto industry borders on the absurd. My colleagues and I who oppose H.R. 1234, do so while recognizing the need to develop a comprehensive and fair trade policy. We believe that protectionalist legislation has the potential for benefiting so few at the expense of so many has no place in the trade policy that we contemplate.

We believe that a strategy must be developed which employs a pragmatic and realistic approach and attains the objectives of domestic economic employment and economic growth in an increasingly integrated world economy. However, we firmly believe that legislation such as H.R. 1234 represents an ill advised and misguided attempt to achieve these goals. Rather than integrate the United States into the world economy, H.R. 1234 will have the opposite effect. We must not advocate a trade policy premised upon legislation that triggers trade wars with our trading partners and attempts to protect a small segment of the U.S. economy at the expense of others.

□ 1430

For the foregoing reasons, and in spite of my interest in my own district, and in the steel industry, I cannot overemphasize the need to defeat H.R. 1234 and then work diligently to find a reciprocity method to deal with the problem.

Mr. OTTINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BONKER) in accordance with an agreement with the gentleman from Oklahoma (Mr. JONES).

Mr. BONKER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I appreciate this opportunity to express my views and my concerns about the legislation that is before the committee.

I think the bill is completely understandable when one recognizes the fact that many of the areas that are directly affected by imports is now resulting in loss of jobs, the closure of plants, the loss of the tax base. These are understandable economic and political concerns and I can see why the issues would, rightfully so, be raised here in the House of Representatives.

I also understand that many other areas of the country who are anxious to export their commodities or their products to countries that are experiencing a number of trade barriers and nontariff barriers are concerned and see this as a double standard. The fact is, if we are going to enjoy free access to the markets of other countries, then we, of course, ought to allow them to have free access to our markets.

So there definitely is a message to send, and make no mistake about it, that message is being sent to Japan:

If you are going to have free and open access to our markets, we ought to have similar treatment when we are trying to compete in your marketplace.

Mr. Chairman, I represent an area of this country that is heavily involved in international trade. We have Boeing Co., with 63 percent of its aircraft sales now going into international markets. The wood products industry that can no longer depend on the domestic housing industry is becoming more heavily dependent on exports. Eighty-five to ninety percent of the wheat that is produced in eastern Washington is now destined for export markets.

Many of the fruit-producing areas of the State of Washington are now making their way into international markets. High technology, which now has new prominence and growth in the State of Washington, is competing effectively in international markets.

The fact is that our domestic economy is no longer sufficient to meet our

growth needs in the future. If we are going to have economic growth and prosperity, we have to enhance our export position in the world marketplace. We are also in a fiercely competitive world economy with Japan and other countries challenging America's preeminence.

When we are stuck with a proposition like that, we can do one of two things: We can either be more competitive, remove the impediments that lie in the way of our exporters to find the incentives that would make it possible for them to compete more effectively, or we can resort to protectionism, erecting trade barriers, keeping those products and those commodities out of our markets.

That seems to be the simple and clear choice that is before the American public and this Congress.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BONKER. I would be happy to yield to the gentleman from New York, the sponsor of the bill.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I assume that the gentleman is aware that, with respect to the Boeing contract with Japan, that Japan insisted on having 15 percent of that contract constructed in Japan, and increasingly they are doing that. On a recent contract they required 40 percent.

So it is not at all a reciprocal arrangement. We are saying we are not to have domestic content, yet the Japanese are insisting on that and the Government is financing half of those purchases.

Mr. BONKER. First of all, Boeing was not an involuntary partner to that negotiated contract. They entered into it voluntarily for obvious competitive and marketing considerations. Boeing has recently sold Japan a number of new aircraft and I think regardless of how these contracts are negotiated and consummated, they are done in the marketplace and not as a result of legislative or governmental action.

The United States used to have 18 percent of the marketplace worldwide. That was in 1960. Today we have less than 12 percent of the marketplace, and it is declining all the time. If we are to compare or measure our export performance against GNP, the United States is now exporting only 8 percent of our GNP compared to Japan's 13 percent and West Germany's 23 percent.

We are now part of this international economic community and we have to export more to reclaim our position.

Mr. Chairman, the issue before the Congress today is jobs. We have a responsibility during this time of desperately high unemployment to actively and vigorously seek to create and maintain jobs for our people. I believe that this is the spirit in which the domestic auto content bill is offered. It is also in this spirit, however, that I must reluctantly oppose this legislation.

In my home State of Washington, hundreds of thousands of jobs depend on international trade. From loggers and longshoremen to truckers and technicians, the working men and women of my State rely on exports and imports for their livelihood. H.R. 1234 could well put these workers at risk because it will reduce trade in automobiles and related products, and could well threaten the volume of trade in almost every other sector as well.

The lumber and wood products industry in Washington provides a good example of what is at stake. Over 10,000 jobs in Washington State are directly related to the export of lumber and related wood and paper products. About 25 percent of all shipments in this sector are exported, and the largest single foreign buyer by far is Japan. In 1982, U.S. wood exports to Japan totaled close to $1.3 billion.

Although this relationship is a profitable one for the wood products industry in my State, there are still significant tariff barriers in Japan that restrict growth in wood exports. Such growth is essential to the economic health of the Pacific Northwest. Japanese tariffs are most severe for finished wood products, such as plywood, veneer, and particleboard. If the lumber mills in Washington State are to survive, these barriers must be significantly reduced, if not eliminated.

The lumber industry and the U.S. Trade Representative have been actively pressing our case with the Japanese Government. Enactment of H.R. 1234 would make successful completion of negotiations on this issue all but impossible. Failure of these negotiations would be devastating to the wood products industry in the Northwest, and would threaten thousands of jobs.

Lumber is only one example. There are many others in my State and far more around the country. It is impossible to estimate the number of jobs that will be placed at risk by domestic auto content, but the figure is certainly in the hundreds of thousands.

There is no question that the auto industry and auto workers need help. This assistance, however, should not be paid for with the jobs of other American workers. If this Congress is committed to maintaining a strong auto industry in the United States, then we should explore positive approaches to strengthening the industry by spurring productive investments and restoring international competitiveness. H.R. 1234, unfortunately, will do neither.

For all intents and purposes, domestic auto content is simply an open ended commitment by the U.S. Government to the perpetual protection of the auto industry. With it, we would remove the incentives for the industry to revive itself and become competitive again. This is no favor to the auto industry or its employees. It certainly provides no effective answer to the broader problems of America's basic industries.

I would like, for a moment, to address my Democratic colleagues on this side of the aisle. I know only too well that this vote is an extremely difficult one for many of you, as it is for me. But if we in the Democratic Party are indeed committed to a forward looking and fair economic policy, then it is incumbent upon us to defeat this bill. H.R. 1234 is not a positive plan to restore the competitiveness of the American automobile industry. It is a capitulation to the discredited policy of protectionism. This is not the legacy of the Democratic Party and should not become our rallying cry today. Rather than endorse domestic content, Democrats should unite behind the innovative proposals for the development of a rational and coherent industrial strategy. These are constructive approaches to the real problems of economic adjustment and they present a positive alternative to open ended protectionism.

Furthermore, H.R. 1234 unfairly places thousands of innocent and productive workers at risk in an effort to protect a single industry that is in trouble. The Democratic Party has committed itself to jobs for all Americans. If our only solution to the problem of widespread and long-term unemployment is to provide jobs with one hand while taking them away with the other, then we are not fulfilling our purpose. Moreover, we would be doing a disservice to the working people of this country.

H.R. 1234 harkens back to the failed policies of the past. The Democratic Party and this Congress must set itself clearly on a new course that will lead our country into the future and reestablish America's position as the world's most prosperous and productive society.

For these reasons, I urge my colleagues to defeat H.R. 1234.

Mr. BROYHILL. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. CHANDLER).

Mr. CHANDLER. I thank the gentleman for yielding this time to me.

Mr. Chairman, it is a pleasure to follow my colleague, the gentleman from Washington (Mr. BONKER) because I think he has been very eloquent in his reasons for opposing this legislation.

Mr. Chairman, I rise today in opposition to the domestic content legislation now before us.

Like my colleagues, I, too, am concerned by the high rate of unemployment among American auto workers. I,

too, am eager to see these men and women put back to work. But is it right that we should pass legislation which, while it may benefit the auto workers in the short term, would, in the final analysis, be detrimental to the economy as a whole? After all, the auto industry does not exist in a vacuum. The auto manufacturers cannot prosper, if other sectors of industry are dragged down by the process.

The intent of this legislation is commendable. The approach, however, is all wrong.

During the August recess, I traveled with Mr. BONKER and other Members of Congress from Washington State to Japan, where trade was a No. 1 topic. To the Prime Minister, to the Ministers of Trade and Finance, and to Members of the Japanese Diet, again and again we pleaded our case. Treat our exporters fairly, we said, and we will continue to do the same for you. And, in recent years, with the help of the GATT and other forums, we have seen steady improvement in Japanese policy, making the access for U.S. exporters to those markets better than ever before. This has been an important step forward for the timber, aerospace, and agriculture industries, who have also suffered terribly under the effects of the recent recession.

Now, the legislation before us threatens to make a mockery of those very conversations that we had when we visited Japan just a month ago. There is no doubt in my mind that passage of the domestic content bill would invite retaliation from our trading partners abroad. Indeed, who could blame them? But beyond that, I am also quite sure that the growth of protectionism can only hurt our economy over the long haul. An increase in employment for the auto industry will be a bitter victory, if it means unemployment for Washington State workers who harvest our forests, work in our sawmills, build our airplanes, produce electronic equipment, produce our beef, our fruit, and our grain. What we need now are not narrow, short-lived, discriminatory remedies, but comprehensive, productive, long-term solutions to the economic challenges we face, and we might start by reducing the deficit.

I urge my colleagues to vote against this legislation, so that we may then begin working together to find a lasting way to get American workers back on the job.

□ 1440

Mr. OTTINGER. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I say to the Members of the Committee that I have listened with great interest to this debate, and it is unfortunate that the same shibboleths and, if you will, something not even as dignified as red herrings, but pink herrings are being dragged across the stage time after time. I keep hearing this term "fair trade," as if it were some kind of patriotic cry for the future of this country.

I was impressed by what the gentleman from Michigan (Mr. CARR) said about the fact that there are a lot of Members in this House who do not seem to understand who is on our side and which team we are on.

We are looking at arguments coming from this side of the aisle about the possibility of losses of some jobs by those who handle imported goods coming into our ports. One would get the impression that the only way people working in the ports can make a living is by handling imports, not by handling exports. I submit that a stevedore does not care whether he is loading a ship or unloading a ship as long as he is working. It is better that he would be loading one instead of unloading one.

Here we have a country that we were at war with just a few years ago and that has now been very well rebuilt and modernized and brought into the industrial West as a competitor, not a trading partner, but a trading competitor, and a very vigorous and a very successful competitor, largely with the assistance of the U.S. taxpayer and largely maintained free of any great burden on its economy to maintain a defense because we take care of that for them. And we have approximately one-half of the entire trade deficit that we suffer in the world is with this one little country with less than half the population of the United States.

The trade deficit with Japan in 1982 was $20 billion. That means in simple terms that there were 20 billion more American trade dollars going to Japan than were coming back in the other direction, and of that $20 billion imbalance, $13 billion was in one product, automotive products. One product represents roughly one-third of the entire world balance of trade deficit and that takes into account what the Arabs have done to us with oil prices at the same time.

That point seems to get lost in the discussion. How long can "Uncle Sugar" be "Uncle Sucker" and continue that kind of trading and call it free trade? How do we explain that as free trade to anyone?

There is no other Western trading country in the world that is treating this commerce the same way we are. Witness the imposition of tariffs and other barriers to their products in retaliation, if you will, in the European Common Market. And how did we react to that? We are manufacturing within the European Common Market.

It is very interesting to hear Members say that if this legislation is passed, the Japanese will be discouraged from investing here. As a matter of fact, Mr. Takashi Ishihara, president of Nissan Motor Co. was quoted, although on some points he was not quoted at all, but many times he has said that he looks forward to the future expansion in this country. He very recently said in a speech at his new plant in Tennessee that he thought the parts they were buying in the United States were equal to or superior to those made in Japan, and, as a matter of fact, he was looking forward to the time when that very popular little truck they have would be made almost 100 percent with American parts. He was throwing us a signal that he is ready to move. If he gets enough pressure so that it is politically tenable for him in his country to make the move, he is ready to invest and invest big here in this country.

I keep hearing from this side that the automobile industry has recovered. That is almost hilarious. I guess it is easy to understand. This side of the aisle decides whether things are going well for the American people out there by the way the stock market is acting and what the profit and loss statements for this year show, and if we listen to the announcements coming out of the companies, they say that the profit and loss situation looks very good for the Big Three.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. FORD) has expired.

Mr. OTTINGER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. As a matter of fact, Mr. Chairman, it is poined out that General Motors will have a record earnings quarter, but what is not pointed out is that with these record all-time earnings, General Motors has 24 percent fewer people employed today than it had in 1978, its last good year. Ford has 38 percent fewer people employed today than it had in 1978, its last good year, and Chrysler has 47 percent fewer people employed. That is almost 1 out of 2 of the people who were working just 3 years ago in each of those companies now gone, and the companies are making record profits. The workers have come in for their share of blame here today. They say it is the UAW's fault that they do not compete because its members are paid too much. Well, for every job that is in a plant of the Big Three, there are jobs on the outside that depend on that plant, and there are 2½ jobs in the parts and supply industry alone.

The enemy there is not Japan. The enemy is the Big Three, the companies that are following the only course they can to compete by going to Mexico, Brazil, and other countries to produce competitive low-priced parts

for their cars instead of buying from American businessmen.

Mr. Chairman, I rise in strong support of H.R. 1234, the Fair Practices and Procedures in Automotive Products Act of 1983, also known as the local content bill. H.R. 1234 is the most important piece of economic legislation this Congress will consider this year. Without passage of this measure, there will be no help for America's greatest industry and the millions of men and women who work in it, because no one in our Government has offered a constructive alternative.

While the current economic recession has worsened the auto industry's plight, it is not directly responsible for the decline. The reasons for that are manifold and complex, revolving around foreign imports. The impact of these imports should not be underestimated. Imported vehicles have increased their share of the market from 15 percent in 1978 to 24 percent this year. Industry experts predict that imports of vehicles and parts will climb sharply in coming years. Commerce Department experts predict that by 1990, the import share will be 35 to 40 percent.

In the case of parts, the evidence points to a similar escalation. One major effect of the domestic content legislation would be to limit the foreign outsourcing by the U.S. auto companies. The bill would limit the Big Three from having net imports greater than 10 percent of their sales here.

All three companies have testified that their net foreign outsourcing now falls below the 10-percent limit. However, in recent years, the Big Three have been sharply increasing their imports of parts for assembly and sale in the United States. In addition, they have made commitments to bring in additional imports of parts and vehicles in coming years. Without the legislation, they will soon substantially exceed the 10-percent limit.

Last year the United States had car and truck production of $81 billion compared to imported auto parts worth $4.6 billion. Thus, parts imports represented 5.6 percent of the value of vehicle production last year. This compares to 2.1 percent in 1972 and 3.8 percent in 1978. The actual volume of parts imports rose even more between 1978 and 1982 than these figures suggest because the value of the U.S. dollar rose over 30 percent during that period.

In terms of key components, imports supplied 9.3 percent of the engines and 12.4 percent of the transmissions in the 8.2 million cars and trucks assembled last year in the United States and Canada. Engine imports alone rose 150 percent between 1978 and 1982, going from $675 million to $1.667 billion.

The problem of foreign outsourcing goes beyond parts to vehicles, as well. For example, GM has made arrangements in coming years to import 100,000 Suzuki cars and 200,000 U.S.-assembled Toyota cars. Together these represent the equivalent of 400,000 vehicle imports, about 10 percent of GM's U.S. car sales last year. Ford has proposed to the Mexican Government that it assemble cars there for export to the United States. Chrysler has postponed any commitment to build the successor to the Omni/Horizon in the United States.

When the increase in parts imports and vehicle imports are combined, the companies' imports will soon exceed 20 percent of their sales here. This compares with the bill's ceiling of 10 percent. Even at 1982's depressed production levels, the 10-percent difference represents a minimum $8 billion of imports. Since each $1 billion in manufacturing output creates over 25,000 jobs, the limit on Big Three outsourcing alone spares at least 200,000 jobs. Most of those would be at supplier firms.

The approach which makes the most sense in correcting the import problem is the domestic content legislation, which I am proud to cosponsor. The dangers of imports are real, whether the imports are Datsuns from Japan or GM components from Mexico. They all displace U.S. workers; they all undermine the tax base of American communities. This must be stopped and we must pass H.R. 1234.

The CHAIRMAN. The Chair will state that the gentleman from New York (Mr. OTTINGER) has 2 minutes remaining and the gentleman from North Carolina (Mr. BROYHILL) has 4 minutes remaining.

Mr. BROYHILL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had a somewhat extended debate today. Frankly, it had not been anticipated that we would take this much time, but as the afternoon wore on, Members came in and wished to express their views on this bill. It is controversial.

We have heard Members today expressing their reservations about this legislation. Proponents of the bill have argued that this legislation is needed to help a sick industry and yet they have also acknowledged that the domestic auto industry has recovered well from the tough times the auto companies have experienced in the past 2 or 3 years. The facts demonstrate that car sales are up, employment is up, profits are up, all of the trends point upward, the recovery is real, and this recovery is taking place. It should be noted that this recovery has occurred without having domestic content legislation of this kind in place.

So the question can be asked: Why, with that kind of record, do we want to virtually close our doors, slam the doors of our Nation to foreign competition? And the question can then be asked: If we do preclude foreign competition we must then ask: How competitive is our domestic auto industry going to be?

Other speakers have addressed the point concerning the damage that this bill would do to our U.S. trade policy and the fact that our trading partners would use the implementation of legislation of this kind as an excuse to retaliate against exports of U.S. manufactured and produced goods, and thereby prohibit us from exporting to their countries. Certainly we do not want this to happen.

□ 1450

American car dealers specializing in the sale of foreign models would be driven out of business and thereby consumers would again have limited sales or service options.

Another factor which has not been emphasized is that passage of this bill will result in a massive intrusion of the regularly machinery of the Federal bureaucracy into American auto industry. I have witnessed the negative effects of this sort of intrusion for the many years I have served as a Member of this body. H.R. 1234 would require burdensome recordkeeping for manufacturers and for the whole supply chain. H.R. 1234 would require manufacturers, domestic as well as foreign, to establish an accounting system for all the purchases of parts and components. One can envision the redtape boys, rummaging through the records and through the files of all the manufacturers and suppliers in order to monitor the requirements of this bill. They would not only have to monitor the manufacturers of autos, but also the source of raw materials and components for tens of thousands of suppliers. Therefore, I think this is another good excuse not to enact this legislation.

Mr. Chairman, I include the minority views of the committee report from pages 53 to 56, as follows:

VIOLATION OF U.S. INTERNATIONAL AGREEMENTS

It is clear that H.R. 1234 as reported by the Committee violates the anti-domestic content, national treatment and anti-quota provisions (i.e., Article III, Par. 1 and 5; Article XI, Par. 1) of the General Agreement on Tariffs and Trade (GATT). It also violates U.S. treaties of friendship, commerce, and navigation (FCN) with such countries as West Germany and Japan. By so doing, the United States would repudiate its international commitments and abandon its leadership role in world trade. Letters from the State Department, the U.S. Trade Representative, and the Agriculture Department confirm this. In an April 21, 1983 letter, Secretary of State Shultz stated that this legislation:

"Would severely damage America's trading position, flout out international obligations under the General Agreement on Tariffs and Trade (GATT), subject us to challenge under bilateral Treaties of Friendship, Commerce and Navigation with many of our

trading partners, and be of great cost to the American consumer and to the nation."

In a letter dated May 18, 1983, Secretary of Agriculture Block stated the following:

"Such a limitation of imports would be in direct violation of U.S. obligations under the General Agreement on Tariffs and Trade (GATT) and would result in a swift retaliation against United States exports of comparable value. Retaliation could be expected particularly from the European Community and Japan, which together bought $13.8 billion of United States agricultural products in 1982, over 38 percent of our total exports of agricultural products in that year."

Canada, our largest trading partner, has expressed similar concerns about this legislation as well. In a letter dated May 16, 1983 to the Subcommittee, Ambassador Allan Gotlieb asked that the bill's implications with respect to trade in automotive products between Canada and the United States be taken in consideration. The Ambassador further stated in the letter that H.R. 1234 "provides no recognition of this unique interrelationship and the resultant integration of the automotive industries in Canada and the United States."

Such violations of our international agreements were so troubling that an amendment adding a new Section 2 to the bill was offered by Representative Dennis Eckart and adopted in Committee. This amendment represents an *unsuccessful* effort to bring domestic content into legal compliance with the GATT. Article XIX of the GATT, the "escape clause," provides that a country can suspend GATT obligations with respect to trade in a product if the product is being imported in such increased quantities as to cause or threaten serious injury to the domestic industry. Section 2(a) makes such an assertion with respect to imports of automotive products. However, this does not bring domestic content under Article XIX.

First, Article XIX applies only if adherence to GATT obligations is the cause of the increased imports and the injury to the domestic industry, which is not the case in the automotive products industry. Rather, as the ITC found in 1980, injury has been caused largely by the economic recession, and increases in imports have been caused by perceived price and quality differences and by a shift in demand toward more fuel-efficient cars, not by GATT obligations. Second, Article XIX specifically grants the right to suspend a GATT obligation only for the period of time necessary to remedy the injury. H.R. 1234, however, is permanent by its terms. It applies to model year 1985 and every year thereafter. Such action goes far beyond the limited scope of Article XIX. Thus, H.R. 1234 remains a clear violation of GATT notwithstanding the language of Section 2(a).

However, even if Section 2(a) were to meet the conditions of Article XIX, billions of dollars of American exports still would be exposed to compensatory action by our trading partners. Just as parties to the GATT are entitled under Article XXIII to take compensatory action against countries that violate their GATT obligations, so are they entitled under Article XIX to take compensatory action against the trade of countries that invoke the Article XIX "escape clause." Thus, whether or not H.R. 1234 qualifies under Article XIX, by enacting domestic content Congress will subject a large portion of U.S. exports to the risk of retaliatory action by our trading partners.

Beyond the issues of GATT legality and compensatory action, Section 2(a) is an unprecedented effort to preempt the administrative process established by Congress under Section 201 of the Trade Act of 1974, which confers on the ITC the responsibility, after thorough investigation and in accordance with carefully conceived statutory standards, to make such a determination.

Last December, the House adopted the Fenwick amendment during its consideration of this legislation (then H.R. 5133). That amendment was based on the principle that the United States should stand behind its international agreements if the legislation were to become law. The first sentence of Section 2(c) appears to imitate some of the language of the Fenwick amendment, but a careful reading of the sentence reveals that it is totally devoid of any recognition of our commitments under international treaties, conventions, or agreements. In other words, it fails to reaffirm the principle, as the Fenwick amendment did, that we should stand behind our word in the international arena.

Additionally, Section 2(c) is an effort to deny Federal courts the jurisdiction to hear claims that domestic content, as applied, is inconsistent with our treaty with Japan and with the GATT. Federal courts ordinarily hear claims that the application of Federal laws violate the GATT and various treaties. For example, Federal courts have decided that claims that the imposition of certain Federal taxes violated the GATT, *China Liquor* v. *U.S.*, 343 F.2d 1005 (C.C.P.A. 1964); that remedies ordered under the antitrust law violated the GATT and U.S. treaties, *Calnetics Corp.* v. *Volkswagen of America*, 532 F.2d 674 (9th Cir. 1976); and that actions taken under U.S. agricultural laws violated the GATT, *Walter Holm Co.* v. *Hardin*, 449 F.2d 1007 (D.C. Cir. 1971).

In the absence of Section 2(c), the enactment of this legislation clearly would "confer" jurisdiction on the Federal courts to hear all conflicts arising under the law, because the courts have "jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C.A. § 1331 (Supp. 1983). Section 2(c), with its confusing, contorted language, will be used to argue that enactement of this legislation does not "confer" jurisdiction on U.S. courts, as it otherwise would.

If, as the supporters of the amendment assert, this provision has no effect on the jurisdiction of U.S. courts, it is unnecessary. If, as we suspect, it is an effort to place an additional hurdle in the way of an aggrieved party seeking to determine, in U.S. courts, whether this statute is consistent with our international obligations, it is a dangerous effort at court-stripping.

The economic consequences for such violations would indeed be severe. As the world's leading exporter, the United States has a lot to lose if our trading partners choose to retaliate against us. The enactment of this legislation will result in retaliation according to Ambassador Mike Mansfield. In a telegram to the Secretary of State dated April 19, 1983, the Ambassador stated that "[l]egislation of this kind would be beneficial to no one in the long run, would bring retaliation on all sides." While some proponents of the legislation argue that the bill's real purpose is to "send a message to Japan," we would contend that it is entirely the wrong message. Following Canada, Japan is our second largest market for U.S. exports. We sold over $20 billion of goods and services to Japan last year, including $6.6 billion in agricultural products. The threat of retaliation against our agricultural exports posed by this legislation has prompted the agricultural community's vigorous opposition to the bill. In a letter dated May 23, 1983 and sent to all Members of the House, twelve agricultural organizations stated their strong opposition to the bill because of the serious damage that this legislation would do, among other things, to "our vitally needed $40 billion agricultural export market." This letter was signed by the American Soybean Association, the Grain Sorghum Producers Association, the Millers' National Federation, the National Association of Wheat Growers, the National Broiler Council, the National Corn Growers Association, the National Forest Products Association, the National Grain Trade Council, the National Grange, the National Soybean Processors' Association, the National Turkey Federation, and the Poultry and Egg Institute of America.

Furthermore, recent approval by the Japanese Diet of an omnibus bill to revise 16 standards and certification laws has been hailed by U.S. Trade Representative Bill Brock as "a major step toward eliminating the remaining barriers confronting U.S. exporters to Japan." He also stated that this revision in Japanese law could affect as much as $5 billion worth of U.S. exports such as electrical and electronic goods, agricultural and industrial chemicals, consumer products, processed foods, pressure vessels, cosmetics, and health care products. The passage of domestic content legislation will only serve to take the pressure off Japan to further increase access to its markets. This reversal would clearly work to the detriment of U.S. exports.

It has been argued by proponents of this legislation that a number of other countries have implemented either quota or domestic content requirements for Japanese vehicles and that Japan has not retaliated against these countries. First, it should be stated for the record that there is currently in place a voluntary Restraint Agreement which acts as a quota by limiting Japanese imports to 1.68 million passenger cars per year. This voluntary restraint began in April, 1981 and has been extended by the Japanese government through March 31, 1984. It is entirely possible that the restraint may be extended for another year. Secondly, no country with a developed automobile industry has even enacted an automobile domestic content law. According to the Commerce Department's analysis of such laws ("An Analysis of Automotive Local Content Laws in Other Countries" prepared by the U.S. Department of Commerce, International Trade Administration, May, 1983), there are 23 countries which currently impose domestic contents requirements, all of which are "developing countries" with the exception of Spain, Portugal, and Australia. According to this analysis, Japan has not retaliated against any of these countries for 3 reasons: (1) it does not have a legal right to do so because of special exempting provisions of the GATT; (2) the content laws were enacted in most cases before the Japanese began exporting automobiles to these counries; and (3) the market was so small in all cases that the content laws had no significant effect on Japan's balance of trade. None of these reasons apply to the current automobile trade relationship between the U.S. and Japan.

Mr. OTTINGER. Mr. Chairman, I yield myself the balance of my time.

Mr. LEVIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Chairman, I rise in support of H.R. 1234.

Mr. OTTINGER. Mr. Chairman, there are a number of misconceptions that have been put forth in opposition to the legislation that I just seek to correct.

We are not seeking to slam the doors on imported automobiles. The Europeans do that. They all have quotas and that does slam the doors. Those quotas range from 3 percent in Britain to 10 percent in Germany and France.

We are saying that anyone that wants to come into our market can do so, but they have to make a reasonable proportion of their product in our country.

The gentleman from Minnesota (Mr. FRENZEL) said that it is our loss of productivity that has caused the loss of these jobs and the poor performance and the high cost of American labor. The fact of the matter is that American labor has taken substantial cuts in this industry and that the productivity studies, which I will enter into the record at the appropriate time, show that the United States has been increasingly in the past few years gaining on the Japanese in terms of increased productivity.

There are tremendous barriers put up by Japan and there is a tremendous undervaluation of the yen that contributes to this vast erosion far more than you can blame today on the defects of the industry itself.

The high prices that would result from this legislation were alleged by the gentleman from Minnesota. In point of fact, the Consumer Federation of America and the National Consumer League, the biggest consumer organizations in America, are supporting this legislation because they know there will be no retaliation, that Japan will, in fact, open factories here, add to the competition in the United States and bring down prices.

With respect to the studies that were cited, the Congressional Budget Office, the Wharton, CRS and so forth, those studies generally did not consider the jobs that will be saved by having this legislation and they do not consider the tremendous outsourcing of parts that is threatened.

All in all, this legislation is good for our jobs. It is good for America and will keep our industrial base and I urge its adoption.

● Mr. WALGREN. Mr. Chairman, although we are told this Nation is experiencing an economic recovery, the unemployment picture remains bleak. One-tenth of our Nation is out of work. In my home district of Pittsburgh, the unemployment rate is even higher with the steel industry at a 35-percent jobless rate and a 60-percent production capacity rate.

As a cosponsor of H.R. 1234 and one who worked in the Energy and Commerce Committee for its enactment, I urge support for the domestic content legislation which I hope will put Americans back to work. This bill would require any car manufacturer who sells more than 100,000 cars a year in the United States to use a substantial amount of American parts and be assembled largely by American workers.

The automobile industry has been struggling to rebound from the first quarter of 1982—the industry's worst quarter since 1961. Producing at 60 percent of capacity instead of peak 90 percent, the auto industry's sluggishness affects a number of related industries such as plastics, electronics, glass, rubber, and steel. One out of every four jobs in the United States is in the auto or an auto-related industry.

It is the committee's hope that this bill can alleviate our serious unemployment situation. One study has shown that this bill could result in over 1 million domestic jobs by 1990 in the auto industry and its suppliers. We must have a healthy auto industry to have a healthy economy. The auto industry is among the major purchasers of steel, 21 percent of U.S. production; malleable iron, 50 percent; synthetic rubber, 60 percent; zinc, 34 percent; copper, 13 percent; and primary aluminum, 12 percent. A bill that can mean over 1 million jobs is a must bill during a time when unemployment is over 10 percent. Unemployment has huge emotional, disruptive costs to individuals. It has costs to society as well. Losing these jobs costs the U.S. Treasury $25 billion a year in increased welfare and unemployment payments, lost tax revenues, and a bigger Federal deficit.

In addition to reviving the domestic auto industry, this legislation will encourage foreign automakers that have captured large sales shares of our market to locate facilities here in our country. This idea is not so farfetched. In Westmoreland County, Pa., which borders on my district, Volkswagen of America has been making Rabbits and light trucks since 1978. Today, all Rabbits sold in the United States are made in this U.S. facility. These cars have 70 percent U.S. content of parts and labor. Nissan has just constructed a $500 million plant in Tennessee which will employ 2,900 people. And Honda has opened a plant in Marysville, Ohio.

There are those who will say that this is protectionist legislation inviting retaliation by Japan and other countries. In my view, this bill will invite Japan and others to remove their trade barriers that have blocked U.S. goods from entering their markets. Most auto-producing nations have established trade restrictions to limit automobile imports to a very small share of domestic markets; 31 countries have auto domestic content laws. The United States however, has placed virtually no restrictions on foreign automakers' access to our market; 28 percent of all cars sold in America are imports. Of that figure, 80 percent come from Japan. Meanwhile, Japan's restrictive trade policies have limited U.S. auto companies to a total of 0.9 percent of the Japanese market.

It is time for fair trade practices. Last year, Toyota, Nissan, and Volkswagen sold about $15 billion in parts and vehicles in the United States. I believe it only fair to expect companies to contribute to an economy from which they derive great benefit. If this bill becomes law, foreign auto companies would soon spend about 50 percent of their U.S. sales volume in the United States, rather than the current level of 15 percent. This bill would help to rectify a trade inequity that has gone on for too long and cost too many jobs.

I hope my colleagues will join me in approving it.●

● Mr. CORCORAN. Mr. Chairman, I rise in strong opposition to H.R. 1234. Whether or not you believe that the domestic content bill, H.R. 1234, will create jobs and will not impose substantially increased costs on consumers, it is difficult to argue that passage of this bill will not provoke retaliation by our trade partners. The only debatable point in this regard is the extent of the economic damage to this country which would result from such retaliation.

Domestic content legislation is not the best response to the difficulties being experienced by U.S. auto manufacturers and dealers who are trying to compete with foreign interests. In fact, it is a very bad response that sounds even worse when you consider the testimony of some of our own domestic auto manufacturers' and dealers' organizations who are opposed to H.R. 1234, such as General Motors, Ford Motor Co., Chrysler Corp., National Automobile Dealers Association, American International Automobile Dealers Association, and the National Association of Manufacturers.

The major proponents of this bill are our labor organizations. Their intent is good: more jobs. Their proposed method will not work, though. Depending on how you make your calculations, you can make strong cases in support of either assertion that H.R. 1234 will create a net gain or net loss of jobs. For example, the United Auto Workers claim the "creation or preservation" of over 1 million jobs, while the nonpartisan Congressional Budget Office claims the net loss of 66,000 jobs.

The uncertainty of the success of H.R. 1234 in accomplishing the goal of jobs creation is too great, and the pos-

sibility of economic whiplash too real, for Congress to pass this bill. I will vote against H.R. 1234 for this reason, and I urge my colleagues to do the same.●

● Mr. GAYDOS. Mr. Chairman, as we debate this imperative legislation today, other men in this city with military duties are reviewing ways to keep open the Persian Gulf in the Iran-Iraq war escalates as it threatens to do. Defense responsibilities are a primary reason our budget is high, our interest rates are high, the dollar is too strong against the yen, and our basic industries are starved for reasonable capital to modernize.

Yet the United States gets only 4.5 percent of the oil it consumes through the gulf.

And Japan gets 62 percent.

If the United States must clear the gulf and keep it open, will Japan make 62 percent of the effort? Will Japan pay 62 percent of the cost from its overflowing countinghouses?

You bet your sweet Isuzu Japan will not.

In Japan, their concern is how to get more Isuzus and Datsuns and Toyotas into the United States in a market that is finally coming to life and recalling American workers. It is a high-policy concern of their government, which stands in front of its companies and workers.

In Japan, the government has concerns other than defense or the security of their all-important oil supply. They know we will do that for them. Defense is their last concern. Their first concern is in restoring growth to the economy—unemployment hit a record 2.7 percent last year—through exports.

Their interest is in restoring growth through increased exports to the United States, the most open big market in the world, and automobiles are the chief means of doing that. Automobiles are a chief export.

Automobiles are an export-target industry for Japan. They have capacity by design that is about 100 percent larger than their home market, and it was laid down with low-cost, government supported and directed loans. Thirty percent of world automobile capacity is located in Japan and only 14 percent of the demand.

Laying down the capacity—steel, rubber, glass, auto, ships—to build and move those automobiles has had strong Government support across the board. And to help move them out, taxes equal to 22.5 percent of the value of each car are forgiven on export. This is a subsidy that is not accounted for and is putting thousands of Americans out of work—across the board.

But never mind all of this; never mind that North America already takes up to 40 percent of the cars Japan exports worldwide, or that the United States takes up to 24 percent of the total output of some makes, or that they have had nearly 22 percent of this market, they want more to restore economic growth.

Meantime, no other automaking country in the world grants any substantial share of its market to imports. Many hold them in the neighborhood of 1 percent and a few others let them run as high as 10 percent.

Japan is a 1-percent nation; actually less than 1 percent. Only about 35,000 foreign cars made it into Japan last year. The Japanese have reformed their import procedure, I understand. It once took 7 or 8 months for a car to clear the Japanese barriers; it now takes 2½ to 3. This was heralded as a liberalization by the Japanese and held up as the result of hard bargaining on our part.

Of course, it is neither. It is only a retreat from a forward protectionist outpost in the trade war to a protectionist bunker a few yards back.

This is the State of the United States-Japan relationship today. We share the responsibilities and benefits of power. We get the responsibilities. And the cost. They get the benefits. And access to this open market. It is the relationship of mark to con man, of victim to swindler.

We have bargained off and on with the Japanese for the better part of 20 years over closed markets and we have given great inducements by opening ours. We have thrown away whole industries. But there is always an election coming in Japan, and they always ask for understanding and they always get it. So they have given little ground but they have gained time; and they have devoted their time to modernization, strengthening, and targeting.

While we have haggled for years over a few boxes of oranges and a few sides of beef, they have opened and exploited major advantages. And all the while Japan has remained an economy that is closed by policy to major goods—to big ticket items—from outside.

If they buy for defense, they require Japanese domestic content and building there under license. If they buy civilian aircraft, they demand and get a percentage of the worldwide production of that aircraft.

Meantime, they let in trinkets and luxuries—razor blades and soft drinks—and are allowed to proclaim themselves open as a result.

Well, Mr. Chairman, H.R. 1234 says that the House of Representatives wants nothing more to do with that kind of nonsense.

It says that if you are going to do major business in this economy, you are going to create jobs here rather than destroy them; you are going to pay taxes here for your defense; and you are going to give up your subsidies.

This bill will make the United States-Japan relationship a real relationship rather than a con game. It might even save it.

And remember, If Japan were to agree to let any nation or combination of nations send 100,000 cars into Japan, it would be an earth-shaking liberalization. They keep imports to less than 1 percent. They took in only 35,000 last year.

Mr. Chairman, I strongly urge passage of H.R. 1234.●

● Mr. BONKER. Mr. Chairman, the issue before the Congress today is jobs. We have a responsibility during this time of desperately high unemployment to actively and vigorously seek to create and maintain jobs for our people. I believe that this is the spirit in which the domestic auto content bill is offered. It is also in this spirit, however, that I must reluctantly oppose this legislation.

In my home State of Washington, hundreds of thousands of jobs depend on international trade. From loggers and longshoremen to truckers and technicians, the working men and women of my State rely on exports and imports for their livelihood. H.R. 1234 will put these workers at risk because it will reduce trade in automobiles and related products, and threaten the volume of trade in almost every other sector as well.

The lumber and wood products industry in Washington provides a good example of what is at stake. Over 10,000 jobs in Washington State are directly related to the export of lumber and related wood and paper products. About 25 percent of all shipments in this sector are exported, and the largest single foreign buyer by far is Japan. In 1982, U.S. wood exports to Japan totaled close to $1.3 billion.

Although this relationship is a profitable one for the wood products industry in my State, there are still significant tariff barriers in Japan that restrict growth in wood exports. Such growth is essential to the economic health of the Pacific Northwest. Japanese tariffs are most severe for finished wood products, such as plywood, veneer, and particleboard. If the lumber mills in Washington State are to survive, these barriers must be significantly reduced, if not eliminated.

The lumber industry and the U.S. Trade Representative have been actively pressing our case with the Japanese Government. Enactment of H.R. 1234 would make successful completion of negotiations on this issue all but impossible. Failure of these negotiations would be devastating to the wood products industry in the Northwest, and would threaten thousands of jobs.

Lumber is only one example. There are many others in my State and far more around the country. It is impos-

sible to estimate the number of jobs that will be placed at risk by domestic auto content, but the figure is certainly in the hundreds of thousands.

There is no question that the auto industry and auto workers need help. This assistance, however, should not be paid for with the jobs of other American workers. If this Congress is committed to maintaining a strong auto industry in the United States, then we should explore positive approaches to strengthening the industry by spurring productive investments and restoring international competitiveness. H.R. 1234, unfortunately, will do neither.

For all intents and purposes, domestic auto content is simply an open ended commitment by the U.S. Government to the perpetual protections of the auto industry. With it, we would remove the incentives for the industry to revive itself and become competitive again. This is no favor to the auto industry or its employees. It certainly provides no effective answer to the broader problems of America's basic industries.

I would like, for a moment, to address my Democratic colleagues on this side of the aisle. I know only too well that this vote is an extremely difficult one for many of you, as it is for me. But if we in the Democratic Party are indeed committed to a forward looking and fair economic policy, then it is incumbent upon us to defeat this bill. H.R. 1234 is not a positive plan to restore the competitiveness of the American automobile industry. It is a capitulation to the discredited policy of protectionism. This is not the legacy of the Democratic Party and should not become our rallying cry today. Rather than endorse domestic content, Democrats should unite behind the innovative proposals for the development of a rational and coherent industrial strategy. These are constructive approaches to the real problems of economic adjustment and they present a positive alternative to open ended protectionism.

Furthermore, H.R. 1234 unfairly places thousands of innocent and productive workers at risk in an effort to protect a single industry that is in trouble. The Democratic Party has committed itself to jobs for all Americans. If our only solution to the problem of widespread and long-term unemployment is to provide jobs with one hand while taking them away with the other, then we are not fulfilling our purpose. Moreover, we would be doing a disservice to the working people of this country.

H.R. 1234 harkens back to the failed policies of the past. The Democratic Party and this Congress must set itself clearly on a new course that will lead our country into the future and reestablish America's position as the world's most prosperous and productive society.

For these reasons, I urge my colleagues to defeat H.R. 1234.●

● Mr. SHUMWAY. Mr. Chairman, I rise in strong opposition to the legislation before us (H.R. 1234) which establishes minimum domestic content requirements for all automobiles sold in the United States. I must say I regret that we are once again considering this so-called Fair Practices in Automotive Products Act after an essentially identical bill was given a decent and well-deserved burial in the 97th Congress a short 10 months ago when the Senate refused to consider it. My opposition to this legislation has not changed; the fundamental flaws of domestic content legislation, so clearly revealed during debate by this body last December, remain in the bill before us. The Fair Practices in Automotive Products Act, in my view, is shortsighted, ill-advised, and irresponsible legislation which will increase unemployment, increase inflation, limit consumer choice, and, indeed, threaten the entire international economy.

There is no argument that the domestic automobile industry has confronted serious problems in recent years. However, over the past year, we have witnessed a tremendous turnaround in the automobile industry. An encouraging sign is that domestic auto sales for 1983 are currently 18.6 percent above 1982 levels; car sales for 1984, industry analysts predict, will surpass 10 million for the first time in 5 years. Further indications that the domestic automobile industry is bouncing back after a 4-year recession are the third quarter earnings posted by General Motors this week of a record $737 million and by Chrysler of $100 million. With car sales booming, General Motors, Ford and Chrysler have, respectively, recalled 65,000, 4,000, and 1,500 laid off workers. As production continues to increase, certainly additional workers can be expected to be called back as well.

Yet while the problems which face the domestic automobile industry have diminished markedly in the past 10 months, the political pressure for an automobile industry bailout have not as protectionist sentiment continues to emanate from certain quarters. While it is true that problems remain in the auto industry, such as the 180,000 workers still laid off, I do not believe that protectionist legislation, such as the bill before us today, will help to solve the problems which the industry continues to face. Rather, the creation of restrictionist barriers to trade would, in my view, do more harm than good.

While the reasons to oppose domestic content legislation are numerous, the economic costs of H.R. 1234 represent one of the fundamental flaws of the bill. Last year, the Congressional Budget Office (CBO), in its analysis of domestic content legislation, estimated that by 1990 such legislation would cause car prices to rise nearly $500, the gross national product to decline by 0.1 percent and inflation to grow 0.2 percent above current projections. Additionally, CBO notes that the net employment effect would be negative; automobile-related jobs would be offset by the elimination of nearly twice as many jobs in other industries. CBO concludes:

> Even in the absence of retaliatory actions, (domestic content legislation's) net long term results would be negative since gains for the U.S. automobile industry would be more than outweighed by losses in other sectors of the economy.

Clearly, Mr. Chairman, the adverse economic consequences of H.R. 1234 are considerable.

Additionally, Mr. Chairman, the legislation before us has serious implications for U.S. trade policy. Our free trade philosophy, which serves as the foundation of U.S. foreign economic policy, has contributed to the economic success of the United States and our trading partners for over 30 years. I submit it would be a serious mistake to turn our backs on that philosophy by enacting legislation which clearly violates the principles of the free market as well as the letter and spirit of our Nation's international obligations under the General Agreement on Tariff and Trade (GATT). Consequently, by enacting barriers to trade, we would heighten tensions in the international trading community and would invite similar protectionist measures from other foreign markets. With as many as one U.S. job in every five linked directly or indirectly to U.S. exports, such retaliatory actions by our trading partners would undoubtedly result in the substantial loss of jobs in nonautomobile export sectors.

I firmly believe that an open trade policy continues to best serve the needs of our Nation; we must, therefore, defeat this protectionist bill which benefits a single sector of the U.S. economy at the expense of consumers, other export industries, and global economic activity. Mr. Chairman, this legislation is clearly not in the best interests of our Nation or the international community. I, therefore, strongly urge my colleagues to join me in opposing H.R. 1234. Let us once and for all give domestic content the final burial it so rightly deserves.●

● Mr. CLAY. Mr. Chairman, I rise in support of the Fair Practices and Procedures in Automotive Products Act—"domestic content"—H.R. 1234. This vital legislation seeks to establish urgently needed domestic content requirements for motor vehicles sold in the United States.

Our Nation's auto industry is in a crisis. This bill would assure that the United States continues to have a viable automotive products industry by requiring that companies which sell large numbers of vehicles in the United States produce a fair share of the parts and components in our country. Domestic content is a common policy among nations which produce motor vehicles, and it is urgently needed in the United States.

At no time since the Great Depression have automobile producing communities experienced such a high level of sustained unemployment. The plight of the domestic automobile industry has cost the jobs of 1 million American workers. The hopelessness and personal tragedy experienced by these workers can no longer be ignored by Congress.

We know that the crisis in the domestic automobile industry has been severely aggravated by increasing auto imports from Japan. From 1978–81, domestic auto production plummeted while Japanese automobile imports increased over 37 percent. The Japanese share of the shrinking car market swelled from 12.1 to 21.8 percent. This jump in import penetration has occurred despite extensive rebates by the domestic companies and Japan's efforts to implement voluntary import restraints.

There is no justification for the passive trade and industrial policies which have nurtured the American auto crisis. All other major auto-producing nations, including our chief competitor, Japan, practice trade policies designed to increase exports and hold down imports. Economists and forecasters predict that hundreds of thousands of additional American jobs will be lost in the decline of the American auto industry if nothing is done to reverse the tide of imports.

The recent recessions have made us too well aware of the consequences of severe unemployment on the well-being of our society. The Fair Practices in Automobile Products Act is designed to bring the U.S. automobile industry up-to-date with prevailing world trade practices, protect the jobs of American workers and insure the future growth and productivity of our Nation. I urge my colleagues to help put our Nation back on the road to economic growth and prosperity by giving their support to H.R. 1234.●

● Mr. MURTHA. Mr. Chairman, I received a letter last week from a working man in the district I represent which I want to read to you.

I know that you agreed to be a sponsor of the Content Bill. I urge you to work with other members of Congress to have "1234" become law. It is of utmost importance to preserve our domestic auto industry. Also, it would be very harmful to the steel, rubber, glass, plastic, and other industries if this is not passed. Thank you for all your efforts.

That handwritten letter is as eloquent as any of the words we can say today. For those words come from the heart of a workingman in our Nation. Moreover, from a man in a section of the country that has been hard hit by the recession.

With the people of Detroit, the people of western Pennsylvania have been harder hit by this recession—a depression really in those areas—than any other part of the Nation.

Others during this debate will talk very well about the details of this bill. They are important, and the drafters have done an excellent job with them. But I want to talk about two other points—two meetings I have had.

The first comes from the office hours I hold in my area. I have held over 30 of them this year. At each of them I meet with families that are unemployed, who cannot feed, clothe, or pay for the medical bills for their families. While we can help with unemployment compensation and other legislation, what these people want most is the jobs they have been trained for, and the dignity of working.

To do that, we need to restore jobs in our basic industries. And to do that, we need to stop the flood of foreign imports in steel and autombiles that have cost us so many thousands of jobs.

As chairman of the House Steel Caucus, I have introduced two bills in this session to control foreign imports and insure "fair" trade. This bill represents the third key part of that trade-jobs triangle—by insuring that the American auto industry will be able to build on its recent progress, by giving it room to grow and restore jobs to our auto-working families.

The second meeting occurred with our Ambassador to Japan, former Senator Mike Mansfield. Meeting with him shortly after the House passed this bill before, he reported that no action by Congress had so impressed the Japanese officials with our desire to get serious about trade than the House passage of this bill. Well, I am even more serous about controlling that trade now, and if this bill impresses the Japanese with how serious we are, then it is accurate. We are serious. We can no longer standby and see foreign countries target U.S. industries for destruction; we can no longer see a steady flow of American jobs lost to foreign imports; we can no longer carry the defense burden for our allies, and then sit back and watch those very same allies destroy our economy.

We feel this problem directly in the 12th District of Pennsylvania. The Volkswagen plant is located in Westmoreland County. And 25 percent of the work formerly done at the Johnstown Bethlehem steel plant was tied to auto production. But the concern is not only local, the U.S. economy will not be firmly back on track until the American auto industry is firmly back on track.

I believe the auto content bill takes a giant stride in that direction. I have been proud to be a cosponsor in both the last two Congresses, and pleased to serve on the task force for passage each year. I believe this bill is essential to our workers and to our economic growth. We shall continue to fight for it—for it is a fight for our workers and our American economy.●

● Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to H.R. 1234, the Fair Practices and Procedures in Automotive Products Act of 1983.

We will probably find little to say that has not already been stated, restated, attacked, or defended dozens of times in this body or in many other forums across the country. The lengthy debate on this issue has been an exhaustive and an emotional one. My remarks, therefore, will focus on just a few points which, I hope, will merit my colleagues' serious consideration. I hope that after thoughtful analysis of all of the information presented, my colleagues will join me in opposing this well-intentioned but dangerously flawed proposal.

The lines have been quickly and deeply drawn on this issue. To be against H.R. 1234 one risks being labeled as insensitive to the needs of the automotive industry. Opposition to this bill potentially brands one as uncaring about the thousands of unemployed workers, anxious individuals who wait each day with growing frustration for a chance once again to earn an honest living and to make a useful contribution to their community.

Mr. Chairman, my family has sold Chevrolets in Utica, Nebr., for three generations. Of all the Members of this body, I am one who can readily identify with and understand the plight of that industry. Yet, I oppose H.R. 1234, as a misguided attempt to solve the problems of our own economy.

Mr. Chairman, we cannot revitalize the automotive industry by making the Japanese a scapegoat for our own failures or for the natural economic development. We must realize that H.R. 1234 could cast a long, wide shadow upon our trade relations with the entire world—not just the Japanese. In our rush to judgment, we risk long-term damage to our economy. Unless we vote "no" on this legislation, we may watch the Sun set on our hopes for economic revitalization nationally and internationally.

In our search for a solution to the unemployment problems and excess capacity plaguing the automobile industry, we would err greatly by adopting this domestic content legislation. We would err because by voting for H.R. 1234 we would accept a pessimis-

tic view of the industry and of U.S. capability to meet foreign competition. "The Fair Practices Act" is fundamentally flawed because it is premised upon a belief that the industry cannot compete unless market share is given to it. We in Congress must swiftly and thoroughly reject this foolish assumption.

In testimony last Thursday before the Economic Stabilization Subcommittee of the Banking Committee, the Assistant Secretary of Commerce for Productivity, Technology and Innovation, D. Bruce Merrifield gave the subcommittee some sage advice which I believe is important to this debate. Testifying as part of the subcommittee's lengthy study of industrial policy, he reminded us that—the United States has unparalleled opportunities and strengths which will enable it to maintain or reestablish economic preeminence:

We have a pool of unused or underused technology developed in the last 30 years that represents some 90 percent of all the world's scientific knowledge.

We have an industrial infrastructure that is unequaled in breadth and depth anywhere in the world.

We have the largest capital formation capability in the world and a venture capital industry that is funding hundreds of new projects and startups each year.

We have the world's largest, most coherent set of markets and a unique entrepreneurial culture.

In taking a broader look at the problems of our economy, Merrifield made an important observation: "Our current challenge," he said, "is the management of continual and rapid change, especially in technology." He further observed that,

> The economy is reacting appropriately right now to the challenges that we face. It is taking those actions that are needed to adjust to new technological and market realities . . . by letting the market make these adjustments we will not only achieve a highly efficient distribution of resources, but we will also expand such resources.

Mr. Chairman, in an attempt to find a quick-fix solution to the present problems of the automobile industry, we sacrifice the future for the present.

Make no mistake. Passage of domestic content legislation would be the first dangerous step on a road to a disastrous industrial policy, one built upon protectionism, dependence, and an assumption of weakness. By attempting to eliminate current economic pain for one industry, we destroy not only its hope of long-term economic revitalization, but the future for our economy, and possibly the world's economy. A nation littered with industries which run to the government at the first sign of trouble is a nation in ruin. If we adopt H.R. 1234 we will inhibit the changes which must be made for the long-term survival of this or any industry and we will most certainly set America off on a distressing economic road.

I urge my colleagues to remember the strengths of our economy and of the automobile industry. I urge my colleagues to look ahead with vision, not with fear of foreign competition and economic change. We can grow and prosper again without protectionistic economic bunkers. Have faith in America—vote against H.R. 1234.●

The CHAIRMAN. All time has expired for general debate.

Mr. OTTINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LEVIN of Michigan) having assumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1234) to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States, had come to no resolution thereon.

GENERAL LEAVE

Mr. OTTINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter in the bill, H.R. 1234, just under discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. DAUB) is recognized for 5 minutes.

● Mr. DAUB. Mr. Speaker, due to official business in my district on Friday, I was unable to vote on the passage of H.R. 2655 and Mr. BARTLETT'S amendment to this legislation.

If I had been present, I would have voted for Mr. BARTLETT'S amendment to remove the funding floor for the VISTA program. Establishing spending levels is not the purpose of an authorization but, rather, this is the responsibility of the Appropriations Committee. Additionally, I am concerned with adequate funding for other title I programs.

Second, I would have voted for the final passage of H.R. 2655. The volunteer program under title I of this bill have proven to be very effective, allowing a number of individuals the opportunity to contribute considerable time and effort to help alleviate the difficulties faced by the poor in our Nation.

The three Older American's programs included under title II of this act are essential as they provide elderly persons a chance to work with children who are physically and emotionally handicapped, to help elderly persons who are homebound and to participate in a variety of important projects. The success of these programs is a major factor in keeping our elderly persons active and healthy.●

CIVIL RIGHTS COMMISSION RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, today I am joining Congressman DON EDWARDS and a bipartisan group of my colleagues in introducing a resolution to make the Civil Rights Commission an arm of the Congress.

For the past several months, we have been attempting to reauthorize the Civil Rights Commission. The House of Representatives approved legislation, H.R. 2230, on August 4, 1983, to reauthorize the Commission for another 5 years. Since that date, the reauthorization effort has been delayed in the other body as it attempts to deal with both nominees to the Commission and the reauthorization. To date, efforts at compromise with the administration have not been successful, despite a bipartisan consensus in the Senate to extend the life of the Commission.

Mr. Speaker, since 1957 the Civil Rights Commission has been an independent body, investigating and assessing the civil rights policies of the U.S. Government. The Commission has survived every Democratic and Republican administration, and has served the people of this country well by keeping a watchful eye on compliance with civil rights laws by Federal agencies. There is a clear need for the Civil Rights Commission.

The Commission is now officially out of business, as its authority expired on September 30. To allow this to happen does a great disservice to the Congress and those who depend on civil rights laws to protect them from discrimination and assure them equal opportunity.

In order to continue the Civil Rights Commission's duties, I have joined my colleagues in introducing a concurrent resolution creating an eight-member Commission as part of the legislative, rather than executive, branch. The members of the Commission would be appointed by the Speaker of the House and the President pro tem of the Senate. The Commission would continue to investigate civil rights compliance in Federal agencies, with the additional responsibility of advis-

ing the Congress on civil rights issues. The new Commission would function as an advisory and investigatory agency similar to other arms of Congress such as the General Accounting Office and the Congressional Budget Office.

Mr. Speaker, we must take action on this measure prior to the end of this session of Congress. The Commission is currently winding down its activities, and will go out of business entirely on November 29. The Commission is too valuable to the work of the Congress and the people of the United States to permit its demise.●

NO DEALS, MR. VOLCKER, JUST LOWER THE RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, in my 1-minute speech today, I referred to the fact that President Reagan finds a large tax increase unacceptable, for good reasons. I also referred to the fact that Senator DOLE claims to have a deal with Federal Reserve Board Chairman Paul Volcker. The deal would link the Senator's package of tax increases without new congressional spending cuts to Federal Reserve lowering of interest rates. I find this deal, too, unacceptable.

It is outrageous for the Federal Reserve Board Chairman to be holding the United States and the world economy hostage, in the face of falling commodity prices, in order to exert leverage on Congress to pass a certain piece of legislation. If he can deliver lower interest rates as part of a deal, it means he can also deliver lower interest rates without a deal. What I would like to know, why he does not?

I submit the UPI wire stories on the subject for the attention of my colleagues. They should be as appalled as I am at the conduct of monetary policy in this Nation.

The articles follow:

BUDGET UPDATE

(By Mary Beth Franklin)

WASHINGTON.—President Reagan opposes Senate Finance Committee Chairman Robert Dole's broad plan to reduce the Federal Deficit by about $120 billion in the next three years, White House spokesman Larry Speakes said Friday.

Dole outlined his plan at a press conference Thursday. It calls for $54 billion in spending reductions and $56 billion in new revenue through fiscal 1986.

"I can't say people are jumping with joy" about the plan, Dole said, "but there has been some very positive reaction." He was joined by three Members of his Finance Committee: Senators John Danforth, Malcolm Wallop, and David Boren.

"We find the (Dole) plan unacceptable," Speakes said, "the President remains committed to his own Deficit-Reduction Plan." He said the Dole proposal has "too few spending cuts and a host of new and different kinds of taxes. The negatives far outweigh the positives."

BUDGET

(By Mary Beth Franklin)

WASHINGTON.—Senate Finance Committee Chairman Robert Dole has a broad plan to reduce the Federal deficit by about $120 billion in the next three years, but it's not clear whether the proposal will get much support.

Dole outlined his plan, which does not have the administration's support, at a press conference Thursday. It calls for $64 billion in spending reductions and $56 billion in new revenue through fiscal 1986.

"I can't say people are jumping with joy" about the plan, Dole said, "But there has been some very positive reaction."

He was joined by three members of his Finance Committee: Senators John Danforth, Malcolm Wallop, and David Boren.

"The deficit problem is so serious, we can't wait to do something," Danforth said in support of the vague proposal. "It's the last best chance to reduce the deficit by a substantial margin."

There was no indication how the rest of the 20-Member Committee feels about the package.

The Congressional Budget Office projects deficits of about $200 billion in each of the next three years.

Dole said his plan would reduce the Federal deficit to $187.2 billion this year, $154 billion in fiscal 1985 and $132 billion in fiscal 1986.

Dole also said that during a closed meeting with Federal Reserve Board Chairman Paul Volcker Thursday morning, Volcker indicated "that if we did the responsible thing on the fiscal side, it would give him more flexibility on the monetary side" to reduce interest rates.

The committee's counterpart in the House, the Ways and Means Committee, worked several months to produce a tax reform bill that would raise only $8 billion in new revenue over three years.

On the spending side, Dole's savings would not come from new budget cuts. Instead, he would count savings from bills already approved by Congress and from emergency powers bestowed on the President to withhold up to 2.5 percent of appropriated funds, reduce the annual cost-of-living adjustments in social security and government pension programs by up to 2.5 percent, and scale back the full effect of indexing that links income taxes to inflation beginning in 1985.

To avoid any charges of campaign politics, Dole said the emergency power would not take effect until 1985—after next year's elections.●

RAISING THE STAKES IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SHARP), is recognized for 5 minutes.

● Mr. SHARP. Mr. Speaker, however honorable American intentions—however right American goals—our Government made a tragic mistake placing our marines in a situation our colleague Mr. GIBBONS of Florida, prophetically and pointedly described as "too few to fight, too many to die."

Last night our President fervently affirmed his belief in the rightness of our goals and policy there. In that speech—and the speeches of other American leaders—I fear we are witnessing the escalation of American stakes in Lebanon.

I urge the President—I urge others—to be leary of escalating the rhetoric—escalating the reasons for our Lebanese presence—escalating the importance of Lebanon to American security.

Let us be extremely leary of making the outcome in Lebanon a test of American willingness and ability to check Russian expansion. Let us be leary of making the pursuit of present policy a test of the deep honor and respect we all have for our fallen men.

Yet, American interests in Lebanon are important; but as our colleague Mr. HAMILTON of Indiana, has said, they are not vital. Let us not talk ourselves into believing they are.

Raising the stakes in Lebanon will make it all the harder to change course—in any direction but military escalation.

Raising the stakes in Lebanon will make the consequences of any failure all the more severe for American interests in the Middle East and around the world.

Mr. Speaker, raising the stakes does not serve American interests well; it does not serve our Marines well.●

COMPENSATE VICTIMS OF UNDECLARED WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

● Mr. GONZALEZ. Mr. Speaker, I am today offering a bill to provide compensation for the victims of the disaster in Lebanon and the undeclared war in Grenada. This bill would also provide special compensation for those who might be killed in hostilities in Central America. We owe something to the families of the men who have died and may still die as a result of serving in the many dangerous frontiers into which they have been committed.

Specifically, my bill provides for the payment, tax free, of $50,000 to the

survivors of any service member who died in Lebanon this year, or for that matter, in the line of duty in any other foreign country. The death need not have been the result of hostile action. For example, military definitions of the cause of death could not exclude benefits for the survivors of the two marines killed in Beirut this year while trying to disarm a cluster bomb. That incident might not deemed "hostile action" but no fair standard could deny some kind of benefit to the survivors of those men. Likewise, the "line of duty" definition would provide compensation to the men killed by the recent suicide bombing, even though it has not, and may never be determined that this was a military assault, in the generally accepted meaning of the term. That is, while it may not be clear that the attacker belonged to anybody's army, it is sufficient that the men killed did die in the line of duty and would not have died but for the fact that they happened to be assigned to the peacekeeping force in Beirut. Similarly, the bill would provide compensation to victims of friendly fire, if such a tragedy should ever come to pass, or if a service member were killed by some other accident in the line of duty.

Furthermore, this bill would provide special benefits for the families of those wounded in the course of service overseas. Families would be allowed the use of Government visitor facilities close to the hospitals where their loved ones are being treated. The families would also receive a reasonable per diem to help cover expenses. A service member wounded in Lebanon is not likely to be hospitalized close to home. There is no reason why their families should suffer endless economic loss in order to be near their wounded sons. For example, no matter where a burn victim lives, that individual is going to be treated at Brooke Army Medical Center. Likewise, all the casualties from Lebanon are being sent to hospitals here in the east coast. It is a sensible and humane thing to facilitate the efforts of their families to be nearby.

I know that there are those who will say that there is no price that can be put on patriotism, and there are those who will say that death is expected in military service, and so no special compensation or assistance is warranted for those killed and wounded in Lebanon or Grenada, or wherever Americans are being exposed to hostile action. But let me remind you the Federal Government today pays a special compensation of $50,000 to law enforcement officers who are killed in the line of duty. If we can do that for law enforcement officers, there is no excusing the lack of similar treatment for young men who have died while protecting the interests of this country, serving in far-flung jobs that in no way appeared in any contract or commitment they agreed to. Dying or being gravely injured in an undeclared war or while serving with some multinational peacekeeping force is not in any soldier's contract to serve.

The least that we can do for the victims of undeclared war, and the victims of foreign commitments, is to extend to them the same kind of gratitude and consideration that we today provide for domestic law enforcement officers or even Congressmen who die while in office. These young people have given this country service above and beyond any reasonable call of duty, and they deserve more than our commendations; they, and their families deserve a fitting mark of our gratitude and respect, which this bill provides. I offer the text of the proposed bill for the RECORD at this point:

H.R. 4247

A bill to provide supplemental benefits for families of members of United States Armed Forces who have been wounded or killed in the line of duty in a foreign country

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "United States Armed Forces Supplemental Benefits Act of 1983".

BENEFITS FOR WOUNDED MEMBER'S FAMILY

SEC. 2. Chapter 53 of title 10, United States Code, is amended by adding the following section:

"§ 1041. Benefits to families of service members wounded in action

"In order to facilitate the recovery of those United States Armed Forces members wounded in the line of duty in any foreign country, reasonable transportation expenses to and from the treatment facility where the service member is being treated shall be provided for the immediate family of the member. In addition, a reasonable per diem and adequate guest housing shall be provided for the member's immediate family."

BENEFIT FOR DECEASED MEMBER'S FAMILY

SEC. 3. Section 1478 of title 10, United States Code, is amended by adding:

"(c) Survivors of a service member killed in the line of duty in any foreign country shall be paid a gratuity of $50,000, tax free, in addition to any other benefits already allowed by law."

EFFECTIVE DATE

SEC. 4. This Act shall be effective January 1, 1983.●

MANDATORY MEALS IN HUD ELDERLY HOUSING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

● Mr. ST GERMAIN. Mr. Speaker, earlier this year I was responsible for deleting a provision of H.R. 1, the Housing and Urban-Rural Recovery Act of 1983, which would have prevented the Secretary of HUD from prohibiting landlords in certain federally subsidized housing from establishing mandatory meals programs for their tenants.

I want to make sure that the record correctly reflects why I consider that provision to be inappropriate. As originally written, the bill would not have permitted the HUD Secretary to forbid landlords to require tenants to pay for meals, even if they were for physical or religious reasons unable to eat them. Simple justice mandated the elimination of such a provision.

Mr. Speaker, residents in federally subsidized housing frequently have trouble affording the special foods that they must eat and the medicines they must take. Often they are elderly, or disabled, or both. They live on limited, fixed incomes in many cases. No argument of administrative convenience can support the requirement that these people pay up to $150 a month to buy meals that they do not want.

Many elderly people have very special dietary needs. Religious considerations too often dictate that certain foods be eaten, or others avoided. Some tenants must eat only at certain times, while others may find that they are unable to attend meals set at a fixed schedule. And yet institutional meal arrangements cannot accommodate all of these special needs.

It is simply unfair to require people in federally subsidized housing to pay for mandatory meal programs. Voluntary communal meals should be encouraged, and in most cases will be beneficial to tenants. But we must respect the needs and desires of those who cannot or do not want to participate in such programs.

Mandatory meal plans are being challenged in courts all across the Nation. Some of these challenges have already been successful. I hope more are. I think these plans are illegal, and I am glad to see the courts recognizing that.

Mr. Speaker, the mandatory meal provisions of section 223(e) of the Housing and Urban-Rural Recovery Act of 1983 were eliminated not because they would be redundant, but because they would foster a gross inequity—an inequity that this House should not and will not permit.

Thank you.●

NATIONAL PROFESSIONAL AND TECHNOLOGY FOUNDATION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, today I am introducing the "National Professional and Technology Foundation Act of 1983." This legislation would provide a mechanism

for anticipating opportunities to develop cooperative public-private efforts among industry, government, labor, academia, and the professions. The establishment of this Foundation would serve to insure representative participation of all responsible sectors of society in national policymaking for the improvement of the economic, environmental and societal well-being of the United States. This bill does not propose central planning in any form, as this is not considered practical or desirable in our society. The goal, in fact, is to achieve the opposite of central planning by insuring that every segment of society contributes to national planning. The Foundation is not to usurp or assume any of the powers and responsibilities of the legislative or executive branches of the Government. The major Foundation responsibility shall be to assess existing and emerging national needs, evaluate the policy alternatives and present the results to the President, Congress, and the public for consideration. In addition, it combines several existing technology-oriented activities and authorities of the Federal Government into one well-focused institutional framework in order to more effectively contribute to our Nation's industrial competitiveness.●

THE PRESIDENT'S ADDRESS TO THE NATION

(Mr. BROOMFIELD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, I am certain that my colleagues will join me in commending the President for last night's masterful speech to the American people. I want to congratulate the President for the frank explanation of why America is committed to the stability of Lebanon, to the lives of American citizens, and to national security interests in the Caribbean.

I believe that President Reagan acted wisely in ordering the timely invasion of Grenada. As one who vividly recalls the agony of Americans who had sons, and husbands, in the hands of the Ayatollah Khomeini for 444 days, I share the President's concern that America was facing a repeat performance of that tragic and humiliating experience. As my colleagues well remember, our Government had prior indications that our Embassy in Tehran would be taken over. Unfortunately, nothing was done.

Although some of my colleagues in the House have suggested that there was no real need to evacuate the American students and others from the island, I believe that the situation there was rapidly deteriorating.

The charter aircraft which brought American consular officials to the island was fired upon as it took off. The new regime in Grenada appeared to have minimal respect for human life, due process, or social order. They came to power through bloodshed. Hudson Austin, Grenada's army strongman, has a reputation for violence and bloodletting. He engineered the bloodbath in which Bishop was slaughtered with 16 cabinet members and others including, children. Being far more pro-Cuban than his predecessor, he was well on his way to turning Grenada into a Communist police state.

American citizens evacuated from the island praised the President and U.S. forces for their actions. An American named Tom Greisamer said that there was "an air of repression" in Grenada and that martial law had been declared. He also noted that Grenadian citizens were being taken out of their homes and that people were being intimidated.

I also believe that the President took the initiative in denying the Soviets a future base for its expansionist efforts in this hemisphere. Although the Cubans on the island were often described as civilian construction workers engaged in an airport building project, recent events have shown that they were involved in more activities than we ever imagined. There were apparently 600 well-armed and well-trained Cuban military personnel on the island who had a wide range of military equipment, sophisticated communications gear, and large stockpiles.

It is interesting to note that their housing compound was near to the Soviet Embassy.

The so-called civilian workers fought extremely well and presented stiff resistance to U.S. troops. The Grenadian people were not fighting the American units, but the Cubans were. I understand that most Grenadians did not want their island to fall under the Soviet-Cuban sphere of influence. An American medical student named Phil Gianelli reported the following:

If I can use the term, the Grenadian people are very much in favor of the United States emancipating them * * *. They can't wait to parade down the street with Americans. They hate the Cubans and Soviets * * *. My neighbors couldn't wait to get their country back.

It is also curious that the highest Soviet official in the New World, four-star Deputy Minister of Defense, Gennadiy I. Sazhenev, recently arrived in Grenada as ambassador to that island. For a country of only about 100,000 people, the Soviet Embassy is inordinately large with a staff of 40 Soviet personel. It appears obvious to me that the Soviets and Cubans had definite plans for turning Grenada into another Cuba. With yet another base in that area, the Soviets could continue to export revolution, and terrorism to the small countries of the region.

With this information coming to our attention, I believe that we all owe a debt of gratitude to the President for his decisiveness in protecting not only American lives, but the security interests of the free world in this hemisphere.

The next of the President's address to the Nation follows for my colleagues review:

ADDRESS BY THE PRESIDENT TO THE NATION, OCTOBER 27, 1983

The PRESIDENT. My fellow Americans, some two months ago we were shocked by the brutal massacre of 369 men, women and children, more than 60 of them Americans, in the shooting down of a Korean airliner.

Now, in these past several days, violence has erupted again, in Lebanon and Grenada. In Lebanon, we have some 1,600 Marines, part of a multinational force that's trying to help the people of Lebanon restore order and stability to that troubled land. Our Marines are assigned to the south of the city of Beirut, near the only airport operating in Lebanon. Just a mile or so to the north is the Italian contingent and not far from them, the French and a company of British soldiers.

This past Sunday, at 22 minutes after 6 Beirut time, with dawn just breaking, a truck, looking like a lot of other vehicles in the city, approached the airport on a busy, main road. There was nothing in its appearance to suggest it was any different than the trucks or cars that were normally seen on and around the airport. But this one was different. At the wheel was a young man on a suicide mission. The truck carried some 2,000 pounds of explosives. But there was no way our Marine guards could know this. Their first warning that something was wrong came when the truck crashed through a series of barriers, including a chain-link fence and barbed wire entanglements. The guards opened fire; but it was too late. The truck smashed through the doors of the headquarters building in which our Marines were sleeping and instantly exploded. The four-story concrete building collapsed in a pile of rubble.

More than 200 of the sleeping men were killed in that one hideous, insane attack. Many others suffered injury and are hospitalized here or in Europe.

This was not the end of the horror. At almost the same instant, another vehicle on a suicide and murder mission, crashed into the headquarters of the French peacekeeping force, an eight-story building, destroying it and killing more than 50 French soldiers.

Prior to this day of horror, there had been several tragedies for our men in the multinational force, attacks by snipers and mortar fire had taken their toll. I called bereaved parents and/or widows of the victims to express on behalf of all of us our sorrow and sympathy.

Sometimes there were questions. And now many of you are asking: Why should our young men be dying in Lebanon? Why is Lebanon important to us?

Well, it's true, Lebanon is a small country, more than five-and-a-half thousand miles from our shores on the edge of what we call the Middle East. But every President who has occupied this office in recent years has recognized that peace in the Middle East is of vital concern to our nation and, indeed, to our allies in Western Europe and Japan. We have been concerned because the Middle East is a powder keg; four times in the last

30 years, the Arabs and Israelis have gone to war. And each time, the world has teetered near the edge of catastrophe.

The area is key to the economic and political life of the West. Its strategic importance, its energy resources, the Suez Canal, and the well being of the nearly 200 million people living there—all are vital to us and to world peace. If that key should fall into the hands of a power or powers hostile to the free world, there would be a direct threat to the United States and to our Allies.

We have another reason to be involved. Since 1948, our Nation has recognized and accepted a moral obligation to assure the continued existence of Israel as a nation. Israel shares our democratic values, and is a formidable force an invader of the Middle East would have to reckon with.

For several years, Lebanon has been torn by internal strife. Once a prosperous, peaceful nation, its government had become ineffective in controlling the militias that warred on each other.

Sixteen months ago, we were watching on our T.V. screens the shelling and bombing of Beirut which was being used as a fortress by P.L.O. bands. Hundreds and hundreds of civilians were being killed and wounded in the daily battles. Syria, which makes no secret of its claim that Lebanon should be a part of a greater Syria, was occupying a large part of Lebanon. Today, Syria has become a home for 7,000 Soviet advisors and technicians who man a massive amount of Soviet weaponry, including SS-21 ground-to-ground missiles capable of reaching vital areas of Israel.

A little over a year ago, hoping to build on the Camp David Accords which had led to peace between Israel and Egypt, I proposed a peace plan for the Middle East to end the wars between the Arab states and Israel. It was based on U.N. resolutions 242 and 338, and called for a fair and just solution to the Palestinian problem, as well as a fair and just settlement of issues between the Arab states and Israel.

Before the necessary negotiations could begin, it was essential to get all foreign forces out of Lebanon and to end the fighting there. So, why are we there? Well, the answer is straightforward: to help bring peace to Lebanon and stability to the vital Middle East. To that end, the multinational force was created to help stabilize the situation in Lebanon until a government could be established and a Lebanese army mobilized to restore Lebanese sovereignty over its own soil as the foreign forces withdrew. Israel agreed to withdraw as did Syria, but Syria then reneged on its promise. Over 10,000 Palestinians who had been bringing ruin down on Beirut, however, did leave the country.

Lebanon has formed a government under the leadership of President Gemayal. And that government, with our assistance and training, has set up its own army. In only a year's time, that army has been rebuilt. It is a good army composed of Lebanese of all factions.

A few weeks ago, the Israeli army pulled back to the Awali River in southern Lebanon. Despite fierce resistance by Syrian-backed forces, the Lebanese army was able to hold the line and maintain the defensive perimeter around Beirut.

In the year that our Marines have been there, Lebanon has made important steps toward stability and order. The physical presence of the Marines lends support to both the Lebanese government and its army. It allows the hard work of diplomacy to go forward. Indeed, without the peacekeepers from the U.S., France, Italy, and Britain, the efforts to find a peaceful solution in Lebanon would collapse.

As to that narrower question—What exactly is the operational mission of the Marines? The answer is, to secure a peace of Beirut, to keep order in their sector, and to prevent the area from becoming a battlefield. Our Marines are not just sitting in airport. Part of their task is to guard that airport. Because of their presence the airport has remained operational. In addition, they partol the surrounding area. This is their part—a limited, but essential part—in the larger effort that I've described.

If our Marines must be there, I'm asked, why can't we make them safer? Who committed this latest atrocity against them and why?

Well, we'll do everything we can to ensure that our men are as safe as possible. We ordered the battleship New Jersey to join our naval forces offshore. Without even firing them, the threat of its 16-inch guns silence those who once fired down on our Marines from the hills. And they're a good part of the reason we suddenly had a cease-fire. We're doing our best to make our forces less vulnerable to those who want to snipe at them or send in future suicide missions.

Secretary Shultz called me today from Europe, where he was meeting with the Foreign Ministers of our allies in the multinational force. They remain committed to our task. And plans were made to share information as to how we can improve security for all our men.

We have strong circumstantial evidence that the attack on the Marines was directed by terrorists who used the same method to destroy our Embassy in Beirut. Those who directed this atrocity must be dealt justice. And they will be. The obvious purpose behind the sniping and, now, this attack was to weaken American will, and force the withdrawal of U.S. and French forces from Lebanon. The clear intent of the terrorists was to eliminate our support of the Lebanese government, and to destroy the ability of the Lebanese people to determine their own destiny. To answer those who ask if we're serving any purpose in being there, let me answer a question with a question. Would the terrorists have launched their suicide attacks against the multinational force if it were not doing its job? The multinational force was attacked precisely because it is doing the job it was sent to do in Beirut. It is accomplishing its mission.

Now, then, where do we go from here? What can we do now to help Lebanon gain greater stability so that our Marines can come home? Well, I believe we can take three steps now that will make a difference. First, we will accelerate the search for peace and stability in that region. Little attention has been paid to the fact that we've had special envoys there working, literally, around the clock to bring the warring factions together. This coming Monday in Geneva, President Gemayel of Lebanon will sit down with other factions from his country to see if national reconciliation can be achieved. He has our firm support. I will soon be announcing a replacement for Bud McFarlane who was preceded by Phil Habib. Both worked tirelessly, and must be credited for much if not most of the progress we've made.

Second, we'll work even more closely with our allies in providing support of the government of Lebanon, and for the rebuilding of a national consensus.

Third, we will ensure that the multinational peacekeeping forces, our Marines, are given the greatest possible protection. Our Commandant of the Marine Corps, General Kelley, returned from Lebanon today and will be advising us on steps we can take to improve security.

Vice President Bush returned just last night from Beirut and gave me a full report of this brief visit.

Beyond our progress in Lebanon, let us remember that our main goal and purpose is to achieve a broader peace in all of the Middle East. The factions and bitterness that we see in Lebanon are just a microcosm of the difficulties that are spread across much of that region.

A peace initiative for the entire Middle East, consistent with the Camp David Accords and U.N. Resolutions 242 and 338, still offers the best hope for bringing peace to the region.

Let me ask those who say we should get out of Lebanon: If we were to leave Lebanon now, what message would that send to those who foment instability and terrorism?

If America were to walk away from Lebanon, what chance would there be for a negotiated settlement producing a unified democratic Lebanon?

If we turned our backs on Lebanon now, what would be the future of Israel? At stake is the fate of only the second Arab country to negotiate a major agreement with Israel. That's another accomplishment of this past year, the May 17th Accord signed by Lebanon and Israel.

If terrorism and intimidation succeed, it will be a devastating blow to the peace process and to Israel's search for genuine security. It won't just be Lebanon sentenced to a future of chaos. Can the United States, or the free world, for that matter, stand by and see the Middle East incorporated into the Soviet bloc? What of Western Europe and Japan's dependence on Middle East oil for the energy to fuel their industries? The Middle East, as I've said, vital to our national security and economic well being.

Brave young men have been taken from us. Many others have been greviously wounded. Are we to tell them their sacrifice was wasted? They gave their lives in defense of our national security every bit as much as any man who ever died fighting in a war. We must not strip every ounce of meaning and purpose from their courageous sacrifice.

We're a nation with global responsibilities. We're not somewhere else in the world protecting someone else's interests. We're there protecting our own.

I received a message from the father of a Marine in Lebanon. He told me, "In a world where we speak of human rights, there is a sad lack of acceptance of responsibility. My son has chosen the acceptance of responsibility for the privilege of living in this country. Certainly in this country one does not inherently have rights, unless the responsibility for these rights is accepted." Dr. Kenneth Morrison said that while he was waiting to learn if his son was one of the dead.

I was thrilled for him to learn today that his son Ross is alive and well and carrying on his duties in Lebanon.

Let us meet our responsibilities. For longer than any of us can remember, the people of the Middle East have lived from war to war with no prospect for any other future. That dreadful cycle must be broken. Why are we there? What a Lebanese mother told one of our Ambassadors, that her little girl had only attended school two of the last eight years. Now, because of our

presence there, she said her daughter could live a normal life. With patience and firmness, we can help bring peace to that strife-torn region—and make our own lives more secure. Our role is to help the Lebanese put their country together, not to do it for them.

Now I know another part of the world is very much on our minds, a place much closer to our shores: Grenada. The island is only twice the size of the District of Columbia with a total population of about 110,000 people.

Grenada and a half dozen other Caribbean islands here were, until recently, British colonies. They are now independent states and members of the British Commonwealth. While they respect each other's independence, they also feel a kinship with each other and think of themselves as one people.

On 1979 trouble came to Grenada. Maurice Bishop, a protege of Fidel Castro, staged a military coup and overthrew the government which had been elected under the Constitution left to the people by the British. He sought the help of Cuba in building an airport, which he claimed was for tourist trade, but which looked suspiciously suitable for military aircraft, including Soviet-built long-range bombers.

The six sovereign countries and one remaining colony are joined together in what they call the "Organization of Eastern Caribbean States." The six became increasingly alarmed as Bishop built an army greater than all of theirs combined. Obviously, it was not purely for defense.

In this last year or so, Prime Minister Bishop gave indications that he might like better relations with the United States. He even made a trip to our country and met with senior officials of the White House and the State Department. Whether he was serious or not, we'll never know. On October 12th, a small group in his militia seized him and put him under arrest. They were, if anything, more radical and more devoted to Castro's Cuba than he had been.

Several days later, a crowd of citizens appeared before Bishop's home, freed him, and escorted him toward the headquarters of the military council. They were fired upon. A number, including some children, were killed and Bishop was seized. He and several members of his cabinet were subsequently executed, and a 24-hour shoot-to-kill curfew was put in effect. Grenada was without a government, its only authority exercised by a self-proclaimed band of military men.

There were then about 1,000 of our citizens of Grenada, 800 of them students in St. Georges University Medical School. Concerned that they would be harmed or held as hostages, I ordered a flotilla of ships, then on its way to Lebanon with Marines—part of our regular rotation program, to circle south on a course that would put them somewhere in the vicinity of Grenada in case there should be a need to evacuate our people.

Last weekend, I was awakened in the early morning hours and told that six members of the Organization of Eastern Caribbean States, joined by Jamaica and Barbados, had sent an urgent request that we join them in a military operation to restore order and democracy to Grenada.

They were proposing this action under the terms of a treaty, a mutual assistance pact that existed among them. These small, peaceful nations needed our help. Three of them don't have armies at all, and the others have very limited forces. The legitimacy of their request, plus my own concern for our citizens dictated my decision. I believe our government has a responsibility to go to the aid of its citizens, if their right to life and liberty is threatened. The nightmare of our hostages in Iran must never be repeated.

We knew we had little time and that complete secrecy was vital to ensure both the safety of the young men who would undertake this mission, and the Americans they were about to rescue. The Joint Chiefs worked around the clock to come up with a plan. They had little intelligence information about conditions on the island. We had to assume that several hundred Cubans working on the airport could be military reserves. As it turned out, the number was much larger and they were a military force. Six hundred of them have been taken prisoner, and we have discovered a complete base with weapons and communications equipment which makes it clear a Cuban occupation of the island had been planned.

Two hours ago we released the first photos from Grenada. They included pictures of a warehouse of military equipment—one of three we've uncovered so far. This warehouse contained weapons and ammunition stacked almost to the ceiling, enough to supply thousands of terrorists. Grenada, we were told, was a friendly island paradise for tourism. Well, it wasn't. It was a Soviet-Cuban colony, being readied as a major military bastion to export terror and undermine democracy. We got there just in time.

I can't say enough in praise of our military—Army rangers and paratroopers, Navy, Marine and Air Force personnel—those who planned a brilliant campaign, and those who carried it out. Almost instantly, our military seized the two airports, secured the campus where most of our students were, and are now in the mopping-up phase. It should be noted that in all the planning, a top priority was to minimize risk, to avoid casualties to our own men and also the Grenadian forces as much as humanly possible. But there were casualties, and we all owe a debt to those who lost their lives or were wounded. They were few in number, but even one is a tragic price to pay.

It's our intention to get our men out as soon as possible. Prime Minister Eugenia Charles of Dominica—I called that wrong, she pronounces it Dominica—she is Chairman of OECS. She's calling for help from Commonwealth nations in giving the people their right to establish a constitutional government on Grenada. We anticipate that the Governor General, a Grenadian, will participate in setting up a provisional government in the interim.

The events in Lebanon and Grenada, though oceans apart, are closely related. Not only has Moscow assisted and encouraged the violence in both countries, but it provides direct support through a network of surrogates and terrorists. It is no coincidence that when the thugs tried to wrest control over Grenada, there were 30 Soviet advisors and hundreds of Cuban military and paramilitary forces on the island. At the moment of our landing, we communicated with the governments of Cuba and the Soviet Union and told them we would offer shelter and security to their people on Grenada. Regrettably, Castro ordered his men to fight to the death and some did. The others will be sent to their homelands.

You know, there was a time when our national security was based on the standing army here within our own borders and shore batteries of artillery along our coasts. And, of course, a Navy to keep the sea lanes open for the shipping of things necessary to our well-being.

The world has changed. Today, our national security can be threatened in far away places. It is up to all of us to be aware of the strategic importance of such places and to be able to identify them. Sam Rayburn once said that freedom is not something a nation can work for once and win forever. He said it's like an insurance policy; its premiums must be kept up to date. In order to keep it, we have to keep working for it and sacrificing for it just as long as we live. If we do not, our children may not know the pleasure of working to keep it, for it may not be theirs to keep.

In these last few days, I have been more sure than I've ever been that we Americans of today will keep freedom and maintain peace. I've been made to feel that by the magnificent spirit of our young men and women in uniform and by something here in our nation's capital. In this city, where political strife is so much a part of our lives, I've seen Democratic leaders in the Congress join their Republican colleagues, send a message to the world that we're all Americans before we're anything else, and when our country is threatened, we stand shoulder to shoulder in support of our men and women in the Armed Forces.

May I share something with you I think you'd like to know? It is something that happened to the Commandant of our Marine Corps, General Paul Kelley, while he was visiting our critically injured Marines in an Air Force hospital. It says more than any of us could ever hope to say about the gallantry and heroism of these young men; young men who serve so willingly so that others might have a chance at peace and freedom in their own lives and in the life of their country.

I'll let General Kelley's words describe the incident. He spoke of a "young Marine with more tubes going in and out of his body than I have ever seen in one body."

"He couldn't see very well. He reached up and grabbed my four stars, just to make sure I was who I said I was. He held my hand with a firm grip. He was making signals and we realized he wanted to tell me something. We put a pad of paper in his hand—and he wrote 'Semper fi.'"

Well, if you've been a Marine or if, like myself, you're an admirer of the Marines, you know those words are a battle cry, a greeting, and a legend in the Marine Corps. They're Marine shorthand for the motto of the Corps—"Semper Fidelis"—"always faithful."

General Kelley has a reputation for being a very sophisticated general and a very tough Marine. But he cried when he saw those words, and who can blame him.

That Marine, and all those others like him, living and dead, have been faithful to their ideals, they've given willingly of themselves so that a nearly defenseless people in a region of great strategic importance to the free world will have a chance someday to live lives free of murder and mayhem and terrorism. I think that young Marine and all of his comrades have given every one of us something to live up to. They were not afraid to stand up for their country or, no matter how difficult and slow the journey might be, to give to others that last, best hope of a better future. We cannot and will not dishonor them now and the sacrifices they've made by failing to remain as faith-

ful to the cause of freedom and the pursuit of peace as they have been.

I will not ask you to pray for the dead because they're safe in God's loving arms and beyond need of our prayers. I would like to ask you all—wherever you may be in this blessed land—to pray for these wounded young men and to pray for the bereaved families of those who gave their lives for our freedom.

God bless you and God bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. DYSON (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROYHILL) to revise and extend their remarks and include extraneous material:)

Mr. DAUB, for 5 minutes, today.

Mr. FISH, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. KEMP, for 30 minutes, today.

(The following Members (at the request of Mr. OTTINGER) to revise and extend their remarks and include extraneous material:)

Mr. FORD of Michigan, for 5 minutes, today.

Mr. SHARP, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ST GERMAIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WEISS, prior to the vote on H.R. 2655.

Mr. BEREUTER, in support of the Bartlett amendment to H.R. 2655 in the Committee of the Whole today.

Mr. PICKLE, immediately after initial remarks of Mr. JONES of Oklahoma.

(The following Members (at the request of Mr. BROYHILL) and to include extraneous matter:)

Mr. FRENZEL in five instances.

Mr. GOODLING in two instances.

Mr. FORSYTHE.

Mr. COUGHLIN.

Mr. KEMP in two instances.

Mr. SHUMWAY.

Mr. BROOMFIELD.

Mr. LOEFFLER.

Mr. KASICH.

(The following Members (at the request of Mr. OTTINGER) and to include extraneous matter:)

Mr. JACOBS.

Mr. CARR.

Mr. OTTINGER.

Mrs. SCHROEDER.

Mr. MINETA.

Mr. FLORIO.

Mr. MARTINEZ in two instances.

Mr. LONG of Maryland.

Mr. MARKEY in two instances.

Mr. ZABLOCKI in two instances.

Mr. SHARP.

Mr. EDWARDS of California.

Mr. RODINO.

Mr. BARNES.

Mr. LEHMAN of Florida.

Mr. NELSON of Florida.

Mr. WEISS.

Mr. AUCOIN.

Mr. PATMAN.

Mr. DASCHLE.

Mr. FOLEY.

Mr. ST GERMAIN.

Mr. HOYER.

Mr. GAYDOS.

Mr. BRITT.

Mr. ANDREWS of Texas.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 188. Joint resolution to designate the month of November 1983 as "National Christmas Seal Month"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. OTTINGER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock p.m.) under its previous order, the House adjourned until Monday, October 31, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2059. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period November 1, 1983 to December 1, 1983, pursuant to 10 U.S.C. 139; to the Committee on Armed Services.

2060. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed offer to sell certain defense articles to Egypt (Transmittal No. 84-15), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2061. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed offer to sell Turkey certain defense articles (Transmittal No. 84-14), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2062. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed intention to sell certain defense articles and services to Egypt (Transmittal No. 84-15), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2063. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed intention to sell certain defense articles and services to Turkey (Transmittal No. 84-09), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2064. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intension to sell certain defense articles and services to Turkey (Transmittal No. 84-14), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2065. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations concerning contributions and expenditures by corporations and labor organizations for nonpartisan communications, pursuant to section 311(d) of Public Law 92-225; to the Committee on House Administration.

2066. A letter from the Secretary of Agriculture/Secretary of Energy, transmitting a comprehensive biomass energy production and use plan for the 1983-90 period, prepared jointly by their respective Departments, pursuant to sections 211(a) and (b) of Public Law 96-294; jointly, to the Committee on Agriculture, Energy and Commerce, and Science and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JENKINS:

H.R. 4244. A bill to amend the Internal Revenue Code of 1954 to promote the contribution of high technology equipment to selected vocational and technical programs to promote training; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. WALGREN, Mr. LUNDINE, Mr. DYMALLY, Mr. UDALL, Mr. WAXMAN, Mr. EDGAR, Mrs. SCHROEDER, Mr. HAWKINS, Mr. BEILENSON, Mr. BERMAN, Mr. TORRES, and Mr. LEVINE of California):

H.R. 4245. A bill to advance the national prosperity, quality of life, and welfare, to establish a National Professions and Technology Foundation, and for other purposes; jointly, to the Committees on Science and Technology and the Judiciary.

By Mr. COURTER:

H.R. 4246. A bill to amend title 39, United States Code, to allow the U.S. Postal Service to furnish certain address lists to the Bureau of the Census; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 4247. A bill to provide supplemental benefits for families of members of U.S. Armed Forces who have been wounded or killed in the line of duty in a foreign country; to the Committee on Armed Services.

By Mr. HUBBARD (for himself and Mr. TAUZIN):

H.R. 4248. A bill to authorize appropriations for fiscal year 1984 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER (for himself, Mr. HYDE, Mr. BROOKS, Mr. MAZZOLI, Mr. SYNAR, Mrs. SCHROEDER, Mr. GLICKMAN, Mr. FRANK, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. DEWINE, and Mr. SAWYER):

H.R. 4249. A bill to amend title 18, United States Code, to provide for the protection of Goverment witnesses in criminal proceedings, to establish a U.S. Marshals Service, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 4250. A bill to amend the Internal Revenue Code of 1954 to provide that losses attributable to disasters determined to warrant assistance under the Disaster Relief Act of 1974 shall be allowable as a deduction without regard to whether they exceed 10 percent of the adjusted gross income of the taxpayer; to the Committee on Ways and Means.

By Mr. ARCHER (for himself, Mr. KEMP, Mr. CHENEY, Mr. COURTER, Mr. PHILIP M. CRANE, Mr. DANNEMEYER, Mr. DEWINE, Mr. DREIER of California, Mr. EMERSON, Mr. FIELDS, Mr. FORSYTHE, Mr. FRENZEL, Mr. GREGG, Mr. SAM B. HALL, JR., Mr. HANSEN of Utah, Mr. HILER, Mr. KINDNESS, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LIVINGSTON, Mr. LOTT, Mr. LOWERY of California, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCEWEN, Mrs. MARTIN of Illinois, Mr. NIELSON of Utah, Mr. PORTER, Mr. RIDGE, Mr. RUDD, Mr. DENNY SMITH, Mr. SOLOMON, Mr. WALKER, and Mr. WHITEHURST):

H.J. Res. 404. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations bills; to the Committee on the Judiciary.

By Mr. COURTER:

H.J. Res. 405. Joint resolution to extend the term of the Presidential Commission for the German-American Tricentennial, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WEISS (for himself and Mr. CROCKETT):

H.J. Res. 406. Joint resolution declaring that the President violated the constitutional prerogative of the Congress to declare war when he ordered U.S. Armed Forces to invade Grenada on October 25, 1983, and requiring the immediate withdrawal of U.S. Armed Forces from Grenada; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California (for himself, Mr. FISH, Mr. KASTENMEIER, Mr. CONYERS, Mrs. SCHROEDER, Mr. SCHUMER, Mr. LOWRY of Washington, Mr. CLINGER, Mr. LEACH of Iowa, Ms. SNOWE, Mr. DIXON, Mr. GARCIA, Mr. GRAY, Mr. MCKINNEY, Mr. PRITCHARD, Mrs. MARTIN of Illinois, Mr. TORRES, Mrs. JOHNSON, and Mrs. SCHNEIDER):

H. Con. Res. 200. Concurrent resolution to establish a Commission on Civil Rights in the legislative branch of the Federal Government; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself and Mr. WALKER):

H. Con. Res. 201. Concurrent resolution expressing the sense of the Congress commending the U.S. Marines and Rangers in their efforts to protect and safeguard American lives in Grenada; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 953: Mrs. COLLINS.

H.R. 1013: Mr. SHUMWAY.

H.R. 1219: Mr. WON PAT, Mr. HARRISON, Mr. DICKS, Mr. RAY, Mr. PATMAN, Mr. O'BRIEN, Mr. MOLLOHAN, Mr. DANNEMEYER, Mr. CORRADA, and Mr. FROST.

H.R. 1415: Mr. CHAPPELL, Mr. MADIGAN, Mr. DORGAN, Mr. ROBINSON, and Mr. MACKAY.

H.R. 1903: Mr. AKAKA.

H.R. 1918: Mr. PRITCHARD.

H.R. 2053: Mr. BLILEY, Mr. LAFALCE, and Mr. HYDE.

H.R. 2852: Mr. SCHUMER.

H.R. 3371: Mr. BRITT.

H.R. 3478: Ms. FERRARO, Mr. BILIRAKIS, and Mr. MOLLOHAN.

H.R. 3777: Mr. DICKINSON, Mr. FRANKLIN, Mr. GINGRICH, Mr. ROBINSON, Mr. ROSE, Mr. THOMAS of Georgia, and Mr. WHITEHURST.

H.R. 3790: Mr. DUNCAN.

H.R. 3866: Mr. EDWARDS of Oklahoma.

H.R. 3950: Mr. FAZIO, Mr. FORSYTHE, Mr. EDWARDS of California, Mr. STARK, Mr. HUTTO, Mr. JONES of North Carolina, and Mr. GONZALEZ.

H.R. 3967: Mr. KOGOVSEK, Mr. PENNY, Mr. RICHARDSON, Mr. MCNULTY, Mr. TALLON, and Mr. BEDELL.

H.R. 3990: Mr. WEAVER, Mr. SAVAGE, Mr. YATES, Mr. FRANK, Mr. CROCKETT, Mr. MINISH, Mr. WILSON, Mr. ROE, Mr. ROYBAL, and Mr. FAUNTROY.

H.R. 4016: Mr. MCNULTY, Mr. WEISS, and Mr. WILLIAMS of Montana.

H.R. 4049: Mr. JONES of Oklahoma and Mr. LEACH of Iowa.

H.R. 4050: Mr. JONES of Oklahoma and Mr. LEACH of Iowa.

H.R. 4051: Mr. LEACH of Iowa.

H.R. 4078: Mr. WYLIE and Mr. MACKAY.

H.R. 4092: Mr. TAUKE, Mr. WYDEN, Mr. TALLON, Mr. MCNULTY, Mr. RAHALL, and Mr. PEASE.

H.R. 4105: Mr. DUNCAN.

H.R. 4106: Mr. HORTON.

H.R. 4161: Mr. PRITCHARD and Mr. GUNDERSON.

H.R. 4187: Mr. DREIER of California, Mr. FRANK, and Mr. VENTO.

H.J. Res. 82: Mr. PAUL.

H.J. Res. 272: Mrs. HOLT, Mr. HORTON, Mr. GUARINI, Mr. MARRIOTT, Mr. FRENZEL, Mr. TOWNS, Mr. LIPINSKI, Ms. OAKAR, Mr. FAZIO, Mr. SIMON, Mr. CHANDLER, Mrs. HALL of Indiana, and Mr. JENKINS.

H.J. Res. 361: Mr. OXLEY, Mr. PATMAN, and Mr. CORCORAN.

H.J. Res. 382: Mr. BOSCO, Mr. DASCHLE, Mr. HUCKABY, Mr. RALPH M. HALL, Mrs. HOLT, Mr. LAGOMARSINO, Mr. MILLER of Ohio, Mr. PEASE, and Mr. MRAZEK.

H.J. Res. 383: Mr. DAUB, Mr. JENKINS, Mr. GRAMM, Mr. CAMPBELL, Mr. DONNELLY, Mr. BIAGGI, Mr. BOLAND, Mr. BROWN of California, Mr. ACKERMAN, Mr. CHAPPIE, Mr. PATTERSON, Mr. DURBIN, Mr. BEDELL, Mr. CORCORAN, Mr. HANSEN of Idaho, Mr. KEMP, Mr. LENT, Mr. LEWIS of California, Mr. WYLIE, Mr. COOPER, and Mr. ARCHER.

H.J. Res. 395: Mr. WEAVER, Mr. SAM B. HALL, JR., Mr. OWENS, and Mr. EDWARDS of California.

H. Con. Res. 189: Mr. DELLUMS, Mr. BORSKI, Mr. GILMAN, Mr. LENT, Mr. FAUNTROY, Mr. MRAZEK, Mr. EVANS of Illinois, Mr. RATCHFORD, Mr. COYNE, Ms. FERRARO, Mr. MITCHELL, and Mr. WEISS.

H. Con. Res. 190: Mr. PATTERSON, Mr. LEVIN of Michigan, Mr. FISH, Mr. BATEMAN, Mr. FRENZEL, Mr. DYMALLY, Mr. ROE, Mr. PASHAYAN, Mr. ANDREWS of Texas, Mr. MCGRATH, Mr. NIELSON of Utah, Mr. MCEWEN, Mrs. BOXER, Mr. MADIGAN, Mr. ZSCHAU, Mr. BOEHLERT, and Mr. MCCANDLESS.

H. Res. 322: Mr. FOLEY, Mr. THOMAS of Georgia, Mr. EMERSON, Mr. HARKIN, Mr. VOLKMER, Mr. ROBERTS, Mr. STENHOLM, Mr. COLEMAN of Missouri, Mrs. MARTIN of Illinois, Ms. KAPTUR, Mr. TORRICELLI, Ms. SNOWE, Mr. GLICKMAN, Mr. FRENZEL, Mr. HORTON, Mr. KINDNESS, Mr. PENNY, Mr. FRANK, Mr. LEACH of Iowa, Mr. MACKAY, Mr. BROWN of Colorado, Mr. STARK, Mr. ECKART, and Mr. DAUB.

H. Res. 327: Mr. JONES of Oklahoma and Mr. LEACH of Iowa.

H. Res. 334: Mr. LELAND, Mr. RICHARDSON, Mr. MORRISON of Connecticut, Mr. PATMAN, Mr. WYDEN, Ms. MIKULSKI, Mr. HUGHES, Mr. GEJDENSON, and Mr. UDALL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

263. The Speaker presented a petition of Jewell Whitaker, et al., South Lebanon, Ohio, relative to the Cave Creek area of RARE 2 in Kentucky; which was referred to the Committee on Interior and Insular Affaris.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1234

By Mr. GLICKMAN:

—On page 27, after line 10, insert the following new subsection:

"(c) INAPPLICABILITY OF RATIOS IN THE CASE OF PRESIDENTIAL PROCLAMATION.—Ratios determined under this section shall have no effect with regard to a nation in the event that the President issues a proclamation not less than ninety days before the first day of the model year stating that that nation is not imposing unfair restrictions against the entry of U.S. products into its domestic market.".

H.R. 2867

By Mr. GORE:

—Page 58, after line 14, insert:

CORRECTIVE ACTION BEYOND FACILITY BOUNDARIES; UNDERGROUND TANKS

SEC. 24A. Section 3004 is amended by adding the following new subsections after subsection (1):

"(m) CORRECTIVE ACTIONS BEYOND FACILITY BOUNDARY.—As promptly as practicable after the date of the enactment of this subsection, the Administrator shall amend the standards under this section regarding corrective action required at facilities for the treatment, storage, or disposal, of hazardous waste to require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the Administrator that,

despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Such regulations shall take effect immediately upon promulgation, notwithstanding section 3010(b), and shall apply to—

"(1) all facilities operating under permits issued under subsection (c), and

"(2) all landfills, surface impoundments, and waste pile units (including any new units, replacements of existing units, or lateral expansions of existing units) which receive hazardous waste after July 26, 1982. Pending promulgation of such regulations, the Administrator shall issue corrective action orders for facilities referred to in paragraph (1) and (2), on a case-by-case basis, consistent with the purposes of this subsection.".

"(n) UNDERGROUND TANKS.—Not later than March 1, 1985, the Administrator shall promulgate final permitting standards under this section for underground tanks that cannot be entered for inspection.".

Make the necessary conforming changes in the table of contents.

By Mr. TRAXLER:

—Page 48, in line 12, after "(1)" insert "(A)".

Page 48, after line 17, insert:

"(B) The double-liner requirement set forth in subparagraph (A) may be waived by the Administrator for any monofill if such monofill meets the same requirements as are applicable in the case of a waiver under section 3005(h)(3).".

SENATE—*Friday, October 28, 1983*

(Legislative day of Monday, October 24, 1983)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Abraham, Isaac, and Israel, Moses in the law commanded, "Thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might." (Deuteronomy 6: 5). Jesus said this was "the first and great commandment," and that "the second is like unto it, 'Thou shalt love thy neighbor as thyself,'" and that "all the law and all the prophets hang on these two commandments." (Matthew 22: 38-40). The apostle Paul said, ". . . love is the fulfilling of the law." (Romans 13: 10).

Father in Heaven, help us to love Thee, to love ourselves and to love each other. Help us who make laws to take the law seriously, and obey it. In Thy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, when the Senate resumes consideration of House Joint Resolution 308, the Chiles amendment numbered 2459, which is a sense-of-the-Congress resolution with respect to Cuban nationals, will be the pending question. The debt limit bill will be the pending business.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. President, I ask unanimous consent that, after the time allocated to the two leaders under the standing order has expired or been yielded back, there be a period for transaction of routine morning business until not later than 10:15 a.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. BAKER. Mr. President, at 10:15 a.m. the Senate will be on the debt limit bill.

Mr. President, I must say I was necessarily absent from the Senate yesterday afternoon on a matter of some importance and I was not here when the Senate acted on the Armstrong amendment. I would like to have an opportunity to confer with the manager of the bill on this side, Senator DOLE, with the minority leader, and with other Senators, including Senator ARMSTRONG, before I make a further announcement.

But, for the moment, the schedule of the Senate is still as announced; that is, if we can finish this bill today, we will do so. If we can do it tomorrow, we will do that. If we do not finish today, we will be in tomorrow. And if we cannot finish it today and we cannot finish on Saturday, then we will be on this bill on Monday, but there is an order now that no votes will occur on this bill prior to 5 p.m. That is still the schedule of the Senate. If there is any change in that schedule, I will make an announcement as soon as possible.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, the majority leader means, with reference to 5 o'clock p.m., he means Monday only, does he not?

Mr. BAKER. Yes, Monday only.

DISABILITY INSURANCE MUST BE REFORMED NOW

Mr. BYRD. Mr. President, I am confident that virtually every Member of this body is very much aware of the problems that have appeared in the social security disability insurance, or SSDI, program during the past 2 years. My confidence is based upon the fact that thousands of the disabled persons the Congress intended this program to serve have been negatively affected by these problems, and rightly have called the attention of their elected representatives to them and the great need to remedy them as quickly as possible. I am sure my colleagues have received the same kind of correspondence and personal requests that I have received on this subject.

So I will not take the Senate's time today to attempt to provide an exhaustive history of the development of these problems.

I will, however, recall some of the most pertinent facts in this development.

During 1980, responding to reports that disability payments were being paid to some persons who were not truly disabled, the Congress enacted the Social Security Disability Amendments of 1980. One of its provisions required the Social Security Administration, or SSA, beginning in 1981, to review the status of each SSDI recipient at least once every 3 years unless the recipient's disability had been classified as permanent.

When the Reagan administration took office in 1981, its appointees to senior Health and Human Services and SSA positions just could not wait to get their hands on this program. They evidently saw a grand opportunity to achieve dramatic savings by instituting these reviews immediately—without taking the time or effort to carefully plan the review criteria that would be employed or to carefully train the disability program workers who would be charged with making the reviews. Further, evidence is available that SSA officials, in the words of the New York Times, "quietly made clear * * * that more claims were to be denied."

And that was exactly what happened. Between March 1981 when the reviews began and June of this year, 1,134,000 disabled persons' cases have been reviewed. For some time, the rate of termination from these reviews was running at close to 50 percent. For over a year it hovered around 45 percent. After the furor over this situation began to build earlier this year, the administration took some limited steps to reduce the severity of these reviews, and the termination rate now has dropped to under 40 percent.

In all, by June of this year, 421,000 of the 1,134,000 persons reviewed since March 1981 had been terminated. Many of these appealed the termination decision. Administrative law judges within the Health and Human Services Department reversed a remarkable proportion of these termination decisions, further raising questions about the reliability of the SSA's new review processes.

To add to the consternation caused to the disabled by this newly fierce review process, the number of appealed terminations has slowed an already overburdened appellate process to a crawl. In September, over 173,000 appeals cases were pending before the administrative law judges—an increase of 60,000 in the backlog in only 1 year. Some individuals must wait from 6 to 12 months even to get a hearing before an administrative law judge—at

which the judges often have been concluding that termination was unwarranted in the first place. The needless agony and uncertainty caused to the disabled by this situation—most of whom believe they have no prospect of obtaining or successfully holding gainful employment—can be devastating.

Originally, this picture was even worse, because disability benefits were halted upon the initial finding of ineligibility. The Congress at least has intervened to allow benefit continuation through the administrative law judge level of the appellate process. Just 2 weeks ago we again extended the emergency provision to do this into December. But even this temporary tourniquet has its shortcomings, greatly exacerbated by the long delays now being experienced in the appellate process. If a person chooses to continue receiving benefits during the course of his appeal, but ultimately is found to be ineligible, he is obligated to repay all benefits since the initial decision. Even if a person is convinced that he truly is disabled and the appellate process should affirm his eligibility, the possibility of a contrary verdict understandably produces fear and tension, hardly something needed by those already suffering from various types of physiological or mental dysfunction or impairment.

A number of the terminations of benefits ultimately have been appealed to the Federal courts. In many cases decisions have gone against the administration. Some court decisions have found that SSA must find evidence of medical improvement before a DI recipient can be terminated and that eligibility standards for the mentally impaired disabled were improper and should not be used. However, SSA has a policy that it will not follow court rulings with which it disagrees except in the individual case considered by the court—and instructs its administrative law judges to continue to apply its existing standards and policies rather than court rulings.

Things have gotten so bad that a number of the States—including my own State of West Virginia—have taken matters into their own hands, either tossing out the SSA eligibility determination and redetermination criteria and substituting their own, or imposing a moratorium on all disability program terminations until adequate criteria are developed and implemented. When coupled with the fact that a number of State disability determination agencies are operating under varying court-ordered criteria, in effect we no longer have a national disability insurance program.

Out of all of this, Mr. President, one thing is crystal clear: What we do have on our hands is a crisis. It is a crisis that should be resolved just as quickly as possible. Surely it must not be allowed to persist until the Congress returns to session in January of next year. The Ways and Means Committee of the House has recognized this, and has processed a major bill to correct the problems of the disability insurance program; as one title of the committee's reconciliation bill, it should receive House floor action very soon.

Here in the Senate, there have been a number of Senators who have taken the lead in examining the scope of the problems with the program and in devising legislation to address those problems. Principal among these have been the distinguished chairman and ranking minority member of the Governmental Affairs Subcommittee on Oversight, Senators COHEN and LEVIN. Based upon evidence obtained at hearings of their subcommittee, they introduced remedial legislation last year, and reintroduced that legislation this year—S. 476. They have been joined in their efforts by 32 Senators from both parties who are cosponsors of S. 476.

Their bill can and should be a vehicle for the Senate to use this year to make the major adjustments in the DI program that are necessary to remedying the confusion, hurt, and chaos that pervade the program currently. Let me review some of the components of the bill.

It requires SSA to conduct disability reviews reasonably, according to criteria incorporating complete and recent medical histories and information.

It requires SSA to provide proof of medical improvement before declaring a person ineligible.

It requires SSA to use face-to-face hearings for applicants and current beneficiaries denied eligibility.

It requires SSA to continue the current emergency practice of paying benefits to beneficiaries declared ineligible in disability reviews, if appealed, until an administrative law judge rules in the case.

It requires SSA to implement throughout the entire SSDI caseload any decisions of circuit courts of appeals pertaining to SSDI, or to request review of the decision by the Supreme Court.

I am proud to be a cosponsor of this legislation, and to associate myself with the 31 other Senators who currently have joined to support this legislation. The bill is carefully drawn, responsible in its objectives, and a worthy vehicle for the changes that so badly need to be made.

However, Mr. President, I do not stand here today to claim that it is perfect in every respect. I do not believe even the distinguished authors of the bill, the Senators from Maine and Michigan, would claim perfection for their bill. Bills are not necessarily perfect when they are introduced. Of course, it is for this reason that we have a committee system. I believe I can speak for the sponsors and the cosponsors of this bill when I say that we are eager for the Committee on Finance, which has purview over this program, to consider this bill, to determine areas where it needs to be strengthened, to apply its expertise in this program to the problems and the solutions the bill proposes, and to report a bill reflecting this consideration for floor action.

But our acknowledgment of the desirability of committee action in no way diminishes the importance I and the other cosponsors attach to taking definite action this year to address the DI program's problems. To adjourn without taking action on such legislation would be irresponsibile; it would be unjust and inhumane for the disabled persons in our Nation for whom the presence of the disability insurance program is a tangible congressional promise of help where legitimate need exists; and it would be a disservice to the dedicated disability program employees of the Social Security Administration and the State disability determination agencies, who labor diligently to implement the policies set by decisionmakers in Washington and the State capitals.

In closing, Mr. President, let me state my strong support for S. 476 and my overriding concern that the Congress act to address the SSDI program's problems before we adjourn for the year. And let me urge the chairman of the Finance Committee to schedule as quickly as possible committee markup of disability reform legislation, based on the committee's consideration of S. 476 and the bill reported by the Ways and Means Committee, which is expected to pass the House in the near future, and to send a bill to the floor in time to enable enactment of a suitable bill this year. It is a responsibility we must not shirk.

Mr. BYRD. Mr. President, unless a Senator wishes me to yield, I yield back my time.

Mr. BAKER. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business that will not last past 10:15 a.m., wherein Senators may speak for 2 minutes each.

PRESENCE WITHOUT A MISSION

Mr. FORD. Mr. President, the U.S. Marines in Lebanon are a presence without a mission. Their original purpose was to separate Israeli and Arab troops and to facilitate the withdrawal of foreign troops from Lebanese soil, something which still has not occurred. Why are they there now? To do the impossible: to stabilize a country torn by civil strife, by the deep

passions and hatreds of a thousand years—a situation that is being brutally exploited by fanatics, as we see from the very grim aftermath of Sunday's tragedy, and by the Soviet Union's military support and encouragement of its troublemaking surrogate, Syria.

I have been against the use of U.S. Marines as a peacekeeping force from the very beginning. While attainment of peace in the Middle East in general is always the aspiration of the world community, that the settlement of the conflict in Lebanon is so directly in the foreign policy interests of the United States that it merits the physical involvement of U.S. troops is very unclear to me.

Evading his legal responsibilities under the War Powers Act, President Reagan has never established for Congress and the American people the parameters of our involvement in Lebanon—just why our troops are deployed and what they can and cannot do to fulfill that role. This bothered me enough so that I cast a vote against the so-called War Powers Resolution "compromise," which to me was tantamount to an 18-month blank check. Quite frankly, the reason for our presence still eludes me even after briefings from administration officials and after listening several times to the President try to explain the situation on television.

What bothers me even more is the way in which the deployment has been handled. It appears to be pure folly. Our marines, in Lebanon with no clear military mission and no precise political purpose, are sitting ducks. To paraphrase what former Secretary of State Henry Kissinger so aptly pointed out on Sunday, they could defend themselves better at Camp Lejeune. Only after a full 15 percent of our troops were killed or wounded were our men given permission to shoot first to defend themselves. In fact, the sentries on the inner perimeter, through which the suicide mission came, were not even allowed to stand guard with loaded rifles. How terrible a military or political decision.

One of the first rules of engagement is to seek the high ground. Our forces are not only practically on the beach—did we learn nothing from Anzio?—but they are massed inside a restricted perimeter, thereby offering themselves as prime targets to hostile fire.

And they have become targets, Mr. President. Our marines are not the neutral presence a peacekeeping force is supposed to be. The fact aside that a superpower has no business becoming so intimately involved in a regional conflict in the first place, a superpower is not neutral on its face. It is inevitable that its forces would draw fire, as ours are now doing. It makes no sense to deploy U.S. troops as "peacekeepers." If they ever were effective in that role, they certainly are not now.

That is why today I am calling for what should have been done in the beginning: I ask for the gradual replacement of our marines and of the French, Italian, and British troops too, by a U.N. peacekeeping force that is truly neutral and that will be able to act as some kind of deterrent rather than as a magnet for troublemakers and fanatics.

If I could see a valid reason for the U.S. presence in Lebanon, then I would say by all means stay in there and go for it. But in all honesty I cannot find one. If our marines remain there, we will only be drawn further into the unending morass that war in Lebanon has become and we will inevitably sustain more senseless casualties.

Mr. President, to show why the American people are so confused about our role in Lebanon, I ask unanimous consent that an article from the Washington Post of October 25, 1983, listing Mr. Reagan's various explanations of that role be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 25, 1983]

SERIES OF PRESIDENTIAL STATEMENTS SHOWS CHANGE IN MAIRNES' MISSION

Excerpts from President Reagan's statements on the Marines' mission in Beirut:

Aug. 24, 1982: From a letter to the House speaker and Senate president pro tem.

"U.S. military personnel will assist the government of Lebanon in carrying out its responsibilities concerning the withdrawal of Palestinian personnel under safe and orderly conditions. The presence of our forces will in this way facilitate the restoration of Lebanese government sovereignty and authority in the Beirut area.

"This step will not, by itself, resolve the situation in Lebanon, let alone the problems which have plagued the region for more than 30 years. But I believe that it will improve the prospects for realizing our objectives in Lebanon:

"A permanent cessation of hostilities;

"Establishment of a strong, representative central government;

"Withdrawal of all foreign forces;

"Restoration of control by the Lebanese government throughout the country;

"And establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel."

Sept. 1, 1982: From a speech to the nation.

"* * * I'm happy to announce that the U.S. Marine contingent helping to supervise the evacuation has accomplished its mission. Our young men should be out of Lebanon within two weeks."

Sept. 29, 1982: From a letter to the speaker and the president pro tem.

"I want to emphasize that . . . there is no intention or expectation that U.S. armed forces will become involved in hostilities. They are in Lebanon at the formal request of the government of Lebanon, and our agreement with the government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurance that they will refrain from hostilities and will not interfere with the activities of the multinational force. Although isolated acts of violence can never be ruled out, all appropriate precautions have been taken to ensure the safety of U.S. military personnel during their temporary deployment in Lebanon."

Nov. 11, 1982: From a news conference.

"I can't give you a close-out date on [how long the Marines will remain in Lebanon]. But I can tell you that we're trying to push as fast as we can on the two things that must happen. And that is the ability of the Lebanese government to heal the wounds and bring their people together and have control. But also it hinges on getting the three foreign factions—the PLO, the Syrians, and the Israelis—out of Lebanon. And we are pushing on that as fast as we can."

May 17, 1983: From a news conference.

"The multinational forces are there to help the new government of Lebanon maintain order until it can organize its military and its police and assume control over its own borders and its own internal security. So it could be that the multinational forces will be there for quite a period."

Sept. 21, 1983: From a meeting with regional news media.

". . . The multinational force is there to help in this achieving of stability and control by Lebanon, and I think the mission still goes on. But from the very first, I said we will never send our men any place where they will not be allowed to defend themselves if they come under attack, and that recently has happened, and they have been defending themselves."

Oct. 24, 1983: From a meeting with regional news media.

"If Lebanon ends up under the tyranny of forces hostile to the West, not only will our strategic position in the eastern Mediterranean be threatened, but also the stability of the entire Middle East, including the vast resource area of the Arabian peninsula.

"To the extent that the prospect for future stability is heavily influenced by the presence of our forces, it is central to our credibility on a global scale."

THE COST OF NUCLEAR AND CONVENTIONAL ARMAMENT: A DEPRIVED AND ENDANGERED WORLD

Mr. PROXMIRE. Mr. President, by all odds the senior correspondent in Washington is Richard L. Strout of the Christian Science Monitor. When I entered the Senate more than 26 years ago, Dick Strout was already one of the most senior reporters in Washington. He started reporting for a British paper in 1919—64 years ago and has been with the Christian Science Monitor since 1921 providing 62 years of great service to this country as a reporter. He also reported Washington events for the New Republic.

On October 7 of this year, Strout filed a report for the Christian Science Monitor on world military spending. In that report Strout writes that this year countries throughout the world will spend a mammoth $660 billion on arms. Our own United States will spend a huge one-third of that colossal sum. The Soviet Union will spend about the same. Our Defense Department will argue that the Russians will

spend more than we spend. Others will contend they spend less. But there is no doubt that between the Soviet Union and the United States, the two superpowers spend more than half of all the money expended in the world on arms.

The irony of this colossal spending is that both superpowers and, indeed, the entire world is less secure militarily now than ever. Thanks to the exploding power of nuclear technology, our lives and, indeed, the survival of the race is in great danger. What an irony. The more we spend on military weapons to protect our lives and deter war, the less secure we become. And the more we and other nations spend on nuclear arms the less is available to educate and, indeed, even to feed. As Strout points out in his article, spending on arms is taking so much of the world's resources that in poor nations particularly, preparation for war kills people just as war itself does. Does that sound like an exaggeration? It should not. The fact is that literally tens of millions of the world's people are literally so hungry that they die of starvation or live such deprived and emaciated lives that they die long before their time. What has the colossal spending on arms to do with this tragedy? Plenty. By shifting our economic resources from producing food to producing arms, we impose a heavy burden on our taxpayers in this country. But in primitive countries when productive workers divert their energies from producing food to producing and maintaining and operating the arms of the nation, some already hungry people literally starve to death.

Strout bases his article on the ninth annual report of "World Military and Social Expenditures—1983," sponsored by the Rockefeller Foundation. Sponsors of the study include a Canadian and Swedish organization and the British Council of Churches. The report includes 48 pages of expenditure analysis, charts and statistical tables. And as Strout observes: "Social neglect has gone hand in hand with arms buildup, according to statistical comparisons. * * *"

Mr. President, this is a heart rendering consequence of the arms race and armed conflict that has received far too little attention from the Congress. The recent terrible tragedy in Beirut and the invasion of Grenada focused the attention of the country on the violence and death that represent the most spectacular element of war. At least 90 percent of our attention, whether through television or radio or newspaper reports, flows from what happens to our own American troops. We ignore the tragic deprivation, the starvation, the destruction of pathetically inadequate housing that war brings to thousands of people living in the war zone. And we devote almost no concern to the misery that a military economy always brings to the noncombatant victims. As Strout writes: "The military now controls the governments of 52 or so of the world's developing countries." For the tens of millions of people living in these poor countries that means a life of grinding poverty; gnawing hunger, and early death.

Mr. President, this is an old and sad story. That could have been told for hundreds of years. But now we have a new dimension. Consider these points gleaned by Strout from the report:

First, the world's stockpile of nuclear weapons represents an explosive force more than 5,000 times greater than all the munitions used in World War II;

Second, the present buildup of nuclear weapons now equals an explosive force of 3.5 tons of TNT for each person on Earth;

Third, the cost of a single nuclear submarine equals the annual education budget of 28 developing countries with 160 million school-age children.

And every year, Mr. President, with our feeble antiproliferation program that has permitted the widespread distribution of nuclear weapons equipment, materials and know-how, and with the steady, relentless advance of nuclear weapons technology we move closer to that terrible day when—an all-out nuclear war will break out. Then what happens? When that day comes—as the World Health Organization has found—1 billion people, yes I said 1 billion—that is one thousand million people will die and another billion will be grievously wounded. How about the survivors? Survivors, all survivors will be reduced to the pathetic plight that only the world's poorest now suffer. Starvation and painful death will be the rule.

Mr. President, I ask unanimous consent that the article to which I have referred by Richard L. Strout be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 7, 1983]

AN EVER-BIGGER SLICE OF THE WORLD'S BUDGET IS GOING TO THE MILITARY

(By Richard L. Strout)

The world is spending a total of $660,000,000,000 a year on arms. That's right: $660 with nine ciphers after it. This is according to the ninth annual report entitled "World Military and Social Expenditures 1983," sponsored by the Rockefeller Foundation and other institutions.

Meanwhile, 2 billion of the world's 4.5 billion people live in poverty and 450 million suffer hunger and malnutrition.

Until 1974, federal estimates of global arms costs were made by the US Arms Control and Disarmament Agency. When the surveys were discontinued, Ruth Leger Sivard, who compiled the statistics for the government, maintained the survey with Foundation support. Among this year's findings:

The world's stockpile of nuclear weapons represents an explosive force more than 5,000 times greater than all the munitions used in World War II.

The United States devotes more than $200 billion a year to military defense against foreign enemies.

Among 20 developing countries with the largest foreign debts, arms imports between 1976 and 1980 were equivalent to 20 percent of the increase in debt in that period.

While US farmers are paid to take nearly 100 million acres of land out of production, 450 million people in the world are described as "starving."

The small Mideast nation of Oman has a gross national product (GNP) of $4.78 billion and spends 24.8 percent of it on the military.

The cost of a single nuclear submarine equals the annual education budget of 28 developing countries with 160 million school-age children.

Debt-burdened governments buy guns rather than build schools. One result: 800 million of the earth's adults can't read or write.

Arms expenditures have leaped in the past few years, the study shows: "In 1982, world military expenditures are an estimated $660 billion, indicating an increase of at least 13 times in the volume of military activity" since the mid-1930s. It says "this greatly exceeds the increase in population to be protected and in the economic base to support it."

The study finds two factors pushing the arms increase: the impetus of the wartime growth of the military-industrial complex since World War II, and "the acceptance by the public of a higher level of sacrifice to which war had accustomed them. Without organized and persistent public resistance, the military establishment created to meet the emergency tends to remain in place."

The US and Soviet Union emerged from World War II as gobal superpowers: "Representing no more than 11 percent of the world's population, they now accounted for over half of a greatly enlarged world military budget."

The superpower role did not come cheaply to either country. "At $855 per capita in 1982, military expenditures in the US compared with $75 in comparable prices just before World War II. . . . The military effort has risen faster than GNP, and the burden on the economy as a whole now stands at 6.5 percent as compared with 1 percent pre-war."

The burden weighs heavier on the Soviet Union with a smaller GNP. "In 1980, the annual economic product of the USSR was still less than half as big as the US GNP, and its military outlays took 10 to 12 percent of it."

In a foreword to 48 pages of expenditure analysis, charts, and statistical tables, Frank von Hippel, chairman of the Federation of American Scientists, says that "the search for security through technology has led to increased vulnerability." It has caused "the growth of military-industrial establishments," he says.

Sponsors of the study include a Canadian and Swedish organization and the British Council of Churches.

Social neglect has gone hand in hand with arms buildup, according to statistical comparisons.

Life expectancies are 21 years shorter in the poorest fifth of the world than among the richest fifth. Preparation for war kills

people just as war itself does, the report argues.

The military now controls the governments of 52 or so of the world's developing countries. The present buildup of nuclear weapons now equals an explosive force of 3.5 tons of TNT for each person on earth.

PERSECUTION IN YUGOSLAVIA

Mr. PROXMIRE. Mr. President, on Wednesday of this week, Congressman ZABLOCKI, the chairman of the House Foreign Affairs Committee and dean of the Wisconsin congressional delegation, convened a meeting with representatives of the Serbian Orthodox Church of America. The church delegation highlighted some of the problems that they face in Yugoslavia. Their primary contention is that the Communist government of that country has consciously embarked on a campaign to harass and intimidate members of the church. The church leaders cite instances where participation in church celebrations is discouraged, where property guaranteed to the church is being appropriated and converted, and where agreements between the church and the government are callously and consciously violated. They point out that expansion and necessary renovation of church facilities has been effectively blocked by government inaction.

Mr. President, these allegations are troubling, but there is a far more pernicious aspect of the situation in Yugoslavia. A compendium submitted by the church delegation included reports of overt violence against the Serbian population of Kosovo Province. Although there has always been tension between the Serbs and the Albanians who were settled there during the Turkish occupation, this tension has been magnified in recent years. More importantly, the delegation contends that this violence has been ignored by the Government. They write:

> There has been an acceleration of violence against the Serbian populace in which many have been killed and wounded. Many of their homes and businesses are being burned, and Serbian religious and cultural monuments are being destroyed and vandalized. Thousands have been left homeless. Forests and fields of grain are being burned . . . The communist authorities refuse to effectively intervene and put an end to this terror. Politika states that: 'more than 56,000 Serbs have been forced into exile from the province of Kosovo.'

Mr. President, what is most alarming about this escalation of intercultural hostilities is that the government seems unable, or unwilling, to stop it. In fact, the displacement of thousands of Serbs from their traditional homeland can be viewed as simply one facet of the official persecution of Orthodox Serbs.

While I sincerely hope that the elimination of a segment of the population in this area is not intended, the spectre of genocidal persecution should never be discounted. It would be comforting to be able to say that we no longer need to worry about such inhuman behavior. However, recent events around the world have demonstrated that such an assumption would be idealistic—and unfounded. In this instance, the Yugoslavian Government may not be a willing participant. The tension between the Albanians and Serbs, while alarming and unfortunate, is probably not a case of genocide.

However, Mr. President, we must remember that such cases may arise. We must always be ready to recognize this possibility, and do all we can to prevent such occurrences.

Ratification of the Genocide Convention would be an essential step in this direction. It would indicate to the world that we recognize genocide for what it is—a crime against all mankind. More importantly, it would show that we recognize the need to be ever vigilant, to insure that genocide can never—will never—occur in a civilized world.

There is obviously good reason for us to press for fair and equitable treatment of the Orthodox Serbians in Yugoslavia. What more rationale do we need, then, to ratify the Genocide Convention? Ratification of this treaty simply indicates that we will do all we can to insure the most basic right to people everywhere—the right to live.

MERGER OF THRIFT ASSOCIATIONS

Mr. PROXMIRE. Mr. President, the deregulation of the savings industry, most notably expressed by the Congress in the Garn-St Germain Act of 1982, could eventually result in the eradication of differences between savings banking and the savings and loan business. Recognizing that fact, the National Savings and Loan League and the National Association of Mutual Savings Banks will consolidate November 1, 1983, to become the National Council of Savings Institutions.

The council's predecessors were notable for their forward-thinking ideas and their important role in helping to lead savings institutions out of their doldrums and into a fuller realization of new financial opportunities. To insure the continued growth of thrifts—as well as a better life for the millions of Americans dependent upon them for home financing—the council should continue in a progressive stance toward the complex issues of banking reform and structure.

Communication remains a vital part of that process. To facilitate that, the council is launching Bottomline, a magazine that should provide some insight into the further evolution of the savings industry.

The new magazine will be edited by Joe Huntyan, whose coverage of the complex banking scence has been a key feature of the American banker for nearly two decades.

I look forward to working with the new council to insure that savings institutions become even more responsive to the needs of our economy.

HOORAY FOR REAGAN

Mr. THURMOND. Mr. President, when American lives are endangered and when our allies cry out to us for help, the United States has the responsibility of acting wisely and decisively to take the appropriate action.

Such was the case earlier this week in the tiny Caribbean island of Grenada. After Marxist insurgents murdered Grenadan Prime Minister Bishop and other members of his Cabinet, government leaders in neighboring Caribbean states requested military assistance from the United States to return stability to that region.

Responding to the tense situation in Grenada, and more importantly, to the needs of Americans whose lives were in great jeopardy, President Reagan took bold action in deploying U.S. troops to restore order to this island off the coast of Venezuela.

Although the President's decision drew mixed reaction, I believe he made the right decision by acting forthrightly to protect Americans endangered in Grenada.

The United States cannot afford to remain passive while enemies of freedom seek to consume democracies around the world. The decision by President Reagan is a strong and crystal clear signal that the United States is serious about its role as a great defender of freedom and democracy.

Mr. President, the October 26, 1983, edition of the Charleston, S.C., News and Courier newspaper contains an editorial which agrees that President Reagan acted responsibly in this incident. I ask unanimous consent that this editorial, entitled "Hooray for Reagan," be included in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the News and Courier (Charleston, S.C.) Oct. 26, 1983]

"HOORAY FOR REAGAN!"

There was a time when Americans traveling abroad knew that their physical safety was assured by their government; that no matter what happened, the local American embassy, backed by the president and the military might of this country, would stand behind them.

Lately, that hasn't been the case.

Even those bastions of safety, the embassies themselves, are no longer inviolate. In the last five years, American embassies have been bombed or sacked in Pakistan, Libya, Iran and Lebanon while the American am-

bassador to Afghanistan was kidnapped and murdered in Kabul.

In each case, American lives were lost and American property willfully destroyed and, in each case, the American response amounted to little more than verbal protests.

For the past week, 1,000 Americans had reason to fear for their safety on the tiny Caribbean island of Grenada. Last week, the prime minister of Grenada and several of his Cabinet members were butchered when Marxist insurgents seized power. The airport was closed and the population was subjected to a 24-hour curfew with violators shot on sight. There was no doubt that the insurgents received their training in Cuba. Part of that course is how to harass and embarrass Americans.

Yesterday, at the direction of Commander-in-Chief Ronald Reagan, 1,500 Marines and Army Rangers, accompanied by 300 troops from six other Caribbean nations, landed on Grenada and secured the two airports, the radio station and the medical school where the Americans were living. With the crisis involving the Marines in Beirut still front-page news, the president's decision to employ Americans in a combat role half a continent away was a heroic one—one, no doubt, that will be criticized by those who continue to believe negotiating from a powerless position is still the only thing to do.

But there are 1,000 Americans that are breathing a little easier right now. There are also hundreds of thousands of peace-loving citizens on the other island republics that make up the Lesser Antilles, most of which contributed troops to the landing force. They have been reassured that Uncle Sam's big stick is still there should outside powers try to grab power in their nation.

Hooray for Reagan! He acted quickly, decisively and correctly in landing the Marines on Grenada. Maybe once again, Americans will travel abroad knowing their government cares about their safety and is willing to act on their behalf.

THE FIRST 100 YEARS—A SALUTE TO PEABODY COAL

Mr. EAGLETON. Mr. President, I would like to take a minute of the Senate's time to note a major milestone in business for Peabody Coal of St. Louis, Mo. This year the company will celebrate its 100th year of business. Peabody's story is one that Missourians are proud to retell, and is certainly a wonderful success story.

The company grew from a one-man operation started by Francis Peabody of Chicago in 1883, when he invested $100 in a horse and cart coal delivery service, into the $1.3 billion business of 1982. Peabody has been one of our Nation's leading coal producers for decades, and still remains our country's coal leader. Today, Peabody operates 36 mines in 9 States and employs over 12,500 people.

I know that my Senate colleagues join me in wishing Peabody Coal all the best in the next 100 years of business, especially in these uncertain times for the coal industry.

Mr. President, I ask unanimous consent that the text of the Energy Daily article, "Peabody: The First 100 Years," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEABODY: THE FIRST 100 YEARS

In 1883, Francis Peabody, a 24-year-old businessman, took $100 and a horse cart and started delivering coal, wood and coke to retail customers in Chicago. The business grew. And grew. And grew.

In 1983, Peabody Holding Company is the nation's largest coal producer, with 12,500 employees, 36 mines in nine states and sales of 57 million tons of coal. The St. Louis-based coal holding company had $1.3 billion in revenues in 1982 and assets of $1.7 billion. And after some rough times lately, industry analysts think the Peabody coal goliath has turned the corner toward reliable profitability. It promises to be a good centennial year for Peabody, which will be celebrating its remarkable longevity at a reception in Washington this week.

Peabody's business started to take off shortly after it opened. Within two years, Francis Peabody was operating several satellite offices and coal yards. By 1890, when the company was formally incorporated in Illinois, Peabody had started selling coal wholesale.

The enterprising Peabody soon saw that he could improve his profits if he mined the coal he sold. The first Peabody mine opened in 1895 and by 1901 the company was operating four Illinois mines.

Peabody's first marketing milestone came in 1903, when the company signed an agreement with Chicago Edison to supply the utility with all its coal. Chicago Edison later merged with Commonwealth Electric to become Commonwealth Edison, a mammoth utility and still one of Peabody's biggest customers.

The electric utility business, of course, became Peabody's mainstay. Coal sales to 55 large powerplants in 16 states account for 94 percent of the company's total sales. Unfortunately for Peabody, until recently, too large a portion of the company's business with the utilities was tied up in long-term contracts at fixed prices, which caused Peabody considerable anguish during the 1970s, when coal costs and prices were rising faster than Peabody's revenues.

For much of its history, Peabody was a family-run operation. Francis Peabody's son Stuyvesant—known to all as Jack—took over the presidency in 1919 and by 1924, Peabody was the largest coal producer in Illinois, a state still very important to Peabody's business. About one-third of Peabody's customers get their coal from the Illinois division; and 13 mines, with 17 million tons of annual production, are located in the state.

The early expansion of the company was concentrated in Illinois. In 1928, Peabody bought six large mines in Saline County to ensure its ability to meet long-term utility contracts. The old Illinois connection does not serve the company so well these days. Illinois coal is the high-sulfur variety and Peabody finds itself saddled with too large a reserve base of high-sulfur coal—one reason why it plans to buy Armco's low-sulfur West Virginia mines for $250 million, a deal announced last week.

An ebullient Peabody went public in 1929, just in time to catch the great stock market crash. During the 1930s, the company's performance went flat: Peabody opened no new mines, and sales and production remained static.

Jack Peabody remained at the helm until 1946, seeing the company through the turbulent World War II years, when the government took control of the nation's mines three times, and through new production highs of more than 17 million tons in 1944 and 1945. Stuyvesant Peabody Jr. succeeded his father at the company's helm and Peabody's stock was traded for the first time on the New York Stock Exchange in 1949.

The 1950s marked a period of decline for the company, a low-cost strip mining operations and plentiful, low-cost natural gas began stealing Peabody's utility marker. A steel strike in the summer of 1952 and an abnormally mild winter in 1953 also sapped the company's strength. By the end of 1953, Peabody's production had dropped to under nine million tons. The company was on the ropes.

In 1955, Sinclair Coal Co. of Kansas City, Mo., then the nation's third largest producer, gobbled up Peabody in a merger. For Sinclair, the merger provided a new infusion of capital and a needed listing, through Peabody Coal, on the New York Stock Exchange. For Peabody, then the eighth largest coal producer, the merger meant access to strip mines. The Hume-Sinclair operation in Missouri was then the largest surface mine in the country.

The merger company kept the Peabody name, but management moved out of the Peabody family. L. Russell Kelce, who became Sinclair president in 1949, took over the reins of the new company and started Peabody on an aggressive course of acquisition and mine development that was to last for the next 15 years.

Russell Kelce died in 1957, only two years after taking over Peabody. But his son, Merl, carried on where his father left off. Under his management, Peabody moved into first place among U.S. coal producers. Starting in 1963, a series of professional managers followed Merl Kelce to the Peabody presidency. In the mid-1960s, the company attracted the attention of Kennecott Copper Corp., which bought Peabody Coal Co.'s assets in 1968.

The Federal Trade Commission quickly squashed the Kennecott-Peabody deal on antitrust grounds. After nearly a decade of legal wrangling, Kennecott in 1977 reluctantly sold Peabody to a consortium of six companies: Newmount Mining (27.5 percent), The Williams Companies (27.5 percent), Bechtel Investments (15 percent), Boeing (15 percent), the Equitable Life Assurance Society (5 percent) and Fluor (10 percent). Strapped for cash, Fluor sold its 10 percent of the company back to the other five partners this summer.

The consortium that formed Peabody Holding Company found itself with a coal company in bad trouble. Peabody had a reputation among analysts for being a fairly high-cost producer, with far too many low-profit or no-profit long-term contracts. Severe surgery was needed.

The consortium brought in Robert Quenon, a quiet Exxon executive with mining engineering and law degrees and a family background in mining, to run the company. Quenon became Peabody president in January 1978 and was named chief executive officer at mid-year. Since then, Quenon has been ruthless in his pursuit of lower costs and decentralized operations.

In January, the company announced a major reorganization that was part of Quenon's plan for restoring Peabody's health. The company was broken into three distinct corporations, Peabody Holding Co. (with

Quenon as president and CEO), Peabody Development Co. (the marketing arm), and Peabody Coal Co. (the mining subsidiary).

Quenon's management seems to have turned the company around. Wall Street analysts say that Peabody has done well at cutting its costs, and has managed to squirrel away enough cash so that it can buy the Armco properties without floating any additional debt. "Peabody seems to have really turned a corner," says Donaldson, Lufkin & Jenrette coal analyst Joel Price. "And what is particularly good, they have done it on the cost side."

ENERGY AWARENESS AWARDS

Mr. EAGLETON. Mr. President, yesterday during Energy Awareness Week, two Missouri groups were honored for efforts in energy conservation. I am proud of the achievements of the Bendix Corp. of Kansas City and Mr. Leon Cambre of the Mark Twain National Forest at Rolla, Mo.

The 20 awards were presented in ceremonies at the Baird Auditorium, Museum of Natural History, by the Federal Interagency Energy Policy Committee, for outstanding achievements in Federal energy efficiency. Mr. Cambre was one of 10 individuals and Bendix Corp. 1 of 10 organizations in the country to receive the Federal Energy Efficiency Awards.

In addition to Missouri's winners, the Department of Defense was presented 11 of the 20 awards for its efforts in energy conservation. With 5 percent of the Defense Department's budget allocated for energy costs, I am pleased to note the fine efforts by the Department to save energy.

The Bendix Corp. award was accepted by V. L. Ritter, vice president and general manager of the Kansas City facility, and his colleagues Mr. C. F. Kirchner and G. W. Richardson. The Department of Energy facility located in Kansas City was honored for its 22 percent per square foot energy savings of last year.

Mr. Cambre, Forest Supervisor, Mark Twain National Forest, recently honored by his own Department of Agriculture, was named an individual award winner for his reorganization efforts to consolidate field operations that resulted in a 40-percent reduction in automotive fuel costs for the Mark Twain Forest.

I am proud of Missouri's contributions to energy conservation, as well as all Federal employees who work hard to trim our Federal budget's energy costs. I encourage all of us to keep up our hard work and efforts to make America energy efficient.

INCREASE U.S. COAL EXPORTS TO JAPAN

Mr. WARNER. Mr. President, I rise today as a cosponsor of Senate Concurrent Resulution 79, introduced on Wednesday by Senators HEINZ and FORD, expressing the sense of the Congress that during President Reagan's upcoming visit to Japan the Japanese Government formally announce its agreement to purchase one-third of its metallurgical and steam coal requirements from the United States through long-term commitments.

Japan currently has an annual $20 billion trade surplus with the United States. This enormous trade imbalance has placed heavy strains on the trade relationship between these two countries. Suggestions have been made within Congress that unless this trade imbalance is addressed and quickly reduced by a substantial amount, trade sanctions and restrictions should be placed upon Japan.

President Reagan's visit to Japan next month will offer an excellent opportunity for the Japanese Government to take immediate action to reduce the very large trade deficit currently existing between the United States and Japan.

One strong action for Japan to take to reduce its trade surplus, would be to enter into long-term coal purchase commitments for domestic U.S. metallurgical and steam coal. This action would not only reduce trade tensions between the United States and Japan, but it would also provide a secure, stable, high quality energy resource for Japanese business and consumer interests.

U.S. coal represents a vast energy resource. The U.S. Geological Survey has identified 1.5 trillion metric tons of coal resources in the United States. There are about 430 billion metric tons of demonstrated reserves distributed throughout the U.S. major coal-producing regions—Appalachia, the Midwest, the West, and Alaska. This country's coal resources represent about 25 percent of the world's total. Moreover, the U.S. coal is, on the average, of high quality with the metallurgical coal produced in Appalachia, specifically metallurgical coal mined in Virginia, ranking as the premier coking coal in the world.

Historically, Japan has been the largest export market for U.S.-mined coal. In 1982, Japan purchased 25.7 million tons of coal worth $1.5 billion and providing 50,000 U.S. jobs. Virginia has traditionally been one of the largest east coast suppliers of metallurgical coal to Japan. In the past, the United States has supplied the Japanese with approximately one-third of its imported coal requirements.

To provide needed coal to the Japanese, the U.S. coal industry in the past 2 years has made enormous capital expenditures to improve shoreside coal port facilities, expand mine capacity, and improve coal quality control and quality assurance.

Notwithstanding these costly efforts by America's coal industry, 1983 has seen coal sales to Japan drastically reduced about 50 percent. Predictions for 1984 are that U.S. coal sales to Japan will be reduced an additional 50 percent from 1983's abysmal figures—from 25.7 million tons sold in 1982 to a projection of approximately 9 million tons for 1984.

This projected continued slide in coal sales to Japan means that thousands of coal miners will be thrown out of work, adding to hardships of an already economically depressed coal industry currently devastated by unconscionable massive unemployment.

These projections of reduced coal sales to Japan come at a time when Virginia coal counties are suffering from an unemployment rate of approximately 20 percent.

Currently, Japan has no long-term steam coal contracts with U.S. coal producers. Moreover, Japanese investment in U.S. coal projects is small in nature.

In contrast, the Japanese have entered into substantial investment ventures and long-term coal purchase contracts with coal producers in both Canada and Australia, as well as investment ventures with Indonesia and the People's Republic of China to develop their coal resources for the benefit of Japan.

This unequal treatment accorded America's coal industry by Japan vis-a-vis our coal competitors is very disappointing. Japan is very dependent on large volumes of oil imports from the Mideast. Until Japan can replace its energy dependency on the Mideast with alternative energy sources, the Japanese economy desperately needs stability within the Mideast. Japan is one of the primary beneficiaries of the stability provided by the U.S. presence in Lebanon and the Mideast. Moreover, U.S. coal is the stable, abundant quality energy resource Japan needs to wean itself from Mideast oil.

A 50-percent decline in our coal sales to Japan with projections of further declines is totally unacceptable. It is my strong hope that the Japanese Government will use the President's visit to their country to announce its commitment to buy more U.S. coal and undertake positive actions to fulfill this commitment. This will reaffirm the strong trade friendship between our two countries.

CLIFFORD EVANS

Mr. PERCY. Mr. President, Capitol Hill recently lost a great journalist in Clifford Evans, vice president and Washington news director of the RKO General Broadcasting Corp. Mr. Evans was a very special person who made his career a lifetime contribution to the highest standards of journalistic professionalism.

From his arrival in Washington in 1966, Mr. Evans established and maintained a reputation for consistently

honest, fair and insightful reporting. He was an outstanding newsman and a fine individual who will be missed by his family, colleagues and many, many friends. Mr. President, in tribute to this exceptional journalist, I ask unanimous consent that the following October 2, 1983, Chicago Tribune article citing Mr. Evans' accomplishments be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

C. EVANS, RADIO AND TV JOURNALIST

WASHINGTON.—Clifford Evans, 66, a prize-winning radio and television reporter and former president of the White House Correspondents Association, died Thursday.

Mr. Evans was vice president and Washington news bureau director of the RKO General Broadcasting Corp. and its 11 radio and 3 television stations. He had worked for RKO for 20 years, moving to the capital in 1966.

His reports, tailored for the city in which they were broadcast, were heard over radio in New York, Los Angeles, Boston, San Francisco, Washington, Memphis, Chicago and Ft. Lauderdale, Fla. He was seen on TV in New York, Los Angeles and Memphis.

Mr. Evans was president of the correspondents' group in 1981-'82 and had been vice president of the Washington Press Club in 1972-'73. His awards included a United Nations award for best radio coverage; the Anti-Defamation League Human Relations Award; the Newspaper Guild Award for Radio Journalism; and the Venice Film Festival Award for the documentary film, "Moses Soyer—Paintings in a Low Voice."

In May, 1980, he received the Barnet Nover Award for excellence in broadcast journalism for his reports from Jerusalem on significant changes in the Israeli-Egyptian relationship.

Before joining RKO, Mr. Evans had been a special reporter and associate producer of the NBC "Today" program for 10 years in New York. He also had worked on the New York World-Telegram, the New York Post, the New York Herald Tribune and the Brooklyn Eagle.

He is survived by his wife, Ruth, and a brother, Murray.

NASA'S QUARTER CENTURY

● Mr. HEFLIN. Mr. President, in this era of improving science and technology, there is one particular agency which has assembled a particularly outstanding history of achievement. I speak of NASA—the National Aeronautics and Space Administration.

On October 1, NASA celebrated a quarter century of service to America, since the agency officially opened its doors on that date in 1958. At that point in the late 1950's, the United States was reeling from previous Soviet success in the "Space Race," with Sputniks I, II, and III.

In the 25 years since, NASA, together with American ingenuity, has brought the United States to a position of preeminence in space. On this, their 25th anniversary, I commend NASA and all of the fine people who have worked for the agency during this quarter of a century.

Mr. President, I ask unanimous consent that an excellent editorial from the Birmingham Post-Herald be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NASA's QUARTER CENTURY

In early April 1958, President Dwight D. Eisenhower asked Congress to establish a "National Aeronautics and Space Agency."

Only eight weeks earlier, with the launching of the Explorer I satellite, the United States had finally entered the "space race" so unexpectedly begun by the Russians the previous October with their Sputnik I, and quickly followed by Sputniks II and III. Americans were still reeling from the psychological impact of the Soviet feats.

Congress came through with a bill creating the National Aeronautics and Space Administration, which the president signed July 29.

It wasn't until Oct. 1, 1958, however, that NASA officially went into business. The rest, as they say, is history—25 amazing years of history that NASA is rightfully celebrating.

For those millions of Americans under 25, for whom the space age has always existed, it may be difficult to appreciate the doubts and controversy that surrounded the developing space program, the despair over every setback and the pride in every triumph.

Or the boldness of President John F. Kennedy when in 1961, even before the United States had equaled the Russian feat of orbiting a manned capsule, he committed the nation to sending a man to the moon and returning him safely to Earth before the end of the decade.

Rather than attempting to recount all the events of the past quarter-century of space exploration or the role played by Huntsville, Ala., we think the most fitting way to observe NASA's 25th birthday would be to recall Kennedy's words in defending the goal he announced:

"Well, space is there," he said, "and the moon and planets are there, and new hope for knowledge and peace are there. . . . The exploration of space will go ahead whether we join it or not, and it is one of the great adventures of all time. . . .

"Whether (space exploration) will become a force for good or ill depends on man, and only if the United States occupies a position of pre-eminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war."

Thanks to the National Aeronautics and Space Administration—a civilian agency whose failures and successes alike have taken place in full view of the world—the United States today does occupy that position of preeminence.

May it be so for another 25 years, and beyond.

NASA'S 25TH ANNIVERSARY

Mr. HEFLIN. Mr. President, 25 years ago this month, the National Aeronautics and Space Administration was created by Congress and presented with a list of responsibilities that included the preservation of U.S. leadership in aerospace science and technology; cooperation with other nations in the peaceful application of technology; expansion of the human knowledge of phenomena in the atmosphere and space; and pursuit of the practical benefits to be gained from aeronautical and space activities. As we stop to reflect on NASA's silver anniversary, it is evident that the response to this congressional mandate has been impressive, and it is fitting to recall some of the dramatic aerospace happenings of that last quarter century.

Mercury, organized in 1958, was America's first pioneering manned space flight program; this one-man spacecraft demonstrated that man can live, eat, work, and sleep in space. The two-manned Gemini spacecraft in 1965-66 provided mastery of technology and skills that were crucial to the Apollo Moon program. As Gemini was advancing manned space flight technology, a series of unmanned spacecraft—rangers and surveyors—were reconnoitering the Moon. One of humanity's greatest achievements may well be the brief period of time in which the skills were established and the physical materials and equipment were organized that resulted in a July 20, 1969, transmission from Neil A. Armstrong as he stepped from his Apollo lunar module onto the Moon's untrodden surface, "That's one small step for a man; one giant leap for mankind."

Following six Apollo expeditions, America launched skylab, our first space station, in 1973; and brought our expendable manned spacecraft era to a close with the 1975 docking of Apollo-Soyuz. Six years later, American astronauts returned to space with the revolutionary space shuttle, vastly expanding our capabilities to use space for the benefit of all mankind.

NASA's space sciences programs have advanced the frontiers of knowledge about our home planet, the relationships of Sun and Earth, and celestial phenomena, opening a veritable golden age of discovery. NASA satellites discovered the Van Allen radiation belts, charted the Earth's magnetic field; demonstrated the upper atmosphere as tenuous, not stable or quiescent; and confirmed the existence of the solar wind. Space science satellites have dramatically altered our conception of a peaceful and slowly evolving universe to one whose dynamics and evolution are governed by dramatic and enormously powerful processes. Our study of the universe draws us toward the answers to the fundamental questions about the very nature of matter, life, and the destiny of stars. Perhaps the most dramatic discoveries have resulted from observations of the other planets by the Mariner, Pioneer, Viking, and Voyager spacecraft, observations that accentuated the uniqueness of our planet, its resources and environment.

NASA's space applications program, in which satellite technology is directly applied to benefit people, has been a driving force for human progress. The operational weather and communication satellites trace their lineage back to NASA trailblazing work in the 1960's. More recent applications include Landsat, a remote sensing system for better management of Earth's finite resources and Sarsat, a life-sensing system for improved international search and rescue operations.

Although the attention of the public, and of the Congress, is often captured by the excitement and thrill of our space efforts, NASA is also pursuing the congressional mandate to conduct aeronautical research and technology. This mandate, originating with the creation of the National Advisory Committee for Aeronautics in 1915 and reaffirmed in the transfer of NACA to NASA in the 1958 statute directs NASA to operate and maintain the country's major aeronautical research facilities, to conduct experimental and analytical research in basic aeronautical technology development of generic value as well as technology applicable to different classes of aircraft, and to accelerate the incorporation of new technology into U.S. civil and military aircraft. NASA has, indeed, probed the frontiers of atmospheric flight and produced a lengthy succession of technological advances that contributed to U.S. world leadership in aviation.

I am proud to say that one of the key field installations at which NASA conducts its many scientific programs is George C. Marshall Space Flight Center in Huntsville, Ala. Established in 1960 by a team of rocket experts led by Dr. Wernher von Braun, Marshall became one of the Nation's leading pioneering space centers. Originally NASA's primary rocket propulsion development center, Marshall has diversified into a center for the development of payload and space science activities. MSFC is currently responsible for managing the development of the space shuttle main engines, solid rocket boosters, and external propellant tank; it also is responsible for the new space telescope program and the spacelab orbital research facility due to be launched with the next shuttle flight.

I commend and salute the people of NASA, and the people of Marshall, with their partners in progress from industry and the academic community, for the dramatic accomplishments made possible by their dedicated labor over the past 25 years. The past is prolog; I look with eager anticipation to NASA's future.

A TRIBUTE TO OUR NATION'S VETERANS

Mr. HEFLIN. Mr. President, as our Nation's 37th annual celebration of national Veterans Day approaches, I would like to take just a few moments to reflect upon the massive contributions made by, and the sincere thanks we all owe to, those very veterans whom we honor on that day.

Although I am sure that each Member of this distinguished body is fully aware of the significance and history of both Veterans' Day and the contributions of our Nation's veterans, I feel it is somewhat appropriate for me to take these moments to reflect since my State's largest city is known as the home of the national Veterans Day celebration.

Likewise, I know we are all aware that Veterans Day began as Armistice Day, a holiday set aside to celebrate the ending of World War I and to honor those who had fought the battles of that war.

On the first anniversary of the signing of the armistice, more than 60 years ago, President Woodrow Wilson set the tone for this annual observance when he said:

> To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in this country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations.

Mr. President, I can recall, as a young boy, that at 11 in the morning on each Armistice Day, everything stopped as we paid our respects to those who had fallen in the "war to end all wars."

Tragically, we know that war was not ended, that peace did not last. World War II followed, and soon after that came the Korean conflict. After each, America welcomed her veterans home like the heroes they were.

Then came the longest and most unpopular war in the Nation's history. It was a type of war that many Americans did not fully understand. For the most part, soldiers fought in small units in a sort of guerrilla warfare. For the first time, the horrors of war were brought into the very homes of America, for mothers and fathers, sisters and brothers to see via the living color of television. In early 1973, the withdrawal of American troops from Vietnam was completed. Because of the competing emotions raised by the war, many of those who served returned home without the ticker-tape parades that showered their predecessors.

But observances such as Veterans Day serve as excellent reminders to all the people of our Nation that the veterans of all of our wars served with courage and dedication. They fully understood the need for sacrifice. They knew the pain of leaving loved ones behind. They knew it was possible to be lonely even when you are crammed on a troopship with thousands of others. They experienced blood, sweat, and tears, as well as sleepless nights in rainy, muddy foxholes.

More than anything else, it was the patriotism and resolve these Americans displayed in the fight for freedom that commanded the respect of their fellow countrymen. They realized that desire alone would not guarantee the continued existence of our Nation's freedom. They knew that desire must be combined with the will and capability to do battle, and win.

More than anything else, it is this patriotism and resolve which we honor with our twofold celebration of Veterans Day. I say a twofold celebration, but in reality I mean a twofold purpose behind the celebration.

The celebration is commemorative. It is also commitment.

Commemoration of this day is inclusive of all of this Nation honoring all of its veterans of all of its wars.

We could commemorate this day by saying to all our Nation's war veterans, "Thank you for all you have done for America." Of and by themselves, these nine words serve to speak volumes about the heritage of our Nation.

Perhaps an even more appropriate way, however, to honor these veterans is by a rededication of our commitment—a commitment to the cause for which our veterans fought so valiantly—freedom.

Our freedom is sacred, and it must be protected. I believe the best insurance for our countrys freedom is our longstanding commitment to a strong national defense—strong enough to deter any potential aggressor.

History shows that every time we have become involved in a war, it has been because someone thought the United States would not, or could not, fight. Clearly, there are no short cuts to maintaining our Nation's freedom.

It is healthy to occasionally look back on our past deeds and our national history with a feeling of achievement and pride. But to do full service to the cause for which so many fought, and so many died, we must be united in our will to travel the long road ahead.

It is a road with many crossroads, each requiring that a decision be made as to our future direction. Each time, as individuals and as a nation, we must choose, and choose wisely.

A few years ago, many thought of patriotism as being "for the birds," an outdated cliche reserved for sloppy sentimentalists and certain extremists. Today, America seems to be regaining a general patriotic spirit, an appreciation of, and faith in, our country.

As an American, I am gald to see this, but, as a veteran myself, I am particularly glad to see this rebirth of emotion.

I do not believe that Veterans Day is just another day to be filled with speeches, music, and parades. It is a day to honor those for their efforts in preserving our national heritage and ideals. Even beyond that, Veterans Day is a rededication and renewal of our national commitment, of the commitment illustrated by those brave and dedicated souls who have sacrificed and risked their lives for the preservation of that heritage and those ideals.

Thomas Jefferson once said something to the effect that a nation's greatness does not depend on the abundance of its agriculture, the wealth of its industries, nor the size of its armaments, but rather on the quality of human being it produces.

As Veterans Day approaches, I can think of no clearer illustration of this sentiment than is given by the countless thousands of Americans who have given so much to make, and keep, our country what it is today. In more ways than one, this day is their day.

PHOENIX TO MEMORIALIZE COLUMBUS

Mr. DECONCINI. Mr. President, when Columbus Day was celebrated recently in my home State of Arizona, the Italian Heritage Society of America began a campaign to raise funds to erect a permanent memorial to Christopher Columbus in Phoenix. The statue of Columbus, which is to rest on a location donated by the Desert Shadows Travel Trailer Resort in Phoenix, is to be completed for dedication on Columbus Day, 1984.

Mr. President, I am proud to call to the attention of my colleagues this fine effort by the people of Phoenix to memorialize Columbus.

Columbus represents for us the finest kind of constructive individualism which we have come to see as a uniquely American trait. Imagine yourself 500 years ago, convinced that conventional wisdom which said the world was flat was dead wrong. Columbus was no armchair philosopher. Rather, he was a man of action, a man of deep conviction, and a man of supreme courage—a leader who could rally other men to his vision and cause them to risk everything. He proposed to venture beyond the limits of what was known, to embark upon a voyage his contemporaries believed was suicidal. With three tiny wooden vessels he sailed across the boundary of contemporary knowledge to confront a totally uncharted and unknown world.

That was an act of individualism and determination, and it was an act by the man who discovered America. And if individualism is an American trait, it is a trait we inherit directly from Christopher Columbus.

Mr. President, many other men and women of Italian heritage have contributed to our great history since Columbus. America gained its name, of course, from the great Italian explorer and cartographer, Amerigo Vespucci. Italians settled the first colonies, and later came to build our railroads, bridges, and skyscrapers. Giovanni and Sebastiano Caboto were among the first to explore the American interior. Giovanni de Verrazano sailed into the Bay of New York, discovering Manhattan many years before Henrik Hudson first sighted the island.

Filippo Mazzei, who was a contemporary of Washington, Jefferson, and Franklin, was among the first to speak out against British tyranny prior to the American Revolution. Mazzei published a series of articles under the pen name "Furioso" which had a profound impact on Jefferson, who translated them into English. Jefferson later conceded that he had paraphrased Mazzei's writings in the opening sentences of the Declaration of Independence. Mazzei had written:

> All men are by nature created free and independent. * * * It is necessary that all men be equal to each other in natural rights.

Under the skillful pen of Jefferson those words were immortalized for all generations in the inspiring opening lines of the Declaration:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights. . . .

Mr. President, a Columbus memorial honors not just Columbus, but the many other Italians who have contributed so greatly to our history. It is for this reason that I commend and call to the attention of my colleagues today the very special effort of the Italian Heritage Society of America to memorialize Christopher Columbus in Phoenix, Ariz.

ACID RAIN

Mr. MITCHELL. Mr. President, I am deeply disturbed by the news that an administration proposal on acid rain—which was to be presented early this fall—will apparently not be forthcoming soon, or perhaps will never be developed.

For 3 years, the administration has sought to delay the enactment of acid rain legislation. That course of action will evidently continue. The President's failure to act is a derogation of his responsibility to deal with the problems that confront this country, and it is a continuing insult to our Canadian neighbors who are receiving large quantities of acid which originates in this country. Acid rain is a problem now; its resolution cannot and should not take a back seat to the election season next year.

The President appeared to recognize the gravity of this environmental threat when he appointed Administrator Ruckelshaus last spring and publicly charged him to address the acid rain issue as his first order of business. It now appears that this mandate only applied if Mr. Ruckelshaus did not recommend any sort of action now. Now that the scandal which preceded Mr. Ruckelshaus at the Environmental Protection Agency has disappeared from the front pages, the independence and clout with which he seemed to take over that agency has apparently disappeared as well.

The Senate Committee on Environment and Public Works acted last year in the absence of an administration proposal, and it will act again without one, if necessary. The committee has scheduled acid rain hearings in early November. It intends to proceed to consideration of clean air amendments, including an acid rain control strategy, after the hearings are completed.

Our decisions will be based on the scientific information already available. Though the evidence is not complete, it continues to point overwhelmingly to the need for action now. We will again develop a scientifically defensible control strategy.

Over the past 3 years the scientific basis supporting the need for acid rain legislation has grown steadily. It is now overwhelming.

We know that widespread environmental damage is occurring.

We know the causes of the damage, man-made sulfur dioxide.

We know that significant regional reductions in sulfur dioxide will produce equivalent reductions in acid deposition.

Since the Senate Committee on Environment and Public Works acted on an acid rain control strategy in July 1982, two important studies have been completed.

The most prestigious, independent, scientific body in this country, the National Academy of Sciences issued a report which confirms that substantial reductions of sulfur dioxide in the Eastern United States will in fact lead to equivalent reductions in acid deposition in that region. The report states:

> If we assume that all other factors, including meteorology, remain unchanged, the annual average concentration of sulfate in precipitation at a given site should be reduced in proportion to a reduction in SO_2 and sulfate transported to that site from a source or region of sources.

Even President Reagan's own Office of Science and Technology Policy stated in June 1983 that action must be taken now "which will result in meaningful reductions in the emissions of sulfur compounds * * *" and that if delay occurs, "the accumulated deposition and damaged environment may reach the point of irreversibility."

It is my hope that the administration will reverse its course and look at the science, not the politics of the debate. By choosing not to join the debate now the President and his Environmental Protection Agency do a great disservice to the people of this country.

THE DEBT LIMIT EXTENSION

Mr. HATCH. Mr. President, my opposition to an extension of the Federal debt ceiling is the result of a careful study of recent fiscal history of the United States. I am concerned that there seems to be no end of new ways to spend money we do not have. And as the spending increases, we hear calls for more taxes in the name of balancing the budget. But fewer and fewer people are fooled by such a call for new taxes. This game has been continuing too long, for a couple of decades anyway, and Congress, in its most recent budget resolution, shows no tendency to slow the pace of this game.

The recent congressional budget of June 1983, for fiscal year 1984 and beyond, tells us to enact $73 billion in new taxes over the next 3 years. As you know, many of those advocating increased taxes claim that this is the only way to reduce deficits. But this is not the likely effect of raising taxes. In fact, the real effect of raising these taxes will be to encourage more spending. Also, these taxes would be the final step in eliminating the 1981 Reagan tax cuts and the $1,138 billion they would have saved the American taxpayer from 1981 to 1988.

In 1982, I agreed to support the budget resolution because I was promised that for every $1 of tax increase to balance the budget, there would be $3 of spending decreases. These spending decreases never materialized.

This year's budget tells us to enact the Senate's $73 billion in new taxes over 3 years. And this budget once again does nothing to control the explosive growth of open ended Federal spending programs. This splendid budget package was tied up with a nice red ribbon in the form of a $170 billion deficit.

The current and projected deficits are the results of these past tax and spend policies. They emphatically are not, as we are told, the result of the Reagan tax cuts. Those cuts did not even begin to be implemented until well after the 7-year period following implementation of the Congressional Budget Act, by which time, deficits and economic problems were well underway. The Reagan tax cuts only reduced the burden of taxes on the economy and the American taxpayer from its historic high of 20.1 percent of GNP at the end of the Carter administration and returned it to its traditional level of approximately 18.5 percent by fiscal year 1983.

In 1980, total Federal spending equaled 23 percent of GNP, but, even with the Reagan administration's attempts to restrain it, Federal spending is estimated to be 25 percent of GNP for the fiscal year 1983. Thus, all that the Reagan across-the-board tax cuts and indexing, when fully implemented, would do is unmask and attempt to constrain the accelerating growth in Federal spending.

Until the last few decades, Federal budget policy had been to balance the budget whenever possible as an essential element of sound fiscal policy. But then came the New Deal, and with it came the endorsement of deficit spending which liberals wholeheartedly supported. Additional Government spending and unbalanced budgets were necessary, so we were told, to provide the seed of economic expansion, recovery, and growth. More recently, deficit spending and the concomitant expansion of Government has been supported by the same people in the name of stabilizing the economy and the business cycle. More Government spending was supposed to stimulate demand. This approach was justified by Keynesian economic theory claims that flaws in the macroeconomic mechanics produced times when an artificially stimulated demand was the only means to economic recovery and growth.

Regrettably, however, after several decades of experience with such budgets, with "stimulative deficits" and "demand management," we should have learned that we have stimulated little other than the growth in Government. We certainly have not stimulated the natural demand that will produce the healthy, long-term, noninflationary economic growth which would be beneficial to all our citizens.

Thus, today's budgetary crisis is not new. It has been building for a long time. Several decades of massive Federal spending and the resultant burgeoning deficits have burdened our economy with too much Government. This spending has created insistent special interest pressure groups in favor of ever more Government. Congress has gone too far in creating and encouraging these groups, making promises we cannot keep. Congress has certainly gone too far in satisfying these groups with programs which grow faster than the economy which is expected to support them.

We should have learned that budgets which produce more Government are disastrous. We should have learned by now that the more Government there is, the worse it is for the economy. A comparison of the 1950's with the 1970's shows how much worse off we are today with more Government.

During the 1950's, inflation averaged 2.1 percent per year. During the 1970's, this inflation rate tripled. I should note that, in the 1970's Government took advantage of the increased tax revenues that came from inflation forcing taxpayers into higher tax brackets. With the high inflation of the 1970's, this bracket creep forced taxpayers to hand over approximately an extra $127 billion in Federal income taxes.

Or, take what has happened to the prime interest rate with more government: The prime rate averaged 3.3 percent in the 1950's. Over the last 10 years, the average prime rate was 8.6 percent, more than double the average in the 1950's.

Or, take unemployment: In the 1950's, it averaged 4.6 percent. As the Federal Government increased its attempts to regulate the economy over the last two decades by deficit spending, we have experienced worsening unemployment. Over the last 10 years, unemployment has averaged 6.6 percent, practically 50 percent higher than in the 1950's. Each recession pushes the unemployment rate to a new, higher level. The level that we have accepted as each cycle of recession fades has been progressively higher. This should not and need not be the case if we get rid of excessive government, and excessive government spending.

Or, look at what has happened to productivity with more government: During the 1950's, productivity increased, on the average, 3.25 percent per year. After 20 years of high government spending, productivity was cut in half.

How has Congress responded to these economic lessons of decades of tax-and-spend policies?

Congress has responded by setting itself on a determined course of enacting new taxes to eliminate the remaining savings from the Economic Recovery Tax Act of 1981. Social security tax increases, the gasoline tax, and the Tax Equity and Fiscal Responsibility Act of 1982, or TEFRA, will add back $572 billion to the tax burden by 1988. Enacting the further new taxes required by the budget resolution for fiscal year 1984 will add another $175 billion to the taxpayer's burden through 1988.

Look what has happened to the $1,138 billion in tax savings from the 1981 tax cut when you add back the social security tax increases, the highway gasoline tax increase, TEFRA, and the taxes mandated by the new 1984 budget. By 1988, not only will the $1,138 billion in savings be totally eliminated, but a whopping $98 billion in additional tax payments will be demanded of the American taxpayer.

Higher taxes have failed to balance the budget in the past, and there is no

reason to think they will balance it in the future. Raising taxes encourages more spending, not deficit reduction.

Look at the record: Between fiscal 1977 and 1982, total accumulated tax increases amounted to $820 billion over the 1976 level. But spending increased even more. It rose $900 billion. During this time, the Government ran up deficits of nearly $350 billion. Congress did not balance the budget with more revenues, they just spent more—and increased deficits. There is no reason to doubt that precisely the same thing—more spending—will happen once again.

The current budget for fiscal year 1984 also does nothing to contain the explosive growth of open ended Federal spending programs or entitlement programs.

Approximately 78 percent of Federal outlays each year are expended on open ended, uncontrollable spending programs.

The failure to control entitlements, and the addition of new domestic spending, merely continues the trend of making big Government bigger and an even larger part of our lives.

President Reagan has promoted Federal spending cuts. Congress has been reluctant to follow. Despite the hard work done by President Reagan to bring spending under control, the Congress has only given the President half of the spending reductions which he has requested. As a result, Federal spending in 1984 will still be excessive.

The Federal budget will consume a larger bite of our economy than at any time since the Second World War. It ate a fifth of the Nation's product in the Carter years. It now consumes more than a quarter.

In 1980, total Federal spending equaled 23 percent of GNP. Even with the Reagan administration's attempts to restrain it, Federal spending is estimated to have climbed to a whopping 25 percent of GNP by the end of 1983.

The result of this spending is a deficit for fiscal 1984 of around $190 billion. Regrettably, after several decades of experience with similar budgets and ever-growing deficits, we should have learned that these fiscal policies are disastrous for our economy. I repeat, we certainly have not stimulated the natural demand that will produce the healthy, long-term, noninflationary economic growth which would be beneficial to all our citizens. We have stimulated little other than the growth in the Federal Government.

The Reagan tax cuts did not cause our mammoth deficits. The Reagan tax cuts only reduced the burden of taxes on the economy and on the American taxpayer. With them, the average tax burden declined from its historic high of 20.1 percent of GNP at the end of the Carter administration and returned to its traditional level of approximately 18.5 percent by fiscal year 1983.

We can, unfortunately, expect the same thing—more Federal spending—from the Congress which enacted this fiscal year 1984 budget and so vigorously defended the budget process.

That we can expect more spending is clear from Congress' record: In the 7 years prior to the 1974 Budget Act, Federal spending increased 19 percent overall. This constitutes a 2.5-percent annual compound growth rate. While this growth in spending was perhaps more than many of us would applaud, it is no match for the profligate spending increases in the 7 years following the Budget Act.

In those years, Federal spending increased approximately 30 percent, much more than the economy that is expected to support this spending. That was growth at nearly 4 percent compounded annually.

Large deficits are the accumulated result of years of fiscal mismanagement, of attempts to manipulate the economy by spending. Thus, for Congress, the battle of the budget remains. In the years ahead we simply have to meet the challenge. We simply have to reduce the deficit. That is, we must learn once again to live within our national means. We absolutely must reduce the excessive Federal spending which currently burdens our economy.

If we continue this administration's policy to encourage working, saving, and investing, if we continue to cut Government spending and refuse to raise taxes once again, our economy will recover and the deficits will take care of themselves.

Mr. President, for the last 3 years I have voted for the debt ceiling extension because I felt that the administration was making headway in trying to cut Federal spending. I reluctantly have to admit that we have not made enough headway and that I do not think enough is being done to resolve this issue. Therefore, I intend to vote against this debt ceiling extension I hope that we can resolve these problems by considering some of the facts that I just mentioned. I am very concerned. And I am concerned that the Congress of the United States is going to continue to spend and tax. My personal experience is that without a constitutional amendment to require a balanced budget that would remove the bias in favor of higher spending, without even a line-item veto that would give the President the right to veto spending individual programs, and without enhanced rescission authority for the President, I am sure we will not solve this problem. So I recommend to my colleagues that we consider carefully what we are doing and do what is right for this country.

TECHNOLOGY IS THE KEY TO ILLINOIS COAL

Mr. DIXON. Mr. President, my State of Illinois is blessed with an abundance of coal and ranks fifth among coal producing States in our Nation. Estimates indicate we have reserves of at least 182 billion tons, a supply sufficient to help meet energy needs at home and abroad for well into the next century.

Most of this coal is located in southern Illinois, where my State is doubly blessed with rail and water transportation that allows expeditious and competitive shipment of this coal. We have an abundant labor force ready and willing to work.

There is one major drawback, however, with Illinois coal. It has a high sulphur content, which means that our environmental concerns limit the usages to which Illinois coal can be applied.

The unfortunate economic result is that coal production is down by 5½ million tons, and that we have 5,900 unemployed miners in Illinois.

It seems to me, Mr. President, that we are wasting a valuable resource by not actively seeking a means of expanding our markets for Illinois coal, while still working within the framework of the environmental requirements which must be met both in the United States and abroad.

There is an answer, Mr. President. The answer lies in technology. America, when challenged, has always managed to respond with new technology to meet the needs of our economy and our society.

Two recent developments in the technological field have caught my attention in the press. I ask unanimous consent that articles from Crain's Chicago Business and USA Today be printed in the RECORD at this point in my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the USA Today, Oct. 13, 1983]

INVENTION HELPS COAL CLEAN UP ITS ACT.

(By Kevin Anderson)

WOBURN, MASS.—When the University of Lowell's heating bills for fuel oil and gas began nudging $750,000 last year, the college switched back to the fuel that blackened New England skies for a century: coal.

But when workers fire up the boilers at the nearby campus now, nothing billows out of the smokestacks but warm, clean air. The fuel bills are down around $250,000.

The Wormser Grate, a successful new twist on a 50-year-old coal-burning technique, has made the difference for the college.

"We're not the Wright brothers," says Gordon Baty, president of Wormser Engineering Inc., "but you might say that this is the DC-3"—the practical version that may fulfill at last the tarnished promise of fluidized bed coal burners.

The oil crises of the 1970s sent engineers scrambling for ways to use other fuels, espe-

cially the high-sulfur coal the USA is rich in.

But coal has drawbacks. In conventional burners, it produces nitrous oxides (acid rain), sulfur dioxide (rotten egg smells) and soot—"NOx, SOx and rocks," as engineers put it.

Multimillion-dollar scrubbers can clean those byproducts, but leave behind a toxic sludge—in effect trading one pollutant for another.

Engineers have known since the 1920s how to burn coal cleanly by using fluidized beds. The coal is ground into a powder and burned in a mixture of hot sand and limestone over a bed of air jets. The jets give the burning layer the appearance of a fiery liquid—hence "fluidized."

Fluidized beds burn coal at lower temperatures, cutting down on the nitrous oxide production, while the limestone reacts with the sulfur to produce inert solids.

Soot emissions are kept down because the ground-up coal burns more completely.

But as the industry began to experiment with fluidized bed burners, problems developed. They were too big to simply plug into a power plant in place of oil or gas burners. Industry shied from the prospect of rebuilding entire power plants.

In 1974, Boston inventor Alex Wormser came up with the idea of putting the limestone in a second bed. That let him build a burner that was smaller, cleaner, cheaper and more adaptable to existing power plants.

Baty joined Wormser in 1981 after having founded, developed and sold two electronics companies. Switching to the boiler business wasn't easy: "We're a start-up company in an industry that just doesn't have them," Baty says.

But one feature of high-tech business carried over well: private venture capital financing.

Baty raised $4.5 million, pushed the Wormser Grate through final development and installed three of the burners. Six more, at roughly $5 million each, are in the works, and the firm is going international.

"It's not for utilities—it doesn't work efficiently on that (large) scale," Baty says.

But the target market is big. Factories that produce their own steam and electricity generate 17 percent of USA energy.

"Time frames in this business are positively glacial," Baty says, but after seven years of development, Wormser Engineering now expects skyrocketing revenues that would do any computer company proud.

And in that spirit, the firm is already gearing up a spinoff company. Its planned product, a clean steam locomotive using the Wormser Grate.

[From Crain's Chicago Business, Oct. 3, 1983]

DES PLAINES FIRM'S BIG PLANS COULD BOOST HIGH-SULFUR COAL

(By Paul Merrion)

WASHINGTON.—A massive coal gasification plant that a newly formed Des Plaines firm hopes to build in Southern Illinois could boost demand for the state's high-sulfur coal and provide an alternative supply of fertilizer for downstate farmers.

Coal Gasification Inc. (CGI) notified the U.S. Synthetic Fuels Corp. last month that it will apply for federal assistance in the form of guaranteed loans or prices or both. The quasi-governmental agency agreed to accept a more detailed proposal in December.

Company officials are keeping a tight lid on the venture's details pending a private placement that is expected to commence within the next few days.

But enough information is provided in the firm's letter to the corporation and by one of its executives to conclude that it will be a significant project.

"It will be the largest of its kind in the world," said James Horstman, a director and marketing specialist for CGI, who said the plant will cost $500 million to build.

The project, called COGA-1, envisions using a coal gasification process developed by New York-based Texaco Inc. to turn 1.6 million tons of Illinois No. 6 coal into 1.1 million tons of anhydrous ammonia annually, plus other commercial by-products such as carbon dioxide and sulfuric acid. Currently, about 16 million tons of ammonia fertilizer are used annually in the U.S., Mr. Horstman said.

Ammonia is widely used as fertilizer to replace nitrogen in soil, but its cost has escalated in recent years along with the rising price of natural gas, the main ingredient in production of ammonia. CGI said its project could help stabilize ammonia fertilizer prices.

The exact location of the proposed plant is being kept secret, but the company said it will be south of Springfield, adjacent to a coal mine and near an existing ammonia pipeline.

According to its letter to the Synthetic Fuels Corp., CGI's cost estimates—which project a profitable operation—are based on "extensive conversations with prospective suppliers or major process units and preliminary negotiations with the likely supplier of coal.

"CGI has also investigated the environmental aspects of the proposed project, and taken steps toward ensuring a favorable working relationship with appropriate Illinois regulatory bodies to 'fast track' this project," the letter continued.

CGI was established in January 1983, but conceptual design work started 18 months earlier, the letter said. Information on CGI's principal backers could not be obtained from the firm or the Synthetic Fuels Corp.

CGI has retained Dean Witter Reynolds Inc. to arrange financing. In a companion letter, Dean Witter said the financing probably will be in the form of a general partnership, with CGI as the managing general partner. Interests in the partnership will be offered to major corporations and financial institutions. The offering was targeted to commence about Oct. 1.

Dean Witter said it hired an independent engineering consultant, Mittelhauser Corp. of El Toro, Calif., to evaluate CGI's business plan. "Mittelhauser's basic conclusion is that the COGA-1 project is technologically feasible and should operate in an environmentally sound manner," Dean Witter said. The consulting firm thought CGI's estimated capital and operating costs were too low, but the investment firm said that even with higher estimates for those items, the "project would still appear to be a profitable and attractive business venture.

"In summary," the investment firm's letter said, "it is (Dean Witter's) opinion that CGI has a good prospect (i.e., somewhat better than 'reasonable') of obtaining requisite financing for its COGA-1 project, particularly if it is able to obtain financial assistance in the form of loan guarantees and/or price guarantees from the Corporation."

In addition, CGI said its project is "expected to materially enhance the state of the art in coal gasification . . . (which could) lead to additional economic uses for high-sulfur coal as a replacement for natural gas and petroleum feedstocks."

Under Synthetic Fuel Corp. regulations, CGI must now submit a more detailed qualification proposal by Dec. 1.

The corporation also accepted a notice of intent to apply for federal assistance from Farmland Industries Inc., an agricultural cooperative based in Kansas City, Mo., which plans to build a coal gasification plant at an unspecified Southern Illinois location. Farmland would use the synthetic gas at its existing ammonia manufacturing facilities, which have an annual capacity of 2.2 million tons. The co-op did not specify the type of federal assistance it is seeking.

In previous years, three synfuel projects using high-sulfur Illinois coal applied for federal assistance, but all three either withdrew their requests or were rejected by the Synthetic Fuels Corp.

Mr. DIXON. Mr. President, while I am not in a position to evaluate the technological intricacies and potential of the processes described in these articles, I would like to suggest that they are predictive of the direction in which we must be moving if our Nation is to develop energy sources which will make us less dependent upon supplies from the world at large.

I have been in touch with the firms involved in these two undertakings. There are undoubtedly other technological developments, both in this country and abroad. I know of several projects underway in Illinois and other States. My intention, Mr. President, is to make an indepth review of our present technological posture as it relates to better utilization and production of high sulfur coal.

If I find that present Federal policies and programs are sufficient to support advances in expanding the use of high sulfur coal, then I intend to encourage Federal interest and involvement in efforts which show real promise. If Federal resources appear to fall short of what is needed, then it will be my intention, Mr. President, to introduce appropriate legislation to remedy any shortcomings in our national approach to this vast and vitally important segment of our energy industry.

I shall from time to time be making reports to my colleagues on this subject, since positive developments will have a favorable impact upon energy sources and supplies in the overall context of our national energy policies and goals.

BILL MORGAN CROSS-COUNTRY WALK

Mr. SYMMS. Mr. President, Senator MCCLURE and I want to share with Members of the Senate the outstanding accomplishment of a determined Idahoan, Bill Morgan, who recently completed a 3,615-mile walk across the

United States. This would be a feat for anyone, but for Bill it is particularly notable, since his visual sense was provided by his white cane and his guide dog, Heart.

Bill Morgan, the first blind person to walk across the United States from coast to coast, did so to prove to himself and others that he has ability, and that a blind person is as capable as anyone else, given the training and opportunities.

The walk was completed in two segments in a total of 318 days. He started with his wife and three children in April 1982, from Astoria, Oreg., stopping for the winter in Rawlins, Wyo. Continuing alone the following spring, with a support vehicle several miles in advance, Bill left Rawlins in May 1983, and walked into Baltimore 5 months later, on September 30. He was welcomed there at the National Federation of the Blind, the organization which sponsored his trek.

Mr. Morgan wore out seven pairs of running shoes and three pairs of boots on the walk, following the bicentennial bike route from Oregon to Wyoming, continuing east along U.S. 6 through the Midwest. He walked alone or with his guide dog, and made contact with his support van only at meeting points throughout each day.

Why would a person take nearly 2 years of his life to walk across the country? Bill Morgan explained in his brochure, "Stepping Out for the National Federation of the Blind," that his walk was "a way to prove to myself and others that I count for something."

Bill Morgan said that the federation sponsored his trip to emphasize its work for laws, employment rights, and schooling for blind people. He was especially proud to spread the message throughout America that there is hope for the blind.

Bill Morgan's accomplishment has made him nationally known through interviews with hundreds of reporters across the country. He has a message to all who are visually impaired: Being blind does not make one a second-class citizen. Blindness can be reduced from a "handicap" to a mere physical nuisance.

Bill Morgan himself is proof of that; along the journey, he also took time to go rock climbing, whitewater rafting, windsurfing, sailing, and to fly an airplane with the guidance of a Civil Air Patrol pilot. With such accomplishments behind him, Bill says he now feels fine about "living life in the mainstream."

It was an honor for the Idaho congressional delegation to join the President in recognizing Bill Morgan and his wife, Lynda, earlier this week. At a time when President Reagan had serious international matters pending, he took time to welcome the Morgans, along with representatives of the National Federation of the Blind, Dr. Kenneth Jernigan and James Gashel, and the Idaho Commission for the Blind Director, Ramona Walhof of Boise.

A message on the President's desk, carved into a wooden block, speaks aptly for Bill Morgan's stamina, courage, and grit. Simply put, the message states; "You CAN do it."

DEATH OF THOMAS M. BRADLEY

Mr. MATHIAS. Mr. President, yesterday, Maryland and the Nation lost an outstanding leader with the sudden death of Thomas M. Bradley, president of the Maryland-District of Columbia AFL-CIO.

I had the greatest personal affection and respect for Tom Bradley, a friend for over 20 years. He was a tireless advocate of the rights of working people and I sought his wisdom and judgment more times than I can count.

Tom Bradley worked for the causes of social justice and economic opportunities for all throughout his life. He always gave unselfishly of his energy and talents to provide the strongest possible leadership to labor in Maryland and the country.

At this time, when there are such high levels of unemployment, we need the guidance and counsel of Tom Bradley. I will miss him, as will all of us who share his concerns.

Mrs. Mathias joins me in mourning the death of this good man who was our friend, and in extending our sympathy to Mrs. Bradley and to their children.

Mr. President, I ask unanimous consent that an article appearing in today's Baltimore Sun about Mr. Bradley be inserted in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Oct. 28, 1983]

AFL-CIO LEADER BRADLEY DIES

VOCAL HEAD OF 425,000 AREA UNIONISTS WAS 55

(By Jane A. Smith)

Thomas M. Bradley, 55, a forceful labor leader who rose from being an electronics worker at the Towson Bendix plant to president of the 425,000-member Maryland-D.C. AFL-CIO, died at noon yesterday after his second heart attack in three weeks.

The overseer of all AFL-CIO affiliates in Maryland and Washington was respected by the Nation's labor leaders as a devoted, articulate and successful advocate for trade unionists.

He had come home Monday after a two-week stay at Franklin Square Hospital, and doctors thought he could return to work, part-time, by mid-December.

Yesterday at his Perry Hall home, he had a second heart attack. According to friends, he died before he reached the hospital.

"He called me at home Monday and he was doing real good . . . This is an awful shock to all of us. We'll never stop missing him," said Henry Koellein, Jr., who succeeded Mr. Bradley three years ago as president of the Metropolitan Baltimore Council of AFL-CIO Unions.

Mr. Koellein, who also is vice president of the Maryland-D.C. federation, said he will call a meeting of the executive board in a few days to discuss a successor.

"He has left a void that I just don't know how in the name of God will be filled. It is a great loss to the working people in this state, and it comes at a time when they need help," said Mr. Koellein, about an hour after a member of Mr. Bradley's family called to break the news.

Mr. Bradley, a Baltimore native, dropped out of St. Joseph's Monastery after 7½ years. He worked at about 30 jobs before he was 17, from slinging cases of beer for the True Blue Brewery to ushering at movie houses.

"I worked in every department store," he once recalled.

During his late teens, he went to work at the Bendix Corporation electronics plant and helped organize workers.

Unions were not unfamiliar to him. His parents had been strong union members at the former Chesapeake Shoe Company on Dundalk avenue.

After a stint in the Navy and racing through the Baltimore Technical Institute's four-year course in two years, he returned to Bendix and the International Association of Machinists.

"He served the union in every capacity: shop steward, executive board member, vice president and president," recalled Mr. Koellein.

In 1974 Mr. Bradley challenged Dominic N. Fornaro for the AFL-CIO state presidency. He lost by one vote but became president of the Baltimore Council of AFL-CIO.

Mr. Bradley, who symbolically joined striking Chesapeake & Potomac Telephone Company workers on the picket line this summer, had been pushing hard for a special session of the General Assembly to extend unemployment benefits for the thousands of jobless Marylanders whose benefits had run out after the normal 26 weeks. "People are losing their homes and their cars and everything they own," he told legislators last month.

Mr. Bradley was instrumental in persuading the governor to call for a special session in August, 1982, which led to creation of the Additional Benefits Program, which provided 13 weeks of added unemployment benefits for laid-off workers in the state during periods of high unemployment.

Late last month, nine days before his first heart attack, he and Senate President Melvin A. Steinberg (D, Baltimore county), ordinarily good friends, got into a vociferous highly publicized shouting match during a meeting on the issue.

Senator Steinberg, a labor lawyer whose candidacy the AFL-CIO had supported, incited Mr. Bradley by suggesting that state law be amended to require a one-week waiting period before unemployed workers could collect benefits. Mr. Bradley in turn aroused Senator Steinberg's ire when he described the senator's bill as full of "goody-goody things . . . for the Chamber of Commerce."

Senator Steinberg responded: "That political rhetoric might have been good in the late Fifties and Sixties. . . . I'm saying to labor, it's a different ball game today."

Ernie Crofoot, director of Council 67 of the American Federation of State, City and Municipal Employees (AFSCME) and one of Mr. Bradley's closest friends, yesterday recalled that day.

"This job is a killer. Anyone who thinks these guys sit around with a cigar in their mouth and feet on their desk is nuts.

"When you are in a job like his, you face the problems of all of us [the unions]. The burden is very evident. Of the last four presidents, three of them died of heart attacks," he said.

Senator Steinberg, who is on a sailing trip in the Caribbean, was notified by his administrative assistant by ship-to-shore radio of Mr. Bradley's death. According to the aide, Janet Davidson, the senator responded that Mr. Bradley "was a very dynamic and energetic person. He will be sorely missed by the labor movement. I will personally miss him. He was an advocate, and I will miss our relationship."

Mr. Crofoot recalled the 1960s when AFSCME "was scratching its way into the mainstream.

"Of all the people in Maryland prominent in labor, he [Mr. Bradley] did way more than anyone else to get public employees recognized in the labor movement. . . . There were 1,200 members in the state then compared to 30,000 now. We were known as the 'tin cup' union because we were always asking for help and unable to give any. But he stuck with us."

At the time Mr. Bradley was a member of the International Association of Machinists (IAM) and a delegate to the Metropolitan Baltimore AFL-CIO Council.

"He was the only central labor leader who got invited to our [AFSCME] international conventions every year," Mr. Crofoot said.

This year, he said, Mr. Bradley was excited about once again trying to get legislative approval of collective bargaining for state employees—a measure which repeatedly has been rejected by the General Assembly in the past. Although they pay union dues, state workers are not allowed to negotiate a contract.

"This was going to be the big year. It almost passed last year. It was going to be like freeing the slaves for us," said Mr. Crofoot.

Mr. Bradley was well known in the State House, where he lobbied, sometimes loudly, for increased welfare and unemployment benefits and against higher interest rates and credit card fees. And he was relatively successful.

Thanks in part to his efforts, unemployment compensation benefits rose from $153 to $160 a week on July 1 and will increase to $165 a week at Christmas.

Perhaps his biggest success in recent years was the creation of the state Employment and Training Department.

Mr. Crofoot gives Mr. Bradley credit for the AFL-CIO's pull in politics. "He's put the AFL-CIO together very constructively politically. Maryland was one of the few states Carter won in. . . . He was able to bring people together and handle controversy without rancor. But he never hedged. Some of the people before him were prone to wheeling and dealing a little bit more than Tom. Tom put it right where it was but still was reasonable."

A spokesman for Lane Kirkland, president of the national AFL-CIO, said the loss was "much more personal than you can imagine." In a letter mailed yesterday to Mr. Bradley's widow, Jean, 53, Mr. Kirkland wrote that her husband's death "spreads sorrow and a deep sense of personal loss to trade unionists throughout Maryland and far beyond its borders. His dedication, his energy, his integrity and his judgment were tremendous assets to the workers he represented so ably."

The funeral has been scheduled for 10 a.m. Monday at St. Joseph's Church in Fullerton. Besides his wife Mr. Bradley is survived by a son, Thomas M. Bradley, Jr., 32, of Rosedale, and three daughters, Kathleen Bradley Solomon, 29, of Columbia, and Karen Bradley, 26, and Caroline Bradley, 17, both of Perry Hall.

U.S. Senator Paul S. Sarbanes (D, Md.), whom Mr. Bradley once called a "super senator," said yesterday, "I grieve at the death of my close friend Tom Bradley. He was a man of great decency and compassion, a dedicated fighter for the people and a strong leader in the struggle for a just society. I join Marylanders in mourning the loss of a true friend and in extending my heartfelt sympathy to his family."

U.S. Representative Barbara A. Mikulski (D, Md., 3d) said she "always consulted him for advice on how to really be a service to the working people in my district. . . . He was particularly concerned about old people, women and other underdogs in our society."

Governor Hughes, whom the AFL-CIO also has supported, said he had spoken with Mr. Bradley yesterday and was surprised by the news. The governor called Mr. Bradley "a real fighter" who "left a legacy for the labor movement in this state."

Mayor Schaefer hailed Mr. Bradley as "a giant in the labor movement, a dynamic leader in community activities and a dedicated friend of the city of Baltimore."

MESSAGES FROM THE HOUSE

At 3:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 726) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PERKINS, Mr. FORD of Michigan, Mr. ANDREWS of North Carolina, Mr. SIMON, Mr. MILLER of California, Mr. WILLIAMS of Montana, Mr. KOGOVSEK, Mr. OWENS, Mr. HARRISON, Mr. ACKERMAN, Mr. PENNY, Mr. ERLENBORN, Mr. JEFFORDS, Mr. GOODLING, Mr. PETRI, Mr. GUNDERSON, and Mr. PACKARD as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 57. Joint resolution to designate the week of April 3, 1983 through April 9, 1983, as "National Drug Abuse Education Week".

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4169. An act to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1984.

H.R. 4230. An act to extend the authorities under the Export Administration Act of 1979; and

H.J. Res. 292. Joint resolution designating "National Theatre Week".

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 292. Joint resolution designating "National Theatre Week"; to the Committee on the Judiciary.

HOUSE MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4169. An act to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1984;

H.R. 4230. An act to extend the authorities under the Export Administration Act of 1979.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The Secretary reported that on today, October 28, 1983, the President pro tempore (Mr. THURMOND) signed the following enrolled bill and joint resolutions, which had previously been signed by the Speaker of the House:

S. 1944. An act to allow the obsolete submarine United States ship *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period;

S.J. Res. 45. Joint resolution designating the week of November 20, 1983, through November 26, 1983, as "National Family Week"; and

S.J. Res. 121. Joint resolution to designate November 1983 as National Diabetes Month.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, October 28, 1983, he had presented to the President of the United States the following bill and joint resolutions:

S. 1944. An act to allow the obsolete submarine United States ship *Albacore* to be transferred to the Portsmouth submarine Memorial Association, Incorporated, before the expiration of the otherwise applicable sixty-day congressional review period;

S.J. Res. 45. Joint resolution designating the week of November 20, 1983, through November 26, 1983, as "National Family Week"; and

S.J. Res. 121. Joint resolution to designate November 1983 as National Diabetes Month.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and

documents, which were referred as indicated:

EC-1907. A communication from the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation to authorize a locality-based flat-rate per diem travel reimbursement system for the uniformed services; to the Committee on Armed Services.

EC-1908. A communication from the Secretary of Housing and Urban Development transmitting follow-up report related to the cause of the decline in the selection of minority sponsors in the section 202 program; to the Committee on Banking, Housing, and Urban Affairs.

EC-1909. A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, the Administration's semiannual report on the effectiveness of the civil aviation security program; to the Committee on Commerce, Science, and Transportation.

EC-1910. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report for 1982 on the National Climate Program; to the Committee on Commerce, Science, and Transportation.

EC-1911. A communication from the Under Secretary of the Interior transmitting, pursuant to law, a report that the Bureau of Reclamation has executed a letter agreement with the Arvin-Edision Water Storage District, Arvin, Calif. for deferment of a construction repayment obligation installment; to the Committee on Energy and Natural Resources.

EC-1912. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the consideration of eliminating the requirement for the Department of the Interior's report on shut-in or flaring wells; to the Committee on Energy and Natural Resources.

EC-1913. A communication from the Secretary of Energy transmitting, pursuant to law, a report entitled "The Secretary's Annual Report to Congress"; to the Committee on Energy and Natural Resources.

EC-1914. A communication from the Secretary of Labor, transmitting, pursuant to law, the results of two studies on black lung benefits and beneficiaries; to the Committee on Finance.

EC-1915. A communication from the chairman of the United States Commission on Civil Rights, transmitting, pursuant to law, an endorsement for the findings and recommendations of the U.S. Commission on Wartime Relocation and Internment of Civilians; to the Committee on Governmental Affairs.

EC-1916. A communication from the Governor of the Farm Credit Administration, transmitting, pursuant to law, the report on the activities of the Commission under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-1917. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued or released by the General Accounting Office during September 1983; to the Committee on Governmental Affairs.

EC-1918. A communication from the U.S. Trade Representative, transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1919. A communication from the Chairman of the Council of the District of Columbia, transmitting, purusant to law, copies of D.C. Act 5-71, adopted by the Council on October 4, 1983; to the Committee on Governmental Affairs.

EC-1920. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-72, adopted by the Council on October 4, 1983; to the Committee on Governmental Affairs.

EC-1921. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-73, adopted by the Council on October 21, 1983; to the Committee on Governmental Affairs.

EC-1922. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the awarding of the Young American Medals for Bravery; to the Committee on the Judiciary.

EC-1923. A communication from the clerk of the U.S. Claims Court, transmitting, pursuant to law, the court's judgment order in "Rincon, et al., *Bands of Mission Indians* v. *The United States*, No. 80-A"; to the Committee on Appropriations.

EC-1924. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report entitled "Five-Year Outlook on Science and Technology, 1982"; to the Committee on Commerce, Science, and Transportation.

EC-1925. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the annual report on the records disposition activities of the Federal Government for fiscal year 1982; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 757. A bill to amend the Solid Waste Disposal Act to authorize funds for fiscal years 1983, 1984, 1985, 1986, and 1987, and for other purposes (with additional views) (Rept. No. 98-284).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG:

S. 2021. A bill to implement the call of the President for a national strategy seeking to protect people from nuclear war and to render nuclear weapons obsolete; to the Committee on Armed Services.

By Mr. MOYNIHAN:

S. 2022. A bill to suspend temporarily the duty on diphenyl guanidine and diorthotolyl gaunidine; to the Committee on Finance.

By Mr. MITCHELL:

S. 2023. A bill to amend the Clean Air Act to assure compliance with mobile source emission standards; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2024. A bill to amend the Public Health Service Act to revise the system under which communities pay the United States for the services of National Health Service Corps personnel; to the Committee on Labor and Human Resources.

By Mr. NUNN:

S. 2025. A bill to amend the Highway Improvement Act of 1982 to provide additional funds for the completion of certain priority primary projects; to the Committee on Environment and Public Works.

By Mr. PERCY (for himself, Mr. BOSCHWITZ, Mr. DIXON, Mr. GLENN, Mr. HEINZ, Mr. LEVIN, Mr. LUGAR, Mr. MOYNIHAN, and Mr. PROXMIRE):

S. 2026. A bill to prohibit diversions of Great Lakes water, except as approved by all the Great Lakes States and the International Joint Commission, for use outside of a Great Lakes State and to prohibit federally sponsored studies involving the feasibility of diverting Great Lakes water; to the Committee on Environment and Public Works.

By Mr. STEVENS:

S. 2027. A bill to amend chapter 89 of title 5, United States Code, to reform the Federal employees' health benefits program; to the Committee on Governmental Affairs.

By Mr. EAGLETON (for himself, Mr. KENNEDY, and Mr. DIXON):

S.J. Res. 190. Joint resolution to amend the Multilateral Force in Lebanon Resolution and provide for periodic review and, if appropriate, reauthorization by Congress for continued deployment of U.S. Armed Forces in Lebanon; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG:

S. 2021. A bill to implement the call of the President for a national strategy seeking to protect people from nuclear war and to render nuclear weapons obsolete; to the Committee on Armed Services.

PEOPLE PROTECTION ACT

● Mr. ARMSTRONG. Mr. President, I am introducing today the People Protection Act, a measure designed to encourage development of the organizational infrastructure required to put into effect President Reagan's strategic defense initiative of March 23, 1983.

The People Protection Act is identical to H.R. 3073, introduced by Representative KEN KRAMER and 11 others in the House of Representatives on May 19. Representative KRAMER is to be complimented both for the initiative he has shown in originating this measure, and for the soundness of its provisions.

On March, 23, President Reagan offered Americans and the world a vision of a future free from the specter of nuclear destruction which has haunted all of us for nearly 40 years. The President offered us a vision of a world in which American security would be based more on our ability to protect the lives of our own people than on our ability to take the lives of other people, a world in which peace would be built on a firmer foundation than the goodwill of the generals in

the Kremlin and a tenuous, constantly shifting, balance of terror.

Enactment of the People Protection Act would be the first solid step toward converting that vision into reality.

The People Protection Act would:

Create a new agency dedicated to research and development of directed-energy defensive systems. No such agency exists today, and current research and development efforts in this critical field have been characterized by fragmentation, lack of coordination, and underfunding;

Restructure the Air Force's Space Command into a multiservice command that ultimately would be responsible for deployment and operation of space-based defensive systems;

Create a new Army command which would be responsible for ground-based air defense and ballistic missile defense;

Transfer from NASA to the Department of Defense those space shuttles which are required for national security missions and provide for immediate development of a manned space station; and

Overhaul U.S. stategic and arms control policies to place primary emphasis on strategic defensive, as opposed to strategic offensive, deployments.

For more than 20 years, U.S. strategic policy has been built on the quicksand of the doctrine of mutual assured destruction, MAD for short.

The MAD theory is easier to describe than it is to defend. Essentially, it is a murder-suicide pact. The theory was that if both the United States and the Soviet Union possess the power to destroy each other, but not each other's weapons, then neither would ever attack the other, because the end result would be the destruction of both.

Unfortunately for us, the MAD doctrine is based on false premises, was never accepted by the Soviets, and is fundamentally immoral.

The first false premise on which the MAD doctrine was based was the notion that the ICBM of the late 1960's vintage was the ultimate weapon. The MADmen assumed there would be no further advances in military technology, at least none that would matter.

This was an assumption that proved false within a few years after mutual assured destruction became official U.S. policy. The development of independently targetable warheads with circular errors probable of 300 feet or less undermined an essential component of the MAD doctrine. With accurate MIRV's on ICBM's, it was at least theoretically possible for one nation to destroy the other's weapons under condition of surprise attack. Assured destruction no longer would be mutual.

Another fundamental flaw was that Soviet leaders have never accepted this murder-suicide pact. From the beginning, Soviet leaders, in both their official statements for foreign consumption, and in their military journals, derided the MAD doctrine as both insane and immoral.

There is something macabre, and worse, about basing our security on our ability to kill Russian civilians. And it is even more reprehensible to deliberately increase the exposure of our own people to nuclear destruction simply in order to fulfill the demands of an abstract, a historical, unproven, and illogical theory. We pray that deterrence will not fail. But if deterrence fails, there is nothing to be gained by massacring ordinary Russian civilians.

By emphasizing strategic defense, President Reagan has pointed the way to a revised nuclear strategy that is logically sound and historically correct; that does not rely on the goodwill of the generals in the Kremlin to succeed, and which is based on the concept of saving lives, not destroying them. The People Protection Act is the first step to making the President's vision a reality. We should enact it as soon as possible.●

By Mr. MOYNIHAN:

S. 2022. A bill to suspend temporarily the duty on diphenyl guanidine and di-ortho-tolyl guanidine; to the Committee on Finance.

CHEMICAL TARIFF SUSPENSION

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to temporarily suspend the tariff on two chemicals used in the production of tires and shoe soles: Diphenyl guanidine and di-ortho-tolyl guanidine. My good friend from New York, Representative BARBER B. CONABLE, has introduced a similar measure in the House of Representatives.

My bill would suspend the tariffs on these two chemicals, which can be as high as 18 percent, until June 30, 1987. This is an entirely reasonable change to the Nation's tariff schedules, and I do not anticipate that the legislation will be opposed.

Domestic consumers of the two chemicals, which include the major tire companies, rely on imports to meet their needs for one simple reason: The United States stopped producing diphenyl guanidine and di-ortho-tolyl guanidine in 1981. By eliminating the unnecessary tariff on these chemicals, the Federal Government will lower supply costs to the companies purchasing these chemicals from abroad. These cost savings, of course, can be passed on to consumers in the form of lower prices.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

"907.90	Diphenyl guanidine, and di-ortho-tolyl guanidine (provided for in item 405.52 part 18, Schedule 4).	Free	No change	On or before 6/30/87.

SEC. 2. The amendment made by section 1 of this Act shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the fifteenth day following the date of enactment of this Act.●

By Mr. MITCHELL:

S. 2023. A bill to amend the Clean Air Act to assure compliance with mobile source emission standards; to the Committee on Environment and Public Works.

VEHICLE EMISSION STANDARDS

Mr. MITCHELL. Mr. President, the Clean Air Act of 1970 mandated that automobiles meet certain emission standards. While these emission standards have been controversial, auto manufacturers have made great strides in pollution control technology and cars manufactured today comply with the mandated standards. This is a significant achievement.

However, there remains a problem after cars are sold by a manufacturer. There are many instances of removal or modification of emission control systems to render them ineffective. This obviously does nothing to clean up the air, nor does it make economic sense given the price of emission control components on cars. The Clean Air Act currently prohibits auto manufacturers and their dealers, as well as independent repair operators, from removing or rendering inoperative emission control systems on automobiles. However, this has not discouraged the manufacture and sale of devices to render inoperative emission control systems. Thus to the extent these devices are available and service operators are willing to violate the law by installing them, the Clean Air Act is being violated. The Environmental Protection Agency has enforced these requirements in a number of instances; however, it is sometimes difficult for them to discover all such violations.

It remains legal today under the Clean Air Act to make and sell devices which defeat emission control systems on automobiles. I am today introducing a bill to amend the Clean Air Act to make the manufacture and sale of such items illegal. If it is not legal under the law to make such devices, or

to sell them, perhaps this will stem the violations, which are now plentiful, of installing this equipment on cars.

This legislation will close a loophole in the law and make the Clean Air Act more effective.

By Mr. NUNN:

S. 2025. A bill to amend the Highway Improvement Act of 1982 to provide additional funds for the completion of certain priority primary projects; to the Committee on Environment and Public Works.

COMPLETION OF CERTAIN HIGHWAY PROJECTS

● Mr. NUNN. Mr. President, today I am introducing legislation which is of tremendous significance to the economic development of my State of Georgia, as well as 22 other States in the Nation. Mr. President, I ask unanimous consent that a complete list of the States involved and the highway projects in those States be printed in the RECORD at the conclusion of my remarks. This measure will provide special additional funding for the completion of a vital highway project in Georgia, the so-called corridor Z route. Specifically, it will earmark 5 percent of Federal primary highway funds over the next 3 fiscal years to be applied to design and construction currently in progress on priority projects in many States including those routes composing the proposed Kansas City, Mo. to Brunswick, Ga. multimodal corridor. This legislation does not provide for the establishment of any new projects, but will permit those previously authorized and designated as priority primary projects by Congress to proceed.

The corridor Z priority primary route from Columbus to Brunswick, Ga. is an important segment of the proposed multimodal transportation corridor from Kansas City to Brunswick. The economic potential of the region is significant but development in this area is now stymied by poor land transportation. The possibility of the corridor Z route opening up the Nation's agricultural heartland to international trade through Southeastern seaports certainly enhances the economic significance of this project. In the area encompassing the six States of Alabama, Arkansas, Mississippi, Missouri, Tennessee, and Georgia the provision of a major transportation corridor would encourage industrial growth and stimulate the region's economy.

Corridor Z in Georgia was approved as part of the priority primary system through Federal legislation enacted in 1979. This legislation set aside $125 million for each of the fiscal years 1979–82 from the Federal primary program. These sums were made available for obligation at the Transportation Secretary's discretion for large projects which require long periods of time for their construction.

Georgia took advantage of these discretionary funds and embarked on an ambitious course to expand and improve a highway route to fulfill the need for an East-West connection between the southwest portion of our State and the Atlantic coast. This project enjoyed—and still enjoys—the widespread and enthusiastic support of not only the Georgia Congressional Delegation, but also local officials, business leaders and residents in the areas which the highway would serve. In particular, I would like to thank Tom Moreland, Georgia commissioner of transportation and his fine staff; State Senator Ed Perry, who represents the Seventh District of Georgia; J. W. Feighner, mayor of Columbus; and Ed Bodenhamer, executive director of the Southeast Georgia Area Planning and Development Commission who have expressed their strong support for this project and have assisted in developing this legislation.

Unfortunately, the 1982 Surface Transportation Assistance Act ended special funding for the priority primary program. The elimination of this funding category disappointed the hopes of those who believed that a fulfillment of the economic potential of south Georgia was in reach. South Georgians understandably feel that since the STAA of 1982 increased the highway fuel tax by a nickel per gallon for all users of the system, they are entitled to the same quality transportation facilities as those residing in other sectors of the Nation.

Under current law, any future funds for corridor Z must come from Georgia's apportionment of Federal-aid primary funds which are available for primary work throughout the entire State. With the critically urgent need for repair and improvement of Georgia's primary road system, it will be simply impossible for the State department of transportation to redirect primary funds in a manner which would provide for the timely completion of corridor Z.

Mr. President, corridor Z is 48 percent completed. The measure I introduce today will permit this vital highway project to reach fruition. It will reinvigorate the local economies of many small towns and cities across the State of Georgia which are underserved, and will also establish a safe, efficient, and sophisticated highway network which will promote interstate commerce and respond to the transportation needs of the citizens of several States. I believe the economic, social, and political changes that will result from the continuation of this multimodal corridor linking Kansas City to Brunswick and the growth that it will bring to the whole Southeast makes this transportation corridor essential as one of the Nation's major transportation goals for the future.

It is my hope that, in the weeks ahead, other Members of Congress representing the States involved in this ambitious endeavor will join me in cosponsoring this legislation and working toward its enactment.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DESIGNATED PRIORITY PRIMARY ROUTES

State and route:
New Jersey:
Route 55 from Port Elizabeth to the interchange of Route 42 and the New Jersey Turnpike.
California:
Long Beach Freeway between I-405 and Ocean Boulevard in Los Angeles County.
S. R. 101 from the intersection of I-280 in San Francisco to the Oregon border.
Manteca Bypass.
S. R. 20 Bypass.
Highway 86 between I-8 and I-10.
State Route 99/70 from I-5 to the split of Routes 99 & 70.
State Route 101 from Monterrey Street in Gilroy, California, to Russell Road in Salinas, California.
Pennsylvania:
Route 220 from the Tyrone Bypass in Blair County to I-76 in Bedford County.
Route 30 in Bedford County from Everett to the intersection of Route 220.
Southern Expressway in Allegheny County.
Route 219.
Alabama:
Highway 72 from Huntsville East and North to the Tennessee State Line.
Minnesota:
Highway 60 from St. James in Watonwan County to Worthington in Nobles County.
Highway 15 from New Ulm in Brown County to Winthrop in Sibley County.
Michigan:
U.S. 131 in Mecosta County.
U.S. 131 in Osceola County.
Missouri:
South Midtown Roadway (U.S. Highway 71) 10.2 miles road running from Interstate 70 east of downtown Kansas City, Missouri, to Bannister Road to join U.S. Highway 71.
Arizona:
Kolb-Valencia Road, Tucson.
Arkansas:
U.S. 71, I-40 to Missouri.
Florida:
U.S. 19.
S. R. 9A.
Venice Connector.
Overseas Highway.
Georgia:
Route Z.
Illinois:
U.S. 51, Rockford to Decatur.
I-180 to Quincy.
Iowa:
Route 61.
Louisiana:
Alexandria to Monroe.
New Hampshire:
Route 101.
New Mexico:
U.S. 70 Amarillo to Las Cruces.
New York:
Elm-Oak Arterial.
U.S. 219.
N. Carolina:
Benson to Wilmington.
S. Carolina:

U.S. 276, I-85 to Mauldin.
Texas:
Lubbock to I-10.
Amarillo to Las Cruces.
U.S. 69.
Ninth Avenue in Port Arthur.
Wisconsin:
Stadium Freeway.
Tennessee:
The State of Franklin Road in the vicinity of Johnson City.
Foothills Parkway.
Kentucky:
Route 841 (Jefferson Freeway).●

By Mr. PERCY (for himself, Mr. BOSCHWITZ, Mr. DIXON, Mr. GLENN, Mr. HEINZ, Mr. LEVIN, Mr. LUGAR, Mr. MOYNIHAN, and Mr. PROXMIRE)

S. 2026. A bill to prohibit diversions of Great Lakes water, except as approved by all the Great Lakes States and the International Joint Commission, for use outside of a Great Lakes State and to prohibit federally sponsored studies involving the feasibility of diverting Great Lakes water.

GREAT LAKES WATER DIVERSION ACT

● Mr. PERCY. Mr. President, along with my distinguished colleagues, Senators BOSCHWITZ, DIXON, GLENN, HEINZ, LEVIN, LUGAR, MOYNIHAN, and PROXMIRE, I am today introducing legislation that addresses a threat to the most important natural resource of the industrial Midwest.

The Great Lakes constitute the largest body of fresh water in the world, containing 95 percent of the Nation's, and 20 percent of the world's, surface fresh water. To the eight States and two Canadian provinces of the region, the Great Lakes serve as a source of water for domestic and industrial users, an artery to transport goods and raw materials into and out of the region, a supply of energy through hydropower, and an unparalleled environmental and recreational resource. The quality of life in our region is directly related to the quality and quantity of the Great Lakes.

Although the sheer magnitude of the Great Lakes would seem to indicate that its supply of fresh water is unlimited, the Great Lakes, like any other body of water, is subject to variations in levels and outflows due not just to natural fluctuations, but also man's impact on the hydrologic cycle. A study recently conducted by the International Joint Commission revealed the economic consequences of diverting water from the Great Lakes; that is, transferring water from the Great Lakes watershed to another watershed.

The diversion of water for use outside of the Great Lakes basin will lower water levels in the Great Lakes and will reduce the available water supply to the Great Lakes system. Losses would occur in hydropower production. Dramatically affected would be the shipping industry, which reportedly puts $10 million less in the economy of our region every time the lakes drop an inch below the low water mean. Moreover, fisheries and wildlife habitat would also be affected by the smallest reduction in the water level. There could be indirect costs as well in fostering economic development in sections of the country that might tap Great Lakes water. For example, it has been suggested that Great Lakes water would be used for a western coal slurry pipeline or to irrigate arid Western States.

Recognizing these consequences, at a conference at Mackinaw Island in June 1982, officials from Illinois, Indiana, Ohio, Pennsylvania, New York, Michigan, Minnesota, and Wisconsin, as well as the Premiers of the Canadian Provinces of Ontario and Quebec adopted a resolution opposing any diversion of Great Lakes water for use outside of a Great Lakes State or Province. Their opposition stems from two main concerns: First, that the water of the Great Lakes is needed to meet the current and future demands within the Great Lakes States and Canadian Provinces; and second, that any reductions in flows and lake levels within the Great Lakes system will result in serious losses in hydropower and navigation industries, and would not promote growth and development of the region.

Mr. President, the legislation we are introducing today is simple and straightforward: It would prohibit any State or Federal agency or private enterprise from diverting Great Lakes water for use outside of a Great Lakes basin State without prior approval of all eight Great Lakes States and the International Joint Commission. In addition, our legislation would prohibit Federal departments or agencies from undertaking studies of interbasin transfer of Great Lakes water. This latter provision is patterned after an existing prohibition that applies to the Pacific Northwest.

It has been suggested that our region would profit from the sale of our water. On the other hand, one Governor has quipped that the only water that ought to leave the region should be in cans with hops and barley—suggesting that if we export water, we are in effect exporting jobs. It may or may not be in our interest to permit water to be diverted from the region: This legislation simply establishes that decisions of this kind shall be made by the region. It is an acknowledgment that the Great Lakes belong to the Great Lakes region.

It is significant that a Senator from each of the Great Lakes States has joined me in introducing this legislation. It means that we are together on this, and I deeply appreciate the cooperation of my colleagues. I also wish to thank the Illinois Division of Water Resources, particularly Neil R. Fulton, for assistance in drafting this legislation.

Mr. President, I ask unanimous consent that the resolution on water diversions that was adopted by the Great Lakes Governors and Canadian officials be printed in the RECORD following my remarks, as well as a copy of the legislation that I am introducing with my colleagues from the Great Lakes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIVERSIONS

Whereas, the States and Provinces in the Great Lakes Basin have been blessed with an incomparable water resource; and

Whereas, increasing evidence points to severe freshwater shortages in other parts of the United States, shortages that already are apparent and are expected to reach major proportions in the next decade; and

Whereas, the search already has begun for alternative sources of water for those regions, with support for some of that search coming from the United States Federal Government; and

Whereas, the water of the Great Lakes is needed to meet the current and future domestic, industrial, navigational, power, agricultural and recreational needs of the Great Lakes and St. Lawrence region; and

Whereas, the findings of the International Joint Commission's Great Lakes Diversions and Consumptive Uses Study Board indicates that we will be faced with substantial increases in consumptive uses within the Basin over the next half century to meet our own growing needs; and

Whereas, the diversion of water from the Great Lakes Basin to other water basins reduces the net supply of water available to the Great Lakes Basin and lowers lake levels; and

Whereas, lowered lake levels and reduction of flows in connecting channels could result in serious losses in water supply, navigation and recreational values causing critical economic, social and environmental problems adverse to the people of the Great Lakes and St. Lawrence States and Provinces; and

Whereas, the wise use and development of the water resources of the Great Lakes is essential to the economy and prosperity of the Great Lakes and St. Lawrence States and Provinces; and

Whereas, the diversion of Great lakes waters to other regions of the United States or Canada could result in severe restrictions in the growth and development of the Great Lakes and St. Lawrence region; and

Whereas, it makes far more sense for development to occur where abundant supplies of fresh water already exist, rather than moving the water to other regions; and

Whereas, we share in the responsibility for the stewardship of the tremendous natural resources which the Great Lakes provide; and

Whereas, the Boundary Water Agreement of 1909 requires that any change in the flows and levels of any boundary waters is subject to approval by the federal governments of both the United States and Canada;

Now, therefore, be it resolved by the Great Lakes States and Provinces that based on existing information they object to any new diversion of Great Lakes water for

use outside the Great Lakes States and Provinces; and

Be it further resolved that no future diversions be considered until a thorough assessment, involving all jurisdictions contiguous to the Great Lakes system, of the impacts on navigation, power generation, environment and socioeconomic development for all said jurisdications takes place; and

Be it futher resolved that any future decision on the diversion of Great Lakes water for use outside of the Great Lakes States and Provinces be made only with the concurrence of the Great Lakes States, the Unites States Federal Government, and the Federal Government of Canada and the Provinces contiguous to the Great Lakes system.

S. 2026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Lakes Water Diversion Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the Great Lakes are a most important natural resource to the eight Great Lakes States and two Canadian provinces, providing water supply for domestic and industrial use, clean energy through hydropower production, an efficient transportation mode for moving products into and out of the Great Lakes region, and recreational uses for millions of United States and Canadian citizens;

(2) the Great Lakes need to be carefully managed and protected to meet current and future needs within the Great Lakes States and Canadian provinces;

(3) any new diversions of Great Lakes Water for use outside of a Great Lakes State will have significant economic and environmental impacts, adversely affecting the use of this resources by the Great Lakes States and Canadian provinces; and

(4) the Great Lakes are international waters and are defined as boundary waters in the Boundary Waters Treaty of 1909 between the United States and Canada, and as such any new diversion of Great Lakes water in the United States would affect the relations of the Government of the United States with the Government of Canada.

(b) It is therefore declared to be the purpose and policy of the Congress in this Act—

(1) to take immediate action to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and in accordance with the Boundary Waters Treaty of 1909;

(2) to prohibit any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside of a Great Lakes State unless such diversion is approved by all the Great Lakes States and the International Joint Commission; and

(3) to prohibit any Federal agency from undertaking any studies that would involve the transfer of Great Lakes water for any purpose for use outside of a Great Lakes State.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "diversion" means a transfer of water from the Great Lakes watershed to another watershed; and

(2) the term "Great Lakes States" includes the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

DIVERSIONS FOR USE OUTSIDE A GREAT LAKES STATE IS PROHIBITED

SEC. 4. Great Lakes water shall not be diverted, either directly or through diversion of tributary flows, for use outside of a Great Lakes State unless such diversion is approved by all eight Great Lakes States and the International Joint Commission.

FEDERALLY FUNDED STUDIES OF GREAT LAKES DIVERSIONS ARE PROHIBITED

SEC. 5. No Federal agency may undertake any study, or expend any Federal funds to contract for such a study, that involves the feasibility of transferring Great Lakes water from any one of the eight Great Lakes States for use outside of a Great Lakes State. The prohibition of the preceding sentence shall not apply to any study or data collection effort performed by the Corps of Engineers or other Federal agency under the direction of the International Joint Commission in accordance with the Boundary Waters Treaty of 1909.●

● Mr. BOSCHWITZ. Mr. President, I am pleased to join my colleague from Illinois, Senator PERCY, in introducing the Great Lakes Water Diversion Act.

The Great Lakes are a tremendous resource which serves as a vital transportation mode, drinking water supply, environmental and recreaton resource, and energy source for the eight States and two Canadian Provinces that border on the lakes. The Great Lakes also contain 95 percent of our country's supply of fresh surface water, totaling approximately 65 trillion gallons. Its supply seems almost limitless but to assume so would be a tragic mistake.

In September 1981, the International Joint Commission issued a report entitled "Great Lakes Diversions and Consumptive Uses." That study indicated that a diversion of Great Lakes water for use outside the Great Lakes basin would lower water levels and available water supply and cause significant economic losses to important Great Lakes users. The study also indicated that serious environmental consequences would result from Great Lakes water diversion, including reduction of wetlands and fish spawning areas.

In addition to these concerns is the fact that the diversion of Great Lakes water would promote competition from areas receiving the water. Certain regions of the country have resources available to them that serves to promote industry and economic growth. The Middle West, by contrast, suffers from an economic downturn caused by both declining resources and competition from other regions that have natural advantages, like the Sun. We must protect our resources, particularly our water, because these resources may be our best hope of future growth.●

By Mr. STEVENS:

S. 2027. A bill to amend chapter 89 of title 5, United States Code, to reform the Federal employees' health benefits program; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES' HEALTH INSURANCE AMENDMENTS OF 1983

Mr. STEVENS. Mr. President, as many Members are quite aware, the premiums for Federal health insurance have increased the last couple of years. These increases have been accompanied by high deductibles and generally lower benefits. As a result of these and other serious problems experienced by the Federal health program over the last few years, I asked the General Accounting Office to investigate the situation and recommend remedial action.

Their report, issued earlier this year, indicated that the Federal Government contributes less for health insurance than private sector employers. Over 70 percent of the firms studied contributed a higher proportion to the firms' health insurance program than the Government. Over 50 percent of the firms paid the whole premium. This is compared to the Government's contribution which averages 64 percent of a plan's premium. The report also revealed that the Federal benefit package was falling behind that offered by private employers. Finally, GAO recommended that additional efforts be made to control costs in the program.

Given these and other recommendations, I am pleased to introduce the Federal Employees' Health Insurance Amendments of 1983 which will improve the overall health care delivery system for Government employees while for the first time establish some cost-containment control in the health program.

Briefly, the amendments deal with the six broad issues. First, they allow a health benefits plan carrier to offer one medicare supplemental plan for medicare-eligible annuitants to provide benefits, such as drugs and mental health care, which are not provided by medicare. This should reduce costs and in many cases provide better coverage for enrollees.

Second, the amendments require that all plans carry reasonable deductibles and coinsurance.

Third, we propose to mandate the list of optional benefits contained in the current law, and also require benefits for the care and treatment of mental disorders.

Fourth, a catastrophic protection limit will assure that any out-of-pocket expenses for an injury or illness by an employee under the plan could not exceed $3,000 per person or $6,000 per family. Additionally, there will be a $1,500 catastrophic limit for individuals and a $2,500 limit for a family under a medicare supplemental plan. All of these figures are intended only as maximums.

Fifth, the amendments alter the Government's contribution to the health benefits program. Instead of the Government's contribution being based upon the average of the big six premiums, the Government's contribution will be 70 percent of the weighted average of all premiums. This provision is intended to increase the Government contribution and reduce the Federal employee contribution to the plans.

Finally, we have created a comprehensive cost containment program for health carriers. This program includes, among other strategies and procedures, peer review of the utilization and quality of health care offered by plans, and a provision which ties payment to providers under a health benefits plan to the medicare reimbursement rules. These provisions will hold down health costs in the program which will offset the increased Government contribution.

In summary, Mr. President, these amendments are intended to reduce the cost of the health program for Federal employees and the Government, while providing reasonable benefits and choice among a variety of plans. The cost containment provisions of this legislation will provide the catalyst to achieve these goals.

I urge all Members to take a closer look at these amendments which I know will have a positive impact on the health care delivered to this Nation's Federal employees.

Mr. President, I ask unanimous consent that the text of the bill and a summary of the bill be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Health Insurance Amendments Act of 1983".

REFERENCES

SEC. 2. Except as otherwise specifically provided in this Act, wherever in this Act a reference is expressed in terms of a section or other provision, the reference is to a section or other provision, respectively, of title 5, United States Code.

TITLE I—MEDICARE SUPPLEMENTAL PLANS

DEFINITIONS

SEC. 101. Section 8901 is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(10) 'Office' means the Office of Personnel Management; and

"(11) 'medicare eligible individual' means any individual who is eligible for benefits under part A of title XVIII of the Social Security Act.".

SEC. 102. (a) Subsection (a) of section 8902 is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Subject to the approval of the Office, each qualified carrier entering into a contract under paragraph (1) of this subsection to offer a health benefits plan described in section 8903(a) of this title may offer under this chapter, as part of such plan, one medicare supplemental plan described in section 8903(b) of this title. Each such medicare supplemental plan shall be available only to medicare eligible individuals.".

(b) Section 8903 is amended—

(1) by inserting "(a)" before "The" in the first sentence; and

(2) by adding at the end thereof the following new subsection:

"(b) The Office shall approve, as part of a plan approved under subsection (a) of this section, any medicare supplemental plan which is offered by a qualified carrier as provided in section 8902(a)(2) of this title and provides health benefits—

"(1) for which payment may not be made under title XVIII of the Social Security Act or for which payment may be made under title XVIII of the Social Security Act but which are not payable under such title by reason of deductibles, coinsurance amounts, or other limitations imposed pursuant to such title; and

"(2) which, when combined with the health services and items provided or paid for under title XVIII of the Social Security Act, result in a combined health benefits package for such individual which is equivalent to or greater than the health benefits which are of the types referred to in paragraph (1) or (2) of section 8904 of this title.".

(c) Section 8905 is amended by adding at the end thereof the following:

"(f) Except as otherwise provided in this subsection, and member of family of an employee or annuitant enrolled in a medicare supplemental plan may enroll in any health benefits plan offered under this chapter. A member of a family who is not a medicare eligible individual may not enroll in or be covered by a medicare supplemental plan offered under this chapter.".

TITLE II—ADDITIONAL REQUIREMENTS FOR FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CONTRACTING AUTHORITY

SEC. 201. (a) Subsection (c) of section 8902 is amended—

(1) by inserting "(1)" after "(C)";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) A contract for a plan described by section 8903(a)(3) of this title shall require that the carrier—

"(A) satisfy the requirements of paragraph (1)(A) of this subsection; or

"(B) be underwritten by a company that is licensed to issue group health insurance in all the States and the District of Columbia.".

(b) Subsection (d) of such section is amended to read as follows:

"(d) Each contract under this chapter shall include a detailed statement specifying the benefits offered under such contract and the maximums, limitations, exclusions, definitions, deductibles, and coinsurance applicable to such benefits. Any such contract that is entered into for a term of more than one year shall include a detailed statement describing each change, if any, in such benefits, maximums, limitations, exclusions, definitions, deductibles, and coinsurance taking effect during the term of the contract and the effective date of such change.".

(c) The second sentence of subsection (1) of such section is amended to read as follows: "For the purposes of this subsection, 'qualified health maintenance carrier' means any qualified carrier which—

"(1) is a qualified health maintenance organization within the meaning of section 1310 (d)(1) of the Public Health Service Act (42 U.S.C. 300e-9(d)(1)); or

"(2) satisfies the requirements of section 1301 (c)(1)(A) of such Act (42 U.S.C. 300e(c)(1)(A)), as determined by the Office of Personnel Management in consultation with the Secretary of Health and Human Services.".

(d) Such section is further amended by adding at the end thereof the following new subsections:

"(n)(1) Except as otherwise provided in this chapter, each health benefits plan offered under this chapter shall provide reasonable deductibles and coinsurance for all benefits under the plan. Such deductibles and coinsurance may not apply with respect to health care provided under emergency circumstances. The plan may provide for a reduction of deductibles and coinsurance pursuant to a program of innovation benefits offered under the plan, but may not provide for the elimination of deductibles and coinsurance pursuant to such program.

"(2) Deductibles and coinsurance may be waived under any health benefits plan offered under this chapter in the case of a charge for health care which does not exceed the amount which would be paid for the same type of care under title XVIII of the Social Security Act without regard to any deductibles, coinsurance, or copayments required under such title.

"(o) The Office may not contract with any qualified carrier under subsection (a) of this section for or approve any plan described in subsection (a)(1), (a)(2), or (a)(3) of section 8903 of this title, or contract for or approve any plan described in subsection (b) of such section, which provides more than two levels of beneifts. This subsection does not prohibit any qualified carrier offering a plan which provides two levels of benefits under this chapter from also offering a medicare supplemental plan described in section 8903(b) of this title or from also underwriting plans offered by other qualified carriers under this chapter.

"(p) The Office shall not require as a condition for entering into a contract with any qualified carrier under subsection (a) of this section or for approving a health benefits plan for the purposes of this chapter that such carrier offer a health benefits plan which provides more than one level of benefits.".

TYPES OF HEALTH BENEFITS; CATASTROPHIC BENEFITS

SEC. 202. (a) Section 8904 is amended—

(1) by inserting "(a)" before "The" in the first sentence;

(2) by striking out "may" in the first sentence and inserting in lieu thereof "shall";

"(3) by adding at the end of paragraph (1) the following new subparagraph:

"(G) Inpatient and outpatient benefits for care for and treatment of mental disorders.";

"(4) by adding at the end of paragraph (2) the following new subparagraph:

"(G) Inpatient and outpatient care for and treatment of mental disorders.";

(5) in paragraph (3), by striking out "section" and inserting in lieu thereof "subsection";

(6) in paragraph (4), by striking out "section" and inserting in lieu thereof "subsection"; and

(7) by striking out the last sentence and inserting in lieu thereof the following new subsection:

"(b)(1) In the case of a catastrophic injury or illness (including a mental disorder), the benefits required by subsection (a) of this section to be provided under a plan shall be provided under such plan without regard to the provisions of such plan relating to deductibles, coinsurance, maximums and other limitations, if any. For the purposes of this subsection, an injury or illness (including a mental disorder) is considered catastrophic during any contract year after the time when the total of the amounts of charges for care and treatment which—

"(A) have been submitted to a utilization and quality control peer review organization for review under section 8914(b)(3)(C) of this title and have not been disapproved by such organization; and

"(B) by reason of the application of the provisions relating to exclusions, deductibles, coinsurance, maximums, or other limitations to the benefits allowable under the plan with respect to such injury or illness or injuries or illnesses related to such injury or illness, have been paid by an employee or annuitant during such year,

equals the lesser of the amount specified in the plan for the purpose of this subsection or the reference amount computed under paragraph (2) of this subsection.

"(2)(A) Except as provided in subparagraph (B) of this subsection and subject to subparagraph (C) of this paragraph, for the purposes of paragraph (1) of this subsection, the reference amount is—

"(i) $3,000 per person receiving benefits under a plan by reason of the illness or injury and illnesses and injuries related to such illness or injury; or

"(ii) $6,000,

whichever is less.

"(B) For the purposes of paragraph (1) of this subsection, in the case of a medicare supplemental plan described in section 8903(b) of this title, the reference amount is—

"(1) $1,500 per person receiving benefits under a plan by reason of the illness or injury or illnesses and injuries related to such illness or injury; or

"(ii) $2,500,

whichever is less.

"(C) Effective January 1 of each year, the amounts specified in subparagraphs (A) and (B) of this paragraph (as previously deemed to be increased under this subparagraph) shall be deemed to be increased by the percent increase, if any, in the price index published for December of the second calendar year preceding such January 1 over the price index published for December of the third calendar year preceding such January 1. For the purpose of the preceding sentence, 'price index' shall have the same meaning as provided in section 8331(15) of this title.".

(b)(1) The heading of such section is amended to read as follows:

"§ 8904. Benefits".

(2) The item relating to section 8904 in the table of sections at the beginning of chapter 89 is amended to read as follows:

"8904. Benefits.".

CONTRIBUTIONS

SEC. 203. (a) Subsection (a) of section 8906 is amended to read as follows:

"(a) (1) For the purpose of computing the amount of the Government contribution for subscription charges payable for an employee or annuitant enrolled in a health benefits plan under this chapter during any contract year, the Office shall compute—

"(A) the weighted average of the subscription charges in effect on the beginning date of such contract year under health benefits plans which are offered by carriers under this chapter (other than medicare supplemental plans) for such contract year and were offered by such carriers under this chapter for the preceding contract year; and

"(B) the weighted average of the subscription charge in effect on the beginning date of such contract year under medicare supplemental plans which are offered by carriers under this chapter for such contract year and were offered by such carriers under this chapter for the preceding contract year.

"(2) For the purpose of clause (A) or (B) of paragraph (1) of this subsection, the weighted average of the subscription charges in effect on the beginning date of a contract year under the health benefits plans referred to in such clause shall be computed by—

"(A) multiplying, in the case of each such plan, for each type of enrollment and each level of benefits provided under such plan, the biweekly subscription charge in effect on such beginning date by the number of employees and annuitants enrolled for the preceding contract year in such plan for such level of benefits under such type of enrollment; and

"(B) dividing the sum of the products computed pursuant to clause (A) of this paragraph by the total number of employees and annuitants enrolled in such plans during the contract year preceding such beginning date.".

(b)(1) Subsection (b)(1) of such section is amended to read as follows:

"(b)(1) Except as provided by paragraph (2) of this subsection, the biweekly Government contribution for health benefits in any contract year for—

"(A) an employee or annuitant enrolled in a health benefits plan under this chapter (other than an annuitant to whom clause (B) of this paragraph applies) is adjusted to an amount equal to 70 percent of the applicable weighted average subscription charge computed for such contract year under subsection (a) of this section, or if less, the subscription charge for such employee or annuitant for such contract year; or

"(B) for an annuitant who is enrolled in a health benefits plan offered under this chapter and is not a medicare eligible individual is adjusted to an amount equal to 84 percent of the weighted average subscription charge computed under subsection (a)(1)(A) of this section or, if less, the subscription charge for such annuitant for such contract year.

For an employee, the adjustment commences on the first day of the employee's first pay period beginning during such contract year. For an annuitant, the adjustment commences on the first day of the first period which begins during such contract year and for which an annuity payment is made.".

(2) Subsection (b) of such section is further amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(c) The Government contribution for health benefits for an employee or annuitant enrolled in a medicare supplemental health benefits plan under chapter 89 of title 5, United States Code, during the first contract year for which any such plan is offered under such chapter shall be equal to 70 percent of the mean average of all subscription charges for such plans for such contract year.

COST CONTAINMENT PROGRAM

SEC. 204. (a)(1) Chapter 89 is amended by adding at the end thereof the following new section:

"§ 8914. Cost containment program

"(a) Each carrier offering a health benefits plan under this chapter shall develop and carry out a cost containment program for each such plan other than a comprehensive medical plan described in section 8903(a)(4) of this title. The program shall include—

"(1) procedures which ensure that the carrier fully carries out its responsibilities under the plan without (A) assuming the financial obligations of others in furnishing the benefits or (B) furnishing benefits to subscribers or members of family of a subscriber which are furnished by others under circumstances involving coordination of benefits, subrogation, no-fault motor vehicle accident insurance, compensation arrangements, or workers' compensation insurance;

"(2) procedures which ensure that benefits not authorized to be furnished under the plan are not furnished under the plan;

"(3) provisions to furnish benefits which are suitable alternatives to and less costly than in-patient medical and hospital care, including ambulatory surgery, home health care, hospice care, preadmission testing, second opinions on surgery, and care in skilled nursing facilities;

"(4) procedures and actions to detect possibly fraudulent claims submitted by providers of health care or subscribers;

"(5) the development and implementation of strategies to contain the costs of benefits furnished under the plan, including the development of data bases to provide the capability to analyze any subscriber's individual account under the plan, the costs and payments relating to such account, and the utilization of medical services, medical procedures, and medical facilities by such subscriber;

"(6) the distribution of published materials and the conduct of other activities to inform patients, subscribers, employees, annuitants, members of families, and providers of health care about the appropriate uses of health care services and facilities, personal habits and practices which promote good health, and other health care matters; and

"(7) efforts to enter into agreements with providers of health care to discount charges for furnishing health care to subscribers under the plan.

"(b)(1) The Office shall establish by regulations a system for peer review of the utilization and quality of health care furnished under plans offered under this chapter which is similar to the process for peer review of the utilization and quality of health care services established by part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.). In developing and issuing regulations under the preceding sentence, the Office shall consult with the Secretary of Health and Human Services on the design and uses of the peer review system and the

experience of the Department of Health and Human Services under the peer review system established by such part of the Social Security Act. The regulations shall include provisions that the Office designate areas in which utilization and quality control peer review functions contracted for under paragraph (2) of this subsection shall be performed and that, in designating such areas, the Office shall consider the areas designated for the purposes of processing claims and collecting data relating to health benefits plans under this chapter.

"(2) The Office shall contract with a utilization and quality control peer review organization for each area designated by the Office under the system established pursuant to paragraph (1) of this subsection.

"(3)(A) The functions to be performed by utilization and quality control peer review organizations pursuant to contracts entered into under paragraph (2) of this subsection shall include the functions set forth in subparagraphs (B) and (C) of this paragraph.

"(B) A utilization and quality control peer review organization shall perform functions (with respect to health benefits plans offered under this chapter) which are similar to the functions performed by utilization and quality control peer review organizations under section 1154 of the Social Security Act (42 U.S.C. 1320c-3). In performing its functions under this subparagraph, a utilization and quality control peer review organization shall consider health care for and treatment of mental disorders to be medically necessary if such care and treatment is determined to be psychologically necessary.

"(C) A utilization and quality control peer review organization shall review charges submitted for the purposes of the second sentence of section 8904(b)(1) of this title (relating to catastrophic benefits) and determine whether payment of such charges under a plan offered under this chapter would be disapproved by such organization if the applicable exclusions, deductibles, coinsurance, maximums, and other limitations under such plan were not applicable to such charges.

"(4) The limitations on liability and the authority to pay expenses provided in section 1157 of the Social Security Act (42 U.S.C. 1320c-6) and the prohibitions against disclosure of information and the penalties provided by section 1160 of such Act (42 U.S.C. 1320c-9) shall apply in the administration of the system established pursuant to paragraph (1) of this subsection.

"(c) (1) Each carrier offering a health benefits plan under this chapter shall provide, by a contract approved by the office, for an independent audit of the cost containment program of such carrier under subsection (a) of this section at least once each year. The contractor carrying out such audit shall rate as satisfactory or unsatisfactory the effectiveness of each provision required by such subsection to be included in the program of such carrier, and the overall effectiveness of such program, in minimizing the cost of health care covered by the plan. The contractor shall transmit a report on its findings and conclusions to the Office promptly after completing the audit.

"(2) The Office shall approve any contract under parapgraph (1) of this subsection which the Office determines will assure an effective and independent audit of the cost containment program of a carrier.

"(d) The Office may not contract for or approve under this chapter a health benefits plan offered by any carrier carrying out a cost containment program which is rated, under subsection (c)(1) of this section, as unsatisfactory overall for two consecutive calendar years unless three years have elapsed since the date on which the latest contract for or approval of a health benefits plan offered by such carrier under this chapter has expired. The carrier shall be entitled to a hearing on the record before the Office makes an initial determination not to contract for or approve under this chapter a health benefits plan offered by such carrier by reason of the first sentence of this paragraph. The determination of the Office shall be subject to review by the Courts of Appeals of the United States under chapter 7 of this title.

"(e) At the end of each calendar year, the Office shall transmit to the Congress a report summarizing the results of the cost containment programs carried out under this section for the year. Each report shall set forth the ratings of each carrier under subsection (c)(1) of this section for the year.

"(f) Once every two years, the Comptroller General of the United States shall review the activities carried out by the utilization and quality control peer review organizations under subsection (b) of this section during the preceding two years and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the Comptroller General promptly after completing the review of such activities.

"(g) Each instrumentality of the Government employing employees who are covered by a health benefits plan under this chapter shall furnish to the carrier offering such plan such information relating to such employees as the Office considers necessary to promote the purposes of subsection (a)(1) of this section.

"(h)(1) Notwithstanding any other provision of law, carriers entering into contracts under this chapter may jointly negotiate agreements with providers of health care for the purposes of subsection (a)(7) of this subsection.

"(2) Any provider of health care which enters into an agreement with one carrier to discount charges for furnishing health care to subscribers of a health benefits plan offered by such carrier under this chapter shall provide the same discount in charging for the same type of health care which such provider of health care furnishes to a subscriber of any other health benefits plan under this chapter. The preceding sentence does not apply to comprehensive medical plans described in section 8903 (a)(4) of this title.".

(2) The table of sections at the beginning of chapter 89 is amended by adding at the end thereof the following new item:

"8914. Cost containment program.".

(b)(1)(A) Chapter 89 is further amended by adding at the end thereof the following new section:

"§ 8915. Payments under health benefits plans

"(a) The maximum amount which may be paid under a health benefits plan under this chapter to any provider of health care for any type of health care furnished to a subscriber of such plan shall be determined under joint regulations to be prescribed by the Director of the Office and the Secretary of Health and Human Services.

"(b) The joint regulations prescribed for the purposes of subsection (a) of this section shall provide that the maximum amount which may be paid under a health benefits plan under this chapter for a type of health care shall be determined to the extent practicable in accordance with the reimbursement rules which apply to payments to providers of the same type of health care under title XVIII of the Social Security Act.

"(c) A provider of health care shall not be entitled to receive payment under a health benefits plan under this chapter or from a subscriber under such plan, any individual to whom such health care was furnished, or any person responsible for the debts of such subscriber or individual for any amount exceeding the applicable amount determined under subsection (a) of this section except in the case of any amount required to be paid by the subscriber (without reimbursement under the health benefits plan) by reason of the provisions of such plan for exclusions, deductibles, maximums, coinsurance, or other applicable limitations.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"8915. Payments for health benefits plans.".

(2) Section 1866(a)(1) of the Social Security Act is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof ", and"; and

(C) by adding at the end thereof the following new subparagraph:

"(F) to participate in providing medical care under plans contracted for or approved under chapter 89 of title 5, United States Code.".

OPEN SEASON

SEC. 205. (a) Chapter 89 is further amended by adding at the end thereof the following new section:

"§ 8916. Open enrollment

"(a) For the purposes of this section, the term 'a program of open enrollment' means a program under which each employee and each annuitant may elect to enroll, not to enroll, to continue enrollment, or to discontinue enrollment in a health benefits plan offered under this chapter or to transfer enrollment from one such health benefits plan to another such health benefits plan.

"(b) Before any change in benefits or amounts payable by an employee or annuitant under a health benefits plan under this chapter takes effect, the Office shall organize and carry out a program of open enrollment.

"(c) Not later than fifteen days before the date on which any program of open enrollment begins, the Office shall distribute to each employee and each annuitant—

"(1) a document or documents—

"(A) summarizing the benefits provided under each health benefits plan offered under this chapter for the ensuing contract term; and

"(B) setting forth the amount of the subscription charge payable by each subscriber under such plan during such term;

"(2) a document setting forth the benefits, including maximums, limitations, exclusions, definitions, deductibles, and conisurance which will be provided during such term under the plan in which such subscriber is enrolled, if any, on the date on which such program of open enrollment begins; and

"(3) an application for enrollment or change of enrollment in a health benefits plan.

"(d)(1) Under such regulations as the Office shall prescribe, promptly after the

end of each program of open enrollment, each carrier offering a health benefits plan included in such program and each instrumentality of the Government employing employees enrolled in any such plan shall transmit to the Office lists of employees and members of family of employees covered by each such plan. The Office shall examine such lists to determine whether any individual is covered by more than one plan for the ensuing contract term and shall compile and maintain a comprehensive list, by health benefits plan, of individuals covered by an enrollment in such plan.

"(2) Whenever an employee changes an enrollment under a health benefits plan under this chapter, each carrier affected by such change and the instrumentality of the Government employing such employee shall notify the Office of the change. The Office shall enter the change on the comprehensive list maintained under paragraph (1) of this subsection.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"8916. Open enrollment.".

CONTINUATION OF COVERAGE OF ANNUITANTS

SEC. 206. Section 8905(b) is amended—

(1) by striking out clause (1) and inserting in lieu thereof the following:

"(1) as an employee with not less than 5 years of service immediately before retirment; or"; and

(2) by inserting "such" before "an employee" in clause (2).

TITLE III—MISCELLANEOUS PROVISIONS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 301. (a) Section 8901(8) is amended by striking out "8903(3)" and inserting in lieu thereof "8903(a)(3)".

(b) The second sentence of section 8902(i) is amended by striking out "health benefits plans described by section 8903 (1) and (2)" and inserting in lieu thereof "health benefits plans described by subsection (a)(1), (a)(2), (a)(3), or (b) of section 8903".

(c) Section 8903(a) (as amended by section 102(b) of this Act is amended—

(1) in paragraph (1)—

(A) by strikingout ", offering two levels of benefits,"; and

(B) by striking out "8904 (1)" and inserting in lieu thereof "8904(a)(1)";

(2) in paragraph (2)—

(A) by striking out ", offering two levels of benefits,"; and

(B) by striking out "8904 (2)" and inserting in lieu thereof "8904(a)(2)";

(3) in paragraph (3) by striking out "8904(3)" and inserting in lieu thereof "8904(a)(3)"; and

(4) in the first sentence of paragraph (4)(A) by striking out "8904(4)" and inserting in lieu thereof "8904(a)(4)".

EFFECTIVE DATES

SEC. 302. (a) Except as provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect with respect to contracts for and approvals of health benefits plans taking effect under chapter 89 after the date of enactment of this Act.

(b)(1) The amendments made by section 201(a) of this Act shall take effect January 1 of the first year that begins not less than three years after the date of enactment of this Act.

(2) The amendments made by section 205 of this Act shall take effect on the date of enactment of this Act.

SUMMARY OF THE FEDERAL EMPLOYEES' HEALTH INSURANCE AMENDMENTS OF 1983

Section 101 adds several new definitions to the current law.

Section 102 allows carriers who are currently in a health benefits plan contract with the Office of Personnel Management to offer one Medicare supplemental plan. The supplemental plan is intended to provide benefits which are not provided under Medicare or not payable under Medicare because of deductibles, co-insurance, or other limitations.

The supplemental plan must contain separate deductibles and co-insurance, and include the benefits which are mandated under the health benefits plans. Finally, if an employee or annuitant is enrolled in a Medicare supplemental plan, any member of the family may participate in another health benefits plan offered under this chapter.

Section 210 (a) requires that an employee organization plan be reinsured either by other companies in a pool arrangement or be underwritten by another insurance carrier. This requirement will not take effect until three years after the date of enactment of the legislation.

Section 201 (b) requires that each contract with the Office of Personnel Management must contain a detailed statement explaining the benefits and the maximums, limitations, exclusions, definitions, deductibles, and co-insurance applicable to the benefits. Also each contract entered into for a term of more than one year must contain a detailed statement of any change of benefits, etc., taking effect during the life of the contract.

Section 201 (c) authorizes OPM to contract with a health maintenance organization that is either federally qualified under the Health Maintenance Organization Act or meets the requirements of federal qualification as determined by OPM.

Section 201 (d) requires that all plans carry reasonable deductibles and co-insurance for all benefits, except emergencies, under the plan. Plans may reduce the deductibles and co-insurance for innovative benefits and may waive them for arrangements made with providers for were the cost of services is equal to or less than that charged for the same type of care under Medicare.

No plan may offer more than two options (levels of care), however, this subsection does not prohibit any carrier from also offering a Medicare supplemental plan or from underwriting plans offered by other qualified carriers. Finally, this subsection prohibits OPM from requiring that any carrier offer more than one option.

Section 202 amends the list of benefits that are optionally provided by the various carriers to require at a minimum the provision of those benefits. In addition, benefits for the care and treatment of mental disorders are required of plans.

This section also applies a catastrophic protection limit which would assure that any out-of-pocket expenses by the employee due to an illness or injury for health care covered under the plan could not exceed $3,000 per person or $6,000 per family. These figures are intended only as maximums. In other words, any carrier can offer catastrophic protection that is less than the amounts provided under law.

In the case of a Medicare supplemental plan, there will be a $1,500 catastrophic limit for individuals and a $2,500 limit for a family. In addition, the catastrophic amounts are indexed yearly by the Consumer Price Index.

Section 203 alters the government contribution formula. Instead of the government's contribution being based upon the average of the Big Six premiums, the government's contribution will be 70 percent of the weighted average of all the premiums. The weighted average will be based upon the number of enrollees in each carrier's plans. In other words, those plans which have more enrollees will be given greater weight in determining the government's contribution. Plans containing annuitants not eligible for Medicare will receive an additional 20% government contribution.

Section 204 establishes a cost containment program for health carriers. The program shall include:

Procedures which ensure that the carrier fully carries out its responsibilities under the plan

Procedures which ensure that benefits not authorized under the plan are not furnished

Provisions to furnish benefits which are suitable alternatives to in-patient care

Procedures to detect possible fraudulent claims

Development and implementation of strategies to contain the cost of benefits furnished under the plan

Health education publications and activities, and

Agreements to discount charges.

Additionally, OPM must establish a system for peer review of the utilization and quality of health care furnished by the plans.

At least once each year, an audit of the cost containment program must be conducted and each carrier rated on the overall effectiveness of the program in minimizing the cost of health care. Those plans receiving unsatisfactory ratings for two consecutive years (unless three years have elapsed since the date on which the latest contract for or approval of a health benefits plan has expired) will be terminated from the program subject to a hearing on the record. The OPM determination shall be subject to review by the Court of Appeals.

Once every two years, the Comptroller General must review the activities carried out by peer review organizations and must report his findings, conclusions, and recommendations to Congress.

This section also allows carriers to jointly negotiate contracts with health care providers. However, if a provider enters into an agreement with a carrier to discount charges, then that provider must furnish under any health care plan the same types of health care covered by the agreement for the same discounted charges.

In addition, the federal health program is tied specifically to the prospective payment process recently established for Medicare. Payments to providers under a plan must be determined under joint regulations prescribed by OPM and Health and Human Services. The amount to be paid must be determined in accordance with Medicare diagnostic related groups, and the provider shall not be entitled to receive any payment other than that prescribed in the reimbursement rules.

Finally, this section provides limitations on liability and the authority to pay expenses for those providing information to, and makes the Freedom of Information Act inapplicable in the administration of, the peer review system.

Section 205 requires that prior to any change in benefits or premiums in a health

plan, OPM must organize an open season. This would not preclude the Office from reducing the frequency of open seasons, but would require that employees be allowed to switch plans if any change in benefits or premiums are made in that particular health plan.

This section also requires that OPM make available to every employee and annuitant, at least 15 days prior to an open season, summaries of all of the health plans available to those employees.

Each instrumentality of government employing employees enrolled in a plan must submit to OPM lists of those covered by the plan and OPM must maintain a comprehensive list of individuals covered by plans. Whenever an employee changes enrollment, each carrier affected and the instrumentality of the government employing the employee must notify OPM of the change so that the comprehensive list can be updated.

Finally, Section 205 shall take effect on the date of enactment of this act.

Section 206 allows an annuitant who, at the time he becomes an annuitant, was enrolled in a health benefits plan as an employee to continue his enrollment if he has served five years or more immediately before retirement.

Section 301 makes technical and conforming amendments.

Section 302 makes the effective date the date of enactment except for the reinsurance requirement (Section 201(a)) which takes effect three years after the date of enactment.

By Mr. EAGLETON (for himself, Mr. KENNEDY, and Mr. DIXON):

S.J. Res. 190. Joint resolution to amend the Multinational Force in Lebanon Resolution and provide for periodic review, and if appropriate, reauthorization by Congress for continued deployment of U.S. Armed Forces in Lebanon; to the Committee on Foreign Relations.

(The remarks of Mr. EAGLETON, Mr. KENNEDY, and Mr. DIXON, and the text of the legislation, appear elsewhere in the RECORD.)

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. WARNER, his name was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 454

At the request of Mr. BYRD, the name of the Senator from Indiana (Mr. QUAYLE) ws added as a cosponsor of S. 454, a bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity.

S. 1006

At the request of Mr. WARNER, his name was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal.

S. 1302

At the request of Mr. HEINZ, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1302, a bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment.

S. 1537

At the request of Mr. DANFORTH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the 4 following fiscal years.

S. 1817

At the request of Mr. SYMMS, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of S. 1817, a bill to provide equitable rules for the tax treatment of fringe benefits.

S. 1864

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1954 to provide a declaratory judgment with regard to the extension of time for payment of estate tax.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Montana (Mr. BAUCUS), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1953

At the request of Mr. HEINZ, the names of the Senator from Kansas (Mrs. KASSEBAUM), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 1953, a bill to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of eligible low-income dwelling units throughout the United States, and for other purposes.

S. 1976

At the request of Mr. PERCY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mr. EVANS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Nevada (Mr. LAXALT), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 1976, a bill to improve the collection of criminal fines.

S. 1978

At the request of Mr. DOLE, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1978, a bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week".

SENATE JOINT RESOLUTION 161

At the request of Mr. CHAFEE, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to designate the week of April 15, 1984, through April 21, 1984, as "National Child Abuse Prevention Week."

SENATE JOINT RESOLUTION 173

At the request of Mr. JOHNSTON, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. ABDNOR), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Joint Resolution 173, a joint resolution commending the Historic American Building Survey, a program of the National Park Service, Department of the Interior.

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 183

At the request of Mr. HEINZ, the names of the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from South Carolina (Mr. THURMOND), the Senator from Michigan (Mr. RIEGLE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to recognize the second week of November 1983, as "National Meals-on-Wheels and Congregate Meal Week".

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate the

week of March 4, 1984, through March 10, 1984, as "National Beta Club Week".

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. DOMENICI, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. DOLE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for the other purposes.

SENATE RESOLUTION 74

At the request of Mr. PELL, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people of Taiwan.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 233

At the request of Mr. DIXON, the names of the Senator from Idaho (Mr. SYMMS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 233, a resolution to express the sense of the Senate concerning the adverse effect on U.S. agricultural exports of proposals to modify the common agricultural policy of the European Community.

AMENDMENT NO. 2459

At the request of Mr. CHILES, the names of the Senator from Oklahoma (Mr. NICKLES) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of amendment No. 2459 proposed to House Joint Resolution 308, a joint resolution increasing the statutory limit on the public debt.

AMENDMENTS SUBMITTED

INCREASE IN PUBLIC DEBT LIMIT

HART (AND OTHERS) AMENDMENT NO. 2462

Mr. HART (for himself, Mr. MATHIAS, Mr. PELL, Mr. MOYNIHAN, Mr. BURDICK, Mr. BINGAMAN, Mr. BENTSEN, Mr. MITCHELL, Mr. BAUCUS, Mr. SASSER, Mr. SARBANES, Mr. PRYOR, Mr. WEICKER, and Mr. RIEGLE) proposed an amendment to the joint resolution (H.J. Res. 308) increasing the statutory limit on the public debt; which was subsequently modified as follows:

At the appropriate place in the bill insert:

"That for purposes of section 5(b) of the War Powers Resolution, the Congress hereby determines that requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada."

BAKER (AND OTHERS) AMENDMENT NO. 2463

Mr. BAKER (for himself, Mr. PERCY, Mr. DOLE, Mr. GARN, Mr. RUDMAN, Mr. SYMMS, Mr. NICKLES, and Mr. DANFORTH) proposed an amendment to the joint resolution (H.J. Res. 308), supra; as follows:

At the appropriate place insert the following:

The Congress commends the President for his swift and effective action in protecting the lives of American citizens in Grenada. Moreover, the Congress commends the professionalism and valor of the combined United States forces who are participating in this operation.

Finally, the Congress expresses its appreciation to the Organization of Eastern Caribbean States and to the states of Jamaica and Barbados for their dedication to freedom and democratic government in the region.

BYRD AMENDMENT NO. 2464

Mr. BYRD proposed an amendment to amendment No. 2463 proposed by Mr. BAKER (for himself and others) to the joint resolution House Joint Resolution 308, supra; as follows:

At the end of the amendment of Mr. BAKER, add the following:

Since 219 Marines, and possibly more, were killed in Lebanon on October 23, 1983, as the result of a terrorist attack on our headquarters at the Beirut Airport; and

Since the United States Marine contingent of the Multinational Peacekeeping Force was, and continues to be, deployed in exposed positions in and around the Beirut Airport, that Marines occupying sentry positions reportedly were not allowed to carry loaded weapons; and the security for the Marines was obviously inadequate; and

Since the assassination of Lebanese President-elect Bashir Gemayel, the destruction of the U.S. Embassy in Beirut which resulted in 17 Americans being killed, and acts of violence of a similar nature using similar methods have been characteristic of the internal situation in Lebanon particularly since the 1975-1976 Civil War in that country; and

Since the history of similar acts of violence in Lebanon presented strong evidence of the necessity to provide the most stringent security safeguards for our Marine contingent; and

Since the United States is not perceived as a neutral participant in the peacekeeping force; and

Since warring factions in Lebanon, aided by internal forces, have used, and continue to use, violence as a means to settle interconfessional disputes; and

Since the various members of the Multinational Peacekeeping Force have been, and will continue to be, targets of violence from those elements involved in, and contributing to, the internal conflict in Lebanon; and

Since a broadly-based peacekeeping force in Lebanon would be a more appropriate demonstration of the vital interest of the international community in a stable Middle East; and

Since S.J. Res. 159, extending by 18 months the participation of the Marines in the Multinational Peacekeeping Force which passed by a vote of only 54-46 in the United States Senate, demonstrated a strong divergency of opinion regarding the mission and role of U.S. Marines in Lebanon.

It is the Sense of the Senate that the President should—

(1) provide immediate, maximum protection and security for U.S. forces in Lebanon; and

(2) vigorously pursue, in coordination with our allies in the Multinational Peacekeeping Force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence, or to other forces from neutral countries, in order to hasten the withdrawal of U.S. ground forces.

(3) prepare and transmit to the Congress a report setting forth the measures he has taken to carry out paragraphs (1) and (2).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

DIXON AMENDMENT NO. 2465

Mr. DIXON submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 308, supra; as follows:

At the end of the joint resolution, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Severance Tax Equity Act of 1983".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds—

(1) the Federal decision to allow the price of domestic crude oil to rise to the world price has unintentionally contributed to fiscal disparities between States, as a few energy-producing States seek to gain the greatest possible economic advantage from their positions as net energy exporters, at the expense of the other States;

(2) severance tax revenues in some States greatly exceed the amount necessary to recover the public costs attributable to the economic activity being taxed; and

(3) excessively high severance taxes constitute a burden on interstate commerce.

(b) PURPOSE.—The purpose of this Act is to impose an effective and reasonable limit on State energy severance taxes on certain minerals.

SEC. 3. LIMITATION ON CERTAIN STATE SEVERANCE TAXES.

(a) IN GENERAL.—Notwithstanding any other provision of State or federal law, the aggregate revenues from State severance taxes imposed by any State (and any political subdivision thereof) with respect to crude oil, natural gas, or coal transported outside such State in any State fiscal year shall not exceed the costs incurred by the State (and any political subdivision thereof) during such fiscal year which are directly attributable to the production within the State of crude oil, natural gas, or coal, as the case may be.

(b) ENFORCEMENT.—

(1) IN GENERAL.—

(A) ACTION BY ATTORNEY GENERAL.—The Attorney General may bring a civil action against any State (or any political subdivision thereof) which is in violation of subsection (a) in any appropriate district court of the United States.

(B) ACTION BY TAXPAYER.—Any person who has paid a State severance tax which is imposed by a State (or any political subdivision thereof) in violation of subsection (a) may bring a civil action against such State (or political subdivision) in any appropriate district court of the United States.

(2) RELIEF.—The district court of the United States shall have jurisdiction to grant such relief (including injunctive relief) as may be appropriate in any action brought under paragraph (1).

(3) BURDEN OF PROOF.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the burden of proof in any action brought under paragraph (1) shall be upon the petitioner to prove that the aggregate revenue from the State severance tax imposed by the defendant during the State fiscal year exceeds the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(B) RATES IN EXCESS OF 1978 LEVELS.—Upon introduction of evidence in any action brought under paragraph (1) that the rate of the severance tax imposed by the defendant during the State fiscal year exceeds the higher of—

(i) the adjusted 1978 State tax rate for such State for such fiscal year, or

(ii) the adjusted 1978 national average tax rate for such fiscal year,

the burden of proof in such action shall be upon the defendant to prove that the aggregate revenue from such severance tax for such fiscal year does not exceed the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(c) ADJUSTED 1978 STATE TAX RATE; ADJUSTED 1978 NATIONAL AVERAGE TAX RATE.—For purposes of this section—

(1) IN GENERAL.—The terms "adjusted 1978 State tax rate" and "adjusted 1978 national average tax rate" mean the 1978 State tax rate, or the 1978 national average tax rate, as the case may be, plus an amount equal to—

(A) such tax rate, multiplied by

(B) the inflation adjustment for the State fiscal year involved.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

(2) 1978 NATIONAL AVERAGE TAX RATES.—The term "1978 national average tax rate" means, with respect to crude oil, natural gas, or coal—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by all States (and all political subdivisions thereof) during State fiscal years ending with, or within, calendar year 1978, divided by

(B) the aggregate quantity of such natural resource determined under paragraph (5) to have been produced from within all States during such fiscal years.

(3) 1978 STATE TAX RATES.—The term "1978 State tax rate" means, with respect to crude oil, natural gas, or coal produced from a State—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by such State (and any political subdivision thereof) for the State fiscal year ending with, or within, calendar year 1978, divided by

(B) the quantity of such natural resource determined under paragraph (5) to have been produced from within such State during such fiscal year.

(4) INFLATION ADJUSTMENT.—The inflation adjustment for any fiscal year is the percentage by which—

(A) the first revision of the implicit price deflator for the gross national product for the third calendar quarter of the calendar year ending with, or within the State fiscal year preceding such fiscal year, exceeds

(B) such deflator for the calendar quarter ending December 30, 1979.

(5) SECRETARY OF ENERGY DETERMINATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Energy shall determine (and publish in the Federal Register) with respect to crude oil, natural gas, and coal—

(i) the amount of State severance taxes collected by each State (and all political subdivisions thereof) during the State fiscal year ending with, or within, calendar year 1978 for each such natural resource, and

(ii) the quantity of each such natural resource produced from within such State during such fiscal year.

(B) CENSUS DATA.—The Secretary of Energy shall base the determinations under this subsection on data which the Director of the Bureau of the Census shall provide, unless the Secretary finds that more appropriate information is available from an agency hearing described in subparagraph (C).

(C) PROCEDURES FOR DETERMINATIONS.—The Secretary of Energy shall make the determinations under this paragraph on the record after an opportunity for an agency hearing under section 554 of title 5, United States Code.

(D) JUDICIAL REVIEW.—

(i) FILING OF PETITION.—At any time before the 60th day after the date on which any determination is published under subparagraph (A), any person may file a petition with the United States Court of Appeals for the circuit in which such person resides, or has his principal place of business, for judicial review of such determination. A copy of the petition shall be transmitted by the clerk of the court to the Secretary of Energy. The Secretary of Energy thereupon shall file in the court the written submissions to, and transcript of, the written or oral proceedings on which the determination was based as provided in section 2112 of title 28, United States Code.

(ii) JURISDICTION.—Upon the filing of the petition referred to in clause (i), the United States Court of Appeals shall have jurisdiction to review the determination in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(iii) APPEALS.—The judgment of the United States Court of Appeals affirming or setting aside, in whole or in part, any such determination shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(iv) LIMITATION.—Any determination of the Secretary of Energy under this paragraph shall be subject to judicial review only in accordance with the provisions of this subparagraph.

(6) UNITS OF MEASURE.—The 1978 State tax rate and the 1978 national average tax rate determined under this subsection shall be—

(A) per barrel, in the case of crude oil;

(B) per Mcf, in the case of natural gas; and

(C) per ton, in the case of coal.

(d) DEFINITIONS.—For purposes of this section—

(1) STATE SEVERANCE TAXES.—The term "State severance tax" means any tax or fee established by any State (or any political subdivision of a State) and levied on, measured by, or otherwise imposed with respect to crude oil, natural gas, or coal produced in such State. Such term does not include any income, sales, property, or any other similar tax or fee if such tax or fee—

(A) applies with respect to a broad range of business activities or types of property, and

(B) does not result in a significantly higher rate of tax or fee than is generally applicable to the other activities or property with respect to which it is imposed.

(2) STATE.—The term "State" includes the District of Columbia.

(3) CRUDE OIL.—The term "crude oil" includes a natural gas liquid recovered from a natural gas well in lease separators or field facilities.

(4) NATURAL GAS.—The term "natural gas" means any product (other than crude oil) of a crude oil or natural gas well; except that such term shall not include any geothermal energy.

(5) COAL.—The term "coal" includes lignite.

(6) BARREL.—The term "barrel" means 42 United States gallons.

(7) MCF.—The term "Mcf" refers to 1,000 cubic feet of natural gas measured at a pressure of 14.73 pounds per square inch (absolute) and a temperature of 60 degrees Fahrenheit.

(8) TON.—The term "ton" means 2,000 pounds.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the limitation provided by subsection (a) shall take effect 1 year after the date of enactment of this Act.

(2) 2-YEAR PERIOD FOR STATES IN EXCESS OF LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any State (or any political subdivision thereof) in which any State severance tax on crude oil natural gas, or coal would otherwise exceed the limit under subsection (a), such limit shall not be applicable with respect to such tax at any time during the 2-year period be-

ginning on the date of the enactment of this Act.

(B) EXCEPTION IF TAX IS MODIFIED DURING 2-YEAR PERIOD.—Subparagraph (A) shall cease to apply to any State severance tax if the rate at which the tax is imposed on the date of enactment of this Act is revised by the State or political subdivision involved.

KENNEDY (AND OTHERS) AMENDMENT NO. 2466

Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. BAUCUS, Mr. CRANSTON, Mr. HUDDLESTON, Mr. LEAHY, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PELL, Mr. SARBANES, Mr. TSONGAS, Mr. GLENN, Mr. LEVIN, Mr. LAUTENBERG, Mr. BIDEN, Mr. HART, Mr. DODD, Mr. BINGAMAN, and Mr. MATSUNAGA) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 308, supra; as follows:

At the appropriate place in the Resolution add the following new section:

NUCLEAR WEAPONS FREEZE AND REDUCTIONS

SEC. (a) The Congress finds that—

(1) the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

(2) the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

(3) a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war.

(b) As an immediate arms control objective, the United States and the Soviet Union should—

(1) pursue an immediate and complete halt to the nuclear arms race;

(2) decide when and how to achieve a mutual verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(3) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

(c) Proceeding from the freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

Mr. KENNEDY. Mr. President, on behalf of myself and Senators HATFIELD, BAUCUS, CRANSTON, HUDDLESTON, LEAHY, METZENBAUM, MOYNIHAN, PELL, SARBANES, and TSONGAS, I send to the desk the text of Senate Joint Resolution 2, the nuclear freeze and reductions resolution, as an amendment to the Debt Ceiling Act.

Ending the nuclear arms race is the most important issue facing our Nation and the world today. A nuclear weapons freeze offers the best chance to stop the madness of nuclear escalation before it is too late. All across America, citizens have joined together to call on their elected officials to act decisively and adopt the freeze as the critical first step toward nuclear arms reduction. Last May, the House of Representatives voted overwhelmingly for the freeze. The time has come for the Senate to add its voice in support of this fundamental arms control proposal.

Our amendment calls for a mutual and verifiable freeze on the testing, production, and deployment of nuclear weapons. It is premised on the essential nuclear parity that exists today; it will assure a continuation of that parity, by halting the development and deployment of new and destabilizing missiles, bombers, and submarines on both sides. The freeze does not jeopardize America's own security; on the contrary, the United States already possesses enough nuclear might to make the Soviet rubble bounce all the way from Moscow to Vladivostok—and they can make our rubble bounce all the way from the Potomac to the Pacific.

The amendment does not ask America to disarm unilaterally, or to rely on Soviet good intentions. It is a hardheaded, practical answer to the intractable difficulties negotiating arms control warhead by warhead, missile by missile, launcher by launcher, while the arms race goes on and on.

Let me also emphasize that the proposal we offer today does not stop with a freeze. It also calls for across-the-board reductions in nuclear weapons immediately following the freeze, "through annual percentages or equally effective means." The freeze is the essential first step toward a deep and lasting reduction in the nuclear threat that imperils the safety of our world and of future generations.

We do not propose a nuclear freeze because we like the Russians or because they like us. After the barbaric Soviet assault on the South Korean jetliner and the Soviet rearming of Syria in the Middle East, there should be no doubt about Soviet behavior. We do not pursue arms control negotiations with the Soviet Union as a favor—but because both of us prefer existence to extinction.

The Senate Foreign Relations Committee voted to report out our original nuclear freeze resolution, Senate Joint Resolution 2, and it is on the Senate Calendar. Unfortunately, it now seems unlikely that this resolution will be called up for Senate debate before this session of Congress ends. We feel very strongly that the Senate should have the opportunity to vote on this issue before we adjourn, and therefore we are offering the freeze as an amendment to the Debt Ceiling Act. The time has come for the Members of the U.S. Senate to stand up and be counted on this issue of nuclear arms control, which is the most important issue of our time or of all time.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on the President's Private Sector Survey of Cost Control (Grace Commission) on November 7, 1983. The hearings will be held from 9:30 a.m. to 12:30 p.m. in 608 Dirksen Senate Office Building. The following are the witnesses and schedule:

9:30 a.m.

Peter Grace, Chairman of PPSSCC and Chief Executive Officer of W.R. Grace.

Felix Larkin, Member, Executive Committee, PPSSCC and Chairman, Executive Committee, W.R. Grace.

J. P. Buldoc, Director of Management Office, PPSSCC.

11 a.m.

Rudolph Penner, Director, Congressional Budget Office.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled before the Subcommittee on Public Lands and Reserved Water for Monday, November 14 at 9:30 a.m. has been rescheduled for Tuesday, November 15 at 2 p.m. in room SD-366 of the Dirksen Senate Office Building. The subject of this oversight hearing is the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act at the White Sands Missile Range, N. Mex.

For further information regarding this hearing, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, October 28, at 11 a.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 1, at 9 a.m., to consider the nomination of William P. Clark to be Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, November 2, at 9 a.m., to consider the nomination of William P. Clark to be Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, November 3, at 9 a.m., to consider the nomination of William P. Clark to be Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A CRITIQUE OF PRESIDENT REAGAN'S ARMS CONTROL COMPLIANCE POLICIES

● Mr. SYMMS. Mr. President, I ask that the following two articles by top expert consultants to the Reagan administration be printed in the RECORD. The first is a very short article entitled "Soviet Non-Compliance With Arms Control Agreements: The Need For Courage In U.S. Policy." This article is by Dr. Colin Gray, the world famous and widely respected strategic analyst of the realist school.

Dr. Gray's main point is that the Soviets are flagrantly violating the SALT Treaties, and the longer the United States goes on tolerating these Soviet violations without public challenge, the longer we all become guilty parties ourselves, guilty of condoning Soviet violations.

The second article is entitled "The Arms Control Record: Successes and Failures," by Dr. William R. Van Cleave, another leader of the realist school of strategic analysis. Dr. Van Cleave was the National Security Advisor to Candidate Reagan in 1980, and the Chief of the Defense Department Transition Team, November-December 1980. Dr. Van Cleave was also a member of the B-Team for competitive intelligence estimating with the CIA in 1976. Bill Van Cleave was also a high ranking member of the U.S. SALT I delegation in 1969 and 1971.

Bill Van Cleave is one of the most brilliant and far-seeing strategic analysts in America today. He was an early critic of SALT I in 1972, and by 1976, all of his specific criticisms and forecasts had turned out to be accurate.

The main point of his article here is that arms control has so far not served American national security interests. Rather, it has weakened our national security.

Bill Van Cleave also has some important comments on Soviet SALT violations, and he concludes by comparing the Reagan administration's 10 commandments on arms control with the administration's performance.

His evalutation of the Reagan record on arms control is insighful, because he was there at the creation, and his criticisms are compelling. How is it possible that the Reagan of 1983 on arms control is very different from the Reagan on arms control of 1976–80? How is it that in 1980 Candidate Ronald Reagan opposed the fatally flawed SALT II Treaty, but in 1983 the national security bureaucracy serving President Reagan is resisting Senate efforts to end U.S. unilateral compliance with the unratified fatally flawed SALT II Treaty? As Soviet TASS stated on June 1, 1982:

> One should also welcome President Reagan's statement about his intention not to take actions capable of undermining the SALT II Treaty. This cannot but be evaluated as an indirect admission of the erroniousness of the former assessment of this treaty by Washington.

Bill Van Cleave goes on to criticize the current arms control fever of the Reagan administration as a continuation of the detenté and appeasement policies which Candidate Reagan so strongly attacked in 1976 and 1980.

The material follows:

[October 1983]

SOVIET NON-COMPLIANCE WITH ARMS CONTROL AGREEMENTS: THE NEED FOR COURAGE IN U.S. POLICY

(By Colin S. Gray)

The Soviet Union, true to its nature, and like Russia before it, behaves as a totalitarian state in an extra-legal manner when it is expendient to do so. Soviet style is troubling when the Soviet Union is just a competitor, but that style becomes unusually troubling when she becomes a legal partner with the United States in a joint enterprise—like an arms control process. The United States finds itself acquiescing in illegal or highly dubious Soviet behavior and, de facto, functioning as a co-malefactor in not reporting to the American people improper Soviet arms race activities to which it is witness.

The essence of the current U.S. policy dilemma may be summarized in five points. First, the Soviet Union views arms control as a form of political struggle—as an instrument of "war in peace" rather than as a vehicle for a genuine accommodation of interests. Second, the Soviet Union is not attracted to the idea that there is anything sacred about treaties and agreements: Soviet policy operates on the basis of the maxim of caveat emptor (let the buyer beware). Third, the Soviet Union has cheated on many arms control enterprises. Fourth, much of the evidence on Soviet treaty noncompliance is ambiguous, but some of it is not. Fifth, the U.S. Government does not have, and possibly cannot have, a policy on non-compliance—a sanctions policy.

Some of the critics of those who have pressed for a sanctions policy seems not to understand the character of an interstate arms control agreement. The quality of evidence always is likely to be far more fragile than is familiar from American domestic legal affairs. For example: witnesses cannot be subpoenoed; there is an absence of physical access to evidence; Soviet official functionaries cannot be punished for perjury; an impartial judge and jury are lacking, and there is no enforcement agency other than the parties involved. In short, the problem is not legal in any domestic sense of the concept and should not be approached as such.

Americans have debated verification endlessly, always we seem to be discussing the verifiability of arms control agreements, but we have yet to confront the question honestly of what to do if we catch the Soviets cheating. Of course, we should realize that if we catch them we are obliged to try and do something about it. The problem, apparently, lies in the structure of the situation. What is that structure?

First, much of the "evidence" will be to a degree ambiguous and arguable. Second, the Soviet Union is a closed society that will not agree to cooperative measures of verification. Third, by revealing what we think we know about the fine-grained detail of Soviet arms-competitive activity we may compromise the existence and quality of intelligence gathering assets. Fourth, there is likely to be a great disproportion between the strategic significance of the violation, or violations, and the possible political consequences of the U.S. issuing public accusations. Nonetheless, if in practice the United States is not willing to walk away from arms control negotiations, it probably cannot have a sanctions policy. In the words of a valuable axiom, "do not sit down if you are not prepared to stand up."

What is the purpose of verification and monitoring activity? First, to satisfy ourselves that we are behaving responsibly and to assuage domestic concerns; second, to deter treaty violations that could place the United States at an important strategic disadvantage. How does verification deter? The Soviets must fear the fact of detection and, no less important, fear the probable consequences of detection.

Over the past ten years the U.S. Government has collaborated tacitly with the Soviets in hiding or excusing Soviet misbehavior. The new Soviet SS-19 ICBM, for a major example, is incompatible with SALT I—as SALT I was sold to the U.S. Congress—but, the U.S. Government knew that the SS-19 was coming and, after Soviet deployment, Henry Kissinger said that we should not expect the Soviets to be bound by our interpretation of the SALT I agreement. Far from constituting a minor technical issue, the SS-19 is at the heart of the contemporary U.S. problem over the survivability of its silo-housed ICBM force. By acquiescing in Soviet deployment of the SS-19 (of which 330 currently are deployed), the United States was endorsing tacitly a Soviet move that was destructive of the entire package of agreements that comprised SALT I. It should be recalled that the Nixon Administration promised that SALT I would bound the growth of the Soviet counterforce threat in ways useful for the survival of the U.S. ICBM force. As early as 1974, when the SS-19 was first deployed, it was quite evident that the Administration had either lied to the Congress or was appallingly ignorant of Soviet program intentions.

The U.S. Government often has registered concern and even protest over Soviet activities, most recently with respect to the PL-5 possible second new type of ICBM, and over what looks like a new ABM battle-management radar at Abalokovo. Typically, the So-

viets have responded disdainfully. The SCC, the Standing Consultative Commission, established in 1972 as a forum for discussion of compliance difficulties, far from being an effective instrument, instead has served as an apolitical, relatively low-level device for the burying of non-compliance matters out of public view. the rules of procedure for the SCC forbid one party from publicizing the subjects of its discussion unilaterally. This rule of confidentiality has been useful to successive U.S. administrations who have been all-too-ready to seize upon excuses for not "going public" with issues of Soviet arms-control non-compliance (given that the U.S. public, naturally enough, would expect its government to do something as a consequence of official finding of non-compliance).

The record of Soviet behavior and misbehavior over arms control compliance is consistent and plainly incompatible with American expectations and with what the U.S. Government has told the American people is going on. On examining that record in some detail, a number of salient points emerge. First, the issue of military significance tends to be submerged in technicalities of compliance. The Soviets operate frequently in the disputable range—for example SS-16 missiles exist, but are they "deployed?" Or, the launchers for the Moscow ABM defense system are reloadable, but are they capable of "rapid reload"? In the United States we tend to debate such issues legalistically instead of asking if the activity in question matters strategically. This point was developed very effectively in a recent article by Senator Malcolm Wallop ("Soviet Violations of Arms Control Agreements: So What?" Strategic Review, Summer 1983). Second, the Soviets, on a wide range of matters, have not tried very hard to behave like Caesar's wife, that is, to be beyond suspicion. For example, the Soviets would appear to have been in violation of the Limited Nuclear Test Ban Treaty of 1963, year after year. It seems as if the Soviet Union does not care about our possible response.

Third, the Soviets have told many direct lies about their, and their allies', military capabilities: for example, over the performance parameters of the Backfire and over troop counts for MBFR. Indeed, if the United States took the Vienna Convention on the Law of Treaties (of 1969) very seriously it would have had solid legal grounds for withdrawing from the SALT I regime and from the MBFR process at a very early stage. Deliberate falsification of the information base upon which a treaty rests or is being negotiated is grounds for abrogation or withdrawal.

In the past, American officials have tended to believe that the Soviet Union would not cheat deliberately on the terms of arms control regimes in minor ways for fear of disproportionate possible consequences. There was apparently impeccable logic behind this belief. Given that arms control agreements can endure only for so long as the High Contracting Parties judge them to be in their self-interest, it should follow that those Parties will not take risks at the strategic margin with non-compliance activity which could imperil the arms control regime itself: they have too much to lose. That logic is impressive but it has not been reflected in reality. The Soviets have cheated at the margin on many elements over a wide range of arms control regimes. We should not evade addressing the question of why they would risk undermining the arms control process for minor military advantage (e.g., "yellow rain", test ban violations). The answer has to be that either the Soviet Union does not care very much about the continuity of the arms control process, or—much more plausible—that the Soviet Union knows that the United States will not call them over non-compliance.

The United States finds itself in a policy dilemma today. The White House, it is reasonable to surmise, knows that the Soviet Union has been cheating. But, to denounce the Soviet Union publicly is, ipso facto, to generate expectations and even demands that something be done about it. What is our policy? Fred Iklé posed the question neatly and starkly in an article he wrote back in 1961: "After Detection—What?" (Foreign Affairs, January 1961). The White House would seem to be afraid lest, metaphorically, it should "jump off a cliff" on the non-compliance issue. Even if the President can tell a truly water-tight story to the world about Soviet non-compliance—what does it want to achieve? The Reagan Administration knows that it should not be sitting down with the Soviets, trying to negotiate new arms control agreements, while they are violating old agreements. But, the Administration, manifestly is not sure that it wants to live with the logical implications of "calling" the Soviets on non-compliance. The White House probably suspects that NATO-European opinion would be more aggrieved at the United States for calling off the arms control process, than it would be with the Soviet Union for providing the cause or rationale for such action. Moreover, senior American policy-makers are all too well aware of the problem of quality of evidence mentioned earlier. Cases of treaty non-compliance that are very persuasive to technical experts in government may appear far less persuasive to general publics at home and abroad in the context of competing explanations. Assuming that the U.S. Government would "go public" only with a very robust set of charges of arms control non-compliance, it is predictable that Soviet rationalizations for the activities in question would provide sufficient straws for those to grasp who wished not to find the Soviets guilty as charged.

Soviet policy motivation over arms control compliance is impossible to specify with high confidence. However, it is certain that they have taken very little trouble to head-off, prevent, or be cooperative, over plainly predicatable American non-compliance concerns. Also, contrary to the general wisdom in the U.S., the Soviet Union has done things which amount to very significant military activities in violation either of the letter of agreements or of well-known American interpretation of agreements (particularly with respect to deployment of SS-19 "heavy" missiles as "light" missiles, air defense upgrade into the technical region of ABM capability, and deployment of the longest of lead-time items for a nationwide ABM system—battle-management radars). A Soviet policy-maker could be excused reviewing the record of American reactions to Soviet illegal or highly questionable behavior and concluding that the United States is so far a hostage to popular Western insistence upon the continuation of the arms control process, that there are no penalties applied for cheating.

A problem for the Reagan Administration is that of all the Administrations since 1977, it is uniquely bereft of political freedom to maneuver over Soviet non-compliance with arms control agreements. The President is almost desperately eager to persuade skeptical legislators and fearful European allies that he is "serious about arms control." Given that fact, it is scarcely surprising that the White House is deeply reluctant to "call" the Soviets, publicly, on their misbehavior, and take the inevitable next step—since Yuri Andropov, one may be sure, would not acknowledge guilt and plead for forgiveness—of adjourning all arms control negotiating activity with the Soviet Union (INF, START, MBFR, and U.N.-sponsored forums) sine die.

One can sympathize with the Administration's problem, but one should not applaud. It is neither prudent nor courageous for the United States to conduct formal arms control business with an adversary/partner who cheats. To acquiesce in cheating is to invite disrespect. The American people, and the peoples of NATO-Europe, should have little difficulty understanding that the very seriousness of Mr. Reagan's commitment to arms control is reason enough for drawing a public line against arms control non-compliance, and—if need be—for pursuing the overriding goal of arms control, to reduce the risk of war, by unilateral Western means.

The Arms Control Record: Successes & Failures

(By William R. Van Cleave)

(Note.—The Hoover Institution Conference on Arms Control, 22-24 September 1983, an edited version of which will appear in "Arms Control: Myth vs. Reality; edited by Richard Staar.)

My assignment for this conference is to survey the recent record of U.S. arms control experience for successes and failures. Failures are easy to find, successes are far more elusive. The overall record, particularly that since the beginning of SALT in 1969, has been disappointing to say the least.

As the Secretary of Defense has concluded: "A melancholy chapter in the troubled histroy of the last decade or two is that on arms comtrol."[1] And indeed it is. Consequently, this discussion will focus on the failure of arms control to achieve those objective originally ascribed to arms control and those objectives postulated by U.S. policy makers.

A discussion of successes and failures does raise the question of standards of criteria for evaluation. Many use a very simple standard for success; that is, the mere conclusion of formal arms control agreements, regardless of their content and consequences. That such a standard is inadequate and misleading is obvious. Since I have already testified against SALT I and SALT II as failures on their merits, obviously I would reject such a standard as unsatisfactory.[2]

While SALT I was still being negotiated I raised at the Fifth International Arms Control Symposium, the question of standards for success or failure:

"Should the SALT be evaluated by the way the strategic balance has changed during the talks? By the strategic balance accepted or established, explicitly or implicitly, in an agreement? Should we ask if the agreement demonstrably 'curbs the arms race' or reduces defense expenditures? If it does neither, should we ask if it enhances stability and eases specific strategic problems? What if it does not; do we then optimistically regard it as a first step to an even-

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Footnotes at end of article.

tual agreement that will? If the agreement itself does little along these lines, does it restrict U.S. strategic options? If it does not, for example, provide for the survivability of our retaliatory forces, does it require that we leave them vulnerable?" [3]

There must be national security standards, then, by which to assess the success or failure of agreements. Agreements, according to the Department of State, should make "a measurable contribution to national security."

But what recent arms control agreements can be said to have made such a clear and significant contribution? With that demanding standard, agreements that many regard as arms control successes seem more like failures.

The Limited Test Ban Treaty? It accomplished virtually nothing that its supporters promised. It did not limit or control nuclear armaments. It did not advance the cause of either parity or strategic stability. It certainly did not protect U.S. nuclear superiority, as Mr. McNamara argued it would. It did not usher in a golden age of arms agreements and cooperation between the United States and the Soviet Union as many of its Senate supporters predicted. About all it did is what Edward Teller forecast during the treaty hearings,. Dr. Teller said: this agreement will not limit arms; it has nothing to do with limiting arms; it will only limit knowledge—our knowledge. And that it has done. It has limited our knowledge of Soviet weapons development and design; and it has limited our knowledge of critical nuclear effects phenomena such as EMP—knowledge that may be critical in designing survivable forces and communications, and in making decisions on space and on ABM. It has made no commensurate contribution to natural security.

The Nonproliferation Treaty? I do not know what it has accomplished, and I doubt that anyone else does either. It is a voluntary undertaking not to acquire nuclear weapons, or not to transfer nuclear weapons by states having no intention of transferring them. It is impossible to show that it has in any way restricted the number of nuclear weapons states (although it may have helped seal off the option of a European nuclear force). Perhaps it has some international political importance, but it is essentially irrelevant as arms control. The NPT supports a conclusion that when there is no real problem at the time, arms control agreements can be "effective," but are unnecessary; and where there is a real problem, they are necessary, but likely to be ineffective. Arms control tends to work best when not needed.

The SALT I ABM Treaty? Undoubtedly it was a "success" if its purpose was to administer the coup de grace to Safeguard and to erase the U.S. advantage in ABM RDT&E. Certainly, many regard the agreement that way. On the other hand, the major expectation for the ABM Treaty was that it would reduce requirements for offensive forces. With ABM stringently limited, neither side would supposedly have an incentive to increase significantly its offensive capabilities. An ABM Treaty, then, would lead inexorably to offensive force limitations and reductions. So what happened? The USSR proceeded to increase its offensive force efforts, and Soviet offensive capabilities expanded beyond all expectations.

What the ABM Treaty really did was to encourage Soviet development of a counterforce threat to U.S. land-based deterrent forces. It deprived the U.S. of a potential means for ICBM survivability, and it continues to work against that option today. It also allowed the Soviets to gain an edge in ABM technology, which has today advanced it to the potential for a rapidly deployable nationwide system.

If there is no unequivocally successful agreement, what of the value of the arms control, or SALT, process itself? Some commentators, while professing concern over the details of SALT agreements, still argue the importance of the SALT process, and the utility of agreements in keeping it going. This was a major argument for both SALT I and SALT II. Yet, there is no denying that strategic trends accompanying this process have been decidedly adverse to the United States, or that the Soviet Union has become increasingly bellicose and threatening. And when one considers that the SALT process has had a depressant effect on U.S. strategic programs and on U.S. ability to cope with the Soviet threat, there is surely no evidence that the process has been beneficial to the United States. Much less that it has been worthwhile enough to cause us to accept bad agreements and overlook Soviet misbehavior in order to preserve it.

Nonethelss, the faith in arms control negotiations remains strong, and it is argued that without them there is no chance for arms control. If arms control only means negotiated agreements, useful or harmful, that may be so; but no arms control? We should remind ourselves that in the democratic states of the West there is always arms control, without negotiated agreements. Arms are controlled and limited by our traditional values, by our political and budgeting processes, and by the influence of the media and of public opinion. Without arms control agreements requiring it, the United States has reduced both the number of its nuclear weapons and the megatonnage of its nuclear stockpile quite considerably during the past fifteen years.[4] The Soviets, of course, have expanded both several fold during the very period most governed by arms control negotiations.

It is very difficult to produce an unambiguous example of arms control success during the past twenty years. One may point to agreements on nuclear free zones—outer space, Antarctica, Latin America—as minor examples. Perhaps the best examples of "success" are the few times the U.S. Government has been able to use arms negotiations to relieve some short term political problem; e.g., MBFR negotiations do defuse the Mansfield Amendment; or INF flexibility to ease public arms control pressures on Western Governments beleaguered by Soviet propaganda efforts. Or, perhaps, one might see utility in arms control as an excuse for not doing something the Government does not wish to do; such as, perhaps, deploy Safeguard. This is essentially the view that Brent Scrowcroft seemed to present at the recent Livermore Laboratory arms control conference. He said that SALT I was useful because the United States was not competing with the Soviet Union anyway. (He also took the extremely uncritical view "that any kind of an agreement that we have with the Soviet Union is going to be in our interest.") [5]

Everything considered, however, the arms control record has been one of failure. American national security and strategic stability have not been improved by arms control; to the contrary, the threats to both are far more grave today than before; and arms control policies and influences do bear much of the responsibility for this situation.

I do not wish to examine the arms control record in terms of the details of negotiations and agreements, but, rather, to address what I perceive to be the general failures and adverse influences of arms control. I will conclude with some observations about the Reagan Administration's approach and about arms control in general.

A dozen years ago, I wrote that the "greatest failure so far associated with strategic arms limitations endeavors may be an intellectual one" I argued that we were expecting too much from arms control and were letting it dominate strategic planning:

"We have attributed too much importance to concluding a strategic arms limitation agreement and have expected too much from it. . . Success of failure will rest more with factors extraneous to a strategic arms limitation agreement than with any agreement itself." [6]

ARMS CONTROL CONCEPTS AND POLICY

To substantiate this intellectual failure, it might be useful to review the original concept and objective of modern arms control, and the way they influenced policy and were influenced by policy.

Modern arms control concepts emerged particularly with the development of the ICBM and the concurrent increase of concern over surprise attack. The approach was basically a technical approach to arms interactions, which, however, was based upon certain political-strategic premises. It was assumed that each side had a common interest in "stable" nuclear arms relationships that would reduce the risks of war, surprise or accident. Arms control was to help ease the problem of surprise attack (strategic stability), or preemptive attack (crisis stability), by promoting more survivable deterrent forces on both sides. (Arms control made no political distinctions; a U.S. first strike capability was to be avoided as much a Soviet one). Arms control would further reduce the likelihood of war by reducing incentives for arms racing.

That the notion was captivating was demonstrated by the outpouring of books and articles on arms control in the early 1960s: Books written or edited, inter alia, by Brennan, Bull, Schelling and Halperin, Lefever, Henkin, Hadley, and Dallin, many of which were based upon academic arms control conferences and work shops.[7] While generally enthusiastic about the promises of arms control, most of these works viewed arms control rather modestly as an alternative to disarmament and as a supplement to national security programs.

These arms control theorists of the early 1960s, generally, may have been naive in their political and strategic expectations, but they saw themselves as realists. They rejected the idea of disarmament in favor of more modest measures of technical arms control. As Donald Brennan put it, the goal of arms control was to "reduce the hazards of present armament policies by a factor greater than the amount of risk introduced by the control measures themselves." [8] Control measures, it was acknowledged did carry risks, and the need for verification was emphasized. Formal agreements were not necessary, nor were arms reductions, nor were cost savings. What mattered was "stability." The one objective, all agreed, to which arms control should contribute, if it were to be successful, was strategic and crisis stability.

The concept of arms control was based upon the notion that both sides would agree to this because it was in the interest of

both. Generally, it was posited, there would be areas of mutual interest in improving the safety of nuclear arsenals and reducing the risks of war. This, in fact, was the central article of faith of arms control. There would be arms cooperation between the superpowers despite their political differences. Arms control itself would be apolitical.

Some of the early writers did not downplay the political differences between the sides, although nearly all ignored the possibility that there would be profound strategic differences that would dash their hopes for arms control. Hedley Bull, for example, argued that arms control could begin without the resolution of political disputes; but, he said:

"We cannot expect that a system of arms control will be brought into operation, nor that, if it is, it will persist, unless certain political conditions are fulfilled. . . . The political conditions may allow a system of arms control, or they may not." [9]

Many—just as later policy makers—believed that arms control would help improve political relations, that it would expand cooperation from the technical-arms sector into the political sector. Donald Brennan wrote:

"If the habit of cooperation can be established in the field of armament policy, it may well prove 'catching' in other areas. . . . An optimistic view of the situation would be that the achievement of modest arms-reduction programs would facilitate the achievement of some political solutions, which in turn would facilitate further measures of armament cooperation; and so on." [10]

The most optimistic commentators in this regard tended to be the "Sovietologists," who readily fell into the trap of mirror-imaging; for example, the book based on a confernece of Sovietologists sponsored by the Arms Control and Disarmament Agency in the spring of 1963.[11] While enough qualifiers were employed to avoid flat predictions, the thrust was clear: Changes in the USSR were mellowing its leadership; Soviet leaders were adapting to the realities of a developing society and the need for inter-national stability, becoming status quo orinented and in favor of a relaxation of tensions; economic shortcomings demanded relief from arms expenditures; and Moscow accepted inferiority in the nuclear balance with the United States. As the pundits concluded: "The general thrust over the recent years has been the intensification of pressures on the Soviet leadership for a breathing spell in the arms race. Indeed, the present offers a unique concatenation of such pressures."

Eventually, it was this more optimistic, mirror-image view that came to dominate the arms control community, both in academia and government. As it did so, expectations grew and arms control assumed greater importance. This importance grew in the wake of the Cuban missile crisis, and partly as a result from that crisis, and particularly with the development of American strategic concepts related to assured destruction and mutual assured destruction. Concurrently, concern over a superpower action-reaction "arms race" seized both academics and senior government officials. Arms control, an arms race image, and strategic deterrent concepts therefore became mutually reinforcing and greatly elevated the importance and role of arms control in American thinking and in U.S. policy.

[Note: The U.S. and USSR, it is frequently said, reached different conclusions about nuclear superiority as a result of this experience. Maybe and maybe not. Certainly, the U.S. reached a conclusion in contrast to Soviet thinking, as regards superiority, crisis management, and the proper use of threat and reward; but one can doubt the proposition that Soviet leaders only recognized the importance of nuclear superiority in October 1962. That is likely yet another myth of the crisis.]

A view of strategic and arms competition stability that rejected superiority and accorded both sides a mutual deterrent capability emerged in U.S. officialdom. This view required both to abstain from the types of capabilities that might threaten the other's deterrent, and to abstain as well from force programs—in kind or in size—that might "force" the other side to react with its own additional programs. Since the Soviets lacked such capabilities it was obviously up to the U.S. to set the abstinence example. As Alain Enthoven and Wayne Smith summarized the logic:

"If deterrence is also the Soviets' objective (as the available evidence has consistently and strongly suggested), we would expect them to react in much the same way to any effort on our part to reduce the effectiveness of their deterrent (or assured-destruction) capability. . . . Any attempt on our part to reduce damage to our society would put pressure on the Soviets to strive for an offsetting improvement in their assured-destruction forces, and vice versa. . . . This 'action-reaction' phenomenon is central to all strategic force planning issues as well as to any theory of an arms race." [12]

Preventing this arms race and establishing a stable mutual deterrent relationship became the chief aim of U.S. policy and of arms control; and this required that the United States point the way by moderating its own nuclear programs and objectives, allowing the USSR to "catch up" but instructing the Soviets in the proper type of strategic goals and capabilities.

This led the United States to: Reject nuclear superiority; offer nuclear parity to the Soviets in the belief that the Soviets would be satisfied with parity; attribute a role to arms control beyond that originally envisaged; bias strategic programs away from counterforce and damage limiting and toward assured destruction; mirror-image U.S. views and goals to the Soviet Union, which resulted in a thorough misunderstanding of Soviet strategic views and objectives and a chronic underestimation of Soviet strategic programs.

Arms control, when combined with related strategic concepts, then, helped blind us to Soviet motivations and objectives. It also led many to disparage the fundamental political and ideological differences between the U.S. and the USSR. After all, if political differences were irrelevant to agreement on strategic stability how important could they be?

This can only be regarded as a profound intellectual failure related directly to arms control; and this failure led to the failures of U.S. intelligence estimates and projections through the 1960s, and well into the 1970s. The U.S. Government and the U.S. intelligence perceived Soviet objectives in terms of Western concepts. They therefore, persisted in interpreting Soviet strategic programs in that context, and a priori resisted evidence that the Soviets had very different views and more ambitious goals.

We might recall the views and conclusions that prevailed in official estimates of the 1960s.

In the first half of the 1960s, the U.S. officially believed that the USSR had no particular goals or strategy to guide strategic programs; that it was willing to tolerate strategic vulnerability and inferiority indefinitely (and, in any case, could do nothing about it); and that it would not seek to match the U.S. or to neutralize U.S. deterrent forces.

When the first signs of a new generation of Soviet forces appeared, this evaluation changed slightly to the view that the Soviet buildup was guided by a desire to narrow the gap somewhat, and by the concept of a retaliatory deterrent based on assured destruction (ala Entoven and Smith); the buildup would be very limited, constrained by economics, technology, the fear of an arms race with the U.S. and a desire for arms limitation.

By 1969, as that buildup, at least in ICBMs, reached that of the U.S. in numbers of known launchers, the view was that the Soviets were satisfied with the parity they had attained; that, in fact, their agreement to SALT was evidence of that; that they shared our mutual deterrent views, which they wished to codify in SALT; that they saw no benefits from further force increments, which would confer no advantages and have no effect on strategic relationships; and that they were interested in detente.

Accordingly, initial U.S. SALT expectations were fairly ambitious. While the specific limitations remained to be settled when SALT I began, U.S. officials spoke of a SALT agreement freezing the strategic balance where it existed, thereby constraining future threats, preserving mutual deterrence and assuring the survivability of deterrent forces; and, of course, ushering in a new era of negotiations and cooperation between the superpowers. The SALT I outcome fell far short of such expectations and far short of achieving the types of specific limitations envisaged in 1969 and 1970. Nonetheless, the Administration loudly proclaimed its pleasure with the agreement, and resorted to rationalizations of the inequitable agreement that represented yet another failure associated with arms control.

Arms control continued to affect intelligence. The official U.S. view at the conclusion of SALT I was that the Soviets were satisfied with the balance and would not try to upset it; that the Soviets were genuinely interested in arms control as the Americans saw arms control; and that the Soviet leaders had such a vested interest in SALT that they would avoid any appearance of noncompliance, including avoiding programs that seemed incompatable with SALT.

As evidence contradicting these views mounted, skepticism grew, but the U.S. intelligence community continued to rationalize the Soviet buildup into the mid-1970s: The Soviet military effort was now "unprecedented," but numerical superiority in some areas was, well, merely numerical and not very significant for the strategic balance; the Soviets knew meaningful superiority to be unattainable. That the Soviets held very different strategic objectives and were in fact developing ambitious strategic force capabilities in accordance with those objectives, and that this greatly dampened the prospects for arms control, was recognized by some in government; but as late as the end of 1976, unpalatable conclusions about Soviet goals, motivations and accomplishments, reached by the B Team, met considerable resistance in the intelligence community.

The most fundamental failure of arms control during this period was U.S. inability to comprehend that the basic premises of U.S. arms control and strategic logic were negated by the very political and strategic factors that were not supposed to disturb arms control. The result was intellectual, intelligence, and policy failure. Meaningful arms control presupposed that both sides viewed stability in the same light, assigned it the same overriding priority, and would cooperate to achieve it. Political and strategic differences should not interfere with this cooperation. From the beginning this was the key to the sensibility of arms control to begin. The entire structure of logic collapses, however, when one side does not follow that logic and seeks to exploit the other's interest in arms control, to seize and then maintain a military advantage. This the Soviets have done.

Mutual deterrence was at once the necessary condition for arms control and its desired product as well. In the early days, Soviet force capabilities were sufficiently limited to lend some credibility to this approach, if one only assumed that Soviet strategic objectives would constrain those forces accordingly.

This turned out clearly not to be the case, and the early U.S. intellectual framework for SALT correspondingly fell apart. Had the Soviets shared the American vision and approach, meaningful and equitable agreement would have been possible. The Soviets did not and the agreements were not possible.

Yet the U.S. continued to believe that the Soviets would agree through arms limitations to enhance the very survivability of American deterrent forces that the Soviets were, in the meantime, working so diligently to erode. The U.S. continued to believe that the Soviets would voluntarily reduce the nuclear advantage they were acquiring by agreeing to equality in a SALT agreement. Why the Soviets would undercut in arms control what they were so successfully seeking and achieving on their own was never answered, or even officially asked.

OTHER FAILURES

One could point to other areas of U.S. failure in arms control as well. Elsewhere, I have written on negotiating failures, bureaucratic failures, and technical failures, and so will not cover those here.[13] On U.S. negotiating with the Soviets, suffice it to say that the record tends to show us confronting malevolence with incompetence.

In the interests of time, let me discuss only two major areas of failure: reconciling arms control with strategic planning, and dealing with Soviet noncompliance.

ARMS CONTROL AND STRATEGIC PLANNING

On the basis of logic, it would seem axiomatic that arms control positions would follow the determination of strategic policy requirements, and be based upon them. On the basis of experience, however, it is equally axiomatic that they seldom are. Except for the original domination of mutual assured destruction, the U.S. conduct of SALT has never been consistently based upon official strategy, or even any coherent strategy, that guided the SALT positions. Rather the formulation of SALT positions were conducted separately, and if one overlapped upon and influenced the other, it was SALT that influenced strategic policy and programs far more than the other way around. Even if a strategic rationale reflecting U.S. strategic objectives—e.g., force survivability and stability—can be seen behind certain SALT positons at certain times, this rationale did not prevail over changes in those positions that were designed to promote agreements. And seldom, if ever, did the U.S. SALT approach make explicit assumptions about nuclear doctrine.

Ironically, U.S. strategic policy underwent a metamorphosis away from reliance on assured destruction. And one of the fundamental reasons for this metamorphosis was Soviet refusal to accept the preferred U.S. vision of strategic reality—a refusal that rendered that vision quite irrelevant. It would not be incorrect to regard NSDM-242, and the later PD-59, as implicit recognition that the Soviet Union was following a doctrine and pursuing a capabiltity based upon strategic nuclear warfighting. If the U.S. were to deter effectively and, failing that, successfully cope with a nuclear war, it would have to have a wider range of nuclear capabilities and options than previously planned.

It is a commentary on the separation of strategic doctrine and SALT preparations that our SALT positions did not faithfully reflect the new doctrine and requirements, but continued to be formulated largely on the basis of older doctrinal presumptions. Of course by no means have U.S. strategic force programs been much more consistent with the requirements of NSDM-242 and PD-59; and there has grown an increasing disjunction between official policy and our capabilites to carry it out. But one of the causes has been SALT and expectations about arms control. While the U.S. moved toward a more realistic, and ambitious strategic doctrine, which logically demanded that we redress the imbalance between U.S. and Soviet capabilities, U.S. strategic programs—in no little part due to the influence of SALT—fell far short of that requirement.

SALT at times even became a substitute for resolute strategic planning. Plans and programs vacillated between what was needed to fulfill strategic objectives and to cope with the Soviet threat, and what was deemed consistent with achieving a SALT agreement; or, to put it another way, what was acceptable to the Soviets in the SALT framework. Hence, through SALT, the Soviets found a way to intrude upon U.S. strategic planning.

In 1971, before there was a SALT I agreement, I expressed concern that an agreement would not facilitate strategic force modernization, as Mr. Nixon and Dr. Kissinger apparently believed, so much as it would contribute to failure on our part to fulfill our strategic objectives and requirements. SALT "might well result in a paralysis of strategic force programs well beyond the actual terms of the agreement." There would also be on the part of the United States "a disproportionate conformity to the 'spirit' of the agreement," while the Soviets would disregard spiritual, and possibly literal aspects.[14]

This has been the case. Arms control in general, and SALT in particular have had a constraining effect upon the willingness of the Executive Branch to pursue and Congress to support programs consistent with U.S. Requirements in the face of the Soviet strategic force buildup. As Dr. Kissinger later remarked in Senate testimony in SALT II:

"We will not draw the appropriate conclusion if we do not admit that SALT may have had a perverse effect on the willingness of some in the Congress, key opinion makers, and even Administration officials to face fully the relentless Soviet military buildup."[15]

SALT, in other words, has not only failed to achieve those objectives for which the U.S. originally looked to arms control, it has actually contributed to a worsening of the situation: less strategic stability, rather than more; Soviet superiority, rather than equivalence; more Soviet arms development, rather than less; and the need for more U.S. programs rather than fewer. It has not proved possible to restrain Soviet strategic programs or Soviet counterforce objectives through arms control; but arms control has dampened U.S. responses to those programs and objectives.

COMPLIANCE

Another marked failure of arms control is in the area of verification and compliance. Verification and compliance issues have been central to arms control from the beginning. Today, they are even more central for three principal reasons:

(1) Soviet behavior in circumventing and violating arms agreements;

(2) a U.S. compliance policy that has become a shambles of incoherency and permissiveness;

(3) realization that in SALT and INF that launcher limits are not appropriate means of arms limitation, and that if we are to get meaningful limits or reductions, verification and compliance are both more important and more problematical.

There is no mystery why there have been so many compliance issues. The Soviet Union has been systematically circumventing the arms agreements that have been negotiated. There have been Soviet actions that seem to me to be clear violations, but the compliance issues actually cover a range of activities that include quasi-violations and circumventions that may not—strictly and legalistically speaking—be violations.[16]

Generally, the Soviet arms control policy has been to avoid limitations in the first place if they would restrict Soviet arms plans and programs. When otherwise desirable limitations (because of their effect on the United States) might become restrictive, the Soviets have been careful to insist on wording that would preserve the delusion of control while actually leaving them literally unconstrained and free to pursue their programs. The U.S. Government has abetted this behavior by first accepting loopholes and ambiguous language in the agreements; then ignoring or downplaying them in the selling of the agreements to Congress and the public; then, finally, adopting an overly literal and legalistic approach to compliance when the Soviets began exploiting the loopholes.

Verification and compliance are not matters merely of technical verification capabilities, or the legal interpretation of agreements, but of the compliance policy adopted. It is a political question central to arms control of how far we are willing to go in permitting Soviet circumvention of agreements, or of what we clearly intended by those agreements.

One has only to compare SALT I as described at the time of ratification with SALT I as it was interpreted over time as Soviet actions undercut the original interpretations. a loose U.S. compliance policy has undoubtedly contributed to the erosion of most of the content of the SALT I agreements. Elasticity in compliance has been U.S. policy; and this must have persuaded the Soviets that they can get by with virtually anything, however deleterious to the original agreement, so long as there is the slightest legalistic doubt or technical ambi-

guity involved. Soviet representatives at the SCC have had a very easy job. The Americans have pliantly accepted their rationalizations; they have even at times provided them.

The U.S. Government has always been—and given the nature of our society and government may always be—very reluctant to denounce circumventions publicly, or even violations. Whether due to a desire to avoid wrenching perturbations in U.S.-Soviet relations, or because a democratic government acquires a strong vested interest in the integrity (or appearance of integrity) of an agreement it has negotiated, and sold to Congress and the public, we have been unwilling to make major political issues of Soviet transgressions of arms control agreements. Now another rationalization for tolerating Soviet misbehavior has arisen—the argument that we lack effective responses, or that we would lose more by strong responses. In other words, we have not found the answer to the question posed over twenty years ago by Fred Ikle: "After Detection—What?" [17] Ikle argued that a precondition for arms control is not only the ability to detect a violation but also the assurances of all that we will be able to react effectively to violation. World opinion, he pointed out, will not suffice; it is amorphous, short lived, and cannot injure. In fact unless reaction is sure and swift, public opinion support for it will be lost.

Of course, it will never be there in the first place if the U.S. Government is unwilling to make a major public issue of Soviet non-compliance because it regards ongoing negotiations as more valuable politically than Soviet faithfulness to agreements.

LESSONS

The proper starting point for arms control is with a clear appreciation of the great difference between U.S. and Soviet political, strategic and arms control goals. Arms control, as experience shows, cannot be isolated from that context however fervently earlier theorists believed it could be. The attempted isolation was acutally a belief in the congruence of U.S.-Soviet views and goals. The lack of that congruence, but continued belief in it, resulted in arms control failure.

What other lessons might be derived from the record of arms control failure? Inter alia, I would draw the following:

Arms control cannot be divorced from politics. It cannot be isolated from Soviet political objectives, or from the fundamental political differences between the United States and the Soviet Union, or from domestic politics.

Arms control agreements will reflect the reality of the strategic situation, the existing balance and trends in it. If we are not happy with that situation, we will not be happy with agreements based upon it. The situation must be improved before there is much likelihood of satisfactory agreements.

The Soviet Union is not interested in arms control to help us solve our problems, and does not view arms control in terms of stabilizing mutual deterrence. In fact, the Soviet approach to arms control and Soviet strategic objectives are not now congruent with our arms control goals.

Consequently, basic strategic problems will not be resolved by arms control but must be resolved by our own programs. Expecting arms control to produce a stability that does not exist in our programs, or those of the USSR, is to expect too much.

As weak a means to the end of national security as arms control has been, there is still a tendency to regard it as an end itself. That should be resisted. Arms control should be pursued only to the extent it may make a meaningful contribution to national security; and its success or failure should be evaluated in those terms.

U.S. streategic doctrine and objectives have been established as official expressions of national security requirements and policy; hence, arms control positions should be in strict concurrence with those requirements and that policy.

The United States does not yet have the leverage necessary to interest the Soviet Union in arms control agreements that would be very helpful. It may be several years before we do, and by then it may be too late for truly helpful arms control. The only agreements possible in the near future are cosmetic ones, or ones that will be unequal and disadvantageous to the United States. With the risk of the latter, the U.S. needs a carefully thought through and tightly controlled "damage-limiting" approach to arms control.

Arms control can be harmful to the U.S. national security; perhaps less in the direct impact of agreements than in their indirect impact—in the"perverse effect" that agreements, or the pursuit of agreements, or the general chimera of arms control has on our ability to produce, support, and sustain necessary force programs; and in the self-delusions that promises of arms control seem inevitably to spawn. The more emphasis national leaders place on arms control, the more adverse is this impact likely to be. In addition, artificial emphasis on arms control can weaken U.S. foreign policy. It can for example expand our tolerance and weaken our responses to Soviet misbehavior, whether it take the form of non-compliance with agreements, armed aggression, or bestial attacks on commercial airliners.

There are a couple of political lessons that I would add, but there is no reason to believe that they have been learned or will be.

Arms control enthusiasts and politicians have been too careless about the realities of arms control; they have overstated what can be accomplished by agreement and have equally overstated the consequences of non-agreement.

When both the media and national political leaders engage in this practice, they are following rather than educating, and they increase political pressures for arms control of any sort. National political leaders, in effect, reinforce the political pressures on themselves; pressures that lead them to extol arms control, accommodate to achieve agreements, and then pretend that bad arms control is good arms control. Those same pressures are then brought to bear to oppose necessary defense programs and proper defense funding.

THE REAGAN ADMINISTRATION AND ARMS CONTROL

In the 1980 Presidential campaign, it seemed clear that President Carter and candidate Reagan held very different views on arms control. Mr. Reagan's rejection of the Carter approach to arms control and of his SALT II agreement could not have been clearer. Nor could his earlier criticism of SALT I. His public stand on arms control strongly implied that if he were elected there would be fundamental changes in the U.S. approach: a new realism in dealing with arms control both publicly and in policy making, and much less reliance on arms control, both rhetorically and actually.

The 1980 Republican Party Platform was explicit: "The Republican approach to arms control has been markedly different from that of the Democratic Party. It has been based on three fundamental premises:

"First, before arms control negotiations may be undertaken, the security of the United States must be assured by the funding and deployment of strong military forces sufficient to deter conflict at any level or to prevail in battle should aggression occur;

"Second, negotiations must be conducted on the basis of strict reciprocity of benefits—unilateral restraint by the U.S. has failed to bring reductions by the Soviet Union; and

"Third, arms control negotiations, once entered, represent an important political and military undertaking that cannot be divorced from the broader political and military behavior of the parties."

"A Republican Administration will pursue arms control solely on the principles outlined above." [18]

While there were obviously many issues involved in the election, it would not be unfair to say that the national security issue, including arms control, was a singularly important one, and that Mr. Reagan's election was a mandate in some sense for the changes for which he stood. The defeat of SALT II suggested the same.

During the first year of the Administration there was much evidence that these changes were being made: There was no precipitous rush into arms control negotiations with the USSR; an articulate realist and arms control critic was selected as director of ACDA; and senior officials of the administration, including the President, himself, made very sobering public statements about the nature of the Soviet Union, Soviet imperialist aims, and the prospects for arms control.

Indeed, during this period, the Administration appeared to set forth new standards, principles, and guidelines for the U.S. approach to arms control, which appeared to reflect the lessons cited above. On the basis of official statements, 10 Arms Control Commandments can be identified: [19]

(1) There will be no agreements for the sake of agreement. Agreements must be militarily meaningful, and must promote stability and U.S. security. Nor will the U.S. accept agreements merely to keep the "arms control process" going.

(2) There will be no more unilateral arms limitation in the hope that the USSR will reciprocate. (As the President said: "We have tried time and again to set an example by cutting our forces in the hope that the Soviets will do likewise. The result has always been that they keep building.")

(3) We have relied too much on arms control at the expense of defense programs: this has been detrimental to national security and also to arms control success. We do not have the leverage we need to interest the Soviets seriously in meaningful arms control. (To quote President Reagan again: "Unless we demonstrate the will to rebuild our strength and restore the military balance, the Soviets . . . have little incentive to negotiate.")

(4) We will avoid coupling force modernization programs with arms control; programs will be pursued on their own merit.

(5) We must lower our expectations about arms control, not only because of our experience but because our major problems now transcend arms control solutions. In particular, we must recognize that there is no prospect for agreements that will help solve such basic security problems as the vulnerability of our land-based deterrent forces, at

least until we demonstrate the capacity to solve them ourselves.

(6) We must educate the public and our allies on these realities, and seek to de-emphasize the role that arms control plays in our relations with the Soviets, and with our allies.

(7) We have based arms control on limiting the wrong things, such as "launchers", which do not really reflect destructive capacity. We will now emphasize reductions, but in destructive capacity and in the most destabilizing systems. Any such reductions must be both stabilizing and strictly equal.

(8) Agreements will be based on strict verification, which will not be restricted to national technical means. We cannot accomplish what we wish by NTM alone and must insist upon cooperative measures as well as a "radical improvement" in Soviet willingness to provide accurate, reliable, and verifiable data. (As Mr. Rostow put it: "The day when arms control negotiations are conducted on the basis of data supplied by the United States is over.")

(9) The United States will insist upon full and faithful compliance on the part of the USSR and will not cover up or disparage the importance of non-compliance.

And finally, and most significantly:

(10) The arms control process must be placed in the context of Soviet worldwide conduct. As Secretary Haig stated, "pretending that there is no linkage promotes reverse linkage. It ends up by saying that in order to preserve arms control, we have to tolerate Soviet aggression. This Administration will never accept such an appalling conclusion."

In the absence of agreements, it may be premature to attempt to evaluate the administration's consistency with its own principles. However, what Eugene Rostow has recently called "arms control fever" (which, he says, "defies the visible lessons of experience")[20] again arose during 1982 in Congress, and among a vocal part of the public. Arms Control enthusiasts—or politicians who deemed enthusiasm and arms control advocacy politically expedient—began to cry for arms control progress and insisted upon wrapping weapons programs and defense appropriations in the smothering blanket of arms control.

Criticism arose accusing the Reagan Administration of not being "serious" about arms control, of demanding too much of the Soviets, and of being "inflexible."

It is ironic that those who argue most vocally the need for arms control as the difference between a safe and an unsafe world, are also those who are least demanding and most uncritical of arms control agreements. Success to them apparently consists solely in having an agreement. Another version of this is the cry for reductions without much concern for the impact of those reductions on U.S. strategic objectives or on stability.

Richard Perle answered these changes very well in testimony last July:

"But what does seriousness in arms control mean? Is it a sign of seriousness to make concessions to the Soviet desire to accumulate and preserve significant advantages in nuclear weapons? Is the ease with which we abandon our objectives and make "progress" toward an agreement—any agreement—a sign of seriousness? Is there any relationship between seriousness and the content of the agreements we seek to negotiate."[21]

The "fever" successfully moved the administration to begin to adopt some of the rhetoric of the movement, to couch many of its own strategic policies and arms programs in terms of arms control, and to show willingness to adjust its positions in the two major on-going U.S.-Soviet arms negotiations. In part, at least, this resulted in some short term success: it did undercut some of the freeze momentum; it countered charges in the United States and Europe that the Reagan administration was "anti-arms control;" and it succeeded in reversing Congress and gaining its support for an insurvivably based MX. (About which more later.)

But it may also be leading the Administration and the country in the wrong direction of forgetting experience and repeating past mistakes. The same initiatives that show "flexibility" and accommodate (but never satisfy) arms control enthusiasts also perpetuate the 15-year-old process that has led us to our present perilous predicament.

White House arms control rhetoric has again erected arms control into the central arena of importance in the public view. It has encouraged individual Congressmen, Republicans and Democrats alike, to vie with one another in proposing one arms control scheme after another—all of which "defy the visible lessons of experience," and most of which reflect careless strategic logic. (I include the "build down" and "double build down" proposals of certain Congressmen who should be expected to know better.)

If the administration succumbs to this arms control pressure it seems likely to ignore its own early principles and to repeat past mistakes in an attempt to achieve limited, short term gains. Perhaps its whole hearted endorsement of the Scowcroft Commission Report is an example of such a trend.

THE SCOWCROFT COMMISSION REPORT & ARMS CONTROL[22]

The Administration's desire to save the MX has led the White House to accept as policy what is in many important respects an illogical report by the Scowcroft Commission. In effect, this means the implicit adoption of lower standards for strategic force survivability, and explicit emphasis on arms control as the centerpiece of U.S. national security policy.

The Reagan Administration began with the sound position that there is essentially no prospect of arms control solving such a basic security problem as the survivability of our land-based ICBM force until the United States had demonstrated its capacity to solve such problems itself.

This capacity has assuredly not been demonstrated; to the contrary. Yet, the Scowcroft Commission turned hopefully to arms control to enhance strategic stability, and to a vulnerably based MX (which detracts from stability) as the means to arms control.

It is certainly demonstrative of the persistence of arms control mythology that a Commission established to make recommendations on strategic force modernization uses the term "arms control" some sixty times in its 26-page report![23]

With a fine disregard for the past twenty years of arms control experience, the Commission cheerfully concluded that arms control might do a lot toward accomplishing critical objectives, including reducing the risk of war, channeling forces into stabilizing rather than destabilizing paths, and making arsenals less destructive and costly. It said arms control might do these things if we have the MX. With the MX, the Commission averred, there is likelihood of a "stabilizing and equitable agreement." Without MX, however, it is "illusory to believe we could obtain a satisfactory agreement."

With transparency, the Commission thus forged an arms control rationale to support the case for deploying a vulnerable MX. This is ironic to say the least inasmuch as the principal U.S. aim in arms control has always been to improve the survivability of deterrent forces and to lessen Soviet incentives for surprise or preemptive attack. Moreover, to make the arms control logic more palatable, the Administration pledged a stronger emphasis on arms control, and a new flexibility in current negotiations, in return for Congressional votes for MX.

Flaws in the U.S. approach to arms control, limiting numbers of "things" (launchers, which to the U.S. meant missiles), helped create the MX in the first place, and also reduced ICBM survivability options. Now, arms control was being used to gain deployment of the SALT-created MX, and in a very vulnerable mode.

The White House paid an exorbitant price for a limited immediate victory. It swallowed the logic of the window of vulnerability, upon which Mr. Reagan had campaigned, and which had served as its principal argument and motivation for strategic force modernization. It allowed the resolution of the vulnerability of land based forces to be deferred for at least a decade because the Scowcroft Commission argued that even though that force is currently vulnerable to "only a portion" of the Soviet ICBM force, the problem really is not all that important.[24]

The Scowcroft Commission Report emphasized the great benefits of a small ICBM: potentially high survivability; adaptability to several basing modes; dispersal in a large number of individually unattractive, less lucrative, and less threatening targets. But then it deferred the small ICBM to the 1990s and recommended silo-based MX, which meets none of the Commission's own criteria for stability, and which contradicts all of them.

Even so, the White House allowed force modernization (in the guise of MX) to be linked to arms control, and it promised Congress arms control "flexibility"—or accommodation to the Soviets—in return for a vote in favor of MX. Arms control enthusiasts in Congress have apparently been handed a club to wield everytime a vote arises on MX funding in the future.

Instead of educating the public on the grim realities of arms control with the Soviets, the White House has contributed to the "arms control fever" that will surely limit its own future options. And because the arms control negotiating process is now politically so important, the White House decided to treat the expanding evidence of Soviet non-compliance with existing agreements as "unprovable" and unworthy of bringing forcefully to public attention.

CONCLUSION

What are the prospects that past failures might be turned into a more successful arms control policy? As Norman Podhoretz put it in another context, surely "we have fewer illusions and more information."[25] Unfortunately, there is now a legacy that will be difficult to escape; and for every factor that might contribute to a more successful policy, there is also a counterpoint.

Fewer illusions about Soviet behavior and more information about the strategic imbalance may, perversely, fan arms control fever and make us even more uncritical about

agreements (as it already has many Europeans).

President Reagan surely entertains fewer delusions about the Soviets and the prospects for arms control than other imaginable Presidents. The ten arms control commandments implied a fundamental change in the U.S. approach; following them rigorously could at least arrest failure and limit arms control damage, which is probably the most that can be expected. As Mr. Podhoretz pointed out bluntly:

"Since their military arsenal is designed to serve this expansionist strategy, the Soviets will never voluntarily surrender an advantage in the balance of military power. Nor will they ever enter into (or honor) any agreement that prevents them from achieving military superiority . . . . (Consequently) disarmament negotiations offer only a fraudulent hope."[26]

Yet, recent statements and actions by the Administration seem to violate some of its own commandments, particularly in overemphasizing the importance of arms control agreements and our need for them.

Fifteen years of experience have been abundantly that we cannot expect the Soviets to promote U.S. national security through arms control agreements. The Soviets will surrender no advantage, and the United States hasn't the leverage to force them to do so. Experience shows that we are more likely to be constrained than helped by the negotiating process. Yet even in the wake of incidence upon incidence of Soviet trouble-making and banditry, the American President says that the arm control process is too important to jeopardize. This is exactly the reverse linkage that the Admiinstration pledged to avoid.

We have learned some harsh lessons about the Soviet Union and arms control, but domestic and alliance political considerations seem to make it difficult to apply those lessons.

Arms control was intially to be a cooperative technical approach to easing definable strategic problems; notably, its goal was to promote strategic stability through easing threats to the survivability of deterrent forces. Now that goal seems essentially irrelevant to arms control, as arms control has become irrelevant to it. Arms control is now almost purely political. The strategic standards for evaluating arms control and the very meaning of the term itself have become obscured. Politically, arms control has become a normative, rather than a descriptive, term. Like disarmament, it has apparently become an end in itself, rather than a means to national security ends. Standards for evaluating the success or failure of arms control seem politically to have been reduced to at most three: continuing negotiations; reaching some agreement; and reducing arms, however superficial the reduction or whatever its merit in terms of earlier arms control standards.

Perhaps there are two arms control processes that the Administration hopes to conduct simultaneously: the public process, playing the politics of arms control, and an internal process, seeking to limit the damage of arms control. If arms control must be pursued, but cannot reduce the threat, it must not reduce our options for coping with the threat. Hopefully, this Administration will be more adept at this balancing than preceding ones.

It seems far preferable, however, for the American government to seek to educate the public with arms control candor rather than bowing to arms control fever as unchangeable political reality. There is ample evidence that the public would respond to such national leadership. Polls have consistently shown that the public can distinguish between a general arms control ideal and a specific bad arms control agreement; they show the public to be distrustful of the Soviet Union and skeptical about Soviet allegiance to arms control agreements.

Engaging in arms control rhetoric undoubtedly is safer politically than candor, but it runs the risk of trapping us in a process that will be contrary to U.S. security interests. Arms control rhetoric can only strengthen forces that are uncritical of arms control, if not of the Soviet Union as well; forces that are anti-defense, anti-modernization, anti-nuclear. These same forces would interfere with—and, if strengthened, may prevent—necessary military programs.

At the same time, the Administration weakens its own case for what needs to be done. How argue at the same time the virtues of reductions and the need to build up? The importance of arms limitations and the need for major new strategic programs?

Why should the President not tell the public that U.S. security does not depend upon arms control agreements, and that the types of agreements available are not ones we should want?

Despite what seems to me to be the cogency of arguments for arms control candor rather than arms control rhetoric, the Administration for the most part seems to have rejected the former path and to have adopted the latter. To recast a pithy description of U.S. foreign policy by the late Senator Henry Jackson: We have no arms control policy, and it is being mismanaged. In other words, more arms control failure.

FOOTNOTES

[1] Secretary of Defense, *Annual Report to Congress*, Fiscal Year 1983, February 8, 1982, Washington, D.C., I-/19.

[2] "Testimony of William R. Van Cleave," *Military Implications of the Treaty on the Limitations of Anti-Ballistic Missile Systems and the Interim Agreement on Limitation of Strategic Offensive Arms*, U.S. Senate, Committee on Armed Services, U.S. Government Printing Office 1972; *International Negotiation*, U.S. Senate, Committee on Government Operations, Part 7, U.S. Government Printing Office, 1973; and "Statement and Testimony of William R. Van Cleave," *Military Implications of the Treaty on the Limitation of Strategic Offensive Arms (SALT II Treaty)*, Hearings, U.S. Senate, Committee on Armed Services, Part 3, U.S. Government Printing Office, 1979.

[3] "Implications of the Success or Failure of SALT," in William Kintner and Robert Pfaltzgraff, eds., *SALT*, (Pittsburgh: University of Pittsburgh Press, 1972).

[4] Megatonnage was four times higher in 1960 and the number of weapons one-third larger in 1967 than today. Secretary of Defense, *Annual Report to Congress*, Fiscal Year 1984, February 1, 1983; and *The U.S. Nuclear Weapons Stockpile*, News Release, Assistant Secretary of Defense (Public Affairs), No. 424-83 August 25, 1983.

[5] Warren Heckrotte and George Smith, eds., *Arms Control in Transition* (Boulder, Colorado; Western Press, 1983), pp. 32, 7.

[6] "Implications of Success of Failure."

[7] Donald G. Brennan, ed., *Arms Control, Disarmament, and National Security*, New York: Braziller, 1961; Hedley Bull, *The Control of the Arms Race*, London: Weidenfeld and Nicolson, 1961; Thomas Schelling and Morton Halperin, *Strategy and Arms Control*, New York: Twentieth Century Fund, 1961; Ernest W. LeFever, ed., *Arms and Arms Control*, New York: Praeger, 1962; Louis Henkin, ed., *Arms Control: Issues for the Public*, Englewood Cliffs, N.Y.: Prentice Hall, 1961; Arthur T. Hadley, *The Nation's Safety and Arms Control*, New York: Viking Press, 1961; Alexander Dallin, et al., *The Soviet Union, Arms Control, and Disarmament*, New York: Columbia University Press, 1964. For a discussion of these works see Robin Ranger, *Arms and Politics, 1958-1978*, Toronto: Macmillan Company, 1979.

[8] *Arms Control, Disarmament, and National Security* (George Braziller, New York, 1961), "Introduction," p. 36.

[9] *The Control of the Arms Race*, pp. 9-10.

[10] Brennan, *Arms Control*, p. 41.

[11] Alexander Dallin, et. al., *The Soviet Union, Arms Control, and Disarmament.*

[12] *How Much Is Enough?* (Harper Colophon Books, Harper and Row, New York, 1971), pp. 175-176.

[13] SALT I testimony, Senate Armed Services Committee, 1972; *International Negotiation*, U.S. Senate Committee on Government Operations, 1973; and "Political and Negotiating Asymmetries," R. L. Pfaltzgraff, ed., *Contrasting Approaches to Strategic Arms Control*, D.C. Health & Co., 1974.

[14] "Implications of Success of Failure of SALT."

[15] U.S. Senate, Foreign Relations Committee, *The SALT II Treaty*, Hearings, Washington, D.C., 1979.

[16] For a discussion of this with respect to SALT I, see my "SALT on the Eagle's Tail," *Strategic Review* Spring, 1976.

[17] Fred C. Ikle, "After Detection—What?" *Foreign Affairs*, vol. 39, No. 2 (January, 1961).

[18] Republican Platform, Republican National Convention, July 14, 1980, Detroit, Michigan.

[19] These are drawn from various remarks of the President, Secretary of State Haig, and Director of the Arms Control and Disarmament Agency, Eugene Rostow, during 1981 and 1982. Presidential statements are mostly from press conferences, but also addresses to the nation (e.g., televised address of November 22, 1982; text in *New York Times*, November 23); Mr. Haig's remarks are in speeches (e.g., "Arms Control for the 1980s: An American Policy," July 14, 1981, published as Department of State *Current Policy*, no. 292); Mr. Rostow's remarks are in numerous speeches available from ACDA Public Affairs. In addition, see Secretary of Defense Weinberger's two *Annual Reports* to Congress during those years.

[20] "Arms Control Fever," Speech, April 7, 1983, mimeo.

[21] Testimony before the Special Panel on Arms Control and Disarmament, Subcommittee on Procurement and Military Nuclear Systems, Armed Services Committee, U.S. House of Representatives, July 12, 1983. Mimeo; available Office of Assistant Secretary of Defense.

[22] The popularly used "Scowcroft Commission Report" title derives from the commission chairman, General Brent Scowcroft (USAF, Ret.). The official title is: *Report of the President's Commission on Strategic Forces*, April 1983. Available from the Commission's office, Room 3E 129, The Pentagon, Washington, D.C.

[23] I thank Dr. Gough Reinhardt of Livermore Laboratory for pointing this out to me.

[24] Inter alia, the Commission argued that the ICBM problem had been "miscast" in recent years (an apparently clear rebuke to the Reagan Presidential campaign) by focusing on survivability; that even a vulnerable force can make a major contribution to deterrence; that ICBM capability is as important as ICBM survivability; and that the ICBM force is really less vulnerable when not viewed in isolation because of the difficulties of a coordinated attack on bombers and ICBMs. One of the authors of the report, Harold Brown, apparently forgot what was written in his last *Annual Report* to Congress as Secretary of Defense concerning such an attack: "It is equally important to acknowledge, however, that the coordination of a successful attack is not impossible, and that the 'rubbish heap of history' is filled with authorities who said something reckless could not or would not be done. Accordingly, we must take the prospective vulnerability of our ICBM force with the utmost seriousness for planning purposes." Department of Defense, *Annual Report*, Fiscal Year 1980, January 25, 1979, p. 81

[25] Norman Podhoretz, "Appeasement by Any Other Name," *Commentary*, July, 1983, p. 34.

[26] Ibid., pp. 29-30.●

U.S. MOVE INTO GRENADA

● Mr. LEVIN. Mr. President, there is no question but that we have a right to protect the lives of our citizens facing danger in foreign countries. I

am delighted that the Americans who were in Grenada are safe. I commend the high valor and professionalism of our Armed Forces. I continue to question, however, the legitimacy and the wisdom of a continuation of our involvement in Grenada beyond securing the safety of our citizens. It is true that we have captured Cuban weapons and personnel—although we intend to let the personnel return to Cuba. But have we set back Cuba's efforts and influence in the region? I am afraid not.

Already, many of our own allies have condemned our intervention. We thus have lost some goodwill that we had taken for granted, and may have jeopardized relationships that are vital to the defense of our interests in Europe. Also, we may have played into the hands of Soviet and Cuban propagandists who accuse us of "Big Brotherism" around the world. For, in the name of fostering democracy, we have sought to impose our way of life on another country.

On the conflict in Lebanon, I am pleased that the President finally has spelled out in some detail our mission there. I agree that we must accelerate the search for peace and stability, work even more closely with our allies to more quickly build the ability of the Lebanese to maintain peace in their own nation, and assure that our marines there—as long as they might be there—are fully protected. Unlike the President, however, I do not believe we should prepare to stay in Lebanon for as long as 18 months. I continue to believe that 6 months or so is a more reasonable time span for the Lebanese to get themselves together, and to pull our troops out.

I ask that my statement of October 25 relative to our move into Grenada be inserted in the RECORD.

The statement follows:

STATEMENT BY SENATOR CARL LEVIN

Both the legitimacy of the Reagan administration's invasion of Granada, and the credibility of its explanations for that action, are open to question.

There certainly are situations in which I would support sending U.S troops into a foreign country to protect American lives. But is this one of those situations? Just yesterday, the administration was saying that American students in Granada were safe. The White House gave no hint of any need for any U.S. action like this. Indeed, just yesterday, more than 500 parents of those students telegraphed to the President an appeal that he not take any "precipitous and provocative actions," because they had been assured by the Granadan government that their children were safe. But it is clear that the U.S. invasion of Granada was planned last week, and was carried forward today regardless of what assurances had been given to or by the White House that U.S. action would be unnecessary.

Even if there is a legitimate question of safety for Americans in Granada, and a need for U.S. forces to help those who wish to leave to do so, there is no legitimate reason beyond that for our forces to be there. There is no legitimate reason for the United States to seek to overthrow other governments that we don't like. The Soviet Union has no right to impose its will upon the people of Poland. How, then, at the same time, can we insist that we have a right to impose our way of life upon another people in our hemisphere? The administration's apparent effort to do so in Granada only feeds Soviet propaganda about American Big Brotherism around the world. And if the administration persists in trying to "help in the restoration of democratic institutions" in Granada—as it has said is its intention—many other non-democratic nations throughout this hemisphere could become candidates for U.S intervention.

I believe the administration should resolve quickly any questions it has about the safety of Americans in Granada, help those who want to get out, and then get our forces out, fast.●

LOTTIE SELIGMAN RETIRES AFTER 40 YEARS WITH THE MARCH OF DIMES

● Mr. D'AMATO. Mr. President, I would like to share with you and the rest of my colleagues the achievements of Lottie Seligman, who, after 40 years with the March of Dimes, has announced her retirement. Mrs. Seligman has given us many years of selfless public service, setting an example from which we all may learn. The health and well-being of the Long Island community is indeed far better today because of the fine labors of this outstanding citizen.

Some of her many accomplishments include the initiation of a Long Island swim program for the handicapped, a parents of exceptional childrens group, a coffee house for handicapped young adults, a spina bifida parents group and the commission for the removal of architectual barriers on behalf of the handicapped.

Although a great benefactor to the needy, Lottie Seligman recognized the value of prevention. While serving as a member of the advisory board of the Departments of Health for both Nassau and Suffolk Counties, she helped implement the Salk and Sabin immunization program. Mrs. Seligman also conducted countless informative symposia and seminars designed to reach nearly everyone, from health professionals to corporate executives to high school students.

Her advice was sought in many forms. Health officials were guided by Mrs. Seligman's contributions to the journal of the New York State Public Health Nurses Association and various periodicals from the department of health, especially regarding matters affecting the handicapped. She has served as an adviser to the Advisory Committee for the Breast Milk Bank at North Shore University Hospital, to the Committee of Nassau-Suffolk Center for Health Education Prenatal Care, and to the Nassau County Coalition for Family Planning.

Understandably, many prestigious commendations have heralded her work. In 1980, her indefatigable work was rewarded when she was named the recipient of the Theodore Roosevelt Award for Outstanding Community Service by North Shore University. The New York State Public Health Association also presented her with a distinguished service award.

Mrs. Seligman's knowledge of the health field, her resolute dedication to the pursuits of the March of Dimes Birth Defects Foundation, her people skills, and her professionalism will be sorely missed by her staff, by scores of volunteers and friends, and by the countless children for whom she worked so lovingly. Her fine example as March of Dimes executive director will hopefully be followed for many years to come. I am proud to honor such a dedicated citizen of the great State of New York.●

POULTRY AND THE PROMPT PAYMENTS ACT

● Mr. PRYOR. Mr. President, yesterday during the Senate's consideration of H.R. 3959, the fiscal year 1984 supplemental appropriations bill, the Senator from Georgia, Mr. MATTINGLY, offered an amendment which I cosponsored dealing with poultry and the Prompt Payments Act. The Mattingly amendment, which was adopted by voice vote, provides that poultry shall be included in the definition of the word "meat" for purposes of the Prompt Payments Act. I support the Mattingly amendment, Mr. President, and I hope this change is retained by the conferees which the supplemental appropriations bill goes to conference with the House.

The Prompt Payments Act, Public Law 97-177, was passed as a result of the frustration of many businesses in getting paid when they provided goods and services to the Federal Government. There were instances when some businesses waited for months to be paid, and then no interest was paid. I supported passage of the Prompt Payments Act, and I have proposed that a similar provision be extended to crop insurance claims paid to farmers who have suffered losses covered by crop insurance. The expansion of the act to cover payments for poultry and poultry products is needed, and I commend the Senators from Georgia for their leadership. I support this change, I know it has the unanimous support of the industry, and I urge the Senate conferees to retain the provision in conference with the House.●

TAX BILLS VITAL TO THE ECONOMIC RECOVERY OF THE COAL INDUSTRY

● Mr. WARNER. Mr. President, I rise today to cosponsor two tax bills which are vital to the economic recovery of the troubled coal industry, S. 237 and S. 1006.

S. 237, "The Comprehensive Mining Reclamation Reserve Act of 1983," would codify existing court rulings which permit surface mining companies to accrue monetary reserves for reclamation expenses.

The IRS has refused to follow the court guidelines on this issue even though I and other Senators have written to the Commissioner of the IRS and urged him to do so.

S. 237 will hopefully end the expensive litigation on this issue and allow the mining industry to enjoy the accounting options which have historically been available and which are consistent with mining techniques currently in use.

S. 1006 would repeal an inequity imposed on the coal and iron ore industries by the Tax Equity and Fiscal Responsibility Act of 1982.

If current law is allowed to stand, the coal and iron ore industries will suffer a 15-percent reduction in the percentage depletion deduction beginning in 1984.

S. 1006 would eliminate the scheduled reduction in the depletion deduction for depressed coal and iron ore industries.

Unfortunately, economic recovery for the coal industry has not yet materialized.

Nationwide, the coal industry is operating at about 67 percent of capacity.

The coal-mining counties of Virginia are struggling with an unemployment rate in excess of 30 percent.

I urge my colleagues to support S. 237 and S. 1006 which are keys to a healthy American coal market.

A strong domestic coal industry offers the hope of increasing energy independence for the United States and its allies.●

U.S. TROOPS IN LEBANON AND GRENADA

● Mr. BOREN. Mr. President, all of the debate among politicians about policy in the areas of Grenada and Lebanon should not obscure the great credit due to the brave young Americans who serve in uniform.

Any American who has harbored any doubts about the patriotic commitment of young Americans should have had them removed by what they have seen demonstrated in the last few hours. Young Americans in Lebanon, even those who have been gravely wounded, including one who had to write on a notepad because he could not speak, expressed a deep love of their country and a commitment to do their duty as they see it.

In Grenada, American students and citizens who were in danger there had nothing but the highest praise for the professionalism and courage of the U.S. troops who rescued them. Whatever differences of opinion Americans may have about our actions in either Lebanon or Grenada, we should all take the time to let our young men and women in uniform know how proud we are of them.

The courage of these young people is a challenge to those of us who participate in making policy to do so with the greatest care. In Grenada, it appears to me that we acted correctly. From the testimony of the American citizens themselves who were rescued from Grenada, they clearly felt that they were in danger. I feel strongly that our Government has the right and the responsibility to protect our citizens. In addition it is also clear that the Cubans, after the murder of the Prime Minister of Grenada, had taken practical military control of the island. Their obvious aim was to establish bases, including a 10,000-foot runway, to service Cuban and Soviet forces in this strategic area of our own hemisphere.

It is certainly far better to prevent such bases from being established in advance than to try to do something after the fact. Our Government was right to move swiftly to protect our citizens and our own vital interests in this area.

In Lebanon, the long-range picture is much less clear. Worry about such a tragedy as has occurred is exactly what caused me to vote against the resolution which gave a blank check authorization to keep the marines in Lebanon for 18 months.

From the beginning, our marines were given a mission impossible. If 60,000 Israeli troops could not clear the country of foreign forces or settle disputes which have been going on for many generations, how could it be done by 1,600 marines? In addition, they were not given an adequate ability to protect themselves and were placed in a position where they were easy targets. It is very clear, in retrospect, that this was a mistake in policy.

I hope that the administration and the Congress will work hard together, without regard to politics to secure the replacement of our troops there with U.N. forces as soon as possible.●

OUTER CONTINENTAL SHELF REVENUE SHARING

● Mr. D'AMATO. Mr. President, I am pleased to cosponsor S. 800, the Outer Continental Shelf revenue sharing legislation. This legislation represents an effective approach for increasing Federal, State, and local partnerships in ocean and coastal resource management.

S. 800 will begin the process of equalizing the revenues received by States from Federal leasing activities. Presently, inland States receive a substantial share of Federal revenues generated from land leasings to offset disruptive effects of mining activities. S. 800 will provide States a small share of Federal revenues generated by offshore mineral leasing activities.

S. 800 establishes a grant program which will assist coastal States in managing and developing coastal resources. The measures will insure a continued capability for local governments and States to address Outer Continental Shelf oil and gas activities in a rational and timely manner. The bill will enable local governments and States to protect coastal resources, reduce potential conflicts between the oil and gas industry, environmentalists, and Government, and improve the predictability of the Federal leasing program. This legislation is clearly in the national interest to stimulate domestic energy production while minimizing the impact of offshore activities on our coastal resources.

New York State received Federal approval of its coastal management program 1 year ago. Local governments along New York's 3,200-mile coastline strongly support the CMP and are utilizing its provisions to rejuvenate their waterfronts and protect their valuable coastal resources. Two hundred forty-four coastal municipalities in New York State can benefit from this program. However, to date only 63 of these communities have been able to take advantage of the program due to limited funds. Clearly, the need for funding to assist local governments to implement their waterfront revitalization programs is far in excess of the financial resources presently available. This legislation will enable local governments and States to complete the research, design, and other preconstruction activities needed to revitalize their waterfronts.

S. 800 will provide New York State and its coastal communities with some of the resources needed to expand its commercial fishing industry and improve the coastal recreation opportunities for its citizens. Of considerable interest to the State's coastal communities is the opportunity which this legislation will provide for construction funds for projects leading to the redevelopment of deteriorated waterfronts, stabilization of eroded shorelines, and the acquisition of lands to preserve sensitive coastal areas.

I urge my colleagues to support this important legislation.●

11-059 O-87-32 (Pt. 21)

IN SUPPORT OF UPCOMING CIVILIAN ELECTIONS AND RETURN TO DEMOCRACY IN ARGENTINA

● Mr. KENNEDY. Mr. President, on Sunday, October 30, Argentina will hold elections for a civilian government, marking an end to 7 years of brutal military rule. The world will be watching with hope that these elections will truly close a tragic chapter in Argentine history and usher in new respect for the rule of law and human rights.

A new civilian government will not face easy circumstances. The military regime has been discredited by last year's defeat in the Falkland Islands war, the bitter memory of more than 15,000 deaths and disappearances, and acute economic crisis. Argentina is burdened with foreign debt of more than $40 billion. Real wages have declined more than 60 percent since 1975. Consumer price inflation last month reached an annual rate of 924 percent, the highest since the military takeover. Economic deterioration has stimulated labor unrest. Union leaders have been unable to control the rank and file. Moreover, the church has largely abandoned its mediation effort. In sum, this loss of authority by the military, the unions, and the church has raised fears among the people of Argentina that severe economic and social instability may undermine the next civilian government.

Since the military takeover in 1976, Argentina has become a symbol of gross and continuing violations of human rights and civil liberties, including disappearances, arbitrary killings, and detentions. The systematic use of torture, internal exile, and banishment have replaced the rule of law. The military junta has compounded its mismanagement of the economy with a so-called law of national pacification, designed to protect the Armed Forces from punitive action by a democratic government following elections. This September 23 amnesty law exempts from prosecution dozens of top officers and hundreds of soldiers, police, and paramilitary operatives who participated in torture, abductions, and killings of thousands of Argentines during an antisubversion campaign between May 1973 and June 1982.

On September 27, special antiterrorist powers were given to the military by the government. The antiterrorist law, signed by President Bignone, authorizes security forces to tap telephones, search houses, and make arrests without a warrant. In addition, it permits the security forces to detain terrorist suspects without charge for up to 10 days. The military government claims that this law will protect democracy by streamlining the judicial system, but in reality it is a travesty of the rule of law.

The Argentine military regime's failure to account for the thousands of missing and its betrayal of the fragile hope of the families who have lost loved ones cannot be ignored. Protests have been raised throughout the world by the grieving families, concerned governments, the international press, and human rights spokesmen.

While we welcome and encourage the military government's decision to hold the elections as scheduled this Sunday, October 30, there has been no significant progress in accounting for the disappeared and killed. The Reagan administration's failure to show adequate concern over these developments reflects an apparent desire to resume security assistance to Argentina at an early date. We should not and we must not contemplate a restoration of a military relationship with the Argentine Government until after installation of a civilian, democratic government and restoration of respect for human rights. I would remind the administration that Congress has enacted legislation which would permit such assistance only after the administration is able to certify that the human rights situation in Argentina has significantly improved, including the two following requirements:

Progress has been made in accounting for the disappeared.

Political prisoners held without trial or under executive authority (PEN) have been released.

At this critical time in the struggle for democracy and human rights in Argentina, the United States must make clear to the Argentine people that we stand by them in their commitment to the peaceful restoration of democratic government in Argentina. We must avoid all steps that would prolong the military regime that has betrayed the people of Argentina, or thereafter, the new civilian government by making it more difficult for them to assert conduct over the Armed Forces.

I request that an article by Juan Mendez, director of the Washington Office of the Americas Watch, which appeared in the October 24, 1983, edition of the New York Times, be printed at this point in the RECORD

The article follows:

DON'T CERTIFY ARGENTINA

(By Juan Mendez)

WASHINGTON.—Less than two weeks before the Argentine national elections, scheduled for Oct. 30, the Reagan Administration has already insulted the not-yet-elected civilian government and signaled, once again, Washington's contempt for human rights in Latin America.

In September, the military junta passed a law of amnesty for all members of the security forces who committed crimes in the so-called "dirty war against subversion" in the mid 1970's. As a result of this measure, the murderers, torturers, rapists and thieves who operated then under orders of the high command will enjoy impunity even after a democratic system is installed in January.

Astonishingly, the Reagan Administration has refused to comment on the law and indeed has stated that the President will soon certify to Congress that conditions have been met for the resumption of military sales and assistance to Argentina.

The law makes a feeble attempt to justify itself on grounds of "national reconciliation." Yet it does not provide for the release of a single political prisoner. Although a few opponents of the regime are pardoned, the law does not apply to those serving sentences, those who have been in detention for years without charges, those in exile or those living clandestinely inside the country.

In contrast, for the security forces, it covers "authors, participants, instigators, accomplices and those who covered up . . . related common crimes and related military crimes." In this, the law expresses the junta's contempt for the United States' stipulation that military sales and credits to Argentina may not be resumed until there is accounting for the fate of 15,000 to 22,000 desaparecidos, or "disappeared " people, whose arrest by the security forces was never acknowledged. The law would make it impossible for such an accounting to take place: It states that "no one can be interrogated, investigated, called to corroborated or summoned in any way for charges or suspicions of having committed crimes or participated in the actions referred to in this law."

Meanwhile, some 185 political prisoners have been confined without trial for five, six and seven years. In spite of increasing popular demand, the Argentine military Government remains defiantly silent about the fate of the disappeared. A recent survey conducted by social scientists in Buenos Aires shows that there is no truth to the claim made by the State Department in 1982 that 1,450 Argentine families had been given information about the fate of their disappeared children.

The crimes covered by the self-amnesty law are crimes against humanity—crimes defined in international law and subject to the universal jurisdiction of courts throughout the world. A state that pardons these offenses violates its duty to establish a fair system of justice. This is doubly appalling when it is the perpetrators who forgive themselves. The United States' refusal to comment under these circumstances will understandably be interpreted as a sign of approval.

The Assistant Secretary of State for Human Rights, Elliott Abrams, says that the Administration has decided to certify soon Argentina's "significant progress" on human rights because the civilian government that will take office on Jan. 30 should not be held responsible for abuses by the military regime and because the United States should maintain a good relationship with the Argentine armed forces.

Certainly, the civilian government should not be punished. Certainly, too, it will need United States support—but hardly the kind of military support it would gain through certification. In fact, the certification may well undermine the civilian government by making it even more difficult for the new, elected leaders to assert control over the armed forces. To do so, they will have to consider the repeal of the self-amnesty law so as to permit investigations of disappearances. Certifying before the civilian leaders take office and have a chance to take such measures will be seen by Argentines as an

effort to undermine the elected government and to discourage it from establishing safeguards for human rights.

The Reagan Administration is apparently bent on helping the armed forces to beat a safe retreat to their barracks so that they will be strong enough to continue to influence the government and, if the new leaders cannot govern effectively, to stage another coup. Thus, Washington is supporting the enemies of democracy while pretending to make a gesture of good will toward democratic Argentina. Few in Argentina will be fooled. The Administration is reinforcing a widely held belief that—whatever Washington says—it is no friend of Latin American democracy.●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, I believe the time for the transaction of routine morning business has expired, has it not?

The PRESIDING OFFICER (Mr. JEPSEN). The Senator is correct. Is there further morning business? If not, morning business is concluded.

INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The Senate will resume consideration of the pending business. The clerk will report.

The bill clerk read as follows:

House Joint Resolution 308, increasing the statutory limit on the public debt.

The Senate resumed consideration of the joint resolution.

AMENDMENT NO. 2459

The PRESIDING OFFICER. The pending question now before the Senate is the Chiles amendment. Is there any further discussion on the Chiles amendment?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

Mr. DOLE. Mr. President, the pending business is an amendment by the Senator from Florida (Mr. CHILES). It has reference to certain Cuban prisoners, which we do not have jurisdiction over in the Finance Committee. But I have discussed this amendment with the leadership, and, based on the statement made last evening by the Senator from Florida and a reading of the amendment, it is my understanding that there is no objection to the amendment if we could accept it on a voice vote.

Mr. CHILES. That would be satisfactory to me.

Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Oklahoma (Mr. NICKLES) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Mr. President, I am pleased to join with Senator CHILES and many of my other colleagues in offering this resolution. The issue of those Cuban prisoners being held in U.S. prisons is of particular concern to me because many of them are in custody at the maximum security Federal penitentiary in Atlanta.

Briefly, I would like to recount for you the circumstances surrounding these incarcerated Cubans. It is estimated that as many as 4,000 of the 125,000 Cubans who entered the United States during the 1980 Mariel Boatlift were criminals released from prisons and psychotics released from mental hospitals. In the Atlanta penitentiary alone, there are an estimated 1,050 of these "hardcore" criminals. According to J. Paul McGrath, Assistant Attorney General in charge of the Civil Division, these Cuban criminals have admitted committing in Cuba over 50 murders, over 20 rapes, over 30 arsons, over 600 roberies and thefts, and many other crimes. It was reported in August of this year that released Mariel refugees have subsequently been convicted of 3 murders, 165 assaults, 39 weapons possessions, 10 rapes, and numerous other crimes.

On July 7, 1983, U.S. District Court Judge Marion H. Schoob ruled that the Cubans held in the Atlanta prison are entitled to such rights as free legal representation, subpena power to summon witnesses and other rights guaranteed American citizens under the U.S. Constitution. This is despite the fact that the Cubans are not American citizens. As stated by Judge Schoob, the purpose of his ruling is to secure the release of the Cubans. This cannot be permitted!

There is no doubt that the Cuban criminals held in State and Federal prison facilities in the United States would represent an immediate and serious threat to the citizens of this country if they were released. Despite the efforts of the President to negotiate a return to Cuba of these Cuban criminals, the Communist government of Fidel Castro has refused to accept them. I believe the resolution we are considering here would provide the leverage needed to rid our country of the despicable Cuban prisoners being held here.

We have exhausted our options of negotiating with Castro on the prisoner issue. It is not our decision to link return of the Cuban prisoners with those Cubans captured in Grenada. It is Castro's decision. We have tried the carrot with him. Now, we will try the stick.

Over the last few days, we have seen unfold before us the facts surrounding the situation in Grenada. We have seen the bravery and competency of the U.S. military demonstrated there. We have seen and heard the accounts of the U.S. students evacuated from the island. It is not merely speculation that the Soviet Union and its cohort, Cuba, were establishing, as the President said last night, "a major military bastion to export terror and undermine democracy." It is a fact and we have the evidence to prove it.

The evidence we have discovered on Grenada shows clearly to the world that Castro's intent is to spread terrorism to this entire hemisphere. The Muriel boatlift was part of Castro's strategy. It is fortunate that we now have the opportunity to return to Castro what is his—the Cuban criminals and disrupters of society that he thrust on us during the boatlift. We must seize this opportunity to offer a setback to this blatant threat to our democracy.

The PRESIDING OFFICER. Is there debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2459) was agreed to.

Mr. CHILES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2461

(Purpose: To terminate the increase in the debt limit if the Congress and the President do not promptly enact deficit reduction legislation)

The PRESIDING OFFICER. The pending amendment is the Chiles amendment numbered 2461.

The text of the amendment is as follows:

At the end of the bill, insert the following new section:

SEC. 2. (a) The Congress finds that—

(1) under current law the nation faces massive Federal deficits which are estimated by the Congressional Budget Office to be approximately $200,000,000,000 for each of the fiscal years 1984, 1985, and 1986,

(2) leaving current laws unchanged would add almost $1,000,000,000,000,000 to the national debt over the next five years,

(3) more than $100,000,000,000 each fiscal year of such deficits is structural in nature and will remain even if the economy expands to the level of full employment,

(4) continuing such massive levels of Federal deficits in the face of continued expansion of the private sector is likely to drive up interest rates and abort the economic recovery,

(5) Congress has already adopted a budget resolution which commits the Congress to reduce the Federal deficit and limit the increasing national debt, and

(6) the revised public debt ceiling contained in this joint resolution is derived from the spending and revenue plan of the budget resolution.

(b) The amendment made by the first section of this joint resolution shall not apply to obligations issued after—

(1) November 21, 1983, unless all designated committees of the Congress have submitted by such date legislative provisions which reduce the Federal deficits for fiscal years 1984, 1985, and 1986, by the amount specified in the reconciliation instructions contained in section 3 of the first concurrent resolution on the budget for fiscal year 1984 (H.Con. Res. 91), and

(2) the earlier of—

(A) December 21, 1983, or

(B) ten days following the adjournment sine die of the first session of the 98th Congress,

unless the legislative provisions described in paragraph (1) have been enacted into law.

Mr. CHILES. Mr. President, my next amendment is a permanent and definite response to the structural deficit.

As Senators know, we had an interesting vote yesterday on an amendment by the Senator from Colorado (Mr. ARMSTRONG) to reduce the amount of the debt. The amendment was adopted by a sizable vote. That is a strong indication that the Senate is alarmed by an increase in the national debt of at least a quarter of a trillion dollars, and that the Senate is alarmed that we are carrying a deficit of approximately $200 billion. Much of that deficit has become structural, so it is going to be there whether you have high employment or low employment. We know that has to be a drag on the economy. We know that the interest we are paying on the national debt is sopping up savings from the private sector.

We know we have a tremendous trade imbalance in this country and how devastating that is to our businesses that are trying to export their goods. They are competing with foreign companies, and because of the high dollar—and that high dollar, Mr. President, as you know, is a result of our interest rates. Our goods are selling for almost twice as much as the goods of our competitor.

Many say that politics prevent us from doing anything about that until after the next election. Many of us in this body know in our heart of hearts that will be too late. If we wait until 1985 in order to do anything about these deficits we are dooming the present recovery. It cannot last even the traditional 3 years, and after this last recession we need more than a 3-year recovery. We need about an 8-year recovery. It certainly needs to be more than 3 years. But we will doom recovery, and we will go into the next recession not with a $30 billion deficit, which used to terrorize us; we will go into that recession with about a $200 billion deficit hanging over us and facing the need to stimulate spending. Even if we do not stimulate spending, we will be spending more than we collect as another recession makes us give the food stamps and the unemployment compensation, and as we see our tax revenues dwindle because people will be without jobs.

Where in the world will we be in this country if we go into a recession with a $200 billion deficit and have another crash?

So I think many of us know we have to do something, and this amendment says we are willing to do something now. In effect, what this amendment says is that we are willing in October to do what this body and the House of Representatives voted on in July. We said then as part of our budget plan that we would reduce our deficit over the next 3 years by $86 billion. We do that with a combination of additional revenue and spending cuts.

I will say to the distinguished members of the Finance Committee, the chairman and the ranking minority member, I know they have been talking in that committee and they have been trying to produce a reconciliation bill. Monday night is our deadline, but I recognize there has been resistance. When you get down to fashioning a bill, we have a lot of people saying, "Well, I do not think that we should lead on that tax," and I hear this on the Democratic side all the time. After all, the President ought to come out first, and Democrats would be very "dumb" to vote for an increase in taxes and have the President veto that.

And then again I hear from the White House they certainly cannot be for any additional revenue because Congress has not made those spending cuts that the White House said they had to have. Maybe you remember the President, in his last address on the economy, said, "If Congress had just done what I told them to do on spending cuts, our deficit would be $30 billion smaller than it is today."

Let us take him at his figures. If he was right, then we would have a $170 billion deficit rather than a $200 billion deficit. So we would not be out of the woods. We would have to have additional revenue and everyone, I think, recognizes that, but everyone says do not do it now. Let us put that off.

On the other hand, given the fact that we have already cut our spending programs—$240 billion on nondefense spending—there are not the votes on either side of the aisle in either the House of Representatives or the Senate to make much more in spending cuts, especially without something on the revenue side.

So what we are doing in this amendment is putting one more trigger at our head. In fact we are kind of putting the gun in our mouth; we are saying the debt ceiling will not go into effect until this Congress does what it said it was going to do, reduce the spending by $86 billion according to the combination of methods specified in the budget. We fought that fight this summer. It took weeks. We went through a conference. It was done at midnight and it passed by one vote. We went up and down the Hill on it, but Congress made its decision. That was the choice we made.

If we pass this amendment then we give instructions to the Finance Committee, their marching orders, and I think they can come out and say to the floor: "Look, you told us what to do. You did not give us enough time before. You told us that we had to raise these revenues, we had to reduce this spending, and here is our plan."

So this amendment puts as much a burden on the President as on Congress. It says that we have 3 weeks to report our legislation and we have another month to pass that legislation and to sign it into law, the very thing that Senator ARMSTRONG was talking about, about all of us being tired of voting for this debt ceiling and not seeing any restraint.

Remember, that restraint of $86 billion does something. It causes the deficit curves to start going the other way. It causes the structural deficit to get considerably smaller. You can look at that curve and you can see that it restrains spending each of the years and it gives us some additional revenue. It makes that deficit look better every year.

It is still over 2 percent of GNP. In 1986 we will have a structural deficit of about 3.2 percent. That is too high as a structural deficit. But it is a heck of a lot better than 4.5 percent or higher than that it is going to be if we do not do it.

So I just urge that this is the kind of legislation that we should pass.

Mr. DOLE. Mr. President, I have been conversing with the distinguished chairman of the Budget Committee.

Again, as I understand the amendment, it says in effect unless we do what the Budget Committee tells us to do in our committees, the debt ceiling is going to expire as far as any extension. The ranking member of the Budget Committee is correct. If we did pass a budget resolution by one vote, which says we have to raise taxes $73 billion and only reduce spending $13 billion over 3 years, that is not a balanced package.

Eleven members of the Finance Committee voted against that. There is no way you are going to get a 6 to 1 ratio in our committee. I am not going to vote for it to raise taxes $73 billion and reduce spending $13 billion. Some of that was smoke. So it is not really a $13 billion decrease in spending.

In our committee we have jurisdiction over billions of dollars in spending and we are only asked to cut spending

over 3 years by $1.7 billion. It seems to me what we should be doing instead of everyone trying to get some advantage around here is trying to sit down and hammer out a bigger package. Eighty-six billion dollars is not big enough. Eighty-six billion dollars is not going to do it. There are indications that $120 billion is not big enough over a 3-year period in deficit reduction.

I certainly appreciate the spirit of the amendment. I just do not believe we need the amendment. We are going to try to meet our reconciliation deadline. If not fully, we will try to comply in part by Monday at midnight. And then between Monday at midnight and the time the reconciliation is on the floor, perhaps the Senator from Florida, the Senator from New Mexico, the Senator from Louisiana, the Senator from Kansas, and other Senators and the leadership can hammer out even a better package that we could offer in some way as a motion to recommit or somehow on the Senate floor.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. DOLE. I am happy to yield.

Mr. LONG. In the Finance Committee we have jurisdiction over taxes and we also have jurisdiction over a lot of spending. As far as we are concerned, we just feel that the cuts in spending ought to be at least equal to the increases in taxes, and that is how a majority of us voted. We do not have any doubt that is how the people feel. We have no doubt in our minds that if you submit this question to the American people they would say, by an overwhelming majority, that we should cut spending before we raise taxes. When they tell us they want us to vote for $73 billion of taxes with less than $15 billion of spending cuts——

Mr. DOLE. $73 billion and $13 billion.

Mr. LONG. $13 billion of spending cuts and $73 billion of tax increases. You talk to any businessman in America and see if he likes those proportions. Most businessmen would tell you that they would recommend that we vote for $3 in spending cuts for every dollar in increased taxes.

But at a minimum, they would want us to cut at least $1 in spending for each dollar in tax increases. To propose $6 dollars in tax increases for every $1 of spending cuts is not something that the majority of the American people want. If we do not want to do $73 billion in taxes and $13 billion in spending cuts, we should have a chance to think in terms of at least a 50-50 split.

Mr. DOLE. That is my hope and I do not suggest the Senator from Florida will not agree to that but if we are going to do anything this year than blow a lot of smoke and make a lot of speeches and we are going to have to get together in a bipartisan way and hammer it out, I think of no way, we are not going to pass out a bill which weighs $73 billion in taxes and $1.7 billion in spending, spending that is 36 to 1. We have social security, medicare, unemployment, welfare, and all these spending programs, as the Senator from Louisiana knows, in our committee.

I would hope what we might do is not adopt this amendment and let us try to work our will the next few days in our committee. We may surprise some people in this town and in the White House too, and they need to have a little surprise in the White House, and we are going to try to give it to you.

Mr. DOMENICI. We were not going to use a shotgun but put you in jail. That is what the Budget Act says. The Senate might find you in contempt; punishment for contempt is incarceration. I am just kidding.

Let me say to my friend, I do not know who has the floor but if Senator DOLE does will you yield for a moment?

I say to the Senator from Florida (Mr. CHILES), I second what Senator DOLE has said about our getting together if we have a reconciliation bill to report out by Monday night. I also do not need to say this, because you know it, but I have the deepest respect for your continued effort to use reconciliation and this budget process. You know that the package that was put together, which has been referred to by the distinguished chairman and the ranking minority member of the Finance Committee, which had $73 billion in new taxes over the next 3 years is indeed a very fragile package. As a matter of fact, it passed the Senate by one vote. Is my recollection correct, Mr. Leader?

Mr. BAKER. Yes.

Mr. DOMENICI. That was late of an evening when the distinguished Senator from New Mexico, because he was terribly worried we were not going to do anything, switched and agreed to that.

What that tells me is that we may get some significant deficit reduction, but we might not get precisely what that budget resolution said. That is the first point.

The second point is this: I do not know whether you really ought to condition a debt service program of this country on language which says that unless we have complied with the exact deficit reductions spelled out for 1984, 1985, and 1986, the extension of debt would be invalid. I do not know if we are really going to be able to tell whether we complied with it or not.

Let me give the Senate a couple of examples. What if instead of passing each of the year's taxes, we put all the tax increases at the end? Would we have complied or not? The general thinking is that we would have. That is what the history of the debate said. If we put $73 billion of tax on in 1986, we have complied. The problem is those who are ready to issue debt service commitments have to know with certainty whether or not the obligations are valid.

Likewise I wonder whether a contingent tax would be in compliance with the budget resolution. I think it may be. But what if lawyers would contest that? Then are the debt-servicing obligations of the Federal Government valid or invalid because we had substantive law saying we had to comply with the budget resolution. There will be a question as to whether we did or not.

I am sympathetic, and I compliment the Senator. I think we should do everything we can do to get out a reconciliation bill next week, and to get it on the Senate floor. But I seriously question whether there is a way to condition the debt ceiling increase on passage of a reconciliation bill which provides the kind of certainty required for the issuance of debt obligations.

I will support your proposal if you will change it, and if the Finance Committee will submit it, making sure it comes to the floor, with some kind of pressure for its passage. But I think it is very difficult to condition the debt ceiling increase on passing a law when that law is going to be interpreted in various ways as to compliance or not.

My last point is I think you have the President holding this whole thing hostage with a veto. I do not know whether you intend that if he vetoes such a bill, there would be no debt service. Maybe you do. I think that is a very bad law.

I would like to work with the Senator to see if we can make some language changes to support him, and I compliment him for the pressure he is putting on to try to get the U.S. Senate to reduce the deficits significantly. That is what I see happening.

In closing, I want to say the proposals that Senator LONG and others have yesterday exposed to the public deserve our consideration. I hope during the day you will join me in looking at them in every positive way we can. I agree with some of the ideas, and I disagree with others, but I would want to work seriously with them.

Mr. CHILES. I would like to say to my friend from New Mexico on that particular point I think they do deserve consideration. I intend to give them consideration. And I will have to say because I do not know I have all the details of the proposal, I have some concerns, because you are bound to have some concerns about anything. When you say we are going to give some kind of powers or require the restraining and stiffening by 2.5 on the domestic program, at the same time we do not say we are going to require any kind of restraint on defense

spending, that is something that concerns me.

To say we are going to give all of that power to the President to determine where he is going to get that 2.5 percent as opposed to saying we are going to instruct our committees, they have to make that kind of spending cuts. That is one of the other things I want to look at.

Still I think it is a positive sign that the people are concerned and I know the Senator from Kansas is, and other Members are, so I think it is appropriate, it is something we should look at.

I thank the Senator from New Mexico for his kind remarks. I am not sure I can change this in a way to satisfy him because I really mean it to be a kind of lever.

We heard what the Senator from Kansas said about his problems with the committee and I will say to my good friend from Louisiana, the ranking member of the committee, who believes we have an unbalanced plan to cut taxes a heck of a lot more than spending, that we cut some spending in the regular Budget Act. We cut a lot of spending and were able to change some of it. I think my friend from Louisiana voted with me to say we ought not to give the third year of the tax cut. That is $30 billion a year; over 3 years, $90 billion. We are talking about out resolution of $73 billion so he and I were willing to say let us not give away $90 billion of revenue. We thought that was the right thing to do at the time. So I think that shows we were doing that because we thought we were making other restraints. I think to say this is unbalanced by $73 billion and $13 billion does not take into account what the committee has done this year and previous years in turning numbers around.

The outlays as a percent of GNP, if we pass the budget resolution and the reconciliation, would go down 1.5 percent. I say to my friend from Louisiana, outlays would go down 1.5 percent by 1986; revenues would go up 1.4 percent by 1986 if we pass the plan.

So if you talk about balance, there is balance. We are reducing the outlays 1.5 percent and the revenues only go up 1.4 percent. So there is the balance that I think the Senator from Louisiana is concerned about.

Let me clear on this point. The July budget was properly balanced between revenues and spending restraint. I would point out that the recently outlined Dole plan would cut spending by 2 percent of GNP, but raise revenues only 1.2 percent. So there is an imbalance in the Dole proposal.

When you look at the existing facts of the Federal budget, you see that entitlements decline as a percentage of GNP, reflecting this year's action to cut COLAs' in half with a 6-month delay. Nondefense discretionary spending also declines but both defense spending and medicare increase.

So if the issue is balance, then we must have it between revenues and spending. And when it comes to spending, all parts of the budget must accept a share of restraint. I would remind the Senate that in 1980 defense was only 5.3 percent of GNP. We have now brought it up to 6.5 percent, and by 1986 it would be 7 percent of GNP.

Mr. President, I ask unanimous consent to have some tables printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—BALANCED DEFICIT REDUCTION UNDER BUDGET RESOLUTION

[Components of the budget as a percent of gross national product]

	1983	1984	1985	1986	Change 1983 to 1986
Total outlays	24.9	24.3	23.8	23.4	−1.5
Total revenues	18.5	19.0	19.2	19.9	+1.4
Deficit	6.3	5.3	4.5	3.4	−2.9

TABLE 2.—WHAT IS CAUSING GROWTH IN DEFICIT?

[Components as share of gross national product]

	1983	1984	1986	Change 1983 to 1986
Total outlays	24.9	24.2	23.4	−1.5
Defense	6.5	6.6	7.0	+0.5
Entitlements	12.1	10.9	10.4	−1.7
(Social security)	(5.2)	(4.9)	(4.7)	−0.5
(Medicare)	(2.3)	(2.4)	(2.5)	+0.2
Nondefense discretionary	4.4	4.4	3.8	−0.6
Net interest	2.7	2.9	2.9	+0.2
Tax expenditures	9.1	9.2	9.8	+0.7

Mr. DOMENICI. Mr. President, let me just take a moment. I want the Senator from Louisiana to get involved in this, and I would like to hear his views.

Let me address a few comments to my friend from Florida. First, with reference to the deficit reduction package that was made public yesterday, including the grant of some extraordinary powers of a temporary nature to the President: I am 100 percent in accord with reference to defense being treated, for purposes of revision, similar to the domestic programs.

I have told the distinguished Senator from Kansas that, and I believe in his remarks yesterday he indicated that that was being looked at.

Mr. DOLE. We are going to do it.

Mr. DOMENICI. In fact, I think he said we are going to do it. I would correct my remark. He said I can say that, that that is what he intends. I support that.

Second, let me say to my friend that the budget resolution is indirectly criticized because it contains $73 billion in revenue increases and $13 billion in spending cuts. I think we ought to finish that package. In the same way that the Dole approach will take credit for the 2½-percent reduction in domestic programs, there is $25 billion in additional savings in this resolution on the expenditure side, assuming that those savings are going to be made by the appropriate committees. So you have to adjust that mix.

I do not want the Senate to think that the package was as out of balance as is being said here, nor do I want anyone to think that I think it is great, perfect, wonderful. It is short of those things. We ought to have more expenditure savings than we did get in this, and I will help on this score.

My last point to Senator CHILES is this: I think if you want support for this resolution from the Senator from New Mexico—and, obviously, you do not have to have that—I would suggest, instead of revising the budget resolution here, what you ought to do is go ahead and produce the substantive law changes that you envision and offer them as an amendment to this debt limit increase. In other words, gather enough support for the $73 billion tax package and deficit reductions. Otherwise, we are conditioning a debt limit increase upon a thing we really cannot measure and we are not going to know when we have met that condition.

Mr. CHILES. Mr. President, I say to my good friend from New Mexico that everybody has his idea of what he would tax. But I believe the Senator from Florida would be subject to another charge from our distinguished members of the Finance Committee that we worried about before on the Budget Committee. "Those guys on the Budget Committee are now taking our job and they are telling us what we have got to do. That is not the Budget Act. That is not supposed to be their job."

I heard that argument made on the floor before when I first tried to get the Budget Committee into action, that those guys have gone in there telling us what to do, and I do not think that is our responsibility.

Mr. LONG. Mr. President, the Senator from Louisiana has been concerned about this enormous deficit that has been developing. I know the chairman of the Finance Committee, Mr. DOLE, is familiar with the facts and he recalls that no sooner had the big tax cut gone into effect than it became apparent that the psychology of supply-side economics was not going the way it was intended, that it appeared to be working in the opposite direction. Instead of making investments, businessmen were backing away from investments. It became a cause for concern that business was fearful of these huge deficits that

they felt were implicit in that enormous tax cut.

The Senator from Louisiana asked the Senator from Kansas to meet with him, and he suggested that both the second and third stage of the tax cut should be deferred. So out of the 25 percent across-the-board 3-year tax cut, the Senator from Louisiana recommended that you only have the first 5 percent of it now, and defer the rest of it until you could afford it and tell the public, "Yes, don't worry, in due course you are going to get the rest of the tax cut, but only as the country can afford it."

I know that this had some appeal to the Senator from Kansas, because he discussed it with others. Later on, clearly we had a lot of sympathy down at the White House. In fact, we found probably the majority of the people down there tended to agree with us. But the one man that counted most did not agree with us.

So the Senator from Kansas took the Senator from Louisiana to explain this proposal to the President. Let me say to the Senator how far I got to the President in explaining my view, which I think was pretty well the Senator's view, about the second and third stages of the tax cut. I did not get him to budge one quarter of an inch. I did not budge him at all. As far as I could tell, after I got through saying my piece he was precisely where he was to begin with. So we had made no headway at all.

Now, I say to the Senator, I welcome you to go right on and offer your proposal as an amendment. I will never claim any jurisdictional problem about you offering your amendment. Go right ahead.

But the reason I have not offered the same amendments you might feel impelled to offer to raise taxes is that to me it is just a waste of time to charge against the ram forces and try to vote a big tax increase which the President of the United States is going to veto.

It is tough enough to vote a tax increase that the President will sign. Can anyone ever remember putting a tax increase on when he would not sign it? Did we ever raise a tax over the President's veto? I have been here for 35 years and cannot recall it happening, nor have I every heard of it happening before I got here.

Can anybody tell me that we can get a tax increase when the President says, "If you dare put that on my desk, I will veto it and go on television to ask the American people to call upon Congress to uphold my veto"?

This Senator feels pretty frustrated about trying to do that kind of thing. In my judgment, the Senator from Kansas has done the best job he can to try to move a bill to both raise taxes and cut spending. Knowing what he is up against, he is not going to succeed if the President is going to veto the bill.

So in the end, he is confronted with the problem of trying to get the President to sign a bill that both raises taxes and reduces spending.

Now, I do not know what the Senate is going to do to the members of the Finance Committee if we do not meet the reconciliation instructions. The point was made that they can put us in jail. So you put us in jail because we do not recommend something that we know is an absolute charge of the light brigade, cannot possibly succeed, something that would just leave a lot of dead soldiers around to litter up the landscape. You can tell us to do it if you want to, but in the last analysis, the Senate ought to recognize you cannot put Senators in prison for doing what their conscience tells them is right and doing what they think is best for their country, for doing what they think, all things considered, is what the people would expect of us.

I think that you are left with the alternative of acting on this bill we have right here. This bill is headed for the White House. If it does not become law, then something is going to happen that is not going to be pleasant for the President and everybody else.

Here is a bill you can put your amendments on, and if it goes down there to the White House the President will either sign it or he will have to face the consequences, like all the rest of us. There will be some real feathers flying in the event this bill does not become law.

Now under those circumstances, if the Senator from Florida has an idea of how we can raise taxes that might become law, I would say, come up with your amendment, Senator. I will vote for something. I can think of some things I would vote for if you will offer them. I would just as soon not be the sponsor. [Laughter.] I would rather it be the Chiles amendment and not the Long amendment, but I will cooperate with you.

Do not worry about jurisdiction. I will defend you, Senator, if anybody says you are usurping the jurisdiction of the Finance Committee by doing something you think you ought to do.

Mr. DOLE. Mr. President, I think we are ready to vote on this amendment. Does the Senator want a voice vote?

Mr. CHILES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

● Mr. LAUTENBERG. Mr. President, I rise as a cosponsor of the amendment of the Senator from Florida. He is to be commended for this proposal which clearly poses the fundamental economic issue before the country today. We are being asked by the President to raise the Federal debt ceiling by another $225.6 billion. At the same time he continues to refuse to work with Congress to regain control of the budget and reduce the $200 billion deficits that have resulted from his policies.

In the year that President Reagan took office, promising a balanced budget by fiscal 1983, the Federal deficit was $57.9 billion; the public debt was just over $1 trillion. The deficit for fiscal 1983 was $195.7 billion. Projections for the next years are for $200 billion deficits, even with economic recovery. By the end of his term, moreover, the President will have presided over an administration that has almost doubled the size of the Federal debt to an astounding $2 trillion.

The amendment before us makes the increase in the debt limit conditional on implementation of the budget plan agreed to last spring. This budget would reverse the upward sprial in Federal credit demands by cutting $110 billion from the deficit over the next 3 years. This would help to remove a major source of uncertainty and pressure on the financial markets and create economic conditions for continuing recovery.

Our amendments puts the issue squarely before the Congress: Are we going to continue to acquiesce in a policy that results in soaring increases in the public debt? Or are we going to have the courage to live up to our commitments and restore a responsible fiscal policy? The amendment puts the issue simply: the Congress will only approve the increase in the debt limit requested if we get action on the budget the Congress agreed to last spring.

The dangers of our present course of action are apparent to everyone; $200 billion deficits cannot be sustained indefinitely. There will be an inevitable day of reckoning. If the economy continues to recover, as I devoutly hope it will, the cushion provided by slack, resources will disappear at some point. Businesses seeking funds for expansion will find their needs preempted by a $2.2 trillion national debt. There simply will not be room in the capital markets for both private growth and Government debt service.

No one disputes that this is the most likely sequence of events under current policy. Indeed the failure to gain control of the budget is already being felt. Real interest rates are exceptionally high. Interest sensitive sectors are again receding. Housing starts fell last month by 13.4 percent. The pace of economic expasion in general has slowed. The rate of real GNP growth fell from 9.7 percent in the second quarter to 7.9 percent in the third. The leading indicators dropped slightly in August after 11 straight monthly gains. Unemployment has improved

only modestly in the last 10 months. The rate has fallen less than 2 percent since last December's postwar record of 10.8 percent. Twelve million of our fellow citizens are without jobs.

Times are still hard for a lot of people, Mr. President. We cannot afford to stand pat any longer and hope for the best. To do so is to put political and partisan advantage ahead of the economic welfare of our country. A week ago today, the distinguished chairman of the Budget Committee, Senator DOMENICI, made a courageous and eloquent appeal for implementation of the budget plan we hammered out last spring. His analysis of the situation we face is, I believe, right on the mark and bears repeating:

Large deficits continuing over the next several years mean either a rekindling of inflation, which we have labored so mightily to stamp out, or a return to the high interest rate, high unemployment catastrophes of the recent past. The only question remaining in my mind is when we will pay the piper.

Some of the colleagues on both sides of the aisle seem to have the notion that the deficit dilemma may be avoided until after the election next November. I am not comforted by the thought. Indeed, it worries me greatly. We cannot wait that long to put into place credible policies that will insure that as the economy recovers, deficits will move steadily lower.

Now, Mr. President, it seems to me that if one agrees with Chairman DOMENICI, one must vote for this amendment.●

Mr. DOLE. Mr. President, I think we have had adequate debate and I think it is fully understood. I want to make it clear that I cannot support the amendment. But that does not mean that we are going to stop negotiating and visiting with the Budget Committee. They have a difficult job, too. We do not want to leave the impression that the Finance Committee, for reasons we do not understand, will dictate what happens. We happen to have jurisdiction. We do not put together these little resolutions. We have to come up with the real article. It is hard enough to get votes for a resolution let alone the real article. That is why I hope you will bear with us and help us put together a package that maybe we will not all be proud of but will vote for, or at least a good majority. So even though I hope this amendment is defeated, that is not any criticism of the offer of the amendment.

The PRESIDING OFFICER. Is there any further debate? The Chair hears none. The question is on agreeing to the amendment of the Senator from Florida. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), the Senator from Texas (Mr. TOWER), the Senator from Wyoming (Mr. WALLOP), are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "yea" and the Senator from Alabama (Mr. DENTON), would vote "nay".

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Nebraska (Mr. ZORINSKY), are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 31, nays 53, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—31

Biden	Heflin	Moynihan
Bingaman	Huddleston	Nunn
Bumpers	Humphrey	Pell
Burdick	Inouye	Proxmire
Chiles	Johnston	Riegle
Dixon	Kennedy	Sarbanes
Dodd	Lautenberg	Sasser
Eagleton	Leahy	Tsongas
Exon	Levin	Weicker
Ford	Mathias	
Hart	Metzenbaum	

NAYS—53

Abdnor	Gorton	Nickles
Armstrong	Grassley	Packwood
Baker	Hatch	Percy
Baucus	Hecht	Pressler
Bentsen	Heinz	Pryor
Boren	Helms	Randolph
Boschwitz	Jepsen	Roth
Bradley	Kassebaum	Rudman
Byrd	Kasten	Specter
Chafee	Laxalt	Stafford
Cohen	Long	Stennis
D'Amato	Lugar	Stevens
Danforth	Matsunaga	Symms
Dole	Mattingly	Thurmond
Domenici	McClure	Trible
Durenberger	Melcher	Warner
East	Mitchell	Wilson
Garn	Murkowski	

NOT VOTING—16

Andrews	Glenn	Simpson
Cochran	Goldwater	Tower
Cranston	Hatfield	Wallop
DeConcini	Hawkins	Zorinsky
Denton	Hollings	
Evans	Quayle	

So the amendment (No. 2461) was rejected.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BAKER. Will the Senator permit me to be recognized for just a moment?

Mr. HART. Yes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I apologize to the Senator from Colorado, but I wanted to sort of get a midday reading on where we are, because I know many Members have plans. I have announced already that if we do not finish debt limit, we will be in tomorrow. That is still the announcement, and we will. But I wonder if I could get some idea of what the prospects are for finishing today or how many amendments are left, and then I would like to make a further announcement.

Mr. President, on this side could I inquire of the distinguished manager of the bill how many amendments of which we are aware?

Mr. DOLE. There are a number of potential amendments. I think it is sort of like a turkey shoot.

Mr. BAKER. We have not figured out who the turkey is.

Mr. DOLE. I think I am the turkey.

Mr. BAKER. I think we share the responsibility.

Mr. DOLE. We know of three, and hopefully they can be dissuaded.

Mr. BAKER. All right. Mr. President, may I inquire of the manager on the minority side—I do not see the minority leader presently on the floor. Yes, I do. The minority leader is on the floor. Could I inquire of him or, if he wishes, of the minority manager how many amendments we know of on the other side of the aisle?

Mr. LONG. Mr. President, I am not sure how many amendments we have.

Would those who plan to offer amendments raise their hand.

Mr. DIXON. I have two.

Mr. LONG. We have three.

Mr. BYRD. I have one or two.

Mr. LONG. Mr. BYRD might offer one.

Mr. BYRD. I have one or two. I may or may not offer either.

Mr. BAKER. Mr. President, as I count then, that looks like about seven on that side and three on this side. That is 10. I would guess it is highly unlikely we will finish this bill today. Therefore, I wish to say that it is the present intention of the leadership on this side to ask the Senate to be in tomorrow.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

Mr. LONG. Mr. President, reserving the right to object, since the Senator has asked for unanimous consent, I can understand that that is what he is planning to do. If we are in that situation this evening, it is all right with the Senator from Louisiana, but just as one who entertains the hope that we might finish today, I would like to urge the Senator to hold that up until we see if we are going to be able to get through this evening.

Mr. BAKER. All right, Mr. President, let me make a deal. I will vitiate it if we can get through, because I join the Senator in hoping that we can finish tonight.

Mr. LONG. All right.

Mr. BYRD. Mr. President, if I may——

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. I would not share the hope that we get through today, in a realistic sense is what I am saying, because I think there are more amendments than appear from these empty desks.

Mr. BAKER. Mr. President, I thank the minority leader. It pains me to say it, but I do not see much prospect of finishing today.

Mr. LONG. Mr. President, on the other hand, if we are able to reach an agreement for Monday that we will vote on certain amendments and that will be all, maybe we might be able to avoid a Saturday session.

Mr. BYRD. The Senator from Louisiana knows how much I respect him, but we will not get that agreement.

The PRESIDING OFFICER. The question before the Chamber is the unanimous-consent request for the convening time tomorrow. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I will take a moment, and I apologize to the distinguished manager of the bill.

The distinguished Senator from Ohio made a point to me yesterday that I think should be spread on the RECORD, and I want to do it in deference and respect to him.

He said yesterday, in a colloquy we had, that I pointed my finger at him as I spoke, and I suppose I did. I want the Senator from Ohio to know that no disrespect was intended nor further emphasis, except that it came naturally to me; that no insult was intended. I want him to know that I have a high regard and respect for him and that that gesture, if he took offense, was not meant to be offensive; that it was done merely for emphasis and to identify the person to whom I was talking.

Mr. METZENBAUM. I appreciate that.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Ohio (Mr. METZENBAUM) that Mr. BAKER often points his finger at me. [Laughter.]

Mr. BAKER. And may I add that the feeling is often mutual. [Laughter.]

Mr. DOLE. Mr. President, if we can have order for a minute, we are ready to go to another amendment which has no real attachment to this bill, except, as I said, it is sort of a turkey shoot. Everybody has his own turkey and is going to put it in this bill, if he can. I guess we can play this game for 3 or 4 days.

I would like to bring up a 15-day extension of the debt ceiling and pass it and lay this bill aside until some time around the 15th of January, but I have not yet convinced the right people that that is the course to follow.

In the meantime, we will stand here and debate the Cuban prisoners and the War Powers Act. If we can spend this time in our committee, trying to work out a budget reduction package, instead of on the floor, with these amendments, which have no possible relevance to the debt ceiling, we might be able to bring together enough Democrats and Republicans to help reduce the deficit over the next 3 years.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BYRD. I beg the Senator's pardon for interrupting.

Is this not sort of a case of history repeating itself, when we used to have the majority here, and Senator LONG had to put through a debt limit bill? Did we not see some handgrenades coming from the other side? [Laughter.]

I say that in good humor.

Mr. DOLE. I do not suggest that there is not precedent for this. [Laughter.]

Mr. BYRD. Mr. President, I want to give the Senator from Kansas the last word.

Mr. DOLE. I think somebody else will have the last word.

We are prepared to go now to the War Powers Act, on which we spent a lot of time in the Finance Committee. We are expert at it. Then we will go on to the farm bill and whatever they want to bring up.

Mr. LONG. And the freeze proposal.

Mr. DOLE. Yes. We have been frozen in the Finance Committee for the last 6 months, so we understand the freeze. [Laughter.]

AMENDMENT NO. 2462

(Purpose: To amend the Debt Ceiling Bill to invoke the War Powers Act with respect to American military involvement in Grenada)

Mr. HART. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Colorado (Mr. HART), for himself and Mr. MATHIAS, Mr. PELL, Mr. MOYNIHAN, Mr. BURDICK, Mr. BINGAMAN, Mr. BENTSEN, Mr. MITCHELL, Mr. BAUCUS, and Mr. SASSER, proposes an amendment numbered 2462.

Mr. HART. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following new section:

Section 1, the Congress finds that:

Starting on October 25, 1983, the United States Armed Forces were introduced in Grenada into hostilities or into situations where imminent involvement in hostilities were clearly indicated by the circumstances as provided for in section 4(a)(1) of the War Powers Resolution;

Section 2, within sixty calendar days after a report is submitted pursuant to Section 1(b), the President shall terminate any use of United States Armed Forces in Grenada unless the Congress has (1) declared war or has enacted a specific authorization for such use of United States Armed Forces or (2) has extended by law the sixty-day period.

Mr. HART. Mr. President, I ask that we have order in the Senate.

The PRESIDING OFFICER. The Senator's point is well taken. The Senate will be in order.

Mr. HART. I thank the Chair.

Mr. President, in recent times, there has seldom been a week as traumatic as that which this Nation has experienced, the week just ending—we hope it is ending.

So far as we know, at the present time there are Americans still engaged in hostilities, in combat, in this hemisphere, on the island of Grenada. We have suffered casualties there. We hope there will be no more.

We have certainly seen the devastation of upward of 250 young American lives in Lebanon, in one of the most tragic occurrences this Nation has experienced in the last 10 years.

The amendment I have submitted on behalf of myself and other Senators on both sides of the aisle is an amendment which should not be necessary.

The amendment puts the Senate on record as stating that the President of the United States is bound by the War Powers Act; that the insertion of troops into an area of hostilities in Grenada falls within the definition under which the act becomes operative; and, finally, as that act provides, requires that all American military personnel be withdrawn from that area of hostilities within the period of 60 days that began upon their insertion of the notification that was filed by the President with Congress that that engagement had begun, unless Congress acts to extend the period of time for American involvement.

One can ask—one might well ask—why an amendment of this sort is necessary if, in fact, there is a law called the War Powers Act.

Mr. President, the amendment is necessary because there is continuing question raised by the administration—the President, the Secretary of State, and other officials—as to whether, one, they believe the act to be constitutional and, two, even if it is, whether they intend to comply with it fully.

Had the President notified Congress when our marines in Lebanon began to be engaged in hostilities—and I do not think any right-minded person would disagree that that is what they are engaged in and have been for some weeks—and had the President conceded that, whether he liked it or not, the law of the land required him to withdraw those forces unless he could spell out good reason, convincing reason, to the American people and their elected representatives in Congress, why the marines ought to stay in Lebanon—had that course of action been followed, I suspect that this amendment would not be necessary.

Unfortunately, as recently as yesterday, in testimony presented to the Senate Foreign Relations Committee, the Deputy Secretary of State, Mr. Dam, stated that the administration does not know—and even if it does know, will not state—how long it intends to keep American military forces in Grenada, and continued to question, on the part of this high ranking official and spokesperson for the administration, that the administration may or may not be bound by the law of the land.

It is as a result of this that I believe, and I think a number of Senators believe—it is hoped that a majority will believe—that we are now called upon to reassert what is, in fact, the law of the United States and to call the administration to account under the terms of that law.

The loss of human life under any circumstance is a tragedy, and the loss of a large number of young American lives is perhaps even a greater tragedy. But underlying the tragedy of this loss of life is a fundamental issue, a constitutional issue. It was an issue raised profoundly during the administration of President Nixon, and that is whether the President of the United States is bound to obey the laws of the United States, whether or not that President likes the law, or, for that matter, even believes the law to be constitutional or not.

I think it was resolved fairly soundly with the resignation from office of President Nixon that the President indeed is bound by the laws of the United States, whether or not that President likes them, and whether or not that President even believes them to be constitutional. The President must obey the laws of the country. The President is free at any time to submit changes to the law.

But if President Reagan does not believe the War Powers Act is constitutional, I suppose there are ways in which that can be tested in the Supreme Court. Perhaps we should.

But if the President does not like the restrictions placed upon his war-making powers or upon his foreign policy authority by this law, he should ask Congress to change it or repeal it. To my knowledge that has not been done.

Therefore, whatever question may arise or may linger about its constitutionality, and many people feel that is at best a minor question, the President is bound by the law.

What the Senator from Colorado intends by this amendment is for the Senate simply to make that fact apparent to the President.

We, the U.S. Senate, find that the War Powers Act is still the law of the land and is still in full force and effect. It still binds all citizens of our country up to and including the President of the United States. And we expect the President, absent a change or repeal in that law, to obey it.

That law requires simply two things: When Americans are introduced into an area of hostility, and I do not think any thoughtful person would question that they are in an area of hostility in Grenada and indeed in Lebanon, that the President shall report that fact forthwith within 48 hours to Congress, and the procedure for doing that is set out in pretty great detail in section 4(a) of the War Powers Resolution.

Further, once having reported according to section 5(b) of that resolution,

> Within 60 calendar days after report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to such report to which such report was submitted (or required to be submitted), unless Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such 60-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States.

That is pretty straightforward, Mr. President. The President may not like it. Indeed, he may even believe it not to be constitutional. But until the Supreme Court says it is unconstitutional it is the law of the United States and the President is bound by it.

He has an option. He can come to seek repeal of that law. He has not done so. I suspect we all know the reason why.

So, Mr. President, it is unfortunate in the aftermath of Watergate to find ourselves once again in a situation where in Lebanon and Grenada, or anywhere else, Congress finds it necessary to require the President to comply with the law of the United States.

One hopes that the President will withdraw all U.S. Armed Forces from Grenada within 60 days. We have been given no assurance that will happen.

Indeed, in the letter which the President sent to the President pro tempore and Speaker of the House of Representatives, dated October 25, 1983, in the operative last paragraph of that letter the President says as follows:

> . . . it is not possible at this time to predict the duration of the temporary presence of United States Armed Forces in Grenada, . . .

And further:

> Our forces will remain only so long as their presence is required.

Mr. President, that is not what the War Powers Act says. The War Powers Act says those forces will be withdrawn within 60 days after introduction or certainly no more than 60 days after the date of this letter, unless Congress says they may remain.

I can think of no better way, clearer way, more official way of pointing out to the President that the Senate and Congress intends for this law to be upheld.

Mr. President, people can say we do not want to second-guess the President as to his policy in Grenada. This amendment does not do that. It has nothing to do with whether we should be there at all. It does not raise the question of whether the U.S. citizens' lives or security or safety were in danger. It does not, for that matter, question the authority of the President to have done what he did.

I suspect few would raise that issue. Whether we disagree or agree with the policy, whether or not we think it is wise, the issue is, Will the President be bound by the laws of the United States or will he not? That is the only issue.

The distinguished majority floor manager, the Senator from Kansas, has said that he sees this as a kind of a shooting at the turkey, which he obligingly admits it being or says that the debt ceiling bill is. I do not think that is the issue at all.

It is important for the Senate to find the earliest possible legislative means to establish the law of the United States and our intention for the President to abide by the law of the United States. And it happens to be the debt ceiling bill, and the rules and procedures of the Senate clearly permit an amendment of this sort to be attached to this bill. Whether the managers of the bill find it convenient or whether they think it obstructs the passage of the debt ceiling or not, there is a fundamental policy issue and a fundamental constitutional issue involved and I think it should be resolved at the very earliest possible time.

In the case of the Senate, this bill right now is the earliest possible time.

We know that the House Foreign Relations Committee, by a vote I think of 32 to 3 to 2, yesterday overwhelmingly adopted a resolution of this sort. That was in a very strong bipartisan vote. A large number, if not a unanimous vote of the minority Republicans, were recorded in favor of this position, and it is the strong desire of the Senator from Colorado to make this not a partisan issue.

I would hope that all of our colleagues on both sides of the aisle would support this proposition, a proposition that does not direct itself to the wisdom of our policy, that does not direct itself to the question of whether troops should have been sent to Grenada, that does not raise the issue of whether U.S. citizens' lives were or were not in jeopardy, that does not get into the issue of whether we complied with the Charter of the United Nations or the Organization of American States. Whether we could have adopted some different remedy, whether in fact the national security of this Nation was at stake, whether there were plans to invade other nations or whatever, that is not an issue. Those questions are not raised by this resolution. This is a simple straightforward declaration that the Senate, hopefully very quickly, Congress believes the administration—indeed finds that the administration—must remove all U.S. Armed Forces from Grenada within the time period specified by the War Powers Act; namely 60 days, as the law requires.

I yield to my colleague, the Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in strong support of this amendment. I think the War Powers Act speaks for itself and if it is to have any meaning whatever, it is imperative that the Senate approve the amendment that is now before us. I see no basis whatever on which any Member could oppose the amendment offered by the distinguished Senator from Colorado.

The administration apparently is taking the position of refusing to recognize the applicability of the War Powers Act.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the President's letter to Congress, dated October 25, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, that letter concludes by saying, "Our forces will remain only so long as their presence is required."

What the War Powers Act says is that the forces may remain only for 60 days unless Congress provides an authorization for their further continued presence or unless the President determines and certifies that another 30 days are necessary in order to achieve the safe removal of the forces.

The law of the land is not that the President can commit these forces and keep them there indefinitely or keep them there so long as their presence is required.

The War Powers Act is the law of the land. It is on the books. It has not been challenged by the administration in a court of law. It remains applicable.

What the War Powers Act says, and I quote from section 4(a):

In the absence of a declaration of war, in any case in which United States Armed Forces are introduced:

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; . . . the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth:

(a) the circumstances necessitating the introduction of United States Armed Forces:

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

Then section (5)(b) of that act states, and I quote:

Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section (4)(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) have extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such Armed Forces in the course of bringing about a prompt removal of such Forces."

Mr. HART. Mr. President, will the Senator yield for a question? Was the Senator able to attend the Senate Foreign Relations Committee meeting yesterday when Secretary Dam testified?

Mr. SARBANES. The Senator was there and, in fact, questioned Secretary Dam on this very point.

Mr. HART. I would like to call the Senator's attention to the news accounts to just determine their validity and to get his response.

I quote from this morning's Washington Post:

Deputy Secretary of State Dam told Congress that the administration will not concede the validity of the 60-day provision. The administration has serious doubts as to the automatic cutoff provision of the war powers legislation.

Secretary Dam said in testimony before the Senate Foreign Relations Committee that he doubted the issue will come to a head. 'It is conceivable but it seems to me unlikely' that American soldiers will still be on Grenada in 60 days.

I further quote from this morning's Washington Post with respect to an unidentified senior Pentagon official who said:

U.S. forces may have to remain there indefinitely to combat likely Cuban efforts to return inspired guerrilla activities and to regain control.

He said, "I do not think the Cubans are going to give up," said the official who declined to be identified. He said they will return in small boats with weapons to Grenada in the ensuing months.

Does that sound to the Senator from Maryland as coming from an administration which understands what the law says, one, and two, an administration which is prepared to comply with that law?

Mr. SARBANES. I asked Secretary Dam was it not the case under the War Powers Act that with the passage of 60 days the troops would have to come out unless the Congress provided an authorization?

The chairman of the committee, the distinguished Senator from Illinois (Mr. PERCY) then made the point that there could be an additional 30 days if the President certified that he needed an additional 30 days in order to achieve the safe removal of the forces. That is an additional 30 days for that specific purpose in the absence of a congressional authorization. That is correct under the War Powers Act.

Secretary Dam would not concede that the troops must come out after the 60- to 90-day period about a congressional authorization for their continued use. The newspaper report of his response is absolutely correct. The administration is in effect, reserving its right to maintain these forces there beyond the 60-day period without a congressional authorization.

The question that is at issue with this amendment is not whether the troops ought to remain there beyond 60 days, that can be argued at a different time.

The issue now is simply whether the troops having been involved in hostilities, the President alone is going to be able, contrary to the War Powers Act, keep them there beyond the 60-day period which the law clearly stipulates, without coming to the Congress, as the elected representatives of the American people, and obtaining its judgment with respect to that continued involvement.

It is a very basic and fundamental question that is at stake here, whether the executive branch alone is going to be able to place forces of this country into hostilities and keep them in those hostilities indefinitely without coming to the Congress of the United States as the War Powers Act requires. As we know the War Powers Act itself is premised on the constitutional provision that the Congress, not the Executive, shall declare war, and that is the issue presented by this amendment.

At issue is not the wisdom of the President's action, at issue is not whether, as you move toward the end of the 60-day period, there will exist a

situation that may or may not require continued involvement.

The issue is whether the Executive alone will make that decision as to continued involvement or must he come to the Congress and obtain the judgment of the Congress.

Mr. HART. Mr. President, if the Senator will yield, he has exactly stated the case. It could not be stated more precisely. This is the issue, and the Senator also puts a very fine point on a very fundamental issue when he says the President does have the authority to come to the Congress and convince the Congress to extend the period of that stationing of American forces under this act. He is permitted to do that. This is not a mandatory situation where American forces cannot be kept in an area for 60 days longer in the future. It is a balance-of-power issue in which the President must involve the Congress in any extended military situations. That is what the issue is all about.

What this Senator wonders is when an administration doubts the capability of Members of Congress, one House, where they have a partisan majority does not wish those forces to be kept there longer than 60 days, which seems to be an almost explicit admission they may not be able to justify their continued position, and wants to take the risk and be embarrassed.

Mr. SARBANES. I think the Senator is absolutely right. I would add one further point, though, and that is the administration wants to reserve the authority to commit American forces into hostilities and to keep them in hostilities as long as it chooses to do so without having to involve the Congress in that judgment. I say to any Member of the Congress, House and Senate, that if they oppose this amendment, in effect, what they are saying is that they have no role to play in making the judgment whether American military forces are going to be involved in hostilities.

Mr. HART. Not just in Grenada, but anywhere in the world.

Mr. SARBANES. Anywhere; except as it may come to voting appropriations. And I ask Members whether they then want to be put in a position of having our troops involved in hostilities and the request made for appropriations to sustain them and having to vote on that. That is the path down which we went in considering the Vietnam involvement.

The War Powers Act is an effort to require that decision to be made up front and to have a united nation, in terms of the actions of the Executive and the Congress, in terms of a course of military action and the commitment of our forces and the maintenance of them in hostilities.

Now if you vote against this amendment, you, in effect, are saying, "Count us out." You can then make great speeches about what is going on and about your concern. But in terms of assuming a responsibility, a decisionmaking responsibility, any Member who votes against this amendment is walking away from that decisionmaking responsibility and in effect saying that the decision to commit the forces and to keep them there for an indefinite period is solely to be made by the President of the United States.

I do not believe that that is what our constitutional system requires. I do not believe that is meeting the responsibilities which we undertook when we took the oath of office for this position and, therefore, I feel very strongly in support of the amendment offered by the Senator from Colorado.

EXHIBIT 1

THE WHITE HOUSE,
Washington, D.C., October 25, 1983.

Hon. STROM THRUMOND,
President pro tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On October 12, a violent series of events in Grenada was set in motion, which led to the murder of Prime Minister Maurice Bishop and a number of his Cabinet colleagues, as well as the deaths of a number of civilians. Over 40 killings were reported. There was no government ensuring the protection of life and property and restoring law and order. The only indication of authority was an announcement that a barbaric shoot-to-kill curfew was in effect. Under these circumstances, we were necessarily concerned about the safety of innocent lives on the island, including those of up to 1,000 United States citizens.

The Organization of Eastern Caribbean States (OECS) because seriously concerned by the deteriorating conditions in the member State of Grenada. The other members of the OECS are Antigua, Dominica, Montserrat, St. Kitts/Nevis, Saint Lucia, and Saint Vincent and the Grenadines. We were formally advised that the Authority of Heads of Government of Member States of the OECS, acting pursuant to the Treaty establishing the OECS, met in emergency session on October 21. The meeting took note of the anarchic conditions and the serious violations of human rights and bloodshed that had occurred, and the consequent unprecedented threat to the peace and security of the region created by the vacuum of authority in Grenada. The OECS determined to take immediate, necessary steps to restore order in Grenada so as to protect against further loss of life, pending the restoration of effective governmental institutions. To this end, the OECS formed a collective security force comprising elements from member States to restore order in Grenada and requested the immediate cooperation of a number of friendly countries, including the governments of Barbados, Jamaica and the United States, in these efforts. In response to this call for assistance and in view of the overriding importance of protecting the lives of the United States citizens in Grenada, I have authorized the Armed Forces of the United States to participate along with these other nations in this collective security force.

In accordance with my desire that the Congress be informed on this matter, and consistent with the War Powers Resolution, I am providing this report on this deployment of United States Armed Forces.

Today at about 5:00 AM Eastern Daylight Time, approximately 1,900 United States Army and United States Marine Corps personnel began landing in Grenada. They were supported by elements of the United States Navy and the United States Air Force. Member States of the OECS along with Jamaica and Barbados are providing approximately 300 personnel. This deployment of United States Armed Forces is being undertaken pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

Although it is not possible at this time to predict the duration of the temporary presence of United States Armed Forces in Grenada, our objectives in providing this support are clear. They are to join the OECS collective security forces in assisting the restoration of conditions of law and order and of governmental institutions to the island of Grenada, and to facilitate the protection and evacuation of United States citizens. Our forces will remain only so long as their presence is required.

Sincerely,

RONALD REAGAN.

Mr. HART. If the Senator will yield for a question, it is my recollection the Senator from Maryland is a lawyer by profession; is that correct?

Mr. SARBANES. I have to confess that is the case.

Mr. HART. As I recall, a very distinguished lawyer, both law graduate and practicing attorney. Is the Senator from Maryland aware of any provision whatsoever in the history of constitutional law in this country where the President of the United States can unilaterally decide that he may not be bound by the law of the United States?

Mr. SARBANES. I am aware of instances in which Presidents have made that assertion and, or course, it has led them into great difficulty and provoked a constitutional crisis.

The Senator is absolutely right. The War Powers Act is the law of the land. There is a way to contest that, if it is felt that there are provisions of it which are contrary to the Constitution, and that is through our courts.

The Executive has not done that. The oath that the Executive takes is to faithfully execute the laws of the land. That is an undertaking, a constitutional undertaking, of the President of the United States. It is, in fact, one of his main responsibilities as President of the United States, to faithfully execute the laws of the land. And that is what we are asking for here.

I think the President should have sent the notice, clearly labeled it a 4(a)(1) notice and clearly recognized that at the end of 60 days, absent a congressional authorization for further continued involvment, the troops would have to come out.

Now would the Congress provide such an authorization? I do not know. The administration would have to make the case and lay out the circum-

stances. The Congress would have to make a judgment.

That is what the law requires and that is what I think the constitutional framework under which we operate requires. And that constitutional framework is being abused in a number of respects.

If I could just add this, I am also very deeply concerned in the current situation about the unprecedented restraints placed upon the free press with respect to covering this situation in Grenada. We have a free press in this country, constitutionally protected, and it is an important part of the operation of our system of free self-government. It is one of the underpinnings of a free society.

There has been an unprecedented limitation and restriction placed upon the press by the administration in this instance. The argument of safety is not without some merit, but it has clearly been carried well beyond any reasonable bounds. There were, in fact, press members that went in on D-day in the Normandy invasion. The fact that they were not allowed to cover this story so that the only source of information would be an official source of information is a very disturbing development, given the operations of our free society.

Mr. HART. Mr. President, I yield the floor.

Mr. President, I move the adoption of my amendment.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EAST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAST. Mr. President, I would like to make a brief response to the arguments made this morning by the able Senators from Colorado and Maryland, Senators for whom I have great personal admiration. But I do personally strongly dissent from the position that are taking this morning on the issue they are raising. Therefore, Mr. President, I rise in response to some of the points that they have been making.

First of all, I fully understand that in the Senate, those who may not appreciate it, spectators and others, we do not have a germaneness requirement on amendments to legislation. So if I were listening to this debate, I would wonder why in the world they were debating the War Powers Act when they ought to be debating the question of limit extension. But for the benefit of those who may simply be observing our proceeding this morning, we have no rule of germaneness in the Senate, which is an interesting subject in its own right.

The Senators are well within their rights to raise the subject, though one frequently wishes that we would not always literally push the rules, though we have them, but forgo doing that so we might stick with the primary business at hand, namely, developing a budget ceiling bill that will allow the Senate to move along in an orderly way and dispose of its business in an orderly way.

I do not fault the distinguished Senators because we do not have such a rule. They are availing themselves of this rule. Others of us do it from time to time. I am simply pointing out that I would have hoped we would have forgone raising the issue of the War Powers Act when we have something as compelling before us as the need to meet the deadline on the debt ceiling.

So I turn to the subject matter that they raise. I simply do not agree even on the merit issue, let alone the appropriateness of raising it. I personally disagree with the tact they take.

First, in my judgment, and we all have differences of opinions on this—that is what makes the Senate an interesting place and known as the greatest deliberative body in the world—I think the War Powers Act at the time it was enacted was unwise legislation. Basically, I think it is unconstitutional legislation. One might say, "Well Senator, you are entitled to your gratuitous opinion. We happen to feel otherwise. Congress did pass it. We feel that it is constitutional." So there we stand.

But if we get into the fundamental question of our Constitution and the separation of powers, it is important to remember that under article I the President of the United States is the Commander in Chief of the armed services. That is a fundamental tenet of his power. I think to the extent that we try to unduly obstruct or inhibit his appropriate exercise, we violate a sound concept of the separation of powers.

The notion that the separation of powers is rigid and clear and absolute in all cases is simply not so. James Madison pointed that out in the Federalist Papers. He pointed out in Federalist 47 that often the lines would be vague and unclear, and it became then a matter of prudence and judgment and commonsense and the ability of the three major branches to cooperate toward the mutual end, namely, the best interests of this country and its citizenry, and not to finagle over whether this one or that one had stepped over the line, because the line in the real world of politics and in the real world of policy formation would be vague.

I think Madison was correct. We know him as the father of the Constitution. I think he made a very perceptive point.

I would concede to Senators that we frequently overlook this, or we say "The separation of powers is on our side on this issue as federalism might be," and so it goes.

But in this case I think what you are talking about as a matter of the separation of powers is the fundamental power of the President of the United States as Commander in Chief of the Armed Forces to take, on occasion, decisive, effective action and, above all, in this case, to protect the lives of American citizens here in our own hemisphere.

On the island of Grenada, it is clear that a brutal Marxist-Leninist dictatorship was taking control. It seemed to be a dictatorship approaching the fanaticisms and the unthinkingness of the kind of government that we encountered with the Ayatollah Khomeini in Iran.

I remember when the hostages were taken in Iran, there was a great deal of outcry in this country of, could we not have done something to have prevented that?

Let me put it another way. Let us say President Reagan as Commander in Chief had done nothing. All of a sudden, these 1,000 students in Grenada were being held hostage by Cuban and Grenadan Marxist forces. I suspect, with all due respect to them, the two distinguished Senators would be the first to rise on the Senate floor and say, "For heaven's sake, as Commander in Chief, why didn't our intelligence forces know about this possibility? And why did we not move decisively? Why didn't the Commander in Chief do something? He sat on his haunches."

Mr. SARBANES. Will the Senator yield on that point?

Mr. EAST. I would be happy to yield on the point with the Senator if he would allow me simply to complete my point. Then I shall be happy to let him respond to it.

Mr. SARBANES. I am very anxious to do that with the Senator, particularly when he starts attributing certain views to this Senator and to my colleague.

Mr. EAST. I fully expect that the two Senators will be able to respond to my argument. I simply would like, first, to complete my argument.

I think what President Reagan is not doing is allowing American foreign policy to be Carterized, in which the principal characteristic of the Carter administration, with all due respect to the former President, was one invariably of indecision, lack of resolution, and then being in profound anguish about what do you do, fait accompli? American hostages were held in Iran. Day after day after day, Walter Cronkite on the nightly news said, this was

the 50th day, the 75th day, the 100th day. And so it went.

With all due respect to President Reagan, as he indicated in his address last evening, he acted decisively, and these students are saying, as they trickle back into this country, that they were never so happy in their lives to see American forces as they were there.

One student I know said in the paper that he had been a dove in the past and now he respects the military.

I can now see what would have happened if the President had not, as Commander in Chief, taken decisive action. Our dear, respected, and able colleagues on the other side of the aisle would be in here wondering why it is that we allow these 1,000 people to be taken hostage by Cubans and Soviets and Marxist-Leninists.

Mr. HART. Will the Senator yield?

Mr. EAST. The President, as Commander in Chief, under his power as Commander in Chief, moved decisively to protect American citizenry in our own hemisphere. It was part of a multinational effort in that area that was requested. So he really did two things as Commander in Chief: First and foremost, he protected the lives of American citizens. I think he ought to be commended for it. I take great pride in it, and every one of those students is saying that very thing.

I think what we ought to be doing out here this morning, rather than discussing the niceties of the War Powers Act, is commending the President of the United States for not having Carterized American foreign policy in a situation that had the potential for degenerating into another Iranian hostage situation——

Mr. HART. Will the Senator yield?

Mr. EAST [continuing]. Where we are back again on the nightly news saying, well, it has been 1 day, now 2, now 3, now 4, now 5.

Mr. HART. Will the Senator yield?

Mr. EAST. I shall be done in a minute, Mr. President, then I shall happily respond to the Senators inquiries. I would simply like to complete my statement.

That is the first point I make, that as Commander in Chief under the separation of powers, I think this was a very appropriate action for him to take.

Now, the distinguished Senator from Maryland (Mr. SARBANES), in addition, raises the question, why were the media not informed sooner? Come, now. Let us be realists. In order to rescue those people, there has to be a degree of secrecy. You cannot take CBS, ABC, and NBC news crews with you and announce to them in advance of the invasion to rescue those Americans, "Hey, chaps, we'll be down there tomorrow at 4," and then have it all over the nightly news. I think any commonsense, thinking American knows that is not possible.

For example, during World War II, when we were fighting totalitarianism of the right, fascism, in Nazi Germany, ship movements had to be kept secret and had to be kept classified. In this case, where the lives of 1,000 Americans were at stake and the President, as Commander in Chief, acted decisively to save their lives, certainly, the news media could understand the need for a degree of secrecy pending the successful completion of the operation—just as, certainly, President Carter needed and did need it in terms of his ill-fated effort to rescue the hostages in Iran.

I end on this note, Mr. President. One, I regret we are discussing the issue here this morning when we ought to be dealing with the more substantive matter of the debt ceiling.

Second, since the issue was raised, I think it is a proper exercise of the power of Commander in Chief to protect the lives and the limbs of American citizens who, themselves, the ones on the spot, said they were never so happy in their lives to see American troops. I commend the President for it. That is really what we ought to be doing this morning.

Finally, again, as I say on the question of the media, because we have responsible media in this country, I think they would appreciate that they could not in advance be informed of a military operation, because you would jeopardize its very success and you would jeopardize the lives of these American students. They themselves said that.

In sum, nothing is more precious than the lives of American citizens in a situation of this kind. The Commander in Chief has the prime responsibility to do something about it. I think every thinking American, if he or she had been down there in similar circumstances from what these students are saying would have been deeply thrilled that the President acted decisively and effectively.

I simply could not resist the opportunity to rise to the occasion to defend his action and commend him for it. That is what we ought to be doing rather than niggling over the niceties of the War Powers Act which could come at a later time or later place, later format, before the Foreign Relations Committee or elsewhere, but certainly cannot be debated intelligently, and fully, and completely as an amendment to a debt ceiling resolution, which is so urgent and so pressing. It simply is not directly relevant to it. So it is in that spirit that I respond.

Again, I have the deepest respect and admiration for the Senator from Colorado and the Senator from Maryland and appreciate the distinguished contribution they have made over the years to this great body, but on this particular issue I quarrel not with them as individuals but with the substance of their argument. I strongly, strongly dissent, Mr. President. I would happily yield for the response of the two Senators.

Mr. HART. I wonder——

The PRESIDING OFFICER. Is the Senator from Colorado seeking the floor?

Mr. HART. I seek recognition.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. HART. Now, Mr. President, I ask for the yeas and nays on the amendment, as modified.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART. Mr. President, if I may respond briefly to the Senator from North Carolina and then yield to my colleague from Maryland, I think we can dispose of the issue fairly quickly.

As I said throughout my remarks, the matter before the Senate today is not whether the President acted wisely or ill-advisedly, whether our policy is what it should be or not, how many Marxists were or were not on Grenada, and how big the warehouse of arms was. The issue is whether the War Powers Act is in fact the law of the land and whether the President should comply with it. That issue is raised not by the Senator from Colorado but by the administration itself in ambiguous statements and perpetuation throughout the past couple weeks, starting in Lebanon and now the last couple days having to do with Grenada, as to whether or not the administration is bound by the act. That is the simple question. Whether we ought to be commending the President or blaming him is a matter for discussion at a later point and the Senator from North Carolina is exactly right. I yield to the Senator from Maryland.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I want to respond very briefly to the Senator from North Carolina and in the sequence of the points he was making.

First of all, I cannot imagine a more compelling subject to be considered by the Senate than the basis upon which and the issue of who is going to be involved in making the decision as to whether our men should be committed in hostilities. The debt ceiling bill is an important bill. But the question of our involvement and continued involve-

ment in hostilities and the constitutional requirements in that regard I submit is a far more important issue.

Second, I assume that the Senator from North Carolina, or any other Senator, would not assert the right to disobey a law because they thought it was unwise, or to disobey it if they thought it was unconstitutional unless they were going to pursue the legal challenge in the courts, which is, of course, what the Constitution provides and is the avenue for raising the constitutional questions.

As the Senator from Colorado has said, the issue is not the wisdom of the action that was taken. In fact, the War Powers Act recognizes certain authorities in the President as Commander in Chief. The only issue is whether at the end of the 60-day period provided by the act the Congress must be involved in making the judgment that the troops should continue to be present in that situation. That is the only issue that this amendment involves.

Finally, on the question of the media, I listened very carefully and, of course, no one is asserting the positions which the Senator from North Carolina put up and then knocked down. No one is contending here that the media should have been informed in advance of a military operation. The issue that is being raised is the restrictions and the preclusion of the media from covering the event once it had started to happen.

Now, that is unprecedented. The press went into Normandy on D-Day. They were right there covering the battle. The Iwo Jima monument across the river, reflecting the brave heroism of our fighting forces, was taken fom a photograph made by a member of the American press who was present on that occasion and took that picture which placed it into the history books.

So the question is very simply, allowing the need to proceed quietly if you are undertaking a military operation, and even conceding the questions of safety, whether or not, in this instance, the administration has effectively censored the press by keeping them from covering the situation so that there is only one source of information. That obviously has happened. It does not address this point to refer to an earlier period in time, before the action began, about which no issue is now being raised.

Mr. HART and Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 2462, AS MODIFIED

Mr. HART. Mr. President, I will take just one more moment and that is to state the modification. The amendment, as modified, is now a one-sentence amendment which reads as follows:

That for purposes of Section 5(b) of the War Powers Resolution the Congress hereby determines that requirements of Section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when the United States Armed Forces were introduced into Grenada.

That is the amendment as modified, and it is modified for the purpose of tracking exactly the language passed by the House Foreign Affairs Committee yesterday. So it is hoped that if Senators agree to this resolution, it merely restates what the law of the land is today, does not get into the policy, we can have strong support from both sides of the aisle and move on the amendment.

I yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I support the amendment of the Senator from Colorado which tracks the operative language of the joint resolution reported yesterday by the House Foreign Affairs Committee. The vote in that committee was overwhelming and bipartisan and included the support, as I understand it, of every Republican on the committee. I believe the vote was 34 to 2 actually. The implication of this amendment is that we take the War Powers Resolution seriously. It is the law of the land and we intend to live by it. I urge my colleagues to support this amendment. I do believe that we ought to move on this very quickly. I believe we are ready for a vote on this side.

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. I deeply appreciate the sentiments of the distinguished Senator from Illinois and his desire to move along, and I certainly share that and will not unduly impede this discussion. I would simply like to add one final comment. I really wish today what we were voting on, if we are going to deal with something that really is not germane to the debt ceiling, would be to commend the President of the United States for taking decisive action as Commander in Chief to protect the lives of 1,000 Americans. That is the positive and the plus that has occurred over the last few days. I have not heard much comment about it on the Senate floor. I felt in good conscience that I wanted to come in and on behalf of the President as Commander in Chief, seeing what he faced in Grenada, potential for 1,000 hostages to be held as occurred in Iran, he averted it, he aborted it, he rescued those people, he brought them home, he ought to be commended by this body, rather than going about this indirect negativism, criticism, by raising our august power under the War Powers Act. It is the old tendency of stressing the negative vis-a-vis the White House. I wish we were stressing the positive.

So I rise here today in defense of the President, the Commander in Chief. Under the separation of powers, he was right; and under the policy question, he was right. He kept those people from being hostages. We ought to be commending him this morning rather than niggling over 60 days, 90 days, and the War Powers Act.

I understand that the Senators have raised the issue, so we must deal with it in that context. But I did not want the RECORD to be left vacant, in a vacuum, where nobody rose in defense of the President and his effective and decisive action that prevented the Carterization of American foreign policy as regards Americans being held hostage, as they were in Iran. We do not now have American hostages in Grenada. We have free Americans who are home and say they are grateful for the action.

I commend the President. I wish that the U.S. Senate, through a resolution, were doing likewise, rather than niggling and nipping at his heels over some technicality as regards the War Powers Act.

That is the spirit in which I rose to speak this morning, and I appreciate the indulgence of my colleagues.

Mr. HART. Mr. President, the recent U.S. military involvement in the tiny island of Grenada has caught us all by surprise. Many of the facts and information about the invasion are not yet known. But one thing is painfully clear: Our troops have been introduced into a combat situation in Grenada. Current figures put the death toll of American servicemen at eight. Hundreds of Cuban soldiers have been taken prisoner, and many have been killed. Fighting continues at present, and more reinforcements have been parachuted into the conflict. It is clear out troops are involved in "imminent hostilities" and it is clear the War Powers Act must be invoked.

I have also introduced a joint resolution (S.J. Res. 186), the War Powers in Grenada Act, which invokes the War Powers Act on American involvement in Grenada. This legislation simply triggers the reporting requirement of the War Powers Act, and starts the clock on the 60-day limit on the use of U.S. troops in Grenada. As such, it puts the impetus for further authorization of an American military presence—past the 60-day limit—on the Congress.

But the War Powers in Grenada resolution does not limit the power of the President to implement his foreign policy. Rather, it brings the Congress into the process and will allow for a full and indepth debate on American involvement in Grenada. Specifically, this legislation:

States that beginning October 25, 1983, U.S. Armed Forces were involved in "imminent hostilities," thus triggering the War Powers Act and its subsequent 60-day period.

Mr. President, yesterday President Reagan sent a letter to the President pro tempore reporting on our military mission in Grenada. There was some talk that the President, by sending this report to the Congress, had, in effect, complied with the War Powers Act—making the War Powers in Grenada Act moot. One look at the President's message will tell you this is not so. If anything, the President's letter should remind everyone in this body of similar past correspondence on the subject of American involvement in Lebanon.

The President claims his notification is "consistent" with, rather than in compliance with, the War Powers Act. He gives no indication in his letter that the law requires him to withdraw the troops from Grenada in 60-days, without congressional approval. In fact, his language ("Our forces will remain only so long as their presence is required") leaves open unlimited U.S. military presence in Grenada—an unacceptable option.

The President's letter also makes no mention of the "imminent hostilities" clearly encountered by the United States combat forces in Grenada. Also conspicuously absent from the letter is any reference to any articles of the War Powers Act, specifically, 5(B), which requires the withdrawal of troops withing 60 days unless Congress authorizes a longer stay.

Judging from the events and statements since the President's letter to Congress, including the President's speech yesterday, I have seen no indication that this administration feels bound to comply with the War Powers Act and the 60-day time limit that it imposes. In testimony before the Senate Foreign Affairs Committee yesterday, Deputy Secretary of State Kenneth Dam stated that "the administration has serious doubts as to the automatic cutoff provisions of the war powers legislation." This ambiguity of the President's compliance with war powers prompted the House Foreign Affairs Committee to vote 32 to 2 on a bipartisan vote to declare that the War Powers Act applies to United States involvement in Grenada. In the President's speech yesterday, there was no mention of the 60-day limit or the other provisions of the War Powers Act. And these equivocations are coming at the very time that it appears that U.S. Marines may well be in Grenada for more than 60 days. Yesterday, a Pentagon official stated that United States forces may have to remain on Grenada "indefinitely," and it is not clear that the small OECS nations will be able to put together a force large enough or strong enough to replace the United States forces in Grenada maintaining order there.

It makes a mockery of this body that, after the tradgedy of Beriut, we are seeing an exact replay of the President's refusal to obey the law on the use of military forces. The President has carefully crafted a communication to Congress which skirts the law entirely and leaves American troops in an open-ended, dangerous situation.

Also lacking in the President's actions has been any consultation with the Congress. Thus, on this point as well, the President has failed to comply with the law. The War Powers Act provides in section 3:

> The President, in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

This is clearly another in a series of foreign policies mishaps where the President has chosen to ignore the legal right of the Congress to help in the formation of our foreign policy. The administration continues to misconstrue the act of "informing or reporting" its action with the task of "consulting" the legislative branch.

The Congress has the proper vehicle for playing such a role on these fundamental questions of war and peace. That vehicle is the War Powers Resolution.

The War Powers Resolution is the centerpiece of congressional attempts to resurrect the authority of the legislative branch in the wake of excesses associated with Executive warmaking. The resolution was not written in a vacuum, it was not an attempt to usurp Presidential power—it is a reaction to the major foreign policy events of the past 35 years. Certainly a lesson of our searing experience in Southeast Asia must be that the Executive should not be able to commit the Nation to war without a declaration of war or specific congressional authorization. The War Powers Resolution is not only a symbol of congressional determination to assert its legal role—it also represents an effective deterrent to unilateral warmaking by the President.

The aim of the War Powers Resolution and its specific provisions—reporting, consultation, congressional authorization of long-term hostilities—is not to penalize the President. It is rather to allow the branches to work together on the question of sending American troops into foreign hostilities. In the words of the resolution:

> It is the purpose of this joint resolution to fulfill the intent of the Framers of the Constitution and insure that the collective judgment of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities.

The Framers of our Constitution wanted the people's representatives to share important decisions on foreign policy with the Executive. For this reason, article I, section 8, of the Constitution gives Congress the power to declare war. Certainly, the Constitution divides authority over these issues between the branches. The President does need flexibility in responding to emergencies and fulfilling the powers of Commander in Chief. But the President does not have the sole power to commit our Nation to war. Congress must act soon to assert its role with regard to our involvement in Grenada, or event might quickly overtake us. To do anything less is to be negligent of our constitutional responsibilities.

Mr. President, administration compliance with the War Powers Act is not the only issue this body must discuss. Above all, the introduction of U.S. forces into Grenada leaves numerous pragmatic, moral, and legal questions unanswered. First and foremost, it is not at all clear that the United States had exhausted all of the possible means of peacefully insuring the safety of its citizens and the security of the Caribbean. The President argues that he chose to act before the situation reached a crisis stage; however, if he had been truly interested in preventing a crisis in Grenada, he would have begun to do so months ago by opening up a dialog with Grenada's Prime Minister Maurice Bishop when Bishop visited the United States and attempted to reach some form of accommodation with the United States. The Reagan administration rebuffed Bishop's efforts then, and sought instead to isolate Grenada. Now Bishop lies dead, U.S. marines are in Grenada, and the question remains unanswered: "Did the United States truly exhaust its diplomatic alternatives for the protection of U.S. citizens and interests in Grenada?"

Further, even as the U.S. invasion of Grenada approached, there may have been peaceful means of securing U.S. citizens and U.S. interests that went unexamined. The President contends citizens were unable to leave the island, but some officials from the Governments of Canada and Britain have argued that they in fact made arrangements for their citizens to be flown out of Grenada. These arrangements, the officials have claimed, were brushed aside by the United States in it decision to invade, and the actual flights were prevented from taking place by the invasion itself. Some have suggested that similar arrangements for the peaceful evacuation of U.S. citizens were forestalled by the U.S. invasion. Until the Reagan administration fully and satisfactorily answers these allegations, the question will

remain: "Did the United States exhaust all peaceful means of evacuating iis citizens and other nationals from Grenada, or did the United States actually increase the danger to its own citizens and unnecessarily call on its marines to give their lives on foreign soil?"

Mr. President, I also question, along with many of my colleagues, whether the President fully considered the reaction among our friends and allies in the international community, and particularly in the Latin American region. The insertion of U.S. Marines in Grenada has been justified upon the basis that it is a multilateral action taken in concern with the troops of the Organization of Eastern Caribbean States. This is indeed an important consideration, but it is not sufficient in and of itself to justify the commitment of our troops and prestige of the United States. The United States cannot become a force for any nation or groups of nations that desires to use the power of the United States to their own ends. The justification of the invasion upon the basis of the involvement and encouragement of the OECS also begs the question of which of our friends and allies we should heed. Should we heed the voice of the OECS, a small group of nations with a combined population of just over 5 million, in the face of nearly unanimous international opposition? Should we heed the voice of the OECS in the face of strong opposition from Great Britain, when Britain is one of our most important allies? And when Grenada is a member of the British Commonwealth? And when we must depend on the cooperation of the British Governor-General in Grenada for the formation of a new government there? Should we heed the voice of the OECS in the face of strong condemnation from nearly every one of our friends and allies in Latin and South America, including Mexico, Colombia, Venezuela, Panama, Brazil, Peru, Bolivia, the Bahamas, and many others? Can we ignore the international reaction when U.S. intervention in Grenada invokes in the minds of the world and the region a checkered history of U.S. involvement and gunboat diplomacy in Latin America? Can we also ignore the opinions of our European NATO allies, who we must depend on to help deploy U.S. missiles in just a few short weeks? Some have argued that the United States has demonstrated its resolve in Grenada, but judging from the negative reaction from Germany, France, Italy, and the other nations of Europe, the United States has demonstrated lack of judgment rather than resolve. In Britain, one headline read: "Can Reagan Be Trusted?" Mr. President, these questions and many more must be adequately answered before the Senate, the citizenry of the United States, and the nations of the world can be convinced that the United States has acted wisely in the interests of peace and stability in Grenada.

Mr. President, even the very legality of the U.S. invasion of Grenada is suspect. Article 15 of the charter of the Organization of American States says that "No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state," whether by "armed force" or any other means. Article 17 adds that "The territory of a state is inviolable; it may not be the object, even temporarily, of military occupation or other measures of force taken by another state, directly or indirectly, on any grounds whatever." Can the United States convincingly demonstrate that it has not violated these provisions of the charter of the OAS? While we have justified our intervention on the basis of the charter of the OECS, we are not a member of that organization. Furthermore, the charter of the OECS states that decisions concerning collective security arrangements must be unanimous, yet three of the organization's eight members did not vote. Finally, three of the nations involved in the Grenadian operation (including the United States) are not members of the OECS. Would these arrangements be legally upheld in any court of the United States? Perhaps most importantly, the United States incursion in Grenada is in violation of the charter of the United Nations. That charter bars the "threat or use of force" in international affairs except for individual or collective self-defense against "armed attack." By calling into question the legality of its actions under the charters of the OAS, the OECS, and the United Nations, the United States is undercutting its moral and legal justifications for rightly condemning Soviet attacks in Afghanistan; Syrian incursions in Lebanon; and Vietnamese occupation of Cambodia.

Perhaps the most ominous caste to the events in Grenada is provided by the numerous parallels to United States involvement in Lebanon. Both situations involved the precipitous commitment of U.S. forces and prestige into situations of imminent hostilities. Both of these commitments were undertaken without prior or full consultation with the Congress. In neither of these situations did the President acknowledge his obligation to comply with the letter of the law, the War Powers Act. In neither case did we fully coordinate our actions with our friends and allies with important interests in the regions involved. Let us act today to see that there is at least one important difference between these two ill-conceived episodes and enact the necessary, constitutional constraint on our military presence in Grenada.

I urge this body to adopt this amendment and affirm Congress duty and rightful place in matters of war and peace.

(The names of Mr. SARBANES, Mr. PRYOR, Mr. WEICKER, and Mr. RIEGLE were added as cosponsors of the amendment (No. 2462), as modified.)

Mr. DOLE. Mr. President, are we still on the debt ceiling? [Laughter.]

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I have been walking back and forth, and I hear all this talk about foreign policy. I did not want to miss anything, because I know it has been exciting. I wonder if we might vote on this amendment.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOLE. We would like to get on with things that have to do with the matter at hand, if it is not illegal to get back to the debt ceiling.

Mr. PERCY. Mr. President, will the Senator yield for a brief comment?

Mr. DOLE. Brief.

Mr. PERCY. I should like to simply say that I do not interpret this resolution at all as in any way a rebuke to the President. All it simply says is that the law shall apply.

It is the full intention, as the President has said, for us to have our troops out of there at the earliest possible time. I hope they will be out within that 60-day period.

I do not look on this as a rebuke. We have all had an opportunity to speak on this issue. I have made my position very clear.

I agree with the distinguished manager of the bill that this is not the time or place to have a prolonged debate on Grenada. Let us get on with the vote.

Mr. DOLE. I think we ought to debate Grenada, but if we do not get the social security checks out, I want to be sure I know we have been debating all these things, so I can put it in my newsletter.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Colorado, as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAW-

KINS), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Texas (Mr. TOWER), are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON), would vote "nay".

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Nebraska (Mr. ZORINSKY), are necessarily absent.

I further announce that the Senator from Florida (Mr. CHILES), is absent on official business.

The PRESIDING OFFICER (Mr. DANFORTH). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 64, nays 20, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—64

Armstrong	Gorton	Mitchell
Baker	Grassley	Moynihan
Baucus	Hart	Nunn
Bentsen	Heflin	Packwood
Biden	Heinz	Pell
Bingaman	Huddleston	Percy
Boren	Humphrey	Pressler
Boschwitz	Inouye	Proxmire
Bradley	Johnston	Pryor
Bumpers	Kassebaum	Randolph
Burdick	Kasten	Riegle
Byrd	Kennedy	Roth
Chafee	Lautenberg	Sarbanes
Cohen	Laxalt	Sasser
D'Amato	Leahy	Specter
Dixon	Levin	Stafford
Dodd	Long	Stennis
Dole	Mathias	Tsongas
Durenberger	Matsunaga	Warner
Eagleton	Mattingly	Weicker
Exon	Melcher	
Ford	Metzenbaum	

NAYS—20

Abdnor	Helms	Stevens
Danforth	Jepsen	Symms
Domenici	Lugar	Thurmond
East	McClure	Trible
Garn	Murkowski	Wallop
Hatch	Nickles	Wilson
Hecht	Rudman	

NOT VOTING—16

Andrews	Evans	Quayle
Chiles	Glenn	Simpson
Cochran	Goldwater	Tower
Cranston	Hatfield	Zorinsky
DeConcini	Hawkins	
Denton	Hollings	

So Mr. HART's amendment (No. 2462), as modified, was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, in a moment I am inclined to believe that there will be an amendment dealing with the same subject, and I ask unanimous consent, if no one objects, but I will not want to get into one or the other substantive amendments until there is an opportunity to see what the amendments are in sequence and until we see what the parliamentary situation is.

Could I inquire of the minority leader, would there be any objection if we ordered this so the Senator from Massachusetts will be recognized for 7 minutes and that I would be then recognized for the purpose of offering the next amendment?

Mr. President, do I understand the Senator from Massachusetts does not plan to offer an amendment, but rather to speak for 7 minutes?

Mr. KENNEDY. The Senator is correct.

Mr. BAKER. Mr. President, my request would be that the Senator from Massachusetts be next recognized to speak for 7 minutes and, after the conclusion of that presentation, I would be next recognized to offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the minority leader and I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BYRD. Mr. President, may I say for the record, if the Senator will yield to me.

Mr. KENNEDY. Yes, I yield.

Mr. BYRD. Mr. President, I think the record should show there would be no way to keep the majority leader from offering his amendment. He has the power of first recognition. He was kind enough to ask unanimous consent, but I think the record should show that it was not necessary.

Mr. BAKER. I appreciate the remarks of the minority leader. I try never to exercise the right of prior recognition unless there is an important reason to do so. I know that the Senator from Massachusetts was seeking recognition, and this was my way of trying to accommodate that and still maintain the opportunity to offer the next amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE ADMINISTRATION'S CONTINUING EFFORT TO BAR REPORTERS AND MANAGE NEWS FROM GRENADA

Mr. KENNEDY. Mr. President, I feel a deep sense of concern about the administration's continuing effort to bar reporters and to manage the news from Grenada. As the New York Times suggested this morning, the rationales offered by Defense Secretary Weinberger and others are both feeble and infuriating.

The potential danger to reporters is the worst excuse of all, since reporters are willing to run that risk and have been permitted to do so in other conflicts. In a different context, Secretary Weinberger said the other day: "The Price of Freedom is High." Indeed, the price paid for freedom of the press is sometimes high—as in the case of the 53 correspondents who lost their lives in Southeast Asia in order to secure the people's right to know during the Vietnam war. But so much more would have been lost if a free press had not been there, determined to bridge the credibility gap created by official misinformation.

I fear that in Grenada, the real price the administration is worried about is the one which policymakers must pay when independent observers and journalists can provide their own accounts of events, and the public does not have to rely on official hand-outs and the networks do not have to run Government videotape and film.

Nor does it make much sense to suggest that reporters must be barred or their access restricted in order to preserve the secrecy of the Grenada invasion. There is a long and honored tradition of journalists pledging secrecy and keeping that pledge during the opening phase of a sensitive military operation.

In any event, the Grenada invasion was no longer a secret as of dawn last Tuesday. The Cubans and Grenadians who began to resist presumably knew that they were under attack. Indeed, the Soviet Union, which maintains an Embassy in Grenada, may know more than the American people are now being told about events in that country. I hope that there is nothing to hide from our citizens about the invasion. I am certain that there is not justification for maintaining a policy which shrouds the truth and hides the reality from independent journalists and American camera crews.

Finally, I assume that Secretary Weinberger wishes he had not offered the excuse that as a civilian, he would never dare overrule military commanders who want no press presence in a combat area. The Secretary's job is to make judgments about such a situation consistent with both military needs and the nature of the American constitutional system.

For my part, Mr. President, I am wholly unwilling to cede civilian authority on this issue. The administration's policy of censorship about events in Grenada is unprecedented, seemingly unjustified, and probably unconstitutional.

As a member of the Armed Services Committee, I have written our chairman, Senator TOWER, with a request that the committee undertake an investigation of the press policies that have been imposed during the Grenada invasion. It may be that we will need legislative remedies to prevent the suppression and management of news in the future. we certainly need fairer ground rules than the informal

decisionmaking process of administration officials who, as the authors of a policy, have a self-interest in limiting journalism to the good news which they themselves may provide. It is a shame that the American people learned more from ham radios and Radio Havanna than from American reporters who should be in Grenada doing the job which the Constitution so properly assigns to them.

It is also ironic that during a military intervention supposedly undertaken in the name of restoring freedom to a foreign country, the administration has chosen to restrict freedom in our own country.

Mr. President, I ask unanimous consent that the editorials on this issue from the Boston Globe, Washington Post, and the New York Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 28, 1983]

CENSORING THE INVASION

It was inexcusable of the Reagan administration not to permit firsthand American media coverage of the Grenada invasion until yesterday, the third day, and then only by brief and escorted pool reporters. We say this out of more than mere pique at the theft of our journalistic function during the interval by the Pentagon, Radio Havana and the island's ham radio community. If the American media can be excluded by their own government from direct coverage of events of great importance to the American people, the whole character of the relationship between governors and governed is affected. It should not have to be left self-serving complaints about official censorship.

This is an administration already well known for its tendency to use the national security label to limit the flow of information to the public in various ways. So it is perhaps not so surprising that the convenience of the military—or its insistence on the primacy of its convenience—triumphed over good sense, healthy democratic practice and the strong standing tradition of press-government cooperation in coverage of unfolding military events.

In this operation, the military had valid considerations of surprise, the security of vital information, the efficiency of fast-developing operations and the safety of journalists. The press knows, however—as do plenty of experienced Pentagon hands—that these are all things that can be worked out.

Some in the administration are said to have envied and hoped to emulate the way the British military held off the British press during the Falklands war last year. Actually, what the British did was worse: they brought the reporters along and used them for strategic deception, feeding them bad information. Notwithstanding some early official confusion, no deception of this sort is being alleged here.

What happened is bad enough. The government set aside tried-and-true rules for ensuring that the media and through them the people would see, know and understand in the most timely and credible way how it was exercising military power in their names. This was done in an excess of caution—and with a trace of arrogance.

[From the New York Times, Oct. 28, 1983]

GRENADA—AND MOUNT SURIBACHI

No one was surprised last month when the Soviet Government refused to let reporters near the place where Korean Flight 007 had been shot down; everybody knows how open the Russians are to public scrutiny. But there's plenty of reason for surprise now, in Grenada, for this time it's the United States Government that has been trying to keep the public in the dark.

At first it kept out all reporters, period. Even yesterday afternoon it let in only a small group, not including even one newspaper reporter, and for only a few hours.

How does the Reagan Administration justify thus trying to blind the press and the public? It gives three explanations; each is feeble, infuriating.

Danger. Defense Secretary Weinberger said reporters were barred because the troops were unable "to guarantee any kind of safety." Safety? Let Mr. Weinberger consider the Iwo Jima memorial, not a mile from his office—the Marines raising the flag on Mount Suribachi. How much safety does he think was guaranteed to Joe Rosenthal of the Associated Press, who took the famous picture?

Let Mr. Weinberger think about at least 53 reporters who died in Southeast Asia between 1961 and 1975. They well knew that the Government bore no responsibility for their safety. So did the Government. All it asked for—then—was that they sign releases from Federal responsibility.

Military necessity. General Vessey, the Chairman of the Joint Chiefs, said the operation required surprise. For a brief time that was a responsible concern, but to bar reporters is a sledgehammer solution. Even in World War II reporters were allowed along on operations, including commando operations, subject to news embargoes or appropriate censorship.

In any case, there's another necessity, the same one that led the Air Force to take William Laurence of The Times on the flight that dropped the atomic bomb on Nagasaki in 1945. Democracies depend on trust, and trust in war, small or large, depends on credible witnesses.

I'm Just a Civilian. Mr. Weinberger's most astonishing rationale was that the commanders of the operation did not want reporters along, and he "wouldn't ever dream of overriding a commander's decision." What a perversion of the idea of civilian control of the military. If some general does not understand the big principle at stake here, then civilian commanders—like the Secretary of Defense—surely should.

The principle is not hard to grasp. It's not a case of accommodating a few hundred reporters or their employers. It's a case of responsibility to 235 million Americans who depend on those reporters. The public needs to know what its Government is doing, the more so when it commits troops to an expedition whose wisdom is debated so heatedly. When a Government flouts that need for knowledge so baldly, it ignites blazing suspicion.

Does the Administration regard itself as beyond public scrutiny? Or does it have something to hide, fearing that an informed public would be less supportive of the intervention? If it's neither, then let the Administration open up, and promptly. Let it demonstrate that America intervened in Grenada with its eyes wide open—all of them.

[From the Boston Globe, Oct. 27, 1983]

REAGAN'S CREDIBILITY

The phrase "credibility gap" became part of the American language in the mid-1960s when many people in the world and many Americans stopped believing the President of the United States.

The issue was Vietnam, and Lyndon B. Johnson was trying to persuade the world that the United States was "winning the hearts and minds of the people" with B52s, napalm and defoliation. The more earnest he became, the more hypocritical he sounded. In the end, Johnson was driven from office by the credibility gap between the presidency and the nation it serves.

In 1983, the "credibility gap" appears in the same fatal pattern. President Reagan has drenched his invasion of Grenada in a hypocritical gloss that momentarily dazzles, but ultimately insults the intelligence of the American people and the world.

Pretending that this unilateral move was a "joint maneuver" with tiny Caribbean countries insults the intelligence of Americans. Pretending that the United States has suddenly developed a lively interest in the democracy that it has ignored in the rest of Latin America insults the rest of the world.

If Grenada posed a serious strategic threat to the United States, military force would be needed urgently to deal with that threat and "world opinion" could be dismissed as a consideration compared with vital security interests.

Grenada's threat, however, was not military but ideological. "Another Marxist regime" will not be tolerated by the ideologues in the White House. As part of the propaganda buildup, a lengthened airstrip was presented by the President in aerial photos, evoking the Cuban missile crisis of 1962.

The photos were not of missiles aimed at Miami, but of a runway used to refuel planeloads of Cuban soldiers en route to Angola, another ideological irritant to the Reagan Administration. Like Grenada, Angola does not pose a threat to the vital strategic interests of the United States.

The absence of a clear security interest in the Grenadian invasion led the President to try to perfume this odious action with a drizzle of "joint maneuvers." The St. Lucian infantry and the Antiguan airborne took time off from posing for tourist posters to provide window dressing for America armed intervention.

This gambit of hypocrisy was necessary to support the hypocritical notion that an American government that winks at butchering of democracies elsewhere in Latin America cares deeply about Grenadian democracy.

In American politics, the tendency to rally 'round the flag usually helps an incumbent President. American casualties in the recapture of the Mayaguez helped Gerald R. Ford's poll ranking in 1975, but did not reelect him in 1976.

The Grenadian invasion has taken place in the horrifying context of more than 200 US Marines dead in a cause poorly explained. Lebanon is a "vital interest," as Reagan explained. The dangers of a Mideast power vacuum are evident to many Americans. The dangers of a power vacuum in Grenada seem ludicrous to most Americans.

The White House image-makers set out to prove that Reagan's invasion was not a reckless whim. That proof included photos of the President in his pajamas, telephoning

officials from a Georgia golf course at dawn on Saturday planning the invasion.

Photos of presidential pajamas are not comforting. They bring back memories of the original "credibility gap," and of a sleepless leader planning tactics and strategies for policies that have little support.

President Reagan is staking much on his own credibility these days. Because of unclear policies with little public support, it is a diminishing asset. As the political needs of one failed policy feed another, the credibility gap widens and deepens.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN PUBLIC DEBT LIMIT

The Senate continued with the consideration of the joint resolution (H.J. Res. 308).

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, it is my understanding that the distinguished majority leader will offer an amendment in just a few moments. I would hope that other Members who have amendments will be in position following the dispostion of that amendment to offer their amendments, with the understanding that the Senate will be in session until about 5 o'clock today. We can probably dispose of several amendments between now and then.

If we continue to load up this bill, I think it is more and more likely that we will end up with a 15-day extension when it is all over.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2463

Mr. BAKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for himself, Mr. PERCY, Mr. DOLE, and Mr. GARN, proposes an amendment numbered 2463.

At the appropriate place, insert the following:

The Congress commends the President for his swift and effective action in protecting the lives of American citizens in Grenada. Moreover, the Congress commends the professionalism and valor of the combined U.S. forces who are participating in this operation.

Finally, the Congress expresses its appreciation to the Organization of Eastern Caribbean States and to the states of Jamaica and Barbados for their dedication to freedom and democratic government in the region.

Mr. BAKER. Mr. President, I think it is appropriate at this point to consider, in conjunction with the amendment just agreed to with respect to the War Powers Act, a statement of commendation of the President for his initiative, for the courage, valor, and professionalism of our American soldiers, marines, and others, who participated in the Grenada operation, and to recite our appreciation for the action of the Organization of Eastern Caribbean Countries.

Mr. President, this is a matter that is much on the mind of all Americans. It is a matter that, in my view, should be addressed at this point in the context of the amendment just considered and agreed to by the Senate. I offer the amendment at this time.

Mr. President, will the clerk restate the cosponsors?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The cosponsors are Mr. PERCY, Mr. DOLE, and Mr. GARN.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senator from New Hampshire (Mr. RUDMAN), the Senator from California (Mr. WILSON), the Senator from Idaho (Mr. SYMMS), and the distinguished occupant of the chair, the Senator from Missouri (Mr. DANFORTH) be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, let me do this one thing. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. I yield the floor.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, would the majority leader consider a very slight modification?

Where it says, "The Congress commends the President for his swift and effective action in protecting the lives of American citizens," would the majority leader feel comfortable with a modification which would say, "swift and effective action in enforcing the Monroe Doctrine and protecting the lives of American citizens in Grenada"? As we all know, the Monroe Doctrine, first stated in 1823, is the most fundamental principle of American Foreign Policy, and it is the very best justification for the President's decision to intervene this week in Grenada.

The United States regards the Monroe Doctrine as part of its national security and defense. Under the right of self-defense, we first enunciated this doctrine in 1823. Here is a quotation form President Monroe's message of December 2, 1823, which expresses the essence of the Monroe Doctrine:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers (i.e. outside the Western Hemisphere) to declare that we should consider *any attempt* on their part to *extend their system* to *any portion of this hemisphere* as *dangerous* to our peace and safety . . . it is *impossible* that the allied (i.e. European) powers should extend their political system to any portion of either continent (i.e. North or South America) without *endangering our peace and happiness.* (Emphasis added.)

Mr. BAKER. As the Senator from Idaho knows, I supported his resolution on the Monroe Doctrine some time ago. I have no problem at all with that, except that the language just proposed has been cleared not only by the cosponsors but also in other quarters.

I really would suggest that while I agree with the statement made by the Senator from Idaho, I would like to leave the amendment stand in its present form.

Mr. SYMMS. I might just say that, as one Member of the Senate, I thank the majority leader for his comments and I understand what he is trying to do. But I think it should be made very clear that this Senate in the past year—I have lost track of the time—in August 1982, voted by a big vote, 68 to 27, and also by a big vote in the other body of about 3 to 1, in favor of language which gave the President the support of the Congress to do exactly what he did. The Symms amendment on Cuba passed in August 1982 was a verbatim reaffirmation of the September 1962 Cuba resolution, Senate Joint Resolution 230. These resolutions enforce the Monroe Doctrine by prohibiting Soviet-Cuban subversion and aggression in the Western Hemisphere, by force if necessary. They also prohibit a Soviet military base in Cuba.

I think our President was exactly correct and on target. As the cache of arms and ammunition becomes uncovered and this becomes more known to the American people, it is even more important, I think, that the President did, as he said, move just in time before we ended up having another armed camp in the Caribbean and southeastern Caribbean Basin. Grenada was about to fall under the complete domination of an ideology alien to this hemisphere, Marxism-Leninism, and under the control of a European power—the U.S.S.R.

I really appreciate the leadership of the White House.

I think it should be made clear for the record that the Senate voted overwhelmingly in August 1982 for language which stated implicitly that the President should use force if necessary to stop the flow of arms and equipment from Cuba into the mainland of the Americas or other parts of the Americas, to prevent a Soviet military base in Cuba, and also to uphold and enforce the Monroe Doctrine.

Though I prefer this amendment, which I am happy to be cosponsor of, with the additional language, it goes without saying, as we say here on the floor, I would be the first one to say that the President is fully within his rights in enforcing the Monroe Doctrine in Grenada, he does strongly deserve our commendation.

I appreciate the majority leader's position, so I shall not ask for the modification; I understand it is all cleared and approved. I should not want to do anything to weaken the vote we might get. I hope we might get 100 Senators voting for this amendment to show unanimity and show a posture of a strong bipartisan foreign policy to protect the lives of Americans and stop the Brezhnev doctrine with the Monroe Doctrine. The Grenada relief operation is the first time the Brezhnev doctrine has been stopped by the Monroe Doctrine. It is the first time we have done anything to destroy a military base established by Cuba.

I might say, Mr. President, last night, I had an opportunity to catch a television program, "Night Line," where they had a Soviet, one man who, if you did not know he was a Soviet, you would not pick it up, because he spoke the language so well, you would have thought he was Cuban. George Will, when somebody brought up the point of how soon are we going to get our troops out, made a very good point. George Will said, "That he bet our troops would be out of Grenada before the Soviets are out of Afghanistan," The Russian did not have too much to say in answer to that question.

Furthermore, I think what was not said, what could have been said, is that our Armed Forces did an exemplary job down there, the rangers and the marines. They did not go in and use poison gas on civilians as the Soviets have been doing there and in other parts of the world.

I yield the floor.

Mr. BAKER. Mr. President, I thank the Senator from Idaho. I appreciate his forbearance in not modifying the amendment which, in any event, would now need unanimous consent, since the yeas and nays were ordered. Had I thought of it, I would have included that language because I believe in the position asserted by the Senator from Idaho.

Once again, I thank him for his repeated efforts on the floor to see that it is honored and abided by.

Mr. President, there are many things I could say and I would like to say, including the comment on perhaps the most moving Presidential speech I have heard in a long, long time last evening. In the interest of trying to get on with the matter at hand, I shall withhold further statements at this time.

Mr. PERCY. Will the Senator yield?

Mr. BAKER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I believe the President has, without any question, dealt with a matter that was dangerous—dangerous for the United States, dangerous for the security of the Western Hemisphere, and dangerous, certainly, for the Organization of Eastern Caribbean States. This resolution commends the President for his swift and effective action. Certainly, if he had not taken such action, now that we know what we do about the Cuban-Soviet offensive capabilities in that area, and in Grenada, we could have had practically a nightmare on our hands if we had waited too long. The evidence that we have looked at is compelling that the situation warranted such action by the President.

The action of the President, therefore, in protecting the lives of American citizens in Grenada was a necessary one. It responded to the deep concerns of all the states in the region regarding the deterioration of the situation in that country. It was an operation of limited objectives, with a limited use of force. It is my expectation that the U.S. Armed Forces will be withdrawn just as soon as the safety of Americans in that country can be assured. We have no intention of imposing a government on the countries or of maintaining any continuing military presence in that country.

In this regard, I hope our allies and friends around the world will be reassured on this score and will come to respect the careful and responsible way in which the operation has been conducted.

Mr. President, I think it would be a mistake for us to assume that once we have secured the safety of our citizens and once we had assured the capability for action that would have endangered the immediate Eastern Caribbean area in the nation-states in that area, for us to continue our presence. I hope that those forces down there would be adequate to maintain law and order in Grenada to the point where they could have and maintain their election. I think that we would be, certainly, wise to move just as rapidly as we can, as the President has said he intends to, to move our forces out of there just as quickly as our limited mission has been accomplished.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

AMENDMENT NO. 2464

Mr. BYRD. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment No. 2464 to amendment No. 2463.

At the end of the amendment of Mr. BAKER, add the following:

Since 219 Marines, and possibly more, were killed in Lebanon on October 23, 1983, as the result of a terrorist attack on our headquarters at the Beirut Airport; and

Since the United States Marine contingent of the Multinational Peacekeeping Force was, and continues to be, deployed in exposed positions in and around the Beirut Airport, that Marines occupying sentry positions reportedly were not allowed to carry loaded weapons; and the security for the Marines was obviously inadequate; and

Since the assassination of Lebanese President-elect Bashir Gemayel, the destruction of the U.S. Embassy in Beirut which resulted in 17 Americans being killed, and acts of violence of a similar nature using similar methods have been characteristic of the internal situation in Lebanon particularly since the 1975-1976 Civil War in that country; and

Since the history of similar acts of violence in Lebanon presented strong evidence of the necessity to provide the most stringent security safeguards for our Marine contingent; and

Since the United States is not perceived as a neutral participant in the peacekeeping force; and

Since warring factions in Lebanon, aided by external forces, have used, and continue to use, violence as a means to settle interconfessional disputes; and

Since the various members of the Multinational Peacekeeping Force have been, and will continue to be, targets of violence from those elements involved in, and contributing to, the internal conflict in Lebanon; and

Since a broadly-based peacekeeping force in Lebanon would be a more appropriate demonstration of the vital interest of the international community in a stable Middle East; and

Since S. J. Res. 159, extending by 18 months the participation of the Marines in the Multinational Peacekeeping Force which passed by a vote of only 54-46 in the United States Senate, demonstrated a strong divergency of opinion regarding the mission and role of U.S. Marines in Lebanon.

It is the Sense of the Senate that the President should—

(1) provide immediate, maximum protection and security for U.S. forces in Lebanon;

(2) vigorously pursue, in coordination with our allies in the Multinational Peacekeeping Force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence, or to other forces from neutral countries, in order to hasten the withdrawal of U.S. ground forces; and

(3) prepare and transmit to the Congress a report setting forth the measures he has taken to carry out paragraphs (1) and (2).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. BYRD. Mr. President, the terrible tragedy which befell our Marines in Lebanon last Sunday has stunned and sorrowed all of us. There is not any purpose in searching for scapegoats for this disaster. Nevertheless, it is important and it is our responsibility to evaluate the adequacy of the safety precautions, the security arrangements which existed around the Marine compound.

I would have to say that I am very deeply troubled by the statements made earlier this week by the commandant of the Marine Corps after his investigation of the security arrangements. Gen. Paul X. Kelley stated that he was "totally satisfied" with the security procedures in effect before the attack.

Mr. President, that statement disturbs me greatly. Everyone was aware that car bombs—the terrorist technique used last Sunday—is a common method of attack in Lebanon. The same technique, indeed, has been used in an earlier successful attack on April 13, 1983, on our Embassy in that very same city in which 64 people died, including 17 Americans. The same technique was also used against the Iraqi Embassy in Beirut in 1981—75 people were killed. Yes, it is difficult to defend against suicide terrorist attacks. But I simply find it unbelievable that a car loaded with high explosives can drive past several Marine sentry checkpoints and arrive unimpeded into the lobby of what is, obviously, a very high value target. And I find absolutely astounding the reports that those marine sentries, as a matter of policy—and I am currently only aware of newspaper reports—that those marine sentries were not authorized to carry loaded weapons.

Mr. President, the men of our Marine Corps are absolutely courageous. They are a remarkable fighting force. They are the personification of the finest fighting qualities that our Nation can create. I do believe there is not a more capable and more courageous fighting force in the world today. But the quality of the staffing, of the planning for the needed protection of those men while they are sleeping, obviously, leaves a great deal to be desired. It will not do to say that the Marines are in a dangerous place—of course they are. It will not do to say security precautions against terrorism are difficult—of course they are.

I note that the public comments of the members of the Armed Services Committee, which held a closed-door session on this matter yesterday, seem to be unanimous that the security precautions were inadequate—inadequate. They certainly were inadequate. They were a disgrace to our fighting men and to our country. I will say in all candor to my colleagues that I am infuriated by the reports of this inadequacy.

If we were to say that such a catastrophe as the loss of well over 200 marines were inevitable, and that we could do no better—then we are saying that we would not be able to forestall a repetition of this event. In that case, I would be offering an immediate resolution of withdrawal for our troops. Putting them on airplanes to Lebanon would be tantamount to a death sentence. Lebanon is obviously full of fanatics and one suicidal success can logically embolden others to try similar tactics.

I believe it is possible to provide measurably better protection for our troops even in an environment where terrorists operate. We are familiar with car bombs. We can give our sentries loaded guns. I am not an expert on security precautions. But I believe a thorough investigation is in order and a full report to the Congress is in order.

Mr. President, this is a sense of the Senate resolution which was adopted by the Democratic conference on Wednesday of this week without opposition. The resolution addresses the need to replace the multinational peacekeeping force in Lebanon with a U.N. presence or other forces from neutral countries.

The resolution calls upon the President to:

First, provide immediate, maximum protection and security for U.S. forces in Lebanon; and

Second, vigorously pursue, in coordination with our allies in the multinational peacekeeping force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a U.N. peacekeeping presence, or to other forces from neutral countries, in order to hasten the withdrawal of U.S. ground forces.

The Nation was stunned and saddened to learn of the deaths of at least 225 marines who were killed as a result of a terrorist attack on October 23, 1983, on our headquarters at the Beirut Airport.

We Democrats believe that this resolution is the next logical step in responding to recent events in Lebanon. With this resolution, we are offering the President a constructive alternative to that of maintaining the status quo which would allow us to accommodate an orderly withdrawl of U.S. forces from Lebanon, once they are replaced by peacekeeping forces from either the United Nations or forces from other neutral countries.

There are deeply held concerns on the part of us all that the mission and role of the U.S. participation in the multinational peacekeeping force have changed dramatically over the course of the last year. The original mission of this force was that of peacekeeping. However, peacekeeping implies a neutral presence. Unfortunately, we are not perceived as a neutral participant in a peacekeeping force.

Last night, the President made it very clear, in his address to the Nation, that the "physical presence of the Marines lends support to both the Lebanese Government and its army." Earlier in his address, the President remarked:

> For several years, Lebanon has been torn by internal strife. Once a prosperous, peaceful nation, its government had become ineffective in controlling the militias that warred on each other.

Mr. President, it seems that we have undertaken an impossible task in Lebanon. On the one hand, the President has made it very clear that we are supporting the Government of Lebanon. On the other hand, despite external interference in the internal affairs of Lebanon, we find ourselves defending the Government of Lebanon against other warring factions in that country. It just appears that our policy is contradictory. We cannot effectively be a peacekeeper among warring factions, if we have chosen sides in this conflict.

In essence while the diplomatic goals we have set for Lebanon are those which we can all support—that of withdrawal of all foreign forces from Lebanon, a Government of national unity, and the reestablishment of the sovereign integrity of that country—how can those goals be achieved by a military presence which appears to be a hindrance to what we want to see for that country?

It was just a month ago when the Congress engaged in a major war powers debate governing the continued presence of U.S. Marines in Lebanon as part of the multinational peacekeeping force. In the Senate, we Democrats did not believe it was in the U.S. interest to give the President carte blanche to continue the presence of our forces in the absence of clearly defined goals and objectives from the administration governing such a presence. We felt it was the responsibility of the President to define for the Congress and the American people, the national security interests at stake which demanded our continued presence in Lebanon, the mission and role of that presence, and the estimated duration of the continued U.S. presence.

Why did we undertake this debate? We did so, because the Democrats in the Senate believed that we had a responsibility, under the Constitution, to do so. The War Powers Resolution enacted into law over a Presidential veto in 1973, required that the Congress demand of the executive branch a clear statement as to the purpose for

the deployment of U.S. Armed Forces on foreign soil in a hostile environment. We did so because if there was one lesson we learned from Vietnam, it was the fact that the commitment of U.S. Armed Forces abroad cannot be sustained in the absence of support from the American people. And that support will not be forthcoming unless the administration presents evidence of a preponderant nature which will merit the support of the American people.

In all practicality, Mr. President, we cannot do for the Lebanese what they are unwilling to do for themselves. It is imperative for President Gemayel to broaden the base of support for his government in that country. A government of National reconcilation which unites all factions in Lebanon is a government which can minimize external forces from meddling in its internal affairs.

For these reasons, it is the belief of the Democratic conference that a more broadly based peacekeeping force, which can be perceived as being neutral, would be a more appropriate demonstration of the vital interest of the international community in a stable Middle East.

We do not call for any action which would be taken in the absence of cooperation and coordination with our allies in the multinational peacekeeping force. This resolution does not call for a precipitous withdrawal of U.S. Armed Forces from Lebanon, but rather an orderly transferral of the responsibilities of the MNF to a U.N. presence, or to the forces of other neutral countries.

We are not effectively keeping the peace in Lebanon. And we are becoming less and less effective as the Lebanese Government continues to be plagued with an irresolution of its own internal problems.

Mr. President, I ask unanimous consent that certain newspaper articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MARINE CHIEF 'TOTALLY SATISFIED' BEIRUT HAD ADEQUATE SECURITY

(By William Claiborne)

BEIRUT, Oct. 25—Marine Commandant Gen. Paul X. Kelley said here today that he was "totally satisfied" with security procedures in effect before Sunday's terrorist bombing that has left at least 216 marines and other U.S. servicemen dead.

Amid mounting complaints in the United States that the marines were not adequately prepared to deal with the kind of suicide bombing mission that flattened their Battalion Landing Team headquarters at Beirut International Airport, Kelley, who arrived here today, said he had inspected the Marine base twice before the blast.

"I think we had very adequate security measures," he told reporters. "One has to realize if you have a determined individual who is willing to give up his life, chances are he's going to get through and do that."

Shortly before he spoke, the Marine compound was on full alert following reports that three vehicles possibly carrying bombs had been spotted driving on an airport perimeter road near the base. Marines and reporters took to sandbag bunkers and foxholes as nervous marines in full combat gear sealed off the base and searched suspicious-looking vehicles.

The same reports caused U.S. Embassy employees to vacate temporary quarters in the seaside British Embassy and another building nearby. The regular U.S. Embassy chancery was destroyed last April in a bombing almost identical in method to the destruction Sunday of the Marine building and a headquarters of the French contingent in the multinational peace-keeping force.

Kelley flew here from Washington, with an emotional stop overnight in Wiesbaden, West Germany, to visit Beirut casualties at a U.S. military hospital. His main purpose is to review security procedures at the bases that house the 1,600-man U.S. contingent of the multinational force.

The bomb scares that put the marines on Condition One, the highest alert status, originated with Lebanese Army intelligence, officials said.

Marine spokesman Maj. Robert Jordan told reporters, "We have good information that there are explosives," and he said the three trucks were under surveillance. Later in the afternoon, however, the alert was lifted without an explanation of what became of the suspect trucks.

At one point a marine replacement unit that arrived last night to augment the contingent decimated by the explosion rushed out of the compound with rifles at the ready. Sentries had spotted a parked truck similar to the one that crashed into the lobby of the four-story building Sunday and exploded an estimated ton of dynamite.

Marines flattened themselves on the ground and took aim at the driverless vehicle while it was searched for bombs. At the main entrance to the marine headquarters, sentries raised their rifles at reporters trying to enter and forced them across the road.

Similarly, barricades and strong security forces were set up around the French quarters near Beirut's sports stadium, hit by a nearly simultaneous blast Sunday, and around positions of the Italian contingent, which was not attacked. French spokesman Lt. Col. Phillippe de Longeaux said today that 38 French troops were known killed in the explosion, 15 wounded and 20 missing.

A U.S. official said, "There is a limit to the security measures you can take and still operate. You can build 10-foot walls five-feet thick, but you can't work like that."

Asked how he felt being a target of terrorism, the embassy official replied, "I try not to think about it. When you think about it, it's pretty scary."

The official said that after the Sunday attacks, "everybody looked at what more might be done," adding that security officers were now posted on roofs of U.S. buildings to scan the streets for suspicious vehicles.

[An unknown group called the Islamic Holy War, which claimed responsibility for the simultaneous U.S. and French bombings in telephone calls Sunday, published a statement in Beirut newspapers today, United Press International reported. The statement said:

["We are the soldiers of God and we crave death. Violence will remain our only path if they [foreign forces] do not leave. We are ready to turn Lebanon into another Vietnam. We are not Iranians or Syrians, or Palestinians. We are Lebanese Moslems who follow the dicta of the Koran."]

Kelley, who said he plans to remain in Beirut a few days, spent 40 minutes this afternoon walking around the pile of twisted steel and crushed concrete that was the Battalion Landing Team's quarters.

Rescue workers continued to dig through the rubble for bodies, amid an increasingly strong stench, and heavy cranes were attempting to remove huge slabs of concrete.

On the west side of the flattened building, Kelley watched as workers removed the body of a marine, placed it in a green nylon body bag and carried it away. Minutes later, he watched from the opposite side of the structure as another marine in uniform was extricated from the debris.

Later Kelley said, "There is nothing more devastating to a marine than the loss of another marine."

Kelley said the Marine contingent is here to "provide stability to the Lebanese Army," adding, "Without a strong and viable Lebanese Army I don't think there is much hope for this country."

Asked whether the Marine force would be given new rules of engagement to allow it to defend itself more adequately, Kelley said, "I think Col. Geraghty has all the flexibility he needs." Col. Timothy J. Geraghty is commander of the unit.

Other multinational force officers, who asked not to be identified, echoed Kelley's view that it is practically impossible to avoid a suicide terrorist attack.

One, not an American, said: "Whoever is doing this job, they can choose when, where and how. We are just the targets. We can build bunkers and pile sandbags, but they will always choose when, where and how. You cannot defend yourself. There are no security measures that can't be broken. You can make two billion plans and they will make two billion and one."

He added, "I guess if we are going to stay here, we will see more of this. The longer you stay, the more you give them the capability to do this kind of thing."

SECURITY QUESTIONED AT MARINES' BOMBED BUILDING

(By Michael Getler)

House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) yesterday sharply criticized security procedures in effect at a Marine headquarters building in Beirut before it was blown up Sunday by a terrorist bomb, describing their inadequacy as "a military blunder of a tragic nature."

The Beirut tragedy, in which more than 200 Marines were killed, has produced sharply differing assessments of precautions taken by the Marines to protect themselves. The same kind of suicide car-bomb attack destroyed the U.S. Embassy in Beirut last April, killing 63 persons.

"The nation is shocked at the lack of protection for the Marines," O'Neill said. "It was a military blunder of a tragic nature that our men didn't have a bazooka to knock that truck out."

Challenges to the adequacy of security were voiced privately yesterday by senators attending a closed-door session of the Senate Armed Services Committee called to hear Defense Secretary Caspar W. Weinberger on the subject.

Chairman John G. Tower (R-Tex.) said later. "I would say the consensus of the

committee is that the security was not adequate. It is difficult to defend against terrorist attacks of that kind," he said, "but that threat could have been minimized in my judgment."

These comments come just one day after the Marine Corps commandant, Gen. Paul X. Kelley, said during a visit to Lebanon that he was "totally satisfied" with security procedures in effect before the attack.

"I think we had very adequate security measures," said Kelley, who had inspected the Marine facility twice before the blast. "One has to realize if you have a determined individual who is willing to give up his life, chances are he's going to get through and do that."

Pentagon officials yesterday said that "everyone from the top down" in the Defense Department "wants to find out what was done and why and whether it could have been done better." The officals said, however, that no formal investigation or inquiry into the episode has been undertaken, although some overseas military commands were said to have begun looking into security and intelligence procedures that were in effect.

The officials said a decision on a formal inquiry would probably await Kelley's return to the United States. They said that if a decision is made to launch an investigation, Kelley's remarks in Beirut would not prejudice it.

In the attack's aftermath, there have been conflicting reports about whether Marine sentries were carrying loaded weapons.

Questions also have been raised about the adequacy of fences around all entrances to the building; about why armored vehicles or trucks, which frequently are used to block the path of would-be car-bombers at other Beirut installations, were not in place, and why so many Marines were in a single building.

Sen. Pete Wilson (R-Calif.) said yesterday that the decision to house a large number of Marines in the steel-and-concrete building at the Beirut airport "was dictated by the desire to remove them from sniper and mortar fire. That's a good decision. "What seems to have been lacking, plain and simple," he said, "is adequate security against an act of terror."

Sen. Edward M. Kennedy (D-Mass.) said Weinberger had tried to answer the committee's question but "not to my satisfaction."

Earlier in the day, during an appearance on the "Today" show (NBC, WRC), Weinberger said "the state of security was the state of security you would expect in an area of that kind. This isn't to say it can't be improved . . . and obviously in hindsight we may do more," he said.

"But these men were in a building in an area where part of the mission was to keep the airport open and so there was a lot of non-military traffic, and that terrible tragedy happened when a man bent on suicide, destruction, fanaticism of the worst kind drove right into" the building in a truck laden with explosives.

[From the Philadelphia Inquirer, Oct. 28, 1983]

MARINES: COMPOUND WAS VULNERABLE

(By David Zucchino)

BEIRUT, LEBANON.—U.S. Marine officers yesterday described a security system that was vulnerable to penetration by the truck bomb Sunday that killed at least 225 Marines.

Meanwhile, in interviews yesterday, intelligence sources disclosed that a French surveillance team watched several carloads of men speed away from the Iranian Embassy here less than 10 minutes after truck bombs destroyed buildings housing U.S. and French servicemen. Investigators believe the men were either involved in planning or had knowledge of the attacks, the sources said.

As U.S. Marine offices released their first detailed diagram of the security defenses at the Marine building, they also revealed that none of the sentries on the roof had been designated to watch the parking lot where the attack originated. And they said the truck circled the lot once before ramming through a barbed-wire fence on its approach to the building.

The Marine commander, Col. Timothy Geraghty, repeated Marine statements that several warnings of car bombs and other threats had been received in the weeks preceding the explosion and that security measures had been reviewed each time. The Inquirer quoted a Lebanese army liaison colonel Tuesday as saying he had warned the Marines of a car-bomb threat four days before the disaster.

The Marine statements came as the number of U.S. Marines and Navy sailors killed in the explosion rose to 225 and the number of French paratroopers listed as dead reached 56.

French intelligence experts, according to the intelligence sources, had been watching the embassy because of the heightened activity there in the two weeks preceding the truck-bomb attacks. They said the French had begun noticing the comings and goings of large groups of Iranians and men believed to be Lebanese Shiite Muslims.

The sources also said that investigators had learned from a witness the license-plate number of the yellow Mercedes truck that crashed into the Marine building. They said investigators believed the plate had been stolen.

In addition, the sources said, investigators are convinced that sniping attacks against the Marines the week before the explosion were designed to divert Marine attention from the building, itself, and to induce them to focus on snipers rather than a potential car-bomb attack. The sniping killed two Marines and wounded six others.

Asked about the diversion theory, Geraghty replied, "That's a possibility."

The intelligence sources also said the attack could not have been carried out without inside help: They said investigators were beginning a review of all outside people who entered the compound in recent weeks, including civilian airport workers and Lebanese army soldiers.

"There is absolutely no way they could have pulled off what they did so perfectly without complete access to the inside of the place," one source said. He added that investigators are considering the possiblity that the driver, himself, may have been inside the compound previously because of the expert way in which he skirted every Marine barrier.

According to the sources, investigators are working on the assumption that Iranians planned and carried out the attacks with the logistical aid of Syria. The high quality of the explosives used, for example, are believed to have entered Beirut via Syria and the Syrian-controlled Bekaa Valley, in eastern Lebanon. Investigators also suspect that the people who planned the attacks—perhaps from the Iranian Embassy, located less than 1½ miles from both targets—entered and left Beirut by the same means, the sources said.

From the day of the attack, speculation has focused on Iran and Syria. A chief suspect has been the Islamic Amal militia of Hussein Mussawi, a Lebanese Shiite and a disciple of Iranian leader Ayatollah Ruhollah Khomeini. Moussawi's militia, based behind Syrian army lines in the Bekaa town of Baalbek, operates closely with several hundred Iranian revolutionary guards garrisoned there.

In interviews at his heavily guarded villa in November and again in March, Moussawi made virulently anti-American statements. He also vowed to overthrow the regime of President Amin Gemayel, which the Marines were sent to support.

Moussawi said his Shiite militiamen and the Iranian guards were part of a revolution designed "to free Lebanon from the military occupation of America and Israel."

According to the intelligence sources, Lebanese army intelligence teams have been trying to apprehend Moussawi since November, when his men attacked an army barracks in Baalbek. Already a suspect in the truck-bombing of the U.S. Embassy in April, Moussawi is safely ensconced behind Syrian lines in eastern Lebanon.

As investigators and rescuers continued to sift through the flattened Marine building yesterday, the diagram released by the Marines failed to answer several security questions raised by the attack.

For example, the diagram showed a single cast-iron sewer pipe blocking the route taken by the speeding truck just before it slammed into the building. But a Marine lieutenant interviewed by The Inquirer Tuesday said two sewer pipes placed there as obstacles had been removed two weeks earlier for unexplained reasons. Marines questioned at random in recent days said they had no recollection of a pipe or pipes, which they would have had to step over, in front of the building in the days preceding the attack.

The second pipe was used merely as a lane divider, Marines said yesterday. It was not placed in such a way that it would have directly impeded the truck.

Just after the explosion, the pipes were seen lying about 40 feet away from the building entrance, where the lieutenant said they had been moved. They were unmarked, showing none of the dents or scratches that presumably would have been made by a speeding truck crashing through them.

The diagram showed that the truck, estimated by a Marine witness to have weighed about 2½ tons, had hurtled over the pipe, which is almost two feet in diameter.

The diagram also failed to show whether the first sandbagged bunker circumvented by the truck had been manned. Marine spokesmen had said earlier that Marines were moved from the post, located inside a barbed-wire fence at the edge of the parking lot, when the area came under shelling in early September.

At a news conference yesterday, however, Geraghty did not answer directly when asked if the post had been manned. "All the Marines that were supposed to be in the posts were in the posts," he said.

The chief Marine spokesman, Maj. Robert Jordan, said on Monday that the sentry responsibilities of the abandoned post had been transferred to Marines posted on the roof of the building that collapsed. But yesterday, a Marine captain who had overseen the rooftop Marine guards until a week before the disaster said that ordinarily no one on the roof was assigned to watch the parking lot.

Capt. Wayne Briggs said the lot was watched only when the Marines were on Condition One, their highest state of alert. They were on Condition Three Sunday morning.

"It was a Condition Three, just a regular watch," Briggs said. "Just a few people on the radios, stuff like that."

Briggs said the sentry in the booth attached to the building and a sentry posted at the edge of the lot were responsible for watching the lot. As reported Monday, the sentry at the booth was unable to get off a shot at the truck because of the time it took him to insert a magazine in his M-16 rifle. The Marines in Beirut are not allowed to carry loaded weapons.

Marine First Lt. Joseph Jacobs said the sentry had told him that "he saw the truck and went to put a magazine in his rifle and turned around and it was by him and he was blown into the bunker."

Geraghty acknowledged that the truck had circled in the lot but said that Marine guards had paid it little notice because vehicles often pass the lot and sometimes use it as a place to turn around.

"It's quite common that cars and trucks are in there as a matter of routine," he said.

According to Geraghty's calculation, it took six to seven seconds for the truck to reach the Marine building from the time it crashed through the barbed-wire fence at the edge of the compound.

Asked if the sentry was culpable for failing to stop the truck, Geraghty replied, "No, * * * the sheer size of the truck, and what it would go through, is similar to World War II kamikaze attacks."

Asked about newspaper reports that the Marines had received warnings of threats of an imminent carbomb attack, Geraghty said, "We receive a lot of warnings. It's not uncommon to receive threats."

He noted that as recently as Tuesday, the Marines received intelligence reports that vehicles, possibly carrying explosives, were in the area and might pose a threat. He said that the Marines had reacted to those reports, and all other such reports, by reviewing their security procedures.

In the wake of the disaster, Geraghty said, the 1,500 Marines ashore are reassessing their security measures. The Marine Corps commander, Gen. Paul X. Kelley, visited the compound Tuesday to review security.

"We're reviewing our whole position here relative to providing a better defensive position," Geraghty said. "The location will require, obviously, increased security."

Mr. WEICKER. Will the Senator yield?

Mr. BYRD. I yield to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I want to first of all thank the distinguished Senator from West Virginia for allowing me to speak for a few minutes.

I just came to the floor of the Senate to find before us the amendment of the distinguished majority leader. I just cannot allow this to go by without some comment. I will certainly agree with that portion of the amendment which states:

The Congress commends the professionalism and valor of the combined United States forces who are participating in this operation.

I have no argument with that. But let us talk about sentence No. 1:

The Congress commends the President for his swift and effective action in protecting the lives of American citizens in Grenada.

Let us understand first that it might be one thing to look the otherway when the President oversteps the laws of the United States of America, but I am not going to commend him for it. The President is in violation of the terms of that treaty of the Organization of American States, of which we are a part. The President is in violation of the War Powers Act on Grenada. The President is in violation of the Constitution of the United States as far as freedom of the press is concerned. I do not think any of these things merit commendation on the floor of the U.S. Senate. Maybe we can debate them, agree and disagree. But the most important aspect of this amendment is that which says, "Congress commends the President for his swift and effective action in protecting the lives of American citizens in Grenada."

Now, if you want swift and effective action, that should have been taken in June of this year when Maurice Bishop was alive and in this country seeking the assistance of the United States to effect a rapprochement between his government and this Government. That would have been swift and effective action to protect not only the lives of American citizens in Grenada at this time but also the lives of American citizens which will be sacrificed in the future if we continue to substitute rhetoric for a meaningful dialog.

Now, let us understand exactly what the context of this event is. In case most have forgotten, there was a running dispute between Mr. Bishop and the President on the subject of the airfield in Grenada. Apparently that soured relations between our two countries. It was within that context that Mr. Bishop came to the United States to see if there was some way to better relations. I received a call from the Ambassador of Grenada——

Mr. SYMMS. Will the Senator yield for a question?

Mr. WEICKER. I will yield for a question after I am through presenting my case in a few minutes.

I received a call from the Ambassador from Grenada asking me whether or not I would receive Prime Minister Bishop, since nobody in the Government would see him. I said I would. I understand a similar call was made to Senator PELL, and he also agreed to see the Prime Minister. Subsequent to that phone call, I was then informed by the Ambassador from Grenada that administration officials would see the Prime Minister for a few minutes.

Indeed, I had to shove my meeting back by about an hour. It is my understanding that the Prime Minister met in a perfunctory way with Assistant Secretary of State Dam and with Security Adviser Clark.

That was the extent of the treatment that visiting head of state received in June when he was seeking a dialog. I would like to think that a meeting with Senator PELL and myself—I understand he also met with Senator BAKER and a few other Senators in the Halls—I would like to feel that that is sufficient to make a visiting head of state feel that his mission was a success. Clearly, in diplomatic terms as to those accepted by the world, it is not, and in effect what this Nation did was to send Maurice Bishop back empty handed.

Mr. SYMMS. Would the Senator yield for a question?

Mr. WEICKER. I will yield for a question after I am through, Senator.

Mr. SYMMS. It is very pertinent to the point.

Mr. WEICKER. Good. We will get to your question in a minute.

Mr. SYMMS. Was Bishop elected?

Mr. WEICKER. Senator, I do not yield at this juncture. I will yield to your question. I will be glad to respond to your question after I am through.

Bishop went back empty handed. You do not go back empty handed as a Communist, which he professed to be. You do not go back empty handed if, indeed, what you are trying to do is to break out of that circle, that ring and put your hand out to a Western democracy. And probably it was at that moment in time that it was decided that Mr. Bishop was not good enough for Communist circles, and it was certainly determined that there was not going to be any rapprochement with the United States.

And so do I feel that his subsequent assassination and the invasion which emanated from that had its roots back in June of 1983? I certainly do. You want me to commend the President? I would commend the President if the President and the Secretary of State or the Vice President or somebody had sat down with Maurice Bishop in June. That would have been effective action. That would have started a dialog to get the Soviets out of this sphere and would have had that nation, and I might add, others, looking to the United States. But you refuse that dialog and we will repeat Grenada again and again and again in this hemisphere. And you cannot do it in terms of the context of the world today. It will not work. It will not work to deny every government we have a disagreement with the common protocol to talk. A little talk back in June of 1983 would have saved a lot of lives, both Grenadians and Americans and whoever else has lost their life on that island.

In my dialog with the Secretary of State the other day he turned to me

aghast saying, "But, Senator, you expect us to receive a head of state, a professed Marxist, Communist, one nation that has voted against us in the United Nations every time?" And I turned to him and I said, "Mr. Secretary, how do you like the regime that wanted to replace it?"

I am not going to commend this course of action to the people of this Nation because to do so surely will involve my children and their children in incessant wars. America does not compete in this area of the world. The Soviets have it to themselves because we believe that rhetoric is sufficient. It is not. The poverty, the misery, the disease, the ignorance is ghastly, and these people are going to get their help from wherever they can get it. If we are not around to give it to them, they are going to look to the Communist world, tens of thousands of miles away.

My friends in this country say, "Doesn't that mother who is getting that food from the Communist nation understand that she is giving up her liberties, her rights for her and her child?" She does not, She wants her child fed, the same as you would. If we are not going to do it, and we are not doing it, somebody else will, and it has not a damn thing to do with philosophy or their desire as to what they want to be. They want to be free but they want to live.

I do not mean to get into the broader aspects of obviously what has been a sharp disagreement between this Senator and two administrations, both the Carter administration and the Reagan administration. Let us keep it to the specifics of Grenada. That opportunity was clearly in our hands back in June, and it can be attested to. It is not a question of a secret meeting between myself and the Prime Minister. He met with other Senators on this floor.

There was a press conference, I might add, after the meeting, so it is in the written media and the electronic media as to what happened.

The specifics of what I agreed to with the Prime Minister were as follows: I was to host a luncheon of U.S. Senators. He was to return in October to try to continue this dialog—slightly impossible, I would say, under the circumstances right now—and, two, that I would make a trip to Grenada in December.

So when I hear in an offhand way, both within the President's speech and within the various dialogs which have been taking place in the Halls of the Capitol between the executive and the legislative branches what this was all about last June, as if it was something that could not be defined or pinned down with respect to relations between our two countries, that is a lot of nonsense.

Our Government thought it would stick it to Maurice Bishop, and it did, and he is dead today, and now we have an invasion today, and we have others dead. That is not a foreign policy. It might be an arms policy, but it is not a foreign policy, and it is time we had one. Otherwise, the tragedy of this event on constitutional terms—and never mind the terms in lives—in constitutional terms and legal terms and policy terms will be repeated over and over again.

So, no, I do not commend anybody for what occurred down there, either in terms of that specific action or those matters that led to it.

The valor of our own men who follow orders—yes, I will commend that.

Insofar as the appreciation of the Organization of Eastern Caribbean States and the states of Jamaica and Barbados are concerned, I have no doubt that they have a dedication to freedom and democratic government in the region.

On the other hand, rather than express our appreciation with some Senate resolution, might I add that if we think this is such a great organization, we ought to join it by treaty. We already belong to the Organization of American States and absolutely violated the terms of that treaty by what we did. I should not think we would want to pin ourselves down with any further formal associations, so maybe now we just do it by Senate resolution, rather than the normal constitutional process of treaty approval.

I have not had a chance to look at the amendment of the distinguished Senator from West Virginia, and my comments do not relate to that. But please, do not think we can flout the law this easily and then turn around and commend it, however the end seems to justify the means; because when the means go out the window in this country, then the whole spirit of the Nation does.

Our job is to preserve the laws and the Constitution of this Nation. I see nothing of that in the invasion of Grenada.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. WEICKER. I yield.

Mr. SYMMS. Is it not true that Bishop was an unelected leader of his country, put in by a military coup?

Mr. WEICKER. They are all over South America and Central America, and I do not want to get into their internal political affairs.

Mr. SYMMS. The Senator makes the point that he did see Judge Clark, who is very close to the President, and he did see the Deputy Secretary of State. It is hardly that he was snubbed by our Government.

I think the point the Senator is making is wishful thinking, to think that anything was going to happen in Grenada except a Soviet-Cuban takeover and make that country into an armed camp. Where has the Senator been? It is as though he were Rip Van Winkle and woke up 20 years later.

Mr. WEICKER. Senator, when were you in Cuba last?

Mr. SYMMS. 1979.

Mr. WEICKER. Fine, Senator. I was there in 1981 and 1983, and believe me, I know very well what is going on in that part of the world; and I know I cannot say anything or do anything about it by sitting on the shores of this country.

Senator, what you are advocating in the way of policy with Grenada succeeded in putting the Soviets right in the middle of our hemisphere. So I do not want to hear about the policies of Carter or Reagan vis-a-vis Central America or South America or the Caribbean. The Soviets are here. I want us contesting them in the ring, not be invading Grenada but by involving ourselves in the very matters which bring them here, and allow them to practice their policy.

Mr. SYMMS. What about the college students who were liberated and said thank God the Army and the Rangers rescued them? What about the people who are now——

Mr. WEICKER. What about the college students who said the situation did not demand an invasion? You and I can debate that, and we do not have the firsthand facts.

Mr. SYMMS. There is no way it can be differentiated from a situation in which they are taken hostage.

Mr. WEICKER. Under that basis, we just go marching into any country when we want to and forgo all our obligations under the Constitution and by treaty. I am sorry, but we have procedures in this country.

The President only becomes the Commander in Chief when we invoke our constitutional and legal processes. He is not the Commander in Chief until Congress says so. Whatever we do, we do it out there in the open, with full knowledge by Congress and the people of this country. We do not engage in secret invasions.

Mr. SYMMS. Mr. President, will the Senator yield so that I can read something to him from the CONGRESSIONAL RECORD?

Mr. WEICKER. Go right ahead.

Mr. SYMMS. On September 20, 1962, the Senate passed the Cuba resolution, Senate Joint Resolution 230. This same language was again passed on August 11, 1982. It was signed into law by President Kennedy on October 6, 1962. It was approved by President Reagan in 1982. The language of the 1962 Cuba resolution and also of the Symms Amendment of August 1982 says:

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

Thus the United States is determined to enforce the Monroe Doctrine, the Congress has passed this language overwhelmingly into law twice in 20 years. That has been approved by two Presidents, voted on by two separate Congresses by a very large vote. President Reagan was therefore totally within the law of this land to do what we did in Grenada.

I think the Senator is incorrect to say he is violating a law. I repeat, the Cuba and Symms resolution reads:

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

The Soviets are thus not to be allowed to build a military base in Cuba or in any Cuban controlled territory in the Western Hemisphere.

It is 40 miles from Venezuela to Grenada. What happens when ships with oil are trying to transport through that region?

Mr. WEICKER. Does such speculation, give us license to privateer all over the world? That is not the way I read my duties or the duties of this Government.

When I speak about Bishop being in this country, when I talk about Bishop seeking a dialog, I am not speculating. That is a matter of fact.

The matter of fact is that nobody had agreed to see him until he met with certain Senators and it was clearly established that he was having an opportunity to transmit his views and he was not going to be frozen out. Then some hurried-up appointments came to pass, and only for a brief period of time.

Several times now, signals have been sent by Mr. Castro that he would like to possibly change relationships between his nation and the United States. All that happens is that anybody who is so unfortunate as to be in the State Department and transmit those signals gets fired.

What I am saying to you, Senator, is that I prefer to resolve these matters by talk, if at all possible, rather than by invasion.

I fully understand the totalitarianism which we are up against, and I do not approve of totalitarianism from the left or from the right. That is not the heritage or the future of the United States of America.

In this particular action, I find nothing good insofar as our future is concerned—at least, not in terms of making precedent of our commendation.

Vote for this? If we vote for this, we are going to have a dickens of a time around here insofar as the United States vis-a-vis any nation in the world.

I can see my friends on the more conservative side howling, as indeed I had to put up with during my last campaign, about WEICKER being a pinko and a Communist and all the rest of that business because I advocate a dialog with Cuba. I advocate a dialog because I want the Soviets out of our hemisphere.

Then, what was the statement? That there are those who think passivity is the response to Cuba. I do not think passivity is the answer. I think involvement is, in education, in nutrition, in medicine—all these things in this part of our world, which during Republican and Democratic administrations alike have not come to pass.

I will be pleased to have the Senator from Idaho vote for these kinds of funds to wipe out the root causes that permit communism to come into our hemisphere because I know of his magnificent record insofar as this aspect of foreign aid is concerned.

But I will tell the Senator what is expensive. What is expensive is armed intervention, not just in terms of the lives lost today but those that will be lost. And I might add does it not cause some wonder on the Senator's part? Here we have the Soviet Union, which is a total geographic aberration, an economic aberration, an historical aberration, a political aberration, in our midst, and they are here, and here we are the closest neighbor and for some reason or another we are getting beaten in our own backyard.

I suggest to the Senator that this is not just Mr. Reagan's policy, this is historical policy for quite a few decades now. And whatever that policy is, get rid of it. Get rid of it.

Mr. SYMMS. Mr. President, I say to the Senator that I wish to think that our foreign policy is in favor of some of the virtues that made this country good, like private property human liberty and freedom, free enterprise, and freedom of religion. From what I saw in Cuba they are not producing enough in Cuba to get by without foreign aid from the Soviet Union. Prior to the Soviets——

Mr. WEICKER. Mr. President, the Senator wishes the world to adopt, in other words, what he believes in. It is not going to happen.

Mr. SYMMS. I wish to see the Monroe Doctrine enforced so that people of this hemisphere have an opportunity to be free and not have to live in slave camps.

Mr. WEICKER. That is exactly what they lived in in Cuba during Mr. Batista's regime. I will tell the Senator I was not an admirer of the Batista regime. As far as rightwing regime or Communist regime, who needs either?

Mr. SYMMS. Compared to what?

Mr. WEICKER. Where does the United States fall?

Mr. SYMMS. The Senator is asking the wrong question. Compared to what? I do not admire Batista's regime either. Compared to what? Batista's regime was just as bad as Castro's, but at least under Batista there was some chance to restore democracy and freedom under a constitution.

Mr. WEICKER. The Senator wishes one comparison. Under Batista there was overwhelming illiteracy in Cuba. Now there is 96-percent literacy under Castro. The Senator wishes to look at a comparison. Let us get into this. Compared to the United States, I would not want to live in Cuba either.

Mr. SYMMS. How about productivity?

Mr. WEICKER. If the Senator wishes to talk about health care, if he wishes to talk about the basics of life, if he wishes to talk nutrition or housing, a comparison can be made—not to the United States, admittedly not compared to the United States, but compared to other countries in an area of the world where no one has anything.

Mr. SYMMS. Cuba receives nearly $2 billion a year in foreign aid from the Soviet Union, a European power.

Mr. WEICKER. We are talking about basics. It is going to cost money. I would rather we spend that money and make that effort in the cause of peace. We have not done it.

Again, I repeat, this is not only the Reagan administration. It is administration after administration that neglected our own backyard, our own friends to the south.

Even if I did think a proper response to get out there and start invading, we do not have enought troops, and neither do we have the absence of principle to believe that that is the way democracy is going to succeed.

Democracy is going to succeed in this world because people believe in it and it does offer the best way and the best hope for the decent life. Does the Senator think that all came to pass on the shores of Grenada? Does he realize what we have undone?

When I voted on the Panama Canal Treaty I called the Panama Canal Treaty the great technological achievement of its time. It had the world admiring the United States of America. I said this treaty, turning the canal back to Panama, is the great psychological achievement, the great achievement of principle for the United States of this time, in the sense it was the biggest kid on the block, a large nation, treating as an equal the

smallest, and for the first time the United States was starting to be believed.

We have gone back 100 years by what we did in Grenada. I do not care if we won the island of Grenada. Realize what we lost in the minds of the people.

Do not tell me what Castro is doing. Who wants to compare himself with Castro or Brezhnev or anyone else?

We are something better. And this is not better.

I normally agree with my good friend, the Senator from Tennessee, but when the commendations come in this Chamber, they better mean something. Not this time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Byrd amendment to the Baker amendment.

Mr. DOLE. Mr. President, what is the underlying measure? Are we still on the debt ceiling?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I thank the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, with all deference and respect to my friend, the chairman of the Finance Committee, "We ain't been on the debt limit for some time." We have been on everything under the Sun except for the debt limit for some time, and I suspected that might happen. I may even be guilty of encouraging that because for months now I have been telling Senators if they do not put their amendments on this bill or that, there will be something else down the pike. It looks as if we are down the pike, and this is it.

I would not even presume to say what this bill will look like if and when it passes the Senate. It may even be that one of these days we are going to have to take a look at this bill and decide whether or not we dealt with the debt limit or an arrangement and series of statements on our personal passions and concerns. Perhaps we should get on with the business at hand as implied in the remarks of the distinguished chairman of the Finance Committee.

I do know that we have dealt with a great number of other things. I also know, Mr. President, that I had not thought the question of Grenada or Lebanon would or should come up on a debt limit bill. I had not thought so. Frankly, I had hoped it would not, but it did. It came up in the context of a war powers amendment, the war powers amendment offered by the distinguished Senator from Colorado (Mr. HART) as modified on the suggestion of the distinguished Senator from Illinois (Mr. PERCY). It enjoyed wide support in this Chamber. But the issue was whether or not the War Powers Act should be invoked, alluded to, or referenced in some way in connection with the consideration of the debt limit.

Mr. President, I want to tell you and I want to tell my colleagues in the Senate that once that happened, once there was an expression of sentiment by the Senate that the War Powers Act should be referenced, that the War Powers Act should be actuated on this debt limit bill, it seemed patently unfair to me and inequitable to stop at that point without some further expression by the Senate on what we thought of the underlying matters that were dealt with that War Powers Resolution on Grenada.

Some people fear controversy, Mr. President. Some people thrive on it. I do both.

Sometimes the Senate should avoid controversy, and from time to time I do a fair amount of work at trying to avoid controversy, but at other times the Senate should face controversy and to state clearly and succintly what they think about the issues that are facing this Nation. This is such a time. I have no fear of it and I will not try to avoid it because the issue is topical and important to the people of this Nation because they are concerned, as I am concerned, about the policies of this country. A statement by this Senate on what we think about what the President did is important today in the context of the future policy of this Nation.

Mr. President, I want to say that I applaud the President for what he did because I believe it was in the manifest best interest of this country and its security for years to come.

I am a lawyer, or I used to be. Maybe after 17 years in the Senate I have recovered and maybe not. But Oliver Wendell Holmes once said of lawyers they spend their entire career shoveling smoke, and I know what he meant.

We can deal in legalisms, technicalities, treaty arrangements, laws, statutes, acts, and resolutions until we are blue in the face, but the fundamental inherent importance of Congress and the Senate is in public forum to express the full range of the desires and demands, and dissent of the people of this Nation on issues of relevance and importance to the time. I cannot think of anything more important than dealing with an expression by this body of approval or disapproval of what the President of the United States did in Grenada, and therefore I introduced this resolution.

Mr. President, it is time to vote. It is time for the Senate to stand up and not fear controversy. It is time to precipitate controversy and decide which way we are going to cast our lot. It is time in my view to lay aside technicalities and consider this question from the beginning, and the beginning was a long time ago. The beginning was a Communist regime in Cuba and the ending is not yet in sight.

The beginning was a regime there that was nurtured and grew under the overt auspices of the Soviet Union, a country that was a willing surrogate for the Soviet Union in distant places where the presence of those troops could have no relevance to the foreign policy of the nation of Cuba—in Africa, on the Arabian Peninsula, in Central America, and goodness knows where else. In my view, Mr. President, it began a long time ago, this business of Cuba's surrogate service to the Soviet Union in their efforts to export mischief to other parts of the world.

Mr. President, I recall so clearly the time when there were American hostages in Iran. I recall so vividly the agony, the wrenching turmoil, that took over this country as we watched day after day the celebration of the humiliation of America by crowds in the streets of Tehran and the seeming ineffectuality of America to do anything about it.

I recall, Mr. President, other times when America has appeared to be reluctant and confused and uncertain about our role and resolve not only throughout the world but even in this hemisphere, in our own backyard.

Mr. President, I for one welcome this statement by the President of the United States who is saying that no longer will we turn our back on the activities and the efforts of a nation in this hemisphere to export trouble, destabilization and mischief to other nations in the region. That became particularly important when American lives were at risk, when there was the manifest danger of a repetition of that hostage crisis, when it was clear that there were construction activities underway on that island that could have no relevance to any logical economic activity or social undertaking by that country, and when the stated leader of that country was assassinated. Perhaps as the Senator from Connecticut points out, and I think correctly, because he came to the United States, and was then suspected. Maybe that is so, and I am not prepared to dispute it or to assert it but maybe that is so. But when he was assassinated, Mr. President, it could mean nothing except more trouble, more mischief, and a greater degree of instability in this region or in that tiny troubled country, which had no effective government at all according to its national peers in the eastern Caribbean.

So, Mr. President, it finally gets down to the question of whether you are going to wait until it is too late or whether you are going to protect American citizens in time? Are you going to prevent the implementation of the apparent plans of Soviet surro-

gates through Cuban sponsors in that tiny country to become another problem for American citizens and American security? I commend the President, Mr. President. I believe he acted wisely and well.

Let me say a word, if I may, about the amendment of the distinguished Senator from West Virginia, the minority leader. Of course he is perfectly entitled to offer a second-degree amendment, as he has done, and I believe we should vote on it. But I think we ought to set the stage. We are talking about two things that are very similar but very different. The first is whether or not we are going to commend the President for resolute and determined action to protect this Nation, our citizens and our future, to commend the bravery and valor of American servicemen and women who undertook it, and to commend Jamaica, Barbados, and nations of the Eastern Caribbean States.

The second is whether we are going to conduct a court of inquiry on the conduct and professionalism of American Marines in Lebanon. Mr. President, I am a Senator who opposed the sending of troops to Lebanon in the first instance. I tried to make my point as clearly as I could to the President of the United States on my first encounter with the idea that there should be a multinational peacekeeping force and America should contribute a substantial part of its manpower. I did so at the White House, in the Cabinet room, in the presence of my colleagues who are the Republican leaders of the House and Senate and I did so as clearly, directly and succinctly as I could.

I repeated that concern, Mr. President, to the public that day outside the White House and later on other opportunities. Throughout that time, however, I knew something very important and that was you cannot have but one President at a time, and this President of the United States chose to participate in that multinational peacekeeping force with the American marines, and I support him, not gladly but I support him. That is the decision of my Government, that is our policy in Lebanon, and I am not about to engage in a public debate on the propriety of that while they are indeed deployed there.

Mr. President, I certainly am not prepared to engage in a public inquiry on the floor of the Senate of the United States on the performance, the culpability or the appropriateness of security measures that were taken in respect to those marines. That will be looked into, that should be looked into. But I am not prepared to do that today because they are there as they should be there under these circumstances.

Mr. President, finally, the second degree amendment proposes:

(2) vigorously pursue, in coordination with our allies in the Multinational Peacekeeping Force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence.

I do not mean to overpersonalize this presentation, but perhaps I should say that after we passed our War Powers Resolution—by the way, I said in New York at a seminar in honor of our colleague and former Senator Jack Javits, one of these days we are going to have to get the War Powers Act in shape so the first order of business is not necessarily the negotiation of a treaty between the White House and the Senate—after we passed that War Powers Resolution, I dispatched a private letter to the President of the United States. I did not release it to the press nor have I until this day, but in that letter I said that I voted for the War Powers Resolution because I support the decision of the President because he is President. I said that while I had grave reservations about it, I felt it was my responsibility and duty to move forward in that resolution in a form acceptable to the White House and to the President particularly since our men were there and in danger. Finally, I said Mr. President, I urge you to pursue actively and diligently every avenue for removing those troops from Lebanon and the Middle East and substituting another force.

Perhaps it will be a United Nations force, I do not know. Perhaps it will be an enlargement of the multinational force, I do not know. But what I do know, Mr. President, is I am not prepared to say that in a court of inquiry on the performance of American marines in Lebanon.

Mr. President, Senators will differ in their opinions and views, and the debate may go on for a while, and I welcome that. But what it finally boils down to is that it is appropriate, it is desirable, it is essential that we now line up and be counted on where we stand in respect to the actions of the President in Grenada—and I am for him—and on whether or not we should now conduct a court of inquiry on the conduct of the marines in Lebanon, and I am against it.

I have long since had indelibly impressed on my mind something my father told me years ago when we were trying a lawsuit together and I tried hard to settle that lawsuit. He said, "Son, you should remember that you can negotiate forever, but a jury will finally decide."

And so it is in the Senate. We will finally decide that by the rollcall vote. But, more important, Mr. President, the Nation is watching us and as we line up to be counted, they are, too. They will watch what we do today. I believe we are right.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I think the Senator from Tennessee is correct. We should line up and be counted because the American people are lining up to do some counting themselves.

I further would suggest the President of the United States set the context for the debate we should be having on the floor today last night with his brilliant speech. He said that Lebanon and Grenada are out of the same apple; Lebanon and Grenada are indelibly written on the same tablet; Lebanon and Grenada are the same issue.

And I think that the President may be right. I, for one, said when the President dispatched the troops to Grenada and we were informed, that I thought he might be right. I wanted to see more facts.

I came out of the Intelligence Committee today and I have subsequently held several press conferences to say that on the basis of the information made available to us, assuming that information is correct the President is absolutely right. And given that information, if I had to advise the President I would have done the same thing with regard to Grenada.

Now, I start to get confused, though, by the rationale offered by the distinguished majority leader. The majority leader says that this is an inquiry. And he is extremely deft and extremely articulate and extremely wise in the way he cast the argument. He implies that the Senator from West Virginia wants, with this amendment, a board of inquiry on the conduct of the marines.

We are not talking about the conduct of the marines. We are talking about the conduct of American foreign policy. And the conduct of American foreign policy is whether or not the President last night was totally right or partially right. Did the President of the United States last night, when he said that these are tied together, did he state the case in terms of American foreign policy the way in which we want to line up and be counted? Are we all prepared to line up and be counted?

Mr. BAKER. Will the Senator yield to me?

Mr. BIDEN. Yes.

Mr. BAKER. I do not make a policy of interrupting a Senator's speech.

Mr. BIDEN. You can always interrupt me.

Mr. BAKER. I thank the Senator.

But the point that came to mind in reading the second-degree amendment of the distinguished minority leader was this.

Since the United States Marine contingency of the multinational peacekeeping force was, and continues to be, deployed in ex-

posed positions in and around the Beirut airport, that Marines occupying sentry positions reportedly were not allowed to carry loaded weapons; and the security for the Marines was obviously inadequate.

And so forth. That is what I had in mind.

Mr. BIDEN. Well, I would argue that is a policy decision, not a Marine decision. It seems to me that the fact of the matter is that that decision whether or not they should have clips in their guns was not something that, given all other considerations, any marine general, colonel, or captain would make. I assume that was a political decision that was made. I assume political decisions are made from the highest councils of Government and I assume that means that it emanated someplace in the administration.

So to the extent there is any inquiry implicit in the resolution, it certainly is not of the conduct of the marines. I cannot imagine that any marine I have ever known would say, "I don't want to carry a gun with bullets in it. I would rather have the bullets in my pocket." I cannot imagine any marine general saying, given the option of whether or not you are allowed to have bullets in your carbine or you are allowed to have them in your pocket, he would say, "I would rather my folks have it in their pockets."

Clearly, this has no reflection upon the marines and their conduct. It is a discussion of the policy.

I would also like to suggest that the distinguished majority leader said that one of the reasons why he refused to act on the question or does not think it appropriate for us to act on the question, even though he disagrees with the deployment of the marines, we should not be questioning the President's decision now, we only have one President, et cetera, he says that there is another reason why he did not want to do it: These men are in danger.

Well, is there anybody in danger in Grenada now, or is it all totally over? No marines in Grenada?

I think there are a few red herrings that keep getting thrown around.

I am prepared, as one Senator, to say the President of the United States, on balance, made a tough but apparently correct decision with regard to Grenada, assuming our information is accurate. We were going to be hurt in Europe—and I do not care what the Europeans think about us, but I do care about making sure we are able to deploy those Pershing missiles, because if we do not deploy those Pershing missiles NATO is going to be hurt as a unit and that is going to hurt the United States. So it is to that extent I care about what the Europeans think. That is going to hurt us some there.

The President can rectify that very rapidly, in my humble view, by moving very rapidly, once order is restored in Grenada, however long a time that takes, and once the beginnings of a constitutional government is put in place, pull out. That can diminish significantly the negative impact of what I now believe on the basis of the currently available evidence was a necessary action taken by the President.

Giving the opposition, not in American political terms but the opposition in geopolitical terms, a propaganda advantage for the time being, that can be negated. If not negated, it can be greatly diminished.

But the point that I think is essential here is that if one criticizes the minority leader's initiative on the ground that the American people are watching and they want to see how we are counted on Grenada, I respectfully suggest they are wondering how we are going to be counted on the placement of, and the continued presence of marines in Lebanon. I respectfully suggest that the fact that over 200 marines are dead—and I will say again what I said when this debate was going on about the 18-month extension and then we only had four dead. I said on the floor, "As sure as I am standing here, there are four dead now and before next month there will be four more and God knows how many until it is 400 or 800 dead. There is no way to protect those marines."

Now, I would think there is a logical reason, and reasonable men and women can argue that they should stay there. I can understand that. I do not denigrate anyone's motive for having them stay. I do not denigrate any individual who votes to keep them there. But I would suggest if people are waiting for us to be counted in Grenada, they sure, in God's name, are waiting for us to be counted in Lebanon, since the President of the United States of America—not Senator JOE BIDEN from Delaware, not Senator ROBERT C. BYRD from West Virginia, not Senator HOWARD BAKER from Tennessee—the President of the United States of America last night in his opening statement—and I am paraphrasing because I do not remember the precise quote—said the two are tied together, Grenada and Lebanon.

I found that a startling statement at first, but now I understand.

So if the President ties them together, why does it not make sense for the U.S. Senate to tie them together? Maybe we should—and far be it for me to suggest to the minority leader how to proceed—but it is possible you could turn around and say, "All right, we have separate accountings on that."

But it seems logical, since the President tied them together, that we should tie them together, because it relates to the matrix of this administration's foreign policy. Does it have a foreign policy? What is the foreign policy?

Last night, the President of the United States—God bless him—said, "Look, we are in Lebanon to protect the Israelis." The first time, I say to Senator MOYNIHAN, I have ever heard that; the first time I have ever heard that the Israelis needed us in Lebanon to protect them. I am unaware of anything like that.

This is the same administration that told the Israelis at the time they moved in, to get out and get out quickly. This is the same administration that, when, in fact, they pulled back from the Chouf, said, "We didn't want you to pull back from the Chouf, but since you pulled back, pull all the way out. Don't stop at the Chouf, stop at the Israeli border. Keep on going."

Can you imagine what state we would be in now if they had kept on going? Now the administration turns around and says we are there to protect the Israelis.

The President of the United States of America further said last night that one of the reasons we are there is because of the Gemayel government.

Then he went on to say one of the reasons we are there is because there is a need for a government of national reconciliation, which his own administration officials have told us in the Foreign Relations Committee and in the Intelligence Committee at a minimum must encompass a sufficient broadening of the Gemayel government. What is he asking for? Are we going to broaden Gemayal, change the Gemayel government, protect the Israelis? Are we there for all of them?

I would characterize that as a policy that, at best, has a multiple rationale.

To paraphrase, the distinguished Senator from Tennessee quoted his daddy who was a lawyer and a significant lawyer, as is the Senator from Tennessee, and a much better lawyer than I ever was. I was a lawyer also, and I was taught that what you do in law school is, you always argue in the alternative. That is fine when you are in fact arguing a legal case. But I would respectfully suggest that it is not the way to conduct foreign policy that we are asked to expect the rest of the world to understand, that we ask the rest of the world to rely on, and, not insignificantly, that we ask the American people to rely on.

I have probably taken a little too long, Mr. President, I have not taken too long. Actually, I could take a lot longer to examine this policy. But the central question we have here before us is whether or not people like JOE BIDEN are ready, given current intelligence information, to sign on to the President's action in Grenada, conditioned only upon his assertion that he does not plan on staying there beyond the restoration of peace, law and order, and a constitutional government, and I believe he means that.

Then I sign on. Now the question is, Do we sign on to the rest? The President said they are inextricably tied together, assuming our information is correct. I am prepared to sign on to the first half, and I am prepared to give the President all the credit he deserves. He deserves it because, let me tell you something, it must have been a tough, tough decision. It is not an easy one for a President to say, "I am going to commit Americans, some of whom are bound to die," and take the retribution that is bound to come from the rest of the world. I have never heard our allies compliment anything we have done. So it took some courage to do it.

Now I think we have to muster a little courage in this body and decide whether or not we are ready to sign on to the other elements of that foreign policy decision as characterized by the President. Are we willing to sign on to both ends? I am prepared to say to the President, "Mr. President, God bless you, you have made the right decision on Grenada, but, Mr. President, I respectfully suggest you made the wrong decision, or at least I am unclear as to what the rationale for your decision is, on the second part."

So I would hope that we, in fact, adopt the amendment, or at least vote on the amendment. We do not have to adopt it. If we vote on it and it goes down, and I am going to vote for it, fine, we have been counted. As the Senator from Tennessee said, everybody else in America is waiting in line to be counted. Well, they will know how to count, too. That is one part.

If it goes down, I am prepared to vote on the second part. But to suggest it is somehow inappropriate to tie the two together after the President of the United States of America went on television last night in a brilliant exposition of his position for the American people and tied them together seems to me to be a little inconsistent. They either "are" or they "are not." The President is either right or he is wrong on tying them together. I am prepared to accept he is right on tying them together, I am prepared to accept he is right on Grenada, and I am prepared to stand on this floor and argue why I believe he is wrong in Lebanon. I yield the floor.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, as I understand, the pending business before the Senate is on the second amendment offered by the distinguished minority leader. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILSON. I wonder if my friend from West Virginia would answer a question. In the amendment, one of the clauses reads that marines occupying sentry positions reportedly were not allowed to carry loaded weapons.

Will the Senator supply for us the precise nature of those reports, what their accuracy and authenticity is?

Mr. BYRD. Mr. President, when I said reportedly, I meant just that. If the Senator asking the question has been reading the printed media lately, and I confess I am not able to read it all, he would have read the same thing. I am very sure that I can find the article from which that comes. It was in the newspapers. Senator LONG, the ranking member of the committee, also read it. There are others who read it. I would hope that the Senator would not press me too hard on this because I think every Member of the Senate, other than perhaps the Senator who has asked the question, has likewise read it. I am talking about Members on both sides.

Mr. WILSON. I will not press the Senator too hard. What I think we should do is be concerned with the accuracy and authenticity. Let me just say this to the Senator.

Mr. BYRD. Mr. President, the Senator said he wanted to ask me some questions.

Mr. WILSON. I thought I asked if the Senator would yield for a question.

The PRESIDING OFFICER. The Senator from California has the floor. The Chair did not hear the minority leader yield to answer that question.

Mr. BYRD. The Senator has the floor and I understood he had questions, not just one question.

Mr. WILSON. That is true. The second question really relates overall to the concern which has been evidenced about the compound, about the adequacy of security. I can say to the Senator that having been once privileged to wear the uniform of the U.S. Marines, I yield to no one in sharing the Senator's concern for the adequacy of their security insofar as that almost contradictory position is possible.

Is the Senator aware that the Commandant of the Marine Corps will shortly be returning, if he has not already, from a visit to Lebanon, and is going to make a report that will undoubtedly help us in a far fuller investigation into the adequacy of the precise measures that were taken, or perhaps not taken, than any information that can be gained in vague reports which we are unable to certify as being adequate or authentic? I would ask the Senator if, that being the case, he does not think we would be wise, as the Senator from Tennessee has suggested, to first await that report. I will tell the Senator that I feel that, indeed, if I am not satisfied with what the report shows, I would not hesitate to make a request of the Secretary of the Navy that a board of inquiry be convened. It seems to me, and I would ask the Senator if he does not agree, that we are being premature.

Mr. BYRD. Mr. President, let me answer the first question. I now read an excerpt from the October 28 Philadelphia Inquirer which is entitled "Marines: Compound Was Vulnerable."

Then this excerpt from the same story:

> As reported Monday, the sentry at the booth was unable to get off a shot at the truck because of the time it took him to insert a magazine in his M-16 rifle. The Marines in Beirut are not allowed to carry loaded weapons.

So much for that question.

As to the statement by the Commandant of the Marine Corps during his visit there, I must say that I was shocked and stunned. I found myself in utter disbelief that the Marine Commandant Gen. Paul X. Kelley, "said here today in Beirut"—on October 25—that he was 'totally satisfied' with security procedures in effect before Sunday's terrorist bombing that has left at least 216 marines and other U.S. servicemen dead."

Mr. President, it should be obvious to any man or woman, boy or girl, in this country that the security procedures in effect before Sunday's terrorist bombing were not such as would totally satisfy anyone who wishes to look a fact in the eye. I think the events speak for themselves. When a sentry is not allowed to put the bullets in his gun, that does not, in my viewpoint, constitute adequate protection, nor could the Commandant really have been totally satisfied with the security procedures in effect before the tragedy occurred. If the security procedures were so adequate, why are new procedures now being recommended?

The President said time and time again that our troops were adequately protected. Before Sunday, he said that. He said they are not there to fight a war, but they will defend themselves. Of course, there is no defense against what happened when sentries are not allowed to load their weapons.

That is what I have reference to. I shall have more to say a little later about the Marine Commandant's statement. I say that in response to the question that has been asked.

Mr. WILSON. I expect I shall have more to say as well, Mr. President. My point is that I think we should await a formal report of the Commandant rather than relying upon newspaper reports.

Mr. SYMMS. Will the Senator yield without losing his right to the floor?

Mr. WILSON. Reserving my right to the floor, I yield to the Senator from Idaho for a question.

Mr. SYMMS. I thank the Senator.

I say to the distinguished minority leader that those reports are troublesome to all of us. However, in a brief-

ing with Marine Corps General Trainor, I was told privately that the marine sentries in Beirut did have loaded weapons and some of the marines being reported in the press were not actually on duty. I think this Chamber might do well to wait until Monday, when General Kelley testifies before the Committee on Armed Services to clarify that point.

I think there is some question as to the authenticity and the accuracy of those reports—whether that marine who was reaching for his magazine was actually a sentry on duty or not—I was told one was actually a forward air controller who was not on duty but happened to be in the area, and the actual sentry did have a loaded weapon and did fire on the truck.

I thank the Senator.

Mr. WILSON. Mr. President, I reclaim the floor. I thank the Senator from Idaho.

I think he makes a good point. Until such time as we have the formal report, we would do well not to rely upon newspaper accounts which may or may not be accurate. I shall simply say that if I am not satisfied, then I shall have grave concern as to the adequacy of the security that obtained at the Marine command post and whether the marines were adequate in Lebanon; then I shall be the first to suggest that an inquiry should be made into the matter of security.

Let me ask the Senator——

Mr. RIEGLE. Would the Senator be willing to yield for a question before he leaves this point?

Mr. BYRD. Let the Senator continue with his question, Mr. President.

Mr. WILSON. I am referring to the paragraph under the sense-of-the-Senate clause in which the amendment speaks to the transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence.

Do I infer from that, I ask the minority leader, that he approves of a peacekeeping presence and thinks that is the mission, the proper mission, of the marines in Lebanon?

Mr. BYRD. Mr. President, responding to the earlier inquiry, let me also say this: The Senator says we ought to wait until Monday——

Mr. WILSON. Until Monday.

Mr. BYRD [continuing]. Before we come down hard on the question of whether or not the sentry's gun was loaded.

Let me say to the distinguished Senator that up to this moment, I have not criticized the President of the United States for going into Grenada and I may, when the facts are all in, find myself supporting the President on his action. But let us also wait until another day before reaching the judgment called for by the majority leader's underlying amendment. I want to wait until I know more facts about the Grenada situation, until we get more facts. I think it is premature today to commend the President on that action. But I have not criticized him. The only thing I have had to say about Grenada is simply that the War Powers Act—sections 4(a)(1) and 5(b)—was triggered by the event.

I have not criticized the President for going into Grenada, but I propose we wait until Monday, or Tuesday, or Wednesday, or a future date before reaching a final judgment on that, because I think the jury is not in yet on that matter, either.

Now, the Senator's question, his last question. Would he repeat it?

Mr. WILSON. Yes, Mr. President, I only want to say that I think that is the Senator's privilege, but, as Senator BIDEN, I think as events have unfolded, they make clear the wisdom as well as the courage of the President in acting decisively in Grenada.

Mr. BYRD. Let me say this in further answer to the Senator. He was not here, I do not believe, when the hostages were taken in Iran. Am I correct?

Mr. WILSON. That is correct.

Mr. BYRD. All right. He, perhaps, had not heard my own criticism of my own President in that situation.

Mr. WILSON. I have no quarrel with his criticism of President Carter.

Mr. BYRD. Perhaps the Senator has not been around to hear me say, when I was majority leader, that "I am not the President's man." I was not Mr. Carter's man, and I am not Mr. Reagan's man. I often defended President Nixon in the Vietnam war, but I was preparing myself for the day when the impeachment trial would be held in this body. But I was saying early on to Members on the Republican side, "Go slow, go slow in reaching a judgment on Mr. Nixon. Let us wait until the facts are in."

I am going to be little slow in reaching my final judgment on whether or not the President was right or wrong in sending marines and sailors, and army personnel into Grenada.

I am a Senate man. When I was majority leader, that is what I said, "I am a Senate man." I do not wear the collar of any President, whether he be Democratic or Republican. If my own mind is not in accord with his, I do not care whether it is a Democratic President or a Republican President, I am just not going to follow willy-nilly any President. So, at times, I have parted company with Presidents from my own party.

So I shall choose my own moment in which to say whether or not I commend the President for his so-called "swift and effective action."

That moment may be soon or it may not be. I am going to withhold judgment on that.

I just do not think that the Senate ought to reach what may be a premature judgment, on commending the President. Commending the professional valor of the U.S. Forces; yes. Yes; I agree with that part. If and when we reach a point of voting on the majority leader's amendment, we will have a division on the amendment. We will vote on each divisible part separately. But if we reach that point, I shall vote against that first sentence today. I am doing so because I think it is just premature. I may finally wind up where the able Senator from Delaware is at a future time.

Now, does the Senator have another question?

Mr. WILSON. Yes; I do. I will be happy to repeat the question. And I am sure that not only the Senator from West Virginia but every man and woman who has been honored by his State election to this floor has achieved by persuading them that they were no one's man or woman but their own.

The question is, to quote from the second paragraph of the Senator's amendment, the portion that reads, "To facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence," does that language——

Mr. BYRD. That is not the second paragraph.

Mr. WILSON. The second paragraph under the sense-of-the-Senate clause.

Mr. BYRD. I beg the Senator's pardon. I see.

Mr. WILSON. On page 2—I will read it again.

Mr. BYRD. Yes.

Mr. WILSON. "To facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence," does that language, or may I infer from that language that it is the intention of the Senator to state that a peacekeeping presence is the proper role of the multinational force?

Mr. BYRD. Mr. President, the Senator uses an old trick around here by pulling out pieces of sentences. May I say to the Senator that I have been questioned time and time again by the experts around here, and as a member of the Judiciary Committee I am not too bad a prosecutor myself. The Senator does not read the paragraph in its entirety:

> It is the sense of the Senate that the President should vigorously pursue, in coordination with our allies in the multinational peacekeeping force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a U.N. peacekeeping presence, or to other forces from neutral countries, in order to hasten the withdrawal of U.S. ground forces.

Mr. WILSON. That is correct.

Mr. BYRD. Our own forces are not perceived as neutral. And they are not neutral. So if the Senator will read the

whole sentence, he will see that I am suggesting that we get our boys out as soon as a truly neutral force can be established, and in coordination with others in the MNF.

Mr. WILSON. I am satisfied with the Senator's reading of it. My question is whether or not that language indicates that it is his intention to state or to imply that a peacekeeping presence is the proper role?

Mr. BYRD. Well, the President has so stated a number of times.

Mr. WILSON. My question is, is that the Senator's intention?

Mr. BYRD. The Commander in Chief has said that our troops are there on a peacekeeping mission, or he has at one time or another said that and then it shifts from day to day apparently. Now they are there, I hear, to impede the spread of communism. I may be pretty strong on that also.

Mr. WILSON. Let me ask a second question of the Senator.

Mr. BYRD. The paragraph speaks for itself.

Mr. WILSON. Let me ask a second question. The suggestion that is made in the language that the Senator has quoted in paragraph 2 under the sense-of-the-Senate clause says there should be a transfer of that peacekeeping responsibilty to a U.N. peacekeeping presence. Is the Senator in agreement with the statement that a U.N. peacekeeping force presumably had that role, in fact not presumably but which did in fact have that role was so notably unsuccessful in the 4 years preceding the Israeli incursion that the PLO was allowed free run of southern Lebanon and permitted to use it extensively as a base for terrorism against northern Israel to the point where it became so intolerable that the Israelis did, indeed, invade to clear southern Lebanon of those PLO terrorists? Does the Senator agree with that? Is that not a fair statement of history?

Mr. BYRD. The U.N. has a force in Lebanon and I think that that force—and I am in no position to pretend that I should determine the strategy over there—but there is a U.N. peacekeeping force in Lebanon now. What I am saying is that the responsibilities now being borne by our Marines should be turned over to a neutral force. It could be a U.N. force. The force that is there could become more visible around Beirut. The U.N. could put in additional people. And if the Soviet Union wants to veto the use of additional U.N. forces, let the Soviet Union bear the burden.

Does the distinguished Senator have any further questions? He has asked legitimate questions.

Mr. WILSON. I do not want to take more time. I thank the Senator for his kindness and his courtesy in responding to my questions.

Mr. President, I would simply make some observations.

I think it is imperative that not just the Senate but all Americans be assured the utmost of security precautions are being taken to safeguard the lives of American fighting men anywhere. I think we would be wise to be fair. I think that we would be wise to await the results of an accurate, formal inquiry. I will assure the Senator that I will insist upon one, and that if not satisfied with initial reports will, I repeat, join those who may seek a formal board of inquiry.

But I would have to say that I think the suggestion made in paragraph 2 for the transferral of the peacekeeping responsibility to a U.N. peacekeeping presence indulges in a certain amount of wishful thinking because, indeed, it was a U.N. force that proved so dismally inadequate in its assigned role of keeping the peace or even policing southern Lebanon that it did, indeed, make inevitable the Israeli incursion that occurred last year. And what we are faced with I think is the necessity to come to grips with a circumstance that has changed from the time that the multinational force went to Lebanon in that peacekeeping assignment. The fact of life is the Syrians have reneged on their agreement to withdraw and we are faced with a de facto partition of Lebanon. I think, with all due respect and honoring the very good intentions, the obvious deep and genuine concern of the minority leader, this amendment does not suggest what that role should be in light of that altered circumstance. He speaks of transferring a peacekeeping presence to U.N. forces or to the forces of other neutral countries. It may very well be, Mr. President, that we should be speaking with allies like those in the State of Israel who will not be viewed as neutral but who may actually have the most relevant, the most clear ability to influence efforts in neighboring Lebanon. It is clear that if we were to withdraw what has been a peacekeeping presence now that we find circumstances altered from what they were when that force was put ashore, the clear result would be the total occupation of Lebanon either by Syrians or their clients to the clear detriment of the State of Israel, which would be a bitter irony, indeed.

I hope this amendment is not intended to imply that we should abandon our responsibility or turn away from facing that clear reality. I am sure that is not the intention of the distinguished minority leader. Yet, there is a suggestion, frankly, that somehow what we have been doing there is inadequate.

I think we have an obligation, if we are going to try to conduct foreign policy, to do so more precisely.

Mr. President, I ask that the Senate consider this amendment, which, however well inspired, seems to me has little to do with the majority leader's amendment, which I think is entirely in order and germane to the proceedings.

I thank the Senator.

Mr. RIEGLE. Mr. President, will the Senator yield for a question?

Mr. WILSON. I am delighted to yield.

Mr. RIEGLE. I thank the Senator for yielding.

I notice that you are prefacing the question in this way. You said you thought we ought to wait until Monday, until we had more information coming back from the field, and so forth. I think there is always a problem of whether we have enough information; but if that is a concern, I wonder why that same concern does not apply as well to Grenada.

In that instance, as the Senator knows, there has been very tight censorship. We have almost no free flow of information to the press. The press that managed to get there were put under house arrest by our military.

It seems to me that if we should have complete information in the case of Lebanon, or more complete information, why does not the same argument apply to Grenada? That is a newer incident. We have had no impartial information on that situation. Why are we not as well advised to wait on that matter, until there is more complete information available to us to make a judgment?

Mr. WILSON. I say to the Senator that I would welcome all the additional, unfolding information with respect to Grenada, particularly after hearing the distinguished Senator from Delaware, who reported to us on the floor as a member of the Intelligence Committee, having this morning examined the most recent information, that he agrees and commends the President. So I think that as the events unfold, there will be further vindication.

The answer to the Senator's question is that I find these to be very different kinds of events, very different kinds of circumstances. One relates to a decision to conduct a rescue operation. I think that the reasons for that have been rather clearly set forth, not only by the President of the United States in his speech last night but also by the Prime Minister of Dominica, Mrs. Charles, who, as spokesman for the Organization of Eastern Caribbean States, made abundantly clear the concerns of member states of that organization.

If the Senator needs more information to vote on this amendment, the amendment of the Senator from Tennessee, I respect that. That is his privilege. Frankly, I do not.

However, what we are talking about in the other instance is something that is very much akin to a trial in a

court of law. I think what we should do is exercise much the same kind of care that we would if we were looking to make a decision based upon a board of inquiry. Frankly, we have not seen anything but newspaper reports, which may be accurate, and if they are accurate, as I have indicated before, I will join in the request for a board of inquiry to see to it that there is no recurrence of laxity of security, if that be the fact.

Mr. BIDEN. Mr. President, will the Senator yield, since he mentioned my name, for a point of clarification?

Mr. WILSON. I yield.

Mr. BIDEN. The Senator from Delaware is a member of the Intelligence Committee and had an opportunity to be briefed in the Intelligence Committee today.

I do not think it is unreasonable for the Senator from West Virginia and others here, who were not at that briefing, to suggest that maybe they would like to have the same opportunity. Had I not been briefed today in that committee, I would be on the floor of the Senate with regard to Grenada, saying the same thing that is now being said.

So I think the point should be made that the time that is being asked to look at this thing is not unreasonable for the vast majority.

I wonder whether the Senator from California had that briefing, or is he basing his judgment that the President was right merely on what the President said last night?

Mr. WILSON. No, and I thank the Senator for affording me the opportunity to clarify.

I have had a briefing, certainly a sufficient one to satisfy me. I think that the events of that last day have added greatly to the information.

But I also say that in order to afford other Senators a similar opportunity with respect to the concern they rightly have about the security of the marines in Lebanon, I will be happy to yield to the distinguished senior Senator from Virginia, who I think has a very pertinent announcement, an announcement that I hope will go a long way toward clearing up something that needs clearing up.

I yield to him for the purpose of that announcement.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from West Virginia.

Mr. BYRD. I do not yield for that purpose.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I do not want to take the floor away from the Senator, but he cannot get the floor and field it out to other Senators. I have not yet spoken on my amendment.

Several Senators addressed the Chair.

Mr. WILSON. Let me say, in that case, that the announcement which the Senator from Virginia wishes to make is that he will be convening an inquiry into precisely that subject—the adequacy of the security precautions that were taken in Beirut. The time for the hearing is going to be 2 p.m. on Monday, this following Monday.

Mr. BYRD. Mr. President, I have several colleagues who wish to speak, and I will take just a minute.

The distingushed Senator from California has found it difficult to accept my verbiage of paragraph 2 under the sense-of-the-Senate clause. He has already voted for that language a few days ago.

Let me read just a portion of the verbiage from the resolution that authorized the President, for an additional 18 months, to keep forces in Lebanon. I read section 6:

> The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

I will skip paragraph 1, but I will read paragraph 2:

> the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon.

The Senator has already voted for that language. He voted for that language in the resolution granting an 18-month extension. I did not. He voted for a resolution that, in part, provides for the withdrawal of our troops upon the assumption of the United Nations or the Government of Lebanon of the responsibilities of the multinational force in Lebanon.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, in his remarks, the distinguished Senator from Connecticut made a very serious statement. He stated that the President of the United States violated the law of this Nation and of its treaty obligations.

In response, the majority leader simply recited a quotation ridiculing lawyers and referred to the technicalities and legalisms.

I have the greatest respect for the majority leader, and I am confident that he will not let the matter rest there. My only request is that he or some other person who supports the resolution offered by the majority leader deal in substance with the very serious—indeed, grave—statements made by the distinguished Senator from Connecticut.

Lawyers may be unimportant. Laws are not. And it will be the supreme irony if this institution whose very purpose is the enactment of law should suggest that obligation to that law is trivial, to be laughed at, or ridiculed.

If the laws of this country are not important, then neither is this Senate or any of its Members.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I wonder if I, in very brief time, might follow on from the comments of my learned and distinguished colleague from Maine simply to say that the treaty obligations of the United States are the highest law of the land. That is provided in section 2 of article VI of the Constitution.

The question of a violation of a treaty is a question of the violation of our law—what the Constitution asserts is "the Supreme Law of the Land."

The Senator from Maine could not be more correct in stating that if such law does not matter to us, then the Senate, which derives it authority from the same Constitution, does not matter, either.

I offer the thought that persons of good will in this Chamber could find in both of these measures grounds for support on the basis of positions they have already taken or I think would be willing to take.

I particularly ask the Senator from Maine if he would accept a distinction that seems to me to be very important in the resolution offered by the Senator from Tennessee, the majority leader.

The majority leader's resolution commends the President for his swift and effective action in protecting the lives of American citizens in Grenada.

It is well established in international law that a nation has the right to protect its citizens when a situation of some extremity appears to have developed. It has that right.

The right stops there. The right stops when you have secured the safety of your citizens.

To go on to occupy the territory of a nation, to change its form of government or to establish a form of government, is not a right under international law. Moreover, by treaty, a nation can assume an explicit self-imposed obligation not to behave in that manner.

By virtue of membership in the Organization of American States, it may well be judged, the United States has assumed such an obligation with respect to the countries of this hemisphere. Article 18 of the Charter of the Organization of American States, in fact, asserts—

> No State or group of States has the right to intervene, directly or indirectly, for any reason whatsoever, in the internal or exter-

nal affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.

Article 20 of the Organization of American States Charter declares—

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatsoever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Now it is clear that as of the early morning hours of Tuesday, October 25, 1983, the United States is in violation of these treaty obligations. We have violated that charter.

In the United Nations this afternoon, where outcomes are not a measure of law but they are certainly a measure of opinion, a resolution condemning the American action in Grenada received 11 votes. They include the votes of nations whose good opinion, I trust, we value and would hope to have. France, for example, voted against us. Britain abstained.

The question of the legality of subsequent behavior of the United States is open and is not asserted in the majority leader's amendment. That being the case, I certainly am prepared to vote for it—with that understanding.

Mr. President, the second resolution—that offered by the minority leader respecting Lebanon—does no more than did the September 29 invocation of the War Powers Act by the Senate. That is to say, the Senate and the Congress look forward to the prospect of a United Nations force replacing the multinational peacekeeping force now there.

Such a force would have a marginally greater authority with some elements in Lebanon, less with the others. It is an open question. It is a somewhat moot question. It is a somewhat academic question because, in the aftermath, particularly, of this week's event, no such peacekeeping force will be authorized by the Security Council, which is where, if the U.N. is to play a role, they must be authorized.

In any event, it is plainly and simply the fact that we can look to see if there are not other neutral countries which would join us. It is entirely our right and interest, and all the resolution does is to see if we cannot expand the base of world support for the activities we are taking there.

Our efforts there are to see if we cannot consolidate and secure a stable government with what is recognizably a Lebanese character. That is a legitimate undertaking. It cannot be an open ended undertaking; it cannot be an effort we will undertake indefinitely.

Those of us who argued for a 6-month limitation in the war powers resolution believe, and so argued, that a 6-month authorization would concentrate the minds of the parties in Lebanon and make them realize they had a limted amount of time to come together. We did not prevail, and we accepted the 18-month measure which I continue to believe is a mistake.

No one who voted on either side of that argument could not reasonably think it would be inconsistent with our interest to have additional nations represented. Why not call attention to the fact that we are willing to go to the Security Council? We have nothing to fear in our objectives in Lebanon.

This resolution proposed by the minority leader states that our purposes in Lebanon are such that we are more than willing to go to the Security Council, ask for additional assistance, and ask to put our own forces presumably under that same Security Council aegis. That is the action of an honest nation, open and avowed in its purposes, concealing nothing and desiring no more than to declare that we will work for peace and stability in the region.

So, Mr. President, I offer the thought that with good conscience and a sense of responsibility, both of these measures can be supported, both are limited and, within those limits, both seem to me to be reasonable and defensible.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, having felt the hot sting of shrapnel and having felt the sharp pain of piercing bullets, I can well understand and appreciate the fear and the anxiety that must run through the minds of our men who now serve this country in far-off lands.

They fight bravely and they have died bravely. They have served us in the finest tradition of the Armed Forces of the United States.

When these men took the oath they said they will obey their superiors and the Commander in Chief, the President of the United States. They have performed well; they have fulfilled their oath. We commend the marines, we commend the men of the Rangers for their bravery, for their professionalism, and our hearts go out to those who have lost their loved ones and those who are still waiting for that painful news.

However, Mr. President, that is not the question before this body. We are here to decide and to debate whether the policy decisions of this country were correct. I would thus hope that we not get into the question of whether our men did well or poorly. They did well.

Mr. President, when some of us were called to the White House this Tuesday morning to receive the stunning news of the invasion of Grenada, to say that we were surprised and shocked would be an understatement. The President briefed us, together with the Secretary of State, and the Secretary of Defense, and the President cited two reasons for the invasion: First, his concern for the safety of Americans on the island, and second, the urgent request from members of the Organization of Eastern Caribbean States that we intervene in Grenada.

As to the safety of Americans, Mr. President, keep in mind that nowhere in the justification did the administration say we went out there to root out a bunch of thugs, or to take over warehouses full of Cuban arms. We went there to save American lives and to respond to the OECS request.

This morning we met with the highest authorities of this country in secret session. Simple questions were asked and some of the answers were very enlightening. I asked some of these questions: For example, was any American detained before the invasion? If you think Americans are in danger, they must be in prisons. Were any Americans detained rightfully or wrongfully? Mr. President, the answer was "one," and only very briefly.

Was any American tortured? No evidence of that.

Was any American harassed? No evidence of that. Was any life threatened? No evidence of that. Was any American a victim of mistreatment or malfeasance? No evidence. These are not my answers, Mr. President, they came from administration officials.

Coincidentally 2 days before the invasion, when the decision had been made, the annual meeting of the parents of the students of the St. George's Medical School was held in New York City. Five hundred parents gathered, and at this gathering there was a sense of concern over the news that a flotilla was being ordered to head toward the eastern Caribbean islands. And so they adopted a resolution, based upon their telephone calls with their sons and daughters, calls that advised them and assured them that all was well. This resolution to the President of the United States asked very simply: "Please do not take any precipitous action." The Government received it, but I gather we filed it.

Mr. President, I asked another question: Did any American living on the island send a plea for help directly or indirectly through telephone calls, telegrams, or messages through their parents? The answer was no.

Certainly any young man or woman having to experience 2 days of combat with bullets flying on all sides would be glad to leave that place. But the

question before us was: Were the Americans in danger?

Did we receive any plea or request for help from any Grenadians living on that island? None. From any of the exiles? None.

If we are going to invade a country because of a perception we have, then by God, we can invade just about every country in this world. I think one can rightfully say that Americans are possibly in danger in Nicaragua. They may be in danger in Lebanon and many parts of Africa as well. Are we going to invade these countries too?

I would like to have further evidence that would clear my mind and convince me that Americans were in danger in Grenada prior to the invasion.

Second, on the matter of Lebanon, as I said earlier, it is a fait accompli. We are there. Everything should be done to provide for the safety and security of our men there.

Last night the President of the United States made a brilliant address and obviously moved many of my fellow Americans. As a result, I am certain that more Americans now support his position, both in Beruit and in Grenada.

The President said "We are in Lebanon to maintain peace and stability in that part of the world." But how long will it take to bring about peace and stability in that part of the world? The Syrians have tried to impose their peace. The PLO has tried to impose their peace. The Israelis have tried to impose their peace, and now Americans are trying to impose our peace.

I think we owe it to the men in Lebanon and to the rest of America, to know what it will take to constitute a successful mission. When are we going to say our mission has been accomplished and thus allow U.S. troops to come home? I think the marines deserve to know specifics instead of this open-ended rhetoric of being there to maintain peace and stability. Under present circumstances, the only thing certain about Lebanon is that with the passage of time, our casualty rates will continue to increase.

I think we owe our men much more than that. We should give them better assurances and a clearer sense of purpose.

So, Mr. President, the Democratic leader's proposal has great merit. It is deserving not only of our consideration, but also our support.

Mr. President, I want very much, like all of my colleagues, to stand before you and support my President. It is not easy to speak against your President, your Commander in Chief, and your elected leader. And it is painful to have your constituents suggest that you are less than a patriot because you do not support your President.

But I would think that all of us are expected to speak up. And I think the time has come to speak up. I go along with my majority leader. We should be counted. I am ready to be counted.

Mr. WARNER. Mr. President, I direct my comments to the amendment submitted by the distinguished Senator from West Virginia.

Mr. President, in the absence of the chairman of the Armed Services Committee, I wish to advise the Senate that Chairman TOWER and myself have just completed within the hour the arrangements whereby General Kelly will come before the Armed Services Committee at 2 p.m. on Monday. The hearing will be conducted closed for the first portion and then subsequently in open session. I know, speaking on behalf of the chairman, he will be pleased if as many Senators as possible could attend that hearing and we will make suitable arrangements.

I and others have petitioned the chairman for this hearing and particularly to have General Kelly present. A group of us submitted a series of questions to Chairman TOWER which have been forwarded to the Departments of Defense and State. Hopefully, we will receive answers beforehand in order to assist us in a more thorough interrogation of the witnesses on Monday and possibly subsequent dates.

So I wish to assure the distinguished Senator from West Virginia and my colleagues that the Armed Services Committee, and indeed both sides of the aisle on that committee, have been diligently proceeding procedurally toward what I term as an accountability and establishing the chain of responsibility for the tragic loss of life of members of the Armed Forces in Lebanon on that bloody Sunday morning.

Mr. President, I have had some experience in the executive branch, with some 5 years in the Department of Defense, in a number of cases, none as serious as this, involving investigations. Indeed, in my humble judgment this is the most serious and poses the broadest range of issues that I personally have ever witnessed in my career.

I do urge the Senator to consider the propriety of the timing of his amendment. I would like to have the opportunity to acquaint him with a classified document, although I would be prepared to declassify this particular portion, but before doing that, I want to show him the courtesy of allowing him to examine the record of the armed services hearing on last week at which time Secretary Weinberger was present together with Lieutenant General Trainor. The question about weapons carried by the sentries was asked by me. I would like to have the distinguished minority leader examine that record before I perhaps elect to speak further to the representatives made in the first part of his resolution.

Mr. BYRD. Mr. President, I will be happy to look at it. I would also, since I am not now a member—I used to be—of the Armed Services Committee, ask the able Senator if he would kindly present two or three questions on my behalf at that hearing and insist on getting responses that are not written responses for the record but oral responses.

Mr. WARNER. I am sorry. My attention was disrespectfully taken from the question, if it were propounded to me. Would the minority leader be kind enough to repeat it?

Mr. BYRD. Yes. I thank the distinguished Senator for his courtesy in offering to have me read the record. I will be glad to do that.

My question of the distinguished Senator was this: Inasmuch as I am not a member of the Armed Services Committee, although I used to be, would he present on my behalf two or three questions and inquire of the commandant and insist on getting an oral response and not a written response?

Mr. WARNER. Absolutely. I would be more than happy to propound questions on behalf of the distinguished minority leader and any other Member of the Senate who is not available for the hearing.

Mr. BYRD. I thank the Senator.

Mr. WARNER. Mr. President, at this time, I yield the floor.

Mr. SARBANES. Will the Senator yield for a question?

Mr. WARNER. The Senator from Virginia is happy to yield for a question from the Senator from Maryland.

Mr. SARBANES. Did I understand the Senator from Virginia to say that this hearing was going to be closed?

Mr. WARNER. I urged that it both be open and closed segments. One would be a closed segment and immediately following that segment, one would be open.

Mr. SARBANES. Could I just urge the Senator to do as much of it in open hearings as possible? All of these briefings over the course of this last week have been closed, with the exception of a hearing held yesterday with Deputy Secretary Dam in the Senate Foreign Relations Committee on Grenada. We have gone through a week now with everything being done behind closed doors and with the press, on the Grenada action, not being allowed to cover the story; even though the press is covering Lebanon where arguably the danger is much greater.

I would simply urge the Senator to do as much as he can on the Armed Services Committee to assure that the hearing is open and to obtain a declassification of documents stamped "secret" or otherwise that could be

made available in order to provide both the Senate and the public greater information.

Mr. WARNER. Mr. President, the Senator from Maryland makes a point with which I totally concur. For that reason, in my working with the chairman of the Armed Services Committee and the Department of Defense, we have insisted that a part of that hearing be made open and it will be done.

Mr. LEAHY. Will the Senator from Virginia yield on that point?

Mr. WARNER. Yes, I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the Senator from Virginia for insisting on an open hearing. I realize how they are set up. Having a closed hearing first at least gives you a chance to know if there is some very sensitive thing that should not be made public. But it has been my experience—and I am sure it has been the experience of the Senator from Virginia—that in closed hearings you find about 95 percent of what you hear could have been made in open hearings.

Again, I commend him for doing it this way. I hope he and the others on the committee will then make public every single bit of information that is possible.

When Americans go into battle behind an elected Commander in Chief, they do it in the name of each one of us. And the press is the only true guide we have for garnering accurate information.

Everybody I talk with in Vermont has questions, it seems, about the security of our men in Lebanon. None of us want to see our men put somewhere where they do not have the ultimate ability to defend themselves. So I commend the Senator for having this hearing.

Mr. WARNER. I thank the Senator from Vermont. I assure him that the committee will pursue this with the utmost thoroughness, fairness, and objectivity. We will report back to our colleagues our findings with respect to the chain of accountability and responsibility for this tragedy.

Mr. LEAHY. Mr. President, freedom of the press during wartime has often been subject to some voluntary constraints to protect lives. But rarely have reporters been treated with the cynicism and contempt they have experienced since our troops went ashore on Grenada this past Monday.

The Pentagon refused to let any journalist accompany our forces or travel at their own risk in the combat zone.

Four Western journalists, three of them Americans, were taken from the island and detained aboard a U.S. fighting ship.

The President's own press officials had no information on the eve of the invasion, and called press rumors of the landing "preposterous."

Most significantly, for 3 days the administration had a news blackout on an event that was fraught with controversy. It was the first war ever covered by Government news releases.

These policies go well beyond the need for surprise at the start of a military operation. A several-day news blackout and the holding of working reporters were not justified by the needs of security. The administration claimed that its decision was based on concern for the safety of the reporters. Reporters and cameramen landed on Normandy Beach with Marines and Army units on D-Day.

War presents special problems for a democracy. Since the Civil War all Presidents in times of war have made an attempt to cooperate with the press in order to promote an open society while preserving a secure one.

This time no accommodation was made. No reporters accompanied the invasion force, though it would have been simple—and acceptable—to include reporters in the invasion force, but to embargo their stories until the need for surprise no longer existed. After the invasion had begun, some censorship would have been understandable where the release of information might have jeopardized lives.

Instead of that kind of accommodation, what the American people got was stonewalling. Even when the administration conceded on Wednesday that reporters should be allowed to come to Grenada, reporters were not allowed to leave the island until after the completion of President Reagan's speech Thursday night. The only film footage of the invasion was that of the Defense Department, and that was only released in time to be aired after his speech was over. It showed very little fighting.

President Reagan was right when he said last night that Americans stand shoulder to shoulder when we are threatened. But the President has forgotten why. We stand shoulder to shoulder because of trust. And the sad truth is that this administration does not trust the American people to judge the facts firsthand.

What has gone on in Grenada is very much the same as what has gone on in Washington—exclusion of the press in matters of vital public interest.

The same fear of facts that kept four journalists on the U.S.S. *Guam* has led this administration to try to scuttle the Freedom of Information Act.

The same fear has resulted in an Executive order on classification that resolves all doubts in favor of secrecy.

The same fear has brought the lie detector into vogue as the way to stop leaks and has inspired the latest plan by the administration to protect classified information, to subject 113,000 people who handle the information to take lifetime vows that they will clear anything they will ever write about their work with the Government.

In Grenada and in Federal offices we now see the same thing—a government drifting toward secrecy as the norm that dominates every policy.

No one should try to diminish the terrible dilemma of Grenada, an idyllic island that is suddenly in the hands of hostile and murderous leaders.

The details of the dilemma may shape how history judges these events. Yet we had no one on the scene to objectively record those important details. Was there a credible threat of hostage-taking before the invasion? Was there a government in functional control of the country? Did the facts justify an imminent fear of aggression toward neighboring islands?

These were all central issues that should have been open to the press for examination the first moment the need for secrecy was ended. For all we know, the case for the invasion might have looked stronger if we had been able to have an unmanaged look at the facts.

But the main issue boils down to this: When the Soviet Government uses military force, it acts for a small group of men who need answer to no one but themselves.

When Americans go into battle behind an elected Commander in Chief, they are acting in the name of every one of us. The press, under whatever arrangements are truly necessary for military security, is our only guide for judging whether a war is justified and is being pursued in accordance with our national goals.

Our extraordinary unity in times of crisis is ultimately grounded on knowledge.

It would be sad if this lesson were ever lost in the clatter of gunfire.

Mr. CHAFEE. Mr. President, as Members know, the State I represent is a small State, both in size and in population. Nonetheless, for some unusual reason, we have a substantial number of marines in Beirut in the force there. So far, of that number, some four have been accounted dead and some five are missing. The other marines are still searching through the rubble trying to find those marines missing, possibly still alive, although the chances look grim.

Now, I do not question the motives of the Senator, the minority leader, for the presentation of this amendment. But it seems to me that it cannot be viewed—this may not have been his intention—but it cannot be viewed as other than a critical amendment, critical of the administration, and thus viewed as a political document.

Maybe that was not the intention, and I am not suggesting it was. But that is the way it appears. And sometimes it is not what the facts are, it is what the people think the facts are.

It seems to me, Mr. President, that at this time, when marines are still scratching through that rubble trying to find survivors, when the whole business has not yet been settled, it is inappropriate for us to bring up this amendment or to consider it favorably.

I would hope that it would be withdrawn. But if it were not, I certainly hope that it would not be pursued.

Mr. BYRD. Would the Senator let me respond? I think the same question asked of me could be asked regarding the other amendment. They are still fighting down there.

Mr. CHAFEE. That is correct, but that amendment is not critical of the administration. That may not be the underlying objective. I am not ascribing motives to anybody. But I am saying that this amendment the distinguished minority leader has presented causes it to appear that way to me.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CHAFEE. Yes.

Mr. SARBANES. Why is the Senator not ascribing motives by the comment he just made?

Mr. CHAFEE. That is not my nature, to ascribe motives.

Mr. SARBANES. But when the Senator is saying he is not, he has done exactly that.

Mr. CHAFEE. The Senator did not listen to the remarks I made.

Mr. SARBANES. I listened very carefully to the Senator, as I always do. I think what the Senator is saying is that any statement that is critical of an administration is political and any statement that is praising is nonpolitical. I ask the Senator to make his own judgments.

Mr. MATHIAS. Let me say a word about the Senator from Rhode Island, if he will yield. He has served as a U.S. Marine. He has known the heart of battle in some of the most bitter fighting in the South Pacific during World War II. So when he refers to the U.S. Marines, I know he does it in sincerity that only that esprit de corps can bring. He also served as Secretary of the Navy, in effect as the leader of the Marine Corps. I am sure that experience only deepens his feeling for the marines.

I think what the Senator from Rhode Island has said about the amendment of the Senator from West Virginia, and what he said he thinks also applies, in some degree to the amendment of the Senator from Tennessee, the majority leader, has a ring of truth about it. As the Senator from Rhode Island has said, the marines are still scratching through the dirt in Beirut searching for the bodies of comrades killed.

Maybe the Senator from Rhode Island has touched the core of what ought to be done here, which is to lay aside this attempt to make a judgment while we are still caught up in the emotion, sorrow, and shock of these events; lay aside the fingerpointing, lay aside the attempt to reach judgments, wait until we all have recovered a greater sense of balance and equilibrium, and then look upon this as I think the U.S. Senate should look upon such a serious subject, from the point of view of the broad scope of the history of the United States, what is the value to be learned from these tragic lessons, and what can be done in the future to avoid tragedies of this sort. But not in the heat of the moment, not while we are all still suffering the emotions of the moment.

I would hope that that might be the course the Senate would follow.

Mr. PELL. Will the Senator yield for a question?

Mr. MATHIAS. The Senator from Rhode Island has the floor.

Mr. CHAFEE. I yield.

Mr. PELL. Would the Senator consider the withdrawal of both amendments as being in the best interests at this time?

Mr. MATHIAS. That would be my recommendation. We are here to talk about the debt limit and that is a pretty serious subject. That is a subject that is of vital importance to every American in the future. There will come a time when not only history will make a decision but the American people will make a decision about these events. But I am not sure that that time has yet arrived, that the proper time has yet arrived.

Mr. PELL. I would agree with the Senator from Maryland and would think this time it is not appropriate. There is still fighting going on in Grenada, with people probably being killed, and in Lebanon people are still scratching and still finding more marines.

Mr. MATHIAS. If the Senate can make a wise decision with respect to the debt limit, that would be about all we could do in one afternoon.

Mr. BYRD. Will the Senator yield?

Mr. MATHIAS. The Senator from Rhode Island has the floor.

Mr. CHAFEE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am prefectly willing to lay aside my amendment if the majority leader will lay aside his underlying amendment. I felt that I should offer my amendment because the underlying amendment was offered. I will be happy to withdraw mine. It does not take unanimous consent to withdraw my amendment at this point, but it would require unanimous consent to withdraw the underlying amendment.

While I have the floor, I modify my amendment. I strike the period at the end of paragraph 2 on page 2 and substitute a semicolon.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

At the end of the amendment of Mr. BAKER, add the following:

"Since 219 Marines, and possibly more, were killed in Lebanon on October 23, 1983, as the result of a terrorist attack on our headquarters at the Beirut Airport; and

Since the United States Marine contingent of the Multinational Peacekeeping Force was, and continues to be deployed in exposed positions in and around the Beirut Airport, that Marines occupying sentry positions reportedly were not allowed to carry loaded weapons; and the security for the Marines was obviously inadequate; and

Since the assassination of Lebanese President-elect Bashir Gemayel, the destruction of the U.S. Embassy in Beirut which resulted in 17 Americans being killed, and acts of violence of a similar nature using similar methods have been characteristic of the internal situation in Lebanon particularly since the 1975-1976 Civil War in that country; and

Since the history of similar acts of violence in Lebanon presented strong evidence of the necessity to provide the most stringent security safeguards for our Marine contingent; and

Since the United States is not perceived as a neutral participant in the peacekeeping force; and

Since warring factions in Lebanon, aided by external forces, have used, and continue to use, violence as a means to settle interconfessional disputes; and

Since the various members of the Multinational Peacekeeping Force have been, and will continue to be, targets of violence from those elements involved in, and contributing to, the internal conflict in Lebanon; and

Since a broadly-based peacekeeping force in Lebanon would be a more appropriate demonstration of the vital interest of the international community in a stable Middle East; and

Since S.J. Res. 159, extending by 18 months the participation of the Marines in the Multinational Peacekeeping Force which passed by a vote of only 54-46 in the United States Senate, demonstrated a strong divergency of opinion regarding the mission and role of U.S. Marines in Lebanon.

It is the Sense of the Senate that the President should—

(1) provide immediate, maximum protection and security for U.S. forces in Lebanon; and

(2) vigorously pursue, in coordination with our allies in the Multinational Peacekeeping Force, every possible avenue to facilitate the orderly transferral of the peacekeeping responsibilities in Lebanon to a United Nations peacekeeping presence, or to other forces from neutral countries, in order to hasten the withdrawal of U.S. ground forces;

(3) prepare and transmit to the Congress a report setting forth the measures he has taken to carry out paragraphs (1) and (2).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President."

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I certainly understand the seriousness of this debate. I am not going to try to characterize it, but I do wish we would bury the dead before we start all this commotion in here. It seems to me not a timely amendment, but I sort of had a feeling we were going to be here all weekend on something of this kind. We have been.

I hate to return to the subject matter of the debt limit.

In our committee, we do not handle foreign policy. Maybe we do not do other things very well. We appreciate the chance to listen to Senators who are versed in foreign policy matters, defense, politics, and other things.

I did want to point out that as of about November 1, the outstanding debt will be $1.386 trillion, and the cash balance will be about $26 billion. On November 1, the Treasury is required to advance $13 billion to the social security trust fund. About $3 billion can be advanced on that day. The social security trust fund tax revenues could not be invested as they are received and cannot earn interest. There is no provision in present law that requires the Treasury Department to make up the lost interest income.

On November 1, 2, and 3 Treasury auctions to raise $10 billion in new money would not take place. They would be canceled. They have also canceled the auction scheduled for Thursday, October 27, to raise about $7.75 billion, almost all a rollover of existing debts. The weekly auction of 90-day and 190-day bills will be canceled. The effect of the cancellations will be a premium of one-eighth percent in the interest rate that will be paid later on when debt interest can be paid. This will cost about $250 million more in interest payments on the public debt.

On November 1, 2, and 3, Tuesday, Wednesday and Thursday of next week, $10 billion to $12 billion in checks are issued that will cut the cash balance in half. These payments will go to social security beneficiaries, civil service, and military retirees and veterans.

On November 1, Tuesday, they are going to send telegrams to all employers with payroll savings bond plans and to all banks and other institutions that issue U.S. savings bonds to cease selling bonds.

Treasury could not issue special bonds to State and local governments to provide amounts of interest that keep their bond issues within the arbitrage limits of the Internal Revenue Code.

I do not say that is any different than it has ever been, so I do not suggest that we have a different problem than we have had in the other crunches on the debt ceiling passage.

On a daily basis, there are all kinds of payrolls to Federal departments and agencies, payments to defense contractors and to nondefense contractors for completed work. I understand we can probably squeak by a few days. Again, I do not want to foreclose debate, but I do believe that we can work out some arrangement with the majority and minority leaders and may be move on to some other matter.

I hope that the amendments might at least be germane. I know there is no rule of germaneness. That is why the House reports their debt ceiling measure with the budget resolution. We have not yet chosen to do that.

I am also aware that this is a game played by both sides of the aisle. I do not criticize my colleagues in the Democratic Party for doing what I think probably Members of the Republican Party did when we were in the minority.

My feeling is that if we are going to bog this amendment down—and obviously, we have already been told we cannot vote until Monday, and it is going to be well after 5 o'clock if there are a number of amendments pending—I do not know how we go to conference. I have not figured that out yet. I have not been chairman long enough. We have all these kinds of amendments and we have the chairmen of the Finance Committee and the Ways and Means Committee who have to work out all the differences on Grenada, Lebanon, we are going to have an abortion amendment, a freeze amendment, all these amendments that we know a little about because we listen to our colleagues from time to time, but we are not experts in these areas. That would probably not be a drawback around here.

In any event, it would cause us some concern in the conference. I suggest that by midnight, I do not believe we can resolve all these questions if we do not go to conference until late on Monday. It is my hope that maybe some agreement can be reached if the minority leader is willing—I have not discussed it with the majority leader. Ane we might then move on to, I hope, germane amendments if there are any germane amendments.

If there are not, maybe we can, even then, do the right thing and pass the bill and all go home. There is no point in being here on Saturday to go through the same exercise we have gone through today.

I hope that we are going out at 5 o'clock today. I do not imagine much else is going to happen today. Not too much has happened so far today, and we cannot expect much to happen in an hour. If anything should happen, we shall be notified. I hope that we might proceed.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I wish to address myself to the underlying amendment, although I gather that there is some talk about withdrawing the amendment. I think that there might be some merit in doing that, because the amendment has three parts to it. It provides for commending the President for his swift and effective action in protecting American life in Grenada.

I must confess that disturbs me that there has just been placed before me indications that there is still fighting going on there, that America F-18 jet fighters strafed the hills around Port Salines Airport and that the Pentagon said 15 Americans have been killed, 42 others wounded in the 4-day-old occupation. They are still mopping up in the hills and we are trying to flush them out. There are other disturbing kinds of reports.

Under those circumstances, I think to call upon the United States to act at this time commending the President for swift and effective action in protecting American lives in Grenada presents each of us with a rather difficult and challenging vote. As a matter of fact, we are told that we are to do that, make that commendation because the President did so to protect American life in Grenada. The facts are, at least there seems to be confusion as to why we did go in. Originally, we were told that there were 1,000 lives of students and we were concerned about their safety.

It is only fair to point out that there is killing going on, confrontation going on between different political forces in places such as Argentina, the Philippines, Chile, Chad, and even Ireland. Because American citizens are there, we do not rush in with an invasion. In this instance, there seem to be confusing reports as to what we did hear and what we did not hear about the safety and security of the 1,000 students.

It is a fact that we have seen on TV that some of the students, when they returned, were very grateful. Yet the facts are that we did not hear that there was any plea for help, that there was any indication that a great effort was made to leave the island before the invasion began. So I think asking us to commend the President in this respect may or may not be justified.

It should be pointed out that the President and those who have been supportive of his position have changed their position as to why we made the invasion. First, it was the thousand students. Then it was because we were requested to do so because the OECS asked us to. The fact is that no matter how you slice that—and that, I might say, goes to the

third point of the Baker proposal—that violates the Treaty of the Organization of American States.

Mr. President, I am advised that the majority leader may be prepared to take both amendments down. If, at any point, he is prepared to do that and the minority leader agrees, I have no problem about yielding the floor for that purpose.

Mr. BYRD. Mr. President, would the Senator yield for that purpose?

Mr. METZENBAUM. Without losing my right to the floor, yes.

Mr. BAKER. Mr. President, I should like the floor in my own right.

Does the Senator yield the floor?

Mr. METZENBAUM. With the understanding that the amendment is going to be taken down.

Mr. BAKER. Mr. President, I am not going to promise that in advance.

Mr. BYRD. Mr. President, if the Senator will yield, I think it is only right that he get the floor in his own right. May we have unanimous consent that the Senator from Ohio have the floor after the majority leader?

Mr. BAKER. I have no problem with that, Mr. President.

I ask unanimous consent that after I complete my statement and/or request and after the colloquy I may have with the minority leader is complete, the Senator from Ohio may be recognized if he wishes to be.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, we have spent a great deal of time on this to the acute distress, I suspect, of those who thought we were dealing with the debt limit. I thought myself that was what we were dealing with. I would like to go all the way back and rescind the action on the War Powers Act and rescind the action on obtaining the yeas and nays on my amendment, and hope the minority leader will withdraw his amendment.

Then I was reminded in a somewhat cruel way by my colleagues on this side that I voted for the War Powers Act, so I cannot go back that far.

Mr. President, I think we have ventilated this subject very well. We have identified where opinion stands on this and, no doubt, there will be other aspects of the issues to be debated before very long.

I am also reminded that General P. X. Kelley I believe will be before the Armed Services Committee on Monday on the very matter which is the subject of the minority leader's amendment, and that the distinguished chairman of the Foreign Relations Committee intends to pursue further the question of our role in the Caribbean. With all of that said and mindful of the fact that I have now said everything I know about this subject and maybe just a little bit more, I ask unanimous consent that I may withdraw my amendment notwithstanding the yeas and nays.

Mr. BYRD. Mr. President, reserving the right to object, I will not object, I hope the Senate will agree to this request.

The PRESIDING OFFICER (Mr. MATTINGLY). Is there objection to the request? Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, parliamentary inquiry. With the withdrawal of the first-degree amendment—I now withdraw the first-degree amendment pursuant to the unanimous-consent request just granted—I would assume that the second-degree amendment is no longer before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair. I thank the minority leader. I return the time to the distinguished chairman of the Finance Committee.

Mr. BYRD. I thank the distinguished majority leader.

Mr. DOLE. Mr. President, does the Senator from Ohio wish recognition?

Mr. METZENBAUM. Under the circumstances, it will not be necessary. I thank the Senator very much.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. House Joint Resolution 308.

Mr. DOLE. Is that the debt limit extension?

The PRESIDING OFFICER. The debt limit extension bill.

Mr. DOLE. Mr. President, after we have order, we might even get down to business on the debt ceiling.

The PRESIDING OFFICER. Will the Senate please come to order?

Mr. DOLE. Mr. President, I know there are a number of other nongermane amendments floating around. I am serious when I say if we could——

Mr. STENNIS. Mr. President, may we have conditions here where we can hear?

The PRESIDING OFFICER. There will please be order in the Senate.

Mr. BAKER addressed the Chair.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, will the Senator let me make one announcement, if I may? Will the Senator yield to me for a moment?

Mr. DOLE. Certainly.

Mr. BAKER. I apologize to the distinguished Senator from Louisiana.

Mr. President, I have been asked by a number of Senators now what we are going to do the rest of the day. I announced yesterday that we would be in until about 5 o'clock today and go out until 9:30 tomorrow as was ordered earlier today. We will be in session tomorrow, I do expect votes tomorrow, and I urge Senators to be present. I thank the Senator.

ORDER TO CONVENE AT 12 NOON MONDAY

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. Yes, certainly.

Mr. BYRD. May I make a suggestion to the distinguished majority leader?

Mr. BAKER. By all means.

Mr. BYRD. That is he gets unanimous consent now to come in on Monday because if the quorum were to dissipate tomorrow, we would have to come in on Sunday.

Mr. BAKER. That is a frightening thought, but in the better part of discretion, Mr. President, I ask unanimous consent that when the Senate stands in recess tomorrow it recess—we can change that later if need be—until 12 noon Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there has already been an order that there be no votes on Monday prior to 5 p.m. if we are still on the debt limit bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

Mr. DOLE. Mr. President, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, it was partly on the advice of the Senator from Louisiana that we sought to obtain agreement with the leadership that motions to table would not be used in a partisan way but would be used with regard to amendments from each side of the aisle, more or less without discrimination.

Mr. President, it was not my idea to prevent the leadership of this bill from making motions to table. I must say that a debt limit bill is not intended to be a general catchall for all business. As a matter of fact, some years ago as Senators may recall, we had a Senator who earned a great reputation for courage and statesmanship, Jim Allen, who spoke at great length to prevent us from amending debt limit bills at all, just because he felt it was highly improper to take some poorly considered amendment or some irrelevant amendment which the President and others would find objectionable and send it down to the White House on a debt limit bill that the President was under a compulsion to sign, when on its merits, the President might not feel like signing that measure.

I am frank to say to the Senator that it was not my purpose to prevent the Senator from moving to table——

The PRESIDING OFFICER. Will the Senator please withhold?

Will the Senate please come to order. Those wishing to have loud discussions, the Chair wishes they would do it some place else and give the Senator from Louisiana an opportunity to speak.

The Senator from Louisiana.

Mr. LONG. It was not my purpose to deny the chairman of the committee

and the leadership on that side of the aisle the right and the duty of moving to table amendments that have no place on a debt limit bill.

A debt limit bill is not meant to be a bill that permits one to bypass the committee procedure. It is not meant to be a bill to put on the President's desk measures that would be vetoed as ordinary legislative measures. It is not meant to be a bill to bring up one's idea that the Nation ought to be run differently than it is being run, without letting the committees have an opportunity to make their recommendations on measures and the Senate have an opportunity to consider carefully recommended proposals. I hope that we can find some way——

The PRESIDING OFFICER. The Senate is going to come to order.

Mr. LONG. I would hope that we can find a way to persuade the proper legislative committees to give attention to these irrelevant matters insofar as these are matters which either can be or will be dealt with by the Senate in the proper legislative order.

I know there are one or two measures that Senators will insist on having a vote on, because they do not feel there will be another opportunity. For example, there is a suggestion that we ought to vote on the nuclear freeze matter. The sponsors of that measure feel that they may not have another opportunity to vote on it or to get the matter from here to the House, and maybe they will have to go ahead and offer it on this bill.

But I do think, with regard to other legislative matters where we can assure people if it is within the jurisdiction of the Finance Committee that we will give them a hearing and let the matter be studied and have proper consideration, the committee will do its job and recommend its best judgment and, if we do not recommend for the measure, offer the person the possibility of considering that proposition before the full Senate on a different legislative vehicle. I hope that the Senate and the leadership for the bill would seek to limit ourselves to what is relevant to this bill insofar as we possibly can. I hope the Senate would support the leadership in tabling other extraneous amendments. Otherwise this matter can drag on forever. As the Senator knows so well, it has a prospect of costing the Government $250 million if we do not act on the debt limit bill before November 1. And so just by way of doing our job, we ought to stop considering all these extraneous matters and get on with the business and either pass the bill or not pass the bill, and give the Nation a decision—if only in the interest of saving the taxpayers $250 million.

We should get our job done by the close of business on October 31, and that is Monday. So I would urge all Senators to consider withholding amendments, particularly if they can have assurance that the matters they are concerned about will receive thoughtful consideration by the appropriate committees, or in the alternative or more appropriate vehicles they will have the opportunity to offer their proposals, hopefully on measures that are within the jurisdiction of the proper committee.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I appreciate very much the comments of the distinguished Senator from Louisiana, who has had much more experience than the Senator from Kansas dealing with debt ceilings and knows some of the pitfalls.

It is my hope that if anybody has any germane amendments, they will be offered.

As I understand it, the Senator from Massachusetts wants to call up a freeze amendment right now, with no votes tomorrow, which means we are going to spend the rest of the day and all day tomorrow debating the freeze amendment.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. KENNEDY. As I have indicated to the majority leader, I am quite prepared to work with the floor managers and offer the freeze amendment with Senator HATFIELD at a later time, so that they can proceed now with other amendments.

We are quite prepared to see the bill move forward and consider other amendments. I intend to be here tomorrow and voting on amendments. I have adjusted by schedule, as have others. We will offer that amendment at the proper time, with the understanding of the floor managers. I did want to have the opportunity to offer it on behalf of myself and Senator HATFIELD and other cosponsors. But we can move the bill forward now with other amendments.

Mr. DOLE. I thank the Senator from Massachusetts. That would be helpful.

As I understand it, the Senator from Oregon will not be here until sometime Monday. He will not be here tomorrow. On that basis, the Senator from Massachusetts would call it up Monday. Is that correct?

Mr. KENNEDY. There are a number of people who want to speak on the amendment. We have 34 cosponsors of the original Senate joint resolution, Senate Joint Resolution 2.

I would expect that the vote on our freeze amendment would occur on Monday. I am not prepared to call it up at this time, but others who have amendments can have them considered, and they can be disposed of and voted on.

Mr. BAKER. Mr. President, I have talked to the Senator from Massachusetts and the Senator from Oregon, who are the principal sponsors of the freeze resolution. Therefore, it is no surprise to me that they plan to offer this.

As I understood our conversations, also, that would come, so far as we could tell, after other amendments to this bill are disposed of. If that is the case, I hope that the freeze resolution would not be offered today and not tomorrow, if there are other amendments we can deal with.

It might even be possible to proceed, with the single exception of the amendment to be offered by the Senator from Massachusetts and the Senator from Oregon, by unanimous consent. In any event, I urge the managers to continue with whatever amendments we have today and tomorrow; and when it appears that we are out of amendments, I am going to speak to the majority leader about the possibility of getting third reading, with the exception of that amendment.

Mr. LONG. Mr. President, would it be possible that the Senators might offer their freeze amendment and that we might vote on it at 5 o'clock today? We said we would work until 5 o'clock today.

Can the Senator's group make their statements between now and 5 o'clock?

Mr. KENNEDY. It is now 4:15. So I do not think that will be possible. But I do have other things to say on other matters. I do not believe we would be able to have the vote at 5 o'clock.

I have indicated to the leadership on both sides that those of us who have supported the nuclear weapons freeze resolution had hoped that the resolution itself would be called up for debate, or that there would be a suitable vehicle on which we would be able to offer it as an amendment. We do want a debate and vote on the freeze before we adjourn, and right now, the Debt Ceiling Act seems to be the only real possibility for obtaining that debate and vote. Both Senator HATFIELD and I have indicated to the majority leader that we are quite prepared to cooperate with the leader to see if the freeze amendment can be brought to a vote on Monday, so that we would not delay the business of the Senate.

The Debt Ceiling Act is not a terribly satisfactory vehicle, so far as I am concerned or so far as Senator HATFIELD is concerned. We recognize that the only other real possibilities on the Senate agenda are the appropriations bills, but there would be a point of order made against the freeze amendment on those bills, and I do not think we would get an up or down vote on it.

We have tried over a period of time, both with our leader and the majority leader, to get a more appropriate vehi-

cle and a more appropriate time. But, for the reasons that have been stated on the floor, because of the exigencies of the scheduling, we are required to follow this particular procedure. We were trying until noon today to get another vehicle, but the Debt Ceiling Act seems to be our only alternative.

There are 34 cosponsors of the freeze resolution. A number of them would want to speak on our amendment. I do not have any intention of delaying consideration of the debt ceiling. I indicated to the leader, at a time when there were seven or eight other amendments, that I was glad to cooperate in offering this amendment, to consider the other amendments, and then to consider the freeze amendment last.

I do think we would not be able to get to a vote on it until Monday, but I would welcome the chance to follow that procedure. It would not be fair to my colleagues who are strongly committed to this issue to bring it up at 4:15 and have a vote on it at 5 o'clock.

Mr. DOLE. Mr. President, perhaps we could vote on it tomorrow. I do not want to be unfair to my colleagues, and I want to accommodate them; but we also have to accommodate the committee of jurisdiction on the debt ceiling.

If we are going to try to have this back by midnight Monday and if there are 34 cosponsors of the amendment who want to speak on prime time Monday afternoon, it is going to be difficult for us to complete our job.

This amendment has no business on the debt ceiling at all. It has no relevance to the debt ceiling, and neither to do a lot of other amendments that will be offered. But I guess we are stuck with it, because everybody wants to accommodate everybody but the Finance Committee. We are the ones who will have the responsibility and who will be criticized if we dillydally all day today and all day tomorrow and all day Monday with totally nongermane amendments.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOLE. I yield. Let us vote tomorrow.

Mr. KENNEDY. If the leader were to ask consent that a freeze amendment be in order on the DOD appropriations bill or the continuing resolution, I would be glad to wait until that bill came along, so that the Debt Ceiling Act would be expedited. I would have no objection to following that procedure; and if this is the last item between now and the conclusion of the debt ceiling, I would be glad to cooperate.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I yield.

Mr. BYRD. I say to the distinguished Senator that he will not get unanimous consent to offer that on such an important appropriations bill as DOD.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. COHEN. Mr. President, I indicate to the Senator from Kansas that if we are going to be in tomorrow debating the freeze issue, I put the Senator on notice that I should like to debate and to vote on a thing called the graduated build-down.

I want to put the Senator on notice that if I have to be here tomorrow—and I intend to be—I want to have a vote on tomorrow, not Monday.

Mr. DOLE. I think I am going to drop in tuition tax credits. That has a lot of appeal. I know it is something the President wants very badly, and we want to accommodate the President and the White House and the people who work in the White House, whoever they are.

I hope nobody fails to take an opportunity to offer an amendment. If you do not offer an amendment, you really have been left out. [Laughter.]

They ought be big amendments, nothing we can dispose of in 5 minutes. They should require serious debate, a national issue. I think tuition tax credits ought to be brought up. This appears to be a pretty vehicle.

You want a build-down?

Mr. COHEN. That is it.

Mr. DOLE. And the freeze. I think we can accommodate simple things like that.

Mr. LONG. Mr. President, will the Senator yield?

Mr. DOLE. Do you have something?

Mr. LONG. I say to the Senator that he has one thing going for him. He is not yet on television. If we were on television, we would probably be a month passing this bill.

Mr. DOLE. On television with this bill? Not on this bill.

Mr. BAKER. Mr. President, now that the Senator brought it up, that is not a bad amendment. [Laughter.]

It slipped my mind for a moment, but I thank the Senator for reminding me.

Mr. DOLE. Mr. President, as I understand it the Senator from Missouri wished to be recognized for 15 minutes on a matter which might be important.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BAKER. Mr. President, will the Senator yield to me before he proceeds?

Mr. EAGLETON. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, the Senator from Massachusetts was talking about other measures. The minority leader indicated there would be an objection to putting the freeze amendment on the Department of Defense appropriations bill. I feel sure there would also be a point of order made against one on the continuing resolution making appropriations for whatever it is we do not make appropriations for in the regular process.

But it is not as if we have a bare cupboard. I am looking here at the other matters that are not appropriations bills that we have to do.

Natural gas is coming up, and I do not know whether we will pass it or not, but it is going to come up. Reconciliation is going to come up. Intelligence authorization is coming up. There will be TV in the Senate and the criminal package if we can manage that. The math-science bill is certainly going to come up. I expect the export administration bill, the FTC authorization, the Public Buildings Reform Act, health insurance for the unemployed, and the omnibus extension bill. This will also come from the Finance Committee.

Mr. COHEN. Social security disability.

Mr. BAKER. And social security disability.

There are probably others that I do not know about. But, Mr. President, my point is there are all sorts of nonappropriation matters that are going to be before us between now and November 18 and other matters that could be used as a vehicle for debate on the nuclear freeze.

Mr. BYRD. Mr. President, the distinguished majority leader named the reconciliation measure. I believe that nongermane amendments are not in order to that measure. Am I correct?

The PRESIDING OFFICER. Generally speaking, yes.

Mr. BYRD. I beg the Chair's pardon.

The PRESIDING OFFICER. Yes.

Mr. BAKER. Mr. President, that only leaves 13, but there are a great number of nonappropriation bills that could be used for that purpose.

Mr. President, I will not prolong the debate. I understand the concern of the Senator from Massachusetts and the Senator from Oregon, who is not here today, necessarily, and I am making no effort to try to keep them from bringing it up. Indeed, when the Senator from Massachusetts asked me if I could provide a special bill, a vehicle for this, I told him I could not do that, but that there are a great number of bills that could be used for that purpose.

So I guess it is too much to hope, but I would hope that we can get on with the debt limit bill without that.

I thank the Senator for yielding to me.

Mr. EAGLETON. I thank the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Missouri.

S.J. RES. 190

Mr. EAGLETON. Mr. President, I wish to speak briefly on behalf of the joint resolution to be introduced on behalf of myself, Senator KENNEDY and Senator DIXON.

Mr. President, the tragedy in Beirut, with the massacre of 200-plus American servicemen, points up the untenable nature of our military presence in Lebanon.

We first went to Lebanon to help remove the PLO. When that task was completed, we withdrew. When turmoil ensued among the warring factions in Lebanon, we returned as neutral "peacekeepers." Along the way, we lost this identity and became the military ally of the Gemayel government, a government which represents the minority Christian community and excludes the Moslem majority from any meaningful power sharing. As Gemayel's ally, we become the target of endless sniping and/or terrorist attack. Cooped up on flat, low ground at the Beirut airport, our marines became "sitting ducks." It is a senseless, defenseless role we are playing.

Our diplomatic and political efforts have to be directed toward extricating ourselves from this "mission impossible." As Gemayel's ally, we are an unalterable, never-ending target. If in fact a neutral "peacekeeping" role can be usefully played in Beirut (that is, the Italian force), then it must be played by forces that are, in fact and truth, neutral and perceived as so being. Such force could come either under the aegis of the United Nations or independently by neutral nations.

In any event, Mr. President, the 18-month Lebanon blank check that Congress voted a month ago to give the President puts Congress in a totally untenable position. As a coequal branch of government, we are effectively excluded from any policy formulation in Lebanon for a year and one-half. Eighteen months is about the length of time we participated in World War I.

In my Senate floor speech of September 28, 1983 on the 18-month resolution, I said, "A lot of killing can take place in 18 months * * *. A great deal of dangerous mischief can take place in 18 months" (CONGRESSIONAL RECORD, September 28, 1983, page S13032). Indeed, Mr. President, as the tragic events of last Sunday show, a great deal of killing has already taken place. And more can follow.

President Reagan and Secretary of State Shultz are now talking openly about retaliation for Sunday's terrorist attack. What new violence, what new escalation of our involvement in Lebanon will that entail?

Under article I, section 8 of the Constitution and under the War Powers Act, Congress has a role to play in the decisionmaking process of how, when, why, and where we go to war. With the 18-month resolution of 1 month ago, Congress effectively abdicated its rightful role.

Therefore, today I am introducing along with Senators KENNEDY and DIXON, a resolution which substitutes 3 months for 18 months and provides for additional 3-month extensions if a persuasive case can be made for same. For Congress simply to sit on its hands for 18 months and leave it up to the President to do whatever he wants in Lebanon for 18 months is, from Congress point of view, a profile in cowardice. It may be politically easier to leave the burden entirely to the President. But, Mr. President, we were not elected to Congress to shirk from responsibility. We were elected to exercise responsibility and we can do so in Lebanon only if we modify the 18-month blank check unwisely voted a month ago.

Mr. President, I ask unanimous consent to have printed in the RECORD Senate Joint Resolution 190, a joint resolution to amend the multinational force in Lebanon resolution and provide for periodic review and, if appropriate, reauthorization by Congress for continued deployment of U.S. Armed Forces in Lebanon.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 190

Whereas the massive terrorist bombing of the United States Marine Command Headquarters in Beirut on October 23, 1983, and the tragic loss of life of over two hundred Americans have raised new and more urgent questions about the security of United States Armed Forces in Lebanon, about the role and the mission of those forces, and about the duration of their presence;

Whereas United States Armed Forces should be present in Lebanon only with the continued support of the Congress and the American people; and

Whereas the most appropriate demonstration of support for the continuing presence of American Armed Forces in Lebanon is the periodic review and, if appropriate, reauthorization by Congress of their presence: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Multinational Force in Lebanon Resolution (S.J. Res. 159; Public Law 98-119) is amended by (1) deleting the phrase "the eighteen-month period" in section 6 and inserting in lieu thereof "the three-month period," and (2) adding the following new section at the end:

"SEC. 9. In accordance with section 6, the three-month authorization contained in such section may be extended by the Congress, provided that—

"(a) the President has submitted to the Congress, thirty days prior to the expiration of such authorization and, if applicable, thirty days prior to the expiration of such extension, a report described in section 4; and

"(b) any such extension may not exceed three months."

Mr. KENNEDY. Mr. President, I am proud to join with Senator EAGLETON and others in offering this resolution on Lebanon.

The vicious terrorist attack this past Sunday on U.S. marines, sailors and servicemen in Beirut has shocked all of us in Congress and every citizen throughout the country. I share with all Americans the feeling of horror and grief over these wanton murders of more than 200 of our finest soldiers. Like all of my colleagues, I have had the painful experience of talking with bereaved family members of these servicemen. Above all, however, in the wake of this unprecedented tragedy, we cannot go back to business as usual in Congress over Lebanon.

The killing of our marines poses two immediate issues—first, is every conceivable measure now being taken to assure their safety and security, and to prevent a repetition of the terrorist attack? Second, what exactly is the mission for which our marines have been asked to fight, and perhaps to die, and how will their continued presence in Lebanon contribute to the negotiated political settlement that we all seek?

The Congress owes it to the American people and our servicemen in Beirut to find adequate answers to these questions. To those who have been lost, we owe at least a full resolve to protect the others who still serve there. This cannot be a matter for the President alone; the Congress also has a moral obligation to be involved. The Armed Services Committee has begun an investigation to determine the responsibility for the catastrophic breakdown of security in Beirut; as a member of that committee, I intend to participate fully in that investigation.

But Congress must also do a better job of oversight with respect to the continuing presence of our troops. Out of this tragedy should come at least a deeper understanding and a broader measure of public support for the mission of our Armed Forces, if we are serious about permitting their presence to continue.

I believe, therefore, that Congress should vote again, before we adjourn at the end of this session, on the presence of U.S. Armed Forces in the multinational peacekeeping force in Lebanon. That is the purpose of the amendment we are offering now. The 18-month blank check which the Senate and the House gave the President last month is far too long. It represents a dangerous abdication of our fundamental congressional responsibility, and an invitation for wider war in the Middle East.

Current law permits the President to continue U.S. military involvement in Lebanon without further congressional participation until April 1985. That sort of open-ended extension undermines the purpose of the War Powers Act. It violates the spirit of our consti-

tutional and statutory responsibilities on the most difficult question of all—the question of war and peace.

Last Sunday's savage attack was a painful reminder of the volatile nature of the situation in Lebanon. The prospects for peace there are far from certain. Under these circumstances, the wisest course for Congress to follow is to insist on frequent, periodic review of our miltary presence in Lebanon. Surely, it is not too much to ask that the President obtain the support of Congress every 3 months if our military forces are to remain in Lebanon for any extended period of time.

Our marines have the right to know that their country stands squarely behind their mission. It is in the highest national interest to maintain the strongest and broadest support for the continued presence of our forces. In the wake of last Sunday's bombing, citizens across this land are raising basic questions about the administration's rationale for the introduction of our marines in Beirut and about the rationale for keeping them there any longer. Only through a process of periodic review and reauthorization by Congress can the further presence of our troops be justified.

This resolution guarantees that Congress will play its rightful role in further decisions on Lebanon, and that we will have the right to review the situation every 3 months. If the President requests a further continuation of the marine presence, our decision will be based on the circumstances prevailing at that time.

All of us hoped that last month's ceasefire agreement would be followed promptly by negotiations for a new political compact in Lebanon that fairly served the interest of all the parties to the conflict. Now, we share a growing sense of frustration and concern that the parties have taken an entire month to agree on a date and place for the conference. We must insist again that the administration make a negotiated political settlement its first priority, and that a special envoy of the highest rank must be appointed to participate in the negotiations that are scheduled to begin next Monday in Geneva.

The parties to the dispute must be prepared to make—and we must press them to make—the responsible concessions necessary to reach a settlement.

A political settlement will require vigorous and determined diplomacy, we must press Syria to support the process of national reconciliation. We should also continue to press for total withdrawal of all foreign forces from Lebanon—those of the PLO and Syria as well as Israel. There can be no justification for continued Syrian occupation and domination of Lebanon. In particular, we should call on Syria to demonstrate through concrete support for the talks scheduled to begin in Geneva that it is not a foe of Lebanese sovereignty.

Israel too has a critical stake in a negotiated political settlement. We must, therefore, consult closely with Israel on ways that it can help support a settlement.

At the same time, we must not permit the reason of negotiation to become simply a rationalization for an endless commitment of American troops. The administration must present a coherent strategy that relates the presence of American troops to the accomplishment of specified political objectives. Unless there has been meaningful progress toward a political settlement by January 1, I believe all American troops should be withdrawn.

There is another area for the administration to pursue vigorously. It should explore alternatives to the present multinational peacekeeping force. I strongly support the resolution introduced by Senator BYRD, which expresses the sense of the Senate that the President should pursue every avenue to facilitate the orderly transfer of the peacekeeping responsibilities of the multinational force to a United Nations presence or other forces from neutral countries.

The challenges we face in Lebanon are mounting, and they already have taken too many lives. Too much is at stake for the United States alone to take the responsibility—or for the issues of war and peace in Lebanon to become the subject of narrow partisanship. We will better succeed in our endeavors in the Middle East if the President and the Congress work together in partnership. That is the purpose of the resolution we have introduced today. It now goes to the Foreign Relations Committee for consideration under the expediting procedures of the current law. I hope the committee will report it favorably, and that the full Senate will adopt it at the earliest opportunity.

I wish to ask a question of the Senator from Missouri.

As I understand, under the War Powers Act itself it does provide that there is an opportunity to amend or to alter the resolution that is actually passed in section 8 of the War Powers Act itself. As I understand the procedure now that resolution, which is introduced by the Senator from Missouri and which I join, will be referred to the Foreign Relations Committee and that the Foreign Relations Committee within 15 days will vote or dispose of this particular measure and if it is reported favorably then all of the mechanism in terms of expedited procedure then would go into effect and the Senate would have an opportunity to address this issue.

Is that the understanding of the Senator from Missouri?

Mr. EAGLETON. The Senator is entirely correct in his understanding of the War Powers Resolution and the procedures thereunder.

Mr. KENNEDY. I thank the Senator from Missouri and I would hope we would be able to gain the support of our colleagues in this body and in the appropriate bodies of the Senate.

Unlike the Gulf of Tonkin Resolution, which was a blank check that went on for years, the Senator from Missouri, the Senator from Massachusetts, the Senator from Illinois, and the other cosponsors believe that the Senate has responsibilities in foreign policy, as described in the Constitution. We have an important responsibility for oversight of the presence of American marines in Lebanon. We should be involved in U.S. policy on Lebanon. The American people expect us to be involved in that policy. Next week, the peace negotiations will begin in Geneva.

There will be other events in the next few weeks that will have direct implications for the role of American troops in Lebanon. So I applaud the Senator from Missouri for introducing this amendment, and I look forward to working with him and our colleagues to insure that we fulfill our responsibility not only to the marines but to the American people on this particular issue.

Mr. EAGLETON. Mr. President, I commend my colleague for his excellent remarks and for his support with respect to this resolution, and I am pleased the third sponsor of this resolution, Senator DIXON, is now present on the floor.

WAR POWERS LIMITATION SHOULD BE THREE MONTHS

Mr. DIXON. Mr. President, I rise as a cosponsor and strong supporter of the joint resolution offered by my friend, the distinguished Senator from Missouri.

This resolution is very straightforward, Mr. President. It reduces the authorization period for the marines in Lebanon from 18 months to 3 months.

Let me remind colleagues about a few elementary historical facts. First, American involvement in World War I lasted a total of only 19 months. Second, the period of time from the allied invasion of Normandy in World War II to the surrender of the Third Reich was only 11 months. I repeat, 11 months.

So, I say to you now, as I have said before, an 18 month authorization is a blank check as measured against the most devastating world wars of modern times—a blank check that will allow the President to fill in the amount he desires for the effort in Lebanon.

That is too much, Mr. President.

Now, Mr. President, I hear the voices of the administration supporters re-

peating the charges that they levelled during the first visitation of the Senate to the War Powers Resolution in Lebanon. I hear the charge:

Well, if you reduce the authorization, that is tantamount to a cut and run philosophy, and the leader of the free world cannot cut and run.

I agree, Mr. President. I agree that the United States cannot cut and run from its responsibilities in the Mideast.

That is not what we are doing with this resolution, however. We are not saying that in 3 months the marines automatically must return to the United States. We are simply saying that if the marines are to stay longer than 3 months, then Congress should return to the issue of Lebanon. In 3 months we will listen to the presentation of the administration as to why events warrant a continued deployment, if indeed the administration believes the marines should stay longer. At that time, Congress will determine, under the expedited procedures of the War Powers Act, whether the authorization should be extended for a longer period of time.

I cannot overemphasize the point that adoption of this amendment would not mean the marines would automatically come home. Congress could authorize a longer stay.

Let me add this: If events warrant a continued presence, I would be the first to cast my vote in favor of that proposition. No one, including this Senator, is an advocate of a cut and run philosophy, if he or she happens to believe the President should not have a blank check in Lebanon.

I assert it is patently clear that Congress and the executive branch have shared constitutional authority over the commitment of troops in hostilities aboard. All that this resolution does is to protect the responsibilities of Congress, and to insure that any commitment of troops abroad is fully explored as a proper policy. There is no better way to insure a proper policy than a periodic review by Congress.

My able colleague, Senator EAGLETON, has spoken eloquently on the mission impossible of our marines in Lebanon.

I urge Senators to heed that advice.

I also commend to their attention the fine remarks of Senator KENNEDY, who, I believe, has expressed the grief all of us feel over the tragic loss of life of our servicemen in Beirut.

We in Congress owe it to our troops in Beirut and to the American people to oversee American policy in Lebanon.

I urge my colleagues to support this resolution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I would like to place in the RECORD some highlights of the deficit reduction package that I think might have some merit. I know other Members might have other plans on deficit reductions. We certainly welcome those.

I still hope that before we leave Congress this year we take some action on the deficits. It will keep most everybody alive in the next year or two. Once the American people understand how bad it is, and it is unfortunate they do not understand it now, they will be beating on our doors demanding that we do something on the spending side and the revenue side to reduce the deficits. So far the ballooning deficits have not made their impact on most Americans, even most American businessmen and businesswomen.

In any event, it is a matter that we hope to address.

I ask unanimous consent that highlights of that package be printed in the RECORD.

There being no objection, the highlights were orderd to be printed in the RECORD, as follows:

HIGHLIGHTS OF THE DEFICIT REDUCTION PACKAGE

The proposed deficit reduction package is a balanced combination of spending restraint and increased revenues designed to offer a realistic compromise between the Congressional and Administration budgets.

The proposal includes approximately $120 billion in deficit reduction measures—$64 billion in spending restraint and $56 billion in revenue increases.

Under the proposal, the President would be granted Temporary Emergency Fiscal Powers for two years beginning after the 1984 election.

Under these Temporary Emergency Fiscal Powers, the President would be given authority to make a reduction of up to 2.5 percent in cost of living adjustments in nonmeans tested programs and in income tax indexing.

No authority would be granted unless the President reduced both COLAs and tax indexing equivalently.

Any savings from Social Security COLAs would be placed automatically in the HI Trust Fund to begin stabilizing the Medicare program, which faces bankruptcy in the 1990s.

If the President propose a reduction in COLAs and tax indexing, the President would also be given the authority for withholding funds up to 2.5 percent of appropriated funds.

Under this authority, however, no individual program, activity or account could be reduced by more than 15 percent.

Any Presidential action under these powers can be overturned by a fast-track disapproval resolution, which will be submitted to the President.

Based on the updated Budget Resolution assumptions, this proposal would reduce deficits to the following levels:

Fiscal year:	*Billions*
1984	$187.2
1985	154.0
1986	132.0

PROPOSED DEFICIT REDUCTION PACKAGE

I. Basic elements

GNP targets for spending reductions in 1984-86.

Specific spending reductions in Reconciliation Bill plus savings achieved or pending in fiscal year 1984 appropriations bills and other legislative measures; and savings resulting from reduced debt service cost.

Budget savings measured as reductions from fiscal year 1984 First Concurrent Budget Resolution—representing "compromise" between Congressional and Administration budgets.

Temporary Emergency Fiscal Control Powers granted to President to achieve extra savings if needed to hit spending targets—but powers balanced, linked and limited to 2.5 percent reduction in: Non-means tested benefit COLA; income tax indexing; appropriated spending.

"Initial Medicare Fiscal Solvency Provisions" through earmarking of the savings from Medicare reconciliation reforms, and automatic credit of any OASDI COLA savings to medicare trust funds.

Enactment of a package of loophole closers, freezes and base broadening revenue proposals in a compromise Reconciliation/Tax package containing spending and emergency fiscal power measures.

Total deficit reductions of between $100-$150 billion over 1984-1986.

II. Temporary emergency fiscal control powers

(1) Presidential "Alternate Plans:"

President may make up to 2.5 percent reduction in otherwise applicable Cost-of-Living adjustment for non-means tested benefits, income tax indexing adjustment, and funding levels for appropriated programs.

(2) Balancing Linkage:

No authority granted for COLA reduction unless equal tax indexing reduction proposed for the same year.

No authority granted for withholding of appropriated funds unless "alternate plan" for benefit COLA and tax indexing already in effect during that fiscal year.

(3) Alternate plan for Appropriated Spending:

Only one plan per year authorized and must be submitted with January Presidential Budget.

No individual program, activity or account could be reduced by more than 15 percent.

(4) Congressional Disapproval of Alternate Plans by Joint Resolution:

Disapproval resolution must be enacted within 45 calendar days of submission of an Alternate Plan.

(5) Effective Dates and Other Provisions:

No Alternate Plan effective until January 1, 1985 in case of benefit COLA and tax indexing and fiscal year 1985 in case of appropriated spending.

If President proposes Alternate Plan for Benefit COLA and tax indexing, current law adjustment date is automatically slipped by one month for the year in question—whether or not the Alternate Plan is enacted.

III. GNP targets for spending

The spending reduction and fiscal control elements of the package are designed to

reduce the outlay share of GNP from 25.0 percent in fiscal year 1983 to: 24.3 percent in fiscal year 1984; 23.6 percent in fiscal year 1985; and 22.9 percent in fiscal year 1986.

IV. Budget savings components and measurement baseline

(1) Savings will be measured from the First Congressional Budget Resolution total outlay level (on and off budget) updated for revised economics: 1984, $867.1; 1985, $922.3; 1986, $977.6.

(2) Savings from the First Concurrent Budget Resolution will be scored in 5 categories:

(a) Savings from Budget Resolution assumptions for bills already enacted or in conference (e.g. Labor-HHS and HUD Appropriations, Railroad Retirement, General Revenue Sharing).

(b) Savings attributed to direct measures to be included in the Reconciliation/Bill (e.g. Medicare, Federal Pay Increase, Retirement COLA delay etc.)

(c) Savings attributable to program increases assumed in the First Budget Resolution which the Administration opposes (e.g. American Conservation Corps, AFDC and Child Nutrition Entitlement Liberalizations.) These savings are the Administration's responsibility to veto and sustain if bills are presented.

(d) Savings attributable to the Temporary Emergency Fiscal Control Power if used to fullest authorized extent.

(e) Savings attributable to reduced debt service.

The above categories total as follows:

	Spending reduction package			
	1984	1985	1986	Total
Enacted/pending	−6.3	−2.7	−1.3	−10.3
Directed measures	−2.8	−4.0	−5.5	−12.4
Resolution program increase	−2.4	−2.9	−2.5	−7.9
Emergency fiscal powers (spending)		−8.0	−15.8	−23.8
Debt service (spending side only)	−.6	−1.9	−3.5	−6.0
Total	−12.1	−19.5	−28.6	−60.4

V. Tax reform package

The package contains at least a dollar of spending restraint for each dollar of new revenues.

The package's three-year revenue total of $53.8 billion is less than the $58.7 billion of revenue increases included in the Administration fiscal year 1984 budget.

Except for the proposed 5 percent temporary corporate franchise tax, the package contains no "new" taxes.

Rather, the revenue package is composed almost entirely of proposals to close tax loopholes, to broaden the income tax base, or to delay provisions added in 1981 or 1982.

VI. Initial medicare fiscal solvency provisions

To safeguard against any charge that the elderly are being harmed to reduce the budget deficit, the proposed deficit reduction plan would allocate all relevant savings to the HI Trust Fund and boost its deteriorating financial condition with additional measures. These solvency items would include:

Making an appropriation to the HI Trust Fund in the amount of any savings attributable to SMI (Part B) reforms included in the Reconciliation bill.

Automatic allocation of OASDI tax receipts to the HI Trust Fund in the amount of any savings resulting from an "Alternate Plan" for the OASDI Benefit COLA.

Scoring of all savings attributable to Reconciliation Part A measures to the Medicare solvency total.

INITIAL MEDICARE FISCAL SOLVENCY PROVISION

	1984	1985	1986	Total
SMI savings appropriation	0.5	0.8	1.2	2.5
OASDI alternative plan	0	2.8	6.8	9.6
Reconciliation part A savings				
Total	.5	3.6	8.0	12.1

VII.—OVERALL DEFICIT IMPACT

	Fiscal year—			Total
	1984	1985	1986	
Outlays saving	−12.3	−20.5	−31.7	−64.5
Revenues increase	+3.4	+16.2	+36.4	+56.0
Gross deficit reduction	−15.7	−36.7	−68.1	−120.5

VIII.—COMPARISON WITH CONGRESSIONAL BUDGET RESOLUTION

	1984	1985	1986	Total
Updated budget resolution deficit	188.0	172.0	142.0	501.0
Possible deficit reduction plan:				
Outlay savings	−7.4	−12.8	−19.6	−39.8
Revenue increase	+8.6	−.2	+9.6	+18.0
Total deficit reduction	+1.2	−13.0	−10.0	−21.8
Deficit with deficit reduction plan	189.2	159.0	132.0	480.2
Share of GNP (in percent):				
Outlays	24.3	23.6	22.9	(1)
Revenue	19.0	19.4	19.7	(1)
Deficit	5.3	4.2	3.2	(1)

[1] Not applicable.

● Mr. BENTSEN. Mr. President, I have supported this administration's requests for increases in the national debt with increasing misgivings. This support has been based on my belief that debt limit bills are only symptoms when the real cause of our deficits rest with tax and spending legislation. It does little good for Congress to pursue tax and spending policies which yield massive deficits, and then refuse to lift the debt ceiling—an action which becomes necessary as a result of those policies. In short, these periodic debt limit increases are required to pay the bills which Congress creates in other legislation. And the way to halt the soaring increase in the national debt is not to make symbolic gestures in opposing debt limit changes, but in making the hard choices and votes to hold the lid on spending and tax ourselves for what we spend.

Having said this, I confess to a great deal of frustration with the administration's handling of economic matters. They have promised us for almost 3 years now that the Federal Government would stop running in the red—that they would propose ways to balance the budget and eliminate deficits. In fact, the very first economic document issued by this administration—back on March 10, 1981—projected a $500 million surplus for fiscal year 1984, and another surplus of almost $6 billion for fiscal year 1985. I realize those projections seem fantastic in retrospect. But, it is sobering to many of my colleagues to realize that the administration has had extraordinary good success in piloting its economic proposals through the Congress. That success over the past 2 years must carry an increasingly bitter taste to the White House today—especially as they and we contemplate the final accounting for the fiscal year just ended.

Having gained and retained the whip hand in both tax and spending policies since fiscal year 1982, the administration can take no satisfaction—none at all—with the fiscal disarray on their and the Nation's hands. The scope of that disarray is striking, with real interest rates at record high levels, consumers saving at only one-half the rate of the mid-1970's, the bloated dollar forcing every single basic U.S. industry to scramble for survival in the midst of a robust recovery and with 2 million more men and women out of work today than when the administration took office 33 long months ago.

I realize that the Congress and the Nation will soon be subjected to the political season again. Claims and counterclaims will fill the airwaves and newspapers about inflation, unemployment, economic growth rates and so on. But no amount of celluloid hustle can blur the image of unmet promises and unfulfilled expectations. The administration's record speaks for itself.

In March 1981, the administration projected a budget deficit for the following fiscal year 1982 of $45 billion. Their actual budget deficit that year was $110.7 billion—which by itself was larger than the combined deficit during the peak war years of 1943 and 1944—and far and away the largest deficit in our history. The administration projected a deficit for fiscal year 1983 of $22.9 billion. But their actual deficit that year was another record-breaker; it totaled $195.35 billion and jumped the national debt almost 20 percent in that one year alone. Now I can well understand some margin for error in economic projections. Indeed, that is why entries like "errors and omissions" are created. But an error of over $170 billion in projecting the fiscal year 1983 deficit will scarcely fit into an errors and omissions column in the budget. In fact, virtually every Member of this body would question whether it should fit anywhere in our budget at any time except during a time of grave national crisis.

I confess that we are in the midst of a trying period internationally. But, no one would argue that our economic resources are under stress as a consequence. What is being argued on Main Street, on Wall Street, and in capital across our globe is that the U.S. budget is severly out of balance. They

know it and we know it too. And the debt limit increase being debated now reflects that reality in the starkest terms possible.

It is easy for Democratic Members of Congress to call the administration to account for its budget disarray. And it is just as easy for both the media and the administration to turn a deaf ear to that criticism as self-serving and partisan. Yet, the voices now being raised in alarm regarding the impact of the deficit run across the entire political and business spectrum. It is no longer a partisan issue. It is an issue which needs addressing and addressing promptly. It requires bipartisanship in a period which is traditionally turned over to partisan rhetoric as the next national election looms. It requires a balanced tax and spending approach, as well—the deficits are simply too large to rely solely on either taxes or spending cuts to resolve them. But, most importantly, it requires political courage by the administration to take the bit in mouth and lead this Nation to the highlands of fiscal responsbility. The President has shown that he can propose and achieve spending cuts. Moreover, he has shown that he is willing to boost taxes, as well. Indeed, he proposed and then signed into law the largest tax increase in our history just last year.

It is time to get on with the job of balancing the budget so this body can avoid the agony of penalizing future generations of Americans with greater and greater debt.●

Mr. DOLE. Mr. President, as far as the Senator from Kansas is concerned, there is nobody here talking and that is progress on the debt ceiling. We can come back tomorrow and wind it up.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to extend beyond the hour of 5:05 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have a few items in my file that appear to be ready for action by unanimous consent. Could I inquire of the minority leader if he is prepared to go over these with me at this point?

Mr. BYRD. Yes.

ORDER TO PLACE H.R. 4169 ON THE CALENDAR

Mr. BAKER. Mr. President, first, I ask unanimous consent that H.R. 4169, the Omnibus Reconciliation Act of 1983, be placed on the calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

Mr. BAKER. Mr. President, I ask unanimous consent that final passage be vitiated on S. 1267.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President, would the distinguished majority leader make his whole request on that matter?

Mr. BAKER. Very well.

Mr. President, it is my intention, and I do now ask, that if final passage on S. 1267 is granted pursuant to my unanimous-consent request, that the Chair then lay before the Senate a message from the House on H.R. 2592, the catalog of assistance programs.

Mr. BYRD. Mr. President, reserving the right to object.

Mr. BAKER. Mr. President, may I say that if that request is granted, then it would be my intention to strike all after the enacting clause of H.R. 2592 and insert the language of S. 1267 on which action is being vitiated pursuant to this request, and then to ask the Senate to pass H.R. 2592, as amended.

The request at this point is that action on S. 1267 be vitiated and that the Chair lay before the Senate a message from the House on H.R. 2592.

Mr. BYRD. Mr. President, with the understanding that the distinguished majority leader has provided, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2592) to transfer from the Director of the Office Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I move to strike all after the enacting clause and insert the language of S. 1267, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BAKER. Now, Mr. President, I am prepared for the Chair to put the question on H.R. 2592, as amended.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2592), as amended, was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that S. 1267 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADVERSE EFFECTS ON U.S. AGRICULTURAL EXPORTS BY MODIFIED COMMON AGRICULTURAL POLICY

Mr. BAKER. Mr. President, I would now ask that the Chair lay before the Senate, if the minority leader does not object, Senate Resolution 233, Calendar Order No. 497.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 233) to express the sense of the Senate concerning the adverse effect on U.S. agricultural exports of proposals to modify the common agricultural policy of the European Community.

The Senate proceeded to consider the resolution.

Mr. DIXON. Mr. President, Senate Resolution 233 expresses the sense of the Senate that U.S. agricultural exports will suffer adversely from proposals being made to modify the common agricultural policy of the European Economic Community.

I have been joined by 35 of my distinguished colleagues in presenting this resolution. Senate Resolution 233 is supported by the American Soybean Association, the National Corn Growers Association, the American Farm Bureau Federation, the Corn Refiners Association, the National Soybean Processors Association, A. E. Staley Manufacturing Co., Archer-Daniel-Midland Co., Cargill, Inc., EPIC, the Fertilizer Institute, the National Council of Farmer Cooperatives, the National Governors Association, Florida Citrus Mutual, and the National Sunflower Association.

I thank my distinguished colleagues, Senator HELMS, chairman of the Senate Agriculture, Nutrition, and Forestry Committee, and Senator HUDDLESTON, ranking member of the committee, for their support and cooperation in expediting this resolution.

I also wish to express my appreciation to my distinguished colleagues, Senator PERCY, chairman of the Foreign Relations Committee, and Senator PELL, ranking member of the committee, for their efforts in having the Foreign Relations Committee report the resolution.

Mr. President, I would have hoped that a resolution of this type would not be necessary, but with the proposals to modify the common agricultural policy now being considered by the European Economic Community, it seems there is no choice. Decades of cooperation are now being challenged by the proposed tax on vegetable oils and fats and the import restrictions on nongrain feed ingredients.

This resolution is straightforward and to the point. First, it asks the President to communicate with the Council of European Community Ministers, urging them to reject the proposals of the Commission, which seek to shift to other countries the burden of disposing of EC agricultural surpluses.

Second, the resolution asks the President to vigorously oppose any of the proposed CAP modifications that would adversely affect the access of our agricultural exports to the EC.

This resolution also expresses the sense of the Senate that strong measures should be implemented immediately to protect the legitimate trade interests of the United States if the proposed CAP modifications are adopted.

This issue is of great importance to the American farmer, and to the citizens of the United States. It is of great importance to my own State of Illinois, which is the No. 1 State in the production of soybeans, and in agricultural exports.

In 1982, nearly half of the United States $8.4 billion in soybean and soybean product exports was exported to the EC, where it entered duty-free. This represents approximately 10 percent of our agricultural exports. If the proposed tax on fats and oils is implemented, we will lose much of the EC soybean and soybean product market.

The United States exported less than $200 million of soybean and soybean products to the EC when the zero binding for soybeans and soybean meal was negotiated in 1962. Because imported soybeans and soybean meal are exempt from EC duties, and are less expensive, European feed manufacturers have increased the soybean meal share of processed products.

The use by the EC of soybean oil, which is processed from imported soybeans, has increased in salad oil, cooking oil, and margarine. Soybean oil competes with locally produced EC olive oil and butter.

The EC is proposing to use a discriminatory tax on fats and oils instead of discontinuing the use of import barriers and lowering the minimum internal price guarantees. The revenue generated by the tax would be used to fill the depleted coffers of the EC treasury to continue to support their present agricultural policy. By taxing fats and vegetable oils, and imposing no tax on butter, the effect would be to reduce the use of soybean oil which would also have a similar effect on soybeans and soybean meal.

The net effect of this proposal would be a loss of soybean and soybean meal exports by the United States. This would correspond to a reduction in price to the more than 600,000 American soybean farmers.

Testifying before the Senate Subcommittee on Foreign Agricultural Policy, Roger Asendorf, vice president of the American Soybean Association, stated:

> If this tax is imposed it will be the foot in the soybean door the EC has long sought in order to negate its 1962 zero bindings. Those zero bindings are the largest single zero tariff binding the U.S. has ever achieved. If the EC is able to undermine that commitment, it will not only mean enormous long-term losses to U.S. soybean farmers, but also the destruction of what remains of the GATT multilateral trade structure.

In addition to the consumption tax on vegetable oils, which is being contemplated by the EC, there is also under consideration some form of import restrictions on nongrain feed ingredients including corn gluten feed and citrus pulp. This proposal is contained in the EC discussion of reforms in the cereals program. The Commission calls for "a rapid and effective limitation of imports" of these ingredients.

A limit on imports of corn gluten feed by the EC would violate long-standing GATT agreements and threaten a $500 million per year U.S. export market without materially affecting the internal grain support problems faced by the EC.

Around 3 million tons of corn gluten feed are exported to the EC annually for use as protein ingredients in feeding livestock. Under GATT rules, these imports, as well as the import of a number of other protein materials, are bound duty-free under agreements reached during the Kennedy round of multilateral trade negotiations.

Corn gluten feed is one of many products used by European animal feeders as protein supplements. Restrictions on its import will not result in a concurrent increase in the amount of EC-produced grains which are fed to livestock. Further, since corn gluten feed exports are only a small part of the total amount of nongrain feed ingredients used by EC animal feeders, other major ingredients, such as soybean meal, could face similar threats in the future when restrictions on corn gluten feed fail to have a material impact on the EC grain situation.

Thomas V. Fischer, executive vice president of A.E. Staley Manufacturing Co., recently stated before the Senate Subcommittee on Foreign Agricultural Policy:

> Instead of facing the consequences of its own policy, the EC is seeking to avoid them by shifting the burden to U.S. agribusinesses and the American farmer. If the EC is successful in efforts to shift some of the burden of its policies to the non-EC producers of corn gluten feed, there is little to keep it from doing the same thing to the non-EC producers of soybean meal and soybeans.

Mr. President, this is the second time in 18 months the U.S. Senate has had to respond to proposed reforms by the EC which have threatened our markets.

It is imperative that the U.S. Senate be on record objecting to the potential threat by the Commission of the European Economic Community that would further restrict our access to the EC market.

I ask my colleagues to join me in this effort by adopting Senate Resolution 233.

U.S. FARM EXPORTS NEED FREE TRADE

Mr. HELMS. Mr. President, I urge my colleagues to adopt this resolution to strongly oppose the proposed restrictions on U.S. farm exports. The resolution is important to convey to the European Economic Community how seriously we view their proposals to impose a consumption tax on vegetable oils and the restrict corn gluten feed and citrus pellet imports.

As many of my colleagues know, the Commission of the European Economic Community has proposed several modifications to the EEC's common agricultural policy in order to avoid a budget crisis. Of course, to many analysts such a budget crisis has appeared inevitable for some time, because the EEC's subsidy policies are so costly and inefficient. Faced with budget demands for the CAP which exceeded available resources, the EEC Commission proposed several reforms on July 29 of this year.

Some of these proposals appear to be commendable in that they would limit surplus production through a more restrictive internal price and production policy for certain commodities. However, the more specific proposals are those which affect the trading partners of the EEC.

The EEC has proposed a consumption tax on vegetable oils, including soybean oil, and restrictions on the import of nongrain feed ingredients such as corn gluten feed and citrus pellets. Such actions seek merely to shift the burden of the needed adjust-

ments in the CAP away from the EEC countries and onto those countries which export to the community.

American farmers cannot afford to lose these important markets for corn, soybeans, and their byproducts. Taken together, these products represent nearly $5 billion in exports to the European Economic Community.

According to the U.S. Wheat Associates newsletter of September 30, 1983, the tax on oils and fats could be equivalent to about $64 per metric ton. U.S. Wheat Associates is a highly respected trade organization developed to promote American wheat exports, and they are quite knowledgeable on these issues. Their newsletter, citing a report in the London Public Ledger, reported that the tax would impose an import barrier estimated at $11.39 per metric ton or 31 cents per bushel for soybeans, and even higher on processed products.

There is strong international opposition to a fats and oils tax, as there should be. This proposal would adversely affect the economy in a number of countries, including developing countries.

The tax proposal met strong opposition when it was discussed at a recent meeting of the FAO Committee on Commodity Problems in Rome. This committee includes representatives of 80 countries from all over the world. Delegates from several countries, particularly Malaysia, Canada, and Phillipines, expressed their strong opposition to the proposal and urged the EEC Commission to reject it. Ultimately, the entire committee—except the EEC member states—supported this position and urged the rejection of the vegetable oils tax.

It is important to note the impact of the proposed restrictions on corn gluten also. Corn gluten feed (CGF), a low to medium energy, medium protein feedstuff, is best suited for ruminant animals and is especially useful to EEC dairy producers located near ports of discharge. The EEC normally imports about 90 percent of total U.S.-CGF production, which in turn accounts for about 90 to 95 percent of all EEC imports of CGF.

EEC spokesmen contend that corn gluten feed from the United States displaces European grain which would otherwise have been utilized. If this is valid at all, it would be because the artificially high EEC support prices have made European grain products noncompetitive.

In fact, according to USDA's Foreign Agricultural Service, there is no evidence that massive displacement has taken place. The Foreign Agriculture Circular on grains of September 30, 1983 stated that any displacement of European grain by CGF has been small and will continue to be small in the future. About 90 percent of imported CGF is formulated, primarily on the basis of protein, in feed. Thus, CGF is used as a protein supplement rather than as a grain substitute, so the volume of grain displaced is marginal.

Furthermore, the EEC need not be concerned about a huge new influx of corn gluten feed, because several of the industries which produce CGF are not expanding. Domestic alcohol fuel plants, for example, also produce corn gluten feed, but in the near term their capacity is not expected to expand. In addition, some innovative processors such as Archer Daniels Midland are increasingly marketing wet corn gluten feed to livestock feeders in the United States. This will mean increased CGF use in the United States and less in Europe, so the Europeans have even less need for import restrictions.

In fact, studies have been prepared in Europe which demonstrate that CGF imports are not the cause of displacement of European grains. I understand that FEFAC, the organization of the European mixed feed industry, has prepared a study which states that the so-called grain substitutes have in no case replaced grains in the mixed feed formulas. The study concludes that the importation of products, called substitutes, such as corn gluten are not the cause of the difficulties in the EEC grain market. Therefore, the proposed restrictions on CGF imports would not be a genuine solution to the EEC's budget problems.

There is no justification for these proposed restrictions. The zero-duty bindings on shipments of these products were bought and paid for by the United States with trade concessions of our own in previous years.

Beyond that, there is an overriding principle at stake. If these proposals were to be accepted, EEC restrictions on agricultural imports would then cover virtually all major products.

On October 17, the Subcommittee on Foreign Agricultural Policy chaired by Senator BOSCHWITZ conducted a hearing on the EEC proposals. Leaders of the U.S. Government, as well as representatives of farmers and processors, appeared at the hearing and spoke with a unified voice in opposition to these proposals. I commend our distinguished colleague from Minnesota for his leadership in conducting these hearings and focusing attention on this vital matter.

Further, I commend the Secretary of Agriculture and the U.S. Trade Representative for the firm position which they have taken. Under Secretary of Agriculture Daniel Amstutz has recently returned from Europe where he emphasized the U.S. position to officials of the EEC Commission and five member states. Ambassador Brock and Ambassador Lighthizer have made these points to European leaders also.

Unfortunately, in past administrations, our trade interests have all too often been undermined by the bureaucrats at the State Department. I am pleased that such is not the case here, and that Assistant Secretary of State Richard McCormack presented such thorough, firm, and supportive testimony.

The testimony clearly supports this resolution and I urge my colleagues to approve it unanimously, in the interest of both American trade policy and American farmers.

Mr. PERCY. Mr. President, I rise to urge swift passage of this resolution. My distinguished colleague from Illinois (Mr. DIXON) is to be commended for his initiative in this matter. It is extremely important to our State, and to other States as well. Let no one misunderstand our intentions here. We cannot, and will not, stand idle as our markets are taken unilaterally.

On Tuesday, the Senate Foreign Relations Committee voted unanimously to report Senate Resolution 233.

The committee acted to report out Senate Resolution 233 in view of the announced proposals by the Commission of the European Communities which would impair existing tariff bindings previously negotiated with the United States.

These proposals, however, must first be adopted by the member states of the European Communities which will be meeting in Athens on December 8–9, 1983.

It is the hope of the committee that the adoption of this resolution will clearly signal to the member states that they are at serious risk of losing equivalent trade concessions with the United States if they act in two primary areas:

First, the imposition of a 3 million metric ton duty free limit on the importation of corn gluten feed (CGF) and citrus pellets, accompanied by a tariff over that amount.

Second, the adoption of a consumption tax on vegetable oils and fats that would fall most heavily on oil derived from imported soybeans.

In relationship to the first proposal, the committee notes that the United States negotiated a "zero-duty import concession" with the Community on these nongrain feed ingredients.

Under the General Agreement on Tariffs and Trade (GATT), if the European Communities withdraw this concession, the United States would then have the right to unilaterally take back an equivalent concession—in value—made previously to the European Communities.

It is the intention of the committee to let the European Communities know, in view of the potential grave injury to the corn wet milling industry of this quota-levy, that the United States would be justified in withdraw-

ing a tariff concession equal to the annual value of the import or about $500 million, adjusted for inflation and taking into account the loss of future export opportunities. In addition, losses sustained by the citrus industry should be fully compensated through withdrawing further concessions from the European Communities.

When drawing up lists of commodities that might be affected by the withdrawing of concessions, it is the intention of the committee that agricultural exports from the Community be targeted, particularly high value processed products such as wine, cheese, and speciality food items.

Second, the committee is greatly disturbed by the proposed imposition of about a 3-cents-per-pound tax on vegetable oil and fats, effective January 1, 1984.

Such action, the committee believes, would be an impairment of the GATT bindings on soybeans and soybean meal made during the Dillon round of trade negotiations. It is estimated that the imposition of a tax would lead to a decline of up to 6 percent in the world price for soybean oil. Once the tax is imposed, it could very well be increased so as to further reduce soybean and soybean product imports from the United States. This is totally unacceptable in view of the importance of soybean exports to U.S. agriculture.

The committee further notes that the vegetable oil tax would serve to reduce the export earnings of lesser developed countries in Latin America, Southeast Asia, and Africa, which export vegetable oils to the Community.

It is indeed ironic, when nations such as Brazil are trying to restructure their debt repayment schedules, that the European Community would undermine these efforts. The committee wishes to point out the United States, through the Caribbean Basin Initiative, is going in the other direction by offering substantial trade concessions to the lesser developed countries in order to stimulate economic growth.

The imports that would most directly be affected besides soybean oil from Brazil would be palm oil, palm kernel oil, coconut, and groundnut oil largely from Africa, Asia, and Latin America.

The committee notes and agrees with the statement of the Deputy United States Trade Representative that the imposition of the tax would be contrary to principles adopted by the Food and Agriculture Organization (FAO) and the U.N. Conference on Trade and Development (UNCTAD). These principles stipulate that no new trade barriers should be established against exports from developing countries and that consumer taxes on these products should be abolished—not imposed. Further, the Deputy Trade Representative quite rightly has pointed out that the tax would undermine the Lome Treaty under which vegetable oils have entered the community at a zero tariff from such nations as Senegal and the Ivory Coast.

The objective of the European Community in reforming the Common Agricultural Policy (CAP) is a legitimate goal. However, this reform effort is doomed to failure if its centerpiece is the unilateral dissolution of longstanding trading agreements with the United States.

Mr. HUDDLESTON. Mr President, I urge the Senate to approve Senate Resolution 233, relating to the common agricultural policy of the European Community.

Modifications of the common agricultural policy have recently been proposed by the European Communities Commission that will unfairly restrict agricultural imports to Europe to protect the domestic agricultural economies of European Communities members. If adopted by the Council of Ministers of the European Community, the modifications will create real problems for U.S. farmers.

The resolution expresses the sense of the Senate that the proposed modifications should be vigorously opposed by the U.S. Government and strong countermeasures implemented if they are adopted by the Economic Community Council of Ministers.

American farmers are in financial trouble. Following 2 years of disastrously low prices, many farmers are now experiencing severe hardship from the drought. The serious financial problems facing farmers are being compounded by a contraction in export markets.

During fiscal year 1982, the value and volume of U.S. farm product exports diminished for the first time in 13 years. Export volume declined by 2 percent from the previous year—from 162 to 158 million metric tons and the value of these exports fell 11 percent—from $43 billion to $39.1 billion.

In fiscal year 1983, agricultural exports declined further—to $34.5 billion, which is some $9 billion below the total agricultural exports of 2 years ago.

We must try to reverse this trend toward reduced export sales volume. To do this, we must work to preserve the ability of U.S. farmers to sell their products abroad.

On October 17, the Subcommittee on Foreign Agriculture Policy of the Committee on Agriculture, Nutrition, and Forestry held a hearing on trade with Europe. This hearing established the importance of the European market to U.S. farmers and exporters; and the testimony of farm leaders, as well as that of the administration, clearly indicated that the Government of the United States should strongly oppose the proposed modifications in European Community policy.

Mr. President, all nations ought to strive for free trade throughout the world, looking toward the elimination of tariffs and trade barriers of any nature. Certainly, we must not sit back and allow our producers to be put at a disadvantage by protectionist trade and tariff practices of other countries.

The costs to governments and consumers of protectionist policies are great. Also, such policies distort patterns of trade and divert resources from better economic uses. No one gains from such inefficiencies and the list of those who are hurt is long.

I am hopeful that the Council of Ministers of the European Community will reject the ill-advised proposals of the Commission. I urge my colleagues to support this resolution that makes clear the position of the Senate in this regard.

Mr. BOSCHWITZ. Mr. President, I rise in strong support of Senate Resolution 233, which I, along with 30 other Senators, have cosponsored. This resolution expresses the sense of the Senate that the President should vigorously oppose any reforms in the European Community's Common Agricultural Policy which adversely affect U.S. agricultural exports.

On October 17, I held hearings on reforms in the European Community's Common Agricultural Policy. These reforms were proposed last summer—July 29—by the commission of the European Communities. While the proposals have not yet been adopted, they are of major interest to those of us who are concerned with U.S. agriculture and agricultural trade.

Some of the justifications for the proposals made by the EC Commission cannot be argued with, and, in fact, echo what we have been telling them for quite some time. These justifications include:

First, the EC agricultural sector must become more and more market-oriented;

Second, EC agriculture must concentrate on producing at competitive world prices;

Third, European Community surplus production must be brought under control; and,

Fourth, the European Community must cooperate in trade with its competitors, to stabilize world prices.

Unfortunately, something seems to have short circuited the relay between these justifications, which are reasonable, and their reform proposals.

These proposals clearly strive to transfer any adjustments resulting from CAP reform away from the European Community countries and toward those countries which export to the Community. The two most important proposals to the United States are: Restricting imports of corn gluten feed

and citrus pellets; and internal taxes on soybean oil and other vegetable oils produced by the European Community.

In short, these proposals would not reform the CAP to be more compatible with free trade principles. They would, instead, retrogress the CAP to be more compatible with the closed economy world of one or two or three centuries ago.

These proposals constitute a set of "have your cake and eat it too" ideas which violate certain concessions negotiated under the GATT, and add insult to injury by maintaining CAP export subsidies while simultaneously closing off the European Community market to exporting countries. For the United States alone, these proposals affect some $700 million (1982) in exports of corn gluten feed and citrus pellets to the European Community as well as $4 billion (1982) in exports of soybeans to the European Community. This amounts to over 50 percent of U.S. agricultural exports to the Community and over 10 percent of our agricultural exports to the world.

It is no surprise that agricultural groups are highly concerned about these proposals. Such proposed reforms would negatively affect our exports and should be intensely opposed by the President. Senate Resolution 233 puts the Senate on the record as being strongly against these proposals. It is a timely resolution and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 233) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, follows:

S. RES. 233

Whereas the Commission of the European Community has proposed modifications to the European Community's Common Agricultural Policy (CAP);

Whereas the CAP proposals announced by the Commission call, among other things, for restrictions on imports of nongrain feed ingredients, including corn gluten feed and citrus pellets, and for a consumption tax on vegetable oils and fats, including soybean products;

Whereas United States exports to the European Community in 1982 totaled over $4 billion of soybeans and oilseed products and nearly $700 million of corn gluten feed and other nongrain feed ingredients, representing over 50 per centum of United States agricultural exports to the European Community and over 10 per centum of total United States farm exports;

Whereas the European Community has bound in the General Agreement on Tariffs and Trade (GATT) that it will impose no import duties on soybeans, soybean meal, corn gluten feed, and citrus pulp, and such zero tariff bindings were agreed to in return for United States trade concessions to the European Community during earlier rounds of trade negotiations;

Whereas the administration has expressed deep concern and disappointment in the proposals for CAP modification advanced by the Commission and has declared its strong opposition to the adoption of any measures calling for new restrictions on United States exports to European Community markets; and

Whereas the adoption of proposed CAP modifications by the European Community would impair access of United States agricultural products to the European Community markets and would shift the financial burden of needed CAP adjustments from the Community to other nations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should urge the Council of European Community Ministers to reject the proposals of the Commission that seek to shift to other countries the financial burden of disposing of European Community agricultural surpluses;

(2) the President should continue to vigorously oppose any of the proposed CAP modifications that would adversely affect access of United States agricultural exports to the European Community markets; and

(3) if the European Community adopts any of these proposed CAP modifications, strong measures should be implemented immediately to protect the legitimate trade interests of the United States.

SEC. 2. The Secretary of the Senate shall transmit a copy of the resolution to the President, the Secretary of State, the Secretary of Agriculture, and the United States Trade Representative.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have a few items that are cleared on today's Executive Calendar. I shall identify them for the minority leader and if he can clear all or any part of them, I propose to ask the Senate to go into executive session for the purpose of considering those nominations which are cleared on both sides.

I refer to calendar orders numbered 312, 351, 352, 355, 357, and 358.

Mr. BYRD. Did the distinguished majority leader refer to calendar order No. 356?

Mr. BAKER. I did not, Mr. President, I expect that will be cleared shortly but it is not cleared on this side at this time.

Mr. BYRD. Mr. President, in response to the distinguished majority leader, I am prepared to say that this side of the aisle is prepared to proceed to consideration of calendar orders numbered 351, 352, 356, 357, and 358.

Mr. BAKER. Mr. President, may I inquire of the minority leader if he is in a position to clear calendar order No. 355?

Mr. BYRD. This side is not prepared to clear either calendar orders numbered 312 or 355.

Mr. BAKER. I thank the Senator.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the following nominations: Danny J. Boggs, of Virginia, No. 351; Raymond J. O'Connor, No. 352; Courtney M. Price, No. 357; and Nan R. Huhn, No. 358.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The clerk will state the nomination.

DEPARTMENT OF ENERGY

The assistant legislative clerk read the nomination of Danny J. Boggs, of Virginia, to be Deputy Secretary of Energy.

Mr. McCLURE. Mr. President, on October 25, the Committee on Energy and Natural Resources favorably reported the nomination of Danny J. Boggs to be Deputy Secretary of the Department of Energy. The vote was 15 to 0. The committee's vote followed a nomination hearing held on October 17.

Mr. Boggs brings to the Department of Energy substantial experience in the field of energy, and particularly energy policy. Since 1981, he has served in the White House as Assistant Director of the Office of Policy Development and Executive Secretary of the Cabinet Council on Natural Resources and Environment. Mr. Boggs has also served on the staff of the Committee on Energy and Natural Resources, and as assistant to the Chairman of the Federal Power Commission.

As Deputy Secretary of Energy, Mr. Boggs would have a major role in formulating and implementing our Nation's energy policies. He would serve with the Secretary in carrying out the responsibilities delegated to the Department by both the Congress and the President. The Deputy Secretary also assists the Secretary in representing the Department's views before the public and presenting its policy positions to the Congress.

In his testimony before the committee, Mr. Boggs described his general approach to Federal energy policy. He stated:

By way of philosophy in approaching this job, I would say that I firmly believe that Congress makes the laws and the executive's task is to administer those laws even while urging their alteration, if that is deemed desirable. I believe in the President's approach to energy matters and to the economy. That approach, based on the free market and the ability of individual

Americans to improve their situation, is based not on an unknowing faith, but on the evidence that has accumulated over this Administration, indeed over our history.

I appreciate and look forward to the opportunity of serving with Don Hodel as Secretary. I share his strongly stated policy that we must work toward stabilizing and making the best use of the professional staff of the Department of Energy. I also share his strong view on the desirability of a diverse and balanced mix of energy resources. We are blessed not primarily with the physical or geological sufficiency of our Nation's resources, but with the talent and inventiveness of our people to make use of them in a very wide variety of ways. No single method of producing or using energy has a monopoly on virtue or economical application. Each of them must be considered on its merits and used where appropriate.

Mr. President, Mr. Boggs has fully complied with the committee's rules, which require the filing of a detailed information statement and the submittal of a financial disclosure report. On behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of Danny J. Boggs for the position of Deputy Secretary of the Department of Energy.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The assistant legislative clerk read the nomination of Raymond J. O'Connor, of New York, to be a member of the Federal Energy Regulatory Commission.

Mr. McCLURE. Mr. President, on October 25 the Committee on Energy and Natural Resources, by a vote of 16 to 0, reported the nomination of Raymond J. O'Connor to be Chairman of the Federal Energy Regulatory Commission. Mr. O'Connor's nomination hearing was held on October 17. He has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement. I am prepared to recommend Mr. O'Connor's confirmation.

Since 1975, Mr. O'Connor has been executive vice president and director of Prudential-Bache Securities in New York. He was also a vice president of Citibank in New York from 1968 to 1975. In these positions, Mr. O'Connor has acquired extensive experience on the financial side of the electric and gas utility industries. He has developed detailed knowledge of utility operations, as well as the management and regulation of utilities.

The Federal Energy Regulatory Commission, when combined with its predecessor, the Federal Power Commission, dates back to 1920 when the Federal Power Act was enacted. It is one of the oldest and one of the most important of our Federal regulatory agencies. Although the Commission is placed within the Department of Energy pursuant to the Department of Energy Organization Act, the Commission retains its regulatory independence. It has very broad and highly complex regulatory responsibilities, including setting wholesale rates for natural gas and electric energy, assessing the environmental impacts of hydroelectric and other energy projects under its jurisdiction, and insuring the reliability of our Nation's electric energy supplies.

In his testimony before the committee, Mr. O'Connor described the importance of the FERC's regulatory responsibilities. He stated:

I would like to talk briefly about my general regulatory philosophy and the Commission itself. The basic work of any regulatory commission is to analyze the options and the consequences of those options and making decisions which will be in the public interest. I intend to never lose sight of the extraordinarily broad responsibility of the F.E.R.C. It is not an overstatement to suggest decisions regarding regulated companies have not only immediate, but also long-term effects on a great many more people than just a single company, its management, its employees and its investors. In the broadest sense imaginable, utility regulation has to be in the public interest. Jobs and standards of living are affected. Economic growth is affected and future generations are affected. These observations are not meant to puff the job or responsibilities out of perspective. They are notions to which I am extremely and personally sensitive. It is the breadth of regulatory effect that gives me pause.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of Raymond J. O'Connor to be Chairman of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENVIRONMENTAL PROTECTION AGENCY

The assistant legislative clerk read the nomination of Courtney M. Price, of the District of Columbia, to be an assistant administrator.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nominee was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE JUDICIARY

NEW REPORTS

The assistant legislative clerk read the nomination of Nan R. Hun, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. BAKER. I move to reconsider the vote by which the nominee was considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF EXPORT-IMPORT BANK ACT OF 1945

Mr. BAKER. Mr. President, I am advised that Senate Joint Resolution 189 is cleared for action at this time, if the minority leader concurs.

Mr. BYRD. Mr. President, the majority leader is correct so far as this side is concerned.

Mr. BAKER. I thank the minority leader.

Mr. President, then I ask that the Chair lay before the Senate, Senate Joint Resolution 189, Calendar Order No. 498.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 189) extending the expiration date of the Export-Import Bank Act of 1945.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and to be read a third time. The joint resolution was read the third time and passed.

The joint resolution (S.J. Res. 189) is as follows:

S.J. RES. 189

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That section 8 of the Export-Import Bank Act of 1945 is amended by striking out "October 31, 1983" and inserting in lieu thereof "November 18, 1983".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. I ask unanimous consent, Mr. President, that after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business until 10 a.m., measured from the expiration of yielding back the time allocated the two leaders, in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, when the Senate convenes, it will do so at 9:30 a.m. pursuant to the order previously entered.

Mr. President, at 10 a.m. tomorrow, the Senate will resume consideration of the debt limit bill. There are a number of amendments to be dealt with apparently. It is anticipated that we will be in session tomorrow at least until midafternoon, and I do expect rollcall votes in the course of the day.

Mr. President, I will say to the minority leader I have nothing further on which to address the Senate. I am prepared to yield the floor or to move that the Senate recess at this time.

Mr. BYRD. Mr. President, I have nothing further.

Mr. BAKER. I thank the minority leader. Neither do I.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and at 5:08 p.m., the Senate recessed until Saturday, October 29, 1983, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 1983:

DEPARTMENT OF ENERGY

Danny J. Boggs, of Virginia, to be Deputy Secretary of Energy.

Raymond J. O'Connor, of New York, to be a member of the Federal Energy Regulatory Commission for a term expiring October 20, 1987.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Nan R. Huhn, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years.

ENVIRONMENTAL PROTECTION AGENCY

Courtney M. Price, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

EXTENSIONS OF REMARKS

THE AIRLINE INDUSTRY—COFFEE, TEA AND BANKRUPTCY?

HON. PETER W. RODINO, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. RODINO. Mr. Speaker, our colleague, NORMAN MINETA, appeared Thursday, October 27 at the National Aviation Club. His remarks were centered on the present turmoil in the airline industry. Norman presents a most thoughtful and incisive analysis of the current situation and I commend him and wish to share his efforts with all my colleagues.

The remarks follow:

REMARKS BY CONGRESSMAN NORMAN Y. MINETA TO THE NATIONAL AVIATION CLUB, OCTOBER 27, 1983

It is a pleasure to be here, especially since this is my first opportunity to speak at the National Aviation Club.

I am sorry to have to speak and run today, but the House is having one of its particularly manic weeks and I don't dare take my eyes off the Chamber for more than an hour at a time. I might miss the invasion of a couple more countries.

The past month has seen more than the usual turmoil in the airline industry, with Continental not only filing for bankruptcy but then attempting to keep flying without benefit of its union contracts. The result has been extraordinary unrest and all kinds of charges and counter-charges in the popular press. This may well be mainly a labor-management dispute and best left in that arena. But it has also produced enormous amounts of misinformation in the public debate—more even than the normal levels we have come to expect. The drama of the moment has brought in all kinds of commentators whose only routine exposure to this industry is on their annual vacations. Setting aside normal political caution, I cannot resist this opportunity to at least try to set the record straight where it needs straightening.

Perhaps for no other reason than that deregulation preceded Continental's bankruptcy, although it was by five years, it has been common to assume that the former caused the latter and that deregulation has generally weakened the airline industry. If this were merely a debate about past history, it wouldn't matter so much. But to the extent people believe deregulation is the cause, they look for and advocate reregulation as the cure, and that makes the question far more than an academic one.

The Aviation Subcommittee has spent an extraordinary amount of time and energy reviewing the performance of this industry under deregulation. We closely follow financial data, we have the Government Accounting Office report annually on industry performance, and we periodically hold exhaustive (some would say exhausting) public hearings to hear all points of view and get anybody's better idea if they've got one. Our most recent hearing was earlier in the summer, and our door is always open to those with a suggestion. We never believe that we have reached a final conclusion and have nothing more to learn. But with the caveat that our views are only based on what we have learned to date, we obviously have formed some at least tentative conclusions.

This has always been a cyclical industry—when the rest of the economy caught a cold the airlines got pneumonia. From 1980 through 1982 we had the longest and deepest recession in this country since the Great Depression—the economy had worse than a cold and the airlines got worse than pneumonia.

The critics of deregulation have no problem establishing that the past three years have been difficult for the airlines. What they have not been able to establish is that those difficulties come from deregulation and not from that recession, or that there is some regulatory scheme that would have protected the airlines from the effects of the recession.

We have attempted ourselves to construct as many different fare floor options, fare zone options, and fare spread options as we can think of, and none that we can devise appears to offer any real help to this industry and many of them would do it considerable harm.

For every market, for every shade of general economic condition from darkest recession to brightest boom, there is a fare level that optimizes revenues. Any higher fare loses more in traffic than it gains in yields. Any lower fare loses more in yields than it gains in traffic. That optimum fare is different in every market and is changing all the time, and it is the job of the airlines to keep adjusting to it. There is no statutory fare floor or regulatory fare mechanism that can take into account all the variations in the different markets or that can make those adjustments as quickly as deregulated airlines can. Their fare decisions may not always be perfect, but governmentally-set fares would at best be crude averages painfully slow to respond to ever-changing circumstances.

But even more importantly, the idea that you can keep fares high while recession weakens demand and not pay a steep price in reduced traffic defies both logic and experience.

What if we had statutory fare floors propping up fares at the bottom of last winter's recession? Would that have helped the airlines? Or the employees? On the contrary, our review suggests that it would have been most damaging to those who could least afford it. If fares had been held at levels not justified by demand, traffic and revenues would have fallen. Those carriers closest to the brink would not have survived that revenue loss. I doubt that Pan Am, for example, which was revenue-starved and often led the fare cutting, would have survived the winter and regained its stride in 1983 if it had been prevented from cutting fares. If that major carrier had failed, 28,000 of its employees would have been out on the street. How would that have been to their interest? Who wants to be responsible for that?

Fare floors push the weak toward the brink at precisely the moment they can least resist the push: When the economy is at its lowest.

What about carriers in general, not necessarily those on the brink? Would they have been better off during the recession years under some form of regulation? There are those who say the incumbent carriers need reregulation to strengthen their financial condition. The carriers themselves, however, clearly do not not agree. Of 26 major and national carriers, only one has advocated some form of fare reregulation. That has got to raise the question: Why does the airline industry itself believe that reregulation would not help solve its problems?

The answer I think was given in the Air Transport Association's testimony to the Subcommittee: in a word, flexibility. The airlines have had a lot of crises to adjust to in the past five years:

The worst recession in 40 years, requiring adjustments to fares, services, and corporate strategies generally to try to weather the storm.

The oil price shock of 1979 and 1980, when fuel prices more than doubled in just one 12-month period.

Interest rates that went through the roof and then stayed there month after month, destroying all projections about the carrying costs of carrier debt.

The PATCO strike, which created a period when system capacity was constrained more at some points than at others.

To quote from the airlines' testimony: "The management flexibility made possible by deregulation enabled the airlines to cope with these events far more quickly and effectively than if the cumbersome regulatory apparatus had still been in operation."

The facts are that this industry has seen both its best and its worst years under deregulation. Not surprisingly its worst year came at the bottom of the recession, and the best year in its history came when it had both deregulation and no recession. There is no reason to believe that if we can get back to that combination of circumstances, the industry will not enjoy excellent results again.

As we have seen the general economy gradually recover from its rock-bottom levels of last winter, airline yields have come back as well. But they can only come back as fast as the general recovery permits, or traffic will suffer.

With the recovery the airline industry appears headed for a slightly profitable 1983. Given the fact that the year began at the absolute bottom of the recession, and given the fact that last year the airline industry had an operating loss of $780 million, I think industrywide profitability, no matter how marginal, shows very encouraging resilience.

In short, the case has not been made that deregulation is the cause of the problems or that reregulation is that cure. What the industry's experience to date suggests instead

is that neither regulation nor deregulation can insulate the industry from recession.

There has been a more specific charge against deregulation, given new life in recent weeks by Continental's petition for bankruptcy, and that is that deregulation has created a situation in the industry where the low-cost, non-union, new entrants are, like so many Davids, inexorably defeating the established, unionized, incumbent Goliaths; that the latter must either make themselves over into the former or go the way of the dinosaurs, and that deregulation is therefore fundamentally anti-labor. Like most neat, concise theories, however, there is a lot more to reality than this one can hold.

For example, look at the brightest spots in the industry—carriers such as United, American, US Air, Piedmont—most of them are old incumbent carriers and most of them are unionized. Many new entrants are losing money. It appears that there are other factors—such as route structure, marketing force, type of aircraft, size itself—which also determine success. Whether a carrier is large or small, new or old, union or non-union does not seem to govern whether it is profitable or not.

Secondly, the idea that the behavior of this entire industry is being driven by the new entrants is difficult to believe. All the jet carriers which are new under deregulation have a combined market share of only 2½ percent. I think the potential for entry and other factors give new entrants an importance to competition and to the consumer larger than those numbers might suggest. Nevertheless, I think it is also true that both deregulation's true believers, and those who believe it has made life impossible for incumbent unionized carriers, have overemphasized the importance of new entrants.

By any measure, a tail that small does not wag the entire dog. Other factors, such as competition among incumbents and, most importantly, the pressure on incumbent carriers created by a sagging economy, have been much more powerful forces in this industry.

Furthermore, the notion that union salaries have been decimated by these new forces has yet to be reflected in industry-wide data. While the strained financial circumstances caused by the recession have created very real pressures on unions and have produced concessions in some cases, industry-wide data suggest that the unions have not been entirely helpless in the face of these pressures. Average total compensation for flight deck personnel for major and national carriers went from 69 thousand dollars in 1978 to 99 thousand dollars in 1982. Even the most recent data show a continuation of that trend: the labor cost per employee for the major and national carriers is 8.2 percent higher for the first half of 1983 than for the first half of 1982, an increase greater than the rate of inflation in the same period.

In short, neither the incumbent carriers nor their unions have proven to be the pitiful helpless giants some have portrayed. The consumer has not been the only beneficiary of deregulation, although the traveling public clearly has been a big winner and is the ultimate opposition any reregulator is going to have to face. Since 1978 average fares have risen 46 percent, far less than either the Consumer Price Index at 59 percent or the index of airline costs at 87 percent. But those lower fares were not simply a case of the consumer benefiting at the expense of profitability and payroll. Much of those fare reductions were funded by the improved efficiency encouraged in the industry by deregulation. Although the price of the airlines' inputs—fuel, labor, and so on—increased by 102 percent from 1976 through 1981, the airlines' overall costs went up only 80 percent in the same period. The difference is improved efficiency which has benefited everyone.

There is, however, another major issue raised by the events of the past month, and that is the use of the Bankruptcy Code to avoid collective bargaining agreements.

Federal bankruptcy law provides that a company in reorganization may reject its existing contracts subject to the court's approval. A half century of Federal labor law provides a statutory right of collective bargaining for any group of employees who wish to exercise that right and requires that collective bargaining agreements, once concluded, cannot be broken without going through a specified process involving both parties. The issue is how these two bodies of Federal law apply in those cases where they run into each other.

There are those who claim that Continental and several other similar cases have pioneered a new end run around Federal labor law by cutting through Federal bankruptcy law. To any company considering this as an attractive way to beat the necessity of going back to its unions, I say think again. The question of what Continental can and cannot get away with has only begun to be answered. Anybody who believes that the present circumstance is the conclusion of the story, and that it is a story that would solve their problems as well, needs his head examined and his legal department replaced. As a great American once said: The opera's not over 'til the Fat Lady sings. On this issue, the Fat Lady has not yet begun to sing.

First of all, bankruptcy is hardly without its own costs. A judge can order others to continue honoring contracts with a company in reorganization, but he cannot order consumers to continue to buy its services. Particularly in a business like air travel, where it takes a large measure of confidence for any passenger or travel agent to become for some period a creditor to a carrier, the stigma of bankruptcy can be an enormous barrier to sales. Some of that missing confidence can be bought back through drastically reduced fares, but that may prove to be a fatally expensive proposition in its own right.

Secondly, a company in reorganization is not authorized by Bankruptcy Law to unilaterally abrogate any of its contracts. It may reject contracts only with the approval of the court. In the Continental case, the court has yet to approve Continental's request to abrogate its labor contracts.

I am not here today to act as anybody's attorney or to attempt to substitute my judgment for that of the Bankruptcy Court judges or the Supreme Court judges. We have a court system for making findings of fact and interpretations of law without any influence by me, and that is the way it should be. But I also feel an obligation to point out that this suddenly fashionable notion that bankruptcy law provides an easy escape from labor law is, in my opinion highly misleading.

My reading of Bankruptcy Law, backed up by the counsel of experts who are not party to the pending cases, is that for a company in reorganization to abrogate or fail to comply with a contract in advance of a judge's approval to do so is a breach of contract and that company is liable for all harm done to the party injured by that breach. Furthermore, that unilateral breach of contract, in the case of a labor contract, constitutes an unfair labor practice in violation of either the National Labor Relations Act or the Railway Labor Act.

There is, as there almost always is in the legal trade, an argument and a legal theory on the other side.

I would point out that not only the National Labor Relations Board but also the Justice Department under this Administration (not known for being at the cutting edge of labor law) agree with my views in their arguments in the Bildisco case before the Supreme Court. That should be a clear indicator that you don't have to be a union radical to hold these views. But more importantly, to hold otherwise would strike at the central purpose of bankruptcy law, which is to prevent unilateral action and instead to force all interest before the bankruptcy court, where they can all be balanced against each other, and satisfied to the greatest extent possible.

If the courts were to conclude otherwise, the protections which exist in the bankruptcy process for all types of contracting parties, not just labor unions, would be defeated. I see no basis in bankruptcy law for such a theory and I expect the courts to agree. Furthermore, in the unlikely event that the courts rule otherwise, the Congress should and in my view would move to remedy the situation and to preserve the basic concepts of bankruptcy.

In short, there will prove to be no immediate escape from contract responsibility simply by virtue of petitioning for bankruptcy, and there will prove to be no immediate immunity from labor law requirements to observe existing collective bargaining agreements.

So much for unilateral action by the company immediately after filing for bankruptcy. What about when the judge subsequently sits down to rule on a request to reject a contract, how high a standard must that rejection meet?

This is the question most commonly associated with the Bildisco case now pending before the Supreme Court, but the question has been widely misstated. It is not a question of whether a higher standard must be applied for labor contracts than for other contracts. Both sides agree that rejection of labor contracts do have to meet a higher standard, because that higher standard is necessary to give proper weight to Federal labor law granting a fundamental right of collective bargaining. The only question at issue is: how much higher should the standard for rejecting labor contracts be? Rejection of non-labor contracts requires only a "business judgment" test. Rejection of labor contracts, according to the attorneys for Bildisco, should meet a higher "balancing of the equities" test, and according to the attorneys for the Department of Justice and NLRB, should meet an even higher test of "necessary to avoid the collapse of the company."

My view is that the highest standard is the proper one, because it alone gives proper weight to one of the most basic rights granted by Federal law, the right of collective bargaining. Again, since this Justice Department agrees with me, I don't think that is an extreme view.

And I expect the courts to agree as well, in part because the higher standard was the one being applied by the courts when Con-

gress last amended the Bankruptcy Code, and it is the standard the Congress therefore assumed would continue. And I think the Congress would legislate the higher standard if that became necessary.

All that considered, how attractive is that bankruptcy shortcut around labor law likely to really be?

There is no authorization in bankruptcy code for unilateral abrogation of contracts.

Any failure to observe a contract prior to a judge's approval of its rejection is a breach of contract and all the liabilities of the breach are incurred.

Any failure to observe a labor contract prior to a judge's approval of its rejection is a violation of Federal Labor Law.

Any ultimate approval by the court of a rejection of a labor contract must meet a higher standard, and most likely a significantly higher standard, than would apply to rejection of other types of contracts.

Taken together, that reading of bankruptcy law does not suggest that an easy new escape route has opened up through the Bankruptcy Code. There are significant hurdles and risks all along that path. Once the Fat Lady sings, I think it will be clear to all that this is not the wave of the future.

As has been the case in this country for the past half century, the right of collective bargaining will continue to mean that labor and management at each company are, in effect, stuck in the same boat together and that they either have to make it work together or they will both sink together. It is perfectly legitimate for management to insist that times are hard and labor concessions are necessary for survival. And it is perfectly legitimate for unions to insist on proof of those statements and to resist labor concessions. And most importantly, how they resolve all that is up to them—not to the Congress or anybody else. But the only way agreement is possible is if both sides are stuck with each other and with the consequences of their decisions. If one side can readily escape from the other, through the Bankruptcy Code or any other quick getaway device, that side would lose incentive to work toward agreement.

The Bankruptcy Code is not, and Congress would not permit it to become, a quick escape device from collective bargaining agreements.

If the airline industry's financial problems are to be left to market forces under deregulation, and its labor relations are to be left to collective bargaining, and if its current problems with the Bankruptcy Code are to be left to the courts (at least for the time being), what can and should the Congress be doing to help this industry?

First and foremost, given the dependence of this industry on general economic conditions, the President and the Congress could pluck up the courage to face up to these unprecedented supply-side deficits and see to it that the recovery is sustained and vigorous.

But attempting to set a more realistic agenda . . . I think the least the industry can ask of the government is that during this difficult period, when an industry weakened by three years of recession is attempting to find its way out of the quagmire under its own power, the government could at minimum take off the backs of the industry the burden of Federal excise taxes which are collected but never used.

While the industry-wide averages show that this industry is coming back along with the economy, we have to recognize that many airlines are worse off than the average, and that after the worst recession in 40 years they have been severely weakened and simply do not have the resources to wait a little longer to rebuild their strength. Even with the recovery, some segments of this industry remain in very difficult straits at this point.

At the same time, the Federal Government is draining out of the airline industry—passengers, shippers, and so on—roughly $2½ billion in excise taxes annually, a good portion of it totally unneeded and unjustified due to the underspending which has occurred in the aviation programs these taxes were supposed to be supporting. If someone is looking for an area where the Federal government can and should be doing something that would have an immediate and constructive impact on this industry and on its employees and customers, excise tax reduction is it.

The Administration last year sought to have these excise taxes increased, and the Congress agreed to those higher taxes solely on the basis that they would support increased investment in airports and airways which would be highly cost-effective investments both for the aviation industry and for the general taxpayers.

We continue to believe in the wisdom of those investments and we are supported in that belief by the independent analyses of the Congressional Budget Office and others. However, the Administration, contrary to its earlier assurances, came back and prevented the full investment of those dollars. As a result, in just the next 12 months the unobligated balance in the Airport and Airway Trust Fund will jump from $2 billion to $3.4 billion. We are today clearly in the position of draining unneeded excise tax dollars out of an industry that can ill afford the extra burden.

We can and should cut the excise tax burden by roughly $700 million per year—dropping the passenger ticket tax from 8 percent to 6 percent and so on—for at least the next two years, as I proposed in legislation I recently introduced with the bipartisan support of the aviation leadership in the House. This amount would first of all be an immediate help to an industry badly weakened by prolonged recession. Just to give a sense of scale, $700 million is more than the entire airline industry lost in any year of its history except one. And secondly this amount can be cut and still leave us with more than sufficient funds to make the investments in airports and airways in all future years at the levels that were promised when the taxes were imposed.

Tax reduction in this amount does not undermine in the least the ability to spend at the full authorized levels for programs necessary to the revitalization of air transportation in this country. And indeed I would argue that unless we can show the Administration that without the promised spending they cannot continue to get the unneeded and unused tax revenues, we will never get the promised spending.

In conclusion, there are areas where the Federal government can and should help the airline industry deal with its present financial problems, and there are areas where we would only make things worse if we tried. I hope we will continue to be able to recognize the difference. An important part of our ability to do that is our reluctance to being stampeded in traumatic months like this by hasty theories and quick fixes. There are no quick fixes that erase the effects of a recession, but there is something the Congress can and should do that would be of immediate help, and there are procedural protections in place that require labor and management to work together to each do their part. This industry is coming back and it is going to make it, but I hope we don't go through any more months like this past one along the way.

Thank you very much.●

LAWYER EXEMPTION FROM FTC OPPOSED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. FLORIO. Mr. Speaker, when the Federal Trade Commission reauthorization bill is considered by the full House, an effort to amend the bill to exempt lawyers from the FTC's consumer protection jurisdiction may be made.

Of all the attacks on consumers we have seen in recent years, this is one of the most misguided. As the Wall Street Journal observed on October 18, the advocates of this exemption plead so transparently for special protection against a reasonable policy. I have previously referred to elements of the legal profession who, commendably, oppose the exemption proposal (September 15, 24497 and September 19, 24746). I now wish to insert in the RECORD a letter reflecting also the opposition of major consumer organizations together with the American Association of Retired Persons.

SEPTEMBER 20, 1983.

Representative JAMES J. FLORIO,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FLORIO: We are writing on behalf of a coalition of consumer and public interest organizations. We are concerned about the Texas Bar Association's proposed exemption of lawyers from Federal Trade Commission oversight. We oppose this effort to enact a special exemption from the consumer protection laws that apply to all other commercial interests. We ask you to oppose any effort to strip the FTC of its authority over lawyers or their professional organizations.

The FTC's charge directs it to preserve the integrity of a free and competitive marketplace for all goods and services—including services rendered by lawyers. Business practices related to legal service should be subject to the same rules that govern other commercial interests. Boycotts, price-fixing, deceptive advertising and conspiracies to restrain trade and competition should be condoned no more for lawyers and bar associations than for those who market other goods and services.

A compromise worked out between the FTC and the AMA already protects the legitimate professional interests of the bar association. We view the effort by the Texas Bar Association and others as simply an effort to avoid the just consequences of any unfair, anticompetitive, or monopolistic practices they may perpetrate. An exemption for lawyers would poorly serve the public interest, would create a privileged class above the law and ultimately would

unnecessarily increase the costs of legal services to all Americans.

In conclusion, we the undersigned organizations ask you to oppose any efforts to amend H.R. 2970 to strip the Federal Trade Commission over the commercial practices of lawyers and other professionals.

Sincerely,

AMERICAN ASSOCIATION OF CONGRESSWATCH RETIRED PERSONS.
CONSUMERS' FEDERATION OF AMERICA.
HALT INC., AMERICANS FOR LEGAL REFORM.
NATIONAL CONSUMERS' LEAGUE.

For further information contact: Thomas Mostowy, HALT Inc., 201 Massachusetts Ave., NE., Suite 319, Washington, D.C. 20002, (202) 546-4258.●

UNITED NATIONS DAY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. ZABLOCKI. Mr. Speaker, this week—October 24—marks the anniversary of the founding of the United Nations in 1945. During the past 38 years, world politics have changed, new nations have been created, new technologies have developed us, communications have more closely linked us, and our economies have more intertwined us. Our globe is now an entity of irrevocably interdependent nations, each with its own needs and aspirations, and each seeking a means to achieve prosperity. Peaceful coexistence is the world's absolute first priority.

Although the United Nations is not a panacea for the world's ills, it does provide a forum in which the views of all nations can be voiced, and problems collectively addressed.

The United Nations has played a constructive role in many areas of humanitarian and scientific concern. Over the years, the United Nations has been instrumental in establishing certain international standards and norms of procedure affecting a panoply of legal, human rights, and technical issues. Included among those are prevention of hunger, malnutrition and disease, emergency assistance, protection of refugees, protection of diplomats and diplomatic missions, safety of aircraft, allocation of radio frequencies and the geostationary satellite orbit, nuclear safeguards, environmental protection, shipping, and resource management.

One of the most vital functions the United Nations can serve, however, is in its peacekeeping role. The United Nations in its peacekeeping capacity serves as a forum for parliamentary diplomacy as well as an unbiased third party vehicle for conflict management. Although disputes may not be fully resolved, the United Nations plays a significant role in mediating and diffusing political disputes, thereby preventing their escalation into violent conflict. It is important that we utilize and reinforce this channel toward dispute settlement and peace.

Mr. Speaker, lately there has been a great deal of unfortunate misunderstanding and some bitterness relating to the role of the United States in the United Nations. Regrettably, the resulting negative atmosphere has, for example, led to calls to terminate U.S. participation in the United Nations and to move the United Nations out of the United States.

In this free and open society of ours that is as it should be. In fact, if the proposal to move the United Nations out of this country was effected and the new site was Moscow, delegates would have the opportunity to live in the midst of a system significantly less tolerant of dissent. But would that necessarily be in the best interests of the United States? I doubt it. What better way to give testament to the democratic principles on which this Nation functions than for delegates to see and live out that fact every day. Moreover, U.N. representatives are more likely influenced by our principles than might be perceived through their public rhetoric. To move the United Nations elsewhere would mean foregoing such exposure to American ideals.

Likewise, the suggestion to terminate our participation in the United Nations would certainly not be in the best interests of the United States or of the United Nations. Such a move would not only violate a legal commitment but also set an unfortunate precedent for a nation which promotes adherence to international obligations and the rule of law.

There is another aspect to the shortsightedness of some of these proposals which are antagonistic to the United Nations. Basically, they involve that old adage of cutting off our nose to spite our face. Consider, for example, the financial aspect of the United Nations' presence in New York City. Annually, it provides jobs and $700 million in direct economic benefits to New York. In addition, with regard to the U.N. Development Program (UNDP), the United States receives a far greater return on its investment than the value of its contribution. In 1982, UNDP's contracts in the United States amounted to a 140 percent return on the U.S. contribution. When viewed from an overall perspective, the total U.S. voluntary and assessed contributions to the United Nations and its specialized agencies equal only 0.06 percent of the Federal budget of $800 billion.

This is not to say that the United States is not concerned with the excesses in the overall size and growth of the United Nations and its budget. In recent years, U.S. policy has advocated fiscal responsibility at the United Nations, urging no new program nor budgetary growth for the organization. Secretary General Javier Perez de Cuellar is to be commended for his efforts to control the U.N. budget through his emphasis on efficient and effective management. We strongly urge his continued diligence in dealing with these critical issues which have long-range ramifications for the efficacy and viability of the United Nations.

In June 1983, the United Nations Association commissioned a Roper Poll concerning U.S. attitudes toward the United Nations. Burns Roper, head of the Roper organization, gave the following assessment of the poll results, "The American people display a highly realistic view of the United Nations. While people feel the United Nations has done a far from perfect job, they nevertheless support the United Nations and would give it more scope and greater power because of the crucial areas in which it operates."

Incidentally, the mail I have received in recent weeks confirms those findings. It has reflected overwhelming opposition to the Kassebaum amendment in the Senate cutting the U.S. contribution to the U.N.'s budget. The letters have urged holding to the House position on the issue.

At a recent hearing of the Subcommittee on Human Rights and International Organizations, the Honorable Elliot L. Richardson, chairman of the U.N. Association, presented the following statement supporting the United Nations on behalf of six former Secretaries of State, seven former Permanent Representatives to the United Nations, and fwo former National Security Advisers:

> The United Nations is an important instrumentality in the conduct of American foreign policy. Our experience, both in our public and private roles, has brought this home to us. The United Nations provides this country with a forum for protecting and promoting our own interests as well as for seeking solutions to problems we share with other countries. It is appropriate as well that this country should be the site of the United Nations, given the vision that has guided us as a nation and given the role we play, on all levels, in the world today. We all recognize the shortcomings of the United Nations, but we live in an imperfect and increasingly dangerous world and we must make the best use possible of whatever means we have for managing the problems that beset us.

Mr. Speaker, I would like to take this opportunity to congratulate my colleague on the committee, the Honorable GUS YATRON, chairman of the Subcommittee on Human Rights and International Organizations, for his efforts in addressing the issue of U.S. participation in the United Nations, and his subcommittee's recent hearings on the subject.

Finally, it is important for us to recognize that while there are negative

aspects about the United Nations there is much that is positive. We must nurture and encourage the positive, and work toward shaping the organization into a more effective body which can constructively deal with the world's problems. I am fully supportive of further hearings to explore ways in which the United Nations can be made more effective and efficient.●

THE IMF VERSUS SOVEREIGNTY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. KEMP. Mr. Speaker, I wonder what the IMF would be telling Congress if we asked for their help or why LOC countries fear the IMF.

Now that the International Monetary Fund has been adopted by international bankers as their arbitor with major debtor nations, the long-standing debate over the degree to which multilateral institutions should usurp the sovereign rights of states has been reopened. The head of the Central Bank in Argentina has been jailed for allegedly allowing that nation's sovereignty to be infringed and there are persistent reports of attempts to remove national sovereignty as a consideration in adoption of IMF conditionality.

These issues are not to be taken lightly. International institutions work only so long as the member states are willing to partially subordinate particular national concerns to the interests of common goals. If the mechanisms chosen to reach those goals become threatening to the political and economic stability of member states and threaten to subvert the actual internal decision-making processes of those states, the multilateral solution simply will be rejected.

In a very thoughtful article in the New York Times our colleague from New York, Mr. SCHUMER, explores the implications of IMF conditionality for members of that institution and, in a very forceful way, points out the political crisis which would face this country if the IMF were to impose on us sanctions which it has recommended for less stable and less wealthy nations. I believe that reforms should precede funding and his analysis of the questions of austerity, political stability and sovereignty adds a needed perspective to the current debate.

So that each Member may have an opportunity to consider this analysis, I ask that the text of the article be printed in the RECORD.

The article follows:

[From the New York Times, Oct. 24, 1983]

I.M.F.—AS IN 'MIFFED'

(By Charles E. Schumer)

WASHINGTON.—Today, in the midst of the worst international recession since the 1930's, many Latin American countries are having difficulty repaying bank loans. To prevent a default, the International Monetary Fund often intervenes, lending debtor nations some of the cash they need to make interest payments and, in return, insisting that they slash spending on social programs, abolish cost-of-living adjustments, raise taxes and restrict imports.

Not surprisingly, Latin American leaders are finding it politically difficult to implement the Fund's recommendations. As each day passes, political opposition increases and the potential for turmoil becomes more real. To understand the political difficulties posed by the I.M.F.'s austerity programs, imagine how Americans would react if they were forced to comply with the Fund's strictures.

After one look at our $200 billion Federal deficit and $70 billion trade deficit, the Fund might well order Congress, the President and the Federal Reserve Board to slash spending on such social programs as food stamps, Medicaid and unemployment insurance; raise interest rates and taxes; abolish cost-of-living adjustments for military retirees, Social Security recipients and private-sector workers; and impose strict limits on the amount of foreign products Americans could purchase.

The Fund might also order the Fed to shrink the money supply and raise interest rates. As a result, automobile production and home-building would grind to a near halt, setting off a chain reaction of bankruptcies. The country's gross national product would plummet. Unemployment would rise to depression levels just as the Fund is forcing severe cuts in unemployment insurance, Medicaid, food stamps, and every other safety-net program.

The International Monetary Fund would also demand an end to inflation indexing, thereby abrogating most union contracts with cost-of-living adjustments. Social Security recipients, military retirees, widows and orphans would be told to tighten their belts and allow inflation to reduce the real value of their benefits.

Complying with the Fund's demands for a balanced Federal budget would crack even President Reagan's "unshakeable commitment" to the I.M.F. Would the President sacrifice the MX missile, B-1 bomber and his plans for more nuclear aircraft carriers to the Fund's demands for a balanced Federal budget? And would he also allow the Fund to repeal the corporate and personal income tax cuts enacted just two years ago and then abort his plans to index personal income tax rates? Reaganomics, or at least large parts of it, would be in shambles.

The political consequences of adopting these policies so that the United States could continue paying interest to a consortium of foreign banks are not difficult to predict. Instead of allowing standards of living and the economy to be ground down, Americans would resist. Congressmen would denounce the I.M.F., arguing that default might be preferable to cutting so many programs. The President might announce that he would not allow the Fund to destroy his plans for economic renewal. And political leaders would comply with the Fund's policies only at the risk of their careers.

The United States is among the world's most stable democracies. Yet, if an I.M.F. austerity program could provoke turmoil here, imagine how it is undermining political stability in Brazil and Argentina.

To date, political leaders in Latin America have tried to implement the Fund's recommendations. They do not want to default. They know that their countries depend on bank loans for most of the capital they need for economic growth. Nevertheless, the prospect of several more years of austerity might push them over the brink. Already, political rumblings can be heard, and we may soon approach the time when political leaders decide that default or repudiation is the least painful option.

The United States is now spending millions of dollars for military aid to prevent the overthrow of a few small Central American governments. Yet we are pursuing economic policies that could undermine the political stability of several of the largest countries in the hemisphere.

To prevent instability and to reduce the prospects of default, Congress should approve the $8.4 billion authorization for the I.M.F. along with a provision encouraging the Fund to adopt less austere policies, including stretching out debt repayments at lower interest rates.

Easing repayments terms will improve the chances that banks will be repaid and will promote political stability in Latin America. These are the proper aims of United States policy.●

CAPITALISM WITH A HUMAN FACE

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. ST GERMAIN. Mr. Speaker, I wish to call my colleagues' attention to the remarks of our fellow Member, BOB GARCIA, appearing in the October 27, 1983, issue of the Christian Science Monitor. In commenting on the success of the Inter-American Foundation (IAF) and its efforts to encourage development in the Latin American and Caribbean regions, our colleague has most eloquently recalled for us the virtues of the small public corporation given over to the task of providing "capitalism with a human face."

Mr. Speaker, I insert the article in the RECORD at this point:

CAPITALISM WITH A HUMAN FACE

(By Robert Garcia)

The Kissinger Commission on US-Central American relations is searching for a way to bring long-term stability to Central America. President Reagan has indicated that he sees economic aid as the best way to achieve this end. The President and commission members need only look to the Inter-American Foundation (IAF) as a blueprint for development.

The IAF is the jewel of US development programs. It gives capitalism a human face. The IAF achieves this by encouraging the common people of a nation to help themselves.

The Inter-American Foundation is a public corporation founded in 1969. In 1982, it had a budget of about $26 million, com-

pared with the Agency for International Development's budget of $4.6 billion.

The foundation's money comes from congressional appropriations and the Social Progress Trust Fund of the Inter-American Development Bank. It is governed by a board of directors which is appointed by the President. Four board members are from the private sector and three from US government agencies. The semiprivate autonomous structure of the foundation and the composition of its board of directors has enabled it to remain free from partisan politics, contributing greatly to its credibility.

The IAF works strictly with grass-roots organizations in Latin America and the Caribbean. Projects are developed and designed by indigenous groups or organizations, which then apply for IAF grants. The foundation therefore can only respond to requests by local groups. This is an economically sound approach to development, because the people of a region truly understand the most pressing problems facing them. It is psychologically rewarding for them, because each project is the result of the efforts of the individuals involved, not the United States government. This, in turn, fosters goodwill for the U.S.

Grants made by the foundation are relatively small, ranging from less than $5,000 to over $200,000, thereby reaching the people of a nation more directly. Other US aid programs often fall short of that mark. Funds become bogged down in the governmental red tape of a nation or its internal politics. What is perhaps most remarkable about the IAF is that every dollar it invests is usually more than matched by local groups.

Examples of the kind of projects supported by IAF grants are a Red Cross Association in Belize, which received money to provide training and supplies for health care and nutrition programs conducted by community organizations; a school in Uruguay to help poor children learn to read and write; and loans to small businesses in Dominica and the Bahamas.

The guidelines of the foundation should become the guidelines for all US development programs. The legislative mandate of the IAF states that it provide opportunities for disadvantaged groups in the region, encourage community organizations and grassroots groups to participate in development decisions, and encourage the growth of democratic institutions.

It is ironic that we continue to search for ways to help Latin American and Caribbean nations develop through such heralded programs as the Caribbean Basin Initiative when what really needs to be done is to design our aid projects in the same manner developed by the IAF.

Of course, like all government-sponsored organizations, the foundation has been carefully scrutinized. But a critical Heritage Foundation report, a GAO study, and a recent congressional hearing on the IAF have in no way tainted its reputation.

If the IAF were to shift its policies and procedures with changes in the White House, it would cease being a credible organization. Just as the Kissinger Commission's credibility in the US depends on its nonpartisan stance, so does international aid require a nonpartisan, nonpolitical approach to be effective.

While it is not reasonable to expect all US aid programs to be apolitical, the less political they are, the more chance there is for bipartisan support and ultimate success.

Millions of tax dollars have been spent in Central America over the past few years, thousands of people have died, and yet poverty, which is the primary cause of the region's problems, is still rampant. The IAF may not have all the answers, but it can be used as an example of what the US should do in the region.●

THE TRADITION OF FREEDOM IN AMERICA AND U.S. POLICY IN EL SALVADOR

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. MARTINEZ. Mr. Speaker, I believe that today the people of this Nation must pause and reflect on the true meaning of freedom. Take a moment to think about how fortunate we are to have inherited this great tradition of freedom of thought and action. The price we have paid as a nation is no secret. We have fought not only on the military battlefields to promote and protect this highly held ideal, but also on the battlefields of poverty, prejudice, and illiteracy. Yes, ours is a sense of freedom which is potent and alive. Our form of government has been held up to the world as a model, not to be replicated but to be valued as an example which should be worked toward daily.

It is due to this daily effort to promote and define our liberty that I am moved to speak out against our present policies in El Salvador. Recently, in one of the President's radio broadcasts President Reagan spoke of the relationship between economic freedom and other freedoms that Americans are blessed with. President Reagan stated:

> Much of the world is in turmoil, with a mass of humanity living in wretched conditions suffering deprivations and tyranny • • • God has placed in our hands the responsibility of watching over it.

While these words ring true, their hypocrisy is a slap in the face when one tries to reconcile them with our foreign policy initiatives. The U.S. foreign policy must be strong and forceful and most importantly it must be right. To oppress freedom is wrong. In too many instances our foreign policy does not adhere to this most basic tenet.

All around the globe there are examples of corrupt, totalitarian regimes that are dependent on the U.S. Government for their very existence. We as a nation must speak out against such flagrant affronts to human dignity as the practice of apartheid in South Africa and the disregard for liberty which is synonymous with the Marcos government in the Philippines.

In El Salvador the present administration displays a similar disregard for the rights of the citizens of that country. President Reagan repeatedly justifies our Nation's direct military assistance, which has increased almost fourteenfold in 2 years, by pointing to an economic aid program sponsored by the U.S. Government. Much of this aid indirectly supports the Salvadoran military in that the money provided by the United States pays for the bills incurred by the Salvadoran Government, thus freeing more funds for military purposes. In El Salvador the Defense Ministry's share of the national budget increased from 7.7 percent in the 1970's to 17 percent in 1982. In 1980 our Government supplied 6 percent, or $6 million, of the total funds spent on El Salvador's military. By 1982 our contribution skyrocketed to over 36 percent of total amount spent on the Salvadoran war, approximately $82 million.

El Salvador also receives aid from the Economic Support Fund which should be viewed as complementary to the military aid offered by our Nation. Between 1980 and 1983 the aid from this fund has increased fifteenfold from $9 million to $140 million. All of this considered, our Nation is spending twice as much on the military buildup of El Salvador as it is on its economic development. I believe that the social and political effect which this financial support will bring about will be fatal to our Nation's best interest. Not only are we structuring a Salvadoran economy geared to a permanent war time mode of operating, we are also promoting an economic status quo. A status quo that keeps a small percentage of the population very wealthy while draining the political resources and power of what is left of the Salvadoran middle class. Of course this system necessitates that the poor be chained to their poverty without political recourse or means for improvement.

This does not convey to me that democracy is at work in El Salvador. The land reforms, publicized in 1980, crucial to democratization and development, have not been implemented. Redistribution of the wealth and attempts to open up the means for providing credit have also been unsuccessful. So far this has been tolerated but I do not believe that the Government of El Salvador should be given carte blanche to spend U.S. dollars in its war against insurgent forces any longer. We are in a position of great power with regard to the economic health of El Salvador. As much as 30 percent of the Salvadoran budget is maintained by U.S. assistance. The Government's stability is reliant upon the continuation of these arrangements, but has not yet felt that there has been sufficient concern in Washington to warrant any governmental changes on their behalf. The Reagan administration has passively accepted the Salvadoran Government's failure to integrate its society and has interpreted

these failures as progress toward improved human rights.

However, I do not believe that our Nation should turn its back on this country that is struggling for its survival. The United States does have a responsibility in El Salvador, indeed in all of Central America. It is the responsibility of portraying those freedoms which are cherished in this country. Our responsibility does not lie in the realm of military destruction of opponents to the present government in El Salvador. Instead we should utilize democratic means to bring about negotiations between opposing factions. Whereas in the past we have assisted the Government of El Salvador in the hopes of prompting future progress toward democracy, I believe that we must now assert our interest in establishing democracy in that country more firmly. I propose that our Nation's level of economic assistance should be frozen at its current rate until we receive very positive indications that progress in human rights and land reform have been achieved. We should also review our contributions to the Salvadoran Government and begin to decrease those which are geared more toward keeping the government and military functioning than are of real aid to the people of El Salvador. In so doing I believe that we will greatly facilitate the cause of liberty in this country.

It is time to reevaluate our military emphasis as a means for solving the problems in El Salvador. Consider these words spoken by the President of Colombia, a member of the Contadora group,

> Violence, tension, incidents underdevelopment and injustice are all symptoms of a crisis in which coexistence and self-determination have been forgotten and which sees the superpowers shamelessly interfering in the lands where the peasants leave their sowing to take up alien arms and to dig their own graves.

Let us think about these words, and not lose sight of our goals for peace, justice and liberty for the sake of a shortsighted military solution.●

SOVIET INTERRUPTION OF INTERNATIONAL MAIL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. GILMAN. Mr. Speaker, recently I participated in a protest rally at the gates of the Russian Embassy in Washington in behalf of a dissident, Iosef Begun, who has been sentenced to a 12-year prison term in the U.S.S.R., another example of the Soviet's severe repression of its citizens.

In recent weeks, the House Subcommittee on Postal Operations held hearings and documented evidence of a fresh, new Soviet religious oppression and a new campaign to intercept international mail flowing in and out of the U.S.S.R.

I should like to take this opportunity to report to the House that we have now amassed some 1,700 exhibits, which depict the Soviet interruption of international mail. These records have been gathered by the House Post Office Subcommittee on Investigations and graphically illustrate widespread forgery in the Soviet's tampering with letters and packages into and out of the Soviet Union. Our committee will be conducting further hearings on this issue in Chicago, New York, and San Francisco, in an effort to bring the Soviet mail interception issues to the light of public scrutiny. We have heard from some of our colleagues who are interested in this issue and I urge all Members of the House to send along any documentation they have in their possession to the subcommittee.

One of the lead witnesses at our recent hearing was Dr. Ernest Gordon, an official of CREED, which is a rescue effort for Christians in the U.S.S.R. Dr. Gordon himself was a prisoner of the Japanese at the River Kwai for 3 years in World War II. He also served as dean of the Princeton University Chapel for over two decades. He has now dedicated his life to the rescue efforts of CREED. I am inserting at this point in the RECORD, his testimony, which graphically illustrates some of the recent happenings in the U.S.S.R.:

TESTIMONY BY DR. ERNEST GORDON, PRESIDENT, CHRISTIAN RESCUE EFFORT FOR THE EMANCIPATION OF DISSIDENTS (CREED)

I have been concerned about the plight of believers in the Soviet Union since the end of World War II, when I returned from the Japanese prisoner-of-war camps, and the construction of the Railroad of Death between Thailand and Burma. Because of those experiences I chose to study the history of Christian philosphy in Russia before, and after, the October Revolution of 1917. Through those studies, at the graduate level, I not only learned about the plight of believers within the Soviet Union, but also met a number of those who had fled from persecution within it and the Soviet Empire in general.

In the years 1971-74 I identified with groups which were seeking the freedom of Jews to emigrate from the Soviet Union to Israel. During those years I wrote many letters to people whose names had been given to me by several committees. Those letters were sent by airmail but not registered. I received no replies.

In September 1981 I moved to the Washington area to assume the active leadership of the Christian Rescue Effort for the Emancipation of Dissidents. Since the spring of 1980 A.D., however, I have written a number of letters to Christians in prison, their families, and to leaders of Christian groups. I have not kept a complete record of all the letters sent and their dates. I have not received any replies from those to whom my letters were addressed.

The following are the names of some believers to whom I wrote:

Vytautus Skuodis—or Benedict Scott—born in Chicago—his parents moved to Lithuania taking him with them. He was arrested January 9, 1980 because of his essay "Spiritual Genocide in Lithuania." He was sentenced to seven years rigorous labor camp to be followed by domestic exile. This was a reduction from a sentence of execution due, I believe, to the intervention of the State Department. Several letters were sent to him and to his wife, Irene Skuodene at Litovskaya SSR, g. Vilnius, ul. Vandentekio 44/4. I had obtained the services of an international lawyer and wrote asking his permission to be represented by him.

CREED's records indicate that a registered letter was sent on November 25, 1981. The letter was not returned and no response was received, although a signature card was returned with an illegible signature.

Father Gleb Yakunin—sentenced to five years rigorous labor camp and five years internal exile for founding the Christian Committee for the Defense of Believers' Rights in the U.S.S.R. He is well-known to those in human rights movements.

Two registered letters were sent to him, one on November 12 and another on November 25, 1981. The second letter was returned intact. Another letter sent by Mrs. Francis Watson of Vienna, Virginia, on September 13, 1982 was sent back marked "retour partie."

Galina V. Vilchinskaya—sentenced August 18, 1980 A.D. to three years ordinary regime labor camp for teaching Bible studies to children of imprisoned believers. Received harsh treatment, suffered from avitaminosis. Several letters were sent. She was released August 1982 but was re-arrested August 1982 on a trumped-up drug charge at Vladivostok, sentenced to two years. CREED initiated a letter-writing campaign in which some 200 letters were sent to her. No responses were received.

We have record of at least one registered letter sent to her July 20, 1982.

Alexander Kuzkin—a member of the Russian Orthodox Church; arrested 1978, sent to a hospital near Moscow for "intensive treatment;" released 1979; rearrested March 1980; tried September 8; declared to be schizophrenic and sentenced to a penal psychiatric hospital for treatment. An independent diagnosis by another psychiatrist stated that he was suffering from religious persecution because of his witness as a Christian, and not from schizophrenia.

I wrote to the chief psychiatrist of the hospital, Dr. Lyubov I. Vasilyuk, Smolenskaya Oblast, g. Smolensk, Spetskikbolnitsa, u. Gagarina 16, on September 14, 1982 asking for specific information about his health. No answer was received although the receipt of the letter was acknowledged with a return signature card (unsigned). Another registered letter was sent in 1982, and no response was received.

Vladimir Y. Poresh—five years strict regime camp and three years domestic exile—presumably for publication of samizdat journal of the Christian seminar in Leningrad; prison address, 618810 Permskaya obl., Chasovskoi raion, p/o Vsevyatskaya, uchr. VA-389/35.

Mrs. John Henry of Falls Church, Virginia has sent three registered letters to Mr. Poresh's wife, Tatyana Kupatadze, 194223 Leningrad W.M. Toreza 33/55, on June 20, August 26 and August 30. The return signature of the June 20 letter was returned,

signed by someone other than Tatyana Kupatadze.

Father Joseph Mikhailov—Russian Orthodox priest forcibly hospitalized in the Kazan Special Prison Hospital in 1971 for writing a letter to the United Nations complaining about interference of local authorities in parish life. A registered letter was sent to him on May 17, 1982 at 420082 Tatarskaya ASSR, Kazan Yershova 49. No response was received.

Sergei Soldatov—sentenced to six years strict regime labor camp. Last heard of at 431200 Mordovskaya ASSR, Tengushevsky raion, pos. Barashevo, uch. ZhKh—385/3-5. No reply was ever received to letters I sent air mail.

Mikhail I. Kukobaka—sentenced October 19, 1978 in Bobruisk, Byelorussia, to three years detention at Belorrusskaya SSR, 211440 Vitebsyaka obl. g. Novopolotsk-5, uch. UZL-15-10-"D". No response to regular air mail letters.

Lev G. Lukyanenko—sentenced 1978 to 10 years special regime camp. He was a member of the Ukrainian Monitoring Group: 618263 Permskaya obl., Chusovskoi raion, pos. Kuchino, uch. VS-389/36. No response received to air mail letter.

Vladimir I. Bessonov—sentenced three years ordinary regime camp September 8, 1980, Ukrainskaya SSR, g. Chernoytsy, ul. Poligonovskaya 2. No reponse received to air mail letter.

Nikolai Y. Bolko—arrested for second time, September 29, 1980, Ukrainskaya SSR, 272140, g. Odessa, p/o Krasnoselka, pos. Shevchenko-1, ul Limmannaya 8. No response was received to my air mail letter.

Nikolai Baturin—sentenced to five years strict regime camp, and confiscation of property. He is secretary of the Evangelical Christians and Baptists Council of Churches, g. Cherkassy, uch. Yek 325/209. No response received to air mail letter.

Iosif D. Bondarenko—arrested for third time, sentenced to three years strict regime labor camp. Reason: objecting to police action in closing down a youth conference. 353228 Krasnodar, aul. Glyustenkhabl, uch. U) 68/6, 8 otr. 11. br. No response to my air mail letter.

Peter A. Peters—sentenced to 3½ years ordinary regime camp, 464020 Kazakhskaya SSR, Aktyubsinkaya obl., s. Martule, ul. Aktyubinskaya 27. No response to air mail letter.

CONCLUSION

Not only have I tired to communicate with believers by letter, and radio, I have also visited some of them individually and in groups, within the Soviet Empire. The evidence from these and other sources, indicates that the Soviet Union pursues continuously a course of punitive action against believers who demonstrate qualities of leadership and independence. The range of this persecution is considerable all the way from daily harassment and surveillance to torture and imprisonment.

The denial of communication by mail with imprisoned believers and their families is in line with the prison authorities' prohibition of Bibles, prayer books, and religious literature to inmates. I, along with many others, are of the opinion that the Communist ideology is hostile to all religions, particularly to the Jewish and Christian religions which have consistently challenged its absolute claims. Recent references to such hostility are admitted in the Soviet press as the following examples indicate:

Pravda, 6/16/83. Report of speech by Konstantin Chernenko, a member of the Poliburo, to the Plenum of the Central Committee of the Soviet Communist Party, June 14-15, indicated that the party must search for the causes of "sectarian religiosity," and in doing so, "find a means of overcoming them."

Komsomolskaya Pravda, 6/23/83. The Plenum passed this resolution. "It is essential to carry out the propaganda of scientific materialistic views more vigorously among the population, devote more attention to atheistic education, involve believers more widely in the life of society and introduce Soviet ceremonies more persistently."

In the same issue, A. Chertkov, a lecturer in the Riga Polytechnical Institute department of Marxist-Leninist Philosophy, declared, "that Komsomol membership (Communist Youth Party) is incompatible with religion."

Many, many more illustrations of this kind can be provided. But all of them can provide no better testimony that the three volumes of Alexander Solzhenistyn's "Gulag Archipelago."

As a final document I have attached a copy of a report received from Keston News Service, Keston College, England, listing twenty relatives of political prisoners who have been denied all parcels from abroad. Two of these citizens are the wives of prisoners CREED has tried to communicate with: Iraida Yakunina (Mrs. Gleb Yakunin) and Irene Skuodiene (Mrs. Vytautus Skuodis).

PARCELS FORBIDDEN

The International Society for Human Rights (Gesellschaft für Menschenrechte) in Frankfurt, West Germany, has been advised by an agency dealing with parcels to the U.S.S.R. that the following Soviet citizens may not receive parcels:

1. Irina Brailovskaya (Moscow).
2. Irene Gajauskiene (Kaunas, Lithuania).
3. Iraida Yakunina (Moscow).
4. Silvia Kukk (Tartu, Estonia).
5. Zinovy Krasivsky (Tyumen region).
6. Alexandra Kozorezova (Voroshilovgrad).
7. Malva Landa (Kazakhstan).
8. Vladimir Marmus (Tyumen region).
9. Larisa Bogoraz-Brukhman (Moscow).
10. Lyubov Murzhenko (Kiev).
11. Oxana Meshko (Khabarovsk area).
12. Nina Komarova (Moscow).
13. Ida Nudel (Moscow).
14. Elfriede Niklus (Tartu, Estonia).
15. Irina Valitova-Orlova (Moscow).
16. Igor Ogurtsov (Mikun).
17. Anna Pauls (Shakhtinsk).
18. Antonina Prokopenko (Kazakhstan).
19. Yevgeni Sverstyuk (Buryat ASSR).
20. Irene Skuodiene (Vilnius, Lithuania).

Most of the above are relatives of prisoners of conscience. A number of them have been active themselves in the struggle for human rights. Ida Nudel is an ex-prisoner and Nos. 5, 7, 8, 11, 16, and 19 are prisoners in exile.

Keston College points out that the issuing of such instructions by Soviet authorities to Western firms handling parcels to the U.S.S.R. conforms to no published Soviet Law. Soviet customs regulations make it possible to withhold parcels if such have already been received, within the course of a month, at a given address. However, there is no published legislation allowing for a compilation, in advance, of a list of persons who may not receive any parcels whatsoever from abroad.

The Paris-based Russian-language newspaper Russkaya Mysl (9 June 1983) points out that in the official commentary to the Correctional-Penal Code of the RSFSR, article 53 of section 8 states that persons serving sentences in penal institutions may be deprived of a parcel as punishment for violation of discipline. However, none of the above-mentioned people come within this category.

LITHUANIAN "PRISONERS OF CONSCIENCE"

VIKTORAS PETKUS DESCRIBES HIS CAPTIVITY

(Following is an excerpt from an undated letter by Viktoras Petkus, which was published in the 58th issue of the Lithuanian Chronicle, May 22, 1983):

"This August 23, I will have spent an even and solid number of years—twenty—in prison. During these twenty years in the house of captivity I have not seen a single compatriot who failed to celebrate Christmas or Easter . . . Life here is monotonous. Obtaining newspapers and magazines is a very difficult matter. The (official) explanation is that we are supplied with periodicals three times a week, but actually there have been weeks when we did not get a single newspaper. . . . It is even worse with books. Receipt of any books from home is categorically forbidden. Bookstores are not interested in mailing to us the books we order, because they are frequently returned to the sender, i.e., back to the bookstore, and so we are not serious customers in their eyes.

"The situation with our mail is totally unenviable. The regulations say that letters which we send and receive cannot be detained longer than three days. In other prisons those so-called three days would drag out longer, but nevertheless an effort was made to adhere to those regulations. Here this arrangement is not even mentioned, as if it did not exist at all. Earlier they used at least to inform us about some of the seized letters, but now they are not even doing this any longer. The relatives of other prisoners are trying to send letters through the local or the union procurators' offices. A few letters sent in that manner reach the addressees. Nobody brings us the telegrams informing us about the money that is being mailed to us; we are not even told that the money has arrived.

"Some six times a week, our dinner consists of cabbage soup made from frozen and rotten cabbage. Whenever we complain that the cabbage is spoiled, the officials respond: 'And where can we get different cabbage? Besides, the doctor says that it's still edible . . .' Our stay in fresh air is limited to no more than one hour a day, and our guards frequently try to shorten that hour so that they would have to spend as little time as possible watching us take our walks. To prevent this, other prisons have clocks in corridors. We asked that such clocks be installed here, too, but we were told that for us time has stopped . . . There is not a single clock in the whole prison; when we ask the guards what time it is, they do not answer; working, unaware of time, is a complicated business . . ."●

VIOLATED THE U.S. CONSTITUTION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. WEISS. Mr. Speaker, I am introducing today a joint resolution in the House declaring that the President violated the U.S. Constitution when he ordered the invasion of Grenada and requiring the immediate withdrawal of U.S. troops from that island. Joining me in introducing this resolution is Congressman GEORGE CROCKETT of Michigan.

President Reagan breached section 8 of Article I of the U.S. Constitution, which specifically grants Congress the power to declare war, when he instructed U.S. Armed Forces to invade Grenada on October 25, 1983.

American troops were not introduced into an existing conflict in Grenada. We initiated the conflict. Sending troops into Grenada was a deliberate act of war undertaken by the President without the advance approval of Congress as required by the Constitution.

This joint resolution would order the immediate withdrawal of U.S. Armed Forces from Grenada and would provide for the cutoff of funding for the continued presence of U.S. troops, except for those expenses involved in their withdrawal from the island.

Now that major justification for sending U.S. troops to Grenada no longer exists. It is time that those troops are immediately withdrawn from the island. In fact, those troops should not have been there in the first place.

By invading Grenada, the administration has shown its intent not only on undercutting the prestige and honor of the United States, but on destroying the very constitutional framework of our Government. The Congress of the United States cannot allow this perversion of our system to go unchallenged.

A copy of the text of the joint resolution follows:

H.J. RES. —

Joint resolution declaring that the President violated the constitutional prerogative of the Congress to declare war when he ordered United States Armed Forces to invade Grenada on October 25, 1983, and requiring the immediate withdrawal of United States Armed Forces from Grenada

Whereas section 8 of article I of the United States Constitution specifically grants the Congress the power to declare war;

Whereas United States Armed Forces, acting pursuant to the orders of the President, invaded Grenada on October 25, 1983;

Whereas this unprovoked military invasion was a deliberate act of war undertaken by the President without the advance approval of the Congress required by the Constitution; and

Whereas those United States citizens who wish to leave have been evacuated from Grenada, thus removing the major justification for the intervention of United States Armed Forces on the island: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President violated section 8 of article I of the United States Constitution when he ordered United States Armed Forces to invade Grenada on October 25, 1983.

SEC. 2. United States Armed Forces shall be immediately withdrawn from Grenada. No funds appropriated by the Congress may be obligated or expended for the continued presence of United States Armed Forces on Grenada, except that this limitation on funds does not apply to expenses necessary to implement the immediate withdrawal required by this section in an orderly manner.●

SUPPORT FOR NATIONAL DRINKING AGE NOTED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. FLORIO. Mr. Speaker, I wish to call to my colleagues' attention the support of Dr. Paul R. Meyer, Jr., for the objectives of H.R. 3870, my bill to establish a national drinking age of 21. As a Presidential appointee to the National Highway Safety Advisory Committee and as director of the Midwest Regional Spinal Cord Injury Care System, Dr. Meyer has unusually good grounds upon which to base his support for the goals of H.R. 3870. I welcome his support in our efforts to end the epidemic of death on our highways and I am inserting his letter in the RECORD.

MIDWEST REGIONAL SPINAL
CORD INJURY CARE SYSTEM,
Chicago, Ill., October 13, 1983.

Representative JAMES J. FLORIO,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FLORIO: As a Presidential appointee to the National Highway Safety Advisory Committee, I would like to state that one of the most important questions before our body at the present time is the problem of alcohol and its implications on highway safety. Running a parallel track with our Committee is that of the President's Commission on Drunk Driving. Both bodies support very stringent penalties for alcohol use and abuse as it relates to driving, whether it be the first or subsequent offense. At the same time, we uniformly support the minimum drinking age of twenty-one years.

Attacking the problem at a single level (a uniform drinking age of twenty-one) will do little to effect the overall problem unless the federal government takes under advisement the need for legislation which will eliminate different drinking penalty standards in each state. For example, some states do not allow the purchase of alcohol at age eighteen; others do. Some states allow driving at age sixteen; others at age eighteen. Some states require mandatory insurance as a prerequisite for owning and operating a vehicle; others do not. Some states have no fault insurance; other states have no insurance. Some states, through the political system, allow drunk drivers to literally get away with murder, and plea bargaining is so rampant within the drinking community that it makes a mockery of the legal profession and the representatives thereof.

While I wholeheartedly support states being the masters of their own jurisdiction, there is no question in my mind that "big brother"—that is, the federal government—should have all rights and privileges to the conduct of transportation where it, even in the most vague sense, involves interstate commerce.

I would also call to your Committee's attention that the problem of automobile safety is a concern to every driving member of our society, but not everyone who drives is knowledgeable or aware of the problems relative to automobile safety. Therefore, it is encumbent upon not only the Department of Transportation but the Congressional committees to which it has liaison to oversee the need for automobile safety standards. In this vein, I include automatic restraining devices and airbags. It is easier, safer and more effective to change the interior design and contents of the vehicle than it is to change human behavior. As in politics, negotiation comes first—action second. In this instance, legislation remanding the use of restraining devices should precede the time required to change human behavior.

Another area which requires readdressing since Congress has already passed legislation in support of the trucking industry, is the misuse and abuse of highways and highway intimidation by large trucks. Very often there is almost total disregard for the small vehicle and its occupants by large trucks. This problem is not going to go away and it is going to continue to increase as our commerce increases its demands in the direction of the highways.

In closing, I would like to state that I wholeheartedly support you in your efforts, and I hope that you will be successful.

Respectfully yours,

PAUL R. MEYER, Jr., M.D.,
Professor of Orthopaedic Surgery, Northwestern University Medical School; Director, Midwest Regional Spinal Cord Injury Care System; Member, National Highway Safety Advisory Committee, U.S. Department of Transportation.●

REPEAL TIP ALLOCATION REQUIREMENTS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. CARR. Mr. Speaker, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) contains new provisions for reporting of restaurant employee's tips. These provisions are arbitrary and unfair. I have joined with many of my colleagues as a cosponsor of legislation to repeal them.

The legislature of the State of Michigan has memorialized the Congress to repeal this section. The resolution accurately describes the way in which this legislation violates a most basic principle of fairness by imputing to employees income they may not have actually earned through a system of "tip allocation."

The legislature has responded to restaurant employees across the State who have pointed out the serious effect the tip requirements have on them. I submit for your consideration the resolution of the Michigan Legislature, and a letter from Shelley Babcock of Lansing, Mich., who is working hard to bring the inequity of these new requirements to our attention. I join them in calling for the immediate repeal of the tip allocation section of TEFRA.

SENATE CONCURRENT RESOLUTION No. 189

A concurrent resoluton memorializing the Congress of the United States to repeal the changes to Section 6053 of the Internal Revenue Code made by Section 314(a) of the Tax Equity and Fiscal Responsibility Act of 1982.

Whereas, In an effort to secure greater taxpayer compliance with federal tax laws, the Congress of the United States enacted several tax measures designed to encourage better reporting of income through its passage of the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248). Among the tax measures included in this law is one designed to increase the compliance rate of food and beverage service employees who receive tip income. Section 314(a) of the new law creates an additional set of employer reporting obligations, including a tip-allocation rule, for food or beverage establishments which normally employ more than ten persons; and

Whereas, Beginning with the 1983 calendar year, qualifying food and/or beverage establishments will be required to file annual information returns showing gross food and beverage sales receipts, employee-reported tip income, aggregate charge receipts, and aggregate charge tips for calendar years beginning after December 31, 1982. In addition, beginning April 1, 1983, the returns must include information regarding the new special eight-percent tip-allocation rule, which requires qualifying employers to allocate and report as tips among tipped employees an amount equal to the difference between eight percent of the gross receipts of the establishment received during any payroll period and the aggregate amount of tips reported by employees at the establishment during the same period. However, this allocation will not be required if the employees voluntarily report aggregate tips equal to at least eight percent of the establishment's gross receipts or the employer demonstrates that the average tip rate for employees is less than eight percent and allocates tip income at the lower rate; and

Whereas, The new eight-percent tip-allocation rule mandated by the Tax Equity and Fiscal Responsibility Act of 1982 has sparked a great deal of concern by employers and employees of qualifying food or beverage establishments. Many of these employees do not feel that their actual tip incomes come anywhere near eight percent of the cost of the food and beverages which they serve. Moreover, they believe that this requirement discriminates unfairly against blue-collar workers, requiring them to pay taxes on tips that they do not make. In addition, this law adds to the already substantial record keeping and reporting requirements which currently exist for tipped employees and their employers; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature memorialize the Congress of the United States to repeal the changes to Section 6053 of the Internal Revenue Code added by Section 314(a) of the Tax Equity and Fiscal Responsibility Act of 1982; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation.

VICTIM OF BIAS

(By Shelley Babcock)

Jobs women perform are the brunt of many discriminations in the labor market. You can add one more to list—the waitress.

United Press reports that waitresses have raised very little fervor in regard to the new federal taxation law now in effect. This law requires waitresses working in bars and restaurant establishments employing more than 10 waitresses to declare 8 percent of their sales receipts and the total gratuity on charge card receipts.

The public may think this sounds fair and in some instances it may be; but, does the public also know that the minimum wage for waitresses is $2.52 an hour and that the majority receive no benefits whatever?

The labor market in food service jobs is supplied by part-time, working moms, the single divorced mom working fulltime and more, the college student helping defray the cost of education, and the career woman.

The standards that prevail for waitresses are late 19th century, early 20th century, a cross between the saloon girl and a maid. Lacking organization and without a union to negotiate on their behalf, waitresses have been easy prey for both the employer and the government.

Today's high cost of living has left the waitress scraping the bottom of the barrel and a victim of wage discrimination.

In all fairness either the federal tax concering graduities should be lowered or revoked; or the minimum wage raised to federal minimum wage standards.

Waitresses, if you protest these discriminations, write your government representative or easier yet cut this letter out and mail it.●

SUBSTITUTE NATURAL GAS LEGISLATION

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. SHARP. Mr. Speaker, earlier this week Chairman DINGELL of the Energy and Commerce Committee and I released the elements of natural gas legislation which we will support in the committee markup. A copy has been sent to all members in a "Dear Colleague" letter.

Today I ask unanimous consent to insert in the RECORD a memorandum we prepared for committee members summarizing the basic premise of the bill and the rationale for each of its major sections.

The legislation is designed to solve the problems in the natural gas market as we move toward the deregulation embodied in the Natural Gas Policy Act. It will bring more consumer price relief than either the Senate Energy bill or the Subcommittee-reported bill without jeopardizing future supplies or unfairly burdening any segment of the industry, any region, or any sector of the economy.

The ten parts of the bill deal with the following issues:

Wellhead pricing.
Contract terms for new and high-cost gas.
Pipeline accountability.
Imports.
Contract carriage.
Intrastate pipeline access.
State prorationing.
Fuel Use Act and incremental pricing.
Limitation on two-tier pricing.
Contract availability.

The basic premise of the bill is to provide some market ordering during the transition from a regulated to a deregulated market, but to do this on an equitable basis. Thus, while the bill provides price relief (Wellhead Pricing, Imports) and contract relief (Contracts), it helps producers and intrastate pipelines by giving them access to the market (Contract Carriage, Intrastate Pipeline Access, Fuel Use Act and Incremental Pricing).

The goal of the proposal is to provide some protection for the market so that it will work competitively in a post-1986 decontrolled market, without repeating the mistakes of the past (Pipeline Accountability, State Prorationing, Limitation on Two Tier Pricing).

Again, it is important to consider the bill in its entirety, keeping in mind the interconnection and balance embodied in the various sections. In its comprehensive form, this bill CANNOT be labeled as a "producer bill," a "pipeline bill," or even strictly a "pro-consumer bill." It is rather a comprehensive approach to dealing with the problems in the natural gas market.

WELLHEAD PRICING

Price controls on old gas are continued, while new gas ceilings are reduced to levels in effect on September 1, 1982, and are kept under controls for two years after enactment. The authority of the President to reimpose price controls remains in place until 1987. However, in the context of the contract provisions of the bill, gas for which contracts are renegotiated as to price, gas subject to price adjustments, and gas released by take-or-pay cuts are decontrolled to be more market-sensitive. Gas from newly drilled wells also will be decontrolled after January 1, 1985. The *Mid-Louisiana* decision is reversed.[1]

[1] *Mid-Louisiana Decision.*—A June, 1983 Supreme Court decision held that the interstate pipelines could charge the NGPA maximum lawful prices, rather than lower "cost-of-service" prices for certain gas produced by the pipelines. The bill would reverse this holding and once again limit to the lower price the prices that can be charged for this gas.

Rationale.—The rationale for this provision is that the lower cost-of-service price covered the production costs for this gas and the pipelines should

Rationale

This is designed to protect consumers from further large increases in the prices of natural gas at the burner tip, while granting producers the opportunity to sell their new gas on a decontrolled basis if its price is renegotiated in light of current conditions. Reduced price ceilings should provide prices more closely approximating actual market prices. By allowing a decontrolled price for gas from newly drilled wells, an incentive for future production, and a protection against future shortages, are provided. The decontrolled status of renegotiated contracts should encourage producers and pipelines to speed renegotiation.

CONTRACT TERMS FOR NEW AND HIGH-COST GAS

The contract provisions in the bill will allow relief from the most onerous provisions in gas purchase contracts, with protection provided for producers. Thus, take-or-pay and indefinite pricing clauses can be dealt with in light of increasing market influence and decreasing gas prices.

Rationale

While contract relief is allowed, producers are allowed decontrol of the gas for which contracts are renegotiated and, moreover, to sell gas freed as a result of contract changes to a new purchaser at a decontrolled price. With relief from contract provisions that have held prices and purchase levels well above what the current market would allow, producers, pipelines and distribution companies can begin to adopt relationships suitable for the period of transition and the coming era of decontrol.

PIPELINE ACCOUNTABILITY

Existing law restricts automatic passthroughs of increased wellhead prices by disallowing them where there is "fraud or abuse;" the proposed bill added the test of "imprudency" to FERC consideration of passthroughs. Further, new provisons would require the FERC to issue a rate design rule, designed to make pipelines more sensitive to the impacts of their gas purchasing decisions, and to require reductions in pipelines' rates of return in the event of imprudent gas purchasers or contracting practices. Also, there is a rebuttable presumption that future new or renegotiated contracts are imprudent if they contain take-or-pay clauses above 50% or indefinite price escalator clauses, or if pipeline actions do not lead to its taking its lowest reasonable cost "mix" of gas. FERC would have the ability to change these presumptions on contract clauses.

Rationale

Having relieved pipelines from certain contract problems, the aim here is to keep pipelines from entering into contracts in the future which retain the flaws of existing contracts. Such actions would be subject to review on the basis of imprudency. While the bill does not prohibit entirely any future use of take-or-pay or indefinite pricing provisions, there being occasions when these are desirable, the bill states that such contract provisions are rebuttably presumed to be imprudent, with the burden on the pipeline to demonstrate otherwise. However, FERC would be given the flexibility to change these presumptions, if circumstances warranted, so that a dual interstate/intrastate market would be avoided.

IMPORTS

The bill seeks to ease the burden of high imported gas costs to consumers. The provision affecting overland imports provides that a uniform border price cannot govern contract prices and that contracts must be made consistent with the public interest within six months or the import license will be revoked. The provision affecting LNG suspends deliveries within 10 days and revokes all licenses within six months if FERC determines that comparable supplies are available elsewhere at savings to consumers.

Rationale

The price of most imports is higher than today's market would bring, and there should be some remedy. But that remedy should provide sufficient time to enable fair renegotiation and should not jeopardize either our relationships with dependable trading partners or future supplies this country may need.

CONTRACT CARRIAGE

The bill requires that pipelines must transport gas sold by producers to new buyers to the extent that capacity is available. In order to protect customers who do not purchase gas directly, the bill allows states to add conditions to end user use of contract carriage, such as price terms or allocation during shortage situations.

Rationale

The bill contemplates pipelines carrying gas at rates which are just and reasonable and non-discriminatory, and allowing access to both distributors and users. Again in the context of the whole bill, the provision is aimed at creating a situation where market forces can keep prices competitive by allowing additional buyers or sellers into situations which are currently monopsonistic and monopolistic.

INTRASTATE PIPELINE ACCESS

This provision enables intrastate pipelines to purchase new supplies of gas from other states, with FERC controlling the transportation of gas while it is in the interstate system, but without bringing the intrastate systems themselves under Federal control. Under the take-or-pay and price adjustment provisions of the bill, it is expected that some gas would be made available, and access to it by intrastate pipelines would be appropriate.

Rationale

Some producing states have a legitimate problem in obtaining access to supplies of natural gas. As we move toward a national deregulated market for gas, it is important not to create separate interstate and intrastate markets because of unequal access to gas supplies. The principle of maximizing the number of potential buyers and sellers for all gas governs. Also, this provision should be considered in the context of contract carriage, which would further the goal of continued gas production and sale in intrastate, as well as interstate, commerce.

STATE PRORATIONING

The bill allows states to control the production levels of gas within their states, but only for genuine conservation purposes or to prevent discrimination for reasons other than price. Genuine conservation measures, such as prohibition against flaring or regulations allowing maximum efficient rate of production, would be allowed.

Rationale

This provision addresses the possible conflict now emerging between a Federal "lowest reasonable cost" gas purchasing policy and state "pro rata" gas production policies. It also affirms the traditional powers of the states to regulate gas production in any manner, so long as that regulation is likely to increase ultimate recovery of gas resources or prevent any physical waste.

This provision also provides two means of preserving producers' correlative rights and preventing uncompensated damage: unitization and contract carriage of shut-in gas.

The basic goal is to provide procompetitive solutions to the problem of correlative rights, such as unitized operations and contract carriage, in order to avoid unnecessary state reliance on overly broad and possibly anticompetitive "pro rata" restrictions.

FUEL USE ACT AND INCREMENTAL PRICING

In order to spur the transition to more competitive gas markets, the bill repeals the Fuel Use Act's restrictions on natural gas use by certain new electric powerplants and new industrial plants.

The bill also repeals the incremental pricing provisions in Title II of the NGPA. Under these provisions certain incremental gas costs were to be paid by large industrial users of gas up to their alternative fuel price. Because of the FERC's choice of a very low alternative fuel price, among other reasons, incremental pricing has little effect on the current natural gas market.

Rationale

Fuel Use.—In view of the bill's goal of encouraging a more open, national gas market, and its reliance on increased competition at the wellhead between pipeline buyers and contract carriage purchasers, a continuation of the Fuel Use Act restrictions would not be productive. Moreover, some of these restrictions were repealed in the 1981 Omnibus Budget Reconciliation Act.

The result of this additional repeal should be increased competition for gas by end-users now artificially restrained from purchasing gas, and a possible increase in gas sales to industrial boiler and electric power plant markets.

Incremental Pricing.—One of the main rationales for including incremental pricing in the NGPA was the market-ordering function it could serve. As gas prices rose, large industrial users were supposed to pressure pipelines to keep costs down. For the number of reasons incremental pricing has little effect on the market and is not serving the purpose of market-ordering. With the inclusion of other provisions which serve the marketing ordering function, the need for incremental pricing is eliminated.

LIMITATION ON TWO-TIER PRICING

There is the potential in a decontrolled market for two-tier pricing to develop: industrial users would be charged less than the cost of the gas they use in order to keep them from switching to oil, and the remaining gas customers would have to subsidize those industrial customers.

In order to discourage the development of a two-tier pricing structure, the bill provides that any pipeline rate designs developed by the FERC shall specifically not encourage such tiered pricing.

In addition, provisions are included so that two-tier pricing will be discouraged at the state level and in contract carriage arrangements.

Rationale

The coal is to ensure that gas users pay at least for the cost of the gas they are purchasing, and not at a rate which requires the gas cost to be subsidized by other users.

CONTRACT AVAILABILITY

The bill requires that new contracts entered into between purchasers and producers be filed with the FERC and that the FERC make them available for review.

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not recognize a windfall on this gas while asking independent producers to lower their prices.

Rationale

Making contracts available to the interested parties will facilitate the development of a national market for gas in a decontrolled environment and will ensure that any lower prices negotiated as a result of contract carriage provisions are known to others and can therefore affect other negotiations.●

CONTROLLING REGULATIONS AFTER THE CHADHA DECISION

HON. TOM LOEFFLER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. LOEFFLER. Mr. Speaker, our colleague from Mississippi (Mr. LOTT) is to be commended on developing an alternative to the legislative veto in the wake of the Supreme Court's holding in the Chadha case that the one and two-House disapproval mechanisms for Executive actions are unconstitutional.

The Regulatory Oversight and Control Act of 1983 (H.R. 3939), of which I am proud to be a cosponsor, would amend the Administrative Procedure Act and House rules to provide an orderly and workable system for congressional review of regulations subject to informal rulemaking. Major regulations would require congressional and Presidential approval, while other regulations could be disapproved by the enactment of a joint resolution. The bill also contains other important reforms for both the rulemaking process of agencies and for the House itself in the exercise of its oversight and appropriations responsibilities.

Mr. Speaker, the October 21 issue of "Inside the Administration" contains a column by our distinguished Republican whip on his bill. At this point in the RECORD I include that column and commend it to the reading of my colleagues:

[From Inside the Administration, Oct. 21, 1983]

SPEAKING OUT: REPRESENTATIVE LOTT ON LEGISLATIVE VETO AND REGULATORY REFORM

Rep. Trent Lott (R-MS) is the minority-whip of the House and is a member of the House Rules Committee.

Regulatory reform legislation is an apple pie issue that has been shoved onto the back shelf of the legislative pantry by the House Democratic leadership, fearful of upsetting the apple carts of certain constituent groups.

The Administration has also been less than enthusiastic about such legislation, thinking it can achieve more regulatory relief through its Executive Order 12291 than through permanent statutory changes in the Administrative Procedure Act.

Last June the Supreme Court threw a rotten apple into the middle of the pie by declaring the legislative veto unconstitutional, thus stripping the Congress of an important check it held on regulations in some 20 legislative veto provisions, and temporarily derailing efforts to extend the check to nearly all regulations.

If anything the Supreme Court decision should reignite interest in both the Congress and Executive Branch for enacting a regulatory reform bill that both improves agency rulemaking and restores some measure of presidential and congressional control over regulation writing.

As Justice White noted in his dissent to the landmark Chadha decision, "If Congress may delegate lawmaking power to independent and executive agencies, it is most difficult to understand Article I as forbidding Congress from also reserving a check on legislative power for itself. Absent the veto, the agencies receiving delegations of legislative or quasi-legislative power may issue regulations having the force of law without bicameral approval and without the President's signature."

It is especially difficult to reconcile Chadha's strict requirement for both presidential and congressional involvement in all acts having legislative effect with the authority of independent regulatory agencies to promulgate regulations under broad delegations without the participation of either the President or the Congress. As Justice White perhaps prophetically commented in his dissent: "The wisdom and constitutionality of these broad delegations are matters that still have not been put to rest."

On September 20, I was joined by a group of 17 House Republican leaders in introducing H.R. 3939, the "Regulatory Oversight and Control Act of 1983," in direct response to the Chadha decision. Our bill would essentially require the approval of all major regulations, and permit the disapproval of other regulations subject to informal rulemaking, by the enactment of joint resolutions, requiring presidential signature. The bill would apply to regulations of both Executive and independent agencies.

All rules subject to informal rulemaking would be submitted to the Congress for a 90-day review period, and expedited procedures would permit automatic committee and floor consideration for major rules resolutions, and permit one-fourth of the membership of either House to force such consideration for nonmajor rules. Such procedures are essential to prevent the bottling-up of resolutions in committee.

In addition, the bill builds on the regulatory reform compromise developed in the last Congress by the House Speaker, the Administration and others, requiring regulatory analyses for major rules and their alternatives, review of existing major rules at least once every ten years, and increased public participation and information in informal rulemaking. Our bill departs from the compromise by requiring that agencies choose the most cost-effective major rule alternative unless another mandated by law, and by requiring sunset dates to be placed on new and existing major rules, at which time the regulations would expire unless specifically renewed with congressional and presidential assent.

Finally, our bill amends House rules to improve committee oversight efforts and to permit the use of the appropriations process as a last resort for blocking regulations for which disapproval resolutions have either not been considered or have passed the House but not been enacted during the review period. We would also establish a Regulatory Review Calendar in the House for the orderly consideration of approval and disapproval resolutions four days a month.

It is our feeling that the regulatory oversight and control bill offers a responsible and workable approach to restoring political accountability to the regulatory process.●

TEXAS AGENCY DOCUMENTS BUS DEREGULATION'S EFFECTS

HON. BILL PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. PATMAN. Mr. Speaker, I recently received some excellent remarks from Hon. Mack Wallace, chairman of the Texas Railroad Commission, which regulates the transportation industry in Texas, in which he addressed the effects of the Bus Regulatory Reform Act of 1982. I have made his comments available to the House Subcommittee on Surface Transportation for its oversight hearing on the BRRA. Chairman Wallace is one of Texas' most knowledgeable and dedicated public servants. He has achieved nationwide recognition for his perceptive analyses and brilliant discussions of transportation and energy problems.

I was glad to be able to share this well-documented and thoughtful report with the subcommittee. I know that other Members will also profit from reading it. I submit it to be printed in the RECORD.

COMMENTS OF THE RAILROAD COMMISSION OF TEXAS ON THE BUS REGULATORY REFORM ACT OF 1982

(By Mack Wallace)

PREFACE

The Bus Regulatory Reform Act of 1982 (BRRA) has failed to produce any of the benefits which its proponents have projected. On the contrary, the BRRA has produced severe negative impacts on the states and their citizens.

Under the BRRA, service has been reduced, the financial position of bus companies has worsened, and the regulatory process has been made more expensive, more convoluted, and less meaningful. The ICC has played a shell game in which the rules are made up and changed along the way, concealed from the players, and applies in such a way as to make the state role in bus regulation a farce. For those states, such as the State of Texas, which take pride in responsive and responsible motor bus regulation, the ICC's actions are an insult to the regulatory process and the public.

If Congress is truly serious about making the future of public service by bus companies secure, it should work more closely with the states to hammer out a rational framework for regulation. Only by doing so will it be possible to achieve a proper balance between the need for service and the viability of the carriers.

The Railroad Commission of Texas (Texas Commission) has been regulating the transportation industry in the State of Texas for forty-two years. The Texas Commission regulates intrastate motor carriers, bus carriers, rail transportation relative to market entry, and in addition prescribes rates and charges for service. As such, the Texas Commission is familiar with federal statutes applicable to these forms of transportation;

and, through inquiries and complaints from the public, is familiar with problems experienced by the public of the State of Texas relative to the effects of past and current regulatory practices.

The Texas Commission offers the following comments on the effects of the BRRA and recommendations for changes in the BRRA which the Texas Commission feels would be in the public interest.

COMMENTS

The Texas Commission disputes the premise of the BRRA, that a lessening of regulatory controls over bus carriers will enhance the viability of the motor bus industry, without significant negative impact on service to the public. The deregulation movement which led to the enactment of the BRRA began with the deregulation of the airline industry. It is in this industry that the deleterious effects of deregulation are now becoming apparent. The economic viability of the airline industry, as well as the service to the public, is in shambles.

The deleterious long-term effects of deregulation of bus companies will prove to be even greater. This is because regular route passenger service more closely resembles a standard public utility than any other mode of transportation. Inherent in regular route passenger service is the pervasiveness of low density routes and points where the traffic will not support more than one carrier. In addition, the bus industry is characterized by more concentration of market share than any other mode of transportation. Herein lies a potential abuse of market power similar to that once common in the passenger rail services.

Finally, and perhaps most importantly, there exists the potential for significant impact on service to the public. Bus operations are the last link between thousands of small towns and the rest of the regional and national economy, for both commercial and essential services such as medical care.

49 U.S.C. § 10101 makes it the National Transportation Policy to maintain needed service to small communities, as well as to improve the efficiency and sustain the financial viability of bus carriers. After considering the evidence submitted by the petitioner and respondents, the ICC is required to balance these competing considerations. The ICC has wholly failed to consider the need for service to small towns, thus discriminating against rural, agrarian, and ranching regions and states such as Texas.

The Texas Commission believes that the goal of balancing the public need for bus service against the financial needs of the bus industry can be achieved more effectively, within the basic parameters of the BRRA, by making certain changes in the Act, and the ICC's administration of the Act.

EFFECTS OF THE BUS ACT

Effect on the service to the public

Drastic reductions in service to small towns have occurred during the first year since the passage of the BRRA. Even more drastic future reductions are likely. The nation's largest bus carrier proposed to discontinue all service to over one thousand cities and towns in several states, among them Oregon, California, Iowa, and Texas. These proposed discontinuances tested the statute. As blanket affirmations of such proposals were forthcoming from the ICC, other carriers have proposed discontinuances in other areas.

During the year, the ICC has issued a number of decisions overturning state decisions denying applications to discontinue services.[1] The only times when state decisions were upheld involved two cases where the carrier decided that, due to the irrelevance of the state proceeding on the outcome of the case, it would not present a serious case to the state.[2] The ICC's decision in that case, and in subsequent cases, makes it clear that as long as the bus carriers make a minimal showing within a state proceeding and provide any type of supportive data, the bus carrier will prevail on appeal to the ICC. With this encouragement from the ICC, motor bus companies can be expected to discontinue service throughout Texas with impunity: without regard to whether such discontinuance is justified.

In recent hearings on proposed bus service discontinuances, dozens of citizens from cities and towns of Texas testified as to their dependence on motor bus carriers for vital transportation service.[3] A number of individuals rely on motor bus carriers for transportation to receive chemotherapy or dialysis treatments available only in major metropolitan areas. The bus is, quite simply, the only method of transportation for a number of these individuals, and discontinuance of this service would be life-threatening. Many businesses depend on bus package services to deliver much needed freight quickly and reliably. Without this service, businesses in many small communities would be cut off from the mainstream of Texas commerce. Other citizens rely on the bus as their only mode of transportation when traveling to visit family or friends or for other purposes. A large number of elderly and poor persons have no other way to travel to distant points, and, without the bus, they would become even more isolated and immobile than they already are.

In some cases, the evidence demonstrates that the bus will continue to travel the same route through small communities, however, the bus will no longer stop. Many communities are losing even simple flag-stop service as a result of the closed door actions by the bus companies.

Although discontinuances of service are common, reductions in the number of schedules of service to small towns have been far more widespread. Often, these reductions in schedules amount to an effective discontinuance of service because the remaining schedule or schedules involve times which cannot possibly meet the public need.

Effects of the Act on the Financial Condition of the Bus Industry

Despite widespread reduction in service to supposedly "unprofitable" points, the financial condition of the bus industry has worsened.

The operating ratios of Greyhound Lines, Inc., Trailways Inc., and other Texas carriers have increased drastically since 1981. The carriers are selling equipment and decreasing their service provision level. This has decreased revenue levels while the carriers still face overall increases in costs.

In proceedings before the various state agencies regarding schedule discontinuances and rate increases, the bus companies have evidenced a remarkable level of ignorance of their own operations. This has been demonstrated by their failure to develop, maintain and make available records concerning ridership data, complete route data, and specific, as well as relevant financial data. The absence of competent evidence makes it impossible for the public to rebut any statements or assertions made by the bus companies, especially in service discontinuance cases.

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[1] Cases in which the ICC overturned state decisions: Docket No. MC-1515 (Sub No. 332), *Petition of Greyhound Lines, Inc. for Review of a Decision of the West Virginia Public Service Commission*, (decided August 23, 1983; issued August 25, 1983), Docket No. MC-2890 (Sub No. 63), *Petition of American Buslines, Inc. for Review of a Decision of the Nebraska Public Service Commission Pursuant to 49 U.S.C. § 10935, (decided September 8, 1983; issued September 13, 1983)*, Docket No. MC-1515 *(Sub No. 334), Petition of Greyhound Lines, Inc. for Review of a Decision of the State Corporation Board of the State of Kansas Pursuant to 49 U.S.C. § 10935*, (decided September 9, 1983; issued September 13, 1983), Docket No. MC-109780 (Sub No. 83), *Petition of Trailways Lines, Inc., for Review of a Decision of the State Corporation Commission of the State of Kansas*, (decided September 27, 1983; issued September 29, 1983), Docket No. MC-1515 (Sub No. 336), *Petition of Greyhound Lines, Inc., for Review of a Decision of the Oklahoma Corporation Commission pursuant to 49 U.S.C. § 10935*, (decided September 15, 1983; issued September 19, 1983), Docket No. MC-1515, *Petition of Greyhound Lines, Inc., for Review of a Decision of the Oregon Public Utility Commission Pursuant to 49 U.S.C.*, (decided September 12, 1983; issued September 15, 1983), Docket No. MC-C-10842, *Petition of Carolina Coach Company for Review of a Decision of the North Carolina Utilities Commission Pursuant to 49 U.S.C. § 11501*, (decided April 14, 1983; served April 18, 1983), Docket No. MC-C-10844, *Petition of Jefferson Lines, Inc. for Review of a Decision of the Missouri Public Service Commission Pursuant to 49 U.S.C. § 11501*, (decided April 25, 1983; served April 27, 1983), Docket No. MC-C-10852, *Petition of Peoria-Rockford Bus Company for Review of a Decision of the Illinois Commerce Commission Pursuant to 49 U.S.C. § 11501*, (decided May 20, 1983; served May 24, 1983), Docket No. MC-C-10853, *Petition of Greyhound Lines, Inc. for Review of a Decision of the Massachusetts Department of Public Utilities Pursuant to 49 U.S.C. § 11501(e)*, (decided June 1, 1983; served June 3, 1983), Docket No. MC-C-10844, *Petition of Greyhound Lines, Inc. for Review of a Decision of the Georgia Public Service Commission Pursuant to 49 U.S.C. § 11501*, (decided June 30, 1983; served July 5, 1983), Docket No. MC-C-10856, *Petition of Jefferson Lines, Inc. for Review of a Decision of the Missouri Public Service Commission Pursuant to 49 U.S.C. § 11501*, (decided July 11, 1983; served July 18, 1983), Docket No. MC-C-10857, *Petition of Trailways, Inc., American Bus Lines, Inc., and Midwest Bus Lines, Inc. for Review of a Decision of the Missouri Public Service Commission Pursuant to 49 U.S.C. § 11501*, (decided July 19, 1983; served July 22, 1983) (14) *Petition of Jefferson Lines, Inc. for Review of a Decision of the Missouri Public Service Commission Pursuant to 49 U.S.C. § 11501(e)*, (decided July 29, 1983; served August 1, 1983), Docket No. MC-C-10855, *Petition of Trailways, Inc., et al for Review of a Decision of the Arkansas Transportation Commission Pursuant to 49 U.S.C. § 11501*, (decided August 2, 1983; served August 5, 1983), Docket No. MC-C-10855, *Petition of Bonanza Bus Lines, Inc. for Review of a Decision of the Massachusetts Department of Public Utilities Pursuant to 49 U.S.C. § 11501*, (decided August 11, 1983; served August 15, 1983).

[2] Service Discontinuance Case: Docket No. Mc-59238 (Sub No. 74), *Petition of Virginia Stage Lines, Inc. for Review of a Decision of the West Virginia Public Service Commission Pursuant to 49 U.S.C. § 10935*, (decided September 9, 1983; issued September 13, 1983); Rate Increase Case: Docket No. MC-C-10851, *Petition of Greyhound Lines, Inc. for Review of a Decision of the Missouri Public Service Commission Pursuant to 49 U.S.C. § 11501*, (decided May 20, 1983; issued May 26, 1983).

[3] *Petition of Greyhound Lines, Inc. for Review of a Decision of the Railroad Commission of Texas Pursuant to 49 U.S.C. §10935 and 49 CFR §1169*, ICC Docket No. MC-1515 (Sub No. 343), decision pending.

The ICC effectively encourages this ignorance by its liberal assessments of a bus company's case. In a recent decision where the ICC granted a bus company's application to discontinue service over the objections of the state, there was a question as to the accuracy of the methodology by which the bus company had calculated its financial data. The ICC candidly admitted that it was not sure of the exact amount by which the carrier's expenses exceeded its revenues, but opined that it was probably "a great deal".[4] This the ICC decided in a case rife with testimony of potential public deprivation. With such irresponsibility in the ICC's decisions, it is no wonder that the bus companies are irresponsible in their record keeping.

RECOMMENDED CHANGES IN THE BRRA

Charter Authority

New charter authority grants should be immediately curtailed and service under existing grants should be restricted to points where regular route passenger service is provided by the carrier. Revenues from charter operations make it possible for motor bus carriers to serve small towns along routes between larger cities. These revenues formerly comprised 10 to 20 percent of the total revenues for regular route passenger carriers in the State of Texas. Authority to perform charter service was formerly availabel only to regular route passenger carriers, and it was restricted to charter trips originating at points where the carrier provided regular route service. This practice proved to benefit the public in Texas for many years.

Under the BRRA, charter service is effectively deregulated by the practice of granting nationwide interstate charter authority on request. The massive influx of interstate charter operators has made enforcement of intrastate charter restrictions impossible. This has resulted in a reduction of service to regular route passengers by intrastate carriers in an attempt to compete with interstate charter operators. In addition, intrastate passenger carriers have experienced a drastic reduction of charter revenues.

The charter revenues of Texas regular route carriers are down 40 to 60 percent. This is catastrophic to many small carriers located in rural Texas areas. Because of this diversion of charter revenues by carriers which are providing little or no regular route passenger service, drastic reductions in the regular route passenger service are imminent.

ICC Standard of Review

The ICC should be made accountable for its decisions in review of state regulatory actions. The ICC has failed to enunciate clear guidelines for the states in service discontinuance cases, as well as in rate increase cases. ICC regulations fail to define the key concepts in the BRRA. Specifically, the terms "variable costs", "reasonable alternative service", and "comparable interstate service" have not been defined. In addition, "differences in costs, conditions, or service" such as would rebut a presumption of unreasonable discrimination against interstate commerce have not been defined. The ICC has not indicated how it would determine whether a difference in operating conditions or cost of service is sufficient to justify a disparity in rates.

The BRRA provides that a presumption of unreasonable discrimination is rebuttable by a showing of such differences as are sufficient to justify the disparity between intrastate and interstate rates. The states, in assessing the reasonableness of rates under state and federal law, must make a determination concerning differences prior to a review by the ICC. Currently, the states must make this determination based on the records before them and on their own interpretations of the statute.

Generally, the only guidance provided to the states is given in ICC review decisions issued after the state has already exercised its jurisdiction. In these decisions, the ICC does not give credence to a reasonable interpretation by the states, but substitutes its judgement for that of that state.

In judicial proceedings involving the ICC's review of state regulatory actions, the ICC should bear the burden, of showing three things: first, that the state had sufficient notice, through ICC rulemaking proceedings, of the standard by which state action would be reviewed; second, that the applicant bus company submitted substantial, admissible evidence in the state proceeding to support a grant of its application under the applicable standard in the state proceeding; third, that the ICC's decision is supported by substantial evidence, affirmatively demonstrating that a proposed service discontinuance is in the public interest, or that a proposed rate change is reasonable.

The ICC should limit the scope of its review in each case to the evidence presented in the state proceeding. The BRRA clearly intended for the state authority and the affected points to meaningfully participate in the decision to remove service. Bus companies should not be allowed to effectively ignore the states by presenting inadmissible and insubstantial evidence to the state and reserving the substance of their justifications for presentation to the ICC. The states are entitled to consider all evidence in a carrier's possession at the time of the hearing before the state agency. Such information should not be seen for the first time in the carrier's rebuttal petition before the ICC. Otherwise, the clear Congressional intent for state participation will have been thwarted. More importantly, the people in the points to be affected are entitled to hear exactly why a particular carrier feels that service to the involved points constitutes a burden on its operations. In addition, the people affected by proposed increases in charges, are entitled to hear exactly why the carrier feels that existing charges for service constitute an unreasonable burden.

Requiring that the ICC be accountable through its rulemaking proceedings and judicial review would assist the states in fulfilling their roles under the BRRA by giving clearer guidance concerning the standands by which the state action will be reviewed. In addition, such accountability will assist the Congress in conducting its oversight of the ICC administration of the BRRA because it will reveal the standards applied by the ICC in review of state action.

Specific Corrective Modifications

A number of specific modifications in the statute would address particular problems which have come to light during the first year of the BRRA's administration.

First, reentry should be restricted. In instances where a carrier has discontinued service to a point and a new carrier has initiated service to that point, the former carrier should not be permitted to reestablish service, absent a showing of public need. This restriction is necessary in order to encourage the investment in feeder route service to replace the departing major carriers.

Second, the "Taxicab Rule" should be repealed. The theoretical availability of taxicab service to a town where the departing carrier provides service should not be considered in determining whether reasonable alternative service is available. Taxicabs are simply not a reasonable form of mass transportation in the vast majority of situations where a carrier is discontinuing service to small towns in rual areas.

Third, the provisions allowing consideration of whether service sought to be discontinued has been subsidized by local government bodies should be revised. 49 U.S. Code § 10935(g)(2) requires that the ICC consider, where applicable, whether a carrier has been offered or is receiving an adequate operating subsidy for service sought to be discontinued.

Evidence that an adequate subsidy has been offered or received would clearly be relevant to a determination under § 10935(e)(1), since continuation of service cannot be an unreasonable burden on interstate commerce where the cost of providing the service is borne, in sufficient part, by a person other than the bus company.

The statute does not, however, give rise to any inference or presumption under § 10935(e)(1) from the fact that no subsidy has been offered or received. Where no subsidy has been offered or received, § 10935(g)(2)(B) is simply not applicable and consideration of this fact is not required. The absence of such a subsidy or subsidy offer should not be considered an indication that local governmental bodies lack interest in continuation of service. The existing interpretation of this provision by the ICC has a discriminatory effect on poor states and poor regions of the nation.

Fourth, the "Prior Notice" amendment should be adopted. This would require more advance notice of proposed discontinuances. Such a requirement would allow planning and institution of alternative service where that is possible. Currently, small towns with limited resources are unable to sift through the limited data provided to them in order to oppose a discontinuance and in addition, they are not given sufficient time to insure alternatives for their citizens who are dependent on bus transportation for the provision of essential services.

CONCLUSION

It is possible to maintain needed service to our small communities while improving the financial viability of bus carriers.

It is not possible to do so through irresponsible, arbitrary, and uninformed regulation. Unfortunately, this has been the result under the BRRA. The bus companies respond with comparable action: arbitrary rate hikes and irresponsible discontinuances—and the public continues to suffer.

As the Texas Commission stated above, if Congress is truly serious about making the future of public service by bus companies secure, it should work more closely with the states to hammer out a rational framework for regulation. Only by so doing will it be possible to achieve a proper balance between the needs for service and the viability of the carriers.●

[4] Docket No. MC-1515 (Sub. No. 334), *Petition of Greyhound Lines, Inc., for Review of a Decision of the State Corporation Commission of the State of Kansas Pursuant to 49 U.S.C. § 10935*, (decided September 9, 1983; issued September 13, 1983).

ACID RAIN—WE CAN'T WAIT 'TIL NEXT YEAR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. OTTINGER. Mr. Speaker, the situation in America with acid rain is reaching a crisis point. Every day, more lakes, streams, forests, and crops are threatened. The evidence is clear that we cannot delay any longer.

Since the administration has failed in its promise to provide some direction to Congress on this issue, I would like to urge my colleagues who have not done so, to cosponsor H.R. 3400, the Waxman-Sikorski solution to the problem.

The following article accurately reflects the attitude of the administration concerning this issue. I commend it to my colleagues' attention.

THE BEST LAID PLANS

William D. Ruckelshaus, the Administrator of the Environmental Protection Agency, had promised last summer that by the end of September he would produce a plan to curb acid rain.

So a plan was prepared and the agency was getting ready to unveil and promote it. Under discussion was an elaborate proposal called "draft of acid rain communications strategy." It included plans for speeches by Mr. Ruckelshaus, as well as the publication of numerous fact sheets and maps.

Arrangements were being made for satellite television feeds around the country and to Canada, on which falls much of the acid rain produced in the American Middle West. The Canadian Ambassador was to be briefed. There were plans for Mr. Ruckelshaus to be available to CBS and ABC the night of the announcement and to NBC the next morning.

Everything and everybody at E.P.A. was ready. Then Mr. Ruckelshaus went to the White House, a week ago Wednesday, to discuss his plan. There he learned that it was unacceptable to several high-level officials. Now there is nothing to announce, no communications strategy to implement and nothing to sell to the Canadian Ambassador, except possibly an umbrella.—James F. Clarity and Warren Weaver, Jr.●

DRUGS AND ADOLESCENTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. WOLF. Mr. Speaker, I am submitting a copy of Dr. Joseph R. Novello's testimony from a Crisis Intervention Task Force hearing of the Select Committee on Children, Youth and Families into the CONGRESSIONAL RECORD for the benefit of my colleagues and their constituents. Dr. Novello is director of the gateway program for diagnosis and treatment of chemically dependent adolescents. He is also director of the Child and Adolescent Service at the Psychiatric Institute of Washington, clinical associate professor of psychiatry at Georgetown University, news commentator for WJLA-TV and weekly columnist for Women's World magazine.

His testimony clearly presents the gruesome and frightening truths about drug and alcohol use among our youth. It recognizes that drugs are abundant and available everywhere. Any family houses a potential victim and no school is safe. He cautions parents and urges them to accept facts and get help for their children. Alcohol and drug abuse are diseases that make a person, any person, become chemically dependent and robs them of normal, healthy, and successful lives.

Drug abuse is not new, but has reached new dimensions and I urge Members of Congress to read this enlightening testimony and focus on this tragedy.

TESTIMONY OF JOSEPH R. NOVELLO, M.D., DIRECTOR, THE GATEWAY, A PROGRAM FOR THE DIAGNOSIS AND TREATMENT OF ADOLESCENT CHEMICAL DEPENDENCY TO SELECT HOUSE COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

Madame Chairman, Distinguished Members of Congress, Ladies and Gentlemen: I am Dr. Joseph Novello. I am a physician specializing in child psychiatry. I am Director of Child and Adolescent Services at The Psychiatric Institute of Washington, D.C. and Clinical Associate Professor of Pediatrics and Psychiatry at the Georgetown University School of Medicine.

I appear before you today, however, because of my special interest in the subject of teenage drug abuse and in my role as Director of The Gateway, a comprehensive treatment program for chemically-dependent adolescents between the ages of 13 and 18.

Teenage Drug Abuse. It's not a pretty picture. When you add up the numbers you come to the chilling conclusion that drugs and alcohol, in tandem, are probably the leading cause of death among American teenagers. For example, accidental death is the leading cause of mortality among adolescents but we know that 16,000 youngsters, in a recent year, died in alcohol-related traffic fatalities. Suicide ranks as the second-leading cause of death, yet it's estimated that 50% of the 5,000 teenage suicides last year could be laid to booze and pills. No, it's not a pretty picture. It's a deadly picture.

And what about the tens of thousands of youngsters who cheat death but whose chemical dependency cheats them of their adolescence . . . of their growth and development as happy, productive individuals? I'm talking about school drop-outs, runaways, the physically-ravaged and the psychologically destroyed. I'm talking about burned-out 25-year olds, still arrested in their adolescence, because of the effects of things like marijuana, PCP, LSD, and the rest of the lethal drug-abuse alphabet soup. These youngsters die too. They die emotionally . . . slowly . . . unless help arrives.

THE DRUGS OF ABUSE

I'd like to give you a brief overview of the drug abuse landscape. But first I should warn that the scene is ever-shifting. Just when you think you've got a handle on it, the landscape blurs. But here's my best estimate of today's problem, based on recent surveys and my ongoing daily work with teenagers themselves.

Alcohol: Alcohol is clearly the single most abused substance by teenagers. Alcohol, not marijuana or something as exotic as mescaline, is the Number One drug problem of today's teens. A New York Times survey concluded that 3.6% of New York City teenagers and 5.2% of suburban youth used it on a daily basis. A similar study in the nation's capital revealed a daily use of 11.4% and a weekly use of 22.9%. Conservative estimates are that almost 8% of teenagers, on a national basis, have a serious drinking problem. That's not a small number. It translates into 1.3 million American boys and girls. Our children—yours and mine. No family enjoys absolute immunity.

Marijuana: There's good news and bad news where marijuana is concerned. The good news is that heavy use of marijuana has declined somewhat in the past couple of years. In 1979, 11% of high school senior reported using marijuana on a daily basis; in 1981 this figure had dropped to 9%. The bad news is that marijuana continues to be readily available to teenagers . . . and use it they do. My best current estimate is that 7-8% of high school seniors still smoke it on a daily basis. Not much reading, writing, and arithmetic getting absorbed by their confused, disoriented minds.

Perhaps the most frightening thing about marijuana is that it poses a "trickle down" phenomenon. Younger and younger children are being introduced to pot—usually by older "friends" or even by older brothers and sisters. In our own program, The Gateway, it is not unusual to encounter youngsters who "smoked their first joint" at age 10 or 11.

Marijuana is also a "drug of entry" into the deadly world of chemical dependency. Most teenagers who move from experimentation down the path through the next 3 stages of drug abuse (2. Actively seeking a high, 3. Preoccupation with getting high, and 4. Reliance on drugs simply to feel "normal.") ultimately switch to other drugs in a desparate flight to feel good . . . to set their minds right . . . to grab the ultimate buzz.

PCP: Phencyclidine was given a trial in the 1950's as an anesthetic agent. The side effects were so severe that it was quickly discarded for use in humans. Today it finds use in only two categories: 1. for animals in veterinary medicine and, 2. as a recreational drug of teenagers and young adults.

PCP, otherwise known as angel dust, or killer weed, is dangerous. It creates a form of psychosis, a temporary loss of reality. It also causes agitation, aggression, and violence. PCP is a hallucinigen. It's easy to manufacture in home laboratories. Its physical properties are often confused with other drugs. Therefore, many youngsters ingest it accidentally, thinking they're getting cocaine or un-treated marijuana.

PCP use is on the upswing. In Washington, D.C. 4.9% of high school students report using it on a weekly basis.

Cocaine: Cocaine, once the drug of the jet set, is growing in popularity among the prep set as well. In fact, only its high cost seems a barrier to epidemic use among teenagers. Those who do achieve regular access do it, usually, through one of two routes: 1. boys who go into drug dealing in order to afford it or, 2. girls who deal "sex for snow." Hence, cocaine traps teenagers into the

shadowy world of illegal hustling and illicit sex—just as it does adults.

Amphetamines: Amphetamine is now a controlled substance. Its use as an appetite suppressant in the medical treatment of obesity has been discredited. In fact its medical use is now limited to narcoplesy (a rare condition), hyperactivity in children (although other drugs are available) and (rarely) in the treatment of depression.

Yet, amphetamines, also called "uppers," are used on a weekly basis by about 2.5 percent of high school students. Many of these youngsters, by the way, are depressed. Their choice of drug is not accidental. They select it because it picks them up and makes them feel good-momentarily. Amphetamines cause drug dependence: higher and higher doese are needed to achieve the same high. Toxicity can cause a paranoid psychosis. Withdrawl causes a "crash" and a depression worse than the original.

Other hallucinogens: LSD, mescaline, psilocybin, and company are still with us. They, unfortunately, did not go the way of the Flower Children. And hallucinogens are making a comeback among our youth. They alter preception so that the user will report "hearing colors" or "seeing sounds."

Youngsters have a name for chronic LSD-users. They call them "space cadets," "ozone heads," or "fried brains." These tags are accurate. Heavy use of hallucinogens appears to do permanent damage to the brain—including "flashbacks."

About 1.5 percent of teenagers report regular weekly use of hallucinogens.

Barbiturates, sedatives: Phenobarbital, Nembutal, Quoaludes are sedative—hypnotic drugs. They have a legitimate medical use in sedation and as sleep—inducing agents but they are readily abused. They're especially dangerous because of their synergistic effect with alcohol i.e. one drink plus one pill can equal the effects of three or more of either. Overdose and "accidental" suicide with this deadly combination is not uncommon.

My best estimate is that about 1% of teenagers use these substances daily.

Inhalants: They sound harmless enough: glue, paint thinner, nitrous oxide, lighter fluid. But are they? No. In fact, the inhalants, used mostly by young children aged 6 to 14, are the most immediately dangerous of all substances of abuse. Sniffing these fluids in high concentration can cause brain damage, liver damage, kidney damage—and even death.

Although 1 in 9 teenagers has experimented with one of these substances—regular use is, fortunately, rare.

Tranquilizers: Minor tranquilizers such as Valium and Librium and major tranquilizers such as Thorazine—are "our" drugs, the drugs of the adult, or Valium, generation. Maybe this is why teenagers are not much attracted to them. Another reason is that they don't give an immediate, discernable rush or high, or perceptual distortion like the previous drugs I've mentioned.

The main danger of these drugs is probably that adults, including parents, who turn too quickly to a pill to solve a problem are sending a powerful message to the children who watch in the wings—"better living through chemistry."

Heroin: Heroin is a drug of young adults. Less than 1% of adolescents use it on a regular basis—although I am alarmed that street dealers increasingly use small children (8-12 years) to "hold" for them—and that "smack," as it is sometimes called, seems to be more accessible now than ever to teenagers, especially in large cities.

There you have it. A quick trip through the teenage drug world landscape—1983. As I said, it's not a pretty picture. But we can learn from it. We can learn and we can do something about it.

We can start by examining the causes of adolescent chemical dependency. As a psychiatrist, a physician, I'm interested in what causes an illness—and chemical dependency is an illness. As legislators the members of this Committee also want to examine causes . . . after all, just as in medicine you must diagnose problems before you can treat them.

CAUSES

There are many causes of teenage drug abuse.

Availability: You have to start with the obvious. Alcohol and illicit drugs are amazingly available to youngsters throughout our nation. No school, urban—suburban—or rural, is immune. No city, town, or village is safe.

Adult modeling: It's been said that we live in a Valium Society (for some make that Jack Daniels). Teenagers do as we do—not as we say. Teenage alcoholism and drug abuse tends to be a family affair. For example, a child of an alcoholic is four times more vulnerable to alcoholism himself than a child of non-alcoholic parents. Genetics is certaily a factor in these cases—but the environmental influences are important too.

Chemical dependency as an illness: One of the least understood factors in the prevention and treatment of teenage drug abuse is that Chemical Dependency itself is a disease. Many youngsters are genetically susceptible or developmentally vulnerable to this illness. Once they are exposed to drugs and alcohol the disease flourishes; they are helpless against their chemical—unless they receive proper treatment.

It is crucial that we understand this concept. I must admit that even as a physician I did not fully appreciate it until after I had worked with these youngsters for quite a long time. Traditional medicine and psychiatry takes the view that "you drink because you have a problem." Therefore, treatment is aimed at the underlying "problem" and the theory is that the symptom (drinking or drugging) will disappear as the "problem" is resolved. Well, I can tell you that it just doesn't work that way. I've seen too many youngsters, cured of their psychiatric illness in a hospital setting, go right back to drug abuse after release from the hospital. The result is a double tragedy: the youngster faces not only the perils of continued drug abuse but, sooner or later, the psychiatric illness (depression etc.) also returns—usually with a vengence.

If you view Chemical Dependency itself as an illness there is only one realistic philosophy: "you have a problem because you drink." Treatment, therefore is aimed not at the underlying "problem" but at the chemical dependency through drug education, confrontation, the principles of A.A. and a host of "non-traditional" methods ("non-traditional" to most physicians anyway). The concept is, of course, that "if you will stop drinking or drugging, you won't have a problem at home, at school, with friends, with the law etc. This approach is effective with many teenagers. It should be pointed out, however, that the adolescent drug abuser, by virtue of his adolescence, has suffered psychological scars and developmental delays in ways that, say, an adult alcoholic has not. Treatment, therefore, should be in the hands of specialists in adolescent work who, while focusing on the chemical dependency, can attend to these unique issues as well.

Psychiatric Illness: In addition to youngsters whose primary problem is the illness of Chemical Dependency, there are many teenage drug-abusers who are psychiatrically ill and who turn to alcohol and drugs secondarily. They suffer from depression, impulse disorders, and schizophrenia. Their drug abuse is actually a secondary effort to medicate themselves: speed for depression, downers for agitation and aggression, hallucinogens for the raves of psychosis. Their rehabilitation must start with a precise medical diagnosis and be followed by a two-tracked treatment program aimed at both the primary and the secondary illnesses.

Family breakdown: Busy parents of the me-generation may not have enough time to supervise their children even when the family unit is intact. Broken families pressured by conflicts and special needs are especially vulnerable. Financial pressures have led to the phenomenon of 60% of mothers with children under the age of 18, employed outside the home. Jobless parents, especially minorities, may project a sense of hopelessness and despair . . . a breeding ground for drug abuse by their own children.

Mobility: We are a mobile society. The average American family moves over 10 times in its lifetime. One result is that neighborhood support has all but vanished from most of our lives. When we were kids you didn't get away with so much—there was always some adult around who would call your parents if you did something wrong.

Peer pressure: You can always count on a young druggie to want to corrupt non-users. Why? It makes him more powerful and "levels" everyone to his values. As a result, there is tremendous pressure on almost all teenagers to try drugs—"just this once."

Secular trend: Youngsters enter puberty at an ever earlier age. The onset of puberty, for example, occurs about 3 months earlier, on the average, every decade. We have the phenomenon, for example, of 12-year old girls "going on 22." It's a different problem for teenagers—and parents too.

Permissive parenting: As a nation we are still paying the price of permissiveness—that non-prescription for successful parenting that urges mothers and fathers: "don't repress your child's drives, let him find his own way." Too many parents find it hard to say "no" to their children. They're intimidated. One caller, the mother of a 13-year old daughter, to my Washington, D.C. call-in radio program, asked if she "had a right" to ask her daughter not to smoke pot in the house." A right?" I asked incredulously. "Well, I mean doctor, it is her life isn't it!" was the response.

Lack of education: The word is starting to get out but too many parents are still naive and under-educated when it comes to teenage drug abuse—even when it stares them in the face.

There's a tendency to deny that it could happen. "Not my child," is a familiar reacting. And why not? Which of us wants to be confronted with such a monstrous reality. Yet, even when the problem can no longer be denied there's a tendency to minimize ("thank God it's only alcohol—not hard drugs") and to give into a youngster's desperate bargaining ("I'll be good—just don't send me to a hospital. I can quit any time I want.") Parents also allow themselves to be intimidated at the stage of discovery: "If you make me get treatment, I'll run away."

Finally, parents, perhaps out of the mistaken belief that they are the cause of the problem, avoid going for help . . . preferring instead to "solve the problem at home." Sadly, home remedies rarely work for this serious illness.

Media: Media glorification of drinking, drugging, and the "fast life" may simply mirror society (as apologists claim) but it's too often part of the problem. Programming, news, and advertising must all be held accountable.

WHAT CAN WE DO ABOUT IT

First, I want to stress that there are many causes for the epidemic of teenager drug abuse that we currently face in the United States. No one single group or institution is at "fault": not the federal government, not parents, not the schools, not the media, not even psychiatrists—and surely not the teenagers themselves.

Yet, if none of us stands alone as the problem—we must stand together as the solution.

I salute the efforts of this Committee's search for the answers. I know that I will learn a great deal in listening to the testimony of others here today. Perhaps, by working together, we can arrive at some answers.

For my part, I would offer the following suggestions:

1. Drug trafficking: Law enforcement agencies on all levels should be given the resources to do their job well. Striking suppliers at the source is still the most direct route at eliminating illegal drugs from the streets of cities and the playgrounds of our schools.

2. Drug dealing: Stiffer penalties for drug dealers, adult and adolescent, is a must.

3. Parent education: You can take a course on almost anything these days: pasta-making, racquetball, aerobic dancing, even How to Be Your Own Best Friend. But what about "How to Parent?" These courses are tougher to find.

Being a parent is the most important job any person will have. It has to be given a higher priority in our society.

For adults I suggest a parenting course before the first baby arrives. Shop carefully. Be sure the philosophy of the teacher is acceptable to you.

My own formula for successful parenting (described in my book, Bringing Up Kids American Style) is deceptively simple: Values Clarification, Communication, and Discipline.

But books are not enough. Parents should be encouraged to get back in charge of their families again. Too often, in my work, the real power rests in the shaking hands of a scared, 14-year old druggie.

Parents should also get together with other mothers and fathers. "Can you name your child's three best friends?" I often ask. If you can't, you've got a problem. If you can, you've got the beginnings of a Parents Group.

Finally—parents should be encouraged to: 1. Get Informed, 2. Get Together, 3. Get Involved.

4. Recognition of chemical dependency as an illness: Teenage alcoholics and chemically-dependents have an illness requiring treatment. As long as we persist in the myth that they are simply "bad kids" or somehow "morally deficient" we will not be able to help them. You can't talk them out of it. It isn't the parents' fault. Going for treatment must not be stimatized. If anything treatment, not the drug use, should be glamorized. The teenager who licks drug dependency is a hero—like Betty Ford, like Richard Pryor, the straight-again teenager is a celebrity in my book.

5. Federal Government: The Federal Government through the medical insurance benefits it provides its employees in the Federal Employees Plan (FEP) and CHAMPUS for its military beneficiaries and their families sets the tone for insurance carriers throughout the country. It is a bell-weather. Sadly, benefits for alcoholism and chemical dependency have been eliminated. . . . perhaps because these employees and their family members are not seen as ill but rather lacking in moral fortitude.

Sad too, that benefits for psychiatric illness have been selectively capped at 60 days for hospitalization. I can tell you that most teenagers who suffer combined psychiatric illness and chemical dependency require more than 60 days of inpatient treatment—but 60 days is all they can get. It's analogous to be giving a 45-minute benefit for an appendectomy: "Sorry, doctor, we'll have to take your patient off the operating table now, your time is up."

6. Treatment Programs: But even if adequate insurance benefits come available, where is a family to go for help? This is a question I'm asked frequently in my professional work, in my media work on WJLA-TV in Washington, and through letters to my weekly column in Woman's World Magazine. Where to get help? What to look for in a program? I asked myself these questions before designing my own program, The Gateway. I visited a number of facilities across the country and interviewed leaders in the field. Based on this research I have outlined 12 basic criteria:

1. Illness: Chemical dependency should be viewed as an illness. Teenage drug users are not "bad" or morally deficient. They have an illness requiring treatment.

2. Diagnosis: Many programs are long on treatment, short on diagnosis. Not all drug abusers are alike. Medical and psychiatric diagnosis is an important first step.

3. Residential: The first phase of treatment (approximately 2-4 months) must usually begin in a hospital or residential facility where de-toxification can occur—and the youngster can be kept safely from "his chemical."

4. Family: Treatment must involve the family as partners.

5. Abstinence: The goal of treatment must be sobreity, complete abstinence.

6. Psychiatric, medical: The program must be able to treat concomitant psychiatric and medical illness.

7. No cults: Some programs resemble. Avoid them. You may be trading one problem for another one.

8. Recovering staff: In addition to physicians and nurses, good programs have some staff members who are "recovering" drug users. They lend credibility and role-modeling for youngsters and provide drug education.

9. A.A.: The philosophy of A.A. and its 12 Steps should be at the core of the program.

10. School: The program should offer ongoing academic classes, preferably for credit, while the yougster is in treatment.

11. Aftercare: Successful programs offer a year or more of structured aftercare. This post-hospital or post-residential phase is the key to ultimate success.

12. Lifestyle: The program must promote a new lifestyle, free not only of drugs but free of the "wrong friends." It must replace old values with a new, positive outlook on life.

CONCLUSION

A positive outlook on life. Those are hopeful words and good words on which to end my remarks. I hope my comments have been helpful and positive. My own outlook is brightened by the work of this Committee and the hope that it offers to the Children, Youth, and Families of our nation. I'm honored that you invited me to address you today. Thank you.●

POWER OF THE COMMANDER IN CHIEF

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. JACOBS. Mr. Speaker, now that we have heard from Lyndon Johnson, Richard Nixon, Gerald Ford, James Carter, and Ronald Reagan on what they have called the inherent constitutional war power of the Commander in Chief—MacArthur made the same kind of argument for his Commandership—how about a few words from Abe Lincoln? To wit:

WASHINGTON, D.C.,
February 15, 1848.

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenver he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't."

The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and improverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where Kings have always stood. Write soon again. Yours truly.

A. LINCOLN.●

WHEN CLINCH RIVER LOST, THE TAXPAYER REJOICED

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. MARKEY. Mr. Speaker, on Wednesday, the taxpayer rejoiced.

On Wednesday, the taxpayer sang the praises of a Congress who finally put to rest the Clinch River breeder reactor—once and for all. I commend

my colleagues in the other body who voted to pull the plug on a boondoggle which never should have been funded. For 13 years, Congress has unwisely authorized funds for this project. For 13 years, many environmentalists and taxpayer groups have fought this project on sound environmental and economic arguments. But for 13 years, politics proved stronger than reason and the project continued to receive funding.

The large margin by which Clinch River was defeated in the Senate attests to a final victory for economic and defense arguments over politics. The potential threat of a fully operational breeder reactor is overwhelming. Clinch River would not just be generating electricity; it would be a bomb factory. The amount of nuclear explosives produced by Clinch River over its lifetime is frightening. There would be enough bomb materials to give terrorists the world over enough resources to endanger our world. The Clinch River breeder reactor posed a grave threat to our security, and we should all be relieved that the project will not become reality.

Clinch River also posed a serious threat to our budget. Original estimates indicated that the project would cost $4 billion; revisions of these costs put the price tag over $8 billion. And what would the American people get for that $8 billion?—a boondoggle with uncertain technology payoffs and certain threats to our security. The Clinch River project represented such a threat to our Treasury that divergent groups from National Taxpayers Union to the Heritage Foundation to the Sierra Club joined hands to defeat the project. I commend all of these groups for their diligence in opposing the project and I congratulate them for their perseverance and stamina. The victory, however, was worth the fight.

Mr. Speaker, the taxpayer rejoiced on Wednesday when Clinch River was finally defeated. The President stated he saw irony in the vote coming on the 10th anniversary of the OPEC oil cutoff. I, too, see irony in the timing of the Senate vote. The vote to defeat the most expensive energy boondoggle in history came on the day the Treasury announced that the 1983 budget deficit was $195 billion. I find it ironic that the President expressed his support for an $8 billion boondoggle on the same day we learn that the budget deficit is threatening our recovery. I find it ironic that the President recommitted his support to nuclear power on a day when it became clear that nuclear power does not have the support of Congress—and cannot have the support of our Treasury. Yes, Mr. Speaker, I share the President's sense of irony about the vote in the Senate. And I share in the pride felt by groups all over the country in defeating Clinch River.

Mr. Speaker, on Wednesday, Clinch River lost. And on Wednesday, the taxpayer rejoiced.●

TELEPHONE SERVICE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. FRENZEL. Mr. Speaker, affordably priced telephone service is a goal that all of us share, but many Members, including myself, are having serious reservations about whether Congress should enact legislation at this time. Yesterday, the Committee on Energy and Commerce passed H.R. 4012, a disastrous piece of legislation altering the AT&T restructuring plan. A floor vote on this bill may come in the next few weeks.

I regret the Court's decision to break up the Telephone Co., but it is now fact, and we must do the best we can with the structures that result. I do not think that the FCC access charge plan is a perfect solution either but the ramifications of congressional meddling will affect every household and business in the country. Legislating prematurely, before we can predict the outcome of the reorganization and technical advances is most unwise.

The press has almost unanimously condemned H.R. 4102, arguing that it will undermine universal service and result in higher overall telephone rates. On October 14 and 15 the Minneapolis Star and Tribune examined the national telephone issue. The conclusion of the Star and Tribune was that Congress should let the phone system restructuring proceed without legislative interference. I concur with this decision, and believe it is the only one for those concerned about keeping telephone rates affordable for everybody.

The editorials follow:

[From the Minneapolis Star and Tribune, Oct. 15, 1983]

WHY TELEPHONE RATES ARE GOING UP

Ma Bell seems to have gotten cranky in her old age. As the national telephone system approaches mandatory retirement on Jan. 1, 1984, consumers have been dazed by a series of rate-increase requests and new "access fee" proposals that could double the cost of local telephone service. The natural reaction is anger. As one recent letter writer said, the telephone system worked well, so why fix it?

The Bell system did work well, deceptively so. Internally there were problems. Technology was outrunning the regulatory arrangements that had served to make cheap, universal telephone service a reality in postwar America.

To provide low-cost, universal service, the Bell system has charged long-distance consumers more than the cost of services they received. Bell used the extra revenue to subsidize local telephone rates. The average 1981 subscriber cost for lines and equipment was $26 a month. Bell charged residential customers less than $10 on average. The remaining $16 was subsidized by long-distance revenues.

But in the 1970s, other companies entered the long-distance business. They used local lines on both ends of a call, but substituted their own equipment for the Bell system's long-distance lines. In addition, technologies have now emerged that allow these long-distance carriers, and an increasing number of large corporations, to bypass local telephone lines altogether for long-distance communications.

Because these competitors were not required to subsidize local telephone service, they were able to offer lower long-distance rates. As the Bell system became less competitive, it had less long-distance revenue to subsidize local service. Bell faced a dilemma: It could raise local telephone rates or it could become financially weaker and less able to provide the service Americans had come to expect. Bell naturally, and rightly, chose higher rates.

The long-distance access charges that have so alarmed Congress and consumers are not new, just more explicit. Think of the telephone line from the local Bell switching center to your home as two lines—one for local calls, one for long-distance. At the switching center your personal long-distance line can be tied to lines running anywhere in the world.

You are charged a flat rate for the local line dedicated to your use. The Bell system's cost for that line does not change whether you make many local calls or few. But Bell has charged you more for the personal long-distance line to the switching center if you used it more, even though its cost wasn't greater. That is where Bell got the subsidy to make local service less expensive.

In January, Bell will begin charging you a flat rate for that long-distance line from your home to the switching center. Whether you make lots of calls or none, you would pay the flat access fee because Bell's cost is the same. Bell would continue to charge you by the minute for the long-distance connection between the switching center and the distant city you are calling—because that line is available to everyone, and the more you tie it up, the less revenue Bell earns from other callers.

Rate increases still must pass muster before state public utility commissions. The commissions will examine rates of return on investment and other indicators of financial health, and may approve all or only a portion of telephone company requests. But the cost of telephone service inevitably will increase for most consumers.

However frustrated consumers may get with rate increases and other changes in telephone service, the changes are necessary. The U.S. telephone system did indeed work well. The changes will help ensure that it continues to do so.

[From the Minneapolis Star and Tribune, Oct. 15, 1983]

LEAVE THE TELEPHONE SYSTEM ALONE FOR NOW

Through the cloud of confusion surrounding the American telephone system, one fact shines clear: Local telephone service is going to cost more, in some areas more than double the rates consumers now pay. The imminent price increases have alarmed Congress and consumer advocates, who worry that many people may be priced out of telephone service. The concern is legitimate. But acting on that concern now, by scaling

back otherwise-justified rate increases or by instituting new residential-telephone subsidies, would be premature. Too many questions remain unanswered.

One large question concerns the demand for telephones at higher prices. No one knows how many people will elect, or be forced by economics, to cancel home telephone service as the result of higher local rates and new access fees. Northwestern Bell estimates that it will lose only 4,000 subscribers. The Minnesota Public Interest Research Group estimates 25,000. There is no way to tell which estimate is more accurate until prices are allowed to rise and people are forced to make their choices.

Nor can anyone accurately predict what kind of people will cancel. Some may be poor, but some may be well-off families that elect to cancel a second line, or university students who conclude that immediate telephone access isn't crucial. In some cases the incentive will be to maintain service rather than cancel: People who make many long-distance calls may have smaller phone bills because long-distance rates will go down.

If enormous numbers of customers cancel, the market will force Northwestern Bell to adjust prices downward or perhaps offer lower-priced service alternatives. The company cannot afford to lose customers by the drove. Only after a new price and demand equilibrium has been established will the number of people truly denied service by high prices become clear.

The restructured telephone system will begin operating on Jan. 1, 1984. It should be given a reasonable time to sort itself out. If large gaps in telephone service then develop, debate can begin on what to do about those gaps. Answers to important questions in that debate should not be presumed. It's not clear, for example, that government should continue to ensure universal telephone service if that means rate subsidies which go to rich and poor alike. Perhaps only the poor should receive rate subsidies, and for only a stripped-down service.

If the federal or state governments determine that many low-income people have been priced out of essential telephone service, public-policy makers must then decide who should pay to correct the situation. Some members of Congress are eager to pass legislation this year—before the extent of the problem has been determined—that would essentially continue subsidizing everyone's local telephone rates with higher-than-justified long-distance rates. Not only would that approach throw a wrench in the Bell system restructuring process that is nearly complete, it also seems illogical. If ensuring minimal telephone service to the poor is a public goal, then the public should pay for it. Responsibility should not be shunted off on long-distance callers or on telephone companies.

But arguments about who should pay for the poor get ahead of the game. At this point, all is speculation. Congress and the states should let the Bell system restructuring proceed without further interference. Now is not the time to worry about people who might lose their telephones. No one knows who those people are. No one knows how many there are. No one can wisely fix a problem that does not yet exist.●

THE PLIGHT OF JOSIF BEGUN

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, it is with great outrage that I call the House's attention to the newest development in the harsh plight of Soviet Jewry.

Two weeks ago, Jewish dissident Josif Begun was convicted on charges of producing and distributing anti-Soviet literature and sentenced to 7 years in jail and 5 years of internal exile. This is the latest and most extreme example of the Soviets history of persecution of Begun. Begun, who has relatives in Israel, has been denied an exit visa for 13 years due to his persistence in publicly upholding his Jewish heritage.

Years ago, while achieving prominence in the field of technical sciences, Begun taught himself Hebrew and subsequently fought for legalization of Hebrew teaching. In 1971, realizing the futility of his demands, he applied for an exit visa but was denied on grounds of alleged possession of "state secrets"—apparently the result of his association with the Moscow Central Research Institute.

After his visa rejection, Begun was fired from his post and forced to work as a telephone operator and later as a night watchman while secretly continuing to tutor young students in Hebrew.

On March 3, 1977 Begun was arrested and charged with "parasitism." Shortly thereafter, he embarked on a hunger strike that lasted more than 100 days, but was force-fed every 3 days. Finally, having been brought to trial, Begun was sentenced to 2 years of internal exile.

Married during exile, Begun returned to this wife's place of residence in Moscow in February 1978 but was rearrested in May of that year and charged with "violating passport laws" for living in Moscow without a residency permit. In June 1978 he was sentenced to 3 more years of internal exile.

Begun was released in November 1981 but his actions upon returning to Moscow were then closely monitored. On October 10, 1982, an extensive search of an apartment owned by Begun's future wife, Inna Shlomova, was conducted by Soviet authorities. Begun unknowingly entered the apartment during the search only to discover that a number of incriminating items had been unearthed and confiscated including publications from Israel, the samizdat journal Jews in the U.S.S.R., a radio, and a tape recorder. After the search, Begun was detained briefly while Inna was not released for a few weeks.

A month later, Begun was arrested and charged with "anti-Soviet agitation and propaganda"—article 70 of the Russian Criminal Code. Jewish activists in the past have often been tried and convicted for the same charge.

The sentence handed down to Begun is the worst that can be given for a conviction under article 70. Clearly, in light of the Soviets' increasing reluctance to loosen their strict policy on emigration, Begun's sentencing further establishes the Soviets' coldly ideological desire to enforce absolute conformity on every cultural and political front. Any stirring of dissent has been met by harsh retaliatory measures on the part of Soviet authorities. According to a recent Washington Post article on Begun's conviction, "The Soviet press is full of reports about trials of various persons on charges of 'economic crimes'."

Earlier this year, as a member of the 98th Congressional Class for Soviet Jewry, I participated in a program to "adopt" a refusenik family which called for advocating on its behalf. The victimization of Josif Begun was brought to my attention through letters sent to me by several youngsters who live in my district and who attend the school at Congregation Mishkan Israel of Hamden, Conn. Their concern over the Soviet regime's treatment stimulated my pledge to write to him on a regular basis as part of the congressional "adoption" program. However, Begun's recent jail sentence has effectively eliminated any hope of communicating with him.

I urge my colleagues to do whatever they can to protest the Soviets' brutal assault on Josif Begun's human rights. In particular, I ask all Members to join me in signing the protest letter to Yuriy Andropov now being circulated by Representative Barney Frank.●

HUNGARIAN RESOLUTION: OCTOBER 23 TO NOVEMBER 4, 1956

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. ANDREWS of Texas. Mr. Speaker, I rise today to commemorate the 27th anniversary of the October 23, 1956, Revolution for Freedom in Hungary. Further, I would like to recognize the dedication to the preservation of the principles of that revolution and to the preservation of Hungarian cultural traditions which has been maintained by Americans of Hungarian descent.

In Texas history at a place called the Alamo, there was an event in which a small group of poorly armed freedom fighters fought against a su-

perior, dictatorial force. They were surrounded and cut off from the world and fought to the death rather than surrender their principles. In strict military terms theirs was a defeat but by every other measure it was a victory—a victory for courage—for democracy. Theirs was a sacrifice that kept the spark of liberty alive in Texas until its flames could be relighted and final victory secured.

Today we recall a more recent time and place where a similar battle for freedom was fought. A battle where men, women, and even children in a spontaneous move to reassert inalienable rights of self-determination, of commerce and of national dignity struck back against their oppressors. In so doing, they have left the spark of liberty in the hearts of their fellow countrymen and freemen everywhere. The date was October 23, 1956; the country, Hungary. What happened there was unique in our lifetime. A small nation, acting alone, challenged the power of Russia. On that date, the people of Hungary spontaneously formed a civilian army of resistance which, with no training, light arms and their resourcefulness, out-fought the mighty Russian army. In one week's time, they destroyed over 300 Soviet armored vehicles and inflicted heavy casualties. They so shocked Russian confidence that Soviets retreated from Hungary and did not return until they knew that Hungary could get no support from the rest of the world.

Even Khrushchev acknowledges in his memoirs the uncertainty and indecision that existed in the highest Soviet ranks during the first days of that revolution. The uniqueness of the Hungarian forces, or Freedom Fighters, as they are known, was that their formation was spontaneous. Their ranks were filled from all social segments—students, workers, women, and children. To be eligible to be a Freedom Fighter, you only had to be 12-years old and wear a green arm band? Children that age did stand alongside the others and attack tanks and machine guns in the streets of Budapest with "Molotov" cocktails, rocks and bottles. In the end, at least 20,000 Freedom Fighters paid with their lives as a Soviet army of 250,000 troops brutally began to reassert itself by November 4, 1956. It is these Freedom Fighters and their cause which we honor today.

The events of the Hungarian Revolution against Russian occupation exposed a Soviet character trait which is a willingness to employ deceit and criminal force as it suits their purpose. I recall the world's shock and disbelief recently when Russia, without regard to accepted codes of civilized behavior, shot down a civilian airliner, causing great loss of life. They first denied shooting down the airliner. Then before the United Nations and the world, they lied about the circumstances surrounding the action and later even threatened to repeat such an action in the future if given the opportunity.

Our dismay at Soviet deceit may not have been so great had we recalled the lessons of the Hungarian Revolution. On November 1, 1956, as massive columns of Red tanks and troops moved through Hungary, the Soviet Ambassador to the United Nations claimed that the reports of the invasion were utterly unfounded. At the same time, the Soviet Ambassador in Budapest informed the new Hungarian Government that the planes and tanks coming into the Budapest airport were there to remove Russian civilians when, in fact, they were spearheading the assault on the city. Perhaps the most deceitful conduct of all was the Soviet's execution of Hungarian officials, including General Maleter, who were lured from sanctuary following promises of safe conduct to negotiate. Before this incident, kidnapping generals who came for peace talks under a flag of truce had not happened in Europe since the rule of the Ottoman Turks in the 16th century.

Hungary has always belonged to the European tradition of freedom. It has been a part of European culture, of European economy and European history. The Soviet Union can never rewrite that history. And as long as the spirit of the Freedom Fighter survives, history remains on Hungary's side. Upon asking the question of our role in this process of history, I believe that the response of John F. Kennedy to that question is as appropriate today as it was for him when he stated:

> Within the framework of present events in Poland and Hungary what policies should we follow? What can we do to maintain the spirit of independence . . . ?
>
> I consider our immediate function—to let them know that we are still concerned, that we are still identified with them, that we believe that they will be free—if we maintain this spark, this fire, even if it is in ashes, then someday they will be free and we will have played our proper role.

Further, I would like to recognize the dedicated efforts of the Houston Hungarian American Cultural Association. This association was organized in 1957 to preserve Hungarian cultural traditions and to help Hungarian refugees and Freedom Fighters find homes, get jobs and simply become Americans. Their success is the story of the success of our political system, which has made room for generations of freedom seekers from all corners of the world.●

POLITICIZATION OF AMERICAN FOOD AID

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. DASCHLE. Mr. Speaker, this week the House Agriculture Committee held a hearing on world hunger, and one of the issues raised was the politicization of American food aid. Nothing more clearly demonstrates this practice than the contrast between our actions in Ethiopia versus those in El Salvador and Guatemala.

This year Ethiopians have suffered and died in a famine caused largely by a severe drought and war. The United States was very slow to respond to request for famine relief for Ethiopia, a country with a leftist government. A hundred children a day were starving to death. A Catholic Relief Services request made in December 1982 for 838 metric tons of grain was not responded to until May 1983, 5 months later. The U.S. Government has gone to great lengths to see that the Ethiopian military has nothing to do with the distribution of food. We have even gone so far as to not let any U.S. assistance be used for the purchase of trucks for fear that they will be used by the military. The European Economic Community (EEC) conducted an investigation in April of the charges that the Ethiopian military was diverting aid, and concluded that the stories were false and had originated from the Tigre insurgents. I know of no one who will claim that food aid is being diverted in Ethiopia.

I would like to emphasize, however, that I strongly support monitoring of food aid. Getting food to people who live in hard to reach areas and to people who are too weak from hunger to come to distribution centers is always a very difficult task. But in actual starvation situations such as we had in Ethiopia, it should not take 5 or 6 months to establish a distribution system. Even if everything is not in place initially, the system can be improved as time goes on.

Compare this slow response, this concern about diversion and misuse of food aid, this unusual effort of monitoring the food and other assistance, to our actions in El Salvador and Guatemala.

In El Salvador and Guatemala we have shown little of the concern we exhibited about Ethiopia regarding possible misuse of food and medical aid. I was taken aback in the Agriculture Committee hearings this week when my questions to administration officials about food aid in El Salvador and Guatemala were not responded to directly, but instead were answered

with information concerning our efforts in Poland and Ethiopia.

El Salvador and Guatemala, despite their absymal human rights records, are considered by the administration to be our allies—allies, no doubt, because they are right wing as opposed to left wing dictatorships. We receive reports from returning doctors and relief workers of the very political distribution of food and medical aid in El Salvador. People are reportedly starving in the mountains of these countries, as food aid is not generally allowed to be distributed in those areas or to those people outside of Government control.

Last week two women from Guatemala spoke on Capitol Hill about the situation in their country—they estimate that approximately 1 million people in Guatemala are internal refugees, refugees from their own Government. There said that people are literally starving as a result of their fear of their own Government, and so are fleeing into the countryside and mountains. It is reported that the army in Guatemala literally cordons off areas when food arrives and distributes it on a small individual basis to people in Government camps, camps in where there have been massacres by Government forces, camps into which people have been forced after their homes and crops have been burned.

In El Salvador, there are approximately 300,000 displaced persons in Government camps and possibly half again that many who are displaced but able to live with relatives. There are people who have been, by and large, displaced by their own Government.

Reports say that U.S. food and medical aid reach these camps very sporadically. At the same time, U.S. food and medicine is found on the black market in El Salvador. One relief worker reported that he was told by a grocer that he could get as much U.S. food as he wanted on the black market.

In the instances where private voluntary agencies are able to distribute food, I have more confidence that refugees or displaced people are being fed. Even private voluntary agency efforts are hampered, however, by the war and by local government policies designed to make food and medical assistance political in its administration.

I realize that every report we hear is not totally accurate, but it is clear that there are many credible sources with consistent accounts which point up that our aid is being misused in El Salvador and Guatemala. The U.S. Government, with its lack of will to more stringently place conditions on and monitor our aid, is only supporting the forces of repression and is, therefore, a party to the starvation and sickness in those countries.

We must do more to make clear that we intend that our food and other assistance reach people in need, that we do not intend our food aid to be used in a political manner.●

MARYLAND CHAPTER HONORS JOSEPH ROCHE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. LONG of Maryland. Mr. Speaker, it gives me great pleasure to share with my colleagues some of the outstanding achievements of one of my constituents, Mr. Joseph A. Roche, a highly respected member of the Baltimore community, who has been a moving force in the local and national chapters of Ancient Order of Hibernians. On Saturday, October 29, the Maryland chapter of the Ancient Order of Hibernians will be honoring Joseph Roche for his unselfish contributions to this fine organization.

Joseph Roche's record of service to the order goes back 25 years at the division, county, State and National levels. In August 1982, Mr. Roche was honored by his colleagues in the Ancient Order of Hibernians with its greatest achievement—the office of national president. Throughout his association with the order, Mr. Roche has been known as the man who can get the job done. His record as national organizer is unmatched. As a result of his intensive membership drives, 50 divisions were added to this fine organization over a 5-year period.

Beyond his activities with the Ancient Order of Hibernians, Joseph Roche finds time to be an active member of his community through memberships in the Kingsville Recreation Council, the Maryland Irish Caucus, and the Emerald Isle Club. I know my colleagues join me in wishing Joseph A. Roche, his wife Lucille and their seven children—"Slainte."●

GRENADA AND THE ALLIANCE—A VICTORY FOR THE SOVIETS?

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. GOODLING. Mr. Speaker, although the U.S./O.E.C.S. multinational force in Grenada is apparently meeting with success in defeating the Cubans, and limiting Soviet/Cuban influence in that timy country, the Soviets are gaining an indirect victory out of the whole affair because of the very negative reaction of our supposed allies in Europe to our assistance in the O.E.C.S. effort to restore order to Grenada.

Over and over, we are being condemned for intervention, that terrible crime of crimes under international law. Cracks are said to be appearing in the alliance: France voted against the United States in the Security Council while Britain, with whom we are supposed to have a special relationship, abstained. Nobody seems to be paying any attention to Prime Minister Eugenia Charles of Dominica who is also the Chairman of the Organization of East Caribbean States which spearheaded the invasion of Grenada with our assistance in response to the pleas of the Grenadan Governor General, Sir Paul Scoon. The unabashed Cuban involvement which includes the equivalent of two battalions is brushed aside. Is it against international law for a mutual treaty organization to enter a member country at the request of that country's head of state and restore order when a band of thugs assisted by a very strong foreign presence murders most of the Government and illegally assumes power? If that is indeed so, then it is a very sorry statement about the morality of international law.

Acting as we did, we have undoubtedly saved innumerable lives. The security of the O.E.C.S. region is assured. And yet with the exception of the O.E.C.S., almost every country in the world is ready to level the charge of intervention against us. Ironically, when it comes to natural disasters—famine, flood, or earthquake intervention is expected, only then they call it assistance. However, in a case of mass murder by a particular political group, no assistance or intervention is to be granted even if it is the result of a request by the last surviving member of that particular country's government.

What is sad about the anti-American uproar is that those countries which are supposed to be our nearest and dearest friends are among the most vocal. Do the members of the alliance want us to renege on our mutual defense agreements? They seem so outraged that we might try to help another group of countries defend themselves. Rather than being upset by the assistance which we lent the O.E.C.S., the NATO countries should be reassured; our action in Grenada should let them know that we will not let them down when they need our help. Unfortunately they are falling prey to the Soviet way of thinking, and the victory that we might have enjoyed in Grenada will be beneficial to the Soviet Union as a result. How can they be so blind?●

DECLINE OF THE GOLDEN AGE OF ATHENS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. McEWEN. Mr. Speaker, upon the decline of the Golden Age of Athens, a great historian said of the fall of this great haven of democracy, "more than they wanted freedom, they wanted a comfortable and secure life and they lost it all; freedom, comfort, and security. When the freedom they wanted most was freedom from responsibility, then Athens ceased to be free."

America today is a great haven of democracy that offers its people a life where individual rights come first and where comfort and security are attainable. But let us never forget that freedom carries with it a tremendous responsibility. The courageous men in Lebanon who have died and lived to insure that our Nation is protected against those who threaten, and destabilize, and attack the cause of peace, and that we might be free. The courageous paratroopers in Grenada who risk their personal safety to guarantee that American citizens can be safely returned to the United States represent the type of commitment to which we have always been committed and to which we are committed today. I commend the President for his leadership. More importantly, I will think continually of those brave individuals who assumed the high and tragic costs of freedom.●

ASPARAGUS TARIFFS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. FRENZEL. Mr. Speaker, today I have introduced a bill which would permanently reduce the tariff on fresh asparagus during the period September 15 through November 15 to 5 percent ad valorem. The tariff throughout the rest of each year will remain at 25 percent ad valorem.

This bill would apply only to fresh asparagus which has been brought in by air freight. This restriction would prohibit any possibility that huge quantities of fresh asparagus will be imported at a low price which could possibly be used in U.S. processing plants to compete with U.S.-grown asparagus. The high cost of air freight should provide the proper disincentive to discourage any misuse of this bill's intent. The bill will apply only to fresh asparagus which is sold for immediate consumption as a fresh product. Since the September 15 to November 15 time period is off season to U.S. asparagus producers, it is my belief that this bill will not injure U.S. producers of asparagus but would merely provide consumers with fresh asparagus in the off season at a slightly lower cost.

H.R. —

A bill providing for a reduction in the duty on certain fresh asparagus

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 8 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by adding before the superior hearing to items 135.10 through 135.20 the following new items:

"135.03	Asparagus: If fresh; entered during the period from September 15 to November 15, inclusive, in any year; and transported to the United States by air.	5% ad val.	50% ad val.
135.05	Other	25% ad val..	50% ad val.".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

THE MONTGOMERY PLAYHOUSE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. BARNES. Mr. Speaker, I would like to bring to the attention of my colleagues an exceptional nonprofit theater group based in my district: The Montgomery Playhouse.

The Playhouse is a result of the recent merging of talents from the Kensington-Garrett Park Players and the Montgomery Players—who can claim Goldie Hawn as one of their distinguished alumnae—and is now based in Gaithersburg, Md. It has treated our community to excellent live theater, tapping local talents and allowing both novices and veterans to perform—thus providing a testing ground for new talents, innovative production, and first class entertainment. Recent productions have ranged from Deathtrap to Tartuffe to the Fantasticks. This season Playhouse presentations will include Lovers and Other Strangers, Bus Stop, Witness for the Prosecution and the Diary of Anne Frank.

The performing arts need our support and encouragement, and the Montgomery Playhouse is doing its part to keep local live theater flourishing. This cannot be accomplished without a lot of dedication and hard work. I encourage everyone to visit the Montgomery Playhouse and give this local theater group the support it deserves.●

ESTHER POTACK CHALLENGES PARENTS TO "SAVE OUR CHILDREN"

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, many Americans are beginning to question the role models that are presented to our youth today and are becoming increasingly alarmed about child exploitation by unscrupulous profiteers and the effects of drug abuse and violence.

Esther Potack, one of my constituents and a columist for the Community News, which is read by thousands of people in the Greater Miami metropolitan area, recently wrote an essay on this subject entitled "Save Our Children," which poses provocative questions such as "who are the heroes of our children today? and "What kind of world will they (children) create without honor, morality, respect and responsibility?"

I think Ms. Potack expresses the concerns of many Americans for the future leaders and citizens of our country. As she states, "Our youth is our dearest national treasure."

Mr. Speaker, I would like to share with my colleagues the concluding paragraphs of Ms. Potack's essay:

Can we save our children? The parents of today must unite with the religious, educational, legislative and law enforcement communities in a united fight against the drug and porno profiteers, before our children's bodies and minds are destroyed and our children die like flies.

It is a powerful battle. We must save our children and our society. All parents must unite and fight back NOW?

There are more parents than drug and porno profiteers! Will we save our children?●

THE NEED FOR A LEGISLATIVE BRANCH CIVIL RIGHTS COMMISSION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. EDWARDS of California. Mr. Speaker, President Reagan's firing of Commissioners Mary Frances Berry, Blandina Cardenas Ramirez, and Rabbi Murray Saltzman underscores what many of us have long believed—the President of the United States does not care about civil rights.

For months now, Members of the House and Senate, both Democrats and Republicans, have been working on legislation to extend the life of the Commission beyond its September 30, 1983, expiration date.

Since it was created in 1957 by President Eisenhower, all Presidents have supported the independent and bipartisan nature of the Commission. Although Presidents have disagreed with the Commission's conclusions over the years, they recognized that rather than undermine the independent nature of the Commission the way to deal with their disagreements was to debate and rebut the Commission's conclusions. Only President Reagan has attempted to silence the Commission by firing a total of five of the six Commissioners. Only President Reagan has attempted to pack the Commission with members who reflect his own views on civil rights.

By firing the three Commissioners, the President has destroyed bipartisan efforts to preserve the Commission as an independent body within the executive branch. While he may not be interested in getting the views of a bipartisan, independent body on the status of civil rights in the country, we in the Congress are. Therefore, I and a bipartisan group of cosponsors, are introducing a concurrent resolution which will establish a Civil Rights Commission within the legislative branch.

The Commission will consist of eight bipartisan members; the Speaker of the House will select four, upon the recommendation of the majority and minority leaders and the President pro tempore of the Senate will select four, also upon the recommendation of the majority and minority leaders.

The Commission will be an independent, bipartisan Commission with all the powers and responsibilities of the present Commission. Under this resolution, the Commissioners cannot be fired except for cause.

Since the President has shown his disregard for civil rights, Congress must move quickly to set up this legislative Commission so that the American people will know that the enforcement of our civil rights laws will continue to be monitored by an independent and respected body.●

WHAT PASSING-BELLS FOR THESE WHO DIE AS CATTLE?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mrs. SCHROEDER. Mr. Speaker, this week we take up the largest defense appropriations bill in our Nation's history: $247 billion for fiscal year 1984. This is but a small part of the administration's $2 trillion military buildup.

Nothing more clearly illustrates the strategic bankruptcy of the Reagan administration than comparing that $2 trillion binge with our use of unloaded weapons to "guard" the Marine compound in Beruit—in the face of constant intelligence reports that the marines would be subjected to car-bomb terrorist attacks.

Our CIA Director dabbles in the stock market, our President golfs, and our marines die with empty weapons.

[From the New York Times, Oct. 21, 1983]

MARINES SEEMINGLY DID LITTLE TO DETER A CAR-BOMB ATTACK

(By Thomas L. Friedman)

BEIRUT, LEBANON.—The Marine contingent in Beirut appears to have taken comparatively few precautions specifically to prevent against car-bomb attacks, even though the American Embassy was destroyed that way only six months earlier and even though the Marines were receiving regular warnings that such assaults could take place.

"We have had consistent warnings of attacks in the past weeks and months," said Maj. Robert Jordan, the Marine spokesman. "Each time, we have taken every measure we thought prudent. There is just no way without building walls six-feet thick to prevent this kind of attack. We are not here to be a bastion, but to be a presence. I don't think it ever occurred to anyone that someone would try to charge through here."

Capt. Morgan M. France, commander of Amphibious Squadron 8, the five-ship convoy that supplies the Marine contingent in Beirut, also noted that the Marines were always torn between their original peacekeeping role—which was to provide a visible symbolic presence to back up the Lebanese Army—and the fact they had to work in a country where all kinds of anti-American terrorists operate underground.

WE DON'T WORK THAT WAY

"We have to take chances to be more visible in order to be effective," Captain France said. "We must be seen. We could dig a bunker and live underground and stick up the American flag once in a while, but we don't work that way."

The Marines did not take the same basic precautions the American Embassy, and many other European missions, did after the truck-bomb attack April 18 on the United States diplomatic complex in Beirut.

Last spring Marine guards blocked off the entry streets to the British Embassy, where the American diplomats moved after their own building was blown up, with huge amphibious vehicles topped with 50-caliber machine guns.●

PERSONAL EXPLANATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. FORSYTHE. Mr. Speaker, due to a meeting in my district which required my attendance, I was unable to be present in the House Chamber for several rollcall votes which occurred on Thursday, October 20 and Friday, October 21. Had I been present, I would have voted in the following manner:

Rollcall No. 404—Motion to recommit H.R. 2968, Intelligence Authorizations for fiscal year 1984, with instructions to prohibit support by U.S. intelligence agencies for military or paramilitary operations in Nicaragua if Nicaragua reaffirms its commitments to the OAS, concludes peace agreements with other Central American countries and ceases all support for military and paramilitary operations against governments in Central America within 60 days of enactment of the bill. I would have voted "yea."

Rollcall No. 405—Passage of H.R. 2968, Intelligence Authorizations for Fiscal 1984. I would have voted "nay."

Rollcall No. 406—Adoption of conference report on H.R. 3913, Labor, Health and Human Services, Education Appropriations, Fiscal 1984. I would have voted "nay."

Rollcall No. 408—Amendment to H.R. 3324, Close Up Foundation Authorization to strike language transferring the law-related education program from the State block grant to the Education Secretary's discretionary fund. I would have voted "nay."

Rollcall No. 409—Passage of H.R. 3324, Close Up Foundation Authorization. I would have voted "nay."

Rollcall No. 410—Adoption of conference report on H.R. 3929, Supplemental Compensation Extension. I would have voted "yea."●

RECOGNITION OF 25th ANNIVERSARY, THE COLUMBUS TORRAH ACADEMY

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. KASICH. Mr. Speaker, it is with great pleasure that I rise to recognize the 25th anniversary of an institution that has meant much to central Ohio, the Columbus Torrah Academy.

The theme of the academy's yearlong silver anniversary celebration is "25 Years of Learning, Living and Growing in Judaism," and a more fitting choice of words would be hard to imagine. The academy is dedicated to developing young minds through both religious and general academic instruction, and is recognized as one of the finest schools of its kind. The school provides a far-reaching course of study that includes much more than classroom instruction. The academy's eighth graders, for example, will be paying a 5-day visit to Washington soon to learn first-hand about their country's history and how government works. Students also participate in a wide variety of extracurricular activities. I am particularly pleased to point out that both individual and group service projects are being stressed in the academy's anniversary activities.

At the same time, the Columbus Torrah Academy gives students the opportunity to learn and practice tra-

ditional Judaism. This two-pronged approach of religious and general academic training has for 25-years produced students that have gone on to become responsible, active members of the community.

Since its initial class of 11 first grade students began their studies 25-years ago, the Columbus Torrah Academy has grown to 170 students in the first through eighth grades. Staff, students, parents and alumni all have watched the school's growth with pride, and rightfully so. Mr. Speaker, I hope the other Members of this House will join with me in congratulating the Columbus Torrah Academy on its first quarter century, and wish the school many more years of success.●

THE U.S. INVASION OF THE ISLAND OF GRENADA

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. MARTINEZ. Mr. Speaker, the U.S. invasion and subsequent countercoup of Grenada was an impulsive and shortsighted action. This act, one in a series of blunders that distinguish the Reagan administration's foreign policies, illustrates clearly the administration's intention of following a totally reactive trend in the formation of policy. I am beginning to believe that the President's idea of foreign policy initiative is to, first and foremost, overreact militarily and then spend an excruciating amount of energy inventing a rationale for such actions.

The official reasons for U.S. intervention given by Secretary of State Shultz—that we needed to circumvent an "Iranian hostage" situation, that a few island countries asked for U.S. assistance in their quest to overthrow the new government, and that the dangerous atmosphere of tension necessitated our Nation's involvement—are theoretical at best.

Eventually, the American people were informed that our real intention was to overthrow the Government and instate a more friendly government. This would insure that the airstrip being built by the Cubans would not be used for Russian or Cuban military purposes. If this is true, then why did the administration try to mislead the American people to believe otherwise? It is this deception which proves to be most disturbing.

By ordering such an action President Reagan has done great harm to our integrity abroad. Are the nations of Central America to assume that they are exempt from President Reagan's disregard for a nation's sovereignty? Can they believe that we will seriously negotiate a diplomatic settlement and encourage peace and justice when we legitimize the use of force as the sole means for reaching a political solution? I have faith in the ideals of democracy and I believe that these ideals were swept aside in the invasion of Grenada. Could a nation such as ours find no other viable plan to accomplish the same results?

At home I sense a surge of pride in our actions. This undoubtedly is derived from the American people's love of freedom and democracy. But let us not forget that we as a nation have spoken out vehemently against similar actions by other nation's around the world. Regardless of a nation's politics, the United States has always stood behind the right of sovereign nations to self-determination, free from outside intervention. We must insist that governments around the globe respect the established political channels in their efforts to influence other nations. If we abandon our notion of a legitimate political order, we are destined to encounter endless wars and loss of life.●

LEGALITY OF CHAPLAIN OF THE HOUSE IS UPHELD

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. FOLEY. Mr. Speaker, I am pleased to inform my colleagues in the House that the U.S. Court of Appeals, sitting en banc, today upheld our longstanding practice of maintaining a Chaplain of the House. In rejecting the challenge to this practice brought by Jon Garth Murray, Madelyn Murray O'Hair, and the Society of Separationists, the entire court of appeals unanimously concluded that the court could perceive no tenable basis for subjecting the congressional practice to further review.

The court of appeals noted that the Supreme Court has recently found that the tradition of congressional chaplains has existed "unbroken * * * for two centuries" and "has become part of the fabric of our society."

Members of the House will recall that on March 30, 1982, we adopted House Resolution 413 which expressed deep concern over the decision of a three-judge panel of the court of appeals which would have instructed the district court to further entertain the claims advanced by Murray, O'Hair, and the Society of Separationists, and we authorized and directed our counsel, representing the Speaker and the Chaplain, to seek a rehearing before the entire court of appeals.

It is therefore gratifying that this rehearing was obtained and that the full court of appeals has now recognized the unquestionable propriety of the congressional chaplaincies.●

GRENADA CRISIS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. COUGHLIN. Mr. Speaker, I want to take this opportunity to express my support for President Reagan and the Organization of Eastern Caribbean States for their action in dealing with the Grenada crisis.

In fulfilling its obligations to its Caribbean neighbors, the United States agreed to help the Organization of Eastern Caribbean States (OECS) which invoked a 1981 treaty and asked for outside assistance to end the growing military threat in Grenada.

The United States did not act unilaterally, but in concert with other Caribbean states. With the exception of Grenada itself, the OECS vote was unanimous among the six other states. The multinational force that landed on Grenada included troops from six other Caribbean states with the most supplied by Jamaica.

So there can be no misunderstanding, it must be emphasized that the United States did not perceive a military threat to itself but that the other small and lightly armed states did to themselves. In keeping with similar treaties in the Western Hemisphere such as the Rio Treaty, OECS acted in a legal and straight-forward manner.

In a television interview, Jamaican Prime Minister Seaga explained in clear and articulate language why the OECS requested the help. Seaga named two compelling reasons for the OECS fears: First, the internal situaiton where military forces took control in a bloody coup and murdered former Grenada Government officials, and second, an external reason involving the army of Grenada, the growing military buildup and outside military assistance.

Despite his revulsion at the Grenada killings, Seaga said the coup, as such, was an internal matter that did not merit OECS interference or requests for outside help.

The external reason, Seaga said, is another matter. He noted that Grenada's standing army of some 3,000—Grenada's population is little more than 100,000—is far out of proportion to its own defensive needs and in comparsion with those of other Caribbean states. He said that Cubans were helping to build a longer airstrip to handle military aircraft, hundreds of Cuban advisers were in Grenada, military

supplies were being landed in Grenada, and the new military dictatorship had clamped a stranglehold on all aspects of government and civilian life. He noted further that the dictatorship was constructing a powerful radio station capable of inciting unrest in neighboring states.

Under those circumstances, Seaga and the leaders of other Caribbean states saw a distinct threat to their island countries which through the years have been accustomed to living in peace with nonaggressive neighbors.

The United States acted responsibly and properly in heeding this request for aid. Had the President failed to respond, he would have deserted our much smaller and friendly neighbors in the Caribbean, and would have left a major portion of the Western Hemisphere open for new military adventures by ruthless Marxist buccaneers. I repeat: I support the President, the OECS and our Caribbean friends in the action they were compelled to take.

As other distinguished Members have stated, this is not a situation in Central America. It is a crisis involving our Caribbean friends who are not armed to protect themselves and looked to the United States for the help needed at a critical time. To have abandoned our neighbors in our oceanic backyard to the tender mercies of blossoming Marxist military threats would have been an abject surrender of our responsibilities. No matter how distasteful the course we chose, we have exercised the resolve, responsibility, and reason required.

In speaking of responsibility, I commend the Speaker, Mr. O'NEILL, and the majority leader, Mr. WRIGHT, for their conduct during this Grenada crisis. I believe they acted in the finest tradition of bipartisan support for a necessary foreign policy decision that, while not universally popular, was deemed essential by the President and his top-level staff. I trust their example will not go unnoticed by other public officials within and without the United States.●

THE LATE HONORABLE JAMES A. BURKE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. ZABLOCKI. Mr. Speaker, like many other Members of this body, I was deeply saddened to learn of the recent death of our former colleague, the late James A. Burke of Massachusetts. Unfortunately, I was unable to participate in the discussion of his many personal and legislative accomplishments, which took place on this floor on October 20, but I would like to register, although belatedly, my own admiration for Jim Burke's outstanding record of public service as well as for his fine character and unique personality.

The tributes which were paid to Jim Burke on this floor, and which have subsequently been printed in the RECORD, are most eloquent and appropriate, as they document a lifetime of unselfish, dedicated service to his local community, his constituents, and the Nation. I can add very little of substance to those remarks or most especially, to the eulogy which was delivered at the mass in his behalf and which so aptly summarized the personal qualities for which he will be long remembered.

As other Members have noted, Jim Burke's long tenure on the Ways and Means Committee was characterized by his unremitting efforts in behalf of the disadvantaged in our society—the sick, the elderly, the handicapped, and the unemployed. His legacy are the many programs he helped to establish and improve, such as medicare, medicaid, supplementary security income for the elderly, the blind, and the disabled—to mention just a few.

As a colleague and a friend, he will be sorely missed in the years ahead. Above all, however, he will be missed by the people across the Nation to whom he dedicated so much time and effort in a long and distinguished public career.

To his widow, his family, and his many devoted admirers, I want to take this opportunity to extend my deepest sympathy.●

NATIONAL DIABETES MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 28, 1983

● Mr. HOYER. Mr. Speaker, I rise to take this opportunity to thank my colleagues who have joined me in sponsoring House Joint Resolution 307, designating November 1983 as "National Diabetes Month." It is my hope that by designating November in this manner, the people of this Nation will focus their attention on the enormus human and economic costs of this disease. Diabetes is the third major chronic ailment of children. It claims the lives of one-half of these youthful victims within an average of 25 years following the diagnosis of the disease. It causes blindness and deafness in many of its victims who are elderly, and, most tragically, it often can go undetected and untreated for years.

Efforts to alleviate human suffering and improve the lives of diabetes patients have been very productive. For instance, recently improved surgical techniques and more effective drugs to prevent tissue rejection have made pancreas transplantation more promising. The purpose of the pancreas transplantation is to control blood-sugar metabolism. Where the graft is successful, the diabetic patient is able to live without insulin injections.

This is but one new avenue which is being explored by researchers trying to find a cure for this disease. And it is my feeling that an increased understanding of this disease will certainly lead to more progress in this field. We must find improved methods of preventing serious complications. We must find new types of treatment and provide a general awareness of the challenge we face in seeking to lessen the impact of this disease.

I urge my colleagues to join with me during this specially designated month in communciating to their constituents information about this disease.●

SENATE—*Saturday, October 29, 1983*

(Legislative day of Monday, October 24, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend Richard C. Halverson, Jr., pastor, Chesterbrook Presbyterian Church of Falls Church, Va., and son of our Senate Chaplain.

PRAYER

The Reverend Richard C. Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, Va., offered the following prayer:

Father in Heaven, as a day of rest quickly approaches and the Senate and its staff prepare to leave this important place of power, many return to an even more crucial sphere of influence—the home. As they go, help them summon all their skills in diplomacy, rhetoric, and vision to guide the members of their households into strongholds of righteousness, peace and security, that the families which comprise the heart of our Nation may be strong and healthy when its body grows weary and frail. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

WELCOME TO THE VISITING CHAPLAIN

Mr. BAKER. Mr. President, I am happy to have the distinguished visiting chaplain, the son of our regular chaplain, with us today.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I have been asked several times in the few brief moments I have been on the floor this morning how long we will be in session today, and my answer is that I do not know. But I would guess that the Senate can do useful work on the debt limit until the middle of the afternoon. That probably will be around 3:30 or 4 o'clock. If there is work we can do after that, I would be inclined to ask the Senate to continue; but in order to salvage some part of the weekend at least, I estimate that we will be finished by about 3:30 or 4 p.m.

Mr. President, after the two leaders are recognized under the standing order, there will be time for the transaction of routine morning business until 10 this morning, in which Senators may speak for not more than 2 minutes each. Then we will return to the consideration of House Joint Resolution 308.

There is an order for the Senate to convene at noon on Monday next. I will consult with the minority leader as to whether we will recess or adjourn, and I expect that we will adjourn until Monday.

Mr. President, I have no further need for my time, nor energy to use it, and I am prepared to yield it to the minority leader if he wants it, or to yield it back.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

THE ROLE OF THE SENATE IN FOREIGN POLICY

THE INVASION OF GRENADA

Mr. BYRD. Mr. President, yesterday I put out the following release:

Given the circumstances as they appear to have been, I think our action in Grenada was regrettable but necessary.

The American citizens on the island apparently were, according to some who have returned, in life-threatening situations, and a delay might have resulted in more dire consequences.

I am concerned any time American troops are committed to combat. I am also concerned about the reaction of our allies to this action.

However, on balance, if the lives of U.S. citizens were in immediate danger, the military action was necessary.

So I am not one of those who is criticizing the President for the action that was taken in connection with Grenada. The only criticism I would have—and I do not know how to say it other than to say this—I do have some concerns. I am concerned about our intelligence operations, because we appear to have met a great deal more resistance than we anticipated.

I was at the briefing which occurred earlier this week. At that briefing, which also was attended by the distinguished majority leader, the Speaker of the House, the majority leader of the House, and the minority leader of the House, I asked the question of General Vessey: "How long will this operation require, insofar as taking over this situation and securing the island?" He said he felt that it would probably take only 1 day.

I said: "How soon will our military be able to leave there?" He said he thought it would be within 1 week.

I said: "I cannot believe that we can go in there and secure that island and leave within a week."

So a number of things concern me about this matter. One is what went wrong with our intelligence? We are still meeting with resistance down there. We are met with greater resistance than we were told at the White House we would expect to meet. So that, I think, would be one of the few criticisms I would have.

That is a concern.

I said the same thing to Lyndon Johnson, when he was President, immediately after the Tet offensive. This was at a leadership meeting at the White House.

I said: "Mr. President, apparently, there is something wrong with our intelligence-gathering apparatus. We have had so many men killed. We did not expect it."

The President really gave me quite a lecture. I said: "Mr. President, I did not come here to be lectured. I thought you wanted a candid expression from us, and that is what I was giving."

I feel that in this instance there is a justifiable concern about our intelligence. A superpower certainly ought to have better intelligence, because we are meeting with much more resistance than we had anticipated. If we had had better intelligence, perhaps some American lives would have been spared.

But as to the plan to invade Grenada, I have never criticized the President for that. I have said we ought to wait until all the facts are in, but as of this moment, I think it was necessary.

We have seen television pictures of students who have returned, and we have heard them say that they were afraid, they were concerned, and they were glad to get back to the United States.

There are also some indications, I hear, that Grenada was about to be taken over by Cubans and the Soviets. I have no reason to doubt that that might have come to pass.

Among the other reasons given was that the other countries in the area in this particular organization have a treaty, that one of the parties to the treaty, incidentally, is Grenada, and that they—with the exception of Grenada—had invited us to come in.

I personally think that is a kind of a weak reed on which to lean because I have been criticizing the Soviets for going into Afghanistan, and I am going to do so this morning again. They say they were invited into Afghanistan. But the two are not in parallel by any means. I hasten to say that. They were invited into Afghanistan by their own handpicked head of government, which is not the same here.

I want the RECORD to show that, on the basis of what we now know, I, personally, am supportive of the President in going into Grenada. I do not pretend to be speaking for others of my colleagues—I speak only for myself.

CONGRESSIONAL FACTFINDING MISSION

I do think that we should have a congressional factfinding mission to go down to Grenada. I have not mentioned this to the majority leader. I have not mentioned it to Mr. PELL, the ranking minority member of the Foreign Relations Committee. I have not mentioned it to Mr. PERCY, the chairman of the Foreign Relations Committee.

But I intend to offer a resolution or an amendment or some vehicle by which I will suggest that there be a bipartisan factfinding group from the Senate and the House of Representatives, but perhaps just the Senate, to go down so we can find out a little more for ourselves about the situation there. The press has been excluded from going there to date.

The President, to be successful in his policy, has to have the support of the American people and the support of Congress. He certainly has my support in the action that has been taken. Unless I find out things that I do not now know that might change my viewpoint, I think it was regrettable, as I said yesterday, but necessary to send U.S. troops to Grenada.

The ancillary issues to which I have already referred bother me: All we know is what we are being told by those in the administration who may be telling us all they know or they may not be—and the evident lack of appropriate intelligence.

I say again I criticized my own President, if it was a criticism—it was not a criticism; it was an expression of concern by me, at the time, to Mr. Johnson when he was President. I thought then that something was wrong with our intelligence. We did not anticipate the kind of action that we were going to run into in the Tet offensive which took the lives of so many American boys.

I yield back to the majority leader whatever time he requires.

Mr. BAKER. I thank the Senator.

Mr. President, I shall take only a moment to congratulate the minority leader on his careful, responsible, and well-reasoned statement.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Let me say it is true he has not mentioned to me the possibility of a Senate trip down there to Grenada. I think that is a good idea. I think it might be worth while, but I am thinking out loud now, and I reserve the right to change my mind.

Mr. BYRD. Surely.

Mr. BAKER. I think it might be a good idea if the minority leader and I would lead a trip to Grenada with the chairmen and ranking minority members of the Foreign Relations, Armed Services, and Intelligence Committees, and maybe we should go to Lebanon, as well.

But, Mr. President, those are things I will discuss with the minority leader.

I wish to remark briefly on one other thing he mentioned, and that is the fact that we certainly found more Cubans there than we anticipated and certainly had, at least, incomplete intelligence analysis. I agree with that.

It may be just in the nature of military pursuits. It may be that it is in the nature of military operations that military intelligence is never as good as it should be or we wish it to be because each side is trying to conceal from the other. But the distinguished Senator from New Hampshire who is a scholar in the field of military history startled me a moment ago when he handed me a piece of paper that has data on it from his own recollection. I wish to refer to that now.

He points out that our official intelligence estimate in connection with the Iwo Jima assault was that it would take 1 week and that we would suffer 150 casualties. Instead, it took 5 weeks and we had 2,000 casualties.

In Tarawa, we anticipated 4 days for that operation and 200 casualties; it took 2 weeks and 2,000 casualties.

In the Normandy invasion, we estimated 1 week and 5,000 casualties; it took 5 weeks and 40,000 casualties.

That may mean nothing at all, but it certainly supports the point made by the minority leader that we did not in this case, as maybe in many cases, have adequate intelligence information.

I was with the minority leader at the White House on Monday night when the President called in the joint bipartisan leadership to advise us of this operation in advance. I use the term "advise" because it is true we were not consulted in the sense there was no solicitation of opinion, but we were told of it in advance, for which I am grateful. But both the minority leader and the Speaker, in my opinion, acted in that moment with the absolute, utmost responsibility both in terms of support of our fighting men and in terms of their responsibility as the leaders of the loyal opposition.

And I watched that very carefully and I saw three men, because the majority leader in the House of Representatives, Congressman WRIGHT, was there as well who could have politicized the issue and did not, who could have spoken of it in advance of the operation and did not, and who acted in a most responsible way.

I wish to congratulate the minority leader for his statement this morning and the highly responsible position taken by these Democratic leaders.

Mr. BYRD. I happen to differ with the Speaker on this matter.

Mr. BAKER. That was subsequent. I am speaking of the statement of the Speaker that night.

Mr. BYRD. Yes.

Mr. BAKER. That night, as I recall, the last words spoken in that meeting were when the Speaker walked over to the President, put his hand on his arm, and his statement, as I recall, was "Good luck, Mr. President."

And, of course, that is pregnant with possibility for interpretation. The clear import of it then was that he was not going to try to second-guess the President while the operation was in progress, that he would support it as indeed he did while it was in progress, and that he reserved his right to say what he wished after it was over, which he did.

That is the way I interpret it, but I agree with the minority leader on his statement today and not with the Speaker's statement on yesterday. I wish to make it absolutely clear that I believe the minority leader is right and I admire what he has done this morning.

Mr. BYRD. Mr. President, I hope we are not imposing on the time of other Senators who wish to speak. But I am concerned also about the fact that the administration only tells the Senate after the administration makes its decision. It informs us then that it is going to do this or that. It does not ask for the advice of the Senate through the Senate leadership or others, and when I say "leadership" I include the chairmen and the ranking minority members of the appropriate committees. It does not ask for advice. It merely informs us of what the administration has already set in action, what it has already planned, and what it has already decided.

I think we are entitled to more than that. There are few people, there are at least a few who can keep a secret here, and I would say that the Senate can be trusted as much as the Defense Department can be or the State Department can be or the White House can be to keep a secret.

Not a word, so far as I know, was said by any person who went that night about why we went. I told my wife when I got home.

THE U.S. RESCUE MISSION IN IRAN

But in saying that, I have to say the same thing about some previous administrations. And I think I have indicated this before, with respect to the rescue mission that was carried out by the previous administration in Iran.

Would the majority leader ask unanimous consent that our time be extended?

Mr. BAKER. Yes, Mr. President. Mr. President, I see the distinguished Senator from Wisconsin on the floor as is the Senator from Montana and it may be that they wish to speak in morning business or other Senators may. I would like to continue this if we are not imposing too much on their time.

I ask unanimous consent that the time for the two leaders may be extended until 10 o'clock and that the time for morning business extend then until 10:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. So I am one of those in the Senate who is sometimes very critical of the President, this President, and some Senators may remember and some may not recall that I have been very critical of my own President at times and very supportive of him at times.

I supported Mr. Nixon at times when his own people on the Republican side of the aisle, some of them, were opposed to what he was doing in Vietnam, which began before he became President.

But I still have to voice this concern that we are just treated as lackeys when it comes to administration decisions on peace and war.

What President Carter did not say at that point was the operation was already in place, and the clock had been running 11 days on it. I went away totally unprepared for the news that came the next day that the operation was already far into its development when I was discussing this with the President.

The Senate has a role in foreign policy, a distinctive role. I do not know how we cure this situation, when the White House deliberately fails to call in the appropriate members of the leadership in the House and the Senate, the chairmen and ranking members of the appropriate committees, and get them in a room and lock the door, when it fails to do that and fails to say, "What we say here has got to be secret. We would like your advice. What do you think about this? What suggestions do you have?"

I do not pose as a military adviser by any means. But if I had been told we were only going to be using six helicopters—I believe that was the number—in that area where sandstorms are prevalent, and I have been there when there have been sandstorms, I would have said, "Mr. President, I think you ought to have nine helicopters. I think you ought not just count on six. You say you have to have four for this operation to be successful and you are only sending six."

I am no military adviser but my advice might have been important in that instance.

THE ROLE OF THE SENATE

I would hope that President in both parties would begin listening to the advice of the Senate and House, certainly the Senate, because, as I say, it has a special role in the Constitution on foreign affairs, rather than just call us and tell us.

Now they do not need to bother to call me and tell me, as they did last night, that they were sending 200 more riflemen to Lebanon. I will read that in the paper the next day anyhow. Why call me and tell me that?

Mr. BAKER. Because I told them to.

Mr. BYRD. Because Senator BAKER told them to. [Laughter.] As I asked my own President of my own party to be sure and call Senator BAKER and Senator STEVENS.

But why bother? I will read it in the paper the next day.

That would be the only concern I would want to express. We are not asked for advice. We are not asked our opinions and the intelligence appears to have been lacking.

Mr. President, anything else I have to say will be in morning business and I think it will be on the matter of Afghanistan.

Mr. BAKER. Mr. President, may I be recognized for a moment?

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, there are only 2 or 3 minutes left before 10 o'clock and we begin morning business. I am sure, I say to my friends who are on the floor, we will provide whatever time they reasonably need to make their statements.

On the matter of consultation with the Senate, I agree with the minority leader. I am a man of the Senate and I believe in the Senate as an institution. I try hard to reinforce the speciality of the constitutional role of the Senate, and one of them is to advise and consent with the President on foreign policy matters.

It is probably apocryphal, but it is often told that George Washington took that admonition very literally and once came to the Senate in the early weeks of his first term as the first President of the United States to consult with the Senate and that that experience was so unsatisfactory that he was heard to say to his Secretary of State that he would never do that again. Indeed, he never did, and that may have set an unfortunate precedent.

With deference and respect to our first President, for whom I have such a great admiration, I am not sure he made the right decision then and I am sure it is not the right decision now. So I would encourage the President, whatever President, whether Republican or Democratic, to reconsider that decision by President Washington and to consider whether or not we cannot find a more institutional and desirable way to consult with the Senate and its leadership and Members on matters of foreign policy.

Mr. MOYNIHAN. Mr. President, will the majority leader yield for a brief question?

Mr. BAKER. Yes; may I finish two points I have on my desk? Then I will be happy to yield.

I have such great respect for the Senator as a scholar and diplomat.

THE IRANIAN EPISODE

Next, Mr. President, on the matter of the Iranian espisode, the minority leader has related that situation many times to me privately and on the floor of the Senate, about his chastizing President Carter for failing to notify the minority, the Republican leadership at that time, of the pending operation. That is true. I had no inkling of it nor did anyone on this side, as far as I know, until after it occurred.

I have smarted under that a little for one other aggravating reason. Purely by coincidence I was on a trip to the Middle East just before that operation occurred, and I had asked for permission to visit the fleet in the Arabian Gulf where the U.S.S. *Nimitz* was then steaming. I had never seen the *Nimitz.* I wanted to see it and I wanted to see our men there and how they operated.

That request was approved. Then at the last moment it was canceled, and I was diverted to the U.S.S. *Coral Sea. Coral Sea* is a great capitol ship and I enjoyed it, but they never told me why they took me away from the *Nimitz.*

The reason was that they were concealing the pending operation. It was not just a question of consultation, but it was concealment.

I am not mad at President Carter. I can say that he is the only President we have had in recent years that had no accent I could detect. Indeed, I was highly honored when President Carter asked me to serve on the board of trustees for his library, Senator NUNN, I believe, is also on that board.

This is not a personal criticism of him but, rather, to say that I think President Washington did not often disserve his country, but I think that he set a bad example that ought to be reconsidered.

Mr. President, I do not know that I should prolong this any longer except to say it has been a worthwhile discus-

sion. I will talk from time to time, and perhaps write at other times, about what the nature or special responsibility of the Senate is in foreign policy. This is a good example of it.

Let me conclude by saying that I am attracted to the idea or suggestion by the minority leader that there should perhaps be a bipartisan Senate or congressional delegation. I would like to explore with him the possibility that it would be a leadership trip and possibly he and I should lead that trip.

Now I yield to the Senator from New York.

Mr. MOYNIHAN. I thank the majority leader for yielding.

As he knows, the terms by which President Washington came here were with respect to some Indian treaties. He was not very well received by Senators nearest the territories involved. That is what happened there.

But that was anticipated, that the President could come and speak.

Also, the rules of the Senate provide, I believe, that Cabinet officers have access to the floor. If they were given the right to speak——

Mr. BAKER. Which they do not have.

Mr. MOYNIHAN. Which they do not. We would have the possibility of exchanges in this Chamber, which is characteristic of many other countries.

Mr. BAKER. I thank the Senator for that observation. I will elaborate on it to this extent: He and I have discussed this and I have written a note or two on this as well. But such as other things I do, it goes unnoticed.

THE ROLE OF THE VICE PRESIDENT

I think another fundamental mistake of precedent or rule that we have established is that the Vice President may not speak except to rule on points of order and to make official proclamations. That is what it amounts to.

From a parliamentary standpoint, he is impotent, he is ineffectual. But he is the only person in the Government who has a foot in both camps, that is, both the executive and the legislative branches of the Government.

He is a Senator in the sense that he is President of the Senate, and he is certainly Vice President, whose duty and responsibility is to inquire daily of the President's health.

It seems to me that it is a great waste that the Vice President of the United States should first be President of the Senate and also next in line for succession. I hope some day we can reclaim the Vice President. I hope when we do so, the Vice President, as Alben Barkley did, will sit in that chair and engage his staff in Senate business as the President's man, the man designated to have a duality of role that none of the rest of us have.

I do not have that. I am a creature of the Senate and on many occasions I must interface with the President and I must decide on an issue on the basis of my duty to carry the President's spear and my duty to the Senate as the majority leader of this body, which is not an officer of the Senate.

Mr. President, I happen to think that a pure parliamentary system does not well suit the political personality of the United States. Nevertheless I think the remnants of the parliamentary system, which are designed into the system as in the case of the Vice President, as in the case of the President consulting with the Senate and seeking its advice and consent, have been obliterated by time, have weakened the system and should be reinstated.

Mr. RANDOLPH. Mr. President, will the able majority leader yield for a question?

Mr. BAKER. I yield.

Mr. RANDOLPH. I suggest that we are in an unusual weekend session. Would there be desire on the part of the leadership, the majority or the minority, to know how many Senators will be in the Chamber to work today?

Mr. BAKER. Is there any desire of the leadership to know how many are here?

Mr. RANDOLPH. Yes, to perhaps have a quorum call.

Mr. BAKER. No, I do not wish to do that. I thank the Senator from West Virginia, but I believe I would like to complete my whip check of this side of my attendance roster. It may be that I will have to roust a few Senators out in order to make sure we can transact business. I will probably do that a little later. It is just after 10 o'clock now on Saturday morning, and I would not wish to do that at this time.

Mr. RANDOLPH. I understand and I thank the Senator, our majority leader who is always considerate of all Members of this body.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10:15 a.m., with statements therein limited to 2 minutes each.

The Senator from Wisconsin.

DOES THE REAGAN ADMINISTRATION REALLY WANT ARMS CONTROL?

Mr. PROXMIRE. Mr. President, suppose we had a President of the United States convinced that the United States can win a nuclear arms race with the Soviet Union. Suppose that President had little or no faith in nuclear arms control negotiations. And suppose that President was strongly opposed to the nuclear freeze, but recognized the overwhelming support the nuclear freeze enjoyed. And finally. suppose that President were up for reelection in a year or so, and recognized that any overt or conspicuous opposition to arms control would cost him a great deal of support, and very possibly cost him the election. What would he do? What policy would he follow to kill any prospect for negotiating a freeze and to kill any kind of effective arms control limitation negotiations with the Soviets without engendering all-out opposition from peace-loving Americans.

You may think this would be an impossible policy to design. A President would have to find and push a policy that would convince the cynical that he was on the side of arms control and peace. At the same time he would adopt military policies that would make it impossible for the Soviets to accept the arms control proposals the President makes in the name of stopping the arms race.

If the President can do this, he can hold public support because the public will perceive him as a champion of peace. At the same time he can achieve his aim of killing arms control and keeping this country devoted to an arms race with the Soviet Union—which he is convinced we will win.

Mr. President, what I have just described represents exactly what the Reagan administration has been doing. In saying this am I being unfair? Consider: Throughout his political career and, indeed, until well into his term as President, Ronald Reagan gave arms control little more than the back of his hand. It was only after the arms control and especially the nuclear freeze movement began to show its surprising political muscle that the President spoke out at Eureka, Ill., with his first significant arms control proposal. Recently he has offered a version of the so-called build-down approach to arms control that would have both sides agree to deploy new nuclear weapons only if they retired a greater number of similar and older nuclear weapons. The President recently coupled this with the proposition that both superpowers should agree to cut their strategic nuclear warheads in half, that is, reduce them to 5,000 from roughly 10,000. Many of us hailed this Presidential arms proposal as constituting a major advance.

Is it? Do not be so sure.

What is wrong with it? Does not this represent a genuine arms control posture, especially remarkable as it comes from a President and an administration that had been consistently hostile to arms control for so long? Why can we not take the President's proposal at face value? Here is why: The administration meanwhile has been working on a series of studies to develop weapons that would enable us to intercept and destroy Soviet nuclear missiles. And why not? After all such weapons

would be strictly defensive. We would not design these missiles to hit any Soviet target or kill a single human being. We would simply design a defense system that would save the lives of millions of Americans if the Soviets should attack us. So why is this a departure from arms control and self defense?

The difficulty is that this shift would end the system of deterrence that now keeps the peace and in the process of doing this it kills any incentive for the Russians to agree to arms control, and gives them every incentive not only to reject the limitation on nuclear warheads but to build up their warheads as rapidly as possible, something they can do quickly and at relatively low cost.

So, of course, they reject the President's proposed 5,000 warhead ceiling. They refuse to accept build-down in any form. Why? Because they see that if they do not go all-out, hot and heavy in the arms race, the United States will conceivably build an antimissile system which will be able to handle their 5,000 warheads. Result: The Russians lose their deterrent. With our superior antimissile defense, we keep our deterrent. And the Russians lose their hard earned superpower status. So do they buy this kind of an arms control loser? No way. They say: "Nyet" and the arms race goes on. And arms control is dead.

This antimissile policy also means we renounce the ABM Treaty of 1972, perhaps the most successful of arms control treaties. I recall vividly our action in the Senate in ratifying that treaty. Why did it pass so big in the Senate? It passed because we recognized that one sure and certain principle of warfare is that any defensive system can be overwhelmed by an offensive system that has the advantage of surprise, mobility, and the selection of the most vulnerable targets. The dismal collapse of the maginot line constructed by the French as the absolute answer to any possible German attack vividly illustrates the principle. By and large, military experts estimated, a defense against nuclear missile attack would be defeated by an expenditure about one-tenth as great as the cost of the antimissile defense.

Mr. President, I believe this administration knows all this. But they also know the political realities—to win the Presidential election while gutting arms control they must design a combined military and arms control strategy that will put the administration strongly on the side of arms control, while providing assurance that the arms control proposals they make cannot and will not be accepted by the other side.

Mr. President, I ask unanimous consent that an article by Peter A. Clausen, senior arms analyst at the Union of Concerned Scientists, appearing in the October 27 issue of the New York Times on this subject and entitled, "Dooming Arms Control," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 27, 1983]

DOOMING ARMS CONTROL

(By Peter A. Clausen)

CAMBRIDGE, MASS.—The futuristic vision of a high-technology defense against nuclear weapons proposed in March by President Reagan has been eclipsed by the debate over American policy at the strategic arms reduction talks. By Mr. Reagan's "Star Wars" strategy is about to re-emerge, representing a joker in the deck that could make the "build-down" debate irrelevant by undercutting any transition toward fewer and smaller nuclear missiles.

Several Administration study groups have been quitely working on the nuclear defense issue, and are recommending an all-out program to develop weapons to intercept and destroy Soviet missiles launched against America. The implications of this approach are revolutionary for strategic doctrine and the future of the arms race. A shift to a defensive strategy would abandon the policy of nuclear deterrence, based on each superpower's threat of retaliation in response to attack, which is enshrined in the 1972 treaty banning antiballistic missile systems. The ABM treaty reflected an American and Soviet consensus that missile defense was technically unpromising and strategically destabilizing—a consensus that is eroding, at least on our side.

The vision of a defense against missiles appeals to two groups: idealists (to whom Mr. Reagan mainly directed his March speech) who want to remove the threat of nuclear war, and strategists (who seem to have shaped the proposed program) looking for a new route to military superiority over the Soviet Union. The hopes of both are destined to be disappointed. The most probable result of a major missile defense program would be to doom existing arms control prospects while driving the arms race into more expensive and destablizing paths, with less security for both nations.

The most obvious casualty of the proposed program would be the ABM treaty. The political significance of this treaty—the most conspicuous success story of arms negotiations—has become all the more apparent as other arms control efforts have faltered. To discard it in pursuit of a distant goal of doubtful technical feasibility would be costly enough in symbolic terms alone. But more than a symbol, the treaty is the foundation of all subsequent efforts, including the strategic arms talks, to limit the superpowers' offensive forces.

Opening up competition in missile defenses will give new momentum to the development of offensive weapons. A comparable action-reaction syndrome occurred in the late 60's, before ABM's were banned. American fears that the Soviet Union was developing an effective missile defense were a major catalyst in the birth of multiple independently targetable re-entry vehicles, or MIRV's by America, then the Soviet Union.

MIRV's are now almost universally viewed as a principal source of strategic instability, because, in theory, they allow the side striking first to overwhelm and pre-emptively destroy the other side's land-based missiles. Concern about this problem has largely motivated the Administration's strategic arms proposals—first in the call for deep cuts in the numbers and size of Soviet intercontinental ballistic missiles and, more recently, in the build-down proposal, which seeks to nudge both sides away from large multiple-warhead missiles toward smaller, single-warhead ones like the proposed Midgetman. However, faced with an incipient competition in ABM systems, it is unlikely that either side would forego large, multiwarhead missiles that could penetrate defenses.

It is noteworthy that the President's Commission on Strategic Forces (the Scowcroft commission) advocated development of the 10-warhead MX missile in part as a hedge against future Soviet ABM advances. No doubt Moscow would reason similarly when faced with a loudly advertised American attempt to achieve a breakthrough in missile defense. The result would be to foreclose the restructuring of Soviet forces, which the Administration and the arms control community want.

Moreover, Moscow is much better positioned than Washington for a new offensive round in the arms race, especially in MIRV's. Given the formidable size of its large ICBM's, it could rapidly multiply the number of warheads it can deliver by adding more warheads to these missiles. It would be naive to expect Moscow to continue voluntary observance of the unratified SALT II treaty's limits on MIRV's if we seem likely to abrogate the treaty, or do so.

The Administration lately has made a painstaking effort to fashion a strategic arms policy the can attract wide support. The contradictions between that policy and the recommended new defense program are so striking as to again raise the question—just as it was beginning to be dispelled—of whether America is really serious about arms control at all.

GENOCIDE TREATY SHOULD ACCOMPANY BALTIC STATES RESOLUTION

Mr. PROXMIRE. Mr. President, last Thursday the distinguished Senator from Kansas (Mr. DOLE) introduced, for himself and 18 other Senators, Senate Concurrent Resolution 80, concerning the Soviet Union's occupatin of Estonia, Latvia, and Lithuania. I have repeatedly addressed the Senate on this subject, and am pleased that the Senator from Kansas has agreed to include me among the cosponsors of this resolution.

Mr. President, this excellent resolution describes the Soviets' 1940 military occupation and subsequent political control of the Baltic States. A "dear colleague" letter circulated with the resolution noted that this invasion included "murdering and deporting thousands of Estonians, Latvians, and Lithuanians, in a process that can only be characterized as planned genocide." The resolution also mentions the continuing reports of widespread human rights violations by the Soviets in this region. As I have observed before, the Baltic peoples are still commonly denied freedom to practice their cultural and religious traditions, and are viciously persecuted for attempting to exercise those rights. The evidence

points to a current Soviet policy of cultural genocide—an effort to dissolve the cultural identity of these distinct groups. Yet the further threat of physical genocide remains current.

U.S. ratification of the International Genocide Convention is a sorely needed response to this situation where physical genocide is so clearly threatened. A clause of the proposed Baltic States resolution notes U.S. adherence to the U.N. Charter, the Universal Declaration of Human Rights, and "other relevant instruments relating to human rights." The Genocide Convention seems conspicuously absent from this list. Too often our enemies have accused us of holding to a hypocritical double standard by failing to ratify this treaty. We should clearly and unambiguously condemn genocide by prompt ratification.

Mr. President, I support this concurrent resolution. It is a fine resolution, and an appropriate response to Soviet actions in the Baltic States. But I strongly suggest that a further response is in order—the ratification of the International Genocide Convention. I urge the Senate to lend its advice and consent without delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

PRESS CENSORSHIP

Mr. MELCHER. Mr. President, Ernie Pyle, if he were here this past week, would have wondered what happened to the partnership that worked in his day between the press and the military to portray the reality and grimness of war for the American Armed Forces. Ernie was typical of the World War II war correspondents accompanying our Forces. He worked the war beat, principally in Europe, but also in the Pacific. He went everywhere the soldiers went, usually in the frontlines where the conflict was the worst, accurately portraying the events that affected our Armed Forces, with a keen eye for detail and a canny knack of reducing to a few paragraphs the big scene of shelling, bombing, machinegun and rifle fire, mortars, bazooka, telling the toll taken in the dreary drudgery of war, usually as if it were through the eyes of enlisted infantrymen. He was welcomed alike by general, admiral, private, and seaman; he shared the same food, slept in the same foxholes, and knew the constant fear of death or maining experienced by all of us who fought in that war.

Since he was subject to seasickness or similar queasiness in the air, Ernie was a war correspondent with the Army.

To say that this 110 pound, wispy, red-haired 40-year-old Scripps-Howard war correspondent and columnist knew his craft is like saying Stradivarius was "good with wood." His prose portrayed the decency of man surviving amidst the ugliness of world war. The country and the Army needed the Ernie Pyles to explain, in human terms, dreadful as it was, what all of those millions of soldiers were doing to kill each other, but yet could retain their individuality, with hope to return to a normal life at home when peace had been won. And also, for those who, with their lives given up in war, would never return, to portray the scenes, the conditions, and the respectful mournful attitudes of their peers that survived. Ernie Pyle was one of those sacrificed—he was killed in Okinawa in 1945 shortly before the end of World War II. He died the same way that any other infantryman dies who, upon sticking his head out of a foxhole, receives a bullet in the left temple from enemy machinegun fire. Along with many others of our Pacific war dead, he was buried in Punch Bowl Memorial Cemetery in Hawaii.

Yes, we knew then that we needed the eyes and the interpretation of the meaning of war provided by the war correspondents who traveled the same trails of war, in step with those they reported. They were then part of the whole battle scene from beginning to end, providing a link of contact between those in the battle and those at home. They provided for those at home some understanding of war, however difficult to comprehend. Their writings and pictures, or cartoons from Bill Mauldin, linked the battlefield participants with home. For the individual soldier in foxhole, shell crater, or battle station, they supplied some credibility, in the mad, grim reality of war, that their seemingly meaningless minutes, hours, and days of individual war effort would yet result in a return to normal times when the war would end. Their news accounts were the only morale builder on most days, whether in radio broadcast or newsprint. When possible, the Army had the armed forces newspaper, The Stars and Stripes, dropped by small plane along the front lines, to be gathered up and passed from foxhole to foxhole to provide the news of what the fighting was all about.

Nothing has changed in that need-to-know working relationship between the war correspondents and the military, except for the alarming and misguided decision in the case of the Grenada invasion. The Pentagon's and the President's refusal to allow war correspondents there as part of the war scene for nigh on to 72 hours, and since then only off and on, sets a precedent that neither the military brass nor the country can afford to have repeated. We must make sure that it is not repeated. War is only made more uncertain and more horrible by blacking out its press coverage, creating suspicions of being contrived by human poor judgment.

A restraining censorship to protect the lives of those engaged in armed conflict is understandable and acceptable, but refusing to have news either observed or reported in its entirety is totally unacceptable. That is not American and, besides that, it does not work for either the Armed Forces personnel or the folks at home.

All war correspondents are not Ernie Pyles, but the result of the working press as war correspondents working with those fighters at the front developed the system that produced Ernie Pyle and his colleagues. In war, they, too, are needed to serve our country.

INTELLIGENCE BRIEFING DISCLOSURES

Mr. MOYNIHAN. Mr. President, earlier this morning, the distinguished majority leader and the revered and respected minority leader spoke about problems of intelligence with respect to various American military and quasi-military operations in recent years. I listened with great interest and attention to what they said and would like to speak to an ancillary subject.

I serve, under the rules of Senate Resolution 400, as vice chairman of the Intelligence Committee, and in the absence of our respected chairman, who is necessarily absent—in this case being abroad—I serve as acting chairman. In that capacity I asked the Acting Secretary of State, Kenneth Dam, and the Director of the Central Intelligence Agency, Mr. William Casey, and their aides to brief us yesterday on the activities in Grenada. They very generously came to the committee room here in the Capitol yesterday and gave most generously of their time. The meeting was open to all Senators, and a very considerable number came.

I have to say that I was more than disappointed to read on the front page of the Washington Post this morning a considerable account of that meeting and what was said there. The source of the information is identified as having been a Senator present at the meeting.

Later in this story by Bob Woodward and Patrick E. Tyler, who are respected journalists, administration officials were given as sources for the same data.

We in the Senate are not responsible for the administration's discipline of its own ranks, but we are responsible for maintaining self-discipline in the Senate. We have enjoyed very extensive cooperation with the Central Intelligence Agency and the intelligence community whose highest officials give very generously of their time in briefing us. We have since the creation

of the select committee been engaged in an experiment in which they have been very uncertain at first and we have been building a relationship of trust. Trust is the essential requisite if the Congress is to have the candor and for the rightness from the community that is necessary for us to conduct the oversight envisioned when the committee was established.

Mr. President, that relationship will not survive too many articles on the front page of the Washington Post. It is not the fault of the Washington Post certainly but of someone who has failed to keep confidential what was given the Senate in confidence.

Mr. President, there is one minimal effort a Senator can make with respect to this problem and that is to speak to the press only on the record. That is to say a Senator should seek to have his name added to anything he says. That imposes on itself a measure of discretion and prudence which has to accompany the conveyance of this kind of material.

Mr. President, I ask unanimous consent that the article in the Washington Post be printed in the RECORD, simply to remind Senators of the agreement we have reached with the executive regarding the sharing of this kind of information.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 29, 1983]

CIA'S REPORTS MAGNIFY SOVIET-CUBAN PRESENCE

(By Bob Woodward and Patrick E. Tyler)

Intelligence reports coming from Grenada after the U.S. invasion show a stronger and larger Soviet-Cuban military and diplomatic presence than expected, but they may fall short of supporting President Reagan's assertion that the Caribbean island was "being readied as a major military bastion to export terror," according to administration and congressional sources.

After the Senate Intelligence Committee was briefed yesterday by CIA Director William J. Casey, a Republican member of the committee said that the large, combat-ready Cuban construction force and extensive antiaircraft batteries camouflaged around the Point Salines airport show the Soviets and Cubans had established a permanent base of operations.

But the senator added that the administration's case that the island was being readied to export revolution and terror in the eastern Caribbean was "inferential and circumstantial" at this point.

Pentagon officials said yesterday they believed there are about 1,100 Cubans on the island, 600 of whom have been captured by U.S. forces who landed on Grenada Tuesday morning.

The CIA has sent five interrogators to Grenada to begin screening the captured Cubans, a senior official said.

The official said the discovery of the well-established Cuban presence provided U.S. intelligence analysts with a unique opportunity to study closely the military management and organization of a small state under Soviet and Cuban influence.

The Cuban construction crews turned out to have been equipped for combat much like U.S. Navy Seabees (construction battalions), according to the official. In their barracks on the southern end of Grenada, the official said, American forces found special hooks by the Cubans' bunks from which to hang their AK47 assault rifles.

The Cubans were said to have high technology Soviet and Cuban communications gear and weaponry. One senior official said a Cuban general was believed to have been on the island recently in a command or advisory capacity.

The Pentagon has highlighted the presence on the island of a Cuban colonel as an indication of the importance placed on the military base.

Several sources, including a Pentagon official and a member of the Senate Intelligence Committee, said yesterday that the Cuban colonel, Pedro Tortolo Comas, was sent to Grenada the day before the invasion "to lead the resistance." By the time Tortolo arrived, the impending invasion was being widely reported in the Caribbean. Political leaders there were debating whether to endorse the invasion plan by some eastern Caribbean countries.

A Reagan administration official said the volume of weapons found in Grenada by invading U.S. forces far exceeded the defensive needs of the island and the only logical conclusion was that the island was being prepared as a staging area by the Soviets and Cubans.

"The raw military photos alone and the raw numbers, including millions of rounds of ammunition, make the case," this official said.

Contrary to earlier reports, a Senate intelligence staff source said a Cuban ship named the "Vietnam Heroica" did not resupply the Cuban troops during the weekend before the invasion. The supply ship had been in a Grenada harbor since Oct. 17 or Oct. 18, this source said, before the death of Grenada's former prime minister, Maurice Bishop. Pentagon officials said yesterday that a troop transport offloaded arms in St. George's on Oct. 6.

U.S. forces have found 49 Soviet bloc diplomats and dependents in Grenada. In addition, U.S. officials said they were surprised to be told that 24 North Koreans, 10 East Germans and four Bulgarians were taking refuge in the Soviet mission in Grenada.

This is considered large for a country that size and is certain to include intelligence officers, said a senior administration official, who added that the 20 North Koreans almost equal the number of North Koreans in Nicaragua supporting the Soviet-Cuban presence there.

At the closest U.S. Embassy in Bridgetown, Barbados, there have been as many as 40 to 50 American diplomats with a total staff of 155 personnel, according to Sally A. Shelton, a former ambassador to Barbados. The embassy represents U.S. interests in Barbados and a number of other Caribbean countries.

During yesterday's Senate Intelligence Committee briefing, according to one Republican senator who attended, Casey compared Grenada and Nicaragua, noting that the mix of Soviet bloc diplomats and advisers seems roughly the same in each of the two countries.

Though Casey apparently did not mention it to the Senate committee yesterday, a senior administration official said the CIA has indications that a Soviet-backed assassination team was involved in killing former prime minister Bishop last week, six days before the U.S. invasion.

It was reported from the region last week that Bishop and a number of his aides were killed after a crowd of supporters freed him from house arrest Oct. 19. He reportedly was executed after being seized outside Fort Rupert on the island by Grenadian troops then under the command of Gen. Hudson Austin.

The administration official declined to reveal the basis for information about a Soviet assassination team. The official cited this information as an "important intelligence byproduct" being gathered in the wake of the invasion.

Another senior administration official, who monitored intelligence reports in the White House this week, said there was no mention of the alleged Soviet asassination team in the reporting. However, the official said he heard verbal reports of such a team having been sent to Grenada, but took the unsourced reports to be of rather low reliability.

A senior administration official also said Soviet and Cuban military documents and secret files seized after Tuesday's invasion were booby trapped with explosives and had to be defused. Officials said U.S. military forces were able to take possession of most of the documents safely.

One Pentagon official said the documents did not contain any written contingency plan by the Cubans or Grenadians to seize hostages to forestall a U.S. invasion. The official said it was assumed here in advance of the invasion that the Cubans might take hostages. The documents are still being translated and analyzed.

Several sources familiar with Casey's briefing said the CIA received very little criticism from the senators yesterday for underestimating the Soviet and Cuban presence on Grenada. "There is general agreement that it is difficult to get good intelligence on an island when the Cubans are in charge," said one source.

Casey reportedly also made it clear that he favored the invasion by a force of U.S. Marines and Army Rangers and feels it will send an important message to the Soviets and Cubans that their presence in Nicaragua is not accepted, that Nicaragua is not immune from U.S. intervention, and that the United States is willing and able to strike to protect its interests in the hemisphere.

Congressional sources said that Reagan recently signed a new presidential "finding" to justify CIA covert activity in the Caribbean to "support democracy," conduct "counterterrorism" operations and fight drug trafficking.

One congressman said the finding proposed no new funds for such operations, but added that the finding was couched in such vague language that "you could drive a truck through it." A Senate source said the finding will allow the CIA to support friendly political organizations.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. RANDOLPH. Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, is there any time remaining under the arrangement for morning business?

Mr. BAKER. Mr. President, if I may say to my friend from West Virginia, I believe the time has expired, but I would be more than happy to extend it. I ask unanimous consent to do so by 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

DECISIONMAKING TIME IN THE HISTORY OF CONGRESS

Mr. RANDOLPH. Mr. President, I have been listening to our able colleague (Mr. MELCHER) as he has discussed one of those realistic reporters in an earlier era, Ernie Pyle. I am thinking of those crucial times in the House and the Senate when the membership must say yes or no. The decisionmaking process is often decided by a very few votes, in the case that I now discuss briefly, one vote. I repeat, by one vote.

It was on the evening of August 12, 1941. Pending in the House was the extension of the Selective Service draft. The speeches were meaningful and feelings ran high. The membership in our body at that time was aroused about the participation of the United States of America in a war in the Pacific and in a war in Europe.

I remember one Member, and I shall not name him—we were good friends—who said,"There is not a single country in the world that would even think of attacking the United States of America, let alone actually do so."

I recall the vote to extend the selective service law. The vote, Mr. President, was 203 to 202. I voted with the majority.

That night, as I left for West Virginia, I was conscious of the closeness of the vote. I wondered even then if the enemy or enemies would take that vote, I say to the majority leader and the minority leader, and my colleagues if one or more of our opponents in World War II would look on the close vote in the Congress of the United States to indicate we could unite and that a divisive vote indicating that the country was split and could not bring its forces together.

We were able, however, to bring the forces of the United States of America together. I say in remembrance of that evening that what we did was absolutely necessary to the successful prosecution by the United States as we waged the war in that period when we were hit by air and sea by the Japanese at Pearl Harbor.

The Japanese attacked the United States on December 7, because they may have felt we were a divided country; they felt we could not come together. I stress the one-vote margin on August the 12th of 1941.

Mr. President, no matter how spirited is the debate, in the final analysis what we do in a legislative body must be with reasoned judgment. We discuss the problems in Beirut, the problems in Grenada. Let us remember that in the long look of history what we say we must base, as much as we can, on our reasoning and not just from time to time strike out without knowing that our words may have an effect, either positive or negative.

I thank the Chair and my colleagues for allowing me to look back to a decisionmaking time in the history of the Congress when what we did was right, it was necessary.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. BYRD. Mr. President, I apologize.

Mr. BAKER. Does the Senator want to extend it?

Mr. BYRD. Just 1 more minute.

Mr. BAKER. Mr. President, I ask unanimous consent to continue in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN SERIES

Mr. BYRD. Mr. President, the New York Times of Wednesday, October 26, reports that renewed fighting in Afghanistan left hundreds of Afghans dead after Soviet forces waged air and ground assaults against a village. This is another instance of a Soviet style of warfare which concentrates on the destruction of civilian targets. The utter futility of this brutal type of warfare is evident from the final articles in the series by Washington Post reporter William Branigin.

I introduced the first of the series on October 20, and I ask unanimous consent that the balance of these articles be reprinted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BYRD. Mr. Branigin's first-hand account of the Soviet failure in Afghanistan is a tribute to his determination and skill as a reporter. More importantly, it is a tribute to the indomitable courage of the Afghan people and their commitment to freedom.

The article follows:

EXHIBIT 1

[From the Washington Post, Oct. 19, 1983]

BOMBED VILLAGE IS SYMBOL OF RESISTANCE

(By William Branigin)

ROKHEH, AFGHANISTAN.—It was already 8 a.m. and the start of another hot, end-of-summer day when Gul Alam, 41, began walking to the mosque for Friday prayers.

He took the well-worn path—one he had walked many times before—and danger was far from his mind.

But in a few moments Gul Alam would become a casualty of the Soviet Union's war on the village of Rokheh, the scene of some of the most concentrated bombing in Afghanistan and one of the most badly damaged villages in the country.

He happened to put his foot down on a flat stone. An explosion from a Soviet land mine buried beneath it blew off his left leg below the knee, severed a couple of fingers on his right hand and lacerated his right leg with shrapnel.

He was taken up the valley to a makeshift hospital where a team of volunteer French doctors amputated his leg below the knee. But gangrene set in and three days later the doctors had to remove the rest of the limb.

Now Gul Alam, bearded and gaunt, lay on a cot with a bottle of dextrose dripping through a tube into his left arm. Sweat glistened on his brow as he spoke in a low, weak voice.

He had been working in Kabul as a mechanic before the war. Then he moved back to his house in Rokheh, but it was destroyed by Soviet bombing last year and his wife and three of their children returned to the capital.

"I started working here as a mason," he said, "but I didn't have enough money to rebuild my own house."

When his wounds heal, he added, he wants to travel to Pakistan to get an artificial leg at the Red Cross hospital in Peshawar. Then he wants to return to the Panjshir Valley. He can never go back to Kabul, he said. He has been with the anti-communist resistance since the Soviet invasion, and a brother was killed fighting the Russians three years ago.

Keeping Gul Alam company as he lay on his cot in the dark and stifling room were a 6-year-old son, his eldest, and his aged father-in-law. His wife still did not know of his injury, which had happened four days earlier, and it would be several more days before the father-in-law could make the trip to Kabul to tell her.

Gul Alam was the second mine victim in Rokheh in a week. A few days earlier, Mir Agha, 25, had his right leg amputated below the knee after stepping on a mine while fetching water. Three fingers also had to be amputated, and shrapnel badly wounded him in the abdomen, left leg and genitals.

Their suffering is part of the continuing agony of Rokheh, a village that has been devastated by Soviet attacks.

But it is a village that refuses to die. Despite the constant fear of renewed attack, many residents have returned and begun to rebuild their shops and houses. For them and other inhabitants of the Panjshir Rokheh has become a symbol of resistance.

After an intense wave of bombing last year, a Soviet motorized rifle brigade drove into Rokheh and established a heavily fortified base. They occupied it for 10 months, coming under repeated attack from the *mujaheddin*, before they pulled out at the beginning of March as part of a cease-fire agreement with Panjshir guerrilla commander Ahmen Shah Massoud.

But before they left, the Soviets planted hundreds of mines throughout the village in an apparent act of vengeance for their losses. Residents said many of the mines were planted in people's homes, so they would be blown up when they returned to check the damage or look for their belongings.

According to Mohammed Pana, the 28-year-old local mujaheddin commander of Rokheh, at least three persons have been killed and more than 22 injured by mines since the Soviets left. He said that up to 80

percent of the houses in the village were destroyed.

Amid the rubble, the litter of Soviet food cans and the names of Russian soldiers scrawled on walls are reminders of the occupation.

So too is a Soviet helicopter that an enterprising Rokheh resident has turned into an ice cream parlor. The MI8 transport helicopter, shot up but left nearly intact in a nearby wheat field, was dragged up to the side of the road by an entrepreneur named Mobeen and recently opened for business.

All the armaments and anything else useful were removed by the mujaheddin except a machine gun mounted on top. Mobeen now uses the empty cockpit to whip up his homemade, rose water-flavored ice cream, created from ice brought daily from high snowcapped peaks about a three-hour walk away.

Large rotor blades supported by shell casings serve as a long table and two benches down the middle of the chopper. On the table a discarded Soviet Army can holds spoons and a jar is used as a vase for a bunch of flowers.

Elsewhere in Rokheh numerous other pieces of Soviet equipment have been put to use in some capacity, perhaps out of practicality but also, it seems, in a subtle form of revenge. How else can one explain the Panjshir guerrillas' habit of wearing articles taken from dead Russian soldiers or captured from convoys, including fatigues and jackets but especially the brass Soviet Army belt buckles with the star, hammer and sickle on them? What motivates the distribution of a calendar illustrated by a color picture of smiling mujaheddin with long beards parading in Soviet officers' uniforms?

At two recently rebuilt shops along the main road through the village, parachutes serve as awnings. At another, dud Soviet grenades balance a set of scales used to weigh fruits and vegetables. In a house up the road, a Soviet ammunition crate is put to use as a flower box in a second story window.

One merchant, Abdul Qadir, 54, said he already has rebuilt his shop three times. The first time the Soviets attacked in 1980, he said, they burned his shop with everything inside it along with 22 other stores along the road.

When the Soviets attacked in May last year, he said, he managed to evacuate his merchandise to his house shortly after the first bombers struck. Later, not realizing that Soviet motorized forces had arrived, he went to inspect the shop and was shot in the arm and abdomen, he said.

Abdul Qadir said he managed to get down to the river and made it home, then went to the hills with the mujaheddin. When he eventually was able to return, he said, he found that all the merchandise and everything else in his house had been looted, down to the wooden doors and window frames.

Yet, he began to rebuild, spending $350 to restore his small mud-walled shop and restock its crude shelves.

"If they destroy it a hundred times, I'll rebuild it a hundred times," he said defiantly.

Another merchant, Mohammed Hassan, 56, also lost everything after fleeing to the mountains behind Rokheh with his family during last year's Soviet attack.

There, he said, "I saw people who were not already in the mountains trying to flee, and helicopters shooting at them to stop them from going."

Sitting in his rebuilt hardware store and smoking tobacco through a hookah, he said he saw mujaheddin shoot down four Soviet helicopters on the first day of the offensive using ZPU machine guns known in Afghanistan as "Zicoyacs."

Mohammed Hassan said he, his wife and three children lived in a shelter in the mountains under a large rock for seven months, shivering through a cold winter and two heavy snows and suffering severe food shortages. When it got too cold, he said, he took his family to Kabul, where they stayed for three months.

"When we heard the Russians had been defeated and gone to Anawa, we came back," he said.

Another resident, Abdul Rashid, 55, has rebuilt two rooms of his bomb-damaged house, but he said he does not have enough money to restore his shop. He said he lost 10 relatives in last year's offensive and was himself wounded in the foot.

"In one house eight people were killed by a bomb, but a 28-day-old baby miraculously survived," he said. "We found her unwounded in the rubble. Now the baby lives with me," added the father of eight.

No one knows for certain how many people died in the latest offensive in Rokheh and the rest of the Panjshir Valley. Guerrilla commander Ahmed Shah Massoud estimated that 1,400 inhabitants were killed in the valley last year. Of the dead, according to one of his advisers, Mohammed Es-haq, 180 were mujaheddin. The rest were civilians.

Es-haq said as many as 2,000 Soviets were killed or wounded in the offensive. He said at least 1,200 Afghan government soldiers were killed or captured.

Massoud said more than 6,000 houses were ruined, and 70 percent of the valley's crop fields and orchards were burned or dried up. Many of the estimated 80,000 people who lived in the valley before the war have fled, many of them to the capital, whose prewar population of about 800,000 has swollen with refugees to at least 1.2 million.

"For the time being, we do not have an overall reconstruction policy because we're still in a state of war," said Massoud's deputy, Abdul Hai, a 27-year-old former medical student. But he said people were being encouraged to rebuild at least part of their homes.

The shops and general stores in the valley that already have been restored now sell an odd assortment of goods. Besides staple foods, they stock such products as Soviet matches, American cigarettes and Chinese toilet paper. U.S. soaps and detergents, Russian sneakers, Dutch batteries and French glassware can also be found. Some goods are brought from Kabul, while others come from Pakistan.

Besides the rubble of bombed mud houses, other evidence of the heavy fighting is scattered up and down the valley. It includes dozens of destroyed vehicles—jeeps, trucks, armored personnel carriers and tanks—and several downed helicopters.

According to the mujaheddin, many other wrecks were airlifted out by Soviet helicopters.

Like the helicopter turned ice cream parlor, some of the wrecks left behind have their uses, however minor. An armored personnel carrier at the entrance to Rokheh bears the slogans, "Death to Russians, long live the mujaheddin," and the warning, "Spy, you will be hanged."

In the village of Bazarak, a turretless T62 tank sits in the sun with tomatoes drying on top of it.

According to Azim, a local guerrilla commander, the tank was blown up with a mine fashioned from an unexploded airplane bomb. The blast reportedly caused the tank's turret to pop into the air like a champagne cork.

As he explains this, Azim, a tall man with a bushy beard and sporty sunglasses, fidgets with his plastic, artificial left hand, which he got in London after most of his arm was blown off in an accident with a grenade.

He proudly displays the hand's greatest use. Twisting it at the wrist with a click, he bends the fingers into position so that he can hold the stock of a Kalashnikov rifle.

[From the Washington Post, Oct. 20, 1983]

FRENCH DOCTORS ARE UNSUNG HEROES OF WAR

(By William Branigin)

SANGWANA, AFGHANISTAN.—When Michel Beaussier and Pascal Mathey arrived one recent morning at the two-story, mud-walled house that serves as their hospital, they knew the situation was becoming critical.

Waiting for them inside were six Afghans wounded in an ambush by a rival Moslem guerrilla group. In addition, a farmer from a hamlet up the valley had brought in his son and daughter who had been wounded by a mine while working in a field two days earlier. It has taken that long to make the trip to the hospital.

Other patients waited, four more mine victims, two persons wounded by a rocket in a guerrilla training accident, two others shot by rival insurgents in separate incidents, one boy injured while playing when he struck a bullet with a rock and a man with appendicitis. Then there was the usual crowd waiting outside to seek treatment for various ailments.

"I've never seen so many wounded here before," said Beaussier, 26, a recent medical school graduate who had come to Afghanistan's Panjshir Valley 2½ months earlier.

Mathey, 28, in his fourth month here, sounded a note of alarm.

"In two or three weeks if a new group doesn't bring in some more medicine, we'll have to close," he said. "We're almost out of antibiotics."

But the situation had been critical before. And the hospital had stayed open. Two months earlier, a 22-year-old Afghan has been brought in near death after having stepped on a mine and lost most of his right leg.

"We couldn't feel his pulse, and we had no serum and no blood to give him," Mathey said. "We didn't think he would make it, but we operated anyway. In France we don't operate on patients like that. We give them blood first."

The doctors successfully amputated the leg, and against the odds, the youth survived. He is now recovering across the road in a house that serves as an annex to the main hospital.

Beaussier and Mathey are among the unsung heroes of the war in Afghanistan.

They and other French doctors provide an otherwise unavailable medical service under the most difficult conditions, sometimes in the midst of heavy fighting between Soviet occupation troops and the Afghan Moslem guerrillas known as *mujaheddin*.

At the makeshift hospital in this village, Beaussier and Mathey perform surgery on a crude wooden operating table set up in a mud-walled room on the building's earthen roof. Before they received a portable gener-

ator, they often had to work at night by the light of kerosene lanterns.

Outside the operating room, wooden beds have been placed on the roof to accommodate the most seriously wounded. It is here that the two doctors usually start their day by checking on patients and changing their dressings.

Then they visit the other patients in the dark, fetid rooms below and in a house on the other side of the dirt road that cuts through the village.

In the Panjshir, Beaussier and Mathey treat everything from war wounds to typhoid epidemics, and they do it without pay.

"We're completely crazy," said Mathey. "Only the French would do this kind of thing."

There have been volunteers of other nationalities here, but the French account for the great majority of the 27 foreign doctors currently working behind Soviet lines in Afghanistan and the dozens of others who preceded them. The three main organizations that sponsor the doctors' trips here are all based in Paris.

The organizations also send doctors to other embattled countries, but the French clearly take a great interest in Afghanistan. The French press has devoted more coverage to the country than media in the rest of Europe and the United States. And a number of aid groups have been established in France to help Afghan refugees and, in effect, the resistance.

The reasons for this Gallic interest remain something of a puzzle. But, as far as the French doctors are concerned, the motives seem to combine a desire to gain broader medical experience, a quest for adventure, a melange of humanitarian and political considerations and, perhaps, some of the personal escapism that sometimes prompts men to join the Foreign Legion.

Whatever the reasons, it is clear that the doctors remain undeterred by the Soviet capture of one of them and his subsequent trial in Kabul earlier this year.

Philippe Augoyard was picked up in January during a Soviet offensive in Logar Province and tried on espionage charges by the communist government in Kabul. He was sentenced to eight years in prison but freed in June following French protests and diplomatic efforts.

However, on the same night that news of Augoyard's capture reached Pakistan, a team of four French doctors set off for the the Afghan interior, and others have followed.

In doing so, they have defined what some doctors and aid workers have charged was a deliberate Soviet campaign to stop the medical programs by bombing hospitals and trying to capture certain doctors, especially women.

In the spring of last year, Soviet planes bombed two French-run hospitals in different parts of Afghanistan within a six-day period, said a Pakistan-based offical who helps coordinate the medical programs.

One hospital here in the Panjshir Valley near the village of Astana was destroyed although its roof was clearly marked with a large red cross, he said. In each case, the doctors had been forewarned of air raids and all the patients had been evacuated, the official said.

Soviet helicopters last year also dropped leaflets accusing the overall Panjshir guerrilla commander, Ahmed Shah Massoud, of keeping "two French whores," a reference to two women doctors then working in the valley.

According to the Pakistan-based aid officials, the Soviets and their Afghan communist allies made a special effort to capture the women. He said the presumed aim was to force them to confess having sexual relations with mujaheddin leaders, charges that could discredit the resistance in this puritanical Moslem society.

The women were forced to flee the house they were staying in to avoid capture during last year's Soviet offensive in the Panjshir, but troops managed to seize some of their papers and possessions, and the official Radio Afghanistan broadcast an erroneous report that they had been caught.

Despite the purported campaign, French women doctors have also continued to come to Afghanistan, where most women villagers wear the traditional veil and are rarely seen, let alone medically examined, by men outside their families. Of the 27 volunteer doctors currently in the country, about a dozen are women.

According to the Pakistan-based official, some of the doctors who came out of the Panjshir at the end of their tours last year were severely traumatized by the bombing. Some appeared to be suffering from shell shock and had to be helped to their planes.

"The level of violence has increased radically since last year," the offical said, due largely to more Soviet air power.

During last year's offensive, the doctors lived and worked for several months in caves tucked away in the mountains of a side valley. Since then, an underground hospital has been built in another side valley in case of a new Soviet attack. The site is about a five-hour hike from here, and some supplies have already been stocked there.

To reach other villages in the Panjshir, the doctors sometimes go on walking tours lasting several days. On one such tour in August, Mathey said he found a typhoid epidemic in a side valley.

The most common malady here, Beaussier and Mathey have found, is diarrhea. Their most serious problem, they said, is a shortage of medicines.

"Every two or three months we have the same problem when we reach the end of our stocks," Mathey said. This problem was compounded by the loss of all but two of 30 sacks of medical supplies that were supposed to follow the doctors to the Panjshir on pack horses, they said. The sacks, brought from France, were either lost or stolen en route, they said, and the two that arrived contained cotton.

Another problem, the doctors said, is the theft of medicine from the hospital's stocks.

"If we were not here to lock up," one said, "there would be nothing left."

Afghans place a great deal of faith in "anything that can be called dawa," or medicine, Mathey explained. Foreign visitors to Afghanistan are frequently asked for pills: it does not seem to matter what kind.

Some of the supplies that did get through in the past have proved less than useful. They were collected in France by the sponsoring organizations, largely from donations.

"We've received pills for losing weight, for varicose veins, for menopause and hemorrhoids," Mathey said. "We just had to throw them away."

Lately a major problem has been trying to train Afghan students assigned by the mujaheddin in the Panjshir to become medics. Some good medics have been trained in the hospital's three-month courses, the doctors said, including a few who can perform amputations.

"It's essential to train medics," Mathey said, "but many of the students don't want to learn. They don't study, but they think they can become doctors in three months."

This lack of discipline for noncombat aspects of the resistance movement is reflected in other mujaheddin shortcomings, especially outside the Panjshir. There appears to be little enthusiasm generally among the mujaheddin for doing much besides fighting, such as providing medical and welfare services, help in reconstruction and education.

According to Mathey, some of the students come to the hospital to gain social status.

"As soon as they set foot in the hospital, they're called 'doctor,' " he said. "Then they want to examine patients and prescribe medicines," often apparently for profit, he added. "When we don't give them any, they steal."

He said it was sometimes "very dangerous" when Afghans with little training passed themselves off as doctors. "We've seen operations that were catastrophic and people poisoned by medicines," Mathey said.

Another Afghan turned up at the hospital, announced he was a surgeon and offered his services, the doctors said. He fled when asked to perform an amputation. It turned out he had taken a brief course at a Red Cross hospital in Pakistan.

There are "no real Afghan doctors" in the Panjshir, but three pharmacies that "sell lots of vitamins," Mathey said, especially to newlyweds. Another popular item is Valium which the Afghans here pronounce "william," he said.

For both Mathey and Beaussier, the major reason for coming to Afghanistan was to gain experience.

"It's very interesting," said Mathey. "We see a lot of people who are really sick. The work is extremely varied. We don't get bored. We have a lot of work."

Said Beaussier, "I wanted to see what it was like to work abroad. But it's also for a taste of adventure. We do a different sort of medical practice here, and we live through a historical period."

Mathey and Beaussier were sponsored by Aide Medicale Internationale, which pays their air fare and expenses in Pakistan, but no salary. The group also supplies medical equipment and drugs, which are given out free here. The Jamiat-i-Islami resistance group, which controls the Panjshir Valley, takes care of the doctors in Afghanistan, essentially providing room and board.

Both doctors claim to have no particular political position.

"We wouldn't go to Kabul, but we would go to South America," Beaussier said. Mathey added, "if there was a place in Chad, we'd go to Chad. If there was a place in Nicaragua, we'd go to Nicaragua."

Of the three main French medical aid organizations, the one considered most politically oriented is medecins du Monde. Like Aide Medicale Internationale, it is more or less an offshoot of the biggest organization, Medecins Sans Frontieres, meaning "Doctors without Borders."

The aid groups send doctors to embattled areas in Africa, Asia, Latin America and the Middle East. In some of those areas, the politics of the people being assisted are quite different from the mujaheddin. One example is Kurdistan, where rebels fighting Iranian forces are seeking aid from the Soviets.

According to the Pakistan-based coordinator, "There are people motivated by anti-

communism, but that's not the basic motivation."

He ascribed the French doctors' voluntarism to disappointment with militant movements and the idealism of the 1960s and early 1970s.

"A social phenomenon has occurred in France," he said. "People want to do something more concrete."

But besides enthusiastic young doctors, he said, the aid groups also get middleaged applicants for Afghanistan who are motivated by adventure, humanitarianism and even a desire to avoid taxes.

Doctors as old as 50 have made trips into Afghanistan, and one 63-year-old has been working at a refugee camp in Quetta, Pakistan.

Even if they were interested, Americans would not be accepted for the programs in Afghanistan because of the Soviet and Kabul governments' propaganda that U.S. and Chinese agents are behind the Afghan guerrilla war, the aid coordinator said.

Other Europeans are welcome, he said, but not many have taken the risk and the applicants continue to be mainly French. He believes something in the "French temperament" may help to explain this. Irregular, often unsanitary, conditions don't bother the French doctors as much, he said, and the idea of crossing a border illegally—which everyone who enters Afghanistan with the mujaheddin technically does—is dismissed with a Gallic shrug.

"A Swiss or a German might find it hard to accept these things," he said.

[From the Washington Post, Oct. 21, 1983]

Moscow's Troops Show No Zeal for Guerrilla War

(By William Branigin)

DASHT-E RIVAT, AFGHANISTAN.—Baishem, the son of a peasant family in the Soviet Central Asian republic of Turkmenistan, knew little about Afghanistan when he was drafted into the Soviet Army three years ago. But enough information had filtered across the border to make him doubt Moscow's version of what was going on there.

"On TV nearly every night they showed American tanks and planes in Afghanistan," he said. "They tried to show that the Americans and Chinese were fighting us there. But we knew it was the people in Afghanistan who were fighting the Soviets."

After three months' training as an infantryman assigned to carry a rocket-propelled grenade launcher, Baishem said, he was sent south across the border to join the fight himself.

"My superiors didn't tell me where I was going," he said. "They just sent me to Afghanistan."

Three months later, he was picking fruit in an orchard near his base at Jabal os Saraj when he was suddenly surrounded by armed mujaheddin, the Islamic guerrillas battling the Soviet occupation of Afghanistan. He surrendered and indicated to his captors that he wanted to defect because he was born a Moslem.

"They welcomed me and brought me to the Panjshir" Valley, Baishem said. "They showed me how to pray and observe Moslem laws. I've been here 2½ years now and I don't want to go back."

"If I go back, [the Soviet authorities] will kill me," he added.

Now Baishem is called Abdullah and speaks the local language fairly fluently. He again wears a Soviet uniform and carries a Soviet-made Kalashinkov assault rifle, but now it is in the service of the mujaheddin of the Panjshir Valley at this guerrilla base about 90 miles north of Kabul.

"Here life is much better than in my home village," he said. "I am free here, but there I and my family were not free."

"I am happy I am fighting against the Soviets," Baishem added, "because I am a Moslem and I am fighting against non-Moslems."

At an isolated farmhouse in a side valley south of here, four other Soviets do not share Baishem's freedom.

They were captured in January in different places outside the Panjshir and brought here as prisoners of war. They wear green Afghan clothes with jackets and rubber sandals. All are blond, fresh-faced and young—two are 19 and two are 20 years old. They appear bewildered, and at times frightened.

Like Baishem, the four prisoners seemed to have little idea what they were fighting for in Afghanistan. Together, they symbolize a major failure of the Soviet war effort here.

In the nearly four years since Moscow invaded Afghanistan and installed an obedient client government with veteran communist Babrak Karmal as president, Soviet troops have often proved to be ineffective in combat, with low morale and no clear concept of whom they are supposed to be fighting or why.

For the most part poorly trained, badly motivated and unprepared for guerrilla warfare in rugged, mountainous terrain, the Soviet Army has failed to make any significant headway against the mujaheddin in nearly four years of fighting. Instead, it has become bogged down in an open-ended stalemate against bands of disorganized, lightly armed Islamic warriors whose main weapons are courage and fierce dedication to their cause.

"The Soviets are losing men and equipment and they're not looking good," said a western diplomat based in Pakistan. "They're fighting a bunch of ragheads and not having an easy time of it."

According to U.S. estimates, the Soviets have about 105,000 soldiers in Afghanistan, 50-60 percent of them combat troops. Most are clustered in cities and towns along the main roads, largely in the east where occasional large drives are mounted against resistance infiltration routes.

In addition, western diplomats in Islamabad said, the Soviet can call on about 30,000 troops plus aircraft in the southern Soviet Union for cross-border operations into northern Afghanistan.

There is no reliable figure for the Afghan resistance guerrillas battling the Soviet occupation. Estimates of the number of armed mujaheddin vary from 20,000 to more than 100,000.

Likewise, the number of Afghans killed in the war cannot be reliably ascertained. Afghan guerrillas give figures in the hundreds of thousands. U.S. sources in Washington estimate that up to 150,000 civilians and mujaheddin have been killed and wounded since the Soviet invasion.

Estimates of the number of Soviet casualties also vary considerably. Western diplomats guess that between 8,000 and 15,000 Soviets have been killed and wounded in Afghanistan since the December 1979 invasion. An Afghan brigadier general who defected in April put the figure at 19,000. And the mujaheddin usually give an estimate of 25,000 to 30,000.

U.S. sources put Soviet dead at 5,000 to 6,000, with an additional 12,000 to 15,000 wounded. But some analysts believe as many as 12,000 Soviets may have been killed in the Afghan war.

Regardless of the true casualty figure, western and Pakistani analysts believe the Soviets are so tied up in Afghanistan that fears of their using it as a base for a move, against the Persian Gulf have been discredited, at least for now.

"How should you regard a base which is insecure, harassed and under siege?" asked a senior Pakistani official. "With the situation prevailing in Afghanistan, it would not be very advantageous to have it as a base."

An exception is the Wakhan corridor and Pamir region—the sparsely populated northeastern panhandle that stretches to the Chinese border—which the Soviets have virtually annexed, according to diplomats and correspondents who have recently visited the area.

As far as explaining their presence to their own troops is concerned, "The Soviet rationale for being in Afghanistan is extremely weak," a western diplomat in Pakistan said. "It's very difficult to explain to Soviet soldiers that they're there as liberators. The Russian soldiers are totally baffled. They're told they're going to be fighting Americans, Chinese and Pakistanis, and they find it's the local population they're fighting."

As a result, he said, the Soviet Army has virtually "opted out" of trying to explain and justify its role in Afghanistan. "There's no 'hearts and minds' campaign, no effort to win over the civilian population," the diplomat said. He cited widespread looting by Soviet troops, and cases in which soldiers opened fire on peasants in their fields because Soviet troops had been ambushed.

"If you can't explain to your soldiers what they're doing and why, it's a big problem," he said.

Moreover, the mujaheddin, initially awed by the invasion of a vaunted superpower army, have since acquired a certain disdain for the fighting ability of their foes. This appears to have bolstered morale and self-confidence among resistance forces in different parts of Afghanistan.

According to Panjshir guerrilla commander Ahmed Shah Massoud, whose forces have repelled six attempts by Soviet and Afghan troops to occupy the valley, Soviet troops lack the ability and experience to fight effectively in Afghanistan.

"Soviet soldiers are not trained very efficiently for mountainous countries," he said. They often went into combat laden with equipment and moving very slowly, he added. "This is why we could kill them very easily."

In addition, he said, "they're not thinking of sacrificing themselves in Afghanistan. They want to go back to their families."

Massoud said he was more impressed by Soviet paratroops, elite units that were taken into combat in the Panjshir last year by helicopter. "They had the courage to face us and the ability to climb mountains quickly."

"They were well trained, but their weakness was that they had not seen war," Massoud said. "As soon as they came down and took losses, they evacuated."

Massoud's highest praise was for his enemies' weaponry. In last year's offensive in the Panjshir, he said, he was impressed by the new Sukhoi-25 ground-attack aircraft. He said the plane carried many bombs and rockets, flew for long periods and could dive steeply and turn sharply in the Panjshir's narrow valleys. "This power of the SU25 is fantastic," he said.

He also praised the effectiveness of the MI24 helicopter gunship, armed with a 12.7mm heavy machine gun, a twin-barreled-23mm cannon, four antitank missiles and 128 57mm rockets. Along with the heavily armed MI8 troop-carrying helicopter, it is widely feared by the mujaheddin.

However, Soviet planes and helicopters seem to fly higher in Afghanistan than they used to, apparently because of the guerrillas' acquisition of SA7 surface-to-air missiles in some areas. Their numbers appear to be extremely limited, but reports of their existence in mujaheddin arsenals may have had a deterrent effect.

While the Soviets rely heavily on planes and helicopters, they have evidently refrained from using their heavier bombers.

Resistance leaders agreed with U.S. assertions that the Soviets have resorted to illegal chemical warfare in Afghanistan. During my visit to the Panjshir Valley I was shown a captured Soviet gas mask, but I came across no evidence of outlawed chemical weapons.

Guerrilla commanders elsewhere shared Massoud's assessment of the Soviet troops' combat abilities. Some said their foes' effectiveness was impaired by widespread use of drugs and alcohol.

One independent local guerrilla leader in Nangarhar, province in eastern Afghanistan said he once bought a pistol from a Soviet soldier for a few hashish cigarettes.

"They don't know how to fight," he said. "They use alcohol all the time, and if someone gives them a little hashish, they'll give him a Kalashnikov."

Faced with the shortcomings of their ground forces, the Soviets have been devoting greater effort to a political war against the mujaheddin, according to Afghan resistance leaders and western diplomats. More energy has been put into subverting the resistance by infiltrating informers, setting groups against each other and buying off Afghan tribes, they said. But results seem to have been mixed.

The Soviets reportedly have had some success buying the cooperation of tribes in eastern Afghanistan, sometimes arming them to prevent the mujahaddin from passing through their territory. But once paid and armed, the tribes often defect again to the guerrillas, according to Afghan and western sources.

Efforts to create an Afghan secret police and intelligence service also appear to have met mixed results, and attempts to shore up the Kabul government and Army have proved a dismal failure, according to mujaheddin and western sources.

The product of Soviets efforts to form an intelligence apparatus in Afghanistan has been the Khedemate Ejtemai Dowlat, or State Security Service, known as Khad. It now seems to be taken seriously by the mujaheddin, who appear to be more attuned to the dangers of infiltration by Khad agents than previously reported.

"The enemy is spending so much time in underground activities," said Mohammed Es-haq, a political adviser to Massoud. "Because they can't defeat us militarily, they're using secret tactics, long-term tactics to make us tired of fighting." He expressed concern that these efforts might achieve some success unless the mujaheddin unite and escalate their struggle.

"We should not wait for agents to work against us," he said. "We should attack to create confusion among them."

However, according to knowledgeable Afghan sources, Khad seems to have its own problems, not the least of which is an underground war with a separate secret police run by a rival wing of the ruling communist party.

When the People's Democratic Party of Afghanistan seized power in a coup in 1978, it established a secret police called Aksa. It soon came to be dominated by the Khalq, or Masses, wing of the party, which eliminated the rival Parcham, or Banner, wing from the ruling coalition.

After the Soviet invasion, troops killed Afghan president Hafizullah Amin, a member of Khalq, and installed Parcham leader Babrak Karmal in his place. Aksa was thoroughly purged and renamed Khad, the Afghan sources said. A Parcham loyalist, known as Dr. Najib, was put in charge of it. But some Khalq leaders remained in the government in accordance with the Soviets' insistence on uniting the party, and they formed their own parallel secret police to ensure their protection, the sources said.

Called Tsarandoi, or the guardians, the second secret police force comes under the Interior Ministry, which is headed by Khalq leader Mohammed Gulabzoi, and open and bitter rival of Babrak Karmal.

According to Sayd Majrooh, a former university professor and Khalq sympathizer who now publishes an information bulletin in Peshawar, Pakistan, supporting the Afghan resistance, most of the terrorism reported in Kabul is the result of warfare between the rival secret police forces.

"They arrest and torture each other mutually," he said. "The Khalq and Parcham factions are irreconcilable. This conflict makes them ineffective."

According to a senior Khad official who recently defected to the resistance, the organization has become essentially a new section of the Soviet KGB secret police. The defector has been quoted as saying KGB officers were heavily involved in setting up Khad and training its agents, establishing a secret police along the lines of the KGB itself.

"Khad has its own police, prisons and torture chambers," Majrooh said. "It's a state within a state."

The infighting has combined with overwhelming popular support for the resistance to make the Babrak Karmal government's hold on power precarious. The Afghan Army has dwindled from about 80,000 troops to about 30,000 since the invasion, according to diplomats in Pakistan, and no amount of dragooning conscripts seems able to shore it up. Draftees desert in droves.

"The Army is becoming like a room with two doors," said one resistance leader. "You go in through one and leave through the other."

"The reality is that if the Russians withdraw, about 10 minutes later Babrak Karmal will be gone," a western diplomat said. "Babrak Karmal cannot stay in power without Soviet troops there."

Western analysts believe the Soviets had been counting on the Afghan Army to bear the brunt of the fighting against the mujaheddin. But the unreliability of the Army has forced the Soviet occupation troops to take on an increasing share of the ground fighting, the analysts said. At the same time, an apparent reluctance to increase troop strength and risk greater casualties has led to a heavy dependence on air power.

The indiscriminate nature of much of this bombing has intensified hostility toward the Soviets, Afghan and western sources said. Among the bombs commonly dropped by Soviet aircraft, they said, are mines disguised as snuffboxes, cigarette lighters and even toys.

Among the patients at a French-run hospital that I visited in the Panjshir Valley was a man who had picked up a booby-trapped snuffbox and lost two fingers. French doctors reported that a number of children had also been injured by picking up booby-trapped toys.

So far, there has been no reason to believe that the widespread anti-Soviet feeling in Afghanistan can be reversed, a factor that is sometimes discounted in the conventional wisdom of western diplomats that time is on the Soviets' side.

One European diplomat who subscribes to this view cited reports that the Soviets were working on a plan to create autonomous regions in Afghanistan, particularly in the north. He said he thought such a plan could help defuse the resistance.

"The Soviets have no intention of leaving the country," he added, "Why should they? They can tolerate this for decades. Public opinion is not a problem, and international interest in Afghanistan is already fading."

Another western diplomat did not disagree. But he added:

"If the Soviets are prepared to stay in Afghanistan for 20 years, they may have to face the fact they're going to have to do this kind of fighting for 20 years."

[From the Washington Post, Oct. 22, 1983]

FEUDING GUERRILLA GROUPS RELY ON UNEASY PAKISTAN

(By William Branigin)

PESHAWAR, PAKISTAN.—For the long-haired leader of a small Afghan guerrilla band across the border, the trip to this capital of Pakistan's North West Frontier Province was obligatory.

"I don't like any of the Afghan leaders in Peshawar," said the 28-year-old, who goes by the name of Commander Azrad. "We are not fighting for them. We are fighting for Islam and Afghanistan."

He was speaking of the nominal chiefs of the various Afghan resistance organizations battling the Soviet occupation of their country. They are divided into two main "alliances": a so-called Moslem fundamentalist grouping of seven parties and a three-member union of Islamic "moderates." Like many Afghans, Azrad said he was fed up with the constant feuding within and between the alliances and their failure to unify the resistance.

Yet he was saying all this in Peshawar, where he had come to deliver a wounded comrade to the local Red Cross hospital, and to seek more weapons for his guerrillas across the border.

His visit helps to illustrate the role of this frontier town, and of Pakistan generally, in the struggle of the Afghan resistance.

While the Afghan guerrilla groups fighting inside the country appear to be growing increasingly independent of the parties in exile here, they still need the funds and supplies that the alliances can provide, as well as the safe havens and services found in Pakistan.

The reliance remains a major potential weak point for the resistance, and guerrilla leaders are starting to express fears about the current wave of oppposition unrest in Pakistan.

Their concern is that if the opposition succeeds in toppling the martial law government of Gen. Mohammed Zia ul-Haq, the Pakistani president, a new government in Is-

lamabad might take a more restrictive line toward the more than 2 million Afghan refugees in Pakistan, the movement of men and arms across the border and the activities of the resistance groups in Peshawar.

Currently these groups have a fairly free hand here, free enough in fact to persist in the internecine feuding that has alienated so many people in Afghanistan.

The two alliances, which share the name of Islamic Unity of Afghan Mujaheddin, are essentially split as their "fundamentalist" and "moderate" labels imply. Other divisions are more complicated.

The latest split occurred over the moderates' approach to exiled Afghan King Zahir Shah to act as a unifying figure for the resistance. The fundamentalists rejected it, and the idea seemed doomed anyway by at best lukewarm popular support and the apparent lack of enthusiasm of the king himself.

Earlier, the moderates had accused one of the main fundamentalist leaders, Gulbuddin Hekmatyar of the Hezb-i-Islami group, of giving higher priority to fighting other resistance forces than waging war against the Russians. Gulbuddin denied this. But the charge was taken up by other elements of his own alliance, notably from the Jamiat-i-Islami group.

Guerrillas of the two parties have been battling each other bitterly in parts of Afghanistan for some time.

Some Jamiat officials also have accused Gulbuddin of getting too close to Iran's Ayatollah Ruhollah Khomeini and echoing his anti-American line. In seeking American support, Jamiat officials have stressed that they reject the models of Iran and Libya. One Jamiat official said he repeatedly tells Americans, "Don't think we will have something like Khomeini or [Libyan leader Col. Muammar] Qaddafi."

Besides the Hezb-Jamiat feud, now there is also talk of a split within the Younis Khalis faction of Hezb-i-Islami, which broke away from Gulbuddin's party during the 1970s. Younis Khalis himself reportedly wants to quit the fundamentalist alliance, while other members want to remain in it.

The chief reason for maintaining the alliance at all is to satisfy the demands of financial contributors to the Afghan cause—notably the Arab countries of the Persian Gulf—for a united resistance.

Pakistan has also put pressure on the groups to band together to facilitate the distribution of aid.

So far Islamabad has stood firmly with the United States and the gulf countries in opposing the Soviet invasion of Afghanistan. But some analysts wonder if other pressures might eventually come into play.

Afghan leaders and western diplomats have little doubt that the role of Pakistan figures significantly in the Soviet strategy of gradually wearing down the resistance militarily over time, while working against it politically.

Already the Pakistani government appears to be treading cautiously. The beneficiary of a $3.2 billion U.S. arms and aid package, Pakistan has been supporting the Afghan resistance, but not enough to allow it to escalate the war against the Soviets substantially. According to western diplomats, the Pakistanis fear that such an escalation could lead to Soviet military reprisals, and perhaps an active effort to stir domestic unrest.

"There is a connection between the level of fighting in Afghanistan and Pakistani fears of retaliation," one diplomat said. Foreign arms deliveries destined to the resistance must pass through Pakistani authorities, analysts said, and this provides a means of keeping a lid on the quantity and quality of the weapons moving across the porous border into Afghanistan.

Some of the weapons are apparently diverted. Pakistani soldiers can sometimes be seen carrying new Chinese-made models of the Soviet Kalashnikov automatic rifle, weapons that Peking has been secretly supplying to the resistance.

Another reason for Pakistani wariness, according to diplomats, is the fear that some of the weapons may wind up in the hands of domestic opposition groups.

Most of the weaponry in the hands of the Moslem guerrillas known as mujaheddin were captured from the Soviets or donated by defecting Afghan soldiers. But the mujaheddin still evidently depend to a certain extent on foreign suppliers or the international arms market, especially for ammunition and antitank weapons such as mines and rocket-propelled grenade launchers.

Some of the weapons change hands here in Peshawar, which has attracted a number of arms merchants. Some are more successful than others.

According to observers here, one elderly Frenchman offered the Afghans an array of weapons suitable for guerrilla warfare such as fairly sophisticated phosphorus grenades and small, silent mortars. But sales were disappointing, either because the Afghans did not have enough money or failed to appreciate the value of his wares.

So far, there has been no evidence of any direct U.S. arms deliveries, but Washington is believed to be helping in more discreet ways such as providing financing and logistics for some foreign arms purchases.

Among the western weaponry that has shown up, according to observers here, have been Canadian models of the Lee Enfield .303 rifle and British .303 ammunition dating from World War II. Many of the second-hand weapons used by the Afghans are said to come through the Arab gulf countries, particularly the United Arab Emirates.

Iran reportedly has supplied the Afghans with some American weapons acquired before its 1979 revolution, as well as its own models of the G3 assault rifle.

According to Afghan sources, the beneficiaries of the limitd Iranian contributions have been mainly the minority Shiite Moslem groups that share the Iranians' faith.

Among the stranger visitors to Peshawar have been a number of British mercenaries hired to carry out what they called "extraction operations" in Afghanistan in 1981, long-time observers here said. The aim, they said, was to bring out specific items of Soviet military hardware notably armor and avionics gear from the MI24 "Hind" helicopter gunship.

It was never established whether these mercenaries, some of whom talked to journalists in Pakistan at the time, were working for a western intelligence agency or a private concern that planned to sell its information.

In any case, the Pakistani authorities eventually caught up with the mercenaries and, in what observers considered a symbolic display of indignation, expelled several of them. However, the Afghan government earlier this month said that a British "spy" had been killed in Afghanistan in July while on an intelligence mission with Afghan guerrillas.

In actions that diplomats speculated could have been meant as warnings to Pakistan, the Soviets and their Afghan government allies launched a series of cross-border air strikes in 1981 and again in September and October of this year.

So far, however, the diplomats said, the Soviets have shown no ability to stir political unrest or separatist agitation in Pakistan—a far more threatening prospect.

However, "the bottom line is not whether the Russians can stir up trouble in Pakistan, but whether the Pakistanis think they can," said one western diplomat. "That will affect Pakistani decisionmaking."

Another potential source of trouble—the Afghan refugees—has been kept under control. The refugees have not become the political and social danger that Pakistani authorities once feared, but have integrated remarkably well into territories along the border, diplomats and Pakistani officials said.

The Islamabad government puts the number of Afghan refugees in Pakistan at 2.8 million. The office of the U.N. High Commissioner for Refugees uses a "working figure" of 2.2 million, which adjusts for refugees who register more than once or exaggerate the size of their families to receive extra rations. Even so, it is the largest refugee case load in any country in the world. Another 1 million to 1.5 million Afghans have sought refuge in Iran, officials said.

While no major political or social repercussions have yet resulted from the refugee influx, Pakistan authorities are concerned about the drain they cause on the economy, the environmental impact of their settlements and the prospect that the longer the refugees stay, the more they will compete for scarce jobs and resources.

The Pakistani government is clearly eager to get rid of the refugees, and their repatriation has been one of the subjects of indirect U.N.-sponsored negotiations in Geneva with representatives of the Kabul government.

The talks are aimed at finding a political solution in Afghanistan involving the withdrawal of Soviet forces. But the negotiations lack the participation of the two main warring parties: the Soviets and the mujaheddin. The resistance has rejected the negotiations.

"There is every motive for us to get the refugees to go home," said Pakistani Foreign Minister Sahabzada Yaqub Khan. But he denied there was any question of striking a deal to achieve that aim without the withdrawal of Soviet troops from Afghanistan.

In an interview, Yaqub Khan also rejected criticism from the Afghan mujaheddin that the talks would legitimize the Soviet-installed Afghan government of Babrak Karmal.

"What should matter to them is whether their country is liberated from the presence of Soviet troops," he said.

In the negotiations, Yaqub Khan has also dismissed Soviet charges that Pakistan is allowing armed Afghan insurgents to come and go across the border at will. He said, "We told the Soviets, 'If you can prevent the Afghans from infiltrating, go ahead. We can't.'" In any case, western diplomats said, optimistic statements by U.N. officials about progress in the talks have not been borne out, and the negotiations appear to be stalled. Thus, neither a political nor a military solution is yet in sight.

Although they disagree with the idea of holding the talks, mujaheddin leaders generally express confidence that the Zia gov-

ernment will not agree to any accommodation that would in effect sell out the resistance.

But there are fears that such a prospect could result if Zia's opposition has its way. Elements of the Pakistan People's Party of the late prime minister Zulfiqar Ali Bhutto—deposed by Zia in 1977 and later executed—have called for normal relations with Kabul.

According to a western diplomat, a leading opposition figure, Gulam Mustafa Jatoi, once said he hoped the Afghan refugees would return to their country voluntarily. But if they did not, the diplomat quoted him as saying, the Pakistanis would have to use force and throw them out.

Also alarming, as far as the mujaheddin are concerned, are the connections to Kabul of Al Zulfiqar, an anti-Zia guerrilla group led by sons of Bhutto. A well-informed western diplomat said the group runs a training camp outside Kabul with 60 to 70 guerrillas and was blamed for two recent bomb attacks in Lahore.

While the influx of Afghan refugees has dropped sharply from the levels of 1980 and 1981—fewer than 10,000 a month now compared to a peak of nearly 100,000 a month—the refugee population in Pakistan is certainly large enough to discourage any moves against it.

Some mujaheddin leaders have hinted that the refugee population, also quite well armed, might take action in Pakistan if it felt threatened by a new government in Islamabad.

In the meantime, the Pakistani unrest underscores the need of the mujaheddin for unity and self-sufficiency.

It the mujaheddin are ever to realize their goal of forcing the Soviets out of Afghanistan, analysts say, they will need more than better arms and training, more than their common faith. They will need to develop a genuinely unified resistance, and with it the political, social and economic infrastructure to administer areas under their control and support their war effort.

Above all, the analysts say, they will need to make the war in Afghanistan even costlier and more difficult for the Soviets than it is now.

Mr. BYRD. Mr. President, I also ask unanimous consent to include in the RECORD a column from today's New York Times written by Jere Van Dyk entitled "Afghans' Fight Is Also America's Fight."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AFGHANS' FIGHT IS ALSO AMERICA'S FIGHT

(By Jere Van Dyk)

War in Afghanistan. Almost four years of it. We don't think about it. There is little news. There is war and death enough in Lebanon, in Grenada, in Central America, in Chad. But in all its terror it is there, in Afghanistan, too, as surely as you hold this newspaper.

Every day, death comes from a helicopter, from a bullet across a plain, from behind an adobe wall. The Kremlin wants us to forget, as we forgot Hungary after 1956, Czechoslovakia after 1968, as it knows we will forget Korean Air Lines flight 7. We do forget. Man generally does.

In America, we have forgotten that the Afghans, fighting for themselves, fight for us, too. The outcry over Afghanistan seems to have been ceded to the right. The anguish over Afghanistan should also come from the left, from everyone. It is that way in Europe. Take France. In January 1983, Philippe Augoyard, a young French doctor, was working in a mountain hospital when helicopters came. He was captured. Prominent people on the French left—Eugene Ionesco, Yves Montand, Gilbert Mitterrand—signed their names to full-page appeals for Mr. Augoyard in Le Monde. And Regis Debray, who was with Ernesto "Che" Guevera, and is now President François Mitterrand's adviser for foreign affairs, supports the Afghan resistance.

There are more than 100,000 Red Army troops in Afghanistan. They suffer from boredom, dysentery, hepatitis, and there are those here who say that Afghanistan is Russia's Vietnam. It is not. There is neither a free press nor free dissent in the Soviet Union to put pressure on the regime. Afghanistan's natural gas is pumped directly into the Soviet Union; in effect, the Afghans are paying for the privilege of being invaded. In Vietnam, the North Vietnamese had surface-to-air missiles and antiaircraft guns with which to even the odds. The Afghans do not have these weapons. One-on-one the Afghans are tough, but they constitute 19th century guerrilla bands fighting a modern mechanized army.

Ronald Reagan is our most anti-Communist of Presidents. Secretary of State George P. Shultz was at the Khyber Pass, in Pakistan, in July and said, before a crowd of Afghans, "Fellow fighters for freedom, we are with you." I have seen what America provides: rifles and sleeping bags. If our Government was true to its rhetoric, it would send weapons to destroy helicopters and tanks, mine detectors, radios for communication. It is an awful thing to suggest giving weapons to people, knowing that they will cause more suffering. And won't the Russians retaliate in kind? It is not for us to ask. They have chosen this fight. And the Afghans plead for the weapons—anything, please, to kill the helicopters.

Do the Russians want out? They seem to be building too many airbases for that. Will the Geneva talks, conducted by the United Nations Under Secretary Diego Cordovez, produce a settlement? Two seeming proxies—Afghanistan, for the Soviet Union, and Pakistan, for the United States—sit in separate rooms and negotiate. Mr. Cordovez consults with India, Iran, the United States, the Soviet Union. It seems a charade.

The deposed King, Mohammad Zahir Shah, for 10 years a resident of Rome, has come forward to say that the resistance must unite and that if the Russians are serious they must allow the Afghan fighters to sit at the table. Most Afghans I met inside Afghanistan would support him—the sole unifying source. Yet the main resistance groups, in Peshawar, Pakistan, are divided.

The war in Afghanistan is bigger than Afghanistan. In the end, we lose unless we help. Why doesn't America help? Afghanistan is far away. To us, the Afghans are Moslem fanatics. The Ayatollah Ruhollah Khomeini is a Moslem. "Death to America, the great Satan," he shouted. But most Afghans are not fanatics. Most hate him. They see America as their only hope.

I asked a proud and elegant chief, once a diplomat, how the West could support a people who treat women, it seems, like work animals. "My wife runs my house. She was not afraid to walk down the streets of Kabul or Kandahar at night. I have lived in New York. What about the fear of women at night, your rapes, your crime? Afghanistan is 2,000 years old, America 200. You used to be our friends? Why don't you help us? We're not afraid. Are you?"

Neighboring Pakistan, a collection of warring tribes, is itself divided, but it could do much to help strengthen the resistance. It is not without incentives to do so: Military forces have violated its borders many times this year. The United States, which supplies Pakistan with military aid, should put pressure on Pakistan to get the resistance to unite and bring it to Geneva. If the Russians are serious about peace, they must negotiate with their true opponents. The United States should stand with the Afghans, or stop its anti-Communist rhetoric.

PASSAIC COUNTY COMMUNITY COLLEGE RETRAINS THE UNEMPLOYED

Mr. BRADLEY. Mr. President, over 10 million people are unemployed today. For these individuals and their families, this stark fact represents a fear of the future and a struggle for survival. For the businesses that depend upon the public's purchasing power, this figure represents the threat of bankruptcy. And for State and local governments and the social security trust fund, each percentage increase in unemployment adds approximately $40 billion to the Federal deficit and strains the Government's ability to deliver important services.

Moreover, if current projections are accurate, by the year 2000 we will be manufacturing the same amount of goods but will be doing so with 15 million fewer workers. This means that we must retrain those valuable workers to work in tomorrow's jobs. One such retraining program has been developed by Passaic Community College in my State of New Jersey. Their efforts were described recently in a New York Times article which I would like to submit to the RECORD. This program provides valuable training and hope for the unemployed, at no cost to the student and at little cost to the college.

I recently visited the program and talked with those who have participated in their first session. I am extremely impressed with Passaic County Community College's efforts. We can all profit from their experience.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 28, 1983]

FREE COURSES OFFER JOBLESS A SECOND CHANCE

(By William E. Geist)

PATERSON, N.J.—On a hot summer's day, children in this city performed airborne somersaults on a mattress in a rubblestrewn lot and frolicked in the spray from a fire hydrant. Able-bodied men grouped on street corners, drinking from things concealed in brown paper bags and fanning themselves with the sports pages of newspapers. A man on the radio talked of the "discomfort index." The temperature edged above 90 de-

grees and the unemployment rate neared 15 percent.

A few blocks away, at Passaic County Community College, a number of the unemployed sought relief from all this, availing themselves of a new program that is offering free classes for the jobless, a program that is gaining interest from educators around the state and across the nation.

Richard Midgley, 42 years old, sat in an air-conditioned classroom struggling to communicate with an unforgiving ACE 1000 microcomputer that does not speak English and seemed rather to enjoy flashing "Reenter" and "Error" on the screen. Mr. Midgley was learning the language of the computer—called Basic—so that he can find a new job, a new career.

"The world has changed," he said, and he finds himself unemployed, his 24 years in industry seemingly counting for nothing in the job market. He worked most of that time at a local plant that manufactured heat resistant heavy equipment and, like so many other industries, moved from the Northeast. His latest job was with a manufacturer of industrial transmissions, but he was laid off last year when sales fell 40 percent.

"When I graduated from high school," he said, "college didn't seem important. You went to work, worked your way up and made a good living."

Mr. Midgley said that he and his wife were "struggling along" on unemployment compensation and their savings account and that he could not have afforded the $250 necessary to take the two data-processing courses in which he is now enrolled. He is optimistic, and school officials say that he has reason to be. His instructor, John Scalice, who has 23 years of experience in data processing, said Mr. Midgley could probably gain an entry-level job in the field after these two summer courses.

"We cannot keep our data-processing students long enough to complete their two-year degrees," said Gustavo Mellander, president of the college, of the program that began two weeks ago. "Demand for them is enormous."

"We have already received calls from several colleges around the country," he continued. "I believe all colleges—both two-year and four-year—should do this. We have a social obligation. This is a very, very inexpensive way to help people who need help.

Mr. Mellander says that by placing the unemployed students in spaces available in existing classes, it costs the college "$5 per student to set up a file." Accountants for the college say it is costing the school an estimated $6,000 to $8,000 in tuition and fees that the unemployed students would be paying. but Mr. Mellander responded, "None of them would be here if they had to pay." Moreover, he said, most of the students find that they are eligible for financial aid for education, and many may enroll here full time.

School officials reported "a flood" of telephone calls from interested people in late March when the college's board approved the program. Thirty-eight unemployed people enrolled for the current summer session, and 100 to 150 are expected for the fall term.

"So many of them," Mr. Mellander said, "expressed fears that they just were not good enough to go to college, not college material, or that they were too old."

"Most," he explained, "are from families where college was not even discussed. Working in production industries, such as the manufacture of dyes and chemicals and textiles, was a way of life. Most of those companies are gone now. Our programs are geared to mature people who have been laid off and need new skills."

He said that most of the unemployed students were taking data processing, but that many were also taking business administration and secretarial skills.

"Some are taking psychology and history, however," he said. "I doubt that many will complete two-year programs. A lot of them are under tremendous pressure to get back to work."

Mr. Mellander called the unemployed students "highly motivated."

"They are victims," he said. "They lost their jobs through no fault of their own. The world changed."

Although many of the students interviewed had been the victims of layoffs at factories, others taking advantage of the program included Marilyn Potter, a schoolteacher who could not find a job after staying home for a few years with her young children; Carl Scheiner, an epileptic who lost his job as a security officer because he could not obtain a driver's license; Cora Harris, a social worker with a master's degree who wants to change fields, and Vincent Lewis, who was trained as a helicopter mechanic in the Army and cannot find a job.

Under Mr. Mellander, the community college began a program in 1976 waiving tuition for people over 60 years old. He has plans to begin a program of free classes for divorced women so they can learn new skills.

Mr. Lewis, who is married and has three children, had dropped a computer course at the college because he could not afford it. "This is a second chance for me," he said.

AIRLINE DEREGULATION IS NOT TO BLAME

Mr. KENNEDY. Mr. President, the financial difficulties confronting several of the Nation's major airlines and the hardships imposed on significant numbers of airline employees have led some officials in the industry to call for re-regulation of the airlines. Although this reaction is understandable, it is plainly the wrong prescription for the country, the traveling public and the industry's future health.

Despite a prolonged period of uncertainty for firms, employees, and in some cases, the traveling public, there is no doubt that competition was the proper medicine for the airline industry. Recall what Federal regulation of the airlines actually produced: Absurdly high prices, incredible inefficiency, arbitrary cutbacks in scheduled service to major cities, fleets of empty airplanes, employee layoffs and a de facto prohibition on the entry of new firms.

Witness after witness at our congressional hearings in the 1970's demonstrated that these high costs, poor service, and other negative consequences flowed from a single cause—the futile attempt by the Civil Aeronautics Board to impose economic regulation on an industry that is inherently healthy and competitive. Business travelers were happy to find an empty seat on which to rest a briefcase, but not after realizing that they were paying full fare for the briefcase too. The economic case for airline deregulation was irresistible; it swept through Congress in 1978 with broad bipartisan support and became the precedent for deregulation of trucking, intercity buses, railroads, banking, and telecommunications.

Since 1978, of course, the Nation has been through two recessions, and the cost of jet fuel has soared from less than 40 cents to over $1.25 a gallon. These developments—not deregulation—are primarily to blame for the nosedive in industry earnings, which have plunged from a $1.3 billion profit in 1978 to a $750 million loss in 1982.

It is human nature, but inaccurate, for officials of carriers in trouble to blame deregulation for their predicament. But Congress understands that deregulation is working much as we thought it would; fares are lower, service is better, and there are far more gainers than losers.

Air fares in 1982 averaged at least 12 percent less than 1973 fares adjusted for inflation, and 21 percent lower when actual airline costs are factored in. In effect, continued regulation would have levied a $6 billion tax on airline passengers in 1982.

Critics also cite localities that have suffered a decline in service or lost it altogether in the wake of deregulation. But the examples are frequently misleading. A town may have lost half of its departing flights since 1978; but if the average flight was one-quarter full under regulation, the community has not really suffered a significant loss in service under deregulation. Local residents might have liked the idea of having a 707 all to themselves, but it was no way to run an airline.

A CAB report last May found that for 230 small nonhub communities, scheduled service increased by 6.7 percent from 1978 to 1981, and that nationwide, "the convenience of air service has improved. Many more passengers have benefited than have been harmed by the route realignments undertaken by the airlines."[1]

Nor is it clear that deregulation has contributed at all to the sharp decline in industry profits. A joint study this year by experts at Harvard and Indiana Universities concluded that the Reagan recession and the 1979-80 runup in fuel costs deserved the blame and that, if anything, deregulation had probably alleviated—rather than aggravated—the problem. These analysts found that, although "deregulation almost surely contributed some-

[1] Elizabeth E. Bailey, David R. Graham, and Daniel Kaplan, "Deregulating the Airlines: An Economic Analysis," p. 257 (May 1983).

what" to the financial problems of certain airlines, for the industry as a whole, "the pricing freedoms offered by deregulation apparently have helped rather than hurt the industry's financial performance."[2]

Free enterprise, of course, is not a guarantee of survival for every firm—or any particular firm—but neither was Government regulation; 9 of the 19 originally certified airlines, including 5 of the Nation's major carriers, left the industry in failing condition during the heyday of the CAB.

Some have charged that deregulation's gains have been achieved at the expense of airline workers and by encouraging new employers to take harsh stands against unionization. I hold no brief for the contract-breaking or union-busting tactics of Continental. If the Supreme Court does not invalidate this perversion of the bankruptcy laws, then Congress should. It is also long past time for us to fully implement the extensive employee protection measures enacted by Congress in the 1978 act.

Vigorous enforcement of the superseniority rule requiring other carriers to hire dislocated workers first would go a long way toward removing any incentive for new carriers to discriminate against union members; and if current Government rules are preventing employees of new carriers from exercising their free choice to join or not to join a union, those rules should be changed.

In the last analysis, realistic collective bargaining, not Government regulation, is the answer to the changing financial circumstances of troubled carriers. In fact, there is mounting evidence that collective bargaining is working. Employees of Eastern, Republic, and Pan American have demonstrated their willingness to shoulder a fair share of the necessary burden when they are bargained with in good faith.

The airline industry would almost certainly be in poorer shape with fewer jobs if it had CAB regulation today instead of competition. Faced with the problems of the 1980's, it is easy to forget the deteriorating position of the industry in the 1970's. As the Air Line Pilots Association told our oversight hearings in 1975:

> The nation has suffered long enough from the abuses of an antiquated system of regulation that permits a dynamic industry to die on its feet while professing to serve the public interest."[3]

[2] Jose A. Gomez-Ibanez, Clinton V. Oster, Jr., and Don H. Pickrell, "Airline Deregulation: What's Behind the Recent Losses?" (Presented at the Research Conference on Regulatory Reform in Surface Transportation held at Syracuse University, Syracuse, New York on March 16-18, 1983) pp. 13, 26.

[3] Roderic W. Gilstrap, Testimony for Air Line Pilots Association, Hearings before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary of the United States Senate (March 4, 1975).

No one denies that airlines and other industries and their workers would be better off today if the price of jet fuel had not tripled and if the American economy had not just been through the wringer of soaring interest rates, excessive unemployment, and the longest and deepest recession since the depression. But deregulation is not to blame; it is wrong to make it the scapegoat for other ills, and it would be wrong to roll it back.

THE NUCLEAR FREEZE AMENDMENT

Mr. KENNEDY. Mr. President, the Senate will soon have the opportunity to vote on the nuclear freeze and reductions resolution. Earlier this year, the House of Representatives voted overwhelmingly to adopt the nuclear freeze proposal; 11 million Americans have voted for the nuclear freeze in referendums throughout the country; and I hope that the Senate will do the same.

I am proud to join with Senator HATFIELD, as well as Senators BAUCUS, BIDEN, BINGAMAN, BRADLEY, BURDICK, CRANSTON, DODD, EAGLETON, GLENN, HART, HUDDLESTON, LEAHY, LAUTENBERG, LEVIN, MATSUNAGA, MELCHER, METZENBAUM, MITCHELL, MOYNIHAN, PELL, RIEGLE, SARBANES, STAFFORD, and TSONGAS in cosponsoring the nuclear freeze amendment to the debt-limit bill.

A mutual and verifiable nuclear weapons freeze between the United States and the Soviet Union may well offer the best chance we have to halt the nuclear arms race before it is too late. The fundamental question we ask the Senate is the fundamental question that citizens in communities across the country are asking in ever-increasing numbers: Why not start with a freeze as the best first step toward real nuclear arms control?

The freeze is premised on the essential parity that exists today between United States and Soviet nuclear forces. It is the only realistic proposal that can stop the steady Soviet nuclear buildup, and that can begin the difficult process of achieving real reductions in the nuclear arsenals of both superpowers.

The nuclear weapons freeze proposal accepts the strategic balance as it actually is today. A freeze has the clear advantage of bypassing endless, unresolvable arguments about which side is ahead. Too often, we find that Soviet superiority is in the eye of the cold war warrior.

We know that not a single American military leader would exchange the Soviet nuclear arsenal for the arsenal of the United States. Yet, advocates of a massive American nuclear buildup continue to assert that the Soviets are far ahead. That simply is not the case.

Recently, the Scowcroft Commission, by closing the so-called window of vulnerability, has refuted the administration's argument that a freeze would lock us into a position of permanent inferiority. In fact, there is an overall nuclear balance between the United States and the Soviet Union. We are ahead by some measures, and they are ahead by others. For every Caspar Weinberger in the Pentagon who says the Soviets are in the lead, there is a commissar in the Kremlin who is persuaded that America is ahead. And so, as Einstein wrote, we drift toward unparalleled catastrophe.

Even in the extremely unlikely event that a Soviet first strike were to destroy all of our land-based missiles, the United States could still retaliate with a minimum of 3,500 warheads from our submarines and our bombers. The United States has the capacity to make the Soviet rubble bounce all the way from Moscow to Vladivostok—and the Soviets can make our rubble bounce all the way from the Potomac to the Pacific.

The Kennedy-Hatfield nuclear freeze resolution accepts this fundamental condition of nuclear parity; it calls for a mutual freeze now, with mutual reductions to follow, in the interest of preventing mutual annihilation.

A mutual and verifiable nuclear freeze will halt the development of more and more powerful Soviet missiles and bombers, and prevent either side from perfecting the capacity for a first strike against the other.

The United States has always been superior in the air—and the freeze will keep it that way. The strategic bomber force that the Soviets have today consists mainly of the slow-moving propeller-driven Bear; a freeze would stop their plan to build their new and more threatening intercontinental bomber, the Blackjack.

The United States also has clear superiority at sea. But Soviet plans now include the more quiet and elusive Typhoon submarine, with more powerful and accurate missiles. A freeze will stop the deployment of these missiles in its tracks.

On land, the Soviets are developing a giant new missile equivalent to the MX, with a hard-target kill capability. START will permit them to deploy hundreds of these new missiles; a freeze will stop those missiles on their drawing boards.

We have a clear advantage today in our cruise missiles, which are small, light, and accurate. Soviet cruise missiles are large, heavy, and inaccurate—more like World War II buzzbombs. START allows them to catch up and deploy hundreds of modern cruise mis-

siles; the freeze keeps them at zero, where they belong.

Opponents also claim that a freeze is not a practical idea, because it will be too difficult to verify. Just the opposite is true. In fact, a freeze may well be easier to verify than a complex arms reduction treaty.

One critical aspect of the freeze, deployment, can be verified with high confidence through national technical means—that is, satellites and listening posts equipped with sensors—and through data exchange and restrictions on concealment.

A second critical aspect of the freeze, testing, can also be verified by national technical means, together with unmanned seismic stations and opportunities for onsite inspection. To presume that the Russians will not permit any such inspection ignores one of the most important advances secured in the past negotiations for a comprehensive test-ban treaty. As we know, that treaty has been shelved by the Reagan administration—but in the negotiations, the Soviets had actually agreed to the principle of onsite verification.

The third aspect of the freeze, production, may be harder to verify, but our intelligence is so highly developed that, according to former Under Secretary of Defense William Perry, we have been able to "monitor Soviet activity at the design bureaus and production plants well enough so that we have been able to predict every ICBM before it began its tests."

Herbert Scoville, the former Deputy Director of the CIA states that a freeze is actually easier to verify than a treaty like SALT I or SALT II. Such treaties contain complicated limits on numbers and on modifications of missiles and planes; to detect a violation requires continuing and exact measurements of a vast array of possible and prohibited activity. With a freeze, however, a violation would be known if the adversary did anything new at all.

Let me make one point clear, however: What cannot be verified will not be frozen. We do not seek a freeze because we like or trust the Russians. We do so because of our overriding concern for human survival in the nuclear age.

Some opponents of the freeze argue that it is inappropriate to press the issue now, because we must not pull back from the planned deployment of the Pershing II and ground-launched cruise missiles in Europe. The Kennedy-Hatfield amendment calls for a global nuclear weapons freeze between the two superpowers. We reject a freeze in Europe alone. We must not put the nuclear weapons cart before the arms control horse. Our overriding goal should be to secure a nuclear weapons freeze that prevents any further escalation of the nuclear arms race—not only in Europe but in every other region of the world.

Moreover, the opponents who take this tack against the freeze seem to be implying that the United States could not, or would not, call on its entire nuclear arsenal in response to a Soviet nuclear attack on NATO. We have known for many years about the Soviet edge in land-based missiles in Europe; throughout that time, we had always relied on the certainty of our ability to retaliate with the full arsenal of the American nuclear triad against any Soviet threat. The weapons in a single Polaris submarine could devastate dozens of cities in the Soviet Union on virtually a moment's notice. We know this for a fact; the Europeans know it—and, most important, the Soviets know it. Any suggestion that the United States no longer relies on this possibility would signal a major and destabilizing change to NATO policy, in which Europe would no longer enjoy the protection of America's nuclear umbrella.

The overall nuclear parity between the United States and the Soviet Union applies as well to theater nuclear forces in Europe—which include not only land-based missiles, but American forward-based bombers and submarines. Britain and France, too, possess strong nuclear forces of their own, which are also capable of responding to any Soviet nuclear attack on Europe.

A nuclear weapons freeze would, of course, be negotiated only after complete and continuing consultation with our allies. I support the INF negotiations in Europe and I have urged that every possible effort be made to reach an agreement before the December deadline for the European deployment.

If the INF negotiations are successful, we would have the added benefit of beginning to negotiate a global freeze with the Soviet Union at a reduced level of nuclear forces in Europe. If the INF talks are not successful, a global freeze is even more essential, because it will halt the new round of the nuclear arms race that is about to begin—not only in Europe but worldwide—as our deployment goes forward and the Soviets respond in kind.

Finally, the nuclear arms control proposal we offer does not stop with a freeze; it also calls for across-the-board reductions, immediately following the freeze, "through annual percentages or equally effective means." George Kennan, our former Ambassador to the Soviet Union and our foremost expert on that country, and Adm. Hyman G. Rickover, Director of Naval Propulsion under seven Presidents, have proposed deep cuts of at least 50 percent in the nuclear armories of both sides. Such cuts could be achieved by the end of this decade, if both sides agree to reasonable reductions of 7 percent a year. This approach, proposed in the Kennedy-Hatfield resolution is also the approach considered by the Foreign Relations Committee in 1979, when it sought sustained major reductions from the SALT II ceilings. And a variation on this approach has now been adopted by President Reagan in his latest start proposal at the beginning of this month, when he called for annual reductions of 5 percent.

But a freeze now is the essential first step to reductions in the future. Only when a bilateral and comprehensive freeze is achieved can we break the bargaining chip psychology which has governed our approach to arms control. Bigger missiles do not mean better bargaining chips. History proves the dangerous invalidity of this claim. A decade ago, MIRV's were defended as a bargaining chip in the SALT I talks. The United States deployed them, and then we were told that they were too important to bargain away. Now, even Henry Kissinger wishes he had made that decision differently.

The freeze is superior to every other arms control proposal that has been discussed, because all of them permit MX and other destabilizing nuclear weapons to be built. The freeze is the only arms control proposal that stops both the quantitative and the qualitative aspects of the nuclear arms race. The last thing our country and our planet need is more missiles and bigger missiles. I reject the nuclear arms race mentality that claims the only alternative we have is to match the Soviet Union step by step on the escalator to oblivion.

The administration's start proposal and the build-down alternative are unacceptable. They do not stop the arms race—they merely channel it in a new direction. They permit a continued buildup of new destabilizing nuclear weapons systems including MX.

I also reject the view of those who claim that the freeze should be put on ice because of the brutal Soviet attack last August against the Korean airliner. That tragedy makes it all the more urgent to do all we possibly can to reach a realistic agreement with the Soviet Union to halt the nuclear arms race. We do not pursue arms control negotiations with the Soviet Union as a favor, but because both of us prefer existence to extinction.

I would remind the skeptics of an important precedent in this regard in the history of arms control: President John F. Kennedy stood up to the Soviet Union over the Cuban missile crisis in 1962—and 10 months later he sat down with the Soviet Union to sign the Nuclear Test Ban Treaty of 1963. So I am convinced that if this adminis-

tration has the will, it can find the way to nuclear arms control.

In closing, let me respond briefly to those who have questioned the point of offering the freeze and an amendment to the Debt Ceiling Act. We would, of course, have preferred to have this important Senate debate on the separate freeze resolution now on the Senate Calendar and ready for Senate action. As I have already indicated, there seems little possibility that a separate debate on the freeze can be arranged before the Senate session ends in the next few weeks. Besides, the freeze is hardly irrelevant to the Debt Ceiling Act—if a nuclear weapons freeze is successfully negotiated, it can make a bigger single difference than any other proposal I have heard for reducing the massive Federal deficit. A freeze will save America $100 billion over the next 5 years—an average of $20 billion a year. So I for one feel that, in all the circumstances, the freeze is in fact a highly appropriate amendment to the Debt Ceiling Act.

In these critical days when all of us are deeply concerned about events in Grenada and Lebanon, we must also recognize that ending the nuclear arms race now and reducing the arsenals of nuclear annihilation is the most important issue that any of us has ever faced.

There is no morality in the mushroom cloud. The black rain of nuclear ashes will fall alike on the just and unjust. And then it will be too late to wish that we had done the real work of this atomic age—which is to seek a world that is neither red nor dead, to prevent a planet divided from becoming a planet destroyed.

I urge the Senate to vote for the nuclear weapons freeze and reduction resolution, as a clear sign of our commitment to stop the nuclear arms race before it stops the human race.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3391. An act to improve worker training under the Trade Act of 1974, and for other purposes.

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2769. An act to provide economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region (Rept. No. 98-285).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 2028. A bill for the relief of Sueng Ho Jang and Sueng Il Jang; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 1537

At the request of Mr. EAGLETON, the names of the Senator from Kentucky (Mr. FORD), the Senator from Alabama (Mr. HEFLIN), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the four following fiscal years.

S. 1948

At the request of Mr. LUGAR, the names of the Senator from Utah (Mr. HATCH), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 1948, a bill to establish a national minimum drinking age of 21.

SENATE JOINT RESOLUTION 173

At the request of Mr. JOHNSTON, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 173, a joint resolution commending the Historic American Buildings Survey, a program of the National Park Service, Department of the Interior.

SENATE JOINT RESOLUTION 187

At the request of Mr. MELCHER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of Senate Joint Resolution 187, a joint resolution to repeal the multilateral force in Lebanon resolution.

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes.

AMENDMENTS SUBMITTED

INCREASE IN PUBLIC DEBT LIMIT

MOYNIHAN (AND OTHERS) AMENDMENT NO. 2467

Mr. MOYNIHAN (for himself, Mr. JEPSEN, Mr. RANDOLPH, Mr. BYRD, Mr. LONG, Mr. LEVIN, Mr. METZENBAUM, Mr. DODD, Mr. BRADLEY, Mr. SASSER, and Mr. RIEGLE) proposed an amendment to the joint resolution (H.J. Res. 308) increasing the statutory limit on the public debt; as follows:

At the appropriated place in the bill, inset the following new section:

"Notwithstanding any provison of this or any other Act, no funds may be expended by the United States Government to provide the Kingdom of Jordan with military equipment for a special military force, unless such expenditure is expressly authorized and funds appropriated by Congress in an unclassified manner."

DIXON (AND OTHERS) AMENDMENT NO. 2468

Mr. DIXON (for himself, Mr. MATTINGLY, Mr. PROXMIRE, Mr. NICKLES, Mr. KASTEN, Mr. DENTON, Mr. BOSCHWITZ, and Mr. JEPSEN) proposed an amendment to the joint resolution (H.J. Res. 308), supra; as follows:

At the appropriate place, add a new section as follows:

SEC. . (a) The Senate finds that—

(1) the Federal Government has not balanced its budget since 1969;

(2) Federal deficits are increasing at an accelerating rates;

(3) the United States faces annual deficits of $200 billion or more for the foreseeable future;

(4) the national debt was almost $1.4 trillion at the end of fiscal 1983;

(5) the magnitude of the national debt could threaten the recovery of the United States economy from the recent recession;

(6) stable, vigorous, and continued economic growth depends on the ability of the Federal Government to bring its budget back into balance;

(7) current Federal budgetmaking procedures have not worked to reduce Federal deficits;

(8) additional measures are needed to restore fiscal discipline to the budgetmaking process; and

(9) the increasing use of omnibus legislation has worked to undermine the veto power of the President.

(b) It is the sense of the Senate, therefore, that a provision giving the President of the United States the ability to veto individual items of appropriation should be made a part of the Constitution of the United States.

LONG (AND RANDOLPH) AMENDMENT NO. 2469

Mr. LONG (for himself and Mr. RANDOLPH) proposed an amendment to the joint resolution (H.J. Res. 308), supra (which was subsequently modified); as follows:

At the appropriate place, add the following new section:

SEC. . It is the sense of the Senate—

(1) that the purpose of the statutory limitation on the public debt is to prevent or reduce spending in excess of revenues and that the purpose of the reconciliation provisions of the congressional budget act is to reduce budgetary deficits by providing for expedited consideration of measures which limit spending or increase revenues; and

(2) that amendments to debt limit bills or reconciliation bills should be consistent with

these deficit-reduction purposes of such bills; and therefore

(3) that amendments in 1983 which will result in increased spending or which will lower revenues—

(A) should not be offered to debt limit or reconciliation bills; and

(B) if offered, should be rejected by the Senate.

DOLE AMENDMENT NO. 2470

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 308), supra; as follows:

At the end of rule 15 of the Standing Rules of the Senate, add the following new paragraph:

"6. During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received."

Mr. DOLE. Mr. President, I submit the following notice in writing in accordance with rule 5 of the Standing Rules of the Senate and hereby give notice in writing that it is my intention to move to amend rule 15 of the Standing Rules of the Senate by adding to House Joint Resolution 308 the foregoing amendment.

RIEGLE (AND OTHERS) AMENDMENT NO. 2471

Mr. RIEGLE (for himself, Mr. BINGAMAN, Mr. RANDOLPH, Mr. BYRD, Mr. EXON and Mr. LEVIN) proposed an amendment to the joint resolution (H.J. Res. 308) (which was subsequently modified), supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States armed forces, restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, 'restrictions' shall include:

(1) preventing the press from freely accessing news sources of its choice;

(2) unreasonably limiting the number or representation of the press permitted to enter Grenada; and

(3) unreasonably limiting the freedom of unsupervised movement of the press in Grenada."

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of United States or allied forces or citizens in Grenada.

SYMMS AMENDMENT NO. 2472

Mr. SYMMS proposed an amendment (which was subsequently modified) to amendment No. 2471, as modified, proposed by Mr. RIEGLE and Mr. BINGAMAN to the joint resolution (H.J. Res. 308), supra; as follows:

In lieu of the amendment proposed by the Senator from Michigan, insert the following:

SEC. . It is the sense of the Senate that the Administration acted prudently in not inviting press participation in the Grenada rescue operation since such participation would have jeopardized the security of the operation and have endangered the lives of American citizens.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will conduct a business meeting on Tuesday, November 1, 1983, at 10 a.m., in SR-301, Russell Building, to consider various legislative and administrative items currently pending on its agenda.

The following measures will be considered on the committee's legislative agenda: an original resolution to provide for the payment of startup costs for a Senate Day Care Center; Senate Resolution 127, to make the Select Committee on Indian Affairs a permanent committee of the Senate: Senate Resolution 239, to increase the expenditures by the Select Committee on Indian Affairs for the 1st session of the 98th Congress; Senate Resolution 178, to authorize the printing of the report entitled "Fourth Annual Report to Congress—Highway Bridge Replacement and Rehabilitation Program" as a Senate document for the Committee on Environment and Public Works; an original resolution authorizing the revision and printing of the Senate Manual for use during the 98th Congress; an original resolution authorizing the printing of a revised edition of the "Senate Election Law Guidebook" as a Senate document; and a number of original resolutions to pay gratuities to survivors of deceased Senate employees.

The following items will be considered on the committee's administrative agenda; a report on the Senate restaurants; two Budget Committee contracts for econometric analysis service; a contract for the marble bust of former Vice President Nelson A. Rockefeller; revised procedures for the procurement of marble busts of former Vice Presidents; policy/procedures for closing a deceased Senator's office; business cards for Senators and staff; two equipment purchase requests from the Sergeant at Arms; revisions to the guidelines for terminal allocation; a report and recommendations on the office automation test which provided equipment for 12 Senators' offices; budgeting for the cost of computers in committee offices; request from the Office of the Senate Legislative Counsel for various computer equipment; and proposed regulations to implement postal patron mail.

For further information concerning this business meeting, please contact Carole Blessington of the Rules Committee staff on 224-0278.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the Purchasing of Spare Parts and Support Equipment in the Department of Defense on Wednesday, November 2, at 9:30 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

ADDITIONAL STATEMENT

DEFENSE SPARE PARTS PROCUREMENT ACCOUNTABILITY

● Mr. SASSER. Mr. President, the Committee on Governmental Affairs will convene a day-long hearing next Wednesday, November 2, focusing on the purchase of spare parts and support equipment in the U.S. Department of Defense, and on steps taken by the Defense Department to improve its performance in this particular area.

This particular subject became the matter of intense concern last June when release of a report by the Defense Department's Office of Inspector General—created at the direction of legislation generated by the Governmental Affairs Committee—that 65 percent of engine spare parts purchased more than once during a 3-year cycle had a cost growth in excess of 50 percent.

Then there was the startling case involving the purchase by the Defense Logistics Agency of several small plastic caps for an airplane stool, at a cost of $916.55 each—an order that could have been filled for several dollars by any hardware store.

Such reports have prompted justifiable editorial concern through the Nation. In an excellent editorial recently published by the Nashville Tennessean, there is mention of the $916.55 plastic cap. I ask unanimous consent that the text of the editorial be printed in the RECORD at the conclusion of my statement.

Cases such as the plastic cap, and other episodes of recent history involving the fate of in-house critics of Defense Department management and spending policies and practices make it clear, the Tennessean points out, that Congress must take corrective action because Congress has the ultimate power when it comes to defense spending: it "controls the purse strings."

I want to point out that Congress is making efforts to live up to its responsibility in this regard. Under the steady and capable leadership of its chairman, Senator ROTH, the Governmental Affairs Committee has conducted a number of productive hearings this year, hearings which have focused on cost growth, defective pricing, accounting practices, and other management and procurement matters in the Department of Defense.

11-059 O-87-35 (Pt. 21)

As a member of the committee who has been, unstinting in his support for the strongest defense necessary for our country, I will nonetheless be just as vigorous in pursuit of Defense Department policies that are as efficient and cost-effective as possible.

I expect that the hearing next Wednesday will be able to produce a better picture of what DOD is doing in spare parts procurement, and that we will find ways to make sure that spare parts procurement funds are spent as wisely and as efficiently as possible, which is what the Tennessean so forcefully argues is our responsibility in this matter.

The editorial follows:

[From the Tennessean, Oct. 7, 1983]

CONGRESS HAS ITS DUTY ON CUTTING PENTAGON WASTE

It shouldn't take a Pentagon "whistleblower" or a retired admiral to convince the Congress that the Defense Department is paying inexcusably high prices and getting "horrible quality" in its purchases. The record is already graphic and extensive.

Cost overruns on military contracts are virtually the rule rather than the exception. The Pentagon's slipshod accounting practices often fail to keep track of government materials it supplies without charge to contractors. The penalties for late deliveries are seldom applied. Spare parts procurement is sometimes unbelievable.

There was a spate of news accounts recently of the military paying shockingly high prices for spares. The most noteworthy was a small plastic cap that goes on the leg of a navigator's stool on an airplane. The Defense Logistics Agency bought three of them at $916.55 each. They could probably have been bought at a hardware store for under a dollar.

Last week Mr. A. Ernest Fitzgerald, who is the best known Pentagon "whistleblower," and retired Adm. Hyman G. Rickover, who headed the Navy's nuclear propulsion program, appeared before a subcommittee in support of a bill to reestablish the Renegotiation Board. That board, killed by Congress in 1976, had the authority to attempt to recover unjustifed or excess profits on government contracts.

It was Mr. Fitzgerald's disclosure of large cost overruns on the C-5 cargo aircraft that got him into trouble. He was subsequently fired by President Nixon, and it was not until 1982 that the government settled a lawsuit restoring him to his old Air Force job. Admiral Rickover, before he was forced to retire, was the Navy's resident gadfly on contractor waste and overruns.

Mr. Fitzgerald, commenting on inefficiency, said, "At root, these dreadful performances are caused by an upside-down rewards and punishment system, a failure to enforce contracts, to write tight contracts, and start to enforce them without softening changes."

He added that the Pentagon almost never dismisses a program manager for letting costs get out of hand and almost always finds ways to get a "large, politically favored contractor off the hook."

Both Mr. Fitzgerald and Admiral Rickover agreed that only a new watchdog agency of Congress could prevent companies from adding unjustified costs and overhead to military contracts. The admiral blamed Congress for such costs because it had dismantled the Renegotiation Board.

Mr. Fitzgerald suggested a new board be named a "redetermination board," saying that the need was to enforce determination of cost and performance clauses rather than just looking at excess profits. That is a good idea.

Congress controls the purse strings on the military. It has a tendency to give the president almost anything asked for in terms of weapons and systems. But having done so it also has a responsibility to the taxpayers to see that the funds it approves are spent as wisely and as efficiently as possible. A "redetermination board" wouldn't be an instant panacea for gross waste, but when hundreds of billions of dollars are involved, such a board could help prevent a great deal of extravagance that goes on daily.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The Senate will resume consideration of the pending business which the clerk will report.

The assistant legislative clerk read as follows:

House Joint Resolution 308, increasing the statutory limit on the public debt.

The Senate resumed consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THE CHILES AMENDMENT

Mr. DOLE. Mr. President, we are here again today to consider nongermane amendments to the public debt. I say that this practice is certainly now new, but I am reminded that one of the amendments we accepted yesterday offered by the distinguished Senator from Florida (Mr. CHILES), of course, on its surface has some appeal and I assume particularly in Florida, but we understand now that it violates the law in the Immigration and Naturalization Act on deportation proceedings, and that there are several outstanding court orders relative to the boatlift and these cannot be superseded in that manner.

I also understand it violates the Geneva Convention on POW's. Repatriates cannot be made conditional upon some action not relevant, not related to the hostilities involved. And finally that it does, according to some, compromise our public posture that the Grenada operation was a multilateral effort undertaken at the request of friendly regional states.

Now, I do not quarrel with that except that happens when we are not the committee of jurisdiction over an amendment that comes up if it is not germane, and it is sometimes difficult to be able to sort out the merit or demerit of any amendments. So I suggest that hopefully some of these nongermane amendments we will be a little more careful with even though we have no jurisdiction. So we will attempt to alert the committee of jurisdiction and have them make the argument for or against the amendment.

I have been advised by the leader that we do get into as many amendments as we can and the earlier the better. I know the Senator from New York has an amendment, I understand the Senator from Montana has an amendment, the Senator from Illinois has a couple of amendments, and the Senator from North Carolina (Mr. HELMS) has a couple of amendments.

THE 15-DAY EXTENSION PROPOSAL

I also say while the two leaders are on the floor that I hope sometime today without doing anything with the measure now before us they would permit me to pass a simple 15-day extension of the debt limit. We would have this bill on the floor. It would be here on Monday for other amendments. I am advised that it is almost going to be impossible to go to conference late Monday evening, and we trigger about a $250 million loss over a period of time. This would give us about 15 days in the conference to work out some of these amendments particularly where we have no jurisdiction. I do not see how we can go to conference at, say, 7 or 8 o'clock Monday night and report back and have House and Senate action by midnight Monday.

So I would hope that the two leaders will discuss it later, but I would suggest that has the approval, I believe, of the distinguished Senator from Louisiana. It is simply a safety measure so that we are not going to be charged in the Congress with spending money needlessly. And I say it without any quarrel. Anybody who wants to offer amendments on the pending legislation would still have that right through Monday at 5 o'clock.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. DOLE. Yes.

Mr. MOYNIHAN. It is really comment in the form of a question. As a member of the Finance Committee and the only one on the floor, I would like very much to commend the Senator for his proposal.

There is no question about the debt ceiling being reached sometime Monday morning or afternoon, and a conference will take time. The jitters in the bond markets will be palpable, and you can run up a $250 million tab in 24 hours. It is only prudent, and beyond that it is necessary, and the Senator will have my complete support and, I am sure, the support of the committee.

Mr. DOLE. As the Senator from New York knows, we need to finish our reconciliation in the Finance Committee by midnight Monday, and that will

take some time. We will not be able to meet while the Senate is in session, because, No. 1, we have this bill on the floor; No. 2, Senator ROTH will object to our meeting.

We will be meeting from 9:30 to 2 on Monday and again that evening, in an effort to comply with the budget reconciliation process.

AMENDMENT NO. 2467

(Purpose: To improve the quality of American Policy in the Middle East)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 2467:

At the appropriate place in the bill, insert the following new section:

"Notwithstanding any provision of this or any other Act, no funds may be expended by the United States Government to provide the Kingdom of Jordan with military equipment for a special military force, unless such expenditure is expressly authorized and funds appropriated by Congress in an unclassified manner."

Mr. MOYNIHAN. Mr. President, I rise—hoping it would not be thought too presumptuous to say this—in the memory of Senator Henry M. Jackson, who for so long graced this Chamber. I propose to do in this amendment something he attempted to do in the Senate in the last few weeks of his life, in what the Senator from Virginia (Mr. WARNER) has described in a report in the Washington Post of October 22 as "Scoop Jackson's Last Great Battle."

Mr. President, I refer to the proposal under active consideration in the executive branch to establish two Jordanian Army brigades as part of a special strike force for use in emergencies in the Persian Gulf.

The proposal came to light on October 14 of this year. The New York Times and Washington Post of that day reported on their front pages that disclosure of the plan had come from Israeli radio the day before.

While I cannot speak for the Government of Israel, one can understand that informed judgment in that nation would be alarmed to learn that the United States was secretly planning to arm and equip two armored brigades in a country which borders on Israel—particularly when that country is Jordan. Israel could only assume the forces would eventually be used against it.

Jordan is still nominally at war with Israel. Though it receives considerable American military assistance, it has never received anything as formal and organized and as potentially dangerous to peace in the region as a combat unit, two brigades, nominally designed to be deployed 700 miles away, across the Arabian Peninsula. How they would get there in time of crisis, I do not know. Almost certainly they would have to be flown. They could not make it through that terrain, that distance, without extraordinary logistical arrangements.

The press reports that the initial proposal was to cost somewhat more than $200 million, and was to involve the provision of F-16 jet fighters and a new generation of mobile antiaircraft missiles and light-armored vehicles.

As Senator WARNER has indicated, the proposal was brought to the Senate Armed Services Committee, where it was vigorously opposed by Senator Jackson and, I presume from the comments in the Washington Post, also by Senator WARNER.

The ultimate cost over several years would reach some $700 million, and the cost in our relations with that one stable democratic nation we have in the Middle East to work with would be greater yet. It would be a far more serious act than the provision of F-15's and AWAC's to Saudi Arabia and we know the cost to America of that agreement.

More seriously, it would be a surreptitious act, an act we attempted to conceal from our friends in Israel and from our adversaries elsewhere. I find it difficult to understand what is the purpose of acquiring military strength and concealing that fact from those whose actions you would wish to influence with that military strength. Who will act differently because of this particular military power if they are not aware that the military power exists?

The larger point is that in a democracy major foreign policy initiatives must not be concealed from the public. This is even more the case when they are concealed for the reason that the public would not support them if they were known.

The stated purpose of the amendment is modest. The funds for any such strike force must be authorized and appropriated in the open, and not in the "black" portion of the $278 billion defense budget.

The actual effect of the amendment, if enacted into law, would be to kill the project. The Congress would never vote for such a monstrous measure if that vote were to be made known to constituents.

In any event, that, I suppose, is a very hypothetical possibility: the notion that you could conceal two armored brigades in the Jordanian desert. You could dress up a light-armored vehicle to look like a camel, but not very successfully. They do not walk like camels. They will move differently from camels. I do not know how you disguise an F-16 as a camel. I have never seen a camel fly but, then, I do not want to underestimate the ingenuity of our military planners. I just say that it is bad foreign policy.

The purpose of my amendment is not to say that this cannot be done. That is a decision the appropriate committees will make and the Senate will make, and which the Executive will reconsider or not, as the case may be. But it must be expressly authorized and the funds specifically appropriated by Congress in an unclassified manner.

Mr. President, I should like to place in the RECORD at this point the principal reports of the event, the first of which appeared in the New York Times on October 14, the same day—I do not wish to imply any priority—that the Washington Post published a story with different details, but essentially the same information.

On October 22, the Washington Post, in an article by Mr. Fred Hiatt, who had written the earlier article, reported that U.S. pilots would fly planes in the Jordanian deployment force. Not only, apparently, would we give this equipment to the Jordanians, but also, we would enter their army.

I have already commented that this year the U.S. Corps of Engineers is carrying out more construction in Saudi Arabia than it is in the United States.

I am happy to have the corps building cities in deserts—and cities on ice floes, for that matter; anything to give them new experience. I am serious about that. Yet there is a question of proportionality. If our engineers are available to one Arab country and our pilots to another, there begins to be a certain disproportion.

Finally, I would like to draw the Senate's attention to an important article in the Los Angeles Times by Robert C. Toth describing the long genesis of this idea. It has been around for a very great while, though it has never finally been put in place. It has never been put into place for good reason.

Mr. President, I ask unanimous consent to have printed in the RECORD these articles to which I have made reference.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 14, 1983]

U.S. SEEKS TO EQUIP JORDAN'S SOLDIERS AS A STRIKE FORCE

(By Bernard Gwertzman)

WASHINGTON.—The Reagan Administration has proposed a secret $225 million plan to enable two Jordanian Army brigades to serve as a special strike force for use in emergencies in Jordan and the Persian Gulf, according to Congressional, Administration and diplomatic sources.

According to the sources, the project has been discussed on a classified basis with key members of Congress as well as with Israeli representatives. The main element of the plan, according to an Administration offi-

cial, is to provide the Jordanians with transportation to move them around the area. They would receive C-130 transport planes, medical evacuation transports and advanced infantry and river-crossing equipment.

The Israelis were said to be opposed to the plan because of concern that the equipment might be used against them, even though the purpose of the Jordanian strike force was said to be to bolster pro-Western nations.

A PRO-WESTERN COMMANDO GROUP

The idea for the force originated in late 1979, one Congressional source said, with an attack by Islamic militants on the Great Mosque in Mecca, Saudi Arabia. Jordan later conferred with the United States on the need for having a kind of pro-Western Moslem commando group that could move rapidly in the area.

Serious planning for such a force began two years ago, an Administration official said.

One source said the project is included in the $251.4 billion military appropriations bill that was recently approved by the Senate Defense Appropriations subcommittee. A similar bill was passed by the House Appropriations subcommittee.

The Administration has reportedly argued that, given what it calls the threats to pro-Western nations in the Middle East from Iran and Syria, and the trend toward retrenchment in Israel, it is all the more important to bolster the military forces of Jordan, Saudi Arabia and other friendly Arab states.

The project has been cloaked in considerable secrecy since its inception, officials said, out of deference to sensitivities in Jordan and other Arab countries.

One Congressional source said that disclosing the project might kill it.

Information about the Jordanian force became known as the Administration began a review of its Middle East policy. Robert C. McFarlane, President Reagan's special envoy to the Middle East, returned from there Wednesday night and conferred with Secretary of State George P. Shultz soon after arrival. Mr. McFarlane had lunch today with Mr. Shultz and William C. Clark, the White House national security adviser, and is expected to see President Reagan on Friday.

The purpose of the policy review, State Department officials said, is to seek to stabilize the situation in Lebanon and to revive interest in President Reagan's Middle East initiative.

Mr. Reagan's Middle East plan calls on Jordan to negotiate with Israel and others on creating an autonomous region for Palestinians on the West Bank of the Jordan River. In April, King Hussein of Jordan decided not to join those negotiations when he failed to get the support of the Palestine Liberation Organization. Recent P.L.O. squabbling has led to speculation that King Hussein might reconsider that decision.

The first disclosure of the plan to set up the Jordanian strike force came today from the Israeli radio, which said that Mr. Reagan had approved the project several months ago and that consultations were now going on with key committees of Congress.

One Congressional source said he had been told that the Administration had briefed the House and Senate intelligence committees on the matter, as well as some key committee chairmen of other committees. Representative Clarence D. Long, Democrat of Maryland, chairman of the House Foreign Operations Subcommittee of the Appropriations Committee, was asked about the report. "The thing is classified, and naturally, I can't talk about it," he replied.

He added: "I am incensed that any programs are brought up to Congress on a classified basis. This prevents Congress from an adequate discussion."

John Hughes, the State Department spokesman, said he would "neither confirm nor deny that particular report."

He added: "Jordan is an important friend of the United States with which we have longstanding and well-known military supply relationships. It is in the interest of the United States to continue these relationships. As both countries have an interest in regional security that is equally well-known, it should surprise no one that questions of regional security are regularly discussed. This is the background of the relationship and I am not going to have any comment on this story or other speculation along these lines."

In the last fiscal year, Jordan received $75 million in United States military credits.

[From the Washington Post, Oct. 14, 1983]

U.S. WEIGHS PLAN TO ARM JORDANIAN FORCE FOR PERSIAN GULF ROLE

(By John M. Goshko and Fred Hiatt)

The administration secretly has been exploring with Congress plans for the United States to train and equip a Jordanian military force able to intervene in friendly Persian Gulf countries such as Saudi Arabia if they are threatened by internal insurrection or foreign forces, congressional sources said yesterday.

Details of the plan are known only to a handful of senior administration policy makers and key congressional committee chairmen. However, the sources said, enough information has leaked on Capitol Hill to provide what many rank-and-file members of Congress regard as an accurate sketch of the plan's outlines.

Specifically, the sources, continued, the administration apparently hopes to persuade Congress to provide as much as $200 million to begin creating a mobile Jordanian force equipped with advanced U.S. F-16 jet fighters, a new generation of mobile antiaircraft missiles and light armored vehicles.

The administration previously had been deterrred from seeking to give such weapons to Jordan's King Hussein by the knowledge that Israel's supporters in Congress would block such moves.

But some sources said they have been told that President Reagan plans to appeal personnally to Israeli Defense Minister Moshe Arens to intercede with pro-Israeli members of Congress and to persuade them that such a force would be in the interests of the United States and Israel.

As a further means of drawing attention away from the plan, the sources said, the administration secretly has been exploring with some congressional leaders the possibility of disguising the funds within the next Defense Department appropriations bill instead of requesting the money as part of the foreign assistance program.

According to the sources, these discussions have been conducted primarily with the chairmen of the Appropriations and Armed Services committees of the two houses. Sources on these committees acknowledged yesterday that some talks about aid to Jordan have taken place, but they refused to give any details.

These details became known after Radio Israel reported early yesterday that the administration decided several months ago to establish a force in conjunction with Jordan to help guard against upheavals in the Persian Gulf area, with its vital oil supplies.

State Department spokesman John Hughes refused to comment on the Radio Israel report. However, he then read an official "guidance" noting that the United States has a longstanding military supply relationship with Jordan and that "questions of regional security are regularly discussed" between the two governments.

Other administration officials refused, even privately, to go beyond the guidance. But some did acknowledge, without providing details, that the administration is engaged in talks with Jordan because of concern that the unstable situation in the gulf, as exemplified by the Iran-Iraq war and Iranian attempts to stir up radical Islamic sentiment, could threaten the U.S.-allied governments in Saudi Arabia and smaller gulf states.

Some sources recalled that an extremist Saudi sect staged a bloody uprising in the holy city of Mecca in 1979, with consequences that reverberated throughout the Moslem world and triggered anti-American riots, including the burning of the U.S. Embassy in Islamabad, Pakistan.

The aim, the sources said, is to guard against such incidents in the future.

"This is the kind of program that is very much in the U.S. interest but that can be killed off very easily by premature publicity," one official said in reference to the tight mantle of secrecy placed over the subject.

He would not elaborate. But the publicity about the effort to create what some congressional sources called "a Jordanian rapid deployment force" is likely immediately to confront the plan with serious obstacles on two fronts.

Arab leaders, particularly the ruling family in Saudi Arabia, are sensitive to suggestions that they might require U.S. assistance to maintain their hold on power and are almost certain to disavow cooperation with such a plan if it is officially made public. It is not even certain that Hussein, despite his desire for new U.S. weaponry, will feel able to continue with cooperation of this type in the glare of publicity.

On the other side, Israel has vehemently opposed Jordan's past efforts to obtain F16s and mobile Hawk missiles on the grounds that these weapons could be turned against Israel in a future war.

Congress has been sympathetic to the Israeli argument and, in the aftermath of Hussein's decision last spring not to cooperate with Reagan's Middle East peace initiative, has made clear its sentiment that Jordan publicly commit itself to negotiate with Israel before it can receive sophisticated American weapons.

"Just because the Pentagon is planning for their use in the gulf, that does not mean that's where [Hussein] intends to use" the mobile force, said Rep. Robert G. Torricelli (D-N.J.), a member of the House Foreign Affairs Committee. "The situation in the Mideast is too volatile to supply arms and training to a country that could be fighting on any side in the future."

Since the Carter administration, the United States has been expanding its own mobile forces, primarily through creation of the Rapid Deployment Force, so that it could react to crises in the Middle East and Southwest Asia. Reagan has extended the

vow to use military force if necessary to maintain western access to oil supplies from the Persian Gulf.

But Pentagon officials acknowledged that they would have difficulty airlifting enough men and supplies if a crisis arose. Budget planning in the Pentagon now stresses an increase in light, mobile Army divisions to help remedy that problem.

[From the Washington Post, Oct. 22, 1983]

U.S. PILOTS WOULD FLY PLANES IN JORDANIAN DEPLOYMENT FORCE

(By Fred Hiatt)

A U.S. plan to train and equip a Jordanian rapid deployment force calls for U.S. personnel to fly some of the planes that would transport Jordanian troops in the event of a crisis in the Middle East, well-placed officals said yesterday.

That was the first indication that U.S. forces might be involved in the controversial plan, whose existence the administration has not acknowledged but which has made its way secretly through a good deal of the legislative process on Capitol Hill.

Administration officials, who are seeking funds for the plan in a secret portion of the fiscal 1984 defense appropriations bill, told several congressmen this week that the United States could control the strike force if the Air Force owned and flew some of the cargo planes the Jordanians would use.

They described the force, which would involve about 8,500 Jordanian troops, as a "twin-key" operation that would require a green light from both nations before it could go into battle to shore up friendly Arab countries around the region.

Administration officials also told congressmen that this year's request of between $220 million and $230 million would finance the entire operation. But diplomatic sources said yesterday that the administration envisions a three-year program costing $700 million.

The once-secret plan, which was revealed on Israeli radio last week, now faces opposition in the House, perhaps setting the stage for a debate on a portion of the defense bill that rarely comes under public scrutiny.

Rep. Robert G. Torricelli (D-N.J.), who was present this week when the House subcommittee on the Middle East was briefed on the proposal in closed session for the first time, said he will introduce a resolution in the House opposing its funding.

Sen. John W. Warner (R-Va.) said yesterday that he and the late Senator Henry M. Jackson (D-Wash.) unsuccessfully fought the proposal during secret meetings of the Senate Armed Services Committee earlier this year, in what Warner called Jackson's "last great battle" before he died in August.

Warner said he and Jackson believed the administration improperly was taking advantage of the classified or "black" section of the $262 billion defense authorization bill to hide a controversial program.

"There's so much in the defense program, it's almost impossible for our colleagues to keep track of it all," Warner said. "They repose a certain trust and confidence in those of us on the committee. . . . This program just did not fit in any of the proper categories."

But the Armed Services Committee narrowly approved the measure, sources said, with Chairman John G. Tower (R-Tex.) supporting it and Sen. John C. Stennis (D-Miss.) casting the deciding vote.

The defense authorization bill signed by President Reagan earlier this month approves funding for the Jordanian plan, and the Senate is now considering the appropriations bill that would commit the money.

Carter administration officials first conceived a Jordanian strike force as a means to serve U.S. interests in the Middle East by protecting friendly regimes against internal opposition and maintaining western access to the oil fields, without introducing U.S. troops in areas where they might cause political embarrassment.

The Reagan administration adopted the idea and has pursued it with the Jordanians, sources said.

Several congressional sources said an undisclosed amount of funds for the force was placed in the fiscal 1983 budget, but administration officials maintained that the current funding request of between $220 million and $230 million is a "one-shot deal" to cover the entire cost of the force.

The plan would provide the Jordanians with C130 Hercules cargo planes, which cost about $18 million each, hospital planes, communications equipment, tracked vehicles—probably light armored personnel carriers—antitank weapons and training.

Some congressmen said yesterday that they believed the rapid deployment force concept was a mask to allow the administration to funnel military aid to Jordan that Congress might not openly approve. The Jordanians have sought more aid than the United States would provide, though most contention has centered on more sophisticated weapons such as F16 jets and antiaircraft missiles.

"It seems to me the entire idea is fundamentally flawed," said Rep. Mel Levine (D-Calif.), another member of the Middle East subcommittee. "If [Jordanian] King Hussein is so worried about an American presence, what makes us think that King Hussein will be willing to implement this concept that clearly indicates overt American involvement?"

Richard L. Armitage, assistant secretary of defense for international security affairs, and Robert H. Pelletreau, deputy assistant secretary of state for Near Eastern and South Asian affairs, briefed the subcommittee Wednesday morning. Armitage could not be reached for comment yesterday and Pelletreau declined to discuss the Jordanian force, as administration officials consistently have done since the plan was disclosed.

Congressional sources said the administration officials met a stony response from subcommittee Democrats, who were unsympathetic to the concept and angry that they had been bypassed until now in discussions about the force.

"Since they had gone to the Senate and tried to sneak it by, they shoud understand that we were drawing a line and there was going to be a battle," Torricelli said.

"We put them clearly on notice that this is not going to happen. We will spare no efforts. This will be defeated."

Torricelli also said that administration officials claimed Israel was not opposing creation of the Jordanian force, but acknowledged under questioning that they were taking a lack of opposition so far as a sign of support.

Torricelli said he plans to move to instruct House conferees on the defense appropriations bill not to allow funds for the Jordanian force.

[From the Los Angeles Times, Oct. 15, 1983]

JORDANIAN STRIKE FORCE: U.S. REVIVING OLD PLAN

(By Robert C. Toth)

WASHINGTON.—The Reagan Administration's plan to spend about $200 million on a Jordanian strike force that could intervene in a Persian Gulf crisis appears to be a revived version of an idea proposed in various forms in recent years, U.S. officials said Friday.

And whether or not the current plan is aborted by premature publicity, a Pentagon official indicated that there will continue to be efforts to support a strong Arab force in the Mideast capable of helping pro-Western regimes resist extremist or Soviet-backed takeover attempts.

For the record, the Administration continued to refuse comment on the plan, which first was reported Thursday on Israeli radio. A State Department official said Friday that the program is "classified"—meaning it is secret—but basically confirmed its existence.

AN IMPORTANT FRIEND

White House spokesman Larry Speakes, while refusing to confirm or deny news reports on the plan, said: "Jordan is an important friend of the United States with which we have longstanding and well-known military supply relationships. It is in the interest of the United States to continue these relationships, as both countries have an interest in regional security. It should surprise no one that questions of regional security are regularly addressed."

The Administration once had hoped that Israeli forces could be used, if necessary, to defend oil-rich regions from Soviet incursions but quickly recognized that help from Israel, for any reason, would be anathema to Arab nations.

Last year's version of the plan provided for Pentagon arms sales to Jordan for the special strike force, plus covert funds from U.S. intelligence agencies to Jordon to pay for these arms, an informed source said. The House Intelligence Committee killed that proposal by refusing to authorize the funds, he said.

The current plan apparently was designed to avoid any intelligence agency participation by working wholly within the Defense Department through its foreign-assistance program.

One Pentagon official suggested that the aid would consist of providing a Jordanian force with special training in commando operations, supplying it with weapons such as plastic explosives, and transporting it to combat regions in U.S. C-130 aircraft.

Another official said that U.S. transport would be the main element in any U.S. aid for the Jordanian force of about one infantry brigade—usually several thousand men—with perhaps additional equipment, such as river-crossing devices, supplied as needed.

Jordanian military units are widely recognized as the most disciplined and best-trained Arab force in the Mideast, having built for decades upon British military traditions and the leadership of British officers.

Both U.S. officials denied that any aid for Jordan as part of the plan would include F-16 fighter planes or mobile Hawk anti-aircraft missiles. Israel has strongly opposed sale of such weapons to Jordan as threats to its security.

In Jerusalem on Friday, a senior Israeli official quoted by the Washington Post said

Israel opposes any such plan to train and equip a Jordanian force. "It is supposed to be some kind of rapid-deployment force, but it could be used against Israel, he said."

Whatever its details, the plan was laid before congressional Armed Services and Appropriations committees in recent weeks, from which officials believe the story was leaked to a pro-Israeli organization in Washington. In turn, this organization allegedly passed it to a Radio Israel correspondent.4

Mr. RANDOLPH. Mr. President, will my able colleague yield?

Mr. MOYNIHAN. I yield.

Mr. RANDOLPH. Mr. President, I believe the Senator from New York has just commented on the work being done in far away places by the Corps of Engineers. Is that correct?

Mr. MOYNIHAN. I have, yes.

Mr. RANDOLPH. That calls to my mind the continuing need in the United States of America for the Corps of Engineers to replace the dams and locks on many of the rivers that carry upon their bosoms the traffic of the United States of America from one point to another.

I mention specifically the committee of which the Senator from New York is a constructive member, the Committee on Environment and Public Works. The committee has diligently for some time worked to have the corps go to a river like the Monongahela in West Virginia, where the locks and dams are in such precarious condition that they cannot even be operated to enable the movement of the commerce through those locks and dams on that historic river. We have extreme difficulty in having the story understood, the need recognized and the years go on, and there is nothing done to move the traffic on the Monongahela and other rivers in this country because of the condition of the locks and dams.

At Gallipolis on the Ohio side of the Ohio River across from Point Pleasant, W. Va., the same situation exists.

Nothing has been done within Congress to provide the funds so that that constructive work of moving the traffic on the inland waterways of this country can take place.

I only mention it today because it seems that we can find the dollars, is this not correct, to do the jobs in the faraway places of the Earth? That would be the question that I pose.

Mr. MOYNIHAN. I think the point that the distinguished chairman emeritus, as we wish to call him, makes, is quite the case. The corps is carrying out this work at some measure to keep busy because we do not give it the resources to do what needs doing here and is done there.

Mr. RANDOLPH. I appreciate the comment because it gives us an opportunity to again know how we neglect those very important arteries for the transportation of products from the mine, factory, and field within the United States itself. Yet there seems to be very little difficulty, or at least it is not too big a problem to provide billions of dollars overseas for one type of construction or another.

I thank my colleague.

Mr. MOYNIHAN. I thank my distinguished chairman.

It is a fact that we are sending more and more arms into dubious enterprises and uncertain sponsorship.

Mr. President, I ask unanimous consent that the distinguished Presiding Officer, the Senator from Iowa (Mr. JEPSEN) be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I wish to join as a cosponsor.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to have the most distinguished senior Senator from West Virginia added as a cosponsor.

The PRESIDING OFFICER. Without, objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I have said what I intended to say in support of this proposal.

The PRESIDING OFFICER. Is there any further discussion on the amendment?

Mr. BYRD. Mr. President, I ask unanimous consent that I may be added as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I thank the minority leader.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the senior Senator from Louisiana, Mr. LONG, be added as a cosponsor to the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I thank the Senator for adding me as a cosponsor. I think he made a fine case, and I am pleased to support the amendment and cosponsor it.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, the Senator from Michigan, Mr. LEVIN, asked that he be added as a cosponsor and I ask unanimous consent that this be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand the Senator from New York would have no objection if we would temporarily lay this amendment aside so we might move on to other amendments. Is that satisfactory?

Mr. MOYNIHAN. I am more than happy to do so. Mr. President, I will not ask for the yeas and nays, although I would like to retain the option to do so if things are not worked out, and I hope they will be.

Mr. DOLE. Mr. President, if we could set it aside, we could go on and take up another amendment.

Mr. MOYNIHAN. Mr. President, I have the understanding of the Senator from Kansas that I will have some time on my amendment later today.

Mr. DOLE. Mr. President, it will keep coming back up after each amendment.

Mr. MOYNIHAN. It will have to be set aside after each amendment and come back. I thank the Senator. Does he wish to make that request?

Mr. President, I believe I have the floor.

Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. METZENBAUM, and the Senator from Connecticut, Mr. DODD, be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that we temporarily set aside the amendment of the distinguished Senator from New York. I have indicated to the minority leader that we are not going to use this as a roadblock. The Senator from Illinois, as I understand it, is prepared to offer an amendment, and after that amendment we should have some word on the Moynihan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later the following occurred:)

Mr. BAKER. Mr. President, I ask unanimous consent that what we are about to do appear in the RECORD at the conclusion of the earlier proceedings on amendment No. 2467.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have advised the minority leader and the author of this amendment that while the administration does not support this amendment and while I would vote against this amendment, and indeed will on a voice vote, I have no objection to the Senate's proceeding on it now.

There are committee hearings with the Armed Services Committee, I believe on Monday, about this subject, and by the Foreign Relations Commit-

tee. It may be we shall have more information and a better basis on which to proceed later. I have no problems with the Senator from New York proceeding at this time. As far as I am concerned, I am ready to put the question.

The PRESIDING OFFICER. Is there any further discussion? Without objection, the amendment of the Senator from——

Mr. BAKER. Mr. President, the Senator from New York was seeking recognition.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the Senator from New Jersey (Mr. BRADLEY), and the Senator from Tennessee (Mr. SASSER) be added as cosponsors.

Mr. RIEGLE. Will the Senator yield so I may ask that I be added as a cosponsor?

Mr. MOYNIHAN. Yes, Mr. President. I ask unanimous consent that the distinguished Senator from Michigan (Mr. RIEGLE) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there any further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 2467) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Conclusion of later proceedings.)

Mr. DOLE. Mr. President, I understand the Senator from Illinois will seek recognition and is prepared to offer an amendment.

AMENDMENT NO. 2468

(Purpose: To express the sense of the Senate that a provision authorizing the President to disapprove individual items of appropriation should be included as part of the U.S. Constitution)

Mr. DIXON. Mr. President, I thank my friend from Kansas. I am prepared at this time to offer a resolution expressing the sense of the Senate on a line item veto. I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. DIXON), for himself, Mr. MATTINGLY, Mr. PROXMIRE, Mr. NICKLES, and Mr. KASTEN proposes an amendment numbered 2468.

At the appropriate place, add a new section as follows:

Sec. ( ). (a) The Senate finds that:

(1) the federal government has not balanced its budget since 1969;

(2) federal deficits are increasing at an accelerating rate;

(3) the United States faces annual deficits of $200 billion or more for the foreseeable future;

(4) the national debt was almost $1.4 trillion at the end of fiscal 1983;

(5) the magnitude of the national debt could threaten the recovery of the U.S. economy from the recent recession;

(6) stable, vigorous, and continued economic growth depends on the ability of the federal government to bring its budget back into balance;

(7) current federal budgetmaking procedures have not worked to reduce federal deficits;

(8) additional measures are needed to restore fiscal discipline to the budgetmaking process; and

(9) the increasing use of omnibus legislation has worked to undermine the veto power of the President.

(b) It is the sense of the Senate, therefore, that a provision giving the President of the Unitd States the ability to veto individual items of appropriation should be made a part of the Constitution of the United States.

Mr. DIXON. Mr. President, I ask unanimous consent that my friend from Georgia, the distinguished junior Senator from Georgia, Senator MATTINGLY, also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, this amendment is a sense-of-the-Senate resolution that expresses the support of the U.S. Senate for an amendment to the U.S. Constitution giving a line item and reduction veto power to the President of the United States.

We are here this Saturday to discuss once again the question of increasing the national debt limit at a time when the debt in this Nation is so great that nobody can really understand the figure. But as a former Senator from Illinois, the distinguished Everett McKinley Dirksen, once said, "These billions are beginning to add up."

The national debt at this time is $1.4 trillion, and the national debt continues to increase as far as the eye can see in the outyears at the rate of about $200 billion a year.

It is not true that there is no solution to this problem.

I would suggest, as a newcomer to this place, that there is a solution that is now being employed by most of the States of the Union. I would argue that it does not make any sense at all to deprive the Chief Executive of the greatest nation in the world of the same power that we give to 43 of the Chief Executives of the 50 States in this Union.

Recently, I wrote an op-ed article for the Washington Post on Wednesday, October 19, 1983, entitled "Restoring Veto Power."

Mr. President, I ask unanimous consent that this reproduction of that op-ed piece in the Washington Post be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESTORING VETO POWER

(By Alan J. Dixon)

As the sponsor of one of the item-veto proposals now pending in Congress, I'm pleased that The Post decided to pay editorial attention to the idea. I just wish I could be as pleased with the result of that attention.

In an editorial entitled, "No Veto Power," [Oct. 12] the Post argues that: 1) an item veto would tilt the balance of power between the branches strongly toward the president and away from Congress; and 2) the item veto simply wouldn't lead to a balanced budget. Actually, The Post phrased these arguments somewhat less delicately than I have. In the editorial's words, "By threatening to veto well-chosen items here and there in the budget, the president could terrorize Congress into going along on more important matters. . . . And even if a president could and would veto all the special add-ons for public works and minor social programs, the savings wouldn't pay for the added interest cost on last year's deficit."

There is another side to the argument.

I did not introduce a proposed constitutional amendment because I want to enhance a Republican president's power at the expense of Congress. I'm a Democrat, and while I'm fairly new to the Senate, I've spent most of more than 30 years in politics in the legislative branch of government. What my legislation—S.J. Res. 26—seeks is to restore to the institution of the presidency at least part of what was once there—an effective and real veto power.

I say restore because the truth is that Congress has manged over the past 194-plus years to erode substantially the president's veto power. When our Constitution was written, bills generally covered only a single subject. Running the entire government via a single continuing resolution was not the ordinary practice back then. By the time of the Civil War, however, omnibus legislation had become common enough and a large enough problem that an item veto was included in the constitution of the Confederacy. The Confederacy didn't catch on, but the item veto did. Forty-three states now include item veto provisions in their constitutions.

I recognize that many in Congress, as well as those who benefit from the current way of doing things, might not want to surrender all the power they have gained over the years. What I am proposing is only a partial restoration, giving the president an item veto but allowing Congress to override it by a simple constitutional majority. A president would have to choose: either veto an entire bill, forcing Congress to attempt to override by a two-thirds vote, or use the item veto, recognizing that it would be easier for Congress to override.

Proposals offered by some of my House and Senate colleagues do not include the lower override feature. All item-veto supporters, however, want to make it part of the law of the land because it is needed, because the state experience proves it works, and because it strengthens the budget process.

An item veto would allow a president to focus the attention of Congress and the country on those particular items of spending that he or she believes are wasteful, inappropriate or unwise. The current veto, on the other hand, is a blunt, unfocused weapon. A president may face the choice of having to shut the government down com-

pletely to get at the one or two items in a bill that are truly in controversy.

The history of an urgent supplemental bill from the last Congress illustrates the point. President Reagan vetoed that bill twice. At least five different versions of the measure were pending before the Senate at various times. While Congress and the president fought over the housing stimulus package and other issues in controversy, many programs not in dispute were either brought to a standstill or nearly so. Major parts of the government once again went to the brink. Social Security checks were nearly not mailed, thousands of government employees were unnecessarily laid off, and many worthy and necessary government activities were curtailed.

An item veto would make that kind of legislative torture unnecessary and would free the innocent hostages—those programs not in controversy. It would result in a more efficient, more disciplined and more accountable spending process, and would therefore help substantially in our efforts to get the federal budget back under control.

I do not contend that an item veto would, by itself, lead to a balanced budget. Efforts will need to be made in every spending area and on the revenue side of the budget to do that. I do contend that the item veto could make a real dent in what now seem to be $200 billion deficits without end.

Mr. DIXON. I want to say to my colleagues that I have not been in this Senate long—this is my third year—but I have been in public life a long time.

Mr. RANDOLPH. Will my colleague yield?

Mr. DIXON. I am always delighted to yield to my friend from West Virginia, whom I love and admire very greatly.

Mr. RANDOLPH. I thank the Senator. Is it not true that when the Senator from Illinois refers to his public service and the various positions of trust to which the Senator has been elected, that he has never lost a contest for public office in Illinois. Is that correct?

Mr. DIXON. I always knock on wood before I say yes to that, may I say to my good friend from West Virginia.

Mr. RANDOLPH. Very few Members of this body or any legislative body could have such a record. I commend the Senator. I know that his winning record will continue.

Mr. DIXON. My friend from West Virginia is very kind. At the expense of digressing from my remarks about the line time reduction and veto power, may I say to my friend at the end of my public service if someone can say that my service matched only to a little extent the distinguished public service over a half century of my warm and beloved friend from West Virginia, then I would think I had made some contribution to the public affairs of this great Nation.

May I say to my friends here in the Senate that I went to the Illinois House of Representatives in 1950. That was the year that Everett McKinley Dirksen, who later became the great and towering Republican leader of this U.S. Senate, defeated Scott Lucas, who had served as the majority leader of the Senate under President Harry S. Truman. When I went to the Illinois House, Adlai Stevenson was Governor of Illinois. I served 12 years in the Illinois House and 8 in the Illinois Senate as a leader in both places under Republican and Democratic Governors, working for Governors I supported and against Governors I opposed.

I can say, and the record will support—and I make this statement without any fear whatsoever of successful contradiction—that more money was saved in my State by the line item veto and the reduction veto by Governors, both Democrats and Republicans, than any other single instrument of fiscal power held by men or women in public life.

In my State, enormous sums have been saved in the 33 years that I have been in public service by the line item veto and the reduction veto power.

Different people here might have different views about the numbers. My friend, the distinguished junior Senator from Georgia, who will, I think, support me in this effort, has suggested a line item veto power of the President with the usual override requirement of a two-thirds vote.

I would differ with that. I frankly think that gives too much power to the Chief Executive. My own line item veto proposal tracks the Illinois constitution and gives the Congress a power to override a line veto as distinguished by a complete veto by a constitutional majority instead of two-thirds. So you could override with 51 votes in the U.S. Senate and 216 votes in the House of Representatives. I would suggest that gives a better balance. It keeps the Congress in the process. But it also enlarges the power of the President to visit his will upon the process.

I cannot think of anything more ridiculous from a responsible businsess standpoint than the time we were here a year or so ago considering a supplemental appropriations bill. The President vetoed that supplemental because he differed with a very few items in the body of it. The result, however, was that the Government almost closed down. Social security checks were in jeopardy. They almost did not pay the Coast Guard that month. People were sent home from Federal offices. That is a lousy way to run a railroad, and it is the worst way to run the Government.

When are we going to come into the 20th century?

I want to say that when our forefathers came here with their quill pens and wrote this Constitution, they did not even think of things like continuing resolutions and 1,000 page appropriations bills. They thought of something you wrote with a quill pen on one page appropriating a few dollars to do something. That is why they did not talk about a line item veto.

By the time the Confederate States were formed in the middle 1800's, it was so obvious that you ought to have a line item veto that the Confederate States of America provided in their Constitution for a line item veto power.

The Confederacy did not catch on, but the line item veto did and 43 of the 50 States now have a line item veto because they saw how well it worked.

And it does work. Frankly, most times when the chief executive vetoes in these States, it sticks. When he or she is wrong, it does not.

I can remember the chief executive of my State recently vetoing some library money. In every city in the State these library boards have Republicans and Democrats on them and the call came to Springfield urging the legislature to override. The veto was overturned because public opinion demanded it.

I would argue that when the President vetoes a line item and public opinion supports overriding, we would override. That is the way we ought to run the Government, in a sensible way, so that when the President gets a 1,000 page appropriations bill, or something of that sort, he can turn to page 316, line 14, and take out $11,633,412.16 for the Senator from some place who ought not to have had it in the first instance except he made a deal in this place and he was going to shut down the place for a few days unless we took it.

These budgets are full of that kind of stuff. Let me tell you something. The Senator from Illinois puts them in, too, and the Senator from Illinois is going to keep on putting them in—I want to put everybody on notice—because I want to stay in this place just like the rest of you.

But we ought to have somebody with an eraser on a pencil downtown that takes it out once in a while.

Now, if there is an overwhelming public good to it, I suggest it will stay in. Or, if there is an overwhelming public argument against what the Chief Executive does, I suggest we could override. But these things are bloated, these budgets, and they are bloated because of the abuses of all 100 of us in this place and all 435 of us over on the other side. And something ought to be done about it.

This line item veto and reduction veto amendment, if we would adopt it and send it out to the country, would pass so fast it would be back the next day. I wish I could take credit for it, but it was not my idea. It originated over a century ago. It is the most commonsense idea that ever came out of government. In fact, I think it is a mir-

acle that it ever came out of government, it makes such good sense.

Some are going to get up here in a minute and argue for it, and some of my beloved friends are going to get up and argue, oh, this is a terrible thing, it will let the President take out all kinds of things he ought to put in. But I am going to suggest to you that if there is an overriding interest in this country for the provisions in a bill, they will stay in. If the President tries to take them out, Congress will see that they are put back in.

I urge the support of my colleagues for this sense-of-the-Senate resolution. It is not the constitutional amendment itself. This is a sense-of-the-Senate resolution, the first time we are going to vote to express how much concern and support there is for the item veto in the Senate.

I thank my friend and colleague from Wisconsin who is respected and admired. He has been in this body a long time, has fought so many times to save so many bills, together with two other of my colleagues, one of whom I see standing on the other side.

I have been asked if I may have unanimous consent to add the name of my distinguished friend from Alabama (Mr. DENTON) and my distinguished friend from Minnesota (Mr. BOSCHWITZ) as cosponsors on this resolution as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I thank the Senate for giving me its time and attention.

Mr. PROXMIRE. Will the Senator from Illinois yield?

Mr. DIXON. I would be delighted if I may have a moment.

Mr. President, before I yield, may I ask the privilege of retaining the floor? Then may I yield to my distinguished colleague, the majority leader and the manager of this bill, the Senator from Kansas?

The PRESIDING OFFICER. The Senator from Illinois yields without losing his right to the floor.

The Senator from Kansas.

Mr. DOLE. Mr. President, I certainly will agree to the request of the Senator from Illinois. I would like to temporarily set aside this amendment and take up the Moynihan amendment. We agreed with the Senator from New York that as soon as we could, we would do that. We are not trying to block that amendment. As I understand, the majority leader is now prepared to take up Senator Moynihan's amendment.

Mr. LONG. Reserving the right to object, Mr. President.

Mr. DIXON. If I may have the privilege when I come back to yield to my friend from Wisconsin.

Mr. LONG. Reserving the right to object, Mr. President, I would like assurance that the Senator from Illinois will be available to answer questions about his amendments, because there are some serious matters that occur to the Senator from Louisiana in the course of his discussion. I would like the opportunity to discuss it, not at great length, but I have a few questions I would like to ask about the matter. I would like the opportunity to express some objections to it.

(Further proceedings relating to amendment No. 2467 at this point are printed at the conclusion of earlier proceedings on amendment No. 2467.)

Mr. PROXMIRE. Mr. President, let me say to my friend from Illinois that I was delighted to hear his speech today. I missed the speech he made a couple of months ago. I want to say there is nobody who can wake up this old body like the Senator from Illinois can. It was a brief speech, but dynamite. I was glad to hear it.

Mr. DIXON. I thank the Senator.

Mr. PROXMIRE. Let me ask the Senator, this would not take effect until we have a constitutional amendment, is that correct? This is a sense-of-the-Senate resolution that simply puts the Senate on record but has no binding force.

Mr. DIXON. That is exactly correct. I have a constitutional amendment pending, and I hope some day to have hearings on it and ultimately bring it up before this body.

This is just a sense-of-the-Senate resolution.

Mr. PROXMIRE. The reason I raise that point is I think that takes it out of immediate political consideration. This is not a matter of giving President Reagan this kind of power. This will not take effect until after the next Presidential election. You have to have the States act on it so there would be a time for this to take effect. It will only take effect after this administration is through.

Now, I would like to ask a question: The Senator from Illinois not only served in the Illinois Legislature, but he served in both bodies. He served as leader of the lower body and in the upper body. As he said, he has dealt with Governors who have been Republicans and Governors who have been Democrats.

Mr. DIXON. That is correct.

Mr. PROXMIRE. Mr. President, I would like to ask the Senator if it is not true that without the veto power, the State of Illinois would have been in a situation where they would necessarily have had to impose a bigger burden on their people and there would have no opportunity under those circumstances, really, to reduce the burden that the people of Illinois do suffer. Is that correct?

Mr. DIXON. I assure the Senator that that is true and that many millions of dollars have been saved and many millions of dollars of additional taxes have been averted in my State by virtue of the existence of the line item and reduction veto power in Illinois Governors, both Democratic and Republican.

Mr. PROXMIRE. Is it not also true that not only were the Founding Fathers acting on a much smaller appropriation, but there is not one single word of discussion of an item veto in the Federalist papers or any other part of the debate that went on in adopting a constitution, no discussion whatsoever? They did not consider the item veto because, of course, the appropriations were far simpler, far more direct, there was nothing like the item veto until, as the Senator points out, many decades later when, during the Civil War, the Confederacy adopted the item veto. Is that right?

Mr. DIXON. That is exactly true. It was not until late in the middle 1800's that legislation became sufficiently complicated that these matters began to show up under discussion in the Congress.

Mr. PROXMIRE. Now, is it not also true that this country faces, as the Senator pointed out, a super, colossal deficit of a dimension that we have never had to cope with before?

Mr. DIXON. Exactly true.

Mr. PROXMIRE. That the deficit we have now, with the exception of World War II when, of course, we had an extraordinary situation, very limited, only lasted 3 or 4 years, but with the exception of those periods in 1943, 1944, 1945, the deficits now are far greater with respect to the gross national product as well as greater in absolute number?

Mr. DIXON. Absolutely correct. There is no historical precedent for it. The amount of our deficit is unprecedented in the history of our Nation.

Mr. PROXMIRE. Is it not also true that many economists contend that it is by far the most serious obstacle toward a sustained and economic recovery by this country?

Mr. DIXON. The Senator from Wisconsin is absolutely correct. That is the view of most respected economists in this Nation, men like Mr. Volcker and others that the Senator and I have heard in the Banking Committee.

Mr. PROXMIRE. I might also add the head of the International Monetary Fund, the distinguished French economist, says the most serious obstacle facing world recovery is the deficits of the United States because they are driving interest rates so high; they are bringing in capital from all over the world; they are making it very, very hard for countries in Europe, Asia, Africa, and South America to continue because of the devastating effects of our deficits.

Mr. DIXON. The Senator is correct. It has international consequences, quite obviously.

Mr. PROXMIRE. Is it not also true that the Dixon sense-of-the-Senate resolution is a moderate sense-of-the-Senate resolution in that it provides for action by the legislature, if the Congress should disagree with the President, not by a two-thirds override, as we do in the regular amendment process, but for a constitutional majority? In other words, 51 Senators and 218 Members of the House can together override the President's item veto?

Mr. DIXON. That is correct. That is the provision I support.

I would point out to my distinguished friend from Wisconsin that my friend from Georgia may differ with me on the numbers. There are some who believe that the line item veto ought to be a superabundant majority. I do not agree with that.

Mr. PROXMIRE. This is a more moderate approach. This gives the Congress more power than we would with a two-thirds override.

Mr. DIXON. That is right. I would argue that the only kind that can pass is something of that kind.

Mr. PROXMIRE. Is it not also true that the President may not only eliminate an item, he may reduce it?

Mr. DIXON. That is correct.

Mr. PROXMIRE. So if there is a proposal for a $100 million project and the President feels it is $50 million too high, he could reduce it to $50 million?

Mr. DIXON. That is correct. He would have that authority subject to a constitutional majority override, 51 in the Senate and 218 in the House.

Mr. PROXMIRE. Let me get into one more area because I think it is likely to be an issue raised by the opponents. Some people say, "Well, why can't we just rely on rescissions and deferrals?"

In the first place, is it not true that the deferral simply postpones an expenditure; it does not eliminate it, and that expenditure must proceed unless the President can subsequently secure a rescission?

Mr. DIXON. That is correct.

Mr. PROXMIRE. Now, as far as rescissions are concerned, I have some data, and I find that since we have put this into effect President Ford's budget amounted to $783 billion for the 2 years in the transition quarter in which he was in office, and the requested rescissions that he was able to achieve came to 0.6 of 1 percent of his budget.

Now, it is nice to have those rescissions, and 0.6 is nothing. One percent is still a lot of money, but it is a tiny percentage of the problem.

Furthemore, President Carter in his budget spent about $1.5 trillion in his 4 years. His rescissions come to a little over 0.1 of 1 percent. So the argument is that we can go ahead and solve this problem with rescissions and deferrals as we have them on the books. It seems to me, on the basis of experience, we just cannot achieve the kind of savings that we can with the veto proposal that the Senator from Illinois is suggesting.

Mr. DIXON. I answer the Senator from Wisconsin in this way with reference to his last question. He and I were both present in the Banking Committee the day—as matter of fact, it was the Senator from Wisconsin who asked the Chairman of the Fed, Mr. Volcker, what could we do to reverse what is occurring in the Congress and how could we create confidence in the marketplace for what we are doing in the Congress. Mr. Volcker replied to the Senator that if we could cut back on these deficits $50 billion a year over the next several outyears, interest rates would drop a couple points due to the perception of what we were doing here on Wall Street and in the financial marketplace.

I can tell the Senator that if we adopted this line item and reduction veto power, I honestly feel the President could reduce every year somewhere near those kinds of figures by selective vetoes.

Mr. PROXMIRE. There is just one other point in connection with a rescission as a possibility.

The Senator from Kansas, I understand, has proposed that instead of a line item veto we give the rescission more power by providing that it will prevail unless Congress overrides it.

Now, that would put it in the same position really as what the Senator is proposing, or very similar to it. It seems to me one problem—I am sure the Senator from Illinois may have other problems with it—is that to the extent it would accomplish the same end there would be a very strong constitutional challenge under those circumstances because it would seem to extend the provisions in the Constitution that provide for a particular kind of veto limited in a particular way. And if we make this kind of a provision, it seems to me that we are going to be challenged constitutionally and probably lose in the courts.

Mr. DIXON. I believe the point the Senator is making is a good one. The proposition I have offered, however gives the President the constitutional authority to veto exactly the amount he or she wants in the appropriation process, but leaves the Congress by a simple constitutional majority in both places the right to view again what he has done.

Mr. PROXMIRE. I thank my good friend. I am delighted to join him in the cosponsorship of this resolution, and I certainly earnestly hope it passes. I am very hesitant about this kind of thing. I have been a legislator all my life. I was in the Wisconsin legislature. I have served in this body. I have never been in the executive branch or have any ambitions of being in the executive branch in any way, shape, or form. I cherish the powers we have, and I think in some respects the President has taken perhaps too much power. But I think we are in a crisis now, a serious crisis; spending has just gone way out of control. We have to do something effective about it. We need all the institutional help we can get. I think the Senator from Illinois is providing the kind of institutional help we need.

Mr. DIXON. May I say there is no one I am more comfortable having help fight the cause than the distinguished Senator from Wisconsin, who has gained a reputation in his lifetime of public service as a protector of public trust in the expenditure policies of Government. I am honored to have his support.

Mr. President, I ask unanimous consent to add Senator WARNER, the distinguished senior Senator from Virginia, as a cosponsor of this resolution.

I am pleased to yield to my distinguished friend and colleague, the junior Senator from Georgia.

I also ask unanimous consent to have the honor of adding as a cosponsor the distinguished chairman of the Subcommittee on the Constitution of the Judiciary Committee, Senator HATCH, who cosponsored the budget-balancing amendment last year.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. MATTINGLY. Mr. President, I, of course, am happy to join as a cosponsor the sense-of-the-Senate resolution by my distinguished colleague from Illinois. I hope those Senators who cosponsored my resolution, Senate Joint Resolution 178, and those who cosponsored Senate bill 1921, which is my version of the line item veto, would also cosponsor this worthwhile sense-of-the-Senate resolution that my colleague from Illinois has proposed before we get an opportunity to vote on it. I hope we do get an opportunity to vote on it. The issue is not as we have carried on somewhat this morning about whether it is going to be two-thirds, or a majority, or whether it is going to be three-fifths, or what fraction we are going to use in order to give Congress ability to override the President's veto of a line item. The issue is we need the law on the books.

This is just a beginning point of a sense-of-the-Senate resolution, as a shot across the bow, so to speak, in order for us to hold hearings, as the Senator from Kansas, I am sure, wants to hold hearings, on the line item veto.

In my 2 years and 10 months in the United States Senate, I have heard a lot of talk about rescission authority, impoundment, and line item veto, and all I have heard so far is talk. I have

not heard any hearings; I have not heard any action. I think that is precisely what we need.

We are talking about a debt ceiling bill, increasing it to $1.64 trillion or, if the Armstrong amendment is sustained, increasing it to $1.45 trillion.

Now all these amendments are coming about on the debt ceiling bill, which carries a lot of baggage. But the baggage is being carried by the taxpayers of the United States. Every time we increase the debt ceiling bill, or every time the Appropriations Committee meets—and I meet with them—we add something on the taxpayers.

It is time we have an opportunity to get out from under the burden of this debt ceiling or the tremendous burden we have of a Federal deficit. How do we do that? It is not complicated.

I am sure we are going to have some proposals come up on reconciliation which will say that we will give all the authority to the President to make the spending cuts. It is easy for Congress to raise taxes, but when it comes to doing the job of reducing spending, they do not do it.

Now we want to shift that burden to the President of the United States, because 535 people in the House and the Senate will not do the job. If they are not going to do the job, we need to give him some authority, and the authority is the line item veto.

Some people might ask, "Why is the line item veto so attractive?" I think the Senator from Illinois has put it accurately. Forty-three States understand it. The reason why it is so attractive is that it works.

Give the President of the United States the line item veto. Of course, I would prefer that Congress have to get a two-thirds majority, but I am not wed to that. I am sure that the Senator from Illinois is not wed to the majority rule. We might come to an agreement. I hope that sometime, on both sides of the aisle, the Senator from Illinois and I will succeed in this 98th Congress at passing this. It can be three-fifths or any other fraction, so long as we pass it and give some real authority and some real working power to the President. If we did that, I think we would also find a Congress that would be more responsive when it comes to appropriating money.

The fear of losing authority in this place is just unbelievable. If you are a chairman of a committee or a ranking minority member of a committee, nobody wants to lose power in this place. Nobody wants to lose any turf. That is ridiculous. We are not losing turf here. The taxpayers are losing turf. The turf is coming out of their pocketbooks and wallets.

What I am saying is that the agenda needs to change a little, and the line item veto gives that to the President of the United States. It also shifts that agenda to where I think we can get something done.

I have heard a lot of things here in the last few days on the debt ceiling bill, and probably we have heard more than we want to hear. We have had all sorts of amendments come up, most of them not relevant to the debt ceiling bill. It is just a sort of press form. I am not trying to convince the press of anything. What I want to accomplish—and I thought it was easier in the United States Senate because you only have to get 50 people with you—is a form about a line item veto.

What more appropriate place is there to put it than on a debt ceiling bill? I cannot believe I am talking about a debt ceiling bill of $1.6 trillion. When I came to this place, it was under a trillion dollars, and we have done such an amazing job that we have been able to increase it to $1.6 trillion. That should trigger something in our minds, that we should be doing something.

I have never served in a State legislature, but the Senator from Illinois has. He understands what is happening in those legislatures and what made them trigger into working better, having a better system than the Federal system. All the systems are good in this country, but not to include something that is an improvement borders on the ridiculous. This does improve it.

There is no doubt in my mind that something is going to sink this resolution—maybe not today, or it may not make it when the debt ceiling goes to the House. But I think the issue is out in front. I know that my colleague on the other side of the aisle and I are not going to give up on this issue, because I do not think there is any more vital issue we can discuss, debate, and try to force into action.

I understand that some of my colleagues are not going to be supportive of this, and probably many are on the same committees I work on. But I think it is vitally important.

Mr. President, I ask unanimous consent to have printed in the RECORD two editorials with respect to support from the public for the line item veto. One is from the Savannah Morning News, and the other is from the Augusta Herald.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Savannah Morning News, Oct. 24, 1983]

THE LINE-ITEM VETO

While Mack Mattingly has caught on fast and made good inroads since Georgians sent him to this Senate in 1980, some of his congressional colleagues must wonder if he's forgotten so soon that the members of Congress hold certain special-interest and boondoggling tools. He sometimes acts more like a taxpayers' advocate than a senator.

There's nothing wrong with being a taxpayers' advocate. But it's somewhat strange for a member of Congress to want to give up a special privilege whereby he can tack on to a major piece of legislation some special-interest amendment that may benefit only a small part of his constituency. Bravo, Senator Mattingly.

What the Senator has proposed is a bill that would permit line-item presidential vetoes on an appropriations bill.

The change that would create has some members of Congress worried, especially Texan Jim Wright, the House majority leader. Goodness gracious, to allow a president to veto certain items in a bill would upset a lot of apple carts.

Under the present system, a president must sign or veto a bill in its entirety. If he objects to an appropriation for an unneeded dam in Podunk, the president still must approve it or an entire bill containing some very essential and worthwhile appropriations will suffer from a veto. Especially is this true when Congress fails to override a veto, and overriding is a difficult process.

Majority Leader Wright and other Democrats contend the power of line-item veto would make the president a dictator of sorts. Georgia's governor has line-item-veto power, but no one's called him a dictator, or any of his recent predecessors. Governors of 42 other states also have that power.

The line-item veto may be just one of the things this nation needs to harness the growing national deficit. One of its effects would be to place a heavier burden of responsibility on the president's shoulders. Also, it would not remove the authority of Congress to take back any vetoed line item and make an attempt to override. If the sponsor of a dam in Podunk can convince his colleagues that the course of civilization will change tragically, if the dam isn't built, they'll override. Otherwise, it will be good riddance to a worthless project.

Senator Mattingly may have upset some of his colleagues on Capitol Hill, but the people of America probably would welcome such a change as he has proposed. Wish the measure success.

[From the Augusta Herald, Oct. 18, 1983]

"DICTATORIAL" VETO?

Sen. Mack Mattingly, R-Ga., has introduced a sensible measure that would permit the president a line-item veto of appropriations bills. As it stands, a president each year receives only a handful of multibillion-dollar bills that cover everything from A to Z. He must either approve such bills or veto them in *toto*. In effect, this means that a president is forced to be the big man for a lot of special-interest whoopee money, because a veto would deprive many crucial federal agencies of funding.

Of course, opposition to the "surgical" veto will be fierce. Rep. Jim Wright, D-Texas, the House majority leader, charges that giving the president a line-item veto would confer on him "dictatorial powers." Well, the governors of 43 states, including South Carolina and Georgia, enjoy line-item privileges, and as far as we know none of them has begun to resemble Idi Amin. Also, as Lloyd Cutler, former counsel to President Carter has stated, "We are the only country where the legislature can vote a larger budget than the executive proposes."

To be sure, instituting a line-item veto would shift political heat, as well as power, to the president. Yet congressmen who have built careers on brokering for various interest groups won't change their ways willingly. But they shouldn't resort to this "dicta-

torial powers" guff. A president (with his party) would be judged on his use of line-item-veto power in the next election. That is democratic, not dictatorial.

Naturally, anyone who favors expanding the president's powers in this fashion ought to remember that the sword cuts both ways. Faced with an omnibus appropriations bill, a president might cheerfully approve much needless social-welfare spending, while smacking down funding for national defense. Even so, the public could call one individual to account. Now responsibility for federal expenditures is spread 536 ways—that is, spread so thin it's invisible. That's no way for a democracy to operate.

Reaganomics generally is working, but interest rates are still too high because of huge federal deficits that are deepened by ungoverned federal spending. A line-item veto could solve that problem, too, and make President Reagan an economic wizard in the public eye. Could that prospect explain much of the opposition to the veto reform?

Mr. MATTINGLY. Mr. President, as the majority leader has said, we occasionally say more than we know; but I say that at times we sit here on financial matters and say that Congress cannot do it because either it is the wrong time of the year or we have an election coming up or we have just passed an election. There is always a reason why we cannot reduce spending.

If we are going to come up with all the reasons why we cannot do something, then I think we need to shift the authority to restrain spending to some other body, that being the White House. But if we pass the line item veto, I do not think that will happen. What I think will happen is that it would give us a more responsive and responsible Congress.

Mr. NICKLES. Mr. President, the Senator from Illinois (Mr. DIXON) and I offer this amendment to the debt limit increase to state that it is the sense of the Senate that it favors a provision giving the President authority to veto items of appropriations. It is my hope that the Senate will register its approval of such a proposition. By testing the waters with this amendment, so to speak, we can gage the desirability of an item veto as a tool to curb escalating Federal spending.

The resolution outlines the budgetary difficulties facing our Nation and resolves that it is the sense of the Senate that the President be given authority to veto items of appropriations. The specifics of such a proposal should be fashioned through the proper channels of Congress. Thus, such specific provisions of an item veto are not stipulated in this resolution. I feel this is a wise decision.

This is not a new issue. It was first given serious consideration after the Civil War and has continued to hold the interest of the legislative and executive branches. Not only is it an issue which has received attention on the Federal level; it is also very popular among the States, where 43 have included an item veto provision in their respective constitutions, including my own State of Oklahoma. Giving the President item veto power would curtail unnecessary Federal spending and would restore full veto authority to the President.

During times of severe economic pressures, such as we have today, new and innovative solutions must be reviewed and implemented. Mr. President, I believe this is such a solution to help resolve the financial problems in which we find ourselves. Recently, item veto has received widespread interest on and off Capitol Hill. I am very encouraged by the remarks of Treasury Secretary Regan last month in support of an item veto for the President. In the legislative branch, several bills and resolutions have been introduced by Members of both Houses during this session of Congress.

This additional power to the President would give our Nation further fiscal control over its Federal purse. In fiscal year 1983, the President sent to the Congress requests for appropriations of $497.9 billion, the Congress approved $510.8 billion, an increase of $12.9 billion. If the President had the power to reject portions of these appropriation bills sent him, we may have seen the fiscal year 1983 deficit reduced by a substantial amount.

In recent history, Congress has maintained the practice of lumping numerous authorizations and appropriations in single appropriation bills. This restricts the President from exercising his constitutional right of considering individual items on their own merits. Allowing an item veto would restore much of this authority which has been lost since the adoption of our Constitution.

On October 5 of this year, I cosponsored Senate Joint Resolution 128 and S. 1921, offered by Senators MATTINGLY, DOLE, and others. The first would propose an item veto power as an amendment to the Constitution. The second provides item veto authority through enactment of statutory legislation. These bills represent two views as to the approach that should be taken with regard to the implementation of an item veto.

There is considerable support and merit for a constitutional approach to put such an idea into place. There is no question that if an amendment to the Constitution was approved and ratified by the States, it would go into effect. However, a statutory change raises valid concerns as to its viability as an option. It is my opinion that such an option is viable and is worthy of further consideration. Under such an approach, Congress could, by majority vote, implement an item veto. Article I, section 1 of the Constitution grants all legislative powers to the Congress and has the exclusive power to appropriate funds. This appears to give Congress sufficient authority to delegate item veto authority to the President. Furthermore, under the Impoundment Control Act of 1974, a mechanism was established whereby the President could defer appropriated funds, thereby achieving control over funding for particular programs that is somewhat similar to that possible with the item veto. For these and other reasons, I feel that there is adequate justification for considering a statutory solution to giving the President an item veto.

Mr. President, item veto is a step in the right direction. However, I feel that additional improvements in the President's fiscal control authority need to be made. Included among these is the power of the President to impound funds. Currently, the President's ability to rescind and defer funds is severely restricted and in my opinion has led, in part, to the spiraling deficits. Congress should restore this power to the President which was removed in the Impoundment Control Act of 1974.

I am confident that our country will weather our present economic turmoil. However, this will not come without change. We must move to restructure the way we do business. We must be dynamic and adapt to our changing fiscal and economic environment. I hope that both Houses will move quickly to schedule hearings and proceed with floor consideration of Presidential item veto whose time has come.

Mr. President, it would be my preference that we would move at this time for a statutory line item veto. However, it has been our decision to go ahead and move forward with the sense of the Senate resolution.

I do think it is important for the Senate to voice this issue, to vote on this issue, to have hearings on this issue, and, before this session of Congress is over, to enact a line item veto giving the President some authority to make some reductions in Federal spending.

We continually have almost every person on both sides, liberals and conservatives alike, denounce the unbelievably large deficits. Unfortunately, the majority in Congress do not do anything about trying to reduce those deficits.

Right now, if we passed all 13 appropriations bills, the President would be given two options. He could either sign the bill or veto it. But it would be the entire bill.

Looking at the size of these bills, it is almost beyond comprehension. We are looking at a defense bill of about $250 billion, Labor and HHS of $100 billion, HUD and other agencies of about $54 billion.

The President is given two options—either sign it or veto the entire bill. So he has very little input or very little ability to be able to make some constructive changes or reductions in the budget.

Congress is the one that passes those bills. Congress is the one that is really the guilty culprit as far as ever-escalating Federal spending increases.

As mentioned earlier, we have 43 Governors who have line item veto power. I will tell the Senate that every single chief executive in this country has line item veto over his company. Every head of household has line item veto. That is where persons who are responsible are able to make the reductions that are really necessary to be able to control the budget.

Right now, the President is in really a bad situation because we only appropriate about half of the Federal spending, that is, the total Federal spending, and so then he is given this limited option on only about half the Federal budget.

Aside from the Chief Executive submitting the original budget, Congress really holds all the balance of power as far as Federal spending.

Quite frankly, Congress has not done a very good job. We can debate whether or not, if the President exercises the line item veto, it would take a majority vote or two-thirds majority to override. I personally think it should take two-thirds, and I think that is what our forefathers would intend. I hope we enact something along that line, but again movement forward and giving the President some discretion on being able to make some reductions I think would be a very positive step forward.

Even in the areas of defense where we have a lot of people say we spend way too much money for defense—they want to increase spending in every other area, but not in defense—they do not allow the Chief Executive to make some reductions in defense, and, quite frankly, I think if we give the President line item veto we would see substantial reductions in defense spending because we have a lot of people in Congress who are very successful in bringing home the bacon to their home district and they use the Defense bill as a means or method of a jobs bill.

If we allowed the President to have a line item veto, I think we would get more dollars for our defense dollars or better value for our defense dollars and we would see it would be exercised in Defense as well as other agencies.

I hope we get an up-and-down vote on this amendment. I hope it will pass. Unfortunately, it is just a sense of the Senate amendment, but I can assure my colleagues that this issue will come up again and again. So hopefully it will pass as final law.

Mr. DOLE. Mr. President, I hope we might have a vote on this amendment soon.

Let me say to my distinguished primary sponsor of the amendment, Senator DIXON, that the Senator from Kansas introduced pretty much the same amendment in 1977. So I support it.

The only objection I have in it is we are trying to add something on the debt ceiling bill, and we have enough—I will not say how I would characterize it—but we have enough other material that probably could be put somewhere else but on the debt ceiling now.

This is really a matter where the hearing on this would be before the Constitutional Subcommittee chaired by Senator HATCH in the Judiciary Committee as I understand it. It is not a matter which we have jurisdiction of.

I also know the distinguished chairman of the Appropriations Committee, Senator HATFIELD, has a deep concern about this. Even though it is only a sense-of-the-Senate resolution, I guess it is natural that the appropriators would feel a little differently about this kind of amendment.

I think it is a good idea. I think the constitutional amendment is a good idea. I think the statutory approach as advanced by the Senator from Georgia, the Senator from Oklahoma, Senator MATTINGLY and Senator NICKLES, and others, is a good approach.

We have to find some way to restrain spending. If we are not willing to do it, we should be willing to give this authority to the President, whoever he might be, Democratic or Republican, if he is willing to take the heat, and let the President have this authority.

So I just suggest at the appropriate time we have whatever we can work out, on either a tabling motion or up-and-down vote, but I hope that we might not accept it today.

I am happy to yield the floor to the Senator from Florida.

Mr. CHILES. Mr. President, I listened to the arguments of my colleagues who are in support of this line item veto. I can tell that they are very sincere. I think they come at this from their experience in the States, and it appears that in some States it works.

If it does work in those States, I have no quarrel with that. But I am very concerned about doing the same thing at the Federal level.

If you really want to talk about the experience of the States, no State in this country allows the right of unlimited debated in one of its houses. That is unique to the U.S. Senate. No other parliamentary body does that.

I do not think we want to abandon that unique privilege in the Senate.

Mr. LONG. Mr. President, will the Senator yield for a question at that point?

Mr. CHILES. I yield.

Mr. LONG. Is it not true that there is no State in the Union that permits an individual Member of either legislative body to have the influence and the power that is the potential of every Member of the U.S. Senate?

Mr. CHILES. I think that is exactly correct.

So I think we can say that the States tend to have much stronger executives, much stronger Governors. In fact, I think that was one of the problems when a Governor of Georgia came up here, and became President of the United States. He did not have any idea what he was running into with Congress because he had been dealing only with the Georgia Legislature. I think President Carter was very surprised when he ran into the "buzz saw" when he came in here.

So I point this out to illustrate that just because something works in the States is no reason for us to adopt it. And neither is it a persuasive reason to give the President of the United States the same strength in proportion to the national legislative body that the Governors have in their States.

I think our Founding Fathers were more than familiar with the line item veto. They had seen King George operate. They had seen his predecessors use it. So they knew something about a line item veto. The Founding Fathers knew what levying taxes and spending was like when the people didn't have anything to say about it. So they made up their mind that was not going to happen in our Government. They spelled out in the Constitution that "all legislative powers herein granted shall be vested in the Congress of the United States which shall consist of the Senate and the House of Representatives"—all powers.

Now, if we want to insist that this Congress has not complied with its power, I will get in line with you about that. I take this floor a lot of days and talk about our deficits and Federal responsibility.

But what are we talking about here? Are we talking about responsibility? Are we talking about what we should be doing? Or are we talking about giving that responsibility away? Are we saying we are so inadequate that we have to give it away?

What I think we need to do is clearly spell out to the people what the duties of each branch are, and let the people judge and grade. They have the power to grade at the ballot box, and if this Congress is totally irresponsible, the people will go to the ballot box, and change the Congress.

To give away our authority, to give it to the President in line item veto; what will that really do? I will tell you what it will do. It will add to the irresponsibility of Congress. With an item

veto as a shield, Congress could have it both ways. We can be for a project that looks mighty good back home, knowing all the while that someone in OMB will flag it and tell that President, "You better veto that." We will not have to worry. The President will take the heat. We will get the credit and the chance to answer mail both ways. A Member can say, "I added the money for this valuable project I knew you wanted, but I am sorry the President vetoed it."

Is that the kind of responsibility we want? I do not think so.

Now, we are talking about all the money an item veto will save. But it's only 18 percent of this budget that is in appropriations now. That is all we are talking about. And is that the 18 percent that is causing the deficit trouble? I do not believe it is.

The chairman of the Appropriations Committee has pointed out that every appropriation is below the budget target. Every one so far has been signed by this President. This President has said he would veto bills if they were too high. But they have all been within the budget target.

So he is exercising his existing power persuasively. It seems to be working. The appropriations are not the sources of the money trouble. The problem is in the entitlement programs. The problem is in the interest we are paying on the debt, and in taxes or tax expenditures.

I do not see anything in the pending proposal that says we are going to give a line item veto on all the tax matters or tax expenditures.

Now look at the deficits and see how they came up. Every one of these deficits came from a Presidential budget. And those budgets were in deficit every time before they ever came to Congress. Since I have been here, every budget presented to us has been out of balance before it left the White House.

So there are two parties to this, not just the Congress. If you look and see how our hearings are held, if you look and see what happens in our Appropriations Committee, you will find we listen to people at these hearings, whether it is a school board or someone else. They say, "Here is a problem. Here are some funds that we need." We listen to that and we make up that appropriation.

But who would give instructions on a line item veto? Some budget analyst in OMB, that is who. Do you even know his name? Do you ever get a chance to vote for him? None of those things. It in a person with an eyeshade and an eraser who would decide whether to cut aid to dependent children by a certain amount of money. So he or she just checks that off. Then it goes up to Mr. Stockman and Mr. Stockman carries it to the President and that becomes a part of the line item veto.

Where does the public get a chance to be heard? Where do they get a chance? They came up through the appropriation process and Congress listened. They had a chance to elect the person that makes up the budget. They had a chance to say their piece. But to what positive end if it all goes down the drain because of a line item veto triggered in the far-away corners of OMB.

I think that it is the kind of thing that would take away our responsibility, and muffle the public voice.

The PRESIDING OFFICER. Excuse me, Senator. I would suggest that, out of deference to the Senator, the Senate be in order.

The Senator may proceed.

Mr. LONG. Will the Senator yield for a question?

Mr. CHILES. I am happy to yield.

Mr. LONG. In the last analysis, does that not suggest that the decision involving the welfare of a great number of people, particularly the interest of perhaps a great majority of the people in some small State, is oftentimes decided by someone down there completely unknown to the people affected, whose identity is not known to any citizen of any State?

Mr. CHILES. Exactly right.

Mr. LONG. Who has never been elected to anything by anybody and could not be elected to anything by anybody in a precinct in America?

Mr. CHILES. That is exactly right.

Mr. LONG. Is that not completely contrary to every concept of democratic government, that a government should be representative of the people?

Mr. CHILES. It is in my way of thinking, Senator, absolutely. That is the point that I am trying to make, what you have stressed so well; that it is contrary to let somebody at OMB, some analyst, somebody who may have never really liked a program, reshape public policy. We all have some we do not like. But at least we have to be willing to stand up, we have to put our amendment in, and put our name on it. Anybody can see whether we are after a program or not. We are accountable, that fellow at OMB. He has got his prejudices just like we have, but he does not have to answer. And he does not have to listen.

Mr. LONG. Will the Senator yield further?

Mr. CHILES. Yes.

Mr. LONG. Comparing this to a line item veto for a Governor, is it true that when a Governor vetoes a line item involving even a single county within his State, he is usually familiar with what it is that he is vetoing, but that in many cases a President would be called upon and asked by his bureaucracy to veto something where he has never been there, never seen it, and has no direct familiarity with it at all?

Mr. CHILES. I think that is an excellent point. And I think that would happen.

Let us imagine an appropriation bill going in there, and then imagine those line item vetoes coming out of there. Then think about whether the President, on a lot of these bills, is going to have any kind of familiarity with them at all. I think the Senator is absolutely right.

Mr. LONG. Well, the President is a very busy man. He has the issue of war and peace. The United Nations is meeting and talking about hundreds of different international problems; he has to be trying to think about that. He has to think about the level of readiness of all the armed services.

So, in addition to having to take notice of hundreds of international problems, any one of which could lead to an outbreak of hostilities among nations around the world and of concern to us, he also has to think about domestic problems, problems that are of significance in the area where he resides and also problems that are signficant in areas 3,000 miles away.

Mr. CHILES. I think that is true. If the Senator will recall with me how it works now. If we send a HUD appropriation bill over to the President, his staff analyzes it, all of those experts at OMB, and they say we think this bill is too big or we think these projects are too big. And if it is a big enough public policy question for that President; if there is something in that bill that is odious to him; or if he thinks the overall number is too big, he vetoes it. He sends it back in a veto message, and the Congress many times has had to work that out with the President and decide what to do.

We should not shift responsibility from the ones that really decide these projects. But under a line item veto, some unknown analyst can pick, pick, pick and then it goes to the next one and he picks. There is your "new" process. We would be totally giving away the ability that the people know we have to listen to their problems, the ability the Constitution vests in Congress. We would be giving all that away to a bureaucracy.

Mr. LONG. Mr. President, if I might ask the Senator about another aspect of this matter: Does this not raise the problem of disparity of power between small States and large States in the House of Representatives? A small State has two Senators. The great compromise that put this Nation together found it necessary to accord that consideration to a small State, to provide it two Senators.

Mr. CHILES. Yes.

Mr. LONG. For matters to become law, those two Senators can fight for their small State's interests or their average State's interest. We ought to have a lot of influence over here in the

U.S. Senate and they might be able to get what they think is justice or fairness or at least make a compromise for the benefit of their States which is small in population.

But when they get to the House of Representatives, that State might not have but a single Member of the House out of 435 Members over there, hardly any influence at all; powerless, you might say, to any noticeable extent, to defend a representative interest against the overwhelming powers of the large State delegations.

When one looks at the potential of a State defending its interests, or advancing its interests, as the case may be, when the President vetoes an item of concern to one small State, small in populationwise even though perhaps large in area, like Alaska, what chance would that have of prevailing in the House of Representatives when a veto message gets over there?

Mr. CHILES. I think the Senator raises a very strong point. If the State of California with all of its Representatives and that block of votes fan out and say, "Look, this one is one for us and we want it and we will remember it if you give it to us and we will remember it if you do not," you know good and well they are going to have an opportunity to do something. Certainly, more than a State like Rhode Island or Alaska with only one or two Representatives.

Mr. LONG. When a veto message would come back involving the State of New York, perhaps, or the State of Illinois, ably represented by two very articulate hard-working, and brilliant Senators, one could expect that they would do as well as any other State would do in protecting the interests of their State in the Senate. But when a veto relating to the interests of a small State gets to the House of Representatives, no matter how able that State's two Senators might be here in the Senate to explain the interest and logic of a matter involving their State, with only a single Member of the House what chance does that State have? In the last analysis, if that is where the decision is going to be, it means that a large State might have 30 Representatives or more while a small State only has 1. That is what you call playing the game with loaded dice, so far as a small State is concerned.

Knowing the Senator has had some experience in these matters, why should any small State vote for something like that?

Mr. CHILES. I think the point the Senator makes is very strong.

Mr. President, I received a letter from the distinguished chairman of the Appropriations Committee. I know he is unable to be here today, but I am sure he feels very, very strongly about this. He tells me:

I have been alarmed by the increasing interest expressed over proposals to grant the President a line-item veto authority or to enhance his ability to effect rescissions of budget authority. I find it especially distressing that this abdication of Congressional responsibility is represented as a solution to the chronic deficit, and I hope that we can work together to head off these specious and counterproductive proposals.

It is perplexing that while we have finally been able to obtain a fairly wide understanding that the most significant reasons for the chronic Federal deficit are increased entitlement costs, military spending, and interest, we are again confronted with the old argument that we ought to make further reductions in domestic discretionary programs. Bear in mind that annually controllable discretionary spending in total is less than half of the projected Federal deficit. In other words you could terminate all discretionary government programs, including law enforcement, parkland acquisition, environmental protection, research, conservation, rural and economic development, and still have a deficit exceeding $100 billion.

All the more disturbing is that with so little potential for helping reduce the Federal deficit, these proposals would go so far in stripping Congress of its Constitutional responsibility to control the purse strings of the Federal budget. It is ironic that in a year where we have been so successful in getting appropriations bills passed and signed into law, and all of them at or below our section 302 budget allocations, some of our colleagues would be seeking means of nullifying our actions.

I hope you will have the opportunity to review the attached statement from the Congressional Record regarding the line-item veto, and will join me in vigorously opposing these proposals.

I ask unanimous consent that his statement concerning this matter, which was in the CONGRESSIONAL RECORD, be printed in the RECORD again at this time.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL LINE-ITEM VETO PROPOSAL

Mr. HATFIELD. Mr. President, the Secretary of the Treasury, Donald Regan, was quoted this week as saying that the administration should be granted a "line-item veto" authority because Congress was "unable or unwilling to cut spending" and that "This President is willing to take the tough steps necessary to reducing deficits." Reducing Federal deficits is a goal none of us quarrel with, but the proposal suggested by the Secretary once again illustrates H. L. Mencken's axiom that for every difficult and complex problem, there is an obvious solution which is simple, easy, and wrong.

The proposed line-item veto cannot reach the enormous sums provided for entitlement programs because if those funds are not provided, eligible recipients can sue the Government for their payments. Neither does there seem to be any inclination on the part of the administration to pare back on congressional appropriations for the Department of Defense or for foreign assistance, especially military aid. We, therefore, are left with that small percentage of the Federal budget, domestic, nondefense discretionary programs, against which the administration has pledged to take its "tough steps necessary to cut spending." But this spending, the core of the bills under the Committee on Appropriations jurisdiction, has precious little to do with the $200 billion deficit. It amounts to $75 billion or only about 9 percent of the Federal budget. The President could veto each line-item in every appropriation bill and still end up with a deficit of well over $100 billion per year.

Beyond the fact that Mr. Reagan's proposal does not make budgetary sense, it also erodes the very critical balance of powers between the executive and legislative branches. If the President is granted the power to veto in part or in whole individual appropriations accounts, he would be able to virtually dictate to Congress what could be provided for each program and activity of the Government. This is not merely a concern over saving money, but rather over the issue of whether Congress should have a separate and equal voice in making those decisions as to how Federal resources are allocated.

Mr. President, the Secretary of the Treasury knows full well that the President has been very effective in using his current veto power in getting Congress to keep down the size of our appropriations bills. Just look at the Labor-HHS appropriations bill passed by the Senate this week. It was billions within the congressional budget allocation for this subcommittee, and although in aggregate it did exceed the President's budget request, it is a very tight bill. This is so because of direct negotiations with the administration and the explicit threat of a veto unless overall spending was restrained.

The current veto authority of the President is clearly working here, but Secretary Regan wants even more. He advocates a procedure whereby even if the aggregate total of a bill was acceptable to the administration, the President could still use a veto to cut or eliminate appropriations for specific accounts. This is not budgetary restraint, this is actually the old impoundment strategy in different clothing. The President would not be vetoing spending because it was excessive, he would use his veto to kill programs for political or policy reasons.

Mr. President, the real issue here is not money, it is a question of power. The Congress is responsible for writing spending legislation and the President is empowered to veto bills he finds objectionable. This is a sharing of power in which neither party dominates this decisionmaking process. Were the President to be granted line-item veto power, he would on a line-by-line basis be able to "edit" legislation passed by the Congress, and thereby usurp the authority currently held by the legislative branch.

Aside from the institutional problems raised by Secretary Regan's proposal there are a host of issues associated with putting a line-item veto into practice. As an example, how does a President exercise a line-item veto on a spending measure like a continuing resolution where no line-item appropriations are actually written into the legislation? Does the Secretary of the Treasury suggest that the budgetary impact of such legislation as it pertains to certain accounts are the actual object of the veto, in effect an impoundment of budget authority currently prohibited by the Congressional Budget Act? In the case of regular appropriations bills, can the President veto earmarks of appropriated funds, conditions or limitations on the use of funds, or legislative riders enacted in appropriations bills? What about contract authority enacted as part of some authorization bills, can these too be subject to line-item vetos?

Mr. President, I note with some interest that the distinguished senior Senator from Kansas (Mr. DOLE) has endorsed Secretary Regan's proposal. While I have profound respect for his ability as chairman of the Finance Committee, many disturbing questions relative to legislation under his committee's jurisdiction are involved by line-item veto authority. With this power could the President veto portions of social security legislation, which is in effect direct spending of Federal funds? How about individual tax expenditure provisions contained in the revenue bills occasionally moved by his committee, are these costly items of expenditure of tax revenue subject to veto as would be regular appropriations from funds already in the Treasury? If not, why? Tax expenditures, especially refundable tax credits, contribute to the same deficit so often associated exclusively with direct spending.

Mr. President, I do not mean to sound overly negative about Secretary Regan's proposal, but, frankly, I can find almost nothing worthwhile in it. If the Secretary is seeking a procedure with which the President can seek to excise certain spending from the Federal budget, this already exists in the impoundment provisions of the Congressional Budget Act. If those procedures are inadequate, then let us correct that legislation, rather than launch off on a rewrite of the delicate balance of power built into the Constitution. Such restraint is not only prudent, but would better reflect the conservative values ostensibly held in high regard by this administration. If Mr. Regan is truly concerned about achieving savings in a broader array of Federal programs, perhaps it is time that he join me in taking a hard look at excessive military spending and entitlement programs. In any event, while I plainly disagree with the Secretary's proposal, his initiative is commendable and I know we will continue to work together to achieve our mutual goal of deficit reduction.

Mr. CHILES. Mr. President, I really think I have about covered what I can. I think the line item veto plan is an invitation to hypocrisy on the part of the Members of Congress if we were to approve it. I hope and trust that we are not willing to abdicate our responsibility, to give up the authority we have, and that we are not going to adopt the amendment.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I would like to make a comment concerning it bordering on hypocrisy. I think what it borders on is we see that bringing up the topic of the line item veto sort of sends shudders through the Congress. It frightens the Congress to the extent that they do not want to see this happen. But what it will do, if it passes, is it will force the U.S. Congress into acting.

It may not act the way we have planned and designed today, but it is going to force us into some type of action, whether it be by no longer having 13 appropriations bills. Maybe it will be the suggestion I have heard, that we will have 60 appropriations bills so when they go to the White House the President will have a closer look at smaller amounts of money. We will give him a greater option to veto and be able to sustain it.

We have heard the dialog, the Senator from Illinois and myself. But also, when they talk about you can only impact a small percent of the Federal budget, what it will also do is force the Congress to get to the entitlement programs, which it has not done, to make reforms in entitlement programs.

I do not think it borders on hypocrisy. What I think it borders on is creating action, and responsible action. I would rest the case where it is right now. We are sitting here talking about a $1.4 trillion deficit. We better be talking about line-item veto or something to control the budget because it is certainly not being controlled now.

Mr. SYMMS. Will the Senator yield?

Mr. MATTINGLY. I yield.

Mr. SYMMS. I will make only a brief point. I commend the Senator from Georgia and the Senator from Illinois for bringing this up and getting this debate going. There are all kinds of reasons, and I think the point of the Senator from Georgia about entitlements is probably the most important one.

In my years in the other body, one of the things that used to bother us there was the nongermaneness rule of the Senate. I have come to the conclusion that the lack of a germaneness rule in the Senate will not change in this Senator's lifetime. Whether it should or should not, many of my constituents tell me that it begs their imagination to find out you have a bill about one subject with amendments about other matters all tied up in the same package. I think that will not change, but this will give the President who had the courage the ability to straighten some of that out. Eventually, as the Senator from Georgia points out, we have to come back and face where the big spending dollars are going out of this Congress when we start losing our so-called pet projects by a President who will veto them. Then we have to come back and take a look at the big entitlement items. I support the amendment.

Mr. DOLE. Mr. President, we are trying to decide whether to defer the vote until Monday. I have indicated to the Senator from Illinois that I would try to work out an up or down vote. I am now advised by a number of Senators they would prefer a tabling motion. There are some very strong feelings on this, even though it is only a sense of the Senate. I support the constitutional amendment. The Appropriations Committee chairman is unavoidably absent today. Of course, we have had a lot of other amendments when a lot of other chairmen were not around either. This bill, as I said, is a turkey shoot and anybody can offer anything and we can debate it, though we do not understand it.

I support the objectives of the Senator from Illinois, but I can not support the amendment because we have no jurisdiction over this in our committee. It is a matter for the Judiciary Committee. Senator HATCH is the subcommittee chairman. This is obviously an item that the Appropriations Committee also has a great deal of interest in.

I have been asked if this covers taxes. Let us say we had some tax increases. Would the President have the authority to veto some of the tax increases?

I am willing to defer to the leadership on whether we move to table at this time.

Mr. DIXON. May I say to the distinguished manager that I have indicated to our distinguished ranking member that I will accommodate the Senate in whatever way they want. We can have a rollcall now on an up or down. If it is a motion to table, the end consequence would be the same. I can accommodate those who wish to wait unitl Monday.

Mr. DOLE. We have a lot of other stuff on Monday.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I think the Senator from Illinois knows I find his proposal attractive in the context of other proposals that have been made on this same subject. But I think he also knows that I probably will not support even a constitutional amendment. I might. But I must say I will not support this matter on this bill. Indeed, I will vote to table if the tabling motion is made.

On the question of whether to do it today or Monday——

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. Will Senators please take their conversations to the cloakrooms?

Mr. BAKER. On the question of whether to do it today or Monday, the chairman of the Appropriations Committee is not here, unfortunately. I think we have a major problem here. We have to finish this bill. If we start postponing everything until Monday, we are never going to finish this bill. There is an element of risk, I suppose, in going ahead with this vote today, but I do not know any alternative. I think we ought to go ahead with the tabling motion today and move these things as we come to them.

Mr. STENNIS. Will the Senator yield to me?

Mr. BAKER. I yield.

Mr. STENNIS. Mr. President, as far as the Senator from Oregon is concerned, I know as a matter of fact that he left here with the expectation and belief that this matter would not be taken up in his absence. It is not be-

cause of him alone that I am speaking, though, not at all. Here is a fundamental point concerning our committee system, the system of legislating, committee jurisdiction, as has already been pointed out. Any change in procedure should go perhaps to the Judiciary Committee, certainly the Appropriations Committee. A vital part of its jurisdiction is being upturned, affected. To that extent, the committee is being abolished.

We are in a period here where we are already in a practice, speaking with all deference to everyone, of downgrading and actually decimating the legislative committees of this great body. I believe I am qualified to make a judgment on that because of the long time that I have been on these committees. Now, for us just to jerk up here an amendment that relates to the debt ceiling, which is a technical matter in a way, and pass it without going to a committee at all, not any committee—Appropriations, Judiciary, or any legislative committee—and actually voting such a change as that, the Appropriations Committee can never be the same.

We would be doing it in the absence of the Senator from Oregon, who is an outstanding chairman, a hard-working, knowledgeable, experienced member in this field. He had written very strong letters not just to me, but to others on the committee that have given some attention to the matter. In the face of that, with all deference to our leadership here and those handling this bill, I just do not see how we can commit such an action as that.

Someone said in good faith, oh, well, if we table it now, so much to the good; if we do not table it now, the thing will still be up for consideration on Monday. I just cannot avoid totally disagreeing with that logic. I think if we take a vote and the Appropriations Committee, so to speak, does not win, we lose finally here. Therefore, let us let the chief voice and perhaps the most knowledgeable voice on this matter at least be heard. He was permitted to leave here the other day, just at the last minute on that supplemental appropriations bill, and went on a highly official mission—not something for his pleasure or his convenience or to meet some constitutents, but concerning his announcement, as I understand it. Let us let this thing be. We can find enough time to get it in some way on Monday. I most especially ask that that be done and I think I am asking for the chairman of the committee.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The Senate minority leader.

Mr. BYRD. Mr. President, I thank the Chair.

There is no Member of this body on either side for whom I have a higher respect and a fonder feeling toward than that Senator who has spoken, the Senator from Illinois (Mr. DIXON), who has offered this resolution. There are some people who are disliked by almost everybody, and there are some people who are not disliked by anyone. I have a pretty good idea of one or two who would fit the first class, but I know who fits in the second class. That is the Senator from Illinois.

Mr. President, he spoke of his service in the State legislature. I, too, was a member of both houses of the State legislature of West Virginia, and we had a balanced budget because the constitution of West Virginia requires a balanced budget. What might apply on the State level and what might be good legislation on the State level might not necessarily be so effective and feasible on the national level.

Delegates to the Constitutional Convention of 1787 determined that the President had to be given the power to veto legislation if he were to remain independent of Congress. His power was incorporated in section 7, article I, of the Constitution. The power pertains only to entire bills and the Constitution provides that the Presidential veto could be overridden by an extraordinary two-thirds majority vote of the two Houses of Congress.

The question of conferring on the President the power to veto items in an appropriations bill was nowhere raised in the Constitutional Convention of 1787, as the Senator has stated. Earlier, though, the arbitrary use by King George III and his colonial governors of the veto power in refusing bills passed by the colonial legislatures was the chief cause of the American Revolution in 1776. Consequent to some things the remarkable thing is that the Constitution allows the executive branch a veto at all.

Mr. President, I have been concerned under both Democratic and Republican administrations about the erosion of the role of Congress under the Constitution. This body and the other body across the way constitute a branch of the Government that is equal and coordinate with the other two branches. We had great problems during the period of the Nixon Presidency, and I have not forgotten those problems that we had, with impoundments—not only impoundments but the threat of impoundments, which threat can be as effective as the impoundment itself.

I realize that the distinguished Senator from Illinois would provide for a majority override of the President's veto, but it was not protection enough because, once a President vetoes a line item, it would be relatively easy for him, in many instances, if not in most instances, to secure the support of a majority of the Members in at least one House. I think that we ought to be very careful and make haste slowly in granting to any President powers which he has never had under the Constitution since that Constitution was agreed upon in 1787.

I would want my friends on the other side of the aisle, too, to look very closely and carefully at this because one of these days we are going to have a Democratic President, and it may not be too long before that. And they then are going to be on the other end and wearing the shoe which is now worn by this side of the aisle.

The President already has significant authority to reduce spending by submitting a balanced budget. Let the President get off the sidelines. Let him get onto the playing field and help to balance this budget.

This is not a matter for the Congress alone. It is not the responsibility of Congress alone. The President has the power in the beginning to submit a balanced budget. I do not think he can submit a balanced budget next year but certainly he could submit a balanced budget for 1987 or 1988 perhaps and begin to move in that direction. But when the power of the purse—Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The Senator will proceed.

Mr. BYRD. When the Founding Fathers gave to the Congress the power of the purse, they did so for a good reason, because we in this body and those Members of the other body are the closest to the people, and we have to answer to them for our actions. I heard the distinguished Senator from Florida say a few minutes ago that 18 percent of the budget is domestic discretionary spending which a President could control with a line item veto.

Mr. President, I am not for giving the President this power. I will oppose it as best I can. As far as I am concerned, if nobody else moves to table this amendment, I will. In all due respect to my good and dear friend from Illinois, there is nothing personal about this, but I simply do not want to give this President or any other President additional power. Our forefathers wrote a Constitution that is to be a living document for all time. We are right now in the midst of an argument, a raging national debate which broke out a little while yesterday on this floor with respect to the authority, the unchecked authority of the President to send American boys into action. We in the Senate have not succumbed to the idea that the President because he is the Commander in Chief is one who is omniscient, and we have not succumbed to the idea that is should be left to him to decide. The Senate did not go along, at least we on this side of the aisle did not go along with that idea. And while I may support the President in some of the actions that are taken, I do not propose

to turn over that whole power to the President. We are in the midst of that now. We have never had recognition by the President or any other President of the War Powers Act and the congressional intent which is in the spirit and words of that act. I do not propose to give over to any President the power of the purse that is given to the Congress by the Constitution. Of course, if we have a constitutional amendment that does that, then the present Constitution on this point would have been repealed.

With all due respect to my friend, I have heard this argument about the item veto over the years. Those of us who were here when Mr. Nixon was President saw the need for writing into law a process that would deal with deferrals, rescissions, and impoundments, and with good reason. I do not want to see us have to return to that situation.

I will just take 1 or 2 more minutes. I want to call attention to some of the items, just some of the items that the President could veto or impound: Construction of necessary roads and bridges and harbor improvements, student assistance, assistance to families and children, national parks, programs in medical research to conquer cancer, heart disease, rural health clinics, weather stations, agriculture programs, environmental protection efforts, and one can go on and on and on and on.

Who would be advising that President? Some unknown bureaucrat in one or more Federal agencies. There are those who would be advising Mr. Stockman and other Cabinet members, and they in turn would be advising the President. I am not willing to turn this over to bureaucrats, to some lower echelon bureaucrats.

I do not use the word bureaucrat in a denigrating way. We have to have them. Some of them are good. But you are not just turning this line item veto over to the President. You are turning it over to people who are not elected, whose faces we cannot see but whose recommendations the President would be asked to follow.

I am just not going to do that. I am not going along with it. This is one vote that I will not go along with.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. BYRD. I am not going to shut off other Senators from voting, but if somebody else does not move to table this amendment, I am going to do it. I yield to my senior colleague.

Mr. RANDOLPH. So that the record may not indicate that only one President has practiced impoundment—I am sure that was not the intent of my able colleague in mentioning former President Nixon—I recall when there were the impoundments of necessary highway funds and those impoundments came under President Johnson. I remember we had called a joint committee meeting of the Members of the House and the Senate Public Works Committees. I advised the President and he acceded to our request. We did not hold the meeting because there came to the Hill a spokesman for the President who reported the Chief Executive would release the funds for the necessary construction of roads.

I hope we will have the opportunity soon to begin the voting process which was indicated would take place today.

Mr. BYRD. I thank the Senator. He is correct. My reference to President Nixon was because of those actions that were taken in his administration that this thing was brought to a head.

Now, under the agreement the two managers have to agree on the motion to table.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. And it is my understanding that both managers have agreed to the motion to table.

Mr. STEVENS. Will the Senator yield for a comment?

Mr. BYRD. Yes.

Mr. STEVENS. The distinguished Senator from Mississippi has mentioned the Senator from Oregon. There is no question that if he were here he would make a motion to table this amendment.

I myself can see amendments brought forward on a bill like a debt ceiling bill that have some timely nature and the Senator would know that the debt ceiling bill most certainly is going to be signed by the President posthaste.

Why should we come in here on Saturday to deal with amendments that spark constitutional debates that should be dealing with the subject of a constitutional amendment?

I am here on a Saturday and see all my colleagues on the floor for the purpose of working on the debt ceiling bill or, if necessary, those amendments, as I said, that might be timely and somewhat relevant to the current situation.

However, I, for one, believe this amendment should be tabled, and I think we should have some votes on some meaningful amendments, if there are those amendments.

I hope the Members of the Senate will not open this bill to constitutional amendment debates. I certainly want to reflect the sentiments of the Senator from Mississippi, that the distinguished Chairman of the Appropriations Committee at least deserves the courtesy of being present on a subject about which he has written every Member of this Senate and has stated his position and has urged that the Members of the Senate think seriously about any move that might cripple the appropriations process. I hope the Senator would make a motion to table this and do it soon.

Mr. LEVIN. Mr. President, I must oppose the amendment offered by the Senator from Illinois which expresses the sense of the Senate that there should be a constitutional amendment giving the President authority for a line item veto.

I am so concerned about large deficits as is any Member of this body; perhaps more so because if their potential impact on the auto and housing industries. But to bring those deficits down, the President does not need anymore authority than he has already. If he would only propose a budget to the Congress which called for a balanced budget, half the battle would be won. Congress would have a benchmark against which to begin its deliberations and it would have the prestige of the Presidency behind it.

Economist after economist, including the chairman of the President's Council of Economic Advisers, have warned us of the danger that high deficits present to our economy in the form of higher interest rates. I agree that we must do something to bring those deficits under control. I have voted for the Hollings budget plan which would substantially reduce the deficit through a program of shared sacrifice. And I will continue to work for an equitable and serious deficit reduction plan.

However, what the line item veto in the hands of the President does is allow Congress to abdicate its responsibility in budgetmaking while at the same time it frees the President from the need to compromise as he participates in that process. As I have indicated, serious deficit reduction is going to call for sacrifice and some pain. For the sake of democratic principles and for accountability in government, the Members of the Congress should be forced to put their names on the line in support of spending reduction. They should not be able to hide behind the President's line item veto when asked by their constituents why one spending reduction or another took place.

At the same time, giving the President a line item veto would give him a preeminent, if not unassailable, position in the budget process. All Members of Congress have a compromise when it comes to spending bills. There are always some projects which they prefer, some to which they are neutral, and some which they outright oppose. In the last case, Members always have the opportunity to offer amendments to strike those provisions. But if they fail, they must analyze the bill and weigh the good against the bad, and cast their vote. The line item veto would exempt the President from this process. He alone would be able to pick and choose and enact his preferences. Further, reversing his veto of particular projects

which affect only one or two congressional districts may very well be impossible, even though it may be desirable.

A line item veto would, thus, disrupt the delicate balance between the President and the Congress in the budgetmaking process, and it would reduce the accountability of Members of Congress for the hard decisions which are often part of that process.

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. BYRD. I think that under the agreement, one of the two managers should really make the motion. As I have understood them, as I have listened to them, they are both opposed to this amendment which would be added to this bill. I would hope one of them would do so.

I yield the floor.

Mr. DIXON. Mr. President, will the majority leader yield?

Mr. BAKER. Let me say a word.

Mr. STENNIS. Will the leader yield to me? I just want to have an understanding.

Mr. BAKER. Mr. President, I will not make a motion to table, in advance of the recognition of the Senator from Illinois.

I hope the motion to table will be made, and I hope the two managers of the bill will agree to this.

I have always been opposed to a line item veto, and I am now.

I have had this President of the United States and every President I can remember—and I can remember a few—ask me for support for a line item veto; and to Republican and Democrat, without exception, I have said no. I think it would make a fundamental change in the way Congress operates in its relationship with the President.

I do not rule out the prospect that someday I might change my mind and, in a debate on a constitutional amendment to be submitted to the States, I may. But not today, not on a debt limit bill, not on a sense of the Senate resolution.

I admire the Senator from Illinois. His proposal is the most innovative I have seen. But this should be tabled.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. BAKER. I yield.

Mr. SARBANES. Mr. President, I notice that the President said that every President had been in favor of a line item veto and that he opposed it, but he did not rule out the possibility that one day he might change his mind. I wonder whether he is trying to tell us something. [Laughter.]

Mr. BAKER. Mr. President, I am not going to lock the door. I may close it, but I am not going to lock it.

I thank the Senator for his perceptive remark.

Mr. President, we are here on Saturday, and we are going to vote on Saturday, and I want to get to this matter right away.

Mr. STENNIS addressed the Chair.

Mr. DIXON. Mr. President, will the majority leader yield?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, my purpose is not to delay the Senate. Perhaps I have an average record in that. I never ask the Senate to put off anything this way, and I do not take much time in speaking. But we have such a vital matter here that on the merits, strictly on the merits—and I am familiar with it—we should not take hasty action.

As a matter of procedure, I suggest that we have a quorum call and get back here and let me make a few points to the leadership and the managers so that we might be able to reach an understanding.

I know that no one intimated to the Senator from Oregon that this might be taken up in his absence. He left here with permission, so to speak, to carry this over. I understand that he went out there to make his announcement about running for reelection. Maybe others know more about that than I do. He jokingly said to me at one time that he had two speeches and had not decided which one to make. But I am sure he had.

This is a serious matter. I want to take time to restate my argument and read some letters from him and bring them to the attention of every Member of the Senate; also, what the Senator from Oregon had said in a statement on the floor about what is involved.

I think we should have a little conference, to be sure that we understand each other. I have no indication from the membership, no poll of where they stand.

I did not dream that this was going to be brought up and disposed of today, even to the extent of a motion to table, which may or may not carry.

Under all logic, I know that in trying to table an amendment and failing to do it, you give it a running start that it did not otherwise have toward passage. I do not think anyone would seriously argue about that. If that happens, I would feel guilty that I had not done my duty.

So, until we have something about how it is thought the vote would go, I am going to hold out on this matter. I think there is a principle involved.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BYRD. Mr. President, I have great respect for the Senator from Mississippi. He knows that. I share the concern he has expressed with regard to this subject.

This resolution is not going to pass the Senate today. He can be sure of that. It is not going to pass the Senate today. The Senator from Oregon will be here when this passes, if it passes.

I think that a motion to table the matter can put a quick end to it, and the Senator from Oregon might be grateful for that.

There is another side to the coin. My dear friend from Mississippi says that if we fail to table it, that would give it momentum. On the other hand, if we just wait until Monday, who knows what forces may be built up in support of this amendment?

So I see no harm in a tabling motion, and I hope the Senator from Mississippi will feel reassured that this is not going to pass the Senate today. The Senator from Oregon will be here when it passes the Senate.

Mr. STENNIS. I feel that if the motion to table is not agreed to, it will give the amendment momentum and will be an indication that the amendment is going to be adopted.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Florida.

Mr. CHILES. I say to the Senator from West Virginia that that is a very far reaching statement he made. He said that the Senator from Oregon is going to be here when this happens.

I hope the Senator from Oregon has a long life and is in the Senate a long time, but I am not sure that he is going to be in the Senate when this passes.

Mr. BYRD. The Senator from Florida did not hear everything I said. I said that the Senator from Oregon would be here when it passes, if it passes.

(Mr. GORTON assumed the chair.)

Mr. STENNIS. Mr. President, as I said a few minutes ago, and I am not changing my position one bit, if someone wants to call the Senator from Oregon or we have a quorum call here and get back after a meeting of the bill's leadership, and let me ask some questions, I think members of the Appropriations Committee should speak up themselves more on this matter. There is nothing you can do that will really tear up and cast asunder the impact, the influence, and the power of appropriations committees than to pass an amendment like this line item veto and let it become law.

I do not think the House of Representatives will ever consider it. But these are strange times we are living in.

So if you want to have a quorum call, lay this aside, to see if you can get the Senator from Oregon, I am going to stand here now to see that he gets proper consideration not as an individual but as chairman of this committee.

Mr. DOLE addressed the Chair.

Mr. STENNIS. Mr. President, I do not yield the floor, I yield to the Senator from Kansas, if I may.

Mr. DOLE. Mr. President, let me say to the distinguished Senator from Mississippi that I have been trying to reach the Senator from Oregon by telephone. I have located his son. I am getting close. He is out in Oregon going to five different areas, and I think he has something about an announcement this weekend for reelection.

But we are trying to reach the Senator from Oregon and I understand the distinguished Senator from Mississippi. I think we had some understanding, at least tacit, with the Senator from Oregon that as long as it was not legislation—I mean this is the sense of the Senate, which probably will make it all the way to the conference if it pass—I mean it will never come back. But in any event, we will continue to try to find the Senator from Oregon.

I understand others Senators wished to speak. The Senator from Louisiana maybe wished to say a word or two on this. Maybe by that time, we would have reached Senator HATFIELD.

Mr. STENNIS. All right.

I like the idea of the Senator from Kansas calling him. I want the Senator to call him. I already know how he feels. The Senator may call him. But I am not trying to control the floor here either. But if any member of the Appropriations Committee wishes to speak I will yield to him if the body will let me yield with the understanding that I not lose the floor.

Mr. MATTINGLY. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield for a question.

Mr. MATTINGLY. I say just to repeat what the Senator from Kansas said, if this passes it is just a feeling of the Senate. It is not law. Is that correct?

Mr. STENNIS. I have not had a chance to read the amendment. I was told this was being taken up. I have not had a chance to read it. I do not know whether it is a sense of the Senate or not. I understand it is.

Mr. MATTINGLY. Yes; it is. It is a sense-of-the-Senate resolution.

Mr. STENNIS. Let me have a copy of the amendment.

Mr. BYRD. Here you are.

Mr. MATTINGLY. Is that true, that, in other words, if this passes it would not become law; all it would be is a feeling in this body?

Mr. STENNIS. Here it is here, and I am sure that the Senator from Illinois got it up in his usual fine way. The arguments are here, and then it says:

> It is the sense of the Senate, therefore, that a provision giving the President of the United States the ability to veto individual items of appropriation should be made a part of the Constitution of the United States.

That is the way it reads.

Mr. MATTINGLY. So, therefore, it would not become law, is that right? It would just be a feeling of this body, if it passes.

Mr. STENNIS. Yes.

Mr. MATTINGLY. One other question.

Mr. STENNIS. Yes.

Mr. MATTINGLY. If the Senator does talk to the Senator from Oregon, who is my good friend—there has been some question about whether Oregon also has a line item veto. That answer is yes, they do. His State does.

Mr. STENNIS. I am sorry, I did not understand the Senator.

Mr. MATTINGLY. The Senator from Oregon does have a line item veto authority in his State. I am saying someone was talking about it.

Mr. STENNIS. They do not have to carry the burden, though, of balancing a budget as large as this one is and all the problems that go with it.

Mr. President, frankly, I wish to give time for this telephone call.

I ask unanimous consent that I may yield to the Senator from Louisiana on this matter without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, this matter should be tabled, in my judgment, and I say to my friend from Mississippi I believe we have the votes to table it and rightfully so.

Mr. President, when I first got here President Nixon was the President, and for whatever else you can say about President Nixon it was generally regarded in this body and in Congress that he had too much power. Indeed, they called it the imperial Presidency in large measure because he sought to control the appropriations process through the impoundment process, and indeed Congress rose up, not to a man but overwhelmingly, and passed a Congressional Control and Impoundment Act because of that, and now this measure would say that we should give him by constitutional amendment the power to do that directly.

Mr. President, it is not too much to say that it would almost make Congress superfluous when it came to appropriation matters.

It seems to me that at present we have a proper balance between the Executive and Congress, but to give to the President the power to impound individual items would indeed be giving the power to the OMB, as has been so clearly pointed out here, indeed, to some nameless and faceless bureaucrats in OMB, the power to impound individual projects.

For whatever else we can say about David Stockman as Director of the OMB, he is the first Director of the OMB, I believe, in the history of that office who has ever come up on the Hill to testify. All the others have not even deigned to come to the Hill to testify to give their reasons. They would be inaccessible either to congressional testimony or indeed inaccessible to any kind of pressure that Congress could put on them.

I do not understand why Congress would voluntarily want to so basically, so dramatically, so fundamentally change the way we do business in this country. I think it would be a very bad precedent, and I would strongly oppose it.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. JOHNSTON. I yield.

Mr. LONG. May I say to my distinguished colleague who serves so ably well on committees that are vital to this area, such as the Appropriations Committee and the Budget Committee, that it would be a different matter in the judgment of the senior Senator from Louisiana if we were talking about something where the President could make some kind of across-the-board cut that affected everyone more or less uniformly. That way at least we would all be equally affected. But for the President to have the power to make a reduction or veto where only a small number of Senators or Representatives are in position to defend the people involved seems to be just unfair. If just does not give them a fair chance to defend their position.

In that respect, we said earlier in debate it is different from the situation where a Governor has an item veto.

I believe the Senator is familiar with the situation in Louisiana where the Governor has an item veto but where the Governor feels some of the same pressures that the legislature feels about matters like that.

Mr. JOHNSTON. May I say to my friend, having been in the Louisiana Legislature, I can tell him that the Louisiana Legislature is relatively powerless when it comes to appropriations. The Governor will come to a town and he will make a promise and say, "I will fund this project," or "I will fund that project," and everyone takes it for granted that it will be funded. I mean the Governor of Louisiana is both the legislature and the executive. He wields the power completely.

There has never once been in the history of Louisiana an override of a Governor's veto. If a Governor vetoes, that is it, and the reason it always sticks and that there is never an override is that the Governor can give and the Governor can take away. He can grant the project and he can take away the project. He can grant the bill or he can take away the bill.

I do not think we want to do that in this Congress or in this country to give the President of the United States that kind of overwhelming power.

In the first place, no one man on a national basis can know that much,

and so we have to delegate that to some bureaucrats, and I think that more than anything else is the insidious nature of this proposition, that is, that this power would be delegated to bureaucrats unresponsible to the people, unresponsible to this body. What it would do is it would make individuals Senators responsible to the President, because if a Senator wanted to get his project through or wanted to get his bill through, he would have to go see that President who would much more directly control Congress.

As it is right now, it is quite easy to be a Senator independent of the President. We do not really need the President on an individual basis that much. The President probably needs us more than we need him.

If we pass this proposition, we turn the table, as we have in Louisiana where everyone needs the Governor and the individual State legislators march to his tune, whether they be Republicans or Democrats—you know, partisan politics is swept aside. The Governor controls it in Louisiana.

And the President would control it here in this country if we passed this proposition.

Mr. LONG. If the Senator would yield further, that is a very interesting point. What the Senator is saying is that with regard to almost any Member of the Senate, and perhaps the House, the President could simply hold individual line item hostage. He could do it subtly, and indeed sometimes even in relatively good taste, but by holding those items hostage put those Members of the Senate and perhaps even Members of the House in a position that if they did not vote with the President on other matters totally irrelevant to what is within that appropriation bill, they would then see their projects vetoed as individual line items. Members of both sides of the aisle, whether they be members of the President's party or members of the loyal opposition, would both find that things that were vital to them required them to bend their knees to the White House, even though their preferences would be to cast an independent vote more in line with what their conscience and the conscience of their people back home would dictate.

Mr. JOHNSTON. Precisely so.

Mr. BENTSEN. Will the Senator yield for a moment?

Mr. JOHNSTON. Yes.

Mr. BENTSEN. We have a prime example of that in what is happening right now in the declaration of disaster areas. It has been much more than a coincidence, in my opinion, that every time a Democratic Governor asks for a disaster declaration that you have an extraordinary length of time in many of those cases before it is designated.

On the other hand, if the other party has a Governor that asks for a similar disaster declaration, you see much more attention and a much more expeditious action taken. That is the President's power to give and the power to withhold. In making disaster declarations the President has that kind of power. If you turn around and give him that power with a line-item veto, you can forget about the equal branches of Government.

When we go to an interparliamentary meeting and meet with the British or meet with any other countries, they are always amazed at what our Founding Fathers were able to bring about in trying to see that representative government really had some influence and power and was able to translate into effectiveness. We have that now and we should keep it that way.

To talk about this kind of a piece of legislation to take place, you are talking about a dramatic change in the relative powers of the branches of Government going far beyond what the President now has. I think it would be a tragic mistake and a real step backward. The President would have his power, even more than he has now, to punish and reward and, having that kind of influence, be able to ride roughshod over what the Congress does in the way of legislative effort and what is accomplished.

So I strongly oppose it. I hope that we will table this measure.

Mr. JOHNSTON. I thank the Senator for his comments.

Mr. RANDOLPH. Vote.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. Mr. President, the Senator from New Mexico indicated he wanted some time. I yield to him.

Mr. DOMENICI. Mr. President, I, too, will join in the motion to table. I have heard all the arguments. I would just like to tell the Senate how I feel about it.

I think the reason we have this kind of approach here today on the floor, I say to my good friends here in the Senate, in particular Senator BYRD who spoke eloquently against this, I would just like to share this thought with him. I think the reason it is bubbling up does not mean that it is good per se, it may be the wrong approach, but what it does mean is that we are reaching the time of overload in terms of processes here, and the appropriation process, as well as the budget process, as well as the authorizing process is creating a very, very serious state of confusion in the minds of our people. Obviously, that lends itself to abuses in the process.

I do not think that there is any question that, year after year, using continuing resolutions to fund our Government brings these kinds of activities, line item vetoes like we have in the States of Mississippi or Louisiana, makes them bubble up, brings them here, because things are not working right. I mean, we have the hammer in the other direction, just being honest, when we can send the President continuing resolutions with 10 hours left before the Government is going to go broke and he has to sign the whole thing. We are tipping it the other way.

That does not mean we ought to today on this kind of a bill put a line item veto constitutional amendment sense-of-the-Senate resolution. We should not.

But, it seems to this Senator, the time is here for us to take a real look at being more orderly and reasonable with our processes so we do not need this kind of amendment working its way through the U.S. Senate and through the Congress. I am sure it would not have any support but for the fact that we have let our process get out of control, where nobody understands them. Presidents have difficulty understanding them.

I ask any of you, if you were a Governor and dropped in on the Presidency and were there for about 6 or 8 months, and they told you we have an authorization, we have a budget process, we have appropriations, but then we do not necessarily appropriate because we might not get that done, so we will do something else. And then we have a debt ceiling and we will send you that with about 500 measures on it and you have got to sign it all or nothing. It takes them almost the whole 4 years to understand what they are doing in the White House. I say that for almost everybody.

So I think we ought to defeat this now. But surely it ought to serve notice on us that there is a serious, serious problem of our own processes being able to control the flow of things to Presidents and the intentions of the Members of the Senate and House in terms of what they really know they are doing and what they want to get done.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. I thank the Senator for his remarks.

Mr. President, I wanted to meet with the leaders on this bill and the floor leaders for just 2 or 3 minutes. I let Mr. BAKER know that I wanted him. I think we can reach an agreement here very shortly if we can just get together.

I ask unanimous consent, Mr. President, that I may call for a quorum call with the understanding that when I come back—I will not expect it to last over 5 minutes—I would want to continue to be recognized, when we come back but only for 3 or 4 minutes. I do not want to prolong it any more.

So I make that request now, Mr. President, that I be recognized when we return from this quorum call. I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, as I said before, I am not trying to prolong the vote. I think we have had a very helpful discussion. I have discussed this entire matter with those who would have the responsibility, the leadership. The leadership I refer to includes our elected leadership as well as chairmen. They have stated their positions. I have no need for further time.

Mr. DIXON. If my dear friend will forego making a motion to table for just a moment, I would appreciate having the opportunity to make a closing statement. Will that be all right?

Mr. DOLE. Yes.

Mr. DIXON. May I say to all my colleagues who have spoken, in many cases I feel so eloquently, against this sense-of-the-Senate resolution that I have the highest regard for the opinions of every one of them.

I want to particularly say to my friend the minority leader, who is a man whose opinions I so greatly admire, that I certainly take no offense at all concerning his expression of his views regarding this resolution. I have been in public life for some time now, and in politics for some time now, and I learned a long time ago that there is a divergency of opinion among us. That is why we are in this place. I would like to announce publicly now, if I have never said so before, that I never take offense at the opinions, expressions of views, of my colleagues. Each of us arrives at our own decision in these matters. I understand that.

Mr. President, I ask unanimous consent that Senator JEPSEN of Iowa be added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. I want to thank Senator PROXMIRE for his remarks and Senator MATTINGLY for his remarks.

I will close by saying some have suggested the question of hypocrisy in connection with this debate. I will leave the judgment about that to the population at large, but I want to make this observation: This country is drowning in a sea of red ink and we debate here the privilege of the Congress. We say that only a small percentage of the budget is affected. It suggests that we cannot do anything about the terrible budget problems facing us.

I understand the concerns that we have about our own privileges and responsibilities in this place. I would suggest that if we are going to come to grips with this problem, we have to do something about these outrageous deficits that are strangling the possibility of an economic renaissance in the country and destroying the heritage of our children and, in my case, my grandchildren, who look to us for some kind of responsible concern in the Congress.

I have no illusions about the result of this vote, I say in conclusion, but I am absolutely convinced this is one of the solutions to the problem.

It will not go away. I will lose today. I know that. But the item veto will not go away. The folks back home will demand that we deal with this issue, and when their power of persuasion at the ballot box becomes so great that we will listen, this place will, someday in my view, deal with this idea that has proven itself in 43 of the jurisdictions of the 50 States of this country to be a working response to the budgetary problems.

I say in conclusion, one of my friends speaking eloquently in opposition said that in his State they balance the budget. I want to say in my State we have, too, thank God, but we did it with the help the power of the item veto pen. I suggest that the time will come when we must do it here.

The motion to table will now be offered. I appreciate the fact that each Member here has given me the opportunity to present my case. I thank the membership for its time.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Illinois and also the Senator from Mississippi for letting us proceed. I have not been able to reach the distinguished chairman of the Appropriations Committee, but I do believe that since it is a sense of the Senate resolution he would not object. On behalf of myself and the distinguished Senator from Louisiana, I am prepared to move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay"; and that if present and voting the Senator from Pennsylvania (Mr. HEINZ) would vote "yea."

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 53, nays 25, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—53

Baker	Gorton	Murkowski
Baucus	Grassley	Packwood
Bentsen	Heflin	Pell
Bingaman	Huddleston	Pryor
Bradley	Inouye	Randolph
Bumpers	Johnston	Riegle
Burdick	Kassebaum	Roth
Byrd	Kennedy	Rudman
Chiles	Lautenberg	Sarbanes
Cohen	Leahy	Sasser
D'Amato	Levin	Specter
Danforth	Long	Stafford
Dodd	Matsunaga	Stennis
Dole	McClure	Stevens
Domenici	Melcher	Tower
Durenberger	Metzenbaum	Tsongas
Eagleton	Mitchell	Wallop
Ford	Moynihan	

NAYS—25

Abdnor	Hecht	Pressler
Armstrong	Helms	Proxmire
Boschwitz	Humphrey	Simpson
Chafee	Jepsen	Symms
Dixon	Kasten	Trible
East	Lugar	Warner
Exon	Mattingly	Wilson
Garn	Nickles	
Hatch	Nunn	

NOT VOTING—22

Andrews	Glenn	Mathias
Biden	Goldwater	Percy
Boren	Hart	Quayle
Cochran	Hatfield	Thurmond
Cranston	Hawkins	Weicker
DeConcini	Heinz	Zorinsky
Denton	Hollings	
Evans	Laxalt	

So the motion to lay on the table amendment No. 2468 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I hope we could have another amendment right now so we can move on with a vote within the next 20 to 30 minutes. There are a number of Members who gave up rather extensive plans to be here today on the theory we were going to be conducting business. I know there are a lot of temptations to put everything off until Monday, but I can say on behalf of the committee that Monday could not be a worse day for the Finance Committee. We need to work on our reconciliation on Monday. We are meeting at 9:30 Monday morning. I am not certain we can complete it, but our deadline is midnight on Monday evening. And again I renew my request that before we leave today the leaders permit us to pass a simple 15-day extension of the debt ceiling by voice vote so we can have it in the hands of the House early Monday so this can be signed.

I have another letter from Don Regan saying we are going to trigger a cost of about $250 million.

Mr. LONG. Will the Senator yield for a question?

Mr. DOLE. I would be happy to yield.

Mr. LONG. Could the Senator tell us at what level of debt the Senator would seek to settle for on a 2-week extension?

Mr. DOLE. It would be about $1.398 billion.

Mr. LONG. Roughly $1.4 billion.

Mr. DOLE. That would probably extend it from November 1 until the end of November, but if we still plan to leave here on the 18th that is not the important thing. With all these extraneous amendments that may be adopted, I doubt that we can finish the conference in a couple or 3 days.

Mr. LONG. Mr. President, I would hope that the leadership on both sides of the aisle and my leader on this side of the aisle would seriously consider that proposition, because that would then give us adequate time to process this legislation and to get on to some other things. Also, it would give us plenty of time to bring back a conference report when we are able to pass this measure.

Mr. BAKER. Mr. President, let me point out that I am sympathetic to the position stated by the two managers. But if we put this thing off for 15 days, we are going to kiss goodbye any opportunity to get out of here on the 18th of November. It is bad enough that we have to do this thing at all.

I wish we would follow the example of the House by putting the debt limit in the reconciliation resolution, so that we do not have to deal with it as a separate item.

I hope we do not have to go through all the amendments on Jordan, Lebanon, and Grenada, and goodness knows what else, twice in 2 weeks.

If there is a reasonable prospect of finishing this bill, I would like to finish it today. If Senators will come to the floor and offer their amendments, they can do that. I have heard one or two Senators in the well say, "We don't want to do ours until Monday." If no amendments are being offered, you can surely get to third reading awfully fast. I an not prepared to say that we ought to abandon this bill and go to a simple 15-day extension or the equivalent of a 15-day extension.

Mr. DOLE. I am not suggesting that we abandon this bill. I am prepared to say that I am not going to go to conference Monday night. We have to finish the reconciliation process. We have a number of extraneous amendments over which we have no jurisdiction, and we will have to have the help of other committees.

This simply would give us a couple of weeks to work out the process of this bill, which I assume we will pass on Monday.

There is just so much one committee can do. We are trapped on this floor for 4 days with a lot of amendments. The turkey shoot has been going on for about 2 days, and it is going to continue for the rest of today and Monday.

I am ready to say that I am not going to go to conference on this bill on Monday night, and if somebody wants to hold me responsible, that is fine with me.

Mr. LONG. Mr. President, I say to the leader and others involved that if I correctly detect the mood on this side of the aisle, it is that we would have been delighted to pass a bill Friday if we could have gotten to a vote Friday. We do not have the power to keep individual Senators from offering amendments even though they are not germane.

The leader knows that so far as the Senator from Louisiana is concerned, I informed the leader that if he wanted to file a cloture motion, I was ready to sign it, and cut off nongermane amendments. However, recognizing the problem we are going to face, I say to the very able majority leader that if we do not accommodate the chairman of the committee in what he is suggesting, we will have the prospect of simply frittering away $250 million and achieving nothing by doing so, because every Senator has the right to offer amendments.

Under the circumstances, I believe responsibility will compel us to agree to what the chairman of the committee is suggesting.

Mr. BAKER. Mr. President, there is nothing much I can do about the managers of the bill if they do not want to do this thing. There is no way to make them do it. But I point out that not only will we have to chew this thing twice in 2 weeks, but also, if we pass a 15-day extension, I assume we will have to do something with the House, and the House will have to take this up and vote on it. It will not accord with the resolution they sent over here. I do not know what else to do with it. Maybe that is a risk that you can circumvent, but I do not know how right now.

Mr. LONG. Mr. President, for some time, we have been confronted with the Speaker of the House calling the leader on the Democratic side and telling him to inform the Democratic Caucus that the House could not accept any amendment, and if that were the case, there would be no bill, or some such thing.

I can only say that Democratic Senators—and I suspect Republican Senators—are getting enough of that. They are getting to feel that this is a very significant bill, and they are not willing to let the House veto Senate amendment.

We have had a very significant amendment adopted by an overwhelming vote, with the leadership opposing the amendment. It was approved by a vote of 70 to 15.

If I detect correctly the mood of the Senate, the Senate wants to be able to legislate, especially in a germane fashion, and have that amendment considered.

I do not think it is going to be in order and I do not think we can accommodate what the leader would like to do about this matter, even though, so far as I am concerned, I would be delighted to limit everything to germane amendments.

Mr. BAKER. I would put that request.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I have had no such calls from the Speaker on this matter.

Mr. LONG. It is my impression that there had been such a situation. I have heard that.

Mr. BAKER. Mr. President, so far as I am concerned, I urge the manager on this side, and I may do so on the other side, to go with the business at hand and finish this bill.

When we finish this bill, if it still appears that there is no way to go to conference for other reasons, then I am perfectly willing to think about an alternative, and maybe there will be a short extension.

Mr. President, I do not want to see the Senate go through what we have been through, and will still go through, getting people here on Saturday and getting votes, and then decide we are not going to do this. I urge the

managers to proceed with the completion of this measure; and when we complete it, which I expect will be on Monday, if there is any reason to have a short extension, we will consider that. I do not want to abandon this effort at this time.

Mr. ARMSTRONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. ARMSTRONG. Mr. President, I should like to associate myself with the majority leader's remarks. It is not going to be any easier to handle some kind of extension bill.

The only point on which I would differ with the majority leader is that when we have completed debate and considered all amendments, I believe the course of wisdom would be to defeat the bill. What will then happen is a process of accommodation leading, in my judgment, to the kind of spending restraint and institutional reforms that will not require us constantly, two, three, or four times a year, to be raising the debt ceiling. But we cannot get to that point until we come to a final conclusion.

Let me add—and there is no sense repeating what I have said previously—that everything that has transpired since the debate on this bill began reinforces my conviction that this is the moment to turn down the debt ceiling bill and, in doing so, set the stage for some reform.

Mr. BAKER. Mr. President, it may be that Saturday afternoon is my afternoon to be blue. [Laughter.]

I am sure there are other Members in the Chamber who will understand that and be sympathetic.

I am beginning to get the feeling that, for the first time I have ever seen, the Senate does not really want to pass a debt limit extension. I think there are a dozen reasons why not.

I believe that the distinguished Senator from Colorado has a clearly stated position that he has espoused for some time now about the disciplinary action that the failure to pass a debt limit might have on fiscal policy in this country. Maybe other people have different views in relation to different matters.

But I have begun to get the feeling that the Senate does not want to pass a debt limit.

Mr. President, we can do that. But I urge that we give careful thought to what will result. This is not one of those "We will all fall off the cliff and die" situations, because the money is not going to run out. We do not revert to a permanent debt limit from a temporarily higher debt limit. It is not one of those. Maybe it is not even a case where the checks will not go out. I suspect there is enough cash flow in the Treasury to send most of the checks—but there comes the hangup—not all of the checks.

We should give some thought to what happens if this Government is on a cash receipts basis. Who is going to make the decisions on which bills get paid and what checks go out? Who will make the decisions about whether we prorate those checks or not, whether it is just out of appropriated discretionary accounts or entitlements? Who is going to decide those things?

I have an idea that if we thought we had a constitutional confrontation over Watergate, it was nothing compared to the constitutional confrontation we might have then over whether the President has the authority to make that decision or not. If we are concerned about impoundment, rescission, and deferral, I wonder what we would be up against if indeed we were on a cash receipts basis and the President had to make a decision on which checks he would issue so the others would not bounce.

That is the ultimate impoundment, rescission, or deferral. That is the ultimate executive authority.

I am very much afraid that would be what we would be up against if we put this Government on a cash receipts basis.

There are some, I suspect, who think that is a good idea. I do not presume to speak for anyone. All I am saying, Mr. President, and I wish today's RECORD to reflect, I think it is a bad idea. I think is will produce constitutional problems that we have never even dreamt of, and it will create an economic climate in this country and around the world that has unpredictable results.

I do not guess we have ever had a run of foreign investment on American banks, but we might, if they decide we could not manage our affairs. I do not imagine we ever had a situation before when the full faith and credit of the United States was at risk, but we might if we cannot pay the interest and principal on Government bonds as they mature.

I do not suppose there has ever been an effort by the court to mandamus the President to do things he does not have the money to perform, but we might with the social security fund, for instance, where there is a statutory requirement that there be an investment of the social security fund in U.S. Treasury bonds on a particular date. We cannot if we do not extend the debt limit.

Talk about Pandora's box, Mr. President. This would sure enough open Pandora's box.

So while I sort of sense that in the air and sometimes in talking to some of my colleagues I hear that clearly spoken, I urge Members to think about the extraordinary consequences that would flow from failure of this Government to provide the credit that is necessary to run this Government and the necessary resultant cash receipts basis on which we would have to run if we did not do that.

Mr. JOHNSTON. Mr. President, will the majority leader yield for a question?

Mr. DOLE. Mr. President, why does not someone call up an amendment?

Mr. BAKER. Mr. President, I promised to yield to the Senator from Louisiana, and then I am going to yield the floor so the manager of the bill can seek recognition if he cares to do so.

Mr. JOHNSTON. I thank the majority leader for yielding.

In order that we may plan out what remains of blue Saturday, will the majority leader tell us what are the plans for the remainder of the day?

Mr. BAKER. Yes.

Mr. President, I hope and expect that we will have another amendment or two and another vote or two, but I cannot say that because I cannot require Senators to offer their amendments.

Mr. President, one of the toughest jobs I have, and I am sure the minority leader might share this view at least in part, is to announce the schedule in advance and then try to make it work. If the Senate does not want to work, it will not work. There is no way to do that.

I was listening in my office the other day on the squawk box, and I came rushing in here and I made the statement then which I will reiterate now that as I was listening on the speaker in my office it suddenly dawned on me the Senate has adjourned and they are waiting for me to find out.

That happens to me every now and then, but I hope it does not happen this afternoon because Members have canceled their plans to come back here to be in a special Saturday session. They have other commitments they need to keep, and I have announced that we are going to be in until about 3:30 p.m. and that we are going to have votes up until whatever time, about 3 p.m., or thereabouts.

But every time I say that, if Senators detect a stern resolve in my voice, it is to camouflage the uncertainty of the performance because all I can do is what the Senate is willing to do.

Mr. President, I hope the Senate is willing to have another rollcall vote or to make more progress on this measure, and now it is time for me to be quiet.

Mr. DOLE. Mr. President, I just hope we can get on. If we wish to move the bill, we should have an amendment if anyone has any amendment. I know a lot of them will not be called prime-time amendments. They go on about 3 p.m. on Monday afternoon for the nightly news. But if anyone has a non-prime-time amendment that we could bring up at this time, fine.

Mr. BAKER. They are not ready for prime time.

Mr. DOLE. There is no television here today. So that is why not many Senators wish to offer their amendments.

But I would be glad to hire a TV crew, and put it on in Russell, Kans., or some other metropolitan area if Senators would just come on and offer their amendments, because I must say while we are trying to accommodate everyone else, we have to accommodate the Finance Committee. There is only so much we can do between now and Monday at midnight.

I am going to offer an amendment on Monday, and I have already served notice, to change the rule that hereafter on a public debt ceiling only germane amendments will be considered.

I hope everyone will consider that seriously because I do not object to a little fun and games, and some of these are very serious matters. How do we go to conference unless we take the Foreign Relations Committee and whatever other amendments we have adopted with us? And I am not certain we can conclude that conference. So if there are no amendments, there is no need to stay here this afternoon. If there are amendments, it would be nice if someone would jump up and offer one.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BYRD. Mr. President, for a good many years the House of Representatives put us in this box.

Mr. DOLE. I know it.

Mr. BYRD. They would be waiting until the last minute to send the debt limit over.

This year the House of Representatives sent it over in June.

Why is it that this year we are faced with this prospect of the last minute?

I say again for many years the House of Representatives put us in the box by waiting until the last minute and maybe it has occurred in other years. But I just cannot understand why inasmuch as this has been here in the Senate since June that it is brought up at the last minute on this case.

Mr. BAKER. Mr. President, I shall not take long. But one of the points that has been made most forcefully by Members on this side, expecially the Senator from Colorado, and very properly so, and others, is that point—why do we wait until the last day or two in order to take up the debt limit?

I point out the House of Representatives did not send us a separate debt limit as such. They do it in a very superior way. They do it as a part of their budget process. They never have to vote on the debt limit except as a part of the package.

I really urge that we do that.

Mr. BYRD. Maybe we should do that.

Mr. BAKER. Maybe we should.

Mr. President, I ask the chairman of the Finance Committee to get me this bill a full week ahead of the expiration of the debt limit and indeed we have been on it now it seems like longer than that but it has only been since Wednesday or Thursday.

Mr. President, I have no quarrel with the suggestion of the Senator from Colorado or the observation of the minority leader, but over the last few years we have had this same situation to contend with.

I just happened to look back the other day to see how we had fared on other days. I notice that I do not have when we started considering the debt limit, but I do have when we passed the debt limit.

In 1976 we passed it on the same day that it expired. In 1977 we passed it the same day it expired. In 1978 we did it 3 days late, 3 days after it expired.

Mr. ARMSTRONG. Mr. President, will the Senator yield at that point?

Mr. BAKER. I yield.

Mr. ARMSTRONG. Does he recall that any court brought a mandamus against the President or the ships at sea did not continue to sail during that 3-day period or any of the dire conditions that he mentioned as possibilities? The Senator did not predict those, but he mentioned those as possibilities. Did any of those occur during that 72-hour period?

Mr. BAKER. No, they did not, but I do not know how much longer it would have been because there was not a requirement that the President reduce the amount of checks that go out or that we pick and choose among bills that must be paid by the Treasury.

It is clear that we can go a day or two, and none of us should be panicked by the idea that the Park Service is going to close down the Washington Monument. That used to be the favorite ploy around this city.

But I do not know how long we can go, and it is not very long, in my opinion.

But my point here is that it is not Republicans or Democrats. It is both sides. What we have done with the debt limit is play cliffhanging too long.

I urge that we get on with the emulation of the House of Representatives in one of the few cases that I have been willing to emulate the House of Representatives and include the debt limit matter in the reconciliation bill.

Mr. ARMSTRONG. Mr. President, has the majority leader yielded the floor?

Mr. BAKER. I yield the floor.

Mr. ARMSTRONG. Mr. President, I respond briefly to the point that the majority leader makes, and he makes a point about a concern which we all feel, that we are playing very close to the edge.

Frankly, it seems to me that we are playing very close to the edge in passing the bill, but he properly points out that a different set of concerns arise if we delay the passage of it. But I wish to just spell out while the majority leader is in the Chamber exactly what I personally believe would transpire if we either were to defeat this bill or appear on the verge of doing so.

I do not think there would be chaos. I do not think there would be panic. I do not think that any of the functions of government would terminate, as he has correctly pointed out. There is a little give in the system. There is a little lag time. We do not know how many. Maybe it is 3 days. Maybe it is 2 days. But it is a little.

What I believe would happen is that if people in this town, including those who are at the other end of Pennsylvania Avenue, were to believe that passage of the debt limit increase were something other than automatic, even though painful, something other than automatic, and if Members in this Chamber had the same impression, there would then be serious bargaining for the kind of measures that would be necessary to avoid future large increases in the debt limit.

That process which the Senator from Louisiana and I discussed at some length yesterday is exactly the bargaining and negotiating process that occurs on dozens, scores of bills every year. In order to get the votes to pass it, you have to accommodate those who would otherwise withhold their vote. All I am suggesting to Senators is let us withhold our vote until something constituting reform and restraint is built into the package.

Mr. DOLE. Mr. President, as I understand it, the Senator from Louisiana has an amendment and the Senator from Michigan has an amendment. I think we might as well move on.

AMENDMENT NO. 2469

(Purpose: To express the sense of the Senate that debt limit and budget reconciliation bills should not be used for amendments which worsen the deficit.)

Mr. LONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an amendment numbered 2469.

Mr. LONG. Mr. President, I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read as follows:

At the appropriate place, add the following new section:

SEC. . It is the sense of the Senate—

(1) that the purpose of the statutory limitation on the public debt is to prevent or

reduce spending in excess of revenues and that the purpose of the reconciliation provisions of the congressional Budget Act is to reduce budgetary deficits by providing for expedited consideration of measures which limit spending or increase revenues; and

(2) that amendments to debt limit bills or reconciliation bills should be consistent with these deficit-reduction purposes of such bills; and therefore

(3) that amendments which will result in increased spending or which will lower revenues—

(A) should not be offered to debt limit or reconciliation bills; and

(B) if offered, should be rejected by the Senate.

Mr. LONG. Mr. President, I will modify my amendment on line 12, after the words "that amendments," I will insert the words "in 1983."

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. LONG. I so modify it.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2469), as modified, follows:

At the appropriate place, add the following new section:

SEC. . It is the sense of the Senate—

(1) that the purpose of the statutory limitation on the public debt is to prevent or reduce spending in excess of revenues and that the purpose of the reconciliation provisions of the Congressional budget act is to reduce budgetary deficits by providing for expedited consideration of measures which limit spending or increase revenues; and

(2) that amendments to debt limit bills or reconciliation bills should be consistent with these deficit-reduction purposes of such bills; and therefore

(3) that amendments in 1983 which will result in increased spending or which will lower revenues—

(A) should not be offered to debt limit or reconciliation bills; and

(B) if offered, should be rejected by the Senate.

Mr. LONG. The amendment as modified will apply only to the year 1983. But I hope this would set a precedent for the future if this amendment is agreed to.

Here is what this amendment proposes. It is a sense-of-the-Senate resolution, but I would hope that this would be a sense that the Senate would be willing to support in its subsequent actions. The proposal asks that the Senate have the courage to do what it says it is going to do and followthrough on it, for the remainder of this year, in view of the fact that we are faced with a deficit of about $200 billion and the purpose of a debt limit is to control spending and not to increase spending, that we agree that we are not going to either propose or accept amendments that are going to increase spending on a debt limit bill and that we are not going to do that on a reconciliation bill.

The purpose of a reconciliation bill is to try to get the genie back in the bottle, to try to reduce spending. This is a proposed sense-of-the-Senate resolution that for this year we will not use the reconciliation process to increase spending.

Mr. President, I have gone to conferences on reconciliation bills and found that our friends from the House, for example, have considered some things as savings that are purely illusory. For example, they will assume that something the President recommended which has already been turned down will not become law and claim a savings from that, or they will assume that they had a recommendation that might have passed and will not pass and, therefore, in view of that fact they claim a savings on something that even the President did not propose.

Then they propose to add a tax cut or a big spending increase that is going to make the deficit problem a great deal worse. If you take a combination of those two, you have not reduced spending, you have increased spending. Then we have been called upon to accept this combination or if we do not accept it that means the whole package fails. That is totally and completely at odds with the purpose of a reconciliation bill.

Mr. President, if other Senator are going to do it, I am going to demand the same privilege. If I want something, I too could seek to put it in a reconciliation package bringing about something for Louisiana to spend more money, because everybody else is playing the same game. But that is not right.

If you want to contain spending and you want to reduce the deficit, then instead of using the reconciliation process to increase spending and using a debt limit bill to increase spending, we ought to agree we are not going to use it for that purpose. I started out to suggest in my amendment that we not do that, period, now or in the future. In view of the fact that thus far the Senate has managed to at least abide by this on the debt limit bill, I hope we will agree that is how we are going to do business on the reconciliation bill, as well.

Mr. SYMMS. Will the Senator yield?

Mr. LONG. I yield to the distinguished Senator.

Mr. SYMMS. I am very interested in the Senator's amendment. I think it makes a lot of sense just on the surface.

I just want to make an inquiry for clarification. This Senator has an amendment I have been trying to get written by the legislative counsel for a couple of days to allow us all to once again take another look at the wage index for the basis of the cost-of-living adjustments for all of the Government programs versus the price index, which we presently use.

So if an amendment were offered to the debt limit bill, let us assume for the sake of the question that this amendment becomes part of the bill, and if we are then going to be consistent with what the Senate votes, would that amendment then be in order to change the price index to the wage index for the basis of cost-of-living adjustments?

Mr. LONG. Let me ask the Senator, would that be either a tax cut or a spending increase?

Mr. SYMMS. It would be a spending reduction in the future, because it would put the wage index as the basis for raising COLA's for Government paychecks.

Mr. LONG. Then it would be no problem, Senator, because what you would be recommending would be something to reduce the deficit. That is the whole idea of the reconciliation process, I always thought, to reduce the deficits.

Mr. SYMMS. I thank the Senator.

Mr. METZENBAUM. Will the Senator from Louisiana yield for a question?

Mr. LONG. I yield to the Senator from Ohio.

Mr. METZENBAUM. I understand the thrust of the Senator's sense-of-the-Senate resolution, but is it not a fact that if you really were to achieve this objective, you would have to do it by changing the rules of the Senate and that a sense-of-the-Senate resolution would not be binding upon any action in the present instance or any future action?

Mr. LONG. It is only binding on the conscience of Senators, that is right.

Mr. METZENBAUM. Does the Senator from Louisiana not recognize that that conscience is only as long as the special interests of each individual Senator is concerned in a matter of this kind? I would not say that generally with respect to the conscience of Senators.

Mr. LONG. Mr. President, I would think most Senators, having voted for this, would be a little embarrassed to get up and offer amendments that would do just the opposite. I think that other Senators, particularly those who are not sponsoring the amendment, having voted for a resolution like this would be inclined to remain consistent with what they voted for.

I know you cannot require Senators to be consistent, but most of them have a reasonably good record in that respect; not a great record, but reasonably good.

Mr. METZENBAUM. But is it not a fact we even find that nongermane amendments are put on appropriations bills and that the procedures of the Senate are generally modified depending upon whether you have the votes or do not have the votes. What I am saying to the Senator from Louisiana is that I think he opens up an interesting discussion but I, for one, feel that it would be a meaningless effort

and probably as inappropriate to try to alter the rules of the Senate on this debt limit bill as it is to add to the debt limit bill the various and sundry measures that are proposed, but which will continue to be proposed until we change the rules, and not only change the rules but change them in such a way that the leadership of the Senate then is sort of dutybound to enforce those. I say that without any criticism of the leadership at all.

Mr. LONG. Mr. President, if this amendment carries, as one of the managers of the bill, I would deem it my duty to oppose anything that is going to increase spending on this bill or to oppose anything that is going to reduce taxes on this bill because I feel that I would have joined in with other Senators in making a commitment that we did not think we ought to do business that way. Admittedly, that is all we can do for now.

The Senator knows that I cannot offer an amendment to change the Senate rules on this measure. That would have to be offered on a different measure. Based on what is available to me, this is the only vehicle we have to work with.

Mr. DOLE. Can we get the yeas and nays on the amendment?

Mr. LONG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. I want to correct a mistake I made earlier. There is television here today. If Members have exotic amendments, which are worldwide, I think they should go get their makeup on.

● Mr. LEVIN. Mr. President, I will vote against the amendment offered by the Senator from Louisiana which expresses the sense of the Senate that amendments which increase spending or decrease revenues should not be offered to the debt ceiling or reconciliation bills in 1983.

This amendment has a life of about 3 weeks, since the Senate is planning to adjourn by November 18. As such, it is in fact directed at only a few amendments, and is not a generalized change in Senate procedure. With this narrow focus, this amendment stands in the way of the enactment of urgent, pending legislation needed to alleviate suffering and to correct injustice. Senator COHEN and I are considering an amendment to this debt ceiling to make long-overdue and essential changes in the disability program. If these changes are not made now, then the temporary measure which is now in place to assure due process in determining questions of eligibility for the disability program will expire on December 7.

In looking over the legislative schedule it is apparent that this debt ceiling bill may be the last chance that we will have to enact a permanent reform program for disability prior to the December 7 deadline. I cannot support an amendment which would foreclose the possibility of action before the December 7 deadline and risk tens of thousands of individuals being unjustly removed from the disability roles, and which does just about nothing else.●

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from South Carolina (Mr. THURMOND), the Senator from Connecticut (Mr. WEICKER), and the Senator from California (Mr. WILSON) are necessarily absent.

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 66, nays 11, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—66

Abdnor	Grassley	Nunn
Armstrong	Hatch	Packwood
Baker	Hecht	Pell
Baucus	Heflin	Pressler
Bentsen	Helms	Proxmire
Boschwitz	Huddleston	Pryor
Bradley	Humphrey	Randolph
Bumpers	Inouye	Riegle
Burdick	Jepsen	Roth
Chafee	Johnston	Rudman
D'Amato	Kassebaum	Sasser
Danforth	Kasten	Simpson
Dixon	Lautenberg	Specter
Dodd	Leahy	Stafford
Dole	Long	Stennis
Durenberger	Lugar	Stevens
Eagleton	Mattingly	Symms
East	McClure	Tower
Exon	Melcher	Trible
Ford	Mitchell	Tsongas
Garn	Murkowski	Wallop
Gorton	Nickles	Warner

NAYS—11

Bingaman	Domenici	Metzenbaum
Byrd	Kennedy	Moynihan
Chiles	Levin	Sarbanes
Cohen	Matsunaga	

NOT VOTING—23

Andrews	Glenn	Mathias
Biden	Goldwater	Percy
Boren	Hart	Quayle
Cochran	Hatfield	Thurmond
Cranston	Hawkins	Weicker
DeConcini	Heinz	Wilson
Denton	Hollings	Zorinsky
Evans	Laxalt	

So the amendment (No. 2469) was agreed to.

Mr. LONG. I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I was 1 of the 11 who voted against this sense-of-the-Senate resolution, and I would like to state for the record why. First, it was voted on without any or very little debate. I do not find any fault with Senator LONG or Senator DOLE for that. Sometimes I call up amendments that do not have any or very little debate. That is No. 1. I thought there would be some debate on this sense-of-the-Senate resolution, and I went to my office, but there was virtually none.

Second, it is a sense-of-the-Senate resolution, and therefore it is not binding. I am glad for that.

Third, it only affects 1983, even if it were binding.

Fourth, it requires a change in the rules to be made effective.

Fifth, it will require changes in the Budget Reform Act before it can be made effective.

Sixth, I do not intend to box myself in an say that I cannot offer an amendment to the debt limit which would increase spending or to the reconciliation bill. Suppose the reconciliation bill says there will be x number of dollars in cuts in medicare or there will be x numbers of dollars in cuts which will result from actions in connection with social security spending. I or some other Senator might want to offer an amendment to restore those cuts in social security or medicare and also offer an amendment which brings the overall budget into numerical consistency. I think I should have the right to do that.

I am not going to support a proposal like this. And I say it with great deference to the offerer of the amendment.

We say this so much that it becomes a cliche, but I think in most instances it is said with sincerity. I have tremendous respect for RUSSELL LONG, and anything he offers usually has a lot of merit. There is some merit in this approach, but I can foresee the day when some of the Senators who voted "aye" on this, if this were to be put into a proposal that were enacted in this Chamber and which had teeth in it and which could be made effective, I can see the day when a lot of Senators who voted "aye" on this, because it is a sense of the Senate resolution, will be themselves wishing that they could offer an amendment to increase spending on a reconciliation bill.

I do not say this in criticism of Senator LONG or Senator DOLE or anybody else who voted for it. To begin with, the ranking manager of this bill knows more, or perhaps has forgotten more than I ever will know about all the factors that are involved in debt limit extensions, and so on and so on. But I do have a little bit of gumption about me which leads me to believe that I may want sometime to offer an amendment which would restore a spending cut in the reconciliation bill and maybe the responsibility is on my shoulders to say, "OK, if you are going to make that restoration, where else do you want to make the cut to offset it?" It might be my responsibility.

I did not vote for this sense of the Senate resolution, and I am not sorry that I did not vote for it. I voted against it. Before it becomes effective by an act of this Senate that would make it effective, I daresay there will be more than 11 votes against the proposal.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, it is my understanding the Senator from Michigan is going to offer an amendment. It was also my understanding, according to the majority leader, if in fact that amendment were offered and there was a vote shortly, that we would then follow that with the discussion between the Senator from Montana (Mr. BAUCUS) and the Senator from Illinois (Mr. DIXON) with reference to a severance tax of some kind but that amendment would be withdrawn. And then the Senator from Montana might lay down an amendment for consideration on Monday. So if the Senator from Michigan does not intend to offer the amendment, which I understand is permitting newspeople to go to Grenada, which is another area that we have a lot of jurisdiction over in the Finance Committee and surely will get him on the nightly news, if he will come to the floor I will help him with that amendment.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BYRD. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. BINGAMAN. I yield.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I have never seen such a place for manufacturing rumors as this, and I sometimes think I ought to start a few myself. But there is a rumor going around the press gallery that I was not sincere in my statement earlier today to the effect that there ought to be a fact-finding commission made up of Senators or Senators and Congressmen that would go to Grenada, or perhaps go to Lebanon as well; and that I am not sincere in view of the fact that I have not yet offered any resolution on it.

Well, the answer to that is that I discussed it with the distinguished majority leader a while ago, and I indicated that I was prepared to offer a resolution to that effect. I said, "I personally am not asking to go to Grenada or to Lebanon." But the majority leader said that he would hope that I would hold off until Monday to offer that resolution because he wanted to give some thought to it.

I asked the majority leader if he would join me in it, and he certainly exercised his right and privilege to withhold joining until Monday and to have a little time to think it over in the meantime.

But I want to kill that rumor dead right here that because I have not offered a resolution or an amendment thus far, I am not sincere about it. I hope that puts an end to that rumor, and I am going, in deference to the majority leader, to wait until Monday before I proceed on that.

I thank the Senator for yielding.

AMENDMENT NO. 2471

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I send an amendment to the desk in my name and the Senator from New Mexico (Mr. BINGAMAN) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. RIEGLE) (for himself, Mr. BINGAMAN, Mr. EXON, Mr. RANDOLPH, Mr. LEVIN, and Mr. BYRD), proposes an amendment numbered 2471.

Mr. RIEGLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: At the appropriate place in the bill,

At the appropriate place in the bill, add the following new section:

"SEC. . Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States armed forces, restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, 'restrictions' shall include:

"(1) preventing the press from freely accessing news sources of its choice;

"(2) unreasonably limiting the number or representation of the press permitted to enter Grenada; and

"(3) unreasonably limiting freedom of unsupervised movement of the press in Grenada."

Mr. RIEGLE. I am going to read the text of this amendment. It is very short. It has to do with press freedom in Grenada. And I would like to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RIEGLE. The language reads as follows:

Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States armed forces, restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, "restrictions" shall include:

(1) preventing the press from freely accessing news sources of its choice;

(2) unreasonably limiting the number or representation of the press permitted to enter Grenada; and

(3) unreasonably limiting freedom of unsupervised movement of the press in Grenada.

I know many people want to be able to vote on this soon and have plans that will require them to leave before long, but this does not look backward. This looks forward. It takes it from today and says that from this point on we ought to follow the normal procedures that we have followed in the past and are presently following in Lebanon with respect to the access of the press into what is now clearly a war-type zone.

I would hope that this would be something that the Senate would express itself on. A great controversy has arisen.

The press is very outspoken in terms of the fact that they have not been allowed the normal access that has been enjoyed before, up to and including the present time. I think the situation is now at a point where we are well advised to take this position in terms of the Senate expressing itself, so that the press might have an opportunity to cover this situation in the normal fashion.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. RIEGLE. I yield.

Mr. RANDOLPH. The amendment offered is well reasoned, and I think it is important to do this as quickly as possible.

I ask for the privilege of being a cosponsor.

Mr. RIEGLE. I thank the Senator.

Mr. President, I ask unanimous consent that the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have just received a copy of the amendment. Again, the record should indicate that this is not a matter over which the Finance Committee has jurisdiction. It is not germane to this bill. But that is not a problem.

I would like to have about 5 minutes to check with the majority leader, if I may suggest the absence of a quorum.

Mr. EXON. Mr. President, will the Senator withhold that?

Mr. DOLE. Yes.

Mr. EXON. Will the Senator add my name as a cosponsor?

Mr. RIEGLE. Mr. President, I ask unanimous consent that the name of the Senator from Nebraska (Mr. EXON) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the names of Senator BYRD and Senator LEVIN be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2472

Mr. SYMMS. Mr. President, I send to the desk an amendment to the Riegle amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. SYMMS) proposes an amendment numbered 2472 to the Riegle amendment numbered 2471:

At the end of the amendment, add the following:

It is the sense of the Senate that the administration acted prudently in not inviting press participation in the Grenada rescue operation, since such participation would have jeopardized the security of the operation and endangered the lives of American citizens.

Mr. SYMMS. Mr. President, I ask to make a slight modification of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

In lieu of the amendment proposed by the Senator from Michigan, insert the following:

SEC. . It is the sense of the Senate that the Administration acted prudently in not inviting press participation in the Grenada rescue operation since such participation would have jeopardized the security of the operation and have endangered the lives of American citizens.

Mr. SYMMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. RIEGLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RIEGLE. Is it in order to make a modificition to an amendment at the desk prior to ordering the yeas and nays?

The PRESIDING OFFICER. An amendment on which the Senate has taken no action may be modified by the sponsor of the amendment.

Mr. RIEGLE. And it has no relevance to whether or not the yeas and nays have been ordered?

The PRESIDING OFFICER. Ordering the yeas and nays is Senate action on the amendment.

Mr. RIEGLE. I am still not clear.

I guess what I am asking is, Can a Senator modify an amendment prior to seeking and obtaining the sufficient showing of hands for a record vote?

The PRESIDING OFFICER. The Senator may modify his amendment prior to the ordering of the yeas and nays.

Mr. RIEGLE. Prior to the ordering of the yeas and nays?

The PRESIDING OFFICER. Yes.

Mr. RIEGLE. May I further inquire of the Chair, Is the amendment as it is now there in proper form?

The PRESIDING OFFICER. Yes, it is.

Mr. RIEGLE. I thank the Chair.

Mr. DOLE. Mr. President, I think we might be able to speed this process up a bit if the Senator from Michigan would let us add one proviso, if I may have the attention of the Senator from Michigan.

Mr. RIEGLE. Yes.

Mr. DOLE. If we could add at the end of the resolution the following: "Provided, however, that nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of U.S. or allied forces in Grenada," then I think that would satisfy any concern that anyone has about it and I think it is a legitimate concern.

Mr. RIEGLE. May I ask if the Senator is asking about that as an alternative of the language that was just read?

Mr. DOLE. Yes.

Mr. RIEGLE. Could I hear it again?

Mr. DOLE. "Provided, however, that nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of U.S. or allied forces in Grenada."

Mr. RIEGLE. I may be inclined to accept that. May I see it in writing? Does it exist in writing?

Mr. DOLE. I only have one copy. I will bring it over to the Senator.

Mr. SYMMS. Mr. President, will the distinguished Senator from Kansas yield on that point?

Mr. DOLE. I yield.

Mr. SYMMS. I think it would be appropriate where he said the lives of American and allied forces also "American citizens." It would be appropriate to add that.

Mr. RIEGLE. All right.

Mr. DOLE. Mr. President, I understand the Senator from Michigan has had a chance to review the language. It has been suggested by the Senator from Idaho that if the words "or U.S. citizens" be added it would make it more acceptable to him.

I guess in the case of Grenada we would only have to focus on the students there. Obviously, that is a consideration.

Mr. RIEGLE. Are we clear on the understanding that "citizens" here would refer to people on Grenada presently and not refer to the press people themselves who might be Americans?

Mr. DOLE. Right. In fact, as I understand, the press is not asking for protection. They have indicated they can take care of themselves, and they are willing to expose themselves to great risk and have, and some have suffered for it.

Mr. RIEGLE. I just would want the legislative history to show that the insertion of the word citizens applies to those American citizens now on Grenada not members of the press. Members of the press specifically are not to

be included in that use of the words "American citizens".

Mr. DOLE. That is the understanding of this Senator and I think if the other language is satisfactory, we could insert the word at the appropriate place.

I guess I would need to see the resolution or the Senator can modify his amendment.

Mr. RIEGLE. The safety or security of United States or allied forces and American citizens in Grenada would be the way that would then read.

I would be prepared to accept that modification and hope then we could perhaps expedite a vote. There are a number of Senators who wish to vote and be able to make connections that they have.

Mr. DOLE. The Senator is willing to accept the suggestion by the Senator from Idaho on the word "citizens"?

Mr. RIEGLE. I am willing to accept what the Senator from Kansas suggested which was in lieu of the amendment that had previously been sent to the desk which would read as follows:

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of U.S. or allied forces or American citizens in Grenada.

I would be willing to accept that as an additional paragraph to my original amendment and we could vote on that basis.

Mr. DOLE. I am prepared to accept that.

Is that satisfactory to the majority leader?

I thank the Senator from New Hampshire (Mr. RUDMAN) and the Senator from Washington (Mr. GORTON) for their assistance in the language.

Mr. BAKER. Mr. President, the parliamentary situation I think is the second degree amendment of the Senator from Idaho that is pending. The yeas and nays have been ordered on that second degree amendment. And if the Senator from Idaho is willing to withdraw that, it would require unanimous consent to do so. But if unanimous consent were given and it was withdrawn, I would find the modified amendment entirely satisfactory.

Mr. SYMMS. Mr. President, it is not the intention of the Senator from Idaho to belabor the point here, and I just wish to say and make one brief comment, and then it would be my intention to ask unanimous consent to vitiate the yeas and nays on my amendment and withdraw the amendment.

I just wish to make the point so there is no misunderstanding that I would hope that this amendment in no way is a condemnation of the action of the administration with respect to security, and I believe that the President used very prudent security to protect the safety of the lives of those people in Grenada that their rescue operation has liberated.

So on that statement, Mr. President, I ask unanimous consent to vitiate the yeas and nays on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. RIEGLE. Mr. President, I am prepared for the vote to be taken now on the amendment previously agreed with the modification.

Mr. DOLE. The yeas and nays on the amendment, I think.

The PRESIDING OFFICER. Would the Senator repeat his request?

Mr. RIEGLE. I am asking that the Senate now vote on the original amendment with the modification that has been suggested and agreed to.

The PRESIDING OFFICER. Would the Senator please send the modification to the desk?

The modified amendment requires unanimous consent.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the amendment be modified along the lines of the document sent to the desk which includes the agreed-upon language.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

Mr. DOLE. Mr. President, I wonder if we might have the amendment read as modified.

Mr. RIEGLE. Perhaps the clerk will read the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOLE. Just read the addition, the modification.

The PRESIDING OFFICER. The modification will be stated.

The legislative clerk read as follows:

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of U.S. or allied forces in Grenada.

Mr. DOLE. Was the Senator going to add the word "citizens"?

Mr. RIEGLE. Yes. I thought it was written in there.

The PRESIDING OFFICER. The clerk will restate the modification.

The assistant legislative clerk read as follows:

Provided, however, That nothing in their resolution shall be construed to require any action which jeopardizes the safety or security of U.S. or allied forces or citizen in Grenada.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment (No. 2471), as modified, is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States armed forces, restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, 'restrictions' shall incude:

(1) preventing the press from freely accessing news sources of its choice;

(2) unreasonably limiting the number or representation of the press permitted to enter Grenada; and

(3) unreasonably limiting freedom of unsupervised movement of the press in Grenada."

Provided, however, That nothing in their resolution shall be construed to require any action which jeopardizes the safety or security of U.S. or allied forces or citizen in Grenada.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Michigan (Mr. RIEGLE), as modified. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, the first rollcall name has not been answered. May I announce that this is the last rollcall vote that will occur.

Mr. BYRD. Mr. President, I believe it is agreed that the first rollcall vote on Monday will be at 5 o'clock p.m.

Mr. BAKER. Yes, not before 5 o'clock.

Mr. DOLE. Mr. President, I make this inquiry because some Senators have asked: If other amendments are disposed of, we will stack the votes until 5 o'clock, is that correct?

Mr. BAKER. On Monday, yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. ANDREWS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from South Carolina (Mr. THURMOND), the Senator from Connecticut (Mr. WEICKER), and the Senator from California (Mr. WILSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HEINZ), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

On this vote, the Senator from Alabama (Mr. DENTON) is paired with the Senator from Washington (Mr. EVANS).

If present and voting, the Senator from Alabama would vote "nay" and the Senator from Washington would vote "yea."

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from Connecticut (Mr. DODD), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maine (Mr. MITCHELL), the Senator from New York (Mr. MOYNIHAN), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

The PRESIDING OFFICER (Mr. JEPSEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 53, nays 18, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—53

Armstrong	Exon	Pell
Baker	Ford	Pressler
Baucus	Gorton	Proxmire
Bentsen	Grassley	Pryor
Bingaman	Heflin	Randolph
Boschwitz	Huddleston	Riegle
Bumpers	Humphrey	Roth
Burdick	Johnston	Rudman
Byrd	Kennedy	Sarbanes
Chafee	Lautenberg	Sasser
Chiles	Leahy	Simpson
Cohen	Levin	Specter
D'Amato	Lugar	Stafford
Danforth	Matsunaga	Stennis
Dixon	Melcher	Trible
Dole	Murkowski	Tsongas
Domenici	Nunn	Warner
Eagleton	Packwood	

NAYS—18

Abdnor	Helms	McClure
Durenberger	Jepsen	Nickles
East	Kassebaum	Stevens
Garn	Kasten	Symms
Hatch	Long	Tower
Hecht	Mattingly	Wallop

NOT VOTING—29

Andrews	Glenn	Metzenbaum
Biden	Goldwater	Mitchell
Boren	Hart	Moynihan
Bradley	Hatfield	Percy
Cochran	Hawkins	Quayle
Cranston	Heinz	Thurmond
DeConcini	Hollings	Weicker
Denton	Inouye	Wilson
Dodd	Laxalt	Zorinsky
Evans	Mathias	

So Mr. RIEGLE's amendment (No. 2471), as modified, was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. TOWER. Mr. President, the motion to reconsider is debatable; therefore, I would like to say a few words about this.

I think the action the Senate has taken is unwise. I do not think that Members were wittingly unwise. I think that perhaps the full implications of this amendment have not been realized. I think it requires a little bit more consideration.

Mr. President, what we are seeing here is a great example of the danger of trying to legislate delicate national security and foreign policy matters on the floor of the Senate with amendments that simply come up that might look good but have not been carefully deliberated on, amendments on which no hearings have been held, no attempt has been made to explore all the implications. That is what we did here.

It is easy to yield to pressure of the press. That is easy. It is hardly an act of courage, when the press complains about something, to immediately defer to their real or imagined interests.

The fact, Mr. President, is that there is a very dangerous provision in this amendment. That is the provision which says restrictions shall include preventing the press from freely accessing news sources of its choice. That means that media can have access to sources and make revelations about those sources that would jeopardize the lives of our troops. And do not think it could not happen. Many times, we have entered military operations without the press being in attendance.

This provision says since traditionally in the past, the United States has allowed the press to cover conflicts involving U.S. Armed Forces—traditionally, they have permitted the press to cover most of them, but not all. There was no press along on the Iranian rescue mission, no press along on the *Mayaguez.* We can name numerous instances in which the press did not accompany us on a military operation.

When we say the press may access news sources of its choice—I am not suggesting that any American journalist would wittingly report information that, when published, would jeopardize the lives of our people, but unwittingly, they certainly could. Who is to say that when we say "press"—we do not restrict that to U.S. press, I think. It could be press accredited to or press that represents other countries.

There could be some parts of that press that are hostile to the United States and could, with free access, gather intelligence and report it publicly and put our people at risk.

This amendment, even with the proviso that has been added to the end of it, should not be passed, because I am not sure this proviso cures the problem inherent in this provision.

Mr. DOLE. Will the Senator yield at that point?

Mr. TOWER. I yield to the Senator from Kansas.

Mr. DOLE. Let me thank the Senator from Texas for at least calling to our attention some of the errors, and I would say as the manager of the bill what I said when the amendment was offered. It is an area that we have no jurisdiction over in the Finance Committee. I sought out the majority leader. He suggested that he would be opposed to the amendment in its then present form. We then tried to contact others who have some jurisdiction and worked out a proviso which I think pretty much takes care of the problem. But if not, it is another reason we should not be offering nongermane amendments to the debt ceiling bill. I am going to ask to put in the RECORD at this point an amendment which I will offer on Monday that would change the rules to say in effect we are not going to continue this every time there is a debt ceiling bill, to go through this turkey shoot.

Now, Monday we are going to debate the freeze all day long. We do not have jurisdiction over freeze or freedom of the press or anything else, so we have had a 3-day circus so far and it is going to extend into Monday. I would hope that those who are concerned about these kinds of mischievous amendments, whatever they may be, will help us on Monday make certain that that is not repeated later.

Mr. TOWER. May I say to the Senator from Kansas, he will certainly have my support on that. I thank him for his efforts in trying to ameliorate the effect of this amendment. In my view it perhaps probably does not do it. I cannot say with certainty. But I have grave concerns about this, and I would like to look into the implications of it. I think we ought to have the opportunity to get some expert opinion on it, which we have not gotten. The amendment came up when, 30 minutes ago? We are legislating in the dark on matters that could affect the lives and safety of American troops. I would hope in that there are no more votes today and most of my colleagues have left the floor and have probably left the Hill by now, we could set aside some time for debate on this issue before we vote on the motion to reconsider or a motion to table the motion to reconsider.

Now, I have the floor and I can hold it simply on the motion to reconsider. I realize that as soon as I yield the floor somebody could move to table it and that would shut off debate. But I would hope that we can arrive at some arrangement to debate this matter before it is finally disposed of.

Mr. President, what I would like to do at this point is suggest the absence of a quorum with the understanding that I do not lose my right to the floor once the quorum call has been dispensed with and I will be recognized again.

Mr. RIEGLE. Parliamentary inquiry, Mr. President.

Mr. KENNEDY. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. TOWER. Well, objection is heard so I will continue to talk.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. TOWER. I will yield for a question to the Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator be able to yield to me without losing his right to the floor so that I might propound a unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, I do ask unanimous consent that the pending motion to reconsider be held over until Monday and that we now be able to proceed with the other amendment we know is going to be the subject of debate for the balance of the afternoon and that that matter be the first item of consideration when the Senate turns to the consideration of the debt ceiling bill on Monday.

Mr. BAUCUS. Mr. President, reserving the right to object——

Mr. KENNEDY. Reserving the right to object. Mr. President, reserving the right to object——

Mr. TOWER. Mr. President, I believe that I have the floor.

Mr. KENNEDY. I thought there was a unanimous-consent request made.

Mr. TOWER addressed the Chair.

Mr. STEVENS. They are reserving the right to object to my unanimous-consent request.

Mr. TOWER. I would reserve the right to object to the request propounded by the Senator from Alaska. I am concerned that that offers no protection, because I foresee that as soon as the motion to recconsider becomes the pending business someone will be recognized and immediately move to table it, and that would shut off all debate. I think we should have some debate on this because I believe over the weekend we can get some expert opinion on what the implications of this amendment are. I would like to know more. I do not think we ought to rush blindly into this. Why do we have to vote on this today? Why do we have to finally dispose of it today?

Mr. STEVENS. Mr. President, if I might ask my good friend to yield to me again, my unanimous-consent request would take the subject matter over until Monday. I know there are others Senators present who are prepared to debate. It is true that those who are interested in the motion to reconsider can carry the matter over to Monday if they wish to do so sheerly by debate, but I do think that the Senators who are prepared to debate other subjects ought to be heard.

Mr. KENNEDY addressed the Chair.

Mr. STEVENS. I make this request, and I remind the Senate that we have told Members on both sides of the aisle there will be no more votes this evening. Having done that, the leadership is obligated to see to it that we proceed to another matter if it is at all possible. I renew my request for unanimous consent to move this matter over so it will recur again on Monday once the Senate resumes consideration of the bill.

Mr. RIEGLE. Mr. President, I reserve the right to object, and I would like to state my reservation. It is unfortunate the Senator from Texas was not on the floor at the time this issue was taken up. There was discussion back and forth across both sides of the aisle. As a matter of fact, when the vote was taken, the majority leader, on the side of the aisle of the Senator from Texas, voted for this package, as did the chairman of the Finance Committee, the manager of this bill, as did a majority of the Members on his side. The Senator from Texas may have a different view. He is entitled to a different view. He is entitled to express it. He is entitled to vote. But I do not know that it is fair at this stage of the game when others were part of the discussions, part of the negotiations, part of the exchange of views, cast their votes, obviously felt informed enough to cast their votes, the Senator from Texas or any other Senator can come along after the fact and somehow say that the view of everybody else is wrong and his is right. I find that hard to understand. But I am prepared to remain and listen to what he wants to say and to offer a response.

Mr. KENNEDY. Reserving the right to object——

Mr. TOWER. Mr. President, I have the floor.

Mr. KENNEDY. Mr. President, reserving the right to object——

Mr. TOWER addressed the Chair.

THE PRESIDING OFFICER. The Senate will be in order.

Mr. TOWER. Reserving the right to object——

Mr. KENNEDY. Mr. President, others can be recognized than those on one side.

THE PRESIDING OFFICER. If the Senate will be in order long enough, the Chair will advise what the situation of the Senate is.

That is what the Chair is trying to do, objectively and fairly.

Mr. KENNEDY. That is a reasonable request.

The PRESIDING OFFICER. The unanimous-consent request of the Senator from Alaska is pending. Senators may reserve the right to object and may speak on that reservation.

Mr. TOWER. Mr. President, reserving the right to object——

Mr. SARBANES. Mr. President, who has the floor?

Mr. KENNEDY. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Alaska received the floor for his unanimous-consent request by unanimous consent provided that after the disposition of his request the Sentor from Texas have the floor.

Mr. SARBANES. The Senator from Alaska has the floor.

Mr. TOWER. Mr. President, I object to the unanimous-consent request of the Senator from Alaska.

The PRESIDING OFFICER. The objection is heard.

Mr. TOWER. Just to sort this out——

The PRESIDING OFFICER. The Senator from Texas retains the floor.

Mr. TOWER. Mr. President, there have been no hearings held on this. To say that some 30 minutes debate is ample deliberation I think is stretching the point a bit. I realize that a number of Senators voted for this because it appears to be innocent. We do not know that. It is awfully difficult to vote for restricting the press or to vote against lifting restrictions on the press. Let us face it, we are, all of us, media creatures in this body. We are influenced by what the press says about us. We are influenced profoundly. I think the natural inclination is, because we all believe in a free press, to vote for something like this. But I hope that we have some capacity for self-analysis and self-criticism. The journalistic community does not have much of that. We probably have no more than they do.

But the fact is that we have made mistakes in the Senate from time to time in the 23 years I have been here by voting precipitately on things that have sounded good but turned out later to be not so good at all.

To say that we have had a full debate and a full discussion of all the implications of this is simply not correct.

The Senator from Michigan is absolutely right I was not on the floor at the time this matter came up. I guess I am naive enough to think that since we were debating the debt limit, we would be talking about things that pertained to the debt limit. This is totally irrelevant to the debt limit. That is one thing that makes it less than responsible legislating, in my view.

In fact, I have been on the phone making arrangements for hearings with General Kelley next Monday afternoon on the matter of the security of our troops in Lebanon, which is a matter of more than casual interest to the Senate.

I hope that we will withhold any legislating on that issue until we have at least had some hearings on it; because, again, we legislate in the dark when

we legislate on a wave of popular whim, and we legislate on the basis of emotion if we do otherwise.

It appears that the sponsors of the amendment—I say it appears—are not willing to perhaps set some time for reasonable debate on this matter to occur Monday, when I think most of the Senators will be here. I think they have all pretty well scattered by now.

In that it has been announced that there will be no more record votes tonight, let me at this point ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. RIEGLE. Mr. President, a parliamentary inquiry.

Mr. BAKER. Mr. President——

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I am sorry to do this, but it is 3:30, and I announced to all and sundry that we were going to be in today until 3:30. I also announced that there would not be any more rollcall votes today. I would really like to keep that commitment.

Mr. President, I hope we will be able to resume this where we left it off when we come back on Monday. There is already an order for the Senate to come in at noon on Monday. What I would propose now to do is to put us in morning business.

Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, to extend not past 4 p.m., in which Senators may speak for not more than 5 minutes each.

Mr. KENNEDY. Mr. President, reserving the right to object—and I will not object—I wish the leader would withhold his request so that at least some of us who have supported the Riegle amendment and who take strong exception to the statement of the distinguished Senator from Texas will not be foreclosed from having an opportunity to respond.

What has happened here on the floor over the last 20 minutes is that the Senator from Texas has maintained control of the floor, and neither the proponent of the amendment, the Senator from Michigan, nor I have been given any oportuntiy to respond.

I would not object to the reasonable request of the majority leader that this matter be put over until Monday and that we have a chance to vote on it then. However, I hope the Senate will at least be able to address the remarks of the Senator from Texas on an issue which is as basic and fundamental as the first amendment. The Senate in the most important forum for debate and dialog in the free world. And this important issue deserves its full consideration.

Mr. BAKER. Mr. President, let me do this.

If the request to put us in morning business is granted, it will have the effect of putting us over until Monday. I will change the request I just made, so that Senators may speak for not more than 10 minutes each.

Of course, the Senator may speak as in morning business on whatever subject he wishes. I would appreciate it if he would permit me to do this in order to round out the day of the Senate.

I modify the request in that respect.

The PRESIDING OFFICER. Is there objection?

Mr. RIEGLE. Mr. President, reserving the right to object—I do not intend to object, and I appreciate the courtesy of the majority leader—I inquire of the majority leader what will be the parliamentary situation on Monday with respect to the disposition of the motion to reconsider.

Mr. BAKER. Mr. President, on Monday, we will resume at 12 noon, pursuant to an order to adjourn today, which has not yet been ordered but which will be ordered, unless objection is made to the request I will make, which has been cleared with the minority leader.

There will be an hour for the transaction of routine morning business on Monday, and then we will be back on the pending bill, at which time the motion to reconsider will be the pending question, and there will be time for debate.

Mr. RIEGLE. I am wondering if we could provide a period of time, divided equally, so that we have an understanding of what we will have to work with on Monday.

Mr. BAKER. I cannot do that, but I assure the Senator that there will be adequate time for debate. I do not intend to make a tabling motion, and that will be another way to cut if off, by somebody offering a tabling motion. A motion to reconsider is fully debatable, so there would not be any restriction on it.

Mr. RIEGLE. So there would be unlimited debate, if that is the wish of the Senate.

Mr. BAKER. Yes.

Mr. SARBANES. Mr. President, reserving the right to object, under the majority leader's request for the remainder of the afternoon, we would go into morning business until 4 p.m.?

Mr. BAKER. Yes; in which Senators may speak for 10 minutes each. I can change it for more time, but I have announced all day long that we would stay in until about 3:30.

Mr. SARBANES. The problem is that some people want to be certain that they have a chance to speak during morning business; and if that time were consumed by the recognition of those on only one side of the issue we have been talking about, the purpose would not be accomplished.

Mr. BAKER. Mr. President, if that turns out to be the case, I say to the Senator from Maryland that I will attempt to provide additional time for morning business, but I do not believe that will be the case.

Mr. BAUCUS. Reserving the right to object, Mr. President.

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask the majority leader if there is some way to work out some limitation on the time we devote to the motion to reconsider which has been made by the Senator from Texas.

Before the Senator's motion, about 15 or 20 minutes ago, it was the understanding that the Senator from Illinois (Mr. DIXON) would bring up an amendment, which would be called down, and I would call up another amendment on another subject, so we would debate it on Monday, even though the vote would not occur until 5 o'clock.

I would like to have some way to protect myself to bring up my amendment on Monday.

Mr. BAKER. I say to the Senator that I will work with him to try to make sure that happens. However, under the rules of the Senate, if we go off this bill and go into morning business, automatically we will be back on the pending question, which is the motion to reconsider.

I hope the Senator will try not to get a unanimous-consent order to modify that arrangement today, because so many people are gone that I could not clear it. I promise the Senator that on Monday morning I will try to arrange something so that would be accommodated.

Mr. BAUCUS. Mr. President, with that understanding, the Senator will not object to it, but if we could work out a good faith effort, a good faith way for time so this Senator from Montana could bring up his amendment, that would be all right.

Mr. BAKER. Yes. I promise the Senator I will exercise my very best effort to do that.

Mr. RIEGLE. Mr. President, will the Senator yield further for a question?

Mr. BAKER. I yield.

Mr. RIEGLE. Mr. President, I wonder if it might be possible in this period of morning business that has now been proposed that the time allocated to those who wish to speak not be 10 minutes but 5 minutes.

Mr. BAKER. I am perfectly willing to do that if it is agreeable with the Senator from Mississippi.

Mr. KENNEDY. Fine.

Mr. BAKER. All right.

Mr. President, I modify the request to 5 minutes each.

The PRESIDING OFFICER. The request has been modified, that we go into morning business until 4 p.m. and

that Senators be permitted to speak not to exceed 5 minutes each.

Is there objection to the request of the Senator from Tennessee?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I rise to reaffirm my support for the Riegle amendment. There is no question in the minds of the American people that the United States went to war in Grenada last Tuesday.

I have expressed my own serious reservations about that involvement and that undertaking, but there should be no question in the minds of the American people that the first amendment did not go to war last Tuesday.

It is my understanding, Mr. President, that there are approximately 50 newsmen and newswomen who have been permitted to land on Grenada, and there are close to 400 who are in Barbados at the present time who have not been permitted to go to Grenada.

Whatever possible justification there might be with regard to the protection of American lives in the early hours of the invasion—and I think the burden for that justification has to be placed upon the administration——

The PRESIDING OFFICER. The Senate will be in order.

Will Senators or staff who have conferences that they feel that they must conduct please do so in the cloakroom or somewhere other than the Chamber?

The Senator may proceed.

Mr. KENNEDY. Mr. President, whatever that justification might be, the fact is that American correspondents have been covering conflicts from World War II to Vietnam. During the Vietnam war, more than 53 correspondents were killed. I think it is appropriate for us to recognize that, if we were to follow the suggestion of the Senator from Texas, the American people would not have had the opportunity to be as inspired as they are today by that magnificent picture, taken by Joe Rosenthal at the invasion of Iwo Jima when the marines raised the American flag.

The question that those of us who support the Riegle amendment have for those who would take an opposite position is: What does the administration have to hide? Six thousand American troops are in Grenada this afternoon and still the administration continues to put roadblock after roadblock after roadblock to any attempt to find out what the real facts are on that island.

So, Mr. President, I believe that the Senate was right in voting on this issue. I think the first amendment still does apply.

The one certain casualty if we deny the press the opportunity to go to Grenada will be American people because they will not have the opportunity to be fully and completely informed of what the true facts really are.

Mr. President, we have witnessed instance after instance where the members of the press have recognized their importance and maintained their responsibility preserving material which is sensitive and secret, and which could endanger the lives of American servicemen. I am not going to list those occasions this afternoon, but they are many, and they are well known to the Members of this body.

I look forward to the opportunity for further debate on this issue. I hope that when the rollcall is called on Monday, the vote will still be overwhelmingly in support of the Riegle amendment.

The fact remains, Mr. President, that there is no gag rule in Central America where there are Americans present and there are American advisers. There is no gag rule in Lebanon. But evidently there appear to be some individuals in this body who want to impose such a rule in Grenada.

I hope their position is defeated.

Mr. TOWER. Mr. President, the way this amendment is drawn, you could have representatives from Tass or from news services of hostile countries that would be included in the sweep of this amendment. Is that what we want? And to give them free access to sources of their choice.

We all want press coverage, yes. But now, as I recall in World War II, in Korea, in Vietnam, in any other military actions we have been in, the press was not given free access to news sources of their choice.

The Riegle amendment is opening this thing up wider than it has ever been.

Mr. STEVENS. How about the Bay of Pigs?

Mr. TOWER. It is wider than it has ever been.

Did any press accompany the people into the Bay of Pigs? I do not think so.

It has never been this wide open that the press has access to sources of its choice.

I do not know how you could make the case that giving the press access to sources of its choice, its own discretion, with no restrictions on who the press is, I do not see how you can maintain that constitutes no possible danger to lives and safety of American servicemen or to the success of the mission.

Mr. RIEGLE. Mr. President, will the Senator yield for a question?

Mr. TOWER. I will not yield at this point for a question. I will yield in a moment.

Mr. President, I intend to try to get some expert opinion on this to see what the precedents are before we resume this debate on Monday, and I hope that all Members will avail themselves of the opportunity to look into all of the implications of this matter.

No one around here wants to violate the first amendment. No one wants to unnecessarily proscribe the press. But at the same time in a military situation, you cannot give the press corps, which could include some people hostile to the United States, free access to news sources of their choice.

I yield to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator for yielding.

When the Senator makes this point so forcefully about the press people not being free to make choices as to who their sources should be, who should make that choice for the news people? Who does the Senator from Texas envision making the choice?

Mr. TOWER. The Senator talks about traditionally we have proscribed the sources.

Mr. RIEGLE. Who?

Mr. TOWER. The sources—what is the Senator's interpretation of the word sources? Sources can be people, places, things, what? What does sources mean?

Mr. RIEGLE. I guess my question is who makes the decision on the choice of any source.

Mr. TOWER. If the military says "We want you, the press, to stay out of this area, there are sensitive matters here that should not be reported," they will say to that military officer, "You can go jump in the lake. I have a copy of the statute here that says that I can go there."

Mr. SARBANES. There is the proviso.

Mr. TOWER. I am not sure this proviso cures it. It may or may not.

I think it is unfortunate that the Senator from Michigan put that No. 1 in there because we have never, never in my experience, and I fought in World War II and I spent a great deal of time with the troops in Vietnam, and I do not know of any time when we have given the press absolute access to any sources of their choice at their discretion.

Mr. RIEGLE. Mr. President, if the Senator will yield, he has not answered the question. Who is to make the decision on the choice of sources? Should it be the Secretary of Defense?

Mr. TOWER. The field commanders have to be given some discretion in this matter.

Mr. RIEGLE. So the Senator envisions that the field commanders will be the ones who decide who the press talks to and select the sources?

Mr. TOWER. They should be permitted to promulgate certain rules. Our boys are prescribed by rules of engagement as to what they can do. There should be certain rules of the press. This seems to me to be blanket authority of free access. You got it. Anywhere you want to go. Nobody is

going to stop you. You are entitled to go there.

Now, could a Tass correspondent go in under this circumstance? Is there anything here to prevent Tass from being a part of this press corps? Anything to prevent a representative of a news agency from East Germany, Czechoslovakia, or Poland from being a part of the press that goes in there? Is there any proscription on this here? I do not see any.

The PRESIDING OFFICER. The Chair would advise the Senators the 5 minutes has expired.

Mr. SARBANES addressed the Chair.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland was seeking recognition patiently. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I point out that this amendment and this entire debate has been made necessary by the unprecedented degree to which the administration in restricting press coverage of what is occurring in Grenada.

Now, I intend to place in the RECORD a series of articles which detail that fact. I want, at the very outset, to read excerpts from a statement by the American Newspaper Publishers Association, by its executive vice president, expressing its deep concern about the deliberate actions of the Reagan administration and military officials to clamp a news blackout on U.S. military operations in Grenada.

Such actions to keep the correspondents of a free press from serving the information needs of a free society are unprecedented and intolerable.

The excuse given for this news blackout has been concern on the part of some U.S. military commanders over the "safety" of journalists. Such an excuse is insufficient reason to prevent correspondents from covering an important military operation. There have been many U.S. war correspondents who—like Ernie Pyle in World War II—risked and gave their lives accompanying American forces so that the American people might know what their armed forces were doing—and not doing.

And continuing from this statement:

It is particularly sad and disturbing that the safety excuse should be resorted to, when it has been for years one of the key schemes used by the Soviet Bloc in UNESCO forums to support measures which provide government control over the flow of information. This sort of excuse is completely inappropriate for American officials to use in a free society.

Mr. President, I ask unanimous consent that the entire statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JERRY W. FRIEDHEIM,[1] EXECUTIVE VICE PRESIDENT, AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION

RESTON, VA.—"The American Newspaper Publishers Association is deeply concerned about the deliberate actions of the Reagan Administration and military officials to clamp a news blackout on U.S. military operations in Grenada.

"Such actions to keep the correspondents of a free press from serving the information needs of a free society are unprecedented and intolerable.

"The excuse given for this news blackout has been concern on the part of some U.S. military commanders over the 'safety' of journalists. Such an excuse is insufficient reason to prevent correspondents from covering an important military operation. There have been many U.S. war correspondents who—like Ernie Pyle in World War II—risked and gave their lives accompanying American forces so that the American people might know what their armed forces were doing—and not doing.

"It is particularly sad and disturbing that the 'safety' excuse should be resorted to, when it has been for years one of the key schemes used by the Soviet Bloc in UNESCO forums to support measures which provide government control over the flow of information. This sort of excuse is completely inappropriate for American officials to use in a free society.

"We also are mystified at the actions of U.S. military officers who picked up several American correspondents on Grenada after the invasion had begun and transported them to a U.S. Navy vessel off shore, where they were held essentially incommunicado.

"ANPA supports the need to provide safety and security for the men and women of U.S. armed forces engaged in dangerous operations. But a news blackout is not the answer to that need. We think senior government officials must remember that for years professional journalists and professional public officials have been able to find ways to provide both troop security and the flow of information which an open society demands.

"One need only recall the actions of General Creighton Abrams in personally assuring press-poll access to his troops during the troubled days when controversial combat actions were underway across the South Vietnam border in Cambodia. General Abrams understood that he and his troops were working within and for a constitutional, free society. He saw it as his duty to help a free press serve a free society. He was right. Today's officials are wrong.

"ANPA urges the President and the Congress to immediately investigate how this public information fiasco occurred and to renounce the policy of secret wars hidden from the American people."

Mr. SARBANES. Mr. President, I ask unanimous consent that a number of newspaper articles detailing these unprecedented restrictions placed upon the free press in covering this operation in Grenada, reflecting an unprecedented degree of official management and manipulation of the news, be printed in the RECORD at this point.

[1] Former Assistant Secretary of Defense for Public Affairs.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Oct. 28, 1983]

WHITE HOUSE ADMITS PENTAGON, CENSORSHIP

(By Knight News Service)

WASHINGTON.—The White House acknowledged yesterday that the Pentagon, with the apparent approval of President Reagan, took over from the beginning the management and dissemination of news concerning the invasion of Grenada.

As a result, the public was shut out of invasion news independent of U.S. government sources, and angry and frustrated presidential aides were kept in the dark about the diplomatic as well as the military aspects of the war.

The administration was able to stress its motives and justification for the invasion and keep journalists and television cameras away from the battle scenes—where Americans and others were dying—until the combat was virtually over.

At a Senate Foreign Relations Committee hearing yesterday, Senator Paul S. Sarbanes (D, Md.) said the "concerted policy of keeping the press out" was "very disturbing." He told Deputy Secretary of State Kenneth Dam, "The treatment by the administration of the free press raises very serious questions about our function as a free society."

Noting that the Pentagon had given safety as the reason for keeping reporters away, Senator Nancy L. Kassebaum (R, Kan.) said that reporters "have been under far worse conditions in Lebanon." Other senators said reporters had accompanied military forces invading Europe on D-Day in World War II.

At the White House, deputy press secretary Larry Speakes, who has been involved in bitter confrontations with reporters since the invasion was announced, said yesterday that he had allowed "all the reporting to come out of the Defense Department" because Pentagon officials "had strong views" on what was to be released and "wanted to do it their way."

President Reagan, when he announced the invasion early Tuesday, indicated that he had given command over the release of battlefield information to Gen. John Vessey, chairman of the Joint Chiefs of Staff.

Said the president, "We are yielding to the influence of General Vessey in that we don't think in these early hours of that landing that we should be on the horn asking the commanders to stop and give us detailed reports."

General Vessey reportedly has said that he believes there has been too much news coverage of the military. And several correspondents, including Bill Lynch, of NBC, have quoted Pentagon officials as saying that in Grenada, the United States was copying the British, who maintained secrecy and close press censorship in their retaking of the Falkland Islands from Argentina.

But unlike the British, who have an Official Secrets Act and brought along on the invasion correspondents who had agreed to censorship, the Pentagon put Grenada, its surrounding waters and its skies off limits to reporters.

Asked by Senator Sarbanes if the United States had followed the Falklands policy, Mr. Dam replied that this country did not "censor" the press.

Mr. Sarbanes snapped, "You kept the press out, though."

Even when the Pentagon yielded yesterday under pressure from the press and the White House and began allowing journalists onto the island—after most of the fighting was over—the military would admit only a reporting pool to represent the dozens of journalists waiting in Barbados.

The pool consisted of the TV networks, the wire services and a magazine under the supervision of a military public information officer.

During the fighting, the military on Grenada moved to cut off the flow of information. It stopped ham radios from broadcasting and blocked stories by at least four reporters who had managed to get to the island by fishing boat during the invasion.

The reporters, who sought out a Marine officer with the invading troops and asked for assistance in filing their stories, were taken to the USS Guam. There they were watched around the clock by Navy personnel after the military refused to allow them to transmit their stories. The reporters were taken to Barbados yesterday, where they were able to contact their offices after military officials finally agreed to let other reporters into Grenada.

The Pentagon's information policies have resulted in only the sketchiest information about the fighting and American casualties. Not until more than a day after the invasion began did the Pentagon confirm the first casualties.

No estimate had been given as late as yesterday on the number of Grenadians or Cubans killed in combat.

Although the president and Pentagon officials Tuesday called the landings in Grenada "successful" and described resistance as minimal, by late Wednesday military spokesmen were acknowledging that resistance had been stiffer than expected. The Pentagon did not even schedule a briefing yesterday to give the latest accounting of the war.

[From the New York Times, Oct. 28, 1983]

U.S. ALLOWS 15 REPORTERS TO GO TO GRENADA FOR DAY

(By William E. Farrell)

WASHINGTON, October 27.—The Reagan Administration permitted a small group of reporters to go to Grenada today for the afternoon as a furor continued over the limitations imposed on news coverage of the invasion of the tiny Caribbean island.

A Defense Department spokesman said a pool of 15 journalists, none of them from daily newspapers, had flown from Bridgetown, Barbados, to Grenada in a military C-130 transport plane. The spokesman said that beginning Friday, there were plans for twice-daily flights of reporters to Grenada ferrying 20 to 25 reporters at a time. The pool reporters will then share their information with other reporters.

All the reporters will have to return to Barbados on the same day, the spokesman said.

REPORTERS TAKEN TO CARRIER

Four American journalists who arrived in Grenada Tuesday on a chartered fishing boat with two foreign reporters were taken from the island Wednesday to the helicopter carrier Guam.

Today, the four were flown to Barbados. The whereabouts of the foreign reporters were not known. Anthony Marro, managing editor of Newsday, said he had spoken with a Newsday correspondent, Morris Thompson, who told him that on Wednesday the four reporters, eager to leave Grenada in order to file stories, had accepted an offer to go to the Guam, from which they thought they could send their dispatches.

When they arrived on the carrier, however, Mr. Marro said, the commanding officer told them he could not let them use the ship's communications equipment without approval from Washington. "In effect, they were held incommunicado," Mr. Marro said.

The Administration's assertion that it had not allowed reporters to go to the island until military commanders had determined that it was safe for them was sharply criticized in both Congress and the press.

The American Society of Newspaper Editors said the restrictions on coverage imposed by the Reagan Administration "go beyond the normal limits of military censorship."

Jerry Freidheim, executive vice president of the American Newspaper Publishers Association, said the limitations were "unprecedented and intolerable" and called on Congress to investigate what he called a "policy of secret wars hidden from the American people."

"A LESSON" FROM THE BRITISH

A lengthy argument erupted on Capitol Hill between Deputy Secretary of State Kenneth W. Dam and Senator Paul S. Sarbanes, Democrat of Maryland, at a hearing of the Senate Foreign Relations Committee. Senator Sarbanes asked Mr. Dam about reports that the Pentagon had "learned a lesson" from the British during the Falkland Islands war, when reporters' dispatches were censored.

"I'm not aware we're censoring the press." Mr. Dam said. He said the press had been kept off the island because of "advice from the Joint Chiefs of Staff" that the security of reporters could not be guaranteed.

"Would you say that in a free society free press coverage of a news event is an important matter?" Senator Sarbanes asked.

"Yes," Mr. Dam replied.

Senator Sarbanes said: "I think the treatment by the Administration of the free press raises very disturbing questions about our functioning as a free society. It's very clear that there is a calculated policy of keeping the press out."

Senator Nancy Landon Kassebaum, Republican of Kansas, said many reporters had worked "under far worse circumstances in Lebanon."

After the hearing, Mr. Sarbanes said the Administration's "answers on their limitation of a free speech are completely inadequate."

"If we continue to have Americans there," he said, 'we certainly could have the press there."

The dispute over coverage spilled over to the White House. On Monday night, only hours before the invasion of Grenada, the chief White House spokesman, Larry Speakes, was asked by newsmen whether an attack there was imminent.

The spokesman's office, after consulting the National Security Council, replied that the suggestion was "preposterous." Mr. Speakes said later that he had been misled and apologized. Today, he denied reports that he had threatened to resign, but had no comment when asked whether he had sent a memorandum to key Reagan White House aides saying that "the credibility of the Reagan Administration is at stake."

The memorandum was reportedly sent to Mr. Reagan's chief of staff, James A. Baker 3d; the White House counselor, Edwin Meese 3d, and the deputy chief of staff, Michael K. Deaver.

The pool reporters who left Barbados for Grenada included representatives of the three main television networks—ABC, CBS and NBC—along with reporters for the three major news agencies—United Press International, Reuters and The Associated Press.

NEWSPAPERS NOT REPRESENTED

There were protests at the absence of a pool reporter for news magazines and one for the daily newspapers. A reporter for U.S. News and World Report was added to represent the news magazines, but no one was picked to represent daily newspapers. A liaison officer in Barbados, Maj. Don Black, said the list had been determined "with input from the embassy."

A Defense Department spokesman in Washington confirmed that there were "no newspapers on today's run." He said it could not be determined which newspaper would act as a pool reporter for the other newspapers but that newspapers should be represented Friday.

There are said to be at least 300 reporters in Barbados trying to cover the situation in Grenada.

The Reagan Administration's policy on coverage has caused considerable consternation and suspicion among editorial writers and commentators. "The Reagan Administration has produced a bureaucrat's dream," said John Chancellor of NBC News. "Do anything, no one is watching."

Walter Cronkite, the former CBS News anchorman, said in a radio interview that the Administration had seriously erred.

"This nation is founded on the belief that people have the right to know and that we participate in our Government's actions," Mr. Cronkite said. "These are our marines, our Rangers down there. This is our foreign policy and we have a right to know precisely what is happening, and there can be no excuse in denying the people that right."

[From the New York Times, Oct. 27, 1983]

ADMINISTRATION PUTS TOUGH RESTRICTIONS ON NEWS OF GRENADA

(By Phil Gailey)

WASHINGTON.—For the last two days, the Reagan Administration has barred reporters from Grenada and imposed extraordinary restrictions on news coverage of the military invasion of that Caribbean island.

As the military operation by United States and Caribbean forces continued for a second day, President Reagan said through a spokesman that reporters would be allowed onto the island when American military commanders determined that conditions were safe for them. Defense Secretary Caspar W. Weinberger said he hoped the island could be opened to reporters as early as Thursday.

Until late this afternoon, when Secretary Weinberger and Gen. John W. Vessey Jr., Chairman of the Joint Chiefs of Staff, provided the first detailed briefing of the operation at a news conference, reporters here and elsewhere had found themselves relying heavily on ham radio operators and Radio Havana for reports on conditions on the island.

It was ham radio operators who reported today that six journalists, including four Americans, had landed on the island in a chartered fishing boat. First reports said the journalists had been taken to the St. James Hotel in St. George's, the capital, but

later reports said at least four of them had been taken from the island by American forces to the carrier U.S.S. Guam.

Meanwhile, the Federal Communications Commission moved to clamp down on ham operators, who have been providing much of the information to the press and the public about the situation in Grenada. William Russell, a spokesman for the commission, said some of the operators had been using unauthorized frequencies to pick up broadcasts from the island, and that the commission had started monitoring operators for such violations.

Defense Department officials, who spoke on the condition that they not be named, said that Britain's tight control over press coverage of its war with Argentina over the Falkland Islands last year had made an impression on some American military commanders, particularly General Vessey. He has told reporters in the past that he believes there is too much news coverage of the military.

"The President and Secretary Weinberger are backing their commanders on this thing," one Defense Department official said.

During the war over the Falklands, British reporters were allowed aboard British ships and were allowed onto the islands with the invasion force. Their reports, however, were censored by British authorities.

There was no United States censorship in the Vietnam War. To get credentials from U.S. military authorities, reporters had to sign a pledge not to disclose in advance troop movements, exact casualty totals and certain aspects of military operations.

At today's news conference, Mr. Weinberger said the operation's military commanders had decided they did not want reporters along, and he added that he "wouldn't ever dream of overriding a commander's decision."

He added, "Their conclusion was that they were not able to guarantee any kind of safety of anyone" because of uncertainty over what kind of conditions they might encounter.

NEED FOR SURPRISE

Asked if there was concern about how the public might react to television coverage of the fighting, the Secretary said: "I think one of the most important reasons that we didn't is the need for surprise in this operation. We were going in there very quickly and we needed to have surprise in order to have it successful."

Some of the country's major news organizations, including most of the television networks and wire services, had protested the news coverage restrictions in letters to President Reagan and other Administration officials.

In a letter to Mr. Weinberger, Edward M. Joyce, president of CBS News, wrote, "I would like to protest the attitude expressed by your Public Affairs office as indicated in the statement to our correspondent Bill Lynch that 'we learned a lesson from the British in the Falklands.' "

"I'm screaming about it because writing letters takes too long," said Howard Simons, managing editor of The Washington Post. "I think a secret war, like secret government, is antithetical to an open society. It's absolutely outrageous."

Mr. Simons said one of his newspaper's reporters, Edward Cody, was among the six journalists who reached Grenada by boat. He said he had been told that Mr. Cody had been taken off the island to the carrier Guam. Also reported to be on board the carrier were Don Bohning of The Miami Herald, Morris Thompson of Newsday and Bernard Diederich of Time magazine. The identities and whereabouts of the other two journalists in the group could not be established.

STRENUOUS PROTESTS

Seymour Topping, managing editor of The New York Times, said, "We have strenuously protested to the White House and the Defense Department about the lack of access to the story in Grenada by our correspondents who are waiting on Barbados. We also are disturbed by the paucity of details about the operation released by the Pentagon at a time when the American people require all the facts to make judgments about the actions of our Government."

President Reagan said reporters will be allowed on Grenada as soon as conditions there are calm enough to be "consistent with safety requirements agreed to by the Defense Department," according to Larry Speakes, the chief White House spokesman. Mr. Speakes relayed that word this afternoon, after he had agreed to take a request directly to the President from the White House press corps that reporters be permitted into Grenada.

Mr. Speakes said that another concern had been that "the presence of media there could distract commanders." That view was echoed by a senior Defense Department offical who said that the invasion was a commando-type operation that does not lend itself to what he called "the tender loving care and feeding of the press."

ACRIMONIOUS BRIEFING

Mr. Speakes' afternoon briefing was no less acrimonious than the morning session, as reporters asked for details on the invasion and were referred to the Pentagon. In particular, the reporters were frustrated in their attempts to track details of the Administration's reported eleventh-hour diplomatic response to possible attempts by the revoluntionary council on Grenada to discuss safeguarding the Americans there.

Confusing and fragmentary information was offered, and Mr. Speakes, complaining about the accuracy of some news reports, ultimately refused to take additional questions from one reporter he considered annoying. "I'm tired of dealing with you," he said.

"You're carrying your management's water on this thing," he said to another reporter, who had asked why reporters could not go to the island.

News reporters were concerned at having been misled by the White House's flat denials of initial invasion reports, a situation Mr. Speakes said was not intentional. He was asked whether the Administration policy was to be selective in telling the truth. "The policy of the White House is to tell the truth," Mr. Speakes replied.

Jerry W. Friedheim, a former Assistant Secretary of Defense for Public Affairs, said "there are damn few precedents" for continuing the news restrictions beyond today. Mr. Friedheim, who is now executive director of the American Society of Newspaper Editors, said news coverage of the invasion would make it easier to the Administration to win public and Congressional support for the operation.

A former senior Defense Department official in the Carter Administration, who spoke on the condition he not be named, said, "I can't recall an overt military operations of this sort not involving some sort of press coverage, at least a press pool. This is very unusual."

[From the Washington Post, Oct. 28, 1983]

U.S. FORCES THWART JOURNALISTS' REPORTS

(By Edward Cody)

ST. GEORGE'S, GRENADA.—A group of seven journalists, including reporters for four American news organizations who arrived here Tuesday morning as U.S. invasion forces landed, tried unsuccessfully until today to report what was happening on Grenada.

We had left Barbados Monday by chartered aircraft to Union Island, north of Grenada, from which we traveled by boat to Carriacou, another island that is a Grenadan possession. We arrived on a separately rented small boat in Grenada just after the landing.

Initially detained by Grenadan forces, by the time we reached telephone and telex facilities in the town, the lines were dead.

It was early yesterday when, while wandering through the relatively peaceful Grenadan capital, three of us—myself and correspondents for The Miami Herald and Newsday—made our first contact with U.S. troops. By 2 p.m., a good-hearted marine colonel who had listened to our pleas to allow us to use American communications facilities to reach our home offices, arranged to have us flown to the USS Guam offshore on one of a number of helicopters ferrying back and forth to his position.

But by 10 a.m. today, we three reporters, who had been joined by a British colleague in the meantime, were being helicoptered back to the same landing zone we had left 18 hours earlier—still without getting our stories back to our newspapers.

The intervening time was a series of frustrations, pleasant conversations with sailors and marines aboard this helicopter carrier and repeated pleas to be allowed to use shipboard communications or to be transported to Barbados to use commercial telephone service from there. It was also a period in which we were constantly watched, even as we slept in crewmen's bunks with a sailor detailed to stay awake sitting beside us.

Vice Admiral Joseph Metcalf III—Second Fleet commander running the Grenada operation—first dispatched Cmdr. Tony Hilton to announce that the task force's communications were so busy with military traffic that we reporters had no chance of using them. After a request, he said he would do his best to get a message to at least one newspaper with a list of those of us who had landed on Grenada—including we four and the two reporters and one photographer who remained on the island.

Disappointed, we then suggested that we be carried on one of the frequent military flights between Grenada and Barbados to use the telephone there. Hilton, the fleet public affairs officer, said he would do his best.

A short while later, we were led aboard a helicopter and flown down from Point Salines, the Grenadan peninsula where a Cuban-built airport was being used by the U.S. invasion force. But just before the helicopter was due to take off from the busy flight deck, we were ordered to get out and were led back inside the ship to the commodore's wardroom.

Metcalf then came to greet us, apologizing for the switch and explaining it was because he was reluctant to risk sending civilians into a high-risk area. It was not clear whether he meant Grenada as a whole, where we had just spent two days, or Point Salines specifically, where the U.S. military was landing and taking off regularly.

In any case, we said we needed to file our dispatches and wanted to use shipboard facilities—the reason we had first come aboard—or go to Barbodos. Metcalf replied he had to have the request cleared with Washington. By the time darkness fell, when Hilton said civilians could no longer fly on helicopters, the clearance had not yet come and dinner was served.

Reinforced by fried ham and a promise that we would be flown to Point Salines for a flight to Barbados "at the first light," we bunked down for the night. Up at dawn, we were told we would depart at 8:30 a.m. At 7:30 a.m., we were told we would leave at 10 a.m.

At 9:30 a.m., Metcalf appeared again to say we reporters could accompany marines on to Fort Frederick, where he said "an operation" was due to take place against remaining Grenadan defenders, then fly to Barbados. Or, we could fly immediately to Barbados.

Seeking to complete our stories, we opted to accompany the Marines in the hope of catching a later flight to Barbados. On arrival back in Grenada, however, we met the Time magazine correspondent we had left on the island along with a photographer and another British reporter, who told us the fort had been undefended since the previous afternoon. At this point, we insisted on continuing to Barbados, where we arrived shortly after 2 p.m. today.

[The Washington Post made repeated inquiries for information about the whereabouts of the journalists—who had last been heard from when they departed Barbados Monday—throughout Tuesday and Wednesday to the Pentagon, State Department and White House.

[At about 2 p.m. Wednesday, White House Deputy Chief of Staff Michael Deaver told Post publisher Donald E. Graham in response to a request from Graham for any information U.S. forces might have about Cody's whereabouts and safety, that the four newsmen were safe, aboard the Guam.

[Half an hour later, White House Director of Communications David Gergen telephoned The Post to say that he had been asked by other news organizations if a Post reporter was missing in Grenada.

[At 9:30 p.m. Wednesday—eight hours after the journalists had arrived on the Guam—Col. Robert O'Brien of the Pentagon said in response to inquiries from The Post that the newsmen have been evacuated on Tuesday afternoon by the local commander for their own safety because they had wandered into a fire fight. A sketchier version of this erroneous report also had been relayed to a Post reporter by Deaver earlier in the day and was repeated to another Post reporter by a senior Pentagon official at midday yesterday. During this time the correspondents were not permitted to have direct communications with their offices.]

Mr. SARBANES. Mr. President, CBS News, along with other major news organizations in our society has protested the attitudes expressed by members of the Defense Department, saying that "We learned a lesson from the British in the Falklands."

Now, this reference to the censorship employed by the British in the Falklands, which subsequently led to major debate and controversy in the British Isles over the responsibilities of a free press, is another disturbing aspect of this entire effort to deny normal and reasonable press access to this situation.

I ask unanimous consent that this letter to Secretary Weinberger be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CBS NEWS,
Washington, D.C., October 25, 1983.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I wish to protest in the strongest possible terms the position of the Defense Department in restricting CBS News' access to the Island of Grenada.

I would also like to protest the attitude expressed by your Public Affairs office as indicated in the statements of Colonel Robert O'Brien and Lt. Colonel Leon DeLorme today to our correspondent Bill Lynch that "we learned a lesson from the British in the Falklands." To use the censorship by the British as an example to be followed by the United States in this military operation is baffling to me and deeply disturbing because it refutes the principles of the First Amendment of the United States Constitution.

I urge you to take immediate action to rectify this situation.

Sincerely,

EDWARD M. JOYCE,
President.

Mr. SARBANES. Mr. President, Walter Cronkite, who has been a very able and distinguished spokesman for freedom in this country, and who as we would all concede, has a sensitivity to the first amendment and its importance to a free society, was interviewed the other evening on the very issue of the news blackout which has been imposed.

I ask unanimous consent that this interview be printed at this point in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

CBS NIGHTWATCH—WALTER CRONKITE AND RON POWERS INTERVIEW

QUESTION. Gentleman, we heard the administration say today that safety was one of the reasons why this blackout was imposed. Do you buy—buy that, Mr. Cronkite?

WALTER CRONKITE (A). Oh, for crying out loud! For heaven's sake, journalists have been going into unsafe places from time immemorial in order to get the story. That has nothing to do with—with—the reason I don't think or—or does it have any rationality in itself.

QUESTION. Mr. Powers?

Mr. POWERS (A). Well, we heard what Caspar Weinberger said on—on videotape but we also heard word that two Marine colonels had told a CBS correspondent that the reason they're not going in is that we learned a lesson from the British experience in the Falklands. The lesson was apparently that censorship works and I think that's a terribly dangerous and threatening position for the American media to be in, to be told that they're not allowed because they might endanger national policy.

QUESTION. Do you agree? I'm sure you do. It's a dangerous precedent and——

WALTER CRONKITE (A). Oh, terribly dangerous precedent, an impossible precedent. It can't be a precedent. It's been an aberration that has to be removed and cured before any other such adventures take place.

QUESTION. You——

WALTER CRONKITE (A). Worry about that. But— but this is not the democratic way to operate. These are our Marines, our rangers, our foreign policy, our military policy. These— these are things belong to us. We have a right to know about them. I want to know what's happening in there. I don't want somebody who's got a vested interest which may be the Marines or the rangers or the Secretary of State or the President of the United States to tell me what is going on. I want the free press there.

QUESTION. And you've covered many conflict situations. Have you encountered this sort of poli——

WALTER CRONKITE (A). Oh, well, you always encounter, in every conflict situation whether it's in business or politics or military, you—you cover—you—you encounter the cover-up. Nobody really wants the press present for anything unless they've got only a good story to tell about themselves. Of course they don't. I don't under—I can understand that. Everybody'd like to do their business in secrecy.

(Overtalk.)

WALTER CRONKITE (A). But that's not—that's not the way we—we work in this country.

Mr. POWERS. If the military had had the same tender concern for the safety of journalists in World War II, Walter Cronkite would not have parachuted into Europe with—with the Airborne troops. But—but there's another—there's a further extension of this matter of invoking the Falklands and the British experience. The British journalists, having been denied access to the action on the Falklands Islands, were obliged to relay the—the Ministry of Defense' version of what happened. Now many journalists were saying in books, many British journalists are now saying in books, that they were not only forced to take secondhand information but they were manipulated. They were allowed to disseminate false information into the press that had a strategic use against the enemy. That's a fairly corrupt premise for the Americans to follow.

QUESTION. Would it——

WALTER CRONKITE (A). The safety aspect is one that just will not hold water at all. If you—if—if the—if the only one small possibility that—that—that you can make any argument for keeping the press out and that is military security.

QUESTION. Exactly.

WALTER CRONKITE (A). And that does not wash either because if you are planning an operation of this kind, I don't care whether you really only plan it over 24 hours as has been—as we've been told but it doesn't matter how long you plan it. If you can plan to put the troops there, you can plan a censorship of—of the information coming out of there. American correspondence ought to be there. We would rail against censorship. I don't believe in that either unless it's necessary for military security and really can be proved to be necessary for military security. But even if you—if—if you have to accept censorship, at least the correspondents are there and can some day tell the story of what really happened. And that is essential.

QUESTION. Yeah.

WALTER CRONKITE (A). And—and that's the only possible excuse they could use. To

use security of the—of the press itself is ridiculous.

QUESTION. Yeah.

Mr. POWERS (A). It's a little transparent.

(Overtalk.)

QUESTION. What is the press' recourse and do you think the American people share the press' concerns?

Mr. POWERS (A). Well, I—the press' recourse, I suppose is—I mean, they really don't have much of a recourse. They—CBS tried to charter an airplane to fly over Grenada to take aerial photographs and they were chased out of the area by a naval plane. Now the symbolism of that, an armed American military instrument standing between the journalist and their source, is fairly ominous. What the American people think are good question. It's—it's interesting that this event coincides with an interview that Jean Kirkpatrick, our UN ambassador, gave to the New York Post a couple of days ago in which she said, she said words to the effect that we're starting to have to really examine the question of whether the media can con—can work in a democracy.

WALTER CRONKITE (A). I must say though I—I did think that (unintell) was not bad. It was as if she—she—she fought off the contention of the interviewer that we have to clamp down right away. She was leaving some leeway for the free press.

Mr. POWERS (A). And made the disclaimer.

WALTER CRONKITE (A). Yeah.

Mr. POWERS (A). And made the disclaimer. She wasn't in favor of controls but—

QUESTION. Mr. Cronkite, do you think the American people share the press' and media's concern in a situation like that? Are they—

WALTER CRONKITE (A). I—I doubt that they do immmediately. I don't think it's a visceral reaction with the American people to share the—that concern. I think it's something that has to be mentioned, brought home. That's why I think Ron and I are here probably.

QUESTION. All right.

WALTER CRONKITE (A). We are concerned and believe that it has to be brought home to the——

QUESTION. All right.

WALTER CRONKITE (A). But I think that once they understand that, yes, then I think the concern would be manifest.

QUESTION. Okay. Thank you so much for joining us. We'll be right back.

Mr. SARBANES. Mr. President, there of course have been a number of newspaper editorials on this matter. Unfortunately, some tend to discount those expressions of opinion as only reflecting the narrow and immediate interests of the press. But the press in this free society operates as part of our system of free self-government. That is why it has protection under the first amendment to the Constitution. That is why, over our history, we have recognized the importance of a free press to a free society. It is one of the fundamental differences between our society which we hold out to the world as an example of freedom and those societies that operate under totalitarian principles.

The New York Times on Friday had an editorial, "Grenada—And Mount Suribachi," in which it discussed the Reagan administration's effort to keep out the reporters and discussed the explanation advanced by the administration—an explanation which the Times characterized as feeble and infuriating.

In discussing Secretary Weinberger's assertion that the reporters were barred because the troops were unable "to guarantee any kind of safety," the New York Times says "Let Mr. Weinberger consider the Iwo Jima Memorial, not a mile from his office—the Marines raising the flag on Mount Suribachi."

The PRESIDING OFFICER. The Chair advises the Senator his 5 minutes has expired.

Mr. SARBANES. Would the Senator yield me 15 seconds to complete this statement?

Mr. STEVENS. The Senator has been recognized.

The PRESIDING OFFICER. The Senator from Alaska. I yield to the Senator for 15 seconds.

Mr. SARBANES. "How much safety does he think was guaranteed to Joe Rosenthal of the Associated Press who took the famous picture?"

Mr. President, I ask unanimous consent that that editorial from the New York Times and one from the Washington Post entitled "Censoring the Invasion," and one from the Baltimore Evening Sun, entitled "Official Secrets" be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 28, 1983]

GRENADA—AND MOUNT SURIBACHI

No one was surprised last month when the Soviet Government refused to let reporters near the place where Korean Flight 007 had been shot down: everybody knows how open the Russians are to public scrutiny. But there's plenty of reason for surprise now, in Grenada, for this time it's the United States Government that has been trying to keep the public in the dark.

At first it kept out all reporters, period. Even yesterday afternoon it let in only a small group, not including even one newspaper reporter, and for only a few hours.

How does the Reagan Administration justify thus trying to blind the press and the public? It gives three explanations; each is feeble, infuriating.

DANGER

Defense Secretary Weinberger said reporters were barred because the troops were unable "to guarantee any kind of safety." Safety? Let Mr. Weinberger consider the Iwo Jima memorial, not a mile from his office—the Marines raising the flag on Mount Suribachi. How much safety does he think was guaranteed to Joe Rosenthal of the Associated Press, who took the famous picture?

Let Mr. Weinberger think about at least 53 reporters who died in Southeast Asia between 1961 and 1975. They well knew that the Government bore no responsibility for their safety. So did the Government. All it asked for—then—was that they sign releases from Federal responsibility.

MILITARY NECESSITY

General Vessey, the Chairman of the Joint Chiefs, said the operation required surprise. For a brief time that was a responsible concern, but to bar reporters is a sledgehammer solution. Even in World War II reporters were allowed along on operations, including commando operations, subject to news embargoes or appropriate censorship.

In any case, there's another necessity, the same one that led the Air Force to take William Laurence of The Times on the flight that dropped the atomic bomb on Nagasaki in 1945. Democracies depend on trust, and trust in war, small or large, depends on credible witnesses.

I'M JUST A CIVILIAN

Mr. Weinberger's most astonishing rationale was that the commanders of the operation did not want reporters along, and he "wouldn't ever dream of overriding a commander's decision." What a perversion of the idea of civilian control of the military. If some general does not understand the big principle at stake here, then civilian commanders—like the Secretary of Defense—surely should.

The principle is not hard to grasp. It's not a case of accommodating a few hundred reporters or their employers. It's a case of responsibility to 235 million Americans who depend on those reporters. The public needs to know what its Government is doing, the more so when it commits troops to an expedition whose wisdom is debated so heatedly. When a Government flouts that need for knowledge so baldly, it ignites blazing suspicion.

Does the Administration regard itself as beyond public scrutiny? Or does it have something to hide, fearing that an informed public would be less supportive of the intervention? If it's neither, then let the Administration open up, and promptly. Let it demonstrate that America intervened in Grenada with its eyes wide open—all of them.

[From the Washington Post, Oct. 28, 1983]

CENSORING THE INVASION

It was inexcusable of the Reagan administration not to permit firsthand American media coverage of the Grenada invasion until yesterday, the third day, and then only by brief and escorted pool reporters. We say this out of more than mere pique at the theft of our journalistic function during the interval by the Pentagon, Radio Havana and the island's ham radio community. If the American media can be excluded by their own government from direct coverage of events of great importance to the American people, the whole character of the relationship between governors and governed is affected. It should not have to be left to the press to issue what inevitably sound like self-serving complaints about official censorship.

This is an administration already well known for its tendency to use the national security lable to limit the flow of information to the public in various ways. So it is perhaps not so surprising that the convenience of the military—or its insistence on the primacy of its convenience—triumphed over good sense, healthy democratic practice and the strong standing tradition of press-government cooperation in coverage of unfolding military events.

In this operation, the military had valid considerations of surprise, the security of vital information, the efficiency of fast-de-

veloping operations and the safety of journalists. The press knows, however—as do plenty of experienced Pentagon hands—that these are all things that can be worked out.

Some in the administration are said to have envied and hoped to emulate the way the British military held off the British press during the Falklands war last year. Actually, what the British did was worse: they brought the reporters along and used them for strategic deception, feeding them bad information. Notwithstanding some early official confusion, no deception of this sort is being alleged here.

What happened is bad enough. The government set aside tried-and-true rules for ensuring that the media and through them the people would see, know and understand in the most timely and credible way how it was exercising military power in their name. This was done in an excess of caution—and with a trace of arrogance.

[From the Evening Sun, Oct. 28, 1983]

OFFICIAL SECRETS

If deliberate deception of a people by its government can ever be justified, it is in military operations in which surprise is essential to success. Thus no one can fault those official spokesmen who, at the very moment the troops were steaming toward Grenada, were solemnly denying that an invasion was about to take place.

But the necessity of secrecy evaporates once the world knows what is taking place, and the dissemination of reliable information becomes a paramount consideration.

Yet for inexplicable reasons a news blackout in Grenada remained in effect long after the hostilities had all but ended. A handful of correspondents who were able to get there by fishing boat were seized; at home, the government cut off ham radio contact.

In such a vacuum there is great danger the public will be seriously misled. Consider only that a major source of information about what was going on in Grenada in the early hours was Cuba, scarcely the most reliable source of information.

Even now the restrictions on access to the island have been only marginally lifted. Evidently the Pentagon, in ordering a total exclusion of reporters in the first two days, was mindful of the way British forces tied their press in knots in the Falklands war.

But let us remember that Britain has an "Official Secrets Act," a form of censorship which this country has never been willing to authorize; when Richard Nixon sought a variation on that act, he was soundly rebuffed. In the absence of such a law, the administration relied on the law of expediency. Why did the White House and the Pentagon go to such unprecedented lengths to control all the information in the first few days on this invasion? Is it possible they were afraid the battle might not go the way they wanted it to?

Mr. STEVENS. Mr. President, it is unfortunate that the memory of those who are involved in public life and the press is so short. In all instances that my friend quoted, the members of the press were accredited war correspondents that were given admission into the classified briefings on the basis of their track record.

In this instance, this was a rescue mission. There was no press along with the people who went to rescue the hostages. There was no press along on the Bay of Pigs. And, as a consequence of not having the clearance in advance of who is accredited under a war corresponent status, the press was not included.

That is an unfortunate consequence of having to move so precipitately in order to rescue over 500 students from Grenada.

My wife and I happened to meet some of those students not too long ago. They were all bright, young Americans who were going to school there. Incidentally, they were all qualified to get into medical school, but they could not find admission elsewhere.

The Senator from Texas pointed out paragraph 1. What about paragraph 2, "unreasonably limiting the number of representation of the press?" Are we not to have war correspondents any more? We limit the number of people who can be in the press gallery of the Senate. We limit the people who can go in the White House on the basis of who is known to be securitywise and responsible as far as being members of the press.

Now in this instance, they were given access as soon as it was possible. Even then, I am informed it was difficult to make certain who should be allowed there and who should not be allowed there, because the press does include TASS, the press does include people who are probably KGB agents and representatives of Cuba.

Are we to take them in there in our military aircraft in order that they might have contact with the Cubans who are shooting at our people?

I really think that the Members on the other side ought to keep two things in mind: one thing is the pendulum of power in this country swings and it will swing the other way. I have not seen the amount of irresponsibility from the minority as we have seen on this bill. Whether it is this subject or anything else, it just seems to me that this is the time to offer anything without regard to the basic subject before the Senate.

I do believe that this subject ought to have been the subject of hearings. It is a legitimate request for the press to know were they unreasonably restricted on this operation. However, that should be the subject of hearings, not debate here on the floor on an amendment that comes off a typewriter in 5 minutes because it is a Saturday afternoon and the Senate does not seem to have anything to do.

I think it is unfortunate that no one has thought about the definition of who is the press in this country. Who is it? Is it any person who has a notebook or a camera who says, "You have to let me in there because the Congress of the United States says 'We cannot unreasonably limit the number of representation of the press; we cannot unreasonably limit the movement or unsupervised movement of the press in this country.'"

That has never been the policy of this country. We have limited the press on military objectives through the concept of having representatives of the press. There has been, in fact, representation through the war correspondents procedures. I urge Members and responsible members of the press to think about what this means. If this becomes the law of the land it means there is no way to tell who is a responsible member of the press from those people who really would subvert the Government of the United States.

Mr. SARBANES. Will the Senator yield?

Mr. STEVENS. I have no further time.

The PRESIDING OFFICER. The time for morning business has expired.

Mr. STEVENS. The majority leader made the statement that if there had been an unreasonable limitation on time it would be extended. Will the Chair tell me how much time has been used and who used it?

Mr. SARBANES. Does the acting majority leader not intend for Senator RIEGLE to be allowed 5 minutes in morning business?

The PRESIDING OFFICER. The Chair advises that Senators TOWER, KENNEDY, RIEGLE, SARBANES, and STEVENS have all used their 5 minutes and some more.

Mr. RIEGLE. Mr. President, that is incorrect in terms of the Senator from Michigan having been recognized since the unanimous-consent request by Senator BAKER.

The PRESIDING OFFICER. The Chair stands corrected. That is correct.

Mr. STEVENS. On that basis, I ask that routine morning business be extended for 5 minutes for the Senator from Michagan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. I yield 1 minute to the Senator from Maryland.

Mr. SARBANES. This amendment does not say there will be no limitation on the number or representation of the press or no limitation on the freedom of movement. It says there shall be no unreasonable limitations. I think the amendment makes eminent good sense and it is very important to stress that point. This amendment is directed to the unreasonable limitations which the administration has imposed.

The issue is that unreasonable limitations have taken place. We are not addressing, as some assert, whether that the press should have known about the plans before they happened or whether they should have been in there at the very beginning. Obviously there are strong arguments against either of those propositions.

We do not have to address those questions because the restriction and limitations have gone on day after day.

What ought to be the focus here is that reporters have been kept out day after day after day, far beyond any reasonable agrument that it is an appropriate limitation. I thank the Senator for yielding.

Mr. RIEGLE. And, Mr. President, they are being kept out today. The problem is that this is continuing.

Our amendment does not look backward. It looks from today forward in terms of what the right of access should be. It is clear that the proviso which was added, which says that there shall be adequate safeguards to not jeopardize the safety or the security of U.S. citizens or Armed Forces, clearly answers any reasonable concern that the Senator from Texas might raise.

But the fact of the matter is the American people who are sending their sons over there now have a right to what the truth is. They have a right to know what it is. They have a right to know today, tomorrow, and the next day. And not the truth according to Caspar Weinberger or the truth according to a Senator from Texas or from anyone other individual.

Mr. TOWER. Will the Senator yield?

Mr. RIEGLE. Not at this point.

The American people have a right to the facts. Presumably they are getting the facts today from Lebanon. We see information in the papers today with reports on the scene that go far beyond anything that has come through official channels in terms of what has taken place in that field of activity. The people of this country are entitled to that information and they are entitled to it today with respect to Grenada.

I do not yield, Mr. President, I will yield at the end, when I finish.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. RIEGLE. When I asked the question earlier of the Senator from Texas who is to make the choice as to who the press can talk to, he did not respond initially and then he said, "Well, the military commanders can make that decision."

That is not what the Constitution of the United States provides. The reason that we have a first amendment press guarantee in our Constitution is so that people who want to interpose themselves and become the official censors of this country are unable to do so. That may be a role that a few Senators here wish to take on or wish to see the Secretary of Defense take on, or wish to see some military commander in the field take on. But that is not the way this country works. And it is not the way this country ought to work from this day forward with respect to what is taking place in Grenada.

I think the people have a right to have the facts. When young men are in this theater of action and they are being killed and the American civilians have been withdrawn, the students have been home now for a long period of time, but the fighting is still going on and Americans are being killed in this situation, I think the public deserves the right to have free, uninhibited information coming from the American press corps.

As a matter of fact, there is no other precedent to equal this one in terms of where we are today, not back last Tuesday when the invasion was mounted but where we are today, several days later.

This is not at all the same as the Bay of Pigs or any other invasion that was underway. We are talking about a war that is now going on in Grenada. We have the right and we have the responsibility to ask for the facts here and to get the facts out. We have had enough Government censorship. We have had enough censorship by those in the Chamber who feel that they can make the judgment for the whole country, for the whole press corps, Constitution aside. They will decide what we have the right to know.

Well, I think the Senate has gone on record today to say no, that is not the view of the Senate. The Senate understood this amendment. This amendment was discussed on the floor. More than half the Members on the other side of the aisle supported the amendment as did the overwhelming majority on this side. So people do understand.

I would say to the Senator from Texas that other Senators here are just as capable of understanding this issue as is he.

Mr. TOWER. May I ask the Senator a question? Did the Senator serve in the military?

Mr. RIEGLE. Mr. President, how much time remains.

Mr. TOWER. Has the Senator from Michigan ever served in the military?

Mr. RIEGLE. I do not yield to the Senator.

The PRESIDING OFFICER. Thirty seconds remain.

Mr. RIEGLE. Mr. President——

Mr. TOWER. Will the Senator yield?

Mr. RIEGLE. Mr. President, I have the floor. Will the Chair see that I am protected in my right to the floor?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. RIEGLE. I think people have a right to know what is going on. They have a right to the truth, particularly when the lives of our troops are at stake.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TODAY UNTIL MONDAY, OCTOBER 31, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday, October 31.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 31, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that, when the Senate convenes on Monday, October 31, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, that the call of the calendar be dispensed with and, following the recognition of the two leaders under the standing order, that there be a special order in favor of the Senator from Connecticut (Mr. WEICKER), for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 1 hour in length, with Senators permitted to speak therein for not more than 10 minutes each; provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, when the Senate convenes on Monday after that period for morning business expires, the debt limit bill, the current business, House Joint Resolution 308, will be once again the pending business. The matter pending before the Senate will be the motion that was made by the Senator from Texas (Mr. TOWER) to reconsider the vote on the Riegle-Bingaman amendments. I think all Senators should be on notice that, at that time and thereafter, there will be motions or debate that may occur but that, also, there is a previous agreement that has not been modified by the request I have just made.

That is that there will be no rollcall votes prior to 5 p.m., on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that my unanimous-consent request just made be modified to delete the special order of

the Senator from Connecticut. I am informed he no longer wishes that special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The order at present provides no votes at any time prior to 5 p.m., on Monday.

Mr. STEVENS. That is correct, Mr. President, that is my understanding, that there can be no rollcall votes at all on any matter——

The PRESIDING OFFICER. No votes of any kind—voice, rollcall, or other.

Mr. STEVENS. I did not understand that. I thank the Chair for the clarification.

As I understand it, there can be motions made, but no votes on or in relation to the measure that is pending may occur prior to 5 p.m., that evening.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair for the clarification. I make no request to change that. I think it should stand as it is.

ADJOURNMENT UNTIL MONDAY, OCTOBER 31, 1983

Mr. STEVENS. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in adjournment until Monday.

The motion was agreed to; and, at 4:12 p.m., the Senate adjourned until Monday, October 31, 1983, at 12 noon.

HOUSE OF REPRESENTATIVES—*Monday, October 31, 1983*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our thoughts and prayers are with all people who are saddened by the loss of those dear to them. We know that the bonds of our human family are shattered whenever someone is lost that we have known and we have loved. We pray, O God, that Your everlasting grace and compassion will encompass those who mourn and will give strength to all in their special need. Give each of us such grace, O God, that we will be faithful in our tasks this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2592. An act to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes; and

H.R. 3959. An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3959) entitled "An act making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. ANDREWS, Mr. D'AMATO, Mr. STENNIS, Mr. PROXMIRE, Mr. INOUYE, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, and Mr. HUDDLESTON, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence is requested.

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945.

THE TRAGEDY OF OCTOBER 23 COULD HAPPEN AGAIN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last night I returned from a 2-day trip to Lebanon and Germany along with 10 members from the House Armed Services and Veterans' Affairs Committees to look at the identification procedures of deceased marines and to assess the security in the Beirut bombing.

These were my personal conclusions: First, the security at the marine compound was not adequate prior to the bombing. There were no effective roadblocks, ditches, and marine guards' weapons were not on prior to the assault. Some heavy barrels laden with tar were apparently available at the compound, but inexplicably not set up as barricades. Even if these roadblocks had been set up, Mr. Speaker, that terrorist attack would still have taken place.

The procedures for identifying bodies and subsequently notifying parents are not adequate. There is lack of coordination between Frankfurt, Beirut, and Marine headquarters in Washington, and there is also poor recordkeeping. The parents of marines who wait in agony deserve better.

Mr. Speaker, no new and improved security measures are going to affect the vulnerability of the marines. They are still sitting ducks. The proximity and traffic of the airport, the fact that they are now targeted by new folks in town, the Syrians and Palestinians, the congestion at the compound, and the fact that they are still on low ground make them enormously vulnerable to another terrorist attack.

The tragedy of October 23 could happen again tomorrow.

Mr. Speaker, if the reconciliation talks in Geneva fail, we must dramatically change our Lebanese policy. As a start, we should reposition our marines off the ground and onto our ships and destroyers off of Lebanon and assist the Lebanese with air support.

Mr. Speaker, any further bloodshed by our marines is not worth it to achieve some vague diplomatic goals.

CONFERENCE TO BE HELD ON BIOLOGICAL CONSEQUENCES OF NUCLEAR WAR

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, today at the Sheraton Washington Hotel there will begin a 2-day Conference on the Long-Term Worldwide Biological Consequences of Nuclear War. Early this morning, several Members of Congress attended a briefing by the authors of this extremely important scientific study and I want to commend the results to all of my colleagues.

Earlier this year the Investigations and Oversight Subcommittee of the Committee on Science and Technology had hearings on this identical subject. We found that there were many uncertainties, but that the latest scientific evidence indicates that in addition to the untold immediate horrors of a nuclear exchange for the 1 to 2 billion people who would be probably killed within the first few days, the remainder of mankind would face additional untold horrors due to the global environmental consequences of a nuclear exchange between the United States and the Soviet Union.

The net result of this 2-day conference which will begin later today might well be to change our understanding of what nuclear war is all about and to define it as very possibly a terminal event for mankind.

I have introduced a resolution, Mr. Speaker, declaring this to be an International Year of Study on the Global Consequence of Nuclear War. It is my hope that the work done by these distinguished scientists will lead to a clearer recognition of the absolute necessity of preventing nuclear war from ever happening.

WAR POWERS ACT SHOULD BE INVOKED

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, barring the news media from reporting the facts in Grenada, it appears that the administration moved into that vacuum and misled and deceived the Congress, whose Members mostly had no previous knowledge of the Reagan administration's intentions to invade Grenada.

Mr. Speaker, it seemed under the circumstances this past week that objectivity would have been doubly important. I am deeply disappointed and distressed that it was not. The credibility of the Reagan administration on

foreign policy matters has been seriously undermined.

Mr. President, you said that foreign policy is where politics should end. But it appears today that your administration has not practiced what you preach.

Objective news accounts now contradict your warehouses stacked to the ceiling with Soviet-Cuban arms. In objective news reports the report of six warehouses in Grenada, three are found empty and one apparently with clothing, some uniforms, another with food. And finally the sixth warehouse, a quarter full with a hodge-podge of armaments, some dating back to the 1870's and a few modern Soviet arms. Hardly the storehouse to equip thousands of Communist guerrillas in Grenada, much less Central America.

This would almost be comical if the subject and facts were not a central basis for justifying the military action of our Nation in Grenada. The weak excuses offered this weekend that of a "treasure trove of documents" hardly offsets the facts. We all know that the Soviets and Communists think terrible thoughts and commit them to writing.

Mr. Speaker, we are entitled to further explanation and frankness. I hope today we can move to pass the War Powers Resolution invoking the 60-day limit on our armed services presence in Grenada this week.

No matter what good foreign policy ends the United States would like to attain, how we do it is extremely important. The end does not justify the means.

Restoration of self-government in Grenada promptly is best we can now do to address their problems and ours.

ALL CUBAN PRISONERS SHOULD BE RETURNED TO CUBA

(Mr. ALBOSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBOSTA. Mr. Speaker, I think the incident in Grenada could come to this country's real advantage if we simply mix those prisoners that we have taken during that event with those people that were criminals, that the Cubans sent over to our country, and send them back to Cuba and say to Cuba, "Here, here are your prisoners and here are those other prisoners that you had on your own soil." that you sent to us to disgrace our Government in 1980 when you cleared your prisons.

□ 1210

I think it would bring a lot of dignity back to the United States, we were tricked by Cuba in 1980. It certainly would do a lot for the morale of our Armed Forces and for the people in those States that these prisoners are located in, and I believe, Mr. Speaker, that it would be the right thing to do for the taxpayers also.

There was an international law violated when the Cubans sent those prisoners over here, and I think that we ought to retaliate—and the retaliation, Mr. Speaker, ought to be that we would mix those prisoners with the prisoners we have taken in Grenada and send them all back. Mr. Speaker, let us see what type of welcome Cuba will give these prisoners then?

LANCE CPL. LUIS MELÉNDEZ AND HOSPITAL CORPSMAN PEDRO ALVARADO

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, it is with mixed feelings of sadness and pride that I address the House today to praise two outstanding constituents of mine, Lance Cpl. Luis Meléndez and Hospital Corpsman Third Class Pedro Alvarado, both U.S. marines and Puerto Ricans who were victims of the terrorist attack perpetrated against our peacekeeping force in Lebanon on October 23. Luis Meléndez was killed and Pedro Alvarado was injured in the tragic events. I am sad particularly for the death of Luis, a 19-year-old young Puerto Rican, and wish to convey to his parents in Ceiba, P. R., Juan and Zaida Meléndez, my condolences. Luis Meléndez was, as his father describes him, intelligent and humble, good, brave, and honest. He loved the service. We in Puerto Rico are proud of this young man and proud that as a citizen of the United States, he volunteered to serve in the Marines. We deeply regret his untimely death.

Pedro Alvarado was injured. His life was spared. As I talked to his parents Andrés and Nereida while I visited Puerto Rico this weekend, I could sense their happiness in knowing that he is recovering well. While Pedro was in a hospital in West Germany he learned from his wife Anilda that he will be a father for the first time.

It is an honor for us Puerto Ricans as American citizens to defend democracy at home and abroad. We may be, by and large, a poor people, but we love democracy and are proud to share in the burden of defending this Nation and preserving peace and freedom in the world.

MILITARISTIC TREND IN FOREIGN POLICY

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK. Mr. Speaker, one of the most disturbing trends we have recently witnessed is the continued insistence of the President that he may commit Americans to military combat without regard to the wishes of the Congress. I am not arguing for congressional supremacy, but I do not think we ought to have Executive supremacy either.

If that terrible decision is going to have to be made to commit young Americans to battle, the people have a right to have it made with the fullest possible participation of all of the democratically elected branches. When the House and the Senate weeks ago voted in what seems to me a mistakenly open ended commitment of 18 months for the troops in Lebanon, the President responded by reasserting his authority to send troops whenever and wherever he wanted to. His refusal automatically to invoke the War Powers Act regarding an invasion of Grenada, an invasion far greater in scope than necessary to achieve the stated purpose of rescuing Americans, further frightens me.

What we are seeing is not simply an abstract quibble over executive-legislative relations, because with the theoretical power of the President to commit troops at will, we get, I am afraid, a far too easy tendency to involve Americans in war when our vital interests are not necessarily at stake and with terms and conditions which do not further our long-term interests.

The appropriations process is not the ideal place in which to debate Amercian foreign policy, but by refusal to abide by the War Powers Act, by refusal in the spirit of cooperation to discuss and debate these things with Congress, the President forces us to use the military appropriations bill as a vehicle to put some restraints on an excessively militaristic trend in foreign policy.

COMPUTER CRIME

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, today, I am introducing legislation to combat the problem of computer crime and to help close the growing gap in computer knowledge in American society.

Since 1960, the Congress has studied the implications of computers on our society. There is no doubt that the criminal justice system, as well as future generations of Americans, will be well served by the implementation of a comprehensive computer law.

The media has given much attention to the actions of computer hackers and fradulent schemes to rip off businesses through their computers. My bill will attack criminal computer activities by prosecuting those who willfully access a computer without authorization. This includes persons who, through unauthorized access to

computers, commit fraud or embezzlement, damage equipment, or willfully trespass or browse through the property of another.

We are becoming an electronic society. Computers are becoming more and more a part of our daily lives. There is no doubt that those persons who have computer knowledge will have a head start in achieving their educational and economic goals. The growing educational gap in our society between those with computer literacy and those without must be alleviated.

My bill moves in this direction by providing a $200 tax credit per taxpayer for the purchase of a home computer. It is my hope that this measure will increase the availability of computers to families. I realize this proposal is only a small step in the right direction. I welcome the suggestions of my colleagues on methods to further combat the growing computer literacy gap.

In addition to criminal penalties for computer crimes and tax credits for the purchase of home computers, my bill establishes a computer security research program and an interagency committee on crime and abuse. These entities will stimulate research and development in protecting computers from unauthorized access and use, as well as act as a clearinghouse, coordinate research, and make recommendations to the Federal Government.

Again, I want to reassert that my bill is only a starting point. I believe it brings together many ideas which have been debated in the Halls of Congress in recent years. I hope you will join me in this effort by cosponsoring this greatly needed legislation.

GENEVA NEGOTIATIONS

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, today, in Geneva, the process starts by which, hopefully, in the not-too-distant future, a dual objective we all share will be attained: a government of national reconciliation in Lebanon and the long-awaited withdrawal of all foreign combat forces from that war-torn nation.

For the first time since the civil war started in 1975, the leadership of Lebanon's major religious, political, and ethnic factions will start exchanging ideas and aspirations at the bargaining table rather than bullets and bombs on the battlefield. The future of Lebanon hangs in the balance.

Our attention will be focused on those critical talks in Geneva. While it would be wrong to expect miracles overnight, it would be equally wrong for the participants to expect unlimited patience on the part of the United States and our allies who are sacrificing so much in the pursuit of peace and stability.

In short, Mr. Speaker, the seriousness of purpose must be backed with a seriousness of intent and a commitment to positive results. It is time for all the Lebanese, regardless of faction, to recognize that the impetus for a Lebanon for the Lebanese must come from a desire within.

We can share a dream, but we cannot force it to come true. In terms of our very tangible support for what the talks in Geneva are all about, we have demonstrated our resolve not to be precipitous. But neither will we be perpetual.

□ 1220

BAD JUDGMENT OF CBS NEWS IN AIRING DE LOREAN TAPES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, last week the CBS television network saw fit to air videotapes purporting to show John DeLorean discussing a cocaine transaction with undercover Government agents. Before the tapes were aired, attorneys for the defense and the prosecution in the case expressed grave concern that by broadcasting the tapes CBS News would prejudice the case and make a fair trial impossible. CBS chose to ignore this possibility and, less than 2 weeks before the trial was to begin, broadcast the tapes. Now attorneys for DeLorean are attempting to have the charges against him dismissed.

We have no laws to prevent broadcasters or newspapers from circulating details about criminal cases. The first amendment protects broadcasters and newspapers from prior restraint. We are, because of these protections afforded the news media, left to the mercy of their good judgment.

Certainly CBS News did not exercise good judgment. The decision made by CBS executives to air those tapes was irresponsible and outrageous. This is not the first time that broadcasters have chosen to jeopardize a legal proceeding for the sake of airing some sensational material, and every time it happens those involved are quick to defend their actions.

Our Constitution appropriately bars Government from policing the news media. For that reason, the news media bears a greater burden to police itself than does any other profession.

Indeed I think it is ironic that this incident occurs at a time when the broadcast industry is asking for further deregulation.

CUTTING THE DAIRY SURPLUS

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I am pleased to advise my collegues that the administration has endorsed my dairy program proposal as the best, commonsense policy for straightening out our costly Government dairy price support program. In a letter of October 28 to the minority leader, Agriculture Secretary Block has pledged the support of the administration for my proposal, H.R. 3292, which would eliminate the present onerous $1 assessment on dairy farmers for all milk produced and would give the Secretary the flexible authority to reduce the price support level by up to $1.50 a hundredweight.

The administration like many before them recognizes this as the most sensible means of bringing supply and demand into reasonable balance and ending the practice of the Government purchasing and storing billions of pounds of surplus butter, cheese, and nonfat dry milk. The Secretary pledges to use this authority incrementally, reducing the support level initially to $12 per hundredweight and then being guided by the effect on surpluses in deciding further action. While this course possibly may have a greater net cost to the Government in the short run than the present committee plan, because the committee keeps a tax on all milk, the administration recognizes that my proposal will save Government costs in the long run, cut costs to consumers by several billions of dollars a year, greatly increase consumption of dairy products, treat dairy farmers just as well and head off a plan for paying dairy farmers great sums for not producing milk. Flexible price supports have worked in the past, will work again, and will provide the best long-term solution of the problem.

CRITICS OF KEEPING PEOPLE FREE

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, this past weekend I spoke with a very, very brave family. Betty and Richard Cline of Belle Union, Ind., had just received word that their son, Sgt. Randy Cline, 1st Battalion, 75th Marines, had given his life in the Grenada mission. The family was proud of their son and brother. He was a good ranger. They were not angry. For that, they showed a lot of courage. They blame only the Communist for his death. They had questions, though, not with the administration or our efforts to maintain peace in the Caribbean. Their question was with some people in this country, and they named a few, the media, they

said, who was constantly looking for trouble and what was wrong with the country instead of what was good in the country.

They questioned those in politics who do not stand behind our country. But they mostly questioned a group of students at Indiana University who seized upon this opportunity at the bereavement of a few to criticize what our country was trying to do.

Randy's brothers and his father said that these students were going to school exercising the right and privilege of free speech, but their statements would tear down that very freedom itself. By those statements and their actions, the Communist would be encouraged. They questioned how anyone in this country could be critical of the efforts to keep people free.

Our country is praying today and all of us are in prayer with the families of those who lost their lives in Lebanon and those who have lost their lives on Grenada. My prayers today are with Sergeant Cline's widow, Vera, their unborn child due in February, his brothers, his sister, his parents, his grandparents, and all of those who knew Randy and loved him.

MEDICAL SUPPLIES TO EL SALVADOR

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, a few months ago, during this summer, I discovered the fact that in El Salvador there was a tremendous shortage of medical supplies and had the privilege of organizing in August a humanitarian relief effort that resulted in the delivery of over 55,000 pounds of medicines and medical supplies to the displaced persons, the real human-need element, in that country.

Several months have passed since that time and I became aware a few days ago of the fact that the moneys that this Congress has appropriated and authorized for loans and grants and so forth to pick up and to provide this kind of relief will not, in fact, be able to deliver in the form of tangible medicines and medical supplies until January or so of next year.

So with the cooperation of quite a large number of others to fill the gap in the tremendous shortage of those supplies to the people of El Salvador, I am pleased to inform the Members that tomorrow a 707 plane, which we have gotten together and organized, will fly to El Salvador with 90,000 pounds of medicines worth over $1.2 million to bridge that gap.

I particularly want to thank, for his cooperation, the gentleman from New York (Mr. WORTLEY) to thank AID and the Office of Disaster Relief for their contribution and assistance in this matter. A majority of this is donated from private industry again, but $500,000 is from the Office of Disaster Relief that allowed the purchase of some of these drugs and supplies.

Once again I want to pay special tribute and thanks to Project Hope, without whom we could not have done this and would not be able to do it tomorrow.

TEMPORARY STATESMANSHIP

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, last week I took this well to praise your statesmanship for refusing to criticize the liberation of Grenada. Today I am sad to say that apparently that kind of statesmanship only can be maintained for a few days in the Democratic Party.

It is obvious from your gunboat diplomacy statements over the weekend that you have retreated from statesmanship and capitulated to the leftwing radicals of your party. That is most sad. But the American people need to know that you did not reflect the majority sentiment in this body. Most of us believe our American troops were on a mission of great importance to this Nation and performed that mission with great honor. Most of us believe that our fighting men showed professionalism and valor.

Most of us can say to the families of those who made the supreme sacrifice in Grenada that their loved ones stood as staunchly for freedom as anyone in past generations.

The fact that leftwing radicals would dishonor their sacrifice with aspersions on their mission tells us much, but it should not be interpreted as telling us that the majority of this House shares that disturbing viewpoint. The left is satisfied to have America suffer many Iranian hostage incidents rather than take a strong stand. Your capitulation to their side of the argument is hard to fathom.

A MARINE'S MARINE

(Mr. VANDERGRIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANDERGRIFF. Mr. Speaker, due to an unusual set of circumstances, it became my responsibility this past Saturday night to tell Mrs. Rosa Bland of Arlington, Tex., that her son Stephen, of the U.S. Marine Corps, was now confirmed to have been among those making the ultimate sacrifice on yet another infamous Sunday morning in the history of our country. Steve had only recently written his mother and told her of awards and promotions received. He was obviously a good marine. He was, indeed, a marine's marine.

His mother is a credit to our country, too. Surely she cried those first few moments, as only a mother can cry for her children, but she was quick to tell me again that she was proud Steve had been a marine and that if he had to give his life, she was proud he gave it for his country. I wish it had not been necessary for me to bring Rosa the news she had hoped against hope she would not hear. Yet, because of that experience, I will always remember a young man's service and a mother's pride of that service, and know that I have been privileged anew to witness that extraordinary love of country that only Americans like Stephen and Rosa Bland have for this beloved Nation of ours.

AN OPPORTUNITY TO ADDRESS THE ISSUE OF DEFICIT SPENDING

(Mr. DE LUGO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, will the gentleman yield?

Mr. DE LUGO. I am happy to yield to the distinguished gentleman from Florida.

Mr. NELSON of Florida. Mr. Speaker, I thank the gentleman for yielding.

I want to take this opportunity to address an important issue, and I thank the gentleman for providing the time in order that I may call to the attention of the House the fact that later this week we will be considering the debt limit extension.

Some of us were on this floor last week trying to have made in order an amendment to the reconciliation package. This amendment called for a spending freeze and beyond that requires new revenues or offsetting spending cuts for any additional spending. We did not have the opportunity to offer the amendment by the gentleman from California (Mr. MILLER) to deal with the $200 billion deficit crisis that is upon us.

Mr. Speaker, I want to share with the Members of this body my understanding that we are going to have a unique opportunity this week, for during this week will come a crucial vote on whether or not we are going to extend the limit on the national debt. Such a vote will give us an opportunity to clearly address the deficit spending crisis.

A BIG VICTORY FOR SMALL BUSINESS

(Mr. WYDEN asked and was given permission to address the House for 1 minute.)

Mr. WYDEN. Mr. Speaker, recently my colleagues on the House Energy and Commerce Committee pulled out a big victory for some of our Nation's smallest businesses.

Under the current plan proposed by the Federal Communications Commission (FCC) all businesses in this country will be forced to pay a flat, monthly charge of $6 for each business line, for access to the long distance network. This charge will be assessed even if the business makes no long distance phone calls. The FCC access charge decision is most unfair and will be disastrous to those millions of small businesses which make few—if any—long distance calls.

As a member of the House Small Business Committee, I saw firsthand how the actions of the FCC would deal a tremendous financial blow to our small businesses. Because of this concern, I offered an amendment to H.R. 4102, the universal telephone bill, to provide some relief to single-line businesses, by exempting them from the $6 a month end-user access charge which is scheduled to go into effect April 1984. The committee voted unanimously for this amendment.

The need for my amendment is very clear. In a recent poll of their members, the National Federation of Independent Business (NFIB), a small business trade association, rated increasing telephone rates as the fourth most important issue facing them. What is more, small businesses account for 80 percent of the new jobs in this country and they walk a thin line between success and failure. We, obviously, have a big stake in helping to keep small business phone rates affordable.

The FCC's end-user access charge is particularly onerous if you consider that the most recent figures available show that 62 percent of all businesses make less than $7 worth of long-distance calls per month.

As amended, H.R. 4102 would help about 3 million single-line businesses around the country and would insure that these smallest businesses do not end up paying more for access to the long-distance network than the total amount of long-distance calls they actually make.

H.R. 4102 as adopted by the full Committee on Energy and Commerce now insures that all Americans and small businesses will have access to affordable telephone service, and I commend Chairman Dingell and Chairman Wirth for their great leadership in developing this important legislation.

APPOINTMENT OF CONFEREES ON H.R. 3222, COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

MOTION OFFERED BY MR. O'BRIEN

Mr. O'BRIEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. O'BRIEN moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the bill, H.R. 3222, be instructed to insist on the House position on the amendment of the Senate numbered 93.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. O'BRIEN) is recognized for 1 hour.

Mr. O'BRIEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion instructs the House conferees to insist on the House position on Senate amendment 93, which earmarks $70,155,000 in the bill for the juvenile justice program. The Senate struck this earmarking provision. The Members of the House have strongly supported the juvenile justice program, and I urge the Members to support this motion.

Mr. BROWN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I am happy to yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Speaker, I have a motion at the desk that I would like to offer in order to amend the motion.

The SPEAKER pro tempore. Does the gentleman from Illinois (Mr. O'BRIEN) yield for that purpose?

Mr. O'BRIEN. I yield not for the purposes of amendment.

The SPEAKER pro tempore. Does the gentleman yield for debate only?

Mr. O'BRIEN. For debate only, Mr. Speaker.

Mr. BROWN of Colorado. Mr. Speaker, I believe I was yielded to without that limitation, and I would like to offer my amendment No. 1 as an amendment to the motion to instruct.

Mr. O'BRIEN. In my naivete, I did not anticipate the amendment, Mr. Speaker. However my statement still prevails. I yielded only for comment.

The SPEAKER pro tempore. The Chair recognizes that the gentleman yielded only for comment, so the Chair is going to sustain the position of the gentleman from Illinois (Mr. O'BRIEN).

The gentleman may proceed.

Mr. BROWN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Speaker, do I have the floor?

Mr. O'BRIEN. For debate only.

The SPEAKER pro tempore. The gentleman may be yielded to for debate only.

Mr. BROWN of Colorado. Mr. Speaker, I might mention that included in this bill are funds that will deal with Project Democracy. This House has previously voted to drop from the authorization money that could be sent to the political parties without the benefit of the Freedom of Information Act and without the benefit standard auditing. This House spoke very clearly on that subject.

Previously I tried to offer instructions to our conferees to stand by the House position with regard to the authorization, and I was precluded from offering that amendment even though I had extended the courtesy of advising Members opposed to my recommendations what my instructions might be.

I am disappointed at the arrangements this morning. I certainly have no objection to the gentleman's motion with regard to instruction, but I must say that I am very disappointed that I am not granted the opportunity to offer instructions as well.

What we may very well see here, then, is the House conferees taking a position that is directly contrary to the will of this House, a situation in which the House is precluded from an opportunity to speak on instructions to the conferees. I think the process of democracy in this House suffers by that event.

Mr. Speaker, it may well be that the Members who are so enthusiastic to have political parties expend funds in this way will succeed on this day. That would be a sad commentary on the process that this House, I believe, should respect.

Mr. O'BRIEN. Mr. Speaker, I appreciate the gentleman's comments. It is not unusual that these situations occur. It is my view that the conferees will take into consideration the general points of view of all Members, and ultimately the conference report will have to be voted upon.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, I want to say that we are in agreement

on the subcommittee—I think unanimously on the subcommittee, as well as on the Committee on the Judiciary—with the merits of the House position, and we certainly intend to insist upon it. I usually do not like instructions, but under the circumstances I am not going to make any objection.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, what I wanted to do is propound a parliamentary inquiry, if the gentleman yields for that purpose.

Mr. O'BRIEN. Mr. Speaker, I yield for that purpose.

□ 1240

PARLIAMENTARY INQUIRY

Mr. WALKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. WALKER. Mr. Speaker, if the gentleman from Colorado wishes to offer his amendment as an amendment to the instructions offered by the gentleman from Illinois (Mr O'BRIEN), could that be done by defeating the previous question on the motion, thereby giving the gentleman from Colorado an opportunity to offer an amendment?

The SPEAKER pro tempore. If the previous question is voted down, an amendment would be in order.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I thank the gentleman for yielding.

Mr O'BRIEN. Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Iowa. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 123, nays 182, not voting 128, as follows:

[Roll No. 431]

YEAS—123

Ackerman	Broyhill	Dwyer
Akaka	Campbell	Dymally
Alexander	Carr	Early
Annunzio	Clinger	Evans (IL)
Aspin	Coleman (MO)	Fascell
Barnes	Coleman (TX)	Fazio
Beilenson	Conte	Fiedler
Berman	Conyers	Foglietta
Boland	Courter	Foley
Bonior	Coyne	Frank
Borski	Derrick	Frost
Britt	Dixon	Gaydos
Broomfield	Downey	Gejdenson
Brown (CA)	Duncan	Gephardt
Gunderson	Mavroules	Rudd
Hall (OH)	McHugh	Sabo
Harkin	McKinney	Scheuer
Hertel	Mica	Schneider
Holt	Michel	Schumer
Howard	Miller (OH)	Seiberling
Hughes	Mollohan	Shannon
Jones (NC)	Moody	Sikorski
Jones (TN)	Mrazek	Siljander
Kastenmeier	Murtha	Smith (IA)
Kemp	Myers	Smith (NE)
Kildee	Natcher	Smith (NJ)
Kolter	O'Brien	Spratt
Kostmayer	Oberstar	St Germain
Lagomarsino	Obey	Staggers
Lehman (FL)	Pease	Stark
Levin	Perkins	Stokes
Levine	Petri	Torres
Levitas	Price	Torricelli
Lewis (CA)	Pritchard	Udall
Lipinski	Rahall	Vento
Livingston	Reid	Wheat
Long (MD)	Richardson	Whitten
Lundine	Rinaldo	Wright
Madigan	Rodino	Wylie
Martinez	Roe	Young (MO)
Matsui	Roth	Zablocki

NAYS—182

Albosta	Gore	Packard
Anderson	Gradison	Panetta
Andrews (TX)	Gramm	Patman
Anthony	Hall, Ralph	Patterson
Archer	Hall, Sam	Pursell
AuCoin	Hamilton	Quillen
Badham	Hammerschmidt	Ray
Barnard	Hance	Regula
Bartlett	Hansen (ID)	Ridge
Bateman	Hansen (UT)	Roberts
Bedell	Hawkins	Robinson
Bennett	Hefner	Roemer
Bereuter	Hiler	Rogers
Bethune	Hillis	Rostenkowski
Bevill	Hopkins	Roukema
Bliley	Huckaby	Rowland
Boehlert	Hunter	Russo
Boner	Hyde	Savage
Bonker	Ireland	Sawyer
Breaux	Jacobs	Schroeder
Brooks	Jenkins	Sharp
Brown (CO)	Johnson	Shumway
Bryant	Kasich	Shuster
Burton (IN)	Kazen	Sisisky
Carney	Kennelly	Skeen
Carper	Kindness	Skelton
Chandler	Kogovsek	Slattery
Chappell	LaFalce	Smith, Robert
Chappie	Leach	Snyder
Cheney	Leath	Solomon
Coats	Lent	Stangeland
Conable	Lloyd	Stenholm
Cooper	Loeffler	Stratton
Craig	Lott	Stump
Crockett	Lujan	Sundquist
D'Amours	Luken	Swift
Daniel	Lungren	Synar
Dannemeyer	Mack	Tauzin
Daschle	Marriott	Taylor
Daub	Martin (IL)	Thomas (GA)
Dellums	Martin (NC)	Valentine
DeWine	McCain	Vander Jagt
Dowdy	McCloskey	Vandergriff
Dreier	McCollum	Volkmer
Durbin	McCurdy	Walker
Dyson	McEwen	Watkins
Eckart	McGrath	Weber
Edgar	McNulty	Weiss
Edwards (AL)	Mikulski	Whitley
Edwards (CA)	Minish	Whittaker
Emerson	Molinari	Winn
English	Montgomery	Wirth
Erdreich	Moore	Wise
Evans (IA)	Moorhead	Wolf
Flippo	Morrison (WA)	Wolpe
Forsythe	Nelson	Wortley
Franklin	Nielson	Wyden
Frenzel	Olin	Yatron
Gingrich	Ortiz	Young (AK)
Glickman	Ottinger	Zschau
Gonzalez	Oxley	

NOT VOTING—128

Addabbo	Bates	Boggs
Andrews (NC)	Biaggi	Bosco
Applegate	Bilirakis	Boucher
Boxer	Hartnett	Parris
Burton (CA)	Hatcher	Pashayan
Byron	Hayes	Paul
Clarke	Heftel	Penny
Clay	Hightower	Pepper
Coelho	Horton	Pickle
Collins	Hoyer	Porter
Corcoran	Hubbard	Rangel
Coughlin	Hutto	Ratchford
Crane, Daniel	Jeffords	Ritter
Crane, Philip	Jones (OK)	Rose
Davis	Kaptur	Roybal
de la Garza	Kramer	Schaefer
Dickinson	Lantos	Schulze
Dicks	Latta	Sensenbrenner
Dingell	Lehman (CA)	Shaw
Donnelly	Leland	Shelby
Dorgan	Lewis (FL)	Simon
Edwards (OK)	Long (LA)	Smith (FL)
Erlenborn	Lowery (CA)	Smith, Denny
Feighan	Lowry (WA)	Snowe
Ferraro	MacKay	Solarz
Fields	Markey	Spence
Fish	Marlenee	Studds
Florio	Martin (NY)	Tallon
Ford (MI)	Mazzoli	Tauke
Ford (TN)	McCandless	Thomas (CA)
Fowler	McDade	Towns
Fuqua	McKernan	Traxler
Garcia	Miller (CA)	Vucanovich
Gekas	Mineta	Walgren
Gibbons	Mitchell	Waxman
Gilman	Moakley	Weaver
Goodling	Morrison (CT)	Whitehurst
Gray	Murphy	Williams (MT)
Green	Neal	Williams (OH)
Gregg	Nichols	Wilson
Guarini	Nowak	Yates
Hall (IN)	Oakar	Young (FL)
Harrison	Owens	

□ 1250

Mr. GLICKMAN, Mrs. KENNELLY, and Messrs. OLIN, RAY, VALENTINE, HEFNER, McNULTY, CHENNEY, and SAVAGE changed their votes from "yea" to "nay."

Messrs. VENTO, PETRI, and MARTINEZ changed their votes from "nay" to "yea."

So the previous question was not ordered.

The result of the vote was announced as above recorded.

□ 1300

AMENDMENT OFFERED BY MR. BROWN OF COLORADO TO THE MOTION OFFERED BY MR. O'BRIEN

Mr. BROWN of Colorado. Mr. Speaker, I offer an amendment to the motion.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado to the motion offered by Mr. O'BRIEN: At the end of the O'Brien motion add the following: that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3222, be instructed to insist that not more than $21,300,000 be appropriated for the Endowment for Democracy and that the conference agreement specify that "no funds appropriated for said Endowment shall be used to make a grant to any entity affiliated or associated with, or founded or controlled by, any U.S. political party or officials or employees thereof."

The SPEAKER pro tempore. The gentleman from Colorado (Mr. BROWN) is recognized for 1 hour.

Mr. BROWN of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment to the motion to instruct comes at the end of the motion previously offered so it would merely add to it. It speaks to the question of appropriating money to the political parties.

It urges our conferees not to go along with appropriating funds for political parties within Project Democracy. It is an issue we have discussed before and debated at length.

The last time we voted on this, the motion to preclude spending money in this manner passed by an almost 2-to-1 margin.

I might add for emphasis that the motion does not rule out the previous motion to instruct that was offered on this floor. It merely adds to it.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Iowa (Mr. SMITH) for purposes of debate only.

Mr. SMITH of Iowa. Mr. Speaker, I think before Members vote, there is so much confusion, they ought to be sure what they are voting on. It says be instructed to insist that not more than $21,300,000 be appropriated for the Endowment for Democracy and that the conference agreement specify no funds appropriated and so forth.

So if you vote "aye" on this, first of all you are voting that you want money included in the conference. We had no money in our conference. You are voting that you want money included in the conference report that comes back and you want the instructions besides.

The program has not been authorized yet so you do not know what you are voting to instruct to put money in for. It has not be authorized. This is really an authorization committee problem; not ours.

That is the reason I thought you should have voted not to permit the instruction.

The authorizing committee has worked on this bill and the other body and the House side both have worked on this bill, and you are trying to instruct them on an appropriation bill as to what to put in the authorizing legislation. You just ought to know that before you vote on this motion.

Mr. CROCKETT. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Michigan for purposes of debate only.

Mr. CROCKETT. Mr. Speaker, I rise in support of the motion to instruct. As many of you know, I have always had very strong reservations about the proposed Endowment for Democracy and this ill-conceived plan to give $10 million of the taxpayers' money to the Democratic and Republican National Committees for so-called institutes to promote democracy abroad. This proposal is deficient in so many ways and I was greatly pleased when our colleagues voted to remove the relevant language from the State Department authorization bill last June.

We simply cannot sanction such a flagrant use to taxpayers' money. In my entire public life, I have never seen such a total absence of guidelines and standards accompanying a legislative proposal. We in the Congress were elected to provide an essential oversight responsibility with regard to the disbursement of public funds. Under this legislation, these institutes and their directors are not accountable to the Congress and they could use these funds for whatever purposes they chose.

I agree with many of the points raised by my colleagues who are justifiably concerned about this proposal. I believe that these entities would interfere with the purposeful conduct of our foreign policy abroad and that they would only increase tensions between the United States and other countries around the world.

Mr. Speaker, I think that most of my colleagues share my belief that the Democratic and Republican Parties of the United States are not the appropriate instrumentalities for instructing foreign nations in the subject of democracy. This is a concern which was raised in our discussions several months ago. I encourage you to remember what was said at that time.

I think that the arguments against this idea are quite persuasive. I strongly urge my colleagues to vote in support of the motion to instruct which has been offered by the gentleman from Colorado.

□ 1310

Mr. BROWN of Colorado. Mr. Speaker, the instruction says no more than approximately $21 million may be spent. It does not require us to agree to spending that much. My personal preference would be to not spend that much. That question was raised and I think needs to be clarified.

Mr. LEACH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. Mr. Speaker, let me yield first to this gentleman from Iowa and then come back to the other side of the aisle.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. BROWN of Colorado. For debate purposes only.

Mr. LEACH of Iowa. I will be brief, Mr. Speaker, and stress that political parties are not government. The problem we get involved with in issues of this nature is what happens when a political party of the United States supports one side of an election in a foreign country and the other side prevails. Suddenly you can have a situation whereby the top official of a political party, which in some cases is the President of the United States, ends up having worked to defeat a government that has come to power.

This is nuts foreign policy.

Second, I would stress that from time to time whenever Congress has disagreed with the Executive we have had an argument that you cannot have 435 Secretaries of State. What we are doing here is having 2 more Secretaries of State in terms of the political leaders of the 2 political major parties; and, effectively speaking, we are also introducing into foreign policy the 50 party chairmen of each State political party.

So we are ending up adding 102 new Secretaries of State to the conduct of American foreign policy.

We are creating a slush fund by which the party chairmen can certainly reward their friends but a slush fund that I think will not serve the best interests of the U.S. Government.

I would urge support for the Brown amendment and in so doing recognize that some of the notations of the gentleman from Iowa (Mr. SMITH), have a good deal of merit. So I think this debate ought to make clear what we have in mind with regard to the dollars that are set forth.

I yield back the balance of my time.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, the point is, regardless of the amount, the point that I am trying to make is that the instruction instructs us to agree to include money in a bill for a program that is not yet authorized.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I will yield for purposes of debate only.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I was not going to comment on this, but there were so many strawmen thrown up here on this record that I just cannot in good conscience let the record stand that way. I think it is unfair to criticize the two political parties who reach an agreement on this matter with the administration and with a lot of other leadership in this country to do something to help us in the fight for democracy, by assuming and alleging that they are incompetent, that they will in some way do something that will be destructive of our country and our foreign policy. I just do not comprehend that kind of logic.

Let me say for those who have any doubt about the subject, however, about oversight, that in order to get

the political agreement with the administration, the parties and the Congress on this matter, it became necessary to do a lot of things with respect to the safeguard question of the political parties, or anybody, for that matter, going out and doing something, one, that was stupid, unconscionable, against the country, contrary to our foreign policy or something that would be shameful to the U.S. Congress. And those safeguards are, first, they have to come back to the Congress to get the money; second, they are subject to the audit of the General Accounting Office, plus their internal audits; third, they have to reach agreement with the USIA, which is a governmental agency from which the money comes and has the original oversight responsibilities; fourth, there will be a board of prominent American citizens, bipartisan, who will have oversight over the operation of the endowment and the way the money is spent by the political parties.

Now you can take your position if you want to on whatever reasons you want to but not because, in my judgment, you want to use that as an excuse that the political parties are going to do something that is dangerous to the country, to the United States.

They have come together in order to help us with the tremendous job that must be done in trying to promote democracy around the world, and we need every level of our society to be involved; the Chamber of Commerce, businessmen, the private sector, labor unions, the professional people, academicians, and, yes, we need the political parties, too, to follow the lead that other countries have long since taken and we are so far behind.

Mr. KEMP. Mr. Speaker, will the gentleman from Colorado yield to me?

Mr. LEVITAS. Mr. Speaker, will the gentleman yield to me?

Mr. BROWN of Colorado. Mr. Speaker, I yield to the gentleman from Georgia for purposes of debate only.

Mr. LEVITAS. I thank the gentleman, my colleague from Colorado, for yielding.

Mr. Speaker, I would like to say to my friend from Colorado that he knows I supported his position when the House voted on this matter some time ago for the reasons basically that the gentleman has outlined. However, I want to explain to the gentleman why I intend to vote against the motion to instruct and explain why I would think others should, as well.

There are occasions when a motion to instruct is absolutely essential if the position of the House is going to have any opportunity to prevail, but it is not true in this instance because the particular provision that is involved is one which, if adopted, if the House were to recede from its position and adopt the Senate's position because the authorization has not yet passed and the matter is then in disagreement between the House and the Senate as far as our original positions, it will come back to the House and we will have a vote, a separate vote on the issue itself, if the gentleman presses the point.

It seems to me that under these procedural circumstances, rather than instruct conferees, which they would possibly ignore under the circumstances anyhow, I think the gentleman has made his point and I just want to explain that even though I support his ultimate position and will vote that way when the conference comes back, I will not support a motion to instruct conferees in this instance.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman for his remarks, and I appreciate the position he has taken. It would be very difficult for us to withhold agreement on that entire authorization based solely on one point being in dispute. My view is that it is a very appropriate and essential move because we do not want to be forced into a position of defeating that conference report. This allows it to address this issue directly and succinctly in itself.

Mr. Speaker, I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I appreciate the gentleman yielding to me.

Mr. Speaker, I reluctantly find myself in strong opposition to the position of my friend from Colorado (Mr. BROWN). I want to say to my colleague on the other side of the aisle, the gentleman from Florida (Mr. FASCELL), how much I appreciated his comments. I agree with those comments. I think it is a mistake in this way to strike at the heart of congressional funding for democratic institutions.

As the gentleman from Florida (Mr. FASCELL) pointed out, the two-party system, developing strong parties, is part and parcel of the process of developing democratic institutions.

□ 1320

I am a strong supporter of Project Democracy. I do not think it is perfect. I think it is far from perfect. We are just beginning to exert ourselves on this basis. It is something we should have been doing for a long time, I think, in this country. I am disappointed that we are standing up here and engaging in some of the flagellation of ourselves and our parties alluded to by the gentleman from Florida.

Winston Churchill said, "Democracy is the worst form of government, except for the alternative." He recognized that it is flawed and that the political parties are flawed, labor unions are flawed. But there is money in this effort to help develop those institutions which are critical to making democracy survive.

Having just come from Central America with the bipartisan Commission on Central America, I was struck by the fact that we spent as much time on that trip trying to meet with party leaders. They were begging for information about how the American system works, begging for information about Republican and Democratic parties in the United States, begging for information about how you make political parties attractive and what you do to establish these institutions.

I am just disappointed that there has been such an attack on the fundamental thesis behind Project Democracy. As the gentleman from Florida pointed out, the Congress, the GAO, the USIA and the Board of distinguished Americans who will help oversee this project, give us a measure of auditing and control, but fundamentally there are going to be some mistakes made. There are a lot of mistakes made in any two-party system.

I think it is a mistake for us to whip ourselves in this regard. I know the gentleman's motion is going to carry, I know it is going to carry overwhelmingly, but I just felt like the gentleman from Florida, somebody ought to stand up here and say, this country has to do a lot more to expand its concept of democracy and help build those institutions around the world, because if we do not what do we stand for? That is what I think this foreign policy effort is all about. And I just wanted to say publicly the gentleman from Iowa and the gentleman from Florida are exactly right. They are not going to win the vote, but I think that history will bear it out.

I thank the gentleman for his kindness in yielding to me.

Mr. BROWN of Colorado. Mr. Speaker, I must concur with the comments of the gentleman from New York about democracy. I could not agree more.

I might point out that this instruction is not designed to preclude the activities of the State Department in advancing democracy. As a matter of fact, this instruction does not preclude the activities of Project Democracy, although I must tell the Members I wish it would, because I think it is ill founded and will not serve its purpose.

The instruction permits funding of everything that this House voted for in the authorization with regard to Project Democracy. It does not require it, but it permits it.

What the instruction does do that is different is to preclude the money going to the political parties. Let us make no secret about it, the political parties under the terms of the act, are not subject to the Freedom of Information Act. In other words, they are going to be spending public money

without the essential safeguards, or some of them, that this Congress has required on other spending programs.

Concern about democracy, is not the issue.

Project Democracy, by itself it not the issue.

The issue is whether you are going to take Federal money and give it to the political parties without requiring them to come under the Freedom of Information Act.

Mr. HARKIN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. I thank the gentleman for yielding.

Mr. Speaker, I want to explore with the gentleman from Colorado a little more of what the gentleman from Georgia (Mr. LEVITAS) was talking about a few moments ago, having nothing to do with the merits or demerits of the case the gentleman is making.

But I only want to explore with the gentleman what the force and effect of a motion to instruct is.

Now, the gentleman from Georgia argued that the proper way to address this, since the House had an overwhelming vote earlier in support of the gentleman's position, and I might add, I supported that position, by the way. The House has spoken quite clearly on this issue.

The argument of the gentleman from Georgia was when the conference report comes back that if the House conferees did not abide by the wishes of the House, then we could vote to send the conference report back.

The gentleman from Colorado rather demurred on that and said, why defeat the entire conference report when we could take this action to instruct the conferees.

My question to the gentleman from Colorado is this: If in fact we adopt the motion to instruct and the conferees come back, having given in totally to the Senate position, what other measure does the gentleman from Colorado have? What force and effect does a motion to instruct have in this House? Can the gentleman tell me?

Mr. BROWN of Colorado. The whole purpose here is to make the House position clear. The gentleman from Georgia raised the issue with regard to the authorization. Here we are dealing with the appropriation. Making the House position clear on the appropriation aspect of this will be a major help with regard to resolving those issues quickly in conference.

Mr. HARKIN. If the gentleman will yield further, the reason I raise that point, I have since a couple of years ago when a conference report came back under a motion to instruct and the conference report did not follow the lines of the instruction and I sought some information from the Parliamentarian as to whether or not a point of order would lie, and I found that it would not, and that the only resolution would be to defeat the conference report, it became crystal clear to this Member at that time that a motion to instruct is nothing. It means absolutely nothing. The conferees can do whatever they want. And it is simply an exercise in futility.

The House has spoken on this. We had an overwhelming vote. There is only one way to make the conferees do what the House wants and that is if they comeback from conference, not having followed the will of the House, to defeat the conference report. There is nothing else that a motion to instruct does. It has no force and effect whatsoever.

Mr. BROWN of Colorado. I thank the gentleman for his comments.

Obviously my hope is to preclude that sort of unfortunate circumstance by reinforcing our position and making it as clear as possible in advance.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Two points I would like to make. I would like to subscribe to the remarks made by the gentleman from Florida (Mr. FASCELL). It seems to me that these are going to be funds that will be dispensed by the USIA on a sort of a grant application basis. It is not going to be given freelance to each party to spend as it chooses. It is going to be done something in the fashion that you get grants approved by the NIH.

But, more importantly, I think the parties are not too bad with their missionary work. And as governments, getting into the project of selling of democracy, we have been rather awkward. It seems to me that every time we put our hand in that particular argument, hackles rise and people are suspect of our motives.

But the parties are dedicated to missionary work. And this is a tough assignment, competing with our friends across the sea.

One final comment, in any event, since the matter is not authorized, this particular thing is going to have to come back as a separate special vote in disagreement coming out of the conference we hope to hold this afternoon.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. BROWN) to the motion offered by the gentleman from Illinois (Mr. O'BRIEN).

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BROWN of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 103, not voting 96, as follows:

[Roll No. 432]

YEAS—234

Albosta	Gore	Ottinger
Anderson	Gradison	Oxley
Andrews (TX)	Gramm	Packard
Anthony	Green	Panetta
Archer	Hall (OH)	Patman
AuCoin	Hall, Ralph	Patterson
Badham	Hall, Sam	Pease
Barnard	Hamilton	Pursell
Bartlett	Hammerschmidt	Rangel
Bateman	Hance	Ratchford
Bedell	Hansen (ID)	Ray
Bennett	Hansen (UT)	Regula
Bereuter	Harrison	Reid
Bevill	Hartnett	Richardson
Bliley	Hefner	Ridge
Boehlert	Hertel	Roberts
Boner	Hightower	Robinson
Bonker	Hiler	Roemer
Borski	Hillis	Rostenkowski
Boucher	Holt	Roukema
Breaux	Hopkins	Rowland
Brooks	Huckaby	Rudd
Brown (CO)	Hunter	Russo
Broyhill	Hyde	Savage
Bryant	Jacobs	Schroeder
Burton (IN)	Jenkins	Schulze
Campbell	Jones (OK)	Seiberling
Carney	Jones (TN)	Sharp
Carper	Kasich	Shumway
Chandler	Kazen	Shuster
Chappie	Kennelly	Sikorski
Cheney	Kildee	Sisisky
Coats	Kindness	Skeen
Coleman (TX)	Kogovsek	Skelton
Conable	LaFalce	Slattery
Cooper	Leach	Smith (NE)
Courter	Leath	Smith, Robert
Craig	Lehman (FL)	Snyder
Crockett	Lent	Solomon
D'Amours	Lewis (CA)	Spence
Daniel	Lloyd	Spratt
Dannemeyer	Loeffler	Staggers
Daschle	Lott	Stangeland
Daub	Lujan	Stark
Dellums	Luken	Stenholm
Derrick	Lundine	Stokes
DeWine	Lungren	Stratton
Dickinson	Mack	Stump
Dingell	Madigan	Sundquist
Dorgan	Marriott	Swift
Dowdy	Martin (IL)	Synar
Dreier	Martin (NC)	Tallon
Duncan	Martin (NY)	Tauzin
Durbin	Mazzoli	Taylor
Dyson	McCain	Thomas (GA)
Eckart	McCloskey	Torricelli
Edgar	McCollum	Valentine
Edwards (AL)	McCurdy	Vandergriff
Edwards (CA)	McEwen	Vento
Edwards (OK)	McGrath	Volkmer
Emerson	McHugh	Walker
English	McNulty	Watkins
Erdreich	Mikulski	Weber
Evans (IA)	Miller (OH)	Weiss
Evans (IL)	Minish	Wheat
Feighan	Molinari	Whitley
Fiedler	Montgomery	Whittaker
Fish	Moore	Whitten
Flippo	Moorhead	Winn
Florio	Mrazek	Wirth
Foglietta	Murtha	Wise
Franklin	Nelson	Wolpe
Frenzel	Nichols	Wortley
Frost	Nielson	Wright
Fuqua	Nowak	Wyden
Gekas	Oberstar	Young (AK)
Gephardt	Olin	Young (MO)
Glickman	Ortiz	Zschau

NAYS—103

Ackerman	Hawkins	Perkins
Akaka	Horton	Petri
Alexander	Howard	Price
Annunzio	Hoyer	Pritchard
Aspin	Hughes	Quillen
Barnes	Hutto	Rahall
Beilenson	Ireland	Rinaldo
Berman	Johnson	Ritter
Boggs	Jones (NC)	Rodino
Boland	Kastenmeier	Roe
Britt	Kemp	Rogers
Broomfield	Kolter	Roth
Brown (CA)	Kostmayer	Sabo
Carr	Lagomarsino	Sawyer
Chappell	Levin	Scheuer
Clinger	Levine	Schneider
Coelho	Levitas	Schumer
Coleman (MO)	Lipinski	Shannon
Conte	Livingston	Siljander
Conyers	Long (MD)	Smith (IA)
Coyne	Martinez	Smith (NJ)
Dixon	Matsui	St Germain
Downey	Mavroules	Torres
Dwyer	McDade	Traxler
Dymally	Mica	Udall
Early	Michel	Vander Jagt
Fascell	Mollohan	Williams (MT)
Fazio	Moody	Wilson
Foley	Morrison (WA)	Wolf
Frank	Myers	Wylie
Gaydos	Natcher	Yates
Gejdenson	Neal	Yatron
Gonzalez	O'Brien	Zablocki
Gunderson	Obey	
Harkin	Penny	

NOT VOTING—96

Addabbo	Gilman	Morrison (CT)
Andrews (NC)	Gingrich	Murphy
Applegate	Goodling	Oakar
Bates	Gray	Owens
Bethune	Gregg	Parris
Biaggi	Guarini	Pashayan
Bilirakis	Hall (IN)	Paul
Bonior	Hatcher	Pepper
Bosco	Hayes	Pickle
Boxer	Heftel	Porter
Burton (CA)	Hubbard	Rose
Byron	Jeffords	Roybal
Clarke	Kaptur	Schaefer
Clay	Kramer	Sensenbrenner
Collins	Lantos	Shaw
Corcoran	Latta	Shelby
Coughlin	Lehman (CA)	Simon
Crane, Daniel	Leland	Smith (FL)
Crane, Philip	Lewis (FL)	Smith, Denny
Davis	Long (LA)	Snowe
de la Garza	Lowery (CA)	Solarz
Dicks	Lowry (WA)	Studds
Donnelly	MacKay	Tauke
Erlenborn	Markey	Thomas (CA)
Ferraro	Marlenee	Towns
Fields	McCandless	Vucanovich
Ford (MI)	McKernan	Walgren
Ford (TN)	McKinney	Waxman
Forsythe	Miller (CA)	Weaver
Fowler	Mineta	Whitehurst
Garcia	Mitchell	Williams (OH)
Gibbons	Moakley	Young (FL)

□ 1340

The Clerk announced the following pair:

On this vote:

Mr. Leland for, with Mr. Moakley against.

Messrs. LIPINSKI, LIVINGSTON, and PRITCHARD, changed their votes from "yea" to "nay."

Mr. REID and Mr. STARK changed their votes from "nay" to "yea."

So the amendment to the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ROE). The question is on the motion to instruct offered by the gentleman from Illinois (Mr. O'BRIEN), as amended.

The motion to instruct, as amended, was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. SMITH of Iowa, ALEXANDER, EARLY, DWYER of New Jersey, MRAZEK, CARR, WHITTEN, O'BRIEN, MILLER of Ohio, PORTER, and CONTE.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON TUESDAY, NOVEMBER 1, 1983, DURING 5-MINUTE RULE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation may have permission to sit while the House is under the 5-minute rule on Tuesday, November 1, 1983.

Mr. Speaker, this has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1350

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MINISH). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded voted or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, November 1, 1983.

WATER RESOURCES RESEARCH ACT OF 1983

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2911) to authorize an ongoing program of water resources research, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. This Act may be cited as the "Water Resources Research Act of 1983".

SEC. 102. The Congress finds and declares that—

(1) the existence of an adequate supply of water of good quality for the production of materials and energy for the Nation's needs and for the efficient use of the Nation's energy and water resources is essential to national economic stability and growth, and to the well-being of the people;

(2) the management of water resources is closely related to maintaining environmental quality and social well-being.

(3) there is an increasing threat of impairment to the quantity and quality of surface and groundwater resources;

(4) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at the Federal, State, and local governmental levels;

(5) there should be a continuing national investment in water and related research and technology commensurate with growing national needs;

(6) it is necessary to provide for the research and development of technology for the conversion of saline and other impaired waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial uses; and

(7) the Nation must provide programs to strengthen research and associated graduate education because the pool of scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished.

SEC. 103. It is the purpose of this Act to assist the Nation and the States in augmenting their water resources science and technology as a way to—

(1) assure supplies of water sufficient in quantity and quality to meet the Nation's expanding needs for the production of food, materials, and energy;

(2) discover practical solutions to the Nation's water and water resources related problems, particularly those problems related to impaired water quality;

(3) assure the protection and enhancement of environmental and social values in connection with water resources management and utilization.

(4) promote the interest of State and local governments as well as private industry in research and the development of technology that will reclaim waste water and to convert saline and other impaired waters to waters suitable for municipal, industrial, agricultural, recreational, and other beneficial uses;

(5) coordinate more effectively the Nation's water resources research program; and

(6) promote the development of a cadre of trained research scientists, engineers, and technicians for future water resources problems.

SEC. 104. (a) Subject to the approval of the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") under this section, one water resources research and technology institute, center, or equivalent agency (hereafter in this Act referred to as the "institute") may be established in each State (as used in this Act, the term "State" includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands and the Trust Territory of the Pacific Islands) at a college or university which was established in accordance with the Act approved July 2, 1862 (12 Stat. 503; 7 U.S.C. 301ff), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit

of agriculture and the mechanic arts" or at some other institution designated by act of the legislature of the State concerned. If there is more than one such college or university in a State established in accordance with such Act of July 2, 1862, the institute in such State shall, in the absence of a designation to the contrary by act of the legislature of the State, be established at the one such college or university designated by the Governor of the State. Two or more States may cooperate in the establishment of a single institute or regional institute, in which event the sums otherwise allocated to institutes in each of the cooperating States shall be paid to such single or regional institute.

(b) Each institute shall—

(1) plan, conduct, or otherwise arrange for competent research with respect to water resources, including investigations and experiments of either a basic or practical nature, or both; promote the dissemination and application of the results of these efforts; and provide for the training of scientists and engineers through such research, investigations, and experiments, and

(2) cooperate closely with other colleges and universities in the State that have demonstrated capabilities for research, information dissemination, and graduate training in order to develop a statewide program designed to resolve State and regional water and related land problems.

Each institute shall also cooperate closely with other institutes and other organizations in the region to increase the effectiveness of the institutes and for the purpose of regional coordination.

(c) From the sums appropriated pursuant to subsection (f) of this section, the Secretary shall make grants to each institute to be matched on a basis of no less than one non-Federal dollar for every Federal dollar during the fiscal years ending September 30, 1985, and September 30, 1986, one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1987, and September 30, 1988, and two non-Federal dollars for each Federal dollar during the fiscal year ending September 30, 1989.

(d) Prior to and as a condition of the receipt each fiscal year of funds appropriated under subsection (f) of this section, each institute shall submit to the Secretary for his approval a water research program that includes assurances, satisfactory to the Secretary, that such program was developed in close consultation and collaboration with the director of that State's department of water resources or similar agency, other leading water resources officials within the State, and interested members of the public. The program described in the preceding sentence shall include plans to promote research, training, information dissemination, and other activities meeting the needs of the State and Nation, and shall encourage regional cooperation among institutes in research into areas of water management, development, and conservation that have a regional or national character.

(e)(1) The Secretary shall establish procedures for a careful and detailed evaluation of each institute to determine that the quality and relevance of its water resources research and its effectiveness as an institution for planning, conducting and arranging for research warrants its continued support under this section in the national interest. The evaluation of each institute shall be made by a team of knowledgeable individuals including employees of the Department of the Interior, university faculty or administrators, water research institute directors from other institutes, State or local water resource agency personnel, and private citizens selected for this purpose. The Secretary may also secure the cooperation of the National Research Council/National Academy of Science. The evaluation team shall visit the institute and shall assess the scientific quality of its research program, the potential effectiveness of its research in meeting water resource needs, and the demonstrated performance in making research results available to users in the State and elsewhere. Criteria for making the determination that an institute is an effective instrument for water resources research shall include the following: accreditation in sufficient disciplines to successfully mount a multidisciplinary research program; sufficient resources, including laboratory, library, computer, and support facilities; a sufficiently close administrative relation and physical proximity to the university and to all the parts of it needed to provide an effective working relationship with researchers in a wide range of disciplines; and institutional commitment to the support and continuation of an effective water research program.

(2) The Secretary shall arrange for each of the institutes supported under this section to be evaluated under this subsection within two years after its establishment and to be reevaluated at intervals not to exceed four years. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualification is reestablished to the satisfaction of the Secretary.

(f) There is authorized to be appropriated to the Secretary for the purpose of carrying out this section $10,000,000 for each of the fiscal years ending September 30, 1985, through September 30, 1989.

SEC. 105. (a)(1) In addition to the grants authorized by section 4 of this Act, the Secretary may make grants, on a dollar-for-dollar matching basis, to the institutes established under such section, as well as other qualified educational institutions, private foundations, private firms, individuals, and agencies of local or State government, for research concerning any aspect of a water resource-related problem which the Secretary may deem to be in the national interest. Such grants shall be made with such advice and review by peer or other expert groups of appropriate interdisciplinary composition as the Secretary deems appropriate on the basis of the merits of the project and the need for the knowledge such project is expected to produce upon completion.

(2) Research funded under this section should to the extent possible utilize the best qualified graduate students so the Nation profits from the education and training benefits resulting from the use of the latest in technological developments in solving water problems.

(3) In cases where the Secretary determines, in accordance with criteria established by him, that research under this section is of a basic nature which would not otherwise be undertaken, the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1) of this subsection.

(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the importance of the project to the Nation as well as to the region and State concerned, its relation to other research projects previously or currently being pursued, and the extent to which it will provide an opportunity for the training of water resources scientists.

(c) There is authorized to be appropriated to the Secretary $40,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1985, through September 30, 1989.

SEC. 106. (a)(1) The Secretary shall make grants or contracts in addition to those authorized under sections 4 and 5 to private firms, private foundations, individuals, and agencies of local or State governments for technology development concerning any aspect of water-related technology which the Secretary may deem to be of State, regional, and national importance, including technology associated with improvement of waters of impaired quality and the operation of test facilities. Such grants shall be made on the basis of the merit and feasibility of the project based on expert evaluation as deemed appropriate by the Secretary, taking care to protect proprietary information of private firms or individuals associated with the technology.

(2) The Secretary may establish any condition for the matching of funds by the recipient of any grant under this section which the Secretary considers to be in the best interest of the Nation considering the technology needs for water resources in the Nation.

(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the qualifications of the personnel who will direct and conduct it, the facilities of the organization performing the technology development, the importance of the project to the Nation, region, and State concerned, and the potential benefit to be accrued from the development.

(c) There is authorized to be appropriated to the Secretary $10,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1985, through September 30, 1989.

SEC. 107. From the sums appropriated pursuant to this Act, not more than 15 per centum shall be utilized for administrative costs.

SEC. 108. The type of research and development to be undertaken under the authority of sections 5 and 6 of this Act and to be encouraged by the institutes established under section 4 of this Act shall include the following:

(1) Aspects of the hydrologic cycle.

(2) Supply and demand for water.

(3) Demineralization of saline and other impaired waters.

(4) Conservation and best use of available supplies of water and methods of increasing such supplies.

(5) Water reuse.

(6) Depletion and degradation of groundwater supplies.

(7) Improvements in the productivity of water when used for agricultural, municipal, and commercial purposes.

(8) The economic, legal, engineering, social, recreational, biological, geographic, ecological, and other aspects of water problems.

(9) Scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and

engineering research on water resources problems.

(10) Providing means for improved communication of research results, having due regard for the varying conditions and needs for the respective States and regions.

SEC. 109. Notwithstanding any other provision of law, the Secretary shall be governed by the provisions of sections 9 (except subsections (l) and (n)) and 10 of the Federal Nonnuclear Energy, Research, and Development Act of 1974 (Public Law 93-577; 88 Stat. 1887, 1891; 42 U.S.C. 5908-5909) with respect to patent policy and to the definition of title to and licensing of inventions made or conceived in the course of work performed, or under any contract or grant made, pursuant to this Act. Subject to such patent policy, all research or development contracted for, sponsored, cosponsored, or authorized under authority of this Act shall be provided in such manner that all information, data, and know-how, regardless of their nature or mediums, resulting from such research and development shall (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be usefully available for practice by the general public.

SEC. 110. (a) Public Law 95-467 is repealed.

(b) Rules and regulations issued prior to the date of enactment of this Act under the authority of Public Law 95-467 shall remain in full force and effect under this Act until superseded by new rules and regulations promulgated under this Act.

SEC. 111. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

TITLE II

SEC. 201. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall convey, not later than January 24, 1984, and without consideration, all right, title, and interest of the United States in the real property description in subsection (b) of the Town of Wrightsville Beach, North Carolina.

(2) The conveyance of real property described in subsection (b)(1), which constitutes the Wrightsville Beach Test Facility, to such town shall be made by the Secretary on the condition that, during the period beginning on the date of such conveyance and ending on January 24, 1988, such Facility is—

(A) maintained in a working order which is comparable to the condition of such Facility on the date of such conveyance, and

(B) operated and maintained primarily for desalinization of other related research.

(b) The real property referred to in subsection (a) is real property located in the town of Wrightsville Beach, North Carolina, as follows:

(1) Real property which constitutes the Wrightsville Beach Test Facility and may be described as beginning at a point in the old northern line of United States Highway 76, said point located north 51 degrees 05 minutes west 530.00 feet as measured with said line from the southeast corner of tract numbered 1 as shown by "Map Showing Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry; running thence from said beginning north 38 degrees 55 minutes east 660.00 feet to a point; thence north 51 degrees 05 minutes west 129.80 feet to a point; thence north 38 degrees 56 minutes 30 seconds east 157.89 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 101.40 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of United States Highway 74; thence with said southern line south 77 degrees 53 minutes west 563.57 feet to a point; thence south 38 degrees 55 minutes west 554.52 feet to a point in the old northern line of United States Highway 76; thence with said old northern line south 51 degrees 05 minutes east 538.47 feet to the point of beginning, containing 9.57 acres.

(2)(A) Real Property which is adjacent to such Facility and may be described as beginning at a point in the old northern right of way line of United States Highway 76 (Wrightsville Causeway) at the southeastern corner of tract numbered 1 as shown by "Map Showing Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry; said southeast corner north 51 degrees 05 minutes west 862.6 feet as measured with said northern line from its intersection with the extension of the western line of Island Drive, Shore Acres; running thence from said beginning south 38 degrees 55 minutes west 150.00 feet to a point in the new northern right of way line of United States Highway 76; thence with said line north 51 degrees 05 minutes west 530.00 feet to a point; thence north 38 degrees 55 minutes east 150.00 feet to a point in said old northern right of way line; thence continuing north 38 degrees 55 minutes east 660.00 feet to a point; thence continuing north 38 degrees 55 minutes east 140.11 feet to a point; thence north 12 degrees 27 minutes 30 seconds west 108.44 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 34.31 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of United States Highway 74; thence north 77 degrees 53 minutes east 240.00 feet to the northernmost corner of said tract numbered 1, map book 7, page 40; thence with the eastern lines of said tract numbered 1 south 12 degrees 07 minutes east 723.8 feet to its easternmost corner; thence continuing with said eastern line south 38 degrees 55 minutes west 723.8 feet to the point of beginning, containing 14.079 acres.

(B) Beginning at a point in the old northern right of way of United States Highway 76 (Causeway Drive) and the southern line of tract numbered 1 as shown by map, "Property of State of North Carolina" recorded in map book 7, page 40, New Hanover County Registry, said point located north 51 degrees 05 minutes west 1068.47 feet as with said line from the southeastern corner of said tract numbered 1; running thence from said beginning with said line north 51 degrees 05 minutes west 322.62 feet to a point in the new right of way of United States Highway 76; thence with said new right of way north 19 degrees 27 minutes 15 seconds west 32.01 feet to an iron rod; thence continuing with said new right of way north 33 degrees 42 minutes 15 seconds east 94.98 feet to an iron rod in the southern right of way of United States Highway 74; thence with said southern line north 77 degrees 53 minutes east 570.17 feet to an iron pipe; thence south 38 degrees 55 minutes west 554.55 feet to the point of beginning, containing 2.72 acres and being the western portion of said tract numbered 1 recorded in map book 7, page 40.

SEC. 202. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall convey, not later than December 31, 1983, and without consideration, all right, title, and interest of the United States in the real property described in subsection (b), which constitutes the Roswell Test Facility, to the city of Roswell, New Mexico.

(2) Such conveyance shall be made on the condition that, during the period beginning on the date of such conveyance and ending on December 31, 1987, such facility is—

(A) maintained in a working order which is comparable to the condition of such facility on the date of such conveyance, and

(B) operated and maintained primarily for desalinization or other related research.

(b) The real property referred to in subsection (a) shall consist of so much of the real property located in the county of Chaves, New Mexico, as constitutes the Roswell Test Facility. Such real property shall consist of—

(1) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated April 13, 1961, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 205, page 406, and more fully describing such lands as being—

A tract of land lying and being situated in the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as: beginning at a point on the west line of said section 32 which bears north 3 degrees 58 minutes east at 137 feet distant from the southwest corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 455 feet; thence north 78 degrees 03 minutes east, a distance of 531.9 feet; thence south 25 degrees 00 minutes east, a distance of 450.1 feet; thence southwesterly along a curve to the right, the arc which bears south 77 degrees 43 minutes west, a distance of 760.4 feet to the point of beginning, containing 6.94304 acres, and

(2) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated June 18, 1968, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 250, page 390, and more fully describing such lands as being—

A tract of land lying and being situated in the west half of the west half of the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as follows: Beginning at a point on the west line of said section 32 which bears north 3 degrees 57 minutes east 592 feet distant from the southeast corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 911.5 feet; thence south 39 degrees 33 minutes east, a distance of 179.00 feet; thence south 27 degrees 35 minutes east, a distance of 1,193.00 feet; thence southwesterly along the north highway right-of-way line on a curve to the right of 5,655 feet radius through an included angle of 0 degrees 13 minutes, a distance of 21.31 feet; thence north 25 degrees 00 minutes west, a distance of 444.26 feet; thence south 78 degrees 03 minutes west, a distance of 531.9 feet to the point of beginning containing 5,795 acres, more or less. Note: The east boundary of this tract of land lies 50 feet west of the center line of the Hagerman canal, together with water rights appurtenant thereto.

SEC. 203. Each conveyance issued by the Secretary of the Interior pursuant to the provisions of this Act shall contain a clause providing that the title to the lands and facilities conveyed shall revert to the United States should such lands or facilities be used for other than a public purpose during a period of fifteen years from the date of conveyance.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes and the gentleman from Wyoming (Mr. CHENEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1964, Congress initiated a program to stimulate research and train scientists in the field of water resources.

The Water Resources Research Act of 1964 authorized the establishment of a water resources research institute in each of the 50 States and Puerto Rico at an established land-grant college or, absence of such a college, at a college or university designated by the State. The act also authorized a program of matching grants to be used by the State institutes for specific research programs. The grants were to be matched by the States on a dollar-for-dollar basis.

A separate grant program was authorized to assist the research efforts of private foundations, firms, individuals, and other institutions.

Although the research program was authorized through amendatory legislation only through fiscal year 1982, funding was provided for the State institute program through fiscal 1983.

H.R. 2911 would authorize the establishment of a water resources research and technology institute in each State at a land-grant college or at some other educational institution designated by the State. The Secretary of the Interior must approve the program before the State institute can receive its Federal allocation. The Federal grant must be matched by non-Federal sources on a 2-to-1 basis by fiscal year 1989. The Secretary would also establish procedures for evaluating each State institute and its research program on a regular basis. The bill would authorize $10 million annually, beginning in fiscal year 1985 and ending in fiscal year 1989 for the State institutes.

The Secretary would also be authorized to make grants on a dollar-for-dollar basis to the State institutes, other qualified educational institutions, private foundations, private firms, individuals, and State and local agencies for research concerning any aspect of a water-resource-related problem which the Secretary deems to be in the national interest. The Secretary can modify the matching requirement under special circumstances. The bill would authorize $40 million annually, beginning in fiscal year 1985 and ending in fiscal year 1989, for this grant program.

A grant program directed at technology development would also be authorized by this legislation. Private firms, private foundations, individuals, and State and local agencies would be eligible to receive grants for projects approved by the Secretary concerning any aspect of water-related technology which the Secretary deems is of State, regional, and national importance. These grants could be used to operate saline water or waste water reclamation test facilities. The bill authorizes $10 million annually, beginning in fiscal year 1985 and ending in fiscal year 1989, for this grant program. Matching requirements would be at the Secretary's direction.

The bill also requires that information, data, and know-how developed from these programs be made available to the general public.

H.R. 2911 would repeal the Water Research and Development Act of 1978, but allow the rules and regulations from that law to remain in effect until new rules and regulations are promulgated under the new law.

The committee approved an amendment to H.R. 2911, designated as title II, which would direct the Secretary of the Interior to convey to the city of Roswell, N. Mex., and to the town of Wrightsville Beach, N.C., certain desalinization test facilities. These facilities were constructed by the Department on lands donated to it during the early 1960's. The Federal Government no longer operates the facilities. The reconveyance would be conditioned by a requirement that the municipalities operate them as test facilities for a period of at least 4 years and use the land and other facilities only for public purposes during a 15-year period following the reconveyance. The Government would be relieved of its present obligation to maintain these facilities.

Mr. Speaker, the programs authorized by H.R. 2911, as amended, are not just Federal grant programs. They are cooperational programs providing for contributions from the Federal Government, State governments, the academic community, and private research organizations.

It has been said that our next crisis will be a water crisis—far more serious, perhaps, than any energy crisis. Enactment of H.R. 2911 will help us to mitigate the effect of any such crisis through the development of new technology for the conservation and best use of available supplies.

Mr. CHENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 2911.

The chairman of the subcommittee, the gentleman from Texas (Mr. KAZEN), has done an excellent job of explaining the substance of the bill, and I will not duplicate his efforts here today. Let me simply say that those of us from dry, arid States such as Wyoming and the other Rocky Mountain States know that the future of our economies is totally dependent upon the availability of adequate supplies of water. The research that is authorized and provided for in this bill will be key to guaranteeing a secure future for all of us.

So, Mr. Speaker, I urge my colleagues today to support H.R. 2911.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CLINGER).

Mr. CLINGER. Mr. Speaker, I rise in support of H.R. 2911, the Water Resources Research Act of 1983 which reauthorizes a national program of water resources research, now in its 19th year of existence.

The pervasive character of water, its vital necessity for maintaining all forms of life, and its direct and indirect importance in practically every human endeavor makes water the key element in molding the character of our environment. The preservation and effective management of our water resources, therefore, is fundamental to the sustenance of a strong and viable national economy. The role of research in meeting these goals is well documented and understood.

The network of water resources research institutes addressed in the bill is an extremely valuable resource to the Nation in attempting to develop and manage research on critical issues and deliver results to the Nation's water management industry. Problems addressed by this network cut across State lines and demand regional and national cooperation. In this regard, the legislation provides for a unique linkage between the university research community, State and local interests and the Federal Government. This represents a true partnership in that the States will ultimately be providing a 2-to-1 ratio of non-Federal dollars. Indeed, the Pennsylvania institute currently secures approximately 2.5 research dollars from State and private sources for every Federal dollar it receives.

This program has in the past supported numerous excellent water research projects. The Pennsylvania Water Resources Institute, over the past 19 years has matured to the point where it is looked to as a leader knowledgeable in the water problems of the State and capable of mobilizing the Commonwealth's university research expertise to address these problems. This kind of program confidence and rapport with user groups does not occur overnight. It takes the continu-

ing presence of a viable organization, one committed to problem solution and one with the continuing resources to implement this commitment. From the Pennsylvania experience, using the model, a number of major programs including the land recycling of waste waters, ground water prospecting, water conservation, acid-mine-drainage control and strip mine reclamation have provided solutions which are now in the mainstream of national use. For the return, I feel that this has been a singularly cost-effective program.

In summary, H.R. 2911 provides for a Federal, State, and private-sector partnership to address important national water problems and to serve as a catalyst to promote cooperative interstate research needed to cope with these problems. Moreover, it strengthens previous legislation in that it provides an evaluation component to assure that the State institutes are meeting these stated objectives on a continuing basis.

We cannot afford to be complacent about our national water resource. I urge a vote in favor of H.R. 2911 to insure that we maintain a diligent posture in resolving national water problems before they become national water crises.

□ 1400

Mr. KAZEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ROE).

Mr. ROE. Mr. Speaker, I rise in support of the bill.

This bill will establish a water research center in each State at a land-grant university or other educational institution. It will provide for grants to the institutions by the Secretary of the Interior for water resources research. Grants are also authorized to be made to other institutions, foundations, firms, individuals, and State and local governments for similar purposes.

The efficient utilization of our Nation's water resources is essential to our continued economic growth as well as to the health and well-being of our people. Our finite water supply serves a multitude of purposes including water transportation, generation of hydroelectric power, municipal and industrial water supply, irrigation for agricultural uses, recreation, and fish and wildlife. The quality of our water as well as its quantity are of supreme importance. The quality of our surface waters has been improved by the Federal Water Pollution Control Act but much remains to be done. We have increasing evidence of contamination and depletion of our ground water resources. Many of our urban areas face critical water supply problems because of deteriorating facilities. In order for these many problems to be properly addressed, we must insure that basic research is done. H.R. 2911 will provide for that research and provide the information we need in order to make informed decisions for the future.

Mr. Speaker, I urge passage of the bill.

Mr. CHENEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Speaker, I think that some of the remarks made earlier about the importance of water issues, particularly to those of us in the West, have also found a home for those who live in the East. For so many years, we felt in the West that no one really cared who lived on the east side of the 38th rainfall belt, that the kinds of problems that we struggled with were tremendous and need a great deal of help. We had to understand what our supplies of water are, the quality, and so forth, and we had to do our own work, make our own way insofar as research, provide our own funds.

In light of that, in a facility at Roswell, N. Mex., some years ago when Stewart Udall was the Secretary of the Interior, we initiated a water research desalinization plant in that particular community. I would never forget what Stewart Udall said at that time. He said:

> The reason we are putting this facility in Roswell, N. Mex., is not because of politics. We are putting it in this place because it's got the worst water of any place in the world.

Of course, the local people took strong exception to that. We thought we were just about medium. We had been drinking it for years.

But this bill, I think, strikes to the very heart at solving water problems, not only in the West, but also in the East, because eastern folks are also coming to know that they have a water problem. They have a quality problem.

I want to stand here and strongly support this bill and commend not only the chairman and the ranking member for the presentation here today, but for the gentleman from Arizona (Mr. MCNULTY), whose bill became the carrier for this conveyance for the Roswell facility and the Wrightsville Beach facility in North Carolina. These communities are willing to take these research projects on, now that the Department of the Interior finds that they no longer have any use for them and they are willing as private entities or so-called local entities to take this work on.

I also support the provision that the grant should be made to water research institutions throughout the United States. In New Mexico, we have had a water research institute at New Mexico State University in Las Cruces for many years. We have benefited tremendously.

We think, too, that the Federal Government has a small part in grants made to these kinds of institutions, because it is an incentive plan for those States to take on the process of handling their water problems, whatever they should be, instead of trying to develop a water policy that is nationwide and would not work because of the unique situations we find throughout the country in dealing with water problems; so I strongly urge support for this bill. I think it is timely. I think it has its place and I think it is well handled.

Now, there is some objection to the amount of money mentioned in the bill and I think the gentleman from Arizona (Mr. MCNULTY) will speak directly to that.

I just want to say that as far as the money is concerned, I think that we can work this out of conference and it is particularly amenable to that kind of solution.

I want to thank the gentleman for the initiation of this bill and the kind of work that has gone into it and the importance of this particular topic.

Mr. KAZEN. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. VALENTINE).

Mr. VALENTINE. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the bill before us today, H.R. 2911, which authorizes ongoing water-research projects. I would like to commend my distinguished colleague from Arizona (Mr. MCNULTY) for his wisdom, vision, and efforts on behalf of this legislation. I also commend the gentleman from Texas (Mr. KAZEN) and others for their leadership.

Obviously, this legislation addresses a wide range of issues relating to our water-research needs. I support this bill and I would like to share with you a brief history of some of the water-research projects undertaken by the Water Resources Research Institute in North Carolina, which institute would be assisted by this bill.

The University of North Carolina Water Resources Research Institute was established in 1964 to meet North Carolina's water-research needs. A unit of the university system, the institute is located on the campus of North Carolina State University.

The mission of the institute is threefold: To identify the State's ever-changing research needs, to motivate and support research by qualified scientists, and to provide technology transfer. Findings from the research funded by the institute help local, State, and Federal agencies make

better decisions in managing water resources.

The institute works closely with the North Carolina Department of Natural Resources and Community Development and other agencies to formulate research plans responsive to State water-resources problems.

Federal and State support for the institute provides resources to conduct research on important water problems facing the State and Nation. Some of the issues requiring attention are the deterioration of coastal rivers, streams, and estuaries; alternatives for protecting surface water supplies from nutrients, sediments, and organic wastes; methods to control pollution from nonpoint sources such as agriculture; financing alternatives for water and sewer services and water projects; water allocation among competing users; water-use conflicts associated with the Virginia-North Carolina Tidewater areas; and impacts on water resources from energy developments such as peat mining.

The institute is currently concentrating in two areas: water resources planning and management, and environmental impact and water quality. Studies include cooperative planning efforts to find solutions to water management problems, including the need to develop adequate supplies for fast-growing areas such as the Research Triangle Park. Research is also underway on future financing for water supply and wastewater services in North Carolina.

Mr. Speaker, not only does the institute perform much of the ongoing research for the State, it also creates a link between university research scientists and private management analysts to identify the State's research needs.

Water resources research in North Carolina and in other States throughout the country has been in response to a discernible crisis and has helped reverse the course of this potential natural threat. The cost of this success has been high, in terms both of dollars expended to determine current problems and address future needs, and in terms of the decisions of Government, business, and the public with regard to economic development. The resulting water research projects have had, and will continue to have, a daily impact on the lives of every American.

While the invaluable insights gained from water-research projects in the past are laudatory, it is necessary for the Congress to reauthorize the program to protect, maintain, and enhance our water needs and quality.

Mr. Speaker, I urge Members of this body to support final passage of this most important initiative regarding our future water needs.

□ 1410

Mr. CHENEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2911. I would like to speak to title II.

Title II of H.R. 2911 was originally H.R. 2031, introduced by my colleague, Representative JOE SKEEN, together with Representative CHARLIE ROSE of North Carolina. Title II of H.R. 2911 provides for conveyance of the Federal desalting test facilities located at Wrightsville Beach, and Roswell, N. Mex., to those municipalities. These conveyances would become effective in later 1983 or early 1984. For a period of 4 years beginning on the date of the conveyances, each municipality would be required to operate and maintain the facilities primarily for desalinization and related research purposes. The Interior Committee added to the bill a requirement that if during a 15-year period from the date of conveyance the lands or facilities are used for other than a public purpose, title to the lands and facilities would revert to the United States.

Mr. Speaker, the basic reason for these transfers is that the Federal Government has completed its testing program for desalinization research at these facilities. At the close of fiscal year 1982, the Office of Water Research and Technology was closed down and the desalinization program was transferred to the Bureau of Reclamation. However, funds were not allocated for the operation of test facilities at Wrightsville Beach or Roswell. Since then, the facilities have been operated on the basis of interim agreements with the Department of the Interior. Title II deals with this situation on a permanent basis by recognizing the substantial local contribution originally made to these facilities, and returning the remaining facilities to the cities for further research and then for long-term public use. The committee is convinced this is a fair resolution of the end to a long-term cooperative Federal research effort.

The effect of title II would be to avoid a situation where, despite the needs and desires of the municipalities which have been home to these projects, and have provided significant support to them, the GSA would treat the projects as surplus property and try to sell them to the highest bidder. I believe that in this bill we have worked out a fair and prudent alternative to such a course of action.

I understand that the city of Roswell, N. Mex., has continued to operate the desalting facility and plans to work with the New Mexico State Water Institute to conduct agricultural research. This seems to me to be a very sensible way to make the best continued use out of Federal facilities the Government no longer wishes to operate.

Mr. KAZEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. MCNULTY), who is really the guiding force behind this legislation.

The committee owes him a great debt of gratitude for his interest.

Mr. MCNULTY. Mr. Speaker and Mr. KAZEN, I am most grateful to you for your kind words.

I have but two things to say, and the first is that water is not something that only Arizonans are concerned about any more. Please read, if you have an opportunity, the most recent issue of U.S. News & World Report, the headline article of which is "War Over Water, Crisis of the 80's."

What is abundantly clear is that our reckless consumption of potable water on the one hand, and our reckless allowance of polluting materials to enter into quality waters, has finally reached the point where our society either responds to that or is overwhelmed by it.

I think that the Congress, in addressing the situation with this bill today, is addressing the problem before it engulfs us and consequently can do it rationally. This is a tough bill, this is tough in terms of the contribution that must be made by local societies and tough, even more importantly, in terms of the accountability and the constructive, tough criticism that it invokes from the entire scientific community. We are calling on our best brains to deal with this subject.

The final part of what I have to say concerns the suggested authorization of $60 million.

I am satisfied that that figure will and ought to be modified in a conference committee. The companion bill from the other body suggested a sum of $21 million. I do not know what the appropriate figure is, perhaps only half of that which this bill calls for, but I have indicated my intention to move in that direction, and I shall do so.

As for the charity of those who have waited a long time here this afternoon to speak on behalf of the bill, I am enduringly grateful.

Thank you.

Mr. CHENEY. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to join my colleagues today in support of the Water Resources Research Act of

1983. As a representative of a State whose vital interests are inextricably tied to water resources, I wholeheartedly endorse this legislation. Furthermore, I would like to commend the gentleman from Texas, Mr. KAZEN, Mr. CHENEY, the two gentlemen from New Mexico who have already spoken, Mr. LUJAN and Mr. SKEEN, and very especially the gentleman from Arizona, Mr. MCNULTY, the author of the basic bill, for bringing us this important legislation.

H.R. 2911 would authorize a national water research program to be carried out by the Nation's land-grant universities. There is a critical need for such coordinated research efforts to better meet the future water and natural resource needs of this Nation.

These cooperative efforts between the Federal Government and non-Federal entities have on similar efforts in the past resulted in a better understanding of the complex issues of water conservation and development. I believe that further progress can be made under the continuing program envisioned by the pending legislation.

H.R. 2911 would establish a water research center in each State at a land grant university or other educational institution. The Secretary of the Interior is authorized to make grants to the institutes but only after a careful review of their proposed research projects. Funds will be initially matched on a 1-to-1 basis with this later changing to $1 of Federal money for every two non-Federal dollars. The Secretary is also authorized to make matching grants to other institutes, foundations, firms, individuals, and State and local governments for similar purposes.

Recently, this Member heard from the Universities Council on Water Resources in support of the legislation, and I will share a text of their supportive resolution in the RECORD.

They took that position in their 1983 annual meeting.

RESOLUTION TO SUPPORT A NATIONAL WATER RESOURCES RESEARCH PROGRAM

Whereas, the Nation faces serious water resources problems including water shortages and excesses, the impairment of water quality, issues on water rights and competing water uses; and

Whereas, these problems require a coordinated and sustained program of planning and research to solve them; and

Whereas, H.R. 2911 authorizes an ongoing program of water resources research; therefore, be it

Resolved, That The Universities Council on Water Resources endorses the need for such federal legislation and strongly recommends enactment of H.R. 2911 at the earliest practical time.

Similar support has also been expressed by key water experts and university officials in this Member's home State.

In short, I ask my colleagues to support this very worthwhile legislation, H.R. 2911.

Mr. CHENEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. EMERSON).

Mr. EMERSON. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2911 and to thank the gentleman from Arizona (Mr. MCNULTY) for his work in providing this vehicle to redress the concerns many of us have on behalf of our water resources.

During the past few years many of us have become increasingly concerned about our water resources, the lack of them, their potential uses and the need for updated, state-of-the-art research that will bear on solutions to a national problem with many regional and local nuisances.

Generally speaking, research that is done on the regional or local level is performed with a better understanding of regional and local needs and requirements and tends to focus most attention on problems of that region or locale than research that is done by an institution with the whole country in mind. Thus, encouraging research and technology centers in the respective States is an idea with merit. The recognition of the national problem is there, with the wherewithal for regions and States to address their own most acute concerns.

For example, in parts of Missouri agricultural irrigation is fast becoming a way of life and the increase in irrigation apparatuses has substantially lowered the water table in some areas. It is important that we take into account how uses of water resources are changing and how those changes can be brought into concert with other aspects of water resources utilization and management, to the furtherance of a cohesive policy on the subject that admits of diverse regional and State needs.

The availability of water is decreasing across the country. It is important that we have adequate research now to address solutions to water resource needs in the years to come.

Again, Mr. Speaker, I express my support for this legislation and urge my colleagues to vote favorably.

Mr. KAZEN. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CARPER).

Mr. CARPER. I thank the gentleman for yielding me this time.

Mr. Speaker, I would just like to commend the gentleman from Arizona and the members of the Interior Committee for developing and perfecting this legislation.

There is no question that we are facing a water crisis in this country. On the one hand, certain regions are faced with inadequate supplies of usable water. While, on the other hand, more and more of our water resource is threatened by pollution. Most disturbing, however, is our lack of knowledge about the impact of human activities on our critical surface and ground water supplies.

This bill would continue a Federal commitment to join with the States to better understand our water problem. Equally important, it would encourage water reclamation efforts and provide for the training of water specialists.

Clean water is not a right; it is a privilege. I urge my colleagues to support passage of this much-needed legislation.

● Mr. BENNETT. Mr. Speaker, I rise today to support H.R. 2911, which I have cosponsored, and which would provide for the continuation and expansion of valuable research programs established by the Water Resources Research Act of 1964. I believe it is of vital importance to ensure the quality of our valuable water resources. Our economic welfare and stability and the well-being of the people are dependent upon careful use of these limited resources.

Florida is one of the States that initiated a Water Resources Center in 1964. This center has provided valuable and applicable research since 1964. The bill before us today earmarks $40 million annually for fiscal years 1985 through 1989 for matching grants to State institutions and private entities for specific water resource problems. The bill also sets aside $10 million annually for technology development grants for fiscal years 1985 through 1989. I believe it is important that the Congress support the continuation of these programs in an effort to provide our Nation the sufficient quantity and quality of water necessary to meet the requirements of an expanding and mobile population.●

● Mr. CORRADA. Mr. Speaker, I rise in strong support of the Water Resources Research Act of 1983, H.R. 2911. This legislation reauthorizes a program begun nearly 20 years ago designed to stimulate research and train scientists in the field of water resources.

The Congress has reaffirmed its commitments to the field of water research in recognition of the need for the work that is done by the water research institutes established under the 1964 law.

Puerto Rico has had a Water Resources Research Institute since 1965 and they have been very effective in addressing the water resources problems of our island. The Institute is located on the Mayaguez Campus of the University of Puerto Rico and throughout the years, they have worked in close cooperation with government and industry. Their activities include applied and pure research, technology transfer and support for undergraduate and graduate students in these programs.

This bill reauthorizes this important program at an annual level of $10 million through 1989. In addition, $40 million annually are authorized to be allocated for programs determined to

have a national interest. Last, an additional $10 million are authorized for a grant program directed at technology development.

H.R. 2911 authorizes modest funding which recognize the budgetary constraints present while enduring the continuation of important water research work. I urge my colleagues to vote in favor of its enactment.●

● Mr. MARKEY. Mr. Speaker, I rise today to support H.R. 2911, the Water Resources Research Act of 1983. I rise in support of this act for I strongly believe that we need the three water research programs authorized by this bill. The bill includes a sound mix of Federal dollars, State grants, and matching Federal funds which will promote needed water research.

The bill sets aside $10 million annually for State water research institutes and requires the Federal grant to be matched by non-Federal sources on a 1-to-1 basis in fiscal year 1985, gradually rising to 2-to-1 matching basis in fiscal year 1989. In addition, this measure would allocate $40 million for grants to State institutes, educational institutions, and other private and public agencies. This money will continue research programs each State now has and which conduct vital research on water quality and supply. One of the leading research entities is at the University of Massachusetts. This center continues pioneering research on water quality, particularly in the area of acid rain. I am confident that all Members would agree that we need more research on acid rain and other water quality problems.

More than once, I have heard it said on the floor of this House that water issues will be the most divisive and problematic issue of the next 20 years. I agree with my colleagues in that assessment, but I think we should take a more positive outlook. We should realize that water is the most basic, and yet most necessary, natural resource on our planet. We can make great strides in dealing with our future water problems if we spend some resources uncovering problems in water quality and learning more about this resource which is everywhere; but is there enough to drink.

I urge my colleagues to vote in favor of this bill, for I think it is an important message which reconfirms this body's commitment to water research. I also would like to commend University of Massachusetts' Water Research Center and other such entities throughout the Nation which contribute so much to our knowledge about this precious resource.●

● Mr. REGULA. Mr. Speaker, I rise in support of H.R. 2911, as this legislation represents a vital step for this Congress and the Nation in the realization of the necessity for a national water policy.

As we face an increasing problem of water scarcity in this country, we must join together in both conserving this precious resource and in seeking a more effective utilization of our present water supplies.

The time has come for the Nation, along with individuals, to lead in water resources research. We can no longer view individual States or industries alone as the beneficiaries of water research and the resulting new technologies. Our entire Nation must take the responsibility for our depleting resources and work together in preventing a water crisis in this country.

In this bill we begin now to extend the means for water resources research to each of the States. By allowing each State to establish a water resources research and technology institute, each State may begin to combat the individual water problems it faces, based upon the resources available to that State. As such, no State will fear the loss of those water resources contained within its borders. This fear is present among the water-rich States such as Ohio as a result of the recent Supreme Court case, Sporhase against Nebraska.

Mr. Speaker, H.R. 2911 represents that first step necessary for both aiding those States facing water shortages and those fearing the loss of their water resources. It brings our water problems to the attention of each State and encourages research and technology development, to the benefit of our entire Nation.

At a recent meeting of the International Joint Commission in Toronto, Canada, it was agreed that depletion of the water resources contained in the Great Lakes will be a growing problem.

Passage of H.R. 2911 will provide national leadership and assistance to the States as they prepare to meet the future water needs of people and industry.●

● Mr. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 2911, the Water Research Act of 1983. I want to commend the distinguished chairman of the House Interior and Insular Affairs Committee, Mr. UDALL, and the chief sponsor of H.R. 2911, Mr. MCNULTY, for their hard work on this much needed legislation.

Water is the livelihood of the farmers and ranchers throughout the country. Control over this limited and scarce resource has become an issue of great concern in my State of New Mexico where there are a number of water rights cases involving Indians and non-Indians pending in Federal courts. The States of New Mexico and Texas are locked into a water rights lawsuit as well. As industrial development and the population of arid Western States continue to grow, the need to improve the utilization of our water resources becomes more urgent. We must make certain that one of our most vital resources is used effectively, efficiently, and to the benefit of all. This legislation is a step in the right direction.

H.R. 2911 would authorize $10 million in each fiscal year beginning in 1985 through 1989 for grants to establish a Water Resources Research Institute in every State. The bill would also authorize $40 million in each of the next 4 years for matching grants for specific water resource problems. In one of the water rights cases in New Mexico in the Pojoaque Valley, a number of experts have stated there is sufficient water to meet the needs of everyone in the valley if the resource is used efficiently and rationally. The experts point to improvement of the waters distribution system in the valley as a means for solving the valley's water crisis.

Mr. Speaker, this legislation would also convey two Federal desalting facilities located in North Carolina and Roswell, N. Mex., to the local governments in these communities. In 1961, the Department of Interior selected these sites to test various desalination processes. The Federal Government has decided to discontinue funding for these facilities which have made important breakthroughs in desalting technologies. This bill will allow the vital work of the Wrightsville Beach and Roswell test facilities to continue uninterupted.

Mr. Speaker. I urge Members to vote for this important legislation.●

□ 1420

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the bill, H.R. 2911, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 684) to authorize an ongoing program of water resources research, and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Water Resources Research Act of 1983".

SEC. 2. The Congress finds and delcares that—

(a) the existence of an adequate supply of water of good quality for the production of materials and energy for the Nation's needs and for the efficient use of the Nation's energy and water resources is essential to national economic stability and growth, and to the well-being of the people;

(b) there is an increasing threat of impairment to the quantity and quality of surface and ground-water resources;

(c) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at the Federal, State, and local governmental levels;

(d) there should be a continuing national investment in water and related research and technology commensurate with growing national needs;

(e) it is necessary to provide for the research and development of technology for the conversion of saline and other impaired waters to a quality suitable for municipal, industrial, agricultural, recreational, and other beneficial users; and

(f) the pool of scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished.

SEC. 3. It is the purpose of this Act to assist the Nation and the States in augmenting their water resources science and technology as a way to—

(a) assure supplies of water, sufficient in quantity and quality, to meet the Nation's expanding needs for the production of food, materials, and energy;

(b) identify and find practical solutions to the Nation's water and water resources related problems, particularly those problems related to impaired water quality;

(c) promote the interest of State and local governments as well as private industry in research and the development of technology that will reclaim waste water and to convert saline and other impaired waters to waters suitable for municipal, industrial, agricultural, recreational, and other beneficial uses; and

(d) coordinate more effectively the Nation's water resources research programs.

SEC. 4. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to assist the work of any water resources research and technology institute, center, or equivalent agency (hereinafter referred to as the "institute") established in the States in accordance with the terms of subsection (f) of this section.

(b) Each designated institute shall—

(1) have responsibility for planning, conducting, and/or arranging for competent research in relation to water resources, including investigations and experiments of either a basic or practical nature, or both; to promote the dissemination and application of the results of these efforts; and to provide for the training of scientists and engineers through such research, investigations, and experiments, and

(2) cooperate closely with other colleges and universities in the State that have demonstrated capabilities for research, information dissemination, and graduate training in order to develop a statewide program designed to resolve State and regional water and related land problems. Such institute shall also cooperate closely with regional consortia, as may be designated by the Secretary to increase the effectiveness of the institutes and for the purpose of regional coordination.

(c) Prior to the receipt each fiscal year of funds authorized by subsection (e) of this section, each institute shall submit to the Secretary for his approval a water research program that includes assurances, satisfactory to the Secretary, that such program was developed in close consultation and collaboration with the director of that State's department of water resources, or similar agency, and other leading water resources officials with the State, including interested members of the public. The program described in the preceding sentence shall include plans to promote research, training, information dissemination, and other activities meeting the needs of the State and Nation, and encourage regional cooperation among institutes in research into areas of water management, development, and conservation that have a regional or national character.

(d) From the sums appropriated pursuant to subsection (e) of this section, the Secretary shall make grants to each designed institute to be matched on a basis of no less than one non-Federal dollar for every Federal dollar during the fiscal years ending September 30, 1984, and September 30, 1985, one and one-half non-Federal dollars for each Federal dollar during the fiscal years ending September 30, 1986, and September 30, 1987, and two non-Federal dollars for each Federal dollar during the fiscal year ending September 30, 1988.

(e) There is hereby authorized to be appropriated to the Secretary for the purpose of carrying out this section the sum of $8,100,000 during each of the fiscal years ending September 30, 1984, through September 30, 1988.

(f) For the purposes of this section, an institute may be established at one college or university in each State, which was established in accordance with the Act approved July 2, 1862 (12 Stat. 503; 7 U.S.C. 301ff), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts" or some other institution designated by act of the legislature of the State concerned: *Provided,* That (1) if there is more than one such college or university in a State established in accordance with said Act of July 2, 1862, funds under this section shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same, subject to the Secretary's determination that such college or university has or may reasonably be expected to have the capability of doing effective work under this title; (2) two or more States may cooperate in the designation of a single institute or regional institute, in which event the sums otherwise allocated to institutes in each of the cooperating States shall be paid to such regional institute.

SEC. 5. (a)(1) In addition to the grants authorized by section 4 of this Act, the Secretary is authorized to make grants, on a dollar-for-dollar matching basis, to the institutes established pursuant to section 4 of this Act, as well as other qualified educational institutions, private foundations, private firms, individuals, and agencies of local or State government for research concerning any aspect of a water-related problem which the Secretary may deem to be in the national interest, including the operation of test facilities.

(2) In cases where the Secretary determines, according to criteria established by him, that research under this section is of a basic nature which would not otherwise be undertaken, the Secretary may approve grants under this section on a matching requirement other than that specified in paragraph (1) of this subsection.

(b) Each application for a grant pursuant to this section shall state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the importance of the project to the Nation as well as to the region and State concerned, its relation to other known research projects previously or currently being pursued, and the extent to which it will provide an opportunity for the training of water resources scientists. No grant shall be made under this section except for a project approved by the Secretary, and all grants shall be made upon the basis of the merit of the project and the need for the knowledge it is expected to produce when completed.

(c) The sum of $13,000,000 is authorized to be appropriated to the Secretary for the purposes of grants under this section, as well as for administration of grants under this section and grants to the institutes under section 4 of this Act for each of the fiscal years ending September 30, 1984, through September 30, 1988.

SEC. 6. The type of research to be undertaken under the authority of section 5 of this Act and to be encouraged by the institutes established under section 4 of this Act shall include, without being limited to—

(a) aspects of the hydrologic cycle;

(b) supply and demand for water;

(c) demineralization of saline and other impaired waters;

(d) conservation and best use of available supplies of water and methods of increasing such supplies;

(e) water reuse;

(f) depletion and degradation of ground water supplies;

(g) improvements in the productivity of water when used for agricultural and commercial purposes;

(h) the economic, legal, engineering, social, recreational, biological, geographic, ecological, and other aspects of water problems;

(i) scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research on water resources problems; and

(j) providing means for improved communication of research results, having due regard for the varying conditions and needs for the respective States and regions.

SEC. 7. Notwithstanding any other provision of law, the Secretary shall be governed by the provisions of sections 9 and 10 of the Federal Nonnuclear Energy, Research, and Development Act of 1974 (Public Law 93-577; 88 Stat. 1887, 1891; 42 U.S.C. 5908-5909) with respect to patent policy and to the definition of title to, and licensing of inventions made or conceived in the course of, or under any contract or grant pursuant to this title: *Provided, however,* That subsections (l) and (n) of section 9 of such Act shall not apply to this Act: *And provided further,* That, subject to the patent policy of section 408, all research or development contracted for, sponsored, cosponsored, or authorized under authority of this title, shall be provided in such manner that all information, data, and know-how, regardless of their nature or mediums, resulting from such research and development will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be usefully available for practice by the general public.

SEC. 8. (a) Public Law 95-467 is repealed.

(b) Rules and regulations issued, prior to the date of enactment of this Act, under the authority of Public Law 95-467 shall remain in full force and effect under this Act until superseded by new rules and regulations promulgated under this Act.

MOTION OFFERED BY MR. KAZEN

Mr. KAZEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KAZEN moves to strike out all after the enacting clause of the Senate bill, S. 684, and to insert in lieu thereof the provisions of the bill, H.R. 2911, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2911) was laid on the table.

BELLE FOURCHE IRRIGATION PROJECT AUTHORIZATION

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 448) to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes, as amended.

The Clerk read as follows:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general plan for the Belle Fourche project, South Dakota, heretofore authorized for construction by the Secretary of the Interior, May 10, 1904, pursuant to the Reclamation Act of 1902 (32 Stat. 388), is modified to include construction, betterment of works, water conservation, recreation, and fish and wildlife conservation and development. As so modified, the general plan is reauthorized under the designation "Belle Fourche unit" of the Pick-Sloan Missouri Basin program.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to negotiate and execute an amendatory repayment contract with the Belle Fourche irrigation district covering all lands of the existing Belle Fourche project. This contract shall replace all existing contracts between the Belle Fourche irrigation district and the United States.

(b) The period of repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be not more than forty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to complete the rehabilitation and betterment program and other water conservation works, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented; thereafter, such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

SEC. 3. (a) All miscellaneous net revenues of the Belle Fourche unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(b) Construction and rehabilitation and betterment costs of the Belle Fourche unit allocated to irrigation and not assigned to be repaid by the irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Pick-Sloan Missouri Basin program within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. (a) The provision of lands, facilities, and project modifications which furnish recreation and fish and wildlife benefits in connection with the Belle Fourche unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

SEC. 5. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 6. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes: *Provided,* That the net proceeds from such transactions between the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable State laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congress was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

SEC. 7. There is hereby authorized to be appropriated beginning October 1, 1984, for the rehabilitation and betterment of the irrigation facilities of the Belle Fourche unit and recreation and fish and wildlife measures as authorized by this Act, the sum of $42,000,000 (based on January 1981 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctations in construction cost indexes applicable to the types of construction involved herein.

SEC. 8. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes and the gentleman from Wyoming (Mr. CHENEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 448, a bill to authorize the rehabilitation of the Belle Fourche project in South Dakota.

The Belle Fourche project was one of the first irrigation projects to be constructed following the enactment of the Reclamation Act of 1902. It was designed in 1904 and completed in 1914. Fifty-seven thousand acres of land are irrigated by this project which consists of two dams, an inlet canal, 94 miles of irrigation canals, 450 miles of laterals, and 230 miles of drains.

Because of its age, many of the features and structures of the project have served their expected useful life or have become obsolete. In its current state, nearly half of the water released for irrigation is lost through faulty conveyance systems before it becomes available to the farms served by the project.

The project was operated and maintained by the United States for 39 years after construction was completed. When, at the end of this time, operation and maintenance became the responsibility of the irrigation district, many of the facilities were already in a deteriorated condition and it was beyond the financial capability of the district to make the capital expenditures necessary to replace them.

In addition to authorizing the appropriation of $42 million for the rehabilitation and betterment of works, recreation development, and fish and wild-

life conservation and development, the bill would reauthorize the Belle Fourche project as a unit of the Pick-Sloan Missouri Basin program. This would allow surplus power revenues from the program to be used to help pay for the portion of the rehabilitation work which is beyond the farmers' ability to repay.

Mr. Speaker, we must remember that when the Pick-Sloan Missouri Basin program was authorized in 1944, South Dakota agreed to give up 500,000 acres of prime agricultural land in order that dams and reservoirs which would provide flood control, hydroelectric power, and irrigation water to downstream States could be built. The people of South Dakota were assured that they would be compensated for this loss to their principal economic base. Use of surplus power revenues from the Pick-Sloan Missouri Basin program to pay for part of the rehabilitation of the Belle Fourche project will, to some degree, satisfy the obligation to the State of South Dakota for their sacrifice which enabled the Pick-Sloan program to be built.

S. 448 was approved by the Senate on June 15, without any objections. The Subcommittee on Water and Power Resources held a hearing on a companion bill introduced by our colleague, TOM DASCHLE, on June 14. On September 21, the Committee on Interior and Insular Affairs, by voice vote, favorably reported S. 448, as amended.

Mr. Speaker, I urge my colleagues to follow the committee's recommendation and approve this bill.

Mr. CHENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 448. I would like to echo the sentiments and remarks of the gentleman from Texas (Mr. KAZEN), the chairman of the subcommittee.

This particular project is somewhat unique in part because of its age. If it had, in fact, been authorized at a later time in history when the Pick-Sloan projects were approved, then there is no question but what the authority that is included within the bill would have been made a part of the original authorization.

The bill has been given an extensive hearing by the Subcommittee on Water and Power, of which I am the ranking member. It was approved on voice vote both by the subcommittee and the full committee and approved by the other body without any objection, and I would urge my colleagues to approve S. 448.

Mr. KAZEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in strong support of the reauthorization of the Belle Fourche project as the Belle Fourche Unit of the Pick-Sloan Missouri River Basin program and the needed rehabilitation and betterment of the project authorized by this legislation.

Located in Butte and Meade Counties, S. Dak., the Belle Fourche project, which provides water for the irrigation of 57,100 acres in western South Dakota, has unequivocally demonstrated in the past and likewise continues to demonstrate today the benefits of the reclamation of arid and semiarid lands in the western States as was envisioned by the Reclamation Act of 1902. As a direct result of the development of the Belle Fourche project, thousands of new employment opportunities have been created, the economy of the area and region have been stabilized and improved, and a solid foundation for the development of the livestock producing industry, the dominant feature of the regional economy which benefits consumers throughout the Nation by enabling amply livestock production and supply, has been provided. The benefits to the Nation's consumers of the agricultural production stability made possible by the Belle Fourche project has been dramatically demonstrated by drought disaster this year, the worst drought in half a century, which has resulted in more than 930 counties receiving disaster designation due to a 30 percent or more crop production loss.

Mr. Speaker, the Belle Fourche project is known as the granddaddy of Bureau of Reclamation projects because the project area was surveyed for irrigation potential in 1903 and project construction began in 1905. The project was constructed by horse, plow, and dirt sled, more than three-quarters of a century ago utilizing turn-of-the-century state-of-the-art construction knowledge, methods, and materials. As a consequence of 70 years of operational service to the Nation, the anticipated useful life of structures and features of the Belle Fourche project have been met or exceeded and project efficiency and dependability have suffered as operation and maintenance costs have increased. The Belle Fourche project can be rightfully classified as an antique, an antique much too valuable to be relegated to a museum, but in need of the rehabilitation and betterment authorized by this legislation.

It should be understood the Bureau of Reclamation was responsible for the operation and maintenance of the Belle Fourche project during the first 41 years of project operation. In late 1949, when the Belle Fourche Irrigation District assumed the operation and maintenance responsibilities of the project, the district assumed responsibility not only for a project which had been in continuous operation for 40 years, but also a project which had existing critical and significant rehabilitation and betterment needs resulting from four decades of deterioration and neglect.

This legislation, in addition to authorizing needed rehabilitation and betterment of the Belle Fourche project, will also reauthorize the project as the Belle Fourche Unit of the Pick-Sloan Missouri River Basin program. As such, the project will be accorded the same treatment provided other projects under the program. Originally authorized in 1904, the Belle Fourche project was authorized 40 years prior to enactment of the Flood Control Act of 1944. Consequently, the Belle Fourche project, unlike similiar contemporary projects, has not been part of the Pick-Sloan program. As a result of reauthorization as the Belle Fourche Unit, power revenues, without an increase in consumer power rates, will be available to repay a portion of project rehabilitation and betterment costs. Ample precedent exists for modernizing the treatment of the project as the Belle Fourche Unit of the Pick-Sloan Missori Basin program.

The rehabilitation and betterment of the Belle Fourche project authorized by this legislation is consistent with the originally authorized project, reclamation policy, and commonsense good management. I recommend the favorable consideration of this legislation by the House and I encourage my colleagues to give their approval to this vital legislation.

□ 1430

Again, Mr. Speaker, I commend the ranking minority member, the gentleman from Wyoming (Mr. CHENEY), and certainly our chairman the gentleman from Texas (Mr. KAZEN) for their consideration and their support and for the unanimous approval which has been given this legislation thus far.

Mr. Speaker, I thank the chairman for yielding me this time.

Mr. CHENEY. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman from Wyoming for yielding.

Mr. Speaker, I rise to make the point that the administration firmly opposes

the enactment of this legislation. They do so for basically two reasons: They oppose it because the administration's policy of requiring direct beneficiaries of Federal projects pay for the cost of the benefits they received is not being followed in this particular bill.

They also are concerned about the fact that the consumers of electricity in the Pick-Sloan, Missouri River basin project, are going to be asked to pick up the tab for much of this project, namely about 70 percent of the rehabilitation costs.

At present there are no surplus power revenues available to meet those obligations so, therefore, one would have to assume that there is a possibility that in fact electrical rates could go up as a result of the adoption of this measure.

Now, those are the two basic reasons why the administration opposes the bill.

Let us try and put that into a little bit of economic context and try to get it beyond a discussion of what seemed to be two fairly narrow topics.

If you take a look at the $42 million that we are going to spend for this project, what we are saying is that because that district is not able to pay the bill for rehabilitation we are going to authorize expenditure of $42 million.

Now, that, once again, in terms of what we often talk around here does not sound like that much money except that the average family in this country pays $3,300 in taxes. So that $42 million expenditure is going to take the entire tax paid by American families to the tune of 12,727 American families who are going to have every dime of the taxes that they pay charged to this project.

I question, if you ask those families for their set of priorities, whether or not that is the kind of priority that those families would say where every dime of their tax money should be used.

Even if we assume that electrical rates are going to skyrocket and that in fact 70 percent of the money is going to come out of Pick-Sloan, you are going to have 3,818 American families pay virtually all of their taxes to pay for this bill that we are now about to act upon.

That is nine families in every congressional district. Maybe Members ought to look at the bill. Maybe Members ought to try to determine whether there are nine families in their congressional districts that would say that this thing is so valuable to them that they are willing for all $3,300 of their taxes to go to pay for this project. I doubt you would find very many.

I know that is not the kind of priority that my families are talking about in my district. I would have a hard time finding nine families.

I think as we look at some of these bills where the people who are going to directly benefit from the bill are not paying the costs of the project that we ought to think about then who is paying the cost of the project.

The people paying the cost of the project are the taxpayers in your district and in mine. In this case they are going to pay significantly for a project from which they are not going to benefit.

Mr. Speaker, I thank the gentleman for yielding.

Mr. KAZEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the power generated by the Pick-Sloan Missouri River project is marketed through the Western Area Power Administration.

Now, most of the power goes to REA and municipalities, the so-called preference customers.

The proposal to allow the power revenues from the Pick-Sloan Missouri River project to be used to repay a portion, a portion of the cost of the Belle Fourche rehabilitation has been known to the power users for quite some time. This is the second Congress in which such legislation has been introduced.

No power users, and I repeat, no power users have objected to the proposal.

Now, further, we have been orally advised by representatives of the Western Power Administration that use of power revenues to help defray the Belle Fourche cost will probably not result in any increase in power rates or, if it does, the increase will be insignificant.

Now, by providing for the use of power revenues for the repayment of the cost of rehabilitation of the project, the Government is assured of eventually being fully reimbursed for that cost. If the provision were not in the bill it is unlikely that the Government would be fully reimbursed because the provisions of the general reclamation laws would apply and the irrigators would not be required to reimburse the Government beyond their ability to pay.

As the gentleman has stated, many people may be called upon to help but the cost is going to be insignificant.

Just like saying to the gentleman "You cannot build a public building in your district in Pennsylvania because my people in south Texas are going to have to pay for it." I think that these are matters, these are projects that have tremendous significance to the various States and indeed to the entire country. I assure the gentleman from Pennsylvania (Mr. WALKER) that the committee has held hearings, we have looked at all angles of this question and this is what we came up with and, really, it does not do the damage that the administration thinks that it will do.

Mr. DASCHLE. Mr. Speaker, will the gentleman yield?

Mr. KAZEN. I will be delighted to yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Speaker, the chairman has really said it all. The only point I would add is that this is really an investment. The gentleman from Pennsylvania (Mr. WALKER) mentioned just a moment ago that this is going to come as a tremendous burden to the American taxpayer. Well, the American taxpayer, per capita, will pay 1.8 cents; that is what the per capita share of this investment is.

That is exactly, I think, the best definition I can come up with, a bargain. There is no question in my mind if this project had been authorized in 1946, 2 years after the Pick-Sloan project had been passed into law this would have been a funded project. But we have waited; we have had, I think, a time in our recent past where we have been very patient.

The time has come to either fish or cut bait, when we come to a condition in which we find ourselves today with this irrigation project. It is an investment to be paid back to the Government, I think tenfold for the kind of work that it is going to show not only to the region, to the State, but to the country as well.

Mr. Speaker, I thank the chairman again for yielding.

Mr. KAZEN. Let me remind the gentleman from Pennsylvania (Mr. WALKER), also, that the Federal Government ran this project for 39 years and it was the Federal Government that let it run down and be in the shape that it is in today that necessitates the provisions of this bill.

Mr. CHENEY. Mr. Speaker, let me again reiterate my support for this legislation. I think the gentleman from Texas (Mr. KAZEN) has done an excel-

lent job of explaining why the committee believes it is justified. It is a special circumstance but I think it merits the support of the House and I would encourage my colleagues to approve it.

Mr. KAZEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the Senate bill, S. 448, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1440

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 448, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL OCEANS POLICY COMMISSION ACT OF 1983

Mr. JONES of North Carolina. I move to suspend the rules and pass the bill (H.R. 2853) to establish a National Oceans Policy Commission to make recommendations to Congress and the President on a comprehensive national oceans policy, as amended.

The Clerk read as follows:

Strike all after the enacting clause in H.R. 2853 and substitute in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oceans Policy Commission Act of 1983".

SEC. 2. PURPOSE.

The purpose of this Act is to establish a commission that will develop recommendations for Congress and the President on a comprehensive national oceans policy that will encourage and promote:

(1) the development of international oceans law in a manner that will promote the peaceful uses of the oceans and balance the interests of the United States and all nations;

(2) United States leadership in oceans law and policy;

(3) the continued leadership of the United States in conducting research on, and in conserving, managing, and developing living and non-living marine resources, and in protecting the marine environment;

(4) the wise use and compatible development of marine resources;

(5) U.S. investments in the research, exploration and development of marine resources and technologies; and

(6) the equitable allocation of the responsibilities for marine resource research, conservation, management, and development among various levels of government and the private sector, and promote the efficient use of limited fiscal resources for such research, conservation, management, and development.

SEC. 3. ESTABLISHMENT OF COMMISSION.

To carry out the purpose of this Act, there is hereby established a commission to be known as the National Oceans Policy Commission (referred to in this Act as the "Commission").

SEC. 4. DUTIES OF THE COMMISSION.

(a) RECOMMENDATIONS.—(1) The Commission shall develop recommendations on a comprehensive national oceans policy to carry out the purpose of this act.

(2) The Commission shall develop recommendations on the international and domestic ocean policies, laws, regulations, and practices of the United States that are required to define and implement the comprehensive national ocean policy recommended pursuant to paragraph (1). Such recommendations shall—

(A) address international ocean policy issues associated with developments in international oceans law, including those issues relating to:

(i) geographical areas within national resource jurisdiction; and

(ii) geographical areas beyond national resource jurisdiction;

(B) include any modifications in existing U.S. policies, laws, regulations, and practices necessary to develop efficient long-range programs for research on, the conservation, management, and development of, marine resources, and the protection of the marine environment;

(C) address the most equitable allocation of responsibilities for research on, and the conservation, management, and development of, marine resources among Federal agencies, appropriate levels of subnational government, and the private sector; and

(D) address any other aspects of U.S. marine-related policies, laws, regulations, and practices deemed necessary by the Commission in carrying out its duties pursuant to subsection (a).

(b) PREPARATORY ANALYSES.—In developing its recommendations under subsection (a), the Commission shall:

(1) take into account the Presidential Proclamation of an Exclusive Economic Zone on March 10, 1983;

(2) consider the relationship of U.S. policies to the Convention on the Law of the Sea and the range of actions available to the United States to influence favorably the practice of other nations so as to promote the objectives in section 2;

(3) survey all significant ocean activities of federal agencies and departments including those relating to navigation, marine research, the conservation, management, and development of marine resources, and the protection of the marine environment;

(4) assess the existing and projected research and administrative requirements for conserving, managing, and developing marine resources;

(5) evaluate the relationships among federal agencies, appropritate levels of subnational government, and the private sector for fulfilling the research and administrative reqirements identified pursuant to pargraph (4); and

(6) engage in any other preparatory work deemed necessary to carry out its duties pursuant to subsection (a).

SEC. 5. MEMBERSHIP OF COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall consist of nineteen members who shall be appointed by the President, within sixty days after the enactment of this Act, in accordance with the provisions of this section.

(b) FEDERAL AGENCY MEMBERS.—Five members of the Commission shall be the Secretaries of the following Federal departments, or their designees who shall be employees of such departments and knowledgeable and experienced in oceans policy:

(1) the Department of State;

(2) the Department of Defense;

(3) the Department of Commerce;

(4) the Department of the Interior; and

(5) the Department of Transportation.

(c) NON-FEDERAL MEMBERS.—The remaining fourteen members of the Commission shall be knowlegeable and experienced in oceans policy. The fourteen members shall be appointed from the following categories of qualifications:

(1) three members shall be from private sector nonprofit organizations involved with national oceans policy (including, but not limited to, those with consumer and environmental interests);

(2) five members shall be from private sector commercial organizations involved with national oceans policy (including, but not limited to, those with marine transportation and living and non-living marine resource interests);

(3) two members shall be Governors of coastal states from different geographic regions and political parties;

(4) two members shall be specialists in ocean policy from the academic community; and

(5) two members shall be selected from at large, at least one of whom shall be knowledgeable in international oceans policy.

(d) METHOD OF APPOINTMENT.—(1) The Speaker of the House of Representatives (referred to in this Act as the "Speaker") shall prepare a list of fourteen nominees for appointment to the Commission.

(2) The Majority Leader of the Senate (referred to in this Act as the "Majority Leader") shall prepare a list of fourteen nominees for appointment to the Commission.

(3) Each list of nominees:

(A) shall not contain any of the same nominees;

(B) shall contain nominees that conform to the requirements of subsection (c); and

(C) Shall not contain more than seven individuals from the same political party.

(4) The list of nominees required by this subsection shall be submitted to the President within thirty days after the enactment of this Act.

(5) The President shall appoint seven members of the Commission from the list submitted by the Speaker and seven members from the list submitted by the Majority Leader. No more than four members appointed from each list may be members of the same political party, and no more than seven members of the Commission appoint-

ed pursuant to subsection (c) may be members of the same political party.

(e) CHAIRMAN AND VICE-CHAIRMAN.—The President, the Speaker, and the Majority Leader shall jointly select a Chairman and Vice-Chairman of the Commission from members referred to in subsection (c).

(f) CONGRESSIONAL ADVISORS.—Congressional advisors shall be composed of:

(1) Seven members of the House of Representatives selected by the Speaker, no more than four of whom shall be from the same political party; and

(2) Seven members of the Senate selected by the Majority Leader, no more than four of whom shall be from the same political party.

(g) The Chairman of the Joint Chiefs of Staff or his designee shall serve in an advisory capacity to the Commission.

(h) DESIGNEES OF GOVERNORS.—Gubernatorial appointees may designate an officer or employee of their state, who is knowledgeable and experienced in oceans policy, to act in their place as a member.

(i) TERMS.—Except as may be required by electoral changes, members shall be appointed for the life of the Commission.

(j) VACANCIES.—A vacancy shall be filled in the same manner in which the original appointment was made. A vacancy in federal members shall be filled by appointment in accordance with subsection (b). A vacancy in non-Federal members shall be filled by appointment by the President in accordance with subsection (c) and (d). The new member shall be selected from the same category of qualifications as the member who has vacated the position and shall be selected from a new list of at least two nominees prepared by the Speaker or the Majority Leader, as appropriate.

(k) PAY OF MEMBERS.—(1) Except as provided in paragraph (2), members of the Commission may each be paid at a rate not to exceed the rate of basic pay payable for GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties of the Commission.

(2) Members of the Commission who are officers or employees of the United States may not receive pay by reason of their service on the Commission.

(3) Members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized by law for persons in Government service employed intermittently.

(l) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairman and who shall be paid at a rate not to exceed the rate of basic pay payable for GS-18 of the General Schedule. The Director shall be knowledgeable and experienced in oceans policy and administration.

(b) STAFF.—Subject to such rules as may be prescribed by the Commission, the Director may hire staff for the Commission and shall fix their compensation as appropriate.

(c) PROCEDURES.—(1) The hiring and compensation of the Director and staff under this section may occur without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.

(2) The Commission may establish rules and procedures to evaluate the performance of its staff and employees. Chapter 43 of title 5, which pertains to performance ratings of employees, shall not apply to the Commission.

(d) EXPERTS AND CONSULTANTS.—Subject to the rules that may be prescribed by the Commission, the Director may procure the temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates not to exceed the rate of pay for GS-18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency shall detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. To the extent feasible, such detail shall be on a reimburseable basis.

(f) VOLUNTARY SERVICES.—The Commission is authorized to accept and use the services of volunteers serving without compensation, and to reimburse volunteers for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. Except for the purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims, a volunteer shall not be considered an employee of the United States for any purpose.

SEC. 7. POWERS OF COMMISSION.

(a) MEETINGS.—(1) All meetings of the Commission shall be open to the public, except when the Chairman determines that the meeting or any portion of it may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) All meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(3) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(4) The Federal Advisory Committee Act (5 U.S.C. App. 1) shall not apply to the Commission.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Subject to existing laws and upon request of the Chairman of the Commission, the head of the department or agency shall furnish such information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—The General Services Administration shall provide to the Commission on a reimbursable basis the administrative support services that the Commission may request.

(f) CONTRACTS.—(1) The Commission is authorized to enter into contracts with federal and state agencies, private firms, institutions, and individuals for the conduct of surveys or research, the preparation of reports, and for other activities that may be necessary to discharge its duties. The Commission may purchase and contract without regard to section 252 of title 41, United States Code, pertaining to advertising and competitive bidding, and may arrange for printing without regard to Government Printing and Binding Regulations.

(2) The contracting authority of the Commission under this Act is effective for any fiscal year only to the extent that appropriations are available for contracting purposes.

SEC. 8. REPORTS BY COMMISSION.

(a) The Commission shall submit to the President and to each House of the Congress within six months after the Commission first meets an interim report pursuant to its duties provided under section 4, giving special consideration to section 4(a)(2)(A)(i).

(b) The Commission shall submit a final report to the President and to each House of the Congress not later than two years after the Commission first meets. The final report shall contain the recommendations formulated by the Commission in accordance with section 4(a) (1) and (2), the suggested legislative and administrative actions that the Commission deems appropriate, and a detailed statement of the findings and conclusions on which the recommendations are based.

SEC. 9. REPORTS BY FEDERAL AGENCIES.

The head of each Federal department, agency, or instrumentality that is responsible for any law or program that relates to the Exclusive Economic Zone of the United States shall submit a brief report to Congress, the President, and the Commission describing such law or program within two months of enactment of this Act.

SEC. 10. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the 30th day after the day on which the final report is submitted under section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act, there is authorized to be appropriated to the Commission not to exceed $1,500,000 for fiscal year 1984 and $1,500,000 for fiscal year 1985. Sums appropriated pursuant to this section shall remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. PRITCHARD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes and the gentleman from Washington (Mr. PRITCHARD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleagues in urging the House to pass H.R. 2853, a bill to establish a National Oceans Policy Commission.

This legislation would establish a 2-year, 19-member, blue-ribbon panel of distinguished decisionmakers from a wide range of ocean interests to examine certain long-term oceans policy issues that now face the United States. Its membership would represent commercial and nonprofit organizations, Governors of coastal States, the Federal executive and academia. The bill would charge the Commission with developing recommendations on a comprehensive national oceans policy encompassing both international and domestic issues. The recommendations would provide an objective base on which to review and evaluate our ocean programs to maintain U.S. leadership in the oceans into the next century.

Mr. Speaker, U.S. oceans policy is now in a period of fundamental transition. Internationally, the decision of the United States to terminate further direct U.S. participation in the Convention on the Law of the Sea has generated a wide range of international marine issues directly affecting important national strategic and resource interests. While the Presidential proclamation of an exclusive economic zone capsulized the basic jurisdiction of the United States, many specific issues relating to military and civilian navigation, fishing, and other resources remain. A thorough examination of these issues is essential to insure that the overall strategic and resource interests of the United States are protected.

The central domestic issue facing the United States concerns continued U.S. leadership in the oceans. The general assumptions about expanding Federal roles and the pace of development that underlay the marine policies of the 1970's require revision. Increasing competition of and development for marine resources demand major research and regulatory efforts. At the same time, however, the broad-brush approach to Federal involvement in the past is clearly giving way to a leaner, more sharply focused Federal role. The resolution of these trends constitute the central task for long-term U.S. marine policy.

Because of the complexity of the issues involved and the merits of an independent, comprehensive review of them, I believe that this proposal deserves our support. The Commission would serve to refocus U.S. marine policies during what is unquestionably an important period for our international and domestic interests. It would serve to build a constructive, high profile consensus and avoid the division and legislative stalemates that may otherwise ensure. Its broad representation would provide a secure basis for formulating recommendations on domestic issues that will directly affect each sector and serve to defuse the protracted conflicts over marine development—at enormous financial savings to all sectors, public and private.

Mr. Speaker, I would finally emphasize to my colleagues the positive, constructive approach embodied in this initiative. Some have questioned if this legislation is intended to provide an opportunity to criticize the administration's Law of the Sea policies. As I and many others made clear before, it is not the intention to provide such a forum, but rather to institute a constructive, forward-looking approach to insure that our vital strategic and resource interests remaind protected. I cannot emphasize enough the importance of broad, bipartisan support for it within Congress and the administration.

I, therefore, urge your support for the establishment of a National Oceans Policy Commission.

EXPLANATION OF JOINT COMMITTEE COMPROMISE ON H.R. 2853, A BILL TO CREATE A NATIONAL OCEANS POLICY COMMISSION

BACKGROUND

On August 1, 1983, the Merchant Marine and Fisheries Committee reported H.R. 2853 with an amendment in the nature of a substitute to the original bill. The Committee Report accompanying the bill provides a detailed explanation of the changes adopted to it by the Committee. On September 19, 1983, the Committee on Foreign Affairs also reported H.R. 2853, with an amendment. The report of the Committee on Foreign Affairs accompanying the bill explains the changes recommended by that Committee. The Joint Committee compromise offered today by the Chairman of the Foreign Affairs Committee and myself reflects what, in our judgment, is a reasonable compromise between the two versions reported by my Committee and the Committee on Foreign Affairs. This compromise makes the following changes to the bill as reported by the Committee on Merchant Marine and Fisheries.

First, the compromise adopts the Foreign Affairs recommendation on inserting "and in protecting the marine environment" in sections (2), (3), (4)(a)(2)(B), 4(b)(3) for the reasons in the report of the Committee on Foreign Affairs.

Second, the compromise bill adopts the Foreign Affairs recommendation to delete the bipartisanship requirement from section 5(c) and relocate it in section 5(d)(3)(C). This change reflects a technical editorial improvement in the drafting of the bill. Additional changes in section 5(d) reflect editorial improvements in it.

Third, the compromise bill retains the explicit enumeration of the number of members from each category in section 5(c), as recommended by the Committee on Merchant Marine and Fisheries. The compromise bill also retains the fifth "at large" category, recommended by the Committee on Merchant Marine and Fisheries, to ensure that the appointment procedure provides sufficient flexibility to enable qualified individuals lacking in any official affiliation to serve on the commission. The decision to retain the specific enumeration of the number of members from each category must be read in conjunction with the retention of the "at large" category. By retaining this final "at large" category, the full quota of 19 members is met and does not therefore permit any additional members from the remaining categories. Thus, the "not larger" language in the bill, as reported by the Foreign Affairs Committee, is rendered unnecessary.

Fourth, the compromise bill specifies that at least one of the members drawn from the "at-large" category be knowledgeable in international oceans policy. The intent behind this requirement is to ensure that the membership of the commission embody sufficient expertise in the international aspects of the commission's mandate.

Fifth, the compromise bill retains the two gubernatorial members of the commission, as specified in the report of the Committee on Merchant Marine and Fisheries. Full voting participation of the coastal states reflects more accurately the shared responsibilities of state government and in promoting the national interest in marine affairs. As stated in the Report of the committee on Merchant Marine and Fisheries, the two governors are to serve in their capacities as representatives of coastasl state interests in general, and not as representatives of any one state in particular. The Committees recognize the legitimate objectives in increasing the number of governors participating in the commission, as reflected by the version recommended by the Committee on Foreign Affairs. The sponsors of this legislation hope that any divergence of views among coastal states on the major domestic ocean issues before the commission will be represented by a selection process for the two governors that will adequately represent any significant divergence.

Sixth, the compromise bill adopts the technical change recommended by the Committee on Foreign Affairs specifying that the President, the Majority Leader and Speaker shall jointly select a chairman and vice chairman of the Commission. This charge to section 5(e) is intended to clarify that the selection of the chairman and the vice chairman shall be a cooperative effort reflecting the bipartisan nature of the commission. The Committees intend that the selection shall be by agreement among the three leaders: all three must agree, and any one of the three may block the recommendations of the other two.

Section 5(f) of the compromise bill proposes 14 Congressional advisers. The bill reported by the Committee on Foreign Affairs had recommended 18 advisers, while the version recommended by the Committee on Merchant Marine and Fisheries proposed 4 advisers. The decision to require 14 advisers, 7 drawn from each House, reflects what the Committees regard is a reasonable compromise that ensures adequate Congressional representation on the commission.

Section 5(g) specifies that the Chairman of the Joint Chiefs of Staff (JCS), or his designee, shall serve in an advisory capacity to the commission. This amendment was adopted at the recommendation of the Committee on Interior and Insular Affairs, which had received testimony that an advisory role for the JCS would insure that the expertise of the uniform services would be available in an official capacity to the commission. The Committees believe that this adviser will complement well the represen-

tation of the Department of Defense mandated in section 5(b)(2).

Finally, the compromise bill adopts the recommendation of the Committee on Foreign Affairs to delete section 7(g), which had authorized the commission to accept, use and dispose of gifts and donations.

Mr. PRITCHARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2853 which establishes a prominent independent National Oceans Commission (the Commission is comprised of 19 members, from a wide range of ocean interests representing commercial and nonprofit organizations, the gubernatorial leadership of coastal States, and the Federal executive branch which would review numerous domestic and international ocean policy issues facing the United States and make recommendations to the Congress and the President on a comprehensive national oceans policy. This legislation was carefully reviewed by two committees which I serve on, the Committees on Merchant Marine and Fisheries and Foreign Affairs, as well as the Interior and Insular Affairs Committee. The amendment in the nature of a substitute we are considering is a good compromise between the views held by the respective committees of jurisdiction.

A thoughtful review of U.S. ocean policy and future policy options, especially in light of the U.S. refusal to sign the Law of the Sea Convention, is imperative. The termination of U.S. involvement with the Law of the Sea Treaty has generated a wide range of international ocean issues for the United States. The international, as well as domestic issues facing the United States, could be both technically and politically complex. This Commission will provide the type of forum we need to consider these important ocean issues.

I believe that this proposal deserves our support.

Mr. Speaker, I want to also compliment the gentleman from Louisiana (Mr. BREAUX) for his leadership in this issue and also the gentleman from North Carolina, the chairman (Mr. JONES). This has not been an easy issue to bring because there were so many committees of jurisdiction. A lot of things had to be worked out.

We have very serious fundamental problems in ocean policy today, navigation, overflight, deep sea mineral policies, ocean research, exclusive economic zone and fisheries. That is just to name a few of the issues that will be coming to this country as a result of the Law of the Sea Treaty.

We have to decide on which of those issues we will follow the treaty, or where we will set out our own course.

□ 1450

Mr. JONES of North Carolina. Mr. Chairman, I want to thank the gentleman for his kind remarks and pay tribute to his side of the aisle for their cooperation. It has been a consolidated effort on both sides of the aisle.

I would like to say that to any who might question the need for this particular Commission, let me remind those who have some doubts that this Nation's merchant marine strength has gone from 1st place some 20 years ago down to either 11th or 12th today. This Commission, in my opinion, is sorely needed to drag us out of our doldrums and help rescue our merchant marine strength.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I rise in support of the bill, H.R. 2853, establishing a National Oceans Policy Commission. As one who originally proposed the idea for a Commission, and as an original cosponsor of this bill, I would like to commend the chairmen and ranking members of the three committees involved in the development of this legislation for their cooperation in bringing this bill before the House. I would like to particularly commend the chairman of the full Merchant Marine and Fisheries Commission, Mr. JONES, for the leadership he has exhibited in this effort.

Mr. Speaker, it is no secret that I opposed the signature and adoption by the United States of the Law of the Sea Convention that was concluded last year; that I urged the President not to sign the treaty; that I applauded his decision to not sign that document; and that I urged him to issue a proclamation establishing a 200-mile exclusive economic zone for the United States—a proclamation that was issued on March 10 of this year.

My cosponsorship of this legislation and that of other Members who took a similar position on these issues does not mean, however, that this bill is designed to provide support for those decisions of the President. Those decisions rest on their own merits.

Rather, this legislation is recognition of the fact that the United States, having made these decisions, is faced with a number of ocean-policy options—options for which we have, as a nation, no clear Executive or congressional response. Those of us who support this legislation, both supporters and opponents of the President's law of the sea decision, believe that this bill represents a modest step toward the development of an Executive and congressional consensus on what actions the United States should be pursuing or not pursuing, in the continuing development of a national oceans policy in light of these decisions.

Mr. Speaker, in one sense, this is one of those pieces of legislation that has been criticized as being, at the same time, both a means to "whitewash" the President's law of the sea decision and a costly Democratic attempt to embarrass the President. I would suggest that both charges miss the mark. Let us take a minute to examine the bill and what it proposes to do. The bill establishes a 2-year commission, composed of 19 experts in the field of oceans law and policy. Five are representatives of those departments and agencies in the executive branch that are most directly affected by U.S. oceans activities.

The remaining 14 are chosen by the President from two separate lists of 14 developed by the Speaker of the House and the majority leaders in the other body. Criteria for these 28 nominees are provided in the legislation and reflect the balance of interests that this Nation has in ocean affairs. Both lists must contain an equal balance in terms of political party affiliation and the President must maintain that balance in his selections. The three parties in this effort, that is the President, the Speaker and the majority leader will then, by consensus, appoint a Chairman and Vice Chairman for the Commission.

The areas open for study by this Commission are virtually unrestricted, although all reporting committees have expressed the hope that this body will not get bogged down in rehashing what went wrong at the Law of the Sea Conference. We have requested reports from this Commission during and at the conclusion of its life. Such reports are to contain broad policy recommendations for the Executive and Congress as to the direction this Nation should take for the rest of this century in pursuit of our legitimate oceans interests.

Mr. Speaker, it is true that we ask for an expedited report on policy issues arising from the proclamation of the exclusive economic zone. Again, however, this is not to "vindicate," if that is the correct term, the President's decision to issue his March 10, 1983, proclamation, but it is in recognition of the fact that the overwhelming weight of testimony presented to our committees indicates that the areas within 200 miles of the coast will continue to be, for the immediate future, the areas of principal commercial, recreational, and environmental interest.

What of the charge that this Commission is too costly? We propose a maximum budget of $1.5 million for each of the 2 years. I would suggest that in the absence of this Commission, the committees of Congress that legislate in this area would spend at least this much money in an effort to grapple with the complex oceans issues that confront us today. This proposal is indeed a modest request, Mr. Speaker, modeled after the highly successful Stratton Commission that issued its report in 1969 and which set the stage for all major Executive and

congressional deliberations on ocean affairs since that time. The world has changed since then, however, and we are in need of an update, one that can be provided by the proposed Commission.

One final charge I would like to address, Mr. Speaker, concerns the potential duplication between this Commission and the work of the National Advisory Committee on Oceans and the Atmosphere (NACOA), an advisory committee within the Department of Commerce. Our Merchant Marine and Fisheries Committee was recently contacted by NACOA, who proposed to conduct the type of study we ask for in this legislation. I believe that the NACOA proposal was very well replied to by members of our committee. I join in the response and would like to include in the record at this point, the correspondence between NACOA and our committee.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE,
Washington, D.C., September 1, 1983.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Washington, D.C.

DEAR CONGRESSMAN JONES: Several weeks ago, I testified on behalf of the National Advisory Committee on Oceans and Atmosphere (NACOA) before the Committee on Foreign Affairs of the U.S. House of Representatives during hearings on proposed legislation to establish a National Ocean Policy Commission. The NACOA position which I presented was supportive. It noted that the Administration decision not to sign the new Law of the Sea Convention, coupled with the Presidential Proclamation establishing an Exclusive Economic Zone (EEZ) for the United States, raise a number of marine policy issues and opportunities. Therefore, NACOA supported the creation of a National Ocean Policy Commission to address these and similar matters, and we expressed our readiness to assist and cooperate with the Commission as it carries out its charge.

At the NACOA August 24–25, 1983 meeting, we reviewed the matter further with special emphasis on developments occurring since my testimony. NACOA still believes that there is a strong need for a review of EEZ policy issues and a comprehensive reassessment of national ocean policy resulting from the Presidential Proclamation. However, such efforts are clearly within NACOA's statutory mandate and we have taken the initiative for an EEZ policy review by forming a panel to begin dealing immediately with the issues involved. Our objective is to have preliminary results of the review available in about 6 to 8 months.

Concurrently, we will be examining NACOA ocean policy recommendations which have resulted from our work over the past decade. We intend to synthesize these into a framework for further study of national ocean policies—which is the expanded task envisioned in the proposed Commission legislation.

It is NACOA's strong view that, given sufficient resources, it can and should accomplish the expanded national ocean policy task outlined for the Commission. However, this will require temporary augmentation and modification of NACOA for this work, in terms of budget, staff, membership and other authorities proposed for the Commission. This path would build on NACOA's existing structure and experience, reduce start-up time, and—we believe—result in savings in overall time and money. At the same time, augmentation will permit NACOA to continue its customary oversight responsibilities for on-going coastal, oceanic and atmospheric issues of current national importance.

If, however, a new independent Commission is established by Congress, then the work we have begun will effectively assist the National Ocean Policy Commission in carrying out its work. In sum, the NACOA actions I have outlined here should assist in moving this whole area ahead more rapidly than originally contemplated by the proposed legislation.

Your views on our initiative would be welcome. We will, of course, keep you informed of our progress.

Sincerely yours,

JOHN A. KNAUSS,
Chairman.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, D.C., October 14, 1983.

Dr. JOHN A. KNAUSS,
Chairman, National Advisory Committee on Oceans and Atmosphere, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of September 1, 1983, restates the interest of the National Advisory Committee on Oceans and Atmosphere (NACOA) in the broad marine policy issues now before the United States and those specifically associated with the exclusive economic zone (EEZ).

You also note that, despite NACOA's earlier support for a National Oceans Policy Commission, "developments occurring since (your) testimony" before the Committee on Foreign Affairs now lead NACOA to believe that, with augmentation and modification, it can carry out the mandate of the Commission. We are writing to inquire specifically about the nature of the "developments" that have persuaded NACOA to change its original position substantially and about the augmentation envisioned by it to accomplish the Commission's task.

Because of apparent misconceptions about the underlying premises of the legislation that would establish the Commission, we are also writing to summarize our purpose in creating it and to clarify its relationship to NACOA. The international and domestic marine policy issues now facing the United States are technically and politically complex, affecting a wide range of interests. They pose important opportunities for this nation and present extremely difficult problems that will require broad and sophisticated expertise Commission, as prescribed by H.R. 2853, represents our conviction that such a Commission constitutes the most effective method for the United States to resolve these issues.

The Commission's broadly-based representation, including the direct participation of coastal states and federal executive agencies, in conjunction with the institutionalization of a congressional advisory system, will enhance its perspective and its impact. Additionally, and perhaps most importantly, the method of membership selection has been carefully designed to establish a Commission that is the product of joint presidential-congressional cooperation. This cooperative executive-legislative structure will help assure the Commission's credibility and legitimacy and will, in turn, increase the prospects that the Commission's recommendations will accurately reflect the overall national interest in the oceans.

The National Oceans Policy Commission is a significantly different deliberative entity than NACOA, facing qualitatively disparate tasks and serving different but complementary roles. We want to make it clear that, in the development of this legislation, NACOA was considered and rejected as the ideal forum for the mandate of the Commission—primarily, although not exclusively, because of insufficient congressional involvement in the Committee's membership selection.

At the same time, the Committee on Merchant Marine and Fisheries recommended the reauthorization of NACOA, despite the stated reluctance of some Members, in the belief that its traditional focus on specific programs has served well the oceanic and atmospheric interests of the United States. The opportunity for the Commission to utilize NACOA's base of information on a variety of oceans issues was explicitly recognized in our Committee's report on H.R. 2853. The continued need for, and any necessary modifications to, an advisory committee like NACOA would presumably be subject to a recommendation by the Commission in its comprehensive oceans policy report.

We welcome the decision of NACOA to study the policy questions associated with the exclusive economic zone. The views of NACOA, together with those of other knowledgeable institutions and individuals, will provide a strong foundation for the deliberative work of the Commission. We thank you for your early support for H.R. 2853 and urge your reassessment of the role of NACOA to assist, not substitute for, the National Oceans Policy Commission.

Sincerely,

WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries.
NORMAN E. D'AMOURS,
Chairman, Subcommittee on Oceanography.
EDWIN B. FORSYTHE,
Ranking Minority Member, Committee on Merchant Marine and Fisheries.
JOEL PRITCHARD,
Ranking Minority Member, Subcommittee on Oceanography.
DON YOUNG,
Ranking Minority Member, Subcommittee on Coast Guard and Navigation.

In closing, Mr. Speaker, I believe that this bill is a good bill and one that deserves the support of all Members.

Mr. ZABLOCKI. Mr. Speaker, I rise in support of the National Ocean Policy Commission Act of 1983. The bill before us is an amendment in the nature of a substitute. It reflects a consensus among the three committees of jurisdiction—Foreign Affairs, Merchant Marine and Fisheries, and Interior and Insular Affairs.

Mr. Speaker, the United States decided not to sign the Convention on the Law of the Sea last year because of its disagreement with part XI of that convention, namely the provision for the international seabed authority and seabed mining. The United States has decided not to participate in the

preparatory committee that has been working on the rules and regulations for seabed mining. Subsequently, the President issued a proclamation on the exclusive economic zone, and has continued to negotiate an international agreement among ocean mining states to insure our ability to access seabed minerals.

From the perspective of the Committee on Foreign Affairs, these recent U.S. decisions raise a number of international issues that need to be settled so that the United States can effectively manage its ocean interests over coming decades. Examples of various unsettled issues have been outlined and discussed in the committee's report on H.R. 2853. One of particular concern to me is navigation and overflight rights. What are the legal issues and what are the policy options available to the United States with respect to protecting those rights in foreign zones of jurisdiction? How will the policy option chosen affect options in other policy areas? How can the United States forestall claims to seaward expansion? Will the United States support a 3-mile territorial sea as it has traditionally or a 12-mile territorial sea as called for in the convention? Other issues to be assessed include those relating to protection of the marine environment, marine scientific research, Continental Shelf jurisdiction, seabed mining, fisheries conservation and management, and settlement of disputes.

Testimony before the committee has demonstrated that there is no existing agency or group that has a mandate or resources necessary to conduct an assessment of these various ocean interests. For this reason, Mr. Speaker, the committee supports the establishment of a 19-member bipartisan National Ocean Policy Commission with the explicit mandate to assess ocean policy issues and to make recommendations with respect to those issues. In this respect, we fully intend that the work of the Commission be prospective, that is, forward looking. In particular, I do not envision that the Commission would emphasize the administration's decision on the treaty, but look forward from that point to assess where we go in our oceans policy.

The Commission must have representation both from the administration and from the private or nongovernmental sectors in order to reflect relevant views. Thus, the bill before us authorizes five members from each of the following executive departments of the Government: State, Commerce, Defense, Interior, and Transportation. It also authorizes 14 non-Federal members to be drawn from business, environmental, consumer, and academic ocean policy constituencies, as well as from coastal States. Further, also included is a category of non-Federal members from at large. The committee endorses these categories of representation of non-Federal members. In doing so, I would emphasize the primary importance to the committee of the international dimensions of the Commission's work. In this regard, at least one of the two Commission members from the at-large category should be knowledgeable in international ocean policy.

A formula for selecting Commission members has been provided in the bill so that the bipartisan nature of the Commission can be insured. The President will appoint the five Federal members of the Commission. He is also to appoint the non-Federal membership based on lists of nominees submitted by the House and Senate leadership.

Beyond this, the bill provides for advisers to the Commission from both Chambers of Congress. Again, the importance of the foreign policy and international aspects of the Commission's work should be reflected in the appointment of congressional advisers. Finally, to assure that strategic considerations are adequately discussed, the committee supports the addition of a representative of the Joint Chiefs of Staff acting in an advisory capacity.

The bill calls for both an interim report and a final report of recommendations to the President and the Congress on national ocean policy. The interim report to be submitted 6 months after the Commission's establishment is to focus in particular on the exclusive economic zone. This was a key point in the administration's view. The committee endorsed this interim report but would consider it is interim in nature and any recommenations made therein should not prejudice the outcome of the final comprehensive report that is intended to make recommendations with respect to the full range of ocean policy issues.

Mr. Speaker, I urge the adoption of H.R. 2853, as amended, as an important contribution to U.S. ocean policy.

● Mr. BONKER. Mr. Speaker, I am pleased to support the National Ocean Policy Study Commission legislation. Our last comprehensive review of national ocean policy occurred in 1969 when the Stratton Commission produced "Our Nation and the Sea." That document has provided substantial guidance in our ocean policy work for nearly 15 years. Although a number of its recommendations are still pertinent, much has happened during the time since the study was completed.

Throughout the sixties and seventies, we have seen a dramatic surge in ocean research, development, and regulation. This is reflected in the mass of legislation recently adopted in Congress: The Coastal Zone Management Act; the Clean Water Act; the Fishery Conservation and Management Act; the Deep Seabed Hard Mineral Resources Act; and many more. Throughout this period we have continued to debate the proper organizational structure for management of ocean resources. In this connection, I am pleased to see the progress in the Merchant Marine and Fisheries Committee on the establishment of NOAA as an independent agency.

It is clear that the Nation would be well-served by a comprehensive review of ocean policy. We face too many challenges and dilemmas to proceed in a piecemeal fashion. For example, our decision to oppose the Law of the Sea Treaty is fraught with risks and opportunities for U.S mining, fishery, and national security interests. The uncertain conflicts between the use of oceans as a food source and as a mineral/energy source are difficult and complex. These and many other problems suggest the need for and demand a comprehensive approach.

Some have suggested that the National Advisory Committee on Oceans and Atmosphere could conduct the necessary studies. Though the committee's work is valuable, I do not believe it is suited for such broad policy-oriented work. Historically, the committee has focused on individual ocean resource problems and I am hopeful that it can continue that important work.

Late last week, the administration raised questions about the bill. In point of fact, the Merchant Marine and Fisheries Committee and the Foreign Affairs Committee have gone a long way toward satisfying administration concerns as they were identified in the hearing process.

The compromise measure developed by the two committees on which I serve insures that environmental considerations will be a part of the Commission's work; that the Commission will be representative of Congress and State governments; and that the Joint Chiefs will have a role.

In short, Mr. Speaker, this is a thoughtful, carefully crafted measure on an issue of central importance to the Nation. I urge my colleagues to support it.●

● Mr. FORSYTHE. Mr. Speaker, I urge the House to approve H.R. 2853, the National Oceans Policy Commission Act of 1983. I cosponsored H.R. 2853 because I think that a blue-ribbon national oceans policy commission could make a very useful contribution to this Nation's planning for our uses of the oceans in future years. I am pleased to say that the Committees on Merchant Marine and Fisheries, Foreign Affairs, and Interior and Insular Affairs share my opinion. Each committee has given this bill overwhelming, bipartisan support. The version of H.R. 2853 which we consider today relects the deliberations of these three committees.

We are well aware of the conclusion of the Third United Nations Conference on the Law of the Sea, and President Reagan's decision not to sign the resulting LOS Convention because the deep seabed mining provisions are unacceptable. On March 10 of this year, the President established an exclusive economic zone for the United States. He also issued a policy statement making it clear that, despite our signing the LOS Convention:

> The United States is prepared to accept and act in accordance with the balance of interests (reflected in the LOS Convention) relating to traditional uses of the oceans—such as navigation and overflight.

Convening a knowledgeable group of independent, prominent ocean policy experts to review U.S. ocean policies, to assure that their international component is, and remains, consistent with those principles in the LOS Convention with which the President has concurred could both benefit the United States and reassure the international community.

On the other hand, I would have serious reservations about establishing a commission if it were to be used as a prominent forum for second-guessing the President's decision not to sign the LOS Convention. The Commission should look into the future regarding international oceans issues, not rehash the LOS "signature" issue.

One domestic ocean policy issue which may be a good candidate for a policy reassessment is Government-industry and Government-academia relationships regarding both research and commerical development of coastal and ocean resources. The Commission should examine how joint efforts could facilitate learning more about the scientific aspects and commercial potential of resources such as the polymetallic sulfide deposits.

Reassessment of certain other issues may generate some controversy—for example, existing management systems and Federal/State relationships for developing fisheries and OCS oil and gas—but perhaps the Commission can bring us some new ideas on these subjects.

I want to make it clear that I view the Commission as a useful new mechanism for addressing ocean policy issues facing the United States, not as a panacea. I do not expect that existing ocean policy mechanisms—such as NACOA—or the President's National Security Council Interagency Group on the Law of the Sea and Ocean Policy—or congressional committee oversight hearings—will simply furl their sails for the next 2 years and await the Commission's recommendations. Some have said that this Nation now has a "vacuum" when it comes to formulating oceans policy—I do not agree. I support the Commission's idea, with cautious optimism, but—because we would not know the quality of the Commission's product for some time—I believe that we must continue to use other existing mechanisms to address ocean policy issues while the Commission prepares its recommendations. To defer totally to the Commission during the next 2 years truly would create a vacuum in U.S. ocean policy development.

The administration has stated that it would support H.R. 2853 if certain amendments were made. The version of the bill on the floor today responds, in my judgment, to the major concerns expressed by the administration. I want to make clear my intention that this Commission be established, and carry out its duties, amidst a positive spirit of cooperation between the Congress and the administration.

I urge my colleagues to vote in favor of H.R. 2853.●

● Mr. YATRON. Mr. Speaker, I rise in support of H.R. 2853, a bill to establish a National Oceans Policy Commission.

Mr. Speaker, in light of the fact that the United States did not sign the United Nations Law of the Sea Treaty, I believe it is essential to reassess our present oceans policy which for the most part does not effectively protect and promote U.S. interests on international oceans issues.

The bipartisan commission called for in H.R. 2853 would develop recommendations for the President and the Congress regarding a wide range of oceans issues affecting U.S. commercial and environmental interest. In the absence of a comprehensive long-term oceans policy, we are continually finding ourselves confronted with international legal entanglements which undermine U.S. interests. Instead of working against the international community on the use of the oceans, we should be working within a framework of cooperation and international law. A bipartisan oceans policy commission would serve to alleviate the ongoing problems the United States has over the use of the oceans.

Mr. Speaker the myriad difficulties the United States experiences with respect to ocean matters will not go away overnight. I firmly believe that we can overcome these obstacles if we develop a comprehensive policy for the future. To this end, H.R. 2853 would lay the foundation for an effective U.S. oceans policy. I urge my colleagues to support this bill.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 2853, as amended.

The question was taken, and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2853, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

OCEAN DUMPING AMENDMENTS ACT OF 1983

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1761) to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended.

The Clerk read as follows:

H.R. 1761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ocean Dumping Amendments Act of 1983".

SEC. 2. DUMPING PERMIT PROGRAM.

(a) Section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412) is amended—

(1) by amending subsection (a)(C) by striking out "and beaches." and inserting in lieu thereof ", beaches, and wetlands."; and

(2) by amending subsection (c) to read as follows:

"(c)(1) The Administrator shall designate sites at which materials may be dumped pursuant to this section and, after consultation with the Secretary, at which materials may be dumped pursuant to section 103; except that no site may be designated by the Administrator under this subsection until the Administrator undertakes and completes an analysis of the characteristics of the site and its suitability for dumping and of the environmental effects which will likely result from dumping. In undertaking such an analysis of each site, the Administrator shall take into consideration the criteria set forth in subsection (a) and shall specifically take into account the following factors:

"(A) The types and quantities of wastes and pollutants projected to be deposited in, and adjacent to, the site from dumping and other sources.

"(B) The ability of the waters at the site to disperse, detoxify, or neutralize the materials.

"(C) The importance of the site to the surrounding biological community, including the presence of breeding, spawning, nursery or foraging areas, migratory pathways, or areas necessary for other functions or critical stages in the life cycle of marine organisms.

"(D) The immediate and cumulative effects on human health and on the ecosystem adjacent to the site and the persistent effects on the ecosystem within the site.

Nothing contained in this paragraph shall be construed to limit the authority of the Secretary under section 103.

"(2) The Administrator shall—

"(A) periodically monitor, or cause to be monitored, the effects of the dumping of materials at or adjacent to each site for which the Administrator determines, on the basis of the characteristics of the site and the materials to be dumped, that such monitoring is necessary to accomplish the purposes of this title; and

"(B) at the close of the third year after the site designation and at every three-year interval thereafter until such time as the designation is terminated, estimate the extent of the dumping and other waste inputs that will occur in and adjacent to each site during the next three-year period.

"(3) If at any time the Administrator, on the basis of the factors taken into account under subparagraphs (A) through (D) of paragraph (1), or on the basis of the monitoring or estimates, or both, required under paragraph (2), determines that the site is no longer suitable for such dumping, the Administrator shall—

"(A) limit dumping at the site to certain materials or at certain times or both; or

"(B) suspend or terminate the designation of the site under paragraph (1).

In making a determination under the preceding sentence that a site is no longer suitable for dumping pursuant to section 103, the Administrator shall consult the Secretary."

(b) Section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413(b)) is amended by striking out "recommended" in the last sentence.

SEC. 3. PERMIT CONDITIONS.

Section 104 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) Permits issued under this title shall designate and include—

"(1) the type of material authorized to be transported for dumping or to be dumped;

"(2) the amount of material authorized to be transported for dumping or to be dumped;

"(3) the location where such transport for dumping will be terminated or where such dumping will occur;

"(4) the length of time for which the permits are valid and their expiration date;

"(5) any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, to minimize the harm from dumping, which may include measures that the permittee must take to plan, develop, acquire, or implement, as appropriate—

"(A) alternatives for the disposal of the material,

"(B) processes for reducing or eliminating any contaminants in the material, or

"(C) processes for recycling the material;

"(6) after consultation with the Secretary of the Department in which the Coast Guard is operating, any special provisions deemed necessary by the Administrator or the Secretary, as the case may be, for the monitoring and surviellance of the transportation or dumping; and

"(7) such other matters as the Administrator or the Secretary, as the case may be, deems appropriate.".

(2) Subsection (b) is amended to read as follows:

"(b) The Administrator or the Secretary, as the case may be, shall prescribe and collect from the applicant, unless the applicant is a Federal agency, an application fee in an amount commensurate with the reasonable administrative costs incurred or expected to be incurred by the Administrator or Secretary in processing the permit. The application fee shall be deposited to the principal appropriation account or accounts used to carry out the processing of permits under this title.".

(3) Subsection (e) is redesignated as subsection (e)(1) and after it the following new subsection is inserted:

"(2) The Administrator and the Secretary shall establish and maintain quality assurance programs to ensure the validity, accuracy, and sufficiency of information submitted to or used by the Administrator or the Secretary in connection with applications for permits or other activities undertaken pursuant to this title. Such quality assurance programs shall encompass, but not be limited to, the design, implementation, and analysis of sampling, testing, and monitoring procedures and results. the Administrator and the Secretary shall each individually report annually, in conjunction with the report required under section 112 of this title, on the status of implementation of this subsection; *Provided, however,* That the first such quality assurance report shall be submitted to the Congress no later that two hundred and seventy days after the effective date of this subsection.".

(4) The following new subsection is added at the end thereof:

"(j) The Administrator or Secretary, as the case may be, may prescribe such reporting requirements as he or she deems appropriate with regard to actions taken by permittees pursunat to permits issued under this title.".

SEC. 4. CONVENTION ADHERENCE.

Section 106 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1416) is amended by adding at the end thereof the following new subsection:

"(g) To the extend that they may do so without relaxing the requirements of this title, the Administrator and the Secretary shall adhere to and apply the requirements of the Convention, including its annexes, that are binding upon the United States.".

SEC. 5. TRANSITIONAL PROVISIONS.

Until completion of the site designation or denial of site designation by the Administrator of the Environmental Protection Agency with respect to any areas of ocean waters approved for dumping on an interim basis before July 1, 1982, and any areas of ocean waters used for dumping pursuant to a court order, the amendments made by this Act to the Marine Protection, Research, and Sanctuaries Act of 1972 (other than subsection (c)(2) and (3) of section 102 thereof as added by section 2(a)(2) of this Act and other than those made by sections 3, 7, 8, and 9 of this Act) shall not be applicable to those areas of ocean water.

SEC. 6. DEFINITIONS

Section 3 of the Marine Protection, Research, and Santuaries Act of 1972 (33 U.S.C. 1402) is amended—

(1) by inserting ", and the subjacent areas," immediately after "those waters" in subsection (b); and

(2) by adding at the end thereof the following new subsection:

"(m) 'Monitoring' means the systematic, time-series observation of materials, contaminants, or pertinent components of the marine ecosystem over a period of time sufficient to determine the existing levels, trends, and natural variations of measured components in the water column, sediments, and biota for the purpose of ensuring that immediate harmful effects of dumping are detected, and cumulative and long-term effects are detected, forecasted, and evaluated. Observations may include, but are not limited to, the following procedures, depending upon the type of waste to be dumped and the characteristics of the site: (1) seasonal sampling and analyses of the infaunal commuity and sediment for purposes of characterizing structural composition and size distribution; (2) sampling and analyses of sediment and selected organisms to determine levels of hydrocarbon, trace metals, and chemical and pathogenic contaminants identified as constituents of wastes to be dumped; (3) profiling measurements of standard oceanographic parameters including dissolved oxygen, salinity, and water temperature; (4) characterization of large-scale surface topography and megafaunal structure and composition; and (5) sampling and analyses to determine levels of nutrients and organic carbon.".

SEC. 7. WRITS OF MANDAMUS.

(a) Subsection 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415) is redesignated as section 105(b)(1), and the following new section is inserted thereafter:

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this title or who falsifies, tampers with, or knowingly renders inaccurate any monitoring, sampling, or testing device or method required to be maintained or implemented under this title, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both. For purposes of this section, the term 'person' shall mean, in addition to the definition contained in section 3(e) of this title, any responsible corporate officer.

(b) Section 105(g) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415), is amended—

(1) by redesignating subparagraph (5) as subparagraph (6) and by inserting immediately after paragraph (4) the following:

"(5) Upon application of any person, the district courts of the United States shall have jurisdiction to issue writs of mandamus directing the Administrator to implement in a timely manner the site designation provisions of this title for those sites for which site designation proceedings are incomplete and at which dumping is authorized pursuant to permits issued under sections 102 and 103. Nothing in this paragraph is intended to affect the conduct of any dumping activity under a permit issued under this title pending the completion of site designation proceedings. Paragraph (4) of this subsection shall not apply to any suit brought pursuant to this paragraph.";

and

(2) by striking out "injunctive" in subparagraph (6), as so redesignated.

SEC. 8. SCHEDULE FOR COMPLETION.

The Administrator of the Environmental Protection Agency shall establish a schedule for expeditiously completing the study and designation or denial of designation of all areas of ocean waters approved before July 1, 1982, for dumping on an interim basis and areas of ocean waters used for dumping pursuant to a court order. The Administrator shall submit this schedule to Congress not later than the one hundred and eightieth day after the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

Section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1420) is amended by striking out "and" immediately following "fiscal year 1981," and inserting "and not to exceed $4,213,000 for fiscal year 1984," immediately after "fiscal year 1982,".

SEC. 10. ANNUAL REPORTS.

Section 112 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1421) is amended to read as follows:

"SEC. 112. In March of each year, the Administrator and the Secretary shall each individually report to the Congress on the administration of this title during the previous calendar year.".

The SPEAKER pro tempore. Is a second demanded?

Mr. PRITCHARD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes and the gentleman from Washington (Mr. PRITCHARD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleagues, Mr. HOWARD and Mr. FORSYTHE, in urging the House to pass H.R. 1761.

H.R. 1761, as amended, modifies and reauthorizes title I of the Marine Protection, Research and Sanctuaries Act of 1972.

Title I of the current law directs the Environmental Protection Agency (EPA) and the Army Corps of Engineers to issue permits for the dumping of materials in ocean waters when that dumping will not unreasonably degrade the marine environment. The issue of ocean dumping is becoming more important as options for disposing of wastes on land become less available. It is thus essential that the ocean dumping program of EPA and the corps adequately protect our oceans.

H.R. 1761, as amended, proposes certain improvements in the ocean dumping program. It would require EPA to designate specific sites for ocean disposal and require both EPA and the corps to assess fees on persons seeking dumping permits to recover the administrative costs associated with processing ocean dumping permits. It would require EPA to develop appropriate monitoring plans for designated sites and to develop a schedule to complete site designation proceedings. Should EPA fail to follow the schedule, the bill authorizes a party to seek a writ of mandamus compelling the Agency to act. It requires the establishment of a quality assurance program and authorizes penalties for falsifying information.

In addition, the bill clarifies that title I is to implement into domestic law all the requirements of the London Dumping Convention (LDC) that are binding on the United States. The London Dumping Convention is an international agreement for ocean dumping to which the United States is a party. Section 4 of H.R. 1761, entitled "Convention Adherence," is a technical amendment to the Ocean Dumping Act that clarifies in unintended ambiguity in an earlier amendment to the act. The earlier amendment implemented the requirements of the LDC that are binding on the United States into our domestic ocean dumping law. The convention itself is not a self-executing treaty and therefore requires implementation into domestic law. However, because of the placement of the amendment in the section authorizing EPA to develop criteria for issuing ocean dumping permits, section 102(a), questions have been raised about whether the requirements of the Convention apply to all the other activities of EPA and the corps under the act. The major effect of this new amendment is to make clear that all the actions of EPA and the corps pursuant to the act must comply with their international obligations under the L.D.C.

Some have questioned whether this amendment will automatically make the requirements of the L.D.C. binding on U.S. citizens without the opportunity for EPA and the corps to apply them through traditional administrative procedures. The amendment does not dispense with the need for Agency action and does not affect the domestic procedures which EPA and the corps are required to follow when implementing their mandates. In short, the domestic administrative procedures in chapter 5 of title V of the United States Code will continue to govern the manner in which EPA and the corps fulfill their responsibilities under the L.D.C. The Convention and its annexes are not self-executing and cannot be directly applied absent appropriate administration action.

I want to stress that this amendment is a technical amendment which simply resolves certain ambiguities in existing law. It simply makes clear that EPA and the corps must comply with our international obligations, which they are already required to do.

Finally, the bill would authorize $4,213,000 for this important program for fiscal year 1983.

I urge my colleagues to support these improvements in the ocean dumping program by passing the bill, noting that it is almost identical to legislation passed by the House last year.

Mr. PRITCHARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1761. During the past few years, several events pertaining to ocean dumping have come to the attention of the Congress—EPA's desirability of making the ocean dumping regulations more flexible; the *New York* v. *EPA* decision; the delay in designating dumpsites; and the administration's cutbacks for ocean dumping monitoring and evaluation programs. These events led the Committees on Merchant Marine and Fisheries and Public Works and Transportation to closely examine the need for amendments to the act during the 98th Congress. This legislation is similar to the legislation this body passed during the 97th Congress.

H.R. 1761, as amended, provides for the following: First, it changes the EPA Administrator's discretionary site designation authority to a mandatory duty; second, it requires the EPA Administrator to develop monitoring programs, where appropriate; third, it requires the EPA Administrator to determine a site's suitability for further dumping; fourth, it requires the Administrator to establish an explicit schedule for completing site designation studies for all historically used sites; fifth, it grandfathers interim-designated sites, allowing them to be used until completion of studies; sixth, it changes the discretionary provision for collecting permit processing fees to a mandatory duty; seventh, it directs the EPA Administrator and Secretary of the Army to establish quality assurance programs by establishing criminal penalties for submitting false statements or tampering with monitoring equipment; and eighth, it reauthorizes title I of the act at the fiscal year 1982 authorization level of $4.213 million.

I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Speaker, I rise in support of H.R. 1761, authorizing $4.213 million to carry out title I of the Marine, Protection, Research and Sanctuaries Act, commonly known as the Ocean Dumping Act. And I want to commend the gentleman from North Carolina (Mr. JONES), the chairman of the Committee on Merchant Marine and Fisheries, and the gentleman from the State of Washington (Mr. PRITCHARD) for their leadership in bringing this legislation to the floor today. This bill makes needed improvements that clarify the law concerning ocean waste disposal, in addition to making the authorization.

H.R. 1761 requires that dumpsites be designated; this provision closes the

loophole in current law that states EPA may designate recommended dumpsites. Mandatory site designation can help insure that potential dumpsites are adequately studied to assess their suitability for dumping. The bill also requires that EPA periodically monitor the effects of dumping including the movement of materials beyond dumpsite boundaries, accumulation of materials, and water quality changes.

As a strong supporter of the Ocean Dumping Act, I am hopeful that this legislation will help us develop the information we need to assure our precious marine environment and its many resources are properly protected.

I urge my colleagues to support this bill reauthorizing the Ocean Dumping Act.

Mr. PRITCHARD. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. STANGELAND).

Mr. STANGELAND. Mr. Speaker, I am pleased to rise in support of H.R. 1761, the Ocean Dumping Amendments Act of 1983.

Since its passage in 1972, the Ocean Dumping Act, more formally referred to as the Marine Protection, Research and Sanctuaries Act, has been the principal Federal statute focusing on preventing or strictly limiting the ocean dumping of any material that would adversely affect human health, welfare, or amenities, or the marine environment, ecological system, or economic potentialities. During its 10-year existence, the act has succeeded in relieving some of the increasing pressures our oceans have been under to serve as a ready repository for the disposal of municipal and industrial wastes.

H.R. 1761 amends and reauthorizes title I of the Ocean Dumping Act. Title I of the act provides a mechanism for the issuance of permits by the Secretary of the Army for the ocean dumping of dredged material and by the Administrator of the Environmental Protection Agency for the dumping of most other materials into the oceans, such as sewage sludge, industrial wastes, radioactive wastes, and wastes to be incinerated at sea. Criteria established by the administator are required by title I to be applied in determining whether a permit should be issued. Title I currently gives the Administrator the discretionary authority to designate sites recommended for dumping. It gives the Secretary the discretionary authority to dispose of dredged materials in different sites when the Administrator agrees that no economically feasible method or site is available.

H.R. 1761 was reported by the Committee on Merchant Marine and Fisheries on May 16 of this year. The bill was then sequentially referred to the Committee on Public Works and Transportation for consideration of those of the amended bill's provisions within the committee's jurisdiction. After a hearing, the Public Works Committee favorably reported H.R. 1761 without amendment.

The bill before us today strengthens current law regulating the disposal of waste material in the oceans and is significant in a number of respects. H.R. 1761 mandates that EPA designate sites which may be used for the disposal of materials covered by the Ocean Dumping Act. In the interests of maintaining the vital flow of commerce through our Nation's ports, the bill grandfathers a number of dredged material disposal sites. It prevents the designation and use under section 102 of any nongrandfathered site until complete study and analysis of the site has been performed. The bill imposes mandatory rather than discretionary ocean dumping permit processing fees and requires EPA to periodically monitor the effects of ocean dumping at sites deemed necessary by the Administrator. H.R. 1761 adds a new mandamus provision giving the U.S. district courts jurisdiction, upon application of any person, to compel EPA to implement in a timely fashion the site designation requirements of the act.

Mr. Speaker, I would like to provide, if I might, a little clarification concerning one feature of H.R. 1761. This is the need to avoid unnecessary disruption in the U.S. Army Corps of Engineers dredged material disposal activities, so vital to preserving the free flow of the Nation's commerce through our ports.

There are currently over 100 Corps of Engineers navigation projects which presently require, at least in part, ocean disposal of dredged spoil. These projects are located along the entire length of our Nation's coast, on the Atlantic and Pacific Oceans and the Gulf of Mexico. The number of corps projects requiring ocean disposal may increase in future years as suitable inland disposal alternatives become increasingly costly and difficult to locate. Sites associated with these projects have received interim designation by EPA.

Section 5(a) of the bill preserves existing law with regard to sites which, as of July 1, 1982, have been designated for dumping on an interim basis, as well as those sites being used pursuant to court order. This will insure that dumping at these sites can continue for current and future permittees, subject to the requirements of the Ocean Dumping Act as in effect prior to enactment of H.R. 1761, until completion of site designation or denial of designation for the site or sites. Application of the existing section 102(c) criteria, the National Environmental Policy Act, and court orders and consent decrees will not be affected. The existing statutory and regulatory schemes are preserved pending completion of necessary site studies so as to avoid undue disruptive effects on present activities. Maintenance dredging of our Nation's ports will thus be able to continue, thereby preserving essential needs of commerce. At the same time, the necessary studies of interim designated sites must proceed on an expeditious basis so that any harmful effects can be identified and addressed.

Nothing in H.R. 1761 is intended to change the nature of the London Dumping Convention, to accord selfexecuting status to the convention, or to obviate the requirement for the convention's legally binding provisions to be implemented domestically through promulgation of necessary rules and regulations. Currently, the London Dumping Convention and its annexes have no independent status providing the basis for judicial challenge of any action by the Administrator or Secretary, or of any recipient of a permit issued under the act, beyond relevant implementation through the act. This situation is intended to be unchanged by H.R. 1761.

Certain of the new requirements in H.R. 1761 are being applied immediately. These include the monitoring and dumping restriction provisions of section 2 of the bill, the imposition of fees for permit processing, mandamus proceedings relating to site designation, and the schedule for completion of site designation studies contained in section 8.

These latter two provisions are designed to insure that site designation studies proceed on an expeditious basis. The mandamus provision permits legal action to be instituted to compel the Administrator to implement the site designation provisions of the act. Section 8 directs the Administrator of EPA to establish a schedule for expeditiously completing the study and for designation or denial or designation of sites used for dumping under interim designations or court order.

In taking the approach embodied in H.R. 1761, the Public Works and Mercant Marine Committees fully support and wish to affirm in the strongest possible way their intent that required studies of sites, especially where dumping is currently underway in large volumes, should be completed as expeditiously as possible. The committees also agree that completion of full prior studies of new proposed sites for dumping on a continuing basis—sites not grandfathered by H.R. 1761—is necessary before commencement of dumping activity. It is further the strong intent of the committees that necessary dredging and disposal of dredged materials must continue in order to maintain the vital flow of commerce through our Nation's ports.

I urge my colleagues to support the bill. H.R. 1761 is an important addition

to our Nation's body of environmental law. It fully deserves our support.

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Mr. PRITCHARD. Mr. Speaker, I believe that is all the speakers we have on this side, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ROE).

Mr. ROE. I thank the gentleman for yielding to me.

Mr. Speaker, H.R. 1761, the Ocean Dumping Act Amendments of 1983, was sequentially referred to the Committee on Public Works and Transportation after being reported by the Committee on Merchant Marine and Fisheries. The bill amends, as was mentioned by our distinguished chairman, title I of the Marine Protection, Research, and Sanctuaries Act of 1972.

The Ocean Dumping Act provides for the regulation of the dumping of materials into the oceans. The Administrator of the Environmental Protection Agency regulates the dumping of materials other than dredged material. Dredged material is regulated by the Secretary of the Army.

H.R. 1761 contains a series of amendments to the Ocean Dumping Act designed to insure that designation of sites for ocean dumping takes place in a timely manner and that adequate environmental studies are performed.

The bill, which was reported by the Merchant Marine and Fisheries Committee and which was sequentially referred to our committee, is very similar to the version of H.R. 6113, in the 97th Congress, which was agreed to by both committees and which passed the House last year.

The amendments in last year's bill which are also in this year's bill are essentially the following:

The discretionary authority of the Administrator to designate recommended dumping sites is made mandatory.

I would like to comment on that. We think that this is an extraordinarily important amendment for an issue, if you like, in this legislation because it requires EPA, the Environmental Protection Agency, to move and make these designations in timely fashion.

In designating sites, the Administrator is directed to take into account a number of factors, including the ecological importance of the site and the immediate and accumulative effects on human health and the adjacent ecosystems.

Periodic monitoring of sites is required.

The Administrator and the Secretary are directed to collect application fees to cover administration costs, as was reported by our chairman.

Existing dump sites are grandfathered. They can continue to be used until completion of site designation or denial of site designation.

A mandamus provision is included to permit legal actions to compel site designations.

EPA must submit a schedule to Congress for completing site designation studies.

In addition, this year's bill adds a direction to establish quality assurance programs to assure the validity of information used in connection with activities under the act and impose penalties for submission of false statements and information.

These changes to the Ocean Dumping Act will significantly improve our efforts to prevent environmental degradation of ocean waters.

Mr. Speaker, I would like to commend the chairman and his counterpart of the Committee on Merchant Marine and Fisheries for their outstanding work on this legislation. We were pleased to join with them in the sequential referral and I strongly urge our colleagues to vote for passage of H.R. 1761.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. I thank the gentleman from North Carolina, my distinguished chairman, for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 1761, reauthorizing and amending title I of the Marine Protection, Research and Sanctuaries Act of 1972 and urge my colleagues to adopt this legislation.

As you know, the Merchant Marine and Fisheries Committee, along with the Committee on Public Works and Transportation, has spent considerable time in developing this fairly noncontroversial proposal. The bill makes a number of important improvements in EPA's ocean dumping program.

During the past decade, Congress has worked diligently to end the ocean dumping of material which unreasonably degrades the marine environment. Despite the considerable progress which has been made in this area, however, millions of tons of potentially harmful material continue to be disposed of in the marine environment each and every year.

Although H.R. 1761 does not address the issue of continued ocean dumping, it does make certain that future dumping occurs only at designated sites and clarifies the U.S. intention to adhere to the provisions of the London Ocean Dumping Convention. In addition, the legislation requires EPA to monitor ocean dumping sites, allows the agency to recover administrative costs involved in permit processing and provides for the establishment of a quality assurance program and penalties for falsifying information.

Mr. Speaker, although I have cosponsored and fully support H.R. 1761, I believe that Congress needs to go further in strictly limiting the material which may be ocean dumped. As you know, in 1977, Congress enacted legislation which I, together with many of my colleagues, introduced to end the ocean dumping of sewage sludge which unreasonably degraded the marine environment by the end of 1981. Despite the fact that the 1981 deadline has long passed, New York City and several municipalities in the New York-New Jersey area continue to dispose of more than 7 million wet tons of sewage sludge each year in waters just 12 miles off our beaches in New Jersey.

During committee hearings on the ocean dumping issue, it became clear that the New York Bight apex is an area which deserves the very special attention of Congress. Scientists appearing before the oceanography and fisheries subcommittees testified that sludge dumping has resulted in significant degradation of the area. At the same time, New Jersey officials have found alarmingly high concentrations of PCB's in several species of fish taken from both the Hudson River and the shore areas along New Jersey.

In the near future, Congressman FORSYTHE, my distinguished colleague from New Jersey, and I will be introducing a legislative proposal which addresses the critical need to take definitive action to phase out harmful ocean dumping in the New York Bight apex and begin the regional planning necessary to improve the overall water quality in this area. I urge you not only to support the bill before us today, but to solicit your support for our efforts to address the very serious problems which have resulted from continued ocean dumping in the mid-Atlantic area and to join with us in working to improve the quality of our ocean waters.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as might remain to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, the legislation before the House, H.R. 1761, would amend and reauthorize title I of the Marine Protection, Research and Sanctuaries Act.

Since this act passed in 1972, there has been a growing concern that we must have a balanced, comprehensive approach to protecting the ocean's resources and dealing with society's waste. While this Nation moves aggressively toward a policy of tighter controls for the disposal of wastes on

land, we must not adopt an essentially out-of sight, out-of-mind philosophy with regard to the disposal of wastes in the ocean. The American public will not support a waste management policy which would indiscriminately jeopardize the marine environment simply because ocean dumping may offer the cheapest disposal alternative. A new direction should be set with respect to the disposal of all wastes and this new direction must mandate the best disposal method available.

The provisions of H.R. 1761 would insure that for the extent that we must rely on ocean disposal we do so without unnecessarily degrading the marine environment or endangering human health. To this end, H.R. 1761 would insure that the most appropriate disposal sites are selected in a timely fashion, appropriately studied prior to dumping and adequately monitored.

In addition, the bill addresses the fact that the present ocean dumping regulations depend in large part upon the accuracy of various toxicological and biochemical tests. If this program is to be effective, we must insure the accuracy and validity of the test results. I support the provisions in this bill to require EPA and the Corps of Engineers to institute an effective quality control program and establish tough criminal penalties for those who knowingly falsify information that is utilized in connection with such critical activities as the issuance of ocean dumping permits.

With reference to section 4 of H.R. 1761 entitled "Convention Adherence," I am aware that concerns had been raised with regard to this amendment to title I. Section 4 would require EPA and the U.S. Army Corps of Engineers to apply the requirements of the London Dumping Convention to all their actions taken under title I. I would like to congratulate Mr. JONES, Mr. HOWARD, Mr. ROE, and other Members for their efforts in satisfying the legitimate concerns of the environmental community and the port authorities with regard to this provision. Our coastal ports rely on ocean disposal of dredged material in maintaining important commercial and national defense navigation channels. We must continue to assure protection of the marine environment, but must do so with a realistic appreciation of the public interests which these ports serve. In amending title I, I agree with Mr. JONES and the other Members, that the London Dumping Convention is not a self-executing treaty and that the London Dumping Convention requirements cannot be directly applied without appropriate congressional and administrative actions.

Mr. Speaker, I believe the provisions of H.R. 1761 move us a step closer toward a rational waste management policy for the oceans and I urge my colleagues to support this bill.

● Mr. HOWARD. Mr. Speaker, I rise in support of the bill.

I want to compliment the Committee on Merchant Marine and Fisheries, its two subcommittees which worked on the bill, and our Subcommittee on Water Resources for the fine job they have done in bringing to the floor legislation which makes significant improvements in our ability to protect our oceans.

The Marine Research, Protection, and Sanctuaries Act, commonly known as the Ocean Dumping Act, was enacted in 1972 as a result of concern over the effects of unregulated ocean dumping. The act established a policy to prohibit or strictly limit the ocean dumping of materials harmful to people or the marine environment. No dumping of material other than dredged material may be done without a permit from the Environmental Protection Agency. Likewise, no dumping of dredged material may be done without a permit from the Secretary of the Army. In issuing these permits, environmental criteria established by EPA will be considered. This act represents a significant step forward in the prevention of pollution of our ocean waters. However, experience has demonstrated that the act does need to be strengthened. Formal site designation preceded by detailed studies to determine the environmental effects of dumping has not occurred as much or as rapidly as it should have. As a result, the vast majority of ocean dumping is taking place at sites which either have received only an interim designation or are being utilized pursuant to court order. Not only have adequate studies not been performed at these sites, the monitoring of the effects of the dumping is inadequate.

The purpose of H.R. 1761 is to overcome these problems—to insure that dumping is permitted at designated sites following adequate environmental studies and that proper monitoring will take place to insure that the ocean environment is indeed being protected. In order to accomplish this purpose, the bill makes site designation mandatory rather than discretionary. EPA must designate sites at which dumping is to be permitted. Coupled with this is a mandamus provision which allows legal actions to be brought to compel site designation studies. Also, there is a provision requiring EPA to prepare and submit to Congress within 6 months a schedule of site designation studies for those sites which presently are being used pursuant to an interim designation or pursuant to court order.

These provisions will provide needed impetus to EPA's lagging site designation study program and will hasten the study process so that adverse effects resulting from dumping at improper sites will be addressed as soon as possible.

Mr. Speaker, this is a bill which is satisfactory to our committees, to the environmental community, and to navigation interests. It will hasten the day by which we have truly effective environmental controls to protect our oceans and the vast amounts of life which they contain. I urge passage of H.R. 1761.●

● Mr. FORSYTHE. Mr. Speaker, I rise in support of H.R. 1761, the Ocean Dumping Act Amendments of 1983. The bill before us today is similar to H.R. 6113 which passed the House of Representatives during the past session.

As amended, H.R. 1761 changes the Administrator's discretionary site designation authority to a mandatory duty, and requires that EPA establish a schedule for completing such designation proceedings for all sites which are currently designated on an interim basis. Existing interim sites may continue to be used until EPA completes its site designation process.

In considering whether or not to designate a particular site, EPA is also required to undertake and complete an analysis of the characteristics of the site, its suitability for dumping, and the environmental effects which will likely result from such dumping. Following designation, EPA must periodically monitor the effects of dumping, and every 3 years estimate the extent of dumping that will occur during the next 3-year period. If a site is no longer suitable for dumping based on that monitoring and estimation, EPA must suspend, terminate, or limit dumping at that site.

Section 104 of the act is amended to allow EPA to apply any special provisions needed to minimize the harm from dumping and to change the discretionary provisions for collecting permit processing fees to a mandatory duty.

Section 106 of the act is amended by clarifying that EPA and the Corps of Engineers are required to adhere to and apply the requirements of the London Dumping Convention. I concur completely with the statement of the chairman of the Committee on Merchant Marine and Fisheries that this provision does not make the London Dumping Convention self-executing. The provision simply states that the requirements of the convention, including its annexes, that are binding upon the United States apply to all actions under title I, to the extent that they do not relax any other requirements of the act. Domestic administrative procedures will govern the manner in which such responsibilities are fulfilled by EPA and the corps.

One of the concerns raised during the committee hearings on ocean

dumping is that the data collected is sometimes suspect. Therefore, the bill includes a provision that the Administrator and the Secretary of the Army shall establish and maintain quality assurance programs to insure the validity, accuracy, and sufficiency of information which is submitted in connection with applications or as a result of monitoring requirements. The bill also provides for criminal penalties for submitting false statements or tampering with monitoring equipment.

In conclusion, Mr. Speaker, I believe that the provisions of this bill will provide the necessary and reasonable improvements in the act to facilitate the operation of the ocean dumping program by EPA and the Army Corps of Engineers. I urge my colleagues to join with me in supporting passage of H.R. 1761. Thank you.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1761, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1761, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

WETLANDS LOAN ACT EXTENSION

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2395) to extend the Wetlands Loan Act, as amended.

The Clerk read as follows:

H.R. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat, and for other purposes", approved October 4, 1961 (75 Stat. 813; 16 U.S.C. 715k-3 et seq.), is amended—

(1) by striking out "September 30, 1983" in the first section and inserting in lieu thereof "September 30, 1993"; and

(2) by striking out "October 1, 1983" each place it appears in section 3 and inserting in lieu thereof "October 1, 1993".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes and the gentleman from Washington (Mr. PRITCHARD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, H.R. 2395, will extend the authorization for the Wetlands Loan Act through September 30, 1993, and the loan repayment date to October 1, 1993.

The Wetlands Loan Act, passed by Congress in 1961, provides a means to accelerate the acquisition of migratory bird habitat. This law authorized $200 million to be appropriated as a loan against future duck stamp revenues. As of the end of fiscal year 1983, approximatey $147 million had been appropriated out of the $200 million authorized. That authorization expired at the end of September and, without this bill, the balance of the money will be unavailable despite the great and growing need for these funds.

In addition, under current law, beginning in fiscal year 1984, 75 percent of the revenues raised from the sale of duck stamps must be used to repay the loan, leaving only about $4 million per year available to acquire rapidly disappearing migratory bird habitat across the Nation. That is exactly where we are today.

Fortunately, the Department of the Interior has informed my committee that it intends to comply with existing law by continuing the acquisition program carried out with duck stamp revenues through the first quarter of fiscal year 1984. However, if this measure is not signed into law by December 31, 1983, the Department will have no recourse but to begin using those revenues to pay back the loan. As a result, the acquisition of migratory bird habitat will come to a halt and those employees who have served this vital program so well will be in danger of losing their jobs.

H.R. 2395 was reported to the House on May 16, 1983, with the unanimous support of the Merchant Marine and Fisheries Committee. It was our intention to combine it with more comprehensive legislation dealing with the acquisition of precious wetlands which serve as nurseries for fish and shellfish and natural water filters as well as breeding grounds for migratory birds. However, that legislation, H.R. 3082, was sequentially referred to two other House committees for a period ending March 1, 1984.

Obviously, Mr. Speaker, passage of H.R. 2395 cannot wait. We are not asking for an authorization of new moneys here today, but merely an extension of time to permit already authorized funds to be utilized for this most important purpose.

I urge the House to join the members of the Merchant Marine and Fisheries Committee in supporting immediate passage of this most worthwhile legislation.

□ 1510

Mr. PRITCHARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in strong support of H.R. 2395, a bill to extend the Wetlands Loan Act.

The destruction and degradation of wetlands have not only had environmental impacts, but also economic and social implications throughout the country. Almost half of the 215 million acres of wetlands estimated to have existed before the discovery of this continent have disappeared. The continued need for agricultural land and increased urban expansion contributed heavily to this loss of wetlands. Between the 1950's and 1970's, the net average loss of wetlands was 458,000 acres.

The environmental impact is obvious. Wetlands provide essential spawning, breeding, feeding, and resting habitat for recreationally and commercially important fish and shellfish. As a hunter myself, I can personally testify to the importance of these lands to acquatic life and migratory birds. From an economic angle, the 8.6 million waterfowl hunters in this country spend between $100 and $500 each year in pursuit of this sport.

There are other economic and fiscal considerations directly linked to the maintenance of wetlands. For example, commercially important fish and shellfish, which depend heavily on wetlands, contribute an estimated $7.5 billion annually to the Nation's economy. In addition, wetlands provide important environmental protections. During the great hurricane of 1955, for example, the Corps of Engineers estimated that wetlands near the Charles River in Boston reduced the flood damage by $1.2 million.

With a clear vested interest in preserving wetlands, the Federal Government has taken an active role in its acquisition and management. As a member of the Migratory Bird Conservation Commission, I have personally participated in the acquisition and preservation of thousands and thousands of wetland acres. Through duck stamp revenues—now estimated at $14.5 million annually—3 million acres of waterfowl habitat have been purchased. Although this is significant, much remains to be done. As part of the Federal share, 1.6 million acres of wetlands remain to be acquired.

The wetlands loan funds provides an important mechanism for accelerated acquisition of wetlands acreage before its too late. This program authorizes $200 million to be appropriated as a loan against future duck stamp revenues. The funds can only be used for the purchase of migratory waterfowl habitat. I urge my colleagues to support this important wildlife conservation program. It is not only good for the environment, but it will save money in the long run.

Mr. PRITCHARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2395 to extend the Wetlands Loan Act.

In 1961, Congress passed the Wetlands Loan Act to provide a means to accelerate the acquistion of migratory waterfowl habitat. This law, as amended, authorizes $200 million to be appropriated as a loan against future duck stamp revenues, and can be used only for the purchase of migratory waterfowl habitat. The authorization, of which approximately $146 million has been appropriated, expired at the end of fiscal year 1983, and, beginning in fiscal year 1984, 75 percent of the revenues raised from the sale of the duck stamps must be used to repay the loan, rather than to acquire waterfowl habitat. In other words, beginning in this fiscal year, not only will the wetlands loan fund be unavailable but $12 million of the $16 million to be collected from the sale of the duck stamps, $12 million will need to be used to repay the existing loan, leaving only $4 million per year available for acquisition of wetland areas.

Unless we extend the availablity of the wetlands loan fund, and delay the repayment of those moneys already borrowed, the acquisition of waterfowl habitat will, of necessity, be severely curtailed. It is our understanding that the Department of the Interior will stop its acquisition procedures this winter unless the Loan Act is extended.

The need to protect wetlands has been amply demonstrated during the numerous hearings which the Committee on Merchant Marine and Fisheries have held. We are actively pursuing the protection of wetlands through a number of mechanisms. H.R. 3082 which has just been reported from the committee, seeks to increase the available funding for acquisition of wetlands by the Federal Government and the States. It also provides mechanisms for updating and completing studies and data collection necessary to make reasonable decisions on other appropriate protection mechansims. The committee is also investigating the feasibility of providing incentive for private sector initiatives in wetlands protection.

H.R. 2395, therefore, is but the first step in the present effort to improve this Nation's wetlands protections efforts. It is, however, absolutely vital that this small step be taken in order to avoid critical delays in the ongoing programs of the Department of the Interior, for acquiring valuable habitat. H.R. 2395 does not authorize any new funds, but merely extends the available time period for funds already authorized.

Therefore, Mr. Speaker, I strongly urge my colleagues to join with me in supporting the passage of H.R. 2395 to extend the Wetlands Loan Act.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I rise in support of H.R. 2395, legislation to extend the availability of funds under the Wetlands Loan Act for an additional 10 years.

The need to protect wetlands has never been more critical than it is today. The Fish and Wildlife Service estimates that we are losing wetlands at the alarming rate of over 715 square miles every year. Yet, these wetlands are perhaps our most valuable and productive lands. Wetlands serve not only as critical nurseries for fish and shellfish, but also provide breeding and wintering grounds for our Nation's magnificent migratory birds, and habitat to countless other plants and animals. In addition, they help to control floods and meet our ever-growing need for safe, pure water.

The most obvious and effective method to address the loss of wetlands is through acquisition. The major source of Federal funding for wetland acquisition has been the migratory bird conservation account. Established in the 1930's, this fund receives money from the sale of migratory bird hunting and conservation stamps—more popularly referred to as "duck stamps." The sale of these stamps, at $7.50 per stamp, raises approximately $16 million per year. Since the program was established in 1934, more than $225 million has been spent for habitat acquisition and more than 3 million acres of waterfowl habitat have been purchased.

In 1961, Congress passed the Wetlands Loan Act to provide a means to accelerate the acquisition of migratory waterfowl habitat. This law, as amended authorizes $200 million to be appropriated as a loan against future duck stamp revenues and can be used only for the purchase of migratory waterfowl habitat. The authorization, of which more than $150 million have been appropriated, expired at the end of fiscal year 1983 and, beginning in fiscal year 1984, 75 percent of the revenues raised from the sale of the duck stamp must be used to repay the loan. If the loan was to be paid back, this would mean that only $4 million per year would be available from the duck stamp for acquisition of waterfowl habitat.

The legislation we are considering today would extend the loan for an additional 10 years. While new ideas relating to wetlands conservation have been proposed and can be helpful, we should not abandon the methods that have proven successful. The wetlands loan fund is both appropriate and necessary if a viable land acquisition program is to continue and if this Nation's wetlands are to be protected.

Mr. Speaker, we have recently reported H.R. 3082, the Emergency Wetlands Resources Act, out of the Merchant Marine and Fisheries Committee. This legislation would increase the price of the duck stamp and authorize entrance fees to be charged at certain wildlife refuges to augment the funds available to acquire wetlands. It would also allow land and water conservation funds to be used for State and Federal wetland conservation projects. We had originally intended to move the Wetlands Loan Act and the Emergency Wetlands Resouces Act at the same time, but the Interior and Insular Affairs and Public Works and Transportation Committees have requested and received sequential referrals on H.R. 3082 until March 1, 1984. Such a delay in extending the Wetlands Loan Act would disrupt the Service's wetland acquisition program with the migratory bird conservation account as funds cannot be committed unless there is certainty that they will not be needed to pay off the loan. For this reason, it is imperative to move this legislation at this time and I ask my colleagues to support it.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 2395, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks on H.R. 2395, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INVOKING SECTION 4(a)(1) OF WAR POWERS RESOLUTION WITH RESPECT TO GRENADA

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 402) declaring that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when U.S. Armed Forces were introduced into Grenada.

The Clerk read as follows:

H.J. RES. 402

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of section 5(b) of the War Powers Resolution, the Congress hereby determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 20 minutes and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Joint Resolution 402, which declares that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, when U.S. Armed Forces were introduced into Grenada.

House Joint Resolution 402 is cosponsored by a majority of the Foreign Affairs Committee members from both sides of the aisle, and passed the committee by a vote of 32 to 2. Its purpose is clear and simple. It would require the triggering of section 4(a)(1) of the War Powers Resolution with respect to Grenada. Section 4(a)(1) requires the President to report to Congress 48 hours, after the introduction of U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

Because U.S. forces are obviously involved in hostilities in Grenada, such a triggering should be noncontroversial. If enacted, the triggering of section 4(a)(1) in House Joint Resolution 402 would mean that the U.S. troop presence in Grenada would end after 60 days unless Congress authorized their continued presence under section 5(b) of the War Powers Resolution.

It would have been preferable if the President had filed a section 4(a)(1) report. That would have been in the collective, cooperative spirit of the War Powers Resolution. To my dismay and regret, however, he has not chosen to do so. The letter to the Speaker on the action in Grenada avoids this crucial issue, and in doing so, denies the Congress its constitutional prerogative over the commitment of U.S. troops into hostilities.

If there is one abiding fundamental of the American system it is respect for the law. We exist as a nation because we respect law; we succeed as a nation because we comply with law. And an absolute corollary of that principle is that the President, as the first citizen of this land, must abide by the law.

The President's decision to ignore the War Powers Resolution also ignores the obvious reality of hostilities in Grenada. Further, the unwillingness to file a section 4(a)(1) report forces the Congress through this resolution to insist on full compliance with the law.

House Joint Resolution 402 does not confront the rightness or wrongness of the U.S. action in Grenada. Rather, it requires compliance with the clear and unequivocal requirements of the law which mandates congressional consideration of the commitment of troops to Grenada. House Joint Resolution 402 is the only alternative given to us by the President as a result of his report.

I urge the House to overwhelmingly support House Joint Resolution 402.

□ 1520

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, now that the shooting in Grenada has practically stopped, it is obvious that the action taken by President Reagan in Grenada is justified. No one can question the intent of the Cubans and the Soviets to create a base of operations for the export of terrorism and revolution from Grenada to the entire Caribbean area.

Before us today is House Joint Resolution 402. This joint resolution declares that the requirements of section 4(a)(1) of the War Powers Resolution became operative, as the chairman pointed out, on October 25, 1983, the day that U.S. Armed Forces went into Grenada.

While the President filed a report within 48 hours, consistent with the War Powers Act, he did not cite specific sections of the act.

Mr. Speaker, I support passage of this resolution, because it is clear to me that the War Powers Act applies in this situation.

I would like to point out that since 1973 when Congress passed the War Powers Act, this is only the second time that the House has moved to confirm that the clock has started to run under the act, which requires the administration to come back to Congress after 60 and up to 90 days and seek approval if more time is needed.

There is a difference of opinion as to how the United States should act in a hostage situation. I might point out that in the Carter administration, because of a belief we could negotiate their release, 62 Americans were held hostage for 444 days in Iran under barbaric conditions. I happen to believe—and I believe a majority of Americans share my view—that the President acted prudently and correctly in the action he took to rescue the Americans in Grenada.

I support the President for his promptness in acting to seize the initiative before another group of innocent Americans became hostages. I share the President's concern that our country was facing a repeat performance of that tragic Iran experience. Although our Government had prior indications that our Embassy in Tehran would be seized, nothing was done. In the case of Grenada, however, we wisely moved in before it was too late. Hostage-rescue operations, after the fact, are often costly in human lives.

Recovered documents have revealed that the regime in Grenada, in conjunction with advisers and armed troops from Cuba and other nations, had been considering a plan to hold U.S. citizens hostage.

I am confident, Mr. Speaker, that the administration will move expeditiously to remove American forces once security for inhabitants has been restored. Even so, I want to indicate my strong support for the passage of this resolution. As we look forward to the withdrawal of American forces, I hope that every consideration will be given to the offer of the British Commonwealth to provide a peacekeeping force to assure peace and stability on Grenada as our forces return home.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I would like to ask a couple questions of the gentleman from Wisconsin (Mr. ZABLOCKI), if I could. As I understand, this is the second time that we have passed this kind of a resolution. Can this resolution be in any way interpreted as being an indication by the Congress that we are approving a 60-day war?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

In no way does this resolution imply that we are approving the war. As I said before, this resolution does not

take into consideration the rightness or the wrongness of the presence of U.S. Armed Forces in Grenada. This is merely a resolution making in order and determining that the law of the land must be upheld and that the war powers 60-day clock started running as of October 25, 1983, when our troops were deployed and introduced into Grenada.

Mr. WALKER. Mr. Speaker, I thank the gentleman for that.

The question stems from the fact that I have a copy of the public law in front of me here. The section under which this resolution is being given us is section 4(a)(1), in which we are implementing law based upon the fact that we have entered into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

I am just seeking to assure myself that in so doing under our constitutional power to declare war, that we are not through this procedure suggesting that for 60 days that by making this declaration we have opened a warlike situation, and the gentleman is assuring me that is not the case.

Mr. ZABLOCKI. Mr. Speaker, if the gentleman will yield, that is not the case. There is no question that when our U.S. Armed Forces were introduced in Grenada they were armed. There is a situation of hostilities there.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 additional minutes to the gentleman from Pennsylvania.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. In order to comply with the law, this joint resolution provides and declares that the requirements of section 4(a)(1) of the War Powers Resolution became operative on October 25, 1983, and if within 60 days the Congress does not approve or provide a specific statutory authorization to extend their stay, the U.S. Armed Forces will have to leave.

□ 1530

Mr. WALKER. I thank the gentleman for that explanation.

I simply say that the concern exists about the fact that the realities of them being in hostilities, I do not think anybody doubts. We can see the pictures on television. The formal declaration of that reality by the Congress, however, may present another kind of constitutional problem, but the legislative record is clear with the gentleman from Wisconsin's statements.

What if we are not here 60 or 90 days from now, what if we are home on recess and this thing runs out, and there is a problem in Grenada and there were still some troops there? Would we have to be called back into special session in order to resolve that particular problem?

Mr. ZABLOCKI. Well, section 5(b) of the War Powers Resolution provides the procedure to follow. We are, of course, hopeful that the U.S. Armed Forces will be out of Grenada before the 60-day period would expire.

The gentleman from Wisconsin is very hopeful that they can be removed within days, and certainly within weeks.

Mr. WALKER. The gentleman from Pennsylvania is certainly very hopeful of that as well, and I hope it will be days rather than weeks, but my question stems from the fact that we are in fact enacting a law here. We are starting the clock running. If we get to the point that this law comes into play and those troops could not be protected, under this act, would we have to be called back into special session in order to take appropriate action?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

I cannot predict what the situation will be 60 days from October 25, 1983.

The law provides that if the scenario the gentleman from Pennsylvania states would be the situation, the President could request an extension of 30 days, and certainly within 90 days, we would be back in Congress.

Mr. WALKER. I thank the gentleman for that explanation.

In the Senate, they added to their action, or had an amendment in which the Congress commended the professionalism and valor of the combined U.S. forces participating in this operation and in addition, the majority leader also suggested an amendment that the Congress commends the President for his swift and effective action protecting the lives of American citizens in Grenada.

Can the gentleman give me some reason as to why we would not also want to go on record, particularly with regard to the professionalism and valor of the people who fought there. It seems to me that this would be an appropriate time to give our forces who have fought, and some of them who have died there, the kind of tribute that the American people would wish them to have?

Mr. ZABLOCKI. If the gentleman will yield, the purpose of this resolution is only to meet the requirements of the War Powers Act. When the House Foreign Affairs Committee considered this resolution, there were proposed amendments which attempted to broaden it to include determinations that the OAS Treaty, the U.N. Charter and the U.S. Constitution had been violated. Those amendments were not considered on points of order.

I might say to the gentleman from Pennsylvania, Senator HART's resolution which was adopted in the other body on Friday as an amendment to the debt ceiling bill is identical to House Joint Resolution 402.

The resolution to which the gentleman from Pennsylvania refers—I am not sure who the sponsor was in the other body—the gentleman from Pennsylvania can introduce a similar resolution should he so desire.

I would not have any problem with the resolution.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has again expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania in order to finish my sentence.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. I thank the gentleman for yielding.

This resolution is not intended to address itself to the presence of the U.S. armed services in Grenada, or the bravery they have shown, or commend the President.

It merely is intended to trigger the clock on the 60-day provision in the War Powers Act.

Mr. WALKER. Would it be the intention of the gentleman to move such a resolution if such resolution was introduced? Is that something that could be moved very quickly in the Foreign Affairs Committee?

Mr. ZABLOCKI. If it would be a commemorative resolution, it may not even come to our committee, but go to the Post Office and Civil Service Committee. Depending on how the resolution were worded would determine the committee to which it would be referred.

If it is a foreign policy resolution, it would come to the Foreign Affairs Committee. I cannot predict what the Foreign Affairs Committee would do if the gentleman introduces a resolution.

The gentleman from Wisconsin would have to see the resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. BONKER).

Mr. BONKER. I thank the gentleman for yielding me this time.

Mr. Speaker, I thank the chairman, and I would like to take this opportunity to commend him for bringing this resolution to the floor today.

Indeed, Chairman ZABLOCKI was the principal sponsor of the War Powers Act.

Mr. Speaker, on November 7, 1973, Congress passed the War Powers Resolution over a Presidential veto. Nearly

10 years to the day, we have before us a resolution invoking the War Powers Act. This, in itself, is cause for grave concern. More disturbing, however, is that barely 1 month has passed since we considered the first resolution in 10 years to invoke war powers. Mr. Speaker, there should be little doubt now that the Reagan administration has built its foreign policy upon that shaky foundation known as a double standard: reserving only for the United States the right to use armed force to deal with crises abroad.

Hardly an opportunity has been missed to condemn the Soviets' threat or use of force against Afghanistan, Poland, and Korean flight 007, to mention the most obvious examples. Yet, the administration opted for a military solution to respond to events in Grenada. Will this not raise further questions about our commitment to negotiations in other conflicts, such as those in Central America and Lebanon?

Many factors must still be sifted through before the costs and benefits of the Grenada decision can be determined. However, some preliminary observations can be made. In terms of Soviet-American relations, no single action has more plainly cost us the moral high ground we have enjoyed in recent years. We have unilaterally undermined our position of leadership in defending the principles of nonintervention and rejection of the use of armed force. We have shown other nations that we, too, can play the Soviets' game. The invasion has also added unnecessary pressure to our NATO allies at a time when they are attempting to smooth the way for deployment of the Pershing II missiles. What credence should now be given to Nicaragua's charges that they are the next stop for our Marines? And to what extent have we undermined the efforts of the Contadora group in seeking a negotiated settlement to the conflict in Central America?

Mr. Speaker, the administration can no longer hide its double standard foreign policy. As one senior administration official was quoted yesterday as saying: "What good are maneuvers and shows of force if you never use it?" I would paraphrase yesterday's New York Times editorial: The enduring test for Americans should not be whether we have the will to use our power, but whether we have the skill to avoid having to.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. I thank the gentleman for yielding me this time.

Mr. Speaker, I believe that I was the first Member of this House to call for the invocation of the War Powers Act which I did in a 1-minute speech within an hour after the President's official announcement that American troops had entered into this island nation of Grenada.

I said then, and I say again now, that there are a great many questions about why we did this and in what manner it was done. We do not yet have the answer, but I rise today simply to commend the distinguished chairman and the membership of the Committee on Foreign Affairs on both sides of the aisle for expeditiously bringing this resolution to the floor, and for completely assuring that the requirements of the War Powers Act are complied with in this case.

I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. I thank the gentleman for yielding me this time.

Mr. Speaker, I think it should be very clear that, one, in no way is the passage of this legislation that most all of us are supporting, that this is a condemnation, nor is it a judgment on the action, for I know most of us, at least this Member, strongly support what our Government and our country is doing down there.

As to whether the administration is starting the clock, in all fairness, this is the third administration that has not recognized the War Powers Act, and it is going into court. It would prejudice the case if they were to negotiate it, and in the case of Lebanon, I know the Secretary of State said yes, we will abide by it.

I do not think it would have been proper, from their legal standpoint, for them to have initiated the case. We want to be a little careful that we do not criticize them in some way as if they are objecting to our action today.

I strongly support this legislation. I have always felt that Chairman ZABLOCKI of our committee performed a first-rate service to this country when he was a leader in bringing forth the War Powers Act and I think Congress is playing its proper role.

So I strongly support it.

□ 1540

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for his comments. But I do want to assure the gentleman that I am no more critical or no less critical today than I was during the failure by past administrations to implement the War Powers Act.

Two wrongs do not make a right.

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. I want to make one observation to the gentleman from Washington. The President did report under the War Powers Act.

The controversy occurs under 5(b) of this act.

The SPEAKER pro tempore. The time of the gentleman from Washington (Mr. PRITCHARD) has expired.

Mr. BROOMFIELD. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, section 5(b) gets involved in the situation of the constitutional authority for the President to operate, and this has not been tested in the courts. That is where the argument comes in.

But I do support this resolution that we have before us today.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield on that point?

Mr. BROOMFIELD. I will be happy to.

Mr. ZABLOCKI. As the gentleman knows, in his letter of October 25 to the Speaker, the President says, and I quote from the letter, that:

> In accordance with my desire that the Congress be informed on this matter, and consistent with the War Powers Resolution, I am providing this report on this deployment of United States Armed Forces.

Therefore, he was merely, as past administrations have, reporting when our U.S military were sent into combat or into hostilities, only "consistent with" the War Powers Resolution and not under it. Had it been under it, the President would have said in conformity with the War Powers Act, which would make a difference.

Mr. Speaker, I submit the text of the letter referred to as follows:

THE WHITE HOUSE,
Washington, October 25, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On October 12, a violent series of events in Grenada was set in motion, which led to the murder of Prime Minister Maurice Bishop and a number of his Cabinet colleagues, as well as the deaths of a number of civilians. Over 40 killings were reported. There was no government ensuring the protection of life and property and restoring law and order. The only indication of authority was an announcement that a barbaric shoot-to-kill curfew was in effect. Under these circumstances, we were necessarily concerned about the safety of innocent lives on the island, including those of up to 1,000 United States citizens.

The Organization of Eastern Caribbean States (OECS) became seriously concerned by the deteriorating conditions in the member State of Grenada. The other members of the OECS are Antigua, Dominica, Montserrat, St. Kitts/Nevis, Saint Lucia, and Saint Vincent and the Grenadines. We were formally advised that the Authority of Heads of Government of Member States of the OECS, acting pursuant to the Treaty establishing the OECS, met in emergency session on October 21. The meeting took note of the anarchic conditions and the serious violations of human rights and bloodshed that had occurred, and the consequent unprecedented threat to the peace and security of the region created by the vacuum of authority in Grenada. The OECS determined to take immediate, necessary steps to restore order in Grenada so as to protect against further loss of life, pending the res-

toration of effective governmental institutions. To this end, the OECS formed a collective security force comprising elements from member States to restore order in Grenada and requested the immediate cooperation of a number of friendly countries, including the governments of Barbados, Jamaica and the United States, in these efforts. In response to this call for assistance and in view of the overriding importance of protecting the lives of the United States citizens in Grenada, I have authorized the Armed Forces of the United States to participate along with these other nations in this collective security force.

In accordance with my desire that the Congress be informed on this matter, and consistent with the War Powers Resolution, I am providing this report on this deployment of United States Armed Forces.

Today at about 5:00 AM Eastern Daylight Time, approximately 1,900 United States Army and United States Marine Corps personnel began landing in Grenada. They were supported by elements of the United States Navy and the United States Air Force. Member States of the OECS along with Jamaica and Barbados are providing approximately 300 personnel. This deployment of United States Armed Forces is being undertaken pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

Although it is not possible at this time to predict the duration of the temporary presence of United States Armed Forces in Grenada, our objectives in providing this support are clear. They are to join the OECS collective security forces in assisting the restoration of conditions of law and order and of governmental institutions to the island of Grenada, and to facilitate the protection and evacuation of United States citizens. Our forces will remain only so long as their presence is required.

Sincerely,

RONALD REAGAN.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding.

Let me just say I am sorry this suspension came before the House at this time. At the present time there is a Foreign Affairs meeting over in room 2172, which is a closed briefing by Comdr. Jack Darby and members of the CIA to let some of us Members know exactly what did take place, and I think we would be a lot better capable of debating this measure had we been able to attend that meeting.

Instead, I had to come over here because I heard my good chairman, whom I respect greatly, criticizing the President of the United States. I just want to say God bless the President of the United States for doing what he did because from some of the information we are receiving over there, if we had not interceded when we did this country's national security would have been jeopardized along with the lives of many American students in Grenada.

I just want to point out that I voted for implementing the War Powers Act in the Foreign Affairs Committee, as did every Republican, not because we are critical of our President, but because we praise our President and the actions that our armed services took in Grenada.

I personally believe that the War Powers Act is unconstitutional, but like the President of the United States, we both believe that it is the law of the land because it has not been found unconstitutional. Therefore the President has acknowledged that because of the actions taken in Grenada, we should come under that act and we are now doing so in the Congress.

That is why all Republicans are supporting it and not for any criticism of our American servicemen serving over there.

I would like to make one additional point.

Before we finish we are going to have a motion to add an amendment to this bill and it will be the amendment I offered as a resolution on Friday which expresses the sense of Congress commending the U.S. Marines and Rangers in their efforts to protect and safeguard American lives in Grenada and we intend to try to defeat the previous question and offer this as an amendment just to show our support.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. NELSON).

Mr. NELSON of Florida. Mr. Speaker, I thank the gentleman for yielding.

What we have here is a technical discussion about a legal point in a law. The President may interpret the law one way. Most here happen to interpret it another way.

In the past few days I have spoken in this House a couple of times and said that I thought that the action by the United States was right and proper for us to be in Grenada and I think history will bear that out.

But the issue before us does not have anything to do with whether or not we were right or wrong to be in Grenada.

The fact is that the law as it is written says that the President must report his committing combat troops to hostile actions and that starts a 60-day time period in which the Congress must approve or not. Apparently the President has chosen not to directly state that he is invoking the War Powers Act.

So there is some ambiguity that we can clear up with the passage of this resolution.

So we come together today to clear up that ambiguity, to start the 60-day period so that the law can operate as the law is intended.

I support the resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I want to express my appreciation to the distinguished chairman of the Foreign Affairs Committee for yielding this time to me.

Mr. Speaker, I listened with incredulity both here on the floor of the House and in the Foreign Affairs Committee when I heard the chairman, my distinguished friend and colleague, say that his recommendation of this resolution was not intended in any way to criticize or, for that matter, to pass favorable judgment on the President in his action in invading the independent, sovereign state of Grenada.

Mr. Speaker, what this Congress is doing by simply adopting a triggering resolution under the War Powers Act is allowing the President of the United States to usurp the power of Congress. Under the Constitution, it is only the Congress of the United States that has the power to declare war.

The framers of the Constitution, during proceedings of the Constitutional Convention, made clear that Congress had the power to initiate war, while the President had the power to conduct such a war once it was so authorized by Congress, and the power to repel invasions of a foreign power.

That is not the situation that occurred in this instance.

As distinguished a conservative American as Alexander Hamilton argued, and I quote:

> It is the peculiar and exclusive province of Congress, when the Nation is at peace, to change that state into a state of war; whether from calculations of policy, or from provocations, or injuries received: in other words, it belongs to Congress only to go to war.

Here the President of the United States has taken that power and the Congress is asked supinely to stand by and simply to trigger a war powers resolution so that after 60 or 90 days, if you will, the President should be or could be expected to remove those troops.

The President has violated the Constitution by his usurpation of the power of Congress to declare war. The President has also violated the Constitution by breaching treaty agreements of this country under the charter of the United Nations and under the Organization of American States.

The President has further violated the Constitution by preventing members of the press from covering that war, and is in violation of the first amendment of the Constitution.

For the Congress to just stand by and accept this is to undermine the very constitutional framework under which this country operates. We may well live to regret this day.

Democracy can be lost in ways other than by a dictator marching in. It can be lost as well by those who believe in democracy but who silently stand by while the Constitution is abrogated.

Mr. BROOMFIELD. Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 402, the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

● Mr. BENNETT. Mr. Speaker, I rise today to support House Joint Resolution 402, which would involve the 60-day limit on the presence of our troops in Grenada starting from October 25, 1983—the date they were first introduced. It is essential that Congress get a handle on the future of this situation.

The Constitution does not give the exclusive conduct of foreign affairs to the President. It gives him the command of the military forces, and it gives the war starting powers to Congress. The historical origins of this separation of power reveal that this was done to put the militia under one head. When Washington was in command of the Revolutionary armies, he was actually in command of only about one-half of the troops. None of the militia forces were under his command. At the Constitutional Convention, the drafters put in the Commander in Chief language to give the President control over the militia in time of war. Just because the President has since that time used military forces to conduct foreign policy in the past, people now think he has the power to send troops into any foreign country he so desires even for combat. This is not what the Constitution says.

The War Powers Act is unfortunate in the sense that it seems to give some of the congressional war power to the President, and thus gives up a little of Congress exclusive war powers. In law and in all fairness, the President should now share his execution of his congressionally delegated power with the Congress, as the War Powers Act envisions.

Congress must keep the situation in Grenada from drifting. The United Nations, the OECS, or Great Britain—because of the Commonwealth status—should now set up free elections. U.S. troops should be removed as soon as possible and Congress should have a part in bringing this about. Let us pass House Joint Resolution 402.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise in support of House Joint Resolution 402, which serves to make clear that the provisions of the War Powers Act are in effect with respect to the introduction of U.S. Armed Forces in Grenada.

It is important to emphasize that the purpose of this resolution is not to determine the merits of the President's action. It is merely to establish that the timeclock is running on the length of stay of our military engaged in hostilities in Grenada. In the event of no further congressional action to authorize the continued U.S. presence, the terms of the War Powers Act requires the President to remove those troops within 60 to 90 days. Following the approval of this resolution, it will then be appropriate to debate the question of whether the President should have acted as he did. But for right now, I hope my colleagues will look at this measure as a procedural matter and not as legislation for the purpose of rendering judgment on the President's action.

I urge my colleagues to support this measure.●

● Mr. PAUL. Mr. Speaker, the situations in Lebanon and Grenada have demanded the attention of both the American people and this Congress in the last few weeks. Not too long ago this House was considering a war powers bill on the subject of Lebanon; today we have one before us on Grenada.

I find it ironic, Mr. Speaker, that the Congress wrote the President a blank check in the Lebanon matter, a check that is good for at least 18 months; but in the case of Grenada we are calling for, not an 18-month limitation, but a 2-month limitation. Nevertheless, I intend to vote for this limitation, for I believe that the President has no authority under the Constitution to engage U.S. troops without the consent of the Congress unless it is to repel an invasion of American territory or to rescue American citizens when Congress is not in session.

I find this action ironic, because the situation in Lebanon is quite different from the one in Grenada. First, in Lebanon, our marines have no clearly defined objective. In Grenada, the objective of the invasion, or at least one of its objectives, is the rescue of American citizens. By contrast, our marines were first used in Lebanon to rescue the PLO. Yet Congress leaps to reprimand the President for his action in Grenada, not Lebanon.

Second, 15 times as many marines have died in Beirut as in the Caribbean. About 240 of our marines have been killed in Lebanon; about 16 in Grenada. Yet Congress wants to reprimand the President for what he has done in Grenada, not Beirut.

Third, the United States has no clear interest in the Lebanese conflict 6,000 miles away, but the Caribbean is right on our shores. It now appears that there were troops and advisers in Grenada from Libya, Cuba, Bulgaria, the Soviet Union, East Germany, and North Korea. If that be the case, I fail to see how anyone can believe that Grenada posed no threat to our well-being. Apparently the six foreign governments represented on the island thought differently. But Congress hastens to rebuke the President for what he did in Grenada, not Lebanon.

Fourth, the administration has repeatedly said that the marines will be out of Grenada in a matter of weeks, but it has refused to place any time limit on our involvement in Lebanon. Yet the Congress is eager to impose a limit on the Grenada operation, but no meaningful limit on the Lebanon occupation.

Mr. Speaker, as I said earlier, I will vote for this resolution, for I believe the President should have come to Congress before committing troops to either Lebanon or Grenada. But I believe that the Congress is showing poor judgment in our foreign affairs by becoming more exercised over Grenada, in which we have a legitimate national interest, than it did over Lebanon in September, in which we have no legitimate national interest.

Congress does control the military, according to the Constitution. The President is Commander in Chief when we are at war. He has the power to conduct war, but the Congress has the exclusive power to initiate war. It is the failure of the Congress to exercise its constitutional prerogatives to declare war that led to both Korea and Vietnam. I would hate to see either Lebanon or Grenada become another no-win undeclared war.

The War Powers Resolution itself, Mr. Speaker, is an imperfect instrument. It enshrined in law for the first time the claim that some recent Presidents have made that the President has the unilateral power to commit U.S. Armed Forces to war in the absence of a congressional declaration of war. Under the Constitution, the Congress has the exclusive right of initiating war, except in the two cases already noted, to repel invasion and to defend American citizens when Congress is not sitting. Not until June of 1950 did any President claim the right to start a war on his own. President Truman must go down in history for that novel and dangerous theory of executive power. What followed was a war in which we suffered 53,000 dead, 103,000 wounded. But Congress acquiesced in this bold usurpation of power. A little over 10 years later, the same thing happened in Southeast Asia, and 58,000 Americans died; 157,000 were wounded.

I suggest, Mr Speaker, that we insist that the President abide by the explicit terms of the Constitution; unfortunately, we ourselves have not done so, and we ought to put our own House in order first.

I am sorry that this resolution has come up under suspension of the rules. I think it would be highly appropriate to impose the same time limitation on the occupation of Lebanon that we are

here imposing on the occupation of Grenada. But the procedure under which we are considering this resolution precludes the offering of an amendment to make a 2-month limitation apply to our involvement in both Lebanon and Grenada. I pray that this action on our part does not usher in the same sort of conflict that we have forced on the American people twice in the past 30 years.●

● Mr. SKELTON. Mr. Speaker, today the House of Representatives will vote on a resolution declaring that the requirements of section 4(a)(1) of the War Powers Act became operative on October 25, 1983, when U.S. Armed Forces were introduced into Grenada. I intend to vote in favor of this resolution. However, I am compelled to caution my colleagues to not look on this vote as a panacea for our involvement in Grenada. If we hope to preserve the integrity of our action in the Caribbean, we must get out of Grenada now—not in 60 or 90 days.

Last week, I was one of few Members of my party who supported the President's decision to take action in Grenada. I believed that our mission there was correct, a conviction which has become even more clear as details of weapons caches, elaborate communications systems, and other signs of an impending Cuban occupation have been revealed. Now that the island has been secured, however, it is time to make our departure.

This morning I sent a letter to the President urging him to take immediate steps to end the deployment of U.S. troops in Grenada and to facilitate the establishment of a multination peacekeeping force on the island. It would be most appropriate for the members of the Organization of Eastern Caribbean States and Barbados and Jamaica to fill this role given their initial involvement in the crisis and considering their future political and economic interests.

The intent of our mission in Grenada was to help out in the crisis. We have done that. Now it is time for us to bring these troops home and to count on the power of diplomacy to complete our objective of restoring democracy to Grenada.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 1, 1983.

Hon. RONALD REAGAN,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Today, the House of Representatives will consider a Resolution declaring that the requirements of section 4(a)(1) of the War Powers Act became operative on October 25, 1983, when United States Armed Forces were introduced into Grenada. It is likely that the House will concur with the Senate and approve this Resolution. I will vote in favor of this resolution which will limit our engagement in Grenada to 60 to 90 days. However, I intend to caution my colleagues in the House to not accept this vote as a panacea for our involvement on that island.

Last week, I was one of few members of the Democratic Party who supported your decision to intervene in Grenada. I felt that our mission there was clear and just, convictions which have proven even more accurate as details of weapons caches, communications systems, and other signs of an impending Cuban occupation have been revealed. However, U.S. troops have completed what they were sent out to do. Specifically, they have secured the island to allow for the safe departure of American civilians and have provided an atmosphere for safe elections and the restoration of democracy. Now it is time for us to bring these troops home and to count on the power of diplomacy to complete our objectives in Grenada.

I strongly urge you to take immediate steps to end the deployment of U.S. armed forces in Grenada and to facilitate the establishment of a multi-national peacekeeping force on the island. It would be most appropriate for the members of the Organization of Eastern Caribbean States and Jamaica and Barbados to fill this role given their initial involvement in this crisis and considering their future political and economic interests.

If we hope to preserve the integrity of our actions in the Caribbean we must get out of Grenada now.

Very truly yours,

IKE SKELTON,
Member of Congress.●

● Mr. GUNDERSON. Mr. Speaker, barring the presentation of unforeseen evidence which might lead to the condemnation of the U.S. military intervention in Grenada, the resolve of President Reagan to prevent another hostage crisis—this time in the Caribbean—should receive the support of Congress and the American people. At the same time, it is the legislative responsibility and constitutional responsibility of Congress to invoke the War Powers Resolution, although such an action should not be viewed as a criticism of the administration's initiative.

Evidence to this point has suggested that the invasion of Grenada was necessary and proper. Few Americans would desire to endure another hostage dilemma such as that in Iran. The statements of returning medical students from St. George clearly provide evidence that the potential for such a calamity was high. In addition, while the properly applicable tenets of international law will be argued for decades to come, the simple fact remains that the United States was requested by Grenada's Caribbean neighbors to free that nation of violent and ruthless rebels. These nations, taken as a group, had already undertaken economic sanctions which most likely would have led to the further demise of security and safety on the island.

The simple fact is that the President acted in a manner which may hurt our international reputation in the short term, but also in a manner which prevented the strengthening of the preception that the United States is an incapable and weak ally, as was frighteningly depicted in Iran. I suspect that those who are now vehemently taking the President to task for this invasion would have also been the first to jump in protest for any inaction which would have led to the imprisonment of 1,000 American citizens.

Today Congress has been asked to consider a resolution which will implement section 4(a)(1) of the War Powers Resolution and, as such, require the withdrawal of American forces, ultimately, within 90 days. It is my judgment that Congress must approve this resolution in order to protect its constitutional rights to participate in decisions leading to the long-term commitment of American troops. While Congress is clearly an improper participant in day-to-day foreign policy and military decisionmaking, it must have a hand in matters of such significance as the long-term deployment of forces in hostile situations. Grenada is clearly one of these hostile situations.

But my vote, and I suspect those of many other Members of Congress, should not be viewed by either the public or critics of the President's action as a condemnation of his decision. In view of the almost simultaneous catastrophe in Lebanon, Mr. Reagan had but no choice to act quickly and strongly. Similarly, in view of the President's use of troops and statements about their purpose in Beirut, Congress has but no choice to reassert its participation in foreign policy and defense matters of significant national concern.●

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and pass the joint resolution, House Joint Resolution 402.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

□ 1550

The SPEAKER pro tempore. Pursuant to clause 5, rule 1, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING EXPIRATION DATE OF EXPORT-IMPORT BANK ACT OF 1945

Mr. NEAL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 189) extending the expiration date of the Export-Import Bank Act of 1945, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I do so simply to ask the chairman of the subcommittee (Mr. NEAL) to explain the resolution to the Members of the House.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman.

Mr. NEAL. Mr. Speaker, this is a simple extension of the Export-Import Bank's authority until November 18. As the gentleman knows, the reauthorization of the Eximbank and amendments to the Export-Import Bank Act are contained in the IMF legislation. When no resolution was reached on that legislation by the September 30 expiration date for the Bank, last month we passed a simple extension of the Bank's authority from September 30 to October 31. Thus, the Eximbank's authority would expire as of midnight tonight. The resolution before the House today extends the authority once again until the targeted adjournment date, November 18, to allow for additional time for the two Houses to work their will on the broader Exim legislation.

Mr. LEACH of Iowa. Mr. Speaker, I appreciate the explanation of the gentleman from North Carolina and based on it, the minority has no objection and we would hope that it goes through.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 189

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Export-Import Bank Act of 1945 is amended by striking out "October 31, 1983" and inserting in lieu thereof "November 18, 1983".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2867.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, with Mr. BARNARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, October 6, section 11 was considered as having been read and open to amendment at any point. Pending was the first committee amendment recommended by the Committee on the Judiciary.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, section 11(d) of the bill, as reported by the Committee on Energy and Commerce, provides for specific timeframes within which the Attorney General must act upon the request of the Administrator of the Environmental Protection Agency to file and represent the Administrator in a civil action. If the Administrator of the EPA requests the Attorney General to act, and the Attorney General does not notify the Administrator within 30 days of his or her intention to represent the Administrator and file such civil action within 150 days after the transmittal of the request, the Administrator will then have the exclusive authority to commence and conduct litigation, except in the U.S. Supreme Court.

The Committee on the Judiciary struck this provision from the bill in its markup and I urge my colleagues to support our action. The committee strongly believes that such a transfer is unwarranted and unnecessary.

All of the witnesses who testified at the hearing, including both the Department of Justice and the EPA, opposed inclusion of section 11(d) in the bill. It is significant that EPA is not requesting this authority and, in fact, opposes the transfer.

The opposition was based on three different arguments. The first argument is that the effective implementation and enforcement of civil and criminal statutes is greatly enhanced by centralized and coordinated litigation by the Department of Justice over all matters in which the United States is a party. Second, the arbitrary deadlines which the language in subsection 11(d) requires are unworkable and unrealistic in the context of day-to-day operation of litigation. The third argument is that the amendment "sends a signal" to the effect that the Congress believes the Justice Department has been dilatory and lackadaisical in its enforcement of hazardous waste litigation, and that transfer of the litigating authority to EPA would result in better enforcement of the solid and hazardous waste disposal laws.

The merits of centralizing litigating authority are based primarily on the advantages to be gained by uniformity of the Government's position. The Administrator of the Environmental Protection Agency, William Ruckelshaus, in his Senate confirmation hearings testified that:

> I think for purposes of orderly administration of justice, there has to be someplace where you lodge that final authority. If you don't, you get different branches of government . . . going into court asking for different interpretations of common statutes that apply across the board and you really have chaos.

Mr. Ruckelshaus wrote to Chairman RODINO expressing his strong support for the committee's action in recommending the deletion of section 11(d). In that letter Mr. Ruckelshaus stated:

> I commend and express my strong support for the Subcommittee's unanimous action of Tuesday, June 7th, recommending that Section 11(d) be deleted from H.R. 2867.
>
> * * * * *
>
> During my tenure at the Department of Justice, in which I served as both Assistant Attorney General for the Civil Division and Deputy Attorney General, I held the view, which I still hold today, that the effective implementation and enforcement of our civil and criminal statutes is greatly benefited by centralized and coordinated litigation by the Department of Justice of all matters to which the United States is a party. As I said in my confirmation hearing before the Senate Committee on Environment and Public Works on May 4th, "for purposes of orderly administration of Justice, there has to be some place where you lodge that final authority."
>
> I am firmly committed, as I know the Department of Justice is committed, to preparing and initiating litigation under our hazardous waste statutes as promptly as possible. I strongly urge the Judiciary Committee to follow the recommendation and lead of the Subcommittee, and move to delete Section 11(d) from the bill during mark-up of H.R. 2867 on June 14th.
>
> Sincerely,
>
> WILLIAM D. RUCKELSHAUS.

The Department of Justice and the Environmental Protection Agency have engaged in cooperative efforts on environmental pollution cases, including entering into a memorandum of understanding with regard to clean air, clean water, and safe drinking water cases. There is no reason to modify this flexible working arrangement by the inflexible terms in the bill. Both the Assistant Attorney General for Land and Natural Resources Division in the Carter administration and the current holder of that position have indicated that the cooperative working arrangement between the EPA and the Justice Department is working effectively. Setting the precedent of eroding the central litigating authority of the Department of Justice in this case, where it is clearly not necessary or desired by the EPA or the Department, is clearly unwarranted from an overall governmental consist-

ency perspective. The working arrangement between the two agencies is described as "excellent" by both parties. Of the 72 referrals received under RCRA, the Department had filed on 64 as of June 1983; the Agency had withdrawn five cases; and the Justice Department is currently discussing with the Agency the withdrawal of three more.

All of the witnesses who testified on this provision agreed that, even were the committee to be of a mind to transfer litigating authority from the Department to the Agency, freezing into statutory language specific deadlines is unwarranted, unworkable, and unrealistic. Cases under RCRA are extremely complex. They often involve hundreds of potential defendants and numerous related claims. Under the strict scheme provided in section 11(d) the Department would be forced to choose between making hasty prosecutorial decisions, without adequate factual and policy underpinnings, or having its authority to litigate stripped from it. Additionally, many of the cases filed under RCRA also involve claims involved under CERCLA, the Safe Drinking Water Act, the Clean Water Act, the River and Harbor Act, the Clean Air Act, and the Toxic Substances Control Act. Being statutorily forced to make a decision with regard to prosecution of certain cases involving claims under any combination of these acts because one of the claims is under RCRA unduly compromises the prosecutorial discretion and judgment of the litigators in the Department of Justice.

There is a further problem which is raised insofar as the potential for criminal proceedings under RCRA and related acts. The Committee on Energy and Commerce "emphasizes that this section does not affect in any way the exclusive authority of the Department of Justice to seek indictment of, and to prosecute violators of, criminal provisions of RCRA." (H. Rept. 98-198, part I, p. 51.) However, it is quite clear that the deadlines imposed by section 11(d) could interfere with parallel criminal proceedings under RCRA and related acts. In a circumstance controlled by this provision, the Department would be forced to choose between initiating a civil action while a criminal investigation or prosecution is proceeding or waiting to commence the civil action until completion of the criminal action. The latter choice would result in the Department losing its authority to prosecute civil claims. The Land and Natural Resources Division argues that it has little control over the timing of investigation or prosecution of criminal cases and that criminal cases have a much higher priority and should not be threatened by simultaneous civil suits.

Actions filed under RCRA also involve claims involving other environmental protection statutes. The triggering mechanism under RCRA provided for in section 11(d) for transfer of litigating authority would affect cases involving all those other acts. Since the section only provides for transfer of RCRA litigating authority, RCRA claims would have to be brought independently by EPA or consolidated with a related action which would continue to be prosecuted by the Department of Justice. This is obviously a wasteful situation which involves duplicative efforts in litigation resources in the same case.

There was no testimony at our hearing to indicate that the Justice Department has been dilatory or lackadaisical in the prosecution of environmental cases. Assistant Attorney General Dinkens testified that—

> Effective management of such wastes is a top environmental priority of the Administration, and effective enforcement of Federal hazardous waste statutes is the highest priority of the Justice Department's Land and Natural Resources Division. . . .

The testimony showed that the Department is actively pursuing these cases and has dedicated the necessary resources to them.

Former Assistant Attorney General Moorman testified that the transfer of litigating authority contemplated in the bill is "the wrong signal at the wrong time." Mr. Moorman went on to say that—

> [w]e have witnessed an astonishing two years of mismanagement at EPA in which the enforcement of the hazardous waste disposal laws suffered greatly . . . I have not heard any suggestions, and I believe no one could fairly suggest that the Department of Justice was in any way responsible for the situation at EPA.

I urge my colleagues to support the committee amendment.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to my colleague, the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I want to identify myself with the gentleman's (Mr. HUGHES) remarks. I would like to ask the gentleman one question.

I understand that the current proposal includes appellate litigation as well as original jurisdiction litigation in which the role of the Solicitor General will be compromised.

Can the gentleman elaborate on that?

Mr. HUGHES. I think the gentleman is correct. The way I read the legislation it would include not just original jurisdiction but also appellate jurisdiction, with the exception of claims before the Supreme Court of the United States.

Mr. LENT. So it is conceivable that the Government would have two lawyers, one on each side of an issue, during litigation on appeal.

Mr. HUGHES. The gentleman is absolutely correct.

Mr. LENT. I thank the gentleman.

Mr. HUGHES. Mr. Chairman, I yield back the balance of my time.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment of the Committee on the Judiciary.

Section 11(d) was even opposed by Bill Ruckelshaus during his confirmation hearings, who stated very flatly that it was a bad idea to give litigating authority to his prospective department.

Mr. James Moorman, Assistant Attorney General in the Carter administration, appeared before the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary and also said, in effect, that it was the wrong idea being advanced at the wrong time. It represents an overreaction to the events of last fall in that Agency.

The Lands Division of the Justice Department has a very outstanding record in the handling of these cases in litigation. And of 70 cases which have been referred to Justice, 63 actions have been filed for enforcement.

□ 1600

So there is no wrong to be corrected. And as Bert Lance used to say, "When it ain't broke, don't fix it." And it is working very satisfactorily. there is no excuse or no real reason for a duplication of the litigation purposes and abilities of the Justice Department by duplicating it in an agency that has, goodness knows, enough to do without handling its own legal work.

Also, the events of last fall would be compounded by allowing the agency to totally handle its own litigation to the exclusion of the Justice Department, eliminating an oversight ability and an investigative look by a different department, the Justice Department.

For those and other reasons, I think, as did the Judiciary Committee as a whole, that section 11(d) is improper and should be removed from the bill.

I urge support of the Judiciary Committee amendment.

I yield back the balance of my time.

Mr. GORE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

We have before us the reauthorization of the Resource Conservation and Recovery Act. And as Members know, this is one of the key pieces of legislation in dealing with the problems of hazardous chemical waste disposal.

It was passed in 1976 and then updated in 1980. And it was crafted to deal with the increasingly apparent need for a national strategy for the regulation and disposal of dangerous hazardous wastes, to devise realistic

standards that could be met and understood by generators and enforcement officials alike.

The Energy and Commerce Committee has wrestled long and hard with this law that is referred to as RCRA. In an effort to craft the fairest and most effective set of changes possible, we have held numerous hearings and collected testimony from a broad range of sources, from those who generate waste to those with the task of oversight, to those citizens who must live with the waste.

The changes which were made in the bill were in no way arbitrary or excessive. We have before us in this law a good law and all that we have done is try to make it work better.

Time and again we have heard horror stories of pollution and contamination that never should have occurred if the law was working the way we intended it to work when it was first put into place.

Today I want to address particularly some elements of the bill which I feel are absolutely essential to its successful implementation, that is, the strengthening of the enforcement sections of the law, and the measure allowing EPA to litigate civil cases if the Justice Department does not act in a timely fashion.

Regarding the litigation provision, section 11(d), that is under discussion at this moment, I cannot stress enough how important it is to adopt changes necessary for the Government to expeditiously respond to these cases which involve endangerment to the public health and the environment. The Department of Justice will remain the lead agency on litigation, but this provision creates a safety valve in the system which gives EPA the authority to go ahead and act to protect the public health and safety if the Justice Department fails to do so in a timely fashion. And it has failed to do so in a timely fashion.

The legislation gives the Justice Department 150 days to file a case after its referral from EPA. Is that not long enough? We may hear some suggest that the 150-day limit and the 30-day notification requirement are inadequate time for the Justice Department to evaluate and prepare its case for filing.

These concerns are simply not supported by the facts.

First, several other major environmental statutes, the Clean Air Act, the Federal Water Pollution Control Act and the Safe Drinking Water Act, give EPA litigation authority if the Department of Justice does not act in a reasonable time and the two agencies themselves have agreed, in a 1977 memorandum of understanding, that 150 days is the proper standard for a reasonable time.

Are we going to take the position that hazardous chemical waste is simply less important and less of a threat to the public health than those threats posed in these other areas of legislation? I would certainly hope not. Yet if you voted for this amendment, that would be the position you would be taking, it seems to me. So I hope the Members will oppose the amendment.

Second, as the committee report notes, EPA and the Justice Department have adopted formal guidelines, called the Quantico Guidelines, which govern the conduct of litigation and, specifically, provide for early Justice Department involvement in the civil litigation case development process.

So under the present system cases referred to the Justice Department should be technically and legally ready for filing at the time when they are referred.

Now, let me underscore that point. What we are talking about is not 150 days after the time the Justice Department first sets eyes on the case. We are talking about 150 days after the Justice Department has already been fully involved in the development of the case, before it is technically referred to the Justice Department.

Now the Justice Department attorneys would have been active participants in the development of these cases prior to the actual referral by EPA.

Third, looking back historically to 1980, a year when the enforcement system was beginning to work effectively, we see that all of the RCRA hazardous waste cases referred and filed by the Justice Department that year, approximately 97 percent, were filed within 150 days.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. GORE) has expired.

(By unanimous consent, Mr. GORE was allowed to proceed for 2 additional minutes.)

Mr. GORE. The deadline which we are asking for, which I believe is perfectly reasonable and consistent with similar deadlines under other statutes, will spur the Department of Justice to devote the time, energy, and resources necessary to proceed expeditiously with these important cases to protect the environment and the public health.

Let me give my colleagues an example of one case which demonstrates the need for this provision. In 1973, in Globe, Ariz., a trailer park was built right on top of a milling site absolutely full of asbestos. The man who sold the trailer lots and moved in these families, coincidentally, also owned the asbestos mill. It seems he neglected to mention the asbestos to the folks that he sold the lots to when they settled in. We all know from the shipyard cases and from other evidence what the terrible evidence is regarding the relationship between the exposure to asbestos and cases of cancer and other lung diseases.

Well, the topsoil gradually eroded and the asbestos began to fill the air. The trailers were contaminated, and the children were playing right in the asbestos. The health experts from the Arizona Health Services, NIOSH, and the Centers for Disease Control, all warned of the serious health dangers from continued exposure to the asbestos.

To make a long story short, after the State took temporary soil capping measures in 1980, and after delay by EPA, due to maladministration by top EDA officials, the enforcement case was finally referred to the Department of Justice in September 1982, for the purpose of filing an action for injunctive relief under RCRA and Superfund as an imminent and substantial endangerment to the public health or environment.

The EPA transmittal letter specifically requested that the referral be the subject of prompt action—and it was underlined—due to the nature and level of exposure to asbestos at the Mountain View Mobile Home Estates site.

Yet, the Department of Justice failed to file the lawsuit for over 7 months and until after congressional scrutiny of the situation. The authorizing committee has conducted an extensive investigation of the enforcement of our hazardous waste laws and believes section 11(d) will be the safety valve in the current litigation system necessary to avoid any more cases like Globe, Ariz.

This provision is necessary and essential and I urge rejection of the pending amendment.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, the House Judiciary Committee in its consideration of this legislation heard from witnesses from the Department of Justice and EPA. And I think it is important that both representatives of Justice and EPA opposed the transfer language in section 11(d).

In fact, no witness who appeared before the Subcommittee on Monopolies and Commercial Law favored the language in this section that this amendment would strike, including James Moorman, former Assistant Attorney General for the Lands Division during the Carter administration. In his words, it was the "wrong legislation at the wrong time."

The person you would think who would have a great interest in this, the Administrator of EPA, Mr. Ruckelshaus, in his confirmation hearings said it was a bad idea to shift this litigation authority.

□ 1610

Now, 11(d), contrary to what we have heard, is simply not necessary to have Government expeditiously respond.

You heard that 150 days is plenty of time to prepare a case. The facts are that in 11(d), the deadline, the first deadline, is 30 days, in which the Justice Department would have to evaluate often very complex cases. The requirement that a case be filed within 150 days, in fact, might very well prejudice effective settlement.

Now, what if we did allow EPA to bring its own cases? The resources of the litigation arm of our Federal Government, the Department of Justice, its U.S. attorneys across the country, would not be available, requiring EPA to develop at considerable unnecessary additional public expense, duplicative litigation of resources.

Mr. Chairman, there is a standard which our Judiciary Committee unanimously felt should be applied; namely, that transfers of litigation authority to an executive agency should occur only if there is compelling evidence that the job is not being done properly.

Quite the reverse is true here today. The fact is that the Lands Division record has been very good with respect to RCRA cases. Of the 70 cases referred to Justice by EPA, 63 of these have been filed.

Now, Mr. Chairman, we have been told that there are precedents in the Federal Water Pollution Control Act and the Clean Air Act, the Safe Drinking Water Act, where EPA has authority.

Now, I think I will take a minute of the committee's time just to analyze this statement. The facts are that no other provision in law is as inflexible or as restrictive as those provisions contained in the bill before you, H.R. 2867.

The Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, contain reasonable time provisions. They do not provide automatic transfer of litigation authority, as does the measure before you, regardless of what you have been told.

Cases under the Clean Water Act, the Clean Air Act, et cetera, involve ascertainment of determinable standards. Programs are in place to determine whether standards have been met and whether enforcement action is necessary.

The programs utilize discreet scientific methods. One or a few parties are involved. It is, therefore, easier to make a determination as to whether litigation should be instituted.

In contrast, the measure before us requires ascertaining whether "imminent and substantial endangerment" is present. Standards of proof are amorphous. Evidence, accordingly, takes a longer time to develop. There are no defined standards of what is a violation. There are usually multiple parties involved, varied and different substances are involved. These complexities counsel against restrictive and inflexible review periods.

Mr. Chairman, for the reason that there is no compelling need to change the system that is working well, then it is not necessary to have 11(d) in order to have Government respond expeditiously, and for the other reasons I have spelled out, I think section 11(d) is unwarranted and unnecessary, and the amendment to strike should be adopted.

Mr. SIKORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to add my remarks to those of my distinguished colleagues in opposition to the amendment.

The Judiciary Committee, in representing the views of the Justice Department in opposing section 11(d) have attempted to portray this provision as something unique, something which will undermine some existing system of centralized litigation authority. It is understandable that the Justice Department would like to have total control over all governmental litigation. Of course, the first objective of any bureaucracy is to increase and protect its turf, and the Department of Justice is no exception. The issue here is not protection of bureaucratic turf but protection of the health and safety of Americans living on or near hazardous waste dump sites.

In considering this provision, two important points should be kept in mind: First, legislation giving Federal agencies limited litigation authority is not unique. According to a 1979 study by the Office of Management and Budget, there are over 20 statutes authorizing over 27 departments and agencies other than the Justice Department to initiate such litigation. These include the Department of Energy Organization Act, the Energy Policy and Conservation Act, and three specific environmental laws already administered by EPA—the Federal Water Pollution Control Act, the Clean Air Act, and the Safe Drinking Water Act.

Second, section 11(d) does not strip the Department of Justice of litigation authority. It merely provides a safety valve in the current system to protect the public health and safety when the Department of Justice bureaucracy fails to act in a timely manner. So that Members further understand the real need for this, I would like to remind my colleagues of the details of one recent case, the Mountain View Mobile Home Estates case in Globe, Ariz., already referred to by the gentleman from Tennessee.

In that case, about 130 residents were living directly on top of an asbestos dump site. Several Federal and State authorities warned of the serious health risks created by direct contact with a known carcinogen.

> . . . the Agency has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of hazardous substances from the site. Due to the nature and level of exposure to asbestos at the Mountain View Mobile Home Estates site, in its referral, EPA requested that this referral be the subject of prompt action.

There was no action taken in response to this request for over 7 months after the referral. Why? Because the attorney assigned to the *Globe* case was busy with other work and either did not have time or was simply unwilling to do the filing. Meanwhile, residents remained exposed to a known carcinogen.

This inaction is unconsionable and can hardly be called a beneficial aspect of a centralized litigation system—it is no isolated instance in fact, it is a too common pitfall. If we continue this system and, therefore, allow these kinds of cases to go unfiled, we will seriously jeopardize the health and safety of the American public.

The amendment proposed by the gentleman from New Jersey is an attempt to block a provision of H.R. 2867 which specifically addresses this problem. This provision gives EPA the ability to litigate cases on its own once the Justice Department has had ample time to prosecute, but has failed to do so. What can be more simple, proper, just? EPA must have the authority to step in and take effective action when the Justice Department fails to. The people of this country—the people in your district—cannot be expected to sit around, waiting for the attorneys over at Justice to clear their desks long enough to file a preliminary injunction, while good Americans live in hazardous waste and are exposed to hazardous materials affecting their organs and blood. Americans deserve the quickest, most effective relief the system can provide, and that is what section 11(d) of H.R. 2867 does.

I urge my colleagues to vote against the amendment and, therefore, preserve the public's interest.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I rise in strong opposition to the amendment.

The litigation authority for EPA contained in H.R. 2867 is necessary to insure rapid relief in situations which threaten public health and safety. The provision is not an attempt to interfere with the authority of the Department of Justice. The provision grants limited authority for the Administra-

tor to commence litigation of hazardous waste cases when the Attorney General fails to act in a timely manner.

I stress the limited nature of this provision. When the Administrator makes a determination that a violation under RCRA has occurred, one which may pose a substantial threat to the health and safety of the public, he shall first request the Justice Department to file, and represent the EPA in, a civil action against the offender. Only if the Department of Justice fails to act within a specified period of time will the Administrator have authority to commence and conduct litigation in his own name, using EPA staff lawyers. Moreover, in any case that moves to the Supreme Court, the Attorney General would take over and represent the Government.

Why is the committee so concerned with timely action?

A few months ago, the Oversight and Investigations Subcommittee encountered a truly egregious example of how people were left facing a serious health risk because the current system failed to operate in a timely manner. The case involved approximately 130 residents of the Mountain View Mobile Homes Estates Trailer Park Subdivision in Globe, Ariz. This residential area was situated directly on top of asbestos wastes generated by a milling facility. State and Federal health authorities, including the Centers for Disease Control, warned of the serious health risks created by direct contact with asbestos, a known carcinogen, and exposure to airborne asbestos fibers.

On September 30, 1982, EPA referred the Globe case to the Department of Justice for the purpose of filing an action for injunctive relief under RCRA and Superfund. More than 7 months after the referral, the Department of Justice still had not filed the case. At a hearing on May 2, 1983, a senior EPA official testified that the major problem was that the Justice Department attorney assigned to the case was occupied with another case, the Stringfellow case, and apparently was not able to devote the time necessary to file the Globe case. One day after the Committee on Energy and Commerce reported H.R. 2867, the Justice Department finally initiated litigation in the Globe case. Under circumstances such as these, EPA should have the authority provided by this bill to proceed and take the action necessary to protect the public health and safety.

Civil litigation is not regarded as the most expedient of legal remedies. On the other hand, hazardous waste sites often present an immediate and continuing danger to human health and safety. If the Government is to protect the citizens of the country from such serious dangers in an effective and expeditious manner, it must provide a safety net mechanism within the enforcement process which will insure prompt action on important cases. If the Department of Justice acts in a timely manner on these hazardous waste cases, this provision will in no way affect the Department's current litigation authority. Instead, I believe it will create the leverage within the present system to insure that important cases are prosecuted expeditiously to protect public health and safety.

Granting authority to an agency to litigate cases is not unusual. Other major environmental statutes—the Clear Air Act, the Federal Water Pollution Control Act and the Safe Drinking Water Act—provide the Administrator of EPA with authority to litigate if the Attorney General does not notify the Agency "within a reasonable time" that he will represent the Agency. A 1977 memorandum of understanding between DOJ and EPA interprets "reasonable time" to be 150 days after referral by EPA, the same period of time established in H.R. 2867. In essence, H.R. 2867 codifies the memorandum of understanding for the implementation of RCRA.

The language in this bill insures that full power to litigate resides first and foremost with the Justice Department. Only in cases where Justice fails to act is the Administrator granted the authority to carry out litigation on his own. All we are doing is providing one more way to protect the public health and safety by enabling timely prosecution of those cases which must go to litigation.

In summary, the provision to grant EPA litigation authority if the Department of Justice fails to act within a specified period of time is an important safeguard for the public. It has been considered carefully by the Committee on Energy and Commerce and is necessary.

I urge my colleagues to vote against the amendment to strike.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, where would the gentleman draw the line? We have literally hundreds and hundreds of statutes that grant various enforcement authority under the hundreds of programs that exist at the Federal level.

Would the gentleman grant transfer authority to each one of those agencies?

Mr. SIKORSKI. Obviously, in this instance, we had repeated testimony, witness upon witness, explaining not some hypothetical threats but direct threats to the health and safety of individual Americans that were left unresponded to because cases of overworked lawyers or undermotivated lawyers in the Department of Justice were not responded to.

Mr. HUGHES. If the gentleman will yield, I can say to the gentleman that I am sympathetic to that.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SIKORSKI) has expired.

(On request of Mr. HUGHES and by unanimous consent, Mr. SIKORSKI was allowed to proceed for 3 additional minutes.)

□ 1620

Mr. HUGHES. I get frustrated at times because the Justice Department cannot reach criminal prosecutions, even with the Speedy Trial Act, because of lack of resources. Is not the answer to provide the resources that are needed by the litigating authority, the Department of Justice? Is that not really the answer, instead of trying to create a whole new litigating agency within each of these agencies and departments throughout our Government?

Mr. SIKORSKI. The gentleman is accurate to the extend that new resources or resources back up to the previous level are needed in the Department of Justice as well as in EPA, but let us not conduct ourselves under some mistaken impression that the EPA is not involved in enforcement, does not have a whole host of attorneys who are familiar with and can prosecute just as easily and just as well and more forthrightly and quicker than the Department of Justice.

What we are talking about here is, again, something not unique, it is not strange, it is not inappropriate. It is fair and proper and something that I obviously support.

Mr. HUGHES. If the gentleman will yield further, the EPA, the gentleman has correctly advised us, has in three specific instances been given that type of transfer authority, but does the gentleman understand that has never been utilized by the EPA?

Mr. SIKORSKI. I understand it has not been utilized. I still appreciate that it is a necessary safety valve in the process, and what we are talking about here is just such a safety valve. The Globe, Ariz., case and several other cases have come to our attention.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from Michigan for a clarification on the point of the gentleman from New Jersey.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, I think it is about time we understood and saw this thing in perspective.

The Department of Agriculture has this authority. The Department of

Labor has this authority. The Department of Health and Human Services has this authority. The Department of the Treasury has this authority. EPA has this authority in connection with not one, but three other statutes, the Safe Drinking Water Act, the Federal Clean Air Act and the Federal Water Pollution Control Act.

In each instance it was given for good reason. There is nothing sacred about the right of the Department of Justice to litigate these questions. All I can observe is that after a long period of restful tranquility and deep repose, the Department of Justice now awakes in a remarkably evil humor.

I say give legislative authority to an agency which will litigate these questions, which can be monitored, and which will not hide behind a smokescreen of lawyer-like statements about why these litigations cannot be commenced, when they cannot commence a suit, as they did in the case of Globe, Ariz., where children were playing amidst of piles of asbestos, a dangerous carcinogen, because the lawyer assigned in the Department of Justice was too busy with other matters.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. SIKORSKI) has again expired.

(On request of Mr. FLORIO and by unanimous consent, Mr. SIKORSKI was allowed to proceed for 2 additional minutes.)

Mr. SIKORSKI. Mr. Chairman, I would just like to comment on the chairman's point in response to the gentleman from New Jersey.

If the authority is there and unused, perhaps that is a spur that is necessary to get the Department of Justice to act quicker and respond to the health and safety hazards of people. Maybe if we give the EPA just this authority in this instance they will act quicker.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I just want to reinforce the point that has been made already that this is a limited authority that we are providing to EPA. I would suggest that this area is of sufficient importance to have that residual limit of authority on the part of EPA.

What we are talking about, and I would concede the point made by the gentleman from New Jersey, is that it would be nice if we have more resources. We do not, at the Department of Justice, and in the interim, while we are waiting for those budget priorities to change, we are faced with situations in context with this statute where we have individuals exposed to imminent and substantial hazards to people's health and the environment and no one has either the resources or the will to go forward in those situations.

What we are saying is that there should be this residual authority that, under those circumstances of imminent hazard to people's health, there should be the capability of going forward. I think that is the key thrust of what we are doing. We are not talking about a radical departure of existing law; we are saying there should be this residual authority to address imminent problems that are impacting upon individuals.

Mr. HUGHES. Mr. Chairman, will the gentleman yield further to me?

Mr. SIKORSKI. Certainly, I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Chairman, I do not understand really how, by transferring the authority to the EPA, which does not want the authority, when we acknowledge we have a lack of resources, we have accomplished anything, because we are going to have to have support personnel, first of all.

It is the Department of Justice that is the major litigating authority. Every agency that has some enforcement authority has lawyers. Are we going to transfer to them litigating authority in each instance? They all think their programs are just as important.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, the answer is we are not transferring litigating authority from the Department of Justice. We are just seeing to it that EPA has the authority to act where the Department of Justice refuses to do so.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, others more erudite and studious and persuasive have addressed the subject before us this afternoon, but I would just like to add a comment or two on a practical level in support of the amendment to strike section 11(b).

I think that we have heard enough of the argument that there are other agencies and departments given similar litigating authority, and I think we have heard enough of the argument that EPA has similar authority under other statutes passed by the Congress.

Let us assume for a moment that it is just barely possible that the Congress made a mistake in each of a number of other instances. What we need to determine is not whether what was done in the past is controlling but, rather, was it right. Without going into the question of whether it was right, let us look at just this circumstance.

Would it be right to create one more circumstance in which the EPA would be authorized to conduct its own litigation in these matters? EPA has indicated, as has been argued here, that it does not seek to have that authority. It has lots of other things to do. As long as the Congress goes in the direction in which it has been going in recent years, creating such authority and depriving the Department of Justice of sufficient resources within the total budget framework to carry on its job, we are going to have to do this in numerous cases. We are going to bleed a bit here and bleed a bit there, and sooner or later we are not going to have any degree of coordination in the litigating function of the Federal Government. We have little enough now.

There are priorities that need to be established by the Department of Justice in carrying out its litigating work. Certainly it sounds difficult, ridiculous even, to contemplate a situation such as that described in Arizona where the 7-month delay occurred with asbestos conditions creating hazards for people living right on it. It does not sound to me as though that was a case in which it was a priority judgment that said this case is not worthy of attention; it was just a case in which there were not sufficient resources in the Department of Justice to do the job.

Why do we not address the problem correctly and directly and provide the resources for the Department of Justice.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I wanted to just point out to the gentleman and to our colleagues that many of these cases that we are talking about that might come up under the RCRA legislation involve multiple claims where, in addition to triggering RCRA, we have the Clean Air Act, we have the Clean Water Act, the Toxic Substances Control Act, and only the Department of Justice can really act as the coordinator so as to consolidate these causes of action.

In addition, there are situations where they are related criminal actions which only Justice can bring, so it seems to me that it serves no useful purpose to carve out the RCRA legislation and give EPA litigation authority in civil matters in that one instance.

Mr. KINDNESS. The gentleman has made an excellent point and made it well, and it was the next one I intended to cover, as a matter of fact.

Coordination of litigating authority in the Department of Justice is most important. The criminal aspect of these cases is an important tool in

dealing with the civil actions. Sometimes there are settlement negotiations that can be affected by the threat of the coordinated approach of civil and civil actions. The most effective way for the laws of the United States to be carried out is in a coordinated fashion.

□ 1630

In some cases there may indeed be Internal Revenue Code violation possibilities. The question of organized crime involvement in dealing with hazardous substances has been raised in connection with this argument. There are various other Federal laws that may be involved. EPA does not happen to be the enforcement authority in dealing with some of the others. Let us not create more confusion.

Mr. Chairman, this amendment to strike section 411(d) should be agreed to.

The CHAIRMAN. The question is on the Judiciary Committee amendment.

The question was taken, and on a division (demanded by Mr. HUGHES) there were—ayes 8, noes 7.

Mr. DINGELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1650

The CHAIRMAN pro tempore. (Mr. HUCKABY). A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 433]

Ackerman	Annunzio	Barnes
Addabbo	Anthony	Bartlett
Akaka	Applegate	Bateman
Albosta	Archer	Bedell
Alexander	Aspin	Beilenson
Anderson	AuCoin	Bennett
Andrews (NC)	Badham	Bereuter
Andrews (TX)	Barnard	Berman
Bethune	Gekas	McCloskey
Bevill	Gephardt	McCollum
Bliley	Gibbons	McCurdy
Boehlert	Gilman	McEwen
Boggs	Gingrich	McGrath
Boland	Glickman	McHugh
Boner	Gonzalez	McKernan
Bonior	Goodling	McKinney
Bonker	Gore	McNulty
Borski	Gradison	Mica
Boucher	Gramm	Michel
Breaux	Green	Mikulski
Britt	Guarini	Miller (OH)
Brooks	Gunderson	Mineta
Broomfield	Hall (IN)	Minish
Brown (CO)	Hall (OH)	Molinari
Broyhill	Hall, Ralph	Mollohan
Bryant	Hall, Sam	Montgomery
Burton (IN)	Hamilton	Moody
Byron	Hammerschmidt	Moore
Campbell	Hance	Moorhead
Carney	Hansen (ID)	Morrison (CT)
Carper	Hansen (UT)	Morrison (WA)
Carr	Harkin	Mrazek
Chandler	Harrison	Murphy
Chappell	Hartnett	Murtha
Chappie	Hawkins	Myers
Cheney	Hayes	Natcher
Clinger	Hefner	Neal
Coats	Heftel	Nelson
Coelho	Hightower	Nichols
Coleman (MO)	Hiler	Nielson
Coleman (TX)	Hillis	Nowak
Collins	Holt	O'Brien
Conable	Hopkins	Oakar
Conte	Horton	Obey
Conyers	Howard	Olin
Cooper	Hoyer	Ortiz
Courter	Huckaby	Ottinger
Coyne	Hughes	Owens
Craig	Hunter	Oxley
Crane, Daniel	Hutto	Packard
Crane, Philip	Hyde	Panetta
Crockett	Ireland	Pashayan
Daniel	Jacobs	Patman
Dannemeyer	Jenkins	Pease
Daschle	Johnson	Penny
Daub	Jones (NC)	Perkins
de la Garza	Jones (OK)	Petri
Dellums	Jones (TN)	Porter
Derrick	Kasich	Price
DeWine	Kastenmeier	Pursell
Dickinson	Kazen	Quillen
Dingell	Kennelly	Rahall
Dixon	Kildee	Rangel
Dorgan	Kindness	Ratchford
Dowdy	Kogovsek	Ray
Downey	Kolter	Regula
Dreier	Kostmayer	Reid
Duncan	Kramer	Richardson
Durbin	LaFalce	Ridge
Dwyer	Lagomarsino	Rinaldo
Dymally	Lantos	Ritter
Dyson	Leach	Roberts
Early	Lehman (FL)	Robinson
Eckart	Lent	Rodino
Edgar	Levin	Roe
Edwards (AL)	Levine	Roemer
Edwards (CA)	Levitas	Rogers
Edwards (OK)	Lewis (CA)	Rose
Emerson	Lewis (FL)	Rostenkowski
English	Lipinski	Roth
Erdreich	Livingston	Roukema
Erlenborn	Lloyd	Rowland
Evans (IA)	Loeffler	Roybal
Evans (IL)	Long (LA)	Rudd
Fascell	Long (MD)	Russo
Fazio	Lott	Sabo
Feighan	Lowery (CA)	Savage
Ferraro	Lujan	Sawyer
Fiedler	Luken	Schaefer
Fields	Lundine	Schneider
Fish	Lungren	Schroeder
Flippo	Mack	Schulze
Florio	MacKay	Schumer
Foglietta	Madigan	Seiberling
Foley	Markey	Sensenbrenner
Ford (TN)	Marriott	Shannon
Forsythe	Martin (IL)	Sharp
Fowler	Martin (NC)	Shaw
Frank	Martin (NY)	Shelby
Franklin	Martinez	Shumway
Frenzel	Matsui	Shuster
Fuqua	Mavroules	Sikorski
Gaydos	Mazzoli	Siljander
Gejdenson	McCain	Sisisky
Skeen	Swift	Whitley
Skelton	Synar	Whittaker
Slattery	Tallon	Whitten
Smith (IA)	Tauzin	Williams (MT)
Smith (NE)	Taylor	Williams (OH)
Smith (NJ)	Thomas (GA)	Wilson
Smith, Denny	Torres	Winn
Smith, Robert	Torricelli	Wirth
Snowe	Towns	Wise
Snyder	Traxler	Wolf
Solomon	Udall	Wolpe
Spence	Valentine	Wortley
Spratt	Vander Jagt	Wright
St Germain	Vandergriff	Wyden
Staggers	Vento	Wylie
Stangeland	Volkmer	Yates
Stenholm	Walgren	Yatron
Stokes	Walker	Young (AK)
Stratton	Watkins	Young (FL)
Studds	Weber	Young (MO)
Stump	Weiss	Zablocki
Sundquist	Wheat	Zschau

□ 1700

The CHAIRMAN pro tempore. Three hundred seventy-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Michigan (Mr. DINGELL) for a recorded vote

A recorded vote was ordered.

□ 1710

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Chairman, could the Chair clarify as to just exactly what the amendment is that we are voting on, where we are procedurally?

The CHAIRMAN. We are voting on the first Judiciary Committee amendment, page 32. It strikes the civil action section of section 11.

Mr. WALKER. Mr. Chairman, did I understand the Chair to say that the amendment we are about to vote on strikes the civil section of the bill, is that correct?

The CHAIRMAN pro tempore. The civil action section of section 11.

Mr. WALKER. I thank the Chair.

The CHAIRMAN pro tempore. The Chair will advise Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 165, not voting 53, as follows:

[Roll No. 434]

AYES—215

Akaka	Broyhill	Crane, Philip
Annunzio	Burton (IN)	Crockett
Archer	Byron	Daniel
Badham	Campbell	Dannemeyer
Bartlett	Carney	Daschle
Bateman	Carr	Daub
Bennett	Chandler	de la Garza
Bereuter	Chappell	Derrick
Bevill	Chappie	DeWine
Bliley	Cheney	Dickinson
Boehlert	Clinger	Dixon
Borski	Coats	Dreier
Boucher	Conable	Duncan
Britt	Conyers	Dymally
Brooks	Craig	Dyson
Broomfield	Crane, Daniel	Edwards (AL)

Edwards (CA)	LaFalce	Robinson
Edwards (OK)	Lantos	Rodino
Emerson	Lehman (FL)	Roemer
Erdreich	Lent	Rogers
Erlenborn	Lewis (CA)	Rose
Evans (IL)	Lewis (FL)	Rostenkowski
Fazio	Lipinski	Roth
Feighan	Livingston	Rowland
Ferraro	Lloyd	Rudd
Fields	Loeffler	Savage
Fish	Lott	Sawyer
Flippo	Lowery (CA)	Schaefer
Foley	Lujan	Schulze
Ford (TN)	Lungren	Schumer
Forsythe	Mack	Sensenbrenner
Franklin	MacKay	Shaw
Frenzel	Marriott	Shumway
Fuqua	Martin (IL)	Shuster
Gekas	Martin (NC)	Siljander
Gingrich	Martin (NY)	Sisisky
Glickman	Mazzoli	Skeen
Gradison	McCain	Smith (NE)
Gramm	McCollum	Smith (NJ)
Guarini	McCurdy	Smith, Denny
Gunderson	McDade	Smith, Robert
Hall, Ralph	McEwen	Snowe
Hall, Sam	McKernan	Snyder
Hammerschmidt	McKinney	Solomon
Hance	Michel	Spence
Hansen (ID)	Miller (OH)	Spratt
Hansen (UT)	Mineta	Stangeland
Harrison	Mollohan	Stenholm
Hartnett	Moore	Stokes
Hawkins	Moorhead	Stratton
Hayes	Morrison (WA)	Stump
Hefner	Myers	Sundquist
Heftel	Nichols	Synar
Hightower	Nielson	Tallon
Hiler	O'Brien	Taylor
Hillis	Obey	Valentine
Holt	Olin	Vander Jagt
Hopkins	Owens	Vandergriff
Huckaby	Oxley	Walker
Hughes	Packard	Weiss
Hunter	Pashayan	Whitley
Hutto	Pease	Whittaker
Hyde	Petri	Whitten
Ireland	Price	Winn
Johnson	Quillen	Wolf
Jones (NC)	Rahall	Wortley
Jones (OK)	Rangel	Wylie
Kasich	Ray	Young (AK)
Kastenmeier	Regula	Young (FL)
Kazen	Rinaldo	Young (MO)
Kindness	Ritter	Zschau
Kramer	Roberts	

NOES—165

Ackerman	Dowdy	Kogovsek
Addabbo	Downey	Kolter
Albosta	Durbin	Kostmayer
Alexander	Dwyer	Lagomarsino
Anderson	Early	Leach
Andrews (NC)	Eckart	Levin
Andrews (TX)	Edgar	Levine
Anthony	English	Levitas
Applegate	Evans (IA)	Long (LA)
Aspin	Fascell	Long (MD)
Barnard	Fiedler	Luken
Barnes	Florio	Lundine
Bedell	Foglietta	Madigan
Beilenson	Fowler	Markey
Berman	Frank	Martinez
Bethune	Frost	Matsui
Boggs	Gaydos	Mavroules
Boland	Gejdenson	McCloskey
Boner	Gephardt	McGrath
Bonior	Gibbons	McHugh
Bonker	Gilman	McNulty
Breaux	Gonzalez	Mica
Brown (CO)	Goodling	Mikulski
Bryant	Gore	Minish
Carper	Green	Molinari
Coelho	Hall (IN)	Moody
Coleman (MO)	Hall (OH)	Morrison (CT)
Coleman (TX)	Hamilton	Mrazek
Collins	Harkin	Murphy
Conte	Horton	Murtha
Cooper	Howard	Natcher
Courter	Hoyer	Neal
Coyne	Jacobs	Nelson
D'Amours	Jenkins	Nowak
Dellums	Jones (TN)	Oakar
Dingell	Kennelly	Ortiz
Dorgan	Kildee	Ottinger
Panetta	Shannon	Udall
Patman	Sharp	Vento
Penny	Shelby	Volkmer
Perkins	Sikorski	Walgren
Porter	Skelton	Watkins
Pursell	Slattery	Weber
Ratchford	Smith (IA)	Wheat
Reid	St Germain	Williams (MT)
Richardson	Staggers	Williams (OH)
Ridge	Stark	Wilson
Roe	Studds	Wirth
Roybal	Swift	Wise
Russo	Tauzin	Wolpe
Sabo	Thomas (GA)	Wright
Scheuer	Torres	Wyden
Schneider	Torricelli	Yates
Schroeder	Towns	Yatron
Seiberling	Traxler	Zablocki

NOT VOTING—53

AuCoin	Gregg	Oberstar
Bates	Hatcher	Parris
Biaggi	Hertel	Patterson
Bilirakis	Hubbard	Paul
Bosco	Jeffords	Pepper
Boxer	Kaptur	Pickle
Brown (CA)	Kemp	Pritchard
Burton (CA)	Latta	Roukema
Clarke	Leath	Simon
Clay	Lehman (CA)	Smith (FL)
Corcoran	Leland	Solarz
Coughlin	Lowry (WA)	Tauke
Davis	Marlenee	Thomas (CA)
Dicks	McCandless	Vucanovich
Donnelly	Miller (CA)	Waxman
Ford (MI)	Mitchell	Weaver
Garcia	Moakley	Whitehurst
Gray	Montgomery	

The Clerk announced the following pairs:

On this vote:

Mr. Miller of California for, with Mr. Moakley against.

Mr. Bilirakis for, with Mr. Lowry of Washington against.

Mrs. Roukema for, with Ms. Kaptur against.

So the Judiciary Committee amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1720

Mr. FLORIO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our colleague, BERKLEY BEDELL, has brought to our attention several questions that have been raised by service station operators and other small businesses. I would like to clarify the record with regard to these questions.

Under the Mikulski amendment, which constitutes section 22 of this bill, we encourage the recycling of used motor oil while, at the same time, minimizing the regulatory burden on the small generator who contracts for its proper disposal. The service station dealer's obligation is simply to insure that the people to whom the waste oil is given are properly licensed, and to keep records of the transaction.

Some people have asked about waste oil that is retained by the generator and which is burned on premises in a commercial space heating unit.

The burning or blending of any hazardous waste for the purpose of energy recovery is covered by section 6 of H.R. 2867. Within 2 years after enactment, the Administrator of EPA is required to promulgate standards regulating facilities which burn hazardous wastes. We also expect the EPA to develop standards for commercially marketed equipment like those space heaters.

If the user has equipment that meets those standards, and uses the equipment according to directions, and records how much waste oil is consumed and so forth, then there should not be any problem.

The existing equipment could remain in use until those standards are issued 2 or 3 years from now. Older units would not have to be upgraded or replaced until after the new standards are set. We would expect the EPA to allow for an orderly transition.

Service station dealers also have inquired about the recordkeeping requirements for solvents which they use. Solvents, of course, are the archetypical hazardous waste contaminant.

The committee recognizes, though, that certain arrangements regarding solvent recycling may well provide the necessary level of public health and environmental protection while minimizing administrative burden on the generator. For instance, many automobile repair facilities employ commercial cleaning services that actually retain title to the materials they use and who remove and recycle used solvent, so that the shopowners are not functioning as generators in the usual sense of the word.

I wish to thank the gentleman from Iowa for his longstanding interest in this legislation and for his help in identifying those concerns which I have just addressed.

● Mr. GOODLING. Mr. Chairman, I rise in support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983, and the Breaux-Forsythe amendment.

This bill will achieve something I have advocated for some time—a strong, Federal stand against landfilling hazardous wastes. Section 5 of H.R. 2867 requires the Environmental Protection Agency to restrict the land disposal of hazardous wastes unless it can be reasonably anticipated to be protective of human health and environment; it takes into consideration the long-term uncertainties associated with land disposal, the goal of managing hazardous waste in an appropriate manner in the first instance, and the persistence, toxicity, mobility, and propensity to bioaccumulate of hazardous wastes and their toxic constituents.

Land disposal facilities will be required to meet design and duel liners, leachate control systems, and groundwater monitoring. RCRA clearly will now make land disposal the management practice of last resort. We have the technology to treat our hazardous wastes, but EPA regulations have favored land disposal, which may be cheaper in the short term, but will be

far more expensive and environmentally devastating in the long term.

Landfills are not the only land disposal method. The Breaux-Forsythe amendment will assure that interim status surface impoundments that are unlined, or that are not meeting RCRA gound water monitoring or containment standards, will either be upgraded to meet the new facility standards, that is, double liners, leachate collection systems, and ground water monitoring, or must close. EPA recently has estimated there are at least 8,000 active surface impoundments used for the storage and disposal of hazardous wastes; 70 percent of these impoundments are unlined, and 39 percent have a high potential to contaminate ground water. Compliance with a Clean Water Act NPDES permit is not relevant to whether the impoundment itself leaks. The Clean Water Act regulates surface water discharges, while RCRA regulates hazardous wastes to protect the total environment. Compliance with the Clean Water Act does not assure compliance with RCRA.

Alternatives to land disposal exist. I know, because in York, Pa., in my district, Envirite Corp. operates a state-of-the-art facility that treats hazardous metal finishing wastes and certain other wastes that are principally contaminated by inorganic constituents. Envirite's treatment technologies and management methods convert toxic and hazardous wastes to nonhazardous wastes prior to their ultimate disposal. This kind of treatment process should serve as a model to EPA in implementing the land disposal restrictions of H.R. 2867.

When I spoke on this issue over a year ago when the House overwhelmingly passed the 1982 RCRA amendments—only to have it die in the Senate—residents of my district were concerned over several sanitary landfills. Local citizens groups have been diligent in their efforts to alert local, State, and Federal officials of the dangers of landfilling, and I am convinced that their voices prompted EPA to designate two hazardous waste sites in the 19th District of Pennsylvania on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)—"Superfund." My constituents want all landfills stringently monitored, and I am pleased that substantial progress has been made among the owners of the landfills (in particular, SCA Services), Government agencies, and concerned citizens in maintaining and improving the quality of these operations.

The work has just begun, however, which is why we should pass this bill. Enactment of H.R. 2867, the Hazardous Waste Control and Enforcement Act, should provide the Nation with greater assurances that the complete RCRA program, for hazardous and nonhazardous wastes, can and will be managed properly to assure protection of human health and the environment. I urge its adoption.●

● Mr. THOMAS of California. Mr. Chairman, I want to identify two provisions of this bill that cause my constitutents in the land disposal business a great deal of concern.

First, they are greatly disturbed by the stringency of section 5(d). The maximum of 52 months given to EPA for assessment of the list of over 500 suspected toxic materials creates a significant difficulty for the U.S. waste disposal businesses.

Unless adjustments are made in this legislation, EPA will be forced, under 5(d) to ban land disposal of a large number of materials about which little is known. The problem is one of technology. My constituents inform me that, as professionals, they do not believe EPA has the technology needed to decide the nonsafety of the items on this list. By forcing EPA to ban disposal because the Agency cannot meet its burden of proof under the deadlines set by H.R. 2867, Congress would be guaranteeing that the industries which produce these materials must be shut down because alternative disposal technologies are either prohibitively expensive or nonexistent.

The second problem stems from the statutory requirements on land disposal that are found in section 21(k)(1). Examining those provisions, one finds that Congress would be requiring land disposal operations to be double lined. My constituents note that such procedures may be desirable in the Eastern United States, but that conditions may justify other, more cost-effective control techniques in other parts of the country. For example, one disposal site in my district sits 600 feet above the water table in a region that receives minute amounts of rainfall each year.

Given the possibility of establishing sound control criteria without requiring EPA to be inflexible on the strategies it must adopt, it would seem better to grant EPA the discretion to adjust disposal site requirements according to the facts and circumstances governing individual sites.

More importantly, giving EPA clear discretion would allow the Agency to encourage new, superior control techniques that could be utilized as technology develops. There is no reason to discourage new control techniques by identifying one approach as superior as a matter of law.●

Mr. FLORIO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MINISH) having assumed the chair, Mr. HUCKABY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2867), to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. DENNY SMITH. Mr. Speaker, I was inadvertently delayed earlier today and missed two votes. I, therefore ask unanimous consent that my statement be placed in the CONGRESSIONAL RECORD.

If I had been on the floor at the time of the votes, I would have voted "no" on the previous question and "yea" on the Brown of Colorado amendment to the O'Brien motion to instruct conferees that no funds be appropriated to fund overseas activities by U.S. political parties as part of the so-called Endowment for Democracy as a part of H.R. 3222, the State, Justice, Commerce Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

BALANCING BUSINESS AND SECURITY IN EXPORT CONTROLS

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, recently we passed the Export Administration Act Amendments of 1983. For days we amended it and attempted to amend it. I want to commend our colleague and my good personal friend, the gentleman from Washington (Mr. BONKER), for his delicate, fair, and professional manner in which he handled this legislation.

As a result of his handling and chairing this legislation, he delicately balanced the security interests of the Nation along with our needs for exports. As a result, we have a good piece of legislation produced in this House.

It is in the interest of America and American business to export goods overseas. New international markets are opening for U.S. products, as we are changing from an economy based on domestic markets to a global economy.

American products are generally considered superior around the world. This is especially the case with high technology. The export of these products help our national economy by bringing in new sources of revenue and expanding our output. The more we can export, the more we can produce; more jobs are provided, and our national economy is strengthened.

Naturally, U.S. exporters want fewer restrictions imposed on their trade. However, America's Government has a national interest to protect to prevent high technology from getting into the hands of our adversaries where they could be used for military purposes. Unfortunately, some products have worked their way to the Soviet Union—only for us to discover it too late. A high-technology item, such as an advanced computer, can be used to the Soviets' advantage for military purposes.

Recently legislation to extend the U.S. law on export trade was favorably considered by the Congress. The issue was trade to boost our economy, and protecting America's security interests. Congress has been struggling with the two sides of this issue to find a delicate balance which will encourage American exports while protecting our security interests.

This legislation preserves a strong role for the Secretary of Defense to review requests for exports of sensitive technology. It provides a DOD veto over proposed exports. DOD has prepared a military critical list: 200 categories of goods and technology, covering nearly 100,000 items, all of which are subject to approval by DOD. Furthermore, the Secretary of Commerce is given wide discretion in granting export licenses—as a backup means to protect against export of sensitive technologies.

The exporters complain that if too many controls are put on exports, delays are inevitable and, therefore, international customers will consider them an unreliable supplier and give the business away to a company in another country.

We have reached a crisis point in our balance of trade and need to strike a balance so that U.S. exporters can compete more effectively in the international marketplace. At the same time, prohibitions against exports of militarily sensitive technology must be tightened.

To maintain this delicate balance to protect the U.S. position is the task that Congress has to legislate concerning exports.

RESPECT FOR THE RIGHTS OF OTHERS IS PEACE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, now that some of the tumult and the shouting—if not all the shooting—have died down from last week's series of foreign policy shocks, we have an opportunity to reflect, to calm the fears and divisions, and to steer a careful course toward national unity.

Even before the tragic events in Lebanon and the invasion of Grenada, many of us were calling for a congressional review of our Nation's foreign policy, and the need for such a review is even more urgent now.

We are Americans first, and partisans second. And we wish to be good neighbors. In the spirit of that desire, we should heed the advice in this morning's Washington Post from Ambassador Sol Linowitz, the distinguished former emissary to the Middle East and the Organization of American States.

Mr. Linowitz asks if our actions in Grenada have been consistent with our obligations to the OAS charter and the Rio Treaty, and he quotes from the great Mexican revolutionary hero Benito Juarez: "Respect for the rights of others is peace."

In days to come, this principle should be our guide as we chart a course which all Americans can stay, in good conscience.

The article follows:

[From the Washington Post, Oct. 31, 1983]

GRENADA: CRITICAL QUESTIONS

(By Sol M. Linowitz)

Some critical questions remain unanswered about the invasion of Grenada, and our troubled Latin American friends are groping for explanations.

The threshold question has to do with the role played by the United States in the invasion. If you accept the fact that the United States acceded to the "urgent, formal request" from the five member nations of the Organizations of Eastern Caribbean States and joined in the operation, the question still remains whether the United States should have done so in the light of our commitments under the OAS Charter and the Rio Treaty.

Article II of the Rio Treaty, to which the United States is a signatory, states that "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the principles of the United Nations."

It is true that the members of the Organization of Eastern Caribbean States are not signers of the Rio Treaty—but how does this relieve the United States of its own commitments and obligations? Indeed, should not the United States have proposed submitting the issue to the OAS for inter-American consideration and action rather than encouraging a small group of small nations in the use of force and the intervention into another country in a military invasion? If there was evidence of a real threat to security and stability in the region, should it not have been put before the OAS for action pursuant to the provisions of the Rio Treaty?

Why, then, does the president say that we had "no choice but to act strongly and decisively" by joining the invasion? Was not the other choice to respect our commitments under the OAS Charter and the Rio Treaty, and to fulfill our obligations to the rest of the nations of the hemisphere with which we are solemnly committed to nonintervention and respect for the sovereign rights of other nations?

A second question concerns the nature and extent of the threat to the Americans on the island of Grenada and whether this action was required in order to ensure their safety. Understandably, the specter of the hostages in Iran was very much in mind when the action was launched. But where is the evidence as to the seriousness of the threat which made the sudden invasion essential? What evidence is there that in the few days since the assassination of former Prime Minister Maurice Bishop the danger to the lives of the Americans had become so great and their safety so imperiled that this kind of action had to be undertaken?

By the same token, if we had convincing evidence that American citizens were truly in danger, why was it necessary for us to await a request from the Organization of Eastern Caribbean States to rescue our own fellow citizens?

Third, why did the United States decide to proceed, despite the expressed opposition of Great Britain, which has a representative of the queen on the island in the person of the governor general? What consideration was given to the concerns expressed by Prime Minister Margaret Thatcher that such an action would be unwise and therefore Great Britain would not become party to it? Should we not have been deterred when the nation with closest ties to these Caribbean states advised against it as a risk that should not be undertaken?

Perhaps the most serious question asked by our Latin American friends is this: How do we reconcile our participation in this invasion with our professed commitment to nonintervention and respect for the sovereignty of other nations in this hemisphere and elsewhere? Ever since the Dominican Republic experience in 1965, we have been trying to reassure the countries of Latin America that the United States has forsworn military intervention into other countries and that we are firmly committed to self-determination and nonintervention.

As the representative to the OAS in 1966–1969, I remember all too well the difficult months spent trying to re-establish credibility for the United States among the Latin American countries in the wake of our incursion into the Dominican Republic.

In undertaking the Grenadian invasion, did we take into account the impact of our action on those in the hemisphere who had finally come to accept our assurance that the United States is truly committed to nonintervention?

Several months ago, a group of leaders from Latin America and North America got together in an inter-American dialogue and issued a report analyzing existing problems and suggesting approaches for the future of United States-Latin American relations.

In dealing with Central America, the report stated: "The United States could do much to foster a climate of security in the region by making unequivocally clear its commitment to respect national sovereignty. If reciprocal and mutual security is to be fashioned in a region that has often experienced overt and covert U.S. intervention, it would be useful to provide unmistakable assurances that the United States will refrain from reverting to those practices."

What is the effect in Central America of the invasion of Grenada? Those who have doubted our announced objectives in Central America will find reason for future skepticism and disbelief in our continued professions of nonintervention. Those who have been asserting that we are seeking the overthrow of the government of Nicaragua

will point to the Grenadian adventure in support of their position.

One thing is clear: the price we have already paid in the hemisphere in credibility and cohesiveness is a considerable one. Our friends are disappointed, distressed and embarrassed. We can expect them to remind us that the words of Benito Juarez are still true: "Respect for the rights of others is peace."

What should the United States do now?

First, our military men should be removed from Grenada as soon as possible after peace has been restored and the safety of the Americans has been ensured. At the earliest date, the Caribbean forces in the multinational operation should assume full responsibility for monitoring the situation without our participation.

Second, the United States should announce that it will, at the annual meeting of the OAS on Nov. 14—when the foreign ministers of Latin America will be in Washington—present before the OAS the evidence of the dangers to both our citizens and to regional security which led the United States to act as it did.

The object would be not to seek approval or ratification but simply to inform them as to the basis for our action. In the light of our commitments under the OAS Charter and the Rio Treaty, they are entitled to—and they are awaiting—a full explanation.

HOUSE CONCURRENT RESOLUTION 200

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKINNEY) is recognized for 5 minutes.

● Mr. McKINNEY. Mr. Speaker, today I joined with 17 of my colleagues in introducing legislation which would place the U.S. Civil Rights Commission under the jurisdiction of the legislative branch of the Federal Government. The factfinding, report-writing body officially went out of existence September 30 and is scheduled to close its doors November 29. Congress must not stand by and watch this injustice take place; we must act quickly and decisively to reestablish the Commission.

House Concurrent Resolution 200 would only be an interim solution to the problem. However, it would lay the foundation for a transition from a Civil Rights Commission replete with political infighting to a viable bipartisan source of knowledge. Let me briefly outline the main provisions of the resolution: First, there would be eight commissioners, rather than the current six. Second, two Democrats and two Republicans would be appointed to the Commission by the President pro tempore of the Senate upon recommendations of the majority and minority leaders. Third, two Democrats and two Republicans would be appointed by the Speaker of the House upon recommendations of the majority and minority leaders. Fourth, the Commission itself would select a chairman and a vice chairman. The President currently designates these two officials. And finally, a Commissioner may only be removed for neglect of duty or malfeasance in office.

In 1957, Congress established the independent, bipartisan U.S. Civil Rights Commission. Responsibilities of the body included the duty to appraise the laws and policies of the Federal Government with respect to discrimination or denial of equal protection under the law. The Commission was originally established for 2 years, but the need for the body's insight and expertise has continued and its life has been extended six times. I believe it is time for Congress to assume responsibility for the Commission and rescue it from the blatant political manipulation which it has been subject to in recent years. House Concurrent Resolution 200 presents us with a clear choice: To allow a controversial but effective Commission to be disbanded for political purposes, or to remove the political pressures which have created the present turmoil and allow the Commission to function effectively. I support passage of House Concurrent Resolution 200 in order to give the U.S. Civil Rights Commission an opportunity to function autonomously and without political control.●

CONFIRMATION HEARINGS OF JUDGE WILLIAM CLARK AS SECRETARY OF THE INTERIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, I take the well of the House this evening on this special order for the purpose of bringing to the Members' attention the fact that tomorrow in the other body confirmation hearings will start on confirming Judge Clark as head of the Department of the Interior, representing President Reagan's new appointment to head that important executive branch of our Government.

And I would like to say just a few remarks with respect to that issue because we all know the existing Secretary of the Interior James Watt during his tenure in office has, to say the least, encountered a considerable amount of controversy generated as a result of occupancy of that office.

Historians will some day I think write the assessment of what the origin of that controversy is and it is my intention this afternoon to talk a little bit about why the professional environmental community in this country became so alarmed when Secretary Watt was nominated and appointed to head the Department of the Interior at the beginning of the Reagan administration. And now also why those same professional environmentalists are apparently taking the same tack with respect to the prospective appointment and confirmation of Judge Clark to that job.

I say apparently, because some of the representatives have in print been quoted as criticizing or questioning Judge Clark and his capacity to serve as head of the Department of the Interior.

I do not think we really have had brought before us the fact that part of the controversy over Mr. Watt at the Department of the Interior and I am sure part of the controversy that will meet Judge Clark in his capacity as head of the Department of the Interior involves that old consideration that is known to most of us, irrespective of our station in life or what our calling is; namely, money.

Scripture teaches that it is the love of money that is the root of all evil. And I would like to share with my colleagues this afternoon a little bit about my assessment of part of the reasons why the professional environmentalists in this country are so alarmed, were so alarmed to begin with, with respect to the occupancy of James Watt as head of the Department of the Interior and now why, apparently, they are going to continue that alarm.

And it relates to how those professional environmental organizations were funded by Federal dollars from the Carter administration to the Reagan administration.

Let me give my colleagues a little example of what I mean.

Let us take the Sierra Club. Its membership in the country in 1982 was some 365,000. Now in 1980 they had 167,000, they experienced a growth of almost 200,000. Their budget in 1980 went from $8.5 million to $13 million in 1982. But what is interesting about the Sierra Club is that in 1978 the Sierra Club received $68,700 from the EPA; in 1979, it received $176,713 from the EPA; in 1980, it got $60,097 from the EPA, and $1,200 from the Department of Energy.

□ 1730

In 1981, it got $256,250 from the EPA, and in 1982 it got $46,894 from the EPA.

The point is this: The fears of the professional environmentalists leading the Sierra Club were well founded. With the new Secretary of the Interior coming in with the Reagan administration, they perceived that some of their money would no longer be coming from the Federal Treasury. And they were right. And it is not surprising that they would squeal like stuffed pigs or a bellowing moose that was stuck in the mud when their fears were realized, that some of their funds would be cut off.

Now, no one quarrels, and this Member from California does not

quarrel, with the right, the duty, of the Sierra Club to exist in this country, enjoying the prerogatives of free speech as their membership gives them the right to pursue it. They have the right to redress their grievances in any way that their conscience causes them to pursue a line of inquiry.

But the point I seek to make in this whole exercise this evening is to raise the question: Is it necessary that Federal taxpayers' dollars assist the Sierra Club or any other environmental organization in the pursuit of its objectives? Do we have to pay Federal tax dollars for them to lobby us with respect to any point of view? And having asked that question, I would say no, I do not think we should be spending Federal tax dollars to assist the Sierra Club or any other well-founded organization in order to pursue its right of free speech in this country.

So I am suggesting that a good portion of the controversy which causes the professional environmentalist in this country to go after Mrs. Burford and the EPA and Jim Watt, as head of the Department of the Interior, was their fear that those appointees in the Reagan administration would cut off their funds, and they did not like it. And they were right. The Sierra Club experienced a substantial decline in funding for Federal services in the first year of the Reagan administration budget process, 1982 over 1981.

Now, take the National Wildlife Federation. Their growth has not been quite as dramatic.

In 1980, the National Wildlife Federation enjoyed a membership of 4 million. In 1982 it expanded to 4.1 million. In 1980 their budget was $24 million. In 1982 it was $37.1 million.

In 1978 it received a grant from the Federal Government of $57,372 from EPA. In 1979 it got $58,500 from EPA. In 1980 it got $208,701 from EPA, and in 1981 a very interesting thing happened.

Just about the time of the taking of office by the Reagan administration, specifically on January 23, 1981, just a few days after our President was sworn in but before his appointees had taken over the Department, what do you know but some of Mr. Carter's appointees on the way out the door, in the changing of stewardship of power, approved a grant to the National Wildlife Federation of $451,600. That is not too shabby. Just a few days, I guess, before they left the premises they wanted to shovel out this money to assist their colleagues in the professional environmental movement in this country to work their mischief or to work their lights as they see the light.

And then in 1982 their fears were well-founded because they were the recipients of $74,508 from the EPA. To put that in perspective, in 1981, Carter's appointees, just before they walked out the door, gave them $451,600, and in all of 1981 they got $607,604. And the next year they were cut down to $74,508. So they were likewise chagrined. Their fears were confirmed. They were cut down in the money they got from the Federal Treasury to assist them in their various enterprises. And so I would submit here again a reason why the professional environmentalists of this country are protesting, not only with Jim Watt, as they did, and Mrs. Burford, but now apparently carrying along the same protest to the prospective confirmation of Judge Clark as head of the Department of the Interior.

Take the National Audubon Society; 350,000 members in 1980. In 1980, it had a budget of $8 million. In 1982 it had gone up to $22 million. From 1977 to 1981 it received $221,483 from the Department of Energy, the EPA and the NEH.

The National Resources Defense Council, with 35,000 membership in 1980, in 1980 their budget was $1.9 million. In 1982 it had gone up to $4.5 million. And here is a little analysis of what this agency received or this Council received: In 1979, $25,000 from the Department of Energy; in 1980, $360,000 from EPA; in 1981, the last year of the Carter administration, $816,500 from EPA. This grant was on January 21, 1981. It must have been, again, just an action as the last of the Carter appointees were walking out the door, they approved this grant of $816,382 for the National Resources Defense Council.

And then in 1982 this organization was also disappointed with respect to continued funding by the Federal Government, and it received only $132,423.

Now, I ask any Member of the House, if your agency, pursuing its legitimate interests, received $816,560 in 1981, and you were cut down to $132,423 in 1982, I would expect that you are going to be unhappy with that and you are going to express that unhappiness by protesting that the person who is reducing your income has tendencies or performances in job that you do not like.

Now, with respect to Friends of the Earth, they had a membership of 22,000 in 1980, and in 1980 their budget was $670,000. In 1982, $1.3 million.

In 1978 they got $6,425 from the Department of Energy. In 1979, $30,000 from the Department of Energy. In 1980, $14,500 from the Department of Energy. In 1981, $1,345 from the EPA. In 1982 they got zero from the Federal Government.

I would expect that they are a little unhappy with respect to the fact that they were cut completely off from any longer being able to feed in the Federal trough.

The Environmental Defense Fund, 44,000 membership in 1980, with a budget in 1980 of $1.6 million, $2.8 million in 1982. In 1981 they received a total of $36,349, $19,999 from the Department of Energy and $17,350 from the Department of the Interior. And this is one of the few organizations in the environmental community that actually enjoyed an increase during the Reagan administration appointees. They received $99,534 from the EPA in 1982.

The Center for Renewable Resources, in 1979 they got $183,093 from EPA, $430,060 from the Department of Energy. In 1980 they got $172,000 total, $80,000 of that from EPA, $92,000 from the Department of Energy.

□ 1740

In 1981 they received $780,510 from the Department of Energy in the last year of the Carter administration, and in 1982 they received zero, here again a substantial cut in what this professional environmental organization received from the Federal Treasury.

Then the Environmental Action Foundation in 1977 received $58,728 from the EPA; in 1978, zero; in 1979, $59,000 from EPA; in 1980, zero. In 1981, $179,644 from EPA. In 1982 they were likewise reduced to nothing, zero, in the first year of the Reagan administration.

It is interesting to note that of this $179,644 which the Environmental Action Foundation received from EPA in 1981 that the big lion's share of it came as the appointees of ex-President Carter were walking out the door. Specifically, on January 28, a grant was approved of $74,508, and on January 29, 1981, a grant was approved of $71,093.

The point that I seek to make in this information that I am bringing to the Members this afternoon is, again, to ask the question: Is it appropriate, in this era of Federal deficits being what they are of close to $200 billion, that we tolerate the continued funding of professional environmental organizations from the Federal Treasury? I will repeat: This Member has no objection to these organizations pursuing any course their membership dictates, provided they raise the money to do that from voluntary contributions or grants from private sources. That is their privilege in a free country. But I question whether Federal dollars should be used to support these activities.

It is obvious that the Reagan administration, coming into office in 1981, there has been a substantial and significant decline, as I have previously enumerated, in Federal funding for these various environmental organizations. The point that I seek to make is that if we want to understand the

source of the controversy between the professional environmental organizations headquartered here in Washington, D.C., and James Watt and Mrs. Burford, and apparently now Judge Clark, whose hearings will start tomorrow on confirmation in the other body, we must have an understanding that money, the love of money, the lack of money, is at the bottom of a very significant part of this entire controversy.

STATEMENT OF HON. RICHARD RAY OF GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. RAY) is recognized for 5 minutes.

Mr. RAY. Mr. Speaker, during debate on the Dreier amendment to H.R. 4185 on October 26, 1983, the following exchange occurred between Representatives ADDABBO and EDWARDS which is recorded on page 29428 of the CONGRESSIONAL RECORD for that date:

Mr. EDWARDS of Alabama. I would say as a matter of legislative history, fine. Let the Army take that $37.3 million we could not move forward and reprogram it or turn it back to the Treasury. But I do not think that ought to defeat what it is the subcommittee is trying to do and what the gentleman was trying to do.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

If it is the legislative history that the transfer of funds was stricken by the point of order, and that the Army is not to use those funds to buy the basic Stinger, our concerns are satisfied. If those funds and the funds we are appropriating in this bill are for the second and third generation Stinger, then I would accept the amendment with that legislative history. We could possibly clarify this point further when we get into conference.

Mr. EDWARDS of Alabama. And I would agree with the gentleman that that is the legislative history.

Mr. Speaker, I wish to take exception to the statement that the remarks of Mr. EDWARDS and Mr. ADDABBO constitute legislative history that is binding upon the Department of Defense. The point of order made by me—and sustained by the Chair—produced the opposite legislative history on the matter of the disposition of funds appropriated in fiscal year 1983 for the Stinger missile program.

On page 19, lines 4-6, of the bill as introduced, H.R. 4185 provided "for the Stinger program, $100,500,000, and in addition, $37,300,000 to be derived by transfer from missile procurement, Army, 1983-85."

On page 284 of House Report 98-427, the Appropriations Committee asserted that "these transfers are made from funds appropriated in fiscal years and are no longer required for the purposes for which appropriated as a result of Department of Defense decisions, congressional denial of reprograming requests, or committee recommendations."

My point of order was based upon the fact that the transfer language constituted a reappropriation of unexpended balances of appropriations and thus was not in order under rule XXI, clause 6. Had the floor manager on H.R. 4185 not conceded the point of order, I would have been prepared to refute the committee report on the contention that the funds are no longer needed for the purposes required.

The funds proposed to be transferred from the fiscal year 1983 appropriation are still needed to procure the number of Stinger missiles approved by the Congress last year.

The Army currently only has 33 percent of its man-portable air defense missile requirements. The remainder of the available missiles are largely outdated Redeye missiles.

The loss of funds from the fiscal year 1983 program could reduce the number of Stinger missiles procured from 1850 to 962 thereby delaying Stinger deployment in two of the Army divisions from 1986 to 1989. Therefore, the funds proposed to be transferred from the fiscal year 1983 program are really needed in that program and thus are really not available for a transfer to fund part of the fiscal year 1984 program.

Once my point of order was sustained, it was clearly established that the funds remained available for obligation in the fiscal year 1983-85 Stinger program.

At that point, further discussion on the fiscal year 1983 Stinger program was inappropriate. The business before the House was consideration of the fiscal year 1984 Defense appropriation bill and not the establishment of legislative history on fiscal year 1983 appropriations.

It is important to note that the effort by Representatives ADDABBO and EDWARDS to establish legislative history on the fiscal year 1983 Stinger appropriation did not come at the point in time when I made my point of order. It came only after a considerable interval of time, during which the House debated another amendment on the Pershing II missile, and during debate on an amendment to the fiscal year 1984 Stinger appropriation.

If the Appropriations Committee believes the $37.3 million from the fiscal year 1983 Stinger appropriation should not be obligated for the purposes for which it was appropriated; that is, the procurement of 888 basic Stinger missiles—there is a clear legislative procedure for bringing this matter before the House.

A rescission of appropriations must be reported to the House. Such a rescission could have been included as a provision in H.R. 4185. However, since the committee did not choose to recommend a rescission, the $37.3 million not only remains available for procurement of basic Stinger missiles—the purpose for which it was appropriated—but, in fact, must be obligated for that purpose unless the President proposes a deferral in accordance with appropriate provisions of Public Law 93-334, the Congressional Budget and Impoundment Control Act.

ARE WE EMBARKED ON A COURSE OF WAR?

The SPEAKER pro tempore (Mr. RAY). Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, it is quite obvious that the President of our country has embarked on a war course. Sadly, it looks to me as if he is lusting after that false bitch goddess of war, and sad because it means that at no time has the Congress, the representative body of the people, been given a clear, coherent, and adequate accountability as to this course of action, beginning of course with the tragic evolvement in Lebanon and not necessarily overshadowed by the current proceedings in the Caribbean.

When a country reaches this junction, all history shows us, no matter what its system of government is, and we must remember that those who founded the form of government that we enjoy, in the writing of the Constitution, spent an inordinate amount of time, discussion and debate particularly on that point; that is, the warmaking function of an office and of a society. All through history, and in fact, I might say by way of parenthesis, it is the most fundamental unlearned lesson of mankind in history that violence never has and never will resolve anything.

But in the light of the circumstances at this junction in the national development, I think that it is a very sad thing to comment that some Americans will be asked to give their lives or suffer serious bodily harm, as only war can ravagingly do so, while others of us perhaps may not. But the very fact that a President at this time and in point of our development, and after the tragic and sad experiences of the immediate past two decades, that it would not, through its fundamental representative and national policymaking body, demand that it have a say-so in these critical determinations of war or peace.

But so much has happened because of war, and so much has it impacted upon our form of government in the democratic and representative processes of government, that quite imperceptible

tibly we reach the point that the Founding Fathers feared the most, the old king's warmaking power with no restraint, with no question, at least in time.

What a tragic and sorry commentary. When we consider that even in the case of this last venture in the Caribbean islands, just thus far the amount of treasury or money spent far exceeds the amount that this Congress debated on the President's insistence for what he calls the Caribbean Basin Initiative.

□ 1750

And at that time, during the discussions, there were reports submitted into the RECORD, I being the one who did that, showing how false a premise that approach and initiative was if it was intended to show a sincere and a dedicated pursuit on our part in offering leadership and help to that area we call the Caribbean Basin. It is interesting to note that this was done under the guise and pretext of an invitation from those signatory members known as the Eastern Caribbean Countries, with which we are not signatory but which are the main beneficiaries of the appropriated moneys that this Congress approved just a scant month and a half or so ago. It was their invitation, and they are the beneficiaries.

At this point we are in violation of the Rio Pact, the basic part to which we are signatories and which gave rise to the Organization of American States, the OAS, which is the organization I have spoken out about now for 3 years and some 6 months. And this goes back to the time when it was not President Reagan; it was President Jimmy Carter.

When I look back and see that if we had taken all those vast Treasury amounts, billions upon billions of dollars, that were expended in Vietnam, for example, and had we converted that treasury into dollar bills and loaded our C-5's and, instead of having invaded Southeast Asia, just taken that money and poured it over the countryside, I think today history would show that we had done a lot more good then we did with all of the sacrifice and blood, the 57,000 American lives and the final cost estimate yet to be calculated in terms of dollars.

I sincerely believe that the operation in this Caribbean island was accomplished also at great cost. Oh, I am sure the President and all the leaders who look upon this as something that had to succeed will say, "Well, it just cost us a handful of American lives." But as I said on the occasion of the Lebanon venture, before the tragedy of October 24, one American life should not be expendable at any time. We are not one of those societies, as history records, where human life, the dignity thereof, and the individual count for nothing and where lives are as expendable as the sands of the sea.

I said this in 1965. When the Vietnam war began to record those unfortunate lists every week of young Americans brought back in those caskets. I met with constituents and I spent all-night vigils. I had known some of them since they were born. Their fathers had been playmates, schoolmates, and colleagues during war.

And I remember a session at the White House to which President Johnson had invited a handful of Senators and not a few Members of the House. Again they had the briefings, and that particular week the report came that the casualties for the week had exceeded 70. This, of course, was hagriding the minds, whether they were saying so or not, of every one of us, just like today.

Sure, the onrushing events of the Caribbean may—and I hope that the leaders of our country are not foolishly thinking this—cause the tragedy of Lebanon to temporarily recede into the background. But I must remind my colleagues, my follow Americans, and our President that things have not changed any in Lebanon or in Beirut. Our marines are just as exposed and vulnerable today as they were on the 20th of October, the night I spoke and made a departing statement as we closed out the session for that week. I was trying to break through that level of consciousness, and I said, "Mr. President and colleagues, you are all running off now, about to adjourn, and we have got through passing the so-called War Powers Resolution"—which, as I said and repeat, was not that at all—"in which the President indeed and in fact obtained, carte blanche, a blank check. And," I said, "Mr. President, I have been speaking out, pointing out the vulnerability of these Americans, so while you are eating your juicy steaks and resting in the comfort of that bedroom in the White House and we in ours, try to remember those men, because right now and every minute they are exposed to death or serious bodily harm."

For what purpose? What is the mission?

The President has never come before the Congress to explain in clear and coherent terms what the mission is, and tonight I repeat the same thing. Even after that tragedy, even after this catastrophic list of dead and the President's address to the Nation, not once did he say anything other than that he intends to continue to provide the potential for the unlimited spilling of American blood in the unlimited sands of Araby without a stated mission.

What is the mission of the Marines there today? Right now, as I am talking, they are not any less vulnerable today than they were before. They are not on the high ground; they are still on the low ground.

But meanwhile they show the glee and joy that we did succeed at last in Grenada and we captured—what were the headlines today?—a Marxist general. These are great deeds. But let us look at the other side of the ledger and find out what eventually will be the price tag and the wisdom of this approach.

Does it make sense that we should have gone to this length in that place in this manner and fashion, with this great outlay of treasury and blood when, for the same amount, we could accomplish the ultimate mission. And of what? Of thwarting improper interests and control of those interests contrary to our national interest.

How history will judge this, when and if we survive, I think will be very, very condemnatory. There is no question in my mind that the President is embarked in pursuit and lusting after that false bitch goddess of war with no restraint from us. I am not going to blame the President. As I said last week, the responsibility is here in these halls, in the House and Senate, for we, Mr. Speaker, have advocated a trust. We have advocated our trust under a false notion of unity or what is called unity and have been neglectful of the fact that we are a coequal and an independent and a separate branch of Government.

□ 1800

This is why, Mr. Speaker, I did not vote with you on your recommendations last week and do not intend to continue to.

This is why, Mr. Speaker, sooner or later when the American people are fully informed and they have had a chance to evaluate, this House will have to see and account for these actions, or the lack of actions, the omission and commission. We are in violation of treaties.

The President's action, no matter how successful, in effect ironically legitimizes the very enemy he loathes and fights against.

This, after all, is what we have been critical of Russia for, though actually worldwide opinionwise it is very hard to try to parallel Afghanistan in the case of Russia with us in the Caribbean, or more importantly, in Honduras, which we are indeed and in fact occupying. We are not training in Honduras, we are occupying, and it is obvious to me and I hope, as I said last week and the week before, that I am wrong. I said I hoped I was wrong on the night of October 20 and no man could describe in words what I felt on Sunday, the 23th, because that exactly was the fear that obsessed and possessed me and motivated me to speak out.

As of tonight, I know that the President is undeviously on a calculated course of war. I know that he is committed to destroying the regime in Nicaragua now.

So therefore, it should not take a prophet or any particular expert to say that all you have to have is just a little minimal knowledge or exposure to what the world is like south of our borders.

Therefore, I say to my colleagues, you will see headlines. You will jump, just as you did this last week, when the headlines roar that Nicaraguans, Sandinistas, Marxists, Leninists, whatever you want to call them, have through the use of airplanes—and how did they get their hands on French planes or Mig's or what have you and have in turn killed American soldier boys?

As I asked on the night of October 20, as I asked before when we had the consideration of the so-called War Powers Limitation Resolution, my colleagues, what will you do then?

Mr. President, what will you do then after the blood has been shed? I would say pretty much as we have been doing for the last 2 weeks, bowing, prostrating, and saying, "Gee, that's horrible. If I had known that, I wouldn't have voted that way on that resolution."

That history will not make any note of, for it will be inexorable in its judgment and that judgment will be that our country inexorably is leading its destiny of children and grandchildren into an era of tremendous strife and discord in its own front and backyard.

Mr. President, I hope that somehow or other, maybe by praying to the Supreme Being, that you will be dissuaded from your calculated lust after that false bitch Goddess of War, or at least take into the confidence of your judgment-making processes the leaders of the representative branch of the American people. You have not up to now.

As a matter of fact, even the ventures thus far taken in which the military was called for when the President announced the great and historic unprecedented use of the two task forces down in Central America on both the Caribbean and Pacific sides, the military were not consulted first. Their advice was not sought, not even the Secretary of State.

Mr. President, for once, for once since 1945, I hope that you who have taken a resolve very different from that which your immediate predecessors have, at least announce publicly or objectively or think of those that you are asking to sacrifice—and for what purpose? What is it that the Marines can do tomorrow in Lebanon that they have not already tried?

Please, Mr. President, come before us and explain these things to us.

NUTRITION ASSISTANCE PROGRAM IN PUERTO RICO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, today I am most pleased to join Representative CORRADA, the Agriculture Committee chairman, Mr. DE LA GARZA, and Agriculture Committee members EMERSON, OLIN, and MORRISON in cosponsoring a bill to allow continuation of the nutrition assistance program (NAP) currently in operation in Puerto Rico. I believe that quick passage of this bill is necessary to allow further testing of what appears to be a sound system of nutrition benefit delivery in Puerto Rico. I am most pleased that the administration supports this bill wholeheartedly.

I think it is important to understand the history that makes this bill necessary at this time. Until July 1, 1982, Puerto Rico participated in the food stamp program under virtually the same conditions and guidelines that govern the participation of other States and jurisdictions. As part of the food stamp amendments of the Omnibus Budget Reconciliation Act (OBRA) of 1981, Puerto Rico was eliminated from the "regular" food stamp program and was instead provided with a block grant. The annual funding level of the block grant through fiscal year 1985 was set at $825 million, which at that time was estimated to be about 25 percent below projected food stamp program costs. The block grant was the costs of program administration. No condition was placed upon the manner in which Puerto Rico could deliver benefits to those in need, other than the necessity of properly targeting benefits and gaining approval of the plan from the Secretary of Agriculture.

Especially given the very limited time—approximately 10 months—and resources available to plan a transition from the food stamp program to another program that would serve roughly half of the Puerto Rican population, the government of Puerto Rico opted to replace the food stamp program with cash assistance. The new program would deliver benefits in the form of checks to eligible households. I am told that USDA actively encouraged and assisted the development of this cash assistance program.

Shortly after the program was implemented on July 1, 1982, Congress passed amendments in Public Law 97-253 requiring that Puerto Rico change to a "noncash" assistance program by October 1, 1983. Those same amendments also mandated a USDA study of the cash assistance program, to be presented to Congress by March 1983. Just recently, the continuing resolution—Public Law 98-107—included an amendment delaying the requirement for a noncash program to January 1, 1984. Unless additional legislation is enacted prior to the time Congress recesses for the year, Puerto Rico would have to implement a noncash program as of January 1, 1984.

As chairman of the subcommittee with jurisdiction over the food stamp program, I have been aware of this problem for some time. In June of this year, the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition conducted a field hearing in Puerto Rico on this issue. A full record was compiled, as a broad spectrum of witnesses testified. The subcommittee also spent several hours conducting field visits to various food stores, welfare offices, and recipient homes to gain firsthand knowledge of the program. In addition, the subcommittee has received much correspondence on the subject.

Based upon the hearing record, extensive communication with Government officials, and the study conducted by USDA, I strongly believe that the current cash assistance program should be allowed to continue. The evidence available thus far suggests that the program is a success. Program administration is now simpler and less costly, error rates have been cut dramatically, the black marketing of food stamps has been ended, and most importantly, there is no evidence that food consumption among individual needy households has fallen off as a result of the switch from stamps to cash.

I would stress that I do not believe that this program has yet received a definitive evaluation. The USDA study reported earlier this year was prepared in haste, as required by Congress, and reviewed the program shortly after its inception. I believe the importance of the study is that it shows there are no glaring weaknesses in the NAP. Food consumption levels appear to be consistent with the levels expected after the cutback in overall food resources by the block grant and there is no evidence of an increase in hunger or malnutrition due to the program. Its effect on program administration appears to be quite positive.

Given the lack of adequate review of the NAP, this bill should not be seen as the final word on the program. It is my hope that the NAP will be fully evaluated in the next 18 months so that we can reexamine this issue when reauthorization of the entire food stamp program is considered prior to its expiration on September 30, 1985.

In addition, passage of this bill should in no way be viewed as a precedent for change in the administration of the food stamp program in other States and jurisdictions. The NAP is a response to circumstances unique to Puerto Rico. Participation of over 50 percent of the island on food stamps

created administrative and accountability problems in that program unlike those anywhere else. Congressional passage of the block grant at sharply reduced funding created additional pressures to minimize administrative costs and maximize benefits. I do not support extending block grants allowing cash assistance to any other jurisdiction and would oppose efforts to do so.

In closing, I believe it would be useful to explain why this particular bill is being introduced as a separate item at this time. A proposal to this effect had been included as part of the President's budget request and was introduced earlier this year in a larger food stamp bill, H.R. 3089. I had been hesitant to support legislation on Puerto Rico earlier this year because of my fear that additional amendments involving major benefit reductions might have been attached on the Senate side. That fear has now been relieved by assurances from the chairman of the Senate Committee on Agriculture, Nutrition, and Forestry that he believes this legislation should now be moved separately. Discussion of any other food stamp issues would be deferred to a later time.

I believe this is a wise course of action. There is broad bipartisan agreement, with some exceptions, that this bill represents sound policy. Given the time pressures and the uncertainty with which the Puerto Rico government has had to contend, it is extremely important to resolve this issue now. The government of Puerto Rico, which strongly prefers the cash assistance program, has invested considerable resources in contingency planning. It has prepared for noncash assistance because of the uncertainty of congressional action. I believe it is time that we provide Puerto Rico with the authority to operate the program that its duly elected government has indicated best meets its needs. I hope that Congress will promptly consider and adopt this legislation.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Friday, October 28, 1983. Had I been present, I would have voted:

"Yea" on rollcall No. 427, approving the Journal of Thursday, October 27, 1983;

"Nay" on rollcall No. 429, an amendment to H.R. 2655 that sought to strike language providing authorization floors for VISTA; and

"Yea" on rollcall No. 430, passage of H.R. 2655, to extend and improve the Domestic Volunteer Service Act of 1973.●

U.S. COMMISSION ON CIVIL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, I would like to join the chairs of the Black and Hispanic Caucuses in the House in participating in this special order on the U.S. Commission on Civil Rights. In the past 5 months, President Reagan has taken different steps on the Commission, all of which were designed to achieve the goal of stripping the U.S. Commission on Civil Rights of its independence as our Nation's watchdog on the progress of civil rights in our country.

The twist and turn of events are very confusing. I thank Congressman JULIAN DIXON, Chair of the Black Caucus, for securing this special order so that we could clarify for our colleagues and the public, the position of those of us in the House who support an independent U.S. Commission on Civil Rights.

The U.S. Commission on Civil Rights was established by Congress in 1957. Originally intended to exist for 2 years, the Commission has been reauthorized seven times and functioned during seven administrations, including the current one. There have been 23 Commissioners serving an average of 6½ years each. Until President Reagan's first replacement in 1981 of Commissioner Arthur Fleming, no President had fired a Commissioner or publicly asserted the Executive Office's right to do so.

President Reagan removed two Commissioners early during his tenure. That action was followed by his nomination of three candidates in 1982. Those nominations were returned to the White House without final action by the Senate at the end of the 97th Congress.

Last May 25, President Reagan announced that he was nominating Robert Destro, Morris Abram, and John H. Bunzel to replace Dr. Mary Frances Berry, Blandina Cardenas Ramirez, and Rabbi Murray Saltzman.

By attempting to replace five of the six Commissioners, President Reagan is transforming the U.S. Commission on Civil Rights from an independent, bipartisan agency to a partisan puppet. The attempt was unprecedented in the 26-year history of the Commission.

The House, in response to President Reagan's tampering with the U.S. Commission on Civil Rights' independence, passed legislation August 4 which included language allowing the removal of sitting commissioners only for cause.

That House bill is no longer a viable option. For just last week, President Reagan fired Berry, Ramirez, and Saltzman. We no longer support the House bill. When we passed it, we did so to maintain the integrity and independence of the Commission. Passage now would only ratify the President's firing of the three Commissioners.

In purging the U.S. Commission on Civil Rights, President Reagan has thrown down the gauntlet to all those citizens ever denied equal protection under the law because of race, color, religion, sex, age, handicap, or national origin. The Commission, in its thorough investigation of facts on civil rights issues, has served as a creditable and influential monitor of our Nation's progress on these issues.

On Friday, Representative DON EDWARDS introduced legislation to turn the present Commission into an arm of the legislative branch. The Commission would continue to monitor civil rights enforcement but would report directly to Congress.

This is the only way to go with the U.S. Commission on Civil Rights if we are to maintain its independence. The effectiveness of the Commission is contingent upon its independence and no one denies that the Commission is effective. Its countless reports and recommendations have been instrumental in bringing civil rights issues to the forefront and in passing legislation.

The Civil Rights Commission has published over 700 reports since its creation. Look at all the important publications that the U.S. Commission released on women's issues alone. On the issue of battered women, the Commission went beyond an analysis of the issue and went on to do two separate reports on the Federal response to domestic violence and battered women's treatment under the administration of justice.

One of its most recent reports, "Disadvantaged Women and Their Children," is an insightful review of the feminization of poverty among women and children in the United States It is also a report that has shocked many people and prompted action on issues such as child support enforcement.

In July, 157 Members of the House, including the 120 members of the Congressional Caucus for Women's Issues, signed a letter asking the Senate to uphold the independence of the U.S. Commission on Civil Rights. I hope these Members stand by their support for an independent Commission and support Representative EDWARDS, concurrent resolution, House Concurrent Resolution 200, to establish a Commission on Civil Rights in the legislative branch of the Government.●

PRESERVING A STRONG CIVIL RIGHTS COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from California (Mr. DIXON) is recognized for 20 minutes.

● Mr. DIXON. Mr. Speaker, I have requested this special order to discuss with our colleagues the recent actions which President Reagan took to discharge three members of the U.S. Commission on Civil Rights.

This issue has been of deep concern to members of the Congressional Black Caucus, which I have the honor to Chair, and I am also joined today by the Cochair of the Congressional Caucus on Women's issues, the gentlewoman from Colorado (Mrs. SCHROEDER) and the chairman of the Congressional Hispanic Caucus, the gentleman from New York (Mr. GARCIA).

Our groups, which have all been interested in preserving a strong Civil Rights Commission, have been very grateful for the strong leadership which the gentleman from California (Mr. EDWARDS), the chairman of the Civil and Constitutional Rights Subcommittee of Judiciary has given to this issue.

For those of us in Congress, the effort to maintain an independent commission has been complicated and frustrating. I would like to now yield to the chairman of the subcommittee with jurisdiction over the Commission to bring the Members of the House up to date on the status of legislation to extend the Commission and the effect which these firings have on that effort.

In less than 3 years, the Reagan administration has been acknowledged for attaining the worst civil rights record in modern history.

This record is nowhere clearer than in this administration's concerted efforts to silence the U.S. Commission on Civil Rights. The President has attempted to replace five of its six members in a single term.

Since 1957, the Civil Rights Commission has functioned well as a bipartisan and independent watchdog for civil rights enforcement.

Its reports have encouraged both Democratic and Republican Presidents, through praise and criticism, to improve the protection of civil rights for all Americans.

Somehow, for reasons as yet unexplained, this President believes that the Commission should reflect only his view of civil rights, and thereby endorse his policies to limit Federal efforts on behalf of the rights of minorities, women, and the handicapped for equal access and opportunity.

On May 25, the President nominated: Morris Abrams, Robert Destro, and John Bunzell to replace Mary Berry, Blandina Cardenas Ramirez, and Murray Saltzman.

Opposition to this unprecedented move was strong and swift. In June, 15 members of the executive committee of the Leadership Conference on Civil Rights wrote the President opposing these nominations. Eventually 125 national organizations concerned with civil rights asked that efforts to remove Commissioners be disapproved.

Although these nominations were indeed submitted they have not been acted upon.

In August, the House approved H.R. 2230, which extended the Civil Rights Commission for 5 years and provided that the President could only remove members for abuse or neglect of office.

Although there have been questions as to the President's legal authority to remove members of the Commission, there has never been any doubt that such action violates past precedent and is morally wrong as it relates to preserving its independence and integrity.

The President's firing of the three Commissioners places us in a dilemma because he has used the present statute—which is not explicit regarding removal of Commissioners—to justify his prerogative to remove members and appoint individuals who share his philosophy.

On the other hand, it appears that they will be seeking approval of the bill passed by the House in August which states that Commissioners can only be fired for cause. This action would then lock in place his new appointees and prevent a future President from seeking their removal.

In our opinion, you cannot have it both ways. It makes no sense to argue that the President should have the authority to remove, and then say that an extension should be approved which would prevent a future President from taking similar action.

The fact remains that the President has already destroyed the Commission's independence with his actions last week.

Our colleague, DON EDWARDS has introduced a companion bipartisan bill to create an independent Congressional Commission on Civil Rights.

It is unfortunate, but perhaps the President's actions demonstrate that he is unable to work within the framework of an independent agency, and this action is necessary. Hearings will be held on this bill, and I appreciate the interest of my colleagues in this important issue.●

● Mr. EDWARDS of California. Mr. Speaker, on August 4, the House adopted, in a strong bipartisan vote, legislation (H.R. 2230) to extend the life of the Commission for 5 years beyond September 30 of this year. The bill also made explicit what many of us believe has been implicit throughout the Commission's history—that is, that the President may not fire a Commissioner without cause. Under the bill, Commissioners would only be removed for neglect of duty or malfeasance in office. The thrust of the legislation was to protect and preserve the historical independence of the U.S. Commission on Civil Rights.

The Civil Rights Commission monitors civil rights enforcement in this country. Based on its studies, it makes findings and recommendations to the executive branch and the Congress on how our civil rights efforts can be improved. Since it has no enforcement powers, its effectiveness is based on its impartial and bipartisan nature. Over the years, the Congress, the judiciary, and administrative agencies have all cited and relied on Commission findings and recommendations in seeking to improve the status of civil rights in this country.

Unfortunately, by firing five of the six Commissioners and seeking to pack the Commission with members reflecting his own civil rights views, the President has destroyed the Commission's credibility. In the process, goodfaith, bipartisan efforts in the House and Senate to continue the Commission as presently structured have been rendered fruitless by this administration.

As the main sponsor of the House-passed bill, I now feel obligated to state clearly and publicly that that legislation, insofar as it continues the current Commission, is no longer a viable option. If that legislation were now to become law, it would have the effect of ratifying the President's unilateral and unprecedented action because it would provide him the vehicle for packing the Commission with his own alter egos.

While the President may not be interested in the views of a bipartisan independent body on how our Government is enforcing civil rights laws, we in Congress are. Therefore, together with a bipartisan group of cosponsors, I have introduced a concurrent resolution (H. Con. Res. 200) which would establish a civil rights monitoring commission within the legislative branch.

The Commission will consist of eight bipartisan members to be chosen evenly by the Speaker of the House and the Senate President pro tempore, upon the recommendations of the majority and minority leaders in each Chamber.

The Commission will be an independent body with all the powers and responsibilities of the present Commission; no member can be removed except for cause.

The President has shown once again that his actions speak louder than his words regarding his support for civil rights matters. The Congress must now move quickly to set up this legislative Commission so that the American people will know that the enforcement of our civil rights laws will continue to be monitored by an independent body.●

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the special order speech of the gentleman from California (Mr. DIXON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT TO DOD APPROPRIATIONS BILL

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, today I am printing in the RECORD a simple amendment that I will offer tomorrow when the House resumes consideration of H.R. 4185, the Department of Defense appropriations bill.

My amendment would add $30 million to the Civil Reserve Air Fleet (CRAF) line for a total of $100 million, which is the amount that had been authorized. The Armed Services Committee and the Appropriations Committee strongly support the CRAF program as a cost-effective way to increase our airlift capability. Unfortunately, the CRAF funding contained in the appropriation is insufficient to fund the next contract option to modify aircraft 2 through 5 out of the anticipated total of 19. Without sufficient funds, the number of aircraft in the option will have to be renegotiated with the added risk of price increases.

My amendment would add also $11.8 million for the Air Force to buy six C-12 aircraft. Last week, an amendment passed to add the same amount to the procurement account for the Army to provide that these aircraft will be purchased, rather than leased under the operation and maintenance account, as originally proposed by the Appropriations Committee. The amendment I will offer tomorrow will make the Air Force approach consistent.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. MCKINNEY, for 5 minutes, today.

Mr. DANNEMEYER, for 60 minutes, today.

(The following Members (at the request of Mr. PENNY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. MORRISON of Connecticut, for 10 minutes, on November 1.

Mr. AUCOIN, for 60 minutes, on November 2.

Mr. DE LUGO, for 60 minutes, on November 7.

Mr. KOGOVSEK, for 60 minutes, on November 7.

(At the request of Mr. GONZALEZ:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. DIXON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI, prior to passage of H.R. 2853, in the House today.

(The following Members (at the request of Mr. BROWN of Colorado) and to include extraneous matter:)

Mr. CORCORAN.

Mr. KEMP.

Mr. SHUMWAY.

Mr. DAUB.

Mr. CONABLE.

Mr. WEBER.

Mr. DANIEL B. CRANE.

Mr. GOODLING in two instances.

Mr. BOEHLERT in two instances.

Mr. PORTER.

Mr. KINDNESS.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. PENNY) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. TOWNS.

Mr. LANTOS.

Mr. STARK in three instances.

Mr. ORTIZ.

Mr. MORRISON of Connecticut in two instances.

Mr. MARKEY in two instances.

Mr. EDGAR.

Mr. RODINO in three instances.

Mr. YATRON.

Mr. FLORIO.

Mr. GARCIA.

Mr. ST GERMAIN.

Mr. JACOBS.

Mr. LONG of Maryland.

Mr. VENTO.

Mr. MAZZOLI.

Mr. BORSKI.

SENATE ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 461. An act to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes;

S. 552. An act to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Building and U.S. Courthouse"; and

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Tuesday, November 1, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2067. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the transfers of funds appropriated to the Department of Defense, pursuant to section 733 of Public Law 97-114; to the Committee on Appropriations.

2068. A letter from the Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports and SAR summary tables for the quarter ended September 30, 1983, pursuant to section 811(a) of Public Law 94-106; to the Committee on Armed Services.

2069. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting a report on the Air Force's decision to convert to contractor performance the word processing center function at Chanute Air Force Base, Ill., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

2070. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed offer to sell certain defense articles to Saudi Arabia (Transmittal No. 84-17), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2071. A letter from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Ambassador-designate Charles H. Price III, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

2072. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed intention to sell certain defense articles and services to Saudi Arabia (Transmittal No. 84-17), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2073. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending September 30, 1983, pursuant to section 28 of the Army Export Control Act, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on House Administration. Senate Concurrent Resolution 59. Concurrent resolution to authorize the Librarian of Congress to study the changing role of the book in the future; with an amendment (Rept. No. 98-451). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARPER:

H.R. 4251. A bill to promote energy conservation by providing for daylight saving time on an expanded basis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CORRADA (for himself, Mr. DE LA GARZA, Mr. EMERSON, Mr. OLIN, Mr. PANETTA, and Mr. MORRISON of Washington):

H.R. 4252. A bill to repeal the noncash benefit requirement for the Puerto Rico nutrition assistance program; to the Committee on Agriculture.

By Mr. DORGAN:

H.R. 4253. A bill to allow claims for credit or refund for transportation expenses incurred with respect to employment at the antiballistic missile site near Nekoma, N. Dak.; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 4254. A bill to amend title 10, United States Code, to eliminate the requirement that a request for the correction of a military record be filed within 3 years after discovery of the error; to the Committee on Armed Services.

By Mr. FRENZEL:

H.R. 4255. A bill providing for a reduction in the duty on certain fresh asparagus; to the Committee on Ways and Means.

By Mr. FRENZEL (for himself and Mr. LEWIS of California):

H.R. 4256. A bill to amend section 5514 of title 5, United States Code, to permit installment deductions from pay of Members of Congress and congressional employees for indebtedness to the United States in the same manner as such deductions are permitted with respect to employees in the executive branch; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. HUGHES:

H.R. 4257. A bill to amend title 5, United States Code, to include service during World War II in the U.S. merchant marine as military service for purposes of the civil service retirement system; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of California:

H.R. 4258. A bill to modify the dairy price support program and to repeal the assessment program; to the Committee on Agriculture.

By Mr. MICA:

H.R. 4259. A bill to establish the computer security research program and the Interagency Committee on Computer Crime and Abuse, to provide criminal penalties for computer abuse, and to provide a credit against income tax for computers purchased by individuals for use for educational, professional, and other nonrecreational purposes in the home; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. GUARINI (for himself, Mr. BONIOR of Michigan, and Mr. PACKARD):

H.J. Res. 407. Joint resolution designating the week beginning April 8, 1984, as "National Hearing Impaired Awareness Week"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. ANDERSON, Mr. LEATH of Texas, Mr. MARTIN of New York, and Mr. STRATTON.

H.R. 100: Mr. SABO.

H.R. 1092: Mr. COUGHLIN.

H.R. 1997: Mr. GREGG.

H.R. 2053: Mrs. COLLINS.

H.R. 2107: Mr. YOUNG of Missouri, Mr. CLAY, Mr. SIMON, and Mr. GEPHARDT.

H.R. 2262: Mr. MOLLOHAN, Mr. QUILLEN, Mr. ROSE, Mr. ROWLAND, and Mr. TAUZIN.

H.R. 2360: Mr. LIVINGSTON.

H.R. 2566: Mr. HARKIN, Mr. MARTINEZ, Mr. GORE, Mr. SYNAR, Mr. DORGAN, Mr. WISE, Mr. WEAVER, Mr. MCCLOSKEY, and Mr. MCCURDY.

H.R. 2711: Mr. LAFALCE and Mr. SOLOMON.

H.R. 2820: Mr. PHILIP M. CRANE.

H.R. 2883: Mr. OWENS and Mr. HARTNETT.

H.R. 3050: Mr. RAY.

H.R. 3240: Mr. MCKINNEY, Mr. WILLIAMS of Montana, Mr. WHITLEY, Mr. HERTEL of Michigan, Mr. KOGOVSEK, Mr. MOAKLEY, Mr. REID, Mr. ORTIZ, Mr. SWIFT, Mrs. BURTON of California, Mr. STARK, Mr. PICKLE, Mr. ROSTENKOWSKI, Mr. MARTIN of North Carolina, Mr. MOORE, Mr. THOMAS of California, Mrs. KENNELLY, Mr. DORGAN, Mr. GIBBONS, Mr. JONES of Oklahoma, Mr. ANTHONY, Mr. SHANNON, Mr. RUSSO, Mr. GEPHARDT, Mr. JENKINS, Mr. MOODY, Mr. FLIPPO, Mr. SMITH of Iowa, Mr. JONES of North Carolina, Mr. SCHULZE, Mr. MCDADE, Ms. OAKAR, Mr. TAUZIN, Mr. BREAUX, Mr. HEFTEL of Hawaii, Mrs. SCHROEDER, Mr. BROOKS, Mr. LONG of Louisiana, Mrs. BOGGS, Mr. DE LA GARZA, Mr. AKAKA, Mr. MAVROULES, Mr. PRICE, Mr. BOLAND, Mr. GEJDENSON, Ms. KAPTUR, Mr. ALEXANDER, Mr. KOSTMAYER, Mr. MCNULTY, Mr. MACKAY, Mr. KOLTER, Mr. WALGREN, Mr. BATEMAN, Mr. ROSE, Mr. HAMILTON, Mr. HALL of Ohio, Mr. CARR, and Mr. PURSELL.

H.R. 3406: Mr. DENNY SMITH, Mr. HARRISON, Mr. BEDELL, Mr. PENNY, Mrs. MARTIN of Illinois, Mr. CHENEY, Mr. MATSUI, Mrs. JOHNSON, Mr. DAUB, Mr. WORTLEY, Mr. SIMON, Mr. EDWARDS of Oklahoma, and Mr. BONKER.

H.R. 3465: Mr. LEVINE of California, Mr. EDGAR, Mr. BERMAN, Mr. MOAKLEY, Mr. MAVROULES, and Mr. MCGRATH.

H.R. 3870: Mr. DEWINE, and Mr. SIKORSKI.

H.R. 3876: Mr. BILIRAKIS, Mr. APPLEGATE, and Mr. BRITT.

H.R. 4021: Mr. KASICH, Mr. DANNEMEYER, Mr. HORTON, Mr. FRENZEL, Mr. TALLON, Mr. JEFFORDS, Mr. DURBIN, Mr. STUMP, and Mr. DANIEL.

H.R. 4099: Mr. VOLKMER, Mr. CLAY, Ms. KAPTUR, Mr. KINDNESS, and Mr. SKELTON.

H.R. 4206: Mr. LAGOMARSINO, Mr. ANDREWS of Texas, Mr. KASICH, Mr. MATSUI, Mr. RINALDO, Mr. HATCHER, Mr. NICHOLS, Mr. WON PAT, Mr. FIELDS, Mrs. KENNELLY, Mr. FORD of Tennessee, Mr. BEREUTER, Mr. BROWN of Colorado, Mr. COURTER, Mr. FRANK, Mr. BARNARD, Mr. HANCE, Mr. HORTON, Mr. GREEN, Mr. ANTHONY, Mr. MARTIN of North Carolina, Mr. SMITH of Florida, Mr. BARTLETT, Mr. DEWINE, Mr. MURPHY, Mr. FAZIO, Mr. MARRIOTT, Mr. DUNCAN, Mr. FORSYTHE, Mr. DICKINSON, Mr. PHILIP M. CRANE, Mr. FRENZEL, Mr. ROE, Mr. GRAMM, Mr. DAUB, Mr. DE LUGO, Mr. CORCORAN, Mr. ACKERMAN, Mr. PAUL, Mr. MOLLOHAN, Mr. SENSENBRENNER, Mr. OWENS, Mr. RICHARDSON, Mr. SKELTON, Mr. HIGHTOWER, Mr. SMITH of New Jersey, Mr. EDWARDS of Alabama, and Mr. SILJANDER.

H.R. 4214: Mr. SIMON and Mr. STAGGERS.

H.R. 4221: Mr. SWIFT, Mr. ROE, Mr. THOMAS of California, Mr. BEVILL, Mr. LEATH of Texas, Mr. STANGELAND, Mr. DASCHLE, Mrs. BOXER, and Mr. MURPHY.

H.J. Res. 205: Mr. OXLEY.

H.J. Res. 329: Mr. MRAZEK.

H.J. Res. 341: Mr. DYSON and Mr. MCEWEN.

H.J. Res. 389: Mr. PENNY.

H. Con. Res. 152: Mr. HAMILTON.

H. Con. Res. 174: Mr. RAY.

H. Con. Res. 178: Mr. SENSENBRENNER, Mr. WEISS, Mr. SHELBY, and Mr. WILLIAMS of Montana.

H. Res. 334: Mr. SIKORSKI, Mr. VENTO, Mr. TAUKE, Mr. DORGAN, and Mr. KILDEE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

264. The Speaker presented a petition of Alan Goldberg, et al, Wilsonville, Ala, relative to the needs of Ethiopian Jewry; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1234

By Mr. PRITCHARD:

On page 26, line 5 (the table), change the percentages under the designations for over 900,000 vehicles produced to 50%, 75% and 95%.

—On page 29, section 7, line 6, strike the word "is" and insert in lieu thereof "may be".

[—On page 29, line 11, strike after the phrase "violated through (1)" on line 12 and substitute "not made a good faith effort to achieve the minimum content levels as indicated in section 5(a)(2)".

H.R. 2867

By Mr. EDGAR:

—On page 58, after line 14, add the following new section:

NATIONAL GROUND WATER COMMISSION

SEC. 24A. (a) ESTABLISHMENT.—There is established a commission to be known as the National Ground Water Commission (hereinafter in this Act referred to as the "Commission").

(b) DUTIES OF COMMISSION.—The duties of the Commission are to:

(1) Assess generally the amount, location, and quality of the Nation's ground water resources.

(2) Identify generally the sources, extent, and types of ground water contamination.

(3) Assess the scope and nature of the relationship between ground water contamination and ground water withdrawal and develop projections of available, usable ground water in future years on a nationwide basis.

(4) Assess the relationship between surface water pollution and ground water pollution.

(5) Assess the need for a policy to protect ground water from degradation caused by contamination.

(6) Assess generally the extent of overdrafting of ground water resources, and the adequacy of existing mechanisms for preventing such overdrafting.

(7) Assess generally the engineering and technological capability to recharge aquifers.

(8) Assess the adequacy of the present understanding of ground water recharge zones and sole source aquifers and assess the adequacy of knowledge regarding the interrelationship of designated aquifers and recharge zones.

(9) Assess the role of land-use patterns as these relate to protecting ground water from contamination.

(10) Assess methods for remedial abatement of ground water contamination as well as the costs and benefits of cleaning up polluted ground water and compare cleanup costs to the costs of substitute water supply methods.

(11) Investigate policies and actions taken by foreign governments to protect ground water from contamination.

(12) Assess the use and effectiveness of existing interstate compacts to address ground water protection from contamination.

(13) Analyze existing legal rights and remedies regarding contamination of ground water.

(14) Assess the adequacy of existing standards for ground water quality under State and Federal law.

(15) Assess monitoring methodologies of the States and the Federal Government to achieve the level of protection of the resource as required by State and Federal law.

(16) Assess the relationship between ground water flow systems (and associated recharge areas) and the control of sources of contamination.

(17) Assess the role of underground injection practices as a means of disposing of waste fluids while protecting ground water from contamination.

(18) Assess methods for abatement and containment of ground water contamination and for aquifer restoration including the costs and benefits of alternatives to abatement and containment.

(19) Assess State and Federal ground water law and mechanisms with which to manage the quality and quantity of the ground water resource.

(20) Assess the adequacy of existing ground water research and determine future ground water research needs.

(21) Assess the roles of State, local, and Federal Governments in managing ground water quality and quantity.

(c) MEMBERSHIP.—(1) The Commission shall be composed of nineteen members as follows:

(A) Six appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives, two of whom shall be members of the Committee on Energy and Commerce, two of whom shall be members of the Committee on Public Works and Transportation, and two of whom shall be members of the Committee on Interior and Insular Affairs;

(B) Four apponted by the majority leader of the United States Senate from among the Members of the United States Senate;

(C) Eight appointed by the President as follows:

(i) Four from among a list of nominations submitted to the President by the National Governors Association, two of whom shall be representatives of ground water appropriations States and two of whom shall be representatives of ground water riparian States;

(ii) One from among a list of nominations submitted to the President by the National League of Cities and the U.S. Conference of Mayors;

(iii) One from among a list of nominations submitted to the President by the National Academy of Sciences;

(iv) One from among a list of nominations submitted to the President by groups, organizations, or associations of industries the activities of which may affect ground water; and

(v) One from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are representative of persons concerned with pollution and environmental issues and which have participated at the State or Federal level, in studies, administrative proceedings, or litigation (or any combination thereof) relating to ground water; and

(D) The Director of the Office of Technology Assessment.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than three of the six members appointed under subparagraph (A) and not more than two of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(3) Members shall be appointed for the life of the Commission.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled (subject to appropriations provided in advance) to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the majority leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they cease to be members of the Commission before the termination of the Commission.

(7) The Commission shall meet at the call of the Chairman or a majority of its members.

(d) DIRECTOR AND STAFF ON COMMISSION; EXPERTS AND CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) The Commission shall request, and the Chief of Engineers and the Director of the Geological Survey are each authorized to detail, on a reimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section. Upon request of the Commission, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this section.

(e) POWERS OF COMMISSION.—(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f) REPORT.—(1) The Commission shall transmit to the President and to each House of the Congress a report not later than October 30, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation; and administrative actions, as it considers appropriate.

(2) Not later than one year after the enactment of this Act, the Commission shall complete a preliminary study concerning ground water contamination from hazardous and other solid waste and submit to the President and to the Congress a report containing the findings and conclusions of such preliminary study. The study shall be continued thereafter, and final findings and conclusions shall be incorporated as a separate chapter in the report required under paragraph (1). The preliminary study shall include an analysis of the extent of ground water contamination caused by hazardous and other solid waste, the regions and major water supplies most significantly affected by such contamination, and any recommendations of the Commission for preventive or remedial measures to protect human health and the environment from the effects of such contamination.

(g) TERMINATION.—The Commission shall cease to exist on January 1, 1986.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the fiscal years 1983 through 1985 not to exceed $7,000,000 to carry out this section.

Amend the table of contents accordingly.

H.R. 4185

By Mr. NICHOLS:

—Page 28, after line 9, insert the following new paragraph

PROCUREMENT OF ADDITIONAL WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For additional construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants for the foregoing purposes; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $110,000,000.

By Mr. PRICE:

—Page 29, line 1, strike out "$21,040,610,000" and insert in lieu thereof "$21,082,410,000".

SENATE—*Monday, October 31, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr THURMOND).

PRAYER

The Chaplain, the Reverend Richardson C. Halverson, D.D., offered the following prayer:

Let us pray.

May we remember in silence Ben Firshein, one of our Official Reporters of Debates, who is very, very ill at this time in the hospital.

Let us praise the Lord in the words of Psalm 150.

Praise ye the Lord. Praise God in his sanctuary: praise him in the firmament of his power.

Praise him for his mighty acts: praise him according to his excellent greatness.

Praise him with the sound of the trumpet: praise him with the psaltery and harp.

Praise him with the timbrel and dance: praise him with stringed instruments and organs.

Praise him upon the loud cymbals: praise him upon the high sounding cymbals.

Let every thing that hath breath praise the Lord. Praise ye the Lord.—Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, pursuant to the order entered on Saturday and following the adjournment of the Senate over until today, the reading of the Journal has been dispensed with, the call of the calendar has been dispensed with, no resolution shall come over under the rule, and the morning hour is deemed to have expired.

Mr. President, after the two leaders are recognized today, there will be a period of 1 hour for the transaction of routine morning business, after which we will resume consideration of the debt limit bill, at which time the Tower motion to reconsider will be the pending question.

Mr. President, there was an order entered that no votes would occur prior to 5 o'clock today. To make sure that there is no misunderstanding about that, I have been asked whether or not that meant no rollcall votes or no votes of any type. I had thought that it was put clearly enough to mean only rollcall votes and that we would not be precluded from acting by voice vote. But just in case there is an area of disagreement on that point, I wonder if the minority leader would object if I clarified that by unanimous consent at this point.

Mr. BYRD. Mr. President, the letter of the order would preclude any votes, but I think that the spirit of the order and the intent of the order were to protect Senators from rollcall votes. I certainly did not have in mind voice votes, and I doubt that anybody else did.

Mr. BAKER. Mr. President, I had thought that the order was no votes ordered prior to 5 o'clock. Apparently I omitted the word "ordered," which would mean by a show of the yeas and nays.

Mr. BYRD. May I say one further thing to the majority leader?

Mr. BAKER. Yes.

Mr. BYRD. I do not believe, in the past when we have used this language, that we have intended to preclude, or in fact precluded voice votes, and so I would want to hope that the Members on my side would share that feeling. Many times we have mentioned rollcall votes, which did not preclude voice votes, but there have been times when we said "no votes." I suppose we should be more careful in the future, and that includes myself as well, but I think that there would be no objection to have voice votes. If the majority leader would allow me, I could take a few minutes and ascertain that.

Mr. BAKER. Mr. President, I would be happy to do that. I agree with the minority leader that the request could have been put with greater precision, but I would not wish to acknowledge that this language automatically means that you cannot have voice votes. I do not wish this to be a precedent for that.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. I join him in that. If we are going to mean voice votes, we should say so, and we did not say so. Both of us had in mind rollcall votes.

Mr. BAKER. Mr. President, I agree with the minority leader, and we will take care of this situation ad hoc. I would urge that this transaction, if indeed we modify the order for clarification, not be taken as a precedent to support the contention that it prohibits the Senate from proceeding by voice votes or by unanimous consent.

Now, Mr. President, the debt limit will expire tonight at midnight. It is my hope that the Senate can and will complete action on the debt limit bill before that. It is my sincere hope that we can do so much before that, say, about 5 or 6 o'clock this afternoon.

I was asked earlier by the press, what did I base that optimistic outlook on. I said I did not know, but I just want it to happen if we can make it happen. And I urge Senators to consider that it would be a good thing if it did happen. So the target for the Senate, as far as the leadership on this side is concerned, is to try to finish the debt limit bill this afternoon at a decent hour, but we are prepared to stay if we must stay. If we have not been able to finish it, we will stay until we do finish it, if it is possible to do so. But I urge reason and consideration and conciliation and compromise and accommodation by Members so we can at least get out of here at an early hour this evening by disposing of the debt limit bill. But for the sake of planning I urge Senators to consider that it may be a late evening if necessary.

Mr. President, after we finish the debt limit bill, it will be the intention of the leadership on this side tomorrow to ask, if we finish the debt limit bill, to go to the natural gas bill. That is also a controversial bill, but that has been announced for some time now and I feel a heavy obligation to ask the Senate to proceed to that matter. I hope that can be finished in short order, but I am not optimistic that it can.

We have other matters that must be dealt with, but one that comes to mind for this week in addition to natural gas and debt limit is the reauthorization of the Civil Rights Commission. It would be the intention of the leadership on this side, if at all possible, to ask the Senate to turn to the consideration of the bill which is on the calendar, which is the House-passed measure to reauthorize the Civil Rights Commission. The question is put whether or not that measure would be amendable, and, of course, it would be, although I support the bill as reported by the House and will urge its passage in that form.

Mr. President, as to a Saturday session this week, we are coming down the homestretch, and I have supplied the minority leader a list of items that I felt were essential to be taken up. He has provided me a list of other items that we will no doubt discuss now or later.

However, I still feel that we can finish by the 18th of November and adjourn sine die.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

May I say, by the way, that I spoke with the minority leader this morning and indicated to him that I would agree with the suggestion that if we go out that early, we go out with a proviso that would permit the Speaker and the majority leader of the Senate, after consultation with their counterparts—in this case, Senator BYRD—to ask Congress to return at any time prior to our resumption of session in January. I will discuss that further with the minority leader as we get closer to that date and the happy ending of this session.

Mr. President, I could go on with other matters that are on the list. They are such things as Treasury-Post Office appropriations, Defense appropriations, the reauthorization of revenue sharing, the math-science bill, the reconciliation, the continuing resolution making appropriations for those agencies and departments that have not been provided for by regular appropriations bills.

One matter I have not included on this list which was originally on the list is the telephone bill.

As I indicated on the floor previously and have advised other Senators, I have made a representation to the distinguished chairman of the Commerce Committee, Senator PACKWOOD, that I would be willing to bring up that bill as the first order of major business when we return, which probably means on the first day we return, unless there is some emergency matter which I do not anticipate. But that would be the first order of business when we return in January; therefore, I do not anticipate that the telephone bill will be up before we go out. But, goodness knows, there is enough without that to compel our attention.

Mr. President, I believe that is all I have at the moment on matters that we can discuss on scheduling and otherwise.

I yield now to the minority leader.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KASTEN). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I wonder if the distinguished majority leader would have any objection to my proceeding as in morning business?

Mr. BAKER. Mr. President, I do not object.

Mr. BYRD. I thank the majority leader.

FACTFINDING MISSION REGARDING GRENADA—SENATE RESOLUTION 256

Mr. BYRD. Mr. President, the majority leader and I have had a discussion this morning with respect to the resolution which I am going to introduce. I will introduce one resolution which will be referred to the appropriate committee. I will introduce the same resolution and ask for its immediate consideration.

Before I do that, I ask if there is any objection to sending the resolution to the desk, which I would expect to have read by the clerk before it is referred to the appropriate committee.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

S. RES. 256

Whereas it was the intent of the framers of the Constitution of the United States to insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

Whereas on October 25, 1983, the President of the United States introduced armed forces into a situation in Grenada where imminent involvement in hostilities was clearly indicated by the circumstances;

Whereas United States armed forces have been engaged in hostilities in Grenada since October 25, 1983;

Whereas the President of the United States has informed the Congress that it is not possible to predict the duration of the presence of United States armed forces in Grenada;

Whereas the deployment of United States armed forces in Grenada was intended to fulfill foreign policy objectives of the United States;

Whereas the Senate has a major role to play with respect to the foreign policy of the United States;

Whereas the Senate has legislative responsibilities with respect to foreign policy and with respect to the deployment of United States armed forces pursuant to the provisions of the War Powers Resolution (P.L. 93-148);

Whereas the Senate has legislative responsibilities with respect to the intelligence activities of the United States pursuant to the Intelligence Oversight Act of 1980 (P.L. 96-450);

Whereas the media has been substantially restricted from obtaining and providing detailed information concerning the situation in Grenada; and

Whereas the Senate needs full and current firsthand information with repect to the situation in Grenada in order to fulfill adequately its legislative responsibilities; and

Whereas the Senate has concluded that a fact-finding mission to Grenada is essential in order to accomplish the objectives set forth above: Now, therefore, be it

Resolved, That

SEC. 1. The Majority and Minority Leaders of the Senate should appoint a Senate factfinding misson to travel to Grenada and to submit a full factual report to the Senate as soon as possible thereafter.

SEC. 2. The fact-finding mission should include representatives of the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence.

Mr. BYRD. Mr. President, that resolution will be referred, under the rules, to the appropriate committee.

FACTFINDING MISSION REGARDING GRENADA—SENATE RESOLUTION 257

Mr. BYRD. Mr. President, I now ask unanimous consent that the Senate not necessarily proceed to the immediate consideration of another Senate resolution—which is a copy of the prior one and precisely like it—but proceed to the immediate consideration of the resolution at the close of morning business today.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, as the minority leader knows, because we have discussed it, I will in a moment lodge an objection.

I was fully aware of the proposed course of action by the minority leader in advance of the time he introduced his resolution for referral, to which I do not object, and that he intended to make this request. He is also aware of the fact that I will object to it.

Mr. President, I do object.

Mr. BYRD. I thank the majority leader.

The resolution reads as follows:

S. RES. 257

Whereas it was the intent of the framers of the Constitution of the United States to insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

Whereas on October 25, 1983, the President of the United States introduced armed forces into a situation in Grenada where imminent involvement in hostilities was clearly indicated by the circumstances;

Whereas United States armed forces have been engaged in hostilities in Grenada since October 25, 1983;

Whereas the President of the United States has informed the Congress that it is not possible to predict the duration of the presence of United States armed forces in Grenada;

Whereas the deployment of United States armed forces in Grenada was intended to fulfill foreign policy objectives of the United States;

Whereas the Senate has a major role to play with respect to the foreign policy of the United States;

Whereas the Senate has legislative responsibilities with respect to foreign policy and with respect to the deployment of United States armed forces pursuant to the provisions of the War Powers Resolution (P.L. 93-148);

Whereas the Senate has legislative responsibilities with respect to the intelligence activities of the United States pursuant to the Intelligence Oversight Act of 1980 (P.L. 96-450);

Whereas the media has been substantially restricted from obtaining and providing detailed information concerning the situation in Grenada; and

Whereas the Senate needs full and current firsthand information with respect to the situation in Grenada in order to fulfill adequately its legislative responsibilities; and

Whereas the Senate has concluded that a fact-finding mission to Grenada is essential in order to accomplish the objectives set forth above: Now, therefore, be it

Resolved, That

SEC. 1. The Majority and Minority Leaders of the Senate should appoint a Senate fact-finding mission to travel to Grenada and to submit a full factual report to the Senate as soon as possible thereafter.

SEC. 2. The fact-finding mission should include representatives of the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence.

STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY DEPARTMENT OF DEFENSE

Mr. BYRD. Mr. President, I have an amendment which I could offer to the debt limit bill. My amendment concerns cost control in the Pentagon. It would require a new and hard look at the Pentagon's procurement practice.

There have been a number of recent reports suggesting that there is entirely too much waste and sloppiness in the Pentagon with regard to procurement policy. This is particularly true, apparently, in the general area of procurement of spare parts.

In the interest of getting action on the debt limit bill today, if it would appear that my amendment would create enough of a debate to impinge heavily on the time, I would withhold offering this amendment until there is another vehicle before the Senate. What I am trying to do is to cooperate with the majority leader in reducing the number of amendments to this bill as much as possible.

So I alert the majority leader, and I will say to him that if other Senators on both sides will restrain themselves as much as possible in the offering of amendments, I will do likewise.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. BAKER. I thank the minority leader for that consideration.

We both desire to see the debt limit bill dealt with in a reasonable and timely way.

I will consult with the managers of the bill on this subject, and I will try to have some further information to the minority leader before very long today.

I thank him for telling me this in advance.

Mr. BYRD. I thank the majority leader.

Mr. President, I will offer this not as an amendment at this point. When I say "at this point," I am referring to the point later in the day to which I earlier alluded. But I am going to offer this as separate measure to be appropriately referred, and as I say, I may or may not offer it as an amendment to the debt limit bill.

So if the majority leader has no objections to my proceeding as in morning business, I will send this joint resolution to the desk for appropriate referral, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 191

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY THE DEPARTMENT OF DEFENSE

SECTION 1. (a) Not later than June 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the Office relating to such matters. The report shall include (1) an evaluation of the adequacy of the reform proposals and programs to promote practices and the development of directives which will achieve control of costs, economy, and efficiency in the procurement of such spare parts and (2) such recommendations for legislation with respect to the procurement of such spare parts as the Office considers appropriate.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the practices of the Department of Defense in procuring spare parts for weapon systems as the Inspector General acquires during his audits of such practices and the Office considers necessary to carry out subsection (a).

(c) The Inspector General of the Department of Defense shall have reasonable opportunity to review and comment on the report required by subsection (a) before the report is transmitted to the Congress. The comments of the Inspector General shall be included in such report.

PROCUREMENT PRACTICES OF THE DEPARTMENT OF DEFENSE AT THE END OF THE FISCAL YEAR

SEC. 2. (a)(1) Not later than February 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement actions of the Department of Defense during the one-week period ending September 30, 1983, and transmit to the Congress a report on such review as provided in paragraph (2). In carrying out the preceding sentence, the Office shall review the regulations and administrative and managerial guidelines applicable to procurement actions of the Department of Defense during the final quarter of a fiscal year.

(2) The report required by paragraph (1) shall include (A) the number and dollar amount of contracts and purchases which were made by the Department of Defense during the one-week period referred to in paragraph (1), (B) the findings and conclusions of the Office on whether the Department of Defense had a bona fide need for the property or services procured by each such contract and purchase, (C) a list of the contracts and purchases which were made by the Department of Defense during such period without formal advertising, including the dollar amount of each such contract or purchase, (D) a list of the contracts and purchases made by the Department of Defense during such period after soliciting bids or proposals from only one source, including the dollar amount of each such contract and purchase, (E) each justification for making each contract and purchase included in the list under clause (C) or (D) without formal advertising or soliciting bids or proposals from more than one source, (F) the findings and conclusions of the Office on whether any regulation or administrative or managerial guideline reviewed pursuant to paragraph (1) (including the requirements of Office of Federal Procurement Policy letter numbered 81-1) were violated in making any of the contracts or purchases reviewed pursuant to paragraph (1), and (G) such recommendations for legislation and administrative actions relating to the procurement practices of the Department of Defense as the Office considers appropriate to assure economy and efficiency in procurement actions by the Department of Defense during the final quarter of a fiscal year.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Inspector General has acquired and the Office considers necessary to carry out subsection (a).

(3) The Comptroller General of the United States shall furnish to the Office such information on the procurement actions of the Department of Defense and the regulations and administrative and managerial guidelines applicable to such actions as the Comptroller General has acquired and the Office considers necessary to carry out subsection (a).

(4) Each official furnishing information to the Office under paragraph (1), (2), or (3) shall include with such information all information furnished by such official to the Congress, any committee of the Congress, or any Member of the Congress relating to the procurement actions required by subsection (a) to be reviewed by the Office.

Mr. BYRD. Mr. President, there is a bill which is on the calendar of bills and joint resolutions read the first time, the school lunch and child nutrition amendments. I do not necessarily ask for its second reading right at this moment. If the majority leader has no objection, I will do so at the close of morning business.

Does the Senator want to do it now or wait until morning business?

Mr. BAKER. Why do we not wait?

Mr. BYRD. Mr. President, I yield to Mr. FORD for whatever length of time he needs.

Mr. BAKER. Mr. President, before that, I hate to ask for a matter of personal accommodation, but why do we not do this now because I have a meeting I need to attend off the floor and if the Senator has no more need for time we can start morning business early then.

Mr. BYRD. Very well.

Mr. BAKER. All right.

Mr. BYRD. So the majority leader wishes me to do it now?

Mr. BAKER. Yes.

Mr. BYRD. I thank the majority leader.

NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966 AMENDMENTS

Mr. BYRD. Mr. President, I ask for the second reading of H.R. 4091.

The PRESIDING OFFICER. The bill will be read the second time.

The assistant legislative clerk read as follows:

A bill (H.R. 4091) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to improve the operation of programs authorized under such Acts, and for other purposes.

Mr. BAKER. Mr. President, I object to further consideration of the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Objection to further consideration having been heard after second reading, the bill will be placed on the calendar.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 1 hour with statements therein limited to 10 minutes each.

THE REAL REASON

Mr. FORD. Mr. President, I am on record as being highly suspicious of the motives behind Canada's big push for the adoption of acid rain control legislation in the United States. In a floor statement given last September, I pointed out that,

While castigating the United States for doing nothing and lobbying us heavily for the passage of legislation, Canada's approach to the very same problem has been to do little more than talk.

Indeed, Canada has nothing comparable to the stringent restrictions on sulfur emissions that we have under the Clean Air Act. Furthermore, Canada does not have a single operating scrubber on a utility plant. The United States on the other hand, has almost 100 operating scrubbers in place with dozens more under construction.

I continued my speech saying,

H. L. Mencken used to hold that there are two reasons for doing everything: "there's the good reason, then there's the real reason." I find Canada's chagrin with the United States interesting in light of its own inaction, but it is even more fascinating when one considers the very real possibility that the export of Canadian power stands to make a quantum jump with the passage of an American acid rain plan.

Well, Mr. President, the very real possibility of a huge increase in power exports is rapidly becoming fact, and my suspicions of the real reason for Canada's intense lobbying efforts are rapidly becoming confirmed. Consider this one telling example, a forecast of things to come: on August 12, Vermont Electric Transmission Co., signed an agreement to build a line to Hydro Quebec Interconnection for a projected 2,000 megawatts of Canadian hydro and nuclear power.

The linkage between Canada's acid rain publicity campaign and additional Canadian electricity exports has been well documented in a study by James S. Friedman and Michael S. McMahon entitled, "The Silent Alliance: Canada's Efforts to Enact Acid Rain Controls in the United States and Gain Additional Electricity Exports." In their introduction, the authors quickly come to the real reason behind Canada's advocacy of control legislation: "The Canadian lobbying effort for electricity exports is rooted in Canada's need for the profits and increased employment from exploitation of its rich energy resources." But, perhaps even more chilling to some of my colleagues, is the declaration that "(W)ithout increased sales to the United States, the Canadian nuclear power industry will probably be dismantled * * *"

Mr. President, I ask unanimous consent to have printed in the RECORD a report by James M. Friedman and Michael S. McMahon.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE SILENT ALLIANCE: CANADA'S EFFORTS TO ENACT ACID RAIN CONTROLS IN THE UNITED STATES AND GAIN ADDITIONAL ELECTRICITY EXPORTS

(By James M. Friedman and Michael S. McMahon)

SUMMARY

For several years, Canadian officials have conducted an aggressive and highly visible lobbying effort aimed at the imposition of acid rain controls in the United States. During that same period, Canadians have mounted an equally aggressive, though not as visible, marketing effort designed to increase Canadian electricity exports to the United States. Although these same officials have denied that any connection exists between the two programs, the imposition of drastic acid rain controls on United States power plants, as requested by Canadian officials, would redound to Canada's competitive advantage. Recent studies and developments demonstrate just how close is the connection between the two issues.

The Canadian lobbying effort for electricity exports is rooted in Canada's need for the profits and increased employment from exploitation of its rich energy resources. Without increased sales to the United States, the Canadian nuclear power industry will probably be dismantled and then unable to meet the Canadian electricity demand which is expected to grow at the end of this century. Additional electricity exports also allow Canada to use American financing to develop generation facilities which may be turned to Canadian use once Canadian demand grows sufficiently.

These developments raise special national concerns which American lawmakers should carefully consider prior to the enactment of acid rain legislation. First, large scale importation of Canadian electricity would mean that employment and income would be created for Canadian workers and lost to American workers. The Canadians have proposed construction of generating facilities dedicated solely for export to the United States even though there may be excess generating capacity in the United States.

Second, the United States would be increasing its dependence upon another foreign source of energy just as it has begun reducing its reliance upon foreign oil. The Canadians have discussed terminating electricity exports to the United States in the future in order to satisfy future Canadian energy demand, demonstrating that Canada is not a dependable long-term supplier of electricity.

Third, the United States may be economically coerced into financing Canadian nuclear power plant expansion and disposing of Canadian nuclear waste in order to maintain an adequate supply of electricity. These and other developments should be carefully weighed by Congress before submitting to the dual Canadian lobbying efforts.

I. INTRODUCTION

For several years, Canadian officials have conducted an aggressive and highly visible lobbying effort aimed at the imposition of acid rain controls in the United States. During that same period. Canadians have conducted an equally aggressive, though not as visible, marketing effort designed to increase Canadian electricity exports to the United States. Although these same officials have denied that any connection exists between the two programs, the imposition of drastic acid rain controls on United States power plants, as requested by Canadian officials, would redound to Canada's competitive advantage.[1]

Several new studies and developments demonstrate that the Canadian export marketing effort is more serious and has deeper roots than previously identified. The recent urgency on the part of the Canadians to expand electricity exports coincides with Canada's increased efforts on the issue of acid rain.

These studies and developments also demonstrate that the enactment of acid rain controls will significantly enhance the demand for Canadian electricity. The implications of increased dependence upon Canadian electricity should be carefully examined before enacting legislation which may have irreversible economic effects.

II. CANADA AND ELECTRICITY EXPORTS

A. The significance of Canada's electricity exports

The United States and Canada have been exchanging electricity since 1901 when a

Footnotes at end of article.

transmission line was constructed at Niagara Falls. Not long ago, the total amount of electricity exchanged between the two countries was still small. As recently as 1968, the United States exported more electricity to Canada than it imported.[2]

During the late 1970's, however, the electricity exchanges began to grow dramatically and increasingly favored Canada.

TABLE I.—TRADE IN ELECTRIC POWER [3]

[Gigawatt-hours]

Year	U.S. exports	Canadian exports	Net U.S. imports
1976	3,590	12,804	9,214
1977	2,690	19,957	17,267
1978	2,092	21,602	19,510
1979	2,114	31,378	29,264
1980	3,461	30,181	26,720
1981	1,473	35,272	33,899
1982	2,849	34,220	31,371

[3] U.S. Energy Information Administration, "U.S.—Canadian Electricity Trade" (November, 1982) p. 1 (data for 1976–81) (hereinafter cited as "EIA Report"); Canadian National Energy Board, 1982 Annual Report (March, 1983.) pp. 37–38 (data for 1982). A kilowatt is 1,000 watts. A megawatt is 1 million watts. A gigawatt is 1 billion watts. A gigawatt-hour is the amount of the total energy developed by the power of 1 gigawatt acting for 1 hour.

As seen on Table I, exports of Canadian electricity increased between 1976 and 1982 from 12,804 gigawatthours ("GWh") to over 34,000 GWh, an increase of 267 percent. To examine the imbalance of this trade, consider that net United States electricity imports increased 340 percent, from 9,214 GWh to 31,371 GWh.

Not unexpectedly, the dollar value of these electricity exchanges increased dramatically over the same period.

TABLE II.—*Gross dollar value of Canadian exports of electricity* [4]

[In million Canadian dollars]

1975	104.9
1976	173.8
1977	419.3
1978	478.6
1979	738.5
1980	793.6
1981	1,143.9
1982	1,105.9

[4] Ministry of Energy, Mines and Resources, Canada. "Electric Power in Canada." Energy Policy Sector, 1979, p. 26 (data for 1975–77). Canadian National Energy Board, 1982 Annual Report, p. 40 (data for years 1978–82).

In the eight years from 1975 until 1982, the gross dollar value of Canadian exports of electricity rose ten-fold to over $1 billion dollars annually. A recent report prepared for the Canadian Electrical Association projects that Canada's electricity export revenues could rise to over $4 billion by the year 2000.[5] Clearly, these exports constitute a significant amount of electricity and revenue.

Another test of the significance of these exports is to view them as a percentage of generation and projected demand. It has been estimated that Hydro Quebec has enough surplus capacity to provide up to 95 percent of New York State's new demand through the year 2000.[6] The electricity which Canada exported to the United States in 1981 would more than supply the annual electric needs of the approximately 4.5 million residential customers of the six New England states.[7]

Electricity exports constitute an increasingly large part of total Canadian generation. In 1978, net exports of electricity represented 6 percent of net Canadian electricity generation. By 1981, it represented 9 percent.[8]

Additional electricity exports are planned. The Power Authority of the State of New York plans to increase its annual imports from Quebec by 4,300 GWh and from Ontario by 3,200 GWh. The New England Power Pool could be importing up to 16,600 GWh when a proposed interconnection is expanded in 1990.[9] British Columbia Hydro recently signed a contract to sell power to the City of Seattle for $21.8 million annually.[10] The fact that the Canadian government is considering construction of generation facilities solely for export is indication of the importance which the Canadians place on these exports.[11]

The growth of Canada's electricity exports, particularly in terms of size and dollar value, indicates that these exports are a trade commodity which should be monitored even if acid rain controls were not involved. The potential for huge increases in these exports as a result of American acid rain controls should be a matter of national attention.

B. Canada's lobbying for additional electricity exports

The steps which Canada has taken to build an internal consensus for additional electricity exports and then to aggressively seek such exports have been unmistakable.

In February, 1980, the Royal Commission on Electric Power Planning released its five year report on the long range planning concepts of Ontario Hydro. The Commission noted the "potential for profitable export sales, especially sales to the United States" and stated that the "advantages of interconnections between Ontario and Michigan, and Ontario and New York cannot be overemphasized." [12] In October 1981, Arthur Porter, former chairman of the Royal Commission, publicly urged the Province of Ontario to construct a nuclear power station dedicated for export to the United States.[13]

In 1981, Robert Bourassa, the former Premier of Quebec, extolled the benefits of increased hydro power exports to the United States.[14] Bourassa suggested that the then $20 billion James Bay hydro project could be financed with American capital.[15]

The December 1982, report by the Canadian Energy Research Institute investigated potential benefits and costs of increased electricity exports to the United States and recommended that "a more vigorous export policy would be in the national economic interest." The report also recommended that the Canadian government undertake an extensive information campaign to convince United States utilities to purchase Canadian electricity.[16]

The then Canadian Minister of Energy, Marc Lalonde, travelled to the United States National Governors Conference in Afton, Oklahoma to advertise Canada's willingness to enter into long-term contracts up to 25 years, even though most previous contracts had tended to be short- or medium-term. Lalonde also expressed the willingness on the part of the Government of Canada to construct a nuclear generating station with most of its production destined for the United States.[17]

Lalonde made speeches across the United States in 1982 to promote Canadian electricity. At the New England Conference of Public Utility Commissioners in Rockport, Maine on June 23, 1982, Lalonde encouraged the commissioners to approve additional imports and prevent regulatory delays.[18]

When Jean Chretien succeeded Lalonde as Minister of Energy in 1983, he continued Lalonde's strong support for electricity exports and long-term dedicated exports of electricity, in particular.[19]

In November, 1981, Ontario Energy Minister Robert Welch flew to San Francisco to promote Canadian nuclear power at the Atomic Industrial Forum meeting.[20] Also in 1981, Canada's Federal Ministry of Energy, Mines and Resources sent two officials on a tour of the eastern United States to find a market for Canadian nuclear electricity.[21]

Several proposals to sell Canadian electricity deep into the United States, away from the border areas, have received serious consideration. For example, The MANDAN project, which consists of a 500 KV transmission line running from Manitoba through North Dakota and South Dakota to Nebraska, has been under development for years.[22] These proposals do not seem farfetched in light of British Columbia Hydro's current electricity exports to San Diego Gas & Electric.[23]

Ontario Hydro officials have apparently joined the campaign for increased exports. In September 1981, Milan Nastich, President of Ontario Hydro spoke before the American Public Power Association. Nastich stated that there were no technical or financial obstacles to multi-billion dollar exports and only the "political will" was needed to resolve the issue.[24] A year later, Hugh Macaulay, Chairman of Ontario Hydro delivered a speech weighing the benefits of additional exports.[25] Ontario Hydro has even taken a quarter-page advertisement in the Wall Street Journal to promote additional power sales to the United States, further demonstrating Ontario Hydro's participation in the campaign to increase electricity exports.[26]

Quebec Hydro officials have also actively promoted increased electrical exports into the United States. Premier Rene Levesque and several Quebec ministers attended the Conference of New England Governors and Eastern Canadian Premiers in Rockport, Maine in June 1982, to boost energy sales to the United States.[27] At the June 1983 conference of premiers and governors in Charlottetown on Prince Edward Island, Canada, the Canadian premiers made a "massive energy sales pitch." [28] In October 1982, Quebec Hydro inaugurated a new control center to manage the generation and transmission of all Quebec Hydro's electric power. This new system better enables Quebec Hydro to judge the amount of surplus power available for export.[29]

The Quebec Hydro Development Plan for 1983–85, released in October 1982, places special emphasis on the promotion of exports. The plan recommends "intensified marketing" by Quebec Hydro including daily monitoring of market trends of neighboring American utilities to "identify sales possibilities and determine the situation of Quebec Hydro's competitors." [30]

The evidence of Canada's intentions and plans to export additional electricity to the United States is unmistakable. The seriousness of Canada's moves on electricity imports can be demonstrated by analyzing Canada's incentives and needs to export additional electricity.

C. Canada's needs and incentives to make additional electricity exports

Canada has at least three important incentives to export additional electricity to the United States.[31] First, electricity exports are profitable, especially under the Canadian method of pricing. Second, expansion of generating capacity would employ many Canadian workers. Third, Canada can

utilize American financial assistance in the development of additional generating capacity.

1. Profitability of Electricity Exports

The profitability of electricity exports is sufficient incentive for Canada to take steps to increase those exports. In 1982, the reported dollar value of Canadian electricity exports totalled over $1.1 billion.[32] The recent study by the Canadian Energy Research Institute projected net revenues from Canadian electricity exports and the economic impact in terms of Canadian income and employment. Some of these results are displayed on Appendix I. That study concluded that the total regional impact of increased power exports exceeds the impact of most other commodities.[33]

In a speech to the Canadian Nuclear Association on June 14, 1983, R.F. Brooks, Vice-Chairman of the Canadian National Energy Board, revealed that the National Energy Board had estimated that Canadian utilities receive profits up to 39 mills per kWh on surplus hydro energy costing only a few mills per kWh. The National Energy Board also estimated that there have been profits of over 20 mills per kWh on exports of surplus coal produced energy.[34]

As further evidence to establish the importance of electricity export profits to Canada, consider:

(*a*) Ontario Hydro received governmental approval of its proposed sale to General Public Utilities ("GPU") after claiming that the Ontario economy would lose $3.5 billion if the sale was prohibited.[35] The sale was approved by the Canadian National Energy Board but ultimately cancelled by GPU.

(*b*) Quebec currently purchases power from Newfoundland under a long-term contract and resells the Newfoundland power to the United States at a significant profit. Quebec Premier Rene Levesque has threatened to sabotage any trans-Quebec power lines built to carry Newfoundland power directly to the United States markets.[36] In return, Newfoundland has promised to challenge Quebec's electricity exports at the Canadian National Energy Board.[37]

(*c*) Canada prices its electricity exports at the highest price which is competitive with United States generating alternatives.[38] Since these prices are based on the buyer's avoided costs and not the seller's cost of production, this makes Canadian electricity exports very profitable, particularly in the case of cheaply produced hydropower. If American generation costs were to rise due to acid rain legislation, Canadian electricity prices and profits would rise accordingly and dramatically.

(*d*) Electricity exports help increase Canada's balance of payments surplus with the United States. In April 1983, Canada ran up a $1.99 billion (Canadian) trade surplus, a record for any month. With 70 percent of Canada's foreign sales coming from the United States, increasing electricity exports adds to the surplus and supports the weak Canadian dollar.[39]

Increasing electricity exports is obviously in Canada's economic interest.

2. The Canadian Employment Situation

As demonstrated by the Canadian Energy Research Institute study, additional electrical exports would create significant new employment in Canada. See Appendix II. This comes at a time when Canadian unemployment is particularly high.[40]

More to the point, however, is Canada's desperate need to find sales for its CANDU nuclear reactors. Currently, the Canadian nuclear industry employs 36,000, but nearly all plants under contract have been constructed.[41] The Canadians have been searching for additional sales as an alternative to the idling of these skilled employees which would result from dismantling the industry. Prime Minister Pierre Trudeau has travelled to Mexico and South Korea in search of sales.[42] Prospective sales to Egypt and Rumania have collapsed. Since Canada has an energy surplus, there is no opportunity for additional domestic construction, unless the electricity is originally dedicated for export to the United States.[43] Without additional reactor sales, all firms in this Canadian industry could be out of business by the mid-to-late 1980's.[44] Canada would then be without the expertise needed to develop the next round of CANDU generators projected for the later 1990's.[45] It is critical for the Canadians to "push hard" now on electrical exports in order to save its CANDU industry before the industry folds and its expertise is dissipated.[46]

Similarly, Quebec is desperately seeking sales of electricity to the United States in order to continue the James Bay project. Hydro Quebec has plunged deep into debt to finance this project and interest payments are projected to top $1 billion annually by 1986, roughly $14,000 for every Quebecer.[47] Success of the project and avoidance of financial collapse now depends on increasing electricity exports to the United States.[48] The James Bay project is as critical to Quebec as the CANDU industry is to Canada as a whole, if not more so. Significant construction business has been generated by the James Bay project, and termination of that construction would be a substantial blow to the Quebec economy.[49]

3. Use of U.S. Capital to Develop Canadian Electricity Resources

Canada is an energy rich country with much of its energy potential untapped. Canada has been unable to develop much of its natural resources without capital from abroad. However, after foreign capital assisted in the development of the oil industry in western Canada, the Canadian government adopted a National Energy Policy ("NEP") in 1981. The NEP was designed to increase Canadian ownership in the oil industry, particularly the share of the federal government, at the expense of foreign interests. There are indications that the Canadians likewise intend to use American capital to develop Canadian electrical resources and then turn those facilities over to supply future Canadian demand.

Several sources have reported Canada's willingness to expand generating capacity for exports to the United States in exchange for assistance for costs of construction and long-term, fixed contracts to assure a steady market.[50] Fewer sources have reported Canada's intention to use the American-financed facilities to supply future Canadian demand. Yet, the true motives behind this financing plan have surfaced on occasion. For example, as reported in the Canadian newsweekly Macleans: The new plan may prove to be a cripplingly expensive failure—or a shrewd method of getting the Americans to help pay for part of Canada's future electricity supplies. The program calls for the immediate construction of at least one eastern Canadian CANDU reactor to supply electric power to utilities in the northeastern United States. At some time near the turn of the century the Americans would be cut off, and the reactor's electrical output could be redirected to meet domestic needs.[51]

In James Bay: Twice Over, former Quebec Premier and proponent of the James Bay hydro project, Robert Bourassa discussed the necessity of American investment in the James Bay project. Bourassa noted: We can anticipate that in order to make such investments profitable, American buyers will ask for guarantees concerning the delivery of electricity for periods ranging from ten to thirty years. Such contracts would, however, contain clauses concerning the repatriation of energy to Quebec if needed.[52]

A recent article in Business Week reported that most current export contracts contain such repatriation clauses.[53]

Jean Chretien, Canada's Minister of Energy, recently confirmed the existence of this Canadian policy.

Pre-building export facilities in advance of Canadian need is particularly attractive: It shares the benefits of power with our neighbours in the early years, and then allows Canada to recuperate an effective generating source, already partially paid for, when Canadian needs require it.[54]

There is precedent for Canada's use of this type of reversion. During the 1973–74 Middle East oil embargo, Canada refused to renew a renewable short-term electricity purchase arrangement, which led to charges that Canada had reneged on the contract. Canadian officials strongly deny that they reneged.[55] American utility officials still refer to this case as an "unpleasant experience." [56] Canada's incentive to use American capital to develop Canadian resources which will be turned back for Canadian use should not be overlooked. Any policy which encourages greater dependence upon Canadian electricity should be tempered by the fact that the Canadians intend to terminate those exports when it suits their needs.

III. CANADA AND ACID RAIN LEGISLATION

A. Canada's lobbying for enactment of U.S. acid rain legislation

Canada's marketing efforts to boost its sales of electricity must not be examined in a vacuum. Over the last few years, Canadian officials have waged an expensive publicity campaign to impose acid rain controls upon American coal-fired electric plants. The costs of installing such controls have been estimated from $4–8 billion per year, with significant unemployment resulting from some control options. Before examining how the imposition of acid rain controls would benefit the Canadian electricity industry, it is useful to briefly examine Canada's lobbying efforts on acid rain and the steps Canada has take to control its own emissions. The disparity between Canada's preaching and practice on acid rain controls is the subject for an entire study in itself.

1. Canada's Preaching on Acid Rain

The lead role in Canada's media campaign on acid rain is played by John Roberts, Minister of the Environment. Roberts' continual harping on the issue of acid rain has prompted one Canadian journalist to dub him "The Minister for Acid Rain." [57] Roberts has frequently travelled to the United States to give speeches on acid rain. Robert's main proposal, which he began offering in February, 1982, is that Canada is prepared to reduce SO_2 emissions by 50 percent if the United States also reduces its emissions by 50 percent.[58] If the Canadians are so concerned about acid rain, one wonders why they have not unilaterally reduced their emissions as soon as possible and then demanded that the United States follow suit.

Roberts is not the sole Canadian spokesman to speak in the United States. George Rejhon, Environment Counselor assigned to the Canadian Embassy in Washington, D.C. frequently speaks on acid rain, as does Allan Gotlieb, Canada's Ambassador to the United States. When Roberts is unavailable, Dr. Hans Martin of the Environment Ministry's acid rain project substitutes. Other speakers, including provincial environmental officers, also conduct speaking engagements.

Roberts' Ministry of the Environment has a budget of one million dollars this year to conduct its public awareness campaign on acid rain.[59] This amount is in addition to the $650,000 increase which the Canadian government is spending on general lobbying through its embassy in the United States.[60]

The Canadian position on acid rain is essentially that enough information is known, and has been known for some time, to justify a 50 percent reduction in sulfur dioxide emissions. Any reference to the scientific uncertainty surrounding the formation, transformation and control of acid deposition is dismissed as an "information haze."[61] It is apparent that the Canadians have adopted highly emotional rhetoric to press their campaign. These sort of appeals and lobbying efforts are obviously aimed at an emotional, rather than an objective, examination of the available scientific evidence.[62]

2. Canada's Practice on Acid Rain

Canada's aggressive, emotion-laden campaign on acid rain might have some merit if the Canadian federal and provincial governments were willing to accept the same degree of controls which they wish to impose on United States. As noted earlier, the Canadians will only implement their 50 percent reduction proposal if the United States agrees to implement the same reduction. In other terms, Canada is merely promising to reduce sulfur dioxide in the future. We can examine Canada's track record of such promises in the past.

The Province of Ontario and Ontario Hydro received much praise for two scrubbers which Ontario Hydro promised to install. After a large electricity export contract with General Public Utilities fell through, Ontario Hydro cancelled its plans to install the scrubbers.[63] Several months after the Province of Ontario noisily announced that it had imposed significant emission reductions on Ontario Hydro and that the reduction orders would make Hydro a "clear leader in the forefront of nitrogen oxides pollution control," Ontario quietly relaxed its reduction order on nitrogen oxides.[64] A deferral of a pollution control order was recently granted by Ontario to the Algoma Steel Corp. in order to spread the costs of necessary pollution abatement equipment over several years.[65]

These type actions are not limited to the Province of Ontario. The federal government's NOx limitations for new passenger cars is 3.1 grams per vehicle mile, allowing over three times the emissions as the American standard. In October, 1981, a Parliamentary Subcommittee states that it was "appalled" at this situation and recommended tightening of those standards.[66] As of August, 1983, the standards have not been tightened.

The 1981 report Still Waters, by the Parliamentary Subcommittee on Acid Rain, provided a rare self-examination of the Canadian record on acid rain. The Subcommittee noted that Canada, on a per capita basis, emits more SO_2 than the United States.[67] Among the recommendations of the Subcommittee to enable Canada to control its own emissions were:

All conversions of oil-fired electricity plants to coal be carried out using best available emission control technology (i.e. scrubbers).

Ontario Hydro be required to utilize best available control technology at all existing and new coal-fired plants.

The Lingan Generating Station at Cape Breton, operated by the Nova Scotia Power Corporation, be required to utilize best available control technology.

There still are no scrubbers in Canada. In the United States, however, there are 87 scrubbers in place and 22 under construction.[68] In March, 1983, the Parliamentary Subcommittee was regrouped in order to press for more action on acid rain. One member noted that the federal and provincial governments in Canada failed to adopt the subcommittee's recommendations and that Canada's track record on acid rain was "abysmal."[69] Ordinary Canadians have also noted their government's failure to take serious steps to control emissions even as that government criticizes the United States.[70]

There are additional examples of Canadian preaching on acid rain diverging from Canadian practice. The continuation of these actions, contrary to the policy Canada seeks to impose in the United States, only serve to damage Canada's credibility on this issue. The systematic nature of these contradictory actions can only make an objective observer wonder what motivates these actions. Why don't the Canadians practice what they preach?

B. U.S. practice on acid rain

Before examining the linkage between Canada's acid rain publicity campaign and additional Canadian electricity exports, it is useful to examine the United States' record on acid rain. Surprisingly, this track record is very good, despite Canadian claims and stories in the news media.

From 1976 to 1980, states in the midwestern United States reduced their SO_2 emissions dramatically.

Table III.—*Percent changes in selected State SO_2 emissions[71] from 1976 to 1980*

Alabama	−23
Arkansas	−31
Illinois	−21
Kentucky	−33
Michigan	−36
Minnesota	−23
Ohio	−21
Tennessee	−24
West Virginia	−7

[71] E. H. Pechan Associates, "Estimates of Sulfur Oxide Emissions from the Electric Utility Industry," financed by grant from U.S. Environmental Protection Agency, (November, 1982) Vol. I., p. 29-30. Ironically, those "downwind" states, which always complain about midwestern SO_2 emissions, increased their emissions over that same period. (Massachusetts +73%, Connecticut +27%, Maine +26%, New Hampshire +60%, Vermont +35%, Rhode Island +73%).

Note: As noted earlier, the United States has installed many scrubbers with more under construction. Canada has no scrubbers.

From 1970 to 1980, emissions of primary sulfate in the United States dipped 30%.[72] In 1978, Canadian emissions of primary sulfate were 30% the size of American emissions, even though the Canadian economy and population is roughly ten times smaller than the American economy.[73] On a pro rata basis, then, the United States has far superior air pollution controls. The strict American controls on NO_x emissions from new passenger cars were noted earlier. The American public and industries have been bearing the costs of extensive pollution control for years.

Take one electric utility system as an example. From 1973 to 1982, The Cleveland Electric Illuminating Company spent $320 million dollars for capital costs of air pollution controls. This figure does not include cost of operation and maintenance of those controls. The impact of these expenditures was reflected in a 37% reduction in SO_2 emissions from 1973 to 1982.[74]

These have not been inexpensive controls and the cost has been borne by the ratepayer. According to the United States Energy Information Administration, typical Ohio electric rates are higher than those in Vermont and Maine and roughly equal to those in the rest of New England. A mere 15 percent increase in Ohio's rates (for acid rain controls demanded by Canada) would make average Ohio rates more expensive than those in all the New England states except Connecticut.[75] Put in another context, while Americans are paying higher costs for pollution control, Canada's Minister of Energy is boasting that electricity rates across Canada average only 4 cents per kilowatthour.[76]

The United States' record on pollution control is an impressive one. There is something patently unfair about promising to reduce emissions in the future by 50 percent, but only if the United States will reduce emissions by 50 percent (or more in some proposals before Congress), without taking into account the sacrifices and reductions already made by the United States and the American public.

C. Costs of acid rain controls

The acid rain legislation favored by the Canadians and which is before Congress is not inexpensive. The proposals range from requiring SO_2 reductions of 8 million tons to reductions of 12 million tons. The 12 million ton reduction most closely approximates the 50 percent reduction sought by the Canadians.

Various macroeconomic studies have estimated that these proposals will cost from $4-8 billion annually.[77] The variance is attributable to differing assumptions as to the method for controlling SO_2 emissions. The lower cost figures, favored by the Canadians and others, generally assume that utilities will switch from high to low sulfur coal. These studies further assume that sufficient quantities of low sulfur coal are available at a reasonable cost, and that the boilers of these plants may burn coal with a lower sulfur content. These studies also assume that states with high sulfur coal will not require the local coal to be burned in order to protect massive employment of high sulfur coal miners.[78] The high cost studies generally assume the scrubbers will be the preferred or imposed emission control technology.[79]

In an attempt to estimate, as accurately as possible, the costs and rate increases attributable to acid rain legislation the Edison Electric Institute organized a company specific study of 24 eastern electric utilities to analyze the effect of an 8 million ton SO_2 reduction. Some of the results are provided below:

TABLE IV.—INCREASE AS PERCENT OF 1982 RATES[80]

Utility	First year	5-year levelized
Tampa Electric Co	26.4	22.9
The Southern Co	14.9	12.2

TABLE IV.—INCREASE AS PERCENT OF 1982 RATES [80]—Continued

Utility	First year	5-year levelized
Illinois Power Co	22.3	18.1
Central Illinois P.S	24.3	20.8
Public Service Indiana	28.0	24.5
Indianapolis P & L	31.5	25.6
Cincinnati G&E	18.4	14.3
Indiana & Michigan (AEP)	53.8	34.2
Ohio Power Co. (AEP)	51.6	38.0
Pennsylvania Electric	23.4	20.3
Wisconsin Electric Power	15.0	12.3

[80] This study was compiled and prepared for the Edison Electric Institute by National Economic Research Associates Inc. and released on June 20, 1983. Additional results are included in appendix IV.

Obviously, the costs and rate increases would be much higher if the 12 million ton SO_2 reduction requirement is imposed as requested by the Canadians.

No matter which emissions control level and method is selected, it is apparent that the costs imposed upon consumers in the United States will rise significantly, particularly those in the Midwest where most emissions reductions are targeted. This increase in costs and rates will make American coal-fired capacity less competitive to the Canada's electricity imports and will make Canadian electricity more attractive to all United States utilities, even those which distribute electricity generated in coal-fired capacity.

IV. ANALYSIS OF SUGGESTED CONSTRAINTS ON THE INCREASE OF CANADIAN ELECTRICITY EXPORTS

Various studies have identified several "constraints" on the potential increase of Canadian electricity exports. The most ambitious of these studies was performed by Larry Parker, an analyst in energy policy for the Congressional Research Services.[81] Mr. Parker's study, entitled "Acid Rain Legislation and Canadian Electricity Exports: An Unholy Alliance?" was released September 15, 1982 (hereinafter referred to as "CRS Study"). It concludes that technical, regulatory and political constraints negate much of the advantage acid rain legislation would give to Canadian electricity producers.

This CRS Study has been cited by the Canadian Embassy as downplaying the linkage between Canadian electricity exports and the Canadian lobbying efforts on acid rain.[82] When these "constraints" are examined in light of Canada's needs and incentives to export electricity, and Canada's shoddy record on acid rain control, the "constraints" become illusory. The fact remains that acid rain legislation would give Canadian electricity producers a significant competitive advantage over American producers.

A. Supply constraint

The most important constraint on the increase of Canadian electricity exports, although not specifically identified in the CRS Study as a constraint, is the potential availability of Canadian electricity for export.[83] The CRS study analyzed the costs which acid rain legislation would place on American utilities and the resultant competitive advantage provided to Canadian electricity exports.[84] According to the CRS Study, however, the availability of Canadian hydropower is in doubt. Many Canadian sources anticipate that the "export window" will close sometime in the 1990's.[85]

Assuming that the export window actually will close in the next decade, this fact explains the intensive Canadian effort to impose acid rain controls in the United States as quickly as possible. The sooner acid rain controls are imposed, the more electricity Canada can export before the window closes. Since the Canadian prices are based on the buyer's avoided costs, they are designed to obtain the maximum profit possible, not the largest sales possible. In addition, given the long lead time needed for construction of new facilities, the Canadians would hope to obtain sufficient revenue from several years of sales to the United States before turning the new capacity away from the United States to meet future Canadian demand.

Even while it assumed that the supply of Canadian electricity would be limited, the CRS Study noted that decreased Canadian electricity demand and the construction of power plants dedicated to export could increase the availability of Canadian electricity.[86] Since the release of the CRS Study, both of these factors have moved closer to reality.

Quebec Hydro has reduced its long-range forecast of the annual increase in Quebec's electricity demand from 6.2 percent to an average of 3.7 percent for the period 1980-1998. The significance of this projected reduction was recognized by Quebec Hydro: "These factors have completely changed Hydro-Quebec's position. In the medium term. *Hydro-Quebec will have large electricity surpluses for which it must rapidly find new markets.*" (emphasis added)[87] Other Canadian utilities have recently had to revise their electricity demand growth estimates.[88] These reductions increase the amount of electricity available for export to the United States.

The potential for the construction of Canadian nuclear power plants dedicated to export has been discussed previously, but dedicated hydropower is also a distinct possibility. The James Bay project, recently delayed, could provide up to 10,000 MW of generating capacity for export.[89] Other projects could be accelerated or developed with American capital to produce export electricity.[90]

As for the availability of long-term contracts, it should be recalled that the Canadians have continually offered such contracts and that British Columbia Hydro entered into a 35-year agreement with the City of Seattle.[91] Any doubts over the potential supply of Canadian electricity would be removed by American utilities forced to bid for Canadian power due to the costs imposed by acid rain legislation.

B. Technical constraints

The one actual constraint on increased exports identified by the CRS study is transmission capacity.[92] The CRS Study devoted considerable discussion to the uneconomic aspect of transmitting power through several utilities very far from the border. Yet British Columbia Hydro currently sells power to San Diego Gas & Electric, and to Pacific Power & Light, Southern California Edison, Pasadena Water & Power, and the City of Burbank.[93] Obviously, long distance transmission is not per se uneconomic as concluded by the CRS Study. The MANDAN project, from Manitoba to Nebraska, demonstrates the attractiveness of Canadian power even for American utilities far from the border.

While the CRS Study only analyzed sales of Canadian power to the Midwest, the greatest potential for increased Canadian sales is to displace oil-fired capacity in the Northeast and Mideast.[94] The Canadian competition for these sales would be the coal-fired capacity in the Midwest, which would be subject to similar wheeling and transmission distance difficulties as the Canadian utilities. Evidence of the competition between midwestern and Canadian utilities is the fact that the GPU-Ontario Hydro sale was cancelled because GPU was able to obtain surplus power more cheaply from Detroit Edison.[95] This competition was acknowledged recently by the Vice-Chairman of Canada's National Energy Board.[96] In addition, Ohio Edison has recently concluded a ten year contract to supply $400 worth of electricity to General Public Utilities. In May, 1983, Ohio Edison signed a five year contract to supply electricity to Potomac Electric Power Co., in Washington, D.C.[97]

It is important to note that the Canadians do not view limited transmission capacity as a constraint. The Canadians are aggressively marketing their electricity across the United States. Milan Nastich of Ontario Hydro has stated that the only element needed for additional sales is "political will."[98] Nastich has also written in Industry Week that technical obstacles are not "insurmountable."[99] Increased economic incentives, such as higher costs, have a way of changing political will. Apparently, the Canadians are confident that where the political will exists, a way will be found to surmount the "constraint" of limited transmission capacity.

C. Regulatory constraints—Canada

1. Permitting Procedures

The CRS Study briefly discussed the legal authority of the National Energy Board ("NEB") to limit electricity exports through its permitting process. Appendix V lists the exports of electrical power in 1982 licensed by the NEB.[100] The CERI Study indicates that export licenses are issued promptly, with the entire process from application to licensing averaging one year. The CERI Study also notes that the NEB has recently received new powers designed to streamline jurisdictional disputes among the provinces. This new authority should "facilitate a more vigorous electricity export policy."[101] Given Canada's desire to export, the internal Canadian permitting process should not be viewed as a constraint.

2. Environmental Assessment Procedure

The CRS Study discussed the legal framework under which the National Energy Board is required to consider the environmental impacts of new facilities. Had the CRS Study reviewed the NEB's decisions in this area, it would not have considered this a "constraint."

In approving the electricity export application of the New Brunswick Electric Power Commission in 1982, the NEB found that the exports would "result in some increased incremental environmental impact and social costs from increased in-province fossil fuel generation." [102] Yet, since these costs would be "small relative to the value of the exports," the application was approved.[103] The CERI report concluded that the price which could be charged for electricity exports would be "more than sufficient" to cover environmental costs.[104]

Despite concerns expressed by members of Ontario's Parliament and several environmental groups, including the federal Ministry of the Environment, the NEB approved the application of Ontario Hydro to construct a cable under Lake Erie for sales to GPU.[105] In 1982, Ontario Hydro agreed to export $100 million of power and increase its SO_2 emissions by over 37,000 tons without even consulting the Ontario Ministry of

the Environment.[106] Obviously, the Canadians pollute when it is profitable to do so.

With this record of addressing environmental concerns, it is clear that environmental considerations will not be a "constraint" on Canadian electricity exports.

3. Pricing Policy

The CRS Study identified the three criteria that an export price must meet under Canadian standards.

(1) It must cover fully the cost of the electricity being exported.

(2) It cannot be less than the price Canadians pay for comparable service.

(3) It cannot be materially less than the least-cost alternative to the United States utility.[107]

The first two times will be easily met by any proposed sale because the Canadians do not price their electricity exports on a cost generated basis. The third requirement likewise is of little importance since NEB officials state that a sale will usually result if a utility in the United States can save two-tenths of a cent per kWh.[108] The Price is usually set at 80% of the buyer's avoided cost.[109] The higher the cost of United States generating capacity, the more likely that these requirements will be met.

4. Acid Rain Reduction Requirements

The CRS Study contained a lengthy discussion of Canadian acid rain requirements and concluded that those requirements would increase the cost of Canadian coal-fired capacity "in a fashion similar to that which would occur to U.S. coal-fired capacity." [110]

Since the overwhelming amount of proposed export electricity is hydro or nuclear generated, this constraint is illusory. Even in 1982, a full 60 percent of the exported electricity came from hydro generators.[111]

D. Regulatory constraints—United States

The CRS Study briefly discussed the federal permitting process as a "constraint" and accurately noted that permits are required only for additional construction, but not for additional sales over existing lines.[112] The General Accounting Office report, "Clear Federal Policy Guidelines Needed for Future Canadian Power Imports," was released at the same time as the CRS Study and examined this issue in depth. The GAO made these findings, among others:

(1) The Department of Energy (responsible for federal permitting in this area) has no direction on how to fulfill its permitting responsibilities and thus has no specific set of criteria to conduct its reviews.

(2) The Department of Energy current policy is to place no prescribed limits on Canadian electricity imports.[113]

With these policies in effect, CRS cannot credibly identify federal regulatory procedures as a "constraint."

The CRS Study also discussed several other federal and state laws, particularly sitting requirements, with which a new transmission line must comply. While these laws may constrain imports of Canadian electricity, they also apply to and constrain construction of new transmission lines from existing capacity in the United States and the construction of new capacity in the United States. Since these laws apply across the board, their impact should not be considered a special constraint on Canadian electricity exports.

E. Political constraints

The "political constraints" identified by the CRS Study are a euphemistic method of saying that certain groups will oppose the export and import of Canadian electricity and may put pressure on the regulatory process to delay approvals in anticipation of preventing export sales. The Canadian incentives discussed previously will probably keep the Canadian dissent in check while the Canadian marketing campaign in the United States will encourage American utilities to deal with any opposition.

The most serious political constraints on Canadian electricity exports are those raised in the political battle over the imposition of acid rain controls. Since it is clear that acid rain legislation would greatly enhance the competitive advantage of Canadian electricity exports, the political opposition to acid rain controls becomes *de facto* political opposition to Canadian electricity exports.

F. Summary—The CRS study refuted

The CRS Study analyzed three ways in which restrictive acid rain legislation would increase the demand for Canadian electricity. They are:

(1) discourage use of coal-fired capacity; [114]

(2) discourage oil to coal conversions;

(3) discourage the building of new coal-fired capacity.

The CRS Study overlooked a fourth development: acid rain legislation as proposed by the Canadians would eliminate midwestern coal-fired capacity as competition for displacing oil-fired capacity in the Northeast and Mideast.[115] As noted earlier, midwestern coal-fired utilities have provided stiff competition to Canadian utilities.

The CRS Study admitted that the three developments would result from acid rain legislation and would encourage the demand for Canadian electricity but that electricity exports would not increase due to the constraints previously discussed. As demonstrated, these "constraints" lack the ability to constrain anything, therefore, the proposition that acid rain legislation will encourage the export of Canadian electricity is valid.

V. IMPACT OF ACID RAIN LEGISLATION ON CANADIAN ELECTRICITY EXPORTS

A. The Canadian linkage of electricity exports to acid rain legislation

Beyond the apparent fact that Canada would profit by the adoption of tighter acid rain controls in the United States, there is evidence that the Canadians publicly recognize the profit in the linkage between the two issues.

First, the Canadian National Energy Board considers the possibility of displacing capacity in the United States when it considers applications for export. In discussing the environmental considerations weighed by the NEB before approving an export application of Ontario Hydro, the NEB found that the export would not result in a net increase in emissions in Canada except, possibly, in 1985. It was also expected that the export would displace U.S. generation resulting in a decrease in emissions there.[116]

Second, after General Public Utilities cancelled the proposed purchases from Ontario Hydro, Ontario Hydro cancelled the two scrubbers which it had planned. Rather than install the scrubbers to decrease emissions in the "sensitive" Province of Ontario, Hydro opted to save $240 million and continue emissions at higher levels.[117]

Third, Arthur Porter, former chairman of the Royal Commission on Electric Power Planning, has publicly called for construction of a nuclear plant for export to the United States in order to reduce the United States' reliance on coal-fired generating stations and to turn a $150 million profit.[118]

Fourth, in his book *James Bay: Twice Over*, former Quebec Premier Robert Bourassa linked Canadian acid rain efforts with the benefits of the James Bay hydro project. Bourassa stated:

Replacing thermal energy by Quebec hydroelectricity in Quebec's neighboring areas will considerably decrease polluting fallout, namely, acid rain, in these regions as well as in Quebec. . . . It is not only useful to increase the capacity of interconnections, but also necessary to study the means of increasing electricity exports so that both Quebec & Quebecers can profit without making any sacrifices.[119]

Certainly, a plan to increase American demand for Quebec power would make it easier to secure American capital for the James Bay project and make Quebec a profit without sacrifices.

Despite all protestations, Canadians do see the financial profit to be gained from increased electricity exports and the displacement of capacity in the United States.

B. National policy considerations of increased dependence on Canadian electricity

There are several national consequences to the acceptance of increased Canadian power exports which should be carefully evaluated before acid rain legislation is adopted. First, employment and income would be lost. Since one of the Canadian goals is to increase Canadian employment and income, such increases must come from the United States. Every dollar sent to Canada for hydro or nuclear energy means income lost in the United States and jobs lost for American workers in mining, utility and related industries. Even where the Canadian electricity is generated from coal mined in the United States, the income effects, if not the unemployment effects, are felt. At a time when the unemployment in the United States is at record levels and the United States is running a record trade deficit with Canada, any program which would export jobs and income to Canada should be carefully examined.

Second, accepting imports would increase the dependence of the United States upon another foreign source of energy and threaten reliability of the electric utility industry in the United States. The United States is beginning to achieve independence from foreign oil, but increasing electricity imports from Canada would be a step backward. The GAO report, "Clear Federal Policy Guidelines Needed for Future Canadian Power Imports," analyzed this issue closely. The GAO reported that three councils of the North American Electric Reliability Councils felt that the eastern U.S. could withstand losses of imported Canadian power up to 2,400 MW and possibly 3,700 MW during light load periods. The three councils could not withstand a 3,700 MW loss during heavy period.[120] The New England Power Pool (NEPOOL) felt that a loss of 2,000 MW alone would put a strain on the spinning reserves available within the region and the ability of neighboring systems to help during NEPOOL's shortfall.[121]

There should be serious doubt as to Canada's willingness to honor long-term commitments to supply electricity. Canada's intention to terminate American exports when Canadian demand rises was discussed earlier. Moreover, the legal maneuvering of Newfoundland to break its long-term con-

tract with Quebec casts doubt upon the willingness of the Canadian provinces to live with the contracts they sign.

There is also serious doubt as to Hydro Quebec's ability to produce reliable amounts of electricity. On December 14, 1982 a blown transformer threw the entire province of Quebec into a blackout for 12 hours.[122] In 1981, energy consultant Amory Loving had written a memorandum to the New England utility commissioners warning about the susceptibility of Hydro Quebec's grid system to power failures.[123] The same fears were also expressed to the annual Canadian Nuclear Association conference in Montreal in June, 1983.[124] The issue of overdependence and jeopardized reliability cannot be taken lightly.

Third, a special danger exists in the large scale purchase of Canadian nuclear power. A combination of factors make this scenario likely to occur.

These factors are: (1) the stressed state of the U.S. nuclear industry in the United States, (2) Canada's need to maintain the CANDU nuclear industry, (3) the Canadian willingness to construct nuclear plants dedicated for export to the United States, (4) acid rain legislation which makes coal-fired generation in the United States economically unattractive and investment in Canadian power plants attractive. The only missing factor is the United States acid rain legislation and the Canadian government is lobbying vigorously for such restrictions.

Moreover, this situation might be beneficial, aside from the energy dependence issue, if the Canadians would be responsible for the hazards of the nuclear generation. Yet, it is likely that the United States will be the depository for much of the nuclear waste generated in Canada. Already, nuclear waste from Canadian reactors is shipped to the United States.[125] Under this likely scenario, the U.S. would have all the hazards and expenses of nuclear generated power, yet would not have the job, the income and, more importantly, the control of the electricity generating facilities.

These considerations are all costs which must be factored into the cost/benefit equation for acid rain legislation. The wide divergence between Canada's preaching and practice on acid rain and the numerous incentives to export additional electricity should cause the United States to examine Canada's lobbying efforts in a critical manner. A failure to carefully examine Canada's interests in this issue would be a poor reflection on those who would adopt acid rain legislation.

VI. CONCLUSION

Before enacting acid rain legislation, if it should be proven to be needed at all, Congress should examine the economic and national security aspects of vastly increased imports of Canadian electricity. Since acid rain legislation will have the effect of providing Canada's electric utilities with a competitive advantage over utilities in the United States, Congress should consider:

(1) Enactment of a clear federal policy limiting Canadian electricity imports. These limits should be sufficient to protect the reliability of the electricity supply in the United States and to protect American workers and companies from losses of jobs and income.

(2) The environmental impact of massive imports, particularly the necessity to construct additional transmission capacity. The fact that the United States may become the depository for Canada's nuclear waste should be examined.

(3) The regulation of pricing of Canadian electricity imports including the possibility of an excise tax to negate much of the competitive advantage which acid rain legislation on controls would give Canadian electricity producers.

Canada's economic interest in increasing electricity exports to the United States is very clear. Any policy or legislation which would tend to increase those exports should be reviewed to determine if the economic and national interests of the United States are being protected.

FOOTNOTES

[1] Canada's Minister of the Environment, John Roberts, has called this connection "nonsense." UPI Release, October 24, 1981.

[2] U.S. Department of Energy and the Ministry of Energy, Mines and Resources, Canada, *Electricity Exchanges.* Minister of Supply and Services Canada. May, 1979, p. 29.

[3] See footnote to table I.

[4] See footnote to table II.

[5] Canadian Energy Research Institute, *Potential Benefits and Costs of Canadian Electricity Exports,* December, 1982, Vol. I, p. xiv (hereinafter cited as "CERI Report").

[6] Holmes, P. A. "Pushing to Peddle Canadian Power, *"Fortune,"* September 20, 1982, citing Richard Pouliot of Quebec's Ministry of Energy.

[7] General Accounting Office. "Clear Federal Policy Guidelines Needed for Future Canadian Power Imports." (September 20, 1982) p. 1 (hereinafter cited as "GAO Report").

[8] Ministry of Energy, Mines and Resources, Canada, *Electric Power in Canada,* 1979, p. 24; Canadian National Energy Board, *1982 Annual Report,* p. 38.

[9] *GAO Report, supra* note 7, p. 4.

[10] "B. C. nets huge sale in hydro deal with U.S.", *Toronto Star,* April 15, 1983, p. A9.

[11] Address by Marc Lalonde, Canadian Minister of Energy, Mines and Resources, to the National Governors' Conference, Afton, Oklahoma, August 9, 1982.

[12] Royal Commission on Electric Power Planning, *Concepts, Conclusions and Recommendations,* Vol. I. pp. 106, 148-49 (February, 1980).

[13] "Build nuclear plant to sell U.S. power, Ontario told," *Toronto Star,* October 25, 1981, p. A22.

[14] Robert Bourassa, James Bay: Twice Over, (March, 1981). Excerpts translated by Brigette Boesenberg from book published in French (hereinafter cited as *"James Bay"*).

[15] *Id.*

[16] *CERI Report, supra* note 5, pp. 119-120.

[17] Address by Marc Lalonde, Canadian Minister of Energy, Mines and Resources, to the National Governors' Conference, Afton, Oklahoma, August 9, 1982.

[18] "We've more power, gas to sell, Lalonde tells United States," *Toronto Star,* June 24, 1982, p. C3.

[19] Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

[20] "Ontario; Powerhouse for United States," Toronto Star, December 13, 1981, p. C1.

[21] "Power Sale Studied", *Toronto Star,* August 25, 1981: Press Release, New Jersey Board of Public Utilities, August 20, 1981.

[22] The MANDAN project was delayed last year by a South Dakota court, but the MANDAN sponsors are pushing on. UPI Release, October 4, 1982.

[23] *EIA Report, supra* note 3, p. 66.

[24] "Nuclear power worth billions: Ontario Hydro," *Toronto Star,* October 4, 1981, p. A19. Ironically, in February, 1983, Environment Minister John Roberts stated that all that was needed to resolve the acid rain issue was "political will," "Roberts mocks United States 'looniness' on acid rain," *Toronto Star,* February 26, 1983, p. A1.

[25] Address by Hugh Macaulay, Chairman of Ontario Hydro. "International Energy Sales—Sensitivity versus Benefits," delivered to the Canadian German Chamber of Industry and Commerce, June 15, 1982.

[26] *Wall Street Journal,* December 9, 1981, p. 24.

[27] UPI release, June 11, 1982.

[28] UPI release, June 20, 1983.

[29] UPI release, October 12, 1982.

[30] Hydro-Quebec, *Hydro-Quebec Development Plan 1983-1985: A Synopsis,* October, 1982, pp. 11, 15.

[31] These were briefly discussed in somewhat different form in the *EIA Report, supra* note 3, p. ix.

[32] Canadian National Energy Board, *1982 Annual Report,* p. 97.

[33] *CERI Study, supra* note 5, p. 117.

[34] Address by R. F. Brooks, Vice-Chairman of the Canadian National Energy Board, before the Canadian Nuclear Association International Conference, Montreal, Quebec, June 14, 1983.

[35] "U.S. Export Ban Would Cost us Billions: Hydro," *Toronto Star,* February 12, 1982, p. A8.

[36] UPI Release, June 26, 1981: "The Newfoundland-Quebec power battle," *Toronto Star,* June 19, 1983, p. F7.

[37] UPI Release, June 21, 1983.

[38] *EIA Report, supra* note 3, p. 39.

[39] "Canada Trade Surplus Totaled $1.99 Billion in April for a Record," *Wall Street Journal,* June 9, 1983, p. 36.

[40] Canadian unemployment recently reached 1.58 million. Over 300,000 Canadians joined the welfare rolls between March 1982 and March 1983. "Out of Work," *Macleans,* April 4, 1983, pp. 30-38.

[41] "One More Push to Rescue CANDU," *Macleans,* October 11, 1982, p. 50.

[42] "Trudeau in South Korea to seal Candu reactor sale," *Toronto Star,* September 26, 1981, p. A14; "Thousands of high-tech jobs hinge on Candu sale to Mexico," *Toronto Star,* December 13, 1981, p. E2.

[43] "One More Push To Rescue Candu," *Macleans,* October 11, 1982, p. 50.

[44] *Id.,* p. 52.

[45] Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

[46] A recent editorial in the *Toronto Star* also exhorted Canadians to "push hard" on acid rain to get restrictive controls imposed in the United States. "Let's push hard on acid rain," *Toronto Star,* June 4, 1983, p. B2.

[47] Asinot, Richard, "Deluge," *Environmental Action,* March, 1983, pp. 12, 15.

[48] *Id.,* at p. 10.

[49] Address by G. W. Nichols, New England Electric System, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

[50] For example, see "Canadian Electricity May Be Cheaper, But it Doesn't Come Free of Problems," *National Journal,* May 22, 1982, p. 910; Address by Marc Lalonde, Minister of Energy, Mines and Resources to National Governors Association, Afton, Oklahoma, August 9, 1982; Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

[51] "One More Push to Rescue Candu," *Macleans,* October 11, 1982, p. 50.

[52] *James Bay, supra,* note 14.

[53] "The U.S. Plugs into Canadian Power," *Business Week,* May 23, 1983, p. 189.

[54] Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

[55] Letter from Mark D. Segal, Canadian Ministry of Energy, Mines and Resources, *reprinted in GAO Report, supra,* note 7, p. 66.

[56] Address by G. W. Nichols, New England Electric System, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

[57] Frothingham, Allan. "The Liberals Sniff the Wind," *Macleans,* July 4, 1983, p. 56.

[58] "Canada will cut acid rain 50 percent if U.S. does same," *Toronto Star,* February, 1982, p. A4.

[59] UPI Release, October 24, 1981. Part of this public awareness campaign apparently involved the widespread distribution of the Canadian "propaganda" movies on acid rain.

[60] "Canada Tries To Organize Lobby in U.S.," *Wall Street Journal,* April 12, 1983; "How we're joining the lobbying game," *Toronto Star,* April 23, 1983, p. B6.

[61] Address by John Fraser, former Minister of the Environment, to the Izaak Walton League, June 15, 1982. Any request for further information to buttress the Canadian position has been termed "foot-dragging." "U.S. stalling on acid rain Roberts says," *Toronto Star,* June 16, 1982, p. A24.

[62] Even the Canadian scientific research on acid rain appears geared to headline hunting and public relations gimmicks rather than answering the genuine uncertainties which surround the acid rain issue. See, for example, "Rabbits sprayed with acid

rain in test," *Toronto Star*, April 22, 1982, p. A11. In this test the rabbits' eyes were sprayed directly with concentrated acids in excess of those found in nature.

[63] "Ontario Hydro Set to Shelve Major Anti-Pollution Project." *Toronto Glove & Mail*, July 20, 1982, p. 1.

[64] "Ontario lifts controls on Hydro pollutants blamed for acid rain," *Toronto Star*, February 3, 1982, p. A18.

[65] "Pollution Deferral Given," *Toronto Star*, June 10, 1983, p. A7. The actions of the Province of Ontario are similar to the contradictory actions of the State of New Hampshire. In March, 1983, over 190 town meetings in New Hampshire endorsed a resolution calling for a 50 percent reduction in sulfur dioxide emissions. (Canada's John Roberts identified these votes as an "encouraging" sign in a speech to the Parliamentary Committee on Acid Rain on June 21, 1983.) In April, 1983, the U.S. Environmental Protection Agency began a public comment period on a request by the State of New Hampshire to double its sulfur-in-oil content limitation. 48 Fed. Reg. 12109 (March 23, 1983).

[66] Parliamentary Subcommittee on Acid Rain, *Still Waters*, October, 1981, p. 47.

[67] *Id.* p. 19.

[68] "U.S. taunts Canada on acid rain record," *Toronto Star*, February 11, 1982, p. A19.

[69] "MPs vow they'll play 'hardball' to stop acid rain," *Toronto Star*, March 16, 1983, p. A19.

[70] "Ottawa now gets blame for acid rain," *Toronto Star*, November 21, 1981, p. B5.

[71] See footnotes to table III.

[72] United States Environmental Protection Agency, *The Acidic Deposition Phenomenon and Its Effects: Critical Assessment Review Papers.* Public Review Draft (June, 1983), Vol. I, p. 2-70.

[73] *Id.*; U.S.-Canada Memorandum of Intent, Working Group 3B. Final Report. *Emissions, Costs and Engineering Assessment* (June, 1982), p. 160.

[74] Communication from official at The Cleveland Electric Illuminating Company.

[75] U.S. Energy Information Administration, *Typical Electric Bills*, January 1, 1982, p. 15.

[76] Address by Jean Chretien, Minister of Energy, Mines and Resources, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13, 1983.

[77] A chart of these studies is contained in Appendix III.

[78] A study by the Congressional Research Service estimated that the total job loss in Ohio due to fuel switching in order to comply with an 8 million ton SO_2 reduction would be between 19,200 and 21,000. In some hard hit counties, the unemployment rate would rise to the 20 percent—25 percent range. Parker, Larry. "Mitigating Acid Rain: Implications for High Sulfur Coal Regions." May 19, 1983.

[79] It should not be assumed that the high cost studies, which entail high electricity rate increases, will not result in higher unemployment even though the jobs of high sulfur coal miners will be protected. The higher electricity rates will significantly raise costs of the manufacturing industries of the Midwest, still struggling to recover from the recent recession. The study has not yet been completed which projects the job losses due to higher electricity rates in the Midwest.

[80] See footnote to table IV.

[81] Larry Parker has written extensively on the acid rain and related issues. In the past year, at least the following studies have been released by the Congressional Research Service under Mr. Parker's name:

(1) "Distributing Acid Rain Mitigation Costs: Analysis of a Three-Mill User Fee on Fossil Fuel Electricity Generation," April 11, 1983.

(2) "Mitigating Acid Rain: Implications for High-Sulfur Coal Regions," May 6, 1983.

(3) "Impact of Proposed Acid Rain Legislation on the Illinois Coal Industry," February 21, 1983.

(4) "Summary and Analysis of Technical Hearings on Costs of Acid Rain Bills," July 26, 1982.

(5) "Opportunities for Increased Control of Nitrogen Oxides Emissions from Stationary Sources: Implications for Mitigating Acid Rain," December 9, 1982.

[82] See letter from George Rejhon, Environment Counselor, Canadian Embassy, to Senator Larry Pressler, Chairman, Senate Subcommittee on Arms Control, Oceans & International Operations, and Environment. October 5, 1982.

[83] *CRS Study*, pp. 6-9, 29-35.

[84] *CRS Study*, pp. 24-29.

[85] "One More Push for Candu," *Macleans*, October 11, 1982. p. 50.

[86] *CRS Study*, p. 8.

[87] Hydro Quebec, *Hydro-Quebec Development Plan 1981-1985: A Synopsis*, p. 2.

[88] *EIA Report, supra* note 3, p. 35.

[89] *James Bay, supra*, note 14.

[90] See *CERI Study, supra* note 5, pp. 47-51. Proposed additions to Canadian generating capacity through 1990, even without dedicated exports, total over 28,000 MW. *Id.* at p. 80.

[91] "B.C. nets huge sale in hydro deal with U.S.," *Toronto Star*, April 15, 1983, p. A9.

[92] *CRS Study*, pp. 9-14.

[93] *EIA Report, supra* note 3, p. 66.

[94] *CERI Report, supra* note 5, p. 111; Address by Robert A. Hiney, Senior Vice-President, New York Power Authority, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 13. 1983.

[95] Address by Hugh Macaulay, Chairman Ontario Hydro. "International Energy Sales: Sensitivity versus Benefits" delivered to the Canadian German Chamber of Industry and Commerce June 15, 1982.

[96] Address by R. F. Brooks, Vice-Chairman, Canadian National Energy Board, to the Canadian Nuclear Association International Conference, Montreal, Quebec, June 14, 1983.

[97] "Ohio Edison to sell excess power to GPU," *Cleveland Plain Dealer*, July 7, 1983, p. 1C.

[98] "Nuclear power worth billions: Ontario Hydro," *Toronto Star*, October 4, 1981, p. A19.

[99] Nastich, Milan. "Canadian Energy could lessen U.S. oil dependency," *Industry Week*, October 4, 1982, p. 13.

[100] Canadian National Energy Board, *1982 Annual Report*, Appendix E-V.

[101] *CERI Report, supra*, note 5, p. 22.

[102] *CRS Study*, pp. 16-17.

[103] Canadian National Energy Board, *1982 Annual Report*, p. 40.

[104] *CERI Report, supra* note 5, p. 114.

[105] Canadian National Energy Board, *1982 Annual Report*, p. 41; "Hydro plan will double sulphur in air, Ottawa," *Toronto Star*, February 12, 1982, p. A8. "560 lakes will die if Hydro plan to export power proceeds—Capps," *Toronto Star*, December 10, 1981, p. A 13; "Hydro's energy plan would kill 560 lakes, critics charge," *Toronto Star*, February 5, 1982, p. A3.

[106] "Hydro deal will kill 26 lakes, MPP says," *Toronto Star*, April 16, 1982, p. A12.

[107] *CRS Study*, p. 17.

[108] *GAO Report, supra* note 7, p. 9.

[109] *EIA Report, supra* note 3, p. 10.

[110] *CRS Study*, p. 19. That is, assuming that the Canadians stick to their proposed requirements. For example, Ontario Hydro has cancelled two planned scrubbers and the Province of Ontario has relaxed stringent NO_x requirements on Ontario Hydro. "Ontario Hydro Set to Shelve Major Anti-Pollution Project," *Toronto Globe & Mail*, July 20, 1982, p. 1; "Ontario lifts controls on Hydro pollutants blamed for acid rain," *Toronto Star*, February 3, 1982, p. A18. A deferral was recently given to the Algoma Steel Corp in order to spread the costs installing necessary pollution abatement equipment over several years. "Pollution Deferral Given," *Toronto Star*, June 10, 1983, p. A7.

[111] Canadian National Energy Board, *1982 Annual Report*, p.37.

[112] *CRS Study*, p. 20.

[113] *GAO report, supra*, note 7, pp. 23, 26.

[114] An ordinance has recently been submitted in Cleveland City Council to authorize Cleveland Municipal Power to purchase electricity from Ontario Hydro instead of electricity produced by nearby coal-fired plants.

[115] The *CERI Study* and others have targeted U.S. oil-fired capacity as the most likely target for displacement. See previous discussion under "Transmission Constraints."

[116] Canadian National Energy Board, *1982 Annual Report*, p. 41.

[117] "Ontario Hydro Set to Shelve Major Anti-Pollution Project," *Toronto Globe & Mail*, July 20, 1982, p. 1.

[118] "Build nuclear plant to sell U.S. power, Ontario told," *Toronto Star*, October 25, 1981, p. A22.

[119] *James Bay, supra*, note 14.

[120] *GAO report, supra*, note 7, pp. 10-11.

[121] *GAO report, supra*, note 7, p. 11.

[122] Asinot, Richard, "Deluge," *Environmental Action*, March, 1983, p. 14.

[123] *Id.* at p. 12.

[124] "Northern U.S. States hungry for Canadian power," *Toronto Star*, June 27, 1983, p. C9.

[125] "Our atomic waste feared in U.S.," *Toronto Star*, March 5, 1983, p. A12. Hoffman, Abbie, "Nuclear Waste Upstate," *New York Times*, September 27, 1982, p. A15.

Mr. FORD. Mr. President, I have not included the appendix of this report in order to cut down the number of pages in the RECORD. But I do encourage my colleagues to take the opportunity to read this most informative report.

I thank the Chair and I yield the floor.

CARL SAGAN ON THE CONSEQUENCES OF NUCLEAR WAR

Mr. PROXMIRE. Mr. President, few persons and no Members of Congress can speak with more authority on the consequences of nuclear war than Carl Sagan, the eminent scientist. Yesterday—October 30, Parade magazine carried an article by Dr. Sagan that spells out more vividly and expertly than I have ever seen it before, what nuclear war would bring.

As Sagan writes—no one can foresee for sure what would happen once nuclear war breaks out but in Sagan's view it could be far worse than anything we have envisioned to date. We all know that nuclear arsenals presently in being, contain the equivalent of thousands of pounds of dynamite for every man, woman, and child on Earth. I have pointed out on the floor before that the World Health Organization estimates that in an all out nuclear war between the United States and the Soviet Union a billion persons would die and another billion would be grievously wounded, that little or no medical help would be available for the wounded. They too would die and die agonizing deaths. Sagan recognizes all of this but then adds: "Unfortunately, the real situation would be much worse." How could anything be worse?

Sagan explains this. He argued that: "In technical studies of the consequences of nuclear weapons explosions, there has been a dangerous tendency to underestimate the results." He documents this with an analysis of nuclear explosions over the past 30 years. He then describes how he and a group of other scientists calculated the consequences of a 5,000-megaton war—we and the Soviet Union have 13,000 megatons; this would only be a part of our arsenal—on two natural phenomena:

First, sunlight on the Earth and;

Second, the temperature of the Earth.

Sagan describes the result as "horrifying." If anything, that is an understatement.

The amount of sunlight would be reduced to a few percent of normal, so dark that plants could not live. This would persist for weeks. Much more spectacular were the estimates of these scientists on the effect of such a nuclear war on the temperature of the

Earth. They found that temperatures—except for narrow strips of coastline—would drop to 13° below zero Fahrenheit and stay below freezing for months. And Sagan says he and his other experts may have underestimated how long the cold and dark would last. And we would suffer the cold and dark with little or none of the light or heat that comes from our big utility plants, they would die with our cities. Aside from the miserable struggle to exist in the cold and dark, the real disaster would come from starvation. Virtually all crops and farm animals would be lost—certainly in the United States and in the rest of the Northern Hemisphere. As Sagan writes: "Most of the human survivors would starve."

Mr. President, I hope and pray that we can find some way to bring this message to all Members of Congress. I am convinced that our biggest problem in stopping this arms race is the refusal of too many of our policymakers to look squarely and fully at reality. We still stumble along with many Americans, including some Senators and Congressmen and some members of this administration and more than a few widely read commentators, arguing that somehow we can win an arms race and in the process forestall a nuclear war. The administration's proposal to vastly step up the nuclear arms race in space represents an example of this. Unless we achieve arms control measures much more far reaching than anything yet proposed, we will spend $64 billion next year fattening up our nuclear arsenal and $450 billion over the next 6 years exclusively for more nuclear arms. The Russians will also spend hundreds of billions. Other nations will also work hard to get in the nuclear arms act. And as the nuclear arms technology races on, these other nations will find it cheaper and easier to join the nuclear club. Research, and development by the superpowers in nuclear arms relentlessly spills over to the rest of the world community, until somehow, somewhere through design or error, nuclear war will start. It is true that nuclear war is not likely to start with a planned, premeditated attack by one superpower on the other. Such an initiative would be an act of suicide. But as I have said on the floor previously, we have hundreds of fingers on the nuclear trigger in spite of the most comprehensive effort to centralize the nuclear decision in the hands of the President. The Russians too have many fingers on the trigger. Somewhere, somehow, sometime, someone will press the trigger. And then?

Every year more and more nations seek and some will find a way to build up their own nuclear war capability. Once a nuclear war starts, can we contain it? Some say yes. Now listen to the words of Sagan on the subject:

A number of detailed analyses, war games run by the U.S. Department of Defense, and official Soviet pronouncements all indicate that this containment may be too much to hope for. Once the bombs begin exploding, communications failures, disorganization, fear, the necessity of making in minutes decisions affecting the fate of millions, and the immense psychological burden of knowing that your own loved ones may already have been destroyed are likely to result in a nuclear paroxysm.

What answer do we have to this awful prospect? Well, Mr. President, there are no good answers, certainly no sure answers. But some things we know. We know that continuing the arms race will simply take us down the road to suicide. We know that the spread of nuclear weapons to more and more nations sharply increases the chances of nuclear war. We know that every twist and turn in nuclear weapons research and development brings the prospect of cheaper and more deadly nuclear explosives and relentlessly advances the likelihood of nuclear war. And we know that the one way to prevent nuclear war is to negotiate two agreements: First, we must negotiate a freeze on nuclear testing, production or deployment. And that agreement must be mutual and verifiable. Second, we must negotiate an antiproliferation agreement that includes every nation with nuclear know-how, materials or equipment. And we must give it teeth and insist on the strictest possible enforcement.

I ask unanimous consent that the article by Carl Sagan to which I referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

THE NUCLEAR WINTER

(By Dr. Carl Sagan)

"Into the eternal darkness, into the fire, into ice."—Dante, *The Inferno.*

Except for fools and madmen, everyone knows that nuclear war would be an unprecedented human catastrophe. A more or less typical strategic warhead has a yield of 2 megatons, the explosive equivalent of 2 million tons of TNT. But 2 million tons of TNT is about the same as all the bombs exploded in World War II—a single bomb with the explosive power of the entire Second World War but compressed into a few seconds of time and an area 30 or 40 miles across . . .

In a 2-megaton explosion over a fairly large city, buildings would be vaporized, people reduced to atoms and shadows, outlying structures blown down like matchsticks and raging fires ignited. And if the bomb were exploded on the ground, an enormous crater, like those that can be seen through a telescope on the surface of the Moon, would be all that remained where midtown once had been. There are now more than 50,000 nuclear weapons, more than 13,000 megatons of yield, deployed in the arsenals of the United States and the Soviet Union—enough to obliterate a million Hiroshimas.

But there are fewer than 3000 cities on the Earth with populations of 100,000 or more. You cannot find anything like a million Hiroshimas to obliterate. Prime military and industrial targets that are far from cities are comparatively rare. Thus, there are vastly more nuclear weapons than are needed for any plausible deterrence of a potential adversary.

Nobody knows, of course, how many megatons would be exploded in a real nuclear war. There are some who think that a nuclear war can be "contained," bottled up before it runs away to involve much of the world's arsenals. But a number of detailed analyses, war games run by the U.S. Department of Defense, and official Soviet pronouncements all indicate that this containment may be too much to hope for. Once the bombs begin exploding communications failures, disorganization, fear, the necessity of making in minutes decisions affecting the fates of millions, and the immense psychological burden of knowing that your own loved ones may already have been destroyed are likely to result in a nuclear paroxysm. Many investigations, including the number of studies for the U.S. government, envision the explosion of 5,000 to 10,000 megatons—the detonation of tens of thousands of nuclear weapons that now sit quietly and inconspicuously, in missile silos, submarines and long-range bombers, faithful servants awaiting orders.

The World Health Organization, in a recent detailed study chaired by Sune K. Bergstrom (the 1982 Nobel laureate in physiology and medicine), concludes that 1.1 billion people would be killed outright in such a nuclear war, mainly in the United States, the Soviet Union, Europe, China and Japan. An additional 1.1 billion people would suffer serious injuries and radiation sickness, for which medical help would be unavailable. It thus seems possible that more than 2 billion people—almost half of all the humans on Earth—would be destroyed in the immediate aftermath of a global thermonuclear war. This would represent by far the greatest disaster in the history of the human species and, with no other adverse effects, would probably be enough to reduce at least the Northern Hemisphere to a state of prolonged agony and barbarism. Unfortunately, the real situation would be much worse.

In technical studies of the consequences of nuclear weapons explosions, there has been a dangerous tendency to underestimate the results. This is partly due to a tradition of conservatism which generally works well in science but which is of more dubious applicability when the lives of billions of people are at stake. In the Bravo test of March 1, 1954, a 15-megaton thermonuclear bomb was exploded on Bikini Atoll. It had about double the yield expected, and there was an unanticipated last-minute shift in the wind direction. As a result, deadly radioactive fallout came down on Rongelap in the Marshall Islands, more than 200 kilometers away. Almost all the children on Rongelap subsequently developed thyroid nodules and lesions, and other long-term medical problems, due to the radioactive fallout.

Likewise, in 1973, it was discovered that high-yield airbursts will chemically burn the nitrogen in the upper air, converting it into oxides of nitrogen; these, in turn, combine with and destroy the protective ozone in the Earth's stratosphere. The surface of the Earth is shielded from deadly solar ultraviolet radiation by a layer of ozone so tenuous that, were it brought down to sea level, it would be only 3 millimeters thick. Partial destruction of this ozone layer can have serious consequences for the biology of the entire planet.

These discoveries, and others like them, were made by chance. They were largely unexpected. And now another consequence—by far the most dire—has been uncovered, again more or less by accident.

The U.S. Mariner 9 spacecraft, the first vehicle to orbit another planet, arrived at Mars in late 1971. The planet was enveloped in a global dust storm. As the fine particles slowly fell out, we were able to measure temperature changes in the atmosphere and on the surface. Soon it became clear what had happened:

The dust, lofted by high winds off the desert into the upper Martian atmosphere, had absorbed the incoming sunlight and prevented much of it from reaching the ground. Heated by the sunlight, the dust warmed the adjacent air. But the surface, enveloped in partial darkness, became much chillier than usual. Months later, after the dust fell out of the atmosphere, the upper air cooled and the surface warmed, both returning to their normal conditions. We were able to calculate accurately, from how much dust there was in the atmosphere, how cool the Martian surface ought to have been.

Afterwards, I and my colleagues, James B. Pollack and Brian Toon of NASA's Ames Research Center, were eager to apply these insights to the Earth. In a volcanic explosion, dust aerosols are lofted into the high atmosphere. We calculated by how much the Earth's global temperature should decline after a major volcanic explosion and found that our results (generally a fraction of a degree) were in good accord with actual measurements. Joining forces with Richard Turco, who has studied the effects of nuclear weapons for many years, we then began to turn our attention to the climatic effects of nuclear war. [The scientific paper, "Global Atmospheric Consequences of Nuclear War," is written by R. P. Turco, O. B. Toon, T. P. Ackerman, J. B. Pollack and Carl Sagan. From the last names of the authors, this work is generally referred to as "TTAPS."]

We knew that nuclear explosions, particularly groundbursts, would lift an enormous quantity of fine soil particles into the atmosphere (more than 100,000 tons of fine dust for every megaton exploded in a surface burst). Our work was further spurred by Paul Crutzen of the Max Planck Institute for Chemistry in Mainz, West Germany, and by John Birks of the University of Colorado, who pointed out that huge quantities of smoke would be generated in the burning of cities and forests following a nuclear war.

Groundbursts—at hardened missile silos, for example—generate fine dust. Airbursts—over cities and unhardened military installations—make fires and therefore smoke. The amount of dust and soot generated depends on the conduct of the war, the yields of the weapons employed and the ratio of groundbursts to airbursts. So we ran computer models for several dozen different nuclear war scenarios. Our baseline case, as in many other studies, was a 5000-megaton war with only a modest fraction of the yield (20 percent) expended on urban or industrial targets. Our job, for each case, was to follow the dust and smoke generated, see how much sunlight was absorbed and by how much the temperatures changed, figure out how the particles spread in longitude and latitude, and calculate how long before it all fell out of the air back onto the surface. Since the radioactivity would be attached to these same fine particles, our calculations also revealed the extent and timing of the subsequent radioactive fallout.

Some of what I am about to describe is horrifying. I know, because it horrifies me. There is a tendency—psychiatrists call it "denial"—to put it out of our minds, not to think about it. But if we are to deal intelligently, wisely, with the nuclear arms race, then we must steel ourselves to contemplate the horrors of nuclear war.

The results of our calculations astonished us. In the baseline case, the amount of sunlight at the ground was reduced to a few percent of normal—much darker, in daylight, than in a heavy overcast and too dark for plants to make a living from photosynthesis. At least in the Northern Hemisphere, where the great preponderance of strategic targets lies, an unbroken and deadly gloom would persist for weeks.

Even more unexpected were the temperatures calculated. In the baseline case, land temperatures, except for narrow strips of coastline, dropped to minus 25° Celsius (minus 13° Fahrenheit) and stayed below freezing for months—even for a summer war. (Because the atmospheric structure becomes much more stable as the upper atmosphere is heated and the lower air is cooled, we may have severely underestimated how long the cold and the dark would last.) The oceans, a significant heat reservoir, would not freeze, however, and a major ice age would probably not be triggered. But because the temperatures would drop so catastrophically, virtually all crops and farm animals, at least in the Northern Hemisphere, would be destroyed, as would most varieties of uncultivated or undomesticated food supplies. Most of the human survivors would starve.

In addition, the amount of radioactive fallout is much more than expected. Many previous calculations simply ignored the intermediate time-scale fallout. That is, calculations were made for the prompt fallout—the plumes of radioactive debris blown downwind from each target—and for the long-term fallout, the fine radioactive particles lofted into the stratosphere that would descend about a year later, after most of the radioactivity had decayed. However, the radioactivity carried into the upper atmosphere (but not as high as the stratosphere) seems to have been largely forgotten. We found for the baseline case that roughly 30 percent of the land at northern midlatitudes could receive a radioactive dose greater than 250 rads, and that about 50 percent of northern midlatitudes could receive a dose greater than 100 rads. A 100-rad dose is the equivalent of about 1000 medical X-rays. A 400-rad dose will, more likely than not, kill you.

The cold, the dark and the intense radioactivity, together lasting for months, represent a severe assault on our civilization and our species. Civil and sanitary services would be wiped out. Medical facilities, drugs, the most rudimentary means for relieving the vast human suffering, would be unavailable. Any but the most elaborate shelters would be useless, quite apart from the question of what good it might be to emerge a few months later. Synthetics burned in the destruction of the cities would produce a wide variety of toxic gases, including carbon monoxide, cyanides, dioxins and furans. After the dust and soot settled out, the solar ultraviolet flux would be much larger than its present value. Immunity to disease would decline. Epidemics and pandemics would be rampant, especially after the billion or so unburied bodies began to thaw. Moreover, the combined influence of these severe and simultaneous stresses on life are likely to produce even more adverse consequences—biologists call them synergisms—that we are not yet wise enough to foresee.

So far, we have talked only of the Northern Hemisphere. But it now seems—unlike the case of a single nuclear weapons test—that in a real nuclear war, the heating of the vast quantities of atmospheric dust and soot in northern midlatitudes will transport these fine particles toward and across the Equator. We see just this happening in Martian dust storms. The Southern Hemisphere would experience effects that, while less severe than in the Northern Hemisphere, are nevertheless extremely ominous. The illusion with which some people in the Northern Hemisphere reassure themselves—catching an Air New Zealand flight in a time of serious international crisis, or the like—is now much less tenable, even on the narrow issue of personal survival for those with the price of a ticket.

But what if nuclear wars can be contained, and much less than 5000 megatons is detonated? Perhaps the greatest surprise in our work was that even small nuclear wars can have devastating climatic effects. We considered a war in which a mere 100 megatons were exploded, less than one percent of the world arsenals, and only in low-yield airbursts over cities. This scenario, we found, would ignite thousands of fires, and the smoke from these fires alone would be enough to generate an epoch of cold and dark almost as severe as in the 5000-megaton case. The threshold for what Richard Turco has called The Nuclear Winter is very low.

Could we have overlooked some important effect? The carrying of dust and soot from the Northern to the Southern Hemisphere (as well as more local atmospheric circulation) will certainly thin the clouds out over the Northern Hemisphere. But, in many cases, this thinning would be insufficient to render the climatic consequences tolerable—and every time it got better in the Northern Hemisphere, it would get worse in the Southern.

Our results have been carefully scrutinized by more than 100 scientists in the United States, Europe and the Soviet Union. There are still arguments on points of detail. But the overall conclusion seems to be agreed upon: There are severe and previously unanticipated global consequences of nuclear war—subfreezing temperatures in a twilit radioactive gloom lasting for months or longer.

Scientists initially underestimated the effects of fallout, were amazed that nuclear explosions in space disabled distant satellites, had no idea that the fireballs from high-yield thermonuclear explosions could deplete the ozone layer and missed altogether the possible climatic effects of nuclear dust and smoke. What else have we overlooked?

Nuclear war is a problem that can be treated only theoretically. It is not amenable to experimentation. Conceivably, we have left something important out of our analysis, and the effects are more modest than we calculate. On the other hand, it is also possible—and, from previous experience, even likely—that there are further adverse effects that no one has yet been wise enough to recognize. With billions of lives at stake, where does conservatism lie—in assuming that the results will be better than we calculate, or worse?

Many biologists, considering the nuclear winter that these calculations describe, be-

lieve they carry somber implications for life on Earth. Many species of plants and animals would become extinct. Vast numbers of surviving humans would starve to death. The delicate ecological relations that bind together organisms on Earth in a fabric of mutual dependence would be torn, perhaps irreparably. There is little question that our global civilization would be destroyed. The human population would be reduced to prehistoric levels, or less. Life for any survivors would be extremely hard. And there seems to be real possibility of the extinction of the human species.

It is now almost 40 years since the invention of nuclear weapons. We have not yet experienced a global thermonuclear war—although on more than one occasion we have come tremulously close. I do not think our luck can hold forever. Men and machines are fallible, as recent events remind us. Fools and madmen do exist, and sometimes rise to power. Concentrating always on the near future, we have ignored the long-term consequences of our actions. We have placed our civilization and our species in jeopardy.

Fortunately, it is not yet too late. We can safeguard the planetary civilization and the human family if we so choose. There is no more important or more urgent issue.

RESCUE OF THE DANISH JEWS: A LESSON IN CARING

Mr. PROXMIRE. Mr. President, recently an exhibit detailing the history of Jews in Denmark opened at the Jewish Museum. The exhibition is part of an 18-month international arts festival called Scandinavia Today, and will be on view through February 20. One of the most interesting and important events the exhibition commemorates is the dramatic rescue of Danish Jews, 40 years ago this month, from the genocidal plans of Adolf Hitler.

An article in last Friday's New York Times details the rescue story, and describes the interaction of Danish and Jewish culture that puts the rescue in a historical perspective. The article decribes how citizens of Denmark, upon learning of Nazi plans to round up all Danish Jews, provided a temporary haven for their Jewish neighbors in their attics and basements.

The Times details the ensuing effort by the Danes to save their threatened countrymen:

> Over the next few days, in what amounted to a national effort by the Danish people, more than 7,000 Jews were spirited out of Denmark in a makeshift fleet of fishing boats and row boats to sanctuary in Sweden.

Mr. President, the compassion and activism of the Danish people 40 years ago can provide a model for us today. They risked their lives because they saw the shadow of the Holocaust descending, and realized they had to act. We have a similar opportunity to act, an opportunity that requires risking little, and provides a major return.

I am referring, of course, to ratification of the Genocide Convention. Ratification would simply mean that we recognize genocide as an international crime—and that we are prepared to do all we can to guarantee people everywhere some protection from such an atrocity. We do not risk our lives, our fortunes, or our security in the process; in fact, we do nothing we have not done before. This body has previously recognized principles of international law, while at the same time maintaining our absolute national sovereignty. In fact, ratification would simply send a signal that says we recognize genocide for what it is, a crime against humanity, and we recognize the need for action to prevent such a crime.

In essence, this is the same signal that the Danes sent 40 years ago—a signal that indicated they would not tolerate genocide, and would do all they could to prevent it. Ratification of the Convention would show that we recognize the potential for genocide to occur, and we recognize the need to signal our position.

The article in the New York Times ends with the reflections of two brothers who were saved from the horror. They emphasize the warmth and compassion of the Danish people. "It is not something widely known," one of them says. "It is a story," his brother adds, "that has to be repeated constantly."

Mr. President, I ask unanimous consent that the article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AT JEWISH MUSEUM, A DRAMATIC RESCUE STORY FROM DENMARK

(By Ari L. Goldman)

Word spread rapidly through Copenhagen that the Nazi were preparing to round up Denmark's Jews. But when the German force struck, the Jews were hidden away in the attics and basements of their Danish neighbors. Over the next days, in what amounted to a national effort by the Danish people, more than 7,000 Jews were spirited out of Denmark in a makeshift fleet of fishing boats and rowboats to sanctuary in Sweden.

The dramatic rescue of the Danish Jews, which occurred 40 years ago this month, is being commemorated at an exhibition at the Jewish Museum called "Kings and Citizens: the History of the Jews in Denmark 1622-1983." It is part of the 18-month international arts festival called "Scandinavia Today."

A major point of the Jewish Museum show, which will be on view through Feb. 20, is to put the rescue of the Danish Jews in the perspective of history. "It was not an isolated event at all, but characteristic of a tolerant attitude dating back 300 years," said Norman L. Kleeblatt, curator of the exhibition together with Dr. Vivian B. Mann.

The show includes oil portraits of once-prominent Jewish families, manuscripts documenting their lives in Denmark and the Jewish ceremonial objects they used—books, silver and linen. There is even a fishing boat in which Jews made their escape in October 1943.

STRONG DANISH INFLUENCE

Much of the material is from the storerooms of the Royal Library in Copenhagen, where the curators found many Jewish objects amid the paintings and artifacts of old Denmark. The influence of the Danish on the Jewish is obvious. For example, there is the Feibush Haggadah, which is decorated with the Danish coat of arms—two burly wild men with garlands of leaves adorning their heads and hips. The Haggadah, which contains the Passover service, is dated 1736.

From 1809, there is a long, scarflike piece of linen, which was used to tie up the Torah scroll after it was read in the synagogue. The Torah binder, a traditional gift to a synagogue after the birth of a male child, also interweaves the sacred and the secular. There is a picture both of the biblical King David and of King Frederick VI of Denmark, who granted the Jews civil rights in 1814.

From 1881, there is a formal portrait in oils of Abraham Alexander Wolff, for decades the chief rabbi of Copenhagen. In the portrait, done by the Jewish artist David Monies, the rabbi wears the crosses of the order of the Dannenborg, a high honor bestowed on him by the king.

The exhibition begins with a Danish coin that helps tell the story of the Jews of Denmark. In 1622, King Christian IV invited a Jewish minter, Albert Dionis, to move to Denmark to make new coins for the kingdom. The coin on exhibit was one of those in which Dionis used Hebrew lettering.

Happy with the minter's work and hoping to bring in enterprising merchants, Christian IV invited other Jews to come to his country. Although there were some restrictions placed on Jews, as well as attempts to convert them, the Jews were eventually granted full civil rights by King Frederick. In 1833, the Great Synagogue was opened in Copenhagen.

The Jews prospered, and some became subjects for Danish portrait artists. One wall of the exhibition has formal portraits of prominent 19th-century Jewish families, merchants, teachers and bankers.

Using photographs, documentary materials and recordings of witnesses, the exhibition continues with the story of the occupation of Denmark by the Germans and the attempt to round up the Jews for deportation to Nazi extermination camps. Many of these objects are drawn from the collection of the Freedom Museum in Copenhagen.

BROTHERS RECALL THEIR WELCOME

Bjorn and Ib Nathan Bamberger, two brothers who were fifth-generation Danes, remember hiding with their family over the store of a non-Jewish merchant in Copenhagen on Oct. 1, the night of the Jewish roundup in 1943. Within days, they were safely in Sweden. They remember not only the aid they got in escaping, but also the warmth with which they were welcomed back to Denmark after the war.

Bjorn Bamberger, now a New York businessman, tells of having been greeted at the Copenhagen dock in 1945 by a cheering group of his grade-school classmates. Ib Nathan Bamberger, now the rabbi of the Kingsbridge Heights Jewish Center in the Bronx, said that Denmark was the only nation that came to the rescue of its Jewish population during the war.

"It is not something widely known," he said, "It is a story," his brother added, "that has to be repeated constantly."

AMENDMENT TO THE WAR POWERS ACT REGARDING THE GRENADIAN SITUATION

Mr. THURMOND. Mr. President, President Reagan is to be commended for his swift action to protect the safety of nearly 1,000 Americans in Grenada and thwart an effort by Cuba to establish another base from which to export its terrorist activities to peaceful nations.

I earlier expressed my belief that the President made a compelling and convincing case for our participation in this action. Based on this belief, and the fact that the President promptly notified Congress in accord with the War Powers Resolution of his decision to intervene in Grenada, I opposed an amendment which recently came before the Senate. This amendment, offered by the Senator from Colorado, was, in my opinion, premature and unnecessary.

It is imperative that the United States take steps to ensure the safety of our citizens and protect the interests of our Nation. I firmly believe that the President is acting in the belief that the responsibility for protecting our national security does not stop at the water's edge.

CHICAGO WHITE SOX PITCHER LaMARR HOYT OF COLUMBIA, S.C., RECEIVING THE CY YOUNG AWARD

Mr. THURMOND. Mr. President, in the midst of sad news coming from Lebanon and the concern we share over the necessary intervention in Grenada, it is encouraging that America possesses the strength and resilience to maintain a normal style of life.

We are certainly shocked and saddened when such events occur, but so great is our national spirit that we never cease to be an optimistic nation which steadfastly marches forward.

While global attention was focused sharply on events in foreign lands, America proved its democratic resolution by ensuring that life, as normal as possible under the circumstances, continued in the face of adversity.

American history is filled with stories of heroes. To us, the achievers, whether they be military leaders, sports competitors or numerous extraordinary people from other walks of life, are public examples that success is the American way. They know that when they excel, they lift us all up as we follow their high standards of excellence.

I rise to take this opportunity to point proudly to a fellow South Carolinian, LaMarr Hoyt of Columbia, who has just pitched his way into the annals of baseball history. His stunning 24–10 season boosted the Chicago White Sox into the American League playoffs and made him the choice of the Baseball Writers' Association of America for its "Cy Young Award" for the American League.

Mr. President, this young man, through hard work and dedication to his goal, has achieved the American dream. He gave all Americans a welcome diversion from the serious events overseas through his brilliant playing.

Mr. President, I ask unanimous consent that two articles from the Columbia Record be included in the RECORD at the conclusion of my remarks.

COLUMBIA'S CY YOUNG WINNER SHY SOX HERO

(By Dave Moniz)

LaMarr Hoyt stood with hands in pockets, looking every bit the modest hero that friends say he is.

In a few minutes he'd be on his way to Chicago, where a press conference and the title of best pitcher in the American League awaited him. He was wearing blue jeans, a striped short-sleeve sport shirt, Western boots and an easy smile.

"It's a hard feeling to describe; it's the ultimate compliment for what I do," Hoyt said, reflecting on the 1983 Cy Young Award he'd won two hours earlier.

His reaction to his accolade was one of mild shock.

"I'm a pitcher, and they voted me the best pitcher in the league," Hoyt said.

Even in his most glorious moment, one that arrived after several years of bitter frustration, the former Keenan High School graduate found it difficult to be anything more than a soft-spoken professional.

Hoyt wanted to talk about his team, and would relate personal feelings only when the conversation was channeled in that direction.

"I can't say enough about the team I played for," he said.

"They always seemed to get runs," Hoyt said.

In 1983, Hoyt led the American League in victories, compiling 24, and won his last 18 decisions. The White Sox won the AL's West Division in a runaway, and Hoyt was a major reason the Chicago team won its first title in 24 years.

He earned the White Sox only playoff victory, beating Baltimore 2–1. Right now, he's in a position to lease major portions of Windy City. His contract is up for renewal, but Hoyt said he envisions a long union with the White Sox.

"I'd like to stay there; I like the manager, the organization—it's the best place to play in the league," he said.

Six years ago, Hoyt's career took a dramatic turn when he was traded to Chicago by the New York Yankees. At the time of the trade, he was dejected and had left the Yankees' minor league organization twice.

"They had an overabundance of talent and I wasn't going anywhere," said Hoyt, who signed with New York after graduating from Keenan in 1973.

"It got to the point where I didn't like baseball. I was moving around a lot and not moving up in the chain," Hoyt said.

His seven-year minor league odyssey came to an end in 1980, when the White Sox promoted him to the major league club. Since that time, he's won 61 of 92 games and established himself as one of the better control pitchers in the American League.

"I think the key to my success is making people hit my pitch," Hoyt said.

"A lot of times, when they get a hit, I'm ahead 0–2, 1–2 on the count, They're hitting my pitch," Hoyt said.

The 28-year-old righthander began playing baseball at a very young age, prompted by his father, who played in the Detroit Tigers organization. Hoyt had several uncles who played semi-professional baseball in the South, and said his fascination with the game began when he was a child.

"I used to throw a rubber ball against the wall when I was a kid," Hoyt said.

Hoyt earned a reputation as a fine three-sport athlete at Keenan High School in the early '70s, and eventually chose professional baseball as a career when the New York Yankees offered him a contract in 1973.

"I've always been able to do the things which helped me as a pitcher, and throw the pitches that don't take a lot out of my arm. I think I've always had that ability," Hoyt said.

On the eve of what he hopes is a long-term marriage with his beloved White Sox, Hoyt pondered his future.

"I'd like to continue what I've started. Any time you get an advantage in something, you should continue. I don't have any arm or health problems, so I'd just like to keep winning for as long as I can."

LaMARR'S FAN CLUB: DREAM COME TRUE

(By Marvin Todd)

For the past four years the most effective pitcher in the American League has been LaMarr Hoyt of the Chicago White Sox. The right-handed Columbia native has compiled a 61–31 record since securing his spot on the White Sox roster in 1980.

Still, when Hoyt recently won the first game of the American League Championship Series, defeating the Baltimore Orioles 2–1 at Memorial Stadium in Baltimore, newspapers there proclaimed, "Mr. Anonymous Does It Again."

The winningest pitcher in the American League the past two seasons described as "anonymous?" According to Tommy Leaptrot, Hoyt prefers to remain inconspicuous in spite of constantly being in public focus due to the nature of his job.

"LaMarr is very laid-back," Leaptrot said. "On the field he is a well-oiled machine, with a casual, yet business-like approach towards the game. But off the field he just likes to spend his spare time with close friends."

These old friends knew Hoyt when no one else cared to, and they do not mind saying so.

"We started the LaMarr Hoyt Fan Club at the start of the 1980 season, right after we became sure that LaMarr had made the team," club president Leaptrot said Tuesday while awaiting the announcement of Hoyt as the 1983 Cy Young Award winner.

"We were the first and, as far as I know, are the only LaMarr Hoyt Fan Club in America," Leaptrot said. "We got a charter and LaMarr's permission to start the club, and anybody who wants to start another one for LaMarr has to get our permission."

Leaptrot, Bobby and Tommy Bolton, Bill and Pat McCabe, Kent Lipton, Richard Price, Bobby Swartzer, Scott Robinson, Tommy Watson, Joe Brunson and Peanut are the more enthusiastic club members and Bob Mathias, a former University of South Carolina basketball player, is the most renowned.

Leaptrot first ran into Hoyt when both played little league baseball at Pinehurst

Park and again when both played pony league ball at Trenholm Park.

"LaMarr was always the best player in the league," Leaptrot said of a league that included future Gamecock baseball players Raymond Levine and Mike Sisk. "Nobody wanted to bat against La Marr. He was awesome."

Hoyt and Leaptrot attended Keenan High School together in the early '70s. There they began a friendship that remained strong through Hoyt's minor league career and has continued until the present.

"LaMarr got drafted out of high school in '73, and he was gone two days later." Leaptrot said, "Only his buddies knew where he was, and we stuck with him all the way through the minor leagues. Some of us went to spring training and to Knoxville to see him play, long before he ever got to the majors."

The New York Yankees drafted and signed Hoyt in 1973. In 1977 he was traded along with outfielder Oscar Gamble, pitcher Bob Polinsky and cash to the White Sox for shortstop Bucky Dent.

"At the time, I thought the trade to the White Sox was the worst thing in the world that could have happened to LaMarr," Leaptrot said. "The Yankees were doing good and the White Sox weren't going anywhere.

"But as things turned out, (Yankee owner George) Steinbrenner has ruined the Yankees and (White Sox manger) Tony LaRussa has turned the White Sox around. The trade turned out to be the best thing that has ever happened for LaMarr's career."

The trade soured the club members on the Yankees organization.

"We hope the Yankees enjoyed giving LaMarr away," Bill McCabe said.

"We hate the Yankees, but we sure do appreciate Mr. Steinbrenner's stupidity," Leaptrot said.

Leaptrot, Bill McCabe, Bobby Bolton, Brunson, and Peanut were in the stands when Hoyt beat the Orioles in the playoffs. The rowdy group said they had to put up with a lot of abuse from the partisan home crowd.

"We gave them a hard time, and, boy, did we hear a lot of fat jokes." Leaptrot said. The unkind jokes were in reference of Hoyt's robust stature, but Leaptrot said he and his friends were taking the jests personally.

"We do not appreciate fat jokes—most of us are fat, too," he said.

"We all love him," McCabe said. "If not, then we would not have spent $5,000 on that trip to Baltimore."

The club members are just happy that Hoyt is getting the recognition that they feel is late in coming.

"It's about time he got what he deserved," McCabe said. "The best thing about it is that this is just the start of his career."

One thing that is certain—LaMarr Hoyt will not toil the rest of his career with the same anonymity that has hidden him thus far.

INFRINGEMENT UPON THE FREE PRESS IN ITS COVERAGE OF GRENADA

Mr. PELL. Mr. President, I want to join with the earlier statements of Senator SARBANES and Senator RIEGLE in voicing my total disenchantment with the administration's policy to curb and restrict the press of this Nation in its attempt to relate the facts about the situation in Grenada to the American people. The management of the news from Grenada, in what amounts to an unprecedented infringement on the freedom of the press, has kept the American people, including the Congress, in the dark as to the actual events which involved 6,000 U.S. troops.

Members of the media were not only kept out of Grenada, but when a few managed to get on the island on the day of the invasion, they were taken out to the carrier *Guam* and were then prevented from filing their stories from the ship. When the first newsmen were allowed on the island they were taken on a tightly restricted tour managed by the U.S. military. Is it any wonder why there are so many questions unresolved about the Grenada situation? The information which has been managed by the U.S. military authorities has done nothing to clarify developments, and in many cases, the number of Cubans for instance, has seemed to further confuse the situation.

By the way of further illustration is the issue of Cuban weapons found in Grenada. The Washington Post, October 28, quoted from the President's speech of the evening before in which he said that U.S. forces had discovered a "complete—Cuban—base with weapons and communications equipment. * * *" The article then related that Pentagon officials showed reporters videotapes said to have been made on Thursday morning in Grenada "that showed six warehouses of Soviet-made small arms ammunition and weapons." In contrast are two articles published in the Washington Post the next day by reporters who managed to get onto the island. One of the articles relates that the arms found in the warehouses did not seem to jibe with the administration's statements. In one warehouse, were found boxes containing assorted ammunition for the standard issue Soviet assault rifle. In a second warehouse there were assorted weapons, mostly outdated, including 1870 vintage Marlin 30-30 rifles.

The media of this country has every right to protest the restrictions placed on their right to cover events in Grenada. The American Society of Newspaper Editors said that the restrictions "go beyond the normal limits of military censorship." I wholeheartedly concur with the statement of Walter Cronkite as quoted in the New York Times last Friday—October 28. He said.

> This Nation is founded on the belief that people have the right to know and that we participate in our Government's actions. . . . This is our foreign policy and we have a right to know precisely what is happening, and there can be no excuse in denying the people that right.

Finally, I would like to cite the column by Haynes Johnson which was published in the Washington Post yesterday—October 30. "In the invasion of Grenada, we are witnessing what is probably the first official war in the history of the United States, produced, filmed, and reported by the Pentagon, under the sanctions of the President." He went on to say how American correspondents had participated in the most secret of military operations and landed with U.S. forces on countless beachheads, suffering many casualties and deaths. He concluded by saying that "It goes entirely against the best interests of a democratic society, for it is precisely at a time of crisis that the public most needs the unfettered information that only a free press can provide."

I understand that the Pentagon has now decided that Grenada can be opened to the media. I am glad, although I find it reprehensible that this was not the situation at the outset.

I ask unanimous consent that this statement include the articles from the Washington Post of October 28 and 29.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 28, 1983]

CUBAN ARMS CACHE FOUND, REAGAN SAYS

(By David Hoffman and Fred Hiatt)

President Reagan, shifting his justification for the American invasion of Grenada, said last night that U.S. forces had discovered a "complete [Cuban] base with weapons and communications equipment" that made it "clear a Cuban occupation of the island had been planned."

Saying that U.S. troops found warehouses with "weapons and ammunition stacked almost to the ceiling, enough to supply thousands of terrorists," the president called Grenada "a Soviet-Cuban colony being readied as a major military bastion to export terror and undermine democracy."

While the administration presented only fragmentary evidence of what Reagan called the major Cuban buildup, the president said in his nationally televised address, "We got there just in time."

Hours earlier a senior Pentagon official, also referring to what he called signs of a Cuban buildup on the island, said U.S. forces may have to remain there "indefinitely" to combat likely Cuban efforts to return, inspire guerrilla activity and regain control.

"I don't think the Cubans are going to give up," said the official, who declined to be identified.

He observed that it would take a large naval and ground force to keep Cuba from sending small boats with weapons to Grenada in ensuing months.

The administration had said earlier—and still was saying officially yesterday—that the U.S. military operation on Grenada would be surgical and brief.

The Pentagon said yesterday that eight U.S. servicemen had been killed in the invasion, eight others were missing and 39 were wounded.

The theme of Cuban involvement on the island built in a crescendo yesterday, with administration officials repeatedly raising their estimates of the Cuban presence, saying they had been surprised by it and citing it as justification for the action.

There had been almost no mention of Cuban at the outset. Officials had said then that the invasion was ordered to protect U.S. citizens on the island and to support neighboring island governments that had asked for help.

Most of the Americans on Grenada were students and faculty members at St. George's University School of Medicine, 409 of whom had been flown to the United States by yesterday, officials said.

Administration officials said U.S. forces had encountered twice as many Cubans in Grenada as expected and discovered a "combat engineer battalion" and a Cuban colonel on the island. One official said the "indications are they were building a major Cuban base."

Late in the day, Pentagon officials showed reporters videotapes that were said to have been made early yesterday morning in Grenada and that showed six warehouses of Soviet-made small arms ammunition and weapons. An unidentified U.S. colonel narrating the tape said the weapons cache, discovered five miles north of Pt. Salines airport, was "far above what any force on any island this size would need for self-defense.

The weapons shown in the videotape were small arms, assault rifles, machine guns, mortars and, in one case, an antiaircraft battery that the unseen narrator described as "extremely lethal." It was impossible to gauge the amounts of weapons discovered, however, and the tape did not reveal any larger equipment that might belong to an aggressive or invading force such as helicopters, ships, tanks, missiles or armored personnel carriers.

After a White House meeting with Reagan yesterday, Prime Minister John Compton of St. Lucia, one of the eastern Caribbean nations that participated in the invasion, said the Cuban "military buildup" was the main reason that his nation and others had sought U.S. military help.

"The United States came to our aid because we thought the military buildup was threatening the whole of the southern Caribbean," he said.

In the one clear response to the invasion on Capitol Hill yesterday, the House Foreign Affairs Committee adopted, 32 to 2, a declaration that the War Powers Act of 1973 applied to the use of American troops in Grenada. As approved, the resolution would require the removal of the troops after 60 days with the clock starting Tuesday, when the invasion began.

Also yesterday, Federal Communications Commission officials said they were reiterating standing rules when they sent an advisory Wednesday to amateur or "ham" radio operators and commercial broadcasters that amateur frequencies could not be used to transmit news stories. The advisory was sent when administration officials still were refusing reporters permission to cover the invasion.

After sharp criticism from news organizations across the nation, the administration eased a news blackout it had imposed on coverage of the first two days of the invasion. The Pentagon late yesterday gave 12 reporters an escorted glimpse of Grenada.

On the Cubans, Reagan's new national security affairs adviser, Robert C. McFarlane, told reporters yesterday, "The discoveries that have been made are extraordinary in terms of capability and infrastructure and what it portended for the future."

Reagan last night linked the Soviet Union to the Cuban presence. He said it was "no coincidence" that when a leftist military junta took over earlier this month, "there were 30 Soviet advisers and hundreds of Cuban military and paramilitary forces on the island." Administration officials had said previously that the 20 to 30 Soviets on the island were embassy officials.

A senior administration official, briefing reporters at the White House before the President's speech, said that there were about 1,100 Cubans on the island, more than twice as many as previously believed, and that several hundred remained at large.

It had been known that there were Cuban construction workers on Grenada helping to build a large airstrip that the administration had feared could be of possible military use to hostile powers. But the construction workers had not been considered a military force.

The official said the weapons stores on the island were "sufficient to equip terrorists in the thousands." He said this meant that the Cubans apparently intended to "exploit Grenada as a forward Cuban base." He added that the military preparations on Grenada were "enough to sustain a significant ground force or terrorist operations."

This official added that U.S. forces had discovered large quantities of automatic weapons, mortars, ammunition and equipment for light infantry during the invasion. He added that "extremely sophisticated" communications equipment had also been discovered.

Presidential spokesman Larry Speakes told reporters earlier yesterday, "Clearly you had a substantial Cuban organization there that was well equipped. It was following a pattern of previous Cuban behavior in Angola and Ethiopia."

The strong emphasis on Cuba's military buildup contrasted with the administration's insistence in the first two days of the invasion that the action was motivated by concerns about the safety of American citizens in Grenada and was designed only to restore order and "democratic institutions" on the island.

The eight-minute videotape which the Pentagon unveiled for reporters tonight was filmed at 5 a.m. yesterday, Pentagon officials said. It showed six moderate-sized warehouses roofed in tin or plastic sheeting, and at least two sheds covering what a narrator said were Soviet made heavy trucks and ambulances, all surrounded by a low barbed-wire fence.

* * * * *

[From the Washington Post, Oct. 29, 1983]

INFORMATION WARP ENVELOPS ISLAND CONFLICT

(By Loren Jenkins)

ST. GEORGE'S, GRENADA, Oct. 28.—The U.S. military today turned over command of this Caribbean seaside capital to a small Caribbean force, as U.S. troops continued the fight against what they said were an estimated 500 Cubans holding out in other parts of the island.

The unceremonious introduction into the Grenadian capital today of the first troops of the joint Caribbean Security Force came as both the U.S. military commander and the chief of the Caribbean nations force predicted that U.S. troops would have to remain in Grenada for some time to come.

"How long we continue operations here is a factor of how long the Cubans want to fight," said Admiral Joseph Metcalf III, commander of the U.S. joint task force that landed on Grenada four days ago. In an interview with a pool of 26 foreign journalists at the Cuban-built airport of Point Salines south of the capital, Metcalf said: "If the Cubans want to play games and go into those hills it will take quite a while [to end military operations]."

Metcalf said the United States was able to set the number of remaining Cubans at about 500 through information provided by captured combatants.

Col. Ken Barnes of Jamaica, the Caribbean Security Force commander, predicted the United States would not be able to leave Grenada "before a matter of months."

While his force would now take over security in the capital, Barnes said his men are not trained to fight the snipers thought to be in the city and in the hills beyond it.

Barnes made his comment here minutes after U.S. Marine Corps Blackhawk helicopters landed 250 of his 300-man force in Grenada at the Queen's Park cricket grounds.

There was no official handover ceremony and Barnes' men marched off the cricket grounds into the city immediately after landing, following two U.S. Marine Corps amphibious armed personnel carriers.

The decision to leave the security of the capital city to a force of about 250 soldiers and police from six Caribbean nations was designed to underline the allies' participation in the military occupation of the island.

The city was calm today, despite the evidence of recent bombings, looting and a fire in at least one police station.

But there were signs that the fighting on the island was still not over after four days of U.S. military operations.

Journalists saw evidence of continued military clashes on the outskirts of the capital as well as in the densely vegetated mountainous interior of this small island.

U.S. Rangers from the 82nd Airborne Division were reported by eyewitnesses to be still fighting against elusive bands of snipers in and around the holiday beach hotel strip along the Grand Anse Bay, just south of the capital.

The angry sounds of battle were also heard throughout the afternoon just east of the still-uncompleted air strip at Point Salines on the southern tip of the island. The air strip, which the Reagan administration claimed was being built not for the commercial traffic as the Grenadian government insisted but as an important strategic military base for Cuba and its Soviet sponsors, has been the main staging area for the U.S. military force.

Metcalf said the force had now reached about 5,000 men on the ground and another 10,000 men afloat with his battle group off the Grenadian coast. [In Washington, the Pentagon said more than 6,000 U.S. troops are participating in the invasion, including 5,000 from the 82nd Airborne, 500 Marines and several hundred support personnel, in addition to the Rangers already stationed on the island.]

In the rolling hills just a few miles off the air strip's 5,000 foot-long runway, the odd crump of outgoing mortar fire could be heard intermittently throughout the afternoon.

Overhead, a gray C130 "Spectre" gunship circled into the night, firing occasional deep-throated salvos from its awesome rapid fire 100mm howitzers.

Journalists, escorted by Rangers to view a cache of captured Grenadian arms and ammunition in a group of corrugated tin warehouses about a mile from the airport, saw a Ranger platoon deployed in a perimeter defense position just beyond the warehouses. The soldiers, their young faces smeared with green camouflage paint, were crouched in ditches along the road, their guns pointing east into the hilly tropical brush where the sounds of gunfire could be heard. Behind them, in a nearby truck park, a row of 80mm mortars had been mounted to provide protective covering fire if necessary.

Along the road back to the airport, less than a quarter of a mile from the runway, the dead body of a man in civilian clothes was lying on its back under a canopy of a frangipani tree. Both his legs had been blown off below the knee and his torso had begun to darken and swell in the stifling heat of a tropical sun.

According to the U.S. Rangers, the man was believed to have died Thursday evening when an air strike by two U.S. Navy A7 Corsair carrier-based fighter bombers were called in to blow up a concrete house where snipers were believed to have holed up. The house was demolished, but whether the snipers were ever found could not immediately be established.

Metcalf, a feisty and slight naval officer in gold-rimmed eyeglasses, insisted that "organized resistance" on the island had in fact already ceased.

His men, he said, were now just conducting a "bush operation of light fighting" to winkle out snipers who continued to make large parts of Grenada unsafe.

"Sniping is going to be a continuing problem," Metcalf said. "It has been a problem all along. They are still shooting at us but we have been lucky because they are bad shots."

Metcalf spoke with journalists from a press pool who had been flown here from Barbados for a five-hour guided visit. The interview was held in the still-unfinished airport terminal building before the troupe of journalists was helicoptered over sniper-threatened roads north to St. George's.

The admiral referred all questions about the total number of U.S. casualties during the operations to Department of Defense spokesmen in Washington. These spokesmen today gave the U.S. casualty toll as 11 dead, seven missing and 67 wounded.

Metcalf said however that his men to date had killed 36 Cubans or Grenadians who had resisted the U.S. advances with weapons. He gave the number of wounded enemy combatants as 56. Metcalf said his men had had no chance to break down this casualty figure by nationality. But he said he thought most of the resistance came from Cubans rather than Grenadians loyal to the island's now-toppled Marxist Revolutionary Military Council.

Despite the dead body of an unarmed man lying near where goats grazed and yellow butterflies flitted over purple bougainvillea plants, Metcalf said there had been no civilians killed since his force of U.S. Marines and Rangers assaulted the island in a two-pronged helicopter attack shortly after dawn Tuesday.

The admiral said that of the now estimated 1,100 Cubans believed to have been on the island at the time of the U.S. landings, almost 650 have now been captured and more are either giving themselves up or being captured by the hour. [The Pentagon today said 638 Cubans and 17 Grenadians had been captured.]

How many of those captured were actual combatants no one in the U.S. command here seems to know for sure. Cuba has insisted all along its men were mostly just construction workers laboring on the airfield while the Reagan administration alleged they were almost all armed members of an engineering battalion there not only to work on the airstrip but to help defend the island's pro-Cuban regime.

Just above the airport, on a hill dotted with ramshackle wooden barracks that once housed the Cuban workers, a prisoner of war center now holds more than 500 Cuban prisoners, according to a U.S. Ranger officer.

At least 200 of them were in three pens of razor-sharp rolls of concertina wire laid out on an asphalt parking lot between the barracks. The men looked relaxed and were all dressed in civilian clothes. Most wore straw hats or had bandanas tied around their forehead, and many joked amongst themselves while smoking long Cuban cigars. Most were either squatting or stretched out on small cotton mattresses that had been stripped from their barracks.

The only Cuban who could be interviewed through the wire before U.S. military officials forbade any talking to the prisoners said his name was Fulgencio Gonzalez Molina.

"We are noncombatants here; we are just laborers," he said through the wire enclosure. "I was just a cook here, not a fighter."

Chief Warrant Officer Rolf Milton, the 37-year-old Ranger in charge of the prisoners, said all of them were Cubans and most had come from the airport area. "Which are active combatants we really don't know," Milton said, "not one of them has admitted to being a soldier."

A Ranger officer showed journalists through the Cuban's barracks which has been looted and rifled. Family photographs of wives and children back in Cuba, personal letters, Cuban political magazines extolling Marxist/Leninism, clothes, assorted shoes and boots, and other personal effects, were scattered all over the floors.

Outside the barracks, Ranger officers pointed out half a dozen shallow rifle trenches that had been dug as proof that the Cubans had planned to resist from their barracks—although there were no signs of any fighting having taken place in the immediate area.

Ranger officers conducted journalists into the three warehouses that contained the arms and ammunition that President Reagan last night in a speech said were so extensive that they were proof that the ousted Marxist military government and its Cuban allies planned to convert tiny Grenada into an island of subversion.

Though the officers insisted that all the weapons and ammunition found there were still in place and that it was enough to arm at least a force of 8,000 men, the weaponry in the three warehouses did not exactly seem to jibe with the president's statement. One of the warehouses was stacked half-full—not up to the ceilings—with boxes of assorted Cuban, Soviet, and Chinese ammunition—mostly for the standard issue Soviet AK47 assault rifle and other small arms. There were also some boxes of 82mm mortars that had been made in China. In the second warehouse that contained most of the weapons, there was only five mortars to be seen, one recoilless rifle, one Soviet-made quadri-barreled anti-aircraft gun, and two Korean-vintage British Bren machine guns on display. There were also 190 crates of assorted weaponry—much of it Soviet-made infantry weapons, but many of them also outdated, such as the 1870-vintage Marlin 30-30 rifles, undercutting the claims that all the guns were sophisticated modern weapons aimed to arm revolutions around the Caribbean. "Look at these, they are old saddle guns," said a Ranger corporal picking up one of the 90-year-old guns which would have been the dream of any Hollywood western director. "This is the sort of gun they used to kill Indians with."

[From the Washington Post, Oct. 29, 1983]

ADVANCING MARINES FOUND AN UNDEFENDED CAPITAL

(By Edward Cody)

ST. GEORGE'S, GRENADA.—Sometime in the early morning hours of Wednesday, the small organized resistance to the American invasion force advancing on this capital simply melted away, leaving an undefended city and a lingering mystery about the whereabouts of the revolutionary junta that provoked the U.S. landing.

I awoke at the St. James Hotel expecting to find the machine-gun nest and the dozen smartly dressed, coolly confident Grenadian soldiers who had occupied the street Tuesday night still there.

Instead, I found a group of civilians in swimming suits and shorts on their way down to gawk at the newly established U.S. Marine positions near the beach.

In the casually dressed group were three of the soldiers I had seen the night before. Now they were joking among themselves about their rapid change of clothes.

Within a few hours, heavily armed marines were moving down the street, crouching and bursting through doorways as if expecting house-to-house fighting. A French photographer who had passed through the same street earlier in the morning followed them, ignoring their repeated warnings to stay down.

The marines were passing through an information warp that extended not only all across the 133-square-mile island but all the way to Washington, where erroneous and out-of sync official reports on the scale and intensity of the fighting in Grenada created conflicts and confusion that still have not been sorted out.

The Marines' exemplary caution in moving through an undefended city and the apparently misleading official statements in Washington appear to have flowed in part from the administration's reaction to unexpectedly strong resistance from Grenadian and Cuban combatants near the Cuban-built airport at Pont Salines south of the capital.

There, the going was tough, and, according to Marine officers, the reporting from the 82nd Airborne Division's commanders at Point Salines tended to eclipse that from Marine commanders at Pearls Airport across the island and at Queen's Park north of St. George's.

Resistance at those spots was virtually nonexistent.

While the intensity of the ground war was being magnified in statements in Washington and in Marine planning, a wide-ranging and vigorous air war carried out by warplanes and AE130 gunships—the rapid-fire "Puff the Magic Dragon" of Vietnam—attempted to knock out antiaircraft positions. It went virtually unreported in the statements coming out of Washington.

In other important aspects, the American invasion of Grenada looked different on the

ground from how it was being portrayed from the official reports here and in Washington.

The gap resulted in part from efforts by the Reagan administration to filter all information through official channels by restricting access to the little Caribbean island, in a manner similar to that used by British authorities in managing the news during the war in the Falkland Islands last year.

The gap grew as reporters sought to fill the information vacuum with dispatches based on fragmentary information relayed anonymously by U.S. and Barbadian officials, and as the U.S. task force denied reporters access to Grenada and then refused to send dispatches from those few of us who had reached the island on our own steam in the early hours of the invasion Tuesday.

Thus, as Secretary of Defense Caspar W. Weinberger and Gen. John W. Vessey Jr., chairman of the Joint Chiefs of Staff, were announcing in Washington Wednesday afternoon that Richmond Hill was one of the two major pockets of resistance, U.S. marines already had occupied the area after meeting no opposition. Explosions shook the hill because of an exploding ammunition dump and unanswered outgoing U.S. fire.

It was as if American officials were believing the desperate bravado that the troops I encountered on Tuesday night were mouthing in what would turn out to be their last moments in uniform in St. George's.

They did not display the signs of panic or hotheadedness that I had witnessed frequently in covering bombardments in the Middle East and other Third World countries. They assured me that Gen. Hudson Austin, the Army commander, was "very much in charge" and that the members of the junta that seized power Oct. 14 "are in battle" at the front.

There have been no confirmed reports since the United States took the island of the whereabouts of Austin and his associates who precipitated the crisis by deposing prime minister Maurice Bishop. Bishop was executed on Oct. 19.

Nor is it clear what happened to the island's 1,200-man Army. Official American reporting has suggested that virtually all of the fighting has been between U.S. Army troops and the Cubans.

It is unclear if any number of the Grenadian military have joined the Cuban stragglers the United States says have taken to the hills before the advancing American units.

One young Grenadian I saw Tuesday night clearly did not. He was relaxed on Wednesday morning as he offered to take me down to the seaside to see the marines who had landed near the capital earlier in the day.

They had taken Pearls Airport easily the previous day, boarded ships and come around the island during the night, marine officers said.

As we walked, Grenadians were gingerly coming out of their houses onto the streets that they, too, thought would be occupied by the People's Revolutionary Army.

Gradually they also began to head down toward Queen's Park. First arrivals were chased away by 10 marines lying in front of a bridge behind a machine gun. But the atmosphere eased as the morning went on.

By Thursday morning, young men were again playing soccer on the field that the marines had used as a landing zone for helicopters at Queen's Park.

Mr. PROXMIRE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMMS). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, will the Chair be good enough to advise the Senator from Ohio as to what the pending business is before the Senate?

The PRESIDING OFFICER. The Senate is conducting morning business. Under the previous order, there is a period for the transaction of routine morning business, in which Senators are limited to 10 minutes each.

Mr. METZENBAUM. Until what time does that morning business continue?

The PRESIDING OFFICER. Seven and a half minutes remain in morning business.

INCREASE IN PUBLIC DEBT LIMIT

Mr. METZENBAUM. Mr. President, I rise to address myself to the debt-ceiling issue which is before this body at the present time. I recognize that it is an issue that seems to have been lost while the Members of the Senate debate a host of peripheral issues. But I think it important that we take a look at what is really happening with respect to our national debt, because I believe that the issue before us today—and I hope we will conclude this issue before the end of the day—is the alarming fact that the national debt is rising at an absolutely disastrous rate.

On September 21, 1981, President Reagan said:

> This administration is committed to a balanced budget, and we will fight to the last blow to achieve it by 1984. We will not sit on our hands and watch helplessly as the deficit swells and swells.

Well, that was September 1981. This is October 31, 1983. Today, we continue our debate on a new debt limit bill which, in its own way, is the acid test of the commitment which Ronald Reagan gave in the fall of 1981.

The original debt limit proposed in this bill was $1.6 trillion, an increase of $225.6 billion, the largest increase in our Nation's history. It is fair to point out that we have amended that figure downward to $1.4 trillion. But the point should not be lost: When Ronald Reagan became President, our national debt was $931 billion. We will need the full $1.6 trillion as originally proposed in this measure before the year is out, which in essence means that this President—the President who still stands before audiences and talks about a balanced budget constitutional amendment—has increased the national debt by $683 billion, an increase of more than 70 percent.

It is estimated that by the end of this administration's first term Ronald Reagan will have increased the national debt by $3,387 for every man, woman, and child in the United States.

There is no mystery as to why the national debt has skyrocketed. It is deficits, deficits, deficits. And as a matter of fact, those deficits can be directly related to the tax cuts that the administration put into effect with the consent of Congress. I am embarrassed to say that I voted for those tax cuts, which deprived the Treasury of $860 billion through 1988. And any business person in his right mind knows that you cannot balance a budget, you cannot balance a corporation's financial sheet, unless there is enough money coming in to pay the expenses. If you do not have a sufficient flow of funds, the result is deficits, deficits, and more deficits.

In February 1981, the President promised a balanced budget by 1984. In February 1982, the President promised an $83 billion deficit for 1984.

By 1983, that deficit projection had jumped from the original balanced budget the President had proposed, to the $83 billion deficit he spoke about in February 1982, to an actual projection of $180 billion for 1984.

The news last Thursday was that the budget deficit for fiscal year 1983 was $195 billion, a bigger deficit than President Jimmy Carter rolled up in his entire 4 years in office.

Mr. President, the fastest growing item in the budget is not social security or defense spending or any one of a number of other items. It is the interest on the national debt.

In fiscal year 1983, interest on the national debt reached $127 billion. That is $4,000 a second, $14.5 million an hour, or just under $348 million a day in interest. Think of it as equal to the total of the annual personal savings of every man, woman, and child in this country.

And something new has been added to the pudding. The President and his crowd are now saying deficits do not matter. Faced with the disastrous rise in the Federal deficit, the administration has suddenly changed its tune and there is some talk that they are even thinking about changing their economic adviser, Martin Feldstein, because they do not like the way he is playing his violin. He says that deficits do matter and they do not like that tune. Treasury Secretary Regan totally reverses himself and now claims that there exists no necessary cause-effect link between deficits and interest rates.

And he says that:

Economists who continue to claim that deficits make for higher interest rates should climb down from their celestial observations and acquaint themselves with terrestrial fact.

It is good to know that Secretary Regan has now seen the light and deficits do not matter. But he spent a lifetime maintaining exactly the opposite of that position.

The administration's own Chairman of the Council of Economic Advisers, Martin Feldstein, is that kind of a star-gazing economist about which Secretary Regan speaks, because he put it in the following terms:

The reason for the very high level of long-term real interest rates in undoubtedly the unprecedented level of budget deficits that are now predicted for the years ahead if no legislative action is taken.

Deficits do matter, and anyone with claims to the contrary is unrealistic, and if not absurd, in this Senator's mind. The President himself once called deficits "a clear and present danger for the basic health of our Republic."

But the facts are that this body has not been willing to bite the bullet with respect to balancing the budget, and the reason they are not willing to do it is that the President of the United States stands in the way of their doing it. Sure there are some across the aisle who are very happy to make speeches about balancing the budget. But they want no new taxes.

This Senator thinks that it is not a new tax when you close some gaping tax loopholes that exist; when you make it possible for timber companies to pay their fair share of taxes; when you eliminate some of the special advantages that the oil companies have under the tax laws of this country; when you preclude the possibility of banks continuing to pay an average rate of 2 percent; and when you close some of the other loopholes that were given to the corporations and the wealthy in the last tax bill.

I just read in the Wall Street Journal this morning how the Southland Corp. was going to get all of the advantages of some big tax giveaway because they had bought Citgo's refining facilities in Louisiana. What kind of policy is that? What kind of policy is it that allows corporations to buy other corporations and wind up not paying any taxes? What kind of public policy sense does it make for one company to merge with another, just so that it can keep from having to pay any taxes?

The administration's commitment to the corporate income tax is not very strong. In its fiscal year 1983 budget the President promised he would get $65.3 billion from the corporate income tax. The figures are in, Mr. President. And the facts are he did not collect $63 billion. He collected only $37 billion, a shortfall of $28 billion. And in 4 of the 12 months, corporations got back more in refunds than they paid in taxes.

If you want to know why we have deficits, why we keep increasing the national debt, why we have higher and higher deficits, look to the President of the United States who is refusing to accept his responsibility.

In all fairness, the chairman of the Finance Committee has indicated his willingness to move forward and to raise the necessary dollars, and in all fairness the leadership in the House of Representatives and the chairman of the Ways and Means Committee have indicated their willingness to move forward, but they do not want to be the fall guys. They do not want to be the ones at whom the President can point and say:

Look, I tried to protect you. I said there would be no new taxes but it is that crowd up there in Congress.

The President of the United States is being irresponsible. The President is unwilling to face the facts. The President is playing a political game. And the President is not doing what he should be doing with respect to the economy of this country.

We have to try to balance this budget, and we cannot afford to keep increasing the national debt at the rate that the President's policies dictate.

Deficits cause higher interest rates.

There are three major reasons that deficits threaten higher interest rates.

First, projected deficits threaten to absorb too much of our net private savings available for investment. Historically deficits have absorbed only about 20 percent of the net private savings. But high deficits between 1983 and 1986 will absorb an average of 70.7 percent of net private savings.

Projected deficits are also absorbing too much of our total domestic credit. Between 1960 and 1979, deficits averaged only 11.8 percent of total domestic credit. Over the period 1983 to 1986 Federal deficits will gobble up 34 percent of our total credit.

Third, the ratio between deficits and the nonborrowed reserves in the banking system has taken an ominous turn. From 1960–79, deficits averaged 70 percent of nonborrowed reserves. For the period of 1983–86, deficits are projected to be 343 percent of nonborrowed reserves.

Mr. President, I think it is time to act.

First, the President has declared that "We need a plan to overcome this danger of massive Federal deficits."

Second, the Congress, running the gauntlet of White House partisan rhetoric, produced such a plan. It is called the budget resolution. And what we need now is the political will to implement that resolution calling for $73 billion in revenues and $12 billion in reconciled spending cuts. Taking into account nonreconciled spending reductions, this package represents a deficit reduction of nearly $100 billion over 3 years.

I am one who believes that Congress would be willing to act provided the President is also willing to act on the deficit.

Third, the administration and others claim that they have not had enough spending cuts, and that is why the deficit is out of control. I would remind my colleagues, and I would also remind the President of the United States, that to date we have cut $387 billion from nondefense programs, added $285 billion to defense, and cut taxes by $860 billion for the period 1982 to 1988. These actions, implementing the President's economic program, have added a total of $757 billion to the deficit over this period.

Fourth, $200 billion deficits have given the budget process a bad name. But the problem is not the process. The problem is this administration's fiscal policies that have slashed revenues by $860 billion while embarking on the most rapid and most expensive military buildup in U.S. peacetime history—$1.8 trillion over 5 years.

Fifth, that gamble has not paid off and now it is time to pick up the pieces. These deficit savings cannot be taken out of the hide of social programs—whose budgets have been cut to the bone over the last 2 years. I am pleased to say that there are many Members on both sides of the aisle who agree with that fact.

REVENUES

The issue comes down to revenues, and here the administration has been speaking with many voices.

Martin Feldstein wants the administration's standby tax to take effect at the beginning of 1985. Treasury Secretary Regan says we do not need that tax increase now.

Alan Greenspan, the close adviser to the Reagan administration, has said he expects a major tax increase in 1985—after the Presidential election. He suggested a value-added tax—a national sales tax—to raise from $30 billion to $50 billion.

And the President, where does he stand? It depends upon which Ronald Reagan you are talking about. The Ronald Reagan who promised a balanced budget in 1984, the Ronald Reagan who promised he would not "sit on his hands" while the deficit swelled and swelled, or the Ronald Reagan who now says deficits do not count.

The President claims tax cuts do not increase the deficit:

There is no relationship between cutting taxes and whether you are going to lose the same proportion in tax revenues, which would increase the deficit.

Yet, I have already mentioned the CBO figures. The President's tax poli-

cies will deprive the Treasury of $860 billion by 1988. How can anyone maintain this does not produce deficits.

The President claimed his supply-side tax incentives were our road to prosperity and employment.

It turned out to be a disastrous cul-de-sac for American workers.

There were 7 million unemployed when the President took office. Today, we have 10.7 million unemployed—a 50-percent increase.

Mr. President, we are debating a debt increase proposal, but basic to that increase proposal is the fact that we have to find the dollars; we have to implement the budget reconciliation resolution; we have to do that which we are obligated to do under the law, and we have a right to expect the man in the White House to support our action.

Unfortunately, the President of the United States goes around making speeches about balancing the budget and attempting to place the blame on the Congress. It is time for the President of the United States to recognize that what we are voting on here today, a massive increase in the debt ceiling, directly falls at his doorstep. He caused it. He created the problem. We went along with his so-called supply-side economics and now the Treasury does not have the money.

It is time for us, the President and the Congress as well, to meet our responsibilities instead of pushing this debt figure up higher and higher and higher. Let us do what we have to do with respect to the legislative process. Let us bring in the dollars that it is possible to bring in. Let us do that which is called for by the budget reconciliation measure. Let us meet our responsibilities and let us do it with the help and support of the President of the United States.

Mr. President, I yield back the remainder of my time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

INCREASE IN PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 308) increasing the statutory limit on the public debt limit.

The Senate resumed consideration of the joint resolution.

AMENDMENT NO. 2471

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, last Saturday we had a rather spirited debate on the matter of the press access in the operations in Grenada. Let me hasten to say that I believe that we should have the most extensive press coverage possible of our military actions, consistent, however, with the national security and consistent with the security of our troops; that is to say, I think our paramount concern should be the safety of our troops and not press access. I think we have traditionally recognized in this society that the broadest interpretation of the first amendment does not apply in terms of freedom of the press where the national security interest is involved and where the lives and safety of American troops are involved.

Now let me recount briefly what the situation was in Grenada. No media representatives were transported into or permitted into Grenada from the time the military operation began there on October 25 until October 27.

Now, this decison was consistent with the Department's policies and regulations and was based on the following factors:

The commander in charge of ongoing military operations could not guarantee the safety of members of the news media during the first stages of the operation.

Further, this was a surprise operation. Members of the news media could not be informed in advance and no transportation arrangements would be made.

If private aircraft or boats had been permitted unrestricted access, our forces would not have been able to determine whether such persons were Cuban reinforcements or some of the 400 news media representatives on Barbados. The landing of 400 news media representatives in Grenada in the midst of areas under siege would have resulted in chaos. If media representatives had reported on the whereabouts of U.S. troops on Grenada, the reports could have been attained or picked up by Cubans or members of the Grenada People's Revolutionary Army. These reports could have facilitated attacks on U.S. persons and resulted in deaths of Americans and U.S. soldiers.

Now, addressing myself to the implications of free access, as provided for in the amendment that was acted on and under discussion and on which there is a motion to reconsider at the moment, let me just note what would be the consequences of freely accessing news sources.

It could provide the enemy with information that would endanger military operations and the lives of our military people and, in view of the instant communication and rapid transportation, permit instant enemy response and the obvious advantage of knowing our strengths and our weaknesses.

If freely accessing news sources of its choice is interpreted as changing security laws, it will not only endanger this operation but also jeopardize future operations.

Access to headquarters will permit access to plans for defending the island and intelligence of the enemy.

Access to our classified documents risks military operations and personnel in Grenada and exposes classified military information to tactics and planning that has been sought by hostile forces for years.

Access to military positions would permit observation of strengths, weaknesses, deployments, and classified documents.

Access to captured enemy documents and other intelligence information would permit the enemy to know what we know about them and give insight on how acquired, that is to say, jeopardizing our sources of intelligence.

Large numbers of U.S. and foreign citizens would have to be transported to an area where the purpose of the operation was to evacuate U.S. and foreign citizens. The first priority must be the citizens' safety. Lack of information on enemy defenses, such as antipersonnel mines and booby traps, could result in injury to members of the press and/or those responsible for their safety.

The safety of noncombatants is paramount. Media presence may permit the enemy to escape and attack later.

A large press presence would require diverting personnel, material, and communications to provide for the safety of news media and still might result in hostage taking.

There are many instances, Mr. President, of situations in which the press reports have been useful to the enemy. That is not to suggest that the press has wittingly engaged in reporting useful to the enemy. I am sure in virtually every instance the press did not consider what the implications might be or were not aware of what the implications might be.

Let me cite a recent example. In the Falkland Island campaign press reports that some Argentine bombs hit the ship but did not explode provided useful information to the Argentine air force that permitted them to make adjustments by going to higher altitudes and changing the fusing of their bombs. So this is an instance where information available to the press was useful to an enemy and which cost human lives. It cost the British lives in that instance.

I cite that as only one example. There could be others.

I would hope that we could reconsider this.

I ask unanimous consent that the amendment that I intend to propose

to the amendment of the distinguished Senator from Michigan be printed in the RECORD in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. If the motion to reconsider prevails, then I will offer that amendment which does not change the thrust of the amendment of the Senator from Michigan. It does not really change it at all. It simply tightens it up to make sure that it does not force us to abandon the arrangements that are necessary, accepted as necessary, to protect the security of our military operations and more importantly the lives of American troops. That has to be a paramount concern.

I am a strong advocate of the people's right to know. I believe the people do have a right to know. I am sorry sometimes that the press, which advocates the people's right to know, does not give a little bit better juxtaposition in the press to matters of great importance. For example, the comings and goings of Jackie Onassis or a wreck on the freeway might get more prominent play than a matter of national security importance. But I am not going to second-guess the press on that. They have to sell newspapers. But the fact is I am not sure we always get both sides of every question in these presentations. Even at that, I would not advocate anything that would proscribe the press of this country or in any way impinge on their right to present the news as they see it. I would not want to tamper with the first amendment.

But at the same time I see the prospects of mischief in a matter of this kind. Certainly, mothers and fathers and wives and sweethearts, loved ones back home, have a right to some press reporting on what their loved ones are doing in a military situation. But I suggest that at some point the people's right to know could conceivably come in conflict with the military points to be secured, or as secure as they can be in combat situations, their right to have information protected and withheld from the public that might result in their being killed, wounded, or captured, or might result in the failure of their mission.

I think the paramount consideration has to be the security of our troops. If that means the imposition of some restrictions on the press that are not ordinarily imposed in a domestic reporting situation, then I think that is what we must do. In addition, we have always done that.

We censor letters sent home by servicemen. My mother showed me after World War II some letters I sent home that had great gaping holes cut in them, things I said in my letters that the censor felt were sufficiently sensitive to the military that they should not have gone back home, or where they could have fallen into the wrong hands.

So I hope the motion to reconsider will prevail and we will have an opportunity to consider this amendment. I think it will not, again, change the thrust of what the Senator from Michigan is trying to do. As a matter of fact, I think a little better access by the press might better build the case for our being in Grenada in the first place. I would like for them to see the Cuban soliders, the cases of arms and ammunition stored there. I would like for them to see the situation firsthand so they can appreciate it and report it. But I think his amendment needs to be tightened up to make sure we provide as much security as possible for our troops.

Mr. LONG. Mr. President, will the Senator either read or have the clerk read his modification of the amendment so we can know what his change would be?

Mr. TOWER. I would be delighted to read it myself. I will read it as it would read if it were amended. I think it makes more sense that way.

Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States Armed Forces, to the extent consistent with national security and due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, unreasonable restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, 'unreasonable restrictions' mean:

In other words, strike out "shall include."

(1) unreasonably preventing the press from the freely accessing news sources of its choice;

(2) unreasonably limiting the number or representation of the press permitted to enter Grenada;

(3) unreasonably limiting freedom of unsupervised movement of the press in Grenada.

That is the same as set forth in Senator RIEGLE's amendment. So our points (1), (2), and (3), except for the word "unreasonably" has been inserted before the word "prevented."

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of United States or allied forces or citizens in Grenada or the security of the United States: *Provided further,* That nothing in this resolution shall be construed to require that the press shall have access to or that the Department of Defense shall disclose matters set forth in Subsection (b) of the Freedom of Information Act, 5 U.S.C. 552(b): and *Provided further,* That nothing in this resolution shall be construed to require that the Department of Defense shall make available to the press access to news sources to which it is not otherwise entitled under the Constitution or laws of the United States.

That last simply makes it consistent with existing law.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I should like to make a couple of points with regard to the amendment that is pending, or the motion to reconsider the vote on the amendment that is pending. These points do not precisely deal with the proposed changes that have been suggested by the Senator from Texas but, rather, with the amendment as it was voted upon on Saturday. Three things, I think, need to be considered when talking about the amendment.

First, as was pointed out on Saturday, the amendment is prospective. It does not go back and, by its language, rehash the treatment of the press, which has gotten considerable publicity, during the early days of the invasion of Grenada. In fact, it would only deal with the situation from the effective date of this act forward; so, clearly, we are not talking about an initial period of hostilities. We are talking about, at most, some sporadic fighting which may continue to exist or may not. I am not clear what the situation is right now.

The second point that needs to be made about the amendment as it was adopted, is that the amendment limits itself to talking about unreasonable restrictions that might be placed by the Department of Defense or the Department of State upon access by the media. I think that is a crucial point as well. There is a great deal of subjectivity involved in this, a great deal of discretion left with the people who make the decision as to when they feel restrictions are reasonable and when those restrictions are unreasonable. I think that was intentionally left vague.

Then, Mr. President, I also point out that much of the concern—in fact, perhaps all of the concern—that the Senator from Texas has expressed with the amendment, was taken care of, if it existed in the further amendment that was agreed to during the debate of this amendment. At that time, a sentence was added to the end of the amendment, which I believe, is a very broad authorization for the officials in charge to take whatever action they deem necessary. Let me quote that to the Senate:

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of the United States or allied forces or citizens in Grenada.

Clearly, if there was concern, as evidently there was in some quarters before that sentence was added to the amendment, that perhaps this language would unduly hamper or jeopardize the safety of troops or Ameri-

can citizens, I think that sentence adequately takes care of that situation. I think the concern which the Senator from Texas is raising at this point is not borne out by the language of that amendment.

I think clearly myself, at least, that most of us here—probably all of us—would agree that the safety of our troops and citizens is of paramount concern. But I believe we cannot allow the need for that safety to be used as an excuse for unreasonable restriction of the press in their efforts to report the facts to the people of this country. I think it is essential that we have a free flow of information so that we may judge the crucial issues that need to be judged as to the propriety of the action that was taken in Grenada.

There is no way that we in the Senate or the people of this country can make an informed opinion on those issues if we do not have that information and if we are not assured that that information is coming from an independent source, as independent a source as possible.

So I merely indicate that, as a cosponsor of the amendment that was adopted on Saturday, I believe the concerns of the Senator from Texas have been adequately taken care of in the language of that amendment and I do not see a need to weaken further the amendment or to change it in any way. Of course, I shall defer to the Senator from Michigan as to his wishes with regard to any modification of his proposed amendment.

I thank the Chair.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

AMENDMENT NO. 2471, AS FURTHER MODIFIED

Mr. BAKER. Mr. President, the parliamentary situation, at this moment, as I understand it, is that the question pending before the Senate is the motion by the distinguished Senator from Texas (Mr. TOWER) to reconsider the vote by which the Riegle amendment was adopted.

I am happy to report that the distinguished chairman of the Armed Service Committee (Mr. TOWER) and the distinguished Senator from Michigan (Mr. RIEGLE) have agreed to a modification of that amendment, which I have in my hand.

So, Mr. President, I should like now to propose a unanimous-consent request which I have discussed with the minority leader and with the offerers of this amendment, Senator RIEGLE and Senator BINGAMAN. Let me put the request.

First, I ask unanimous consent that the vote by which the Riegle amendment was adopted be vitiated.

Second, I ask unanimous consent that the Riegle-Bingaman amendment be modified in the form which I now send to the desk.

Third, I ask unanimous consent that the Riegle-Bingaman amendment, as modified, be adopted by unanimous consent.

Mr. BYRD. Mr. President, reserving the right to object, the majority leader, by use of the word "vitiated" does not mean that the vote will not be continued as a matter of record?

Mr. BAKER. No; I do not mean that. The point is well taken. Let me restate it.

I ask unanimous consent that the motion to reconsider be adopted; that upon reconsideration, the modification which I have sent to the desk be adopted; and that the amendment as modified be adopted by unanimous consent.

Mr. BYRD. Mr. President, I ask the majority leader if he will also consider including in his request that the amendment be considered as having been reconsidered and laid on the table.

Mr. BAKER. Yes, Mr. President, I include that in my request.

Mr. RIEGLE. Mr. President, if the Senator will yield, I appreciate the effort he is making.

I am told that in the second to the last line, the word "resolution" should be changed to "section."

Mr. BAKER. Mr. President, I was just told that, and I ask that that modification be incorporated.

The PRESIDING OFFICER. That modification has been accomplished.

Is there objection to the request?

Mr. BYRD. Mr. President, just for the record, both Mr. BINGAMAN and Mr. RIEGLE are on the floor, and they are here to speak for themselves. Mr. TOWER was here a moment ago, and both he and Mr. RIEGLE came to the distinguished majority leader and to me, and they have agreed. Therefore, I do not feel that I have a reason to interpose any objection.

Mr. BAKER. Mr. President, the distinguished chairman of the Armed Services Committee had to go to a closed session, I believe, of the Armed Services Committee which began at 2 o'clock, in connection with the Lebanon matter, and he asked me to propound this request on his behalf and to announce that he had arrived at this arrangement with the distinguished Senator from Michigan and the distinguished Senator from New Mexico and to express appreciation to them for this accommodation.

Mr. RIEGLE. Mr. President, if the Senator will yield, I hope that the unanimous-consent request will be granted.

The Senator from Texas and I had spoken, and it was my feeling that what we intended to do with this resolution would be made consistent with the concerns he had in terms of additional language which he felt would leave unambiguous the aspects in this amendment which we already had covered in other language.

So I feel that what we have agreed upon here in the way of additional language changes this not at all. I think it clarifies it and in a fashion that is completely consistent with what was contained in the amendment in the original form.

I might say that under the parliamentary situation, I am under no requirement to accept that language unless I feel that it is language totally consistent with what we had, given the parliamentary situation. I think it is consistent and that it fits with the tone and purpose of the amendment in its original form. I am prepared to accept it because I want to try to accommodate the Senator from Texas and others who felt that some additional clarification was needed.

I might further say that we discussed this matter with some of the representatives of major press organizations in the country.

Their initial response was to the effect of what I have just said; namely, that the changes of the sort that we have talked about, do not change in any degree the amendment as it was adopted on Saturday.

So I feel that what we have here is language that seems to be something that the Senate as a whole can embrace.

On that basis, I am prepared to support the request for unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 2471, as further modified, reads as follows:

At the appropriate place in the joint resolution, insert:

Sec. . Since a free press is an essential feature of our democratic system of government and since currently in Lebanon, and traditionally in the past, the United States has allowed the press to cover conflicts involving United States armed forces, unreasonable restrictions imposed upon the press in Grenada shall cease. For the purposes of this section, "unreasonable restrictions" means:

(1) unreasonably preventing the press from freely accessing news sources of its choice;

(2) unreasonably limiting the number or representation of the press permitted to enter Grenada;

(3) unreasonably limiting the freedom of unsupervised movement of the press in Grenada.

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of the United States or allied forces or

citizens of Grenada or the security of the United States.

Provided further, That nothing in this section shall be construed to supersede any other provision of law.

Mr. BAKER. Mr. President, I wish to take this opportunity to thank the distinguished Senator from Michigan and the distinguished Senator from New Mexico for approaching this matter on not only a reasonable but I believe responsible way, and the Senator from Texas for agreeing to proceed in this manner. I think it was an act of high statesmanship and it materially facilitated the final disposition of this matter as soon as possible.

Mr. RIEGLE. I thank the Senator and thank my colleague from New Mexico and the minority and majority leaders.

Mr. BAKER. Mr. President, as I indicated this morning, I think on Saturday as a result of trying to forge a unanimous-consent agreement out of a colloquy involving several Senators it was done with less precision perhaps than it should have been done.

In a moment I am going to ask unanimous consent that the order No. 491 which is entered to provide that no votes shall occur before 5 p.m. be changed so that no rollcall vote ordered prior to 5 p.m. will occur prior to that time.

Mr. President, in doing so, however, I wish to reiterate that I do not believe that this will serve as a precedent for the contention that this formulation prohibits a voice vote, but rather because of the practice and precedent of the Senate and the clear meaning of the Senate on that day that it applied only to those votes which should be rollcall votes. But to remove any doubt about the subject, I discussed this matter with the minority leader, and I am prepared now to ask unanimous consent and I do ask unanimous consent that the order be mofied so that it reads that no rollcall votes will occur on or in relation to the measure prior to the hour of 5 p.m.

Mr. BYRD. Mr. President, reserving the right to object, as the majority leader points out, the order does provide that there are no "votes" prior to 5 p.m. So the letter of the order would prevent voice votes. But it was not the intention of the majority leader, and it was not my intention, certainly never has been my intention, to forestall voice votes unless for some reason I thought they should be, in which case I entered a caveat. But it was clearly the intention and, of course, the majority leader's request, if granted, and I hope it will be granted, will not keep any Senator from asking for the yeas and nays on any matter until 5 p.m., in which case if the yeas and nays are ordered, that vote would occur at or around 5 p.m. or in sequence with other votes that would begin then.

So the majority leader's request does not take away anyone's rights, and it comports with the mutual intention of the two of us when the order was entered into.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader, and once again I am sure this was clearly the intention of the Senate and I do not wish this to represent a precedent for another interpretation at a later time.

The distinguished chairman of the Finance Committee is here, and I am told that he is prepared to proceed now with the debt limit bill and I happily yield the floor for that purpose.

Mr. DOLE. Mr. President, it would certainly be agreeable to me if we proceed on the debt limit. It is the fourth day and we have not been on it yet. So if anyone has any germane amendments I think both Senator LONG and I are ready to proceed. Again, I suggest that we have a real time problem.

One of the pressure points in our committee has been taken care of this morning. We were able to satisfy requirements of the budget resolution about 15 minutes ago at least in a minimal way.

But the next deadline I am concerned about is midnight tonight on this legislation, and with all the nongermane amendments that have been adopted. I do not know how we are going to resolve all of that in conference, but we are certainly prepared to receive amendments if anyone has amendments.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DOLE. I yield.

Mr. BYRD. What is the deadline?

Mr. DOLE. Midnight tonight.

Mr. BYRD. I have been told that nothing is going to happen if we reach the hour of midnight tonight and this measure is not passed.

I wish that matter were clarified for the record, and I am not pretending to know the answer myself.

Mr. DOLE. I understand there was a letter delivered here Saturday on that subject I think the letter to Senator BAKER says that by midnight tonight, we will trigger, if we do not move by midnight tonight, three or four things.

First, the Treasury will not be able to invest the $13 billion transfer to the social security trust fund, violating the recently enacted social security amendments. There will be apparently no loss of interest to the trust fund. The Treasury says that the potential interest will be created to the trust fund retroactively and the checks will go out. So there is not a solvency problem.

The Treasury estimates that cancelling the quarterly refunding, which will be necessary if the limit is not increased tonight, will cause market disruption and raise the Treasury rates by at least one-eighth of 1 percent, resulting in an addition $250 million interest cost over the life of the debt. Higher Treasury rates could affect other interest rates as well.

The Treasury maintains this will occur even with a short 7- to 15-day extension.

That is the one that I think they normally tell us is going to cost money.

There are two other concerns but I do not believe they have any——

Mr. BYRD. But as I understand, if I may interrupt the Senator with my apologies from what he was reading, even that would not happen if midnight were reached—the bewitching hour.

Mr. DOLE. I think that is correct. If we finish action tonight by midnight, I think this will not happen.

Mr. BYRD. I thought I understood the Senator to interpret that as meaning that even if we did not finish action tonight by midnight that that, per se, would not occur.

Mr. DOLE. No; it says that the Treasury estimates that cancellation of the quarterly refunding, which will be necessary if the limit is not increased tonight, will cause market disruption and raise Treasury rates by at least one-eighth of 1 percent, resulting in an additional $250 million in interest costs over the life of the debt.

So if we do not increase the limit by tonight that is what they say will happen. I do not know if that is cast in stone.

Mr. BYRD. I understood the distinguished manager earlier to make some reference, and maybe I misunderstood him, to the fact that even that would not happen if a period of days had passed, a certain number of days. I cannot remember what figures he used.

Mr. DOLE. I think I may have used those figures. If in fact it looks like we cannot get to the conference tonight, we might try for a 7-day extension. They are suggesting here in a memo to Senator BAKER that even a 7- or 15-day extension would still cause the market disruption and still cause the loss. But I will go back to Don Regan, the Treasury Secretary again, and try to nail that down.

Mr. BYRD. In any event, I have no objection to passing the bill tonight. I do hope we do so in time to get home so that I can watch my wife hand out the candy to the evil spirits.

Mr. DOLE. I think Halloween night is a good night to pass a debt limit. We are certainly going to scare a lot of people if we do not.

Mr. BAKER. Mr. President, I do not know how we are going to get out of this thing, how we are going to pass this bill, but I hope we can do it by 6 p.m. or thereabouts.

Mr. DOLE. Six p.m.—great.

Mr. BAKER. Some may say that is an unrealistic ambition but, on the other hand, maybe everything we have done so far is unrealistic on this bill.

Mr. President, I have not talked to the chairman of the committee about this, and I do not know how he would feel about it, but I wish to see us finish this bill. I think we can.

Now, it may be that, in order to finish this bill, we are going to have to clean it up some, and it may be that we will have to recommit it with instructions in certain respects.

I personally would like to see us, for instance, maybe get it as clean as possible, with the exception of the amendment of the Senator from Colorado. That passed by an overwhelming vote. And while I did not support it and do not support it, I am realistic enough to know that it probably would pass again by such an overwhelming margin.

As I say, I have not discussed this with the chairman or the ranking minority manager. I did tell the minority leader that I entertained such seditious thoughts. But I would like to see us get on to the business of passing the bill, even if it means cleaning it up, perhaps with the exception of the Armstrong amendment.

Mr. DOLE. Mr. President, I say to the majority leader that I feel much easier than we did on Saturday, since we have been able to take care of our business in the Finance Committee on the budget. We had another midnight deadline on that. So I think we have taken care of that.

The only other big problem tonight is the Redskins are playing. But we can always get the score given to the conferees every quarter.

Would the Senator from Colorado be willing to recommit the bill and come back with just his amendment and he would then vote for it?

Mr. ARMSTRONG. Mr. President, if the Senator will yield, it is certainly tempting to say that I would like to support such an idea, because I am eager to get out of here, and not because of the Redskins.

But, Mr. President, I do not want to dissemble or beat around the bush and I am not trying to delay action final on the bill. There was some speculation at the outset that I might join with other Senators in filibustering this measure. I have not done that. I have not even spoken at great length, and I do not intend to now.

But I do not believe I would support a motion to re-refer because I think it would make it easier to pass the bill and I am deeply convinced that the best possible action we can take is to defeat this piece of legislation. Then, while there is pending a motion to reconsider our action in defeating the bill, everybody can go home and some of us will stay down overnight and confer with our counterparts at the other end of Pennsylvania Avenue and see whether or not, in that atmosphere, we could get some cooperation to put together some reform measures, some measures of restraint in the spending process.

Since I am convinced that is the only way we are going to get those measures of restraint and reform, whatever advances us in the direction of that action is fine, so long as it is not the kind of action calculated to improve the prospect of the passage of the bill.

With respect, I would not be much inclined to support a motion to re-refer.

Mr. DOLE. Mr. President, I certainly hope that the White House would be a little more aggressive on deficit reductions. So far, the signals are not too strong; in fact, they can hardly be heard. In fact, they cannot be heard.

But, sooner or later they will have an interest in the deficits and, hopefully, it will be very soon. But that is a matter I cannot respond to.

I think I understand what the Senator wishes to do just in order to bring something to a head, just defeat the debt ceiling.

Mr. ARMSTRONG. If the Senator will yield, perhaps the Senator noted, in my discussion of a possible scenario, that I included leaving hanging a motion to reconsider our action because I recognize that, under some circumstances or another, Senators may wish to vote for it.

All I have urged is that Senators who share my keen desire and belief that this is the moment for some restraint in spending and for some institutional reform, to withhold their vote, to vote no the first time around, and then, in that atmosphere, I personally believe that there are a lot of people in this Chamber and elsewhere who would be ready, under that contingency, to help us solve this problem.

But, as long as we pass the bill, as long as they have this notion—our colleagues who are not on the floor and others who are interested in this at OMB or wherever they might be—as long as this notion prevails that finally we are going to pass it no matter what we say, then we will never get the kind of reform we need.

Mr. BAKER. Mr. President, I do not know that I profit the Senate any by bringing up this thought, but I have a feeling we are playing a giant game of chicken. I do not know who is going to blink; I do not know who is going to give in first. It may indeed be, as I said on Saturday, the first time I can recall that the Senate will just not pass the debt limit. I think that would be extraordinarily unfortunate, but that may happen.

But, Mr. President, it will not happen without us trying to the maximum extent to try to do what we can do. And if we are not going to pass this thing, either by a motion to recommit with instructions and then final disposition of this measure, we are in for a long evening. That is not meant to be a threat, but just a simple statement of fact.

Mr. DOLE. Will the House be in this evening?

Mr. BAKER. The House will not be in; I am reliably informed that the House will not be in.

But I do not countenance the thought that we would go out before midnight if we have not acted on this bill; maybe not after midnight. But, Mr. President, I hope that Members will consider that we have a responsibility, in my opinion, to pass this bill and it will help us try to devise a way to see that that is done.

Mr. DOLE. Mr. President, I think we are making progress. I am not certain which way or what. But I do hope that those who advise the President will understand that we are concerned about the deficit up here. It is bipartisan. It is nonpartisan. We may have little different views on how we want to approach it, but at least we want to approach it. The clear signal coming from the White House is just forget about it until after the election. I do not really believe that is the mood of the Senate or, hopefully, the Congress as a whole.

I certainly sympathize or agree in part with what the Senator from Colorado is trying to do—padlock the Treasury or whatever. If I thought it would really get the attention of the White House, I would be glad to join the Senator from Colorado in trying to defeat this debt limit. I do not know how else to get their attention. Maybe it would precipitate a crisis.

But I doubt that is the way to proceed. I hope that sometime today we would have some signal from downtown that there is some concern about deficit reduction and that those of us who are sincere in trying to do it do not get shot down before we get our statement made.

Mr. BAKER. Mr. President, I just want the record to show clearly one thing. I do not believe it would be a good thing to precipitate a crisis. I am not trying to negotiate any arrangement with the President. The Senate is going to do what it thinks it should do and the President will do what he thinks he should do. I would be happy if those two things came together with a single meeting of the minds. But, regardless of that, we cannot control that end of Pennsylvania Avenue and they cannot control this end.

So I hope that we will meet our responsibility of dealing with this bill in a timely way.

But I want to say, Mr. President, there is a growing feeling in this Chamber, I am afraid, that it is safe

not to pass the debt limit, and I am saying that it is not.

I ask unanimous consent, Mr. President, that a statement by the Secretary of the Treasury in respect to the consequences of failure to pass this measure be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY TREASURY SECRETARY DONALD T. REGAN

Secretary of the Treasury Donald T. Regan said the failure of Congress to act responsibly today to raise the debt ceiling could cause higher interest rates and, as a result, higher costs for the Government and the taxpayer. The increase to $1,614 billion as requested by the Administration will provide for long-term orderly market financing.

Secretary Regan announced the following actions will be taken by the Treasury if the Congress fails to act on the Administration's request on the public debt limit:

The scheduled $13 billion investment of the Social Security Trust Funds in Treasury securities cannot be made November 1 as required by law. Only about $4 billion can be invested. The remaining $9 billion will not be invested as scheduled in order to avoid exceeding the debt limit.

Sales of U.S. Savings Bonds will be suspended effective November 1. Notices were sent to about 40,000 issuing agents today. Approximately 6 million people currently purchase U.S. Savings Bonds.

Sales of special nonmarketable issues of Treasury securities to State and local governments (SLGs) will be suspended effective November 1. Telegrams have been sent to all governors announcing this. The over $600 million of these issues now scheduled for early November will be cancelled.

The auction scheduled today of $12 billion of 3- and 6-month Treasury bills has already been reduced by $5 billion in order to avoid exceeding the debt limit.

The 3-year Treasury note auction scheduled for Tuesday, November 1, will be postponed.

Secretary Regan said that further announcements will be made by the Treasury regarding

The $7.75 billion 52-week bill auction which was scheduled for October 27 but which was postponed because of the debt limit delay. These bills were scheduled to be issued November 3 to refund bills maturing on that date.

The 3-year, 10-year and 30-year issues scheduled for auction on November 1, 2, and 3. Secretary Regan has advised the Congress that postponement of these auctions could result in additional costs to the Treasury that could exceed $250 million.

Other actions which must be taken on a day-to-day basis as a consequence of the failure to increase the debt ceiling.

COPY OF WIRE SENT TO ALL 50 GOVERNORS

"This is to notify you that as a result of the inaction to increase the public debt limit, the Department of the Treasury will be forced to suspend the sale of State and Local Government Series securities effective November 1, 1983. State and local government entities in your jurisdiction that have made previous application for SLG issues will be notified of the suspension by a Federal Reserve Bank or Branch.

DONALD T. REGAN,
Secretary of the Treasury."

Mr. ARMSTRONG. Mr. President, I am not trying to get the last word, unless it should work out that way, but I am not sure that the majority leader understands how many of us feel about it. There are at least many of us who are not trying to create a crisis but who believe the crisis exists.

I say to the majority leader that I, for one, do not think it is safe not to pass a debt limit bill, but neither do I think it is a course of wisdom to pass it. We have already been down that road. The debt limit has been raised, I guess, a dozen times since I have been around here. On every occasion, we have been told we had no other choice. During that same period of time, inflation has eaten away half or more of the purchasing power of the dollar and interest rates have gone up to previously unheard of levels and the Nation's economy, although it is now recovering, went through a period of stagnation caused, in the opinion of many, by the staggering burden of the debt.

So it is not really a choice between safety and hazardous. Between the two choices of action, each of which contain certain elements of danger, in my judgment and in the judgment, I hope, of the majority, the least dangerous and wise recourse would be to turn the bill down and hold out for the hope of some permanent reform rather than the temporary palliative of simply passing it again as we have done on so many occasions previously.

AMENDMENT NO 2474

(Purpose: to express the sense of the Senate regarding the dismantling of nontariff trade barriers of the Japanese to the importation of beef)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, Mr. GRASSLEY, Mr. TOWER, Mr. DANFORTH, Mr. MELCHER, Mr. BOSCHWITZ, Mr. HEINZ, Mr. BOREN, Mr. HOLLINGS, Mr. MCCLURE, Mr. SYMMS, Mr. HEFLIN, Mr. WILSON, Mrs. HAWKINS, Mr. NICKLES, Mr. ABDNOR, Mr. EXON, Mr. BENTSEN, Mr. HECHT, and Mr. LEVIN, proposes an amendment numbered 2474.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

NONTARIFF TRADE BARRIERS TO THE IMPORTATION OF BEEF

SEC. —. (a) The Senate finds that—

(1) the United States and Japan are signatories to the General Agreement on Tariffs and Trade (hereinafter in this section referred to as "GATT");

(2) in keeping with the provisions of GATT and the general principles of free trade, the United States has given Japan broad access to many United States markets;

(3) Japan has benefited from this broad access by becoming a major United States supplier and now has a $16,000,000,000 annual trade surplus with the United States;

(4) Japan uses a system of quotas and other nontariff barriers to limit the importation of beef;

(5) such barriers force Japanese consumers to pay unreasonably high prices for beef and denies American cattlemen an opportunity to compete fairly in the Japanese market;

(6) such carriers are in violation of GATT;

(7) in 1979, the United States and Japan negotiated a bilateral agreement under which Japan would gradually increase its beef quota;

(8) such agreement expires on March 31, 1984, at which time Japan will no longer be under any agreement to increase its beef quota and the United States will no longer be under any agreement to forego trade law remedies against Japan;

(9) negotiations are underway to establish a new bilateral agreement; and

(10) Japan's barriers to beef imports undermine the principles of free trade, reduce the income of United States cattlemen, and obstruct the development of better trade relations between the United States and Japan. (b) It is the sense of the Senate that—

(1) in negotiations with Japan, the President and United States negotiators should insist that Japan dismantle all nontariff barriers to the importation of beef; and

(2) if negotiations do not result in satisfactory progress toward the dismantling of all such barriers by the time of the expiration of the current bilateral agreement between the United States and Japan prescribing the importation of beef into Japan, the United States Trade Representative should seek appropriate relief under United States and international trade law.

Mr. BAUCUS. Mr. President, this amendment I have offered on behalf of myself and 16 cosponsors is identical to a resolution I introduced on September 22 insisting that Japan dismantle its nontariff barriers to beef imports. I offered this resolution as an amendment because it is important that we send a strong message along with the President when he travels to Japan in a couple of weeks.

When I introduced this resolution on September 22, I gave an account of all the dialog that led up to the need for a resolution. I will not take the time to go through all of the details again. However, I will summarize the negotiations with the Japanese to date.

THE BILATERAL AGREEMENT

During the Tokyo round of multilateral trade negotiations concluding in 1979, the United States and Japan entered into a 5-year bilateral agreement. The United States essentially

agreed not to invoke remedies under United States and international trade laws. Japan agreed to gradually increase the quota for high-quality beef from about 16,000 tons to about 30,000 tons. And, Japan pledged to negotiate "on ways to further expand the importation of high-quality beef in 1984 and thereafter to the mutual benefit of both countries."

On March 31, 1984, this agreement expires. But so far, they have been unsuccessful. In fact, the Japanese seem to have become more and more intransigent.

UNITED STATES-JAPANESE DIALOG

Some influential Japanese are beginning to recognize how much Japanese agricultural protectionism threatens United States-Japan relations. Many of us in the United States have carried on a dialog with the Japanese over the past several months regarding this Japanese protectionism.

Fifty-one colleagues and I sent a letter to Japanese Prime Minister Nakasone over a month ago. This letter said that Japan's barriers to imports of U.S. beef remain one of our most important bilateral issues. The letter concluded by asking the Japanese to join us, in the spirit of free trade, "in reaching a new agreement liberalizing the treatment of American beef."

Japan's Ambassador to the United States, Mr. Okawara, gave Japan's side of the story at about this same time. He defends Japan's agricultural trade policy.

RECENT NEGOTIATIONS

The debate goes on. So do the negotiations to renew the bilateral agreement.

The most recent negotiations took place last month in Tokyo. U.S. negotiators raised the beef issue and asked the Japanese negotiators to make reasonable concessions. The Japanese refused. They offered simply to extend the current quota system. Eventually, the talks broke down and no progress was made.

Mr. President, a double standard exists. The Japanese sell Americans billions of dollars worth of cars, electronic devices, and other products. But they refuse to give us a fair chance to sell them American beef. They deny U.S. cattlemen the same treatment America routinely accords Japanese businessmen.

Given this situation, we in the Senate must convince the Japanese that we will not tolerate this double standard. Trade must be a two-way street.

My amendment reemphasizes the Senate's deep concern about the beef issue. That way, I hope it will encourage fruitful negotiations.

Offering the resolution at this time is extremely important. President Reagan travels to Tokyo in a few weeks. We need to let the President, and the Japanese, know that the Senate supports the U.S. negotiators in seeking a liberalization of the current beef quotas.

I shall continue my efforts in seeking progress in the negotiations of new Japanese beef quotas. I believe this resolution will help convince the Japanese that we are serious about these negotiations.

I suggest, Mr. President, that we adopt the resolution and send a very strong signal to Japan. Accordingly, Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I see that the Senator from Wisconsin seeks the floor.

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. While the Baucus amendment is pending, another amendment may not be offered.

Mr. KASTEN. It is my understanding that the Senator from Montana yielded the floor. I will offer my amendment at the proper time.

The PRESIDING OFFICER. He may have yielded the floor but the amendment is still pending.

Mr. ARMSTRONG. Mr. President, while we figure out what to do next, may I speak briefly on the Baucus amendment?

May I first ask my colleague from Montana if he would be good enough to add me as a cosponsor?

Mr. BAUCUS. I would be honored. Mr. President, I ask that the Senator be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. I also want to make the observation that his initiative is very timely. The whole question of the trade relationships between the United States and Japan has been a source of great concern to me, and specifically the question for opportunity for U.S. farm producers to send their products into Japan. I visited Japan last year and came home very much impressed with the Japanese people, its customs, the energy, and enthusiasm with which they are developing their country, and with great admiration for them.

The one thing that I noted that might be taken as critical is the fact that they are not as forthcoming about opening up their country to imports as they are expert and desirous of exporting their products to the United States and other countries.

I believe that the Japanese people would, in the long run, benefit enormously from freer trade, just as I happen to think that our country benefits from the very free access which foreign producers of various products have to our own consumer markets.

I think this is an amendment which is not only good for the cattlemen of Colorado and of America, but I think this is an amendment that is indeed even more important over the long run for the consumers of Japan. So I congratulate the Senator and am delighted to be associated with him in this amendment.

Mr. BAUCUS. Mr. President, I thank the Senator from Colorado for joining me in advocating the adoption of the amendment.

Mr. President, I suggest the absence of a quorum.

Mr. ARMSTRONG. Mr. President, if the Senator will withhold, if he has completed his statement, I suggest that the Senator from Wisconsin, if he wishes to offer an amendment, simply ask unanimous consent that the pending amendment be temporarily laid aside so he may propose his amendment.

Mr. BAUCUS. Mr. President, I yield the floor.

Mr. KASTEN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2475

(Purpose: Expressing the sense of the Senate that no further tax increases should be enacted until substantial spending reductions are achieved)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes an amendment numbered 2475.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following:

Since Congress passed the Tax Equity and Fiscal Responsiblity Act of 1982 with the assumption that there would be three dollars in spending cuts for every one dollar in tax increases; and

Since recent Treasury Department figures show that spending has in fact increased by $1.14 for every $1 in tax increases; and

Since the increase in federal spending has resulted in the need to increase the permanent public debt limit to $1.6 trillion; and

Since the United States is finally experiencing a strong economic recovery which would be endangered by a tax increase. Now, therefore,

It is the sense of the Senate that no further tax increases should be enacted until Congress fulfills the pledge made one year ago to reduce spending by three dollars for every one dollar in revenue raised by the Tax Equity and Fiscal Responsibility Act of 1982.

Mr. KASTEN. Mr. President, I ask at this time for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KASTEN. I thank the Chair.

Mr. President, last year, when Congress passed the Tax Equity and Fiscal Responsibility Act, it was promised $3 in spending cuts for every $1 raised in revenue. According to recent Treasury estimates, this has not happened. In fact, their analysis shows that spending has increased by $1.14 for every $1 in increased revenue.

Although Congress has passed legislation—the Tax Equity and Fiscal Responsibility Act—to raise almost $100 billion in revenue, we have not passed legislation to cut $300 billion in spending. We did initially save $53 billion through reconciliation. But since these savings were enacted, Congress has passed budget and spending increases that cancel these out. More importantly, Congress has failed to pass legislation that would produce further savings, such as the out-year savings for Federal pay, nondefense discretionary programs and management initiatives assumed in that 3-for-1 promise.

Mr. President, I am concerned that current deficit reduction plans being considered by this body are just more of the same. They all emphasize "revenue enhancement"—or tax increases—while we have yet to see any real progress on spending restraint.

This is why I offer this Senate resolution today. It is time to focus attention of the real cause of the deficits and the evergrowing public debt. I believe that we must live up to our promise to cut spending before we enact any new revenue increases on the American people.

Currently, the United States is experiencing an economic recovery so strong that it exceeds the 1961 record recovery. A tax increase would only endanger this recovery. Yes, the Federal deficits are too big, but the way to get them down is with a plan of economic growth—the sort we have now—and spending restraint. It is time to hold the line on taxes, not increase them.

In 1984, the Federal Government will take in revenues of $677 billion—or roughly 19 percent of GNP. This is consistent with the revenues taken in during the 1970's—an average of 19 percent. Spending, however, will be approximately 25 percent of GNP this year—4 percentage points higher than the 1970's average of 21 percent. The problem is not that we are undertaxed; the problem is that we are overspent.

In 1980, President Reagan and many of us in this Chamber today ran on a platform of less Government spending and lower personal tax rates. We believed that a well balanced program would bring about the economic revival this country desperately needed. In our first year in office, we passed the Economic Recovery Tax Act of 1981. The critical elements of this Tax Act—the Reagan-Kemp-Roth 25-percent tax rate reductions and indexing of tax rates—would restore the incentives to work, to save, to invest, and to produce our way to economic recovery.

However, since ERTA was signed into law, Congress has pased one tax increase after another. Thanks to these tax increases—the Tax Equity and Fiscal Responsibility Act of 1982, the 5-cents-per-gallon gas tax, the social security tax increases, and now the 1984 budget's promised $73 billion in new taxes—there is little tax relief for the working American. In fact, in 1984 the net tax cut to the American taxpayers will be only $3 billion. After 1984—even with indexing—Americans will face net tax increases over and above the 1981 tax cut. It will be as if we never passed a tax cut in the first place.

President Reagan has recently reaffirmed his opposition to congressional tax increase proposals until we make good on the promise of substantial spending reductions. I could not agree more. I will vote to sustain his actions against legislation that attempts to reduce deficits with disproportionate emphasis on tax increases, rather than spending reductions. I hope that my colleagues here in the Senate and the House of Representatives will join me. The first step is to publicly show the President that we support him.

Mr. President, my resolution expresses the sense of the Senate that no further tax increases should be enacted until substantial spending reductions are achieved.

I urge my colleagues to support and vote for it here today.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. KASTEN. I shall be pleased to respond to the Senator from Louisiana.

Mr. LONG. Mr. President, I wish the Senator would inform those of us on this side of the aisle: Who made the commitment that the Senator is referring to? The Senator said a commitment was made that spending would be cut $3 for every $1 of tax increase. Could the Senator tell the Senate who made that commitment to whom?

Mr. KASTEN. If the Senator will yield, first of all, this was assumed in the budget resolution for fiscal year 1983, which passed in 1982. Furthermore, it was assumed by the President of the United States, when he discussed support for TEFRA. He came to a number of us, and said "Support us, we shall have a bipartisan effort; we shall then work together to get roughly $3 in spending reductions for $1 in real tax increase."

I also remember—and I can go back to the clips to review it further—that in a number of public discussions on the floor of the Senate, on the floor of the House of Representatives and in press reports from the various committees involved, it was widely assumed that there would be a 3-for-1 deficit reduction program. As the Senator knows, another spending and tax package is now under debate. The plan proposes a rough 1-for-1 ratio between spending and taxes.

But, we never reached that 3-for-1 ratio that we agreed to last year. We have to go back to the record for the specifics of that statement, but it was widely assumed and, clearly, the President thought this was part of the agreement.

Mr. LONG. Mr. President, I do not think I am talking out of school to tell the Senator that the question was asked of the Democrats on the Finance Committee and the Democrats on the Budget Committee and in a Democratic conference: What was the President talking about? Who made any such commitment as that?

Mr. CHILES, the ranking member on the Budget Committee, informed those of us who were there at that time that if any such commitment were made, it must have been a commitment made by Republicans to Republicans, because he had no knowledge of any such commitment.

I must say, Mr. President, as the ranking Democrat on the Finance Committee, I have no knowledge of any such commitment. In searching my recollection as to what the President might be talking about, when he said something about a commitment of that sort, and I saw it on television, he said "they," whoever "they" might be.

That is the question I asked—who is "they?" "They" promised "they" were going to cut spending $3 for every $1 of tax increase.

I searched my memory for months before the thought occurred to me that I had been with what was called the "gang of 17," a group of 17 Members of Congress and White House people who sat down together and talked about the possibility of getting together on a package to cut spending and to raise taxes to try to reduce the budget deficit. Mr. BAKER, speaking for the President, had insisted on talking in those general terms, in terms of trying to reduce spending $3 for every $1 of tax increase. But there was no agreement reached and nobody made any commitment to anybody.

That hopeful meeting eventually came to an end without achieving anything and without any commitments being made because those who spoke for the Speaker of the House, and pre-

sumably for the more liberal members of the Democratic Caucus on the House side, were not willing at that time to make any kind of commitment for any cut in social security.

In view of the fact that nothing could be achieved in that area, the Senator may recall that the whole thing kind of went for naught.

Mr. KASTEN. Will the Senator yield at that point?

Mr. LONG. Yes.

Mr. KASTEN. I have in front of me a summary of the conference agreement of the first budget resolution for fiscal year 1983 which we adopted. There is in the suggested deficit reduction measures no reference to social security, so I would agree with the Senator that no one made any specific commitments vis-a-vis social security. The Senator is correct.

Mr. LONG. Does the Senator find anything in the language of that budget resolution that says anything about a 3-for-1 agreement or anything of that sort?

Mr. KASTEN. Madam President, what I would like to do is ask unanimous consent that I insert at this point in the RECORD a summary of the conference agreement for the first budget resolution for fiscal year 1983, a summary of the changes from the baseline.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CONFERENCE AGREEMENT—FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1983; SUMMARY OF CHANGES FROM BASELINE

	Fiscal year—			Total fiscal year 1983–85
	1983	1984	1985	
Baseline deficit	182.0	216.0	232.5	
Adjustment to baseline [1]	−1.3	−1.4	−1.5	
Adjusted baseline deficit	180.7	214.6	231.0	
Deficit reduction measures:				
Revenue increases	20.0	35.0	40.0	95.0
User fees (revenue increases)	0.9	1.0	1.4	3.3
Defense (except pay and entitlements) [2]	7.8	8.3	10.3	26.4
Federal pay raises	5.1	8.9	12.1	26.1
Nondefense discretionary programs	5.9	10.1	18.8	34.8
COLAs	0.5	1.8	3.1	5.4
Other entitlement savings	6.1	9.0	10.3	25.4
Management savings	13.7	17.1	15.8	46.6
User fees (spending offsets)	1.1	1.4	1.7	4.2
Other program reductions	1.2	1.3	1.1	3.6
Net interest:				
Lower rates	8.0	19.1	27.8	54.9
Lower deficits	6.5	17.7	28.6	52.8
Total deficit reduction	76.8	130.7	171.0	378.5
Remaining deficit	103.9	83.9	60.0	

[1] Reflects actual cost-of-living adjustment for retirement programs of 7.4 percent in July 1982 (baseline assumed 8.1 percent).

[2] Assumes lower OMB estimates of defense outlays (baseline assumed higher CBO estimates).

Mr. KASTEN. In summary, the agreement lists deficit reduction measures: $95.0 billion in revenue increases and $378.5 billion in total deficit reduction. This is my effort to establish the rough 3-to-1 ratio of spending reductions to tax increases as reflected in the conference agreement of the first budget resolution which was agreed to.

I am aware, as is the Senator from Louisiana, that there was a good bit of debate on this 3 to 1. A number of people may have thought it was an agreement. I recognize that we did not bind ourselves; the first concurrent budget resolution is not a binding resolution. Nevertheless, I think this document indicates that it was at least the intent to go forward. The same resolution was affirmed in the second budget resolution as well.

Mr. LONG. I am glad the Senator has enlightened us on that subject because some of us had been completely baffled wondering what the President was talking about, what anyone was talking about when they had in mind that the Congress had committed itself to reduce spending $3 for every $1 of tax increases. I was totally unaware of it. I know on the Democratic side of the aisle all of our group seems to have been totally unaware of a commitment of that sort.

What the Senator placed in the RECORD gives us an indication of where we should go to find out what this thing is all about, because those of us on this side of the aisle are just not informed on that subject. We do not agree with it.

Mr. KASTEN. I would like to point out to the Senator that I believe the first budget resolution, the conference agreement, and also the second budget resolution were in fact supported by a strong number, perhaps a majority, of the people on that side of the aisle. I am suggesting that we have not reached the goals that we set forward in the first budget resolution or the second budget resolution. We did increase taxes by $95.0 billion, but we did not enact the other deficit reduction measures of roughly $283.5 billion. That is the 3-to-1 ratio that has been referred to. As the Senator knows, there was a good bit of discussion of the 3-to-1 ratio in the press and at the White House.

Frankly, I am not hung up on the 3-to-1 ratio. I would hope that we could broaden the debate. The fact is that we are not going to reach the goal we all have to reduce deficits simply by increasing taxes. It is going to take a mixture of both.

Some of the suggestions that have been floating around in the newspapers over the past 2 or 3 weeks have suggested a 1-to-1 trade, a $1 tax increase and $1 spending reduction.

That is not going to be enough to solve the long-term problem of this country. We are going to have to cut spending more. I am not sure that 3 to 1 is right as well. But what I would like to do is to shift the emphasis away from the need to increase taxes to a recognition that Congress made a commitment in our budget resolution that we were going to work to reduce the rate of growth of Government spending. We have failed on that commitment.

We also made a commitment to increase taxes. We carried through on that commitment. TEFRA was passed, and it is now law.

So far, we have been unsuccessful in dealing with the spending side of the budget. What I would like to do, if I could, is to switch the nature of this debate so that we look at the whole budget and the spending side as well as simply the revenue increases that are now being debated.

Mr. LONG. Mr. President, if the Senator will yield to me just for a moment to conclude my views on this, it seems to the Senator from Louisiana that we would be better advised to try to follow the suggestions of Paul Volcker, who is a responsible member of the Federal Reserve, and simply reduce spending as much as we can. Having reduced spending as much as we can, we should then turn to the revenue side and raise revenue. I would hope that for every dollar we tax, we could reduce at least $1 in spending. I have no objection to a 3-to-1 ratio if we can achieve it. But my thought is that, it is going to be difficult to achieve, and if we can raise a lot of money just on a 1-for-1 ratio, we will still have done a lot of good. But if we place a condition that we are not going to raise taxes unless we economize to a specified extent, we are not going to do either one. That is what bothers the Senator from Louisiana.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Montana is recognized.

Mr. BAUCUS. Several points come to mind. The first is that I hear the Senator from Wisconsin saying that he is not sure whether 3 to 1 is the right proportion, but he is trying to raise the issue so that we get on with the business of cutting deficits both by raising revenue and by cutting spending.

My point, Madam President, is that if the Senator means he does not know whether 3 to 1 is the precisely right ratio, but that we have got to get on with the business of both cutting spending and raising revenue, then I am concerned about the wording of this sense-of-the-Senate resolution.

Madam President, the resolution says that we have to be bound by a 3-to-1 ratio, not 1 to 1, not 2 to 1 but 3 to 1. The language is very precise. I think if the Senator from Wisconsin really means what he says—that he does not know whether 3 to 1 is right or not but that we have to get on with the business of both cutting spending and raising revenue—then perhaps we should reject this sense-of-the-Senate resolu-

tion, because it imposes a standard we are uncertain about.

Furthermore, Madam President, this Senator, too, is unaware of any 3-to-1 spending cut to tax increase agreement.

The Senator read from a document. I do not know what that document is or what it states, but the budget resolution under which the Congress is now operating has approximately a 6-to-1 ratio in the other direction. That is, it calls for 3-year reductions in spending of about $12 billion but also calls for increases in revenue over a 3-year period of about $73 billion. I disagreed with this resolution and voted against it, primarly because it increased taxes too much and cut spending too little. But it is the best record of any pledge that we have.

I think the Senator is correct in saying that, we shoud reduce spending and raise revenue, and that we should work much more assiduously and much more aggressively in reducing the deficits. But I wonder if it is appropriate to adopt a resolution which, as I understand it, is not really on all fours with what Congress has actually pledged to do.

Mr. KASTEN. Madam President, briefly, in response to the Senator from Montana—and then I intend to yield to the Senator from New York to speak in behalf of the amendment—I say to the Senator that this is a sense-of-the-Senate resolution and is not binding in law.

I want to emphasize the fact that, although we got the roughly $100 billion worth of tax increases a couple of years ago, we have not gotten the reductions in spending that we had hoped for. I recognize that 3 to 1 might not be the correct ratio. I suggest to the Senator that 4 to 1 or 5 to 1 might be the correct ratio as well, recognizing the fact that this year the Federal Government is spending in the neighborhood of 25 percent of GNP.

During the 1970's, we were spending an average of only 21 percent.

So the problem, as I stated earlier, is not that our tax rates are too low; it is not that we are not taxing ourselves enough. The problem in this country is that spending is too high. Whether we do it at 3 to 1 or 1 to 1 or whatever, we want to emphasize the spending side of the budget. Therefore, I hope the amendment will be agreed to.

I am pleased to yield to the Senator from New York.

Mr. D'AMATO. Madam President, I rise in support of the resolution offered by the distinguished Senator from Wisconsin, (Mr. KASTEN) which would express the sense of the Senate in opposition to any tax increases.

I think that a tax increase at this time would do irreparable damage to the economic recovery that has begun, and it has begun. Tax hikes of the nature being considered in the Finance Committee would cripple the burgeoning recovery and stifle further business expansion.

Congress should focus on cutting spending to ameliorate the deficit, especially the explosive growth in entitlement programs. For example, medicare has grown tenfold in the past 15 years, to over $57 billion in fiscal year 1983. Medicare will continue to grow at this rate unless Congress takes action. We need a bipartisan national commission to deal with the medicare crisis similar in nature to the National Commission on Social Security.

Of course, the economy cannot tolerate the shock of raising $55 billion of new taxes over the next 3 years as proposed by some members of the Finance Committee. I think the recovery, which is only 10 months old, would be seriously endangered if major tax increases were to be levied. Allow me to cite examples of the current strength of the economy.

First, the GNP grew at a 10-percent annual rate in the second quarter and at a 7-percent annual rate in the third quarter.

Second, unemployment has fallen from a high of 10.4 percent in February to 9.3 percent in September. Since the recovery began, total employment has increased over 2.5 million to 101.9 million.

Third, the factory utilization rate has risen by nearly 10 percent, from a low of 68.8 percent to 78.4 percent in September.

Fourth, GNP and industrial production growth have been achieved without rampant inflation. In the 12 months ending in August, prices have risen a mere 2.9 percent.

Raising Federal revenue through higher taxes has only led to more Government spending and larger budget deficits. This process must be reversed. Spending is the root cause of the budget deficit dilemma.

Congress promised in "TEFRA" that for every dollar of higher taxes, Government spending would be reduced $3. Despite $98 billion in new taxes mandated in "TEFRA" for fiscal years 1983 through 1985, CBO estimates that the Federal deficit will approximate $190 billion each year through 1985. Clearly, higher taxes have caused more spending and, thus, larger Federal deficits.

Many of the so-called loophole closers proposed by the Finance Committee would shift the tax burden onto individual taxpayers and especially the middle class.

Some of these proposals, many of which could be disastrous, include modification of income tax indexing, now scheduled to become effective in 1985. Inflation forces the middle class into higher marginal tax brackets, and the net result is less disposable income. Altering indexing will not hurt the wealthy. It will only injure the middle class.

The committee also proposes to defer or repeal the 15-percent net interest exclusion, scheduled to become effective in 1985. This savings incentive would allow an individual to exclude from taxation 15 percent of interest income—less interest expenses—up to a total of $3,000. This provision is intended to encourage saving. The net interest exclusion would benefit the middle class, not the wealthy, who already utilize a wide variety of tax shelters to reduce their taxable income.

In fact, with Senator MCCLURE and Senator SYMMS, I have introduced S. 1602, a bill to make the 15-percent net interest exclusion effective in 1983 and to include stock dividends in the formula.

Another option being considered by the Finance Committee is an increase in certain excise taxes. This will primarily hurt middle and lower income taxpayers. These are regressive taxes.

Finally, a 5-percent corporate surtax is an option under consideration. This would be a major blow to the economic recovery. What would corporations do if higher taxes were mandated? They would either pass this tax on to consumers in the form of higher prices, or it would cause companies to postpone future employment additions and capital investment. Ultimately, the consumer bears the cost.

I applaud Senator DOLE's call for an economic summit. However, the economic summit should only address the rapid growth of Government spending. We should focus on the evil of Government spending.

In fiscal 1983, entitlement programs consumed over 35 percent of the total Federal budget. Are we going to continue feeding this growth by raising taxes? That has not been the answer in the past, nor is it the answer in the future.

So it is important to bring together an economic summit but to concentrate our efforts on how we can reduce the growth of Government spending. Tax increases will not reduce the budget deficit.

Mr. DOLE. Madam President, we have been trying to get some information on this. I understand this is a sense-of-the-Senate resolution. I do not quarrel with the overall thrust. Again, I am not certain who determines it is going to be a ratio of 3 to 1. But there may be some record of that, and there may be some record in the debate on the TEFRA itself where that was stated. I have not even checked my own statement. But there may be some information there.

We did not really get the full $100 billion in revenues because we lost withholding, as the Senator from Wisconsin knows. That takes out about $8

billion or $9 billion, and the provision dealing with insurance companies fell about $1 billion or more short. So we are not talking about $100 billion, but probably much less on the revenue side.

Plus, the record should show that we added about $80-some billion in the 1981 act that the President did not ask for. Congress in its wisdom added about $80 billion in revenue losers to the bill. They are all very good amendments for the most part.

In addition, we did not adopt about $20 billion over a 3-year period that the President wanted in revenue measures. So that is another $100 billion I guess we could argue about, saying "But the President signed that bill," and I guess if we assumed in the 1983 budget resolution a savings of $283 billion, as I understand, that figure included about $107 billion in interest savings: Based on assumed lower deficits, and a decline in interest rates generally. An additional $47 billion was to be saved through administrative action, something not within control of Congress. That left about $126 billion to be achieved through congressional action, plus $98 billion in taxes.

So the 1983 budget resolution assumed about a 1.28-to-1 ratio of spending to taxes. If we added in the interest savings, and administrative savings, and congressional action actually taken to reduce spending, it would be about a 2.4-to-1 ratio.

Again, I assume we could all find some comfort in what we have either done or not done. My point is we should be addressing the budget deficit. The only way to address the budget deficit is to find a package that will satisfy a majority of this body and a majority of the Members of the House of Representatives and that would include primarily spending restraint but also some revenue changes, and it is still my view there are a lot of revenue changes that can be enacted that are not direct tax increases. If someone has a very good deal now, and we tighten it up a little bit and they have to pay a little tax, I assume that is a tax increase, but it is not an increase in the marginal rates.

There are a lot of things we think we can do on the tax side, even though it might have some impact on the economy, but there are many areas of tax loopholes that should be closed as recommended by the President in September 1981. We have not done all those things he recommended, whether it is a health care cap or whether it is other things.

I guess my point is that the important thing, as I see it, is getting a proper mix of spending restraint, and that is where I put my priorities, just as the Senator from Wisconsin and I think other Senators, but also some revenue changes to bring the deficit down.

I am more concerned with those, including the realtors and the homebuilders and the others who are already starting to be concerned about high mortgage rates at 13½ percent average across this country, and we are told by these same people that 14 percent is sort of the barrier. Last week, about 14 members out of the 20 members on our committee met with the Fed Chairman, Paul Volcker, and while I cannot quote Mr. Volcker I certainly gained the impression that responsible fiscal action would be very helpful to the economy and also give him a little more freedom on the monetary side.

So I cannot support the amendment, but I have no quarrel with the discussion. It seems to me that we can all stake out positions, but unless we face up to the deficit, it is not going to make much difference what the ratio is.

I voted against the budget resolution because it was all taxes, $73 billion, I think, in taxes, and I think a maximum of about $12 billion on spending restraint, and some of that was smoke. So it really was not $12 billion, and I share the frustration of the Senator from Wisconsin.

But I also believe that whether the White House wants to participate or not, we are going to have to hammer out some deficit reduction package in Congress because we have a responsibility.

The budget process is a congressional process. The President is not involved in it. And we have tried to meet some of our obligations in the Finance Committee. We cut spending almost twice as much as the Budget Committee recommended. We have also made savings in some of the measures that have been reported out of our committee, so we have done fairly well on the spending side.

On the revenue side, we have reported to the Budget Committee today a package of about between $12 billion and $13½ billion in revenues over a 3-year period. But again much of that is in areas that should be addressed.

So I hope that, while this debate may be helpful, the greater debate will be hopefully before we adjourn, as to how we reduce the budget deficit, bring down interest rates, sustain recovery, and put people back to work. And if it takes some revenues to do that, I do not think I am going to stand here and say we cannot do anything on the revenue side, we should do it all on the spending side. What the proper ratio should be, I think, is a matter of how we raise the revenue. If we are going out there and raise the marginal rates, which I would be opposed to, I am not so certain that a surtax is a good idea, but there has to be some ways to put together a revenue package that would take effect primarily in 1985 and 1986 that would not disrupt the economy recovery, that might underscore or strengthen the recovery, and that is what many of us hope we can put together, not just in the Finance Committee, because we do not have all the jurisdiction, but with the help of the Appropriations Committee and other authorizing committees.

But I must say I am willing to suggest that I believe in the Finance Committee we have the votes for a responsible package and if we focus on spending restraint as the No. 1 priority, and then turn to revenues, I am convinced there are enough Republicans and Democrats on that committee to report to the full Senate a responsible proposal.

Even though there has been something less than enthusiastic support from the President's advisers at the White House and perhaps the President himself, I do not believe the deficit is going to go away, not by speeches or any other thing, except legislative action.

So I hope that, while I share the concern of the Senator from Wisconsin, the sense-of-the-Senate amendment would not be adopted.

Mr. KASTEN. Madam President, I thank the Senator from Kansas for his statement in opposition to my amendment. He and I are both working together to shift the emphasis of this debate. I think in the last half hour to 45 minutes we, in the Chamber have begun to shift the emphasis of this debate from tax increases to spending reductions.

The Senator from Kansas and his Finance Committee have shouldered a disproportionate share of the burden of deficit reduction. In fact he has carried out their instructions to increase the revenues that were necessary. Congress, through things that were planned and some that were not, has increased spending. I say to the Senator from Kansas, that the assumed $100 billion from interest savings are due to lower interest rates—$55 billion—and to lower deficit projections—$45 billion. But, the latest projections for those deficits are higher.

All of us in the Senate are concerned about the dangers of a 13- or 14- or 15-percent prime rate of interest coming back again. I even think that 11½ or 12 percent prime is too high. If we could knock that rate down 1 or 2 points, we would be in a position to see the kind of expansion and growth that we need in the critical interest rate sensitive sectors of our economy, specifically homebuilding, construction, automobiles, and consumer durables.

Although the Senator from Kansas cannot support my sense-of-the-Senate resolution at this time, it is true that we both want to shift the emphasis of this debate to the spending side of the budget.

I ask unanimous consent to have printed in the RECORD some additional information that we have on the spending assumptions included in the first budget resolution for fiscal year 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESPONSE TO THE STATEMENT THAT CONGRESS ACTUALLY CUT $2.33 FOR EVERY $1 IN REVENUE INCREASED BY TEFRA

In estimating those savings, the budget reestimates for fiscal year 1983 that were adopted in the budget resolution for fiscal year 1984 were not included. The budget reestimates show that outlays in 1983 would be $43 billion more than originally assumed in the 1983 budget.

[In billions of dollars]

Outlays	Fiscal year—			Total
	1983	1984	1985	
Fiscal year 1983 budget	769.8	821.9	881.4	
Fiscal year 1984 budget	812.8	858.9	911.6	
Increase in 1984	43.0	37.0	30.0	110

In fact, the estimate does not include any budget or spending adopted after the end of last session.

The 3-for-1 promise assumed that over the fiscal years 1983 through 1985, we would cut approximately $300 billion in spending and raise approximately $100 billion in revenues. Congress passed TEFRA, which increased revenues by $98 billion—and the Omnibus Reconciliation Act of 1983, which reduced spending by $53 billion for fiscal years 1983 through 1985.

In calculating the $2.33-to-1 savings ratio, savings in fiscal years 1984 and 1985 were incorrectly assumed.

Those savings are actually assumed and not real, since:

(1) The Savings assumed for defense were in part based on lower OMB estimates of defense outlays, instead of the higher—and more accurate—CBO estimates.

(2) The defense, federal pay raise, and non-defense discretionary program savings assumed that the outyear savings would be achieved, even though appropriations are only done one year at a time.

The outyear estimates are: Defense, $18 billion; Federal pay, $21 billion; discretionary, $5 billion.

These savings were not reconciled last year. Since we have no way of knowing if they will really be achieved, they should not have been included.

(3) The estimates assume the Administration's action on management savings—$46.6 billion over fiscal years 1983 to 1985—which included debt collection, increases in outer continental shelf leasing, $3 billion in waste, fraud and abuse, surplus property disposal, etc.

Yet these savings have not actually been achieved.

(4) Of the $2.33 assumed in savings, $100 billion comes from net interest savings. Approximately $55 billion is due to lower rates, and $45 billion is due to lower deficits. Given the increase in deficit projections from fiscal year 1983 to fiscal year 1984, how can this not hold true.

The interest savings are also based on the assumption that 85 percent of the savings in the resolution were achieved. Given the points just made, this, too, cannot be true.

Mr. BAUCUS. Madam President, I do not intend to prolong this debate unnecessarily, but I think it is important to clarify the facts just a little bit here.

The Senator from Wisconsin earlier suggested that a document he was introducing to the RECORD would substantiate his view that Congress pledged to reduce spending by three times more than it raised revenues. The documents he had in mind, at least so far as this Senator, is aware, is essentially a "wish list" passed out by the Budget Committee for fiscal 1983.

Madam President, I think the best evidence of what Congress had in mind with respect to fiscal 1983 is the reconciliation conference report Congress actually adopted. Under that document, the Congress agreed, for the period from 1983 to 1985, to reduce spending by $27 billion and to raise revenue by $98 billion. That is approximately a 3-to-1 ratio in the other direction; that is, it would increase revenue by three times the amount it would reduce spending.

Furthermore, Madam President, as this Senator indicated not too long ago, with respect to the present budget resolution Congress operates under, the Budget Committee has asked the committees to reduce spending by $12 billion and increase revenue by $73 billion. Again, solid evidence of what the Congress has pledged to do.

I only mention this, Madam President, because I want to set the RECORD straight here as to what Congress has, in fact, pledged to do, as compared with what somebody's assumptions were of what Congress pledged to do.

Madam President, I ask unanimous consent that an excerpt from that conference report dealing with the first concurrent budget resolution for 1983 be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT FROM SENATE REPORT 97–478, THE CONFERENCE REPORT ON THE FIRST CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1983: CONFERENCE SUBSTITUTE RECONCILIATION INSTRUCTIONS—SENATE COMMITTEES

[In millions of dollars]

	Fiscal year—							
	1983		1984		1985		1983–85	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Spending reductions:								
Agriculture	−779	−779	−1,083	−1,083	−1,428	−1,428	−3,290	−3,290
Armed Services	−213	−213	−693	−693	−1,231	−1,231	−2,137	−2,137
Banking		−695		−697		−687		−2,079
Commerce	−4	−4	−15	−15	−27	−27	−46	−46
Finance	−1,106	−4,429	−1,444	−5,564	−1,740	−5,976	−4,290	−15,969
Foreign Relations		−2	−2	−8	−4	−15	−6	−25
Governmental Affairs		−374	−240	−1,053	−534	−1,793	−774	−3,220
Veterans' Affairs	−77	−77	−155	−155	−155	−155	−387	−387
Total spending reductions	−2,179	−6,573	−3,632	−9,268	−5,119	−11,312	−10,930	−27,153
Revenue increases:								
Finance		+20,900		+36,000		+41,400		+98,300
(User fee portion)		(+900)		(+1,000)		(+1,400)		(+3,300)
Total reconciliation instructions		−27,473		−45,268		−52,712		−125,453

Mr. KASTEN. Madam President, I, too, do not want to prolong this discussion or debate. I do want to point out to the Senator from Montana that the numbers he picked were the reconciled deficit reduction measures. But when we passed the first budget resolution, it was not just the reconciled numbers that we were voting on. We were voting on overall spending and revenue totals with the goal of lower deficits in mind.

The Senator is exactly right. We only reconciled a small portion of what we intended to, in fact, cut. And that is the point. We got every single dollar of the tax increases, and we reconciled a very small percentage of the suggested spending cuts. That is the problem. Had we gotten the spending cuts that were suggested as well as the revenue increases, this sense-of-the-Senate resolution would not be before us today.

Mr. HECHT. Mr. President, I rise today as a strong advocate and cosponsor to the amendment offered by my

good friend and colleague, Mr. KASTEN. The resolution brings into focus the responsibilities that Congress must continue to address.

When President Reagan came to Washington in 1981, sky-high interest rates, uncontrollable inflation, excessive Government spending, and too high taxes were the unfortunate facts of life. No real relief seemed imminent. I can tell you that as a small business man at the time, things could not have been worse.

As the President gradually exerted his considerable will on Congress, his economic program slowly but surely reversed the trends set in the past. To the begrudgement of his critics, the President, along with many in Congress, was able to reduce interest rates by almost half, cut Government spending, and nearly eliminated inflation. Taxes, which had consistently been raised to pay for a free-spending Congress, were reduced, putting money back into the pockets of the individual American. Today, though we are still not out of the woods, we are finally on our way to the strong economic recovery.

We cannot buckle in the face of our responsibilities. We in Congress must continue to make the necessary adjustments needed to maintain and enhance the current recovery so as to build a strong foundation for future generations. The true issue of fairness will be the passing on of a solidly based economy.

Mr. President, I join with my colleagues in expressing opposition to the current proposals to reduce the deficit. These proposals rely too heavily on revenue enhancements, which no matter how you try to disguise it still means a tax increase. Unfortunately, we have yet to see any real progress on spending restraint.

It is for this reason that I strongly endorse the amendment before us and urge my colleagues to join in passing this important restatement of our resolve to live up to our difficult responsibilities.

Mr. DOLE. Madam President, as I understand it, if there is no further debate, the Senator from Illinois is prepared to propose an amendment. We notified Senator WALLOP, who has an interest in that amendment. Perhaps I could suggest the absence of a quorum while he is on his way to the floor.

Mr. DIXON. I would be prepared to proceed, I say to the manager, if you think he is on his way.

Mr. DOLE. Why do we not do that? Is there some agreement to have the vote on this amendment?

Mr. LONG. Mr. President, I discussed this matter with the majority leader. At the moment, we have no agreement.

I would have no objection to agreeing that after we dispose of the Baucus amendment, we then turn to the Kasten amendment. But the majority leader indicated that if we are not going to have an agreement as to a precise time of voting on one amendment, he would just as soon not agree to a precise time to vote on another amendment.

I suggest that at 5 o'clock, if the Senate is ready to vote, we vote on the Baucus amendment. After that, we can talk about the Kasten amendment and we can vote on that when we are ready.

Mr. DOLE. I think that is a good suggestion.

I ask unanimous consent that we may temporarily lay aside both the Baucus and Kasten amendments and move on to the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I was just informed about a half-hour ago that the Senator from Florida, Mr. CHILES, wanted to speak on the Kasten amendment. I do not know whether he wants to speak now.

Mr. DOLE. Under the procedure, he would be able to speak after the vote on your amendment.

Mr. BAUCUS. I am informed that is fine with the Senator from Florida.

AMENDMENT NO. 2465

(Purpose: To amend the Internal Revenue Code of 1954 to limit the amount of severance taxes imposed by States on oil, natural gas, and coal)

Mr. DIXON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment numbered 2465.

Mr. DIXON. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the joint resolution, add the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Severance Tax Equity Act of 1983".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds—

(1) the Federal decision to allow the price of domestic crude oil to rise to the world price has unintentionally contributed to fiscal disparities between States, as a few energy-producing States seek to gain the greatest possible economic advantage from their positions as net energy exporters, at the expense of the other States;

(2) severance tax revenues in some States greatly exceed the amount necessary to recover the public costs attributable to the economic activity being taxed; and

(3) excessively high severance taxes constitute a burden on interstate commerce.

(b) PURPOSE.—The purpose of this act is to impose an effective and reasonable limit on State energy severance taxes on certain minerals.

SEC. 3. LIMITATIONS ON CERTAIN STATE SEVERANCE TAXES.

(a) IN GENERAL.—Notwithstanding any other provision of State or Federal law, the aggregate revenues from State severance taxes imposed by any State (and any political subdivision thereof) with respect to crude oil, natural gas, or coal transported outside such State in any State fiscal year shall not exceed the costs incurred by the State (and any political subdivision thereof) during such fiscal year which are directly attributable to the production within the State of crude oil, natural gas, or coal, as the case may be.

(b) ENFORCEMENT.—

(1) IN GENERAL.—

(A) ACTION BY ATTORNEY GENERAL.—The Attorney General may bring a civil action against any State (or any political subdivision thereof) which is in violation of subsection (a) in any appropriate district court of the United States.

(B) ACTION BY TAXPAYER.—Any person who has paid a State severance tax which is imposed by a State (or any political subdivision thereof) in violation of subsection (a) may bring a civil action against such State (or political subdivision) in any appropriate district court of the United States.

(2) RELIEF.—The district court of the United States shall have jurisdiction to grant such relief (including injunctive relief) as may be appropriate in any action brought under paragraph (1).

(3) BURDEN OF PROOF.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the burden of proof in any action brought under paragraph (1) shall be upon the petitioner to prove that the aggregate revenue from the State severance tax imposed by the defendant during the State fiscal year exceeds the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(B) RATES IN EXCESS OF 1978 LEVELS.—Upon introduction of evidence in any action brought under paragraph (1) that the rate of the severance tax imposed by the defendant during the State fisal year exceeds the higher of—

(i) the adjusted 1978 State tax rate for such State for such fiscal year, or

(ii) the adjusted 1978 national average tax rate for such fiscal year,

the burden of proof in such action shall be upon the defendant to prove that the aggregate revenue from such severance tax for such fiscal year does not exceed the costs incurred by the defendant during such fiscal year which is directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(c) ADJUSTED 1978 STATE TAX RATE; ADJUSTED 1978 NATIONAL AVERAGE TAX RATE.—For purposes of this section—

(1) IN GENERAL.—The terms "adjusted 1978 State tax rate" and "adjusted 1978 national average tax rate" mean the 1978 State tax rate, or the 1978 national average tax rate, as the case may be, plus an amount equal to—

(A) such tax rate, multiplied by

(B) the inflation adjustment for the State fiscal year involved.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

(2) 1978 NATIONAL AVERAGE TAX RATES.—The term "1978 national average tax rate" means, with respect to crude oil, natural gas, or coal—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by all States (and all political subdivisions thereof) during State fiscal years ending with, or within, calendar year 1978, divided by

(B) the aggregate quantity of such natural resource determined under paragraph (5) to have been produced from within all States during such fiscal years.

(3) 1978 STATE TAX RATES.—The term "1978 State tax rate" means, with respect to crude oil, natural gas, or coal produced from a State—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by such State (and any political subdivision thereof) for the State fiscal year ending with, or within, calendar year 1978, divided by

(B) the quantity of such natural resource determined under paragraph (5) to have been produced from within such State during such fiscal year.

(4) INFLATION ADJUSTMENT.—The inflation adjustment for any fiscal year is the percentage by which—

(A) the first revision of the implicit price deflator for the gross national product for the third calendar quarter of the calendar year ending with, or within, the State fiscal year preceding such fiscal year, exceeds

(B) such deflator for the calendar quarter ending December 30, 1979.

(5) SECRETARY OF ENERGY DETERMINATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Energy shall determine (and publish in the Federal Register) with respect to crude oil, natural gas, and coal—

(i) the amount of State severance taxes collected by each State (and all political subdivisions thereof) during the State fiscal year ending with, or within, calendar year 1978 for each such natural resource, and

(ii) the quantity of each such natural resource produced from within such State during such fiscal year.

(B) CENSUS DATA.—The Secretary of Energy shall base the determinations under this subsection on data which the Director of the Bureau of the Census shall provide, unless the Secretary finds that more appropriate information is available from an agency hearing described in subparagraph (C).

(C) PROCEDURES FOR DETERMINATIONS.—The Secretary of Energy shall make the determinations under this paragraph on the record after an opportunity for an agency hearing under section 554 of title 5, United States Code.

(D) JUDICIAL REVIEW.—

(i) FILING OF PETITION.—At any time before the 60th day after the date on which any determination is published under subparagraph (A), any person may file a petition with the United States Court of Appeals for the circuit in which such person resides, or has his principal place of business, for judicial review of such determination. A copy of the petition shall be transmitted by the clerk of the court to the Secretary of Energy. The Secretary of Energy thereupon shall file in the court the written submissions to, and transcript of, the written or oral proceedings on which the determination was based as provided in section 2113 of title 28, United States Code.

(ii) JURISDICTION.—Upon the filing of the petition referred to in clause (i), the United States Court of Appeals shall have jurisdiction to review the determination in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(iii) APPEALS.—The judgment of the United States Court of Appeals affirming or setting aside, in whole or in part, any such determination shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(iv) LIMITATION.—Any determination of the Secretary of Energy under this paragraph shall be subject to judicial review only in accordance with the provisions of this subparagraph.

(6) UNITS OF MEASURE.—The 1978 State tax rate and the 1978 national average tax rate determined under this subsection shall be—

(A) per barrel, in the case of crude oil;

(B) per Mcf, in the case of natural gas; and

(C) per ton, in the case of coal.

(d) DEFINITIONS.—For purposes of this section—

(1) STATE SEVERANCE TAXES.—The term "State severance tax" means any tax or fee established by any State (or any political subdivision of a State) and levied on, measured by, or otherwise imposed with respect to crude oil, natural gas, or coal produced in such State. Such term does not include any income, sales, property, or any other similar tax or fee if such tax or fee—

(A) applies with respect to a broad range of business activities or types of property, and

(B) does not result in a significantly higher rate of tax or fee than is generally applicable to the other activities or property with respect to which it is imposed.

(2) STATE.—The term "State" includes the District of Columbia.

(3) CRUDE OIL.—The term "crude oil" includes a natural gas liquid recovered from a natural gas well in lease separators or field facilities.

(4) NATURAL GAS.—The term "natural gas" means any product (other than crude oil) of an crude oil or natural gas well; except that such term shall not include any geothermal energy.

(5) COAL.—The term "coal" includes lignite.

(6) BARREL.—The term "barrel" means 42 United States gallons.

(7) MCF.—The term "Mcf" refers to 1,000 cubic feet of natural gas measured at a pressure of 14.73 pounds per square inch (absolute) and a temperature of 60 degrees Fahrenheit.

(8) TON.—The term "ton" means 2,000 pounds. (e) Effective Dates.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the limitation provided by subsection (a) shall take effect 1 year after the date of enactment of this Act.

(2) 2-YEAR PERIOD FOR STATES IN EXCESS OF LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any State (or any political subdivision thereof) in which any State severance tax on crude oil, natural gas, or coal would otherwise exceed the limit under subsection (a), such limit shall not be applicable with respect to such tax at any time during the 2-year period beginning on the date of the enactment of this Act.

(B) EXCEPTION IF TAX IS MODIFIED DURING 2-YEAR PERIOD.—Subparagraph (A) shall cease to apply to any State severance tax if the rate at which the tax is imposed on the date of enactment of this Act is revised by the State or political subdivision involved.

Mr. DIXON. Madam President, the amendment I am offering effectively prohibits States from imposing excessively high severance taxes on coal, oil, or natural gas. It is identical to S. 463, the Severance Tax Equity Act, which I introduced earlier this year.

Over the past decade, the United States has seen the price of energy rise dramatically. Energy prices are an increasing burden on American business, and on the average working men and women of this country. Increasing numbers of Americans have to worry whether they can afford the gas to commute to work, to look for jobs, or even to heat their homes this winter.

The recent recession we are only now recovering from had a significant impact on most State and local governments. They were and are caught in a squeeze between revenue sources that rise slowly, if at all, and ever increasing needs. The result is an increasing inability to continue providing necessary governmental services.

In my own State of Illinois, for example, the recession has meant that the State's infrastructure continued to deteriorate, and that substantial increases in State taxes were needed. Illinois needs over $1 billion more annually than it raised in 1982 just to maintain its investment in highways and transit systems. Education needs and social services are increasingly jeopardized.

The revenue sources of eight States, however, seem to be relatively unaffected by current economic conditions. In 1981, Alaska's tax revenue rose by 51.3 percent; New Mexico's by 30.3 percent; Oklahoma's by 24.2 percent; North Dakota's by 21.9 percent; New Jersey's by 21.6 percent; Wyoming's by 19.2 percent; Texas' by 17.9 percent, and Louisiana's by 17.5 percent. Except for New Jersey, which has rapidly growing tax revenues from Atlantic City casinos, these are all States with significant severance tax revenues.

In 1981, State severance tax revenues rose by an astonishing 53 percent.

Think of it. With a revenue resource that rose by 53 percent annually even as the economy was sliding into the depths of a recession, Congress would have no difficulty at all in balancing the budget. The severe budgetary problems that generated the support for a constitutional amendment to balance the budget would disappear.

Severance tax revenues, however, currently accrue solely to the States. Unfortunately, this resource is not available to all States. In fact, over 85 percent of severance tax revenues go to only 8 of the 50 States. For these lucky few, severance tax revenues are a major component of State finances. Fifty-one percent of Alaska's revenues comes from severance taxes, while seven other States—Louisiana, Montana, New Mexico, North Dakota, Oklahoma, Texas, and Wyoming—derive more than 20 percent of their revenues from this source.

There has been much discussion about whether or how much the burden of severance taxes is shifted to the citizens of States that buy, rather than produce, energy. Economists do not agree on that answer.

Now, I am not an economist, Mr. President. But it seems to me this question of the economic burden that might or might not be created by severance taxes is not exactly the most important one we ought to address.

The most important question before us is whether we are going to treat our natural energy resources as truly national resources, or whether we are going to let them be controlled—and make no mistake about it, the power to tax is the power to control—by States which, through an accident of geography, are the sites of our energy supplies.

I say those natural resources are national resources, and it is clear we are not now treating them that way—not when one State can raise 95 percent of its revenues by various energy taxes, and when nearly all of that energy is consumed in other States; not when citizens of many States pay large annual State income taxes, while those in some severance tax States pay none.

No, the time has come for a national approach to this most vital issue.

Illinois is a major coal producing State. It has no severance tax at the moment. However, evolving market conditions could soon make it very attractive for my State to impose a severance tax on coal.

And coal is not the only resource on which a severance tax can be imposed. Governors in the Great Lakes States have been seriously discussing imposing a severance tax on Great Lakes water that could, in the future, be piped to water-starved western and southwestern parts of our country. I have seen newspaper accounts indicating that the Midwest could be the future OPEC of water.

I find that idea disturbing, Madam President. The United States is much more than a collection of 50 States. It is a Nation. It cannot and should not let control over what are truly national—not just natural—resources, be decided principally by the individual States.

I believe that States are entitled to tax economic activity within their borders. Our Constitution makes it clear that they have that right. I have no quarrel with the desire of States to impose limited severance taxes to compensate for the impact of energy production activities on the State. However, I do not believe States should be able to impose severance taxes that raise revenues far in excess of the amounts needed to recover those costs.

The amendment I am proposing today, therefore, prohibits States from imposing severance taxes on coal, oil, or natural gas, except to recover the public costs directly attributable to the energy extraction activities. This legislation does not prohibit States from taxing energy activities in other ways. States would continue to be free to impose income taxes, sales taxes, and other taxes that other businesses pay. Further, this legislation does not affect in any way the States' right to collect royalty income in appropriate situations. However, it will effectively prevent use of the severance tax mechanism to raise revenues for general government and other unrelated activities.

The amendment does not impose a numerical test; it does not attempt to dictate that severance taxes above a particular level are, per se, excessively high. It does establish a standard, a standard that is both flexible and reasonable. It permits States to impose severance taxes to raise amounts sufficient to recover the direct public costs attributable to the energy extraction activity. For example, States would be able to impose severance taxes to recover the costs of necessary highway upgrading or of new sewer lines needed to service the energy extraction facilities.

The amount necessary to recover associated public costs will vary from State to State and make a single national standard inappropriate. The test in the Severance Tax Equity Act will permit States to respond to their own unique circumstances, while insuring that energy activities are not singled out to bear a disproportionate share of the necessary costs of government and that energy activities are taxed in a nondiscriminatory way.

The related to public costs test is not without problems. An inventive State could try to contend that many activities that most reasonable people would believe are unrelated to the energy activity were somehow distantly related and therefore should be covered by the severance tax. Years of litigation could result, as clever States tried to stretch the standard to its limits—and beyond.

Therefore, the amendment established a presumption that State severance taxes above their own 1978 level, or the 1978 national average, whichever is higher, are not related to the energy activity. A State would have to bear the burden of demonstrating that revenues above the 1978 level, adjusted for inflation, were necessary to cover directly attributable costs. 1978 was chosen because it reflects the level of taxation States felt was necessary before decontrol of oil prices began in 1979.

In my own view, it is possible, and perhaps even likely, that even the 1978 level could be too high. However, for taxes below the 1978 level, the Federal Government or the party paying the tax would have to prove that the tax was excessive.

I believe, Madam President, that energy severance taxes in some States have risen to a level that constitutes a burden on interstate commerce. My amendment will eliminate that burden, insuring that State severance taxes are related to the public costs directly attributable to energy activities.

This legislation addresses the core of the severance tax issue, but does not attempt to address the numerous related issues. For example, it does not impose a Federal severance tax or create or increase any other Federal energy tax.

I believe a strong case can be made for a new Federal energy tax. However, resolution of that important issue can proceed separately from the State severance tax preempton issue. Further, a new Federal tax is likely to be extremely controversial, and could impede action on the State severance tax limitation question.

Madam President, I realize this proposal is controversial and that there are many that will oppose it, even though it does not call for a new Federal tax. I think it is worth remembering, however, that one of the major reasons the 13 Colonies came together to form the United States after the Revolutionary War was to form a customs union, to insure the free and unfettered flow of trade between and among the States-to-be. I think that objective was a sound one, and that it remains sound today.

Unrestricted severance taxes by the States have the potential to undermine the free flow of trade among the States, and to incite regional strife. Uncapped, these taxes work contrary to the interests of the Union. We do not have to look very far to see the unfortunate consequences caused by placing State or regional interests above the national interest.

I think it is imperative, therefore, to enact this legislation, and to enact it quickly. Our energy resources are part of our national treasure, and their benefits should be shared by the entire Nation.

I am under no illusions about the outcome of a vote on this issue here today. I am offering this amendment here today, however, because I think it

is time for the Senate to begin to think seriously about this issue. State severance taxes raise public policy issues of the greatest importance. We should begin the process of examining those issues in a comprehensive but expeditious manner.

I hope, therefore, that my amendment will stimulate my colleagues to think seriously about this issue. This matter needs and deserves the Senate's closest attention.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, in my judgment, the amendment offered by the Senator from Illinois is one of the most pernicious attempts to divide this country that I have seen in a long time. This amendment simply, directly, and severely limits the revenue-raising power of States.

No power could be more fundamental to a State. When our Constitution was drafted, our Founding Fathers wisely established a form of government in which the Federal Government could bring continuity, cohesiveness, if you will, togetherness, to the many States. Specifically, article I of the Constitution, the interstate commerce clause, gives Congress the power to regulate interstate commerce.

But our Founding Fathers also provided, in the 10th amendment, that States have the authority to control their own destiny. That authority included the power to raise revenue. In fact, in the Federalist Papers, Alexander Hamilton, arguing for the adoption of the Constitution, said that States' power to raise revenues is essential, because if they lack that power, they really have no power at all.

Mr. President, let me read exactly what Alexander Hamilton said:

> The individual States should possess an independent and uncontrollable authority to raise their own revenue for the supply of their own wants and should retain that authority in the most absolute and unqualified sense.

Madam President, if, as Hamilton said, the individual States should possess the independent and uncontrollable power to raise their own revenues to supply their own wants, and if they should retain their authority in an absolute and unqualified sense, then this amendment would directly contradict what Hamilton said, by directly limiting the States' power to raise revenue. And if Congress begins to go down that road, then sooner or later all States' authority may be severely undermined.

Madam President, that is why this amendment sets a pernicious precedent. Now, it is aimed only at one form of raising revenue—severance taxes on energy resources. But who is to say that if this amendment were to become law, some other amendment might not be offered some other day restricting State sales taxes, State individual income taxes, State corporate taxes, any of the various taxes a State may choose to use to support State functions?

This amendment really says, "Watch out, States, here we come. Whether you are an energy-producing State like Montana, Alaska, Oklahoma, Louisiana, California, Texas; whether you are a sunshine State, like Florida; whether you are a New England State; or whether you are the State of Illinois, watch out. Here we come to limit your ability to raise revenue."

Furthermore, Madam President, this amendment overlooks the simple fact that different States are different. Some are resource States; some have other advantages. For example, some are sunshine States and raise substantial tourist-derived revenue. Others are port States and enjoy the advantage of convenient transportation and productive commerce.

Madam President, what I am saying is that different States have different advantages and therefore must raise revenue in different ways. That is why it is important to leave States the power to raise revenue however they think most appropriate.

The State of Illinois has sales taxes and other forms of taxes that the State of Illinois, in its wisdom, thinks are appropriate. Other States have other mixtures of taxes. Given these differences, it would be absolutely wrong for us to tell a State, "No, you have to limit that tax," even though that may be one of the only ways that State can raise revenue. Certainly it would be wrong to say that. And certainly it would be inconsistent with the intent of the Founding Fathers.

Madam President, this amendment, if adopted, is going to incite a war among States—not just between North and South or East and West, but among all States.

Madam President, the Senator from Illinois has suggested that already there is an unfair burden on interstate commerce because of the severance taxes. However, the U.S. Supreme Court has already addressed that issue, just a couple of years ago, in the Commonwealth Edison against Montana case. The question there was whether the severance tax of the State of Montana burdens interstate commerce.

The Supreme Court answered that question. Montana's severance tax, it said, does not burden interstate commerce. The Court did hold out the possibility that, at some later date some severance tax might violate the interstate commerce clause. But Montana's does not. So not only is Montana's severance tax constitutional, but this amendment's limitation on that tax might be unconstitutional, as I said earlier, under the 10th amendment.

Now, Madam President, I can stand here forever giving all the reasons why I think we should not adopt this amendment. I may need to do so at a later date. But, Madam President, let me make a couple of points before I close.

The underlying assumption of the pending amendment is that all those blue-eyed Arabs out there or those American ayatollahs out there in energy-producing States are taking unfair advantage of energy-consuming States because some energy-producing States have severance taxes on their coal or on their oil or natural gas. Madam President, to the degree that Americans are paying high utility bills, it is not because of the severance taxes that the State of Montana and other States levy. In fact, Madam President, the largest percentage, the biggest portion by far of a consumer State's utility bills is attributable to the transportation costs, the costs that railroads charge, and to the production costs and not to State severance taxes. Let me present some figures that document this.

If one looks at 1980 figures, the latest year for which this Senator has data available, with respect to the charge for Central Illinois Light, 62 percent of the delivered price of that coal is attributable to transportation cost, whereas only 7 percent of that total cost is attributable, say, to the severance tax of the State of Montana. Sixty-two percent for rail transportation costs, 7 percent for Montana's coal severance tax. The fact is that rail transportation costs have doubled or tripled in the last several years. That is the primary reason why utility bills have been going up in the Midwest and southern parts of the country that consume coal. Our modest severance taxes are not to blame.

Madam President, I can go down the list of other utilities whose proportionate cost is the same; that is, much higher on the transportation side and much, much lower on the severance side. They include Commonwealth Edison: 52 percent for transportation costs, 10 percent for severance tax. There is another one, Interstate Power: 69 percent transportation cost, 6 percent for severance taxes.

I will not burden the Senate with going down the entire list, but every State on this Senator's list is in the same category.

Finally, Madam President, one more point.

The PRESIDING OFFICER (Mr. GORTON). The Senator is informed that there is no longer a Madam President in the chair.

Mr. BAUCUS. The Senator thanks the Chair. The Senator is so wrapped up in this argument he did not notice

the change in Presiding Officers. This Senator is focusing on attempting to convince the Senator from Illinois.

But, finally, Mr. President, it is interesting to look at the total taxes that are applied to a consumer's energy bill by all levels of government. If the Senator from Illinois does not mind, let us take the State of Illinois. In the State of Illinois—again, the figures are 1980—if one looks at the Illinois consumer's energy tax dollar, Illinois State and city sales taxes amount to about 23 percent of the total, or about $1.72 on a monthly utility bill. State income, property, and other taxes in Illinois amount to 48 percent of the total tax bite. Federal taxes account for 25 percent. What is attributable to Montana's severance tax? Two and a half percent.

So, if one looks at the total taxes levied that are passed through to an Illinois consumer's utility bill——

Mr. DIXON. Would my friend from Montana yield for a question?

Mr. BAUCUS. In just a minute—let me repeat, a quarter of that total tax is State and city sales taxes; half of that total tax is State income, property, and other taxes; one-quarter is Federal taxes on fuel utilities; and only 2.5 percent is attributable to a severance tax in the State of Illinois.

Mr. DIXON. I hesitate to interrupt such a fine speech, if I could ask one question of my dear friend.

Mr. BAUCUS. I would be glad to yield.

Mr. DIXON. Would the Senator from Montana understand, though, the concerns of those in Illinois so heavily taxed, as the Senator has already suggested, who pay all these massive taxes for the support of their own educational institutions, their governmental entities and all of the other services rendered by the State and then who send on to the Federal Government its tribute but still are required to give to the Senator's State of Montana 2½ percent for a government we have no business with.

What I would quarrel with is that we not only support Illinois and the United States, but we support Montana, and Wyoming, and Louisiana, and Texas, and those other energy-producing States. The Senator is a strong and a forceful opponent whose arguments are profoundly persuasive, but what I would quarrel about is that Illinois supports not only their own State government and not only their Federal Government but they support the energy-producing eight States as well.

Mr. BAUCUS. The Senator from Montana understands the point of the Senator from Illinois. But this Senator hopes that the Senator from Illinois also understands that all of us in the country, in every State, also help support Illinois. That is, the State of Illinois exports income taxes, it exports sales taxes, and it exports corporate taxes on products produced in the State of Illinois which are exported out of the State of Illinois which all the rest of America buys. Therefore, when those taxes are levied in the State of Illinois and when those companies then increase their prices to pay for those taxes, Montanans who buy Illinois products are supporting the State of Illinois by helping to pay those taxes.

I might suggest to the Senator from Illinois that probably all of us in the rest of the country are paying a lot more to the State of Illinois than is Illinois paying to the State of Montana with severance taxes. All States export their taxes. In fact, this was the issue that was presented before the U.S. Supreme Court just a couple of years ago when the Supreme Court said that Montana's coal severance tax is constitutional. As the Court pointed out, Montana levies the tax on everyone equally; it does not discriminate. That is, that severance tax is felt by Montana citizens, and it is felt by other citizens indiscriminately across the country. It is not an unfair tax. And I daresay, if Illinois treats Americans the same way Montana does, it, too, is acting fairly and does not violate the relevant constituitonal provisions. But Illinois does raise revenue. It taxes citizens to support Illinois services, but because many of those taxes are exported out of the State, all of us in the rest of the country are paying for Illinois' services.

Mr. President, I see the distinguished Senator from Wyoming on the floor seeking recognition.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I will not be long.

I have to tip my hat to my colleague from Illinois for having carefully, even lovingly, concocted the most unconstitutional approach to States' taxation and their privileges of doing it since the founding of this country. Not that I have never seen it, because I have seen it before.

The Senator says this needs and deserves the Senate's closest attention. I have been here nearly 7 years, and I do not recall the year in which it has not been contested. We have given it a considerable amount of attention over the course of time.

The Senator speaks of our accidents of geography. We are all living in a place that is some kind of accident of geography. Surely, the Senator will agree that the great farmland which is the envy of any farmer in Wyoming is an accident of geography that greatly benefits his State, as does the lake upon which most of its northern border resides, as do the beaches of southern California or Florida, as do the harbors in New York, or Massachusetts, or Maryland, or San Francisco.

All those things put some kind of undemocratic benefit on the people who reside there, because not all the people in America get to share in each of those assets. But surely the Senator would not have us tax San Francisco Bay, or the Massachusetts fishing industry, or for that matter the lakes, canals, and rivers of Illinois. We would not in any way seek to limit those, so long as they met the test the Senator from Montana just stated, that they taxed their own citizens as much as they do those in other parts of the country.

We are taxing those things in a reasonable way now.

The Senator says it is bordering on unconstitutionality and certainly is irresponsible, even if not unconstitutional. Let me say that in Wyoming, one of the reasons our severance tax is such that it is, is that a long time ago in Wyoming we began to tax minerals, all minerals, when they were severed, not in situ, although in the case of coal especially, you can pretty well define an ore body and attribute some value to it and tax it through county ad valorem taxes.

But the problem with that is that when an industry begins to hit hard times, as it has, you put it out of business, as well as all the people who work there, if you tax it when it is not being produced. We could do that. We could comply with the Senator's proposal limiting it to the 1978 tax. We have not raised those taxes since 1978.

However, when we wanted to or had to take care of some perceived public need that was voted by our citizens in their legislature, we would move it to an ad valorem tax, which is not good for America, and certainly not good for those industries. It is certainly not good for employment, and is a sort of devious way to get to the same point you would prohibit us from doing, and I do not think that helps a bit.

The Senator from Montana made the case that Illinois gets more money from Montana coal than does the State of Montana. That would be true for the State of Wyoming.

I make one other point: As to the issue of severance taxes, I hope the Senator understands why it is done. You can tax your labor, your productive farmland, and the product that comes off it, and they are likely to do that so long as there is a country of America, so long as there is production off those farmlands, so long as those events take place. We have what we have when we have it.

In the case of an extractable mineral, it is there. It is part of what makes our schools run now. But those schools and other things will be there, and the demand for their services will be there when that product is gone. We cannot

reach back and tax something that happened 10 or 20 years ago. That is where severance taxes come. It is part and parcel of our State's future heritage that is being spent on your present needs. As you consume that coal, oil, gas, and other minerals, they are coming out of our bank account to satisfy the present needs of the constituents of the Senator in Illinois, or Washington State or Massachusetts, or wherever. They are momentary uses of a product that we will never be able to reach and tax again.

It is not an excuse for exorbitant taxes. Montana has passed a constitutional test in the Supreme Court.

All I am suggesting to the Senator is that, while I do not quarrel with what he feels, I believe that if he were to think through the process, the people in Wyoming, Montana, and any other State where you have a finite mineral which is being extracted for the present benefit, the present people who are sacrificing their future to the present benefit of the country, are entitled to a reasonable level of taxation on it.

Our energy growth has not been without cost. We were an agricultural State whose second industry was tourism—mountains, rivers, camping, the great outdoors. We changed overnight, in less than a decade. In 5 years, we grew 46 percent, satisfying the energy needs of a hungry country whose industry could not function because of Arab oil boycotts and other things.

Wyoming's schoolchildren, who had been in one-room schoolhouses, suddenly found that one-room schoolhouse had 18 trailers sitting around it, while new families of mineral workers or construction workers for energy projects joined them, trying to go to school.

We had towns that grew 150 percent overnight. No police. We could not come and apply to the Federal Government for new sewers, because the law then said that you could not have a sewer grant under EPA unless your sewer was over capacity. You knew it was going to be so in 3 months, but you could not apply until the damn stuff was running down our streets, and then we found ourselves slandered by CBS and other network programs across this country for boomtown existences.

We put a severance tax in to deal with those problems. We got some of the most innovative response to what has since become called impact that this country has ever seen. We did it with our own stuff, because there was not even a Federal program that could conceive of it. That is where it came from. We did it ourselves.

We put together mobile classrooms that could move to places whose school census changed between Christmas and Lincoln's Birthday by 100 percent, and we could move it there and take care of our own problems.

We have been trying to get energy-impact legislation through this place since I have been here. Most of it would be incompetent if it did pass. What we have done with our money is take care of our problems.

The Senator says we are taking it from the rest of America. We are not. We are doing what the rest of America should do and did not do, but we have been doing it ourselves.

I am just suggesting that while I do not quarrel in any way with the Senator's motives of this, I think his understanding of what we have done and what we are doing with these taxes is clearly wrong. It is not a mean thing that he seeks to do. I mean it appeals to some kind of a feeling when you look at revenues and not the demand on those revenues.

Who, I ask the Senator from Illinois, takes care of the police and the fire on the Federal lands? The citizens of Wyoming police the BLM lands, take care of the fishing and hunting licenses, and other things, on the public land, the national forests. Our fire department and other services go fight fires for the BLM in many instances and with them in other instances, but all of that is something that we are required to do.

We build the road to the new mine and we maintain it. There is no Federal money for that. It comes out of the hide of the taxpayer of Wyoming unless there is a resource tax to take care of it. We have done that.

I apologize to no one for the taxes that my State has laid down. Yes, we have put together a trust fund responding to the very kind of need that I said we were doing in the first place. We were taking what we presently have as Wyoming children and citizens bank accounts for an immediate need of the country, and we are putting it into an interest bearing account so that our schools, our colleges, our hospitals, and other things can continue to exist

When the day comes as it always does, when the miner says, "The hole is deep enough for me," and walks away and leaves us with the kind of requirements that we have in the future to be funded out of something that has taken place today and will not be there in the future, we will one day slip back into some other kind of economy. We cannot be in a mineral economy forever. That is the nature of it.

While I do not quarrel with the Senator's reason for his amendment, but I do quarrel with what it would do to people who have done their best to respond to the insults of an insensitive press in the country and to respond to the problems that an insensitive government created with its desperate desire to get the minerals out so quickly, and I do not quarrel with that desire. We needed it as a country. We had to have it. As it was, we had bad troubles and long gas lines and other problems, and we were moving to coal consumption. We did it. We responded, and in my State we had an ever increasing coal production, as did the Senator's State, as we tried to respond to a country's desperate need. But, I do not think it is fair to say that in some funny, bizarre kind of way, we had a bunch of blue-eyed Arabs out there trying to whisk out the benefits that the rest of America possessed from under them without any concern as to the problems that those benefits and their extraction were causing to an agricultural State who overnight became an industrial and mineral economy.

So I hope, too, that this amendment is defeated.

Mr. MELCHER. Mr. President, I join my colleague, Senator BAUCUS, and our neighbor to the south, Senator WALLOP. It is right that Montana and Wyoming Senators should be speaking in opposition to this amendment because both of our States have felt the impact of mining and found that once a mineral is extracted there are still plenty of social needs to be met, not just during the time of mining but also afterward. So when we find an amendment to regulate State taxes, it is an intrusion into State revenues of the greatest magnitude, as this amendment would do. We recognized there is an unusual step being taken and we should be here to protect our State.

There are a number of States in the continental United States that produce coal, and it is interesting, in my judgment, that the Senator from Illinois would be offering this amendment because Illinois, too, is a coal-producing State.

There is no question in any of our minds that there is currently a glut of coal on the market available, and there is no question in the minds of any of us from coal-producing States of our ability to keep up with the demand for coal that is projected in the next decade and for even the remainder of this century. There are plenty of mines available to meet that demand and hopefully there will be a better balance between supply and demand than there is currently because there is an oversupply of coal, and it leads me to this point:

Since there is plenty of coal available now and for the remainder of the century and on into the next century, is it not fair to ask whether or not competition in the marketplace should decide whether on State's coal severance tax is too high as compared to other States?

If that is a fair question and a fair method for determining whether or not coal severance taxes in various

States are too high, then it must be obvious to all that whatever the State decides as an appropriate amount for a coal severance tax, as long as the Nation is served with abundant supply of coal, no State is looked upon as having captured the market to the detriment of other regions of the country, and surely the premise of this amendment then must fall, because the premise of the amendment, as I understand it and as I read it, is that the coal severance taxes in certain States are too high and interfere with interstate commerce.

That premise cannot be true since there is abundant supply of coal from my State of Montana that has not found a market, there is an excess supply of coal from the neighboring State to Montana to the south in Wyoming that has not found a market, and there is coal available to the east of Montana in North Dakota that has not found a market. So there are three Western States with various patterns of taxation of the coal that is produced which can be generally termed severance taxes where there is a supply of coal that is available and yet there is no market.

In fact, what it does say is that western coal and eastern coal are balancing out no matter that western coal carries a higher severance tax in general as compared to coal from Eastern States in the eastern part of the country or the midwestern part of the country.

However, if there were some evidence that the basic premise of the amendment of the Senator from Illinois is based on, that is, interference with interstate commerce, if there were some indication of that that seemed to be conclusive to part of this body, then it would still put us up against a very crucial test of whether the Senate and the House of Representatives, Congress, should interfere with the State's basic right of taxation.

I would say that at this time there is absolutely no evidence at all that available supplies of coal are not competitive in the market. They do come from various States with various taxes, with different arrangements for taxes, some of them called severance taxes and some of them called by other names. So it would be highly improper for Congress to interfere in the State's authority as individual sovereign States to determine whether or not the taxes imposed by that State were undue and unnecessary.

I can reaffirm what my colleague from Montana and our colleague from Wyoming have said that indeed the impacts are there and the needs are there and the State has established a fair and equitable means for collecting taxes from coal to pay for those needs within the State to meet the impact of those areas that are producing the coal and the effect it has on the entire State.

If we are to have our druthers around here in this body or throughout the country, I would suspect that Montanans might well say to my friend from Illinois:

> We would like to see some way for the State of Illinois to remove the taxes on Caterpillars. We buy Caterpillars and the parts to repair Caterpillar tractors and equipment, so we would like to see the State of Illinois somehow reduce the taxes within Illinois so the Caterpillars and the parts could be priced more reasonably for us.

We seem to be on the short end of the stick very often in the Western States. We pay the freight both ways, pay the freight on getting the Caterpillar out there, excessively high in our estimation, and we pay what we think is a pretty high price for the equipment to begin with.

So if we had our choice around here, there would be a lot of us devising advice in the taxation of various States so that the products that we buy from that State could be much cheaper.

Well that is not the way it works. We each have to run our States as best we can. Our legislatures and the people of our State thought long and hard on this question of severance taxes for coal and have set it at a certain level. We believe that it is proper. We believe that it is necessary. And still the coal is attractive, for instance, in the Midwest, and indeed some of our Montana coal is used in the State of Illinois. I would point out to my friend from Illinois that most of the high charge on that coal in several of those contracts is due to the cost of transporting the coal from the mine mouth to where it is going to be utilized in various States, including Illinois, and is from the freight charges, not from the cost of production of the coal nor the taxes associated with it.

I think it is fair to say that this amendment has no place here on this floor at this time. I hope it does not cause long delays and further consideration of it. We have said enough in defense of our position for our States.

Mr. BUMPERS. Mr. President, I will not belabor the point that the Senator from Illinois has made. But I just want to say that I offered an amendment in this body a couple of years ago to limit the severance taxes that any State could levy on Federal coal to 12 percent of the value of the coal, that is—a $10 ton of coal would be taxed $1.20. But my amendment only covered Federal coal, coal on U.S. lands.

At that time, there was a case pending in the U.S. Supreme Court where a number of States had challenged the right of Montana and Wyoming to levy excessive taxes on coal that belonged to the U.S. Government. I had thought from my second year in law school, under the old McCulloch against Maryland decision, that the U.S. Supreme Court had said that States may not tax Federal entities. And that is where the famous rule was handed down saying the power to tax is the power to destroy and this Republic cannot survive if we allow States to tax the Federal Government. Frankly, at the time, I had absolutely no question in my mind but that the Supreme Court would strike down the severance taxes levied by Wyoming and Montana.

Now this pains me to be saying these things because of my inestimable respect for the distinguished Senators from those two States. But, by the same token, I am sent up here by the electorate of Arkansas, who happens to be importing 13 million tons of coal a year from the State of Wyoming. And that translates into $22 million that Arkansas, with the second lowest per capita income State in the United States, is sending to the good people of Wyoming every year.

Now some of that coal belongs to the people of Arkansas, because they are a part of the United States and this coal belongs to the people of the United States. So the people of my State are being taxed on coal that they own. And I do not think anybody could defend that as a very equitable arrangement.

That happens to translate into $11 for every man, woman, and child in my State—bear in mind again the poorest State—no, the next to poorest.

I thought that I was being exceptionally generous when I offered an amendment to limit severance taxes that any State could levy on coal belonging to all the people of the United States to 12 percent. I am just glad we are not getting the coal from Montana because, if we were, it would be costing us $20 for every man, woman, and child in the State of Arkansas.

I just walked on the floor. I thought the nuclear freeze was pending and I just walked on the floor to maybe discuss that a little bit and found out that this amendment was pending. It is something that has been near and dear to my heart for years, and I have taken this opportunity to vent some of my thoughts about it.

I am not all sure the Federal Government ought to just summarily preempt all severance taxes on all resources as the amendment would do.

I think the Senator from Illinois intends to withdraw his amendment. His amendment is indeed rather draconian. But I understand that he has been guaranteed hearings next year on it, and I hope the Senator from Illinois will keep me posted from time to time on what, if any, progress is being made in this.

My facts on this are cold, but at one time I had statistics showing how

much of Montana and Wyoming's budget came from severance taxes. The people in these States are good people and the Supreme Court has said they have a right to do what they are doing, but that is a very clinical decision by the Supreme Court, which, incidentally, I think is wrong. But I am not one of those people that wants to strip the Court of jurisdiction every time I happen to disagree with them.

And I do not personally fault the Senators from their States who are trying to defend this. It is very important to their States. It is a very significant part of their budget. But to penalize States like mine demands that I rise in righteous indignation and state that I consider it patently unfair.

I hope that at some time this body will address this issue on a very reasonable basis. But my idea is not to penalize the people of Arkansas. Surely, there is some middle ground here that the Members of Congress can find to address what is a terrible inequity that adversely affects the people who sent me here to represent them.

I yield the floor Mr. President.

Mr. MURKOWSKI. Mr. President, I rise in opposition to the amendment offered by the Senator from Illinois. His amendment cuts to the very heart of a State's right to maintain its traditional authority and jurisdiction over State taxation. Traditionally, the States have been given wide latitude in the exercise of their taxation powers. The Congress has been wisely reluctant to interfere with that taxing power, and we have sought to avoid conflicts between congressional action and the methods of taxation traditionally utilized by the States to generate revenues. I submit that now is not the time to alter this approach. Any action that reduces the ability of State governments to generate revenues could severely jeopardize the functioning of State governments and the welfare of our citizens.

The Senator from Illinois is proposing that the Federal Government get into the business of dictating the parameters of a State's taxation privileges. Well, what is good for the goose is good for the gander. I would ask the Senator from Illinois if it would "play in Peoria" if we chose to limit the States' ability to tax income from manufactured goods? Manufacturing accounts for about 83 percent of the value of goods produced in Illinois, and it is the centerpiece of Illinois' economic base.

Oil and gas production is the centerpiece of my State's economic base. Revenue from that production is the means by which we hope to build the infrastructure and provide the services that States such as Illinois have had for years.

You may hear arguments during the course of this debate that a State's mineral severance taxes somehow get passed along to consumers in nonproducing States. This contention simply is not true. Numerous studies have shown that the incidence of severance taxes falls primarily on landowners and leaseholders rather than on consumers. The tax for the most part is paid by those who own the lands, or the development rights to those lands.

For example, in 1982, the Congressional Research Service (CRS) did a study on this very issue in relation to the Alaska oil severance tax. They came to the important conclusion that most of Alaska's oil severance tax is not shifted forward to energy consumers.

Furthermore, they found that the inability of Alaskan producers to pass these taxes forward in higher prices was, in fact, costly to the State in output. This was found to be true because, over time, the market reacts to higher prices by substituting oil from other sources for the Alaskan oil. This reduction in demand for Alaskan oil forces producers to reduce output and moderate price increases.

CRS concluded that the tax is actually paid by a combination of the factors of production in Alaska oil through some combination of reduced royalties, profits, and wages for resource owners, producers, and labor.

Mr. President, what the Senator from Illinois is proposing here today creates a dangerous precedent which will create new and severe problems for every Senator from every State. I urge its rejection.

Mr. WALLOP. Mr. President, I guess that the Senator is either ready to do something on this amendment or, if the Senator from Illinois would wish, I would suggest to him that my Subcommittee on Energy and Agricultural Taxation might be a more appropriate arena in which to hear both sides—that expressed by the Senator from Illinois and the Senator from Arkansas, as well as by those of us who feel that it is unfair.

I would again reiterate two things. One is that it has withstood the constitutional test, so that cannot be an argument amongst us any longer.

I would say to the Senator from Arkansas if his citizens are, in fact, paying $22 million, he probably does have a case against us, because that is about a quarter of all the State of Wyoming picks up. To my knowledge, we do not ship a quarter of all the coal we produce to Arkansas. I wish we did. If, in fact, it was that unfair, he would probably have a case.

At any rate, we will hold a hearing at some time during the coming year on these issues and perhaps somebody can enlighten me as to why I should change my mind. I would not tell the Senator that I am going into the hearing unprejudiced, because I have very deep-seated feelings. Nevertheless, I would listen to anything presented.

Mr. DIXON. Let me say to my friend that I respect his views. I respect them. He has the interests of the people of his State. At the same time, I appreciate his offer as chairman of the jurisdictional subcommittee to give me the opportunity for hearings, at which time I would hope that we can make the kind of case that might even be persuasive to the talents of men like the distinguished Senator from Wyoming, my friend the distinguished Senator from Montana who spoke initially so eloquently against this measure, his colleague from Montana, and my friend from Alaska.

With that understanding that there will be an appropriate occasion, and I presume it will have to be next year in view of the time limits this year, when I can make a case for my point of view, I would be willing at this time, Mr. President, to withdraw the amendment subject to the understanding that a hearing would be afforded me in the committee of the Senator from Wyoming sometime next year.

Mr. WALLOP. Mr. President, I would offer such an understanding to the Senator from Illinois that we will hold a hearing sometime next year. I will say to the Senator from Illinois I fervently hope he does not hold his breath until the Senator from Wyoming changes his mind because I do enjoy playing golf with him and his company on the floor. But I will listen to him. I will listen to the arguments presented. Clearly, I do not control the vote of any others in Congress but my own.

Mr. DIXON. I have seen in the course of my lifetime many miracles. Perhaps one will occur again in this case on the occasion of the Senator, who is such a fair-minded man, giving me a hearing before his subcommittee of the Finance Committee. I do withdraw the amendment, Mr. President, under that understanding.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. In accordance with the agreement of the leaders last week, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2476

(Purpose: To call for a mutual and verifiable freeze and reduction in nuclear weapons)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself and Mr. HATFIELD, proposes an amendment numbered 2476.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution add the following new section:

NUCLEAR WEAPONS FREEZE AND REDUCTIONS

SEC. . The Congress finds that the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design.

Mr. KENNEDY. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The Senator is informed that he needs unanimous consent to perfect his amendment.

Mr. KENNEDY. Mr. President, I ask for such consent.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Objection.

The PRESIDING OFFICER. Objection is heard.

The question before the Senate is the amendment——

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2477

(Purpose: To call for a mutual and verifiable freeze and reduction in nuclear weapons)

Mr. KENNEDY. Mr. President, I ask that the perfecting amendment be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. HATFIELD, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. GLENN, Mr. HART, Mr. HUDDLESTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, and Mr. TSONGAS, proposes an amendment numbered 2477.

In the first degree amendment offered by Mr. Kennedy and Mr. Hatfield, strike all after "Nuclear Weapons Freeze and Reductions" and insert the following:

SEC. (a) The Congress finds that—

(1) the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

(2) the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

(3) a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war.

(b) As an immediate arms control objective, the United States and the Soviet Union should—

(1) pursue an immediate and complete halt to the nuclear arms race;

(2) decide when and how to achieve a mutual verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(3) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

(c) Proceeding from the freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery system, through annual percentages or equally effective means, in a manner that enhances stability.

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of myself and the Senator from Oregon, Senator HATFIELD, and 27 other cosponsors. They are Senators BAUCUS, CRANSTON, HUDDLESTON, LEAHY, METZENBAUM, MOYNIHAN, PELL, SARBANES, TSONGAS, GLENN, LEVIN, LAUTENBERG, BIDEN, HART, DODD, BINGAMAN, MATSUNAGA, BRADLEY, BURDICK, EAGLETON, MELCHER, MITCHELL, RIEGLE, STAFFORD, BUMPERS, PROXMIRE, and INOUYE.

Mr. President, this afternoon, the full Senate will have its first opportunity to vote on the nuclear weapons freeze issue. The fundamental rationale for the freeze is the self-evident proposition that the best way to stop the nuclear arms race is to stop it. That is why Senator HATFIELD and I and 32 other cosponsors of the nuclear freeze and reductions resolution first introduced this proposal in March 1982. That is why we have pressed it before the Foreign Relations Committee for the past 19 months, and that is why we are pressing it here on the Senate floor today.

Our nuclear freeze resolution is now on the Senate Calendar, ready for Senate action. As supporters of the freeze, we would have preferred that the resolution be brought up for full debate in its own right. But the most important thing is for the Senate to be able to vote this year on the freeze, and the present strategy seems to be the only way to achieve that goal.

Twenty years ago, at American University, President Kennedy called for a treaty to ban nuclear tests—as the first step in a strategy of peace to ban nuclear war.

The words he spoke then ring now with a timeless truth. Despite loose talk today about a nuclear warning shot and a winnable nuclear conflict, we know the abiding truth of his warning then that "total war makes no sense" in this age. And so we insist once more as clearly as we can that there is no such thing as a limited nuclear war.

In the dangerous times of the present, I believe that we must demand a national leadership which will spend less time preparing for nuclear war—and more time preventing one.

On the arms race, the essential truths of 1963 remain the same in 1983. But some things have changed—and many of them for the worse.

We found reason for hope in the Test Ban Treaty and other agreements that followed it. At least, we have not fought the third and last world war. At least, we are all still here.

But that is also far less than we could have sought—and far less than we should have achieved. For the mere absence of war has been accompanied by the increasing insecurity of a precarious nuclear peace. The knife's edge of the nuclear balance has been steadily sharpened. Arms control has often been twisted into a means for managing a faster arms race. In 1960, the combined total of deliverable nuclear explosives on station on both sides was 6,500. By 1983, that lethal number has multiplied by sevenfold to 50,000.

While the negotiators have bargained, their governments have developed and deployed new missiles with more warheads, greater accuracy, and shorter warning time. Relentlessly, we have reduced the narrow span of minutes in which the fate of humanity can be decided by human beings.

The U.S. Senate has failed to ratify SALT II and other relatively modest treaties which would widen a little the margin between our existence and extinction. In Moscow, Soviet leaders reach for potential first strike weapons. In Washington, the President claims he favors arms control and that his administration has proposed it—but, in fact, and sometimes in the strongest terms, he has opposed every single arms control agreement since he entered public life two decades ago.

So we have come to the dangerous place where we now find ourselves—in the midst of cold war two. We can continue to practice that brinkmanship—and to proclaim our own toughness. And if those who advocate such mindless toughness prove to be mistaken, and their mistakes lead to the last great war, they may be safe in a protected bunker, inside a mountain and behind steel doors. But the rest of the Earth will be dying—and there will be few if any of us around to blame them for the most catastrophic error in all recorded history.

I reject that risk—and I reject the advice that we must not offer an alternative because it will undermine the present negotiations. That is what other administrations have said in their effort to mute dissent in other dark days on other difficult issues. And in the case of Vietnam, tens of thousands of Americans and hundreds of thousands of Vietnamese died before the lesson was learned that the answer to failure is not more of the same.

The greatest strength of a free society is that we can differ and speak out; we can develop and stand for different policies. On the nuclear issue, that strength may be the saving virtue of our national life and the life of all the world.

We now have the obligation and the opportunity to turn aside from another cold war—and to create instead a new strategy of peace. That strategy must be based on a realistic assessment of our relationship with the Soviet Union.

For too long, we have strayed between two misconceptions about the Russians—between overblown illusions of cooperation and overstated notions of confrontation. An arms control treaty will not tame Soviet misconduct in other areas and the refusal to negotiate such an agreement, even when it is in our national interest, will not free Afghanistan or break the repression in Poland.

In short, we cannot punish the Russians by raising the risk of nuclear war. We hear about linkage—but we must not forget our fundamental common link as people on this planet—that we shall all live or die together.

We shall find ourselves at odds with the Soviet Union far into the foreseeable future. We need not fear an economic competition—for our economy is rich in resources and potential and capable of performing at much higher levels than it has in recent years. The Soviet economy is inefficient, corrupt, and dependent on the catalyst of Western technology.

Nor need we fear an ideological rivalry. We believe in individual liberty and human dignity and with inspired leadership, that belief can have the most powerful appeal, as it has in the past, to the rest of the world. How many immigrants have ever moved to the Soviet Union in search of a better life? In this arena, the Soviets can gain only when we betray our own best ideals.

The one place where the Russians know they can compete is in military power—and they will pay any price to prevent us from forcing them into a position of military inferiority. We can and we should maintain strategic parity—which requires a sufficient and a secure deterrent. We can and we should strengthen our conventional forces so that we can limit our reliance on nuclear retaliation during a crisis.

But for both great powers, arms control is a far saner way to preserve strategic parity than an endless arms race. Despite the differences which divide the United States and the Soviet Union today, and which will divide us for years or generations to come, what must unite us is an unflagging determination to avoid nuclear annihilation. We must seek to maintain our freedom and the peace at the same time, for there will be no such thing as liberty in a lifeless land.

The United States and the Soviet Union now possess the equivalent of 3 million Hiroshima bombs—a total of 4 tons of TNT for every man, woman, and child presently living on this planet. Even in the unlikely event of a successful Soviet first strike against our land-based missiles, we would still have over 3,500 warheads at sea and on bombers—enough to destroy every Soviet city and town seven times over. The Secretary of Defense and the members of the Joint Chiefs of Staff have testified that they would not exchange the deterrent forces of the United States for those of the Soviet Union.

Because this is so, a year ago, a number of us in Congress took up a cause and a challenge that has already stirred at the grassroots across this country. We called for an immediate mutual, and verifiable freeze on the testing, production, and deployment of Soviet and American nuclear weapons. That idea has enlisted the energies of ordinary citizens everywhere—and in every region of America, wherever they have had the chance, citizens have voted overwhelmingly for a freeze.

Those who oppose a nuclear weapons freeze have put forth a changing array of arguments that range from the disingenuous to the dishonest.

First, we repeatedly hear the outright falsehood that the freeze is somehow unilateral. The purveyors of that distortion either cannot read the resolution or care more about making their case than keeping to the facts. Perhaps they think that if they repeat themselves often enough, they can fool at least some of the people some of the time into believing some of their false charges.

The freeze is plainly, unequivocally, and indisputably bilateral. In supporting it, we do not and would not suggest that Americans on the other side want a nuclear war. So I wish they would stop suggesting that, in some sense, we want unilateral disarmament.

Second, the opponents of the nuclear freeze contend that we cannot halt the arms race in the face of a continuing Soviet buildup. In fact, a bilateral freeze is the best way to prevent that build-up. It would halt the entire new generation of weapons which the Soviets are now developing—including the Blackjack bomber, the Typhoon missile, and new cruise and land-based mobile missiles. The cries of alarm about Soviet advances in the future amount to a compelling reason to freeze the present balance of forces—and to stop the threatening trends now.

The administration instead prefers to respond with massive American military spending and a massive American military build-up. But the lesson of the last generation is that the Soviets will match us bomber for bomber, missile for missile, warhead for warhead.

Third, we are told that a freeze at this time would prevent us from perfecting our own deterrent—for example, by creating a new type of bomber which, for at least a while, will be less vulnerable to Soviet defenses. But at any time, there will always be some imperfections in the military forces on either side—and that reality can be used every time to justify just one more little round of the arms race. That is all they want, they say, and then we will have enough. But the Soviets have learned to make that argument too. And so we drift, as Einstein said, toward unparalleled catastrophe. We must reject policies which claim for the moment to make the world a little more secure, but in the end make the world a more unsafe and unstable place.

Fourth, our opponents say that a freeze is impossible to verify. This may be the most deceptive contention of them all, for impartial experts have testified again and again that a freeze is at least as verifiable as and probably more so than other arms control agreements, including the President's own START proposal. Moreover, we have made it clear from the beginning that anything which cannot be verified will not be frozen. The administration had better be careful—or their careless and baseless attacks on verification will become a basis and a rallying cry for extremists who will oppose any and every arms accord. We do not advocate a freeze because we trust the Russians, but we do distrust those who would continue the arms race at any and all costs.

Fifth, some opponents of the freeze argue that it is inappropriate to press the issue now, because we must not pull back from the planned deployment of the Pershing II and ground-launched cruise missiles in Europe. The Kennedy-Hatfield amendment calls for a global nuclear weapons freeze between the two superpowers. We reject a freeze in Europe alone. We must not put the nuclear weapons cart before the arms control horse. Our overriding goal should be to secure a nuclear weapons freeze that prevents any further escalation of the nuclear

arms race—not only in Europe but in every other region of the world.

Finally, there are opponents of the nuclear freeze who explain that they favor reductions instead. But there is a darker side to their slogan. Reductions are not all they want. While professing limits in some areas, they want no limits on the newest and most modern weapons—which are also the costliest and the most threatening.

Indeed, the administration's own START proposal for reductions proves the point. For example, it would permit us to build the B-1 bomber—which is nothing more than a supersonic Edsel in the sky. And the administration's proposal would even permit the unrestrained pursuit of their new star wars scheme for outer space—which would open another arena for the arms race and set another tripwire for nuclear war.

You know, this really is a very strange idea. We cannot found national policy on fond memories and radio serials, dreams of the Old West, and the thrilling days of yesteryear. We must reject the preposterous notion of a Lone Ranger in the sky, firing silver laser bullets and shooting missiles out of the hands of Soviet outlaws. The best defense against nuclear war is arms control and then disarmament.

The administration answers that we need the threat of new weapons as bargaining chips for negotiation. And they say we need the MX missile because of the window of vulnerability. Now let us all try hard to understand this. Mr. Reagan claimed we were vulnerable because the Russians could hit and destroy our existing Minuteman silos. So he appointed a Commission which reviewed every conceivable solution to the problem of Minuteman vulnerability. And do you know what they came up with, Mr. President? They want to put the new MX missile in the old, vulnerable Minuteman silos. You know what this is like? It is like having a car that is getting wet because of a leaky garage roof—and then trying to solve the problem by changing the make of the car.

The President has already declared that the MX is not on the bargaining table at the START talks—that he will never trade it away. So let us say now—it is time for Congress to take it away. It is time for the President of the United States to admit that the MX is a mistake—that it is a missile without a mission and a weapon without a home. It is time to make it clear that, even by the administration's own logic, the MX in Minuteman silos is a sitting duck and to state clearly that, by any rational standard, the MX missile in any form should be a dead duck.

Both sides should renounce forever the pursuit of the phantom of nuclear superiority. We must free our diplomacy from the myth that more megatons mean bigger bargaining chips. We must reject the foolish theory that we can have fewer bombs tomorrow if only we have more bombs today. The administration defends this as a negotiating strategy. I call it voodoo arms control.

We must ask a simple question of them. Instead of piling overkill upon overkill, why not start now with a freeze? Why not stop where we are—so that, at last, we can begin to turn the arms race around?

We face a new and uncertain time. The continued advance of technology will move us steadily back from the possibility of peace. But a nuclear freeze can give the two great powers breathing room before they rush into a nuclear future that may threaten the future itself. It can halt new technologies that will be dangerous and destabilizing, and may be impossible to stop once they are started.

Some critics say that the freeze does not go far enough—which is what so many of them said 20 years ago, when a test ban treaty was proposed. We remember the answer that was given then: "A journey of a thousand miles begins with a single step." And so today, we reply: The long journey of survival in the nuclear age begins with the nuclear freeze.

Support for the freeze does not mean that we seek a weaker America. We have watched in recent months as ministers of the Gospel have been urged to preach in favor of an escalating arms race. But in the Scriptures I have read, nowhere does it say: Blessed are the warmakers and the munition manufacturers." We have witnessed the revival of McCarthyite tactics which equate dissent with disloyalty and which imply that the advocates of a freeze are, somehow or other Soviet dupes or pawns. But someone should tell the apostles of this reincarnated Red Scare that the freeze movement began in Massachusetts and Vermont, not in Moscow and Vladivostok.

Support for the freeze does not mean opposition to a strong national defense. I favor a real growth of 5 percent in the military budget to assure that readiness and reliability of our forces. The President is demanding twice as much. We cannot afford military waste which weakens the Nation—and which has subverted the national consensus of sustained improvement in our defenses, especially our conventional capability. Instead of lavishing our treasure on first-strike weapons, let us spend it on first-class schools.

And let us never forget that national security includes the condition of our society as well as the size of our missiles. The world in an arms race is also a world impoverished. For America, running that arms race cripples our capacity to do anything else.

Today we are cutting immunization for children in order to finance the weapons that may someday kill them. Every new shelter for a missile means fewer homes for our families. Every new warhead guidance system that can read enemy defenses means more pupils who will not learn to read. Every new escalation that could mean death at an early age across the Earth also darkens the golden years of our senior citizens now.

We hear rhetoric from our highest officials about eliminating budgetary waste. If they are serious, let them enter into a nucelar freeze; let them pursue nuclear reductions; let them eliminate the expenditures that now make a desert of our dreams—and that someday could make a cold wasteland of all the Earth.

What more can we gain if we drain more of our resources into nuclear overkill? The American and Soviet arsenals are already bristling with weapons that could kill more people, burn more buildings, and sack more cities than in all the conflicts from the beginning of history until now. The greatest works of human enterprise and spirit could be vaporized in the single instant by the most terrible work of human invention. Despite all our bombs and all our missiles, we stand essentially defenseless upon a stage on which the human drama could be closed in the flashing of a fireball.

As an American, I believe in a national defense second to none, sufficient to deter any attack from any adversary. But I also believe that we must preserve and protect a world which is now only a second away from nothingness.

A moment of history and a sense of hope calls all of us to a work as great as any that has gone before—indeed the greatest work of our time and of all time—the work of peace. The challenge comes especially in this decade because the danger has become so present and so clear. The difference each of us can make, if all of us will try, may make the difference between peace and war, between a just society and a garrison state.

Let us resolve that this Atomic Age will not be succeeded by a second Stone Age. Let us stop the nuclear arms race, before it stops the human race.

Mr. President, I ask unanimous consent that a fact sheet on my amendments may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACTSHEET: KENNEDY-HATFIELD NUCLEAR WEAPONS FREEZE AND REDUCTIONS AMENDMENT NO. 2464

Purpose and Provisions: The nuclear weapons freeze and reductions amendment is based on the self-evident proposition that the best way to stop the nuclear arms race

is to stop it. The amendment calls for a mutual and verifiable nuclear weapons freeze between the United States and the Soviet Union, followed by reductions in the nuclear arsenals on both sides.

The freeze applies to the "testing, production and further deployment of nuclear warheads, missiles, and other delivery systems."

The reductions are to be achieved "through annual percentages or equally effective means."

The freeze and the reductions are to be carried out with special emphasis upon destablizing weapons.

A freeze is workable, because both the United States and the Soviet Union are now at essential nuclear equivalence. As the attached charts indicate, we are ahead in some areas, and they are ahead in others; but overall we are at parity. By the crucial measure of warheads, the United States is actually ahead, by 9,900 to 7,800.

The freeze by its explicit terms is bilateral; it is not unilateral disarmament; it is the only arms control proposal that will stop the nuclear arms race on both sides, and that will halt the Soviet Union's development of more powerful bombers, missiles, and warheads (see charts).

The history of the nuclear arms race since 1945 proves the irrationality of pursuing the phantom of nuclear superiority. The Soviet Union will match us warhead for warhead and missile for missile as the arms race escalates to higher and higher levels of danger and uncertainty.

The freeze is also the only arms controls proposal that offers the real prospect of substantial budget savings. If a comprehensive freeze is successfully negotiated, it will save $100 billion over 5 years.

Support for the freeze: The nuclear freeze and reductions resolution has been endorsed by prominent experts such as William Colby, George Ball, Clark Clifford, Henry Cabot Lodge, Averell Harriman, George Kennan, Gerard Smith, Paul Warnke, Hans Bethe, General James Gavin, Admiral Noel Gayler and Ambassador Thomas J. Watson, Jr. It has been adopted in referenda by 9 of the 10 states that have considered it, by 370 city councils, by 71 county councils, by 46 New England town meetings, and by 15 state legislatures.

Harris and ABC News/Washington Post polls after the Soviet destruction of the Korean jetliner, found continuing support for the freeze, with 77 percent (Harris) and 80 percent (ABC/Post) of Americans favoring such a freeze. In a July poll by the National Association of Evangelicals, 60 percent of evangelicals supported the freeze.

Verification: In fact, a freeze is probably more verifiable than other arms control agreements. Intelligence experts such as former CIA Director William Colby and former CIA Deputy Director Herbert Scoville have clearly stated that a nuclear freeze is verifiable. In any event, anything that can be verified will not be frozen.

European Missile Deployment: The amendment calls for a global freeze and reductions, not a Europe-only freeze. Whatever the outcome of the current INF negotiations and the planned deployment of U.S. Pershing II and cruise missiles in Europe, a global freeze on nuclear weapons is in the highest interest of the security of the United States. A freeze would be negotiated only after full consultation with our NATO allies and Japan.

Build-down: Although the build-down proposal is better than START, it is still far from good enough. Its fatal flaw is that it is not just a build-down; it is also a build-up, because it permits the continued development and deployment of the MX missile and other dangerous and destabilizing new weapons systems. The nuclear weapons freeze is the only arms control proposal which stops MX and its Soviet counterpart (SSX), and which deals with both the quantative and qualitative aspects of the nuclear arms race.

CHART I.—UNITED STATES-SOVIET STRATEGIC BALANCE

	United States	Soviet Union
Warheads:		
Land	2,150	5,900
Sea	5,000	1,600
Air	2,750	300
Total	9,900	7,800
Launchers:		
Land	1,050	1,398
Sea	544	920
Air	375	150
Total	1,969	2,468
Destruction power (equivalent megatons):		
Land	1,400	4,900
Sea	825	1,150
Air	1,650	300
Total	3,875	6,350
Payload (lifting power; 1,000 lbs):		
Land	2,450	10,025
Sea	1,700	2,175
Air	23,500	5,100
Total	27,650	17,300

Source: The Harvard Nuclear Study Group "Living With Nuclear Weapons," Bantam, p. 120 (1983).

CHART 2.—COMPARISON OF EFFECTS OF FREEZE AND START ON NEWER SOVIET STRATEGIC WEAPONS

Weapon	Under freeze	Under START
Backfire bomber	180	400
Blackjack	1	1
Typhoon missile	20	1,200
New solid-fuel ICBM	0	1,200
Accurate cruise missile	0	3,500

CHART 3.—COMPARISON OF EFFECTS OF FREEZE AND START ON THE SOVIET HEAVY STRATEGIC BOMBER PROGRAM

Bomber characteristics	Under freeze; limited to the TU–95 (Bear bomber)	Under START; Blackjack bomber goes forward
Power	Propeller	Jet.
Maximum speed	500 knots (subsonic)	1,200 knots (supersonic).
Variable-sweep wings	No	Yes.
Low altitude penetration	No	Yes.

Mr. KENNEDY. Mr. President. I also ask unanimous consent that a table showing grassroots support across the country for the freeze may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

I. STATE AND LOCAL NUCLEAR FREEZE REFERENDA RESULTS—GRASSROOTS SUPPORT FOR NUCLEAR WEAPONS FREEZE

	Percent for a freeze	Percent against a freeze
Arizona	41	59
California	53	47
Massachusetts	74	26
Michigan	57	43
Montana	57	43
New Jersey	67	33
North Dakota	58	42
Oregon	62	38
Rhode Island	59	41
Wisconsin	75	25
District of Columbia	70	30
Counties:		
Butler (PA)	54	46
Cook (IL)	71	29
Dade (FL)	58	42
Erie (PA)	65	35
Independence (AR)	53	47
Izard (AR)	52	48
Mesa (CO)	47	53
North Star (AK)	46	54
Okanagan (WA)	65	35
Pitkim (CO)	75	25
Stone (AK)	40	60
Suffolk (NY)	69	31
Thurston (WA)	64	36
Washoe (NV)	60	40
Cites:		
Albert Lea (MN)	60	40
Anchorage (AS)	53	47
Bemidji (MN)	66	34
Brattleboro (VT)	98	2
Columbia (MO)	59	41
Denver (CO)	62	38
Golden (CO)	62	38
Hamden (CT)	68	32
Juneau (AS)	58	42
Kearney (NE)	50.4	49.6
Longmont (CO)	54	46
Manchester (CT)	73	27
Medina (WA)	55	45
Meriden (CT)	70	30
New Haven (CT)	72	28
North Bradford (CT)	64	36
Norwalk (CT)	56.5	43.5
Philadelphia (PA)	75.5	24.5
Springfield (MO)	52	48
Southbury (CT)	62	38
Torrington (CT)	58	42
Wehersfield (CT)	52	48
Winnetka (IL)	58	42

SUMMARY OF REFERENDA

Beginning in Western Massachusetts in November, 1980 and most recently in St. Augustine, Florida in May, 1983, U.S. citizens have continued to favor the Freeze resolution with an overall vote count better than 60%–40%. Balloting on the Freeze has occurred in ten states and the District of Columbia, and in a total of 47 towns, cities, and counties, in as varied locations as North Dakota; Izard County, Arkansas; Chicago, Illinois; and Juneau, Alaska. In the total number of Freeze referenda (58), fifty-three have been victories for the Freeze.

II. OTHER COMMUNITIES THAT HAVE APPROVED A NUCLEAR WEAPONS FREEZE

370 CITY COUNCILS

Red Bay, AL; Tuskegee, AL; Eureka Springs, AR; Fayetteville, AR; Little Rock, AR; Flagstaff, AZ; Jerome, AZ; Tucson, AZ; Azusa, CA; Baldwin, CA; Carmel-By-The-Sea, CA; Cupertino, CA; Garden Grove, CA; Rialto, CA; Roseville, CA; San Jose, CA.

South El Monte, CA; *Arcata, CA; *Atascadero, CA; *Baldwin Park, CA; *Davis, CA; *Eureka, CA; *Lafayette, CA; *LaVerne, CA; *Los Angeles, CA; *Los Gatos, CA; *Palo Alto, CA; *Pleasant Hill, CA; *Sacramento, CA; *Santa Monica, CA.

*Stockton, CA; *San Francisco, CA; *Ukiah, CA; Aspen, CO; Breckenridge, CO; Durango, CO; Estes Park, CO; Georgetown, CO; Longmont, CO; Nederland, CO; Silver

Plume, CO; Snowmass Village, CO; Telluride, CO; Bloomfield, CT.

Bristol, CT; Coventry, CT; Danbury, CT; Farmington, CT; Hamden, CT; Hartford, CT; W. Hartford, CT; Manchester, CT; Mansfield, CT; Middletown, CT; New Haven, CT; New London, CT; Plainville, CT; Waterford, CT; Newark, DE; Rehoboth Beach, DE.

Wilmington, DE; Gainesville, FL; Redington Beach, FL; St. Petersburg, FL; Sanibel, FL; Atlanta, GA; Honolulu, HI; Aurora, IL; Barrington, IL; Calumet City, IL; Carbondale, IL; Chicago, IL; DeKalb, IL; East St. Louis, IL; Elgin, IL.

Elmhurst, IL; Evanston, IL; Glencoe, IL; Flossmoor, IL; Highland Park, IL; Morton Grove, IL; Niles, IL; Normal, IL; Oak Park, IL; Olympia Fields, IL; Park Forest, IL; Rockford, IL; Skokie, IL; Urbana, IL; Waukegan, IL.

Wilmette, IL; Bloomington, IN; Elkhart, IN; Fort Wayne, IN; Mishawaka, IN; Muncie, IN; South Bend, IN; Terre Haute, IN; W. Lafayette, IN; Logansport, IN; Algona, IA; Ames, IA; Bancroft, IA; Baxter, IA; Boone, IA.

Burlington, IA; Curlew, IA; Cedar Falls, IA; Des Moines, IA; Dike, IA; Earlham, IA; Ft. Madison, IA; Greenfield, IA; Hubbard, IA; Iowa City, IA; Lamoni, IA; Mount Vernon, IA; Oskaloos, IA; Pella, IA; Sioux City, IA.

Tipton, IA; Waterloo, IA; Waverly, IA; West Branch, IA; Louisville, KY; New Orleans, LA; Amherst, MA; Barnstable, MA; Brookline, MA; Colrain, MA; Ewing, MA; Longmeadow, MA; New Bedford, MA; Northfield, MA; Northampton, MA.

Pittsfield, MA; Worcester, MA; Springfield, MA; Bangor, ME; Belfast, ME; Brewer, ME; Brunswick, ME: Hampden, ME; Hollowell, ME; Kennebunkport, ME; Lewiston, ME; Old Town, ME; Orono, ME; Portland, ME; Winthrop, ME.

Aberdeen, MD; Baltimore, MD; College Park, MD; Garret Park, MD; Havre de Grace, MD; Mt. Rainier, MD; North Chevy Chase, MD; Sykesville, MD; Takoma Park, MD; Rockville, MD; Ann Arbor, MI; Detroit, MI; East Lansing, MI; Flint, MI; Kalamazoo, MI.

Kalamazoo Twshp, MI; Saginaw, MI; Blaine, MN; Bloomington, MN; Chanhassen, MN; Circle Pines, MN; Columbia Heights, MN; Duluth, MN; Fridley, MN; Lauderdale, MN; Minneapolis, MN; Pine City, MN; St. Cloud, MN; St. Louis Park, MN; St. Paul, MN.

Two Harbors, MN; Winona, MN; Hazelwood, MO; Kansas City, MO; Olivette, MO; St. Johns, MO; University City, MO; Chapel Hill, NC; Charlotte, NC; Durham, NC; Franklin, NC; Greenboro, NC; Raleigh, NC; Winston-Salem, NC; Lincoln, NE.

S. Soioux City, NE; Keene, NH; Newton, NH; Portmouth, NH; Belvedere, NJ; Belleville, NJ; Berlin Twshp, NJ; Camden, NJ; Cherry Hill, NJ; Clark, NJ; Cliffside Park, NJ; Cranford, NJ; East Orange, NJ; East Windsor, NJ; Elizabeth, NJ.

Englewood, NJ; Ewing Twshp, NJ; East Brunswick, NJ; Fair Lawn, NJ; Garwood, NJ; Greenwich Twshp, NJ; Hamilton Twshp, NJ; Highland Park, NJ; Jersey City, NJ; Jackson Twshp, NJ; Lawrence, NJ; Lincoln Park, NJ; Linden, NJ; Maplewood, NJ; Mercer, NJ.

Milltown, NJ; Montclair, NJ; Morristown, NJ; Moutain Lakes, NJ; No. Arlington, NJ; Nutley, NJ; Oradell, NJ; Orange, NJ; Paramus, NJ; Pennsauken, NJ; Pennsville, NJ; Piscataway, NJ; Plainfield, NJ; Princeton, NJ; Princeton Twshp, NJ.

Ringwood, NJ; Roselle, NJ; Roosevelt, NJ; Sayreville, NJ; South Orange, NJ; Sparta, NJ; Springfield, NJ; Teaneck, NJ; Tenafly, NJ; Trenton, NJ; Wayne, NJ; West Orange, NJ; West Windsor, NJ; Willingboro, NJ; Las Cruces, NM; Santa Fe, NM.

Taos, NM; Afton, NY; Athens, NY; Albany, NY; Bedford, NY; Binghamton, NY; Brighton, NY; Croton-on-Hudson, NY; Elmira, NY; Hdye Park, NY; Irondequoit, NY; Ithaca, NY; Jamestown, NY; Kenmore, NY; LeGrange, NY; New Castle, NY; New York City, NY.

Oneonta, NY; Oswego, NY; Pound Ridge, NY; Reno, NY; Rochester, NY; Saratoga Springs, NY; Syracuse, NY; Utica, NY; Webster, NY; Woodstock, NY; Akron, OH; Ashtabula, OH; Athens, OH; Berea, OH; Bowling Green, OH; Cincinnati OH;

Cleveland, OH; Cleveland Heights, OH; Columbus, OH; Dover, OH; Elyria, OH; Fairview Park, OH; Gambier Village, OH; Lakewood, OH; Mayfield Heights, OH; Middletown, OH; North Olmsted, OH; New Philadelphia, OH; Oberlin, OH; Oxford, OH; Parma, OH; Rocky River, OH; Shaker Heights, OH.

Sheffield Village, OH; Swanton, OH; Toledo, OH; University Heights, OH; Westlake, OH; Wilmington, OH; Wooster, OH; Yellow Springs, OH; Youngstown, OH; Ashland, OR; Bandon, OR; Cannon Beach, OR; Estacada, OR; Eugene, OR; Harrisburg, OR; Independence, OR.

Portland, OR; Seaside, OR; Allentown, PA; Chetlenmaur, PA; Doylestown, PA; Harrisburg, PA; Jenkintown, PA; Media, PA; New Britain Twship, PA; New Hope, PA; Newton Twship, PA; Philadelphia, PA; Pittsburgh, PA; Sheltonham, PA; Sarthmore, PA; Middletown Twshp, PA; Upper Makefield Twshp, PA.

Upper Southampton, PA; Warrington Twshp, PA; Warwick Twshp, PA; Wilkes-Barr, PA; Barrington, RI; Jamestown, RI; Lincoln, RI; Middletown, RI; Knoxville, TN; Austin, TX; Alexandria, VA; Charlottesville, VA; Roanoke, VA; Harrisonburg, WA; Bellingham, WA; Blaine, WA.

Bothell, WA; Edmonds, WA; Kent, WA; LaConner, WA; Port Townsend, WA; Seattle, WA; Tacoma, WA; Winslow, WA; Emery Twshp, WI; Beckley, WV; Charleston, WV; Huntington, WV; Oak Hill, WV; Charleston, IL; St. Louis, MO; Breese, IL.

446 NEW ENGLAND TOWN MEETINGS

177 Vermont Town Meetings; 107 Massachusetts Town Meetings; 54 New Hampshire Town Meetings; 44 Connecticut Town Meetings; 62 Maine Town Meetings; 2 Delaware Town Meetings.

71 COUNTY COUNCILS

Macon Co, AL; Almeda Co, CA; Contra Costa Co, CA; Mendocino Co, CA; Humboldt Co, CA; Marisposa Co, CA; San Francisco Co, CA; Yolo Co, CA; Sacramento Co, CA; Pitkin Co, CO; Summit Co, CO; Palm Beach Co, FL; Leon Co, FL; Hawaii Co, HI; Blackhawk Co, IA; Hardin Co, IA; Kussuth Co, IA; Johnston Co, IA.

Polk Co, IA; Woodbury Co, IA; Monroe Co, IN; Harvey Co, KS; Berkshire Co, MA; Franklin Co, MA; Hampshire Co, MA; Allegheny Co, MD; Baltimore Co, MD; Fairfax Co, MD; Harford Co, MD; Howard Co, MD; Montgomery Co, MD; Anoka Co, MN; Hennepin Co, MN; Itasca Co, MN; Lake Co, MN; St. Louis Co, MN.

Pine Co, MN; Jackson Co, MO; Mecklenburg Co, NC; Camden Co, NJ; Essex Co, NJ; Cape May Co, NJ; Cayuga Co, NY; Chautauqua Co, NY; Genesee Co, NY: Madison Co, NY; Monroe Co, NY; Rockland Co, NY; St. Lawrence Co, NY; Suffolk Co, NY; Yates Co, NY; Summit Co, OH; Clackamas Co, OR; Lane Co, OR.

Multnomah Co, OR; Washington Co, OR; Centre Co, PA; Allegheny Co, PA; Bucks Co, PA; Erie Co, PA; Lehigh Co, PA; McKean Co, PA; Tarrant Co, TX; Loudoun Co, VA; Shenandoah Co, VA; Clark Co, WA; King Co, WA; San Juan Co, WA; Whatcom Co, WA; Palmyra Co, KS; Santa Barbara Co, GA; Jackson Co, NC.

STATE LEGISLATURES

The Connecticut, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, Ohio, New York, Oregon, Vermont, Washington, West Virginia, and Wisconsin State Legislatures; the Kansas, Missouri, North Carolina, and Pennsylvania House of Representatives, the California State Assembly and the Alaska, Illinois, and New Mexico Senates.

Mr. KENNEDY. On this first chart we have launchers and warheads. In the measure of warheads, which are the instruments that actually kill, the United States is ahead. In the measure of launchers the Soviet Union has an advantage over the United States. In some areas they are ahead of us, in other areas we are ahead of them. But his chart illustrates that there is essential equivalence between the United States and the Soviet Union.

Chart No. 2 measures destructive power, that is, equivalent megatons, versus payload. When we speak of payload, we speak of the amount of lifting power of weapons. Destructive power is a measure of the size of the hole in the ground that the weapons make. The Soviet Union has more destructive power than the United States, but the United States is ahead of the Soviet Union in payload.

The Soviets might be able to make a deeper hole in the ground but clearly we can hit more targets than the Soviet Union.

Again, when you treat the first chart and the second chart together, I think they illustrate that the United States and the Soviets are in a situation of essential equivalence.

This third chart compares the START proposal, the administration's position with the freeze. Under the START proposal, the Soviets would be able to build a combination of 400 Backfire and Blackjack bombers. The Soviets now have one Blackjack bomber, which is comparable to the B-1 bomber. The Soviet Union now has one new Typhoon submarine with 20 missiles, and are currently testing the new solid fuel ICBM. Under the START proposal, they would be able to build up to 1,200 of these new more dangerous missiles.

Under START the Soviets would be able to build up to 3,500 cruise missiles. At the present time they have zero cruise missiles, one new Typhoon submarine, one prototype, Blackjack. They are dependent upon a World War II bomber, which is propeller driven, the Tu-95. Under START they

could build hundreds of Blackjacks; under a freeze they would be stuck with the Tu-95.

The fact is, Mr. President, under a freeze we would halt major Soviet breakthroughs, which are now on the planning board or in initial stages of development.

I believe, Mr. President, that these two charts make the case for the freeze very clearly and very succinctly. First, we have essential equivalence with the Soviet Union in nuclear capability. They have the capability of destroying the United States many times over, we have the capability of destroying the Soviet Union many times over. We are ahead in some areas, they are ahead in others.

Second, under a freeze we would be able to halt the Soviet Union's progress in important areas where they are moving toward new destabilizing technological breakthroughs, whether it is the Blackjack bomber, the new Typhoon submarine, or the new land-based missiles with solid fuel.

Mr. President, over the period of the last 25 years one of the continuing lessons of the nuclear arms race is that the Soviet Union is prepared to match us missile for missile, bomber for bomber, submarine for submarine.

We have a number of new weapons systems on which this body has voted. The Soviet Union has a number of new weapons systems on which it is embarked.

The United States and the Soviet Union are like two individuals who are up to their waists in gasoline in a cellar. One has 15 matches and one has 17 matches, and we are arguing over whether each should have 2 more matches, at the cost of billions and billions of dollars.

Mr. President, I had the opportunity some years ago to visit Hiroshima and to stand at ground zero and afterward to talk to some of the survivors. They talk about the blast. They talk about the wall of heat. Those who survived talk about the cries that went unheeded. They talk about the anguish and the death and destruction that took place. Those who did survive are scarred beyond belief forever.

I believe that anyone who has visited ground zero would agree that we have to do everything possible to insure that ground zero will not be repeated by miscalculation or by accident or by intent in any other part of the world.

Mr. President, I yield to the Senator from Rhode Island.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, both proponents and opponents of the concept of a nuclear freeze ought to be able to agree that the central issue is the question of the best method of preventing nuclear war. The alternatives which face us are plain: Either we continue the proven policy of deterrence, or we adopt the new and untested concept of a nuclear weapons freeze. The burden of proof that a nuclear weapons freeze would prevent war must be assumed by those who are putting that view forward.

I submit that the advocates of a freeze have not proved their case. Even though I do not question that both proponents and opponents of a freeze share the fundamental, overriding objective of preventing nuclear war, there is no agreement on how to achieve this goal.

The fundamental problem is whether we can maintain a nuclear balance and deterrence with the Soviets if a nuclear freeze resolution is passed and becomes the rule of U.S. policy. In my judgment, a nuclear weapons freeze is inconsistent with the long-established U.S. arms control objective of equal levels of forces on both sides. The Jackson amendment to the SALT I Treaty in 1972 established the basic U.S. arms control objective of equal levels of forces.

At the present time, the authoritative studies of the nuclear balance—both within Government and outside Government—show clearly that the Soviets do have strategic superiority over the United States at the present time. Even President Reagan himself has stated several times that the Soviets have strategic superiority. The freeze, therefore, would have the result of locking in forever the strategic superiority of the Soviets.

Thus a freeze would be inconsistent with the U.S. law of the land. The current objective; namely, equal levels of forces, could never be achieved. It would freeze our inequality and our inferiority.

THE SOVIET THREAT

Since SALT I was signed, the U.S.S.R. has spent $140 billion more than the United States on the acquisition of strategic forces. It is hard to comprehend the meaning of $140 billion. If, during the same period, the United States had spent the same amount, it would have been enough to modernize our strategic offensive forces, and to build up an air defense system to defeat the growing Soviet bomber threat.

This $140 billion budget would have completely revolutionized our strategic offensive forces. Within that budget, we could have had 100 modern land-based missiles—the MX—100 modern bombers that could penetrate Soviet defenses and provide the flexibility of manned penetration, 3,200 air-launched cruise missiles to provide a highly accurate system also capable of penetrating Soviet air defenses, and 20 modern, quiet Trident submarines, equipped with long-range missiles that would allow the submarines to patrol in home waters.

But that is not all the $140 billion could have bought. In addition to the above offensive forces, we could also have modernized our air defense system. We could have built 12 airborne warning/controls systems—AWACS, 5 squadrons of modern F-15 interceptors, an "over the horizon" radar to improve early warning, and improved our DEW line long-range, early warning radars.

Moreover, we could have reduced our vulnerabilities on our command and control communications and intelligence infrastructure, and prepared to defend the MX against a ballistic-missile attack.

All of that could have been procured with the $140 billion that the Soviets have spent in excess of our strategic spending since SALT I. Of course, the Soviets have spent the $140 billion on a different mix of weapons systems, because the Soviet strategic problem is geographically different from ours. But if we had made the same effort in defense spending as the Soviets made, we would now able to have equal and balanced forces, making a freeze worthy of consideration. But we did not.

The nuclear weapons freeze is a seductive slogan, but it is bad arms control. The freeze is unrealistic because it would be massively complicate to negotiate, with its many gray areas, for example, ASW, air defense, BMD, and nuclear power.

The freeze is unverifiable because so much of the Soviet research is undetectable, even with inspections.

The freeze accepts inequities which undermine the principle that arms control agreements must be equal, balanced, and stabilizing.

The freeze undermines current negotiations because it derails the START talks, and the INF negotiations already underway. Indeed, it codifies Soviet advantages, removing the Soviet incentive to reduce, and it would endorse the Soviet position that a balance already exists.

Finally, the freeze is politically useful to the U.S.S.R. because the prospect of an imminent freeze would reduce support for needed U.S. defense programs. Moreover, Soviet leaders could pose as peaceful while pursuing military objectives during the protracted negotiations.

In short, the nuclear weapons freeze would be dangerous for the military balance, and it would impede arms control. It would reward the Soviet Union for its massive nuclear buildup and punish American restraint. It would codify dangerous Soviet advantages, prevent replacement of our aging and vulnerable U.S. systems, prevent safety and security improvements to these systems, undercut

NATO deterrence, and undermine U.S. leadership and alliance cohesion. Those who favor arms control must be prepared to admit that a nuclear weapons freeze would be a real setback for real arms control.

SPECIFIC PROBLEMS

Aside from the general framework of issues, there are specific problems which a freeze would make uncontrollable. It should be pointed out that a freeze would prohibit nuclear testing. This means that it would prevent important improvements in nuclear weapon safety and security that are designed into warheads. For example, a freeze would prohibit testing of insensitive high explosives to prevent accidental detonation. A freeze would also prohibit testing and maintenance of intergral permissive action links (PAL) to prevent unauthorized or accidental detonation. These are important safeguard mechanisms that need improvement.

A nuclear weapons freeze is not verifiable by our national technical means. Furthermore, important tests are possible with little or no risk of discovery, especially low-yield nuclear weapons tests. There would be no way of checking whether or not the Soviets were covertly testing subsystems for insuring reliability—giving them confidence for breakout. Indeed, any kind fo production is difficult to monitor because we do not know where present possible covert facilities may be located. In addition, the monitoring of unconventional deployments of strategic weapons is difficult—for example, ICBM's in soft, camouflaged shelters. And of course monitoring the deployments of smaller weapons of extremely difficult; many aspects of a freeze could not be verified even with onsite inspections.

We should also look at some of the specific impacts on NATO. The nuclear weapons freeze would undercut deterrence of conventional war. Soviet military doctrine envisions use of massive military force in a surprise attack to crush NATO within days. But nuclear forces are an essential component of the NATO deterrent. The increasing Soviet SS-20 deployments directly threaten Western Europe. The Pershing II and ground-launched cruise missiles (GLCM) are essential to restore the nuclear balance and deter both conventional and nuclear attack. The freeze would prohibit deployment both of the Pershing II and GLCM, and induce in the Soviet mind a state of reckless confidence. The reason is that a freeze would accept the present Soviet advantage in intermediate range nuclear forces of 600 to 0.

At the present time, the United States has in development at least eight major strategic and theater nuclear systems which are ready to be deployed in the near future. But only two of them, the air-launched cruise missile and the trident submarine, has even begun deployment. These are the systems the freeze would knock out:

Strategic systems under development:	*Current number deployed*
M-X	0
Trident SSBN	[1] 2
Trident II (D-5) SLBM	0
B-1B bomber	0
Advanced technology bomber (Stealth)	0
ALCM	[2] 7
Theater systems under development:	
Pershing II	0
Ground-launched cruise missiles	0

[1] On sea trials.
[2] Aircraft , 70 ALCM's.

Thus the initiation of a freeze would have the effect of nipping in the bud our barely minimal attempt to restore some of the balance so desperately lacking today. The United States needs to modernize its strategic nuclear forces in order to bolster our deterrent posture.

A freeze would prevent U.S. strategic modernization, while codifying Soviet modernization, which is a generation ahead of the United States in most systems and almost completed. A freeze would prevent replacement of obsolescent launchers of American warheads. The U.S. strategic modernization program would be blocked, yet it is vitally needed. Only 4 percent of total U.S. warheads are on launchers less than 5 years old, and 77 percent of total U.S. warheads are 15 years or older.

In contrast, most Soviet warheads are on very modern launchers. The Soviets have already completed most of their strategic modernization. Fully 70 percent of total Soviet warheads are on launchers less than 5 years old; 95 percent of total Soviet warheads are on launchers less than 10 years old. As a result of its massive buildup and modernization of strategic forces, the already tremendous Soviet advantage would increase under a freeze, Modern, powerful, and survivable Soviet forces would be effective for many years, while a large portion of American forces would become ineffective due to obsolescence and Soviet defense measures.

Aging American strategic forces cannot maintain deterrence indefinitely. There are many current problems of maintaining deterrence. First, most American SSBN's face block obsolescence in early 1990's. The range of U.S. SLBM's must be extended by Trident II missiles after 1989, in order to increase survivability of submarines. A freeze would block Trident submarine construction and Trident II missile deployment. Meanwhile, a large vigorous Soviet antisubmarine warfare program would be largely unaffected by freeze.

Second, in regard to the U.S. ICBM force, Minuteman is vulnerable and incapable of attacking sufficient Soviet hard targets to maintain deterrence. A freeze would maintain this unsatisfactory situation by preventing U.S. ICBM modernization aimed at increasing survivability.

Third, the U.S. bomber force needs modernization to preserve deterrence. The Soviet air defense system is massive, unaffected by a freeze. The Soviets have deployed 5,000 radars, 2,500 interceptors, and 10,000 SAM's. The Soviets have the best air defense system in the world. The U.S. ALCM is needed as standoff weapon for U.S. bombers, and the B-1B needed to escape destruction on the ground and to penetrate. But a freeze would block the ALCM and the B-1B.

In addition, a freeze would undermine American leadership and NATO unity. The December 1979 decision to deploy Pershing II and ground-launched cruise missiles to counterbalance Soviet SS-20's was taken by all members of NATO. An American decision to negotiate a freeze would repudiate that NATO decision. Most NATO leaders oppose the freeze because of the threat it would pose to Europe, particularly by blocking NATO INF modernization while permitting the Soviet Union to keep its SS-20's.

In sum, a freeze would codify dangerous Soviet strategic advantages:

Soviet advantage in strategic delivery vehicles—2,704 to 1,756.

Soviet advantage in ballistic missile warheads—7,500 to 7,200.

Soviet advantage in prompt hard target kill potential—over 5 to 1.

Soviet advantage in ballistic missile throw-weight (pounds)—4,000,000 to 11,000,000.

Soviet advantage in LRINF missiles (SS-4, SS-5, SS-20 versus. Pershing II and GLCM)—600 to 0.

The United States has already tried a freeze with the Soviets many times. Under SALT I, we were told by the Nixon administration that Soviet forces were frozen. Yet during the 1972-77 5-year period of SALT I, the Soviets deployed 17 new strategic systems, compared to none for the United States.

There have been other United States-Soviet nuclear freezes which have been equally unsuccessul. In 1958, the United States and the U.S.S.R. mutually agreed to a moratorium on nuclear weapons testing. Yet in 1961, the Soviets abruptly and duplicitously broke out of the moratorium with a massive atmospheric nuclear test series.

In 1964, President Johnson unilaterally ended U.S. production of new nuclear weapons material, and expressed the hope that the Soviets would make the restraint mutual. Instead, the Soviets built several all new nuclear weapons reactors, while the United

States has dropped from 14 weapons reactors to only 2.

In 1967, the United States unilaterally froze the number of ICBM's and SLBM's, in hopes that the Soviets would likewise freeze when they reached parity with the United States. Instead, the Soviets added 1,000 new launchers for ICBM's and SLBM's between 1969 and 1977, gaining an advantage in missile launchers of over 820.

In 1977, Jimmy Carter cancelled the B-1 bomber, in hopes that the Soviets would show equal restraint. Instead, the Soviets began mass production of the Backfire bomber and development of the Blackjack bomber.

In 1978, Jimmy Carter bowed to Soviet propaganda and cancelled the neutron bomb or enhanced radiation warhead, in hopes of Soviet restraint. Instead, the Soviets accelerated their SS-20 deployment.

In 1981, the late Soviet President Brezhnev pledged a unilateral Soviet freeze on their SS-20 deployment. Since that "freeze," the Soviets have added over 60 new SS-20 launchers.

In sum, there have already been seven United States-Soviet nuclear weapons freezes, and the Soviets have violated or ignored each one. Why should we try a new freeze, in light of this history? As former Defense Secretary Brown has stated, when the United States builds, the Soviets build, and when the United States stops building, the Soviets just keep building.

Finally, the Soviets have deployed a sixth new ABM battle-management radar which flagrantly violates five provisions of the SALT I ABM Treaty. The ABM Treaty is the only SALT treaty in force. This is an ominous development boding ill for all further U.S. arms control proposals to the Soviets.

I believe that the Soviets have been breaking out of arms control and SALT for over the past year. President Reagan himself on September 14, 1983, for the second time has charged the Soviets with violating the Kennedy-Khrushchev Agreement of 1962, which ended the Cuban missile crisis. If the Soviets are violating the agreement that ended the Cuban missile crisis, the most dangerous nuclear crisis in history, then the world could be back in a crisis situation. I believe that Soviet nuclear blackmail threats and actual deployment to Cuba of nuclear delivery capable bombers, fighter-bombers, and submarines makes the Soviet nuclear threat from Cuba today more dangerous than it was in 1962.

Finally, it must be pointed out that a freeze at current levels would reward the U.S.S.R. for its military buildup but penalize the United States for restraint. The following comparison summarizes the contrasting actions of both the U.S.S.R. and the United States in this regard:

U.S.S.R.

In the last 15 years, 60 SSBN's deployed in 5 new or improved classes.

Since SALT I, about one-half of SLBM force replaced with 3 new SLBM types; a new SLBM type is being tested.

Since SALT I, essentially entire ICBM force replaced with 10 variants of 3 new ICBM's.

Since SALT I, over 250 Backfire bombers with inherent intercontinental range.

Since SALT I and ABM Treaty, substantial ABM upgrade of single permitted site.

Since SALT I was signed, the U.S.S.R. has spent approximately $140 billion more than the U.S. on strategic forces.

U.S.

Now deploying Trident submarines, the first SSBN's built since 1967.

Minuteman III modified, but no new ICBM's deployed.

No new intercontinental bomber in over 20 years.

Only ABM site dismantled in 1976.

In sum, a nuclear weapon freeze is not sensible on legal, strategic, verification, and historical grounds. As President John F. Kennedy stated on March 2, 1963, in regard to the Limited Test Ban Treaty then under negotiation with the Soviets:

We know enough about broken negotiations, secret preparations, and the advantages gained . . . never to offer again an uninspected moratorium.

With the Soviets now breaking out of all arms control agreements, we could be wise to follow John F. Kennedy's advice and reject a freeze, which is nothing more than a unilateral, uninspected moratorium.

Mr. DOLE. Mr. President——

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the floor?

Mr. DOLE. He just yielded.

Mr. KENNEDY. I should like to yield to the Senator from Rhode Island.

Mr. DOLE. For what purpose?

Mr. PELL. I will wait and be recognized on my own time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I do not foreclose reasonable discussion here, but this has as little to do with the debt ceiling as anything I can think of. The only thing is that it has some limits, which is more than I can say for the debt limit. This is the prime-time amendment we expected for the nightly news. It has nothing to do with the debt ceiling. There is no way you can say it is germane. It is simply an amendment someone would like to discuss.

We are faced with a midnight deadline on the debt. I think we have wasted $250 million because we have insisted for 4 days that we offer war powers resolutions, Grenada resolutions, now the nuclear freeze, and I understand there may be an abortion amendment—all on the debt ceiling.

I am prepared to table the amendment, but I certainly do not want to do that without giving somebody on each side a few minutes to discuss it.

I wonder if we might reach an understanding. Seriously, I want to help colleagues do whatever they wish to do, but our responsibility on the committee is to pass the debt ceiling. This could go on for hours.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. KENNEDY. First of all, discussion of the freeze has been going on, I believe, for about 34 minutes this afternoon. It is relevant to the debt; if the freeze is put in place, it would save $100 billion over the next 5 years. I know that $100 billion is not much to this administration, because under it we have seen the most massive deficits in the history of this country. But some of us are trying, in whatever areas we possibly can, to save some resources.

It was not the Senator from Massachusetts who objected to waiving the 3-day rule. It was requested by the Finance Committee, so that we could expedite consideration of the debt ceiling. It is not going to be the Senator from Massachusetts or those who support the nuclear freeze who are going to be ridiculed on the floor if the Senate Finance Committee does not do its work.

This is an important issue. I made clear earlier that I was prepared to offer it on other legislation. I have been here for 3 hours, waiting to bring this up, and I am quite prepared to see a reasonable time limit on this amendment. But I daresay that I think we are entitled to reasonable discussion and debate on it.

Mr. DOLE. Mr. President, I assume that, in general, everything we do here may have an impact on the debt ceiling, but this has no relevance to the debt ceiling. It is not germane, any more than an abortion amendment is germane.

Our responsibility is to get on with the debt ceiling so that the Government can pay its bills. I am not certain that it is going to pass, in any event. I get the feeling, as the majority leader does, that enough Members want to see what happens if we do not increase the debt ceiling.

I understand that after this amendment, somebody wants to offer the builddown amendment, and that is another that will take some time.

Mr. KENNEDY. I would enter into a time agreement with the Senator from Kansas, if he would like to get a vote on this. I have not talked to Senator HATFIELD, but I would be glad to enter into a time agreement with the Senator.

Mr. DOLE. I want Senators to be heard, but it does not belong on this bill. Certainly, Senator HATFIELD would not want to offer a nongermane amendment. I always hear that we cannot offer them on appropriations bills. If this amendment remains on the debt ceiling, we are setting a new precedent, and I do not believe Senator HATFIELD would push this amendment on this proposal. He might speak for it.

If it is some reasonable time agreement whereby Senators who have a different view may be permitted to speak, I am prepared to do that. Otherwise, I will move to table the amendment and ask for the yeas and nays, and get on with the business at hand. The business at hand is to try to figure out some way between now and midnight to pass the debt ceiling bill, to go to conference, and to get it back here. It will be hard to do that, because the House is ready to go out.

How much minimal time would be required?

Mr. KENNEDY. I would think at least an hour. We could vote at 6:15. We could divide the time equally.

Mr. DOLE. Thirty minutes on a side?

Mr. KENNEDY. With the understanding that if we had more speakers, the Senator would be accommodating. We will give notice to the Members.

Mr. DOLE. Mr. President, I think that before we get an agreement, I should suggest the absence of a quorum, and we will check with the appropriate committee chairman. I am not the chairman who would be handling this.

Mr. CRANSTON. Could we speak while the Senator from Kansas is doing that, so we would not waste time with a quorum call?

Mr. DOLE. If we get into this debate, we are going to get into one on the build-down.

I suggest the absence of a quorum, and we will have the majority leader come in.

Mr. BOSCHWITZ. I understand that a couple of votes already have been ordered.

Mr. DOLE. Some have been ordered, but they will not start until the debate ends on this amendment.

Mr. PELL. Mr. President, what is the pending business?

Mr. DOLE. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, a parliamentary inquiry.

If regular order were requested, it would bring those two amendments up now for a vote. Is that correct?

The PRESIDING OFFICER. The amendments would recur, but they still could be debated.

Mr. DOLE. Then, I demand the regular order.

The PRESIDING OFFICER. The regular order would be on amendment 2474.

Mr. PELL. Mr. President, a parliamentary inquiry.

What does that do to the freeze amendment? Does it follow those two or precede those two—the amendment under consideration?

The PRESIDING OFFICER. The Baucus amendment, which is the pending measure, would be the business of the Senate. The Kennedy amendments would be laid aside.

Mr. PELL. Mr. President, I thought the Kennedy amendment was the pending amendment that we were discussing at the time of the call for the regular order.

The PRESIDING OFFICER. The Chair will state that the Kennedy amendments were pending, but a call for the regular order makes the Baucus amendment to the pending business of the Senate.

A call for the regular order having been made, the Chair will rule that the Baucus amendment is now the pending business of the Senate.

Mr. CRANSTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CRANSTON. Would not the Kennedy amendment be pending following those two votes?

VOTE ON AMENDMENT NO. 2474

The PRESIDING OFFICER. The Senator from California is correct. If there be no further debate on the Baucus amendment, the question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NUNN (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—92

Abdnor	DeConcini	Hecht
Andrews	Denton	Heflin
Armstrong	Dixon	Heinz
Baucus	Dodd	Helms
Bentsen	Domenici	Hollings
Biden	Durenberger	Huddleston
Bingaman	Eagleton	Humphrey
Boren	East	Jepsen
Boschwitz	Evans	Johnston
Bradley	Exon	Kassebaum
Bumpers	Ford	Kasten
Burdick	Garn	Kennedy
Byrd	Glenn	Lautenberg
Chafee	Goldwater	Laxalt
Chiles	Gorton	Leahy
Cochran	Grassley	Levin
Cohen	Hart	Long
Cranston	Hatch	Lugar
D'Amato	Hatfield	Mattingly
Danforth	Hawkins	McClure
Melcher	Quayle	Symms
Metzenbaum	Randolph	Thurmond
Mitchell	Riegle	Tower
Moynihan	Roth	Trible
Murkowski	Rudman	Tsongas
Nickles	Sarbanes	Wallop
Packwood	Sasser	Warner
Percy	Simpson	Weicker
Pressler	Specter	Wilson
Proxmire	Stafford	Zorinsky
Pryor	Stennis	

NAYS—6

Baker	Inouye	Pell
Dole	Matsunaga	Stevens

ANSWERED "PRESENT"—1

Nunn

NOT VOTING—1

Mathias

So the Baucus amendment (No. 2474) was agreed to.

AMENDMENT NO. 2475

The PRESIDING OFFICER. The question now recurs on amendment No. 2475.

(The names of Mr. D'AMATO, Mr. MURKOWSKI, Mr. EAST, and Mr. DENTON were added as cosponsors of the amendment.)

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, as I understand——

The PRESIDING OFFICER. May we have order in the Chamber?

The Senator from Kansas.

Mr. DOLE. I understand the Senator from Florida wants to be heard briefly on the Kasten amendment. I know of no other request for time. Then if I can contact the distinguished Senator from Texas, Senator TOWER, we can work out some time for the other amendment.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, this amendment was proposed this afternoon and some of us heard about it sort of after the fact. But we have a number of Senators on the floor now and it may be a good opportunity to really sort of explore this thing. I read where the President has said several times in the paper that Congress reached some kind of agreement based on three for one. I have solicited most of the people on this side, and among the ones I have been able to talk to, and I have talked to most members on the Finance Committee, I cannot find anybody who ever heard of that agreement. It may be that the majority on that side made this agreement with the President. I wish they had told us about it, if they were making that sort of agreement. I have looked over the CONGRESSIONAL RECORD, or had somebody look, and do not find anything there.

It seems to me, to have an agreement you have to have the Congress as party to that agreement. We do not make up the majority over here. We are the minority. But we did not make

the agreement. So we are a little bit concerned about where we cut $300 billion. It has to be cut in spending. We have to cut $300 billion before we can get a new dollar in revenue. That means even what the Finance Committee reported out today, which some of us think does not cut enough, does not do enough. Before we assume a role in cutting that $300 billion, we would like to find out who made the agreement.

Mr. LONG. Will the Senator yield at that point?

Mr. CHILES. Yes.

Mr. LONG. Mr. President, like many other Members of this body, and I assume many Members of the House, I did not know what the President of the United States was talking about when he went on nationwide television and made the statement that: "They promised they were going to cut spending $3 for every $1 of taxes."

That is what he said.

Since that time we have been asking: "Who is the 'they'?" It is not me. I never promised that. Did the Senator from Florida promise that?

Mr. CHILES. No.

Mr. LONG. So far we have not found a soul on the Democratic side who made that promise: "They promised they were going to cut spending $3 for every $1 of tax increase."

The Senator from Louisiana is just not aware of that at all.

I do recall that at one time, when a group was invited down to the White House to talk about the possibility of proposing a package of tax increases and spending cuts to try to move toward fiscal responsibility, Mr. Baker, the President's aide——

Mr. CHILES. Mr. President, can we have order in the Senate? The Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate is not in order.

Mr. LONG. I recall a situation down at the White House where Senators and Representatives met with members of the President's staff and Mr. Baker, more or less acting as chairman of the group, if there was any chairman, kept moving the conversation along the line where the numbers would tend to work out that there would be about $1 of tax increases for every $3 of spending cuts over a period of time. But no agreement was reached.

The President of the United States never entered that room one time so far as I can recall, as far as that meeting was concerned. I would hope that meeting is not what the President was talking about. I was there most of the time, and so far as I can recall no agreement was reached. The thing fell apart and did not work because the representative of the House, who spoke for Speaker O'NEILL, was not willing to agree to a cut in social security benefits. So the meeting did not result in an agreement or a commitment.

If such commitments were made on the other side of the aisle, I would hope that those who did so would stand up and identify themselves, and tell us that they are the "they" who made that promise. So far as I know, I know of no Democrat who made any commitment like that, not on the Finance Committee, and I know of no one in the Democratic caucus discussing it. The Senator from Florida is the ranking member on the Budget Committee. Does he tell me that he knows of no one on our side of the aisle who made a commitment like that?

Mr. CHILES. I do not. You would think that as the ranking member of the Budget Committee I would know something about it, or the ranking member on the Finance Committee would know something about it, if it is the Congress which made such an agreement. The chairman of the Finance Committee might be able to tell us whether he represented this.

Maybe it would be interesting to know if the chairman of the Finance Committee made this agreement and signed us on.

Mr. DOLE. Mr. President, I think it was an agreement between the President and his speechwriters.

Mr. CHILES. That kind of reminds me that what we have here is——

Mr. MOYNIHAN. Mr. President, may we have order? Something important is being said. The President is represented as having made an agreement which Congress evidently had not made.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Senators take their seats or retire to the cloakroom.

The Senator may proceed.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. CHILES. Yes, Mr. President.

Mr. LONG. I have here a table from the conference report on last year's budget resolution, relating to reconciliation instructions. I understand that this is what the Congress actually agreed to in June 1982: spending cuts of $27,153,000,000 for the years 1983 through 1985, and revenue increases—to be reported by the Finance Committee, of which I happen to be a member—totaling $98,300,000,000. That is what the Senate agreed to.

Instead of $3 in spending cuts for each $1 of tax increase, we agreed to $3 of revenue increases for every $1 of spending cuts.

Mr. CHILES. Is that not the budget resolution that the President endorsed and that the President went on television and said that he endorsed?

Mr. LONG. I do not recall whether the President endorsed this or not.

Mr. CHILES. I believe he did. I believe that that is the budget resolution that the President endorsed and said that was his budget resolution. Now, because there are several speeches that have been made in which the President has said that he has been betrayed on this, we are talking about passing a sense of the Senate amendment that says Congress has betrayed the President now and we have to have a three-for-one cut.

It is a little bit like the country boy that tells a story and he was sort of complaining to some of his compatriots. He said: "I didn't mind it when you rubbed the manure in my hair, but when you told me I couldn't come to the dance because I smelled, that was a little too much."

It is like now, we did not get a chance to be in on the deal, but now we are told that we have to cut $300 billion——

Mr. LONG. Before we can have $1 of revenue.

Mr. CHILES. Yes, so we cannot come to the dance now. That deal, as I remember, was rubbed into us. We did not make it to start with. We did not have much to do with what happened. Now we are told that somebody betrayed somebody.

Well, Mr. President, as I say, we need to find out who. I am just as anxious as the President to find out who did that. If we can find out who betrayed us, then I think we ought to take some action about it.

Mr. DOLE. Mr. President, I shall take just a minute. I think the Senator from Wisconsin would like to close this debate.

I just say that there is no doubt in my mind that the President would like to have more spending reductions. I wish we could get more spending reduction. I think many of us, some on both sides, have voted for more spending restraint.

I am not certain that this sense of the Senate resolution will help us reduce the deficit. What concerns this Senator is not what deal somebody may think they made a year ago or 2 years ago, it is what kind of deal we are going to make for the American people on the deficit. I do not see many good signs. We see a lot of hope, but I do not see the 51 votes yet in the Senate to put together a deficit reduction package. In my view, with some help from the Speaker and the President, we can do that yet this year. There is a lot of sentiment on both sides of the aisle in the Senate to do something.

It is our hope—my hope and I think the hope of many Democrats and Republicans—that we can do it in the next 4, 5, 6, or 7 days.

I do not quarrel with the hope of the Senator from Wisconsin that we can do more on the spending side. That is also my hope, but I do believe we can

probably survive without this resolution being adopted.

Mr. MOYNIHAN. Mr. President, may I speak for 2 minutes?

Mr. KASTEN. I yield 2 minutes to the Senator.

Mr. MOYNIHAN. Mr. President, most seriously with respect to this amendment, there are two areas of the Federal budget which have grown enormously in the last 2½ years. They are those portions allotted to the common defense and to agricultural subsidies. I call particular attention to this subvention for agriculture.

The previous administration left us with an agriculture program costing, as I recall, some $4 billion annually. This year, it is running at $23 billion a year.

Mr. President, the discussion today is about how to cut Government spending. Surely, this Congress should cut spending on those programs on which it has most increased spending—a fivefold increase in less than 3 years.

Not 2 weeks ago, we stood on this floor and voted to start paying dairy farmers not to milk cows. Mr. President, I think we could save that money. We do not have to pay dairy farmers not to milk cows. We can pick up a billion dollars there in no time. We could cut that farm program back to where it seemed to work all right, at $4 billion. How it got to $23 billion, I do not know. Somebody on the other side of the aisle might know.

Surely, agricultural subsidies would be a prime candidate for those reductions.

Mr. KASTEN. Mr. President, I wish first to respond briefly to the Senator from Florida and the Senator from Louisiana. I think it is important that we not confuse the conference agreement of first budget resolution, in which we adopted a 3-for-1 spending and tax ratio with reconciliation.

I agree that we never reconciled the $3 of spending cuts for every $1 of tax increases. We are engaged in this debate today because we should have. It was the agreement of a number of people to make that 3-to-1 ratio stick. We never did it. I think if we start now to shift the question of whether or not we are going to concentrate on reducing spending as much as we are going to concentrate on revenue increases, we shall go forward. Let me give you a few examples I scratched up—there are more in the media—and with which I can make my point.

First, the first concurrent budget resolution which I already put in the RECORD this afternoon, says we are going to increase revenues by $98 billion, and reduce spending by $284 billion. There was no assumption to cut social security.

With Republicans and Democrats, Congress adopted that budget resolution with roughly a 3-to-1 ratio. On May 6, 1982, President Reagan made a few remarks we may find interesting in a question and answer session with reporters. The President said:

> We reached agreement on a 3-year deficit reduction package totaling $416 billion. Two-thirds of the amount will come from spending reductions and interest savings and only 23 percent from revenue increases, and while we realize no compromise can please everyone, this one meets the most important criteria. It will continue to bring down the growth in Federal spending.

That is the President of the United States in response to reporters.

On June 22, 1982, the chairman of the Budget Committee said the following:

> In addition, we have outlined a fiscal path for the Government that, if fully implemented and enforced, will cut more than $378 billion from the cumulative deficits for the fiscal years 1983 through 1985.

That was on June 22, 1982.

On July 19, 1982, in debating TEFRA, the chairman of the Committee on Finance said the following:

> The new revenues raised under this bill account for only 26 percent of the total of $378 billion in deficit reduction called for by the budget resolution.

I ask unanimous consent that the remainder of these remarks contained on page 16907 of the CONGRESSIONAL RECORD, appear in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EMPHASIS STILL ON SPENDING

Mr. President, I have said that this is not just a revenue raising bill. It is also a spending reduction bill, and it has to be considered in the context of the budget mandate to all committees of the Senate to reduce spending in their respective areas. The new revenues raised under this bill account for only about 26 percent of the total of $378 billion in deficit reduction called for by the budget resolution: Most of that deficit reduction comes from controlling authorizations and appropriations and from the favorable economic consequences that we expect will flow from firm congressional action to make these changes. It will be a long, tough battle to adhere to these budget totals, complete the reconciliation process, and follow through in the appropriations process. But we will never get there at all unless we take the first step. The first step toward getting spending under control is to approve the legislation now before us.

Unfortunately, our plan did not work. We did not reduce the deficit, and we have seen spending increase by $1.14 rather than decrease by $3. The fact is that we have not made the spending reductions we had hoped and to make planned in the first concurrent budget resolution for fiscal year 1983.

I have not meant to imply that every single Democrat checked off on the plan. I did not check off on it. I think we need to reduce deficits more than this, and I think we need to reduce spending by more than called for in the resolution. But, it was congressional intent, and the President of the United States agreed, that that was the direction we were going to take.

Today, rather than the $3 in spending cuts, we have added $1.14 of spending increases to balance off every $1 in revenue.

I do not want to fall into that trap again. Before we once more increase taxes while being assured of spending cuts, I think we ought to tread very, very carefully. The purpose of my sense-of-the-Senate resolution is to establish the fact that we ought not to increase taxes yet again before we make the spending reductions we agreed to—not unanimously—as a Congress.

Mr. CHILES. When I listen to the statement that the Senator from Wisconsin makes now and then I read this language, "It is the sense of the Senate that no further tax increase should be enacted until Congress fulfills the pledge," I happen to be handicapped with a law degree, but when you talk about a pledge, it is a bargain for a situation which you make. I did not pledge that, and I do not think that this Congress pledged that.

Now, let us look at some of the things that the Senator talks about that are in that figure. We are talking about net interest savings that we expected to get. We were reducing spending so we expected to get net interest savings. All those did not materialize.

If you remember, interest rates happened to go up, so you did not get $40 billion in interest savings. They just sort of evaporated. You had some administrative savings. Those were things that OMB used to come over here and say, "We are going to save so much money in cutting out waste and fraud in administrative savings." All of those did not materialize.

I do not think that is Congress breaking its pledge. I do not think Congress ever had a pledge.

One other thing is very important to remember when we talk about what the President said. If the Senate will remember, the President disavowed holding to whatever the agreement was for 3 years and came in and asked for a $75 billion increase in defense.

Remember, all of us got mad. A bunch of Republicans went down to the White House and said, "Wait a minute; we agreed that these were going to be 3-year numbers." But the President and Secretary Weinberger said, "We are not bound by that. We are not bound by those years. We are only bound by 1 year."

So the President is not bound. He has raised defense. And then he says, "Wait a minute; we do not have this three-for-one saving."

You sure do not when you ask for $75 billion more in defense. We had a 5-percent figure that we put in. It was to go across. But they disavowed that

figure. One side disavowed it. But I have yet to find where we have the pledge. I do not think the pledge comes from the President's speech. I do not think it comes from some remarks about assumptions. You assume you are going to make certain savings in administrative costs. You assume you are to make some interest savings. You assume that certain numbers are going to turn out, and they do not. Then you turn around and say they do not.

Mr. President, if the debate is over, I would be disposed to make a motion to table, but I do not want to cut somebody off.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. As I understand it under the sort of informal agreement, that would be a leadership decision.

Mr. KASTEN. Mr. President, if the Senator from Kansas will yield, I have no further desire to debate, but I very much hope to avoid a tabling motion. I would like to get a straight up or down vote on this question.

Mr. DOLE. Mr. President, I think we should have an up and down vote on it. I am opposed to the sense of the Senate resolution. I do think it is ambiguous at best.

Then after this, we will be back on the amendment by Senators KENNEDY and HATFIELD. It is my understanding the Senator from Texas (Mr. TOWER) would like an hour and a half on that amendment. Since we have been about a half-hour already on the proponents' side, I wonder if Senators KENNEDY and HATFIELD might be willing to give the opponents an hour and the proponents another half-hour. As I understand it, the proponents used about 30 or 40 minutes already. If we could make that agreement beforehand, then people can vote and they know there will be an hour and a half window before there will be another vote.

Is that all right with the Senator from Colorado?

Mr. HART. It is fine with me.

Mr. DOLE. I say to the Senator from Massachusetts, it is my understanding that the proponents have used about 30 minutes. Senator TOWER would like an hour and a half total time. He thinks the opponents ought to have an hour and the proponents would have 30 more minutes to make it about an hour on both sides. Would that be satisfactory? An hour for the opponents, a half-hour for the proponents, on the theory that they have already used about 40 minutes.

Mr. KENNEDY. I want to cooperate with the Senator from Kansas. The principal cosponsor (Mr. HATFIELD) has not spoken. I have eight Senators who want to speak for 3 or 4 minutes. I do not want to delay the Senate. If we can get 45 minutes? And I would like to check with our leader, Senator BYRD. Forty-five minutes would be satisfactory to me, if I could check with Senator BYRD.

Mr. DOLE. Mr. President, could I suggest briefly that I would like to talk to Senator BAKER, if I could suggest the absence of a quorum, to figure this out before the vote so that some Members will have about an hour and half that way to go out and knock on doors with their children.

I suggest the absence of a quorum.

Mr. KENNEDY. Does the Senator want to move ahead and vote on this other one so we can work out the time agreement during the course of the vote?

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. On the quorum?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. On what are we calling the roll?

The PRESIDING OFFICER. The absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will be in order.

Mr. BAKER. Mr. President, it will take a little while to run the clearances on this request. I feel that we will get it.

The request is for an hour on this side and 45 minutes on the other side, which sort of balances things out. But we cannot do it for the moment, so I suggest that we go ahead with the vote.

Mr. DOLE. Mr. President, at 6:30 p.m. members of the Finance Committee have a matter to finish which involves a few details from this morning.

Mr. QUAYLE. Mr. President, can the majority leader give us some idea of the time we will be voting on the freeze amendment? Some of us who have small children would like to escape this place for trick or treating. May we have some idea what time we will be voting? I would like to vote on the freeze amendment and scare some goblins.

Mr. BAKER. There are no more goblins anyplace than right here. [Laughter].

Mr. President, in answer to my friend from Indiana, let me say that my guess is that we will get this agreement, and then we will have the rollcall vote on the Kasten amendment, which will take 15 or 20 minutes, so you probably have about 2 hours to go out and hustle.

Mr. QUAYLE. So I can probably be free until about 8:30?

Mr. BAKER. I have fudged about 20 minutes, but with the Senator from Indiana, that is not unusual.

Mr. President, I call for the regular order.

VOTE ON AMENDMENT NO. 2475

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Maryland (Mr. MATHIAS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—42

Abdnor	Hawkins	Pressler
Andrews	Hecht	Proxmire
Armstrong	Heflin	Quayle
Boren	Helms	Roth
Cochran	Humphrey	Rudman
D'Amato	Jepsen	Simpson
Denton	Kasten	Stevens
Durenberger	Laxalt	Symms
East	Lugar	Thurmond
Exon	Mattingly	Trible
Garn	McClure	Wallop
Goldwater	Murkowski	Warner
Grassley	Nickles	Wilson
Hatch	Percy	Zorinsky

NAYS—55

Baker	Eagleton	Melcher
Baucus	Evans	Metzenbaum
Bentsen	Ford	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gorton	Nunn
Bradley	Hart	Packwood
Bumpers	Hatfield	Pell
Burdick	Heinz	Pryor
Byrd	Hollings	Randolph
Chafee	Huddleston	Riegle
Chiles	Inouye	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kassebaum	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Dixon	Leahy	Tsongas
Dodd	Levin	Weicker
Dole	Long	
Domenici	Matsunaga	

NOT VOTING—3

Boschwitz	Mathias	Tower

So Mr. KASTEN's amendment (No. 2475) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I understand now we can reach an agreement on the pending amendment that there will be 45 minutes to the proponents and 1 hour to the opponents of the measure on the theory that the propo-

nents have had about 30 to 40 minutes, so that it would be a total of 1 hour and 45 minutes, to be divided 1 hour under the control of the distinguished Senator from Texas or his designee and the 45 minutes under the control of——

Mr. KENNEDY. The Senator from Massachusetts and Senator HATFIELD.

Mr. BYRD. Mr. President, Senator MELCHER wants 10 minutes under his control. Can we work that out? Will someone yield him 10 minutes, or shall we add that?

Mr. DOLE. I would rather not add that because we are getting close to midnight.

Mr. CRANSTON. Will the Senator from Massachusetts yield? He could yield 10 minutes to the Senator from Montana.

Mr. KENNEDY. The Senator is correct. I have 10 Senators that want to speak, so what I intended to do was, after Senator HATFIELD had spoken, to try and divide the time evenly between those Senators. I do not know whether that could be provided for 10 minutes, but that is basically what I indicated to other Senators who wanted time.

Mr. DOLE. Mr. President, we will also yield 5 minutes to the Senator from Montana.

If there is no objection, it will be 1 hour and 45 minutes, divided 1 hour in opposition and 45 minutes in support of the amendment. I understand the distinguished Senator from Maine, Senator COHEN, has been designated to handle the time on this side. Five minutes of our time will go to Senator MELCHER, from Montana. Is there objection?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COHEN. Mr. President, reserving the right to object. Could I inquire, is the time limitation on both the Kennedy amendment in the first and second degree? Does it cover them both?

The PRESIDING OFFICER. The Chair will advise the Senate that that could be the contention, but that should be clarified in the agreement.

Mr. DOLE. As I understand it, if there is no objection, that would cover both the pending amendment, the second-degree amendment, and the underlying amendment.

The PRESIDING OFFICER. The question was on the division of time and yielding on what amendment. There has been no arrangement made.

Mr. DOLE. As I understood the Senator from Massachusetts, this would cover both of them.

Mr. KENNEDY. It would be my intention that the time would cover both the pending amendment and the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Could we have this understanding, too, Mr. President: It is possible that a vote could occur on the second-degree amendment and it could fail. Is there an agreement that there will be no other second-degree amendment offered in that event?

Mr. DOLE. There is no agreement.

Mr. BYRD. Could we have an understanding?

Mr. KENNEDY. There is a perfecting amendment now. There is an amendment in the first degree and a perfecting amendment.

Mr. BYRD. I said if the second-degree amendment is voted on first and it would be, and if it failed, then what we would have left is the first-degree amendment, with an opportunity to someone offering a second-degree amendment and no time for debate. I raise that question as to whether we want to get that involved.

Mr. DOLE. Could we agree on a 30-minute time limit?

Mr. KENNEDY. I will make it clear that it is not my intention to offer any further amendments although I cannot ask unanimous consent that the earlier amendment be withdrawn. I have already asked for the yeas and nays. But that would be my intention.

Mr. DOLE. Then someone else could offer a second-degree amendment.

Mr. BYRD. Yes. I would suggest we have a time agreement on a second-degree amendment. In that event, there should also be the requirement that the second-degree amendment be germane to the first-degree amendment. I am just raising the question.

Mr. DOLE. I am just trying to go to another meeting.

Mr. KENNEDY. Could I ask unanimous consent to be able to withdraw the yeas and nays on the first amendment? That would permit me, if I understand correctly, that after the yeas and nays are on the second-degree amendment and that is disposed of, I can ask, as author of the amendment, to have it withdrawn. If agreeable to the managers of the bill, I do so at this time.

Mr. BYRD. I hope the Senator will not misunderstand me. The Senator has not only ordered the yeas and nays on the first amendment, but I believe the first amendment had been acted upon by virtue of the time agreement if this agreement is favorably acted upon.

The PRESIDING OFFICER. The yeas and nays have been ordered on the first amendment. The time agreement is in place on both amendments.

Mr. BYRD. So it would require unanimous consent not only to withdraw the yeas and nays but it would require unanimous consent for the Senator to withdraw it because of the time agreement.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order now to ask for the yeas and nays on the two amendments.

The PRESIDING OFFICER. The yeas and nays have been ordered on both amendments.

Mr. COHEN. Is it our understanding that if the second-degree amendment fails, it would be open for someone else to offer an amendment at that time with a time agreement?

Mr. BYRD. It would be unless there is unanimous consent that a second second-degree amendment would not be in order.

Mr. KENNEDY. Mr. President, could I ask unanimous consent that if the amendment fails, that the first-degree amendment would be withdrawn?

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to inquire of the Chair as to whom I look for time on this?

Mr. KENNEDY. The Senator from Oregon and the Senator from Massachusetts have responsibility for the time as sponsors of the amendment.

Mr. HATFIELD. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I rise to speak on behalf of the amendment offered by the Senator from Massachusetts and myself on the issue of the nuclear freeze. I know that this is an evening which is going to be taken up with an awful lot of issues. This is perhaps not the best vehicle or the time upon which to raise such an important one as the nuclear freeze. But be that as it may, I want to say that I think this is one issue that the people of this country are deeply concerned about and, with the exception of the State of Arizona, every referendum in which the people had an opportunity to vote displayed an overwhelming support for a mutually agreed, verifiable nuclear freeze. This includes the city council of Charlotte, N.C., unanimously approving a freeze, four out of the five commissioners of Mecklenburg County, N.C.; numerous town halls of New England, town halls that the Senator from Massachusetts told me that he and his brother never carried, staunch Republican strongholds; the Middle West States like Minnesota and Wisconsin; the Far West. Throughout this country people have spoken very clearly about their support for the nuclear freeze.

First of all, let me say it can be verified. The testimony before our committee by William Colby and Herbert Scoville, both testified as experts, was that it is far easier to verify a total freeze than a partial freeze. The freeze can be negotiated. We know this because of testimony from those who have been on the negotiating front, Paul Warnke and George Ball, men who have served their country well. So we are not talking about a theory. We are not talking about a hopeful or wishful idea. But we are talking about something very pragmatic.

Mr. President, Dwight Eisenhower once said the time will come when the politicians will have to step aside and let the people have peace. I think this is precisely that moment in our history. I think that it is possible to achieve a mutually agreed, verifiable freeze.

I am very hopeful that people will have the opportunity to read a public printing of Mr. Richard Nixon's new book called "True Peace," which will be commercially printed in January. Even though he does not support the freeze, as such, he has made a very interesting point, one that was made by President Eisenhower years ago: war today is obsolete; that it is no longer possible to consider war as an option in foreign policy, and, more precisely, that this is the time when the Russians need a deal. Regardless of Watergate or any other aspect of Mr. Nixon's Presidency that we may disagree with, I think we all have to agree that he was a man who understood the Russians, he was a man who could deal with the Russians, and he was a man who understood world geopolitics as few in our modern history have understood it.

President Eisenhower also indicated that the time had come when we would have to go to the negotiating table and work out our differences because war would be impossible without it becoming global suicide.

There are a lot of images, a lot of talk about the freeze, that miscommunicates or misconveys it's real meaning. This is but a first step toward nuclear reduction. If you take the overall arsenals of both countries, if you take the qualitative factors and the quantitative factors together, we have what has been referred to as a rough equivalency. If we think we are going to move to a place where we are so far ahead in every aspect of this mad arms race that somehow we are going to get the Russians to negotiate, I think we are only kidding ourselves because neither side is going to negotiate for a freeze, for a build-down, or for anything else, until they recognize that there is equivalency.

That is pragmatism.

Mr. President, I submit that there are two basic reasons why a freeze is significant and important at this time. One is the economy. Everybody wrings their hands about the way the economy is going because of the large deficit and because of the failure to bring economic recover of the type predicted by the economic packages we have adopted. Let me just remind my colleagues that the United States will be spending $65 billion this year preparing for nuclear war or developing a greater capacity to wage nuclear war, $450 billion over the next 6 years. We can expect a rise of 200 percent for nuclear war preparedness programs from 1980 to 1988.

Mr. President, overall arms spending for all programs in the military, based upon the President's projections, will by 1986 be—$1 billion a day, $41 million an hour; $700,000 a minute.

The economics should make us stop and realize that we cannot continue this madness without some impact upon our ability to provide jobs for our people and to provide the capital for the restoration of our crumbling infrastructure and for helping to stimulate our basic faltering economy.

The second reason I think we should support the freeze amendment is that it can be the first real step toward dealing with the unraveling of national security that every nation in this world faces from the standpoint of the possibility of a mistake, or an error, that could launch a nuclear war. Let me read from Arthur Macy Cox's book, "Russian Roulette."

> At 11:00 a.m. on June 3, 1980, Air Force officers monitoring the early warning system deep inside Cheyenne Mountain, Colorado, were struck with terror. The fluorescent display screens were flashing a warning: The Soviet Union had launched a large attack with its strategic submarines from positions close to the coast of the United States; the missiles would reach their targets in less than ten minutes.
>
> The alert was immediately fed into computers of the Strategic Air Command in Omaha, the National Military Command Center in the Pentagon, and the underground Alternate Military Command Center fifty miles northwest of Washington. Pilots and crews of 116 B-52 nuclear bombers raced to their planes and began to taxi for takeoff. Nuclear submarine commanders at sea were alerted for action. At the underground launch centers housing American intercontinental ballistic missiles, officers strapped themselves into jolt-resistant chairs, removed verification codes, and inserted launch keys into their slots. (When two keys ten feet apart are twisted within ten seconds of each other, the irretrievable missiles blast off toward their targets in the Soviet Union.)
>
> A faulty 46 cent computer chip.

Was that unusual? Well, between January 1979 and June 1980, there were almost 4,000 false alarms on our advance warning system, 147 of them deemed very serious by the Pentagon. That kind of mistake could create the triggering mechanism for the apocalypse. Fortunately, we had enough time to verify the error of that alert or that signal.

Our advance warning system is more sophisticated than the Soviet Union's system. What kind of signals are they getting? So the possibility of error, the possibility of mistake, is so paramount in this whole situation, we ought to begin the process by which we can reduce those arsenals on a mutually agreed basis, and move ourselves back from the abyss.

Let me remind you, Mr. President, that an average of 5,000 individuals are removed from access to nuclear weapons for medical and other reasons every year. In 1 year 250 of them were removed for using LSD and heroin, 1,000 for negligence, court martial, or conviction for offenses of a serious nature.

Oh, I hope we can understand that this is not something we are talking about in theory or in doctrine. This is hard-bitten realism.

Mr. President, by 1999 or 2000, but 13 years away, a little more than two Senate terms, as many as 60 countries of the world could have the capability of dealing in nuclear weapons. If the super powers of today cannot control their lust for the escalation of their military arsenals, particularly their nuclear arsenals, I fear there will be very little influence we can exert toward those countries, particularly those of the Third World.

Colonel Qadhafi of Libya announces that he would like an Islamic bomb, whatever that may be. So we deal with the possibility of error every minute of the day.

Let me close my remarks by again quoting the one President, in my view, in my lifetime who understood national security in its entirety, Dwight Eisenhower. Let me quote what he said:

> When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

What President Eisenhower was telling us was that even if there is a strategy for winning a conventional war, it is analogous to suicide, because the loser will have launched his weapons before the outcome would have been conclusive.

I am very hopeful that we can at least take this first step in responding to the call to the people for good judgment, for logic, and for the survival of the human race.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I yield 10 minutes to the Senator from Utah.

Mr. GARN. I thank the distinguished Senator from Maine.

Mr. President, I do not know of any issue that has occupied my time more the 9 years I have been in the Senate, particularly since 1978 and 1979, during the negotiations on SALT II or an issue that I am more concerned about. I suppose that concern arises from what we heard earlier this evening from the distinguished Senator from Indiana, how he had young children and wished to go trick-or-treating with them.

I also have young children and I have old children. I have seven, from age 25 down to age 14 months. Nothing concerns me more than their welfare and the future that they may or may not enjoy in this country. So, as I see the debate on arms control, those who proclaim that they are for peace if they are against weapons buildup and modernization and they are clean and pure if they are for any sort of arms control agreement just for the sake of an agreement disturb me.

We are all for peace. There should be no debate on that whatsoever. We all understand the horrors of nuclear war. We do not have to have a biased film we are going to see on TV in a few weeks to convince us of that. Nuclear war is dangerous to our health. There is no doubt about that. The debate is on how best to prevent that nuclear war. That is all the debate is about.

In anticipating this debate, I had planned to spend a great deal of time not to delay, but only to point out the folly of a nuclear freeze and the fatally flawed SALT II treaty once again. But due to the fact that this was brought up on a debt limit at the time when we are approaching midnight, and it is inappropriate in this area, when we have more pressing problems to be brought up for the good of this country, I shall abbreviate my remarks considerably tonight in the spirit of cooperating with the leadership.

Mr. President, I am deeply troubled that, at a time when the Soviet Union continues to deploy SS-20 missiles, test new ICBM's beyond the limit of SALT II, encrypt telemetry almost entirely during such testing, construct an outlawed ABM radar, shoot down unarmed Boeing 707's, the KAL, use chemical weapons to kill innocent Afghans, and generally continue unabated their military buildup without regard to what we do on this side, the United States finds itself debating the merits of a nuclear freeze.

If we are to spend this time alotted for consideration of the debt limit extension legislation debating the issue of nuclear arms control, then I would suggest that our time would be better spent reviewing the record of Soviet noncompliance and the wisdom behind our own policy of essentially adhering to the terms of SALT II—an agreement judged to be detrimental to our national interests and never ratified by the Senate.

The nuclear freeze is a dead initiative, going nowhere, but forever being resuscitated by a handful of partisan, die-hard proponents. The Senate Foreign Relations Committee—hardly a bastion of hardline, conservative arms control critics—defeated a motion to report the freeze resolution to the Senate with a favorable recommendation. The reason for its defeat is simple: The freeze constitutes a catchy, easily understood slogan that reflects the genuine concern all Americans share regarding the threat of nuclear war; it is, however, a seriously flawed platform for negotiating verifiable reductions in the nuclear arsenals of both superpowers.

Mr. President, I look with wonder upon those of my colleagues who advocate a freeze, yet seek to preserve their allegiance to a strong national defense by assuring us that they find certain of our nuclear modernization programs not only acceptable, but stabilizing. Some support the B-1 as a necessary program to replace our B-52 fleet and yet support a freeze that would prevent it being built. Others favor the development and deployment of a Stealth, advanced technology bomber, which the freeze would also stop, while preserving the B-52 by deploying air-launched cruise missiles. Then, there are those who favor the Trident submarine or Trident II missile programs—reasoning that this is preferable to the deployment of the MX. With respect to the modernization of our ICBM force, there are freeze advocates who favor an accelerated small, single warhead ICBM program as a stabilizing alternative—which the freeze would also stop. I do not really understand the double standard to the MX and the existing condition of Minuteman vulnerability. With respect to our NATO dual track policy of deploying Pershing II and ground-launched cruise missiles while we continue to negotiate a mutual elimination or reduction in this class of weapon systems, there are freeze proponents who do not support the unilateral cancellation of these programs.

The point I am trying to make is that under the surface of their rhetorical commitment to a freeze, many freeze advocates inherently recognize the need to exercise commonsense discretion and selective judgment when considering the merits of particular modernization programs. That commonsense judgment is already reflected in the Reagan administration's balanced program of arms modernization and negotiated weapons reductions. Adoption of a nuclear freeze resolution throws the need for judgment and discretion out the window. It is, in effect, the meat ax approach to arms control. Or, as former Secretary of Defense Brown has observed:

> It (a nuclear freeze resolution) would displace or draw attention away from more specific and effective arms control proposals and from actions needed to stabilize the strategic balance.

Regardless of the rhetoric of the nuclear freeze—which can often be characterized as a perverse fascination with mutilated bodies, mountains of human corpses, unimaginable destruction to the environment, and other such sickening obvious consequences of a full-scale nuclear war—the fact remains that the United States has not steadily added to its nuclear arsenal oblivious to the requirement of preserving stability. In testimony before the Senate Appropriations Defense Subcommittee, Richard Perle, Assistant Secretary of Defense for International Security Policy, noted that:

> In the period in which there has been an active arms control negotiation, one finds on the whole a decline in the number of American nuclear weapons deployed worldwide and a significant increase in the number of Soviet weapons deployed worldwide.

Today the United States has approximatly 8,000 fewer nuclear warheads deployed than we had in the late 1960's. In terms of destructive power, the United States has roughly one-quarter of the megatonnage deployed today than we had in the early 1960's. In NATO, the nuclear planning group has just announced its decision to withdraw approximately 1,400 nuclear warheads from Europe over the next several years. This comes on top of a 1979 decision to withdraw an additional 1,000 warheads and to offset the deployment of Pershing II and GLCM's with a 1-for-1 reduction in currently-fielded systems. The process of modernization has, therefore, resulted in decisions leading to a total NATO nuclear stockpile which is at its lowest level in over 20 years. There has been a nuclear arms race going on, Mr. President. We just have not been participating. I only wish we saw the same thing taking place on the Soviet side. Instead, there seems to be no end as to the Soviets' determination to build up their nuclear forces across-the-board.

Mr. President, the nuclear freeze should be rejected for the following reasons:

It would lock into place a destabilizing condition of United States/NATO disadvantage and force vulnerability;

It would undermine the more meaningful START and INF negotiations, and remove whatever incentive the Soviets might now have to agree to reductions;

It would pose verification challenges that would be either insurmountable or require cooperative measures that the Soviets have historically rejected;

It would seriously disrupt the NATO alliance when it can least afford self-induced division; and,

It is likely to impose further unilaterial pressure on the West to abandon needed modernization.

President Reagan has fully demonstrated his commitment to the goal of substantial, verifiable reductions in the nuclear arsenals of both superpowers. The United States has shown a willingess to be flexible in these negotiations in order to accommodate objections raised by Members of Congress and the Soviet negotiating team. Indeed, my honest opinion is that we are on the road to becoming too flexible. In START, we have modified our proposal with respect to restrictions on Soviet heavy ICBM's, we have dropped our two-phase approach to the negotiations, we have modified our position concerning megatonnage reductions, and we have incorporated into our proposal a variation of the build-down formula. In INF, we have moved away from the most desirable objective of zero deployments on either side, we have sought to accommodate Soviet deployments of SS-20's in Asia, and we have agreed to consider dual capable aircraft. In return, we have received minor Soviet concessions which do not provide a basis for agreement, but do justify continuation of our efforts.

If we are not careful, a recent observation of Leslie Gelb that "the Administration seems to be following the familiar pattern of past Soviet-American arms negotiations: Ambitious initial American proposals for real arms control, then pressures from allies and Congress to compromise, then American back-pedaling over several years, and finally either a modest agreement or nothing," may come true. We will all live to curse the day if it does.

Mr. President, I will not take much more of my colleagues' time, but to say that the President has outlined a broad ranging and fundamentally sound arms reduction program.

I continue to emphasize the word reductions. Both sides have too much. We should work to reduce, not to freeze in place a great advantage for the Soviet Union that gives them no incentive whatsoever to reduce in the future.

That program ought not to be compromised further by pressures from the Congress—negotiating with the Soviets is difficult enough—and the issue of the nuclear freeze should be put to rest once and for all.

I thank my distinguished colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank my friend from Massachusetts and I applaud him for his leadership. It has been a pleasure to work with him on this vitally important issue.

Mr. President, the world has taken a dangerous turn over the past few years. A while ago when the great and beloved Hubert Humphrey was a Member of the Senate, the rallying cry for America was full employment. Now under President Reagan the cry seems to be for full deployment.

The roll will soon be called on a proposal which, if implemented, could mean the beginning of the end of the nuclear arms race.

The vote today is in response to the people's call.

Never before since the birth of the nuclear age have so many Americans expressed so clearly their belief that the leadership of the United States and the Soviet Union have failed. Never before have so many Americans rallied behind a specific step that we and the Soviets could take together to end the threat to human life on our planet and to provide greater security for all of us and our children.

I have joined with Senators KENNEDY, HATFIELD, and PELL to press relentlessly for today's vote. With Senator PELL, I led the fight in the Senate Foreign Relations Committee to get the freeze reported out of committee so that the Senators can have their votes recorded on a proposal that more than 20 million of their constituents have stood up and voted on—with more than 60-percent voting "yes."

While the resolution before us does not mandate a freeze, it sets forth a specific plan, a road map of the route from the present unrestrained arms competition to a safer world.

Its practicality, feasibility and verifiability was attested to by expert testimony before the Foreign Relations Committee.

President Reagan could have grasped this epic opportunity.

He could have responded with open arms to the world's overwhelming cry for an end to the nuclear arms race.

President Reagan personally—not his ironically misnamed MX missile—could have been the nuclear peacekeeper. He could have been the peace maker.

Sadly, he has chosen not to take the role of the nuclear peace maker.

The next President of the United States must.

I believe that the next President of the United States could achieve a mutual, verifiable freeze of all testing and deployment of new United States and Soviet nuclear systems very swiftly. We have in hand the means of verifying such a testing and deployment freeze. A mutual moratorium, pending a formal agreement, could readily be achieved.

Negotiations on a production freeze and a treaty for a systematic, stabilizing reduction in nuclear arms could then proceed as a top priority.

The two points I want to make are: First, a testing and deployment freeze is readily achievable; and second, such a freeze is an essential step for ending both the qualitative and quantitative aspects of the nuclear arms race. The freeze is the only way to insure that new deployments do not outpace efforts to control them.

Resting our hopes for future security on building more nuclear weapons while saying we want less is not being realistic. We can ill-afford to be unrealistic when survival in the nuclear age is at stake.

Mr. President, earlier this month President Reagan announced the fourth major shift in his arms control negotiating posture in the last 9 months.

Many have questioned the motivation of this sudden flurry of public proposals by a President who opposed every major nuclear treaty negotiated with the Soviets by Presidents Kennedy, Nixon, Ford, and Carter.

But whether the upcoming elections, or American freeze supporters, or our European allies produced the greatest pressure upon the White House is not the important question.

At issue are the merits of these new Reagan proposals.

Any proposal which increases the prospects for an end to the nuclear arms race and for a beginning of a substantial, stabilizing reductions in bloated United States and Soviet nuclear arsenals should be welcomed by the President's supporters as well as his most vocal critics.

It was 18 months into the Reagan administration before the President offered even a bare outline of a START negotiating position. Now, almost 3 years after his election, Ronald Reagan is pressing with greater fanfare a build-down plan for strategic arms control, a concept that would have the superpowers agree to retire up to two old nuclear warheads for each new one deployed.

The problem with this Reagan plan is obvious. In an effort to end the quantitative arms race, it would institutionalize a qualitative competition to build more deadly, more accurate nuclear missiles that are potentially less and less verifiable.

With more than 50,000 nuclear weapons in our two arsenals—nearly 20,000 of them strategic weapons—it could take decades of this scenario of building-up and building-down before we achieved any significant reductions in our respective destructive powers. Any arms control plan with build-down as its centerpiece is a prescription for an incredibly costly nuclear arms competition to continue well into the next century.

The ill-defined build-down scheme is based upon dangerously unrealistic assumptions that are not justified by the

history of the arms race. Build-down proponents assume that United States and Soviet strategic planners would necessarily move toward more survivable nuclear weapons which, they assert, would be certain to stabilize the arms race. But, as we have seen with the MX deployment plans, aging nuclear weapons are not being replaced with more survivable systems. And new United States and Soviet deployments—such as the MX and the SS-20 missile—will not produce greater stability in the foreseeable future.

The fundamental weakness of the Reagan administration's negotiating premise at the START and the INF talks is the President's Orwellian insistence that we must build more in order to get less. Arms control efforts by every American and Soviet leader since the advent of the nuclear age have failed because of a similar reluctance to accept the basic fact that to reach a world with fewer deadly nuclear weapons, we must first stop building more weapons.

This is the basic premise of the bilateral nuclear freeze proposal, which recognizes that we must halt all new nuclear deployments. Only by stopping new deployments will there be the breathing space necessary for negotiators to achieve the deep cuts in our arsenals that can lift the nuclear sword of Damocles which hangs over our civilization.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, I yield 7 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, as Winston Churchill said: "You must look at the facts, because the facts look at you." Let us look at just a few of the facts about the strategic balance and the state of our national defense. We must look well and closely, not only because our national and personal lives, along with our freedom, are at hazard, but also because we are required by the Constitution to provide for the common defense. What are the truly relevant facts?

Overall, it is a fact that the chances for peace, for freedom, for arms reductions—those chances would be reduced by a nuclear freeze at this time, under present conditions.

There was a time when the United States had a nuclear monopoly, then a first-strike capability against the Soviet Union, and never used them, in spite of the dropping of the Iron Curtain after framed elections in Eastern Europe, the Hungarian revolution, and other provocations.

Now, the fact is that, over the last 10 years, the Soviet Union has built toward an advantage in every category of strategic systems: Land-based missiles, submarine-launched ballistic missiles, and bombers.

It is a fact that the Soviet Union's massive strategic forces building program has produced a situation in which the Soviet Union outnumbers the United States in virtually every category that one can imagine, and certainly in the categories that are most important for the strategic balance, such as modern, accurate missiles and warheads.

Without dealing with dry statistics, the following are the most clearly understandable facts:

It is a fact that the Soviet strategic systems are new and that U.S. systems are old. By strategic systems, I mean land-based missiles, ballistic missile submarines, and long-range bombers.

It is a fact that 77 percent of Soviet strategic nuclear weapons are carried on launchers less than 5 years old. By contrast, only 4 percent of U.S. weapons are on launchers less than 5 years. old.

Ninety-four percent of Soviet strategic nuclear weapons are on launchers less than 10 years old; 77 percent of U.S. weapons are on launchers 15 years old or older.

All our deployed land-based intercontinental ballistic missiles are old and obsolete. Their maintenance costs are increasing very rapidly, and may soon reach the point where it would be cheaper to buy new missiles altogether.

Strategic systems are no different from automobiles or furniture. Even if they are never actually used to deliver weapons, strategic systems wear out and become obsolete.

A nuclear weapons freeze, even if bilateral and enforceable, would lock the current imbalance into concrete. It would leave our declared adversary with a numerical advantage. Perhaps even more important, it would leave him with new weapons of modern design and using the latest technology. It would leave us with old weapons based on technology already out of date.

Under a freeze based on current conditions at some point all our systems would simply wear out, but the Soviets would still have an effective and usable capability to attack and destroy our country.

When you come right down to it, the United States has already frozen the size of its forces, and in some categories the numbers have actually been reduced. In 1967, before even the first SALT Treaty, we limited the number of our land-based missiles to 1,055.

For more than 10 years, while the United States has frozen or reduced the size of its strategic forces, the Soviet Union has greatly increased its own. The number of warheads on land-based missiles increased from 1,500 in 1972 to 5,000 today. The size of the Soviet missile submarine force went from 57 to 70, and the number of Soviet strategic bombers increased from 150 to 356 during the last decade.

Mr. President, the facts about our strategic modernization program, which is designed not to increase the total number of our strategic systems but "to give the United States a deterrent force by replacing outmoded systems with new ones that are more effective, survivable and reliable," are clearly stated in a point paper prepared by the Department of Defense and sent to me on April 21 by Mr. Ronald F. Lehman II, then Deputy Assistant Secretary of Defense for Strategic and Theater Nuclear Forces Policy. I ask unanimous consent that the text of Mr. Lehman's letter and the point paper be printed in full immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., April 21, 1983.

Hon. JEREMIAH DENTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DENTON: The attached point paper on Strategic Force Modernization represents an analysis of the impact of President Reagan's strategic modernization program on the force limitations imposed by the SALT II Treaty. As the analysis shows, the focus of the program is clearly on modernizing our outmoded weapons with new ones that are more reliable, survivable, and effective.

Your support of the President's program is greatly appreciated and I trust the information provided will be helpful.

Sincerely,

RONALD F. LEHMAN II,
Deputy Assistant Secretary of Defense, Strategic and Theater Nuclear Forces Policy.

POINT PAPER ON STRATEGIC FORCE MODERNIZATION

It is the policy of the United States to take no actions that would undercut existing arms control agreements, such as SALT II, as long as the Soviets exercise the same restraint. This policy is designed to promote opportunities in the START negotiations and recognizes that the SALT II treaty is not of sound base for a long term arms control agreement. Although SALT II counting rules included a large number of B-52 hulks, in substance, United States strategic forces are and have been less than the limit of 2,250 launchers allowed by SALT II.

The President's strategic modernization program is not designed to increase the total number of our strategic systems. It is designed to give the United States a deterrent force by replacing outmoded systems with new ones that are more effective, survivable, and reliable.

Since 1967, the United States has maintained a force of no more than 1,054 ICBMs. The 54 Titan missiles are now being deactivated. The MX Peacekeeper ICBM, to be deployed in hardened Minuteman silos, will replace the Titan missiles and the Minuteman missiles already in the silos.

Since 1972, the United States has maintained a force of no more than 656 SLBM launchers, with the current total at 568. 160

Polaris launchers have been deactivated since agreement on the SALT II Treaty, although about half of these still count under SALT rule. Trident submarines will maintain our force level until older Poseidon submarines reach the end of their thirty-year hull life in the early 1990s.

At the signing of the SALT II Treaty, the United States declared a force of 574 heavy bombers—active inventory plus those in storage/retirement. The active force is now at 297 with the retirement of B-52C/F/D bombers and attrition of B/52G/H and FB-111 bombers. The 100 B-1B bombers now being procured are replacements for some of the B-52C/F/D bombers already deactivated. When they become available in the 1990s, Advanced Technology (STEALTH) bombers will begin to replace the remaining B-52s.

As the strategic modernization program evolves with continuing replacement of systems aging out, the total number of strategic systems would not exceed the 2,250 limit provided by SALT II.

The total number of nuclear weapons of all types in the United States stockpile was one third larger in 1967 while the megatonnage was four times greater in the early 1960s.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I am glad to yield 3 minutes to the Senator from Maine.

Mr. MITCHELL. Mr. President, I thank the Senator.

Mr. President, many years ago, Albert Einstein observed that the "unleashed power of the atom has changed everything save our modes of thinking." Today, there is hope that the people of this country are beginning to prove him wrong.

The American people have been demanding since 1981 that nuclear arms control become a priority for our Government.

The issue in the nuclear debate is survival. Not Democratic survival or Republican survival, but the survival of our Nation and our civilization.

The NATO and Warsaw Pact nations today possess some 50,000 nuclear warheads, some more powerful—many time more powerful—than the bomb dropped on Hiroshima.

The NATO and Warsaw Pact nations possess 17,400 intercontinental nuclear warheads, each sufficient to destroy a city. But there are only 3,000 cities with 100,000 people or more in the entire world. So-called battlefield nuclear weapons, such as artillery shells, are virtually all the same size as the 1945 bomb which destroyed the center of Hiroshima. To call such weapons tactical is to strain the sense of the English language.

The United States currently deploys the equivalent of 3,875 megatons of explosive power. The total explosive power detonated in the Second World War, including the atomic bombs, is estimated at 2 megatons. A fraction of our arsenal could completely destroy the Soviet Union. It could virtually destroy the Northern Hemisphere of our planet as well.

The loss of human life in a nuclear war would be catastrophic. In an all-out exchange, more people would die in the first few hours than have died in all the wars of history combined. The World Health Organization estimate that over 1 billion people would die immediately, 1 billion more would be severely injured and most of them would die. Two billion people is over half the world's population. No catastrophe of comparable scale has ever faced the human race. The loss of 50 million lives in World War II pales by comparison.

In yesterday's edition of Parade Magazine, Dr. Carl Sagan of Cornell University described a study based on information from Mariner I, which measured the effects and duration of huge dust clouds on Mars.

A 1-megaton nuclear explosion raises 100,000 tons of fine dust. Nuclear explosions also cause fires and smoke. A computer simulation of the effects of exploding 5,000 megatons demonstrated that dust amd smoke would blanket the Northern Hemisphere so that sunlight could not penetrate. Land temperatures would fall to 13 below zero, Fahrenheit. The blanketing could last for months, long enough to assure the virtual extinction of most plants and animals in the Northern Hemisphere. The dust cloud cover, when it finally began to move, would have similar effects on the Southern Hemisphere. By the most conservative reckoning, in such a world what we know of as civilization would not exist. The human race could barely survive, if at all.

But the computer simulation also found a far more ominous fact: That even a 100-megaton exchange, a so-called limited nuclear war, would have a similar outcome. Such an exchange would not use even 1 percent of the existing nuclear forces, but it could threaten the survival of half of the world.

The idea of a nuclear arms freeze is a response to that prospect.

The freeze proposal is straightforward. A freeze would be mutual, not one-sided. It would be verifiable, not taken on trust. And it would preserve our ability to deter nuclear blackmail and nuclear war.

The conservative columnist, James J. Kilpatrick, has observed that the freeze is simply a new element in an idea as old as warfare: The idea of calling a truce. Kilpatrick asks why opponents object to it and finds no answer.

It is not easy to understand why the freeze has been the subject of denunciation rather than debate.

The freeze has been attacked as too simplistic.

That charge is a red herring. A nuclear freeze—like any other arms control suggestion—would have to be negotiated. And negotiations would have to result in a mutual freeze, applying to both sides. They would have to result in a verifiable freeze, so both sides would know neither could cheat. That is what the amendment before us provides.

The issues now being negotiated in the START talks would all be negotiated in a freeze. We would negotiate how to count the different kinds of weapons, modernization, replacement rates, reduction rates, satellite monitoring and on-site verification. These are issues in every arms negotiation, and it is misleading to suggest that they would not be part of a negotiated moratorium.

The difference is in approach: Instead of starting from a premise that allows the Soviets to modernize and catch up where they are behind us, both sides would simply agree to a moratorium on their present relative positions. They would, as Kilpatrick says, "call a truce."

The argument is made that a moratorium would lock us into some kind of inferiority as against the Soviets.

But that is an assertion that the President's own Commission on Strategic Forces—the Scowcroft Commission—has put to rest. The Scowcroft Commission clearly said that we have now, as of this moment, the ability to reliably deter an attack on us, because we have the ability to respond with devastation against any attack the Soviet Union could launch.

There are no grounds for asserting that the United States lags behind the Soviets in nuclear deterrence.

One-quarter of our nuclear deterrent forces, the land-based missiles, have been said to be potentially vulnerable to a Soviet first strike; the so-called window of vulnerability. But the Scowcroft Commission exploded that myth. "To deter surprise attacks we can reasonably rely both on our other strategic forces and on the range of operational uncertainties that the Soviets have to consider in planning such aggression * * *." That is what the Scowcroft Commission said about the window of vulnerability.

The Commission confirmed that our forces are strong and effective enough now to deter attack. It confirmed that the Soviets do not have the capacity to launch such an attack in any event. The basis for the Commission's conclusion is straightforward. Because only one-quarter of our total forces are in land-based missiles, three-quarters of our forces would in such an attack be untouched. In the unlikely event of a 100-percent successful Soviet strike that entirely eliminated our land-based forces, the vast majority of our nuclear deterrent would remain. We could still totally destroy the Soviet many times over. Just one ballistic missile carrying American

submarine can destroy 160 Soviet cities.

So, contrary to the assertion that a freeze would lock us into some kind of inferiority, the fact is that we have now the ability to deter attack. And deterrence is the only purpose of nuclear weapons.

We should be able to debate the elements of a nuclear freeze without implying that our Nation is defenseless against the Soviet Union or that we stand in imminent danger of an all-out nuclear strike with no ability to respond. That is untrue. The Scowcroft Commission has confirmed it, and the administration has accepted it.

Soviet missiles are heavier in payload to make up for being less accurate than ours. Our missiles are both more accurate and more numerous. We do not need the heavy payload to reach and destroy targets. They do. Most of their missiles use unstable, unreliable liquid fuel; the bulk of ours use solid fuel. Seventy percent of Soviet missiles are in land-based silos, potentially vulnerable to a U.S. strike. Seventy-five percent of ours are on intercontinental bombers, and on nuclear submarines which can either evade a first strike or are for the foreseeable future invulnerable.

The Soviets have more submarines than we do, but their submarines are noisier and far more detectable. They can only keep some 15 percent of their submarine force at sea at any one time. Our submarines are virtually undetectable, our submarines-based missiles are longer range and more accurate, and half of them patrol continuously. The Soviets are now moving to the quieter Typhoon class of submarine, armed with better missiles. A nuclear freeze could freeze that modernization.

Our bomber fleet consists of B-52's which, despite their age, remain superior to anything the Soviets can put into the air. The fleet has been effectively modernized and continues to be modernized. The B-52's carry advanced air-launched cruise missiles and the shorter range gravity missiles, against which there is no known defense possible. The Soviets have no comparable missile. The Soviet intercontinental bomber fleet has never been equal, let alone superior to ours. For the most part it consists of propeller-driven Bear planes. The Backfire bomber must be fitted for midair refueling to achieve intercontinental range. But the Soviets are now planning to build a true intercontinental bomber, the Blackjack. The freeze could freeze that modernization.

Our cruise missiles are small, light, and accurate. They are infinitely superior to the Soviets, whose cruise technology is years behind ours—at the moment. A freeze would freeze this relative disparity in place.

The Soviets are moving toward building heavier land-based missiles, equivalent to the proposed MX. But if their current missiles do not credibly threaten us, why allow a buildup that could result in a real threat in the future? The freeze would stop that planned deployment.

A freeze would not give us overwhelming superiority. The Soviets would not agree to anything that gives us a huge margin, any more than we would agree to allow them a huge margin. We do not need overwhelming superiority because we do not plan an attack. We need reliable deterrent ability, and that we have.

Both sides now have the capacity to deter attack. Neither has the ability to launch an attack without committing suicide. The nuclear force levels of both the United States and the Soviet Union are roughly equivalent, although not parallel. Both are a deterrent to nuclear war. The nuclear freeze would simply maintain that status quo as a preliminary to mutual reductions.

Supporters of a freeze have been accused to naivete and of overlooking the reality of Soviet brutality. The shooting down of KAL 007 is presented as evidence that the Soviets do not share Western values, and that they will never consider the human cost when it is a question of their power or prestige at stake.

But that is precisely why arms agreements—mutual and verifiable agreements—are so essential. We do not have to negotiate arms agreements with countries which share our values. If the Soviet Union shared our values, there would be little need for negotiation.

I have served on active duty in our armed forces in Berlin, where the reality of the Soviet presence is tangible. I do not underestimate either Soviet brutality or Soviet determination to sacrifice whatever they think necessary for political and military security. They will make sacrifices for their power and prestige. But there has never been any evidence that they will risk suicide.

The belief that we can build up our nuclear weapons at a tremendous rate and spend the Soviets into collapse or defeat is an illusion. Neither an appallingly mismanaged economy nor a series of political reverses and difficulties in recent years has deterred Soviet pursuit of their security goals. Nothing in the Soviet political system prevents the diversion of resources to match a U.S. arms buildup. And nothing in Soviet history suggests they would not do so.

The belief that if we can maintain a technological edge on the Soviets we will assure our security flies in the face of nuclear arms developments over the decades. The Soviets have eventually matched each technological advance.

In 1960, we fielded the first submarine launched missile. It took them 8 years, but in 1968, the Soviets had their own. In 1966, we developed the first multiple warhead missile. In 1968, the Soviets had one too. In 1970, we developed the frst multiple warhead missile that could be independently targeted. But by 1975, the Soviets had that, as well.

Today we have a technological edge in long-range cruise missile development, in neutron bomb production, and in some other fields. How long will it be before the Soviets catch up? They may never surpass us—they have not done so in the past. But whenever they catch up, we simply ratchet the arms race up another step to keep ahead. The freeze proposes that we stop now, in our relative positions, instead of perpetuating this dangerous technological spiral.

The nuclear freeze has been attacked on the grounds that we cannot trust the Soviets.

But the freeze does not require us to trust anyone. Like any other arms agreement, it would be subject to verification and monitoring. No advocate of a nuclear freeze has claimed we should trust the Soviets. Those who claim a freeze could not be verified are overlooking some very fundamental facts.

Under a freeze banning all new deployments, any new weapon being put into place for potential use would be immediately visible by satellite monitoring. Any testing would be immediately verifiable in a situation where no testing is permitted. A ban on deployment would be at least as easy to verify as a ban on weapon modifications where detecting violations requires continuing and exact measurements of a large number of possible activities.

A production ban would be harder to verify, but not necessarily impossible. As former Under Secretary of Defense, William Perry, has pointed out, our intelligence gathering in the past has permitted us to monitor Soviet production so that we have predicted every new ICBM before it was even tested by the Soviets.

Those who claim that onsite verification is essential have never explained why the Soviets could be persuaded to agree to it in a complex proposal like START, but not on a proposal like the freeze. The Soviets agreed to onsite testing in principle, on the comprehensive test ban treaty, a treaty which the current administration has mothballed. That agreement does not meet all the needs of comprehensive verification of a freeze—but it is a clear contradiction of the oft-heard claim that the Soviets would never agree to

onsite inspection. They have done so in the past.

In all the debate over verification, one factor has been ignored. What could not be verified would not be frozen. So, if the Soviets did not agree to acceptable verification of development, our weapons developments would not be stalled either. If they failed to reach a satisfactory verification agreement on production, our production need not be frozen. That is, after all, the essence of a negotiated position.

Opponents of the freeze maintain that the Soviets have no incentives to negotiate, such as public opinion pressures or the needs of their allies, both of which are felt in the West. By that reading the Soviets did not need to negotiate SALT I and SALT II. There were no fewer pressures on them to negotiate agreements in the past than there are today.

As to why a freeze is preferable to the far more complicated and uncertain outcomes of the START proposal or some version of the build-down suggestion, which the administration is also pursuing, there is a simple answer. Time. Last year, the administration said that START might take as long as 10 years to reach conclusion. Nothing in the build-down proposal promises a faster outcome. But a freeze could be reasonably pursued on a much shorter timescale.

A freeze would help counteract the bargaining chip mentality which has dominated arms controls for so long and so unproductively. The bargaining chip gave us deployed MIRV's, which everyone now agrees are the most destabilizing step taken in the last decade. Former Secretary Kissinger has said that if he had it to do over again, he would not have insisted on moving forward with MIRV's.

Today's bargaining chip is equally destabilizing: The MX missile, whose accuracy and throw weight directly threaten the only part of their nuclear arsenal in which the Soviets can have any confidence. Can we seriously expect them to leave us with such a threat in place and not move to protect their major source of deterrence? Would we allow our submarines to be subjected to a threat without taking action? I think not.

Yet the bargaining chip theory is alive and well at the arms talks now, and will, unless we stop, again dominate the development of the nuclear arms race in the coming years.

If START does, indeed, take a decade to negotiate, as the administration says, in 10 years' time, we will be debating ways to overcome Soviet advances in the areas where we now outpace them. That much is certain.

But the fundamental facts will not have changed. We will both still have enough weapons to annihilate each other and the rest of the world. We will both face retaliatory capacity which will make any first strike suicidal. That much is predictable.

Surely it is time to recognize what we all know to be true: Nuclear weapons do not deter war. Since 1945, wars have been all too frequent and common. The only purpose of nuclear weapons is to deter the use of other nuclear weapons.

Our past nuclear superiority in all categories has never deterred Soviet aggression. It did not prevent aggression in East Germany in 1953, in Hungary in 1956, or in Czechoslovakia in 1968.

Those who claim that Soviet actions in Afghanistan and Poland somehow result from Soviet nuclear strength are ignoring history.

The only use for nuclear weapons is to deter the use of nuclear weapons, not to project power or to overawe adversaries. When we consider the military actions in which both the United States and the Soviets are engaged right now, it is clear that our ownership of nuclear weapons has not stopped Soviet adventurism any more than their possession of weapons has prevented our acting as we deem necessary for our interests.

The amendment before us would assure that the option of a nuclear freeze is considered in the arms negotiations now underway. There is no valid substantive or strategic reason why it cannot and should not be a negotiating option. There are only political objections. But when we are dealing with the potential of world destruction, political objections are not good enough.

● Mr. DURENBERGER. Mr. President, the Kennedy-Hatfield freeze resolution represents one of the most significant phenomena of mass politics in my memory. Like no other resolution I can recall, it has focused the public's attention on the threat posed by nuclear weapons. I have no doubt that the nuclear freeze campaign—which began prior to the introduction of this amendment—has been the major force behind the administration's recent shift toward a more flexible and realistic set of policies in our START negotiations with the Soviet Union. In that respect, the freeze resolution has already performed a singular service.

As we have all learned, the use of arms control to contribute to the prevention of nuclear war is perhaps the most urgent—and the most complex—task facing our diplomacy. As a result, any action which we take in this body, including a vote on what is merely a nonbinding and symbolic resolution, must be carefully examined.

Over the past 2 years, we have been treated to any number of resolutions concerning arms control strategies. All have had distinct merits, but all have been flawed as well. In that respect, the freeze resolution is no exception.

I have alread noted that one of the major assets of the freeze resolution is that it has served to galvanize the public. Given the general lack of attention to nuclear weapons in the past, thanks in large part to what Robert Lifton has called the psychic numbing of the public, the arms race was able to proceed largely unchecked. To have overcome this psychic numbing is no mean feat.

There is more than just a political side to the freeze resolution, however. As a suggestion for a negotiating strategy in Geneva, it has one distinct merit. It is based, as this debate has made clear, on the fundamental recognition that "enough is enough." In other words, the resolution is predicated on the common sense proposition that the Soviet Union and the United States both already have more than enough destructive power at their commands to deter any opponent who is even faintly sensible. What this means, as the authors of the freeze resolution clearly recognize, is that it is foolish to argue for more net megatonnage as a means to deter the Soviets, or anyone else. Indeed, to the extent that the addition of still more warheads to existing arsenals will raise the statistical risks of an accident, more megatonnage is not simply wasteful; is it dangerous as well.

The freeze resolution encapsulates this reality in a way that is crisp and clear. It attempts balance and depth by referring to a freeze which is bilateral and verifiable, and it covers the entire spectrum of the arms race, from development to testing, production, and deployment. Finally, it appears to leave room to exclude weapons as negotiators might see fit, a point which is perhaps not sufficiently understood by either extreme opponents of the freeze or many of the backers of the resolution. For instance, it seems clear that if negotiators decide, they can freeze only intercontinental weapons, leaving the theater weapons which are planned by the entire NATO alliance untouched. Also, as I would surmise from the statements and postures of various colleagues, a freeze would not preclude the B–1 bomber, and possible not the Trident II missile either.

But if the freeze has substantive as well as political merit, I believe it suffers from a major drawback as well. The chief disadvantage of the freeze, in my opinion, is that it is based on the fundamental conceptual proposition that modernization of the strategic nuclear weapons arsenal is necessarily always inimical to sound arms control.

There is certainly much in the historical record to sustain this view. I find it difficult to believe that many Americans now seriously believe that the development of MIRV technology has made us any better off than we

were in the mid-1960's. To the contrary, as we have belatedly recognized in official circles thanks to the Scowcroft Commission, any technology which increases the ratio of warheads to fixed-site launchers is highly destablizing. So I do not want to make the claim that the freeze resolution is unsound because modernization is an unmixed blessing. It is not, particularly when those who authorize modernization fail to exercise some basic commonsense.

But neither is modernization necessarily hostile to the goals of arms control. To understand that, let us remember that the chief purpose of arms control must be to take measures—both mutual and unilateral—which decrease the temptation to use nuclear weapons as instruments of warfare. Arms control must above all else contribute to one goal: crisis stability. It must focus on means, ranging from weapons design to arms levels to communications devices, which give decisionmakers the time to work their way out of a crisis, while making clear to all parties that everything is lost and nothing is gained if either side should launch.

How can modernization help in that regard? For one thing, if we were to substitute single-warhead missiles for the existing arsenals of Minuteman III missiles and the planned arsenals of MX missiles, crisis stability would be increased. Yet this kind of modernization would probably be prohibited if our negotiators took the freeze resolution literally.

As another example, there seems to be a widespread consensus that, of all our strategic nuclear weapons, bombers are the most stabilizing for they are slow to anger. They take hours to reach their targets, and they can be recalled once they are launched. The only constraint on the viability of this important second-strike deterrent is its survivability both before launch and after an attack is ordered.

Yet our fleet of B–52 bombers is suffering from the problems of severe age. The last B–52 airframe rolled off the production line more than 20 years ago. Admittedly, the planes have been substantially upgraded since then, chiefly through the addition of newer avionics and the development of new weapons, such as the air-launched cruise missile. But the basic airframes are old, and they simply were not designed to take the kind of punishment which goes with low-level flight, the profile they have adopted for years. That is why each year, more and more B–B2's are simply retired, and it is perhaps why a few of them have crashed recently. There basic mission has outstripped their basic design.

If we want to preserve the integrity of our air-breathing strategic weapons—weapons which are wholly second-strike in nature—then we need to modernize that portion of our arsenal. If we do not, we will slowly see the disappearance of a vital leg of our strategic triad.

In other words, as editorials in the New York Times and elsewhere have made clear for at least 1 year, the chief failing of the freeze resolution is that it does not recognize the complex dynamics of the qualitative arms race. It makes a sound point about numbers, but it is on shaky ground when it deals with qualitative characteristics.

Finally, let me note that we face a bit of a logical trap with respect to the freeze resolution. If it is treated as basically a symbolic but nonbinding resolution, then one must question its fundamental worth. That was best illustrated, I feel, when the House last spring voted for the freeze resolution and then promptly turned around and voted for the MX missile—a destabilizing and unnecessary weapon which I oppose on its merits.

But if the freeze is treated as more than symbolism, it still suffers a major handicap. It changes the rules of the road which have been painfully worked out with the Russians over the past 15 years. The Soviets certainly make no bones about their fondness for modernization. We will not change that. But we can—and have—tried to steer their modernization and our own into channels which enhance rather than undermine crisis stability. The one-way conversion from land-based to sea-based missiles envisioned in SALT I is a good example of that.

Mr. President, I announced some 18 months ago that I had severe reservations about the freeze resolution. I told its sponsors that if the freeze were put up against an even more wrongheaded resolution, such as the "peace through strength" plan, I would vote for the freeze. But that is not the case. We are being asked to look at the freeze on its own.

I would much prefer that we incorporate the sound points of the freeze in our arms control policy through such means as adoption of a comprehensive test ban, as freeze backers like Eugene Caroll at the Center for Defense Information have suggested. That would permit us to stop the modernization of warheads, which is totally unnecessary, and focus on the modernization of launchers, which is occasionally needed. I would much prefer, as well, that we recognize the profound victory of commonsense over rigidity which was recently won by freeze proponents when the President announced his latest arms control proposals.

Unfortunately, we do not have that choice this evening. Instead, we are being asked to engage in an ideological litmus test at the wrong time and for the wrong reasons. This is likely to be one of the hardest choices I will make in casting a vote, but I intend to vote against the freeze resolution.●

Mr. COHEN. Mr. President, I yield myself 10 minutes.

Mr. President, I think it is unfortunate that a member of the Armed Services Committee is here managing a bill on the debt ceiling. I think it is unfortunate that we have to bring this particular matter, which is certainly deserving of weighty consideration, up in the waning hours of our debate over whether or not we are going to increase the debt, but since we are faced with that prospect now I shall at least try and draw my colleagues' attention to some of the matters that have been raised concerning the freeze resolution.

I, as other Members of this body, do not wish to in any way criticize the Senator from Massachusetts or the Senator from Oregon for offering the amendment. I think that the advocates of the freeze have done a very constructive thing in this country. I think they have served to focus our attention and our concentration very much on the subject matter which could not be of greater importance not only to Americans but to the world itself.

First, I shall quote from several publications to show that questions about the freeze have not just been raised by Republicans or the Reagan administration or conservative magazines as such.

Legitimate questions about the freeze resolution have been raised by such conservative publications as the New York Times, and let me quote from a major editorial in the New York Times. It says:

> To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

Skipping over to other paragraphs:

> Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."
>
> The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

And the editorial concludes:

> A dozen or more pro-freeze Senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?

That is coming from the New York Times. Another conservative publication is the New Republic, not to be confused with the National Review. What does the New Republic have to say? The New Republic points out sev-

eral major deficiencies with the effort. Let me quote from this article:

The freeze campaign has also mobilized the energies of vast numbers of well-intentioned Americans who are concerned about the possibility of nuclear catastrophe. The popular pressures it has generated in the country and in Congress have already had the salutory effect of pushing the Administration finally to engage the Soviets in strategic arms talks.

And I agree with that.

But as a practical proposal, the halt-in-place freeze is a disaster.

Here is the New Republic labeling the halt-in-place freeze as a disaster as a program. Why? First, they say it is unverifiable. Second, a global halt in place effectively cancels the administration's bold, stroke in arms control, the zero-option offer on intermediate range nuclear weapons.

. . . With the Soviets allowed three hundred missiles on the ground and the U.S. zero. We are now engaged in negotiations at Geneva to resolve the issue. If the halt-in-place idea were to prevail in Washington, however, we wouldn't need negotiations in Geneva. The issue would be settled with a Soviet victory and a precedent would be set for future talks, encouraging the Soviets to stall until political pressures in the West forced a collapse. The Soviets are stalling now in Geneva, but Senator Kennedy, complaining about slow progress, makes it sound as if the fault were ours.

Collapse of the U.S. position at Geneva would also cause disarray in the NATO alliance. Helmut Schmidt and other European leaders have gone out on a limb to support the U.S. position on intermediate nuclear weapons. If they find that limb sawed off by the U.S. freeze movement, just as it was in the neutron bomb affair by Carter, they could be forgiven if they never again risked their political futures on U.S. Promises.

Then this article goes on to say:

But there exists an even more fundamental problem with the halt-in-place proposal. It ignores the requirement of deterrence, which has proved the only guarantor of peace in the nuclear age.

Basically, Mr. President, these two articles point out two significant problems to begin with.

No. 1, the issue of verification. It is interesting to note now the cries coming out of Capitol Hill or downtown or among all the professional critics about the absence or the lack of proper intelligence gathering capability with respect to Grenada.

Now, the voices are asking us what has happened in Grenada? How could we possibly have underestimated the size of the Cuban force there and the size of the munitions that are stored in those warehouses? Where was the intelligence? We had an inability to effectively monitor or gather intelligence concerning the size of forces and the size of munitions.

We are dealing with a nation that does not disclose anything to its citizens. This is the Soviet Union which failed to disclose for at least 5 days the fact that they had shot down a Korean jet liner. It took them 5 days to even admit that to their own public. And I will not go into all the other justification they gave during that long, tragic period of time. Most Russian people do not even know their sons are in Afghanistan.

But this resolution implicitly assumes that the Soviet Union would simply agree to a statement, a mutual verifiable freeze. The question becomes, how do we know? How would you verify whether or not there is research and development and production of any kind of weapon, not to mention a nuclear weapon? The fact of the matter is it cannot be done without massive on site inspection.

Now we have wonderful satellite technology. I mean, it can probably pick up the lettering on the side of a building. But the one thing it cannot do is it cannot see through a rooftop. That is why we could not tell what was in those warehouses in Grenada and that is why we cannot tell what is under those roofs in the Soviet Union.

So we have an immense problem of verifiability. And a simple declaration that something is verifiable does not make it verifiable.

Second, the words are "mutual verifiable treaty." Let me submit to my fellow colleagues, this is not mutual, even though you call it mutual. It is unilateral as it applies to our allies. It is a unilateral decision affecting our allies because right now at this very moment we are sitting down in Geneva and we are trying to negotiate a reduction in those SS-20 missiles. And if you have a freeze now, what this means is the Soviets get to keep their 360 SS-20's in place and you end up with zero. They get up from the table and walk away and so you have frozen in place exactly what they have done since 1979, more and more SS-20's.

So anyone who is laboring under the illusion that this is mutual has totally disregarded the efforts of our allies who have committed themselves to a dual track proposal of deploying the Pershing II and the ground launch cruise missiles unless the Soviets negotiate in good faith.

This is not just my view. I am looking at the October 8, 1983, issue of the Economist. I am quoting from that editorial:

The waverers have to be persuaded that a nuclear freeze though superficially attractive, would play into the hands of the Russians as much as unilateralism does.

The editorial goes on to say:

But be patient. The Russians, unencumbered by their own organized "peace" movements, can afford to play it long. Once the Pershings and the cruise missiles are in place, there will be a period of Russian huff, sulk and stalemate. Mr. Andropov will talk again of putting new missiles into East Germany and Czechoslovakia. He may threaten a walk-out at Geneva. He may contemplate waiting for a more malleable president at the White House. But if west Europeans stand firm, the odds are that the Russians will now seriously think about bilateral reductions.

That is what the anti-nuclear movement would have prevented, had it succeeded in stopping deployment of cruise and Pershing-2. The Russians would have laughed. Now, provided deployment goes ahead, they may have to talk.

This is, I think, an intelligent, well-informed opinion coming from the British-produced Economist.

Mr. TOWER. Will the Senator yield for a question?

Mr. COHEN. I yield to the Senator from Texas.

Mr. TOWER. I want to thank my distinguished colleague, Senator COHEN, for a very lucid, closely reasoned, and eloquent argument. He has done his homework, as usual, and has presented us with, I think, an unassailable case against adoption of a nuclear-freeze resolution.

I think that, for anybody who understands the arcane theology of nuclear deterrence, nothing could be more calculated to undermine the efforts of the President and his negotiators to achieve strategic-arms reduction.

Senator COHEN just mentioned the key word a few minutes ago—"reduction," reduction of nuclear arms, and that this militates against the achievement, against that goal when it locks into place Soviet superiority in land-based, urgent, hard-target-kill capability.

The ultimate effect of this will be the opposite of what its well-meaning sponsors intend. The effect will be to effectively lower the threshold of acceptable risk to the Soviets in any consideration of the prosecution of a nuclear war against the United States and its allies. For the sake of achieving real arms control, which means arms reduction, this proposal should and must be rejected.

I think my distinguished friend from Maine for putting the argument so well.

Mr. COHEN. I thank the Senator from Texas.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Maine has used his 10 minutes.

Mr. COHEN. I yield myself an additional 3 minutes.

Mr. President, the other major point that the New Republic article mentions—first it was a question of deterrence, and it goes through a fairly acute analysis of what would happen if you have a freeze at this particular point. You freeze in place the Minuteman, missile, which I think everyone can agree over a period of time is becoming more and more vulnerable. We freeze into place the B-52 bomber, and the bombers are older than some of us and certainly older than most of the pilots that are flying them. They are burning up on the runways. We have

had wings falling off, engines dropping. So we would freeze the B-52 as it is. And we would freeze the Polaris submarine, which is due to be retired in the early 1990's.

What the freeze resolution fails to take into account is the need to modernize from time to time. And that, of course, is why I was concerned about the need to find some way of reconciling what everybody wants in this country, and that is lower levels of nuclear weapons, with this need to take advantage of modernization programs which will enhance our security. And that is where the build-down concept was developed and evolved and ultimately became a part of President Reagan's actual negotiating posture.

I intend at an appropriate time to discuss the build-down further. Many Members of this body have informed me they would like the opportunity to vote on the build-down. I, frankly, think it is inappropriate to debate this issue on the debt ceiling bill. But, under the circumstances, I intend to discuss it at length following a vote—and I did not intend to try to preclude a vote on the freeze, but rather hoped to discuss it as soon as that vote is over.

But let me say that reference has been made to the Parade magazine article, Carl Sagan's piece. At the conclusion of that piece in Parade magazine, it refers to three major options that are being discussed. I think it is important to point out in that Parade magazine piece, it says they are not mutually exclusive, as some would like to argue.

I can point to no better authority, in my judgment, than my friend, former Senator from Maine, former Secretary of State Edmund Muskie, who, as a freeze advocate initially, wrote an editorial for the Washington Post, dated March 6, 1983. I will quote just a few sentences from it.

It has great great promise as a principle—here he is talking about the build-down principle—

that reconciles the objectives of arms control with the imperatives of military planning. It is the kind of constructive initiative for which those of us who support a nuclear freeze have been working.

The American and Soviet military establishments * * * would be both liberated and constrained. They would have broad flexibility to choose which new systems to deploy, but they would have to decide whether modernization was worth the price.

I submit to you that Senator Muskie or Secretary of State Muskie has no ax to grind. He has no political gain at stake one way or the other. He wrote this piece unsolicited, certainly, by me and I wanted to and have commended him personally on several occasions for taking what I believe to be a statesmanlike and responsible position with respect to the freeze and the build-down.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to express my strong and enthusiastic support for the amendment offered by the Senator from Massachusetts (Mr. KENNEDY) calling for a mutual and verifiable bilateral freeze and reductions.

In November 1981, I believe I became the first U.S. Senator to endorse the nuclear freeze. At that time, the freeze movement was already developing impressive strength as Americans sought a viable and realistic alternative to a continued nuclear-arms race. Since that time, voters in nine States and the District of Columbia have endorsed the freeze. Throughout the United States, millions of Americans, fearful that the risk of nuclear war is increasing, have made known that they want a freeze now.

Unfortunately, the administration condemned the freeze without giving it fair consideration. The folly of the administration's unreceptiveness to the freeze has become clear as months and, now, years have passed with scant progress in the existing arms-control negotiations and no evidence of productive activity in other arms-control areas. Any agreement in the current negotiations is likely to be a long time coming, if there is any agreement at all. Accordingly, we must have some sort of restraint regime in place pending agreement in the intermediate-range nuclear forces—INF—talks and the strategic arms reduction talks—START—and the initiative of other arms-control efforts.

Mr. President, the freeze resolution is a carefully thought-through program of arms control which would begin with an effort by the Soviet Union and the United States to decide when and how to achieve a mutual and verifiable freeeze. The two sides would have the leeway to decide how to implement the freeze. The negotiators would be expected to give special attention to the deployment of destabilizing weapons—such as a new generation of super-accurate ICBM's—whose deployment would make a freeze more difficult to achieve.

With the freeze in place, the two sides would be expected to pursue major, mutual, and verifiable reductions in a manner which enhances stability.

Thus, the freeze would be a critically important first step toward reductions. The freeze would stop the arms race in place to prepare the way for reduction. A number of proposals for reduction have been offered. Not one of those proposals can match the combination of a freeze and reductions as a rational way to insure strategic stability while negotiated reductions occur.

In contrast to the freeze, under other proposals, the Soviets would be allowed extensive modernization of their strategic land, sea, and air forces. Under some other proposals, the Soviets and the United States would pay a price for modernization, but it would be allowed. Under the freeze, we and they could keep what we have, but only temporarily, before both sides moved on to reductions which would allow only the necessary modernization steps required to enhance stability and reduce the risk of nuclear war.

Some have expressed the concern that an across-the-board freeze might be very time consuming, if not impossible, to negotiate. Since each control applied under the freeze must be negotiated and must be verifiable, it is clear that some controls might be worked out more readily than others. Both sides should be willing, if necessary, to proceed on a step-by-step basis, insuring all the while that strategic stability was maintained. I should point out that witnesses with long experience in negotiating and dealing with the Soviet Union expressed doubts as to the feasibility of negotiating a freeze with the Soviets.

The freeze would not undercut existing negotiations. For example, if the INF negotiations were successful at an early date, a freeze could be implemented at a reduced level of armaments. Efforts to achieve reductions should be continued following a freeze to insure the lowest possible level of armaments in Europe.

Mr. President, in yesterday's Parade magazine, Dr. Carl Sagan discussed new analyses which indicate that deaths as a result of nuclear war could be measured in billions, not the hundreds of millions earlier calculations had shown. Dr. Sagan pointed out that the results of a so-called limited war could be almost as devastating as those following an all-out exchange.

We and the Russians had the talent and ingenuity to develop and build tens of thousands of nuclear weapons. Having shown the ability to create a holocaust, we must have the wisdom to turn away from those weapons.

The simple first step we need to take is a nuclear freeze. Next, we must reduce in a simple and straightforward way. Step by step, we must walk away from the terror we have created. There is no greater challenge. But we should do no less. Let us not forget that before an elevator can start coming down, it must stop going up—and that is what a freeze is all about.

Let us not forget the old adage that the Senator from Oregon cited, that when an elevator is going up, it has to stop or freeze for a moment before it starts going down.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to support the proposal offered by the Senator from Massachusetts and the Senator from Oregon, and would offer the Senate the thought that more is involved in this proposal than the specific details of existing nuclear armaments on both the Soviet and the American side.

What is involved is an effort not just to stop the present rise in those arms levels. For, if we can find it in ourselves to do that, we might also find it possible to avoid what could be the ultimate and most ruinous of all the measures yet contemplated, which is the prospect of moving the nuclear arms race into outer space.

The Honorable Dean Rusk who served with such distinction as Secretary of State to President Kennedy and President Johnson has recently called attention to an instance of what he called preventive diplomacy during the Eisenhower administration. An opportunity was seen to forestall the extension to Antarctica of the arms race. Treaties were negotiated with the major countries of the world to insure that this vast part of the world was removed from the arms race, and reserved instead for scientific exploration.

It has worked. We have the same opportunity now with respect to outer space. If we fail to seize it, it is at the utmost peril to the nations of the world. It is all the things we have been talking about on this floor.

We can do it and we ought to do it. We can start to do it by measures such as this.

If I may, I would like to take 30 seconds to read a line from Dean Rusk. He said recently:

> I should like to see my grandchildren look up into the vast universe and reflect that the heavens declare the glory of God and not the folly of man.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair.

Mr. President, it seems to me that today's debate is really over the goals and objectives which we should set for ourselves in our arms control negotiations with the Soviet Union. Should we or should we not seek to negotiate the most severe mutual and verifiable limits on the modernization of United States and Soviet strategic forces? Those of us who support the Kennedy-Hatfield freeze amendment believe that we should. How many involved in this debate today regret that we ever let the MIRV genie out of the bottle? A ban on the testing and deployment of MIRV's in SALT I would have led to a far more stable strategic balance. Our ICBM's would not be theoretically vulnerable to Soviet attack, as they are now.

Today we are about to let many additional genies out of the bottle, most notably sea-launched cruise missiles (SLCM's) and antisatellite weapons (ASAT's) referred to by the Senator from New York, which we may soon equally come to regret. A great many people in this country are convinced that the world would be better off without a proliferation of new nuclear weapons.

I would be the first to admit that the verification problems posed by some of these new weapons are severe. If the Soviet Union will not accept the measures needed for verification, then we may have no choice but to continue our modernization programs. But should we not make the effort? Should we not take the high ground, and place the burden of world opinion squarely on the Soviet Union's shoulders?

Technology has consistently outpaced our negotiators' ability to control it. And, as a result, we find ourselves in a less and less secure world even as we reduce the number of nuclear warheads in our arsenal.

So the question before this body tonight, Mr. President, truly goes to the heart of how to control the strategic arms race. Unlike the SALT I and SALT II agreements and the President's START proposal, we would not be seeking to channel the race in new directions and we would not be allowing both sides to continue all their planned modernization efforts. Instead, we would be attempting to close off the new channels of competition and then to negotiate reductions and changes in the status quo, leading to a more stable balance. A mutual and verifiable freeze is really the most conservative approach to arms control. Let us give our negotiators a chance to negotiate the most comprehensive freeze possible with their Soviet counterparts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes, of which 5 minutes has been promised to the Senator from Montana.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the Senator from Massachusetts yielding to me.

Mr. President, the amendment offered by Senators KENNEDY and HATFIELD to express the support of the Senate for a mutual, verifiable nuclear freeze is long overdue. I am an original cosponsor of this resolution, and have spoken to the Senate many times in favor of it.

Much of the original force behind the nuclear freeze idea came from various grassroot groups in my home State of Vermont. Their work culminated in the passage of resolutions of support in more than 186 town meetings.

Keep in mind that Vermont is probably one of the most conservative States in the Union in the best sense of that word—careful, cautious—and certainly the most Republican State in the Union.

Ten States and dozens of counties, cities and towns across the Nation have also adopted resolutions in favor of a mutual, verifiable nuclear freeze.

In the elections last November where the freeze was on the ballot, more than 60 percent of the voters gave it their support. These votes, together with public opinion polls, prove that a substantial majority of the American people want the United States to attempt to negotiate a binding mutual and verifiable freeze with the Soviet Union. The Senate owes the American people a debate and vote on the issue of such importance. It is a sad commentary on our legislative body that it has taken so long to get the freeze to the floor of the Senate.

Mr. President, I have never had any question that a sound negotiating proposal based on the idea of a comprehensive, mutual and verifiable freeze could be developed. My interest has focused on identifying and assessing practical measures which could be included in a verifiable freeze. I have spoken to the Senate at length in this regard, including a detailed statement on May 10 of this year. At that time, I placed in the RECORD a preliminary study I asked the Congressional Research Service to do on issues which would have to be resolved in structuring a comprehensive freeze proposal. Others have been pursuing similar work.

The CRS study and other materials led me to reach some basic conclusions about a negotiating proposal based on the freeze idea.

A serious negotiable nuclear proposal could be developed which would freeze into place the present rough parity between the United States and the Soviet Union, and if concluded in time, avoid the next round of destabilizing deployments.

The major problem in devising a freeze proposal would be in the area of verification, a matter of special concern to me because of my membership on the Select Committee on Intelligence. The main challenge would be verifying a ban on the production of

missiles and warheads, counting mobile missiles of all types, and preventing covert deployment of warheads on missiles capable of carrying more than presently allowed under the SALT II fractionation limit.

Nevertheless, the record of current and former arms limitations agreements, as well as the proposals the Reagan administration has reportedly made in START and INF, suggest ways which could be found to resolve many, if not all of these verification problems. According to press reports, the administration is considering on-site inspections of mobile missile basing and of ICBM production. I see no reason why this principle could not be extended to other mobile missile basing and production of delivery systems and warheads.

Mr. President, if the goal of a mutual, verifiable nuclear freeze were adopted as the policy of the United States, and the formidable analytical resources of the executive branch were devoted to studying the issues, there is no doubt that a verifiable freeze negotiating proposal could be put together. If a freeze agreement were not both mutual and verifiable, neither I nor anyone else in this Chamber would support it. In those few areas where it might not be feasible to assure adequate verifiability, those issues could be deferred to a subsequent negotiation when verification means might be improved. I ask unanimous consent that an article I wrote for the October 1983 issue of the Arms Control Association newsletter analyzing the elements of a freeze proposal be printed in the RECORD at the conclusion of may remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, let us be frank. The real difference between those who support a freeze and those who oppose it is not whether or not a verifiable freeze proposal could actually be devised and an agreement eventually negotiated with the Soviet Union. Obviously, if the administration wished to prepare a negotiating proposal based on the freeze concept, it could do so. It is disagreement about whether there is a rough balance between the United States and the Soviet Union, and whether, independent of arms control, substantial strategic modernization is needed for American security which divides freeze supporters and freeze opponents.

Here is my position: Both sides are presently preparing to deploy a new generation of strategic weapons, including highly accurate MIRV'd ICBM's, heavy bombers carrying cruise missiles, sea-launched cruise missiles, highly accurate MIRV'd SLBM's, and, eventually, mobile ICBM's. If this new generation of weapons does enter the arsenals of both sides, particularly the new MIRV'd ICBM's, the strategic balance will be a great deal less stable than now. Once deployed, sea-launched cruise missiles and mobile ICBM's will pose serious verification problems. A freeze before these new weapons are introduced would preserve the rough balance that now exists, and would give the negotiators time to negotiate a more permanent treaty for deep reduction and other measures to strengthen strategic stability. But there is very little time left before this opportunity, like the chance to stop MIRV'ing in the late 1960's, passes us by.

Mr. President, neither I, the Senator from Massachusetts, the Senator from Oregon, nor anybody else is here supporting unilateral disarmament. The Soviet Union will continue every nuclear program it believes necessary until agreement is reached. Pending a freeze accord—or any other treaty limiting both sides' nuclear forces—the United States must also pursue sound, affordable, defense programs necessary for stability and security. I emphatically do not include the MX in this category. Its deployment would be contrary to our national interests independent of results in arms control.

This brings me to a criticism I have been hearing with increasing frequency lately. It is said that support for a nuclear freeze and support for the NATO decision on intermediate range nuclear forces are incompatible. This is simply not true, at least as far as I am concerned. Unless and until a freeze agreement is negotiated, the United States must take those steps necessary to maintain a secure deterrent for itself and its allies.

Should the goal of a freeze become the national policy of the United States, the first step must be to consult with our NATO allies about how to include the European nuclear balance. I believe our allies would immediately agree to include the INF problem in a comprehensive negotiation on nuclear forces. In my judgment, that has been their preferred course since at least the late 1970's, and probably even before. This is one reason I so strongly advocate combining the START and INF talks right now. We and our allies should look at the nuclear balance as a whole, and not try to break it into conceptually unsound parts such as "strategic," "theater," and "tactical."

Mr. President, a mutual, verifiable nuclear freeze is a practicable approach to halting the nuclear arms race, and I urge my colleagues to join me in supporting this amendment.

EXHIBIT 1

THE FUTURE OF THE FREEZE

(Senator Patrick Leahy)

Recently, arms control approaches such as those espoused by Senators Nunn and Cohen, Congressman Albert Gore, and the Scowcroft Commission have joined the nuclear freeze initiative as attempts to pressure the Reagan Administration into getting serious about arms control. These approaches are linked to further weapons deployments. Whatever one might think about the arms control value of these new ideas, the very fact that some members of Congress feel compelled to seek an arms control framework for strategic modernization—and that the President finds it necessary to respond positively—is a substantial triumph for the nuclear freeze movement. Besides educating millions of Americans to the character and dangers of the arms race, it has made arms control efforts politically indispensable in an otherwise hostile administration.

Many, myself included, are dubious about President Reagan's belated "flexibility," which may have to do more with gaining votes for the MX than with conviction that an agreement would serve national security. The President should be given a chance to prove his sincerity, but in the meantime the freeze movement cannot stand still. With the recent House vote, the nuclear freeze initiative has reached a watershed. If it is to remain a strong, credible force in the dynamics of arms control policy, it is now time for the nuclear freeze initiative to be transformed from a general idea into a detailed and well-defined proposal which could provide a realistic basis for negotiations with the Soviet Union. To fulfill its early promise, the nuclear freeze movement has to move on. Freeze supporters must get engaged in addressing the specific problems and issues of an actual negotiating proposal based on the freeze concept.

Most of the work on the freeze to date has been advocacy by supporters or criticism by opponents. Unfortunately, rather than constructive dialogue, we have had a monologue of the committeed on both sides. Although some important analytical work is being done, it is attracting little attention in Congress and the arms control community. The barrier of skepticism about the practicality of a nuclear freeze has not been breached.

To raise the level of debate, difficult issues such as verification, negotiability, implications for security, and impact on strategic stability must be identified and analyzed as part of a concentrated effort to define a freeze proposal. At my urging, the Congressional Research Service recently completed a preliminary review of some of these issues. In addition, I have seen valuable material produced by the Federation of American Scientists, and Senator Proxmire has made many important statements on specific freeze issues on the Senate floor. There have been other writings as well, but on the whole, the effort has not been coordinated.

From this fragmentary and preliminary work, objective people should be able to recognize that there is an array of verifiable measures which could be included in a freeze proposal. As a contribution to what I earnestly hope will be a serious effort by the freeze movement, I would like to offer some general observations about potential issues which would have to be resolved in shaping a specific freeze proposal, especially in the area of verification.

ISSUES TO BE RESOLVED

Clearly, the United States has the capability to adequately verify numerical limits on all currently deployed strategic nuclear delivery systems, and probably most theater and tactical systems as well. With Soviet

agreement to certain cooperative measures, including a ban on deliberate concealment measures such as telemetry encryption, the United States can also monitor significant limitations on testing of delivery vehicles—although some test limits would still be monitorable even without cooperative measures. This is demonstrated by the provisions and negotiating history of the ABM Treaty, and SALT I Interim Agreement, and the SALT II Treaty.

The Comprehensive Test Ban Treaty negotiations suggest that a total halt to all nuclear testing is feasible. In my view, that treaty was not derailed as a result of verification difficulties as the Reagan Administration alleges, but by the downturn in superpower relations that followed the Soviet invasion of Afghanistan.

In both the START and INF talks, the Reagan Administration evidently has proposed various kinds of limitations on total missile warheads and on deployed and nondeployed missiles. It has called for the dismantling of all existing Soviet SS-20s and SS-4s and SS-5s, with a total ban on the deployment of all intermediate range missiles. To present Soviet stockpiling of intermediate range missiles, one can only suppose the U.S. proposal includes a prohibition on the production or testing of such missiles as well. I cannot imagine our arms control negotations making such proposals without sufficient confidence that these constraints could be verified.

BANS VS. LIMITS

Virtually, the only verification task specific to a comprehensive freeze involves a ban on production of all nuclear weapons and their delivery means. Perhaps one should add a freeze on deployment of tactical nuclear weapons and dual capable aircraft in Europe and other theater nuclear systems. However, in INF there has apparently been some discussion of the problem of tactical nuclear capable aircraft, so it may be safe to conclude that even the Reagan Administration believes that some limitations on shorter-range systems are conceivable.

The most militarily significant verification difficulties with a freeze would come, for the most part, in measures aimed at banning or controlling new systems now being deployed or developed: Mobile missiles and cruise missiles.

The current Administration's initial INF proposal sought to avoid some of these verification problems by banning ground-launched cruise missiles, as well as medium- and intermediate-range ballistic missiles on a global basis. This is consistent with the objectives of a freeze, which would extend the principle to new strategic systems as well. However, as the Geneva negotiations have demonstrated, seeking to deal with the INF issue in isolation is proving to be extremely difficult. This is another argument for the comprehensive freeze approach, in which the totality of the nuclear arms race is addressed. The continued separation of the START and INF negotiations may be contributing to the overall stalemate of the arms control process. I feel the two negotiations should be combined.

WARHEADS

Another serious problem involves the monitoring of covert deployment of additional warheads on missiles not currently fitted with their maximum warhead capacity. This issue, while very real, will exist in virtually any meaningful arms control agreement which seeks to limit warheads, including the START and INF proposals. U.S. monitoring capabilities, especially if supplemental by substantial cooperative measures such as a prohibition of the denial of telemetry, random challenge inspections, automatic sensors, and the like, ought to be able to deal effectively with this task.

A further problem that must be discussed is the disparity in ages of the United States and Soviet Union's nuclear delivery systems, specifically heavy bombers and ICBM's. This is one of the main arguments freeze opponents offer against an agreement which would prevent pending U.S. modernization plans. Experts must examine this issue closely. However, there is a reasonably stable nuclear balance at present. If a freeze could be concluded before the Soviets carry out a new modernization cycle, I believe current U.S. strategic forces are adequate to maintain credible deterrence. The extensive modernization, maintenance, and upgrade programs presently on line for the Minuteman ICBM's and the B-52 heavy bombers should insure that these mainstays of our deterrent will be capable of carrying out their mission for many years in the future.

MAINTENANCE AND REPLACEMENT

To preserve the reliability and effectiveness of both sides' strategic deterrent, it seems reasonable that a properly structured nuclear freeze have provisions permitting continued maintenance and replacement of current systems with equally capable models as well as continued production of invulnerable missile firing submarines, though not of more capable sea-launched missiles.

Despite the manifest wishes of a large segment of Congress and the American people, I have regretfully concluded that the Reagan Administration will never give serious consideration to any arms control approach based on a mutual and verifiable freeze. This means that the freeze movement cannot benefit from the sophisticated analytical resources of the Government. Given this unfortunate reality, it is up to the freeze movement itself to do the basic analyses of the issues raised in this article and elsewhere. The objective should be the development and continual refinement of an arms control approach based on as comprehensive a freeze as feasible, consistent with fundamental verification and security requirements.

If the nuclear freeze movement is to continue to influence arms control thinking, advocates must begin moving rapidly from the abstract to the practical. The current arms control debate has been injected with new life, thanks in large part to the nuclear freeze. However, freeze supporters must keep working on these difficult issues on their own. We are unlikely to receive help from anyone but each other.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, once again we are here discussing the need for a freeze in the growth of our nuclear arsenal and that of the Soviet Union. I support a mutual verifiable nuclear freeze. I am a cosponsor of the nuclear freeze resolution and I am a cosponsor of this amendment. But the fact is that nothing new is coming out of this debate tonight. We have talked about what we know of the dangers of nuclear war again and again in this body and every time the discussion is based on generalities and assumptions.

We talked about the danger of nuclear war during the debate on neutron weapons in 1977. We discussed again in 1979 when the Senate considered the SALT II Treaty. Senator ROTH and myself hosted several meetings for Senators at which we brought in experts—pro and con—to tell what they knew about the advantages or disadvantages of SALT II. And, we just recently discussed the whole issue again during the debate on the MX missile.

It became apparent to me during the debate on the MX missile and the deployment of more missiles in Europe that neither the Members of the Senate nor, more importantly, the American people could appreciate the importance and seriousness of the debate because there was very little detailed and scientific information about just what would happen in case of nuclear explosions by accident, by computer failure, or by deliberate nuclear war. Without that information, we can hardly expect the American people or the people of this world to appreciate the importance of these kinds of debate.

As a matter of conscience, the Senate should note the following: Despite the 40,000 nuclear weapons in the world, we know very little about the effects of nuclear explosions on human, animal, and plantlife or on the soil, the aquatic environment, the natural territorial ecosystems, the atmosphere, the stratosphere, or the weather conditions surrounding the planet Earth.

Most of the scant information that forms our knowledge of the impact of nuclear war today comes from the original studies made on the impact of the relatively small—12.5 kilotons and 20 kilotons respectively—atomic bombs that were dropped on Hiroshima and Nagasaki more than 30 years ago.

I stress this is very scant knowledge compared to nuclear capability or, more accurately, nuclear liability that is accumulated in warheads and tactical weapons in the almost four decades since then.

Much of the additional knowledge since 1945 has been to hypothesize the greater effects on the biosphere that would result from our larger and more potent nuclear bombs.

Further, even this new information, and that such as the study just completed by Drs. Carl Sagan and Paul Ehrlich and their associates is not disseminated to the general public in an comprehensive fashion. They exist as individual studies that very seldom find their way into the hands of ordinary people.

No matter what the vote here tonight on the nuclear freeze, the debate will not be ended. It will only be ended when the people of this country, the Soviet Union, and other countries that have nuclear arsenals have the kind of factual and understandable information on just what a nuclear war will do to us all, as well as the rest of life on Earth. When that knowledge is understood, it will result in a world chorus in unison that says no to the thought of nuclear war. This is the reason I have introduced S. 1968, which directs establishment of a National Institute for the Biological Assessment of Nuclear Explosions. This Institute would be established as an independent Federal agency to research, simulate, and collect all data on the effects of nuclear explosion on life and the biosphere. It would also act as a clearinghouse for information developed in other studies in our universities, private, and Government centers of nuclear research.

S. 1968 requires public dissemination of the research removing the shroud of secrecy surrounding the information necessary for the general public—the people—to understand and comprehend the results of nuclear explosions. The people of the United States and the world need this information so that all can appreciate the awesome responsibility to avoid nuclear devastation.

The alternative is to rely on obsolete information or on dramatizations such as the ABC Network's production, "The Day After." This is just not enough.

The question is life, life itself, starvation or freezing, death by thirst or slower death by nuclear radioactive fallout, the end of habitation of Earth. While we continue to debate the policy that we shall follow on nuclear arms, whether it is on the MX, on the deployment of Pershings in Europe, or on other weapons, while the efforts of mutual verifiable agreements of limiting nuclear arms buildup between the United States and the Soviet Union—while all of that goes on, let us recognize that collecting and disseminating the effects of nuclear blasts is information that people have a right to know.

Mr. President, I urge all the Senate to review and to consider just what is known and what our right and our responsibility is to make known that we do know and that we continue to build up in our storage of knowledge on nuclear explosions, whether or not each of us is making our own judgment on this amendment before us.

But however we vote on that, I urge all of the Senate, all of my colleagues to review very carefully and seriously the public's right to know just what all this could mean if nuclear explosions were inflicted upon this Earth.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, I yield back the remainder of the time I have to the Senator from Massachusetts.

Mr. COHEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-three minutes and forty-one seconds.

Mr. COHEN. I yield 2 minutes to the Senator from Washington.

Mr. EVANS. Mr. President, 2 days ago I had the privilege of participating in a remarkable civic event in Seattle, Wash., called Target Seattle. Target Seattle is a weeklong citywide discussion of the United States-Soviet relationship and the prospects we have for controlling and reducing the thousands of warheads we have targeted on one another. Target Seattle scrupulously presents both sides of the argument and as a program it does not seek to convert; it seeks to inform. This year's event is a followup to a similar event held last October, and 2 days ago literally thousands of citizens gave up a Saturday afternoon, and hundreds of other citizens volunteered their time, to explore the options facing the United States as it confronts the fact it is a cotenant on this planet with the Soviet Union.

This year's discussion centered on the nature of the Soviet Union, its history, and the unique problems a country like the Soviet Union presents to U.S. citizens and policymakers. Implicit in this discussion was the wide recognition that nuclear weapons per se do not endanger us; rather they are made dangerous by the fact they are the principal and ever-present reality of the United States-Soviet political struggle.

Although a simple point, it nevertheless reveals considerable sophistication, and it suggests U.S. citizens are ready for a public debate on this subject that goes beyond individuals seeking to outdo one another in expressing their horror at nuclear war. That, of course, is the starting point on any discussion of preventing nuclear war, not the end of it.

The debate before us promises us much more than that. Yet I do not believe the public or the country is well served by a debate whose practical political result is to divide those who share much in common by labeling one group "profreeze" and another "probuild-down." In my remarks at Target Seattle I suggested the public effort for peace should remain big enough to embrace the interests and concerns of both those who urge a freeze on the testing, production, and deployment of nuclear weapons and those who find build-down a more compelling arms control proposal. There is merit in both proposals and it should be noted, I think, that the administration's latest START proposal itself is a combination of build-down with a freeze at lower levels.

Nonetheless there are genuine and important differences between the two competing proposals before this body. They demand a choice, and the choice I have made is for the build-down resolution. The build-down more nearly expresses the sense of the Scowcroft Commission and those Members of Congress who took the initiative on a new negotiating proposal for the START talks. The build-down proposal directs that arms control efforts should go hand in hand with modernization of strategic forces toward more stabilizing, and more survivable modes of deployment at reduced numbers of warheads.

Both the Scowcroft report and the build-down congressional initiative are bipartisan efforts. Both seek to limit the most destabilizing weapons. Both recognize that the present vulnerability of our land based ICBM's creates dangerous instability during crisis situations.

But most important, the build-down proposal better meets the standard the participants of Target Seattle demanded of themselves: No arms control proposal can be judged outside the context of the present United States-Soviet relationship. Given the course of recent events, given the demands we are putting on our European allies, given the fact political cohesion at home strengthens the hand of our negotiators in Geneva, and given the fact build-down permits interim force modernization; the arguments for build-down become all the stronger.

Mr. DOLE. Mr. President, the Senator from Kansas must question whether this resolution addresses the reality of our nuclear deterrent. Our deterrent forces, far more than the Soviets, rests on a triad of land-based ICBM's, manned bombers, and submarine-launched nuclear forces. The strategic flexibility that this triad provides has helped make our defenses credible. And a credible deterrent these forces have been, for no potential aggressor could be under the illusion that a first strike could demolish that triad.

In the tension-ridden years since World War II, there has not been a major world conflict—and few can really doubt that our nuclear defenses have helped prevent it.

Mr. President, with that said, we all recognize that the manufacture and deployment of nuclear weapons by both the United States and the Soviet Union has gotten out of control.

Irrespective of who is right on the question of which side possesses superiority, whether in numerical advantage, throw weight or whatever—nuclear weapons may no longer be a safe-

guard but could become a threat to our peace and well-being.

In a perfect world we could move from that recognition to a commitment by both sides to eliminate these weapons from our arsenals. But this is not a perfect world, and we are dealing with a dangerous adversary. We must, therefore, look to realistic solutions—not perfect solutions—and work to insure that these weapons, all weapons, remain servants to our own defense and the defense of our friends and allies, not the masters of our own destruction.

We have been negotiating for years, throughout both Democratic and Republican administrations, with the Soviets in both the INF and the SALT/START talks on mutually agreeable solutions to control the rogue genie of nuclear weapons. We have all been disappointed that our attempts have to date been futile. President Reagan has repeatedly attempted to introduce flexility at both the INF and the START talks—and repeatedly has met with stony silence to negotiate seriously. In his address to the U.N. General Assembly, the President challenged the Soviets to work with us to control nuclear arms, and was rebuffed, as he was rebuffed on his October 4 proposals on a build down. The Soviets have repeatedly failed to seize the occasion for real reductions, apparently hoping that by standing fast, we will continue to make unilateral concessions while they continue a propaganda war to weaken our resolve and that of some of our European friends.

Mr. President, the resolution currently before us seeks to address this impasse we face, but I find it seriously flawed. It puts the cart before the horse. A freeze of current weapons would reward the Soviet buildup of ICBM's and leave us with an unacceptable situation in Europe, given the Soviet focus on theater nuclear weapons there. It would not allow for necessary force modernization. Another favorite approach is the build down—a plan whereby we would build down two weapons for every new one deployed for the privilege of catching up with the Soviets. In the area of air-launched cruise missiles alone, our present triad defense would have to be virtually dismantled in order to deploy these missiles. And there would be no obligation on the Soviet side to build down any weapons until they wanted to deploy new ones.

It is more productive in my view to preserve our nuclear defenses while offering the Soviets something that both sides can agree to. With an eye to what these weapons are designed to do, rather than a rigid formula, we can best see how to limit them. It remains my belief that the proper ordering of our approach would be a reduction of all strategic and intermediate-range nuclear forces below today's deployment figures for both the United States and the Soviet Union. The proposal should parallel our present nuclear triad force structure. Then, and only then, nuclear force levels could be frozen at that lower, reduced level—which would then become the ceiling for a new round of negotiations. Special attention should be paid to weapons that are the most destabilizing, to verification procedures, and to nonnuclear technological breakthroughs that could affect nuclear defense.

Mr. President, the fear of a nuclear holocaust is shared by us all, as is the sincere desire to eliminate its causes and its possibility. But any serious proposal must take into account the long-term nature of a negotiated, verifiable, and realistic agreement with the Soviets. We have a vital need to protect our own defenses and our own interests in the interim, modernizing our forces where necessary. Let us not reward the recent Soviet buildup of land-based ICBM's by yielding to the temptation to freeze our arsenals at current levels. At the appropriate time, let us urge a course that goes beyond a freeze—a reduction of all strategic and intermediate-range nuclear forces below today's deployment figures for both the United States and the Soviet Union. But such a proposal must be realistic and in context.

A freeze at this time would have the same effect on our strategic balance as would the failure to deploy Pershing and cruise missiles in Europe this fall, an effort that is itself being undermined by Soviet propaganda efforts. Given the disparity in land-based ICBM's and given the unwillingness of the Soviets to bargain meaningfully in Geneva, Mr. President, now is not the time for a freeze, no matter how sound the concept may be.

Mr. GORTON. Mr. President, although I oppose the amendment, I am not one who would impugn the motives of the advocates of the nuclear freeze proposal. Their desire to help lead the world to an era of greater peace and stability is clear. Freeze proponents, and the extensive grassroots support they have engendered, are largely responsible for bringing arms control to the top of the public agenda, where it unquestionably belongs.

But as we consider this amendment, we must examine the freeze, not as an eminently justifiable reaction of fear and outrage to the arms race, but as a concrete arms control proposal which seeks to make the world safer and more secure. Scored in this light, the freeze proposal does not bear up very well because, as one Senator has pointed out this evening, it does not answer the question, "After a freeze, then what?"

Let me briefly outline my objections to the freeze proposal. As I do so, let me reiterate that these concerns relate to the likely impact of a freeze.

First, it is doubtful that a freeze could be achieved quickly. A review of past arms control negotiations suggests that they are extremely complex proceedings, and the freeze debate in our own House of Representatives demonstrated that there is no easy consensus as to what constitutes a freeze. In addition, a freeze agreement would require the same complex verification provisions as any comprehensive agreement. So let us begin by acknowledging that we are discussing a negotiating proposal, but not a quick fix for the arms race.

Second, if we were to achieve a freeze agreement, it still would not produce a favorable environment from the point of view of stability. In his earlier description of Soviet nuclear forces, the Senator from Massachusetts (Mr. KENNEDY) explained that the Soviets lag far behind the United States in both strategic bombers and submarines. The unanswered question is what that gap tells us about stability.

Bombers can be airborne quickly and therefore are relatively invulnerable to attack. They take a long time to get where they are going, and they can be recalled. As strategic systems go, they are relatively stabilizing. Yet the Soviets have very little capability in manned bombers.

Submarines, of course, are the least vulnerable weapons of all. The U.S. emphasis on strategic submarines is a reflection of our defensive, deterrent-oriented posture. Again, the Soviet capability in these stabilizing systems is small.

What, then, do the Soviets have? They have a large number of land-based missiles in fixed silos, carrying 5,200 warheads; 3,600 of these warheads are accurate enough to be used in a first strike, and these are crammed into a small number of silos atop huge MIRV'd missiles.

Leaving aside for the moment the question of whose policy is responsible for Soviet feelings of insecurity, we should recall the virtually unanimous sentiment that MIRV'd missiles, based in fixed silos and armed with accurate warheads, are the most destabilizing weapons of all. Yet these weapons are the principal feature of the Soviet strategic arsenal. I do not see the logic of a proposal which, in seeking to provide a balance, would lock in place an arsenal so heavily dependent on destabilizing weapons.

The prospects are not much better on the U.S. side. The first result would be the loss of our B-52 fleet simply because of its age. We would lose one leg of our triad and one of our more stabilizing systems. Thus, we would begin to rely more heavily on destabilizing weapons.

We have several new Trident submarines, but aside from them our submarine- and land-based missile force is between 10 and 20 years old. By eliminating one leg of the triad, our vulnerability would be increased, and simple attrition would begin taking its toll.

These effects are based on the assumption that little progress would be made in pursuing reductions after a freeze. That assumption, in my view, is well founded. It would be no easy proposition to find equitable tradeoffs between new Soviet missiles and old U.S. missiles, or between new Soviet missiles and old U.S. bombers and submarines.

Let me insert a brief comment here about modernization programs. The Senator from Massachusetts (Mr. KENNEDY) spoke earlier about disingenuous attacks on the freeze which characterize it as a call for unilateral disarmament. Freeze supporters, of course, speak in terms of an agreement which would be mutual, and I am certain that they view the proposal in those terms. But many of these same people have called for the cancellation of virtually every U.S. strategic modernization program, even in the absence of a negotiated agreement. Whether thus intended or not, such action would amount to unilateral disarmament. But what concerns me most is that if Congress formally endorses the freeze proposal, the pressure to cancel these programs will be intense, and unilateral disarmament might well become the policy of the United States.

Finally, Mr. President, let me express my concern over the inclusion of the European theater weapons into this "global" freeze proposal. In deploying the SS-20, the Soviets obtained the ability to target accurately most of the significant military assets of Western Europe with missiles only a few minutes from their targets. That unilateral action created a dangerous imbalance which must be addressed.

Incorporating the INF issue into a freeze agreement would reward the Soviets for their destabilizing action. It would lock Western Europe into a permanent position of inferiority, and it would extend the Soviets opportunity to try to separate the United States from the nuclear defense of our NATO allies. Again, I fail to see how such an action would enhance stability. The INF issue should be included in comprehensive arms negotiations, but only in a format within which the imbalance created by the Soviets can be addressed.

I have risen in this Chamber several times to express my strong support for the build-down proposal. My support for this initiative is based upon my conviction that it addresses realistically the substantive challenges of arms control.

A build-down would not only end, but would actually reverse, the growth of United States and Soviet nuclear arsenals. It would permit new weapon systems to be built. Far from being a disadvantage, this will let both sides continue to plan their own defenses and remain confident of their ability to deter aggression.

Most importantly, by reducing total numbers of warheads and linking modernization with reductions, a build-down agreement would encourage both sides to abandon those weapons systems which are vulnerable to a first strike. On this point, the build-down has been the subject of some disingenuous attacks. Far from being an excuse for the production of the so-called first-strike weapons, it is the only proposal I have seen which confronts the threat of a first strike and takes positive steps to eliminate it.

Finally, the build-down is negotiable because it contains the same incentives for both sides, it bites equally hard on the military forces of both sides, and it relies on each side to pursue its own self-interest in order to produce a more stable strategic balance.

It is clear to me that the build-down most effectively addresses the real problems of arms control. I would hope that freeze advocates would recognize that the build-down is a substantially better alternative, and not a mere attempt to divert attention from the freeze. If they are unable to do so, I would sincerely hope that they would at least recognize that it is acceptable and would endorse it accordingly.

The build-down is unique among arms control proposals in the breadth of support it has attracted. Thanks to the efforts of Senators COHEN, NUNN, and PERCY, along with Congressmen ASPIN, GORE, and NORM DICKS from my own State, it is now a part of the U.S. position in the START talks. With the support of a sizable community of freeze advocates, we would present a strong negotiating front to the Soviets, united behind a fair, viable proposal. Faced with such unity, I am convinced that the Soviets would perceive their own self-interest and hasten progress toward an accord.

Mr. COHEN. Mr. President, I yield 4 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, this is not the first time this Senate or this Congress or this country has gone through this debate. I think prior to every war that we have ever been engaged in, the biggest obstacle to peace has been in the Congress, when we become convinced that there is going to be no more conflict.

Now, I hope and pray with all the fervor I can command that that is true. I have a strong feeling that we are getting into that condition, but I do not think we are there yet.

Now we come up with this idea of a nuclear freeze. The thing that bothers me is, what are we going to freeze? I would much rather get the Soviets to agree not to make any more missiles and we not make any more missiles and then take my friend Senator Cohen's idea of let us stop building and they will stop building and we will cut down. But when we freeze and they do not freeze, we have accomplished nothing.

This is a rather impressive chart in the rear of the Chamber. It is very colorful, but it does not tell us anything because it is only the warheads that we have mounted on missiles that are going to do any good if they are ever used. We forget that it takes a long time to mount a new warhead on a missile. It is not like loading an M-16 rifle. It takes probably 20 to 24 hours or more to adquately install the warhead and put in the longitude and latitude, et cetera, of the target.

So I do not see any need for this legislation, although I can understand the emotional feeling. I can understand the heartfelt desire to accomplish something with this type of legislation, but I do not think it is going to get there. I would much prefer a multilateral drive at disarmament, not just involving the Soviets and ourselves but taking in all the countries of the world that have the ability—and I can say that is any country in this world that cares to try to have the ability to manufacture nuclear weapons—if we can get ourselves together and decide that not just nuclear weapons but all weapons are things that we should do away with, with the exception of those that we need for a certainty for the proper protection of the freedom of our people.

Mr. President, as I say, I laud the efforts of those who are interested in this approach, but it is a completely wrong approach and it is not going to accomplish what the proposers think it will.

I just returned from a very quick trip to parts of the world that are of importance to us, and the general comment that I heard was, "Thank God, you people are finally waking up." They were very pleased with our actions in Grenada. They naturally were very upset about the happenings in Lebanon, as we all were. But the idea that the United States is finally beginning to act like a major power, when the borders of its own country and the freedoms of its own people are threatened, is giving heart to the rest of the world. In spite of the garbage that we read in our local press and listen to on our radio and television, people are happier about this than the Washington Post, the New York

Times, and others, would have us believe.

So, Mr. President, I am going to vote against this amendment. I think it is a praiseworthy attempt to get something done, but it is not going to do the right thing. I hope we can come to this vote rather soon. I think our minds are made up.

I yield the floor.

Mr. KENNEDY. Mr. President, how much time remains on each side?

The PRESIDING OFFICER (Mr. SIMPSON). The Senator from Massachusetts has 6 minutes, the Senator from Maine has 18.

Mr. KENNEDY. May I inquire from the Senator from Maine—I do not mind using the remaining time on this side, but I do not want to use it and find out there is 18 minutes on the other side—if the Senator wants to work out some time agreement, we will have some degree of certainty about it.

Mr. COHEN. I am not aware of any other requests for time on this side.

Mr. KENNEDY. I would be glad to take 3 minutes, if the Senator wanted to take 3 minutes, and yield back the time, otherwise I would like to hold some time in case there are some points that are raised since the Senator has 18 minutes, three times as much time as I have. But if he wants to take 3 minutes, I will take 3 minutes and we will move toward a vote.

Mr. COHEN. If I could respond, I may want to take just a few moments to explain the amendment that will follow the Senator's, and that may take me longer than 3 minutes to explain.

I would like to talk now without losing my right to speak a third time under the rules, if there is no objection to that.

Mr. KENNEDY. I certainly will not object to that.

Mr. COHEN. Mr. President, let me take just a few moments to respond to some of the comments made by my colleagues.

My colleague from Vermont indicated that if the goal of the freeze were adopted, it would set us on the road to reducing the levels of armaments in this world and that he would not support the freeze resolution unless it were verifiable and mutual.

The question that constantly has to be raised over and over again is, how do you verify the research, development, and production activities of a nation that is closed not only to the Western world but, indeed, to its own society? How do you verify what the Soviets are doing under their rooftops?

I think there has been ample evidence, with the example I gave on Grenada, that we underestimated what they had under those roofs. That is just a sample of the things to come when you pass resolutions which are well-meaning and well-sounding but are unrealistic.

Second, it is not mutual as it applies to our allies. At a critical time in history, when our allies are experiencing mass demonstrations, with people sitting in in Great Britain and in West Germany, here we are at 10 after 8 after an hour's debate about to pass a resolution which says what? I have asked my colleagues, do they really mean this? I have gone to colleagues during the markup of the authorization bill in the Armed Services Committee saying, "Look, you are all for cutting the defense budget. Would you like me to cut the Trident submarine? That will save several billions of dollars right there." And people who support the freeze resolution say, "For God's sake, don't touch the Trident; we need that. We have to have the Trident. It is stabilizing. It is a great deterrent and our best system. So don't cut the Trident out of the budget."

My response is, "My heaven, you want to freeze the production of our systems right now, so that means no more Tridents."

Senator GARN earlier pointed out the inconsistency of such an approach.

I have gone to people supporting the freeze and said, "What about the B-52? Do you want to continue to rely upon that as one of the aging legs of the triad?"

They will say, "I support the B-1" or "I'm for stealth." They have their bases covered. They want to be in a position, as one colleague told me, of saying, "It's really only a statement, a moral statement. It's not binding. It's only a resolution."

But the fact is that if you pass a resolution like this tonight, you are sending a signal to our allies who do not think it is mutual.

If Margaret Thatcher can be in favor of deploying the Pershing and the ground-launched missile; if Chancellor Kohl can take the political heat in saying, "We are going to deploy"; if President Mitterrand of France can say, "It is imperative that we go forward"; if Prime Minister Craxi can say, "Yes, it is imperative"; but we, on the floor of the U.S. Senate, after an hour's debate, are going to say it is not important that you go forward, that we are going to freeze right now and it is mutual. I think it would be a devastating thing if we were to pass a freeze resolution in this body.

No. 1, it is not mutual. No. 2, it is not verifiable. It freezes in place our current systems, which are aging.

One final point: It is not enough to cite the public polls. It is not enough to say that an overwhelming majority of people who are polled on the subject, "Do you support a freeze?" answer, "Yes," without fully knowing the consequences or without being fully informed of what it does, and come back and say that is the reason for passing this resolution tonight; because if we are going to govern this country only by poll, you do not need to be here. You do not need to be in the U.S. Senate. All you have to do is plug up a computer, punch out the questionnaire, "Do you favor a freeze or are you opposed to it?" and push a button. They do not need you here.

The real test of leadership in this country is not whether or not you can read a poll, whether you are a good judge of public opinion polls, but whether you are a good judge of the public interest.

Leadership, it seems to me, involves more than telling the people what they want to hear. It involves telling them what they have to know; and they have to know the hard, cruel facts here: that it is not verifiable because you say it is verifiable; that it is not mutual because you declare it to be mutual. It is not in the best interest of this country to support this resolution as it is phrased.

Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, on September 20, the Foreign Relations Committee, by a 10-to-7 vote, defeated a motion to report the Kennedy-Hatfield nuclear freeze resolution, Senate Joint Resolution 2, to the Senate with a favorable recommendation. I voted against the motion, for reasons which I shall shortly enumerate.

Normally, such a vote in committee would have prevented the resolution from being sent to the Senate for its consideration. However, because the freeze has national standing and a nationwide constituency, a strong majority of the committee believed the proposal should be debated and voted on by all Senators. Accordingly the committee voted 10 to 4 in favor of reporting Senate Joint Resolution 2 to the Senate with an unfavorable recommendation.

Mr. President, this is the second time this session that the nuclear freeze has been proposed as an amendment to pending legislation. On July 13, Senators KENNEDY and HATFIELD submitted the nuclear freeze as an amendment to the fiscal year 1984 defense authorization bill, although it was never called up. During debate on that bill, some of my colleagues suggested that the Foreign Relations Committee was trying to bottle up the freeze resolution and prevent it from coming to a vote in committee or on the floor. In remarks to the Senate on July 20, I took sharp exception to that allegation.

I think the record is now perfectly clear on this matter. By its action last month, the Foreign Relations Committee has obviously acted responsibly with respect to the freeze resolution and has discharged its responsibilities

in a carefully considered and fair manner.

Mr. President, I do not think that the debt-ceiling bill is the appropriate vehicle for this amendment. The nuclear issue is too important to be debated in the very restricted time we have before us if we are to complete action on this legislation before our deadline expires tonight. But the issue is now before us, and we will vote tonight on the freeze.

Before we vote, I want to express my views on the nuclear-freeze proposal.

First, let me say that the message which the people of Illinois and all the other States are sending is being heard loud and clear in Washington. Citizens from all walks of life and all parts of the political spectrum are speaking virtually with one voice on one aspect of the issue—namely, demanding that the Government act to halt the deadly competition in nuclear arms.

We in Government are vested with the special, and extremely important, responsibility of translating this outcry of concern into practical, and prudent, policies. However fervently one resolution or another may be supported, any treaty that eventually incorporates its particular arms-control approach will have to receive a two-thirds approval in the Senate to enter into force.

I continue to have concerns about certain aspects of Senate Joint Resolution 2 in its present form, concerns which I believe explain why the freeze does not command consensus support in the Senate.

I believe that the distinguished Senator from Maine (Mr. COHEN) has eloquently explained tonight his reasons for opposing the freeze. For the reasons he has given, reasons that I support, I feel that many others in this body are highly skeptical of the practicality of it, though we highly commend that the freeze resolution has brought about the paramount issue of our time, the most important single subject we will ever deal with: How we are going to control the arms race that is underway.

The first problem I see is that the resolution would sanction each side's keeping what they now have. That certainly is the appearance of that resolution, though is does call for reductions. The first attention would have to be given to a freeze and how we verify it and how we maintain it. In my view, the levels of nuclear weaponry deployed on each side are unacceptably high.

So if we think we would really accomplish much with a freeze, we literally would not. We would just freeze present systems at totally unacceptable levels. The Soviets have already offered in START to cut their strategic forces by more than 25 percent. The question can be raised, why should we spend time negotiating an agreement that would let them keep what they have when they have already indicated willingness to reduce by at least 25 percent?

Second, in the judgment of our European allies, a total nuclear freeze would undermine the Alliance's December 1979 dual-track decision on intermediate nuclear forces—INF—and undercut our efforts to negotiate the total elimination of all nuclear land-based missiles of intermediate range deployed in Europe—the so-called zero option. In March, the German people overwhelmingly reelected Chancellor Kohl and in so doing indicated that they are fully prepared to accept the deployment of new INF systems on their soil, should the arms-control talks in Geneva fail to provide a negotiated solution to the threat posed by the Soviet SS-20 missiles. An American endorsement of the freeze proposal now would pull the rug out from under the German Government and other close allies in NATO.

After all, it is NATO that last week reaffirmed a request that some of us had made of the President last March, a request that we simply begin the process of destroying some of our old missiles. NATO unanimously confirmed—and we have joined them—that we will begin the process of destroying the 1,400 nuclear weapons.

Third, a freeze would be enormously difficult to verify.

This has been stated, of course, by my distinguished colleague from Maine, and I am sure will be joined in by others.

This is not to say that verification provisions for a freeze could not be worked out. If we were able to gain Soviet consent to an unprecedented degree of onsite inspection and monitoring, a freeze might be verifiable. But this would take a very long time to negotiate. And this time could be better spent negotiating significant reductions, which the freeze resolution itself calls for but the freeze resolution and the flaw in it calls for freeze now which must be negotiated which would take months to negotiate and certainly I do not know as if we ever would get to a point where they would be satisfied and we would be satisfied that we have adequate verification for that freeze.

Lastly, I do not believe that all strategic modernization is necessarily detrimental to strategic stability. Some modernization is needed simply because older systems, like our B-52 bombers, are literally falling apart. Other programs, such as the new, small, single-warhead ICBM recommended by the Scowcroft Commission, could enhance the survivability of the U.S. retaliatory force and thereby discourage the Soviets from entertaining any notions of a first strike. A total freeze—one which allowed for no exceptions—would thus not only force us to maintain increasingly obsolete and unsafe systems but also perpetuate current instabilities.

In summary, I applaud the freeze movement for bringing public awareness to bear on the problem of achieving substantive arms-control results. This has indeed been a remarkable accomplishment. But I do not think that the freeze proposal itself offers a prudent or practical solution to lessening the dangers of such a catastrophe.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains? I understand I have 6 minutes remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Maine has 3 minutes remaining.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, first of all I ask unanimous consent to have printed in the RECORD a study of Adolescents' Concerns about the Threat of Nuclear War, by Dr. John M. Goldenring and Dr. Ronald M. Doctor.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

ADOLESCENTS' CONCERNS ABOUT THE THREAT OF NUCLEAR WAR

(By John M. Goldenring, MD, MPH, FAAP, FSAM, and Ronald M. Doctor, PHD)

Over the past two years, studies by Dr. John Mack and associates have suggested that adolescents are very concerned about the prospects of a nuclear war occuring between the U.S. and the Soviet Union. Since Dr. Mack will be presenting his findings to the Committee, we will not discuss them in detail. We wish to acknowledge, however, that his work stimulated our own research.

Much of Dr. Mack's work is based on in-depth personal interviews, and on questionnaires taken from schools where there might be some question as to the representativeness of the data. We set out to design a psychological study along epidemiological lines which would add to Dr. Mack's work by overcoming its potential limitations.

Thus, the survey which is appended to our testimony has been devised. It is designed to allow us to rate teens' concerns about nuclear war in comparison to other worries, some of which are known to be of significance to them for past psychological studies. In this way we also avoid "cluing in" the teens as to the fact that we were particularly interested in their worries about nuclear conflict.

We allow teens first to spontaneously list their three greatest worries, and then to rate major worries on a one to four scale, where four signifies "very worried." Then the teens are asked to rank their top five out of these twenty worries. Only after this are teens asked any questions specific to the issue of nuclear war.

The data we will present today comes from 913 adolescents who were given the

survey in the classroom at six schools in the Los Angeles and San Jose areas. To our knowledge these teens had not been exposed to any unusual school programs on the nuclear issue. Eighty-eight percent of our respondents were tenth through twelfth graders with a mean age of 16.1 years. Males accounted for 50.7 percent of the sample and females 49.3 percent with no significant age differences between males and females. Forty-eight percent of the adolescents were White, 17.3 percent Asian, 15.5 Black, 11.5 percent Latino and 1.8 percent Native Americans, with 6 percent giving other responses to our ethnicity questions. Parents of these teens had high school education completed in 86.5 percent of cases with 42 percent having college or post-college degrees. In these families, only 4.5 percent of male heads of households and 11.5 percent of female heads of households were unemployed. There was an average distribution of school performance in the teens with 47.2 percent listing themselves as C to B students.

Thus the sample appears to be representative of a good ethnic mix and to have an economic profile which is fairly characteristic of the State of California. This is not a sampling of extremely intelligent or extremely poor or extremely white adolescents. It is our belief that they probably are also representative of the nation as a whole, but in order to prove this we intend to administer the questionnaire in several parts of the US in different kinds of schools, and in rural, suburban and urban areas. Our data should, therefore, be considered preliminary, but nonetheless very strongly suggestive.

SURVEY RESULTS

The results of teens' spontaneous fear listings have not yet been analysed, but we do have results of ratings and rankings of fears from the list of twenty which was offered to the students (see study questionnaire attached).

The number one worry both in mean score and in percent ranking it either 3 or 4 (worried or very worried) and for those who ranked this number one of their top 5 fears was "Parents dying." Mean score was 3.16 with 74 percent ranking it 3 or 4 on the worry scale and 29.3 percent listing it as their greatest worry. This is entirely the result expected, since death of parents has several times been shown to be the number one stressor for children and adolescents.

The second highest mean worry score, 2.95, occurred with "Getting bad grades", and is also expected since success in school and self, family and community esteem are very strongly linked.

Then however, we come to a most remarkable and previously unnoted and unpredicted finding. Third highest mean score with 2.69 goes to "fear of nuclear war"! Fear of "becoming very sick or crippled" is a close fourth with a mean score of 2.63. When one looks at percent ranking either worried or very worried there is a virtual statistical tie for third between "being a victim of violent crime" (mean score 2.52) with 59.5 percent, "nuclear war" with 58.2 percent and "not being able to find a job someday" with 58.1 percent (mean score 2.47). Interestingly also, "people starving in the world" had a mean of 2.51 (48.9 percent) and out scored "your own death" (mean of 2.41 and 45.6 percent). (See Table II)

When we look at percent ranking fears number one of their top five, we find the even more remarkable result that fear of nuclear war comes in second with 12.4 percent, higher than bad grades, not finding a job and one's own death! This again is totally unpredicted from any past studies. However, no studies previously have tried to see how fear of nuclear war compares with other common worries. The fact that it is among the top five fears in our analysis is extraordinary. That it is among the top three no matter how we analysed the data is frankly astonishing. Adding up the ranking data, 32.8 percent of the teenagers surveyed listed nuclear war as one of their top three worries.

Analyzing the data further, we find that our worries list breaks down into three major categories:

(1) Fears of Bodily Harm: (Parents dying, own death, violent crime, becoming sick/crippled.)

(2) Personal Concerns (Bad grades, parents divorce, pregnancy, addiction, moving, looking ugly, no job, not being liked.)

(3) External or Environmental Concerns (Nuclear war, pollution, nuclear plant leaks, overpopulation, starvation, earthquakes, getting cancer.)

The consensus of experts and past studies is that none of the issues in the third cluster should be highly significant for teenagers who are supposedly self-absorbed and concerned with peer group status and body image. Our study clearly belies this conclusion. Instead, we find that a significant portion of our adolescents, representing roughly one third of the respondents, is concerned about nuclear war, and about the other world or environmental issues in cluster group three. These worries appear to occur in addition to cluster one and two concerns, since there is no difference in those worries between the group which is worried about nuclear war and those who are not worried about it.

A portion of our sample also received questions about self-image and other adjustment characteristics. It turns out that the subsample which is concerned about nuclear war and environmental issues is also composed of teens who speak more with their parents about their problems, are better adjusted and read more. In short, we would hypothesize that they represent a pool from which future national leaders will likely come.

Thus we have determined that:

(1) Very significant numbers of teenagers are very concerned about the possibility of nuclear war, so much so that a third of them list it as one of their top three concerns and over 10% consider this a greater worry than their parents' death.

(2) The group of teens which is most concerned, about one third of the total, is also aware more than their peers of other potential dangers in the environment, and they appear to represent some of the most mature and better adjusted teens with high leadership potential.

However, how worried are they, and does it make any difference in their lives that they are worried? To look at these questions, the second half of our survey presented a number of questions specifically related to the possible occurrence of nuclear war with the Soviet Union. (See Part II of study questionnaire appended.)

When asked if they ever thought about nuclear war, 56.7 percent said "a few times", and again 32.9 percent, roughly one third, responded "often." Then, the adolescents were asked if a nuclear war between the US and USSR would occur within their lifetime. Forty-two percent said "probably yes" and nine percent responded "definitely yes"! When asked if such a war could be prevented, the vast majority, 76.6 percent, said probably or definitely yes, but 10.7 percent said "probably no" and 3.7 percent said "definitely no". Again, significantly more pessimistic answers came from the previously described group which is more worried about nuclear war.

Only 21.7 percent of the sample felt they or their families would survive a nuclear war, while 13.9 percent were unsure. There were no significant differences between high and low nuclear-worriers on this question. This incongruity shows that many of the "low worriers" may be more concerned about the possibility of nuclear war than they care to admit. Since Dr. Robert Lifton will be discussing with the committee this phenomenon known as "psychic numbing", we will not dwell on it. It is a factor in our sample, but less remarkable than the number of adolescents who readily admit their serious concern.

Finally, we attempted two questions designed to try to identify if the degree of fear uncovered has in some way effected teen's behavior. We particularly included these questions, though we admit they may be imperfect, because of the anecdotal clinical experiences of ourselves and our colleagues. Over the past two to three years in discussions with teens we have spontaneously encountered an attitude of anomie: "Since we are going to die in a nuclear war soon we might as well get high, have sex, drop out."

Therefore, we asked if nuclear war fears had caused teens to think that perhaps they did not want to get married and have children. Fourteen percent somewhat agreed and nine percent strongly agreed with that idea. When asked if the possibility of nuclear war made them want to "live only for today", 15 percent agreed somewhat and 5.8 percent agreed strongly. On both questions, the high nuclear worry group again showed a more significant response.

We further conclude, therefore:

(1) Over half of the teens surveyed believe that there will be a nuclear war with the Soviet Union in their lifetime, and nine percent were certain that it would happen. This degree of pessimism is very disturbing, though most of the sample still had hope of preventing such a war.

(2) It is our suspicion that from 5-15 percent of our sample are very severely worried about the threat of nuclear war, and that they are so pessimistic as to consider delaying plans for marriage and family. Some of their anomie may also be reflected in a "live for today" attitude which could lead them toward drug and alcohol abuse, sexual promiscuity and delinquency, though our data do not allow us to comment on the exact extent of this problem.

We are facing, potentially, a very serious problem with our nations youth, many of the most concerned of whom are potential future leaders. Over half of them have never had an opportunity to talk with any adults about their fears. Forty-one percent also state that they receive insufficient information about nuclear war in school.

There appears to be a communication gap which adolescents are filling with fear instead of hope. This is occurring because we are not talking to youth about the nuclear threat and we are not convincing them by word and deed that there is hope for their future. It is not true that adolescents care only about zits and the opposite sex! A very large number are very concerned about the future state of the planet which they and

their offspring will inherit from the current ruling generations.

Why don't we talk to our teens and reassure them on this issue? It is because we are uncomfortable, worried, afraid; whether consciously or not, about our own future. The kids know it. Over half the teens we asked believe their parents are also worried or very worried about nuclear war. And like other topics about which adults are uncomfortable: human sexuality and death and dying for example, the threat is ignored in the home and in classrooms. The inevitable result is misinformation, despair, unwarrented fantasies and, sometimes, socially undesirable behavior.

We believe now is the time to begin talking honestly with youth about the threat of nuclear war—about our own real fears, our hopes and about what can be done to prevent the Holocaust. This must happen in churches, in schools, in communities and in families throughout the US and indeed throughout the world.

We do believe this is a nationwide problem of youth fears and disaffection, and perhaps a world-wide problem, so that over the next year we hope to expand our preliminary data by administering our questionnaire throughout the U.S. and overseas. In fact, the questionnaire is hopefully being given to Russian adolescents at this very moment. We will report this data as it becomes available.

It is often said that one should listen to the wisdom of the young. The fact is, many of our youth are very afraid that there will be a nuclear war between the U.S. and the Soviet Union. We do not know if this fear is new or increasing, only that it is real, astonishing in magnitude and that it probably mirrors our own adult fears. The question before us is: will we overcome our fears, listen to and talk with our nation's youth, and convince them—and ourselves—that there is hope for our future?

Acknowledgements: (Special thanks to Wayne Shoumaker for his invaluable assistance with our statistical analysis. Alice Powell, MA, MFCC helped design and administer the questionnaire. In addition, some of the subsample data cited is from extra questions which Ms. Powell is asking as part of her doctoral thesis work in Psychology. Katherine West, MPH, a doctoral candidate in Public Health typed the original "final draft" of the study and was of invaluable help in designing the demographic questions. Dree Newman, MD, Rod Boone, PhD, Louise Miller, MPH and Charlene Newman, RN were also of constant help during the designing of the study.)

TABLE 1.—BASIC DEMOGRAPHIC INFORMATION ON RESPONDENT SAMPLE; NUMBER OF RESPONDENTS IN SAMPLE WAS 913; COLLECTED FROM VARIOUS SCHOOLS IN NORTHERN AND SOUTHERN CALIFORNIA

	Percent	Cum percent
Grade in school:		
Seventh	5.5	5.5
Eighth	8.9	14.4
Nineth	7.6	22.0
Tenth	15.7	37.8
Eleventh	31.1	68.8
Twelfth	31.1	99.9

Sex and age of students

	Percent
Male (average age, 16.07)	50.72
Female (average age, 16.18)	49.28

	Percent	Cum percent
Race of students:		
Latino	11.5	11.5
White	47.9	59.4
Asian	17.3	76.7
Black	15.5	91.8
Native American	1.8	93.6
Other	6.4	100.0

[In percent]

	Male	Female
Education of male and female heads of household:		
6 or less (grade school)	4.9	4.8
7–11 (high school)	8.6	8.7
12 (high school graduate)	14.7	24.3
13–15 (college)	19.4	23.2
16 (college graduate)	25.4	21.3
16+ (professional)	16.9	11.2
Do not know	10.2	6.5
Employment status of male and female heads of household:		
Employed	90.3	72.8
Unemployed	4.5	11.1
Disabled	1.6	1.5
Retired	2.9	.9
Homemaker	.2	12.9
Do not know	.5	.8

	Percent	Cum percent
Approximate grade point average of students:		
D–C	14.3	14.3
C–B	47.2	61.4
B–A	34.8	96.3
A	3.7	100.0

TABLE 2.—MEAN RATINGS AND PERCENT OF RESPONDENTS WHO RATED "WORRIED" OR "VERY WORRIED" ON EACH OF THE 20 ITEMS

Item	Mean	Percent worried or very worried
1. Getting cancer	2.00	26.4
2. Earthquakes	2.06	30.2
3. Getting hooked on drugs	1.70	21.9
4. People not liking you	2.08	29.4
5. Not being able to find a job someday	2.47	58.1
6. Having to move somewhere new	1.83	21.5
7. Getting (or making someone) pregnant	1.91	25.9
8. Nuclear war	2.69	58.2
9. Looking ugly	2.10	31.7
10. Parents divorcing	1.91	29.3
11. Pollution	2.19	34.2
12. Being a victim of a violent crime	2.52	59.5
13. Parent dying	3.16	74.4
14. Nuclear power plants leaking	2.69	40.9
15. Your own death	2.41	45.6
16. World over-population	2.00	29.3
17. Becoming very sick or crippled	2.63	52.7
18. Your family not having enough money	2.29	39.8
19. People starving in the world	2.51	48.9
20. Getting bad grades	2.95	68.1

TABLE 3.—PERCENTAGE OF RESPONDENTS ON EACH ITEM WHO RATED EACH ITEM AS THEIR "GREATEST WORRY"

	Percent	Cum percent
My greatest worry is:		
Parents dying	29.3	29.3
Nuclear war	12.4	41.7
Bad grades	10.2	51.9
Not finding a job	9.0	60.9
One's own death	5.9	66.8
Not being liked	5.2	72.0
Being a victim	3.9	75.9
Earthquakes	3.4	79.3
Becoming sick/crippled	3.2	82.5

TABLE 3.—PERCENTAGE OF RESPONDENTS ON EACH ITEM WHO RATED EACH ITEM AS THEIR "GREATEST WORRY"—Continued

	Percent	Cum percent
Pregnancy	2.5	85.0
Parents divorcing	2.5	87.5
No money in family	2.4	89.9
Getting cancer	2.4	92.3
World starvation	1.5	93.8
Pollution	1.3	95.1
Drug addiction	1.3	96.4
Moving somewhere	1.3	97.7
Looking ugly	1.1	98.8
Nuclear leaks	.8	99.7
World overpopulation	.3	100.0

Mr. BUMPERS. Mr. President, I wish to point out that in a study of all adolescents in this study, which is very comprehensive, the No. 1 chief concern of children in this country in their teens is one of their parents dying. Their second chief concern is nuclear war.

I think everyone will find this very interesting reading in the RECORD.

Second, the other day I was debating some issue in the Chamber, I think it was the Clinch River breeder, and we were talking about deficits and I made the point that everyone is against deficits as long as it does not require them to quit spending.

Here we are debating an issue which is very much the same way. Everyone is for stopping the insanity of the nuclear arms race as long as it does not require us to quit building nuclear weapons and nuclear systems.

Mr. President, I predict that this body will still, if we survive that long, 10 years from now, be sitting here debating an issue very similar to this and the arguments that are made here today will be made then.

Just as soon as we catch up, we will be for a freeze. Unhappily, catching up is like beauty. It lies in the eyes of the beholder.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BUMPERS. Mr. President, I am sorry. I thank the Senator from Massachusetts for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains? I need the last 2 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. Mr. President, I yield 1 minute to the Senator from Vermont.

Mr. LEAHY. Mr. President, I shall only take 30 seconds.

The Senator from Maine referred to how I felt on the issue of verification. I can assure the Senator from Maine and the Senate I would never vote for any treaty that could not be verified.

I point out, however, there is a CRS study which I had commissioned as well as one by the journal put out by

the Federation of American Scientists that deal with the issue of verfication. Both point out the real difficulties in verification of the freeze but discuss ways to address them adequately.

I think the freeze we propose can be verified.

Mr. President, I ask unanimous consent to have printed in the RECORD a public interest report from the journal of the Federation of American Scientists on verification of a freeze.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Federation of American Scientists (FAS) Public Interest Report, September 1982]

VERIFICATION OF A FREEZE: SOME GENERAL OBSERVATIONS

In support of the proposition that a comprehensive freeze on much of the testing, production, and deployment of nuclear weapons and their associated delivery systems is verifiable, one can make the following general assertion:

The marginal utility of additional weapons is small in comparison to the survivable destructive potential already amassed by both sides.

Since each side can be devastated by the explosive equivalent of 400 one-megaton bombs, and since each side has long ago assured the delivery of at least this capability even after surprise attack, any clandestine additons to either side's destructive potential are going to have sharply limited significance.

This does not suggest that compliance with treaty provisions does not matter. Rather it suggests that compliance or noncompliance with treaty provisions is unlikely to affect nuclear deterrence itself. In other words, verification of a freeze agreement is not, as it is so often portrayed, a matter of the "survival of the nation." The risks involved in possible Soviet cheating under a freeze regime are, in the first instance, political risks, involving each side's perceptions of who is moving ahead, or falling behind, in the arms race.

Indeed, the major risk involved in Soviet cheating on a freeze is that its discovery would lead: to quantum leap in mistrust on the American side; to vigorous renewal of the arms race; and to a dangerously confrontational international atmosphere. In effect, both sides would end up right where they are today, only worse.

Since the Soviets are known to favor some sort of freeze over continuation of the arms race, it should be pointed out that this fact—that the most likely U.S. response to Soviet cheating would be reversion with a vengeance to the arms race—represents a most powerful incentive for Soviet compliance. It applies, in particular, even to those treaty provisions the Soviets might know could be verified only with low-to-moderate confidence. In point of fact, however, Soviet military planners do not know the full range and extent of U.S. monitoring capabilities. What they do know is that the probability of detection is never zero, and that it approaches 100% for major projects of significant duration.

LOW PROBABILITY BUT HIGH RISK

Thus, according to former Secretary of Defense Harold Brown, "A somewhat less than even chance of U.S. detection would probably appear as a prohibitively high risk to a Soviet planner contemplating contemplating cheating, particularly when he considered the likely U.S. reaction to such a discovery." And yet, Brown noted, "anything less than a 50% chance of detection * * * we consider as providing 'low confidence' in our monitoring capability."

This disjunction—between what we consider adequate for verification and what is required to reliably deter Soviet planners—is noteworthy. The Soviets must necessarily consier that the U.S. monitoring capability—which is actually an aggregate of many individual capabilities—has a composite probability of detection that is highly variable. To this must be added the compounding factor that over time, the secret project could be exposed by an accident, a defector, a dissident participant, an intelligence source, inadvertence, and so on.

Moreover, let us not forget that the Soviets would enter into a treaty precisely because they wanted the U.S. bound by its terms! Cheating involves the danger that the treaty will come apart when the cheating is discovered. Why should they run this risk for no particular military utility?

THE GHOST OF "TYPE III"

But cheating under a treaty, if discovered, does more than end the treaty. It risks ending it with a bang—a much bigger bang than would, for example, Soviet public withdrawal. Years ago, Herman Kahn coined the term "type III deterrence", by which he meant the deterrence afforded by fear of making the other side angry. This applies to deliberate treaty violations, in particular. If the Soviet Union is found to be cheating under an arms race agreement, the U.S. can be expected to renew the arms race with special force, and to reject future agreements with the Soviet Union for a long time.

Under these circumstances, so long as the most significant aspects of the agreement can be verified by the U.S. with high confidence, then low-to-moderate short-term monitoring confidence—and a related greater than 50% long-term monitoring confidence—for the remaining provisions should suffice in order to deter Soviet violation of the entire agreement.

VERIFYING A MODEL FREEZE

This issue is an effort to bring the concept of a strategic weapons freeze into sharper focus. It contains three elements.

First, there is an editorial (above) describing some fundamental premises underlying verification—without agreement on these or other such premises, no consensus on "verifiability" is possible.

Second, some background information is provided on the many, and astonishingly effective, means of verification which are at our Nation's disposal. Last, but obviously not least, is a sketch of one way in which a freeze might be defined.

We hasten to add that this yeoman effort by two of our staff (Christopher Paine and Thomas Karas) has many loose ends, some of which we hope to treat in later issues. There is the question of controls on defensive weapons. There is the linkage between the freeze and subsequent reductions; no freeze is going to be stable indefinitely and, by the same token, no freeze is going to be politically or strategically defensible if viewed in steady state. There is the question of how the freeze might be implemented. There are obviously a host of definitional questions. And so on.

Indeed, this freeze is only a sketch of one of a variety of treaty possibilities in each of which enough is frozen to justify the word "freeze." In its design, there are necessarily branch points, not all of which are fully exposed and for none of which was there space to justify the choices. Thus for long-lived weapons such as nuclear submarines and nuclear bombers, need replacement provisions be included in the freeze? And can the same be said of missiles? What is the real meaning of this model freeze's decision to close down final assembly plants for missiles but not to prevent missile components from being manufactured and installed?

Accordingly, it might be well to state briefly here what distinguishes the freeze approach from other approaches. Obviously, in neither case can one halt more than the two sides can agree on, and verify. But in the one case the presumption is that the negotiation is aimed at isolated weapons systems most vulnerable to agreement, and that no effort will be made to put together a really comprehensive package.

In the freeze approach, on the other hand, the presumption is that an effort will be made to end, or dramatically slow, the arms race rather than simply to manage it. In this context, the presumption is that serious negotiating efforts will be made to stop the central manifestations of the arms race. Weapons systems testing, production or deployment would be permitted to continue only if the negotiators saw no way to stop it, or if it would hopelessly complicate or burden the agreements they could otherwise reach.

In sum, what is contained within is designed simply to stimulate more concrete thought on a subject which now commands the support of solid majorities from the most diverse walks of American life. It behooves all interested in arms control to begin to think through the details of what can, and what cannot, be done with this public support. Readers are encouraged to write.

NATIONAL TECHNICAL MEANS

IMAGING RECONNAISSANCE SATELLITES

"KH-11"

The KH-11 satellite won fame in 1978 when CIA employee William Kampiles went to jail for selling its interpretation manual to Soviet agents. The big spacecraft, which probably weighs about 10,300 kilograms, usually flies at altitudes of about 300 to 600 kilometers. That means that its imaging system probably returns fairly widearea pictures of the ground. But if it also carries longer focal-length telescopes, it could zoom in on more interesting targets for greater detail. The "ground resolution"—meaning the smallest size of objects distinguishable—of KH-11 images is probably between 2 and 5 meters, depending on what assumptions we make about its telescopes and sensors.

The military virtue of the KH-11 is that it operates nearly in "real time." It doesn't use cameras with photographic film, but instead forms images on an electronic focal plane. A scanning mirror sweeps across the satellite's field of view, and the light from the mirror registers on the focal plane as a series of electrical impulses which become digital "bits" of data, either recorded for later playback or directly transmitted to the earth stations of the U.S. Air Force Satellite Control Facility. It is possible, but not certain, that KH-11 data is beamed upward to the satellites of the Air Force Satellite Data System, from which it is relayed to ground stations. In any case, the Satellite Control Facility Remote Tracking Station in Green-

land can pick up KH-11 signals minutes after the satellite has passed over the Soviet Union. Again via the Satellite Data System satellites, the Remote Tracking Station can pass the data immediately to the Air Force satellite headquarters in Sunnyvale, California for further processing. Because this is a CIA-owned satellite, at some pont the images go to CIA headquarters for analysis.

Most likely the sensors on the KH-11 are multispectral—they form images in several bands of visible and infra-red light. These images can carry information that is just as valuable as the details of size and shape produced by the finer resolution of "close-look" photographs, as we shall see below. The KH-11 satellites keep recording images and transmitting data until their maneuvering fuel runs out—which takes upwards of two years. The U.S. seems to keep two of these spacecraft operating at any one time.

"Big Bird"

The "Big Bird" satellite, primarily an Air Force vehicle, stays up about six months, weighs about 11,000 kilograms, and flies somewhat lower than the KH-11—between about 160 and 280 kilometers. Maneuvering at lower altitudes, where some air resistance against the vehicle accumulates, probably uses up a good deal of thruster fuel. But the main limit on the satellite's lifetime is its use of old-fashioned photographic film to record images. The satellite surveys larger areas with a camera developed by Kodak that develops the film on board and then transmits a television-scanned image of the developed picture. The satellite also carries a few (some say 4, others 6) film pods that it can send back to earth for development. These are no doubt used to have the satellite take a more detailed look at specially chosen targets.

"Close-look"

A third type of imaging satellite can take quite close-up pictures, resolving objects on the ground which are perhaps six inches across. This "close-look" satellite can swoop in to altitudes as low as 80 or 90 miles, photographing the ground with color film. The film is released on command for re-entry and then caught in mid-air by special airplanes based in Hawaii. The close-look satellites run out of fuel and film more quickly than the other types, and they usually stay in orbit for 60 days or so.

Since the "Big Bird" became available, the Air Force has flown the close-look satellites much less than before and apparently is almost out of them. The most recent went into orbit at the end of February, 1980. According to the trade press, both the "Big Bird" and the close-look satellites will be replaced in 1984 with a large satellite that will have a long lifetime and take very detailed pictures as well.

ELECTRONIC RECONNAISSANCE

"Ferret"

From time to time, when the Air Force launches a Big Bird, it attaches a much smaller satellite which jumps up to a higher orbit, over 400 miles up. This smaller satellite probably collects information about Soviet radar, indicating what frequencies and types of signals the Soviets are using to watch out for incoming planes and missiles. Since the U.S. has flown very few of these in recent years, one might speculate that the Big Bird or the KH-11 can collect some of the same types of information.

"Rhyolite-Chalet"

The United States has also sent up a series of geosynchronous satellites—they revolve around the equator once every 24 hours, thus hovering over one spot—for intelligence purposes. In a spy trial a few years ago, this type of satellite was indentified as "Rhyolite," although the name has probably changed by now (the new name may be "Chalet"). The Rhyolite type of satellite collects the telemetry—the information on rocket performance—sent back by Soviet missiles when they are tested. It may pick up other kinds of military communications inside the Soviet Union as well.

A likely candidate for the most recent satellite in the Rhyolite series is one launched in March, 1981. It probably has more sensitive listening devices than the earlier versions. Senator John Glenn, who in 1979 expressed doubts about the verifiability of the SALT II agreements, now says he thinks new developments do make them verifiable. In 1979, Secretary of Defense Brown said that in a year or so we could replace the eavesdropping capabilities we lost in Iran. Apparently we have. (We also have ground-based listening posts in China.)

OCEAN RECONNAISSANCE

The Navy has another kind of electronic intelligence satellite for monitoring the oceans. These satellites fly in a series of four—a "mother ship" and three sub-satellites nearby. By detecting the radar and communications signals of ships from more than one receiving point, the Navy can locate the ships. If necessary, the imaging reconnaissance satellites or aircraft could be assigned to take pictures.

"UNKNOWN"

In January, 1982, the U.S. launched yet another type of intelligence satellite, one from which apparently three sub-satellites split off. This set of satellites flies at about 360 miles up, not 600 like the ocean reconnaissance type. And while the plane of the ocean reconnaissance satellite orbit is inclined about 62.5 degrees to the equator, the inclination of this type is 97 degrees. That brings the satellites closer to the poles and allows them to cover more of the earth's surface. They would have a better view of the Soviet naval ports north of the Arctic circle than do present U.S. ocean reconnaissance satellites.

MISSILE WARNING

Defense Support Program (DSP)

With 3 satellites in geosynchronous orbit (1 over the Eastern Hemisphere and 2 over the Western Hemisphere) the DSP system provides early warning of ICBM and SLBM launches by infrared detection of rocket plumes. The satellites also carry visible light detectors and radiation sensors for detecting nuclear explosions and provide surveillance of missile test launches.

NUCLEAR EXPLOSION DETECTION

"Vela Hotel"

Launched in the 1960's into orbits 60,000 miles up, these satellites carried "bangmeters," or nuclear explosion detectors for monitoring the atmosphere and space for violations of the partial test ban treaty. The last working pair of these satellites still provide some data.

Defense support program

The U.S. missile early warning satellites also have some ability to detect the electromagnetic radiation from nuclear explosions.

Global positioning system (GPS)

The new military navigation system satellites also carry a system called "IONDS"—the Integrated Operational Nuclear Detection System. Combinations of signals from the ultra-violet and x-ray sensors which will eventually be carried by all 18 of the GPS satellites will give the precise locations, using time of flight measurements, of any nuclear explosions in the atmosphere or in space out to 11,000 miles.

Seismic sensors

Seismic stations around the globe detect underground nuclear explosions. In connection with the incomplete draft treaty for a Comprehensive Nuclear Test Ban Treaty, the Soviet Union has agreed to the placement of additional unmanned stations on Soviet soil.

UNDERWATER ACOUSTIC SURVEILLANCE SYSTEM

The U.S. Navy has the world's oceans virtually "wired for sound," using both seabed and mobile acoustic sensors. These are useful not only for keeping tabs on nuclear-capable Soviet ships but also for detecting any nuclear tests in the oceans.

GROUND-BASED MONITORING POSTS

The U.S. Intelligence Community maintains a network of electronic "listening posts" and test observation radars near most of the major Soviet missile-testing areas. For example, posts in Turkey monitor the IRBM and developmental SLBM testing range at Kapustin Yar, while two listening posts in Sinkiang, China's western-most province bordering on Soviet Central Asia, monitor the main ICBM test complex at Tyuratam. Listening posts in Norway monitor oprational tests of SLBMs fired from submarines in the White Sea. Additional facilities are believed to exist at other locations.

OTHER SPECIAL RADARS

Soviet test warheads descending to their impact areas on the Kamchatka Peninsula or in the Western Pacific are tracked during the high-altitude portion of their flights by the giant "Cobra Dane" phased-array radar at Shemya Air Force Station, Alaska, and during their near-earth trajectories by the shipborne "Cobra Judy" phased-array radar.

PLANES AND SHIPS

SR-71, U-2, and TR-1 aircraft

These high-altitude reconnaissance platforms, based in the United States, Europe, and Japan, fly along coastlines and border areas of the Soviet Union and Warsaw Pact nations, peering into the foreign territory with side-looking radars, cameras, and electronic intelligence receivers.

Electronic intelligence submarines and ships

So-called "Holystone" submarines—Los Angeles-class nuclear attack submarines specially configured for signal and communications intelligence missions, eavesdrop along the coastlines of the USSR. Intelligence-gathering surface ships overtly perform a similar mission.

HUMINT

Intelligence analysts also garner information from agents, defectors, emigrés, defense attachés, businessmen, tourists, and from the painstaking collation and sifting of published literature.

ON-SITE INSPECTION

Under the Protocol to the 1974 Treaty on Underground Nuclear Explosions for Peaceful Purposes, the Soviet Union and the United States agreed to detailed "on-site" inspection procedures whose general principles were carried over into the negotiations for a comprehensive ban on all nuclear

tests. While not immediately available to the intelligence community to assist in verifying agreements, such inspection arrangements are clearly not as far out-of-reach as they once were.

In verifying the delivery vehicle and nuclear warhead production bans which could be a part of a far-reaching comprehensive nuclear freeze agreement, on-site verification would be selectively employed to further investigate—with the intent of definitively identifying—ambiguous activities which are detected by national means but whose explanation remains unclear.

Verification of a Model Freeze: Monitoring Tasks

A comprehensive freeze on the testing, production, and deployment of nuclear weapons and their primary delivery vehicles could be broken into seven key provisions which are distinct for the purposes of negotiation and anaylsis but interlocking and mutually reinforcing from the perspective of verification:

(1) a freeze of "indefinite duration" (like the ABM Treaty), without modernization,[1] on the deployment of ICBMs, SLBMs, IRBMs, and (if necessary) GLCMs;

(2) a numerical freeze—permitting modernization and one-for one replacement of delivery vehicles, but with no increase or modernization of weapons load—on strategic bombers, other "dual-capable" aircraft assigned a nuclear role, nuclear-armed ships and subs, and nuclear artillery and battlefield missiles;

(3) a prohibition on the flight testing of "new" or significantly modified ballistic missiles, and a low limit on the number of operational ballistic missile flight tests;

(4) a Comprehensive Test Ban (CTB) on nuclear explosions;

(5) a shut-down of existing main assembly facilities for intercontinental, submarine-launched, and intermediate-range ballistic missles, and a prohibition on the transfer of this activity to other sites;[1]

(6) a shut-down of existing key nuclear component fabrication and final assembly facilities for nuclear weapons, and a prohibition on the transfer of this activity to other sites; and

(7) the international inspection and installation of safeguards at all nuclear facilities to permit a verifiable cutoff of weapons-grade nuclear materials production and the conversion or disposal of existing stockpiles.

I. The Deployment Freeze

Few would dispute that a freeze on the number of deployed strategic nuclear delivery vehicles can be adequately verified. Soviet missiles are unambiguously identified with either fixed ICBM launchers, in the case of large liquid-fueled ICBMs, or easily counted submarines, in the case of submarine-launched ballistic missiles. As Secretary Brown testified during July 1979 Senate hearings on ratification of the SALT II Treaty, "We have high-confidence in our ability to monitor the number of fixed ICBM launchers, SLBM launchers, and heavy bombers ("high-confidence" means a counting error of 10% or less). [Charts not printed in the Record.] Brown noted that ICBM silos are "readily identifiable during construction, and take a year or more to build."

The missiles themselves, he reported, "require extensive support facilities, including missile handling equipment, checkout and maintenance facilities, survivable communications, and nuclear warhead handling, storage, and security facilities. Our intelligence collectors regularly examine the existing ICBM fields, but in addition they also conduct extensive surveys of the Soviet Union at periodic intervals for evidence of additional ICBM activity. The intelligence community judgment is that we would detect a Soviet effort to deploy a significant number of excess fixed ICBM launchers even if they departed substantially from their current deployment practices." In other words, even if the Soviets were to deploy their missiles in salt mines or grain elevators, U.S. ability to monitor ICBM-associated support, transport, communications, and security measures guarantees a high probability of detection.

"Turning to SLBMs," Brown testified, "we monitor the launch, fitting out, and sea trials of each submarine. We also monitor Soviet ballistic missile submarines at operational bases, at sea, and at overhaul facilities. In addition, we search for evidence of SSBN-related activity at other facilities, and we monitor naval activities generally with a wide range of intelligence collection systems. We are confident we can monitor closely the number of SLBM launchers."

As for strategic bombers, Brown said, they are "large in size, built at a small number of plants, and deployed at a limited number of operational bases which are closely monitored. The total inventory of heavy bomber-type aircraft can be monitored with confidence."

Potential prohibitions on major modernizations (e.g., adding a new stage, more reentry vehicles, etc.) and system replacement for new production are primarily verifiable through monitoring other aspects of the Soviet weapons program, for the simple reason that before a new missile or reentry vehicle can be installed in a silo, it must first be developed, tested, and produced. Under one scheme, the only replacement permitted would be for missiles fired in operational tests, and since no new production would be allowed under a freeze, this would foster a tendency to conserve missiles, leading to few tests and therefore few "opportunities" for replacement. However, since transporting a Soviet missile from its storage area and loading it into a silo requires, according to official testimony, "a minimum of two or three days," there is a significant change that missile replacement in violation of the freeze would be detected by imaging reconnaissance satellites.

Lesser modifications to the missile might be accomplished in less time and be considerably harder to detect, given that routine maintenance, including replacement of defective components, would be permitted under a freeze. Thus a prohibition on major modifications to existing missiles would be verifiable chiefly as a consequence of monitoring the testing prohibitions of the freeze agreement.

A freeze on mobile ICBMs and IRBMs, "while more difficult than counting silos," Brown testified, "is a manageable task.

"For example, the Soviets are now deploying the mobile SS-20 IRBM, and we can estimate the number of launchers deployed with reasonable confidence. If the Soviets made special efforts to conceal mobile ICBM launcher, or if they deployed a system without central support facilities, the uncertainties could be larger. But covert deployment of a force on a scale large enough to be militarily significant would be a formidable task, requiring successful concealment of a large number of deployed launchers, and of their production, support and training exercises as well, and deployment without central support facilities would entail operational disadvantages."

While complaining about the novel "instability" cause by the Pentagon's alleged inability to target the "highly mobile" SS-20s, the Reagan administration has issued regular updates on the exact number of SS-20 launchers deployed and the number of SS-20 sites at various stages of completion, even to the extent of having sufficient confidence to accuse the Soviets of violating their own unilateral SS-20 European deployment freeze by completing construction of bases begun before the freeze took effect. Clearly, a deployment freeze on at least this current generation of Soviet IRBMs is adequately verifiable.

All these conditions apply to the threatened potential unverifiability of ground-launched cruise missiles as well. Although the missiles themselves are small and probably in some cases not directly accessible to counting, they will be embedded in transport, security and launch-control systems that is monitorable, and during peacetime they will be deployed in main operating bases which can be surveyed from aircraft and satellites.

II. A Numerical Freeze on Dual-Capable Launch Platforms and Delivery Vehicles

To prevent circumvention of the freeze and diversion of superpower energies into a destabilizing tactical/theater-nuclear arms race, a freeze on the numbers and payloads of such systems would be desirable. However, because many of these systems perform both conventional and nuclear missions, and their production and support systems are intimately connected to those for conventional weapons, a freeze on replacement and modernization of these systems does not seem politically feasible for the immediate future.

What would be feasible in the near term would be to freeze the current inventories of such weapons by type, for example: long-range strategic bombers (B-52/B-1; Bear, Bison/new Soviet bomber); peripheral attack bombers (F-111, Backfire); long-range nuclear-certified attack aircraft (e.g., A-6, Binder); nuclear-armed attack submarines (SSN-688, Charlie/Alfa classes) nuclear-cruise missile-equipped surface ships (Iowa, Kirov); and nuclear artillery/battlefield missiles (8-inch, 155mm artillery, Lance, Pershing 1-A, Frog, Scud and Scaleboard missiles). Also frozen would be the nuclear payloads of such systems. One-for-one replacement and modernization of the delivery vehicles could be permitted, and transfer of deployed or currently stockpiled weapons to these new platforms could be allowed, but with no increase in weapons load.

According to one retired member of the intelligence community, each side has a fairly good idea of which forces on the other side actually are assigned a nuclear mission, as opposed to being theoretically "capable" of performing one. Special training, communications, operations, and security measures accompany the deployment of "nuclear-certified" units in the field, making moderate-to-high-confidence verification of a numerical freeze on these systems quite feasible. In addition to imaging and electronic reconnaissance satellites, both countries maintain ocean surveillance satellites to keep track of world-wide naval deployments, and the United States has the

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[1] See article "Should Limited Production and Replacement be Permitted?"

added benefit of information gleaned from a unique worldwide acoustic surveillance system.

Deployments of theater and tactical nuclear weapons in and around Europe, the key area of confrontation for these systems, are also monitored by SR-71, U2R, and other reconnaissance aircraft which overfly border areas and peer into Eastern Europe, monitoring activity at known nuclear weapons storage sites, and looking for signs of additional sites and dual-capable units. National Security Agency and military intelligence "listening posts" also gather vital signal (SIGINT) and communications (COMINT) electronic intelligence (ELINT) about the locations and operations of dual-capable units.

Based on our own intelligence analysis of Soviet dual-capable weapons payload capabilities, a common data base could be established with the Soviets on which systems should be included, and maximum allowable weapons load counting rules could be developed to ease verification tasks. For example, if one version of the Backfire can carry more weapons than another, then all versions might be considered as carrying the larger weapons load. The nuclear weapons themselves could not be modernized or replaced with newly produced versions. This provision would be verifiable mainly through the freeze on warhead production, which would preclude a supply of new warheads for tactical and theater systems.

Many observers have expressed the concern that the widespread deployment of cruise missiles threatens to make the freeze unworkable. Although cruise missiles are a legitimate cause for concern, they do not represent that great a departure from previous systems. It has already been suggested above how the deployment of GLCMs might be frozen and verified in a manner similar to mobile IRBMs.

Because deployed ALCMs must be attached to aircraft, which can be monitored with high confidence, ALCM deployment could be frozen and reliably monitored under a freeze, particularly if the parties adopted rules, as in SALT II, limiting ALCM deployments to heavy bombers.

However, for a host of reasons—including Soviet dependence on a variety of short- and medium-range cruise missiles, difficulties in distinguishing between shorter- and longer-range versions, the fact that they use technologies and components in common with conventional weapons and can in theory be assembled in any one of thousands of light manufacturing facilities, and because their testing is not easily monitored—it will probably prove difficult to include cruise missiles in the nuclear delivery vehicle production and testing bans.

Their deployment can be effectively hemmed in, however. The shutdown of nuclear warhead production facilities will, at a minimum, drastically curtail the number of cruise missiles which potentially could be armed with nuclear warheads. Those nuclear ALCM and GLCM deployments existing at the time a freeze enters into force can be frozen and monitored effectively. That leaves the problem of what to do about SLCMs—sea-launched cruise missiles.

Deployment of nuclear-armed SLCMs on submarines and surface ships could be restricted to those ships and subs which were commonly identified as having a nuclear role at the time the freeze is negotiated. Under the warhead production segment of the freeze, no new warheads could be produced for these systems, but, for example, existing warheads in the tactical airdrop inventory, such as B-61 bombs, could be redeployed on SLCMs, provided that for each eligible sub or surface combatant so equipped, the equivalent in weapons delivery capability is retired from what ever force gave up these weapons. As a purely hypothetical example, one squadron of A-6 carrier attack planes, or Blinder bombers, might be exchanged for the payload equivalent in attack subs armed with SLCMs. In other words, a technologically and numerically frozen, but free-floating, population of warheads might be redeployed, under agreed "exchange rates" based on real payload-carrying capacities, on a numerically frozen, but replaceable and upgradable inventory of "dual-capable" delivery vehicles.

Finally, the deployment of conventionally-armed long-range cruise missiles on vessels not included in the theater nuclear forces of either side might be prohibited in the interest of easing the task of verification.

III. DELIVERY VEHICLE TESTING FREEZE

The verification of a ban on the testing of new missiles and major modifications to existing missiles could be accomplished under a freeze much the way it would have been under the SALT II Treaty. A set of percentage changes in key missile size and performance parameters would be agreed upon as constituting the boundary between "old" (permitted) and "new" (banned) missile testing. Over an extended test series of 20 to 30 firings required to validate a new design of major modification, these limits could be monitored with high confidence using a broad array of collection systems, including imaging and ELINT satellites, ground-based listening posts, test observation radars, and high-flying SR-71/U2R aircraft.

A limit on the number of operational tests would be monitored by these and other systems, including the DSP early warning satellites and ocean surveillance satellites.

IV. A COMPREHENSIVE TEST BAN

During the Carter administration, the United States, the Soviet Union, and the United Kingdom reached agreement on the broad issue involved in verifying a test ban agreement, but at least half the "details" of the verification scheme remain to be worked out. Agreement was reached, however, on placing unmanned seismic monitors on the territory of each of the three parties in such a way as to gather seismic data from all possible test sites. These data would not be the sole means for verifying compliance with the test ban, but instead would be integrated into the worldwide seismic monitoring network and, even more importantly, into the stream of data coming from other relevant U.S. collection systems, including imaging, ELINT and Vela satellites, underwater acoustic sensors, and atmospheric sampling aircraft to detect signs of "venting."

It was also agreed during the Carter-era negotiations that on-site inspections would be allowed in the case of doubts about suspicious events that could not be allayed by data exchange and consultation. More precisely, there could be a hierarchy of requests and mandatory responses that would lead to either an on-site inspection or a *prima facie* case that there was indeed something to hide. In short, a comprehensive test ban would be adequately verifiable. Debate on this point more often than not represents the displaced doubts of CTB opponents concerning its *desirability*, not the ability of U.S. monitoring systems to confine cheating under a test ban to occasional very-low-yield tests which themselves carry at least some risk of detection, if only through agents, emigres, and defectors.

V. BALLISTIC MISSILE PRODUCTION FREEZE

According to Secretary Brown's 1979 testimony, "our intelligence system has enabled us to build a comprehensive understanding of the Soviet ICBM system from design through deployment. We know that the Soviets have four design bureaus for the development of their ICBMs. We monitor the nature of the projects and the technologies pursued at these bureaus. We know which bureau is working on each of the new or significantly modified ICBMs known to be under development. We have a reasonably good idea of when they will begin flight testing of these missiles. Missile production takes place at several main assembly plants and at hundreds of subassembly plants, employing hundreds of thousands of workers."

Then-Undersecretary of Defense William Perry testified, "We monitor the Soviet activity at the design bureaus and production plants well enough that we have been able to predict every ICBM before it even began its tests."

Defense Intelligence Agency Director Maj. General Richard Larkin and Vice Director for Foreign Intelligence Edward M. Collins informed the Joint Economic Committee, in prepared testimony of July 8, 1981, that "there are 134 major final assembly plants involved in producing Soviet weapons as end products. In addition, we have identified over 3,500 individual installations that provide support to these final assembly plants." A table accompanying their report noted that "missile materiel" was produced in "49 plants," and they provided a table giving a five-year annual breakdown of Soviet missile production by type.

Clearly, our national intelligence system has amassed a considerable body of knowledge, over more than 20 years of constant observation, concerning the Soviet ballistic missile production system. This accumulated stock of knowledge, in conjuction with current monitoring capabilities, would permit a shutdown of ICBM, IRBM, and SLBM main assembly plants to be verified. Given a willingness to forgo further development of conventional bombing capability, and bilateral agreement on what constitutes a "long-range strategic bomber," there is no technical reason why main bomber assembly plants could not also be closed down. And given the present state of knowledge and monitoring confidence concerning each side's production system, the freeze could very likely be extended to include major subsystem manufacturing facilities (e.g., for missile stages and reentry vehicles) as well. Since nothing would be coming in or out of these facilities in their shut-down condition, any significant alteration in their operating status would not long escape detection by the variety of sensors deployed on imaging reconnaissance satellites. Doubts about the mission of facilities not included in the freeze could be resolved, in the first instance, by intensive monitoring by national means (possibly facilitated by "cooperative measures") and subsequently by data exchange and "voluntary" on-site inspections along the lines worked out for the draft Comprehensive Test Ban Treaty.

VI. NUCLEAR WARHEAD AND WEAPONS-GRADE MATERIALS PRODUCTION BAN

For perhaps a two- or three-year period, a ban on nuclear warhead production could be implemented and verified along the same lines as the ballistic missile production ban,

as it would take at least that long to secretly replicate warhead production facilities. The ban would involve placing in caretaker status the principal *nuclear* component fabrication and final assembly facilities for nuclear warheads and bombs. For example, on the U.S. side this would include the unique U-235, U-238, and lithium-deuteride "secondary" component fabrication facilities at the Y-12 plant in Oak Ridge, Tenn., the Rocky Flats "primary" (fission-stage) facility outside Denver, Colorado, and the Pantex assembly plant near Amarillo, Texas. Similar Soviet facilities no doubt have been identified and are already under frequent surveillance by U.S. intelligence systems.

During this warhead production moratorium, agreements could be negotiated placing all nuclear facilities and materials stockpiles under IAEA safeguards (suitably strengthened, if necessary), creating the basis for longterm confidence that the warhead production ban would be respected. The CTB system of "voluntary" on-site inspections to resolve serious treaty-related ambiguities could be maintained to buttress the IAEA system of safeguards, leading to a verifiable cutoff in weapons grade-materials production.

THE SYSTEMS CAN WORK TOGETHER

The different types of reconnaissance systems, both imaging and electronic, can be used in conjunction with one another to improve the information "take." For example, the Defense Meteorological Satellites (not mentioned above) can let the controllers of the imaging satellites know when the areas they want to survey are free of cloud-cover, so that satellite maneuvers can be made and the cameras turned on. Analyts of the digital images from the KH-11 may find new missile sites of special interest that they want the Big Bird to take a closer look at, or that justify an even closer look by the high-resolution film-return satellites.

The detection of a missile launch by early warning satellite over the Eastern Hemisphere could help the radar operators in the North Pacific to prepare to monitor the reentry into the atmosphere of Soviet test warheads.

Navy analysts might combine information taken from pictures of Soviet ports, the signals received by ocean reconnaisssance satelites, data from their extensive underwater acoustic sensor system, and sightings from ships and aircraft to keep close tabs on Soviet naval deployments.

Those who observe Soviet rocket tests might first learn that a test is under preparation from KH-11 images, then pick up the telemetry from the test using the "Rhyolite" satellite, then observe the re-entry vehicles (missile warheads) from a special radar ship in the North Pacific.

SHOULD LIMITED PRODUCTION AND REPLACEMENT BE PERMITTED?

In the view of many freeze advocates, the main purpose of the freeze is to halt the arms race rather than to eliminate the deterrent, in whole or in part, by degrading its reliability or otherwise diminishing its effectiveness. A conscious process of disarmament through year-by-year reductions in existing arsenals is the usual approach to reducing the size and destructiveness of the nuclear deterrent.

It is within this context, then, that the question arises as to how much replacement of worn-out weapons should be permitted under a freeze so as to preserve the deterrent's effectiveness pending disarmament. If, at the time a freeze goes into effect, both sides have adequate stockpiles of reserve missiles, permitting replacement could still be consistent with the shut-down of main missile assembly facilities. But it is also possible that either or both sides would insist on maintaining a capacity for producing spare missiles as a hedge against aging, technical failures, and breakdown of the treaty regime.

If production of spares for currently deployed missile systems were allowed to continue under a freeze, assuring that this output would not become a proxy for major modernization should still be possible through close monitoring of the testing restraints which would be part of any freeze agreement. However, foreclosing the option of production for replacement as well as for modernization would make the prohibited modernization of deployed or stockpiled missiles that much easier to verify.

Likewise, a ban on the modernization or replacement of strategic nuclear submarines and bombers could be included in a freeze agreement, but in their primary role as launch platforms for delivery vehicles (SRAMs, cruise missiles, SLBMs), they do not represent the cutting edge of the current arms race. As long as their number and payloads were frozen, bombers and submarines themselves could be replaced or even modernizated without severe repercussions on the stability of the strategic balance. If only as a tremendous cost-saving measure, however, their inclusion might be desirable.

ACRONYM GUIDE

ALCM—Air-Launched Cruise Missile.
COMINT—Communications Intelligence.
CTB—Comprehensive Test Ban.
DSP—Defense/Support Program (satellite).
ELINT—Electronic Intelligence.
GLCM—Ground-Launched Cruise Missile.
GPS—Global Positioning System (satellite).
HUMINT—Human Intelligence.
ICBM—Intercontinental Ballistic Missile.
IRBM—Intermediate Range Ballistic Missile.
NTM—National Technical Means (of verification).
SIGINT—Signal Intelligence.
SLBM—Submarine-Launched Ballistic Missile.
SLCM—Sea-Launched Cruise Missile.
SRAM—Short-Range Attack Missile (open bombers).
SSBN—Sub-Surface Ballistic Nuclear (missile submarine).
SSN—Sub-Surface Nuclear (attack submarine).
SOSUS—Sound Surveillance System.

IMAGE INTERPRETATION

Techniques for interpreting pictures taken from the air were already highly developed by the end of World War II and probably did not change much during the early 1960's when the first spy satellites became available. Now, however, the advent of high-speed, high-capacity computers has given the image interpreters a whole new set of tools.

Traditionally, photo-interpreters have analyzed the pictures collected for them by examining the size and shape of objects, the shadows they cast, the patterns that objects and their surroundings form, the tone or shade of the light coming from the objects or their background, and the texture of the surfaces. The interpreters could then draw both on their own experience and knowledge and on specially designed "keys" to draw conclusions about the pictures. The key would probably consist of both verbal descriptions and actual pictorial examples of the different kinds of installations of military interest.

For example, the interpreter might see a picture with excavations, mine headframes, derricks, piles of waste, conveyor belts, bulldozers, power shovels, but with just a few buildings. His key would suggest that this is a mine. Special kinds of equipment, the tone or color of the waste piles and the ore piles, as well as knowledge of the local geology might further indicate that this was a uranium mine.

Another picture from a different location might show facilities for storing and handling large quantities of the same kind of ore observed coming out of the mine. Provisions for large sources of heat and mechanical energy and particular types of processing equipment identify the plant as a uranium mill. (The shadows cast by the equipment might help to determine its shape and measure its size.)

Still another plant, elsewhere, might show characteristics of being a highly enriched uranium fuel fabrication plant. Besides a few characteristic buildings, it would probably have extraordinary security arrangements (fences and watchtowers) and special facilities for handling radioactive materials. (A plutonium reprocessing plant for extracting fissionable plutonium from spent nuclear fuel would have those features and particular patterns of chemical processing equipment and waste storage facilities as well.) From the science of "cratology"—the study of special-purpose containers—the interpreters might get a very good idea of where the nuclear fuel was being shipped and why.

Modern image gathering and processing have greatly refined the traditional art of the photo-interpreter. For example, the interpreter doesn't just form a general impression of the tone of the light reflected from the surfaces in the picture. With digital images, he gets an exact measure of the amount of light which registered to form each pixel, or dot, making up the whole picture. Through "multi-spectral" imaging, the analyst has a record of how much light of different kinds was reflected, absorbed, scattered, or emitted by the same surface. With that information, the analyst can deduce more information about the surfaces in the picture. Camouflaging and the surrounding foliage, for example, would have different spectral reflectance properties.

Computers can take the image information gathered by the satellite and further enhance it in a variety of ways. Some of the techniques of image processing include:

Building multi-colored single images out of several pictures taken in different bands of the spectrum, making the patterns more obvious;

Restoring the shapes of objects by adjusting for the angle of view and lens distortions;

Changing the amount of contrast between objects and backgrounds;

Sharpening out-of-focus images;

Extracting particular features while removing the background;

Enhancing shadows;

Suppressing glint.

With two or more images of the same scenes, the computers can build three-dimensional "stereo" pictures, fit other pictures taken at different angles onto the same grid, and detect how the scene has

changed from one picture to the next. This change detection is useful, for example, in spotting new weapons deployments, such as mobile nuclear missile sites.

The image interpreters can use all these techniques to extract more information from the pictures they examine. But the computers can also use the techniques to help the interpreters decide which of the many thousands of pictures gathered every year to pay more attention to. The computers are learning themselves to recognize patterns. For example, the computer might be fed all the pictures of Soviet ICBM fields and told to display only those which show some difference with previous pictures; the difference might indicate construction of new launch silos.

VERIFICATION OF A NUCLEAR FREEZE: TASKS AND SYSTEMS

	Intelligence systems—												
Monitoring tasks	Imaging reconnaissance satellites	Electronic reconnaissance satellites	Ocean surveillance satellites	Missile warning satellite	Nuclear explosion detection: Satellites "Vela Hotel" IONDS	Ground-based seismic sensors	Acoustic underwater surveillance	Ground based monitoring posts	Test observation radars	Aircraft and ships	HUMINT and overt collection	On site inspection	Overall monitoring confidence level (estimate)
I. Deployment freeze:													
A. Count fixed ICBM/IRBM launchers[1]	X	X								X			High.
B. Count mobile ICMB/IRBM/GLCM launchers[1]	X	X								X			High moderate.
C. Count SLBM launchers[1]	X	X								X			High.
D. Count launchers for MIRVed missiles[1]	X									X	Counting rule		Do.
E. Count strategic bombers (incl. ALCM)[1]	X	X								X			High moderate.
F. Count other primary nuclear mission aircraft (e.g., FB-111, Backfire)	X	X								X			Do.
G. Count nuclear-armed ships/subs (including those with SLCM's, ASROC's, SUBROC's)	X	(?)	X				X			X			Do.
H. Count nuclear artillery/battlefield missile units, weapon depots	X	(?)					(?)			X			Do.
II. Delivery vehicle testing freeze:													
A. To monitor (prohibited) testing of new ICBM's/SLBM's/IRBM's, monitor flight tests of existing missiles to detect:													
1. Changes in length, diameter, launch-weight and throw-weight (no greater than 5 percent)	X	X					X			X			Moderate-high moderate.
2. Number of stages/type of propellant (no change permitted)	X	X					X			X			High moderate.
3. Number of RV's (no increase from maximum number tested for each type)	(?)	X					X			X			High.
4. Weight of RV's (no decrease from lightest test flown)	X						X			X			High moderate.
5. RV performance (no increase in ballistic coefficient above maximum already tested and no maneuvering)	(?)	(?)					X			X			High.
B. Monitor limit on operational ballistic missile flight tests (6 or less per year)	X	X	X				X	Xi		X			Do.
III. Nuclear weapons testing freeze (CTB):													
A. Detect ambiguous seismic events						X		X					High moderate.
B. Monitor activity/geography at potential test sites	X	(?)	(?)					(?)		(?)			Do.
C. Detect evidence of nuclear explosions on land/in sea/air/space					X	X	X	X		X			Do.
D. Identify ambiguous events											X		Moderate-high moderate.
IV. Ballistic missile/strategic bomber/SSBN production freeze:[1]													
A. Monitor shut-down of existing main assembly plants and shipyard(s)	X							Xi		X			High.
B. Detect ambiguous activity at other facilities	X	X						Xi		X			Moderate.
C. Identify ambiguous activity	X	(?)						Xi		X		X	Low-high.
V. Nuclear warhead production freeze:													
A. Monitor shut-down of existing key nuclear component fabrication facilities	X	(?)						(?)		(?)	X		High.
B. Detect ambiguous activity at additional facilities	X	(?)						(?)		(?)	X		Low-moderate.
C. Identify ambiguous activity at additional facilities	X	(?)						(?)		(?)	X	X	Low-high.
VI. Weapons-grade nuclear materials cutoff:													
A. Monitor military nuclear materials production facilities	X	(?)								X			High moderate-high.
B. Detect ambiguous activity at civilian nuclear facilities	X	(?)								X			Low-moderate.
C. Identify ambiguous activity	X	(?)								X		X	Low-high.

[1] Comprehensive freeze could include a ban on replacement of these systems from new production.

Note: Xi = indirect assistance in monitoring provision.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. Mr. President, I understand I have 3 minutes remaining.

The PRESIDING OFFICER. The Senator from Massachusetts has 2½ minutes remaining.

Mr. KENNEDY. I yield myself 2½ minutes.

Mr. President, first of all there have been comments made implying that those of us who support this proposal are merely following public sentiment. Let me say that I believe the U.S. public is really ahead of the politicians on this issue. They are ahead of this body and they are ahead of the House of Representatives, although not by much, because it has supported this proposal.

I would also like to quote some of the experts who believe that the Soviet Union is not ahead of the United States.

General Vessey, on May 11, 1983, was asked whether he would trade the United States' strategic capability for the Soviet Union. "Not on your life," he said before the Armed Services Committee.

Gen. David Jones said:

There is too much pessimism about our current capability. I would not swap our current capability. I would not swap our present military capability for that of the

Soviet Union nor would I want to trade the broader problems that each country faces.

The PRESIDING OFFICER. The Senator's 2½ minutes have expired.

Mr. KENNEDY. Mr. President, if we do not stop the nuclear arms race, the nuclear arms race is going to stop us. If we do not stop building arms, how are we going to get other nations to stop it?

I wonder what would have happened if that truck that went into the Marine barracks did not have a 5,000-pound bomb, but had a nuclear bomb.

It is time now to stop the arms race.

The PRESIDING OFFICER. All the Senator's time has expired.

Mr. COHEN. Mr. President, I yield 2 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I will not take but a moment.

I oppose the Kennedy amendment and support the Cohen builddown amendment for very fundamental and important reasons.

The freeze prevents all modernization. Both sides need to move toward systems that are more survivable and systems that require less of a hair trigger. Modernization is not always stabilizing, but we must design arms control agreements like the build-down that will give both sides the incentive to move to stabilizing systems that requires modernization.

The build-down is a much sounder approach than the freeze for many reasons. I will concentrate only on one. It achieves the virtues of a nuclear freeze by placing a cap or ceiling on warheads and on destructive power. It goes far beyond the freeze by assuring reductions in warheads and destructive capability, and primarily it avoids the grave danger of the freeze which prevents even stabilizing changes in nuclear forces by permitting and encouraging changes on both sides which reduce the incentive for the first strike.

Mr. President, I will not take the remainder of my time. I urge my colleagues to vote against the Kennedy amendment, and I urge them to support the Cohen amendment when it is presented.

Mr. COHEN, Mr. President, I yield to the Senator from Massachusetts.

Mr. TSONGAS. Mr. President, today the Senate is debating the nuclear freeze. It has been a long and arduous effort to bring this issue to the floor. We have been opposed; we have been delayed; we have been detoured. But we persevered. We insisted on our right to bring the freeze to a vote, both in committee and now on the floor.

In committee, we participated in four separate hearings, the first of which did not begin until June of this year, 5 months after Senate Joint Resolution 2 was introduced. By July the patience of many of us was exhausted. Nine of the Foreign Relations Committee members signed a letter to the chairman formally requesting that the committee meet to consider Senate Joint Resolution 2, the nuclear freeze. I request unanimous consent that a copy of the letter be printed in the RECORD at the conclusion of my remarks.

The committee met on August 2 in accordance with the request. We were unable to obtain a vote on the freeze due to the parliamentary tactics of the freeze opponents on the committee. It was not until September 20, 8 months after the resolution was introduced that the committee finally voted on Senate Joint Resolution 2, reporting it and a nuclear arms reduction resolution both unfavorably.

It is now October 31, another 2 months have passed, and finally the Senate is debating the freeze. Not with the help or support of the majority leadership, I might add, but nonetheless, the freeze as an amendment now stands before the Senate. It is high time, Mr. President, high time.

Why is there such reluctance, such dread of this nuclear freeze resolution? Why has so much effort gone into preventing its consideration in the Senate?

It is no mystery that President Reagan opposes the freeze strongly. But the President opposes many items of legislation, and that has not prevented them from coming to a vote. There is more to it than that. I think that the real reason for fearing the freeze is quite simple.

The people of the United States want to end the arms race and the freeze is their way of telling us. The implications are far reaching. The freeze means an end to the ever widening spiral of nuclear weapons production and deployment. The freeze means an end to massive military budgets. The freeze means a dedication and commitment to effective arms control. The freeze means an end to cold war, chest beating and the beginning of a more balanced and constructive relationship with the Soviets. The freeze means, above all, an end to business as usual.

Now, any number of symbolic measures could convey those ideas, but the freeze is unique. It is much more than a resolution or a mere expression of congressional opinion. It is a highly sophisticated document well grounded in current realities and possibilities. It is practical and feasible, and it has massive public support all over the United States. That is what alarms so many of its opponents.

The race for more nuclear weapons of greater destructive power moves forward relentlessly. We see this superpower competition in almost every category of nuclear weapon—we are developing the MX and the Soviets are testing two new solid-fueled, land-based strategic missiles. We have deployed advanced cruise missiles with more scheduled for Europe, and the Soviets are expected to produce a new cruise missile of their own. We have the new Trident missile submarines. The Soviets have built at least two new Typhoon submarines, each equipped with 20 nuclear tipped missiles. The United States is now committed to building a B-1 strategic bomber. The Soviets are flying a prototype called the Blackjack, very similar to the B-1. And of course in Europe, the Soviets have deployed 250 SS-20 nuclear missiles, to which we will respond with Pershing II and cruise missiles, and to which the Soviets say they will respond with their new cruise missile and updated short range ballistic missiles.

As warhead after warhead is built, as missile after missile is deployed, as more and more elaborate instruments of command are built and installed, the risks of an accidental or intentional launch grows every day. What the nuclear freeze stands for is above all an end to this madness of redundant, dangerous, and senseless weapon making.

Carl Sagan, the astronomer whose studies of space have brought us closer to Earth, has just published another contribution to our knowledge. Summarizing a scholarly paper he coauthored with four other scientists, Dr. Sagan described in this weekend's Parade magazine the astounding and horrifying conclusions of his work on the "Global Atmospheric Consequences of Nuclear War."

Dr. Sagan and his colleagues found that dust and debris created by a 5,000 megaton nuclear war would cut off the Sun's warming rays to the northern hemisphere, resulting in a severe drop in temperatures for months or longer. Sagan writes:

> But because the temperatures would drop so catastrophically, virtually all crops and animals, at least in the northern hemisphere, would be destroyed, as would most varieties of uncultivated or undomesticated food supplies. Most of the human survivors would starve.

These are new consequences of nuclear war, previously not calculated in the grim predictions of fire, heat, destruction, and radiation. This article is important, Mr. President, and I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TSONGAS. Mr. President, the freeze will soon have its first full Senate vote. There was no vote last year on the freeze. But from 17 cosponsors last year and now up to 34 cosponsors this year, the freeze resolution is gaining support and will gain more. The outcome may not be suc-

cessful today, but we will continue our campaign to make the freeze a reality. We have the energetic support of millions of Americans and the overwhelming argument of averting a nuclear holocaust. The nuclear freeze is a winner today, Mr. President, and will be a reality in the near tomorrow.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., July 13, 1983.

Hon. CHARLES H. PERCY,
Chairman, Senate Foreign Relations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express our concern and dismay over your stated intention to postpone once again action by the Senate Foreign Relations Committee on the nuclear freeze resolution. Your wish to delay action until at least September 20, represents the fourth time this year that action on this resolution has been scheduled, but then postponed.

We recognize that there are serious and sincere disagreements over the merits of the nuclear freeze resolution. Our views on this resolution are not uniform. However, we do feel that the committee is obligated to act on this proposal, to call the roll and send it to the full Senate with a majority and minority report—just as we did in the case of the Adelman nomination.

Many of us feel strongly that the Committee should be recorded on this issue. If a majority is not obtained, however, we should then report the resolution without recommendation.

It has been more than two years since this proposal was first introduced in the Senate—and yet the Senate still has not voted on it. The House has already acted on the freeze proposal and more than one fifth of the American electorate have made their views known directly.

We do not believe that it strengthens the integrity of the committee system for this resolution to remain bottled up in our committee. And we do not believe we should leave ourselves open to the charge that the committee agenda is set at the whim of the Presidential assistants.

Therefore, pursuant to Rule 3 (b) of the Standing Rules of the Senate Foreign Relations Committee, we hereby request a meeting of the committee to report the nuclear freeze resolution favorably or unfavorably (or without recommendation) so that the full Senate will have the opportunity to be recorded on this proposal of deep interest to millions of American citizens.

Sincerely,

Claiborne Pell, John Glenn, Joe Biden, Alan Cranston, Paul Sarbanes, Edward Zorinsky, Paul Tsongas, Christopher J. Dodd, Larry Pressler.

(NOTE.—The article from Parade magazine entitled "Global Atmospheric Consequences of Nuclear War" is printed earlier in today's RECORD.)

Mr. COHEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. COHEN. Mr. President, let me take this 1 minute to perhaps clarify one thing.

There has been suggesting here and elsewhere that somehow if you are for a freeze, you are for world peace, and if you are against the freeze, you are for world war. Nothing could be more absurd in my judgment than that argument.

I heard a quote from General Vessey just a moment ago and Gen. David Jones. You have to quote the entire statement. General Vessey and Gen. David Jones and James Schlessinger, and I would add Harold Brown and Bill Perry, have all come out against the nuclear freeze. Harold Brown, Bill Perry, James Schlessinger, David Jones, and Vessey have all supported the guaranteed build-down. You cannot take the statements out of context because the context is that the trends are all adverse.

Mr. President, if we vote for this amendment, we should bring our negotiators home from Geneva because we would have voted for a unilateral freeze as far as our allies are concerned.

Mr. President, I ask unanimous consent to have printed in the RECORD the articles to which I have made reference in my earlier statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From The New York Times, Apr. 19, 1983]

"STOP NUKES"; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. OK., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred Congressional interest in arms control—probably influencing the Scowcroft commission's farsighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative precursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the superpowers toward the Scowcroft goal of reducing multiple-warhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution; stop, now. But there's still no next sentence. Where is the program to match the piety?

[From The New Republic, Apr. 14, 1982]

UNFREEZE ARMS CONTROL

Everyone is for the freeze: first it was the good burghers of Vermont, then Edward Kennedy and nineteen other senators, and now Henry Jackson, Sam Nunn, John Warner, and a cluster of other co-sponsors. Even Leonid Brezhnev is for a freeze of sorts. And no wonder. As the Nuclear Weapons Freeze Campaign, the St. Louis-based "clearinghouse" for the grass-roots anti-nuke crusade, puts it on its letterhead: "The freeze: because nobody wants a nuclear war."

The power of that slogan lies in its simplicity and its implication that only those who want nuclear war could oppose a freeze. Not surprisingly, therefore, when the freeze bandwagon finally pulled into Washington, every politician in town scrambled to jump on board. Consequently, the question is no longer: "Are you for a freeze?" but "What kind of freeze are you for?" Freezes now come in many varieties. The differences, though subtle, are crucial.

One proposal is from the grass-roots freeze campaign. Its objective is "a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons." In other words, a total creasefire-in-place in the arms race. This proposal has been adopted by scores of town meetings, sixty-nine Catholic bishops, the YMCA, Linus Pauling, and so on. This proposal also inspired the Kennedy-Hatfield resolution, which is closely modeled on it.

The other major proposal is the Warner-Jackson resolution. Sensing that the freeze movement might overwhelm Washington and undermine the delicate strategic balance hammered out in two decades of negotiations, Warner and Jackson and other serious advocates of a strong defense proposed a freeze of their own: "a long-term and mutually verifiable nuclear forces freeze at equal and sharply reduced levels of forces." The key word here is "equal." It means that some ceasefire lines must be strightened out and some obsolete weapons system modernized to assure the preservation of stable deterrence. That is the traditional approach of the SALT treaties and the soon-to-be-announced START negotiations. We believe it is the only responsible way to approach arms control.

As an expression of general concern, the halt-in-place freeze is laudable. First, it provides the opportunity that every generation

needs to rethink and debate nuclear weapons policy. SALT II should have provided that chance, but its provisions were so esoteric and the debate so technical that it turned into an intramural discussion by the experts and never really touched the American people. We have not had a true national debate on nuclear weapons since the ABM days of the late Johnson and early Nixon Administrations. The freeze campaigns also mobilized the energies of vast numbers of well-intentioned Americans who are concerned about the possibility of nuclear catastrophe. The popular pressures it has generated in the country and in Congress have already had the salutory effect of pushing the Administration finally to engage the Soviets in strategic arms talks.

But as a practical proposal, the halt-in-place freeze is a disaster. First, it is unverifiable. The freeze resolution tries to solve this problem by denying it. "This is an essential, verifiable first step. . . ." Simple assertions, however, will not do. The production of nuclear weapons, for example, is exceedingly difficult to verify without on-site inspection. The USSR has consistently reiterated its opposition to on-site inspection. Thus one is faced with either abandoning the freeze proposal or abandoning the commitment to verifiability.

Second, a global halt-in-place effectively cancels the Reagan Administration's bold stroke in arms control, the zero-option offer on intermediate-range nuclear weapons in Europe. Last November the President offered to cancel planned American deployment of Pershing II and ground-launched cruise missiles if the Soviets agreed to dismantle their SS-20s, three hundred accurate and mobile nuclear missiles based in Eastern Europe and aimed at West European cities. Leonid Brezhnev's counteroffer is also a "freeze" (the Kremlin media adviser had done his homework): keep things as they are in Europe, with the Soviets allowed three hundred missiles on the ground and the U.S. zero. We are now engaged in negotiations at Geneva to resolve the issue. If the halt-in-place idea were to prevail in Washington, however, we wouldn't need negotiations in Geneva. The issue would be settled with a Soviet victory and a precedent would be set for future talks, encouraging the Soviets to stall until political pressures in the West forced a collapse. The Soviets are stalling now in Geneva, but Senator Kennedy, complaining about slow progress, makes it sound as if the fault were ours.

Collapse of the U.S. position at Geneva would also cause disarray in the NATO alliance. Helmut Schmidt and other European leaders have gone out on a limb to support the U.S. position on intermediate nuclear weapons. If they find that limb sawed off by the U.S. freeze movement, just as it was in the neutron bomb affair by Carter, they could be forgiven if they never again risked their political futures on U.S. promises.

But there exists an even more fundamental problem with the halt-in-place proposal. It ignores the requirement of deterrence, which has proved the only guarantor of peace in the nuclear age. The proposal is based on a simple notion that as long as each side has enough megatonnage to destroy the other, everything else is useless overkill. It assumes that as long as we have the capacity to knock out Soviet cities, we have deterrence. But deterrence requires the capacity to destroy the other side after a first strike. The key element in deterrence is survivability of retaliatory capacity. In a crisis, nuclear war will not start because of numbers, because one side has, say, ten times overkill capacity as opposed to five. Nuclear war becomes more probable when the threat of retaliation becomes less credible. If one side begins to lose its capacity to deliver a second strike, the other side might be tempted in a crisis to strike first. But even more dangerous is the temptation on the side with the diminished retaliatory capacity to launch a preemptive first strike in a crisis before it is too late. Thus, those really concerned with decreasing the chances of nuclear war should focus less on absolute numbers than on the survivability of our strategic deterrent.

The halt-in-place is a threat to stability because it will ultimately jeopardize the survivability of America's retaliatory capacity. The Soviets will soon have a credible capacity for a first strike against one portion of the U.S. deterrent, the land-based intercontinental ballistic missiles. (That was the reason for the Carter Administration's Rube Goldberg mobile MX missile plan, now scrapped.) That will leave the U.S. dependent on the two remaining legs of the triad: the bomber force and submarines. The bomber force of old B-52s is rapidly losing its capacity to penetrate Soviet air space. The freeze would prevent us from modernizing the bomber force with new planes (like the B-1 or the Stealth) and cruise missiles. So America's deterrent capability basically would be in one basket—submarines. Our subs are now the most survivable leg of our strategic triad, but the freeze would prevent attempts to assure that long/term invulnerability. At the same time it would do nothing to prevent nonnuclear anti-submarine research.

The aim of arms negotiations is to decrease the chances of nuclear war, not simply to fix numbers. And the way to decrease those chances is to ensure deterrence. The freeze, pure and simple, would jeopardize deterrence. We recognize that the concept of deterrence is less satisfying emotionally, and more difficult intellectually, than the freeze. It also takes longer to explain and makes for duller copy than dramatic prophesies of the coming apocalypse. But our survival is at stake, and citizens and senators will simply have to cool their emotions and think.

The Jackson proposal, with its emphasis on freezing at "equal" levels of forces, appears to accept the complexities of deterrence. We would prefer language that talks of "stable" levels of forces, assuring deterrent capacity to both sides. But we should be doing more than simply engaging in linguistic jockeying to come up with a formula that incorporates the classic concepts of arms control while using the word "freeze." The Administration has a duty to devise an alternative, both to allay the fears of those disturbed by the prospect of nuclear war and to control the mutual suspicion and economic drain caused by the arms race. The Administration could resume talks on SALT II. The U.S. and the Soviet Union are still tactily observing the treaty, but this will not last long. The President could send a letter to Brezhnev affirming U.S. determination to abide by SALT II until minor changes can be negotiated and a new agreement signed. The Administration also should propose further talks to reduce strategic arsenals. The failure of SALT and delays on START are in large part responsible for the U.S. and European freeze movements. If the Administration wishes to defuse those movements, it needs to get on with arms control.

If the Administration has duties, so does the opposition. Everyone is against nuclear war. Everyone is moved when Hiroshima survivors tell senators of its horrors. But carefully staged media events, such as the antinuke doctors' lectures featuring enormous blowups of terribly scarred nuclear survivors, tread a thin line. To insist on the unimaginable destructiveness of nuclear war is one thing; to traffic in a pornography of suffering to draw an audience is another. It is simply not enough to hold hearings or to publish pamphlets showing that nuclear war is horrible. After hearing the testimony of Hiroshima survivors, Senator Kennedy observed that discussions of megatonnage and throw weight and the window of vulnerability seem beside the point. However heartfelt these commments, it is irresponsible for politicians to ignore megatonnage and throw weight and windows of vulnerability. Preventing nuclear war requires more than fear. It requires a conscious strategy, the political will to carry it out, and a sense of public duty to explain to the voters the unpleasant, complex world of deterrence. Unfortunately, many political leaders see the peace train leaving the station and they must run to keep up with their followers.

[From the Economist, Oct. 8, 1983]

OVER ITS DEAD BODY

October is anti-nuclear-demo month the western world over. December—or even earlier—will be nuclear deployment month in West Germany, Britain and Italy. Only the most optimistic unilateralists now believe they can stop the missiles. By the end of the year some Pershing-2s will have been flown in from America, if necessary helicoptered the last few miles over the heads of the demonstrators, to the West German sites; and some cruise missiles will be in place at Greenham Common in Britain and Comiso in Sicily. The only sop of comfort to the protesters is that—for a few months at any rate—they may prevent the cruise missiles being occasionally trundled around the countryside to practice their mobility.

The anti-nuclear movement in West Germany reckons that over a million people will be protesting against deployment this month. Some of them will be hoping to provoke their own policemen or, better still, German-based American soldiers into pulling triggers, so that a wave of public dismay might rattle the politicians into delaying deployment. But so far the German bobby looks capable of keeping his cool. In Britain an army of protesters may bring London to a halt on October 22nd, but the linked arms around Greenham Common have grown weary. In Italy, the movement is weak; politicians left and right of centre have stayed firm and even Mr. Berlinguer's Communists, ever keen to keep distance from Moscow, have played it piano. All in all, this first round of war for peace will probably be won by those who think the balance of terror is less terrifying than an imbalance of terror.

It has been a bad year for the unilateralists. The victories of pro-nuclear conservatives in the British and West German elections showed the anti-bomb marchers that the vaster stay-at-home majority is against unilateralism. France's President Mitterrand remains an unequivocal backer of the Euro-missiles. There has been little cheer for the E. P. Thompson school of disarmers, who had hoped for at least a hint of Russian reciprocity. The shooting down of the South Korean airliner confirmed that the Russians rarely play by the same rules. The favourite argument of the unilateralists—

that the Soviet Union is essentially defensive—had led to the familiar discovery that knotted-up defensiveness produces something indistinguishable from aggressiveness. Is the continuing occupation of Afghanistan essential for the defence of the motherland? Is the continuing repression of Poland a sign of flexibility in the Kremlin? And what happened to the hope of a matching anti-nuclear movement in eastern Europe?

So the missiles will move in, unless something goes wrong, over the dead body of the anti-nuclear movement. The next question is how long the body will take to resurrect itself. The anti-nuclear movement is now arguing about where it goes from here. Its frustration is deepest in West Germany, where a small but dangerous faction of the protesters may advocate violence against American property and terrorism against American servicemen. That is unlikely to work. The probability is that it would merely make the anti-nuclear movement more unpopular, and perhaps tar the peaceful majority of demonstrators with the brush of wild-left fanaticism.

In Britain, the first stage of the movement's re-think is more promising. A battle is looming between the purists and the pragmatists. The leadership of the British movement is psyching up its membership for a "long haul". The aim of rapidly making Britain nonnuclear may be discarded. Many of the Campaign for Nuclear Disarmament's 70,000 members will resist any retreat. Others will welcome the now discernible drift towards compromise and respectability.

HOW TO PUSH THE COUNTER-ATTACK HOME

This gap between purists and pragmatists, the threat to the anti-nuclearists' unity, is the opportunity for intelligent pro-nuclearists. There is a kernel of unyielding unilateralists of the "How-could-you-ever-push-the-button?" moral school and the "Well-Russia-is-no-more-evil-than-we-are" neutralist campus. These people will stick to their unilateral anti-bomb guns. But since 1979 the movement has succeeded for the first time in embracing ordinary, frightened, more or less middle-of-the-road people rattled by Reaganite rhetoric and sceptical of American sincerity at the arms talks. Many respectable churchmen have lent weight to this group. Many such people know that nuclear weapons are here to stay; what nags them is the fear that the attitude of governments to these weapons may have become too cavalier. The anxieties of the middle-of-the-roaders need to be met.

The waverers have to be persuaded that a nuclear freeze, though superficially attractive, would play into the hands of the Russians as much as unilateralism does. The Russians themselves proposed a freeze in 1979—because a freeze would freeze Russian superiority. The middle-of-the-roaders have to be argued into recognising that an imbalance of terror is more likely to lead to war, including nuclear war, than a carefully matched pair of nuclear scales. That is the core of the current argument in Europe: until there is a counter to Russia's SS-20s, those weapons will tilt western Europe to a choice between submission and obliteration. But the chief answer to the persuadable middle-grounders has to be that arms-control talks can actually bring arms under control.

This is the challenge to the west's governments, and to multilateralist disarmers who believe that the name "peace movement" properly belongs to them. The best way of dividing and disarming the anti-nuclear campaign is to go on producing practical proposals at the two Geneva missile negotiations, at the Vienna talks on cutting ordinary armies, in the arguments about chemical war and the military competition in space.

But be patient. The Russians, unencumbered by their own organised "peace" movements, can afford to play it long. Once the Pershings and the cruise missiles are in place, there will be a period of Russian huff, sulk and stalemate. Mr. Andropov will talk again of putting new missiles into East Germany and Czechoslovakia. He may threaten a walk-out at Geneva. He may contemplate waiting for a more malleable president at the White House. But if west Europeans sand firm, the odds are that the Russians will now seriously think about bilateral reductions.

That is what the anti-nuclear movement would have prevented, had it succeeded in stopping deployment of cruise and Pershing-2. The Russians would have laughed. Now, provided deployment goes ahead, they may have to talk.

[From the Washington Post, Mar. 6, 1983]

"BUILD DOWN" THE FORCES WE DON'T NEED

(By Edmund S. Muskie)

Something important is stirring in the Senate. For the first time in memory a serious and far-reaching arms control proposal has originated within the Armed Services Committee. It has already won the warm endorsement of the chairman of the Foreign Relations Committee and many other senators.

Sens. William S. Cohen and Sam Nunn have proposed a "mutual guaranteed build-down of nuclear forces." Under the plan, the United States and the Soviet Union would each pledge to eliminate from its operational forces two nuclear warheads for each newly deployed nuclear warhead.

At first glance, the concept seems suspiciously simple, but closer examination shows that the build-down idea has great promise as a principle that reconciles the objectives of arms control with the imperatives of military planning. It is the kind of constructive initiative for which those of us who support a nuclear freeze have been working.

One can understand the concept's merit best by considering how it might actually be put into effect. While the build-down scheme is applicable to all nuclear weapons, it would be sensible to treat tactical battlefield weapons as a separate category. Of most immediate interest would be strategic nuclear forces and long-range theater nuclear systems, the weapons currently being discussed in the Geneva negotiations between the two superpowers. All the latter weapons are essentially strategic, in the sense that they threaten critical targets in the heartlands of the two alliances. Altogether, these long-range systems probably carry 12,000 to 13,000 nuclear warheads on each side. Yet, unless negotiated limits are soon imposed, even these large arsenals may continue to grow.

The build-down rule would prevent any such growth. Force modernization would mean simultaneously greater force reduction. Thus, the plan would challenge both governments to move promptly toward the real reductions they profess to desire—to put up or shut up. While the exact pace and composition of such reductions would surely vary between the two sides, the price of new programs anticipated for the next several years could well be cuts of about one-third in operational nuclear warheads on long-range delivery vehicles—a reduction to perhaps 7,000-8,000 warheads on each side. Those numbers are compatible with both President Reagan's START proposal and the Soviet counter-offers.

To verify such reductions, the parties could employ procedures already elaborated in previous strategic arms negotiations. In particular, the so-called "counting rules" negotiated during the 1970s would be invaluable in confirming the numbers of warheads being eliminated. For example, a Soviet SS18 missile would be assumed to have 10 warheads, and American Poseidon missile, 14. Eliminating missiles and aircraft would be necessary to demonstrate removal of warheads from operational service.

In verifying these activities, the Standard Consultative Commission established in 1972 would be indispensable. As the build-down fulfills President Reagan's demands for real reductions, it would also build upon the vital precedents and procedures of prior strategic agreements.

Especially important are the build-down's implications for the American and Soviet military establishments. They would be both liberated and constrained. They would have broad flexibility to choose which new systems to deploy, but they would have to decide whether modernization was worth the price. Presumably, as forces began to shrink, the military incentives would favor emphasizing the most survivable weapons, thereby promoting strategic stability.

One could strengthen those incentives for stability by incorporating some of the ideas that Rep. Albert Gore and others have advanced to phase out the most dangerous weapons, multiple-warhead ICBMs. For example, if a side chose to deploy smaller, single-warhead missiles, it might be allowed to do so at a replacement ratio of two new warheads for three currently deployed warheads. This would still ensure reduction but would favor the less threatening missiles now attracting interest in the President's Commission on Strategic Forces.

Not only is the build-down concept technically and strategically sound; it also is politically appealing. It could go far toward healing the serious breach we have suffered on arms control policy by responding to the fundamental concerns of both those who favor and those who oppose a nuclear freeze. For understandable reasons freeze proponents have feared that permitting any change in nuclear forces would in fact mean an increase in those forces. Freeze opponents have feared that preventing any change in the forces would undermine stability by perpetuating a structure of increasingly vulnerable and unreliable weapons. Both perspectives are legitimate. The build-down plan offers a unique opportunity to harmonize them. In the interest of stability, some modernization would be permitted, but there would be no modernization without reductions.

More than a decade ago, an overwhelming majority of senators urged the president to head off the deployment of MIRVed missiles by negotiating a ban on flight tests. But we spoke tardily and timidly, and the world grew far more dangerous. Today, with new technologies in prospect and arms negotiations in peril, a vigorous initiative by Congress could not be more timely. The guaranteed build-down could be the organizing principle on which a strong congressional majority could frame advice to the president in terms on which he might be willing to act. It could be the rallying point for a bi-

partisan coalition linking Congress and the executive in a renewed effort to blend diplomacy and defense. And forging such a coalition remains the key to effective negotiations with the Soviet Union.

Mr. HUDDLESTON. Mr. President, I am a cosponsor of Senate Joint Resolution 2, the so-called freeze resolution, and I vote for it today.

I vote for it as a demonstration of my belief that we must move ahead in our quest to control nuclear arms and the nuclear arms race. Failure to do so leaves our security at risk, our future in peril.

I vote for a resolution that calls for bilateral action—for action by both our Nation and the Soviet Union. I suggest no unilateral effort on our part, but the mutual restraint and reduction to which the language of the resolution itself refers.

I vote for a resolution that calls for a verifiable arms agreement. An agreement in which we can have no faith offers little security. We are aware from past experience that the Soviets will exploit every ambiguity, every loophole to their own advantage, to their own end. We cannot depend upon the spirit of any agreement or Soviet good will not to do so. But, we do know the capabilities of our own national means of verification, and we can fashion an agreement which we can monitor through use of agreed-upon systems and sources.

If we must rely so heavily on verification capabilities, then the question of why we should seek an agreement at all is logical. Why should we enter an agreement that involves so directly our military security when the other party will participate only half-heartedly at best? My answer is simple: An agreement in and of itself gives us little security; but it does give us some rules of the game, some parameters which show us what to expect and against which to measure the Soviet Union.

Under previous agreements, we knew—perhaps a little too fuzzily—but we knew in general terms what the Soviets were supposed to do and not to do. As a result, we knew what to expect—and we could challenge them through the institutions created by past agreements when they appeared to have moved beyond the parameters to violate the rules required by verification procedures.

Furthermore, the verification rules make it easier to hold the Soviets accountable before possible violations affect the strategic balance. That may not be the best of all possible worlds, but it at least brings some stability to a world involved in a nuclear confrontation where we need all the stability we can find.

I vote for a resolution consistent with our military security. I am a firm believer in a strong national defense. I believe that the first obligation of government is the security of the Nation. We must be adequately prepared to meet any challenge to our security that may occur anywhere in the world. I agree that we need to improve facets of our military capability, and I have voted for funding to accomplish that.

On the issue of the relationship between the freeze resolution and our national security, I quote retired Adm. Noel Gayler, former Director of the National Security Agency, from his testimony before the Senate Foreign Relations Committee:

So far as a freeze on nuclear weapons is concerned, their development, testing and so forth, I think that can be useful. I do not think it puts us in a relatively poorer position with respect to the Soviets. If you consider the total of the nuclear forces on both sides, I think we are pretty evenly matched.

The Soviet Union and the United States went about building up their nuclear arsenals in different ways—the Soviets concentrating on larger heavier missiles and mostly land based. We opted for smaller missiles, having more accurate warheads and deployed in a triad—about one-third land based, one-third sea based, and one-third on long-range bombers. Tacticians may argue forever which system is more effective, but the fact remains that the approaches were different and we must deal with that fact.

Perhaps more importantly, though, we must deal with the fact that both sides have built their nuclear arsenals to overkill capability of enormous proportions.

A freeze now would simply seek to place some limit on our seemingly insatiable craving for capabilities to annihilate each other over and over again—and perhaps the rest of the world in the process.

Some opponents of a freeze seem to be saying that we must threaten the Soviets with future U.S. superiority in order to get them to the negotiating table. The most likely result of that theory would be a continued and dangerous mutual escalation of nuclear forces—even more destabilizing than the past. As a practical matter, to substantially change the balance that now exists would require very large one-sided decreases or increases in forces. That is not likely to happen.

The resolution addresses all nuclear forces of both sides. Until agreement is reached with the Soviets, the United States remains free to deploy additional delivery systems in Western Europe to counter the Soviet weapons on that continent. Furthermore, the modernization of our systems would continue until a verifiable agreement is reached between the two superpowers. But, we must begin now the negotiations leading to such an agreement, rather than awaiting the outcome of discussions with the Soviets on the extraordinarily complicated nuclear arms control proposals now on the table.

I vote for this resolution at a time when brutal terrorism rages in Lebanon and U.S. forces are in Grenada—a time when hostilities continue in a host of other areas—Afghanistan, Iran and Iraq, Nicaragua and El Salvador, and Angola—where they seem almost to have become part of the status quo.

We can debate at length the idea of linking such crises to our policy on nuclear weapons. I do not dismiss the idea that there are times when actions in one area can be used to leverage another. There is no question that the Soviet Union is fomenting dissent in numerous places throughout the world. But, we deal with the situations as we can, in proper perspective. Arms control does not stand in isolation, but at the same time, we should not miss opportunities to reduce the danger of nuclear holocaust just because of difficulties in another problem area. That is like cutting off your nose to spite your face.

We live in a violent and hostile world, as events of the past week have amply illustrated. We cannot afford to let down our guard. But neither can we afford to miss opportunities to enhance our own security. The resolution before us represents such an opportunity. Its message is straightforward. It is a challenge to our principal adversary: Let us stop the arms race and let us move ahead with arms control. We can make no greater contribution to our future security—or that of mankind—than to force the Soviet Union into a position in which nuclear weaponry is restrained and reduced. That is the central point of this resolution.

Mr. BOREN. Mr. President, we struggle in the Senate with matters of great importance to the people of our respective States, of our country and, at times, to all of the people who live together on this Earth. No issue is of more importance than the issue of the nuclear threat to our very existence.

While it is still official doctrine in some nations, including the U.S.S.R., no thoughtful or informed person could assign words which imply that there can be any kind of victory in a nuclear war.

The chilling fact is that the superpowers now hold in their hands the power to snuff out life as we know it. No task is more imperative than the removal of this threat which hangs over the heads of our children from the moment of their birth.

Virtually all of us share the goal of reducing the threat of nuclear war by ultimately reducing the nuclear arsenal to the point of extinction and by carefully controlling it to prevent its use while that goal is being achieved.

The question before us is will the passage of the language of Senate

Joint Resolution 2, commonly called the nuclear freeze resolution, move us toward that goal.

I have struggled for many hours over many months with this question. I have read the articles and books which have addressed the issue. I have met several times with the leaders and members of the freeze movement in my home State. I have asked for and received briefings in depth from the military, from the State Department, and from past and present members of our negotiating teams on the reductions of both theater and strategic nuclear weapons. I have talked with the leaders of other nations and I have listened to the ideas of specialists in and out of government.

There are very thoughtful and sincere persons on both sides of the freeze issue. It is unfortunate that some have labeled supporters of the freeze as anti-American. Others have referred to those who do not support it as insensitive warmongers. Both allegations are false and are unworthy of further discussion. There are good Americans, and good, thoughtful, and sincere men and women on both sides of this issue.

After long deliberation, I have concluded that, at this time and in this form, the freeze resolution would not further the goal of a mutual reduction in nuclear arms. This does not mean that I am unalterably opposed to the central thrust of the freeze resolution. If it were offered at the right time, with some modification in its language more clearly spelling out the means to the goal which it seeks, I might well support it. Unfortunately, it is offered today, in a parliamentary format, which precludes amendments including some which I had intended to offer. It also, in my opinion, is being offered at the wrong time.

It is clear from past Soviet behavior that if they believe that we will unilaterally freeze the deployment and development of our systems, then they will not seriously bargain with us. Why should they bargain to freeze or reduce their own arsenals of SS-18's and SS-20's or other weapons if they can get us to restrain ourselves without any reciprocal action on their part?

For the Senate to act upon this resolution on the eve of the scheduled deployment of our missiles in Europe, missiles which are being deployed to balance Soviet missiles which are already in place, could very well send the wrong message to the Soviets and to our allies. It could cause both to doubt our resolve. It could, in fact, cause the Soviets to feel less need to bargain in good faith with us in Geneva.

In addition, the President has very recently announced a negotiating stance which is more reasonable than any stance previously taken. I believe that those in the freeze movement can correctly feel that they have played a role in moving the President toward a more reasonable proposal. I believe that those of us in Congress, including myself in a small way, have helped to move the President by opposing the deployment of destabilizing and ineffective systems like the MX.

The President, however, has recently signaled to the Soviets a willingness to look at the entire balance of forces at one time. This is a great step foreward. Over 500 Members of Congress cannot negotiate for our Government. It is difficult enough for a free, open, democratic society where policy debates are public, to gain a balanced agreement with a closed society which carefully shields its hand until it is ready to play it. Only the President can truly negotiate effectively for our side. If he refuses to be reasonable or to try his hardest, then the Congress and the people should exert pressure on him. That we have done. Now that he has tabled a reasonable proposal, we should not pull the rug out from under him and send a message to the Soviets that they are no longer under any pressure to negotiate.

Timing is one of the two reasons for, which I feel compelled to vote against the current resolution. The inability to adopt clarifying amendments is the other.

I had hoped to be able to offer clarifying amendments on three major points. Unfortunately, this was not possible because of the parliamentary rules governing the condition under which we are considering the freeze.

First, I feel that the resolution should make it clear that the United States will not impose a freeze on itself until all of the specifics for mutual action by the Soviets and the actual means of enforcement and verification have been fully adopted. To do otherwise would take away any incentive for the Soviets to negotiate.

As I said previously, there is no historical evidence to suggest that the Soviet Union would impose such massive self-restraint before they had agreed to the conditions upon which such a freeze would go forward and verification would be achieved. If the United States were to freeze unilaterally, as a show of good faith, there would be no incentive for the Soviets to speed toward an agreement.

Second, I believe that the freeze should be limited in time as to its duration. This issue was addressed in the House of Representatives when the resolution was considered there. Our ultimate goal is not to freeze the current position forever. We seek to reduce from the terrifying destructive levels at which both sides now find themselves. We need to continue to push the Soviets toward reductions and not mere maintenance of the present levels. A freeze should last for only such time as real progress is being made toward further reductions.

Third, we should spell out in any agreement the right of the United States to continue research and development aimed at protecting against a breakout by the other side. What if the other side should cheat or should later withdraw from the agreement. We would not want to allow our Nation to be left far behind in the research field. Such a provision would also give the Soviets greater incentive to abide by the treaty.

If we are to adapt a nuclear freeze resolution, I believe that these elements should be included. Without them, I believe that the resolution is incomplete and does not adequately protect our national security or the cause of arms reductions.

If we really want to achieve a reduction in nuclear weapons, we must deal effectively with power and political realities. We must deal with the Soviets as they really are, not as we wish they were. Wishing that they held different values did not keep them from killing innocent people on an unarmed commercial airliner. The Soviets will not enter into an agreement unless they perceive it to be in their interest to do so. That is why any freeze resolution must be more carefully drawn and presented at a more appropriate time.

The Korean airliner incident was one which sent all of us shuddering because it exposed their differences in values from those in the Western World. When one considers the vast destructive capability held by those who share so few of our own values about the sanctity of individual human life, the need to achieve nuclear arms reduction becomes even more urgent.

By the votes which I have cast against the appropriation of funds for nerve gas, and the MX missile deployment, I hope that I have indicated my own dedication to a careful consideration of every issue of national security and world peace. I wish that I could in conscience vote for this current resolution as an expression of my own personal dedication to the cause of nuclear disarmament. It is a cause which I strongly embrace as fundamental to hope for the tomorrow of all mankind, including that of our own loved ones. Unfortunately, I can only conclude that, without changes in wording, its passage at this particular time would hinder the cause of nuclear disarmament rather than help it.

Mr. LEVIN. Mr. President, I rise in support of this amendment to urge both the United States and the Soviet Union to establish as their "immediate strategic arms control objective" a decision "when and how to achieve a mutual and verifiable freeze on the testing, production, and future deploy-

ment of nuclear warheads, missiles, and other delivery systems."

I do so because I agree with the vast majority of the American people who have endorsed such a proposal because they believe it best expresses their collective judgment that the strategic arms competition between ourselves and the Soviets has gone too far, and that enough nuclear weapons are enough.

I share their belief that a mutual and verifiable nuclear freeze—and other meaningful arms control agreements—would be in our national interests. Not only would such a freeze, if one which adequately protects our national security can be negotiated, reduce the risk of nuclear war, but it would permit us to focus our defense budget improvement programs on strengthening our conventional forces. This would further raise the threshold against nuclear war and conflagration.

My conception of a nuclear freeze is as straightforward as is the impatience of our citizens with nuclear arms treaties which seem to legitimize strategic weapons buildups instead of forestalling them Any freeze must be mutual—stopping the Soviet programs to build more and more destabilizing, nonsurvivable first-strike nuclear systems in their tracks just as it would stop ours. Any freeze must be adequately verifiable, because we cannot base our national security on trust in Soviet compliance but on our own capabilities to monitor their adherence to such an agreement.

A freeze could further reduce the risk of nuclear war by allowing for the substitution of fewer, more survivable nuclear warheads for larger numbers of nonsurvivable warheads. Contrary to claims by opponents of this amendment, the proposed freeze would not prevent the 1-for-1 replacement of existing weapons, nor would it prevent maintenance of our strategic submarine and bomber forces with newer platforms as these older systems wear out. The possibility of such replacements clearly is spelled out in the book written by our two colleagues who are the principal authors of this amendment a book entitled "Freeze! How You Can Help Prevent Nuclear War."

Finally, the freeze I envision would focus, initially on those nuclear weapons which most threaten world survival—the strategic nuclear arsenals of the Soviet Union and the United States. Intermediate range nuclear forces are not at this time included because, their status is complicated by the unique role these weapons play in the context of the military and political relationships with the NATO alliance.

Mr. President, as a member of the Senate Armed Services Committee, I have spent many hours studying the complex world of nuclear weapons and nuclear war.

It is a strange world where technical terminology often obscures death and destruction. It is a world of bitter disputes over the relative strength of American and Soviet strategic nuclear forces. I have tried to understand and to master these issues and I wish to share some of my conclusions with my colleagues as we debate for a mutual, verifiable freeze on nuclear weapons.

There are a lot of questions one can ask about nuclear weapons and war. But the most basic question is: Are our forces capable of protecting us by deterring an attack on us or responding to an attack if deterrence fails?

In the world of nuclear strategy, perceptions are often as important as reality. If our only option were to respond to an attack on our Minuteman missiles by retaliating with an all-out attack on Soviet cities, our enemies might be tempted to believe that they could, in effect, blackmail us by launching or threatening an assault which would destroy many of our weapons. They would then, in effect, tell us that we dare not respond because we could only fire our remaining weapons at their cities. It is argued that we could not attack their cities because they would retaliate against our cities and we would want to avoid that. So our only alternative, under that scenario, would be to surrender.

This perceived scenario is cited by those who believe we are vulnerable to a Soviet nuclear attack. The belief that a credible nuclear deterrent must be capable of a flexible response is critical to understanding the debate about vulnerability and about the nuclear freeze.

There are major flaws in the contention that we are vulnerable, that we lack the means to respond flexibly to an attack. Even if most or all of our land-based missiles were eliminated, we would still have most of our bombers and submarines—capable of launching devastating attacks on a range of Soviet targets. More than half the 9,200 nuclear warheads in our arsenal are carried by our planes and subs. Each of our subs alone is capable of hitting a range of targets or of destroying approximately 100 of the largest cities in the Soviet Union. And these subs are invulnerable to Soviet attack.

I personally have visited Strategic Air Command Headquarters in Omaha and satisfied myself that we can hit a broad range of military and industrial targets and are not limited to a strike directly against population centers.

For example, if the Soviets were successful in launching a perfectly coordinated attack on our land-based missiles, it has been estimated that some 10 million to 20 million Americans would be killed and some 14 to 20 percent of our industrial capacity would be destroyed. We could respond in kind, killing approximately the same number of Soviet citizens and destroying the same amount of industrial capacity, and still have an adequate number of warheads left with which to deter or respond to any further Soviet strike or attempt at nuclear coercion.

While such scenario ignores many realities, not the least of which is the incalculable aftereffects of such a limited exchange, such estimates at least undermine the argument that after an attack on our land-based missiles, we could only respond against Soviet cities or surrender.

That fact is the heart of the argument over vulnerability and refutes claims that we are vulnerable to a Soviet attack.

Another point about our supposed vulnerability also needs to be made. I do not believe that all of our land-based missiles can with confidence be knocked out by a Soviet first strike. Such an attack would require tremendous technological coordination—and there is no evidence that the Soviets have achieved that coordination. This uncertainty itself should act as a deterrent on the Soviets.

In many ways, the question of inferiority misses the point. If we are not vulnerable, if we can retaliate to an attack, if we have the power to respond to an attack—what is the meaning of "superior" or "inferior"? The point is that we are capable. We have sufficient strength to deter or, if that fails, to respond.

There is no clear way to find out who is ahead in the nuclear arms race. Should we measure the number of missiles, their throw-weight, the number of reentry vehicles, warheads, the accuracy of missiles, their megatonnage or what? We are ahead in some areas, they are ahead in others. Different people pick different measures depending on the point they wish to prove. But there is no agreement on how to factor in all these considerations to come up with a single, simple and cogent answer. Because of this inability, the debate over who is ahead will continue. And there are other complications for the equation. You cannot just look at how many different systems either of us has, you must look at how well each system can do its job.

You also have to consider the deployment of the various missiles. We have the triad—a three-pronged strategy using land-based missiles, submarines, and airplanes. Our resources are fairly evenly spread among those three elements. The Soviets, on the other hand, have concentrated almost 70 percent of their strength in land-based missiles. Their missiles are larger than ours, but since they could become about as vulnerable as our

fixed land-based missiles and more of their strength is in those missiles, more of their strategic force could be vulnerable than is our own.

Those complexities demonstrate that there is no clear answer to the question of who is ahead. More important, the real issue is whether we are strong enough to deter an enemy. And there is a clear answer to that—we are!

Even though we are strong now, we must maintain our military strength and improve it when necessary. But we should not be wasteful or produce more than we need and we should actively seek ways to reduce our reliance on weapons which could destroy us all.

I believe strongly in mutual verifiable arms control. It is in the best interest of the United States, the Soviet Union and the world to find ways to reduce the number and power of nuclear weapons. I believe in the principle set forth in the nuclear freeze petition and I will vote for it because it is commonsensical—it calls for mutual and verifiable nuclear freeze. I supported the SALT II Treaty and I am pleased that President Reagan has pledged not to undermine it—although, regrettably, he will not ask the Senate to ratify it. As long as a treaty provides for mutual and verifiable arms control—or even better, arms reduction, I believe it is in our national interest to adopt it.

I also believe that our emphasis on nuclear weapons has had a harmful and potentially dangerous impact on our conventional strength. Overspending on unnecessary strategic weapons diverts scarce resources from maintaining and improving our conventional forces—the nuts and bolts of our military machine. This money would be far better spent for the ammunition our soldiers would have to use and the tanks and jeeps they would drive, for the fuel our ships would burn and the repair of our jets. We need to fund items that give us the capability of responding to threats without going nuclear. I am afraid our overemphasis on nuclear weapons—and the consequent underemphasis on conventional forces—could make a nuclear war more possible. As my colleagues know, I have attempted to transfer some of the dollars being spent for nuclear weapons into the areas of conventional military strength.

Last, Mr. President, I would like to address, briefly, claims by opponents of this amendment that a freeze would be more difficult to negotiate, and less easily verified, than other arms control proposals. There is ample evidence from leading arms control experts which contradicts these contentions.

There is an impressive array of expert opinion that a United States-Soviet nuclear weapon freeze is negotiable, verifiable and in the national security interest of the United States. Critics state that the freeze would be very hard to negotiate—an opinion wholly at odds with that of our chief arms-control negotiators from William Foster to Paul Warnke. Among other things, they state that a production freeze would be "infeasible" to verify—despite the testimony from former CIA Director William Colby and other intelligence experts that a comprehensive freeze will be easier to verify than more limited arms-control agreements or the President's Start proposal.

On April 12, 1982, five key foreign-policy, arms control and intelligence officials from previous administrations—George Ball, Clark Clifford, William Colby, Averell Harriman, and Paul Warnke—wrote to the House Foreign Affairs Committee chairman:

> We support reductions in the number of nuclear weapons; that is why we support the nuclear weapons freeze. A mutual and verifiable freeze offers the best hope of halting the nuclear arms race and providing a framework for initiating the complex process of reducing the nuclear arsenals of both superpowers. With a freeze in place, real reductions can be achieved, rather than reductions in some areas that are tacitly used to ratify a redirection of the arms race to higher levels of danger and instability.

Mr. President, a negotiated strategic nuclear freeze is a commonsense step forward in our efforts to control these awesome weapons of mass destruction. The American people know this, and they want the Congress to send a signal to them that it recognizes this.

Adoption of this amendment by the Senate sends this message "loud and clear," and it is a step forward for the American people and their national security.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment before the Senate. The impracticality of a nuclear freeze has been well-documented by our defense and intelligence professionals.

It is not the place of the Congress to dictate foreign policy. That is the job of the executive branch. The administration has gone to great lengths to incorporate congressional concerns into our Nation's arms control negotiations with the Soviet Union.

A nuclear freeze sounds simple and it is simple. Therein lies one of its greatest flaws. Simple solutions rarely fit complex problems, and this case is no different.

A freeze would lock the United States into a position of strategic inferiority from which we may never recover.

The history of Soviet compliance with other agreements indicates that they would no more abide by a freeze than they have refrained from testing new ICBM's. The SALT II Treaty allows each nation to flight test only one new ICBM, but the Soviets have already ignored this provision by flight testing more than one new generation ICBM.

The Soviets consistently violate treaties and agreements and this would be no different.

Let there be no misconception. A freeze would only restrict the United States because the Soviets would violate that agreement like all other agreements it chooses to ignore.

Mr. President, I urge my colleagues to reject the nuclear freeze amendment.

Mr. METZENBAUM. Mr. President, I wish to express my strong support for the nuclear freeze resolution, of which I am proud to be one of the original sponsors.

What we are talking about today, Mr. President, is sanity—or at least a step in that direction.

This resolution is a whisper of commonsense in a world dominated by what the late Gen. Omar Bradley once called nuclear giants and ethical infants.

And, Mr. President, in spite of the patronizing remarks by some in this administration about the naive, but well-meaning people who support the freeze, the fact is that this resolution is rooted in hard-nosed realism about our national security needs.

If there is anything we do not need for our defense, it is more nuclear weapons.

There are 50,000 nuclear weapons in the world today, almost all of them in the hands of the United States and the Soviet Union.

What does that mean?

It means that the two superpowers have between them the capacity to inflict upon this world 1 million times the explosive power that in 1945 destroyed Hiroshima.

Just think of it—1 million Hiroshimas, just waiting to happen.

Think of the resources we have poured into nuclear weapons—between the United States and the U.S.S.R. about $900 billion since 1945.

Or think of the United States and Soviet nuclear arsenals as equal to 5,000 times the firepower expended by all sides in World War II.

And that is enough.

Every single day of the year, the United States and the Soviet Union spend a combined total of $100 million on the development and construction of newer, better, and deadlier nuclear weapons.

Why?

What does either side gain?

The answer, Mr. President, is nothing—nothing at all.

We have the capacity to utterly destroy the Soviet Union. And in spite of all the talk we hear about windows of vulnerability and the like, the Soviets know that they cannot find and destroy all of our silent, deadly nuclear submarines, that they cannot stop all of our bombers from getting through, and that they cannot even be sure of

destroying in a first strike all of our land-based missiles.

In spite of all the talk we hear about Star Wars antimissile defenses, we know that inevitably, the Soviets will find a way to penetrate any such defense, no matter how sophisticated it may be.

In the nuclear arms race, nobody wins—and nobody can win.

And the bottom line, is that the nuclear arms race is more than wasteful, more than foolish, more than irrational. It is positively immoral. That, Mr. President, has been recognized by a truly impressive array of our most distinguished religious leaders.

Let me quote to you what some of them have had to say.

"The people of Russia want peace," said the Reverend Billy Graham. "The people of China want peace, the people of the United States want peace. * * * I am for disarmament."

Pope John Paul II, who has used the word madness to describe the nuclear arms race, wrote recently to Presidents Reagan and Andropov, imploring them to bring to an end this dance of death.

Rev. James Armstrong, who is president of the National Council of Churches and United Methodist Bishops of Indiana, expressed outrage at the Navy's proposal to name a Trident submarine *Corpus Christi*, which is Latin for "body of Christ."

"That," said Bishop Armstrong, "is an obscene blasphemy. "Jesus Christ stands in direct contradiction to everything the nuclear arms race represents. A nuclear holocaust would incinerate this globe. It would turn it into a realm of insects and grass. The nuclear freeze resolution does not call for unilateral disarmament. But there is a desperate need in such a day for unilateral initiatives like that of Anwar Sadat when he flew from Cairo to Jerusalem to offer an olive branch."

Bishop Armstrong is exactly right—what the world needs today is leaders in the United States and the U.S.S.R. with the courage and vision of Anwar Sadat.

And if we do not have such leaders, then perhaps the time has come for the people of this country, speaking through their Senators and their Congressman, to say what Sadat said—the simple word enough.

Rabbi Alexander Schindler, of the Union of American Hebrew Congregations, spoke for millions of Americans when he said:

> We are seized by a dread of nuclear holocaust, and we find the proliferation of such weapons morally abhorrent. What kind of ghoulish imagination is it which can project the possibility of limited nuclear war, which can countenance the use of such weapons, and even designate some of them clean? There is nothing clean about a device which can put a torch to civilization. There are no possible limits to a nuclear conflict; there is no acceptable level of radioactive poisoning; there is nothing clean whatsoever about maimed limbs and burned flesh and widow's tears and a whole dark butchery without a soul. Let there be no doubt about it. The nuclear arms race is emerging as the central moral issue of our day.

Mr. President, I have quoted only a few of the Nation's religious leaders. To quote all who have spoken eloquently in favor of the freeze would take many, many hours of the Senate's time.

But let us not foreget that support for this sound, sensible resolution goes far beyond a few well-known leaders. In every part of this country, religious bodies have spoken out. And I defy anyone to describe as misguided, or as misinformed or as misled groups like these, all of which have endorsed Kennedy-Hatfield.

Alabama Church Women United; American Baptist Church, annual meeting, New York; Cleveland Board of Rabbis; Colorado Council of Churches; Episcopal Diocese of Atlanta, Episcopal Diocese of Maryland; Michigan Council of Churches; North Carolina Friends-Conservative; Pennsylvania Council of Churches; Philadelphia Yearly Meeting of the Religious Society of Friends; Province of Our Lady of Consolation of the Conventual Franciscan Order; Sister of Mercy, Cincinnati Provincial Chapter; Sisters of Mercy, Region 11; Virginia District Conference, Church of the Brethren; and West Virginia Council of Churches.

Mr. President, I ask unanimous consent that a partial list of the religious leaders and organizations endorsing this resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. I have made a special point in my remarks today of addressing the broad support for the nuclear freeze in the churches and synagogues of America.

But support for the nuclear freeze goes far beyond the religious bodies of this country.

It is rooted in the perception of tens of millions of Americans that something is terribly wrong in the world—that the arms race has acquired a powerful, perverse momentum of its own—and that without anyone wanting it, we may be headed toward the ultimate human catastrophe.

Mr. President, the nuclear-freeze resolution is nothing radical.

It is commonsense.

This resolution is not, as some have said, detrimental in some unspecified way to our national security.

To the contrary, the resolution proposes to end a self-perpetuating arms spiral that threatens to destroy us all.

This resolution, Mr. President, is a message that must urgently be sent.

It is a message to our own leaders and to the leaders of the Soviet Union.

It is a message that we have had enough, that we have spent enough, and that we have lived long enough in the shadow of destruction.

And I hope that my colleagues in the Senate will see their way clear today to send that message, loud and clear, so that all the world will hear it.

EXHIBIT 1

RELIGIOUS LEADERS AND RELIGIOUS ORGANIZATIONS WHICH HAVE ENDORSED THE KENNEDY-HATFIELD NUCLEAR FREEZE RESOLUTION

(Institutional affiliations of individuals are listed for identification purposes only)

Dr. Thelma Adaire, President, Church Women United.

Jimmy R. Allen, Former President, Southern Baptist Convention.

Father Thomas Ambrogi, Director of Social Justice, Archdiocese of San Francisco.

American Friends Service Committee.

Zelle Andrews, Peace Advocacy Project Director, United Church of Christ.

Bishop James Armstrong, President, National Council of Churches.

Association of American Catholic Colleges and Universities.

Baptist Joint Committee on Public Affairs.

Helen I. Barnhill, Moderator, United Church of Christ.

Bishop George Bashore, United Methodist Church, Boston, MA.

Rabbi Leonard Beerman, Co-Chair, Interfaith Center to Reverse the Arms Race.

Reverend Asia Bennett, Executive Secretary, American Friends Service Committee.

Rabbi Leonard I. Berman, Leo Baeck Temple, Los Angeles, California.

Bishop Edwin Boulton, United Methodist Church, Dakotas Area.

Rabbi Balfour Brickner, Stephen Wise Free Synagogue, New York, NY.

Reverend Arie Brouwer, General Secretary, Reformed Church in America.

Dr. Edward Brubaker, Executive for United Presbyterian Church, Synods of Mid-America.

Bishop Joseph Brunini, Catholic Diocese of Jackson, MI.

Walter H. Capps, Professor of Religious Studies, University of California at Santa Barbara; President, Council on the Study of Religion.

Reverend Thomas M. Castlen, Associate Synod Executive, United Presbyterian Church, Cascades Presbytery, OR.

Reverend John Chapman, Associate Synod Executive, Synod of the North East, United Presbyterian Church of the U.S.A.

Bishop Otis Charles, Episcopal Diocese of Utah.

Clergy and Laity Concerned.

Bishop Wayne Clymer, United Methodist Church, IA.

Reverend Dr. William K. Cober, Executive Director, Board of Ministries, American Baptist Churches of the U.S.A.

Dr. William Sloan Coffin, Riverside Church, New York, NY.

Bishop James R. Crumley, Jr., President, Lutheran Church of America.

Robert E. Cuthill, Synod Executive, Synod of Lakes and Prairies, United Presbyterian Church in the U.S.A.

Ruth Daugherty, President, Woman's Division, United Methodist Church.

Reverend Robert Davidson, Moderator, General Assembly, United Presbyterian Church in the U.S.A.

Yvonne Delk, Executive Director, Office for Church in Society, United Church of Christ.

Reverend John Dertz, Moderator, Synod of the Piedmont, United Presbyterian Church of the U.S.A.

Bishop Jesse R. De Witt, President, General Board of Global Ministry, United Methodist Church.

Dr. James M. Dunn, Executive Director, Baptist Joint Committee on Public Affairs.

Gretchen Eick, Policy Advocate, Washington Office, United Church of Christ.

Theodore W. Engstrom, Chief Executive Officer, World Vision International.

Thom White Wolf Fassett, Associate General Secretary, United Methodist Church.

Fellowship of Reconciliation.

Bishop Bernard Flanagan, Catholic Diocese of Worcester, MA.

Reverend Carl Flemister, Executive Director, American Baptist Association.

Friends Committee on National Legislation.

Sister Alice Gallen, Executive Director, Association of Catholic Colleges and Universities.

Rabbi Joseph Glaser, Executive Vice-President, Central Conference of American Rabbis.

Reverend Casper I. Glenn, Synod Executive, United Presbyterian Church in the U.S.A., Synod of Alaska-Northwest.

Rabbi Robert E. Goldburg, Rabbi Emeritus, Congregation Mishkan Israel, New Canaan, CT.

Reverend Billy Graham.

Bishop Thomas J. Gumbleton, Catholic Diocese of Detroit, MI.

Reverend Richard Halverson, Chaplain, U.S. Senate.

Michael Hamilton, Canon, Washington Cathedral.

Bishop Timothy Harrington, Catholic Diocese of Worcester, MA.

Reverend Timothy S. Health, S.J., President, Georgetown University.

Reverend Theodore Hesburgh, S.J., President, University of Notre Dame.

Achbishop James Hickey, Catholic Archdiocese of Washington, D.C.

Bishop Kenneth Hicks, United Methodist Church, AK.

Bishop Leroy G. Hodapp, President, Board of Church and Society, United Methodist Church.

Bishop William R. Houck, Catholic Diocese of Jackson, MI.

Reverend William Howard, Past President, National Council of Churches.

Bishop George Hunt, Episcopal Diocese of Rhode Island.

Archbishop Raymond Hunthausen, Catholic Archdiocese of Seattle, WA.

Archbishop Iakovos, Primate, Greek Orthodox Archdiocese of North and South America.

Mary Evelyn Jegen, Executive Director, Pax Christi, U.S.A.

Reverend Carroll D. Jenkins, Synod Executive of the Piedmont, United Presbyterian Church in the U.S.A.

Jesuit Social Ministries.

Reverend William A. Jones, President, National Black Pastors Conference.

Kenneth Kantzer, Editor, Christianity Today.

Reverend Richard Killmer, Director, Peacemaking Project, United Presbyterian Church in the U.S.A.

Paul Kittlaus, Director, Washington Office, United Church of Christ.

Leadership Conference of Women Religious in the U.S.A.

Jane Leiper, Associate Director, Washington Office, National Council of the Church of Christ in the U.S.A.

Reverend Gasper Lo Biondo, Executive Director, Jesuit School Ministries.

Dr. Joseph P. Lowery, Prsident, Southern Christian Leadership Conference.

Bishop Roger Mahony, Catholic Diocese of Stockton, CA.

Reverend C. J. Malloy, Jr., General Secretary, Progressive National Baptist Convention, Inc.

Rabbi Bernard Mandelbaum, Executive Vice-President, Synagogue Council America.

Reverend Canon Charles Martin, Chairman, Peace Commission, Archdiocese of Washington, DC.

Bishop Marjorie S. Matthews, United Methodist Church, WI.

Bishop Leroy Matthiesen, Catholic Diocese of Amarillo, TX.

Reverend Oscar McCloud, General Director, Program Agency, United Presbyterian Church in the U.S.A.

David E. Morris, Executive Presbyter, Presbytery of Northern Waters, United Presbyterian Church in the U.S.A.

Reverend Margaret Morris, Chairperson, Peacemaking Advisory Committee, United Presbyterian Church in the U.S.A.

Bishop Francis P. Murphy, Catholic Diocese of Baltimore, MD.

National Council of Churches.

Dr. Robert W. Neff, General Secretary, Church of the Brethren General Board.

Jenny A. Noblech, President, Children for Peace.

Mary Jane Patterson, Director, Washington Office, United Presbyterian Church, U.S.A.

Dr. Eugene Pickett, President, Unitarian Universalist Association.

Bishop Anthony M. Pilla, Catholic Diocese of Cleveland, OH.

Dr. Avery Post, President, United Church of Christ.

Presbytery of New York, NY, United Presbyterian Church in the U.S.A.

Reverend David W. Preus, Presiding Bishop, American Lutheran Church.

Progressive National Baptist Convention, Inc.

Bishop Francis A. Quinn, Catholic Diocese of Sacramento, CA.

Archbishop John Quinn, Catholic Archdiocese of San Francisco.

Claire Randall, General Secretary, National Council of Churches of Christ in the U.S.A.

Bishop David Reed, Episcopal Diocese of Louisville, KY.

Reformed Church in America.

Susan Rhoades, Synod of the Rocky Mountains, United Presbyterian Church in the U.S.A.

Riverside Church Disarmament Program, New York, NY.

Reverend Joseph Roberts, Pastor, Ebenezer Baptist Church, Atlanta, GA.

Bishop Frank J. Rodimer, Catholic Diocese of Paterson, NJ.

Rabbi David Saperstein, Religious Action Center, Union of American Hebrew Congregations.

Rabbi Herman Schaalman, President, Central Conference of American Rabbis.

Rabbi Alexander M. Schindler, President, Union of American Hebrew Congregations.

Reverend Robert Seel, Executive Presbyter, Synod of the Southwest, United Presbyterian Church in the U.S.A.

Reverend John A. Sensenig, Synod of the Rocky Mountains, United Presbyterian Church in the U.S.A.

Ronald Sider, President, Evangelicals for Social Action.

Rabbi Henry Siegman, Executive Director, American Jewish Congress.

Reverend Simon Smith, S.J., Jesuit Missions, Inc.

Reverend Robert F. Smylie, Association for Peace and International Affairs, United Presbyterian Church in the U.S.A.

Edward F. Snyder, Executive Secretary, Friends Committee on National Legislation.

Sojourners.

Bishop Walter F. Sullivan, Catholic Diocese of Richmond, VA.

Sister Nancy Sylvester, Legislative Liaison, NETWORK.

Synod of the Southwest, United Presbyterian Church in the U.S.A.

William P. Thompson, Stated Clerk, General Assembly, United Presbyterian Church in the U.S.A.

Dr. Daniel Thursz, Executive Vice-President, B'nai B'rith International.

Reverend John H. Tietjen, President, Christian Seminary-Seminex.

Dr. Eugene Turner, Synod Executive, Synod of the Northeast, United Presbyterian Church in the U.S.A.

United Methodist Church.

United Presbyterian Church, General Assembly.

Reverend Foy Valentine, Executive Director, Christian Life Commission of the Southern Baptist Convention.

Dr. Vernon B. Van Bruggen, Synod of the Northeast, United Presbyterian Church in the U.S.A.

Albert Vorspan, Vice-President, Union of American Hebrew Congregations.

Bishop John T. Walker, Episcopal Diocese of Washington, DC.

Reverend Paul A. Wee, General Secretary, Lutheran World Ministries.

Bishop Frederik Wertz, United Methodist Church, Washington, DC.

Reverend Edward A. White, Executive Presbyter, National Capitol Union Presbytery.

Reverend Robert White, Minister for Social Issues, Reformed Church in America.

Dr. Loretta J. Williams, Unitarian Universalist Association, Boston, MA.

Reverend Francis X. Winters, S.J., Professor of International Relations and of Ethics, Georgetown University.

Rabbi Walter S. Wurzburger, President, Synagogue Council of America.

Yeates County Area Council of Churches, Social Concerns Committee, Penn Yan, NY.

Reverend H. Davis Yeuell, Synod Executive of the Virginias, Presbyterian Church in the U.S.A.

● Mr. DODD. Mr. President, I was a cosponsor of the nuclear freeze resolution that was sent to the Senate floor by the Foreign Relations Committee last month and I was pleased to join my colleagues, Senators KENNEDY and HATFIELD in cosponsoring this amendment. It was indeed time for the Senate to be able to discuss this initiative and vote on it, although it is regrettable that we were forced to use this very limited opportunity for this discussion. The crucial importance of the issue and the broad support it enjoys among the American people would deserve better treatment.

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It is well known that the freeze movement grew out of a deep sense of frustration that was generated by the contemptuous fashion this administration treated the subject of arms control for a long time, in many respects up to this date. True, at the time President Reagan took office there was a broad consensus that our defense efforts needed some strengthening, that in several areas our force structure was not up to the level that would provide us adequate security. The mandate based on this consensus, however, was vastly overinterpreted by the administration. A prudent national security policy cannot consist exclusively of decisions on building more and more arms. Arms modernization has to be matched by aggressive efforts to arrive to arms control agreements that would, on the one hand, put a cap on the arms of mass destruction possessed by the two superpowers, and, on the other, would eliminate the destabilizing features from the force structure of both adversaries and lead to a secure balance.

The reckless statements of the administration in denigrating the importance of arms control and the enormous defense budgets presented mobilized millions of ordinary Americans committed to peace and a rational defense policy. The freeze movement was born. Our resolution and this amendment is the response of the Members of the Senate to what was a genuine popular initiative in the best traditions of our country.

It is somewhat unusual to try to dictate a treaty or a negotiating posture to the executive branch. It is generally up to the Executive to initiate and negotiate treaties. Nobody in the Senate has any illusions about the difficulties inherent in such a reverse process that we have been attempting with the freeze initiative. Our goal, however, is more symbolic than practical. With my colleagues who are parts of this effort we are not attempting to work out an elaborate negotiating position. What we are doing instead is to put the moral and political weight of Congress behind the idea of stopping the arms race. It takes the concentrated efforts of both superpowers to at least limit the escalation and proliferation of weaponry and to try to establish a balance that provides adequate security for both parties as well as other members of the international community. Proponents of the freeze are not naive dreamers, Mr. President. A total elimination of nuclear weapons, for instance, the idealistic goal of a total disarmament may be desirable in an ideal world but we know well that we do not live in an ideal world. What is behind the idea of the freeze is a much more limited, but much more realistic idea; namely, that the present level of armaments is perfectly satisfactory for guaranteeing mutual security providing the major adversaries show a willingness to agree to a settlement that assures such an outcome. In other words the enormous sums being spent every year on new and newer systems do not raise the level of security for either parties. All they do is to create and eliminate minor imbalances that are immeasurable anyway and waste important resources that could serve much better purposes.

The proposed freeze will have to be negotiated and it will have to be mutual and verifiable. Any treaty resulting from those negotiations will have to be presented to the Senate. We will have ample opportunity to examine such a treaty and decide in its actual form whether it would serve our national interest or not. It makes little sense to me why the basic idea is attacked so bitterly when in fact it makes eminent sense. A bold initiative to start to negotiate with the Soviets to bring about a freeze treaty would soon reveal whether they are serious about limiting the level of armaments on both sides. I would certainly not support an unbalanced freeze treaty without corresponding Soviet concessions and I doubt if any of my colleagues would.

The freeze initiative represents a broad national consensus on a matter of overwhelming importance to the Nation. The Senate should provide leadership on this issue by adopting this amendment.●

FREEZE TO END THE ARMS RACE

● Mr. LAUTENBERG. Mr. President, it has been almost 20 months since Senators KENNEDY and HATFIELD introduced legislation calling for the negotiation of a mutual, verifiable freeze on the testing, production and deployment of nuclear weapons. I am pleased to join with them and with many other of my colleagues in cosponsoring this nuclear freeze amendment today. It is the first time the Senate will consider this initiative as a body. In my judgment, we have waited far too long.

The American people have raised their voices in support of a nuclear weapons freeze for the better part of 2 years now. Almost 1 million people jammed New York City in June of last year in support of the nuclear weapons freeze. In elections 1 year ago, nine States and 24 cities endorsed a nuclear weapons freeze by an average of 60 percent approval. My own State of New Jersey gave the freeze a ringing 76 percent endorsement. On May 4, 1983, the U.S. House of Representatives voted 278 to 149 for House Joint Resolution 13, which calls for a mutual and verifiable freeze on and reductions in nuclear weapons.

This broad public and political support for a nuclear weapons freeze has grown primarily out of our increased understanding of the horrors of nuclear war and our concerns that existing leaders lack the determination to lessen the threat of nuclear war. Public opinion polls show that most people think there will be a nuclear war in the future and that it will quickly escalate to an all-out nuclear conflagration. At the same time political leaders have continued threatening rhetoric and are proceeding with plans for adding thousands of nuclear weapons to those already stockpiled by both the United States and the Soviet Union.

The freeze movement makes sense because of the general parity that now exists in the nuclear structure differences. Deterrence is currently served by this parity. The deployment of newer, more accurate, and more powerful weapons by each side in the future may destabilize deterrence and make nuclear war more likely.

Opponents of the nuclear freeze resolution argue that we need more nuclear weapons because the Soviets are hardening their missile silos, dispersing their missiles more widely, and building more missiles. The response they urge is that we follow suit and harden our own silos, disperse our own missiles, and build more missiles of our own. This logic has been the driving force behind the arms race. Both sides have felt compelled to commit to this never ending arms spiral even when there is not rational security advantage to be gained.

A mutual, verifiable freeze on nuclear weapons offers an alternative approach. The freeze resolution embodied in this amendment assumes that efforts to avoid nuclear war and insure peace need more than endless negotiations that allow new weapons deployments. We need the negotiation of an end to new weapons, and then negotiations to reduce the arsenals on both sides.

Current emphasis on expanding nuclear arsenals is inherently destabilizing to the current parity in forces. Building more accurate, powerful weapons can threaten deterrence and increase the likelihood of nuclear war. Commitment of hundreds of billions of dollars to a never-ending arms race needlessly drains our economy when we have other priorities we cannot ignore.

Negotiation of a nuclear weapons freeze that applies to both the United States and the Soviet Union and that is verifiable is a better alternative. I urge my colleagues to support this amendment.

Mr. GRASSLEY. Mr. President, I must oppose passage of this form of the nuclear freeze.

There is not one Member of this great legislative body who relishes the fact that the United States and the Soviet Union possess nuclear weapons. There is not one Member of this Senate who is not deeply sobered by the fact that the United States and

the Soviet Union possess the capabilities for unimaginable nuclear destruction. Every Member supports reduction of the arsenals and none believes that simply stockpiling weapons will alone resolve the problem of nuclear weapons. We stand on common ground.

In addition, when Members of the Senate analyze the prospect and hope for arms control, there are areas of unity as well. First, arms control agreements should ultimately result in substantial reductions in the arsenals of both the Soviet Union and the United States, lessening in the long term the dangers of uncontrolled buildup and threat of first use. Second, arms control proposals should aim for the creation of equal or nearly equal levels of arms on both sides, since imbalances in arms can be destabilizing, encouraging coercion or aggression. Third, any agreement should be thoroughly verifiable, not based on blind trust or mere technology. Fourth, arms control should reduce the risk of war and enhance United States and allied security.

As with many issues, Members of the Senate part company when specific proposals are debated and the debate regarding the nuclear freeze resolution divides us tonight. I support another piece of legislation, introduced in recent months by Senator DOLE, which calls for a mutual and verifiable freeze of nuclear force at levels substantially reduced from those that currently exist, to be accomplished through concerted arms reduction talks.

There are several issues that I must raise in opposing this resolution. First, this freeze is simply not strong enough. We should not be seeking to cap deployments at the present high levels. Substantial reductions should be our aim. The zero option proposal of the President would cancel planned deployment of Pershing II's and ground-launched cruise missiles in exchange for the elimination of comparable Soviet intermediate-range nuclear missiles. The START negotiations would substantially reduce missiles through verifiable proofs. The history of diplomacy suggests that with a freeze the Soviets would legitimately believe there is little need to reduce in the near term. Such a perception in the Soviet mind must be avoided at all costs. Second, NATO leaders, with whom the United States has specific defense agreements, do not as a body support a freeze. A unilateral decision by the United States to freeze would effectively be a slap in the face of our allies, undercutting the necessary trust on which our relations must be based. Third, the Soviets would have little incentive to agree to reductions in strategic and intermediate-range arms if they could simply freeze the existing situation. Fourth, a freeze is a freeze not only of the number of weapons, but also a freeze of the strategic doctrine of mutual assured destruction, which targets civilian population and has been the ruling nuclear strategy since 1962. Fifth, there are certain twists of defense capability which are inherent in this freeze proposal. The freeze would disallow new submissiles, but would not stop production of new "hunter submarines," in which the Soviets have shown great interest. This freeze proposal would also allow the Soviets to maintain 300 SS-20's in place, while preventing deployment of new U.S. programs.

Mr. SPECTER. Mr. President, after extensive reading, discussions, analysis, and reflection, I have decided to vote for this resolution for a mutual, verifiable freeze on nuclear weapons. I do so because I believe the resolution, realistically viewed, simply states an offer by the U.S. Government to discuss arms limitations.

Given the cataclysmic consequences of nuclear war, I favor a policy which emphasizes negotiations now and expresses a willingness, under appropriate arrangements, to end the arms race. That is entirely consistent with the President's two-track approach: First, strength, and second, arms reduction.

As is the case on so many matters which come before the Senate, the similarities on proposals are far greater than their differences. Much of the President's policy on arms reduction is similar to the policy of this resolution. In my judgment, it is possible to reconcile the Jackson-Warner resolution, backed by the President, with the Hatfield-Kennedy resolution. Similarly, both are consistent with the Cohen-Nunn resolution, on build-down. Frequently, as it appears to me, the focus of the debate is more a matter of who wins and who loses our intrafamily arguments rather than any real disagreement on objectives or even methods of implementation. Perhaps the strength of our system is demonstrated by the extent of agreements from those at opposite ends of the spectrum on such issues.

I believe there is now rough parity in nuclear arms between the United States and the U.S.S.R. In the nuclear age, I do not believe there is any such thing as superiority. On the issue of superiority versus inferiority, I believe that there is only inferiority in the sense that the Soviet Union is inferior to the United States because the United States could destroy the Soviet Union; and similarly, the United States is inferior to the Soviet Union because the Soviet Union could destroy the United States.

In congressional hearings, there has been extensive questioning of key administration officials as to whether we (the United States) would trade our nuclear capability for that of the Soviet Union. In my judgment, a fair reading of those responses leads to the conclusion that there is rough parity.

This resolution, which constitutes an offer to negotiate, is in keeping with the sense of the Senate resolutions which I have proposed calling for an immediate summit between our President and the Soviet President on arms reduction. In May 1982, that resolution was overwhelmingly approved by the Senate. In June 1983, that resolution was again overwhelmingly approved by the Senate.

In conversations with the President, I have urged him to press to have that summit at the earliest possible date. The President has responded that he, too, would like a summit, but the time is not right. My vote on this resolution renews any urging of the President to press for that summit at the earliest possible moment.

While I understand that the President would prefer not to have this resolution adopted so as to leave him the greatest flexibility, much of what the President has said is entirely consistent with this resolution. The President has frequently commented that he would like to have arms reduction; but, like his contention that the time is not right for a summit, he contends that the time is not right for arms reduction because we must first become stronger before we can have meaningful arms reduction. My sense is that we can have meaningful arms reduction now and that this resolution simply calls for negotiations on that arms reduction.

My vote in favor of this resolution does not constitute a commitment against new weapons systems. The objective of this resolution—a mutual, verifiable freeze—obviously will not be achieved instantaneously. Regrettably, the possibility is present that the Soviets would reject the proposition outright or that the difficulties of verification might preclude implementation of the resolution even if there were agreement on the basic objective. Until those complex issues are answered, the United States must continue to maintain its strength.

The argument that modernization is needed to maintain our nuclear deterrent after neglect in the 1970's has merit. What is sometimes overlooked, however, is how much modernization has already been accomplished in the last 3 years with the deployment of the Trident submarines and the air-launched cruise missile (ALCM) on B-52 bombers. The Trident boats, which are far quieter and therefore far more invulnerable, open a second ocean, increasing our patrol areas tenfold. The ALCM's can penetrate Soviet air defenses far better than B-52's. We have now regained momentum on modernization. If the freeze proposal were rejected by the Soviets, we would not

have lost momentum on modernization while engaging in negotiations.

During the course of August, September, and October, I have held open house-town meetings in Gettysburg, Chambersburg, Altoona, Johnstown, Greensburg, Monroeville, Butler, Mercer, Erie, York, Allentown, Wilkes-Barre, Scranton, Media, West Chester, Norristown, Doylestown, Pittsburgh, Kittanning, Clearfield, State College, Williamsport, Centralia, Reading, Upper Darby, and Philadelphia. In each of those sessions, many responsible, thoughtful people urged the U.S. Government to act decisively and promptly against the threat of world destruction through nuclear war. Their reasoning was persuasive.

Win or lose, this resolution obviously does not decide the complex issues considered in this short statement; but, on balance, it is my judgment that passage rather than defeat of this resolution would do more to promote the cause of peace.

Mr. MATSUNAGA. Mr. President, as a cosponsor, I rise in strong and unequivocal support of the amendment offered by the Senator from Massachusetts, (Mr. KENNEDY) and the Senator from Oregon (Mr. HATFIELD) which would urge the President of the United States to seek immediately a mutual and verifiable freeze on nuclear weapons development and deployment.

Mr. President, in my lifetime, and in that of most of our colleagues, there have been many wars and crises. I served in the U.S. Army during the Second World War and experienced firsthand the heat of battle and witnessed in the deaths of many of my comrades the destructive capability of mankind. There have been many times over these years when I thought that we were facing our greatest threat to our Nation's security and, indeed, to the security and the freedom of the entire world. Hitler's Germany and the relentless advance on Europe of the Nazi war machine, the conquest of Asia by the Japanese, the takeover of Eastern Europe by the Soviets, and the onset of the cold war period tested seriously the will and the courage of the United States.

But while we have faced such threats to our security successfully and in most cases triumphantly, the grave threat we are facing now may be putting our Nation into greater danger than ever before. The grave danger of which I am speaking is, of course, the ever-increasing possibility of a nuclear conflict between the United States and the Soviet Union as a result of the continued and accelerating nuclear arms race between the two superpowers.

Mr. President, I believe that we as a nation face a greater danger of nuclear war now than at any time since the end of the cold war. The reason for this should be evident to all of us.

There has over the past 3 or 4 years been a drastic and very serious deterioration in United States-Soviet relations, for which the Soviets are primarily responsible, but for which we are not totally blameless. The Soviet invasion of Afghanistan, the events in Poland, the collapse of the SALT II Treaty in the U.S. Senate and the accompanying end of bilateral arms control talks, the long delay before the Reagan administration became serious about arms control, the early hard-line rhetoric by the administration toward the Soviet Union, the lack of flexibility of our negotiators at the START talks, the Soviet downing of an unarmed Korean commercial airliner, Soviet influence in Syria and its contribution to instability in Lebanon, and now the early findings of Soviet/Cuban complicity in the violent takeover of Grenada by leftist military elements; these and other factors, Mr. President, have led us down the path of confrontation with the Soviet Union and have brought us closer and closer to the brink of nuclear war.

Added to this serious deterioration in United States-Soviet relations is the nuclear arms race which has been continuing on both sides unabated, with no early end or even a slowing down in sight. The arms race is the spark which may set the entire world on fire; there should be no mistake about that. In my judgment, current movements by the United States and the Soviets to deploy new generations of nuclear weapons, such as the MX missile on our side and the big multiple warhead missiles on their side, are destabilizing the current strategic balance of power. These new weapons, with their increased accuracy and yield, are first-strike capable and are themselves vulnerable to destruction in their silos. The fact of the matter is, Mr. President, that we are not getting more deterrent from these new, offensive weapons; we are encouraging the consideration of a first strike by one side or the other. As the blue-ribbon Scowcroft Commission on nuclear modernization recognized, this is precisely what both of our countries must be moving away from—the deployment of first-strike capable weapons.

What I believe is needed to pull us out of this death spiral we know as the nuclear arms race, to pull us back from this game of brinkmanship we have been playing with the Soviet Union, is a real breakthrough in nuclear arms control. We desperately need a comprehensive arms limitation agreement to halt the arms race in its tracks and we need it now before things get even further out of hand.

As my colleagues know, President Reagan has failed to get anywhere near in arms control agreement at the strategic arms reduction talks in Geneva and, at the present time, there is a distinct possibility that if our cruise and Pershing II missiles are deployed in Europe as scheduled this fall, the Soviets will walk out on the START negotiations.

The only realistic answer I see to the dangerous situation that is evolving is a United States-Soviet agreement on a mutual and verifiable freeze on the testing, production, and further deployment of nuclear weaponry.

Mr. President, an immediate freeze would accomplish what past agreements and years of negotiations have failed to do—put in place an arms control agreement which would actually halt the deployment of new weapons, particularly the new generations of destabilizing weapons to which I have referred.

Of course, the opponents of the nuclear freeze have argued strenuously that this is precisely what is wrong with the freeze—that it would inhibit the modernization of our strategic forces, thus freezing the United States into an inferior strategic posture vis-a-vis the Soviet Union.

Indeed, Mr. President, the question of strategic balance is central to the debate on the nuclear weapons freeze. But I am not at all convinced by the shrill warning of this administration that the Soviet Union now holds a destabilizing advantage in strategic ballistic missiles, and that a freeze would lock the United States into a position of strategic inferiority and vulnerability. To show that I have not been driven by the politics of this issue, I might point out that I was equally unconvinced by the shrill warnings of the Carter administration that a window of vulnerability to a Soviet attack existed if we did not build the MX missile and place it in a deceptive basing mode.

I think most objective observers will agree that there is no definite answer to the question of whether the United States or the Soviet Union has an advantage in their strategic weapons. But I do think a strong case can be made that our respective nuclear arsenals are probably at an essential parity. A strong case can also be made that the opponents of the freeze have gone to great lengths to distort the true facts about the United States-Soviet strategic relationship in an effort to discredit the freeze. In fact, I think that the opponents of the freeze have undermined their own credibility by exaggerating U.S. inferiority in certain areas of the strategic equation and neglecting to mention U.S. strengths and advantages.

We have all heard the argument, Mr. President, that the Soviets have great advantages over the United States in the number of land-based ICBM launchers, in the number of MIRVed or multiple warhead ICBM's,

in ICBM throw weight, in submarine missile launchers, and in ballistic missile tonnage. Based on these comparisons in these areas, the administration and the opponents of the freeze in Congress contend that the Soviets have achieved, as a result of their sustained military buildup over the past 10 years, a definite margin of superiority over U.S. nuclear forces. They therefore conclude that the United States must play "catch up" to the Soviets in strategic force capability before—I repeat—before we enter into any arms control agreement that really controls or restricts weapons development or deployment.

I happen to believe that the administration and freeze opponents are wrong on the issue of strategic inferiority and on the need for us to catch up to the Soviets before we make a meaningful attempt at reaching an arms control accord. In my judgment, that kind of thinking will only lead to a perpetual arms race and a future global holocaust. I think they are wrong and I believe that an objective look at all the factors that make up the strategic relationship between the United States and the Soviet Union will bear this out.

While it is true that the Soviets have advantages over us in the areas I have just listed, the United States far outstrips the Soviet Union in several very significant areas, most of which are either overlooked or downplayed by the freeze opponents and the administration. The fact is that the United States has the advantage over the Soviets in the total number of warheads, in missile accuracy and reliability, in cruise missile technology, in the number of bombers and in the accuracy of bomber weapons, in the number of submarine-launched warheads and in submarine technology, and in strategic force readiness.

When these factors are taken into account, Mr. President, I find it hard to believe that the freeze opponents can continue to make the argument that our strategic forces are inferior.

Of course, the argument that is held in reserve by the freeze opponents is that 75 percent of our strategic nuclear warheads are missiles, submarines, and bombers that are more than 15 years old, while 75 percent of Soviet warheads are on launchers less than 5 years old. The conclusion is that a freeze on new weapons production and modernization, even if we are now at parity with the Soviets, would in a relatively short period of time threaten the credibility of our strategic deterrent.

The fact of the matter is that these figures represent a misleading attempt to portray U.S. strategic forces in the most unfavorable light when compared to Soviet forces. For example, the freeze opponents continue to compare the ages of submarines as opposed to the ages of missiles on those submarines—the latter comparison being one in which the United States enjoys a decided advantage. The comparison of Soviet and United States delivery systems, the missiles and bombers that actually deliver the warheads to the targets, reveals an entirely different, and nowhere near as lopsided set of figures. If one compares United States and Soviet delivery systems, one finds that only about 57 percent, not 75 percent, of Soviet warheads are on delivery systems less than 5 years of age, and 70 percent, not 25 percent, of U.S. nuclear forces are on delivery systems less than 15 years old.

The truth is that both sides possess about 6,500 strategic warheads on delivery systems less than 15 years old. In some cases, such as with the SS-18 missile, the Soviet systems are newer than their United States counterparts. Similarly, in some cases, such as the Trident I submarine-launched missile, the United States systems are newer than their Soviet counterparts. What must also not be overlooked is the fact that over the past decade the United States has improved and modernized each leg of its existing strategic triad force structure. For example, we improved the accuracy of our Minuteman missile force, modernized our B-52 force and hardened the aircraft against electromagnetic pulse, introduced the Trident and Poseidon submarine launched missile, and developed the cruise missile.

From my perspective, the comparisons that have been made by freeze opponents which show the United States at a disadvantage because of the age of our deterrent are not entirely accurate and do not present the whole picture. The bottom line is that the freeze would not freeze our nuclear forces into obsolescence.

There is one additional factor in the comparison of United States and Soviet strategic forces that, in conjunction with everything else, convinced this Senator that our forces were at least at an essential parity with Soviet forces, despite the pronouncements of the administration. That factor is that the Soviet Union has approximately 75 percent of its nuclear forces placed in land-based silos, the basing mode most vulnerable to destruction in time of war. On the other hand, we have chosen to base only 25 percent of our strategic nuclear forces on land, placing the balance of our forces in the air and under the sea. In fact, the majority of our missiles are based in submarines which are virtually invulnerable to a Soviet first strike, thus providing us with a dependable retaliatory force and a strong deterrent to Soviet risk taking.

In the final analysis, we now have a credible deterrent which is at parity with the Soviets. We have the capability to absorb a first strike and retaliate against Soviet targets with massive destructive force. That will not change, Mr. President, under a nuclear freeze. What will change is that we would no longer have to deal with the deployment of new weapons such as the MX and equivalent Soviet weapons whose improved accuracy make them the most destabilizing and potentially dangerous aspect of the arms race. We would also avoid the pitfalls of past arms control agreements which have allowed interpretation of complex ceilings and formulas and the exploitation of loopholes.

Mr. President, the longer we wait to halt the arms race the greater the risk of nuclear war. The fact that the administration is at the present time negotiating an arms control accord should not prevent us from urging the President through the enactment of the freeze resolution to take this new and reasonable approach to the negotiating table. A mutual and verifiable freeze on nuclear arms development and deployment is simple, smart, and above all a meaningful alternative to the stalled negotiations in which we have placed our hopes to avoid nuclear war.

The nuclear freeze would also allow us to avoid the predicament that is very familiar in arms negotiating, and that is the possibility that the arms race will outrun arms control diplomacy because of the vast amount of time it takes to negotiate complex treaties such as SALT II and START. The strength of the freeze lies in its simplicity. It could be negotiated and signed in a relatively short period of time compared to past treaties, and once the freeze is in place, both sides can sit down and tackle the hard task of reducing existing arsenals. Importantly, this can be done under the freeze without the threat of weapons development breakthroughs and deployment of new weapons which push the strategic equation out of balance.

Mr. President, I urge my colleagues to take a good hard look at the nuclear freeze in the context of today's destabilized world. The threat of nuclear war is greater today than it has been in years, and with the arms race continuing there is little chance that this threat will be reduced. The time for the freeze is now and I would hope that the Senate will join the House of Representatives in taking this bold step away from nuclear war.

The PRESIDING OFFICER. All time has expired.

Mr. DOLE. Mr. President, under the arrangement we have consulted with the distinguished Senator from Louisiana, and I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. The motion would be to table the underlying amendment. Either one would table the underlying amendment.

The PRESIDING OFFICER. The Senator has the right to table either one.

Mr. DOLE. The motion was to table the underlying amendment.

Mr. BYRD. Which amendment is the Senator moving to table?

Mr. DOLE. I am moving to table the underlying amendment, and I do not think it makes any difference since he agreed ahead of time, but I tabled the underlying amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the underlying amendment of the Senator from Massachusetts.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Nevada (Mr. LAXALT) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The results were announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—58

Abdnor	Goldwater	Nunn
Armstrong	Gorton	Packwood
Baker	Grassley	Percy
Bentsen	Hatch	Pressler
Boren	Hawkins	Quayle
Chiles	Hecht	Roth
Cochran	Heflin	Rudman
Cohen	Heinz	Simpson
D'Amato	Helms	Stennis
Danforth	Humphrey	Stevens
DeConcini	Jepsen	Symms
Denton	Johnston	Thurmond
Dole	Kassebaum	Tower
Domenici	Kasten	Trible
Durenberger	Long	Wallop
East	Lugar	Warner
Evans	Mattingly	Wilson
Exon	McClure	Zorinsky
Ford	Murkowski	
Garn	Nickles	

NAYS—40

Andrews	Hart	Moynihan
Baucus	Hatfield	Pell
Biden	Hollings	Proxmire
Bingaman	Huddleston	Pryor
Bradley	Inouye	Randolph
Bumpers	Kennedy	Riegle
Burdick	Lautenberg	Sarbanes
Byrd	Leahy	Sasser
Chafee	Levin	Specter
Cranston	Mathias	Stafford
Dixon	Matsunaga	Tsongas
Dodd	Melcher	Weicker
Eagleton	Metzenbaum	
Glenn	Mitchell	

NOT VOTING—2

Boschwitz	Laxalt

So the motion to lay on the table amendment No. 2476 was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2478

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. COHEN), for himself, Mr. NUNN, and Mr. PERCY, proposes an amendment numbered 2478.

Mr. COHEN. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new language:

Since the greatest danger facing mankind is to prevent the occurrence of nuclear war by accident, miscalculation or design; and

Since an unrestricted arms race would threaten peace and security, divert resources needed for the betterment of mankind, and undermine the mutual confidence needed to attain agreement on a new arms reductions agreement, it is therefore the sense of the Congress that:

(1) an agreement in the Strategic Arms Reductions Talks (START) should, among other restrictions, provide for significant reductions to equal levels in the aggregate number of ICBM's and SLBM's and the aggregate number of warheads deployed on these systems, with comparable reductions in other types of strategic offensive weapons, in a manner which enhances stability and deterrence;

(2) Congress supports the mutual guaranteed build-down concept, which would, if accepted by the Soviet Union, immediately cap and then significantly reduce the number of United States and Soviet strategic warheads and their overall destructive capacity.

(3) The United States should continue to press, month after month, year after year, to achieve balanced, stabilizing arms reductions, looking at the earliest possible time to the elimination of all nuclear weapons from the world's arsenals.

Mr. COHEN. Mr. President, without losing my right to the floor, I ask unanimous consent that I may yield to the Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator from Kansas might give his attention for one moment on another matter that we might be able to dispose of in literally 30 seconds while he and the Senator from Maine and I are on the floor.

Mr. DOLE. Yes, Mr. President.

SOCIAL SECURITY DISABILITY

Mr. LEVIN. As the Senator knows, I, along with the Senator from Maine and others, have been working on an amendment relative to the social security disability matter that so many in this body are interested in. We have a bill which has been printed which would provide for a number of reforms to make sure that some of the difficulties we have had with that disability program in recent months and years could be corrected. We have been working with the Senator from Kansas and others on a compromise proposal.

It is my understanding that the Senator from Kansas does not wish us to proceed to offer our amendment on this bill. However, it is also our understanding that the Senator is able to assure us that there will be another vehicle coming along within a week or so from the Committee on Finance to which we could make an effort to attach an amendment. If we can reach a compromise amendment, that will be fine. Even if we cannot reach a compromise amendment that vehicle would make itself available to us so we could offer an amendment at that time.

Mr. DOLE. Will the Senator from Maine yield so I may answer that question?

Mr. COHEN. Yes, Mr. President.

Mr. DOLE. The answer to the Senator from Michigan from the Senator from Kansas is yes. But we have a couple of vehicles—health care for the unemployed and we hope to have at least one other bill reported out of our committee. There is one bill on the committee calendar now which could be called up.

I would also say that I understand that, as recently as 2 hours ago, there is still solid progress being made in an effort to reconcile the differences.

Mr. LEVIN. I thank my friend from Kansas. Based on that assurance that it is his belief and intent that there will be such a vehicle, I think I can speak for the Senator from Maine and others and myself that we shall not be offering an amendment on this bill.

Mr. DOLE. I appreciate that, Mr. President.

AMENDMENT NO. 2478

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, on the amendment which I have sent to the desk, I ask unanimous consent that Senator NUNN and Senator PERCY be added as cosponsors, and Senator RUDMAN. I assume the list will grow a bit longer as the evening continues. I ask unanimous consent that Senator CHILES be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I shall try to be very brief this evening. We have a number of other items to cover.

Mr. President, I ask unanimous consent that Senator GOLDWATER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The names of Senators EVANS, TRIBLE, PRESSLER, and SIMPSON were added as cosponsors.

Mr. COHEN. It was not my intent or wish to bring this matter up this evening, but in view of the fact that we did take a vote on the nuclear freeze resolution, there are a number of Members on both sides of the aisle who desire that we at least have a limited debate and perhaps a vote this evening on the so-called guaranteed build-down. Let me take a few moments to explain essentially what the build-down is designed to accomplish.

Senator NUNN, Senator PERCY, and I have worked on this since early last year. Back in January, I wrote a piece for the Washington Post. It then became an item for discussion with the President of the United States. Senator NUNN joined as an original cosponsor along with Senator PERCY. Ultimately, Senator Muskie wrote an endorsing piece for the Washington Post, which I alluded to in the prior debate. It indicated that this is the kind of initiative that those who support the nuclear freeze could support, the kind of initiative they thought was a constructive step in the effort to promote world peace.

Essentially, it would put a cap on existing nuclear warheads. We have tried to shift the focus away from launchers to counting warheads consistent with the recommendations in the Scowcroft Commission report. It is also trying to focus the need to move away from large MIRV'd systems over a period of time to smaller, mobile, single-warhead systems, something that has been advocated by ALBERT GORE, JR., over in the House of Representatives. That is an idea he has been talking about for several years now.

What we have tried to do is put the cap on the existing number of nuclear warheads, then impose a restriction on any modernization programs. What we have tried to indicate is that many people who support the freeze somehow inconsistently also support building the Trident submarine, because they realize it is a stabilizing, more survivable leg of the triad. We also have people supporting the nuclear freeze who support the B-1 bomber or the Stealth bomber. There are those who support the guaranteed build-down who do not support the MX or the B-1. What we are essentially trying to do is have a general statement that, recognizing the need to modernize, and there are legitimate differences on what that modernization form should take, there ought to be a penalty imposed. The penalty is designed to try to shape not only our future resources, but also the Soviet Union's, without mandating what they have to do.

Before I yield to the Senator from Colorado, let me say one of the essential problems that I have seen with this administration's approach to the arms control negotiations is that we, as past administrations, are trying to dictate what the Soviets force structure should look like. We were trying to mandate that they had to reduce dramatically their heavy ICBM's, their land-based forces. In my judgment, that would have led to no agreement whatever with the Soviet Union, because they are not going to simply give that up, especially under a mandate by the United States.

What Senator NUNN and Senator PERCY and I have tried to do is formulate a concept that will allow them to determine how their future forces are going to be shaped, under a restriction. The restriction is if they are going to build new systems, they have to do so under a penalty of reductions. We originally proposed a two-for-one reduction. Ultimately, we arrived at an agreement with the administration on two for one variable on the ICBM's, three for two on submarine-launched ballistic missiles, and even one for one on single warhead missiles.

But the object was to give some flexibility to the Soviets as well as to ourselves in the direction we ought to move and so the price of modernization with lower numbers, to drop the numbers down. I think it is quite clear that the lower the numbers one has, a premium is added to their survivability. The fewer systems, the more survivable they have to become. That essentially was the guiding force behind the build-down concept, one reason why I believe Senator Muskie endorsed the concept and why so many Members on both sides of the aisle have endorsed the concept.

So what we are trying to do is to encourage both sides to move in the future over a longer period of time to more stable survivable systems without dictating it, but setting up a mechanism which will shape the forces of the future in that direction. I believe that the proposal of a guaranteed builddown on a two-for-one basis on the ICBM's will result in a goal that we all share, that is, a lower level of numbers of weapons and hopefully—and I believe that the process will evolve in that direction—in smaller, more survivable systems, giving due flexibility to both sides.

Mr. HART. Will the Senator yield?

Mr. SARBANES. Will the Senator yield?

Mr. COHEN. Let me yield first to the Senator from Colorado and then to the Senator from Maryland.

Mr. HART. The Senator in making his statement raised two principal issues. First of all, he used the phrase "recognizing the need to modernize." I have the language of the amendment that has been offered, and I do not find that in here anywhere. I know it was in a preamble, if I recall, to one of the earlier drafts of the so-called build-down. This amendment does not say anything about recognizing the need to modernize.

Mr. COHEN. If the Senator would like to have that in, I would be happy to have it.

Mr. HART. The Senator would not like to have it in. That is really what I think the struggle is about, between those who want to stop the nuclear arms race now and those who sort of see it inevitably going onward.

The second phrase was the one that the Senator used saying if we put a limit on the number of systems that can be built or require some to be destroyed, that will necessarily lead toward more stability.

That is not the case. This administration, as the Senator well knows, has taken the so-called build-down and linked it with one of the most destabilizing steps one could imagine and that is putting a heavy, land-based, first-strike heavily MIRVed ICBM in a fixed silo. Now, that is not by anybody's definition a move toward stability. So I think that is what concerns people about so-called build-down. Would the Senator as a principal sponsor sort of clarify that? Does this or does this not open the way for further destabilizing weapons systems such as the MX?

Mr. COHEN. The resolution itself is simply a statement of principle, that if you do modernize, if you do build a new system—by the way, it is my opinion that SALT II, which many people on the Senator's side of the aisle who fervently supported it recognize, was designed principally to accommodate the MX or some other new system that the Soviets are also developing. But aside from that you may disagree on the need for the MX. That does not in any way I think deter or detract from a commitment to reduce the level down on a formula such as I have proposed.

Mr. HART. If the Senator would yield further, does this amendment or does it not put the Senate on record as encouraging the development of any new nuclear weapons system?

Mr. COHEN. As far as I am concerned, I believe that modernization is important. I would not try to mislead the Senator from Colorado. I believe that it is important, for example, to develop a substitute for the B-52. I think it is going to be important to develop the Trident II, so I am basically in support of modernizing our strategic triad.

Mr. HART. The Senator did not understand my question. The question was, Does this amendment put the Senate on record as favoring development of any new nuclear weapons

system? It is not what the Senator himself means.

Mr. COHEN. As it is phrased, it does not.

Mr. HART. And so the amendment says if any new systems are built, two others have to be destroyed; is that correct?

Mr. COHEN. Essentially correct.

Mr. HART. And does this amendment in any way put the Senate on record as supporting the administration's current bargaining position?

Mr. COHEN. Specifically, we did not refer to the administration's bargaining position, but, frankly, because of the hour, because we are not fully debating either the freeze or the build-down, we tried to keep the principles quite simple. As it evolved with Senator NUNN and Senator PERCY and myself and others, as a matter of fact, the proposal supported by the administration was an enhancement, an improvement over what I originally wrote about last January because it has a guaranteed 5-percent reduction no matter what happens. That I think is a big improvement over what I had. I had linked the reduction to modernization, and I think that is important. We added another element and that is if neither side modernizes, you still have to come down 5 percent each year. So that, in my judgment, was an improvement. I did not put that in here so it would not become, frankly, a partisan issue.

Mr. HART. Let us leave aside whether the administration improved upon the original proposal or did not. Does this amendment in any way place the Senate on record as supporting or opposing the administration's current bargaining position?

Mr. COHEN. The amendment, I think, speaks for itself. It says:

> Congress supports the mutual guaranteed builddown concept, which would, if accepted by the Soviet Union, immediately cap and then significantly reduce the number of United States and Soviet strategic warheads and their overall destructive capacity.

Mr. SARBANES. Will the Senator yield?

Mr. COHEN. It does not specifically refer to the administration's bargaining position or current negotiations.

Mr. HART. So the language of this amendment, with regard both to any new nuclear weapons systems, stabilizing or destabilizing, or any package of positions taken by the administration, is neutral?

Mr. COHEN. Yes.

Mr. HART. I thank the Senator.

Mr. COHEN. I yield to the Senator from Maryland.

Mr. SARBANES. Would the Senator explain how this build-down interrelates with the MX?

Mr. COHEN. It does not pertain directly in this resolution to the MX. I can tell the Senator from Maryland how Senator NUNN and I view the MX, how the Scrowcroft Commission viewed the MX and how I think the administration is proceeding with it and why we tried to exact a price for our support of the MX. This resolution per se does not deal with MX or B-1 or anything else. It simply says as a matter of principle that we will try and put a cap and build down on both sides. That would hopefully enhance overall stability.

Mr. SARBANES. Has the administration accepted the guaranteed build-down concept?

Mr. COHEN. It has.

Mr. SARBANES. And they also, of course, support the MX?

Mr. COHEN. They do.

Mr. SARBANES. Assuming you move forward on both of those tracks, how would that interrelate?

Mr. COHEN. If the administration goes forward with the MX, and if this becomes a part of an agreement that is accepted by the Soviet Union, it would require the United States to take out two warheads for every one that it deploys on the MX. So if you had 100 MX's you would have to take out 2,000 warheads.

Mr. SARBANES. If you did that, would not that be about as destabilizing as virtually anything we can think of?

Mr. COHEN. Not if you are a military planner looking at the consequences, I do not think so. My judgment is that you will not see the deployment of 100 MX's and that is precisely why Senator NUNN, Senator PERCY, and myself put the restriction in it, because it exacts such a penalty, because it would require the taking out of the Minuteman force. For example, I do not believe there is any military planner that would try to end up with 100 MX's in fixed silos. I think that would be militarily unsound. I might say to my friend from Maryland that is exactly why the Defense Department was opposed to it. They did not want any restrictions on the modernization program. What we have tried to do is to say that the price of that modernization is going to be dramatic reductions and that reduction factor is going to shape the future deployment of whatever we build, in my judgment.

Mr. HART. Would the Senator yield for a question?

Mr. COHEN. I yield to the Senator from Colorado.

Mr. HART. Is this amendment contrary or in direct conflict with the freeze?

Mr. COHEN. I do not believe so. I think that they are mutually compatible, as Senator Muskie believes they are compatible. It is a compromise certainly that we have tried to achieve, but those who are knowledgeable in the field of arms control and consider themselves to be experts do see the compatibility of trying to put a limit on where we are now and yet find a vehicle which is realistic which is going to produce reductions.

There is no guarantee, and I know that others will say they could build a much bigger missile. But if you look at the consequences of what happens when you are under a 2-for-1 reduction, if you will look at the consequences of a 3-for-2 reduction in submarines, and 1-for-1 on single warheads, the whole purpose is for us not to dictate to the Soviet Union. They have demonstrated over the years that they are not going to have us dictate to them.

So we say, "We realize you have spent billions of rubles in investing in your current systems and you are not about to tear them down overnight. All we are trying to do is provide a mechanism to allow you in the future to realize that if you should build newer systems, they will have to be built under a penalty, and penalty means reductions."

Reductions, in and of themselves, will put a premium on smaller, more survivable systems, in my judgment.

There is no guarantee in any of this, but I believe it presents a credible mechanism for greater stability in our nuclear weapons. We hope it will continue. We are trying to get down to 5,000 warheads.

Mr. SARBANES. Why is it not an invitation to shift your whole basic premise to either first strike or launch on warning?

The Senator was a supporter of the MX, as I recall. If you accept that as a track along which you are moving and combine that with your build down, then as you added the MX's to the arsenal, requiring the taking out of that 2-to-1 ratio or a significant number of either single warhead or three-warhead missiles, we would, in effect, be narrowing down the separate sources of power that we had on the land-based missile.

The Senator says, therefore, we would not do it—in effect, this is a back door way to do in the MX, if I understand that argument. That might not be a bad approach for someone who is opposed to the MX, but I do not quite follow it for someone who supports the MX.

It seems to me that if you proceed down that path, what you have to combine with that is a shift in your basic premises, so that as you add this modernized system—and I have serious doubts about continuing that whole escalation of the race—but as you add this modernized system, since you are changing the stability, you will shift the doctrine to the use of that modernized system either on a first-strike basis or certainly on a launch-on-warning basis.

Mr. COHEN. First, I say that this is not a back door approach to support

of the MX, since I support it through the front door.

Mr. SARBANES. I did not say it was a back door approach to supporting it. I said it was a back door approach on doing it.

Mr. COHEN. Second, I point out that those who have supported the freeze resolution have tried to come through the back door by approaching me during the course of the markup on the authorization bill and saying, "Don't touch our Trident and don't touch the B-1." So they have had it both ways. They can be up front for the freeze and through the back door say they are for the system. I do not want to get into that debate now.

Second, I think the Soviets have every reason in the future to move toward smaller, less vulnerable systems than they have. In my talks with certain representatives, they intend to move in that direction. Our intelligence says they will move in that direction because they realize the fixed systems will be vulnerable in the future. Their answer will not be, in my judgment, to simply reduce the number of launchers and then move to launch on warning.

Mr. SARBANES. I have listened to the Senator carefully, and I still do not think I have an answer to my question.

I was not asking what the Soviets are doing. I was asking about our basic premise.

If the Senator is in favor of going to the MX, let us assume 10 warheads a missile, and every time we add 1, the Senator is going to take out 20 warheads, either 20 single-warhead missiles or some combination of that with the 3-warhead missile, so that we will have narrowed down the number of missiles we have while we add the MX's.

Mr. COHEN. If we add 100 MX's, that will be true.

Mr. SARBANES. The Senator is in favor of doing that.

Mr. COHEN. No. The Senator voted for the authorization of 21.

Let me tell you that if it were only a question of MX per se, without any other consideration, I would not support it. There are other factors, other than solely the military arguments for MX.

Mr. SARBANES. Does the Senator think that is the administration's position on the MX?

Mr. COHEN. I do not know what the administration postition is. Let me tell what my own is.

Mr. SARBANES. It is important to establish this relationship between proceeding down the MX track and proceeding down the build-down track, both of which are concepts the administration has accepted.

I understand the Senator's personal position. In effect, it would be to say that you are willing not to move on the MX and you recognize this apparent—almost—contradiction between the two concepts. But as I understand it, that is not the administration's position.

If the administration is prepared to move down the MX path—let us assume of 100 MX's—and at the same time is prepared to move down the build-down path, my perception of that is that you are moving not into a more stable but into a more unstable situation. The only way I can see that the administration can embrace both of those concepts is if, with respect to the use of the MX, it is prepared to go either to a first-strike premise or at least a launch-on-warning premise.

Mr. COHEN. Let me add one factor we have not discussed. Part of our negotiations with the administration was that we also insisted on a reformulation of START to reflect what Scowcroft is recommending.

No. 2, we insisted upon a vigorous commitment to the Midgetman missile. That is specifically part of the agreement we reached with the administration, because those of us who were lending support to the MX, provided we had build down, intend to push more vigorously on the Midgetman; and we believe that if we emphasize that, you will not see 100 MX's.

Personally, I would not prefer to see 100 MX's. I do not think that if you had a build-down, you would ever see 100 MX's, simply by virtue of the military consequences of taking 2,000 warheads out of the ICBM force.

Mr. SARBANES. If that is the case, why does the administration embrace both concepts?

Mr. COHEN. I think the administration embraced the concept principally because those of us in the Senate insisted that that was how we were going to formulate it. It was going to be a quid pro quo that we would not and could not support the 21 MX's unless we had a build-down concept approved or supported by the President. I reiterate that this came over considerable opposition from the Defense Department.

Mr. SARBANES. I understand that.

What I am really saying to the Senator is that I accept his bona fides, because the Senator, as I understand it, would depart, in effect, from the MX path if he could work out the rest of the arms pattern in the direction he wants to go. Is that correct?

But that is not my understanding of the position of the administration. It seems to me that, in effect, what they are doing is taking these concepts and either they are simply using their acceptance of them in order to move them on the immediate front where they face the problem—that is, the MX—in moving it forward; or, if they are planning to carry them both through, then they are planning a very fundamental shift in the nuclear strategic doctrine, in the direction of either a first-strike premise or, at a minimum, a launch-on-warning premise.

Mr. COHEN. If we were to go down the road of simply relying on MX and not move toward the smaller Midgetman missile and not move toward the diversification we have in our system but simply rely upon that, I would tend to agree with the Senator. I do not think that is the case.

Mr. SARBANES. Mr. President, will the Senator yield at that point.

Mr. COHEN. I yield.

Mr. SARBANES. It is not only simply suggesting that if we do these other things, but we can still do the MX and not confront the problem. If we go down the MX path, as the administration proposes, we will be confronted with this problem of major proportions, will we not, with respect to the stability consideration?

Mr. COHEN. That is exactly the reason why we have confined our support to 21 MX missiles because we hope during the interim period of time to lend even more support for the Midgetman process. We hope during this time that the Soviets will not reject as they have out of hand any builddown principle, and I believe that after the December deadline in NATO we will see a return to the basic concepts here because let me just tell the Senate for the first time what happened. For the first time in the history of arms control negotiations we said to the Soviets, "We are not going to dictate to you anymore. We are not going to tell you what your force structure is going to look like."

For the first time in the history of arms control negotiations the President said "Everything is on the table." We have never included bombers on the table in the past. The President, it seems to me, has gone the extra mile and said, "OK, everything is on the table. Your concern is about our bombers. We are concerned about your throw-weight capability. We will see if we cannot work out some agreement on those two accounts."

So I think that we have every indication from the President that he is willing to move in a different direction provided we have some reciprocity on the other side.

Mr. SARBANES. Let us just question that. If the Senator could have done it his way, would he not have gone to the Midgetman and builddown combined?

Mr. COHEN. I probably would have, with one possible exception, given the timing of the event. It is my judgment that we cannot debate or vote upon MX in isolation of what is taking place in Europe. My own personal belief is if we had canceled MX, it would have been very difficult for the Europeans to go forward with the Pershing II. I

think that is a concern which should not be dismissed. It is a valid concern and one which the Scowcroft Commission, consisting of members like Harold Brown, Bill Perry, and others, took into account.

If I had my druthers, if you asked me if I prefer to have the Midgetman——

Mr. SARBANES. But the scenario is not either the Scowcroft or the Senator from Maine, at least the one I am worried about. The scenario I am worried about is the administration. My perception there is that the administration accepted these two concepts in large part to get the MX. Having gotten the MX they intend to press that forward, and if that is the case, that they are going to press that forward and combine it with a build-down, which for the moment they have also embraced, that is going to lead us into a more destabilizing situation rather than a stabilizing situation.

Mr. NUNN. Mr. President, will the Senator yield a moment?

Mr. SARBANES. I yield.

Mr. NUNN. Mr. President, the Senator is making a good point in terms of his point on the MX missile. The Senator is not making the point regarding the build-down. The build-down does not do anything to make the situation worse. The build-down does not do anything to make the launch or warning or launch or attack more likely. In fact, it is just the reverse.

So the Senator is making a case which many of us have been concerned about on the MX missile for a long time, but the Senator is not making a case against the build-down. The build-down does not prevent the MX from being built.

The Senator from Maryland is correct in that respect. It does permit modernization. But the build-down gives it a disincentive to the American side in terms of multiple warhead systems. So the build-down, to the extent the Senator has made a case, benefits the MX; the build-down does not solve that problem, but it certainly begins to move the incentive in the direction that would give less incentive to the full deployment of the MX.

So I would simply submit that the Senator has not said anything in all of his case that in any way mitigates against the build-down but rather is argument against the MX which we are not really debating here.

Mr. SARBANES. Mr. President, if the Senator will yield on that point, only if we are advancing the proposition that by incorporating the build-down we are going to preclude or arrest the development of the MX, but if it is intended to press forward with the MX, which in and of itself I think is destabilizing, but coupled with the build-down proposal would be far more destabilizing because every time we are going to add an MX we are going to have to take out 20 other warheads, so we are diminishing our capacity to absorb an attack and then come back and, therefore, have that retaliatory capacity and stability which we have always thought to achieve by maintaining such a retaliatory capacity.

Mr. NUNN. Mr. President, the Senator has a leap of logic here. Logic is we are going to agree with the Soviets and both are going to have a build-down, going to have a mutual and verifiable build-down under the new concept. Then it seems to be both countries, including our own, are going to shift away from the MX-type missile very rapidly. The Senator's leap in logic is we are going to have the build-down and then the Reagan administration or a successor administration is going to move full barrel to complete the whole 100 MX's or even more.

I think the Senator's logic is faulty because, in my view, if we do get a build-down arms control agreement it makes the MX missile full deployment much less likely.

Mr. SARBANES. That is a perfectly rational position, as the Senator stated it, but that is not the administration's position. The administration has not said that and has not taken that position.

Mr. NUNN. I do not think the administration will take that position as long as they are at the bargaining table. I would not want to base my assumption on tonight's debate on the argument that the administration will be that faulty in their judgment if they ever did reach a build-down agreement with the Soviets. I do not believe that assumption is necessarily valid.

I would hope the administration would listen to people like Scowcroft, would listen to people like Bill Perry and Harold Brown, and many others, including the Senator from Maine and many in this body, if they reach that kind of agreement with the Soviet Union, but the Senator assumes that they are not only going to reach an agreement with the Soviets but then we are going to be so foolish to build the very kind of systems that that agreement mitigates against. I do not go with that.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. NUNN. Mr. President, I do not have the floor.

The PRESIDING OFFICER. The Senator from Maine has the floor.

Mr. COHEN. Mr. President, I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Maine yields to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I am not going to engage in the pros and cons of the builddown or the MX missile, but I would like to correct the record on the statements that have been made implying that if you support the freeze, you can support build-down.

These are fundamentally contradictory proposals. The freeze is an up front, very clear statement as to what it intends to accomplish. It would be totally misrepresentative to say that this could be supported at the same time that one supports the freeze.

Let me explain why: First of all, this proposal excludes the critical factor of missile accuracy. I want to remind the Senate that when you double the accuracy of a missile, you increase the destructive capacity of that weapon against it's target by a factor of eight. So you have an escalation of accuracy. The freeze prohibits testing, which is essential for impressing, accuracy and therefore, the confidence so essential to contemplate a first strike. We would freeze all of those factors which contribute to the so-called lethal character of these weapons.

No. 2, this proposal excludes cost savings, I wish to remind the Senate again that we are going to spend $65 billion this year preparing for nuclear war and $450 billion over the next 6 years.

The freeze has tremendous cost savings which this amendment does not. This amendment continues to escalate expenditures.

Third, I think it should be remembered that this amendment excludes tactical and theater weapons. The freeze is comprehensive.

So again there is a contradiction between those who want to support a freeze and those who want to support this escalation. This does not stop the arms race. This escalates the arms race. The fact is that modernization is escalation. Therefore, a mutually agreed to, verifiable, freeze will essentially stop the arms race. Under "build-down" the arms race continues. This is a general's dream. You can have every new modern strategic weapon you want. To oversimplify it, but to make it more graphic, as I have stated before, all you are doing is trading two old Volkswagens for a new Rolls Royce or a Ferrari in and that certainly is not arms control. All you are doing is managing the arms race more effectively upward.

So I just want to disabuse anyone of the action that they can in good conscience support the freeze and turn right around and vote for this. They are mutually contradictory, mutually exclusive.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, it is now 9:30 p.m. I am going to move to table this amendment as I moved to table the last amendment in fairness to the sponsors of each.

Again this amendment has no relevance to the debt limit. We have already triggered the——

Mr. NUNN. Mr. President, will the Senator withhold the motion to table for one moment?

Mr. PERCY. Mr. President, will the Senator withhold it for several minutes?

Mr. DOLE. No. I will not withhold it several moments. I have been in this Chamber for 4 days trying to pass the debt ceiling. I want to get the debt ceiling passed.

If you want to put this on the next appropriations bill or the authorization for the State Department, we will debate it there. It has no relevance to this bill. Four days is enough.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. DOLE. Mr. President, I ask unanimous consent, without losing my right to the floor, that I might yield to the Senator from Georgia for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia.

Mr. NUNN. Mr. President, I had a much longer statement, but I think most people know how they are going to vote tonight. I think 1 minute will do it.

I just want to say, in response to the logic of the Senator from Oregon about the incompatibility here, there are many people who voted against the motion to table the Kennedy amendment who were not wholeheartedly, 100 percent for the freeze but wanted the freeze to come up, wanted it to be debated, and wanted to have a chance to amend it. So I submit it is perfectly logical for people who are in that category—and I do not know whether there are 5 or 10 or 15, but I know there are some—it is perfectly logical for them to have voted against the motion to table—and the Senator from Georgia voted for the motion to table—voted against that, but did so on the basis that they wanted to amend it and they wanted the Senate to work its will.

Now, it would be perfectly logical for those people to vote for the build-down or against the motion to table. I think that is important because I think there are a number of people in that category.

Mr. KENNEDY. Mr. President, will the Senator from Kansas yield without losing his right to the floor?

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. DOLE. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it would be a serious mistake for the Senate to adopt this amendment. Build-down puts a fig leaf of arms control over the actual deployment of MX and other newer, more accurate, more powerful weapons systems. Build-down is mis-named—it is not just build-down; it is also buildup.

At first glance, build-down appears to be a reasonable proposal whereby each superpower would, for example, reduce two nuclear warheads for every one new nuclear warhead they deployed. After close examination, however, it is clear that it addresses only the quantitative aspect of the arms race. In contrast to the freeze, it does little to stop qualitative improvements.

Build-down would permit the deployment of the MX and Trident II missiles, as well as destabilizing Soviet systems. While it may lead to some reductions, these reductions will not mean stability, since the arms race in first-strike weaponry will continue unabated. Until we confront the qualitative arms race head on, arms control will fail to keep both the United States and the Soviet Union from developing more accurate, more powerful nuclear weapons that increase the risk of nuclear war.

Second, the build-down proposal is little more than the Reagan administration's "bargaining chip" in securing congressional support for the MX. But if we deploy all 100 MX missiles with 1,000 warheads, under a 2-for-1 exchange ratio, we would be required to retire 2,000 warheads on 600 or 700 missiles. Reducing this number of ICBM warheads would make the U.S. ICBM force more vulnerable than it is today. Instead of several hundred targets to shoot at, they would have only 100.

Build-down proponents argue that their proposal will discourage the deployment of the MX for the above reasons. But the administration has embraced build-down, while showing no intention of canceling MX. If build-down is intended as a plan to facilitate reductions in MIRV'd large, land-based missile systems, then congressional insistence on the proposal as a trade off for support of the MX missile is contradictory. To those Members of the Senate that have conditioned their support of MX on build-down, the bottom line is: If you believe in strategic stability, you cannot have both the MX and build-down.

And I say to my colleagues—if we are serious about uniting the Congress and the American people behind one nuclear arms control proposal, we should support the nuclear freeze, and reject the build-down proposal. A mutual and verifiable nuclear weapons freeze is the only arms control proposal that offers the prospect of halting both the quantitative and qualitative arms race and of achieving meaningful reductions in the nuclear arsenals of the two superpowers.

A build-down as a formula for reductions following a freeze would make some sense. But standing on its own, it is nothing more than a nuclear Trojan horse for Ronald Reagan's arms build-up.

Mr. President, I ask unanimous consent that excerpts from the Foreign Relations Committee report opposing build-down may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REPORT OF COMMITTEE ON FOREIGN RELATIONS, REPORT NO. 9B-277 (OCTOBER 24, 1983) PP. 5-7

The build-down failed to win the support of a majority of Committee Members. It was clear that several major concerns underlaid that decision:

First, the build-down concept, if put into practice, appears to be simply too open to continued nuclear weapons development, testing, production and deployment. Rather than stopping massive nuclear arms programs, it could well encourage them. By institutionalizing a system of nuclear weapons modernization, build-down could help guarantee a qualitative arms race well into the next century.

Clearly, modernization by one side would be watched closely by the other. If build-down encouraged widescale revamping of strategic forces, the potential for an arms race would increase. Since build-down would allow the deployment of more accurate, more powerful and more sophisticated weapons, both sides might fear being left behind. It is legitimate to question whether build-down might indeed encourage, rather than discourage, spending on strategic arms, with the prospects that the side spending the most might achieve some strategic advantage.

Second, build-down could force changes in our strategic arsenal detrimental to our national security.

Such an outcome would be possible if a reduction formula were adopted and applied which forced cuts in stabilizing systems as a price for new deployment. For example, as build-down has been presented, it is envisaged that two ballistic missile warheads would be retired for each new warhead on a MIRVed ICBM. This would mean that the deployment of 100 MX missiles with 1,000 warheads would require the retirement of 2,000 ballistic missile warheads. That is close to the 2,145 warheads on our existing ICBM force. Thus, it would appear that both land-based and submarine-based warheads would have to be retired to save a significant part of the existing ICBM force. Congress would have to weigh carefully, under such circumstances, whether the price of cutting into our stable deterrent force in order to have MX was outrageously high. A choice to reduce MX deployment could mitigate the problem, but raise the question whether very low levels of MX deployments made any strategic or financial sense. A question whether to deploy MX at all would have to be raised anew if build-down were implemented.

Third, build-down appears to be based on the assumption that strategic planners will exercise the right options to move the sides to more survivable systems, thus stabilizing the arms race. Unfortunately, there is nothing in build-down to guarantee that force changes would be in the direction of stability. As we have seen with MX, newer weapons systems are not necessarily more stable than the systems they replace. The MX and

the Soviet SS-24 show that the choices are not always toward greater stability. It is important to understand that under build-down, destabilizing choices can still be made. The only difference is that, in some cases, a price would be exacted, but no prohibition would be imposed.

We do not question the sincerity of many buid-down supporters in their desire for stability. However, most strategic analysts would agree that reductions do not necessarily promote stability if the resulting mix of weapons undermines strategic deterrence. It is quite possible to envisage forces with 5,000 ballistic missile warheads per side—including new more powerful and more accurate warheads—which would be less stable than the present total of about 7,500 per side. If build-down were not all-encompassing, it is possible to foresee increases in one type of system, such as cruise missiles, which would leave the two sides with more warheads than at present despite reductions. The outcome would depend largely upon the decisions made by the two superpowers, either by choice or because of obligations under agreement.

Fourth, build-down does nothing to meet the desires of those who would halt the arms race and reduce our arsenals in order to lessen the threat of nuclear war. A number of Members of the Committee support the approach embodied in the nuclear freeze and reductions resolution, S.J. Res. 2. The freeze would stop the arms race and serve as a prelude to genuine reductions, whcih would be pursued assiduously. Thus, the freeze would deal effectively with the problems posed by both the quantitative and the qualitative arms race. Build-down would do nothing to stop the qualitative arms race and it would only deal with the quantitative arms race in a convoluted and uncertain fashion.

Finally, the question of build-down's negotiability must be raised. There has been scant progress to date in START. We should be very wary of any approach which might reduce, rather than enhance, prospects for a solid, productive agreement.

Having made these points, it should be understood that many of us believe that build-down might be of value in charting a course for reductions, once the arms race is halted. At that point, build-down or other formulas might be helpful in achieving agreement, so long as any formulation assured that only the modernization necessary to ensure stability is permitted. In such a fashion, both the freeze and build-down might strenghten our security, so long as build-down was not a substitute for an effective way to stop the arms race and reduce nuclear arsenals.

Mr. KENNEDY. Mr. President, finally, I want to indicate that, if the Senate does not table this amendment, and I doubt that we will, I have an amendment in the second degree that reads this way: "The Senate opposes the plan of the Reagan administration for the deployment of the MX missile." Having listened to the debate of the Senator from Maryland and the Senator from Maine, it seems that this would clarify and improve the amendment itself.

Let us get on with the debate if this build-down amendment is not withdrawn. The vote on the motion to table is meaningless, because almost all of us who favor the freeze and who strongly oppose build-down will vote against the motion to table, because we want to have the chance to amend build-down.

So if it is not tabled, we will have a chance to have a debate on the MX missile this evening and then perhaps the B-1 bomber after that. So it is, I guess, Halloween and it is trick or treat time. I wish it was not at 9:30, as the Senator from Kansas has said.

Mr. DOLE. Mr. President, I must say that the Senator from Massachusetts triggered a lot of this trick or treat. I do not want to accept any sympathy from him.

Does the Senator from Illinois wish a minute?

Mr. PERCY. I would like 2 minutes.

Mr. DOLE. Two minutes is plenty. [Laughter.]

I yield to the Senator from Illinois.

The PRESIDING OFFICER. Without objection.

Mr. PERCY. Mr. President, first, I would like to say that I do understand completely why the Senator is offering to table. I think it is only fair to Senator KENNEDY and the Senator from Oregon that we do have the same apply.

But I would like 1 minute to reply to the Senator from Oregon, Senator HATFIELD, who said that he cannot see why you could support both.

I think we have a distinguished list of people who have supported both, including Senators HART, BIDEN, MOYNIHAN, and BYRD; and former Secretary of State Muskie wrote eloquently on both and supported both. Former Arms Control Director Paul Warnke has praised the new build-down proposal as "the most promising development up to this point." I think those are impressive arguments.

The build-down proposal outlined by the President on October 4, coupled with the other changes in the U.S. START position, warrant the strong, bipartisan support of all Americans. This new U.S. initiative represents a historic occasion: the first time that a major arms control proposal has ever been worked out jointly by the executive and legislative branches. The Soviets can have no doubt that this proposal will be ratified by the Congress if the Soviets accept it. The President has shown that he is willing to go the extra mile in insuring that our negotiating position is fair and flexible. In START, as in the negotiations on intermediate-range nuclear forces (INF), the President has opened the door for a mutually acceptable agreement. It is now up to the Soviets to walk through that door.

The effect of the new build-down proposal, if accepted by the Soviets, would be to place an immediate cap on each side's missile warheads and bombers and on the overall destructive capacity of these systems. The build-down does not require new systems to be deployed, nor does it depend on new systems being fielded to trigger significant reductions. As the President announced, even if no deployments take place, each side must at a minimum reduce their strategic weapons by 5 percent per year. In those cases where either side does elect to deploy new strategic weapons, it must dismantle existing weapons at about a 2-to-1 ratio. The immediate objective is to achieve a one-third reduction both in current levels of weaponry and in their overall destructive capacity.

Some observers have expressed concern that under the build-down each side could add powerful and more deadly new weapons while only having to take out obsolete and less effective weapons. This is simply not the case. First, the build-down in its final form includes a restriction on overall destructive capacity. By the terms of the build-down itself, neither side can increase the destructive capacity—that is, deadliness—of its strategic forces. To illustrate, for each new unit of nuclear destructiveness added, two units of existing nuclear destructiveness would be taken out.

The variable ratios contained in the final build-down proposal also establish definitive disincentives to going forward with the most destructive and deadly kinds of weapons, such as multiple-warhead ICBM's. For example, two warheads would have to be removed for every new warhead deployed on multiple warhead ICBM's, but only one warhead would have to be taken out if a single-warhead ICBM is deployed. The build-down plan thus offers strategic planners a choice: if they insist on a large-scale deployment of multiple-warhead ICBM's, they will have to dismantle far more warheads than if they turn to more stabilizing systems, such as bombers, single-warhead ICBM's, or sea-launched ballistic missiles.

I believe that the build-down proposal—which was first conceived by Senator COHEN, and introduced jointly by Senators COHEN and NUNN, and I was pleased to subsequently join them—should be welcomed both by those who have advocated the nuclear freeze and those who have supported the President's arms control and defense policies. Rather than simply freezing each side in the current, unstable nuclear balance, the new build-down would cap and immediately force reductions in the number of nuclear weapons and their overall destructiveness and do so in a manner that promotes a more stable, and thereby safer, nuclear balance. At the same time, it does permit certain new deployments that are needed to promote stability or preserve deterrence.

The build-down has been supported by many who also back the freeze, including Senators HART, BIDEN, MOYNIHAN, and BYRD; and former Secretary

of State Muskie. Former Arms Control Director Paul Warnke has praised the new build-down proposal as "the most promising development up to this point." It is also supported by such respected military leaders as the former Chairman of the Joint Chiefs of Staff, General David Jones, and has been strongly endorsed by the Commission led by General Scowcroft, which included six former Secretaries of Defense and State. From my meetings with the President last week, I know that he stands four-square behind the new proposal.

Our best chance of concluding an arms control agreement with the Soviets lies in our coming together as a Nation behind the new proposal. The proposal is not Reagan's proposal. It is not a Republican or a Democratic proposal. It is now a U.S. proposal of which we can all be proud.

Mr. DOLE. Mr. President, I do not want to shut anyone off. That was not the purpose of this. I want to encourage them to let me manage the debt limit bill. I cannot manage everything else. Apparently we have not done a very good job of managing the bill.

We are going to have an amendment in a few minutes that says any future debt limit amendments that are not germane will not be in order. I think we have certainly demonstrated and made the case for that amendment, if nothing else, in this debate.

So I hope, at the appropriate time, to offer that amendment with very little discussion.

I am happy to yield 1 minute to the Senator from Colorado without losing my right to the floor.

Mr. HART. Mr. President, we are at a critical juncture in the arms race which may decide the future, or the end, of our civilization. Both the United States and the Soviet Union are on the verge of deploying a whole new generation of weapons that threaten to undermine the stability of deterrence and bring us one step closer to the brink of nuclear holocaust. Indeed, The Soviet Union has already deployed a potential first-strike weapon in the SS-18, and the United States plans to respond by deploying the similarly capable MX missile. These are but the first of the new generation of MIRV'd highly accurate missiles that threaten the survivability of each side's deterrent forces and hence the stability of deterrence. In order to prevent this dangeously destabilizing escalation of the arms race, I have cosponsored the amendment offered by Senators KENNEDY and HATFIELD, which proposes a mutual and verifiable freeze on the development, production, and deployment of nuclear weapons.

Seldom, if ever, has there been so much public attention to, and apprehension about, the possibility of nuclear war. The movement in this country to freeze the testing, production, and deployment of nuclear weapons has become the principle vehicle for the expression of those concerns. The message of the American people is clear: It is time to negotiate.

We must pursue simple and straightforward arms control objectives. The achievement of these objectives must reduce in a real way the likelihood of nuclear war between the superpowers and among other nations.

To advance these goals, we must begin with passage of the mutual and verifiable freeze. I ask the Senate to address the clear rationale for a freeze: It is the primary and best step we can take in halting the nuclear arms race. The House of Representatives agreed with this rationale. An ever increasing grassroots movement in America also agrees with this fundamental premise. The question before the Senate is—Why not end the nuclear arms race?

Mr. President, the House saw fit to deal with, and pass, this crucial legislation. The American people, in ever increasing numbers, have called for action on this measure. It is time the Senate heeds their call—I only hope that it truly listens and passes this vital first step in halting the arms race.

But a mutual and verifiable freeze, is only the first step in the long and arduous path that leads to nuclear stability and the prevention of nuclear war. A freeze would not address the problem of already-existing first-strike weapons, nor would it address the critical problem of crisis control—a problem tragically highlighted by the lack of communication and the failure to prevent the unconscionable Soviet attack on KAL flight 007. Perhaps most importantly for future prevention of nuclear war, the freeze does not address the problem of nuclear proliferation.

For all of these reasons, I have also put forward my own arms control proposal, strategic talks on prevention (STOP), which incorporates the freeze and then goes beyond it to address the pressing issues that the freeze does not cover. STOP would focus talks on one simple, critical goal: The prevention of nuclear war. Since the prevention of nuclear war is not a simple function of either the numbers or the kinds of weapons deployed STOP would entail talks on several means of reducing the risk of nuclear war. STOP would involve negotiations to:

Reduce the danger of nuclear war through accident or miscalculation;

Reduce the vulnerability of both sides' nuclear retaliatory forces to nuclear attack;

Create crisis control management systems to prevent use of nuclear weapons in crisis situation;

Freeze plutonium production and safeguard against nuclear proliferation;

Achieve sizable, mutual, and verifiable reductions in the number of strategic warheads and their delivery vehicles, with special attention to fast, accurate, and highly MIRV'd systems that could be used in a first-strike.

While endorsing the need for a mutually verifiable freeze and reductions, I am also convinced we must do much more. Even with reduced numbers, There are no guarantees that nuclear weapons still will not be used. Therefore, we must rethink, fundamentally, our approach to nuclear arms control. We must refocus our efforts to reduce the extraordinary dangers of nuclear war. This is the intent of my STOP resolution. It moves significantly beyond the question of force levels addressed in the freeze resolution and directs our attention to even more fundamental problems of prevention and capabilities. Without such a comprehensive approach, the dangers of nuclear war will still grow rather than diminish.

Mr. President, the single most important argument in favor of a mutual and verifiable freeze is that it allows us an opportunity to rectify a tragic mistake we made a decade ago when we had the chance to negotiate limits to MIRV'd missiles under SALT I. There were those who argued against such a move then, saying that we needed MIRV's as a bargaining chip; saying that MIRV's provided the United States with what they saw as a desirable hard target capability; saying even that the U.S. lead in MIRV technology would allow the United States to get ahead in the arms race, as if getting ahead had any coherent meaning in this age of nuclear overkill. Now many who raised these arguments in favor of MIRV'ing a decade ago, including even Henry Kissinger, have recanted, expressing their regret that the failure to limit MIRV'ing has led to a world in which both the United States and the U.S.S.R. have acquired a dangerous hard target capacity in MIRV'd missiles; a world in which the weapons and strategies of first strikes have proliferated and the fallacies of survivable, limited, and winnable nuclear war have revived—a world one step closer to nuclear holocaust.

The nuclear freeze is the first essential step away from this nuclear abyss. And yet even as we contemplate a nuclear freeze, we are challenged by the same arguments that were raised a decade ago on behalf of MIRV'ing, arguments that threaten to inaugurate a new and even more destablizing phase of the arms race.

Nowhere are these arguments raised more vocally than in the debate over the MX missile. The MX, we are told,

can be used as a bargaining chip in arms control negotiations. The MX, it is said, will give the United States what is touted as a desirable and even necessary hard target capability. The MX, it is hinted, will give the United States an edge in the arms race since it will allow the United States to put a high percentage of Soviet nuclear forces at risk. The MX, it is argued, will, by some convoluted logic, be survivable in the very Minuteman silos that MX proponents have been criticizing for years as vulnerable to Soviet attack.

Ten years ago, the United States made the mistake of heeding such arguments and failing to adequately limit MIRV's. We cannot afford to make the same mistake again today, for the stakes are higher and an even more destabilizing phase of the arms race is at issue today. And as the risks have increased, so too the arguments against arms control have grown even weaker than they were a decade ago. In particular, the arguments raised on behalf of the MX are gravely misguided.

First, the basing mode finally selected for the MX makes no sense. It is the worst of all worlds—the most attractive target we could present to Soviet missiles in the most vulnerable location we could devise.

Virtually every expert group, including the Scowcroft Commission, has come away with one common message—heavily MIRV'd missiles in existing silos are vulnerable, threatening and inviting targets. One hundred missiles can be easily targeted and overwhelmed by the Soviets.

Second, if our Nation is serious about building a small mobile single-warhead missile to combine modernization, increased stability, and arms control in a single consensus package, then we should move on it now, not push it off until after the MX. By pursuing two missiles at once, bureaucratic pressures, diminishing funds, and the desire for bigger rather than better will keep the smaller missile always a step out of reach in the future.

Third, the MX represents an enormous diversion of defense resources from either a smaller new mobile missile or from improving our conventional forces. Already we are beginning to see the effects on defense spending as the President's unprecedented budget deficits bring closer and closer the day of reckoning for every segment of our society, including national defense.

Each MX we build will mean less emphasis on truly survivable alternatives to today's vulnerable land-based missiles. Each MX we build will mean fewer ships, fewer tanks, fewer fighters and less readiness to face the threats before us around the globe, so that the first rifle shot could mean we would be forced to escalate to nuclear war simply because we are unable to meet aggression with appropriate power.

Fourth, the MX is no bargain for arms control. Secretary of Defense Caspar Weinberger said as much when he stated that President Reagan's letter to Congress on the MX and arms control commits him to nothing basically new. The Reagan administration has repeatedly said that the MX will not be bargained away in negotiations. I fail to see how a vulnerable missile—that could easily be targeted by the Soviets, that will not be bargained away—can be a bargaining chip. The President has turned logic on its head.

Additionally, the record of this administration gives me no confidence that the arms control part of the MX bargain will be kept. This administration has refused to seek ratification of the SALT II Treaty.

It delayed for many months any negotiations at all on nuclear arms—and then only went to the table when prodded by public pressure. It has abandoned the goal of a comprehensive nuclear test ban. It is launching a major star wars arms race in space—with no effort to stop this race before it gets started. What now should give us confidence that this administration is serious about nuclear arms control? What now should give us confidence that this administration will summon up the statesmanship and the dedication that can bring fewer weapons and safer weapons in a very difficult time?

But the most pernicious and false argument raised in favor of the MX is that the MX is needed to demonstrate national will so the Soviets will negotiate seriously. Unlike the President, I believe in America's strength and in our will as a people to bear any sacrifice to remain free. If the issue is national will, we should put our defense dollars where they count—not on a vulnerable missile that all agree cannot be defended. If the issue is national will, then continually running down our arsenal before our people and the world is not the way to demonstrate it. Confidence is essential to deterrence, and we have good reason to be confident.

Finally, the MX is a step toward nuclear war. Because its power and vulnerability provide compelling reasons for the Soviets to strike it first, the MX, from a military point of view, is useful only as a first-strike weapon, or as a weapon to be fired the moment we think the Soviet missiles are on their way. In fact, the Joint Chiefs of Staff testified in April that we must have the MX so we can threaten Soviet missile silos and command posts. We have truly arrived at 1984 Newspeak a year early when such a missile can be called peacekeeper.

Even if the MX is not used as a first-strike weapon, it would lead to a situation where both sides, despite their best intentions, could be tempted to fire their nuclear missiles in an extreme crisis. This was confirmed recently by Weinberger and John Vessey, Jr., the Chairman of the Joint Chiefs, who have said the United States might adopt a launch under attack policy of firing our missiles to counter pre-emptive attack.

The future, thus, will not be peace. The future will be both nations poised with fingers on hair triggers ready to use their weapons rather than lose them.

Mr. President, as was the case a decade ago, we have before us a viable alternative to a world in which MX missiles and nuclear hair triggers fan the flames of a destabilizing arms race. That alternative is a world where the arms race is frozen onto a path toward nuclear stability under a program of arms control. The first and most critical step along this path is the nuclear freeze. Opponents of a freeze act as if a freeze would only limit U.S. nuclear forces, but it has been clear from the start that we are calling for a mutual freeze. In addition to stopping the MX and other U.S. nuclear deployments, the freeze would stop testing, production, and deployment of the new Soviet ICBM and the smaller, mobile Soviet ICBM that is being planned. The freeze would stop Soviet production and deployment of Typhoon and Delta III class nuclear missile submarines. It would stop deployment of Soviet SS-20's, Soviet nuclear missiles in Europe. It would stop Soviet production of sea, ground, and air-launched cruise missiles. It would stop Soviet production of Blackjack bombers. It would stop Soviet development of new sea-launched intercontinental missiles. In short, if successfully negotiated, a mutual and verifiable freeze would halt development and deployment of every new Soviet strategic nuclear system.

Opponents of the freeze raise the spectre of the Soviet military machine in order to justify further arms buildups by the United States. What they fail to realize is that the most effective way to eliminate the threat of the Soviet military machine and the possibility of nuclear war is not to build more weapons of our own, but to halt the arms race and freeze the Soviet military machine as well as freezing our own.

And finally, Mr. President, those of us who support the freeze movement cannot allow national security to become the administration's issue or the Pentagon's issue. We, too, are here in support of national security, particularly in defense of the ultimate requirements of national security: The security of our children to be able to sleep without nightmares of a nuclear holocaust; the security of our young

people to dream of building families and productive careers of their own; the security of all of us to conduct our daily lives with hope, rather than fear. National security is not the exclusive franchise of the Pentagon—it is everyone's business as women, men, Democrats, Republicans, citizens, Senators, and ultimately as human and humane individuals who will not allow a nuclear war to take place through lack of our will and wisdom to prevent it.

Mr. DOLE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas (Mr. DOLE) to table the amendment of the Senator from Maine (Mr. COHEN). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 13, nays 84, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—13

Bumpers	Glenn	Symms
Denton	Hart	Tower
Dodd	Hatfield	Wallop
Eagleton	Helms	
East	Proxmire	

NAYS—84

Abdnor	Gorton	Mitchell
Andrews	Grassley	Moynihan
Armstrong	Hatch	Murkowski
Baker	Hawkins	Nickles
Baucus	Hecht	Nunn
Bentsen	Heflin	Packwood
Biden	Heinz	Pell
Bingaman	Hollings	Percy
Boren	Huddleston	Pressler
Bradley	Humphrey	Pryor
Burdick	Inouye	Quayle
Byrd	Jepsen	Randolph
Chafee	Johnston	Riegle
Chiles	Kassebaum	Roth
Cochran	Kasten	Rudman
Cohen	Kennedy	Sarbanes
D'Amato	Lautenberg	Sasser
Danforth	Laxalt	Simpson
DeConcini	Leahy	Specter
Dixon	Levin	Stafford
Dole	Long	Stennis
Domenici	Lugar	Stevens
Durenberger	Mathias	Thurmond
Evans	Matsunaga	Trible
Exon	Mattingly	Tsongas
Ford	McClure	Warner
Garn	Melcher	Wilson
Goldwater	Metzenbaum	Zorinsky

NOT VOTING—3

Boschwitz	Cranston	Weicker

So the motion to lay on the table amendment No. 2478 was rejected.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, this is the second vote this evening we have had on the nuclear freeze-nuclear builddown concept. One amendment was tabled, the other was not. As of this moment, we have not yet expressed the views of the Senate on the merits of the issue. Mr. President, may I suggest that this is a good time now to get off this subject and get back to the debt limit? I think both sides have done a good job making their presentations and I hope that at this point, the distinguished principal authors of this amendment will consider withdrawing the amendment. They have a very significant margin on the vote against tabling.

I would not like to see the Senate spend a great deal more time on this issue tonight and on this measure. It no doubt will come up before we go out again and on the merits.

We need to get on with the bill. We need either to pass the bill or to ascertain that we cannot pass the bill. In any event, we need to get on with the debt-limit matter.

May I inquire of the distinguished Senator from Maine and his principal cosponsor, the Senator from Georgia (Mr. NUNN), if there is some inclination on their part to withdraw that amendment at this time?

Mr. COHEN. If I may respond, Mr. President, I would be most willing to ask unanimous consent that the amendment be withdrawn.

Mr. BAKER. As I understand it, the yeas and nays have not been requested on the amendment.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. If the cosponsors of the amendment agree, it is within the discretion of the Senator to withdraw the amendment without consent.

Mr. NUNN. For my part, Mr. President, I say there were a number of Senators who wanted to be recorded on this, particularly in light of the previous vote. I think the votes have served their purpose. It is clear where the sentiments lie. I, as one cosponsor, would be willing to take "yes" for an answer and withdraw that amendment.

Mr. COHEN. Mr. President, I ask to withdraw it.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

The amendment (No. 2478) was withdrawn.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, may I inquire now of the two managers of the bill where we are, how many more amendments there are in prospect, and how long it will take to do them? May I ask the distinguished Senator from Kansas to give us an appraisal now?

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I know the Senator from Iowa (Mr. GRASSLEY) has an amendment that will not take long. The Senator from North Carolina (Mr. HELMS) will not offer an amendment he had planned to offer. Of the Senator from Nebraska (Mr. EXON), we have worked out, maybe, a better way to proceed on that. The Senator from Kansas has perhaps one amendment that will take about 5 minutes of debate. Then there is the question whether or not we are going to recommit and strip off all the amendments.

Mr. BAKER. Mr. President, it looks as if we may be coming down the homestretch. At some moment in the future, I shall make further announcement as to my intentions with respect to the motion to recommit with instructions. I shall consult with the two managers before we do that and with the minority leader. We are making good progress and, rather than take further time now, I encourage Members who have amendments to come forward with them.

AMENDMENT NO. 2479

(Purpose: To require the Comptroller General of the United States to conduct a study)

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 2479.

At the appropriate place, insert the following:

SEC. . (a) By March 1, 1984, the Comptroller General of the United States shall prepare and transmit to the Congress a report containing a comparison of the amounts expended to carry out each Federal program in each of the fifteen most recent fiscal years ending prior to October 1, 1983, with the amounts specified in the budgets submitted by the President for each such fiscal year and each of the four fiscal years preceding each such fiscal year and would be necessary to carry out such program in each fiscal year in such fifteen-fiscal-year period. The report shall include, for each such program and for each fiscal year in such fifteen-fiscal-year period—

(1) a determination of the amount expended to carry out such program in such fiscal year;

(2) a specification of the amount requested in the budget submitted by the President for such fiscal year to carry out such program in such fiscal year;

(3) a specification of any amount projected in the budget submitted by the President

for each of the four fiscal years preceding such fiscal year that would be necessary to carry out such program in such fiscal year; and

(4) a comparison of the difference between—

(A) the amount determined under paragraph (1) for such program for such fiscal year and the amount specified under paragraph (2) for such program for such fiscal year; and

(B) the amount determined under paragraph (1) for such program for such fiscal year and any amount specified under paragraph (3) for such program for such fiscal year.

(b) By January 15, 1984, the Comptroller General of the United States shall submit to the Congress an interim report which contains the information required under subsection (a) for—

(1) all programs and activities of the Department of Defense;

(2) all programs and activities of the General Services Administration;

(3) the program of Federal old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.); and

(4) the program of hospital insurance and supplementary medical insurance benefits established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) The Director of the Office of Management and Budget and the head of each Federal department and agency shall provide the Comptroller General of the United States with access to all data and information necessary to enable the Comptroller General to prepare the reports required by this section.

Mr. GRASSLEY. Mr. President, I have a chart, here, which looks complicated, but is relatively simple.

The chart shows actual deficits over the past 5 years, contrasted to what we have projected them to be, year after year.

The mismatch is incredible.

Year after year, we project out-year deficits to decline, yet year after year, they go up.

If the pattern becomes persistent, which it has, at what point do we begin to look at deficit projections realistically?

This is an important question. The reason we need projections of the future is to help us make sound decisions today. If our projections of the future are unrealistic, the decisions we are making today are unsound.

This is what is at the heart of the problems we are facing with regard to the growing size of deficits, and ever-growing debt.

Unrealistic planning or projecting is systematically causing deficits to swell, and the national debt to rise dangerously. We are simply making bad choices, bad decisions, when preparing our fiscal policy, and the future impact of those decisions are adverse.

That is precisely what we are experiencing today, Mr. President. We have made bad decisions in the past, and today we are feeling their consequences.

This problem of unrealistic projections and planning is by no means unique to the Congress. I have spent the past year describing how unrealistic planning is weakening our national defense.

When Chuck Spinney came over here to testify last February, most of us thought he was revealing huge cost overruns in the defense budget. This was not the case. He was describing a much different phenomenon—A persistent planning problem in the Defense Department which is contributing to an across-the-board shrinkage of our defense forces.

The phenomenon exists throughout the Federal budget—not just defense. The degree of the problem varies with each agency or department. But at the present time, the Congress has no way of knowing how bad the problem is, or even where it is.

This amendment would be a first step toward gaining insights for Congress as to the nature and magnitude of the plans versus reality mismatch phenomenon. It is a first and necessary step for Congress to begin to understand the fundamental cause of our deficits, and the nature of their constant growth.

The amendment would do the following:

It would require the General Accounting Office to conduct a retrospective analysis, covering the past 15 years, of this plans versus reality phenomenon across the entire Federal budget. The analysis would be due by March first of next year.

The amendment would also require an interim report by January 15, 1984, on the plans versus reality phenomenon of the following budget areas: The Defense budget, the social security trust, the health insurance trust, the disability trust, and the General Services Administration budget.

This analysis, Mr. President, would provide the Congress with a clear point of departure toward correcting the structural and institutional drivers of soaring debt and deficits. It would give us knowledge of projected costs versus actual costs. If there is a systematic mismatch historically, then we ought to learn from it, and adapt to it. It is a step I trust this Congress will be willing to take.

If we fail to take it, we will be choosing to turn our backs on the real world. And the deficits will continue to swell, and the national debt will continue to soar.

The roof of this House is very clearly leaking, Mr. President. We can continue to put pots under all the drips—and then empty the pots and bring them back again—or we can get on top of the roof, poke around in some unpleasant areas, and see what is causing the roof to leak. And then we have to fix it.

But we have to decide now, Mr. President. If we do not fix that roof soon, it will eventually collapse on all of us. And the cost of rebuilding would be most dear.

The fundamental issue, here, is the knowledge is power.

And power is responsibility.

While it is often an excuse used when something happens to say I had no knowledge of it. These ingrained problems are now sufficiently grave that we cannot retreat behind that convenient dodge.

Only with clear insights can we begin to cope with this profound national problem.

I hope all my fellow colleagues will join me in a further demonstration of their willingness to shoulder the responsibility levied on us by the people of the United States.

Thank you, Mr. President.

Mr. President, this amendment has been cleared on the majority and minority sides. I have no desire to have a rollcall vote on it. If there are no objections, I move that the amendment be adopted.

The PRESIDING OFFICER. Is there any further discussion on this amendment?

The Senator from Kansas.

Mr. DOLE. Mr. President, I have no objection to the amendment. It is a study request.

Let me focus on the amendment. It is a study amendment that requires that by March 1984 the Comptroller General of the United States shall prepare and transmit to the Congress a report containing a comparison of the amounts expended to carry out each Federal program in each of the 15 most recent fiscal years ending prior to October 1, 1983, with the amounts specified in the budgets submitted by the President for each such fiscal year and each of the 4 fiscal years preceding such fiscal year that would be necessary to carry out such a program in each fiscal year in such 15-fiscal-year period.

Mr. MOYNIHAN. Will the Senator yield?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I think this is a worthy amendment. It may give us some insight as to how it has come about that the agricultural programs of the Federal Government, which cost $4 billion in 1980 and were thought to be rather scandalous, are costing $25 billion today. It will be very helpful to learn how this incredible increase of expenditures on farm programs has come about.

Mr. GRASSLEY. Will the Senator from New York yield? The Senator may be surprised maybe, coming from an agricultural State, I would want that information brought out.

Mr. MOYNIHAN. I would assume that is why the distinguished Senator offers it.

Mr. GRASSLEY. This is covering every Department in Government. There is no attempt to leave anything out. I think we have to know across the board what the requests have been, what actually has materialized, and the reason why our plans have not been realized in the fiscal analysis.

Mr. MOYNIHAN. A fair point and a good one.

The PRESIDING OFFICER. Is there any further discussion?

If not, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 2479) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GOLDWATER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. SARBANES. Will the manager yield for a question?

Mr. DOLE. Yes.

Mr. SARBANES. Will the manager let us know how many amendments have been adopted to the debt ceiling bill?

Mr. DOLE. Eight: press access to Grenada, war powers, military equipment for Jordan, repatriation of Cubans, meat exports, the Grassley study just adopted, the Armstrong amendment to reduce the amount of $1.4 trillion, and the Long sense of the Senate that amendments should not be offered to the debt limit bill or reconciliation bills if they increase spending and reduce revenues.

There were a few we did not adopt, fortunately.

Mr. President, I would like to send an amendment to the desk. I do not want to spend a great deal of time on it. It appears that it is going to happen. But I think we have demonstrated in the last 4 days, if nothing else, that this is not a very good procedure. It is not that I do not mind accommmodating my colleagues on both sides, but we have had literally a number of nongermane amendments that have no relevance to the debt ceiling. It is not because we did not bring the bill up earlier. That was one of the problems. We brought it up too early, about the second earliest time the debt ceiling bill has been before the Senate in years. If we had brought it up 2 weeks ago, we probably would have had 50 nongermane amendments. I am pleased the abortion amendment did not make it, the busing amendment, school prayer, and the other amendments did not make it. They are good amendments and ought to be offered but maybe to something that is germane.

Mr. President, I did file notice at the appropriate time, I believe on Friday, in writing:

In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend rule XV of the Standing Rules of the Senate by adding to H.J. Res. 308 the following amendment:

During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received.

That would be a section added at the end of the bill.

Now, I guess whatever happens here in the next few years on either side, whoever is in the majority, this would be a positive step. We have already triggered the $250 million expense since we did not resolve this and get it signed and all of that before midnight tonight. So I suggest that in addition to saving money, we could save a lot of time. Again, I think we can find the appropriate forum for all these different amendments. I do not suggest they are not important amendments. In fact, I think the freeze amendment and the builddown amendment ought to be debated 3 or 4 days, not 3 or 4 hours. So it is not any effort on my part to foreclose debate on amendments if they are considered at the appropriate place and at the appropriate time.

Mr. FORD. Will the chairman yield for a question?

Mr. DOLE. Yes.

Mr. FORD. Is the Senator amending the rules? Does it take a simple majority or does it take two-thirds majority to change the rules?

Mr. DOLE. Simple majority, as I understand it.

The PRESIDING OFFICER. Simple majority.

Mr. FORD. A simple majority will change the rules of the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I would say, in making the argument, that I would like to conclude——

Mr. FORD. I would like the Senator to give consideration that under rule XV is jurisdiction and under rule XVI is germaneness. I think, if you are going to start changing the rules—and I do not mind; I kind of agree with the Senator, but on one the other day under rule XV it was jurisdiction and it became the issue. I think if you are going to change the rules, then you ought to have a two-thirds vote, so that if you are going to change jurisdiction, you are going to change germaneness, we ought to have some ways as Members of the Senate to protect that.

Mr. DOLE. What I am suggesting, I might say to my friend from Kentucky, is that we are on the debt ceiling. Again, I know that I am not suggesting anybody on the other side has done anything that has not been going on around here for about 10 or 15 years or longer. I asked the distinguished Senator from Louisiana today about some of his experiences on the Cambodia bombing and some of these areas, so I do not suggest this unprecedented and suddenly there is a need for a change. But I do suggest that the nuclear freeze and press access and war powers and State severance taxes and military equipment for Jordan, line item veto, repatriation of Cubans, meat exports, nuclear builddown, need for spending cuts, study on the budget, are nongermane amendments. The germane amendments were offered by the Senator from Colorado, one by the Senator frm Florida, and one by the Senator from Louisiana, so we really have not had that many amendments. We only had 14. But it has taken the better part of 4 days to dispose of those 14, and we still have not disposed of what we came to the floor with, and that is to increase the debt ceiling so we could pay our bills I am notified today that the Secretary of the Treasury has already sent out 40,000 notices to all the banks and others on savings bonds, he has notified all the Governors as he is required to do, and that is not unprecendented. I do not suggest that it has never happened before either. They are getting pretty good at it. They have a pretty good procedure worked out.

So I would hope that we might consider the amendent and vote on it. If it fails, then I am certainly willing the next time this comes up to spend 4 more days on the floor.

AMENDMENT NO. 2470

(Purpose: To amend Rule 15 of the Standing Rules of the Senate)

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 2470:

At the end of the bill, add the following: At the end of Rule 15 of the Standing Rules of the Senate, add the following new paragraph:

"6. During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received."

Mr. BYRD. Mr. President, I can understand the frustration of the distinguished manager of the bill, and I certainly have some empathy for him, but I cannot support his amendment. I might be somewhat sympathetic toward it if the Rules Committee considered it and reported it out in an orderly fashion, but I cannot support his approach. If we are going to go about amending the rules like this, then this will not be the last time the rules will be amended.

It only takes a majority to amend the rules.

It takes two-thirds to support a motion to suspend the rules. But the distinguished Senator is not attempting to suspend the rules. He is attempting to amend a rule.

It takes two-thirds to invoke cloture on a motion to change the rules. But I can guarantee you that if this amendment is adopted, there will be a lot of rule changes around here.

I also say that if the Senator pursues this amendment, most everybody can go home tonight. I do not want to make an idle threat, and I am saying to Senators that there will not be a vote on this bill, or ever on this amendment, tonight.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD. I yield only for a question.

Mr. LONG. Might I——

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to my friend from Louisiana, Mr. LONG, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, let me say to my able minority leader that I agree with him in what he is saying.

If the Senator is going to discuss this issue from now until daybreak tomorrow, I wish he would reserve an hour or two for me in the course of that discussion. I would like to discuss this matter for a while, because I cannot support this proposal.

I have known the frustration of trying to get a revenue bill voted on and I have known the frustration of having irrelevant amendments offered.

Mr. President, those of us on this side of the aisle gave unanimous consent to waive the 3-day rule on the debt limit bill, and the situation that caused the leadership to need that waiver was not the making of the Democrats. It was because those on the other side of the aisle asked for a written committee report because they wanted the opportunity to prepare their fight against certain things in the bill. So the bill could not have been taken up until today, Monday, if those on this side of the aisle had not cooperated to waive the 3-day rule.

I have had the privilege of being a committee chairman on prior occasion, and I have been the ranking minority member on a committee. The committee chairman can usually find a way to see that his legislative proposal is presented before the Senate, and that there is an opportunity for the Senate to vote on the proposal he is suggesting. But the same thing is not true of the majority of the Members of this body.

The Senator from Massachusetts had a proposal about a nuclear freeze. It may be that he did not have a majority. In fact, it turned out that he did not. But he had grave difficulty finding an opportunity to find some legislation headed toward the President's desk on which he could offer his proposal, something on which the House might be able to concur in the event he succeeded.

The debt limit, to some extent, is something of an equalizer among a hundred Senators. If a Senator does not have prominence on a committee and does not have the right tactical position and he is not able to have his legislation considered anywhere else, he can offer it on a debt limit bill. In that respect, 100 Senators become equal. They can offer their proposal on a debt limit bill.

If we are going to fix it so that Senators cannot offer their proposals on a debt limit bill, we will have to find some other proposal headed for the President's desk on which they can offer their amendments. Otherwise, the frustration that the chairman of the committee has felt would be very small compared to the frustration of junior Senators or Senators not on the appropriate committee will feel in trying to see that their suggestion is laid before the Senate.

Mr. President, some time ago, the Senator from Louisiana suggested, and proposed to the Rules Committee, that we should have a rule whereby when we bring up a bill, we can ask for a germaneness rule; and that if a 60-percent majority, which is the same number it takes to invoke cloture, would agree to a germaneness rule for that bill, then we could proceed with germaneness, without having to involve cloture, but simply saying that every amendment must be germane.

So far, we have not been able to prevail upon the Rules Committee to recommend and report such a proposal.

If I understand the proposal of the Senator from Kansas, it would not be just a germaneness rule; it would be more than that. One would not have the power to appeal from the ruling of the Chair, as I understand it, because this proposal says that a Senator's amendment could not be received at all. You would not even have the opportunity to say you had not been treated fairly. The proposed rule change not only has the effect of saying that an amendment could not be received, but also it deprives you of the opportunity to say you have not been treated fairly in the first instance.

If the Senator gives this careful consideration, I think he would conclude that this is not the way we should do business in the Senate. The Senator may be right about his proposal. I think if he is going to do something about this matter, it should be more along the lines of a 60-vote germaneness rule.

If one is to do business the way this amendment proposes, at a minimum he should take the matter before the Rules Committee. After all, the committee is headed by a very able chairman of the same party as the manager of the bill. He should see if he can persuade the Rules Committee to recommend something of that sort.

There is nothing in what the Senate has done here in the last 3 days that justifies that kind of departure, where we are going to say that, hereafter, 100 Senators are barred the opportunity of offering their proposals on a debt limit bill. If you take this right away from 100 Senators, pray tell, what other proposals can a Senator offer their amendments on? He can offer his amendment on an appropriations bill, but there we are confronted with the fact that legislation cannot be offered on an appropriations bill. Of course, one can contend it is germane.

Many of us feel that we should insist on enforcing the rule that we should not stultify ourselves by voting to say that something is germane when a fair interpretation would say it is not germane to the bill.

If we uphold the rules as intended with regard to germaneness on appropriations bills, where else can someone go to offer his amendment if he thinks it is important? Suppose it has something to do with beef, which might be very important to his State? Or if it has to do with goodness knows what, triggering the War Powers Act or whatever else it may be? Where can the remainder of the Senators bring the matter to the attention of the Senate and hope to bring it to the attention of the House of Representatives, and maybe even to the President of the United States, except on a bill such as this?

If we are to bar one from offering an amendment on this kind of Finance Committee bill, then how are the other committee chairmen going to feel about their bills?

Suppose you are on the Commerce Committee. Would you expect the chairman of the Commerce Committee to offer an amendment to one of his major bills, to say that hereafter you cannot offer your amendment on a Commerce Committee bill if it is not germane?

I see no reason to think that those of us on the Finance Committee have any higher claim than any other committee has, to say that on a bill we think is very important, you cannot offer your amendment.

This debt limit bill can be passed if the Senate wants to pass it tonight, and it will still be within the time we were told by the Treasury we should pass this bill. It was my understanding that the Treasury feels that this bill should be on the President's desk by tomorrow morning, or we should have this bill passed by the time we conclude our business today, which could be until midnight.

It seems to me as though we could still make that deadline if that is what the Senate wants to do, and my impression also would be if we do not get it made by midnight, if we have it done by daybreak the next day, that is still time enough.

I just would hope very much that the manager of the bill and the able chairman of the committee does not persist in this amendment, because I am convinced that this is not the way to deal with his problem, and I am inclined to think this approach is a mistake. At a minimum, it ought to be considered by the appropriate committee which has jurisdiction.

Mr. BAKER. Mr. President, will the minority leader yield to me without losing his right to the floor?

Mr. BYRD. Yes. I ask unanimous consent that I may do so, Mr. President, for the purpose only, and I hate to say this, with respect to the majority leader because I am sure that he does not intend to do anything else, for the purpose only of his making a statement or asking a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I support the amendment offered by the Senator from Kansas and indeed I will cosponsor it. But I agree that this is not the place to have it.

As a member of the Rules Committee, I can assure the Senator from Kansas that I will cosponsor with him a resolution to be referred to the Rules Committee for their deliberation and consideration, which may have the effect of opening up this whole matter to consider not only this proposal but the one suggested today and suggested on previous occasions by the distinguished Senator from Louisiana.

May I say for the record, and briefly, that more than once the Senator from Louisiana has suggested to me that perhaps we should file cloture on this bill because that would indeed invoke the rule of germaneness, but as the Senator from Louisiana knows, and certainly as the minority leader knows, that also carries with it other things. For instance, if we get cloture, not only does that prohibit nongermane amendments, but it keeps us from doing anything else until we finish this bill and there are other matters that have to be dealt with. So I thought it unwise to go ahead with cloture at this time for that reason. We have many other things yet to be done before the Senate can adjourn.

I would agree that this is not a propitious time at 10:20 p.m. in the evening before the deadline expires at midnight to press this point, but I give my assurance to the Senator from Kansas I would support him, I do support him, and if such resolution as I have described is introduced and referred to the Rules Committee, I will be his partisan and supporter in that committee as we go about consideration of this issue.

Mr. BYRD. Mr. President, I wish to know whether the distinguished Senator from Kansas is willing to follow the admonition that has just been offered by the Senator from Tennessee, the distinguished majority leader, and I ask unanimous consent that I may yield to the Senator from Kansas, the distinguished manager of the bill, for the purpose only of his answering my question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. The Senator from Kansas is certainly willing if I have some assurance. I gave a lot of the assurance we are going to have hearings. I know what generally happens. We have the hearing and we wave goodby to the witness.

And I do not see the distinguished Senator from Maryland, the chairman of the Rules Committee, but I assume if the majority leader would indicate that he might be able to arrange a hearing, I think it is serious. I do not want to detain the Senate. I think they have been here long enough. But we are not talking about the inconvenience of Senators. We are talking about what we are doing to a lot of people out there. Sales of U.S. savings bonds were suspended effective November 1. Notices were sent to 40,000 issuing agents today and approximately 6 million people currently purchasing U.S. savings bonds. We can argue whether it is the chairman or manager, or whatever. We have to find some way and maybe we should bring this up 30 days earlier and have some time agreement how long we are going to be on it.

But there has to be a better way to do it than we just had, as I said, a turkey shoot. Everyone throws up a turkey. We all shoot at it for about 4 to 6 hours.

I am willing to do that. I do not have any desire to detain the Senate. I do not want to leave any impression that something that is as important to the chairman is important to the orderly conduct of the Senate business. So on that basis if the majority leader is willing to help me get a real hearing.

Mr. BYRD. I thank and compliment the distinguished Senator from Kansas.

In the first place, Mr. President, and I do not want to ignite an explosion here, we need not have been put in this position at this late date. The other body sent over in June this year the debt limit wrapped up in the first concurrent resolution.

This measure need not have waited until this point to have been called up before the Senate. If we are going to change the rules, I have two notices that I have timely filed at the desk. The only thing about it, those are amendments that I want to see adopted and I think we would get them adopted if I were to call them up and offer them as amendments to this amendment. But I have long advocated the approach that the distinguished Senator from Louisiana has urged upon the Senate.

Mr. LONG. That is right.

Mr. BYRD. That is not only to the debt limit bill, but to any other bill, a motion would be in order to prevent germane amendments from being offered if that motion were supported by a vote of 60 Members of the Senate.

Mr. LONG. Will the Senator yield for a question at that point?

Mr. BYRD. Yes, I do.

Mr. LONG. Does the Senator recall that when the able majority leader sought to do something about the rules of the Senate at the beginning of this session the Senator from Louisiana pressed very hard to make the point, including to the majority leader, that whatever we do about rules we should include a 60-vote germaneness rule when the Senate is willing to give germaneness, so that the problem that the Senator has complained about would not have happened? And was it not the pretty general consensus among those who looked into it that at some point we should do that; but we just never got to the point of doing it. There was a lot of sympathy for that proposal in the group that considered the suggestions that the majority leader asked to be looked into for bringing the rules up to date.

Mr. BYRD. Yes. I thank the Senator.

Mr. President, I am glad that the distinguished Senator from Kansas has indicated his willingness to pull the amendment down. I will not pursue the matter further but just in case anyone else gets the idea at some point we are going to have a quick change in the rule, if this amendment were not pulled down, there would not be a vote on this resolution for a week at least unless this amendment is pulled down.

If anyone wants to know how I can make such a statement I will be glad to tell him. But I will not pursue the matter now.

The majority leader has made a wise suggestion and the distinguished Senator from Kansas has kindly offered to withdraw the amendment. I yield the floor to the distinguished Senator from Kansas with the understanding I do not lose the floor and I yield it only for the purpose of his pulling down the amendment. But I do not yield the floor until the able Senator does that.

Mr. BAKER. Mr. President, before that is done, will the Senator yield to me for one further statement under the same terms and conditions?

Mr. BYRD. Yes.

Mr. BAKER. Mr. President, at the time that I consulted with the distinguished chairman of the committee and indicated to him that I hoped he would withdraw the amendment and he indicated that he would, I also volunteered that I would try to gain permission for him to introduce this same amendment as a free-standing resolution for referral. That would require unanimous consent at this point. But in order to complete my end of the bargain I wish to make that request as soon as the amendment is withdrawn by the Senator from Kansas.

Mr. BYRD. I have no objection. That is the right of any Senator to offer a proposed change in the rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. Mr. President, I will withdraw the amendment.

I again indicate that there has to be some way and I think perhaps maybe shifting back and forth majority to minority maybe some on this side better understand the need for rule changes than we did say 5 years ago, and it is not that we are inconvenienced as I said before. It is what we may be doing. I do not suggest it has happened yet.

I think the Treasury always leaves a little fudge factor. If it does happen, if we do not move quickly and someone out there does not know what we are doing here anyway, and probably would not know if they were here, when they are impacted then I think we have a problem we should try to address.

So I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from West Virginia.

Mr. BYRD. Mr. President, I again thank the Senator and the majority leader.

I yield the floor.

PROPOSED AMENDMENT TO THE STANDING RULES OF THE SENATE

Mr. BAKER. Mr. President, to complete the arrangements that I described, I ask unanimous consent that it may be in order at this time for the distinguished Senator from Kansas, for himself and for me, to introduce a resolution dealing with a proposed rules change for appropriate referral.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The resolution is received and will be appropriately referred.

The text of the resolution follows:

S. RES. 258

That Rule XV of the Standing Rules of the Senate is amended by adding the following new paragraph:

"6. During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received."

Mr. SYMMS. Mr. President, I rise in opposition to the increase in the debt ceiling because the Congress has failed to face up to its fiscal responsibilities.

Debt is the driving force in our economy today. This year, total public and private U.S. debt will stand at over $6 trillion. The economic impact of that debt and the future debt obligations of this country will determine the future of our economic system—capitalism.

Capitalism cannot survive without long-term capital markets. Since 1978, our capital markets have shrunk from 30- to 40-year markets to 1½- to 3-year markets because of the accumulated present and future debt obligations of our economy.

The impact of shortened capital markets is illustrated by the fact that the interest payments of the U.S. Government now exceed the capital-generating capacity of the United States. The grim fact is that the Treasury is now bidding for new billions of dollars almost weekly while refinancing old paper—often in the 5- to 10-percent rate area—at today's interest rates. The result of this adding and compounding action is to increase the U.S. Government expenses beyond imagination. The average maturity of U.S. Treasury debt is now 3.9 years, and this debt is now rolling over and compounding at relatively high rates. The result is that the Treasury is literally cannibalizing itself.

In the United States, the sum of all debt is referred to as the gross domestic debt. Twelve years ago, such debt totaled roughly $1.8 trillion—today it stands at over $6 trillion. The largest increases were posted during the past 7 years. Although the gross domestic debt encompasses many other sectors as well, the dramatic rise in the debt of the Federal Government contributes heavily to this growth.

The Federal debt burden was almost reduced to zero in the mid-thirties. World War II, and the subsequent reconstruction effort, increased the debt to nearly $300 billion. Later, America's engagement in Vietnam caused a further surge in the debt spiral. By the mid-seventies, the figure had reached the $500 billion mark. It took over 40 years to build up a debt of $500 billion, and less than 7 years to triple that figure.

Debt at the Federal level, while significant, is not our only worry however. This Nation is piling up debt in every other sector of the economy as well because the Government's credit activities have forced the private sector to acquire more debt simply to stay alive and because we have a Tax Code which greatly encourages financing through debt rather than equity.

I think that it is important that we review the non-Federal debt just so that we get a clear picture of how much debt there is in this economy.

First, debt in the mortgage and loan sector. Although debt in this area is common to all economies, the American consumer's balance sheet has come under increasing pressure in recent years. Largely to blame was the inflationary psychology, which characterized the late 1970's, but is still in evidence today.

In fact, we are at a point where even a moderate downturn in interest rates is perceived as a great bargain by a myriad of credit users. The most recent statistics show a marked decline in personal savings rates which seem to be a trend. As mortgages have to be refinanced at current rates and banks ask for more interest on outstanding consumer loans, the private citizen's pocketbook will be directly affected. Since 1971, mortgage and consumer debts have risen 274 percent.

Second, State and local government debt. While State and local governments are now contributing only 7 percent to the total of U.S. domestic debt, their paper obligations involve billions of dollars, and the risk of default appears more likely now that at any time since the 1930's. New York, Cleveland, and WPPS are but three examples.

Third, corporate debt. In the corporate sector, the debt problem is concentrated on individual industries, rather than as an economy as a whole. Particular problems have surfaced in the basic industries, although this is not necessarily the result of the current financial condition of the economy at this time. One important point is that whenever sizable industrial or commercial firms are on the threshold of bankruptcy, this translates into a direct addition to the debt burden of governments. There is no indication that the current Congress will discontinue the tradition of bailing out mismanaged private empires, but the Government does seem to at least negotiate harder or even participate in the potential recovery of such corporations.

While the service sector of the economy seems to have experienced a strong expansion phase, there are serious questions overhanging our financial institutions—both the small rural banks and saving and loan institutions, and the large international banks.

As intricate and as hopeless as the labryinth of domestic debt may be, it is easily surpassed in complexity by the Euromarket. At first glance the problem of offshore debt seems less alarming. After all debt dollars outside the United States amount to about $1 trillion, a fraction of the $6 plus trillion domestic debt. A quick look at the growth pattern, however, destroys this notion; the Eurocredit market grew to its current size in just over 20 years.

At the present time about 56 percent of the present debt is mortgages and loans; 20 percent of the debt is Feder-

al; 10 percent of the debt is corporate bonds; 7 percent of the debt is State and municipal bonds; 4 percent of the debt is foreign debt; and 3 percent of the debt is money market debt. The life of all debt is becoming short lived and is being refinanced at ever increasing interest rates.

The rundown in liquidity has occurred in all sectors of the economy—businesses, households, depository financial institutions, and State and local governments.

The only solution to the ever-increasing debt spiral is to reduce current expenditures and the future debt obligations of this economy. The private sector has been in the process of "getting liquid" for the past 2 years. However, while the private sector has been reducing their demand for credit, governments at every level have increased their demands because they have failed in their responsibility to reduce their spending habits. This process has had a deflationary impact on the economy, but that deflationary trend will be reversed once our capital markets become so short that the Government will not be able to use those markets to finance the debt. At that point our debt will have to be paid by a direct inflation of the currency.

Long-term capital markets are the key to a sustained and robust economic recovery. Those markets can only be restored by a real and continued effort to pay off our debts. Without that commitment to a sound fiscal policy, we will simply follow the example of every other nation throughout history by paying off our debts with a debased currency.

Mr. President, I share the view of the Senator from Colorado that now is the time for us to make some kind of a commitment toward reducing the quagmire of debt that we are building in this country.

The other day, my good friend from Illinois, Senator DIXON, made the comment about what are we doing to our children and our grandchildren. I say, Mr. President, we are talking about the here and now, that this situation has changed so rapidly. When you think about the fact that we had 30-year capital markets 5 years ago and now we are down to 1½- to 3-year capital markets, our economic system cannot do this.

We are cannibalizing our own budget process and we are cannibalizing the abilitary of the Federal Government to pay its debts.

The average maturity of U.S. Treasury debt is now 3.9 years, and this debt is now rolling over and compounding at high rates. I think it is interesting to note that old paper comes in to be reinforced once a week at 5- to 10-percent interest rates, at today's current rates, and this problem is going to go right through the roof if we do not vote this thing down tonight and find some way of accommodation within the next week or so. I believe an accommodation can be found where we can start toward closing this debt.

KASTEN AMENDMENT NO. 2475

● Mr. LEVIN. Mr. President, I will oppose the amendment offered by the Senator from Wisconsin which calls for fulfilling the "pledge" that Congress cut spending by $3 for every dollar that was raised by the Tax Equity and Fiscal Responsibility Act of 1982. It is clear that it is a matter of divided opinion as to whom such a pledge was made. The ranking minority member of the Senate Budget Committee was unaware of such a pledge, and some members of the Finance Committee also questioned whether such a pledge ever existed.

More importantly, it is clear that if we are to take serious action against the deficit, attacking further spending alone will be insufficient. The spending reductions which the President proposed for fiscal year 1984 largely met with opposition from both sides of the aisle. Some Members who supported the President's budget cuts in the first 2 years of his term indicated that in some areas spending may already have been cut too close to the bone. Furthermore, a look at the budget numbers themselves suggests that even the most drastic cuts in spending will still leave a deficit for fiscal year 1984 well over $100 billion. For example, even if food stamps, aid to families with dependent children (AFDC), low-income energy assistance, medicaid, the Legal Services Corporation, all foreign aid, the Department of Energy, housing assistance for the poor, supplemental security income, and the budget to fund the Congress were totally eliminated, the deficit for fiscal year 1984 would still exceed $120 billion. While few would suggest making such drastic cuts, the enumeration of them indicates that unrealistically and unreasonably harsh spending cuts would still prove indequate.

I am willing to support additional spending cuts as part of a package of shared sacrifice. A package such as the Hollings freeze plan for fiscal year 1984, which I voted for, contained elements which, standing by themselves, I could not support, but which taken together form an equitable and significant deficit reduction program. As a practical matter, if we are to have such a program it would require both spending cuts and selected tax increases. That is where the deficit reduction potential is and that is where the equity is. For example, as of 1983, the first 2 years of the Reagan tax policy and budget cuts will mean that a household making less than $10,000 will lose an average of $310, whereas a household making $80,000 or more will gain on the average $13,730. A deficit reduction plan which merely looks to cutting entitlements and ignores disparities like that one would be unacceptable from a fiscal and humane point of view.

Mr. President, the Senator from Wisconsin wants deficit reduction and so do I. The issue is how it will be done, and I believe that the approach he is offering does not fairly address the issue.●

Mr. BAKER. Third reading.

The PRESIDING OFFICER. Is there further amendment? If not, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. BAKER. Mr. President, I now move to recommit House Joint Resolution 308 to the Committee on Finance with instructions to the committee to report such bill back immediately.

The PRESIDING OFFICER. The question is on the motion.

Mr. ARMSTRONG. Mr. President, I take it this is a debatable motion.

The PRESIDING OFFICER. It is.

Mr. ARMSTRONG. Mr. President, I do not exactly know at what moment it might come, but I think we ought to understand the effect of the motion made by the majority leader, which is to strip off all amendments so that then we would have before us the bill increasing the debt ceiling to the original suggested total to $1.614 trillion, or whatever it is.

Mr. President, I do not intend to belabor the issue, as the Senator from Idaho and others have made the point. If that is what we want to do, then this is the opportunity to do so.

For my part, I would be reluctant to have that happen. I intend to vote against the motion and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. LONG. Mr. President, I would like to be sure I have this matter straight. Is the effect of the is motion to strike not only the amendments that were not germane but also to strike the Armstrong amendment, which is clearly germane, to the bill which would reduce the amount of increase in the debt limit, to a $61 billion increase? We would strike everything we have done?

The PRESIDING OFFICER. That is correct.

Mr. LONG. I see. Well, that is clear enough, Mr. President. If that is what the Senate wants to do, it may do so. I am prepared to vote.

Mr. BYRD. Mr. President, I probably will vote against the motion, but

what are the amendments that would be stricken?

The PRESIDING OFFICER. The amendments that will be stricken are as follows:

Chiles amendment No. 2459; Hart amendment No. 2462, as modified; Moynihan amendment No. 2467; Long amendment No. 2469, as modified; Riegle amendment No. 2471, as further modified; Baucus amendment No. 2474.

Mr. BYRD. Mr. President, I thank the Chair. Will the Senator explain these amendments?

Mr. DOLE. Yes.

Mr. BYRD. I yield to the Senator from Kansas for that purpose.

Mr. DOLE. Mr. President, the amendments that would be stricken would be the amendment of the Senator from Colorado, Senator ARMSTRONG, which would reduce the amount to $1.4 trillion; the amendment of the Senator from Louisiana, Senator LONG, that amendments should not be offered to debt limit or reconciliation bills if they increase spending or reduce revenues; the press access to Grenada amendment by Senator RIEGLE; the war powers provision by Senator HART; the military equipment for Jordan by Senator MOYNIHAN; the repatriation of Cubans by Senator CHILES; a meat exports amendment by Senator BAUCUS; and the study on the budget by Senator GRASSLEY.

Mr. BYRD. Mr. President, I will vote against this motion, and I will say why. These are matters which the Senate has disposed of after much debate and there were some of those amendments that were enumerated that I and other Senators feel quite supportive of.

I think it is all right if the conferees go to conference and argue with the House and some of those amendments are stricken in conference. But I cannot support this approach to removing those amendments which have been offered in good faith by Senators who were serious in the offering of those amendments and which were adopted by the Senate.

If the Senate wants to do business this way, it can do it, but I will not vote for the motion.

Several Senators addressed the chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I will not take but just a moment.

Mr. President, I hope the Senate will support this motion. I have discussed with any number of Senators for some days now that at some point I would make a motion to recommit. For some time, there has been some debate in my own mind, and with others, on whether I would ask that the instruction be to report the bill back as originally reported to the Senate, which is the House-passed bill, or to do it after the Senate had taken action on the Armstrong amendment. I chose the former rather than the latter and for one principal reason, Mr. President: It is 20 minutes to 11 and before midnight tonight when the debt limit expires.

Mr. President, there is certainly nothing wrong with letting this thing run by the statutory deadline. I guess in the last 4 or 5 years we have done that at least twice that I know of, once by 2 days and once by something more than that, and the universe did not stop in its orbit around the Sun.

But it is not good practice. If we support this motion, the net effect will be that we will pass the debt limit as passed by the House of Representatives and avoid the necessity for a conference or a further vote by the House.

I believe, Mr. President, an hour and 20 minutes before the act expires, that that is a good decision for the Senate to make. I hope it will be supported.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. SARBANES. Will the majority leader's motion bring back from the Finance Committee in an unchanged form House Joint Resolution 308?

Mr. BAKER. It would.

Mr. SARBANES. Could I ask the majority leader when House Joint Resolution 308 first came to the Senate and was available for Senate action?

Mr. BAKER. Mr. President, when it came to the Senate is a date I will have to get for you. When it was available for Senate action was, of course, when it was reported by the Senate Finance Committee. I will have to supply those dates for the Senate.

The PRESIDING OFFICER. It came to the Senate on June 27.

Mr. SARBANES. I thank the Chair.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. Does the majority leader yield?

Mr. BAKER. Mr. President, I yield the floor.

Mr. LONG. Mr. President, the majority leader said in his statement that the debt limit expires tonight. That is not correct. Nothing expires tonight, not a thing expires. The debt limit remains where it is, that it all, at $1.389 trillion. This is completely at variance with the way it used to be before this year. When we had a temporary debt limit that expired, you could not pay a nickel.

This is not the case now. The Treasury has a lot of money in the till. They can spend all that they have on hand. And as money comes in, they can spend that, too. Nothing expires.

We were told something to the effect that if we do not pass this bill it is going to cost the Government $250 million. That is on the assumption that this sale of Government securities, which had already been postponed, will have to be issued at one eighth of a point interest higher than it would have been otherwise. That may or may not be true. But if money has been lost, it has already been lost. It does not make any difference whether you vote tonight, tomorrow night, or next week on that. There is no difference. This sale has been postponed.

So there is no real difference, Mr. President, in that regard.

The big question is, Does this Senate want to insist on fiscal responsibility at long last? Are we ready to say at some point that we are just not going to give the administration a checkbook to spend all the money they want to and when that is gone, they should send up a resolution and we will just give them a quarter of a trillion dollars more," about what the net Federal debt was at the end of World War II? Shall we say, "Just any time you need more money, send up a resolution and we will just increase the debt limit"?

The question is, Will the Congress actually have the effrontery to amend such a resolution to reduce the increase in the debt limit? Instead of giving them what they ask, just give them a lesser figure. Or maybe not even pass it at all until we have a better understanding about whether we are going to continue to go in debt at the rate of $200 billion a year from now as far as the eye can see off in the future.

Make no mistake about it, when you vote for this motion, you are voting to continue the biggest deficits in the history of the country as far as anybody can see. For the time being, the administration has no plans to change that until after the next election; and in the event they are reelected, we do not know whether they will change is or not. That is what you are voting for.

We voted on the Armstrong amendment by a vote of 70 to 15. To ask us to vote for an increase of $225 billion without any commitment of any sort that we are ever going to talk about cutting spending in a realistic way or raising revenue to try to reduce the deficit—that is just too strong.

If those who had the courage to vote to displease the powers that be by a vote of 70 to 15 want to reverse themselves—and we have heard this described as a turkey shoot, for them to run like a bunch of turkeys from their own judgment—go to it.

Here are about four sense-of-the-Senate amendments we voted: The first was by Mr. CHILES, not binding on anybody. The administration could ignore it. It suggested that it was the sense of the Senate that when they deliver those prisoners of war to Mr.

Castro, they try to get him to take back some of the undesirables he pawned off on us.

Then we voted with Mr. BAUCUS to say we ought to try to get Japan, with that huge trade surplus they are running, to buy some of our beef, rather than putting all the impediments in it. If those who voted for it want to retreat, they can run away. They may feel, this is about as far as our backbone will take us; now we have to backup.

Or those who said that we ought to do something about the censorship of the press in Grenada. If they think they stuck their neck out too far and want to retreat, this is their chance to do so.

Or those who agreed to my proposal that we should not be putting amendments to increase the debt by either additional spending or by cutting taxes on a debt limit bill or a reconciliation bill just for 1983—if they want to retreat and run from that, they can.

But the big item, Mr. President, is the triggering of the War Powers Act. Senators voted for that. We debated and voted for it. If Senators want to retreat from it, this is your chance. You can say, "I am afraid I did the wrong thing. That might offend the President."

If you want to do that, here is your chance to run away from what you did. This is the opportunity.

Or with those who voted for Mr. MOYNIHAN, saying that on this new army to be created in Jordan, it should not be created without the express authorization of the Congress. Well, having voted that way, if you now want to find some way to escape the judgment of history on your vote on the proposal, here is your chance to vote that way.

I just happen to think, Mr. President, that Senators are made of sturdier stuff than that, that having taken their position and voted for it, they do not want to retreat from it. But I have seen some very foolhardy things done before, and I will respect whatever the Senator wants to do about this matter.

Mr. DOLE. Mr. President, I want to commend the distinguished Senator from Louisiana. Here is a man who can reverse his field. He has not given that speech very often; he generally gives the one I am going to give. [Laughter.]

With a little practice, in 4 or 5 more years, he will have that speech down pat. I made that same speech, I think, the last time he had this thing on the floor. It was not as eloquent, but I think I ended up voting with him. I hope maybe that will happen.

I understand all that. I thought we just had a lot of fun in the last 4 or 5 days. I did not know anybody was serious about this. I was willing to go along with the act, but I thought it was going to end.

There are some very important issues. I talked to the chairman of the Ways and Means Committee and said, "Danny, have you been studying up on the War Powers Act?"

"No, not lately."

"What about press access to Grenada?"

No, he had not been over there lately.

He had not studied too much about the repatriation of the Cubans.

He knew more about meat exports because they like to eat that stuff in Chicago, so he had a little on that.

He was also concerned about the Armstrong amendment, which is the one germane amendment, the only germane amendment that is not the sense of the Senate amendment that we adopted.

There is nothing this Senator would enjoy more than having the House Republicans having to squirm and vote on this thing. They put out newsletters saying they are against the spending, against the debt, against the deficit control.

So I would not shed too many tears if they had to have a House vote on that provision. But I am suggesting it probably would not pass. Again, that is not our problem. We have enough problems trying to get it passed here. I can already count. We may want to regroup in about 15 minutes. [Laughter.]

It just seems to me that we have had a good time. Halloween is about over. We have scared about everybody in the country. [Laughter.] I think it is time to take off the masks and get down to serious business. I am prepared to vote, and I hope that we will approve the motion to recommit. If not, I do not know what we will do. I am going to talk to the Parliamentarian during the vote.

Mr. ARMSTRONG. Mr. President, when I sought the floor in clarification of this so that we all understand the purpose of the motion in respect of the pending bill, I did not anticipate that there would be any lengthy debate. But since others have spoken and they have spoken in part about the amendment which I offered, and which the Senate adopted by a vote of 70 to 15, perhaps I can just say one word to try to put this in perspective.

Basically, the case which the Senator from Kansas has argued so eloquently is a case for business as usual. Ordinarily, I would be for it. I guess as all know, I am a conservative. Conservatives think business as usual has a reason, to do business as usual because that is the way business works out best. That is why it becomes the regular order. We stick with the familiar, what is tried and true and what has worked.

But you know, Mr. President, there comes a moment at which, if you try something not once or twice but over and over again and it gets you deeper and deeper in trouble, then you begin to wonder whether or not business as usual is really a good idea. I think that is where we are on this.

There are people in this body who have never voted for a debt ceiling increase. There are some who have voted for it on many occasions and some who have voted on one side of the issue. It seems to me there is one thing we can agree on tonight, that after all the temporary debt limit debate and after all the time we have been told if we do not pass it by a certain deadline, terrible things will happen, after all the crocodile tears, after we have been cajoled, euchred, and flattered and our arms have been twisted and everything has happened and we have raised the debt limit over and over again, in retrospect, has it been good for the economy of our country? I think not. I think that is a large part of the blame for the economic troubles through which our country has so recently passed.

Moreover, there is a real moral question of what in the world are we thinking of, spending beyond our means every year, not once or twice but every year, 20 years in a row, and saying our kids are going to pay off the debt or future generations are going to pay it off in higher interest rates, or the inability to buy homes or start businesses.

I think this is the time not to go for business as usual, but to take a stand. The choice is not between passing this bill and chaos. If the bill does not pass, as the majority leader has pointed out, the world is going to turn in its usual orbit, and there will be business as usual in that sense, at least. I assume there would be some accommodation with those of us who withhold our votes if it should happen that some of us withhold our votes from the passage of this measure. Some are going to come to us and say, OK, what would it take to get your vote? I have been approached, as have others, by those who have asked, What would it take to get you to support this measure? I have announced publicly and I announce again, it would take some element of budget restraint, some element of reform of the institutional process that would lead me to believe that, months from now or a year from now, we will not be asked to raise the limit by another trillion dollars.

That is the one thing that is outstanding in this, that it is an increase of such extraordinary proportions that in that sense, it is precedent setting. I am going to vote against the motion to recommit and I am going to vote against the bill.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the motion to re-

commit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 27, nays 68—as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—27

Baker	Goldwater	Packwood
Boren	Gorton	Quayle
Bradley	Heinz	Roth
Chafee	Kassebaum	Rudman
Cochran	Laxalt	Simpson
Cohen	Lugar	Stafford
Danforth	Mathias	Stevens
Dole	McClure	Tower
Durenberger	Murkowski	Wallop

NAYS—68

Abdnor	Glenn	Mitchell
Andrews	Grassley	Moynihan
Armstrong	Hatch	Nickles
Baucus	Hatfield	Nunn
Bentsen	Hawkins	Pell
Biden	Hecht	Percy
Bingaman	Heflin	Pressler
Bumpers	Helms	Proxmire
Burdick	Huddleston	Pryor
Byrd	Humphrey	Randolph
Chiles	Inouye	Riegle
D'Amato	Jepsen	Sarbanes
DeConcini	Johnston	Sasser
Denton	Kasten	Specter
Dixon	Kennedy	Stennis
Dodd	Lautenberg	Symms
Domenici	Leahy	Thurmond
Eagleton	Levin	Trible
East	Long	Tsongas
Evans	Matsunaga	Warner
Exon	Mattingly	Wilson
Ford	Melcher	Zorinsky
Garn	Metzenbaum	

NOT VOTING—5

Boschwitz	Hart	Weicker
Cranston	Hollings	

So the motion was rejected.

Mr. BAKER. Mr. President, may I have the attention of my colleagues in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. BAKER. Mr. President, I remarked once, facetiously, that the formal training of the majority leader ends in the third grade, and that is when he learns how count. I learned how to count in the third grade, and nothing I see in this rollcall suggests that I have profited from this count.

I have another motion that I should like to make, and may indeed make. It depends on how the sentence ends. This motion is one I have also discussed with a number of Senators, including the Senator from Colorado. It would be a motion to recommit this bill and to return it to the Senate forthwith in the shape it was in after the adoption of the Armstrong amendment.

However, to tell the truth, I do not think I would count any more votes on that than I do on this. I think I violate no confidence when I say that I asked the Senator from Colorado if he would vote for this if we did it that way, and he said, "No." That sort of dashed my hopes that it would improve things. [Laughter.]

To tell the truth, I think we are down to the place where we are going to decide whether we are going to pass a debt limit or not. Therefore, I will not offer this amendment.

I believe we have had third reading, and I hope we are prepared now for the vote.

SEVERAL SENATORS. Vote. Vote.

Mr. BAKER. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I urge Senators not to leave until this vote is over. This is perhaps the last vote.

Mr. BYRD. Mr. President, I hope that the clerk will repeat the vote that is cast and the name of the person who casts it.

The PRESIDING OFFICER. The Chair suggests that, for a change, Senators take their seats during the vote. It might help to facilitate things. Please.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—39

Abdnor	Evans	Moynihan
Andrews	Garn	Packwood
Bingaman	Glenn	Pell
Bradley	Gorton	Percy
Chafee	Hatfield	Roth
Cochran	Heinz	Simpson
Cohen	Kassebaum	Specter
Danforth	Laxalt	Stafford
Dodd	Levin	Stennis
Dole	Lugar	Stevens
Domenici	Mathias	Thurmond
Durenberger	Matsunaga	Tsongas
Eagleton	McClure	Wallop

NAYS—56

Armstrong	Hatch	Murkowski
Baker	Hawkins	Nickles
Baucus	Hecht	Nunn
Bentsen	Heflin	Pressler
Biden	Helms	Proxmire
Boren	Huddleston	Pryor
Bumpers	Humphrey	Quayle
Burdick	Inouye	Randolph
Byrd	Jepsen	Riegle
Chiles	Johnston	Rudman
D'Amato	Kasten	Sarbanes
DeConcini	Kennedy	Sasser
Denton	Lautenberg	Symms
Dixon	Leahy	Tower
East	Long	Trible
Exon	Mattingly	Warner
Ford	Melcher	Wilson
Goldwater	Metzenbaum	Zorinsky
Grassley	Mitchell	

NOT VOTING—5

Boschwitz	Hart	Weicker
Cranston	Hollings	

So the joint resolution (H.J. Res. 308) was not passed.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I enter a motion to reconsider the vote by which House Joint Resolution 308 was defeated.

Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. There is no business pending before the Senate.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 11:45 p.m. in which Senators may speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I want to thank my colleagues; I am not certain what for at this moment.

But I think now, with the motion to reconsider, we may be able to accomplish some of the objectives that some people had as far as some reasonable deficit reduction package, and this may even get the attention of the White House.

Mr. BAKER. Mr. President, I yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I thank the majority leader for yielding. I would like to comment briefly on what might happen next, but before I do so I would like to be sure I understand the action of the majority leader. As I understand it, he did not move to reconsider, but entered a motion to reconsider so that he may call up that motion or move to the consideration of a motion to reconsider at some time, but when we come in tomorrow it would not necessarily be the pending business.

Mr. BAKER. The Senator is correct.

Mr. ARMSTRONG. Mr. President, then I would like to discuss very quickly, because the hour is late, what may happen.

First, before I do, I want to say that one Member of this body who has served here a long, long time and who has watched this issue be voted on many, many times said that he has seen tonight something that he never really expected to see, and that is the defeat of the debt ceiling bill.

Now, I do not want to exaggerate the importance of what happened, because this is just a way station on the road to the final action and disposition of this measure.

I do not know exactly what is going to happen next, but I will give you three predictions.

First of all, when we get up in the morning, it is not going to be a lot different kind of day than it would have been if we passed this. We are going to discover that all of the dire predictions that the Treasury Department made and others made about the catastrophe that would befall the United States and the world if we failed to pass this bill by midnight are not going to come true. The processes of Government are not going to grind to a halt; our Army, Navy, and Air Force will continue to defend the country; the bureaucrats will still be on the job; and nothing will expire. As the Senator from Louisiana has pointed out, we simply will not have increased the burden of public debt in this country.

My second prediction is that a lot of Senators who voted against this measure on both sides of the aisle for their own reasons—and we did not all vote that way for the same reason, I recognize that, and every one of us in the Chamber recognizes that—will begin to get telephone calls from persons who are interested in the outcome.

Maybe some of them will be at the other end of Pennsylvania Avenue. I hope that the OMB and others concerned about this matter, our friends at the Treasury Department, will be in touch with us and will be receptive to a discussion of what has transpired. If we play our cards right, let me say to those of us who are interested in the kind of measures of spending restraint and institutional reform that the Senator from Louisiana and others have spoken about, we can get something for our votes.

I have already advertised that my vote is for sale on this issue, that I can be bought on this. My price is very simple: I am prepared, reluctantly, to support an increase in the public debt either upon an amendment which significantly reduces spending or constitutes a measure of institutional reform. All I urge my colleagues as we go home tonight is when you are contacted to find out what it is that it takes to get you on board you will say something of the same kind because if we do by tomorrow, tomorrow afternoon or tomorrow night, or some time very soon, we will get something very worthwhile for our trouble in turning down this bill.

I thank the majority leader for yielding.

Mr. BAKER. Mr. President, I will not take very long. I think what we did tonight was akin to lighting a match to look in the gas tank. I do not think any of us know what will happen next. Maybe it will not happen in the morning or next week, but it will happen sooner or later unless we go to the business of passing a debt limit increase for the orderly functions of the Government to operate. I think, Mr. President, I am aware of the maneuvers going on here. There is nothing wrong with them. They are entirely appropriate to Members of the Senate if they wish to try to convince the White House or a majority of the Senate that we should use the debt limit bill to try to change the fiscal policy of this Government. But I want to say I will bet you do not succeed. I will bet the only way that is going to happen is if you try to work together with the administration and Republicans, and Democrats together. That is not what we did tonight.

This is a historic first. Maybe not a first, but it is a historic time for the Senate to reject an increase in the debt limit 20 minutes before the time when I am told that we will run out of credit that is necessary to continue. The Senator from Louisiana is right. When we run out of money, we do not go back to a permanent debt limit or fall off the edge of the bluff, but it puts the country on a cash receipts basis.

Mr. President, I want to say what I said the other day. We do not know what that means. I do not know how it is to run this Nation on a cash-receipts basis. Maybe that is too bad, but it is true. I do not know what decisions the Treasury, the President, or the courts will make about who has the authority to decide which bills will be paid and which ones will not be. I do not know who will decide what checks will go out and which ones will not in order to keep us on a cash-receipts basis. We are dealing, Mr. President, with uncertainties of the most extraordinary type and we are playing Russian roulette.

Mr. President, I have entered this motion, and I will try as calmly and dispassionately as I can to negotiate with those who have opposed this matter, with those who have managed this matter, with the White House, and any Senator who wishes to speak. But, Mr. President, one way or the other we have to face up to our responsibility to deal with this issue. It is my intention to try to do so.

NATURAL GAS DEREGULATION

Mr. BAKER. Now, Mr. President, it is my hope that we can lay down the business for tomorrow which has been announced to be the natural gas bill.

The minority leader is not on the floor, but I indicated to him—yes, he is. I would like to do that tonight.

Mr. President, that, too, is a controversial issue. It may take a long time for the Senate to deal with it. But the Senate has been on notice now for several weeks that we were going to take it up in some days and we would attempt to do it this week after we finished the debt limit.

Now, Mr. President, at this time I ask unanimous consent that the Senate proceed to the consideration of S. 1715, Calendar Order No. 330, the natural gas bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The minority leader is recognized.

Mr. BYRD. I object on behalf of another Senator.

Mr. BAKER. Mr. President, in a moment I am going to ask the Senate to recess until tomorrow. Senators will be on notice that on tomorrow there will be an effort to reach this bill either by unanimous consent or by motion.

ORDER FOR RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. There will be no more record votes tonight.

ORDER DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. I ask unanimous consent that after the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business until 10:30 a.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PRESSLER ON TOMORROW AND EXTENDING TIME FOR ROUTINE MORNING BUSINESS UNTIL 12 NOON

Mr. BAKER. Mr. President, I ask unanimous consent that after the two leaders are recognized, Mr. PRESSLER be recognized on a special order of 15 minutes and that the time for morning business extend, after the special order has expired, until 10:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, if there is no further business to come before the Senate——

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Will Senators please take their conversations out of the Chamber?

Mr. BAKER. Mr. President, I thank the Chair. Throughout the evening the Chair has done an exemplary job of keeping order on its own initiative. I congratulate him for that.

There is one matter I would like to take up which is a message from the House on Senate Joint Resolution 57.

Mr. BYRD. Mr. President, there is no objection to proceeding with the bill.

Before I remove what I now state as a reservation, I think one of the committees, may I say to the majority leader, is meeting tomorrow morning at 10 o'clock. I am just wondering if closing morning business at 10:45 might be a bit early.

Mr. BAKER. Mr. President, I am perfectly willing to change that. Does the Senator have a suggestion as to time?

Mr. BYRD. May I suggest this, and I know that the majority leader will honor this proposal, that no motion be made to proceed to anything until I am on the floor. I will be here.

Mr. BAKER. I can give the Senator my assurance of that.

Mr. President, let me say this: If there is a real need for time for general discussion tomorrow on any other business we transact, since tomorrow is Tuesday and we will have our 12 to 2 recess, I will be happy to keep the morning business in session until 12.

Mr. BYRD. I wish the Senator would do that because I have to go before a committee which is holding a meeting at my request.

Mr. BAKER. Mr. President, I amend the request so that it will be that morning business will begin at the conclusion of the special order and continue until 12 o'clock during which Senators may speak for not more than 5 minutes.

Mr. President, while I am at the——

Mr. BYRD. I have no objection to the request.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. ON TOMORROW

Mr. BAKER. I thank the Senator. Let me modify it with one addition. Since tomorrow is Tuesday, I ask unanimous consent that the Senate recess from 12 until 2 p.m. to accommodate the caucuses on both sides. That is the entire request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Now, Mr. President, tomorrow at 2 p.m. or a few minutes after that, it will be the intention of the leadership on this side to try to reach the natural gas bill by unanimous consent or by motion.

Now, Mr. President, if any Senator wishes to speak, I will provide time for that. I see none rising.

I am told that the minority leader has indicated that Senate Resolution 57 is cleared for action on this side.

NATIONAL DRUG ABUSE EDUCATION WEEK

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 57.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 57) entitled "Joint resolution to designate the week of April 3, 1983 through April 9, 1983, as 'National Drug Abuse Education Week' ", do pass with the following amendments:

Page 2, line 1, strike out "April 3, 1983, through April 9, 1983," and insert: November 2, 1983, through November 9, 1983,

Amend the title so as to read: "Joint resolution to designate the week of November 2, 1983 through November 9, 1983, as 'National Drug Abuse Education Week'.".

Mr. CHILES. Mr. President, today, the Senate is considering the House-amended version of Senate Joint Resolution 57, a resolution to authorize the President to proclaim November 2-9, 1983, as National Drug Abuse Education Week. Senate Joint Resolution 57 passed the Senate earlier this year on March 18 and at that time, the resolution specified the first week in April as National Drug Abuse Education Week. The House of Representatives, however, did not have time to act on this legislation before the end of the first week in April and because the measure was untimely, it was not enacted. Senate Joint Resolution 57, fortunately, has been revived by the House of Representatives and the date has been amended to read November 2-9, 1983. It is this amended resolution that we now have before us.

The week of November 2 through 9 was chosen as the amended date because this is the week that the Public Broadcasting Service, in conjunction with parents groups, national associdations, civic organizations, and others, is initiating a new information, education, and action program entitled "The Chemical People."

Right now, local PBS television stations and community volunteers are organizing town meetings to bring concerned parents and citizens together to view "The Chemical People," a two-part series hosted by First Lady Nancy Reagan, to be aired November 2 and 9 at 8 p.m. The November 2 segment provides evidence seeking to knock down the wall of denial about the problem of drugs behind which we too often hide. At each town meeting following the program, there will be a discussion of the local situation with a penal including such persons as judges, police, teachers, and teenagers. On November 9, the program will show how other parents, schools, and neighbors are fighting drugs and alcohol, spotlighting how a community task force can be an effective, ongoing force in the community. All 300 PBS stations throughout the Nation are cooperating with this project.

Mr. President, I am excited about "The Chemical People" project because this is precisely the kind of action that National Drug Abuse Education Week hopes to bring about. It is time we recognize that law enforcement efforts alone are not enough to guarantee our children's safety against drug abuse. "The Chemical People" gets citizens involved by focusing attention, by providing organization for those who are truly concerned, by getting parents and children talking and by getting communities moving to combat the illicit use of drugs. This important project, along with many other antidrug abuse efforts now in progress, shows the commitment many Americans have to putting an end to the drug abuse problem. Passage of Senate Joint Resolution 57 to establish National Drug Abuse Education Week will show our support for their fine work. I urge my colleagues to act favorably on this legislation.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the

Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4139. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1984, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House has signed the following enrolled bills:

S. 461. An act to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes; and

S. 552. An act to designate the Federal Building in Fort Myers, Florida, as the George W. Whitehurst Federal Building and United States Courthouse.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

At 4:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the bill—S. 1129—to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes, with amendments; it insists upon its amendments, asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PERKINS, Mr. GAYDOS, Mr. BIAGGI, Mr. ANDREWS of North Carolina, Mr. SIMON, Mr. MILLER of California, Mr. MURPHY, Mr. CORRADO, Mr. WILLIAMS of Montana, Mr. ERLENBORN, Mr. GOODLING, Mr. COLEMAN of Missouri, Mr. PETRI, Mrs. ROUKEMA, and Mr. BARTLETT as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill—H.R. 3222—making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. SMITH of Iowa, Mr. ALEXANDER, Mr. EARLY, Mr. DWYER of New Jersey, Mr. MRAZEK, Mr. CARR, Mr. WHITTEN, Mr. O'BRIEN, Mr. MILLER of Ohio, Mr. PORTER, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank act of 1945.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3231. An Act to amend the authorities contained in the Export Administration Act of 1979, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 5:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3231. An act to amend the authorities contained in the Export Administration Act of 1979, and for other purposes.

H.R. 4139. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1983, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, October 31, 1983, he had presented to the President of the United States the following enrolled bills and joint resolution:

S. 461. An act to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes;

S. 522. An act to designate the Federal Building in Fort Myers, Florida, as the "George W. Whitehurst Federal Building and United States Courthouse"; and

S.J. Res. 189. Joint resolution extending the expiration date of the Export-Import Bank Act of 1945.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM—456. A resolution adopted by the City and Borough of Sitka, Alaska supporting Alaska Lumber & Pulp Company's request for a water quality waiver from the Environmental Protection Agency; to the Committee on Environment and Public Works.

POM-457. A resolution adopted by the Wrangell Chamber of Commerce relating to the granting of Environmental Protection Agency variance for certain Alaska mills; to the Committee on Environment and Public Works.

POM-458. A resolution adopted by the National Student Nurses' Association relating to tax on school tuition; to the Committee on Finance.

POM-459. A resolution adopted by the Rocky Mountain Conference of the United Methodist Church urging Congress to create an effective vehicle of world government by which world peace may reliably be assured; to the Committee on Foreign Relations.

POM-460. A resolution adopted by the City Council of the City of Corpus Christi, Texas relating to the destruction of a civilian airliner by the Soviet Union; to the Committee on Foreign Relations.

POM-461. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Foreign Relations.

HOUSE JOINT RESOLUTION No. 1037.

"Whereas, On September 1, 1983, the Union of Soviet Socialist Republics (USSR) unmercifully and intentionally destroyed, with military force, a commercial nonmilitary aircraft carrying two hundred sixty-nine innocent passengers; and

"Whereas, There are no known survivors; and

"Whereas, Sixty-one of the passengers were American citizens, including a United States Congressman, and these individuals are deeply missed by their families, fellow Americans, and members of the United States Congress; and

"Whereas, The ruthless action by the USSR has shocked all peace-loving nations and placed a chilling factor on commercial nonmilitary air travel; and

"Whereas, This tragedy will never be forgotten; now, therefore,

"*Be It Resolved by the House of Representatives of the Fifty-fourth General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That the unjustified and ruthless actions by the U.S.S.R. are condemned.

"(2) That the responsive actions of the President of the United States in demanding a full account of the tragedy, an apology to the peace-loving nations of the world, restitution to the families of the victims, and assurance from the leaders of the U.S.S.R. that a similar tragedy will never occur again are supported.

"(3) That the international search for bodies of the victims and the flight recorder of the aircraft be unimpeded by any action of the U.S.S.R.

"*Be It Further Resolved,* That a copy of this Resolution be transmitted to the President of the United States, the Congress of the United States, and the ambassador to the United States from the U.S.S.R."

POM-462. A resolution adopted by the Legislature of the State of Arizona; to the Committee on Foreign Relations.

"SENATE MEMORIAL 1001

"Whereas, the government of the Soviet Union, from its inception, has had a callous disregard for the human rights of mankind; and

"Whereas, the government of the Soviet Union has continuously and diligently undermined representative government throughout the world; and

"Whereas, the actions of the government of the Soviet Union have brought about the direct and indirect death of millions of innocent men, women and children; and

"Whereas, the government of the Soviet Union has shown neither remorse for its barbaric activities nor evidence of worthiness to be included in the civilized community of nations. Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the United States Ambassador to the U.S.S.R. convey to the government of the Soviet Union the recommendation of the Senate of the State of Arizona that the government of the Soviet Union be exiled to Siberia and thereafter, go straight to hell.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the United States Ambassador to the U.S.S.R., the President of the United States, the President of the United States Senate and the Speaker of the House of Representatives of the United States."

POM-463. A resolution adopted by the Woman's National Auxiliary Convention of the National Association of Free Will Baptists supporting the President's views on women's rights, his stand on abortion and the equal rights amendment; to the Committee on the Judiciary.

POM-464. A resolution adopted by the Woman's National Auxiliary Convention of the National Association of Free Will Baptists supporting the President's views on women's rights, his stand on abortion and the equal rights amendment; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 566. A bill to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina State Commission of Forestry, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such commission (Rept. No. 98-286).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute and an amendment to the title:

S. 1503. A bill to release the revisionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954 (Rept. No. 98-287).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

H.R. 24. A bill to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest (Rept. No. 98-288).

By Mr. STAFFORD, from the Committee on Environment and Public Works, with amendments:

S. 452. A bill to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes (Rept. No. 98-289).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Diane K. Steed, of the District of Columbia, to be Administrator of the National Highway Traffic Safety Administration.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NICKLES (for himself, Mr. MELCHER, Mr. EXON, Mr. ZORINSKY, Mr. COCHRAN, Mr. BUMPERS, Mr. HUMPHREY, Mr. MCCLURE, Mr. STEVENS, Mr. GARN, Mr. HUDDLESTON, Mr. ANDREWS, Mr. HELMS, Mr. BURDICK, Mr. KASTEN, Mr. MATTINGLY, Mr. EAST, Mr. WARNER, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. GORTON, Mrs. HAWKINS, Mr. JEPSEN, Mr. PRESSLER, and Mr. ROTH):

S. 2029. A bill to prohibit the payment of social security benefits to aliens illegally employed or residing in the United States; to the Committee on Finance.

By Mr. GOLDWATER:

S. 2030. A bill to repeal the War Powers Resolution; to the Committee on Foreign Relations.

By Mr. MOYNIHAN:

S. 2031. A bill relating to the residence of the American Ambassador to Israel; to the Committee on Foreign Relations.

By Mr. HART:

S. 2032. A bill to designate certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

By Mr. BYRD:

S.J. Res. 191. A joint resolution to require the Office of Federal Procurement Policy to review certain procurement practices and procedures of the Department of Defense and to report its findings, conclusions, and recommendations to the Congress; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 256. A resolution calling for a Senate factfinding mission to travel to Grenada and to report back to the Senate; to the Committee on Rules and Administration.

By Mr. BYRD:

S. Res. 257. A resolution calling for a Senate factfinding mission to travel to Grenada and to report back to the Senate; placed on the calendar.

By Mr. DOLE (for himself and Mr. BAKER):

S. Res. 258. A resolution to amend rule 15 of the Standing Rules of the Senate; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself, Mr. MELCHER, Mr. EXON, Mr. ZORINSKY, Mr. COCHRAN, Mr. BUMPERS, Mr. HUMPHREY, Mr. MCCLURE, Mr. STEVENS, Mr. GARN, Mr. HUDDLESTON, Mr. ANDREWS, Mr. HELMS, Mr. BURDICK, Mr. KASTEN, Mr. MATTINGLY, Mr. EAST, Mr. WARNER, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HEFLIN, Mr. GORTON, Mrs. HAWKINS, Mr. JEPSEN, Mr. PRESSLER, and Mr. ROTH):

S. 2029. A bill to prohibit the payment of social security benefits to aliens illegally employed or residing in the United States; to the Committee on Finance.

SOCIAL SECURITY BENEFITS DISALLOWANCE ACT OF 1983

Mr. NICKLES. Mr. President today Senator MELCHER and I are introducing legislation which would prohibit illegal aliens from receiving social security benefits. This is not the first time that this issue has been before the Senate, nor do we expect it to be the last.

In February of this year, I introduced legislation, S. 595, which addressed the issue of legal and illegal aliens receiving social security benefits. When H.R. 1900, the Social Security Amendments of 1983 were adopted by the Senate, provisions affecting both classifications of aliens had been incorporated into the legislation. Through the work of a number of my colleagues, including Senators LUGAR, GRASSLEY, and BOREN, the amount of benefits which could be earned by legal aliens living abroad was restricted in the Finance Committee. When the reform package came to the full Senate for consideration, I along with 18 other Senators including Senator MELCHER, offered an amendment to prohibit illegal aliens from receiving social security benefits. A motion to table this amendment was defeated by 58 to 34 and the language was accepted by voice vote.

During conference on the Social Security Amendments of 1983, a weakened version of the language reducing benefits for legal aliens living abroad was enacted into law. However, the provision regarding illegal aliens was struck completely from the bill.

Because of the support which my colleagues and the general public have shown for this issue, Senator MELCHER and I are reintroducing the provision barring illegal aliens from receiving

social security benefits as a separate bill. We are proud to have 25 cosponsors on this measure, including Senators EXON, ZORINSKY, COCHRAN, BUMPERS, HUMPHREY, MATTINGLY, EAST, WARNER, GRASSLEY, BOSCHWITZ, HEFLIN, GORTON, MCCLURE, STEVENS, GARN, HUDDLESTON, ANDREWS, HELMS, BURDICK, KASTEN, HAWKINS, JEPSEN, and PRESSLER.

The language in this legislation is identical to the amendment we offered in March. It is in response to a GAO report (GAO/HRD-83-32) which pointed to a myriad of problems with aliens and social security law. Currently, there is nothing in the Social Security Act which prohibits illegal aliens from earning credits and collecting social security benefits. Although it is impossible to know the exact number of illegal aliens receiving social security benefits, some data is available. According to the best estimates, there are from 3.5 to 6 million illegal aliens living in the United States. There is little data on the proportion of those who have worked and even scarcer information on what percentage become vested and receive benefits. However, one study found that between 65 and 88 percent of illegal aliens interviewed had been employed in this country and had paid social security taxes on their earnings. Taking the lower of all the estimates, GAO reports that if only 1 percent of the 2.6 million illegal aliens working in this country become vested and draw benefits, it could cost the trust fund $108 million per year. If 10 percent collect benefits, it could cost the fund $1 billion per year. Indeed, this is $1 billion which the trust fund does not have.

Regardless of the exact number of illegal aliens or the cost involved, this is not an appropriate use of social security trust funds. At this time, those receiving benefits have forgone a cost-of-living adjustment until January because of the shortage in the trust fund. Employers and employees will begin paying higher social security taxes in 1984 because of the imbalance in the trust fund. With Americans making sacrifices to insure the solvency of the trust fund, it is ludicrous to continue to allow benefits to go to aliens who are both living and working in this country illegally. Congress rightly incurs the wrath of our citizens when it allows this kind of abuse to continue unchecked.

The legislation we are introducing today will address the problem in two ways. First, it prohibits social security benefits from going to any illegal alien found to be living or working in the United States by the Immigration and Naturalization Service. In 1982, approximately 970,000 illegal aliens were apprehended by the INS; of those, most leave voluntarily but some go through deportation proceedings. If an illegal alien leaves voluntarily, then he or she may still draw benefits based on their employment in the United States. Our legislation would correct this loophole which allows aliens to collect benefits which were illegally earned.

The millions of illegal aliens who are never caught by the INS will be affected by the second clause, which requires proof of legal immigrant status upon application for benefits. Before collecting social security checks, all individuals would be required to show evidence of his or her legal status during the period for which benefits are being applied. Should Congress pass legislation which gives amnesty to illegal aliens, this legislation would allow them to receive benefits based on their employment regardless of whether they were legal at the time or not.

It is my hope that the Finance Committee will take action on this legislation. During debate on the Social Security Amendments of 1983, Senator EXON and others were very clear in their dismay about losing this provision in conference. In addition, this language enjoyed the support of the Commissioner of the Social Security Administration.

I urge all 58 Senators who supported this amendment in March to cosponsor the legislation and join me in pushing for its passage, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2029

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This act may be cited as the "Social Security Benefits Disallowance Act of 1983"

DISALLOWANCE OF BENEFITS TO ALIENS NOT AUTHORIZED TO WORK IN THE UNITED STATES

SEC. 101 Title II of the Social Security Act is amended by adding at the end thereof the following section:

"SEC. 234. PROHIBITION OF BENEFITS TO ILLEGAL ALIENS.—Nothwithstanding any other provisions of this Title—

(a) An individual can only receive benefits if, at the time such individual files his or her claim for benefits, such individual can show that he or she—

(1) is a U.S. citizen, or

(2) was once a U.S. citizen but had voluntarily relinquished such status, or

(3) is an alien who has been legally admitted to work, or

(4) was once an alien who was legally admitted to work but had voluntarily relinquished such status.

(b) Subsection (a) applies only with respect to individuals who first become eligible for benefits after December, 1984.

SUSPENSION OF BENEFITS TO ILLEGAL ALIENS

SEC. 102. (a) Section 202(n) of the Social Security Act is amended by adding at the end thereof:

"(3) Notwithstanding any other provisions of this title, no monthly benefit under this section or section 223 of such Act shall be paid:

"(A) to an individual for any months for which the Attorney General notifies the Secretary that such individual is subject to—

"(i) a final order of exclusion entered under 8 U.S.C. 1226, or

"(ii) a final order of departure entered under 8 U.S.C. 1252, or

"(iii) a voluntary departure in lieu of deportation under 8 U.S.C. 1254(e); and

"(B) on the basis of wages or self-employment income which were earned by an individual during any period for which the Attorney General furnishes information sufficient for the Secretary to determine that such individual is not legally permitted to work in the United States."

(b) The amendment made by this section shall be effective with respect to monthly benefits payable for months after December 1984. Nothing in this section shall prohibit current enforcement measures.

● Mr. MELCHER. Mr. President, I join my colleague, Mr. NICKLES, in introducing this bill to prohibit social security benefits from being paid to illegal aliens.

If an illegal alien is employed illegally, allowing them to be on social security compounds a problem when they leave the country and start drawing benefits. All of us have heard from angry constituents who are appalled to learn that perhaps hundreds of millions of dollars are being paid out of the trust funds in benefits earned through unlawful employment in violation of the Immigration and Naturalization Act. The benefits drawn out are quickly more than any that were contributed by the illegal alien.

In these days of fiscal austerity, retirees are forgoing a meager 3.5 percent cost-of-living increase for 6 months while their health care, utility, and other expenses continue to escalate. And employed workers whose payroll taxes are going up are, in effect, subsidizing benefit payments to these illegal aliens. We find it hard to condone Congress allowing any questionable outgo of the trust funds to continue.

As you know, the Senate did vote overwhelmingly in March to close this loophole when it considered the social security bill. Regrettably, this section was dropped in conference.

Under our bill, applicants for social security benefits would have to show proof of legal employment and residency. This would insure that benefits under the social security system are paid only to those who earn them under legal employment. I hope that Congress can act soon to close this loophole drain on social security funds.●

Mr. MATTINGLY. Mr. President, I am pleased to join with the distiguished Senator from Oklahoma and a number of my other colleagues in cosponsoring legislation to prohibit illegal aliens from receiving social security benefits.

This subject has been voted upon previously this year by this body. In March, during consideration of the Social Security Amendments of 1983, Mr. NICKLES offered an amendment identical to this legislation. After a good deal of discussion and debate, this Senate adopted the amendment. Unfortunately, the provision was dropped in conference with the House. The elimination of the provision does not represent the elimination of the problem. It is quite to the contrary. The problem continues to exist—payments of social security benefits to aliens who entered and worked in this Nation illegally continue to put a financial strain on the system. Today, these aliens continue to receive monthly benefit checks, even if these individuals no longer reside in the United States. At the same time, hardworking, law-abiding citizens are asked, through taxes, to contribute an ever-increasing portion of their wages to support the system. Simple logic recognizes this as unjust.

When we discussed the Nickles amendment in March, I pointed out the frustrations and anger that the citizens of Georgia had expressed to me about the abuse and misuse of the social security system. This very injustice is one which they continue to call to my attention.

The citizens of this Nation should not be penalized because of inconsistent and unjust laws which, on the one hand, prohibit illegal aliens from working in the United States and, on the other, allow them to receive social security benefits on the basis of that work. The inconsistencies and contradictions in those laws should be resolved. I believe this legislation will contribute toward that resolution—and do so in the manner most fair to the citizens of this Nation.

I urge my colleagues' serious support of this measure.

By Mr. GOLDWATER:

S. 2030. A bill to repeal the War Powers Resolution; to the Committee on Foreign Relations.

REPEAL OF THE WAR POWERS RESOLUTION

● Mr. GOLDWATER. Mr. President, I am today introducing a bill to repeal the War Powers Resolution. In my opinion, the resolution is unconstitutional, but we may never have a definitive court decision on that question because the judicial branch usually ducks political questions. The courts believe these problems are better left for resoluton between the two political branches, the President and Congress.

In order to avoid a terrible constitutional confrontation at some time of grave international crisis in the future, when a firm and prompt U.S. response is required, I believe we should repeal the War Powers Resolution now. It attempts to deny flexibility to the President in the defense of American citizens and their freedoms. Even if it were not unconstitutional, the War Powers Resolution is impractical and dangerous.

It may cause hesitation at a moment in history when immediate action is necessary. It may encourage and incite this country's adversaries to take action harmful to the vital interests of the American people in the belief that the President will not be able to carry out a sustained response to foreign threats.

Not only does the War Powers Resolution attempts to restrict the engagement of U.S. military forces to no more than 60 days, except for an additional 30 days when needed to remove our forces safely, but it claims to give Congress power to order the President to remove our military units before 60 days are up. Under the terms of the War Powers Resolution, Congress can technically direct the withdrawal of American forces from hostilities 1 hour after the President has deployed them, if Congress is in session and chooses to act with such unusual speed.

Mr. President, the War Powers Resolution runs contrary to all practical experience that had been gained by the Founding Fathers during the War of Independence and by the free people of the United States in the last 207 years. Impediments erected by the Continental Congress nearly lost the Revolutionary War.

The framers of the Constitution, who met in Philadelphia in 1787, knew this fact. They understood from firsthand knowledge that the Congress, acting under the supreme military command powers vested in it by the Articles of Confederation, had disrupted and overturned General Washington's plans time after time with disastrous results. The framers wanted to break away from this bad experience and this is one reason why they made the President Commander-in-Chief of the Nation's military forces when they drafted the Constitution in 1787.

What we often forget today is that the leaders of the new Nation recognized in 1787 that the American people faced tremendous military dangers, both immediately and in the visible future. The United States was surrounded by hostile forces. Spain controlled the mouth of the Mississippi River and blocked free U.S. navigation of the river. She tried to erect a hostile Indian nation between Spanish possessions and the territories of the 13 American States.

To the north, Britain still occupied military forts in American territory in direct violation of the Treaty of Paris of 1783. Great Britain also incited Indian raids across the borders of the United States.

Even our recent ally, France, looked upon the United States as little more than a dependent client. France tried to involve us in its own foreign conflicts.

Also, U.S. trade already was traveling to all corners of the globe. John Jay commented in the Federalist Papers No. 4 that the U.S. people may well find themselves drawn into a military conflict because of commercial conflicts arising as far away as China and India.

Of course, one answer the framers provided to meeting these difficulties was national unity. But increased military powers for the National Government did not provide a complete answer. More was needed and that is why the framers established an independent Chief Executive for the Nation, the President, who was vested with all the executive power of the Nation and specifically designated as the "Commander-in-Chief."

Until the seventies, this was the overwhelming interpretation given by the American people to the Constitution. The President was seen as the national leader who decided the fundamental question of when and where to use American military forces and virtually every President carried out this responsibility. My office has collected over 200 instances in which U.S. Presidents, without any declarations of war, have ordered American military units to engage in hostilities outside the United States in the defense of American citizens and freedoms.

When Congress changed course in the early seventies and began to claim control over military decisions for itself, it brought humiliation upon the United States and severely damaged our position in the world. Congressionally legislated restrictions have led directly to the total collapse of South Vietnam, to genocide in Cambodia, and to the loss of a neutral, independent Laos. I also attribute Soviet-sponsored aggression in Ethiopia, Afghanistan, Angola, Nicaragua, and other areas as stemming in part from the perception of Russian leaders that the United States is so weakened by congressional limitations that we no longer have the ability or will to meet serious challenges while they are manageable.

We can also test the War Powers Resolution against history. What would have happened if President Franklin Roosevelt had been faced with a congressional War Powers Resolution in 1940 and 1941?

Historians are discovering through recently uncensored materials that it was only the independent and often secret actions of President Roosevelt that enabled the United States to keep some foreign opposition to Nazi Germany alive before Hitler's declaration of war on our country. Congress was not consulted when Roosevelt sent American troops to occupy and establish bases in Greenland and Iceland in

1941 and to cooperate with British Armed Forces already there. Nazi planes overflew these bases and no one knew with assurance whether or when a German attack was coming. Would Congress have extended President Roosevelt's authority to keep American marines on these islands after 60 days, as required by the War Powers Resolution? I think not. Remember, Congress had barely agreed to renew the military draft in 1940. The outcome depended on a single vote.

Would Congress have extended President Roosevelt's authority in September 1941 to order American warships to escort and protect British convoys west of Iceland and to destroy German submarines on sight, if it had been compelled to take a vote pursuant to the War Powers Resolution? Again, the answer is surely "No." Would Congress have approved of President Roosevelt's action in May 1941, when he secretly lent long-range amphibian planes to Great Britain and assigned 80 Navy airmen to help in British operations to sink the German battleship, Bismarck? Again, the answer must be "No".

The fact is that if the War Powers Resolution had been on the books in the early 40's, President Roosevelt could not have kept troops in Greenland, he could not have reinforced the Marines on Iceland, he could not have escorted British shipping in the Atlantic and he could not have taken any of the many actions which prevented a total collapse of resistance to Nazi Germany. The War Powers Resolution would have brought nothing but a total disaster to the democracies in the 40s.

Mr. President, the point is that the President of our Nation must have flexibility to resist challenges to our freedom in the early stages. The American people cannot count on an often reluctant and divided Congress to act in time to deal with the threats to our Nation's survival. The framers of the Constitution understood that the ultimate decision over the defense of American freedoms must rest with the Commander in Chief.

This is not to say that there are no checks at all on the President. The President does not inherit his position, he must be elected by the people and he must stand for reelection if he wishes to have a second term.

He must get Senate approval for his appointments executive officers and he must come to Congress for defense appropriations. Ultimately, there is the check of impeachment.

Every President knows that it is the sovereign people who retain the reins of power, but he has the sworn duty to defend, as well as uphold, the Constitution. He has the right to judge how to defend the Nation in the way he thinks best.

Mr. President, whether it is unconstitutional, as I believe, or a dangerous impediment to taking necessary actions in defense of the freedoms of our citizens and the security of our Nation, the War Powers Resolution should be repealed and that is why I have introduced this bill today. I ask unanimous consent that the text of the bill may appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, AS FOLLOWS:

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the War Powers Resolution (50 U.S.C. 1541-1548) is repealed.●

By Mr. MOYNIHAN:

S. 2031. A bill relating to the residence of the American Ambassador to Israel; to the Committee on Foreign Relations.

RESIDENCE OF AMERICAN AMBASSADOR TO ISRAEL

● Mr. MOYNIHAN. Mr. President, I am today introducing for the consideration of the Senate legislation that would require the U.S. Embassy in Israel, and the residence of the American Ambassador to Israel, to be located in the city of Jerusalem, Israel's capital.

It is a reality that Jerusalem is and shall remain the State of Israel's capital—reunited and undivided. For America to deny this is to base our foreign policy on unreality, and to pave the way to failure in the conduct of that policy.

Sadly, U.S. policy toward Israel and the Middle East has too frequently been characterized by flights of fancy and willful ignorance of reality. As I put it in an essay published last Wednesday in Newsday:

> Until the administration is willing to acknowledge the commonality of interest it shares with Israel in the region, and coordinates policy accordingly, there can be little expectation that a token military force such as our contingent of Marines in Beruit will accomplish very much.

Until the U.S. Government is able and willing to recognize which countries are our friends in the world—and which are not—we will be unable properly to exercise our responsibilities as a great power. In the Middle East, the United States needs most urgently to acknowledge, and live up to, the responsibilities occasioned by our friendship with Israel.

Among these responsibilities is an obligation to lead the free nations of the world—save one—in a return of our diplomatic missions to the capital city of Israel: Jerusalem. Today, only Costa Rica, alone among the nations of the world, locates its embassy to Israel in the city of Jerusalem. The American refusal to do the same has been at the heart of a longstanding diplomatic dispute that has complicated our bilateral relations—and undermined American policy in this vital region. I refer to the refusal by eight successive American administrations over 35 years to acknowledge that the city of Jerusalem is the capital of the State of Israel. It is a simple and profound failure on our part, one that permeates the whole of the relationship.

The United States has given, and continues to give, unintended succor and encouragement to those enemies of Israel who hope one day to be able to divide the United States from Israel, the only democratic state in the Middle East. For as long as Israel's most important friend in the world refuses to acknowledge that Israel's capital city is its own—to the extent of refusing even to permit our Ambassador to Israel to set foot in parts of that capital city—we lend credibility and dangerous strength to the lie that the State of Israel is somehow a tentative or interim arrangement. The United States therefore fosters intransigence and obstructionism, of even its own diplomatic initiatives in the continuing search for a broad settlement and peace in the Middle East.

It is accordingly in hopes of strengthening the bonds of friendship between Israel and America, and also in pursuit of the broad peace in the region that is rendered more likely as both Israel and its adversaries are reminded of the strength of those bonds, that I am introducing today this legislation requiring that the U.S. Embassy in Israel, and the residence of the American Ambassador to Israel, be henceforth located in the city of Jerusalem.

Under Israeli rule Jerusalem has flourished as it did not under Jordanian suzerainty. Today Jerusalem stands as a model of successful modern urban management. Thanks largely to the enlightened administration of Mayor Teddy Kollek, Jerusalem provides a glimpse of the harmony and prosperity the whole of the Middle East might resemble, were its people able to live and work in peace and with tolerance for diversity. Since becoming mayor in 1965, Teddy Kollek has played a unique role in sustaining cooperation and pluralism in Jerusalem despite the seemingly insurmountable political obstacles posed by Jerusalem's mosaic of religions and peoples. Jerusalem is a city in which 300,000 persons are Jews, 100,000 are Muslims and 15,000 are Christians. And it remains remarkably calm in the circumstances that surround it.

Israel's claim to Jerusalem as its capital has not been at the expense of the religious rights of access on the part of other religions. The people and Government of Israel are keenly aware of the religious meaning of Jerusalem to Christians and Muslims. And their religious prerogatives have been scrupu-

lously observed under the terms of the June 27, 1967, "protection of holy places law." But it must be acknowledged that the claims to Jerusalem of Islam and Christianity are qualitatively different from those of Judaism. This difference was defined with insight and precision in an editoral in the London Daily Telegraph on June 25, 1967, shortly after the 6-day war that led to Israel sovereignty over the whole of the city:

> To Christians and Moslems, Jerusalem is a place where supremely important things happened long ago. To them, therefore, it is an object of pilgrimage. To Jews, on the other hand, it is the living centre of their faith, of their identity as a people. To them, it is a place to be possessed, today and forever.
>
> There is no essential incompatibility between these differing needs. Jewish political possession of Jerusalem and absolute freedom of access to it by Christians and Moslems—these have always been twin declared principles of the State of Israel.

Jerusalem, in short, is the capital city of Israel. This is a fact. Though the U.S. Government does not acknowledge it, this is a fact acknowledged by standard American reference books.

If one turns to page 519 of the 1980 edition of the Encyclopedia Americana, and the entry there entitled "Israel", one reads the simple statement of fact: "Capital: Jerusalem."

More compeletely accurate is the fifth edition, published in 1981, of the Congressional Quarterly Handbook, "The Middle East." Its capsule summary of "Key Facts of Israel" includes the following:

> Capital: Jerusalem: Tel Aviv is the diplomatic capital recognized by the United States.

For it is currently the policy of the United States to treat Jerusalem as if it were a geographical and political entity altogether apart from Israel. We maintain our Embassy to Israel in Tel Aviv. In Jerusalem there is an American Consulate General which is not considered to be a part of our diplomatic mission to Israel: the consul general, in an arrangement unique in the operation of the American Foreign Service, formally reports directly to the State Department in Washington.

Furthermore, in official U.S. Government documents of numerous kinds, Jerusalem is treated as an entity apart from Israel. In the State Department's desk-top telephone directory, under the section heading "Foreign Service Post Directory", one finds the "Post" Tel Aviv listed next to "Country" Israel, and "Post" Jerusalem next to "Country" Jerusalem.

More significantly, American officials on diplomatic missions to the Government of Israel are not permitted to meet with their Israeli interlocutors if the Israeli official's offices happen to be located in the eastern portion of the city of Jerusalem.

On June 2, Deputy Assistant Attorney General Mark Richards cancelled a scheduled, long-planned meeting with Israel's Attorney General, Yitzhak Zamir, when he learned—of a sudden, as if it had been kept secret—that the justice ministry is located in the eastern section of Jerusalem. The meeting, according to the times account, had been arranged "to discuss the possiblity of Israel's accepting for trial in Israel several former Nazis and Nazi sympathizers now living in the United States."

Yet, because of the American refusal to treat Jerusalem as Israeli, the United States has been unable to complete these important discussions.

What is the effect in the world at large of this American practice of refusing to acknowledge diplomatically that Israel's capital city is Israel's capital city?

The subtle yet pernicious effect of this policy is to undermine the prominent and vociferous protestations of friendship that American Presidents and Secretaries of State issue regularly with respect to Israel. How close a friend can Israel be, after all—other nations must wonder—when the U.S. Government publishes maps that do not indicate East Jerusalem to be a part of Israel? What kind of message do we send to Israelis, and to Israel's hostile neighbors, when we refuse to send envoys to its capital?

The sending and receiving of diplomatic envoys is a demonstration of a nation's willingness to acknowledge another's existence and to engage in political and commercial intercourse with it. Moreover, it is an American tradition that the quality of our relations with other nations are reflected in the quality of our diplomatic representation. This is widely understood in the world.

As do a number of other countries, the United States recalls its Ambassador to another country as an expression of dissatisfaction with that country's government. The dispatch, or recall, of an ambassador to another country's is known in the world of international politics to be a measure of our estimation of the legitimacy of that country's government.

Since the brutal murder in 1979 by Afghan Government forces of U.S. Ambasador Adolph Dubs, for instance, and in part as a reflection of our opposition to the illegitimate Soviet-sponsored Government in Kabul, we have maintained only a charge d'affaires in Afghanistan.

Recall that among the first formal expressions of American dissatisfaction with the evil regime of Adolph Hitler in Germany was to recall Ambassador Hugh R. Wilson, in November 1938, following a savage Government-sanctioned attack on the German Jewish community.

The world community is not unaware of the fact, therefore, that a traditional measure of the quality of American relations with other countries is the nature and quality of our diplomatic representation.

Consequently, our refusal after 35 years of Israeli independence, to send an Ambassador to Israel's capital city and seat of Government, as we have done with virtually every other established government in the world, is necessarily understood in the world to be a sign of American distance from the Israeli Government and Nation.

I do not believe we are displeased, as a matter of American national policy, with either the nature of the Israel system of government or with its leaders. Israel remains one of the small number of functioning, indeed thriving, democracies in the world today.

American policy raises questions about the traditional commitment of the United States to help uphold Israel's rights as a free and independent nation. It therefore encourages in Israel's enemies the false hope that the United States can be pressured and cajoled into abandoning Israel. This in turn leads them to be more intransigent than they might otherwise be.

Should the United States also continue to say to the world, in effect, that Israel has no capital? And thus that Israel is less than a sovereign nation?

I believe not. I believe the United States should declare that it will hereforward treat Israel's capital as Israel's capital. In a formal sense, this policy change could be done in a day: The Ambassador would have simply to drive to Jerusalem and announce that the Embassy was accompanying him.

I am also persuaded that the Congress should take action to effect this policy change as soon as possible.

On September 22, during consideration of the State Department authorization bill for fiscal years 1984 and 1985, I offered an amendment requiring that the United States move its Embassy to Jerusalem. At that time the distinguished chairman of the Committee on Foreign Relations, and the ranking member of that committee, persuaded me that the matter had not properly been examined in hearings of the committee. They urged me to withdraw the amendment, which I did.

Mr. President, I would like to state for the record that I did so on September 22 on the basis of an understanding reached between myself and the chairman and the ranking member that hearings on my proposal would be held by the Committee on Foreign Relations.

I realize full well that the committee has experienced over the past 6 weeks what may have been its busiest season in a generation. The chairman had in-

dicated on the Senate floor on September 22 that he anticipated a full schedule for the subsequent several weeks, and how very right he was.

It is therefore in order to facilitate the work of the committee that I am introducing my proposal in the form of a bill. I am hopeful that the committee will be able in the coming weeks to find time for a day or two of public hearings on S. 2031. I would also like to invite Senators to join me as cosponsors of this measure if they agree with me that the American Embassy in Israel should be in the capital city of that country, Jersusalem.●

By Mr. HART:

S. 2032. A bill to designate certain additional national forest lands in the State of Colorado as components of the National Wilderness Preservation System; to the Committee on Energy and Natural Resources.

COLORADO NATIONAL FOREST WILDERNESS ACT OF 1983

● Mr. HART. Mr. President, today I am pleased to introduce the 1983 Colorado Wilderness Act, legislation to protect in its natural state nearly 733,000 acres of the most spectacular Federal land in Colorado's Rocky Mountains. This legislation will create 10 new wilderness areas in the State, adding diversity to the existing wilderness system. The bill also expands seven existing wilderness areas: adding a large variety of landforms and ecosystems, enlarging several areas to accommodate heavy usage from surrounding population centers and modifying several areas by establishing more geographically manageable boundaries. Furthermore, this legislation marks the final step in the Forest Service Roadless Area Review and Evaluation (RARE) process in Colorado.

In Colorado, 6.5 million acres were studied during the RARE I and RARE II process. This process identified roadless areas around the country and led to recommendations of each of these areas for wilderness designation, for multiple uses other than wilderness, or for further study for all uses including wilderness. This process included massive public involvement. Based on this involvement and other parts of the roadless area inventory, the Forest Service made designation recommendations to Congress.

In 1980, Congress completed and passed the Colorado Wilderness Act of 1980, adding 12 areas and 1.4 million acres to the Colorado wilderness system. The 1980 act brought the total wilderness acreage in Colorado to nearly 2.6 million acres, or roughly 4 percent of total acreage in the State. In addition, the 1980 act established 12 wilderness study areas (SWA's) and retained 6 further planning areas (FPA's). The Forest Service was then directed to study these areas in the ensuing 3 years to determine their suitability for wilderness or other uses. The Forest Service has completed its final recommendations for 6 areas and the remaining 12 will soon be final.

Thus, the legislation I am introducing today is necessary to complete designation of the areas set-aside for further study in 1980.

The decisions that Congress will make with respect to these lands are of vital concern to all Coloradans. National forest lands contribute to the quality of life Coloradans know and appreciate. These lands also provide an important source of natural resources and jobs; these lands provide watershed and fish and wildlife protection; and these lands provide numerous recreational opportunities throughout the State.

Protection of those areas in the State which have outstanding natural characteristics and high value as wilderness is of vital importance. These areas must be preserved for the benefit of all Americans now and in the future. I continue to be impressed by how important our unspoiled mountain areas are to most Coloradans. Our State is impressive in many respects, but most people think first of Colorado's mountains when they think of the State. As our cities become more crowded and as competition for our diminishing natural resources increases, the relatively few untouched areas become even more important to people. This has been proven by the increasing use of our mountains for recreation and by the growing pressure to protect additional areas while they are still pristine.

At the same time, I recognize the value and importance of many competing uses in the national forests, many which are incompatible with wilderness preservation. Our national forests provide opportunities for skiing, motorized recreation, energy, timber and water development as well as backpacking. In developing this legislation, I have sought to balance these competing interests and eliminate many potential conflicts.

Although our interests and needs in Colorado's national forest lands are varied, the 11 national forests are vast enough to accommodate many competing interests. This legislation will protect much of the most magnificent of those lands, lands which are for the most part unspoiled by human intrusion. It also leaves those lands with the most promising economic potential, as identified by the Forest service and others, free for nonwilderness uses: no mineral resources have been locked away which are not readily available now and in the foreseeable future, prime timber has been left for potential harvesting for commercial and fuelwood purposes, no planned or potential water development has been impaired by this legislation, and no proposed development or expansion of existing ski areas will be hindered by the proposed wilderness in this legislation. Moreover, I have eliminated most established, existing motorized recreational use areas, including snowmobile and trailbike trails and four wheel drive vehicle roads.

In short, this legislation reflects the best efforts of myself, and the many Coloradans who have commented and worked with me over the past several months, to balance our many interests in the public lands. Nowhere is this pursuit of balance more important than in the process by which we decide how best to manage Colorado's public lands. Balance in development, balance in preservation, and balance which will enable us to make the wisest use of this Nation's great natural wealth, both for ourselves and for future generations.

This legislation does not alter any provisions of the 1980 Colorado Wilderness Act with respect to release for multiple use, grazing, insect control, buffer zone language, or other important management decisions made during consideration of that act.

Mr. President, I wish to emphasize this legislation is a starting point for all interested parties to express their views on areas which should or should not be included in the wilderness system in Colorado. Efforts have been made to seek comment from numerous Coloradans and a wide variety of organizations representing many different interests, including conservationists, local and county government officials, and various industry and business leaders. These participants have identified certain conflicts and boundaries have been adjusted and an entire area eliminated to preserve alternative use options. I intend to maintain this contact and to continue to solicit comments from Coloradans as this legislation progresses. With their suggestions and comments a solid consensus can be established. The important point is to get the process started so the fate of many beautiful untouched areas in Colorado can be determined during this Congress.

Mr. President, political and economic pressure to develop energy and other resoures on our public lands continues to mount. Increasing needs for secure domestic supplies of energy will insure much of Colorado's land is devoted to energy and other development in coming years. At the same time, population growth in Colorado and other parts of the West points to a growing demand for wilderness recreation.

Fortunately, our public lands are vast enough that preserving additional untouched and pristine areas in the State will not prevent us from meeting other needs, inlcuding energy, water, and mineral development. I believe this legislation strikes a careful bal-

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ance between the many competing needs, preserving the best of what is special and unique about Colorado, while not inhibiting legitimate development of needed resources. This bill permits us to protect those roadless and undeveloped areas in the State, best preserved in their natural and present condition.

Mr. President, I ask unanimous consent that a description of the wilderness areas and the text of this bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Colorado National Forest Wilderness Act of 1983".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 892), and subject to the provisions of the Colorado Wilderness Act of 1980 (94 Stat. 3265) except as provided specifically in this Act, the following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) the Service Creek Wilderness Area, consisting of approximately fifty thousand five hundred and forty acres in the Routt National Forest, as generally depicted on a map entitled "Service Creek Wilderness Proposal", dated November 1983;

(2) the Buffalo Peaks Wilderness Area, consisting of approximately fifty-seven thousand and four hundred thirty acres in the Pike-San Isabel National Forests, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated November 1983;

(3) the Cannibal Plateau Wilderness Area, consisting of approximately sixty-three thousand seven hundred acres in the Uncompaghre National Forest, as generally depicted on a map entitled Cannibal Plateau Wilderness Proposal", dated November 1983;

(4) certain lands adjacent to the Mount Zirkel Wilderness Area, consisting of approximately twenty-two thousand three hundred and forty acres in the Routt National Forest, as generally depicted on a map entitled "Davis Peak Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness Area as designated by Public Law 88-577;

(5) the Fossil Ridge Wilderness Area, consisting of approximately fifty-five thousand five hundred and sixty acres in the Gunnison National Forest, as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated November 1983;

(6) the Greenhorn Mountain Wilderness Area, consisting of approximately twenty-two thousand three hundred and sixty acres in the San Isabel National Forest, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated November 1983;

(7) certain lands adjacent to the Lost Creek Wilderness Area, consisting of approximately eleven thousand acres in the Pike National Forest, as generally depicted on a map entitled "Lost Creek Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness Area as designated by Public Law 96-560;

(8) certain lands adjacent to the Raggeds Wilderness Area, consisting of five thousand five hundred acres in the Grand Mesa National Forest, as generally depicted on a map entitled "Oh Be Joyful Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness Area as designated by Public Law 96-560;

(9) the Piedra Wilderness Area, consisting of approximately forty-nine thousand one hundred eighty acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Wilderness Proposal", dated November 1983;

(10) the St. Louis Peak Wilderness Area, consisting of approximately thirteen thousand acres in the Arapahoe National Forest, as generally depicted on a map entitled "St. Louis Peak Wilderness Proposal", dated November 1983;

(11) the Vasquez Peak Wilderness Area, consisting of approximately thirteen thousand acres in the Arapahoe National Forest, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated November 1983;

(12) the Sangre de Cristo Wilderness Area, consisting of approximately two hundred and forty-eight thousand acres in the San Isabel National Forest, as generally depicted on a map entitled "Sangre de Cristo Wilderness Proposal", dated November 1983;

(13) certain lands adjacent to the South San Juan Wilderness Area, consisting of approximately thirty-two thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "South San Juan Wilderness Expansion Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness Area as designated by Public Law 96-560;

(14) the Spanish Peaks Wilderness Area, consisting of approximately nineteen thousand two hundred fifty acres in the San Isabel National Forest, as generally depicted on a map entitled "Spanish Peaks Wilderness Proposal", dated November 1983;

(15) certain lands adjacent to the Hunter-Fryingpan Wilderness Area, consisting of approximately eight thousand acres in the White River National Forest, as generally depicted on a map entitled "Spruce Creek Wilderness Proposal", dated November 1983, which are incorporated in and shall be deemed to be a part of the Hunter-Fryingpan Wilderness Area as designated by Public Law 95-237;

(16) certain lands adjacent to and near the Weminuche Wilderness Area, consisting of approximately thirty-three thousand acres in the San Juan National Forest, as generally depicted on a map entitled "West Needles and Weminuche Wilderness Expansion Proposal," dated November 1983, which are incorporated in and shall be deemed to be a part of the Weminuche Wilderness Area as designated by Public Law 93-632;

(17) the Wheeler Geologic Wilderness Area, consisting of approximately twenty-nine thousand three hundred fifty acres in the Rio Grande National Forest, as generally depicted on a map entitled "Wheeler Geologic Wilderness Proposal", dated November 1983; and

(18) certain lands adjacent to the Big Blue Wilderness Area, consisting of approximately one thousand five hundred and five acres in the Bureau of Land Management Gunnison Basin Resource Area, as generally depicted on a map entitled "American Flats Wilderness Proposal", dated November 1983, which are hereby incorporated in and shall be deemed to be a part of the Big Blue Wilderness Area as designated by Public Law 96-560.

(b) The lands depicted on the map referred to in subsection (a) (18) which are within the jurisdiction of the Secretary of the Interior and managed through the Bureau of Land Management are hereby transferred to the Secretary of Agriculture and incorporated in and deemed to be a part of the Uncompahgre National Forest.

(c) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in subsection (a) and legal descriptions of each wilderness area designated by subsection (a) with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

SEC. 3. Subject to valid existing rights, the Williams Fork Further Planning Area, Arapaho National Forest, shall be managed by the Secretary of Agriculture to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That no right, or claim of right, to the diversion and use of water from such area by the board of water commissioners of the city and county of Denver shall be prejudiced, diminished, altered, or affected by this section, and this section shall not be construed to impair, impede, or interfere with the exercise of such rights, including the exercise of such rights in a manner affecting the area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

FACTSHEET—1983 COLORADO WILDERNESS BILL

The 1983 Colorado Wildernesss Bill is necessary to determine the status of 18 Colorado areas set aside by Congress for further study following passage of the 1980 Colorado Wilderness Act. These areas include:

Twelve areas designated by Congress as Wilderness Study Areas in the 1980 Colorado Wilderness Act. Congress directed the Forest Service to review and report to Congress within three years the suitability or unsuitability of these areas for wilderness designation.

Six further Planning Areas identified by the Forest Service during the RARE II process for further study for possible inclusion in the wilderness preservation system.

The 1983 Colorado Wilderness Act proposes creation of ten new wilderness areas and modifies and expands the boundaries on seven established wilderness areas. The legislation proposes the addition of approximately 733,000 acres to the wilderness system in the State of Colorado.

The legislation is subject to existing provisions of law, agreed upon in the 1980 Colorado Wilderness Act, pertaining to release of lands not found suitable for wilderness, grazing in wilderness areas and buffer zone language.

Decisions on each area are the result of careful review of existing and potential conflicting uses, including recreational vehicle use, mineral, oil and gas, and timber.

Efforts have been made to seek comment from numerous Coloradans and a wide variety of organizations, representing many different interests, including conservationists, local and county officials and the oil and gas industry. These participants have identified certain conflicts and boundaries have been adjusted and an entire area eliminated to preserve the alternative use options. For example, portions of the proposed Sangre de Cristo Wilderness have been eliminated to preserve certain established trail bike and four wheel drive roads. Boundary adjustments were made in other areas to exclude certain known mineralized pockets and prevent obstacles to the development of potential ski areas and existing water rights in the proposed Williams Fork and St. Louis Peak Wilderness Areas.

Summary of areas incorporated in 1983 Colorado Wilderness Bill:

SERVICE CREEK

Included in the bill is a wilderness area of 50,540 acres in the Routt National Forest, Routt County, Colorado. This area is located ten miles southeast of Steamboat Springs, Colorado, and on the northernmost portion of the Gore Mountain Range. This area is home to large numbers of elk and popular for hiking, cross country skiing and other outdoor activities. This area was designated for further study in the 1980 Colorado Wilderness Act.

BUFFALO PEAKS

Included in this bill is a wilderness area of 57,430 acres in the Pike-San Isabel National Forest, in Lake, Chafee and Park Counties, Colorado. This area is located ten miles southeast of Leadville and one of the most productive bighorn sheep areas in the State of Colorado.

CANNIBAL PLATEAU

Included in this bill is a wilderness area of 63,700 acres in the Gunnison National Forest, Hinsdale County, Colorado. This area is two miles northeast of Lake City, Colorado and contains the largest alpine tundra area south of Alaska in addition to many bird and animal species.

DAVIS PEAK

Included in this bill is a wilderness area of 22,340 acres in the Routt National Forest, Routt County, Colorado. This area is located north of Steamboat Springs, Colorado and a logical addition to the established Mt. Zirkel Wilderness Area.

FOSSIL RIDGE

Included in this bill is a wilderness area of 55,560 acres in the Gunnison National Forest, Gunnison County, Colorado. This area is located eight miles northeast of Gunnison, Colorado and characterized by high peaks and stream-fed alpine lakes. It is located in proximity to several population centers and provides home for many species of wildlife including elk, mountain goats, golden eagles and peregrine falcons.

GREENHORN

Included in this bill is a wilderness area of 22,360 acres in the San Isabel National Forest, Pueblo County, Colorado. This area is located on the southern end of the Wet Mountain Range and approximately 20 miles southwest of Pueblo, Colorado. This area serves as a readily accessible and popular recreation area of south central Colorado and provides home for an abundant population of wildlife incuding but not limited to deer, Pine Marten, Bighorn sheep, elk, and greenback cutthroat trout.

LOST CREEK

Included in this bill is a wilderness area of 11,000 acres in the Pike-San Isabel National Forest, Park County, Colorado. This area is located southwest of Denver and is a geographically logical addition to the established Lost Creek Wilderness Area.

OH BE JOYFUL

Included in this bill is a wilderness area of 5,500 acres in the Gunnison National Forest, Gunnison County, Colorado. This area is located four miles northwest of Crested Butte, Colorado, and is a logical addition to the existing Raggeds Wilderness Area. This area is known for its glacial alpine meadows and valleys and provides home for an abundant population of wildlife.

PIEDRA

Included in this bill is wilderness area of 49,180 acres in the San Juan National Forest, Archuleta and Hinsdale Counties, Colorado. This area is 30 miles west of Pagosa Springs, Colorado, and provides important migration routes between summer and winter range for elk and deer as well as serving as an important watershed for nearly 41,000 acre feet of water.

ST. LOUIS PEAK

Included in this bill is a wilderness area of 13,000 acres in the Arapahoe National Forest, Grand County, Colorado. This area is approximately 60 miles west of Denver and nine miles south of Fraser, Colorado, and consists of high rugged timberline peaks.

VASQUEZ PEAK

Included in this bill is a wilderness area of 13,000 acres in the Arapahoe National Forest, Grand and Jackson Counties, Colorado. This area is approximately nine miles south of Fraser, Colorado and adjacent to the proposed St. Louis Peak Wilderness Area.

SANGRE DE CRISTO

Included in this bill is a wilderness area of 248,000 acres in the Pike-San Isabel National Forest, Saguache, Alamosa and Custer Counties, Colorado. This mountain range is five miles south of Salida, Colorado, and 30 miles northeast of Alamosa, Colorado. This area of the state is among the most prized recreational ranges and provides home for many wilderness species including black bear, cougar, elk, bighorn sheep, peregrine falcons and eagles.

SOUTH SAN JUAN

Included in this bill is a wilderness addition of 32,800 acres in the San Juan and Rio Grande National Forests, Archuleta, Mineral and Rio Grande Counties, Colordao. The V-Rock and Montezuma Peak areas are additions to the established South San Juan Wilderness Area, located some 50 miles south and east of Alamosa, Colorado and characterized as among the wildest and primitive areas of the State.

SPANISH PEAKS

Included in this bill is a wilderness area of 19,250 acres in the San Isabel National Forest, Las Animas County, Colordao. This area is located 20 miles southwest of Walsenburg, Colorado, and best known for twin volcanic peaks rising nearly 6,000 feet in elevation above the surrounding plains. This area is important to fish and wildlife populations, recreation and important drainage.

WHEELER

Included in this bill is a wilderness area of 29,350 acres in the Rio Grande National Forest, Mineral County, Colorado. This area is an addition to the established La Garita Wilderness near Creede, Colorado, and best known for the Wheeler Geologic Study Area containing unusual and spectacular rock formations.

SPRUCE CREEK

Included in this bill is a wilderness area of 8,000 acres in the White River National Forest, Pitkin County, Colorado. This area is located northeast of Aspen, surrounded on three sides by the existing Hunter-Fryingpan wilderness. It is a roadless tract, providing a critical migrating route between summer and winter range for deer and elk; in addition, Spruce Creek is the home of the declining Colorado cutthroat trout. Other reported wilderness species in the area include the mountain lion, lynx, white tailed ptarmigan, and hairy woodpecker and others. The tourist attractions of the clean air and water of this area are essential to the local economy. Aspen and Pitkin County are supportive of wilderness designation for Spruce Creek.

WEST NEEDLES AND WEMINUCHE ADDITIONS

Included in this bill is a wilderness area of 33,000 acres in the San Juan National Forest, San Juan County, Colorado. This area is located between the towns of Durango and Silverton, adjoining the western boundary of the existing Weminuche wilderness area. Split by the Narrow Gauge railroad running through the Animas River Gorge, the area's pristine beauty is enjoyed by tourists marvelling at the rugged slopes of the Animas River Gorge. Hikers, backpackers, hunters, and fishermen also enjoy the popular hiking trails and the spectacular views of the San Juan Range. The state flower of Colorado, the Colorado Columbine, grows in abundance with other wildflowers on the slopes.●

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. DECONCINI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 800

At the request of Mr. STEVENS, the names of the Senator from Illinois (Mr. PERCY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. GLENN), the Senator from California (Mr. WILSON), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of

S. 800, a bill to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1436

At the request of Mr. D'AMATO, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1436, a bill to permit the exclusion from gross income of certain work-related sick pay received by New York City police officers.

S. 1588

At the request of Mr. LEAHY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of S. 1588, a bill to eliminate the exemption for Congress from the application of certain provisions of Federal law relating to employment and privacy, and for other purposes.

S. 1821

At the request of Mr. GARN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1821, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage-backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes.

S. 1822

At the request of Mr. GARN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1822, a bill to amend the Internal Revenue Code of 1954 to encourage investments in mortgage-backed securities through trusts for investments in mortgages, and for other purposes.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. DANFORTH), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1931

At the request of Mr. DURENBERGER, the names of the Senator from North Dakota (Mr. ANDREWS) and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of S. 1931, a bill to amend the Internal Revenue Code of 1954 to revise the tax incentives for certain alcohol fuels.

S. 2014

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. STENNIS), the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. DODD), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Deliquency Prevention Act of 1974 to provide for assistance in locating missing children.

SENATE JOINT RESOLUTION 57

At the request of Mr. CHILES, the name of the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of Senate Joint Resolution 57, a joint resolution to designate the week of April 3, 1983, through April 9, 1983, as "National Drug Abuse Education Week."

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE CONCURRENT RESOLUTION 40

At the request of Mr. LEVIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 40, a concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes.

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. DOLE, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Concurrent Resolution 80, a concurrent resolution expressing the sense of the Congress that the President should take all steps necessary to bring the question of self-determination of the Baltic States before the United Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. QUAYLE, the names of the Senator from Illinois (Mr. PERCY), the Senator from Kentucky (Mr. FORD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress with respect to the urgency of extending the Japanese automobile export restraints beyond March 31, 1984, at the current level of 1,680,000 vehicles, to foster recovery and reduce high unemployment in the American automobile industry.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 180

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of Senate Resolution 180, a resolution expressing the sense of the Senate in support of affordable and decent health care for older Americans.

SENATE RESOLUTION 185

At the request of Mr. DENTON, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 185, a resolution establishing a temporary Special Committee on the Family, Youth and Children.

SENATE RESOULTION 225

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Resolution 225, a resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef.

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mr. BUMPERS) was withdrawn as a cosponsor of Senate Resolution 225, supra.

AMENDMENTS SUBMITTED

INCREASE IN PUBLIC DEBT LIMIT

TOWER AMENDMENT NO. 2473

(Ordered to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed to amendment No. 2471 previously proposed by Mr. RIEGLE and others to the joint resolution (H.J. 308) increasing the statutory limit on the public debt; as follows:

Strike all after line 4 and insert in lieu thereof the following:

to the extent consistent with national security and with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods, unreasonable restrictions imposed upon the press in Grenada shall cease. For the purpose of this section, "unreasonable restrictions" means:

(1) Unreasonably preventing the press from freely accessing news sources of its choice;

(2) Unreasonably limiting the number or representation of the press permitted to enter Grenada; and

(3) Unreasonably limiting freedom of unsupervised movement of the press in Grenada.

Provided, however, That nothing in this resolution shall be construed to require any action which jeopardizes the safety or security of United States or allied forces or citizens in Grenada, or the security of the United States; *Provided further,* That nothing in this resolution shall be construed to require that the press shall have access to or that the Department of Defense shall disclose matters set forth in Subsection (b) of the Freedom of Information Act, 5 U.S.C. 552(b); *And provided further,* that nothing in this resolution shall be construed to require that the Department of Defense shall make available to the press access to news sources to which it is not otherwise entitled under the Constitution or laws of the United States.

BAUCUS (AND OTHERS) AMENDMENT NO. 2474

Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. TOWER, Mr. DANFORTH, Mr. MELCHER, Mr. BOSCHWITZ, Mr. HEINZ, Mr. BOREN, Mr. HOLLINGS, Mr. MCCLURE, Mr. SYMMS, Mr. HEFLIN, Mr. WILSON, Mrs. HAWKINS, Mr. NICKLES, Mr. ABDNOR, Mr. EXON, Mr. BENTSEN, Mr. HECHT, Mr. ARMSTRONG, and Mr. LEVIN proposed an amendment to the bill House Joint Resolution 308, supra, as follows:

At the end of the bill, add the following new section:

NONTARIFF TRADE BARRIERS TO THE IMPORTATION OF BEEF

SEC. . (a) The Senate finds that—

(1) the United States and Japan are signatories to the General Agreement on Tariffs and Trade (hereinafter in this section referred to as "GATT");

(2) in keeping with the provisions of GATT and the general principles of free trade, the United States has given Japan broad access to many United States markets;

(3) Japan has benefited from this broad access by becoming a major United States supplier and now has a $16,000,000,000 annual trade surplus with the United States;

(4) Japan uses a system of quotas and other nontariff barriers to limit the importation of beef;

(5) such barriers force Japanese consumers to pay unreasonably high prices for beef and denies American cattlemen an opportunity to compete fairly in the Japanese market;

(6) such barriers are in violation of GATT:

(7) in 1979, the United States and Japan negotiated a bilateral agreement under which Japan would gradually increase its beef quota;

(8) such agreement expires on March 31, 1984, at which time Japan will no longer be under any agreement to increase its beef quota and the United States will no longer be under any agreement to forgo trade law remedies against Japan;

(9) negotiations are underway to establish a new bilateral agreement; and

(10) Japan's barriers to beef imports undermine the principles of free trade, reduce the income of United States cattlemen, and obstruct the development of better trade relations between the United States and Japan.

(b) It is the sense of the Senate that—

(1) in negotiations with Japan, the President and United States negotiators should insist that Japan dismantle all nontariff barriers to the importation of beef; and

(2) if negotiations do not result in satisfactory progress toward the dismantling of all such barriers by the time of the expiration of the current bilateral agreement between the United States and Japan prescribing the importation of beef into Japan, the United States Trade Representative should seek appropriate relief under United States and international trade law.

KASTEN (AND OTHERS) AMENDMENT NO. 2475

Mr. KASTEN (for himself, Mr. D'AMATO, Mr. MURKOWSKI, Mr. EAST, and Mr. DENTON) proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the end of the resolution, add the following:

Since Congress passed the Tax Equity and Fiscal Responsibility Act of 1982 with the assumption that there would be three dollars in spending cuts for every one dollar in tax increases; and

Since recent Treasury Department figures show that spending has in fact increased by $1.14 for every $1 in tax increases; and

Since the increase in federal spending has resulted in the need to increase the permanent public debt limit to $1.6 trillion; and

Since the United States is finally experiencing a strong economic recovery which would be endangered by a tax increase,

Now, therefore,

It is the sense of the Senate that no further tax increases should be enacted until Congress fulfills the pledge made one year ago to reduce spending by three dollars for every one dollar in revenue raised by the Tax Equity and Fiscal Responsibility Act of 1982.

KENNEDY (AND HATFIELD) AMENDMENT NO. 2476

Mr. KENNEDY (for himself, Mr. HATFIELD) proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the appropriate place in the Resolution add the following new section:

NUCLEAR WEAPONS FREEZE AND REDUCTIONS

SEC. . The Congress finds that the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design.

KENNEDY (AND OTHERS) AMENDMENT NO. 2477

Mr. KENNEDY (for himself, Mr. HATFIELD, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. GLENN, Mr. HART. Mr. HUDDLESTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN. Mr. PELL, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, and Mr. TSONGAS) proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

In the first degree amendment offered by Mr. Kennedy and Mr. Hatfield, strike all after "Nuclear Weapons Freeze and Reductions" and insert the following:

SEC. . (a) The Congress finds that—

(1) the greatest challenge facing the Earth is to prevent the occurrence of nuclear war by accident or design;

(2) the nuclear arms race is dangerously increasing the risk of a holocaust that would be humanity's final war; and

(3) a mutual and verifiable freeze followed by reductions in nuclear warheads, missiles, and other delivery systems is needed to halt the nuclear arms race and to reduce the risk of nuclear war.

(b) As an immediate arms control objective, the United States and the Soviet Union should—

(1) pursue an immediate and complete halt to the nuclear arms race;

(2) decide when and how to achieve a mutual verifiable freeze on the testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems; and

(3) give special attention to destabilizing weapons whose deployment would make such a freeze more difficult to achieve.

(c) Proceeding from the freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability.

COHEN (AND OTHERS) AMENDMENT NO. 2478

Mr. COHEN (for himself, Mr. NUNN, Mr. PERCY, Mr. RUDMAN, Mr. CHILES, Mr. GOLDWATER, Mr. EVANS, Mr. TRIBLE, Mr. PRESSLER, and Mr. SIMPSON) proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the appropriate place in the bill, add the following new language: "Since the greatest danger facing mankind is to prevent the occurrence of nuclear war by accident, miscalculation or design; and Since an unrestricted arms race would threaten peace and security, divert resources needed for the betterment of mankind, and undermine the mutual confidence needed to attain agreement on a new arms reductions agreement, It is therefore the sense of the Congress that:

(1) an agreement in the Strategic Arms Reductions Talks (START) should, among other restrictions, provide for significant reductions to equal levels in the aggregate number of ICBM's and SLBM's and the aggregate number of warheads deployed on these systems, with comparable reductions in other types of strategic offensive weapons, in a manner which enhances stability and deterrence;

(2) Congress supports the mutual guaranteed builddown concept, which would, if accepted by the Soviet Union, immediately cap and then significantly reduce the number of United States and Soviet strategic warheads and their overall destructive capacity.

(3) The United States should continue to press, month after month, year after year, to achieve balanced, stabilizing arms reductions, looking at the earliest possible time to

the elimination of all nuclear weapons from the world's arsenals.

GRASSLEY AMENDMENT NO. 2479

Mr. GRASSLEY proposed an amendment to the joint resolution House Joint Resolution 308, supra; as follows:

At the appropriate places, insert the following:

SEC. . (a) By March 1, 1984, the Comptroller General of the United States shall prepare and transmit to the Congress a report containing a comparison of the amounts expended to carry out each Federal program in each of the fifteen most recent fiscal years ending prior to October 1, 1983, with the amounts specified in the budgets submitted by the President for each such fiscal year and each of the four fiscal years preceding each such fiscal year that would be necessary to carry out such program in each fiscal year in such fifteen-fiscal-year period. The report shall include, for each such program and for each fiscal year in such fifteen-fiscal-year period—

(1) a determination of the amount expended to carry out such program in such fiscal year;

(2) a specification of the amount requested in the budget submitted by the President for such fiscal year to carry out such program in such fiscal year;

(3) a specification of any amount projected in the budget submitted by the President for each of the four fiscal years preceding such fiscal year that would be necessary to carry out such program in such fiscal year; and

(4) a comparison of the difference between—

(A) the amount determined under paragraph (1) for such program for such fiscal year and the amount specified under paragraph (2) for such program for such fiscal year; and

(B) the amount determined under paragraph (1) for such program for such fiscal year and any amount specified under paragraph (3) for such program for such fiscal year.

(b) By January 15, 1984, the Comptroller General of the United States shall submit to the Congress an interim report which contains the information required under subsection (a) for—

(1) all programs and activities of the Department of Defense;

(2) all programs and activities of the General Services Administration;

(3) the program of Federal old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.); and

(4) the program of hospital insurance and supplementary medical insurance benefits established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) The Director of the Office of Management and Budget and the head of each Federal department and agency shall provide the Comptroller General of the United States with access to all data and information necessary to enable the Comptroller General to prepare the reports required by this section.

DOLE AMENDMENT NO. 2470

Mr. DOLE proposed an amendment to the joint resolution House Joint Resolution 308, supra: as follows:

At the end of the bill, add the following:

At the end of Rule 15 of the Standing Rules of the Senate, add the following new paragraph:

"6. During the consideration of any bill or joint resolution affecting the statutory limit on the public debt, no amendment not germane shall be received."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the hearings scheduled on the nomination of William P. Clark to be Secretary of the Interior for November 1, 2, and 3 will begin at 9 a.m. instead of 8:30 a.m., as previously scheduled.

The hearings will be held in room SD-366 of the Dirksen Senate Office Building.

For further information regarding these hearings, you may wish to contact Mr. Gary Ellsworth of the committee staff at 224-5304.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, the Senate Select Committee on Indian Affairs has scheduled an oversight hearing on the impact that certain coal land exchanges between the Department of the Interior and western land grant railroads, the Burlington Northern and Union Pacific will have on the value of Indian-owned coal. The hearing will be held on Tuesday, November 15, at 9:30 a.m. in room SD 583, Dirksen Senate Office Building.

For further information, contact Tom Champion or Max Richtman at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ARMS CONTROL

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Arms Control of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, October 31, at 2 p.m., to hold a hearing to discuss International Communications and Information Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, October 31, first in executive session to be followed by open session, to hold a hearing on the military situation in Lebanon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, October 31, in order to receive testimony concerning S. 1870, the Credit and Debit Card Counterfeiting and Fraud Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HOME VIDEO RECORDING

● Mr. WARNER. Mr. President, I am today announcing that I have become cosponsor of S. 175, sponsored by the Senator from Arizona, Mr. DECONCINI. S. 175 will establish that home video recording is not a violation of the law.

At present, the Supreme Court has not acted on the pending case that would establish whether or not such recording can be considered a copyright violation.

Mr. President, artists who create material that others would want to record and sell for profit deserve and should receive some compensation for the sale of their creations—however, some of the means by which certain persons have proposed to collect these royalties are unfair to the 10 million honest users of video cassette recorders.

A royalty tax solution would unnecessarily interfere with the free marketplace and could cost American consumers billions of dollars over the coming decade. The royalty fee would come in the form of a special sales tax on home recorders and tapes which would go into a fund to pay royalties to owners of copyrights.

Such royalty schemes would result in significant inequities becase there is no practical way that a royalty tax can reflect the varied and growing uses of VCR's, such as making home video movies, playing back precorded tapes and time-shifting television programs to watch at another hour. These are the types of users that S. 175 seeks to protect—not those who tape copyrighted works for commercial gain in violation of the Copyright Act.●

THE FRUSTRATING JOB OF SENATOR HATFIELD

● Mr. DOLE. Mr. President, this morning's edition of the Wall Street Journal contains an article that all of my colleagues should read. The article is about my good friend and colleague, Senator MARK HATFIELD, who late last week announced that he would seek another term as the Senator from Oregon and, I hope, the chairman of the Appropriations Committee. I applaud him for the decision, and the Senator from Kansas looks forward to working with the chairman of the Appropriations Committee in the years ahead.

I ask that the article from this morning's Wall Street Journal be printed in the RECORD.

CONTINUED RESOLUTENESS ON APPROPRIATIONS

(By Leonard M. Apcar)

WASHINGTON.—About five months into his new job in 1981 as chairman of the influential Senate Appropriations Committee, Republican Sen. MARK HATFIELD talked privately of quitting the post.

"I was frustrated, I was angry, I felt betrayed," the Oregon moderate recalls. The targets of his anger were several Republican colleagues who double-crossed him on the Senate floor by supporting a time-consuming, politically sensitive anti-abortion amendment to an unrelated—but urgently needed—package of spending measures. Sen. HATFIELD had hoped to steer the legislation through the Senate without any hitches and thought that his brethren had agreed to go along.

ONLY GAME IN TOWN

"We're going to stop legislating on appropriations bills," he declared, and save those separate fights for another day. To demonstrate his resolve, he opposed the amendment, even though he had supported it in the past. But it turned out that stopping such extraneous legislating on money bills is like trying to fight the law of gravity. And despite some gains, Sen. HATFIELD remains frustrated and angry about the difficulty of obtaining what he argues are needed changes to impose orderliness and efficiency on the unwieldy appropriations process.

One problem has been that spending bills have long been the "only game in town" for lawmakers who see them as veto-proof freight trains on which to load amendments for pet projects or issues. Amendments also can be used to get popular items around reluctant committees. Another problem is that temporary, stopgap spending legislation has become used as a way to postpone difficult decisions on domestic spending issues. When the current fiscal year began Oct. 1, Sen. HATFIELD's committee—and its counterpart House panel—had failed to complete action on nine of 13 annual spending bills. To keep the money flowing, Congress had to pass a resolution to continue interim spending for such programs as defense, health, welfare, education, agriculture and foreign aid.

"The continuing resolution is a horrible way to conduct business," Sen. HATFIELD says. It totally distorts the appropriations process for the simple reason that, in effect, we're not creating a new program for the coming year. It's a patchwork, it's not a blueprint," he says.

For most agencies and departments covered by the resolution, it merely sets spending rates that keep them on hold. For Congress, the delays in getting one set of appropriations bills out the door at least means less time left for consideration of next year's measures, creating a backup. And implications of a continuing resolution can be more far-reaching.

For one thing, the resolution's very existence reflects the fact that Congress can't make difficult choices that are required to produce the 13 annual spending bills. The bills that aren't finished in time are often delayed or thwarted completely in committee by a failure to resolve important political issues or reach a compromise on an administration budget proposal. The resulting continuing resolution taken up on the Senate and House floors has evolved from a slim, technical document into a legislative behemoth of 500 pages, in some instances, and loaded with complex provisions and special-interest sweeteners. Few lawmakers understand its contents fully, though it sets spending rates for many politically important areas.

Nowhere are the problems caused by the resolutions more costly than at the Pentagon. This year, as in the past, the resolution which runs from Oct. 1 through Nov. 10, prevents the Defense Department from beginning production of new weapons or production increases. The Pentagon must delay commitments to begin production of new equipment until a separate military spending bill is enacted or some other agreement is reached.

"Planning goes out the window," says a top Pentagon budget official. In some cases, the price of a new $800 million ship can rise 0.5 percent a month while Congress makes up its mind. By one estimate, a continuing resolution costs as much as $750 million for each month it's in effect.

There also are broader frustrations for the 61-year-old Mr. HATFIELD. So much so that there was a serious question about whether he would seek a fourth term next year. He announced Friday that he will run, but he remains troubled by the Senate's sluggish pace on spending matters. And he is uneasy in his self-described role as the "leper" of the GOP who has a leading role in a Republican Senate that is more conservative than he would like.

Always to the left of the GOP's center, Mr. HATFIELD has shown little appetite for cutting the domestic programs that the Appropriations Committee funds. There have been days, he says, when money saved by cutting domestic programs, many of which he promoted, was channeled directly into military programs that he long opposed. "I said, 'Hey, why should I go in there and whack and slash and cut away in programs that I'm deeply committed to, only to have the membership come out and support additional military money that hasn't even been asked for by the administration?' "

But while pressing for what he could get, he has gone along with most of the domestic cuts as his price to be part of the team. "I felt I had to lower some of my flags at least to half-mast," he says. His hope was that others would do the same for him.

That is why, back in 1981, he wanted Republican colleagues to refrain from pushing the abortion amendment onto a complicated package that included $15 billion in spending cuts, $22 billion in supplemental spending and a continuing resolution.

Despite that experience, colleagues say, Sen. HATFIELD has succeeded in improving the efficiency of his committee. Last month, the continuing resolution for uncompleted spending bills breezed through Congress without the usual barrage of amendments. And several of the nine uncompelted measures are moving in the legislative pipeline, including defense.

Sen. HATFIELD also says that there have been some small personal victories recently. He still thinks that he may be able to stop funding of the MX missiles, which he opposes. He believes that if he hadn't pushed for the jobs bill that Congress passed earlier this year, the administration wouldn't have agreed to it. And he takes some of the credit for stalling production of a new series of chemical weapons. "It's a rear-guard action," he says of his efforts.

But Sen. HATFIELD's resistance to some administration proposals draws fire from some fellow Republicans. And he remains frustrated over the frequent political gridlock on major spending bills. This year's action on a continuing resolution was achieved only after he pleaded with his Senate colleagues to save their amendments for a less urgent measure that arrived on the floor later.

POLITICALLY FRUSTRATING

Sen. HATFIELD sees ways to improve the process but concedes that there aren't any easy solutions. Historically, spending bills originate in the House. To avoid delays, he has started work in the Senate committee even before the House has finished its measure, and he has threatened to take the bills to the floor to keep the process moving. He would like more restrictive rules to make it difficult to attach unrelated amendments or for a member to try to stop debate on a spending measure. But he adds, "We know too well that the clever minds which promulgate new rules and reforms are cleverer still in negating their effect."

So why is he likely to seek to continue in a post that he finds so procedurally and politically frustrating?

Sen. HATFIELD, who is deeply religious, recalls a trip to India and a visit with Mother Teresa. He noted the poverty and asked the nun how she struggled against it. "She told me the Lord hasn't called me to be successful, just to be faithful," Mr. HATFIELD, says. "I'm not Mother Teresa, but I take a pragmatic view and can recall that to my own role."●

THE ARGENTINE ELECTIONS

● Mr. HELMS. Mr. President, while it is not appropriate for the United States to interfere in the internal politics of Argentina, as chairman of the Western Hemisphere Subcommittee I feel some comment is in order concerning yesterday's elections in Argentina.

I suspect there is broad approval among Americans concerning the reestablishment of the representative process in Argentina. I hope the administration will take note of this progress and that our relations with Argentina will be placed on a cordial basis befitting the spirit and tone of our relations at the time of Argentine independence. As at no time before in our history, the peoples and nations of the New World must work together to foster a spirit of Pan-Americanism in order to promote peace and prosperity.

Mr. President, perhaps the most intersting development in the Argentine elections is the emergence of a strong two-party system. Judging from early election returns, it appears that the Argentine electorate voted on a remarkably careful and sophisticated basis, and favored the most democratic elements of the Peronist and Radical Parties. Another indication of that is suggested by the split balloting reported in a number of areas.

It appears that the Argentine Congress will not be dominated by a single party and that the opposition will be strong and dynamic. Whichever party gains the Presidency, a spirit of na-

tional unity and bipartisanship is needed to overcome past divisions and to meet the challenges facing the Argentine nation.

The Radical Party has had a tradition of being a democratic force concerned with the Argentine national interest. While the Peronist Party apparently did not gain the Presidency, it appears that its strong showing can lead to greater internal party strength, particularly as constructive changes and adjustments are made internally as a result of the election experience.

In all, the elections represent a promising chance for Argentina to practice responsible representative government with accountability to the electorate.

Mr. President, in my visits to Argentina, I have found a land blessed with bountiful natural resources and a sophisticated and dynamic population. I am hopeful that these elections will be a step forward for the Argentine nation to realize its historic destiny both in the New World and in the international community of nations.●

S. 2029

● Mr. PRESSLER. Mr. President, I am pleased to serve as an original cosponsor of S. 2029, legislation which would prohibit illegal aliens from receiving social security benefits. The current loopholes in our social security laws which allow aliens who have left this country to collect benefits has long troubled me.

At a time when we are asking for sacrifices on the part of so many, it is clear that the Government owes its citizens assurances that the trust fund is being closely monitored. The payment of benefits to nonresident aliens must be brought to an end.

Under the present law, illegal aliens who have been deported are prohibited from receiving social security benefits. However, aliens who leave the country voluntarily are able to collect benefits based on their illegal employment. The measure introduced today would prevent any illegal alien discovered by the INS from receiving benefits.

I am most pleased that this bill would go still further as it would require the establishment of legal resident and employment status criteria for the receipt of benefits.

As many of you know, an amendment similar to this legislative measure was passed by the Senate last year during the debate on the Social Security Amendments of 1983.

I cosponsored that amendment because I believe our social security trust fund cannot withstand illegal drains of this type. Unfortunately, our language was dropped in conference.

A recent GAO report estimates that if even 1 percent of the 3.5 to 6 million illegals living in this country draw benefits, it could cost the social security trust fund $108 million per year. A more realistic 10-percent collection rate could cost $1 billion per year.

In the face of these staggering statistics, I will wholeheartedly support this legislation and work for its speedy passage. As a member of the Senate Aging Committee and a long-time advocate of the rights of our elderly citizens, I will continue to fight to assure our senior citizens that the social security trust fund will remain solvent.●

CIVIL RIGHTS COMMISSION

● Mr. DURENBERGER. Mr. President, I was shocked and disappointed to learn Tuesday that President Reagan had "terminated the appointments" of three members of the U.S. Civil Rights Commission. His action reflects insensitivity to the importance of the Civil Rights Commission and disregard for the tireless efforts of many of my colleagues on the Judiciary Committee to resolve this dilemma.

In light of the public perception of the administration's overall civil rights records and reputation, this incident is particularly troubling.

Mr. President, the Civil Rights Commission is afloat on a sea of doubt, the time has come for us to take action and return the Commission to secure ground. Civil rights and the Civil Rights Commission are too important to our national well-being and heritage.

On October 10, this body paid tribute to America's most important civil rights' spokesman, Dr. Martin King, Jr. In setting aside Dr. King's birthday as a national holiday, we acknowledged not only Dr. King's historic accomplishments, but also the high priority of civil rights in the United States.

While that action was a momentous and encouraging step forward, today we must confront a divisive issue involving our national commitment to protect and foster those accomplishments. The future of the U.S. Civil Rights Commission is in jeopardy. The irony of this situation is a sad commentary on our ability to act to protect civil rights.

Mr. President, our Founding Fathers and Mothers, by and large, came to America fully aware of the need to protect individuals from the oppressive tendencies of government. Their beliefs were embodied in the document which forms the foundation of our Government—the Constitution.

Because of President Abraham Lincoln's commitment to "a nation conceived in liberty and dedicated to the proposition that all men are created equal," we fought a Civil War. Thereafter, we enacted the 13th, 14th, 15th, and 19th amendments to the Constitution.

Despite these constitutional promises of equality and freedom, for many years our society failed to implement these guarantees of equal rights to all citizens.

Although there was a flurry of civil rights activity during the Reconstruction Era, following the Civil War, major progress did not occur until the mid-20th century. Judicial decisions, such as *Brown* v. *Board of Education*, 347 U.S. 483 (1954), set the stage for the public awareness and discontent that was to follow in the coming decades.

But even before the Supreme Court set the court for legislative equity, a few political leaders risked their careers to the cause of civil rights. One of the civil rights movement's original and most powerful and dedicated spokesman was Hubert Humphrey. Hubert Humphrey advocated the cause of civil rights for many, many years—in the face of tremendous opposition and pressure.

Few who were present at the 1948 Democratic National Convention will ever forget the eloquent and courageous words of Hubert Humphrey in support of his party's civil rights platform:

> There are those who say to you—we are rushing this issue of civil rights. I say we are 172 years late. There are those who say—this issue of civil rights is an infringement on the States rights. The time has arrived for the Democratic Party to get out of the shadow of States rights and walk forthrightly into the bright sunshine of human rights.

The U.S. Civil Rights Commission was authorized by the Eisenhower administration in 1957. The Commission was created after years of effort, on the part of Hubert Humphrey, to establish an agency to oversee gains made in civil rights and to alert our society to new needs.

During the historic debate on the Civil Rights Act of 1957, the legislation which created the Civil Rights Commission, Hubert Humphrey recognized the importance of the action which was being taken by Congress and his unique foresight was again revealed:

> I can remember when we pleaded in the Senate for a Civil Rights Commission and when we could not even get a pleasant or courteous hearing. . . .
>
> I introduced the first bill in Congress for the establishment of a commission on civil rights. That was in the 81st Congress. The provisions in the bill on the establishment of the commission are almost identical with the provision of the bill I had introduced. If it was good enough for me in the 81st Congress—and I reintroduced it in the 82nd, 83rd, and 84th Congress and be grateful for it. . . .
>
> The provision for a Civil Rights Commission is sound, long overdue, and will be of great significance to the people of America in the days to come.

Fortunately, Hubert was able to realize a great deal of the vision he foresaw for America during the 1960's. He outlined those gains in a speech to the White House Conference in 1966:

In a few short years, we have traveled down a road studded with landmarks: historic Supreme Court decisions, legislative victories, executive actions. And as we have traveled that road, we have seen thousands of acts of heroism, large and small, by the brave and determined Americans who made that journey with us—men and women of both races struggling to secure the reality of freedom, equality and human dignity.

The Great Society brought to our Nation a series of comprehensive and effective pieces of legislation, designed to remove barriers to equal opportunity. Those laws, the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Immigration Act of 1965, and the Fair Housing Act of 1968, instituted new types of civil rights guarantees and clarified and reinforced old ones. Additionally, they established penalties for failure to comply with their requirements. Lists of affected racial and ethnic populations were formulated and women were finally entitled to protection under these laws as a result of hundreds of years of discrimination.

Despite the great progress that has been made by the civil rights effort, America remains a society that is plagued by the threat of discrimination. Franklin A. Thomas, president of the Ford Foundation, recently identified America's struggle with racism and bigotry in an address entitled, "Reflections on a Multiracial Society." I would like to read just a portion of that address for the RECORD.

America's struggle with racism has deep roots. Even before the establishment of the nation, a decision was made to rely on black slave labor as the mainstay of the southern agricultural economy. Today, we are wrestling with the consequences of that decision and with the society to which it gave rise. Substantial progress has been made. But so much more remains to be done. In a sense, the ultimate battle takes place within each of our minds. The outcome for our nation will be determined less by the achievements measured by statistics than by the attitudes with which we proceed.

There are storm clouds on my country's horizon suggesting that further progress in overcoming the legacy of discrimination will become more difficult. That is so, in part, because the obstacles are more subtle and thus, less subject to discovery and, in part, because of America's diminished self-confidence. It's not easy to be of a generous spirit when you're living in hard times and it's difficult to see your enlightened self-interest when you immediate self-interest seems threatened.

Thus, historically there exists a need to monitor and protect the gains that have been achieved in guaranteeing equal opportunity and protection. The U.S. Civil Rights Commission fulfills that need.

The purpose of the Commission can be summarized as follows: To investigate allegations that citizens of the United States are being deprived of their right to vote; to study and collect information concerning legal developments constituting discrimination or denial of equal protection under the Constitution; to appraise the laws and policies of the Federal Government with respect to discrimination or denial of equal protection of the laws under the Constitution; to serve as a national clearinghouse for information with respect to discrimination; and to submit interim reports to the President and Congress.

Although the Civil Rights Commission was originally given a lifespan of very brief duration, its invaluable service to our country became quickly apparent and that life has been extended 23 years. Once again, the time has come to restore life.

The House, acting in response to this need, considered the matter in a timely and reasonable fashion and enacted legislation well before September 30.

But, September 30 has come and gone with no action taken in this body to preserve the life of the Civil Rights Commission. As a result, the Commission now finds itself in a "wind-down" period, with little or no authority to conduct business and incredible uncertainty about its future. This is a tragic occurrence.

Equally tragic is the loss of independence the Commission has suffered as a result of the President's actions. The Commission must be free to act without fear of retribution from any branch of Government.

It is, however, not too late to rectify this situation. Senators SPECTER and BIDEN have proposed legislation which would save the life of the Civil Rights Commission. I am pleased to join my colleagues and cosponsors Senate Concurrent Resolution 78.

This legislation would transform the Civil Rights Commission into a legislative advisory body, with four members to be appointed by the House and four to be appointed by the Senate. This legislation will insure continuation of the Commission and preserve its independence. I urge my colleagues to support this effort and to act with dispatch on this issue.

Let us follow through with the commitment we made to civil rights on October 19 and restore life to the Civil Rights Commission. We cannot afford to let it die.●

OPENING UP THE JAPANESE TELECOMMUNICATIONS MARKET

● Mr. LAUTENBERG. Mr. President, a 3-year agreement between the United States and Japan opening procurement by Nippon Telephone and Telegraph to American exports is due to expire in December of this year. I believe it critically important to our domestic telecommunications equipment industry that the President and his trade advisers secure significant improvements in this agreement.

The agreement was intended to open up to American and non-Japanese competitors the $3 billion a year market created by the government-owned telephone company in Japan. Unfortunately, the results of the agreement have been less than satisfactory. Thus far, less than 1 percent of procurement by NTT has gone to American firms, despite their technological achievements and quality products.

Our domestic telecommunications industry is entering a new era of increased competition. Not withstanding any reservations we may have, divestiture of American Telephone & Telegraph Co. will soon be a fact of life. With Bell operating companies unlinked from Western Electric, AT&T's manufacturing arm; with individual businesses and consumers more likely than ever to consider the purchase of equipment from foreign suppliers; our domestic market is inviting unprecedented foreign entry. In the meantime, our industry is struggling to expand into markets abroad, including the Japanese market, said to be second in size only to our own.

Our telecommunications industry has been one of our leading high technology sectors. It can and should play an increasing role in our economy in the future. We cannot afford to subject it to stiff competition here at home, while denying it the ability to freely compete abroad. At stake is the health of our established firms, the growth of new ones, and the thousands of jobs of men and women in the industry.

Mr. President, my State is among the Nation's leaders in the manufacture of communications equipment. Some 40,000 men and women earn their livelihood in that pursuit. Thousands others are engaged in the research and development of product and the marketing of it here and abroad. The issue of trade in telecommunications equipment is an important issue for my constituents.

It is also an important issue for many of my colleagues, who have joined me in sending a letter to the President, urging him to take all possible steps to strengthen the agreement between our Nation and Japan on trade in telecommunications equipment. Mr. President, I ask that the text of the letter signed by myself and 14 of my colleagues be printed in the RECORD.

The letter follows:

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION,
Washington, D.C., October 31, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the agreement between the United States and Japan opening procurement by Nippon Telephone and Telegraph to American exports will expire in December of this year. We are writing, in advance of your planned trip to Japan, to express our strong interest in securing significant improvements in this important agreement.

The Japanese telecommunications equipment market is second in size only to our own domestic market. Government-owned N.T.T. procures over $3 billion in goods annually. It is critically important to our domestic telephone and telegraph equipment industry, and its roughly 150,000 workers, many of whom are concentrated in our states, that the Japanese market become increasingly accessible to American exports.

The advent of a competitive telecommunications policy in our nation has opened our domestic market to unprecedented foreign entry. After the divestiture of American Telephone and Telegraph Co., Bell operating companies—which purchase roughly $13 billion in equipment a year—will no longer be linked contractually to Western Electric, AT&T's manufacturing arm. Those companies will be more likely to consider purchases of foreign-made equipment. Individual consumers are already free to purchase their own terminal equipment and foreign equipment manufacturers are actively courting them. The United States imported over $600 million in telephone and telegraph equipment in 1982, almost half of that from Japan. Japan, on the other hand, imported $141 million in equipment, including radio equipment, while exporting over $1.5 billion.

Our nation's longstanding trade surplus in telecommunications equipment is threatened. Without more open markets, we risk a trade deficit in this key industry, notwithstanding our industry's technological achievements and quality products.

We want to express our disappointment that in the three years since the signing of the agreement on N.T.T. procurement, less than one percent of the more than $3 billion annual procurement, has gone to American firms. While the Japanese have taken some steps to enhance this record, particularly as we approach the expiration of the agreement, there remains considerable room for improvement. We believe there should be broadened avenues for involvement by American firms in the earliest stages of joint research and development of products that ultimately are procured by N.T.T. Moreover, we recommend the adoption of firm guidelines by which to measure progress and compliance with the terms and the spirit of the agreeement. In general, further assurances and improvements in the agreement are in order, to increase the likelihood that reliable American firms with competitive products are treated fairly.

A failure to secure an effective and fair agreement on telecommunications equipment could have grave consequences for our industry—a growing, high technology industry of the sort that will become increasingly important to our economy in the future. Moreover, failure would likely increase the call for protectionism here at home. We certainly agree that we cannot afford to subject an important industrial sector to stiff foreign competition here at home, while denying it the ability to compete abroad.

We urge you to ensure that the telecommunications equipment industry in the United States has free and open access to the market in Japan equivalent to the access offered here.

Sincerely,

Frank R. Lautenberg, Donald W. Riegle, Jr., Howell Heflin, Alan Cranston, Alan J. Dixon, Daniel K. Inouye, Ernest Hollings, Edward M. Kennedy, Daniel Patrick Moynihan, Slade Gorton, David L. Boren, Pete Wilson, Paul S. Sarbanes, Gary Hart, and William Proxmire●

LOBBY ACT OVERSIGHT HEARINGS

● Mr. DURENBERGER. Mr. President, many of my colleagues have perceived in recent years an increase in the volume and visibility of lobbying activities as an element of congressional policy deliberations. These observations are borne out by a study conducted by two political scientists from Boston College, detailed in a recent issue of the Journal of Politics. Based on their survey of, and interviews with, 200 Washington lobbying organizations, the two concluded that not only is there more lobby group activity than ever before, but that the increased activity spans virtually every lobbying technique.

I would not suggest that there is anything improper about this activity. Petitioning the Government is a right protected by the first amendment, and lobbyists often play an important role in assisting Senators with their legislative duties. Just as important for the public's interest and for Congress, however, is an accurate portrayal of such lobbying efforts.

I am concerned with the statute intended to provide for disclosure of information to the public and Members of Congress about the significant activities of professional lobbyists. By virtually all accounts this law, the 1946 Federal Regulation of Lobbying Act, has been ineffective in fulfilling the purpose for which Congress intended it. In 1954, the U.S. Supreme Court narrowed the act to avoid a finding of unconstitutionality; in doing so, the Court severely constricted the law's scope. A 1975 investigation by the General Accounting Office found that both effective administration and enforcement of the act had become almost impossible due to the Court's interpretation.

The failure of this law to do what Congress designed it to do, and the subsequent failure of Congress to come up with a reasonable alternative, has had at least two negative results. First, it has cast a shadow on the legitimate activities of the vast majority of lobbyists since the information required by the current statute so inaccurately and incompletely reflects their activities. Second, the impotence of the lobby law has kept from Congress and the public some basic information about private pressures on public issues. The act has done very little to expose the motives of interest groups and Government officials to public scrutiny and enable competing interests to mobilize. It has done little to make Government officials, especially Members of Congress, more accountable for their actions.

To further illuminate this issue, the Governmental Affairs Committee will hold oversight hearings of the Lobby Disclosure Act in November. These hearings are intended to gather and disseminate in a systematic fashion information on how lobby groups operate in a modern democracy, and to determine whether or not the Senate should again seek to rewrite the current disclosure statute. I currently have no legislation prepared on this subject and I am not yet convinced that the issue even lends itself to a legislative solution. But I am convinced that the sorry history of this law and the important area of political expression that it covers requires thorough review and study.

The scope of the hearings will be broad. The committee hopes to take testimony from representatives of the lobbying community, former members of Congress now representing private interests in Washington, various groups concerned with this issue, legal and academic scholars, and government agencies. Taking this wide approach in the context of an oversight hearing is one nonstatutory means by which the public can be informed of the legislative activities of interest groups.

The committee does not intend to single out any individual or group as having abused speech or petition freedoms. I reject a pejorative connotation of lobbying. Rather, the working premise of these hearings is one that was recently expressed by the noted economist, Robert J. Samuelson:

> The burden—and the glory, too—of modern American democracy is the proliferation of (special interest) groups. Their expansion is the natural result of the post-Depression growth of Government spending and authority. If democracy is people's right to be heard on issues that engage their interests and emotions, then government's growth could have had no other effect. Because government interferes more, it is interfered with more. Because the nature of its intervention has become more narrow and detailed, so has the nature of the political reaction.

I intend these hearings to focus on both the burden and the glory.

If any of my colleagues would like to testify or submit a statement for the record, I would appreciate their contacting me at their earliest convenience.

The hearings will be held on Tuesday, November 15 at 2 p.m. in room

SD-342 and on Wednesday, November 16 at 10 a.m. in room SD-124.

MORE EQUITABLE PAYBACK FOR RURAL/FREE-STANDING HEALTH CLINICS

● Mr. BINGAMAN. Mr. President, on October 28, 1983 I introduced a bill, S. 2024, that would change the reimbursement formula for National Health Service Corps personnel. The changes made to the formula are needed to establish a more equitable payback system that does not jeopardize primary health care in those communities financially unable to pay the Federal Government for placement of NHSC doctors, dentists, and nurses.

The companion bill to S. 2024 is H.R. 3649, introduced by my distinguished colleague, Congressman BILL RICHARDSON of New Mexico. I am pleased to join him in introducing this measure and recognize his hard work on this issue.

The NHSC provides medical personnel to health manpower shortage areas, HMSA. These medical personnel, in return for scholarship money from the Government, make a commitment that upon completion of medical school, they will go to a HMSA. The basic intent of the NHSC is to provide health professionals to medically underserved communities. Communities which are assigned a NHSC member must then pay the Federal Government for the Government's cost of educating that individual and subsequent payment of salary at that NHSC site.

The current system works to the disadvantage of the smaller clinics in that their payment to the Federal Government is comparatively large given their size, costs, revenue, and service clientele. Also, the payback policy makes no allowance for encouraging a clinic to improve or expand its service to the community. There is usually no money left for such improvements after payment to the Government.

The smaller clinics in my State of New Mexico are predominantly located in rural areas where the clinic is the only primary health care provider. Also, the 100,000 people served in New Mexico by NHSC reside in parts of the State where there is high unemployment and low per capita income. A high percentage of the patients are older New Mexicans with chronic health problems, no means of transportation, and fixed incomes. Unless the reimbursement system is changed soon, these rural health clinics will be forced to cut back on needed support services intrinsic to rural care providers such as outreach services, health and nutrition education, pharmacy services, laboratory X-ray services and transportation. Even more compelling is that these clinics may have to reduce primary health care and at the worst close down.

The administration's change in waiver policy and computation of payback precipitated this controversy. Waivers, traditionally granted if clinics were having financial hardship or serving large numbers of poor, elderly or other needy persons, would now only be granted if acts of God occurred causing large, unexpected expenditures, or because of poor financial management.

The outcry from the NHSC sites prompted HHS to reinstate its original policy and emphasize that the two new requirements would be in addition to the original law. However, the fact remains that payment is still required of these clinics and that the revised payback formula governs.

This bill would resolve an inconsistency in NHSC direction. On the one hand the goal of NHSC is to get health professionals out into medically underserved areas; yet at the same time, it declares that those communities are penalized for the very status that makes them unable to payback the Government. The question cannot be phrased as an either/or proposition; that is, either you pay the Government or you lose your doctors. Rather, the Federal Government needs to clarify what it seeks to accomplish with NHSC personnel. If the purpose is producing revenue then the sites should be placed in high employment and high per capital income areas with active economic conditions to get the most return on the Federal Government's investment. Communities without these characteristics would obviously be poor risk. The intent of NHSB however, is to target health care to those in greatest need. That purpose must be maintained.

The bill I have introduced would fulfill the NHSC's mission to assist medically underserved areas. The bill amends the payback formula to encourage fiscal responsibility of NHSC sites so they would be able to reimburse the Federal Government, but not at the expense of their existence or vital operations.

This legislation will remedy confusion in several important areas. As I have explained, the current formula follows a complicated method that is disadvantageous to the smaller NHSC clinics. Nationwide there are 500 small/freestanding clinics and in New Mexico 23 of 28 clinics are freestanding. The new formula would look to each clinic and determine what amount of payback, if any, should be waived.

The process would begin with the clinic submitting its proposed budget to HHS (NHSC) at the beginning of its fiscal year. The budget would include:

First, primary and supplemental health services needed in the HMSA served by the clinic;

Second, the costs the clinic anticipates will be incurred; and

Third, the revenue it expects will be collected from patients.

At the time of the budget submission to NHSC the clinic may request a partial or complete waiver. NHSC would then review the proposed budget and either approve or disapprove the waiver. The Secretary in making that determination would review several factors: Whether the money may be used to expand or improve a clinic's services; whether the clinic has an increase in patient population; whether the clinic needs to construct or modernize its facilities; or whether a clinic needs to improve its program or establish a necessary financial reserve. With the new basis for computation it is expected that the clinic will—because of prospective budgeting—be able to plan in advance for making the payment and at the same time have an opportunity to use its revenue to make necessary improvements if a waiver is granted.

The bill specifies that the new method will be used by clinics that have minimal or no Federal grant money and that have less than $57,000 of NHSC costs. Large NHSC clinics would still use the present formula. Large clinics are hospital or public agency sponsored and migrant health clinics and community health centers with grants of more than $57,000. A provision in the bill allows large clinics to use the new system if the Secretary so determines.

Unless this legislation is enacted, it is estimated that in New Mexico some NHSC clinics will experience close to a 300-percent increase in payment to the Federal Government. I ask to insert in the RECORD at this point a letter from the New Mexico Secretary for Health and Environment, that documents anticipated increases by the NHSC sites statewide.

The letter follows:

STATE OF NEW MEXICO,
GOVERNOR'S CABINET,
Santa Fe, July 7, 1983.

HON. JEFF BINGAMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BINGAMAN: The Bureau of Health Care Delivery and Assistance National Health Service Corps (NHSC), of June 13, 1983, issued a policy regarding a change in the payback formula and process for all "integrated" and "freestanding" NHSC sites. The new policy and subsequent enforcement by regional office staff, will have a serious effect on the continuance of Primary Health Care Service to medically underserved New Mexicans.

Title 42—The Public Health And Welfare establishes the National Health Service Corps to "improve the delivery of health services in health manpower shortage areas". Section 253(g) (b) (1) and (2) states that bills for NHSC personnel may be waived under certain conditions: for example, in those areas "in which a significant percentage of the individuals are elderly,

living in poverty, or have other characteristics which indicate inability to repay."

Previous NHSC policy regarding payback of NHSC personnel allowed for circumstance particular to the entity requesting a whole or partial waiver of NHSC payback to be a consideration in determining payback amounts. The NHSC has increasingly depended on fiscal "accountability" as the measure for deciding reimbursement levels for NHSC sites.

The most recent change in NHSC policy ignores demographic data, poverty status and other access issues in regard to payback waiver and insists that; (1) "Acts of God" and (2) "Sites inability to repay" are the rational for demanding payback. And, in the latter case "sites should realize that they are admitting their inability to provide effective financial management, are in noncompliance with the NHSC statute and are vulnerable for suspension of grant funds, reassignment of assignees, and/or termination" (see attached policy: bill waiver). It is obvious that according to the new policy, need is no longer the criteria for maintaining a NHSC program.

This change in policy will have an extreme negative impact on New Mexico clinics for three major reasons. First, unlike urban clinics where this policy was apparently site-tested, most New Mexico clinics are small, one or two physician practices which do not generate cash flow. In Hatch, for example, the new policy would require a change in payback from $17,421 (June-December 1982) to $60,555 (based on June-December 1982 data applied to new policy). That is a 248 percent increase which is also expected to be paid in full in one sum (see attached list of clinics). Second, if the intent of the new policy is not to close all clinics, the new policy assumes that clinics have alternative methods, such as grants, for hiring physicians. While this is true to some extent for Community Health Centers which receive grant awards as well as physician placement, 21 of the 29 clinics in New Mexico are freestanding sites, not Community Health Centers. The predominance of freestanding sites is a characteristic unique to New Mexico

Third, access to medical services in rural New Mexico is significantly different than access to service in urban areas. While urban clinics may close and the patient population may be referred to other clinics or public hospitals, in the areas, if rural clinics close in New Mexico there are no alternative service.

The Anaya Administration has a strong commitment to primary health care in New Mexico and the Health and Environment Department is in the process of divising a plan to support and encourage these services state wide. However, a smooth and organized transition from Federal to State support is required and we need your assistance in maintaining those Federal services until the State Legislature can be presented with this issue.

Further, while the State is willing at this time to consider a change in its relationship with these clinics, the real issue is that the new NHSC payback policy is contrary to the legislative intent behind—and stated in—the Legislation which established the National Health Service Corps. We would appreciate your assistance on this problem as well.

Thank you.

Sincerely,

ROBERT MCNEILL,
Secretary.

PRELIMINARY ESTIMATE OF IMPACT OF NEW NHSC POLICY ON NEW MEXICO CLINICS (BASED ON JUNE TO DECEMBER 1982 DATA)

Name	June 12, 1982 approximately	June 12, 1982 new policy	Percent change
Pecos Valley Medical Center	1,707	4,064	138
La Clinica de La Gente Plus 24,000	10,378	12,504	20
Dexter Dental Clinic	3,200	0	0
Clayton Health Center	11,900	16,000	34
Los Esteros Dental Clinic (Santa Rosa) 10,000 loan	4,000	4,000	0
La Clinica del Pueblo de Rio Arriba (T.A) (74,000 outstanding)	28,518	37,048	30
Truchas Service Center	1,961	3,502	79
Hidalgo Medical Services, Inc. (Lordsburg)	2,818	4,914	74
Sacramento Mountains Medical Facility, Inc. (Cloudcroft)	3,760	5,612	49
Area Human Resources Council (Silver City)	1,520	2,533	67
Alamo Navajo Health Clinic	2,600	10,000	284
Hatch Area Health Clinic	17,421	60,555	248
El Pueblo Health Services (Bernalillo)	13,811	15,865	15
Carrizozo Health Center	2,827	19,193	579
Mora Valley Health Clinic	392	6,303	1,507
Hope Medical Center (Estancia)	15,582	18,000	16
La Clinica del Norte (El Rito)	5,277	6,136	16
Gallup Family Health Center	6,071	6,904	14
Jicarilla Apache Tribe (Dulce)	500	1,000	100
Los Lunas Hospital and Training School—Pay back in full State facility			
Total	134,243	234,138	[1]74

[1] Increase.

Source: HED health planning and development division June 1983.

Mr. BINGAMAN. Nationwide, a poll taken by the National Association of Community Health Centers demonstrates an average payback increase of 230 percent for small clinics.

The Department of Health and Human Services has indicated support for this legislation as reported out of the House Subcommittee on Health and the Environment, and the Office of Management and Budget has estimated its cost to be minimal. The bill is supported by the National Association of Community Centers and the National Rural Primary Care Association.

The Department of Health and Human Services has billed many clinics for payment due February 1985. Therefore, there still is time for us to act and I urge my colleagues to join me in this effort to secure quality health care to those in need. Mr. President, I ask that the text of S. 2024 be printed in the RECORD.

The bill follows:

S. 2024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 334(a) of the Public Health Service Act (42 U.S.C. 254g(a)) is amended (A) by inserting ", if an entity described in the last sentence of this subsection," after "the entity" in paragraph (3), (B) by striking out "and" at the end of paragraph (3), (C) by redesignating paragraph (4) as paragraph (5), and (D) by inserting after paragraph (3) the following new paragraph:

"(4) the entity, other than an entity described in the last sentence of this subsection, shall pay to the United States, as prescribed by the Secretary in each calendar quarter (or other period as may be prescribed in the agreement) during which any Corps member is assigned to the entity the amount (prorated for a calendar quarter or other period) by which the fees, premiums, third party reimbursements, and other revenue which "the entity may reasonably expect to receive during an annual period, as determined under subsection (c), for the provision of primary and supplemental health services (as defined in section 330) exceeds the costs which the entity may reasonably expect to incur, as determined under subsection (c), to provide such health services during such period. The amount to be paid under this paragraph shall not exceed the amount to be paid under paragraph (3); and"

(2) Section 334(a) of such Act is amended by adding after paragraph (5) (as so redesignated) the following: "An entity required to make the payment prescribed by paragraph (3) is an entity which is a hospital, an entity of State or local government, or the recipient of a grant under section 329 or 330 unless the Secretary determines that in the case of an entity which is the recipient of a grant under section 329 or 330, the amount of the grant is less than the amount calculated under subparagraphs (A) and (B) of paragraph (3) for such entity.".

(3) Section 334 of such Act is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following:

"(c)(1) To determine for purposes of subsection (a)(4) the revenue and costs which an entity may reasonably be expected to receive and incur in an annual period for the provisions of health services, the entity shall submit to the Secretary before the beginning of such period a proposed budget which—

"(A) describes the primary and supplemental health services which are needed by the area the entity serves in such period, and

"(B) states the revenues and costs which the entity expects to receive and incur in providing such health services in such period.

"(2) From the submission under paragraph (1) and other information available to the Secretary, the Secretary shall determine—

"(A) the primary and supplemental health services needed in the area the entity serves,

"(B) the fees, premiums, third party reimbursements, and other revenues the entity making the submission may reasonably expect to receive from the provision of such services, and

"(C) the costs which the entity may reasonably expect to incur in providing such services.".

The revenues and costs determined by the Secretary shall be the revenues and costs used in making the computation under subsection (a)(4).".

(4) Section 334(a)(1) is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(b)(1) Paragraphs (1) and (2) of section 334(b) of such Act are each amended by inserting ", on a prospective or retrospective basis," after "in part".

(2) Paragraph (3) of such section is amended by inserting "and does not require payment under subsection (a)(4)" after "(1) or (2)".

(3) Section 334(b) of such Act is amended by adding at the end the following:

"(5) If the Secretary determines that an entity is eligible for a waiver under paragraph (1) or (2), the Secretary may waive the application of the requirement of subsection (a)(3) for the entity and require the

entity to make the payment required under subsection (a)(4).

"(6) The Secretary may waive in whole or in part the application of the requirement of subsection (a)(4) for an entity if the entity demonstrates to the satisfaction of the Secretary that it requires all or part of the amount payable under subsection (a)(4)—

"(A) to expand and improve its health services,

"(B) to increase the number of persons it is able to serve,

"(C) to construct and modernize facilities for the provision of its health services,

"(D) to improve the administration of its health service programs, or

"(E) to establish a financial reserve to assure that it will be able to continue to provide health services.

The Secretary may grant a waiver under this paragraph to an entity at any time on or after the date the Secretary makes the determination described in subsection (c)(2) with respect to such entity.

(c) Subsection (d) of such section 334 (as so redesignated) is amended by inserting "(1)" after "(d)" and by adding at the end the following:

"(2) The excess (if any) of the amount of funds collected in accordance with subsection (a)(2) by an entity subject to subsection (a)(4) over the amount paid to the United States in accordance with such subsection shall be used by the entity for the purposes set out in subsection (b)(6) or to recruit and retain manpower to provide health services to the individuals in the health manpower shortage area for which the entity submitted and application.".

SEC. 2. The amendments made by the first section shall apply with respect to agreements entered into under section 334 of the Public Health Service Act after the date of the enactment of this Act, but, to the extent feasible, the Secretary of Health and Human Services shall revise agreements entered into under such section 334 before such date to reflect the amendments made by the first section.●

COMMEMORATION OF REV. VICTOR R. YANITELLI'S 50TH ANNIVERSARY AS A JESUIT

● Mr. LAUTENBERG. Mr. President, on Sunday, November 6, 1983, friends and admirers of Father Victor R. Yanitelli will join him upon the occasion of his 50th anniversary as a Jesuit. The celebration marks not only Reverend Yanitelli's life dedication as a priest, but as educator, counsellor, public official, and friend.

I first met Father Yanitelli when we served together as commissioners of the Port Authority of New York and New Jersey. The commissioners often had difficult issues to resolve. When emotions at our meetings would begin to run high, Father Yanitelli had the marvelous ability of restoring calm and reason to the proceedings. I have long admired his ability to focus a discussion and get to the heart of a matter. Father Yanitelli epitomizes the finest qualities of cleric, scholar, and pragmatic participant in the civic life of the community.

Mr. President, in addition to his role as a distinguished public official, Reverend Yanitelli is an accomplished and revered figure in both the church and education circles. After his education at Fordham Preparatory School and Georgetown University, Reverend Yanitelli received his master's and Ph.D. degrees at Fordham University.

Reverend Yanitelli then served as instructor of language and philosophy at Fordham Prep School, Fordham College, and the University of Scranton. Continuing his career as an educator, Reverend Yanitelli served as an administrator in student personnel at Fordham University and Saint Peter's College. He later became president of St. Peter's College, and more recently served there as chancellor.

Father Yanitelli has also served with distinction on the boards of many community, State, and national organizations. His boundless energy and sense of service have added much to the communal life of New Jersey and the country.

The celebration of the anniversary of Father Yanitelli's entry into the Society of Jesus is indeed a happy occasion. He has served his church and his State with honor and distinction. I am pleased to join with his many friends in recognizing the Father's life of dedication.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, may I inquire of the minority leader if there is any other matter he wishes to deal with?

Mr. BYRD. Mr. President, the majority leader is very kind to ask each day. I appreciate it, because at times, we have had something on this side, but not on this day do we have anything.

Mr. BAKER. I thank the minority leader.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to and, at 11:50 p.m., the Senate recessed until tomorrow, November 1, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 31, 1983:

DEPARTMENT OF STATE

Diego C. Asencio, of Florida, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

MINISTER

Edmund Stohr, of Illinois, for the rank of minister during the remainder of the tenure of his service as the Representative of the United States of America on the Council of the International Civil Aviation Organization.

THE JUDICIARY

Lenore Carrero Nesbitt, of Florida, to be U.S. district judge for the southern district of Florida, vice C. Clyde Atkins, retired.

DEPARTMENT OF TRANSPORTATION

Mari Maseng, of South Carolina, to be an Assistant Secretary of Transportation, vice Lee L. Verstandig, resigned.

DEPARTMENT OF COMMERCE

Kenneth S. George, of Texas, to be Director General of the United States and Foreign Commercial Services (new position—Public Law 97-377, of December 21, 1982).

FEDERAL MARITIME COMMISSION

Thomas F. Moakley, of Virginia, to be a Federal Maritime Commissioner for the term expiring June 30, 1988 (reappointment).

DEPARTMENT OF JUSTICE

The following-named persons to be Commissioners of the U.S. Parole Commission for terms of 6 years:

Helen G. Corrothers, of Arkansas, vice Robert D. Vincent, resigned.

Vincent Fechtel, Jr., of Florida, vice Audrey A. Kaslow, term expiring.

Paula A. Tennant, of California, vice Cecil M. McCall, term expiring.

SENIOR FOREIGN SERVICE

The following-named career member of the Foreign Service of the Department of Agriculture for promotion into the Senior Foreign Service as indicated:

Career member of the Senior Foreign Service of the United States of America, class of Counselor:

Frank A. Padovano, of Virginia.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Major James N. Hagenson, xxx-xx-xxxx
Major David W. Jurenka, xxx-xx-xxxx
Major Donald F. Kauer, xxx-xx-xxxx
Major Jared P. Kennish, xxx-xx-xxxx
Major Michael N. Killworth, xxx-xx-xxxx
Major Richard H. Leavy, xxx-xx-xxxx
Major Juan E. Montanez, xxx-xx-xxxx
Major James N. Naylor, xxx-xx-xxxx
Major Robert J. O'Hare, xxx-xx-xxxx
Major Raymond J. Rauenhorst, xxx-xx-xxxx
Major Andrew Savanick, Jr., xxx-xx-xxxx
Major Lawrence F. Sheehan, Jr., xxx-xx-xxxx
Major Edward F. Smith, xxx-xx-xxxx
Major William K. Swarthout, xxx-xx-xxxx
Major Jack G. Thomas, xxx-xx-xxxx
Major Thomas P. Wittman, xxx-xx-xxxx
Major Nicholas C. Xenelis, xxx-xx-xxxx

LEGAL

Maj. Michael T. Hay, xxx-xx-xxxx

CHAPLAIN

Maj. Larry E. Elliott, xxx-xx-xxxx
Maj. Fay E. Miller, xxx-xx-xxxx

MEDICAL CORPS

Maj. Ronald P. Krueger, xxx-xx-xxxx
Maj. Deepak Midha, xxx-xx-xxxx
Maj. Nirmalendu K. Pandeya, xxx-xx-xxxx
Maj. Richard G. Spindler, xxx-xx-xxxx

DENTAL CORPS

Maj. Guy O. Bilek, xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in promotion grade major, under the provisions of section 531, 532, and 533, title 10, United States Code:

Adams, William G., xxx-xx-xxxx
Schumacher, Walter F., xxx-xx-xxxx

The following-named Reserve Officers Training Corps for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 531, 532, 533, 2106, and 2107, title 10, United States Code:

Amato, John M., xxx-xx-xxxx
Dawson, Wallace H., xxx-xx-xxxx

The following-named distinguished honor graduates of Officer Candidate School for the appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 531, 532, and 533, title 10, United States Code:

Martin, Van N., xxx-xx-xxxx
Nichols, Richard A., xxx-xx-xxxx
Sartain, Samuel D., xxx-xx-xxxx

The following-named offices for appointment in the Regular Army of the United States under the Defense Officer Personnel Management Act (DOPMA), in their active duty grades, under the provisions of section 531, 532, and 533, title 10, United States Code:

To be lieutenant colonel

Bartlett, Charles M., xxx-xx-xxxx
Provence, Dennis E., xxx-xx-xxxx
Williams, Carol D., xxx-xx-xxxx

To be major

Garcia Robert, xxx-xx-xxxx
Vanarsdale, Layne A., xxx-xx-xxxx

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of section 531, 532, and 533, title 10, United States Code:

To be major

Stovall, Michael, xxx-xx-xxxx

To be captain

Acker, Christopher A., xxx-xx-xxxx
Allison, Ralph E., Jr., xxx-xx-xxxx
Arnold, William G., xxx-xx-xxxx
Aswell, Paul L., xxx-xx-xxxx
Aycock, Robert H., xxx-xx-xxxx
Baggott, Christopher L., xxx-xx-xxxx
Bailey, Ernest M., xxx-xx-xxxx
Battle, James H., xxx-xx-xxxx
Beil, William E., Jr., xxx-xx-xxxx
Bell, Robert M., xxx-xx-xxxx
Bodenhamer, Beverly R., xxx-xx-xxxx
Bosko, Victor J., xxx-xx-xxxx
Braaf, Sylvia R., xxx-xx-xxxx
Brooks, William C., xxx-xx-xxxx
Brophy, Thomas F., Jr., xxx-xx-xxxx
Brosnan, William D., xxx-xx-xxxx
Broughall, Stephen E., xxx-xx-xxxx
Burnett, Thomas R., xxx-xx-xxxx
Bush, Frank P., Jr., xxx-xx-xxxx
Bush, Manzel S., xxx-xx-xxxx
Camilletti, Michael H., xxx-xx-xxxx
Cantu, Ricardo M., xxx-xx-xxxx
Carney, Michael F., xxx-xx-xxxx
Cass, Steven L., xxx-xx-xxxx
Chaikin, Hal, xxx-xx-xxxx
Cleary, Gerald J., II, xxx-xx-xxxx
Coffman, Donna L., xxx-xx-xxxx
Council, Terry R., xxx-xx-xxxx
Cox, Logan I., III, xxx-xx-xxxx
DeWitt, Kelly E., xxx-xx-xxxx
Dodd, David D., xxx-xx-xxxx
Erickson, Dennis D., xxx-xx-xxxx
Fague, Richard A., xxx-xx-xxxx
Fast, Barbara G., xxx-xx-xxxx
Faughnan, Michael J., xxx-xx-xxxx
Florence, Phillip, xxx-xx-xxxx
Frandsen, Robert D., xxx-xx-xxxx
Fuller, Robert L., xxx-xx-xxxx
Gahagan, Larry D., xxx-xx-xxxx
Garrett, Wayne S., xxx-xx-xxxx
Gee, Robert W., xxx-xx-xxxx
Geraci, Richard V., xxx-xx-xxxx
Gibbons, Robert T., xxx-xx-xxxx
Gray, Xavier D., xxx-xx-xxxx
Hannon, Richard J., xxx-xx-xxxx
Hanson, Peter H., xxx-xx-xxxx
Harness, Steven M., xxx-xx-xxxx
Harwood, Thomas P., xxx-xx-xxxx
Hayduk, Stephen C., xxx-xx-xxxx
Henderson, Edward S., xxx-xx-xxxx
Hodges, Alexander G., xxx-xx-xxxx
Hoidahl, Robert I., Jr., xxx-xx-xxxx
Jahrsdoerfer, Stephen R., xxx-xx-xxxx
James, Norman E., xxx-xx-xxxx
Jordon, Ronald M., xxx-xx-xxxx
Kaulius, Mark R., xxx-xx-xxxx
Keefe, Daniel J., xxx-xx-xxxx
Kerrick, Stephen W., xxx-xx-xxxx
Kjer, James T., xxx-xx-xxxx
Knapp, Steven A., xxx-xx-xxxx
Krum, Eric L., xxx-xx-xxxx
Kubicki, Frank, xxx-xx-xxxx
Landry, Alan D., xxx-xx-xxxx
Larson, Milton R., xxx-xx-xxxx
Lawson, Harold F., xxx-xx-xxxx
Lozier, Glen J., xxx-xx-xxxx
Martinez, Leo A., xxx-xx-xxxx
Mason, Elmer J., xxx-xx-xxxx
Maziarka, Russell J., xxx-xx-xxxx
McGann, Denise R., xxx-xx-xxxx
McMillan, Joseph B., xxx-xx-xxxx
McNair, Susan A., xxx-xx-xxxx
Mejias, Carlos E., xxx-xx-xxxx
Montgomery, Bennie xxx-xx-xxxx
Moore, Nina M. A., xxx-xx-xxxx
Morgan, Edwin C., xxx-xx-xxxx
Neely, Steven L., xxx-xx-xxxx
Patterson, William R., xxx-xx-xxxx
Pedone, Joseph E., xxx-xx-xxxx
Phillips, William D., xxx-xx-xxxx
Puchon, Charles A., Jr., xxx-xx-xxxx
Reiter, Bruce N., xxx-xx-xxxx
Robinson, James G., xxx-xx-xxxx
Rodriguez, Carlos xxx-xx-xxxx
Rodriguez, Jose M., xxx-xx-xxxx
Ryan, Thomas M., xxx-xx-xxxx
Saul, Lawrence H., xxx-xx-xxxx
Saulsbery, Thomas B., xxx-xx-xxxx
Schwab, Daniel xxx-xx-xxxx
Schmitt, Joseph K., xxx-xx-xxxx
Self, Keith A., xxx-xx-xxxx
Shull, Patrick, xxx-xx-xxxx
Simpson, Larry L., xxx-xx-xxxx
Smith, Carolyn E., xxx-xx-xxxx
Smith, Kenneth E., xxx-xx-xxxx
Soltero, Mark A., xxx-xx-xxxx
Stahl, David T., xxx-xx-xxxx
Stallings, Joseph L., xxx-xx-xxxx
Stibrany, Charles, xxx-xx-xxxx
Terrill, Marilyn E., xxx-xx-xxxx
Thomas, Alvin J., xxx-xx-xxxx
Thompson, Lee A., xxx-xx-xxxx
Thompson, Lewis H., Jr., xxx-xx-xxxx
Thompson, Linda I., xxx-xx-xxxx
Thompson, Michael D., xxx-xx-xxxx
Toms, Leslie P., xxx-xx-xxxx
Tucker, Donald G., xxx-xx-xxxx
Uldricks, Dennis G., xxx-xx-xxxx
Ward, Bonita R., xxx-xx-xxxx
Ward, Rodney G., xxx-xx-xxxx
Webb, Harold W., xxx-xx-xxxx
Weiner, Ben W. K., xxx-xx-xxxx
Weiss, Alfred G., xxx-xx-xxxx
Welch, Billy H., xxx-xx-xxxx
Wilkie, James B., IV, xxx-xx-xxxx
Wright, Anthony W., xxx-xx-xxxx
Zilversmit, Ephraim B., xxx-xx-xxxx
Zimmerman, Keith L., xxx-xx-xxxx

To be first lieutenant

Alemany, Walter A., xxx-xx-xxxx
Bruzese, Victoria M., xxx-xx-xxxx
Calhoun, Patrick A., xxx-xx-xxxx
Clay, Steven E., xxx-xx-xxxx
Colson, Robert P., xxx-xx-xxxx
Conner, Clifford D., xxx-xx-xxxx
Contarino, Joseph, III, xxx-xx-xxxx
Coons, Michael K., xxx-xx-xxxx
Cory, Rennie M., Jr., xxx-xx-xxxx
Crosby, William T., xxx-xx-xxxx
Cugno, Ronald J., xxx-xx-xxxx
Dalessandro, Robert J., xxx-xx-xxxx
Discavage, Gregory D., xxx-xx-xxxx
Duncan, Ronald M., xxx-xx-xxxx
Edens, Arvel J., Jr., xxx-xx-xxxx
Edrington, Michael G., xxx-xx-xxxx
Fagan, William J., xxx-xx-xxxx
Fiacco, Anne, xxx-xx-xxxx
Filipowicz, Stephen J., xxx-xx-xxxx
Finnegan, Sean M., xxx-xx-xxxx
Garcia, William, xxx-xx-xxxx
Garrett, Anthony R., xxx-xx-xxxx
Gonzales, Steven M., xxx-xx-xxxx
Greene, Danny E., xxx-xx-xxxx
Guadalupe, Jose A., xxx-xx-xxxx
Higgins, Michael R., xxx-xx-xxxx
Irons, Tracheta L., xxx-xx-xxxx
King, Earl B., xxx-xx-xxxx
Lanier, Susan M., xxx-xx-xxxx
Longo, Edward C., xxx-xx-xxxx
Martin, Jimmy E., xxx-xx-xxxx
Miller, Daniel L., xxx-xx-xxxx
Newyear, Daniel A., xxx-xx-xxxx
Paradiso, Richard A., Jr., xxx-xx-xxxx
Parker, James P., xxx-xx-xxxx
Patykula, Joseph A., xxx-xx-xxxx
Perkins, Nathaniel W., xxx-xx-xxxx
Peterson, Craig A., xxx-xx-xxxx
Ratcliffe, Edward, xxx-xx-xxxx
Rembish, Raymond C., Jr., xxx-xx-xxxx
Rodriguez, Alfonso A., xxx-xx-xxxx
Rosati, Russell A., xxx-xx-xxxx
Scarbrough, Jess A., xxx-xx-xxxx
Smith, William P., xxx-xx-xxxx
Stephenson, Edward R., Jr., xxx-xx-xxxx
Thomas, Dwayne L., xxx-xx-xxxx
Thompson, Gus H., xxx-xx-xxxx
Trumps, Thomas H., xxx-xx-xxxx
Verville, Michael R., xxx-xx-xxxx
Vosler, James I., xxx-xx-xxxx
Westgate, Molly J., xxx-xx-xxxx
Wheeler, William P., xxx-xx-xxxx
Whitehead, Kathleen L., xxx-xx-xxxx
Willis, Paul A., xxx-xx-xxxx
Winget, Kingston M., xxx-xx-xxxx

To be second lieutenant

Alvarez, Michael R., xxx-xx-xxxx
Anderson, Neil A., xxx-xx-xxxx
Appleberry, Audrey L., xxx-xx-xxxx
Billings, Roger S., xxx-xx-xxxx
Bishop, Angela M., xxx-xx-xxxx
Borgh, George L., xxx-xx-xxxx
Butler, Patrick C., xxx-xx-xxxx
Daviston, Duane K., xxx-xx-xxxx
Drury, Robert C., xxx-xx-xxxx
Epperson, Harold L., xxx-xx-xxxx
Fletcher, Charles D., xxx-xx-xxxx
Gensure, David W., xxx-xx-xxxx
Grable, Dean A., xxx-xx-xxxx

Harris, Terry R., xxx-xx-xxxx
Hedly, John W., xxx-xx-xxxx
Kuehl, Mark S., xxx-xx-xxxx
Lietz, Lloyd W., xxx-xx-xxxx
McCulloch, Ralph K., Jr., xxx-xx-xxxx
McKenney, John L., Jr., xxx-xx-xxxx
Nelson, Mark A., xxx-xx-xxxx
Stephens, Garry M., xxx-xx-xxxx
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EXTENSIONS OF REMARKS

THE 200TH ANNIVERSARY OF THE ARRIVAL OF FIRST DIPLOMATIC REPRESENTATIVE FROM THE NETHERLANDS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Monday, October 31, 1983

● Mr. MATHIAS. Mr. President, today affords us an appropriate opportunity to reaffirm our ties of friendship with the Dutch people, as we mark the 200th anniversary of the arrival of the first diplomatic representative in the United States from the Netherlands.

It was on October 31, 1783, that the 8th Continental Congress, meeting in Princeton, N.J., received Peter John Van Berckel as the "minister plenipotentiary from their high mightinesses the states general of the Netherlands," thus beginning our longest unbroken, peaceful relationship with another nation.

Only the day before had Congress received word from Paris that the final treaty had been signed, ending hostilities with the British Empire and recognizing the American colonies as free and independent. British troops were still in our territories, awaiting evacuation. We were still a confederation of separate and sovereign states, not yet bound as one nation by the Constitution, which was 6 years in the future. Although several Federal governmental functions had been undertaken, such as the establishment of a postal service, there was no fixed capital city and no permanent seat of Government. The Congress moved about from city to city, holding its meetings in Annapolis, Philadelphia, Trenton, Princeton, or other places.

It was not incidental that the Dutch were among the first to confer formal recognition on the United States, for their own struggle for independence preceded and paralleled our own. They had been the first to salute our flag, many Dutch families had come to help build the new world, and it was to Dutch merchant bankers that we turned for badly needed funds during the war for independence. Thus, our ties with Holland were already knitted when Peter John Van Berckel was dispatched to the infant United States as our first minister from the Netherlands. He was a man of distinction and high repute in his homeland, burgomaster of the city of Rotterdam and a deputy in the States General.

Van Berckel began a long tradition of Dutch envoys of exceptional character and distinction, a tradition ably continued through the years and upheld today by His Excellency Dr. Jan Hendrik Lubbers. I am happy to have this bicentennial opportunity to renew our welcome, our respect and our friendship for Ambassador Lubbers and for the Queen of the Netherlands and for all the Dutch people he so well represents.

I submit for the RECORD excerpts from the Secret Journals of the Acts and Proceedings of Congress recording the preparations made for receiving this important emissary, and the greetings exchanged on that occasion.

The material follows:

OCTOBER 25, 1783

The President having this day laid before Congress a letter from the honourable P. J. Van Berckel, enclosing a copy of a letter of credence, by which it appears that he is appointed minister plenipotentiary from their high mightinesses the states general of the United Netherlands to the United States of America; and the said minister having requested to be informed when and where Congress will admit him to an audience,

Resolved, That the said honourable P. J. Van Berckel be received as minister plenipotentiary from their high mightinesses the states general of the United Netherlands; and that, agreeably to his request, he be admitted to a publick audience in Congress.

That the Congress room in Princeton, on Thursday next at noon, be appointed as the time and place for such audience.

That the superintendent of finance and secretary at war, or either of them, perform on this occasion the duties assigned to the secretary for foreign affairs in the ceremonial respecting foreign ministers; and that they inform the supreme executives of New Jersey and Pennsylvania, his excellency the commander in chief, the honourable the minister plenipotentiary of France, and such civil and military gentlemen as are in or near Princeton, of the publick audience to be given to the honourable the minister plenipotentiary of their high mightinesses the states general of the United Netherlands.

Ordered, That the superintendent of finance and secretary at war, or either of them, take order for an entertainment to be given at the publick expense to the honourable P. J. Van Berckel, minister plenipotentiary of their high mightinesses the states general of the United Netherlands to the United States of America, on Thursday next, the day assigned for the publick audience of the said minister.

A Copy of the Ceremonial on the reception of Foreign Ministers, with which Mr. Van Berckel was furnished by order of Congress.

When a minister plenipotentiary or envoy extraordinary shall arrive within any of the United States, he shall receive at all places where there are guards, sentries and the like, such military honours as are paid to a general officer of the second rank in the armies of the United States.

When he shall arrive at the place in which Congress shall be, he shall wait upon the President, and deliver his credentials, or a copy of them.

Every minister, on his being admitted to his first audience, shall be introduced by the secretary for foreign affairs to a seat provided for him facing the President of Congress, the President and members being seated, and the President covered, the minister being uncovered, and so to remain, unless he be of the rank of an ambassador.

The minister being seated, shall deliver his letter of credence to the secretary of Congress by his own secretary, who shall stand by him during his audience. If the minister chooses to address Congress, he shall rise when he speaks.

The letter of credence being delivered by the secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its own original language, and then present a translation of it to the secretary of Congress, who shall read the same: upon which, the President, after reading his answer uncovered, shall deliver the same to the secretary of Congress, who shall present it to the minister, who shall rise to receive it.

The minister then shall be reconducted to his carriage by the secretary for foreign affairs.

If the minister is of the rank of an ambassador, ordinary or extraordinary, he shall be covered when he takes his seat. In that case too, the President shall rise when the ambassador is introduced, and also when he reads his answer.

In any subsequent publick audience of a foreign minister, the same ceremonial shall be observed, except so far as relates to the delivery and reading the credentials.

Every minister, after his first audience, shall pay the first visit to the President and other members of Congress.

A foreign minister, on his arrival at the place where Congress shall reside, shall be informed by the secretary for foreign affairs, that if in any audience he shall choose to speak, it will be necessary previously to deliver in writing to the President what he intends to say at the audience; and if he shall not incline thereto, it will, from the constitution of Congress, be impracticable for him to receive an immediate answer.

All speeches or communications in writing may, if the publick minister choose it, be in the language of their repective countries; and all replies or answers shall be in the language of the United States.

OCTOBER 29, 1783

A letter of the 26th from the honourable P. J. Van Berckel was read: Whereupon,

Resolved, That the audience to be given to the said minister be postponed till Friday next.

OCTOBER 31, 1783

According to order, the honourable P. J. Van Berckel, minister plenipotentiary from their high mightinesses the states general of the United Netherlands, was admitted to an audience.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

And upon being introduced, he addressed Congress in a speech, in French, of which the following is a translation:

Gentlemen of the Congress,

Previous to my laying before you the commission with which their high mightinesses the states general of the United Netherlands have honoured me, permit me to express the joy I feel on finding myself this day in this assembly, and meeting those illustrious men whom the present age admires, and whom posterity will always point to as models of patriotism, and whose merits eternity itself can alone recompense.

While all Europe kept its eyes fixed on your exploits, their high mightinesses could not refrain from very seriously interesting themselves therein, recollecting, as they always did, the dangers and difficulties to which their forefathers were subjected before they could free themselves from the yoke in which they were inthralled. They knew better than any other the worth of independence; and they knew how to set a just value of the greatness of your designs. They applauded your generous enterprise, which was inspired by a love of your country, conducted with prudence, and supported with heroick courage; and they rejoiced at the happy success which crowned your labours.

In order to convince you of their affections, and the part they take in whatever regards your republick, my masters have charged me to congratulate you on the accomplishment of your desire, which had for its object the power of your own absolute will, and the enjoyment of that inestimable and natural treasure which places you in the rank of sovereign and independent powers.

How flattering is it to me to find myself this day the organ and interpreter of the sentiments and dispositions of my masters, and to have it in my power to assure you on their behalf, that there is nothing which they more ardently wish than the happiness of your republick and the establishment of the union of your states! May this union, founded on the principles of true patriotism and a love for the publick good, be cemented in such a manner that neither false ambition, jealousy or private interest may ever be able to do it the least injury! May the administration of a wise and prudent government dispense happiness and plenty among the people, and give them a glory extended from pole to pole, and lasting as ages.

Gentlemen,

Their high mightinesses are not content with sending compliments of congratulation, which are in themselves unfruitful, but being convinced that an intercourse of commerce and mutual good will are the surest means of binding closer the sacred bands of friendship, which already unite you together, they have commanded me to assure you, that they have nothing nearer at heart than to labour effectually to render this friendship fruitful and profitable; and to contribute as far as possible to the aggrandisement of an ally, from whom they promise themselves the same efforts.

This is a sketch, but a very feeble and imperfect sketch, of the sentiments of my masters, whose sincerity surpasses expression, but which is however manifested in the letter which I shall have the honour to deliver to you. This, gentlemen, this is the purpose of the mission with which they have honoured me. May it be in my power worthily to answer their expectations, and at the same time to gain your affection and confidence, which are so necessary for the success of my undertaking! As to myself, without guile and without artifice, I shall always conduct myself with that rectitude, candour and cordiality which form the distinguishing character of a true republican, and which is at the same time the best security for my attaining the point of my ambition, which is that of gaining the approbation of Congress, the friendship of its members, and the esteem of the United States of America.

He then delivered the letter from their high mightinesses the states general, of which the following is a translation:

To the United States of America, in Congress assembled.

Our Friends and Allies,

With very great satisfaction did we, by the reception of the honourable Mr. Adams, your minister with our state, acknowledge the independence of your republick; and with equal and much greater delight have we received the pleasing tidings of the conclusion of the preliminary articles of peace, by which the court of Great Britain has declared you free and independent states. We have long ardently wished for this happy period, having for several years past with sorrow seen the troubles and difficulties with which you were obliged to struggle. And we do most cordially congratulate you on this happy event, sincerely taking a share in your present agreeable situation.

To give a testimony of our sentiments in this respect, and to convince you of our unfeigned esteem, we have thought it proper to send you an envoy extraordinary: we have for that purpose chosen a gentleman of distinction, whose personal qualifications are in great repute among us, the honourable Mr. Peter John Van Berckel, burgomaster of the city of Rotterdam, and a deputy in our assembly. We hope and trust that you will graciously receive this gentleman in quality of our minister plenipotentiary; and when he shall have the honour to deliver you these presents, and to enter into farther negotiations with you, that you will give full faith unto him as unto ourselves, being assured that he will not be able to express in terms too strong the sentiments of esteem and reverence which we have for a long time possessed for that wisdom, courage and perseverance by which you have rendered yourselves famous throughout the world.

May God grant that your rising republick may become more and more prosperous, that it may increase in lustre and glory, and subsist to the end of time.

We shall at all times rejoice in your increasing felicity; and we desire nothing more ardently than that we may maintain the strictest friendship and correspondence with you, for the good of the subjects and inhabitants of both countries.

This letter being read, the President returned the following answer to the minister:

Sir,

In a contest for the rights of human nature, the citizens of the United States of America could not but be impressed with the glorious example of those illustrious patriots, who, triumphing over every difficulty and danger, established the liberties of the United Netherlands on the most honourable and permanent basis. Congress at an early period of the war sought the friendship of their high mightinesses, convinced that the same inviolable regard for liberty, and the same wisdom, justice and magnanimity, which led their forefathers to glory, was handed down unimpaired to their posterity and our satisfaction was great in accomplishing with them a treaty of amity and commerce on terms so acceptable to both nations.

With the sincerest pleasure, sir, we receive the honourable testimonials of confidence and esteem of their high mightinesses, and their affectionate congratulations on the success of our efforts in the sacred cause of liberty.

We assure you, sir, that it is our earnest desire to unite with their high mightinesses in every measure, which can promote the most unreserved confidence, and the most friendly intercourse between two nations, which have vindicated their freedom amidst the most trying scenes of danger and distress, and have been equally blessed by the gracious interposition of divine Providence with that sovereignty and independence so essential to their safety and happiness.

Governed by the same ardent love of freedom, and the same maxims of policy, cemented by a liberal system of commerce, and earnestly disposed to advance our mutual prosperity by a reciprocity of good offices, we persuade ourselves that the most friendly and beneficial connexion between the two republicks will be preserved inviolate to the latest ages.

It adds, sir, greatly to our pleasure on this interesting occasion, that their high mightinesses have employed as their minister a gentleman so highly celebrate for rectitude and patriotism, and from whose illustrious family these United States have received the most distinguished proofs of regard and friendship.●

TRADE GROUPS URGE ACTION ON YEN/DOLLAR IMBALANCE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. FLORIO. Mr. Speaker, the continued strength of the dollar, and the administration's continued inattention to the matter, are a major concern to our country's leading trade groups. Without urgent action, our industries and farmers will see further contraction in the markets for their products at home and abroad, due to the inflationary impact on prices of an overvalued dollar.

The President's forthcoming trip to Japan presents an opportunity to reverse the administration's neglect of the currency imbalance issue. House Resolution 334, jointly introduced by myself and my colleague from Washington (Mr. BONKER) encourages the President to seize this opportunity to bring better balance and stability in the yen/dollar relationship and to create a more favorable climate in our bilateral trade relations.

The National Association of Manufacturers, the Business Rountable, and the National Grange have endorsed this resolution, joining us in urging the President to address this issue of fundamental importance to our economy.

Mr. Speaker, I include in the RECORD at this point letters from these groups supporting House Resolution 334.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
October 19, 1983.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation and Tourism, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN FLORIO: Thank you for your letter of October 12, calling my attention to the exchange rate resolution, H. Res. 334, that you and Mr. Bonker introduced on October 6. It would be difficult to overstate the importance of achieving and maintaining more realistic relationships between the dollar and other key currencies, especially the Japanese yen. The present combination of an overvalued dollar and an undervalued yen is the principle reason for the decline in U.S. competitiveness. Left uncorrected, it is a prescription for deindustrialization of the United States.

The problem is a very difficult one, but it is not insolvable. Above all, the solution requires recognition of the fact that exchange rate management is a responsibility of governments and a willingness to cooperate with major trading partners in an effort to achieve exchange rates that reflect the real strengths of the major world economies. When the Japanese economy strengthens relative to others the yen should strengthen. Yet in recent years, just the reverse has happened.

By calling on the President to give high priority to the dollar-yen relationships in his November talks with Prime Minister Nakasone and other Japanese officials, H. Res. 334 gives effective expression to these and other essentials of exchange rate management. The reference in the resolution to, the need to "maintain fluctuations in the value of the yen relative to the dollar within acceptable bounds," is particularly helpful, expressing as it does the need for a target zone approach to exchange rates.

The National Association of Manufacturers fully supports H. Res. 334. We hope the Congress passes it. We hope the President follows its recommendations.

Sincerely,

LAWRENCE A. FOX,
Vice President,
International Economic Affairs.

NATIONAL GRANGE,
Washington, D.C., October 19, 1983.

Hon. JAMES FLORIO,
Chairman, Subcommittee on Commerce, Transportation and Tourism, Committee on Energy and Commerce, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FLORIO: The National Grange commends your initiative and that of Rep. Don Bonker, in calling attention to the serious problems associated with the unrealistic exchange relationship between the Japanese Yen and the U.S. dollar.

The Grange strongly supports H. Res. 334 because we recognize that an undervalued yen contributes to our balance of payments deficit, and there is little disagreement among economists and policy officials that it is contributing to the loss of exports, other sales and ultimately jobs in the United States.

Agriculture is particularly sensitive to exchange rates because the competition for international trade in agricultural commodities oftentimes hinges on the value of the U.S. dollar overseas. In an industry such as ours, where nearly one out of three acres in farmland production is devoted to foreign trade, the appreciation of the dollar against foreign currencies can mean the difference between a profitable agricultural economy and burdensome, price depressing surpluses.

The Grange extends its support to H. Res. 334, and we offer our appreciation for your efforts in behalf of American agriculture and a healthy American economy.

Sincerely,

EDWARD ANDERSEN,
Master, The National Grange.

CATERPILLAR TRACTOR CO.
Peoria, Ill., October 14, 1983.

Hon. JAMES J. FLORIO,
House of Representatives,
Washington, D.C.

DEAR MR. FLORIO: For the past year, the Business Roundtable Task Force on International Trade and Investment has been stressing the need for the United States to take action to correct the serious misalignment in international exchange rates. We have been particularly concerned about the undervaluation of the Japanese yen and its implications for the competitiveness of U.S. products in the international marketplace. And we have recently been urging the United States to assert leadership in addressing the problem by making it a high priority matter of discussion during the President's upcoming visit to Japan.

Because of our concern we support your recently introduced resolution to encourage President Reagan to give priority attention to the exchange rate problem when he visits Japan next month.

The Business Roundtable agrees with you that it is necessary to establish a more equitable and durable equilibrium in exchange rate relationships by cooperatively developing more effective and comparable national policy measures.

Certainly, a clear expression by the United States and Japan that a serious exchange rate misalignment exists and that the two governments intend to work together to initiate corrective action, would exert a powerful and beneficial effect on international exchange markets.

We believe President Reagan's visit to Japan presents a unique opportunity to begin efforts to resolve this growing and critical problem. We join you in urging that in scheduled discussions with Prime Minister Nakasone, the President give priority attention to the yen/dollar misalignment and explore compatible national measures to bring about a realignment in the exchange rate of the two currencies.

Such a course of action would provide an appropriate and far more desirable basis for correcting the trade problems between the two friendly countries than is available through other "protectionist" measures.

We appreciate your continued efforts on this important issue.

Sincerely,

LEE L. MORGAN.●

THE 75TH ANNIVERSARY OF THE CITY OF BURLINGAME

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. LANTOS. Mr. Speaker, the entire month of October has been set aside for the celebration of the 75th anniversary of the incorporation of the city of Burlingame. I am proud to represent the citizens of this small, beautiful suburban city on the San Franicsco Peninsula and to join them in this special celebration. At the conclusion of this month of commemoration and festivity, I would like to pay tribute to this outstanding community.

Burlingame lies between the San Francisco Bay and the coastal mountains. Although the city is surrounded by other communities, it retains its own individuality and historical identity. The pride which its citizens continue to show emphasizes that it is indeed a unique and delightful place to live.

The tycoons who settled in San Francisco after the Gold Rush soon recognized the superiority of Burlingame's climate, and these entrepreneurs began to acquire summer homes there. When the disastrous earthquake of 1906 struck, many people found refuge in Burlingame, and the population of the small village increased dramatically.

Although some residents wanted to keep the town small and therefore opposed incorporation, those who wanted the advantages of self-government eventually prevailed. The residents voted to incorporate their city on June 6, 1908, and the city was officially incorporated 4 months later on October 12.

After incorporation the community continued to grow at an increased rate. Businesses flourished and homes, schools, and churches were built—many of which are still in use at their original locations. The city has managed to maintain its old-fashioned values and small town atmosphere while at the same time firmly stepping into the 20th century. Burlingame has always attracted concerned and intelligent citizens to public service—both as elected city officials and as volunteers working with community service organizations. Consequently, Burlingame's sense of community and civic pride is stronger than in many other modern communities.

Mr. Speaker, I am delighted to join the city of Burlingame in celebrating this important anniversary, and I am honored to represent the people of this fine city.●

CONFERENCE REPORT ON THE WORLD AFTER NUCLEAR WAR

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. EDGAR. Mr. Speaker, this week, Washington is host to the Conference on the Long-Term Biological Consequences of Nuclear War. This

important gathering developed last year out of the mutual concern of scientists, environmentalists, and foundation executives over the limited scope and outdated nature of research into the long-term threat to the global environment posed by nuclear war. During their meeting this week, scientists will discuss their disturbing new findings about the effect of nuclear war on our environment.

Yesterday, many of our constituents who receive Parade magazine with their Sunday newspaper read the article by astronomer Carl Sagan outlining the atmospheric and climatic consequences of global nuclear war. This morning, I joined a number of my colleagues in a briefing by Dr. Sagan and biologist Dr. Paul Ehrlich on their research in this area; their conclusions will be discussed extensively by participants at the conference this week.

Using as a baseline case a 5,000-megaton nuclear exchange, with 20 percent of the explosive power concentrated on urban or industrial targets in the Northern Hemisphere, the scientists concluded that an unbroken pall of darkness would cover our hemisphere and that the effects on the Southern Hemisphere would be far worse than previously thought. A "nuclear winter" would follow, with prevailing temperatures falling drastically from their current levels. Radioactive fallout would be worse than expected. The increased cloud cover, fires, and depletion of the ozone layer resulting from a nuclear exchange would result in the release of large amounts of deadly toxins, a sharp rise in the amount of ultraviolet light reaching our planet and the freezing of vegetation and fresh water supplies. These changes could so disrupt the Earth's ecosystem, the researchers conclude, that the extinction of a significant proportion of the Earth's animals and plants would occur. They conclude that the possibility of human extinction cannot be excluded.

Mr. Speaker, every Member of the House should take a few minutes to peruse the summary of the conference's findings, data examined by an international group of over 100 eminent physicists, atmospheric scientists, and biologists in a series of meetings held earlier this year. These sobering facts should provide us with more incentive than ever to seek meaningful arms reductions and to take immediate steps to preclude the possibility of even a limited nuclear exchange. I would ask that the summary be inserted in the RECORD at this point, and I urge Members to review the findings of the Conference on the Long-Term Worldwide Biological Consequences of Nuclear War.

SUMMARY OF CONFERENCE FINDINGS: THE WORLD AFTER NUCLEAR WAR

INTRODUCTION

The world's nuclear arsenal today stands at over 12,000 megatons (MT), enough to destroy one million Hiroshimas. Recent studies estimate that anywhere from 300 million to 1 billion people would be killed outright in a large-scale nuclear war (5,000–10,000 MT yield) and an equal number would suffer serious injuries requiring immediate medical attention—which would be largely unavailable. But what of the longer-term effects of nuclear war? What kind of world would survivors face? New evidence suggests that the lingering atmospheric and biological consequences may be even more serious than the immediate ones.

These findings will be presented at the Conference on the Long-Term Worldwide Biological Consequences of Nuclear War being held in Washington, D.C., October 31–November 1, 1983.

The findings are largely the result of studies done over the last two years by Richard P. Turco; Owen B. Toon, Thomas P. Ackerman and James B. Pollack, of NASA Ames Research Center; and Carl Sagan, of Cornell University, on the optical and climatic impacts of the dust and smoke particles which would be generated in nuclear war. Their work has been critically reviewed by some 100 eminent physicists, atmospheric scientists and biologists from the U.S. and other countries who participated in a series of meetings held earlier this year in Cambridge, Massachusetts.

The atmospheric findings, which augment earlier studies and introduce previously unforeseen consequences of nuclear war, have been reported in a paper entitled "Global Atmospheric Consequences of Nuclear War" (referred to as the "TTAPS" paper, after the names of its authors). The authors conclude that a nuclear war, even at the level of 100–1,000 MT could cause profound climatic and meteorological disturbances, including darkness and extreme cold, and that exposure to radioactivity would be much greater than previously projected.

Some 40 biologists reviewed the atmospheric findings, determined the biological consequences and also considered other potential ecological effects not caused by atmospheric changes. Their conclusions are outlined in a separate paper entitled "The Long-Term Biological Consequences of Nuclear War." Their unanimous view is that the atmospheric stresses resulting from nuclear war could so disrupt the earth's biological support systems that the extinction of a significant proportion of the earth's animals and plants would occur. They conclude that the possibility of human extinction cannot be excluded.

METHODOLOGY

To study the optical and climatic effects of dust and smoke clouds generated in a nuclear war, the physicists ran computer models of dozens of different nuclear war scenarios. They adopted as a baseline case a 5,000 MT exchange with 20 percent of the explosive power (yield) expended on urban or industrial targets in the Northern Hemisphere. Given current arsenals, this is a realistic possibility for a full-scale war. Other cases studied ranged in total yield from 100 to over 10,000 MT.

In each case, the scientist calculated:

1. How much dust and smoke was generated;
2. How much sunlight was absorbed by the dust and smoke;
3. How much the temperature changed;
4. How the dust and smoke spread, and how long before it all fell back to the surface;
5. The extent of radioactive fallout over time;
6. How much ultraviolet light reached the surface after the soot and dust fell out.

The following conclusions reflect aggregate data from the baseline scenario in the original TTAPS paper and from the paper on "The Long-Term Biological Consequences of Nuclear War." They have been substantially edited. Complete scientific and technical support data will be provided at the Conference.

CONCLUSIONS

First: Unbroken Pall of Darkness Would Cover Northern Hemisphere. Within a week after the war, the amount of sunlight at ground level could be reduced to just a few percent of normal; an unbroken gloom could persist for weeks over the Northern Hemisphere. The light would be absorbed primarily by sooty smoke from nuclear fires ignited by surface bursts and airbursts. The total amount of smoke released in the baseline model is 225 million tons (released over several days). Smoke particles are extremely small, which lengthens the time they remain in the atmosphere. The soil dust raised by surface bursts, while important, would have less climatic impact since it is typically poorly absorbing.

Low light level would disrupt photosynthesis, food chains.

In the early months following a substantial nuclear exchange, the amount of light filtering through the cloud cover might not be adequate to sustain photosynthesis. Even assuming the plants would be otherwise undamaged, which is unrealistic, the lack of light would severly limit growth, and the consequences would cascade through all food chains.

Second: Effects on Southern Hemisphere Greater Than Previously assumed. Large disturbances in global circulation patterns could greatly accelerate the interhemispheric transport of smoke, dust and radioactivity. Rapid interhemispheric mixing means that the Southern Hemisphere could be subjected to massive injections of nuclear debris soon after an exchange in the Northern Hemisphere. Possible rapid transport of dust and smoke from the Northern to the Southern Hemisphere may involve the entire planet in after-effects. Previous studies have assumed that Southern Hemisphere effects would be minor.

Third: Harsh "Nuclear Winter" Would Prevail. Contrary to the conclusions reached in most earlier studies, nuclear war probably would have a major impact on climate lasting for several years. It would be manifested by a dramatic drop in land temperatures to subfreezing levels for several months, large disturbances in global circulation patterns, and dramatic changes in local weather and precipitation. Even if the war were to occur in the summer, many areas might be subject to continuous snowfall for months.

Subfreezing temperatures would substantially reduce chances for human survival.

Except for areas near coastlines, land temperatures would plunge from −15° C (+5° F) to −25° C (−13° F), with dire consequences for survivors. The impact of dramatically reduced temperatures on plants would depend on the time of year at which they occurred, their duration, and the tolerance limits of the plants. The abrupt onset of cold is of

particular importance, though, since plants that normally can withstand subfreezing temperatures would have no time to develop tolerance. A spring or summer war would kill or damage virually all crops in the Northern Hemisphere.

Most uncultivated food sources also would be destroyed, as would most farm animals. Many animals that survived would die of thirst, as surface fresh water would be frozen over the interior of continents. Available food supplies would be rapidly depleted. Most of the human survivors would starve.

Non-target areas that import food directly affected.

Nations that now require large imports of foods, including those untouched by nuclear detonations, would suffer the immediate cessation of incoming food supplies. These countries would be forced to rely on their local agricultural and natural ecosystems. This would be especially serious for many less-developed countries, particularly those in the tropics.

Fourth: Exposure to Radioactive Fallout Worse than Expected.

Exposure to radioactive fallout would be more widespread than is predicted by standard empirical exposure models because of the intermediate fallout which would extend over many days and weeks. With unprecented quantities of fission debris released into the atmosphere, even areas remote from the explosion sites would be subject to large doses of fallout radiation.

Radiation doses approach lethel dose for humans.

In the baseline case, roughly 30 percent of the land at Northern mid-latitudes (30° N to 60° N) would receive a radioactive dose greater than 250 rads over several months. About 50 percent of the Northern mid-latitudes would receive a long-term dose greater than 100 rads. (This dose includes radionuclides ingested from contaminated food.) These doses are roughly ten times larger than previous estimates. A 100 rad dose is the equivalent of approximately 1,000 medical x-rays. A 400 rad whole-body acute dose is usually considered lethal. Doses this large can affect the immune system and increase the probability of infectious disease, cancer and genetic and embryonic defects.

Fifth: No Ice Age, but the Ocean Would Not Provide Relief. Because the climatic effects would not last longer than a few years, an Ice Age would probably not be generated. Subfreezing temperatures will freeze most freshwater systems to considerable depth, leaving survivors without surface water. The oceans will not freeze due to their enormous reservoir of heat. It has often been thought that the coastal areas would be a major source of food for survivors of a nuclear war. However, the combined effects of darkness, ultraviolet light, severe coastal storms due to enormous land-sea temperature differentials, run-off silt and toxic chemicals from the land, destruction of ships and concentrations of radionuclides in fish and other marine life cast strong doubt on this contention.

Sixth: Fire Would Be a Major Problem With Serious and Unanticipated Consequences. About one-sixth of the world's urbanized land area, or $\approx$240,000 km^2 would be partially burned by $\simeq$ 1,000 MT of explosions in the baseline scenario. The remaining 4,000 MT of yield could ignite wildfires and firestorms. Uncontrolled fires could sweep over large areas. For example, multiple airbursts over California in the late summer or early fall could burn off much of the state, leading to catastrophic flooding and erosion during the next rainy season.

Urban fires would generate large amounts of deadly toxins.

Cities hold large stores of combustible, synthetic materials that would release large quantities of toxic gases (pyrotoxins) as they burn, including carbon monoxide, cyanides, dioxins and furans. These pollutants might have only limited immediate effect on vegetation, but they would certainly hinder the recovery of vegetation devastated by nuclear blast and fire. Transport by winds to distant, initially unaffected ecosystems could be an important additional adverse side effect. This problem had not been addressed in previous studies.

Seventh: Ozone Depletion Would Increase Exposure to Ultraviolet Light (UV-B). High-yield explosions would inject nitrogen oxides (NO_x) into the stratosphere, which would result in large reductions in the ozone layer. The ozone layer, only 3 millimeters thick if it were brought down to sea level, shields the earth from UV-B, a damaging type of radiation. In the baseline case, dust and soot would absorb the increased UV-B at first. But when the dust and soot cleared a few months later, UV-B doses roughly 1.6 times normal would be transmitted to the surface.

Increased levels of UV-B can harm biological systems in several ways. The immune systems of humans and other mammals are known to be suppressed by relatively low doses of UV-B. Given the conditions of increased radioactive fallout and other stresses, such suppression of the immune systems leads to an increase in the incidence of disease. Protracted exposure to increased UV-B also may lead to widespread blindness among humans and other mammals.

Eighth: Tropical Forests Could Disappear. Tropical plants are less able to cope with even short periods of cold and dark than those in temperate zones. If darkness or cold, or both, were to become widespread in the tropics, the tropical forests, which are the major reservoir of organic diversity, could largely disappear. This would, in turn, lead to the extinction of a majority of the species of plants and animals on earth.

Dependence on imports threatens survivability in tropical and developing countries.

The dependence of urban populations in many tropical and developing countries on imported food would lead to severe effects, even if those areas were not affected directly by the war. Large numbers of people would be forced to leave the cities and attempt to cultivate the remaining areas of forest, accelerating their destruction and the consequent rate of extinction. Regardless of the exact distribution of the immediate effects of the war, everyone on Earth would ultimately be profoundly affected.

Ninth: Even Small Nuclear Exchanges Could Trigger Severe After-effects. Relatively large climatic effects can result from small nuclear exchanges (100 to 1,000 MT). A scenario involving 100 MT exploded in the air over cities could produce a two-month interval of subfreezing land temperatures, with a minimum near $-23°$ C. In this scenario thousands of fires would be ignited and the smoke from these fires along would generate a period of cold and dark almost as severe as in the baseline (5,000 MT) case.

In short: In the aftermath of a 5,000 MT nuclear exchange, survivors would face extreme cold, water shortages, lack of food and fuel, heavy burdens of radiation and pollutants, diseases, and severe psychological stress—all in twilight or darkness.

It is clear that the ecosystem effects alone resulting from a large-scale thermonuclear war would be enough to destroy civilization as we know it in at least the Northern Hemisphere. These long-term effects, when combined with the direct casualties from the blast, suggest that eventually there might be no human survivors in the Northern Hemisphere. Human beings, other animals and plants in the Southern Hemisphere would also suffer profound consequences.

The scenario described here is by no means the most severe that could be imagined with present world nuclear arsenals and those contemplated for the near future.●

WE CANNOT WRITE OFF THE HOMELESS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. STARK. Mr. Speaker, another winter of dispair faces our Nation's homeless.

Some will say, "Oh not another speech about our Nation's poor. Don't you know the country is coming out of the recession. Unemployment is coming down. Why do we need to appropriate money for the homeless? Our recovering economy will take care of the problem."

Unfortunately, Mr. Speaker, the segments of our society facing homelessness will not enjoy the benefits of the recovery this winter. Instead the "new homeless" are frequently families facing the terrible consequences of indefinite layoffs and plant closures. They have long ago lost their jobs and are now losing their homes and apartments. One estimate is that only some 15 percent of the homeless are the derelicts and alcoholics that once made up the majority of the homeless population.

Others will say, "OK, I admit that a recovering economy will not solve these peoples' problem. But we already appropriated $100 million in the jobs bill for emergency food and shelter. Surely this money, along with State, local, and private charity funds will be enough to take care of the homeless."

Again Mr. Speaker, unfortunately the money Congress allocated last winter will not feed and shelter this winter's homeless. Instead the money has already been spent on over 31,000,000 meals and 3,000,000 additional nights of shelter for some 6.2 million people. Nor will State, local, and private organizational efforts be enough. In Alameda County, Calif., which is part of my district, officials are saying that despite a 9-month, $650,000 attack on the homeless problem, the situation could reach crisis proportions this winter. A survey by the county social service agency found that emergency shelters have been

filled to capacity and are turning away about 2,000 individuals a month. This despite many months of efforts by the county working with public and private agencies to develop a network of emergency shelters to aid the homeless. Demand for emergency shelters normally drops off in the summer—but warm California weather did not help this past summer. Instead the numbers stayed constant and there is very real fear among officials that the numbers will sharply increase this winter.

Not only in my district but across the country the problem of the homeless is predicted to be as bad if not worse than last year. Joint hearings by two Ways and Means subcommittees on poverty brought out the fact that the Salvation Army believes the level of need in the winter of 1983 will be as high as that of 1982. There is also a growing inability of private voluntary agencies to fill the gaps of unmet needs. This is seen in the strained budgets of social service agencies; in the attempts to find new sources of funds; in the growing caseloads of agencies, and in growing lists of those turned away because there simply are no resources; and finally in the growing fatigue and burnout of caseworkers unable to effectively provide aid.

Victims of family violence make up another desperate group needing emergency services. Shelters must now turn away 10 victims of domestic violence for every 1 they can help. Worse yet, a survey of 650 family violence projects nationwide found that more than three-fourths have been forced to reduce services due to funding cutbacks.

Mr. Speaker, we cannot turn our backs on the individuals, families, and victims of domestic violence who are forced to turn to emergency shelters. Tuesday, November 1, in the Public Assistance Unemployment Compensation Subcommittee, I will be offering legislation to authorize $50 million for these desperate homeless. I hope my colleagues will join with me in changing this winter from one of despair to a winter of compassion and hope for the homeless.●

REAUTHORIZATION OF SUPERFUND

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. FLORIO. Mr. Speaker, as the House begins to prepare for the reauthorization of the Superfund program, a major issue we must face is whether to convert the current tax system supporting the fund from a feedstock to a waste end tax. The current feedstock system assesses taxes on the chemicals manufactured by American industry. A waste end tax system would assess such fees on the basis of the amount of hazardous wastes generated. Among other factors, conversion from a feedstock to a waste end tax would enlarge the tax base from approximately 100 large companies to 50,000 or more smaller firms.

The policy goal behind the waste end tax is to provide industry with the incentive to minimize, wherever possible, the amount of waste it generates. While I agree with several of my colleagues who have advanced such proposals that this goal is a laudable and important one, several States which have attempted to implement waste end tax systems are beginning to report mixed results. The article reprinted below from the October 23, 1983, edition of the New York Times describes New York State's problems with a waste end tax system.

STATE'S WASTE CLEANUP FUND FALLING SHORT OF INCOME GOAL

ALBANY, October 22.—New York State's so-called superfund, created by the Legislature in July 1982 to help clean up toxic waste, generated only $3 million—far below the $10 million originally predicted—in its first year of operation, officials said this week.

The superfund is financed entirely by fees paid by industry. The fees range from $2 a ton for waste incinerated on a plant site to $12 a ton for waste buried in landfills. The fee structure is intended to encourage industry to find better disposal methods than landfills.

The State Environmental Conservation Commissioner, Henry Williams, attributed the low earnings to the sluggish economy and to an apparent shift by many companies away from use of toxic chemicals.

In addition, he said, many out-of-state companies that once shipped their waste to New York for disposal are now sending it to other states.

POSSIBLE RISE IN FEES

The Commissioner indicated that he would seek to increase the superfund's earnings in 1984 by pressing for a rise in fees for generating and disposing of hazardous waste.

Last Thursday, Mr. Williams met for the first time with the eight-member Superfund Management Board, which will make policy decisions on how the money is spent. The Department of Environmental Conservation has identified hundreds of inactive dump sites across the state that need attention because of improper disposal of hazardous wastes.

The department gave the first indication in February that superfund earnings would be lower than expected. It said then that only $718,000 have been collected during the first three-month period, from September through November 1982.

Earnings dropped to $655,000 in the second quarter, but rose to $792,000 during the next three-month period. Earnings for the final period this fall rose to $905,000—an increase that Mr. Williams said could be attributed to the economic recovery.

MORE INFORMATION NOW

Mr. Williams supported a bill this year, sponsored by Assembly Speaker Stanley Fink, that would have doubled fees charged to waste-producing companies. The bill was not enacted.

The Commissioner said he would continue to push for a fee increase next year, although possibly not as large a rise as Mr. Fink had sought.

"We have more information now," he said. "We know what revenue we'll actually need."

The environmental agency has been authorized by the State Division of the Budget to spend $4.45 million to clean up inactive dump sites in cases where officials do not know which company is responsible for the waste. The figure includes the $3 million from the superfund, as well as other department funds.

In cases where a company has been identified as responsbile for the improper disposal of hazardous waste, cleanups could be financed by the superfund, which later would be reimbursed by the company.●

CALLING ON THE STATES TO ADOPT A "21" UNIFORM DRINKING AGE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. GOODLING. Mr. Speaker, the Junior League of Washington recently endorsed House Concurrent Resolution 23, the resolution which I have introduced which expresses the sense of the Congress that the States should take steps to raise the drinking age to 21.

This effort is being championed by the Presidential Commission on Drunk Driving, the National Transportation Safety Board, the National Safety Council, Mothers Against Drunk Drivers (MADD), the American Medical Association, and numerous other organizations. Both Transportation Secretary Elizabeth Dole and Health and Human Services Secretary Margaret Heckler have lent their support to this campaign.

I understand that the House Public Works and Transportation Committee and the House Judiciary Committee should soon be acting on this measure—hopefully, in time for the upcoming holiday season, when alcohol-related traffic fatalities are traditionally on the rise.

Studies have shown us that teenage drunk driving is the No. 1 killer of young Americans—yet, the States have been slow in responding to these reports. I believe that efforts to raise the drinking age in many State legislatures would be facilitated by a strong signal from the U.S. Congress.

Adopting 21 as the standard minimum age at which a person may buy and consume alcoholic beverages will save thousands of lives. I urge all of my colleagues to cosponsor House Concurrent Resolution 23, and I commend to their attention an endorse-

ment from the Junior League of the City of Washington, Inc.

THE JUNIOR LEAGUE OF THE CITY OF WASHINGTON, INC.,
Washington, D.C. September 23, 1983.

Hon. BILL GOODLING,
House of Representatives,
Washington, D.C.

DEAR MR. GOODLING: The Junior League of Washington strongly endorses the House Concurrent Resolution 23 urging states to adopt a minium age of 21 for drinking and purchasing alcohol.

The Junior League of Washington, a women's organization of 2,000 members, promotes the solution of community problems through voluntary citizen involvement. During the past five years it has contributed over 500,000 volunteer hours and $500,000 to the Washington metropolitan community.

The members of the League recently adopted the following position statement:

"The Junior League of Washington recognizes that drunk driving constitutes a major public health and safety hazard. Therefore, the Junior League of Washington supports and promotes legislative initiatives, judicial action and educational efforts to control or eliminate drunk driving."

We commend you, Mr. Goodling, for introducing House Concurrent Resolution 23 and for your diligent efforts to prevent drunk driving. Please let us know if there is some way that we can be of assistance to you in this endeavor.

Sincerely yours,

CHARLOTTE K. LUSKEY,
Chairman, Prevention of Drunk Driving Task Force.●

NEW ENGLAND COUNCIL, INC., VOICES CONCERNS ON ACID RAIN STRATEGY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. ST GERMAIN. Mr. Speaker, we are all of us concerned about acid rain in New England. The solution to this problem, however, should be based on realistic and comprehensive findings. Also, the solution must be equitable.

Under current administration proposals that attempt to address the problem, there is evidence that New England would be unfairly penalized. Eric Swider, president of the New England Council, Inc., a regional trade association representing 1,200 members of diverse business interests, recently participated in an acid rain conference where concern over this proposal was expressed. The conference was sponsored by the National Energy Resources Organization and held in Washington on October 4.

Eric Swider's remarks have received significant attention in the New England press. As we explore the many viewpoints connected with this environmental issue, it is important to consider the perspective of the business community which provides the jobs and revenue that underlie the region's vitality. I would like to insert the council's views, as expressed by Mr. Swider, into the RECORD for the benefit of my colleagues.

The article follows:

ACID RAIN CLEANUP AND THE NEW ENGLAND ECONOMY

(By Eric Swider, President, New England Council, Inc.)

My discussion is broken down roughly into two parts. I believe most would agree that the Senate will in all likelihood await the catalyst of an administration initiative before fully pursuing an acid rain program.

Therefore, the first part of my talk will focus on The Council's concerns over the strategy currently being pursued by Bill Ruckelshaus in his efforts to forge the Administration position ultimately pursued by the President.

The second part will deal with the Waxman/Sikorski (H.R. 3400) initiative which currently appears to have the broadest base of support on the House side. With upwards of 80 cosponsors, seven of whom are members of the pivotal Energy and Commerce Committee, Waxman/Sikorski seems the approach best positioned to become the House vehicle for legislatively responding to the acid rain controversy.

OPTION THREE AND THE RUCKLESHAUS' NEW ENGLAND STRATEGY

"Option three" is a term that may someday enter New England's lexicon of economic misfortunes alongside "textile migration" and "foreign oil dependency". The term, which has taken on a life of its own here in Washington, over the past month, denotes the strategy selected by EPA Administrator William Ruckelshaus as his choice to become the Administration's solution to the acid rain controversy.

As one of a number of proposals originally presented by the EPA staff, option three calls for a targeted reduction of three to five million tons of sulphur dioxide emissions (out of a total of 18 million nationwide) by imposing heavy emissions controls on those four states presumed to have the strongest emissions impact on the Adirondacks: Ohio, Pennsylvania, West Virginia and New York. The four state emissions reduction program would be combined with an extensive air and water quality monitoring program throughout the Adirondacks. EPA staff argued that the Adirondacks is the logical test site for an initial acid rain control program for several reasons including the fact that it offers the strongest available historical data on the acidification process as well as including within its boundaries approximately 90 percent of the lakes currently believed to be adversely affected by acid rain.

Ruckelshaus apparently selected option three as the strategy most likely to provide the type of scientific evidence necessary to quantify the success (or failure) of the emissions reduction approach prior to returning to Congress to expand the control program at a later point.

The economic turn of the screw for New England came when Ruckelshaus also insisted that option three expanded to include the capping of sulphur dioxide emissions throughout New England at 1980 levels. This addition to option three has become known in recent weeks as the Ruckelshaus' New England strategy.

Permit me to suggest that the Ruckelshaus New England strategy, is a political ploy designed primarily (if not exclusively) to help sell option three to a broad spectrum of regional interests who can be expected to respond favorably to any suggestion that New England must share some of the "economic pain" connected with the political resolution of the acid rain issue. Just how Ruckelshaus plans to sell his New England strategy publicly as part of the Adirondacks control package is still unclear. You don't have to be Australian to know that New England's prevailing winds do not blanket the Adirondacks.

Should the President and the Cabinet agree with Ruckelshaus, the potential economic costs for New England associated with capping emissions throughout the region at 1980 levels would be severe. In all likelihood a 1980 cap would eliminate any further efforts to reduce New England's dependency on higher priced and politically risky foreign oil through proposed conversions to lower priced domestic coal. This aspect of the restriction alone will cost New Englanders hundreds of millions of dollars in higher imported oil prices over the next few years.

A 1980 emissions cap would also substantially reduce the ability of those New England industrial manufacturers with coal fired power plants to utilize any excess power capacity idle in 1980. In effect, their unused capacity at that time would be made worthless by EPA fiat.

If, as has also been suggested at the Cabinet level, a decision is made to force New England sulphur dioxide emissions below the 1980 levels, then we stand to lose billions of dollars over the next decade in coal conversion savings.

You may be wondering how New England has managed to wind up as both an environmental victim of acid rain and a potential economic scapegoat in the political billiards being played within the Congress and the Administration as they scramble to resolve the issue. It wasn't easy. Particularly so when you consider the historical difference in approaches taken by New England and the Ohio Valley region in dealing with the clean air standards.

While New England has paid the heavy price entailed in cleaning up its air through the past decade by using high cost, low sulphur oil, midwestern states have enjoyed utility costs 30 percent cheaper than ours. The midwest has secured this cheap electrical power by burning high sulphur coal and "Loopholing" the clean air standards, by the expeditious use of tall stacks which maintain satisfactory local ground level concentrations of sulphur dioxide (the ambient air standards) while shooting the heavy emissions downwind to the northeast states. The result has been that for every kilowatt hour generated in Ohio, their power plants produce five times more sulphur dioxide emissions than New England utilities.

Notwithstanding the obvious inequities there are a steadily increasing number of Congressional members and Administration officials who share the opinion that New England's prolonged media and political blitz demanding a resolution of the acid rain issue has whipsawed them into having to deal with a thorny, no-win issue. The hard reality is that these institutions have never looked kindly upon being forced into political corners.

A number of western governors recently rejected by a 12 to 0 vote any notion of cost sharing of acid rain clean-up costs. That vote sent an unmistakable message to the Administration: since we don't contribute to the problem—we have no intention of sharing the clean-up costs. That type of reaction rapidly allies itself with the mistaken but widely held view of a good many folks in the

midwest and those who produce and burn high sulphur coal that New Englanders are by and large an elitest bunch who care far less about the acute economic distress which could befall other regions as a result of an acid rain clean up program than they do about their own pristine backwoods ponds.

We now have the elements for a political fray where clout and sheer numbers count for considerably more than the inequities already heaped upon New England. Ruckelshaus contributed to our understanding of the dynamics involved when he recently observed that the acid rain issue had "the potential for sectional conflict the likes of which" he had never seen.

WAXMAN/SIKORSKI (H.R. 3400)

As the program most likely to secure majority support within the House, H.R. 3400 would require both NO_x and SO_2 reductions. The extent of these reductions would, in all likelihood, spell the end of further utility plant coal conversions in New England. The lost savings to New Englanders which would have accrued from coal conversions would amount to several billions of dollars drained from the New England economy over the next decade.

Additionally, the one mill per kilowatt hour tax on non-nuclear electricity generation would cause from one to three percent increases in the bills of New England utility customers. While H.R. 3400 might ultimately prove to be a great deal more expensive to New Englanders, as a result of greater emissions reductions, it does not suffer from an obviously discriminatory focus on New England as is currently the case with option three. Nonetheless it would certainly drive New England back into even greater dependence on higher priced foreign oil. In that direction lies only higher and higher energy costs coupled with the increased risk of periodically crippling supply shortages at the hands of OPEC.

CONCLUSION

Permit me to close by reiterating the Council's concern that Ruckelshaus' so-called New England strategy represents a highly inequitable attempt to impose politically motivated and discriminatory restrictions on New England totally unrelated to either a targetted Adirondacks program under option three or as part of an overall strategy involving all states. Obviously we would prefer a solution which avoided any additional economic impact upon New England. Our next preference would be for a clean-up tax which is as equitable and as broadly based as possible. Certainly we would expect that any such tax schedule would recognize, to the extent possible, prior clean-up efforts. We also believe that it is only realistic to assume, given the level of debate over the various clean-up approaches, that neither the complete scientific base for understanding the phenomena of acid rain nor the best technology for cleaning it up are currently available. A two stage process that recognized these shortcomings and allowed for the development of this information would generate both the most practical public policy and the most efficient use of taxpayers dollars in this area.●

LEO WHEELER, A GREAT AMERICAN

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. BOEHLERT. Mr. Speaker, on November 5, veterans in my district and the Utica community at large will be honoring Mr. Leo Wheeler. I would like to add my voice to theirs in applauding this remarkable man.

Never has a veteran had a better friend than Leo Wheeler. He has helped countless veterans with every conceivable problem during more than 40 years of dedicated service. That service has been recognized by local, State, and national veterans groups, which regularly selected him to leadership posts and thrived under his direction.

Leo was chairman of the New York State Disabled American Veterans convention in Utica, in 1945. That same year he became commander of the Oneida County Chapter of the DAV. In 1949, he became State commander. In 1950, third junior national vice commander. And in 1952, he was named national junior vice commander of the Disabled American Veterans. And Leo continues to be a source of help and inspiration to veterans right down to today.

On every working day, Leo Wheeler is on the job guiding, counseling, and assisting the members of DAV Stars and Stripes Chapter No. 82 in addressing their needs and solving their problems. He is a truly dedicated, committed, and great American.

Leo has matched his service to veterans with dedicated community service. A former Utica fire chief, Leo was a member of the city's fire department from 1931 to 1960. The civic betterment projects with which he has been and continues to be identified are endless.

On behalf of all Uticans and on behalf of all the veterans who benefited from his unstinting service, I would like to express gratitude to Leo Wheeler. More of us should follow his example of tireless dedication to others.●

DISCRIMINATORY AUTO AD ALLOWANCES BANNED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. FLORIO. Mr. Speaker, a bill is pending before my subcommittee that addresses the issue of automobile manufacturers discriminating in price between different purchasers, such as dealers and car rental companies (H.R. 1415).

Similar practices may already be forbidden under current law, as indicated in a report of a recent administrative law judge decision I am here inserting in the RECORD. This case condemns an auto manufacturer's alleged practice of providing advertising allowances to some large rental companies but not offering similar allowances to others.

GM'S ADVERTISING SUBSIDY PROGRAM IS UNFAIR METHOD OF COMPETITION

General Motors Corp. engaged in an unfair method of competition violative of FTC Act § 5 by providing advertising allowances to a few large car rental and leasing firms but refusing to make similar arrangements with smaller companies, according to an initial decision by an FTC administrative law judge. (*In re General Motors Corp.*, Dkt. No. 9114, FTC, 9/29/83 [rel. 10/12/83])

However, while the arrangement "violates the very purpose" of Robinson-Patman Act § 2(d), a § 2(d) violation cannot be found here, the ALJ concludes, because § 2(d) "has been interpreted to require that the advertising payments be in connection with the resale of the product—a finding that cannot be made on this record" since rental and leasing firms do not compete in the resale of cars.

BACKGROUND

According to the FTC's July 1978 complaint, GM sells automobiles and trucks to dealers which, in turn, sell the vehicles to rental and leasing companies. GM deals directly with rental and leasing companies in administering its advertising agreements in connection with the sale of its vehicles.

The complaint charged that GM paid some large rental and leasing companies for advertising furnished by these companies in connection with the distribution of vehicles sold by GM and that GM failed to make such payments available on proportionally equal to terms to all other competing rental and leasing companies.

In addition to alleging a violation of Robinson-Patman Act § 2(d), the complaint asserted a violation of FTC Act § 5, based on theories that GM's acts and practices (1) violate the policy of Robinson-Patman Act § 2(d), to the prejudice of the public, (2) have the tendency and effect of preventing and hindering competition and may tend to create a monopoly in the vehicle rental or leasing businesses, and (3) constitute unfair methods of competition in commerce and unfair acts or practices in or affecting commerce.

By virtue of an April 1982 stipulation, complaint counsel abandoned any claim that the challenged GM acts and practices caused any injury to competition. Therefore, the case proceeded on claims that GM's acts (1) violated FTC Act § 5 because they violated Robinson-Patman Act § 2(d) and (2) violated FTC Act § 5 because they violated the spirit of Robinson-Patman Act § 2(d).

SPIRIT OF § 2(D)

Judge Timony notes that this case involves millions of dollars in annual payments made by the largest auto maker in the U.S. "to a few of the largest rental and leasing firms who agree to promote GM cars in their advertising."

Although the competitive effects of the advertising agreements are not detailed in the record because of the stipulation, the "impact of these payments on competition in the rental and leasing business is indicat-

ed by the amounts involved," the ALJ continues.

In 1978, for example, GM paid National Car Rental over $8 million in advertising allowances or $160 for each GM car purchased by National that year. * * * Many rental and leasing firms using GM cars and directly competing with National received nothing." In all, GM favored 15 rental and leasing firms in 1978, and, even among these firms, the ALJ finds, GM did not "make proportionally equal advertising payments." The $160 received by National compares with amounts ranging down to $6 or $7 per car received by some other favored customers.

Although GM's practices do not technically violate § 2(d), they violate the spirit of that statute, and, hence, the Commission may use its broad powers under FTC Act § 5 to stop the practice, the ALJ rules.

According to Judge Timony, the "rental and leasing firms which have been able to obtain advertising agreements with GM are generally large, national firms, which are thus able to shift to GM a substantial portion of their advertising expenditures."

ORDER

The proposed order bars GM from subsidizing any rental or leasing firms' advertising, unless the payments are available on proportionally equal terms to all other competing rental and leasing firms.

GM would be permitted to terminate advertising agreements under specific circumstances—such as if a rental firm uses false or deceptive advertising, advertises in media that negatively reflect on GM, or fails to maintain reasonable standards of automobile maintenance. GM may refuse to enter a joint advertising program if it decides that the promotion would negatively reflect on GM, but that decision must be based on consistent standards for all rental and leasing firms.

Moreover, GM must advertise any advertising program in at least two of the following publications for five years: Automotive Fleet, The Vehicle (an automobile rental and leasing trade publication), Newsweek, Time, or Business Week.●

"DRY HOLE," BY PAUL HILLIARD

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. BREAUX. Mr. Speaker, I am entering into the CONGRESSIONAL RECORD a copy of an article written by an independent businessman from my district who is in the oil and gas production business, Mr. Paul Hilliard. Entitled "Dry Hole," the article details the costs and risks of energy production today. Mr. Hilliard is a constituent and the dry hole, that is, nonproducing oil or gas well, experience he narrates occurred in my congressional district in southwest Louisiana. Mr. Hilliard relates his experiences with the insight and candor emanating as is possible only when one has expertise in a given enterprise. I encourage all Members to read the article closely, especially at this time when the issue of natural gas deregulation is before the Congress. The information contained therein will be helpful to all who are concerned about the Nation's energy situation.

The article follows:

DRY HOLE

(By Paul Hillard)

Everyone knows what happens when a well is successful and it is not a dry hole—the operator, the participants and the royalty owners make money, most of which is reinvested in future exploration and drilling activity. And, of course, the governments—federal, state, and local—all collect a lot of taxes and that makes them especially happy.

To the layperson, a dry hole is a semi-legitimate venture or a tax dodge concocted by oilmen to avoid paying their fair share of income taxes. If a landowner is asked about a dry hole drilled on or near his land, he'll say, "They capped it and will come back later and produce it when the price of oil and gas gets high enough."

Ask the geologist about the dry hole, he'll say the geophysics simply were in error. The geophysicist will say the velocity charts were incorrect, and the landman will say, "I spent two years putting that block of leases together and those dummies have just ruined it."

A dry hole is a product—a product with no buyers and no salvage value—created in the search for oil and gas. It's simply a tool of exploration, an unwelcome tool, but nonetheless an essential tool. It is as much a by-product of production and commerce and industry as the sawdust in the millwork shop. It produces jobs and payrolls. It's a factory that makes only Edsels.

In Louisiana, our Edsel factory was the No. 1 George Wild in Acadia Parish. Where did the money come from that was invested in this particular dry hole?

Twenty percent of it came from an oil operator in Dallas.

About the one-third came from a chemical company with headquarters in New York and plants along the Mississippi River—plants using natural gas for feedstock.

More than thirteen percent came from a California drilling fund.

Almost seventeen percent came from a Washington drilling fund.

Ten percent came from a New York independent producer.

Almost seven percent was contributed by yours truly.

We plugged the No. 1 George Wild on June 25, 1980, after spending six years and nine days assembling the acreage and "farmouts" necessary for the venture. We spent a total of $1,739,759.91. The well took 76 days from when the drill bit first started "making hole" until we released the rig or an average of $25,966.57 per day.

WHERE DOES THE MONEY GO?

This money was not pumped down the annulus. It was not lost. It did not disappear. We didn't eat it. So what happened to it? It was pumped through the economy to create jobs and pay taxes. We wrote 215 checks to pay for this well. This was in addition to the checks and drafts used to pay the numerous landowners their respective lease bonuses and rentals during the six years we were assembling this acreage.

The companies receiving the payments employed 10,365 people at an annual payroll of $157,914,743 and paid $12,626,266 for taxes and insurance in 1980, just in the state of Louisiana. Although the totals would vary state by state, the example could be applied to any of the 35 states in the U.S. which have oil and natural gas production.

Who gained by this single dry hole? All of the landowners, including the Acadia Parish Police Jury (editor's note: equivalent to the County Board of Supervisors in Maryland or Virginia), plus all of the suppliers, service companies and contractors who furnished supplies, goods and services to the well. And, not least of the beneficiaries were local, state, and federal governments which received both direct and indirect tax revenues.

Who lost from the dry hole? The investors. Where will the investors get the money to replace the money lost in this venture? They will get it—if they ever get it all—from successful ventures, and that is, of course, the reason productive wells must be profitable.

This whole operation is simply called business risk, free enterprise. Capitalism at work. It's the type of operation that built this country. It's the high-risk venture that—when successful—gave us the highest standard of living for the longest period of any nation on earth, and it is the only system that will supply the necessary energy to fuel this energy-consuming giant we call the United States of America.

Why do we drill dry holes? We drill them in search of profit. How do we drill dry holes? Well, we don't drill them like they do in Hollywood or in the hearing rooms of Congress; we don't drill them with guess work, guts or greed; we drill them with money. Some people think it was all done with borrowed money which does not have to be paid back. Others think it was all "tax loophole money." Well, wildcat wells are not drilled with borrowed money. In a typical deal, each investor must put up cash for at least his pro-rata share of expenditures. Even with the most favorable tax treatment, each investor will have permanently lost at least half of his investment. And most of that money must come from what's left of the income from those producing wells, and that is why we try to tell the government the more taxes levied on oil and gas production, the fewer wells we can drill. The fewer wells we can drill means less oil and gas we find, and the less oil and gas we find, the more oil and gas we import and the higher the price that oil and gas will be.

What would have happened if the well had been successful and we had found the target of our search? Our objective was a 50-foot sand that could very reasonably have produced 20 billion cubic feet of natural gas. Twenty billion cubic feet of natural gas will supply the minimum daily need of Springmaid Mills, a large textile manufacturer in Virginia and North Carolina, for 20 years. And Springmaid Mills employs 19,000 people. So this well, had it been successful, could have supplied the energy needed to run a plant that gives 19,000 Americans a well-paying job.●

GUY MUCCI

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. MARKEY. Mr. Speaker, I would like to bring to the attention of my colleagues in the House the recent election of Guy Mucci to the post of national commander of the Italian

American War Veterans of the United States, Inc., at that organization's 48th annual convention in Columbus, Ohio.

I take great pride in the fact that Mr. Mucci is one of my constituents. For Mr. Mucci, a distinguished World War II veteran, this honor represents the culmination of 32 years of service in an organization committed to helping veterans and their families. Mr. Mucci's long and noteworthy record of involvement with ITAM began in 1961 and reflects his unceasing devotion to helping others as an ITAM officer at the local, State, and national levels.

As a member of the Andrew J. Mantini Post No. 17 in Revere, Mass., he has held the positions of post commander, State convention chairman, deputy chief of staff, and national adjutant, just to name a few. He has attended all of ITAM's national conventions since 1961. As a public servant committed to insuring that veterans are afforded the attention and respect they have earned, I am heartened by the recognition of Mr. Mucci's, work. This election to the post of national commander of ITAM is an acknowledgment of his dedication, commitment and concern for his fellow veterans.

I ask that my colleagues join me in congratulating Mr. Mucci and in extending to him the very best wishes for a productive and rewarding term.●

KAY O'CONNELL, OF BRANFORD, CONN., RECEIVES AWARD

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, it is my pleasure today to congratulate Kay O'Connell, of Branford, Conn., who has recently been awarded the Susan B. Anthony Award by the Connecticut Federation of Democratic Women's Clubs. The following article from the New Haven Register of Sunday, October 16, 1983, explains the award and highlights the impressive history of community service that Mrs. O'Connell has to her credit. We are indeed fortunate to have concerned leaders such as this in Connecticut's Third Congressional District.

[From New Haven (Conn.) Register, Oct. 16, 1983]

KAY O'CONNELL WINS SUSAN B. ANTHONY AWARD

Kay O'Connell, a long-time Democratic party worker and former controller of the New Haven Parking Authority, has been named the third recipient of the Susan B. Anthony Award presented by the Connecticut Federation of Democratic Women's Clubs.

O'Connell also was named vice president of the National Federation of Democratic Women's Clubs during the group's annual convention in Denver earlier this year.

The award, which O'Connell received during the state group's bi-annual convention in Hartford, is given "to that Connecticut Democratic woman, who by her work and her dedication to the principles of the Democratic party, has set an outstanding example for all women."

Before taking on her role at the national level, O'Connell had been an active Democratic worker in New Haven and represented her district on the Democratic State Central Committee.

During the Carter administration, she was one of 21 Democratic women from throughout the country invited to White House breakfasts and luncheons for an exchange of ideas.

On the state level, she was appointed by Gov. William A. O'Neill to the State Board of Education and Services for the Blind.

Founded in 1970, the national women's organization has 400,000 members in 30 states. Its goals are to unite women of the Democratic party, encourage full and equal participation of women on every party level, to promote the exchange of ideas among women and to support legislation of major concern to women.

O'Connell also has served as president of the New Haven County Federation of Women's Clubs and has served as president and vice president of the state federation.

In other areas, she was New Haven County chairman of the March of Dimes, president of the Notre Dame Mother's Club, president of the Catholic Charity League, and a member of the executive board of St. Raphael's Hospital.

Before her retirement, she was controller of the city's Parking Authority for more than 20 years and served under four mayors.

Currently residing in Branford, she and her husband, William O'Connell have two sons, a daughter and six grandchildren.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments, I was not present and voting when the House considered various pieces of legislation on the following days:

THURSDAY, OCTOBER 20, 1983

Had I been present, I would have voted against adoption of the conference report to the Labor, Health, Human Services, and Education appropriations bill, for fiscal year 1984. This measure was more than $1.3 billion over the President's budget request.

FRIDAY, OCTOBER 21, 1983

During consideration of H.R. 3324, Close Up Foundation Grants, I was paired for an amendment by Mr. ERLENBORN which sought to strike language transfering the law-related education program from the State block grant to the Education Secretary's discretionary fund.

I was paired against final passage of H.R. 3324, because it removes the program from the State education block grant and because of its funding levels.

Had I been present, I would have voted in favor of the conference report to H.R. 3929, Federal Supplemental Compensation Act of 1982, as amended, in order to deal with the severe unemployment problems in many areas, including Illinois.

WEDNESDAY, OCTOBER 26, 1983

I was paired for an amendment by Mr. MONTGOMERY to H.R. 4185, Defense Department appropriations bill, for fiscal year 1984, which added $81.7 million to the bill for the purchase of aircraft for the Army and for initial procurement of a new radar system.

Had I been present, I would have voted against an amendment by Mr. ADDABBO to H.R. 4185, which would provide $218 million for the Navy's frigate construction program. The money would not be a new appropriation but would come from shipbuilding funds appropriated in previous years. This money would come out of the Defense Department funds and not out of the President's budget. I would have voted for an amendment which followed by Mr. BENNETT, to add $355.5 million for various ships, including the frigate, and components for the first of a new destroyer class.

THURSDAY, OCTOBER 27, 1983

On H.R. 3231, the Export Administration Act, I was paired for the amendment offered by Mr. ROTH which allows the President to continue to require licenses for exports to coordinating committee nations. I was also paired for the motion to recommit the bill to the Committee on Foreign Affairs with instructions to amend it to permit the President to continue to exercise export controls over subsidiaries of U.S. firms operating overseas.

FRIDAY, OCTOBER 28, 1983

Had I been present, I would have voted for approval of the House Journal, for Thursday, October 27.

On H.R. 2655, Domestic Volunteer Service Act, I was paired for an amendment offered by Mr. BARTLETT which sought to strike language providing authorization floors for VISTA. I would have voted for final passage of the bill, had I been present.●

GRENADA SITUATION

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. DE LUGO. Mr. Speaker, with the inundation of news articles on the situation in Grenada, and the wide range of editorial comment in all the media, here and abroad, I think it would be good for my colleagues in the House to see what is being written about the situation by a newspaper in

the same area of the world as Grenada—the English-speaking eastern Caribbean. The following is an editorial from today's edition of the Daily News of the U.S. Virgin Islands, where nearly half of my constituents are from the islands of the eastern Caribbean, including Grenada.

ARSENAL IN GRENADA

The Cuban military and civilian presence in Grenada was no surprise to anyone. But the extent of that presence, as revealed in the aftermath of the U.S.-Caribbean intervention last week, has been a source of astonishment.

The island was a virtual arsenal, a storehouse of arms and ammunition sufficient to blow Grenada's neighbors to smithereens—a shuddering prospect in light of the brief but brutal leadership displayed by Gen. Hudson Austin, head of the revolutionary military council.

U.S. military officials said they found enough arms on that little island to supply guerrillas around the world for years. Journalists who finally were let on to the island were shown five warehouses packed with crates of arms, many bearing Soviet markings.

There also was a larger contingent of Cubans than anyone expected. Before the invasion, U.S. officials believed there were about 600 Cubans on the island, half serving as military advisers and the rest constructing the new Cuban-financed airport. But they found more than 1,000 Cubans on Grenada, including a trained combat battalion. It now appears military advisers from other Soviet satellite states also were on the island.

The most frightening thing for those of us in the Caribbean is evidence that Cuba was in the process of establishing a major military base on Grenada. That would have given the communist bloc a strategic military foothold at both ends of the island chain.

U.S. officials insist that while the Cuban presence on Grenada was a cause for concern, it did not prompt their intervention. That may be so, but for those of us who live in the Caribbean, it justifies all the more the decision to go in to ensure the safety of the Americans there and help restore order and democracy to the people of Grenada.

The prospect of Gen. Austin and his fellow revolutionaries controlling all that firepower or worse, Fidel Castro controlling it, is a terrifying one to all peace-loving, democratic Caribbean peoples, as it should be to people throughout this hemisphere.

More than ever, we believe the end results of the American intervention will have been worth the criticism that our country is taking at home and abroad, for a difficult but courageous decision.●

U.S. INVASION STILL A MISTAKE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. TOWNS. Mr. Speaker, the President attempted last night to eloquently defend his actions in Grenada. The fact remains, however, that the United States has violated the territorial integrity of a sovereign nation.

The concern for the lives of the American students in St. George's is of course an important factor. Yet, Prime Minister Eugenia Charles, of Dominica, a supporter of the invasion, indicated to the Congressional Black Caucus that the students were not endangered. And it was only after the medical college director met with the State Department that he retracted his statements where previously he stated that no danger existed.

We have been condemned by our European allies, including Great Britain. But more importantly the President did not indicate that other Caribbean nations opposed our actions. Trinidad, Belize, the Bahamas and Guyana all rejected participation in this invasion. If Trinidad objected, a country with a historical relation to Grenada and in closer proximity to the island than Jamaica, which is some thousand miles away, who are we to intervene?

We cannot expect to restore democracy at the point of a bayonet. For my colleagues who are concerned about Central America, I would ask this question: If we do not criticize the Grenada invasion how can we oppose U.S. military troops in El Salvador? Is the difference that Grenada is a small, black country? I would hope not. I want to urge my colleagues to join the Congressional Black Caucus in cosponsoring House Concurrent Resolution 199, a sense of Congress resolution, urging the President to withdraw U.S. troops immediately from Grenada. The era of gunboat diplomacy by the United States in the Caribbean is over.●

CUTTING THE DAIRY SURPLUS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. CONABLE. Mr. Speaker, after long consideration, the administration has now endorsed my proposal—H.R. 3292—for straightening out the costly Government dairy support program. In a recent letter to the minority leader, the Secretary of Agriculture has termed it a "good, commonsense dairy policy" which "the administration supports."

Flexible price supports have succeeded in removing dairy surpluses a number of times in the past and can succeed again under the authority provided in my proposal. It is the course to take, rather than whip up another complex scheme of production quotas, diversion payments, and production taxes, which will not correct the long-term problem at a reasonable cost to consumers, taxpayers, and farmers.

I include a copy of the Secretary's letter for the information of all my colleagues.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., October 28, 1983.

Hon. ROBERT H. MICHEL,
Minority Leader, U.S. House of Representatives, Washington, D.C.

DEAR BOB: I appreciated the opportunity to discuss pending dairy legislation at our recent meeting. As you requested, I am writing to outline the Administration's position on the Conable amendment.

This Administration has worked with the Congress and the dairy industry for 2½ years in an effort to devise an equitable program that solves the problem of mounting surpluses. In 1981, I urged the Congress to give the Secretary of Agriculture the discretion to adjust the price support for milk in relation to supply and demand. This proposal was not adopted because of strong opposition within the Congress.

By May of 1983, record CCC stocks of dairy products and the accompanying record Federal spending for dairy price supports had further strengthened my belief that the price support needed to be adjusted in order to bring milk production more in line with demand.

Unfortunately, Congress once again rejected my proposal for flexibility in the price support, enacting instead the assessment program that is in effect today. At the time, I advised members of both the House and Senate that the assessment program would not be effective in reducing surpluses, that it would be difficult to administer equitably, and that we would in all likelihood have to devise another approach within a year. I regret to say that my predictions turned out to be quite accurate.

Again this year. I was compelled to go to the Congress and seek authority to adjust dairy price supports. This spring, the Department proposed an across-the-board adjustment in the dairy, wheat, feed grains, cotton, and rice programs that was designed to preserve and enhance long-term prospects for farm income while reducing unprecedented Federal spending for price support programs to a more manageable level.

The Conable amendment is thus virtually identical to proposals supported by the Administration in 1981, 1982, and 1983. I have long maintained that the soundest, simplest remedy for the difficulties of the dairy support program is to give the Secretary discretion to adjust the price support. It is an approach that provides the long-term flexibility needed to meet rapidly changing circumstances and prevent the vast surpluses of recent years.

I continue to believe that the policy embodied in the Conable amendment is good, commonsense dairy policy. But I must stress the importance of taking some action to address the immediate problem of huge CCC dairy purchases.

Because of my sense of urgency and the repeated failure of the Congress to enact the Administration's proposals, earlier this year I undertook a series of meetings with interested Members of Congress and the dairy industry. Those discussions led to the dairy proposal embodied in the bill that passed the Senate recently and that will soon be the subject of House action.

As I indicated on numerous occasions throughout these discussions, the Administration continues to believe that a simple adjustment in the price support for dairy is superior to the compromise, but could support the compromise in the context of a bill that provided needed adjustments in target prices for wheat, feed grains, and the other

major commodities. This has not been accepted by the Congress.

Therefore, consistent with all of my earlier statements on this question, the Administration supports the Conable amendment to H.R. 1875.

You also inquired as to the policy that I would pursue in implementing the Conable amendment if it were to become law. As I stated in May of 1983, my intent would be to lower the support level initially to $12.00 per hundredweight. Following a period of evaluation, I woud make a decision as to the necessity for further reductions up to the limit authorized by the Conable amendment. This would allow industry a reasonable transition period in which to attempt to bring supply and demand back into balance.

I believe, as you, that we must achieve an effective solution to the dairy surplus problem and change current law. However, the Congress must make the hard decisions necessary to resolve this issue. I appreciate your concerns and efforts in reaching that end.

Sincerely,

JOHN R. BLOCK,
Secretary.●

SUPPORT FOR DOMESTIC VOLUNTEER SERVICE PROGRAMS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. RODINO. Mr. Speaker, last week, the House achieved a splendid victory when it passed H.R. 2655, the Domestic Volunteer Service Act Amendments, by the overwhelming vote of 312-30. While conference action must still take place, I am confident that final action by the Congress will assure continuance of the vital and cost-effective programs administered by ACTION to help meet the basic human needs of our poor, disadvantaged, elderly, and handicapped citizens.

H.R. 2655 authorizes extension of the Foster Grandparents program, the Retired Senior Volunteer program, the Senior Companions program, and the Volunteers in Service to America (VISTA) program for 3 years. These fine, proven programs will make possible continuation of desperately needed aid for the broad range of domestic problems—hunger, homelessness, unemployment, illiteracy, family violence, and crime—which afflict so many Americans. It is shocking to note that the latest Census Bureau figure shows that 34.4 million Americans—15 percent of our population—are living in poverty. These programs represent the best of this country—voluntarism working to benefit millions of people, young and old, who have been left out and left behind.

I find it bitterly ironic that this administration has again tried to eliminate VISTA, the heart of all our domestic volunteer programs. Despite its emphasis on voluntarism and participation by the private sector, the administration requested only $196,000 to phase out VISTA in fiscal year 1984. As passed by the House, H.R. 2655 provides a minimum authorized floor of $25 million for VISTA in fiscal year 1984, $28 million in fiscal year 1985, and $30 million in fiscal year 1986. The VISTA program is a wonderful example of the basic American belief of helping people to help themselves.

One of the most important aspects of VISTA volunteers' work is their effort to identify, recruit, and effectively involve part-time volunteers in the activities of the organizations with which they work. VISTA volunteers have been most succesful as catalysts and mobilizers of financial and volunteer resources at the local level. Studies show that on the average, each volunteer, at a cost of less than $7,000 a year, recruits over 15 part-time and full-time volunteers for his or her project and is able to generate over $24,000 in financial resources at the local level.

Mr. Speaker, during these difficult economic times, it is imperative that we renew and intensify our commitment to these vital programs. They enrich the lives of both those who give and those who receive, as well as our Nation.●

CONGRESSIONAL AWARD PRESENTED TO MRS. THERESA RICCITELLI

HON. BRUCE A MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I am extremely pleased to have the opportunity to present to Mrs. Theresa Riccitelli the Congressional Award in Recognition of Outstanding Service to the Community. I can think of noboby who better deserves this award—who has worked more tirelessly, enthusiastically, and generously to make our community a better, fuller place in which to live. We will always remember and love her for it. Tess has served her community in many remarkable ways.

Tess was a driver for the American Red Cross Motor Corp. both before and during the Second World War. She has assisted in many fundraising activities for civic organizations and is a member of the New Haven Council of Catholic Women. For the past 40 years, Tess has been active in the St. Bernadette's Church. She taught catechism and served the Ladies Guild as president and chairperson of the ways and means committee. As a member of the parish council, she was extremely effective as chairperson of the finance committee.

Tess, is also known to us for her association with the St. Raphael's Hospital. She provided the hospital with more voluntary working hours than any person in the history of the hospital and was most deservedly honored for this with the Helyn Lapides Award for Voluntarism.

Tess' achievements as a political and civil leader are equally remarkable. With this, as with everything she does, Tess' efforts, the extent of her involvement, and her successes, are legendary. She has been a Democratic ward chairman in Morris Cove and a member of the Democratic Town Committee for the pass 22 years. She has served as vice chairperson of the New Haven Democratic Committee and of the United Way Eastern Residential Region. She is presently a member of the Carousel Restoration Committee for Lighthouse Park.

I am far from the first to recognize the tremendous achievements of this individual. Apart from the numerous committees to which she has been appointed, Tess was also honored in 1979 by being appointed eucharistic minister of St. Bernadette's Church.

I am very happy to be among those to thank Tess for all she has done and to express how luckly I feel to have her as a member of our community.●

GOOD NEWS, IN FACT, FOR THE AIRLINES

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. SHUMWAY. Mr. Speaker, William Rusher recently penned a very convincing column, "Good news, in fact, for the airlines." I found it to be an articulate assessment of what happens when years of Government regulation are ended, and the previously regulated enterprise must relearn the laws of supply and demand. I particularly like his conclusion: "In the long run, the result will be what a free market system always delivers—not merely the biggest, most complex and freest airline industry in the world, but also the most varied, the most ingenious and the best."

I commend the article to my colleagues' attention:

GOOD NEWS, IN FACT, FOR THE AIRLINES

(By William Rusher)

The current trials and tribulations of the U.S. airline industry, five years after the deregulation of routes and fares, are a useful reminder that economic freedom is a wonderful thing even if it is a little messy when it suddenly replaces decades of government regulation.

Up until 1978, the operating assumption was that Poppa—in the form of Washington—knew best. Poppa told the airlines which routes they could fly and how much they could charge. Since it was understood that they would be allowed to charge enough to make a reasonable profit, the air-

lines didn't mind greatly that they had forfeited thier right to take bigger chances and reap bigger profits: open new routes, offer innovative variation in service and undercut their competitors' prices.

Those were the good old days, if you happened to be in the right spot or knew somebody who was. Many a congressman became a hero to his constituents by pulling enough wires in Washington to make sure that some major carrier kept flying in and out of the chief city in his district, even if the local air traffic didn't justify it. As for the airline unions, they were in hog heaven. Pilots' salaries rose as high as $90,000; stewardesses could earn up to $39,000.

Then, in 1978, in a spasm of free-enterprise rectitude, Congress voted to deregulate air routes and air fares. The airlines were summarily turned loose, to see how well they could do on their own.

Not surprisingly, some did a lot better than others. Among the gainers were United, American, Delta, Northwest and Piedmont. Among the losers were Braniff (which overextended itself and went bankrupt), Eastern (which ran into stiff competition from lean young outfits like People Express and New York Air) and Continental. In Continental's case, and several others, the problem was the swollen salaries being paid its employees—salaries that the line's earning power simply couldn't justify in any market but a heavily regulated one.

Also unsurprisingly, the first few years after deregulation has seen some wild swings in both service and fare structures. Congressman McSnurd and his constituents now have to fly in and out of their one-horse metropolis in a noisy propjet operated by a computer line, rather than the 727 to which they had become accustomed. And it now actually costs more to fly from New York to West Mudbucket, Colo., than all the way to San Francisco—which sounds absurd, until you reflect on the relative demand for seats to San Francisco and West Mudbucket and recall the famous old law of supply and demand.

Above all, and least surprising of all, the average basic cost of airline transportation is coming down—and that's what it's all about, isn't it? There are still a few more bumpy years ahead, while this once heavily protected industry is sorting itself out and finding the right mix of routes, service and fares. In the process, the inefficient operators will be chased out of business by the more efficient ones, to the accompaniment of a few dolorous bankruptcies and the wails of the pilots' and flight attendants' unions. But in the long run the result will be what a free market system always delivers—not merely the biggest, most complex and freest airline industry in the world, but the most varied, the most ingenious and the best.●

LANCE CPL. JEFFREY NASHTON MADE ALL AMERICA PROUD

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. BOEHLERT. Mr. Speaker, the controversy over our continuing involvement in Lebanon should not obscure the heroism of our marines who are stationed there.

These young men are facing great risks in a faraway land to advance the cause of peace. No one can accuse them of being aggressors. No, they have been willing to put their lives on the line in a noble effort to bring stability to a nation and a region that for too long have known only chaos and bloodshed.

I would like to express my admiration for the heroism of one marine in particular, Lance Cpl. Jeffrey Nashton of Rome, N.Y.

Corporal Nashton's show of courage and dedication to our Nation's highest ideals has already been recognized publicly by Gen. Paul X. Kelley, the Marine Commandant, and by President Reagan. But I would like to add my tribute to this valiant man.

Jeffrey was the marine whom General Kelley described as having "more tubes going in and out of his body than I have ever seen in one body." The General continued:

As I awarded him the Purple Heart, he held my hand with a firm grip. He was making signals that he wanted to tell me something but he had tubes down his throat and couldn't talk. And finally after we realized he wanted to tell me something, we put a pad of paper in his hand and this is what he wrote: "Semper Fi."

Semper Fideles, as we know, is the corps motto: Always Faithful.

As President Reagan said, in relating that story during his address to the Nation and world last Thursday.

General Kelley has a reputation for being a very sophisticated general and a very tough Marine. But he cried when he saw those words, and who can blame him?

That Marine, and all those others like him, living and dead, have been faithful to their ideals. They have given willingly of themselves so that a nearly defenseless people in a region of great strategic importance to the free world will have a chance someday to live lives free of murder and mayhem and terrorism.

I think that young Marine and all of his comrades have given every one of us something to live up to. They were not afraid to stand up for their country or, no matter how difficult and slow the journey might be, to give to others that last, best hope of a better future.

We cannot and will not dishonor them now, and the sacrifices they have made, by failing to remain as faithful to the cause of freedom and the pursuit of peace as they have been.

This fine young man, by his demonstration of courage and dedication to our Nation's high ideals and noble purposes, made all America proud. It is with special pride that I offer this personal salute to him.

Corporal Nashton's example should inspire us all.●

READER'S DIGEST ON THE NEED AT THE UNITED NATIONS FOR A RETURN TO ITS ORIGINAL IDEALS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. KEMP. Mr. Speaker, as foreign ministers and diplomats from 157 nations convene this month in New York City for the 38th session of the General Assembly of the United Nations, they face a new item on their agenda: Returning the organization to the original ideals upon which it was founded. A special team, set up by America's exemplary U.N. Ambassador Jeane Kirkpatrick, is working to carry out the new mission of returning to the purpose and promise of the U.N. Charter. After nearly 40 years of a gradually deteriorating existence, the United Nations has made apparent its failed mission: It is not what it was intended to be and has not done what it had intended to do.

President Harry Truman welcomed the United Nations into existence in 1945 calling it a "great instrument for peace and security and human progress." Since then, the rhetoric, diplomatic shoulder rubbing, and plentiful memorandums of the United Nations have accomplished few of the effects hoped for by the war-weary world which founded the organization. Rather, the smoke-filled chambers of the U.N.'s Secretariat and Conference Buildings have produced corruption and frustration, leaving the United Nations in its current sad state. The United Nations is now referred to as "one of the Soviet Union's most important espionage posts in the West" and as "the advocate of a new world order amounting to global socialism."

The plight of the United Nations is indeed a serious matter. I am submitting with my remarks a special report from Reader's Digest which explains how the promise of the United Nations has been broken. I commend this article as well as the short piece by Jeane Kirkpatrick which follows it to the attention of my colleagues. If Americans do still truly believe in peace as U.S. Permanent Ambassador to the United Nations Jeane Kirkpatrick suggests, we must fight to keep the United Nations from becoming a possible enemy of peace and a promoter of conflict.

The articles follow:

[From the Reader's Digest, October 1983]

THE BROKEN PROMISE OF THE UNITED NATIONS

(By Ralph Kinney Bennett)

When Israeli troops advanced into Lebanon last year to attack Palestine Liberation Organization bases, they made a surprising discovery near the town of Sidon. At the

Siblin vocational training center, a U.N.-run school, they found a PLO terrorist-training complex stocked with assault rifles, bazookas, crates of grenade launchers, machine guns, explosives and assorted other weapons. U.N. officials admitted the school had been "misused," but did not explain how terrorist training had gone on for several years while escaping their notice.

When Aleksandr Nikolayevich Mikheyev, a Soviet expert on American affairs, began a tour of duty at U.N. headquarters in New York early this year, he proved to have little time for U.N. business. Instead he traveled to and from Washington, where he met with an aide to Rep. Olympia Snowe (R., Maine), who serves on the House Foreign Affairs Committee, Mikheyev sought to persuade him to "find out what you can" about some classified documents. When the aide informed the FBI, the State Department promptly expelled Mikheyev from the country. He was never charged with a crime because, as a U.N. "diplomat," he was immune from prosecution.

When American intelligence learned last February that Libyan dictator Muammar el-Qaddafi was planning a coup d'etat in neighboring Sudan, the aircraft carrier *Nimitz* was dispatched to the area as a warning to Libya. Qaddafi backed down, and the crisis was over—except at the U.N. Four days later, Soviet U.N. Ambassador Oleg Troyanovsky, presiding officer of the Security Council that month, opened an "emergency session" during which 19 ambassadors lined up by the Russians paraded to the microphones to accuse the United States of aggression and warmongering. Only one diplomat, the ambassador of Sudan, defended the U.S. action

This is the real United Nations—a place where destructive deception, rampant espionage and vituperative "diplomacy" often exacerbate rather than prevent conflict. When President Harry S. Truman eagerly welcomed the U.N. into existence in June 1945, he called it a "great instrument for peace and security and human progress." Since then, 140 wars around the globe have claimed close to ten million lives. And the U.N. itself has become:

An organization that sanctions the violent overthrow of sovereign governments;

One of the Soviet Union's most important espionage posts in the West;

A political base, a source of funds and a propaganda organ for terrorist organizations;

The advocate of a new "world order" amounting to global socialism;

A forum for anti-American, anti-Western, anti-free-enterprise activity.

In a report to the General Assembly last year, U.N. Secretary General Javier Pérez de Cuéllar deplored his organization's inability to keep its members from conflict. Noting that the U.N. had "strayed far from the Charter in recent years," he warned that "we are perilously near to a new international anarchy."

WORLD-CLASS BUREAUCRATS

The general ineffectiveness of the U.N. has overshadowed the positive accomplishments of some of its agencies. A portion of the billions of dollars the U.N. has spent over the years has found its way—thanks to the dedication of many idealistic U.N. workers—through the bureaucracy into such good works as refugee relief, water purification, inoculation against disease, training natives in farming techniques, improving postal service and providing global weather forecasting.

But a growing number of Americans must wonder whether these relatively modest achievements have been worth the political and financial price. The United States currently foots a full quarter of the U.N. Secretariat budget of more than $750 million a year. The Soviet Union (which is typically almost $200 million in arrears) pays 12 percent of the budget. Japan pays 10 percent, Western Europe's 19 members pay a total of 33 percent, and the other 19 percent is spread among the organization's remaining 133 members.

Real spending throughout the U.N. system of "specialized agencies" amounts to $4.7 billion a year; of which the United States lays out up to a third. (U.S. Ambassador Jeane J. Kirkpatrick says she has tried unsuccessfully for the past three years to get exact figures.)

The most important beneficiary of all this spending is the U.N. staff itself. The sprawling bureaucracy of the organization consists of between 45,000 and 52,000 employees (again, it's difficult to come up with a firm figure) spread through 24 countries. They are truly world-class bureaucrats, their salaries and pensions pegged about 35 percent higher than those of U.S. civil servants. As a result, 75 percent of the U.N. budget goes to "salaries and related staff costs."

BIRTH DEFECT

But waste and sloth are relatively minor matters. What really hurts is the destruction of the very values—freedom, democracy, human dignity—upon which the U.N. was founded. The prime source of this destruction is as well known as it is generally ignored.

The U.N. today suffers from a profound birth defect: the Soviet Union. Whether or not Franklin D. Roosevelt really believed that membership in the U.N. would be a "civilizing" influence on the Soviet government is not painfully beside the point. From the outset, the Soviets have obstructed, perverted, subverted or, at their convenience, ignored the U.N. Consider:

For the Soviet KGB, the U.N. in New York is a post of greater importance than the Soviet embassy in Washington. The top KGB man at the Soviet U.N. mission is Vladimir M. Kazakov, former head of the First (Americas) Department of the KGB in Moscow. Kazahov is listed as "Envoy Extraordinary and Minister Plenipotentiary, Deputy Permanent Representative" to the U.N., and as such has full diplomatic privileges. But his duties have scant connection with diplomacy. He directs a network of agents involved in theft of U.S. technology and military secrets, and in espionage within the U.N. itself. The U.N. gives Kazakov cover for all the manpower he needs; there are about 260 members of the Soviet U.N. delegation, and 250 Soviets are employed in the Secretariat.

But while spying makes headlines, the more deadly ongoing work of the Russians is done within the U.N. itself—work aimed at strengthening Soviet influence in the Third World, delegitimizing Israel and painting the United States as the "enemy of peace."

To accomplish this the Russians have maneuvered themselves into many key jobs in the organization. Gennadi Yevstavyev, a top KGB officer, is special assistant to Secretary General Pérez de Cuéllar. Yevstavyev's two predecessors in this influential post were also KGB officers. The Undersecretary General for Political and Security Council Affairs, a particularly sensitive post, is held by Viacheslav Ustinov. Geli Dneprovsky, a KGB officer who supervised U.N. headquarters employees, is now chief of the personnel service for the U.N. office in Geneva, with access to confidential files on U.N. officials.

Article 100 of the U.N. Charter specifies that Secretariat employees "shall not seek or receive instructions from any government or from any other authority external to the organization." Most employees try to comply. The Russians flout Article 100 completely. Yevstavyev, Ustinov and their comrades in the Secretariat report regularly to the Soviet mission, where they are debriefed on activities inside the U.N. and given special assignments.

The potential for political mayhem and propaganda is exploited to the fullest by Russian U.N. employees. A translator may shade the meaning of a crucial word or phrase. A secretary may "lose" a page of statistics or a piece of vital diplomatic communication. Economic reports are doctored, resolutions are shaped, information is skewed.

When the U.N. Secretary General ordered an investigation into the use of biochemical weapons by Soviet-backed regimes in Laos, Cambodia and Afghanistan, Soviets at every level of the Secretariat threw up bureaucratic and procedural roadblocks, thus preventing any decisive U.N. action on "yellow rain," despite extensive evidence unearthed by journalists and U.S. officials.

Soviet arrogance was most eloquently illustrated in the fall of 1979. Even as they were finalizing plans for the brutal invasion of Afghanistan, the Russians engineered a resolution, pushed through the General Assembly by Third World delegates, which in its final form "resolutely condemns policies of pressure and use, or threat of use, of force, direct or indirect aggression, occupation and the growing practice of interference, overt or covert, in the internal affairs of states." Exactly one month later, the Russians were firmly in Afghanistan.

Soviet lawlessness taints the U.N. and—with the acquiescence of the West—has transformed it from a place where conflicts were to be resolved into a new kind of battlefield. And no one has taken to that battlefield with greater vigor than the "emerging" or "nonaligned" nations.

"VICIOUS" CAMPAIGN

Although the U.N. began with 51 members, postwar decolonization has more than tripled membership to a present total of 157 nations. Not surprisingly, the Soviet Union has managed to capitalize on this with far-reaching effect. In 1970, a resolution approved by the General Assembly urged so-called national-liberation movements to use "all the necessary means at their disposal" to overthrow sovereign governments. But, as it turned out, only a certain kind of national-liberation movement—Marixst, radical and terrorist—has won U.N. support.

In 1974, Yasir Arafat, leader of the terrorist PLO, spoke to the General Assembly to rousing cheers. Two years later, the Marxist-terrorist South-West Africa People's Organization (SWAPO) was granted the same official "observer status" accorded the PLO. Freedom fighters in Afghanistan, however, have not been heard in the General Assembly. And, of course, U.N.-guaranteed "rights" to overthrow oppressors do not exist for the workers of Poland, Hungary and Czechoslovakia.

More than recognition is at stake. Since 1977 SWAPO has had access to an estimated $40 million in U.N. funds, according to a

Heritage Foundation study. In addition, a pro-PLO "Division for Palestinian rights" has already spent more than $6 million—much of it used for "conferences" that are little more than anti-Israel rallies.

Which raises another subject. Deep-seated Soviet anti-Semitism, coupled with traditional Arab enmity and the unremitting pressures of the PLO, have been directed toward making U.N. member-nation Israel an outcast. The campaign against Israel, says Ambassador Kirkpatrick, "is comprehensive, intense, incessant and vicious."

"Incessant" may be an understatement. In 1981, 46 of 88 Security Council sessions involved Israel. In 1982, Israel was condemned as a "non-peace-loving state"—the only country ever to be so proscribed—and therefore subject to expulsion from the body. Only a U.S. threat to take its moneybag and leave the U.N. prevented such "peace-loving" states as the Soviet Union, Libya and Cuba from throwing Israel out.

ANTIPRIVATE ENTERPRISE

The Soviets have clearly succeeded in using such issues as Israel and South Africa to keep the spotlight off their own activities in Poland, Afghanistan and their own Gulag of concentration camps and "psychiatric" hospitals. But they have done much more. They have aroused in the Third World a covetous hunger which they have neither the inclination nor—given their miserable economy—the ability to assuage. And they have deftly guided that hunger toward the United States and the free Western democracies by articulating a "redistributionist" ethic: the wealthy (and guilty) "colonialist" and "imperialist" nations of the West must turn over their money, their food and their technologies to the underdeveloped nations.

To further this goal, the U.N. has become increasingly preoccupied with what it calls a "new world order"—a series of codes, resolutions and treaties on every aspect of political, economic and social life. Although these documents do not have the force of law, they provide a respectable rationale for the advancement of global socialism at the expense of individual freedom and private enterprise.

There is, for example, the New International Economic Order—the U.N.'s euphemism for what Ambassador Kirkpatrick calls "the redistribution of the world's wealth." Such thinking was codified in the U.N.'s 1974 Charter of Economic Rights and Duties of States, under which each nation was granted the "right" to "nationalize, expropriate or transfer ownership" of foreign-owned companies.

Among other goals of the new economic order:

Pharmaceutical companies, for example, could be forced to turn over proprietary information to competitors.

Multinational companies could be forced to operate under a code of conduct regulating their behavior in the Third World.

U.S. and Western shipping lines could be forced to "allocate" certain freight contracts to the maritime industries of emerging nations.

Such efforts—intrusive, confiscatory, inimical to the private enterprise that has provided jobs and product markets for developing countries—are being pursued by the U.N in the name of what Secretary General Pérez de Cuéllar calls "the right to a better distribution of wealth and social well-being."

Then there is the proposed New World Information Order. Its essence is deadly simple: state control of the press. Through the offices of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Third World and the Soviets have launched a campaign to restrict radio and television broadcasts from the West, and essentially to control the content of international newspaper and wire-service operations. Dressed up as concern for the "protection" of journalists, the new communications order would in fact aim to protect governments from a free and searching press. Indeed, UNESCO's own documents proclaim the need for state "regulation" of the news.

TIME TO GET TOUGH

With the advent of the Reagan Administration, a new outlook has come to our U.N. mission. The team assembled by Kirkpatrick seeks to follow a coherent policy, to return to the purposes and promise of the U.N. Charter. But beyond tough words there are several steps the United States must take to turn the U.N. away from its destructive path:

We should reduce the number of spies using the U.N. as cover. Under the agreement allowing the U.N. to locate in New York, the United States retains the right "to safeguard its own security." We can limit the number of visas granted to foreign nationals and the number of people in a mission given diplomatic immunity. Why, for instance, should the Cuban mission, representing a nation of 9.7 million, be allowed a staff of 43, all of them—down to drivers and clerks—protected by diplomatic immunity? (India, with a population of 684 million, has a mission staff of 15.)

We should jack up the price of voting against American interests by giving notice that we will closely examine our bilateral relationships, including foreign aid and loans, with countries that consistently go against us on critical issues.

We should refuse to finance or even participate in projects or organizations inimical to our national interests or to the U.N. Charter itself. This would mean withholding U.S. dollars from the U.N.'s usual "core funding," whereby all nations' contributions are pooled, and then allocated by a governing body likely dominated by unfriendly political groups or manipulated by the Soviets.

Finally, if the U.N. persists in seeking a "new world order" hostile to the ideals of America, we should sharply reduce our total budgetary share in the organization. It is one matter to be tolerant of such views; it is quite another to finance them.

The Soviets have set a standard of lawlessness at the U.N. But it is the West, particularly the United States, that has set a standard of weakness and irresponsibility by its repeated failure to defend the original goals of the Charter. If the United States and the other nations that sincerely believe in peace and freedom will not now join vigorously in upholding those goals, then the organization that was meant to be a beacon of hope and security will remain what it has tragically become: an enemy of peace and a promoter of conflict.

AMERICANS STILL BELIEVE

(By Jeane J. Kirkpatrick)

Although it often seems that the United States and Israel are the only regular objects of attack at the United Nations, there are, in fact, other victims. Truth, freedom and fairness take a terrible beating. As a result, most Americans ignore the U.N. Others, especially those in government, have been prone to dismiss the U.N.'s double standards, double speak and discrimination as "just rhetoric."

We—President Reagan and the team he appointed to the U.N.—have not been willing to ignore these attacks. We take seriously this organization on which our nation spends nearly $2 billion a year. We care about being fairly treated. And we care, too, about the reasonableness, fairness and usefulness of U.N. processes and decisions.

We believe good relations among nations, as among people, are based on mutual respect. We are ready to stand by our friends and we expect the same from them. We have let other nations know they can no longer denounce us on Monday, vote against us on an important issue of principle on Wednesday, and pick up assurances of our assistance on Thursday. If we are attacked, we defend ourselves.

The United Nations was created to solve problems, not create them; to promote peace, not deepen conflict; to encourage development, not create obstacles to it; to nurture freedom, not to serve bondage. Americans still believe in the ideals and goals of the U.N. Charter. As in the past, the people of this country are ready to serve and support them—with our efforts and our money. But we will not be accomplices in a betrayal of those ideals and goals. To do so would mock the good faith of all the Americans whose tax dollars support our activities here.●

PERSONAL EXPLANATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. MARKEY. Mr. Speaker, due to an unavoidable conflict, I was out of town on business early Monday and missed two votes instructing the conferees on H.R. 3222, providing appropriations for State-Justice-Commerce-Judiciary. Had I been present, I would have voted "nay" on the previous question and I would have voted "yea" in favor of the amendment to instruct conferees with respect to provisions regarding allocations to political parties. Political parties are not governments and I do not believe we should extend such great sums to the political parties of our country. When this amendment came before the House in June, I voted against the proposal to turn over millions of dollars to our political parties. I restate my opposition to this idea and encourage the conferees to reject the Senate amendment which adds money for political parties.●

H.R. 2655

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. ORTIZ. Mr. Speaker, this past Friday I was unable to be present and cast my vote on H.R. 2655, the Domestic Volunteer Service Act amendments.

I certainly regret not being able to go on record as supporting this important piece of legislation; however, I felt compelled to join 10 of my colleagues on the Armed Services Committee and the Veterans' Administration Committee to travel to Lebanon and assess our involvement in this troubled country.

Had I been present on Friday, I would have added my vote to the 312 Members of this body that authorized funding for, among other things, the Volunteer in Service to America (VISTA) program. I am glad to know of the bipartisan support this bill received.

While we are all cognizant of the grim statistics from Third World countries regarding poverty and hunger, many Americans fail to acknowledge the existence of millions of people in our country suffering from the same conditions. VISTA not only provides a tremendous personal growth experience to its participants, but it renders a service that ideally should be a part of all our lives. The funds for this program are insignificant compared to the benefits provided by these volunteers to the needy in our cities and rural areas. Although reduced moneys in past years have left this program largely symbolic, I am encouraged to see increased levels of funding authorized by this body. I look forward to the day when VISTA is no longer needed in this country, but in the meantime, conditions dictate that this program be maintained and strengthened.

Poverty in America remains a nagging problem; our presence in Lebanon has the potential for becoming a similar problem in the arena of foreign policy. I went to Lebanon with this in mind, and also with the hope that our role will indeed bring democracy to these deserving people as soon as possible.

I joined with the majority of this body in allowing the President to maintain a U.S. presence in Lebanon for an additional 18 months. I still support our commitment even in the wake of the barberous act which resulted in the deaths of so many of our marines. My support is not unconditional; it is not without reservations. This past weekend my observations in Beirut and conversations with our marines were invaluable in helping me gain a clearer understanding of the problems we face in Lebanon.

The multinational force was originally sent in to aid in supervising the withdrawal of the PLO from West Beirut. Additionally, this force had the mission of separating the Arab and Israeli forces following the end of the war last September. Clearly the situation has changed significantly today than when the marines were first deployed. The purpose of our mission this past weekend was to review the relative strength or weakness of our position in Beirut and assess what changes should be made in regard to the immediate question of physical security for our troops and the general question of the future of our involvement in Lebanon. My colleagues and I who journeyed to Lebanon will certainly be making our views known to all of you in the approaching days.●

THE 90TH ANNIVERSARY OF UPSALA COLLEGE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. RODINO. Mr. Speaker, this year Upsala College in East Orange, N.J., marks its 90th year and will celebrate during homecoming weekend, beginning Friday, November 4.

What began with 16 students in a Brooklyn church has become one of New Jersey's outstanding educational institutions. In 1893 a group of Swedish Lutherans founded a small school consisting of 16 students. It was the year in which the town of Uppsala, Sweden was celebrating the 300th anniversary of the Uppsala decree, making the Lutheran Church the official church of Sweden. Inspired by this event, they called the new school the Upsala Institute of Learning. Five years later it was moved to New Orange—now Kenilworth, N.J., and was incorporated under the State laws. In 1924 Upsala moved to its present location in East Orange. It also has a campus in Sussex County which offers a 2-year associate degree program.

Upsala's 1,900 students study over 30 different majors and 8 areas of concentration. The school is best known for its teacher education program, and has produced some of our finest educators. Some of the unique aspects of their program include the requirement that students receive a liberal arts, rather than a teacher education degree, and the 1-year internship program which affords education students excellent firsthand experience.

This weekend is certain to be a special one, as hundreds of students and teachers, former trustees and homecoming queens, alumni and assorted friends gather to pay tribute to the past 90 years and to look ahead to the future. I am pleased to have been a member of the honorary committee for this occasion, and I especially would like to mention Upsala's president, Rodney Felder, for his outstanding leadership.●

H.R. 4199

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. KINDNESS. Mr. Speaker, recently, I introduced H.R. 4199, a bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes.

I have introduced this bill after many years of experience with problems in the contracting activities of the Government which have arisen from product liability exposure of Federal contractors. In the last session, extensive work was expended to develop a solution to the problem, without success. It is a difficult issue.

The problem is really twofold. First, in recent years, the courts have ruled that Government contractors are exclusively liable for product failures, even when it is shown that the failure was a direct result of Government-ordered specifications or faulty Government maintainence. Since most of these lawsuits are filed by Government employees, it is worth noting that when employees are injured on the job they are compensated by the Government through workmen's compensation programs. Nevertheless, current law allows employees to recover, additionally, all of the damages against the contractor, even though the Government caused or contributed to the injury. (See *Stencel Aero Corp. v. U.S.*, 431 U.S. 666 (1977)).

The second problem is referred to as "catastrophic liability." This is the situation which faces a contractor who produces for the United States a product believed to be safe, but later found hazardous. In such a case, the contractor may face liability of massive proportions. Such massive liability cannot be insured against and would bankrupt even the strongest company. If insurance is available, it is usually too costly to be practical.

It is important to recognize that as more contractors come face to face with these liability problems, and realize the costs of doing business with the Government, the Government loses good contractors or is forced to pay higher prices to those who remain. In some areas, such as NASA's space program, the Government has already found that it was sensible and cost efficient to indemnify contractors for their liability losses rather than lose the contractor or pay its insurance costs.

The experience gained by NASA is valuable. But instead of providing li-

ability protection to contractors on an agency-by-agency basis, as problems arise, I propose that a uniform system be established which is fair to the contractors, the Government, and ultimately the taxpayers.

The system proposed in H.R. 4199 would reduce the liability of the contractors in proportion to that part of the total liability which is caused by the Government. If only 50 percent of the fault for the injury was attributable to the contractor and 50 percent attributable to the Government, a plaintiff would recover 50 percent of the damages awarded from the contractor. Since the Government already pays for the employee's injury through workmen's compensation, the Government would not pay any additional damages under this bill.

Further, the system proposed would require Government contracts to address the problem of "catastrophic liability" by requiring each contract to include a provision setting forth the conditions under which the United States would indemnify a contractor. Such indemnification would apply only to claims resulting from risks defined as unusually hazardous or nuclear in nature, or risks creating the possibility of liability which cannot reasonably be insured against.

Although the language of the bill is much more technical and specific than described in this analysis, I believe the advantages of this system can be seen even from this brief description.

The proposed system treats contractors fairly, and places them in the same position they would be in if they were contracting with any private sector entity. The system preserves the rights of plaintiffs to sue for their injuries and to collect damages from those at fault. Finally, the system places careful limits on the potential liability of the Government, and allows individual agencies to tailor contract language to their specific needs.●

TRIBUTE TO RANDA COWART

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. PASHAYAN. Mr. Speaker, I should like to call to the attention of my colleagues that Miss Randa Cowart has been selected as one of the 1983-84 California 4-H Diamond Stars, one of the highest honors for a group of young men and women.

Randa, a resident of surburban Fresno, Calif., is a 1983 graduate of Hoover High School and is currently attending Fresno State University where she is majoring in fashion merchandising.

As a member of the Golden Valley 4-H Club, she places emphasis on fashion revue, clothing and textiles, leadership, citizenship, career exploration, foods and nutrition, home environment, and photography. During her tenure she attended the Citizenship-Washington Focus program in Washington, as well as four State and three regional leadership conferences.

Randa exemplifies today's youth and this past summer she coordinated a 4-H project aimed at assisting refugees from Southeast Asia who have moved to the Fresno area. She and others in the 4-H program worked with 93 Hmong refugees, teaching them how to use American sewing machines and other basic techniques.

In addition to those activities this young lady has participated in more than 60 fashion shows, worked with the Special Olympics programs, was president of her class while a sophomore, and most recently was awarded the Soroptimist Young Citizenship honor.

Too often we hear of youth going wrong. It is a pleasure and an honor for me to cite to this body just one of many exceptions. I should like to think that there are many more Randas, and that the example she has set will be a guide for other youths.●

ADMINISTRATION MISLEADING GRENADA INFORMATION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. VENTO. Mr. Speaker, I strenuously object to the misleading and erroneous information and explanations that President Reagan and his administration have offered to the American people and Congress to justify the invasion of Grenada.

By barring the news media from reporting the facts, the Reagan administration moved into that vacuum and used it to mislead and deceive the public and Congress, whose Members had no previous knowledge of this invasion.

Mr. Speaker, it would seem under the circumstances of this past week that objectivity would have been doubly important. I am deeply disappointed and distressed that it was not present. The credibility of the Reagan administration on foreign policy matters has been seriously undermined by their self-serving reports on Grenada, which were later contradicted by independent sources.

Mr. President, you say foreign policy is where politics should end, but it appears today that your administration has not practiced what you preach.

Objective news accounts now contradict your "warehouses stacked to the ceiling with Soviet/Cuban armaments." Of the six warehouses in Grenada, three were found empty, one had clothing, apparently uniforms, another had food and finally the sixth warehouse was a quarter full with a hodgepodge of armaments, some dating from the 1870's and few modern Soviet arms. This is hardly a storehouse to equip thousands of Communist guerrillas in Grenada, much less Central or South America.

This news would almost be comical if the subject and facts were not the basis for justifying the military actions of our Nation. The weak excuses offered this weekend of a "treasure trove of documents" hardly offsets the facts. We all know that Soviet/Cuban Communists think terrible thoughts and commit them to writing.

Similarly, the U.S. assertions that flights were not permitted in and out of Grenada have proven to be very questionable in light of our U.S. action—action which interfered with such normal commerce.

Mr. Speaker, grave risks were taken in Grenada; indeed, it could have been a catastrophe for U.S citizens in that country. No matter how laudable U.S. foreign policy goals and objectives, the United States as a world power is bound by international law, and civilized comity as a means to attain those ends.

Whatever the transgressions of U.S. foreign policy, the Grenadian invasion is a fact. In making the best of a bad situation, the United States must remove our troops as quickly as possible and restore self-government to that country.

Conjuring up a bigger Communist Red menace is more a political hobgoblin than an adequate explanation of U.S foreign policy and military actions. The passage of the War Powers Resolution today is necessary. This resolution will provide a congressional review of the objective facts surrounding the invasion. It will also insure the timely removal of our forces.

Mr. Speaker, in view of the lack of candor by the administration on the invasion of Grenada, passage of the War Powers Resolution is imperative. I urge my colleagues to support House Joint Resolution 402.●

LEBANON

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I am surprised, although I should not be, that after listening to the President's speech last Thursday night, some people say he has not explained why our marines are in Lebanon. On the contrary, I think he stated our objectives there very clearly, and the reasons he gave are legitmate cause

for an American military presence in the Middle East. The security of the state of Israel has been a foundation of U.S. policy for the past 35 years. The stability and independence of Lebanon is a key for Israeli security, and the presence of the multinational force, with U.S. marines as a major component, is an essential factor in the effort to achieve a stable, sovereign, independent Lebanon, and stability to the vital Middle East. A withdrawal from Lebanon at the very time negotiations are going forward to establish a unified, democratic government there would destroy whatever hope there might be for a diplomatic solution to the bloody crisis that is Lebanon. When there is such a settlement or if it becomes apparent there will be no settlement is the time to withdraw our marines. The significance of the Soviet effort to expand its influence in the Middle East, through its surrogate Syria, cannot be overstated, just as the threat posed by the military arsenal on Grenada to its neighbors cannot be underestimated. The President made both those points clear last Thursday night and we would be foolish to ignore them.●

PIK: THE BITTER HARVEST

HON. FORTNEY H. (PETE) STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. STARK. Mr. Speaker, just like the President's tax policies helped the rich, the President's payment in kind program has resulted in a windfall harvest for the Nation's largest farmers and corporations.

In a hearing before the Ways and Means Select Revenue Measures Subcommittee this Thursday, I will release a major GAO report detailing the largest PIK payments—in the millions of dollars—to some of the Nation's "least needy" farmers.

The full extent of the PIK disaster will not be known for a long time, but November's issue of Inquiry magazine contains a good article by Jon Sawyer entitled "The Political Harvest," which details some of the problems of the PIK program. Portions of the article follow:

Their solution [to the farm crisis] was to contrive a voluntary acreage-reduction program, cross their fingers, and bet on inflation, bad weather, and exports to save the day. They were wrong. The OMB's initial estimate of fiscal 1983 commodity program costs, $2.9 billion, was junked in July. The new estimate—$8.5 billion—survived until November, when the moving target jumped again, to $12 billion. By January, with outside analysts already talking about the possibility of outlays exceeding $20 billion, the farm program had become the administration's biggest, most embarrassing budget snafu. It was then that a desperate administration, galloping toward yet another bumper harvest, with the voluntary set-aside program a national joke and no export boom in sight, plunged in with PIK.

The response to PIK was sensational. In the two months after Reagan announced the new program last January, farmers signed up to idle 82 million acres of cropland—far and away the biggest set-aside ever. The idea was disarmingly simple: Instead of paying farmers cash to cut back production, the government agreed to hand over grain from its own bulging granaries. The surpluses had grown so large, Block and others contended, that there was little chance of ever recouping the government's original investment. With PIK, they argued, surpluses would go down, prices would stabilize, and, most important to the budgeteers at the OMB, direct government outlays would be minimal. It was to be the best of all possible worlds.

January' sure-fire bet turned up a dead loser by June. Farmers reduced their grain acreage by a third, but they pumped so much fertilizer on the acres they did plant that the overall ending-stock surplus was expected to finish the crop year barely below what it would have been without PIK. Sales boomed for grass seed, which farmers bought as cover for their idled acreage, but for farm implement dealers and other agricultural supply firms the PIK-induced scale-back in production was a disaster. Tractor sales plunged 16.3 percent the first four months of the year, compared to 1982 totals, and sales nationally of fertilizer and pesticide dropped by 15 percent. And that was only the beginning of PIK's bizarre effects. Bankrupt land speculators suddenly found themselves the unintended recipients of PIK crop payments worth hundreds of thousands of dollars. PIK placed no limits on the amount of corn farmers could put in the farmer-held reserve; they put in record amounts, holding it off the market, and the result was a dramatic surge in corn prices, from $2.25 a bushel last fall to $3.00 a bushel by June—all this at a time, as one astonished economist put it, "of record high supplies with sluggish domestic and foreign demand." So many signed up for the cotton program that the government was forced to go out on the market and buy additional cotton for distribution to participating farmers. The question of whether the USDA could compel cotton growers to sell this year's crop at loan-rate prices turned into a $90 million lawsuit: The growers, anticipating the price rise, had already committed the crop on the futures market and were forced, in effect, to buy back their own crop at a loss. By mid-summer USDA officials were nervously toting up their prospective transportation costs; in the case of rice, for example, the government found itself 527.1 million pounds short in four southern states and had to pay to ship government-owned rice from California and Arkansas. As if all that weren't trouble enough, August brought the drought and precipitous declines in the projected harvest of corn and soybeans. As farmers across the Midwest waited for rain, administration officials faced the unpleasant thought that they may have fine-tuned American agriculture right into shortage.

A key attraction of PIK, at least to the OMB, was that it would reduce the government's direct outlays on commodity programs. But don't hold your breath. For starters, any farmer who wanted to participate in PIK had to sign up first for the regular price-support program; the very success of PIK, in terms of participation rates, meant outlays on price supports that were far higher than expected. Most agricultural economists are having serious second thoughts about the basic premise of PIK, the notion that the grain distributed by the USDA is essentially worthless. Administration officials have argued that under existing law, the CCC crops cannot be marketed unless and until prices are far higher than they are today. Discounting for storage costs and spoilage, the argument goes, the government's grain represents a net loss. Administration officials have attempted to play the issue both ways, however, as witnessed by a congressional appearance last July by J. Dawson Ahalt, the department's acting chief economist. Attempting to minimize the $21.2 billion in farm support outlays then projected, a figure that was giving many congressmen acute indigestion, Ahalt suggested soothingly that the megabuck projection really wasn't so bad, that "the budgetary costs need to be put into proper perspective." Almost half the CCC outlays were loans on crops, he pointed out, and "these expenditures are potentially recoverable . . . assuming market prices rise and producers repay their loans." Which is precisely what the administration, in the course of selling PIK has argued will not happen.

In fact, from the simple perspective of budgeting, the evidence is mounting that the administration was simply wrong, and shortsighted, in its projection that PIK was the cheaper way to go. Work this spring by economists at the University of Missouri, under the direction of agricultural economist Abner W. Womack, suggests that PIK will cost an unbelievable $5.50 a bushel for every bushel reduction in the existing stockpile of corn. Womack calculates that a paid-diversion program, which would also have honestly stated the full costs up front, would have cost less than half as much. He figures the total cost of PIK will come to some $16 billion for the current crop year and even more if, as seems likely, it is extended for one more year. "Any idea that PIK is economical because loan funds came out of previous years' budgets is the fallacy of the bottomless pit," Womack told Congress in July. "Eventually CCC budgets have to be replenished."

Yet another embarrassment is that PIK may well act to depress American farm markets abroad. By raising domestic prices higher than they would otherwise have been, PIK has also set a nicely elevated price floor for foreign producers—making it easier for them to undercut U.S. exports. As mentioned earlier, the administration is projecting total export sales of about $34.5 billion this year, a sharp drop from the $40.5 billion of farm exports in 1980 and a sharp reversal of the spectacular export growth of the 1970s. Depression world-wide accounts for part but by no means all of the decline, and in any case does not explain the decline in America's relative share of the export grain market. From a peak of 60 percent in 1980, the U.S. share has sunk this year to a projected 53 percent. It is a trend, outside analysts worry, that will only encourage the administration to travel further down the road already so rutted by the European: big subsidies at home to prop up farm income, big subsidies abroad to keep the sales contracts coming.●

PATHOLOGIST OF THE YEAR

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. DAUB. Mr. Speaker, to be recognized by one's peers is a very meaningful acknowledgment of one's accomplishments. My constituent, Dr. Jerald R. Schenken of Omaha, was recently named the Pathologist of the Year by the College of American Pathologist; this is the highest award given by the college.

Doctor Schenken's illustrious career includes a list of achievements that is as long as it is impressive. He is president of the Pathology Center in Omaha, director of the Pathology Department at Methodist Hospital and Children's Hospital, and a clinical professor of pathology at the University of Nebraska College of Medicine and the Creighton University School of Medicine. Additionally, he has served as chairman of the Commission on Government Relations and the National Legislative Committee of the College of American Pathologists and as chairman of the Council on Clinical Chemistry of the American Society of Clinical Pathologists. His other service includes leadership positions with the American Board of Pathologists, the Nebraska Board of Pathologists, the Metropolitan Omaha Medical Society and the Council on Legislation of the American Medical Association. Doctor Schenken has also served as editor of the Nebraska Medical Journal and as vice chairman of the Committee on Health Care and Services at the White House Conference on Aging.

The list continues but the point is made. This is a gentleman who is seriously and selflessly, constantly and competently, in service to others.

I am proud to count Dr. Jerald Schenken and his remarkable wife Charlotte among my closest friends, and I am privileged to take this opportunity to commend him for his determined leadership and earnest dedication to excellence in his every endeavor.●

TRYING TO UNDERSTAND RECENT EVENTS IN LEBANON AND GRENADA

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. WEBER. Mr. Speaker, I would like to share with my colleagues a letter that was written by one of my constituents regarding the United States invasion of Grenada. I believe his point of view is valuable to us as we try to understand the recent events in Lebanon and Grenada. At a time when the United States is experiencing crises in international relations, it is important to remember that perceptions of events are greatly influenced by where one stands in the world.

Thank you, Mr. Speaker.

The letter follows:

WILMAR CHURCH OF GOD,
Wilmar, Minn.

FORREST PETERSON,
Managing Editor, West Central Tribune, Wilmar, Minn.

DEAR MR. PETERSON: This letter is being written to express personal support for the invasion of Grenada by United States and Caribbean island armed forces. I write from the perspective of having been raised on the islands of Barbados and Trinidad-Tobago for fifteen years. During that time I also traveled with my missionary-parents among several other islands in the Caribbean, Grenada included.

Having been subjected to foreign domination in the past, primarily through British-imposed slavery, the peoples of these islands know and value their personal freedom. I have childhood memories of U.S. Navy vehicles being deliberately run off roads in Barbados during the mid-1950's as expressions of Barbadian displeasure with our Navy when it first came to that island. I attended school on a U.S. Navy base in Trinidad and that base, which has since been turned over to the Trinidadian government, was not always appreciated. So when the major island governments of that region request military assistance from this country, their request needed to be given serious attention. Those governments simply would not have asked, if they were not feeling extremely vulnerable concerning their own future, as well as Grenada's. I am totally confident President Reagan could not have forced his will upon these island leaders: they just would not have allowed that, no matter how small their islands.

Concerning statements about the President wanting a "cheap third-world victory", those words are unworthy of this event. Two things would seem fairly certain. First, President Reagan probably did welcome the invitation to provide military assistance, due to his growing concerns about Grenada's ties to Cuba and Russia. This did provide an opportunity for action. However, and secondly, the President will be subjected to considerable national and international criticism, which will in turn, make this move rather costly in political terms. Each human life lost on Grenada should remove any thought of "cheap victory".

Finally, a week before Prime Minister Bishop was killed, my father wrote me a letter from his home on the island of Grand Cayman, saying the word down there was Russia had ordered Bishop's death. I received the letter on the day Bishop died. For some, none of this may seem adequate justification for invasion, but what one believes is often greatly influenced by where in the world one is standing.

Sincerely,

E. REUEL TIESEL,
Pastor.●

JOSEF BEGUN'S CRIME: THE DESIRE TO FLEE OPPRESSION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. PORTER. Mr. Speaker, recently Josef Begun, a well-known Soviet refusenik, was sentenced to 7 years in jail and 5 years in internal exile.

Begun's sentencing took place, not in a courtroom, but in an anteroom near his prison cell.

For many months the free world has been monitoring Dr. Begun's case. Many have spoken out against his unjust suffering and sympathize with his simple desire to maintain his religious and cultural identity and to emigrate to Israel.

The crimes of which Dr. Begun has been accused, "parasitism" and "anti-Soviet agitation and propaganda," are not recognized as crimes in countries which respect international human rights standards as defined by the Helsinki accords, an agreement to which the Soviets claim to adhere.

Dr. Begun is a timely symbol of the fight for freedom in the Soviet Union. I urge my colleagues to continue to lend their support to this fight for freedom of the oppressed people of the Soviet Union whose Government denies them internationally recognized human rights.●

1984: A YEAR OR A POLICY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. GARCIA. Mr. Speaker, Richard Cohen's October 30 article in the Washington Post vividly illustrates the dangers of a totalitarian government. We as legislators should take heed of this danger. As we blindly generate more and more legislation with more and more words, we create a web of bureaucracy and regulations that has the potential of strangling our freedoms and creating control mechanisms of the state to stifle our individuality. Left unchecked these regulations can become the tool of the state to twist, manipulate or resist democractic policies. In his classic "1984", George Orwell warned us about this hazard. For example, people did not mean the people; it meant the small group that controlled the people. Democracy meant dictatorship and liberation meant something akin to enslavement.

And now our Government gives us justifications similar to the following to substantiate our foreign policy: "We have been invited to render urgent as-

sistance, including assistance with armed forces * * * This decision is fully in accord with the right of States to individual and collective self-defense * * * This decision safeguards peace * * * Our troops will be immediately withdrawn as soon as the threat is eliminated." So spoke the Soviet news agency Tass on August 21, 1968, the day Warsaw Pact troops invaded Czechoslovakia. The similarity to the U.S. Government's justification regarding recent events in Grenada and Lebanon is frightening and should serve as a warning to the threats on our democratic principles.

The article follows:

1984

(By Richard Cohen)

As we approach the year of our Lord 1984, it would be good to remember that George Orwell warned us about all this. In his classic "1984," a novel about the totalitarianism of the future, Orwell described what would happen to words. They would become instruments of the state, weapons in the hands of the government, used to say one thing and mean another. It is a bit early, but 1984 is here.

And when I say here, I mean Washington. Orwell, of course, patterned his 1984 after what he saw emerging from the communist countries. A former radical himself, he knew that communists had a real talent for abusing words. "People" did not mean the people; it meant the small group that controlled the people. "Democracy" meant dictatorship and "liberation" meant something akin to enslavement.

But now we get the same sort of rhetorical legerdemain from our own government. Suddenly, the marines who were tragically killed in Beirut are, in the words of President Reagan, "heroes." They are not. They are victims. A soldier killed in his sleep is hardly a hero. He has no chance to be, no opportunity to do anything heroic.

The word "hero" obscures the fact that something went terribly wrong in Beirut. Never mind questions of policy. Never mind all those questions about why the marines were there in the first place. A unit that is forced to stay in the low ground, that is ordered to keep its weapons unloaded, that cannot take proper and routine action to protect itself, that fails even to barricade itself by using trucks or tanks, has not been well served by either its government or its officers.

George Orwell would have shaken his head knowingly when Reagan, in his speech, cited Marine Commandant Paul X. Kelley's visit to injured marines in a West German hospital. Reagan told how Kelley stopped by the bedside of a marine. There were tubes running in and out of the man and he could not speak. He was given a pad and on it he wrote, "Semper Fi"—"the motto of the corps," Reagan said. "Semper Fidelis. Always Faithful."

It was a moving event and no one could fail to be impressed with the spirit and spunk of that particular marine. But you would be remiss in not asking "always faithful to what?" Faithful to a policy that has wandered from interceding between the PLO and the Israelis, to guarding the airport, to aiding the Lebanese to form their own government, to thwarting alleged Soviet-Syrian plans to dominate the Middle East?

Should that marine be faithful to the failure of someone to secure the Marine base, to do what was done to the American Embassy in Saigon after the Tet offensive—make it impregnable? Even President Nixon had buses drawn up around the White House before a peace demonstration in Washington. Couldn't that much have been done for the marines in Beirut?

In the same way, words lose their meaning when it comes to Grenada. A chaotic situation there was portrayed as a blood bath. There was no government on Grenada, yet it threatened the students. The Grenadans said they would get the students out, yet we refused to take them up on this. The island was in chaos. Yet there was a 24-hour curfew and when our soldiers landed, they encountered troops who fought longer and better than expected.

At the same time, the administration virtually censored the American press. Reporters were held incommunicado. The Defense Department supplied film for television, ham operators were muzzled and the rationale for the operation, as in Lebanon before it, changed before your eyes. Now it is the Cuban threat we aborted. This is Orwellian double-speak, with the government, having excluded the press, doing all the speaking.

It could be that the Grenadan invasion was justified and it could be that there is no better cause than the marines remaining in Lebanon. But if that is the case, then it should be supported by truth and candor—not twisted words, slippery arguments, prior censorship of the press and news manipulation.

When George Orwell wrote "1984," it was a book. In two short months, it will be a year. But already, it seems, it is a policy.●

DANGERS OF NUCLEAR WAR

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. LEVINE of California. Mr. Speaker, this week we will complete consideration of the fiscal year 1984 Department of Defense appropriations bill. Contained in that bill is funding for production of the MX missiles, Pershing II missiles, and cruise missiles. All of these weapons are destabilizing and threaten to weaken deterrence and increase the danger of nuclear war.

A new study on the effects of a nuclear war was published in yesterday's Parade magazine by Dr. Carl Sagan which makes for very sober reading. The findings of this study provide powerful evidence that even a limited nuclear exchange could have a devastating impact on the Earth's environment. This study estimates that a war in which only 1 percent of the world's nuclear arsenals are used could dramatically alter the Earth's climate, destroy virtually all food crops and farm animals, and spew deadly radiation into the Earth's atmosphere.

This study calls into question the current belief at the Pentagon that nuclear wars are somehow winnable and that it would be possible to fight and win a limited nuclear war. This study makes it clear that such a belief is lunacy, and that even among noncombatant nations, there would be a horrible price to pay.

Near the end of the study Dr. Sagan writes:

The human population would be reduced to prehistoric levels, or less. Life for any survivors would be extremely hard. And there seems to be a real possibility of the extinction of the human species.

I hope that President Reagan, Defense Secretary Weinberger, and the war planners at the Pentagon take the time to read and reflect on this study and its findings. It should, at long last, put to rest any belief on their part that and nuclear war is either winnable or surviveable.

I ask permission for the text of Mr. Sagan's article be reprinted at the conclusion of my statement.

The article follows:

THE NUCLEAR WINTER

(By Dr. Carl Sagan)

Except for fools and madmen, everyone knows that nuclear war would be an unprecedented human catastrophe. A more or less typical strategic warhead has a yield of 2 megatons, the explosive equivalent of 2 million tons of TNT. But 2 million tons of TNT is about the same as all the bombs exploded in World War II—a single bomb with the explosive power of the entire Second World War but compressed into a few seconds of time and an area 30 or 40 miles across . . .

In a 2-megaton explosion over a fairly large city, buildings would be vaporized, people reduced to atoms and shadows, outlying structures blown down like matchsticks and raging fires ignited. And if the bomb were exploded on the ground, an enormous crater, like those that can be seen through a telescope on the surface of the Moon, would be all that remained where midtown once had been. There are now more than 50,000 nuclear weapons, more than 13,000 megatons of yield, deployed in the arsenals of the United States and the Soviet Union—enough to obliterate a million Hiroshimas.

But there are fewer than 3,000 cities on the Earth with populations of 100,000 or more. You cannot find anything like a million Hiroshimas to obliterate. Prime military and industrial targets that are far from cities are comparatively rare. Thus, there are vastly more nuclear weapons than are needed for any plausible deterrence of a potential adversary.

Nobody knows, of course, how many megatons would be exploded in a real nuclear war. There are some who think that a nuclear war can be "contained," bottled up before it runs away to involve much of the world's arsenals. But a number of detailed analyses, war games run by the U.S. Department of Defense, and official Soviet pronouncements all indicate that this containment may be too much to hope for: Once the bombs begin exploding, communications failures, disorganization, fear, the necessity of making in minutes decisions affecting the fates of millions, and the immense psychological burden of knowing that your own loved ones may already have been destroyed are likely to result in a nuclear paroxysm. Many investigations, including a number of studies for the U.S. government, envision

the explosion of 5,000 to 10,000 megatons—the detonation of tens of thousands of nuclear weapons that now sit quietly, inconspicuously, in missile silos, submarines and long-range bombers, faithful servants awaiting orders.

The World Health Organization, in a recent detailed study chaired by Sune K. Bergstrom (the 1982 Nobel laureate in physiology and medicine), concludes that 1.1 billion people would be killed outright in such a nuclear war, mainly in the United States, the Soviet Union, Europe, China and Japan. An additional 1.1. billion people would suffer serious injuries and radiation sickness, for which medical help would be unavailable. It thus seems possible that more than 2 billion people—almost half of all the humans on Earth—would be destroyed in the immediate aftermath of a global thermonuclear war. This would represent by far the greatest disaster in the history of the human species and, with no other adverse effects, would probably be enough to reduce at least the Northern Hemisphere to a state of prolonged agony and barbarism. Unfortunately, the real situation would be much worse.

In technical studies of the consequences of nuclear weapons explosions, there has been a dangerous tendency to underestimate the results. This is partly due to a tradition of conservatism which generally works well in science but which is of more dubious applicability when the lives of billions of people are at stake. In the Bravo test of March 1, 1954, a 15-megaton thermonuclear bomb was exploded on Bikini Atoll. It had about double the yield expected, and there was an unanticipated last-minute shift in the wind direction. As a result, deadly radioactive fallout came down on Rongelap in the Marshall Islands, more than 200 kilometers away. Almost all the children on Rongelpap subsequently developed thyroid nodules and lesions, and other long-term medical problems, due to the radioactive fallout.

Likewise, in 1973, it was discovered that high-yield airbursts will chemically burn the nitrogen in the upper air, converting it into oxides of nitrogen; these, in turn, combine with and destroy the protective ozone in the Earth's stratosphere. The surface of the Earth is shielded from deadly solar ultraviolet radiation by a layer of ozone so tenuous that, were it brought down to sea level, it would be only 3 millimeters thick. Partial destruction of this ozone layer can have serious consequences for the biology of the entire planet.

These discoveries, and others like them, were made by chance. They were largely unexpected. And now another consequence—by far the most dire—has been uncovered, again more or less by accident.

The U.S. Mariner 9 spacecraft, the first vehicle to orbit another planet, arrived at Mars in late 1971. The planet was enveloped in a global dust storm. As the fine particles slowly fell out, we were able to measure temperature changes in the atmosphere and on the surface. Soon it became clear what had happened:

The dust, lofted by high winds off the desert into the upper Martian atmosphere, had absorbed the incoming sunlight and prevented much of it from reaching the ground. Heated by the sunlight, the dust warmed the adjacent air. But the surface, enveloped in partial darkness, became much chillier than usual. Months later, after the dust fell out of the atmosphere, the upper air cooled and the surface warmed, both returning to their normal conditions. We were able to calculate accurately, from how much dust there was in the atmosphere, how cool the martian surface ought to have been.

Afterwards, I and my colleagues, James B. Pollack and Brian Toon of NASA's Ames Research Center, were eager to apply these insights to the Earth. In a volcanic explosion, dust aerosols are lofted into the high atmosphere. We calculated by how much the Earth's global temperature should decline after a major volcanic explosion and found that our results (generally a fraction of a degree) were in good accord with actual measurements. Joining forces with Richard Turco, who has studied the effects of nuclear weapons for many years, we then began to turn our attention to the climatic effects of nuclear war. [The scientific paper, "Global Atmospheric Consequences of Nuclear War," is written by R.P. Turco, O.B. Toon, T.P. Ackerman, J.B. Pollack and Carl Sagan. From the last names of the authors, this work is generally referred to as "TTAPS."]

We knew that nuclear explosions, particularly groundbursts, would lift an enormous quantity of fine soil particles into the atmosphere (more than 100,000 tons of fine dust for every megaton exploded in a surface burst). Our work was further spurred by Paul Crutzen of the Max Planck Institute for Chemistry in Mainz, West Germany, and by John Birks of the University of Colorado, who pointed out that huge quantities of smoke would be generated by the burning of cities and forests following a nuclear war.

Groundbursts—at hardened missile silos, for example—generate fine dust. Airbursts—over cities and unhardened military installations—make fires and therefore smoke. The amount of dust and soot generated depends on the conduct of the war, the yields of the weapons employed and the ratio of groundbursts to airbursts. So we ran computer models for several dozen different nuclear war scenarios. Our baseline case, as in many other studies, was a 5000-megaton war with only a modest fraction of the yield (20 percent) expended on urban or industrial targets. Our job, for each case, was to follow the dust and smoke generated, see how much sunlight was absorbed and by how much the temperatures changed, figure out how the particles spread in longitude and latitude, and calculate how long before it all fell out of the air back onto the surface. Since the radioactivity would be attached to these same fine particles, our calculations also revealed the extent and timing of the subsequent radioactive fallout.

Some of what I am about to describe is horrifying. I know, because it horrifies me. There is a tendency—psychiatrists call it "denial"—to put it out of our minds, not to think about it. But if we are to deal intelligently, wisely, with the nuclear arms race, then we must steel ourselves to contemplate the horrors of nuclear war.

The results of our calculations astonished us. In the baseline case, the amount of sunlight at the ground was reduced to a few percent of normal—much darker, in daylight, than in a heavy overcast and too dark for plants to make a living from photosynthesis. At least in the Northern Hemisphere, where the great preponderance of strategic targets lies, an unbroken and deadly gloom would persist for weeks.

Even more unexpected were the temperatures calculated. In the baseline case, land temperatures, except for narrow strips of coastline, dropped to minus 25° Celsius (minus 13° Fahrenheit) and stayed below freezing for months—even for a summer war. (Because the atmospheric structure becomes much more stable as the upper atmosphere is heated and the lower air is cooled, we may have severely underestimated how long the cold and the dark would last.) The oceans, a significant heat reservoir, would not freeze, however, and a major ice age would probably not be triggered. But because the temperatures would drop so catastrophically, virtually all crops and farm animals, at least in the Northern Hemisphere, would be destroyed, as would most varieties of uncultivated or undomesticated food supplies. Most of the human survivors would starve.

In addition, the amount of radioactive fallout is much more than expected. Many previous calculations simply ignored the intermediate time-scale fallout. That is, calculations were made for the prompt fallout—the plumes of radioactive debris blown downwind from each target—and for the long-term fallout, the fine radioactive particles lofted into the stratosphere that would descend about a year later, after most of the radioactivity had decayed. However, the radioactivity carried into the upper atmosphere (but not as high as the stratosphere) seems to have been largely forgotten. We found for the baseline case that roughly 30 percent of the land at northern midlatitudes could receive a radioactive dose greater than 250 rads, and that about 50 percent of northern midlatitudes could receive a dose greater than 100 rads. A 100-rad dose is the equivalent of about 1000 medical X-rays. A 400-rad dose will, more likely than not, kill you.

The cold, the dark and the intense radioactivity, together lasting for months, represent a severe assault on our civilization and our species. Civil and sanitary services would be wiped out. Medical facilities, drugs, the most rudimentary means for relieving the vast human suffering, would be unavailable. Any but the most elaborate shelters would be useless, quite apart from the question of what good it might be to emerge a few months later. Synthetics burned in the destruction of the cities would produce a wide variety of toxic gases, including carbon monoxide, cyanides, dioxins and furans. After the dust and soot settled out, the solar ultraviolet flux would be much larger than its present value. Immunity to disease would decline. Epidemics and pandemics would be rampant, especially after the billion or so unburied bodies began to thaw. Moreover, the combined influence of these severe and simultaneous stresses on life are likely to produce even more adverse consequences—biologists call them synergisms—that we are not yet wise enough to foresee.

So far, we have talked only of the Northern Hemisphere. But it now seems—unlike the case of a single nuclear weapons test—that in a real nuclear war, the heating of the vast quantities of atmospheric dust and soot in northern midlatitudes will transport these fine particles toward and across the Equator. We see just this happening in Martian dust storms. The Southern Hemisphere would experience effects that, while less severe than in the Northern Hemisphere, are nevertheless extremely ominous. The illusion with which some people in the Northern Hemisphere reassure themselves—catching an Air New Zealand flight in a time of serious international crisis, or the like—is now much less tenable, even on the narrow issue of personal survival for those with the price of a ticket.

But what if nuclear wars can be contained, and much less than 5000 megatons is detonated? Perhaps the greatest surprise in our work was that even small nuclear wars can have devastating climatic effects. We considered a war in which a mere 100 megatons were exploded, less than one percent of the world arsenals, and only in low-yield airbursts over cities. This scenario, we found, would ignite thousands of fires, and the smoke from these fires alone would be enough to generate an epoch of cold and dark almost as severe as in the 5000-megaton case. The threshold for what Richard Turco has called The Nuclear Winter is very low.

Could we have overlooked some important effect? The carrying of dust and soot from the Northern to the Southern Hemisphere (as well as more local atmospheric circulation) will certainly thin the clouds out over the Northern Hemisphere. But, in many cases, this thinning would be insufficient to render the climatic consequences tolerable—and every time it got better in the Northern Hemisphere, it would get worse in the Southern.

Our results have been carefully scrutinized by more than 100 scientists in the United States, Europe and the Soviet Union. There are still arguments on points of detail. But the overall conclusion seems to be agreed upon: There are severe and previously unanticipated global consequences of nuclear war—subfreezing temperatures in a twilit radioactive gloom lasting for months or longer.

Scientists initially underestimated the effects of fallout, were amazed that nuclear explosions in space disabled distant satellites, had no idea that the fireballs from high-yield thermonuclear explosions could deplete the ozone layer and missed altogether the possible climatic effects of nuclear dust and smoke. What else have we overlooked?

Nuclear war is a problem that can be treated only theoretically. It is not amenable to experimentation. Conceivably, we have left something important out of our analysis, and the effects are more modest than we calculate. On the other hand, it is also possible—and, from previous experience, even likely—that there are further adverse effects that no one has yet been wise enough to recognize. With billions of lives at stake, where does conservatism lie—in assuming that the results will be better than we calculate, or worse?

Many biologists, considering the nuclear winter that these calculations describe, believe they carry somber implications for life on Earth. Many species of plants and animals would become extinct. Vast numbers of surviving humans would starve to death. The delicate ecological relations that bind together organisms on Earth in a fabric of mutual dependency would be torn, perhaps irreparably. There is little question that our global civilization would be destroyed. The human population would be reduced to prehistoric levels, or less. Life for any survivors would be extremely hard. And there seems to be a real possibility of the extinction of the human species.

It is now almost 40 years since the invention of nuclear weapons. We have not yet experienced a global thermonuclear war—although on more than one occasion we have come tremulously close. I do not think our luck can hold forever. Men and machines are fallible, as recent events remind us. Fools and madmen do exist, and sometimes rise to power. Concentrating always on the near future, we have ignored the long-term consequences of our actions. We have placed our civilization and our species in jeopardy.

Fortunately, it is not yet too late. We can safeguard the planetary civilization and the human family if we so choose. There is no more important or more urgent issue.

SOMETHING YOU CAN DO

A few hundred megatons is more than adequate to destroy a few hundred cities, constituting a death blow to either the United States or the Soviet Union. In the 1950s, when there were only a few hundred deliverable strategic weapons in the world, each nation announced that this was enough to deter the other from initiating a nuclear war. A few hundred strategic weapons is also somewhere around the threshold for triggering a nuclear winter. So is it really prudent to have more than 13,000 megatons and more than 50,000 nuclear weapons on the planet?

Several serious proposals have been made to moderate or reverse the nuclear arms race—all bilateral, verifiable by treaty and not compromising the security of the United States or the Soviet Union:

BUILD-DOWN

An agreement under which each nation would destroy some number (two or three, say) of its nuclear warheads for every new one that it deploys. It has been advocated by Sens. Sam Nunn (D., Ga.), William Cohen (R., Maine) and Charles Percy (R., Ill.) and has received encouragement from the White House. There is concern, however, that the new systems might be more devastating than the old ones they replace.

DEEP CUTS

An agreement under which each nation would turn in, to a bilateral or multilateral commission, equal numbers or equal yields of the plutonium "triggers" that ignite the H-bombs. The triggers would then be consumed in nuclear power plants. It is advocated by Adm. Noel Gayler (ret.), former director of the National Security Agency, and former ambassador George Kennan, author of the U.S. policy of "containment" of the Soviet Union, both of whom are associated with the American Committee on East-West Accord, 109 11th St., S.E., Washington, D.C. 20003.

NUCLEAR FREEZE

This proposal has the more modest aim of preventing, mutually and verfiably, at least any further growth in the strategic arsenals. It was overwhelmingly supported by voters in the 1982 elections and was originated by Randall Forsberg. She is at the Institute for Defense and Disarmament Studies, 2001 Beacon St., Brookline, Mass. 02146.

These three proposals are not mutually exclusive. The Soviet Union has several times, including in addresses by its late President Brezhnev, indicated its support for massive cutbacks in the global strategic arsenals. I believe that a major bilateral reduction in nuclear armaments might be carried out safely—particularly if the ingenuity and dedication that went into developing strategic weapons systems in the first place were devoted to finding a way out of the deadly trap we have set for ourselves.

You can start doing something about it by writing two letters, one to U.S. President Ronald Reagan and the other to Soviet President Yuri Andropov, both c/o PARADE, P.O. Box 4281, Grand Central Station, New York, N.Y. 10163. PARADE will see that your letters are delivered and will report on the results in a later issue.●

DR. ALLEN T. BONNELL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to Dr. Allen T. Bonnell, immediate past president of the Community College of Philadelphia on the occasion of his retirement.

Dr. Bonnell is a distinguished scholar, teacher and an outstanding human being. He was the first and only president of Community College of Philadelphia from April 1, 1965 until his recent retirement.

Dr. Bonnell has made his career in higher education. He attended Oberlin College where he earned his BA and MA degrees, the University of Bonn in Germany, and the University of Illinois, where he earned his doctorate in economics in 1937. In 1969, he received an honorary Litt.D. from Drexel University. He has taught at the University of Illinois, St. Louis University, and the Unversity of North Carolina. He served for a year in France in 1940–41 as a volunteer relief worker with the American Friends Service Committee.

After a 6-year tour of duty with several Washington agencies and the United Nations Relief and Rehabilitation Administration (UNRRA), he came to Drexel University in 1948 as vice president. He was named vice president and provost of Drexel in 1963.

In April, 1965, he became the first president of Community College of Philadelphia. The college was opened 5 months later and is now one of the largest colleges serving undergraduates in the Philadelphia area.

Mr. Speaker, Dr. Bonnell has made an invaluable contribution to education in Philadelphia and, indeed, to our country. He will be greatly missed by those he has touched in his career, and I hope that he will continue to be active in our community. I know that I express the sentiments of his many friends and admirers in wishing him well on his retirement.●

THE ENVIRONMENT: IT MUST BE PROTECTED

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 31, 1983

● Mr. HARKIN. Mr. Speaker, during James Watt's 3 years as Interior Secretary, he has repeatedly assaulted the bipartisan consensus for protecting our natural resources.

The Interior Secretary is supposed to be the Nation's conservationist. He is supposed to protect our precious na-

tional parks, wildlife refuges, wilderness areas, and endangered species. The Secretary must also promote prudent development of the resources on public lands. But from the day he took office, Secretary Watt has advocated extreme policies that placed development above preservation at any cost. A brief review of Secretary Watt's record illustrates the complete lack of balance of his policies:

Consider our national parks. Our great parks are a source of national pride and were visited by nearly 300 million people last year. But they are increasingly threatened by overcrowding, mineral development and air pollution. Despite the great popularity and imminent threats to the parks, Secretary Watt imposed a moratorium on the acquisition of additional parkland, reversing a longstanding policy of Republican and Democratic administrations. Acquiring more parkland would not strain the budget; the Land and Water Conservation Fund, which is used to acquire parkland and State recreation areas, has ample money from oil and gas leasing revenues. Secretary Watt's delay will only make the acquisition of parkland more expensive later. Meanwhile, development, mining, and drilling threaten to alter irrevocably thousands of potential parks and refuges.

Consider wildlife refuges and wilderness areas. Secretary Watt opened more than 1 million acres of refuges to oil and gas leasing, ignoring an Interior Department report detailing 7,000 existing threats to refuges. The opening of refuges to oil and gas leasing is a reversal of 25 years of bipartisan public policy going back to the Eisenhower administration. Mr. Watt also has proposed allowing oil and gas drilling in wilderness areas, and has dropped 1.5 million acres of wildlands from the wilderness study program and opened them to leasing.

Consider fish hatcheries. Secretary Watt proposed closing roughly one-third of the Federal fish hatcheries, which could produce close to 18 million game fish a year alone.

Consider wetlands. Secretary Watt has done little to stop the disappearance of wetlands. Though approximately 450,000 acres of wetlands are lost each year, Mr. Watt has brought Federal acquisition of these important waterfowl habitats to a virtual crawl; his annual average for wetland acquisition has been less than 30,000 acres. Thousands of crucial marshes and estuaries may be lost forever because of dredging and filling.

Consider endangered species. Secretary Watt has added less than 20 species to the endangered species list, compared with almost 350 listings during the previous administration. He also slashed the budget of Federal grants to States, which has dealt a serious blow to important State management programs.

Consider oil, gas and coal leasing. Secretary Watt has opened up vast areas for exploitation at enormous environmental cost, without getting a fair return for the public. He has opened virtually the entire Outer Continental Shelf to oil and gas leasing despite a glut in the oil market. And, his coal leasing program has been little more than a giveaway of public resources to coal companies. On one sale alone, it is estimated that coal companies paid the Government nearly $100 million less than fair market value.

In all of these areas, Secretary Watt has continually fought with Congress and has sought to reverse longstanding conservation policies that are overwhelmingly supported by the American people.

Secretary Watt has resigned, but a new Secretary will not necessarily bring new policies, particularly when Secretary Watt's political appointees are still at Interior. Furthermore, the nomination of William Clark as Mr. Watt's successor raises serious questions about the administration's willingness to change the public land and natural resource policies that have been clearly repudiated by the American people. Not only does Mr. Clark lack sufficient background for the position, but he has also supported the policies of James Watt.

Consequently, I have joined several of my colleagues in forming Interior Watch. Periodically, members of Interior Watch will discuss on the House floor Department of Interior policies. The purpose of Interior Watch is to focus on the Interior Department's policies and serve as a forum for Members of the House to watch over the actions of the Interior Department and the new Secretary.

It is time for the fighting to stop. It is time to return to the vision that made our national parks the first and best in the world, and a model for all nations. Specifically, we need to restore the Interior Department budget to provide for needed land acquisition and sound environmental management, research, and enforcement programs. We need to honor the 25-year-old public policy of protecting threatened species and habitat in national wildlife refuges from mineral development. We also need to restore sound management of the Federal coal leasing program and to develop our resources prudently.

These are just some of the steps that we need to take to restore the historic mission of the Interior Department. I believe that the formation of Interior Watch is a positive step, and I invite my colleagues to join in this important effort.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, November 1, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 2

8:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of Leaanne Bernstein, of Maryland, Claude G. Swafford, of Tennessee, Robert A. Valois, of North Carolina, William C. Durant III, of Michigan, Robert F. Kane, of California, and Michael B. Wallace, of Mississippi, each to be a member of the Board of Directors of the Legal Services Corporation.
SD-430

9:00 a.m.
Energy and Natural Resources
To continue hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1707, proposed Competition in Television Production Act.
SR-325

Governmental Affairs
To hold hearings on the purchasing of spare parts and support equipment in the Department of Defense.
SD-342

10:00 a.m.
Environment and Public Works
To hold hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

Foreign Relations
To hold hearings on the nominations of W. Tapley Bennett, Jr., of Georgia, to be an Assistant Secretary of State, and Charles H. Price II, of Missouri, to be

Ambassador to the United Kingdom of Great Britain and Northern Ireland.
SD-419

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 803, to establish the Commission on the Centennial Review of the Civil Service.
SD-138

Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

Select on Indian Affairs
To hold hearings on S. 1196, to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe.
SD-124

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine the effectiveness of Federal child health-care programs.
SD-628

1:30 p.m.
Governmental Affairs
To continue hearings on the purchasing of spare parts and support equipment in the Department of Defense.
SD-342

2:00 p.m.
Armed Services
To hold hearings on the organization of military departments and their relationship with other Department of Defense and Executive Branch agencies.
SR-222

Judiciary
To hold hearings on pending nominations.
SD-226

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

Select on Indian Affairs
To hold oversight hearings to determine the legislative intent of the Alaska Natives Claims Settlement Act (Public Law 92-203), with relation to Shee Atika, Inc.
SD-124

Conferees
On H.R. 2915, authorizing funds for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and authorizing supplemental funds for the fiscal year ending September 30, 1983.
S-116, Capitol

NOVEMBER 3

9:00 a.m.
Energy and Natural Resources
To continue hearings on the nomination of William P. Clark, of California, to be Secretary of the Interior.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John H. Riley, of Virginia, to be Administrator of the Federal Railroad Administration.
SR-253

Small Business
To hold hearings to examine the competitive situation existing between public utilities and certain small business owners.
SR-428A

Joint Economic
To hold hearings on antitrust policy regarding joint research and development ventures.
2203 Rayburn Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of S. 1330, to develop long-term job opportunities in public works, and S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on the substance of S. 1563, to provide for the use of proceeds from the sale of surplus Federal real property to reduce the national debt.
SD-138

Judicary
Business meeting, on pending calendar business.
SD-226

Select on Intelligence
To hold hearings on S. Con. Res. 28, to support the establishment of a National Historical Intelligence Museum.
SR-385

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Saundra B. Armstrong, of California, to be a Commissioner of the Consumer Product Safety Commission.
SR-253

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on long-term health care.
SD-215

5:00 p.m.
Foreign Relations
Closed briefing on the President's forthcoming trip to Asia and related Asian issues.
S-116, Capitol

NOVEMBER 4

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1707, proposed Competition in Television Production Act.
SD-106

Joint Economic
To hold hearings on employment/unemployment statistics for October.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the implementation of the Toxic Substances Control Act (Public Law 94-469).
SD-406

Finance
To hold hearings on S. 1822, to encourage investments in mortgage-backed securities through trusts for investments in mortgages.
SD-215

Foreign Relations
To hold hearings on the nominations of Thomas P. Shoesmith, of Virginia, to be Ambassador to Malaysia, and Daniel A. O'Donohue, of Virginia, to be Ambassador to the Socialist Republic of the Union of Burma.
SD-419

NOVEMBER 7

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Neal B. Freeman, of Virginia, to be a Member of the Board of Directors of the Communications Satellite Corporation (Comsat), James T. Hackett, of Virginia, and William Lee Hanley, Jr., of Connecticut, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting.
SR-253

9:30 a.m.
Budget
To hold hearings on the President's private sector survey of cost control (Grace Commission).
SD-608

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the implementation of the Perishable Agricultural Commodities Act of 1930.
SR-328A

Foreign Relations
To hold hearings on the nominations of Frank V. Ortiz, Jr., of New Mexico, to be Ambassador to Argentina, and Clayton E. McManaway, Jr., of the District of Columbia, to be Ambassador to Haiti.
SD-419

Judiciary
To hold hearings on S. 1680, to preserve State's authority in controlling the distribution and sale of alcoholic beverages and the collection of State excise taxes on beer sales.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 873, establishing a fund within the Department of the Treasury to provide assistance to certain organizations for research and training in Soviet and Eastern European studies, and proposed student loan consolidation amendments.
SD-628

2:00 p.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50, to provide access to trade remedies to small businesses, and S. 1672, to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

NOVEMBER 8

9:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of Elliot Ross Buckley, of Virginia, to be

a member of the Occupational Safety and Health Review Commission.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the transportation of household goods.
SR-253

*Labor and Human Resources
To hold hearings on the human resources impact on American families and women in transition.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

2:00 p.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 1851, to establish additional wilderness areas in the White Mountain National Forest in New Hampshire.
SR-328A

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to markup S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-430

NOVEMBER 9

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 197, authorizing funds for fiscal year 1984 to provide for a study on the adequacy of certain airline industry practices and Federal Aviation Administration rules and regulations concerning air quality aboard aircraft.
SR-253

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up proposed legislation authorizing funds for fiscal years 1984 and 1985 for the Nuclear Regulatory Commission.
SD-406

*Labor and Human Resources
To resume hearings to review Federal and State efforts to impose higher standards in education.
SD-430

Joint Economic
To hold hearings to examine changes American women have undergone in the labor force in the last three decades.
Room to be announced

NOVEMBER 10

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), focusing on acid rain provisions.
SD-406

2:00 p.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 1610, to designate certain lands in Wisconsin as wilderness.
SR-328A

NOVEMBER 14

11:30 a.m.
Finance
Health Subcommittee
To resume hearings on long-term health care.
SD-215

NOVEMBER 15

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the direction of the development of a civil space station.
SR-253

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the current condition of America's coal industry.
SD-366

9:30 a.m.
Small Business
Government Regulation and Paperwork Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act of 1980 (Public Law 96-511).
SR-428A

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the state of Soviet agriculture.
SR-328A

Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings on acquisition of land and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management pursuant to the Taylor Grazing Act (43 U.S.C. 315 et seq.) at the White Sands Missile Range in New Mexico.
SD-366

Governmental Affairs
To hold oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-342

NOVEMBER 16

8:30 a.m.
Veterans' Affairs
To hold joint oversight hearings with the House Committee on Veterans' Affairs on the adequacy of VA standards and procedures with respect to funeral and burial services provided for veterans whose remains are unclaimed at VA medical centers.
334 Cannon Building

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
* Labor and Human Resources
To hold hearings on private sector initiatives to promote the health and well-being of the American family.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
To continue oversight hearings on Federal regulations of the Lobbying Act of 1946.
SD-124

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agriculture Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings on the operation and management of the Federal Crop Insurance Corporation, Department of Agriculture.
SR-328A

Energy and Natural Resources
Energy Regulation Subcommittee
To hold oversight hearings to review current gas markets and alternatives for delivery of Alaskan gas through the Alaska natural gas transportation system to those markets.
SD-366

2:30 p.m.
Select on Ethics
Closed business meeting.
S-207, Capitol

NOVEMBER 17

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To hold hearings on S. 1300, to insure that rural electric and telephone systems will be able to continue to provide high quality, affordable electric and telephone service to consumers in rural America.
SR-328A

Labor and Human Resources
Handicapped Subcommittee
To hold hearings on section 504 of the Rehabilitation Act of 1973, relating to institutional care and services for retarded citizens.
SR-428A

9:45 a.m.
Labor Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

10:00 a.m.
Environment and Public Works
To resume hearings on proposed amendments to the Clean Air Act (Public Law 95-95), including S. 768, a related measure.
SD-406

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on Federal arts policy.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review targeted scarce resource provisions of the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

DECEMBER 6

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to review long-term care policy provisions of the Older Americans Act.
SD-430

DECEMBER 7

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the status of Job Corps programs.
SD-430

DECEMBER 14

9:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations; to be followed by a business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

CANCELLATION

NOVEMBER 2

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521, to encourage the utilization of Federal crimimal justice information services and other alternative proposals for the exchange of criminal history information to assist State-run institutions in hiring individuals to work with juvenile offenders.
SD-226

SENATE—*Tuesday, November 1, 1983*

(Legislative day of Monday, October 31, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

The fear of the Lord is the beginning of wisdom.—Psalm 111: 10.

Eternal, unchanging God, all wise and all powerful, in mercy awaken us to our need of Thee. Thou art the God of the infinite and the God of the infinitesimal—the God of the universe and the God of the atom. Nothing is too big for Thee to handle, nothing is too small to escape Thy notice and concern. "The nations are as a drop in the bucket" to Thee, a sparrow does not fall to the ground but Thou knowest it.

Gracious, loving Father, somehow help all in authority to realize that Thou art the way out of futility and frustration—the way to truth, justice, and righteousness. Give them to understand that they waste no time in seeking Thee, in waiting upon Thee. Teach them that Thou canst lead them in the way that transcends the best human judgment and into consensus that is consistent with reality. Help them to see that they save time by taking time for Thee. In the name of Him who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, after the expiration of the time for the two leaders and a special order for the Senator from South Dakota (Mr. PRESSLER), the Senate will have a period for the transaction of routine morning business not to extend beyond the hour of 12 noon. Following our customary practice, the Senate will recess from 12 noon until 2 p.m. for the policy meetings on both sides of the aisle. At 2 p.m., the majority leader, as announced yesterday, will proceed, I am informed, to S. 1715, the natural gas bill. If objection is heard, he intends, I understand, to make a motion to proceed with that bill.

The Senate is on notice, I am certain, that a motion to reconsider the vote by which the debt ceiling bill was defeated was entered last evening by the majority leader, and that may be called up during the day. We would urge the Senate to keep in mind the deadlines that we face. We do have a deadline of November 10, on the continuing resolution. We hope to have the defense operations bill on the floor this week. The Senate has already considered 10 of the 13 annual operations bills. That has not been done for several years now. There are more appropriation bills that have been passed by the Senate than many years in the past.

I want to restate to the Senate what I am informed was information from the Treasury Department concerning the impact of the Senate's failure to pass the debt ceiling extension bill last night.

The scheduled $13 billion investment in the Social Security Trust Fund cannot totally be made. Only $4 billion will be invested. Sales of U.S. savings bonds are suspended as of today. I am further informed that 6 million people purchase such bonds annually. Sales of nonmarketable Treasury securities to State and local governments will not be made. The scheduled auction of the 3- and 6-month Treasury bills have been reduced by $5 billion. The 3-year Treasury note auction scheduled for today has been postponed. The scheduled auction of the 3-, 10-, and 30-year Treasury bills has been postponed. I am told that the cost of that is $250 million. That is the total amount, Mr. President, not a daily amount, I am informed.

Further, an announcement will be made during the week of the 52-week Treasury bill auction that is scheduled in the amount of $7.75 billion and the Treasury is still assessing further implications of the effects of not passing the debt bill last evening.

Mr. President, I reserve the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Democratic leader is recognized.

THE NATURAL GAS DEREGULATION BILL

Mr. BYRD. Mr. President, I objected last night on behalf of another Senator to proceeding to take up the natural gas deregulation bill. That did not necessarily depict my personal feeling, and I simply want to state for the record that if the majority leader today asked unanimous consent to proceed to that bill, any Senator who wishes to object should be notified to be on the floor himself to object. I will ask my cloakroom to inform Senators or if the acting Republican leader does not feel that that request will be made before the caucuses meet, I will inform my party in caucus.

Mr. STEVENS. I might say to my good friend, Mr. President, that I am unable to give a response to that until the majority leader does return from the meeting he is attending at the White House now. I will speak to him as soon as he returns, and I do believe that we can give the Senator assurance that it will not be made prior to noon.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I do not see any Senator seeking recognition. I ask unanimous consent that I may reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITIATION OF SPECIAL ORDER FOR SENATOR PRESSLER

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order that was requested by the Senator from South Dakota (Mr. PRESSLER) be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I reserve the remainder of the leadership time on both sides.

I ask unanimous consent that if either leader wishes to make a statement later in the day, it be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECESS UNTIL 11:30 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 11:30 a.m. today.

There being no objection, the Senate, at 10:26 a.m., recessed until 11:30 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KASTEN).

Mr. BAKER. Mr. President, I understand there are some speakers this morning in morning business. Are we in morning business yet?

The PRESIDING OFFICER. We are not in morning business at this time.

Mr. BAKER. Mr. President, I just arrived from another meeting away from the Capitol. As I recall, we were going to have a special order and then morning business. Could I inquire why we did not have morning business?

The PRESIDING OFFICER. The recess order came before we had an opportunity to go in morning business.

Mr. BAKER. So morning business would be in order at this time, is that correct?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. I ask that the Chair place us in morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 o'clock noon with statements therein limited to 5 minutes each.

Mr. BAKER. Mr. President, there are speakers, I believe, who wish to speak in morning business. While they arrive, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NBA CRACKDOWN ON DRUGS

Mrs. HAWKINS. Mr. President, 2 points and three cheers for the National Basketball Association for cracking down on their players' abuse of illegal drugs. In late October, Commissioner Larry O'Brien of the NBA announced that any player convicted of using or distributing heroin or cocaine will be barred from the league for life. That is the toughest stance any sports organization has taken so far—and the odds are that it will work.

There is no question that an athlete's use of drugs hampers his performance and slows his reactions and responsiveness. More important, professional basketball players are powerful role models for young people throughout the country. And dealing and using illegal drugs introduces a criminal element that belongs in no American sport. I hope that professional baseball and football organizations follow the example of the NBA to rid their sports of foul play.

Mr. President, I ask unanimous consent to enter into the RECORD an article on the NBA's crackdown on drugs.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times]

NBA WILL BAN DRUG USERS—STERN PLAN ADOPTED

(By Sam Goldaper)

The National Basketball Association and its players' union have forged a wide-ranging, innovative program that would ban from the league any players who is convicted of using or selling illegal drugs.

In the strongest stance taken by any professional sport, the program provides that a player convicted of, or pleading guilty to a crime involving the use or distribution of heroin or cocaine, or found under a new procedure that allows testing to have illegally used those drugs, shall be permanently barred from the league.

"The message we are sending out today is clear: drugs and the N.B.A. do not mix," said Larry O'Brien, the league's commissioner, at a news conference yesterday at the Plaza Hotel.

Several hours after the program had been announced, Michael Ray Richardson, the Nets guard who recently completed a five-week treatment for abuse of cocaine, urged players on drugs to seek help.

RICHARDSON SKEPTICAL

"Rules won't do it," Richardson said at an informal gathering with reporters at Byrne Meadowlands Arena. "The N.B.A. doesn't understand that drugs are a disease that changes your entire life. It's an illness, and only the player can cure it. The big problem is that people who are on drugs are ashamed to admit it. They have this terrible fear of getting up in the morning and seeing a newspaper headline that so and so is on drugs."

O'Brien and Larry Felisher, the general counsel of the National Basketball Players Association, said jointly:

"The penalty of permanent dismissal is mandatory and cannot be reduced by the N.B.A. or any of its teams. However, a player subjected to such a dismissal may appeal for reinstatement after two years, with the approval of the commissioner and the players' association."

Bob Lanier of the Milwaukee Bucks, who is president of the association, said: "There is no question that professional basketball players are role models for young people all over the country, and particularly in inner cities. By telling the world that we, as professional athletes, will not tolerate the use of illegal drugs, we are setting a new standard, something that is absolutely essential in today's environment."

The program was provided in an agreement signed yesterday as an addendum to the four-year labor contract signed last April 1. The agreement provides an "amnesty period" until Dec. 31. Until then, no player will immediately be subjected to a penalty. Instead, a player who voluntarily admits to using drugs will be given counseling and medical assistance at his team's expense by the Life Extension Institute, a privately organization under contract with the N.B.A. and the association.

Junior Bridgeman of the Bucks, a member of the association's executive committee, said: "We felt the stigma of drug use has hurt our sports and we had to find a way to eliminate it. It doesn't matter if it's one or two players, or five, 10 or more that are on drugs, it gives the N.B.A. a bad image."

The agreement was approved by the player representatives, 22-1, Monday at a meeting in Chicago. Lanier refused to say who had voted against it.

The league and the players will hire an independent expert with experience in drug abuse, detection and enforcement. Based on information given him by the league, the union or other sources, he may authorize drug testing. A player may be subjected to four tests over six weeks.

The N.B.A. or the union, in place of testing, may request a hearing on a player's suspected use of drugs before an arbitrator. If the arbitrator determines the player has used drugs, he will be expelled from the league. Also, a player who previously requested and received treatment for a drug problem, and volunteered again for treatment, would be suspended without pay but not subjected to any other penalty.

COULDN'T DEAL WITH TRADE

The Nets had arranged for Richardson's question-and-answer session so that he would not have to discuss his involvement with cocaine when training camp opens tomorrow at Princeton University.

Richardson, who underwent rehabilitation at the Hazelden Foundation in Center City, Minn., told why he had finally sought help.

"It started for me last year, when the Knicks traded me to the Warriors," he said. "I just couldn't deal with it. I never used drugs when I was with the Knicks.

"Once I got involved, it took me quite a while to seek help. At first I thought I could beat the habit myself, then there was that fear and shame of being found out."

Asked when he had decided to seek help, he said: "This summer when I knew I was not the same Michael Ray Richardson. I didn't feel well. I had lost my strength and was a half-step slower, maybe even a mile."

Asked if he had sought help from teammates, he replied, "No, I didn't want anybody to know."

He said that he felt fine now and attended weekly rehabilitation meetings.

YELLOW RAIN: A CRITICAL ASSESSMENT OF THE BEE THEORY

Mr. PRESSLER. Mr. President, evidence indicating that the Soviet Union is engaged in chemical and toxin warfare in Southeast Asia and Afghanistan continues to accumulate. Studies conducted by the U.S. Government and the Governments of France and Canada have all arrived at the conclusion that chemical and toxin agents are in use. Despite the refusal of the Soviet Union and its client states to allow international investigators from the United Nations to visit areas where chemical warfare is suspected, the United Nations last year issued an

interim report that adds weight to these charges.

Despite the overwhelming nature of the case against the Soviet Union, there are skeptics. Doubts are partly attributable to the absence of a smoking gun, such as an attack being witnessed by an international observer team. But, given the remote areas in which these incidents have occurred, investigators are unlikely ever to be present when an attack is made. Other critics have cited the imperfect manner in which evidence has been collected. While the United States and other governments have gone a long way to correct these deficiencies, it must be remembered that specimens are being collected in a war zone and they are carried out by foot. Often days and weeks pass between an incident and the arrival of evidence in the hands of specialists. This is not an environment in which laboratory conditions can be created.

We are, therefore, unlikely to ever obtain the smoking gun for yellow rain comparable to the intelligence intercepts which prove Soviet responsibility for the attack on Korean Air Lines flight 007.

But, as in the case of KAL flight 007, even a yellow rain smoking gun is sure to be followed by Soviet denials. We must note that in refusing access to areas where attacks are reported, the Soviets demonstrate their determination to prevent the collection of irrefutable evidence. Do they have something to hide? Many reports indicate that they do. The extent of the case against Moscow and her Southeast Asia clients is massive. There are numerous eye-witness accounts, blood and tissue samples collected from victims, and physical evidence ranging from contaminated gas masks to soil and plant samples.

Theories which claim that mycotoxins are a natural occurrence have been offered. Recently, a Soviet representative to the United Nations stated on American television that mycotoxins can be found naturally anywhere in the world. He stated that samples of mycotoxins are present on Washington's lawns. But, as far as is known, nobody has been sent to a hospital or has died from overexposure to Washington's parks. Only in Afghanistan and Southeast Asia—two areas of the world separated by thousands of miles—have mycotoxins killed people. The only common denominators connecting these areas are a Soviet presence or involvement and eye-witnessed attacks.

But charging the Soviet Union with engaging in or supporting chemical and toxin warfare is a most serious matter. Chemical warfare is a heinous crime, representing denial of the most basic of human rights—the right to life. Moreover, most victims have been noncombatants. The very young and the old have suffered most.

The Soviet Union is a signatory to the 1925 Geneva protocol and the 1972 Biological and Toxin Weapons Convention. Involvement in this form of warfare places the Soviets in violation of these solemn international agreements. This cannot bode well for arms control, for it raises serious questions of the value of Moscow's legal undertakings. One clear lesson for effective arms control agreements must be derived from the sad story of yellow rain: Agreements reached without strong and effective verification measures can harm prospects for progress in arms control while, at the same time, they detract from security.

But, given the seriousness of the charges, I believe that every government must satisfy itself that chemical and toxin warfare is occurring. That is why Senate Resolution 201, which I offered with 35 cosponsors, and which has been favorably reported to the Senate by the Foreign Relations Committee, calls upon governments to carefully assess the evidence. Should they still have doubts, we urge that they conduct their own investigations. Clearly, a shift in Moscow's policy away from hindering and toward assisting United Nations investigators would be welcomed.

In any event, we must be sure that arms control accords provide for effective verification. With regard to chemical, toxin and biological warfare, Senate Resolution 201 calls for the negotiation of a strengthened verification system to assure compliance with standing accords. The administration has made a fair and realistic proposal for improved verification at the Committee on Disarmament in Geneva. If the Soviets are seriously interested in resolving the problems of controlling these weapons, they would take up the offer.

Those who are skeptical of the evidence also have every right to speak out and offer alternative explanations. I must, however, state that nothing that I have seen or heard to date leads me to doubt the case for Soviet engagement in this inhumane behavior.

At the end of May, Dr. Matthew S. Meselson of Harvard presented an alternative explanation for yellow rain at the Detroit meeting of the American Association for the Advancement of Science. According to Dr. Meselson, yellow rain may be nothing more than bee droppings. Under this theory, bee feces provide a favorable environment for natural growth of mycotoxins.

Dr. Amos Townsend of the International Rescue Committee has been actively engaged in assessing the bee theory, on the ground in Southeast Asia. As many of you know, Dr. Townsend is a leading authority on yellow rain, and has been investigating suspected chemical and toxin weapons use while at the same time providing medical assistance to refugees in Thailand. Dr. Townsend testified before the Foreign Relations Arms Control Subcommittee in a hearing on yellow rain last February, as did Dr. Meselson at a hearing in November 1981.

After a careful analysis of the evidence, Dr. Townsend produced a detailed rebuttal of the bee theory for the International Rescue Committee. The IRC has shared this document with me. I believe that Dr. Townsend's analysis deserves to be read by the public and by Senators. I ask unanimous consent that Dr. Townsend's report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A SUMMARY OF ARGUMENTS ON THE ORIGINS OF YELLOW RAIN

(By Dr. Amos Townsend)

EVIDENCE CONSISTENT WITH THE NATURAL ORIGIN OF YELLOW RAIN AS BEE EXCREMENT

1. Yellow color, size (a few millimeters in diameter) and general appearance of spots.
2. Approximate area in which spots are found in an occurrence (a few adjacent houses in a village).
3. Approximate spacing of spots in affected area, several per square foot.
4. Continued appearance of spots over a period of days in an affected area.
5. High pollen content of all spots examined.
6. Variable diversity of pollen types and sizes in spots from different sites.
7. Different pollen types in spots from different sites.
8. Pollen in spots from plant families common in Southeast Asian tropics.
9. Pollen in spots from plant families visited by bees.
10. Bee hairs present in spots.

EVIDENCE AND REPORTS NOT EXPLAINED BY NATURAL ORIGIN OF YELLOW RAIN AS BEE EXCREMENT

1. Tricothecene mycotoxins in samples of yellow rain.
2. Tricothecene mycotoxins in samples of blood, urine, and tissues of alleged victims.
3. Tricothecene mycotoxin on Soviet gas mask from Afghanistan and possibly on an additional gas mask and on vegetation.
4. Refugee reports of illness and death associated with occurrence of yellow rain.
5. Refugee reports of yellow rain following overflights or attacks by aircraft and attacks by artillery and rockets.

CONCLUSION

Whatever the source of mycotoxins in various samples, it is possible that yellow rain is bee excrement.

INTERNATIONAL RESCUE COMMITTEE: EVIDENCE REGARDING THE ORIGIN OF YELLOW RAIN

(By Dr. Amos Townsend, August 3, 1983)

INCONSISTENCY OF EVIDENCE CONSISTENT WITH . . . ETC. . . . BEE EXCREMENT

1. Yellow color: I have examined many different bee feces from different types of bees, wild and domesticated, and have found none of feces like the spots I examined, photographed and gathered in Kampuchea last March 1983 and none like specimens brought in to us thus far. Only the spot size is similar. The colors of bee feces seen in

Thailand are variable in shading from off white to light brown but I have seen no yellow color while there has been much consistency in the Yellow Rain (YR) spots seen. I have seen no white spots among bee feces to match the white spots I saw in Kampuchea which occurred at the same time and place as the yellow spots and over the same area. The physical texture is markedly different, as the Hmong also noted, for the bee feces are always sticky but not the YR after the first half hour of drying when they turn to fragile and brittle spots of powder. There is also much more coarse debris in the yellow spots than in bee feces as a rule and one Thai entomologist has said that there was 'too much pollen for bee feces' in the YR spots. The white spots seen in Kampuchea also have a texture.

2. Approximate area: I have found them over an area as large as 3+ Km^2 which I am told by the bee experts is totally unrealistic. Even 1 Km^2 would be considered most unusual even with the largest swarm imaginable. Swarms normally would make a fecal path a few meters wide for 30-50 Ms long.

3. Approximate spacing: I saw them vary from about 5 spots per 1/10th M^2 to no more than 1 spot per M^2 with the yellow outnumbering the white by a 4:1 margin.

4. Continued appearance: Even in the dry season, the many yellow and white spots seen in Kampuchea were dropping off before one week although perhaps 5% were still present in 3 weeks. In contrast, bee feces seem to last for months on wood, glass and other objects. (The red, green, blue, brown and black spots seen by Hmong in Laos were said to disappear soon and are thus rarely picked up.)

5. High pollen: Bee experts in Thailand have felt that it was higher in concentration in the yellow spots than is normaly found in bee feces. I noted only much more debris in many of the YR spots than I have ever seen in bee feces. The white spots had much less sediment and that sediment did not seem to be coarse as was that in the YR spots. Indeed, it was as fine as diatomaceous earth or talcum powder and not at all sticky like the bee feces.

6. Variable diversity: Spot sizes varied from 1mm to 12-15mm in diameter. Spot variation is believed related to thickness of the slurry used and manner of distribution from either helicopters at rather low levels to large aircraft at much higher elevations as reported. Helicopters are much more useful for specific targets of limited areas and also seem much more often used with chemicals more potent than the yellow or white spots and that tend to dissipate in a matter of a few hours, usually within 12-24 hours. The red and green, spoken of most often, are distributed this way and the people are far more afraid of them than of the yellow and white spots. Thai bee experts have stated that from my photographs, there is too much material in the yellow spots to believe it is from even the Apis dorsata, the 'giant bee' of SEA. Having recently studied bee feces from that and smaller bees from this region, I have to agree with them.

7. Different pollen types: It is my understanding that this has not been studied well as yet in any country's laboratories and neither have the 'normal distribution' of pollen types been studied for different parts of Thailand let alone Laos or Kampuchea. Therefore, I believe that such a statement is rather premature as it is presented.

8. Pollen in spots: It should be carefully explained to the public as well as to other scientists that pollen is available and used by the ton commercially in the world and is sold commercially even in Thailand, although on a much reduced scale. There are several possible reasons why pollen is found, and found in unusually large amounts, in the yellow spots known as 'Yellow Rain.'" It should not be surprising, therefore, to find some pollen from the SEA region in these spots. However, it would be faulty to assume that all, or even most, of the pollen found in the YR spots is of SEA origin.

9. Pollen in spots: The spots have been noted to contain pollen common to both insect and wind distribution varieties. There are also several plausible explanations for this. However, it currently would seem far more likely that the YR spots are either wholly, or partly, man-distributed at this point in the overall investigation.

10. Bee hairs: The setae or bee hairs are often and easily knocked off the bees when commercially utilized pollen is obtained. It is far more likely that the 'hairs' are thus obtained within a batch of commercial pollen than that they waft down from bee flight or are swallowed and, later, undigested, defecated over large tracts of land as has been seen, and photographed in Kampuchea and sampled on many occasions in both Laos and Kampuchea as well as in Thailand near its borders with those countries (but not on the borders with Burma and Malaya).

FURTHER EVIDENCE AND REPORTS NOT EXPLAINED BY NATURAL ORIGIN OF YELLOW RAIN AS BEE EXCREMENT

1. The reports are received only from militarily contested areas under the control of the PAVN or in adjacent areas within Thailand just across from Laos and Kampuchea by a few Kms at the most. There have been no similar reports from contested areas along the Thai borders with Burma and Malaya although the fighting has been significant in areas of mountain and jungle not unlike those of Laos and Kampuchea in flora and bee fauna.

2. There are reports of human illness and animal illness and death inside Laos, Kampuchea and the northern and eastern border areas of Thailand where 'drifts' of yellow spots have been noted over a dozen times thus far in 1983.

3. Except for the commonality of being contested areas, there are dissimilarities of YR reports between Kampuchea, where both the fighting and the use is largely confined to the 'Dry Season' of December to May, Hmong areas of Laos where the use has been noted during all seasons including an increase during the Monsoon seasons of June to December and the Lowland Lao areas of Laos where reports are much more rare (supposedly because the Pathet Lao and non-Pathet Lao live in the same communities) and seem to relate largely to supposed locations of Lowland Lao trails and encampments. As I warned the Volags and the various International Organizations last August, there has been an increase of 'Yellow Rain' near the borders of Thailand in the past twelve months, as compared to any comparable period before.

4. There is no known historical evidence, scientific or mythological, that has ever linked bee feces with illness of human or animals within Thailand, Laos, Kampuchea or Vietnam.

5. There is no known historical evidence of any plant damage linked to bee feces within SEA, even mild plant damage which has sometimes been reported to affect the leaves and/or the root structures of some plants, domestic and wild.

6. There has been no explanation for the fairly consistent pattern of animal illnesses and deaths, domestic and wild, and show a variable pattern of effect dependent upon the species of animal—fowl, mammal or fish.

7. Although the PAVN has been reported to have had CBW agents in good supply even since their failure on the battlefield during the so-called '68 Tet Offensive,' supposedly fearing an attack on North Vietnam by the U.S. and South Vietnamese forces, and although there have been reported episodes similar to those recently reported involving so-called 'Yellow Rain,' in reputable English language publications since January 1974 (the National Geographic Magazine), there has been no adequate explanation as to why there has been only within the last two years any concerted effort of the part of the scientific community of any country, governmental or private, to take a serious in-depth examination of the complaints of the citizens of Laos and Kampuchea.

8. There is still no adequate explanation as to why segments of the scientific private sector has chosen to repeatedly denigrate the modest effort of the interested and concerned, private and governmental, rather than mount their own privately funded investigations which are financially quite within their resources. If they can find the funds to visit Hanoi in order to study the effects of Agent Orange, a known herbicide, why can they not afford to come to Thailand, Laos and Kampuchea and visit the areas of greatest concern for the past ten years. One might think that the resurgent interest in Tricothecenes and other Mycotoxins would be a sufficient stimulus for the scientifically curious by itself!

CONCLUSION BY DR. TOWNSEND

Considering what I have seen and sampled of the yellow and white spots in Kampuchea and have learned about yellow spots in Laos, Kampuchea and Thailand, as well as studies of bee feces here in Thailand and the considered opinions of local entomologists, I find it extremely improbable that even 1 percent of the alleged YR episodes were of bee fecal origin. Indeed, I would suggest that many of the more primitive Hill Tribes people are better observers of their own natural phenomena than we, the strangers to the area, erudite though we may be.

FOOD PROCESSORS' NEW LABORATORY

Mr. HATCH. Mr. President, The National Food Processors Association (NFPA), which represents the Nation's processed foods industry, recently opened its new headquarters building and laboratory facility at 1401 New York Avenue N.W., in the heart of our Nation's Capital.

NFPA, whose membership includes more than 600 companies engaged in processing of fruits and vegetables, juices, meat, fish, and specialty products, was founded as the National Canners Association in 1907, 6 months after enactment of the Federal Food and Drugs Act; 6 years later, the association opened its scientific research laboratory in Washington, D.C., the first to be established by any trade association solely for its own industry re-

search. The NFPA laboratory in Washington, D.C. is operated in conjunction with additional facilities and staff in Berkeley, Calif. and Seattle, Wash. NFPA's three laboratories give the association a solid base of scientific and technical knowledge and experience from which to address issues related to food law and regulation.

The new NFPA research laboratory, funded by contributions from members and suppliers to the food processing industry, will enable the association to expand significantly its research capabilities.

According to NFPA President Charles J. Carey:

The modern research facilities at our new location reflect the desire of our members to continue to gain knowledge in the areas of nutrition, food safety, and packaging technology for the ultimate benefit of consumers. NFPA's state-of-the-art laboratory will enable our staff to keep pace with the tremendous scientific advances in analyzing and measuring the complex array of substances that make up all foods.

NFPA members and suppliers contributed $3 million to equip the new laboratory, which will include facilities for processing research, consumer product testing, container testing, nutrient composition research and for assessing micronutrients.

A new scanning microscope will enable NFPA scientists to magnify objects up to 100,000 times. A specially designed precision instrument room will protect sensitive equipment from interference from environmental sources. Modern computers will speed process calculations and other work by NFPA specialists.

In addition, NFPA will maintain its capabilities in chemistry and microbiology, using the latest instrumentation and laboratory equipment.

NFPA Executive Vice President Harry C. Mussman, former administrator of USDA's Animal and Plant Inspection Service, administers the association's expanded research effort.

As chairman of the Committee on Labor and Human Resources, which has jurisdiction over the Federal, Food, Drug and Cosmetic Act, I wish to acknowledge the contributions of the National Food Processors Association to the development of food law and regulation over the past three-quarters of a century. I am confident that the new Washington, D.C. laboratory will enable the association to continue to make significant and constructive contributions not only to the industry it represents, but to the formation of sound, sensible public policy in the food area as well.

I might add that this fine new facility will be officially dedicated next February 12, during the NFPA's 77th annual convention to be held in Washington, D.C. The Secretary of Health and Human Services, Margaret Heckler has been invited to speak at the dedication ceremony. I know that the association wants to share this occasion with the people from Government who have an interest in food and nutrition policy and programs.

WHY THE RUSSIANS ARE CONCERNED ABOUT A UNITED STATES FIRST NUCLEAR STRIKE

Mr. PROXMIRE. Mr. President, how does President Reagan justify his call for a continued massive buildup of our strategic nuclear forces? He argues that the Soviets are building a first nuclear strike capability that could wipe out our deterrent. Is the President right? Well, it is true that the Air Force has claimed that the Russians will soon be able to knock out all of our land-based Minuteman missiles. Does that prospect frighten you? If it does scare you, it should not. Why not? Because more than 70 percent of the U.S. deterrent is not in land-based missiles. It is deployed under the oceans in submarines and in the air in our bomber fleet. Neither of these are vulnerable and no qualified expert charges that they are vulnerable. On the contrary, sworn testimony before congressional committees this year from the top military experts assert the assured invulnerability of both sea-launched and air-launched missiles.

Furthermore the centerpiece of the Reagan administration's nuclear buildup is the MX. Does the MX increase our deterrent invulnerability? Absolutely not. Why not? Ask yourself: What makes a system vulnerable or invulnerable? First mobility. Right? Is it not true that a target that moves is much harder to hit than a target that is stationary? Of course. Second, concealment. Right? If you do not know where a target is and can not find it because it is concealed, do you not have more trouble hitting that target than if you know precisely where it is and can find it? Again—of course this is true.

How do we hide a nuclear missile? We move it around in a submarine under the ocean. The ocean is opaque. If the submarine in which the missile is carried is quiet, it is very difficult to find it. Or we put the missile in a bomber, which can fly at various altitudes, take advantage of cloud cover or the darkness of night and move at great speed to avoid detection. Now when a nation has many bombers—as we have and many submarines as we have, and when these submarines and bombers are constantly moving as our bombers and submarines are, and when each of them carry missiles with a destructive capability of many megatons, that is many millions of tons of TNT and each has the capacity to launch those missiles for hundreds or even thousands of miles and hit every city in the Soviet Union, it becomes clear that the Soviet Union does not have and will not have a nuclear first strike capability that could possibly knock out our deterrent, not now, and not for many decades to come, if ever.

And what an irony—consider the heart of the Reagan nuclear strategy—the MX. Would it add to America's deterrent invulnerability? Absolutely not. It would be conspicuously and obviously vulnerable. Why? First because it would not be mobile. It would be stationary. It would sit in one location day after day, week after week, throughout the years. Would it be an inviting target? Ah, just consider: It would sit there with 10 nuclear warheads in each single missile. So a single Russian warhead could knock out 10 of our warheads. Certainly the Russians could find these stock-still, land-based massive dinosaurs.

With all this in mind, why are the Russians so concerned about the MX? Answer: Easy. The Russians must know that we have deployed most of our deterrent at sea and in the air mobile and invulnerable. If you were a Russian wouldn't you ask yourself, why in the world would the Americans build a missile that cost tens of billions of dollars, and put it in such a stationary mode, knowing that it could not be used to retaliate once the Russians started a pre-emptive strike, because it would be target No. 1. Is it not the only possible explanation that we built the MX so we could have a first-strike capability.

Now President Reagan regards all this as paranoia on the part of the Russians. In a recent article in the Christian Science Monitor, Pat Holt, former chief of staff of the Senate Foreign Relations Committee quoted a speech by the President before the American Legion arguing for the MX. The President denied the MX would pose a first-strike threat to the Soviet Union. "This idea", said President Reagan, "runs counter to the whole history of America. Our country has never started a war, and we have never sought, nor will we ever develop, a strategic first-strike capability." Now, Mr. President, I believe President Reagan was completely sincere. Furthermore I believe what he said. Since the Spanish American War we have not started a war, with a very small but very disturbing exception. That exception, unfortunatley, occurred only a few days ago and on a direct order of whom? That is right—a direct order of President Reagan. We started a war with the tiny island nation of Grenada. Yes, we had our reasons. Yes, we considered our motives as decent and pure. But we did, in fact, start a war; so small as to be almost insignificant, only a few killed, but we invaded a sovereign country. And who ordered it? President Reagan did. He

did so with enthusiastic and widespread public approval.

And that is not all. Twice in human history nuclear bombs have been dropped in war with the full knowledge that they would kill hundreds of thousands of people. What nation dropped both of those nuclear bombs at Hiroshima and Nagasaki? Again those actions had overwhelming American approval, and, in retrospect, they saved lives and ended a bloody war that started when this Nation was attacked at Pearl Harbor. And this Senator supported that terrible Hiroshima and Nagasaki action.

But does it take much imagination to understand why the Soviet Union, seeing us build the MX that only makes sense as a first-strike weapon, recognizing that we have within the last few days invaded a sovereign country—a small, but nevertheless independent country, and that we alone, not once but twice, dropped a nuclear bomb on an inhabited city and killed hundreds of thousands of innocent people in the process—does it take much imagination to understand that the Russians might not see things quite the same way we do when it comes to our nuclear buildup?

Mr. President, I ask unanimous consent that the article from the Christian Science Monitor by Pat Holt, to which I have referred, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Oct. 26, 1983]

DOES UNITED STATES OR RUSSIA HAVE FIRST-STRIKE CAPABILITY?

(By Pat M. Holt)

This trenchant remark is attributed to Dwight Morrow, the American ambassador to Mexico during the administration of Calvin Coolidge, Ronald Reagan's favorite President:

"The trouble is, we judge ourselves by our motives and others by their actions."

One is reminded of it by some remarks of Reagan himself. Arguing for the MX missile before the American Legion, the President denied that it would pose a first-strike threat to the Soviet Union. This idea, he says, "runs counter to the whole history of America. Our country has never started a war, and we have never sought, nor will we ever develop, a strategic first-strike capability."

To somebody with Reagan's mind-set even to suggest that we would launch a first-strike is preposterous. Never mind that some historians might quarrel with the bit about never starting a war—the Spanish-American War in 1898, for example. The United States is a peace-loving country. Its leaders—not only Reagan—have been bragging about this for years. The purity of our motives makes us worthy of trust.

But consider how things look when seen from Moscow. Reagan is probably correct that the MX will not in fact give the United States a first-strike capability. Soviet missiles are so numerous and so widely dispersed that destroying all or even a major fraction of them at one time is a practical impossibility, no matter what theoretical models may be built by a computer. The Soviets doubtless know this. But they also know that, first strike or not, the MX would add significantly to American nuclear firepower. And they are less interested in American intentions than in American capabilities.

This, of course, is precisely the logic of the Reagan Pentagon—and of generations of military planners, for that matter. It produces the argument that we have to plan our military forces not on the basis of what a potential enemy is likely to do, but on the basis of what he could do. If unrestrained by considerations of other national priorities or of resource allocation, this is what leads to the endless accumulation of ever more complicated and destructive weapons. When two opposing superpowers proceed on this premise, it makes the world a scary place.

When the President argued that regardless of intentions the MX would not in fact give the United States a first-strike capability, he was denying one of his own principal arguments for building the MX. That argument is that the increased accuracy of Soviet missiles has made it possible to wipe out all the U.S. Minuteman silos at once. This would preclude retaliation against a Soviet attack and would give the Soviets a first-strike capability.

Therefore, the Reagan administration has argued, the United States has to build the MX to regain the deterrence it has presumably lost. This argument has always been faulty on two grounds. First, it assumes a most improbable technical capability by the Soviets. Second, it completely overlooks the existence of U.S. airborne and seaborne nuclear forces. What are we supposed to think these forces, especially the submarines, will be doing while the continental United States is being incinerated? And if the European public will hold still, in a few months we will have Pershing missiles in NATO. Would it not occur to somebody to fire them?

For all their callous behavior, the Soviets are not complete idiots. We can assume that these points have also occurred to their military planners. They are no doubt aware that they do not have a first-strike capability any more than we do. Nor either side likely to acquire it.

"There is no way that the MX, even with the remaining Minuteman force, could knock out the entire Soviet ICBM force," Reagan told the American Legion. Why, then, does he think the Soviets could knock out the Minuteman even without the MX? He cannot have the argument both ways.

Assuming a reasonable degree of sanity in Washington and Moscow, the danger of the world ending not with a whimper but a bang does not come from an attempted first strike. It is more likely to come from the uncontrolled escalation of a superpower confrontation which starts small and gets big.

Arms control agreements are an important step in putting an upper limit on how big a confrontation could get. With weapons already in American and Soviet inventories, it could get big enough to blow up the world; but we've got to start somewhere. Arms control agreements by themselves, however, do not keep a confrontation from starting small. That was—and remains—the necessity for the unfortunately discredited Nixon-Kissinger policy of détente.

Before the United Nations last week, Reagan sounded as though he really wants strategic arms reductions. But neither there nor elsewhere has he sounded as though he even understands the importance of reducing tensions.

BUILDING A FRAMEWORK FOR WORLD OPINION

Mr. PROXMIRE. Mr. President, Jose Zalaquett, former chairman of the executive committee on Amnesty International, wrote a thought-provoking article on human rights for the 1982 Jesuit Community Lecture Series. He eloquently retraces the events that have led up to a world consensus on the subject of human rights, paying particular attention to developments since World War II. Such developments include the establishment of the Universal Declaration of Human Rights by the United Nations which he believes have influenced international opinion by building a framework for contemporary thought and action.

The Universal Declaration of Human Rights begins: "Whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." Zalaquett asserts:

The implication is that world peace and stability do not rest only on the security of governments or arrangements among governments; it is the freedom and security of citizens of all countries that is the foundation of world peace. The cruel experience of the Second World War dictated such conclusions, thus providing the basis for establishing the human rights question as a matter of legitimate international concern.

One of the most significant treaties implementing the lofty principles of the declaration is the Genocide Convention. The Convention provides a working definition of genocide, what constitutes a genocidal act, and how this horrendous crime can be legally punished. But more importantly, and perhaps more realistically, it establishes a framework for contemporary thought on the specific issue of genocide just as the Universal Declaration of Human Rights established a framework for thought on the general issue of human rights.

Zalaquett presents a convincing argument that covenants and documents similar to the declaration can be the basis for a system of universal values and norms, and that we all have a responsibility to influence that system through a commitment to an ideal—the ideal of peace through the security of people's most basic rights and freedoms. Mr. President, what could be a greater ideal than a world free from the ever-present threat of genocide? What could be more basic than our inherent right to exist?

In his article, Zalaquett quoted the wisdom of Saint Augustine, "If you don't live according to your convic-

tions you will end by changing your convictions accordingly." Let us not alter our commitment to the preservation of human rights. Let us prove our dedication to world peace and the security of people's inherent right to live by ratifying the Genocide Convention.

I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS AND THE MORAL DIMENSIONS OF INTERNATIONAL CONDUCT

(By José Zalaquett)

VALUES AND INTERESTS

Ladies and gentleman, while reflecting on the general topic of this series of lectures, the moral dimensions of international conduct, I found myself trying to remember a sentence that would synthesize the complex question of values and motivations in public life. In fact, I came up with two such sentences, which I can trace back two years and twenty-five years, respectively. Clearly, they had made a great impression on me, for they were so readily on call. One is by former Secretary of State Cyrus Vance, the other by Saint Augustine. Mr. Vance said in a commencement address at Harvard in 1980, referring to America's foreign policy, "In the long run our interests and our ideals coincide." We are reminded (I believe by Lord Keynes) not sadly, but realistically, that in the long run we shall all be dead. But the long run is made up of very small units of day-to-day, consistent short runs, which brings us to Saint Augustine, or rather to my high school religion teacher, who quoted him back in 1957. I take his word for the accuracy of the quotation. Saint Augustine said (I remember the quote in Spanish and translate it): "If you don't live according to your convictions you will end by changing your convictions accordingly."

Both statements, it may seem to some, involve a truism of sorts. For what are values (and I take ideals, in the context of Mr. Vance's quote, to mean the attainment of goals consistent with your own values), what are values if not the expression of what a community considers to be the guiding principles that better protect in the long run the basic interests of that community and its members? Or put the other way around, isn't it our interests that shape our values, isn't it the perception and practice of basic interests, when carried out on a societal and historical scale, that becomes the stuff out of which values are formed? The question of the origins of values is certainly very intriguing, but what I find so telling in those two remarks is not their scientific validity but their patent wisdom and their policy and political implications. In effect, by saying that in the long run our interests and our ideals coincide, Mr. Vance was addressing the key issue in a continuing debate about foreign policy: that is, what relative weight to give to moral considerations and national interest considerations? He was implicitly stating, first, that in the long run there is no incompatibility between values and national interest. Second, by saying that, he was reassuring those overly concerned for the protection of their own or the perceived national interest by suggesting that these would be better served if one is guided by one's own values. Third, the reference to the long run implies room for tactical flexibility, but flexibility—and here we are once more back to Saint Augustine's sentence—should be a function of the overall respect of values and not be such that in the end you deviate from those values and end up by changing them.

Values and interests may coincide, but the question for us tonight is, are there international values by which to guide our conduct, and whose interests would such values represent? I would argue that in our present world a set of basic values of universal acceptance, representing the interests of ordinary men and women, is slowly but steadily being forged. Internationally recognized human rights are the main component of such a set of values, and governments and individual alike, although with different degrees of responsibility and in different ways, are being called upon to observe and implement the values embodied in the human rights system.

THE EVOLUTION OF HUMAN RIGHTS

Let us begin by attempting to summarize the evolution of the human rights idea and to characterize the human rights issue and the human rights movement as they are known today. Progress in the history of human rights is usually marked by certain milestones: declarations, covenants, bills of rights. These are well-crafted, high-principled documents that seem at first reading to be the products of untrammelled light and the diligence of learned scholars. Yet, the driving force behind these documents has invariably been the struggle of peoples everywhere demanding recognition and respect for their rights. It may thus seem arbitrary to restrict the historical overview of human rights to any particular region or period of history. For the purposes of argument, however, our specific interest is to understand better the more direct historical antecedents of the human rights movement and legislation as they exist today.

From this point of view, it makes sense to confine the following historical considerations to the Western Judeo-Christian world in modern and contemporary times. It is in this context that the most distinctive feature of the whole human rights perspective evolved, that is, the placing of limits and duties upon the authorities and the community, nationally and internationally, based on the paramountcy of certain rights of the human person. Back in the twelfth and thirteenth centuries, men demanded and won limits on the authority of the king or prince. Later, rights were demanded from the colonial power or, after independence or reform, from the new constitutional nation states in Europe and the Americas. Laborious daily struggles and the insights of political philosophers inspired one another throughout this process. As a result, by the mid-nineteenth century, what has been recently termed the first generation of human rights was well established in the legislation of various countries.

Not everyone was entitled to this first generation of rights, which were civil and political. They were, to a large extent, rights for certain men. Their persons, the privacy of their property and affairs, and their freedom to participate in the associative life of the community were deemed worthy of respect and protection by the state apparatus they themselves controlled. But women did not enjoy the same rights nor were these rights considered applicable to all races or all social classes. Since those days, our common history has been, to a significant degree, the history of battles to end discrimination and to extend these basic civil and political rights to everyone. The central actors of these battles have been those who have asserted their own rights: workers and peasants, women, religious believers, nations, ethnic groups, indigenous populations, and various so-called minorities which more often than not are actually majorities.

Together with the increasing formal recognition (and I say *formal* recognition because they were consecrated in law but not necessarily observed in practice) of civil and political rights for all, a so-called second generation of rights began to be formulated in the second half of the nineteenth century. These included economic, social, and cultural rights, e.g., the right to employment and to fair working conditions, the right to a standard of living that ensures health and well-being, the right to social security, the right to education, to participate in the culture of the community, the special rights of motherhood and childhood.

But it was not until after the Second World War that both the first and second generation of rights were internationally recognized. Shaken by the barbarity of that war, the independent nations at that time moved determinedly to prevent those horrors from ever happening again. Soon after the establishment of the United Nations, work on the drafting of the Universal Declaration of Human Rights began. Proclaimed by the United Nations General Assembly in December, 1948, the Declaration leads off with the following statement: "Whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . ." These words link world peace and respect for human rights. The implication is that world peace and stability do not rest only on the security of governments or arrangements among governments; it is the freedom and security of citizens of all countries that is the foundation of world peace. The cruel experience of the Second World War dictated such conclusions, thus providing the basis for establishing the human rights question as a matter of legitimate international concern.

The existing political and economic structures, however, both national and international, did not allow the world to live up to its postwar vision. The real actors in the world arena at that time were the countries of the North. Africa was still largely under colonial rule; the Latin American countries remained on the periphery of the world scene, reflecting the marginalization suffered by the majority of their own people. During the Cold War years, there was hardly room on the world agenda for the furthering of international human rights. The arms race, all-out ideological confrontation, and circumscribed proxy wars marked the relationship between the two poles of world economic, political, and military power. While the fact that the world is one single stage, one single arena, had been dramatically underscored by two world wars, and while this very fact constitutes the basic assumption on which the United Nations was established, it was the 1960s that clearly impressed that reality in everyone's mind. Throughout that decade, the world witnessed the increasing clamor of the oppressed majorities. The tumultuous process of decolonialization unfolded on the African continent, paralleled by popular revolts seeking major political and economic changes in many countries of Latin America. Similar processes occurred elsewhere in the Third World. The development of this revolution of expectation among the most

backward sectors of less developed countries took place in the 1960s in a special international context, made up of the North-South tensions and dialogue, implicit recognition of military parity between the super powers with their incipient efforts to limit the arms race, and the emergence or consolidation of various poles of economic, political, and even military influence on an international scene where there had previously been but two.

Other important factors included: the proliferation of internal political conflicts in numerous Third World countries and the consequent rise of strong dictatorial regimes in many of them; growing alarm over the danger of environmental pollution; increased political awareness within various creeds (particularly Christian ones), a reformulation of the role that the churches ought to play in the denunciation and elimination of the structural causes of economic and social injustice. This list of issues seems familiar now, but in the 1960s these concerns were just storming onto the international stage. As a reaction to these developments, in the early sixties, voices were increasingly heard throughout the world invoking human rights to denounce situations of intervention or repression and to demand liberty, equality, and justice. The allusion to human rights began thus to be employed as a reference to a tentative body of universal moral standards, not always defined or understood in the same manner, in order to reinforce the legitimacy of the protesters' demands. International attention during this period was stimulated by a number of events which acted as a catalyst and increased international awareness. Both the invasion of the Dominican Republic by United States marines in 1965 and the invasion of Czechoslovakia by Soviet Union troops in 1968 mobilized large sectors of world opinion around questions of relations among states and of self-determination of peoples. In the second half of the 1960s, the emergence or evolution of regimes such as those in Indonesia, Brazil, and Greece, and the continuing racist character of the government of South Africa, caused numerous voices to be raised in defense of human rights.

An important benchmark in this country was, of course, U.S. intervention in the Indochinese conflict, and the profound questioning it provoked among U.S. citizens themselves with respect to their own values and their government's foreign policies. In the early 1970s, the proliferation of repressive regimes in various countries in the Third World, particularly in South America, and the development of dissident movements in Eastern Europe and the Soviet Union, marked new steps in the rise of international interest in the topic of human rights. Finally, the declared intention of the Carter administration to make human rights a priority of U.S. foreign policy (whatever the judgment may be about the actual human rights record of that administration) further contributed to international interest in the topic and added to the controversy around human rights questions.

It is in this whole setting that, in the early to mid-1960s, the human rights issue as it is now known began to develop around the activities of ordinary men and women. Many new international actors had appeared while international and economic and political power centers spread. The world became one single arena, one single complex web of interdependence or "interconnections." As people everywhere realized this fact and the extent to which domestic conditions, including respect for human rights, depend on external factors, they started taking more interest in international affairs and from there, many moved to international activism. Thus, growing interdependence and the communication revolution have raised the world's awareness of the fact that we are one single human community—a tentative, conflicting, and seemingly nonviable community, but in the end, a community.

Any community that becomes aware of its existence starts formulating basic values by which to guide itself. Seen in this light, the Universal Declaration of Human Rights and other international human rights documents constitute the first attempt on the part of the community of nations to build up a system of values of universal acceptance. Those international instruments or documents are therefore the starting-point for the international human rights movement, the point of reference. But it was not, as I said until nongovernmental groups, men and women in the streets, became involved in human rights action as opposed to norms, that the language of human rights and the reference to the Universal Declaration became household notions. That is how the international movement for human rights in the past fifteen to twenty years shifted its center away from organizations such as the United Nations to ordinary individuals who, it has been proven, were better prepared to place their system of values on the world agenda. Also in these last two decades other central items, closely linked to the human rights question, appeared on that international agenda: peace and disarmament, protection of the environment and of national resources, the search for a just economic order, and freedom from extreme want. These issues, too, may be seen as expressions of concern by a nascent global community that seeks to protect the common nest from being fouled or blown up, and that endeavors to use its resources for the benefit of all. Centered on these basic concerns—human rights, peace and disarmament, protection of the environment—international movements involving hundreds of thousands of ordinary men and women have been organized, new areas of study have been developed, intergovernmental and governmental activity has proliferated.

TOWARD UNIVERSAL NORMS FOR HUMAN RIGHTS

Let us turn, after sketching the evolution of the human rights question, to my contention that a system of basic values which is universally accepted is gradually being forged and that it takes the form of international human rights norms. To what extent can one affirm that human rights are universal, knowing as we do the vast differences—political, ideological, social, economic—that are to be found among the nation states of today? How can it be said that freedom of expression means the same in the Netherlands as in Czechoslovakia, that political rights are conceived of similarly in Saudi Arabia as in Canada? To these questions we may respond that the international human rights documents which contain these norms were agreed upon after a long drafting process involving complicated political bargaining. As a result, there are built-in ambiguities and generalities in the drafting of the respective provisions wherever consensus could not be reached. Summarizing the normative quality of the Universal Declaration of Human Rights, we find different norms expressed more or less strongly according to the greater or lesser degree of consensus achieved. So when we talk about the "universal" value of human rights, we use that term advisedly but with a realistic eye on the various degrees of consensus that have shaped the provisions of the Universal Declaration.

Let me be more precise. The consensus which is now expressed in the Universal Declaration and in the United Nations covenants, and other major regional and international human rights instruments, consists of five general points. In the first area there is an absolute condemnation of the most extreme forms of privation of freedom and degradation of the person, namely, slavery and servitude; on this, you find East and West in agreement. There is also an absolute condemnation of extreme forms of intolerance: the denial of freedom of thought or religion, at least insofar as holding views goes (expressing them is another matter entirely, involving many nuances). Within this first area, we find in addition agreement on the absolute condemnation of extreme forms of defenselessness of the individual before the state, namely, torture and the denial of due process, at least at a minimal level. Torture is condemned even more strongly than killing, not because anyone would not prefer to be tortured rather than killed, but because there is this element of extreme defenselessness: the person being tortured has first been rendered completely defenseless. This universal condemnation of torture in theory doesn't mean, however, that the practice of torture has been abolished, but only that the values defended by the condemnation are deemed to be of universal validity.

The second area of consensus expressed in the Universal Declaration and other instruments is the protection of life, personal freedom, and citizenship, apart from (and here's the rub) lawful exceptions. Life, citizenship, and personal freedom are protected everywhere and deemed worthy values. The lawful exceptions are the problem. What is considered a crime in some countries represents perfectly innocent behavior in others. And what is punished with very severe penalties in one country may be only a misdemeanor elsewhere: these differences point to different values. Actually, the way human rights norms are constructed allows for these differences though, of course, they are not meant to become loopholes for abuses against the absolute values referred to before. You cannot, for instance, permit the condemnation or killing of a person because of beliefs that person holds, nor can you permit killing through torture. In other words, the first set of values remains absolute. But certain countries interpret these norms as allowing them to apply the death penalty for an economic crime, for instance, which would be punished less severely (perhaps by a fine) in other countries.

Let us move now to the third area of consensus. The second one, as we have seen, is already less absolute, and allows of lawful exceptions. The third one involves the general affirmation of certain freedoms and inviolabilities: for example, freedom of expression, of movement, of association, the inviolability of the home and correspondence, and the privacy of personal affairs. The real content of those values, however what is to be understood by freedom of expression, is not defined. Does it mean the private and plural ownership of the mass media, or having the party express the will of the people through the official organs? Interpretations vary. In addition, these rights can be restricted by an appeal to higher

values like national security, morality, or public order. There is, in fact, no precise agreement as to what constitutes these values in different societies. Indeed, martial law, state of siege, or the invocation of national security are the grounds in many countries for the derogation of rights that are accepted as valid in principle: they seek refuge in the alleged exception, arguing that they have a case for actually applying the exception rather than the rule.

The fourth area of consensus is a very general endorsement of the democratic model, political participation, i.e. that governments should be elected by the people; but the respective norms are not precise enough and the vagueness allows many different regimes to contend that their particular governments are indeed an expression of the will of the people, or at least represent a transition toward that after a period of social turmoil.

A fifth and final area of consensus is the assertion of social, economic, and cultural rights. These rights have perhaps the weakest support in the international human rights documents. They are put forward as goals to be attained progressively through internal effort and international cooperation. Thus, different governments with varying economic policies can argue that they are aiming precisely at those objectives but that more time is needed, maybe ten years, maybe twenty.

These internationally recognized human rights correspond to the various levels of consensus we have just summarized. Such consensus may seem rather slender and unimpressive; yet it is arguably the largest explicit ideological consensus ever reached by humankind. Thus we may affirm that the human rights normative system—that is, the norms contained in the major international human rights documents—does enjoy a degree of universal acceptance (which does not mean, of course, universal observance). We know well that acceptance of a norm can be mere lip service and can coexist in practice with flagrant violations of the same norm.

Ideological differences, as I said, are to a large extent built into the norms themselves, in that they account for the vagueness of the norms or for exceptions to them. Still, this consensus is dynamic and grows through the activism and scholarly work undertaken within the framework of human rights advocacy. Let me give an example. The persistent activity of the human rights movements has established the principle that you cannot punish a person according to an internal law, no matter how formally legitimate that law may be, if that person is engaged in the exercise of an internationally recognized human right. That limits the scope of, say, what in an Eastern country might be considered hooliganism or an action against the state. Certain regimes are still not prepared to accept the idea that peaceful dissent is legitimate, and they may incarcerate those who engage in it. But they are being increasingly pressured by the human rights movement in the international community to observe the norm which says that people should not be put in prison for exercising their human rights. The movement is saying, in effect, that such "lawful exceptions" cannot be merely pretexts for denying the exercise of one's rights. Another example would be the meaning of democratic elections. We have a long way to go before there is universal agreement on basic principles for free elections, but it is getting more difficult for regimes to call their state elections legitimate when they do not meet the standards gradually set up by the international community as valid criteria for the fairness of an election.

This is the kind of thing I mean when I say that the consensus on human rights is dynamic. Indeed, the universality of human rights, in theory, and (especially) in practice, is one of the key questions that has to be considered when we address the general topic of these lectures—the moral dimensions of international conduct. Is there in fact an international law system? Are there international values? I could claim there is a gradually but steadily evolving system of universally accepted values. Their universality is further reinforced by several factors apart from the existence of covenants and documents signed by most governments. First of all, major creeds and religions accept explicitly or implicitly the compatibility between human rights norms and their own moral visions.

Let us take, for example, some pertinent elements in the Christian tradition to illustrate this point. Though it is highly questionable, of course, whether one can speak of a single Christian tradition without making important distinctions among the various sects and churches that embody that tradition, still it is important to point out certain aspects of the Christian vision, if we may use that phrase, which can help explain the position on human rights adopted by both the Catholic Church and certain Protestant churches and international ecumenical groups during the last two decades. Here are a few of those commonly agreed upon positions: (a) Human beings possess a transcendental worth not subordinate to any other end. Persons cannot be made instrumental to social and political arrangements. Human beings precede the state. (b) Human dignity is inherent in all individuals. Rights are the conditions for the realization of human dignity in action. (c) Religious freedom stands preeminent among human rights. (d) A preferential option for the poor should take precedence over economic liberty purchased at the cost of extreme want. (e) The social function of the church is to endorse and to encourage rather than to enact and to enforce. Consequently, there is less concern in the church's approach to rights with legal than with moral issues of enforcement. (f) In an effort to consider all the dimensions of human dignity, civil and political rights as well as economic, social, and cultural rights are equally stressed. (g) This is done in a way that seems to respond to a harmonious vision of social life but perhaps without sufficient reference to the reality of conflict. This is probably the result of the Christian conviction that love can be a source of reconciliation and conflict resolution. (h) Finally, churches stress that the transcendental nature of the human person is incompatible with purely materialistic systems of lifestyles.

These are some of the elements that can be considered common to the Christian vision, if you'll permit me that inexact expression; most of these have been consolidated, in fact, within the last couple of decades. While these notions are not exactly equivalents for the principles of human rights, they are perfectly compatible with them. Furthermore, explicit statements by church leaders have used human rights language and have stressed the compatibility between church teaching and human rights. Human rights may thus be developing into a kind of universal lay ethics compatible with other ethical systems. International human rights activists find in these norms a solid common moral reference, albeit a narrow one, that transcends whatever other theological differences they may have.

This last point deserves further attention, for many who praise the human rights movement for its humanitarian work feel nevertheless that its viewpoint is rather narrow-minded and naive. Torture, political imprisonment, or starvation, it is said, are just symptoms of deeper problems whose root causes the human rights movement neither analyzes nor seeks to remove. In response I would say that human rights activism is, of course, but one of numerous possible approaches to questions of justice, progress, or constructive coexistance. Many avenues have been taken in addressing such questions, including trade union membership, party politics, public interest groups, and educational efforts. All these approaches are both legitimate and important, but there is no reason for various types of involvement to be mutually exclusive. Most human rights activists have, in fact, specific political persuasions, and are active in arenas other than the human rights movement. So far, the movement has not turned into an all-encompassing sect or set of dogmas, and it is essential that it not. Seen in this light, the human rights movement can be best considered as an implicit alliance for a specific set of actions, an alliance among people of many persuasions who may indeed hold opposing views on other political matters. The tacit understanding among them is that conflict will continue to mark the course of human events, but that certain essential values can and must be affirmed as essential to life and society. To achieve that goal, it is important to act on the basis of consensus, even a relatively narrow one like human rights. This universality or common ground beyond political differences that exists among human rights activists is another argument for the validity of human rights themselves.

A third element that contributes to the universality of human rights, in addition to the religious and ethical bases, is the contribution made by the mass media. By increasing their coverage of human rights issues, and by accepting as credible the information coming from the main human rights organizations, the mass media have contributed to making human rights a familiar notion and a daily concern.

There are, of course, other international values apart from those contained in international agreements on human rights. I argue that human rights represent the main component on this growing common pool of international values, but there have been other contributors to it as well. We find these other values implicit in certain key issues that have found a central place on the international agenda of vital concerns, concerns relating to subsistence, the security and welfare of individuals, groups, and nations. I am referring here to questions of development, peace and disarmament, and the protection of the environment. These issues express central interests of the international community. In emphasizing activism on these issues, I am saying that it is truly in the interest of the international community actively to promote peace, a clean environment, and economic development. Important as these issues are, they have not yet achieved a degree of consensus in practice that would allow them to be translated into international norms. What I mean is that in the process of formation of

such norms, there is a moment when certain values begin to be shared and proclaimed. But for those general aspirations and values to be made operative, there must be considerable consensus on detail. This had not yet happened for this so-called third generation of human rights. There is as yet no specific international instrument setting forth this third generation of rights. They are still being discussed in theory. If the first generation covered civil and political rights, and the second, social, economic and cultural rights, the third generation would go beyond these to include the right to peace, the right of development, and the right to a clean environment, among others. But how do you translate such "rights" into functional norms for the international community at this time? As we have seen, even social and economic rights (the so-called second generation) have proved difficult to put into operation (to be enforceable or justiciable, to use more technical legal terms). Still, this third generation of rights is slowly taking shape, and may eventually crystallize into feasible norms.

WHOSE RESPONSIBILITY ARE HUMAN RIGHTS?

Having established now the fact that there are universal, international norms for human rights, I would like to turn to a second question. What role do these international values play in the actions of governments and individuals? In other words, whose behavior are international norms supposed to regulate? First and foremost, these norms are aimed at regulating the behavior of signatory states, and more precisely, of the governments of those states. For historical legal reasons, human rights aimed primarily at protecting the individual before the state and not the individual before another individual; for the latter, each nation has its own legal system. Now it is true that individuals can and often do attack the values which human rights norms are supposed to protect, for example, the case of contemporary forms of terrorism. But it is precisely the function of the state apparatus (the judiciary, the police) to defend citizens against these attacks, which are outlawed by national legislatures and punished by national courts. The same crime, whether committee by governments or nongovernmental groups, should receive the same moral condemnation, but mobilizing the international community and international human rights machinery should be reserved for the protection of those left defenseless because the very institutions of the state that are charged with protecting their human rights are actually violating them.

That turns out to be a rather important distinction, for many people claim that the human rights movement does not condemn terrorism sufficiently. Issuing moral condemnations is easy enough, but attempting to mobilize international pressure against terrorist groups the same way one does against governments is neither effective nor very sensible, since these groups do not accept responsibility as governments do to protect their citizens against abuses. Thus, governments are agencies primarily charged with observing human rights. This implies negative and positive duties, depending on the nature of the various rights. It also implies that government not embrace conceptions of national interest which are inimical to human rights.

I would like to give some examples here of such conceptions of national security which have actually denied the very foundations of human rights. In certain South American countries, such national security doctrines evolved during the 1960s and 1970s. In studies by scholars both in this hemisphere and in Europe, these doctrines have been shown to lead to policies that affect defense but also economics, questions of political ideology and, indeed, the very structure of the state. According to these doctrines, national security is seen as the principal responsibility of the military, and considerations of national security are given precedence over the rights of individuals. As you can see, such a conception is inimical to the whole notion of human rights, since it exactly reverses the priorities, giving consideration to the rights of individuals only after the interests of an amply defined national security are satisfied. This is, of course, an unacceptable political philosophy. Governments are not only bound to protect human rights, but they cannot legitimately develop or disseminate conceptions of national security which are intrinsically opposed to the essence of human rights. The duties of government include, furthermore, the adoption of a foreign policy that fosters human rights and does not lead to the condoning of human rights violations by other governments.

But, as we have seen, there is also an important role for the individual, and many individuals are actually taking up that role today. For at the base of the international human rights network are the numerous local organizations which have developed in the very countries where harsh violations of basic rights occur. They are working at this very moment under difficult conditions and must often suffer repression themselves. These groups vary greatly in size and in the scope of their activities, but they have much in common: they gather people from different political persuasions and creeds around the human rights agenda. They give legal, moral, and material assistance to those who have been persecuted and discriminated against and to their families. They have the best information on these questions of rights violations, and they produce reliable, documented evidence which is often the main basis for international action. They are certainly the main hope of many of their compatriots, and an inspiration for their counterparts around the world. Among international human rights organizations, some attempt to be global in their scope, as is the case with Amnesty International, which relies on the work of members gathered in some 3,000 groups worldwide; so too, the International Commission of Jurists, the International League for Human Rights, and the human rights programs of the World Council of Churches. Local and international nongovernmental human rights organizations regularly present evidence to the United Nations and to other intergovernmental bodies. Several of these bodies have greatly enlarged the scope and improved the quality of their work because of this stream of information.

The last question I would like to address is whether the establishment of norms for human rights involves a correlative duty for individuals. This is a question filled with political and ideological implications, for many governments have stressed the duties of citizens as a way of putting aside the question of human rights. Still, it cannot be denied or ignored that there is a correlative duty for every right. Individuals have the duty to respect the rights of others, and the duty to promote human rights. Such duties, however, are more moral than legal, in the sense that they are not enforceable unless an individual so blantantly disregards the human rights of others as to be guilty of criminal conduct. This question needs to be studied further, for the issue has up to now been so intertwined with political and propaganda issues that it is difficult to extricate it.

Now let me summarize. There were two basic assertions that I wanted to substantiate tonight. First of all, that there is in fact an international system of values, that such an international system of human values is of universal validity. Second, the promotion of human rights is a task both for governments and for ordinary men and women. These statements seem simple enough, and would hardly appear to need a fifty-minute long substantiation. Yet they constitute the very ground for the formulation of all other moral considerations concerning international human rights. There are, of course, many other items that are of great interest and need to be discussed, and I hope you will raise some of them during the question period: for example, the moral foundations for foreign policies based on human rights, or the agenda for future human rights action and research.

NATURAL GAS DEREGULATION

Mr. THURMOND. Mr. President, an editorial that appeared in the Wall Street Journal on October 25, 1983 was brought to my attention, and I would like to share it with my colleagues in the Senate. As we approach the debate on natural gas decontrol, I believe that we can all benefit by remembering the events surrounding the Arab oil embargo of a decade ago. Price controls on oil did not resolve that situation, and price controls have not worked for natural gas either. I realize the complexities involved in this important matter, but we must not forget the simple, overriding concept that free enterprise is the best course for producers and consumers alike.

Mr. President, I ask unanimous consent that the text of the Wall Street Journal editorial be placed in the RECORD.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 25, 1983]

TEN YEARS AFTER

Last week marked the 10th anniversary of the Arab oil embargo and the accompanying mania about the "energy crisis" and the "need" for federally imposed price controls. If we have learned anything in the past 10 years, it's that price controls don't work and, in fact, act to the detriment both of energy consumers and producers. It's no coincidence that energy prices have declined, gasoline lines have disappeared and OPEC has fallen into disarray since President Carter began and President Reagan completed oil decontrol.

A test of how well Congress has learned these lessons is expected to come shortly when the Senate begins debate on an administration-supported natural gas decontrol bill. The measure, which has already been approved by the Senate Energy Committee, would phase out controls on all categories of natural gas by mid-1988. Meanwhile, producers and pipelines could rewrite

existing contracts that embody the tremendous price distortions created by the current Natural Gas Policy Act with its myriad categories of "old gas," "new gas," "deep gas," etc.

The NGPA is due to expire in 1985, but controls would remain on about half of all gas now produced, mainly lower-priced "old gas." The aim of the new legislation is to avoid such a two-tier system and to permit full-fledged competition that will lead to lower average prices. Moreover, the Senate bill would make pipelines "contract carriers," permitting large consumers such as utilities, factories and farm cooperatives to negotiate directly with gas producers and then to contract with pipelines to carry the gas. This too would open up the gas market to further competition and would dampen prices.

However, according to the twisted logic of "consumer advocates" and some members of Congress, natural gas decontrol will mean far higher prices. Many of these people, of course, were the same ones railing against oil decontrol, predicting huge price increases as oil companies "soaked" consumers who would no longer be "protected" by federal controls.

The Natural Gas Supply Association, which represents producers who obviously have an important stake in gas prices, concludes that prices will actually fall after decontrol and consumers will reap "significant savings." Its newly published study says that 20% is a "fair estimate" of the drop in gas prices at the margin one year after decontrol. Using a conservative figure of only a 5% drop, it calculates that consumers could save as much as 95 cents per thousand cubic feet, or more than $100 a year for the average household.

What the gas producers recognize—as oil producers have already experienced—is that decontrol will bring much new conpetition on stream. Shut-in gas will begin flowing, enhanced recovery techniques will become affordable, and expensive gas producers will be forced to lower prices or get out of the market. Gas producers, as well as pipelines, will perforce have to look to higher volume sales, not higher unit prices, to turn a profit. We'll see in the coming Capitol Hill debate whether members of Congress have yet learned the facts of life about energy economics.

ADMINISTRATION ON AGING NEED NOT FOLLOW APPROPRIATIONS LANGUAGE

Mr. GRASSLEY. Mr. President, when the Labor-HHS-Education conference report came before us, I protested language in the House and Senate reports of that legislation directing certain expenditures under title IV of the Older Americans Act.

Title IV of the Older Americans Act of 1965, as amended, in 1978–81, provides for a number of research, demonstration, education, and training projects. Specifically, section 422 of the act, creating discretionary demonstration projects, requires the Commissioner of the Administration on Aging to "give special consideration to the funding of rural area agencies on aging to conduct model projects devoted to the special needs of the rural elderly"—the only section in title IV so to specify.

The language in the House and Senate reports attempted to direct AOA to expend appropriated funds on other programs in title IV—to the detriment of these programs aimed at the elderly.

In addition, the Appropriations Committees attempted to steer section 424 funding to so-called national legal services programs—despite the absence of any such direction in section 424.

Mr. President, the Older Americans Act contains more than sufficient direction to the Administration on Aging. No elaboration by the Appropriations Committees is necessary. In fact, this attempt to direct funding by the committees undermines the spirit of title IV, which makes clear the intent of Congress that allocation of title IV funds be discretionary and that rural elderly get special consideration.

And if the Appropriations Committees found it absolutely necessary to tinker with the machinery of title IV, it would have behooved them to consult with the members of the authorizing subcommittee—which I chair—to seek our active support and cooperation. I can tell you, however, that had the committees sought my support for this report language, it would not have been forthcoming and I would, in fact, have actively opposed that language.

As it happens, I have also asked officials at the Administration on Aging to consult with me as they make allocation decisions in this fiscal year, and when they do consult me I intend to advise them to ignore the Appropriations Committees directions.

And after consulting with the Congressional Research Service, I have been supplied with documentation which shows that precedent exists for AOA to do exactly that—ignore the language.

Previous decisions by the Comptroller General in this area—with the LTV case being the leading example—have made it clear that executive agencies are free to ignore directions by Appropriations Committees which do not actually appear on the face of the statute, as long as the agencies' actions are otherwise within the law.

As I have indicated earlier, ignoring the appropriations report would be otherwise within the law—since the operative law, title IV, has exactly the opposite thrust of the report language. The only other restraints on ignoring report language, the memo notes, are practical ones. Yet ignoring the opposition of the chairman of the authorizing subcommittee would present practical problems as well.

Mr. President, I ask unanimous consent that portions of a memorandum by the General Accounting Office's General Counsel, which outlines the law in this area, be inserted in the RECORD at this point to provide both Senators and officials of the Administration on Aging with direction in this area.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRINCIPLES OF FEDERAL APPROPRIATIONS LAW

USE OF LEGISLATIVE HISTORY

A fundamental principle basic to the interpretation of both Federal and State laws is that all statutes are to be construed so as to give effect to the intent of the legislature. *United States* v. *American Trucking Association Inc.*, 310 U.S. 534 (1940); 2A Sutherland, *Statutes and Statutory Construction* § 45.05 (Sands ed. 1973); 38 Comp. Gen. 229 (1958). This intent may be determined from the words of the statute itself, from the "equity of the statute," from the statute's legislative history, and in a variety of other ways. See Sutherland § 45.05, supra. The legislative history may be examined as an aid in determining the intention of the lawmakers when the statute is not clear (see, *e.g.*, *United States* v. *Donruss Co.*, 393 U.S. 297 (1969); 53 Comp. Gen. 401 (1973)), or when application of the statutory language would produce an absurd or unreasonable result (46 Comp. Gen. 556 (1966)), or if the legislative history provides "persuasive evidence" of what Congress intended. (*Boston Sand and Gravel Company* v. *United States*, 278 U.S. 41, 48 (1928)). 55 Comp. Gen. 307, 317 (1975).

Legislative history is, with certain exceptions, used in appropriations law much the same as it is used in other areas of law involving the application of statutes. For example:

A conference report is generally viewed as the most authoritative single source of legislative history. See, e.g., B–142011, April 30, 1971.

Where there is direct conflict in the floor debates and there is no more authoritative source of legislative history available, it is legitimate to give weight to such factors as which House originated the provision in question and which House has the more detailed and "clear cut" history. 49 Comp. Gen. 411 (1970).

Statements of an individual Member of Congress, even if that Member is the bill's sponsor or draftsman, are not controlling in the face of contrary indications in more authoritative portions of legislative history such as committee reports. However, those statements may be accepted in the absence of any other legislative history. B–114829, June 27, 1975.

Post-enactment comments are normally not given much weight. However, they may be relevant in the absence of other more authoritative material. See B–169491, June 16, 1980.

In construing appropriation acts, the Comptroller General has consistently applied traditional principles of statutory construction so as to give effect to the intent of Congress. In many cases, when the meaning of an appropriation act seemed clear, GAO has resolved questions concerning the propriety of expenditures without resort to legislative history. In other cases, the Comptroller General has referred to the legislative history of an appropriation act in order to properly interpret language in the act that purported to impose qualifications, requirements, or restrictions. See decisions cited at 55 Comp. Gen. 307, 317 (1975). For example, in 49 Comp. Gen. 679 (1970), the

legislative history of various Defense Department appropriation acts was examined to determine whether a provision in the 1969 Act precluded payment of certain tuition fees for ROTC students.

Retroactivity of statutes

Statutes and amendments to statutes are construed to apply prospectively only (that is, from their date of enactment or other effective date if one is specified). Statutes will not be construed to apply retroactively unless a retroactive construction is required by express language or by necessary implication or unless it is demonstrated that this is what Congress clearly intended. 38 Comp. Gen. 103 (1958); 34 Comp. Gen. 404 (1955); 28 Comp. Gen. 162 (1948); 16 Comp. Gen. 1051 (1937); 7 Comp. Gen. 266 (1927); 5 Comp. Gen. 381 (1925); 2 Comp. Gen. 267 (1922); 26 Comp. Dec. 40 (1919); B-205180, November 27, 1981; B-191190, February 13, 1980; B-162208, August 28, 1967.

Another line of cases has dealt with a different aspect of retroactivity. GAO is reluctant to construe a statute to retroactively abolish or diminish rights which had accrued before its enactment unless this was clearly the legislative intent. For example, the Tax Reduction Act of 1975 authorized $50 "special payments" to certain taxpayers. Legislation in 1977 ablolished the special payments as of its date of enactment. GAO held in B-190751, April 11, 1978, that payments could be made where payment vouchers were validly issued before the cutoff date but lost in the mail. Similarly, payments could be made to eligible claimants whose claims had been erroneously denied before the cutoff but were later found valid. B-190751, September 26, 1980. GAO has applied similar reasoning in a number of cases involving legislation which reduced entitlements to post-judgment interest, holding that the entitlement to interest should be governed by the law in effect when the judgment was rendered, not when it was submitted for payment. The cases are cited and discussed in the section on "Interest—District courts," Chapter 12, this Manual.

Restrictions on lump-sum appropriations

This topic is covered in more depth in Chapter 5 of this Manual. It is touched upon briefly here because it illustrates a principle of statutory construction unique to appropriations law.

When Congress enacts a lump-sum appropriation, it is impossible to tell from the face of the statute how the appropriation is to be applied among the items for which it is available. The intended application of the appropriation must be found by examining the budget justification and the alterations to it made in the legislative process and reflected in documents such as committee reports. It is frequently argued that legislative history should be used to define the uses of a lump-sum appropriation in the same manner as it is used to define ambiguous terms in general; that is, that agencies should be bound by restrictions contained in legislative history. However, although legislative history may go far in accomplishing this result as a practical matter, it does not have this effect as a matter of law.

The rule is that restrictions on the use of a lump-sum appropriation are not legally binding on the department or agency concerned unless they are incorporated, either expressly or by reference, in the appropriation act itself (or, of course, in some other statute). E.g., 55 Comp. Gen. 307 (1975); 55 Comp. Gen. 812 (1976); B-163922.42, October 3, 1975. The cited decisions will serve as illustrations:

A lump-sum appropriation included $20 million for a Navy combat fighter. The conference report indicated that adaptation of a particular Air Force combat fighter to be capable of carrier operations was the prerequisite for use of the funds. The condition in the conference report, while certainly an indication of congressional intent, was held not legally binding. 55 Comp. Gen. 307.

An appropriation was made for the construction of two Navy ships. Committee reports subdivided the appropriation between the two, but the statute itself was silent. The exercise of a contract option for one ship, which would obligate funds in excess of the subdivision for that ship as specified in the committee reports, did not violate the Antideficiency Act. 55 Comp. Gen. 812.

Instructions in committee reports provided that, out of $2.4 billion lump-sum Comprehensive Manpower Assistance appropriation to the Department of Labor, $15 million was to be earmarked for aid to the Opportunities Industrialization Centers. Although recognizing the practical constraints on the Department to use the funds in the manner indicated, the Comptroller General concluded that the earmarking in the committee reports was not legally binding on the Department. B-163922.42, supra.

This rule, which has been recognized by the Congress, was discussed in 55 Comp. Gen. 307, supra, as follows:

"[W]hen Congress merely appropriates lump-sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should or are expected to be spent do not establish any legal requirements on Federal agencies.

* * * * *

"As observed above, this does not mean agencies are free to ignore clearly expressed legislative history applicable to the use of appropriated funds. They ignore such expressions of intent at the peril of strained relations with the Congress. The executive branch * * * has a practical duty to abide by such expressions. This duty, however, must be understood to fall short of a statutory requirement giving rise to a legal infraction where there is a failure to carry out that duty." 55 Comp. Gen. at 319, 325.

Stated succinctly: "[A]s a general proposition, there is a distinction to be made between utilizing legislative history for the purpose of illuminating the intent underlying language used in the statute and resorting to that history for the purpose of writing into the law that which is not there." Id. at 325.

D. LUMP-SUM APPROPRIATIONS

A lump-sum appropriation is one that is made to cover a number of specific projects or items. The term is used to contrast a line-item appropriation, which is available only for the specific object described.

Lump-sum appropriations come in many forms. Many smaller agencies receive only a single appropriation, usually termed "Salaries and Expenses" or "Operating Expenses." All of the agency's operations must be funded from this single appropriation. Cabinet-level departments and larger agencies receive several appropriations, often based on broad object categories such as "operations and maintenance" or "research and development." For purposes of this discussion, a lump-sum appropriation is simply one that is available for more than one specific object.

In earlier times when the Federal Government was much smaller and Federal programs were (or at least seemed) much simpler, very specific line-item appropriations were more common. In recent decades, however, as the Federal budget has grown in both size and complexity, a lump-sum approach has become a virtual necessity. For example, an appropriation act for an establishment the size of the Defense Department structured solely on a line-item basis would rival the telephone directory in bulk.

As discussed in Chapter 2 of this Manual, the amount of a lump-sum appropriation is not derived through guesswork. It is the result of a lengthy budget and appropriation process. The agency first submits its appropriation request to Congress through the Office of Management and Budget, supported by detailed budget justifications. Congress then reviews the request and enacts an appropriation which may be more, less, or the same as the amount requested. Variations from the amount requested are usually explained in the appropriation act's legislative history, most often in committee reports. (The process is explained in more detail in Chapter 2, Section E, this Manual.)

All of this leads logically to a question which can be phrased in various ways: How much flexibility does an agency have in spending a lump-sum appropriation? Is it legally bound by its original budget estimate or by expressions of intent in legislative history? How is the agency's legitimate need for administrative flexibility balanced against the Constitutional role of the Congress as controller of the public purse?

The answer to these questions is one of the most important principles of appropriations law. The rule, simply stated, is this: Restrictions on a lump-sum appropriation contained in the agency's budget request or in legislative history are not legally binding on the department or agency unless they are carried into (specified in) the appropriation act itself. The rule carries with it two unstated premises: The agency cannot exceed the total amount of the lump-sum appropriation and its spending must not violate other applicable statutory restrictions. The rule applies equally whether the legislative history is mere acquiescence in the agency's budget request or an affirmative expression of intent.

The rule recognized the agency's need for flexibility to meet changing or unforeseen circumstances yet preserves congressional control in several ways. First, the rule merely says that the restrictions are not legally binding. The practical wisdom of making the expenditure is an entirely separate question. An agency that disregards the wishes of its oversight or appropriations committees will most likely be called upon to answer for its digressions before those committees next year. An agency that fails to "keep faith" with the Congress may find its next appropriation reduced or limited by line-item restrictions. (That Congress is fully aware of this relationship is evidenced by a 1973 House Appropriations Committee report, quoted in Chapter 2, Section F(2) of this Manual, "Effect of Budget Estimates.") Second, reprogramming arrangements with the various committees (see Chapter 2, Section F(3), this Manual) provide another safeguard against abuse. Finally, Congress always holds the ultimate trump card. It has the power to make any restriction legally binding simply by including it in the appropriation act.

Perhaps the easiest case is the effect of the agency's own budget estimate. The rule

here was stated in 17 Comp. Gen. 147 (1937) as follows:

"The amounts of individual items in the estimates presented to the Congress on the basis of which a lump sum appropriation is enacted are not binding on administrative officers unless carried into the appropriation act itself." Id., at 150. See also B-55277, January 23, 1946; B-35335, July, 17, 1943.

It follows that the lack of a specific budget request will not preclude an expenditure from a lump-sum appropriation which is otherwise legally available for the item in question. To illustrate, the Administrative Office of the U.S. Courts asked for a supplemental appropriation of $11,000 in 1962 for necessary salaries and expenses of the Judicial Conference in revising and improving the Federal rules of practice and procedure. The House of Representatives did not allow the increase but the Senate included the full amount. The bill went to conference but the conference was delayed and the agency needed the money. The Administrative Office then asked whether it could take the $11,000 out of its regular 1962 appropriation even though it had not specifically included this item in its 1962 budget request. Citing 17 Comp. Gen. 147, supra, and noting that the study of the Federal Rules was a continuing statutory function of the Judicial Conference, the Comptroller General concluded as follows:

"Thus, in the absence of a specific limitation or prohibition in the appropriation under consideration as to the amount which may be expended for revising and improving the Federal Rules of practice and procedure, you would not be legally bound by your budget estimates or absence thereof.

"If the Congress desires to restrict the availability of a particular appropriation to the several items and amounts thereof submitted in the budget estimates, such control may be effected by limiting such items in the appropriation act itself. Or, by a general provision of law, the availability of appropriations could be limited to the items and the amounts contained in the budget estimates. In the absence of such limitations an agency's lump-sum appropriation is legally available to carry out the functions of the agency."

This decision is B-149163, June 27, 1962. See also 20 Comp. Gen. 631 (1941); B-198234, March 25, 1981.

The issue raised in most of the decisions results from changes to or restrictions on a lump-sum appropriation imposed during the legislative process. The "leading case" in this area is 55 Comp. Gen. 307 (1975), the so-called "LTV case." The Department of the Navy had selected the McDonnell Douglas Corporation to develop a new fighter aircraft. LTV Aerospace Corporation protested the selection, arguing that the aircraft McDonnell Douglas proposed violated the 1975 Defense Department Appropriation Act. The appropriation in question was a lump-sum appropriation of slightly over $3 billion under the heading "Research, Development, Test, and Evaluation, Navy." This appropriation covered a large number of projects, including the fighter aircraft in question. The conference report on the appropriation act had stated that $20 million was being provided for a Navy combat fighter, but that "Adaptation of the selected Air Force Air Combat Fighter to be capable of carrier operations is the prerequisite for use of the funds provided." It was conceded that the McDonnell Douglas aircraft was not a derivative of the Air Force fighter and that the Navy's selection was not in accord with the instructions in the conference report. The issue, therefore, was whether the conference report was legally binding on the Navy. In other words, did Navy act illegally in choosing not to follow the conference report?

The ensuing decision is GAO's most comprehensive statement on the legal availability of lump-sum appropriations. Pertinent excerpts are set forth below:

"[C]ongress has recognized that in most instances it is desirable to maintain executive flexibility to shift around funds within a particular lump-sum appropriation account so that agencies can make necessary adjustments for 'unforeseen developments, changing requirements, * * * and legislation enacted subsequent to appropriations.' [Citation omitted.] This is not to say that Congress does not expect that funds will be spent in accordance with budget estimates or in accordance with restrictions detailed in Committee reports. However, in order to preserve spending flexibility, it may choose not to impose these particular restrictions as a matter of law, but rather to leave it to the agencies to 'keep faith' with the Congress. * * *

"On the other hand, when Congress does not intend to permit agency flexibility, but intends to impose a legally binding restriction on an agency's use of funds, it does so by means of explicit statutory language. * * *

"Accordingly, it is our view that when Congress merely appropriates lump-sum amounts without statutorily restricting what can be done with those funds, a clear inference arises that it does not intend to impose legally binding restrictions, and indicia in committee reports and other legislative history as to how the funds should or are expected to be spent do not establish any legal requirements on Federal agencies. * * *

"We further point out that Congress itself has often recognized the programming flexibility of executive agencies, and we think it is at least implicit in such [recognition] that Congress is well aware that agencies are not legally bound to follow what is expressed in Committee reports when those expressions are not explicitly carried over into the statutory language. * * *

"We think it follows from the above discussion that, as a general proposition, there is a distinction to be made between utilizing legislative history for the purpose of illuminating the intent underlying language used in a statute and resorting to that history for the purpose of writing into the law that which is not there." 55 Comp. Gen. at 318, 319, 321, 325.

Accordingly, GAO concluded that Navy's award did not violate the appropriation act and the contract therefore was not illegal.

The same volume of the Comptroller General's decisions contains another often-cited case, 55 Comp. Gen. 812 (1976), the "Newport News" case (sometimes called "son of LTV," especially by the authors of the LTV decision). This case also involved the Navy. This time, Navy wanted to exercise a contract option for construction of a nuclear powered guided missile frigate, designated DLGN 41. The contractor, Newport News Shipbuilding and Dry Dock Company, argued that exercising the contract option would violate the Antideficiency Act by obligating more money than Navy had in its appropriation.

The appropriation in question, Navy's "Shipbuilding and Conversion" appropriation, provided "for the DLGN nuclear powered guided missile frigate program $244,300,000, which shall be available only for construction of DLGN 41 and for advance procurement funding for DLGN 42 * * *." The committee reports on the appropriation act and the related authorization act indicated that, out of the $244 million appropriated, $152 million was for construction of the DLGN 41 and the remaining $92 million was for long lead time activity on the DLGN 42. It was clear that, if the $152 million specified in the committee reports for the DLGN 41 was legally binding, obligations resulting from exercise of the contract option would exceed the available appropriation.

The Comptroller General applied the "*LTV* principle" and held that the $152 million was not a legally binding limit on obligations for the DLGN 41. As a matter of law, the entire $244 million was legally available for the DLGN 41 because the appropriation act did not include any restriction. Therefore, in evaluating potential violations of the Antideficiency Act, the relevant appropriation amount is the total amount of the lump-sum appropriation minus sums already obligated, not the lower figure derived from the legislative history. As the decision recognized, Congress could have imposed a legally binding limit by the very simple device of appropriating a specific amount only for the DLGN 41, or by incorporating the committee reports in the appropriation language.

This decision illustrates another important point: the terms "lump-sum" and "line-item" are relative concepts. The $244 million appropriation in the *Newport News* case could be viewed as a line-item appropriation in relation to the broader "Shipbuilding and Conversion" category, but it was also a lump-sum appropriation in relation to the two specific vessels included. This factual distinction does not affect the applicable legal principle. As the decision explained:

"Contractor urges that *LTV* is inapplicable here since *LTV* involved a lump-sum appropriation whereas the DLGN appropriation is a more specific line item appropriation. While we recognize the factual distinction drawn by Contractor, we nevertheless believe that the principles set forth in *LTV* are equally applicable and controlling here. * * * [I]mplicit in our holding in *LTV* and in the other authorities cited is the view that dollar amounts in appropriation acts are to be interpreted differently from statutory words in general. This view, in our opinion, pertains whether the dollar amount is a lump-sum appropriation available for a large number of items, as in *LTV*, or, as here, a more specific appropriation available for only two items." 55 Comp. Gen. at 821-22.

A precursor of *LTV* and *Newport News* provides another interesting illustration. In 1974, controversy and funding uncertainties surrounded the Navy's "Project Sanguine," a communications system for sending command and control messages to submerged submarines from a single transmitting location in the United States. The Navy had requested $16.6 million for Project Sanguine for FY 1974. The House deleted the request, the Senate restored it, the conference committee compromised and approved $8.3 million. The Sanguine funds were included in a $2.6 billion lump-sum Research and Development appropriation. Navy spent more than $11 million for Project Sanguine in fiscal year 1974. The question was whether Navy violated the Antideficiency Act by spending more than the $8.3 million provid-

ed in the conference report. GAO found that it did not, because the conference committee's action was not specified in the appropriation act and was therefore not legally binding. Significantly, the appropriation act did include a proviso prohibiting use of the funds for "full scale development" of Project Sanquine (not involved in the $11 million expenditure), illustrating that Congress knows perfectly well how to impose a legally binding restriction when it desires to do so. "Legality of the Navy's Expenditures for Project Sanguine During Fiscal Year 1974," LCD-75-315, January 20, 1075; B-168482-O.M., August 15, 1974.

Similarly, the Department of Health, Education, and Welfare received a $12 billion lump-sum appropriation for public assistance in 1975. Committee reports indicated that $9.2 million of this amount was being provided for research and development activities of the Social and Rehabilitation Service. Since this "earmarking" of the $9.2 million was not carried into the appropriations act itself, it did not constitute a statutory limit on the amount available for the program. B-164031(3), April 16, 1975. The decision stated the principle this way:

"[I]n a strict legal sense, the total amount of a line item appropriation may be applied to any of the programs or activities for which it is available in any amount absent further restrictions provided by the appropriation act or another statute."

GAO has applied the rule of the *LTV* and *Newport News* decisions in a number of additional cases. Several of these applications, many of which involve variations on the basic theme, are summarized below:

The 1975 Labor Department appropriation included $2.4 billion for "Comprehensive Manpower Assistance." A committee report "directing" a specific minimum funding level out of this appropriation for the Opportunities Industrialization Centers—but not carried into the appropriation act itself—was not legally binding on the Labor Department. B-163922, October 3, 1975.

Agencies are required to pay "rent"—called Standard Level User Charges (SLUC)—to the General Services Administration for the public buildings they occupy. Agencies budget and receive appropriations for SLUC payments just as any other expenditures. Several appropriation acts for 1976 included provisions limiting SLUC payments to 90 percent of the amount charged by GSA. In addition, committee reports on the appropriations for the Department of Agriculture and the Food and Drug Administration specified further reductions in SLUC payments. Since the reductions in the committee reports were not carried into the appropriation acts themselves, the agencies were required to pay the full SLUC assessments, subject only to the 90 percent statutory limitation. B-177610, September 3, 1976; B-186818, September 22, 1976. Applying the rationale of these cases, GAO held in B-204270, October 13, 1981, that an agency was bound to observe a specific dollar limitation on its SLUC payments included in its appropriation act.

A fiscal year 1978 appropriation act appropriated $748 million for "Operating Expenses, Fossil Fuels" with no further statutory breakdowns. One of the programs funded from this appropriation was research and development under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976. The Appropriations Committees had reduced the electric vehicle budget request from $47 million to $30 million. However, $30 million would not have been enough to carry out the statutorily mandated functions under the electric vehicle statute. Applying the general rule, GAO concluded that the lump-sum appropriation was available for obligation in excess of the $30 million specified in the committee reports for the required functions. B-159993, September 1, 1977. Of course, an agency cannot be expected to do the impossible. If appropriations are insufficient to carry out all programs, the agency must allocate its funds in some reasonable pattern of priorities. Mandatory programs take precedence over discretionary ones. Within the group of mandatory programs, more specific requirements should be funded first, such as those with specific time schedules, with remaining funds then applied to the more general requirements. Id.; see also B-177806, February 24, 1978 (non-decision letter).

The Department of Agriculture wanted to use its 1978 lump-sum Resource Conservation and Development appropriation to fund existing projects rather than starting any new ones. Instructions from the Appropriations Committees restoring funds for new projects were contained in committee reports but not in the appropriation act itself. The Department's action therefore was legally permissible. B-114833, July 21, 1978.

The Department of Health, Education, and Welfare wanted to make what it termed "cross-cutting" grants from its 1978 lump-sum Human Development appropriation. The various offices within HEW funded by the Human Development appropriation would contribute a portion of their allocated funds to form a pool to be used to fund projects benefiting more than one target population. Since there were no statutory restrictions on how the lump-sum appropriation could be allocated, the proposal was legally unobjectionable. B-157356, August 17, 1978.

The Nuclear Regulatory Commission could use its 1980 lump-sum appropriation to provide assistance to intervenors in certain NRC proceedings. (See Chapter 3, this Manual, section on Attorney's Fees.) Although committee reports on NRC's appropriation act expressed a desire that funds not be used for this purpose, the restriction was not written into the statute and the appropriation was otherwise available for the desired expenditure. 59 Comp. Gen. 228 (1980). The decisions stressed an important point made earlier in this section: The "legal availability" of funds for a given expenditure and the practical wisdom of making that expenditure in the face of contrary expressions from congressional committees are two very different questions.

The Department of Energy had used no-year appropriations to initiate the construction of an authorized facility but subsequently terminated the project for the convenience of the Government. The Department then wanted to use remaining unobligated funds from the no-year appropriation to establish a different facility, also within the scope of its organic authority. GAO found the expenditure legally permissible. Unobligated funds from a lump-sum appropriation may be used if otherwise proper—within the period of obligational availability or, if no-year funds are involved, without regard to fiscal year—for one project even though the funds were originally earmarked in the budget request or the legislative history for another project. B-202992, May 15, 1981.

Other cases in this "family" are B-44205, September 8, 1944, and B-204449, November 18, 1981.

Finally, the availability of a lump-sum appropriation may be restricted by provisions appearing in statutes other than appropriation acts, such as appropriations authorization acts. For example, if an agency receives a line-item authorization and a lump-sum appropriation to be spent "as authorized by law," the line-item restrictions in the authorization act will apply just as if they appeared in the appropriation act itself. The relationship between appropriation acts and authorization acts is covered in Chapter 2, this Manual.

S. 718—PROPOSED HIGH TECH COMMISSION

Mr. SPECTER. Mr. President, yesterday, October 31, 1983, a hearing was held in Pittsburgh, Pa., on S. 718, my proposal for a High Tech Commission, and on related issues to provide new job opportunities for men and women who have lost their jobs due to the decline of the smoke-stack industry.

The testimony was so significant that I believe it should be made available to all Members of Congress and the public. Accordingly, I ask unanimous consent that the following statement and biographies may be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IMPACT OF TECHNOLOGY ON MANUFACTURING

(Richard M. Cyert)

Today the newspapers are filled with stories of layoffs and plant closings in the steel and automobile industries. Some of these events are due to the depressed economic conditions in America. Underlying the poor conditions of these two major industries, however, is the fear that foreign competitors can produce a better product at a lower cost.

Whether this fear is accurate or not, it is clear that there is a fundamental problem in each of these industries. That problem, unlike the common cold, is not likely to heal itself.

The problem can be stated fairly simply. America no longer has a technological advantage in the methods of production of automobiles or steel. Foreign countries can buy the latest technology off the shelf and probably have an American firm install it. Certainly, this situation exists in the steel industry. In addition, foreign countries have an advantage in the cost of labor. In other words, American manufacturers must compete with foreign producers who have a technological process of production that is equivalent to the American manufacturer and are able to produce with lower labor costs. The lower labor costs are the result of wage rates that are below ours and productivity that is as high as or higher than in America. Thus, one can generalize that all American manufacturing is in danger. To be dominant in international trade, a country must have a comparative advantage. Our advantage must be technological because we will always have higher labor costs.

Some people have concluded from this set of events that there is no future for manu-

facturing in the U.S. That conclusion is incorrect. The key to the future of manufacturing is the degree of automation that American manufacturers are able to install in their plants. The goal for all manufacturing must be the unmanned factory. We must substitute capital for labor if we are to survive as a manufacturing power. A comparative advantage must come from our ability to use intelligent robots that can see and think and have a highly developed sensing capacity. As the plants of America undergo a capital restructuring, American manufacturing will be able to survive. Professionals in the field have a slogan that should be heeded by all: "Automate or evaporate."

The immediate concern of someone reading this slogan would be for the people who would be unemployed. Clearly this concern is legitimate in the short-run. However, if we look to the longer run, we see that robotics in automation is necessary if America is to have a manufacturing industry at all.

From 1969 to 1979 the labor force in this country grew at a rate of 2.4 percent per year. This rate increased the labor force in absolute numbers to such an extent that the economy could not absorb the new entrants each year. Even though the economic system was generating new jobs at record rates, the number of new entrants was so large that unemployment was increasing. From 1979 to 1990, in contrast, it is estimated that the labor force will grow at a rate of 1.2 percent per year. Thus, we will have a smaller increase in the labor force over the next eleven years. With even small increases in the gross national product, we probably will be able to absorb the new entrants into the labor force, and with reasonable growth it is highly likely that our economy will be suffering from labor shortages by the end of this decade. Thus, automation will be necessary in order to provide the energy for the manufacturing process.

Our progress in this respect can be gauged by the Japanese experience. The Japanese had three years of high birth rates while we had sixteen years. The Japanese, therefore, have been through some of the experiences we are just beginning to have. The movement toward robotics in Japan was stimulated (as were quality circles) by the demographic pressures. Robotics in Japan, in other words, was a solution to a specific problem, not the result of some technological breakthrough. To the credit of the Japanese, however, their industry was quick to adopt the new technology and turn it into a trade advantage.

The Japanese, through their government and business consortia, have been spending between $200 and $300 million a year on research in robots. In the United States, there is no such concentration of research. In terms of public centers, I believe Carnegie-Mellon's is the largest with a budget of $4 million. There may well be industrial firms that are spending more on this particular area, but I am referring only to research institutes about which I have some knowledge. The Japanese are not ahead of us either technologically or scientifically. There is no secret knowledge that they have utilized in order to develop robots. The sad aspect is that the knowledge and, in many cases, the robots themselves are American. They have been adapted in so many ways by the Japanese, but more importantly they have been adopted by Japanese firms. Just as in the case of participatory management, the Japanese industrial leaders have listened to the speaking and writing of many American scholars and scientists and have been foresighted enough to move into this area.

However, these Japanese robots are basically simple and cannot see nor think. However, for the United States, it is the second generation of robots that is critical for our future. The Robotics Institute of Carnegie-Mellon University is developing that generation of robots. There are only three academic institutions with major computer science programs where a robotics institute can develop this type of robot: Carnegie-Mellon, Stanford, and MIT. Carnegie-Mellon, for a variety of reasons, is the only one of the three that has been able to develop a concentrated effort in the area. Outstanding departments of computer science, electrical engineering, and mechanical engineering, and to a lesser extent, a business school, are necessary for the development and exploitation of robots.

One of the most critical elements in robotry is the need to develop the capacity to think. In the robots of the future, this capacity will evolve from the work that has been done in the field of artificial intelligence, which has attempted to program computers so that they are capable of thinking like human beings. Again, this work has developed at the three leading schools that I have mentioned.

The Robotics Institute of Carnegie-Mellon University is a model of the way in which government, industry, and universities can become partners in a project that is vital for the long-run economic health of the country. The two major partners with Carnegie-Mellon are the Westinghouse Electric Corporation and the U.S. Navy through its Office of Naval Research. Thomas Murrin president of the Energy and Advanced Technology Group of Westinghouse, and Admiral Albert Baciocco, who until recently headed the Office of Naval Research, are the two individuals who were foresighted enough to move into the area and to give great encouragement to this area. Admiral Baciocco, for example, a few years ago launched a series of lectures at the Pentagon on artificial intelligence because he saw the importance of this field for the military.

It is critical in an effort of this kind to have major industrial partners. Studies by the National Science Foundation have shown that it takes between fourteen and eighteen years for an idea to go from the laboratory to a commercial market. America cannot afford to wait that long. If we are to remain the leading industrial power in the world, we must be able to utilize quickly a new generation of robots when it appears, and we must have them on the market as rapidly as possible. Because the Japanese developed the first generation of robots, they will have a major foothold in this industry. However, if the venture at Carnegie-Mellow with its partners can be successful, America can be in a position to make the second generation of robots American.

In our country there are still many businessmen and many industries that have not awakened to the challenge ahead. Many still believe that when the recession is over, all conditions will be the same as they were prior to the recession. As you can see from my brief analysis, that idea is incorrect. Each firm must begin to plan for increased automation. As a society, we must begin to analyze the effect of a highly automated manufacturing process in this country. Fortunately, with grants from General Electric, the Heinz Company, and Westinghouse, Carnegie-Mellon has launched a major project to determine the implications of robotics in American society. We hope to develop important policy recommendations as a result of this study. Each person, however, needs to think not only about his or her own business, but also about the way society may be modified as a result of this important and necessary movement to robotics. Only by planning and analyzing will we be able to capitalize on the new opportunities and contribute the most to our society. Carnegie-Mellon is prepared to play its part in helping the nation and Pennsylvania on the path of change and innovation.

RICHARD M. CYERT

Richard M. Cyert has a bachelor of science degree from the University of Minnesota and a doctor of philosophy degree from Columbia University. He became Carnegie-Mellon's sixth president in 1972, following 10 years as dean of the Graduate School of Industrial Administration. He joined the CMU faculty in 1948 as an instructor of economics. Dr. Cyert has earned international recognition for his work in economics, behavioral science, and management. Through his decade of leadership, CMU enjoys a growing national reputation, financial solvency, and expanding academic and research programs.

JOB CREATION THROUGH THE ADVANCEMENT OF TECHNOLOGY

(By Roger S. Ahlbrandt, Jr.)

INTRODUCTION

I have read a copy of Senate Bill S. 718 and applaud its objectives. I think, however, the Bill or perhaps a companion piece of legislation should examine issues related to the advancement of technology in our society because it is through the development of new technologies and the transfer of existing technologies that the jobs of the future will be created.

My testimony is in two parts. I will briefly summarize the Ben Franklin Partnership program of the Commonwealth of Pennsylvania which is designed to revitalize the manufacturing base of the state through the development and transfer of new technologies, and then I will make a few recommendations with respect to the appropriate role for the Federal government to advance technology development in our society.

REGIONAL PERSPECTIVE

The structure of the economic base of Southwestern Pennsylvania—an area comprised of ten counties and about three million people—has changed in recent decades. An economy which was heavily manufacturing-oriented has gradually shifted to one in which trade, services and finance predominate.

The changing structure of the region's economic base has had a significant effect on the tax base of municipalities heavily dependent upon steel and steel-related industries. Many of these municipalities have experienced declining per capita assessed values in real terms, increasing tax rates, and deteriorating public services and infrastructure.

The changing economic base has also directly affected the types of job opportunities available to the region's work force. Blue-collar employment has been on the decline for over 20 years, and it will certainly continue in the future. As a result, many individuals who are displaced from the declining manufacturing sector have found, or will find, that they lack the skills, and perhaps the education, to find employment

within the services sector and the emerging hi-tech industries.

The deteriorating tax base and the structural unemployment problem can be addressed on at least two fronts: by increasing job opportunities in the region through the creation of new industries and the revitalization of existing industries; and by assisting those who are unemployed to acquire whatever education and skills are necessary for the types of occupations which are growing. These are some of the goals of the Ben Franklin Partnership Program of the Commonwealth of Pennsylvania.

THE BEN FRANKLIN PARTNERSHIP

The primary objective of the Ben Franklin Partnership program is to create new jobs through the rebuilding of Pennsylvania's manufacturing base. This will be accomplished through the birth of new industry and the revitalization of existing industry. The program has adopted a strategy which focuses upon a limited number of advanced technology industries; and it hopes to achieve its objectives by forging effective partnerships between industry and institutions of higher education.

The Ben Franklin Partnership funded four advanced technology centers throughout Pennsylvania. These include Lehigh University; Penn State; a consortium of institutions led by the University of Pennsylvania; and the Western Pennsylvania Advanced Technology Center, co-sponsored by the University of Pittsburgh and Carnegie-Mellon University. Our Center is advised by a Consortium Council whose members include representatives from colleges and universities, industry, labor, local government, economic development agencies, and venture capitalists.

The Commonwealth of Pennsylvania, through the Ben Franklin Partnership, provided one million dollars in seed money to fund the start-up of the centers during the period March-August, 1983. A ten million dollar appropriation was committed by the state for the first full year of operation which commenced September 1, 1983. Our Center received $3.35 million from the state. The funds were matched by approximately $7 million from other sources—primarily industry—for a total program in excess of $10 million.

Strategy

Our Center has taken an integrative approach to job creation. This involves three distinct components:

Research and development.—This is carried out by sponsoring joint industry-university R&D projects in the advanced-technology areas of robotics; biological and biomedical engineering; high-technology materials; coal technology; and metals.

Assistance to entrepreneurs, small business and regional industries.—The objective of this component is to augment the ability of small businesses and entrepreneurs to start new businesses, raise venture capital, expand existing operations, or adapt their production facilities to new technologies.

Education, training and retraining.—The aim of this element is to ensure the availability of high-quality education, training, and retraining programs to meet the labor force needs of our region.

Although every activity of the Center will not involve all of these elements, the development of this infrastructure of management assistance, venture capital-raising, and training-retraining is critical. This support structure is necessary to ensure that once the technologies are developed, they will be successfully transferred to the manufacturing process, thereby creating jobs.

Why Ben Franklin?

The Ben Franklin Partnership is designed to create jobs. It will do this by intervening in the marketplace to make it function more efficiently. And by this I mean removing imperfections which impede the flow of capital into research and development, inhibit the transfer of advanced technologies and technical assistance to new and existing companies, and make it costly to obtain relevant occupational forecasts.

Will we be successful? Will the benefits exceed the costs? We believe the answers will be overwhelmingly "yes" on both accounts.

The objective of this program is jobs, and we hope to accomplish this by helping to create a critical mass of advanced technology firms in Western Pennsylvania in order to provide the technological base for the future of the region. We do not know what the magic number of firms is, but it exceeds the 200 or so which are currently located here. As the numbers grow, the spin-offs of new ideas, new technologies and new firms will accelerate. This self-perpetuating process, which draws upon itself for continued growth, is crucial if we are to capture more than our proportionate share of jobs in the high growth industries of the future.

This critical mass is essential to attract and retain creative professionals in advanced technology fields and to generate the excitement that will put our region on the map for venture capitalists, foreign investors, existing advanced technology firms and others who make the investment and locational decisions which will determine the future of our economic base.

The Ben Franklin Partnership promises to create jobs, not only by stimulating research and development, but also by providing the institutional structure to support the launching of new companies and the successful revitalization of existing companies in the region. The decisions of our Center will not countermand those of the private marketplace with respect to the merits of a particular product line or new technology. We see our role as helping to move new ideas into the marketplace that would otherwise be lost—and lost to our region—because of imperfections in the way in which the market operates.

The market is not an efficient vehicle for research and development. Research payoffs are far into the future, the risks are high, and those responsible for the innovations often do not have an established track record; therefore, entrepreneurs and small companies may not be able to secure sufficient funds to invest in an R&D program or to take a promising idea to the point at which its commercial potential is recognized and needed financing is available.

Our Center will stimulate R&D through the use of financial incentives. Center resources will be used to match the costs and/or in-kind R&D expenditures of private companies in our specified thematic areas. We will seek out innovative R&D ideas that appear to be promising from the standpoint of creating jobs by contacting advanced technology companies in the region, holding workshops on specific advanced technology topics, and bringing together faculty with research skills and companies having research interests. In short, we will act as a facilitator and promoter. In order to help us evaluate the merits of specific R&D proposals, we have an Advisory Committee of experts to review the proposals submitted to us for funding.

A second focus of our Center is technology transfer. The marketplace is not as effective as it could be with respect to the transfer of information and technology because those in need may not be aware of its existence, or how to go about acquiring it, or how to adapt it to their particualr situation. Our role in the transference of technology will be to supplement—and not replace—the flow of information through the marketplace by increasing its availability and lowering its acquisition costs. This will be accomplished by making information about advanced technologies available to companies, and by working directly with specific companies to help them incorporate technological advances into their operations.

This role is important because if companies do not keep abreast of innovations, they will not remain competitive. By working with regional companies, we will be helping them keep ahead of their competition, thereby enhancing the comparative advantages of our region.

Our third role—that of providing technical assistance to entrepreneurs, small companies, and regional industries—is also one that is designed to supplement the workings of the marketplace. Often, new ideas do not mature and companies go out of business because of management failures. Our Center is building a network of providers of various types of technical assistance—including marketing, financial planning, accounting, inventory control, venture capital-raising, incubator space, etc.—in order to help new companies come into being and to augment the ability of existing companies to cope with the exigencies of the marketplace. Our objective is to increase their chances of success by lowering the risks of failure.

Our fourth role is to provide much better information about occupational trends in the region. Without a well-trained work force—one that has the educational level and skills required for the types of jobs which are being created—our region will not be competitive in attracting new companies or retaining existing companies. Our efforts in this area are designed to provide better information about the training needs of the region to those institutions and agencies which provide education, training and retraining services. Our objective is to get the most bang for the training buck by making available relevant, up-to-date forecasts of occupational trends.

Our overall approach is designed to enable our region to participate more fully in the technological advances which are occurring. To the extent we are successful, our region will have a better-trained labor force, more efficient companies, and more of them. Those factors will work together to create an environment in which new growth is continuously occurring. Once we have reached a critical mass of high technology companies, we will have achieved a situation in which new ideas and new companies will germinate, be nurtured, and flourish. Our specific role in this process is to increase the flow of money into research and development, facilitate the flow of information about new technological developments and applications, help entrepreneurs and companies obtain the specific types of technical assistance they require, stimulate venture capital availability, and increase the reliability of occupational trend data.

Our Advanced Technology Center, by itself, cannot be expected in a short period

of time to significantly reverse the direction of the economic forces which have changed the structure of our region's economy over the past several decades and have created the displaced worker problem. However, the Center can be a major factor in helping to develop a climate that is conducive to the birth of new advanced technology industries and to strengthening existing industries. The stimulus provided by the Center is a necessary starting point for addressing the major problems of our region. These include the declining manufacturing sector, the loss of blue-collar jobs, the weakening tax base of many municipalities, and the retraining needed to better prepare the existing work force—particularly displaced workers and unemployed youth—for the jobs which require skills different from those for which many of the unemployed were previously trained.

During the current fiscal year, the Center is supporting 47 projects. The results projected for these projects for the period 1983-87 include 80 new companies created, 5,600 jobs created and 2,200 jobs saved. If the annual level of state funding increases, the results will grow commensurately.

FEDERAL GOVERNMENT ROLE

The Ben Franklin Partnership's re-industrialization strategy is premised on research and development and technolgy transfer. The Federal government can play a significant role in providing the basic support for research and development on the national level that programs such as ours can tap into, where appropriate, to accomplish our regional objectives.

The Federal government is the only level of government that has the resources to foster research and development. A national strategy for the advancement of technology is needed. Components of such a strategy should include higher levels of support for the National Science Foundation, National Institutes of Health, and the research and development programs in the Department of Defense and other relevant Federal departments and agencies.

A second aspect of such a national strategy is support for the building of the human capital necessary to propel us forward to the 21st Century. Aspects of such a strategy include higher levels of support at all education levels for mathematics and science teachers, additional funding for equipment for engineering schools, science laboratories, and the computerization of colleges and universities.

A national strategy for the advancement of technology should also have a specific sectoral orientation. The Federal government—in cooperation with industry—should determine the impediments to technology development in specific industries and to devise strategies to remove such impediments. For example, the steel industry has a number of particular problems which have reduced its competitiveness over the past several decades. Federal initiatives to help the industry become more efficient should include: Strict enforcement of anti-dumping legislation; removing anti-trust restrictions to industry-wide research and development projects; an industry-funded basic and applied research institute would enable steel companies to pool resources and to target large-scale R&D projects that will improve the productivity of the industry over the long term; and removing anti-trust restrictions to joint manufacturing ventures and the merger of existing companies.

A national strategy for the advancement of technology must consider capital formation issues as well. The provision of capital to industry through a mechanism such as a national development bank needs careful consideration. This proposal does not make sense, unless it is part of a sectoral strategy designed to raise the competitiveness of a specific industry. If such a strategy is adopted, loans should be predicated upon certain concessions from management and labor in the form of specific actions designed to further the long-term competitiveness of the industry.

Finally, in most cases, across-the-board approaches to the economic adjustment problems of urban areas do not make sense and may be extremely costly. The Reagan Administration's Enterprise Zone initiative is a case in point. There is no concrete evidence to suggest that the approach will be a net job creator on the national level. At best it would move existing jobs around within a region. The cost, however, would not be negligible. Studies have shown that the cost per job created would be several times that of a more targeted economic development approach such as the Urban Development Action Grant Program.

While the displaced worker problem is serious for some groups of people, and issues of retraining today's work force for the jobs of the future are important, the most critical employment problem in this county is the creation of new jobs. The cure for unemployment and dislocation is not retraining, but job generation. The key to ensuring that present and future workers have ample employment opportunities is to make sure that the technological base of this country is growing and advancing at rates in excess of those in other industrialized countries. This requires strong Federal government support of basic research and development on a broad level, supplemented by strategies tailored to technological advancement in specific industries.

BIOGRAPHY

Roger S. Ahlbrandt, Jr., Assistant Provost, University of Pittsburgh and Co-Director of the Western Pennsylvania Advanced Technology Center, co-sponsored by the University of Pittsburgh and Carnegie-Mellon University. Previously a Deputy Assistant Secretary for Urban and Community Studies, U.S. Department of Housing and Community Development (1981-82). Educated at Yale University (B.S.), Harvard Business School (M.B.A.), and University of Washington (Ph. D. in Economics). Published numerous articles and books on urban issues. Community activities: President, Board of Directors of ACTION-Housing, Inc.; Member, Board of Directors of the Allegheny County Housing Authority; Member, Private Industry Council; and Member of the Human Resources Task Force of the Allegheny Conference on Community Development.

TESTIMONY BY LARRY WHITWORTH ON SENATE BILL NO. 718

I am Larry Whitworth, vice president for educational services for the Community College of Allegheny County. I am here this morning in support of the establishment of a Commission on High Technology and Employment Potential. The community college along with other institutions of higher education that meet to share information and discuss common problems are each today recognizing the acceleration and expediential effect that technology is having on our society. The problem used to be restricted to the consumer and their ability to adapt to new products. But, today the technology is driving the way in which the productive elements produce the basic products and output of our economy.

As we each recognize, the micro-chip is significantly impacting our factories and offices with all types of robotic, word processing and other labor saving devices. Unfortunately, this has created a structural change in the employment sector resulting in a significant level of unemployment. Senate bill No. 718 is important in order that we: (1) Define the problem and determine the impact that high technology is having on our various employment sectors; (2) project the future in order to establish potential impact over time; and (3) analyze the capability of our educational institutions and their ability to assist individuals in adapting to the new skills required in order to be productive within this economy. Until this problem is analyzed thoroughly and some national strategies developed, in my opinion, this country will find it consistently more difficult to produce people with the necessary prerequisites to meet the demand of this highly technological society.

The Community College of Allegheny County again highly endorses the efforts of Senator Arlen Specter in his efforts to establish a Commission on High Technology and Employment Potential in order that we might more fully utilize the potential of our educational institutions to meet the need of business and industry.

BIBLIOGRAPHY OF LARRY L. WHITWORTH

Larry L. Whitworth graduated from Adrian College in 1962 with a bachelor of arts, graduated from Duquesne University in 1972 with a master's degree in business administration, and from the University of Pittsburgh in 1977 with a doctorate in education.

He has worked for the Community College of Allegheny County for the past 16 years beginning as a math faculty member and serving as director of the academic evening division for the Allegheny Campus; assistant dean for vocational technical education, dean of instruction and executive dean for the College Center-North; and is presently the vice president for educational services for the college.

TESTIMONY OF RON HOOVER, ROBOTICS TRAINEE, FORMER EMPLOYEE, UNITED STATES STEEL CORP.

Senator Specter, I am Ron Hoover, an unemployed steelworker from U.S. Steel's national works. I worked five years in the skilled classification of motor inspector. I am presently enrolled in the Community College of Allegheny County's robotic repair technician project. Mr. Belan and Mr. Sterner, fellow steelworkers and robotic trainees have accompanied me.

We are highly trained skilled workers using this period of unemployment to further improve our skills to work in the factories of the future.

We represent several thousands of highly trained workers in western Pennsylvania who are available to implement any technology American industry can give us.

We support your Senate bill 718 and would hope that you don't forget to emphasize the availability of the thousands of supercrafts person and our laid-off brothers and sisters in your bill. We can make high technology today's technology. We want our companies to modernize and become competitive and profitable.

We want to note several problems that need to be looked at:

(1) Problems with the concept of high technology and an industrial complex that isn't buying it. Sales of capital equipment haven't picked up;

(2) Problems with major employers who want to do business with foreign companies rather than accept new technology and become competitive using American labor; and

(3) Problems with the unemployment compensation system that prevents individuals from helping themselves.

We support the development of a Commission that looks at these and other problems related to high technology and American labor's ability to remain competitive and employed.

Thank you.

WESTINGHOUSE ELECTRIC CORP.,
Pittsburgh, Pa., October 27, 1983.

Hon. ARLEN SPECTER,
U.S. Senate,
Federal Building, Pittsburgh, Pa.

DEAR SENATOR SPECTER: We wholeheartedly support Bill No. S718 to establish a Commission on High Technology and Employment Potential. We commend your initiative in suggesting this study in your legislative proposal. Even a casual understanding of what is happening in America recognizes that we are going through a very substantial industrial transition. The question your legislative proposal addresses may be one of our most serious national problems—how we adjust to the changing industrial scene.

I would prefer that you read this letter into your record rather than testify. My reason for not testifying is that I lack the specific knowledge you are trying to seek in the study. After the study is completed, perhaps we will have a better understanding of how we should go about training those people who lose their jobs as we change our industrial structure.

I do have some concern with specifically identifying the industries which you see as growth industries. For example, you fail to mention the nuclear industry which we expect will continue to have substantial growth. As you know, outside of the United States, there are some 300 nuclear power stations, and the number will expand. Therefore, we suggest that rather than addressing yourself to specific industries, you leave the subject open, and the experts you will impanel will identify growth industries, such as nuclear.

We particularly commend addressing export financing. The inability of the Ex-Im Bank to finance some of our exports has been a serious problem to us and affects our ability to hire people.

We very much hope that your legislative proposal succeeds and when the Commission has a preliminary report, we would be most interested in their recommendations.

Sincerely,

DOUGLAS D. DANFORTH.

TESTIMONY BY RAYMOND CHRISTMAN, DIRECTOR, ECONOMIC DEVELOPMENT, ALLEGHENY CONFERENCE ON COMMUNITY DEVELOPMENT, ON S. 718, TO ESTABLISH A COMMISSION ON HIGH TECHNOLOGY AND EMPLOYMENT POTENTIAL

My name is Raymond Christman, I am Director of Economic Development for the Allegheny Conference on Community Development. The Conference is a private, nonprofit organization that has been in operation for approximately 40 years, working with government, labor, civic organizations, and others, in matters relating to community development, economic development, education, health care, and other public policy areas affecting the Pittsburgh region. The Conference is supported through contributions from Pittsburgh's corporate community.

I appreciate the opportunity to appear here today to offer comments on Senate Bill 718, which would establish a National Commission on High Technology and Employment Potential. The Allegheny Conference has been involved over the last year in an effort to formulate an economic development strategy for this region, and the issues raised in this bill are quite similar to many of the concerns we have been addressing in recent months in examining future prospects for this area.

We have particularly been investigating the economic benefits that advanced technology development may offer this area. And for good reason, for technological innovation has been a major source of growth in the United States in recent years. In the last decade, for example, advanced technology companies nationally grew nine times faster in employment, three times faster in output, and two times faster in productivity than the rest of the manufacturing sector. Growth cultivated by technology development has brought dramatic economic improvement to certain areas of the country, and it seems likely that technology will continue to be a major force driving the economy in the years ahead.

These facts, taken together with recent declines in many of our traditional manufacturing industries, have put the spotlight on high technology in nearly every region of the nation. The basic questions raised are important ones. Is a fundamental shift from basic manufacturing to advanced technology taking place in our economy? And what are the implications, if any, of this shift for training and education?

The Commission suggested under S. 718 would be asked to address these questions, and I believe this would be a worthwhile undertaking.

Indeed, our own effort has already begun to reach some conclusions on these points for the Pittsburgh region. Before I share these with you, though, I would like to point out several general considerations that you may wish to take into account in your deliberations:

Advanced technology fields will be among the fastest growing in the nation, but they will not be producing the most jobs. The growth in advanced technology fields has been both impressive and important for those areas which benefitted from it. Between 1955 and 1979, 75 percent of the employment growth in the nation's manufacturing base came from high technology companies. And various advanced technology fields, such as computer related professions, are expected to have high growth for the remainder of this decade and beyond.

But this increase is projected to represent a relatively small portion of total job growth during this period. Relatively low-skill occupations such as clerical workers, nurses and other health-related personnel, sales clerks, and the like, will grow most in terms of actual jobs.

More manufacturing jobs will be lost nationally than new employment created by advanced technology. It has been forecast that nationwide the number of jobs created in advanced technology fields over the next decade will be less than half of the two million jobs lost in manufacturing in the past three years. While advanced technology industries will grow, the base is still a small one. By one estimate, the entire output of the advanced technology sector is less than twice that of the auto industry.

The transition from traditional manufacturing to advanced technology industry will be an uneven and difficult one—Pittsburgh's long-term unemployment problem, for example, will not be fully solved by high tech. Increasingly, it is being recognized that the transferability of displaced blue and white collar workers from traditional industry to advanced technology industry is difficult, particularly when the shift must take place across industry lines, such as from steelworker to high tech. The experience in New England, as it shifted from a mill-based economy to one centered around the semiconductor industry, showed that workers had a difficult time bridging that gap and finding re-employment in the new technology-based industries.

A related problem is that of wage levels. Most production level jobs in advanced technology fields simply do not pay anywhere near the wages found in such basic manufacturing industries as steel and automobiles. The expectations of some workers may be out of line with the opportunities in the new industries that are emerging.

The competition for advanced technology industry is worldwide. Pittsburgh is competing not only with other U.S. cities, but with the cities of Western Europe, Japan, Taiwan, South Korea, Mexico, and Brazil, among other nations, for advanced technology growth. The impermanence of many advanced technology jobs was illustrated by the shift by Atari, Inc. of its assembly operations overseas.

Those areas with branch plants of advanced technology industries encounter the "assembly outpost" problem, where the facility may be moved to another location or, eventually, automated. Thus, a portion of the existing advanced technology industry in this nation may represent only an employment stop gap.

These broad considerations must be kept in mind. Advanced technology development will be only one element driving the growth of this nation's economy in the years ahead. But it will be an important part. Our own research suggests the following opportunities:

(1) Technological change and innovation can be the catalyst for the growth of a new generation of businesses. Work carried out by David Birch at MIT found that while the failure rate for businesses, and the accompanying rate of job loss, was approximately the same in all regions of the United States, the rates at which these jobs were replaced—i.e., new businesses were created—varied substantially. It is in this regard that southwestern Pennsylvania, as well as much of the industrialized Midwest, has trailed the rest of the nation. The region has traditionally not been a fertile ground for new business development. This is changing, as evidenced by the existence of an estimated 152 high technology manufacturing facilities, employing nearly 30,000 people in the Pittsburgh region.

The work of Birch and others has suggested that young, small firms are important creators of jobs. Technology can be the driving force spawning many of these new company start-ups in the region.

(2) Advanced technology can help make traditional manufacturing industries more competitive. The applications of new technologies are many and diverse, and the rate of technological breakthrough is accelerat-

ing. Every basic manufacturing industry—and most service industries—will be significantly impacted over the next decade by new technology. These advances may in part be labor saving, but they also may be the key factor enabling existing companies to grow, and ultimately employ additional numbers of people.

(3) Advanced technology can provide important "downstream" benefits to the region. Additional wealth and income are generated by technology-based companies and can help create jobs in unrelated industries, such as the health and leisure industry fields. Because many jobs in advanced technology companies are at the high end of the skill/pay ladder, these firms become major sources of new wealth and income in a community.

(4) Advanced technology can help diversify a region's economic base. The dependence of this region on heavy industry is less pronounced than even a decade ago. Increased diversification remains an important goal, which advanced technology development can help achieve through the kind of employment and growth it will create.

This is what our early findings suggest that high technology means in employment potential for this region. Let me turn now to the other issue raised in S. 718: the implications of these economic trends for education and training. Again, based on the work we have carried out in this area, and I can offer several observations:

(1) First, it is a mistake to think that the size and requirements of high technology employment will require a dramatic reorientation of our educational system. The skill levels demanded in most jobs are simply not going to rise that quickly. This is not to say that development of computer literacy programs, and improved math and science curricula are not needed. But not any more than is increased attention needed in improving analytic, expressive, and communicative skills.

(2) Second, training and education policy and programs at all levels would benefit from a better understanding of where the jobs are likely to be in the future, and what specific skills will be required to fill them. I believe this requires the kind of fine-grained, specific knowledge that can only be obtained at the local or regional level through surveys and ongoing discussions with employers. We are now exploring the feasibility of setting up in the Pittsburgh region a system to do just this—generate reliable, up-to-date forecasts of projected job openings (high tech or not), and the skills required to fill them. And most importantly, to determine a process for sharing this information in a timely fashion with educators and training institutions so that these organizations can respond to emerging needs. To our knowledge, no city in the nation has installed a capacity of this kind that is both comprehensive and job-specific.

(3) Finally, so that training programs can respond quickly to emerging needs, it is important that better ties with industry be forged. The gap between the private sector's expectations and the performance of training and educational institutions remains wide. Our hope is to look at greater use of customized job training and other similar programs that tailor public training dollars to a company's specific needs for employees.

In summary, I believe that it remains important to examine questions such as those raised in S. 718. If done carefully, this effort could identify important steps to be taken in a variety of areas to support our technology-based industries. But, at the same time, it is equally important to understand this question in the larger economic context. High tech employment is not likely to fully replace basic manufacturing, and, by itself, serve as the principal employment base for the nation's economy in the decades ahead. Indeed, its greatest value may be in the contribution it makes to keeping traditional industry competitive—and employing millions of Americans.

TESTIMONY BY WARREN H. ANDERSON, MANAGER—CORPORATE AND COMMUNITY COMMUNICATIONS

Good morning, Senator. I'm Warren H. Anderson, manager of Corporate and Community Communications at National Intergroup.

I am testifying this morning on behalf of Howard M. Love, chairman and chief executive officer of National Intergroup. Mr. Love is also the chairman of the Private Industry Council . . . or PIC as it is better known, of Pittsburgh and Allegheny County as well as the vice chair of the Pennsylvania Job Training Coordinating Council.

I have asked Mr. Irving R. Rubinstein, the executive director of the PIC to testify on the current operations of the PIC.

Since the objective of Senate bill 718 is to assemble a Presidential Commission on High Tech Employment, I would like to briefly comment on what I believe is the PIC's role in the furtherance and proliferation of high tech growth in this area.

I believe the PIC's effort to provide for the employment of dislocated workers in this area will center around five specific strategies:

First let's look at occupational forecasting. The mayor of Pittsburgh and the county commissioners will be looking to Mr. Love and to the PIC to coordinate and produce accurate occupational forecasts in order to predict the employment needs of this area.

These forecasts must then be translated into definitive job descriptions and skills for which training programs can be designed.

Second, the PIC is responsible, in coordination with the city and county, to establish and oversee a comprehensive and effective training program, taking advantage of both contract training programs and on-the-job training programs to prepare unemployed but experienced displaced workers to fill positions that the PIC forecasts have identified.

In addition we must provide transition training (hopefully after work hours) for those workers who are imminently faced with unemployment.

Third, the PIC working with Federal, State, and local officials, as well as labor leaders and heads of community-based organizations, must strive to provide an attractive financial environment; tax environment; educational and cultural environment; and productive labor environment to encourage the entrepreneurs of high tech, growth industries to locate in this area.

Fourth, the PIC, in concert with the private and public sectors, must design and support a sustained and effective: public relations, advertising, and word of mouth influence campaign to attract the targeted growth and high tech industries to southwestern Pennsylvania.

And finally, the PIC, working in concert with the city and county, must provide a truly effective and imaginative program to effect the smooth, and hopefully uninterrupted, transition of employment from industries that have declining labor needs to those with growing labor needs.

With these five strategies as a backdrop, I would like to introduce Mr. Rubinstein who will discuss the current funding and activities of the PIC with regard to displaced worker programs—Irv.

TESTIMONY BY IRVING RUBINSTEIN

Not many years ago this region stood for steel, coal, aluminum and glass. Today this region is known also for its corporate headquarters, its financial services industries, its medical center and cosmopolitan culture.

Manufacturing is, and will remain, a significant part of the local economy. However, it will employ fewer people with somewhat different skills than those required today. The character of the work place and the workers that operate it will be dictated by available technology and competition. If an electro-galvanized line in Japan can be operated with only four workers, its local competitor must achieve similar production capability in order to be price competitive.

The dislocated manufacturing industry worker is one by-product of the transition that is in process. There is an abundance of that unwelcome by-product in this region and it is a concern of the private industry council and its partners.

Title III of JTPA provides "employment and training assistance for dislocated workers." In fiscal year 1984 Pennsylvania will receive $10,147,397 under this title. To date, of that sum, $483,358 has been allocated to Pittsburgh and Allegheny County for the alternatives training program and the laid off worker retraining assistance program. Another $155,000 is in process at the Pennsylvania Department Of Labor industry to fund a light rail car assembly project to retrain laid-off Blaw Knox Company employees in the manufacturing of the light rail vehicles that the port authority will use in its subway system.

Utilizing the strategies outlined by Mr. Anderson, the private industry council and its partners intend to aggressively promote the concept of retraining for laid-off workers.

Success in achieving the goals of this effort require:

(1) Worker willingness to participate,

(2) Availability of employment opportunities that meet minimal worker aspirations and needs,

(3) Harnessing, by the private industry council and its partners, of local resources to provide quality education and training matched to employment opportunities, and

(4) Commitment of Federal and State resources to the funding of the overall effort.

TESTIMONY BY MR. DAVID MITCHELL

Good morning, Senator Specter and distinguished panel members hearing testimony relating to Bill S718. My name is David Mitchell. I am president of Tri-State Plastics, Inc., a small company specializing in vacuum forming and fabrication of plastic products. I am here this morning in my role as president of Smaller Manufacturers Council (SMC), an association of 1550 small businesses mostly located in the greater Pittsburgh area. SMC is influential at the state and national levels as well through coalitions with other small business groups. My remarks will be brief and serve two purposes: First to describe the role that SMC and other similar organizations serve in helping our members and the community at large; and second to introduce the presi-

dents of two SMC member firms who are very involved in high technology.

Small entrepreneurs continue to lead the way by providing most of the innovative product and process research and development. Small companies are created from this process. Big companies grow from small beginnings. According to a 1979 study by David Birch of MIT, small business generated all of the net new jobs in the Northeast during the period from 1969 through 1976. Our observations locally would indicate that is still true today. Emerging new small businesses and growth of our existing small businesses, largely as a result of applying new technology and high technology seems the best hope to absorb the large numbers of workers displaced from many of our basic industries such as steel making.

SMC is a benefits oriented association which provides direct benefits to its members in exchange for their dues. One of these benefits is educational meetings and seminars. SMC helps its members become aware of new technology which can help them improve their products and services or develop new ones. Government assistance programs and aid available from big businesses or universities are constantly exposed to our full membership to encourage their growth.

Another SMC benefit to its members is communication and problem solving opportunities which assist those small entrepreneurs with the new ideas to develop their new businesses in a sound way to maximize their chances of success. We provide guidance to help find answers to financial, legal, management, labor, and other problems facing the emerging and growing small business.

A new benefit program SMC is developing this year for its members is a computer network which will link small businesses together. It will use the computer as a modern communication tool to permit rapid exchange of information, great computation capability, and access to high technology data banks as well as purchasing and marketing opportunities.

Still another SMC member benefit program is our government relations activity. Our members learn of legislation proposed or enacted at local, state, and national levels. Our members are educated in the political process and encouraged to participate. The appearance here today of three members of SMC is a good example of this program in action.

I have observed that there are programs which train unemployed workers to become qualified for new jobs, only to find frustration and waste of the time and expense when enough of those new jobs are not available. It has been my experience that small businesses will find ways to train their new employees to fit if we can help our small businesses to emerge and grow to produce those jobs. Of course we need to insure that adequate formal education is provided as a base in our education system, but the demand for specific job training should come from the growing and changing businesses.

I would like to now introduce two presidents of SMC member firms to present their remarks. Dr. Thomas Maloney is president of Panelvision, Inc. He will speak next, and will be followed by Harold Hall, president of Hall Industries.

David Mitchell is President of Tri-State Plastics, Inc., a small plastic manufacturing company located in Glenwillard, Pennsylvania.

Mr. Mitchell is serving as the 1983-1984 President of the Smaller Manufacturers Council (SMC). SMC is an association of more than 1,500 small businesses in the Greater Pittsburgh area.

He also serves as Chairman of the Crescent Township Planning Commission, Vice Chairman of the Crescent-South Heights Municipal Authority, and as a Director of Junior Achievement of Southwestern Pennsylvania.

Mr. Mitchell is a graduate of the University of Pittsburgh and served in the U.S. Air Force.

TESTIMONY OF THOMAS C. MALONEY

I would like to thank you, Senator Specter, for the opportunity to testify on this proposed legislation. I have worked in a high-tech industry—the electron device industry—for my entire career, 32 years, and so I feel I have some insights that may be of value in considering both the specifics of this bill and the larger question which, I suspect, prompts this legislation, namely, the massive dislocation of workers from our so-called traditional manufacturing industries.

I want to start my testimony with the identification of what I see as a dangerous trend in America industry: a reluctance to invest in capital intensive product and process improvements.

I probably do not have to explain the reasons for this reluctance: Economic uncertainty; availability of higher rates of return on alternate investment opportunities; the one world view of many multi-national companies; the pressure of the need for short term results; labor unrest/contract problems; and lack of sheer guts.

It is this dangerous trend which is turning the United States from a manufacturing-intensive economy to a service oriented one that feeds on itself. I believe that this trend must be reversed if the United States is to maintain its technological and economic leadership of the world.

This trend has been most obvious in the auto and steel industries where the failure to embrace "high tech" solutions has resulted in a transfer of leadership in those industries to Japan and the developing countries. What makes it particularly ironic in the case of the developing countries is the fact that the financing of this technology transfer has been achieved primarily through United States banking institutions with the encouragement of our government. I am not questioning the wisdom of that policy; I approve it. What I am criticizing is the failure of the United States government and the banking industry to provide the same kind of encouragement to the "developing industries" here in this country.

While I am sure this reluctance to invest in capital intensive process and product improvements is true of many industries, I can only speak with authority with respect to the industry of which my company is a part—the display industry.

When I talk of display, I am referring to electronic display, to video, radar, computer, instrumentation, aircraft, dashboard and other types of displays which represent the single most important interface between man and machine. The most visible electronic display that is pervasive throughout our world and familiar to all of us, is the Cathode-Ray-Tube, the CRT, the display used in our TV receivers at home and our computer terminals at work.

I have seen the leadership in the CRT industry move inexorably to the Orient. This movement started initially, because of lower wage scales but as the manufacture of CRT's became more mechanized, Japanese companies have preserved their preeminence by large investments in automation. A few years ago, Zenith developed a new design for CRT's, a design that would result in substantially lower manufacturing cost but when they attempted to obtain the cooperation of other United States TV manufacturers in specifying this new standard and committing to its use, thereby justifying the capital spending needed to implement the concept, they met a brick wall and the concept was scrapped. I cannot judge the wisdom of their individual business decisions, but I do view that particular situation as typical of what occurs internally, in many U.S. companies.

About fifteen years ago, as digital logic became the basis for most electronic system design, it became evident that eventually, the CRT should be replaced by a digital type display. The CRT's bulk, weight and power dissipation were not appropriate to the miniaturized systems that were possible with the semiconductor technology being developed at that time. American companies initiated a broad range of investigations and flat panel display technology that resulted in significant breakthroughs. In the late 1960's and early 1970's, several new flat panel display technologies were demonstrated including plasma, liquid crystal, vacuum fluorescent and thin electroluminescence.

A number of major U.S. companies including Owens Illinois, IBM, Burroughs, Westinghouse, Hewlett Packard, Texas Instruments, NCR, General Electric and others, invested in those new technologies. Over the years, most of them have withdrawn from the display industry citing the capital investment necessary to make their specific technologies cost effective. They have left the field in the United States to smaller companies who have found small niches in the market place.

On the other hand, Japanese companies have taken these display innovations, developed primarily in the United States, and continued to invest product development and capital equipment funds in improving them and making them cost effective. The result has been that Japan has become the major supplier for electronic displays.

Panelvision is seeking to reverse that situation. The technology that we are commercializing; we call it large scale display integration; was pioneered at Westinghouse R&D Center in the early 1970's. When Westinghouse decided to get out of the color tube business, they also decided to discontinue research in display technology. Because of its extraordinary versatility and its potential for very low manufacturing cost, Peter Brody, who managed the program at Westinghouse, went out to the venture capital community, and with the cooperation of Westinghouse, started Panelvision. In the past three years, the venture capital community has invested over 9 million dollars in our company. With these funds we have developed a product and embarked on pilot production. Over the next eighteen months we expect the investment community to further support our program and permit us to move into large scale production.

In the meantime, we know that many Japanese companies, recognizing the power of our technology, have undertaken research in this field and have committed to its development. If Panelvision fails to secure the level of funds it needs to move into produc-

tion, this technology will also move to the Orient.

While I am confident that Panelvision will raise the necessary funds, I suspect it will not be with the assistance of the banking industry which finds it nearly impossible to invest funds in an untried technology.

What I believe we need is a semipublic institution that will support fledgling companies who are developing new technologies. I am not suggesting that this institution support the 256th microcomputer company which has relatively modest capital needs in any case. But a company which has been able to attract the support of an initial investor, which has a technology that can contribute to our continued U.S. technological leadership, that has the potential for generating new jobs, should be supported.

The actual mechanism for investing these funds could be one or more of several approaches; direct equity investment, direct loans or perhaps most preferred, guaranteed loans specifically to finance capital equipment.

I believe that if such an institution could be established, we will see, over the next 10 years, an enormous growth, not in new companies, but new industries that will recover for America, her technological leadership of the world.

THOMAS C. MALONEY

Mr. T.C. Maloney received a B.E.E. degree from Manhattan College in 1951 and did post-graduate study at Columbia University and Case Institute. From 1962 to 1982 he was employed by Burroughs Corporation where he held various management positions including Engineering Activity Manager for their Electronic Components Division. He has been issued 15 patents in the area of display technology. Mr. Maloney joined Panelvision in January 1982 and serves as President and Chief Operating Officer of the company.

TESTIMONY OF HAROLD HALL BEFORE THE HEARING ON SENATE BILL 718

Members of the Hearing: The last two years of severe readjustment of America's basic industrial economy has forced our attention on the problems that face us. Two, that I shall note, industrial America must learn to live with earnest world wide competition and that we can no longer simply pump out heavy production, neglecting advanced technology methods, quality consideration, and cost effectiveness. The market place, with a choice, will eliminate the unproductive sources by discriminate purchasing. The very effort to limit the importation of Japanese vehicles is a pitiful admission on America's part that we have failed to qualify our products for the competitive industrial economic race. We can not hide our inefficiencies behind a legislative protective screen for any extended time.

There must be a cooperative effort among the segments of our total society to arrive at balanced adjustments so that long term solutions can be accomplished. Management, capital sources, labour, the educational sector and all levels of government organizations must become aware of the problems and even more the absolute need of a cooperative effort in these matters.

Industrial America's experience has not been based on a successful cooperative relation between these segments; but rather on a very awkward adversary, unbending battle ground of distrust.

It is admirable that thought process has brought forth the possibility that the Congress would support a Commission to concern itself with High Technology and Employment.

(Quote from Press May 17, 1983):

"A business and higher education coalition has called on President Reagan to develop a national consensus that will make industrial competitiveness a priority.

"The 16-member task force which drew up the report was led by Wesley Posvar, chancellor of the University of Pittsburgh; Richard Cyert, president of Carnegie-Mellon University, and Robert Anderson, chairman of the board and chief executive officer of Rockwell International Corp.

"'Unless the United States improves its ability to compete, unless we develop a comprehensive, coherent, long-term approach, and unless we address our problems from a broad perspective, we fear that domestic economic revitalization will remain an elusive goal,' the panel wrote the president.

"'And unless we rebuild the American economy and strengthen our *educational system*, it will be increasingly difficult—if not impossible to maintain a just society, a high standard of living for all Americans and a strong national defense.'

"The task force fears the nation is losing its competitive edge and urged business, education, labor and government to work together on the problem."

(End of Quote).

This consensus could set the stage for the basis of the commission. There has been evidence that the labour sector is willing, when confident that they are included in the decision process to moderate immediate demands in turn for long term benefits, particularly if a way can be found to share in profitable results of a cooperative effort.

Our government has the responsibility to balance our industrial effort against the various international complexities of trade barriers, unrealistic financial support of what in many cases are foreign governments themselves operating as industrial activities. Our government must be careful not to burden industrial effort with heavy handed regulations that impede activity.

The educational community can be further encouraged to share their research with industry; and that their training programs at all levels from elementary to graduate college be in tune with the potential employment. I note that education needs to include basic thought development and wide horizons because with rapid changes in technology, positive to continue; there will be need for continuous education of our society. The educational system needs to adopt a commitment for excellence for its teaching and student population. This is where it starts; without society's attitudes changing it will continue to be difficult for industry to accomplish the required change in productive quality. Quality breeds productivity and as productivity improves, so does profitability. The Japanese, as reported have found that by "doing it right the first time" they don't waste resources fixing or doing it over.

The educational improvement must be included for management as well as the production workers. More important is the requirement for excellence in performance. Even more important is that future management have a broad understanding of human motivation and real human values and concerns.

The capital base must be expanded to encourage the industrial revitalization. Profitability must be obtained if capital is to be willing to be invested in ungrading existing or starting new technology ventures.

It is obvious that all efforts on a national basis can be aided by a centralized commission to coordinate and support individual initiative to improve our industrial contribution to a world wide commercial market place. For American employment to reach a satisfactory level of our people, we must not only compete; but with innovation offer to the world markets the materials and food stuffs that are in great need. It is a heavy responsibility that the Congress address these matters. It appears very logical that it will be very correct to have established a Commission on High (New or Innovative Old) Technology and Employment Potential as proposed Senate Bill S-718.

HAROLD HALL

Mr. Harold Hall is President of Hall Industries, a company with six facilities in Western Pennsylvania which involves electro-mechanics.

In addition to his busy professional life, Mr. Hall serves as a board member of Penn-Tap, the Smaller Manufacturers Council of the Pittsburgh region, and the St. Clair Memorial Hospital.

He also serves on the advisory council for robotics training for the Community College of Allegheny County.

Mr. Hall is a graduate of Carnegie-Mellon University and a former pilot in the U.S. Air Force, now in the Air Force Reserves.

TESTIMONY OF DAVID GLAVIN, VICE PRESIDENT OF ALLEGHENY COUNTY LABOR COUNCIL AT HEARING ON S. 718

My name is David Glavin, and I am the Vice President of the Allegheny County Labor Council. In going over your Bill, S. 718, there are several aspects which labor is very supportive of, in addition to supporting the entire bill. Being a Service Employee Union member, I would like to suggest that, because of the high number of people going into service as a result of the lack of jobs in the traditional manufacturing industries, you include the service industry in your bill. With the transfer of emphasis from traditional manufacturing to service oriented professions, I can foresee vast increases in the number of service employees nationwide. The number of people going into service because of the lack of jobs in other industries is the thing of the future, and because of high tech and retraining and reeducating, many of these employees will be funneled into the service industries.

TESTIMONY OF HOWARD J. MAGEE, JR., PRESIDENT, USWA No. 1138

As coordinator of the Steelworkers Unemployed Charitable Trust for the Alle-Kiski Valley, I have had two years of experience in working with the unemployed on a full-time basis. I have seen the worker and his family go from secure lifestyles to lives of uncertainty. For many of them, paychecks and grocery stores have been replaced by unemployment checks and food banks.

I am not here today to oppose Senate bill 718. The need for retraining of the majority of those employed in traditional manufacturing industries cannot and should not be disputed. A recent Valley News Dispatch article emphasizes the decline in employment by these industries in the Alle-Kiski Valley and the need for retraining.

In consideration of S. 718, I feel that there is one portion of the unemployed work force that should receive particular attention—namely the worker who is fifty-five years of age with thirty years of service and

who is not yet eligible for pension or social security benefits.

There is no doubt in my mind that today's younger workers are capable of and willing to retrain themselves in the field of high technology. Highly-trained skilled workers such as Mr. Hoover, who has used his period of unemployment to further improve his skills to work in the factories of the future, can offer many years of service to a potential employer.

The worker who is fifty-five years old is not on the same timetable. He does not have the luxury or time to complete a complex training program. Nor can he offer a potential employer a substantial number of years of service. He is a member of a hard-working group of people who should not be bypassed by the growth of the high technology industries. Something must be done to reemploy these workers as soon as possible so that the remaining years of service they have can be utilized most effectively.

Basically, we are faced with two distinct types of unemployed workers. There is the worker who it is feasible for all parties concerned to retrain in the area of high technology and there is the worker who is concerned with making a decent living for the remaining five to ten years of his working life.

It is my hope that when the issue of retraining is considered by you and your colleagues, that the proper consideration is given to the two district groups of workers which I have briefly described for you today.

RAYMOND DONOVAN

Mr. HATCH. Mr. President, more often than is otherwise the case, Congress sees more than a thousand nominations processed by the Committee on Labor and Human Resources. Usually our nomination and confirmation process runs smoothly, marked by cooperation on both sides of the aisle. The administration gets the woman or man the President nominates for a particular post, and the Senate assures itself and the American public that the nominated official holds the capability to perform valuable public service in an honorable manner. For the most part, this process of "advise and consent" has worn well since 1789.

The congressional nominations processes, and for that matter the workings of Congress as a whole, are periodically criticized for taking too much time. Ironically, to the degree the charge is accurate, that is its strength. It is the beauty of our system, as devised by the Founding Fathers, that the legislative branch institutionalize deliberation and the grace of time. It is meant to increase the likelihood that our legislative decisions be wise decisions. As all of this relates to our investigations process, haste is the perennial impediment to assuring that an investigation or nomination be conducted properly and concluded justly.

The history of the nomination of our current Secretary of Labor, Mr. Raymod Donovan, is a history with which all Senators should be familiar, for the things it teaches us about the pitfalls of the process. Much has been written about the possibility that the Senate might confirm a nominee who should not be confirmed, for any number of reasons we can all imagine. Less has been written about the possibility that the process itself can inadvertently go awry, to the detriment of the nominee in question.

The Bergen, N.J., Record, in a series of three articles published on the 23d, 24th, and 25th of October, put together a history of the nomination process of Secretary Donovan that I encourage my colleagues to read. Together with the unprecedented report our committee filed on the nomination prior to final Senate action, the report supplement, and the report filed just last April on the role of the Federal Bureau of Investigation in the consideration of this particular nomination, my colleagues will find much to suggest that we need to think collectively about ways to improve parts of the process. The three committee reports are already part of the public record. I offer for the public record now the series of articles written by Mr. John Kolesar for the Bergen Record.

Students of civics and political science are often told that one of the distinguishing features of our Government, of the Government of the United States, is that it is a Government of laws and not of men. Without taking issue with the textbooks, I think we can additionally say that our laws are administered by men and women, whom as public officials are charged with discretion broad enough that they have a very real impact on how our laws are administered. It is therefore essential that we strive for the best qualified men and women for these public offices. It is essential that we carefully fullfill our role of advising the President when consenting to the President's choice. It is my hope that few nominees in the future will need to undergo the intense scrutiny that the nomination of Mr. Donovan received, and it is my fervent hope that none need the post-confirmation scrutiny that Mr. Donovan received. Our careful deliberation should be to insure that no future cabinet official or any other ranking official will endure the stress and tribulation our current Secretary of Labor has endured while in office.

As I have personally related to Ray Donovan during earlier occasions, I believe that his courage, dignity, and good humor during the time he had to run through the investigations gauntlet are exemplary. To the degree that the popular American author, Tom Wolfe, knows Secretary Donovan, he might also write that Ray Donovan is one of those citizens in public life who has "the right stuff."

I ask unanimous consent for the full text of the Bergen Record articles to appear in the CONGRESSIONAL RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sunday (N.J.) Record, Oct. 23, 1983]

THE TALES OF TWO WITNESSES: BELABORING A SECRETARY OF LABOR

[Behind the Donovan Affair]

(By John Kolesar)

When Raymond J. Donovan of Short Hills was nominated to be U.S. secretary of labor, all that was generally known about him was that he was a self-made millionaire in the construction business, a devout, conservative Roman Catholic with a wife and three children, and one hell of a fund-raiser for Ronald Reagan.

Following the nomination, some three dozen people came forward with other information. They said that Donovan was a friend of gangsters; that the firm of which he was executive vice-president, the Schiavone Construction Company of Secaucus, was "mobbed up"; that he had made payoffs to buy labor peace, that he had rigged bids on public projects. They said other things, too.

Over a period of 20 months, these charges were investigated by agents of the Federal Bureau of Investigation and a special prosecutor's staff. Hundreds of witnesses were questioned—Mafia chieftains, labor officials, Schiavone Construction executives, paid informants, public officials, waiters, waitresses, and construction workers. Wiretaps transcripts were studied. FBI files were checked and rechecked. Government accountants went through several hundred thousand of Schiavone Construction's checks and bills.

The investigation established that Donovan was a self-made millionaire in the construction business, a devout, conservative Roman Catholic with a wife and three children, and one hell of fund-raiser for Ronald Reagan.

As the allegations of wrongdoing, there was, in the words of Special Prosecutor Leon Silverman, "insufficient credible evidence" to prove Donovan had done anything illegal.

Very strange. How could there be so much smoke and no fire?

There are two possible conclusions: 1. We have a secretary of labor who lied about mob associations and got away with it, or 2. A lot of other people lied about Donovan and Schiavone Construction, and by doing so, dragged their names through the mud.

What difference does it make now?

If Donovan lied and got away with it, it means our national labor programs are in the hands of a man who hid ties to organized crime and crooked labor union leaders. It means the FBI and the special prosecutor either engaged in a colossal cover-up or were colossally incompetent.

If the witnesses who testified against Donovan were lying, it means that some of them committed the crime of impeding a federal investigation and possibly perjured themselves. It means that persons affiliated with the Senate Labor Committee, and possibly the FBI, leaked unsupported, false allegations, which were then broadcast widely by the mass media. It means that Donovan and his friends and associates were given a public keelhauling for no good reason.

The Donovan affair still has many loose ends. Three criminal trials stemming from the investigation have yet to be held. Ronald Schiavone, the chairman of Donovan's old company, has filed seven libel and

slander suits against witnesses and several news organizations. The Senate Labor Committee is angry at the FBI and wants legislation enacted that will require the submission of more extensive information on presidential nominees. Donovan will probably have to testify in some of the court proceedings.

Legally, Donovan has been cleared. Neither the FBI nor Silverman could find enough evidence to file a single charge against him. But neither has used the word "cleared" when discussing Donovan.

"There is no such thing really as an FBI clearance, or a clean bill of health," Francis M. Mullen Jr., executive assistant FBI director, told the Senate Labor Committee at Donovan's confirmation hearing in January 1981. "We can only furnish the investigative results, which in this case were favorable to Mr. Donovan."

When Silverman issued his final report on Donovan on Sept. 13, 1982, he repeated a remark he had made before, that he was disturbed at the large number of allegations, "albeit unproved." The remark was ambiguous; it could have been meant as a criticism of either Donovan's accusers or the people who made him secretary of labor. Silverman declined The Record's request to clarify the remark or to be interviewed for this series of articles.

Silverman's comment has left some people with the impression that the investigations ended short of a complete answer.

For example, Edward J. Barnes, a freelance investigative reporter who helped unearth one of the witnesses who testified against Donovan, told a television interviewer 14 months ago that Silverman's investigation had been too narrow and had left leads unexplored.

Mario Montuoro, the witness whom Barnes helped to unearth, goes further. He is being sued for slander by Ronald Schiavone, and at a pretrial deposition hearing for that suit in July, Montuoro slipped in his opinion of the Silverman investigation: ". . . He did the job he was supposed to do. . . . Another guy that talked with two tongues." In other words, a cover-up.

How much validity is there to the notion that the allegations against Donovan were true, albeit unproved? Of the dozens of accusers, two, in particular, are central to the Donovan affair—Ralph Picardo and Mario Montuoro. Their accusations are worth a detailed look.

On Jan. 13, 1981, the day after Donovan had testified uneventfully at the Senate Labor Committee's first hearing on his nomination, Special Agent John Marshal Hersh of the Newark FBI office was sounding out some of his old informants in organized crime to see if they knew anything about Donovan. Ralph Picardo was one of those informants.

Once a minor Teamsters union official from Little Falls, Picardo had decided to talk to the FBI shortly after beginning a sentence for murder conspiracy in New Jersey State Prison in 1975. He became an informant on the doings in Teamsters Local 560 in Union City, then run by Anthony Provenzano. Among other things, Picardo said Provenzano was the man behind the killing of Jimmy Hoffa, the former Teamsters union president who disappeared in 1975.

That allegation was never proven, but, as a protected witness, Picardo helped to convict Provenzano and several colleagues of crimes ranging from murder to racketeering. In return, he was excused from most of his own sentence, which was to run from 17 to 23 years.

According to Senate hearing records and FBI memorandums, Hersh called Picardo on Jan. 13 and asked him what he knew about Schiavone Construction. Picardo said he had collected payoffs in 1967 or 1968 from a Schiavone executive he knew only as "Ray."

The payoffs were supposedly made to ensure labor peace and went to Salvatore Briguglio, a Local 560 business agent who was shot to death in Manhattan in 1978. Hersh asked Picardo to look at a picture of Donovan that was on the first page of that day's New York Times. Picardo did and said he recognized Donovan as "Ray."

According to Hersh's report, Picardo said he had been to the Schiavone Construction office in Secaucus on 15 or 20 occasions to collect payoffs from "Ray," who had an office of his own and appeared to be an executive. Picardo said he left copies of fake invoices in exchange for the checks.

He said he gave the checks to Al Checci, the man who ran the trucking company for which Picardo worked, and that Checci cashed them and gave the money to Briguglio. He said that Checci, too, had since died. Picardo and Donovan thus seemed to be the sole surviving principals in these transactions.

Picardo's story was hot stuff. Briguglio had been considered a very tough member of the mob. Picardo was rushed to Washington, D.C., and repeated his allegations at FBI headquarters and then again a year later to Silverman.

As Picardo told his story each time, it evolved and changed. In the last version, given to Silverman in March 1982, the payments were supposedly made in 1965. Checci now played no part in the payoff scheme—at most, he might have arranged one of Picardo's trips to the Schiavone Construction office. There was no longer any mention of Checci's cashing the checks.

It may be significant that, contrary to Picardo's original assertion to Hersh, Checci was not dead. He was alive and well in Oradell, and willing and able to contradict Picardo's story.

Even more significantly, Picardo now said he had made only three trips to the Schiavone Construction office, and that he saw Donovan on only one of those visits: "Ray" was waiting in the reception area, they exchanged envelopes, and he left, Picardo said. Yet Picardo, 16 years later, said he was able to recognize the newspaper photograph of a man he now admitted to having met in only one brief encounter.

Picardo's earlier descriptions of "Ray's" office had also come to sound peculiar; according to his final version, he had never gone beyond Schiavone Construction's reception area on any of his three trips.

Picardo said Briguglio had told him about other payoffs from Schiavone Construction that were purportedly made with checks in payment for phony bills. Presumably, this unusual payment method was used to create a legitimate-looking paper trail. But the FBI and Silverman said they could find no trace of such a trail, legitimate or illegitmate.

Picardo first made his allegations in secret to the FBI and then repeated them with two staff members of the Senate Labor Committee present. The committee postponed its vote on Donovan's nomination for two weeks. The allegations quickly leaked out in stories one newspaper attributed to "Democratic sources." Donovan denounced the accusations as "scurrilous and untrue."

The committee held a second hearing on Donovan's nomination on Jan. 27, 1981. Picardo was in Washington, D.C., that day, with Hersh acting as his bodyguard, but neither of them testified. Picardo declined, and Hersh was apparently never asked. Nevertheless, Picardo's allegations were the highlight of the proceedings.

"I believe that Mr. Picardo believes that what he is telling us is the truth," testified Anthony Adamski, chief of the FBI's special inquiry unit.

Committee Chairman Orrin Hatch, R-Utah, asked Mullen, the FBI's executive assistant director, ". . . Would you not agree that Picardo is probably sincerely mistaken?"

"There is the possibility that he is mistaken," Mullen replied.

Sen. Thomas Eagleton, D-Mo., would have none of that. "If we want to play this game, there is a possibility that he is not mistaken," he said.

Sen. Edward Kennedy, the committee's ranking minority member, asked Donovan if he could explain why people would make such serious accusations against him.

Donovan, shedding the somewhat unctuous tone he had employed in his first hearing, snapped, "I am in the construction business, senator. You people are in public life. You ask me about unfounded, scurrilous, groundless allegations, I ask you, gentlemen, before answering that question, Have any ever been made against you that were groundless, scurrilous, from a murdering slime? I will tell you why, or why I think so. And I think you know the reason, Senator Kennedy, because I think you used the term 'New Jersey Syndrome.' "

Donovan gave his definition of the syndrome. ". . . If you are in the contracting business, it seems in this country you are suspect. If you are in the contracting business in New Jersey, you are indictable. If you are in the contracting business in New Jersey and you are Italian, you are convicted."

Eagleton pressed Donovan harder. Donovan obviously getting angrier by the minute, said: ". . . I believe he [Picardo] is a pathological liar . . . In past cases where he has testified there were witnesses, I am assured by my attorney, who called him a wacko, off the wall, full of ——, okay?"

Donovan was confirmed by the Senate on Feb. 3, 1981. The vote was 80–17, with Kennedy leading a band of Democrats in opposition.

In March of this year, Ronald Schiavone and his construction company sued Picardo for slander. However, they had a problem serving Picardo with a copy of the suit. The federal protected witness program had given him a secret new identity and address.

Donovan's confirmation did not dispel the cloud hanging over him. Kennedy and other Democrats began to voice doubts about the thoroughness of the FBI investigation. The FBI had been given little time to investigate; it took shortcuts and made some mistakes. It overlooked some leads that lay waiting, like unexploded land mines, to be tripped by some investigator or reporter.

Only five days after Donovan was confirmed, the first mine was set off by investigative reporter Bruce Locklin of The Record. Without use of tips or leaks, Locklin, in checking Picardo's allegations, uncovered information that showed errors and omissions in the FBI's investigation. The new information didn't corroborate Picardo's main allegation, but it shook confidence

in the FBI's work. The Senate Labor Committee reopened its investigation.

The next land mine was tripped by Mario Montuoro. He had been secretary-treasurer of Local 29 of the Blasters union in New York until he was ousted by Louis Sanzo, president of the local, in 1978. Montuoro has fought Sanzo ever since, testifying against him in a trial in 1981 in which Sanzo was convicted of conspiracy and tax evasion. The judge in that case ruled that Sanzo was involved in organized crime.

As an outspoken whistle-blower, Montuoro was interviewed occasionally by Barnes, the free-lance reporter, who was writing magazine articles on labor racketeering. During one of those interviews, Barnes said later, Montuoro told him that Schiavone Construction had made a $2,000 payoff to Sanzo during a lunch at Prudenti's restaurant in Long Island City in 1977.

Montuoro said there were four Schiavone Construction executives at that lunch, including Donovan and Ronald Schiavone. According to Silverman's report, Barnes said he heard the allegation a few weeks after Reagan was elected president in November 1980, but before Donovan was nominated.

Barnes became an investigator for the New York State Commission of Investigation at the beginning of 1981, and the SCI embarked on an investigation of a $500-million New York City subway tunnel project. The chief contractor on the project was Schiavone Construction.

Barnes and SCI investigator Michael Moroney checked with James D. Harmon Jr., the assistant attorney-in-charge of the Brooklyn Organized Crime Strike Force, which had handled most of the Abacam prosecutions. Harmon was getting ready to prosecute Sanzo at the time. He told Barnes and Moroney that Montuoro, in 1979, had told him of the 1977 lunch at Prudenti's. He said he didn't need the allegation for his prosecution, and he asked both men to stay away from Montuoro until Sanzo's trial was over.

Barnes and Moroney held their peace for five months, until the chairman of the SCI was ousted. Barnes said this action made them fearful that the subway tunnel investigation would be aborted, and that as a result they went to the Senate Labor Committee and revealed Montuoro's allegation to Walter Sheridan, the Democrats' investigator on the committee staff. Sheridan was a former FBI man, a prize-winning investigative TV producer, and the head of Robert F. Kennedy's "Get-Hoffa Squad" in the early Sixties. Sheridan relayed the allegation to federal prosecutor Thomas Puccio, the head of the Brooklyn strike force.

When Puccio learned of the accusation in September 1981, he arranged for Montuoro to be questioned by Harmon. The questioning lasted 30 minutes. Harmon drafted a memorandum that Puccio signed and sent to the U.S. Attorney-General's office in Washington, D.C., two months later.

The memorandum outlined Montuoro's allegation, but it made a serious error. It said Montuoro had alleged that it was Donovan who had handed over the payoff envelope. The mistake was corrected; it was now alleged that another Schiavone Construction executive had handed over the envelope. The memorandum recommended that a special prosecutor's investigation be initiated under Harmon's direction.

Montuoro repeated his story to the FBI and to Justice Department lawyers. His allegation, having reached Washington, D.C., was quickly leaked. Montuoro repeated what he had to say to reporters for The New York Times and The Washington Post. The Donovan affair, which had lapsed into oblivion, took on new life.

On Dec. 29, 1981, not quite 11 months after Donovan took office, a special prosecutor was appointed under one of the laws growing out of the Watergate investigations. But Harmon was passed over for the assignment. It went instead to Silverman, a former assistant U.S. Attorney General who was now a partner in a large New York law firm.

Silverman investigated not only Montuoro's allegations, but some 80 others. He issued a three-volume report of more than 1,000 pages in June 1982 (only an abridged version was made public; some allegations and evidence were deleted, along with all grand jury testimony). Almost a third of the report dealt with Montuoro.

Silverman said he found "no evidence" (a stronger term than his usual "insufficient credible evidence" phrase) that the Prudenti's lunch described by Montuoro ever took place.

As might be expected, the five others who were supposed to have been at the lunch had issued denials. Donovan called Montuoro "a damnable and contemptible liar." He said he had never met Montuoro or been in Prudenti's.

Montuoro said two men he knew had spotted him in Prudenti's on the day of the alleged payoff, but both of them failed to support Montuoro's story. A bartender, waitresses, and three owners of the restaurant all provided no corroboration. No credit card charges or other documentary evidence could be found. Montuoro made various guesses as to the date of the luncheon, none of which checked out, and his description of the restaurant interior did not jibe with reality.

Montuoro made some other allegations about Schiavone Construction, but they did not involve Donovan. Silverman found substance to one of them—that there had been four no-show employees on Schiavone Construction's payroll on the subway project. Silverman referred that charge to the Brooklyn strike force, and Sanzo and another official of his union were indicted on perjury charges as a result. They are scheduled to go on trial shortly.

Montuoro struck it rich during the height of the Donovan affair. He won $2.5 million in the New York State Lottery in May 1982 and has moved from the Bronx to Fairfield, Conn. Ronald Schiavone and two of the other executives of his company are seeking precisely $2.5 million in a suit charging Montuoro and five John Does with conspiring to slander them.

Since filing his suit, Schiavone has identified two of the John Does—Thomas Puccio and James D. Harmon Jr. If the others are ever identified they are likely to be Sheridan, Barnes, and Moroney.

Montuoro still insists that the Prudenti's lunch happened as he described it. In questioning for a pretrial deposition in the slander suit in July, he repeated his allegation once more. But his testimony offered indications that his memory of events may be contradicted again. He said he was questioned by Puccio, Harmon, and FBI agents about Donovan at the end of the first Sanzo trial, in June 1981. That is three months before Puccio learned of the Prudenti's restaurant allegation, according to the Silverman report.

Montuoro seemed to be describing a Dec. 3, 1981 session, which occurred at the end of another trial. During the session, Montuoro said, an FBI agent asked him if it wasn't Donovan who handed over the envelope to Sanzo. "I said, no, it wasn't Donovan. I told him if that's what you want me to say, forget it."

On Dec. 4, Harmon sent his correction to Washington, D.C., stating that Montuoro had not said that Donovan handed over the envelope. If Montuoro is correct in his insistence that this session took place in June 1981, the entire account of how the Montuoro allegation surfaced, as told by Barnes, Sheridan, Puccio, and Harmon, is incorrect. If Montuoro is wrong, his memory is playing tricks on him, maybe not for the first time.

CAST OF CHARACTERS

Anthony Adamski—chief of the FBI's special inquiry unit, which checks the background of presidential appointees.

Edward J. Barnes—free-lance investigative reporter and former investigator for the New York State Commission of Investigation.

Salvatore Briguglio—business agent for Teamsters Local 560 who was murdered on a Manhattan street in 1978.

Al Checci—Oradell resident who owned a small trucking company in the 1960's and later went to jail for making bootleg audio tapes.

James D. Harmon Jr.—assistant attorney-in-charge of the Brooklyn Organized Crime Strike Force.

John Marshal Hersh—FBI agent in the Newark bureau who specialized in investigations of Teamsters Local 560 in Union City.

Mario Montuoro—former secretary-treasurer of Local 29 of the Blasters union in New York and a source of allegations against Donovan.

Michael Moroney—investigator for the New York State Commission of Investigation.

Francis M. Mullen Jr.—Executive assistant FBI director and the official in charge of the first Donovan investigation.

Ralph Picardo—former minor Teamsters official from Little Falls who became a government informant and a source of allegations against Donovan.

Thomas Puccio—federal prosecutor in charge of the Brooklyn Organized Crime Strike Force.

Louis Sanzo—president of Local 29 of the Blasters union in New York.

Ronald Schiavone—chairman of the Secaucus construction company in which Donovan was a major stockholder and executive vice-president.

Walter Sheridan—investigator for the Democratic minority of the U.S. Senate Labor Committee.

Leon Silverman—New York lawyer who was appointed special prosecutor to conduct the second investigation of the allegations against Donovan.

[From the Sunday (N.J.) Record, Oct. 24, 1983]

THE INFORMANT WHO LOST HIS CREDIBILITY

(By John Kolesar)

The most mysterious and, in some ways, the most sensational of Raymond J. Donovan's accusers was Michael Klepfer, who is due to stand trial shortly because of what he said about the man who is not the U.S. secretary of labor.

When Donovan was being considered for President Reagan's cabinet in January 1981, a stream of informants began to come forward with charges that the Short Hills resi-

dent was a friend of mobsters and that the firm of which he was executive vice president, the Schiavone Construction Company of Secaucus, had engaged in bid-rigging and labor union payoffs.

One of those informants was Michael Klepfer, a well-to-do 43-year-old trucking executive from Binghamton, N.Y., who had once served for two years as a New York State Police trooper. FBI records indicate he had a curious, and possibly dangerous involvement with organized crime.

Klepfer is the chairman of the Canny Trucking Company of Binghamton and Secaucus. A Justice Department report in 1979 said Canny Trucking was then run by Klepfer's father, Ellis, and that in 1976 it had made a payoff to Salvatore Briguglio, a business agent for Teamsters Union Local 560 in Union City.

The report said the payoff took the form of a no-show job for a man who was actually building a house for Briguglio in Connecticut.

Klepfer was also an undercover FBI informant, according to a memo written by Agent John Marshal Hersh of the Newark office of the FBI one day before Donovan was confirmed as secretary of labor. The memo said that Klepfer had "furnished reliable information to the FBI over a period of six years, all of which has always been found to be highly credible."

But in September 1982, when Special Prosecutor Leon Silverman issued his final report on his investigation of Donovan, he said all of the allegations Klepfer had made against the secretary of labor were admitted fabrications. Earlier this year, the Justice Department indicted its former "highly credible" informant on charges that he lied to FBI agents.

Klepfer first made his allegations on Jan. 21, 1981, about a week after another informant, Ralph Picardo, had made his sensational accusation that he had been Briguglio's bagman in collecting illegal payoffs from Donovan in the mid-Sixties.

According to FBI and Senate Labor Committee records, Klepfer gave the FBI information he had purportedly received from Fred Furino of Edgewater, an operator of a small trucking company and an old friend and onetime Teamsters colleague of Briguglio's.

Klepfer said Furino told him that he, Picardo, and Al Checci had all collected payoffs from Donovan, Checci, an Oradell resident who once owned a small trucking company, already had been questioned by the FBI and had denied the payoff story that had been related by Picardo. Furino was questioned the next day. He, too, denied it all. He offered to take a lie detector test, an offer that the FBI didn't pursue at the time.

A WOMAN NAMED "JEANNIE THE REBEL"

In two ensuing telephone conversations with Hersh over the next two weeks, Klepfer described a close relationship between Donovan and Briguglio, who had been murdered on a Manhattan street in 1978. He said they had grown up together and later had gone to restaurants and nightclubs on double dates. One particularly nasty allegation was that Donovan, a married man, had been accompanied on these dates by a woman named "Jeannie the Rebel."

Silverman, who had no evidence that this allegation was a fabrication, investigated it. He uncovered convincing proof that Donovan had never known the woman. "Jeannie the Rebel" was unavailable for comment; she had reportedly run off with a "heist man" in the late Sixties and had not been heard from since.

Klepfer said that Schiavone Construction had provided free building materials for houses built by Briguglio and Anthony Provenzano, who ran Local 560, and that Briguglio had helped Schiavone Construction submit low bids on municipal and state contracts passing on inside information he had received about bids from competing companies.

Very little of what Klepfer told Hersh reached the Senate Labor Committee when it was holding hearings on Donovan's appointment. There was a mix-up among FBI officials, and Hersh's memos on Klepfer were never sent from Newark to Washington, D.C. As a result, Klepfer's allegations were overshadowed by Picardo's during the hearings. But Hersh's memos remained in the Newark FBI files, ticking away like a time bomb.

Donovan was confirmed in February 1981. No evidence was found to support Picardo's allegations, which changed and dwindled each time he told his story. But a new wave of allegations in December 1981 resulted in the appointment of Silverman as a special prosecutor to conduct a new investigation of Donovan.

During their probe in early 1982, Silverman's investigators found Hersh's year-old memos describing the information supplied by Klepfer. The FBI, apparently embarrassed, asked its 59 field offices to check their files and send to headquarters everything they had on Donovan and Schiavone Construction. Five previously undiscovered allegations were submitted.

COMMITTEE PUBLISHES ALLEGATIONS

For some reason, the Senate Labor Committee decided to publish these unchecked allegations in May 1982 in a "supplemental report." Most of the allegations were old, trivial, or plain silly.

One was from a woman in California who saw Donovan on television and called the FBI to complain that she recognized him as the man who, some years back, had allegedly defrauded her in an aluminum siding deal. The FBI file noted, in straight-faced fashion, that the "investigation did not develop any information that Donovan had been employed in any aspect of the aluminum siding business."

But one set of allegations in the supplemental report made headlines—Klepfer's 15-month-old charges, attributed only to a secret informant. Donovan was again tied to Briguglio in allegations that seemed to corroborate Picardo's.

In retrospect, Klepfer's allegations contradicted Picardo's. They even contradicted themselves. If Donovan and Briguglio were such pals, why would they need go-betweens to make payoffs? Why would Schiavone Construction want to buy labor peace from a union local with which it had no contracts? Moreover, Briguglio was not an insider in either the construction business or government contracting.

But none of that was noted at the time. The Senate Committee's supplemental report ignited four months of media attention, stoked by a series of news leaks.

Klepfer repeated his allegations in March 1982 to FBI agents working for Silverman. A week later, Furino was questioned by Silverman. He again denied all of Klepfer's story and said that as far as he knew, Briguglio had never met Donovan. He again volunteered to take a lie detector test. This time he was given one, on April 27, 1982.

The report by the polygraph expert said that in his opinion "Furino has not been truthful in describing his relationship with Raymond Donovan." Furino couldn't understand the finding. In another session with Silverman, on May 5, he insisted he had never met Donovan. Silverman found no evidence that he had.

The FBI had thus far revealed Klepfer's identity to no one. But faced with Furino's denials, Silverman asked the FBI if they could produce the mysterious informant to be questioned by the grand jury. The FBI said the informant feared his name would leak out and that his life would be in danger.

FBI WAS ANGRY AT COMMITTEE

At the time, the FBI was angry that the Senate Labor Committee had published Klepfer's allegations in early May. The committee had withheld the statement that the informant had been working for the FBI for six years. That information became public, however, when a Jack Anderson column on May 11 disclosed the original text of the memorandum from Hersh, the FBI agent.

The information would have been disquieting to someone in the ranks of organized crime who had suspected Klepfer or Furino of being a source of allegations about Donovan, allegations that, to a mobster, may have seemed more amusing than serious. There was nothing amusing, however, about someone who had spied for the FBI for six years.

On June 3, the FBI gave Silverman some disquieting news—Furino had disappeared. Eight days later, his body was found in the trunk of his car in Manhattan. He had been shot in the head. Silverman ordered an investigation to determine if Furino's death was connected with the Donovan affair. Since then, no progress in solving Furino's murder has been made public.

A day or two after Furino's body was found, the FBI said, Klepfer supplied a motive for the killing. Members of organized crime, Klepfer said, were worried that Furino would disclose how Donovan had obtained $20 million from the national headquarters of the Teamsters union, laundered it, and funneled it into Reagan's 1980 presidential campaign.

In return for the money, said Klepfer, Donovan was to recommend pardons for Provenzano and the reputed head of a New York crime family, both of whom were serving long prison terms.

Silverman investigated this allegation, even though it seemed absured on the face of it: Reagan's campaign had received only $21 million in contributions from the entire nation. Dozens of people, including 17 secret FBI informants, were interviewed. Nothing they said made the allegation sound any more sensible.

Still, Klepfer's identity remained a secret known only to the FBI. When Silverman issued his first bulky report on June 28, 1982, it did not deal with the allegation of the laundered campaign money. It did contain 17 of Klepfer's earlier allegations. All had been investigated and given the stamp fo "insufficient credible evidence."

Silverman stayed in business after issuing his June report; more allegations about Donovan had surfaced, and he wanted to finish his probe into the alleged $20-million laundering. Klepfer was questioned again in late July and August by FBI agents working for Silverman. In his supplemental report on Sept. 13, Silverman told what happended:

A TEST IS TAKEN

". . . The informant who made the $20-million allegation retracted it. The informant stated that he was unwilling to undergo a polygraph examination concerning the allegation because it was untrue and a 'figment of [the source's] imagination.' "

But Klepfer did take a lie detector test on July 28, 1982. He contends he was tricked into it. He says the FBI told him it would question him only about the Furino killing, but then went into the Donovan allegations.

In his final report, Silverman said: ". . . The source of 17 of the allegations that I previously had investigated was interviewed and submitted to a polygraph examination. In the interview, the source admitted having deliberately lied about all of the allegations and stated that none of them was true.

"During the polygraph examination, the source stated that the source had deliberately fabricated the allegations and was now telling the truth in stating that the allegations had all been lies. In the opinion of the polygraph examiner, the source was truthful in so stating."

Silverman was still being careful to conceal the identity of the source, and in fact everyone assumed he was talking about two different people—one who had made 17 allegations and another who had made the allegation about the $20 million.

But the Brooklyn Organized Crime Strike Force tied it all together when it indicted Klepfer in March 1983. It revealed Klepfer's name and listed instances when he allegedly gave false information to the FBI. It detailed the allegations about Donovan and Briguglio and the laundered $20-million campaign contribution. The dates provided correlations with previously cryptic references in the reports by Silverman and the Senate Labor Committee.

Klepfer, who was now presumably revealed as a man who had squealed on people participating in organized crime, was offered protection but turned it down. He pleaded not guilty to the charges.

Klepfer contends that in pretrial proceedings he became the target of a vindictive prosecution because the FBI had botched the Donovan investigation and was looking for a scapegoat. He says his allegations were made "during casual conversations with persons who later turned out to be agents of the FBI."

But Douglas E. Grover, the strike force attorney prosecuting Klepfer, said: "Michael Klepfer's statements to FBI agents were knowing and intentional and purposefully directed at currying favor with FBI agents whom he had hoped would intercede with an open IRS [Internal Revenue Service] investigation. . . . Klepfer not only understands the implications of his actions, he created these fantasies to secure FBI assistance . . . ."

Klepfer was hit with another federal indictment in March 1983 in which his father was also named. They were charged in Pennsylvania with arranging a payoff to a bakery union official to call off a strike against another company.

Klepfer is also the likely target of one of the slander suits filed by Ronald Schiavone, the head of the construction company that bears his name.

Schiavone has filed suit against 10 of the unnamed people who made allegations during the Donovan affair. Because the names of the informants were not disclosed in the Silverman reports, Schiavone's lawyer used pseudonyms in order to file within the one-year legal time limit. The suit lists such defendants as Calvin Confidential, Sylvester Source, and Ike Informant. Two of them, Philip Fabricator and Ralph Recanter, sound like they may turn out to be Klepfer.

The allegations by Donovan's three chief accusers—Klepfer, Picardo, and Mario Montuoro—wilted considerably under close scrutiny. Klepfer has admitted his were fabricated, according to Silverman and the FBI. Most of Picardo's story evaporated, and there was no corroboration for the little that was left.

Of the three, Montuoro at least seems to believe his own accusation that Donovan was present when a Schiavone Construction executive allegedly made a $2,000 payoff to a New York union official in 1977. Yet Silverman could not find one piece of evidence to corroborate the allegation.

From the beginning, Montuoro's story had two inherent implausibilities: Montuoro had four of the top officers of a $150-million construction company gathering at lunchtime in the middle of a well-patronized restaurant to hand over a bribe. The matter on which they were supposedly seeking the union's help had been settled a year before.

But more than 30 other people made allegations about Donovan. What about their charges? They connected Donovan with more than 50 unsavory mobsters, union leaders, and politicians. Donovan maintained he had met only a few of the 50 and that each of the encounters was innocuous. His assertion has not been shaken by Silverman's investigation.

Taken in total, the accusations had a hollow center. Almost all of them concerned hearsay that Donovan and Schiavone Construction were "mobbed up." Ronald Schiavone, the head of the company, was mentioned only by Montuoro. Although Schiavone Construction was portrayed as a crooked contractor, not one of its contracts was ever specifically mentioned in the allegations. Nor did any competing contractor ever come forward with a charge that it had lost a bid to Schiavone because of some impropriety. The Silverman investigation showed that Schiavone often bid on contracts and lost.

Silverman's report implied that he thought Klepfer was not the only one of Donovan's accusers who had lied. Some of the allegations came from people who were apparently trying to curry favor with the government or take vengeance on Donovan or someone else.

Many of the allegations were obviously confused guesses and garbled gossip. According to one anonymous tip, Schiavone Construction had dealt with a mob-controlled electrical company in constructing the Federal Building in Newark. Schiavone does not construct buildings and had nothing to do with the electrical contractor.

As far as Silverman's investigation is concerned, the claim of Donovan and Schiavone that they ran a clean construction company withstood scrutiny.

THE REALITIES OF THE BUSINESS

However, the company was not immune from the realities of the construction business. A New York union leader was indicted of putting a "ghost" employee on the Schiavone payroll under the union's standard contract. Four no-show employees were allegedly found on Schiavone's New York payroll. In both of those cases, however, Schiavone Construction appeared to be the victim of the crime charged, not the perpetrator.

There is one unfinished investigation involving Schiavone Construction. It concerns William Masselli's JoPel Construction Company, which was a subcontractor on a $500-million New York City subway tunnel project, for which Schiavone Construction is the chief contractor. JoPel is coowned by Joseph Galiber, a New York state senator. Because Galiber is black, JoPel was certified as a minority business enterprise, helping to fulfill a federal requirement that 10 percent of Schiavone's subway construction work be channled to minority enterprises.

The man who originally held the subcontract told the FBI that JoPel was a sham minority business and that he was muscled out of the job by Masselli, a reputed member of the Mafia. But he subsequently recanted that charge and has since died of natural causes. A Justice Department spokesman said "some aspects" of this investigation are still open. But it is JoPel, not Schiavone Construction, that has been named as the target.

The net result of the investigations by Silverman and the FBI is that there is no evidence that Donovan was friendly with any mobster or that Schiavone Construction's success was dependent in any way on help from organized crime.

CAST OF CHARACTERS

Salvatore Briguglio—a business agent for Teamsters Union Local 560 who was gunned down on a Manhattan street in 1978.

Fred Furino—a longtime friend of Briguglio's who became a witness in the Donovan investigation and was murdered in 1982.

John Marshal Hersh—an FBI agent in the Newark bureau who took part in the Donovan investigation.

Ellis Klepfer—former operator of a Binghamton, N.Y., trucking firm which allegedly had ties to Briguglio.

Michael Klepfer—son of Ellis, present operator of the Binghamton trucking firm, and a key secret witness in the Donovan investigation.

Mario Montuoro—former secretary-treasurer of Local 29 of the Blasters union in New York and one of Donovan's chief accusers.

Ralph Picardo—a former minor Teamsters official from Little Falls who became an FBI informant and a chief accuser of Donovan.

Anthony Provenzano—former head of Teamster Local 560 and reputedly a high-ranking Mafioso now in prison.

Ronald Schiavone—board chairman of Schiavone Construction Co. of Secaucus.

Leon Silverman—the New York lawyer who was appointed special prosecutor to investigate the allegations against Donovan.

[From the Sunday [N.J.] Record, Oct. 25, 1983]

VICTIM OF CIRCUMSTANCES

(By John Kolesar)

The investigation of Raymond J. Donovan as a nominee for U.S. secretary of labor was not one of the FBI's shining hours. The Senate Labor Committee was not a place to keep confidential information quiet. The American press was unable to ignore juicy allegations about an important official when they came from such authoritative sources as the FBI and a Senate committee.

That combination of circumstances resulted in 20 months of public scrutiny and suspicion that few other cabinet officials have experienced in the nation's history. When the investigations of Donovan were complet-

ed last year, the allegations that he had been friendly with mobsters and that his construction company had engaged in bid-rigging were shown to be unfounded.

Nevertheless, the sheer number of allegations threatened to force him from office at times, and even now he is a target for informants who can look forward to subjecting him to a few days of unpleasant notoriety.

Ronald Schiavone, board chairman of the Schiavone Construction Company of Secaucus, which Donovan coowned before he became secretary of labor, denounces the entire Donovan affair as a modern version of McCarthyism.

In the early 1950's, Sen. Joseph McCarthy, a Wisconsin Republican, destroyed the reputations of numerous individuals by accusing them of being Communists. In making his charges, McCarthy often leaked unchecked information from FBI informants.

Schiavone maintains the same process occurred in the Donovan affair, only this time it was the Mafia that was the subversive threat, and convicted criminals, not former Communists, made up the bulk of the informants.

The FBI first investigated Donovan in preparation for his confirmation hearings in January 1981. The investigation was a hurried job done on a short deadline. The FBI did not have the power to subpoena information, since it was not a criminal case. As a result, it took some shortcuts and made some mistakes.

Eleven months after Donovan took office, a new investigation was initiated by Leon Silverman, a New York lawyer who was appointed as a special prosecutor under a law growing out of the Watergate investigation.

As Silverman conducted his investigation in 1982, he unearthed neglected information from the FBI's earlier probe and attracted new allegations. Many of these leaked out—usually through the Senate Labor Committee—and were published widely.

In a report published in June 1982, and in a second report published three months later, Silverman stated that he had found no evidence to support any of the accusations against Donovan.

AN ABUNDANCE OF ANGER

It was a happy ending for Donovan, who nevertheless remained quite angry. He voiced his bitterness that he, his family, and his former colleagues at Schiavone Construction had been subjected to a long ordeal. Ronald Schiavone was angry, too, and filed seven libel and slander suits against witnesses and news organizations.

The Senate Labor Committee was angry at the FBI for its handling of the confirmation inquiry. It conducted a study of that probe and reached conclusions that were critical of the bureau. Sen. Orrin Hatch, R-Utah, said better work by the FBI could have spared Donovan his ordeal.

During the Silverman investigation, the FBI denied that it had botched its original assignment and grumbled about the committee's penchant for publishing confidential, unchecked allegations. After the Silverman investigation was completed, the FBI had one of its confidential informants indicted for fabricating allegations about Donovan.

One factor that seemed to be ever present in the Donovan affair was the "New Jersey syndrome"—a term coined by Donovan to describe a widespread assumption that any New Jersey construction company with an Italian name had to have dealings with organized crime. That "syndrome" was evident even before Donovan was nominated to be secretary of labor by President-elect Reagan in the middle of December 1980.

The FBI's first contact with the Donovan affair came in an informal meeting Dec. 5, 1980, between FBI Director William Webster and Reagan's chief campaign aide, Edwin Meese. Meese asked Webster to investigate Donovan for possible links to organized crime.

A year and a half later, Silverman asked Meese why he had been so quick to raise the issue of organized crime in connection with Donovan. Meese, who now serves as White House counsel to Reagan, said he did so because a newspaper columnist had suggested that there might be such a connection, although no supporting evidence was provided by the columnist.

A week after his meeting with Meese, Webster informed Reagan's transition office that Schiavone Construction had been mentioned a number of times in the FBI file on the disappearance of former Teamsters President Jimmy Hoffa in 1975.

Eighteen months later, Webster informed Silverman that his memorandum had been incorrect. Schiavone Construction was not mentioned in the Hoffa file. Webster apparently had been misinformed by one of his aides.

TIME MAGAZINE LEARNS OF MEMO

Webster's erroneous information had not been given to the Senate Labor Committee, so it played no part in the hearings on Donovan's confirmation. But Time magazine learned of the Webster memorandum in the middle of 1982 and printed an article about it, including the fact that it had been sent to Reagan's transition team but not to the committee.

Time story drew a libel suit from Ronald Schiavone. U.S. District Court Judge Herbert Stern dismissed the suit in August, but an appeal is underway.

It also turned out that FBI Executive Assistant Director Francis M. Mullen Jr. had compounded Donovan's problems and created some for himself when he testified at the confirmation hearings. Mullen testified that over a 12-year period the FBI in New Jersey had conducted hundreds of wiretaps on members of organized crime and that none contained any mention of Donovan or Schiavone Construction.

The committee was reassured. It did not notice that Mullen said "the FBI in New Jersey."

Six months later, reports leaked out that Donovan and Schiavone Construction had actually been mentioned a half dozen times in wiretaps on the phone of William Masselli, a reputed mobster who ran a Bronx company that did subcontracting work for Schiavone Construction. But the wiretaps were in New York, not New Jersey. Mullen's testimony was accurate but misleading. It sounded like a cover-up.

When Hatch, the committee chairman, and Sen. Edward Kennedy, D-Mass., the committee's ranking minority member, found out about the discrepancy, they put a hold on Mullen's nomination to become director of the U.S. Drug Enforcement Agency.

Mullen later admitted that he knew that Donovan had been mentioned on the Masselli tapes. He said that he didn't reveal that information at the hearings because there was nothing that incriminated Donovan on the tapes and because a secret investigation of Masselli was underway at the time.

A LAUNDERED FBI REPORT

During the hearings, Mullen had provided the committee with some laundered versions of FBI reports on Donovan. These, too, hurt Donovan a year later when they leaked out.

One of those reports involved a memorandum from the New York office of the FBI to the bureau's headquarters in Washington, D.C. Part of the memo read as follows:

"Two independent sources of the New York Division have advised that the Schiavone Construction Company, in which Mr. Donovan was an executive vice-president, is 'mobbed up.' One source indicates the upper management of the Schiavone Construction Company is closely aligned with the Vito Genovese family of the LCN [La Cosa Nostra, the FBI's designation for organized crime] through Schiavone Vice-President Albert Magrini and its contacts with Jopel Construction Company, headed by William Masselli, who is an alleged self-admitted 'solider' [soldier] in the Genovese family. This New York source alleges Mr. Donovan is acquainted with LCN members through Magrini and Masselli on a business and social basis and has in fact traveled from New York to Miami for the 1979 Super Bowl with Masselli and other LCN figures in the construction business."

The Senate Labor Committee was only given a generally worded version of this memorandum. The references to Magrini, the Genovese crime family, and the Super Bowl trip were deleted. In the Silverman investigation a year later, none of these allegations was corroborated. Silverman uncovered minimal routine business contacts between Masselli and Donovan and nothing more. A number of lower-ranking Schiavone Construction executives had had more contact with Masselli, Silverman said, but there was no indication they knew of his alleged mob connections.

The Super Bowl allegation was disproved by Silverman. The FBI had Masselli under surveillance in 1979. It had secretly photographed everybody who was on the commercial flight he had taken to Miami and apparently had an informer close to Masselli's party. There was no trace of Donovan in that group. The evidence indicated that Donovan was in New Jersey on the day of the Super Bowl.

The complete version of the FBI memorandum was leaked in June 1982 and portions of it were used in a Washington Post News Service story and in a Jack Anderson column. The Record published the Post's story, and The Star-Ledger in Newark published the Anderson column. Magrini filed libel suits against The Record and The Star-Ledger early this year. Both suits are pending.

In May 1982, the Senate Labor Committee touched off a renewed wave of public suspicion about Donovan after it learned that allegations by a secret informant had been buried in the files of the Newark FBI office for more than a year.

It published the allegations in a supplemental report that made news around the nation. The allegations were later found by Silverman to be fabrications, but at the time, they were accepted at face value. The press reacted as if another Watergate cover-up were about to unravel. Bits and pieces of previously neglected accusations leaked out and were published widely.

THE SNOWBALL EFFECT

Sometimes, one set of allegations had a way of generating new ones, causing a snow-

ball effect. Fortune magazine printed an article in May 1982 on the Donovan affair, accompanied by an artist's drawing that graphically depicted an allegation by Mario Montuoro, a former New York labor union official.

The drawing showed Donovan sitting at lunch at a restaurant table and looking the other way as another Schiavone Construction executive handed a bribe to a likeness of a union local president. (Four months later, Silverman found no evidence that the luncheon ever took place.)

Jack Napoli, an underworld informant who had been bounced from the federal witness-protection program for engaging in unspecified criminal activity, saw the Fortune article and called an ABC television producer. Napoli had some allegations of his own. The producer referred Napoli to Silverman. Napoli's accusations were duly investigated by Silverman and found even less plausible than most. Silverman noted that Napoli might have been currying favor to get back into the witness-protection program.

Ronald Schiavone later sued Fortune, Napoli, and the unidentified producer (listed as "Peter Producer" in the complaint) for libel and slander.

In the midst of this commotion, two witnesses in the Silverman investigation were murdered. Fred Furino, an Edgewater resident who operated a trucking company, was found shot to death in the trunk of his car in June 1982. Two months later, Nat Masselli was murdered the night before his father, William, was scheduled to go before Silverman's grand jury.

In addition, an aide to Hatch reported that he had received telephoned threats warning him to discontinue the Donovan investigation.

The billows of suspicion around Donovan convinced many that there must have been a sizable fire in his vicinity. Forty-six Democrats in the Senate called for him to step aside until Silverman finished his investigation. Editorials called for his resignation or dismissal. Editorial cartoons poked fun at him, and the Doonesbury comic strip managed to get in some shots at Donovan and organized crime's alleged fondness for New Jersey.

There were only a few who wanted to wait for the evidence before ousting Donovan. One was Lane Kirkland, the president of the AFL-CIO, who resisted the opportunity to take a shot at a man whose policies he opposed. At the height of the furor over Donovan, Kirkland commented to reporters, "I don't believe in the Napoleonic Code . . . which presumes that a man is guilty until he's proven innocent."

RELENTLESS AND COWARDLY ATTACKS

Donovan eventually felt compelled to call a news conference in August 1982 to announce that he was not resigning.

At the news conference, Donovan protested against "the cavalier manner in which raw and unsubstantiated data has been leaked in total disregard for the rights of American citizens."

"When I came to Washington, I was quickly made aware of the old bromide that 'politics ain't beanbag.' I would, however, be less than honest—and human—if I did not state publicly my disgust with the relentless and cowardly attacks that have been made on me and my company by an alliance of individuals who have a total disregard for the truth."

Even after Silverman's final report was issued a month later, Donovan remained under a cloud. Many newspapers published editorials stating that he was a liability for the Reagan administration and that the president should fire him if he did not resign. Four months after Silverman's final report, James Baker, Reagan's chief of staff, told a reporter that Donovan should go. "What's he thinking about?" said Baker. "He's got his good name now. He's vindicated. Now he ought to do what's right for the president."

Baker apologized a few days later, probably with prompting from Reagan, who has never flinched in his support of Donovan.

Donovan read an angry statement at a news conference after Silverman's second report was issued. He acknowledged that it was common in such circumstances to express gratitude, but then went on to say:

"I am angry—angry that I have had to endure months and months of relentless press coverage of groundless charges made by nameless accusers; angry that my wife and children have suffered as only a family can suffer; angry that my former business associates have been unfairly maligned."

He then walked out of the news conference without answering questions.

Since then, Donovan, who is 53, has said little about the affair. He did tell one interviewer that his family had received obscene phone calls and that his children were taunted by schoolmates with such shouts as "Your father's a Mafia bum."

He declined to be interviewed for this article, but he did furnish some previous public comments, which included the following statement:

"Frankly, because I was a contractor from New Jersey with an Italian partner, I feel some political partisans presumed my 'guilt' from the first and used Senate confirmation proceedings and other forums for a carnival of smears that have been proven untrue. . . ."

Donovan, on occasion, has managed to joke about his experience. A month after Silverman's final report, 900 people attended a $50-a-head testimonial dinner for Donovan in Washington, D.C. The dinner was sponsored by the conservative Young Americans for Freedom. "I always believed, and I still believe, that there has only been one resurrection in the past 2,000 years," he told the crowd. "But some people tell me I've had four."

SCHIAVONE DETECTS A CONSPIRACY

Ronald Schiavone has demonstrated his anger in other ways. During the height of the Donovan affair, he hired a private detective in Washington to investigate the sources of the allegations and leaks that he said were slandering him and his company. The move backfired.

It was greeted with outrage from some of the members of the Senate Labor Committee. The detective was able to uncover only an old police charge involving the Hatch aide who had received threats over the telephone. For a few days, Schiavone and his attorneys were in the position of resurrecting a minor conviction to cast suspicion on one of their adversaries.

But Schiavone, who is not a passive person, has taken more serious actions as well. His blizzard of slander suits has raised some novel legal questions, particularly in regard to protected government witnesses and secret informants. For instance, Montuoro's lawyer has said he might have to call Donovan, Attorney-General William French Smith, and other high-ranking officials as witnesses. Just how far the slander suits will get in court remains to be seen, however.

Schiavone, almost from the start, has maintained that his company and Donovan have been the targets of an orchestrated campaign, a conspiracy involving liberal senators and a liberal press. (Schiavone, like Donovan, is a conservative on economic and social issues, and most of the nation's institutions appear liberal from his perspective.)

His attorney, Theordore Geiser, told a panel of journalists last year that a concerted campaign against Donovan was "clearly coming from Capitol Hill." It was an obvious reference to Senator Kennedy and some of his Democratic colleagues.

Schiavone castigates the press as "pusillanimous" for spreading the allegations about Donovan and Schiavone Construction and then falling silent after Silverman's reports. He says the press is afraid criticism of criminal investigating agencies would dry up sources of information and result in an embarrassing admission that it had been used. He has written long letters to newspapers expressing the hope that "those who bore false witness or have knowledge of any threats or promises made to them" will contact him and help repair the damage.

Geiser concedes that the media had to print and broadcast most of the stories that arose in connection with the Donovan affair. But he argues that news organizations should have dug behind the allegations to determine their points of origin. While Donovan's opponents saw a conspiracy to cover up connections with organized crime Donovan's allies saw, and still see, a conspiracy that was designed to smear him.

Geiser and Schiavone put a great deal of blame on the Senate Labor Committee for disseminating so many unchecked allegations. But in a speech in June, Hatch said:

"I had to look into these allegations that were made against him [Donovan]—made by convicted hoods and sleaze and slime. . . . They kept coming out of the woodwork—and through it all, I can tell you, he was very upset . . . he went through a lot of pain. . . . He took them on and he won."

The committee, after conducting an investigation of the FBI's handling of the inquiry, issued a report in which it criticized the FBI for supplying information that was "inaccurate, unclear, and too late. . . ."

"The FBI presumed too much when it decided what information the committee could or could not have," the report said.

Top FBI officials told the committee that they consider the White House, and not the Senate, to be their client when they are investigating a presidential nominee. The committee's report recommended that a law be passed requiring the FBI to pass on to the appropriate Senate committee all the information it obtains on a presidential nominee. Hatch said he would sponsor such legislation.

Geiser does not think much of such a law. He says it would allow any person or group that opposes a nominee of flood the public record, and hence the media, with anonymous allegations. He says that if all the allegations against Donovan had surfaced during the committee hearings, Donovan might not have won confirmation, even though the allegations were not true.

Hatch said that if the FBI had given the Senate a complete set of allegations in time for the committee hearings in January 1981, "I believe he [Donovan] would have been able to answer them, and thus, the disservice of having a year and a half of constant badgering in the media never would have occurred."

The FBI was unhappy with the way things went, not only because of its own mistakes but because so much of its uncorroborated material was made public by the committee. In one instance, it refused to give the committee a transcript of a telephone wiretap on grounds that it might endanger an informant.

"There's no reason to believe that anything given to Senator Hatch can remain confidential. The last batch of [confidential] stuff we sent up there wound up coming out in a Senate report," an FBI spokesman said last year.

FBI Director Webster held a news conference at the height of the Donovan affair to defend his agency's performance. "I don't consider this a bungled investigation," he said. "Sure we made some mistakes in handling paper, but I've taken steps to correct that."

One of those mistakes involved memorandums written by Newark FBI Agent John Marshal Hersh describing information provided by two informants. The memorandums were written in early February 1981 but were never sent to FBI headquarters. They were found in the Newark bureau's files more than a year later.

The FBI's Office of Professional Responsibility conducted an internal investigation to find out what had occurred. It told the Senate that a complex series of misunderstandings had led to the misplacement of the memos.

During the FBI's internal investigation, Hersh was given a lie-detector test. One of his superiors testified later that "there was some deception indicated . . . as to whether or not he [Hersh] provided some information to the [Labor] Committee staff."

Hersh was transfered from Newark in the spring of 1981, but he denied that the shift had anything to do with the Donovan affair. He refused to make any other comment when contacted by The Record. An FBI spokesman said shortly after the transfer that Hersh "is a damn good agent." Like Hersh, he maintained that the transfer was not connected with the agent's role in the Donovan investigations.

Schiavone feels his company received even more mistreatment than Donovan did. Some allegations that did not involve Donovan but impugned others in Schiavone Construction were investigated only perfunctorily by Silverman. "I am not an ombudsman for the construction industry—or for any company in the construction industry, or for organized crime," Silverman said at his final press conference. "My mandate was to investigate the Secretary."

Some of those who still harbor suspicions about Schiavone Construction make a similar criticism of Silverman's investigation. They say that he cleared Donovan but did not pursue leads that implicated the construction company.

A curtain of silence has fallen around the Donovan affair ever since the final Silverman report was issued over a year ago. Few of the principals want to talk about it. Among those who did not want to be interviewed for this series were Donovan, Silverman, Hatch, and Kennedy.

"The investigations seem light years behind me now, and time has healed most of the scars," Donovan has stated.

But he may have spoken too soon. Donovan is scheduled to testify in at least three pending trials. Earlier this month, at the trial of Salvatore Odierno, there was testimony that Odierno had participated in the murder of Nat Masselli to stop him from cooperating with the Silverman investigation and hurting Donovan.

At the time of the murder, Silverman denied reports that Nat Masselli was a federal informant wearing a body microphone. He said Masselli's role in the investigation had ended months before.

But Silverman was contradicted at the trial by a convict and informant who had shared a cell with Odierno.

Odierno, a reputed Mafia loan shark operating in the Bronx, allegedly unburdened himself to his cell mate, telling him: "Donovan was just another construction operator who was looking to buy contracts. . . . If it wasn't for the favors you could get in return, I would never deal with punks like this."

According to the informant, Odierno maintained that Masselli had been wearing a body microphone when he was shot.

The purported conversation did not fit with other known facts or allegations. Schiavone Construction did no work in the Bronx, needed no help from Odierno, and was never even accused of buying contracts. Odierno was not one of the 50 unsavory types mentioned in previous allegations against Donovan.

The informant was serving a sentence for grand larceny and had been treated for psychiatric problems at the jail (he thought he had become a woman). Odierno was convicted of manslaughter, but one juror told reporters that the jury did not believe the testimony linking Donovan to Odierno.

Donovan's office wearily issued still one more denial: Donovan, it said, had never heard of Odierno.

CAST OF CHARACTERS

Theodore Geiser.—Newark attorney who represents Ronald Schiavone.

Orrin Hatch.—Republican senator from Utah and chairman of the Senate Labor Committee.

William Masselli.—coowner of JoPel Construction Company of the Bronx, a firm that was a subcontractor for the Schiavone Construction Company.

Nat Masselli.—son of William Masselli and a witness in the Silverman investigation. Murdered in August 1982.

Mario Montuoro.—former secretary-treasurer of Local 29 of the Blasters union in New York and one of Donovan's chief accusers.

Francis M. Mullen Jr.—executive assistant director of the FBI and the official who supervised first Donovan investigation.

Ronald Schiavone.—chairman of Schiavone Construction Company of Secaucus.

Leon Silverman.—New York lawyer who was appointed special prosecutor to investigate the allegations against Donovan.

William Webster.—director of the FBI.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:31 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 57. Joint resolution to designate the week of November 2, 1983 through November 9, 1983, as "National Drug Abuse Education Week".

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

At 4:55 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House insist upon its amendment to the amendment of the Senate to the bill (H.R. 3103) entitled "An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes," asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. HOWARD, Mr. ANDERSON, Mr. ROE, Mr. BREAUX, Mr. SNYDER, Mr. SHUSTER, and Mr. HAMMERSCHMIDT as managers of the conference on the part of the House.

The message also announced that the House has passed the bill (S. 684) "to authorize an ongoing program of water resources research" passed with amendments in which it requests the concurrence of the Senate.

The message further announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 1761. An act to amend title I of the Marine Protection Research, and Sanctuaries Act of 1972; and

H.R. 2395. An act to extend the Wetlands Loan Act.

HOUSE MEASURES REFERRED

The following measures were read the first and second times by unanimous consent and referred as indicated:

H.R. 1761. An act to amend title I of the Marine Protection Research, and Sanctuaries Act of 1972; to the Committee on Environment and Public Works.

H.R. 2395. An act to extend the Wetlands Loan Act; to the Committee on Environment and Public Works.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, November 1, 1983, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 57. Joint resolution to designate the week of November 2, 1983, through November 9, 1983, as "National Drug Abuse Education Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 178. Resolution authorizing the printing of the report entitled, "Fourth Annual Report to Congress—Highway Bridge Replacement and Rehabilitation Program" as a Senate document (Rept. No. 98-290).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 259: An original resolution authorizing the printing of a revised edition of the "Senate Election Law Guidebook" as a Senate document (Rept. No. 98-291).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 2039: An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-292).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 260: An original resolution authorizing the revision and printing of the Senate Manual for use during the Ninety-eighth Congress.

S. Res. 261: An original resolution to pay a gratuity to Deborah T. Ambers.

S. Res. 262: An original resolution to pay a gratuity to John D. Blacker.

S. Res. 263: An original resolution to pay a gratuity to Rachel J. Miles.

S. Res. 264: An original resolution to pay a gratuity to Sol E. Newman and Beatrice Newman.

S. Res. 265: An original resolution to pay a gratuity to Adele C. Ostrander.

S. Res. 266: An original resolution to pay a gratuity to Suzanne Renee Weintraub.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PERCY (by request):

S. 2033. A bill to amend the act of August 1, 1956 (22 U.S.C. 2691); to the Committee on Foreign Relations.

By Mrs. HAWKINS:

S. 2034. A bill to require the Secretary of the Treasury to study and report to the Congress on the unitary method of taxation; to the Committee on Finance.

By Mrs. KASSEBAUM:

S. 2035. A bill to provide for a demonstration program for the provision of child care services in public housing projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GARN (for himself and Mr. HATCH):

S. 2036. A bill to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 2037. A bill to amend the Internal Revenue Code of 1954 to remove the maximum limitation on the deduction for nonbusiness casualty losses; to the Committee on Finance.

By Mr. PACKWOOD:

S. 2038. A bill to amend various provisions of title 49, United States Code, to provide for a more competitive trucking industry, to reduce regulatory burdens on the industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS from the Committee on Appropriations:

S. 2039. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS:

S. Res. 259. An original resolution authorizing the printing of a revised edition of the "Senate Election Law Guidebook" as a Senate document; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 260. An original resolution authorizing the revision and printing of the Senate manual for use during the 98th Congress; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 261. An original resolution to pay a gratuity to Deborah T. Ambers; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 262. An original resolution to pay a gratuity to John D. Blacker; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 263. An original resolution to pay a gratuity to Rachel J. Miles; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 264. An original resolution to pay a gratuity to Sol E. Newman and Beatrice Newman; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 265. An original resolution to pay a gratuity to Adele C. Ostrander; from the Committee on Rules and Administration; placed on the calendar.

S. Res. 266. An original resolution to pay a gratuity to Suzanne Renee Weintraub; from the Committee on Rules and Administration; placed on the calendar.

By Mr. GOLDWATER (for himself, Mr. MOYNIHAN, Mr. GARN, Mr. CHAFEE, Mr. LUGAR, Mr. WALLOP, Mr. DURENBERGER, Mr. ROTH, Mr. COHEN, Mr. HUDDLESTON, Mr. BIDEN, Mr. INOUYE, Mr. LEAHY, Mr. BENTSEN, and Mr. NUNN):

S. Res. 267. A resolution to support the establishment of a National Historical Intelligence Museum; to the Select Committee on Intelligence.

By Mr. BAKER (for Mr. MURKOWSKI (for himself, Mr. PERCY, Mr. PELL, and Mr. GLENN)):

S. Con. Res. 82. Concurrent resolution expressing sympathy and condolences on the tragic killing of Koreans in Burma; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (by request):

S. 2033. A bill to amend the act of August 1, 1956 (22 U.S.C. 2691); to the Committee on Foreign Relations.

TEMPORARY ADMISSION OF CERTAIN ALIENS

Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to amend the act of August 1, 1956 (22 U.S.C. 2691).

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with an analysis of the bill and the letter from the Acting Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate dated October 18, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, Section 21(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, (22 U.S.C. 2691), as added by section 112 of the Foreign Relations Authorization Act, Fiscal Year 1978 (91 Stat. 848) and amended by section 119 of the Foreign Relations Authorizations Act, Fiscal Year 1979, (92 Stat. 970) and by section 109 of the Department of State Authorization Act, Fiscal Years 1980 and 1981 (93 Stat. 397), is amended to read as follows:

"SEC. 21(a) For purposes of achieving greater United States compliance with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (signed at Helsinki on August 1, 1975) and for purposes of encouraging other signatory countries to comply with those provisions, the Secretary of State should, within 30 days of receiving an application for a nonimmigrant visa by any alien who is excludable from the United States by reason of membership in or affiliation with a proscribed organization but who is otherwise admissible to the United States, recommend that the Attorney General grant the approval necessary for the issuance of a visa to such alien, unless the Secretary determines that the admission of such alien would be contrary to the security or foreign policy interests of the United States and so certifies to the Speaker of the House of Representatives and the Chairman of the Committee

on Foreign Relations of the Senate. Nothing in this section may be construed as authorizing or requiring the admission to the United States of any alien who is excludable for reasons other than membership in or affiliation with a proscribed oranization."

DEPARTMENT OF STATE,
Washington, D.C., October 18, 1983.

Hon. GEORGE BUSH,
President, U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I have the honor to submit for the consideration of the Congress a bill which would amend section 21 of the Act of August 1, 1956, the "McGovern Amendment," to restore to the Secretary of State the authority to take into account, and act upon, foreign policy factors and considerations in the administration of certain provisions of the Immigration and Nationality Act.

Under the Immigration and Nationality Act, a consular officer or the Secretary of State has discretionary authority to recommend to the Attorney General that an alien's ineligibility to receive a visa be waived to permit the alien to make a temporary trip to the United States. The Attorney General has the discretionary authority to grant the waiver. Only if the recommendation is made and the waiver granted can the alien's temporary admission be authorized.

In their reports on the Immigration and Nationality Act in 1952 the Senate and House Judiciary Committees stated that "(t)he committee recognizes that cases will continue to arise where there are extenuating circumstances which justify the temporary admission of othewise inadmissible aliens, both for humane reasons and for reasons of public interest." For a number of years following 1952, this provision was interpreted so that waivers of ineligibility were recommended and granted only if an affirmative reason for doing so existed. Beginning in the early 1960's, there was a change in interpretation and, as a general rule, such waivers are recommended and granted unless there is an affirmative reason for not doing so.

This change of interpretation was based upon, and continues to be supported by, the principle that greater freedom of international travel is a desirable objective. This principle is, of course, reflected specifically in the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, Finland, in 1975.

In 1977 the "McGovern Amendment" modified the previous situation by radically restricting the Secretary of State's discretionary authority in this area in certain situations. Specifically, this amendment provided that, if an alien ineligible to receive a visa solely by reason of a membership in or affiliation with a proscribed organization, applies for a nonimmigrant visa (a visa for temporary entry), the Secretary should either recommend to the Attorney General that the waiver be granted or certify to both houses of Congress that the alien's admission would be contrary to United States security interests. While the text of the McGovern Amendment does not, on its face, exclude from the term "security interests" foreign policy interests and considerations, the legislative history of the amendment makes it clear that this was the intent.

The result has been that the Secretary of State is effectively precluded from acting in such cases on the basis of legitimate foreign policy factors and considerations. The Attorney General, whose discretionary authority has not been affected by the "McGovern Amendment," is not in a position to evaluate or act upon foreign policy factors. Accordingly, for all practical purposes, foreign policy factors are no longer considered in such cases.

This Administration supports the principle of promoting freedom of international travel, just as have its predecessors. On the other hand, the Department of State strongly believes that it is legitimate, and at times necessary, to take foreign policy factors, such as reciprocity of access, into account in deciding whether the discretionary authority to grant temporary admission to an alien inadmissible for this reason should be exercised. The Department rejects what appears to be the concept underlying the "McGovern Amendment" that any exercise of such discretion is an abuse of that discretion.

It is not the Department's desire or intention that the "McGovern Amendment" be repealed or rendered nugatory. Rather, the Department proposes that the existing provision for certification to the Congress by the Secretary that an alien's admission would be contrary to United States security interests be broadened to permit certification that an alien's admission would be contrary to United States foreign policy interest as well. Such an amendment would preserve the basic purpose of the "McGovern Amendment"—to demonstrate this country's commitment to the principle of greater freedom of international travel—while restoring to the Secretary of State a necessary and appropriate mechanism for carrying out his foreign policy responsibilities.

I urge that the Congress give this proposal its early and favorable consideration.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection of the presentation of this proposal to the Congress.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

ANALYSIS

This proposal would amend the "McGovern Amendment",—section 21 of the Act of August 1, 1956, to broaden the Secretary of State's authority to decline to recommend waivers of visa ineligibility in cases of aliens seeking temporary entry who are ineligible to receive a visa solely by reason of membership in or affiliation with a proscribed organization.

At present, if the McGovern Amendment applies in an individual case, the Secretary can decline to recommend a waiver only if he can certify to the Speaker of the House and the Chairman of the Senate Foreign Relations Committee that the alien's admission would be contrary to United States security interests. This restriction has the effect of depriving the Secretary of the ability to take into account foreign policy considerations, no matter how compelling.

Under this proposed amendment, the Secretary of State would be granted authority to decline to make the recommendation and to certify to the Speaker of the House and the Chairman of the Senate Foreign Relations Committee on the ground that the alien's admission would be contrary to this country's security or foreign policy interests.

By Mrs. HAWKINS:

S. 2034. A bill to require the Secretary of the Treasury to study and report to the Congress on the unitary method of taxation; to the Committee on Finance.

UNITARY METHOD OF TAXATION

Mrs. HAWKINS. Mr. President, today I am introducing legislation requiring the Treasury Department to report in 90 days to Congress the findings of a special commission. The commission was appointed by Treasury Secretary Regan to address the economic and foreign policy problems arising from the Supreme Court decision in Container Corporation of America against Franchise Tax Board case. That decision upheld the right of States to implement unitary tax systems when taxing corporations doing business inside their borders. Delay in resolving the unitary-tax issue will likely result in the loss of American jobs.

Under the unitary-tax method, the tax base, for State corporate income tax purposes, is worldwide income. A State using the unitary method first calculates what percent of worldwide income is attributable to each multinational corporation that operates inside its jurisdiction. Then, a tax rate is applied to the attributed amounts to determine the tax payments due from the multinationals. The way the percentage of worldwide income is established is to average the percentage of worldwide sales, fixed assets, and payroll found inside a State. Thus, if 10 percent of worldwide payroll, 5 percent of worldwide sales, and 21 percent of worldwide fixed investment takes place in a given State, then the average of these figures is 12 percent. That is the percent of worldwide income assumed to be produced in a jurisdiction using the unitary tax system.

Companies that must comply complain that the administrative burden is enormous. To get worldwide figures on sales, payroll, and fixed assets, firms must aggregate data in all countries they do business with, and they all use different accounting conventions to determine sales, payroll, and fixed assets. Affected firms also believe that this method results in taxing income they generate outside the United States twice, once in the host country and again in the United States. On the other hand, States using this method maintain that the system fairly reflects profits attributable to activities within the State.

The need for a prompt resolution of this controversy was brought home by the Supreme Court in the Container Corporation of America case which was decided by a divided Court on June 27, 1983. In the case, the Court upheld the right of California to apply a unitary business standard in taxing the income from a foreign subsidiary of a Delaware corporation doing busi-

ness in California. The Container opinion recognized the complexity of the issue and emphasized the need for congressional action to sort out the competing foreign and domestic interests and a specific standard for fair apportionment.

There is considerable concern that the Container decision is being viewed by many States as a green light to adopt worldwide unitary taxation systems, which will increase the likelihood of foreign retaliation. Only one month after the Container case was decided, Florida became the 12th State to adopt such a system.

The rapid spread of the unitary tax threatens foreign corporations located in the United States and it has not gone unnoticed. Prime Minister Thatcher has warned that if the States do not revise unitary-tax systems, European countries will consider retaliatory measures that undermine the attractiveness of investing in the United States.

This is a serious threat since British firms have invested $108 billion in the United States, more than any other nation. A similar warning was given by Japan. Such retaliation must cost some Americans their jobs.

There are a number of approaches Congress can take to address the administrative burden of compliance. Limitations could be put on the scope of the unitary method. Under this approach, the unitary method would not be applied either to foreign subsidiaries of the U.S. corporations, to foreign parents of U.S. subsidiaries, or to other affiliated foreign corporations.

Alternatively, Congress could restrict what States could tax. At one extreme, States could not tax income through the unitary method, but they also could not tax dividends from foreign subsidiaries of U.S. corporations, foreign source interest or royalties, or branch earnings of U.S. corporations. Of course, less extreme limitations could also be placed on State options to tax these items. Still another variation precludes States from taking into account, under the unitary method or any other method, foreign income until such time as the income is subject to Federal tax.

As those who follow this issue know, Senator MATHIAS has taken the lead in this and the past two Congresses in introducing legislation to rationalize the tax treatment of foreign source income by the States. Whether Congress adopts the Mathias plan or another plan, prompt Federal action is necessary to determine the approach that is in the best interest of the States, the Federal Government, and citizens threatened with job losses. Passage of the legislation I am introducing today will pursuade our foreign trading partners' that the Federal Government act in a timely way on this issue. This should forestall retaliatory actions.

Mr. President, I request unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. REPORT ON UNITARY METHOD OF TAXATION.

Not later than three months after the date of the enactment of this Act, the Secretary of the Treasury or his delegate shall analyze the unitary method of taxation, as applied to worldwide income, and shall report the findings and recommendations to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

By Mrs. KASSEBAUM:

S. 2035. A bill to provide for a demonstration project program for the provision of child care services in public housing projects; to the Committee on Banking, Housing, and Urban Affairs.

PUBLIC HOUSING CHILD CARE DEMONSTRATION PROGRAM ACT

Mrs. KASSEBAUM. Mr. President, today I am introducing the Public Housing Child Care Demonstration program. This measure is virtually identical to language sponsored by Representative MARCY KAPTUR which has been incorporated as part of H.R. 1, the House and Community Development Authorization for fiscal year 1984.

This measure is designed to determine the extent to which the availability of child care services can enhance the employment opportunities for low-income residents of public housing projects. This demonstration program would provide financial assistance for the development of child care services in public housing projects where such services are not currently available. Grant awards would be made on the basis of a national competition, and $3 million is authorized for this purpose. Appropriate facilities would be provided by participating projects, with demonstration grant funds available for operating expenses and minor renovations.

Consistent with the emphasis on removing one of the major obstacles to the employment of single heads of households, child care programs must be designed to serve preschoolers during the day and/or elementary students after school. Priority for funding will be given to those projects housing the highest numbers of preschoolers and elementary students.

Public housing projects in the program are directed, to the extent possible, to make employment opportunities with the program available to elderly residents of the project and to parents of participating children. Moreover, parental participation in all aspects of the program is strongly encouraged. I believe these provisions are particularly important, not only for their emphasis on strengthening resident involvement with the program but also for the opportunities for employment and skill development afforded to low-income parents and the elderly.

This bill also makes provision for an evaluation of the effectiveness of the program in promoting employability of low-income parents and of the possible need for expansion of services in housing projects which now have limited child care facilities. Because it is anticipated that a mix of urban and rural, large, and small projects will be included in the demonstration program, this evaluation should offer a valuable perspective on the effectiveness of child care as a means to combat unemployment among single parents.

I feel confident that this evaluation will bear out the advantages which this type of program can offer. It would provide a dependable source of quality care for low-income children. It is estimated that only 7.7 million day care slots are available for the approximately 13 million children under age 13 whose parents work. Yet, serious as this problem is, availability of services is only part of the story. Affordability must be considered as well.

The inability to pay for the child care services which do exist severely restricts the capacity of single parents—most of whom are women—to obtain work or to participate in job training programs. The choices available in such situations are unappealing. A parent may choose to work, leaving children in inadequate care arrangements or without care at all. In fact, millions of American children do remain without supervision during substantial parts of each day while their parents work. Alternatively, a parent may conclude she literally cannot afford to work and will remain at home with young children—thereby perpetuating a cycle of poverty and welfare dependency. An estimated 1 in 5 unemployed women is not able to work due to her inability to find adequate care for her children.

Moreover, locating child care services in the housing project itself permits children to remain in a familiar setting. At the same time, it limits the anxieties involved when children receive care at a site which may be far from both the home and the parent's workplace.

The problems I have described are not simple ones, and they will require a multifaceted response. Growing numbers of American mothers are entering the labor force out of economic necessity. Moreover, 1 of every 5 chil-

dren in this country are in families headed by a single parent—90 percent of whom are women. Fully one-third of these single-parent families are living in poverty. Thus, the need for suitable child care arrangements, already pressing, will be even greater in the future. It is essential that we develop innovative means of addressing this need, with particular emphasis on programs serving low-income families. The proposal I am making is admittedly modest, but I believe it offers an excellent starting point for targeting our resources in a way which will enhance the productive capacity of low-income parents and offer a better chance in life for their children. I urge the support of my colleagues for this effort.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Housing Child Care Demonstration Program Act".

SEC. 2. (a) The Secretary of Housing and Urban Development shall, to the extent approved in appropriation Acts, carry out a demonstration program of making grants to public housing agencies to assist such agencies in providing child care services for lower income families who reside in public housing and are headed by eligible persons. The Secretary shall design such program to determine the extent to which the availability of child care services in lower income housing projects facilitates the employability of eligible persons who head such families.

(b) The Secretary may make a grant to any public housing agency under this section only if—

(1) such public housing agency does not have a child care services program in operation prior to receipt of assistance under this section;

(2) such public housing agency agrees to provide suitable facilities for the provision of child care services;

(3) the child care services program of such public housing agency will serve preschool children during the day, elementary school children after school, or both, in order to permit eligible persons who head the families of such children to obtain, retain, or train for employment;

(4) the child care services program of such public housing agency is designed, to the extent practicable, to involve the participation of the parents of children benefiting from such program, with such participation including, but not limited to, employment with the child care program;

(5) the child care services program of such public housing agency is designed, to the extent practicable, to employ in part-time positions elderly individuals who reside in the lower income housing project involved; and

(6) the child care services program of such public housing agency complies with all applicable State and local laws, regulations, and ordinances.

(c) In providing grants under this section, the Secretary shall—

(1) give priority to lower income housing projects in which reside the largest number of preschool and elementary school children of lower income families headed by eligible persons;

(2) seek to ensure a reasonable distribution of such grants between urban and rural areas and among lower income housing projects of varying sizes; and

(3) seek to provide such grants to the largest number of lower income housing projects practicable, considering the amount of funds available under this section and the financial requirements of the particular child care services programs to be developed by the applicant public housing agencies.

(d)(1) Applications for grants under this section shall be made by public housing agencies in such form, and according to such procedures as the Secretary may prescribe.

(2) Any public housing agency receiving a grant under this section may use such grant only for operating expenses and minor renovations of facilities necessary to the provision of child care services under this section.

(e)(1) The Secretary shall conduct periodic evaluations of each child care services program assisted under this section for purposes of—

(A) determining the effectiveness of such program in providing child care services and permitting eligible persons who head lower income families residing in public housing to obtain, retain, or train for employment; and

(B) ensuring compliance with the provisions of this section.

(2) Nothing in this section may be construed as authorizing the Secretary to establish any health, safety, educational, or other standards with respect to child care services or facilities assisted with grants received under this section.

(f) For the purposes of this section:

(1) The term "eligible person" means an individual who is the head of a household and (A) is unmarried; (B) is legally separated from his or her spouse under a decree of divorce or separate maintenance; (C) maintains a separate place of residence from his or her spouse and such spouse is not a member of such household; or (D) whose spouse is a person described in section 3(b)(3)(A) of the United States Housing Act of 1937.

(2) The term "lower income families" has the meaning given such term in section 3(b)(2) of the United States Housing Act of 1937.

(3) The terms "lower income housing project" and "public housing" have the meanings given such terms in section 3(b)(1) of the United States Housing Act of 1937.

(4) The term "public housing agency" has the meaning given such term in section 3(b)(6) of the United States Housing Act of 1937.

(5) The term "Secretary" means the Secretary of Housing and Urban Development.

(g) Not later than the expiration of the 2-year period following the date of the enactment of this Act, the Secretary shall prepare and submit to the Congress a detailed report setting forth the findings and conclusions of the Secretary as a result of carrying out the demonstration program established in this section. Such report shall include any recommendations of the Secretary with respect to the establishment of a permanent program of assisting child care services in lower income housing projects.

(h) There is authorized to be appropriated to carry out the provisions of this section not to exceed $3,000,000 for fiscal year 1984. Any amount appropriated under this subsection shall remain available until expended.

By Mr. GARN (for himself and Mr. HATCH):

S. 2036. A bill to require the Secretary of the Interior to convey to the city of Brigham City, Utah, certain land and improvements in Box Elder County, Utah; to the Committee on Energy and Natural Resources.

CONVEYANCE OF CERTAIN LAND IN BRIGHAM CITY, UTAH

● Mr. GARN. Mr. President, today, I am introducing for myself and Senator HATCH, legislation which directs the Secretary of the Interior to convey, by quitclaim deed and without compensation, all rights, title, and interest of the United States to certain lands now used by the Bureau of Indian Affairs (BIA) to Brigham City, Utah. Currently, the BIA is using this land to operate the Intermountain Inter-Tribal School located in Brigham City. The conveyance would occur after the BIA no longer has a use or need for the land to operate an Indian school.

The reason for this legislation is the impending closure of the Intermountain School. After a careful analysis of many factors by myself, Senator HATCH, and the rest of the Utah delegation, we have decided to support the BIA's plans to close the school after the 1983-84 school year, having received assurances from the BIA that the student's needs could be properly met at other BIA off reservation boarding schools. Since the BIA has no intention of using the land and buildings which constitute Intermountain for some other purpose in the future, we are concerned that once the school's doors close the site will go unattended and be left to deteriorate. We are also concerned that the local community may have little or no input as to any future use of the facility. By transferring ownership of the land to the city, we will insure that the citizens of Brigham City have a say in what happens to the site and can support any eventual use of the land, just as they have supported the Intermountain School for more than two decades.

This land, encompassing approximately 170 acres, should be conveyed to Brigham City without any compensation to the Federal Government because, in essence, the city has already paid for the land and the buildings on the site that have been used by the Government since 1942. It was in that year that the city persuaded the Government to construct an Army hospital within its city limits, agreeing to comply with certain requirements of the War Department. To receive the hospital, the city agreed to furnish the Government with fee simple title, or the equivalent cost, to any lands

chosen by the Government for a hospital site. The city had to set up a trust of $60,000 to purchase outright, and take title in the name of the United States, the land for the proposed site. These funds were raised through gifts, donations, and grants. The land selected for the site now houses the Intermountain School.

In addition, the city agreed to remove all buildings or improvements which existed on the site chosen by the Government at no cost to the Government; to furnish power, water, and sewer lines to the proposed site; to pave access roads from an existing highway to the boundary of the site; to furnish, without cost, gravel and sand from its municipal pits for the erection of any buildings on the site; to appropriate $50,000 as a war emergency fund, as required by the Federal Government; and to pay the salaries of all employees needed to fulfill all the Government's requirements prior to approval being granted to construct the hospital. After formation of the Intermountain School, the city supplied and continues to supply the facility with 25 percent of its security force needs, with no remuneration to the city; to provide counseling to students through church organizations; and to encourage student employment with local businesses. To say the least, the city has had a long-standing interest in the successful utilization of this property.

Mr. President, it is our hope that Congress will return this land, purchased and donated to the Government many years ago, to its original owner. We feel that Brigham City should be able to develop the land as it sees fit and in a way that would be in the best interest of the community and its people. The closure of the Intermountain School will have an adverse financial impact on the community, and therefore make it impossible for the city to purchase the land outright. Besides, it does not seem logical to require the city to pay for something they once owned. The Secretary of the Interior, Brigham City officials, and the entire Utah delegation are supportive of this legislation, which accompanies H.R. 4142, a bill already introduced in the House. I urge prompt action by Congress on this bill so that its adoption coincides with the closure of the Intermountain School next year.●

By Mr. HATCH:

S. 2037. A bill to amend the Internal Revenue Code of 1954 to remove the maximum limitation on the deduction for nonbusiness casualty losses; to the Committee on Finance.

MAXIMUM LIMITATION REMOVED ON DEDUCTION FOR NONBUSINESS CASUALTY LOSSES

● Mr. HATCH. Mr. President, today I am introducing legislation to reverse a provision of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA).

Mr. President, it is widely known that hundreds of citizens in Arizona, Arkansas, California, Illinois, Louisiania, Mississippi, Oklahoma, Utah, and Washington suffered severe property damage because of storms and floods this year.

But not so widely known is the fact that these hundreds of taxpaying citizens, due to a 1982 change in the Internal Revenue Code, will not be able to take a casualty loss deduction for Federal income tax purposes.

This makes for a double tragedy because, I am told, many Utahans—and, I think it is safe to say, a large number of the citizens in the other declared disaster areas—do not have Federal flood insurance. Also, the standard homeowner's policy does not provide for flood coverage.

Mr. President, the change in the Internal Revenue Code was effective on January 1, 1983, but most individuals residing in the above-mentioned States will not be aware of the change until they file their individual income tax returns under an election for filing in the year of loss or in 1984 prior to the due date.

Under the prior law, individuals who itemized deductions could deduct unreimbursed losses of nonbusiness property resulting from fire, storm, shipwreck, or other casualty, or from theft. For tax purposes, the amount of the loss was considered to be the lower of, first, the fair market value of the property immediately before the casualty, reduced by the fair market value of the property immediately after the casualty, zero in the case of a theft; or, second, the property's adjusted basis.

For any one casualty, the deduction was allowed only to the extent that the amount of the loss exceeded $100.

Reacting to complaints that the itemized deduction for personal casualty losses created significant administrative problems for the Internal Revenue Service, however, Congress changed this law in 1982.

The Internal Revenue Service claimed that the itemized deduction for personal casualty losses created complex administrative problems for both individuals and the Internal Revenue Service; recordkeeping and auditing to name but two. They further stated that arbitrary lines had to be drawn between deductible expenditures for sudden casualty losses and nondeductible expenses for losses caused by gradual deterioration. In addition, taxpayers had to be prepared to document and defend estimates of fair market value of lost and damaged property for purposes of the deduction. As a result, a very high percentage, about 35 percent, according to Internal Revenue Service estimates, of amounts claimed as deductions were not properly deductible.

Based largely on these administration difficulties, the 1982 tax bill now provides that the deduction for casualty and theft losses will be allowed only to the extent that the total amount of such losses sustained during the taxable year exceeds 10 percent of the taxpayer's adjusted gross income.

The 1982 law, while providing a remedy for administrative problems, created a substantive inequity. As I stated at the start, I am told that many residents in the flood disaster areas are not covered by insurance. To make matters worse, the 1982 changes will virtually eliminate a casualty loss deduction for certain taxpayers and allow others an arbitrary deduction based on their tax bracket.

I repeat: It would be a double tragedy if the taxpayers of Utah and other federally named disaster areas, discovered next spring that they could not even avail themselves of a casualty loss deduction for income tax purposes.

Mr. President, the bill I am introducing is not complex. It merely reverses the 1982 law and continues the law as in existence prior to TEFRA. While the casualty loss deduction section was a minor provision of TEFRA and raised relatively little revenue, it will become a major issue with those that suffered severe property damage.

Mr. President, I ask unanimous consent that the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAXIMUM LIMITATION REMOVED ON DEDUCTION FOR NONBUSINESS CASUALTY LOSSES.

(a) GENERAL RULE.—Section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

(1) by striking out subsection (h) and (i),

(2) by redesignating subsection (j) as subsection (i), and

(3) by inserting after subsection (g) the following new subsection:

"(h) DISASTER LOSSES.—Notwithstanding the provisions of subsection (a), any loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1974 may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred, based on the facts existing at the date the taxpayer claims the loss. If an election is made under this subsection, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.".

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 165 (c) of such Code (relating

to limitation on losses of individuals) is amended—

(1) by striking out "except as provided in subsection (h),", and

(2) by adding at the end thereof the following new sentences: "A loss described in this paragraph shall be allowed only to the extent that the amount of the loss to such individual arising from each casualty, or from each theft, exceeds $100. For purposes of the $100 limitation of the preceding sentence, a husband and wife making a joint return under section 6013 for the taxable year in which the loss is allowed as a deduction shall be treated as one individual. No loss described in this paragraph shall be allowed if, at the time of filing the return, such loss has been claimed for estate tax purposes in the estate tax return.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.●

By Mr. PACKWOOD:

S. 2038. A bill to amend various provisions of title 49, United States Code, to provide for a more competitive trucking industry, to reduce regulatory burdens on the industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TRUCKING COMPETITION ACT OF 1983

● Mr. PACKWOOD. Mr. President, today I am introducing the Trucking Competition Act of 1983. This bill would complete the work which Congress initiated 3 years ago with passage of the Motor Carrier Act of 1980. That legislation brought significant reform into the trucking industry, including eased entry, removal of operating restrictions, rate bureau reforms, and increased pricing flexibility. The act is working well; service remains good—to large and small communities alike—and we are seeing more and more price competition between carriers. The competition which the 1980 act has encouraged is benefiting shippers and consumers.

On September 21 of this year, the Commerce Committee held a hearing on oversight of the Motor Carrier Act of 1980. At that hearing, the committee received very favorable assessments of the effects of trucking deregulation from many of the witnesses who presented testimony. In addition, administration, shipping community, and consumer representatives expressed support for further regulatory reform of the trucking industry.

For example, Secretary Dole summarized her views by stating:

We view the first phase of motor carrier regulatory reform as in place and working as intended. We believe the public has benefited from the reforms already implemented and will benefit even further from more deregulation.

Assistant Attorney General Baxter declared in his prepared statement:

Congress * * * reached a conclusion in 1980 that was soundly based, and it has not changed, that the structure of this industry is that of a competitive industry. There is no justification whatsoever for regulation in an industry that has the structure of the trucking industry.

Interstate Commerce Commission Chairman Taylor's views on further trucking deregulation were even more to the point:

The fact of the matter is that right now any kind of a cost-benefit analysis, what we are doing and what it is costing the taxpayers for us to do it is absolutely ridiculous. We are engaged in the absolute sham of regulation for regulation's sake. It is nothing more than a monumental paper shuffling operation, and the sooner it ends, the better. There is no redeeming public benefit involved. It is absolute nonsense.

Mr. President, my longstanding interest in trucking deregulation is well known. At the Commerce Committee's oversight hearing on the Motor Carrier Act of 1980, I expressed interest in developing a legislative proposal which would extend the date for abolition of antitrust immunity for single-line ratemaking—now scheduled for July 1, 1984—to sometime in 1986 or 1987 in exchange for eliminating all economic regulation of the trucking industry. I subsequently have been attempting to work in a good faith effort with the trucking industry to develop some sort of legislative compromise in this area. Unfortunately, the American Trucking Associations, Inc., never got back to me on this matter.

Mr. President, introduction of this bill has become especially critical in view of action being taken today by my colleagues in the House. During floor action today on H.R. 3103, an emergency highway funding measure, the House included an amendment to the bill to delay the date on which antitrust immunity for single-line ratemaking is removed until 1986. This represents a serious blow to motor carrier regulatory reform and if enacted into law, would weaken the reforms of the 1980 act.

Mr. President, now is not the time to take a giant step backward on trucking regulatory reform. Instead, it is crucial that we make every effort to move forward and eliminate economic regulation of the trucking industry. My bill would achieve this important goal. Briefly, my bill would do the following:

First, abolish entry regulation based on economic factors;

Second, abolish Interstate Commerce Commission (ICC) rate regulation and tariff filing requirements;

Third, abolish all collective ratemaking antitrust immunity;

Fourth, authorize the ICC to exempt carriers from any remaining regulatory requirements;

Fifth, require the ICC to submit a report to Congress on January 1, 1986, as to the need to retain any regulation over the trucking industry; and

Sixth, "sunset" the trucking functions of the ICC on January 1, 1987, and transfer safety functions to the Department of Transportation.

I want to emphasize that this bill would eliminate economic regulation of the trucking industry. My bill would not reduce safety regulation. I believe it is crucial that current safety and insurance requirements be maintained. Safety and insurance currently are the joint responsibility of the ICC and DOT. My bill would transfer the ICC's safety and insurance functions to DOT.

Mr. President, the Motor Carrier Act of 1980 took many positive steps, but it is not deregulation. The time is right to address this important issue.●

ADDITIONAL COSPONSORS

S. 663

At the request of Mr. ARMSTRONG, the name of the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 772

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. DOLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 1200

At the request of Mr. TRIBLE, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1200, a bill entitled the "National Right to Work Bill."

S. 1273

At the request of Mr. SYMMS, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 1273, a bill to direct the Secretary of Agriculture to conduct, in accordance with law and the intent of the Congress, the pilot project study of alternative means of providing assistance under the school lunch program previously authorized by law, and for other purposes.

S. 1495

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. NUNN), the Senator from West Virginia (Mr. BYRD), the Senator from Montana (Mr. MELCHER), the Senator from Michigan (Mr. RIEGLE), the Senator from Mississippi (Mr. COCHRAN), the Senator from California (Mr. CRANSTON), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1495, a bill to provide for a National Summit Conference on Education.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1691

At the request of Mr. ARMSTRONG, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1691, a bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs and for other purposes.

S. 1749

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1749, a bill to grant the consent of the Congress to the Southeast Interstate Low-Level Radioactive Waste Management Compact.

S. 1785

At the request of Mr. SASSER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1785, a bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill.

S. 1870

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 1870, a bill to amend title 18 of the United States Code to provide penalties for credit and debit card counterfeiting and related fraud.

S. 1896

At the request of Mr. TSONGAS, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 1896, a bill to establish a select commission to examine the issues associated with voluntary service.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1941

At the request of Mr. SPECTER, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a consponsor of S. 1941, a bill to establish the crime victim's assistance fund to provide Federal assistance to State and local programs to aid juvenile and adult victims of crime.

S. 1978

At the request of Mr. DOLE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1978, a bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to assure equality of economic opportunities for women and men under retirement plans.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 118

At the request of Mr. CHAFEE, the names of the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from Florida (Mrs. HAWKINS), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Joint Resolution 118, a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the names of the Senator from Nevada (Mr. LAXALT), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 181

At the request of Mr. BENTSEN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Alabama (Mr. HEFLIN), the Senator from Tennessee (Mr. SASSER) the Senator from New Jersey (Mr. BRADLEY), the Senator from Ohio (Mr. GLENN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Joint Resolution 181, a joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and outstanding contributions to the improvement and beautification of America.

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of Senate Joint Resolution 184, a joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week."

SENATE JOINT RESOLUTION 190

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to amend the Multilateral Force in Lebanon Resolution and provide for periodic review and, if appropriate, reauthorization by Congress for continued deployment of U.S. Armed Forces in Lebanon.

SENATE CONCURRENCE RESOLUTION 10

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution calling upon the Government of the United Kingdom to ban the use of plastic and rubber bullets against civilians.

SENATE CONCURRENT RESOLUTION 70

At the request of Mr. HOLLINGS, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Idaho (Mr. SYMMS), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Concurrent Resolution 70, a concurrent resolution expressing the sense of the Congress regarding actions the President should take to commemorate the anniversary of the Ukrainian famine of 1932-33.

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. HEINZ, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. DENTON), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Concurrent Resolution 79, a concurrent resolution to request the President to urge the Government of Japan to import U.S. coal.

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. QUAYLE, the names of the Senator from Oklahoma (Mr. BOREN) and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress with respect to the urgency of extending the Japanese automobile export restraints beyond March 31, 1984, at the current level of 1,680,000 vehicles, to foster recovery and reduce high unemployment in the American automobile industry.

SENATE RESOLUTION 259—ADDITIONAL PRINTING OF SENATE ELECTION LAW GUIDEBOOK

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 259

Resolved, That a revised edition of Senate document numbered 97-22, entitled "Senate Election Law Guidebook", be printed as a Senate document, and that there be printed eight hundred additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 260—REVISION AND PRINTING OF SENATE MANUAL

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 260

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-eighth Congress, that said rules and manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

SENATE RESOLUTION 261—GRATUITY TO DEBORAH T. AMBERS

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 261

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Deborah T. Ambers, daughter of LeRoy Ambers, an employee of the Senate at the time of his death, a sum equal to elevan month;s compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 262—GRATUITY TO JOHN D. BLACKER

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 262

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to John D. Blacker, widower of Gwendolyn A. Blacker, an employee of the Senate at the time of her death, a sum equal to ten months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 263—GRATUTITY TO RACHEL J. MILES

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 263

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Rachel J. Miles, widow of Willie T. Miles, an employee of the Senate at the time of his death, a sum equal to eight months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 264—GRATUTITY TO SOL E. NEWMAN AND BEATRICE NEWMAN

Mr. MATHIAS, from the Committee on Rules and Adminsitration, reported the following original resolution; which was placed on the calendar:

S. RES. 264

Resolved, That the Secretary of the Senate is authorized and directed to pay, from the contingent fund of the Senate, to Sol E. Newman and Beatrice Newman, parents of Stefanie J. Newman, an employee of the Senate at the time of her death, a sum to each equal to one-half of 2 month's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 265—GRATUITY TO ADELE C. OSTRANDER

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 265

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Adele C. Ostrander, widow of Harry R. Ostrander, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 266—GRATUITY TO SUZANNE RENEE WEINTRAUB

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 266

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Suzanne Renee Weintraub, widow of Robert E. Weintraub, an employee of the Senate at the time of his death, a sum equal to eleven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 267—ESTABLISHMENT OF A NATIONAL HISTORICAL INTELLIGENCE MUSEUM

Mr. GOLDWATER (for himself, Mr. MOYNIHAN, Mr. GARN, Mr. CHAFEE, Mr. LUGAR, Mr. WALLOP, Mr. DURENBERGER, Mr. ROTH, Mr. COHEN, Mr. HUDDLESTON, Mr. BIDEN, Mr. INOUYE, Mr. LEAHY, Mr. BENTSEN, and Mr. NUNN), submitted the following resolution; which was referred to the Select Committee on Intelligence.

S. RES. 267

Whereas intelligence activities have played a crucial role in the history of the United States;

Whereas intelligence activities were employed by George Washington at the outset of the American Revolution;

Whereas it is important that the citizens of the United States understand the role of intelligence in not only military achievement in wartime, but also in maintaining stability in peacetime;

Whereas the sacrifices and contributions to intelligence by thousands of men and women should be commemorated; and

Whereas the understanding of the importance which intelligence activities have played in the history of the United States and the acknowledgement of the people who have contributed to such activities can best be achieved by the collection, preservation, and exhibition of intelligence objects of historical significance:

Resolved, That the Senate supports the establishment of a National Historical Intelligence Museum.

● Mr. GOLDWATER. Mr. President, I rise to introduce a Senate resolution to support the establishment of a National Historical Intelligence Museum.

I am happy to say that this resolution already has the support of all the members of the Senate Select Committee on Intelligence, including our vice chairman, the senior Senator from New York, DANIEL PATRICK MOYNIHAN.

THE ROLE OF INTELLIGENCE IN HISTORY

Mr. President, intelligence has long played an important role in the history of nations. Four centuries before the birth of Christ, Sun Su, a Chinese military theorist, counseled that:

> The reason the enlightened prince or the wise general conquers the enemy whenever they move, and their achievements surpass those of ordinary men, is foreknowledge . . . What is called "foreknowledge" cannot be elicited from spirits, nor from the gods, nor by analogy with past events, nor from calculations. It must be obtained from men who know the enemy situation.

This observation contains the essence of what modern civilization refers to as "intelligence." As defined by the Commission on the Organization of the Executive Branch, chaired by former President Herbert C. Hoover:

> Intelligence deals with all the things which should be known in advance of initiating a course of action.

Intelligence activities were a developed art among the ancients. Practice, experience and technology contributed to the sophistication of this pursuit. Today, it may be assumed that every nation, regardless of their form of government or guiding political philosophy, engages in some type of intelligence activity. At the very least, the intelligence function contributes to the preservation and security of the state. Without it, the state, the mili-

tary forces and other departments or agencies of Government cannot function wisely.

In a book titled "3,000 Years of Espionage" by Kurt Singer, there is a chapter which relates to the 12 spies of Moses. In part, this chapter states:

One of the most stirring of spy stories in history is drawn from the Old Testament, which contains at least nine spy cases. We refer to the story of Moses and the twelve spies he dispatched into the Promised Land of Canaan around 1480 B.C. Moses selected one man from every tribe of the Children of Israel, which made a band of twelve who were ordered to do reconnaissance work in Canaan. They were led by Osee ben Nun, who is also known by the name of Joshua. Their mission occupied forty days. When they returned, they reported what they had seen in the "land of milk and honey."

THE HISTORY OF AMERICAN INTELLIGENCE

Just as intelligence played a crucial role in the history of nations since ancient times, it has also been a vital force in the history of the United States. Gen. George Washington relied very heavily on good intelligence in fighting our Revolutionary War, and intelligence has played an important role in every war which we have fought, including the Civil War. To the extent these wars were fought to keep us free, intelligence has played a vital role in our freedom.

Mr. President, I mentioned that intelligence has long played a significant role in the history of the United States. I am sure my colleagues will recall that Nathan Hale, who was one of the first great heroes of the Revolutionary War, was hung by the British as a spy. His famous last words—"I only regret that I have but one life to lose for my country"—have been an inspiration to Americans ever since, and have earned him a permanent place in our Nation's history.

Hale's untimely death in 1776 led General Washington to organize a more professional secret intelligence bureau. He chose as its chief Maj. Benjamin Tallmadge, who had been a classmate of Hale's at Yale. Washington's financial accountings show that he spent about $17,000 on secret intelligence during the years of the Revolutionaly War, a good deal of money in those days.

When Benjamin Franklin was dispatched to Paris as this fledgling Nation's Ambassador to France, espionage played a major role in his success as an envoy. In fact, one of the first great counterintelligence cases involved Benjamin Franklin's private secretary who, at the time, was passing secret messages on Franklin's activities to the British by means of a bottle hidden in the hollow root of a tree in the Tuileries Gardens in Paris. Historians today still debate whether Franklin was fully aware of the complicity of his private secretary, whose name was Dr. Edward Bancroft.

During the Civil War, President Lincoln relied heavily on secret agents located in the South who reported on a variety of topics relating to the strength, organization, and disposition of Confederate forces. Among the more famous private detectives in this period was Allan Pinkerton, who served as an intelligence organizer and coordinator from April 1861, until the fall of the following year. Pinkerton's field operations were conducted in the service of Gen. George B. McClellan during his command of the Ohio forces in the Army of the Potomac. They played an important role in the success of the Union forces. Ironically, Pinkerton's inability as an intelligence analyst, as opposed to a collector of intelligence, led to one of our first "intelligence failures" which contributed to his downfall as head of the Washington Spy Corps in 1862.

I am sure my colleagues are more familiar with some of the successes of American intelligence during the First and Second World Wars. By this time, the ability of American intelligence to read foreign codes played a major role in determining what German and Japanese forces planned to do in these conflicts. This information resulted in saving hundreds of thousands of American lives. Of course, with the establishment of the Central Intelligence Agency in 1947, American intelligence moved into its modern phase.

Mr. President, my purpose in reviewing these facts is to give my colleagues a feel for the long and distinguished history of American intelligence. These facts should also give my colleagues a picture of the sorts of historical events that a National Historical Intelligence Museum could dispaly for the American people.

Mr. President, the establishment of a National Historical Intelligence Museum is endorsed by the National Historical Intelligence Museum Association. This nonprofit organization was established in close cooperation with the Donovan Memorial Foundation, which itself is organized as a public foundation to honor the name and memory of General Donovan.

General Donovan was an unusually brave and courageous man who holds the unique honor of having been awarded the Medal of Honor, Distinguished Service Cross, and the Distinguished Service Medal for his activities as a soldier during World War I and as the head of the Office of Strategic Services during World War II. The foundation was established in his name and awards medals to outstanding men and women of the free world in recognization of their service to their countries and to the cause of freedom.

The directors of the Donovan Memorial Foundation support the establishment of a National Historical Intelligence Museum in order to provide a visual presentation of the history of American intelligence. Such a museum could contain a variety of artifacts which would give the American people a better feeling for the role, nature and importance of intelligence to our Nation's history. Obviously, none of these artifacts or displays would reveal current sensitive sources or methods of the intelligence business. The purpose is to show a historical perspective.

I believe that this museum could be an interesting place for the public to visit. It should give them a better understanding of what intelligence is all about and why it is needed. There are all kinds of interesting things that could go in it without ever compromising sources and methods of today's intelligence activities. After all, the use of intelligence goes back thousands of years prior to the birth of Christ.

THE FUNDING OF THE MUSEUM

Mr. President, I think it is important for my colleagues to understand that this resolution does not provide any funds for this museum. What we are trying to do here is to provide congressional support for the establishment of an historical intelligence museum. We want to encourage private donors to assist in its construction and its displays. In other words, passage of this resolution will not cost the U.S. Government any money.

In closing, Mr. President, I ask unanimous consent that a list of the officers and board of the National Historical Intelligence Museum be printed in the RECORD following my statement.

Finally, I urge my colleagues to cosponsor and support this resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HISTORICAL INTELLIGENCE MUSEUM

Officers: Martin G. Cramer, President; Maj. Gen. J. Milnor Roberts, AUS (ret.), Vice President; Charles T. Lloyd, Secretary; and Walter E. Beach, Treasurer.

Initial advisory board: Richard K. Betts, Hon. William E. Colby, Brig. Gen. James Lawton Collins, Jr., USA (ret.), Hon. Michael Collins, Frank L. Dennis, Richard Dunlop, Lawrence Houston, David Kahn, Lyman B. Kirkpatrick, Maurice Matloff, Hon. John F. Maury, Kenneth Y. Millian, Capt. W. T. Packard, USN (ret.), Joseph E. Persico, Lt. Gen. William W. Quinn, USA (ret.), Lt. Gen. Eugene F. Tighe, Jr., USAF (ret.), and Russell F. Weigley.

Board: Roger S. Abbott, Walter E. Beach, Martin G. Cramer, Jules Davids, Nancy Fogarty, Cynthia Grabo, Samuel Halpern, Charles T. Lloyd, Lawrence McWilliams, Capt. Roger Pineau, USNR (ret.), Maj. Gen. J. Milnor Roberts, AUS (ret.), Arden Rutenberg, Thaxter Swan, and Edward O. Welles.●

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget has

rescheduled its meeting for Tuesday, November 1 at 2 p.m. to Wednesday, November 2 at 10 a.m. to package and report the reconciliation bill of 1984. The meeting will be held in 608 of the Dirksen Senate Office Building.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, November 2, to hold a hearing on S. 803 a bill to establish the Commission on the Centennial Review of the Civil Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, November 2, to hold a hearing on purchasing of spare parts and support equipment in the DOD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, November 2, in order to receive testimony concerning the following nominations:

Mr. Thomas G. Hull, of Tennessee, to the U.S. District Judge for the eastern district of Tennessee

Mr. Daniel J. Horan, of Florida, to the U.S. Marshal for the southern district of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, November 2, at 2 p.m., to hold a hearing to receive testimony on the organization of the military departments and their relationship with other Department of Defense and executive branch agencies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, November 2, to hold a hearing on education excellence, and to consider the following Legal Services nominees: Leaanne Bernstein, Claude Galbreath Swafford, Robert A. Valois, William Clark Durant III, Robert Francis Kane, and Michael B. Wallace.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet in closed session during the session of the Senate on Wednesday, November 2, to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADMIRAL RICKOVER

● Mr. NUNN. Mr. President, I rise to pay tribute to one of our Nation's greatest military leaders, Adm. Hyman G. Rickover. Admiral Rickover today received a gold medal authorized by the Congress for his 63 years of service to the United States as a naval officer.

Admiral Rickover richly deserves this honor. His career as a guardian of our national security is unparalleled, and his selfless devotion to the Nation above all else provides a unique example for Americans to emulate.

Admiral Rickover is the father of the modern nuclear navy. He pioneered in the development of nuclear reactor technology for the propulsion of naval vessels and directed the application of that technology in the production of the *Nautilus,* the Navy's first atomic powered submarine. More than 30 years ago, former Secretary of the Navy Dan Kimball said that Rickover,

more than any other individual is responsible for the rapid development of the nuclear ship program. . . . He has accomplished the most important piece of development in the history of the Navy.

During the 30 years since then, Admiral Rickover has built steadily on that achievement. Under this leadership, the Navy's nuclear program has maintained an unequaled record of safety since its inception.

Moreover, the construction and deployment of the world's premier nuclear naval deterrent has been accomplished with both eyes on the taxpayers' pocketbook. Admiral Rickover has been a great friend of the American taxpayer. He has summed up his own attitude toward managing public funds: "I treat the Government's money as if it were my own."

Admiral Rickover's influence reached across the length and breadth of the Navy, from the education of the freshman NROTC cadet to the highest counsels of the Pentagon. Perhaps his greatest legacy, however, is his personal example of individual dedication and service.

Admiral Rickover did not avoid or postpone problems—he solved them. He did not make excuses or cast blame; instead, he took personal responsibility for getting the job done—and getting it done right. Every assignment he ever undertook bore his personal stamp.

That personal stamp was also imprinted on the people he led. Admiral Rickover's leadership helped to produce a corps of naval officers whose dedication, resourcefulness, ability, and constant pursuit of excellence are unmatched.

Mr. President, Adm. Hyman G. Rickover was truly a man of vision. Every American citizen owes him a large debt of gratitude for his role in assuring us a Nation strong enough to protect the peace and safeguard our freedoms.

Admiral Rickover once stated his personal philosophy in one short sentence by saying, "the more you sweat in peace, the less you bleed in war." We can all learn from that advice.

Mr. President, I am delighted that the Congress has honored Admiral Rickover with this gold medal today, and I am confident that his example will inspire future American leaders.●

PROS AND CONS OF EXPORTING ALASKAN NORTH SLOPE OIL

● Mr. RIEGLE. Mr. President, the Senate may soon consider the Export Administration Act, which contains a renewal of the limitations on the export of Alaskan crude oil. This issue has been under consideration by the last two administrations, despite repeated votes in the Congress opposing these shipments.

This opposition is founded on the belief that the export of our domestic oil supplies, especially from the Alaskan North Slope would be unwise and imprudent, as the 1979 oil supply interruption graphically illustrated. The support for the limitations has been drawn from all segments of the economy, from the maritime interests to labor unions, to consumer groups, to farm organizations. The overwhelming nature of the votes in the Congress, first in 1977 and again in 1979, indicates the breadth of this support.

The most persistent questions have centered on the economic benefits that may arise from the export of Alaskan oil to Japan. Various analyses have projected a decrease in our trade deficit with Japan, a lowering of oil prices in this country, and an increase in our energy security.

The General Accounting Office has recently issued a report which addresses all of these points. I would like to place in the RECORD at this point a copy of an article from Oil Daily dated October 11, 1983, entitled "GAO Sees Little Impact from Sales of Alaskan Crude." In addition, Mr. President, I

would like to insert a copy of the Digest from the GAO report.

I hope that the Members of the Senate will read this summary, since it addresses many of the economic concerns that have been raised in conjunction with this issue. One of the basic findings of this report is that there will be no net improvement in our balance-of-payments with Japan, due to the increase in oil imports to offset the shipments to Japan.

Mr. President, this is an important matter which concerns the energy security of our Nation. I feel strongly that our domestic oil supplies should not be available for export to Japan or any other nation, except under very limited circumstances, and the following documents provide additional evidence in support of that position.

GAO SEES LITTLE IMPACT FROM SALES OF ALASKAN CRUDE

WASHINGTON.—Exporting Alaskan oil to Japan would do little to change the overall balance of payments deficit, the General Accounting Office said.

The GAO said in a study of the arguments for and against exports that the exports would reduce the U.S. trade deficit with Japan, about $17 billion in 1982, by $1 billion a year for every 100,000 barrels per day exported.

But the oil would no longer be available to the U.S. Gulf Coast and would have to be replaced, the report said, and since the U.S. is a net importer of oil, the replacement oil would have to be imported.

"Thus, to the extent the United States offsets exported Alaskan oil with imports, the overall U.S. balance of payment deficit (about $31 billion in 1982) would remain essentially unchanged," the GAO said.

The report also discounted arguments from export proponents that the sales of North Slope oil to foreign countries would increase exploration incentives, noting that Alaskan producers reportedly earned about $5 billion in 1982 "and already have sufficient inducement to explore and produce more oil."

Since the amount of oil being considered for export represents only about 2 percent of the 53 million b/d in the world market, the report noted, such exports could not exert much pressure on the general price of oil.

The exports would also be unlikely to reduce the quality and quantity of oil available to the United States, the GAO said. It noted that comparable foreign crudes possibly from Mexico, Venezuela and Saudi Arabia, would be available to replace the exports.

The report said consumer prices would not decline immediately as the result of the exports, and West Coast prices for some products might increase in the near term.

In terms of national security considerations, the report said Alaskan exports would make Japan less vulnerable to supply disruptions.

"However, to the extent imported oil would be needed to replace Alaskan oil exports, the United States would become more dependent on foreign oil," the GAO said.

"Further, the loss of small tankers now used in the Alaskan oil trade could put the Defense Department in the position of relying on foreign shipping to supply petroleum products to the U.S. armed forces overseas should a future emergency situation require a military mobilization," the report said.

PROS AND CONS OF EXPORTING ALASKAN NORTH SLOPE OIL

Alaska presently produces about 1.7 million barrels of crude oil a day (b/d) from the North Slope, which, pursuant to legal export restrictions, remains in the United States. The West Coast uses about 900,000 b/d of that oil. The remaining 800,000 b/d are shipped primarily through the Panama Canal or Trans-Panama Pipeline to Gulf Coast and Caribbean refineries and ultimately consumed in the eastern half of the United States. A debate revolves around whether the oil currently shipped to the Gulf and East Coasts should be permitted to be sold on world markets.

The key perceived advantages in supporting Alaskan oil exports include: (1) increased revenue for Alaska and the Federal Government; (2) improved efficiency in the oil distribution system; and (3) enhanced U.S. relations with Japan from selling them Alaskan oil which would reduce Japanese vulnerability to supply disruptions.

The key perceived disadvantages to exporting Alaskan oil include: (1) harm to national security by increasing U.S. reliance on foreign oil and foreign shipping; (2) harm to the U.S. maritime industry, with its resulting domestic economic consequences; and (3) adverse effect on U.S. relations with Panama.

Economic implications of exporting Alaskan North Slope Oil.—Proponents and opponents agree exports will create transportation cost savings, increase Federal and State revenues, and Alaskan oil producers' profits. They also generally agree exports will harm the maritime industry and that the Federal Government would incur losses if, as expected, shipowners default on Maritime Administration ship loan guarantees. Tax revenues from the maritime industry and wages of seamen would go down.

Export proponents and opponents disagree, however, on the amount of the transportation cost savings and the economic effect on the maritime industry. The volume of exports that would take place and the freight rates applicable to the exports are the major factors for the differing projections of savings. Nevertheless, it is generally agreed that U.S. domestic consumers would receive no immediate benefit from exports.

Effect of exports on U.S. national security and foreign relations.—Alaskan oil exports would make Japan less vulnerable to oil supply disruptions. However, to the extent imported oil would be needed to replace Alaskan oil exports, the United States would become more dependent on foreign oil. Further, the loss of small tankers now used in the Alaskan oil trade could put the Defense Department in the position of relying on foreign shipping to supply petroleum products to the U.S. armed forces overseas should a future emergency situation require a military mobilization.

From a foreign relations viewpoint, Alaskan oil exports would create mixed results in relations with Japan and Panama and possibly Mexico.

JAPAN

Japan would welcome Alaskan oil, but Japanese officials commented that they would probably only purchase about 100,000 b/d now, with larger purchases possible in the future. Alaskan oil could increase long-term energy ties between the U.S. and Japan. However, the restrictions on Alaskan oil exports have had relatively little, if any, impact on overall U.S.-Japanese relations, according to Japanese Government and U.S. Embassy officials. A State Department official commented, however, that the export of Alaskan oil could have a positive impact on U.S.-Japanese bilateral relations.

Exporting Alaskan oil will reduce the U.S. trade deficit with Japan but the United States, a net oil importer, would have to replace Alaskan oil with imports, therefore, the overall balance of payments deficit would remain essentially unchanged. Moreover, reducing the U.S. trade deficit with Japan through Alaskan oil exports will not resolve the underlying cause of trade friction. Lifting the Alaskan oil export restriction may be viewed as eliminating a U.S. barrier to free trade, but even with Alaskan oil exports there would be continued pressure for greater U.S. access to Japanese markets.

MEXICO

Export proponents have suggested a swap arrangement which would send Alaskan oil to Japan in exchange for a similar quantity of Mexican oil now committed to Japan being shipped to the U.S. Gulf Coast. However, export opponents point out that additional exports of oil to the United States would be contrary to the stated Mexican policy of limiting its dependence on any single buyer (namely the United States) to 50 percent.

An official of the Mexican Embassy in Washington has indicated that Mexico regards Japan as a very important trading partner and wants to preserve that relationship.

PANAMA

Panama receives revenues that are expected to grow to about $100 million a year from income, tariffs and taxes generated by the transit of Alaskan North Slope crude across the Isthmus via the Panama Canal and/or the Trans-Panama Pipeline. The Panama Government notified the State Department in March 1983 that a change in U.S. policy which would result in the loss of these revenues would lead to serious implications and unexpected changes in the economic and political situation. However, the notification did not specifically state what these implications and changes would be.

AGENCY COMMENTS

GAO did not seek formal agency comments, but officials of the Departments of Energy, Defense, and State, and the Maritime Administration reviewed a draft of this report and they generally agreed with its contents.●

AMERICAN ACTION IN GRENADA

● Mr. BOREN. Mr. President, two articles have appeared recently in the New York Times of October 30, which I believe are well worth reading. I ask that the text of both be printed in the RECORD in full, following my remarks. One reports the comments of a very respected Grenadian journalist, Alister Hughes, in regard to the recent American action in Grenada.

Mr. Hughes stated:

Thank God they came. If someone had not come in and done something, I hesitate to say what the situation in Grenada would be now.

He continued:

I don't regard it as an invasion but a rescue operation. I haven't met any Grenadian who had expressed any other view.

The other article is a column by Norman Podhoretz entitled "Proper Uses of Power." One paragraph in the column is especially instructive. In it Podhoretz says:

We have, in short, approached Grenada with a clarity of political and moral purpose that we have been utterly unable to achieve in Lebanon. Armed with this clarity of purpose, the Reagan Administration has moved decisively and effectively—which is another way of saying that it has managed to brush aside pre-emptive rationalizations of the kind that were invoked to justify our impotence over the hostages in Iran and the newer rationalizations that have now appeared to explain why we can do nothing in Lebanon.

Podhoretz is right. Those who are criticizing the President now for his decisive action in Grenada would have been the first to condemn him had he failed to act and if our medical students had been taken hostage in an Iranian-type situation.

Those who decry our action now as an attack on a sovereign nation, ignoring the fact that practical political and military power had passed into the hands of an occupying Cuban force, would have been among the first to wring their hands in bewilderment once it became clear that the governments of neighboring small democratic and peace-loving nations were being attacked and subverted from a new strong Soviet and Cuban base in Grenada. Who, they would then ask, was asleep at the switch when the Cubans took over? Why did we let them entrench themselves in a base where it is now so hard to dislodge them?

Some of the critics have indulged in completely hysterical and irrational criticisms which reflect no credit on those who have advanced them. They have even compared American actions in Grenada to those of the Soviets in Poland and Afghanistan. It is incredible to me that any American would make such an outrageous assertion. Which neighbors of Poland or Afghanistan asked the Soviets to intervene? When did the Soviets ever say that their aim was to allow free elections and the return of control to the citizens themselves in Poland and Afghanistan? The American citizens who were in danger in Grenada were medical students. If any Soviets were in danger in Poland, it was because they were viewed as an occupying force sent to crush the nationalistic yearnings of the Polish people for self-government.

Whatever the President did, he would inevitably have been criticized. Far better that he act decisively as he did and now be criticized for the wrong reasons than to remain hesitant and paralyzed, and be justly held accountable later for failing to protect our citizens, failing to heed the cries of help from our friends, and failing to adequately look after our national interest. On the other hand, the President has not yet adequately defined our mission in Lebanon. Without a clearly defined mission, it is impossible to develop an efficient plan to accomplish it or a timetable by which we can extricate ourselves from a conflict of many generations in duration. The President is justifiably subject to questions about his failure to develop a coherent policy in Lebanon.

At the same time, if the facts prove to substantiate what the President has reported to the American people about the situation in Grenada, he will deserve the appreciation of the American people of both political parties for his decisive action.

This does not mean that we should have a "trigger happy" foreign policy. Of course, we should always exercise great prudence in using force. The human cost is terribly high. As one journalist wrote recently: "When we use force to exert control, we often find that we lose control." Certainly, in many situations, the use of military force is not the correct answer to the problem. However, it is just as wrong to say that there is never any circumstance which justifies the use of force. If done carefully, it can be a clear and valuable statement to the rest of the world. In this case, it sent a message that the United States will protect the safety of its own citizens and that we will not look the other way when the stability and security of our own hemisphere is threatened.

The articles follow:

[From the New York Times, Oct. 30, 1983]

PROPER USES OF POWER

(By Norman Podhoretz)

Suddenly, within a single week, and for the first time in years, the United States has been engaged in military actions of two different kinds and in two widely distant countries. Is this, then, the resurgence of American power that some of us have been hoping for since the election of Ronald Reagan?

If we ask that question in connection with Lebanon, the answer has to be an emphatic no. Far from suggesting a resurgence of American power, our policy in Lebanon is redolent of the sickly inhibitions against the use of military force that prevented the Carter Administration from doing anything about the seizure of the American Embassy in Teheran by Iranian "students" in 1979. The day our hostages were finally released, the newly inaugurated President Reagan declared that never again would terrorists be permitted to act against the United States with impunity. Nevertheless, impunity is precisely what has thus far been enjoyed by those responsible for the terrorist attack in Beirut last week, which resulted in the loss of at least 225 American Marines.

Why is this so? The reason is not that we do not know against whom to retaliate. On the contrary, we have very good reason to believe that this attack, like the one on our embassy in Beirut last April (to which we also failed to respond), was launched by a pro-Iranian Shiite group based in the Syrian-dominated sector of Lebanon. Since the Syrians are fully capable of preventing any organization located in territory they control from carrying out terrorist operations (or, for that matter, doing anything else), we have to assume that they either ordered or approved of these attacks on the United States.

It is the Syrians, therefore, who are responsible, and it is against their military installations in Lebanon that we should retaliate. That we have failed to do so means that even under Ronald Reagan there is no penalty for slaughtering American troops.

No wonder, then, that we hear so many calls from conservatives as well as liberals, hawks no less than doves, to pull the Marines out of Lebanon, at least after a decent interval, on the grounds that they have no clear mission to perform and are only "sitting ducks." But the reason the Marines have no clear mission to perform is that we have been unwilling to work with the Israelis in trying to reestablish a pro-Western democratic regime such as existed in Lebanon before 1975, when the Palestine Liberation Organization and then the Syrians moved in.

Instead, from the moment the Israelis invaded Lebanon in 1982, we have behaved as though they were somehow damaging American interests by inflicting a defeat on the Soviet-backed forces there. Indeed, American Marines were sent into Lebanon in the first place not to cooperate with the Israelis in clearing the P.L.O. out of Beirut but to prevent the Israelis from doing the job themselves. Then, having safely escorted the P.L.O. out, the Marines were withdrawn.

Since being brought back as a "peacekeeping force" after the Sabra and Shatila massacres, the Marines have as a matter of policy been conspicuously dissociated from the Israelis. There have been ugly incidents of confrontation with Israeli soldiers in the area. The United States has rejected Israeli cooperation in putting military pressure on the Syrians to withdraw from Lebanon and even in hitting back at the Syrians for the terrorist attack on the Marine compound itself.

Thus we have refused to work with a democratic ally (in this case, Israel) to strengthen democratic processes in a country (in this case Lebanon) where they have been severely damaged by radical elements (in this case, the P.L.O. and the Syrians) in league with the Soviet Union. The result has inevitably been an incoherent political strategy, and it is this incoherence that is reflected in the confusion surrounding the mission of the Marines in Lebanon.

Looking at Lebanon alone, then, one would have to conclude that we are still very far from anything resembling a resurgence of American power. But Grenada tells a different story, and the contrast is both, instructive and inspiring.

The United States has sent troops into Grenada at the behest of, and in unambiguous collaboration with, the tiny democratic states of the eastern Caribbean that lack the military power to defend themselves against Marxist revolutionaries backed by and linked to the Soviet Union and Cuba. Our political objective in invading Grenada is, as the President has put it, "to restore order and democracy." We are, in other words, openly using military power to protect our democratic friends in the region generally and to further the cause of democracy in Grenada in particular. We are also taking action against the strategic threat that has been posed to us by the

gradual transformation of Grenada into a base for Soviet and Cuban military operations.

We have, in short, approached Grenada with a clarity of political and moral purpose that we have been utterly unable to achieve in Lebanon. Armed with this clarity of purpose, the Reagan Administration has moved decisively and effectively—which is another way of saying that it has managed to brush aside pre-emptive rationalizations of the kind that were invoked to justify our impotence over the hostages in Iran and the newer rationalizations that have now appeared to explain why we can do nothing in Lebanon.

Grenada by itself cannot be taken to signify a resurgence of American power, especially given the demoralization evident in our response to the attack on our Marines in Beirut. But if Lebanon shows us a United States still suffering from the shell-shocked condition that has muddled our minds and paralyzed our national will since Vietnam, Grenada points the way back to recovery and health.

"BACK IN JUNGLE": EX-PRISONER DESCRIBES EVENTS BEFORE INVASION

(By James Feron)

BRIDGETOWN, BARBADOS, October 29.—A Grenadian journalist who had been interned on Grenada until the American-led invasion said today that "we need some authority to maintain order," but said he hoped it would include Caribbean forces only.

The journalist, Alister Hughes, said that Grenadian soldiers had shed their uniforms and were hiding weapons, and that Cubans may have retreated to the hills to fight a guerrilla war.

The 64-year-old Mr. Hughes, generally regarded as the most respected journalist on the island, was arrested Oct. 19, the day that Prime Minister Maurice Bishop was freed from house arrest but then killed, reportedly during a rally by soldiers loyal to the military, which had ousted his Government.

Mr. Hughes, who was freed by fellow prisoners from the Richmond Hill Jail near St. George's, the Grenadian capital, said of the American-led incursion: "Thank God they came." Speaking to reporters here, he said, "If someone had not come in and done something, I hesitate to say what the situation in Grenada would be now."

The crucial moment, he said, came after Mr. Bishop had been freed by a crowd he estimated at 10,000. "They had been denied the opportunity to choose between Bishop and Coard," he said, referring to Bernard Coard, the Deputy Prime Minister and leader of the coup.

"So 10,000 and maybe more were saying that morning they wanted Bishop," he said. "But they were fired on by the army—defenseless prople—and at that stage we were back in the jungle." As for the action by the United States and Caribbean forces, he said, "I don't regard it as an invasion, but a rescue operation. I haven't met any Grenadian who had expressed any other view."

Mr. Hughes' account of the events that led to the invasion also included a dramatic version of some of the fighting, in one case as witnessed by his brother, Leonard, who had also been detained.

"He said he saw a helicopter shot down on an open playing field," Mr. Hughes said. Two American servicemen got out, one of them wounded. "The other one dragged him free, then ran, but was hit by sniper fire and killed," he said. The wounded soldier used the radio he pulled from his pocket to call for help and "another helicopter arrived within 20 minutes to take him away," Mr. Hughes said.

"They didn't take the body, though, which was rifled of a watch, papers, service revolver and other items," Mr. Hughes said. An hour later a man in the uniform of the Grenadian People's Revolutionary Army arrived, took it to a sea wall and threw it in, he said, then stood over it "raking the body with automatic fire."

Mr. Hughes, who arrived here Friday and is to return to Grenada Sunday described widespread looting, especially of the capital's major supermarkets. "There is no authority in Grenada now," he said, and stores are being broken into. "In addition to food they are taking suitcases, cameras, radios—and it's mostly young people."

He thought the hiding of weapons might be widespread. A friend told him that some young girls had seen men hiding arms in a pasture and asked him what to do. The friend told the children to tell the United States Marines, which they did, and "quite a lot of arms were found," Mr. Hughes said. The journalist added that "if people are hiding weapons there, they must be hiding them elsewhere."

Mr. Hughes, a former businessman who is a reporter for the Caribbean News Agency and for The Associated Press, said he doubted that elections would be possible within six months, which has been suggested by leaders of Caribbean nations participating in the seizure of the island.

"FEELING OF FREE SPEECH"

"The sooner some authority is created in Grenada," he said, "the sooner we'll get an answer" through elections, "but six months is far too short a time." He said Grenadians had "lost the feeling of free speech."

He said he hoped that members of the 13-member Caribbean Community would be represented on an interim force, but added that the United States forces "can't finish in a week and leave."

He said that it had become clear before the recent coup that "Bishop had the charisma and popularity, and Coard didn't." He recalled that Gen. Hudson Austin, the leader of the military, delivered a speech the night Mr. Bishop was killed. The speech said that "there had been a suggestion in the party that Maurice continue his work with the people and that Coard continue with the political direction," Mr. Hughes said.

"That sounded to me like Coard was more or less intending to take the leadership," Mr. Hughes said. He also said General Austin described Mr. Bishop as having become "dictatorial—that he would not take advice."

General Austin also sought during that speech to explain Mr. Bishop's death by saying that soldiers in a military vehicle had come under fire from the crowd, suffering two fatalities. That was followed by what sounded like rifle fire, General Austin said.

That night, Mr. Hughes said, he was taken from his home, placed in a holding facility called the goat pen, once part of a prison farm, and later switched to a cell. He said he was treated well by the regular guards and prison officials and became worried only when the guards fled, locking the warden outside and the prisoners inside.

When the first jets flew over Tuesday morning, the armed militia outside shouted with glee. "They're MIG's! We've got two MIG's!" Mr. Hughes quoted the militia as shouting, mistaking the American jets for Soviet-made fighters.

Mr. Hughes and others were eventually released by other detainees and prisoners who had broken out of their cells.●

THE FAIRMOUNT THEATER FOR THE DEAF

● Mr. GLENN. Mr. President, I am proud to report that Cleveland's Fairmont Theater for the Deaf has been selected to represent the United States at the VIII International Pantomime Festival of the Deaf in Brno, Czechoslovakia. The many people who have watched these magicians of communication in action will testify that the honor is much deserved.

In making the selection, the Union of Invalids and the Czechoslovakian Ministry of Culture were impressed by the group's Circus of Signs performance, which has delighted Cleveland audiences for some time. In one polished sequence, deaf entertainers perform a Keystone-Kops-like chase on tricycles. In another act, the Ariel Atoms, three pairs of hands wearing illuminated gloves in the darkened auditorium, take on the role of acrobats.

By relying so heavily on movement and visual techniques, rather than sound, the performance instructs in the art of signing while richly entertaining at the same time. The combination makes for high quality theater that will distinguish our country as well as the individual performers, who have painstakingly perfected their acts. The competition will be challenging as the Fairmont group entertains during the week of November 15-20 for an international jury of specialists in the field of pantomime, but I am confident that the thrill of the big-top circus that they convey will captivate foreign audiences the way it has Cleveland-area theatergoers.

I wish our team well as the members compete for the Jean Kaspar Dubureau grand prize as American Ambassadors abroad, using visual vocabulary to remind us of the joys of sight and the powers of the deaf to make a full contribution of national and international life. The Czechoslovakians should look forward with much anticipation to the appearance of the Fairmount Theater of the Deaf because the Circus of the Deaf may be the greatest show on Earth.●

MARTIN S. BLINDER

● Mr. ZORINSKY. Mr. President, in less than a decade, Martin Blinder, through his Martin Lawrence Limited Editions, has emerged as one of the leading art publishers in the world. A significant feat considering that many of his competitors, primarily based in New York and Paris, have been involved in the publishing of fine art for 25 to 50 years or more.

Blinder, 36, credits his ascent to a sense of finding the right artist at the right time and working with them closely on all facets of the concept through printing and framing of each oil or limited edition graphic. All elements are covering with painstaking care keyed toward the quality of the work meshed with the marketing and sales effort at Martin Lawrence's own galleries or one of the nearly 1,000 galleries around the world which obtain art from the San Fernando Valley-based enterprise.

Over the years, the artists who have selected Blinder's company to publish their art reads, literally, like a who's who of the master of contemporary painting. They include Salvador Dali, Joan Miro, Victor Vasarely, Yaacov Agam, Peter Max, Yankel Ginzburg, and his newest discovery, Hiro Yamagata, who is quickly developing an international reputation with his serigraphs often selling out within a few months of being offered to the public.

A graduate of Adelphi University in 1968, Blinder was one of the youngest stockbrokers on Wall Street at the age of 21. After giving up the bulls and bears of the Dow Jones for the canvas and paint brushes of modern art, the Los Angeles, Calif., resident became actively involved in southern California activities.

He is a patron and frequent charitable contributor to museums throughout the country including the Los Angeles County Museum of Art; the Hirshorn Museum in Washington, D.C., and the Guggenheim Museum in New York City.

Blinder also serves as president of the Research Foundation for Crohns disease based at UCLA and is actively involved in many local charities.

As a leading spokesperson on art, Blinder has participated in numerous television, radio, and newspaper interviews throughout the country,

His contributions on a professional and charitable basis have been honored by a Los Angeles City Council resolution in May 1983. He is also listed in "Who's Who in Business and Finance," "Who's Who in the West," "Who's Who in California," and "Who's Who in American Art."

This year, Mr. Blinder has devoted himself to a new cause, the "Air and Space Bicentennial." He has instigated artists of national acclaim to join him and the honorary chairman of the bicentennial, President Ronald Reagan to create posters that will glorify 200 years of the space adventure that started in a little village in France with the first balloon flight.

And now, 1 short month later, thousands of wonderful posters by 10 famous artists are distributed worldwide through his efforts to promote this significant event. Marty Blinder is living proof that American enterprise is alive and well. Hard work generates success and success breeds charity.

THE CONSCIENCE POINT WILDLIFE REFUGE IN SOUTHAMPTON, N.Y.

● Mr. MOYNIHAN. Mr. President, I wish to alert my colleagues to a problem that has surfaced in my State. I believe the problem will surface elsewhere. The U.S. Fish and Wildlife Service plans to exchange part of the Conscience Point Wildlife Refuge in Southampton, N.Y. for property owned by a local resident. The Fish and Wildlife Service hopes to receive 226 acres of wetlands and 106 acres of upland ridge property in exchange for 44.7 of the 60 federally owned acres that comprise Conscience Point.

This transaction would seem to be quite a deal for the Fish and Wildlife Service, but it is not. The land offered by the local resident is protected from development by existing State environmental statutes; Conscience Point, once privately owned, would not enjoy similar protection.

Mr. Stanley Howard deeded Conscience Point to the Fish and Wildlife Service nearly 18 years ago, precisely to protect it from commercial development. If the Fish and Wildlife Service trades Conscience Point for expediency's sake, its action will constitute a breach of faith.

The point I wish to make is a simple one: Over the past several years, the Fish and Wildlife Service has received 374,105 acres through devise or gift. Trust has been an essential element of the willingness of private citizens to donate land to the Service. We must not allow that trust to be undermined.

There are many who are actively opposing the Conscience Point land exchange; among these are Max Lerner and Edna Albers Lerner. Edna Albers Lerner expressed her deep concern in a recent letter to the editor of the Southampton Press. The letter, though it deals with an issue of local interest, has a poignancy and persuasiveness that ought not be ignored by Members of Congress.

Mr. President, I ask that Edna Albers Lerner's eloquent letter, previously published in the Southampton Press, be printed in the RECORD in its entirety.

The letter follows:

[From the Southampton Press, Aug. 4, 1983]

MOVING LETTER

To the Editor: I am moved by Mrs. Havemeyer's letter in the Press about Stanley Howard, whose North Sea legacy to the United States government is coveted by Peter Salm, to add a word to hers. My husband, Max Lerner, our three sons, and I were Stanley Howard's tenants for 25 years. We came to know him quite well, although he was a reserved, private, old country kind of man, not given to unnecessary conversations.

Our sons admired him greatly and trailed him about, in the process learning a great deal of country lore, as well as how to mow, shingle a roof, take care of horses, and the like. We loved his place, where the children had grown up, and tried several times to buy it without success, although he did offer to let us buy it from his estate after he died.

But his obsessive preoccupation was with his beautiful land, and he thought constantly about how to preserve it. Riding with him one day on top of the dunes, we paused to look back over the woods, inlet, and pasture and he told me happily that he had concluded arrangements to give it to the government: "No one can come onto it. It gives me great satisfaction to know it will stay like this forever."

I was glad for him, but not sure about excluding everyone and suggested a park as an alternative so that people could continue to enjoy it.

"No, said Stanley, "Look at Elliston Park—all bottles and chewing gum wrappers. I want it just this way. No people, just the deer and birds."

When he died and we had to move, the sadness of losing both our old friend and the house was mitigated by the thought that the land was safe forever. This was not achieved without difficulty. Ironically we joined with Peter Salm and others who knew Stanley's wishes to expose a fraudulent will drawn up by some of his relatives. When I hear now that the same Peter Salm is offering to barter his wetlands for Stanley's lovely acres, I wonder what we were fighting for.

Stanley Howard was not interested in enriching the United States government. He gave it the land he loved as a trust as the one sure way he knew to preserve it forever. If this contract is broken the government will forfeit future bequests. If it cannot promise to safeguard the very land that is offered on the terms it is offered, let it refuse, and let owners make other, safer arrangements.

Trust in government is eroded less by dramatic large scandals than by the disgust engendered by watching, powerless, these petty, ignoble deals.

Yours,

EDNA ALBERS LERNER,
Southampton.

S. 1580, THE EXCELLENCE IN EDUCATION ACT

● Mr. CHAFEE. Mr. President, recently I joined with Senator HEINZ in sponsoring S. 1580, the Excellence in Education Act. This legislation establishes a program of awards to local education agencies to carry out plans for improvement of elementary and secondary schools. It is my strong hope that the Senate will approve this measure before adjourning.

Since 1983 has been the Year of Education in the United States, few subjects have occupied more attention. The administration, Congress, State, and local governments, business and industry, labor and civic groups throughout the Nation have examined education more closely—and more critically—than in any other period in the last two decades.

The catalyst for this discussion was the report of the National Commission on Excellence in Education. In assessing the shortcomings of American education and recommending steps for improvement, the report helped to catapult education to the forefront of our national consciousness. It provided a sobering analysis of our problems in education as well as a positive blueprint for change.

The report has contributed to a greater public awareness about the critical connection between educational quality and our Nation's economic competitiveness. It has been the basis for new and constructive discussions among teachers, students, school administrators, school board members, State officials, and others in American communities about how well schools are meeting our national needs and what should be done to improve them. Other studies and reports have followed, urging steps to bolster instruction and reverse the decline.

While education is the primary responsibility of State and local governments, Federal leadership remains a key component. This leadership has been particularly significant this year in galvanizing citizens across the country in the drive for quality education.

There are encouraging signs that they are responding. In State after State we have seen efforts to adopt tougher curriculum and graduation requirements, extend the schoolday, improve attendance, and bolster the level of instruction by providing increased salaries for teachers and performance-based salary plans to provide incentives and reward superior teachers. Perhaps the most encouraging signal—and the one which best points out the positive impact of the National Commission report—is that a recent Gallup polll indicates a majority of Americans who are familiar with the report's conclusions say they will be willing to pay more taxes in order to improve education.

The Excellence in Education Act complements the National Commission report by providing an incentive for local school districts to set concrete goals for improvements in their schools. It encourages school administrators to look ahead, to determine where they want to go and what must be done to get there. They must bring together those whose cooperation is crucial—students, parents, teachers, principals, the community—and give them something to shoot for. The goal itself need not be grand, rewards for improved attendance, for example. But a common aim can help establish motivation and momentum.

Maintaining this momentum is important not only in order to restore quality education, but to assure taxpayers that education continues to be the best investment they can make in assuring a prosperous and productive future for communities throughout the United States. This assurance can only be provided if local education leaders identify the strengths and weaknesses in their schools and demonstrate resolve in addressing the problems. We can help. Not only by doing studies. Not only by maintaining the many fine education programs already in place. We can help by making strides to encourage local efforts to bolster the level of achievement in schools, according to local priorities.

This legislation does not purport to be a sweeping solution to the problems we face in education. But it can help to reinforce the Federal Government's role in the partnership for improving schools.

The bill will establish a modest program of grants to local schools where plans for reform are underway. It authorizes the Secretary of Education to award grants of up to $40,000 to 1,500 schools across the United States over the next 3 years. The schools will be selected on a competitive basis by local school districts, State education officials, and the Secretary of Education. Awards will be made to schools which demonstrate a commitment to pursue goals of improvement, by setting forth plans to implement recommendations of the recent reports for improving educational standards and instruction.

Among the eligible activities are:

Modernization and enhancement of curriculums;

Increasing of graduation requirements in basic subjects;

Implementation of attendance policies with clear sanctions to reduce absenteeism and tardiness;

Experimentation with a longer schoolday or longer school year;

Providing incentives to teachers for outstanding performance, including financial awards and administrative relief, such as the removal of paperwork and extracurricular duties, and;

Demonstration of new and promising models of school-community relationships and business-education partnerships, including the use of non-school personnel and community volunteers to alleviate shortages in areas of instruction such as math and science education.

To encourage such public/private partnerships in public education, the legislation sets aside 20 percent of the award money for schools that match Federal funds with private sector contributions.

This legislation is designed to permit local educators to assess their needs, develop plans, and pursue activities to improve the total school environment. It is thus a unique approach which does not prescribe a single solution but encourages local educators to concentrate on those strategies best suited to their schools.

Last month, representatives of 144 schools were honored here in Washington for outstanding achievements in the Secretary of Education's secondary school recognition program. We are all proud of the magnificent accomplishments of these schools. Their recognition helps to heighten public awareness about the many wonderful contributions being made in our public schools today. This legislation will encourage continued strides toward excellence by rewarding schools which are determined to attain the highest possible level of achievement.

Enactment of the Excellence in Education Act will signify that Congress remains deeply committed to improving American education. I hope my colleagues will join me in working for its passage.●

OPPOSITION TO LIFTING OF THE SANCTIONS IMPOSED ON THE POLISH GOVERNMENT

● Mr. DODD. Mr. President, I find today's press reports on the intention of our Government to start to lift the sanctions imposed on the Polish regime greatly disturbing. Nothing can justify such a move at present, it is very premature. The President specified quite clearly, at the time, martial law was forced on the Polish people, what are the conditions of lifting the sanctions. None of those conditions have been fulfilled. Martial law was lifted only formally last July, most of its restrictions were transferred into the regular body of public laws in Poland. A number of political prisoners were released but many remained jailed. Moreover, the Government indicated that it is preparing a criminal trial for the leaders of Solidarity and the intellectual dissident group KOR, and even hinted that the death penalty may be considered for some of these defendants. Finally, the Government failed totally to open a dialog with the real representatives of the workers, the leaders of Solidarity, and its talks with the Catholic Church were also largely fruitless, due to the rigidity of the Government's position.

The only measure that may be justified as a gesture toward the Polish Government is the rescheduling of the debt owed to Western governments. Such a move would impose an obligation on them to start to repay what they owe us and to come current on the interest payments to official Western creditors including the U.S. Government. Such a move would not give them a free ride. They are already paying private creditors while our Government did not get a penny since late 1981. A rescheduling would correct this inequity and is in our interest.

With respect to the other sanctions, however, I see no reason at all to start to lift them. It would send the wrong

signal to the Polish people indicating our readiness to abandon them quietly. We have to insist on the conditions originally set, a genuine easing of the oppression, the release of all political prisoners and the start of the dialog.

I find the President's intention to start to lift the sanctions particularly surprising in light of his tough anti-Communist rhetoric. Maybe those of us who suspected him of having no concern for human rights except vis-a-vis leftist dictatorships were unfair to him. It seems that beyond considerations of temporary political expediency he does not care about human rights under any kind of regime.

Mr. President, we cannot let the Polish people believe that we can hardly wait the moment when we can unload our concern for their courageous and inspiring movement as just so much deadweight. I urge my colleagues to oppose this ill-advised move.●

LAWYERS INVADE GRENADA

● Mr. JEPSEN. Mr. President, from the very start of the operations in Grenada, there have been those who have strongly criticized the operation purely on the basis of perceptions of improperly followed legal procedures.

These criticisms ignore the reality of the events in Grenada immediately preceding the American action. An editorial in today's Wall Street Journal discusses this phenomenon and puts this inordinate focus on "proceduralism" in the proper perspective. I ask that this editoral be placed in the RECORD.

The editorial follows:

LAWYERS INVADE GRENADA

We attended a dinner the other night at which the subject of Grenada inevitably came up. One guest, however, tried to set one ground rule for the discussion. "We are only going to be able to talk sensibly about Grenada," he said, "if anyone here who is an international lawyer agrees to keep his mouth shut." You can't have everything.

We have before us in the U.S. invasion of Grenada a certifiably good thing. A group of Cuban-Grenadian Marxist thugs was kicked out by several thousand U.S. Marines to a) rescue U.S. citizens, b) make Grenada safe for democracy, c) make the rest of the region safe from similar Cuban-Soviet subversion and oppression. Now, it's likely that the only kind of nation in which such a clear and clean victory would not be met with approval is a nation whose court system is jammed to bursting with lawsuits created by its gerbil-like law schools. As luck would have it, the U.S. is that very nation. And so our news-interview programs, opinion columns and editorial columns are filled these days with people screaming, "Point of order! Point of order!"

The Hon. Sol Linowitz in the Washington Post: "If there was evidence of a real threat to security and stability in the region, should it not have been put before the OAS for action pursuant to the provisions of the Rio Treaty?" Unhappily, one of the key parties to the "dispute," Maurice Bishop, was in his grave and beyond the reach of OAS mediation.

At the far end of Pennsylvania Avenue, members of Congress are running through the halls waving their well-worn copies of the War Powers Act. Many of them demand that the president, regardless of that commander-in-chief nonsense in Article II of the Constitution, ask Congress to authorize the Marines' presence in Grenada beyond 60 days, thereby putting Grenada's future in the hands of several hundred U.S. politicans. These are the same men and women who under another piece of landmark lawmaking—the Budget Control Act—can't pass an annual budget for their own country.

Then there's the rules-of-evidence faction currently holding forth in the editorial columns of the New York Times. It wants to know: "What is the evidence" of Soviet-Cuban destabilization in Grenada? Reading further on in the Times editorial we encountered: "To much of the world, the invasion appears no different than the Soviet invasion of Afghanistan." The Afghanistan analogy reminded us that somewhere along the line we had had our own experience with this very same fastidiousness regarding evidence.

Oh, now we remember: The Times and Alex Cockburn are the only ones left who don't believe in "yellow rain." So let's see, to get evidence that the Cubans are up to subversion you need control samples: some islands where the Cubans are building jetports and the Marines intervene, and some islands where the Cubans are building jetports and the Marines don't intervene. Then when you have enough islands for a Chi-Square test, you can inquire whether the evidence has been collected in compliance with the Miranda rule.

Finally, the Times argues, "the cost is loss of the moral high ground: a reverberating demonstration to the world that America has no more respect for laws and borders, for the codes of civilization, than the Soviet Union." If that sentence reflects the beliefs and values that animate life on the moral high ground, we aren't so certain that it is a place worth occupying.

It suggests that the idea of democracy or self-determination has become a kind of legal abstraction in the minds of Western political elites. The thing has become so taken for granted in Western Europe and the U.S. that its establishment and preservation hardly seem to warrant any action more aggressive than citing Article II of the Rio Treaty. And we're afraid that what this suggests in turn is that one very big problem facing such emerging or fragile democracies as that in Grenada is that the dark and unfamiliar people who live in these places are not quite worth, say, the 16 Americans who died on their behalf. We have quoted before and will quote again the New York Times comment on yellow rain: "Reports that the Russians used toxic agents in Afghanistan and Indochina have not been fully confirmed. Besides, they describe small-scale use against unprotected people in remote areas."

If the proceduralism now serving as the substantive criticism of our Grenada action should succeed, the democrats living in the East Caribbean won't be the only free people with serious cause to worry about their future.●

GUY W. NICHOLS—NEW ENGLANDER OF THE YEAR

● Mr. TSONGAS. Mr. President, I would like to bring to the Senate's attention that Guy W. Nichols, chairman of the New England Electric System, has been named New Englander of the Year by the New England Council, Inc., the region's leading business and industry association.

Mr. Nichols, whose company provides electric power to more than 1 million customers in Massachusetts, Rhode Island, and New Hampshire, received the award this year in recognition of his many contributions to the New England economy.

I would like to cite a few of those contributions.

Mr. Nichols has been a leader in New England and the Nation in voluntary efforts to covert oil-burning generating units to domestic coal in an economical and environmentally sound manner. Six of his company's generating units have been converted to coal. This has reduced New England's dependence on foreign oil by approximately 14 million barrels per year. By making use of state-of-the-art environmental protection equipment, this conversion to coal has resulted in an improvement in air quality.

Mr. Nichols has helped create more than 1,000 jobs for New England by initiating the construction of New England Electric's own coal-fired, coal-carrying ship to deliver coal supplies to its powerplants. This U.S.-flag vessel, which is now operational, is helping assure a reliable, embargo-proof supply of domestic fuel for the company's coal-fired generating units.

Mr. Nichols was one of the first utility leaders in the Nation to embrace renewable energy sources such as small hydro, wind, and solid waste, as viable power supply options. His company has signed five contracts for purchase of power from trash-burning facilities, for example. To the best of my knowledge, no other utility in the United States has surpassed this record.

Mr. Nichols is also taking a leadership role in the effort to bring relatively low cost surplus hydroelectric power from Quebec to New England. His company will build and finance a major portion of the international transmission tieline between New England and Quebec's extensive hydroelectric facilities. This power will be of great value to New England consumers in terms of lower energy costs.

Mr. Nichols has actively encouraged energy conservation among New England's homeowners, businesses, and industries. This year, his company sponsored a competition for the design of energy-efficient houses suited to New England's unique climate. More than 180 entries were submitted, and the winning designs are now being made available to consumers. Under Mr.

Nichols' leadership, New England Electric has also expanded its grant program for weatherization improvements to electrically heated homes and has demonstrated energy conservation measures to thousands of consumers at its two conservation houses in Massachusetts and Rhode Island.

Mr. Nichols has made an important contribution to the effort to improve the economy of Rhode Island, the New England State which has been particularly hard-hit by high unemployment levels and a decline in industrial activity. Mr. Nichols was a guiding force in the development of his company's multifaceted action plan designed to boost the State's economy. The plan's primary feature is a 20-percent discount on basic electric rates to industries that provide new jobs either through expansion or through the state of new operations in Rhode Island.

I applaud Guy W. Nichols' many contributions to the economic health of the New England region, and am pleased to acknowledge his selection as the New England Council's New Englander of the Year for 1983.●

25TH ANNIVERSARY OF NASA

● Mr. DOMENICI. Mr. President, October marked the 25th anniversary of the National Aeronautics and Space Administration. Over the past 25 years, NASA has consistently met challenge after challenge and, in so doing, has made the United States the preeminent leader in space.

Over the past 25 years, NASA has successfully launched nearly 800 vehicles into space. Over a decade ago, men landed on and explored the Moon. In June of this year, Pioneer 10 became the first spacecraft in history to leave the solar system. And now, we have in the space shuttle, a reusable transportation system to get us in and out of near Earth orbit, which will permit full scientific and commercial exploitation of space. At this point in time, I believe that it is both logical and appropriate for us to stand back and not only take a look at where we have been, but where we ought to go in our civilian space program.

There are a number questions that need to be answered as we face the next quarter of a century. For instance, if NASA is to embark on another major developmental program like Apollo or the space shuttle, what should it be? There is growing support both in and outside of NASA for a space station which would involve an estimated first stage cost of somewhere between $7.5 to $9 billion. At the same time, there are those in the scientific community who have indicated that there is no scientific need for a manned space station before the end of this century. It seems to me that there needs to be an extensive examination of all sides of this issue, and that this examination should be done in the context of a comprehensive space policy which has been formulated by all concerned.

I single out the space station as an example of one of many major decisions that must be made at this juncture in the civilian space program. The myriad of others involve issues such as the so-called militarization of space, the future of the planetary program, the operation and the future management of the space transportation system, and space commercialization—just to name a few. Each of these issues are, in some way, related to the other. As a result, decisions that will be made on each will have a direct effect on the other.

In these difficult economic times, as we face the task of dealing with larger and larger projected deficits, I believe it is essential that every effort be made to formulate comprehensive Federal policies—taking all known perspectives and needs into account before committing ourselves to any new and significant capital investment program.

The proposed Space Commission would get input from NASA and the Department of Defense as well as other Federal agencies who are users of the space program—from industry, the science and academic communities, and State and local governments. In that way, all relevant sectors will be involved, and, hopefully, their recommendations will be a well-balanced representation of all points of view. In so doing, we can then begin to formulate and implement a national space policy which will most economically and efficiently serve this country as we move toward the challenges of the 21st century.

I believe that NASA represents perhaps the most technologically innovative resource in our Government. Further, I believe that NASA and the country as a whole stand to benefit from a well-thought-out national space policy which will serve as the foundation for another 25 years of monumental achievements. Once again, I congratulate NASA on its 25th anniversary and I look forward to the limitless opportunities that exist in the future for the U.S. civilian space program.●

ERA HEARINGS CONTINUE IN THE SENATE

● Mr. KENNEDY. Mr. President, the Senate Judiciary Committee's Subcommittee on the Constitution continued hearings today on Senate Joint Resolution 10, the equal rights amendment. The focus of today's hearing was the relationship of the ERA to the military.

We were fortunate to have as one of our witnesses Antonia Handler Chayes, former Under Secretary of the U.S. Air Force. As Under Secretary, Ms. Chayes was responsible for the direction of many major weapon systems programs, directed the development of Air Force strategy to enhance strategic airlift capability, and supervised international policy issues, allied participation in weapon systems development, and foreign military sales. The organization and management of construction of Israeli airbases under the Camp David accords were under her direct supervision.

Prior to serving as Under Secretary, Ms. Chayes was Assistant Secretary of the Air Force for Manpower, Reserve Affairs and Installations. In this position, she managed and supervised a $700 million annual budget for military construction and personnel and instituted a new personnel program for analyzing and enforcing equal opportunity of employment practices for both civilian and military Air Force personnel.

Ms. Chayes is currently a partner in the law firm of Csaplar & Bok in Boston. Her responsibilities include defense-related consultation and corporate law.

Ms. Chayes provided valuable information to the subcommittee on the contributions of women in the military under present policy, and the potential for strengthening our Armed Forces by replacing gender-based exclusions with sex neutral job-related criteria for all military specialties.

Mr. President, I ask that the text of Ms. Chayes testimony be printed in the RECORD.

The text follows:

TESTIMONY OF ANTONIA HANDLER CHAYES

The purpose of this hearing is to illuminate one question: whether the passage of the Equal Rights Amendment would have an impact on our nation's ability to sustain and field combat-ready forces in any emergency.

It is my firm belief that removal of legal impediments to permit the armed forces to fully tap a much larger pool of potentially capable and talented people will enhance national security. Nondiscriminatory utilization of over 50 percent of the population would radically alter the manpower equation in planning for mobilization. And, as experience with peacetime utilization of women has demonstrated, the increase in numbers and gradual acceptance of women into specialties previously closed to them has improved the quality of manpower required for an increasingly technological sophisticated fighting force.

It is necessary to assess the potential effectiveness of military manpower in the context of overall military strategy and planning. We are planning for military situations in which the potential adversary greatly outnumbers us in military manpower and equipment; in which his lines of communication and supply are shorter than our own. In these circumstances, we expect to compensate for numerical disadvantage by leveraging U.S. technological advantage both for its deterrent and warfighting value.

We have become increasingly aware that we have placed a crushing burden on the credibility of our nuclear deterrent. Despite the extensive investments we are now making to modernize our strategic and intermediate range nuclear forces, there is growing awareness that their deterrent value has lessened. Nuclear war is not winnable, as President Reagan has come to understand and articulate. We therefore raise the nuclear threshold by increasing the deterrent value of the weapons systems and strategy of the wars we can fight and win. We have enormous strength in electronic and semiconductor technology to provide us with even more precise anti-armor weapons, antisubmarine warfare, tactical air, and C31. We must be able to produce, employ, maintain, repair and replace weapon systems with rapidity and effectiveness to counter greater odds. It may be somewhat beside the point to state that there still remains a serious budgetary mismatch for a strategy that has been accepted by senior military planners. It is not beside the point to urge that we unshackle manpower planners from the artificial legal and psychological barriers against using a major segment of the capability and talent needed for such an effective deterrent and warfighting strategy.

We would not cripple ourselves by limiting the pool to brown-eyed people, nor would we eliminate entirely people with flat feet or nearsighted vision. It would be unthinkable today to exclude Blacks and Hispanics although it was still argued in World War II that desegregating the armed forces would impair the moral and fighting capability of the white majority. Before President Truman's order of integration in 1948 there were violent demonstrations that turned into ugly race riots. It became clear that racial tension was sapping combat strength. Gradual understanding of the impact of segregation on mission moved us toward full integration. We learned in Vietnam to fight beside an ally who was shorter, lighter, weaker and culturally different. We contemplate a coalition defense including an even wider spectrum of cultural, linguistic and operational variety.

I understand the fears that until now have kept the military the one area of federal law where explicit sex discrimination still exists. However, the experience of the last several years has proven those fears to be groundless, and it is time to put them to rest. Since the 1970's, there have been great increases in the numbers of women serving in the armed forces, and these women have performed extremely well. Today, the skills and capabilities provided by women have become so integral to the efficient operation of all branches of the armed services that, in any national emergency, it appears that conscription of women is inevitable. In fact, plans have already been developed for a draft of both men and women with medical skills.

The unprecedented growth of women's participation in the armed forces was a consequence of the 1973 decision to eliminate the draft. Well before the end of the 1970's the United States had emerged as the world leader in the use of military womanpower, both in total numbers and in proportion to the total force. By June 1977, more than 110,000 line officers and enlisted women were on active duty, and the numbers were still climbing, even in the face of overall military force level reductions. In 1972, one in every 30 enlisted recruits was a women; by 1976, the number had risen to one in every 13; today, it is one in 11.

Contrary to initial fears about the all volunteer force, the quality of new recruits actually increased following the removal of the draft, as measured by such indicators as mental aptitude and educational attainment. One reason for this qualitative improvement was the expanded recruitment of women, who were required to meet higher standards. More than 91 percent of the female recruits were high school graduates, as compared with less than 67 percent of the men. And high quality women proved to be far less expensive to recruit than men of comparable quality. For example, the Army spent about $3,700 to recruit a "high quality" man v. $150 for a comparable quality woman or man deemed less qualified by the services.

In 1977, the Brookings study by Binkin and Bach, "Woman and the Military," estimated that, without radically departing from current policies and practices and without disrupting the rotation or career opportunities for men, close to 600,000 military enlisted jobs—or 33.3 percent of those performed by the enlisted force, could potentially be filled by women. Because the estimates varied widely from service to service, and some were clearly unrealistic, the study concluded that the number of military enlisted women could eventually reach 400,000, or 22 percent of the force—more than double the expansion planned by the Pentagon.

DOD asked the services to submit their own manpower data to evaluate the potential for using women. In that evaluation, the overriding issue was combat effectiveness. The services' data indicated that out of a total of 1.5 million enlisted and 244,500 officer positions, only 40 percent of each could be identified as either combat or combat support. This left well over half of the enlisted and officer positions as theoretically available to women—again, with variations among the services.

In 1971, women comprised less than 2 percent of the Armed Forces. By 1981, the figure had grown to 9.4 percent and projections made before 1980 did not flatten appreciably for several years, rising to 16.5 percent for 1984.

In the late 1970's, however, the military cautioned against moving too fast in expanding the roles and numbers of women "until such time as we have confidence that the basic mission . . . can be accomplished with significantly more female content in the active force." And the services employed a variety of techniques to refute their own manpower data and reduce the numbers of positions "available" to women—techniques ranging from the "lack of adequate facilities" argument of the development of an elaborate and arbitrary system of percentages based on each unit's expected distance from forward combat areas in war-time. The Army flatly contended that it should not be forced to increase the number of enlisted women until it had evaluated the impact of such increase upon mission effectiveness. As many had feared, decisions were made during the first year of the Reagan administration to postpone further increases until the impact of increasing numbers of women in the military could be more systematically addressed. And today, the growth has slowed dramatically. In 1969, for example, the number of military women on active duty in the Air Force comprised 1.5 percent of the total. By December of 1979, that percentage had increased to 9.9 percent. Projections for 1984 indicated an increase to 16.5 percent. In fact, however, the percentage is now only 11.2 percent, and is expected to reach only 11.4 percent by 1985. The projected growth figures for the other services have leveled off similarly.[1]

Still, between 1971 and the end of 1981 the number of women in the military more than quadrupled and by 1981 55 percent of the enlisted women were in traditionally all male specialties. This is critical, I think, because of the advanced technological nature of our weapons systems. Traditional notions of battle have been radically altered, as all service strategic planning recognizes. Hand-to-hand combat may always exist, but advance systems are likely to be far removed from the battlefield, and may even include civilian maintenance. It is not surprising that acceptance of women has been higher in those areas in which the weapons systems employ technologies found in the civilian labor force. Conversely, I think we must recognize the fact that the range and scope of today's weapons make it unlikely that the FEBA will ever again be clearly delineated. If we want to protect women from high risk of casualty, we will have to bury them underground.

In both traditional and nontraditional positions, and in the many tests designed to measure the impact of women upon the performance of their military units, the findings were the same. The women performed well, and did not adversely affect either the morale or the performance of the unit.

In a series of studies and tests ("The Women Content in the Army"), the Army demonstrated that women did not adversely affect unit performance in support and combat-support units and in combat unit headquarters above battalion level. Although in theory the tests were designed to reveal what proportion of women in a unit (up to 35 percent) would produce a deterioration in unit performances, the Army discovered that "when properly trained and led, women are proving to be good soldiers in the field, as well as in garrison." The Commander in Chief of the United States Atlantic Fleet concluded his report on the U.S.S. Sanctuary experiment with women aboard ships with the statement that ". . . Given the Sanctuary's conclusion that both men and women have merged into members of a common disciplined crew, the pilot program has clearly been a success." During 1977 Congressional hearings,[2] representatives from the Army, the Navy and the Air Force reported that the women they enlisted were better educated, attained higher scores on standardized tests of mental ability, and had lower attrition rates than their male counterparts. In addition, as Col. Frank A. Partlow, Jr., has noted, "Women have survived POW incarceration better than men, they have a higher pain threshold, and perform better under sleepless conditions." However, I could quote such studies and findings to you all day, only to find, as Senator William Proxmire once noted:

"Every study indicates that qualified women soldiers can serve in any capacity. But each time the Pentagon receives a report confirming this conclusion it . . . simply commissions another study."

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[1] Army—9.7 percent 1983; 10.3 percent projected for 1987; Navy— 8.3 percent 1983 (46,799 women in total force of 651,000); projected increase of only 4,600 women to steady state of 51,400 women by 1985.

[2] Hearings before the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee, Congress of the United States, July 22, 1977.

With the 1980 election, many military women sensed that an antiwoman sentiment that had been building in the armed forces was becoming a reality. Senior military personnel worried that manpower policy decisions were being made by amateurs interested in social equality and political expediency rather than in the requirements of national defense. In December 1980, the Army and the Air Force secretly submitted to the Reagan transition team a proposal that the female enlistment goals set by the Carter administration be eliminated until women's impact on force readiness could be determined. In February 1981, the Army announced that it planned to cut back on its recruitment of enlisted women. Although the Army spokesman explained that most of the women were "doing a really fine job and were valuable and productive soldiers," there was some concern about "the combat effectiveness of the organizations as you have large numbers of women in them." The Army based this decision not on hard data, but on the feelings of field commanders. An extensive study was under way to determine how "pregnancy, sole parenthood, lost time and physical problems impact readiness."

As part of this "womanpause" study, the Army decreased its recruitment goals for woman and developed a multi-tiered weight lifting test for recruits that was expected to bar women from about 76 percent of the Army's jobs. In response to OSD opposition to the plan, the Army has now proposed a modest increase in its recruitment goals, an expansion of the job categories open to women, and a modification of the physical strength test from 100 pounds to 80 pounds. Although women who could not pass this weight lifting test would no longer be barred from jobs requiring heavy lifting, as initially proposed, they would be "counseled about their choice."

It has been suggested that part of the trend toward retrenchment was not only a reassertion of old prejudices, but a response to the economic slump and the sharp rise in unemployment that made unanticipated numbers of better male recruits available. The initial decision to increase the numbers of military women emerged in the 1970's, not only as a matter of equity, but as a means of ensuring adequate numbers for the All Volunteer Force. Once larger numbers of men became available, the recruitment of women leveled off. When the economy recovers, there is likely to be renewed interest in female recruits. The fuzziness in the definition of combat also appears to be a function of such exigency. The definition when applied to assignment of women bears little relationship to combat pay or decoration.

Now that women comprise approximately 10 percent of our military force, it is unrealistic to think that they will simply disappear from view in time of war, with no trained replacements available. It is time to recognize the fact that the women have performed well, and are here to stay. Yet despite their demonstrated value to the armed services, military women have suffered discrimination. Much of this is subtle, even unconscious, but it serves both women and our national security poorly. When I first arrived as Assistant Secretary of the Air Force, I found that the numbers of women had been kept artificially low. Yet when I made increasing those numbers one of my first priorities, I met with general acceptance. However, I was distressed by the fact that prior to my arrival no one had seen arbitrary exclusion of women as a problem.

Female security police, dissatisfied with their poorly fitting clothing and shoes, were unable to receive any satisfaction. Such subtle kinds of discrimination can be very damaging to morale. Overall, I found many contradictions in the Air Force. There was great support, some resentment and overprotectiveness. Many male officers were not willing to be tough enough—they were too easily moved by tears. Yet on the whole the Air Force was quite open to the idea of increasing the numbers of women, and were proud of the skills and capability of Air Force women.

Yet prejudice remains. A greal deal of vocal concern is expressed about pregnancy. But several other disabilities plague managers because of their negative effects on efficiency and productivity. The continued emphasis on pregnancy as an argument against women in the military suggests that it is the major cause of absenteeism and attrition. The fact is that men in the military lose about 67 percent[3] more time then women while on the job—including the pregnancy factor. The majority of lost job time is caused by desertion, alcoholism and drug abuse, which are problems experienced primarily by men. Moreover, although it is claimed that 10–15 percent of women in service are pregnant, no distinction is made between those who are on maternity leave, and those who can carry on with their duties.

Our life patterns have changed, and even the courts have long since recognized that pregnancy is not cause for involuntary discharge. Once the baby has been born, a distinction must be made between those who leave the service, and those who can make satisfactory arrangements for child care. Personnel managers are concerned with adequate child care arrangements, for the service member may need to respond rapidly in an emergency. Yet in the early years of my work in the Air Force, no priority was given to the children of military women in base child care centers, and it took a great deal of focus and effort to begin to upgrade these institutions. Moreover, adequate child care is not only a female service member's problem. In the Air Force, for example, the majority of single parents (58 percent) are men. There is a real problem. Men with custody of children, and service couples must work out their potentially conflicting commitments as well. It is time to address pregnancy in the context of these broader issues.

The experience of women in nontraditional fields has been both encouraging and discouraging. I remember dining with a group of enlisted women in Korea, and several of them told me that they had joined the Air Force because, in contrast to men, they felt themselves to be trail-blazers. They found they could develop and practice skills in fields substantially closed to women in civilian life. They were proud to be competent carpenters and aircraft maintenance workers. I have heard the same from women naval officers and pilots. Yet I am aware that there has been some migration to more traditional fields. The Air Force had a system for allocating enlisted women among a broad spectrum of specialties, so as not to create sex stereotypes as it increased its numbers. It takes a while for women to adjust to nontraditional skill demands. Moreover, men also tend to migrate from the "dirty" work. Overall, the attrition rate for women has not been higher than for men, and the increased flexibility in allowing specialty changes has paid off. Unfortunately, it is the failures that are usually highlighted to the public.

What concerns me greatly is that this history of discrimination against women, and the restrictions in effect today, have seriously damaged women's career progress in the armed services. For those women who choose military service as a way to gain an education or as career commitment, the impact of discriminatory policies is immediate and obvious. These women are denied opportunities not on the basis of their skills or capabilities, but solely because of their sex. As Assistant Secretary of the Air Force, I was frustrated that women pilots were kept in test status. I worked on the WASP legislation, in part to bring recognition that more than a generation earlier women had flown every aircraft in the inventory. Yet it is hard to expect the Air Force to invest the time and money to train women to operate fighter aircraft or bombers, if they are unable to use the women as pilots during a crisis. Thus far fewer women are rated than aspire to pilot training. This use of quotas interferes significantly with career advancement. The same is true for Navy and Army career lines, where combat restrictions limit opportunities for training, education, assignment and promotion. In addition to their effect on women's careers, such restrictive policies will deprive us of needed military strength. I think it reasonable to assume that we will need every pilot slot filled in a war-time situation, and we should now be developing the largest possible pool of qualified pilots. Eliminating a large percentage of qualified individuals from the pool because of their sex does not seem sensible.

In my view, gender-based restrictions serve very little purpose. Administrative convenience has never been an argument that persuaded the courts, and with respect to the military, the administrative argument is not generally persuasive. Gender-based restrictions permit unexamined prejudices to everyone's detriment. Thus, the Air Force had restricted the missile career field to men officers. I worked to make that change in 1978 and only partly succeeded. The introduction of women was allowed for the Titan system only. It was not the combat exclusion that kept them from Minuteman II and III; it was the fear of wives' resentment over two-person silo manning. Other professions have overcome these problems with little disruption to family life and no interference with professionalism. I was happy to learn that women will be assigned to GLCM deployments in Europe, but I am puzzled at the lack of military rationale for the distinction.

The ERA will secure for military women the fair professional treatment they have not fully gained to date. The ERA will offer consistency of treatment for military planners, and for women who want to plan lifelong career commitments.

The ERA would eliminate gender-based restrictions in statutes, regulation and practice. The statutes that limit the utilization of women by the Air Force and Navy, 10 U.S.C. § 8549 and § 6015, have served to restrain career advancement without serving a clear military purpose. They have been the source of policy confusion and fluctuation. There are inconsistencies within and across services. In the Air Force, women pilots "may not be assigned to duty in aircraft engaged in combat missions," under 10 U.S.C.

[3] Women lose 422 days of service per 100 women; men lose 703 days of service per 100 men.

§ 8549. Thus, they are permitted to fly long-range transports, C-141's, but not intratheatre aircraft, C-130's.

The "risk of hostile fire" is not a criterion that translates easily to military assignments. Women in traditional roles, nursing, for example, have not only faced hostile enemy action, but have died and been prisoners of war in the service of their country. The Navy's restriction, 10 U.S.C. § 6015, expresses no concern about aircraft, but restricts permanent assignment to combat vessels. Thus, if Navy fighter pilots were not carrier based, presumably they could include women among their number. But since few ships are likely to remain unengaged in war, there are few permanent billets. Thus, career advancement is hampered because shore billets must be kept open for rotation. The Coast Guard by contrast has no statutory restrictions, and women serve well in a wide range of shipboard roles. The Army, also free from legislative restrictions, has imposed its own combat exclusion. It has gone through a number of iterations in the definition of combat, increasing the exclusions from 38 to 61 specialties we have indicated, and back down again to 49. When I served in DOD, we worked hard to eliminate the combat restrictions. On several occasions we sought repeal of these provisions so as to release the services from a burden of difficult legal construction, and leave military assignments to the discretion of military experts. I am convinced that it will take the ERA to accomplish this goal.

The implications of such a change are frightening to many people. The shibboleths of women wounded and tortured, or failing in courage and destroying unit morale are not easy to overcome. But it is important to remember that almost any war in which we can contemplate extensive U.S. military involvement is a war that is likely to involve our nation's soil. It will not be possible to protect women from the scourge of war, if we have been unable to deter war from beginning.

Under ERA, the sex-specific barriers in the selective service laws and in assignment policies would have to be replaced with gender-neutral criteria. The military will not be required to utilize soldiers who are unfit or untrainable, but will not be able to exclude women from positions on the grounds of assumed lack of qualifications. By enlarging the pool of qualified applicants for positions requiring specialized skills, ERA will strengthen, not weaken, national defense.

Up to now, under present constitutional tests, the deference given to the military has obscured decisions rooted in prejudice and unexamined stereotypes. With this adoption of the ERA, explicit gender-based exclusions would fail. Tests of strength and aptitude will have to bear proper relation to the tasks whose qualifications they purport to describe. The entire history of litigation under Title VII has illuminated the importance of such validation. While it is costly to construct validated tests, it is a process well begun and well worth the cost and effort. It will match personnel to task based upon performance criteria, and help assure greater productivity and effectiveness.

In my view, should we move to a draft, I would expect women to be included, even without the ERA, as a matter of military exigency. As former DOD Assistant Secretary Pirie (MRA&L) stated in the 1980 hearings on registration,

"It is in the interest of national security that, in an emergency requiring the conscription for military service of the nation's youth, the best qualified people for a wide variety of tasks in our Armed Forces be available. The performance of women in our Armed Forces today strongly supports the conclusion that many of the best qualified people for some military jobs in the 18-26 age category will be women." (Registration of Women: Hearing on H.R. 6569, Subcommittee on Military Personnel of the House Committee on Armed Services, 96 Cong., 2d Sess. 17(1980).

But, in my view, however difficult it would be to make a case for excluding women from the draft today, I do not think it would be possible after passage of the ERA. Its incorporation in the constitution will mean that any classification based upon sex, just as race, will be unacceptable.

The obvious and explicit gender-based exclusions will be eliminated by the services, probably without resort to the courts. Civilian and military leadership have already urged the end to major statutory restrictions in order to enhance flexibility and promote national security.

Yet I do not believe that the courts would construe the ERA to preclude legitimate transitions or cause the courts to be deaf to all evidence explaining disparate impacts in military assignments. Strength differences remain, and the impact of long-term vocational tracking on job selection may also continue for some time to come. There may be reasons to provide transitions to ameliorate sociological problems. It will be necessary to develop understanding of the impact of larger numbers of women generally, and in fields presently closed to them. While the burdens of justifying neutral standards which effectively exclude women will be increased, Congressionally-examined and approved policies of the military which have been carefully designed are not apt to meet Court disapproval. They will not place a crushing burden on national security. Indeed, the requirement of providing objective rationale for policies with a disparate impact is not an impediment to national security at all. Our military services bear a burden of strict scrutiny on budget items each year before Congress. They are well equipped to make their case when they have strong factual evidence.

No one is proposing social experiments that endanger national security. But the time has come to accept the contributions that women have made to our armed forces. Despite all the evidence of a job well done, resistance keeps cropping up. Despite tests and studies designed to prove the negative, the results are positive. the ERA is needed because the current legal framework is inadequate to sustain progress.

For all women, discrimination in the military has a profound effect on their status as citizens. Women's exemption from full military service interferes with their access to national leadership roles. Military service is often seen as a political credential. Military service has been credited with legitimizing the citizenship claims of other groups, particularly racial minorities. Nearly all men are subject to the military call if they are needed in a national emergency. This is seen as a basic responsibility of citizenship—one that is currently denied to half the citizens of this country.

I urge this Committee to support the Equal Rights Amendment not despite its consequences for national security, but because it will strengthen our ability to meet all military requirements and eradicate a remaining bastion of inequality in our society.●

ACID RAIN

Mr. HUDDLESTON. Mr. President, I would like to call the attention of my collleagues to an editorial from the October edition of Coal Mining and Processing on the subject of acid rain. The editorial makes a number of important points that I believe are too often overlooked in the acid rain debate.

The editorial answers the question "Are acid rain controls inevitable?" with a convincing "No" based primarily on the following: First, scientific uncertainties continue to abound on the causes and impacts of acid rain; second, much of the scientific evidence we do have casts serious doubts on the effectiveness of acid rain control bills that focus on Midwestern and Appalachian coal-fired powerplants rather then local sources; and third, even a majority consensus on the question of what needs to be done would leave the politically difficult question of who will pay for it.

Mr. President, we are not standing still on the issue of acid rain, and there is more that we can do short of imposing control programs that may not have the desired effect on acid rain, but most assuredly would add billions of dollars to consumer electric bills and cost jobs in the coalfields and possibly elsewhere. We can accelerate the work of the interagency task force on acid rain; we can accelerate our research and development of new energy technologies; and we can take mitigating action at those lakes identified as overly acidic. This is the prudent course, and it is the course I urge my colleagues to follow.

I ask that the editorial be printed in the RECORD.

The editorial follows:

ARE ACID RAIN CONTROLS INEVITABLE?

(By Carl Bagge)

Since last spring, press accounts have made it appear that a major acid rain control program is inevitable. And, it has been implied that the Reagan administration will succumb to mounting political pressure to "do something," in spite of continuing scientific uncertainties. But the passage of time has made it increasingly clear that action by Congress to require a massive roll-back of sulfur dioxide emissions from coal-fired power plants is far from certain.

WHAT THE FUSS IS ABOUT

To be scientific, three significant obstacles remain: The scientific basis for proposed controls is as weak as ever; no easy political solutions exist to allow quick enactment on Capitol Hill; and, the logical consequence—indeed purpose—of acid rain control proposals is becoming clear. That purpose is to make far more stringent the Clean Air Act, reform of which remains stalled after more than two years of effort.

The National Academy of Sciences in June did state that a proportional relationship exists between sulfur dioxide emissions and sulfur deposition, but it went on to say, ". . . the relative importance for deposition at specific sites of long-range transport from

distant sources as compared with more direct influences of local sources cannot be determined . . ."

And there are other scientific uncertainties: Whether rainfall has changed as air quality has improved; the relative importance of rainfall to lake acidity when compared with the more direct and significant influences of soils and forests; and the benefits, if any, of immediate emissions reductions.

Although these uncertainties are glossed over by proponents, they will compound the political intractability of the issue.

Early acid rain control bills focused on Midwestern and Appalachian coal-fired electric power plants. Their enactment would result in high costs for consumers but no assurances of reduced acidity in Northeastern lakes and streams. By singling out coal-fired power plants, these bills would reduce emissions farthest from acid sensitive areas in New York, New England and eastern Canada—although scientists increasingly are focusing on the more direct influence of local sources.

These bills understandably generated solid opposition from coal-using states which ensured no action in the last Congress or, for that matter, in this one.

Furthermore, such proposals have been scientifically undercut by the National Academy's admission that ". . . we cannot judge the consequences of emission reductions in a smaller region, such as the Midwest, for deposition in another region such as the Adirondacks and southern Ontario."

Taking into account strong political opposition, a second generation of control bills has surfaced in this Congress. Their most significant new feature is uniformly spreading control costs across the nation through some form of tax.

In this manner, these bills would reduce the adverse impacts on consumers in the Midwest while still requiring sharp emission reductions in that region. One bill, Waxman-Sikorski, would also mandate scrubber retrofits and in addition effectively impose a federal standard on existing emission sources.

Although midwesterners may find this approach more palatable, serious opposition has come from Western governors and New England politicians who object to paying for midwestern controls.

COSTLY ABSURDITIES

One is also stuck by some of the curious requirements of the Waxman-Sikorski bill. For example, New Hampshire with 92,900 tons of sulfur dioxide emissions each year would be required to reduce emissions 48 percent, while neighboring Maine with 94,800 tons of sulfur dioxide emissions would have to cut only 3 percent. Georgia, with 839,800 tons of emissions, would have to lower its emissions by 54 percent, while New York with 944,500 tons—and the vast majority of acidified waters—would need to reduce emissions by only 22 percent.

Such anomalies reinforce arguments that the real objective of controls is not to reduce acid rain, but to impose a uniform federal emissions limit on older power plants now covered by individual state regulations under the Clean Air Act.

These proposals have become increasingly transparent in their real objective—a new ratcheting down of existing sulfur dioxide restrictions. State implementation plans, painfully worked out over the years and in full compliance with the law, would have to be overhauled anew. And the Eastern United States effectively would become a non-attainment area with consequences far beyond the coal and the electric utility industries. These less publicized effects of acid rain legislation will add to the scientific and political problems already facing proponents.

The case for immediate action is vastly overstated. Scientists have found no trend of increasing rainfall acidity and, in fact, where long-term data exist acidity hasn't changed much at all over the last 20 years. Acidity in lakes and streams has been verified—but the causes are uncertain—and the scope of the problem is much smaller than the public is led to believe. In the United States, 206 of the 219 lakes identified as overly acidic are located within the boundaries of the Adirondack Park and represent only about 4 percent of the lake surface of the state. Immediate steps, such as lake liming and fish stocking which are being done successfully in Sweden, can be taken to improve these lakes. Actions like these make sense because they can be taken immediately, have certain results and are cost effective.

WHERE WE STAND

The coal industry supports mitigation efforts to deal directly and positively with known problems. Meanwhie, sulfur dioxide emissions continue their decline as the result of current Clean Air Act restrictions—down 12 percent between 1976 and 1981 alone, a period when US coal use grew by one-third.

Before drawing conclusions about the inevitability of acid rain control legislation, interested observers will carefully assess both the science and politics of this issue and the hidden but nonetheless real agenda being pursued by control proponents. Passage of any such legislation is neither as easy nor as certain as facile press reports make it out to be.

Indeed, a danger to be avoided—one equal to that passed by the controls themselves—is misjudging the situation in Washington and assuring a self-fulfilling prophesy.●

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HAWKINS).

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

Mr. BAKER. Madam President, last evening I attempted to call up the natural gas bill, S. 1715, Calendar No. 330, by unanimous consent, and there was an objection at that time. I did not pursue the matter at that time. It was midnight or close to it, and it seemed the better part of discretion to postpone that action until today.

Madam President, once again I renew my request. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 330, S. 1715.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Madam President, reserving the right to object, the situation is that this committee has a divided function—the Senate Energy and Natural Resources Committee, that is, has a divided function—this afternoon, in that the hearings on the nomination of Judge William Clark to be Secretary of the Interior are proceeding right now, and we are also involved with this matter.

I say to the majority leader, my friend, and the rest of my friends here, my colleagues, that I do object and would like to discuss the motion to proceed.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Madam President, I understand, and I anticipated that perhaps there would be an objection.

I now move that the Senate proceed to the consideration of S. 1715, Calendar No. 330.

Mr. MELCHER. Madam President, is there a motion to proceed?

The PRESIDING OFFICER. There is a motion pending.

The Senator from Idaho.

Mr. McCLURE. Madam President, I do not know yet with what we may be confronted with respect to the motion to proceed to the consideration of the bill. I assume that we will find out over the period of the next several minutes or perhaps a longer period of time than that as to the intentions and motivations of the persons who may debate the motion to proceed to the consideration of the bill.

Madam President, the natural gas market of this Nation is in near chaos. This is evident from a few simple facts: Prices continue to rise despite the current surplus of natural gas; above market prices for natural gas are resulting in significant industrial fuel switching to petroleum products; reduced industrial demand results in remaining customers having to bear an increased share of the natural gas distribution system's fixed costs; some natural gas pipelines are unilaterally abrogating purchase contracts which is resulting in extensive litigation; and higher cost natural gas is being taken while available lower cost supplies are being shut-in. Clearly, these are not signs of a healthy and workably competitive natural gas market.

On July 29, 1983, the Committee on Energy and Natural Resources reported S. 1715, a balanced and comprehensive proposal that would resolve the

serious problems that have plagued the natural gas market. Without this legislation, these chronic problems will only continue to worsen. All natural gas consumers—residential, commercial, and industrial—will continue to bear serious economic hardships unless and until the Congress acts.

Before addressing myself to what caused these problems and how the committee's legislation proposes to remedy them, I would observe at the outset that this legislation is a balanced, bipartisan compromise between the Senators from both consuming and producing States.

This legislation is a finely tuned compromise which carefully balances the competing interests of the various parties from the drill-bit to the burner-tip. Every element of the natural gas industry—producers, pipelines, distribution companies—as well as all gas consumers—residential, commercial, and industrial—contributed to the committee's deliberations that resulted in the creation and reporting of S. 1715.

During the December 1982 postelection session, the Senate rejected correctly two separate proposals for so-called quick-fix legislation containing price freezes and rollbacks. Instead, the Senate adopted a resolution calling on the various parties to address as many of the problems as possible through private negotiations.

The Senate's decision was premised, in part, on the recognition that the Committee on Energy and Natural Resources should have the opportunity to formulate balanced and comprehensive legislation to address the various short- and long-term problems in the natural gas market. The committee did so, and the resulting bill, S. 1715, is now before the Senate for its consideration.

In March and April of this year, the committee held 8 days of legislative hearings, receiving testimony from more than 90 witnesses and compiling a hearing record nearly 4,000 pages long. The committee subsequently spent 30 days in markup sessions, formulating a comprehensive legislative proposal and rejecting the notion of a quick-fix. The basic objectives of the proposal, together with its major provisions, were outlined in a Dear Colleague letter dated August 2, 1983. I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, D.C., August 2, 1983.

DEAR COLLEAGUE: The Senate must act, and act soon, on comprehensive natural gas legislation to prevent yet another winter of agony for those American consumers who are least capable of bearing the financial burden of higher natural gas prices that will occur under existing law. We believe that that objective is achieved by S. 1715, the Natural Gas Policy Act Amendments of 1983, which was reported by the Committee on Energy and Natural Resources on July 29, 1983 (S. Rept. 98-205). This measure deserves early, serious, and thorough consideration by the Senate.

S. 1715 is the culmination of an effort which began in the 97th Congress. In the December 1982 post-election session, the Senate rejected two separate proposals for so-called "quick fix" legislation with price freezes and rollbacks. Instead, the Senate deferred further action pending Committee consideration of comprehensive natural gas legislation. During this Congress, the Committee devoted almost a calendar month to extensive hearings on the Administration's comprehensive proposal, S. 615, and related bills. Thereafter, the Committee considered S. 615 and various alternatives in thirty separate business meetings during the months of April, May, June, and July. The Committee concluded by reporting an original bill, S. 1715, without recommendation, by a vote of 11 ayes to 9 nays. The Committee members displayed great patience during their consideration of the numerous, complex issues involved in this bipartisan compromise.

S. 1715 is a comprehensive proposal designed to remedy the current and long-term natural gas market difficulties affecting virtually the entire industry from the production field through the transportation system to the ultimate user. The measure ensures immediate and substantial price relief for residential and other consumers in the face of otherwise staggering price increases under existing law. The Department of Energy has concluded that S. 1715 would yield consumer benefits and long-term price relief which could be $23 billion greater than would occur under existing law through 1995.

The bill provides immediate relief from so-called "take-or-pay" contract provisions, which could impose billions of dollars of financial obligations on pipelines and their customers. The measure also contains a carefully crafted price adjustment mechanism. It will provide much needed price relief by phasing above-market gas prices down to market levels within one year. It further provides for a smooth transition to deregulation of wellhead price controls by phasing below-market gas prices up to that level in three years. In addition, the measure authorizes contract carriage, which would provide significantly increased market flexibility between purchasers and sellers of natural gas and more efficient distribution of available supplies. The Committee also adopted a separate amendment for consideration on the Senate floor requiring that natural gas importers would be able to pay no more at the wellhead than they do for domestic supplies.

Particular attention was given by the Committee to assuring adequate supplies of natural gas during and after the transition period. The bill provides incentives for significant increases in production from old gas fields that would not occur under existing price ceilings. Importantly, the bill provides an affirmative incentive for renegotiation of existing contracts—the most direct and effective remedy for the current market chaos. This renegotiation process will protect the dual interests of American consumers in immediate and lasting price relief and assured long-term natural gas supplies.

We must not lose sight of the fact that the fundamental objective of any natural gas legislation must be to achieve a balance between the need to limit consumer gas prices and the equally important need to ensure that gas shortages do not occur late in this decade. Above all, we must avoid enacting legislation that does nothing more than compel gas consumers, in the long-run, simply to exchange one form of economic hardship for another. We believe that S. 1715 achieves that balance.

We urge that you review this measure thoroughly and thoughtfully in preparation for early Senate action. We would be pleased to work with you and the members of your staff in the weeks ahead in your review of this measure as you develop your position on natural gas legislation. After the long and arduous consideration by the Committee of the many complex natural gas issues before us, S. 1715 now deserves thorough consideration by the Senate. Enclosed for your review is a copy of the report; the bill should be available tomorrow.

J. BENNETT JOHNSTON,
Ranking Minority Member.
JAMES A. MCCLURE,
Chairman.

Mr. McCLURE. Madam President, there is no doubt that the committee's proposal is not fully embraced by all parties. I am well aware that every element of the natural gas industry, as well as every other interested party, has identified what from their perspective they would consider desirable or essential improvements to the proposed legislation. The final committee vote is suggestive of the controversial and fragile nature of the committee's compromise. The committee voted, by 11 to 9, to report the bill without recommendation. Even though I am not entirely comfortable with all of its provisions, rather than break the slender threads which tie this bill together, I support S. 1715 as a balanced package which contains the best elements possible given political reality.

Madam President, the administration supports this bill as is, and has stated its opposition to any amendments, even those that would move the committee's bill closer toward the administration's original legislation.

There are some who have asked why legislation is needed at all. To me the answer lies in what has happened in the natural gas market since enactment of the Natural Gas Policy Act in 1978, and in what we can expect in the future if existing law is not modified.

Since the enactment of the NGPA in 1978, natural gas prices have risen inexorably, despite the existence of a large and growing "bubble" of excess gas deliverability. The reason for this situation is rather obvious: existing law contains automatic price escalators for natural gas regardless of the supply/demand situation in the marketplace. The price of old gas increases at the rate of inflation while new gas prices increase at the rate of inflation plus 4 percent.

Although NGPA prices are by law only ceiling prices, they have been converted into de facto floors as a

result of terms of the supply contracts that producers signed with pipelines. The result is that the NGPA is continuing to increase gas prices even today, despite a glut of gas amounting to about one-fifth of current demand.

These price increases have not only resulted in severe economic hardships for residential, commercial, and industrial users, they have resulted also in massive industrial fuel switching from natural gas to oil, which only exacerbates the problem.

Existing law is a morass of conflicting policies. At a time when natural gas consumers are suffering from high and rising prices, and when there is a glut of domestic natural gas which is partially shut in due to the lack of demand, the United States continues to import high-priced foreign oil and natural gas.

The committee's bill would insure immediate and substantial natural gas price relief for residential consumers in the face of continuing price increases under existing law. The administration, the Natural Gas Supply Association, and the American Gas Association have all provided the committee with analyses concluding that average consumer prices will be lower under the committee's bill than under existing law.

The provisions of the bill are carefully formulated to assure adequate supplies of natural gas in both the short term and the long term. The bill would provide meaningful predictable incentives for significantly increased production from old natural gas fields which otherwise would be rendered uneconomic by the existing ceilings on wellhead prices. This would insure the largest additional source of low cost natural gas for the American consumer. One industry analysis indicates that the bill would elicit the production of 52 trillion cubic feet of low cost natural gas—the equivalent to 3 years of total U.S. natural gas consumption, or about 50 years of natural gas imports. Absent the incentive to produce this natural gas, it will be shut in and lost forever.

At the same time, the bill would remove the current subsidies created and encouraged under the Natural Gas Policy Act of 1978 for extremely high-priced natural gas. In some cases, this gas has sold for as much as $10 per thousand cubic feet—the oil equivalent of $58 per barrel of oil, or about two times the current international price of crude oil. Absent these federally mandated price incentives and the price cushion created by Federal price controls, this natural gas could sell at no more than full market value, which is about one-third of the $10 price. This would be achieved through an equitable transition mechanism which would gradually reduce the prices of these natural gas supplies down to market clearing levels.

The bill would also provide immediate relief from so-called take-or-pay contract provisions, which otherwise will impose billions of dollars of financial obligations on pipelines. In the absence of this legislation, those obligations will be flowed through to gas consumers in the form of higher prices.

The bill contains many features that together will convert today's rigid, inflexible industry into a flexible, market responsive, highly competitive industry from the wellhead to the consumer. Five of these features I would like to describe briefly.

First, renegotiation. The parties to existing contracts would have freedom at any time to renegotiate any contract terms to eliminate the rigidities that have crept into their contracts and are now stifling the industry. The renegotiation process would be the most direct and effective remedy for the current market chaos. Renegotiation also would be the most effective mechanism for providing immediate and lasting price relief, and for assuring long-term supply availability. The bill would prompt renegotiation by exempting from price regulation those contracts between producers and pipelines that are renegotiated. It also would provide both producers and pipelines with the opportunity to be released from a gas supply contract that the other party refuses to renegotiate.

Second, contract carriage, which would promote competition, expand the markets for gas, lead to innovative approaches to lowering the cost to transport and market gas, and result in more efficient distribution of our Nation's gas supplies. By enabling consumers to purchase natural gas dirrectly from producers, contract carriage would increase competition for natural gas at the wellhead. The direct result of this would be lower wellhead prices, and prices more responsive to market signals.

Third, access to all gas supplies by all pipelines would yield a more efficient distribution.

Fourth, elimination of incremental pricing and the Fuel Use Act restriction will expand the markets for gas.

Fifth, expanded gas sales would result in increased utilization of the pipeline and distribution systems. This would provide a larger volume for the recovery of fixed costs, which would result in lower fixed costs per unit of sales.

The bill also contains a host of direct consumer protection features. As I mentioned before, it would provide immediate price relief from the massive take-or-pay obligations that pipelines will be incurring in the future under now existing contracts. In addition, the bill's wellhead price ramping features would provide significant and immediate price relief to consumers. The bill contains a "pipeline prudency" provisions that would induce pipelines to purchase gas at the least cost. The bill also provides for an automatic dollar-for-dollar passthrough to consumers of the gas price savings resulting from implementing the bill's other provisions.

Madam President, at this time I would like to turn to another issue in the natural gas debate, more precisely, another important means for granting price relief to natural gas consumers. I am referring to the reduction in the price of imported natural gas. The price of imported gas is much too high. It has remained at an excessive level in spite of the changes that have occurred in the natural gas markets here in the United States. With reduced demand and a surplus of supply, import prices should have been reduced.

The question before us is whether a legislative remedy is appropriate. The answer depends on our assessment of the extent to which import prices will be reduced through voluntary negotiations. In the case of Canadian suppliers, I am encouraged by recent developments which seem to indicate significant progress toward achieving further price reductions, and I am hopeful that we will soon have in place flexible and market-oriented import pricing arrangements. In that regard, I have joined with other Senators from the Northwest in urging both the Secretary of Energy and the Secretary of State to increase the diplomatic efforts with Canada to establish a more competitive gas trade framework. The details of our request are set forth in identical letters, dated October 20, 1983, sent to Secretary Hodel and Secretary Shultz. Madam President, I ask unanimous consent that the text of the letter be printed in the RECORD at this point.

There being no objection, the text of the letter was ordered to be printed in the RECORD, as follows:

U.S. Senate,
COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, D.C., October 20, 1983.

DEAR MR. SECRETARY: As you know, many natural gas pipeline and distribution companies have been concerned about the pricing of Canadian natural gas that is imported into the Northwest and other U.S. markets. In view of the current efforts of the Administration to bring about a more competitve gas trade arrangement with Canada, we are writing to express our support for these efforts and to indicate our concern over the existing situation.

We are mindful of the two recent Canadian actions to lower the price of gas exported to the U.S.—the reduction of the border price from $4.94 to $4.40 per million Btu and the instituting of a $3.40 per million Btu Volume Related Incentive Pricing program—and consider these positive steps in the right direction. These actions demonstrate a willingness on the part of Canada to seek a more competitve pricing structure for

their gas exports, and thus offer hope that this gas trade is moving to a fully competitive basis.

While these pricing changes have and will result in economic benefits to American consumers served by Canadian gas, the relief is not widespread. Canadian gas, even with these price reductions, still remains uncompetitive in most U.S. markets. The $4.40 per million Btu border price plus transportation to the U..S burner tip is still much higher than the average price of domestic gas and alternative fuels delivered to the same burner tip in most U.S. gas markets.

Furthermore, because of the structure of the recent $3.40 per million Btu Volume Related Incentive Pricing program, most U.S. importers are not in a position to buy sufficient volumes of gas under their normal contracts to qualify for the lower-prices gas. The result continues to be reduced Canadian export sales at prices above market clearing levels.

Since the middle 1970's, there has been in effect the policy of a single uniform border price for Canadian gas exported to the U.S. This policy was adopted by Canada at the request of the U.S. Government. Additionally, the Canadian governments instituted a pricing formula whereby Canada set the border price based on the Btu equivalent of the cost of imported oil to Canada. While both of these pricing policies may have seemed appropriate for conditions at the time, they have resulted in gas trade arrangements that are now uncompetitive.

We understand that the U.S. recently proposed to the Canadian government, at the September 28 meeting of the bilateral Energy Consultative Mechanism, that the U.S. and Canada establish a new framework that would put their bilateral gas trade on a market-sensitive and flexible basis, with buyer-seller negotiated arrangements leading to varying gas prices at the border. This proposal necessitates the discontinuance of the uniform border and formula-established price, and the return to competitive trading arrangements. This is a position we strongly support, as we believe the existing pricing policies are resulting in heavy economic penalties on both sides of the border.

We fully recognize the importance of a long-term and secure supply of natural gas to the United States from Canada, which has been a dependable source of supplemental gas to our domestic production. Canadian gas, however, should be purchased on a competitive basis, with import arrangements having the flexibility to adjust to market conditions. We thus urge you, in coordination with the Secretary of State, to increase the diplomatic efforts with Canada to expeditiously establish a market-based arrangement for gas trade with Canada. Prompt movement to a more-competitive gas trade framework, will bring needed relief and benefits to both countries. In addition, your relinquishment of the uniform border price will expedite this process.

We stand ready to assist you in whatever way possible in your bilateral discussions, as we consider this a matter of the utmost importance and urgency.

Sincerely,

Mark O. Hatfield, James A McClure, Slade Gorton, John Melcher, Daniel J. Evans, Bob Packwood, Steven D. Symms, Max S. Baucus, and Pete Wilson.

Mr. McCLURE. Madam President, before I return to the legislation that is now before the Senate, I would note my confidence that during the course of our debate on natural gas, we will have a thorough discussion and debate on the issue of natural gas imports.

It is important to spend a few additional moments reviewing in a little greater detail some of the key provisions of the bill. The following is the summary of the major provisions of S. 1715 which appears in the committee report. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TITLE I—TRANSITIONAL PRICE AND CONTRACT PROVISIONS

Section 101 adds new section 131 to the Natural Gas Policy Act of 1978 ("NGPA"). Section 131 provides transitional price provisions that will operate upon enactment for certain first sales until such first sales of natural gas are no longer subject to Federal price controls.

Section 131 establishes a price adjustment mechanism applicable to certain first sales of natural gas for resale. If both parties to a natural gas contract wish to remain under that contract, they may do so. If either party to a contract makes the necessary election, prices would be adjusted by means of "ramp up" and "ramp down" pricing mechanisms. If neither party makes such an election, the parties would remain under their existing contract. High priced natural gas would be ramped down, until the price paid reaches the applicable price indicator. This adjustment would take twelve months. Low priced natural gas would be ramped up, until the price paid reaches the applicable price indicator. This adjustment would take thirty-six months. The prices would remain at the applicable price indicator for an additional six month period before complete decontrol would occur.

At specific times during the ramp up or ramp down, and for a period of one year at the end of the ramp, either party to a contract could terminate the contract, subject to certain supply and purchase obligations.

The applicable price indicator would be established in two parts. For the six months beginning the first day of the second full month after the date of enactment a temporary price indicator (TPI) would be in effect. It would be equal to the NGPA section 103 price for natural gas.

Thereafter, a free market price indicator (FMPI) would go into effect. It would be based on the volume weighted average price of "new-new gas" contracts including imported gas.

Section 102 adds new section 316 to the NGPA. Section 316 establishes a mechanism by which take-or-pay percentages for existing natural gas purchase contracts could be reduced, at the option of the purchaser, during the 3 years following enactment. The minimum take could be reduced to as little as 50 percent of deliverability during the first year, 60 percent during the second year, and 70 percent during the third year. Volumes not taken could be sold to another purchaser.

Section 103 adds new sections 317 and 318 to the NGPA. Section 317 establishes a market out authority whereby either party to an existing contract for the first sale for resale of natural gas may exercise a unilateral right to terminate the contract. Section 318 establishes a "right of first refusal" or a "right of first offer" for the purchaser which could be exercised, under certain circumstances, after termination of the contract.

Section 104 adds a new section 319 to the NGPA. Section 319 requires pipelines to transport natural gas for others, if the gas is released take-or-pay gas, or if the gas was subject to a contract terminated under section 131.

TITLE II—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF JURISDICTION OVER CERTAIN FIRST SALES

Section 201 adds new subsections 121 (f) and (g) to the NGPA. Subsection (f) provides for immediate deregulation of three categories of natural gas sold under contracts for the first sale for resale:

(a) "New-new gas"—natural gas sold under contracts entered into after the date of enactment;

(b) "Renegotiated gas"—natural gas sold under contracts renegotiated after the date of enactment if the new renegotiated contract so provides; and

(c) "Released take or pay gas"—volumes of natural gas previously sold under a contract which are released from that contract because the pipeline exercises the take-or-pay reduction mechanism established by the bill.

Subsection (g) provides for removal of wellhead price controls on all remaining categories of natural gas sold. Gas subject to the phasing provisions would be deregulated upon expiration of the price adjustment mechanism discussed below.

Section 203 repeals provisions of the NGPA that allow reimposition of natural gas price controls by the President, subject to a one-House veto, or by Congress, by concurrent resolution.

TITLE III—LIMITATIONS ON PASSTHROUGH OF CERTAIN PURCHASED GAS COSTS

Section 301 amends section 601 of the NGPA to add a "prudency" test for pipeline purchases of natural gas under contracts entered into or renegotiated after the date on which the free market price indicator goes into effect.

It also requires a dollar for dollar passthrough for savings in purchased gas costs recognized as a result of the application of take-or-pay reductions, price reductions due to the operation of the price adjustment mechanism, or any other purchased gas cost reductions.

It requires the Federal Energy Regulatory Commission (FERC) to review natural gas purchases by interstate pipelines if the average cost under new and renegotiated contracts entered into in any month exceeds 110 percent of the free market price indicator.

TITLE IV—REMOVAL OF IMPEDIMENTS TO INTERSTATE MOVEMENTS OF GAS

Section 401 adds a new section 121 to the NGPA. This contract carriage authorization requires interstate pipelines, intrastate pipelines, and local distribution companies, to transport natural gas for other purchasers. Detailed terms and conditions are imposed. Encouragement is given to voluntary transportation arrangements. Financial incentives for pipelines to participate in contract carriage transportation are provided.

Sections 404 and 405 amend sections 311 and 312 of the NGPA. They provide FERC with authority to allow more flexible purchase, transportation, and sales arrangements between and among interstate pipelines, intrastate pipelines, and local distribution companies.

TITLE V—ADDITIONAL AUTHORITIES AND REQUIREMENTS

Section 501 imposes a limitation on interstate pipeline sales to affiliated intrastate pipelines. Section 502 imposes retrictions upon off-system sales of natural gas by interstate pipelines. Section 503 provides a limited antitrust exemption to independent producers to develop cooperative associations and to carry out voluntary actions to market natural gas.

TITLE VI—REPEAL OF CERTAIN RESTRICTIONS ON NATURAL GAS AND PETROLEUM USE AND PRICING

Section 601 repeals certain provisions of the Powerplant and Industrial Fuel Use Act of 1978.

Section 602 repeals of the incremental pricing requirements for natural gas under the NGPA.

In addition to the Natural Gas Policy Act Amendments of 1983, the Committee adopted an amendment regarding natural gas imports to be offered as a Committee amendment on the Senate floor, if negotiations currently underway between private parties, and between officials of the United States and natural gas exporting countries do not succeed in lowering natural gas import prices sufficiently by the time the bill is considered by the Senate.

Mr. McCLURE. Madam President, first, and foremost, the bill contains transitional provisions to smoothly move both low-cost and high-cost gas to fair market value over a period of time. In the case of a high-price gas contract, if either party elects, the price of the gas sold under that contract would be ramped-down over 12 months to market value. In the case of a low-priced gas contract if either party elects, the price of the gas sold under that contract would be ramped-up over 36 months to market value. Gas which has been ramped up or ramped down would be limited to market value for an additional 6-month period before being decontrolled.

On balance, the bill would provide immediate price relief for consumers. At the same time it would also provide price incentives necessary for increased and more efficient production. In addition, it affords the natural gas industry a degree of security and certainty through the gradual adjustment of wellhead prices over the 44-month transition period.

Producers and pipelines who renegotiate existing contracts would, by such renegotiation, exempt those contracts from price controls and other Federal regulations. Similarly, contracts for new supplies of natural gas will not be subject to Federal price controls or regulation. On the other hand, those producers and pipelines that wish to stay with their existing contracts will be allowed to do so.

During the transition, both producers and pipelines are given the opportunity to market out contracts that are unsatisfactory and cannot be renegotiated. However, the contract termination provisions protect pipelines from having needed gas supplies shut-in, and they protect producers from a situation in which they may not be able to sell their gas to their traditional pipeline buyer. Moreover, pipelines are afforded either a right-of-first-refusal or a right-of-first-offer for gas subjected to a market out, depending upon the circumstances. This will protect pipelines and pipeline customers from abrupt interruptions in needed supplies of natural gas.

Another key element of the bill is its take-or-pay provisions. Under S. 1715, at the option of the pipeline, existing contracts may be subject to a take-or-pay reduction of up to 50 percent during the first year, 60 percent during the second year, and 70 percent during the third year. This would enable pipelines to refrain from paying for gas that they would otherwise be contractually obligated to pay for, but not accept immediate delivery of, thereby saving gas consumers billions of dollars. The Interstate Natural Gas Association of America, the gas pipelines' principal trade association, has concluded that this provision alone could reduce pipeline prepayment liabilities by $4.2 billion over a 3-year period if S. 1715 is enacted this year.

One of the most controversial aspects of the bill is the contract termination provision, which would allow both producers and pipelines to market out their existing gas contracts. The bill provides that either party to a contract may exercise the unilateral right to terminate a contract. This action is authorized at certain times during the ramp-up and ramp-down of gas prices, as well as at the end of the ramping process.

The right to terminate an existing contract was a central element of the President's original natural gas legislative proposal, and for good reason. Many of the contracts signed by producers after the enactment of the Natural Gas Policy Act in 1978 contained provisions which, in hindsight, were ill advised. Unless these contracts are modified, either voluntarily or legislatively, they will continue to create chaos in the marketplace. Thus, the market out provisions of the bill are there, in part, to enable pipelines and producers to terminate these outdated contracts; they are also there to encourage voluntary contract renegotiation. Clearly, in a situation where either party to a contract is authorized to unilaterally terminate a contract, there is a great deal of incentive for both parties to renegotiate. And recall that the committee's bill deregulates renegotiated contracts.

Concern has been expressed by some that the contract termination provisions will result in gas being shut-in, and in immediate gas shortages. This is an unlikely possibility, because producers make money only by producing gas, and pipelines make money only by purchasing, transporting, and selling gas. Furthermore, the bill contains specific provisions to prevent the shut-in of gas supplies currently under contract.

The bill also contains a host of consumer protection provisions, some of which I have already mentioned. It contains an enhanced recovery requirement, mandating enhanced recovery efforts by producers of old gas. It defuses indefinite price escalator clauses which otherwise will threaten gas consumers with runaway prices. It contains a prudent purchase rule denying the passthrough by pipelines of certain gas costs if they are excessive. It restricts market raiding by interstate gas pipelines, thereby retaining the benefits of low-cost gas for their own customers.

The bill also repeals incremental pricing and parts of the Powerplant and Industrial Fuel Use Act of 1978 which have proven over the years to be ineffective or to have had a detrimental impact on both gas consumers and gas markets.

Madam President, there is no doubt in my mind that S. 1715 would benefit the Nation. American gas consumers will be much better off under the committee bill than under a continuation of existing law. Those who assert otherwise are wrong. Just like they were wrong about what would happen to oil prices following decontrol.

I note that the Department of Energy has provided the committee with an analysis concluding that the aggregate effect of the bill's various elements would yield consumers $23 billion in benefits and long-term price relief, as compared to what would otherwise occur under existing law through 1995. These benefits result from an increase in overall production, lower average wellhead prices, and reduced outlays for imported gas. From 1982 to 1995, the committee bill will increase overall domestic gas production by about 4 tcf. It is important to point out that this 4 tcf increase results from old gas production increasing by 6 tcf relative to NGPA production levels, while new and high cost gas production actually decreases.

This economically efficient use of our lowest cost sources of gas first is a principal reason why average wellhead prices will be lower under S. 1715. The other reason for lower prices is that the committee bill releases purchasers from the rigidities of the NGPA and existing contracts which mandate above market prices for some gas. The combination of increased domestic production and lower average wellhead prices will lead to reduced outlays by American consumers for imported gas, as increased production of cheaper domestic gas. In turn domestic production displaces more expensive imported gas and thus forces import prices down.

The Department of Energy study used realistic assumptions to reach these conclusions. In fact, if anything, its assumptions were on the conservative side and thus underestimated the benefits to consumers. There can be no dispute concerning the basic conclusion of the DOE study, which is that the committee bill will result in all gas prices moving rapidly toward market price. Likewise, there is no doubt the market price will be established by looking at the prices for alternative fuels.

The other assumptions in the DOE study are also reasonable, if somewhat conservative. The DOE study assumes the price of oil during the 1983-90 time period will range between $31 and $33 per barrel in 1982 dollars. Lower oil prices would result in lower gas prices to consumers under the committee bill since the committee bill creates a free market in which gas prices must be competitive with oil prices.

The DOE study assumes decontrol will yield only a 10 tcf increase in old gas reserves. This is a conservative figure. There are studies that indicate decontrol will increase old gas reserves in excess of 50 tcf. A larger old gas reserve response than 10 tcf will mean lower average prices than indicated in the DOE study since there will be a greater displacement of high cost and imported gas by cheaper-to-produce old gas.

The DOE study does not capture the full beneficial effects of the committee bill. The committee bill, unlike existing law, provides a statutory solution to the so-called "contract problem." The DOE study underplays the benefit of that solution because it assumes that problem contracts will be renegotiated under existing law to be market responsive by 1985. Looking at the chaos in today's market, this appears to be a very generous assessment of the future under existing law.

In addition to the general economic benefits of the bill, there would be substantial State-by-State consumer gas price relief. Consumers in every State would obtain significantly lower gas prices in the first year following enactment of this legislation. Industry and Government studies bear this out as set forth in the material which appears at the end of this statement.

The fundamental objective of any natural gas bill must be to achieve a balance between the need to limit consumer gas prices and the equally important need to insure that gas shortages do not occur later in this decade. We must achieve that balance. Above all, we must avoid enacting legislation that does nothing more than compel gas consumers, in the long run, simply to exchange one form of economic hardship for another. We must not forget the chronic and increasingly severe gas shortages of the 1970's that closed schools, businesses, hospitals, and threatened homes throughout the Midwest. Nor should we forget the lessons we have learned after enactment of the Natural Gas Policy Act, when gas prices increased as a direct result of a Federal law, increases in fact dictated by the law regardless of the supply-demand situation in the marketplace.

During the committee hearings, then Federal Energy Regulatory Commission Chairman C. M. Butler commented on the nature of our challenge in development comprehensive natural gas legislation. He observed that:

> The problem that we have before us is not a Republican problem. It is not a Democratic problem. It is not a liberal problem. It is not a conservative problem. It is an American problem, and it deserves an American answer. Partisanship can play no role if we are to find a solution for the long run.

Madam President, I believe it noteworthy that this bill has extensive support. The list of supporters of the bill includes the following organizations, as well as many individual businesses and industrial corporations:

American Farm Bureau Federation.
American Mining Congress.
American Paper Institute.
American Textile Manufacturers Institute.
Business Roundtable.
Chamber of Commerce of the United States.
Chemical Manufacturers Association.
Council of Industrial Boiler Owners.
Highway Users Federation.
Independent Petroleum Association of America.
National Association of Manufacturers.
National Cattlemen's Association.
National Coal Association.
National Grange.
National Oil Jobbers Council.
National Petroleum Refiners Association.
Natural Gas Supply Association.
Petrochemical Energy Group.
Process Gas Consumers Group.
Society of the Plastics Industry.
Rubber Manufacturers Association.
National Automobile Manufacturers.

Over the past several months, more than 650 people have written to me in support of natural gas deccntrol.

This compromise legislative proposal has the full support of the administration. In his October 4, 1983 statement on the 1983 National Energy Policy Plan, President Reagan states that:

> The world energy scene remains volatile. Even though we now produce about 90% as much energy as we consume, we need to press onward with improvements. The National Energy Policy Plan we transmit to Congress today discusses all of our plans and accomplishments. But it emphasizes the need to finish the task of decontrolling natural gas. Today, the regulatory system has led to higher prices and lower supplies. Today we have unused capacity that natural gas control is restricting. That capacity could lower prices, reduce oil imports, and set us on a sensible course for the future.

Vice President BUSH stated on October 14, 1983, that "the President is fully behind decontrol." Secretary Hodel has also expressed the administration's full support for the committee's bill. In a letter dated July 18, 1983, Secretary Hodel stated that the bill, as subsequently amended, "is fair, comprehensive legislation, and moves us toward the goal of providing an adequate supply of natural gas at reasonable prices."

In conclusion, it is imperative that the Senate adopt the comprehensive and balanced approach contained in S. 1715. The chaos in the market and the certainty of ever-rising prices will only expose natural gas consumers and producers to additional hardships and penalties under existing law. The Senate must act, and act now, to ease the economic burden on those citizens who are least capable of bearing the increased costs of natural gas.

Madam President, I ask unanimous consent that the economic studies of S. 1715 that I cited previously be printed in the RECORD at this point.

There being no objection, the studies were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, D.C., July 21, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Per your request, my staff has evaluated the information provided by Mr. George H. Lawrence in his letter to you of July 20th, providing American Gas Association comments on the Senate Compromise bill on natural gas. We have further provided comment on the Sharp Committee Print version of proposed natural gas legislation which is supported by Mr. Lawrence and the American Gas Association.

I hope these comments will be of some help. If I can be of any further assistance, please do not hesitate to call.

Sincerely,

JAN W. MARES,
Acting Director,
Policy, Planning and Analysis.

Enclosures.

COMPARISON OF NGPA, SHARP AND SENATE COMPROMISE PROPOSALS

SUMMARY

The Sharp proposal represents a marginal improvement over the NGPA because it gives more contractual flexibility to deal with the current market surplus. Nevertheless, the bill will provide no long-term gains over the NGPA because it maintains NGPA's pricing regulations. The American Gas Association (AGA) is incorrect in asserting that the Senate Compromise provides less long-term benefits than the Sharp bill. By ignoring the additional old gas reserves added through the decontrol of old gas and by ignoring NGPA's (and Sharp's) subsidization of gas import prices, AGA has ignored the major benefits of the Senate Compromise. The Department estimates the net economic gains relative to the NGPA, from the Senate compromise bill to be approximately $11 billion. The gains of the Sharp bill are less than one billion dollars.

FLAWS IN AGA ANALYSIS

AGA has failed to show gains in the Senate proposal relative to the Sharp pro-

posal for three reasons. First, we believe AGA is assuming constant import quantities and prices across all cases. Therefore, the benefits of old gas decontrol in reducing marginal domestic, and therefore Canadian import, prices is ignored. Second AGA assumes no old gas supply response to decontrol. Lower marginal prices for new gas under the Senate compromise lead to less production. There is no old gas supply response to compensate. Third, AGA wrongly assumes adverse consumer impacts from higher old gas prices. Old gas prices may well rise by almost 25 percent per year under the Senate compromise, however, even larger volumes of new gas will decline in price (e.g., new gas prices are 70 to 80 cents per mcf lower under the Senate proposal than under the Sharp proposal in 1985 and 1986). Table 2 shows that consumers and the national economy gain significantly from a bill such as that proposed by the Senate Energy Committee.

THE SHARP PROPOSAL (COMMITTEE PRINT)

The Sharp proposal provides a short-run fix to the current gas contracts problem while retaining the Natural Gas Policy Act (NGPA) price controls on all categories of natural gas. The market-out and take-or-pay provisions of the Committee print attempt to redress the problem of rising gas prices despite 1.4-2.5 trillion cubic feet of excess deliverability

Sharp's short-term fixes

The Sharp bill provisions on take-or-pay requirements and market-out would reduce average prices for gas paid by pipeline companies and end-users in the short-run (1983-1985), compared to current law. In the current surplus market, pipelines anxious to increase the volume of sales would market-out of high-priced contracts and renegotiate contracts at lower prices. Additionally, pipelines would take advantage of lower 'take' requirements on high-priced gas and instead would purchase greater volumes of low-cost gas. The resulting supply mixture would lower the average price at which pipelines buy and sell gas. Lower prices in the short-term would increase gas demand, which would absorb the current surplus of gas deliverability. Notably, the more severe take-or-pay reductions under the Sharp proposal would impose an inequitable financial burden on high-cost gas producers that is not reflected in aggregate price projections.

Disadvantages of Sharp relative to Senate proposal

AGA is wrong to claim Sharp has any long-term gain over NGPA. It provides contractual fixes, but not any basic pricing or institutional changes. Sharp makes no long-term changes in NGPA, so it can provide no long-term benefits as compared to the current law.

Since Sharp maintains so much of the NGPA's structure it retains many of the current law's market distortions:

(1) *Old gas underproduction.* NGPA regulated price ceilings create a disincentive to produce old gas where production costs are higher than the regulated NGPA price. Regulated prices of old gas often are very low (range is $ .28 to $2.00 per mcf), leading to premature abandonment of wells. In the absence of regulation, this old gas could be produced and sold below average prevailing market price levels. Price controls on old gas will result in the permanent loss of 8-11 tcf of low-cost gas reserves.

(2) *High-cost gas overproduction.* To encourage the production of new and higher cost gas, the NGPA raised the prices of new gas, and did not regulate deep gas prices at all. As a result, more costly sources are developed ahead of less costly sources (old gas reserves, in particular). Gas prices were also inflated, forcing consumers to pay higher prices. Since gas prices are based on average purchase costs, the "cushion" of price-controlled old gas supplies held by many interstate pipelines has allowed these pipelines to bid up the price of high-cost gas above its true market value.

(3) *Import subsidies.* NGPA price regulations on old gas also have subsidized imported (primarily Canadian) gas prices. Since imported gas is priced against the most expensive domestic new gas supplies, domestic price subsidies translate directly into import price subsidies. As a result, consumers pay higher prices, and U.S. dollars are drained out of the economy for gas that could be produced domestically at a lower cost. We estimate that consumers will pay almost five billion dollars more for imported gas than they would under the Senate compromise, which decontrols old gas and removes this subsidy.

(4) *Barriers to End-user/producer bargains:* The lack of an effective mandatory contract carriage provision reduces competition in gas markets that would enable some industrial consumers to negotiate directly with producers. The Sharp bill would keep average delivered prices higher than necessary because it lacks contract carriage. Such a provision would allow industrial users direct access to a variety of field supplies, increasing their ability to purchase the lowest cost gas available. Producers would respond, in a deregulated market, by competitively bidding prices down.

ECONOMIC EFFECTS OF SHARP AND SENATE BILLS

Table 1 compares the effects of the NGPA, the Sharp proposal, and the Senate compromise. Sharp provides short-term benefits of lower consumer prices and additional production as the surplus is absorbed and wellhead prices are lowered. It provides no gain after 1985. On the other hand, the Senate compromise does provide long-term benefits relative to NGPA. Prices (including import prices) remain lower and production and reserve additions higher than NGPA levels from 1985 to 1995. Table 2 compares the Net National Economic Benefits (NNEB) of the Sharp and Senate proposals relative to NGPA. The Sharp proposal provides net benefits to the economy of only $1 billion, the Senate compromise provides at least $11 billion in benefits to the U.S. economy.

This NNEB measure is determined by the combined benefits that both consumers and producers receive from a change in policy (i.e., replacing or amending the NGPA with another of the proposed policies being considered). By summing these calculations all transfers between producers and consumers cancel out, leaving only net benefits. If the sum is positive, the policy is relatively more efficient than NGPA.

THE SENATE COMPROMISE

Because we believe that the Senate compromise will yield increases in old gas reserves comparable to those achieved under S. 615, the compromise yields price and supply effects comparable to those of S. 615. Further changes in current provisions, such as additional delays in the date of complete decontrol, are likely to reduce these gains by slowing both old gas productions increases and average price reductions.

The Senate proposal is more beneficial to the economy because it decontrols all gas and removes the NGPA (and Sharp) inefficiencies mentioned earlier.

From 1982 to 1995, old gas production increases by 6 tcf relative to NGPA production levels. While new and high cost gas production decreases, overall production increases by about 4 tcf.[1]

The Senate proposal ensures that this increase in overall production is accompanied by lower average costs. Consumers pay less for gas, since more expensive new and high-cost gas is displaced by lower cost old gas supplies.[2] These lower average costs and increased production levels yield $23 billion in total consumer benefits. Producer benefits decline by $12 billion, due to the revenue losses of new and high-cost gas producers, yielding $11 billion in net benefits.

A significant portion of these benefits are realized from the effects of old gas price decontrol on imports. Price decontrol leads to both lower import prices and quantities, as increased production of cheaper domestic gas displaces expensive imported gas and lower marginal new gas prices reduce import prices.

TABLE 1.—COMPARISON OF THE SHARP AND SENATE PROPOSALS WITH THE NGPA

	1982	1983	1984	1985	1986	1987	1990	1995
Prices (1982 $/mcf):								
Average wellhead:								
NGPA	2.67	2.86	3.02	3.24	3.59	4.00	4.39	5.42
Sharp	2.67	2.52	2.89	3.20	3.58	4.01	4.41	5.44
Compromise [1]	2.67	2.54	2.87	3.07	3.46	3.89	4.36	5.36
Average industrial:								
NGPA	3.68	3.82	3.96	4.25	4.62	5.02	5.38	6.36

[1] Production figures are cumulative totals derived from Two-Market Model estimates. A conservative estimate of 10 tcf of additional old gas supply was added into production totals incrementally. As a result, the cumulative total of added old gas supply through 1995 only accounts for about 6 of the 10 tcf estimated additions to old gas reserves.

[2] The average cost of old gas supplies added to reserves from 1982-1995 is less than $3/mcf. This corrects errors made in analysis by the staff of the House Subcommittee on Fossil and Synthetic Fuels that failed to account for either displacement or price reductions of new and high-cost gas resulting from old gas decontrol.

TABLE 1.—COMPARISON OF THE SHARP AND SENATE PROPOSALS WITH THE NGPA—Continued

	1982	1983	1984	1985	1986	1987	1990	1995
Sharp	3.68	3.51	3.85	4.21	4.61	5.03	5.39	6.37
Compromise	3.68	3.52	3.81	4.02	4.41	4.81	5.24	6.22
Average residential:								
NGPA	4.96	5.14	5.27	5.43	5.80	6.19	6.60	7.67
Sharp	4.96	4.80	5.15	5.40	5.79	6.21	6.62	7.69
Compromise	4.96	4.84	5.14	5.36	5.75	6.16	6.61	7.62
Gas imports:								
NGPA	5.03	4.72	4.63	4.36	4.53	4.74	4.90	5.74
Sharp	5.03	4.72	4.63	4.33	4.51	4.73	4.90	5.75
Compromise	5.03	4.72	4.63	4.04	4.15	4.28	4.42	5.35
Supply (tcf):								
Domestic supply:								
NGPA	17.89	17.73	17.96	18.11	18.12	18.01	17.06	15.47
Sharp	17.89	18.48	18.44	18.31	18.21	18.00	16.91	15.35
Compromise	17.89	18.40	18.37	18.35	18.30	18.16	17.21	15.88
Reserve additions:								
NGPA	15.04	14.51	14.08	13.57	13.12	12.64	10.69	8.40
Sharp	15.04	14.51	14.09	13.50	13.04	12.59	10.70	8.43
Compromise	15.04	13.93	13.11	14.12	13.48	12.99	11.45	9.50

[1] Assumes 10 tcf old gas supply identical to S. 615.

TABLE 2.—NET NATIONAL ECONOMIC BENEFITS OF ALTERNATIVES RELATIVE TO NGPA [1]

[In billions of 1982 dollars, 1982–95 discounted at 6 percent]

	S. 615	Senate compromise	Sharp
Consumer benefits	23.3	22.6	8.0
Producer benefits	−12.3	−11.6	−7.1
Net national economic benefits	+11.0	+11.0	+.9

[1] All numbers based on high oil prices, market assumptions, supply and demand forecasts used in DOE May 6, supplemental analysis and subsequent analysis done in support of House legislative efforts.

Assumptions for Estimated Impact of S. 1715

PRICE ASSUMPTION

The wellhead market price for gas (free market price indicator or FMPI) is assumed to be $2.80/Mcf based on the following:

A. The U.S. average wellhead price through May, 1983 (most recent data) is $2.63/Mcf and appears to have peaked in the first quarter. The average wellhead purchase price for interstate pipelines through September, 1983 is $2.76/Mcf. The NGPA Section 103 price, which will be used as the temporary FMPI during the first six months of phasing under S. 1715, is currently $2.825/Mcf.

B. A slight downward trend in wellhead purchase prices from early 1983 is indicated by the September 22, 1983 House Fossil Fuels Subcommittee staff report to the Energy and Commerce Committee which shows that the estimated average purchase gas costs for the 28 responding pipelines is expected to decline slightly from April, 1983 to April, 1984.

C. Industrial gas prices are at competitive fuel costs (residual fuel oil) in most markets. Oil prices are not expected to increase in real terms over the next year, and hence, the average wellhead price of gas is not expected to increase (otherwise, gas would be priced out of a large part of the market).

1. High-priced and low-priced gas

High-priced gas is that gas in a pipeline supply priced at or above the NGPA Section 103 price and all other gas is low-priced gas. For the impact one year after enactment, high-priced gas declines to the FMPI and low-priced gas rises one-third of the way to the FMPI.

2. Imported gas prices

S. 1715 provides for a floor amendment that would phase-down the border price of imported gas to the FMPI over 12 months plus the cost to transport the gas from the wellhead to the border. This effect was approximated by lowering the border price of imports over one year to $3.30/Mcf ($2.80 plus an assumed transmission charge of $0.50).

Although most pipeline PGA filings showed Canadian gas at $4.94/Mcf, the Canadian cost was reduced to $4.40/Mcf for all pipelines to more accurately portray first half, 1983 gas costs from which price changes were measured.

3. Reduced take-or-pay

S. 1715 permits pipeline companies to unilaterally reduce take-or-pay requirements from existing contractual levels averaging over 80% of deliverability to 50% in the first year following enactment, resulting in a reduction in purchase gas costs in two ways:

A. Lower-Cost Mix: The calculations reflect the impact of pipelines reducing their takes of high-priced gas from an assumed 75% to 50% of deliverability and replacing it with a like volume of low-priced gas. However, the volume shifted is not allowed to exceed 25% of the pipeline's current volume of low-priced gas to keep the estimate conservative.

B. Prepayment Penalties: The unilateral reduction in contractual take-or-pay levels will also allow pipelines to receive gas previously paid for, and to also avoid incurring additional take-or-pay liabilities in the future. This effect was calculated from the data in a May, 1983 report by INGAA based on a survey of its membership. The data showed their members expected to have cumulative liabilities of $3.8 billion by the end of 1983, increasing to $6.1 billion by the end of 1984. The value shown in the table reflects the impact on gas prices by partially eliminating these liabilities from the pipeline's rate base using the INGAA membership's "best estimate" of sales for 1984. The same price impact per unit of gas sold was assumed for all pipelines since specific contractual data would be needed to show differences among pipelines. The favorable impact on prices is likely larger than shown since the more recent report by the House Fossil Fuels Subcommittee cites that take-or-pay liabilities estimated by the reporting pipelines may be as much as $10 billion by the end of 1984.

4. Efficiency gains

The bill contains many features that together will convert today's rigid, inflexible industry into a flexible, market responsive, highly competitive industry from the wellhead to the consumer. Specific features are cited below:

A. Parties will have complete freedom at any time to renegotiate any terms of any contract to eliminate the rigidities that have crept into their contracts and are now stifling the industry.

B. Access to all gas supplies by all pipelines will yield a more efficient distribution.

C. Contract carriage will promote competition, expand the markets for gas, and lead to innovative approaches to lowering the cost to transport and market gas.

D. Elimination of incremental pricing and the Fuel Use Act restriction will expand the markets for gas.

E. The expanded gas sales from the above will result in increased utilization of the pipeline and distribution systems, providing a larger base to spread their fixed costs over.

F. Pipelines will no longer be allowed to automatically flow-through all costs of purchased gas, but will have to demonstrate that new contracts are in line with the market, thus discouraging imprudent purchasing practices.

The above items will impact costs downstream from the wellhead, represented by the difference between the average price of gas to all consumers and the average purchase price of the gas supplied to those customers. The amount this difference or margin will be reduced is dependent on a judgemental assessment. A reduction of around 20 percent would seem to be a fair estimate. However, since there is no way to set a precise number, a very low value of 5 percent was used in the calculations to minimize controversy. The efficiency gains, which would apply to the entire downstream system (transmission and distribution), were determined for each state and then applied to other pipelines supply serving that state.

AMERICAN GAS ASSOCIATION,
Arlington, Va., July 20, 1983.

Hon. JAMES MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MCCLURE: As your committee nears the end of its heroic efforts to fashion a compromise natural gas bill, I would like to bring to your attention some data which A.G.A. has just developed at the request of some members of your committee. The information compares the Senate Energy Committee markup vehicle/proposal (as of 7/15/83), with the NGPA and the so-called Sharp committee print now being used by the House Energy Subcommittee on Fossil and Synthetic Fuels.

The attached results indicate the Senate Committee proposal will result in more gas

well completions and lower retail gas prices in the period prior to 1987 than would be the case under the NGPA. However, the Sharp committee print would bring on line even more gas production, more well completions, while holding retail prices to lower levels than either the Senate Energy Committee proposal or the current NGPA. For 1987 and beyond, the Sharp committee print continues to show significantly more favorable results in the three years mentioned than either the Senate Energy Committee print or the NGPA. We would note that the Energy Committee proposal produces the most unfavorable results after 1987 in the areas of retail prices and gas well completions; it is slightly better than the NGPA regarding gas production though it is less favorable than the Sharp committee print. Additionally, under the Energy Committee proposal, "low-cost gas" prices will increase by an estimated 18.9% per year until they are decontrolled in 1986—an excessive burden on consumers.

It is our understanding that an amendment will be offered in the next day or so to include direct sales in the ramp up and market out provisions of the bill. The inclusion of low-cost direct sale gas in the ramp up could reduce projected utility retail gas prices slightly by opening up to the interstate market some lower priced reserves that, under the legislation as currently written, would be carved out for intrastate direct sale customers.

We appreciate Mr. Chairman, the diligent, hard work of you and other members of the committee during the past several months of the markup on various natural gas proposals. Yet, I must express our disappointment that the bill which apparently will be reported to the full Senate still contains several provisions which will unnecessarily increase consumer gas prices and thus, cannot be supported by the American Gas Association. We continue to hope that the Committee will report legislation which we can endorse without accelerated old gas decontrol and without other provisions that could increase consumer gas cost.

Sincerely,

GEORGE H. LAWRENCE.

ESTIMATED IMPACTS OF PROPOSED LEGISLATION ON NATURAL GAS PRICES, WELL COMPLETIONS AND PRODUCTION

	1983	1984	1985	1987	1990
Average utility retail gas price ($/MMBtu):					
Sharp committee print	4.85	4.84	5.13	5.84	7.01
Senate proposal	4.85	5.04	5.36	6.16	7.37
NGPA	4.85	5.07	5.99	5.89	7.07
Residential gas price ($/MMBtu):					
Sharp committee print	5.46	5.41	5.72	6.54	7.84
Senate proposal	5.46	5.67	6.03	6.95	8.27
NGPA	5.46	5.67	6.73	6.59	7.90
Industrial gas price [1]) $/MMBtu):					
Sharp committee print	4.44	4.46	4.76	5.44	6.60
Senate proposal	4.44	4.62	4.94	5.68	6.88
NGPA	4.44	4.68	5.47	5.49	6.65
Successful gas well completions [2] (thousand wells):					
Sharp committee print	12.8	13.5	11.7	11.3	10.4
Senate proposal	12.8	12.2	10.3	10.1	9.4
NGPA	12.8	11.3	9.6	10.3	10.2
Production capability [3] (Tcf):					
Sharp committee print	20.8	20.9	20.8	19.1	17.6
Senate proposal	20.8	20.9	20.6	18.9	17.3
NGPA	20.8	20.9	20.6	18.7	17.2

[1] Utility sales only.
[2] Lower 48, wildcat plus development wells.
[3] Associated and nonassociated. Excludes impacts of shut-in production capacity.

ASSUMPTIONS FOR AGA-TERA PRICING SIMULATIONS—JULY 19, 1983

COMMON TO ALL SCENARIOS

Inflation declining gradually from current level of about 6 percent to about 4.4 percent by 1990.

Crude Oil (RAC) $28 per Bbl in 1983, escalating at zero percent "real" in 1984, one percent "real" in 1985, and two percent "real" after 1985.

Residual Oil Prices rising from current levels to 85 percent of crude in 1985 and 90 percent of crude in 1990.

Future wellhead prices for all gas categories reflect specific features of the legislative alternatives (see below).

The "Market-Clearing" price for natural gas at the wellhead (excluding severance taxes and production-related costs) is approximately 55 percent of the Btu/equivalent price of crude oil at the refinery.

Future drilling, discoveries, reserve additions, and gas production based on runs of AGA-TERA supply models with specified assumptions.

Future retail prices and demands based on runs of the AGA-TERA Demand/Marketplace Model.

NGPA

From 1984 onwards, New-New gas seeks a price level such that the overall average of all gas prices is equal to 55 percent of crude oil.

From 1985 onwards, Intrastate and Direct-Sale gas with "indefinite price escalators" will seek a price equal to that of New-New gas.

In 1985: (a) that 1977 to 1981 vintage gas having "indefinite price escalators" and no "market-outs" is assumed to "fly-up" to 110 percent of distillate oil; (b) that 1977 to 1981 vintage gas having "market-outs" seeks a price equal to New-New gas.

By 1987, all "indefinite price escalators" will have been renegotiated and the "fly-up" eliminated.

Price of gas imported from Canada and Mexico:

In 1984: first 650 Billion Cubic feet at $4.40 per Mcf, all additional at $3.30 per Mcf.

In 1985 and beyond: equal to average price of all new (i.e. post 1976) domestic gas.

SHARP COMMITTEE PRINT

In 1984, New-New gas prices assumed to be the lower of: (a) the NGPA ceilings, or (b) a level consistent with recent market-outs.

From 1985 onward, all post-1976 vintage gas, including New-New, seeks a price level such that the overall average of all gas prices (old and new) is equal to 55 percent of crude oil.

Statutory "market-outs" eliminate any "fly-up" of 1977 to 1981 vintage gas in 1985.

Take-or-pay thresholds are not allowed to exceed 50 percent of annual contract quantities for three years from 1984 through 1986.

Price of gas imported from Canada and Mexico follows the same assumption as for the NGPA.

SENATE COMMITTEE COMPROMISE

Between 1984 and 1986, Pre-NGPA pipeline gas supplies (Sections 104, 105, and 106) "ramp-up" from NGPA ceilings to the "FMPI" (Free Market Price Indicator).

Between 1984 and 1985, Pre-NGPA-Reform pipeline supplies due to be deregulated by the NGPA (Sections 102, 103 and 107 excluding Section 102d and some Section 103) "ramp-down" from current prices to the "FMPI".

Certain supplies currently above the estimated "FMPI", but not due to be deregulated by the NGPA (Section 102d and some Section 103), remain at the NGPA ceilings in order to avoid risking loss of reserves.

The estimated "FMPI" is the higher of (1) the price for decontrolled gas which would cause the overall average price to be 55 percent of crude oil, or (2) 55 percent of crude oil.

From 1984 onward, the price of imported gas is equal to the "FMPI" at the exporting nation's wellhead, plus applicable transportation costs.

Take-or-Pay ceilings on all categories of gas set to 50 percent of annual quantity in 1984, 60 percent in 1985 and 70 percent thereafter.

AVERAGE GAS PRICE IMPACT 1 YEAR FOLLOWING ENACTMENT OF S. 1715

[Dollars per Mcf]

State	Net price change	Components of price change	
		Price increase [1]	Price decrease [2]
Alabama	−0.71	+0.18	−0.89
Arizona	−.84	+.24	−1.08
Arkansas	−.42	+.21	−.63
California	−.95	+.19	−1.14
Colorado	−.58	+.21	−.79
Connecticut	−.86	+.22	−1.08
Delaware	−.88	+.13	−1.01
Florida	−.41	+.27	−.68
Georgia	−.67	+.19	−.86
Idaho	−.79	+.15	−.94
Illinois	−.54	+.22	−.76
Indiana	−.63	+.21	−.84
Iowa	−.45	+.23	−.68
Kansas	−.31	+.24	−.55
Kentucky	−.69	+.21	−.90
Maryland	−.95	+.09	−1.04
Massachusetts	−.85	+.22	−1.07
Michigan	−.94	+.18	−1.12
Minnesota	−.45	+.22	−.67
Mississippi	−.76	+.14	−.90
Missouri	−.68	+.19	−.87
Montana	−.80	+.13	−.93
Nebraska	−.34	+.31	−.65
Nevada	−.78	+.20	−.98
New Hampshire	−.91	+.17	−1.08
New Jersey	−.88	+.18	−1.06
New York	−.80	+.18	−.98
North Carolina	−.88	+.13	−1.01
North Dakota	−.80	+.13	−.93
Ohio	−.82	+.18	−1.00
Oregon	−.81	+.15	−.96
Pennsylvania	−.82	+.14	−.96
Rhode Island	−.85	+.23	−1.08
South Carolina	−.72	+.17	−.89
South Dakota	−.43	+.20	−.63
Tennessee	−.69	+.21	−.90
Utah	−.30	+.27	−.57
Virginia	−.91	+.11	−1.02
Washington	−.81	+.15	−.96
West Virginia	−.79	+.15	−.94
Wisconsin	−.77	+.22	−.99
Wyoming	−.48	+.23	−.71

[1] Source of price increases are due to the ramp-up of prices below the FMPI.
[2] Source of price decreases are due to the ramp-down of prices above the FMPI, moderating import costs, reduced take-or-pay requirements and general efficiency gains.
Source: Natural Gas Supply Association.

Mr. JOHNSTON. Madam President, it is very appropriate that we be considering the natural gas bill on the day after we have turned down the extension of the Federal debt increase. The reason that this is so is because these two measures reflect a parallelism in congressional attitudes. That is to say that the Congress, especially the Senate, is strongly against Federal deficits. It is also strongly against the present natural gas problem. But when it comes to doing anything about

either, Senators and Members of Congress go off in 535 different directions.

Madam President, there is no doubt we have a problem with deficits and there is no doubt we have a problem with natural gas. The thing about which there is doubt is what, if anything, the Congress is going to do in a coherent, intelligent sort of way.

Madam President, the motion to proceed to S. 1715 is the motion under consideration. I am the first to admit that S. 1715 is not a perfect bill. To say it is a flawed bill would be correct. You cannot unscramble this egg of natural gas regulation without doing some things which you do not want to do. For example, you cannot do so without abrogating contracts. This is one Senator to whom a contract has always been considered something that was binding in law and in morals, and which should never be abrogated. But, indeed, this bill, in fact virtually every substitute that anybody has considered, filed or even talked about, involves abrogation of contracts to some degree or another. The reason it does so is that you cannot get from here to there, you cannot get from today's problem in natural gas to tomorrow's solution, without doing some things like abrogating contracts.

What is our problem, Madam President? One of our biggest problems is the fact that while natural gas prices at the wellhead are actually going down, natural gas prices at the burner tip are actually going up. Indeed, in the first 5 months of this year the average increase of prices of natural gas at the burner tip has seen a 48-cent increase. Yet, we find from the Energy Information Administration that the price of gas purchased from producers by major interstate pipeline companies has come down from $3.27 on the average in January 1983 to $3.03 in May 1983. This represents a 24-cent decrease in the purchase price by major interstate pipeline companies from producers.

So producer prices go down 24 cents while the consumer price goes up 48 cents.

The problem lies in the Natural Gas Policy Act of 1978.

We also have some incredible situations, Madam President, which I can bring to the attention of this body, that are taking place in my State of Louisiana. In the city of Baton Rouge we are importing Canadian natural gas. That city sits right in the middle of one of the richest gas-producing areas in the country, perhaps the richest gas-producing area of the country. They are importing Canadian natural gas into Baton Rouge, La., and paying $4.40 for it while in the shadow of the State Capitol in Baton Rouge gas wells are producing gas and exporting it at 27 cents per mcf. So we import all the way from Canada for $4.40 and export at 27 cents. It is absolute insanity, illogical, unworkable, and, indeed, it is exemplary of the problems caused by this great thing called the Natural Gas Policy Act.

Different pipelines in different parts of the country have wide discrepancies in their average acquisition cost of natural gas; as much as $1 and more per Mcf difference in the average acquisition cost of different pipelines. It is not related to distance from the gasfield, not related to any reason other than sort of the luck of the draw as to where they happen to be and where their gas supply was discovered.

We have a situation, Madam President, that is fraught with uncertainty so that we do not know what is going to happen on July 1, 1985, under the Natural Gas Policy Act in terms of the power of Congress and the power of the President.

My colleagues recall that under the Natural Gas Policy Act on January 1, 1985, all of this big body of what we call new gas, section 102 gas, is deregulated. On July 1, 1985, under the Natural Gas Policy Act, the President has the right to reregulate subject to a one-House veto, and the Congress by concurrent resolution has the power to reregulate. But nobody knows, in view of the late Supreme Court decision on vetoes, what will really happen. Does that mean the President has the right to reimpose controls with no veto by the Congress? Or does it mean that the President does not have the power to reregulate? Then, of course, the veto would fall. What of the power of Congress? Can the Congress reregulate by a concurrent resolution subject to veto by the President? No one knows the answers to these questions and these are questions of more than academic interest.

A driller, before he drills his gas well, wants to know what kind of price he can get. He is subject, of course, to uncertainty in the market. But a driller of a natural gas well is willing to take his chance on the uncertainty of the market because he thinks he can determine what that market is going to be, and he is willing to take that risk. What he is not willing to take the risk of is an unpredictible Congress and an uncertain President.

And so it is that the rig count in the United States has been off as much as 60 percent from its high in 1981. It continues to be so. In southern Louisiana the rig count is down over 50 percent today. That is caused by a number of factors, but none as acute and as direct as the uncertainty surrounding natural gas. What is the Congress going to do? If the Congress does nothing, what are the powers of the Congress under the Natural Gas Policy Act? What are the powers of the President? As long as that uncertainty continues, you are not going to have the activity out there in the gasfields and in the oilfields that you ought to have.

Madam President, we have at present a surplus of deliverability of natural gas. A surplus of deliverability is different from a surplus of natural gas. We really have a shortage of natural gas in the sense that the amount of reserves as a proportion of what we use each year has gone down and precipitously down. We have not found as much gas as we have used, except in 1 year, out of about the last 13 years. We continue to live on past findings of natural gas. So are we continuing to use it too fast.

But we do have what is called surplus of deliverability. What does that mean? It means that of those gasfields that are hooked up to a pipeline, are capable of delivering more gas than we are using right now. That phenomenon is caused by many things. The top of the list for that is the recession.

Come about 1985 that deliverability surplus is going to be gone, and with the vanishing of that deliverability surplus, the fat is going to be in the fire. The country is going to be in trouble again on natural gas.

We say 1985. The saying down in southern Louisiana in the oil and gas patch is stay alive until 1985. Things are awfully tough now with bankruptcies of drillers and members of the support industries. There are gas producers going broke right and left. The Midland Bank in Texas, one of the largest energy-related banks in the country, went broke because they are not drilling any more gas wells and notes on the old gas wells are not being paid. But the saying is if you can just hold out until 1985 or maybe 1986, things are going to be well again. That is because we are going to be short of natural gas. We are going to be short to a large extent because of the self-induced trauma which the Congress, by its failure to act on the Natural Gas Policy Act, is inflicting upon the country. By failing to get a policy that drillers can depend upon, we are setting the scene for a very severe shortage come 1985 or 1986.

So, Madam President, what we are trying to do in this bill is to cure that problem as best we can. We know we cannot cure it altogether because natural gas is a finite resource. But at least we would like to produce in an orderly way so as to deaden the effect of that shortage when it comes.

With that, Madam President, the primary concern of this bill and of our committee has been the consumer. How is the consumer helped by this bill? Principally, he is helped by doing away with the uncertainty. By substituting the certainty of the market, the uncertain certainty, if you will, of the market, which is a powerful incentive for drillers, we help him on the supply side. This, in my view, is the most im-

portant part of this whole equation because without supplies it does not matter how much you regulate—you are going to be short and the country is going to suffer economically.

So the first way this bill helps is by additional supplies.

But the question of supplies is impossible to prove. We can no more prove that you are going to have more gas wells drilled under this bill than President Reagan can prove that you are going to have an increase in the economy from supply-side economics. However, I submit our case is a lot stronger than his was. Nevertheless, we cannot prove it.

But we can point to various sections of S. 1715 that will definitely give relief to consumers. What are those provisions? First of all, take or pay relief. In the first 3 years of the bill, take or pay obligations are reduced 50 percent, 60 percent, and 70 percent respectively. According to the Interstate Natural Gas Association, take or pay obligations of major pipelines totaled $7 billion. That is a powerful amount of dollars which will be relieved, to a very large extent, by this provision and 50, 60, and 70 percent.

Why is it on a sliding scale with a greater reduction of takes in the first year and a little less in the next year and a little less in the following year? It is because this surplus of deliverability which I spoke about is rapidly declining.

In 1983, the deliverability surplus is 2.5 trillion cubic feet. That declines to 1.6 tcf in 1984, to 0.7 tcf in 1985. Stated as a percent of purchases from 1983 to 1985 it declines from 23 to 15 to 7 percent. So what we are doing is matching the take or pay reductions with the decline in surplus of deliverability.

The bottom line of take or pay relief is to match with that surplus of deliverability.

The second way we help consumers is by doing away with indefinite price escalators. Of course, what that means is that those contracts provide for example that your price may rise to the highest price in the field or to the equivalent price of another commodity. That is an indefinite price escalator. We provide for the defusing of indefinite price escalators through either renegotiation on a voluntary basis through what we call a market out, where you are able to terminate the existing contract on natural gas and purchase from someone else.

So, indefinite price escalators are taken care of.

Third, we provide for a prudence standard for the purchase of natural gas by pipelines. What is this? Well, we have found over the last couple of years that some pipelines have gone out in the market and purchased natural gas for incredible amounts. Some cases have been documented as high as $9.50 per Mcf. Keep in mind that the average price of natural gas has been down at about $2.63, while some pipelines go out and purchase gas for as high as $9.50. That was clearly an imprudent purchase. But under the Natural Gas Policy Act, there is no provision which effectively prevents that pipeline from making that purchase. All the Natural Gas Policy Act says is that automatic passthrough of prices cannot be had if there is "fraud, abuse, or similar grounds."

These purchases do not constitute fraud and they are not abuse. But they are imprudent, so we put in a prudence standard. This insures that pipelines under this bill will not be able to purchase gas for more than 110 percent of the weighted average market price.

Fourth, we provide for what is called contract carriage so that someone who has gas may get it carried mandatorily on a pipeline to some end user, including industrial users. This guarantees that there will be some competition in the shipping of that natural gas. It will help considerably on a competitive basis to get the natural gas transported. That, in turn, will clearly help the consumer.

Most of all, Madam President, this bill provides relief to the consumer by what we call the ramp-up and ramp-down mechanism. This ramp-up and ramp-down mechanism seems to be little understood, either in the press or by our colleagues. I hope our debate today will help that understanding so we can let people decide for themselves whether it helps the consumer.

What is the mechanism? Let us begin with old gas. Old gas is underpriced under a number of vintages, going all the way from 27 cents to up above $2. But it is relatively cheaper than the market level prices for all gas. What this bill does is take the old gas and ramp it up to the average market price over a period of 3 years. It takes the expensive gas—keep in mind that we have some gas that has not been regulated since 1979 including that below 15,000 feet or that from tight sands, which is regulated but at a much higher price.—We take those expensive gases and ramp them down over a period of 12 months.

So expensive gas comes down in 12 months to the average market price. The cheap gas goes up to the average market price over a period of 3 years.

What does this do to the price of natural gas for the consumer? According to a study by the Natural Gas Supply Association, it brings the price of gas down the first year by as much as 95 cents per Mcf in some States.

Madam President, I ask unanimous consent that a copy of this Natural Gas Supply Association study be printed in the RECORD at this point.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

NATURAL GAS SUPPLY ASSOCIATION,
Washington, D.C., October 26, 1983.

Hon. J. BENNETT JOHNSTON, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSTON: We understand that the Senate may soon consider S. 1715, natural gas legislation reported by the Committee on Energy and Natural Resources.

As stated in previous correspondence, the Natural Gas Supply Association, on behalf of producers who market more than 90 percent of the nation's natural gas, urges you to vote for passage of S. 1715 without amendments. We realize that this legislation is opposed by a few who benefit from the price distortions created by the current law. We understand as well that many sincerely believe that achievement of a free, competitive marketplace for natural gas is desirable, but cannot be accomplished without undue burden on consumers.

On the contrary, we have evidence that S. 1715 will provide long and short term price relief while decontrolling all gas supplies at the wellhead. If enacted as written by the Senate Committee on Energy and Natural Resources, S. 1715 will exert strong downward pressure on natural gas prices. Our analysis of S. 1715's impact on gas prices, a copy of which is attached, indicates that in the 42 states studied average gas price reductions from current consumer prices one year following enactment of S. 1715 will range from 10 to 20 percent. Most importantly, this is not a theoretical study; it is derived from data available in the filings of interstate gas pipelines at the Federal Energy Regulatory Commission.

We would urge you and your staff to examine the study carefully and to test its findings, in which we have great confidence.

If you have any questions, you may telephone me or have your staff call Bob Slaughter, NGSA's Director of Congressional Relations, at 331-8900.

We fully expect this study to be scrutinized during the course of the natural gas debate. The most likely challenges will come from those who allege that all current natural gas problems will be solved by legislation that simply makes "slight" adjustments in existing natural gas contracts. Comprehensive legislation, those critics say, is not needed. "Fine-tuning" NGPA is sufficient, they contend. This argument ignores the serious problems that still exist in natural gas markets.

Additions to the nation's natural gas reserves have barely stayed close to demand, even though that demand has been significantly reduced by lower economic activity and loss of competitive sales to industrial customers. Gas drilling is expected to be 10 to 15 percent lower this year than last. This lower drilling activity is the result of not only less demand, but also stable, if not declining, wellhead prices. The average natural gas wellhead price peaked at $2.65 per thousand cubic feet in February of this year, and was $2.63 in May.

We have learned, however, that lower prices to producers do not necessarily mean lower prices for consumers. While wellhead prices were stabilizing, the average residential consumer price skyrocketed from $6.15 per thousand cubic feet in February to $6.63 per thousand cubic feet in May. Simply put, wellhead price reductions are not being passed through to consumers. In fact, in the

face of potential higher consumer prices this winter and constantly eroding industrial gas sales, one large distribution utility announced it would not seek a reduction in consumer rates, even though its purchased gas costs are projected to decline $78 million during the next year.

Limiting legislation to reductions in so-called take or pay clauses and/or capping in some manner indefinite price escalator clauses will do a great disservice to all gas consumers and producers. Such legislation would unilaterally abrogate contracts with no attempt to stimulate renegotiation, or to balance in any way the interests of all parties to current contracts. Such a "piecemeal" bill would not lead to a competitive market that would benefit consumers as well as producers. Moreover, such partial legislative treatment, particularly with respect to suggested permanent limitations on indefinite price escalator clauses—clauses that the Department of Energy states are part of almost every contract written since the Natural Gas Policy Act was enacted—would recontrol almost all flowing gas in spite of NGSA's explicit promise of "new gas" decontrol in 1985.

We strongly oppose "piecemeal" legislation that merely abrogates producer-pipeline contracts. The only outcome of such a step is an even more highly regulated and controlled industry, with less ability to respond to changing market conditions.

Legislation that leads to the deregulation of all natural gas remains very much in the nation's interest. S. 1715 makes a transition to free, competitive markets in a manner that seeks to minimize the burden on everyone concerned. It deserves your consideration and support.

Sincerely,

NICHOLAS J. BUSH.

ASSUMPTIONS FOR ESTIMATED IMPACT OF S. 1715

PRICE ASSUMPTION

The wellhead market price for gas (free market price indicator or FMPI) is assumed to be $2.80/Mcf based on the following:

A. The U.S. average wellhead price through May, 1983 (most recent data) is $2.63/Mcf and appears to have peaked in the first quarter. The average wellhead purchase price for interstate pipelines through September, 1983 is $2.76/Mcf. The NGPA Section 103 price, which will be used as the temporary FMPI during the first six months of phasing under S. 1715, is currently $2.825/Mcf.

B. A slight downward trend in wellhead purchase prices from early 1983 is indicated by the September 22, 1983 House Fossil Fuels Subcommittee staff report to the Energy and Commerce Committee which shows that the estimated average purchase gas costs for the 28 responding pipelines is expected to decline slightly from April, 1983 to April, 1984.

C. Industrial gas prices are at competitive fuel costs (residual fuel oil) in most markets. Oil prices are not expected to increase in real terms over the next year, and hence, the average wellhead price of gas is not expected to increase (otherwise, gas would be priced out of a large part of the market).

1. High-Priced & Low-Priced Gas:

High-priced gas is that gas in a pipeline supply priced at or above the NGPA Section 103 price and all other gas is low-priced gas. For the impact one year after enactment, high-priced gas declines to the FMPI and low-priced gas rises one-third of the way to FMPI.

2. Imported Gas Prices:

S. 1715 provides for a floor amendment that would phase-down the border price of imported gas to the FMPI over 12 months plus the cost to transport the gas from the wellhead to the border. This effect was approximated by lowering the border price of imports over one year to $3.30/Mcf ($2.80 plus an assumed transmission charge of $0.50).

Although most pipeline PGA filings showed Canadian gas at $4.94/Mcf, the Canadian cost was reduced to $4.40/Mcf for all pipelines to more accurately portray first half, 1983 gas costs from which price changes were measured.

3. Reduced Take-or-Pay:

S. 1715 permits pipeline companies to unilaterally reduce take-or-pay requirements from existing contractual levels averaging over 80 percent of deliverability to 50 percent in the first year following enactment, resulting in a reduction in purchase gas costs in two ways:

A. Lower-Cost Mix: The calculations reflect the impact of pipelines reducing their takes of high-priced gas from an assumed 75 percent to 50 percent of deliverability and replacing it with a like volume of low-priced gas. However, the volume shifted is not allowed to exceed 25 percent of the pipeline's current volume of low-priced gas to keep the estimate conservative.

B. Prepayment Penalties: The unilateral reduction in contractual take-or-pay levels will also allow pipelines to receive gas previously paid for, and to also avoid incurring additional take-or-pay liabilities in the future. This effect was calculated from the data in a May, 1983 report by INGAA based on a survey of its membership. The data showed their members expected to have cumulative liabilities of $3.8 billion by the end of 1983, increasing to $6.1 billion by the end of 1984. The value shown in the table reflects the impact on gas prices by partially eliminating these liabilities from the pipeline's rate base using the INGAA membership's "best estimate" of sales for 1984. The same price impact per unit of gas sold was assumed for all pipelines since specific contractual data would be needed to show differences among pipelines. The favorable impact on prices is likely larger than shown since the more recent report by the House Fossil Fuels Subcommittee cites that take-or-pay liabilities estimated by the reporting pipelines may be as much as $10 billion by the end of 1984.

4. Efficiency Gains:

The bill contains many features that together will convert today's rigid, inflexible industry into a flexible, market responsive, highly competitive industry from the wellhead to the consumer. Specific features are cited below:

A. Parties will have complete freedom at any time to renegotiate any terms of any contract to eliminate the rigidities that have crept into their contracts and are now stifling the industry.

B. Access to all gas supplies by all pipelines will yield a more efficient distribution.

C. Contract carriage will promote competition, expand the markets for gas, and lead to innovative approaches to lowering the cost to transport and market gas.

D. Elimination of incremental pricing and the Fuel Use Act restriction will expand the markets for gas.

E. The expanded gas sales from the above will result in increased utilization of the pipeline and distribution systems, providing a larger base to spread their fixed costs over.

F. Pipelines will no longer be allowed to automatically flow-through all costs of purchased gas, but will have to demonstrate that new contracts are in line with the market, thus discouraging imprudent purchasing practices.

The above items will impact costs downstream from the wellhead, represented by the difference between the average price of gas to all consumers and the average purchase price of the gas supplied to those customers. The amount this difference or margin will be reduced is dependent on a judgemental assessment. A reduction of around 20 percent would seem to be a fair estimate. However, since there is no way to set a precise number, a very low value of 5 percent was used in the calculations to minimize controversy. The efficiency gains, which would apply to the entire downstream system (transmission and distribution), were determined for each state and then applied to other pipelines supply serving that state.

AVERAGE GAS PRICE IMPACT 1 YEAR FOLLOWING ENACTMENT OF S. 1715

[Dollars per Mcf]

State	Net price change	Components of price change	
		Price increase[1]	Price decrease[2]
Alabama	−0.71	+0.18	−0.89
Arizona	−.84	+.24	−1.08
Arkansas	−.42	+.21	−.63
California	−.95	+.19	−1.14
Colorado	−.58	+.21	−.79
Connecticut	−.86	+.22	−1.08
Delaware	−.88	+.13	−1.01
Florida	−.41	+.27	−.68
Georgia	−.67	+.19	−.86
Idaho	−.79	+.15	−.94
Illinois	−.54	+.22	−.76
Indiana	−.63	+.21	−.84
Iowa	−.45	+.23	−.68
Kansas	−.31	+.24	−.55
Kentucky	−.69	+.21	−.90
Maryland	−.95	+.09	−1.04
Massachusetts	−.85	+.22	−1.07
Michigan	−.94	+.18	−1.12
Minnesota	−.45	+.22	−.67
Mississippi	−.76	+.14	−.90
Missouri	−.68	+.19	−.87
Montana	−.80	+.13	−.93
Nebraska	−.34	+.31	−.65
Nevada	−.78	+.20	−.98
New Hampshire	−.91	+.17	−.08
New Jersey	−.88	+.18	−1.06
New York	−.80	+.18	−.98
North Carolina	−.88	+.13	−1.01
North Dakota	−.80	+.13	−.93
Ohio	−.82	+.18	−1.00
Oregon	−.81	+.15	−.96
Pennsylvania	−.82	+.14	−.96
Rhode Island	−.85	+.23	−1.08
South Carolina	−.72	+.17	−.89
South Dakota	−.43	+.20	−.63
Tennessee	−.69	+.21	−.90
Utah	−.30	+.27	−.57
Virginia	−.91	+.11	−1.02
Washington	−.81	+.15	−.96
West Virginia	−.79	+.15	−.94
Wisconsin	−.77	+.22	−.99
Wyoming	−.48	+.23	−.71

[1] Source of price increases are due to the ramp-up of prices below the FMPI.

[2] Source of price decreases are due to the ramp-down of prices above the FMPI, moderating import costs, reduced take-or-pay requirements and general efficiency gains.

Source: Natural Gas Supply Association.

Mr. JOHNSTON. Why is this so? Why does it bring the price down? You have to understand that the price of natural gas today is controlled by two factors. First, the NGPA, the law, puts maximum ceiling prices on natural gas. But more than that, the market is holding down the price of natural gas so that most natural gas today is not

selling at its maximum lawful price, but is selling well below its maximum lawful price. It is the action of the market, the competition from competing fuels, which is holding the price of that natural gas down. So it can be said in a very real, analytical sense that the price of natural gas today is being set not so much by the NGPA as by the market—at least if you are talking about the average weighted price.

To be sure, within the mix of the average weighted price, there are some species of natural gas which are being held down at a very low price. For example, on some of that natural gas produced at 27 cents a thousand cubic feet, if it were deregulated, would rise in price. Contrariwise, some of that gas being sold at $5 and $6, if that contract were allowed to come down to the average market price, would be lower. But in the end, at the end of this 3-year ramp-up, the average price of natural gas should be or will be, as a matter of fact, under S. 1715, at the weighted average market price as determined by measuring the new gas contracts.

In the meantime, during this period of 3 years, because our ramp-up takes 3 years and our ramp-down takes only 1 year, the price to the consumer during that period of 3 years will be less under this bill than it will be under NGPA. Indeed, in all 42 States for which there is data the price declines during that period of 3 years.

So, Madam President, for those who say that the bill represents a bonanza to oil companies at the expenses of the consumer, it simply is not true. If you will look at the provisions of the bill, you do not have to be an expert and you do not have to be an NGSA scientist, to understand that that is not so.

Just consider the fact that natural gas today is not selling at the NGPA maximum lawful price. What is it that is holding it down? It is the market. It is because you can get residual fuel oil with a heating value and a cost of burning and transporting at less than you can get natural gas at higher prices. Or, in some instances, coal is the competing fuel. The point is it is the market which is holding the price of natural gas today down to less than Natural Gas Policy Act prices.

The consumer, under S. 1715, will not be hurt, but will be helped—not only during that period of 3 years, keeping in mind the ramp-down is 1 year, the ramp-up is 3 years—but after the 3 years, the consumer is going to be helped by take or pay, by dealing with indefinite price escalators, by a prudence standard, by contract carriage, and by the other provisions of the bill.

Madam President, it is not a perfect bill. As I stated at the outset—and I hasten to say it is impossible to draw a perfect bill, one that is logically symmetrical, one that is philosophically consistent, one that does not break any eggs to make this omelet. The fact is it cannot be done.

We have done the best we could. I think all things considered it is a good product. Will this bill pass?

(Mr. COCHRAN assumed the chair.)

Mr. JOHNSTON. Mr. President, I am honest enough to tell you that there probably are not the votes on this floor today to pass S. 1715. Let me say it stronger than "probably." There are not the votes on this floor to pass S. 1715. I would dare say there are not the votes on this floor to pass anything. And I am certain that there are not the votes on this floor today to endorse the Natural Gas Policy Act, which is the law of the land today. What we have to do on this floor in these next several weeks—and I say several weeks if the majority leader is serious about trying to finish this bill this year because it is so complicated—what we have to do is educate our colleagues, the press, and in turn the American people as to what the real situation is. I hope we can deal with this complicated subject of natural gas without a series of cliches and shibboleths and name calling and obfuscation and papering over what the real facts are.

It is not that difficult to understand why S. 1715 does not raise the price of natural gas at the burner tips of the consumer. That really is not beyond the grasp of the average American. It is certainly not beyond the grasp of the press or our colleagues. Now, whether that is a good idea is the subject of hot debate because it penalizes some producers and rewards other producers. But for the consumer it clearly does not penalize, but to the contrary, it helps the consumer.

I hope we can at least get agreement from most people that that is a fact. Whether it is a good idea or not to do that will, I hope, be the subject of debate because the bill clearly does that.

It is going to be an interesting process, Mr. President. Natural gas always is. The last natural gas bill took over 1 year in the conference committee alone. I was going to say it took 4 years to pass, but I guess in some sense it took more than 4 years because the move for some kind of relief from natural gas regulation started long before 1974. Indeed, it was alive and well when I ran for the Senate in 1972. I hope this Senate can act more quickly and with greater dispatch on this legislation than it did on the Natural Gas Policy Act of 1978. The country deserves it. Unless we do act, we are going to hurt our Nation's quest for energy. Unquestionably, we are going to hurt our Nation's economy. We have the experience now. We have dealt with decontrol of crude oil. All of those great predictions of disaster that were given out in so many quarters of the country—that decontrol of crude oil is going to kill the consumer, going to raise the price of crude oil—of course, did not occur. To the contrary, the price of crude oil went down. To be sure it was aided by a cooperative economy and by cooperative worldwide situations, but nevertheless the price of crude oil did go down after decontrol. And the price of natural gas at the burner tip will go down under S. 1715, if passed. I hope this is the vehicle, perhaps with some improvement, that can pass. At least I hope, Mr. President, that this Senate will not be silly enough to think you can regulate your way out of the problem; that simply by rolling back the price of natural gas, by putting on additional redtape, additional regulations, additional disincentives for the producer, somehow you can produce abundance out of shortage. It never has happened in the history of the world and certainly not in the history of this country. But to the contrary, every time it has been tried, especially with respect to energy, it has been counterproductive. I hope we have learned our lesson well because it is going to call upon a knowledge of recent history by our colleagues in enacting reasonable legislation with respect to natural gas.

I yield the floor.

Mr. MELCHER and Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first I wish to compliment both Senator McCLURE and Senator JOHNSTON for the hard work that they have done over the last several months on this natural gas issue.

It has been a difficult issue for them and for most of us who have been wrestling with it for some time in trying to come up with a product that would help us out of the morass of Government regulation in the natural gas industry. Quite frankly, we really need to deregulate natural gas. In its current status the industry is in bad shape, not because the industry itself is sick but because Government regulations have made some real serious errors. If anyone who has been talking to his constituents is not aware of the fact that there has been some misguided Government direction, they just need to stop and look at what 30 years of overregulation has done to the natural gas industry. It has really been a mistake. It is unfortunate.

Natural gas, Mr. President, is the only major commodity right now that is still controlled by the Federal Government as far as price at the point of production. Quite frankly, the regulations have done a very dismal job; they have not held down the cost to consumers. That is their stated intention. It may be desirable by many but, quite frankly, the result of that regu-

lation has been just the opposite. They have increased the price for consumers.

There is a maze that we go through in looking at the Federal regulations as far as the price categories of natural gas. Mr. President, there are 28 different price categories for natural gas—28 different price categories. That is unbelievable. We see prices ranging in my State of Oklahoma right now from as little as 25 cents to almost as much as $10 per Mcf. Unbelievable. This is the same commodity, natural gas, that burns the same in my home and your home. It is the exact same commodity, but Federal regulations say some of it is worth 20 cents and some of it is worth $9 and $10. That is absurd.

Do the consumers benefit from that amount of overregulation? Not in any way, shape, or form. As a matter of fact, they have paid for that overregulation. They continue to pay for it.

Some people say, "Well, let's hold down the price and that will benefit consumers." However, the free market, not artifical regulations, will do just that. We only have two categories of natural gas right now that are not controlled by the Federal Government. One is the so-called deep gas, the 107 gas, that we happen to have in Oklahoma. Gas that is deeper than 15,000 feet is decontrolled in the NGPA.

It is decontrolled, and what has happened to the prices? The price of that decontrolled gas, if you look over the last 2 years, has fallen and fallen substantially. In my State, where some of that gas was selling for $9 or $10, do you know what it is selling for today? It sells for less than $3. It has fallen considerably.

The only other category of natural gas that is deregulated is imports, and we have had some reduction in the price of imports. The only two categories of natural gas in which you really see the prices decrease has been in those two areas where they are deregulated.

But if you look at all the other categories of gas, I do not care what category you are talking about, 104, 102, 103, 105, 108, 109, all these great categories of gas that the Federal Government decided they would design, every single one, Mr. President, has increased in price in the last 2 years, despite the fact that the marketplace says those prices should be declining, not increasing. The marketplace is a little bit smarter than any administration or we in Congress, despite what we choose to believe.

We need to return to the marketplace and, quite frankly, the sooner we turn to a free market the sooner consumers will enjoy the benefits of that deregulation.

A lot of people said a few years ago, "Oh, wait a minute, we cannot deregulate oil. If we do, the price of gasoline will go up to $2 per gallon." I read it in the RECORD. We had two to three of our colleagues who implied as much. Quite frankly, those increases never occurred. Decontrol of oil has and does contribute to the decline of oil prices. It has allowed better protection against the shortages that we have had in the past. The people who were advocating more Government controls in the oil industry are the same ones that are now advocating greater and greater controls in the natural gas industry.

How credible is their argument? It did not work in oil and I submit to you, Mr. President, their argument is not correct when it comes to natural gas.

Now, we need a bill, we need to proceed to a bill, and I hope that our colleagues will allow us to consider the bill that we have before us; S. 1715 is very complicated, a very extensive bill, one on which many of us worked for months. I do not believe it is perfect, but it does take some giant steps in the right direction and that is toward deregulation of this precious commodity, natural gas. It does deregulate new gas contracts. It does deregulate gas contracts that are renegotiated. It does deregulate released take-or-pay gas. Those are all very substantial steps in the right direction.

Furthermore S. 1715 repeals the Fuel Use Act. Mr. President, the Fuel Use Act, which I do not know if anybody is very proud of right now, was passed under the premise of the so-called energy plan, under the Carter administration:

> Well, we are going to run out of natural gas so let us not burn natural gas in electric utility powerplants or industrial plants. We will not use this precious resource for those types of uses. We will save it for residential and other uses. And so we are going to prohibit new plants from using gas and we are going to force industrial plants off of gas and we are going to save this commodity for consumers.

What we really did, Mr. President, by passage of the Fuel Use Act, was mandate that some industrial customers have to get off natural gas by 1990. But since they were the ones picking up a great percentage of the load in the cost of carrying that gas, that meant that residential consumers would now have to pick up that cost. As a result we have seen natural gas prices for residential usage continue to increase because they have started to pay a greater and greater fixed percentage of the cost, the amortization of the pipeline cost. It did not make any sense then and it does not make any sense today.

We have natural gas in Oklahoma a lot of which we cannot even sell, and some of the blame is due to the policy of the Fuel Use Act and incremental pricing, both of which were designed, I guess, to save consumers some money on their gas or utility bills, but exactly the opposite has resulted. Those statutes need to be repealed, and this bill does repeal them.

S. 1715 has other things about which I have reservations, but I understand that we need to make some compromises and adjustments that will help consumers and will help us to put together a package we can support.

I may offer an amendment to make some changes. The bill provides for ramping down the prices of high-cost contracts and ramping up the prices of low-cost contracts. I have some serious reservations about doing that and will address that at another time.

What is important is that we move forward. Government regulation has not worked. It is estimated that under the present law, NGPA, prices this year will go another 20 percent. They went up that much last year. That is what we get with Government regulation.

I am not saying that S. 1715 is perfect. I am not saying that Senator KASSEBAUM'S approach is right or wrong. But it is important that we move forward. We must address this issue and address, these Government regulations that have not worked.

It is time we give the marketplace a chance, and I hope we will have the opportunity to move forward and discuss the various amendments. My further hope is that we will allow the marketplace to prove once again that it can allocate and price resources better than we in the Federal Government can.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, these are unusual circumstances here this afternoon.

The bill was reported by the Senate Energy and Natural Resources Committee. The motion to proceed occurs and this discussion occurs right at the time that the committee is in the committee room, in the Dirksen Building, reviewing Judge Bill Clark's nomination to be Secretary of the Interior.

Members of the committee are reviewing with Judge Clark his attitudes on how he would perform as Secretary of the Interior, whether the Senate will advise and consent to the nomination. At some point, I would like to be there, too. I would like to discuss with the nominee for the post of Secretary of the Interior the subjects of coal leases, coal land swaps with railroads, grazing on public lands, royalty accounting on oil and gas produced off Federal lands or Indian lands.

I would like to ask Judge Clark the nuts and bolts questions of how he would deal with these problems as they arise in the area of the Department of the Interior and what his policy would be on public lands, na-

tional parks, wildlife refuges, and Indian policies that affect tribes and their reservations. But here we are on the Senate floor this afternoon.

We have heard three of the supporters of this bill espouse the benefits of the bill. The ranking minority member was candid enough to say that he would not anticipate that the bill would pass or, if not this bill, a bill would pass very rapidly, perhaps not until around the first of the year if we kept with it until that time. I do not want to be that pessimistic, but it does remind me of another group that charged somewhat recklessly against odds. I was reminded of that event by committee staff.

The event occurred 129 years ago and a few days—the 129th anniversary was October 25, last week.

It was the occasion when Lord Raglan sent his orders to Lord Cardigan to start the cavalry charge of the Light Brigade. Here is the order issued to the Light Brigade at Balaclava, in the Crimean War, in 1854. It was a very short order:

Lord Raglan wishes the Cavalry to advance rapidly to the front, follow the Enemy and try to prevent the Enemy carrying away the guns. Troop Horse Attily may accompany. French Cavalry is on Yr. left. Immediate.

Well, that charge against the odds did not fare too well. The staff advises me that Lord Cardigan did survive. Perhaps it is noteworthy that he did survive.

Now we call a style of sweater after Lord Cardigan, and we forever remember the futility of the Light Brigade.

As to this motion to proceed to the consideration of the bill, I think it is a good place to debate the bill, and I will try to state why in the next several minutes. I think we should discuss the several points.

First of all, we might deal with the actions that brought this bill before the Senate—what brought it up for consideration in the Senate Energy and Natural Resources Committee.

The administration sent up a bill, recommended its passage, testified at length in favor of the bill. The committee met a great number of days. With diligent persistence and the real hard work of the committee chairman and the ranking minority member of the committee and other members of the committee, this package was put together and was voted out.

The reason why the administration, first of all, advanced the bill and the committee was diligent in trying to arrive at a majority for the bill was that the Natural Gas Policy Act has not been a very good success. We have had high prices for consumers. We have had a glut of natural gas, with little drilling in the last couple of years. We have had a constant problem as to whether old gas was being priced properly. As the Senator from Oklahoma just stated, there are 28 different prices for natural gas at present. So it is very complex under NGPA—that is, the Natural Gas Policy Act.

There is a great deal of redtape; there is a great deal of complaint.

As for this bill, will it actually lower prices for consumers? Consumers seem to doubt that. Will it create the situation of use of gas in a better way and make it available where it is needed and can be used most efficiently? The answer to that is yes, it probably would help there.

Would the deregulation of old gas be beneficial for the consumers as well as the producers? Well, that seems to be the strongest debating point in this bill and in the consideration of any other bill dealing with natural gas policy.

Will it lessen redtape or be less complicated? There is a great deal of argument pro and con on that. It is fair to say that while the bill seeks to do that, it might have a great deal of difficulty in accomplishing the goal of simplifying procedures, simplifying pricing, and cutting down on redtape.

I say in all candor that while the attempt to do that is in the bill and that is part of the goal of the bill, there is really a question of how many lawsuits would follow and what would be the determination of the courts in deciding those cases before we could really make a firm assessment or an accurate assessment of whether or not redtape was reduced and the act was less complicated than the NGPA.

Who is for this bill? That is a very pertinent question.

If I can find my copy of the summary of the bill, I will give you a good rundown. Here it is.

First of all, the bill in committee was voted by a margin of 11 to 9 on a motion to report to the Senate without recommendation. Now a vote of 11 to 9 on a motion to report without recommendation is about as narrow as it could be in that committee. If it were 10-10, the motion would fail. Apparently if the motion has been to report it with a recommendation for passage to the Senate floor, the vote would have been 10-10 or perhaps 11-9 against it.

Now, if the latter is the case—and there is reason to believe that that indeed is the case, that 11 out of the 20 Senators serving on the Senate Energy and Natural Resources Committee actually would oppose the bill on the floor—we seem to be spinning our wheels, to say the least, Mr. President, because if that vote had been 10-10 or 11-9, we would not have had this bill before us and perhaps there would have been another bill or perhaps no bill.

Well, who else is for the bill? Well, I think it is fair to say that the major oil companies with old gas are for the bill. And I understand that. Around 35 or 36 or 37 percent, perhaps even 38 percent, of the natural gas reserves are listed in that category. And those that own that old gas have long sought that it be deregulated under some plan. So the pricing of the old gas part of this commodity, the pricing of it would be similar to the rest of the natural gas, that is the rest of this particular commodity that is in reserve, since it will be, as the Senator from Oklahoma has already stated, the same thing, it burns just as well, and it creates just as much energy. And there is some merit and some logic to that argument.

But I suspect—well, I do not have to suspect, I know that is the biggest and the major objection to S. 1715, a major objection to the bill.

Also, there are some independent producers who believe this bill should be enacted and find substantial merit in the bill. Now that is some of the independent producers, not all, but some of them. Who is against the bill? Well, starting with the independents again, some independent producers are against the bill. Consumers are against the bill, senior citizens groups are against the bill, labor is against the bill, pipelines are against the bill, the utilities are against the bill. In fact I have a listing, and it is only a partial listing, of the opponents of S. 1715 as it now stands.

I mentioned labor. I will just identify the AFL-CIO. Others are the American Gas Association, Association of Gas Distributors, Citizen Labor Energy Coalition, Consumer Energy Council, Consumer Federation of America; the Department of Energy, State of New Jersey; the Independent Gas Producers Committee, the Interstate Natural Gas Association of America, National Association of Regulatory Commissioners, National Governors Association, National League of Cities, National Peoples Action, United Distribution Companies, and U.S. Conference of Mayors.

Mr. President, I do not want to mislead anybody at all. There are possibilities of a different bill with different elements that each and every one of these groups might be for. But it is fair to say that as S. 1715 stands before us today they do oppose this bill, all of these groups.

Well, there could be a bill considered that has a proper balance between consumers and producers that would be advantageous for both and meet the test of being in the public interest. There are numerous bills that members of the committee have had and others who are not on the committee have developed. I, myself, introduced a bill several months ago. To be fair about my own bill, it is only correct to say that, as it was viewed by the membership of the committee, it was far

from good enough to attract a majority of votes in the committee.

Well, what then will happen if the motion to proceed is approved? There will be substitutes offered or amendments offered, many of which are amendments in the nature of a substitute. They will be offered. Some of these have been considered by the committee and already rejected. None that we have reviewed so far would attract a majority vote on the Senate floor. That seems to me to be the case.

On that basis, I think it is extremely constructive right at this point to be discussing, first of all, the merits and demerits of this particular bill. I happen to believe that the bill is totally unsatisfactory in the way it is presented to us.

Now others would argue that if there were no deregulation of old gas, that it would create the majority vote for passage. And that may be true. I do not know.

Personally, I feel this way about old natural gas: I would much prefer not to drop it out without a plan of some sort of adjusting these prices at some point so that all of the commodity of natual gas were on a competitive basis and the market would decide what the price is.

On the bill I drafted and presented to the committee, it phased out deregulation of old gas in 4 years. I have no objection if it were 5 or 6 years or if there were some procedure to get it all in the same framework and let the market decide what the price should be.

Well, that does not sound attractive to consumer groups, because they fear that there will be a jump, even if it is phased out over 4, 5, 6, or 7 years, there would be a jump and steady increase in the cost of gas for them. But you have to look at the other side of it, too, and that is this: There are a number of old gas wells where the price is at such a level where they are not improved or not enhanced to capture all of the gas that is available. Those wells are not too much unlike the stripper oil wells; that is, oil wells that can produce a little bit of oil but not very much because it cost so much to operate them and, therefore, if you are going to go repair them and enhance them and improve them you have to spend some money on them, and if the stripper oil prices are such, then they go to that procedure.

The other point is that in some old gas fields locked into the low price, there could be enhanced recovery of the whole area to recover more gas. And that is, again, similar to the stripper oil-type wells. So we have found it advantageous with stripper oil wells to allow the situation over the course of time where those prices could rise if they were strippers. And I would say that perhaps the same thing is true, at least I believe it is true, on some of the old gas wells and some of the old gas fields.

After all, what we are attempting to do in the public interest for consumers, business and industrial users—that is, home consumers, small business, large business, and industry that does use natural gas—we are attempting to assure adequate supplies. And by assuring adequate supplies, we are hopeful that, on a competitive basis the price remains in good shape for those who must pay the bill.

Mr. BAKER. Will the Senator yield for a moment?

Mr. MELCHER. Yes, I am delighted to yield to the majority leader.

Mr. BAKER. Mr. President, I have discussed with the distinguished Senator whether he would permit or be willing for us to proceed by consent or by motion—a motion is now pending to get to this bill—and the Senator indicated he was not willing to give consent and he expected to discuss the motion at some length.

Could I inquire of the Senator if that is still the case? If it is, what I plan to do is to go ahead and file the cloture motion on the motion to proceed.

Mr. MELCHER. I thank the majority leader for his courtesy in telling me and the rest of the Senate about his plan. Frankly, I see no reason to discourage the filing of a cloture motion. I think perhaps that will frame the question and, as quickly as it is done, somehow in the interim we can arrive at a satisfactory arrangement for considering a different bill and we would not have to go through with the cloture motion. But pending that, I think a cloture motion would frame the argument and allow for a vote under a usual rules of the Senate.

Mr. EXON. Will the majority leader yield?

Mr. BAKER. The Senator from Montana has the floor.

Mr. EXON. May I make a statement for 30 seconds? Will the Senator yield 30 seconds?

Mr. MELCHER. I am delighted to yield.

Mr. EXON. In referring to the majority leader's responsibilities, I would join my colleague from Montana and say that if I were the majority leader I would file a cloture motion.

Mr. BAKER. Mr. President, I have never met with such enthusiasm on filing a cloture motion.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1715, a bill to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jesse Helms, Jake Garn, Steve Symms, Don Nickles, James A. McClure, Chic Hecht, Malcolm Wallop, Dan Quayle, Lowell Weicker, Bob Packwood, Mark Hatfield, John Danforth, Richard G. Lugar, and Orrin G. Hatch.

ORDER OF PROCEDURE

Mr. BAKER. Will the Senator yield to me for one more moment?

Mr. MELCHER. Yes.

Mr. BAKER. I have had a number of inquiries about how late we will run this afternoon. I would anticipate now that the Senate will stay in until approximately 6 p.m. and then go out until tomorrow sometime in the midmorning, at which time we will take up this motion or other matters which will be arranged by unanimous consent. I thank the Senator for yielding.

Mr. MELCHER. I thank the majority leader for his thoughtfulness in regard to his actions.

NATURAL GAS POLICY ACT AMENDMENTS OF 1983

Mr. MELCHER. Mr. President, I really do feel that a vote taken under cloture will clearly establish what the will of the Senate is and also will allow some time for discussion on whether or not we can put together the type of bill that would attract the majority of votes. To do that, of course, we have to have a bill that is satisfactory to the public at large and meets the needs and concerns of both producers and consumers.

Now, Mr. President, I yield to the distinguished Senator from Nebraska who has a few comments he would like to make at this time, without losing my privilege to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. EXON. I thank my friend from Montana.

Mr. President, I rise in strong opposition to proceeding to the consideration of S. 1715, a bill which, at its best, can be described simply as "confusion's masterpiece."

Very few on the Senate Energy Committee are enthusiastic about this bill. It was reported to the full Senate without any committee recommendation. That signals that the committee itself was not able to muster a consensus on the bill.

S. 1715 is hailed by its supporters as a compromise bill.

It is not.

The centerpiece of S. 1715 is old gas decontrol. Be it immediate, phased, or ramped, a rose is a rose. Old gas decontrol was the President's promise made to big oil which the White House hopes to make good on at the expense of the Nation's homeowners, farmers, businessmen and small, independent producers.

The Congressional Budget Office has stated flatly that old gas decontrol serves to redistribute revenues from new gas producers, the independents, to the major oil companies. Transferring billions of dollars to the pockets of big oil.

My State of Nebraska is much like all Midwestern States in that it is heavily dependent upon reliable, low-cost natural gas to meet the demands of agricultural, commercial, and residential needs. Nearly 70 percent of Nebraska's homeowners heat with gas. These homeowners would be burdened with the price increases resulting from old gas decontrol. This low-cost gas would nearly double in price if existing ceilings are removed.

The administration is waging a fever pitched crusade on behalf of big oil to implement old gas decontrol. This campaign for the majors, however, appears more to be an effort to persuade others in the hopes of convincing themselves.

The Senate is deadlocked; stalemated in an impasse centering on the administration's insistence on old gas decontrol. If the White House position is maintained, it will surely guarantee a filibuster and prevent any action on legitimate fine tuning legislation this year.

New, comprehensive legislation is not needed. We need only to help the industry over the transitional hump to a deregulated market; old gas decontrol will only trade one set of problems for others, changing horses in the middle of the stream.

The NGPA is not a perfect law, but we are gradually getting to a decontrolled environment on a steady, deliberate, and prudently cautious course. In only a year and a half, new gas will be decontrolled under the law. Of course, the majors, who own nearly all of the low-cost, forever regulated old gas, want immediate decontrol; not today, not tomorrow, but yesterday.

Old gas decontrol will only raise the price of existing supplies controlled by big oil, without a commensurate supply addition.

The Senate must seek to draw a clear and precise bead on the very real needs of the gas industry today. Not merely the needs of some of the major oil companies. I would urge my colleagues to ask themselves whether S. 1715 bears any real relationship to the actual needs of the market. I believe that it does not.

I am puzzled by the cry that is heard that, if old gas were decontrolled, the distortions in inflexible supply contracts would be resolved. The 1978 act established price ceilings. Contracts have turned these ceilings into price floors. The market is not taking gas at prices below those ceilings in many cases. The 1978 Decontrol Act does not prohibit contract prices from being lower than those ceiling prices.

The point is that old gas decontrol is irrelevant to the true needs of the market at this time.

Supporters of S. 1715 allege that last December's Senate resolution urging the industry to work out its own problems was merely a deferral and provided a mandate for the Congress to buy time to devise a comprehensive bill.

I strongly disagree. Last year's resolution was designed only to prod the industry into taking the initiative to make the market work.

In the past year, notable individual efforts have been made by pipelines and distributors to voluntarily readjust to a market of shrinking demand. Once timid pipelines are now negotiating with producers. Some have simply refused to buy gas at above market prices. Others are initiating new markets to maintain load factors during this temporary supply surplus.

Despite the voluntary efforts which have occurred to date, potential liability from "take or pay" clauses and "price escalator" clauses, both of which were extracted from pipelines by producers in a different era, hang like a sword and cloud the future with uncertain price hikes to consumers.

This is the true issue in need of the attention of the Congress.

In instances where contracts cannot respond to changes in the market, and where producers are unwilling to voluntarily renegotiate contract terms in the face of market changes, a strong case can be made for mandating some limited contract modifications to prevent disruptions in the market and hopefully avoid pipeline bankruptcies.

Even the courts have modified certain contract provisions where an overriding public concern is at stake.

The administration has attempted to make an "apples to oranges" comparison of natural gas decontrol to oil decontrol. The administration ignores the fact that homeowners do not have fuel switching capabilities. They also ignore the fact that natural gas pipelines and distributors are not nearly as flexible as oil refineries. They also ignore the fact that OPEC would then be setting domestic natural gas prices as well as oil prices.

I would urge my colleagues to focus their attention on only a fine tuning of the law to permit inflexible contracts, which threaten to hike prices, to reflect downward trends in market demands.

I would further urge my colleagues to oppose S. 1715, as reported by the Energy Committee, at every step of the process.

Mr. NICKLES. Will the Senator yield?

Mr. EXON. I yield back to my friend from Montana who has the floor.

Mr. NICKLES. Will the Senator yield for a question?

Mr. MELCHER. I will be delighted to yield for a question from my friend without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, this is a question for the Senator from Montana, Senator MELCHER.

Is it the Senator's contention that possibly we need to adjust some contracts either in the form of take or pay reductions or possible limitations on price escalators? Is it his hope that maybe we can do that?

Mr. MELCHER. Does the Senator wish me to answer or my friend from Nebraska? I will yield to my friend from Nebraska if he wants him to answer.

Mr. NICKLES. I believe he said he would like to modify some of the contracts, saying that big oil gets the tremendous benefits. How can we modify some of these contracts if we do not proceed to the natural gas bill?

There are several proposals before us and I, like many other Senators, am trying to work on several proposals, most of which have reductions in price escalators, and so on. How can we address those unless we proceed with the bill?

Mr. EXON. Mr. President, I would respond in this fashion to my friend: I suspect, though I have not consulted with him, that the Senator from Nebraska is in basically the same position as the Senator from Montana. We are very fearful that S. 1715, strongly backed and lobbied by the White House, as the Senator from Oklahoma knows, just might get enough votes to pass. Therefore, what we are attempting to do, by debating this issue at every turn in the process, is to come up, hopefully, with some kind of a workable compromise.

In answer to the legitimate question from my friend from Oklahoma I would simply say that until we basically eliminate old gas decontrol, which is the centerpiece of the administration's effort, I think there is little likelihood that those of us on the other side of the issue are actually in a position to do much yielding.

I am simply saying to the Senator from Oklahoma, and any others who are listening, that this Senator is willing to listen to some compromises so long as those compromises do not entail old gas decontrol.

Certainly, as a specific answer to the question asked, I suspect that take or pay and some of the other escalator clauses are something that the Senator from Oklahoma, the Senator from Nebraska, and possibly the Senator from Montana could individually agree upon.

Mr. MELCHER. Might I also respond, Mr. President?

If we are going to deliver a new baby—that is, produce a new law to replace the NPGA—the last place I want to deliver that new baby is on the Senate floor, where amendment after amendment is brought up without any real understanding by the Senators voting on these amendments what the effects of one amendment opposed to another will do and what the package will do. That is one of the sad situations we are in. If we are going to amend this bill piecemeal, I think it is almost hopeless. Therefore, I strongly urge that we have an entire package to look at to see whether the parts indeed do fit together and are workable and that we are delivering truly a worthwhile new birth to NGPA.

I would like to see NGPA replaced with a workable package that is in the public interest. I think I have seen some 15 failures to do that and if we are going to substitute it, I think we need some time to look at that substitute to see whether it does indeed fit together.

We can deliver a baby—anybody can deliver a baby who has some qualifications—in a taxicab or an automobile. But it is not a choice of place to do so. We would rather have the mother delivered to the maternity hospital where it can be done with some safeguards and some expertise. Amending this bill piecemeal on this floor is akin to delivering a baby on the way to the hospital in the automobile. I do not think we need to do that. I think we can look at the entire package, see if it holds together, if it is in the public interest, and indeed is meritorious compared to NGPA, the current act we are under.

I thank the Senator for his inquiry because I think it is very pertinent.

Mr. NICKLES. Mr. President, let me ask one other question of the distinguished Senator from Montana. Under NGPA, we are looking at increases in gas prices of 20 percent. If we are not allowed to move, proceed, and discuss some of the alternatives, some of which may be in packages or substitute forms such as Senator KASSEBAUM's—I do not agree with her idea, but I think we ought to wrestle with it—then how does the Senator suggest we deal with those increases. We wrestled with this thing, to use the analogy of the maternity ward, for months. I think that is why it is now in this particular state.

I think it is time we get before us the bill and discuss some of the alternatives. I think the only way we can do that is to move forward. If we do not move forward, gas prices to the consumer are going to increase 20 percent because of overregulation. I think it is time for the Senate to work its will. I hope the Senator will allow us to proceed as soon as possible.

Mr. McCLURE. Will the Senator from Montana yield for a comment on that point?

Mr. MELCHER. Yes; I am glad to yield to the chairman.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, I think I understand a little better what the Senator's objectives are. Debate is sometimes useful at least for clarifying where we are. I am grateful for that.

Pursuing the analogy the Senator has used, you may not choose the place of delivery of the baby, but there has been a 9-month gestation period prior to that. We have some of that here. The Senator is suggesting that, somehow, we conceive a new baby and have that baby then delivered. I am a little uncertain as to the proposed parentage of that new child, let alone what the gestation period of that child might be.

If the Senator is suggesting that we go back to the committee for 9 months, I wonder how he is going to say to the people of Montana, or to the people of the rest of the Nation, that we have a workable solution to the problems that are being created now under the NGPA that is causing their prices to escalate beyond the competitive price in the marketplace.

Mr. MELCHER. First, Mr. President, if the gestation period for a bill should be 9 months, then I guess the Senator from Louisiana, the ranking member of the committee, knows what he is talking about when he says we could probably discuss this bill while the Senate is in session right up to the first of the year, because I think that will make sure that 9 months have elapsed since the administration came forward with their proposal and the committee began to look at it.

The Senator from Oklahoma spoke of numerous substitutes, some of which I am familiar with, that might be offered if we proceeded to the bill. Frankly, all of the ones that I have heard of are ones that have been considered by the Senate Energy and Natural Resources Committee and rejected. That does not mean that the full Senate might not take a different view of them. It does mean we know pretty well where the 20 members of the committee are in that regard and we know where the managers of the bill are and those who are in favor of S. 1715, we know where they are.

There may be some other substitutes and it is for that very reason, Mr. President: There may be some other substitutes offered. That is why I really believe this time we are taking now is constructive because if there are other substitutes that are going to be offered, let us have a look at them before we are asked to vote on them in the next 4, 5, or 6 hours.

Mr. McCLURE. Will the Senator yield under the same conditions?

Mr. MELCHER. Yes; I am delighted to yield.

Mr. McCLURE. Maybe we are closing in on a procedural method by which we can come to a resolution. As the Senator knows, we debated this in exquisite detail over weeks and weeks of time in the committee. We do not now have the luxury of that time if we are going to be able to legislate here at all, on the floor of the Senate. I think that is a realistic statement. It may not be desirable, but I think it is realistic.

This Senator has been in discussion with the Senator from Kansas (Mrs. KASSEBAUM) who, along with cosponsors, has suggested certain legislation as an alternative to the committee bill. We are trying to find a means by which we can accommodate their desire and her desire to have the opportunity to present that as an alternative to the current bill and get a vote on it.

The Senator from Montana had a piece of legislation that was suggested to the committee. The committee did not see fit to adopt it. The Senator from Missouri—both Senators, I think, Senator DANFORTH and Senator EAGLETON—together with others, have had another approach to that problem. Senator JEPSEN, I believe, has a separate approach to the problem in legislation which he has introduced.

I know that Senator NICKLES has an approach that he and others are preparing to propose.

Senator DOMENICI, together with others, has another alternative which has been circulated and discussed. It may be that we could do with these other substitutes exactly what we are discussing with the Senator from Kansas and her cosponsors, that we get a vote on these other alternatives and see what the will of the Senate may be with respect to these other alternatives. If that is the desire of the Senator from Montana, certainly, the Senator from Idaho is prepared to discuss that alternative and see if we can make such arrangements.

This is not so much a question at this point, Mr. President, but it seems to me that, again, there is a reason for us to want to legislate, a reason to clear away the chaos that is now in the marketplace under current law.

I do not know very many on the floor of the Senate who either advocate or believe that the current situation is so desirable that we ought to, by deliberate intent, perpetuate its existence under existing law. I do not believe that is the motivation of the Senator from Montana, although I learned long ago that it is not very wise, and perhaps is improper, to try to attribute to other Members on the floor a motive for their actions.

Mr. MELCHER. Mr. President, I might say that one of the Sentors who is not here yet and perhaps will not be here this afternoon to engage in this discussion will be here at some point before we get through with this. It is the senior Senator from Louisiana, who is prone to remind us of what another Senator, former Senator Bob Kerr, used to state: "I am against any deal I am not in on."

Whatever is going to be offered, I would like to see it and I would like to know what the attitude of the managers of the bill are on any substitute to see whether it is going to get some backing by them and what other groups are going to back it.

It is unusual that a bill can attract a broad array of opposition from various groups around the country as S. 1715. When you get a portion of the independent producers against the bill—and I am not going to say how many, what the percentage is; I am not sure, but a substantial number of the independent producers against this bill as it stands, a vast array of consumer groups and other organizations throughout the country against it as it is, it must say to us that we have pretty much the most part of all that is objectionable in their eyes.

Now, that is a poor bill to proceed with. If we are going to proceed with the idea that there will be a substitute offered—and I candidly believe that that is the only way to proceed—then let us see the substitute and let us not have this idea, well, there are a lot of substitutes hanging out there. There are a lot of amendments hanging out there. Some of them are just simple amendments to one part of the package S. 1715, as the Senator from Oklahona has described that he would like to offer, and some of them are in the nature of a substitute. But if there is something that can attract a substantial block of votes that means a majority, a clear majority, let us look at it. I have not seen it yet, and I do not think it is around yet. I think we have considerable more work to do before we are going to have any package that, indeed can attract more than 50 votes. Let us hope, if we are going to pass anything, it at least has 60 votes because that gets beyond the filibuster stage.

Mr. McCLURE. Will the Senator yield without losing his right to the floor under the same conditions?

Mr. MELCHER. Yes, I would be delighted to yield.

Mr. McCLURE. I thank the Senator. I do not disagree in part with what the Senator has said, and I am mindful of what the distinguished senior Senator from Louisiana has said upon occasion in referring to the late Senator Kerr from Oklahoma who said, "I don't support any deal I am not a part of."

The Senator from Montana cites that approvingly as his present frame of mind with respect to this bill. I have tried to outline as best I know the alternatives or substitutes that have either been offered or suggested or discussed or presented to the committee or that I have heard about. I do not know of any other deals that are floating around other than the fact that every producer group, every producer entity and groups of producers, independents or majors, small or large, east or west, deep or shallow, every one of them has some nuances that they would like in a bill as their price of acceptance of any legislation.

Mr. MELCHER. Let me say this——

Mr. McCLURE. Each pipeline entity that transmits from the wellhead to the consumer also has different positions. The have different suggestions that they make as to how we should best amend the current law to improve the situation. And every consumer group, whether it be a distribution utility or the consumer at the burner tip from the utility, a feed stock user, an industrial user, whatever their condition might be, has their own individual interpretation of what would be an improvement upon current law. But I do not know of any of those that have anything like 51 percent support, let alone the 60 percent support that the Senator from Montana has suggested. So I guess if we are using the comparison of the delivery of a baby, I am not even sure how many expectant mothers there are around, let alone how many back seats of how many taxis may be involved in the delivery site for this unknown child.

Mr. MELCHER. Might I ask of my friend, the chairman, does he have some recommendation to make in the nature of a substitute and, if so, what is it?

Mr. McCLURE. I might turn that around and ask the Senator from Montana if he has a suggestion as to what the substitute ought to be and what its nature should be. The only one I have seen that the Senator has mentioned is the bill that he suggested to the Energy Committee some months ago.

Mr. MELCHER. Well, I will make some suggestions. First of all, we are in the ridiculous position of assuring higher prices for imported gas that is brought into this country than gas produced in the United States. Now, that is indefensible. It does not say anything about public interest when we have set the framework in law whereby we control the price of gas that is produced in the United States and we protect the price of gas that is imported from Canada, which costs about $4.40 now at the border and a good share of the consumers in Montana are paying higher gas bills simply because those gas contracts from Alberta producers are protected. The committee delayed any consideration of what kind of an amendment to accept.

Mr. McCLURE. Will the Senator yield?

Mr. MELCHER. There were plenty offered.

Mr. McCLURE. Will the Senator yield?

Mr. MELCHER. Not right at this moment. There were plenty of suggestions offered on how to correct that but none was accepted. So we are in the very preposterous position where we pay more for gas imported from abroad, whether it is from our friends in Canada, our friends in Mexico, or our friends in Algeria, than we do for gas produced in the United States. That is one thing that should be corrected.

Second, there is really a question about how quick you can ramp up. That is the term that is used to describe how fast old gas would be deregulated, the price would be allowed to go higher. There is a question of whether you should do that in 36 months or it should be a longer period of time. That is a very vital question because it will have some impact on price.

Then there is a question of whether you can abrogate the contracts on the high-priced gas over a period of 12 months, whether that is too short, whether that is defensible.

I would recommend in each instance that when we tinker with those contracts we do so in a longer timeframe at least to stretch out the agony and the injustice that naturally flows from abrogating some contracts.

So those are just a couple of the points that I believe should be in a package if we are going to pass one.

I would point out one other thing. These area rate clauses are workable and general and we ought to leave them alone. We should not complicate life any more than we have to. These are rate clauses that are in the existing law regarding the pricing of natural gas should be left alone. I have never heard of any good argument why they should be tampered with.

However, they are tampered with in S. 1715. Those are three points I recommend. That is not all that should be in the package, but those are three points that should obviously be there and which are not in the bill S. 1715.

I yield to the distinguished Senator from West Virginia without losing my right to the floor.

Mr. RANDOLPH. I thank my able colleague.

I ask unanimous consent to be included on the cloture motion at the desk.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered. The Senator has the right to sign it.

The cloture motion, with the addition of Mr. RANDOLPH, reads as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1715, a bill to amend the Natural Gas Policy Act of 1978, to protect consumers from those price increases that would occur because of market distortions as a consequence of current regulation of natural gas prices, to permit natural gas contracts to reflect free market prices, to provide for a phased deregulation of natural gas prices in order to achieve a free market by a date certain, to eliminate incremental pricing requirements for natural gas, to eliminate certain restrictions on the use of natural gas and petroleum, and for other purposes.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jesse Helms, Jake Garn, Steven Symms, Don Nickles, James A. McClure, Chic Hecht, Malcolm Wallop, Dan Quayle, Lowell Weicker, Bob Packwood, Mark Hatfield, John Danforth, Richard G. Lugar, Orrin G. Hatch, and *Jennings Randolph.

*November 1, 1983, Mr. Randolph added by unanimous consent.

Mr. McCLURE. Mr. President, will the Senator from Montana yield?

Mr. MELCHER. Yes, I am delighted to yield to my friend from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I do not mean to belabor the point, but I believe he is making the point that he does not want any package put together in which he has not been involved in its parentage. I suspect that may be true of at least 75 of the 100 Members of this body.

Mr. MELCHER. No; I would say I do not have to be the parent or even the foster parent. I would at least like to be considered as a first cousin, though.

Mr. McCLURE. He would like to be somehow next friend to the child that is being born.

Mr. MELCHER. I would like to be close enough to understand that what we are attempting to ask the Senate to approve and hopefully the House would agree would clearly be of a nature that would be satisfactory to the preponderance of both consumers and producers alike.

Mr. McCLURE. The Senator has suggested, since it is likely to be a package, he does not want to be going through the process of individual amendments; he wants to see a package that is put together that has a chance of getting 51 votes. Therefore, he suggests, if I understand it correctly, that that package somehow be brought to him and others so they can understand it before we vote on any part of it.

How does the Senator expect to get there if we are not permitted to pass to the motion to proceed to the consideration of the bill?

Mr. MELCHER. I think, first of all, the wisdom of the Senate will dictate to us as we go along. We need not prolong this discussion on the motion to proceed. If we are convinced that we have a solid bill to present for consideration, debate, and action on, we do not do that. If the cloture motion, which the majority leader has filed, is successful and gets a sufficient number of votes to impose cloture, I think that says to us that we are certainly going to then vote on the motion to proceed and open the bill for consideration. I suspect that we have all had a lot of time during the time this bill was reported out, and it has been pending on the calendar, to get a better idea of what is acceptable to various users and producers around the country, and I do not think we are in such an unusual position here that we cannot proceed, if we really have proposed to us something that we can feel comfortable with that is truly in the public interest.

Mr. McCLURE. Mr. President, will the Senator yield again under the same conditions?

Mr. MELCHER. I am delighted to yield.

Mr. McCLURE. I thank the Senator for yielding. It seems to me while the Senator is talking about somehow putting together a package what he has identified are three separate issues that can be addressed by amendment, but only after we have gotten past the motion to proceed to the consideration of the bill. The Senator is preventing us from doing that.

Let me say as well that the Senator knows we are in the last days of this session. I do not know how many days. I do not know when we will adjourn sine die, but I do know that the Speaker of the House of Representatives and the majority leader of the Senate have both said that their aim is to adjourn sine die on November 18. There are a great number of people who suggest we will not make that date.

But let me remind the Senator that, if it is not just his desire to kill the legislation during this session of the Congress, these are realities with which we must deal. A cloture motion has been filed. The Senator from Montana indicates that is appropriate. We will wait and we will have a vote on that. Then we will determine after that vote how we will proceed.

The cloture motion, under the rules of the Senate having been filed today, will come up for consideration in this body not earlier than 1 hour after we convene on Thursday. On Friday we are scheduled to move to the Department of Defense appropriations bill which must be passed before the continuing resolution which must also be passed prior to November 10.

So there is an expectation on my part that come Thursday evening we will not have any chance to work on this legislation again until some time after November 10.

I am also aware that even if the cloture motion passes 1 hour after we convene on Thursday next, there is under the rule a period of 100 hours which are available for the debate of the motion before we proceed to the motion itself.

So, we might well be sometime into the Thanksgiving period by the time we get to the vote on the motion to proceed to the consideration of the bill which the Senator says he wants not to kill but to amend.

I just have to say to the Senator regardless of what his motivation may be, and I do not attribute motivation, regardless of what his frame of mind may be, the effect of what the Senator is doing is to effectively block the consideration of this legislation during this session of Congress and as a result the consumers of this country can look to the predictable effects of current law, not what might be done under any kind of amendment to it.

That I think is too bad. It is not something that I support. It certainly does no credit to the great deal of work that the members of the Energy and Natural Resources Committee did over those weeks and weeks of deliberations as we tried to bring to the floor a package which was the best the committee could do and to give the opportunity here on the floor by whatever mechanism by amendment or by substitute the opportunity for the Senate to put together a package that was a more acceptable package than that produced by the Committee.

So I would hope that the Senator from Montana would relent in his opposition that prohibits us from even attemping to legislate in this field this year.

Mr. MELCHER. I do not want the chairman to misunderstand me. As to the question of passing S. 1715, the proposed bill, or killing it, there is no question if it is just two alternatives I would vote to end it, and I would be willing to vote very quickly on that.

However, there is a real question of whether or not the Senate understands first of all what can be done to improve S. 1715 so it might be attractive to get a majority of votes in here.

There is no use of talking in a vacuum. I am told that the vote count on it at this time stands somewhere relatively close to 30 and the vote count against it is in excess of 40.

Maybe that is not entirely fair to those who are against it. Maybe it is much closer to 50.

But, nevertheless, it would be I think highly unlikely that despite what I did or how I voted on it the bill as it stands would attract anywhere near 50 votes. That means there is a lot of work to be done if a bill is going to pass. When NGPA was passed here in the Chamber, I think we were some 3 or 4 weeks on it in a filibuster, and finally it went into conference, and the conference lasted a year and finally there was a package.

Now we are attempting to correct some of the inadequacies of that act.

I did not select the time to call up the bill, but I do not object to it being called up and do not object to discussing it. But I am not of the opinion nor would I think it even rational to assume that the bill could be voted upon, could be amended a few places and passed out of this body by the end of the week even if we are in late each day, or that it would be a satisfactory bill that would get anywhere.

I am saying that I believe we will do it more expeditiously if we have the opportunity to review the substitutes that may be offered or a package of amendments which, when taken together, form a substitute, and then see whether we can have sufficient number of votes to pass it.

I do not want to see the natural gas bill come out of this body by 51 or 52 votes. I think it would be very much in doubt how it would fare in conference. I would like to see a package put together that I would be solidly in support of and that would attract 55 or 60 votes in the Senate.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. MELCHER. I yield.

Mr. McCLURE. Mr. President, I thank the Senator for his comments.

When he speaks of both counts, there are 20 members on the Committee on Energy and Natural Resources. There are 80 Members of this body who are not members of the committee. I do not say that they are totally familiar with the bill or the legislative area, but they certainly have not spent the weeks and months that the Members now on the floor have spent with respect to that legislation—the bill that is before us.

So I think the Members of the Senate as a whole will be looking for some comment from various members of the committee. I know that the Senator from Montana will advise some as to how they should vote. But the vote counts going into legislation of this complexity are nothing like the vote count that is likely to occur after some discussion on the floor of the Senate.

For example, I suspect that there may be some who have not yet had the opportunity to be swayed by the eloquence of the Senator from Louisiana. I have watched him operate on this floor before, and I fully expect that he is going to switch the votes of 10, 15, or 20 that may be undecided now; and after he has spoken in favor of this legislation, they will be enthusiasticly supporting the legislation.

So I do not take vote counts going in as being indicative of what the vote finally will be.

However, beyond the question of whether there are enough votes now, we will never know unless we can get on the bill itself. We will never have the opportunity to test whether or not there are other approaches that have better support on the floor of the Senate unless we are permitted to get to the bill and to vote on amendments or substitutes. We will never know whether or not the Kassebaum bill has wider support on the floor of the Senate than it did in the committee, and it did not have a majority.

I remind my friend that when we started this caucus in the committee, there was no majority in favor of it then. As a matter of fact, the vote as we came out would indicate that it has somewhat less enthusiastic bipartisan and wholehearted support from a majority of the committee. That is the nature of the problem.

Mr. MELCHER. Even worse than that, the motion was a motion to report without recommendation, and as to the sentiments on the 11-to-9 vote, if a couple of Senators were truly not in favor of the bill, they had to oppose it, and there would not have been a bill reported out, no matter what. The other way around, it would be 11 to 9.

Mr. McCLURE. The Senator is correct, and I will not belabor that subject at all. I admit to the truth of what the Senator has said.

However, a year ago, in December, the Senator will recall, we had serious legislative action being proposed on the floor of the Senate that would have rolled back prices, capped those prices, and extended regulation indefinitely into the future.

We said to the Members of the Senate—the Senator and I and, I suspect, all members of the committee—"Give us a chance to produce a bill. Do not take this precipitate action on the floor that we think will be damaging to the industry and to the consumer interests of the people of this country. Give us a chance to produce a bill, and we will, and we will report it back to you, and we will consider it on the floor of the Senate, and you will have your chance then to look at that as an alternative to what we are able to produce in the committee."

In February of this year, the President of the United States said he would send up legislation suggesting what he thought the administration felt was the proper approach to the legislative solution to the problems that confront this country with respect to natural gas, particularly because of the change in energy markets within this country and perhaps some changed perceptions as to what a proper solution is. The administration sent up that legislation and reconsidered it, and the committee made changes in that proposal that came from the administration.

Now we are seeking to take the next step, which is to allow the Senate as a whole to look at the result of those deliberations, to perceive whether or not there are substitutes they prefer more or dislike less, whether there are specific amendments, one or several, that might make the pending legislation more acceptable or perhaps suitable for a majority of the Senate.

The Senator from Montana says:

> Until you can produce a package that is different from the one the committee has brought up, until you can produce a package that will, by some alchemy, produce 51 votes, we are not going to consider it at all.

So we are blocked in the only avenue that is possible to us to develop legislation, aside from my friend from—well, I will not talk about a specific friend, but some of my friends smoke cigars and some smoke cigarettes and one or two smoke pipes, and I do not smoke any. I do not really get into smoke-filled rooms to negotiate a package that has not yet seen the light of day and may not until it finally bursts in its splendor to the wondering public, who has never seen any part of it until we let it out of that room; and we are going to bring it out, knowing in advance that it has 51 votes.

I suggest that that is neither right nor proper, nor will it be successful in an effort to put together a package that will get 51 votes on the floor of the Senate.

I think that is what we are really after, if we want to correct the problems that beset the industry.

I think the Senator from Montana, seriously and sincerely, recognizes that there are problems that need to be addressed. I think the thing he should look at is what we do to the consumers of this country and to the industry about which we are legislating if we fail to take action. There is a limited period of time available to us. That limited period of time is more limited the more we spend our time on debate as to whether or not we should consider it.

I again appeal to my friend that, while the estimates may vary and this bill is slightly different from that which the administration sent up, they have made an analysis of the bill as was finally reported by the committee, and their analysis indicates that the aggregation of all the elements of the bill would yield $23 billion in total consumer benefits and long-term price

relief significantly greater than what would occur under existing law through 1995.

That is what is being stopped here today, as we will not get on with the business of trying to legislate to correct the conditions which have grown up to exist over some period of time under the provisions of NGPA, current law. I hope we will be able to get to the consideration of the bill and to pass a bill that will meet the consumer interests of the people of this country.

Mr. MELCHER. Mr. President, I think the remarks of the Senator from Idaho, the chairman of the committee, are very pertinent and appropriate, to a point. It is necessary for committee chairmen to push legislation out of the committees of the Senate. It is necessary for them to attempt to get the bills passed on the Senate floor.

But I do not believe that should go beyond the stage of presenting to the Senate something that can be accepted by the Senate. It is true that we could vote up or down on the bill to see whether it should pass and in the circumstances we are in right now, we know that would not happen. I am delighted it would not happen, because I think the bill is unsatisfactory.

Mr. JEPSEN. Will the Senator yield to me for a comment?

Mr. MELCHER. Yes; I would be delighted to yield to my friend from Iowa.

Mr. JEPSEN. I thank the Senator. I have been in my office listening to my distinguished colleagues from Montana and Nebraska discuss the merits of Senate bill 1715, whether or not it would be prudent to proceed to the consideration of this bill. I heard the distinguished Senator from Montana express his desire to see some of the alternatives that might be available.

I suggest to my distinguished colleague that I have proposed an alternative and it is pending at the desk, and I can assure you that I do intend to offer this alternative as a complete substitute to Senate bill 1715.

I first introduced a bill on this subject in September 1982, Senate bill 2892, some 420 days ago. And that was similar in concept to the bill that now is on file at the desk which I introduced March 16 of this year, Senate bill 823. I know Senator KASSEBAUM introduced a bill that has been on file since April 7—both of these available now for about 240 days or so and that is Senate bill 996.

So there have been alternatives that are available to examine. I would be pleased to make sure that the Senator's staff gets a copy immediately. In fact, I have asked my staff to do that, I say to the Senator.

I must say, however, that many times he and I have worked together on similar legislation and serve together on the same subcommittee and my ranking member, and all the help on agriculture and other things, but I find myself in this case not being able to support my friend from Montana or my good friend from Nebraska in their effort to hold up this bill.

The reason for this is I firmly believe that this legislation is the only vehicle that we will have to make some of the changes that need to be made. And, oh, do they ever need to be made.

We have had a highly regulated natural gas climate in this country for a long time. But with the advent of the 1978 Natural Gas Policy Act nothing could be much more regulated. And it certainly has been regulated in one direction, and that is there are some 32 formulas in that Natural Gas Policy Act to increase the rates of natural gas. And that is exactly what has been happening. You talk about regulation. Wow.

You know, I firmly believe that if we do not use this time and this period and these vehicles that we have—I might point out that my proposal was endorsed by all of the 50 States. I have had a little difficulty getting attention here in Washington on it, but in all of the 50 States, all the commerce commissioners, the people who are going to have to work with the regulation, my bill has been essentially endorsed and supported. We have letters from the National Governors Conference.

Frankly, if we do not act now, we are going to be in the middle of another heating season. In fact, the weather outside today indicates, I imagine, if a lot of thermostats did not go on yesterday, they went on for the first time today. We have got to get at it before it is too late.

So I would welcome the support of my good friends on my substitute. I am going to be watching and following very closely Senator KASSEBAUM's. One thing I can tell them is that I will work strongly for the defeat of Senate bill 1715 as it currently reads. But the important point is that I find that everyone who has offered legislation on this natural gas—in fact, every one of my colleagues I have talked to, and I would assume that you share the same thing, say that we must do something. Now, I will not get in the debate of the mechanics, the specifics of what it should be at this time, but we need to do something and we need to do it now.

I thank the Senator for letting me express this.

Mr. JOHNSTON. Will the Senator yield?

Mr. JEPSEN. I do not think I have the floor.

Mr. MELCHER. I yield the floor.

Mr. JEPSEN. You did yield the floor? Well, I yield to you without reserving my right to keep the floor.

Mr. JOHNSTON. Well, I just had a question or two. I have seen the Senator's proposal which was continued in the CONGRESSIONAL RECORD of October 27. Things could move slowly or they could move fast on the floor here. I could not agree with you more that we need to deal with this question of natureal gas, but, unfortunately, when you deal with natural gas, you have to talk about the details, because it rises or falls in its provisions with respect to the details.

I just wanted to ask you a couple of things. First of all, with respect to your indefinite price escalators, do I understand that you outlaw indefinite price escalators and provide that—let us see, what does it say here?

Mr. JEPSEN. I can paraphrase it for you. I banned indefinite pricing language in gas supply contracts, which tends to make legal ceilings price floors as well.

Mr. JOHNSTON. Well, what happens to those contracts? I understand some 95 percent of the contracts effected since 1977 have some sort of indefinite price escalator. What would be the price of natural gas in those contracts where you outlaw the indefinite price escalators?

Mr. JEPSEN. Well, I am sure, given an opportunity to do so, they would be negotiated out. I do not think, in fact, I know I cannot say exactly what a given price would be. I am sure it would vary with different contracts.

Mr. JOHNSTON. Would you have a right of either party then to market out of that contract, is that what you are saying, or are they still bound to one another or what?

Mr. JEPSEN. Only the pipelines would be able to market out under my bill.

Mr. JOHNSTON. If the pipeline does not market out, what price would the producer be able to get? Is he stuck at one price whatever he is getting the whole while, or inflation, or is it the NGPA price, or what is it? Does your bill provide for that?

Mr. JEPSEN. Well, again, Senator, specifically to say what the price would develop either by formula or end result, there is no way to tell from the legislation. You have to take a look at the total overall bill with the market out clauses, the 50 percent take or pay criteria, the lowest cost mix, directing that the take or pay of the market out clauses be applied to the most expensive gas first including that of pipeline owned production companies. So the answer to your question would depend on individual circumstances, all of which would be covered by the total mix of this bill. That is the best answer I can give you.

Mr. JOHNSTON. Well, I would submit to the Senator that, at least on a quick reading of the bill, it does not provide for that. I make that point only to illustrate what a very tricky field this is. It is easy to pick up S. 1715 or anybody else's product and

say, "Well, this is too long, too detailed, and too complicated." It is complicated and it is detailed because it had to cover all of those contingencies.

You have billions of dollars worth of contracts out there and you cannot leave producers and pipelines up in the air as to what their price is. NGPA has a lot of faults, but one of the faults it does not have, but for which it was vastly criticized, was that you can, in fact, find what the price of your gas is, and you do not have to go through a lot of litigation to do that. That is what we want to avoid. I certainly want to work, with the Senator because I know the Senator from Iowa has always been a proponent of the free market, to let the market set prices wherever possible.

I would hope we would not go in the opposite direction and turn down the crank of regulation.

I simply want to say one thing to my good friend from Iowa, and I know we will get into the details of the bill later on, and that is that I would like to invite his attention to the fact that in December 1981 we had 4,520 drilling rigs in operation. As of September 1, 1983, we have less than half that amount, or 2,247. That is also down over 10 percent from just 1 year ago. Gas well completions as well are very much down.

If you look at Texas, for example, which produces 34 percent of our Nation's natural gas, in Texas formerly they had gas reserves of 125 trillion cubic feet. Now they are down to 50 trillion cubic feet, from 125 to 50. That is the story of natural gas across the country.

I simply point that out to my friend from Iowa to alert him to be very, very careful about what the Nation's No. 1 problem is when it comes to natural gas. That is simply. If we make a regulatory mistake you can come in and fix a regulatory mistake, perhaps, but the supply problem is the really difficult problem.

If we enact a bill here which takes away more incentive, introduces more uncertainties, we are going to create a shortage which a regulatory scheme cannot correct.

I simply point that out to my friend and commend his attention to S. 1715 from the standpoint of supply and the standpoint of free market, which I know he supports.

Mr. JEPSEN. I thank the distinguished Senator from Louisiana. He is correct. I think my credentials in the private sector are firm and creditable.

As I indicated yesterday when someone asked me very quickly at the press meeting we had in the back of the Chamber, they said, "Gee, is this not something new for you, Senator, to talk about not having total deregulation, being from the private sector?"

I said:

Well, I guess it could be. I still am. I have not changed. But the fact is I have now gone through 5 years of deregulation of the airlines and the deregulation of the trucking industry. We are talking about deregulating and divestiture and changes in the telephone companies.

In my State of Iowa we have some 964 corporate communities. What happened initially with all the deregulation of the airlines and trucking was that the little towns and the little folks got it right in the neck. Not only did they have a decrease in service, but some of them had their services abolished altogether. Those that did keep it or still have it have lesser service at higher cost.

All I am saying is the same thing the Senator from Louisiana is saying, that it is very complicated, that we have to be very careful. I agree with the Senator that we have to be very careful about the suppliers, to make sure that we do not totally go in the opposite direction similar to what was done in the 1978 act which was put into effect in good faith by the Congress because there was a fear of not having enough, or having a great shortage of natural gas. So we fixed it; we really fixed it. I want to make sure we do not go fixing it again so good that we go the other way.

We have had people drilling for gas going—what is the deepest well now? Is it 14,000 feet? They leave the gas available which is not so deep in the ground because there is a premium paid for that. That is the reason you have the premiums paid now, I believe, because it is not feasible to go to the deeper wells.

But something must be done because the fact is that for the consumers of natural gas the price has been skyrocketing out of sight.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. JEPSEN. I do not want to lose my thought. Those folks who can least afford to pay these high prices at the burner tips are the ones who get clobbered on this. Thirty percent a year or every 6 months, or a 200-percent total, whatever it has been, and it has been a lot in the last couple of years, when you are on a fixed income sometimes you get to a point where you make a choice between food or fuel. This is the talk I hear from some of my senior citizens this year.

I would point out that S. 823, which I have introduced, is an alternative for those wishing to remedy disorder, which we have had, in the natural gas markets under current law, and to do so without decontrolling old gas at this time. It addresses the problems that caused wellhead prices to rise 35 percent last year. Without mandating a rollback in the price ceilings in current law, the increases in the ceilings account for about one-fourth of the increase. Most of the increase was due to pipelines taking something far different from the lowest cost gas price that was available to them.

Mr. JOHNSTON. Is the Senator aware that the price at the wellhead for natural gas has been going down in recent months while the price at the burner tip has been going up?

Mr. JEPSEN. That is the problem.

Mr. JOHNSTON. That is part of the Natural Gas Policy Act, is it not?

Mr. JEPSEN. That is part of the problem. My folks say in Iowa the price of natural gas has leveled off. But it was certainly going up for a couple of years going into this season. I am not sure that it is not going up, but I have inquired and I have reports from pipeline companies and gas suppliers, reports from some utility companies and distributors. I am trying to nail it all down, but the general trend indicates that they say they will be able to hold the line in Iowa this year—this year.

Under this proposed act, as I understand, as told to me by those who examined it—and I understand this was worked on by not only the staff here but also by the collective staffs of the 50 States, the folks who work in these things every day—they reported that over the next 3 years there will be an increase, or they believe there will be an increase, in natural gas of upwards of 95 cents.

Mr. JOHNSTON. I wonder if the Senator will yield at that point.

Mr. JEPSEN. I yield.

Mr. JOHNSTON. Is the Senator aware of the recent study just done by the Natural Gas Supply Association which analyzes the impact of S. 1715 on the consumer and concludes that for all of the 41 States for which the data was available that S. 1715 will actually reduce the price of natural gas at the burner tip.

Indeed, the reduction in Iowa, as calculated in this study—which, by the way, I put in the record earlier today, was 45 cents on the average for 1 year following enactment of S. 1715. Of course, the reason for that reduction in price is the rampdown. We ramp down the expensive gas over a period of 1 year; we ramp up the cheaper gas over a period of 3 years. So during that 3-year period we have an average price that is actually below the average market value. The Senator would agree with me that that is a desirable feature of S. 1715, would he not?

Mr. JEPSEN. Mr. President, we are aware of that study the Senator refers to. It is a study that was done with formulas primarily developed by a group representing pipeline companies, it that correct?

Mr. JOHNSTON. Pipeline BJA's yes.

Mr. JEPSEN. I guess it is not a question of the validity of it, but it is one part of this very complicated system. That is their study.

Mr. JOHNSTON. It is the consumer part, though. The consumer part, as an Iowan, is your first concern. S. 1715 is very debatable because it rearranges the flow of capital, of money, and of profit among various producers. A lot of independents do not like it because they think it is going to reduce their prices. Some other producers like it because they think they might get an increase. But I believe as the NGSA study shows, as far as consumers are concerned, consume prices are going to be reduced because of S. 1715—not dramatically; 45 cents in Iowa. Forty-five cents an mcf is not a small amount for someone, as the Senator points out, having to take money from food in order to pay the heating bill. It is not a huge amount but it is not inconsequential. It is one that I know the Senator, as a strong consumer advocate, is going to be attentive to. I invite his attention to that part of the bill.

Again, one part of the bill is what it does for consumer prices and for consumer prices, S. 1715 is the best bill out here today.

Mr. JEPSEN. I thank the Senator. If I may, this other bill would make the gas markets, which I think both the Senator from Louisiana and the Senator from Idaho all agree on, we want the marketplace to provide. We want to reach that level that, in the long run is going to be best for the consumer and everybody concerned. But we want to make the gas markets work while changing the existing regulatory and legal framework very carefully. We can walk into it rather than charge and run into it, and come back to the drawing board as maybe we should. Had we done that in 1978 instead of getting out a whole wagonload of all kinds of things and saying to a board, here, FERC, take over and run the thing—that has not caused all the problems, but it has been used a lot when we have tried to let the marketplace come back into private sector interplay here.

A lot of folks at the wellhead say, we cannot do it because of the NGPA; and the folks at the stripper wells say, we cannot do it because of the NGPA; and all the others say, we cannot do it because of the NGPA. A lot of folks say, we cannot do it because the law needs changing.

In any event, all I am saying is we all want the same end result. We may differ as to the roadmap on how to hit it.

Mr. MELCHER. Will the Senator yield for a question or comment?

Mr. JEPSEN, Yes, Mr. President.

Mr. MELCHER. I think the Senator from Iowa has demonstrated very effectively why I think this discussion at this point is worthwhile and might lead us to a good bill he could support. The bill the Senator has described was indeed considered by the committee. The Senator from Iowa testified before the committee. Committee members heard that testimony and put it in their consideration of the various bills before it. It is fair to say some features in the Senator's bill were rejected by the committee, but a majority package that was developed or hopefully a majority package developed by the chairman and the ranking member of the committee. As it turned out, that majority is somewhat questionable. Perhaps it was not a majority, perhaps it was just an 11 to 9 vote against final package that was put together, S. 1715.

Nevertheless, I guess what the Senator from Iowa has stated about a bill striking the proper balance to get the support of a great number of consumer groups across the country is an accurate statement. What happened in the committee was that it was found wanting. It was not satisfactory to some of the producer groups and some of the pipeline companies and distributors.

So what we have come up with is S. 1715. To readjust 1715 by a couple of little amendments simply does not look like it will do the job to arrive at a satisfactory package. However, a substitute offered by the Senator from Iowa, substituting his bill for S. 1715, is probably going to have the opposition of the chairman and the ranking member of the committee and the two floor managers of the bill and probably will not be accepted. So we are still in that quandary, what will attract a majority of votes here.

I think the discussion the Senator has entered into describing his bill is constructive and perhaps there will be something developed. But it is going to take a while to do that and to think we can pass it this week or Monday night may not be at all possible. It may take a great deal of time.

I think the time we are taking now to consider points raised by the Senator for a while are very fine and perhaps others with other bills pending before the committee when we are considering the markup will also come to the floor and describe their bill and their intentions to offer a substitute.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator from Iowa for coming to the floor to describe what is, in his mind, the direction he would go. I appreciate it in spite of the fact that I wish we were moving on an amendment, that we could debate and vote on the amendment rather than just talk about it in that kind of vacuum. Members of the Senate do not focus on the substance of a matter until they are about to vote on that matter. We can discuss it and make a little legislative history, and we shall perhaps reach a few conclusions as a kind of theoretical matter. Members of the Senate will not look at the debate and consider those facts very closely until we are ready to vote on it.

It is not a total waste of time to do it now, and I commend the Senator from Iowa for coming to do it, but we would be making much better progress if it were a pending matter on which the Senate were about to vote. Then they would be here listening and trying to make up their mind.

Mr. JEPSEN. Sometimes, as the farmer in the old story said, you get up so high in the slop that you forget what the original reason was for coming here. I stated my original reason for coming here. I hope my good friend from Montana and my good friend from Nebraska would get going on this bill. That is mainly what I came to say. I kind of got in the discussion of several bills here.

I believe this legislation and this bill will be the only vehicle. We are going to have to make some changes and we will make some changes.

Mr. McCLURE. I appreciate that, Mr. President;

But I could not help but note, as the Senator was looking at his substitute, the bill that he has outlined is not precisely the same as the bill that he had earlier, but it is substantially the same. So some of the analyses that we have made about the effects of his bill are being hurriedly recalculated to try to fit the changes.

I say that at the outset because I think people ought to know where we are coming from, and I will try to be as accurate as I can in the statements made.

The information that I have at this time would be that, indeed, compared to NGPA, the Jepsen substitute will lower the costs. That would be true in 1983, 1984—well, it would be true until 1987. After 1987, NGPA would produce slightly lower wellhead prices than would the Jepsen substitute. That is particularly true when you look at the average residential price.

The near term savings under the Jepsen amendment are very evident in the average residential rates in 1984 and 1985, but they begin to turn around in 1987 and rise above the NGPA price in 1987, 1990, and 1995.

The same thing would be true, in a slightly different way, of gas imports; they run almost parallel during the entire life of the projections through 1995, but by 1995 they have moved slightly above current law under the Jepsen amendment.

But I think the most telling comparison is one that does not compare the Jepsen amendment with current law so much as it compares it with S. 1715, because you can kind of bulk the benefits—who are the winners and who are the losers.

If we look at producers and consumers, the Jepsen amendment will

produce an $8 billion saving to the consumers of this country, but it transfers that at $7.1 billion of lost revenues to producers, so there is a net national economic benefit in that trade-off between consumers and producers of about $900 million in the period 1982 to 1995.

Now, these are the analyses with respect to the current amendment, but under S. 1715, instead of a consumer benefit of $8 billion, the consumer benefit rises to $22.9 billion. The producer benefits under the Senator's amendment were a minus $7.1 billion; under S. 1715, they are a minus $11.9 billion. Therefore the net economic benefit to the Nation rises, instead of $900 million under the Senator's bill, to $11 billion under S. 1715.

Now, we get covered up with figures, but let me suggest a couple of the reasons why that is true, a couple of the reasons why, as the Senator from Louisiana said, S. 1715 looked complex to people who were looking at the industry and thought there must be some simple way of describing what it is we are trying to do.

The pipelines will do very well under the Senator's bill, and the pipelines in some respects prefer it, because although their average rate of return is, I think, 19 percent guaranteed—and they have done quite well even in periods of time when others did not because they are a regulated monopoly; they are an industry that has a guaranteed rate of return under Federal Energy Regulatory Commission regulation, and where applicable, this also is true under State regulatory functions. But I think the Senator from Iowa would agree that both his bill and the committee bill interfere with current contractual arrangements.

My good friend, Senator NICKLES from Oklahoma, finds that difficult to accept, and I would say that I find it extremely difficult to accept; that the Federal Government has the right, let alone the power—or perhaps I should say the power, let alone the right, to interfere with contractual relationships, but I do believe the Senator from Iowa would confess that both his bill and the committee bill abrogate contracts in whole or in part. Am I correct?

Mr. JEPSEN. That is my understanding.

Mr. McCLURE. So the choice we are making is not whether or not we will breach contracts. The question is in what manner will we breach those contracts or vary their terms. And we look at things like the take or pay provisions as an example.

One of the things that has occurred, which unless you analyze it very carefully you do not see, is that take or pay contracts really work in effect primarily for very high cost new supplies of gas. The reason those provisions are there is because they are such high costs the people that were going out to drill the wells and put in the facilities had very grave difficulty getting financing for a very high cost, very risky enterprise unless they had some kind of guarantee for their market. So they negotiated contracts simultaneously or in conjunction with their financial commitments. They negotiated contracts with purchasers who signed the agreement during a period of apparent shortage and agreed that they would take this gas, and regardless of whether they took it, they would pay for it. It is not fair to say that they pay for gas they do not take because in reality, in nearly every instance, it is a prepayment. They pay now and get the gas later. They cannot use it all now but they have to pay for it.

Well, if you have two contracts and one is very high cost gas and the other is very low cost gas, and the low cost contract says if you take it, you pay for it, but if you do not take it, you do not have to pay for it, and you have another contract that is a very high cost source of gas, and it says regardless of whether you use it, you have to pay for it, it is predictable that purchasing will take and pay for the highest cost gas that they are required to pay for under the contract whether they use it or not, particularly when both the pipeline and the distribution utility are protected by regulatory practices that allow them to pass their costs through to the consumer.

So what we have done under the NGPA and under the changes in the market since that act was passed is force pipeline purchasers and distributors to accept higher proportions of very high cost gas. The result is the consumers are paying more now than they would if those contracts were not in existence. But the contracts are in existence. That is why the Senator's bill or the committee bill deals with the contract abrogation with respect to take or pay clauses by limiting their applicability. But there are some other things that happen when you do that.

You say to that entity that went to their bank and to their purchasers and put together this package of financing and said, OK, I have a contract of sale to this group of people, they say they will take given volumes of gas at given prices under the contract, and then they say to the bank, this guarantees that I can pay back what I am sinking in this well, then we come back later and we say, oh, but we have changed our mind, we are going to abrogate that contract, we are going to tell the purchaser you do not have to take that much gas and you do not have to pay that price, you can take less of that gas at a price that we will mandate be lower, they have the producer and the bank that lent the money suddenly left with a quite altered financial package, not because they desired it, not because they nogotiated it, not because they agreed to it, and not because it is prudent but because we mandated it because we want to get cheaper gas to the consumer.

We try in our bill to balance that by saying that the price of high cost gas that is under contract will be reduced over a period of time, but it will only be reduced over a period of time. It will not be jerked down immediately. It will be ramped down. That is the terminology that has come to be used. It will be put on a ramp which over a 12-month period will be reduced in price. There is a 60-day period at the beginning of that and a 6-month period at the end of that. So you actually have about 20 months from beginning to end of that process. But that guarantees them some cash flow during this period of time.

We also said in S. 1715 that while this is going on we will start out giving the customers the best of the deal at the outset by limiting the take or pay to 50 percent of the volume, as does the Senator's proposal. But we say because price begins to drop during that period of time, because we mandate that it drop during that period of time, in the second year that take or pay volume will rise to 60 percent, and in the third year it will rise to 70 percent. Those are offsetting provisions. One of the problems with the Jepsen amendment is that the Jepsen amendment does not have any such offset.

What happens during that period of time, as a matter of fact, and what has happened in the market since NGPA was passed, is that the average price of natural gas has closely tracked the market with respect to energy costs. They have to or they lose the market. It lags behind, which means it has been above the energy market, but what they have done is melded low cost gas with high cost gas so that the consumer is paying an average price that approximates market value. Because the price is controlled by statute, and because there are escalator clauses in that statute rising against a market that is falling, a lot of people are abrogating contracts or making a lot of adjustments that are not provided for in the law. But the consumer market overall is tracking, but as I say, lagging and running against the currents in the energy market.

Let me give an example of what happens to the farm consumers and the residential consumers, and I will give the example in my own area because I know it well.

We have a very high proportion of the gas in the Pacific Northwest that comes from Canada. As we started this process, nearly 70 percent of the entire supply came from Canada. I have often said our friends in Canada are blue-eyed Arabs. It did not take them long to raise the price. They

tracked the world energy market prices, and when they did that and world energy prices began to decline they could not for political reasons bring their price down to market levels as rapidly as the market dropped, and the result was that the gas supply in my area of the country became exceedingly expensive.

As it became exceedingly expensive, the industrial users who had alternatives turned to the alternatives. And that is primarily over in the Puget Sound area in the State of Washington where there is heavy industry along the coast. They returned to residual fuel oil. Residual oil is in abundant supply in the market at very much lower cost, and it is just as available and just as usable to them. So these people who had been consuming gas flowing through the gas pipelines changed to residual oil, and the volume of gas flowing through the pipeline dropped. As the volume of gas dropped and dropped dramatically, the fixed overhead of those pipelines did not change, but the unit cost as a result rose. Every unit of gas moving through that pipeline had to bear a higher cost. So in spite of the fact that the energy prices on the average were dropping, the gas prices in that pipeline system rose. They could not drop as the wellhead price did because the cost of distribution became a higher percentage of the total cost, and unit costs rose.

The result has been predictable for almost everyone. The consumers paid more for the gas, the producers of gas got less for their gas, the market began to shrink, exploration activity dropped off, and we have tremendous dislocations in the entire industry served by that pipeline system.

Right now the Canadians are complaining, and I understand they are complaining that they have lost their markets, that somehow there is something wrong with our system in our country that has artificially deprived them of the opportunity to compete in our market, and I would say to them that that is not so much our fault but the result of their own policy that does not allow them to adjust price, and they have, in an effort to recover their market, taken three actions. First, they dropped the price by 11 percent, and they then adopted an incentive price that was designed to stimulate increased consumption to get unit cost down as well as increase volume. And just this morning they announced that the incentive pricing mechanism would be adjusted on a monthly basis rather than on an annual basis. They are trying to get back into a market position in which the competitive forces of the market will require that the consumer interest be protected.

I say to my good friend from Iowa that the amendment which he proposes does not respond to those realities within the production, distribution, and utilization portions of natural gas markets. It fixes a little part. And it fixes it in a way that looks attractive to people in the short run. Indeed, the charts and the data that we have been able to develop will say that yes, it lowers the price in the first year or two but increases the price as well as depressing the supply in the longer run.

Mr. JEPSEN. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield.

Mr. JEPSEN. Mr. President, I sat here and I had the feeling my bill was being operated on surgically and I had been given an anesthesia that I did not realize that I was getting. As I sat here and saw the thing being dissected I want to say to this Senator the Senator's statement is correct with regard to my proposal in that the cost to the consumer is slightly lower from 1983 to 1987, and this was done. As the Senator knows, some price relief is needed for the consumer now. But as the Senator from Louisiana pointed out earlier, we must also be concerned about supply.

So in recognition of both price and supply problems, my bill encourages supply in the later years and price in the earlier years. I agree with the Senator from Idaho that we need to debate these issues on the bill, and I guess I am prepared to do so now. The Senator from Idaho certainly is looked to, as I do, for advice, counsel, and expertise in this area, and his credibility is impeccable, but I remind him that my purpose was to come over here to the Chamber in order to support him for his efforts to proceed to the bill.

The Senator does have many good points and I look forward to discussing and debating them after we take up the bill, and I ask the question: Is it his desire at this time for me to really now—explain my bill? I really never did explain my bill other than a couple sentences. That is not what the Senator desires at this time, is it? He wishes to get on to the bill. This is why I came over to try to help do. Or does he want to discuss the bill?

Mr. McCLURE. No, I would be very happy to get on with the bill. The Senator from Montana has indicated that he does not desire that we get on with the bill right now. I think that I would not want to overextend what the Senator has suggested because I think he also suggested we ought to be debating the general topics during this period of time.

Mr. JEPSEN. Mr. President, will the Senator from Montana yield?

Mr. MELCHER. Yes, I am delighted to yield.

Mr. JEPSEN. All of us seem to have many of these same concerns as we do and so on. By way of direction, so we can move on, specifically—maybe I missed something—what is it that the Senator desires? When can we get on with a bill so that we can start substantively making some progress on this?

Mr. MELCHER. I will answer my friend from Iowa by saying that we probably will not get to the vote on the motion to proceed tomorrow. That will probably occur after the vote on cloture on Thursday.

What I intend to do is to draw the attention of all Senators to this: Let us dig in here and see what you want to do on natural gas, or let us pull the bill down. One or the other.

Mr. JEPSEN. But we do not have the bill before us.

Mr. MELCHER. What the Senator from Iowa just found out is that, indeed, his bill has been surgically destroyed.

Mr. JEPSEN. I hope not.

Mr. MELCHER. That is just the view of a scant number of people on the Senate floor this afternoon, and need not be the final or ultimate case. But I think the Senator from Iowa has got a sort of suspicion, at least, that the managers of this bill are not going to recommend that the Senate vote for this amendment in the nature of a substitute, and I think that it is good service, not only for the Senator from Iowa, but also, it helps the whole process on the Senate floor.

So let us get to the point where we know where we are going and in what direction we can vote for something affirmatively, with the knowledge that it might pass.

Mr. JEPSEN. Mr. President, if the Senator will yield for a question, I did not come over here expecting now, nor in the immediate future, that the managers of the bill would do anything except defend their own bill. That is normal. I did not expect to be received with open arms. That is normal.

I have to admit that I did not expect to have the examination, one-sided, of my bill, because I thought we were in the throes of getting into position where we can have something on which we can proceed meaningfully.

I believe time is of the essence, and I plead with the distinguished Senator from Montana that we move ahead.

As it happens in the legislative Chamber, the modus operandi is to throw something up in the air, and then everybody talk about it and shoot at it, or whatever. First, we have to get some vehicle to do that. Otherwise, we are standing here milking reindeer.

Does the Senator know what that means in Montana? It is not very much. It is nice to know how to do, but it does not accomplish anything. [Laughter.]

Mr. MELCHER. I think the Senator from Iowa is making a great contribu-

tion to the consideration of what should be in the natural gas bill. But I do not believe it can be done rapidly. I think all the features that go into a natural gas bill to correct NGPA, to make it work better for consumers and producers, is very complicated. It takes some time. I do not believe we can make a lot of headway by the Senator from Iowa coming over and discussing his proposal for three-quarters of an hour, give or take a few minutes, and then the opposition describing what is lacking in the proposals, and then have a vote.

I really do not think the Senate is at the state where it can really coalesce around a package that will get a majority vote as yet. Believe me, I mean 53, 55, 56 votes. We may arrive at that, but it will take a couple of days. It may take a week or so, and if it is a good package, it will be worthwhile. If we do not want to put the time and effort into it, it will not be done at all before the time of adjourning this Congress, if it is going to be November 18.

Mr. JEPSEN. I am puzzled by my distinguished friend, the Senator from Montana. I have listened very closely, and I fail to see the rationale of his statement that we are going to do something in haste. I did not say anything about haste. I think the leadership on both sides of the aisle have indicated that they expect this to take quite a few days. We are spinning our wheels if we do not get to it.

Mr. MELCHER. I think it is a waste of time to be considering a bill that has not generated much support, without spending some time to see what can be arrived at to substitute for that bill so that it could receive support. It is as simple as that.

This bill was reported out 11 to 9, and that is without recommendation, by the committee. Apparently, one or two of the 11 votes really were not in support of the bill. They just wanted to get rid of it in the committee and then see what they could do on the floor.

My suggestion is this: Let us see what we can do on the floor, but it will take some time.

Mr. McCLURE. I must inquire of the Senator from Montana what his desires are and what his intentions are, because, as the Senator knows, we have not only this matter pending on the floor of the Senate at this time, but also, we have had Judge Clark before the Committee on Energy and Natural Resources since 9 o'clock this morning. He is still there. There are no Senators there now who wish to ask questions. He is available.

I understand that the Senator from Montana wishes to ask questions of the distinguished nominee for the Department of the Interior post. Judge Clark and Senator WALLOP, who, in my absence, has been chairing the hearing this afternoon, have indicated their willingness to stay there to accommodate the Senator from Montana at this time, if the Senator from Montana desires to go there.

Mr. MELCHER. I thank my friend from Idaho. He is most gracious. I just suggest to the staff that it would be convenient for Judge Clark to return at 9, and that would be agreeable to me, and I will take three-quarters of an hour with him tomorrow.

Mr. McCLURE. I will make arrangements for that.

As the Senator knows, we have a whole list of other witnesses as well, and we had hoped to be able to complete the questioning of Judge Clark today. But the Senator from Montana is understandably busy on this matter here. We will make arrangements to ask Judge Clark to return in the morning, at 9 o'clock.

I say to any other Senator who desires to question Judge Clark that he is there and available right now, and they have been seeking the participation of those Senators who desire to ask him questions on the record. He will return at 9 o'clock tomorrow morning, and I hope we will complete that portion of the hearing very quickly and move on to the balance of the witness list.

Having received the response of the Senator from Montana, and I hope satisfactorily resolving that question, I understand from what the Senator said that it is not his intention to allow us to vote on the motion to proceed to the consideration of the bill today. Am I correct in that?

Mr. MELCHER. Yes. I would prefer that we continue with this tomorrow. I have not been told by the majority leader when he wants to come in tomorrow, but I assume it will be sometime in the morning.

Mr. McCLURE. I think he announced earlier today that it is his intention to come in sometime in midmorning tomorrow, which I think would accommodate the desire of the Senator to participate in the questioning of Judge Clark in the committee hearing and still have time to appear at the appropriate time on this legislation in the morning.

I believe it is also correct to say—and anyone who disagrees can correct me—that we probably are not going to make much further progress on this bill tonight. The majority leader had earlier indicated that we would probably go until approximately 6 o'clock. If there are others who wish to speak on the bill tonight, they should identify themselves at this time, so that they can have that opportunity.

Let me say, while the Senator from Iowa is here, that it was not my intention to really get into the debate on his amendment at this time. I appreciate very much that he would come here and at least present the fact that he has such an amendment and that we should get on with the business of considering it.

I think the remarks of the Senator from Iowa were very constructive in that regard. My own purpose in looking at the amendment was just to illustrate to my friend from Montana, as well as to others who might be listening, that there are issues of substance in each of these alternatives, and we have got to resolve those issues. The only way to resolve those issues is to have a matter before us which we can debate and dispose of. I think the Senator from Iowa agrees with that feeling and I very much appreciate his expression of it.

I would hope that the Senator from Montana—I trust he will sleep well tonight—having had the opportunity to discuss with Judge Clark the issues that he has on his mind and trusting that that exchange between himself and Judge Clark will go well, will arrive on the floor of the Senate tomorrow full of good will and desire to move forward expeditiously and that we then can perhaps move to the motion to proceed to the consideration of this bill and get on with debate of specific provisions.

Mr. MELCHER. Will the chairman yield?

Mr. McCLURE. I am happy to yield to my friend.

Mr. MELCHER. I want to express my appreciation and gratefulness to the chairman for his patience and for his very candid and forthright discussion of the issues before us. I also want to express here on the Senate floor my appreciation for the patience of Judge William Clark, the nominee for Secretary of the Interior, in permitting questioning all this afternoon and all this morning and meanwhile, as the chairman has indicated, to again accommodate the interest of Senators on the committee tomorrow morning at 9.

Mr. BAKER. Mr. President, it would appear to me that there is not much more compelling debate on the motion to proceed this evening. If the manager on this side agrees or Senator MELCHER agrees that there is no more need for time to debate the motion at this time, I would propose to put the Senate in morning business for a brief time before going out.

Mr. President, I see no demur from my friends on the floor.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 6 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have a number of items that appear to be cleared for action by unanimous consent. If the minority leader is prepared to consider these items now, we can proceed.

Mr. BYRD. Mr. President, this side is ready to proceed.

Mr. BAKER. I thank the minority leader.

CORRECTION OF RIEGLE-BINGAMAN AMENDMENT TO HOUSE JOINT RESOLUTION 308

Mr. BAKER. Mr. President, I ask unanimous consent that in the first proviso of the Riegle/Bingaman amendment, No. 2471, as further modified, and which was agreed to yesterday that the term "citizens of" be changed to "citizens in".

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER TO PLACE SENATE CONCURRENT RESOLUTION 82 ON THE CALENDAR

Mr. BAKER. Mr. President, next I am told that this has been cleared and I will state the request for the consideration of the minority leader and other Members.

Mr. President, I ask unanimous consent that the concurrent resolution which I now send to the desk on behalf of the Senator from Alaska (Mr. MURKOWSKI), expressing sympathy and condolences on the tragic killing of Koreans in Burma, be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution is as follows:

S. CON. RES. 82

Whereas the people of the United States and the people of Korea are joined together by bonds of friendship and mutual commitment;

Whereas the people of Korea have recently suffered a grave tragedy through a terrorist attack on October 9, 1983, in Rangoon, Burma, which took the lives of seventeen Koreans, including senior members of the Government of the Republic of Korea; and

Whereas the victims of that attack included several individuals who had lived and studied in the United States, who had wide circles of friends here, and who were known and admired by a number of members of Congress of the United States for their lasting contributions to the strong relationship between our two countries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) expresses its most profound sympathy and condolence to the families of the Koreans who were the victims of the tragic killing in Burma and to the Korean people;

(2) reaffirms the lasting friendship and solidarity between the people of the United States and the people of Korea; and

(3) condemns this outrageous terrorist act and calls upon the international community to redouble its efforts to combat terrorism and to isolate, censure, and punish the perpetrators of such acts.

UNIFORM SINGLE FINANCIAL AUDIT REQUIREMENTS FOR RECIPIENTS OF FEDERAL ASSISTANCE

Mr. BAKER. Mr. President, I will say to the minority leader that I would propose now to go to S. 1510, which appears to be cleared as well, and to dispose of that matter.

Mr. President, I withdraw the request in respect of S. 1510.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that, after the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMMS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders, there be a special order in favor of the distinguished Senator from Idaho (Mr. SYMMS) of not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the execution of the special order, there be a period for the transaction of routine morning business to extend until the hour of 11 a.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, at 11 a.m. the Senate will resume consideration of the motion to proceed to the consideration of Calendar Order No. 330, S. 1715, an act to amend the National Gas Policy Act of 1978. It is anticipated, Mr. President, that we will debate this at some length, based on the representations made by participants today.

It is entirely possible, Mr. President, that during the day tomorrow the leadership on this side may ask the Senate to turn temporarily to the consideration of certain other matters. That is not to slight the Natural Gas Policy Act but rather, in view of the fact that a cloture vote will occur on Thursday and cannot occur before Thursday, that we might be able to do one or two or maybe even three other matters during the day tomorrow if the day is not fully consumed with debate on the motion to proceed.

I would like to see us get to the Treasury-Post Office appropriations bill tomorrow. And we have submitted on this side a unanimous consent request for a time agreement of that matter to minority leader for his consideration and that of other Senators on both sides.

It is possible, Mr. President, that we can reach the intelligence authorization bill tomorrow and there is even a possibility that we might get to another matter tomorrow. But those two, may I say, I would like to reach if there is time tomorrow and if we can temporarily lay aside this matter in order to do that.

I do expect rollcall votes, Mr. President, tomorrow. Certainly if we reach the intelligence authorization bill and Treasury Post Office bill, there will be roll call votes, I would anticipate.

Mr. President, I do not expect tomorrow to be a late evening. I would anticipate that the Senate may be in late on Thursday.

Mr. President, on Thursday, or perhaps Friday it looks like we may get the Department of Defense appropriations bill. I hope we have finished the Natural Gas Policy Act amendment by then but if we have not, as the managers know, it would be the intention of the leadership to attempt to reach the Department of Defense appropriations bill. It is a vitally important measure. It is one that should be passed and should not go on the CR in my opinion and the chances are that we would go to that bill either after natural gas or temporarily displacing natural gas on Thursday or Friday.

I do anticipate, Mr. President—I repeat, I do anticipate—that we will be in session on Saturday in order to consider the Natural Gas Policy Act. And I apologize to my friends in the Chamber, especially the young pages who are showing all sorts of expressions of dissapproval with that announcement. But I expect that that may be necessary, Mr. President, in order to complete the Department of Defense appropriations bill well in advance of the time that we must take up the continuing resolution.

Mr. President, next week—this is a little early to talk with much certainty about next week—but next week we have a number of other matters to deal with, but Friday is a legal holiday. It is Veterans Day. That is the 11th of November. The Senate will not be in session on the 11th, according to the holiday schedule that has been previously published and in Senator's hands for some months. May I say also I would not intend to ask the

Senate to return then on that Saturday, the 12th.

So I expect we will be out the 11th, 12th, and 13th, to resume consideration of the pending business, whatever that may be, on Monday, the 14th of November. But to repeat, I do expect us to be in this Saturday; I do not expect us to be in on the following Saturday.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I have no further business to transact. I see no other Senators seeking recognition. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to and the Senate, at 5:46 p.m., recessed until Wednesday, November 2, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 1, 1983:

THE JUDICIARY

W. Eugene Davis, of Louisiana, to be U.S. circuit judge for the fifth circuit, vice Robert A. Ainsworth, deceased.

Stanley S. Harris, of Maryland, to be U.S. district judge for the District of Columbia, vice John Lewis Smith, Jr., retired.

G. Kendall Sharp, of Florida, to be U.S. district judge for the middle district of Florida, vice Ben Krentzman, retired.

George E. Woods, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice Patricia J. Boyle, resigned.

DEPARTMENT OF JUSTICE

Joseph E. diGenova, of the District of Columbia, to be U.S. attorney for the District of Columbia for the term of 4 years, vice Stanley S. Harris.

HOUSE OF REPRESENTATIVES—*Tuesday, November 1, 1983*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, may Your good gifts be with all those who work in this place that they may know the satisfaction of their labors. Help all to see how contributions to the welfare of people and concern in justice are the marks of the devout and the faithful. Alert us to areas of need where we can use our abilities to ease the burdens of others and so promote understanding and goodwill. O God, help us to be good stewards of Your many graces all our days. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LEWIS of Florida. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LEWIS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 376, nays 32, answered "present" 7, not voting 18, as follows:

[Roll No. 435]

YEAS—376

Ackerman	Bennett	Brown (CA)
Addabbo	Bereuter	Brown (CO)
Akaka	Berman	Broyhill
Albosta	Bethune	Burton (CA)
Alexander	Biaggi	Burton (IN)
Anderson	Bliley	Byron
Andrews (NC)	Boehlert	Campbell
Andrews (TX)	Boggs	Carney
Annunzio	Boland	Carper
Archer	Boner	Carr
Aspin	Bonior	Chandler
AuCoin	Bonker	Chappell
Badham	Borski	Cheney
Barnard	Bosco	Clarke
Barnes	Boucher	Clinger
Bartlett	Boxer	Coats
Bateman	Breaux	Coelho
Bates	Britt	Coleman (MO)
Bedell	Brooks	Coleman (TX)
Beilenson	Broomfield	Conable
Conte	Hillis	Minish
Conyers	Holt	Moakley
Cooper	Hopkins	Molinari
Courter	Horton	Mollohan
Coyne	Howard	Montgomery
Craig	Hoyer	Moody
Crane, Daniel	Hubbard	Moore
Crane, Philip	Huckaby	Moorhead
Crockett	Hughes	Morrison (CT)
D'Amours	Hunter	Morrison (WA)
Daniel	Hutto	Mrazek
Daub	Hyde	Murphy
de la Garza	Ireland	Murtha
Derrick	Jeffords	Myers
DeWine	Jenkins	Natcher
Dicks	Johnson	Neal
Dingell	Jones (NC)	Nelson
Dixon	Jones (OK)	Nichols
Donnelly	Jones (TN)	Nielson
Dowdy	Kaptur	Nowak
Downey	Kasich	O'Brien
Duncan	Kastenmeier	Oakar
Dwyer	Kazen	Obey
Dyson	Kemp	Olin
Early	Kennelly	Ortiz
Eckart	Kildee	Owens
Edgar	Kindness	Oxley
Edwards (AL)	Kogovsek	Packard
Edwards (CA)	Kolter	Panetta
English	Kostmayer	Pashayan
Erdreich	Kramer	Patman
Erlenborn	LaFalce	Patterson
Evans (IL)	Lagomarsino	Paul
Fascell	Lantos	Pease
Fazio	Leach	Penny
Feighan	Leath	Pepper
Ferraro	Lehman (FL)	Perkins
Fish	Leland	Petri
Flippo	Lent	Porter
Florio	Levin	Price
Foglietta	Levine	Pritchard
Foley	Levitas	Pursell
Ford (MI)	Lewis (CA)	Quillen
Ford (TN)	Lewis (FL)	Rahall
Fowler	Livingston	Rangel
Frank	Lloyd	Ratchford
Franklin	Loeffler	Ray
Frenzel	Long (LA)	Regula
Frost	Long (MD)	Reid
Fuqua	Lott	Richardson
Garcia	Lowery (CA)	Ridge
Gaydos	Lowry (WA)	Rinaldo
Gekas	Lujan	Ritter
Gephardt	Luken	Robinson
Gibbons	Lundine	Rodino
Gilman	Lungren	Roe
Gingrich	Mack	Rogers
Glickman	MacKay	Rose
Gonzalez	Madigan	Roth
Gore	Markey	Roukema
Gradison	Marlenee	Rowland
Gramm	Marriott	Roybal
Gray	Martin (IL)	Rudd
Green	Martin (NC)	Russo
Guarini	Martin (NY)	Savage
Gunderson	Matsui	Sawyer
Hall (IN)	Mavroules	Schaefer
Hall (OH)	Mazzoli	Scheuer
Hall, Ralph	McCain	Schneider
Hall, Sam	McCandless	Schulze
Hamilton	McCloskey	Schumer
Hammerschmidt	McCollum	Seiberling
Hance	McCurdy	Sensenbrenner
Hansen (ID)	McDade	Shannon
Hansen (UT)	McEwen	Sharp
Harrison	McGrath	Shaw
Hartnett	McHugh	Shelby
Hatcher	McKernan	Shumway
Hawkins	McKinney	Shuster
Hayes	McNulty	Siljander
Hefner	Mica	Simon
Heftel	Michel	Sisisky
Hertel	Mikulski	Skeen
Hightower	Miller (CA)	Skelton
Hiler	Mineta	Slattery
Smith (FL)	Tauzin	Whittaker
Smith (IA)	Taylor	Whitten
Smith (NE)	Thomas (CA)	Williams (MT)
Smith (NJ)	Thomas (GA)	Williams (OH)
Smith, Denny	Torres	Wilson
Smith, Robert	Torricelli	Winn
Snowe	Towns	Wirth
Snyder	Traxler	Wise
Solarz	Udall	Wolf
Spence	Vander Jagt	Wolpe
Spratt	Vandergriff	Wortley
Stangeland	Vento	Wright
Stark	Volkmer	Wyden
Stenholm	Vucanovich	Wylie
Stratton	Walgren	Yatron
Studds	Watkins	Young (FL)
Stump	Weaver	Young (MO)
Sundquist	Weber	Zablocki
Swift	Weiss	Zschau
Synar	Wheat	
Tauke	Whitley	

NAYS—32

Bilirakis	Evans (IA)	Roemer
Chappie	Fields	Sabo
Clay	Forsythe	Schroeder
Dannemeyer	Gejdenson	Sikorski
Daschle	Goodling	Solomon
Dickinson	Gregg	Staggers
Dorgan	Harkin	Valentine
Dreier	Latta	Walker
Durbin	Lipinski	Yates
Edwards (OK)	Miller (OH)	Young (AK)
Emerson	Roberts	

ANSWERED "PRESENT"—7

Bryant	Jacobs	St Germain
Davis	Oberstar	
Dymally	Ottinger	

NOT VOTING—18

Anthony	Dellums	Pickle
Applegate	Fiedler	Rostenkowski
Bevill	Lehman (CA)	Stokes
Collins	Martinez	Tallon
Corcoran	Mitchell	Waxman
Coughlin	Parris	Whitehurst

□ 1210

Mr. CLARKE changed his vote from "nay" to "yea."

Mr. DYMALLY changed his vote from "nay" to "present."

Mr. KOGOVSEK and Mr. MOORHEAD changed their votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1220

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

REFERRING H.R. 1232 TO THE CHIEF JUDGE OF THE U.S. CLAIMS COURT

The Clerk called the resolution (H. Res. 69) to refer the bill, H.R. 1232, to the Chief Judge of the U.S. Claims Court.

There being no objection, the Clerk read the resolution, as follows:

H. RES. 69

Resolved, That H.R. 1232, entitled "A bill for the relief of Fulton Battise, Chief of the Tribal Council of the Alabama Coushatta Tribes of Texas, and Ernest Sickey, Chairman of the Tribal Council of the Coushatta Tribe of Louisiana, and all other enrolled members of the Alabama Coushatta Tribes of Texas and the Coushatta Tribe of Louisiana, respectively," now pending in the House of Representatives, together with all of the accompanying papers, is hereby referred to the Chief Judge of the United States Claims Court and the Chief Judge of the United States Claims Court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code, and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress whether the claim of the Alabama Coushatta Tribes of Texas and the Coushatta Tribe of Louisiana is legal or equitable in character, and the amount of damages, if any, which may be legally or equitably due from the United States to the claimant, the statute of limitations, the plea of res judicata, laches, any lapse of time, or any prior decision of this claim by any court or commission of the United States to the contrary notwithstanding. The Chief Judge of the United States Claims Court is directed to consider and to make a part of the record in this proceeding the records (including motions and briefs) of the previous trial of this case in the Indian Claims Commission.

With the following committee amendment:

Page 2, line 7, strike ", and" and all that follows through "Commission" on line 21.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE LEASE TERMS OF A CERTAIN FEDERAL OIL AND GAS LEASE

The Clerk called the bill (H.R. 3618) to extend the lease terms of Federal oil and gas lease numbered U-39711.

There being no objection, the Clerk read the bill, as follows:

H.R. 3618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any decision to the contrary heretofore made by the Secretary of the Interior of the United States or his authorized agents or representatives, United States oil and gas lease numbered U-39711 shall be held not to have terminated by operation of law or otherwise on January 30, 1980, but shall be deemed to be in full force and effect as having been capable of producing oil and gas prior to the expiration date of the lease and the term of said lease shall be extended from that date forward for so long after the date of enactment of this act as oil and gas is produced in paying quantities. The lessor shall be granted a reasonable time to install production equipment and facilities on said lease: *Provided*, That within thirty days after the receipt of written notice from the Secretary of the Interior the lessee shall tender payment of back rentals at the rate of not less than $5 per acre per year. Notice shall be given by the Secretary within thirty days after the effective date of this Act. The Secretary shall include in the reinstated lease a future rental requirement of not less than $5 per acre per year and a future royalty rate requirement of not less than 16⅔ per centum: *Provided, however*, That except as specifically modified herein as to such lease, all other provisions of the Mineral Lands Leasing Act of 1920, as amended, shall be applicable as to such lease.

With the following committee amendments:

Page 2, lines 3 and 6, change the phrase "oil and gas" to read "oil or gas".

Page 2, line 7, change "lessor" to "lessee"; and on line 8, delete "a reasonable time" and insert "six months".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THEDA JUNE DAVIS

The Clerk called the bill (H.R. 743) for the relief of Theda June Davis.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ALLEN H. PLATNICK

The Clerk called the bill (H.R. 1558) for the relief of Allen H. Platnick.

There being no objection, the Clerk read the bill, as follows:

H.R. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Allen H. Platnick, of Fairchild Air Force Base, Washington, $3,542.52, in full settlement of his claims arising between the dates of September 9, 1978, and November 24, 1978, against the United States for the expenses of temporary quarters, subsistence, and storage of goods for Mr. Platnick and his family and for the expenses of renting a car to enable Mr. Platnick to commute from his temporary quarters in Spokane, Washington, to Fairchild Air Force Base to investigate his employment status. Such costs were incurred by Mr. Platnick after agents of the United States Army misinformed Mr. Platnick with respect to the availability of a position at Fairchild Air Force Base, and agents of the United States Air Force withdrew its offer to Mr. Platnick of a position at Fairchild Air Force Base.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "$3,542.52" and insert in lieu thereof "$1,756.02".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LA PAZ ENTERPRISES, LTD.

The Clerk called the resolution (H. Res. 57) to refer H.R. 744 to the chief judge of the U.S. Claims Court.

There being no objection, the Clerk read the resolution, as follows:

H. RES. 57

Resolved, That H.R. 744, entitled "A bill for the relief of La Paz Enterprises, Limited", now pending in the House of Representatives, together with all accompanying papers, is referred to the chief judge of the Claims Court pursuant to section 1492 of title 28, United States Code, for proceedings in accordance with the provisions of section 2509 of such title.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTATE OF ELIZABETH SCHULTZ RABE

The Clerk called the bill (H.R. 2389) for the relief of the estate of Elizabeth Schultz Rabe.

There being no objection, the Clerk read the bill, as follows:

H.R. 2389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this section, and notwithstanding any period of limitation or lapse of time, the Secretary of the Treasury or his delegate shall allow credit against the tax imposed by chapter 11 of the Internal Revenue Code of 1954 (relating to the imposition of estate tax) upon the estate of Elizabeth Schultz Rabe for the conveyance by the estate to the United States of real property known as parcel numbered 4 containing 97.60 acres, more or less, located in the county of Douglas, State of Nevada, and described as follows:

The northeast quarter of the southwest quarter, the northwest quarter of the southeast quarter, and a portion of the southeast quarter of the northwest quarter of section 23, township 13 north, range 18 east, Mount Diablo baseline and meridian, more particularly described as follows:

All that portion of the southeast quarter of the northwest quarter excepting therefrom the following:

Beginning at the United States Forest Service Brass Cap, being the C-N 1/16 corner of section 23; thence south 0 degrees 45 minutes 24 seconds west 500.00 feet to an iron pipe; thence south 44 degrees 50 minutes 02 seconds west 945.52 feet to an iron pipe; thence north 89 degrees 46 minutes 12 seconds west 301.78 feet to a point; thence tangent north 20 degrees 28 minutes 20 seconds east on the arc of a circular curve to the left with a radius of 800 feet through a central angle of 40 degrees 44 minutes 50 seconds an arc distance of 568.94 feet to a point; thence north 20 degrees 02 minutes 42 seconds west 683.17 feet to a point; thence south 88 degrees 35 minutes 38 seconds east 1206.29 feet to the point of beginning, containing 22.40 acres, more or less.

(b) The amount allowed as a credit under subsection (a) shall be equal to the lesser of—

(1) fair market value of the real property transferred by the estate as of the valuation date used for purposes of the tax imposed by chapter 11 of such Code, or

(2) the Federal estate tax liability (and interest thereon) of the estate.

(c) The provisions of this section shall apply only if the personal representative of the estate executes a deed (in accordance with the laws of the State in which such real property is situated) transferring title to the United States but only if such title is satisfactory to the Attorney General or his delegate.

(d) The provisions of this section shall apply only if the real property transferred is accepted by the Secretary of Agriculture and added to the Toiyabe National Forest. The lands shall be transferred to the Secretary of Agriculture without reimbursement or payment from the Department of Agriculture.

(e) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be offset by the credit provided in this section for any period before the date of such transfer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF NELL J. REDFIELD

The Clerk called the bill (H.R. 1428) for the relief of the estate of Nell J. Redfield.

There being no objection, the Clerk read the bill, as follows:

H.R. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this section, and notwithstanding any period of limitation or lapse of time, the Secretary of the Treasury or his delegate shall allow credit against the tax imposed by chapter 11 of the Internal Revenue Code of 1954 (relating to the imposition of estate tax) upon the estate of Nell J. Redfield for the conveyance by the estate to the United States of real property located within or adjacent to the boundaries of the Toiyabe National Forest.

(b) The amount allowed as a credit under subsection (a) shall be equal to the lesser of—

(1) fair market value of the real property transferred by the State as of the valuation date used for purposes of the tax imposed by chapter 11 of such Code, or

(2) the Federal estate tax liability (and interest thereon) of the estate.

(c) The provisions of this section shall apply only if the trustees of the trust administering the assets of the estate execute a deed (in accordance with the laws of the State in which such real property is situated) transferring title to the United States but only if such title is satisfactory to the Attorney General or his delegate.

(d) The provisions of this section shall apply only if the real property transferred is accepted by the Secretary of Agriculture and added to the Toiyabe National Forest. The lands shall be transferred to the Secretary of Agriculture without reimbursement or payment from the Department of Agriculture.

(e) Unless the Secretary of Agriculture determines and certifies to the Secretary of the Treasury that there has been an expeditious transfer of the real property under this section, no interest payable with respect to the tax imposed by chapter 11 of the Internal Revenue Code of 1954 shall be deemed to be waived by reasons of the provisions of this section.

With the following committee amendment:

Page 2, lines 2 and 3: Strike the words "or adjacent to".

Mr. BOUCHER (during the reading). Mr. Speaker, I ask unanimous consent that the bill and the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT TODAY AND TOMORROW, NOVEMBER 1 AND 2, 1983, DURING 5-MINUTE RULE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Tuesday and Wednesday, November 1 and 2, 1983.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TRIBUTE TO THE COUNTY OF NEW YORK ON ITS 300TH ANNIVERSARY

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, I rise today in order to pay tribute to the county of New York on its 300th anniversary. I share the honor of representing the county, better known as Manhattan, with my colleagues, Representatives RANGEL and GREEN.

Manhattan has played an important role in the history of this Nation. For the past 300 years, it has served as the gateway to America for millions of immigrants. From around the world, these people brought their unique pasts and shared aspirations for a better future. Together, they enriched our culture and molded our history. Manhattan has nurtured the many influences that have shaped our national heritage.

The streets of Manhattan have served as pathways for many who have contributed to America's greatness. Wall Street is the symbol of this country's international financial prowess. Broadway is synonymous with the American theater. From the jazz clubs to the opera, the symphony, and the dance, Manhattan has supported the performing arts. Many of America's finest authors and visual artists have called Manhattan home. Seventh Avenue and the garment district have typified the vigor of American industry. Manhattan harbor has contributed to this country's stature in international trade, exporting American agricultural wealth and technological innovation.

For three centuries, Manhattan has continued to meet and serve the changing needs and demands of our Nation. I am proud to salute New York County on its 300th birthday.

MISS LILLIAN'S DEATH IS A LOSS FOR ALL AMERICANS

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, a bright light went out in America this weekend. "Miss Lillian" Carter was the very embodiment of warmth, and humor, and absolute love for the American people. And how we all loved her, too.

Miss Lillian was a vibrant folk hero during the decade of the self-centered "non" hero. Frank, outspoken, uninhibited, she brought warmth, fun, and joy everywhere she went.

I spent a day campaigning with Miss Lillian in 1978, and it was wonderful. Everywhere we went, people reached out to her. And she had a pointed opinion on everything—the politics of the day, sports, and above all, people.

What an extraordinary, wonderful person was Lillian Carter. Her death is a loss for all Americans.

PERMISSION FOR SUBCOMMITTEE ON GOVERNMENT ACTIVITIES AND TRANSPORTATION OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING 5-MINUTE RULE

Mrs. COLLINS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Government Activities and Transportation of the Committee on Government Operations be permitted to meet today to receive testimony while the House is operating under the 5-minute rule.

The SPEAKER pro tempore (Mr. SIMON). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REPORT ON RESOLUTION DISMISSING CONTEST OF ARCHER VERSUS PACKARD

Ms. OAKAR, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-452) on the privileged resolution (H. Res. 305) dismissing the election contest against RON PACKARD, which was referred to the House Calendar and ordered to be printed.

LEGISLATION TO FREEZE FEDERAL SPENDING AT CURRENT LEVELS

(Mr. DORGAN asked and was given permission to address the House for 1 minute.)

Mr. DORGAN. Mr. Speaker, today I am introducing legislation that, if adopted, would freeze all Federal spending at its current level in an effort to try to control the ballooning Federal deficit.

In the year just ended, the Federal deficit was $207 billion. Economists predict that even with healthy economic growth throughout the 1980's, the Federal deficit will remain at $150 billion per year or more. I, for one, do not believe this country can stand that sort of fiscal irresponsibility.

These deficits are the fault of both the President and the Congress, and neither will take responsibility. Last year, the President sent us a budget requesting a $189 billion Federal deficit, and unfortunately, Congress did nothing substantially to change it. Now the President and the Treasury Secretary say that deficits really do not matter. Well, if they believe that, they have taken a vacation from good sense. Everyone understands that deficits do matter. Deficits cause higher interest rates and, inevitably, will choke off economic recovery.

A spending freeze is tough medicine, but that is what it will take to get us back on track. I believe we ought to freeze every dollar of Federal spending—that includes defense spending, domestic spending—and we should not allow another penny increase in spending for any item unless it is accompanied by an increase in revenues to pay for it or other spending cuts to compensate for it.

That is the only way we are going to whittle the Federal deficit down and create the kind of economic conditions under which we will have reasonable interest rates and long-term stable economic growth.

There seems to be a political paralysis on both sides on this issue, and it is time for some of us in this body to stand up and tell the President and congressional leaders that this fiscal policy is mortgaging the future of America, and we cannot let you do it anymore.

The most important social program in this country is a strong and healthy economy because that provides the jobs and profits that make everything else possible. But make no mistake about it—this country cannot and will not have a strong and healthy economy with the Federal deficits that the President is now proposing and that Congress is now accepting. It is time to change our ways, and I hope that Congress will pass legislation of the type that I and others have introduced calling for spending freezes and more fiscal responsibility.

AWAITING A REPORT FROM THE PRESIDENT'S TASK FORCE ON HUNGER

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, some 90 days ago, on August 2, President Reagan in a memorandum to Edwin Meese called for the creation of a task force to examine the extent of America's hunger and to determine its causes. He instructed Mr. Meese that this task force should complete its work and report back to him within 90 days.

Those 90 days have lapsed. In that memorandum Mr. Reagan said, "I have seen reports in the press in past weeks of Americans going hungry." He went on to say, "I admit to being perplexed by these accounts."

Mr. Speaker, I am anxious to know if that task force has reported to him and, if it has, if it has reminded him that people are indeed hungry because between 2 million and 3 million American children from eligible homes have lost out on school lunch programs.

I wonder if the task force has advised him that last year 2,700 schools had to drop out of that program precisely because of new rules promoted by the White House.

I wonder if that task force has reported to the President that because of his restrictions upon the women, infants, and children's feeding program, many thousands fewer have been allowed to participate in that program.

So, Mr. Speaker, as that period of 90 days expires, I am anxious to know if the President has been advised and whether his perplexities as to the cause of hunger are to any degree relieved.

REAUTHORIZATION WOULD REVIVE AND DEPOLITICIZE CIVIL RIGHTS COMMISSION

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Texas. Mr. Speaker, I rise today to express my concern and dismay over the Reagan administration's apparent attempt to kill the Civil Rights Commission.

The Commission officially went out of business on September 30. At this very moment, the Commission is engaged, not in reviewing the effectiveness of our civil rights laws but in the process of closing up shop.

It will quit operating altogether on November 29, unless Congress reauthorizes its existence.

On August 4, the House passed H.R. 2230, a bill which would extend the life of the Commission through 1988. This bill included an amendment that provides that, effective with the date of enactment of the bill, the President may remove a member of the Commission only for neglect of duty or malfeasance in office. This amendment, passed by an overwhelming majority of House Members, was included to return this Commission to the nonpartisan status it enjoyed prior to this ad-

ministration's attempts to politicize it. Since August 4, this bill has been on the Senate Calendar and, as of yet, no action has been taken.

The administration has made no attempt to use its influence in the Senate to bring this bill to the floor. Instead, on Tuesday of last week, President Reagan fired three of the six Commissioners. Since he appointed two others earlier in his term, that leaves only one pre-Reagan appointee on the Commission. This action on the part of the President is disappointing and discouraging but not surprising. This administration has consistently attempted to politicize a Commission with a proud history and tradition of bipartisanship. This represents a great step backward for the gains that have been made in civil rights.

I call upon the Senate majority leader, Mr. BAKER, to bring the Civil Rights Commission reauthorization to the Senate floor for immediate consideration. We must not allow this Commission to die.

THE U.S. PRESENCE IN LEBANON

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, we should heed the words of Lebanese President Amin Gemayel when he says, "The American marines did not come to Lebanon to fight our war, but to help us establish peace and restore democracy. Your young men are not in Lebanon to engage in combat."

I am beginning to fear that President Reagan does not understand that fact. Instead, he seems to be changing our Lebanese presence into a test of American manhood, or worse, into a Soviet-American showdown.

To transform the bloody factional struggle in Lebanon into an East-West confrontation is to substitute simplistic ideology for sound foreign policy. Once again, we would be allowing our adversaries to set our Nation's agenda.

The administration should listen carefully to what Mr. Gemayel is saying. Our marines are not serving in a combat role.

Our first priority should be the safety of our forces in Beirut, and if it becomes clear there is no peace to keep, the marines should be withdrawn to a more secure place.

If the conflicting interests in Lebanon refuse to negotiate, the United States cannot prevent further bloodshed. But we can prevent the senseless loss of more American lives in a fanatical civil war that we do not seem to understand.

VISA DENIALS LIMIT POLITICAL EXPRESSION ON NORTHERN IRELAND

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, as chairman of the 102-member bipartisan ad hoc Congressional Committee for Irish Affairs, I take note of the visit to Washington today of the Secretary of State for Northern Ireland, Mr. James Prior.

I focus on his visit because of certain ironies I see associated with it. James Prior is free to enter the United States and espouse the British position on Northern Ireland. The Reverend Ian Paisley is able to gain entry into the United States and espouse his views on Northern Ireland. Yet representatives from another important segment of political thought from Northern Ireland are barred from our shores. The Department of State—no doubt with both the advice and consent of the British Government, has systematically denied visa applications from representatives of the Sinn Fein Political Party—a legally sanctioned political party in Ireland—and one which participates in elections.

It is wrong for the Department of State to impose a gag rule over what the Irish American community in this Nation should be allowed to hear about the tragedy in Northern Ireland. It is nothing more than censorship by visa denial. One does not have to agree with a particular position of a group or organization to advocate for a more equitable visa policy by our Government toward political figures from Northern Ireland. The present policy is an anathema to our democratic process. The American people have a right to hear all sides and with openness there will be truth.

PROTECT TELEPHONE USERS BY CONGRESSIONAL ACTION

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOUCHER. Mr. Speaker, the AT&T breakup on January 1, 1984, will effect every American who uses the telephone. Proposed rate increases and FCC access charges threaten to drive the cost of telephone service beyond the reach of millions of Americans.

In an effort to encourage competition in the telephone industry, the Justice Department negotiated an antitrust settlement with AT&T requiring AT&T's divestiture of its local operating companies. One result of the breakup is that local telephone companies will lose the subsidies they previously received from AT&T's lucrative long distance network. Many local operating companies now maintain that the loss of this subsidy will force them to boost local rates in order to cover the actual cost of providing basic residential and business service.

Already, local operating companies across the country have filed for rate increases totaling approximately $7 billion. If granted, rate increases of this unprecedented magnitude could, in some cases, result in a doubling or even tripling of local telephone rates. In my district, rate increases averaging 50 percent have already been requested.

In addition to these potential increases, the FCC has announced the imposition of a $2 charge on every consumer's monthly telephone bill effective April 1, 1984. This so-called access fee, which charges customers for access to long-distance service even if it is not used, is intended to replace the lost long-distance subsidies. The FCC's monthly access charge will rise to $3 in 1985 and to $4 in 1986. Businesses will be charged $6 per month for each telephone line.

The public's apprehension concerning increased telephone bills is reasonable, and I have heard from many of my constituents who fear that deregulation may make telephone service prohibitively expensive for them. Consumers are calling on Congress for protection.

Congress, I believe, must reaffirm its historic commitment to a policy of universal telephone service at affordable cost for all Americans. Under this policy, the telephone has become an indispensible element of modern American life, part of a massive communications network that is essential to commerce and to our society.

Rural telephone customers will be hardest hit because of the high cost of providing telephone service in rural and sparsely populated areas. For the elderly and other rural users, the telephone is a lifeline to relatives, friends, job opportunities and local emergency services. Senior citizens and other working families cannot afford to be left on hold much longer. Congress must act immediately to protect telephone users to block the FCC access charge for residential customers.

Last week, the Energy and Commerce Committee approved legislation reaffirming the doctrine of universal telephone service, but the clock is ticking. Congress is scheduled to adjourn in 18 days, and if we adjourn without enacting telephone legislation, consumers will have to foot the bill.

To this end, I have cosponsored H.R. 4102, the Universal Telephone Service Preservation Act, which would repeal the FCC decision to impose a long-distance access charge on residential customers. This bill would also establish a universal service fund to insure that

service in rural and other high-cost areas remains affordable. In addition, the bill requires the creation of special lifeline rates for low-income residential customers.

I urge my colleagues to support the Energy and Commerce Committee's proposal to assure telephone service at a reasonable cost and to protect the American consumer.

□ 1240

THE ROLE OF THE MARINES IN LEBANON

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, as a member of the House Armed Services Committee, last week I requested that we have a hearing on the Beirut marine installation and the security thereof of that base.

Today we began a hearing at 10 a.m. with the full Armed Services Committee and General Kelley told us that their mission was presence. He said that the mission of marine presence is not in any military dictionary nor any military manual.

The general went on to tell us that "terrorists will target marines in months to come." That is a direct quote from the Commandant of the Marines.

General Kelley then said, "We cannot stop this type of attack."

I call upon the administration to change the role of the Marines and the mission of the Marines before we lose more good men in Lebanon.

PASS THE DOMESTIC AUTO CONTENT BILL

(Mr. SHARP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHARP. Mr. Speaker, the Japanese Government has announced that it will limit the number of Japanese cars sold in America next year to 1.85 million.

This announcement is all the more reason why we must pass the domestic auto content legislation.

First, Mr. Speaker, this so-called voluntary quota actually will increase the number of Japanese cars sold in America next year. The previous voluntary limit was 1.68 million.

Second, Mr. Speaker, we still see no action to bring the yen more in line with the value of the dollar and, consequently, it is harder for us to sell there and easier for them to sell here.

Third, Mr. Speaker, we see no real action to change the tax rebate system in Japan which subsidizes exports to the United States; but what we do see, unfortunately, is more action by U.S. auto companies to buy and to build abroad.

Mr. Speaker, let us not be confused by the Japanese announcement. It is not progress. Let us move immediately to pass the auto content legislation.

PERSISTENT QUESTIONS ABOUT GRENADA

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, it has now been 1 week since U.S. forces invaded the tiny island of Grenada, and yet I am not sure the Congress and the American people fully understand the motives which prompted the President's action and all the circumstances surrounding the attack and our being there today.

Questions persist. Was it necessary to use military force? Were diplomatic options available? Why was the media controlled, and were official reports sufficiently fair and complete? Why have official reports been so sketchy and inaccurate about the number of Cubans on the island, U.S. casualties, including those inflicted on ourselves, the unfortunate bombing of a hospital and possibly other civilian structures? Other questions about the violations of the OAS charter and other treaties and the persistent criticism by our allies have been raised.

Mr. Speaker, I am pleased to see that you are sending a delegation to Grenada on a fact-finding mission; but I urge that you go one step further. I urge you, Mr. Speaker, to establish a special commission to investigate U.S. policy and the invasion of Grenada.

THE DUN STOPS HERE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, yesterday, as it must come to all people, economic reality came to Ronald Reagan. As the Chief Executive Officer of this Nation, he is responsible for our fiscal policy, and when the Republican-dominated Senate voted down his request to increase the national debt ceiling, it signaled to him unmistakably that he must begin to take his responsibility seriously.

Referring to yesterday's vote in the Senate, Senator BOB DOLE, chairman of the Finance Committee said, "This may get the attention of the White House."

Instead of asking for an increase in the administration's credit line, Mr. Reagan would be well advised to listen to the advice of Mr. DOLE who seems to be saying to the President that he needs a new sign in the Oval Office, which reads, "The dun stops here."

SENSELESS VIOLENCE

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, it is extremely sad and distressing to learn that a U.S. bomb inadvertently killed 20 individuals who were mentally ill on Grenada.

I saw Red Cross hospitals with children and elderly in Beirut destroyed about a year and half ago. Many children and elderly were killed then also.

What is the lesson of such senseless violence and war? That is the way war is. Whenever violence, like the violence in Grenada takes place, mostly innocent men, women, and children, are victimized.

When will we as a nation use our super power status for peace, for diplomacy, for negotiation?

Military solutions are never the answer. Let us give our people and the people in the global community a sense of hope. Let us work for peace, not war.

Let there be no more innocent people like these people in Grenada in that hospital who were killed.

It is senseless. It is immoral. Let us use our super power status for peace.

HEADS SHOULD ROLL

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, I would like to express my concern, concern over the fact that this House is scheduled to vote on several measures to limit the involvement of U.S. troops in military adventures on foreign soil in the next few days. I support this legislation, which would limit the duration of U.S. involvement in both Grenada and Lebanon.

I believe that the War Powers Act should be invoked, requiring President Reagan to bring home the troops in Grenada within 60 to 90 days, unless Congress authorizes an extension. This will open the door for a factfinding mission, especially important to find the facts in view of the erroneous reports by our military forces on such things as the hospital shelling and the strength of Cuban forces in Grenada.

In the same vein, I oppose the Marines staying in Lebanon after March 1, 1984, unless they have a military mission assigned.

We have two options; one, withdraw the Marines or give them a combat mission.

Also, on the Lebanon situation, finally, I think heads should roll when it is determined who was responsible for the outrageous lapse of security resulting in over 230 American deaths.

WHO IS THE SINNER?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, in an interview in the New York Times this morning, Speaker O'NEILL is quoted as saying about President Reagan: "It's sinful that this man is President of the United States."

I am willing to concede that any leader of the majority knows more about sin than we Republicans do, but I am somewhat puzzled by the Speaker's uncharacteristically harsh outburst.

I do not pretend to have the Speaker's deep theological knowledge, but I do know something about our political process.

Ronald Reagan is President of the United States because in a free election he defeated the Speaker's candidate and leader, Jimmy Carter.

I speak only as a layman, but it seems to me that getting rid of the Carter administration is an act of grace, not a sin.

Perhaps it might be better for all concerned if the Speaker refrained from making spiritual judgments.

"Judge not, lest ye be judged," Mr. Speaker.

THE LATEST LIBERAL FANTASY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, reading the papers and listening to the speeches around here lately, I am beginning to think my liberal colleagues have all enrolled in a creative writing class. Every day those who oppose President Reagan are busy dreaming up new excuses for attacking his decisive action in the Caribbean, or his commitment to our vital interests in Lebanon.

The latest fantasy is the demand for more access to information before we will trust the President's statement of Soviet and Cuban involvement in Grenada. What was the President supposed to have done, let NBC News turn the invasion into an Army version of "Hill Street Blues," or maybe appoint Dan Rather or Sam Donaldson to the Joint Chiefs of Staff?

The first casualty in all this, Mr. Speaker, is not the first amendment. It is the gigantic collective ego of the media, who have just learned that they are not the fourth branch of Government after all.

Interestingly enough, Mr. Speaker, reaction to the President outside the Halls of Congress is much different. Young men are joining the Marine Corps in record numbers. Servicemen are reupping all over the branches of the service, and veterans are reenlisting, and I am so very proud of all of them. Unlike some of us around here, they would rather lend a hand than point a finger.

□ 1250

PRIVATE MAYNARD'S SACRIFICE IS NOT IN VAIN

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMMERSCHMIDT. Mr. Speaker, in the midst of a very personal tragedy and grief, one of my constituents from the Third Congressional District of Arkansas, Pfc. Marlin R. Maynard, was one of the first, if not the first, casualties on the Island of Grenada. He was a member of the famed U.S. Army Rangers. Preparations are being made for his interment at the Veterans' Administration Cemetery at Fort Smith, Ark. He will be given full military honors. At his father's specific request, the Department of Defense will send fellow Rangers to the funeral to be a special Guard of Honor.

Private Maynard often expressed his great pride at being a Ranger. He felt that he was contributing greatly to his country by wearing its uniform. He knew the dangers inherent in being a Ranger but he willingly accepted those dangers as his personal contribution to a better America. He was a good soldier who paid the supreme sacrifice in doing what he thought was right for his country.

Private Maynard's parents are Mr. and Mrs. Herschel and Gladys Maynard of Coal Hill, Ark. Even as they grieve the loss of their beloved son, they have expressed their continuing belief that he died in the cause of freedom. They have stated that they believe our President was right in sending our troops into Grenada and that in fact he had no honorable alternative.

They mourn deeply the loss of Private Maynard, but they have communicated to me their great pride that their son so loved his country that he was willing to sacrifice his life for its cause. They share that love of country and they too believe in that cause.

Mr. Speaker, I know that all Members of Congress also grieve at the loss of this fine young man. I know, too, that all of us send our deepest sympathy to his family in this very troubled time. Mr. and Mrs. Maynard are the finest citizens and I am proud that they are my constitutents.

ACT ON IMMIGRATION REFORM

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I am disappointed with your decision to block the Simpson-Mazzoli immigration reform bill from reaching the House floor this year.

Although I do not support every provision in this bill, I do feel it is essential that House Members have the opportunity to debate this issue before we adjourn. I hope you will change your mind, Mr. Speaker, for the greater good of all Americans.

The United States must regain control of its borders. Each day our borders are openly violated and our immigration laws mocked. Every day we delay action on this bill, we lose ground. Federal, State, and local budgets—school and welfare budgets—cannot continue to support an unchecked flow of illegal immigrants across our borders. Even worse, there are 10 million unemployed Americans competing with millions of illegal aliens for scarce jobs.

A recent poll by Hart and Tarrance revealed that 57 percent of Hispanic citizens favor tougher immigration laws. Another poll found that 60 percent of all Hispanic Americans and 66 percent of Hispanic voters clearly support tougher immigration control.

I realize that partisan politics is unfortunately part of this institution, but immigration reform must be considered if the United States intends to set its own immigration policy. We need to address this vital issue for the future economic well-being of this Nation.

HOPE SPRINGS FROM ELECTION OF RAUL ALFONSIN IN ARGENTINA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, the election victory in Argentina of Raul Alfonsin and his Radical Party offers hope to the people of his country that they may begin to emerge from the serious political and economic crises they have faced over the past 7 years.

Alfonsin's stunning win over the Peronist Party candidate marks a significant change from the political traditions in Argentina of the past 40 years.

With major problems facing him in the months and years ahead, Alfonsin will have to translate his victory into an effective solution to the economic and foreign debt crises as well as resolving the questions of the thousands of disappeared. He must do this in such a way so as not to provoke the military to intervene once again.

We in the United States look with great satisfaction at the step taken in Argentina to return to fully functioning democratic society. We can only

hope that President-elect Alfonsin will succeed and that relations between our two countries will once again reflect the warm, friendly cooperation that had been our previous tradition.

EXPAND SPOUSAL IRA OPPORTUNITIES

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, in hearings before the Committee on Ways and Means last week the administration announced its endorsement of individual retirement account expansion to provide noncompensated homemakers and divorced taxpayers who receive alimony with the same opportunity to construct their own retirement income security now restricted to taxpayers on the basis of earned income.

I am today introducing legislation to comply with the administration's recommendations and help fulfill a campaign many of us have undertaken for some years originally brought to our attention by our colleague in the other body from Virginia (Mr. TRIBLE) in writing his Homemaker Retirement Act. It and the bill I am introducing today would permit homemakers to count their spouses' earnings as their own for purposes of establishing an IRA. Specifically, my bill would permit a noncompensated spouse to make a $2,000 maximum annual deductible IRA contribution if his or her spouse earned at least $4,000 and do so even though the working spouse also made a $2,000 IRA contribution. Current spousal IRA opportunities are too restrictive providing only an extra $250 tax exclusion incentive for setting up a retirement income security program for two at $2,250 in maximum annual contributions instead of for one at $2,000. This disparity deserves correction.

Similarly, divorced homemakers receiving alimony who do not work due to child care responsibilities or other reasons should not be totally denied IRA eligibility as is now the case if the divorcee has no compensation. My bill permits alimony to be used on the same basis as compensation for determining IRA eligibility.

PRESIDENT REAGAN MADE THE RIGHT DECISION ON GRENADA

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I want to reiterate my strong support for President Reagan's decision to go into Grenada.

On Thursday evening, the President spoke to the Nation on Lebanon and Grenada. I thought he made a reasoned and reassuring talk which marked him as a strong leader doing what he felt was in the best interests of the United States.

I agree with the President that it would be a mistake to pull out of Lebanon in the face of a terrorist attack. This would put a premium on such attacks and make us vulnerable all over the world.

The decision to go into Grenada to me was obviously a correct one. The fact that 600 Cuban construction workers turned out to be over 1,000 military personnel and the presence of a four-story building filled with ammunition justifies this decision.

Grenada's strategic value is far out of proportion to its size. The island is at the entrance to a deep water channel through which tankers carrying 56 percent of all U.S. imported oil enters the Caribbean, so even if the Organization of Eastern Caribbean Nations had not asked us to come in, and even if there had not been 1,000 Americans on the island, Grenada is clearly on our turf, and the President was right.

Mr. Speaker, I yield back the balance of my time.

ATTACK ON THE PRESIDENT

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, it is apparent from your remarks in the New York Times this morning that the political rhetoric of 1984 is going to get plenty rough.

It becomes clear that you are finding that you can no longer sustain rational opposition to the President's policies, so you have decided to unleash irrational personal attacks on the President, his family, and the people within his administration.

You said, and I quote:

> It is sinful that this man is President of the United States.

If that is acceptable political dialog, then Jim Watt by comparison looks almost like a saint. Politics that nasty and that personal—and I quoted but one of several comments that you used in that interview where you attacked the President's character—politics that nasty and that personal discredits you and the high office that you hold.

I remember standing here several months ago and criticizing a Republican colleague who had launched a personal attack on you; but it is obvious that you are capable of the same kind of language, but your remarks may be only a sample of what is to come.

A party grown as politically irresponsible as the party you lead can be expected to use irresponsible and insulting language throughout the coming political year.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Speaker, is it in order for any Member of the House to address a Speaker pro tempore who is occupying the chair and make charges that were directed at the Speaker himself?

It would appear to be improper. I would think, under the rules of the House.

The SPEAKER pro tempore. The Chair is advised that the remarks are directed to the Chair, whoever the occupant of the chair is.

Mr. STRATTON. But the Chair has not been interviewed in the New York Times this morning, has he?

The SPEAKER. pro tempore. The Chair has not.

Mr. STRATTON. Well, but the gentleman from Pennsylvania seems to have been disturbed about the altering of the record, and I thought it was important that we direct the remarks toward one Member, specifically to that Member, and not to confuse it with some temporary outkickment of the chair.

The SPEAKER pro tempore. I thank the gentleman from New York for coming to my defense.

JAPAN'S UNFAIR TRADE IMBALANCE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Japanese have announced they will limit the export of their automobiles to the United States next year to 1.85 million vehicles.

That is still a big increase over what they have been sending for the past 2 years.

One of the reasons we have an imbalance of trade is because countries like Japan take unfair advantage of us by giving tax advantages to their industries for selling abroad, and by limiting imports by putting excessively high tariffs and trade barriers against them. We face critical problems in the American auto industry and if we are going to save it we must reconsider our trading conditions. We must find a way to reduce the burden on U.S. exports and to equalize the burden on imports if we hope to compete. We must do our part to get unemployed U.S. auto workers back on the job and keep them there.

□ 1300

EXPERIENCE OF STUDENTS ON GRENADA

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, on Friday, a constitutent called my Washington office and asked whether I would like to speak to one of the students who had just returned from Grenada. The student, a California resident, was flown to my district because her mother was visiting relatives at the time in York, Pa. I met the young lady Saturday morning in my York district office and can only say that if all the students are as articulate, intelligent, and determined, the future should be bright for this country.

First, I asked her to describe the situation in Grenada when she arrived as a student. Basically, she said the Grenadians are very friendly people but the students had very little contact with the political activities that may or may not have been taking place. I then asked her what her concerns were and what she knew of the change of governments during the 10 days before the American forces arrived. She indicated that the masses were extremely upset and anxious about the murder of the Prime Minister and the Cabinet but the only thing the students heard were reports broadcast on the revolutionary radio station. It was these broadcasts, she said, that caused considerable fear among the student body because they were very bellicose and constantly encouraged all Grenadians to "arm to repel any invasion."

These radio broadcasts, plus the curfew and particularly the statement that they would be shot on sight if the curfew were broken, caused real concern among the students about their safety. The university leadership, however, told them that they were not in danger and that if they decided to leave they would lose their tuition and not be allowed to continue their medical education. The student indicated that she is not sure if he made the statement out of fear of the university collapsing financially or whether he did it to calm and reassure the student body because of the tenuous situation in Grenada.

She then indicated a U.S. State Department representative spoke to the students and told them that they would have to choose whether to leave or remain on the island. Heretofore, they had the impression that they could leave the island, but they had no means of leaving it. The representative assured them transportation would be available; this of course, was after the American troops landed. She said no one told them they had to leave.

They were told that when they arrived in South Carolina there would be a debriefing by the State Department. Most of the students said, "Oh my, are they going to take a couple of hours to tell us what we should or should not say?" The student said they were all quite surprised because they were debriefed for 5 minutes by a State Department official who merely said that when they left, they could expect to be met by many reporters waiting for them "from all extremes" and that they were to be themselves and say what they knew and to give their honest impressions. She could not say enough about the professional manner in which both the State Department and the military handled the situation. I have a feeling that because of this experience, this group of citizens will be much more concerned and much more involved in the political processes then they have been to date.

GOLD MEDAL FOR ADM. HYMAN G. RICKOVER

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, pursuant to Public Law 97-201, a gold medal was presented today to a truly outstanding American, Adm. Hyman G. Rickover. As a member of the National Board of the Rickover Foundation, and as a longtime friend, I would like to extend my heartfelt congratulations to the admiral on receiving this medal.

This gold medal has been bestowed upon the admiral in recognition of his long and dedicated service to this country. His 63 years in the U.S. Navy, and his many achievements throughout that time, attest to his dedication and devotion to this country and to the development of nuclear power. As many of my colleagues are aware, Admiral Rickover has become known as the "Father of the Nuclear Navy" due to his leadership in the development of nuclear propulsion systems for naval vessels. There is no doubt that his contributions as a pioneer in this area have revolutionized naval warfare. Beyond this involvment with the naval nuclear program, Admiral Rickover has been involved in the commercial use of nuclear power and has worked extremely hard to promote the safe use of nuclear energy for commercial civilian purposes. Furthermore, the admiral has served for many years as a trusted adviser to the Congress on issues ranging from defense to the environment. I greatly respect both his views and his accomplishments and can think of no one more deserving to be honored with a gold medal than Admiral Rickover.

To be associated with the admiral and to serve on the National Board of the Rickover Foundation is a source of great pride for me. I look forward to working with this great American in the years ahead and extend again my congratulations.

FAIR DEPOSIT AVAILABILITY ACT

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, anyone who has deposited a check, waited a few days and then written checks to pay his or her bills, only to have those checks returned stamped "unpayable because of uncollected funds" understands the motivation behind the bill I introduced recently with bipartisan support—the Fair Deposit Availability Act.

Our bill encourages banks to cut down the unnecessary length of time they take to clear checks. It does not mandate shorter check holding periods. It does, however, allow the marketplace to work to its fullest by requiring that banks apprise their customers of their check holding policies when customers open accounts and by requiring the banks to print their check holding policies on their deposit slips.

H.R. 4187 also stipulates that banks must pay interest on interest-bearing accounts as soon as the banks are granted provisional credit for the check—usually within 1 or 2 days. The bill further requires banks to make available funds to customers depositing U.S. Government checks as soon as the banks have the use of the funds—usually the same or next day.

I believe our bill addresses the check holding problem in a fair way. The Fair Deposit Availability Act takes into consideration the needs of the consumers and the banks, and it gives consumers the use of their money as soon as possible without imposing unreasonable requirements on the banks.

I welcome my colleagues on either side of the aisle to join in the cosponsorship of H.R. 4187.

NOMINATION OF WILLIAM CLARK FOR SECRETARY OF THE INTERIOR SHOULD BE QUESTIONED

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today the other body begins consideration of William Clark's nomination as Secretary of the Interior. It

is hard to exaggerate the significance of these hearings.

The Department of the Interior is one of the most important departments in the Federal Government. It is responsible for protecting our remaining wilderness areas, forests, wildlife refuges, and the Outer Continental Shelf.

The outgoing Secretary, James Watt, was forced out of office in large part because he acted not as a steward for the environment but as its auctioneer.

Serious questions have been raised about Judge Clark's qualifications to serve as Secretary of the Interior, the policies he will pursue, and his past conduct as a member of the California Supreme Court.

Two more years of the Reagan-Watt policies would further jeopardize our most precious natural resources. If Mr. Clark is allowed to pursue the policies of his predecessor I fear that irreparable harm will be done to our fragile wilderness areas.

Unless Mr. Clark is willing to repudiate the policies of his predecessor, and demonstrate at least a preliminary understanding of the most sensitive natural resource issues, I would urge my colleagues in the other body to reject his nomination.

ACTION ON DEBT CEILING CHANCE TO DO SOMETHING ABOUT DEFICIT

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, last week 198 of us voted against the rule to consider the reconciliation package because the Rules Committee had not provided the opportunity to offer an amendment authored by our colleague from California (Mr. MILLER) for a budget spending freeze and then a pay-as-you-go basis for additional budget spending.

Many of us opposed that rule. We were not successful. But we did have 198 votes.

There are a lot of us who would like to be on record as having tried to do something about this $200 billion deficit crisis. That opportunity may come this week or next, for we are going to face having to raise the national debt ceiling. It might be a timely and convenient vehicle.

COMMENDING THE PERFORMANCE OF U.S. ARMY RANGERS IN GRENADA

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, regardless of one's position on the wisdom of the U.S. military action in Grenada, I believe every American owes a debt of gratitude to the courageous performance of our servicemen in the operation. Quite simply, they were magnificent.

Particular commendation must go to the elite Army Ranger troops dispatched from Fort Lewis, Wash., and Fort Stewart, Ga. These brave men parachuted into Grenada at 6 a.m. in the face of heavy antiaircraft fire. They faced Cuban construction workers that in fact were professional soldiers. As they descended machine gun fire pierced their parachutes. They were forced to jump from 500 feet, lower than any American troops have jumped since World War II.

Once they reached the ground, the resistance continued as armored personnel carriers appeared within 400 yards of their positions and mortar fire was laid upon them. In the words of one of this highly trained force, "They were waiting for us." Our hearts go out to the families of those who gave their lives, to the wounded.

Despite this heavy resistance, by 7:15 a.m. the Rangers had cleared the runway of the Point Salines airstrip of pipes, boulders and vehicles which the Grenadians and Cubans had placed there so that C-130's could land to bring reinforcements. Hundreds of Cubans had thrown down their weapons and surrendered to superior U.S. firepower.

But the Ranger's job was not done. They immediately proceeded to insure the safety of American students at the True Blue campus of St. George's Medical School. When they arrived, the students applauded with joy and relief.

The performance of the Rangers and others who participated in this action is testimony to the quality of our Armed Forces. It is an effective refutation of the concerns of the "hollow Army" of a few years ago. I believe that the improvements we have approved in military compensation, including the Nunn-Warner retention package, have played an important part in the improvement of our force quality. The stronger support for the job they do in the Congress and the public is another important factor.

The events in Grenada serve as a reminder of the importance of maintaining quality forces and the support necessary to make sure they stay that way.

INVOKING WAR POWERS RESOLUTION REASSERTION OF CONGRESSIONAL PREROGATIVES

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, very shortly we will be considering a resolution which says that the War Powers Resolution became operative on October 25, 1983, when U.S. Armed Forces were sent into Grenada.

It is important to keep in mind that, by this resolution, we do not seek to pass judgment on our involvement in Grenada. What the resolution would do is to firmly assert congressional prerogatives which can be exercised in the coming months.

Recent events in Lebanon have served to focus our attention on the tremendous potential costs involved in the use of U.S. troops in unstable areas—even when our troops are allegedly for peacekeeping purposes.

Our mission in Lebanon is still undefined. Our marines—the proudest and most elite soldiers in the free world—remain in an unprotectable, unpredictable, and volatile situation.

No one person should have the ability to commit American lives and resources in such situations. It is imperative that Congress reassert its role in this decisionmaking process. As elected representatives of the families of the victims of recent events in both Lebanon and Grenada, we shirk the public trust we have been granted to do anything less.

□ 1300

THE PEOPLE OF THE VIRGIN ISLANDS SUPPORT THE ACTIONS TAKEN IN GRENADA

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, today is a special day in the U.S. Virgin Islands. It is Liberty Day, and on this day, November 1, in the year 1915, the first edition of the Herald was published on St. Croix, the first free press in the Virgin Islands, which was then the Danish West Indies.

This achievement came about through one of our finest native sons: D. Hamilton Jackson. Lawyer, educator, labor leader—he traveled to Denmark to make a case before King Christian X and the Danish Parliament for the abolition of government subsidized and controlled press. His mission was successful, and through the newly free press, he secured for the people the right to organize, the right to end oppression, the right to a better life. He brought about, as Mavis Brady Donovan of the Virgin Islands Department of Education put it in her paper on D. Hamilton Jackson, "A renaissance in Virgin Islands history."

The significance of this day is heightened for the people of the U.S. Virgin Islands by all that has happened in our neighboring island of Grenada. In view of that significance,

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the people of the Virgin Islands have chosen this day to send to the President a cable supporting the actions taken in Grenada. The message underscores both our ties to the United States, and to our fellow West Indians in the English-speaking Islands of the eastern Caribbean.

That cable has been signed by 3,000 people in the U.S. Virgin Islands.

HOSPICE CARE: A DAY OF RECOGNITION

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, today hospice care becomes an official part of the Federal health care system. This program authorizing the Congress to provide medicare reimbursement for hospice care is scheduled to be implemented. As you know, the Congress acted wisely last year in adopting legislation I sponsored along with Representative GRADISON to provide medicare coverage for hospice care. The implementation of the hospice program will seek to allow the medicare program to begin to address the unique needs of the terminally ill through the delivery of compassionate and humane care.

An article in the Washington Post on yesterday which indicated that beyond the recognition of hospice care by Federal policies, coverage for hospice care by private insurers is also on the increase. It was reported that 50 of the 97 Blue Cross-Blue Shield plans now offer some type of hospice benefit. In addition, a survey by the Health Insurance Institute showed that 30 percent of 4,120 new or amended group health plans covered hospice. Private insurance plans are certainly to be commended for their increased recognition of hospice care.

While today is a proud day in the hospice community, the recognition of hospice care did not just happen. The dedication of many nurses, physicians, ministers, volunteers, and other persons working with hospice programs have been the lifeblood and cornerstone in bringing the well deserved attention to this type care. I look forward to the implementation of this program and the benefits it will provide to many terminally ill patients, their family members, the Federal health care system, and the Federal budget as well.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
November 1, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:56 a.m. on Tuesday, November 1, 1983, the following message from the Secretary of the Senate: That the Senate agree to the amendments of the House of Representatives to the joint resolution, S.J. Res. 57, entitled, "Joint Resolution to designate the week of November 2, 1983 through November 9, 1983, as 'National Drug Abuse Education Week'."

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk,
House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution earlier today: House Joint Resolution 57, joint resolution to designate the week of November 2, 1983 through November 9, 1983, as "National Drug Abuse Education Week."

INCREASING THE MAXIMUM AMOUNT COMMITTEE ON POST OFFICE AND CIVIL SERVICE MAY ALLOCATE FOR CONSULTANT SERVICES

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 342) increasing the maximum amount which the Committee on Post Office and Civil Service may allocate for consultant services out of funds currently available to such committee from the contingent fund of the House for investigations and studies, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 342

Resolved, That, notwithstanding section 3 of House Resolution 127, Ninety-eight Congress (agreed to March 22, 1983), of the amount provided under section 2 of such resolution for investigations and studies by the Committee on Post Office and Civil Service, no more than $200,000 may be used by such committee for consultant services.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, the Committee on House Administration unanimously approved this resolution on October 25. House Resolution 342 responds to a technicality under the Legislative Reorganization Act of 1946. That act requires there be limits on funds which committees budget for contracts with consultants.

The Post Office and Civil Service Committee has determined it needs the flexibility of a $200,000 limit. It originally set a $100,000 limit which was approved in House Resolution 127.

The committee hopes to design an economical and effective supplementary retirement program for Federal employees who will be covered by social security by virtue of being hired after December 31, 1983. House Resolution 342 helps it attain that objective. Its purpose is to allow the committee to complete a highly technical study of the retirement program by a carefully selected organization of professional consultants.

House Resolution 342 simply allows the Post Office and Civil Service Committee to shift funds, already authorized, from one category to another. It does not add a penny to its authorized expenditures. I urge its adoption by this House.

Mr. Speaker, I yield for purposes of debate only to the ranking minority member of the subcommittee, Mr. BADHAM.

Mr. BADHAM. Mr. Speaker, I thank the chairman of the subcommittee for yielding to me.

On our side we certainly have no objection to this resolution.

As the chairman of the subcommittee, the distinguished gentleman from Illinois said it is merely a transfer of funds from one account to another.

However, the $100,000 in question was designed to carry on the study for a maximum $345,000 with Hay Associates Management Consultants to design a supplemental pension program, as the gentleman said, for civil service employees.

In the report language is quoted the following:

> At that time we did not anticipate the investigation being conducted by the Subcommittee on Human Resources for which a consulting contract for a maximum of $20,000 has been approved.

I would like to ask the gentleman, and I stress that it is certainly our understanding that this $100,000 transfer authority for the civil service pension consultant program in no way will add any money to the Subcommittee on Human Resources for continuing investigations into things that do not relate to pension matters.

Mr. ANNUNZIO. The gentleman from California is absolutely correct. That is my understanding when I asked the chairman of the Committee on Post Office and Civil Service.

Mr. BADHAM. Mr. Speaker, I thank the gentleman for his assurances. I have no further comments. I have no further requests for time. I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING AMOUNTS FROM CONTINGENT FUND OF THE HOUSE FOR EXPENSES BY STANDING AND SELECT COMMITTEES OF THE HOUSE

Mr. HAWKINS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 347) providing amounts from the contingent fund of the House for continuing expenses of investigations and studies by standing and select committees of the House from January 3, 1984, through March 31, 1984, and ask unanimous consent for its immediate considering.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 347

Resolved, That (a) for continuance of necessary investigations and studies by the standing and select committees of the House, there shall be paid out of the contingent fund of the House in accordance with subsection (b) such sums as may be necessary for the period beginning at noon on January 3, 1984, and ending at midnight on March 31, 1984.

(b) Each committee referred to in subsection (a) shall be entitled for each month in the period specified in subsection (a) to 9 per centum of the annualized amount made available under expense resolutions for such committee for the first session of the Ninety-eighth Congress.

SEC. 2. The authority of a committee to incur expenses under this resolution shall expire upon agreement by the House to the primary expense resolution for such committee.

SEC. 3. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 4. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. HAWKINS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BADHAM. Mr. Speaker, reserving the right to object, I will not object.

I thank the distinguished chairman of the committee.

Mr. Speaker, we support the resolution on this side. I would ask the gentleman, after I withdraw my reservation, that he explain the resolution and its necessity.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from California.

Mr. HAWKINS. This chairman will be glad to do so.

Mr. BADHAM. Mr. Speaker, I thank the chairman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. HAWKINS) is recognized for 1 hour.

Mr. HAWKINS. Mr. Speaker, House Resolution 347 is the usual resolution to fund standing and select committees while the primary expense resolutions are considered by the committee and the full House next year.

The authority to incur expenses under the resolution will expire as soon as the House agrees to the primary expense resolution covering the activity of that particular committee. Any expenses incurred under this resolution are taken out of the primary expense resolution when adopted. In each of the months covered by the resolution, each committee may spend no more than 9 percent of the annualized amount made available during the 1st session of the 98th Congress.

□ 1320

The annualized amount is used because one committee was in existence for less than 1 full year.

Mr. Speaker, this is the usual resolution. There has been no controversy on it. And I would certainly ask for its adoption.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING LIBRARIAN OF CONGRESS TO STUDY CHANGING ROLE OF THE BOOK IN THE FUTURE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 59), to authorize the Librarian of Congress to study the changing role of the book in the future.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

The Senate concurrent resolution was concurred in.

S. CON. RES. 59

Whereas this Library beginning as a small collection of books has now grown to over one hundred and eighty million items in all formats encompassing all areas of knowledge;

Whereas eighteen million of these items are conventional books which throughout history have been the most powerful and democratizing learning devices known to mankind;

Whereas the book is now among the least expensive and most widely accessible means to liberty and learning;

Whereas advances in technology over the last two decades have in many ways complemented the book as a learning tool;

Whereas rapidly advancing technologies and electronic printing and publishing are revolutionizing the world of learning and the role of the book in the future; and

Whereas the Congress in 1977 established the Center for the Book in the Library of Congress to study the development of the written record in our society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) a timely study of the changing role of the book in the future is highly desirable;

(2) the Congress authorizes the Librarian of Congress, under the auspices of the Center for the Book of the Library of Congress, to conduct such an inquiry;

(3) in conducting such a study, the Librarian of Congress shall seek the advice and assistance of persons highly knowledgeable about the role of the book in civilization and the influence of new technologies on the future of the book;

(4) such person should include scholars, authors, educators, publishers, librarians, scientists, and individuals in computer technology, industry, and labor; and

(5) the Librarian of Congress should transmit the results of such a study to the Congress of the United States not later than December 1, 1984.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the Preamble offered by Mr. HAWKINS: On page 1, in the second clause of the preamble, strike out "one hundred and".

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

INCREASING AMOUNT AUTHORIZED TO BE EXPENDED FOR EMERGENCY RELIEF FOR HIGHWAYS

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3103), to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1984, there is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000".

(c) The amendments made by subsections (a) and (b) of this section shall take effect April 15, 1983.

SEC. 3. The proviso in the first sentence of subsection (b) of section 25 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 4. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one of more bridges, or

(2) by construction of drainage ditches,

at a cost not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 5. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the designated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 6. The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1985, the sums authorized to be apportioned for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 98-10 of the Committee on Public Works and Transportation of the House of Representatives.

SEC. 7. (a) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 98-11 of the Committee on Public Works and Transportation of the House of Representatives.

(b) Section 103(e)(4) of title 23, United States Code, is amended—

(1) in the fifteenth sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984";

(2) in the sixteenth sentence by striking out "1984" and inserting in lieu thereof "1985", by striking out "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and";

(3) in the twenty-first sentence by striking out "fiscal year" and inserting in lieu thereof "fiscal years", and by inserting ", and September 30, 1985" after "September 30, 1984"; and

(4) in the twenty-second sentence by striking out "1984" and inserting in lieu thereof "1985", by striking out "years" and inserting in lieu thereof "year", and by striking out "September 30, 1985, and".

(c) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fisal year. The sums apportioned and the sums allocated under this paragrah for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(d) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

SEC. 8 (a)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "SEC. 126." and inserting in lieu thereof "SEC. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apportioned".

(4) Section 303 of such Act is amended by striking out "(a)" the first place it appears.

(5) Section 414(c)(2) of such Act is amended by striking out "422" and inserting in lieu thereof "411".

(6) Section 415 of such Act is hereby repealed.

(7) The third sentence of section 108(d) of such Act is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

(b)(1) The analysis for chapter 1 of title 23, United States Code, is amended (A) in the item relating to section 127 by striking out "and width", and (B) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) The first sentence of section 120(f) of such title is amended by striking out "*Provided,*" and all that follows through the period at the end of such sentence and inserting in lieu thereof a period.

(3) Section 120 of such title is amended by redesignating the second subsection (i), and subsections (j) and (k) as subsections (j), (k), and (l), respectively.

(4) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(5)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(6) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(7) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(8) The last sentence of section 402(j) of such title is amended by striking out "chapter" and inserting in lieu thereof "section".

(c) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to ————" after "grant a permit".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e)(1) Section 145(c) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"(c) The total amount which may be obligated for qualifying projects in any State under subsection (a) for each of the fiscal years 1983 and 1984 shall not be greater than the excess of—

"(1) the sum of the amount of obligation authority distributed to such State for such fiscal year under section 104(b) of this Act, plus the amounts, if any, available to such State for such fiscal year under section 157 of title 23, United States Code, pertaining to minimum allocation, over

"(2) the amount of obligation authority distributed to such State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.".

(2) Section 145(e) of such Act is amended by inserting "section 108 of this Act and" after "such State under", and by striking out "104(b)(1) of title 23, United States Code," and inserting in lieu thereof "108 of this Act".

(f) Section 154(e) of title 23, United States Code, is amended—

(1) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on public highways built after such date with speed limits posted at 55 miles per hour,".

SEC. 9. (a) Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended by striking out in the fourth sentence "provided in an appropriation Act" and by striking out the sixth and eighth sentences of such section.

(b)(1) Section 5(h)(1) of such Act is amended by striking out "approach" and inserting in lieu thereof "approval".

(2) Section 5(j)(1) of such Act is amended by striking out "action" and inserting in lieu thereof "section".

(3) Section 5(o) of such Act is amended by striking out "1982" and inserting in lieu thereof "1983".

(c) Section 9(l)(3) of such Act is amended by striking out "1983" and inserting in lieu thereof "1984".

(d) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

(e) Section 17(d)(4) of such Act is amended by striking out "; and".

(f) Section 21(a)(2)(B) of such Act is amended by inserting before the period at the end thereof the following: ", and such funds remain available until expended".

SEC. 10. Section 4(d) of the Urban Mass Transportation Act of 1964 is amended—

(1) in the first sentence by striking out the comma after "September 30, 1981" and all that follows through the period at the end of such sentence and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: "There are authorized to be appropriated to carry out the functions of section 11(b) of this Act for the fiscal year ending September 30, 1984, out of the Highway Trust Fund (other than the Mass Transit Account), $2,500,000, and, out of the Mass Transit Account of the Highway Trust Fund, $2,500,000; for the fiscal year ending September 30, 1985, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000; for the fiscal year ending September 30, 1986, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000. Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under the preceding sentence shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project.".

SEC. 11. Subsection (b) of section 165 of the Surface Transportation Assistance Act of 1982 is amended by inserting "or" after the semicolon at the end of clause (3).

SEC. 12. Notwithstanding any other provision of law and the Secretary of Transportation's decision on Interstate Highway 66, Fairfax and Arlington Counties, Virginia, dated January 5, 1977, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out a demonstration project on Interstate Highway 66 in Fairfax and Arlington Counties, Virginia, for a period of not less than twelve months commencing within sixty days of the enactment of this section. The Commonwealth of Virginia shall restrict the use of such highway between I-495 and the District of Columbia to high-occupancy vehicles carrying three or more passengers during the hours of 7 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, on eastbound lanes and during the hours of 4 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays, on westbound lanes during the demonstration period. During the demonstration period, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia, shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.

SEC. 13. (a)(1) The Secretary of Transportation (hereinafter in this section referrred to as the "Secretary") shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project to complete a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey. Such project shall be a project which the Secretary estimates could be completed under normal procedures and open to traffic in 1992 and for which most of the right-of-way is acquired before the date of enactment of this Act.

(2) Not later than 180 days after completion of the demonstration project under paragraph (1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under paragraph (1).

(b)(1) The Secretary of Transportation shall carry out a highway project to demonstrate the economic and safety benefits of providing improved access from an economic growth center in an urban area to a recently completed four lane highway. Such project shall include the following construction projects on the Federal-aid urban system in Altoona, Pennsylvania: (A) Juniata Gap Road from Cherry Avenue to Chestnut Avenue, and (B) Chestnut Avenue from Spring Run to the four lane portion of Chestnut Avenue.

(2) Not later than six months after completion of the demonstration project under paragraph (1), the Secretary shall submit to Congress a report on the results of such project, including the economic and safety benefits derived from such project.

(c)(1) The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(2) Not later than one year after completion of the demonstration project under paragraph (1) of this subsection, the Secretary shall submit a report to Congress on the results of such project.

(d) The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commerical center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(e) The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits of constructing a grade separation between a railroad line and a highway in the vicinity of Moorhead, Minnesota.

(f) The Secretary shall carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an Interstate highway in the vicinity of Dry Ridge, Kentucky, with a Federal-aid primary highway in the vicinity of Owenton, Kentucky.

(g) The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway

access to an airport which is projected to incur a substantial increase in air service.

(h) Not later than 180 days after completion of each demonstation project under subsections (d), (e), (f), and (g) of this section, the Secretary shall submit to Congress a report on the results of such project.

(i) There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) to carry out subsection (a) of this section, not to exceed $50,000,000 for the fiscal year ending September 30, 1984:

(2) to carry out subsection (b) of this section, not to exceed $8,000,000 for the fiscal year ending September 30, 1984;

(3) to carry out subsection (c) of this section, not to exceed $12,000,000 for the fiscal year ending September 30, 1984;

(4) to carry out subsection (d) of this section, not to exceed $8,500,000 for the fiscal year ending September 30, 1984;

(5) to carry out subsection (e) of this section, not to exceed $3,000,000 for the fiscal year ending September 30, 1984;

(6) to carry out subsection (f) of this section, not to exceed $20,500,000 for the fiscal year ending September 30, 1984; and

(7) to carry out subsection (g) of this section, not to exceed $38,000,000 for the fiscal year ending September 30, 1984.

(j) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 percent of the total cost thereof, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

SEC. 14. Section 101(a) of title 23, United States Code, is amended in the tenth undesignated paragraph (relating to the definition of highway safety improvement project) by inserting after "pavement marking," the following: "installs emergency motorist-aid call boxes,".

SEC. 15. Notwithstanding any other provision of law, the State of Massachusetts may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning and design of the alternative for any Interstate route which is recommended in any final environmental impact statement (1) submitted by such State in September 1983, and (2) approved by the Secretary of Transportation thereafter.

SEC. 16. The second sentence of subsection (a) of section 127 of title 23, United States Code, is amended—

(1) by inserting "(1)" before "is thirty-six feet or more";

(2) by inserting after "thirty-six feet or more" the following: ", or (2) in the case of a motor vehicle hauling any tank trailer before September 1, 1988, thirty feet or more"; and

(3) by inserting after "except in the case of the overall gross weight of any group of two or more consecutive axles" the following: "on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer on or after September 1, 1988)".

SEC. 17. Section 131(m) of title 23, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "There is authorized to be appropriated to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986. All provisions of this chapter that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

SEC. 18. Section 105(c) of the Surface Transportation Assistance Act of 1982 is amended by striking out "97-61" and inserting in lieu thereof "98-25".

SEC. 19. Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of State route 73 in Orange County, California, from its interchange with Interstate route I-405 to its interchange with Interstate route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project. If the fair market value of such lands exceeds the non-Federal share of such relocation and construction project, then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California. To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way shall be considered as part of the State right-of-way acquisition for purposes of this section if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share. In no case shall the amount of Federal-aid reimbursement to the State of California on account of such relocation and construction project exceed the actual cost to the State for such project.

SEC. 20. (a) "Upon repayment by the State of Ohio or the Ohio Turnpike Commission to the Treasurer of the United States of an amount equal to the total amount of Federal-aid highways funds received for construction of interchanges or connections with the Ohio Turnpike pursuant to an agreement entered into under section 129(d) of title 23, United States Code, the State of Ohio and the Ohio Turnpike Commission shall be free, until October 1, 1990, of all restrictions with respect to the imposition and collection of tolls or other charges on the Ohio Turnpike or for the use thereof contained in title 23, United States Code, or in any regulation or agreement thereunder. Nothing in this section shall be construed to affect any apportionment of funds under section 104(b)(5)(B) of title 23, United States Code.

(b) The amount repaid under subsection (a) shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such amount shall be credited to the unprogramed balance of the Federal-aid highway funds of the same class last apportioned to the State of Ohio. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

SEC. 21. Notwithstanding any other provision of law, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia and the District of Columbia, shall carry out a demonstration project on Interstate Highway 395 in Virginia and the District of Columbia for a period of not less than twelve months commencing within sixty days of the enactment of this section. The Commonwealth of Virginia and the District of Columbia shall restrict the use of the express lanes on such highway to vehicles carrying four or more passengers during the hours of 7 o'clock ante meridiem to 9 o'clock ante meridiem on Monday through Friday, exclusive of holidays, on northbound lanes and during the hours of 4 o'clock post meridiem to 6 o'clock post meridiem on Monday through Friday, exclusive of holidays, on southbound lanes during the demonstration period. During the demonstration period, the Secretary of Transportation, in cooperation with the Commonwealth of Virginia and the District of Columbia, shall carry out an environmental assessment of the effects of the high occupancy vehicle restrictions, and shall, upon completion of such assessment, report to the Congress the results of the assessment and the demonstration project.

SEC. 22. Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning and design of United States Route 71 in Arkansas from I-40 to the boundary between Arkansas and Missouri.

SEC. 23. The facility owned by the Can-Am Warehouse Company located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

SEC. 24. Section 10706(b)(3)(D) of title 49, United States Code, is amended by striking out "January 1, 1984, except that such date shall be July 1, 1984, if the Motor Carrier Ratemaking Study Commission does not submit its final report under section 14(b)(4) of the Motor Carrier Act of 1980 on or before January 1, 1983." and inserting in lieu thereof "July 1, 1986.".

SEC. 25. (a) Upon repayment by the Commonwealth of Virginia to the Treasurer of the United States of an amount equal to the total amount of Federal-aid highway funds heretofore paid on account of the immediate connectors and approaches to the Richmond-Petersburg Turnpike, such Turnpike shall be free, until October 1, 1990, of all restrictions with respect to the imposition and collection of tolls or other charges on or for the use thereof contained in title 23, United States Code, or section 131, of the Federal Highway Act of 1970, or any regulation of agreement thereunder. Nothing in this section shall be construed to affect any apportionment of funds under section 104(b)(5)(B) of title 23, United States Code.

(b) The amount repaid under subsection (a) shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Turst Fund)". Such amount shall be credited to the unprogramed balance of the Federal-aid interstate funds last apportioned to the Commonwealth of Virginia. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure

in accordance with the provisions of title 23, United States Code.

SEC. 26. This Act may be cited as the "Surface Transportation Technical Corrections Act of 1983".

SEC. 27. (a) Section 411(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways" and by striking out the comma after "Secretary".

(b) Section 411(c) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways".

(c) Section 411 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, believes that such segment is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Governor may notify the Secretary of such belief and request that the Secretary exempt such segment from such subsection or from both such subsections. The Governor shall transmit all evidence supporting such belief with such notification.

"(2) If the Secretary determines that any segment of the Interstate System for which a Governor requests an exemption under this subsection is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Secretary shall exempt such segment from such subsection or from both such subsections. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than forty-five days after receipt of notification under paragraph (1) with respect to such segment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (e) shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) or (c) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining whether an alternative route exists which (A) can safely accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) which serves the area in which such segment of the Interstate System is located.".

(d) Section 412 of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than any segment thereof which is exempted under section 411(i))" after "Interstate and Defense Highway System".

Mr. ANDERSON (during the reading). Mr. Speaker, I ask unanimous consent that the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so in order that I may ask of the distinguished subcommittee chairman, the gentleman from California, whether the amendment as submitted to the desk has the material on lines 5, 6, and 7 on page 12, beginning with the word "and" on line 5 and all of lines 6 and 7 deleted from it, as is indicated in the printed copy that was tendered to me?

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

I would like to respond to the gentleman and say that that language has been deleted. That is not before us at the present time.

Mr. FRENZEL. Mr. Speaker, in view of the deletion of the amendment to the Buy American section of the act, I have no further objection to the work of the committee.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. ANDERSON)?

Mr. STARK. Mr. Speaker, reserving the right to object, I make this reservation in order to congratulate the subcommittee chairman of the Subcommittee on Surface Transportation and the full Committee on Public Works and remind the gentleman that great violence was done in northern California last winter. Largely it was the fault of the southern California delegation who left a void in Alameda County by stealing the Oakland Raiders. This bill will go a long way to patch over those differences and fill a pothole or two in northern California.

Mr. Speaker, I commend the gentleman and his committee for improving north-south relations in California.

Mr. Speaker, I would like to also voice my support for a provision that is included in the Senate-passed bill, although not in today's amendment. This provision will qualify all mileage that is already a part of our Interstate System, known as nonchargeable mileage, to become eligible for Federal 4-R funds. This provision, and I thank the subcommittee chairman for his support, will aid 19 States in their efforts to adequately maintain their Interstate segments. The provision provides these States with necessary flexibility in their use of Interstate maintenance and rehabilitation funds. It does not change the amount of Interstate 4-R funds available to States, but would simply allow them to use their 4-R apportionments on nonchargeable segments. I thank the chairman for his support of this provision and for his hard work of this emergency legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. ANDERSON)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. SHUSTER. Mr. Speaker, reserving the right to object, and I do not intend to do so, rather I make this reservation for two purposes. First, to state my strong support for the bill. Second, to ask the distinguished chairman of the subcommittee if he would explain where we stand.

I rise in strong support of this substitute to H.R. 3103, the Surface Transportation Technical Corrections Act of 1983. In the short time we have before the recess of this session of Congress, this substitute is a fair and reasonable reflection of the will of the House. For those policy changes or special circumstances that need to be addressed, there will be a major highway bill early next year. In fact, we have provided for a 1-year approval of the Interstate cost estimate to insure that this House keeps its fingers fully on the pulse beat of the highway and mass transit programs.

The Senate worked its will on this legislation less than 1 week ago. We are optimistic that a fair accommodation can be reached with the Senate in a short period of the time and that this legislation can be on its way to the White House in the very near future. It is important that this legislation be expedited in order to insure that Interstate construction funds in nearly 20 States can once again begin to flow.

I have asked Chairman ANDERSON for his views on section 13(b) regarding the demonstration project to be constructed on the Federal-aid urban system in Altoona, Pa., relating to the segments of the Juniata Gap Road from Cherry Avenue to Chestnut Avenue and Chestnut Avenue from Spring Run to the four-lane portion of Chestnut Avenue, that should additional portion of the highways in the immediate area be logically included in this project to demonstrate the economic and safety benefits that it would be proper to proceed with these segments if these additions do not exceed the authorization level of this project. The chairman concurs that that is the intent of the committee.

It is my intention, and the intention of the committee, that the Secretary of Transportation issue a letter of intent to fund the Los Angeles Metro rail project that shall cover those years for which section 3 funding has been authorized, and shall issue letters of no prejudice covering years which have yet to be authorized that may be

necessary to assure the expeditious completion of this project.

Therefore, I strongly urge my colleagues to support this effort with every assurance that a major highway bill will be considered in 1984.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Speaker, on June 13, this body passed H.R. 3103, by a voice vote, increasing the authorization for our highway emergency relief program by $150 million. Because of the enormous damage caused by storms and natural disasters around the country, the existing authorization simply was not sufficient to meet existing needs, a fact which was recognized by the administration.

The other body, in taking this bill up in the past few days, added several items to what had seen a simple emergency relief bill. Chief among these additions is the approval of the interstate cost estimate. On October 1 of this year, the authority of the Secretary of Transportation to distribute interstate construction funds among the States expired. The Department of Transportation notified me this morning that 19 States have run out of these interstate funds. These 19 States need us to approve an interstate cost estimate. They are Washington, Nebraska, Oklahoma (which has $1,000 remaining), Iowa, Utah, Illinois, Alabama, Missouri, Virginia, Minnesota, Florida, Georgia, Texas, Kansas, North Dakota, Arizona, Nevada, Montana, and Wisconsin.

This bill approves the cost estimate for a single year—through next September 30, 1984.

Mr. Speaker, this bill also contains a number of purely technical amendments to Public Law 97-424, the Surface Transportation Assistance Act of 1982. There are, additionally, a limited number of provisions related to specific projects in various parts of the country. Although it is clearly my intent, and the intent of the committee, to draft a highway-transit bill next year, there are a very few items of a critical or time-sensitive nature which have been included in this substitute.

Mr. Speaker, I say to our colleagues, that for 19 States, it is critical that interstate construction funds be distributed, to disaster-riddled sections of our country, it is essential that the emergency relief program be increased; and for the smooth implementation of the highway program, we should enact the technical provisions included in this substitute. I commend it to our colleagues and urge its adoption.

EXPLANATION OF THE COMMITTEE SUBSTITUTE

1. The enacting clause provides an additional $150 million in contract authority for fiscal year 1984 for emergency relief projects on the Federal-aid highway system.

2. Section 2 adds a new subsection (d) to section 125 of title 23 which makes the Territories eligible for emergency relief assistance. Subsectioin (b) imposes a $5 million annual limitation on emergency relief funding for the Territories. Subsection (c) makes the foregoing amendments retroactive to April 15, 1983, to cover a recent disaster.

3. Section 3 provides that the additional $150 million authorized by this bill shall not be subject to the $30 million limitation imposed on each State for each disaster.

4. Section 4 makes it clear that a certain highway construction or reconstruction project to alleviate flooding conditions in the vicinity of Carencro, La., would be eligible for emergency relief assistance. A $2 million limit is placed on the amount of Federal assistance for this project.

5. Section 5 makes it clear that the Devil's Slide area on Route 1 in San Mateo County, Calif., would be eligible for emergency relief assistance.

6. Section 6 directs the Secretary to apportion Interstate construction funds authorized for fiscal year 1985 using apportionment factors contained in revised Table 5 of Committee Print 98-10 of the House Committee on Public Works and Transportation.

7. Section 7 directs the Secretary to apportion 50 percent of fiscal year 1984 Interstate transfer funds appropriated for transit projects using apportionment factors contained in Committee Print 98-11 of the House Committee on Public Works and Transportation. Subsection (b) would require the Secretary to submit proposed apportionment factors for highway and transit substitute projects in odd-numbered fiscal years after fiscal year 1983, rather than even-numbered fiscal years as currently authorized, to be consistent with the two-year cycle for submission of the Interstate Cost Estimate to Congress.

Subsection (c) is a technical amendment providing a period of availability for allocated Interstate transfer funds which is identical to the period of availability provided for apportioned Interstate transfer funds. Subsection (d) is a technical amendment to section 103(e)(4) to correct a misspelled word ("designated").

8. Subsection 8(a) contains a series of purely technical amendments to the STAA. Paragraph (1) changes the second section 126 of the STAA (Bicycle Transportation) to section 126A to avoid having duplicative section numbers. Paragraph (2) strikes out "(a)" the first place it appears in section 133 of the STAA (Vehicle Weight, Length, and Width Limitations) as there is no subsection (b) to section 133. Paragraph (3) corrects a misspelled word ("apportioned") in section 163 of the STAA (Use of High Occupancy Lanes). Paragraph (4) strikes out "(a)" the first place it appears in section 303 of the STAA (Block Grants) as there is no subsection (b) to section 303. Paragraph (5) corrects an incorrect reference to a section number in section 414 of the STAA (Splash and Spray Suppressant Devices). Paragraph (6) repeals section 415 of the STAA (Report Regarding Longer Combination Motor Vehicles) since a virtually identical provision was included in section 138 of the STAA. Paragraph 7 corrects a reference in section 108(d) of the STAA.

Subsection (b) contains a series of purely technical amendments to title 23, U.S. code. Paragraph (1) updates the analysis for Chapter 1 of title 23 relating to sections 127 (Vehicle Weight Limitations) and 146 (Carpool and Vanpool Projects). Paragraph (2) strikes out a redundant provision in section 120(f) of title 23 providing a 100% Federal match for emergency relief projects on Federal lands highways. Paragraph (3) reletters subsections of section 120 of title 23 (Federal share payable) to avoid having two subsections lettered (i). Paragraph (4) contains a change to the first sentence of section 122 of title 23 (Payment to States for bond retirement) to conform to a change in the same sentence made by the STAA. Paragraph (5) amends section 125 of title 23 (Emergency relief) to eliminate inappropriate references to a Federal aid program structure contained in last year's Senate passed version of the STAA which was dropped in conference. Paragraph (6) adds language to section 144 of title 23 (Bridge replacement and rehabilitation) restoring provisions inadvertently omitted to provide a normal 4-year period of availability for apportioned bridge funds with provision for reapportionment of funds not obligated within the period of availability. Paragraph (7) amends section 204(b) of title 23 (Federal lands highways program) to add mention of the Secretary of Transportation inadvertently omitted in the second sentence. Paragraph (8) corrects a reference in the last sentence of section 402(j) of title 23 (Highway safety programs).

Subsection (c) amends section 104 of the Marine Protection, Research, and Sanctuaries Act of 1972 (as added by section 424 of the STAA) to add the phrase "to ", which was inadvertently omitted. Subsection (d) would codify section 111 of the STAA (Vending machines) in title 23 and eliminate a cutoff date of October 1, 1983, inadvertently included in section 111 which imposes a time restriction on the placement of vending machines in rest and recreation areas on rights-of-way of the Interstate System.

Subsection (e) would amend section 145 of the STAA (Temporary matching fund waiver) to correct a limitation on the dollar value of funds waived from the matching requirement, which change would allow effective use of two fiscal year's additional funds, as intended, rather than one year's additional funds. The section also corrects a reference to the Federal-aid primary apportionment formula for the redistribution of funds deducted from a State's non-Interstate apportionment in fiscal year 1985 and 1986 as an alternative to repayment in cash.

Subsection (f) would amend sections 154(e) and 141(a) of title 23 relating to the 55-MPH speed limit to close a potential loophole in the law which might permit a State to avoid enforcement of the 55-MPH speed limit with impunity.

9. Section 9 contains a series of technical amendments to the Urban Mass Transportation Act (UMTA). Subsection (a) amends section 3(a)(4) of UMTA (Letters of intent) by repealing archaic language which is inconsistent with the creation of contract authority for discretionary capital grants under the STAA. Paragraph (1) of subsection (b) corrects a misspelled word in section 5(h)(1) of UMTA. Paragraph (2) corrects a misspelled word in section 5(j)(1) of UMTA. Paragraph (3) corrects a provision to recycle unused section 5 funds to section 9 to include section 5 funds apportioned in fiscal year 1983 as well as section 5 funds apportioned prior to fiscal year 1983 as provided by the STAA. Subsection (c) corrects an

error in section 9(1)(3) of UMTA, the so-called 3 for 2 trade-in of capital for operating funds, to give priority in the distribution of the remaining capital dollar to urbanized areas that received less in Section 9 funds in fiscal year 1984, rather than 1983 as provided by the STAA, than they received in Section 5 funds in fiscal year 1982. This change is necessary because Section 9 funds are first apportioned in fiscal year 1984. Subsection (d) reletters a subsection in section 16 of UMTA to avoid having two subsections lettered (c). Subsection (e) amends section 17(d)(4) of UMTA by striking a superfluous word. Subsection (f) corrects an error of omission in section 21 of UMTA by providing a period of availability for section 3 discretionary funds.

10. Section 10 amends Section 4(d) of the Urban Mass Transportation Act of 1964 to convert the simple authorization for the University Transportation Centers program to contract authority to be funded half from the Mass Transit Account of the Highway Trust Fund and half from the Highway Trust Fund (other than the Mass Transit Account).

11. Section 12 contains provisions to liberalize high occupancy vehicle restrictions currently in effect on I-66 in the Washington Metropolitan area.

12. Section 13 authorizes several highway demonstration projects. Subsection (a) authorizes $50 million to demonstrate how the design and construction of a highway project in Passaic County, N.J., can be accelerated using procedures adopted to carry out section 141 of the Federal-aid Highway Act of 1976 and established pursuant to section 129 of the Surface Transportation Assistance Act of 1982. The Committee intends that this project be carried out on Route 21 in Passaic County, New Jersey. The final report on the project should explain the time savings, a description of the procedures used to accelerate design and construction, an explanation of how the techniques differed from those used on the project authorized by section 141 of the Federal-aid Highway Act of 1976, and an analysis of the costs and benefits of the accelerated completion.

Subsection (b) authorizes $8 million to carry out a highway project in Altoona, Pa., to demonstrate the economic and safety benefits of providing improved access from an economic growth center in an urban area to recently completed 4-lane highway.

Subsection (c) authorizes $12 million for a highway project on Route 219 in the vicinity of Johnstown, Pa., to demonstrate methods by which such project enhances highway safety and economic development in an area of high unemployment.

Subsection (d) authorizes $8.5 million for a highway project in the vicinity of Fort Smith, Ark., to demonstrate the economic growth and development benefits and the benefits of improving traffic signalization for the project.

Subsection (e) authorizes $3 million for a project in Moorhead, Minn., to demonstrate the economic and safety benefits of constructing a grade separation between a railroad line and a highway.

Subsection (f) authorizes $20.5 million to carry out a highway project to demonstrate methods of improving traffic flow on State Route 22 in Kentucky between U.S. 127 and I-75.

Subsection (g) authorizes $38 million to carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernadino County, Calif., to demonstrate methods of improving highway access to an airport projected to incur a substantial increase in traffic.

This section provides contract authority and 100 percent Federal financing for those projects. Sums are available until expended and shall not be subject to any obligation limitation.

13. Section 14 authorizes the use of hazard elimination funds under section 152 of title 23, U.S. Code, for the installation of emergency motorist-aid call boxes.

14. Section 15 would permit the State of Massachusetts to use Interstate construction funds apportioned to it for the planning and design of the depressed alternative of the Central Artery project (I-93) in Boston, Mass., provided the Secretary approves the environmental impact statement on the depressed alternative.

15. Section 16 provides a 5-year transition period for States to come into full compliance with gross weight limitations determined on the basis of the bridge formula in section 127 of title 23, U.S. Code, as such limitations apply to motor vehicles hauling tank trailers on the Interstate System.

16. Section 17 provides $5 million in contract authority per fiscal year through fiscal year 1986 to carry out section 131 of title 23, U.S. Code.

17. Section 18 amends the listing of priority primary routes eligible for at least a 95 percent Federal funding match (rather than 75 percent as for other primary routes) where a State elects to use its regularly apportioned primary funds on such eligible routes. The routes added are segments of California State Routes 49, 73, and 113.

18. Section 19 provides that the value of any lands that are donated or dedicated to the State of California for the construction or relocation of State Route 73 in Orange County from I-105 to I-5 shall be credited toward the non-Federal share of such project. The remainder shall be credited to the non-Federal share of other projects in five California counties.

19. Section 20 authorizes the State of Ohio to return to the U.S. Treasury any Federal-aid highway funds spent for construction of interchanges or connections to the Ohio Turnpike pursuant to an agreement under section 129(d) of title 23, and thereby be relieved of any restrictions in such agreement pertaining to the imposition or collection of tolls on the Turnpike until October 1, 1990. The repaid amounts shall be credited to the unobligated balance of Federal-aid highway funds originally spent for such construction.

20. Section 21 contains provisions to liberalize high occupancy vehicle restrictions currently in effect on I-395 in the Washington Metropolitan Area.

21. Section 22 authorizes the State of Arkansas to use Interstate construction funds for the planning and design of U.S. 71 in Arkansas from I-40 to the Missouri line.

22. Section 23 authorizes the continued operation of a duty-free liquor store in Michigan brought under the provisions of section 111 of title 23 by the expansion and renovation of the Blue Water Bridge Plaza.

23. Section 24 changes the date for the elimination of antitrust immunity for collective ratemaking of single-line rates from July 1, 1984, to July 1, 1986. It applies to the trucking industry.

24. Section 25 authorizes the State of Virginia to return to the U.S. Treasury any Federal-aid highway funds spent for construction of interchanges or connections to the Richmond-Petersburg Turnpike pursuant to an agreement under section 129(d) of title 23 and section 131 of the Federal-aid Highway Act of 1970, and thereby be relieved of any restrictions is such agreement pertaining to the imposition of collection of tolls on the Turnpike unitl October 1, 1990. The repaid amounts shall be credited to the unobligated balance of Interstate construction funds.

25. Short title.

26. Authorizes a state to request exemption from the requirement that it permit the operation on Interstate highway routes of double trailers upon the Secretary's determination that such operation may be unsafe on a given route.

Mr. ANDERSON. Mr. Speaker, if I may expand upon this for a moment, let me say that, it is my intention, and the intention of the committee, that the Secretary of Transportation issue a letter of intent to fund the Los Angeles Metro Rail project that shall cover those years for which section 3 funding has been authorized, and shall issue letters of no prejudice covering years which have yet to be authorized that may be necessary to assure the expeditious completion of this project.

Finally, Mr. Speaker, let me say that, with respect to section 13(b) of the substitute, it is the committee's intent that this provision be implemented with the flexibility that may be required to make this a successful project; that additional portions of highway in the immediate area may be added to the project scope so long as any additions do not exceed the authorization level contained in the legislation for the project.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the distinguished chairman of the Surface Transportation Subcommittee, as well as our counterparts on the other side of the aisle, for their fine efforts in bringing this legislation to the floor.

On June 13, the House passed H.R. 3103, a bill to increase the amount authorized for the Federal-aid highway emergency relief program. The major purpose of H.R. 3103 is to provide additional funds to meet the Nation's needs to repair and reconstruct highways on the Federal-aid highway system resulting from the abnormal amount of natural disasters or catastrophic failures occuring this year.

Due to the shortage of time remaining in this session, the House and Senate committees have agreed that H.R. 3103 will be the legislative means for enacting technical and clarifying amendments to the Surface Transportation Assistance Act of 1982 and for approving the interstate and interstate substitute cost estimates. The Senate has recognized the need for this legislation and passed H.R. 3103 with amendments. A committee

amendment in the nature of a substitute will be offered to H.R. 3103 as the House considers this vital legislation.

The committee substitute addresses the need to provide an additional $150 million in fiscal year 1984 budget authority for the Federal-aid highway emergency relief program and addresses problems with the implementation of the Surface Transportation Assistance Act of 1982. This legislation also contains the approval of the apportionment factors for the apportionment of funds authorized for fiscal year 1985, which will be made available to the States in fiscal year 1984. There is also a provision approving the interstate substitute cost estimate for highways and transit projects for fiscal year 1984. It is essential that Congress approve these cost estimates as quickly as possible so that the interstate construction and transfer funds can be released to permit States to obligate these funds.

The committee has taken the initiative to adopt a bill that addresses time sensitive issues and essential legislation. Unfortunately, our current situation does not permit us to address many of the issues that Members have expressed an interest for inclusion in this legislation. However, recognizing this, I will be supporting transportation legislation to consider many of these issues in the 2d session of the 98th Congress.

Also, it has been brought to the committee's attention that many States have not recognized the fact that acquisition of crash protective cushioning equipment for use on railway-highway crossing equipment is eligible for assistance under the Federal-aid highway laws. Federal highway trust funds, of course, have been used for many years to eliminate the hazards of railway-highway crossings. Much of that funding has been used to improve or add flashing signals at crossings to warn motorists of train movements. However, this crossing signal equipment can itself be a roadside obstacle, much like a bridge pier. Technologically sound crash protective cushioning equipment has been widely employed to reduce the threat to motorists of other roadside obstacles, and such efforts have utilized highway trust funds. The committee hereby makes it clear its intention that such protective cushioning equipment when used at railway-highway crossings is eligible for highway trust funds. It is the committee's intent that the provisions of section 130 and section 152, as well as other relevant provisions of title 23, United States Code, permit such eligibility.

Mr. Speaker, I would now like to address the issue of the Secretary's administration of discretionary highway and transit funds. As many of my colleagues know, I have generally taken the position that the Secretary of Transportation should have discretion as permitted by law to distribute those funds without the entire amount being carved up by congressional committees.

To prevent that, the authorizing committees with jurisdiction over contract authority programs must obtain information on criteria used by Department of Transportation to make decisions on funding.

The Committee on Public Works and Transportation is looking forward to working with the Department of Transportation in developing specific criteria for the distribution of discretionary funds and minimize the need for annual earmarking of funds.

With the development of that type of approach in the future, we hope to avoid the type of situation we are facing with the 1984 interstate transfer-highway funds. In this case, $131 million of the $181 million in discretionary funds was earmarked by the Committee on Appropriations with all of the earmarked funds to go to seven areas of the country.

There are other areas of the country that need this money. For example, the distribution formula provides only $35.7 million for New Jersey, which is $8.3 million less than the State had expected.

I would urge that the Secretary use her discretionary authority in this case to provide the additional $8.3 million to New Jersey. However, even if that money is not provided, I believe that there has been a commitment on the part of the State of New Jersey to complete Ocean Boulevard in Long Branch and I expect that commitment to be honored.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Speaker, as the gentleman knows in the original bill that came before the House, there was a very important item that had the attention of my colleague, the gentleman from Illinois (Mr. DURBIN) and myself. And in this new proposition that has been introduced here on the House side, we do not see that reference to that particular project.

□ 1330

Now, my first inclination was to object solely on those grounds, because we have already had the House speak affirmatively, and the other body, which, for all practical purposes, would make it a moot question in any conference.

But I know that Members work in mysterious ways when they resolve differences between the House and the Senate-passed bill, but I just want to underscore with the chairman and the ranking minority member of the committee and the subcommittee that our reluctance or our failure to object or our acquiescence, really, to what is being done here today certainly does not diminish the real burning interest that the gentleman from Illinois (Mr. DURBIN) and I have over the project that was once in this bill.

If that is clearly understood with our friends, then we would accede to the good judgment of those who are responsible for getting this thing through both Houses, and I thank the gentleman for at least giving us the opportunity to spread that on the record.

Mr. SHUSTER. I would respond to the distinguished minority leader and to my friend from Illinois, as well, that we note that their provision is in the Senate bill, and this Member fully intends, as a prospective conferee, to be completely supportive of that.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOWARD), the distinguished chairman of the full committee.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding, and I will say to the minority leader that I certainly do agree that there are times when these bodies do act in mysterious ways. I would not be at all surprised at the end of the week when we come out of conference that that which had been put into the emergency relief bill early will be, in fact, in the conference report that we return with.

Mr. MICHEL. Mr. Speaker, if the gentleman will yield further, may I just thank the chairman for his comment and also the gentleman from Pennsylvania. I think it is reassuring to one who is fully cognizant of these very mysterious things that go on behind closed and open doors.

Mr. SHUSTER. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. SNYDER), the distinguished ranking minority member of the full committee.

Mr. SNYDER. Mr. Speaker, I rise in support of the committee substitute for H.R. 3103, a vitally needed piece of legislation.

It was vitally needed back on June 13 when it first passed the House, principally as an emergency relief bill addressing needs for replacement or repair of certain highways destroyed or damaged as a result of natural disasters. Since then, it has become the appropriate vehicle for amendments to effect congressional approval of the cost factors which serve as the basis for apportioning to the States $4 billion in interstate construction funds which became available this past October 1.

Something in the neighborhood of 18 to 20 States, which are obviously those which are most current with their interstate construction program, have exhausted their prior apportion-

ments in this category or are about to do so.

In addition, this bill serves as a vehicle for enactment of apportionment factors to serve as the basis for apportionment of certain funds for highway and mass transit projects substituted for withdrawn interstate segments.

I would like to emphasize, Mr. Speaker, that the scope of this bill is determined to a significant degree by the action taken by the Senate in passing its version of H.R. 3103.

The Senate added a number of provisions to the bill above and beyond emergency relief, both in committee and on the floor. At the same time, the Senate struck certain emergency relief or other flood-related provisions from the House-passed bill.

We have chosen in this substitute, therefore, to strike most of the nonemergency Senate provisions of the bill, and have incorporated a number of provisions of our own to present to the Senate side in conference.

I wish to emphasize that our decision not to take many Senate provisions in this substitute should not be construed as necessarily denigrating their merits or prejudicing their prospects for ultimate acceptance in the conference. In addition, Members also should be aware that we will be taking up another highway bill next year—and the Senate side has announced its intention to do likewise—at which time a number of proposed provisions which Members have called to the attention of the leadership of the Committee on Public Works and Transportation can be given extensive consideration.

It is my intention, and the intention of the committee, that the Secretary of Transportation issue a letter of intent to fund the Los Angeles Metro Rail project that shall cover those years for which section 3 funding has been authorized, and shall issue letters of no prejudice covering years which have yet to be authorized that may be necessary to assure the expeditious completion of this project.

In concluding, Mr. Speaker, I wish to express my satisfaction that this legislation contains, in subsection 13(f), a provision providing for a demonstration project involving Kentucky State Highway 22 between Interstate Route 75 and U.S. Route 127.

Mr. Speaker, this is a modest bill, a needed bill and one which deserves prompt passage to speed it to conference and early enactment into law.

Mr. SHUSTER. Mr. Speaker, I yield to the distinguished gentleman from Illinois (Mr. DURBIN).

Mr. DURBIN. Mr. Speaker, I would like to associate myself with the remarks of the minority leader, the gentleman from Illinois (Mr. MICHEL), and I would like to thank the minority and the majority spokesmen of the committee for their statements in that regard.

Mr. SHUSTER. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, if I understand correctly what we are doing, we are doing something of rather an emergency nature; is that correct?

Mr. SHUSTER. That is correct on two counts. First, the original bill which provides for the emergency funding for the disasters that have occurred; but, second, approving the interstate cost estimate. There are 20 States which have run out of money for interstate construction, and there are other States, in addition to the 20, who are very close to running out. They can get no more funds from the highway trust fund to proceed until this legislation is passed.

Mr. WALKER. If the gentleman will yield further, that all seems very reasonable; but where I ran into a question was when I heard that there were some additional projects authorized in this bill. Why are we coming through and going through an authorization process on some new authorizations, some new spending, in a bill of any emergency nature, and could we have those projects detailed for us?

Mr. SHUSTER. Mr. Speaker, first of all, I would say to the gentleman that there are a few projects, not many. They are all out of the trust fund. And none of the projects are from the appropriations process. So the funding is there for these projects.

The Senate has a few projects, as well, and as we go to conference with the Senate we felt it was quite important that we protect the House position. However, most important is the fact that this is, by and large, a technical amendments emergency bill with only a few projects in it. There will be major surface transportation legislation next year, and that is the appropriate place for several projects to be considered. Those of us on the committee discouraged putting projects in. So we have minimized the number of projects.

Mr. WALKER. I agree with the gentleman that that is the appropriate place to do it. How many is a few?

Mr. SHUSTER. I am informed six or seven projects which are all out of the trust fund.

Mr. WALKER. Six or seven projects? Do we have a report that those are detailed in?

Mr. SHUSTER. Oh, yes. There is a floor statement by the gentleman from California (Mr. ANDERSON), in which they are detailed. Beyond that, I would point out that there are projects that are not monetary in nature. For example, our committee received very strong encouragement to provide for both Shirley Highway and Route 66 for Members on both sides of the aisle, to change the high occupancy vehicle lanes in terms of the time and in terms of the number of people in them. In some of the so-called projects there are no dollars involved.

Mr. WALKER. So we could take care of Senate schedules?

Mr. SHUSTER. I think there are Members of the House who have spoken with great enthusiasm for these changes.

Mr. WALKER. I am now being shown a list of them.

I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I wish to express my support for the legislation as amended by the House Public Works and Transportation Committee.

The bill, among other things, will provide approval of the interstate cost estimate, the interstate substitute cost estimate, as well as provide States with an increase in emergency relief funding.

I am particularly interested in two provisions that affect my congressional district. Section 13(d) would provide the city of Fort Smith, Ark., $8.5 million for a highway project to demonstrate the economic growth and development benefits of widening and improving traffic signalization of a segment of the Federal-aid urban system connecting a community college and a large commercial center. At the present time this segment, approximately 2.03 miles in length, is an estimated 30-year-old, narrow, two-lane road. With the increased traffic from Westark Community College and the new Central Mall, this has proved to be a major source of congestion for the 45,000 vehicles that travel it daily.

The bill also contains a provision which authorizes the State of Arkansas to use interstate construction funds for the planning and design of U.S. 71 in Arkansas from I-40 to the boundary between Arkansas and Missouri. This provision should prove most helpful in recognizing the importance of U.S. Highway 71 and the need to upgrade it to four lanes as soon as practicable.

While these provisions will directly benefit my congressional district, I would like to point out that this legislation will also provide the necessary funding for major national highway programs.

I would urge my colleagues to support this measure.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I rise in support of the legislation which includes a proposal which would open the Shirley Highway (I-395) express

lanes to all traffic except during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. daily, Monday through Friday exclusive of holidays. During those two periods they would continue to be available for use by high occupancy vehicles.

The need for this provision is obvious, Mr. Speaker, to anyone who has seen or driven in the lengthy traffic backups from northern Virginia to the District of Columbia in the early morning hours or from the District of Columbia to Virginia in the evening. And for those who cannot adjust their schedule to accommodate a four-person car pool, it is apparent that the Washington metropolitan area is not the classic 9 to 5 work town; the hours in which one works are sometimes quite irregular and often unanticipated.

Mr. Speaker, this proposal would continue to allow the use of the Shirley Highway express lanes for high occupancy vehicles during rush hour, but would allow vehicles access to the express lanes at all times other than rush hour.

I deeply appreciate and thank the members of the House Public Works Committee for their empathy and assistance in bringing this proposal to the floor. I ask that my colleagues in the House momentarily focus their attention on the traffic problem in northern Virginia and realize that their support for this proposal would assist their own constituency when visiting the Capital of our Nation. I strongly urge support for this important piece of legislation.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I want to thank the chairman of the committee and the chairman of the subcommittee, and the ranking minority member of the committee and of the subcommittee for the patience in working out the difficulty I had with this. I think their cooperation has been excellent, and I hope their bill is swiftly passed.

Mr. SHUSTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. NELSON of Florida). Is there objection to the initial request of the gentleman from California?

Mr. SMITH of Florida. Mr. Speaker, reserving the right to object, I do so just to ask the chairman of the committee to enter into a colloquy.

In the Senate bill, Senator CHILES of Florida placed an amendment with reference to the ability to use existing interstate construction funds for the purpose of upgrading primary roads which affect a large number of constituencies around the United States.

My understanding is that it is going to be, although not in our bill, the subject of one of the conferences and there will be at least a discussion at the conference, and right now there is no indication that the gentleman is opposed to that amendment; is that correct?

Mr. ANDERSON. If the gentleman will yield, the gentleman is correct. That will be one of the items in conference. I have no objection personally, but we will have a conference on that point.

Mr. SMITH of Florida. The only reason it is not in here is the point to be able to use it as a conference discussion question?

Mr. ANDERSON. If the gentleman will yield, I think perhaps one of us misspoke ourselves. It is 4-R, interstate 4-R funds, not interstate construction funds. The gentleman is referring to the Chiles amendment.

Mr. SMITH of Florida. Yes. Rehabilitation funds, upgrading funds.

Mr. STANGELAND. Mr. Speaker, I rise in support of this legislation. In addition to the technical corrections the bill makes to the 1982 Surface Transportation Assistance Act, several important substantive provisions are incorporated. While I feel that most of these will address essential highway needs, the purpose of my statement is not to discuss all provisions but rather to emphasize a project that will affect Moorhead, Minn., which is located in my district.

I would like to point out that the problem of increased unit train traffic, not only in Moorhead but in other midwestern towns, has been a constant and growing source of irritation for people living in these communities. As western coal production has steadily increased over the last few years, greater numbers of unit trains have literally bisected this community of 30,000 people. Quite naturally, this increased volume has resulted in congestion and safety problems.

Since 1977, I have worked constantly to try and enact Federal legislation to assist cities such as Moorhead. It is my belief that this problem has not been created by the local community involved and is certainly one too large for them to solve alone. Therefore, Federal assistance is absolutely essential.

The city of Moorhead has studied this problem extensively and determined that a rail-highway grade separation is the only practical long-range solution available. This was recognized in the 1978 House report to the Surface Transportation Assistance Act. In that report, Moorhead was specifically designated as a town that should receive Federal assistance for energy impacts occasioned by increased coal traffic. Unfortunately, this provision was dropped in conference.

The city has exhausted short-term, low-cost solutions to this problem. A study was done by Ernset & Whinney in February 1982 detailing alternative solutions to this railroad impact. Without the construction of this long-term alternative, auto delays now averaging 560,000 vehicles per year and 23,000 annual vehicle hours will be perpetuated.

For that reason, a provision in this legislation will provide for a demonstration project of $3 million for Moorhead for the construction of a rail-highway grade separator at 21st Street in that city. Of the other alternative locations, this is the least costly, most effective location for such a crossing.

I would urge the Members to support this legislation and will work for an acceptable conference agreement.

● Mr. WOLF. Mr. Speaker, I rise in support of H.R. 3103, as amended, and in particular I wish to express my strongest support for the provision which will allow the Secretary of Transportation to conduct a 1-year demonstration project on Interstate Route 66 (I-66) inside the Capital Beltway in northern Virginia. The demonstration will lower the number of people required in a vehicle during the rush hours from four to three and will also narrow the hours of restricted use from the present 6:30-9 a.m. eastbound to 7-9 a.m. and the present 3:30-6:30 p.m. westbound to 4-6 p.m. The changes will be made in consultation with the Commonwealth of Virginia and the project will be evaluated during the 1-year demonstration to insure that it is conducted in a manner that is environmentally sound and safe for motorists.

Mr. Speaker, I believe this demonstration project is necessary to alleviate serious traffic problems in northern Virginia which have been of great concern to myself and Congressman PARRIS and Senators JOHN WARNER and PAUL TRIBLE. On April 14 of this year, the Senators and I held a joint public hearing on the operation of I-66 and invited all northern Virginia residents. The overwhelming consensus was that I-66 is underutilized and that HOV-4 rules actually serve as a disincentive to the formation of carpools. It is important for Members to realize that northern Virginia is the only area in the United States where there are HOV-4 restrictions.

I-66 is currently operating with about 600 cars per hour during the restricted period. A highway of this type, according to traffic engineering manuals, can carry 2,400 cars an hour traveling 51 miles per hour—or 3,800 cars an hour moving at 40 miles per hour. Reducing the carpooling requirement to HOV-3 would double its current usage to about 1,200 cars per hour, well below capacity.

I would like to point out that this 10-mile portion of Interstate 66, which is restricted now to four-person carpools, cost taxpayers $285 million—or $28

million a mile. Relaxing the carpool restrictions will provide an incentive for more people to form carpools, will make it easier to maintain reliable carpools, and allow more people to take advantage of the road they paid for.

In addition, as I said at the public hearing on I-66 April 14, and as expressed by my colleague, Senator WARNER, in the Senate, we believe that a reduction of the HOV-4 rush hour limitation would have a positive effect on the environment, including congestion, pollution, energy savings, and pedestrain safety.

With more drivers meeting the modified carpool requirements and using I-66, there would be fewer cars on area roads; more cars moving at constant higher speeds, and less stop-and-go traffic. All this would bring energy savings, both in fuel consumption and in human energy and time; reduced pollution levels from standing automobiles on side and residential streets; less congestion on the residential and surface streets in Arlington and Falls Church, including Route 50, Lee Highway, Wilson Boulevard, and other local streets; and improved auto and pedestrian safety along those arteries with the shift of traffic from secondary roads to I-66.

As sponsor of this amendment, it is my intention that the Secretary should have flexibility to modify hours at the beginning of the morning rush hour (6:30 to 7 a.m.) if serious safety problems are demonstrated at the Theodore Roosevelt Bridge. This flexibility should only be exercised after sufficient data is available to determine the extent of the problem and after working with the State to make every effort to implement corrective safety measures including but not limited to advance warning signals, flashing lights, and traffic management system computerized messages warning of any potential hazard. After discussing these proposed changes with the Federal Highway Administration, I understand that the Secretary may need this flexibility if an unforeseen circumstance develops in view of the tremendous pressures on Virginia commuter routes. I do not anticipate a problem but want the Department of Transportation to have the authority necessary to solve such a problem if needed. To me, safety on I-66 or any other highway is of paramount importance.

I also want to make clear that the intent of this provision is that the Lynn Street ramp to I-66 in Arlington, Va., will continue to be exempt from any restriction on passengers in a vehicle or on time of use. This ramp is an important access point for commuters and is located at a point before the road narrows to two lanes westbound and after the road opens to four lanes eastbound. At present, there are no restrictions on vehicles using the Lynn Street ramp and it is the intent of this legislation that no new restrictions be imposed.

In closing, Mr. Speaker, I believe this legislation, which appropriates no funds, will improve commuting for the citizens of this area and make trips to and from work more efficient, while at the same time providing a positive impact on the residential areas surrounding this highway. The overwhelming support of the citizens for these changes are apparent in my questionnaire results and series of editorials which I would also like to submit for the RECORD. I urge my colleagues to support this measure.

RESULTS OF CONGRESSMAN WOLF'S 10TH CONGRESSIONAL DISTRICT 1983 SURVEY QUESTION ON RELAXATION OF RESTRICTIONS ON INTERSTATE 66

FAVOR RELAXATION OF I-66 RESTRICTIONS

Arlington County: 72 percent.
Fairfax County: 88 percent.
Loudoun County: 79 percent.

[From the Washington Post, Oct. 1, 1983]

HOV-3 ON I-66

For this morning's traffic report on I-66, we switch you to Capitol Hill, where four Virginia members of Congress have surveyed the scene and are moving to make significant changes in the rush-hour uses of this highway. Senators Warner and Trible and Representatives Wolf and Parris are proposing legislation to permit three-person car pools during peak hours—instead of the current minimum of four per car—for at least a 12-month trial. Given the resistance and/or legal impotence of the federal and state government agencies involved, this congressional shortcut is a good idea.

"HOV-4"—which is highway talk for "High Occupancy Vehicle" with at least four people—has been a political and logistical flop. Not enough people can qualify to use this handy new highway when they need it most. Those who can afford to have been jamming the shoulders at the ramps to I-66 to wait until the HOV-4 hours end each day. (They're not supposed to cause jams like this, but if you ever hit the road at these times, you can't miss spotting them).

Under the proposal to be offered by Sen. Warner as an amendment to pending legislation, the U.S. secretary of transportation would be directed to allow a "HOV-3" policy. Also, the current hours of restrictions—6:30 to 9 a.m. and 3:30 to 6:30 p.m.—would be cut to 7 to 9 a.m. and 4 to 6 p.m. It's worth a try, which is all this proposal calls for.

Three should be a more workable combination for more motorists and their passengers than four has been. In turn, this could mean more people being moved along this strip—which is supposed to be what the HOV concept is about anyway. Normally it shouldn't take an act of Congress to designate rush hours and car loads on a strip of road in Virginia, but Gov. Robb has noted the unique intergovernmental history of the current restrictions on I-66 and has concluded that he may not singlehandedly change the rules. Congress can, and this is a test—repeat, test—that is worthy of approval.

[From the Washington Post, Apr. 10, 1983]

HEAVE HOV-4

Because by now it has surely frustrated enough motorists on a daily basis, the term "HOV-4" has made its way into everyday language. But go back to basics—of English as well as traffic—and you're talking about a regulation that is backfiring. It is the High Occupancy Vehicle/minimum of four riders rule on the newest extenison of Interstate 66. On weekdays from 6:30 a.m. to 9 a.m. inbound and 3:30 p.m. to 6:30 p.m. the other way, only this car-and-passenger combination is allowed on the road. The results so far have been fascinating—and bad.

As anyone using the strips at these times knows, not enough people can, or do, qualify. Highway officials argue that three months is not a fair sampling, that carpooling will increase. What has increased so far is the number parking in a new mini-rush jam on the shoulder of I-66 outside the Capital Beltway, where there are no restrictions, to wait for a 9 a.m. run up the ramp. Police have been issuing warnings and tickets to this shoulder crowd, but with little effect.

HOV-4 may have looked good on paper, but not on the road. Clean air and more people to the car are excellent objectives, but so are smaller cars, which don't accommodate four passengers unless two are in the trunk. Some practical adjustments are in order. Why not try HOV-3 for a test? At least this would increase the odds of finding riders and would be more realistic (the police are wise to those inflatable dummies in the back seats). For those Virginians whose daily commute is challenge enough, life in the fast lane could be far better than it is.

[From the Washington Post, May 19, 1983]

TRY HOV-3

How high the HOV? That is the question. HOV is highway talk for "High Occupancy Vehicle," and HOV-4, as annoyed Virginia commuters know only too well, is a requirement that you have four people in your car to use the extension of I-66 in and out of Washington at peak traffic hours. HOV-4 is a bust. Not enough people can or do qualify. Too many people jam the shoulders at the ramps to this strip, waiting for the signal ending of fiscal rush hour. Fortunately, there is new pressure for relief.

Virginia Senators Warner and Trible and Rep. Wolf have urged Gov. Robb to give HOV-3 a try. Why not? It can't be any worse than the daily mess created there now. It may well be that three is a workable combination for more motorists and their passengers than four has been. That could mean that the total number of people moved on this strip would increase, which is supposed to be one of the objectives of the HOV policy in the first place.

The three legislators have some other good suggestions: that the state help Northern Virginia areas create "staging areas" where commuters could find passengers for car pools; that the hours of the restrictions be shortened somewhat, and that consideration be given to exempting handicapped drivers. from the pool rules.

Maybe, as Virginia highway officials insist, all of the above would misfire. But no one can know for sure without a test.

[From the Arlington Journal, Jan. 4, 1983]

FOUR-PERSON CAR POOL RESTRICTION TOO TOUGH?

Commuter traffic in the newly opened final stretch of I-66 continues to be lighter than expected, with car poolers and buses able to zip from the Beltway to the Potomac without delay.

Is it possible that the controversial 10-mile segment of interstate highway will remain as devoid of cars as the Dulles Access Road? Absolutely not, say state highway department officials. They list a number of reasons for the absence of commuters on the new road.

First of all it's a holiday season and thousands of government workers are on leave. All commuter arteries are lightly traveled these days. Also, it will take a while for drivers to give up their old commuter routes.

And, finally, commuters are finding it takes time to form a four-member car pool. As the HOV-4 signs proclaim, only cars with four passengers are allowed to use I-66 inside the Beltway during morning and evening rush hours.

While we agree with highway officials on the first two reasons for light use of I-66, we have had second thoughts about the four-member car pool rule. When first proposed, it seemed like a reasonable requirement, one that would ensure that the highway would move the maximum number of commuters per car, thus limiting pollution and traffic.

But it's possible that the requirement is too tough. Veteran commuters say that it is very difficult to find four other people in their neighborhood who have similar downtown destinations. If the car poolers are scattered, then the overall savings in time and gas is reduced.

Also, many commuters are driving small cars these days. Squeezing three people into the back seat of a tiny economy model sedan is not easy. And if the riders are uncomfortable, the car pool won't last long.

Of course, it is too early to get a reading on commuter use of I-66. Perhaps, in three or four months, the highway might be handling the maximum volume of traffic.

But if the traffic load falls short of expectations, then we will join local legislators in urging that serious thought be given to decreasing the car pool requirement from four to three persons.

[From the Fairfax Journal, Feb. 24, 1983]

WE WANT NO MORE OF HOV DASH 4

Are you a frustrated commuter denied the relative luxury of rapid trips on I-66 because you can't put together a four-person car pool? If so, circle April 14 on your calendar. That's when 10th Congressional District Rep. Frank Wolf has scheduled a public hearing on the present rush-hour restrictions on use of the newly opened interstate highway.

Wolf believes—and we agree—that the four-person rule is too tough, that it prevents many area commuters from taking advantage of the highway. We think changes should be made now to ensure maximum use of I-66.

Putting together a successful car pool is not easy. First, you need four people who live in the same area or along the route to work. Second, you need people who work in the same general area. Driving extra miles to accommodate pool members who don't live or work in the neighborhood is costly and time consuming. Third, you need people whose hours are approximately the same.

A few years ago, somebody figured that, considering the variables involved, the odds were about 1,000 to 1 against finding four compatible car-poolers. But that's not all. It's a fact that at least one of the four will likely be absent due to illness, vacation, job demands, schedule changes, etc. Left with only three persons, the car pool can't get on I-66.

The only logical way to ensure a more or less regular pool would be to add a fifth member. And that shoots the odds against success to an astronomical level.

We understand that the car pool rule is necessary to guarantee maximum use of the highway and keep air pollution to an acceptable level. But there is not doubt in our mind that the four-person occupancy rule is unrealistically high. Most other cities with so-called High Occupancy Vehicle (HOV) restrictions set the minimum at two or three.

Appearing with Wolf at the hearing will be U.S. Senators John Warner and Paul Trible, Virginia highway chief Harold King, along with representatives of the Council of Governments and the Northern Virginia Transportation Commission. The session will be held at George Mason High School in Falls Church.

Wolf stresses that he's not out to weaken present I-66 restrictions but only want to have a more sensible approach to the problem. He's right.

[From the Washington Times, Apr. 4, 1983]

OVERHOVING ON I-66?

Since December when the long-awaited (and as long disputed) Interstate-66 leg opened between the Beltway and Theodore Roosevelt Bridge, HOV-4 has been the law of the land for commuters. That's High Occupancy Vehicle-4, which translates to mean that four persons must be in any car venturing onto the 10-mile stretch during rushhours. That means, more particularly, that if fewer than four are sharing the ride, stern troopers of the Virginia State Police will pounce.

Car-pooling with four occupants was a condition imposed for construction of the four-lane highway as a result of the years-long fight by aroused Arlingtonians who considered I-66 an environmental pestilence.

The restriction is having a perceptible effect so far, though not necessarily the most desirable one. The Virginia Highway Department calculates that use of the I-66 link takes an astounding jump immediately after rushhours. The average number of cars per minute during the HOV-4 morning and evening stampedes is 8.7—compared to 39.5 cars per minute in the hour after the restriction ends.

Those figures suggest to us, and to others, that a vastly expensive and useful chunk of highway is being much under-used. Well, change HOV-4 to HOV-3 or even HOV-2. Seems a logical deduction, doesn't it?

But as with everything involving I-66, logic may not be a blanket wide enough to cover the bed. Modification requires the concurrence of the U.S. Department of Transportation, the state of Virginia, the regional Council of Governments and the Washington Metropolitan Area Transit Authority.

In addition many Arlington County residents still do not love I-66 and don't want the carpool restriction changed. That should make the public hearing scheduled by Rep. Frank Wolf later this month a lively one (April 14, 7 p.m., George Mason Junior-Senior High School in Falls Church).

This is precisely the time that HOV-4 modification needs to be thought hard about. The recent decision by the U.S. Department of Transportation to open the Dulles Access Road to two-person car-pools is as sensible as it is belated. However, this fall the connecting link between the Dulles Access Road and I-66 will be completed—and the two-person pools from the Dulles road will be barred from the crucial commuting stretch of I-66. That doesn't parse.

We wonder, too, if the four-person requirements is as reasonable as it seemed six years ago when HOV-4 was cast in governmental concrete. Flexible working hours, dispersed work locations and ever-expanding metropolitan residential patterns may be making it extremely onerous to conveniently meld four persons in a car-pool. Consequently, retaining HOV-4 could encourage the continuation of single-occupant commuting—which does nothing for highway congestion, energy conservation or pollution.

In any case, it's time to speed along on a discussion of changing what well may be a too-rigid rule.

[WDVM-TV editorial, Mar. 9, 1983]

COMMUTERS' PROGRESS

The right of drivers to have free access to roads they paid for with their tax money—has received a welcome boost on two fronts.

First, the Northern Virginia Transportation Commission has joined Congressman Frank Wolf, and others, in urging the easing of rush hour restrictions on I-66.

There's strong pressure now to cut the restrictions down to three people in a car pool—and possibly two—instead of the unworkable and unrealistic four person restriction now in force. That's a positive step in the right direction.

The second welcome sign is in the form of the effort by Congressman Wolf again, to get the Federal government to stop the planned crackdown on Dulles access road commuters this spring.

Current plans call for heavy enforcement against the common practice of going out to Dulles on the access road, and then turning around and cutting back to get off at some of the East bound Virginia exits.

Congressman Wolf has asked that this enforcement be held up to encourage more commuter use of the Dulles access road, at least until the toll road is built. He is right on target.

Both I-66 and the Dulles access road were built with public money. . . . your tax money. They are your roads, and you ought to be able to use them without a lot of burdensome restrictions.

Rich Adams speaking for WDVM-TV.

[WMAL Radio editorial, Feb. 24, 1983]

4-PERSON CAR POOLS

I'm Andy Ockershausen, Executive Vice President of WMAL, Inc. with an AM-63 opinion . . .

We think Greater Washington is a special place to live and work.

That's fine up to a point, but why are we the only area in the country requiring a four-person car pool for H.O.V. lanes?

During our recent roundtable on transportation, we put that question directly to Harold King, Commissioner of Highways and Transportation for Virginia.

We're still waiting for an answer.

And in the meantime, listeners and motorists are bombarding us, Congress and the state of Virginia with the same question.

What's magic about H.O.V.4? What's wrong with a three person car pool?

As we read traffic and census studies, that's far more realistic. With H.O.V.3, the Shirley Highway and I-66 express lanes would move more traffic and save fuel and commuting time for thousands of motorists.

Why not try it? Why continue to single out Northern Virginia for cruel and unusual punishment?

We're waiting, Mr. King—waiting for an answer—not the results of ramp metering, TV monitoring, more studies and bureaucratic mumbo-jumbo.

We want some action!

Please call us with your thoughts at 686-6363.

[WDVM-TV editorial, Jan. 7, 1983]

END I-66 RESTRICTIONS

Thomas Jefferson once said—"The government which governs the best, is that which governs the least—" And, right now, in Thomas Jefferson's native state of Virginia, we have a perfect example of the kind of excessive regulation that moved Mr. Jefferson to write those lines. That excessive government—is in the form of the traffic restrictions on I-66.

The confusing rush hour restrictions, the closed ramps—the limitations on the use of some lanes—all done in the name of improving traffic flow—have actually made traffic worse.

All of the restrictions on I-66 should be removed.

Here's an example of the foolishness commuters have to endure—we got a call from a viewer who said he takes his neighbor to work every day—trying to do what the government says it wants us to do—share rides. Trouble is—he drives a two seat car. And because of all of that "HOV-4" nonsense—requiring four passengers to use the commuter lanes on I-66 his little car pool doesn't qualify. What's he supposed to do—buy a bigger car—? Have two people sit on the hood?

The I-66 restrictions are an example of bureaucracy and politics working against the people they're supposed to be serving.

And beyond the petty harrassment, there's the bigger principle involved. Your State and Federal tax money paid for I-66. It is your road—you bought it—you paid for it—and ought to have the right to use it—without restrictions.

Under pressure from folks in Northern Virginia—Governor Robb briefly delayed enforcement of the traffic penalties for using the wrong ramps.

The Governor needs to be fully aware of the feelings of the people who have to suffer under the I-66 restrictions. The Governor can use his influence with the State Highway Department and the Federal government to get the I-66 restrictions lifted. Those restrictions are government at its worst.

If you want I-66 open to everyone—and an end to all of the bothersome restrictions, write to Governor Robb at the State House in Richmond, and let him know how you feel. I-66 is your highway—you ought to be able to use it—any time, no strings attached!

Rich Adams speaking for WDVM-TV.

[WDVM-TV editorial, Jan. 9, 1983]

I-66 TRAFFIC HASSLES

If you commute by I-66 in the morning—watch out—they're going to start enforcing all of those ridiculous restrictions on ramps and commuter lanes.

I-66 is your highway. You paid for it with your taxes. Why should you have to endure a batch of petty regulations that cause more problems than they solve?

You can help get those restrictions off your back by writing to Virginia Governor Robb in Richmond.

Let him know that you want to use your highway, any way you see fit.

Rich Adams speaking for WDVM-TV.●

Mr. SMITH of Florida. Mr. Speaker, in view of the answer I received from the chairman, I withdraw my reservation of objection.

● Mr. SHAW. Mr. Speaker, I do not intend to object to the passage of the substitute today because there are some dire needs which must be met. States, devastated by flooding, desperately need dollars to repair the damage which was done to their Federal highways. And many States, such as my own State of Florida, as of this week will no longer be able to sign the checks to pay for their ongoing road projects, thereby possibly causing major disruptions in their overall transportation programs.

While I recognize the need for these measures to be adopted, I am concerned about the absence of a provision which I consider almost as crucial to fulfilling the transportation needs of our country. This provision deals with section 139 miles, or nonchargeable interstate miles. The Senate Public Works and Environment Committee amended the House bill to allow 4-R funds to be used for those section 139 miles which have already been constructed to interstate standards. On the other body's floor Senator CHILES amended this to also include those section 139 miles which are not yet up to interstae standards. This is an amendment which is particularly important to me for it would expedite the completion of I-595 which is of vital importance to my district.

These amendments would not increase the cost of the bill or of the interstate system but would serve to accelerate the completion of the interstate system by giving States the flexibility to choose how to best utilize their own highway funds.

I strongly urge that the conferees study these amendments so that they will recognize their value and I hope that the House conferees will accept these important amendments.●

● Ms. FERRARO. Mr. Speaker, I rise in support of the committee substitute to H.R. 3103.

Mr. Chairman, this past summer the Surface Transportation Subcommittee held 3 days of hearings to consider technical amendments to the Surface Transportation Assistance Act of 1982. Those hearings proved to be extremely useful. One of the amendments that was discussed was an amendment that I offered, which I am pleased to note is in the committee substitute. It is a simple, straightforward amendment that responds to what I believe is a potentially serious safety problem posed by a provision in the Surface Transportation Assistance Act. Section 411(c) of that act states explicitly that no State shall prohibit tandem trailers on any segment of the Interstate Highway System. Thus we find ourselves in a situation where local, State, and Federal officials all could agree that a particular interstate segment cannot safely accommodate tandem trailers but the law, as currently written, bars the States or U.S. Department of Transportation from exempting that segment from the tandem trailer requirement.

My amendment would correct that defect. It provides that a State may seek an exemption from U.S. Department of Transportation. The State presents its documentation, makes its best case, then Department of Transportation has 45 days in which to make a decision on whether to grant the exemption. I want to emphasize that we are not talking about a blanket exemption but an exemption for a particular segment.

The onus is on the State to provide material—and here we are primarily talking about safety related documentation—that supports its contention that the segment cannot safely accommodate tandem trucks. U.S. Department of Transportation will have the final say.

I also want to emphasize what this amendment does not do. The amendment does not challenge the new Federal truck size and weight standard. It does not return regulatory authority to the States. It does not impede interstate commerce.

What it does is recognize what we all know to be true—that there is tremendous variation among segments on the Interstate Highway System with respect to their age, design features, and traffic volumes.

Mr. Chairman, when the local transportation officials—the ones who are on the scene and who are responsible for the highway network—when they feel that an interstate segment may be unsafe for tandem trucks, I believe that we should provide a mechanism for carefully reviewing their concerns. We have done this for the Federal-aid primary system.

I would also point out that the very rigid, inflexible approach that the current law provides for with respect to the Interstate system is in marked contrast to the more flexible, commonsense approach used in dealing with the primary system. The Federal Highway Administration and the States held discussions throughout the summer regarding mileage on the primary system that would be opened up to the large trucks, and these negotiations led to the de-designation of a substantial number of roads.

It seems only reasonable that the same safety-based standards that have been applied in deciding whether tandem trucks should be permitted on highways on the primary system should also be applied to segments on the interstate system. After all, as I

have already noted, the mere fact that a road is part of the interstate system does not mean that it conforms to the most modern highway design standards. There are interstates, especially in the Northeast, that have 10-foot wide traffic lanes instead of the 12-foot standard lane width; that have no acceleration or deceleration lanes; that have substandard shoulders or no shoulders at all; and that have no truck climbing lanes at all.

Finally, Mr. Chairman, I would like to address recent comments by the Department of Transportation that this problem can be handled administratively. I must respectfully disagree. The language in the act is very clear. It says, "No State shall prohibit commercial motor vehicle combinations consisting of a truck tractor and two trailing units on any segment of * * * Interstate and Defense Highways." In my judgment, DOT may even be on shaky legal ground in permitting lane and peak hour restrictions. And as we have seen in Florida, a State that imposes lane or time-of-day restrictions may find itself in court. The Department of Justice is suing Florida to prevent it from enforcing time-of-day restrictions in urbanized areas such as Miami and Tampa.

Mr. Chairman, the only effective way to deal with this problem is with a simple technical amendment that sets up a process for the issuance of exemptions for those segments where they are warranted. That is what this amendment does, and that is why I am pleased that it is in the committee substitute.●

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 3103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3103, INCREASING AMOUNT AUTHORIZED TO BE EXPENDED FOR HIGHWAYS

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the House insist upon its amendment to the bill, H.R. 3103, to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes, and request a conference with the Senate.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOWARD, ANDERSON, ROE, BREAUX, SNYDER, SHUSTER, and HAMMERSCHMIDT.

There was no objection.

REPORT ON RESOLUTION DISMISSING ELECTION CONTEST AGAINST JAMES McCLURE CLARKE

Mr. BATES, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-453) on the resolution (H. Res. 304) dismissing the election contest againt JAMES MCCLURE CLARKE, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, October 31, 1983, in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 448, de novo; and House Joint Resolution 402, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

BELLE FOURCHE IRRIGATION PROJECT AUTHORIZATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 448, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the Senate bill, S. 448, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 51, not voting 9, as follows:

[Roll No. 436]

YEAS—373

Ackerman	Akaka	Alexander
Addabbo	Albosta	Anderson
Andrews (NC)	Florio	Madigan
Andrews (TX)	Foglietta	Markey
Annunzio	Foley	Marlenee
Anthony	Ford (MI)	Marriott
Applegate	Ford (TN)	Martin (NC)
Aspin	Fowler	Martin (NY)
AuCoin	Frank	Martinez
Badham	Franklin	Matsui
Barnard	Frost	Mavroules
Barnes	Fuqua	Mazzoli
Bateman	Garcia	McCain
Bates	Gaydos	McCandless
Beilenson	Gejdenson	McCloskey
Bennett	Gekas	McCurdy
Bereuter	Gephardt	McDade
Berman	Gibbons	McEwen
Bethune	Gilman	McGrath
Bevill	Gingrich	McHugh
Biaggi	Glickman	McKernan
Bliley	Gonzalez	McKinney
Boehlert	Goodling	McNulty
Boggs	Gore	Mica
Boland	Gray	Michel
Boner	Guarini	Mikulski
Bonior	Gunderson	Miller (CA)
Bonker	Hall (IN)	Mineta
Borski	Hall (OH)	Minish
Bosco	Hall, Ralph	Moakley
Boucher	Hall, Sam	Molinari
Boxer	Hamilton	Mollohan
Breaux	Hammerschmidt	Montgomery
Britt	Hance	Moody
Brooks	Hansen (ID)	Moore
Broomfield	Hansen (UT)	Morrison (CT)
Brown (CO)	Harkin	Morrison (WA)
Bryant	Harrison	Mrazek
Burton (CA)	Hawkins	Murphy
Byron	Hayes	Murtha
Campbell	Hefner	Myers
Carney	Heftel	Natcher
Carr	Hertel	Neal
Chandler	Hightower	Nelson
Chappie	Hillis	Nichols
Cheney	Holt	Nielson
Clarke	Horton	Nowak
Clay	Howard	O'Brien
Clinger	Hoyer	Oakar
Coelho	Hubbard	Oberstar
Coleman (MO)	Huckaby	Obey
Coleman (TX)	Hughes	Olin
Collins	Hunter	Ortiz
Conyers	Hutto	Ottinger
Cooper	Hyde	Owens
Coughlin	Ireland	Oxley
Courter	Jacobs	Packard
Coyne	Jeffords	Panetta
Craig	Jenkins	Parris
Crockett	Johnson	Pashayan
D'Amours	Jones (NC)	Patman
Daniel	Jones (OK)	Patterson
Daschle	Jones (TN)	Pease
Daub	Kaptur	Penny
Davis	Kastenmeier	Pepper
de la Garza	Kazen	Perkins
Dellums	Kemp	Petri
Derrick	Kennelly	Pickle
Dickinson	Kindness	Price
Dicks	Kogovsek	Pritchard
Dingell	Kolter	Pursell
Dixon	Kostmayer	Quillen
Donnelly	Kramer	Rahall
Dorgan	LaFalce	Rangel
Dowdy	Lagomarsino	Ratchford
Downey	Lantos	Ray
Duncan	Leath	Regula
Durbin	Lehman (FL)	Reid
Dwyer	Leland	Richardson
Dymally	Lent	Roberts
Dyson	Levin	Robinson
Early	Levine	Rodino
Eckart	Levitas	Roe
Edgar	Lewis (CA)	Roemer
Edwards (AL)	Lipinski	Rogers
Edwards (CA)	Livingston	Rose
Edwards (OK)	Lloyd	Rostenkowski
Emerson	Loeffler	Roth
English	Long (LA)	Rowland
Erdreich	Long (MD)	Roybal
Erlenborn	Lott	Rudd
Evans (IL)	Lowery (CA)	Russo
Fascell	Lowry (WA)	Sabo
Fazio	Lujan	Savage
Feighan	Luken	Schaefer
Ferraro	Lundine	Scheuer
Fiedler	Lungren	Schneider
Flippo	MacKay	Schroeder

Schulze	St Germain	Waxman
Schumer	Staggers	Weaver
Seiberling	Stangeland	Weiss
Sensenbrenner	Stark	Wheat
Shannon	Stenholm	Whitley
Sharp	Stokes	Whittaker
Shaw	Stratton	Whitten
Shelby	Studds	Williams (MT)
Shuster	Stump	Williams (OH)
Sikorski	Swift	Wilson
Siljander	Synar	Winn
Simon	Tallon	Wirth
Sisisky	Tauzin	Wise
Skeen	Taylor	Wolf
Skelton	Thomas (CA)	Wolpe
Slattery	Thomas (GA)	Wortley
Smith (FL)	Torres	Wright
Smith (IA)	Torricelli	Wyden
Smith (NE)	Towns	Wylie
Smith (NJ)	Traxler	Yates
Smith, Denny	Udall	Yatron
Smith, Robert	Valentine	Young (AK)
Snowe	Vandergriff	Young (FL)
Snyder	Volkmer	Young (MO)
Solarz	Vucanovich	Zablocki
Spence	Walgren	
Spratt	Watkins	

NAYS—51

Archer	Fish	McCollum
Bartlett	Forsythe	Miller (OH)
Bedell	Frenzel	Moorhead
Bilirakis	Gradison	Paul
Broyhill	Gramm	Porter
Burton (IN)	Green	Ridge
Carper	Gregg	Rinaldo
Coats	Hartnett	Ritter
Conable	Hiler	Roukema
Conte	Hopkins	Shumway
Crane, Daniel	Kasich	Solomon
Crane, Philip	Kildee	Sundquist
Dannemeyer	Latta	Tauke
DeWine	Leach	Vento
Dreier	Lewis (FL)	Walker
Evans (IA)	Mack	Weber
Fields	Martin (IL)	Zschau

NOT VOTING—9

Brown (CA)	Hatcher	Sawyer
Chappell	Lehman (CA)	Vander Jagt
Corcoran	Mitchell	Whitehurst

□ 1350

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NELSON of Florida). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

INVOKING SECTION 4(a)(1) OF WAR POWERS RESOLUTION WITH RESPECT TO GRENADA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 402.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and pass the joint resolution (H.J. Res. 402) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 23, not voting 7, as follows:

[Roll No. 437]

YEAS—403

Ackerman	Dannemeyer	Harkin
Addabbo	Daschle	Harrison
Akaka	Daub	Hawkins
Albosta	Davis	Hayes
Alexander	de la Garza	Hefner
Anderson	Dellums	Heftel
Andrews (NC)	Derrick	Hertel
Andrews (TX)	DeWine	Hightower
Annunzio	Dickinson	Hiler
Anthony	Dicks	Hillis
Applegate	Dingell	Holt
Archer	Dixon	Horton
Aspin	Donnelly	Howard
AuCoin	Dorgan	Hoyer
Badham	Dowdy	Huckaby
Barnard	Downey	Hughes
Barnes	Duncan	Hunter
Bartlett	Durbin	Hutto
Bateman	Dwyer	Hyde
Bates	Dymally	Ireland
Bedell	Dyson	Jacobs
Beilenson	Early	Jeffords
Bennett	Eckart	Jenkins
Bereuter	Edgar	Johnson
Berman	Edwards (AL)	Jones (NC)
Bethune	Edwards (CA)	Jones (OK)
Bevill	Edwards (OK)	Jones (TN)
Biaggi	Emerson	Kaptur
Bilirakis	English	Kasich
Bliley	Erdreich	Kastenmeier
Boehlert	Erlenborn	Kazen
Boggs	Evans (IA)	Kennelly
Boland	Evans (IL)	Kildee
Boner	Fascell	Kindness
Bonior	Fazio	Kogovsek
Bonker	Feighan	Kolter
Borski	Ferraro	Kostmayer
Bosco	Fiedler	LaFalce
Boucher	Fields	Lagomarsino
Boxer	Fish	Lantos
Breaux	Flippo	Latta
Britt	Florio	Leach
Brooks	Foglietta	Lehman (FL)
Broomfield	Foley	Leland
Brown (CA)	Ford (MI)	Lent
Brown (CO)	Ford (TN)	Levin
Broyhill	Forsythe	Levine
Bryant	Fowler	Levitas
Burton (CA)	Frank	Lewis (CA)
Byron	Frenzel	Lewis (FL)
Campbell	Frost	Lipinski
Carney	Fuqua	Livingston
Carper	Garcia	Lloyd
Carr	Gaydos	Long (LA)
Chandler	Gejdenson	Long (MD)
Chappell	Gekas	Lott
Chappie	Gephardt	Lowery (CA)
Clarke	Gibbons	Lowry (WA)
Clay	Gilman	Lujan
Clinger	Gingrich	Luken
Coats	Glickman	Lundine
Coelho	Gonzalez	Lungren
Coleman (MO)	Goodling	Mack
Coleman (TX)	Gore	MacKay
Collins	Gradison	Madigan
Conable	Gray	Markey
Conte	Green	Marriott
Conyers	Gregg	Martin (IL)
Cooper	Guarini	Martin (NC)
Coughlin	Gunderson	Martin (NY)
Courter	Hall (IN)	Martinez
Coyne	Hall (OH)	Matsui
Crane, Daniel	Hall, Sam	Mavroules
Crane, Philip	Hamilton	Mazzoli
Crockett	Hammerschmidt	McCain
D'Amours	Hance	McCandless
McCloskey	Price	Solomon
McCollum	Pritchard	Spence
McCurdy	Pursell	Spratt
McDade	Quillen	St Germain
McEwen	Rahall	Staggers
McGrath	Rangel	Stangeland
McHugh	Ratchford	Stark
McKernan	Ray	Stenholm
McKinney	Regula	Stokes
McNulty	Reid	Studds
Mica	Richardson	Sundquist
Michel	Ridge	Swift
Mikulski	Rinaldo	Synar
Miller (CA)	Ritter	Tallon
Miller (OH)	Roberts	Tauke
Mineta	Robinson	Tauzin
Minish	Rodino	Taylor
Moakley	Roe	Thomas (CA)
Molinari	Roemer	Thomas (GA)
Mollohan	Rogers	Torres
Montgomery	Rose	Torricelli
Moody	Rostenkowski	Towns
Moore	Roth	Traxler
Moorhead	Roukema	Udall
Morrison (CT)	Rowland	Valentine
Morrison (WA)	Roybal	Vandergriff
Mrazek	Russo	Vento
Murphy	Sabo	Volkmer
Murtha	Savage	Vucanovich
Myers	Schaefer	Walgren
Natcher	Scheuer	Walker
Neal	Schneider	Watkins
Nelson	Schroeder	Waxman
Nichols	Schulze	Weaver
Nielson	Schumer	Weber
Nowak	Seiberling	Wheat
O'Brien	Sensenbrenner	Whitley
Oakar	Shannon	Whittaker
Oberstar	Sharp	Whitten
Obey	Shaw	Williams (MT)
Olin	Shelby	Williams (OH)
Ortiz	Shumway	Winn
Ottinger	Shuster	Wirth
Owens	Sikorski	Wise
Oxley	Siljander	Wolf
Packard	Simon	Wolpe
Panetta	Sisisky	Wortley
Parris	Skeen	Wright
Pashayan	Skelton	Wyden
Patman	Slattery	Wylie
Patterson	Smith (FL)	Yates
Paul	Smith (IA)	Yatron
Pease	Smith (NE)	Young (AK)
Penny	Smith (NJ)	Young (FL)
Pepper	Smith, Denny	Young (MO)
Perkins	Smith, Robert	Zablocki
Petri	Snowe	Zschau
Pickle	Snyder	
Porter	Solarz	

NAYS—23

Burton (IN)	Hansen (ID)	Loeffler
Cheney	Hansen (UT)	Marlenee
Craig	Hartnett	Rudd
Daniel	Hopkins	Stratton
Dreier	Hubbard	Stump
Franklin	Kemp	Weiss
Gramm	Kramer	Wilson
Hall, Ralph	Leath	

NOT VOTING—7

Corcoran	Mitchell	Whitehurst
Hatcher	Sawyer	
Lehman (CA)	Vander Jagt	

□ 1400

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4185) making appropriations

for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, and that I may be permitted to include tables and extraneous matter in connection with the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, FISCAL YEAR 1984

Mr. ADDABBO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4185, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, October 26, 1983, the Clerk had read through line 19, page 27.

Are there any amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including purchase of not to exceed two hundred and four passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands, and interests therein, may be acquired and contruction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; $1,694,793,000, to remain available for obligation until September 30, 1986.

AMENDMENT OFFERED BY MR. NICHOLS

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 28, after line 9, insert the following new paragraph

PROCUREMENT OF ADDITIONAL WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For additional construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts and accessories therefor; specialized equipment and training devices; expansion of public and private plants for the foregoing purposes; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $110,000,000.

□ 1410

(Mr. NICHOLS asked and was given permission to revise and extend his remarks.)

Mr. NICHOLS. Mr. Chairman, before I begin my brief remarks, let me take this occasion to say to this entire body that I appreciate the work that has been done by the able chairman of the Appropriations Subcommittee, Mr. ADDABBO of New York, and my esteemed colleague in the House, Mr. EDWARDS of Alabama.

I wish to say further that it is not my intention to wreck this bill in any way. We do happen to have an amendment that we feel very strongly about. It would add $110 million to the Army weapons for tracked combat vehicle appropriations in three separate programs.

The amendment first, Mr. Chairman, would add $33 million for tooling and advance procurement to integrate the TOW-II system on the Bradley fighting vehicle.

The Appropriations Committee omitted this funding apparently on the assumption that insufficient R&D funds were authorized to warrant procurement funding. The Army says this is not the case. We need TOW-II on the Bradley, because the armor threat is increasing and because the TOW-II sight would see through smoke and haze on the battlefield.

The amendment would add $38.7 million for the DIVAD gun advance procurement. H.R. 4185 zeroed advance procurement, and the committee report directs that no further DIVAD guns be procured until the Army revalidates this requirement. The arguments they use—reliability, cost, vulnerability—were heard in this Chamber some weeks ago on a very similar amendment which the House rejected overwhelmingly by a vote of 283 to 134. Those arguments were thoroughly discredited then, and nothing has occurred in the intervening 4 months that will warrant reconsideration of the House decision.

My amendment would restore the $38.7 million advance procurement funding to enable the program to proceed.

Finally, the Appropriations Committee supports the product improvement Vulcan program. However, they deleted procurement funding on the grounds that it was not ready for procurement. The R&D program will be completed in June of 1984, and we will be able to proceed into procurement, so there is no question of the PIVADS being ready for procurement in fiscal year 1984. PIVAD is a series of modifications to the Vulcan air defense gun used as a light division counterpart of the DIVAD in the heavy divisions. Once we replace the Vulcan with the DIVAD in the heavy divisions, the product improvement Vulcan guns will then be transferred to the National Guard of all the respective States where we currently have only the Korean war vintage Dusters that cannot be supported any longer.

My amendment provides $38.3 million to begin the PIVAD program to promote light divisions and National Guard divisions with a more capable air defense system.

I urge the adoption of this amendment, Mr. Chairman.

I yield back the balance of my time.

Mrs. HOLT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

Mr. Chairman, this amendment, as indicated by Mr. NICHOLS, would increase funding for important Army ground combat and air defense systems by $110 million; $77 million of the $110 million is required to support the Army's air defense program. Of the $77 million, $38.7 million is to support the continuation of the all-weather, short-range Sergeant York (DIVAD) air defense system. This system is organic to the heavily equipped Army division. The remaining $38.3 million is to support the Army program to improve our current inventory of obsolete Vulcan air defense systems.

THREAT

I support this amendment because I believe that the successful deployment of capable Army air defense assets is necessary if our forces are to meet and defeat the sophisticated air threat of the 1990's. As you know, the Soviets have made large investments to modernize their conventional forces, including attack helicopters. Do you know that over the next 10 years it is estimated that the Soviet helicopter force will increase by over 20 percent at the present acquisition rate. An example of Soviet commitment to increasing their inventory of helicopters is that just one production line is producing at a rate of about 40 helicopters per month—this rate far exceeds any U.S. helicopter production.

I am certain that you share my increased anxiety regarding recent world events. From the airfield and barracks of Beirut, Lebanon, to the streets of Grenada, our forces face a mounting challenge. There is certainly no doubt in my mind that the Soviets—through their surrogates—would not hesitate

to employ their sophisticated attack helicopters against our forces at the opportune time. Therefore, we must insure that there is no opportune time by equipping our young men with capable and effective weapons systems to include air defense systems. We need the Sergeant York (DIVAD) gun for our forward deployed, heavily equipped units, and we need to continue to product improve the current Vulcan air defense system for our lightly equipped and air mobile units as well as for early deploying National Guard units who currently have only 1950-vintage twin 40-millimeter air defense guns for defense against 1980-90 aircraft.

DIVAD—A SOUND PROGRAM

The DIVAD gun—now Sergeant York—program has been and continues to be a sound military program. It is the only system available to the maneuvering unit commander which has the rapid fire reaction time and range to counter the ever-increasing Soviet helicopter threat. The program has exhibited a good cost record, less than 3 percent real cost growth since 1976.

The program has been on an accelerated acquisition schedule—it has gone from basic concept design to production in just 4 years. It usually takes from 8 to 10 years to cover the same amount of ground.

In summary, this is a sound program entering its third year of production, and it is needed by our troops. It just does not make sense to slow down, much less terminate, this program.

I urge that you join me in supporting the amendment.

Mr. LEATH of Texas. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment offered by my friend and colleague from Alabama (Mr. NICHOLS).

I am certainly concerned, as I know we all are, about the ability of our young men to fight and win conflicts anywhere in the world. In order for our troops to be successful, we must equip them with the best equipment and weapons systems that are possible.

I believe that we are well on our way to accomplishing this objective, with the development of systems such as the M1 tank and the Bradley fighting vehicle and the DIVAD air defense gun now called the Sergeant York gun.

I am, therefore, very concerned about the proposal contained in H.R. 4185 that would reduce funds for these important systems below the levels contained in the Defense Authorization Act.

I have driven the M1 tank. I fired its gun and have driven its companion vehicle, the Bradley fighting vehicle, and I can tell you that these are the finest fighting vehicles in the world today.

While I certainly believe that the M1 tank is the centerpiece of the Army's modernization program in its conventional weapons, I believe that the Bradley fighting vehicle represents the cornerstone.

The basic requirement for a fighting vehicle was identified some 20 years ago and in the mid-1970's, it was decided to add a tank-killing capacity and capability to the design.

Therefore, the tube-launched, optically tracked, wire-guided missile, or the TOW missile was added. As you know, the Soviet tank threat has increased since the mid-1970's, and they recently started fielding the advanced T80 tank. In order to counter the T80, the Army indicates it will be necessary to install the TOW-II missile system on the Bradley fighting vehicle.

The authorizing committees approved the Army's request for an additional $33 million to procure some of the improved TOW-II weapons system required for the Bradley fighting vehicle.

□ 1420

Mr. Chairman, I want to thank the chairman of the committee, the gentleman from New York (Mr. ADDABBO), and the ranking member, the gentleman from Alabama (Mr. EDWARDS), and the members of the subcommittee for leaving the chemical weapons program in, although it was voted out by the full committee.

I think that was a great mistake. But I think the fact that we have taken that very important conventional threat away from our forces is even more reason why we have got to improve what we have to the best advantage that we can.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman.

Mr. COLEMAN of Texas. I just want to make a comment.

The gentleman was talking about the M1 tank and the Bradley fighting vehicle. As the gentleman knows, as a member of the Armed Services Committee, I have supported both of these programs.

What bothers me, however, is that the way the bill is written, without the Nichols amendment. Does the gentleman not agree we would be put into a very tenuous position of having those two very systems, the M1 tank and the Bradley fighting vehicle out there without the necessary air defense capability, the DIVAD, that they are going to need to survive in a conventional battle?

Mr. LEATH of Texas. I would certainly agree with the additional TOW to the Bradley vehicle and I would like to take those of my colleagues who have not been on a trip with me to Fort Hood where they put on a very fine demonstration, where they take an old fighting vehicle and a Bradley and they start them at the same time and they take a M1 and M60 and they start at the same time, and you can see very graphically as you sit up on the side of that hill and watch this battle progress why those vehicles are necessary. They serve a purpose. The Bradley fighting vehicle serves a purpose and to have this additional capability of the kill with this TOW-II missile is absolutely imperative.

So I would hope my colleagues would support the Nichols amendment.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

As we all know, not too many months ago this very body was engaged in a heated debate on the defense authorization bill. Many of the same weapons systems that we will discuss today in this amendment will be discussed, were discussed then, and in detail during that debate. In fact, I am certain you will hear many of the same arguments today.

These important systems that we are discussing in this amendment did survive all of the perhaps misguided and in some cases odd amendments during our debate on the authorization bill.

This bill before us now, H.R. 4185, would have you in effect terminate three, but I speak about one of those important programs. The one I would speak about is the Sergeant York air defense system, formerly known as DIVAD.

This bill would delete all of the $37.8 million that this Congress authorized to purchase long leadtime consuming components to support the production of the Sergeant York gun in fiscal year 1985. This is despite the fact with the procurement of the 130 Sergeant York systems in fiscal year 1984 the Army will have only about 45 percent of its total inventory objective of Sergeant York guns in hand.

The arguments for deleting the $38.7 million are in my judgment based on misinformation. Some of those arguments, one argument is that the Army has had to reprogram funds for the past 2 years because contracts have been close to the funding ceiling. While this is true, the programing and reprograming of funds has only occurred as a realinement of funds within the program itself, with no outside reprograming funds added.

More importantly, the selected acquisition report, the SAR that is sent to the Congress shows, this program has grown only 3 percent in real growth since 1976 and there are very

few systems that can come close to a record like that.

Other arguments are that the Army is not certain of the requirements and that it is necessary to reevaluate. This is plain not true.

The requirement for this system is well established. Its mission is to provide close-in air defense support for front line Army divisions.

The Sergeant York gun is the only all-weather short-range surface-to-air defense system being produced and considered for the Army. If this program is terminated, which effectively would be done if we were to eliminate the long lead advance procurement, it would mean that about half of the heavy Army divisions would not have any benefit at all of the short-range antiaircraft capability.

My colleagues, there is a valid requirement for the Sergeant York gun. The cost of the program is under control. The system itself has been competed. It is less than 3 percent above the original design estimate in real cost growth.

There is no rational argument for effectively terminating this program by 1985.

I hope my colleagues will support this amendment by the distinguished gentleman from Alabama (Mr. NICHOLS).

There has recently been a bunch of "Dear Colleague" letters on the subject of the DIVAD against this amendment. I would like to comment on some of the things that have been brought up on the "Dear Colleagues."

One is that the amendment proposes only to delete the long-lead advance procurement funds for this year and we will get back to the program next year. That same subcommittee, Mr. Chairman, in this bill has included $5.9 billion for advance procurement on 44 different programs. So at least in 44 other instances in this bill the Appropriations Committee does not argue that advance procurement as not an ongoing program is somewhat premature.

The Government testing will continue for another year. I would say to that that any program that is not constantly tested and reevaluated is not much of a program at all.

There has been argument made about the cost of DIVAD and what DIVAD will do.

DIVAD is an expensive system, there is no question about that. But when the report language of the Appropriations Subcommittee would have the Members of this body believe that is a $9.5 billion program, that is plain in error.

The program remains at $4.5 billion for program costs, including gun systems, support, training equipment, facilities, military construction, spares and ammunition, and that is the program cost.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BADHAM) has expired.

(By unanimous consent Mr. BADHAM was allowed to proceed for 3 additional minutes.)

Mr. BADHAM. The question has arisen that it is a more expensive system than the M-1 tank.

Mr. Chairman, this system is designed so that a battalion of four of these weapons systems, four will defend a whole mechanized division against point air defense and against air attack.

The program is here. The program is cost effective. The program should have advance procurement as is the case with any other of the systems in the $5.9 billion in this bill for advance procurement.

Mr. Chairman, I hope Members will join me and the distinguished gentleman from Alabama (Mr. NICHOLS) in supporting this program.

I yield back the balance of my time.

Mr. McCURDY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nichols amendment.

I am disturbed about the fact that H.R. 4185 does not contain funds to product improve the Vulcan air defense system. This Congress has already authorized $38.3 million for 288 product improved Vulcan air defense systems (PIVADS) but, of course, without appropriations the program is dead.

I would just suggest to my colleagues that if this is allowed to occur, it will be a serious setback to an important Army air defense program—a program that has been of special interest to the Congress for several years. A program that represents a quantum improvement in air defense capabilities for our National Guard forces. A program that, once implemented, will lead to the replacement of 1950-vintage 40 millimeter Duster air defense guns in our early deploying National Guard units.

I am certain that you share my concerns about the effectiveness of a 1950-vintage air defense system against a 1980-90 threat. Remembering that many of our National Guard units will be among those troops that are first to fight, it is criminal that we should send them off to battle with these obsolete twin 40 millimeter Duster guns.

I understand that the rationale used to support deleting all funds for PIVADS is that it would be premature to do so at the present time.

I must disagree because:

First, the modifications required do not involve state-of-the-art technology. In fact, an engineering development model was demonstrated at Fort Bliss, home of the Army's air defense community, as early as 1979;

Second, most of the development work has been completed for PIVADS. In fact, the development work for the self-propelled version was started in March 1982—about 18 months ago. The design specifications will just have to be adapted to the towed version of PIVADS—not a major development effort—with final testing scheduled to be completed by March 1984; and

Finally, the contract award in September 1982 was expanded to include the towed version in December 1982, and it contains a favorable production contract option which has to be exercised by June 17, 1984. If the $38.3 million is not appropriated it will, of course, be impossible to take advantage of this favorable option. This will require the initiation of a new request for proposal by the Army, push production out 6 to 12 months, and most certainly increase the cost of the program.

In summary, there is no reason to allow this program to be stretched out another year at an increase in cost to the taxpayer.

I urge your support of the Nichols amendment.

□ 1430

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the Nichols amendment. I think it is a very good initiative.

Although the 1960-vintage Vulcan air defense system is only marginally effective in its present configuration, it is far superior to the 1950-vintage 40-millimeter Duster gun system which is presently the only air defense asset available to National Guard units. Therefore, an improved Vulcan system for National Guard units would certainly be preferable to the Duster gun system.

The Army in response to several years of congressional encouragement plans to upgrade the Vulcan system with a product improvement by enhancing the tracking and fire control capabilities, and to provide some of these upgraded systems to early deploying National Guard units. The upgrade program is called the product improved Vulcan air defense system (PIVADS). The Congress, in the recently enacted defense authorization bill, approved $38.3 million for PIVADS.

However, the bill before you, H.R. 4185, would provide no funds for PIVADS. The reason given for not appropriating funds for this important initiative for Army National Guard units is that funds would be premature.

I disagree because:

The development contract was signed in 1982 for improvements to the self-propelled and towed Vulcan systems, and the development effort is progressing well.

In fact, this December, prototype systems will be available for testing;

Further, final testing is scheduled to be conducted from January-March 1984, and

Finally, plans are to execute the production contractor option by June 1984.

Therefore, it is not premature to include funds in the fiscal year 1984 defense appropriations bill for this program.

I urge my colleagues to support this important Army air defense initiative and vote yes on the Nichols amendment.

Mr. Chairman, one further item: I received today, as did probably some of the other Members here, a letter from the adjutant general of the State of New Jersey. He concludes in his telegram in the last paragraph as follows:

To insure that the process of equipping ARNG air defense battalions with deployable weapons systems is delayed no longer, I urge you to support the Nichols amendment when it comes up for vote on 1 November. Passage of this amendment will insure the future wartime deployability of all ARNG air defense battalions by providing them with combat capable air defense guns, and will provide increased combat capability to the Bradley fighting vehicle.

I would conclude by saying if you are in favor of giving the National Guard the type of air defense capabilities that the National Guard so rightly deserves, vote yes on the Nichols amendment.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to my good friend from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I stand in support of the gentleman's (Mr. COURTER) statement. Certainly I stand in support of the reasons the gentleman puts forth not only for the National Guard but also to add a deterrent in the modernization of the conventional arms and systems which is so very necessary.

I want to commend the gentleman and also Mr. NICHOLS for their remarks on this matter.

Mr. COURTER. I thank the gentleman for his contribution.

Mr. Chairman, I yield back the balance of my time.

Mr. ADDABBO. Mr. Chairman, I move to strike the requisite number of words and I rise in reluctant opposition to this amendment.

Mr. Chairman and my colleagues, the committee bill includes more than $4.5 billion for procurement of weapons and tracked combat vehicles, Army. This amendment adds an additional $110 million.

We have heard it said that DIVAD has had very low cost growth. If we look at the Congressional data sheets and compare the original estimate with the current projection, we find that there has been a 35 percent cost growth. And we do not now have sufficient production experience even to have confidence in the current estimates.

There has been some mention here that the committee is against the DIVAD. I do not know how the committee can be against DIVAD when the bill provides $541,500,000 for 130 systems in fiscal year 1984.

All we have said is that the $38.7 million is premature because it is for a 1985 procurement when a great deal of testing remains to be done.

The reliability and performance testing of the first production models will not be complete until September of next year. This is a 1985 appropriation matter. We should wait to have the results of testing before we commit ourselves to a fiscal year 1985 procurement. That is why the $38.7 million was reduced.

The same thing applies to the PIVAD. There was only $9.3 million in the budget for PIVAD procurement. The authorization increased that to $38.3 million.

The committee knows that the R&D on this system is not complete. In fact the first prototypes have not even been delivered.

Why go out and spend $38.3 million on a system which has not been fully developed and tested, when R&D still has to be done? When that testing is complete, we will appropriate money when it is due in the 1985 timeframe. If it proves out before that time, the committee has stated in the report that it will consider a supplemental or reprograming to get the program started.

On the TOW-II for the Bradley, $33 million was added above the budget by the authorization bill and is now proposed to be added to this bill. The reason it was not budgeted was that at the time the budget was submitted the Army did not intend to go ahead with this program. Therefore the R&D has hardly been started let alone completed. We know already that the Bradley has had a history of serious cost growth. Starting this procurement now will just add to the costs if we do not go in the proper order and wait until the R&D is completed. This $33 million is premature.

Again, I will say that the committee bill appropriates more than $4.5 billion for weapons and tracked combat vehicles. This amendment adds $110 million which is premature and not needed in fiscal year 1984, it can easily be reviewed and looked at in fiscal year 1985.

The CHAIRMAN. The time of the gentleman (Mr. ADDABBO) has expired.

(On request of Mr. DOWNEY of New York and by unanimous consent, Mr. ADDABBO was allowed to proceed for 1 additional minute.)

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield to me?

Mr. ADDABBO. I yield to my colleague from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I am not going to raise a serious point here but it is one that concerns me nonetheless. We have renamed the MX missile the Peace keeper. Now we are naming the DIVAD gun the Sergeant York gun. Frankly I think that given the test record of the DIVAD gun that this impugns the integrity of Sergeant York and that it should not be named the Sergeant York gun, until it can hit something.

Mr. ADDABBO. Mr. Chairman, I thank the gentleman.

Mr. HERTEL of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Members of the House, I rise to take issue with what the distinguished chairman has just said. He is a good friend and I have agreed with him in many other areas where I think spending has been wasteful. But after hearing the debate today, we can all see there is no talk of waste, in fact there is talk of saving taxpayers' money.

I have risen on this floor many times to talk about strengthening our conventional forces, not only in the short term but in the long term. Again the Nichols amendment does do this.

We have seen much of the discussion and debate turning on the point of the Edwards-Addabbo "Dear Colleague" letter that all the Members received.

I ask those Members who are listening to the debate here and in their offices to think about the claims made in that letter and think about the answers to those claims because today obviously is the vote.

□ 1440

It was claimed that:

The amendment proposes to commit funds related to procurement of the Sergeant York Division Air Defense System (DIVAD) not in this bill, but in next year's budget. It does so by adding $38.7 million for advance procurement which we believe is clearly premature.

That is a quote from the letter.

But the fact is the amendment provides $38.7 million for DIVAD advance procurement that was requested in the budget. Advance procurement of long lead items is necessary to insure that next year's program can be executed without a break in production. H.R. 4158 includes $5,958,000,000 for advance procurement on 44 different programs.

This was already pointed out in the debate. So in at least 44 other places in this bill the HAC does not argue that advance procurement, nor an ongoing program, is a premature one.

The letter cited:

Government testing will continue for nearly another year . . . . the committee has asked[the Army to satisfy itself about numerous uncertainties related to cost performance, affordability and reliability.

The fact is the Army is satisfied. These are the same arguments that were already used during the debate on the authorization bill before this House when an amendment was offered to terminate DIVAD then. This is what the Appropriations Committee is trying to do again in the bill. But those arguments were rejected by this full House by a vote of 283 to 134, just a short time ago this year. They should be rejected for the very same reasons.

The Bradley TOW-II. The "Dear Colleague" letter claims:

At the time the budget was submitted the Army did not intend to put the TOW-II on the Bradley Fighting Vehicle and did not budget for it.

But the fact is today that new threat data indicates the Soviets are now fielding the T-80. Subsequent to the budget submission, the Army advised the Congress that it was essential to put TOW-II on the Bradley as a response to that threat.

Again, a prudent, well-thought-out part of the Nichols amendment.

It was claimed in the "Dear Colleague" letter:

The authorizing legislation added $17.9 million for R&D. . . . The Army indicates that if the project is to be done, a total of $35 million will actually be required in fiscal year 1984 funding for R&D. It is clear that without sufficient funds for R&D, the proposed procurement funds are premature.

This is from the Edwards-Addabbo "Dear Colleague" letter.

But the fact is the Army has indicated its intention to program $13.1 million to the Bradley TOW-II account and that with $31 million available essential R&D can be completed. The $33 million in procurement is not premature. It provides funding for tooling and long lead items required to begin TOW-II production in fiscal year 1985. Without it, production will be delayed almost a year. That will again cost the taxpayers more money.

It was claimed in that "Dear Colleague" letter that:

The electronics for the BFV using the current TOW are being procured under a multiyear contract which covers systems purchased with fiscal year 1984 funds. If the BFV is to be equipped with the TOW-II, that multiyear contract will have to be negotiated or a separate contract awarded.

The fact is the current multiyear contract on basic TOW has nothing to do with TOW-II. If this $33 million is added it will not have any effect on current multiyear contract which is for fiscal year 1983-84 only. It will be a separate contract to fund special tooling and long lead items to begin TOW-II procurement in fiscal year 1985. Again, to be prepared, to be ready to save the taxpayers money.

We look at the Vulcan argument in the "Dear Colleague" letter and we see the same difference in what the reality is. The letter alleged: The Appropriations Committee proposes to eliminate production of $38.3 million on the grounds that funding is premature for the PIVADS. One of the contracts was awarded in September 1983 and the prototypes will not be delivered until early next year, and then they must be extensively tested and evaluated. Only—the letter alleges—if the testing and evaluation is completed will it be known for sure that PIVADS will do what it is supposed to do.

The PIVADS program is congressional initiative actually dating back to 1979.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. HERTEL) has expired.

(By unanimous consent, Mr. HERTEL was allowed to proceed for 5 additional minutes.)

Mr. HERTEL. Mr. Chairman, the modification required does not involve state-of-the-art technology. As early as 1979 an engineering development model demonstrated the feasibility of product improving the Vulcan system—this feasibility study was in part the basis for the congressional initiative to product improve the Vulcan air defense system.

It is correct that one of the prototype development contracts was awarded just this September, but the "Dear Colleague" letter does not mention that the primary development was started in March 1982 and a contract was awarded in September of 1982—over 12 months ago. The prototype development effort referred to in the "Dear Colleague" letter just represents adapting to the towed version of PIVADS those design changes identified and tested during the development on the self-propelled version of PIVADS. This low-risk adaptation will probably require only minimum design changes. Therefore, most of the development work for PIVADS has in fact been completed.

Mr. Chairman, I do not take the floor very often to take a great deal of time on the appropriation Defense bill. But in this case we are talking about $110 million, as was pointed out by the chairman. Just a small percentage increase over what has already been afforded for these various projects.

But the gentleman from Alabama and many colleagues from the Armed Services Committee have today made an excellent case for why we need that. I want to point out again to my colleagues we are not talking about any alleged waste. We are not talking about any very controversial system really. We are talking about the fact that these things are needed by the Army, requested. If we do them now, put the money forth now, we are going to save more money for the taxpayers in the long run.

But more than that, we cannot have people talking out of both sides of their mouth. These are defensive weapons. The fact is if we want a strong conventional deterrent for the security of this Nation, we should approve the Nichols amendment.

I rise in support of this amendment for those reasons and commend the gentleman from Alabama for bringing this amendment to the floor.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for yielding, and I would like to associate myself with the gentleman's remarks.

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Alabama (Mr. NICHOLS).

The amendment, as explained by Mr. NICHOLS, would increase the Army's weapons and tracked combat vehicle programs by $110 million, including funds for two critical Army air defense programs—DIVAD and the product-improved Vulcan air defense system (PIVADS).

I had an opportunity last night to review a "Dear Colleague" letter signed by Mr. EDWARDS and Mr. ADDABBO that outlined their rationale for underfunding these programs.

Regarding the DIVAD program, the "Dear Colleague" letter would have you believe that the $38.7 million the committee deleted has nothing to do with this year's procurement budget. It states and I quote:

The issue here is not fiscal year 1984 funding, but premature funding of a fiscal year 1985 buy.

The truth is that without the $38.7 million to purchase critical components which require long periods of time to deliver, it will be impossible to continue the DIVAD program without interruptions during fiscal year 1985. This practice of funding for long lead-time components is not new. For example, in Army procurement programs alone, there are over $670 million that the committee is proposing to appropriate for long-lead components in fiscal year 1984. One has to ask the question whether these funds are fiscal year 1984 funding issues. If not, why has the Appropriations Committee recommended appropriating these funds. If the long-lead procurement funds are fiscal year 1984 issues, then why is this not true for the DIVAD program?

The answer is that the $38.7 million requested by the Army and authorized by this body for DIVAD long-lead components is very much a fiscal year 1984 funding issue—and the Appro-

priations Committee most certainly understands this.

My colleagues, you can be certain that if the Nichols amendment is not adopted, the DIVAD program will be stretched out, thus, causing cost growth and program instability.

Regarding the product-improved Vulcan air defense system (PIVADS), the "Dear Colleague" letter from Mr. EDWARDS and Mr. ADDABBO suggests that it is premature to approve production funds at the present time. This is another bit of logic which is hard to follow, and let me tell you why.

First, the PIVADS program is a congressional initiative to improve the readiness of our National Guard air defense units. These units currently have only obsolete 1950-vintage twin 40 millimeter Duster air guns to counter 1980-90 air threats.

Second, the product improvements are not at, the so-called, cutting edge of technology but rather are simple modifications to the fire control computer, tracking hardware, and maintenance software. In fact, a model of these modifications was demonstrated in 1979.

Third, the development effort for PIVADS which started in March 1982 has essentially been completed, and with just a simple adaptation of the current modifications to the towed Vulcan system the development work will be completed. In fact, this adaptation is so simple that the Army believes that final testing could be completed by March 1984.

Finally, if the $38.3 million which this Congress has authorized is not appropriated, the Army will be prohibited from exercising a favorable production option to a contract signed last year. This will most certainly stretch out the program while proposals are being prepared and reviewed and a new contract negotiated. It is likely that this would add from 6 to 12 months to the program and undoubtedly increase the cost of the program.

My colleagues, I would suggest that there are no valid reasons for delaying these important improvements to the Army's air defense program required to support our active Army and the National Guard units.

Please join me in supporting the Nichols amendment.

Mr. ORTIZ. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Texas.

Mr. ORTIZ. Mr. Chairman, I thank the gentleman for yielding, and I associate myself with the gentleman's statement.

Mr. Chairman, I rise in support of the Nichols amendment which will provide the level of appropriations needed to support three important Army programs.

As previously indicated, the Nichols amendment would provide:

The $38.7 million already authorized by the Congress for the DIVAD gun program;

The $33 million already authorized by the Congress for the Bradley fighting vehicle program; and

The $38.3 million already authorized by the Congress for the product-improved Vulcan air defense system (PIVADS).

Mr. Chairman, as you will recall during this body's consideration of the Defense authorization bill for fiscal year 1984, there was extensive debate on two of these programs—DIVAD and the Bradley fighting vehicle programs. In fact, amendments to delete funds for these two programs were overwhelmingly defeated by votes of 283 to 134 and 283 to 124 in favor of the DIVAD and Bradley fighting vehicle programs, respectively.

Frankly, I do not believe that the arguments against these important programs have changed significantly since our last debate. However, let us review them.

DIVAD

The heart of the argument for not appropriating the $38.7 million to procure long leadtime components for DIVAD seems to be that the Army needs to reevaluate the requirement for DIVAD.

I would suggest that the requirement for DIVAD has been well established. DIVAD is the primary low-altitude air defense system supporting our forward deployed elements. Since the primary air threat to these forward elements continues to be the attack helicopter, DIVAD is a helicopter killer. It is clearly imperative that we provide our troops with this weapon system since the Soviet and Warsaw Pact forces outnumber NATO forces almost 2 to 1 in attack helicopters. There is no question in my mind about the requirement for DIVAD.

Regarding the cost of DIVAD, it was interesting to note in a recent selected acquisition report the real cost growth—without inflation—since the inception of the DIVAD program in 1976 is less than 3 percent. This clearly is not a bad record.

This program should be allowed to continue without interruption, but without the $38.7 million there will most certainly be a break in production which will probably result in additional costs to the Government.

BRADLEY FIGHTING VEHICLE

Regarding the Bradley fighting vehicle program, the bill before you, H.R. 4185, deletes the $33 million which was authorized by the Congress to improve the tank killing capability of the Bradley fighting vehicle. The rationale for deleting these funds was based on the committee belief that the research and development effort for this TOW-II integration effort is underfunded in fiscal year 1984.

However, I understand the Congress has already authorized $18 million for this R&D effort, and the Army has indicated if additional funds are needed it will provide those funds out of its own hide. This will be accomplished through reprograming of funds.

Therefore, there is no valid reason for deleting the $33 million requested. In fact, if these funds are not provided, the TOW-II integration will probably be delayed almost 1 year.

In summary, these funds are needed to continue these important Army programs, and I urge your support of the Nichols amendment.

Mr. HERTEL of Michigan. Mr. Chairman, I ask my colleagues to vote "yes" for the Nichols amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

I hope, Mr. Chairman, that we can wind this thing down now. Everybody has had their say.

And I only take the floor to suggest to the Members that our committee has not lost its mind. We have not come here with something that is as outlandish as has been suggested here on the floor.

I would suggest to my colleagues that in fact waste is involved if we move too fast on projects that are not ready for the funding that has been set out for them. And that is all we have tried to do.

We put $541½ million into the DIVAD, now called Sergeant York. It is not as though somehow we shortchanged DIVAD. We have funded 276 DIVAD systems. And our committee concluded that the time had now come to see how some of those systems test out, to see how they perform as they come off the line—the first one is just coming off the line—before we go further into advance procurement.

I do not think that is an unreaonsble committee position to take.

The TOW-II missile is not budgeted. The Army said research was needed before we go forward with the TOW-II and we agreed with the Army that we should do the research first. And if it works out, then procure the TOW-II. But not before we know whether it is going to work, not before we have the research far enough down the line to the point we can see where we are going.

And I would argue to my colleagues if we move too fast on the concurrency that is being requested, sure, we are building in the opportunity for waste. And that is what this is all about.

And then, of course, the PIVADS, the product improved Vulcan. We feel we are providing the proper funds for that under the circumstances. One of the contracts was just awarded, as the

gentleman from Michigan said, last month for the prototype.

□ 1450

It is going to be built. The evaluation of it has got to occur. And our committee has said in the report that as soon as this project is ready to go, we would be glad to consider a reprograming of a supplemental. We have not lost our minds.

But let me tell the Members: Like most of you, I got a telegram from my National Guard back home. And you think, from the communication coming in there, that somehow if you do not vote for this amendment, the whole Army Reserve and National Guard is going to fall on its face.

Now, we got that same kind of communication on the amendment of the gentleman from Mississippi (Mr. MONTGOMERY) last week.

The National Guard has not been involved in all of this. Everything we do in one way or another impacts on the National Guard, of course. Every system we provide for the Army or the Air Force, in many cases, does at one time or another go to the National Guard. But these are not National Guard issues. The issue before us today is whether we are going to spend the money wisely that is entrusted to us.

I would argue to you that the committee in these cases has met that test.

● Mr. RAY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

As Mr. NICHOLS has indicated, the bill before you, H.R. 4185, does not contain the previously authorized amount of $33 million for antitank improvements to the Bradley fighting vehicle. These funds were deleted by the Appropriations Committee.

I am particularly concerned that this action will prohibit the Army from making needed improvements to our tank-killing capability. In short, the Appropriations Committee action would prohibit the Army from implementing the tube-launched optically tracked wire-guided (TOW) improvements on the Bradley fighting vehicles.

I believe that the Soviet Union has longtime worldwide goals which are not in the best interest of our allies and the free world. Our troops in Europe are facing an ever increasing tank threat from Soviet and Warsaw Pact nations—with systems such as the Soviet's new main battle tank, the T-80. In fact, in the area of tank deployment, our troops and those of our allies are outnumbered by Soviet and Warsaw Pact nations by almost 4 to 1. Our already outnumbered forces must be provided with the "best" antitank systems available—such as the TOW-II system.

It would seem to me that by providing Bradley fighting vehicles—which will be the prime personnel carriers and fighting vehicles in the heavy mechanized infantry divisions—with the added ability to challenge and defeat the Soviet and Warsaw Pact armored threat, we will certainly be helping our troops to survive in a European scenario. We cannot deny our troops the opportunity to defend themselves by employing the most capable weapon systems available.

The Appropriations Committee said that production funds are premature because the research and development effort for the TOW-II integration is underfunded. I do not agree. This Congress has already authorized $18 million to complete the research and development work required to integrate the TOW-II on the Bradley fighting vehicles. The Army has indicated that this $18 million, with some small amount of reprograming, will be sufficient to complete a medium-risk R&D effort for TOW-II improvements.

The Army should be allowed to pursue this important improvement to our tank-killing capability—as the Soviet tank threat increases.

Therefore, I rise to support the Nichols amendment and urge that you join me.

Thank you.●

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

The question was taken; and on a divisioin (demanded by Mr. ADDABBO) there were—ayes 16, noes 8.

So the amendment was agreed to.

Mr. LANTOS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, no foreign policy can succeed unless it enjoys the support of the American people and the American Congress. Nowhere is that more apparent than in the turbulent Middle East.

As the ranking majority member of the Middle East Subcommittee of the Foreign Affairs Committee, I recently learned from the media that this administration has been planning and training a Jordanian Rapid Deployment Force which it intended to fund in 1984 with $220 million of U.S. taxpayers' money.

The Middle East Subcommittee recently held a closed hearing on this subject—which would not have been held if the media had not broken the story. I learned much less from this hearing than I did from reading the local newspapers.

It is obvious that our colleagues in the other body are no less disturbed by the surreptitious way this proposal was handled than were many of my colleagues in the House of Representatives.

For instance, 7 days ago Senator MOYNIHAN introduced an amendment which reads, in part:

> No funds may be expended by the U.S. Government to provide the Kingdom of Jordan with military equipment for a special military force unless such expenditure is expressly authorized and funds appropriated by Congress in an unclassified manner.

Mr. Chairman, I have many substantive reservations about the Jordanian Rapid Deployment Force. Just to mention one, Saudi Arabia, which would be the prime beneficiary of such a force, has been subsidizing Iraq to the tune of over $20 billion so that it may continue the brutal and bloody Iraq-Iran war. If Saudi Arabia needs the Jordanian Rapid Deployment Force, in my view, it should pay for it.

But in the current context I am particularly concerned about the clandestine fashion in which this proposal was to have been slipped through so that Congress would not have an open and full debate on this matter.

I am convinced that large numbers of my colleagues on both sides of the aisle must be as appalled as I am with an approach by this administration that takes into its confidence the Governments of Saudi Arabia and Jordan, but hides these critical, strategic, and costly plans and activities from Members of Congress who serve on the subcommittee with jurisdiction over the Middle East.

Therefore, I wonder if I might address the distinguished chairman of the committee to find out whether in fact there are any funds for a Jordanian rapid deployment force in this appropriation bill that we are debating.

Mr. ADDABBO. If the gentleman will yield, I assure the gentleman that there are no funds in this appropriation for any Jordanian rapid deployment force.

Mr. LANTOS. If I may further inquire of our distinguished chairman, is the chairman giving us assurance that he will oppose funds for the Jordanian rapid deployment force until both the merits and the funding of the proposal are first debated in this body in an open session?

Mr. ADDABBO. I, individually, will definitely oppose it.

Mr. LANTOS. I thank the chairman.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I think the gentleman has made a very, very important statement. There are a number of us who are deeply concerned about the Rapid Deployment Force for the Jordanians. We would like to see them be a bit more forthcoming in helping us to provide some answers to the problems we have in the Middle East. But I am, frankly, afraid that the only way that

this administration believes one gets friends is by providing them weapons or rapid deployment forces. And certainly all the gentleman is asking for is that there be a public airing of this before any action takes place, and I think that is eminently reasonable.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

AIRCRAFT PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $21,040,610,000, of which $5,626,800,000 shall be available only for the purchase of the B-1B bomber under a multiyear contract, of which $112,100,000 shall be available for contribution of the United States share of the cost of the acquisition by the North Atlantic Treaty Organization of an Airborne Early Warning and Control System (AWACS) and, in addition, the Department of Defense may make a commitment to the North Atlantic Treaty Organization to assume the United States share of contingent liability in connection with the NATO E-3A Cooperative Programme; and in addition, $300,300,000, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1983/1985," of which $278,300,000 shall be from the A-10 program, $14,000,000 shall be from the C-135 modification program, and $8,000,000 shall be from the C-130H program to be available only for the purchase of C-130H aircraft; and in addition, $47,700,000, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1982/1984," from the Civilian Reserve Airlift Fleet modification program to be available only for the C-135 modification program; to remain available for obligation until September 30, 1986: *Provided*, That none of the funds in this Act may be obligated under the four major fiscal year 1984 production contracts for the B-1B bomber if the current dollar costs of such production contracts would exceed the Air Force's original current dollar estimates for the four major fiscal year 1984 B-1B production contracts based on the production portion of the $20,500,000,000 estimate for the B-1B bomber baseline costs expressed in fiscal year 1981 constant dollars.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that the paragraph entitled "Aircraft Procurement, Air Force" be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there any points of order against the paragraph?

Are there any amendments to the paragraph?

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 29 of the bill, strike out lines 1, 2, and on line 3, strike out only "tiyear contract" and insert in lieu thereof, "$20,601,910,000" and on line 21, strike out all that follows "1986" and strike out lines 22, 23, 24, and 25.

On page 30 of the bill, strike out lines 1, 2, 3, and 4 excluding the period.

Mr. ADDABBO. Mr. Chairman, the amendment that I propose would delete the funds solely for the multiyear procurement of the B-1B bomber. It would continue the funding of the 10 B-1B's that are included in this bill and would be procured under an annual appropriation.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4 o'clock.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that the time on this amendment be divided between myself and the gentleman from Alabama (Mr. EDWARDS).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. ADDABBO) will be recognized for 32 minutes and the gentleman from Alabama (Mr. EDWARDS) will be recognized for 32 minutes.

Mr. ADDABBO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as I have stated, the amendment I have offered would just delete the funds for the B-1B multiyear procurement. The funding for the 10 B-1B bombers in this bill would continue under the annual appropriation method.

One essential multiyear criterion is that the candidate design should be technically mature and have completed RDT&E. That is in the law. When we passed the multiyear legislation, that criterion was in the law.

The first B-1B bomber is not scheduled to roll off the production line until October 1984, and it will not be available for RDT&E until at least December 1984 which is fiscal year 1985.

Numerous design changes are still required for the production aircraft, since only 80 percent of the B-1B airframe design is common to the B-1A prototype, only 70 percent of the offensive avionic subsystems are common to existing designs, and only 60 percent of the defensive avionics are common to current designs. In addition, Mr. Chairman, more than 50 percent of the total B-1B RDT&E funds, or about $1.8 billion, are to be expended for this purpose in fiscal year 1984 through 1987.

One other essential multiyear criterion requires a reasonable assurance that the candidate program's cost estimates are realistic. However, DOD's own Cost Analysis Improvement Group reports that the B-1B program will cost at least $6 billion more than the current Air Force estimate of $20.5 billion in fiscal year 1981 dollars. Also, since the major multiyear contract is for the B-1B airframe, and it will not be awarded until fiscal year 1985, I am not reasonably assured that this estimate is realistic.

□ 1500

Mr. Chairman, by prematurely funding the B-1B multiyear procurement, the Congress will be locked into this procurement and will lose its ability to exercise any future fiscal control over this expensive program.

Mr. Chairman, we are not stopping the B-1 bomber by this amendment. What we are doing is maintaining control over the appropriation process. This amendment will reduce the fiscal year 1984 funding by $438.7 million, but would still fully fund the 10 B-1B aircraft requested in fiscal year 1984. This program does not meet the criteria for multiyear procurement and, therefore, the amendment should be adopted.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and ladies and gentlemen of the House, I think it is important to reiterate that this is not an amendment to kill the B-1. It is not an amendment to stop the B-1. It is an amendment dealing only with multiyear procurement.

I think the House, I think the Members have recognized the fact, some begrudgingly, but nevertheless Congress recognizes the fact that the B-1 is moving forward and is going to be built. So the debate here today on this issue is how best to fund the B-1.

The Congress, in originally approving the B-1, determined that there had to be a cost ceiling placed on this aircraft and, in fact, required the President to certify as to that ceiling. The President did certify that the cost would be $20.5 billion in fiscal year 1981 dollars. One of the conditions of that was that the Congress would have to assist in cost control by appropriating the funds requested in the proper timeframe.

One of the elements proposed in that timeframe was that multiyear procurement would start in fiscal year 1984. I will agree that this is an unusual multiyear procurement situation. It does not, in fact, meet all the tests laid down for a normal multiyear procurement program, but I would argue to my colleagues that the GAO came and testified before our committee and conceded that there are some cases, and this is one, where we must move forward if we are going to accomplish the goal. Now, I do not want to leave the impression that the GAO came in and urged multiyear procurement for the B-1; they did not. But they said that this may be such a case where we should not follow all of the requirements laid down for miltiyear procurement.

Why is it important now? We do, in fact, have a fiscal year 1981 dollar limit of $20.5 billion certified by the President and being adhered to by the Pentagon. If Members want to see that lid come off, if they want to see the cost of the B-1 shoot up, then fail to fund this program in the way that it was planned and I will guarantee you we will let the Pentagon off the hook.

I am convinced that the best way we can contain the cost of the B-1 within the limits set out originally is to provide for the multiyear procurement as programed and as budgeted.

I do not want to give an answer or an excuse to get off the hook. I do not want them to come in here next year and say, "Well, the cost is going over $20.5 billion. Why? Because the Congress did not provide the money for multiyear programing that was laid out in the program to begin with, and we told you," the Pentagon will say, "that if we did not get the money as programed, we could not hold down the cost."

That is what this is all about. Because we have the heat on them for cost control, they are constantly in deep negotiation with the contractors involved in this program to hold the line, to keep the costs down, to keep the lid on the program's price. But if we adopt the amendment offered by the gentleman from New York, if we give them that excuse to get out from under that blanket, then I cannot predict what the B-1 will cost down the road.

So I urge Members to oppose the amendment, to help us keep the cost under control and not to give the Pentagon an excuse to let the costs skyrocket.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, what are the projected costs now for the B-1? The gentleman talks about keeping the cost under control. It is my understanding from the debate in the committee on the amendment that whereas the cost for the B-1 was expected to be something like $200 million per plane last year, and that now the price per plane is expected to exceed $300 million per plane, and the costs are still going up.

In light of the gentleman's argument, at what level does the gentleman hope to keep the cost?

Mr. EDWARDS of Alabama. Mr. Chairman, I would respond to the gentleman this way: The only way we can compare cost or talk in terms of cost is to talk in terms of the year-dollars at which these limits were set. The $20.5 billion limit on this aircraft was set in 1981 dollars. That has not changed.

It is true, as in any program, and this is not unusual in the B-1 program, that inflation, for example, will cause in the next 10 years that cost to rise in then-year dollars. But that is comparing apples and oranges. We have to talk in terms of 1981 dollars, and in that context, the only proper context in which we can deal, the cost has not risen.

Mr. YATES. Mr. Chairman, if the gentleman will yield further for one more question, some years ago I remember that it was the effort of the Congress to persuade the Pentagon to fly before we buy. It is my understanding that the B1-B is not yet flying, and yet we are buying.

Is that something that we ought to do in view of the vast expense and the obstacles presented in this program?

Mr. EDWARDS of Alabama. I would respond to the gentleman this way: This is a unique program in the sense that the B-1 was an ongoing program, it was canceled in 1977, as I recall, there were four prototypes built. The B-1 today, while it is a greatly improved aircraft over the four that were built some few years ago, has been changed very little, so we have flown the B-1. In that sense it is unique. It has been flown many hours and we do know basically what the B-1 will do.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding, after having checked a second time, that through the first half of 1983 the associate contractors were reporting below their budgeted costs by 2 to 7 percent. The B-1 program at this point is not only ahead of schedule—noting that General Electric just delivered their engines 6-months ahead of schedule—but the associate contractors through the first half of 1983 are 2- to 7-percent below costs.

So we are not only below cost, but we are ahead of schedule.

Mr. EDWARDS of Alabama. I thank the gentleman for his contribution.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from Alabama. I think he has very properly pointed out the problems that we face if we undercut the multiyear procurement of the B-1 bomber.

I would have much preferred that we had gone to the so-called advance technology bomber, but we made a policy decision. We are going to build the B-1. That is very clear.

I think it is imperative if we are going to build the B-1 that we build it in the most cost-effective way. For many of my colleagues, I would like to remind them that it was a reform in the Congress that led us to the concept of multiyear procurement, an effort to hold down defense spending.

The gentleman from Alabama has properly pointed out that if we undercut multiyear procurement, then we lose the opportunity to hold the administration's feet to the fire on the $20.5 billion figure.

□ 1510

Mr. EDWARDS of Alabama. And will the gentleman also agree that we lose our leverage over the contractors themselves if we take away this particular phase of the program?

Mr. DICKS. Absolutely. We have the contractor operating on this basis, and the subcontractors all understand it. If we take away multiyear procurement, I would bet that the cost of the system would go up rather dramatically.

So I would hope that we would stick with multiyear procurement. I think it works very effectively. It gives us this hardware at a better price for the taxpayer, and it is a way to hold down defense spending. So I hope my colleagues who sometimes are critical of defense spending will realize that staying with multiyear procurement is a way to hold the Pentagon's feet to the fire.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS).

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. MCCLOSKEY).

Mr. MCCLOSKEY. Mr. Chairman, I rise in support of the Addabbo amendment.

I might say that I am somewhat encouraged by the beginning discussion today of the amendment offered by the gentleman from New York (Mr. ADDABBO) in that in the first statement in opposition to the amendment already we have had the admission,

which was totally absent in the floor debate the last time, that the multiyear procurement criteria is not met right now in making such a decision for the B-1B. I think that is very, very significant. It is my understanding that this was a particular and special procedure to be allowed in special and certain circumstances for good fiscal and administrative practices. Multiyear procurement should not become a matter of course to lock in particular weapons systems at a time when various estimates say that we will be $300 billion to $750 billion down as to our actual and desirable defense needs over the next 5 years.

I would also stress that this is not a case of being per se for or against the B-1B.

As my colleagues on both sides of the B-1B bomber issue fully understand, denial of these funds does not deny one penny of the money requested for the procurement of the B-1B aircraft for this fiscal year. Rather, it demonstrates our purposefulness in seeing that the legislated criteria for multiyear procurement are fully and faithfully applied. Clearly, a number of the standards set for multiyear funding are clearly not yet met. I refer here to Public Law 97-86 as well as DOD's internal regulations further elaborating this criteria. Moreover, it is important to understand that only to the extent that a multiyear procurement candidate fully meets the criteria for MYP can we be confident that the benefits envisioned through such procurement procedure will be realized.

Mr. Chairman, any multiyear funding of the B-1B at this time is premature at best. It could result in cost increases to the program which will more than erase the $800 million savings claimed by the B-1B Special Program Office. In June, when I offered an amendment to strike MYP authority from the DOD authorization bill, opponents virtually ignored the fact that we do not yet have a B-1B production aircraft in hand. We can speak about the program being on time or ahead of schedule, but this avoids the central and fundamental issue: There is today no B-1B aircraft. MYP funding is usually requested after a number of production runs on an aircraft or other piece of military hardware have occurred.

Most importantly denial of MYP funding will preserve prudent flexibility in our defense planning. Such flexibility is even more important if we are to avoid defense funding shortfalls in the range of hundreds of billions of dollars by eliminating duplicative aircraft programs. Although plans now call for 100 B-1B aircraft, that requirement might change. Indeed, there is talk in the press of 200 B-1B's. I do not believe that we should lock ourselves into 100 or 200 B-1B's at any price. Yet that is what we will be doing if we proceed down the multiyear procurement road. If Stealth technology and an advanced technology bomber are ahead of schedule, we would have more funds available to buy into that program earlier. MYP on the B-1B means, however, those moneys which might otherwise be available would be fenced off. This should not happen. But it will if MYP funding is approved.

Mr. Chairman, the arguments in support of the Addabbo amendment are compelling. Both supporters and opponents of the B-1B can agree on this common point about inappropriateness of multiyear funding for the bomber at this time. I urge the House to approve the Addabbo amendment.

Mr. ADDABBO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I rise in favor of the Addabbo amendment to strike multiyear procurement (MYP) funding for the B-1B bomber program and urge my colleagues to join with us in support of its passage. As you know, on June 14, Congressman MCCLOSKEY and I introduced a similar amendment to the Department of Defense Authorization Act of 1984. Simply stated the purpose of our amendment then and the distinguished chairman's now, is not the cancellation of the B-1B bomber program. Indeed, even if multiyear procurement funding should be denied, moneys for the 10 B-1B aircraft requested for fiscal year 1984 would still remain available to the Department of the Air Force for B-1B production. Rather, the purpose of this amendment is to demonstrate congressional commitment to meaningful oversight of weapons procurement policy. Our mutual efforts are geared to insure that B-1B procurement will comply with previously legislated requirements (Public Law 97-86), as well as DOD's internal requirements for such funding.

Mr. Chairman, the manned bomber issue remains a very emotional issue for all of us but the fact remains that multiyear procurement candidates must satisfy all requirements governing MYP contracting as defined in both the law and in an internal Department of Defense policy memorandum on multiyear procurement that was prepared on May 1, 1981, by former Deputy Secretary of Defense Frank Carlucci. In this regard, both the law and the Carlucci memorandum are quite explicit with respect to the various criteria that must be satisfied before any multiyear procurement contract can be awarded.

Specifically, the Carlucci memorandum states that each of the following six criteria must be met before MYP contracting can be approved: One, multiyear procurement should yield substantial cost avoidance or other benefits when compared to conventional annual contracting methods; two, the minimum need for the production item or service is expected to remain unchanged or vary only slightly during the contemplated contract period; three, there should be a reasonable expectation that the program is likely to be funded at the required level throughout the contract period; four, the item should be technically mature, have completed research, development, testing, and evaluation (RDT&E)—including development testing or equivalent—with relatively few changes in item design anticipated and the underlying technology should be stable; five, there should be reasonable assurance that the cost estimates for both the contract costs and anticipated cost avoidance are realistic, and; six, there should be confidence that the potential contractor(s) can perform adequately, both in terms of Government-furnished items—material, data, and so forth—and their firm's capabilities.

As stated, these criteria were enacted into law on December 1, 1981. Here too, the law is quite exact. Any proposed multiyear candidate must meet each of the following five legislated conditions: One, multiyear procurement must benefit the Government through reduced contract costs and enhanced national security; two, the agency must have confidence in the estimated cost savings; three, the equipment to be purchased must be in stable design; four, the program must have stable funding, and; five, the requirement for the equipment must continue to be valid.

I shall address my remarks to what I believe to be the key reasons why the B-1B does simply not deserve to be considered as a multiyear candidate. In this regard, I have based my arguments on two of the five legislated criteria that the B-1B obviously does not satisfy: One, that the candidate design must be technically mature and have completed research, development, testing, and evaluation (RDT&E), and; two, that there should be a reasonable assurance that the cost estimates for the candidate are realistic.

In the first place, the B-1B does not represent what most analysts consider to be a technically mature design. The first production B-1B bomber will not roll off of the production line until October of 1984 and full flight testing of the B-1B is not scheduled to occur before December of 1984. In this regard, while proponents of multiyear funding have argued that the B-1B retains so much commonality with the B-1A that its design is technically mature, I remain unconvinced.

In studying the evidence presented before the House Appropriations Subcommittee on Defense, I have discovered that the B-1B production bomber

still requires significant design changes. Only 80 percent of the B-1B airframe remains common to that of the B-1A prototype design. The remaining 20 percent of this platform will require design changes ranging from partial modification to total redesign. Only 70 percent of the offensive avionics suites—those systems that will permit the B-1B to penetrate Soviet air defenses—are common to existing designs and, only 60 percent of the defensive avionics suites—those systems that will permit the B-1B to evade Soviet air defenses and return home—are common to existing designs. Further, I find it essential to note that the Air Force has budgeted aproximately $1.8 billion—or, more than 50 percent of the total of all B-1B RDT&E funding—for the continued development of these necessary design changes. Mr. Chairman, I would submit that these facts make it imminently clear that multiyear procurement funding for the B-1B at this time would be premature at best.

I also believe that B-1B program cost estimates remain overly optimistic and as such, are totally unrealistic for the purposes of this debate. While the Department of the Air Force has reported that MYP funding for the B-1B will result in a baseline cost of $20.5 billion at a savings of $800 million to the American taxpayer, other experts, however, remain skeptical. On two separate occasions, the General Accounting Office has questioned the validity of the B-1B as a multiyear candidate.

On September 13, 1982, the GAO reported to the House Appropriations Subcommittee on Defense that, "the projected multiyear cost savings of $800 million for the B-1B program were based on a methodology they considered to be very unreliable." This document was forwarded to Defense Secretary Weinberger on April 13, 1983, and included additional GAO reservations specifying their concern that the B-1B program cost estimate still omitted known program costs.

On June 9, 1983, Robert M. Gilroy, Senior Associate Director for National Security and International Affairs at GAO, appeared before the House Appropriations Subcommittee on Defense. In his statement, Mr. Gilroy specified that, "Tests and evaluation should also be complete and should have demonstrated that the item is operationally effective." Because we know that B-1B airframe, engine, offensive and defensive avionics tests are incomplete and because it has been over 5 years since the delivery of the last B-1A, Mr. Gilroy concluded that, "Overall," the GAO does, "not believe the Air Force had demonstrated that the B-1B program fully meets the criteria in Public Law 97-86."

I also find it important to note that the Defense Department's Cost Analysis Independent Group (CAIG) echoed these GAO concerns when they reported that the ultimate acquisition cost for the B-1B program would approach $26.8 billion for 100 B-1B aircraft. Although the Special Program Office (SPO) for the B-1B continues to adhere to their original cost estimate of $20.5 billion for the B-1B program, I believe this internal $6.3 billion discrepancy within the Department of Defense clearly underlines the fact that at this time, the B-1B program fails to satisfy the legislated criterion that there should be a reasonable assurance that the cost estimates for the program are realistic.

Mr. Chairman, in conclusion, I would like to state that I do not interpret Mr. ADDABBO's amendment to strike multiyear procurement funding from the B-1B program as an effort to prevent the needed remodernization of the air-breathing leg of our Nation's strategic triad. In fact, this amendment does not prevent the Air Force from procuring the 10 B-1B bombers they had requested for this year. Rather, I believe the purpose of the distinguished gentleman's amendment is to insure Air Force compliance with existent law, as well as to provide for better congressional oversight and decisionmaking with respect to U.S. bomber remodernization efforts and other weapons procurement programs and policies. For these reasons, I commend my colleagues to vote in favor of the Addabbo amendment.

Mr. Chairman, as a small business person myself, I have to tell the Members that normally one does not enter long-term contracts for items unless you know what you are buying. That is the whole argument that many of us have on this issue. The issue is whether or not we have a mature item that we are buying.

The argument has been made very clearly that we will save a lot of money. I submit that by not knowing what we are buying but giving the Defense Department an opportunity to change the price because we change the specifications as we go along, that is certainly not going to give us such an opportunity, and if we are kidding ourselves into thinking that this is a mature aircraft, I submit that we are simply fooling ourselves.

Mr. Chairman, I would like to address a few questions to the subcommittee chairman, if I might.

Mr. Chairman, as I understand it, the gentleman's amendment in no way prevents the Air Force from procuring the 10 B-1B aircraft they have requested for this fiscal year; is that correct?

Mr. ADDABBO. Mr. Chairman, if the gentleman will yield, let me say that he is entirely correct. My amendment would only delete the multiyear procurement funding. It would fully fund the 10 production aircraft requested in fiscal year 1984.

Mr. BEDELL. Mr. Chairman, as I further understand it, the purpose of this amendment is not to prevent the remodernization of the bomber leg of the strategic triad but, rather, to insure Air Force compliance with previously legislated criteria governing multiyear procurement contracting, as well as to enhance congressional oversight and decisionmaking in these areas; is that correct?

Mr. ADDABBO. The gentleman is absolutely correct.

Mr. BEDELL. In this regard, is it not true that the ultimate benefits of multiyear contracting are not likely to be achieved unless the multiyear candidate fulfills each of the critieria that are enunciated in Public Law 97-86?

Mr. ADDABBO. The gentleman again is correct. For example, the GAO, the General Accounting Office, in a recent report on the B-1B multiyear procurement pointedly stated that if the program is not stable and the criteria are not met, then the expected multiyear savings will not only erode but the program costs can indeed increase.

Mr. BEDELL. Is it not correct that one of the criteria established in the law specifies that the multiyear candidate should be technically mature and have completed research, development, testing, and evaluation?

Mr. ADDABBO. The gentleman is again correct, because this multiyear plan actually violates Public Law 97-86.

Mr. BEDELL. Has the B-1B completed research, development, testing, and evaluation?

Mr. ADDABBO. It has not. As I pointed out earlier, the first B-1B production model will not roll off the production lines until October 1984, which again is in fiscal year 1985, and it will not start flight testing until December 1984.

In this committee, where we have found good multiyear candidates such as the KC-10 and the F-16, we have approved multiyear candidates where they meet the criteria, but the B-1B does not meet that criterion.

Mr. BEDELL. Mr. Chairman, could the gentleman elaborate on some of the changes that will be required on the B-1B airframe, offensive and defensive avionics systems before the B-1B might be considered as technically mature?

Mr. ADDABBO. Mr. Chairman, again as I pointed out earlier in my comments, the airframe is only about 80 percent common to the B-1A, and there is about a 70-percent difference in the offensive avionics and about a 60-percent difference in the defensive avionics. There are many items that have to be defined, and most of these items are very important, in order for

the B-1B bomber to be able to penetrate and invade enemy air defenses.

Mr. BEDELL. Then does the gentleman agree that we have a technically immature weapons system here; is that correct?

Mr. ADDABBO. The gentleman is absolutely correct.

Mr. BEDELL. I also understand that a second criterion of the law specifies that there should be reasonable assurance that the cost estimates for the program candidate should be realistic; is that correct?

Mr. ADDABBO. The gentleman from Iowa has perfectly stated the existing law.

Mr. BEDELL. Does the gentleman believe the B-1B procurement cost estimates to be realistic?

Mr. ADDABBO. They have not been, because, again based on the Cost Analysis Improvement Group's conclusion, there appears to be over $6 billion in additional costs on the B-1B that are over and above the current Air Force estimates.

Mr. BEDELL. Mr. Chairman, I appreciate the gentleman's answers. I know that he can elaborate further, but at least in this gentleman's opinion, we should not try to fool ourselves by thinking that multiyear procurement on an item that is not yet technically mature so that we do not know what we are buying is going to save money.

I have had hearings in my subcommittee, and in my subcommittee it is very clear that when we come in with all these changes, it gives the supplier every opportunity in the world to increase the costs that they charge the Government.

□ 1520

That is the reason we have a ruling that things have to be mature before we enter such contracts.

Mr. WHITEHURST. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding me this time.

While I do not want to belabor this amendment or the points, I would like to reemphasize what my colleague, the gentleman from Alabama (Mr. EDWARDS), has said.

I know of no major program that has had as much scrutiny, as much scrubbing, as much study as has the B-1 program. It looks like it was born in trouble, and continues to stay in trouble, leading up to the initial production decision prior to its cancellation by President Carter and we went forward with the procurement of it, then it was killed and then it was revived.

We had this argument and debate on the floor, amplified many times over when we came to the initial decision of, Do we want to refund and rebuild it? It is a question of do we go with the ATB, the advanced technology bomber, or do we go this route; do we beef up the B-52 so it can carry the air-launch, cruise missile; is that the best way to go, and to have the standoff capability so that you do not have to penetrate? All of this has been studied ad infinitum.

So we have made a go, no-go decision. We have said, yes, this is the way we have decided to go, based on all the evidence that was adduced and presented here on the floor and in committee.

And what were the elements that went into this decision? Well, we were going to build a fixed number, 100. It was going to have a fixed cost, $20.5 billion.

Well, how do we know that? Everything grows. We always say that everything escalates and we have never had a program come in at what it was supposed to cost.

The President of the United States and the Department of Defense certified to the Congress that this will be the cost, in current year dollars when it was presented, $20.5 billion.

In talking to Mr. Hello, the chief executive officer of Rockwell that is building this thing, talking to the subcontractors, talking to everybody that has got an interest in it, I have been told and I do not think there is any dispute here that they have never had a weapons system or a procurement program that has been more closely scrutinized and where the costs have been so tightly controlled as this particular program, because they made a guarantee. If there is an add-on, then they have to find a place to take something else off, because the program is not growing.

I feel I have some credibility at stake here because I represented that this is what it is going to cost based on what the President has certified and what the contractor has certified. That is the figure, exclusive of inflation, which nobody can control.

I will say, this administration has done a pretty good job. Inflation now is under 4 percent, whereas at the time that we signed off this program, when this administration came in, inflation was about 15 percent. In aircraft and in airframes and engines, it was running over 20 percent.

So I think we are doing pretty good.

Now, what are we going to do? If there is one way to kill this program, it is to violate that trust and see to it that we cannot meet the agreements and the guarantees and the certification to the Congress. How are we going to do that?

Well, it was understood and agreed that one of the cost savings would be in multiyear procurement, that you could go forward. If you know you are going to need 1,000 widgets, you are going to need 100 per year, then you go forward for 10 years and contract for them at a level price. That lends stability to the program and reduces costs and that is what we are talking about.

So we have a fixed price that is guaranteed. If you want to kill the program, if you want to let the contractor out from under his guarantee to the Congress, then just abrogate what we have agreed to and then he can renegotiate his contract. It is fixed now.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, I thank the chairman for yielding me this time.

This marks a watershed of sorts, because I suspect this is the first time we have had an appropriation bill where the chairman of the subcommittee has not offered an amendment to delete money for the B-1 bomber. I think it might be just worth a minute of our time to reflect on the need for this airplane. Not long ago the vaunted Soviet air defense took 2 hours to find a 747 flying at a sitting-duck altitude of 30,000 feet.

I was one who used to say that, give the Soviets enough time, they will have an air defense net with ground stations and AWACS, that they will be able to pick these low level penetrators up.

I want to tell the supporters of the B-1 bomber that I was wrong. The Soviet Union may never have an air defense net that will be able to do that, because it is quite clear from the failure of the Korean airliner, and from 1978 when they could not track another Korean jet for about an hour and a half over Soviet territory, that just about anything will penetrate Soviet air space. When I say just about anything, I mean that if a 747, or a Piper Cub, much less a B-52, was equipped with the ALQ-161, the electronic countermeasures made for the B-1, it could have flown to Red Square before the Soviets would have known it was even in the air.

Now, I happen to think that the B-1 bomber is still a waste of money; but more importantly than that, the people who have suggested that the B-52, and the stretch version of the FB-111, if that is what we want to have as an interim bomber between the time when the ATB is ready and during the time when the B-52 is less penetrative, that that would be a far better way to go; so this airplane clearly is not needed. It never was needed; but more importantly, we do not even choose to take the time to examine the critical defense needs of this country, versus the Soviet's capability against us. It seems to me a great tragedy and I hope that eventually we do not build as many of these airplanes as we have appropriated here.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I have just listened with interest to the comments of my colleague, the gentleman from New York. I would like to say that he made some of the very same comments that I have made in the past and intended to make today, and that is, that basically the B-1B is going to be a very effective penetrating manned bomber and it will be for years to come and that is why there should not be any further argument about the need or lack of need for the B-1B; but I listened even more intently to the colloquy between my distinguished chairman, the gentleman from New York (Mr. DOWNEY) and the gentleman from Iowa (Mr. BEDELL), talking about what the B-1B really was. I would like to turn the figures around a little bit.

The fact is that 80 percent of the B-1B is common with the B-1A and there have been over 1,900 flight hours on the B-1A, which indicates that we are going along very well in the development of this aircraft. The other 20 percent is not in the development of new technology. We are basically dealing with existing technology, off the shelf offensive avionics, and defensive avionics.

The need here is the time and the money to integrate the systems into the B-1B. That is where the money is going.

Fortunately, with the B-1B we find ourselves with a program that is ahead of schedule and that is below cost. If everything goes according to schedule, the B-1B will continue to be ahead of schedule and it will continue to be either at or below cost.

□ 1530

Now, the question of multiyear contracting then becomes the other way to attack the B-1 aircraft.

Multiyear procurement has been proved as a cost-effective tool. We are all looking for ways to get more for the defense dollar, and one way is to go into multiyear contracting where it is feasible. The Air Force has shown effective multiyear contracting programs saving dollars in fighter airplanes, tanker airplanes, and satellite systems. The Navy in torpedoes and items of this type have proved the effectiveness of multiyear contracting and the Army has also proved that multiyear contracting is a cost-effective way to go in many, many instances.

One more point on the question of multiyear contracting, those of us on the floor today and most of our colleagues have either listened to or read the testimony of General Slay. On the question of America's industrial base. In his testimony he dramatically questions our ability to surge, should a hostile situation develop when we had to surge, and he pointed out example after example of how our industrial base is just not as strong as most of us thought it was or should be or wanted it to be.

Because of the stability that we will give to contractors and subcontractors and suppliers of materials through multiyear contracting, we are going to help develop an industrial base to a larger degree than it is today, to give us the ability to surge, should that ever become necessary, to a larger extent than we can today. To try to attack the B-1B through the question of multiyear contracting just really is not the up-front way to do it. If we want to attack the B-1B, let us do it and have the fight again over whether we need the airplane or not, but let us not take a proven cost-effective method of doing business and use it to attack the B-1B and to attack the validity of multiyear contracting.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Would the gentleman agree when we come to spending the taxpayers' moneys on military equipment or any kind of equipment, we ought to follow the law, we ought to follow the regulations?

Mr. YOUNG of Florida. Of course, the gentleman would agree to that. I am probably the most law-abiding citizen the gentleman from Oregon knows.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. I thank the gentleman for yielding me this time.

Mr. Chairman, if I could speak very briefly to the issue of Public Law 97-86 which affects multiyear contract awards.

It has to be noted that the Secretary of Defense Weinberger and the Secretary of the Air Force, Verne Orr, in fact have complied with Public Law 97-86. There are about five different provisions that must be adhered to in order to comply with that law, including the multiyear procurement which will save the Government money, estimated at $1.2 billion. The Air Force is confident in their cost estimates and they again have certified them. The B-1 design is stable, and it is because 80 percent of it is taken from the B-1A program.

The GAO study was done in September 1981. It was a CAIG study that made worst case assumptions, said there was not a stable design, and ignored the progress made on the B-1A program.

The GAO report done in 1981 really bears very little relation to reality and in fact the program is not only under cost, but it is additionally ahead of schedule. I would like to associate myself with the comments of Mr. YOUNG of Florida from the standpoint that 80 percent of the airframe is common to the B-1A.

As we go down the line, we find out that point by point we can refute the arguments.

One of the arguments is that RDT&E money is in the program. RDT&E money is in the B-52 program with the last one being built in 1962. Extended RDT&E money is common.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. I thank the gentleman for yielding me the time.

Mr. Chairman, I am very disturbed by the fact that in the B-1B, we have a program that can qualify for multiyear and we are not going to use it, according to this amendment.

I am, however, particularly disturbed by the prospect of the cost increase if we do not continue with the multiyear as planned. The industrial base panel that met several years ago addressed this issue. It recommended that multiyear be used as a cost savings means whenever possible.

It was also felt to be a very important factor in keeping our industrial base available.

This Congress has continued to stress that the best cost available should be done with multiyear.

There is a firm requirement for at least 100 B-1's. Sufficient funds have been set aside within the 5-year defense plan for this program. The program has been strongly supported by the Department of Defense and by Congress during the past 2 years.

The probability of cancellation is very low.

The President, the Secretary of Defense, the Secretary of the Air Force have all certified that the program can be completed with the amount budgeted if, and only if, the program is funded as requested.

In other words, the Congress will have this responsibility for additional program costs if this amendment passes and survives in Congress.

We have moved forward with this program. There is no longer any question on whether we need the B-1B. That is not being debated any more. There is no question that the most cost-effective means is by multiyear. There is no question in my mind that we need multiyear on this program.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. CHAPPELL).

Mr. CHAPPELL. I thank the gentleman for yielding me this time.

Mr. Chairman, if we want to save over $800 million on this program, we

will certainly vote down this amendment.

Let me speak, if I might, to the question of maturity. That seems to be the point upon which most of us find ourselves in disagreement. I know of no program which has been tested like this particular program has been tested.

Let me review with you some of the statistics which are extremely important and on point.

First of all, the B-1B configuration does enjoy a high degree of commonality with the B-1A, but that does not tell us necessarily the state of program maturity. The question of commonality goes only to prove how far along we are toward maturity, and the B-1B airframe is 80 percent common with the B-1A aircraft. Technology has carried maturity far beyond that point, and we are approaching the point of 100 percent maturity in the airframe on this aircraft.

The B-1B engine is 95 percent common with the F-101. GE 100 core engine which was used in the development of this aircraft, and technology has been improved beyond that point, so maturity is beyond the point of 95 percent. The offensive avionics are largely composites of systems already in place and tested.

The improved F-16 multimode radar initial inertial navigation system, more than 30 percent common and matured far beyond that point.

I could go right through each of the matters that we talk about in maturity, but I wish someone would tell us, if he or she can, a program that the Congress has ever approved which has the maturity which this one does with 12 years of development, and 6 years of flight testing.

Let me run some of those statistics for you if you are worried about whether we have maturity in this program. We have over 2,000 hours of aircraft flight tests, 6,200 hours-plus in engine flight tests, over 2,300 hours in engine ground tests, over 5,000 hours in flight control simulator testing, over 2,000 cycles of the landing gear, over 25,000 hours in wind tunnel testing, and design development tests of 682 specimens that go into the integration of the systems.

The extensive structural testing has been tested to three full lifetimes of this aricraft.

I know of no program considered by this House that has greater maturity than this program has. Lets save over $800 million by retaining multiyear procurement of this weapons system. I urge a no vote against this amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from New York.

Mr. STRATTON. It is my understanding that the amendment of the gentleman from New York (Mr. ADDABBO) would knock out the money for multiyear funding, If he does that, that would increase the cost of the B-1B aircraft program beyond the $20 billion that has been allocated. But it is my understanding, under existing law, that if the price goes over $20 billion, then we wipe out the whole B-1B program, so the Addabbo amendment would actually devastate the entire B-1 program. Is that not correct?

Mr. CHAPPELL. I think that is absolutely correct, and I urge the defeat of the amendment.

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. AUCOIN).

□ 1540

Mr. AUCOIN. Mr. Chairman, I rise in opposition to multiyear procurement for the B-1B bomber.

Members have stood on the floor and suggested that we must be concerned exclusively with the question of cost effectiveness. I agree cost effectiveness is an incredibly important goal. I wish we would see more of that zeal applied by the Members who have spoken to other aspects of the Defense appropriations bill. The taxpayers would be better off.

I want to suggest there is a second consideration we ought to pay heed to and that is the quality of the product. It makes no great gain to the U.S. defense if even at some substantial savings we end up buying en bloc 100 aircraft that have serious technical problems. We would be buying a pig in a poke.

So the argument that there is cost savings in going to multiyear procurement misses one whole half of the question, which is quality of product.

What the Addabbo amendment is saying is: "Let us buy these planes on a year-by-year basis." The administration's request for this year for the B-1B is being fully funded. We simply do not want to be locked into 100 of these things until we find out that all of the technical risks are removed.

Are there risks of technical problems? You bet your life there are. The truth of the matter is that all of the "flight hours" that opponents of the amendment have been referred to are not on the part of the B-1B. Instead that is the B-1A aircraft.

The B-1B has not been built. It has not been flown. It ought not to be purchased in large volume until we can be sure that we have a stable design.

The law says we ought to have a stable design. The regulations say we ought to have a stable design.

Members have talked about percentages of airframe that are common between the B-1A and B-1B and percentages of offensive avionics and defensive avionics and there are significant percentage differences.

But even more important is the fact that Public Law 97-86 requires in a multiyear procurement case a stable design so that technical risks are not excessive. And the Secretary of Defense said, in expanding this criterion, that that should mean that the RDT&E is complete.

In the case of the B-1B research is not completed by any stretch of the imagination. It is only 50 percent done. In fact, the major amount of RDT&E comes next year.

We have an unstable design. We are being asked to make a carte blanche purchase of 100 of these aircraft before we know whether these technical problems have been or can be removed.

This is not sound purchasing procurement from a quality standpoint and it is not sound purchasing from a fiscal standpoint.

Let us not be deceived. No one is standing here trying to zap the B-1 bomber. That debate is over.

I happen to be an advocate of multiyear procurement. But it is a question of using prudence as to where this method of procurement is used. It ought not to be used in this case.

The law says it ought not to be used in this case. The regulations say it ought not to be used in this case, and I hope the Members of the House, through their votes, say that it ought not to be used in this case.

Mr. ADDABBO. Mr. Chairman, again let me point out we are appropriating in this bill $5.6 billion for B-1B procurement.

My amendment simply strikes $438.7 million of that amount for multiyear procurement. The balance of over $5 billion remains in the bill for the production of 10 B-1B bombers in fiscal year 1984 on an annual basis.

What we are saying is the B-1B bomber is not ready for multiyear procurement, does not meet the legal criteria, and we have been given no proof of what the savings will be.

Fiscal year 1985 is the proper time to look at this multiyear procurement and, therefore, I ask for a "yes" vote on my amendment and I yield back the balance of my time.

● Mr. BROOKS. Mr. Chairman, I rise in support of the amendment offered by Chairman ADDABBO to strike multiyear procurement funding for the B-1B bomber program from the 1984 Defense approporations bill. With this amendment, the fiscal year 1984 moneys for the procurement of 10 B-1B aircraft would still be made available to the Air Force. However, no multiyear contract could be entered into by the Air Force until design stability is achieved and all research, development, testing, and evaluation is completed.

As you know, the Committee on Government Operations voiced its con-

cern about the use of multiyear procurements by DOD during consideration of the 1982 DOD authorization bill. At that time, the proponents of multiyear contracting claimed that over $15 billion could be saved over the next 5 years if DOD used it in acquiring major weapon systems. However, the committee found that these estimated savings could not be accurately documented. In fact, we found that if multiyear procurements were used to lock in a deficient weapons program, costs to the taxpayer could increase by $100 million or more. Further, multiyear contracting would significantly reduce the flexibility of DOD by making it more difficult to affect program and quantity changes because of being locked into a 5-year contract.

It is because of the high risks involved that Congress established specific criteria that weapons programs have a stable design and firm requirement before multiyear procurement is used. According to recent GAO testimony, all of DOD's current candidates for multiyear contracting have failed to meet these criteria, including the B-1B bomber. Consequently, I do not believe Congress should authorize any multiyear procurement for a weapons system until DOD can conclusively demonstrate that it has met the appropriate legislative requirements. This is particularly true in the case of the B-1B aircraft which is still undergoing design changes.

I urge all Members to support this amendment.●

● Mr. ERDREICH. Mr. Chairman, as a supporter of the B-1B aircraft, I rise in support of the amendment offered by the gentleman from New York to strike multiyear procurement for this important component of the strategic triad. I would like to stress that this amendment does not delete funding for the production of the 10 B-1B's scheduled for fiscal year 1984, but simply insures that the funding provided is spent wisely.

Perhaps one of the most critical points to maintaining public support for our efforts to rebuild our defense forces is controlling waste and mismanagement in the Department of Defense. In fact, recent critical reports concerning Pentagon spending practices underline the importance of acting to protect the taxpayer's investment in the national security of our country. This amendment before us today presents an opportunity for this body to take such needed action—action which I might add is strongly supported by our constituents.

While the adoption of this amendment is necessary to insure efficient use of tax dollars, it is also necessary if this body is to follow the very statutes which it has laid down. Specifically, Public Law 97-86 mandated, by law, certain requirements to be met by systems under consideration for multiyear procurement. Of the five major statutory criteria, the B-1B fails to fully meet two. These include maturity of design and stability of cost.

As to the design maturity of the B-1B, consider the following:

First, approximately 80 percent of the B-1B airframe is common to that of the B-1A prototype airframe;

Second, only 70 percent of the offensive avionics suites are common to existing designs;

Third, only 60 percent of the defensive avionics suites remain common to current designs;

Fourth, more than 50 percent of the total B-1B research, development, testing and evaluation (RDT&E) funds are to be expended in fiscal years 1984-87; and

Fifth, the major multiyear contract for the B-1B airframe will not be awarded until fiscal year 1985.

These facts lead me to doubt if multiyear procurement for the B-1B will achieve the projected savings. More still, I fear that the lack of design maturity will increase the overall cost and jeopardize production of the aircraft. This threat can be avoided, I believe, if we act to keep the program out of multiyear procurement at this time.

The second statutory criterion, stability of cost, is of major concern and presents the best argument for adoption of this cost-effective amendment. The Air Force, has projected that the production of 100 B-1B bombers will cost $20.5 billion. However, the Defense Department's own, independent cost analysis improvement group recently determined that 100 B-1B's would cost an additional $6 billion. Further, the Air Force cost estimate does not include several necessary items, such as training simulators and cruise missile-associated modifications, all of which are needed and will further add to the real cost of the 100 B-1B's. Thus, we will be very shortly faced with increased cost projections for this vital program. Increased costs which could be minimized if the program is not produced under a multiyear procurement contract. Increased costs which could be substantially greater than currently predicted if the program is allowed to remain under a contract for which it fails to meet the statutory criteria.

The General Accounting Office has stated that the B-1B program does not fully meet the criteria of Public Law 97-86. The GAO further states that, "If a multiyear contract was awarded and later changed significantly, the ultimate cost of the effort could well be higher than under annual contracting." Congress, I believe, is charged with the responsibility to insure that this does not happen. Adoption of the amendment presently before us will allow this body to carry out that responsibility.

Again, I want to stress that I rise in support of this amendment as a supporter of the B-1B bomber. Opponents of this amendment have charged that removal of the B-1B from multiyear procurement will allow opponents of the aircraft to cut its funding in later years. I say this is simply not the case. The amendment will simply allow this body to more closely monitor the taxpayer's dollars, as is our responsibility. It will also enable us to more closely monitor the B-1B, to insure that the aircraft fully suits security needs. I simply do not understand how this constitutes a threat to future funding for the B-1B. But I do fully realize that binding this body to multiyear procurement for an aircraft that is subject to additional design change is imprudent stewardship of hard-earned tax dollars.●

● Mr. WON PAT. Mr. Chairman, I join in support of the amendment being offered here today by Representatives MARJORIE HOLT and BILL NICHOLS, which will restore $110 million for two air defense systems and the Bradley-TOW missiles to the Defense appropriations bill.

This money is urgently needed to fund the purchase of the new Sergeant York air defense system and to permit production to begin for the improved Vulcan air defense system we need now to modernize our frontline air defense capabilities and those of the National Guard.

There is much more here at stake than dollars and cents. I have no doubt that the members of the Appropriations Committee did their best to bring us a bill which does the best it can with the money available. I only ask that we reconsider any proposal to delay the production of these two systems and the new Bradley TOW missiles out of a concern that any delay could prove to be harmful to the overall defense capabilities of this country.

I am particularly concerned about the delays in the Vulcan air defense production which I supported as a member of the House Armed Services Committee. This system is due to be turned over to our National Guard units to give them real capabilities in actual combat.

The bottom line now is that National Guard units do not have modern equipment and this would certainly hamper their effectiveness in wartime. Recently, I heard from the Guam National Guard units who expressed their support for these weapons. When I view the air defense capabilities of U.S. Forces in Guam, I cannot help but notice that there is a total lack of any means of combating attacking planes there. This, despite the presence of major U.S. facilities on Guam including a B-52 base.

I am reminded of the time when the Japanese invaded Guam in World War II and found that U.S. Forces were armed with no modern weapons. Over 40 years later, history seems to be repeating itself. I do not believe that Americans want their cities to go undefended and the Holt-Nichols amendment will begin the important process of providing our Forces with the air defense systems we need. Thank you.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ADDABBO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 247, not voting 11, as follows:

[Roll No. 438]

AYES—175

Ackerman	Gejdenson	Paul
Addabbo	Gephardt	Pease
Akaka	Gibbons	Penny
Albosta	Gonzalez	Pepper
Andrews (NC)	Gray	Petri
Annunzio	Green	Pritchard
Aspin	Guarini	Pursell
AuCoin	Hall (IN)	Rahall
Barnes	Hamilton	Rangel
Bedell	Harkin	Ratchford
Beilenson	Harrison	Ridge
Berman	Hayes	Rodino
Biaggi	Hertel	Roe
Boland	Horton	Rostenkowski
Bonior	Howard	Roybal
Bonker	Hughes	Russo
Borski	Jacobs	Sabo
Bosco	Jeffords	Savage
Boxer	Kaptur	Scheuer
Britt	Kastenmeier	Schneider
Brooks	Kennelly	Schroeder
Brown (CO)	Kildee	Schumer
Burton (CA)	Kogovsek	Seiberling
Carper	Kolter	Shannon
Clay	Kostmayer	Sharp
Clinger	LaFalce	Sikorski
Collins	Lantos	Simon
Conte	Leach	Smith (FL)
Conyers	Lehman (FL)	Smith (IA)
Coughlin	Leland	Solarz
Coyne	Levin	Spratt
Crockett	Levitas	St Germain
D'Amours	Lipinski	Staggers
Dellums	Long (MD)	Stark
Dingell	Lowry (WA)	Stokes
Dixon	Lundine	Studds
Donnelly	MacKay	Swift
Dorgan	Markey	Tallon
Downey	Martinez	Tauke
Durbin	Mavroules	Thomas (GA)
Dwyer	Mazzoli	Torres
Dymally	McCloskey	Torricelli
Early	McHugh	Towns
Edgar	McKinney	Traxler
Edwards (CA)	McNulty	Valentine
Erdreich	Mikulski	Vento
Evans (IL)	Miller (CA)	Walgren
Fascell	Mineta	Waxman
Fazio	Minish	Weaver
Ferraro	Moakley	Weiss
Florio	Moody	Wheat
Foglietta	Morrison (CT)	Williams (MT)
Ford (MI)	Mrazek	Wirth
Ford (TN)	Nowak	Wise
Forsythe	Oberstar	Wolpe
Fowler	Obey	Wyden
Frank	Ottinger	Yates
Frenzel	Owens	
Garcia	Panetta	

NOES—247

Alexander	Hall (OH)	Oakar
Anderson	Hall, Ralph	Olin
Andrews (TX)	Hall, Sam	Ortiz
Anthony	Hammerschmidt	Oxley
Applegate	Hance	Packard
Archer	Hansen (ID)	Parris
Badham	Hansen (UT)	Pashayan
Bartlett	Hartnett	Patman
Bateman	Hatcher	Patterson
Bennett	Hawkins	Perkins
Bereuter	Hefner	Pickle
Bethune	Heftel	Porter
Bevill	Hightower	Price
Bilirakis	Hiler	Quillen
Bliley	Hillis	Ray
Boehlert	Holt	Regula
Boggs	Hopkins	Reid
Boner	Hoyer	Richardson
Boucher	Hubbard	Rinaldo
Breaux	Huckaby	Ritter
Broomfield	Hunter	Roberts
Broyhill	Hutto	Robinson
Bryant	Hyde	Roemer
Burton (IN)	Ireland	Rogers
Byron	Jenkins	Rose
Campbell	Johnson	Roth
Carney	Jones (NC)	Roukema
Carr	Jones (OK)	Rowland
Chandler	Jones (TN)	Rudd
Chappell	Kasich	Schaefer
Chappie	Kazen	Schulze
Cheney	Kemp	Sensenbrenner
Clarke	Kindness	Shaw
Coats	Kramer	Shelby
Coelho	Lagomarsino	Shumway
Coleman (MO)	Latta	Shuster
Coleman (TX)	Leath	Siljander
Conable	Lent	Sisisky
Cooper	Levine	Skeen
Courter	Lewis (CA)	Skelton
Craig	Lewis (FL)	Slattery
Crane, Daniel	Livingston	Smith (NE)
Crane, Philip	Lloyd	Smith (NJ)
Daniel	Loeffler	Smith, Denny
Dannemeyer	Long (LA)	Smith, Robert
Daschle	Lott	Snowe
Daub	Lowery (CA)	Snyder
Davis	Lujan	Solomon
de la Garza	Luken	Spence
Derrick	Lungren	Stangeland
DeWine	Mack	Stenholm
Dickinson	Madigan	Stratton
Dicks	Marlenee	Stump
Dowdy	Marriott	Sundquist
Dreier	Martin (IL)	Synar
Duncan	Martin (NY)	Tauzin
Dyson	Matsui	Taylor
Eckart	McCain	Thomas (CA)
Edwards (AL)	McCandless	Vandergriff
Edwards (OK)	McCollum	Volkmer
Emerson	McCurdy	Vucanovich
English	McDade	Walker
Erlenborn	McEwen	Watkins
Feighan	McGrath	Weber
Fiedler	McKernan	Whitehurst
Fields	Mica	Whitley
Fish	Michel	Whittaker
Flippo	Miller (OH)	Whitten
Foley	Molinari	Williams (OH)
Franklin	Mollohan	Wilson
Frost	Montgomery	Winn
Fuqua	Moore	Wolf
Gaydos	Moorhead	Wortley
Gekas	Morrison (WA)	Wright
Gilman	Murphy	Wylie
Gingrich	Murtha	Yatron
Glickman	Myers	Young (AK)
Goodling	Natcher	Young (FL)
Gore	Neal	Young (MO)
Gradison	Nelson	Zablocki
Gramm	Nichols	Zschau
Gregg	Nielson	
Gunderson	O'Brien	

NOT VOTING—11

Barnard	Evans (IA)	Sawyer
Bates	Lehman (CA)	Udall
Brown (CA)	Martin (NC)	Vander Jagt
Corcoran	Mitchell	

□ 1600

The clerk announced the following pairs:

On this vote:

Mr. Lehman of California for, with Mr. Evans of Iowa against.

Mr. Mitchell for, with Mr. Brown of California against.

Mr. BIAGGI and Mr. GONZALEZ changed their votes from "no" to "aye."

Mr. ANDREWS of Texas changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee to correct some information included in the committee report.

On page 50 of the report, under the heading of "Year End O&M Spending," the following statement appears. "For example, one Navy activity ordered 4,800 dozen softballs on September 30 last year * * *."

I have been advised by the Chief of Naval Operations that in fact the Navy only purchased 4,800 softballs, not 4,800 dozen to provide for over 200 softball teams for all activities in the Norfolk area. He also notes that the Special Services Department obtained a 55 percent discount for procuring softballs in these quantities. While the problem of excessive year end spending certainly exists, and the $4.2 billion reported spent on September 30 of this year appears particularly excessive, I believe it is important to be certain that the instances we cite are accurate.

For this reason, Mr. Chairman, I include a detailed explanation of this matter provided me by Admiral Watkins.

The letter referred to follows:

CHIEF OF NAVAL OPERATIONS,
October 28, 1983.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: Because we in the Navy are every bit as dedicated to the elimination of fraud, waste and abuse in the handling of our appropriations as you are, I was especially dismayed to read Tuesday's Washington Post article quoting your views on an alleged improper purchase of softballs by the Navy at the end of this last fiscal year. While it makes a good story, those who provided you this information played very loosely with the facts.

The facts of this allegation as reported to me are as follows:

The reference to 4,800 dozen softballs apparently stems from an article on wasteful DOD year-end spending published by Jack Anderson sometime in March, 1983. In this article, references to the number of softballs purchased—4,800 were transposed with the units by which they were purchased—dozen lots.

The softballs were purchased on 30 September 1982 by the Special Services Department, Naval Base, Norfolk, Virginia at a

total cost of $9,936. O&M,N funds were used for the purchase—an appropriate use of O&M,N funds as defined by governing regulations. A total of 4,800 (not 4,800 dozen) softballs were purchased.

The Special Services Department at Naval Base, Norfolk, sponsors over 200 softball teams for all activities in the Norfolk area. These teams play in leagues sanctioned by the American Softball Association (ASA), whose rules specify that new softballs must be used in each game in league play. Consequently, the Special Services Department has an annual requirement for at least 4,200 new softballs. In addition, for the 1983 season, ASA rules specified a new standard for balls used in league play. This standard was not met by softballs in the Special Services Department's existing stock.

The Special Service Department obtains a 55 percent discount for procuring softballs in these quantities. The purchase in question saved approximately $13,000 from what it would have cost to buy at standard prices.

I understand that the House Appropriations Committee has now recommended a reduction to the Navy Operations and Maintenance appropriation for FY-1984 because of wasteful year-end spending, citing the alleged softball purchase as an example of the problem. With regard to the several press articles which cited 4.2 billion of year-end spending by the Department of Defense, we have looked at each of the Navy contracts cited (about 20 percent of the total dollar amount). We have found that there is no support for any allegations of a last minute effort by the Department of the Navy to obligate expiring funds. Those fiscal year 1983 funds which were obligated in the final week of the fiscal year were for programs authorized by the Congress using duly appropriated funds. While I understand the committee's concern, it seems that a proper and legal purchase of recreational equipment by a Navy activity one year ago, which saved the government money, has now resulted in a $23.6 million decrement to our future readiness funding, based on gross inaccuracies and press sensationalism.

We recognize our responsiblities for the proper use of appropriated funds and look forward to continuing to work with the Congress in improving our stewardship of public funds. I hope you will feel free to call me anytime you have a question on Navy performance; I will ensure a factual response.

I appreciate your continued support of a strong defense.

Sincerely yours,

JAMES D. WATKINS,
Admiral, U.S. Navy.

Mr. Chairman, I would just like to point out that the document that our very professional committee staff relied on does, in fact, say 4,800 dozen. There was a mistake made however. The Navy had included the term "dozen" on the voucher, apparently in reference to the lots in which the softballs would be purchased.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, I agree with the gentleman that it is appropriate to provide this correction for the statement that appears in the committee report, and also agree with him that excessive year end spending is a problem serious enough that the facts support the concern expressed by the committee.

Mr. DICKS. I thank the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I would like to say to the gentleman that I have followed this very closely from the moment that he first raised the issue.

And I just wanted to say to the gentleman, when the Navy plays softball on ships they do lose a lot of balls over the side.

Mr. DICKS. I appreciate the gentleman's comment.

Mr. ALEXANDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from New York (Mr. ADDABBO).

Mr. Chairman, in recent years both our Committee on Armed Services and our Committee on Appropriations have been dealing with the subject of competition in reengining the KC-135 aircraft fleet.

Am I correct in understanding that the recommendations that have been made by the Department of the Air Force and the action that has been taken on the bill before us today, H.R. 4185, Defense appropriations for fiscal 1984, will in no way adversely affect the proceedings the Air Force now has underway to evaluate and qualify in an open and fully competitive procedure, an additional aircraft modification facility, in connection with the program of installing CFM-56 engines in the KC-135 aircraft?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

The gentleman is absolutely correct. The committee took no action in that regard.

Mr. ALEXANDER. I thank the gentleman.

AMENDMENT OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE: Page 29, line 1, strike out "$21,040,610,000" and insert in lieu thereof $21,082,410,000".

Mr. PRICE. Mr. Chairman, my amendment is a simple one. It would add $30 million to the Civil Reserve Air Fleet (CRAF) line for a total of $100 million, the amount authorized.

Mr. Chairman, over the past few years the Armed Services Committee and the Appropriations Committee have strongly supported the CRAF program. We have viewed this program as an exceptionally cost effective way to increase the airlift capability so urgently needed by our combat forces. In essence, this program involves modifying civil aircraft to carry heavy and bulky military cargo in times of national emergency. CRAF-modified aircraft would come under military control during a crisis.

The airlines would be reimbursed for the down time of the aircraft during the modification and the additional operating costs associated with the heavier weight. The cost of the modification would be borne by the Government. All these costs would be covered in the funding line I am proposing to amend.

The road to an effective CRAF program has been long and difficult. Only recently has the Air Force been able to define a long-term program. Just last month it awarded a contract to Pan American World Airways to modify the first of 19 aircraft. Unfortunately, the CRAF funding contained in this bill is insufficient to fund the next contract option to modify aircraft two through five.

I appreciate the fact the Appropriations Defense Subcommittee, like the Armed Services Committee, had largely completed its work before the Air Force obtained a contract on these options.

The amendment I am proposing will provide an additional $30 million for a total of $100 million.

If sufficient funds are not forthcoming, the number of aircraft in the option will have to be renegotiated with the added risk of price increases.

I have added $11.8 million to my amendment to fund the Air Force buy of six C-12 aircraft.

This brings the total of the amendment to $41.8 million.

Earlier, an amendment passed to add a similar amount, $11.8 million, to the procurement account for the Army to provide that these aircraft will be purchased, rather than leased under the operation and maintenance account, as originally proposed by the Appropriations Committee. This amendment just makes the Air Force approach consistent.

I urge approval of my amendment.

□ 1610

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from New York.

Mr. STRATTON. It is my understanding that, as far as the C-12 aircraft contained in the chairman's amendment are concerned, the House has already voted to procure—not lease—C-12's for the Army Guard. The gentleman's amendment would simply do the same thing for six C-12's for the Air National Guard?

Mr. PRICE. The gentleman is correct.

Mr. STRATTON. I think that makes a great deal of sense, and I urge the adoption of the Price amendment.

Mr. ADDABBO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee has already appropriated $70 million for the conversions of two commercial aircraft for military use in times of emergency. The Air Force negotiated a contract in September 1983, using $37.1 million of fiscal year 1981 CRAF funds to convert one commercial aircraft.

The authorization committee, which my colleague, the gentleman from Illinois, chairs, recommended in its report that $47.7 million of CRAF funds appropriated in fiscal year 1982 be transferred to the fiscal year 1984 KC-135 modification program, and this bill provides language to support the authorization recommendation.

The committee supports the CRAF program but believes the Air Force does not because, of the $135 million appropriated for CRAF since fiscal year 1974, only one conversion has been completed. Also, the Air Force did not intend to fund the CRAF program, and provided no funds in the fiscal year 1985 POM submission. We support the CRAF program. We are properly funding it at $70 million. The committee the gentleman from Illinois chairs did not fund the requested amount. I would ask for rejection of this amendment.

Further, as far as the six C-12 issue is concerned, Mr. Chairman, we keep seeing throughout this debate the red flag raised that these aircraft are for the Air National Guard. My colleagues, the committee in this bill has appropriated an amount that is over and above the budget by $1.2 billion, all for the National Guard and Reserves. We have said that we support this program. Based on an Air Force study, it appears that it is cheaper for them to lease rather than to buy these aircraft, and we have included in the operation and maintenance title of this bill $1 million for leasing of the six aircraft. There is no reason to buy these aircraft unless you want to give the additional money to the Air Force.

We must be frugal in how we spend our dollars. If the Air Force tells us it is cheaper to lease rather than to buy these aircraft based on a study, we should heed their recommendation and not spend additional money to purchase C-12 aircraft for the Air National Guard. Let the Guard lease C-12's as the active Air Force is doing.

Therefore, I ask for the rejection of this amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I thought the chairman of the Armed Services Committee was going to offer an amendment for CRAF, and I as prepared to go along with the CRAF amendment. I thought we had done what was necessary, but if the gentleman felt strongly about that I was prepared to go along with him. But I feel very strongly that the gentleman should not have included the C-12's in the amendment. We have not cut out any C-12's. We were trying to find a way to save some money, and so we called for leasing the C-12's. We took this issue up last week in the Army section of the bill, along with a lot of other amendments that became known as the Montgomery amendment, and the House in its wisdom voted in favor of the Montgomery amendment. That amendment was advertised around the floor as being an amendment for the National Guard. Now, on this amendment we are told that if you really love the Air Guard, you have got to vote for the Price amendment.

Our committee's action is not for or against the Guard. It is trying to find a better way to spread out the taxpayer's money to provide for the defense of this country. We have concluded on our committee that you can lease these planes in a more economical fashion than you can buy them.

So I would urge that this amendment be rejected. Again, I am sorry that it has been offered in a way where it is combined with the CRAF amendment. I would have supported that.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very modest amendment offered by the distinguished and beloved chairman of the Armed Services Committee, (Mr. PRICE). All that it does—besides the CRAF program, of which the chairman is one of the long time supporters, and has now succeeded in convincing the Air Force that they ought to go along with CRAF—would be simply to add funds for the six C-12 aircraft which were authorized earlier by the authorizing committee and voted overwhelmingly by the House.

We authorized those C-12 aircraft not only for the Air National Guard but also for the Army National Guard. What has happened is that the Appropriations Committee has knocked out the six C-12's for the Air National Guard. It would seem to me that in deference to the request of the distinguished chairman we ought to do the same thing for the Air National Guard that we have already done for the Army Guard and buy these fine planes instead of leasing them.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, I am sure the gentleman did not mean to say that we have knocked out six C-12 aircraft. We simply devised what we believed to be a better method of funding those aircraft. Would the gentleman agree?

Mr. STRATTON. I think since the gentleman from Alabama, as well as this Member, are interested in defense, and we do have a lot of problems when we are trying to get these defense programs through, it seems to me that it is not particularly helpful to have the Appropriations Subcommittee on Defense and the House Armed Services Committee fighting it out on the House floor. We ought to be working together.

Mr. EDWARDS of Alabama. I would have thought that, too.

Mr. STRATTON. Six little aircraft are all that is involved. I urge the adoption of the Price amendment.

AMENDMENT OFFERED BY MR. DICKS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PRICE

Mr. DICKS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS as a substitute for the amendment offered by Mr. PRICE: Page 29, line 1, strike out "21,040,610,000" and insert in lieu thereof "21,070,610,000".

Mr. DICKS. Mr. Chairman, I offer this amendment as a possible compromise on this issue to separate the question of C-12's and the CRAF program.

My amendment would provide an additional $30 million for the Civil Reserve Air Fleet (CRAF) program. That was the understanding that our committee had of the amendment that was going to be offered. The question of the C-12's can be considered separately from this amendment.

The CRAF program, in my view, is a very important part of our airlift capability. For the first time we finally have a proposal, which has been offered by Pan American, to convert 19 747's for CRAF purposes. If we get into a major deployment situation, we are not going to have enough airlift within our Air Force to handle the requirements. That is why we need to add to our CRAF capability.

I hate to see two issues get mixed up here when we can divide the questions, deal with CRAF, which I think those of us on the Appropriations Committee are prepared to go along with, and then deal with the question of C-12's at a later point.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I just want to make sure that I understand the thrust of the gentleman's amendment.

There are two items contained in the amendment offered by my chairman,

the gentleman from Illinois (Mr. PRICE). One is to add money for the purchase of C-12 aircraft, which is an executive-type transport, small propeller-driven aircraft, and the other is $30 million for CRAF.

Mr. DICKS. The gentleman is correct.

Mr. DICKINSON. The gentleman would separate the two so that the only thing we would be voting on, then, would be the $30 million for CRAF, which we support.

Mr. DICKS. Right.

Mr. DICKINSON. And this would not preclude, then, another amendment that would include just the C-12's?

Mr. DICKS. I would suggest to the gentleman that he ought to pose that as a parliamentary inquiry.

Mr. DICKINSON. I think it might make some difference to those here, if the gentleman would yield further for a parliamentary inquiry.

Mr. DICKS. I yield to the gentleman from Alabama.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKINSON. It is my understanding that there are two elements involved in the amendment offered by the gentleman from Illinois (Mr. PRICE). The substitute would delete one of those items, the C-12 aircraft, leaving only CRAF.

My question to the Chair is: If the C-12 subject matter were taken out of the original amendment, could another amendment then be offered to add the C-12?

The CHAIRMAN. The Chair will advise the gentleman that once the Price amendment is adopted, the figure cannot be changed. However, other amendments are in order to add additional language to the proposition.

Mr. DICKINSON. The Chair is saying, then, that in the opinion of the Chair an amendment could be crafted dealing with the subject matter of the C-12 but the dollar figure could not be changed?

The CHAIRMAN. If it is an authorized appropriation, the gentleman is correct.

Mr. DICKINSON. Mr. Chairman, that was the point I wanted to make. I will support both, but I can certainly understand that there is a dichotomy here and I would certainly not want to see the CRAF program be deleted.

Mr. EDWARDS Of Alabama. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my distinguished colleague, the gentleman from Alabama, the ranking Republican member of our subcommittee.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding.

Mr. Chairman, we are delighted to accept the gentleman's substitute on this side and commend the gentleman for offering it.

Mr. DICKS. Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS) as a substitute for the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments? If not, the Clerk will read.

The Clerk read as follows:

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,787,112,000, to remain available for obligation until September 30, 1986.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the committee.

It is my understanding that a portion of the projected workload for ship repair of Norfolk, Va.-based navy vessels will be performed outside of Norfolk shipyards.

I would point out to my colleagues that there are shipyards within close geographical distance of Norfolk that are ready, willing, and able to immediately undertake this repair and overhaul workload. Specifically, the Port of Baltimore offers a couple ship repair yards that are under severe economic distress at this time but could gear up almost overnight to handle the work being generated in the Norfolk area Navy bases.

Mr. Chairman, I notice on page 84 of the committee report that the committee believes the Navy should review its homeport ship overhaul and repair policy.

My question, Mr. Chairman, is: Do you believe it is the intent of the committee that shipyards such as those in Baltimore be given consideration for ship repair and overhaul work on Norfolk-based Navy vessels?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct. The committee recognizes that there are several shipyards in Baltimore that are available for handling the needed repair and overhaul work on Norfolk-based Navy vessels, and therefore intends that the Navy competitively consider these yards as well as all other private yards on the east and gulf coasts for ship repair and overhaul work on Norfolk, Va.-based Navy vessels.

Mr. HOYER. I thank the gentleman for his comment.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: On page 30, line 19, strike "$7,787,112,000" and insert in lieu thereof, "$5,587,083,000"..

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 5:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I ask unanimous consent that the time be equally divided between myself and the gentleman from Alabama (Mr. EDWARDS).

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, my amendment strikes all funds, a total of $2,200,029,000, for MX procurement. Funds for development and testing of MX remain in the bill. This amendment only addresses fiscal year 1984 MX production.

Let me speak first to the military utility of MX.

If Minuteman silos are vulnerable, as we have been told, then putting MX in those silos does no good. In fact, it makes things worse because a 10-warhead MX is an even more attractive target than a 3-warhead Minuteman.

From another point of view, we must remember that the Soviets cannot simultaneously attack our existing land-based ICBM's and bombers, as the Scowcroft report points out. I would also urge Members to reflect on the fact that the "prompt hard target kill" capability said to be provided by MX is already provided by Minuteman and Trident C-4, and will be made even greater by Trident D-5.

Mr. Chairman, from the point of view of military utility, paying a mini-

mum of $22.1 billion to put an attractive target in a vulnerable silo makes no sense.

□ 1630

Mr. Chairman, we are often told that we must build MX to demonstrate our national resolve. I submit our national resolve is already demonstrated by B-1B, stealth bomber, ALCM, Trident C-4, and Trident D-5. In fact, we already have 9,000 strategic nuclear warheads. Going to 14,000, as the administration plans, is the opposite of working for arms reductions. The Soviets know how strong we are, and dropping MX deployment will show our own confidence in that strength.

I urge the House to remember that every past system which started out as a bargaining chip ended up being fully deployed. The President has advised certain House Members by letter that he will deploy a mix of MX and Midgetman missiles. This is no bargaining chip.

Mr. Chairman, the bill now before the House contains $2.03 billion for continued R&D of MX missile itself. Furthermore, the bill endorses other Scowcroft recommendations concerning improvement of strategic forces, including R&D on Midgetman, $354 million and the D-5 Trident II missile, $1.5 billion. I emphasize that the D-5 will have the same accuracy and hard-target killing capability as MX. The D-5 will be mobile and invulnerable in 24 million square miles of ocean. And D-5 will be on-line in 1989.

Mr. Chairman, my amendment addresses the concerns of all Members. Funding R&D on MX provides a bargaining chip, if we really think we need one. Funding R&D on Midgetman provides a way of addressing Minuteman vulnerability. My amendment addresses improvements that make sense while moving toward reduction of nuclear arms—such as the Trident II D-5 missile. It also avoids needless expenditure of at least $22.1 billion at a time of unprecedented budget deficits.

Those Members who believe we need MX as a bargaining chip can support continued development of the MX missile. Those Members who support Midgetman but not MX can support my amendment. Those Members who believe we should reduce nuclear arms through negotiations with the Soviets, but at the same time make improvements that make sense, can also support my amendment.

Mr. Chairman, I urge acceptance of my amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 5 minutes, and I rise in opposition to the amendment.

Mr. Chairman, the MX is ever with us. It is a tough issue to deal with, but I would suggest to the Members of the House that as a result of the debate and the negotiations, the numerous meetings with the National Security Council, with the President, and with the President's representatives, and with the resulting Scowcroft Commission report which was done at the request of the Congress through the President, this issue has been thoroughly debated, it has been thoroughly considered, and it has led in my view to a more responsible approach at the bargaining table.

I think we now come to the point where, as a result of all this, we are prepared to go forward with the initial procurement money for the MX missile. I understand that there are strong views on both sides, and I understand the great concern that Members have. However, I am convinced that as a result of this continuing debate, as a result of the work done by Members of this body in dealing with the administration, as a result of all this activity, we now should go forward. I believe that we would now be foolish if we allowed the START talks to flounder as a result of some lack of resolve in the House or in the Congress.

I want to personally commend the gentleman from Tennessee (Mr. GORE), the gentleman from Wisconsin (Mr. ASPIN), the gentleman from Washington (Mr. DICKS), and many others who have participated in what I believe to be the finest dialog between a Congress and an administration on a tough subject that I have witnessed in the 20 years I have been here. I think they have had a tremendous impact on our negotiating position, on our efforts at the START table, on our efforts vis-a-vis the Soviet union, and on our efforts in creating a responsible negotiating stance in Geneva.

So, Mr. Chairman, I think, as a result of all this work, we now owe it to ourselves and we owe it to our country to go forward. This is the crucial point in the whole MX debate. This is the point where we must, I think, decide whether we will backslide, whether we will flinch, or whether we will do the right thing and provide the funds for the MX.

Mr. Chairman, at the proper time I would like to yield to the gentleman from Tennessee (Mr. GORE) to discuss this matter further. However, at this point I will relinquish the floor and allow the subcommittee chairman to yield time to his next speaker.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, there are four compelling reasons to scrap this land-based MX once and for all. The first is cost, the second is vulnerability, the third is the clear fact that there are other options available, and the fourth and significant fact is the impact on arms control.

On the whole question of the colossal cost, we cannot afford a further step toward a commitment that will end up costing this country $27.4 billion. We cannot afford it at a time when the deficit for this year alone approaches the figure of $200 billion. We cannot afford this unnecessary spending at a time when people programs in each of the last 2 years have been cut dramatically, and I refer to the significant cuts in people programs like social security, like medicare, like student loans, and like housing. We cannot afford this costly turkey even at the time of Thanksgiving.

The second compelling reason for affirming this amendment and deleting the program is the whole question of vulnerability. We have now looked at 35 different basing modes, and the reality is that there is no such thing as a land-based mode that is invulnerable. The fact of the matter is that if we go ahead with the deployment of the land-based missile, it is an invitation for the Russians with their SS18's and SS19's to make the MX a highly vulnerable target and to invite a first strike by the Russians.

The third compelling reason for rejecting the land-based missile is the availability of other options that are less vulnerable and more defensible. We are at this time developing missiles that can be used from submarines and missiles that can be used from supersonic bombers, and in each case we do not have the flagrant vulnerability that we have with the land-based MX.

So because of the mobility and because of the defensibility of these other options, we should not proceed with the land-based MX.

Finally and significantly, we have the whole question of the impact on arms control. This will not be a bargaining chip. The history of bargaining chips is that once they are deployed, they are a weapon and they are there permanently. If we are concerned with the current climate of good will, if we are concerned with keeping the talks going, if we are concerned with our perception in the world, we ought to scuttle this land-based missile, and scuttle it once and for all.

So, Mr. Chairman, for the reasons of cost, vulnerability, other options, and the impact on arms control, we ought to vote yes on this amendment and ground this land-based MX, and ground it once and for all.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in our full Appropriations Committee we spoke of third generation missiles that we had versus a fifth generation in the interconti-

nental ballistic missiles that the Soviets had. My concern is with future generations of people, not future generations of missiles.

Let us not talk about weapons. Let us talk about the survival of the human race.

Last December I left Sloan-Kettering Memorial Hospital to come down to vote against the MX. I have recovered, and God willing, I will survive. But today 1 year later our own weapons are our own greatest danger. And the real concern is that if we continue to stockpile these nuclear weapons, the survival of human kind—those alive today, and all future generations that may never even exist because, a dreadful and ever increasing possibility. I urge my colleagues to vote for the Addabbo amendment and make the world more secure for our children and all the children yet to be born.

□ 1640

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Chairman, let me say to the gentleman from Alabama that I appreciate him yielding this time and I appreciate his kind words earlier and the opportunity to work with the gentleman and with others in fashioning this unprecedented agreement between the legislative and the executive branches of Government.

Some here today will vote against MX because they view it as absolutely bad; others will vote for it because they view it as indespensible. There is little to be said on either side that has not been said before, in the long struggle leading to this moment.

However, I have been associated with a small group of Members whose position on the MX was conditional; explicitly linked to our demands for changes in the adminstration's approach to nuclear weapons procurement and to strategic arms control. It is in the nature of our approach to this issue, that the vote which I am about to cast should be accompanied by an accounting and appraisal of what has occured.

Between April and September, the administration has made 15 changes. It has:

First, agreed to the Scowcroft Commission report, which contained a clear criticism of the President's approaches to new weapons and to arms control.

Second, accepted that it must pursue stability, defined as the avoidance of first strike capabilities, in both its weapons procurement and arms control policies.

Third, stated that it would exercise restraint in deployment plans for the MX, by stopping at levels that could not compromise a first-strike capability, even in the absence of an arms control agreement with the Soviets.

Fourth, publically stipulated that, in the context of an arms control agreement, the number of MX requested for national security could be revised downward.

Fifth, undertaken to alter the U.S. START proposal so as to bring it into line with the general recommendations of the Scowcroft report.

Sixth, acted on the recommendation that the United States develop a single-warhead ICBM, and lay stress in negotiations, on shifting away from MIRV'ed weapons toward single warhead systems, as a path to strategic stability.

Seventh, acquiesced to the Aspin amendment, which ties MX deployment in silos, to the pace of development of the small single warhead ICBM.

Eighth, acquiesced to my amendment, which cut funding for MX producing in fiscal year 1984 to levels consistent with 50, rather than 100 MX.

Ninth, dropped demands in START that ballistic missile launchers be limited to 850, indicating that a higher number—more consistent with stability, could be negotiated.

Tenth, agreed to drop the idea of two phases of negotiation in START, and to accept a single phase of talks in which all U.S. systems would be on the table at once.

Eleventh, deemphasized the throw-weight problem, and subordinated it to the objective of deep cuts in ballistic missile warhead totals, and to stability.

Twelfth, dropped rigid insistence on subceilings for Soviet heavy ICBM's, though retaining the view that substantial reductions in those weapons are indispensible.

Thirteenth, offered, in the build-down proposal, a proposition to the Soviets which links modernization and reductions.

Fourteenth, proposed to negotiate a trade-off between Soviet advantages in ballistic missiles and U.S. advantages in heavy bombers and bomber armament; explicitly, air-launched cruise missiles.

Fifteenth, named one of the most technically proficient members of the Scowcroft Commission as a delegate to the START talks, representing in his person and his attitudes, the interests of moderates in both parties.

These actions occured, during the spring and early summer, against the background of a series of moves clearly aimed at diminishing United States-Soviet tensions where possible. They continued even in the aftermath of the Korean airline disaster. They represent not only a change in focus for the negotiations, but—in the aggregate—evidence of serious intent; and they also provide commitments which the Congress can and should use in gaging administration requests for weapons in the coming authorization bill.

While I could have wished for more, and certainly wish these things had happened earlier, the fact is they have occured, and they create a context within which it is possible for me to vote in favor of funds for the production of the MX. It will be for future sessions of the Congress to test the alinement between our procurement plans and our concerns for stability, our concerns for stability and our approach to arms control. Such an alinement, though imperfect and imprecise, exists at this moment. If Soviet leaders are wise enough to respond to it, the seeds of an agreement, planted over the summer, could develop despite the chill in our current relations.

The President so far has lived up to his end of this unprecedented agreement. We must continue to live up to our end of the agreement. We are more likely to succeed with a bipartisan effort.

We must defeat this amendment.

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, several weeks ago the President of the United States said to a group of Members of Congress who support the MX missile that he was never aware that our proposal was construed by the Soviets to be so one-sided. An amazing admission by the President of the United States. One would assume that by October 1983 he would have had more than a little familiarity with arms.

The gentleman from Tennessee (Mr. GORE) has outlined, I think, effectively what the supporters of the MX missile who are strong advocates of arms control have been able to accomplish.

The irony of what they have been able to accomplish is the build-down proposal that has been circulated by the administration publicly, and presumably to the Soviets, is not stabilizing.

One, of course, has to wonder about an administration that is only moved to arms control when it lusts after a new weapon; but having understood that, one needs to now examine the notion of a build-down and whether it makes any sense, because it seems to me now if you take pencil in hand, you will find that in light of the build-down proposal, the MX missile makes even less sense. If you are seriously interested in the notion, and I assume that we all are, of reducing the warhead to silo ratio, if you biuld 100 MX missiles and then are required to reduce 2,000 land-based warheads, that would leave you more vulnerable with 100 land-based MX missiles today than we currently are with the force

as it is presently configured. That does not make any sense.

Nuclear weapons serve no purpose other than to deter the other side from using their nuclear weapons. The idea of limited nuclear war, flexible counterforce response with nuclear weapons, is about as irrational as any idea anyone has ever heard. If you accept that notion, you then have to accept as a corollary to that premise the idea that a survivable accurate second-strike force is all that you need to deter the Soviets from starting a nuclear war, or from using their nuclear weapons to pressure you on some other part of the planet during the period of a crisis. If you accept either of those two beliefs, and I would be delighted to hear to the contrary, you must reject the MX missile because it fits neither one of them. It is not survivable and as it is currently based, it could only be used in a first strike, something that we have foresworn as a policy in this Government.

The notion of a bargaining chip also is fraught with danger. Bargaining chip weapons become weapons. That has been the history of arms control.

We are saying to the Soviets, "We want you to behave better and if you don't, we will do something stupid. We will waste a lot of money on a missile that is not survivable."

That does not seem to me to be the way to move the Soviets.

Now, I suggest that those of you who are interested in stability and in arms control recognize that this administration has negotiated with you, but they have not negotiated with the Soviets. I also say that if you are interested in a survivable second-strike force which is not provocative, you can go ahead and build the Midgetman. But so long as MX is alive, you will never see Midgetman deployed. All you will see is MX and more MX.

The CHAIRMAN pro tempore. (Mr. DURBIN). The time of the gentleman from New York (Mr. DOWNEY) has expired.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, critics of the MX (Peacekeeper) missile worry a lot. They worry that the missile is not needed. The fact remains, however, that the land-based leg of our strategic nuclear triad is becoming increasingly aged. Our Minutemen III missiles are becoming less effective because of time-related attrition. Just as there is a consensus that our aged B-52's must be soon replaced by the B-1, and later, the Stealth, the need to modernize our land-based leg of the triad must also be realized.

Critics have also claimed the MX is a destabilizing weapon which the United States might use in a first-strike against the Soviets. This just plain is not the case. As our colleague from Illinois, Hon. JOHN PORTER, stated recently:

> If we were deploying MX in numbers that the Soviets are deploying SS-18's, the destabilizing argument would be credible. But we are not. The Soviets already have in place hundreds of SS-18's and are deploying three more of these 10-warhead missiles a month in super-hardened silos. . . . This is what is destabilizing. . . .

In fact, the number of MX's the bipartisan Scowcroft Commission has recommended is even less than the number the previous administration sought. Clearly, the United States is not seeking a first-strike capability by the gradual deployment of only 100 Peacekeeper missiles.

Opponents of the MX also worry that building the MX will lead to a new step in the arms race, whereby the Soviets will follow suit and build yet another ICBM or weapon of destruction. The record speaks for itself, here. The MX's counterpart in the Soviet inventory is the SS-18: a highly accurate 10-warhead ICBM which has been operational and deployed for several years now. Just as the Soviets said they would respond to the United States placing Pershing II ballistic missiles in Europe by moving new SS-21's into Eastern European countries, they have again actually foreshadowed U.S. deployments, or even plans for deployment. A high-ranking Soviet general recently admitted that SS-21's are already in Eastern Europe. To charge that the United States is responsible for another round in the arms race is to deny the fact that the Soviets are ahead of the United States in certain key areas which need to be redressed immediately.

The MX Peacekeeper missile is a necessary element in the much-needed modernization of the U.S. strategic triad. I urge my colleagues to defeat the amendment to delete production funds from this Defense Appropriations bill, and continue the bipartisan support for this program began by the Scowcroft Commission.

The MX is also essential to achieve a true arms control debate through the START proposal.

Mr. CHENEY. Mr. Chairman, I rise in opposition to the Addabbo amendment.

There are two prime points I would like to focus on this afternoon. I have the feeling, sitting here listening to the debate, that somehow we have not made any progress in all the years now that we have been considering the MX.

□ 1650

We have been through about 10 years of development, and 10 years of indecision. We find ourselves today faced with one more effort by the critics who appear to be unwilling to abide by prior decisions of this Congress and this administration, that we should in fact proceed with the MX.

I am persuaded, based upon the good faith effort that the President has made, that he is indeed very serious about arms control. I have been very impressed with the quality of the efforts of my colleague from Tennessee (Mr. GORE), and my colleague from Washington (Mr. DICKS), and others who have tried to put together a truly bipartisan package. The future works with respect to the MX and the efforts toward arms control in Geneva.

It has been a model of cooperation between the executive and legislative branch and the Republican and Democratic Parties.

I am disturbed by the fact that we do find ourselves here today still undecided, indecisive, unable or perhaps unwilling to get on with it. We have debated the issue endlessly. We find ourselves now in difficult circumstances in Wyoming. I obviously have special knowledge where the MX is concerned, because it has been selected for deployment in my congressional district in my State of Wyoming. The MX is not like your ordinary military facility or military installation. It is not a project that has been welcomed with open arms either in Wyoming or any place else in the country. We have agreed to take it, and that requires a certain amount of courage on the part of my constituents, because everybody else seems to be prepared to say they are for a strong defense, but they want the missile deployed in somebody else's backyard.

We have been willing to step forward to accept the package, despite the controversy generated at home, in spite of the impact that will occur in southeastern Wyoming as a result of this decision, but we would like a decision.

We would like to have the critics recognize, after we have made one more effort here today, that in fact a decision has been made, that we are committed to the program, that we do want to go forward with construction on the program, that we do want to go forward with adjusting and adapting to the impact that is going to occur in Wyoming as a result of this decision.

I would urge my colleagues to vote down the Addabbo amendment. If you believe in modernizing our strategic forces, you have to vote no on the Addabbo amendment. If you believe in serious arms control and if you believe that finally after 10 years it is time to make a decision, you have to vote no on the Addabbo amendment.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. McCLOSKEY).

Mr. McCLOSKEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I wish to join in support of the amendment to delete funding for the MX ICBM. After extensive study of this issue, it is my view that the MX ICBM is the wrong weapon for the wrong mission at the wrong time. Considering the fact that the initial justification for the MX ICBM was to provide a survivable and modernized leg for our strategic triad, the MX fails this test. The Scowcroft Commission was quite clear in its emphasis that the United States and the Soviet Union should move away from the destabilizing MIRV'd systems which are vulnerable to attack. Yet the mission of the MX based in silo locations well-known to the Soviets puts us on a course opposite of that recommended by the Scowcroft Commission. High level Pentagon officials and other former officials now outside the Government, but with extensive experience in ICBM design and development, will admit privately that the MX has little if any real military value. Finally, at a time when we could accommodate both the aims of arms control and redirect defense dollars toward systems that actually do improve our national defense, the wisest course would be to terminate the MX. This would not reflect the lack of will to make a decision. Indeed, termination of the program would be the right decision.

Many of my colleagues in the House and on the Armed Services Committee have expressed strong concern about the consequences of putting the MX into a very vulnerable basing mode.

We would prefer to accelerate development of the small, mobile single warhead ICBM as a long-range answer to modernizing our strategic triad. Some experts have told me that an initial version of an SSICBM could be operational from silos within 48 months. However, because of the determination to pursue deployment of a vulnerable MIRV'd ICBM, we will have to wait perhaps another decade before initial operating capability of an SSICBM. It is foolish to believe that Soviet ICBM accuracies—the capability which prompted work on the MX in a survivable basing mode in the first place—will get worse. Indeed, all the MX represents for the Soviet Union is a partial vindication of their decision to develop a highly accurate ICBM force. What we are doing is increasing the value of military targets in our country which they have already decided to hit. Supporters of the MX program who also subscribe to the view that the Soviets are capable of launching a disarming nuclear strike against U.S. missile fields should ponder this. Of the 750 Soviet ICBM's which are advertised to have accuracies and payloads capable to accomplish this theoretical threat, it would require only 20 to 30 of these missiles assuming MIRV'd payloads of at least 8 warheads each to totally wipe out the 100 MX planned for deployment by 1989. But wait, say supporters. The purpose of MX could be to lanuch on warning or to threaten Soviet missile silos in the same way we are now supposedly threatened. This argument fails as well since we will not deploy MX ICBM's in sufficient numbers to achieve two on one targetting of Soviet SS-18, SS-19, and other ICBM's in the Soviet arsenal.

Mr. Chairman, the MX ICBM is literally a weapons program going nowhere. And yet, we are about to commit ourselves to a $28 billion program without assurance that it will contribute one nickel's worth of added deterrence. Current land-based ICBM forces, together with our submarine missile forces and crusie missile-equipped bomber force, provide massive nuclear striking power. Going forward with MX will be a dangerous redundancy that we do not need and which is only soaking up funds from future systems which we may definitely require. I urge my colleagues to reject the funding of the MX ICBM and approve the amendment before us.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I thank the gentleman for yielding me this time.

Mr. Chairman, we all believe in a strong national defense, but the key to a strong national defense is the ability to make choices, to set priorities, and to invest in those things which really make us strong. We have debated this MX missile throughout this year and I think, if anything, the more that we debate it, the clearer it becomes, that it is a destabilizing weapon that does not advance our security and that costs a fortune.

In times of $200 billion budget deficits, we are going to have to have the strength to say no to the MX missile, in order to have the resources, both for our domestic economy and for a truly strong national defense.

The point of decision is upon us now. It is now that we have to make the choice. Once we move forward with deployment, we will find it very hard to turn back.

It is now the time to resolve that those of us who believe in a strong defense and also believe in a secure economy are ready to say no to this weapons system which will not advance either purpose.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Addabbo amendment. This is not like the issue we will be facing later, with the Pershing and cruise missile where the web of relationships with allies is involved.

This is essentially an American idea, one to be made in America. I heard earlier that—what was it—15 accommodations have been made by the administration in return for votes for the MX.

Those same accommodations can prevail if we vote money only for R&D, as proposed in the Addabbo amendment. We do not need to vote money for procurement. The argument for MX gets down to creation of a bargaining chip. MX is a bargaining chip that potentially involves lives, not only weapons.

It is a bargaining chip, if one looks at the history of arms control and arms buildup, that threaten to hurt the gambler. I strongly urge that we not just take the vote on the amendment for granted but that we rise together, and vote in support of this amendment.

Mr. ADDABBO. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the amendment to cut $2.1 billion for production of the first 21 MX missiles.

Mr. Chairman, we are at the end of a long and torturous debate we have had over this missile. I know that a lot of my colleagues have had mixed feelings about the MX.

I know that a lot of my colleagues have voted for the MX along line, knowing that there was always an opportunity later on to stop the weapons system.

Well, today we are at the end of the line.

Today, we will be deciding whether to actually produce the MX missile.

And remember, when we begin producing the MX, there will be no turning back.

You will not be able to vote for the MX today and say you can always stop the missile later.

Once we open the MX production line, it will never be closed.

So here is what we are buying if we open up the MX production line.

We are buying a first-strike capability for our missile forces.

The MX is designed to destroy land-based Soviet ICBM's in their silos.

If you take the 1,000 warheads that will be on the 100 MX missiles and combine them with the 1,650 warheads already on the 550 advanced Minuteman III missile, that represents

enough nuclear firepower to threaten all 1,400 Soviet ICBM's

That gives the United States a first-strike capability.

That gives the United States a capability it does not need and does not want—unless anyone believes we will ever have to launch a preemptive attack against the Soviet Union.

If we open the MX production line, we will be buying a missile that will be putting the MX in one of the most vulnerable basing modes imaginable.

The MX missile will be put in existing Minuteman silos. Now the President may be able to erase the vulnerablity problem as he would a line from the script, but the fact remains that the missiles will be extremely vulnerable to Soviet attack.

Even the Air Force has projected that as few as 1 percent of the MX missile in Minuteman silo would survive a Soviet first strike by 1990.

In other words, we will be buying a missile system that is only 1 percent effective.

It is obvious that there is little military justification for deploying this weapon.

The only justification that is left for the MX is political.

Some say we need the MX as a bargaining chip to force the Soviets into reductions. Of course, the White House has been very elusive on whether the MX is a bargaining chip or it is going to be produced no matter what the Soviets do.

But even if the MX is a bargaining chip, the only thing the deployment will do is propel the Soviets to continue the nuclear arms race. Anyone who believes that Yuri Andropov will respond to our producing the MX by meekly cutting his forces is living in a fairy tale world.

No, when we produce the MX you can be certain that the Soviets will produce a comparable weapon like the SS-X-24.

Another political justification for the MX is that it is needed as part of an arms control package the administration is presenting at Geneva—that it is needed for our START negotiations to succeed.

Well, I hate to be the one to break the bad news, but those START negotiations are dead in the water at Geneva. In fact the only talk now at Geneva is whether the Soviets will walk out of START if we begin deploying Pershing II and cruise missiles in Europe.

The administration's arms control package now seems to change with every season of the year.

The latest fall package that has been taken to Geneva is the so-called build-down proposal.

Build-down is now the arms control package the administration is using to get the MX funded.

What is build-down? Well, it is a concept that is about as elusive as the bargaining chip.

Talk to a hundred build-down supporters and you will get a hundred different versions of build-down.

But one common thread that runs through all the build-down proposals is that they all allow the Pentagon's nuclear weapons programs to proceed unimpeded. They all allow the superpowers to continue the qualitative arms race.

And they all would allow for the production of the MX.

Let us face it though, the administration is just using the build-down proposal as a cover to get Congress to pass the MX.

In fact, if the administration were really serious about build-down, the last thing it would want to build is the MX.

Many versions of build-down call for retiring two old warheads for every new one we deploy.

If the administration deploys 100 MX missiles with their 1,000 warheads, that means it has to destroy 2,000 warheads from its ICBM stockpile.

It would have to dismantle 550 Minuteman III missiles and 350 Minuteman II and Titan missiles. That would reduce our total number of ICBM launchers from 1,050 to just 250.

In other words, instead of having 1,050 land-based targets the Soviets would have only 250 ICBM targets.

I would think the biggest supporter of the MX and build down-might be the Soviets because it would cut down on the number of targets they have to hit.

Clearly, Mr. Chairman, the MX missile makes no military sense. It makes no arms control sense. It makes no political sense. And it makes no defense sense.

Mr. Chairman, I cannot think of a more tense situation than the present state of world affairs. We have had the tragedy in Lebanon. We have the invasion of Grenada. We have the Korean airliner shoot-down.

We have the leaders of both superpowers attacking each other in the press.

It is time to sound a voice of reason.

It is time to let cool heads prevail.

It is time to ease the tensions.

It is time to give real arms control a chance.

It is time to stop production of the MX missile.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. I thank the gentleman for yielding me this time.

Mr. Chairman, I think that the debate here today is important, and it is important to look back over the last year as to what has happened, because I think that several things have really obscured some important changes that have occurred over the past year.

The Korean plane shoot down, the invasion of Grenada has really obscured some important changes in arms control, and in the whole arms control front that has gone on over this last year.

We embarked on an experimental cooperation last year with the beginning of the Scowcroft Commission.

The Scowcroft Commission recommended that the MX be given up as a vulnerable-invulnerable basing mode. What the Scowcroft Commission said is you cannot base the MX in an invulnerable way.

We are going to build a small single warhead instead.

The Scowcroft Commission said we need a new arms control approach, an arms control approach that recognizes that we are building a small single warhead missile, and an arms control approach that recognizes that we have to have limitations on warheads.

□ 1700

And surprisingly enough, those changes have taken place. We are building a small single warhead missile. We have a new arms control approach, at least so far, and I think that those changes are very, very important.

What is the role of the MX, then, in this constellation? It is not to be an invulnerable system. It really is to be a bargaining chip with the Soviet Union.

We have a classic bargaining chip situation out there now. Various people who have spoken previously, earlier today, have pointed out that it does not make a lot of sense to build 100 MX's if you are going to go ahead with the arms control proposals that the Reagan administration has on the table, and I agree. That is absolutely correct. So you have a classic bargaining chip situation.

You are saying to the Soviets we are going ahead with an MX missile, or 100 MX missiles, and we have an arms control proposal out there for you to sign. If you accept the arms control proposal it is unlikely—we do not say it—but it is unlikely by looking at the numbers that we will go with 100 MX's.

If you do not accept the arms control proposal or something like it, our plan is to build 100 MX missiles.

It is a classic bargaining chip situation.

Do not disparage, do not disparage the use of bargaining chips. Bargaining chips were absolutely critical in SALT I.

Remember in SALT I the Congress of the United States had an enormous debate on the ABM system. It was nip or tuck in 1969 and 1970.

Finally, there was a vote where it was a tie vote in the other body and the Vice President, then Spiro Agnew, voted in favor of the ABM and the ABM system passed.

If I asked the Members here had Congress voted against the ABM system in 1969 would the United States and the Soviet Union have agreed to a mutual treaty that banned ABM systems on both sides: Very unlikely.

Why would the Soviet Union agree to ban something on their side in order to get us to ban something on our side, when what happened was that the Congress took away our side of it, our deployment.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I would be happy to yield to the gentleman from Oregon.

Mr. AuCOIN. Would the gentleman also admit that the thing the gentleman is trying to do away with, MIRV'd missiles, by his advocacy of a single warhead Midgetman, was once also a bargaining chip.

Mr. ASPIN. No, sir. No, sir.

Mr. AuCOIN. It was proposed in 1970 as a bargaining chip, the same thing that happened with the MX.

Mr. ASPIN. No, sir. The point the gentleman raises that sometimes bargaining chips can in fact become weapons in and of themselves, and things do not get bargained away yet is correct. That happened.

Mr. AuCOIN. First with MIRV then with cruise missiles.

Mr. ASPIN. Cruise missiles, yes. The MIRV is not one of them. Cruise missiles is.

The point, though, is what you are doing here is you are linking our arms controls proposal directly to the bargaining chip itself, which we did in SALT I with the ABM, which we did not do ever with the cruise missile.

Mr. AuCOIN. If the gentleman would yield further, I am surprised that the gentleman would say that because I have the direct quote of Dr. John Foster, the Director of Defense Research and Engineering in 1970. He called MIRV a bargaining chip, and it got built. This is the genesis of the silo vulnerability problem that causes today's debate.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, the gentleman from Wisconsin, my good friend, Mr. ASPIN, talks about the need for building MX as a bargaining chip. I suggest to the gentleman from Wisconsin that you do not need MX for a bargaining chip, that our power in missiles at the present time is adequate to use for bargaining chips now.

We have been sold a bill of goods to the effect that the Soviet Union is way ahead of us in missilery, that we have a window of vulnerability. The President in the past has said that "Today, in virtually every measure of military power, the Soviet Union enjoys a decided advantage."

Secretary of Defense Weinberger has said:

> The fact is that while we have virtually stood still over the years, the Soviet Union has pursued a dramatic and an unprecedented expansion of their strategic forces.

The facts are to the contrary, Mr. Chairman. Senator LEVIN, over in the other body, asked the Library of Congress to prepare a study on a comparison between the missile strength of the Soviet Union and the United States. I would point out that the Chief of the Joint Chiefs of Staff, General Vessey, has said:

> I would take some of the things that the Soviets have for their forces in terms of numbers and give them to our forces but overall would I trade with Marshal Ogarkov? Not on your life * * *.

I am sure that General Vessey had in mind the comparison of missile strength to the strategic forces between the Soviet Union and ours.

This is what the Library of Congress says is our comparative strength, and listen to this:

The United States has strategic nuclear warheads and bombs amounting to 9,543. The Soviet Union's total is 8,072.

Warhead production between 1970 and 1981, the United States 5,254; the Soviet Union 5,019.

Heavy and medium bombers, the United States has 328; the Soviet Union has 245.

Air launched bombs and missiles, the United States has 2,626; the Soviet Union has 345.

Submarine launched multiple warhead missiles, the United States has 520; the Soviet Union has 224.

We have the predominant number.

If that be true, why do we need to build another missile system just for a bargaining chip? That was the brunt, that was the basis for the agreement apparently reached by my good friend from Tennessee (Mr. GORE) and by my good friend from Wisconsin (Mr. ASPIN) and the gentleman from Washington (Mr. DICKS).

We need their votes. This missile system, the MX, should be killed. It was killed when our friends voted with us previously, the MX was killed.

I do not think the agreements, and I recognize the importance of the agreement between the gentleman and the White House, I do not think that that agreement is sufficient to warrant production of the MX.

I hope the Addabbo amendment is agreed to.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I think it is important to point out that this is not another missile system that is just being used for a bargaining chip, as the gentleman from Illinois (Mr. YATES) has suggested.

This is a missile system that is part of an overall strategic plan generally referred to as the triad. The President has made it very clear, very clear that he has laid all of those parts of the triad on the table at the START talks in Geneva, and that this is not the only system that we are going to the START talks to negotiate. This is one system.

But it is clearly a deterrent. That is a key part of our overally strategic system, and in that context it is extremely important.

But we do not contend that this is the single bargaining chip that we have got to go to the bargaining table with. This is one of the systems. The President has laid them all out.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I have studied this issue carefully and with great interest over the past several months, and I have listened intently to the debate here today. Having now weighed and considered the arguments on both sides, I have come to the conclusion that this amendment does not serve the best interests of our Nation, or the best interests of the arms control movement. I must rise, therefore, in opposition to the amendment.

The United States has now adopted as part of our negotiating stance in the strategic arms reduction talks (START) the mutual guaranteed build-down proposal. This proposal, which basically provides that any deployment of new ballistic-missile warheads be linked to the destruction of a greater proportion of existing warheads, makes the MX missile the perfect bargaining chip to lead to true and meaningful arms control.

We must remember that the President's Commission on Strategic Forces, the Scowcroft Commission, in proposing that the United States move forward with limited deployment of the MX missile also proposed that the United States and the Soviet Union move away from more threatening multiple warhead systems to the smaller, more mobile, single warhead missiles in the future. The MX presents the best argument for the Soviets to accept the U.S. proposals for a mutual guaranteed build-down and for movement toward the small, single warhead missile. If the Soviet Union fears U.S. deployment of the MX then that deployment provides the best incentive for them to open up at the bargaining table and accept the build-down concept. With the build-down plan in place, the sheer arithmetic will lead both the United States and the Soviet Union away from the MIRV'd, multiple warhead systems to the small, single warhead systems.

The development of the Midgetman single warhead missile, as proposed by the Scowcroft Commission, will enhance stability and reduce the threat of a first-strike attack. The Scowcroft Commission proposals, coupled with the build-down concept, move us in that direction and toward true, meaningful arms control.

The rapid and massive Soviet arms build-up which is taking place makes it essential for us to maintain a credible deterrent and a strong bargaining position in arms control negotiations. In the final analysis, substantial, mutual and verifiable nuclear arms reductions must be our goal. As a bargaining chip, I sincerely believe the MX has a vital role to play in achieving that goal.

And, if it does not, then I believe we need the MX missile to maintain a strong deterrence. Deterrence is what nuclear weapons are all about. As the gentleman said earlier, they have no purpose other than deterrence.

But my question to you, my colleagues, is, What is wrong with deterrence? Deterrence is what we must have in a nuclear world while we are working toward meaningful arms control.

In addition to deterrence, we must also have resoluteness. It is absolutely essential that as we are approaching the deployment of our missiles in Europe, as part of a NATO agreement, we in the United States cannot back down from this test of our will. Why should the Europeans be willing to accept the deployment of nuclear missiles on their soil if we are unwilling to accept the deployment of nuclear missiles of this type on ours?

□ 1710

I think that what we are talking about here today is a question of will, and it is a question of signaling the Soviet Union. Our European allies will be rent asunder if we adopt the Addabbo amendment today. The whole viability of the North Atlantic Alliance rests very much on our action.

Let me turn finally to the budget issue. Surely we have to be mindful of expenditures. But let me say this to you: When I was recently at a NATO parliamentarians' meeting in Europe a German national said to me that he had just spoken to his mother, and his mother said, "Son, I don't know how to advise you about whether you should buy these missiles or not, but it is my theory that we should always use our old missiles before we buy new missiles."

Now is that good thinking? Should we have missiles simply to use them or should we have missiles which can bring about deterrence?

While we must spend defense appropriations wisely and conservatively, if we do not have an adequate and credible defense to maintain our liberty and system of government, all the other functions of our Government in the social arena become moot. Hence, the decision we have to make today about the MX missile, and other defense expenditures, is to ascertain just what and how much we need to defend America and deter aggression.

So while the budget question may be a factor, the overriding questions which we are talking about today are the questions of resoluteness, deterrence and the path to arms control. If the MX has a role to play in answering these questions, and I believe it does, then we must stand firm and reject the amendment which is now before us.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to my colleague from Texas.

Mr. WILSON. I want to compliment the gentleman (Mr. LEVITAS) on his remarks and associate myself with them.

To take the gentleman's argument a bit further, the gentleman is aware of course that during the last 40 years, the last 38 years is the longest time in modern history in Europe when there has not been war.

Mr. LEVITAS. The gentleman is absolutely correct, and that is because of the deterrence we and our NATO allies have had, and it was just the failure of that type of will when Churchill, before World War II, said the British needed to build a credible force and was rejected, that led directly to that terrible world conflict and the loss of millions of lives.

Mr. ADDABBO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. I thank the chairman of the subcommittee for yielding those 2 minutes.

I had a prepared statement, Mr. Chairman, that would probably take about 15 or 20 minutes, but under the time limit set by our chairman let me just see if I can review some of the statements being made here.

There are those who claim that the MX missile is going to be used for a bargaining chip and those who state it is not a bargaining chip but part of an overall program.

I wonder if we dig down real deep, is the MX missile really a bargaining chip? Is it a matter for conversation in the negotiations going on now? Is the Soviet Union more concerned about the MX missile or are they more concerned about the Pershing and the ground-launched cruise missiles? Are we not committing the United States to a $30 billion boondoggle, that the taxpayers of this country will be paying for over the next 20, 30, or 40 years?

Then we talk about the build-down. Let us talk about that build-down.

Unfortunately, we try to do it within 2 minutes but on the build-down is there any guarantee that when we eliminate two of the older ones, and we build one, that the devastating, destructive power is also eliminated with it and reduced?

The gentleman says, "Yes." But the truth is we have had the Deputy to Mr. Adelman come before our committee and he could not give any assurance or guarantees.

So let us not kid ourselves here. Let us not try to kid those who serve here in the Congress of the United States. The build-down does not guarantee less destructive power.

Mr. Chairman, I rise in support of the Addabbo amendment and urge my colleagues to delete $2.1 billion and stop the production of the MX missile.

We have had this debate before. The Scowcroft Commission has been discussed in detail. Air Force studies, indicating less than 3 percent survivability for MX missiles in Minuteman silos, have also been presented. Now, we are told, MX is critical to security if only in a symbolic way, as a bargaining chip.

Frankly, when you talk about arms control, what we need now are not more bargaining chips. Instead, what we need is a little more bargaining at Geneva.

But consideration of the MX program occurs as the United States confronts serious tensions and conflicts in our international relations. I am concerned that the administration is using these tensions as a justification for continuing their strategic arms buildup.

If anything, the lessons of the Middle East and Caribbean, together with what we learned from the Korean airliner incident, should point us in a different direction. Rather than a pretext for continuing the arms race, these events should be viewed as a warning.

To those of my colleagues who are considering supporting MX because they feel its rejection would send the wrong signal; that it would indicate some lack of national resolve; I urge restraint and recommend you reconsider.

MX has a symbolic value only if we choose to give it one.

Despite all the analysis, the complicated system reviews, program studies and budget justifications, strategic systems like MX have value only as a deterrent. When deployed, MX will not put pressure on the Soviets to withdraw from Poland or Afghanistan. Building it will not make the skies safe for commercial jet airliners. Nor will it improve our chances for peace in the Middle East, stability in Central America, or security in the Caribbean.

It is imperative that our decision on MX be based, not on the basis of myth, perception or bargaining chips, but on the military merits of deployment.

Three generations ago, one of the first nuclear theologians, Bernard Brodie of Yale and the University of Chicago, wrote that everything about nuclear weapons is overshadowed by the twin facts that they exist and that their destructive power is fantastically great.

Since then the scientists, mathematicians, and economists at the Department of Defense have attempted to come to terms with these weapons.

Just before he died in 1978, Brodie concluded that all the theories on nuclear weapons, counterforce, the window of vulnerability, and flexible or limited response; all these theories were simply word games.

In the end, the existence and power of weapons like MX overshadow any effort to pretend or propose that nuclear war can be calculated and planned with precision.

As Harold Brown told us during his tenure as Secretary of Defense, after all the reviews, deterrence is the only feasible justification for nuclear weapons. Systems like MX are no substitute for a health and modern conventional force.

If your concern is perception, MX is not your symbol.

If your concern is the U.S. strategic deterrent, remember that now in the U.S. arsenal are the Trident submarines, nuclear cruise missiles, Minuteman, and soon the B-1 bomber.

As we watch a world in conflict, the most constructive and thoughtful step the United States can take is to withdraw the MX. We do not need it for own defense. The U.S. deterrent will not be helped by the limited capability of the MX missile.

This year's production request is $2.1 billion.

Next year, the MX budget will be double, $4.1 billion. It will be very expensive, and if the defense planners have their wish, dense pack basing costing billions more, will be added before the program is concluded.

Once the funding appetite of this system is unleashed, it will be imposible to satisfy the hunger of this financial monster. Our conventional modernization, and other more important programs, will suffer.

With our record deficits, and the $20 billion to $30 billion price tag for MX, we would all do well to remember President Eisenhower's comments from 1952:

> The foundation of American military strength is our economic strength. A bankrupt America is more a Soviet goal than an America conquered on the field of battle.

Mr. Chairman, our country has real defense priorities, MX is not one of them. I urge support for this amendment.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I agree totally with the gentleman. Let me add one point to what has been said: All of the things that the administration has agreed to do if this Congress approves the MX can clearly be done without our approval of the MX. We do not do something bad to get a good result.

We should vote for the amendment.

The CHAIRMAN pro tempore. The Chair would advise both sides that each side has 8 minutes remaining.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, over the last several months, I have joined with a group of moderates in the House including the gentleman from Tennessee (Mr. GORE) and the gentleman from Wisconsin (Mr. ASPIN) and others in an effort to insure a balanced implementation of the recommendations of the Scowcroft Commission. Our particular emphasis has been on insuring that the administration is being fair and forthcoming on the arms control side of the equation. We have fought to get this amendment on an arms control path. I believe that has been achieved.

This body has debated the MX and its relationship to the Scowcroft recommendations at great length on a number of occasions this year. I would like to focus my comments on developments in the arms control field, and especially on changes made in the U.S. proposals at the START negotiations, which I believe justify continued support of the MX program as authorized.

In consultation with interested Members of Congress, the President approved a number of changes in the fourth round of START discussions this summer, to make it more consistent with the Scowcroft Commission recommendations. These included a relaxing of the proposed limit on the total number of ballistic missiles at 850, a willingness to deal with all forces, including bombers and air-launched cruise missiles, in the initial phase of the talks, an offer to explore alternative approaches to limiting the destructive capacity of ballistic missiles rather than specific and restrictive sublimits, and efforts to implement a number of confidence-building measures.

While these changes represented steps in the right direction, those of us in the House felt that additional modifications could produce a proposal that was even more forthcoming in promoting the goal of stability, addressing legitimate Soviet objections, and protecting our national security. We began to work more closely with like-minded Members of the other body and with administration representatives to formulate these changes.

On October 4, the President announced his instructions to Ambassador Rowny for round 5 of the START talks. These instructions reflect a set of principles agreed upon by congressional Members. Those principles are:

First, commitment to a revised START position by the fall. The revised position should be consistent with the recommendations of the Scowcroft Commission report and be framed to promote a durable, bipartisan arms control consensus in this country.

Second, commitment to incorporate the build-down principle in the revised agreement.

Third, a proposal must be simple, credible, and negotiable.

Fourth, there must be a cap and reductions in ballistic missile warheads and in total destructive capacity.

Fifth, ballistic missile RV's should be reduced to 5,000.

Sixth, missile throwweight and bomber payload reduced to levels consistent with stable balance of forces at lower levels.

Seventh, as reductions occur, they should favor stabilizing systems and penalize destabilizing systems.

Eighth, the build-down should be paced by each side's missile modernization program or by an annual percentage reduction, whichever produced the lower number.

Of equal importance, the President has expressed a willingness to be flexible in how these principles can be realized including a specific commitment to negotiate tradeoffs, taking into account Soviet advantages in missiles and U.S. advantages in bombers, in ways that provide maximum flexibility consistent with movement toward a more stable balance of forces.

Finally, the President has appointed James Woolsey to serve as a member at large to the U.S. START delegation, and Robert McFarlane as his new National Security Adviser. These are two individuals in whom I have a great deal of confidence. Having them in these important positions will help insure that the administration will continue to be responsive to congressional concerns on the direction of our strategic policy. We have, I believe, a basis for a bipartisan consensus.

No one can guarantee that the current U.S. START position in company with our ongoing modernization plans will produce the agreement we all seek. But I am convinced that the primary determine is now the willingness of the Soviets to demonstrate a true sincerity to reach an agreement. The ball is clearly in their court.

This is not a perfect world. I am reminded of what Mr. Sakharov said:

> Of course, I realize that in attempting not to lag behind a potential enemy in any way,

we condemn ourselves to an arms race that is tragic in a world with so many critical problems admitting of no delay. But the main danger is slipping into all-out nuclear war. If the probability of such an outcome could be reduced at the cost of another 10 or 15 years of the arms race, then perhaps that price must be paid, while at the same time, diplomatic, economic, ideological, political, cultural, and social efforts are made to prevent a war.

I would suggest that we have to remain strong, maintain our deterrent, and keep this Scowcroft Commission report together.

Mr. AUCOIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. Mr. Chairman, it all comes down to this: The MX is ineffective as a weapons system and worthless as a bargaining chip.

As a weapons system, it is ineffective because it is too heavy to be mobile, so you cannot move it around to protect it. It is too vulnerable, if you leave it in the silos where it can be found.

It is worthless as a bargaining chip because either the Soviet Union will perceive that it is a second-strike weapon, in which case they will understand that it has a 1-percent survivability rate which will give us nothing because it has no value; or they will perceive it as a first-strike weapon and be tempted to take it out by a preemptive strike.

□ 1720

And so when all of these arguments make sense, we are left with only one more, that it is an act of will and resoluteness. I say to my colleagues, there is no value in being resolute in error and there is no value in being resolute in wasting money. Let us not do it. Let us adopt this amendment.

Mr. ADDABBO. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, my purpose here is not to get less defense, but to get more defense. This particular weapon, the MX, is highly vulnerable.

Gen. Lou Allen, Chief of the U.S. Air Force, said: "An essential feature of the MX is that the basing mode be survivable."

Well, now we know it is not survivable because it can be put in the same tubes as the Minuteman is in. It does not provide a hard kill head capability. It does not do that for the simple reason that we already have an updated Minuteman. Nobody has mentioned that here that we already have such a weapon in place.

Second, the Trident is a good weapon of that type.

And third, the new DC D5 Trident weapon is, of course, also of that nature.

The cost of this will be somewhere between $20 and $30 billion. My purpose is not to save that $30 billion, or whatever it is, not to put it in arms. My purpose is to put it in a place where it will do some good, namely, in conventional weapons. We are moving rapidly in the thought of the MX toward a nuclear war. The Scowcroft report said that we would use the MX, "to assure our allies that we have the will to stand with them with whatever forces are necessary if the alliance is threatened by massive conventional attack."

Then on page 6 it says:

In any consideration of attack with conventional forces, Soviet leaders must understand the risk in American nuclear response.

So the truth of the matter is that this weapon is a weapon which has some strength, but it is not unique among our arsenal of nuclear weapons. But it might well lead us to a nuclear war. It is expensive. It is very vulnerable.

I have been intrigued by these arguments about how we are moving in the direction of disarmament when we are going to build this particular weapon. That is the strangest argument I think I have ever heard in so many very intelligent Members taking it.

As pointed out by a speaker very recently on the floor, you can do all these disarmament things without buying this particular weapon. This is a colossal weapon. It costs a lot of money. Not a particularly good weapon. Very, very vulnerable. The money from it should be spent on conventional weapons to see to it we are not marching to the tune of going into a nuclear war in Europe.

In my opinion, this is a very destabilizing weapon, one that could well lead us to a nuclear war, a very costly weapon, a very vulnerable weapon. And my feeling about this is not just to save money for the budget, as budget-minded as I am, I would like to send every penny of this to do something about our conventional weapons in Europe, where they have three times the number of artillery, five times the tanks, et cetera.

And we are preparing ourselves for an Armageddon, sure enough, if we go toward this nuclear approach, in my opinion.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Chairman, I simply would like to associate myself with the remarks of my colleagues, the gentleman from Wisconsin (Mr. ASPIN), the gentleman from Washington (Mr. DICKS), the gentleman from Tennessee (Mr. GORE), who have done such a tremendous job of trying to synthesize a number of concepts that I think have finally emerged in a START position which this country can be proud of and hopefully will lead us to successful negotiations in Geneva.

We cannot create the will to negotiate or even affect tremendously an atmosphere in the world that makes it difficult to negotiate, but we have at least put on the table, I think, a document, a piece of paper, that does commit us to some very significant reductions in nuclear weapons over the long haul.

Personally, I would love to see a merger of the INF talks with the START talks, but that remains to be seen as something I think we should all work for.

Today we once again debated the pros and cons of funding for the procurement of the MX missile. This subject is no stranger to any of us; indeed, it is a matter that the vast majority of us are intimately familiar with.

Most of us know how we are going to vote, and I doubt that many votes will hinge on what is learned today. Nevertheless, an issue of such import and with such far-reaching implications warrants a full airing.

Furthermore, while much of what will be said today has been discussed in the past, a great deal has occurred in the few months since Congress last addressed the matter of funding for the MX. I do not wish to belabor this point, nor will I detail all that has happened to directly or indirectly affect this issue.

I do, however, wish to discuss three aspects of this debate that are paramount in my judgment. The first is the misconception that the MX, in and of itself, is a first strike weapon. The second is the real progress that has been made in modifying the administration's arms control policy. The third is what I consider to be essential to the future of our negotiation efforts: The merger of the START and INF talks.

The MX is not a first-strike weapon.

No single weapon is, in and of itself, inherently a first strike weapon, despite all the rhetoric to the contrary. The determining factors are the context in which the weapon is deployed and the size and capacities of our nuclear force in relation to that of the Soviet Union.

It has become a common misconception that the MX, because of its accuracy, basing, and hard target capability, is a first strike weapon. The facts, however, do not bear this out.

First of all, to launch a first strike one would require assurances of the ability to destroy any and all retaliatory capability of the adversary. The Soviet Union currently has 1,398 ICBM's in silos. Assuming that that number remains constant and the accepted standard ratio of two warheads per silo applies, the United States would require 2,800 highly accurate warheads for a first strike against the Soviet silo system.

Our missile force is simply not adequate for such action. We currently have 1,000 Minuteman ICBM's in silos

and 50-odd Titans which are going to be retired. Of the Minuteman force, 550 are Minuteman III carrying three MIRV'd warheads; 450 are carrying single Minuteman II warheads. Of the Minuteman III, 300 missiles have been or are being modified to carry the MK-12A reentry vehicle. The others are armed with less accurate MK-12 reentry vehicles.

It is a matter of controversy as to whether or not the Minuteman III missiles with MK-12A warheads are suitable in a first strike scenario. However, even if we assume them suitable for the sake of discussion, our missile force then breaks down this way: 300 Minuteman III's with 3 (MK-12A) RV's equals 900 RV's, 150 Minuteman III's with 3 (MK-12) RV's equals 450 RV's, and 450 Minuteman II's with 1 RV equals 450 RV's.

Of these, only the 300 Minuteman III's with 3 (MK-12A) RV's are hard-target capable.

Add to this the proposed MX force. In order to insure that the United States does not achieve a land-based first strike capability, I and a majority of my colleagues supported the Gore amendment to the fiscal year 1984 defense authorization bill which reduces MX procurement funding to a level consistent with a final deployment of no more than 50 missiles. This is a significantly smaller number than the original proposal of 200 missiles, or the reduction to 100 missiles following the release of the Scowcroft Commission report: 50 MX with 10 RV's equals 500 RV's, total hard-target capable missiles equals 1,400.

This figure is 50-percent lower than the number of missiles that would be needed for a U.S. first strike. It purposely does not include our current SLBM force because these weapons do not have the necessary accuracy; nor does it include deployment of the Trident II D-5 missile, which is still a number of years away. Furthermore, while a selective first strike against the Soviet heavy ICBM's would no doubt take its toll, by no means could it be carried out with even a theoretical profit to the United States.

Progress has been made in modifying the administration's arms control policies.

The arms control proposal put forth during the fifth round of the strategic arms reductions talks (START), which began October 6, 1983, in Geneva, was significantly different and improved over the administration's original 1981 proposal. You will recall that the President, at the time of the first round of START, recommended a plan which was, for all intents and purposes, nonnegotiable. With a stated goal of achieving equality in numbers of ICBM's, Mr. Reagan called simultaneously for deep reductions in Soviet ICBM's and large increases in U.S. missiles. The Soviet Union, which has 75 percent of its strategic force in ground-based ICBM's, predictably refused the proposal.

Initially, the Reagan administration held to the conservative view that arms control negotiations served to penalize or weaken the U.S. strategic position. Its early proposals merely allowed the President to claim that he had made offers toward arms control, although it was known all along that the Soviets would never accept them.

Recognizing this ploy, I and a number of moderate Members of Congress, concerned about the horrors that could befall the human race if progress was not made toward arms control, set about to determine how we could affect a change in the administration's arms control policies. With the release of the Scowcroft Commission report, an opportunity surfaced for us to make our views known. We knew that the White House wanted the MX. We, on the other hand, wanted a national policy that would bring about nuclear stability and a viable prescription for arms control.

The months of continuous negotiations that we entered into with the White House have, I believe, moved the United States into a more positive, negotiable position in the arms control talks. So far, our efforts with the administration have achieved:

First, an agreement to exercise restraint in deployment plans for the MX; specifically, to avoid deployment at levels that would threaten a first strike capability in the absence of an arms control treaty, or, in the context of a treaty, to decrease the number of MX missiles needed for national security.

Second, an agreement to alter the U.S. START proposal to bring it into line with the general recommendations of the Scowcroft Commission report. This includes:

A commitment to pursue stability as the goal of arms control; and

An agreement to begin the development of a single-warhead ICBM and to lay stress on shifting away from MIRV'd ICBM's to single-warhead versions as a path to strategic stability.

Third, the development of a new START proposal which:

Drops the 850 launcher limit in the administration's original START proposal for a higher total, as a move toward a more stable relationship between warheads and silos and as a move toward the Soviets' preferences in launchers;

Drops the two-phase approach and accepts, instead, negotiations on all systems in one phase;

Deemphasizes the problem of throw weight and seeks outcomes not keyed to rigid requirements of equality;

Drops the administration's rigid insistence on the reduction of Soviet heavy ICBM's to 210 heavy and 110 medium-weight missiles;

Proposes the build-down concept, which penalizes further deployments of new MIRV'd ballistic missiles, including the MX and the D-5;

Proposes a tradeoff between Soviet advantages in ballistic missiles and United States advantages in heavy bombers;

Offers additional constraints on ALCM's as part of this tradeoff;

Names a member of the Scowcroft Commission to the negotiating delegation;

And, alters the composition and increases the prominence of the General Advisory Commission on Arms Control.

The START and INF negotiations should be merged.

Currently, we are engaged in parallel sets of arms control negotiations with the Soviet Union, one dealing with intercontinental nuclear weapons and the other with intermediate range nuclear weapons. Yet, despite the interrelationship between the issues involved in these talks, we have failed to take the very action which is needed if we are to succeed in either forum: simply, merge the negotiations.

No cogent reason exists, nor has ever existed, for separate talks. On the other hand, there are numerous reasons for merging the negotiations, not the least of which is that success in one is dependent upon the resolution of issues in the other.

I would like to bring to the attention of my colleagues an excellent article by Michael R. Gordon which appeared in the October 22, 1983 issue of the National Journal. Mr. Gordon's essay lays out in very precise terms why the START negotiations and the INF negotiations must be merged if we are to have any real chance of reaching a comprehensive and workable arms accord. Rather than attempt to summarize or reiterate Mr. Gordon's points, I am submitting this article for the RECORD and commend it to my colleagues.

The article follows:

[From the National Journal, Oct. 22, 1983]

ONE NEGOTIATION OR TWO?

(By Michael R. Gordon)

In recent weeks, the watchwords in Congress, the press and the community of experts who deal with things nuclear have been "build-down" and START. That was understandable given the congressional debate over appropriating funds for the proposed MX missile. But in terms of U.S.-Soviet relations, the front-burner arms control dispute, however, is not START (for strategic arms reduction talks) but the separate talks on limiting intermediate-range nuclear weapons in Europe.

These parallel Geneva negotiations over intercontinental and intermediate-range nuclear weapons present the U.S.-Soviet negotiators with a riddle. Retired Gen. Edward L. Rowny, the U.S. ambassador to the START negotiations, has told reporters that no headway can be expected on a START agreement until the current dead-

lock is broken in the intermediate-range negotiations or until the Soviets reconcile themselves to the NATO missile deployments. But in the view of some experts, the ultimate resolution of some of the disputes in the intermediate talks is linked to what happens in START and may require merging the two negotiations.

The talks on intermediate-range nuclear weapons were originally billed as negotiations over "long-range theater nuclear forces." But the Reagan Administration dispensed with that term out of concern that it implied that Europe could be a separate theater for a limited nuclear war.

Despite the semantic switch, the United States and the Soviet Union have engaged in separate negotiations over their intermediate-range nuclear systems. And both nations, in their propaganda battle for the hearts and minds of Europe, have advanced the notion that there is a separate European nuclear balance. While the United States has contended that the Soviets have a 6-1, advantage in nuclear forces in Europe, the Soviets have argued that the Euro-strategic balance is more or less even.

In military terms, such distinctions are artificial. For one thing, both the Soviet Union and the United States have forces that are treated as strategic weapons under the terms of the SALT II treaty but that are aimed at Europe. Even if the Soviets eliminated all of their old SS-4 and SS-5 missiles, as well as their newer SS-20 missiles, they would have a sizable force directed against Western Europe, as Robert P. Berman and John C. Baker note in their study on *Soviet Strategic Forces* (Brookings Institution, 1982). "At least one field of SS-11 and SS-19 intercontinental-range missiles, comprising 180 silos, appears to be assigned to covering a variety of regional Western targets in wartime," they write.

On the U.S. side of the equation, America has sea-based missiles treated under the earlier SALT treaty as strategic systems that are dedicated to NATO's defense.

Just as it is misleading to examine European deployments in isolation from the larger strategic picture, it may be difficult to work out a separate intermediate-range agreement. A large sticking point, for example, has been the Soviet insistence that an agreement take into account the independent nuclear arsenals maintained by the British and the French. This demand has been interpreted by U.S. experts as an effort to split the NATO alliance, but Soviet concerns over Britain's and France's 162 missiles seem more plausible when one considers the planned expansion of their forces. The British and French decisions to modernize their sea-based nuclear deterrents will expand their force to more than 1,000 warheads by the 1990s.

The United States, some observers believe, came up with an indirect way to accommodate this fact of strategic life involving an understanding according to which the United States would reserve—but not in fact exercise—the right to match the total number of intermediate Soviet missiles deployed in Europe and Asia. But it may turn out to be easier to deal with the question of third-party nuclear forces in a "merged" strategic and intermediate-range agreement in which such forces would make up a smaller component of the strategic picture.

Even so, the U.S. suggestion in the START talks that both sides slash their arsenals of warheads to 5,000 ballistic missile warheads from more than 7,000 today would make the issue of British and French forces a difficult one to resolve. But as a general rule, incorporating intermediate forces into the START talks would expand the scope of possible trade-offs.

Among academics and former officials, the idea of merging the two negotiations has long been attractive. Lawrence D. Freedman, a professor of war studies at the University of London (Kings College), noted the virtues of an "integrative approach" in a 1981 paper on "Arms Control In Europe" (Royal Institute of International Affairs, 1981) in which he argued that such a procedure would "strengthen the strategic unity of the alliance."

More recently, Brent Scowcroft, who heads the President's Commission on Strategic Forces, praised such an approach while careful not to suggest shifting to it at this time. In a Sept. 19 letter to Scowcroft, former SALT II negotiator Paul C. Warnke, former SALT I negotiator Gerard C. Smith and John B. Rhinelander, legal adviser to the SALT I delegation, proposed that the START and intermediate-range nuclear talks should be combined. "There can be no long-term solutions as long as there are separate negotiations," Warnke told reporters, contending that it was futile to seek to negotiate with the Soviets over the 464 ground-launched cruise missiles America seeks to deploy in Europe at a time when the Pentagon intends to deploy 3,000 to 4,000 sea-launched cruise missiles that can "attack the same targets." The way things stand now, such missiles may ultimately be taken up in START, although they were omitted from the Administration's original START proposal.

In the final analysis, the key objection to merging the two negotiations is political. Administration officials and some outside defense experts have argued that NATO must make good on its deployment plans to demonstrate alliance solidarity and that a new arms control approach would force a delay.

After the missile deployments begin in December, or after a possible Soviet walkout, that political motivation will vanish. At that time, the Administration may conclude that the arms control talks are a case where two Geneva negotiations are worse than one.

Mr. EDWARDS of Alabama. Mr. Chairman, I yield myself my remaining 2 minutes.

Mr. Chairman, I will close with reading portions of a letter addressed to me, October 25 of this year, from the Secretary of State, George Shultz.

The Secretary says:

The President has given Ambassador Rowny considerable flexibility to explore all possible avenues with the Soviets.

Our experience in arms control negotiations over the past two decades has demonstrated clearly that the Soviets will bargain seriously only when we are determined to modernize our deterrent. We learned this when we negotiated the ABM Treaty.

Now we face a new challenge. If we are unable to modernize our strategic forces, the Soviets will conclude that there is no need for them to reduce their strategic might as part of a mutual and verifiable arms control agreement. They will calculate that they need only to wait for our forces to decline through our own inaction.

The success of our arms control efforts depends on the demonstrated ability of the United States to maintain an effective strategic deterrent. Approval of the MX Peacekeeper missile is essential to moving the Soviets toward serious negotiations. At stake is the future of arms reductions—balanced, verifiable arms reductions that can make the world a safer place for all humanity.

Mr. Chairman, I urge, with every fiber of my being, that the amendment of the gentleman from New York be refused.

Mr. ADDABBO. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, those Members who believe that MX is a route to Midgetman should ponder the words of Richard Pearl, the Assistant Secretary of Defense for International Security Policy. Mr. Pearl, on June 20, said: "It was wrong to believe that the Scowcroft Commission was calling for a fundamental change in the arms control policy of the Administration." He said he could not find that change anywhere.

He went on to concede in this report, "that regardless of what certain Members of Congress may believe, Midgetman is not yet a part of the administration's strategic policy."

I also want to speak to the question of the President's build-down proposal. Members who oppose the Addabbo amendment have talked about the value of the build-down arms control proposal.

Under the build-down proposal, we will be allowed to build 3,600 prompt, hard target, killing D-5 warheads. The Soviets will be allowed the same. Even without MX this is enough to represent a first-strike capability.

And so I hope the Members understand that the build-down proposal permits both sides to bring enough hard target warheads to bear so that both sides are in fact on that hair trigger that rational people would want to avoid.

Mr. Chairman, a lot of Members have made up their minds already on this debate. A lot of Members on that side have made up their minds. And a lot of Members on this side have made up their minds.

But according to the best counts most of us have seen, there may be 12 Members or so who yet are undecided on this question.

I just want to use the remaining minutes of my time to appeal to those dozen or so Members who are undecided to think about the question that faces us.

Just for once, let us not talk about weapons and start talking about targets. The primary target of our strategic weapons is not the Soviet Army, the Soviet Navy or the Soviet Air Force. The primary target of our strategic arsenal is the mind of the Soviet leader, Yuri Andropov.

And what our weapons and what our arsenal ought to do is to send a message to that mind that if he should ever dare to strike us first, we have

the survivable retaliatory capability to make him pay for it. We have that ability now, Mr. Chairman.

□ 1730

We need to send a message to Yuri Andropov that we have the ability to make him pay for any first strike, to retaliate in such a way that his country will no longer work, that his factories will not work, that his industrial base will be destroyed, that his transportation system will be obliterated, that society as he knows it will not be there.

We have that ability now. We have the ability to reduce his entire society to rubble, even if he struck first. What we do not have is the ability with pinpoint accuracy to lob a warhead down the throat of one of his silos.

We do not need that ability to frighten him or the Soviet leadership to legitimate arms control. What we already have is enough for that. The MX would have the opposite effect. It cannot deter because it cannot survive. Instead, by being so lethal, sitting in vulnerable silos, this new missile invites attack. It invites the Soviets to destroy it before we use it.

I hope that the Members will understand that if we procure a weapon that gives us that ability. Then the other side will do the same and both superpowers will be on a hair-trigger state with the incentive going to the side who strikes first. That is destabilizing.

For the sake of a stable world, I urge my colleagues to support the Addabbo amendment to cut funds for the MX.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Alabama. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 217, not voting 8, as follows:

[Roll No. 439]

AYES—208

Ackerman	Borski	Daschle
Addabbo	Bosco	Dellums
Akaka	Boucher	Derrick
Albosta	Boxer	Dingell
Andrews (NC)	Brooks	Dixon
Annunzio	Brown (CA)	Donnelly
Anthony	Bryant	Dorgan
Applegate	Burton (CA)	Dowdy
AuCoin	Carper	Downey
Barnes	Carr	Durbin
Bates	Clarke	Dwyer
Bedell	Clay	Dyson
Beilenson	Coelho	Early
Bennett	Coleman (TX)	Eckart
Bereuter	Collins	Edgar
Berman	Conte	Edwards (CA)
Biaggi	Conyers	Evans (IL)
Boland	Coyne	Fascell
Bonior	Crockett	Feighan
Bonker	D'Amours	Ferraro
Florio	MacKay	Savage
Foglietta	Markey	Scheuer
Ford (MI)	Martinez	Schneider
Ford (TN)	Matsui	Schroeder
Forsythe	Mavroules	Schumer
Fowler	Mazzoli	Seiberling
Frank	McCloskey	Shannon
Gejdenson	McHugh	Sharp
Gephardt	McKinney	Sikorski
Gibbons	McNulty	Sisisky
Glickman	Mica	Slattery
Gonzalez	Mikulski	Smith (FL)
Goodling	Miller (CA)	Smith (IA)
Gradison	Mineta	Smith (NE)
Gray	Minish	Smith (NJ)
Green	Mitchell	Solarz
Guarini	Moakley	Spratt
Hall (IN)	Moody	St Germain
Hall (OH)	Morrison (CT)	Staggers
Hamilton	Mrazek	Stark
Harkin	Murphy	Stokes
Harrison	Natcher	Studds
Hawkins	Nowak	Swift
Hayes	Oakar	Synar
Heftel	Oberstar	Tallon
Hertel	Obey	Tauke
Howard	Olin	Torres
Hughes	Ottinger	Torricelli
Jacobs	Owens	Towns
Jeffords	Panetta	Traxler
Johnson	Patterson	Udall
Kaptur	Paul	Valentine
Kastenmeier	Pease	Vento
Kennelly	Penny	Volkmer
Kildee	Pepper	Walgren
Kogovsek	Perkins	Waxman
Kolter	Petri	Weaver
Kostmayer	Rahall	Weiss
LaFalce	Rangel	Wheat
Lantos	Ratchford	Whitten
Leach	Richardson	Williams (MT)
Lehman (FL)	Ridge	Wirth
Leland	Rodino	Wise
Levin	Roe	Wolpe
Levine	Rose	Wright
Long (LA)	Rostenkowski	Wyden
Long (MD)	Roukema	Yates
Lowry (WA)	Roybal	Young (MO)
Luken	Russo	
Lundine	Sabo	

NOES—217

Alexander	DeWine	Hopkins
Anderson	Dickinson	Horton
Andrews (TX)	Dicks	Hoyer
Archer	Dreier	Hubbard
Aspin	Duncan	Huckaby
Badham	Edwards (AL)	Hunter
Bartlett	Edwards (OK)	Hutto
Bateman	Emerson	Hyde
Bethune	English	Ireland
Bevill	Erdreich	Jenkins
Bilirakis	Erlenborn	Jones (NC)
Bliley	Fazio	Jones (OK)
Boehlert	Fiedler	Jones (TN)
Boggs	Fields	Kasich
Boner	Fish	Kazen
Breaux	Flippo	Kemp
Britt	Foley	Kindness
Broomfield	Franklin	Kramer
Brown (CO)	Frenzel	Lagomarsino
Broyhill	Frost	Latta
Burton (IN)	Fuqua	Leath
Byron	Garcia	Lent
Campbell	Gaydos	Levitas
Carney	Gekas	Lewis (CA)
Chandler	Gilman	Lewis (FL)
Chappell	Gingrich	Lipinski
Chappie	Gore	Livingston
Cheney	Gramm	Lloyd
Clinger	Gregg	Loeffler
Coats	Gunderson	Lott
Coleman (MO)	Hall, Ralph	Lowery (CA)
Conable	Hall, Sam	Lujan
Cooper	Hammerschmidt	Lungren
Coughlin	Hance	Mack
Courter	Hansen (ID)	Madigan
Craig	Hansen (UT)	Marlenee
Crane, Daniel	Hartnett	Marriott
Crane, Philip	Hatcher	Martin (IL)
Daniel	Hefner	Martin (NC)
Dannemeyer	Hightower	Martin (NY)
Daub	Hiler	McCain
Davis	Hillis	McCandless
de la Garza	Holt	McCollum
McCurdy	Pursell	Stangeland
McDade	Quillen	Stenholm
McEwen	Ray	Stratton
McGrath	Regula	Stump
McKernan	Reid	Sundquist
Michel	Rinaldo	Tauzin
Miller (OH)	Ritter	Taylor
Molinari	Roberts	Thomas (CA)
Mollohan	Robinson	Thomas (GA)
Montgomery	Roemer	Vandergriff
Moore	Rogers	Vucanovich
Moorhead	Roth	Walker
Morrison (WA)	Rowland	Watkins
Murtha	Rudd	Weber
Myers	Schaefer	Whitehurst
Neal	Schulze	Whitley
Nelson	Sensenbrenner	Whittaker
Nichols	Shaw	Williams (OH)
Nielson	Shelby	Wilson
O'Brien	Shumway	Winn
Ortiz	Shuster	Wolf
Oxley	Siljander	Wortley
Packard	Skeen	Wylie
Parris	Skelton	Yatron
Pashayan	Smith, Denny	Young (AK)
Patman	Smith, Robert	Young (FL)
Pickle	Snowe	Zablocki
Porter	Snyder	Zschau
Price	Solomon	
Pritchard	Spence	

NOT VOTING—8

Barnard	Evans (IA)	Simon
Corcoran	Lehman (CA)	Vander Jagt
Dymally	Sawyer	

□ 1740

The Clerk announced the following pairs:

On this vote:

Mr. Simon for, with Mr. Corcoran against.

Mr. Evans of Iowa for, with Mr. Vander Jagt against.

Mr. WHITLEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1750

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to try to clarify a procedure surrounding an amendment that some of us want to offer tomorrow on the issue of Lebanon.

It is my understanding that the Committee intends to reach "General Provisions" in the bill tonight and then rise. I would like to ask the subcommittee chairman if that is a correct understanding?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. Certainly, I yield to the subcommittee chairman.

Mr. ADDABBO. Mr. Chairman, it is our intention to go through title IV, title V, and title VI and then start reading title VII. I will then move that the Committee rise. Any formal motion to report the bill back to the House will not come until sometime tomorrow.

Mr. OBEY. Then, Mr. Chairman, it is my understanding that Members would, before any motion to rise at the end of the bill takes place, have an opportunity under the 5-minute rule to at least explain the parliamentary position we will be in, in regard to any ef-

forts to try to cut off funds for the operation in Lebanon; am I correct?

Mr. ADDABBO. The gentleman is correct.

Mr. OBEY. Mr. Chairman, I would, then, just in my remaining time urge the Members of the House to pay very close attention to what will happen early tomorrow morning. As the Members know, there are a number of us who wish to try to offer an amendment tomorrow on the Lebanese situation. The amendment will be offered by the gentleman from Maryland (Mr. LONG) and the gentleman from New York (Mr. STRATTON).

We will be unable to consider that amendment on its merits unless, when the motion to rise is offered tomorrow, that motion is defeated.

I would simply ask Members overnight to consider this. Whatever their position is on the issue of Lebanon, I would hope that there would not be sufficient votes to rise when that motion occurs tomorrow so that this House can debate directly, without parliamentary impediments except those provided under the normal rule for appropriation bills, the operations in Lebanon and what our policy ought to be in Lebanon.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the ranking minority member of the subcommittee.

Mr. EDWARDS of Alabama. Mr. Chairman, I notice in the RECORD that there are two amendments dealing with Lebanon. Could the gentleman or some other Member enlighten us as to which one will be offered?

Mr. OBEY. Mr. Chairman, I thank the gentleman for asking that question.

We will first offer an amendment, if we do not pass a motion to rise, which says that none of the funds appropriated by this act might be obligated or expended for the Lebanese operation after March 1 unless the Congress adopted a resolution which contains three findings: First, that the President had defined a clear, realistic mission for forces in Lebanon; second, that he had established a set of policy goals in Lebanon which are achievable and a clear agenda for achieving those goals; and third, that security arrangements for American forces had been upgraded to the maximum extent possible.

The problem with that language is that, because it is language on an appropriation bill, it is subject to a point of order. If a point of order is lodged, the gentleman from Maryland will then offer a second amendment which simply says that none of the funds appropriated may be obligated beyond March 1.

It will be our purpose to try to accomplish the language in the original amendment which is subject to a point of order. We would be in the same position that we have been in the House on two occasions on the Hyde amendment on the abortion issue, and we would simply say at that point that it would not be our intention to cut off funds by March 1, but because that would be the only parliamentary opportunity open to us at the moment to try to put some pressure on policy on Lebanon, we would ask the House to go along, with the assurances that in the conference process we would find the additional language acceptable.

Mr. Chairman, have I answered the gentleman's question?

Mr. EDWARDS of Alabama. The gentleman has answered my question, yes, and I thank him.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. GREEN, and by unanimous consent, Mr. OBEY was allowed to proceed for 5 additional minutes.)

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman from Wisconsin for yielding.

Let me say to those Members who may have some questions on this or who may have some doubt as to whether these marines ought to be brought out of Lebanon or not, those Members who believe strongly that they should not be brought out and should stay there, that they should also vote no on the motion to rise because otherwise there will always be a question of doubt as to whether the motion was lost on a procedural point.

□ 1800

If you really believe strongly in your position, see that it is defeated on its merits and not on a procedural issue; so we beg you to vote no, whatever your position is.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the gentleman from Wisconsin for yielding.

I have asked the gentleman to yield because I, too, have an amendment which is subject to the same procedure, my amendment being one which says that funds appropriated for testing the MX will not be expended unless the Soviets conduct further tests of their next generation intercontinental ballistic missile.

I simply would like to take this occasion to ask the assurances of the chairman of the subcommittee that I would have the same opportunity to make a pro forma amendment before the motion to rise and report, to explain my amendment, the same as has been offered to the gentleman from Wisconsin.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the chairman.

Mr. ADDABBO. The gentleman will have every opportunity to discuss his amendment before the motion to rise is put to the House. If that motion carries, naturally the gentleman cannot offer his amendment, but I will state also to the gentleman that a motion to rise is in order after each limiting amendment.

Mr. GREEN. I thank the gentleman. I thank my colleague, the gentleman from New York, and I am aware of the point he makes.

Mr. OBEY. Mr. Chairman, it is not my intention to debate the Lebanese issue tonight. I just want to reiterate again that the purpose of the amendment being offered tomorrow is to simply send the strongest message possible to the administration and the other forces in Lebanon that a change in policy must be occasioned if continued support for troops in Lebanon is to be sustained over the long haul.

I would urge, therefore, to vote no on the issue of rising tomorrow so that we can debate the issue under a more sensible parliamentary situation.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am moved to speak at this time because of what we have just seen, a discussion of the difficulty in Members being able to bring to the floor a matter of substance because of the change in rules that took place in this House at the beginning of this session, which allows a motion to rise, a procedural vote, to overtake the opportunity for Members in this House to vote on limiting amendments.

I must say that some Members who have voted that we rise without the opportunity to discuss substantive issues when they deal with the Hyde amendment, now may find themselves in the difficult position, those of us who have supported the Hyde amendment in past have found ourselves throughout this.

I rise to mention this because the change in rules was not aimed at just conservative efforts or liberal efforts, but efforts of Members in this House to deal with substantial questions that people have sent us here to deal with and the very problem articulated by the two gentleman a minute ago is at the heart of what we were attempting to get to at the beginning of this Congress when we talked about the effort to stifle Members from discussing substantive questions which may be controversial and which may then in Biblical terms, many Members may then wish to have this cup pass, but the problem is that is we want to deal with them, other Members may deny us

that opportunity on a procedural matter.

I just hope we think very, very deeply about this when we vote tomorrow, because it is not conservative or liberal. It is a question of how we organize ourselves here and whether we have the guts to deal with some very tought issues.

I do not share the gentleman's viewpoint on the question of Lebanon here, but I certainly think he should have every opportunity to allow that to be brought forward, because people in our districts are asking us about that and it would be a shame if on a procedural matter, we would be denied that opportunity here, whether I share the gentlemen's view or not.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman.

Let me point out that I voted no on a motion exactly like that, to provide an up or down vote on the abortion amendment the other day.

Mr. LUNGREN. I appreciate that.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I remember during the rules discussion at the beginning of this Congress, the point was made very clearly to those who would vote for those rules that they were, in fact, voting to eliminate something that had been a part of parliamentary democracies for literally decades, and that was the right of individual Members to put limitation amendments in appropriation bills.

The adoption of those rules, we said at that time, was going to bring about a situation where liberals as well as conservatives would be denied their right to bring legitimate issues to this floor. That is precisely what is happening here.

I would say that the American people, who find themselves concerned that this kind of legitimate issue cannot get discussed, ought to go back and see who voted for those lousy, stinking rules at the beginning of the Congress.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I am happy to yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I do not see what the discussion is about. You are going to get a vote on it, anyway. If you are against it, you will vote to rise. If you are for it, you will vote not to rise. So what is the problem?

Mr. LUNGREN. That is just the point we made. You can escape a vote on the substance of the issue by voting on a procedural matter. That is not the way this place ought to be organized and our point is that it does not just affect conservatives. It affects liberal points of view. We ought to recognize that when we deal with the question of the rules of the House.

Mr. McHUGH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the 5 minutes. I am sure everyone will appreciate that and this is not the time to get into a lengthy debate about rules; but it is an important rule that we are discussing.

I think the gentleman who spoke before me is correct in saying that it is not a conservative or a liberal issue. It is a question of what makes sense in terms of orderly consideration of important questions on appropriation bills.

Those of us who supported this rule argued at the time that our prior practice permitted all types of issues, legislative in nature, to be considered on appropriation bills, and those of us who have been here for some years will recall that we would spend days and days and days arguing issues of legislative import, many times of a trivial nature, and would hold up appropriation bills as a result. That created a great deal of frustration for many Members on both sides of the aisle.

The purpose of the rule that has been adopted and which will be tested again tomorrow is to permit questions of significance, even though they are legislative in nature and are restrictive on appropriation bills to be considered by the House. If a majority of the House wants to consider a restrictive amendment raising a legislative question, it has every right to do so and may do so by voting down the motion to rise.

I personally will probably not support the Stratton-Long amendment tomorrow, but I will vote not to rise, because it is a significant question which has to be debated and voted on.

We have gotten all types of trivial motions in the past and the purpose of the rule is to permit the will of the House to work with respect to trivial issues and preclude a lengthy debate on those kinds of things on appropriation bills, so the House may work its will in each case. If the House thinks it is a significant issue and wants to debate and vote on it, fine, we have that opportunity.

I think tomorrow's issues present us with that opportunity and I will vote not to rise.

If the House, on the other hand, thinks we are facing some trivial issues of a legislative nature which should not be considered in appropriation bills, then the House may vote to rise and preclude that.

I think that is an orderly process, protecting the legitimate rights of all sides.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEFENSE PRODUCTION ACT PURCHASES

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); $50,000,000, to remain available for obligation until September 30, 1986.

POINT OF ORDER

Mr. BETHUNE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BETHUNE. Mr. Chairman, I make a point of order against line 23, page 32, through and including line 3, page 33, under clause 2, rule XXI, as expenditures not previously authorized.

□ 1810

Mr. ADDABBO. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The gentleman from New York concedes the point of order.

The point of order is sustained.

The Clerk will read.

The Clerk proceeded to read title V.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there any points of order against title V?

Are there any amendments to title V?

The Clerk read as follows:

SEC. 703. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

● Mr. STARK. Mr. Chairman, in this day and age of nuclear weapons, Tridents subs, gunships, and supersonic jets it is a wonder that such archaic programs as the National Board for the Promotion of Rifle Ranges still exists.

The NBPRR is funded by the Department of the Army which administers instruction in citizen markmanship, and runs an annual shooting match, at Camp Perry, Ohio. It was

founded at the turn of the century when Congress was convinced of the necessity to train civilians how to shoot a rifle. What once was a well intended program has become obsolete because of modern technologies and high cost.

Despite the Army's claim that 1.7 million Americans entering World War II benefited from some civilian marksmanship training, the fact is that of the 156,699 civilians currently participating in this program, only 16 percent will ever participate in military service. Training people to shoot straight can be done much more efficiently at boot camp. This program is not really training prospective soldiers, it is a Government subsidized shooting club and summer camp.

Not only is the effectiveness of this program in question but the cost has been rising. In fiscal year 1983 the cost of this program was $1.6 million. This figure is not large in the context of the Federal Government's $240 billion dollar defense budget and its $195 billion deficits. Yet, Mr. Speaker, it is the many programs like this which make the budget so large. Congress has an obligation to look at more than the headline-grabbing multibillion dollar programs and focus on some of these expenditures that because of their relative size, have managed to hide in the budget year after year, escaping the scrutiny they deserve.

Rather than overlooking the existence of such ineffective programs, what Congress should do, and what I propose, is to help the Army inch toward the 20th century while at the same time saving the American public $1.6 million. Congress can do this by recognizing the civilian marksmanship program for what it is—an 80-year-old relic that has far outlived its useful purpose. It is time this program be eliminated.●

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thought we were going to rise at that point, and I did not want Members to lose rights they may have thought would be protected.

What is the intention of the chairman?

Mr. ADDABBO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, had come to no resolution thereon.

PERMISSION TO HAVE UNTIL MIDNIGHT, NOVEMBER 2, 1983, TO FILE CONFERENCE REPORT ON H.R. 3222, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, November 2, 1983, to file a conference report on the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 3222, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that it shall be in order at any time Thursday, November 3, 1983, or any day thereafter, to consider the conference report and amendments in disagreement on the bill (H.R. 3222) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes, and that such conference report and amendments in disagreement be considered as having been read when called up for consideration.

The SPEAKER. Is there objection to the request for the gentleman from Iowa?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3323, AUTHORIZING APPROPRIATIONS FOR GRANTS TO WASHINGTON WORKSHOP FOUNDATION

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-457) on the resolution (H. Res. 353) providing for the consideration of the bill (H.R. 3323) to authorize appropriations for grants to the Washington Workshop Foundation, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2900, ATMOSPHERIC, CLIMATIC, AND OCEAN POLLUTION ACT OF 1983

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-458) on the resolution (H. Res. 354) providing for the consideration of the bill (H.R. 2900) to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4196, STABILIZING A TEMPORARY IMBALANCE IN SUPPLY AND DEMAND FOR DAIRY PRODUCTS

Mr. BEILENSON, from the Committee on Rules, submitted a privileged report (Rept. No. 98-459) on the resolution (H. Res. 355) providing for the consideration of the bill (H.R. 4196) to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING PRINTING OF AMENDMENTS TO H.R. 4196 IN CONGRESSIONAL RECORD

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that amendments to H.R. 4196 may be printed in that portion of the RECORD entitled "amendments submitted under clause 6 of rule XXIII."

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE REPORT ON H.R. 4120

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce have until midnight tomorrow to file a report on H.R. 4120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. LEWIS of Florida. Mr. Speaker, reserving the right to object, would

the gentleman advise me if the minority has been advised of this?

Mr. DINGELL. I will be delighted to if the gentleman will yield.

The answer to the question is yes, the matter has been cleared with Mr. BROYHILL. It is part of a unanimous-consent understanding that took place inside the Committee on Energy and Commerce.

It has also been cleared with the minority leader, and the unanimous-consent request relates to the AT&T legislation.

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Under the unanimous-consent arrangement when this bill came out of committee, we were afforded an extra day for the filing of minority views, and for the opportunity to review the report.

The minority has had that opportunity to review the report and has had ample opportunity to submit extra or dissenting views, and so I will agree to the request of the gentleman to file tomorrow night, is that correct?

Mr. DINGELL. Tomorrow night before midnight, that is correct.

Mr. LEWIS of Florida. Thank you, Mr. Speaker. With those assurances, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR THE SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT AT 2 P.M. ON WEDNESDAY, NOVEMBER 2, 1983

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 2 p.m. on Wednesday, November 2, 1983, for the purpose of holding a hearing on—and to be followed immediately by subcommittee markup of—three bills passed by our Senate colleagues. These bills will clear certain impediments to the licensing of the vessel for employment in the coastwise trade. The bills are:

S. 1015, the vessel *La Joliet*;

S. 1186, the yacht *Dad's Pad*; and

S. 1689, the vessel *Endless Summer*.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE), and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER) have been apprised of the hearing and markup date and time and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NEW FIGURES ON JAPANESE IMPORTS POINTS UP NEED FOR DOMESTIC CONTENT LEGISLATION

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, the return of Mr. Brock from Japan and his announcement this week of his new deal, literally selling out thousands of American workers, points up the urgency for us to proceed as early as possible on this calendar with the American domestic content bill.

It is not too much to say that the future health of the domestic small car industry could be at stake in the consideration of the domestic content legislation this week in the House of Representatives. Here is some of the reasons:

The Reagan administration's failure to negotiate a decent voluntary auto restraint agreement with Japan underscores the need for House passage of domestic auto content legislation.

The key problem is that only a 1-year agreement means there is no impetus for the Japanese auto makers to open factories in the United States where they enjoy such a huge market. An ongoing restraint agreement would have put great pressure on those firms to finally agree to expand their investment here and reduce the $13 billion deficit we have with Japan in the auto sector.

Another failure of the Brock mission to Japan is that the short-term, quick fix 1 year deal will be a green light for U.S. General Motors Corp. already plans to bring in 200,000 Isuzu's and 100,000 Suzuki's and this deal, while altering slightly their timetable depending on their MITI allocation, still will provide them the opportunity to import in the long-term rather than building substantial vehicles here.

This puts additional pressure on Chrysler and Ford. Chrysler must decide where to produce the Omni/Horizon replacement and Ford must also decide where to build the Escort/Lynx replacement. Both have said they may be forced to move that production outside the United States.

The 1-year duration of the VRA is a quick-fix, band-aid approach that will expire just 10 weeks after the Presidential inauguration. Rather than stimulating Japanese investment in the United States where the Nissan's and Toyota's are earning huge profits, this deal just gets Reagan by the election.

Then the floodgates open up and the Japanese share of the U.S. market could jump from 35 to 40 percent from an already too high 21 to 22 percent now. This deal is a political accomodation to the 1984 Presidential election, rather than a serious attempt to cope with the ongoing imbalance of trade with Japan.

The voluntary restraint agreement does nothing to attack two major problems: The yen-dollar imbalance and the inequitable tax structure on cars Japan exports.

The yen's overvaluation gives the Japanese auto makers about a 30-percent cost advantage on vehicles exported to the United States. No matter what the domestic companies do to improve productivity nor what the companies and the unions agree to in labor agreements—the currency imbalance wipes that out.

The rebate of the commodity tax on Japanese vehicles exported to the United States amounts to about $600 a year, further improving their cost advantage. The administration has done nothing in this agreement to begin to cope with these underlying problems.

The 1.8 million, 1-year agreement is even more damaging than the number would indicate. That figure does not include "grey vehicles"—hatch backs, station wagons, vans, and so forth. Imports of such vehicles from Japan would not be counted in the 1.85 million figure.

This is a green light for our friends at General Motors to go ahead with their deal to buy 200,000 or make 200,000 Isuzus in Japan and 100,000 Suzukis and bring them here in order to meet their fleet mileage average across the country as GM-manufactured products.

It is about time that we told American industry that we need investment in business and jobs here in the United States, not offshore where they can save a few bucks and make a quick profit.

The press release that follows provides even further documentation about the need for auto content legislation.

REAGAN ADMINISTRATION'S FAILURE ON AUTO IMPORT RESTRAINTS UNDERSCORES NEED FOR PASSAGE OF AUTO CONTENT LEGISLATION

The Reagan Administration's failure to negotiate a decent voluntary auto restraint agreement with Japan underscores the absolute necessity for the U.S. Congress to pass domestic auto content legislation, UAW President Owen Beiber said today.

"The deal Ambassador (William) Brock cut with Japan will cost thousands of American workers' jobs," Bieber said. "A one-year agreement provides little impetus for the Japanese automakers to invest in the U.S. and create some employment where they have such a huge market."

"It's a quick-fix, band-aid approach aimed at getting President Reagan through the 1984 Presidential election," he said. "The agreement expires just 10 weeks after the

inauguration, opening the floodgates to a massive increase in imports."

Bieber called on the U.S. House of Representatives, which is expected to vote on H.R. 1234 (domestic auto content) in the next few days, to pass the bill.

"It's my hope that those Representatives who were undecided on the content legislation now will see that it's the best long-term solution to our long-term problem of maintaining small car production in the U.S.", Bieber said.

The legislation would require auto companies selling in large volumes here to use a certain percentage of U.S. parts and labor. Based on a sliding scale, a company selling 100,000 cars here would be required to have U.S. content of 10 percent, while a firm selling 900,000 units would need to have 90 percent domestic content.

"The auto industry has long lead times," Bieber said. "The voluntary restraint agreement lasting only one year does nothing to provide the type of stable framework in which small-car production decisions can be made."

"What we're talking about here is the question of whether small cars will continue to be built in the U.S.," he said. "General Motors already wants to bring in 200,000 Isuzu's and 100,000 Suzuki's."

"Chrysler must decide whether to build the replacement for the Omni-Horizon here or overseas. Ford will have a decision to make on where it builds the replacement for the Escort/Lynx. The Reagan Administration's deal with Japan does nothing but encourage the U.S. auto companies to export American jobs."

The UAW President said House passage of auto content legislation will be necessary, in part, to keep the domestic manufacturers from massive outsourcing of small car production.

"General Motors conduct is particularly outrageous, particularly in view of the efforts made in the 1982 negotiations by UAW-GM members to save jobs by the painful sacrifices they made," he said. "Now GM is fighting hard to get Japan to give it the maximum possible allocation within the 1.85 million the Administration agreed to."

Bieber cited the major imbalance between the yen and the dollar as giving Japan a cost advantage of about 30 percent. If the yen-dollar relationship were restored to proper balance, about two-thirds of that cost advantage in cars would be wiped out.

He also said that Japan's rebate of the 17.5-22.5 percent commodity tax gives Japanese automakers another $600 cost advantage on each car imported to the U.S.

"Japan is playing by an entirely different set of rules than the U.S.," he said. "Passage of domestic auto content legislation is the only way we're going to be able to change that."

Bieber predicted that Japan's share of the U.S. market would rise to 35-40 percent following expiration of the one-year agreement the Reagan administration negotiated. Absent passage of content legislation this could rise even higher, particularly if fuel price increases push the market more to smaller vehicles.

The UAW President said high profit results for the U.S. automakers should obligate them to put resources into developing and producing small vehicles in this country.

"The health of the auto industry cannot be judged by the profits of the companies alone," he said. "Employment at GM, Ford and Chrysler, for example, continues to be about 30 percent below what it was in our last good sales year, which was 1978."

SPEAKER O'NEILL'S INTERVIEW IN TODAY'S NEW YORK TIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, the New York Times this morning reported a rather incredible interview given to them by the Speaker of the House, Mr. O'NEILL. In that interview Mr. O'NEILL said some very insulting things about the character of the President and I think did not distinguish himself or this House in the comments that he made.

But, beyond that, the interview was filled with a number of items which are rather incredible in themselves, and I thought maybe deserved a little bit of discussion. So I thought that this evening I would discuss the interview and try to put some of the statements made by the distinguished Speaker of this House in some perspective.

At the beginning of the interview the Speaker was asked "How are we doing? Where are we going?"

The Speaker replied "I am frightened, not because our Nation isn't big enough, but because the President of the United States, in my opinion, is absolutely going down the wrong road. No, I don't like what I saw last week, even though the Marines were victorious. There may have been a possibility that our students were in jeopardy but for 2 years he has been looking for the opportunity to get into Grenada, from the days Haig was there."

Let us examine that statement a little bit. No. 1, he said, "The President * * * is absolutely going down the wrong road," and he refers specifically to Grenada. But as I recall, it was his President, the leader of his party, while he was in control of the House of Representatives, who decided not to take a similar road and ended up with 52 of our people as hostages in Iran.

Is that the right road? Is that the road that the Democrats support? Is that the road that the Speaker supports?

If the President is on the wrong road in Grenada, is the right road the kind of debacle that this Nation suffered in Iran? I would submit that that would have to be the conclusion that one would draw from that kind of statement.

Then he says, "There may have been a possibility that our students were in jeopardy," "may have been a possibility."

Virtually every student came back and said that they felt that their lives were in jeopardy. All of the commentators on the island who have talked about the situation have said that the students' lives were in jeopardy.

Who doubts it? The only people I have heard express doubts about their lives being in jeopardy are the people who went off halfcocked at the beginning of the argument about Grenada and made some wild and irresponsible statements that they cannot now back up once the students have come back and they are questioning whether the students were in jeopardy. But the students are not, and yet the Speaker is.

What kind of statement is that?

Then he says that he, the President, has been "looking for the opportunity to get into Grenada, from the days Haig was here."

Well, where in the world does that statement come from? How can he make that statement?

The questioner was a little incredulous at that evidently, too because the questioner for the New York Times says, "How do you know that?"

Answer of the Speaker: "We sat in this room and had a breakfast with Haig and Haig outlined the situation. We have got to get to the source (of the Communist intervention) and there is no other way you can read how you get to the source (than) exactly what they did the other day. They have been looking, in my opinion, for two years."

That is the explanation. That is the justification, because he has an opinion that that is what the President was all about, that he can justify the statement that he made up there earlier, that he has been looking for the opportunity to get in Grenada for 2 years with no proof, just the Speaker's opinion. That is a terrible kind of thing to do. It is a misstatement of fact and it just does not warrant the kind of reply that then was given by the Speaker when he was posed the question.

He goes on to say, "You can't justify any government, whether it is Russia or the United States, trampling on another nation."

I think our Ambassador to the United Nations had a pretty good analogy as to the difference between Grenada and what the Russians are doing in Afghanistan. She said that it is the difference between the thief with a gun and the policeman with a gun. Do you say that they are both exactly the same, that the thief that is wielding the gun to rob somebody at gunpoint is exactly the same as the policeman that comes forward with the gun to rescue that victim? Obviously not, and that is exactly the difference between the two situations.

What Russia does in the world, their aggression is totally different from the United States liberating the free nation of Grenada from Cuban and

Soviet interference in their national life.

The Speaker went on to ask the question: "Can you imagine the effect this will have on Nicaragua and Central America?"

Again he is referring to the liberation of Grenada.

Well, I do not know. We have a little bit of hint as to some of the things that might happen as a result of this. In Surinam, as soon as they saw what was happening in Grenada, they threw all of the Cuban diplomats out of the country. I say that is a rather positive effect in that part of the world. We would hope that some of the rest of the people who have taken on Communist influences in their government might also have a similar reaction to that that we have already seen demonstrated in Surinam.

The Speaker went on to say that "He (the President) is wrong in his policy. He has caused us continuous harm. He flubbed everything along the line any time an opportunity that we have had. He has just absolutely missed the boat."

Again, where? In the economy? Is the Speaker saying that the 21.5 percent interest rates that the President has brought down to about 11 percent is not an accomplishment?

Is the Speaker saying that the 12-percent inflation rates that are now down to about 2 percent was not an accomplishment? Is that something that he has flubbed?

Well, maybe he has flubbed it from the Speaker's viewpoint. Maybe the Democrats really were satisfied with 21.5-percent interest and 12-percent inflation and joblessness rising, and the whole economy going down the tubes. Maybe that was fine with them.

But it was not fine with the American people. They do not think the President has flubbed those things. They think the President is right on and that is the reason why the President's popularity polls have been going up.

Then the Speaker makes this incredible statement, he says he, meaning the President, has "got a million people in Europe marching against our policy * * *."

The people in Europe are marching on the question of the stationing of the Pershing missile, a policy that I happen to agree with the President on. But I would submit that it was not Ronald Reagan who made that commitment. It was Jimmy Carter. It was the Democratic leadership in this country during the Carter administration that made that original commitment.

So if that policy is wrong, it was a commitment not made by this President originally. This President is simply backing a commitment that was made originally by another administration, a Democratic administration.

The Speaker then goes on to talk more about the President. He says about the President, "He only works 3 to 3½ hours a day."

Where in the world does that kind of statement come from? I mean that statement is almost outright ignorance because if what he is doing is measuring the amount of time that he spends out in the public where we can see him working, if that is the case then I submit that maybe the Speaker of the House does not work more than about 15 minutes a day, because we only count the time that is spent in the chair.

I mean that is a ridiculous kind of statement to make.

We all know that the President of the United States virtually works 24 hours a day. Every President of the United States does, and this President is no exception.

Then he said, "He doesn't do his homework. He doesn't read his briefing papers. It is sinful that this man is President of the United States."

That kind of statement, in my opinion, has no place in American political life. It is in the same kind of genre as the statement made, that I personally disagreed with, by our Secretary of the Interior a few weeks ago.

The Speaker went on to say, "He lacks the knowledge that he should, on every sphere, whether it is the domestic or whether it is the international sphere."

There is just no evidence of that whatsoever.

□ 1830

You just cannot make that judgment. The President of the United States consistently faces the press asking probing questions about what is going on domestically and internationally and consistently after those press conferences the American people come forward and say that they think the President is on the right track.

The polls after those press conferences consistently go up. The American people understand what the Speaker evidently does not, that the President does have a grasp of what is going on in the country and in the world and is moving us in the proper directions.

The Speaker said a little later in the interview, "I just do not think he can win," speaking of the President, "to be perfectly truthful. He has hurt 70 million people out there. He's hurt so many people."

Well, I would submit that the President has attempted to implement programs that most of the time this House has tried to block which were aimed at helping the broad base of the American people and not hurting anyone.

In many instances this House has blocked the efforts that would have improved the economy even more than we now see it improved.

In many cases this House has stood in the way of the economic recovery. But the President has tried to put people back to work, he has tried to reduce interest rates, he has tried to bring down inflation, he has tried to reduce taxes in this country, he has tried to take the steps toward ridding us of the mismanagement that this Congress has foisted on the country for far too many years.

I do not believe the President has hurt the American people by lowering interest rates, by lowering inflation. I think what he has done is returned income to the American people so that they can pursue their own lives and particularly he has helped people at the bottom end of the economic scale. Those are the people who are most devastated by inflation.

Just by bringing down that inflation rate by 10 full points he has put much money back into the pockets of the poorest of our citizens. That is a calculation that is not often made.

At the same time, under this President the social programs have continued to go up in cost. We are spending far more in social programs today than we have ever spent before.

He has also tried to improve the defense of this country at the same time. It has been a difficult and demanding job. But the President has done it pretty well.

To claim he has hurt 70 million people just does not ring true.

Then the Speaker said, "I think the people that are going to make the judgment," this is about his reelection, "are still the people who are close to him."

Then the question came up, "Who are they?"

The Speaker said, "There are only five of them: Himself and his wife, Mike Deaver, Clark, and Laxalt."

I only mention that because the Speaker in counting five, when he counts himself, then there were four others. So it struck me that the mathematics there is about as good as the mathematics that often takes place on this House floor when we are trying to add up budgets. I only count four people.

You know, the problem is we always have a 20-percent differential in what we do around here. Maybe we see the reason why; our leader cannot count.

Now, he also said later on, "But I think the fiscal policy, the supply side economics is a disaster. We're in a temporary rise at the present time."

At least the Speaker admits that there is something going on out there, that the economy is improving. The economy is improving precisely because of what supply side economics has done. It is a disaster that just happens to have worked. Evidently the

point that is being made here, he says, "I hope it can continue. I can't conceive it will continue because of the deficits out there which are mainly because of the defense increase, and the giving back of taxes to the people of America."

Boy, now, there you finally find out what the leader of the House is all about. In other words, he would be for slashing defense and more taxes, is what he is saying. If you think that is a policy that we ought to go to, then you will evidently believe that we have sufficient defense strength in the country, and some people would probably argue that that case can be made and we ought to spend no more and ought to spend much less. You are also arguing that the people of this country are undertaxed.

Let me give you a few statistics to show how ridiculous this argument becomes. If you did what the——

Mr. BETHUNE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. BETHUNE. I thank the gentleman for yielding.

I just want to make one point with respect to the defense budget. This House, which is controlled by the Democratic majority by almost a 2-to-1 margin, has approved every single defense program that the President has requested, save one, and that is the chemical weapons program. And that happened to have been taken out by an amendment that I offered, a Republican. But that is the only one that was taken out. And we have had most of the people here in this House on the Speaker's side of the aisle arguing for increases in defense spending this year of amounts ranging anywhere from 3, 4, 5 percent and upward. No one is arguing for an actual freeze in defense expenditures.

So where is he going to get the support to cut that defense budget by the amount that he talks about?

And then, by the way, insofar as raising taxes is concerned, that is no solution. Taxes are still going up. If raising taxes could get rid of the deficit we would have had a deficit of zero a long time ago. But the fact of the matter is taxes are still going up. We really have not cut taxes. They are still going up. And the deficit gets bigger and bigger.

Mr. WALKER. The gentlemen is absolutely right. The gentleman is absolutely right. And that is the reason why this statement makes absolutely no sense whatsoever, just as the interview does not make any sense.

Mr. BETHUNE. I thank the gentleman for calling the Speaker's hand on this because I think it is one thing to make responsible commentary about what is going on here in the House of Representatives and we all should be held to account for what we say because the measure of what we say is whether it squares with what has gone on here in the House of Representatives. So I am glad you are bringing these points out because the facts there upon which he relies to make the incredible statements about the President of the United States, which do not do this country any good. It does not do this country any good to undermine the President and pull him down.

Mr. WALKER. I think the gentleman is absolutely correct. The point being that to discuss the policies of this country and to discuss the policies of the administration vis-a-vis the policies, the liberal policies the Speaker wishes to pursue, that is perfectly legitimate; everybody thinks that that is the kind of debate we ought to have.

The problem here is that a personal attack was launched. It seems to me that that discredits the political process.

But to get back to the point with regard to the statistics on this business of the deficit and whether or not it could be solved with cuts in defense and more taxes, I think that it is important to recognize that we do have a very serious deficit problem in this country. The deficit of this country amounts to 90 days of Federal Government spending, almost one-quarter of the year or just about exactly one-quarter of the year is spent in deficit dollars.

Ninety days of deficit spending.

However, let us say you want to go out and raise taxes to do something about that deficit. One of the things you can do is tax every dime of income over $75,000. Let us do what the Democrats so often suggest, tax the rich. Let us tax away every penny of income over $75,000 that some poor fellow goes out and strikes it big in Atlantic City or Las Vegas and he makes over $75,000, tough one, "We are going to take anything over $75,000 away from you." All the rich people in this country, we are going to take every dime away from them over $75,000. Let us get rid of all the so-called wealth in this country.

If you did that you would raise enough money to fund 14 days of Government spending.

So then you are left with getting 76 days of Government spending out of the defense budget. The defense budget amounts to about $275 billion. You would have to cut the defense budget by $175 billion in order to get 76 days of spending. There is nobody, there is nobody who says that you can do that. You could not even pay the troops and pay the retirement bill by taking those kinds of massive cuts.

Well, somebody might say, "Well, $75,000 is too high, that is much too high. I consider anybody over $50,000 plenty wealthy. I would bet you that we could get the money if we confiscated every penny of income over $50,000. We confiscate every dime of income that the Congressmen make over $50,000, we confiscate it all." Out of that you get 40 days worth of Government spending which means you still have 50 days to take out of the defense budget which means you have got to cut the defense budget by $115 billion.

Once again this House, nobody is talking about cutting the defense budget $115 billion because they know you cannot get it.

Let me tell you why you cannot get it. If you cut out the MX missile, which we just had a discussion about a little bit ago, the B-1 bomber, which we just had a discussion about a few minutes ago, if you cut out the Pershing and the cruise missiles, if you cut out the Army tank, the new tank for the Army, if you cut out all of those new weapon programs and then in addition let us just throw in that you cut out all the bullets for the Army, do not give them any bullets, let us cut out all the ammunition expenditures, too, if you cut them all out you save a total of $6 billion out of this year's defense budget.

□ 1840

That means that if you had to lose $115 billion you only have about $110 billion to go. And you have virtually stripped this Nation of every major weapons system that is now in the pipeline.

What I am saying is that the statements like the Speaker made make good political rhetoric, but they do not make any economic or fiscal sense whatsoever.

Later on in the interview the Speaker talked about the situation in Beirut. And he said:

> I told him the American people don't know why the Marines are there. What is their mission there? I said to the President, "Shultz couldn't sell diapers in a nursery."
>
> We need our Marines there as an inspiration to the diplomatic work that we are doing. We have to show to the Syrians that we are serious. We're having problems with the Syrians, but they did give us their word at one time (that they would leave) and we're working on it now.

Well, that is exactly what the American people heard the President say the other night. What does Speaker O'NEILL say? The President has made it very clear what the mission of the marines is in Lebanon and he has made it very clear that we have got to provide security for our marines. And he has made it very clear that we are pursuing the diplomatic work that is needed to be done to resolve those issues over there. And he has made it quite clear that the Syrians, backed by their Soviet sponsors, are the main problem in the Middle East. And that we do have to deal with them.

So in that the Speaker is right. But then the Speaker goes on to say:

What I'm driving at is, No. 1, he hasn't got the knowledge himself.

Well, if he does not have the knowledge why is he doing all the things that the Speaker says are what are needed?

He has never put together a first-class team of negotiations.

Philip Habib, Bud McFarland, people who are widely respected in the international community in this country and throughout the world are not first-class people? I do not think you would find anybody who would make the case that Phil Habib is not one of the most distinguished people this country has ever had in its foreign service and Bud McFarland as well.

No. 3, there's never been a real follow-up as to what they're trying to do when they're negotiating with the Israelis to get out.

We did move the Israelis back. Part of the reason why our marines are there is because we had to take those kinds of actions.

And so this interview amounts to a collection of political hype without any real substance. The only real substance in the interview comes when he launches personal insulting attacks on the person of the President of the United States.

It is too bad when you cannot discuss the issues you have to resort to insult. Shame, Mr. Speaker, shame.

THE MEANING OF THE ETHICS COMMITTEE RULING ON SPOUSE'S EMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LENT) is recognized for 5 minutes.

● Mr. LENT. Mr. Speaker, I rise to a point of personal privilege to set forth in the RECORD a full account of the circumstances surrounding an advisory opinion I requested from the House Committee on Standards of Official Conduct, regarding my voting responsibilities in relation to my wife's employment.

I do this in the belief that this account may provide some worthwhile information for those of my colleagues who may encounter similar circumstances because of the employment of their spouses or close relatives.

On October 24, 1983, a newspaper published a distorted and partly inaccurate report concerning the employment of my wife, Barbara Morris, as the Washington director of government relations for the new regional telephone company, Nynex. The newspaper account raised a question of a conflict between her employment and my voting on the telecommunications bill, which at that time was pending in the House Committee on Energy and Commerce, on which I serve.

Prior to her employment, I had directed my staff to research the question. My staff obtained materials from the American Law Division of the Congressional Research Service, which I interpreted then, and interpret now, as indicating that a Member of Congress has an obligation to vote on all issues unless he or she has a direct personal or pecuniary interest in the outcome of the legislation.

Despite this personal conviction, I felt that in order to remove any possible question on the issue, I should seek an advisory opinion from the House Committee on Standards of Official Conduct. I requested such an opinion on October 24, 1983, the same day the newspaper article appeared.

Within 24 hours, the committee had responded to my request with an opinion which confirmed by original interpretation of the House rules. The ruling restates the obligation of Members of vote on issues. Abstention from voting—disenfranchising one's constituents—is only justified where a Member can demonstrate "a direct personal or pecuniary interest" in the outcome of the legislation.

While I am, of course, interested in the career of my wife, Barbara, it is abundantly clear that I had no "direct personal or pecuniary interest" in the telecommunications legislation, as such. It followed, therefore, that I vote. As it developed, the bill passed the committee on October 27, 1983, by a vote along strict party lines, 27-15. I was one of the 15 Republicans who voted "Nay", and it is obvious that my vote did not influence the outcome.

I want to express my gratitude to the chairman of the House Committee of Standards of Official Conduct, Representative LOUIS STOKES, and the ranking Republican, Representative FLOYD SPENCE for their efforts to expedite action on my request, because the speedy response I received enabled me to lay to rest at once the ugly innuendoes and charges being circulated in the media from unidentified sources and to participate in the final vote in the committee with a clear conscience.

I also wish to thank and commend the chairman of the Energy and Commerce Committee, Representative JOHN DINGELL, the ranking Republican, Representative JAMES BROYHILL, and my other colleagues on the committee for their understanding, support, and counsel in an awkward situation.

Mr. Speaker, I am commenting on what is a closed incident because of my feeling that it demonstrates the importance of the Committee on Standards of Official Conduct—popularly known as the Ethics Committee—for Members of our body who come under attack or vilification as the result of unattributed charges, speculation, or attempted character assassination. By providing an authoritative, unbiased opinion, based on House rules and precedents, the Committee on Standards of Official Conduct makes a substantial contribution to maintaining public respect and confidence in the integrity and responsibility of Members of the House of Representatives.

Mr. Speaker, I include at this point in the RECORD copies of my letter to the Ethics Committee, its response, and an explanatory news release circulated to the media and to members of the Energy and Commerce Committee so that the record of this incident may be complete.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 24, 1983.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to request an advisory opinion from the Committee as to whether I can continue to represent the interests of the constituents of the Fourth District of the State of New York in communications issues before the Energy and Commerce Committee. An article in the Wall Street Journal today (Attachment #1) has prompted my request.

Prior to my wife's employment with NYNEX, I directed my staff to research the question. My staff obtained materials from the American Law Division of the Congressional Research Service (Attachment #2), which I interpreted then, and interpret today, as indicating that there is no conflict between my wife's employment and my continued full participation as a voting Member of the House and the Committee in communications issues.

I have also included for your information a copy of the statement issued by NYNEX in New York concerning my wife's employment with that company (Attachment #3). As the statement indicates, she is not a lobbyist and is not registered as such. Beyond that, to the best of my knowledge, she has not discussed the details of H.R. 4102 with any Member of the Committee.

Because the Committee consideration of H.R. 4102, the Universal Telephone Service Preservation Act, will resume tomorrow, votes are imminent and I feel a responsibility to my constituents to continue to represent what I believe to be in their interests. I hope that you will be in a position to advise me as expeditiously as posible whether I need to abstain from voting on this bill.

Sincerely,

NORMAN F. LENT,
Member of Congress.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, D.C., October 24, 1983.

Hon. NORMAN F. LENT,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR COLLEAGUE: This is in response to your letter of October 24, 1983, requesting an advisor opinion from the Committee as to whether you can continue to represent the interest of your constituents in the Fourth District of the State of New York, in communications issues before the Energy and Commerce Committee. The question

arises as a result of your wife's recent employment by NYNEX.

Clause 1 of Rule VIII of the Rules of the House of Representatives states

"Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question."

In an interpretation of Rule VIII of the House of Representatives, at page 324, Section 658 of The Manual, it states as follows:

"It has been found impracticable to enforce the provision requiring every Member to vote; and the weight of authority also favors the idea that there is no authority in the House to deprive a Member of the right to vote. In one or two early instances the Speaker has decided that because of personal interest, a Member should not vote; but on all other occasions and in the later practice the Speaker has held that the Member himself and not the Chair should determine this question, and the Speaker has denied his own power to deprive a Member of the constitutional right to vote."

Rule VIII is made pertinent in answering your question by Rule XI, clause 1(a)(1) of House Rules wherein it states that:

"The Rules of the House are the rules of its committees and subcommittees so far as applicable, . . ."

As can be seen then, the determination as to whether or not you should vote on matters before your committee is left for you to decide, taking into account the personal or pecuniary interest, if any, you may have in the legislation.

Sincerely,

LOUIS STOKES,
Chairman.
FLOYD D. SPENCE,
Ranking Minority Member.

LENT ANNOUNCES ETHICS COMMITTEE RULING

Representative Norman F. Lent (R-N.Y.) announced today that he had received a favorable response from the House Committee on Standards of Official Conduct to his request for an opinion as to whether he should be required to abstain from voting on telecommunications issues by reason of his wife's employment with Nynex.

"I am gratified that the Committee response confirms my original interpretation of the House rules that a Member has the duty to vote on issues unless he has 'a direct personal or pecuniary interest' in the legislation," Lent said. "It is abundantly clear to anyone's view that in my case there is no direct personal or pecuniary interest in the legislation before the House Energy and Commerce Committee."

"I wish to thank Chairman Stokes and the Committee for their prompt response to my request."

The ruling restates the affirmative obligation of Members to vote on issues. Abstention from voting—disenfranchising our constituents—is only justified where a Member can demonstrate "a direct personal or pecuniary interest" in the outcome of legislation.

"I am sure this ruling will be useful in guiding the significant number of my colleagues in Congress whose spouses, sons, daughters or other close relatives earn their livelihoods in government relations, other government positions, trade associations, public interest research groups, corporate affairs, or as attorneys representing clients interested in legislation," Lent stated. "It is clear the rules of ethics governing Congress do not require Members to attempt to control or redirect the careers of relatives or spouses—even if we could!"

"I trust that our committee's consideration of telecommunications legislation will continue free from further controversy over what to me has been something of a tempest in a teapot. I will continue, as in the past, to base my voting judgments on the merits of the issues with regard to my constituency.

"I might add," Lent remarked, "that my wife and I are doubly gratified that she will not have to forfeit her career but will be able to retain her role as an independent and successful businesswoman. It would be a step backward for the progress the women's movement has made if a woman had no choice but to design her career around the career choice of her husband."●

CONGRESS HAS RESPONSIBILITY TO BE HEARD ON FOREIGN POLICY DECISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

● Mr. KEMP. Mr. Speaker, during the time of the Cuban missile crisis, John Kennedy spoke about the tough decisions this country had to make to preserve freedom in the Western Hemisphere. His insight proved true again last week, as President Reagan made the tough decisions necessary to protect American lives and restore the freedom and inalienable rights of the people of Grenada.

Yet instead of rising in support of that action, instead of commending the courage of our troops for their performance and bravery, instead of rejoicing for the people of Grenada as they are freed from tyranny, instead of taking note of how our strategic interests and those of our neighbors in this hemisphere have been served by removing a Soviet-Cuban launching pad for aggression—instead of these proud and proper responses, Congress debated and passed an invocation of the War Powers Resolution.

I believe that the U.S. Congress has a clear responsibility to make its voice heard in foreign policy decisions. Frankly, I would like to hear some of my colleagues tell the American medical students who were rescued in the operation—who, when they arrived here in the United States, kissed the ground and said God bless the American military—that it was wrong for them to be rescued.

Mr. Speaker, this is the first time in history that the Brezhnev doctrine has been repudiated. It is a victory for freedom-loving people everywhere, and a sign of hope for others struggling against totalitarian regimes. Instead of recognizing this historic turn of events, however, this body has spent its time in debate over procedural prerogatives, invoked an act that is of highly questionable constitutionality, and, as a result, made a clearly negative impact on our ability to conclude successfully our actions in Grenada. Why should we signal any adversary, including the Cubans in Grenada, that if they only hold out for 60 days, maybe the U.S. Congress will rescind authority for the U.S. military to stay? If ever there was an action likely to prolong conflict, it is the invocation of this act.

Mr. Speaker, this body should have risen in support of the President's decisive actions in Grenada, not challenged his authority to act.

ALZHEIMER'S DISEASE LEGISLATIVE PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maine (Ms. SNOWE) is recognized for 20 minutes.

● Ms. SNOWE. Mr. Speaker, during the past few months, both the House and Senate have conducted hearings on Alzheimer's disease, a progressive, debilitating illness which affects from 2 to 4 million Americans. During these same past few months, some of my colleagues and I have produced a rather astonishing inventory of facts and figures associated with Alzheimer's disease, which until recently was a virtually unknown ailment of middle aged and older Americans.

Senile dementia of the Alzheimer's type is the fourth leading cause of death among adults. Many thousands are afflicted in their forties and fifties. Moreover, between 5 and 15 percent of those in their sixties contract the disease and 20 percent over 80. It is a degenerative brain disorder and the most frequent cause of mental impairment among the elderly. Once affected, a victim can live from 3 to 15 years, progressively declining from seemingly unimportant losses of memory to total mental breakdown. Finally, all bodily functions are impaired, and the victim is completely incontinent. During the congressional hearings in Washington, D.C., and Bangor, Maine, witness after witness described the horrendous anguish—and burden—such an affliction causes an entire family for many years.

In response to such testimony, Congress recently passed an appropriations bill which earmarks significantly increased funding to the Institutes of Health for Alzheimer's disease research. I am pleased to have contributed to this process by having introduced a bill last May which called for an interagency task force to coordinate Government research activities and to increase research dollars.

Research is absolutely essential to finding the cause or causes and the treatment of Alzheimer's disease, but in the meantime, families are struggling to take care of stricken loved ones. Alzheimer's disease steadily and relentlessly weakens its victims, both

mentally and, finally, physically. The caretaking spouse or child must provide constant care through most, if not all, the illness' duration as professional custodial and respite services costs are usually prohibitive. One hearing witness stated she spent over $30,000 per year for around the clock services for her mother. Most families do not have such resources. Most families try to cope with an increasingly difficult situation from day to day, year to year, with no financial or professional help. In the final months of the illness, when the victim is virtually helpless and incontinent, families find that many nursing homes and/or veterans' hospitals will not accept such patients for the lack of personnel or consistent policy.

In an effort to address these pressing problems, I have introduced three bills today which, if enacted, would help families who are caring for loved ones in their homes and to enlarge the pool of trained custodial and skilled personnel so that when victims must be moved to institutions, the facilities will be prepared and equipped to serve them.

The first of these measures, H.R. 4274, provides for a tax deduction from the gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease. This measure would allow deductions of expenses, other than medical, which are related to the home care of an Alzheimer victim, including home health services, custodial and respite care.

The second bill, H.R. 4273, would amend several provisions of the Veterans' Administration program, the net effect of which would initiate a consistent, nationwide policy of dealing with Alzheimer victims who are also veterans. H.R. 4273 would require the administration to carry out comprehensive screening, counseling, treatment, and information programs on Alzheimer's disease and related neurological disorders. Other provisions of this legislation would require that the age of eligibility of any veteran suffering from Alzheimer's disease be lowered to 50. Furthermore, a fourth eligibility priority catagory would be designated, calling for hospital and/or nursing home care for Alzheimer victims.

To help provide the institutions with trained personnel, the third bill, H.R. 4272, would amend title IV of the Older Americans Act to authorize the Administration on Aging Commissioner to give priority for student grants to those who will specialize in custodial or skilled care of Alzheimer patients. Such trained individuals would then be available for employment in nursing homes, veterans hospitals, and community home health programs. Additionally, the measure proposes the addition of a new section which tasks State area agencies on aging and service providers to address those needs of Alzheimer patients through the establishment of training and special demonstration projects. To implement these changes, the bill authorizes an additional $5 million for fiscal year 1985.

As our elderly population increases during the next decade due to our increased life expectancy, we can only expect even more Alzheimer victims and more families trying to cope. Congress has just challenged our research community to find the cause and cure of the disease. We now must address the most immediate problem—that of assisting those many, many sufferers and their families and training the professional personnel needed for the care of such victims. I urge my colleagues' support for these measures and the bills' speedy enactment.

H.R. 4272

A bill to amend the Older Americans Act of 1965 to require that special consideration be given to providing assistance to older individuals who suffer from Alzheimer's disease and other neurological diseases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds as follows:

(1) Alzheimer's disease is a progressive, neurological, degenerative, brain illness and is the most frequent cause of mental impairment among the elderly.

(2) Senile dementia of the Alzheimer's type currently affects between 1.5 to 3 million adults in this country and causes over 120,000 deaths per year.

(3) Alzheimer's disease is the fourth leading cause of death among adults, affecting 5 to 15 percent of those over 65 years of age and 20 percent of those over 80 years of age.

(4) Although it is estimated that one-half of the individuals admitted to nursing homes in the United States suffer from Alzheimer's disease, many nursing homes are unable to admit Alzheimer victims because an insufficient number of trained individuals is available for employment to provide custodial and skilled care for Alzheimer victims.

(5) The number of elderly people in the United States is expected to reach 30 million during this decade and to exceed 40 million by the year 2020.

(6) Although one victim is directly affected, Alzheimer's disease actually claims many victims because of its serious toll on the sufferer's family and friends.

SEC. 2. Section 411 of the Older Americans Act of 1965 (42 U.S.C. 3031) is amended by adding at the end thereof the following: "In making grants and contracts under this section, the Commissioner shall give special consideration to the recruitment and training of volunteers and persons employed in or preparing for employment in that part of the field of aging which relates to providing custodial and skilled care for older individuals who suffer from Alzheimer's disease and other neurological diseases and to providing family respite services with respect to such individuals.".

SEC. 3. (A) Section 422(a) of the Older Americans Act of 1965 (42 U.S.C. 3035a(a)) is amended by inserting a period after "elderly."

(b) Section 422(b) of the Older Americans Act of 1965 (42 U.S.C. 3035a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C) by striking out "and" at the end thereof,

(B) in subparagraph (D)(ii) by inserting "and" after the semicolon, and

(C) by adding at the end thereof the following new subparagraph:

"(E) older individuals who suffer from Alzheimer's disease and other neurological diseases;",

(2) in paragraph (6) by striking out "and" at the end thereof,

(3) in paragraph (7) by striking out the period and inserting in lieu thereof "; and", and

(4) by adding at the end thereof the following new paragraph:

"(8) provide family respite services with respect to older individuals who suffer from Alzheimer's disease and other neurological diseases.".

SEC. 4. Section 431 (a) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)) is amended—

(1) by striking out "and", and

(2) by inserting ", and $33,000,000 for fiscal year 1985 of which not less than $5,000,000 shall be available to carry out the provisions of this title relating to Alzheimer's disease and other neurological diseases" before the period.

H.R. 4273

A bill to amend title 38, United States Code, to provide for the treatment of Alzheimer's disease by the Veterans' Administration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 610 of title 38, United States Code, is amended—

(1) by inserting "or (f)" in subsection (a)(5) after "subsection (e)";

(2) by inserting "to a veteran to whom this subsection applies" in paragraphs (2) and (3) of subsection (e) after "may not be provided"; and

(3) by adding at the end thereof the following new subsection:

"(f) The Administrator is authorized to carry out a comprehensive program of providing screening, counseling, treatment, and information to veterans suffering from Alzheimer's disease and related neurological diseases under the provisions of this chapter. A veteran who is suffering from Alzheimer's disease or a related neurological disease and who is 50 years of age or older may be furnished hospital care or nursing home care for such disease under subsection (a)(5) of this section.".

SEC. 2. The amendments made by the first section of this Act shall take effect on October 1, 1984.

H.R. 4274

A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DEDUCTION ALLOWED FOR INDIVIDUALS FOR HOME CARE EXPENSES FOR DEPENDENTS WITH ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. HOME CARE EXPENSES FOR DEPENDENTS WITH ALZHEIMER'S DISEASE.

"(a) DEDUCTION ALLOWED.—In the case of an individual who maintains a household which includes a qualified dependent of such individual, there shall be allowed as a deduction the qualified home care expenses of such individual with respect to such dependent.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED DEPENDENT.—The term 'qualified dependent' means any individual (including the spouse of the taxpayer but not including the taxpayer) who—

"(A) has as his principal place of abode the principal residence of the taxpayer, and is a member of the taxpayer's household, for more than 180 days of the calendar year during which the taxable year of the taxpayer begins,

"(B) is a dependent of the taxpayer (within the meaning given to such term by subsection (a) of section 152 other than paragraph (9) of such subsection) for such calendar year, and

"(C) at the close of such calendar year, suffers from Alzheimer's disease and is physically or mentally incapable of caring for himself, as determined by a physician.

"(2) QUALIFIED HOME CARE EXPENSES.—The term 'qualified home care expenses' means the excess of—

"(A) the reasonable and necessary expenses paid or incurred by the taxpayer for—

"(i) household services for a qualified dependent, and

"(ii) the care of such dependent, over

"(B) the reasonable and necessary expenses such taxpayer would have paid or incurred for household services for, and the care of, such qualified dependent if such dependent had been capable of caring for himself.

"(3) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)).

"(c) SPECIAL RULES.—For purposes of this section.—

"(1) MAINTAINING A HOUSEHOLD.—An individual shall be treated as maintaining a household for any period only if over half the cost of maintaining the household for such period is furnished by such individual (or, if the individual is married, by the individual and his spouse).

"(2) MARRIED COUPLE MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the deduction shall be allowed under subsection (a) only if the taxpayer and his spouse file a joint return under section 6013 for the taxable year.

"(3) CERTAIN MARRIED INDIVIDUALS LIVING APART.—If—

"(A) an individual who is married and who files a separate return maintains a household which includes a qualified dependent,

"(B) over half the cost of maintaining such household is furnished by such individual, and

"(C) during the last 6 months of the taxable year, the spouse of such individual is not a member of such household,

such individual shall not be considered as married.

"(4) MARITAL STATUS.—The marital status of a taxpayer shall be determined in the manner provided in section 143(a).

"(d) CERTIFICATION OF DIAGNOSIS BY PHYSICIAN.—Any determination by a physician that—

"(1) an individual suffers from Alzheimer's disease, and

"(2) such individual is mentally or physically incapable of caring for himself,

shall be certified by the physician to the Secretary at such time and in such manner as the Secretary shall by regulation prescribe.

"(e) COORDINATION WITH SECTIONS 44A AND 213.—If any amount allowable under this section would (but for this subsection) also be allowable as a credit under section 44A (relating to expenses for household and dependent care services necessary for gainful employment) or as a deduction under section 213 (relating to medical, dental, etc. expenses), this section shall apply only if the taxpayer elects its application. If this section is elected with respect to any amount, such amount shall not be allowable as a credit under section 44A or as a deduction under section 213. Such election shall be made at such time and in such such manner as the Secretary shall by regulation prescribe."

(b) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) QUALIFIED HOME CARE EXPENSES.—The deduction allowed by section 223."

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by redesignating the item relating to section 223 as section 224 and by inserting after the item relating to section 222 the following new item:

"Sec. 223. Home care expenses for dependents with Alzheimer's disease."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.●

CONGRESSMAN STRATTON RELEASES HIS ANNUAL DISCLOSURE OF HIS JOINT 1982 INCOME TAX RETURN AND STATEMENT OF CURRENT NET WORTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, every year since 1974 my wife and I have released a copy of our joint Federal income tax return for the current year, plus a statement of our present net worth.

To be sure the Federal Disclosure Act now requires Members of Congress and other top Government officials to disclose certain financial information in May. However, the information that we have released annually is more detailed and this information is accordingly included herewith as a portion of my remarks.

The information follows:

1982 Joint Federal Tax Return of Samuel S. and Joan H. Stratton

Total exemptions (self, 65 or over—2; spouse—1)	3
Wages (congressional salary)	$60,662.50
Interest income (U.S. Government bonds and savings accounts)	491.83
Dividends	None
Exclusion	None
Subtract line 9b from line 9a	None
Refunds of State and local income tax	1,450.70
Fully taxable pensions and annuities (Naval Reserve retirement)	12,838.38
Other income (speaking honorarium)	200.00
Total income	75,643.42
Total adjustments (D.C. cost-of-living adjustment)	3,000.00
Adjusted gross income	72,643.42
Itemized deductions (summary from schedule A):	
Total medical expenses	747.93
Total taxes (State, real estate, sales)	7,764.33
Total interest paid	2,151.38
Total contributions	1,362.00
Total miscellaneous	234.10
Add lines 10 through 27	12,259.74
Zero bracket amount	3,400.00
Subtract line 29 from 28	8,859.74
Tax table income	60,783.68
Total tax (from tax rate schedule X,Y,Z)	18,088.96
Credit for contributions	10.00
Total Federal tax paid	18,078.95
Total taxes paid for 1982:	
1982 Federal tax paid	18,078.96
1982 New York State tax	4,154.00
Maryland real estate tax, 1982	2,234.40
Total taxes paid	24,467.36

Net worth of Samuel S. and Joan H. Stratton (as of Oct. 31, 1983)

Assets:	
Cash on hand or in checking accounts	$2,849.17
Cash in savings accounts	7,124.82
Cash value of life insurance policies	3,963.34
Accumulated dividends on life insurance	481.20
U.S. Government bonds (Series E & H), purchase price	2,250.00
Bethesda, Md. residence (estimated market value)	160,000.00
Automobiles:	
1982 Chevrolet Caprice (book value)	8,200.00
1979 VW Beetle convertible (book value)	6,075.00
Total	14,275.00
Sailboat and trailer	900.00
Furniture, clothes, personal possessions (estimated)	10,500.00

Accumulated contributions to date in congressional retirement fund (available only for retirement purposes)	78,618.02
Total assets	280,961.55

Note on assets:
1. Bethesda residence—purchased in 1965 for $42,600.
2. Schenectady residence is a rented apartment.
3. Total term life insurance held: $89,600.

Liabilities:	
Balance of GMAC loan on 1982 Chevy Caprice	7,315.54
Mortgage on Bethesda residence	20,471.83
Installment accounts payable	1,815.86
Total liabilities	29,603.23
Computation of net worth:	
Total assets	280,961.55
Total liabilities	29,603.23
Net worth	251,358.31

THE FEDERAL EMPLOYEES' HEALTH BENEFITS INFORMATION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARNES) is recognized for 10 minutes.

● Mr. BARNES. Mr. Speaker, today I am introducing the Federal Employees' Health Benefits Information Act of 1983 to assist Federal employees and retirees in exercising their choice of health benefits provided by the Federal employees' health benefits program (FEHBP). The bill would establish an information center within the Office of Personnel Management (OPM) to act as a national information clearinghouse for over 10 million Americans covered by FEHBP.

Mr. Speaker, each year well over 100,000 Federal employees join the Federal service. Each new hire must select a health plan that meets his or her individual and family needs. In addition, during the annual open season that enables Federal employees and retirees to switch from one health plan to another, hundreds of thousands of employees and retirees switch from one FEHB plan to another. The health benefits of more than 1 million Americans were affected by last year's open season. The right to choose among many different types of health plans, in this way, plays a key role as part of the Federal compensation package. In the past, the FEHBP had been considered a model program, a program offering affordable alternatives and comprehensive benefits.

Benefit reductions, accompanied by premium increases exceeding 75 percent in the last 30-month period alone, have seriously weakened the FEHB program. Sharp swings in premiums and coverage reflect a number of factors, from continuing virulent inflation in the health care sector of the economy to policy decisions that have expanded cost-sharing features throughout the FEHB program. Federal employees and retirees, therefore, have been compelled each year to carefully review their FEHB coverage as part of their compensation package and to insure that shrinking coverage would not present untenable financial risks to themselves and their families.

The administration has touted cost-sharing as the sole means of bringing the taxpayer's cost of the FEHB program under control. But unless the FEHB consumer enters the marketplace fully informed about the wide range of choices, the myriad of complex coverages, and procedures used to distinguish among the various health plans, cost-sharing deteriorates into the kind of open season chaos we began to witness last year. Instead of systematic selections, many retirees in particular chose health plans based upon their fear of switching from a familiar carrier or on the basis of hearsay and guesswork.

HOW A NATIONAL INFORMATION CENTER OVERCOMES THE PROBLEM

This legislation serves a host of purposes important not only to Federal employees and retirees, but also significant to private health care consumer and the taxpaying public. It would direct the Office of Personnel Management (OPM) to establish an FEHB information center operational by October 1, 1984.

The information center would furnish Federal employees, retirees, Government agencies, Members of Congress, and interested parties with a great variety of information, including: steps to take in selecting an appropriate health plan, how experts rate the various health plans currently being offered, plans of particular interest to those in need of certain kinds of health care such as mental health or dental coverages.

Perhaps equally important, the center would also develop information to assist FEHB enrollees in making use of the coverage they select. For example, an FEHBP newsletter could be published on an irregular basis to inform enrollees about savings that could be achieved by employing techniques such as seeking a second opinion or selecting an alternative form of health delivery system.

Traditionally, OPM has wisely adhered to the self-enforced policy of refraining from making public any value judgments about the various plans offered under FEHBP. This legislation would encourage OPM to continue this policy, but would enable OPM to enter into contracts with independent experts who annually review FEHB plans. Experts and consultants could also assist the national information center by recommending improved information delivery techniques and systems. This could include the development of information delivery systems accessible to individual employees and retirees.

CONTINUOUSLY UPGRADING FEHBP SYSTEMS

The bill provides statutory authority to OPM to expand activities that will continuously upgrade the FEHB program. In consultation with appropriate agencies, including the Department of Health and Human Services, OPM would be required to submit an annual report to congressional committees of jurisdiction describing recent developments in health delivery systems and comparable health insurance programs in the private sector. In its report, OPM would also make recommendations for legislative or administrative action.

To enable OPM to test its recommendations, the bill also provides specific authority for demonstration projects. For example, in developing an information delivery system accessible to individuals, OPM could test various forms of software or hardware.

COSTS

The FEHB Information Act of 1983 has no budgetary impact. Funding for procuring consultants and demonstration projects would come directly from the administrative fund established in section 8909(b)(1) of title 5, United States Code. The administrative fund is based upon a sum equal to 1 percent of all contributions—both the Government and the employee contribution—made into the employees' health benefit fund. In fiscal year 1984, administrative funds should approach $8 million. The OPM rarely spends the bulk of the administrative fund, but has rolled substantial unused portions back into the contingency reserves it maintains on behalf of each carrier.

By utilizing available administrative funds to improve FEHB delivery systems, the bill should actually result in both a short- and long-term budget savings. In the coming year, it will be possible for employees and retirees to purchase plans with lower premiums without reducing their present coverage. If the majority of employees are equipped to routinely make an informed FEHB selection, therefore, the result should be significant reductions in premium costs for both the employee, the Government, and the taxpayer.

Sharpening the abilities of employees and retirees to reduce both out-of-pocket and reimburseable expenses should also have a salutary effect on FEHB contributions. Perhaps most important of all, the FEHB Information Act of 1983 will help brake the steady erosion of the Federal employees' compensation package, an erosion that has alarmed and demoralized the Federal work force.

ANNUAL OPEN SEASON

Of course, the success of this proposal depends in no small measure on an annual open season. A number of FEHB reform proposals have, therefore, sought to guarantee an annual open season. The most comprehensive

of these proposals, H.R. 656, introduced by the distinguished Chair of the Compensation and Employee Benefits Subcommittee, Congresswoman MARY ROSE OAKAR, provides for an open season whenever a change in FEHB benefits and or premiums occurs. Provisions in the FEHB Information Act of 1983 that mandate an open season are identical to those in the Oakar bill.

Mr. Speaker, in recent years Members with large Federal constituencies have worked hard to provide the kind of information enactment of this bill would supply as a matter of course. Members have recognized that selecting the appropriate health benefit plan is no simple matter. In fact, I can safely say that every Member of this body has had to struggle with complex FEHB brochures and has experienced the difficulties this legislation seeks to remedy for themselves. I believe that we have found a flexible, practical, worthwhile approach to the problem that will benefit everyone. I urge every Member of this body to join me in cosponsoring this important legislation.

For further information, Members are asked to contact the Federal Government Service Task Force, which I chair, at 226-2494.

I also submit the text of the Federal Employees Health Benefits Information Act at this point:

H.R. 4261

A bill to amend chapter 89 of title 5, United States Code, to provide for the establishment of a Federal Employees Health Benefits Information Center, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Employees Health Benefits Information Act of 1983".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to establish within the Government a comprehensive information delivery system and to expand the types of services currently available to Federal employees and annuitants in order to assist those individuals to make better-informed decisions in matters relating to the selection or use of a health benefits plan under chapter 89 of title 5, United States Code;

(2) to provide reasonable opportunity for employees and annuitants enrolled in a Federal health benefits plan to transfer or cancel their enrollment in the event of a change in the terms of their coverage and under certain other circumstances;

(3) to authorize demonstration projects and experiments to improve the quality or timeliness of information provided by the Government with respect to health benefits plans; and

(4) to provide for a continuing program designed to keep the Government fully abreast of changing practices and techniques, both in health care and information delivery systems, to ensure that participating Federal employees and annuitants have greater access to the latest and most effective forms of health care available at the minimum costs practicable.

ESTABLISHMENT OF FEDERAL EMPLOYEES HEALTH BENEFITS INFORMATION CENTER

SEC. 3. Title 5, United States Code, is amended by inserting after section 8907 the following new section:

"§ 8907a. Federal Employees Health Benefits Information Center

"(a) The Director of the Office of Personnel Management shall establish a Federal Employees Health Benefits Information Center (hereinafter in this section referred to as the 'Center').

"(b) The Center shall—

"(1) establish and maintain, and disseminate or provide information from, a national information clearinghouse for employees and annuitants eligible to enroll in a health benefits plan under this chapter, for purposes of furnishing to such employees and annuitants information concerning the relative advantages and disadvantages of the respective plans, based upon—

"(A) general categories of needs or circumstances; and

"(B) individual needs or circumstances;

"(2) assist employees and annuitants in understanding any information furnished under this chapter in order to promote better-informed decisions relating to the choice of, or use of coverage under, a health benefits plan; and

"(3) conduct surveys, market analyses, and feasibility studies in order to identify problems or deficiencies in any health benefits plans under this chapter or any system relating to the delivery of information or assistance under this chapter, and to develop methods by which such problems or deficiencies may be corrected.

"(c) The Center may procure by contract the services of such experts or consultants or organizations thereof as may be appropriate in order to carry out the purposes of this section.

"(d) The Office of Personnel Management shall prescribe regulations under which—

"(1)(A) a carrier shall be given notice of, and reasonable opportunity to submit written comments upon, the form or content of any information proposed to be disseminated or provided under subsection (b)(1)(A) of this section, to the extent that such information relates to a plan offered by such carrier under this chapter; and

"(B) information may not be disseminated or provided under subsection (b)(1)(A) of this section until after sufficient opportunity for the Office to review such comments and to make appropriate modifications, additions, or other changes in the form or content of such information; and

"(2) information may be provided under subsection (b)(1)(B) of this section, taking into consideration the information available under subsection (b)(1)(A) of this section.

"(e) Information provided under subsection (b) of this section shall supplement the information made available under section 8907 of this title.".

(b) The analysis for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8907 the following new item:

"8907a. Federal Employees Health Benefits Information Center."

STUDIES, REPORTS, DEMONSTRATION PROJECTS, AND ADUITS

SEC. 4. (a) Section 8910 of title 5, United States Code, is amended to read as follows:

"§ 8910. Studies, reports, demonstration projects, and audits

"(a) The Office of Personnel Management shall make a continuing study of—

"(1) the operation and administration of this chapter, including surveys and reports on health benefits plans available to employees and on the experience of the plans; and

"(2) the costs, benefits, and coverage under the plans available to employees under this chapter and how they compare with the costs, benefits, and coverage generally available to similarly situated employees in private industry, including comparisons by occupation and location.

"(b)(1) Each contract entered into under section 8902 of this title shall contain provisions requiring carriers—

"(A) to furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

"(B) to permit the Office and representatives of the General Accounting Office to examine records of the carriers as may be necessary to carry out the purposes of this chapter.

"(2) The Office shall prescribe regulations under which the requirements of paragraph (1) of this subsection with respect to contracts with carriers shall apply with respect to contracts with experts or consultants (or organizations thereof) under section 8907a(c) of this title.

"(3) The Office, in consultation with the Department of Health and Human Services, shall submit annually to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate information relating to any recent developments in medical research, health care delivery systems, or any other subject relevant to improving the scope or quality of health-related services under the plans under this chapter, and recommendations for any administrative or legislative action which may be appropriate.

"(c) The Office may conduct experiments and demonstration projects to test methods for improving the quality or timeliness of information provided under section 8907 or 8907a of this title.

"(d) Each Government agency shall keep such records, make such certifications, and furnish the Office with such information and reports as may be neccessary to enable the Office to carry out its functions under this chapter, including a brief description of any services or resources provided by such agency to assist employees in obtaining or making use of any information provided by such agency under this chapter, and the extent to which such services or resources are used.".

FUNDING

SEC. 5. (a) Section 8909(a) of title 5, United States Code, is amended by striking out "for administering this chapter" and inserting in lieu thereof "referred to in subsection (b)(1) of this section".

(b)(1) Section 8909(b)(1) of title 5, United States Code, is amended to read as follows:

"(1) A percentage, not to exceed 1 percent of all contributions made available by subsection (a) of this section, out of which is to be allocated that part determined by the Office to be reasonably adequate to pay expenses for administering this chapter with the balance to be available (A) for procurement of the services of experts and consultants under section 8907a(c) of this title, and

(B) for experiments and demonstration projects under section 8910(c) of this title."

(2) The first sentence after paragraph (2) in section 8909(b) of title 5, United States Code, is amended by striking out "for administrative expenses" and inserting in lieu thereof "under paragraph (1) of this subsection".

(3) Section 8906(c) of title 5, United States Code, is amended by striking out "costs and the reserves" and inserting in lieu thereof "costs, consultant services, demonstration projects, and reserves".

OPEN SEASON

SEC. 6. Section 8905(e) of title 5, United States Code, is amended to read as follows:

"(e) The Office shall prescribe regulations under which, before the start of any contract term in which an adjustment is to be made in any of the rates charged or benefits provided under a health benefits plan described by section 8903 of this title, or a newly approved health benefits plan is offered or an existing plan is terminated, a period of not less than three weeks shall be provided during which any employee or annuitant enrolled in a health benefits plan described by that section may either transfer that individual's enrollment to another such plan or cancel that enrollment.".

INFORMATION AND SERVICES

SEC. 7. (a) Section 8907 of title 5, United States Code, is amended to read as follows:

"§ 8907. Information and services available to employees and annuitants

"(a) Beginning not later than 30 days before the commencement of any period described in section 8905(e) of this title, the Office of Personnel Management shall make available to each employee and annuitant eligible to enroll in a health benefits plan under this chapter—

"(1) such information, in a form acceptable to the Office after consultation with the carrier, and such services as may reasonably be required by an employee or annuitant in order to exercise an informed choice among the types of plans described by section 8903 of this title; and

"(2) a brief description of the types of information and services available from the Federal Employees Health Benefits Information Center and the procedures for obtaining access to such information and services.

"(b) Each employee and annuitant enrolled in a health benefits plan shall be issued—

"(1) an appropriate document setting forth or summarizing—

"(A) the services or benefits, including maximums, limitations, and exclusions, to which the employee or the employee and members of his family, or the annuitant or the annuitant and members of his family, are entitled thereunder;

"(B) the procedure for obtaining benefits; and

"(C) the principal provisions of the plan affecting the employee or annuitant or members of the family of such employee or annuitant; and

"(2) a copy of the policy under which such employee or annuitant is covered.

"(c)(1) In the event that there is to be an adjustment in the rates charged or the benefits provided under a health benefits plan described by section 8903 of this title, written notice of such adjustment shall be provided to each employee and annuitant who is then currently enrolled in such plan, together with an appropriate supplement to the information provided under subsection (b)(1) of this section reflecting such adjustment.

"(2) The notice and supplement required under this subsection shall be provided not later than 30 days before the commencement of the period described in section 8905(e) of this title preceding the start of the contract term in which the adjustment first takes effect.

"(d) For the purpose of this section, 'policy' means a contract of insurance under this chapter with respect to the employee or annuitant concerned.".

"(b) The analysis for chapter 89 of title 5, United States Code, is amended by striking out the item relating to section 8907 and inserting in lieu thereof the following new item:

"8907. Information and services available to employees and annuitants.".

EFFECTIVE DATE

SEC. 8. This Act and the amendments made by this Act shall be effective beginning on October 1, 1984, except that the Director of the Office of Personnel Management shall take such actions as may be necessary before that date to prepare for the commencement of operations of the Federal Employees Health Benefits Information Center (established under the amendment made by section 3(a) of this Act) beginning on that date.●

PARAMOUNT HIGH CHIEF LE'IATO TULI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. SUNIA) is recognized for 5 minutes.

● Mr. SUNIA. Mr. Speaker, I rise today sadly to report the passing of one of American Samoa's leading chiefs, Paramount High Chief Le'iato Tuli. Late last week, he finally gave up the long and hard fight against cancer. He was buried at his village, Faga'itua, on Sunday. The traditional rites befitting the passing of a high chief will be held today and tomorrow.

When President-elect John F. Kennedy saw an article in Reader's Digest titled, "American Samoa—America's Shame in the South Pacific," he was appalled. He handpicked and sent to American Samoa a Federal officer who could correct the shameful situation in a hurry. He picked Rex Lee. When Rex Lee became Governor of the territory in May of 1962, he immediately realized he needed the advice and assistance of a high chief who was a strong leader and respected by his people. He turned to High Chief Le'iato.

In a matter of months, new school buildings were completed, roads were built and paved, and the jet airstrip was opened. Plans for more schools, a medical center, the introduction of educational television, and a tourist hotel were approved. The entire infrastructure was overhauled and rebuilt overnight. Governor Lee said he could not have done it without the advice, counsel, and strong leadership of High Chief Le'iato. In his role as Secretary of Samoan Affairs, the highest government post given to a local in those days, High Chief Le'iato was head of the island wide system of district, county, and village chiefs. He made sure the chiefs focused their interest and placed their full support to the new program of development.

I was privileged to serve under this man, as a young college graduate, and can attest to his inspired leadership. For a man who never went to high school, he was remarkable in his ability to grasp the meaning of new ideas, and was never relaxed until a project to improve the people was completed.

High Chief Le'iato was to have been 79 years old last Sunday, the day he was buried. He had retired in 1977 after having served as Secretary of Samoan Affairs—director of local government—for 15 years.

His government service began in 1940 when he joined the U.S. Marines. Following the war he joined the local police force and left as a lieutenant. After the title "Le'iato" was bestowed upon him in 1953, he was appointed district governor of the eastern district.

The proper development of local political institutions was a matter of serious concern with the chief. He was an avid debater of issues in the constitutional committees and conventions. In his vision, there will always be a fundamental and a tremendously useful role for the chiefly system in any political structure devised for the territory.

He loved his church work and became a pioneer and driving force in the establishment of the 3-year old Christian Congregational Church of American Samoa. He held a church post through his entire adult life.

Like most active leaders, High Chief Le'iato loved sports. One of his credits is a leading role in the construction of the only golf course in the territory. He loved the game. He was my golf teacher. He gave me my first set of golf clubs. That is the kind of heart this man had.

No tribute would be complete without a mention of the person who was his strongest supporter, his lady, Puao. To Puao, here seven children, and several grandchildren, I extend my deepest sympathies.

Finally, I want to note the unswerving support and service of the Districts of Sua and Vaifanua to their chief. No chief can succeed in the system of Samoan matais without the support of his people. High Chief Le'iato always enjoyed the loyalty of Sua and Vaifanua as well as the village of Faga'itua where he now lies amongst Le'iatos of the past.

May the passing of this great chief become an inspiration to the current and future leaders of American Samoa.●

INTRODUCTION OF LEGISLATION INCREASING THE DEDUCTION FOR BUSINESS GIFTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing legislation to raise the current limitation on the deduction for business gifts from $25 to $100. Typically, these are gifts made by employers to their employees. Under present law, a taxpayer's deduction for business gifts generally is disallowed to the extent that the total cost of all gifts to the same individual from the taxpayer during the taxable year exceeds $25. This provision was added to the Internal Revenue Code by the Revenue Act of 1962 (Public Law 87-834), and the $25 limit has not been raised since that time.

It is only appropriate that this limit should be increased in light of the inflation that our economy has experienced since 1962. Permitting deductions for business gifts of less than $100 appears to present little additional potential for the abuse that Congress was concerned about in 1962. However, retention of the $25 limitation may deny taxpayers deductions for what are legitimate business expenses.

Mr. Speaker, this legislation will eliminate that inequity by providing a more realistic limitation on the deductibility of business gifts.●

ARGENTINE ELECTIONS: A BREAK WITH THE PAST AND A CHANCE FOR THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, along with MIKE BARNES, the chairman of our Subcommittee on Western Hemisphere Affairs, as well as Mr. WRIGHT, Mr. KEMP, Mr. BEILENSON, Mr. WINN, Mr. LEVITAS, Mr. SIMON, Mr. YATES, Mr. ZSCHAU, Mr. SCHEUER, Mr. SLATTERY, and Mr. GORE, I am today introducing a resolution commending the Argentine people for their successful and peaceful conduct of elections this past Sunday and encouraging a smooth and prompt transition from military rule to the newly elected civilian government.

These elections in Argentina were most significant both as a break from the past decade of military rule under a state of seige and as an opportunity for the future. Activities that have been allowed to transpire in Argentina during the last decade have shown a wholesale disregard for human and religious rights. Thousands of Argentine citizens have disappeared with no explanation and others have been killed without due process. Antisemitism has been on the upswing and has turned violent with armed attacks in Jewish communities, bomb threats against Jewish schools and defacing of synagogues. At the same time, the Argentine economy has deteriorated severely leaving the new government facing 12-percent unemployment, 1,000-percent annual inflation, and the world's third largest foreign debt.

The newly elected government has indicated its intention to tackle all of these problems. It will not be an easy task, but it is one that we must encourage the new government to follow through on. The return to democracy in Argentina deserves our commendation and encouragement. Just as our revolution in 1776 was at the vanguard of other republics being established, sustained success in Argentina can likewise set an example for other Latin American peoples. That would be an incredible step forward for Latin America and the principles of democracy for which this country stands.●

BOB CHRISTOFFERSON—ONE OF CALIFORNIA'S FINEST PUBLIC SERVANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to bring to the attention of my colleagues the departure from Salinas, Calif., of one of the finest public servants in our State, Bob Christofferson.

Bob, who has served since 1972 as city manager of Salinas, is moving on to become the city manager of Fresno, Calif. Judging from the excellent record Bob has compiled in Salinas, the people of Fresno can look forward to effective and efficient management of their city.

Bob's move to Fresno is the most recent in a line of advancement from one challenging California city management job to the next. After earning a master of science degree in public administration from the University of Southern California in 1956, and with experience already under his belt as an administrative intern in the city of Beverly Hills, Bob became assistant to the city manager of Glendale and served in that capacity until 1965. At that time, Bob moved on to San Dimas, where he obtained his first full-fledged city manager's job. From there, it was on to Covina in 1968, and in 1972, Bob made his way to Salinas.

Mr. Speaker, Bob's long tenure in Salinas is an indication of the fine work he has done there and the satisfaction of both the elected officials of Salinas and the people of that city with his work. In addition, Bob has won numerous awards, including the Administrator of the Year Award presented by Brigham Young University, and the Harry Scoville Award for Administrator of the Year, presented by the Los Angeles chapter of the American Society for Public Administration.

In addition to his work for the city of Salinas, Bob has been very active in urban and professional public management organizations. He currently serves as president of the Monterey chapter of the American Society for Public Administration and as a board member of the League of California Cities. He also serves on the Social Issues Committee and the Tax Reform Task Force in that organization. In 1981, he served as president of the City Manager Department of the League of California Cities.

Mr. Speaker, on November 5, Bob Christofferson will be honored with a special celebration in recognition of his years of service to the people of Salinas. I know my colleagues join me in wishing him well as he moves on to Fresno.●

NOTICE OF HEARING BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, on June 30 of this year, the House agreed to House Resolution 254, by a vote of 409 to 0, authorizing and directing the Committee on Standards of Official Conduct to undertake an investigation into alleged improper alterations of House documents. A part of the committee's inquiry involved the serving of interrogatories on each Member of the House during the 97th Congress and certain present and former congressional and committee staff.

Also, on September 14 of this year, I addressed the House and invited interested Members and staff to share their advice, comments, and suggestions regarding the procedure by which the official records of the House are published. The September 14 invitation was followed by letters on this subject dated September 16 to every Member. The committee has reviewed and analyzed the responses it has received and is now ready to receive testimony from interested parties.

To this end, I invite any Member, staff, or other individual wishing to present public testimony on the editing and publishing of House documents to do so on November 3, 1983, at 3 p.m., in room 2359-A Rayburn House Office Building.

In order that the committee can make necessary arrangements, we request that anyone wishing to testify contact the committee not later than 5 p.m. on November 2, 1983, and provide 20 copies of any prepared statement at that time.

MAJ. GEN. JAMES TAYLOR, JR., WELL DONE AND WELCOME HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 10 minutes.

● Mr. NEAL. Mr. Speaker, I would like to pay special tribute today to Major General Taylor of Winston-Salem who recently retired from the Air Force after nearly 32 years of service to his country.

General Taylor, who was born in Rural Hall, N.C., received his primary and secondary education in Jonesville. In 1945, he was graduated from Mars Hill College and in 1947 was awarded a bachelor of arts degree from the University of North Carolina. He received his juris doctor from the university's law school in 1949. After 2 years in private practice in Boone, N.C., he accepted a direct commission in the Judge Advocate General's Department, U.S. Air Force, and was assigned to Biggs Air Force Base in Texas. Following this initial tour, General Taylor served in England at RAF Greenham Common and with the 7th Air Division at RAF South Ruislip. In 1956, he was assigned to HQ SAC at Offutt Air Force Base, Nebr., and 4 years later was brought to the Judge Advocate General's Office in Washington, D.C., as an appellate Government counsel. From there, General Taylor was assigned for 3 years as base staff judge advocate at Hickam Air Force Base in Hawaii. He returned to Washington in 1967 to deal directly with Congress, first as legislative attorney and then as Chief of the Legislation Division of the Office of the Secretary of the Air Force. He left Washington again in 1972 to become staff judge advocate of the 13th Air Force in the Philippines, but was reassigned to the Capital 2 years later as director of civil law for the Judge Advocate General. In 1977, he was promoted to the grade of brigadier general and, shortly thereafter, selected as Assistant Judge Advocate General of the U.S. Air Force, the position in which he served until his nomination and for confirmation as the first Deputy Judge Advocate General in 1980. General Taylor has accepted a position as the director of clinical education programs and visiting professor of law at the Wake Forest University School of Law in Winston-Salem, N.C. General Taylor is married to the former Louise Lewis of Boone. They have a daughter, Dawn, who is a graduate of and employed by the University of North Carolina at Chapel Hill.

Major General Taylor was presented the Distinguished Service Medal at ceremonies recently held at the Pentagon. This award, the highest military decoration awarded in peacetime, recognized General Taylor's exceptional meritorious service in duties of great responsibility.

Today I ask the Members of this House to join me in honoring General Taylor for his devoted and selfless service to this great Nation—well done and welcome home.●

PRESIDENT EXHIBITS SKILLS AS CASUIST IN CASE OF COMMUNISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DYMALLY) is recognized for 30 minutes.

Mr. DYMALLY. Mr. Speaker, President Reagan in his public statements gives the impression that he is the most fervent and monolithically anti-Communist American leader since John Foster Dulles. Some credit him with restarting the cold war. We can easily picture his anger at Cuba for sending workers to Grenada to build an airstrip—an airstrip probably not unlike the one we are building in Honduras. We know how intent he is on deploying Pershing II missiles in Europe to save the Western Europeans from being destroyed by the Russian Communists.

But to Mr. Reagan it appears there are "Communists" and then there are "Communists." In the midst of all the anti-Communist rhetoric, it is easy to lose sight of the fact that the President can make rather esoteric distinctions when he chooses to—like the distinction between Chinese Communists and all other Communists. He considers it all right to arm some Communists even as he pressures other Communists to disarm. A recent article by Robert Scheer in the Los Angeles Times reflects on this ability of the President. I think the article provides an insight that is important to understand. The distinction he makes between Communists, I might add, appears to be revisited in the distinction he makes between totalitarian—bad Communist regimes and authoritarian—supportable Communist regimes. I shall enter the Scheer article in the RECORD for the benefit of my fellow Members of Congress.

[From the Los Angeles Times, Oct. 2, 1983]

U.S. ARMS FOR CHINA: LEARNING TO LOVE THOSE CHICOM HORDES

(By Robert Scheer)

There was something oddly disconcerting last week about the pictures of Defense Secretary Caspar W. Weinberger happily cavorting atop the Great Wall, while on a mission to sell sophisticated U.S. weapons to the Chinese communists. During his amicable stay in China he also held out the possibility of a strategic partnership with Peking, and promised eventually to end arms sales to Taiwan, thereby implicitly endorsing China's claim to Taiwan.

Arms for Red China and the "betrayal" of Taiwan. The very idea would have caused the impeachment of an American President not so very long ago. Yet now the offer has been made by an Administration that has based much of its foreign policy on what it believes is the inherent immorality and imperial drive of communist ideology.

This is a remarkable turnabout for the President and the many others in his Administration who once believed that vast hordes of ChiComs could be expected to land in San Diego, if not first stopped in Korea or Vietnam or on some other Asian shore. Whatever became of those implacable foes of Western democracy and common decency, who not only dominated Cold War nightmares, but also killed tens of thousands of Americans in the Korean War?

What has changed? Have the Chinese stopped being communists? Have they freed the captive souls in what was, until a short decade ago, thought of as little more than a concentration camp of a country?

No. What has happened is that the Chinese communist leaders are now hostile to the Soviets' "evil empire" and no more need be said. This is a reversal of the situation in the 1960s, when the Soviets were thought by many experts in the U.S. government to be the more mellow communists, while the Chinese were defined as the rabid revolutionaries. But in the current mood, anything anti-Soviet becomes, if not virtuous, at least acceptable.

To the Reagan Administration, anti-Soviet totalitarian regimes are—in the jargon of U.N. Ambassador Jeane J. Kirkpatrick—assumed to be merely authoritarian.

There has been no official word on where the Chinese communists fit into this pantheon of evil. Up to now the authoritarian regimes approved by Kirkpatrick have all been right-wing. But, given that the Administration now proposes to sell the Chinese not only butter, but also guns, one must assume that they are now judged to have slipped across the line from totalitarian to authoritarian, although that may be of small comfort to the tens of thousands held prisoner in that country. At the very least, Washington apparently thinks of the Chinese as good communists, as compared with the evil ones in Moscow.

But does the White House now believe that good communists kill or imprison fewer of their people than evil ones? The plight of Soviet dissidents has been better publicized than that of Chinese dissenters, but their situation is no less precarious. Last year, Amnesty International reported "a noticeable deterioration in the human rights situation" in China and was similarly pessimistic about human rights inside Russia. Although very little is heard in this country about Chinese human-rights violations, it cannot be safely assumed that the thousands of shaven-headed convicts recently trucked about China prior to their execution were accorded due process of law.

Nor are good communists necessarily less expansionist and oppressive of foreign nationals. China plans to grab Taiwan no matter what the people there may want, and it has been just as insensitive to the national aspirations of Tibetans as the Soviets have been to those of Estonians or Poles.

On his trip to China, Weinberger joined with the Chinese in a condemnation of the Soviet-financed Vietnamese invasion of Cambodia. But no mention was made of the Chinese-financed Khmer Rouge, which not long ago murdered several million relatives of the people it would now liberate. Nor does the United States judge that past performance as grounds for disqualifying the Khmer Rouge as legitimate spokesmen for

the Cambodian people at the United Nations.

The U.S. strategic rapprochement with China also raises some doubts about the essential rationale of U.S. policy, based as it is on an assertion of past U.S. passivity in response to growing Soviet military and geopolitical power. For example, the Administration has condemned Soviet arms shipments to Cuba and Nicaragua as an asymmetrical boost in Soviet global power, but the prospect of sophisticated U.S. weapons in China must be every bit as disturbing to the Soviets.

The military rapprochement with China challenges this pet notion of the Administration—that the Soviets have been successful in expanding their geopolitical influence. Surely the defection of China from the Soviet Bloc and its emergence as an avowed enemy armed by the United States, must be interpreted as a severe setback for the Soviets—one that far outweighs whatever gains they have made during this same period in Latin America and Africa. Surely, the presence of a billion hostile Chinese on one's borders is a bit more disconcerting than the threat posed to America's national security by 12 million Cubans and Nicaraguans.

Refusal to take such comparisons seriously points to the limitations of the Administration's world view, which characterizes the competition between the superpowers as a theological struggle between good and evil, a devil theory of communism in which the other side cannot possibly have a case to make. But a fixation on communist ideology per se cannot explain such real world events as the Chinese-Soviet split.

The fact that the two major communist powers are now at each other's throats makes a hash of Reagan's simplistic anti-communist ideology. Take, for example, Reagan's interview with The Times during the 1980 election campaign in which he said: "They (China and Russia) were allies, and the only argument that caused their split was an argument over how best to destroy us. That was not one that reassured me that when they split, that we should immediately rush over there and trust them. And even now, though I think it's fine now that we are attempting to establish a contact, it should be done with our eyes open, it should be done with a cautious holding back of one foot. . . ."

When asked whether he would "entrust them with sophisticated weapons at some point," candidate Reagan replied: "No because just like the Soviets broke their agreement—or Hitler broke their agreement with the Soviets, they could turn right around and the day after tomorrow discover that they and the Soviets have more in common than they have with us."

Confusions and contradictions of this sort are the inevitable product of an attempt to make a complex and sometimes chaotic world conform to a Reader's Digest condensed version of 20th-Century history.

□ 1850

BIKE FOR PEACE '83

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MORRISON), is recognized for 10 minutes.

Mr. MORRISON of Connecticut. Mr. Speaker, the last 2 months have graphically demonstrated how fragile is the peace in this world which we all profess to believe in. In particular, the possibility of reaching an understanding with the Soviet Union to stop the arms race has been cast in doubt by growing official hostility between the two superpowers. The lack of effective communication between the two countries has been demonstrated.

In this light, I believe that a unique and important event which took place this past summer deserves to be recognized by this body. A group of 32 men and women of various ages and from five countries bicycled over 1,200 miles together in the name of world peace. The trek was called Bike for Peace '83 and was originated by several Norwegians. Tore and Bjoerg Naerland of Oslo, Norway, conceived the idea and then joined together with Andrew Kroglund, also of Oslo, to suggest a partnership with groups in the Soviet Union and the United States.

First the Norwegians formalized an association with the Soviet Peace Committee and Sport Committee of the U.S.S.R. in Moscow. Their agreement took the form of a written protocol which was based on their desire to contribute to the struggle against the nuclear arms race and to establish better understanding between different nations and peoples. The protocol was signed by Eugene Oskolosky and Vladimir Kokashvili for the Soviet Peace Committee, and Ildar Valimulin for the Sport Committee and Andrew Kroglund of Norway.

Naerland and Kroglund then traveled to the United States and in March met with Christopher Senie of Westport, Conn., who agreed to serve as the American coordinator.

A parallel protocol was signed on May 8, 1983, in Oslo, by Mr. Senie and Mr. Naerland, officially joining citizens of the Soviet Union, the United States, and Norway in a demonstration of the universal desire for peaceful relations beween nations.

□ 1900

The bike tour itself lasted 30 days beginning in Moscow on July 6 and ending in Washington, D.C., on August 5. The group consisted of 20 Soviets, 9 Norwegians, 1 Swede, 1 Finn, and 9 Americans.

The route brought Bike for Peace '83 through many small towns and cities as well as the following major cities: Moscow, Norgorod and Leningrad in the U.S.S.R.; Helsinki, Stockholm, Oslo, New York City, Philadelphia, Baltimore, and Washington, D.C.

The group carried with it a petition which was signed by over 100 town, city, and regional leaders and which was then delivered to the Secretary General of the United Nations. This petition, which was written in three languages, was read or quoted from at almost every lunch and overnight stop along the route. Crowds of people bearing gifts and flowers greeted the group at each stop as the bicyclists read from the petition.

The petition is addressed to the United Nations and the people of the world and calls for peace and disarmament, urging the leading politicians of the great powers "to take the responsibility for the people of the world so that humanity, and the basis for all life on Earth, will not be destroyed by a nuclear war." The petition also declares the participants' active support for the cause of peace and the important role of the United Nations in efforts to reach that goal.

The Bike for Peace group met on August 9 with the U.N. Secretary General, who praised them for having engaged in the type of citizen involvement in the struggle for peace which is so desperately needed. The peace cyclists rode approximately 60 miles each for all but 5 of their 30 days on the road. The terrain and weather at times presented difficulties but the high level of cooperation and friendship that developed added to each rider's strength and endurance.

A tandem bicycle led the group for most of the 1,200-mile journey ridden by the U.S. Coordinator, Christopher Senie, and Soviet Vladimir Semenets. Semenets won a gold medal in the Tandem Sprint in the 1972 Olympics held in Munich, Germany. This Soviet-American tandem symbolized the possibility for Soviets and Americans working together in order to move forward toward world peace.

Bike for Peace '83 represents the first time Americans and Soviets have joined together to demonstrate for peace on the soil of each country. Credit must be given to the government departments in each country which issued the visas that made it possible for the full participation of citizens from all five countries.

Bike for Peace '83 is best characterized as a colorful, professionally run, emotional appeal which remained nonpolitical in the sense that no political parties or governmental policies were endorsed.

We have learned from Bike for Peace '83 that peace is a universal concern and that ordinary citizens can and should participate in the call for effective and meaningful disarmament agreements.

This is an event which I think we in this country can take justifiable pride in because it is through these kinds of events and the kinds of activities by our citizens that the concern of disarmament, the concern of world peace, can be brought to the forefront not only in this country but elsewhere in the world.

Debates on Government policy will move us a certain distance, but a commitment of the citizens of countries in the world, and particularly the superpowers, the Soviet Union and the

United States, are the most essential ingredients to reaching agreements leading to disarmament, agreements that will prevent war.

This event, led by people from several nations, and led in particular in this country by a resident of Connecticut, is something of which I am proud and which I think we, as Members of the House, should pay attention to and should praise.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. LENT, for 5 minutes, today.
Mr. PORTER, for 10 minutes, today.
Mr. KEMP, for 10 minutes, today.
Ms. SNOWE, for 20 minutes, today.

(The following Members (at the request of Mr. LEVIN of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. STRATTON, for 5 minutes, today.
Mr. BARNES, for 10 minutes, today.
Mr. RICHARDSON, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. SUNIA, for 5 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. GLICKMAN, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. STOKES, for 5 minutes, today.
Mr. NEAL, for 10 minutes, today.
Mr. DYMALLY, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEWIS of Florida) and to include extraneous matter:)

Mr. BEREUTER.
Mr. GREEN.
Mr. SCHAEFER.
Mr. MCGRATH.
Mr. WOLF.
Mr. CLINGER.
Mr. GILMAN.
Mrs. ROUKEMA.
Mr. DUNCAN.
Mr. LEACH of Iowa.
Mr. JEFFORDS.
Mr. MYERS.
Mr. GUNDERSON.
Mr. LEWIS of Florida in two instances.
Mr. FIELDS.
Mr. HYDE.
Mr. COUGHLIN.
Mr. DAUB.
Mr. HORTON.
Mr. WHITTAKER.

(The following Members (at the request of Mr. LEVIN of Michigan) and to include extraneous matter:)

Mr. LONG of Maryland.
Mr. TALLON in two instances.
Mr. JACOBS in two instances.
Mr. HAMILTON.
Mr. MARKEY.
Mr. CARR.
Mr. RATCHFORD.
Mr. OBERSTAR.
Mr. BORSKI.
Mr. DE LA GARZA.
Mr. CLARKE.
Mr. FROST.
Mr. ACKERMAN.
Mr. ZABLOCKI.
Mr. LEHMAN of Florida.
Mr. BENNETT.
Mr. PATTERSON.
Mr. MINETA.
Mr. SHANNON.
Mr. SKELTON.
Mr. LEVIN of Michigan.
Mrs. SCHROEDER.
Mr. SUNIA.
Mr. LANTOS in three instances.
Mr. ROE.
Mr. YOUNG of Missouri.
Mr. WYDEN.
Mr. VALENTINE in two instances.
Mrs. BURTON of California.
Mr. HUBBARD.
Mr. OTTINGER in two instances.
Mr. HARRISON.
Mr. WON PAT.
Mr. EDWARDS of California.
Mr. TORRES.
Ms. FERRARO.
Mr. ROE.
Mr. KOLTER.
Mr. WEISS.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 57. Joint resolution to designate the week of November 2, 1983, through November 9, 1983, as "National Drug Abuse Education Week."

ADJOURNMENT

Mr. MORRISON of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 2, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2074. A letter from the Comptroller General of the United States, transmitting a review of the proposed 20 deferrals contained in the special message from the President dated October 3, 1983, pursuant to section 1014 of the Impoundment Control Act (H. Doc. No. 98-126); to the Committee on Appropriations and ordered to be printed.

2075. A letter from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting a report analyzing the impact on the provision of basic human needs of economic adjustment programs supported in 1982 by financing from the International Monetary Fund, pursuant to the act of July 31, 1945, chapter 339, section 30(b), as amended; to the Committee on Banking, Finance and Urban Affairs.

2076. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 5-74, "Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983," and report, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2077. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 5-75 "D.C. and PEPCO Blue Plains Real Estate Exchange Act of 1983", and report, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

2078. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2079. A letter from the Chairman, Council on Environmental Quality, Executive Office of the President, transmitting the council's annual reports for the years 1980, 1981, and 1982 under the Government in Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2080. A letter from the Deputy Administrator, General Services Administration, transmitting a clarification of the report transmitted regarding the proposal for the establishment of the Carter Presidential Library (Ex. Com. No. 1692), pursuant to 44 U.S.C. 2108(a); to the Committee on Government Operations.

2081. A letter from the Librarian of Congress, transmitting the annual report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1982, together with four issues of its supplement, the Quarterly Journal of the Library of Congress, and the annual report of the Library of Congress Trust Fund Board, pursuant to section 1, chapter 265 of the act of February 19, 1897 and section 7, chapter 423 of the act of March 3, 1925; to the Committee on House Administration.

2082. A letter from the Director, National Science Foundation, transmitting a copy of the "Five-Year Outlook on Science and Technology, 1982," the third in that series prepared by the Committee on Science, Engineering and Public Policy of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine; to the Committee on Science and Technology.

2083. A letter from the Assistant Secretary for Trade Administration, Department of Commerce, transmitting the 43d annual report of the Foreign-Trade Zones Board for the fiscal year ended September 30, 1981, together with the reports from the 42 zone projects in operation during the period, pursuant to section 16(c) of the act

of June 18, 1934, as amended; to the Committee on Ways and Means.

2084. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting the 17th quarterly report on the status of the Alaska Natural Gas Transportation System for the period July through September 1983, pursuant to section 7(a)(5)(E) of Public Law 94-586; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. OAKAR: Committee on House Administration. House Resolution 305. Resolution dismissing the election contest against Ron Packard (Rept. No. 98-452). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 304. Resolution dismissing the election contest against James McClure Clarke (Rept. No. 98-453). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. Leap before you look: The Federal Communications Commission's access charge decision (Rept. No. 98-454). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Who cares about privacy? Oversight of the Privacy Act of 1974 by the Office of Management and Budget and by the Congress (Rept. No. 98-455). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Farm program decisions, 1980-83: The road that led to PIK (Rept. No. 98-456). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR: Committee on Rules. House Resolution 353. Resolution providing for the consideration of H.R. 3323, a bill to authorize appropriations for grants to the Washington Workshop Foundation (Rept. No. 98-457). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 354. Resolution providing for the consideration of H.R. 2900, a bill to authorize appropriations for atmospheric, climatic, and ocean pollution activities of the National Oceanic and Atmospheric Administration for the fiscal years 1984 and 1985, and for other purposes (Rept. No. 98-458). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 355. Resolution providing for the consideration of H.R. 4196, a bill to stabilize a temporary imbalance in the supply and demand for dairy products, and to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products (Rept. No. 98-459). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4248. A bill to authorize appropriations for fiscal year 1984 for the operation and maintenance of the Panama Canal, and for other purposes (Rept. No. 98-460). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself, Mr. WIRTH, Mr. MOORHEAD, Mr. SCHEUER, Mr. OTTINGER, Mr. SHARP, Mr. FLORIO, Mr. MARKEY, Mr. WALGREN, Mr. GORE, Ms. MIKULSKI, Mr. LELAND, Mr. SHELBY, Mrs. COLLINS, Mr. SYNAR, Mr. ECKART, Mr. SLATTERY, Mr. SIKORSKI, Mr. BRYANT, Mr. BATES, Mr. DANNEMEYER, and Mr. FIELDS):

H.R. 4260. A bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interest, and prime time access; to the Committee on Energy and Commerce.

By Mr. BARNES (for himself, Mr. AKAKA, Mrs. BOXER, Mrs. BRYON, Mr. DICKS, Mr. DYMALLY, Mr. ERDREICH, Mr. FAUNTROY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. GRAY, Mr. GUARINI, Mr. HEFTEL of Hawaii, Mr. HOWARD, Mr. HOYER, Mr. LANTOS, Mr. MATSUI Ms. MIKULSKI, Ms. OAKAR, Mr. ROE, Mr. WEISS, Mr. WIRTH, and Mr. WON PAT):

H.R. 4261. A bill to amend chapter 89 of title 5, United States Code, to provide for the establishment of a Federal Employees Health Benefits Information Center, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DUNCAN:

H.R. 4262. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness, to provide for settlement of all claims of Swain County, N.C., against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4263. A bill to designate certain lands in the Cherokee National Forest, Tenn., as wilderness areas, and to allow management of certain lands for uses other than wilderness; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. HATCHER (for himself, Mr. ROWLAND, Mr. THOMAS of Georgia, and Mr. RAY):

H.R. 4264. A bill to amend the Highway Amendment Improvement Act of 1982 to provide additional funds for the completion of certain priority primary projects; to the Committee on Public Works and Transportation.

By Mr. LONG of Maryland:

H.R. 4265. A bill to amend the Internal Revenue Code of 1954 to disregard tax-exempt interest in computing the amount of social security benefits included in income; to the Committee on Ways and Means.

H.R. 4266. A bill to amend title IV of the Social Security Act to require, as a condition of receipt of funds by a State under the aid to families with dependent children (AFDC) program, that the courts of the State consider joint custody as the first option in child custody cases; to the Committee on Ways and Means.

By Mr. MOLINARI:

H.R. 4267. A bill to amend the Public Health Service Act to provide home and community based services for the elderly and the disabled; to the Committee on Energy and Commerce.

H.R. 4268. A bill to amend the Public Health Service Act to provide for coordination with State medicaid plans in the furnishing of home care services, and to amend title XIX of the Social Security Act to allow States to implement programs of home care services; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MOORE:

H.R. 4269. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the deduction for retirement savings on the basis of the compensation of their spouses and to treat alimony as compensation for purposes of such deduction; to the Committee on Ways and Means.

By Mr. MRAZEK:

H.R. 4270. A bill relating to the dumping of dredged material in Long Island Sound; to the Committee on Merchant Marine and Fisheries.

By Mr. ROSTENKOWSKI:

H.R. 4271. A bill to amend the Internal Revenue Code of 1954 to increase the limitation on the deduction for business gifts from $25 to $100; to the Committee on Ways and Means.

By Ms. SNOWE:

H.R. 4272. A bill to amend the Older Americans Act of 1965 to require that special consideration be given to providing assistance to older individuals who suffer from Alzheimer's disease and other neurological diseases, and for other purposes; to the Committee on Education and Labor.

H.R. 4273. A bill to amend title 38, United States Code, to provide for the treatment of Alzheimer's disease by the Veterans' Administration; to the Committee on Veterans' Affairs.

H.R. 4274. A bill to provide a deduction from gross income for individual taxpayers who maintain a household which includes a dependent of the taxpayer who suffers from Alzheimer's disease; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. MCNULTY, Mr. MCCAIN, Mr. REID, and Mrs. VUCANOVICH):

H.R. 4275. A bill to authorize the Secretary of the Interior to construct, operate and maintain hydroelectric powerplants at various existing water projects, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WORTLEY:

H.R. 4276. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to carry out a demonstration program of insurance of home equity conversion mortgages for elderly homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PATTERSON:

H.J. Res. 408. Joint resolution designating November 12, 1983, as "Anti-Defamation League Day" in honor of the 70th anniversary of the founding of the Anti-Defamation League of the B'nai B'rith; to the Committee on Post Office and Civil Service.

By Mr. DONNELLY (for himself, Mr. BOLAND, Mr. CONTE, and Mr. MOAKLEY):

H. Res. 356. Resolution authorizing the printing of a collection of statements in tribute to the late Representative James A. Burke; to the Committee on House Administration.

By Mr. DORGAN (for himself and Mr. CARPER):

H. Con. Res. 202. Concurrent resolution to freeze spending at current levels and reduce

deficits; to the Committee on Government Operations.

By Mr. FUQUA:

H. Con. Res. 203. Concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to organize and obtain funding for a national STORM program; to the Committee on Science and Technology.

By Mr. GLICKMAN (for himself, Mr. BARNES, Mr. WRIGHT, Mr. KEMP, Mr. BEILENSON, Mr. WINN, Mr. LEVITAS, Mr. SIMON, Mr. YATES, Mr. ZSCHAU, Mr. SCHEUER, Mr. SLATTERY, and Mr. GORE):

H. Con. Res. 204. Concurrent resolution expressing the sense of the Congress in support of the return to democratically elected government in Argentina; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

293. The SPEAKER presented a memorial of the Senate of the State of Illinois, to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 242: Mr. ROBINSON.

H.R. 287: Mr. MOORHEAD and Mr. SILJANDER.

H.R. 953: Mr. HAYES.

H.R. 1315: Mr. PENNY and Mr. SIKORSKI.

H.R. 1743: Mr. DONNELLY, Mr. LUNDINE, Mr. KOSTMAYER, Mr. MOAKLEY, Mr. LEHMAN of California, Mr. AUCOIN, Mr. SWIFT, Mr. DICKS and Mr. ST GERMAIN.

H.R. 1773: Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. HAMILTON, Mr. MCDADE, Mr. ERDREICH, and Mr. KASICH.

H.R. 1880: Mr. LEVIN of Michigan and Mrs. SCHNEIDER.

H.R. 1918: Mr. MRAZEK.

H.R. 2109: Mr. ALBOSTA and Mr. KILDEE.

H.R. 2116: Mr. LONG of Maryland, Mr. NEAL, Mr. GREEN, and Mr. SMITH of New Jersey.

H.R. 2250: Mr. WORTLEY, Mr. GREGG, Mr. ANNUNZIO, Mr. DANIEL B. CRANE, Mr. WYLIE, Mr. MORRISON of Connecticut, and Mr. WOLPE.

H.R. 2380: Mr. BARNES, Mr. BEDELL, and Mr. MATSUI.

H.R. 2424: Mr. WYLIE.

H.R. 2522: Mrs. HALL of Indiana.

H.R. 2562: Mr. SOLARZ.

H.R. 2928: Mr. DORGAN.

H.R. 2977: Mr. HYDE, Mr. FROST, and Mrs. HALL of Indiana.

H.R. 3037: Mr. WYLIE.

H.R. 3170: Mrs. KENNELLY.

H.R. 3240: Mr. BOSCO, Mr. PENNY, and Mr. CONTE.

H.R. 3309: Mr. CAMPBELL.

H.R. 3417: Mr. HARTNETT.

H.R. 3457: Mr. DORGAN.

H.R. 3614: Mr. WHEAT, Mr. VOLKMER, Mr. YOUNG of Missouri, Mr. EMERSON, Mr. CLAY, Mr. COLEMAN of Missouri, Mr. TAYLOR, Mr. GEPHARDT, Mr. FASCELL, Mr. LANTOS, Mr. WORTLEY, Mr. TORRES, Mr. BARNES, Mr. DOWDY, Mr. BERMAN, Mr. HANSEN of Idaho, Mr. WINN, Mr. DYSON, Mr. DURBIN, Mr. BEILENSON, Mr. ROE, Mr. SMITH of Florida, Mr. PERKINS, Mr. WILSON, Mr. WON PAT, Mr. VANDERGRIFF, Mr. BONER of Tennessee, Mr. MONTGOMERY, Mr. SABO, Mr. PATMAN, Mr. HUGHES, Mr. ALBOSTA, Mr. FAZIO, Mr. VENTO, Mr. BRYANT, Mr. FRANK, Mr. SLATTERY, Mr. AUCOIN, Mr. ANDREWS of North Carolina, Mr. SUNIA, MR. RALPH M. HALL, Mr. SAM B. HALL, JR., Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. HATCHER, Mr. MOLLOHAN, Mr. BIAGGI, Mr. HORTON, Mr. BEVILL, Mr. STENHOLM, Mr. NICHOLS, Mr. RICHARDSON, Mr. MATSUI, Mr. FROST, Mr. LUKEN, Mr. ANDREWS of Texas, Mr. RATCHFORD, Mr. CHAPPELL, Mr. DASCHLE, Mr. BENNETT, Mr. EVANS of Illinois, Mr. ROYBAL, Mr. MARTINEZ, Mr. LEVINE of California, and Mr. STUMP.

H.R. 3665: Mr. MINETA.

H.R. 3681: Mr. GEKAS.

H.R. 3803: Mr. SEIBERLING, Mr. CONTE, Mr. ROTH, Mr. LAGOMARSINO, Mr. CHAPPIE, Mr. WALKER, Mr. ROBERT F. SMITH, Mr. MCDADE, Mr. PARRIS, Mr. CLINGER, Mr. PENNY, Mr. HORTON, Mr. NIELSON of Utah, Mr. KOSTMAYER, Mr. BONER of Tennessee, Mr. LANTOS, Mr. BURTON of Indiana, Mr. EMERSON, and Mr. APPLEGATE.

H.R. 3832: Mr. SUNIA, Ms. KAPTUR, Mr. MATSUI, Mr. RICHARDSON, Mr. DYSON, Mr. PENNY, Mr. WON PAT, Mr. MCHUGH, Mr. FOGLIETTA, Mr. MITCHELL, Mrs. SCHNEIDER, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. FLORIO, Mr. SIKORSKI, Mr. COYNE, Mr. WEAVER, Mr. ROE, Mr. MCEWEN, Mr. OBERSTAR, Mr. BRITT, Mr. DELLUMS, Mr. WEISS, Mr. HAWKINS, Mr. SMITH of Florida, and Mr. VENTO.

H.R. 3846: Mr. GOODLING and Mr. BLILEY.

H.R. 3870: Mr. BARNES.

H.R. 3973: Mr. VOLKMER.

H.R. 4016: Mr. MINETA.

H.R. 4098: Mr. FRANK, Mr. LIVINGSTON, Mr. EMERSON, Mr. FRENZEL, Mrs. SCHROEDER, Mr. WON PAT, Mr. FOGLIETTA, Mr. BERMAN, Mr. STOKES, Mr. MORRISON of Washington, Mr. JEFFORDS, Mr. MCGRATH, Mr. TALLON, Mr. BEDELL, Mrs. MARTIN of Illinois, and Mr. MCNULTY.

H.R. 4111: Mr. TORRICELLI, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. HUGHES, Mr. MITCHELL, Mr. CROCKETT, Mr. STOKES, Mr. ROE, Mr. SEIBERLING, Mr. BEDELL, Ms. KAPTUR, Mr. BERMAN, Mr. WILSON, Mr. PEASE, and Mr. MCNULTY.

H.R. 4126: Mr. DELLUMS, Mr. MITCHELL, Mr. LEVINE of California, Mr. FASCELL, Mr. DEWINE, Mr. BIAGGI, and Mr. CROCKETT.

H.R. 4162: Mr. SOLOMON, Mr. FRANK, Mr. DAUB, Mr. MADIGAN, Mr. STENHOLM, Mr. FRENZEL, Mr. ARCHER, Mr. CORCORAN, Mr. DURBIN, Mr. BLILEY, Mr. BEREUTER, and Mr. APPLEGATE.

H.R. 4206: Mr. SHELBY, Mr. GEKAS, Mr. HARKIN, Mr. THOMAS of California, Mr. VANDER JAGT, Mr. HILER, Mr. ST GERMAIN, Mr. VANDERGRIFF, Mr. GRADISON, Mr. JONES of Oklahoma, Mr. MOORE, Mr. CAMPBELL, Mr. HUTTO, Mr. DANIEL B. CRANE, Mr. CONABLE, Mr. EVANS of Illinois, Mr. SCHULZE, Mr. STARK, Mr. HALL of Ohio, Mr. LELAND, Mr. HARRISON, Mr. PASHAYAN, Mr. KAZEN, Mr. WINN, and Mr. FOWLER.

H.J. Res. 243: Mr. MCEWEN.

H.J Res. 268: Mr. WILLIAMS of Ohio, Mr. PRICE, Mr. PRITCHARD, Mr. KRAMER, Mr. ROBERTS, Mr. TOWNS, Mr. GRAY, Mr. GEPHARDT, Mr. ROYBAL, Mr. SCHUMER, Mr. JENKINS, and Mr. YOUNG of Alaska.

H.J. Res. 360: Mr. SMITH of New Jersey, Mr. LAGOMARSINO, Mr. FAUNTROY, Mr. FORSYTHE, Mr. MOLLOHAN, Mr. FRANK, Mr. VANDERGRIFF, Mr. ANNUNZIO, Mr. WORTLEY, Mr. NOWAK, Mr. HORTON, Mr. ANDREWS of Texas, Mr. WOLF, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. PANETTA, Mr. DAUB, Mr. BEVILL, Mr. HYDE, Mr. HARRISON, Mr. PATMAN, Mr. NCNULTY, Mr. MARTINEZ, Mr. DWYER of New Jersey, Mr. SAM B. HALL, JR., Mr. HUGHES, and Mr. WILLIAMS of Montana.

H.J. Res. 375: Mr. BEDELL.

H.J. Res. 386: Mr. FUQUA, Mr. HIGHTOWER, Mr. GAYDOS, Mr. FROST, Mr. ALEXANDER, Mr. BARNARD, Mr. TORRICELLI, Mr. DANIEL, Mr. HARRISON, Mr. KASICH, Mr. BOEHLERT, Mr. BOSCO, Mr. DUNCAN, Mr. SWIFT, Mr. BATEMAN, Mr. FORSYTHE, Mr. HAYES, Mr. BRYANT, Mr. GEJDENSON, Mr. GEPHARDT, Mr. LEHMAN of Florida, Mr. FORD of Michigan, Mr. SHUMWAY, Mr. DE LUGO, Mr. TAUZIN, Mr. LONG of Maryland, Mr. DENNY SMITH, Mr. O'BRIEN, Mr. HILER, Mrs. BOGGS, Mr. JACOBS, Mr. BONIOR of Michigan, Mr. OLIN, Mr. DE LA GARZA, Mrs. ROUKEMA, Mr. JONES of North Carolina, Mr. RAHALL, Mr. LUJAN, Mr. COELHO, Mr. SCHUMER, Mr. STUDDS, Mr. HUBBARD, Mr. WOLF, Mr. WINN, Mr. BOLAND, Mr. CONYERS, Mr. GREEN, Mr. DELLUMS, Mr. APPLEGATE, Mr. MCNULTY, Mr. JEFFORDS, Mr. DERRICK, Mr. BROYHILL, Mr. CARR, Mr. COUGHLIN, Mr. OBERSTAR, Mrs. COLLINS, Mr. BREAUX, Mr. ACKERMAN, Mr. AKAKA, Mr. WOLPE, Mr. GUARINI, Mr. HEFTEL of Hawaii, Mr. WHITEHURST, Mr. MCGRATH, Mr. SAM B. HALL, JR., Mr. HYDE, Mr. CARPER, Mr. CHENEY, Mr. D'AMOURS, Mr. SNYDER, Mr. LENT, Mr. STRATTON, Mr. MOLINARI, Mr. WEAVER, Mr. STOKES, Mrs. HOLT, Mr. HEFNER, Mr. WON PAT, Mr. LOWERY of California, Mr. WILLIAMS of Ohio, Mr. WHEAT, Mr. TRAXLER, Mr. SKEEN, Mr. PRICE, Mr. SAVAGE, Mr. MURPHY, Mr. MURTHA, Mr. DYSON, Mr. LEVINE of California, Mr. MCHUGH, Mr. ANNUNZIO, Mr. MCKERNAN, Mr. LUNDINE, Mr. LAGOMARSINO, and Mr. FUQUA.

H. Con. Res. 163: Mr. TAUKE.

H. Res. 278: Mr. PORTER.

H. Res. 334: Mr. STUDDS, Mr. MARKEY, Mr. ROE, Mr. LEVINE of California, Mr. JONES of Oklahoma, and Mr. MADIGAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

265. The SPEAKER presented a petition of the City Council, Pittsburgh, Pa., relative to a freeze on nuclear armaments; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4185

By Mr. LONG of Maryland:

—Page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. After the end of the 90-day period beginning on the date of enactment of this Act, no funds appropriated by this Act may be obligated or expended for any United States Armed Forces which are in Lebanon as part of the Multinational Force in Lebanon.

—Page 80, after line 2, insert the following:

TITLE IX

UNITED STATES ARMED FORCES IN LEBANON

SEC. 901. None of the funds appropriated by this Act may be obligated or expended for the continued deployment of land-based United States Armed Forces participating in the Multinational Force in Lebanon after March 1, 1984 unless the Congress of the United States adopts a concurrent resolution which contains the following findings:

(a) That the President of the United States has defined a clear and realistic mission for U.S. forces in Lebanon.

(b) That the President has established a set of policy goals in Lebanon that are achievable and has a clear agenda for achieving those goals.

(c) That security arrangements for American forces in the area have been upgraded to the maximum extent possible.

H.R. 4196

By Mr. CLINGER:

—Page 4, line 7, insert the following after "producers": "in excess of their respective marketing histories as determined under paragraph (3) and prorated quarterly, and by producers who have no marketing histories as determined under paragraph (3),".

(Amendment in the nature of a substitute.)

By Mr. CONABLE:

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Dairy Adjustment and Stabilization Act of 1983".

SEC. 2. Section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended by the Omnibus Budget Reconciliation Act of 1982, is amended, effective sixty days after enactment, by—

(1) deleting subsection (d) thereof; and

(2) amending subsection (c) to read as follows:

"(c) The price of milk shall be supported, through purchases of milk and the products of milk, at such level not less than $11.60 per hundredweight as the Secretary determines necessary in order to assure an adequate supply of milk to meet current needs and taking into consideration the net price-support purchases of milk or the products of milk by the Commodity Credit Corporation during the preceding fiscal year. The support price shall be established annually by the Secretary at the beginning of each fiscal year.".

By Mr. HARKIN:

—1. On page 9, strike out lines 20 through 25, and page 10, strike out lines 1 through 6, and insert in lieu thereof the following new subparagraph:

"(E) The Secretary shall, in accordance with such rules and procedures as prescribed by the Secretary, modify the required reduction in milk marketed for commercial use under contracts entered into under this paragraph if the Secretary determines that as a result of such contracts (i) there would be an excessive reduction in the level of milk production in the United States, or (ii) during a period of ten consecutive market days there has been a reduction of 10 percent or more in the average price received by producers of all beef cattle sold for slaughter at representative locations in the United States in the prior 60-day period, or (iii) there has been other substantial hardship to producers of beef cattle, dairy cattle, hogs or poultry sold for slaughter. The Secretary may modify the required reduction on a uniform basis among all contracts, or may provide for adjustments on such other basis as the Secretary determines equitable.".

—2. On page 14, immediately after line 23, insert the following:

"(P)(i) Each producer of milk in the United States seeking to enter into a contract for diversion payments under this paragraph shall, prior to entering into such contract, provide the Secretary with a plan which describes the manner in which the producer intends to achieve the reduction in milk marketings that would be required under such contract.

"(ii) Such plan shall include an estimate by the producer of the amount of such reduction which the producer intends to achieve through increased slaughter of dairy cattle (including the approximate number of dairy cattle that will be sold for slaughter during each month of the contract), and the amount of such reduction through other means, including a description of such means.

"(iii) Each producer shall report to the Secretary any changes in such plan as soon as practicable after the producer decides to make or makes such changes.

"(iv) If, on the basis of the information provided by producers under this paragraph, the Secretary determines that for any period of the diversion program there will be substantial hardship to producers of hogs, beef cattle, or dairy cattle sold for slaughter, or to producers of any other livestock or poultry caused by depressed prices for such commodities that the Secretary determines would result from the increased slaughter of dairy cattle under the program, the Secretary shall adjust the reduction in milk marketed for commercial use required during the various periods of the contract so as to provide for the orderly marketing of dairy cattle for slaughter, or limit the amount of the reduction that may be achieved through the increased number of dairy cattle sold for slaughter during such period and require that the balance of such reduction in milk marketings be achieved through other means: *Provided*, That in the event the Secretary should specify a reduction in marketings in any quarter that is less than the contracted-for percentage, such specified reduction shall not be so great as to require the producer to make a reduction in excess of 150 per centum of the contracted-for reduction in any succeeding quarter; and *Provided further*, That after making any adjustments in milk marketed for commercial use in any period of the contract, except to the extent required by the foregoing proviso, the aggregate reduction in milk marketed for commercial use for the entire diversion period must continue to be at least equal to the total reduction required by the contract.".

—3. On page 18, immediately after line 20, insert the following new section:

AVOIDANCE OF ADVERSE IMPACT OF DAIRY DIVERSION PROGRAM ON BEEF AND PORK PRODUCERS

SEC. 103. In order to minimize the adverse impact of the dairy diversion program on beef and pork producers in the United States during the period the diversion program is in effect—

(1) the Secretary of Agriculture shall, to the maximum extent practicable, utilize funds available for the purposes of clause (2) of section 32 of Public Law No. 320, 74th Congress (7 U.S.C. 612c) and other funds available to the Secretary under the commodity distribution and other nutrition programs of the Department of Agriculture to increase the utilization of beef and pork for such purposes;

(2) the Secretary of Defense and other U.S. Government and State agencies are encouraged to utilize increased quantities of beef and pork to meet the food needs of the programs which they administer; and

(3) the Secretary of Agriculture shall take appropriate action to encourage the consumption of beef and pork by members of the public.

By Mr. LEACH of Iowa:

—At the end of the bill add the following new title:

DROUGHT AMENDMENTS OF 1983

SEC. 1. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1920) is amended—

(1) in the first sentence by striking out "based upon the average monthly price in effect for the previous year and" and inserting in lieu thereof "and if", and

(2) in the last sentence by inserting "and based upon the higher of the average monthly price in effect for the previous year and the average monthly price in effect for the three-month period beginning on the first day of the first month occurring after the date of such disaster" before the period.

SEC. 2. Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d) is amended by adding at the end thereof the following: "The value of the farm, if used as security for a loan made under this subtitle, shall be the higher of the current value of such farm and the value of such farm in the preceding calendar year determined for the period corresponding to the period for which such current value is determined.".

SEC. 3. Any determination made under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) that a natural disaster exists as a result of a drought occurring in 1983 shall be deemed to be a determination that because of such drought an emergency exists for purposes of section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267). Under the authority provided in such section 1105, the Secretary of Agriculture shall implement an emergency livestock feed program for assistance, to operators of farms not larger than family farms, to preserve and maintain livestock and poultry during such emergency.

By Mr. MADIGAN:

—On page 7, line 20, strike out "'(D) No payment" and insert "'(D)(1) No payment".

On page 9, between lines 19 and 20, insert the following:

"'(2) The total payments made to a producer under subparagraph (C) may not exceed the higher of—

"(i) $125,000, or

"(ii) the amount collected from the producer under paragraph (2).".

—On page 7, line 13, strike out "$10 per hundredweight" and insert "$8 per hundredweight" in lieu thereof.

By Mr. MORRISON of Washington:

—Page 27, line 10, insert after "marketed" the following: ", or up to the aggregate rate in effect on the date of the enactment of this Act of such contributions to such programs (but not to exceed 15 cents per hundredweight of milk marketed) if such aggregate rate exceeds 10 cents per hundredweight of milk marketed.".

By Mr. OBERSTAR:

—Page 2, line 19, strike out "April 1, 1985" and insert in lieu thereof "October 1, 1985".

Page 3, line 3, strike out "July 1, 1985" and insert in lieu thereof "January 1, 1986".

Page 4, line 1, strike out "fifteen-month" and insert in lieu thereof "21-month".

Page 5, line 20, strike out "fifteen-month" and insert in lieu thereof "21-month".

By Mr. SKEEN:

—Page 18, line 20, strike out the close quotation marks and the period at the end thereof.

Page 18, after line 20, insert the following:

"(7) For purposes of this subsection, the terms 'milk produced for commercial use' and 'milk marketed for commercial use' do not include milk produced by a producer who processes such milk for marketing as fluid milk or products of milk and who markets such processed milk.".

Page 21, line 18, strike out "and".

Page 21, line 21, strike out the period and insert in lieu thereof "; and".

Page 21, after line 21, insert the following:

(m) the terms "milk for commercial use" and "milk produced for commercial use" do not include milk produced by a producer who processes such milk for marketing as fluid milk or products of milk and who markets such processed milk.

Page 27, line 11, strike out "Any" and all that follows through line 14.

EXTENSIONS OF REMARKS

JANICE A. PICCININI RECEIVES COLUMBUS DAY AWARD OF ORDER OF SONS OF ITALY

HON. CHARLES McC. MATHIAS, JR.
OF MARYLAND
IN THE SENATE OF THE UNITED STATES

Tuesday, November 1, 1983

● Mr. MATHIAS. Mr. President, last month Vice President BUSH attended the Columbus Day awards banquet sponsored by the Maryland Lodge of the Order of the Sons of Italy in America. The dinner was held in Baltimore, where so many of the buildings and monuments give eloquent testimony to the contribution of Italian Americans to our civilization.

That evening Vice President Bush presented the organization's highest award not to a son, but to a daughter of Italy. Janice A. Piccinini, head of the Maryland State Teachers' Association and a former Baltimore County teacher, was the recipient. To understand why Ms. Piccinini was singled out for this honor, it is only necessary to read the remarkable address she made acknowledging the award. The spirit that shines through Ms. Piccinini's remarks is the spirit that has made this Nation of immigrants great. And, if we follow her advice, "to teach (our) children and grandchildren the values that have made our culture strong—the values of education, hard work, of integrity and family," it is the spirit that will keep this Nation great.

It is an honor to submit the text of Ms. Piccinini's talk for the RECORD.

COMMENTS BY JANICE A. PICCININI

Vice President Bush, Judge Valle, honored guests, Sons and Daughters of Italy:

My grandfather Caesar would be so proud tonight to know that his granddaughter—a first generation American—would have the privilege of sitting down to dinner with this distinguished gathering and the Vice President of the United States of America. It was within the lifetime of some of you here, that my grandfather came to this country, a penniless pilgrim in search of a better life. He came with no knowledge of English, with no relatives or friends to greet or help him in a foreign land. He brought with him only his young family and with them a vision and a determination to create a new and better life—a life with hope and opportunity—for his children, and his children's children.

I thank him tonight and the countless other pioneers from Italy who worked in the steelmills, in the factories, on the railroads; who persevered despite language barriers, poverty and discrimination. I thank them not only for creating opportunities but also for instilling in their children those values from the old country which would serve them well in the new. Whether as laborers, craftsmen or artisans, Italians as Americans have approached their work with pride. And they passed on to their children this same sense of pride in whatever they do, whether it be work with the hands or of the mind. Italian-Americans have made significant contributions to virtually every technological and cultural achievement for which the United States is recognized worldwide.

I have chosen education as my field of endeavor. You honor me this evening, but in doing so you honor more my family. It is my family with their commitment to education—a commitment that is deep in Italian tradition—who made it possible for me to be here tonight. It is also a tribute to America. For where else but in this great country could the sons and daughters of immigrants have such access to educational opportunities? Where else but in this country could a people flourish as citizens while maintaining their pride in the traditions and culture of the "old country."

I am proud to be an Italian-American and I'm proud to be an educator. I urge all of you to teach your children and grandchildren the values that have made our culture strong—the values of education, hard work, of integrity and of family. That is our heritage and passing it on is our payment of debt to an illustrious past and our guarantee of success for future generations.

On a personal note, I want to mention my grandmother, Rosa Piccinini. She shared the deprivation and hardship with her husband and raised and nurtured her family with a quiet strength born of love and devotion. The role of women as pioneers is seldom fully recognized, and I would like to believe that I am here tonight, receiving this prestigious award as a stand-in for her and for all Italian-American women, whose strength, dedication and loyalty built the foundation and framework of the Italian-American culture.●

GUY W. NICHOLS, NEW ENGLANDER OF THE YEAR

HON. JOE MOAKLEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MOAKLEY. Mr. Speaker, I urge that it be recorded that Guy W. Nichols, chairman of the New England Electric System, has been named New Englander of the Year by the New England Council, Inc., the region's leading business and industry association.

Mr. Nichols, whose company provides electric power to more than 1 million customers in Massachusetts, Rhode Island, and New Hamphire, received the award this year in recognition of his many contributions to the New England economy.

I would like to cite a few of those contributions.

Mr. Nichols has been a leader in New England and the Nation in voluntary efforts to convert oil-burning generating units to domestic coal in an economical and environmentally sound manner. Six of his company's generating units have been converted to coal. This has reduced New England's dependence on foreign oil by approximately 14 million barrels per year. By making use of state-of-the-art environmental protection equipment, this conversion to coal has resulted in an improvement in air quality.

Mr. Nichols has helped create more than 1,000 jobs for New England by initiating the construction of New England Electric's own coal-fired, coal carrying ship to deliver coal supplies to its powerplants. This U.S.-flag vessel, which is now operational, is helping assure a reliable, embargo-proof supply of domestic fuel for the company's coal-fired generating units.

Mr. Nichols' was one of the first utility leaders in the Nation to embrace renewable energy sources such as small hydro, wind, and solid waste, as viable power supply options. His company has signed five contracts for purchase of power from trash-burning facilities, for example. To the best of my knowledge, no other utility in the United States has surpassed this record.

Mr. Nichols is also taking a leadership role in the effort to bring relatively low cost surplus hydroelectric power from Quebec to New England. His company will build and finance a major portion of the international transmission tieline between New England and Quebec's extensive hydroelectric facilities. This power will be of great value to New England consumers in terms of lower energy costs.

Mr. Nichols has actively encouraged energy conservation among New England's homeowners, businesses, and industries. This year, his company sponsored a competition for the design of energy-efficient houses suited to New England's unique climate. More than 180 entries were submitted, and the winning designs are now being made available to consumers. Under Mr. Nichol's leadership, New England Electric has also expanded its grant program for weatherization improvements to electrically-heated homes and has demonstrated energy conservation measures to thousands of consumers as its two conservation houses in Massachusetts and Rhode Island.

Mr. Nichols has made an important contribution to the effort to improve

the economy of Rhode Island, the New England State which has been particularly hard-hit by high unemployment levels and a decline in industrial activity. Mr. Nichols was a guiding force in the development of his company's multifaceted action plan designed to boost the State's economy. The plan's primary feature is a 20-percent discount on basic electric rates to industries that provide new jobs either through expansion or through the State of new operations in Rhode Island.

I applaud Guy W. Nichols' many contributions to the economic health of the New England region, and am pleased to acknowledge his selection as the New England Council's New Englander of the Year for 1983.●

FEDERAL CAPITAL INVESTMENTS AND PUBLIC POLICY: THE BUDGETING LINK

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. CLINGER. Mr. Speaker, capital budgeting is the art of spending wisely. A bill that I have sponsored in the House of Representatives that would provide a more cost effective and rational approach to spending money for public facilities has been cleared by the Public Works Committee and is presently in the Government Operations Committee. Once approved there, it will head to the House floor for a vote.

I thought you might be interested in the following article on capital budgeting entitled "Federal Capital Investments and Public Policy: The Budgeting Link," which was written by Dr. Lawrence A. Gordon of the University of Maryland.

The article follows:

FEDERAL CAPITAL INVESTMENTS AND PUBLIC POLICY: THE BUDGETING LINK

(By Lawrence A. Gordon)

The federal government's expenditures, like those of most businesses, states, and municipalities, can be classified as either current or capital in nature. Whereas current expenditures relate to items that benefit only the current fiscal year, capital expenditures relate to items that benefit future as well as current years. Thus capital expenditures are usually referred to as "capital investments."

Federal capital investments help determine the future strength and direction of our overall economy. Therefore, it is important that the federal government's decision makers approach these investments with public policy goals in mind. Unfortunately, the public policy implications of capital investments are usually not explicitly considered and thus it is not surprising to find a haphazardly derived, and somewhat deteriorating, infrastructure with respect to federally owned fixed assets such as buildings, highways, and equipment. This situation, and the need for correcting it, has been noted by many and was recently the subject of an entire General Accounting Office (GAO) report. In discussing the need for improvement, the GAO (1981, p. 95) noted:

"Planning, budgeting, and controlling physical capital is a complex process. Yet, this process can be carried out successfully, as some of the organizations we studied demonstrate. We conclude that a policy-level approach to capital investment must be added to the Federal Government's decision-making, and that sound, up-to-date information is needed to support that approach. * * *"

The lack of a clear policy level approach toward federal capital expenditures is a complicated issue. One important aspect of this issue has to do with the federal government's budgeting practice. More to the point, a clear distinction between current and capital expenditures during the budgeting process will, ceteris paribus, facilitate priority setting with respect to capital expenditures. But the federal government prepares a unified budget that does not distinguish capital from current expenditures.[1] Under the unified budgeting approach capital investments are treated as expenses in the period incurred. In contrast, most states, municipalities, and businesses separate capital expenditures from current expenditures during their budgeting process. This separation is accomplished through a dual budget procedure, according to which a detailed budget is prepared for current expenditures and one for capital investment items. Under such an approach, capital investments are initially treated as assets (i.e., capitalized) and subsequently depreciated as current expenditures during the periods in which they are consumed.

The absence of a policy-level approach toward federal capital expenditures has led some to argue that the federal government should abandon its unified budget practice and replace it with a dual budget. Others have argued that the tradeoffs between a dual and a unified budget favor the latter. Consequently, this latter group argues that a policy-level approach toward federal capital expenditures is best achieved by other means (e.g., expanding Special Analysis D in Special Analysis Budget of the United States Government). In a recent briefing document, the GAO (1982) took this position.

At the heart of the controversy concerning a dual versus a unified budget in the federal government are the following seven issues: (1) whether capital expenditures should be financed differently from current expenditures in the federal government, (2) the effect a dual budget would have on reporting the federal government's net worth, (3) the political aspects of not separating federal capital expenditures from current expenditures, (4) the details required on the nation's capital formation, (5) the lack of agreement on an operational definition of capital expenditures, (6) measurement problems, and (7) management control of federal capital investments. These issues, which have been noted by others (Musgrave 1939; Goode and Birnbaum 1956; Comiez 1966), are briefly discussed below.[2]

The first issue listed above, financing expenditures, has its origin in fiscal policy. Those advocating the separation of capital from current expenditures often claim that long-term borrowing is appropriate for capital expenditures, whereas current expenditures should be financed through current revenues. The rationale for such a government borrowing rule usually hinges on the fact that future generations benefit from capital expenditures and thus it is fair to expect them to pay part of the costs. Critics of the dual budgeting system claim that long-term debt financing of capital expenditures produces an inflationary bias because taxing to cover expenditures is generally less inflationary than borrowing. Furthermore, it is often noted that by associating long-term debt with capital expenditures one is mixing up financing with operating decisions.

The second issue listed above, reporting the federal government's net worth, has its origin in profit-oriented accounting. Advocates often claim that one of the advantages of a dual budget is that it parallels the private accounting treatment of capitalizing and depreciating expenditures, which generate benefits over future periods, and showing such assets on the statement of financial position. Such an approach would thus facilitate the assessment of the federal government's net worth. Critics of the dual budgeting procedure usually claim that the "balance sheet" approach used in the private sector does not have the same value for the public sector.

The third issue underlying the arguments for and against a divided budget has to do with political aspects of government expenditures. Proponents often argue that a comprehensive budget ignores the asset acquisition aspect of capital expenditures and thus overemphasizes the notion of deficit financing. Their claim is that capital expenditures, which may be covered by long-term borrowing, should not be considered as contributing to the operating budget's deficit. Consequently, the deficit of concern should, according to this line of reasoning, result from only current expenditures, which decrease the government's net worth.[3] Such a philosophy, if accepted, would surely make government expenditures on capital items politically more palatable. In contrast, opponents of the dual budgeting system normally argue that the political ramifications of such a procedure would be blatant government overexpenditures.

The fourth fundamental issue underlying the arguments for and against the dual budget concept concerns information on capital formation. Advocates often claim that a divided budget would result in valuable information in terms of the formation of capital in the economy. But as the critics of a divided budget point out, a separate capital budget is not essential to gathering information on capital formation.

The fifth and sixth issues underlying the arguments for and against the dual budget concern a definition of capital expenditures and measurement problems. The distinction between capital and current expenditures is crucial to the implementation of a divided

[1] Special Analysis D, in the Special Analysis, Budget of the United States, is the only document that provides an analysis of federal capital investments. As anyone who has carefully examined this document knows, however, it has at least two fundamental flaws. First, it is prepared after the fact, thereby having little or no impact on national priority setting during the budgeting process. Second, even as an after-the-fact document, it is not a comprehensive statement of total federal capital investments.

[2] Goode and Birmbaum (1956) provide an excellent discussion of these issues.

[3] This approach would have significant implications for debate concerning whether the federal government should have a balanced budget.

budget. Unfortunately, numerous questions arise in this connection. For example, How should investments in human capital be handled? How does one determine if an expenditure really generates future benefits? Even if an expenditure does result in future benefits, the question arises as to the time horizon of these benefits. Furthermore, the measurement of periodic depreciation on capital expenditures is a particularly sticky issue.

Finally, it is often noted that a separate capital budget will result in better management control. A separate capital budget, and the accompanying depreciation charges, would highlight whether capital assets are being used in the most productive manner.

The debate concerning the merits of separately budgeting for capital expenditures has been carried on largely by economists, public administrators, lawyers, political scientists, and politicians. With the exception of the GAO, accountants have been conspicuous by their absence from this debate. Yet it should be obvious that many of the issues surrounding the controversy squarely fall within the domain of accounting. Such issues as defining capital expenditures, measuring depreciation, financing assets, and management control of capital investments have long been a part of the heartland of accounting research. Unfortunately the expertise of accounting researchers in these areas has been only sparsely applied to the federal government—a situation that seems long overdue for change.[4] By addressing these issues accountants cannot only shed new light on the dual versus the unified budget debate but, more important, can aid in the development of a policy-level approach toward federal capital expenditures. Whether arguing for a dual budget or some modified version of the extant unified budget practice, the resolution of most of the aforementioned issues is a necessary although not sufficient condition for the development of a sound policy-level approach toward federal capital expenditures. Accounting researchers surely have a role to play in this arena, and we hope some of our readers will take up this challenge.

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[4] In contrast, accountants have been involved in such issues at the state and municipal levels, where dual budgeting practices are the rule rather than the exception. The establishment of the GASB (Governmental Accounting Standards Board) will likely further strengthen the involvement by accountants in such issues at the state and municipal levels (Gordon and Hamer, 1983).

Special Analysis, Budget of the United States Government.●

SOVIET WATCH

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. FIELDS. Mr. Speaker, in 1935, the noted historian, Will Durant, wrote:

For barbarism is always around civilization, amid it and beneath it, ready to engulf it . . . Barbarism is like the jungle; it never admits its defeat; it waits patiently for centuries to recover the territory it has lost.

In all the history chronicled in Durant's monumental, 11-volume work, "The Story of Civilization," in no place or time has this statement been more true than in the history of the Soviet Union and its client states.

As E. J. Dillion observed in 1930:

Sovietism is no mere philosophy content to assert itself or even endoctrinate others by convincing, persuading, or cajoling them . . . (it is) first of all a relentless destroyer of the roots of past culture, religious, social, pedagogical, and also of those champions of that culture who remain true to it, refusing to be converted and live.

So it is that the leadership of the Soviet Union, from Lenin to Andropov, have been men of unrestrained brutality who have progressively, patiently, driven back the boundaries of civilization, both Western and Eastern, with a relentless sword of blood and horror, allowing the jungle of barbarism to reclaim the Earth, masked by mendacity, propaganda, and the kindly face of socialism.

The following material is presented as another evidence.

[From the Washington Times, Oct. 26, 1983]

SLAUGHTER OF AFGHANS BY SOVIETS REPORTED

ISLAMABAD, PAKISTAN.—A former Afghan diplomat said yesterday Soviet troops slaughtered 126 villagers in Afghanistan—mostly old men, women and children, by lobbing grenades in their houses, stabbing them with bayonets or shooting them.

Habibullah Karzai, a former Afghan diplomat living in the Pakistan border town of Quetta, said in an interview survivors told him 51 villagers in Kolchabad were killed Oct. 13, apparently in retaliation for guerrilla attacks on Soviets earlier in the week.

"The tragedy is that almost all the victims were old men, women and children," he said.

"When the mujahedeen (guerrillas) launch an attack they never return to their villages—they always seek safety in the hills."

Survivors told him Soviets also killed 75 civilians Oct. 13 in nearby Moshkizai and Timor Kalacha, on the outskirts of Kandahar city in southeastern Afghanistan.

The report could not be confirmed independently.

Karzai, who represented the Kabul government at the United Nations in 1972, is a resistance member directing guerrilla operations in the Kandahar area. His reports have proved credible in the past.

The Soviet attacks appear to have been triggered by a string of guerrilla ambushes in which scores of Soviet troopers were killed and a large quantity of military equipment was destroyed, the sources said.

Afghans in the area reported that a guerrilla attack on a Soviet troop convoy outside Istalef on Oct. 17 wiped out about a dozen armored personnel carriers, killing at least 36 Soviets, the diplomatic sources said.

Karzai said guerrillas attacked Soviet convoys when troops began installing military outposts around Kandahar the week of Oct. 9.

In two attacks, Moslem rebels managed to destroy 18 tanks and armored vehicles, he said, adding two helicopters transported Soviet dead and wounded back to Kandahar.

The area north of the capital bombed by the Soviets is vital for control of the road toward the Soviet Union.

Sources said half the houses and most of the bazaar area in Istalef were flattened by the attack in which Moslem rebels also knocked out several Soviet armored vehicles.

The town had a population of 2,000 to 2,500, the sources added.

They said Soviet forces had looted money, jewelery, rugs and food.

About 100,000 Soviet troops moved into Afghanistan in December 1979 to install the pro-Moscow regime of Babrak Karmal.

"For four years the Russians have been bombing towns and villages, killing women and children. How is that different from bayoneting people or blowing up houses with grenades?" asked Zia Javad, a resistance sympathizer.

"You will be shocked if I tell you that time and again the Russians have taken their prisoners for helicopter rides. When they reach a high altitude they toss them out. When are you Westerners going to believe the Russians are capable of such things?"●

CRISIS OF COMPETENCE IN PUBLIC SERVICE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mrs. SCHROEDER. Mr. Speaker, I would like to draw my colleagues' attention to an excellent letter to the editor that appeared in the October 31, 1983, Wall Street Journal. Mr. C. William Fischer, a former Assistant Secretary of Education and Deputy Assistant Secretary of Energy, responded to a Journal article describing the crisis of competence in the public service. As Mr. Fischer so accurately points out, this crisis comes not from a lack of skill or dedication on the part of Federal employees, but as a direct result of the attacks and neglect of many of our political leaders toward our Government work force.

The article follows:

GOVERNMENT AND CAREER EMPLOYEES

Your Page-one article Busy Bureaucrats (Sept. 22) aptly describes a crisis of competence in the public service. The competent and hardworking civil servants described by

Reporter Birnbaum are indeed an endangered species. However, the predators are often those who seek and hold high public office.

There is mounting evidence that, in the U.S., many political leaders are having the effect, if not the intent, or arson when it comes to career goverment employees. Don't misunderstand, they are not burning them out with needed challenges and strong demands for excellent performance; they are turning them out through demoralization. Career federal employees are now paid about 21.5 percent less than their peers in the private sector according to a Federal determination based upon a recent survey by the U.S. Bureau of Labor Statistics. In response to that hard evidence of accumulated neglect, President Reagan has recommended a 3.5 percent raise delayed three months into the fiscal year. Federal retirement benefits, which were always at best a form of deferred compensation, have recently been cut after reliance was placed on them by long-term employees. Political aspirants, and even incumbents, continue to run down those career employees who can either help or hinder them if they win and have to perform.

Since 1980, 1,400 of 20 percent of the key Federal Senior Executive Service have left government.

In their recent book, "In Search of Excellence," authors Peters and Waterman convincingly document the fact that, like the ancient Roman army at its best, those U.S. corporations, which are having the greatest success against domestic and international competition do so by giving serious attention to the care, feeding, and motivation of their human resources. That is, they work hard at challenging, training, rewarding, and listening to their employees—at all levels.

Recent surveys of top government and corporate administrators by Professors Schmidt and Posner, of the University of Santa Clara's School of Business, show the natural results of this contrasting employee treatment by the private and public sectors. In short, among federal executives, 71 percent said they would advise competent young people to seek careers in the private sector; 58 percent were "generally pessimistic" about prospects for rewarding government work in the next 10 to 15 years; one-third said they did not expect to be with their present organization three years from now.

In sharp contrast, the same two researchers found that top business leaders were very optimistic about personal and general prospects in the private sector including great change and innovation. This perception mirrors the findings of Peters and Waterman.

Last Jan. 16th, the present form of the U.S. Civil Service celebrated its 100th anniversary. Hopefully, we will never return to the "spoils system," but federal political leaders, candidates for the Presidency, and especially incumbents, can be institutional Luddites or they can infuse the 2.8 million federal workers with the challenge of mission and the meaning of earned rewards.

The business world understands this. Isn't it time that political leaders start to tell the public that, if we do not treat career public servants as though good government and the tax-payers' trust depend on them, the result will be a self-fulfilling prophecy? ●

ROPER POLL ON UNITED NATIONS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEACH of Iowa. Mr. Speaker, the United Nations Association recently released the results of a public opinion poll conducted by the Roper Organization.

Given the recent public debate over the United Nations, I am taking the liberty to provide for the RECORD a summary of the findings of that survey, in the hope that it might be useful to the Members of this body in understanding public attitudes toward the United Nations. The summary follows:

DIRECTIONS FOR THE U.N.: U.S. PUBLIC OPINION ON THE UNITED NATIONS—RESULTS OF THE 1983 ROPER POLL COMMISSION BY UNA-USA, SEPTEMBER 1983

SUMMARY OF THE FINDINGS

Americans have once again reaffirmed their belief that the United Nations plays a constructive role in U.S. foreign policy. They recognize a tremendous need for enhancing international stability and promoting economic development and see the U.N. as an appropriate vehicle for accomplishing these tasks. A clear majority of the American people finds that "enough common ground exists on most issues to make it worthwhile for the United States to work within the U.N." or that "decisions taken by U.N. members are largely compatible with our own interests." In addition, a near majority wants the United States to pursue active engagement in the U.N. in order to "work for agreements on major global issues that are acceptable to the broadest number of countries possible."

In terms of the American public's agenda for the U.N., the results are rather clear cut—strive for consensus agreements in the U.N. to reduce the danger of superpower conflict, strengthen human rights, conserve natural resources, and speed economic development.

The attitudes expressed in the Roper Poll cut across all groups in the population, ranging from conservative to liberal, from Republican to Democrat. Indeed, the "common ground" position and the "consensus" position represent not only the first choice of the total sample, but even more significantly, they represent the first choice of everyone of the forty population subgroups tabulated. Opinion is also remarkably uniform throughout the country on giving the UN more power to deal with the priority tasks listed above.

An important conclusion from this year's Roper Poll is that fewer people appear to be dissatisfied with the UN that was true in the past. Indeed, the number of respondents asserting that the United Nations is doing a poor job is less in 1983 than it was three years ago when UNA-USA conducted its last Roper Poll, and more think the UN is doing a fair job (46%) than think it is doing a poor job (37%). At the same time, a smaller percent of the population is supportive of increasing US participation in the UN than was the case in 1980,[1] although a majority is still in favor of either maintaining current levels of activity or increasing the US role in the UN. When the UN acts contrary to perceived American interests, however, there is a clear mandate for curtailing financial support for specific UN programs.

Despite disappointments with the past, there still exists a consistently strong constituency for strengthening the United Nations. Well over 60% of the American people believe that the UN should be given more power to reduce the danger of superpower confrontation, enhance human rights, and conserve natural resources. In addition, over 50% believe the UN should play a greater role in helping poor countries develop. Of the seven specific issues listed, in no case did the public feel that the UN ought to have less power to deal with the problem.

The groups which give the United Nations the greatest degree of support are the following:

Stronger with women than men;

Stronger with under 60 year olds than over 60;

Stronger with above average incomes than below;

Stronger outside the South than in it;

Stronger with Democrats and Independents than Republicans;

Stronger with liberals than conservatives; and

Stronger with political/social actives than with others.

These are the major conclusions of a poll recently conducted by the Roper Organization for UNA-USA. This poll was commissioned in June 1983 as part of UNA's program on Multilateral Issues and Institutions and updates an earlier 1980 survey of American perceptions of the UN and the US role in the United Nations.●

[1] See "Analysis of Data in the Roper Poll on U.S. Public Attitudes towards Foreign Affairs" (Background Paper prepared by UNA-USA, October 1980), cited by Paul Martin, "U.S. Public Opinion and the U.N.," in Toby Trister Gati (ed.), "The U.S., the U.N. and the Management of Global Change" (New York: New York University Press, 1983).

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. OBERSTAR. Mr. Speaker, during House consideration of H.R. 2867, legislation to amend the Solid Waste Disposal Act, I was absent for the recorded vote on an amendment which strikes the authority of the Environmental Protection Agency to litigate cases if the Justice Department fails to act within 150 days.

Had I been present, I would have voted against this amendment.●

OUR PRESENCE IN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HAMILTON. Mr. Speaker, I was pleased to have been chosen to give the Democratic response to the President's radio message on October 29. The text of my remarks follows:

This is Congressman Lee Hamilton. I represent the people of the Ninth District of Indiana.

In the wake of the ghastly terrorist attack which claimed the lives of over 225 Marines in Beirut, many people are confused about American involvement in Lebanon, what the Marines are defending there, and why they need to stay.

In looking at these questions we must first put American involvement in Lebanon into proper perspective. We should avoid overstating what we are trying to do. Our goals in Lebanon are worthy and are important to the peace process in the Middle East, but accomplishing a united, sovereign Lebanon is NOT, in and of itself, vital to the security of the United States.

How long must the Marines stay? If we say we will stay until Lebanon is a stable country and Syria no longer a threat, our commitment is too open. If we say the Marines will stay a fixed number of days or weeks, our commitment is too feeble, and we hand our adversaries the ability to outmaneuver us. Perhaps it is best for us to say that when the Lebanese are on the road to national reconciliation and a better security system is available in the country, our Marines will be on their way home.

The United States needs a diversified strategy in Lebanon in order to withdraw the Marines before the 18-month deadline worked out by the President and the Congress.

Six goals should be the focus of American policy:

The first is an agreement on the withdrawal of all foreign troops from Lebanon. We must press hard for agreements for the withdrawal of Syrian and Israeli troops, Palestinian guerrillas and other nationals.

Second, we must work with urgency to restart the whole Middle East peace process. That process cannot wait for developments in Lebanon. Achieving progress in these broader Middle East peace talks may be one way to move toward peace in Lebanon.

Third, the process of national reconciliation must get underway in a conference of all Lebanese factions. A conference will likely begin Monday in Geneva. Out of this conference must come the critical compromises Lebanon needs if it is to survive. Such compromises must lead to a broadly based government of national unity, backed by international economic assistance. American diplomats can help this process along, but only Lebanese leaders can make it succeed. If Lebanese leaders do not see it that way, the Marines will be useful no longer and should be withdrawn. Strong pressure to compromise must be put on all factions in Lebanon. They must understand that their choice is unity or anarchy, and that the hour is late. It is their nation, not ours, whose future is on the line.

Fourth, an acceptable security structure could be built up around a better trained and equipped Lebanese army, depoliticized and organized to reflect the religious mosaic of the nation. Military aid from a number of nations could be made available to the Lebanese army. Soldiers of disinterested countries, which the Lebanese factions perceive as neutral, could be rotated through the multinational force, keeping it in place as long as it was needed but allowing the Marines to depart more quickly than would have been possible otherwise.

Fifth, in the days just ahead, we must strengthen security for the Marines in Beirut. We can not accept the notion that nothing can be done to protect the Marines from kamikaze tactics. There is no higher priority in the Middle East than the protection of their lives.

Finally, we should make a prompt, careful investigation of the terrorist attack, which may have been launched by a small group of fanatics seeking to create anarchy for their own purposes. They should be dealt with before their twisted vision for Lebanon overwhelms the sensible vision of most Lebanese.

The mission of the Marines now on the ground in Lebanon should also be put into perspective. The Marines are not in Lebanon to tip the balance of power. They are there as one element among several to help achieve stability. Their mission remains one of keeping the peace, not fighting a war.

They are symbols of our commitment to the Lebanese people and to a sovereign, independent Lebanon. Withdrawing them immediately would make hollow our insistence that diplomacy be given a chance. What we have worked for, and what those men have died for, would be jeopardized, if not lost. The Soviet Union would gain in its efforts to dominate Lebanon. Syria would not honor its pledge to pull its troops out, nor would it end its support of rebel factions or its collaboration with Iran. Israel's northern border would be more vulnerable. Moderate Arab states would be alienated from us. Our general influence in the Middle East would sink while the influence of radicals rose. We would also have more difficulties in restarting Middle East peace talks. The road to peace in the Middle East has always been strewn with formidable obstacles.

As a great power, the United States must shoulder the responsibility that accompanies power. We cannot walk away from Lebanon and expect the world to be the same again.●

SUPPORT FOR THE PRESIDENT'S ACTIONS IN GRENADA

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. BENNETT. Mr. Speaker, I call attention to the following editorial from the Jacksonville Journal of Jacksonville, Fla., which pays deserved tribute to the President for his decisive action in protecting American citizens in Grenada. The editorial reads as follows:

TINY GRENADA WAS A BIG THREAT

Although the U.S. invasion of Grenada seems to have been planned before the slaughter of more than 200 U.S. Marines and Navy men in Beirut on Sunday, it may prove to be an irony of history that the United States followed up, and quickly, a tactical defeat in the Mideast with a strategic victory in the Caribbean Sea.

Whatever the degree, if any, of Soviet complicity in the Beirut bombing, there is no doubt that the intent of that barbaric act would have served the Kremlin's strategic interests in the Mideast.

The intent, without a doubt, was to inflict such a heavy loss of life on the United States that the Reagan administration would be forced by domestic political pressure to withdraw the U.S. peacekeeping force from Beirut. Reagan said quickly and firmly he would not. Thus the Soviets are no closer to their strategic goal of dominating the Mideast at the expense of U.S. influence there.

Grenada, tiny as it is, is an entirely different matter. It is of great strategic importance to the Soviets, therefore Soviet control of Grenada is a great strategic threat to the United States—indeed, all of the Western Hemisphere.

Grenada is the third point in a triangle—Cuba and Nicaragua being the other two points—that can control shipping throughout the Caribbean. Ships entering the Caribbean must pass through narrow "choke points." Military domination of that triangle can give an enemy of this country awesome power in a war over shipping in the Caribbean, because so much vital cargo for the United States traverses that water.

It is hardly in the military interest of the United States to allow the Caribbean, in effect, to become a "Soviet lake." And it is incredible that tiny Grenada was building an airport with a 9,000-foot runway with the help of armed Cuban workers in order to boost its tourist trade, as Grenada claimed. (A recent Heritage Foundation study said Grenada was not making "any efforts" to build hotels, without which tourism cannot be developed.) It is reasonable to believe, then, that Grenada was being developed frantically by the Soviets and their clients to complete that triangle of military dominance over the Caribbean.

Since a coup last week in Grenada brought a regime into power that President Reagan called "a brutal group of leftist thugs," Grenada had been turned into a virtual prison for everyone there, with a 24-hour "shoot on sight" curfew in effect. Whether Americans on Grenada were in actual danger is the focus of critics of the invasion—some of whom are our friends but many of whom seem incredibly agitated in view of their lack of concern over Soviet barbarism in Afghanistan.

Let them rave; Reagan has sent two clear messages to the Kremlin this week that he will not be content with mere U.S. handwringing while the Soviet Union uses every form of brutality to advance its imperialist policies.●

NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. VALENTINE. Mr. Speaker, time and again, national attention is focused on the giant strides made by the State of North Carolina in improving the quality of public education.

Notable among my State's accomplishments is establishment of the North Carolina School of Science and Mathematics in Durham. This renowned institution offers its students advanced courses and a rigorous academic environment, thus serving to help meet our Nation's future trained work force requirements while each year providing hundreds of young people with unparalleled educational opportunities.

A recent article in the Christian Science Monitor describes this school's unique program, and I ask that it be inserted in the RECORD.

The article follows:

[From the Christian Science Monitor, Oct. 21, 1983]

NORTH CAROLINA'S LAUNCHING PAD FOR GIFTED STUDENTS

(By Craig Savage)

DURHAM, N.C.—The North Carolina School of Science and Mathematics has come a long way since September 1980. At that time, dedication ceremonies for the new school had to be held outdoors because the buildings that were to house it were too dilapidated.

Born of the crisis in science and math education in the United States and nurtured by a governor whose commitment to education reform extends to taking time to tutor a student for an hour every Monday morning, the NCSSM has flourished as both a haven and a launching pad for the gifted. It's also a resource for the entire state.

The institution is a two-year residential high school for juniors and seniors who have shown a special aptitude or potential for science and math. Selected from high schools across the state, the 400 students are brought together on the school's campus in Durham. They take several science and math courses a year as well as courses in the humanities, arts, and language.

Framed by ancient oaks, the former hospital and outbuildings form a natural campus setting. The buildings are open, bright, and breezy. Most of the facilities on the 27-acre plot have been, or are in the process of being, renovated. Plans call for construction of a gymnasium and biological research pond. (Legislators are more apt to fund a "biological research pond" than a "lake," students say).

The idyllic setting belies the acrimonious legislative debate that greeted the original proposal to found such a school. There was concern that the institution would, by definition, become an elitist ivory tower for the young; that it would siphon off top students and teachers; and that it would draw away badly needed funds from the bulk of public schools.

F. Borden Mace, principal and deputy director of the school, tackles the elitism charge head on. "What would we do in music or sports if we didn't support an elite? No one questions it there. They just seem to question it when we get around to academics. There is growing evidence that it's the interaction of very bright kids with very bright kids that's the most important contribution that we're making."

In fact, administrators have built in a rigid set of extracurricular requirements to ensure that the students understand that with the privilege of attending the school comes added responsibility. Each student spends four hours a week on work service, everything from washing dishes to raking leaves. Students graduate from menial labor to become teacher aides, lab assistants, and tutors. In addition, every junior has to give community service, tutoring elementary students, or visiting senior citizens.

The string of successes the young school has notched so far are impressive. One hundred percent of the graduates were accepted last year into some of the leading colleges and universities in the country. Most of the students qualified for advance-placement credits, and the graduating class of fewer than 200 was offered a total of about $1.5 million in merit scholarships. Another mark of success: Louisiana just opened a similar school in September, using the same basic curriculum and list of textbooks.

But for the state legislators who fund the schools, and the taxpayers that administrators ultimately answer to, the fact that the school is highly beneficial to the student who attend it is not enough. A second, tacit obligation is seen—to spread the wealth.

Administrators have devised a series of outreach programs to do just that. Much of the specialized equipment that corporations have donated to the North Carolina school is shared throughout the year with other local schools. There are special summer workshops for teachers from all over the state, and also conferences. Teachers and administrators also act as consultants to local schools.

This summer, because of costs associated with bringing some of the teachers to the campus, the program went on the road. And to the delight of school administrators, teachers who had been through the summer program the year before were used to teach the new crop of teachers who were seeking additional training.

Despite their best efforts, administrators are still having to justify the $3.5 million a year their budget drains from state coffers. They argue, in the first place, that their funding comes not from the overall state education budget, but from a special fund in the governor's budget.

The school has also raised more than $7 million from private donors, "new" money that would not have been attracted otherwise, and money which, through the school's outreach program, will eventually benefit all the schools in the state.

It is no accident that the school was placed on one corner of the much-publicized Research Triangle Park, the high-tech research park that has attracted some of the top corporations in the country. In addition to tapping Triangle companies for talent, cash, and hardware, the school places upwards of 90 students in internship slots with various companies. Still, neither the companies nor the school expects to see a direct return on corporate investment.

"We are not set up to be a feeder school that will turn out engineers and researchers who will then go to companies in North Carolina," says NCSSM director Charles R. Eilber. "We are not a trade school for IBM."

The school took on the residential component entirely by necessity—the distances across the state making daily commutation an impossibility—but that doesn't mean living-in hasn't become a vital part of the educational process at the school.

Says Mr. Eilber: "I think it's a crime that throughout this country the lights go off at 3:30 in most high schools and the kids get on buses and go home. The library doors are closed 10 minutes after the last bells ring; the computers are shut down. I think communities ought to make available this marvelous resource of time that we have here."

Just as important as making resources available to the students is bringing them together with their peers, a practice administrators find helps unlock potential.

"We try to have a bias-free, culturally enriched environments," says Mr. Mace. "We not only mean the usual biases, but one more that is often overlooked, and that is an anti-intellectual bias. Very often those among the brightest in their class may have had to conceal that fact. You don't have to do that here."

David Petranick, a junior from Concord, N.C., speaks directly to the issue. "At my old school if you said, 'I'm going to study,' some guy would say, 'You think you're so smart,' and would think you were stuck up. Here you can study with other people and talk about it and it's no big deal."●

NUCLEAR WAR: SCIENTISTS SAY EVERYONE LOSES

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. CARR. Mr. Speaker, a number of prominent scientists have just released the results of a study of the long-term effects of nuclear war. Their conclusion, which has been endorsed by other scientists reviewing their data, is that even a limited nuclear war will put so much dust into the atmosphere that all life in the Northern Hemisphere and eventually the world would be threatened.

Their results are clear and sobering. There can be no "winnable" nuclear war when the Sun's rays are blocked out for weeks or months after such a war. It will make no difference that a war is limited, for the results will be virtually the same. The long, dark night which will descend upon the Earth after a nuclear war will be a night of extinction.

This morning's Washington Post contains a summary of the study. I urge my colleagues to read it and consider its conclusions.

The article follows:

[From the Washington Post, Nov. 1, 1983]

SCIENTISTS SAY NUCLEAR WAR COULD CAUSE CLIMATIC DISASTER

(By Philip J. Hilts)

Nuclear war involving most of the long-range missiles in the U.S. and Soviet arsenals could trigger a global climatic disaster that could wipe out billions of people and perhaps mankind, scientists said yesterday.

For the first time scientists released evidence that the detonation of 100 megatons would trigger a "dark nuclear winter" during which a cloud of debris would begin to block the sun and cause temperatures to plunge.

If a nuclear war reached 5,000 megatons—a massive exchange that would involve almost all the long-range missiles on both sides—temporary ice-age conditions over at least half the Earth would be inevitable, a scientific conference here was told.

Until recently, scientists had not calculated in detail what would happen to the world's climate after a nuclear war.

But over the past 18 months European and American scientists have made the calculations repeadtedly, using mathematical models of the atmosphere and powerful computers.

More than 100 eminent scientists, including Nobel laureates David Baltimore and Hans Bethe, Los Alamos National Laboratory theoretician Carson Mark and sociobiologist Edward O. Wilson, have reviewed the work and endorsed its conclusions, according to Cornell astronomer Carl Sagan, one of the leaders of the group.

The world's nuclear arsenal contains between 12,000 and 15,000 megatons, scientists said. Each meagaton is equal to 1 million tons of TNT. The bomb that destroyed Hiroshima was equivalent to 12,500 tons of TNT.

Sagan said that a war in which 5,000 megatons were detonated would produce the following:

About 225 million tons of smoke would be spewed into the air over several days, enough to blanket the Northern Hemisphere and block out more than 90 percent of the sun's light.

At least half the Earth would become dark as night. Temperatures would plunge between 40 and 80 degrees Fahrenheit, freezing standing water to a depth of 2 to 3 feet. The temperature would remain below zero for up to three months, and probably would not return to normal for more than a year.

The lack of sun would probably eliminate photosynthesis, the ability of plants to turn sunlight into energy, the key process that supports life on Earth. The conditions would kill plant life and, in turn, animals that feed on plants. Thus, carnivorous animals could starve. The entire food chain might collapse.

Though previous studies of nuclear war have suggested that the Southern Hemisphere would be relatively uneffected, new calculations of climatic circulation show that the pall of smoke could spread to that hemisphere.

The amount of radiation deposited great distances from nuclear blasts has apparently been underestimated by tenfold.

Finally, after the years of darkness and cold another danger would emerge: chemical reactions from nuclear blasts would cause a major breakdown of the ozone layer of the atmosphere. Ozone protects the Earth from the sun's harmful ultraviolet rays. More ultraviolet radiation would damage the vision and immune sytems of any surviving animals.

The detonation of 5,000 megatons would require the United States to fire almost all its long-range submarine and land-based missiles and for the Soviets to fire about half of theirs.

One of the more surprising findings of the scientists' report is that there appears to be a "nuclear-war threshold," above which global catastrophe would be triggered. That level comes roughly at 100 megatons.

Donald Kennedy, president of Stanford University, in his somber keynote address at a two-day scientific conference on the world after nuclear war, said, "It is highly significant that a large group of distinguished biologists has reached a thoughtful consensus on the ecological consequences of nuclear war."

The studies paint quite a different picture of the climatic effects of nuclear war than had previously been drawn. Kennedy quoted from a pamphlet on nuclear war now distributed by the government that states flatly, "Ecological imbalances that would make normal life impossible are not to be expected."●

HUD DOES IT AGAIN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. FROST. Mr. Speaker, when the Subcommittee on Housing of the Banking, Finance and Urban Affairs Committee, chaired by the Honorable HENRY B. GONZALEZ, holds its hearing and investigation at 10 a.m., Thursday morning, November 3, in room 2128 of the Rayburn Office Building, they will be examining the very serious matter in Dallas involving the Department of Housing and Urban Development relative to an October 14 meeting here in Washington between HUD officials and Dallas Mayor Starke Taylor.

At that meeting, Mayor Taylor was informed by HUD Deputy Under Secretary for Intergovernmental Affairs June Koch that the Dallas Housing Authority must dispose of 1,000 public housing units in West Dallas before the Federal Government will approve the sale of the Washington Place project in Dallas.

This blatant and arrogant misuse of Government power—to force a city to completely abandon 1,000 public housing units in one of its most distressed areas—has now, since the airing of HUD outrageous demands, been followed by an unfortunate, but understandable, decision by DHA as a result of HUD's position.

HUD's actions have now forced the Washington Place to be taken from the bargaining table, where the Baylor University Medical Center was seeking to purchase the project.

This new development—the failure of Washington Place negotiations—prompted the Dallas Morning News to editorialize on the Washington Place and West Dallas subject matter this morning.

I insert at this point in the RECORD the Morning News editorial:

[From the Dallas Morning News, Nov. 1, 1983]

WASHINGTON PLACE—ENOUGH IS ENOUGH

The abandoned sale of the Washington Place housing project in East Dallas is another sorry example of the damage that foot-dragging federal bureaucrats can wreak when they do not want to make a decision.

After nearly a year of negotiating, the Dallas Housing Authority board finally has said "enough" and scrapped plans to sell Washington Place to the Baylor University Medical Center.

In sports terms, DHA board members realized they could not win the game because federal officials in Washington, D.C. kept moving the goal posts. There are many losers in this story. The DHA has lost $9 million from the sale of the property, which could have been plowed back into much-needed repairs at other housing projects. Baylor Medical Center now will have to revise expansion plans for its facilities. And tenants of Washington Place are stuck in dilapidated housing that needs millions of dollars in renovation.

Throughout the sales talks, officials at the U.S. Department of Housing and Urban Development have treated Washington Place as if it were a political hot potato that would go away if they delayed the matter long enough.

Mayor Starke Taylor and DHA representatives never seemed to know what new stipulations they would face each time HUD officials sat down to discuss the Washington Place proposal. The final straw probably came last month when Taylor said a HUD representative told him the sale would be predicated upon the divestiture of some 1,000 uninhabitable federal housing units in West Dallas.

The unfair tactics employed by HUD have provided a disturbing message for all major cities that are trying to get a handle on their low-income-housing problems. In effect, HUD officials have warned they will not look kindly on innovative ways to find more dollars for rehabilitation for the seriously deteriorated housing projects here.

For the Dallas Housing Authority, the lesson has been an expensive one that should not go unchallenged. The DHA has wasted hundreds of thousands of dollars in work hours on the aborted Washington Place sales proposal. The bill for this ill-fated plan should go directly to the people at HUD who are responsible for the failure.

Let us hope that the DHA board will stick to its request for a lawsuit, if necessary, to gain full restitution from HUD for the cost of the Washington Place fiasco. The compensation will not restore the lost goals of the proposed sale. But it will make the federal government pay the bill for the disservice HUD has done all of the others involved.●

THE CHEMICAL PEOPLE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GILMAN. Mr. Speaker, the tragedy of drug abuse in our Nation has reached epidemic proportions, particularly among our young people. The staggering statistics indicate that substance abuse in America is the highest of any developed nation in the world. Over one-third of all Americans try an illicit drug before they finish high school; over one-third have illicitly used drugs other than marihuana. One in sixteen high school seniors smokes marihuana on a daily basis, and 34 percent of high school seniors regularly abuse drugs.

The single leading cause of death among 15- to 24-year-olds is drunk driving, and about 1 in 16 high school seniors drinks alcohol daily, with 41 percent regularly abusing alcohol.

Most of these people began chemical use between the ages of 11 and 14.

These statistics indicate to us that our young people need help—now. For a nation which has a remarkably high standard of living, our standard of drug abuse is also unbelievably high. What will happen to our young people who find they cannot face their teen years without drinks or drugs? What will happen to our Nation when these young people assume the reins of the future?

I know that the American people want to help; parents want to help their children, and society in general would like to abolish the scourge of drug abuse before it is too late. As a Member of the House Select Committee on Narcotics Abuse and Control, I am pleased that many people in our Nation are becoming aware of the tragedy of drug abuse and are mobilizing against it.

On November 2 and November 9, the Public Broadcasting System (PBS), in conjunction with Metropolitan Life Foundation and the Richard King Mellon Foundation will present a two-part television special called "The Chemical People." First Lady Nancy Reagan has generously given of her time and energy to appear in this important program, as well as having promoted it in the weeks prior to broadcast.

"The Chemical People" is designed to combat school-age drug and alcohol abuse and it will be aired on 300 PBS stations nationwide. Public Broadcast System has organized over 10,000 "town meetings" in the cities where the television program will be shown, where local options, problems and solutions can be discussed on a community level. It is hoped that local task forces will be formed to educate and motivate people to take action against substance abuse.

The National Federation of Parents for Drug-Free Youth, a parents' group deeply involved in the issue of drug and alcohol abuse among young people, was instrumental in the planning and publicizing of "The Chemical People" program.

In my congressional district, New York's 22d Congressional District, I am pleased to report that we have a very active group of dedicated people who have volunteered to serve on our 22d Congressional District Advisory Committee on Narcotics Trafficking and Substance Abuse. Our advisory group is composed of people from all walks of life, representing parents, teachers, students, health professionals, law enforcement officers, clergy, attorneys, and other interested citizens all or whom are dedicated to the goal of eliminating drug abuse as a way of life among our young people.

On June 11, our advisory committee met with Federal and State experts in the field of narcotics abuse and control. The panel reporting to the advisory committee included Tom Cash, associate special agent in charge, New York Field Division, Drug Enforcement Administration; Rayburn Hesse, Special Assistant to the Assistant Secretary of State for International Narcotics Matters, Department of State; Bernard McColgan, Chief of Prevention, National Institute on Drug Abuse (NIDA); Kathleen Coughlin, deputy director, training and resource development, New York State Division of Substance Abuse Services; Tom Sullivan, contract manager for New York State Division of Substance Abuse Services, Region 6; Anthony Di Benedetto, chief, Drug Education Bureau, New York State Education Department; and Dennis Zimmerman, New York State Division of Substance Abuse Service's Bureau of Government and Community Relations.

These representatives told our advisory committee that the problem of drug abuse is indeed the most critical health problem our Nation is facing today. Drug abuse is a national problem which affects every aspect of our lives, and which is becoming a way of life among too many of our young people. We heard that while narcotics are illegally smuggled into our Nation, as long as there is a demand for the drugs by our young people, foreign nations are literally going to make a killing. We must stop drugs at the source, before they find their way into our Nation.

Our district drug advisory committee will be holding its next meeting on November 19 at the Monroe-Woodbury Middle School in Central Valley, N.Y., at which time we will hear from representatives of the White Plains, N.Y., School District who will report on their successful drug education programs. I am pleased that so many of our citizens in our region have taken such an active role in helping to combat drug abuse.

If the war on drug abuse is going to be won, then citizens throughout our Nation must organize to help combat this deadly menace. In this regard, the President today signed Senate Joint Resolution 57, designating November 2 through 9 as "National Drug Abuse Education Week." Combating drug trafficking and drug abuse is not just for 1 week but is a never-ending 365-day battle that requires the best efforts of all of us to help eliminate this scourge of all mankind.

I urge all of our colleagues to participate in this nationwide effort to raise the public's consciousness of the need to combat this threat to the youth of our Nation.●

CLOVERLEAF LANES: COMMUNITY SPIRIT TO SPARE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, I believe that the private sector has a responsibility to local communities, and I am pleased to take note of one businessman in my congressional district who is giving back to the community as much as, if not more than, he has received.

John I. Smith is the owner of the Cloverleaf Lanes located in north Dade County. Cloverleaf, however, is more than a place to go bowling. It serves as a community center as well.

John Smith is a real man of vision who seeks to improve the lives of this north Dade neighbors. I have been working with him on a proposal for a commuter rail system that would connect Dade, Broward, and Palm Beach Counties. Such an ambitions project would bring many benefits to south Florida, and if we are successful in bringing it to fruition, it will be largely because of the efforts of John Smith.

A recent article in the Miami Herald described the many community activities carried out at Cloverleaf Lanes, and I would like to bring it to my colleagues's attention as an excellent example of what the private sector can do in the community.

The article follows:

CLOVERLEAF LANES: COMMUNITY SPIRIT TO SPARE

(By Chris Vaughan)

Bowling is the business of record at Cloverleaf Lanes, but as the Cloverleaf "family" celebrate the establishment's 25th anniversary this week, the talk centers not on tenpins but on community.

More than 12,000 people pass through Cloverleaf each week, and most of them aren't rolling balls, says John I. Smith, the lone survivor of all 25 years of Cloverleaf's history.

Smith, who has come to be known as the "Mayor of North Dade," makes it clear: He doesn't just manage a bowling alley, he guides an institution.

"There isn't much that goes on in North Dade County that Cloverleaf isn't involved in," says Smith.

Headquarters for the North Dade Chamber of Commerce and the National Football League Alumni Association's South Florida chapter, training ground for youth, haven for the retarded, center for the community—Cloverleaf is a focal point for an area that lacks its own government. That's no accident: It was planned that way from the beginning.

When Cloverleaf was built, it was unique—designed by Alfred Browning Parker, its 50 lanes and blown-concrete construction were Florida firsts. Today, construction and the competition may have caught up, but the Cloverleaf ethnic—service above sport—remains the same.

"We're not just a business that's here to reap. We're putting a lot back," Smith says.

Smith allows that "business is excellent," and proudly points to his parts inventory room, his spare pin-setters and his spotless alleys as some of the reasons. But his heart doesn't burn for bowling—community service is his passion. That, he says, is what sets Cloverleaf apart.

He opens a classroom door to reveal dozens of schoolchildren learning how to score a game.

"Associating bowling and the adding and compilation of figures is important," he explains. The youth classes are one of Smith's pet projects. As much time is spent learning about Cloverleaf's kitchen and pin-setting operations as is spent knocking down pins.

Cloverleaf has "adopted" Highland Oaks Elementary and Junior High schools and Hibiscus Elementary, Smith says. The Lanes' "Turnaround" award, for the students in Northeast and Northwest Dade who show the greatest personal—not just scholastic—improvement, has a prominent place on the Cloverleaf wall.

Even its silver anniversary has a charitable function—about $5,000 in proceeds from this week's anniversary events will go to the Association of Retarded Citizens' Special Olympics Fund.

The events—beginning this morning with a champagne brunch for bowlers who have rolled at Cloverleaf 20 years or more and continuing through an Oldies Night next Sunday, with limbo and twist contests and a trivia competition—commemorate an unbroken chain of successes for the Cloverleaf operation.

Even in hard times, Smith notes, bowling does well because it is a relatively inexpensive game.

It will be even cheaper this week. From 8 a.m. to 6 p.m. each day, prices are being rolled back to 25 cents a game.

Other features of the celebration include a bowling tournament Saturday afternoon with celebrities and members of the media, and the biggest attraction of all, the Silver Guessathon.

The person guessing closest to the amount of silver—a mixture of quarters and Susan B. Anthony dollars—in a huge plastic replica of a bowling ball wins a trip to Jamaica. The contents of the ball aren't one of the prizes—when it is filled, it will hold more than $150,000, co-owner Tom Romanik said.

Owner-manager Romanik runs the day-to-day bowling operations with the help of Maura Favuzza. Smith devotes himself to Cloverleaf's community affairs.

By coincidence, both men came to Cloverleaf from Minnesota. They are effusive in their praise of each other. Romanik on Smith: "He's the guiding spirit of this place."

Smith: "I guess I just came with the building when Tom's family bought it . . . The future here is bright. We've got the young blood we need to be successful."

They also have a diversified business including a restaurant, bar, meeting rooms, video arcade, nursery, banquet room and lounge. What fuels it all, employes say, is a "family" feeling.

"Everybody cares about everybody else here," says Martin Hand, an 18-year-old junior champion who checks shoes and runs the register at the central control board five days a week.

"We have to," says Smith. "Caring is what makes it work."●

RONALD R. BUTTERS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. VALENTINE. Mr. Speaker, one of the more fascinating aspects of our Nation is the variety of English speech one encounters when traveling from region to region.

One man who has made a career of studying the regional differences of speech patterns is Ronald R. Butters, an associate professor of English and supervisor of freshman English instruction at Duke University in Durham, N.C. His dedication to linguistics reflects his recognition of the degree to which speech patterns dictate how human beings think and communicate. His work in this area brings greater vitality to English language study within the greater academic community, and especially in the Second Congressional District.

A recent article in the Raleigh News and Observer discusses Mr. Butters' work in greater depth, and I ask that it be inserted in the RECORD.

[From Raleigh (N.C.) News and Observer, Oct. 2, 1983]

STUDYING THE LANGUAGE THAT MAKES MAN UNIQUE

(By Guy Munger)

DURHAM.—Ronald R. Butters is a modern day equivalent of Professor Henry Higgins, the man who helped Eliza Doolittle untangle her Cockney tongue in "My Fair Lady."

But don't get him confused with Professor Doolittle, the man who talked to the animals. Butters finds experiments on communicating with animals interesting but isn't too optimistic about the results.

Butters 4, 3, is an associate professor of English and supervisor of freshman English instruction at Duke University. His specialty is linguistics, the study of human speech, and especially regional differences in speech patterns.

Butters is an acknowledged authority in his field. He has been a consultant to school systems and publications and since 1981 has edited the prestigious journal American Speech, quarterly publication of the American Dialect Society. Butters also serves as an occasional substitute for William Safire, The New York Times word columnist.

Butters is currently working on a comparison of dialects in Wilmington and Asheville, recording interviews in the field then transcribing and studying the results.

Linguistic research is not without its perils, Butters said, among them the temptation to do too much talking in a frantic effort to win the confidence of the person being interviewed.

"One of the things that I hate most about working over my tapes is listening to what I myself have to say," he said. "I've got one tape that I play for students, a sort of pastiche of interviews that I've done, and there's one thing that I deliberately left on there because it always breaks the kids up. It's where I found myself saying, 'Oh, Mrs. McMillan, you know I really love the Dewey decimal system.'

"Anything for rapport," Butters added with a laugh.

In field research, Butters said, a linguist looks for representative people in the population then starts asking questions:

"How do you get them to talk and give you something as close to the vernacular as possible? When you tell them—as we felt we had to do—that you are interested in language and they see the tape recorder, you tie them up and they give more formal speech, you've got to break that down.

"One thing you can do is interview several people at the same time. That gets a little complicated because you've got to have several mikes and several tape recorders. But if you can get them talking to each other, then they tend to forget the interviewer is present and normally you get a more informal type of speech.

"Also, if the interview goes on long enough, you establish a rapport and they tend to drift toward the vernacular, particularly if you get them talking about something they're quite upset or emotional about—an accident, illness.

"One of the best things with adolescents is to get them talking about a movie, to recount the plot. What they tell you turns out to be exceedingly boring from anything other than the linguistic point of view, but you get good data that way.

"We also wanted to get some data that had features that just don't come up that often in actual speech. How often does somebody say 'might could' or 'I'm plumb tuckered out'? So we would try to force responses there. We had a set questionnaire."

Butters described what he looks for when he goes over the transcripts and tapes of his interviews:

"I'm interested in things like, did they say 'singin' or 'singing'? 'He's here' or 'he here'? Did she say 'risk' or 'wrist'?

". . . I don't usually transcribe phonetically except for maybe one five-minute segment that looks like it's coming out of a particularly good vernacular piece, where they're relaxed. That's about all you need to establish the patterns of the speech.

"But for rare words and things like that, you want the whole tape down there in transcription. A lot of what we do is count things. . . . The frequency with which you say certain things will be different for different regions and different ages.

"For instance, you may hear, 'Ax him for me.' That's a very old form that goes back to old English times. But 'Ast him for me' is something special to this part of the country."

Butters is not overly impressed with the critics who say the English language is headed down the tubes.

"There's a long tradition of that kind of purism in the American culture going back to Ben Franklin I guess and beyond," Butters said, "and Edwin Newman and the others are not really doing anything that hasn't been done by previous generations, a sort of hand-wringing, deploring the decline of the language, the world-is-going-to-the-dogs sort of syndrome.

"I think that William Safire is pretty reasonable, the best of the popularizers. He has taken some time to acquaint himself with the subject matter. He has the good sense not to dismiss 150 years of linguistic scholarship as the drivel of arcane academic ivory tower folk.

". . . He has a good perspective. Indeed all these people have a good perspective. They stand as a good corrective to the excesses of the academic, just as the academic stands as

a good corrective to the excesses of the know-nothings, which is about where I classify Newman. He really doesn't know very much about what he's talking about. He's talking about his own prejudices, his own linguistic likes and dislikes and pretending that they are gospel. And I'd say pretty much the same thing about John Simon.

"I think those are the three best-known popularizers."

Butters is convinced that linguistics is an important field of study at the university level.

"You're talking really in terms of the fundamental goals of a liberal education," he said, "and I think linguistics—like literature or history—fits very much into that general scheme of things.

"There's a lot more to know about the way the human mind works. One of the ways is through the language, and psychologists are very much interested in linguistics, simply because they are interested in what we can say about how language affects the human mind.

"Language is somehow intrinsic to humanity. Look at the sort of studies that people have been doing recently, for instance, with apes and chimpanzees and trying to teach them to communicate by means of something similar to human language. These are experiments that require a good deal of linguistic sophistication just to interpret the results. They are fascinating in their own right.

"They are important, I think, in helping us to understand better what it is that can make man unique among all of God's creatures. From everything I've seen, the human linguistic capacity is something the other apes share only in some kind of markedly rudimentary sense.

"They cannot speak because they don't have the physical apparatus for it. They don't respond extremely well to spoken language because the wiring of the brain to their ears is not as sophisticated as the human wiring.

"What they've learned to do is pretty remarkable, but it's not even like a little child's language. It's just something similar to human language they're learning.

". . . I got off on a tangent that's not really my specialty, but it's one aspect of human language, and something that's been very much in the public's eye in recent years.

"The results with dolphins have been much less encouraging. But you can teach a chimpanzee a lot. You can teach a chimpanzee a chimp language which is very much like English and you can communicate with it in a way that man has never communicated before, using abstractions. The interesting thing about it is that the chimpanzees then seem to teach their children."

What are some of the big influences that are changing regional speech patterns?

"The most important one is migration," Butters said. "People move around so much. That tends to have a leveling effect at two levels, a national leveling so you get a vast area like California that is such a melting pot that California speech tends to be a kind of general American. Then you also get a lot of moving around within a region. . . . There are more people in Clinton sounding like Raleigh than there used to be.

"And I think education has been extremely important in standardizing grammar. People tend to look things up in a dictionary. There are more people going to college and they are extremely malleable. . . . The more college-educated people you have, the more they are going to tend to gravitate toward some kind of standard."

Butters then mentioned one of his theories about a special kind of change that seems to be occurring in American language:

"I think one of the reasons there may be an upsurge in Southern speech is that popular music has been so influential on several generations of adolescents and popular music tends to sound like Southern speech.

"When Bob Dylan used to sing 'Blowing in the Wind,' the vowels he was using were not typical of a Minnesota boy. They tended to gravitate more toward South and South Midland.

"I sat in a barbershop once in Guadalajara, Mexico, and heard a young man sing 'Dust in the Wind.' He sang in perfect English but it was perfect English of Tennessee and not perfect English of California. He was singing the song with the accent in which he'd heard it."

Butters stays on the go with his teaching, editing and research chores (lunch is often a couple of hard-boiled eggs eaten at his desk) but he took off last week on a trip to Charleston, S.C. It was a busman's—or linguist's—holiday.

Obviously with the unique accents of Charleston in mind, Butters said, "I'm looking forward to it very much."

You could almost hear the tape recorders start to turn.●

ACCOMPLISHMENTS OF MICHAEL J. HUNEKE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LONG of Maryland. Mr. Speaker, it is a great honor for me to award a congressional commendation to Mr. Michael J. Huneke, who will become an Eagle Scout on November 3, 1983.

This is a remarkable achievement, considering Michael has only been a member of Scout Troop 124 for 2 years. In this short time, Michael has been the recipient of more than 40 merit badges as well as the World Conservation Award, the Fifty-Miler Award, and the World Crest Award. He deserves considerable recognition for the imagination and hard work involved in his Eagle Project, which consisted of building a nature trail in the Dr. Lewis Krause Memorial Park. The construction of the trail involved the design and placement of over 20 theme signs describing the park's environment.

In addition to his participation with the Boy Scouts, Michael has contributed in many ways to the Parkville community. He is an 8th grade honors student at Pine Grove Middle School, a member of the Pine Grove Choral Group, and plays football for the Parkville Recreation Council Football Team.

I am extremely proud to join Michael's parents, Edward and Patricia, and his three older brothers, Richard, Barry, and Kevin, in congratulating Michael not only on his investiture as an Eagle Scout, but on his many outstanding accomplishments.●

STUDENT KEPT DIARY ON GRENADA

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RATCHFORD. Mr. Speaker, we were all very worried about the safety of the American students in Grenada. I thought it would be interesting for my colleagues to read of the experiences of a student from my district, one of the last to be evacuated from the island.

The following is excerpted from the diary Nick Mongillo kept during the invasion, as reported by the Associated Press and as it appeared in my hometown newspaper, the News-Times of Danbury, Conn.

[From the Danbury (Conn.) News-Times, Oct. 31, 1983]

STUDENT KEPT DIARY ON GRENADA

CHARLESTON, S.C.—As bombs exploded around his house, American student Nick Mongillo, of Cheshire, Conn., recorded his view of the Grenada invasion in a 26-page diary.

He and other students at St. George's University Medical School were living in Westerhall, which was behind Cuban lines during much of the fighting, according to Mongillo.

The Cheshire, Conn., resident arrived here Saturday, carrying his diary, as the four-day airlift to evacuate civilians wound down.

His account covers the events from Oct. 21, two days after Prime Minister Maurice Bishop was killed, through his evacuation.

FRIDAY, OCT. 21

I want to be a doctor. I didn't get this chance in the United States. Grenada has given me the chance. I just hope that we can move around peacefully without fear of getting shot at.

SATURDAY, OCT. 22

I talked to mom and dad. They sounded OK. Dad spoke in Italian so the Grenadians listening to the conversation couldn't understand. He told me about a naval task force heading for Grenada.

The Grenadians believe (the government that is) that the ships are threatening to invade the island because of pressures put on the superpowers by small Caribbean nations.

SUNDAY, OCT. 23

I hope the Beirut killing of over 100 U.S. Marines doesn't aggravate old President Reagan to do something here.

Radio Free Grenada began issuing statements that Caricom has decided to expel Grenada from their group and voted to militarily intervene. The radio station called for militia to prepare to defend the country tonight against military invasion.

TUESDAY, OCT. 25

The Americans and somebody else have invaded Grenada! At 5:30 a.m. the Marines started coming in at Calvigny Bay, which is only a few minutes from here. The radio

station is going crazy. It sounds like the militia doen't want to help the People's Revolutionary Army. They are trying to stir the people up with "fight" and "freedom" songs. I don't know what to feel . . .

7:30 a.m.: I guess we were actually hostages in this military coup. I hope the U.S. can get us out . . .

8:30 a.m.: Bombs are being heard in the distance. True Blue and Grand Anse are surrounded by Marines.

9 a.m.: I just heard jets go overhead. Reagan is on the radio explaining the situation now.

6 p.m.: It is now night. The invasion is still continuing. Maybe we'll hear about a victory soon. Planes are still flying overhead. We can see their flashing lights in the distance. We're all a little frightened.

WEDNESDAY OCT. 26

1 p.m.: Early this morning I heard heavy bombing. There is still resistance being put up by the PRA (People's Revolutionary Army) and the Cuban construction workers. The soldiers are taking up positions in civilian homes and are parking their armored cars between houses in the Tanteen area of St. George's.

3:30 p.m.: We just got confirmation that the PRA is being disarmed. It is over! The planes are swerving up and down, speeding into the horizon. . . . The good ol' Marines did the job.

7 p.m.: It is dark again. No moon again. The helicopters are flying really close and bombs are going off overhead.

THURSDAY OCT. 27

8:30 a.m.: Bombs exploded really close today about 5 a.m. I'm just a little worried about the lack of communication. The phones are completely dead.

4 p.m.: Our friend Steve Tillen called and told us to stay inside because his maid . . . said she received a message in a leaflet from a helicopter to tell students to stay inside because they were shot at and possibly killed in Grand Anse.

Bombing is very intense. Planes all over the place and explosions are rocking the windows. We hit the ground twice.

Some congressman said that all Americans should be embarrassed when the history books are written about Grenada. That man is terribly wrong. A large majority of the Grenadians prayed for this to happen.

7:45 p.m.: Intense bombing again. That anti-aircraft gun is hanging on. President Reagan will speak on Voice of America at 8 p.m.

8:25 p.m.: It was an incredible speech. A bit political, but all in all it was great. The Marines got the attention they deserved, and the president brought a lump to my throat.

FRIDAY OCT. 28

2:30 p.m.: A servant came around warning there would be bombing in Calvingy Bay and so to evacuate. The students have to decide whether to leave the point and be vulnerable to sniper attack or to stay inside and weather the attack. We all decided to stay. God help us. We'll hide under tables with mattresses surrounding us.

4 p.m.: The bombing has begun, here we go again.

6:30 p.m.: Everybody is getting a little edgy. At this time, helicopters flew very close to us. We started waving sheets and towels to get their attention but no luck.

SATURDAY OCT. 29

7 a.m.: Intense bombing last night.

1:30 p.m.: Everything happened so fast. . . . Nobody knew about us! We quickly packed, waited for the others and then took off. Along the road we saw houses destroyed by air strikes and Marines, hundreds of them, along the road.

5 p.m.: We are airborne! After sitting down to eat . . . sniper fire started. The evacuees had to get down on their hands and knees and crawl into the hallways of the True Blue lecture halls and cafeteria. Soldiers set up machine guns through the windows. We had to lay low for about half hour.

We collected out bags outside, ran up a very steep hill . . . and hid at the end of a runway between cargos of mortars and helicopter rockets. The first plane took off because we were late. The next plane landed with troops and in about five minutes we were off and gone.●

NAVAL RESERVE SEEKS RECRUITS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. SKELTON. Mr. Speaker, the Naval Reserve has initiated an expanded enlisted recruiting program. This Sea-Air Mariner, or SAM, program provides a long overdue emphasis on non-prior-service enlisted accessions. It includes a variety of new training options, expands the market of potential naval reservists and includes use of the Reserve enlistment bonus/educational assistance option authorized by Congress in 1978. This important program will enable the Naval Reserve to focus on critical ratings in junior pay grades (E–4 and below) to insure the highest possible quality of recruit to match specific mobilization requirements.

The program includes an option which will enable an applicant under age 26, who has civilian-acquired skills, to enlist in areas that match Naval Reserve requirements, go to basic and appropriate apprentice training, and then be placed in advanced pay grades (up to E–4) for specific ratings. This not only is a less cost alternative to traditional training, but should serve as an incentive to enlist for young people who already have technical training.

The SAM program will also have a split training option which will facilitate the enlistment of individuals who either are still in high school or have embarked on a college education. They will receive part of their required training in each of two successive summers and return to school during the interim.

The Navy and Naval Reserve should both be commended for this innovative program to increase dramatically the number of new enlistments in the Naval Reserve. The accession of 10,000 SAM's per year should enable the Navy's Selected Reserve strength to grow to match requirements with properly trained high quality enlisted personnel.

The manning level of the Naval Reserve directly relates to mobilization readiness. Currently, there are thousands of vacant billets at Naval Reserve activities in the junior enlisted pay grades. It is extremely difficult to fill junior billets with Navy veterans due to the high retention of the regular Navy.

Mr. Speaker, I urge support of the Navy's position to enlist 10,000 personnel into the Sea-Air Mariner program as outlined in the budget submission and funded in the bill before us.●

IT IS TIME TO TEAR UP THE GOVERNMENT'S CREDIT CARD

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DORGAN. Mr. Speaker, we all know that deficits in the Federal budget have gotten out of control, and continued high deficits force up interest rates and threaten to plunge the productive sectors of our economy back into a recession. We know that we need to enact legislation which insures that the deficits get slashed.

It is time we got dead serious about reducing Federal deficits, now and in the future.

That is why I am introducing the "Deficit Control Resolution of 1983." This resolution would freeze spending across-the-board at current spending levels. Spending in future years will not be allowed to rise above today's levels unless new revenues are found to pay for the spending increase.

This approach insures that deficits in the future will become smaller, and soon vanish, as spending remains stable while revenues rise through the effects of inflation.

It also provides a mechanism for making sure the programs we think are truly important receive adequate funding. I am aware that spending cuts in the past few years have hurt most the poor, reflected in the 1982 poverty rate of 15 percent, the highest in 17 years. I know that spending on programs targeted to the poor has decreased by more than one-fourth, in real terms, from fiscal year 1981 to fiscal year 1983, according to staff of the House Budget Committee.

My resolution provides a way of playing fair with those most in need, without increasing deficits. I would be the first to support necessary increases in feeding programs for poor mothers and infants, for example, so long as we made sure we took in the new Federal revenues to do so or cut spending in other programs.

There are other areas of spending where we can save some money. De-

fense is one. We could eliminate an estimated $4 billion a year in defense spending by improving the spare parts procurement process: opening it up for competitive bids, giving whistle blowers incentive to come forward, and through other means. We could save about $25 billion over the new few years by not proceeding with the MX missile system. We could save $115 millon in 1 year by not producing new chemical weapons. If we find that we need increased spending on defense in the future, we can spend what we need, so long as new revenues were taken in or spending for less essential programs was cut.

Let me emphasize again the need to reduce the Federal deficits. New interest payments by the Federal Government on the national debt have doubled every 4 years in the past decade, from $26.7 billion in 1976 to $52.5 billion in 1980 to an estimated $106 billion in 1984. In the same period net interest payments as a percentage of total Federal spending have risen from 7.1 percent in 1976 to 12.3 percent in 1984.

This is just crazy. Interest payments to the holders of the national debt—investors, banks, insurance companies—do not create productive wealth. They do not create jobs. They do not improve our defense, or help poor people eat properly. They really amount to a transfer of wealth from taxpayers to wealthy individuals and institutions.

As deficits mount up, the size of the national debt has become astronomical. The debt has gone from $632 billion in 1976 to $914 billion in 1980 to an estimated $1,606 billion in 1984. Paul McCracken, a member of President Nixon's Council of Economic Advisers, said recently in U.S. News and World Report:

> To see the true effect of big deficits—and by that I mean a string of them, not just one of two in recession years—you must look to the government's claim on available credit. As recently as the decade of the 1970's, the Treasury was borrowing about one fifth of the credit supply. Now its claim is up to about 40 percent. With the projected deficits, the Treasury will be absorbing more than half of all available credit before long. Add in the credit needs of government-sponsored agencies, and the figure could rise well above 60 percent. That leaves precious little for private borrowers and puts upward pressure on interest rates.

It is the cumulative amount of debt which helps drive up interest rates. Small businesses and farmers—the most productive members of the economy—feel the impact: The August 1983 survey by the Federal Reserve Board of bank loan rates found an average rate on small commercial and industrial loans of 13.99 percent. Loans to farmers averaged 13.72 percent. Small long-term commercial and industrial loans averaged 14.53 percent. Affordable credit is needed to fuel the engines of growth.

Passage of my "Deficit Control Resolution of 1983" will help put a stop to this nonsense. A recent CBO report estimated the 1985 Federal deficit at $205 billion, and the 1986 deficit at $214 billion, if no corrective action is taken. My estimates are that we would chop the annual deficit in half by the end of fiscal year 1986, if my resolution were in force. An across-the-board spending freeze would lower the deficit to $168 billion in fiscal year 1985, a savings of $37 billion, and to $114 billion in fiscal year 1986, a savings of $100 billion. The deficit would be completely eliminated—the Government would be running a surplus, and decreasing the national debt—by fiscal year 1989. This will release the pressure on interest rates and help get them down.

Getting the deficit under control has to be done. My resolution provides a sound mechanism for doing just that, while insuring that our national spending priorities receive adequate funding.●

HISTADRUT AWARD WINNERS FOR 1983

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. PATTERSON. Mr. Speaker, I am pleased to honor today before my colleagues two outstanding women from our Orange County community. These women will be recognized this evening before hundreds of their peers in the labor and business community. Being bestowed to Bonnie Castrey and Judy Perez-Weigand is the annual Histadrut Award given by the Orange County Trade Union Council of the Histadrut organization. As you know, Histadrut is based in Israel as the General Federation of Labor. So important is it to the nation in which it was founded that former Prime Minister Golda Meir once acknowledged it as "The great heart and backbone of Israel."

The contributions of the two honorees are consistent with the vital role that Histadrut and its thousands of members have always played. Having worked with both of these women throughout my 9 years in Congress, I can also attest firsthand to their laudable performance in work related and community endeavors. It would be impossible for me to convey the full extent of their contributions, but I am proud to at least mention a few examples.

Ms. Perez-Weigand has distinguished herself in many areas, primarily stemming from her work in the labor movement. Since 1972, she has served as an executive board member of the Communication Workers of America (CWA) Local 11500 and as its legislative cochairperson since 1975. Because of Ms. Perez-Weigand, CWA has long held a fine reputation for fostering equal participation among men and women. Another highlight to her career in labor relations is her service as the vice president of the Orange County Central Labor Council since 1976. In other areas of community participation, she has fought for the rights of women, and has served with honor on the prestigious Commission on the Status of Women. She has shown a commitment to the struggle for good government through the election of qualified and concerned candidates. We are indeed fortunate to have Ms. Perez-Weigand as a member of our community.

Ms. Castrey began her present career in Federal Mediation and Conciliation Service 8 years ago through a graduate intern program at Cornell University. She has become renowned as a top professional in this complex and demanding field. She has utilized her skills to benefit her colleagues through active service in such professional associations as the International Industrial Relations Association, the Industrial Relations Research Association at the national level, the Government Labor Relations Association, and the Society of Professionals in Dispute Resolution (SPIDR). In recent years, she has served SPIDR as its national membership chair and as the chair of its Orange County-Los Angeles Chapter. Similar to Ms. Perez-Weigand, Ms. Castrey has devoted a vast amount of time to the advancement of women in society by, among other means, service on the Commission on the Status of Women. Specifically, Ms. Castrey has dedicated herself to the goal of employment training through the employment for mature women program sponsored by the YWCA of South Orange County. As a scholar throughout her college career, as a leader in her profession, and as a spirited activist in civic, cultural, and other community projects, Ms. Castrey remains to be a source of much local pride.

Mr. Speaker, it has been a pleasure and an inspiration for me to work with these fine women, and I can only offer my sincerest appreciation to the Histadrut organization for having acknowledged them with such an esteemed honor at their awards banquet for 1983. The entire Orange County community owes them a debt of gratitude, and I know that my colleagues in Congress are as thrilled as I am to join in our own salute to their achievements.●

SOVIET JEWRY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. SCHAEFER. Mr. Speaker, a recent trip to the Middle East brought me in contact with two families whose relatives have, for various reasons, been denied exit visas from the Soviet Union. My concerns about the plight of Soviet Jews are shared by many of my colleagues, and it is appropriate to address once again the injustices faced by members of a society shunned by the government and demeaned because of their faith: Soviet Jews.

Our ancestors came to this country in pursuit of freedom: intellectual, spiritual, economic. We find it hard to understand that a group of people can be so viciously handly by a government in the 20th century. Our Constitution is a magnificent document, establishing human rights and protecting the common man and woman. Our Constitution is honest. The Soviet Constitution is, in many ways, a brilliant document on paper; however, in practice, it is essentially a dishonest, meaningless instrument under whose guise intolerance and bigotry are commonplace. All the basic rights, religious freedom among them, are revoked at the whim of a despotic goverment determined to stamp out anything that is not Russian. "Soviet" is a term used by Americans to refer to the citizens of the U.S.S.R., but the discrimination of the Government against anyone from outside the Russian Soviet Federalist Socialist Republic makes clear the point that the autocracy of Moscow's czars has merely been replaced by the current Moscovite tyrants.

With such discrimination, we should not be surprised that Soviet Jews are treated so inhumanely by their Government. But we are. We must be. And we will continue to be, as long as men like Iosif Begun are given sentences for teaching Hebrew. How ludicrous. And because of his age, Begun's sentence may very well be a death sentence. Yakov Mesh awaits a visa, hoping to be able to join the members of his family waiting for him in the United States. Tatyana Ulanovsky nurses her ailing mother in Moscow, while her son, Lev, attempts to reunite the family in Israel.

The stories are seemingly endless, but we cannot be overwhelmed, and must continue our efforts to help. We must maintain a level of vigilance; we cannot allow the Soviets to continue to abuse citizens of their own country without calling this cruelty to the attention of the world community. In seeking a more stable world environment, we must not allow ourselves to be deluded by our deep desire for peace and international understanding. We must confront the harsh truth: Moscow's rulers are concerned primarily with their own survival. They feel threatened by any group not conforming to the Muscovite tradition. By definition, the Jewish heritage is one rich with the tradition of centuries; while the traditions are not always Russian in nature, Soviet Jews consider themselves Soviet Jews. They cannot understand why they are abused by their Government, to which they contribute academically and culturally.

In a twisted response to that contribution, Soviet Jews are barred from their professions, split from their families, and driven from their homeland. More heinous still, they are sent to psychiatric hospitals, as a form of punishment for their "civil disobedience." Their desires are simple: they wish to be allowed to practice their religion. Because the Soviet Government discriminates so vehemently against them, Soviet Jews feel compelled to request permission to leave their homeland. Upon applying for an exit visa, the Soviet Jew experiences a new form of discrimination. If he is one of the lucky few to be granted a visa, he may emigrate to Israel. Usually, though, the applicant is denied a visa. His life changes dramatically. He often loses his job; in extreme cases, he is sent to prison or to mental hospitals. Often, the charge is "crime against the Soviet state." That nebulous charge covers activities as diverse as publishing a book, teaching Hebrew, and displaying art.

In conclusion, Mr. Speaker, I would like to urge the House of Representatives to pursue an active role in freeing the Soviet Jews. One way to further promote the ideals of freedom and justice would be for each Member of Congress to show his unequivocal support for the Interparliamentary Group, an international organization being formed to act as a clearinghouse for human rights. The United States, Great Britain, and France are already members, and more nations will be joining soon. While it may be impossible to change the ways of the Soviet Union, we may be able to win individual victories for the people who so desperately desire freedom to worship and live as they please.●

CONGRATULATIONS TO NEW YORK COUNTY ON ITS 300TH BIRTHDAY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GREEN. Mr. Speaker, today we celebrate the 300th anniversary of the county of New York, more widely known as Manhattan. It was on this day, in 1683, that the first provincial assembly, elected according to the institutions of the Duke of York, established by statute the foundation of the county of New York.

The founding of the county of New York played an integral part of the establishment of representative government and common law jurisprudence in this county. Throughout American history, Manhattan has continued to play a critical role in the struggle for, and the establishment of, democracy. New York City served as the seat of the National Government beginning in January 1785, when the Congress of the Confederation convened in City Hall (now Federal Hall). The city continued to serve as national capital during the period of the first Congress from March 4, 1789 until August 12, 1790. During that time, in April 1789, George Washington was inaugurated as our first president on the balcony of New York's Federal Hall.

In addition to the important role the county of New York has played in the establishment of our democracy, the county became and continues to be the heart of American commerce, finance, and international trade. Furthermore the county serves as one of America's greatest cultural centers.

The county of New York has made an outstanding contribution to the wealth of the United States by providing opportunities to the great number of individuals who have immigrated to our country through the gates of New York.

In every respect, Americans owe a great deal to the county of New York. In commemoration of its tricentennial I invite all members to join me in sending salutations to the people of the county.●

THE 11TH ANNIVERSARY OF AURORA CONCEPT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues the 11th anniversary of Aurora Concept Inc., a pioneer in drug-free treatment of the victims of substance abuse. This occasion will be marked by a gala dinner-dance to be held on November 4.

Since its, founding, Aurora Concept has made an invaluable contribution to residents of my district, in Queens County, N.Y. To families in crisis, Aurora means hope, hope that a son or daughter involved with drugs can resume a purposeful life. The success that Aurora has had over the years is a tribute to its approach: The abuser is not isolated in the attempt to over-

come past problems. Instead, family and peers are actively involved.

Before treatment commences, the person first undergoes extensive evaluation and orientation. Interviews and tests are conducted, to insure that a program is tailored to the individual client. Day-care and evening options exist for those participants who hold jobs or attend school. Aurora is best known, however, for its residential program, where those persons in need of full-time supervison are admitted.

Once there, the participant experiences an environment free of drugs and full of understanding. Members of the facility share household chores; for some, this is the first time they have functioned as part of a group. These simple tasks engender a sense of belonging and a positive, productive attitude that is so important to one's emotional and career development.

Each week the members attend individual psychotherapy sessions with a staff psychologist. Supplementing these encounters are peer group counseling and extended group sessions, known as marathons. Often exhausting, and always probing, this form of treatment teaches the youngsters to release anger and frustration in a constructive way. The educational and vocational guidance programs that Aurora runs help solidify the client's growing sense of self-esteem and accomplishment.

Perhaps the most laudable aspect of the Aurora Concept approach is its commitment to complete rehabilitation. The family plays a pivotal role, as parents and siblings must be sensitive to the difficulties the former drug abuser has underwent. Once participants finish their stay at the residence, they are required to go to weekly follow-up meetings. Aurora also maintains an open door policy: Any graduate from any year may return to talk, renew acquaintances, or simply apprise others of his or her progress. These graduates are proof to kids with drug problems that there is an alternative.

Mr. Speaker, I know that all of my colleagues join me in saluting the work of Aurora Concept Inc., and its executive director, Edward Assa. To them we extend our best wishes on their 11th anniversary.●

TRIBUTE TO ADMIRAL RICKOVER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. WOLF. Mr. Speaker, last year the U.S. House of Representatives joined the Senate in voting to authorize the Speaker of the House and the President pro tempore of the Senate to present a gold medal on our behalf to Adm. Hyman G. Rickover in recognition of his 60 years of distinguished service to the U.S. Navy. I am pleased that today the Congressional Gold Medal has been presented to Admiral Rickover at ceremonies in the U.S. Capitol.

This medal will demonstrate Congress appreciation of Admiral Rickover and the unsurpassed contribution he has made to the U.S. Navy, but there is no way any of us can express the tremendous debt of gratitude the United States and the entire free world owe to Admiral Rickover for his vision and determination in developing our nuclear Navy.

The submarines now on patrol, which owe their existence largely to him, are the most secure leg of the defensive triad which is now protecting our freedom and way of life, and will continue to protect it for years to come.

Since Admiral Rickover is a resident of the 10th Congressional District of Virginia, which I represent, it is with great pride that I join my colleagues in congratulating him on receiving this medal, and it is my hope that this will serve as some small token of the great esteem in which he is held by us in Congress and by the people of the United States who owe him so much for his long years of dedicated service and brilliant leadership.●

PERSONAL EXPLANATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RICHARDSON. Mr. Speaker, on Friday, October 28, 1983, when the House had under consideration H.R. 2655, the Domestic Volunteer Service Act, I was in Lebanon as a member of the congressional delegation investigating the attack on our marines in Beirut. Had I been present, I would have voted:

"Yea" on rollcall No. 427, approving the Journal of Thursday, October 27, 1983;

"Nay" on rollcall No. 429, an amendment to H.R. 2655 that sought to strike language providing authorization floors for the VISTA program; and

"Yea" on rollcall No. 430 for final passage of H.R. 2655 to strengthen the outstanding and successful VISTA program.●

POLISH AMERICAN CONGRESS STATEMENT ON CONTINUED REPRESSION OF SOLIDARITY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. ZABLOCKI. Mr. Speaker, we are all deeply saddened by the Polish Government's continued repression of Solidarity and its leaders. The severe nature of that suppression is no where better illustrated than in the charges brought against the seven top leaders of Solidarity and the five leading representatives of KOR, the Social Self-Defense Committee.

These facts are highlighted in a recent statement by the Polish American Congress. I insert that statement in the RECORD at this point so that my colleagues, Americans everywhere, and the whole world may know the specious nature of these charges.

Together with the leaders of the Polish American Congress I denounce the repressive policies of the Polish Communist regime and once again urge support for the freedom-loving people of Poland and the imprisoned leaders of Solidarity and KOR.

POLISH AMERICAN CONGRESS, INC.

STATEMENT OF POLISH AMERICAN CONGRESS

CHARGES BROUGHT AGAINST LEADERS OF "SOLIDARITY" AND KOR ARE A TRAVESTY OF JUSTICE

The government of the Polish People's Republic has recently officially charged seven top leaders of "Solidarity" and five leaders of the Social Self-Defense Committee—KOR with "undertaking preparations to, or attempting to overthrow the political system by force". Under articles 123 and 125 of the Polish Penal Code, if convicted, the accused face sentences of death, or at a minimum long term imprisonment. It is expected that their trials may start very shortly.

The accused leaders are: Andrzej Gwiazda, Seweryn Jaworski, Marian Jurczyk, Karol Modzelewski, Grzegorz Palka, Andrzej Rozplochowski and Jan Rulewski of "Solidarity"; and Jack Kuron, Adam Michnik, Jan Jozef Lipski, Zbigniew Romaszewski and Henryk Wujec of KOR.

Their imprisonment since December 13, 1981, charges brought against them and their forthcoming trials constitute thinly disguised acts of political vengeance directed not only against them personally, but against the entire democratic human rights movement in Poland.

The whole process is intended to demonstrate total supremacy of the regime and its Party controlled police and judicial apparatus over the independent, democratic opposition to its totalitarian rule, and therefore futility of further resistance.

We consider the charges as completely unfounded. "Solidarity" and the Social Self-Defense Committee—KOR demanded respect for the Polish people's rights and dignity, a measure of democratic freedoms and the regime's accountability for its actions and policies; legitimate demands which in no sense can be interpreted as threatening the forcible overthrow of the existing political system of the country.

Nevertheless, given the political nature of the trials and the proven subordination of the judiciary to the Party interests, the guilty verdicts appear a foregone conclusion.

We protest and denounce these new flagrant attempts to terrorize the people of Poland into total submission to the Communist rule.

We demand that the trumped-up charges brought against the leaders of "Solidarity" and the Social Self-Defense Committee-KOR are dropped and that they are set free.

We demand that leaders of the Confederation for Poland's Independence—KPN: Leszek Moczulski, Tadeusz Stanski and Romuald Szeremietiew, sentenced in October, 1982 under the same articles of the Penal Code to 7-5 years imprisonment, are freed and their sentences annulled.

We demand that several other "Solidarity" leaders serving prison sentences imposed in quasi-judicial proceedings are freed.

Unabated policy of repression of people's human rights and basic freedoms, continued incarceration of political prisoners and the latest charges leveled against the leaders of "Solidarity" and the Social Self-Defense Committee—KOR, give a lie to the regime's professed moderation and its efforts at national reconciliation. In fact it appears that the authorities are consciously escalating the sense of confrontation in an obvious effort to break the spirit and force the nation to accept unquestioningly the brutal role of Communist totalitarianism.

Americans of Polish descent pledge our utmost support for the brave people of Poland and their leaders in their valiant struggle for freedom.

For: POLISH AMERICAN CONGRESS.
Aloysius A. Mazewski, President.
Helen Zielinski, Vice President.
Kazimierz Lukomski, Vice President.
Harriet Bielanski, Secretary.
Joseph A. Drobot, Treasurer.
October 24, 1983.●

A TRIBUTE TO SISTER M. MILDRED RADZIEWICZ

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RUSSO. Mr. Speaker, today I would like to pay tribute to Sister M. Mildred Radziewicz of Evergreen Park, Ill., who recently celebrated her 25th anniversary as a member of the Congregation of Sisters of the Little Company of Mary. Sister M. Mildred serves as chairman of the board of directors of Little Company of Mary Hospital in Evergreen Park as well as honorary chairman of the Hospital Auxiliary.

Sister M. Mildred was born in Parsons, Pa., and received her B.S. degree from St. Joseph's Mercy College and her R.N. degree from Marquette University. She entered the Congregation of Sisters of Little Company of Mary in September 1957 and the noviate in April 1958. Through the years she served in numerous nursing capacities at Little Company of Mary in Evergreen Park before being assigned to their hospitals in Jasper, Ind., and Torrance, Calif. She also participated in a program of religious studies at Gonzaga University in Spokane, Wash.

A mere reading of her background, however, does not bring to life the quality and depth of her contributions. I think it is important in these difficult times to remind ourselves of the goodness in the world. Someone like Sister M. Mildred exemplifies a life of goodness and love. She is an inspiration as one who has dedicated her life to others—ministering to them, comforting them in their pain, nursing them to physical and spiritual health in their hours of need. She has been devoted to promoting the religious ideals in her everyday life, and in each day she has touched and changed lives for the better.

I know my colleagues join with me in commending Sister M. Mildred Radziewicz for her fine works and congratulating her on the occasion of her 25th anniversary of service.●

THE CONFLICT CONTINUES

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. McGRATH. Mr. Speaker, I rise today to strongly protest the Washington visit of Mr. James Prior, Secretary of State for Northern Ireland. One thousand years of colonial rule and an unyielding history of anti-Catholic discrimination must make all question the verity of a British Government official's statements on the political, economic, and religious situation in Northern Ireland. Still, when members of the opposition are restricted from speaking out, as representatives of a democratic legislative body, we must focus attention on the irony of this injustice.

I do not object to the visit of Mr. Prior, but rather protest the fact that as an appointed member of the British Government, he is able to travel freely and present events both current and historical from the British point of view, while representatives from opposing parties are denied visas to the United States, and therefore the right to discuss events from another perspective.

To quote Father Sean McManus, director of the Irish National Caucus:

> Civil libertarians would argue that the Reverend Ian Paisley, the personification of anti-Catholic bigotry and violence in Northern Ireland, should be permitted entry into the United States to offer his views on the centuries old conflict in the north of Ireland. They would be correct in that assessment. America's constitutional principles ensure freedom of thought and freedom of speech for all. Any individual with an opinion on the conflict should be granted a visa and given the opportunity to express his views.

Yet, the American "open-entry" policy to those on both sides of the Northern Ireland question has been inconsistent as the Prior case demonstrates. Granting Mr. Prior a visa while legitimate members of Irish Catholic political movements such as Sinn Fein are excluded, must be questioned.

I urge my colleagues to investigate the issue and commit their efforts to resolve the hypocrisy of American visa policy when it concerns those involved in the Northern Ireland conflict.●

MEJIA GOVERNMENT

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. SHANNON. Mr. Speaker, I recently had a visit from a Guatemalan nun who resides in southern Mexico. She is part of a group of religious persons who assist in the resettlement of refugees from Guatemala. She reports that the number of persons leaving Guatemala has increased following the recent coup, and the ascension to power of Gen. Mejia Victores. There are also widespread reports of a wave of disappearances from around the country. I am attaching for the record a partial list of those disappearances, compiled from published reports in the Guatemalan press and consisting of individuals who have disappeared since the coup. This list was compiled by the Washington Office on Latin America, following their recent visit to Guatemala.

In late September the Mejia government launched Operation Octopus in Guatemala City to conduct house-to-house searches for signs of subversive activity. During the first 6 days of the operation 2,264 individuals were detained in what many Guatemalans perceive as a campaign of threats and intimidation. Unconfirmed reports indicate that El Pavon, the main men's prison near Guatemala City built to house 800, is now holding 3,500 prisoners, mostly political. Of special concern is the fate of over 400 political prisoners who were being held under Rios Montt but of whom many were never consigned to the special tribunals or any other court. The special tribunals have been abolished but the prisoners, except for 71 who the Guatemalan press reports will be transferred to common civil courts, continue to be held with no public determination of their cases.

Extrajudical killings have also risen. During the single week of September 19-26 over 40 persons were reported killed in the Guatemalan press. Newspaper accounts tell of tortured cadavers found with their hands bound behind their backs as was common

under Lucas Garcia. Bodies are once again being thrown from vans over the edge of mountains above Guatemala City.

In the rural areas the civil patrols established by Rios Montt have been retained and supplemented by school patrols. Organized into parasecurity patrols, schoolchildren have been instructed to report on suspicious activities within their families and communities. Moreover, in Alta Verapaz over 4,000 internal refugees are being indoctrinated daily with classes in promilitary ideology. One Guatemalan described the situation by saying, "The entire energies of the Guatemalan Government are being directed toward security. There are no other plans."

This problem of disappearances is not new to Guatemala, or to Central and Latin America. I am hopeful that dissemination of this partial list in the U.S. press will help the disappeared. I am also determined that the injustices documented here will not be forgotten when we in Congress are again called upon to approve administration arms sales to the Government of Guatemala.

The list follows:

THE WASHINGTON OFFICE ON LATIN AMERICA

List of disappearances in Guatemala since Gen. Mejia Victores assumed the position of Guatemalan Head of State in an August 8, 1983, coup d'etat. The following list of disappearences include only those which appeared in the Guatemalan Press.

August 10—Abruno Lool Cumatzil, 18, and Teofilo Lool Corominal, 18, disappeared from home in San Martin Jilotepeque, Chimaltenango (El Grafico 8/18).

August 10—David Garrido Castillo, 24, disappeared in Quatemala City (Prensa Libre 9/8).

August 12—Agronomist Jorge Alberto Rosal Paz, kidnapped on road between Teculutan and Zacapa (several newspaper reports).

August 13—Florentino Isidro Barrios, Custodio Angel Gomez Matul, Artemico Miranda Godinez, Domingo Alonzo Mateo, Celso Justiniano Diaz Pineda, were kidnapped by heavily armed men while returning from work on the finca El Peru in El Tumbador, San Marcos (El Grafico 8/16).

August 17—Mario Enrique Avalos Marquez, disappeared since leaving his house in Las Huertas, Antigua (Prensa Libre 8/23).

August 18—Rogelio Gramajo Flores, 66, MLN leader disappeared on way to work in Nuevo San Carlos, Retalhuleau (Prensa Libre 8/23).

August 20—Jose Becerra, Nazario Delgado, and Ramiro Reyes Arguello, 3 Mexicans disappeared in La Esperanza, San Juan Ostuncalco, Quezaltenango (Prensa Libre 9/8).

August 21—Rafael Esteban Morales, 78, kidnapped by several men in Zona 9 while going to evangelical church (Prensa Libre 8/24).

August 22—Frisly Elvidio Munoz Navarro, 18, disappeared in Guatelmala City (Prensa Libre 8/26).

August 22—Olga Ileana Cifuentes, 14, Yolanda Caracun Gomez students in Instituto Centro America, Disappeared in Guatemala City (Prensa Libre 8/28).

August 25—Manuel Cifuentes Mendoza, 11, disappeared after leaving his house in Zone 6 (Prensa Libre 9/16).

August 25—Maria Emilia Orellana Medrana, disappeared going to work in Centro de Recuperacion in Zone 1, from her home in Zone 12 (El Grafico 8/29).

August 27—Jose Pajarito, and 3 campesinos kidnapped from Fundacion ULEU, a Cachiquel language institute in Chimaltenango, by the Army who surrounded building (Prensa Libre 9/13).

August 30—Maria Isabel Flores Camey and son, Jacinto Perez Najera, disappeared after leaving house in Amatitlan, aldea El Zapotal (Prensa Libre 9/5).

August 31—Corina Castillo Pernillo de del Cid and daughter Monica, disappeared after leaving home in Zone 11, Guatemala City (Prensa Libre 9/6).

August 31—Maria del Rosario Colindres Canizales, 17, disappeared after leaving house in Cerritos, Amatitlan (Prensa Libre 9/5).

August 31—Juana Flores Merlos, kidnapped by ex-house companion in Las Trojes, Amatitlan (Prensa Libre 9/5).

August 30-September 4—Sergio Armando Zelada, 18, kidnapped by a group of men in Santa Lucia Cotzumalguapa and released 5 days later (Prensa Libre 9/7).

September 1—Silvia Judith Fuentes, 15, Ignacio Fuentes, 35, Jesus Ramirez Lopez, 32, kidnapped by several men in La Blanca Ocos, San Marcos (El Grafico 9/3).

September 1—Antonio Martin y Martin, 60. Felipa Agustin, 50 and grandson Teofilo Santiago Barrios, 35, kidnapped by several men in Comunidad Agraria Colima Primero, San Pablo, San Marcos (El Grafico 9/3).

September 1—Heriberto Mus Barrientes, kidnapped in Coban.

Early September—Raul Yanes Barrera, kidnapped by men dressed in olive green in aldea El Caoba, Flores, El Peten (Prensa Libre 9/8).

September 3—Brothers Cesar Antonio and Mery Jeovani Hernandez Chung, 10 & 8 years and Alex Francisco Osorio Perez, 7, disappeared in Guatemala City on way to school (Prensa Libre 9/4).

September 4—Emilio Perez Catalan, 25, kidnapped by 2 guardias de hacienda in Escuintla. Perez was member of civil patrol (Prensa Libre 9/5).

Armando Saenz Merida, 33, heavily armed men grabbed him out of his house mid-day in Escuintla; part of a "wave of kidnappings" in this city (El Grafico 9/26).

September 5—Sara Emperatriz Monzon, 18, Eva Sonia Monzon Mazariegos, 7, disappeared mysteriously near bus station in Quezaltenango (Impacto 9/10).

September 7—Gustavo Adolfo Meza Soberanis, 26, doctor with clinic in Coban, kidnapped in Zone 12, Guatemala City (Grafico and Prensa Libre 9/15).

September 8—Mayra Janneth Meza Soberanis, 23, sister of preceding entry, psychologist, kidnapped in Zone 12 (Grafico and Prensa Libre 9/15).

September 8—Gerardo Gomez Guzman, 79, disappeared in Zone 1 (Prensa Libre 9/21).

September 8—Miguel Angel Castellanos Hernandez, 40, customs agent, disappeared in Zone 5, Guatemala City (Prensa Libre 9/18).

September 8—Jose Cuc Castaneda, worker, in finca Filipinos, San Marcos kidnapped (La Razon 9/9).

September 8—Jose Chanchuc, 22, disappeared while going to his house in El Tumbador, San Marcos (Impacto 9/10).

September 8—Lic. Marco Antonio Quinonez Flores, 33, kidnapped from his bed, Amatitlan by several men (9 several reports).

September 9—Guadalupe Beatriz Vasquez Lopez, 10, disappeared on the way to school in Mexico (Prensa Libre 9/10).

September 9—Lic. Luis Rene Juarez Vilela, professor, disappeared on his way home from the Instituto America de Villa Canales, Guatemala City (Prensa Libre 9/10).

September 10—Marco Antonio Montiefar Ramirez, 25, kidnapped with Celeste Meija Victores (Grafico 9/12).

September 10—Celeste Mejia Victores, 54, sister of Oscar Humberto Mejia Victores, kidnapped by a group of men while leaving IGSS hospital in Guatemala City (several reports).

September 11—Gilberto Ozaeta, 46, kidnapped in Nueva Concepcion, San Marcos (Grafico 9/24).

September 11—Alberto Palaez, kidnapped in Cocales, San Marcos (Grafico 9/24).

September 11—8 unknown campesinos kidnapped in San Marcos (Grafico 9/24).

September 11—Jose Rodolfo Perez, kidnapped by several men in front of his family, finca Tiquisate, Excuintla (Grafico 9/24).

September 14—Prof. Moises Ramirez Perez, 43, kidnapped by 4 men in a park on 14th St. & 12th Ave., Zone 1, Guatemala City (Prensa Libre 9/23).

September 14—Maria Leticia Catalan Obeda, 20, kidnapped by 5 men in a cafeteria on Ave. Petapa in zone 12 (Grafico 9/15).

September 15—Lilian Marlene Beltron Cardona, disappeared traveling to the Costa Sur (Prensa Libre 9/18).

September 17—Edwin Ronaldo de la Cerda Mijanges, 10, disappeared mysteriously when he was returning to his residence in zone 7, Guatamala City, after having visited firemen he was friends with (Prensa Libre 9/23).

September 18—Guadelupe Perez Lara, 32, in Santa Lucia Park, Cotzumalguapa, she was kidnapped. She resided in the village of Mircom (Grafico 9/27).

September 19—Maria de los Angeles Contreras Solorzano, 17, disappeared after she left her home in zone 18 to go to the Institute for Secretarial Training which is located on Ave. No. 11 and Street No. 10A, zone 1 (Prensa Libre).

September 20—Hector Enrique Jimenez Martinez, 37, Owner of the Jimenez Shop, he was kidnapped by 4 armed men who took him away on a blue pick-up truck (Prensa Libre 9/21).

September 20—Rodrigo Moran Paiz, a driver for the El Condor was kidnapped by three men, one block from the police barracks in Escuintla (Prensa Libre 9/21).

September 21—Efrain Amado Moreno Tax, 28, was kidnapped by four armed men with revolvers at 9:30 a.m. in zone 7 (Prensa Libre 9/27).

September 22—Luis Carlos Linares, 20, kidnapped in zone 10, his girlfriend shot and later died (Prensa Libre 9/24).

September 25—Jorge Chuc, 20, and Ernesto Chuc, 22, his brother, were kidnapped in Santa Lucia, Cotcumalguapa, Escuintla by six men who launched fragmentation grenades at their residence, killing their father Miguel Chuc Acutamul, 80 (Grafico 9/27).

September 26—Silvia Elizabeth Gonazlez Alvarez, 20, a teacher at Sacred Heart School, zone 11, was kidnapped by four men

at noon in front of children and two policemen (Grafico 9/27).

September 26—Eswaldo Francisco Sorces, 15, a second grade student in the Republica de Francia, disappeared while going home from a soccer match (Prensa Libre, Date ?).●

MASS SAVE ENERGY AUDITS: A GOOD IDEA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MARKEY. Mr. Speaker, I want to bring to the attention of my colleagues a new program designed to save Massachusetts homeowners hundreds of dollars in energy costs. Although our Nation is no longer beset by the acute energy crisis of years past, we should not lose sight of the fact that there is still an energy problem. Consequently, I suggest to my colleagues that we must take advantage of current stability in our energy situation by exploring our most promising energy resource—conservation.

Starting this month, Mass Save, a State, mandated energy conservation corporation, will provide home energy audits to certain neighborhoods throughout the Commonwealth. After reviewing the data collected, Boston Building Materials Corp., a private nonprofit corporation which rents equipment for, and gives instructions on, "do-it-yourself" fuel-saving home repairs, will place bids for a large number of the homes covered in the survey. Homeowners, working with Mass Save and this nonprofit corporation, can save a great deal of money in home repairs and, in the long run, will conserve our vital energy resources.

I commend Mass Save and BBMC on initiating this inovative approach to energy conservation. As a member of the Energy and Commerce Committee, I am convinced that one of the greatest problems facing economic development in the next 20 years will be meeting our energy demands safely and economically. I strongly believe that the situation demands unique and innovative responses like this one. Only through such innovative programs can utilities offer cheap energy and can customers continue to afford to use energy. To achieve this goal of better energy efficiency, we need more marriages like the one between Mass Save and local construction firms or utilities. I am pleased to share this situation with my colleagues and look forward to the day when every Member of the House can join me on the floor and tell of similar programs operating in their district.●

LIONEL CADE HONORED FOR 40 YEARS OF SERVICE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DYMALLY. Mr. Speaker, when his country needed him at the beginning of World War II, Lionel Cade did not hesitate to offer his help. And he has been helping citizens ever since. His military service includes not only World War II, but the Korean conflict, the California Army National Guard and the U.S. Army Reserves. Perhaps the first major demonstration of his leadership abilities came when as company commander he helped to train the first black parachute battalion in the U.S. Army.

Lionel was trained as a public accountant, and he has worked at his profession since the end of World War II. That is, he has worked at it in those spare moments which he has not devoted to public service to the citizens of the country and most especially to the people of California. His first civilian public service post was a senior field representative for the State board of equalization. As one might imagine, seeing that business and the State of California maintain a financially satisfactory relationship with each other is not the most comfortable job one could ever hope for. But Lionel upheld the duties of his office admirably. He left the board of equalization in 1959 and was able to practice as a public accountant for several years.

When State Senator Ralph Dills tapped him in 1967 to become his field representative, however, Lionel did not hesitate to accept the post. He has served in that post until his recent resignation. As the senator's right hand man in the district, Lionel has ably led constitutents down the halls of power in local, State, and Federal government for the past 15 years.

But his devotion to the citizens of south Los Angeles County hardly ends with his work as field representative. In his spare time he has managed to compile a truly impressive list of additional public service credits. Lionel was first elected to the Compton City Council in 1964. He served as a councilman for almost 10 years. His abilities were so well demonstrated to the people of Compton that they elected him mayor in 1977, and he served our community in that capacity until 1981.

Lionel's public service has not been restricted to his numerous posts in municipal and State government. He has also served in a number of our most prominent public interest groups. He has been a member of the board of directors, national treasurer, honorary life member and past president of Camp Fire Girls, Inc. He has been vice chairman of region V of United Way, Inc. As if these service activities were not enough, Lionel has also served as both secretary and president of the Compton Rotary Club. He has been a member of the welfare planning council and is also a member of the NAACP.

Lionel has been such a powerhouse for so many years that it is not easy to believe that he thinks he is going to retire this month. I suspect that November 1983 marks less a retirement than a transition to new forms of service. The first 65 years were just Lionel's opening act. I am pleased to acknowledge Lionel and the countless good works he has performed for our community here before the Members of the U.S. House of Representatives this first day of November 1983.●

DAIRY COMPROMISE PACKAGE

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DE LA GARZA. Mr. Speaker, I rise today to further inform the Members of the House about the cost associated with various dairy proposals which will be considered in this Chamber in the near future.

The Agriculture Committee has requested the Rules Committee to make in order consideration of H.R. 4196, a bill which incorporates provisions contained in H.R. 1875, as reported by the Agriculture Committee in June of this year.

This so-called dairy compromise package was worked out by members of the committee in close cooperation with their counterparts in the Senate and in close and constant communication with the administration, which gave the plan its approval. I quote from a letter of September 27 from Secretary Block to Senator HELMS in which the Secretary commends the Senate Agriculture Committee for its efforts in bringing the compromise about.

> The failure to act now on the dairy compromise that several of us negotiated may eventually destroy a dairy program that until 1979 worked well for nearly 30 years. We have all labored for a more reasonable dairy program, and now that we have achieved a high level of agreement, we still cannot get quick action on this issue. Our dairy farmers suffer under a despised assessment program, a program I also dislike.

Elsewhere in the letter, the Secretary writes: "I urge you and others to continue to fight on these crucial issues."

H.R. 4196 not only reduces production and surpluses with greater effectiveness and speed than other proposals currently being discussed in Congress—it will also result in far greater

savings than the $1.50 price support cut which has been championed by Congressman CONABLE and by Minority Leader MICHEL.

DAIRY PROGRAM COSTS

[Dollars in millions]

	1984	1985	Total 1984–88
H.R. 4169	$1,030	$1,320	$6,150
$1.50 cut	1,580	1,620	6,940
Difference	550	300	790

The Agriculture Committee is committed to reducing the cost of Federal farm programs. In this regard, over the past 3 years the committee has approved changes in programs which have resulted in savings in excess of $18 billion. Passage of H.R. 4196 will result in additional savings of $2.78 billion from current programs costs during the next 4 years.

I invite all Members who are interested in reducing the Federal deficit to support our effort.●

SWAN'S BAKERY: A GOOD NEIGHBOR FOR 100 YEARS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DUNCAN. Mr. Speaker, the family owned business is a cornerstone of the American culture. It shows the importance and success of small businesses in this country, and provides a continuity to a city or region. It offers an example of the American principle that one can build for future generations a company people can rely on. A family owned business plays an important role in the community, not only in providing products, but also in taking an interest in the community, its workers, and its consumers. It is in this role the family owned business displays its greatest asset by being a good neighbor.

Swan's Bakery has been a good neighbor to the people of Knoxville for the past 100 years. The operation of a business for 100 years is no small task in itself, but for the family owned business it is a special milestone. Generations have carried on a tradition of service to the community following the teachings of their ancestors. It is a tradition we can all respect.

Charles H. Swan set up his bakery at the corner of Central Avenue and Broadway in Knoxville in 1883. He gained a reputation as a quality baker and his produce was sold at the Markethouse in downtown Knoxville. Through hard work he was able to expand his business throughout east Tennessee. James H. Swan took over the business maintained the tradition of fine baked goods.

The bakery was moved to Magnolia Avenue in 1928. It has remained at that site for the past 55 years, and the aroma of the baked bread can be smelt in the homes of the neighborhood. Today John Swan is following in his grandfather's footsteps. As company president he is a respected man in Knoxville not only because of the bakery, but also because of the contributions Swan's has made to local charitable and civic organizations.

This Saturday he will join his neighbors, employees and patrons in celebrating a century of service to the people of east Tennessee. Over 3,000 guests are expected to attend to congratulate Swan's for achieving this milestone. It is a fitting tribute to the bakery's dedication to quality and service.

The success of this family and its business offers an example to us all. It shows what is possible with determination and a concern for one's community. It shows the importance of being a good neighbor.●

THE SOVIETS: NO CHANGE IN THEIR TACTICS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GILMAN. Mr. Speaker, we recently received a report that the U.S. Armed Forces in Grenada had unearthed significant supplies of Soviet weapons, and stockpiles of 18,000 uniforms—Grenada having armed forces numbering only 1,200 persons. This sounds all too familiar when we compare the Soviet's rhetoric to their record. The State Department, the Defense Department, and our intelligence agency reports more vividly depict huge military build ups in Grenada.

I want my colleagues to know that in the course of recent House Post Office Committee hearings we have gathered additional evidence that the Soviets say one thing but do another. By their interruption of mail, they are in clear violation of the Universal Postal Union Convention standards, the spirit of the Helsinki Accords, the Universal Declaration of Human Rights and the Constitution of the U.S.S.R.

We uncovered this evidence during an examination of over 1,700 documents gathered by our Post Office Subcommittee on Investigations, which has been looking into the Soviet interruption of international mail. The Soviet's violations are clear—and gross. There is evidence of forgery, theft, and a pattern of deceit from these exhibits, gathered from most States and from some 12 foreign countries. The records speak for themselves, bearing out that the Soviets have a way of saying one thing and then doing another. Anyone who has been following or involved in our Soviet mail investigation is not surprised to learn about the Soviet's plans for a military buildup in Grenada.

During the course of our recent hearings on Soviet tactics in circumventing the UPU standards, there appeared a witness who related her group's efforts to document these violations.

Ulana Mazurkevich, of the Ukranian Human Rights Committee, one of our chief witnesses, spoke of the "willful and consistent violation of human rights." In order to share her views with my colleagues, I am inserting her full statement at this point in the RECORD:

STATEMENT OF ULANA BAUCH MAZURKEVICH, CHAIRPERSON, UKRAINIAN HUMAN RIGHTS COMMITTEE

Mr. Chairman, I am very honored to appear before the subcommittee on Postal operations and to testify on the problem of non-delivery of mail.

As Chairperson of the Ukrainian Human Rights Committee, I know how important these hearings are, and I applaud Congressman Gilman for holding these hearings and thereby giving hope to the many in the Soviet Union who are denied their basic right, freedom of communication.

For the past 6 months our Committee has worked closely with David Eno, assistant to Congressman Gilman and it is because of their tenacity and dedication to this issue that so much data has been accumulated. It is obvious on the basis of 1600 exhibits that there are gross violations by the Soviet Union in regards to the Universal Postal Union Convention.

Human Rights within the Soviet Union are constantly violated. The most flagrant denial of the basic human right, the right to life, was wiped out by Moscow in the downing of KAL 007. This great crime against humanity is receiving world condemnation, and rightfully so. But, everyday the Soviet Union willfully and consistently violates human rights and these violations are totally ignored by the world press as well as by the American media.

At this time, I am not talking about the 4 million political prisoners who are languishing in Soviet concentration camps or are being injected with mind boggling drugs in psychiatric hospitals for speaking out against the denial of basic human rights in the Soviet Union. I am not talking about these brave men and women and their noble struggle. I am talking about your ordinary Ukrainian citizens and their right to communicate.

The flow of mail between people across international boundaries is guaranteed by various treaties and covenants that the Soviet Union signed. Yet, it is clear that there is a definite calculated attempt by the Soviet government not to abide by these agreements.

Freedom of communication, which is guaranteed by the various provisions are considered by the Soviets to be a "privelege", and not a right. The Soviet government is using this "right" to isolate non-Russian groups, by denying them a lifeline to the outside world. They do it by falsely

signing registered mail and then confiscating the mail or by returning legitimate mail marked "addressee unknown", when in fact our sources verify that the addressees are living at the stated address. In other instances postal items have been confiscated, opened, inspected and simply discarded. There is also a calculated program of harassment through surcharges on parcel post items.

To this end, I have submitted exhibits 958, 959, 960 pertaining to service charges by the U.S.S.R. licensed postal services. In addition, we have submitted documents entered as exhibit 904 in which people in Ukraine were asked to refuse packages by their own postal authorities. This occurred in April 1983 in Ivano-Frankivsk region of Ukraine and were verified by tourists. In another instance, the Soviet Postal Authorities had the gall to tell one addressee "Do not accept this package, it isn't honorable. Soon no one will be getting packages."

Furthermore, we submitted exhibit 536 in which we talked about the need for more action by the U.S. Postal Service and the concern over the high charges being charged by the parcel services licensed by the U.S.S.R. and doing business at some 40 locations throughout the United States. I urge you, to take a strong look at these parcel services and determine if they should in some fashion be supervised by the Federal Government.

The fragile lifeline between those U.S. citizens who wish to correspond with friends or relatives in the Soviet Union is very tenuous because of Soviet policy of isolating individuals from the outside world thru the non-delivery of mail. In most instances the families are without any political involvement whatsoever and yet, their mail does not reach them or the mail that they send out to their relatives outside the Soviet Union is held back. Their letters are not political, they are simply personal correspondence. Mail is their only connection with families and friends outside the Soviet Union and parcels sent to them, in many cases, are their only means of sustenance.

The mailing of parcels to the Soviet Union is a costly and difficult proposition. The import tax is so steep that it almost doubles the cost of the parcel itself. The assessed value of some items sent to the Soviet Union are many times their normal value. Also, the Soviet government imposed stricter regulations with regard to how many items could be sent in a single parcel. In some cases the packages do not get through even though the sender has prepaid for the package, the Soviet authorities simply confiscate the package for their own use and tell the addressee that the package got lost. In other instances the parcel is returned without any explanations and the sender has to redeem the package by paying as high as $60.

The Soviet government comes out the winner, it receives the hard currency it so desperately needs and, in the process it further dehumanizes and isolates the family for whom the package was intended.

In documents entered as exhibit 961 thru and including 1046 we have submitted evidence about high service charges by the Soviet licensed parcel services and the high surcharges upon the return of the merchandise to this country.

The most notorious violation of mail communication is into Soviet concentration camps. Various Human Rights organizations regularly send letters of support to political prisoners, although these letters never reach the political prisoner invariably they hear about them.

This spring President Reagan received a letter smuggled out of concentration camp #36, which is part of a vast penal gulag located near the city of Perm, Russia. The letter initiated by Mykola Rudenko, poet and founding member of the Ukrainian Helsinki Group, and signed by 9 political prisoners, asked President Reagan to help form an international commission to inspect Soviet prison camps. They said that lawlessness is so widespread that it is no longer merely a question of violation of human rights, but of premeditated inhumanity. In their appeal to the President, they stated that not a single letter from abroad reached the camp in the last several years.●

NOTICE THAT THE COMMITTEE ON ENERGY AND COMMERCE WILL SEEK A RULE LIMITING GERMANE AMENDMENTS TO H.R. 2755

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DINGELL. Mr. Speaker, pursuant to the rules for the Democratic Caucus, notice is hereby given that the Committee on Energy and Commerce is seeking a rule which would limit germane amendments to the bill, H.R. 2755, the Federal Communications Commission Authorization Act of 1983, which was reported from the committee on September 15, 1983.●

BRAVE MEN, FUTILE MISSION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MINETA. Mr. Speaker, the San Jose Mercury has once again voiced a clear and unambiguous view of this administration's policy in Lebanon. In an editorial on October 30, the Mercury said the men who died in Lebanon were honorable men, but that the "policy that sent them to Beirut deserves no such honor."

Along with my colleague DON EDWARDS, I urge Members to consider carefully this thoughtful editorial:

BRAVE MEN, FUTILE MISSION

Having relinquished the moral high ground in Grenada, President Reagan sought to regain it in Lebanon last week, suggesting to Americans that to alter the nation's course in Beirut would dishonor the dead.

Few politicians ever have so skillfully attempted to enlist America's emotions to embrace such a futile mission.

Who among us does not mourn the death of the more than 200 Americans? Who does not long to believe that our brave countrymen died for a great and distinguished cause? Who could fail to hope that though their lives were lost, their peace mission was not?

The president understood the depth of our feelings and our instinctive desire for both vengeance and purpose. And he appealed to our hearts, not our minds.

"Brave young men have been taken from us. Many others have been grievously wounded," he said. "Are we to tell them their sacrifice was wasted? They gave their lives in defense of our national security every bit as much as any man who ever died fighting a war. We must not strip every ounce of meaning and purpose from their courageous sacrifice . . .

"We cannot and will not dishonor them now and the sacrifices they have made by failing to remain as faithful to the cause of freedom and the pursuit of peace as they have been."

He seemed to suggest that those who love their fellow Americans must not now criticize the policies that placed them in Beirut. Failure to invest confidence in America's presence in Lebanon, the president seemed to say, is to desecrate our fallen comrades.

But painful as they may be, the deaths of Americans cannot now be made to rationalize a policy that was flawed from the start. Conscience and reason demand that those who believe the president was wrong to send Marines to Beirut do not now justify their deaths by accepting the president's Mideast mission.

Reagan has failed to show that either Israel's security or our own demands an American presence in Beirut. Nor has it been demonstrated that our presence there is building or even keeping the peace. If Israel remains confident of its safety with the Syrians occupying the Bekaa Valley, why cannot we?

The Marines should not withdraw immediately. Having been wounded by a faceless enemy against whom retaliation has not been possible, the United States should take no action that suggests it can be so easily intimidated.

But our troops should withdraw soon. America should not persist in implementing a military mission that has no genuine hope of success. Amin Gemayal and other leaders in Lebanon should be given 60 days to begin serious reconciliation moves. After that, American forces should pull out, at least to offshore ships.

In the meantime, the Marines must recognize they are not a neutral force in Beirut and must therefore adopt the defensive posture of troops in a deadly war zone.

At home, Americans and their representatives in Congress should reject the argument that says criticism of the nation's foreign policy either endangers troops or dishonors the dead.

This emotional appeal and the ensuing failure to ask "Why?" is precisely what led to 57,000 American deaths in Vietnam.

American soldiers on the battlefield must be protected regardless of the policy that placed them there. But we must not stifle criticism of that policy when it is wrong. To do so sacrifices reason when it is most needed to protect against further deaths.

What greater waste can there be than to spill more American blood on a mission that defies success?

The Americans who died in Beirut felt it was their duty to serve their country as soldiers. They were honorable men. But the policy that sent them to Beirut deserves no such honor. To try now to cover that policy with glory would, indeed, denigrate the survivors as well as the dead.●

THE 40TH ANNIVERSARY OF CHINA LAKE NAVAL WEAPONS CENTER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. THOMAS of California. Mr. Speaker, I would like to bring to the attention of Congress the fine record of service compiled during the last four decades by the Naval Weapons Center at China Lake in my district.

China Lake Naval Weapons Center celebrates its 40th year of service on Friday, November 4, and it has indeed been a distinguished 40 years for the center. Most of the conventional airborne weaponry used by the free world today was developed at China Lake NWC, which is the Navy's top research, development, test and evaluation center for air warfare systems. More than 550 different programs encompassing all sorts of weapons and technology are carried on at NWC, which is quite a large mission for a facility created at an isolated desert crossroads.

In 1943, the Navy needed more room for a new proving ground for its aviation ordnance, and the California Institute of Technology needed space to test a new 3.5-inch aircraft rocket being considered for use as a weapon in World War II. The Navy and CalTech started looking for a site, and they settled on the Indian Wells Valley, 150 miles out in the Mojave Desert from Los Angeles. Virtually overnight, a test center and accompanying community sprang up. In the years following World War II, the Naval Ordnance Testing Station (which became the Naval Weapons Center in 1967) was to play a critical role in developing such weapons as the Zuni rocket, the Shrike antiradiation missile, the Polaris missile, and the Sidewinder guided missile used by our Navy pilots in 1981 to shoot down two Libyan jets which attacked them over the Mediterranean Sea.

The work carried on at China Lake is vitally important to our national defense. NWC's motto is "Insuring a Modern Navy," and the technology developed at China Lake will help keep all of our armed services better prepared to meet the challenges posed to America's security in the years ahead.

Mr. Speaker, I am proud of the men and women working at China Lake Naval Weapons Center. They are a group of dedicated people, and they deserve a grateful salute from the rest of us as NWC reaches its 40th anniversary. It truly takes "the right stuff" to keep our Nation's defenses prepared, and these people have it.●

1983 SIDNEY R. RABB AWARD TO DONALD O. SCHNUCK

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. YOUNG of Missouri. Mr. Speaker, on October 18, I had the pleasure of attending the annual banquet of the Food Marketing Institute, the trade association for food wholesalers and retailers. The high point of the evening was the presentation of the most esteemed award in the supermarket industry—the Sidney R. Rabb award. It is given to an individual who has demonstrated outstanding concern for the consumer, the industry, and the community. This year, the award was presented to my constituent and very dear friend, Donald O. Schnuck, president and chief executive officer of Schnuck Markets of Bridgeton, Mo.

Rather than try to paraphrase the evening's remarks, I will read the complete text of the presentation:

TEXT OF PRESENTATION OF 1983 SIDNEY R. RABB AWARD TO DONALD O. SCHNUCK BY BYRON ALLUMBAUGH, CHAIRMAN, FOOD MARKETING INSTITUTE

Now let's turn to the award tonight. And once again we find the award goes to a family it has visited before. The winner of the 1983 Sidney R. Rabb Award is Donald O. Schnuck, the president and chief executive officer of Schnuck Markets, Inc.

He and his father and brother, Ed, founded the company when they sold their neighborhood grocery stores, which they had individually operated after World War II in St. Louis. They pooled their resources to buy one supermarket in 1952.

Since then, the company has grown into the largest retail food chain in the St. Louis area and enjoys the largest market share by a comfortable margin. Schnucks now operates 60 supermarkets in Missouri, Illinois, Indiana, and Kentucky.

Beyond that, the company is completely integrated. It operates its own mechanized warehouses and distribution facility, an egg-laying farm and feed mill, and a dairy processing plant.

Don has long been committed to serving the consumer, which is the basic business philosophy responsible for his success. Schnucks has been innovative through the years in initiating dialogue with consumer leaders and being the first to offer new consumer programs.

As a matter of fact, Schnucks was probably the first company to receive the endorsement of Missouri's leading consumer activist, favoring scanning with shelf pricing. This came in the face of intense labor and political opposition.

Don has received numerous civic and marketing awards during his career. He has been heavily involved in the St. Louis Community.

Currently, Don is Chairman of the Board of Trustees of the St. Louis Children's Hospital. In that capacity, he also serves on the Board of Directors of the Washington University Medical Center in St. Louis. This medical center is the fourth largest in the U.S.

During his more than ten years of service to Children's Hospital, Don has served on nearly every committee of the hospital. He was particularly responsible for the planning for a new 84 million dollar Children's Hospital—which will open its doors in the spring of 1984.

This is a 500 thousand-square-foot facility, which, in Don's words, is "destined to become the premier provider of children's health care in the United States, if not the world, because of our already established reputation as one of the leading research and teaching children's hospitals in the U.S."

Don holds directorships on the boards of Mercantile Bancorporation, Mercantile Trust Company and the YMCA of Greater St. Louis.

Don is the immediate past chairman of the Junior Achievement of Mississippi Valley. As a long-time supporter, he has served on that board for nine years. This has been the leading JA program in the country for the past 20 years. He has guided the direction of JA programs so that during the last school year, 16 thousand students participated in the Mississippi Valley program.

Of those, 85 hundred high school students participated in traditional JA companies. The remaining 75 hundred were eighth and ninth graders who studied business topics with a guest business consultant in their social studies classes once a week for 15 weeks.

In a new pilot program, fifth and sixth graders are learning basic business principles. During his tenure as chairman of Junior Achievement, Don appointed a long-range planning committee and successfully directed its work.

He has also been personally responsible for continuous fund-raising activities. For example, he secured an 80 thousand dollar donation of tools and equipment from another St. Louis firm.

Don is an active member of Civic Progress. This is an association of chief executive officers of large corporations with headquarters in St. Louis. It was established to encourage business participation in community affairs. Don has served on many government food industry committees and as president of the Board of Trustees of John Burroughs School.

In 1982, an honorary Doctor of Laws degree was conferred upon him by Maryville College in St. Louis. He is an honorary member of the Epsilon Chapter of Beta Gamma and the National Honor Society, and a recipient of the DeMolay Legion of Honor degree.

Don has been a leader in the Food Marketing Institute and its predecessor organizations. Don served as chairman of FMI from 1979 to 1981. One of the many accomplishments during his term was the creation of the Industry Relations Committee. This panel helps maximize cooperation and coordination among food retailers, wholesalers and suppliers—for the benefit of the industry and the consumers we serve.

He served as vice chairman of the National Association of Food Chains. And he continues to serve on numerous committees of the institute.

Don attended Washburn University in Topeka, Kansas and Washington University in St. Louis—majoring in business administration. He served as a commissioned officer in the U.S. Navy during World War Two. Don and his wife, Doris, have six children and nine grandchildren.

Don is a native of St. Louis, and he takes his commitment to the community very seriously. I would like to close by relating one example that shows how he lives up to that commitment.

Last December St. Louis was hit by disastrous floods. Literally overnight, thousands of people were left homeless. Don stepped in immediately, even before the official disaster relief could be organized. His company donated 50 thousand dollars in food, transportation and services to aid the victims.

Don worked with the emergency crews of the Salvation Army and the Red Cross, personally seeing to it that emergency supplies—ranging from food to medical supplies to baby food and disposable diapers—were transported from the Schnucks warehouses to where they were needed.

Once Don got the ball rolling, other St. Louis companies responded in a similar way. Numerous suppliers and manufacturers offered assistance, because they knew they had a responsible and organized clearing house to distribute the goods they wished to donate.

Don provided a facility near the flooded area, which was desperately needed to process victims and to use as a staging area for supplies for the Salvation Army. In fact, this facility stayed open into the spring of this year while the Salvation Army continued its clean-up work.

Schnuck employees responded to his leadership by donating their own time to sort clothing and clean up the homes of fellow employees who are victims of the flooding. The employees even organized their own victim relief fund for their colleagues, which included cash donations and Christmas gifts, as well.

That is the sort of response that Don Schnuck makes when he takes on a project. And that is the response his leadership brings out in other people. Don, congratulations, the award is well deserved.●

VAPID DEPLOYMENT FORCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LANTOS. Mr. Speaker, in the turbulent Middle East, it is critical that the American people and the U.S. Congress clearly understand who are our truly dependable allies.

In this connection, I would like to share with my colleagues in Congress a thoughtful and analytical article from the New Republic of November 14, 1983.

VAPID DEPLOYMENT FORCE

The massacre of Marines in Beirut graphically illustrates how difficult it is to maintain an American presence in Lebanon and how determined are those opposed to it. The Persian Gulf, certainly as important to the United States as Lebanon, is at least as great a challenge. President Carter declared it such vital interest that the United States was prepared to use military force if necessary to defend it. For a long time, the United States didn't have to. The Shah of Iran was a strong and willing surrogate. Since his fall, the U.S. has been running around the area trying to find someone to defend its interest in the Gulf. It is a serious problem that has yielded a string of unserious solutions.

Zbigniew Brzezinski was partial to Iraq. True, Iraq was and is, the most virulently anti-American Arab state in the Gulf. It has spearheaded the Arab rejection of Camp David, led the boycott of Anwar Sadat, and backed the Abu Nidal gang, whose specialty is equal opportunity terror (it attacks Palestinian moderates and European synagogues, anything to make peace more difficult). Bravely refusing to confuse power with principle, Mr. Brzezinski advocated a tilt toward Iraq because of its strength. Iraq put its strength on display by picking a war with a convulsed and almost technologically disarmed Iran. Iraq now finds itself desperately suing for peace. (Now that Iraq has been beaten, there are voices in the current Administration calling for a new tilt to Iraq, a development that proves once again that when ignorance is wedded to stubbornness it can transcend even ideology.)

Next there was Egypt. Operation Bright Star, which featured Egyptian and American boys shoulder to shoulder in the desert as spectacular live bombing runs took place overhead, was a symbol of American-Egyptian military cooperation. The difficulty had to do with substance. When Libya invaded Chad earlier this year, the United States (and then France) looked for ways to stop its advance. Not only did President Mubarak not lift a finger on behalf of Chad, but when the United States sent AWACS planes to the Sudan as a warning to Qaddafi, Egypt hastened to assure the world that it had nothing to do with this American action. Next customer.

The perennial candidate for defender of American interests in the Gulf, the Harold Stassen of the region, is the King of Saudi Arabia. The point of the AWACS sale of 1981, and the F-15 sale of 1978, was to induce the Saudi rulers into closer cooperation with the United States. To that end we've given them enough sophisticated equipment to sink the *New Jersey*, and that for an armed force about half the size of New York City's (excluding Guardian Angels). Yet Saudi Arabia is so weak that it cannot even defend its interests in the Gulf, let alone ours. Its current idea of defense is to throw money at Iraq so it can fight Iran. And as for military cooperation with the United States, the Saudis make a point of refusing any, as a way of placating their enemies. Their loud and frequent protestations of neutrality always feature the declaration that they will not permit American use of their military facilities. They long ago shut down their U.S. air bases; they insisted that the AWACS sent to defend them be transfered to Saudi control (that was the point of the sale); and they regularly pressure the smaller Gulf states to embrace a similar neutrality.

The reductio ad absurdum of a policy of relying on moderate Arabs to act on behalf of the United States would be to lean on the weakest reed of them all, King Hussein of Jordan; and now this has happened. For two years the Reagan Administration has been secretly training and preparing to equip Jordan with advanced aircraft, sophisticated anti-aircraft missiles, and light tanks, for . . . a Jordanian rapid deployment force, to fly around the Middle East putting out anti-American and anti-moderate-Arab fires.

It's hard to know where to start on this one. Hussein has never been known to deploy anything rapidly, and certainly not an armed force in defense of others' interests. He can barely defend his own. As for larger issues, Hussein, to put it kindly, doesn't like to get out front. He refuses to act without an Arab consensus at his back, which is as good as a pledge of paralysis. Six months ago he gave up a chance to pursue President Reagan's Middle East peace plan—which promised to return the West Bank to him—because he couldn't get Yasir Arafat's permission. This is the man we expect to throw his armed forces into the breach when we need him in the Gulf?

This plan is now said to be jeopardized by public exposure. Why? Because Hussein, like other Arab moderates, is afraid of being perceived as militarily linked to the United States. The point of most secret agreements is to keep them from enemy eyes; a secret agreement with Hussein, however, must be kept from his own people, and from others on whose behalf military force is presumably to be deployed. Some agreement.

The most disagreeable bit of rationalization to defend this zany idea was produced by the Administration official who argued that in the light of Israeli "retrenchment" the United States had to turn elsewhere for help. But the Jordanian R.D.F. idea came up two years ago, when Israeli retrenchment was hardly an issue. (That was when Israel was retrenching its way into Iraqi nuclear reactors.) Israeli "retrenchment" is barely two months old. It consists of Israeli withdrawal from Beirut (the United States had opposed the original advance) to the twenty-five-mile line which only a year ago critics had proclaimed the limit of legitimate Israeli security interests in Lebanon.

How does the United States defend its interests in the Gulf? If it wants to rely on a surrogate, there's only one nation in the area that is a strong, stable, and organic ally. Its people don't have to be denied information about military arrangements with the United States, its military can project force from Uganda to Iraq (the Nile to the Euphrates, as some would have it), and it has more than once welcomed military cooperation with the United States.

The United States may choose not to avail itself of Israel. In that case it must do the work of a great power and rely on itself.●

THE DEATH OF THE GREAT GEORGE HALAS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GOODLING. Mr. Speaker, on October 31, the Nation lost one of its great personalities, football's George Halas. Mr. Halas owned the National Football League's Chicago Bears since the early 1920's and is recognized as one of the founding fathers of professional football. Through his unbridled efforts, Mr. Halas helped make professional football one of the major entertainment mediums in our Nation today. He was instrumental in bringing pleasure and enjoyment into countless American homes.

George Halas' accomplishments in the sporting world are innumerable; I would like to take this opportunity to try to cite just a few. For a short time he played rightfield for the New York

Yankees before being replaced by one Babe Ruth, whose prominence in that sport need not be mentioned. He was also a member of the team that won the 1919 Rose Bowl. As a coach and owner, George Halas' teams had unparalleled success. He coached the Chicago Bears to 326 wins and 5 league championships.

Perhaps my most important comments on Mr. Halas should not be made about his career in sports, but of his personal commitment to his fellow man and his Nation. He was a fiercely loyal and principled man who was greatly respected by those who came to know him. On two occasions, he left his civilian life to serve his Nation in the U.S. Navy—during World War I and again during World War II.

Mr. Speaker, I would like to express my appreciation of Mr. Halas' accomplishments and recognize the outstanding contribution he has made to the American lifestyle. My prayers and sympathy go out to his family and loved ones. The Nation has lost one of its most colorful and significant personalities.●

DEFICIT SPENDING

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. TALLON. Mr. Speaker, 9 years ago the Congress enacted the Budget Act in order to control spending. The Federal deficit in that year was a little more than $4.5 billion. In the following years, under both Republican and Democratic Presidents, there were Federal Government deficits ranging from $27 billion to $110 billion. Now in fiscal year 1983, the deficit has risen to $195 billion.

These deficits have placed an enormous burden on our already weakened economy. Deficit spending forces the Government to borrow available credit which then diminishes the amount of capital available in the private sector for investment and personal borrowing.

For too many years, the Federal Government has used deficit spending to finance Government programs. I, for one, am tired of financing Government spending splurges with deficits that weaken the economy and leave a debt that future generations of American taxpayers will be forced to pay. It is time to tear up the national credit card by adopting a new, bold, and effective budget strategy which will force this Congress to make hard decisions.

That new strategy is the pay as you go budget. This budget proposal is a workable and nonpartisan plan. It is similar to the budget procedures used by over 40 of our State governments. It does not mean that spending cannot increase; it does mean that new spending will not mean new deficits.

The operation of the pay as you go process is very simple. Under this plan, we would establish a spending baseline at the current year's budget outlay total.

Pay as you go prohibits the Government from spending any more money next year than it did this year, unless Congress is willing to totally offset that new spending either by raising revenues or by cutting spending elsewhere in the budget. Unlike a strict budget freeze, pay as you go permits additional spending above the current spending levels—for education, defense, social security cost-of-living adjustments, highways, or any other program—but only if we are willing to pay for those new spending decisions. Pay as you go says to the Congress, to the President, and to our constituents that we must have the courage to pay for our spending decisions rather than deferring payment by increasing the national debt.

Implementation of the pay as you go process will achieve a rapid reduction in Federal deficits. It will stop the Federal Government from consuming the credit which is required to finance economic growth and provide jobs.

According to the Congressional Budget Office, if pay as you go had been adopted when it was first introduced in 1982, the Federal budget would have run a surplus of more than $27 billion in fiscal year 1985. Now we are finishing a year with a $195 billion deficit, and it will take us longer to cut back our deficits and balance the budget. In the budget resolution that the Federal Government is currently operating under, the deficit for 1986 is projected to be $130 billion. Under the pay as you go budget, the 1986 deficit would be $49 billion. In 1988 with pay as you go, we would have a balanced budget.

Adoption of the pay as you go budget process would be a historic moment for this Congress. No longer would we continue to spend billions of deficit dollars to conceal waste, special interest benefits, or outdated and lavish programs that the economy cannot afford and the voters do not support.

We have an opportunity to change the budget. We have an opportunity to make the budget process fair. We have an opportunity to balance the budget, and maybe even more importantly, we have an opportunity for the first time to provide a budget process that all Americans can understand because it is very simple and direct.

During the 98th Congress, this may be the most important issue before us. Are we going to shackle the taxpayer, the investor, the small businessman, and the first-time home buyer with $200 billion deficits? Or will we be able to end this spending drain on the American public?

Over 150 years ago, Thomas Jefferson wrote that it is incumbent on every generation to pay its own debts as it goes. I think the time has come to follow Mr. Jefferson's instructions.●

BLATANT DISCRIMINATION INHERENT IN U.S. VISA POLICY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LENT. Mr. Speaker, Secretary of State for Northern Ireland, Mr. James Prior, will be arriving in Washington today as the first stop on his American tour. This ironic situation clearly demonstrates the blatant discrimination inherent in the State Department's policy on visa applications.

Secretary Prior, an appointed member of the British Government is permitted to travel and speak freely in the United States regarding his Government's policy in Northern Ireland. However, the official spokesman for the Sinn Fein Party, Joe Austin, Rev. Ian Paisley, and others have been denied visas and the opportunities afforded Secretary Prior. The denials have even been directed at officially elected members of the British Parliament from Northern Ireland.

Americans accustomed to constitutional guarantees of freedom of speech greatly resent the State Department's denial of such rights to those who oppose British oppression of Northern Ireland.

As a concerned member of the ad hoc congressional committee on Irish affairs, I demand the State Department reevaluate its present policy and institute a more open, more fair visa policy with respect to visitors from Northern Ireland.●

THE SOLUTION TO THE ACID RAIN PROBLEM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. OTTINGER. Mr. Speaker, an excellent article appeared today in the New York Times written by my distinguished colleague from Minnesota, GERRY SIKORSKI. In this article, Mr. SIKORSKI outlines very succinctly the issues related to acid rain control and how we can begin to deal with this devastating problem.

I would like to urge my colleagues to read the following article and then to endorse H.R. 3400, the acid rain control legislation that Mr. SIKORSKI has authored along with Mr. WAXMAN.

[From the New York Times, Nov. 1, 1983]

TO FIGHT ACID RAIN

(By Gerry Sikorksi)

WASHINGTON.—There is a growing consensus in America and the Congress that it is time to control acid rain by reducing emissions of its two principal ingredients, sulfur dioxide and nitrogen oxide. But the problem has been wrongly construed as one facing only the Northeastern states, and the solution an Eastern one. In fact, the problem is national in scope and can be resolved only with an approach in which clean-up costs are borne equally by all the states.

The Environmental Protection Agency has reported that the regions of the United States that are vulnerable to acid rain stretch from Florida to the state of Washington, and from California to Maine. According to the Reagan Administration's Interagency Task Force on Acid Precipitation, vast areas of the South, Southwest and West are vulnerable to acid rain. In all probability, acid rain will begin to damage those areas in coming decades—if the damage has not in fact already started.

There are two ways to reduce emissions of sulfur dioxide from their main source: coal-burning utilities. One is to require utilities to switch from high-sulfur, Eastern coal to low-sulfur coal from the West. But this switch has been strongly resisted by Eastern coal-mining states, which stand to lose as many as 300,000 jobs, according to a Congressional Research Service study.

The alternative is to require utilities to install scrubbers to remove sulfur dioxide from plant emissions. Scrubbers are so costly, however, that their installation would cause double-digit rate hikes in many Midwestern states.

The best solution to the dilemma of protecting jobs and the environment is national cost-sharing, as is proposed in the National Acid Deposition Control Act of 1983. The bill would add a fee of one-tenth of a cent for each electric kilowatt generated by every utility in the continental United States. This would cost an average American family 50 to 75 cents a month. The money collected would pay up to 90 percent of the onetime cost of installing scrubbers at the 50 dirtiest plants in the nation. Sulfur dioxide emissions would be cut by seven million tons a year while allowing the utilities to continue burning high-sulfur Eastern coal, protecting thousands of mining jobs.

Beyond this, the legislation calls for removing four million tons of nitrogen oxide a year through strict controls on new power plants and trucks, and another three million tons a year of sulfur dioxide in a complex formula. States that exceed a certain minimum level of sulfur dioxide emissions would share in the added reductions in proportion to their contribution to the pollution, minus a credit for reductions gained by cleaning up any of the 50 dirtiest plants located within their borders. For example, if Ohio is responsible for 10 percent of the nation's sulfur dioxide emissions, then it would have to reduce its emissions by 300,000 tons minus the reductions already gained by placing scrubbers on any of the 50 dirtiest plants that are located in the state.

It is often argued that, instead of mandating the installation of scrubbers, the Government should allow utilities to choose between scrubbers and switching to alternate fuels. But utilities have already made their choice, and it is to spend their pollution downwind, eventually damaging the ecosystems of distant states. This irresponsible practice, with its manifestly harmful effects, must end.

Some have proposed a sulfur dioxide emissions tax, which would put the economic burden on those who produce the pollution. While this argument is attractive to residents of the Northeast, in practical terms it means that emissions would not be reduced. The administrative complexities of an emissions tax are forbidding, since it would require monitoring every power plant and factory in the country to insure their compliance with the law.

The National Acid Deposition Control Act is gathering widespread support. The Denver Post has called the approach "sound" and the total price a "bargain." The Los Angeles Times said that the act is in America's interest, even while pointing out that most of the damage is occurring in the Northeast. These Western papers support the measure because it is fair and economical, and because it will end an environmental assault that the National Academy of Sciences said is costing the East $5 billion a year.

The well-documented destructiveness of acid rain is too great to allow us the luxury of experimenting with well-intentioned but untried and unacceptable, ideas. Instead, we should seek a solution that we know can work. The bipartisan National Acid Deposition Control Act equitably distributes the economic burden, preserves jobs and vigorously attacks the problem of acid rain. America needs this legislation now.●

DON'T CUT FUNDS FOR EDUCATION!

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HUBBARD. Mr. Speaker, I recently received a letter from Dr. Kala M. Stroup, the president of Murray State University, Murray, Ky., which I would like to share with my colleagues at this time. Dr. Stroup writes regarding her deep concern about proposed funding cuts in TRIO programs which benefit disadvantaged youth. In light of the successful Upward Bound project at Murray State University and at other institutions across the Nation, I am hopeful that my colleagues will listen to her plea for support of higher education and disadvantaged youth programs and funding.

Dr. Stroup's letter follows:

MURRAY STATE UNIVERSITY,
Murray, Ky., September 30, 1983.

Representative CARROLL HUBBARD, Jr.,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE HUBBARD: I am writing you to express my deep concern about proposed funding cuts in TRIO programs which benefit disadvantaged youth.

Since 1964, the Murray State University Upward Bound Project has provided an invaluable service to the disadvantaged high school students of the Jackson Purchase by helping them pursue a college education. The programs designed by our Upward Bound Project offer an array of support services which help students develop the academic, problem solving, and inquiry skills and talents so needed for success in higher education.

The other TRIO program which we operate at Murray State is The Special Services For Disadvantaged Students Project which serves low-income, first generation, and disabled college students. The special services provided include tutoring, counseling, individual planning, and readers, interpreters, notetakers, and typists for disabled students.

As you are no doubt aware, the President proposes to reduce TRIO funding in the fiscal year 1984 by 77 percent. He has not included any monies for Upward Bound projects in his fiscal year 1984 Budget. The results of these proposed cuts would be to eliminate all 640 Special Services projects nationwide, or to cut all 430 Upward Bound budgets by 35 percent and to eliminate 230 Special Services projects.

I am asking for your continued strong support for TRIO programs. In the past we have appreciated your support of funding of TRIO programs and other higher education legislation. A $170 million level of funding for TRIO would make up for the 29 percent loss of real dollars (adjusted to reflect increases in the consumer price index) between fiscal year 1980 and fiscal year 1983.

We appreciate your interest in these programs and your support of higher education.

Sincerely,

KALA M. STROUP.●

COMPUTER SECURITY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. WYDEN. Mr. Speaker, the problem of protecting computer and automated information systems from abuse has been playing center stage in the media lately.

In particular, the electronic trespassing by a group of Milwaukee, Wis., youths of the Los Alamos Nuclear Laboratory and the Sloan-Kettering Cancer Center has focused a great deal of attention on the capabilities—and vulnerabilities—of computer systems across the country.

Because computer security has international as well as domestic ramifications, it is interesting to note that this complex subject was a principal topic of the International Carnahan Conference on Security Technology held October 4–6, 1983 in Zurich, Switzerland.

Louise Giovane Becker, specialist in Information Sciences and Technology at the Library of Congress Congressional Research Service, and one of the country's leading experts in the field of computer security, presented a significant paper at this conference that addresses some of the policy concerns related to computer security.

Because of the importance of this issue and the great insight which Mrs. Becker brings to the issue, I am including excerpts from her paper:

COMPUTER AND COMMUNICATION SYSTEMS SECURITY: POLICY CONSIDERATIONS IN A TECHNOLOGICAL AGE

UNDERSTANDING THE PROBLEM

Computers and associated technologies affect programs ranging from national defense, intelligence, and space programs to air traffic control, health, manufacturing, financial activities, education, and personal computing capability. The broad spectrum of computer activities and the value of these resources prompts consideration to adequate controls.

Information technologies, including computers, telecommunications, data networks, and word processors, provide the framework for the remarkable information age. While these technologies are valuable resources in themselves the data and information handled by these innovations often represent a considerable investment.

In certain environments computer security is considered an integral part of the management effort. This is most apparent in national security systems in which there is a dedication to protecting information from being compromised. The computer security management commitment in national defense arena is rarely found or necessarily desired in other environments.

In some organizations there is reluctance to institute computer security measures. Often a lack of awareness of the threats and vulnerabilities is a barrier to putting good computer security practices to work.

Many organizations do not have an appropriate set of support systems to protect computerized resources. They may even find that it is difficult to pinpoint responsibilities or institute controls to protect these resources.

Another problem is the reluctance of certain organizations to share information on the fact that a penetration of their systems has occurred. In these organizations' acknowledgement of problem or threat will not necessarily prompt management action. Fearing that the public trust may be harmed, organizations may fail to report or remedy certain problems.

THREATS AND VULNERABILITIES

Computer vulnerabilities, real and imagined, provide the basis for the continuing concern with protecting information resources. Computers are associated with the critical functions (such as, air safety, banking, and electrical/nuclear power controls) remain vulnerable. Specific computer abuses have prompted media attention or law enforcement investigations. These are indicative of the problems confronting computerized resources. Reports of computer crime, illegal use of systems, misuse of automated information resources, and denial of access to information and services contributes to the concern with computer vulnerabilities.

RESOURCE ALLOCATION AND ORDERING PRIORITIES

The allocation of resources is central to an effective computer security program. Organizations face a difficult problem of balancing security requirements and costs. Another resource allocation difficulty is the dichotomy between systems performance and organizational or mission objectives versus security requirements. In Federal agencies as well as private sector organizations where mission or objectives are consistent with security goals it is often relatively easy to justify the cost of security. Organizations with too few resources and a limited understanding of the problems often are reluctant to allocate resources to security matters. In many instances balancing the probability of losses of data or systems availability with costly security measures is a dilemma.

Even when resources are available there is the problem of ordering priorities. Often organizations are not always aware of the risks or may not fully understand the value of the computerized resources. In such a situation it is difficult to set priorities. In addition, goals may not always be sufficiently defined to provide a realistic framework for ordering priorities. Lack of awareness of the dangers, poor identification of problems, and limited understanding of the remedies lessens the possibility that an appropriate set of priorities will be identified.

Another factor influencing ordering of priorities is the possibility that there may be a narrow interpretation of organizational goals or mission. This narrow perception of goals may cause an override of security considerations. For example, an agency may place a high priority on its mission (such as sending out welfare or social security checks) than maintaining good security practices. The result is that the mission requirement is pursued and the security measure dismissed. This condition, generally referred to as "mission override" is a real dilemma in some Federal agencies and private sector organizations.

LEGISLATIVE CONCERN AND INTEREST

Congress has an ongoing interest in computer security, especially as it relates to Federal operations and programs. Through the years there has been a continuing interest by the Congress in protecting information from unwarranted disclosure. As discussed above, legislation limiting certain data from unwanted dissemination has been a major congressional concern. National security, effectiveness of Government computers and information systems, privacy of certain record systems, and protecting Government assets has prompted Congress to examine computer security related matters. Decades of interest in this subject cannot be adequately reflected in this summary, however, this section highlights the Federal legislators in certain computer security issues, namely: privacy, computer crime, and Federal information resources management.

In the 98th Congress two bills relating to computer crime are pending in the House of Representatives.

The Federal Computer Systems Protection Act, H.R. 1092, introduced by Rep. Bill Nelson, addresses four distinct areas: fraudulent records or data; unauthorized utilization of data; alteration or destruction of data; and stealing products, services, or data associated with computers or automated information systems.

H.R. 3075, the Small Business Computer Crime Prevention Act, sponsored by Rep. Ron Wyden, is designed to assist the small business community cope with computer crime. The bill requires the Small Business Administration establish a Task Force on computer crime to determine the nature and scope of computer crime in the small business community.

SOME OBSERVATIONS AND CONCLUSIONS

The computer security effort represents an important aspect of resources management. The considerable investment that most organizations place into computerized resources requires that these assets be safeguarded. An effective computer security program contributes to an organization's stability and productivity. The dynamic nature of the associated technologies and the dependency of the organization on the technology may require different approaches.

Over the years there have been significant improvements and developments in protecting computer resources. The private sector and Government continue to make important contributions to the development of computer security technologies. The community of computer security experts has raised managers awareness of the problems and given impetus to the use of appropriate security tools and techniques.

The commitment to computer security varies greatly. Organizations which traditionally handle sensitive data, especially government classified information, tend to dedicate resources to computer security efforts. These groups have developed standards and operational procedures which support the computer security function. The benefits of allocating resources for security are understood and facilitated by management at all levels within the organization. In this environment it is generally easier to protect computerized resources. In other organizations whose history and objectives may not be as conducive to supporting the computer security function putting such programs together remain difficult. This latter group often consider computer and information protection as a luxury option.

A number of problems make implementation of a computer security program difficult. A major problem is faced by organizations with little experience in protecting computerized resources. Instituting controls or pinpointing responsibility is difficult. The lack of trained personnel or in appropriate resource allocation remains a problem.

The role of the computer security function is not always clearly defined or accepted in some organizations. There are problems with misplacement of the function. Often the computer security responsibility is placed in the data processing office. This placement often makes it difficult to maintain the needed objectivity and to insure that policies will be followed.

The lack of computerized resources security policies and well documented practices has presented a serious problem for some organizations. The managers and decisionmakers face a special challenge in meeting computerized resources security goals; maintaining appropriate controls over resource development; and improving the productivity of information systems.●

CRITICS OF KEEPING PEOPLE FREE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. MYERS. Mr. Speaker, this past weekend I spoke with a very, very brave family. Betty and Richard Cline of Belle Union, Ind., had just received word that their son, Sgt. Randy Cline, 1st Battalion, 75th Rangers had given his life in the Grenada mission. The family was proud of their son and brother. He was a good ranger. They were not angry. For that, they showed a lot of courage. They blame only the Communists for his death. They had

questions, though, not with the administration or our efforts to maintain peace in the Caribbean. Their question was with some people in this country, and they named a few, the media, they said, who were constantly looking for trouble and what was wrong with the country instead of what was good in the country.

They questioned those in politics who do not stand behind our country. But they mostly questioned a group of students at Indiana University who seized upon this opportunity at the bereavement of a few to criticize what our country was trying to do.

Randy's brothers and his father said that these students were going to school exercising the right and privilege of free speech, but their statements would tear down that very freedom itself. By those statements and their actions, the Communists would be encouraged. They questioned how anyone in this country could be critical of the efforts to keep people free.

Our country is praying today and all of us are in prayer with the families of those who lost their lives in Lebanon and those who have lost their lives on Grenada. My prayers today are with Sergeant Cline's widow, Vera, their unborn child due in February, his brothers, his sister, his parents, his grandparents, and all of those who knew Randy and loved him.●

LIBERALS SHOULD BE CHEERING U.S. ACTION IN GRENADA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HYDE. Mr. Speaker, once again a column by Morton Kondracke in the Chicago Sun-Times hits the nail on the head. I hope my colleagues will read what he has to say:

LIBERALS SHOULD BE CHEERING U.S. ACTION IN GRENADA

Why so many long faces? The United States invaded Grenada to save lives, oust a gang of murderous thugs, prevent establishment of a major Cuban military base and show that America can use force successfully. We did succeed, with a minimum loss of life. I say—I say as a liberal—hooray!

Liberals seem to think they can't be loyal to their values unless they condemn President Reagan for this action, but it is precisely because of their values that they ought to praise it.

Liberals believe in democracy, and Reagan would deserve condemnation if he had acted to crush a democratically elected government. The Nixon administration may have done such a thing in Chile but in Grenada the United States did nothing of the kind.

Grenada's government, if it can be called that, came to power last month in a bloody coup that cost at least 18 lives, including that of former Prime Minister Maurice Bishop, who had himself come to power in a coup, failed to hold elections as promised and steered Grenada into the Cuban-Soviet political orbit.

Under intense pressure from democratic leaders on neighboring islands, Bishop seems to have had second thoughts about his closeness to Cuba, and he came to Washington to see if he could patch up relations. Some critics contend that if Reagan had only embraced him, the invasion would not have been necessary.

The evidence seems to be exactly to the contrary. The minute Bishop showed signs of tilting ever so slightly away from Cuba, he was ousted and murdered.

That is the appropriate parallel to be drawn between Grenada and Afghanistan. Some liberal columnists have likened the U.S. invasion to the Soviet invasion in 1979, but when the Soviets moved in they murdered a prime minister who had shown some independence of Moscow and they have kept 100,000 troops in the country to impose their will on a hostile population, using poison gas in the process.

The United States has promised to withdraw swiftly and the people of Grenada will be able to elect their next government. Anyone who believes that democracy is better than dictatorship has to agree that the people of Grenada are better off now than they were the week before last.

We liberals oppose the use of force on principle and prefer the rule of law. But honest people have to admit that, unfortunately, force has its place in this world. We do not yet live in a world of law. Even in countries where law does prevail, the use of force to defend innocent life is permitted—by police or by citizens in the absence of police. Reagan had reason to fear the U.S. medical students on Grenada might be harmed or taken hostage and he acted to protect them.

But liberals suspect that the saving-lives argument is just a cover or a convenience, that Reagan was just itching to take a shot at some leftist regime to prove that the United States could win one.

I think so, too, but I still say, as a liberal, well done. If liberalism values self-determination, peaceful change and democracy, then liberal values are being threatened in the Caribbean and around the world. They need to be defended, and Reagan defended them.

Grenada's neighbor islands of Barbados, Dominica, Antigua, St. Lucia and St. Vincent—democracies all—felt threatened by the buildup of Grenada's military forces, by the influx of armed and trained Cuban "construction workers," and the subsequent construction of a world-class military airport, and by Soviet contacts with leftist rebel groups in their own countries.

If the Reagan administration is correct, Grenada was soon to become a major Cuban-Soviet outpost in the Western Hemisphere, supporting subversion not only of neighboring islands, but throughout the region. The presence of 30 Soviets, including a senior general, seems to support the fear.

Beyond the immediate case of Grenada, the U.S. invasion will warn the Soviets, Cubans, Sandinistas and other aggressive leftists that the United States has overcome its Vietnam-bred reluctance to use military power to defend its interests and its values. We have employed our power to win a quick, reasonably clean victory in a very small place, but they cannot know where we might use it later.

If that deters them from aggression, that will save lives and liberty elsewhere, and that is something liberals ought to cheer.●

COMMENDING THE CONTRACT FOR LIFE

HON. WILLIAM F. GOODLING

OF PENNSLYVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. GOODLING. Mr. Speaker, I would like to bring to the attention of my colleagues a recent effort by the Distilled Spirits Council of the United States, Inc. (DISCUS) to combat the national problem of teenage drunken driving known as "The Contract for Life," which is one way for families to make their own personal commitment to help reduce highway accidents.

The "Contract for Life" is a cooperative public service program of "Students Against Drunk Driving (SADD), the National Football League (NFL), and DISCUS. It calls on parents and teenagers to agree that either may call home for help at any time they or their driver has had too much to drink to drive safely. After parents and teenagers have signed, the contract becomes an important family document—a pledge of mutual support and understanding.

DISCUS has announced that the contract will be offered in a series of TV, radio and magazine ads which were developed for the program. Millions of Americans watched public service messages sponsored by DISCUS and the NFL on the "Contract for Life" featuring Cowboys wide receiver Drew Pearson during the Cowboys-Raiders National Football League game on October 23. In addition to prime-time exposure during NFL games on TV and radio, DISCUS has sent the campaign materials to more than 400 TV outlets and 1,000 radio stations and requested that the messages be scheduled during their other programming. I also understand that in the coming months, the magazine ads offering the contract will appear in programs published by several NFL teams and in many general circulation magazines which DISCUS has invited to joint the effort.

I encourage my colleagues to take a look at the "Contract for Life" which DISCUS has sent to your office. It was developed by Mr. Robert Anastas, founder and executive director of SADD, "Students Against Drunk Driving." Under the terms of the SADD drinking-driver contract, a teenager pledges that he or she agrees to call a parent at any hour, from any place, if I am ever in a situation where I have had too much to drink or a friend or date who is driving me has had too much to drink. The parent of that teenager likewise agrees to come and get you at any hour, any place, no questions asked and no argument at that time, or I will pay for a taxi to bring you home safely. I expect we

would discuss this issue at a later time. I agree to seek safe, sober transportation home if I am ever in a situation where I have had too much to drink or a friend who is driving me has had too much to drink.

I have been very active in Congress in urging that my colleagues support legislative initiatives aimed at reducing the carnage on our Nation's highways which results from epidemic teenage drunken driving. I applaud the work of DISCUSS, SADD, and the NFL in this area, and will be working to promote the contracts among families and school in my own congressional district. I urge all of my colleagues to do likewise.●

MYTHS ABOUT POVERTY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. WEISS. Mr. Speaker, during the last 6 months, those of us who serve on the Select Committee on Children, Youth and Families have heard deeply disturbing testimony concerning the significant increases in the numbers of poor children and poor families in this Nation. Over 8 million Americans have fallen into poverty in the last 3 years, a dramatic reversal of nearly two decades of decline in the number of poor people. Three million of them were children, the largest increase in the number of poor children on record.

These economic declines, coupled with the Draconian cuts in vital health, education and social service programs pushed through by the Reagan administration, have strained the coping capacities of millions of American families. Hunger, homelessness and reported incidents of child and spouse abuse are on the rise. There is even evidence that infant mortality rates, after nearly a century of decline, are going up in some poor communities.

The problems of poor people in this country are very substantial and very real. Unfortunately, as Cesar A. Perales, commissioner of the New York State Department of Social Services points out in a recent New York Times editorial, myths about the poor and their problems abound, and the Reagan administration has done little to dispel these damaging fallacies. He notes:

> The Reagan administration with its talk about the truly needy and the safety net, has not contributed to an understanding of the problem.

Commissioner Perales goes on to clarify a number of the mistaken images of the poor, and shows that our support of those in poverty is far less beneficent than many of us imagine.

I commend this enlightening article to my colleagues and hope that each of them will take the time to read Commissioner Perales' timely and insightful comments.

The article follows:

MYTHS ABOUT POVERTY

(By Cesar A. Perales)

ALBANY.—Not much is ever said about the poor that is accurate or clear. The Reagan Administration does not say much about the poor at all. So when it provides useful statistics, they ought to be examined.

In August, a Federal census report contained data that amounted to this: One American had fallen below the official poverty line every 12 seconds.

But the report did not point out that in the same 12 seconds, the Government spent $72,000 more on defense programs than on Aid to Families with Dependent Children, Supplemental Security Income, Medicaid, food stamps, the earned income tax credit, the work incentives program and the Jobs Corps combined.

Far from being a huge, burdensome program, welfare is dwarfed by other Federal Government activities. It looms far larger in controversy and myth than in reality, and no program—no group of people—is so badly understood as welfare and those who receive it.

The Reagan Administration, with its talk about the "truly needy" and the "safety net," has not contributed to an understanding of the problem. In fact, there has not been much effort to do so at any level of government for a long time. Thus, the myths persist, programs are cut or crippled, the number of poor people grows, and very few people understand why the "safety net" is suddenly so full.

Here are some of the myths.

People get on welfare and never get off.

The most persistent fallacy is that there are two classes of poor people—the "working poor" and the "welfare poor." Actually, the so-called welfare poor are simply the working poor who have fallen on hard times. Several studies show that most A.F.D.C. cases are open for just two years, or less. These usually come about because of some major interruption of income: illness of the wage-earner, exhaustion of unemployment benefits, desertion by a husband or father. In 40 percent of A.F.D.C. families, the adults move between low-wage seasonal labor and the welfare rolls. For them, public assistance fills the gaps in the nation's unemployment, disability and job-retraining systems. Only 10 percent of the heads of welfare families fall into the "chronic" area, receiving benefits for most of their working years.

Welfare destroys the incentive to work.

Statistics show that this isn't so. The number of New York State residents living below the poverty line increased by an estimated 22 percent between 1979 and 1982, but the public assistance caseload rose by less than 1 percent. This means that in most instances, families held on to low-wage jobs or borrowed from friends and family, turning to public assistance only as a last resort. This is confirmed by a Department of Social Services study involving 5,707 extremely low-wage families that had been receiving public assistance along with Medicaid and food stamps. They were denied benefits as a result of Federal cutbacks beginning in January 1982, and it was widely forecast that a significant majority would abandon work and return to the rolls. As of last March, 77 percent had never returned to public assistance, despite a deep recession and high unemployment; of the remaining 23 percent, about half returned briefly, then left the welfare rolls.

Women on welfare have large numbers of children so that they can increase their benefits.

In fact, the size of welfare families has fallen rapidly in recent years: Between 1969 and 1982, the average welfare household decreased by two people. Today's typical public assistance family consists of only three people—a mother and two children.

Welfare benefit levels in New York State are too generous, and attract poor residents from other states and abroad.

The 1980 census shows that 92.6 percent of all public assistance recipients were living in the state five years earlier. New York, the second most populous state, ranks ninth in A.F.D.C. benefits. Fifty-eight percent of the families in New York State receiving public assistance still live below the official poverty line. (A family of three in New York City receives $5,088 a year, which combines the basic grant, rent and food stamps; the official poverty level for that family is $7,693.)

What is decidedly not mythical is that these myths tend to guide national policy in conservative times. Moreover, a growing body of evidence points to the appearance of a small but permanent caste at the bottom of the economic ladder for whom there is no opportunity and no hope. Under the Reagan administration, many people have learned simply to expect this—it has become part of the permanent misfortune on which economic policy rests these days. And in 12 seconds, the problem will get worse.●

THE RETIREMENT OF WILLARD J. (BUCK) GRANT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DAUB. Mr. Speaker, it is indeed a pleasure to call to the attention of my colleagues the outstanding contributions of Willard J. (Buck) Grant. Later this month, Buck will retire after dedicating many years of service to his community and to the dairymen of our Nation.

Buck is a native Nebraskan, born on a farm near David City, and later graduated from high school in Bennington. Following his naval service during the war, Buck was employed as the general manager of the Nebraska-Iowa Cooperative Milk Association. After this organization merged with the Farmers Union Cooperative Creamery and the Farmers Cooperative Creamery, Buck was named general manager.

Another merger promoted Buck to vice president and general manager of the Central States Division of Mid-America Dairymen in 1975, and later that year, Buck acquired increased responsibilities as the vice president and general manager of Western Operations of Mid-Am where his duties ex-

tended beyond Nebraska into neighboring States.

While Buck has contributed directly to the dairy business through his daily work, he has also demonstrated outstanding leadership in other areas as well. His accomplishments are numerous including service as director on the National Dairy Council, secretary and president of the Dairy Council of Omaha and Council Bluffs, director of the Nebraska Dairy Industries Association and the American Dairy Association of Nebraska.

Buck has served as the first vice president of the National Milk Producers Federation and as director of Dairy Society International and the Dairy Council of Central States and as a former member of the building committee of St. Timothy's Lutheran Church in Omaha.

Buck Grant's impressive contributions were recognized by the Nebraska Agribusiness Club when he was honored with the "Distinguished Service Award;" yet, his greatest recognition has surely been the admiration and respect of all who have been privileged to work and to be acquainted with Buck and his gracious and remarkable wife, Lillian.

The compilation of all these accomplishments make this upcoming retirement a special event indeed. His invaluable achievements throughout his years of service to our dairymen and to his community are worthy of the highest commendation, and I am proud to share them with my colleagues.●

CONGRESSIONAL SALUTE TO HON. JOSEPH J. MARTINI, DDS OF NEW JERSEY, ESTEEMED DENTIST, OUTSTANDING COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. ROE. Mr. Speaker, on Sunday, November 6, the residents of my congressional district and State of New Jersey will join together in testimony to an esteemed dentist, outstanding community leader, and good friend—Hon. Joseph J. Martini, DDS, whose standards of excellence throughout his lifetime—and particularly his exemplary expertise and professional skills as a doctor of dental surgery, have truly enriched our community, State, and Nation.

As Dr. Martini is feted by his colleagues and friends for a half century of dedication and devotion to the dental health care of the people of our community, I know that you and our colleagues here in the Congress will want to join with me in deep appreciation of all of his good works and share great pride in the success of his achievements with his good wife Dorothy, his children, grandchildren, and other family members.

Mr. Speaker, when you reflect upon the fact that the cultural, historical, and economic achievements, even the basic health, well-being, and longevity of a State and Nation depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of Dr. Joseph Martini's outstanding contribution to the quality of life and way of life for all of our people.

Dr. Martini has indeed earned the highest respect and esteem of all of us who have had the good fortune to know him. We are proud to boast that he was born in the city of Paterson and for over six decades was a resident of the city of Passaic—both located in my congressional district of New Jersey. He graduated from Passaic High School in 1928 and it is interesting to note has served as chairman of his high school class reunion four times. The 55th reunion of his high school class is the oldest in the history of Passaic High School and was attended by 102 people.

Upon his graduation from high school, Dr. Martini attended Fordham University—1928-29—and attained his doctorate from the University of Maryland, Baltimore College of Dental Surgery where he graduated Cum Laude in 1934 and was elected into the Omicron Kappa Upsilon national honorary dental society. From 1937 to 1939 he furthered his educational pursuits at Columbia University, School of Dental and Oral Surgery.

We applaud Dr. Martini's knowledge, training, hard work, and personal commitment that has enabled him to achieve the fullest confidence and strongest support of the people of our community. He has presented essays, clinics, and seminars on subjects relating to dentistry at State, regional, and national meetings throughout the country as well as abroad.

In 1939 he joined the staff of Columbia University, School of Dental and Oral Surgery, N.Y. until 1956. During the period 1957 to 1963 he was clinical professor of dental radiology at Seton Hall College of Medicine and Dentistry, N.J.

Among his many other accomplishments in dental education and delivery systems he was director of professional services at Lactona Corp., Hatfield, Pa., in 1982. On April 27, 1983 he participated in the Joe Franklin program on WOR Television on the subject of periodontal disease. On August 23, 1983 he again joined the participants of the Joe Franklin program to present a highly comprehensive dissertation on temporomandibular joint problems.

He has authored many published papers on the practice of dentistry and dental care including the following publications:

Maxillofacial Radiology—1950: New York Institute of Clinical Oral Pathology;

Maxillofacial Radiology: Oral Surgery, Oral Medicine, Oral Pathology: December, 1950;

Novel Technic in Periapical Roentgenology Dental Radiography and Photography, Eastman Kodak Co.: 1955;

The Desirability of a Small Focal Spot for Optimum Roentgenographic Quality, Southern California State Dental Association Meeting April 8, 9, 10, 1957;

Symposium on the Temporomandibular Joint, Seton Hall College of Medicine and Dentistry, February, 1962;

The Value of Conservation of Dental Tissues in the Reconstruction of A Cleft Palate-Lip-Anodontic Case with the Aid of Endosseous Implants coauthored by Joseph J. Martini, DDS and Leonard I. Linkow, DDS; and

Periodontal Health and Oral Hygiene Quintessence Dental Digest: 1983.

Numbered among the professional projects and studies in dentistry that he has conducted through grants are the following:

Size of focal spot, 1956—North American Phillips Co., New York, N.Y.

Study of fortizyme, 1962—Breon Laboratories, New York, N.Y.

Penthrane study, 1956-67—nitrous oxide-oxygen-penthrane amnalgesia, Abbott Laboratories, North Chicago, Ill.

A kodachrome sound movie (16 minutes) titled "Intra-articular Injection Technic for the Treatment of Temporomandibular Joint Conditions and Dysfunctions"—Merck & Co., Rahway, N.J.

Throughout his lifetime Dr. Martini has forged ahead with dedication, devotion, and sincerity of purpose in his daily pursuits. He has always applied the most sophisticated and advanced techniques of his profession.

Dr. Martini has also been a staunch supporter and active participant in many civic and community improvement programs. Among some of these important endeavors, we are especially appreciative of his record of achievement as a member of the board of education of the city of Passaic—1947-53—and on the Passaic Redevelopment Agency—1968-73.

He was the 1980 "Man of the Year" of the Heart Association, Passaic County Chapter and the 1981 Man of the Year of UNICO, one of our most prestigious Italian-American organizations, with special commendations for his outstanding good deeds on behalf

of the victims of the devastating earthquake disaster in Italy. He received the highly coveted awards of distinction and citations of merit in service to our country, as follows:

Selective Service Medal of World War II and Certificate of Merit: The Congress of the United States and President Harry S. Truman;

Retired Captain of the Military Surgeons of the United States; and

Retired Senior Dental Surgeon in the Reserve Corps of the Public Health Service, U.S. Department of Health, Education, and Welfare.

It is also important to note that in an inauguration ceremony in New York City on May 20, 1983, Dr. Martini was invested with the esteemed rank of "Knight of Malta" and thus officially endowed with the dignity of a knight in the highly prestigious religious and military order of Hospitalers.

Mr. Speaker, these are some of the highlights that will be cited at the tribute to Joseph J. Martini on Sunday, November 6, by all in attendance and particularly by the distinguished members of the testimonial dinner committee and guest speaker—namely;

TESTIMONIAL DINNER COMMITTEE—TRIBUTE TO JOSEPH J. MARTINI, DDS

The Honorable: Judge Dominick Giordano, Chairman; Rev. Dr. Norman Vincent Peale, Guest Speaker; Armanek Marderossian, John J. Cascioli, Lee Terzekian, David Friedbauer, Dr. Richard Fadil, Charles Scavuzzo, Dr. Michael Ramundo, Michael Novack, Rose C. Cascioli, Eileen Donatelli, and Eileen A. Weiss.

Mr. Speaker, I appreciate the opportunity to join with these distinguished citizens in commending Dr. Martini's lifetime of outstanding public service and seek this national recognition of him and all of his good works. We do indeed salute an outstanding citizen, good friend, and great American—Hon. Joseph J. Martini, DDS—for his contribution to the quality of life for the people of our community, State, and Nation.●

STATEMENT ON INVASION OF GRENADA

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. JEFFORDS. Mr. Speaker, the question of whether or not the United States was justified in participation in the invasion is likely to remain open to debate among analysts and historians for the foreseeable future. What is urgent now is that we withdraw our troops as soon as possible.

Some of the facts and circumstances regarding the President's decision remain incomplete and murky. If we attempt to view the situation from the President's perspective, there are some facts we can all agree upon. There was a bloody coup in Grenada. The embassies of Communist nations in that tiny country were staffed with abnormally large numbers of personnel. The number of militarily-oriented Cubans on Grenada appears to be larger than previously thought, and the discovery of large supplies of Cuban and Soviet weapons points to the strategic importance of Grenada for the Communists. And we were asked to intervene by the Organization of Eastern Caribbean States (OECS).

The most questionable area at present is whether our action was justified by concern for the lives of U.S. citizens in Grenada. There is very little evidence to date that the Americans were in jeopardy. Obviously, a shoot-on-sight curfew is a matter of great concern. But only one American had been detained, and had been released. Most evidence supports the contention that if necessary, orderly evacuation of the students and other Americans could have been arranged without military intervention.

In the aftermath of the terrible tragedy in Lebanon, it is understandable if U.S. leaders err on the side of protecting the lives of our citizens. But it is not at all clear that this cause was served by the invasion.

On the purely negative side, we have antagonized many of our allies, including Britain and major Latin American nations whose interest in Grenada is at least as strong as ours. They feel that, at best, we made a serious mistake, and at worst, our larger foreign policy objectives have been placed in question. The credibility of the U.S. position in other trouble spots has, rightly or wrongly, suffered. Significant questions are raised regarding the legality of the U.S. action, under the sometimes conflicting provisions of the Organization of American States (OAS) charter and the OECS treaty, as well as our own War Powers Act. We have, at minimum, entered a gray area of both international and domestic law. However, overall I support the President's decision.

But the crucial, immediate question is what will we do next. If our role is to be legally and morally defensible, it must be limited in both scope and time. The scope must be limited to allowing Grenadians to choose their next government, even a provisional one, free from interference by any outside nation, including ours.

The opportunity for immediate withdrawal is complicated by the necessity of removing the 700 Cubans in Grenada, a nation which, like the rest of the OECS nations, lacks effective military defense. But the longer we stay, the greater the suspicion that the United States, like Cuba, is seeking to undermine the right of Grenadians to determine their own future.

House Joint Resolution 402, which states that section 4(a)(1) of the War Powers Act became operational on October 25, 1983, is an important assertion of the role of Congress in approving any extended commitment of U.S. troops abroad. While I strongly hope that our troops will be home long before the 60 days expire. I voted to formalize this limitation on the President's authority to keep our forces in Grenada.

NORTHERN IRELAND AND UNITED STATES VISA POLICY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. BORSKI. Mr. Speaker, the visit this week to the United States of James Prior, the Secretary of State for Northern Ireland, prompts me to comment on U.S. visa policy.

Mr. Prior is an appointed British official, the highest ranking member of Mrs. Thatcher's government in Northern Ireland. Mr. Prior is being welcomed by the U.S. Government, and is able to travel freely throughout our country to espouse British policy in Northern Ireland. That is fine. I believe that he should be given the opportunity to explain Britain's role in Northern Ireland.

But it is ironic, Mr. Speaker, that other leaders from Northern Ireland, elected officials, are not given the same opportunity. Our State Department has regularly denied visas to political leaders who do not necessarily share Mr. Prior's view of the situation in Northern Ireland.

For example, members of the Sinn Fein, a legitimate political party in Northern Ireland, are regularly denied visas to the United States.

Mr. Speaker, I don't think that is fair, and I don't think it serves America's interests. I believe our visa policy should be evenhanded. I believe that the American people have the right to hear from all points of view from Northern Ireland.

We have a long tradition in this country of free and open debate. We believe in hearing from all sides on an issue before making up our minds. I believe in that tradition as do most Americans. And yet our State Department seeks to deny us the chance to hear from all sides in the debate on Northern Ireland through their highly selective visa policy.

Mr. Speaker, under the leadership of Mr. BIAGGI, the chairman of the Ad Hoc Congressional Committee on Irish Affairs, I intend to continue to press the State Department on this issue. It is a matter of great concern to all of us who care about Northern Ireland.●

THE DOMESTIC STEEL INDUSTRY

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. KOLTER. Mr. Speaker, at a time when the Nation's steelmakers are releasing their third quarter financial statements, I believe it is appropriate to focus on the industry's prospects for the future.

Even though the domestic steel industry appears to be recovering from its dismal, near disastrous performance in 1982, we should not assume that its problems are at an end. Events in the industry and the economy have cast a dark shadow over the future of the older and marginal facilities across the Nation. Unfortunately, this limited recovery within the industry has bypassed several steel towns in western Pennsylvania completely.

According to an analysis of recent economic forecasts of the steel industry, prepared for me by the Congressional Research Service, recovery in this industry will only bring it back to the levels of production experienced in 1981. If the projections are accurate, it will not be until 1986 that this level will be attained.

Furthermore, a rebound in steel production will not necessarily result in any substantial upswing in employment. Although production and nonproduction employment is expected to increase by nearly 9 percent in 1983, it is expected to increase at much lower rates in subsequent years, according to CRS calculations.

Imports of unfairly subsidized basic steel products will continue absorbing a substantial share of our domestic markets unless we resolve to halt the flow.

Certainly, a strong economy will generally help the steel industry. This does not mean that we should reduce our level of concern for the health of this vital basic industry. Instead, we must continue exploring effective methods of addressing the problems of import penetration and capital formation to insure that the steel industry plays an active role in an expanding economy, and is not just a beneficiary of it. If these problems receive the attention they deserve, perhaps some of the unemployed will be able to return to work again.

Mr. Speaker, I recommend this CRS report, 83-590E: The Outlook for Steel, 1983-86, "An Analysis Based on the Data Resources, Incorporated Interindustry Model Projections," by David J. Cantor, as must reading to all of my colleagues. With your consent, I present here its main conclusions:

The steel industry in the United States is expected to experience a substantial increase in output in 1983 and 1984, although the yearly rates of growth would fall thereafter. Over the period, 1982-1986, output is projected to rise at an annual rate of about 10 percent to a new plateau of 110 to 120 million tons per year. This growth pattern is projected by three economic forecasting organizations—Data Resources, Incorporated, Wharton Econometric Forecasting Associates and Chase Econometrics.

Steel output is projected to grow at a faster rate than real GNP in the period, 1982-1986. In 1982-83, steel output would grow seven times faster than real GNP. In 1985-86, however, steel output growth is about equal to the growth of real GNP.

The growth in steel output is not expected to result in any substantial increase in employment in the industry. In 1983, employment would grow by 9 percent, or about half the rate of growth of output. By 1986, steel employment is projected to increase by one percent, and to decline after 1986. To a large extent, the lower rates of growth of steel employment relative to steel output are explained by technological change and gains in productivity resulting from it.

Demand for steel in the United States is expected to grow at an annual rate of nearly 11-percent from 1982 to 1986, or faster than output, which is projected to increase at an annual rate of about 10 percent. Although traditional markets for steel (e.g., construction and motor vehicles) will continue to dominate the market, the share of these traditional markets will decline. In 1982, the traditional market accounted for nearly 80 percent of total domestic demand. In particular, the motor vehicle market for steel is projected to grow at a much lower rate than both total demand and output, the motor vehicle industry's demand for steel is expected to increase by 8.5 percent per year as compared with the 11-percent annual growth in total demand, and the 10-percent annual growth in steel output.

Imports will continue to represent a substantial share of the market, approximately 15 percent. Although expected to grow, imports would be in the range of 15.5 to 18 million tons, or at about the same levels as in recent years.

The significance of the growth of markets is demonstrated by simulations of two markets: construction and motor vehicles. If construction sector output were to increase by 10-percent, the demand for and output of steel would increase by about 4 percent and represents about 4 million tons of basic steel. The effect of a 10-percent increase in motor vehicle output is much smaller than construction; steel demand would increase by about 1.3 percent, and total output, by 1.5 percent. The lesser stimulus provided by motor vehicle demand is, in large part, the result of factor substitution of materials in this motor vehicle industry and the trend to smaller cars. The results of these simulations suggest that the steel industry's outlook for both output and employment depends upon the strength of the economy generally, and its steel-using sectors in particular.●

THE TRICENTENNIAL OF THE COUNTY OF NEW YORK: COMMEMORATING A LEGACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. RANGEL. Mr. Speaker, I rise to congratulate the County of New York on its 300th anniversary.

The County of New York—more commonly known as Manhattan—was incorporated on November 1, 1683 when the British consolidated the Hudson River Valley. When a constituent assembly was created to govern the new county, the English democratic foundation merged with the Dutch tradition of free trade to bring about a uniquely vibrant culture. This was the beginning of the great Yankee tradition of democracy and economic freedom.

During the 19th century, the clipper ships that made America a great mercantile power used New York as a home port. The county's choice location at the mouth of the Hudson made it a center of commercial activity, a trait which has continued to the present day.

America's greatest heritage is the ethnic diversity of her ethnic people. New York has contributed to this heritage more than any other port in the Nation. Twelve million people passed through Ellis Island between 1900 and 1920, providing much-needed labor for our growing industrial base.

The County of New York in the 20th century is as vibrant as ever. Theaters on Broadway, merchants in the garment district, and bankers on Wall Street all contribute to make Manhattan one of the most cosmopolitan centers in the world. It is no mistake that the United Nations is located there.

Mr. Speaker, commemorating the tricentennial of New York County is a commemoration of a legacy that is the foundation of all that is great in America. I extend my most sincere congratulations. I am indeed proud to be a New Yorker.●

TRIBUTE TO MEMPHIS BLACK MERCHANTS ASSOCIATION

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. FORD of Tennessee. Mr. Speaker, the minority business community historically has played an important role in creating economic development opportunities for black citizens. Despite adverse conditions and diminishing support from the Federal Government, these businesses continue to

provide not only jobs, but also provide a vital service in communities throughout our Nation.

Memphis, Tenn., which is the congressional district that I represent, has had the good fortune of having the Black Merchants Association and the leadership it has provided in promoting economic development opportunities for black businesses.

This association, comprised of over 200 black businesses, was formed in 1976. Since that time, its members have worked diligently and tirelessly on behalf of the Memphis black business community. Their efforts have resulted in expanded and enhanced opportunities for many Memphians.

The outstanding work of this the Black Merchants Association has resulted in a more cohesive black business community in Memphis, and a stronger economic development base in the communities that its members serve.

It is no secret that members of the Black Merchants Association not only operate their businesses in the black community, but they also live in these communities, and they participate in numerous community activities.

I ask that my colleagues join with me in commending the Black Merchants Association, under the capable leadership of Willie Rounds, president; and Roscoe Dixon, executive director; for their accomplishments, and in wishing them continued success as they celebrate their sixth annual banquet.●

PERSONAL EXPLANATION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Ms. FERRARO. Mr. Speaker, due to official congressional business in New York State, I was unavoidably absent from the House on Friday, October 28. Had I been present, I would have voted as follows on the matters considered that day in the House Chamber.

Rollcall No. 427—On approval of the Journal of Thursday, October 27, 1983, "yea."

Rollcall No. 429—On an amendment that sought to strike language providing authorization floors for VISTA, "aye."

Rollcall No. 430—On passage of the bill H.R. 2655, to extend and improve the Domestic Volunteer Service Act of 1973, "yea."●

BANKRUPTCY LAW: WHAT BOB DOLE FORGOT TO MENTION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. EDWARDS of California. Mr. Speaker, I want to share with my colleagues the unedited text of my op-ed article on bankruptcy legislation which appeared in the Washington Post on October 29, 1983:

Senator Bob Dole's October 20 op-ed piece on bankruptcy legislation was long on rhetoric and short on facts. The article would have us believe that the Senate passed a package of noncontroversial substantive changes in bankruptcy law, that the Senate has taken the lead in legislating a constitutionally sound bankruptcy court system, and that the response of the House, "and more particularly, Chairman Rodino of the House Judiciary Committee, has been to do nothing."

In fact, no bankruptcy court bill was even introduced in the Senate last year to deal with the constitutional problem in the court system in spite of two deadlines imposed by the Supreme Court in October and December. Mr. Rodino's House Judiciary Committee met the deadlines. The bankruptcy court legislation that the Senate finally passed this year would create an enormously inefficient and uneconomical system and is widely considered to be unconstitutional. It is therefore no solution at all. The House Judiciary Committee, under Chairman Rodino's prodding both this year and last reported bills that would establish bankruptcy courts of clear constitutionality.

Far from passing noncontroversial changes and straightening out "the bankruptcy mess," what the Senate did in passing its bankruptcy package was take a pressing legislative issue—the need to establish a legally sound court system—and fashion a Christmas tree on which it hung every bauble that the money lender special interest groups could ever hope for. The consumer finance industry used a constitutional crisis to fashion radical changes in substantive law that poor, honest debtors have every reason to fear.

Every one of the specific consumer changes that Senator Dole chose to mention in his article has been introduced in the House in H.R. 1147 by Chairman Rodino, whom Senator Dole berates. Senator Dole simply chose not to mention the overreaching, onerous and anticonsumer provisions of the Senate package.

He did not mention, for instance, that the Senate bill would abolish the requirement that the courts approve any reaffirmation agreement between a creditor and a debtor who has filed for bankruptcy. As then chairman of the Judiciary subcommittee that drafted the 1978 law after years of hearings, I can assure you that this provision was written into the law only after evidence showed conclusively that creditors simply would not let debtors get a fresh start in life, even after their debts had been discharged. Instead, they would hound debtors with threats of repossession of household goods, wage garnishment, or collection from unsuspecting cosigners until beleaguered victims reaffirmed debts that had been legally forgiven. Nor did Senator Dole explain that the Senate bill would make the bankruptcy courts into federally financed collection agencies for the lenders—at incalculable costs to all of us who pay the taxes that finance the court system. Consumer and civil rights groups have strongly opposed these radical changes.

The bankruptcy system is now operating under an emergency rule fashioned by the courts. The band aid is about to break. Its legality has been questioned by several courts, and the rule expires next March 31.

Chairman Rodino's record for civil rights, consumer protection and the public interest as against special interests speaks for itself. He is to be commended for insisting on first resolving the constitutional issue so that debtors and creditors are certain of the force of judicial decrees in bankruptcy cases. And he is right to proceed carefully on changes in substantive law. Nobody wants to shelter deadbeats. But, while preventing possible debtor abuse, consumers and borrowers want to be assured that the changes will not impose inequitable burden on debtors who need the fresh start that is the historic function of the bankruptcy laws.

Senator Dole, as a long-time member and now Chairman of the Finance Committee, knows well how the tax code is riddled with loopholes to accommodate just about every special interest known to man. And, to give him credit, he has fought to close some of the more gaping ones. It is ironic, then, that, as chairman of the Judiciary subcommittee on courts, he should support a bill that is of no benefit to consumers but seeks to satisfy special pleaders who want an unfettered ability to harass honest debtors and to shift the cost of their credit-granting mistakes to the nation's taxpayers, who finance the courts.●

THOUGHTS IN AN AFTERNOON AT SAMPSON

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HORTON. Mr. Speaker, a military installation in my congressional district in New York, the Seneca Army Depot, has been the focal point of continuous antinuclear demonstrations that began early this past summer. Recently, an additional effort was mounted at the gates of the depot and in nearby Sampson State Park to further demonstrate the deep concern of many Americans over the threat of nuclear war. Many articles were written in newspapers throughout my district in the wake of the protest, but one article in particular sheds a great deal of light on the effectiveness of such demonstrations and the direction to which concerned Americans should turn to help solve the nuclear dilemma. This article appeared in the October 27, issue of the Penfield Post-Republican and I am submitting it here to be printed in the RECORD. I urge my colleagues to read these important and enlightening words.

THOUGHTS IN AN AFTERNOON AT SAMPSON

The disturbing and discouraging thing about the anti-nuclear peace rally at Sampson State Park last weekend was not that it occurred.

Or that as a major demonstration it fizzled.

Rather, the disappointment was that the rally symbolized the national failure to develop an intelligent, informed, and courageous search for a peaceful world order.

None of the speakers at the rally said anything that hasn't been heard a thousand times before.

None of them dealt with the problems posed by a tyrannical, closed Russian oligarchy.

None of them dealt with the problem of the West still trying to impose democratic ideals and procedures upon a world population of which 90 percent have little present use for such philosophy.

None of them touched upon the undoubted fact that within a few years many nations may possess nuclear capability.

None of them dealt with solutions to problems posed by Islamic radicals, whose capacity for cruelty and destruction was so amply demonstrated a day later in Beirut.

None of them had constructive answers for the definition of an accepted role for Israel in the Near East.

None of them would have had an answer if another Hitler suddenly posed a nuclear threat.

Hundreds of thousands of dollars went into last Summer's "peace" encampment—and hundreds of thousands more into the planning and protection of Saturday's rally.

Could not all those funds and all that energy have been used to make some contribution, no matter how slight, to develop the rational, realistic understanding we will need to prevent the kind of nuclear disaster we all fear?

Missiles and warheads are not the basic threat—any other more than that rocks of the type with which Cain slugged Abel were the basic problem.

The problem is what went on in Cain's head—and in the fact that there still are Cains.

It would, indeed, be very simple if we really could blame America for the world's problems. As a rational, democratic nation we could then take steps to eliminate those evils and create a happy, peaceful world. But it is not that simple.

The tens of millions of Americans who ignored Saturday's rallies know that very well.

The sombre, discouraged mood of many of the people at Sampson indicates that they, too, realize this.●

CLARKE SUPPORTS WATER RESOURCES RESEARCH ACT OF 1983

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. CLARKE. Mr. Speaker, the United States today faces a serious water resource problem. In many areas of the country, water supplies so vital to agriculture and industry are being depleted at an alarming rate. In addition, the issues of the impairment of water quality, the need to restore damaged water supplies, and water rights need to be addressed by this Congress.

In my opinion, the passage Monday of H.R. 2911, a bill to authorize an ongoing program of water research, was an important step for the House to take to work for a solution to these water resource problems.

This measure would establish a water research center in each State at a land grant university or other educational institution and provide funding for technological transfer so that the institutes which funnel research results to the community will also learn current research needs. This legislation would also transfer Federal water desalinization plants to Roswell, N. Mex., and Wrightville Beach, N.C., which is needed because the plants were not funded in last year's Department of the Interior budget. I support the initiative and desire of these communities to take over the plants.

I feel that all will benefit from this important bipartisan bill. Conversely, we will all know the consequences if Congress fails to enact legislation to address an impending water crisis. A similar bill has already passed in the Senate, and I hope that a quick compromise can soon be reached.●

THE RETIREMENT EQUITY ACT OF 1983

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mrs. ROUKEMA. Mr. Speaker, I am proud to join Chairman WILLIAM CLAY and the members of the Subcommittee on Labor-Management Relations, of which I am the ranking minority member, in introducing the Retirement Equity Act of 1983, which eliminates existing inequities in the pension laws and brings those laws into conformity with social changes affecting the role of women.

This bill was ordered reported by our subcommittee today and, hopefully, will be acted upon by the full Education and Labor Committee soon. The leadership of subcommittee Chairman CLAY in making this bill a priority of the subcommittee is to be commended, as is the guidance and support provided by the gentleman from Illinois (JOHN ERLENBORN), whose pension law expertise has made this a responsible, while effective, measure. The role of the gentlewoman from New York (GERALDINE FERRARO), who is also a cosponsor of this bill, must also be lauded for bringing this problem to the Congress attention at an early date and persisting in her efforts to remedy it.

The jobs of childrearing and homemaking are now recognized as being of equal importance to those jobs which require a woman to leave the home. Unfortunately, existing pension laws, whether intentionally or unintentionally, fail to recognize that value.

Consider the following situation: A man works 30 years for an employer, while supported at home by his wife who draws no paycheck and has no pension contributions in her name. The man dies at age 54, having long since vested in a pension with a substantial accrual of benefits. Present law presumes that only the husband has a legitimate claim to that pension and no benefits are required to be paid to his widow. Our subcommittee has received testimony providing several concrete illustrations of such tragic situations.

The Retirement Equity Act of 1983, would insure that the role of the surviving spouse is properly recognized in such situations. The bill would require availability of a joint and survivor benefit option for the spouse of any employee who has worked at least 10 years. Furthermore, the bill insures against any excess costs to the pension plan by allowing the plan to pass on those costs to the participants in the form of a lower joint and survivor annuity.

Another change this bill addresses is the increasing number of women who are entering careers, with the intention of working until retirement. In addition, these decisions often include the possibility of childrearing in addition to a career. Consequently, we find increasing numbers of women entering, leaving, and then reentering the work force at varying stages in their lives.

Unfortunately, these new career patterns run up against a number of roadblocks in our pension system—some which cannot be remedied by law, but many which can.

In the first place, the law currently requires that a pension plan include as participants only those who are age 25 or older. In addition, vesting credits need not be provided below the age of 22. These requirements ignore the fact that women between the ages of 20 and 24 participate more heavily in the work force than any other age group. In addition, a significant number of women begin working immedately out of high school, terminating their employment in their late twenties or early thirties to raise a family. The existing minimum age requirements for pensions penalize such women.

This bill addresses these work patterns by requiring that persons 21 and over be included as participants in the plan and that persons 18 and over receive vesting credit.

In addition, the current law frequently deprives women of participation and vesting credits they have received prior to taking a maternity

leave. In such instances, they return to work for the same employer with no credit for their previous service. This bill will insure that, in most instances, those credits are not lost.

The final reality this bill recognizes is the explosion in the divorce rate that has occurred over the past several years. In many instances, a woman who is divorced finds herself foreclosed from receiving any pension survivor benefits, even though she may be morally entitled to a share through her work in the home.

This bill significantly increases the coverage of divorced women by requiring that survivor benefits be paid to a person who divorced the deceased participant after the pension annuities began. In addition, the bill clears up a current confusion in the law that has inhibited a number of divorce courts from awarding pension benefits, for fear of violating the prohibition in ERISA against assignment of benefits.

These and other provisions in the bill will bring our pension laws into the 1980's as far as the role of women is concerned. It is tragic to note that 81 percent of all women over the age of 65 who live alone are living in poverty. The importance of a pension in this regard is illustrated by the fact that 98 percent of those who receive a pension and social security are above the poverty level, while 34 percent of those who just receive social security are below that level. We must reform our laws now before more women enter a period of their lives when the security of a pension can make the difference between financial survival and poverty. One witness who appeared before our subcommittee stated the problem with the current pension laws in a most eloquent fashion: "The price of childrearing may be an old age of poverty."

Mr. Speaker, I urge the House to take quick, favorable action on this measure to remedy as soon as possible these existing inequities.●

HONORING MEMBERS OF THE PERPETUAL ADORATION SOCIETY OF THE CHURCH OF SAINT HILARY, PICO RIVERA, CALIF.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. TORRES. Mr. Speaker, on November 5, 1983, the Perpetual Adoration Society of the Church of Saint Hilary in Pico Rivera, will celebrate its 25th anniversary of praying for world peace.

The Perpetual Adoration Society was established on November 7, 1958. The society's membership of 400 includes not only the parishioners of the Church of Saint Hilary's but also the parishioners of other Catholic churches and Christian religious beliefs.

Every day since 1958, at least one member of the Society has prayed for world peace at St. Hilary's. During these 25 years, the members have registered over 500,000 hours of prayer.

Mr. Speaker, I ask my fellow colleagues to join me in congratulating the members of the Perpetual Adoration Society of my congressional district for creating this opportunity to pray for world peace and ask that we extend our best wishes on this most memorable occasion.●

REAGAN ADMINISTRATION TAKEN BY JAPANESE IN NEGOTIATIONS OVER AUTO RESTRAINTS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. DINGELL. Mr. Speaker, early last July the Japanese Government surprised the Reagan administration by announcing to its automakers that Japan did not plan to extend beyond March 1984 its voluntary auto restraint agreement of 1.68 million cars. I wrote Ambassador William Brock and asked what the administration knew about the Japanese announcement and what the administration planned to do to counter it.

I never received a reply to my letter to the Ambassador. I monitored the public record closely as the administration agonized over the matter with no public reply of any kind—not even a mild question asking why Japan planned to ignore the concerns of our domestic auto industry and its most important resource, its workers.

But a few days ago the administration finally leaked a story that when the Ambassador traveled to Japan he would insist upon a 1-year extension. The administration also leaked the story that we planned not to negotiate with the Japanese, but would show we were good guys, offering to increase the imports of Japanese autos from 1.68 million to 1.8 million. The Ambassador quietly passed the word not to worry: "That's our bottom line."

You guessed it. Like all of us, the Japanese knew it was an administration leak. They took the leak and said—"1 year is OK, but we would have to give on the number." So the Ambassador, presumably with the President's approval, caved in and raised the car level to 1.85 million—plus presumably a 10-percent increase in the 70,000 vehicles shipped to Puerto Rico and the 82,500 trucks for a total of 2.02 million vehicles.

Mr. Speaker, this is a giant giveaway. It insures no new investments by the Japanese in the United States. It does not deal with the adverse effects caused by the yen-dollar imbalance. It guarantees no movement by our domestic firms away from outsourcing. What it will do, however, is surely cause a loss of 40,000-50,000 U.S. jobs.

This experience proves that we cannot trust our negotiators to be firm, particularly when their hearts are not in it. The administration will not tell the Japanese that their deals are all one sided. Congress must do so when it votes for H.R. 1234, the domestic content bill.●

IN HONOR OF WILLIAM RATCLIFFE ON HIS RETIREMENT FROM THE UNITED FOOD AND COMMERCIAL WORKERS UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LANTOS. Mr. Speaker, it is my privilege today to pay tribute to William Ratcliffe who recently retired after distinguished service as president of the local United Food and Commercial Workers Union of San Mateo County, Calif.

Bill Ratcliffe has devoted many years of his life to effective union leadership and community service in California's 11th Congressional District.

His career with the union movement took him from business representative of the Retail Clerks Union—recently renamed the United Food and Commercial Workers Union—in 1967, to the presidency of that union only 3 years later. Bill also served as a trustee of the pension, health, and welfare trust funds for his union, and served as one of three trustees of San Mateo County Labor, the local union newspaper.

Bill was also involved with the Bay Area Council and the Southwestern Council of the Retail Clerks Union, earning widespread respect among his colleagues for his expertise and hard work.

Community service was always an integral part of Bill's life as well. He served as a member of the Northern California's Food and Drug Council, and in this capacity helped the community in which he lived.

Although he was a highly successful leader, Bill always had time for his family. He and his wife made an exemplary home for their three sons. When they retire soon, to their new home in Hawaii, their many friends, colleagues, and neighbors will miss them.

William Ratcliffe is a union leader of the first rank, and a devoted public

citizen. I am pleased to pay tribute to him.●

SUPPORT FOR BIPARTISAN DEFICIT REDUCTION COMMISSION

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. TALLON. Mr. Speaker, I join my colleagues in support of the establishment of a bipartisan national commission on Federal budget deficit reduction. A national commission offers the best chance for finding solutions to our mounting deficit crisis. If we fail to act now, we will run the risk of ruining our present economic recovery with Government debt, double-digit interest rates, and enormous trade deficits.

Federal budget deficits in this decade are staggering. In fiscal year 1982, the budget deficit topped $100 billion for the first time. In fiscal year 1983, the deficit soared to $195 billion. Projections for fiscal year 1984 are for a deficit of $160 to $180 billion and a public debt of approximately $1.6 trillion—nearly $6,000 for every man, woman, and child in this country.

These deficits are a roadblock to the return of a robust American economy. America's savings will be absorbed by the Federal Government in subsidizing the deficit. Capital investment will be inhibited by this draining of the savings pool. There will not be funds available for private sector investments.

This bleak picture makes it imperative that we establish a bipartisan national commission with the goal of seeking consensus solutions for reducing the budget deficits. Similar to the Presidential Commission to break the deadlock on social security reform, the commission would be directed to review all elements of fiscal and monetary policy, analyze all options which would result in deficit reductions, and provide recommendations within 90 days on deficit reduction alternatives.

Creation of a bipartisan commission is a recognition of the fact that budget deficits are not a Democratic or Republican issue. It is not a problem that can be solved by partisan rhetoric and finger pointing. Both parties must share in the blame in the creation of our present deficits; but by working together through this commission, we can take the necessary first step to solving the problem.●

TRIBUTE TO MICHELE MARIE STARZECKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. HARRISON. Mr. Speaker, an outstanding young woman from Wilkes-Barre, Pa., Ms. Michele Marie Starzecki, recently received an award in recognition of having been selected for "Who's Who" among American high school students for the second consecutive year. This represents an outstanding achievement, and one in which all of us take justifiable pride.

Michele is currently attending the Bloomsburg State University in Pennsylvania, and is a 1983 honor graduate of Bishop Hoban High School in Wilkes-Barre, Pa., where she was a member of the chorus. She is the daughter of Loretta and the late James Starzecki of Wilkes-Barre.

Mr. Speaker, I join with her family and friends in paying tribute to this outstanding young person.●

DR. SAMMY LEE AND COL. YOUNG KIM

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mrs. BURTON of California. Mr. Speaker, I am pleased to bring to the attention of my colleagues an event in San Francisco to honor two outstanding Korean Americans, Olympic diving champion Dr. Sammy Lee and U.S. Army war hero Col. Young Kim. These fine gentlemen will be honored by the Korean Community Service Center on November 13 at a "Celebration of Korean American Contributions to American History."

Colonel Kim and Dr. Lee are two of the most distinguished yet unsung heroes of the second-generation, American-born Koreans who are also the products of the pioneering, first-generation immigrant Korean Americans at the beginning of this century.

Dr. Sammy Lee, 63, is the first double Olympic gold medalist in diving—1948 London and 1952 Helsinki games. He is also the first non-Caucasian and the first Asian to win the celebrated James E. Sullivan Award of 1953 as "U.S. Amateur Athlete of the Year."

In his sport, Dr. Lee is known as an innovator—he invented the running 3½ somersault—and one of the best coaches, having coached Bob Webster to two Olympic gold medals, 1960 and 1964. Dr. Lee was inducted into the International Swimming and Diving Hall of Fame in 1967.

Col. Young Kim, 64, rose to executive officer as the only Korean-American officer in the famed Japanese American "Go For Broke" unit: the 100th/442d Regimental Combat Team, America's most highly decorated offensive combat outfit in World War II.

Colonel Kim's decorations for valor include the Distinguished Service Cross, two Silver Stars, Bronze Star, three Purple Hearts, two Legions of Merit, three Presidential Unit Citations, Italian Cross of Valor—Italy's highest honor, and the French Croix de Guerre—France's highest honor, making him the most decorated Asian-American soldier in World War II and the Korean war.

I congratulate the Korean Community Service Center for their efforts honoring these two men and, in addition, for their ongoing service to the Korean community in San Francisco.●

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEWIS of Florida. Mr. Speaker, while returning from my district early Monday, October 31, I missed two votes instructing the conferees on H.R. 3222, making appropriations for Commerce, Justice, and State, the Judiciary and related agencies for fiscal year 1984. Had I been present, I would have voted "nay" on rollcall No. 431, in opposition to ordering the previous question, and I would have voted "yea" on rollcall No. 432, in favor of the amendment to instruct conferees with respect to appropriations for the endowment of democracy.●

MR. BROCK'S INADEQUATE QUOTA AGREEMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. OTTINGER. Mr. Speaker, Ambassador Brock and the Japanese Government agreed today to extend the 3 year volutary restraint agreement for Japanese automobile imports for an additional year at a level of 1.85 million vehicles, an increase of 170,000 cars.

Mr. Brock had little choice but to seek this agreement given Congress concern about the continued deterioration of the American auto industry. I believe this agreement illustrates his half-hearted efforts. He obtained no relief from Japan's severe restrictions on our exports of citrus, tobacco, beef, other agricultural products, baseball

bats, and so forth. With respect to autos I am appalled at the higher quota level of the agreement, and even more so at this administration's belief that this Band-Aid somehow passes for real policy.

Does not Mr. Brock know that even under the old agreement, Japanese penetration of the American auto market jumped from 16.5 percent to 22 percent? Does not Mr. Brock know that this new agreement will cost Americans yet another 78,000 jobs? An increase of 170,000 imports will cost approximately 12,000 direct automobile jobs, another 43,200 jobs in supplier industries. Counting the ripple effects on nonauto related employment, the increased imports under the agreement are estimated to cost a total of 78,000 jobs. This agreement will almost certainly permit Japanese import penetration to rise even above the 22 percent they already hold.

Press reports say Mr. Brock pointed to the spectre of domestic content legislation to convince the Japanese to extend the quotas. If that is true it shows the effective leverage this bill has—the only trouble is, Mr. Brock did not pursue it hard enough, settling too easily and for much too little.

I assume Mr. Brock will now point to this agreement in an attempt to convince Congress that domestic content legislation need not be passed. Quite the contrary, the agreement demonstates the importance of having domestic content as an active threat.

I would also like to ask Mr. Brock what concessions the American Government has gotten from this agreement to increase the quota level. Will MITI agree to ease the trade restrictions and tax burdens which plague American car companies trying to sell their products in the Japanese market? Has there been any concession on any other Japanese trade restrictions or has Mr. Brock been so hasty in reaching the agreement, that he forgot to gain any concessions on behalf of American exports to Japan in return for the quota increase?

I would like to remind Mr. Brock that quotas—even this weak one—are a stopgap measure, not a trade policy. Domestic content promotes a policy to rebuild the American auto industry while preserving competition and consumer choice.

The ostensible theory of these voluntary quotas is to provide American manufacturers with breathing room to develop a competitive small car. But the quotas do not achieve this objective. The quota increase, for example, will permit GM to import the first installment of 300,000 Isuzu and Suzuki small cars from the Japanese and sell them under the GM label, which would eliminate 71,400 auto jobs in this country and send them to Japan. The quota agreement will not, as H.R. 1234 would, force GM to make the investments necessary to improve its small car production in the United States under H.R. 1234, a company such as GM could no longer reap the benefits of quotas while refusing to make productivity improving investments.

The quotas by their very nature, protect particular industries from competition. By setting a limit on the number of cars that can be sold by foreign manufacturers, the Government is favoring a depressed industry at the expense of competition, low prices and consumer choice. H.R. 1234 would assist the American auto market to regain its competitiveness while maintaining consumer choice. The enactment of the domestic content requirements will create an expanded auto market, where automobile companies must manufacture inexpensive, efficient and well-built cars in order to maintain their market position.

The past 3 years of quotas have not been all bad for the Japanese by any means. According to a recent article in Business Week the quotas have actually been a boon for the Japanese auto industry. One auto analyst from Tokyo maintained that 50 to 70 percent of the total earnings of the three largest Japanese car companies comes from their U.S. sales, though these imports only account for 30 percent of their total production. The rebounding U.S. market has given the Japanese the cash they need to maintain a competitive position in their own market, where a car can sell for $3,000 less than an identical model in the United States. H.R. 1234 would change all this. The revenues which are earned by all manufacturers selling automobiles in this country will be recycled into the U.S. economy rather than sent overseas.

This Congress must enact a long-term policy which will rebuild the auto industry and rehire the thousands of auto workers. H.R. 1234 is the legislation we need to meet this goal.●

THE LATE HONORABLE JAMES A. BURKE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1983

● Mr. JACOBS. Mr. Speaker, "Who did not like Jimmy Burke?"

Our fallen colleague, James Burke of Massachusetts, was the quintessential man in motion. He made us laugh. He made us think. He made us care.

Jimmy Burke was a rugged individualist in a sea of conformity and his memory should guide us.●

EX-MARINE WILL DIRECT CEMETERY REDEDICATION IN NORRISTOWN, PA.

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. COUGHLIN. Mr. Speaker, I am honored to report to my colleagues the rededication of a historic cemetery in Norristown, Pa. in my congressional district, where hundreds of American war veterans are buried.

In these times of sacrifice by our servicemen and their families, I believe it is appropriate that the rededication of Montgomery Cemetery will be led on Saturday, November 12, 1983, by a constituent and Marine hero, Robert M. Reed, of Norristown. It was his personal perserverance, dedication, and courage that led to the event.

Bob Reed, a highly-decorated and wounded veteran of Vietnam combat, will direct the rededication of the cemetery in Norristown's west end in ceremonies sponsored by the Valley Forge Detachment, Marine Corps League. Other veterans and organizations will take part in the ceremonies to mark the repair and restoration of this 35-acre private burial plot.

Owned by the Mills family, the cemetery was incorporated in 1849. Some 12,000 persons are buried there. About 600 of these graves are those of veterans of the Civil War, the Spanish-American War, World War I, World War II, and the Korean conflict.

Historic records reveal that seven generals are buried in the cemetery. The remains of at least two Medal of Honor winners also are buried there.

Bob Reed, a former gunnery sergeant and west end native, noticed the disrepair of the cemetery at the end of last June and decided to do something about it. With the permission of Mrs. Scott Mills, owner of the burial ground, he began to clear the brush, restore tombstones and rehabilitate the cemetery.

With the help of the Marine Corps detachment and other volunteers, Bob worked through the summer to restore the cemetery. By autumn, the work contingent consisted of Bob, his father, and three detachment members.

In Bob's case, he worked against handicaps sustained in combat. He holds 12 Purple Hearts, the Navy Cross, and the Bronze Star along with numerous other medals. His wounds left him with multiple orthopedic problems.

To all who have made the restoration of the cemetery a fact goes the thanks of concerned citizens. To Bob especially goes a debt of gratitude for his devotion to duty as a former

marine and as a private citizen. Despite a personal battle involving his own health, Bob Reed has demonstrated pluck and perserverance of which all of us can envy.

As a former marine and Bob Reed's U.S. Representative, I am proud to salute him.●

THE CONGRESSIONAL STUDENT FORUM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 1, 1983

● Mr. LEVIN of Michigan. Mr. Speaker, I would like to take this opportunity to present my colleagues with the results of a recent meeting of high school students I sponsored in my district. This program, which is called the Congressional Student Forum, was established to offer high school students in the 17th District an opportunity to study some of the most important issues and institutions of our day. Throughout the year, these students will meet to analyze local, State, and Federal Government, the role of the media, national defense, and other important topics.

Mr. Speaker, I think it was most appropriate that the first of these meetings examined one of most important of today's issues, and certainly one of the most relevant to these students: education. The October meeting of the forum brought together over 200 students from 23 schools. From large urban to small suburban, public, and private, these students represented a broad cross section of American education. The discussion was a clear demonstration that our Nation's students are as concerned about the quality of their own education as anyone.

In preparation for the October meeting, copies of the recent report by the National Commission on Excellence in Education, "A Nation at Risk," were distributed to the students through their teacher sponsors. I must say I was most impressed by the obviously thorough study this document was given by the students as evidenced by their insightful questions and comments.

In the final hour of the program, the students divided into five caucuses. Each individual caucus debated and eventually proposed a specific resolution which is reported below. While none of the resolutions were voted on by the full forum and thus do not necessarily represent the views of the majority of students participating, they all, nevertheless, demonstrate the strong concern of students everywhere for an excellent education.

Mr. Speaker, I have made copies of these resolutions available to the appropriate chairs of the House Education Committees. At this time, on behalf of the 17th District Congressional Student Forum, I insert the following five resolutions into the CONGRESSIONAL RECORD:

RESOLUTION FROM CAUCUS A

Be it resolved that the Federal government should establish uniform standards in education be setting: (1) Federal uniform competency tests for teachers and (2) minimum competency tests for graduation from high school in the United States.

Be it further resolved that education be given a higher priority in the Federal Budget.

RESOLUTION FROM CAUCUS B

Be it resolved that Congress allocate monies through the Federal Revenue Sharing program back to States to improve education, and that the administration of these funds be supervised by the Departments of Education in each state which will set minimum requirements for improvement.

RESOLUTION FROM CAUCUS C

Be it resolved that the Federal government assume the responsibility for setting up and funding a system of summer retraining programs for teachers to update their skills and learn new teaching techniques. Every teacher should be required to participate in one of these workshops every 3 years. Teachers would receive additional pay for completing these federally funded workshops.

Be it further resolved that tax incentives be given to businesses and industries who contribute money, equipment and training personnel to public schools enabling the schools to update academic programs.

Be it further resolved that public schools be required to provide the opportunity for students, parents, and faculty (including administrators) to meet together at least once a month; and be required to ensure equal speaking time for all parties to:

A. urge parents to become active in such meetings and become aware of how the school is operating and how their children are affected

B. allow student requests for changes and sentiment toward school policy and operations to be expressed and considered without fear of punishment

The goal of this action is reinvolvement of the community in schools and to decrease parent apathy.

RESOLUTION FROM CAUCUS D

Be it resolved that the Federal government will take a role in establishing minimal standards of competency in academic areas for promotion from grade to grade and provide Federal funds to school districts to foster fulfillment of these goals.

RESOLUTION FROM CAUCUS E

Be it resolved that a tuition tax credit be made available to assist those who choose to send their children to private schools. We feel that these types of tax credit are not a shelter for the rich. The majority of private school students come from families of modest means, who support and share the cost of public education with their property tax dollars.

The schools represented at this meeting of the Congressional Student Forum were as follows:

Annapolis High—Dearborn Heights.
Benedictine High—Detroit.
Berkley High—Berkley.
Bishop Borgess High—Redford.
Clawson High—Clawson.
Cody High—Detroit.
Detroit Country Day School—Birmingham.
Dondero High—Royal Oak.
Ferndale High—Ferndale.
Henry Ford High—Detroit.
Inkster High—Inkster.
Kimball High—Royal Oak.
Lamphere High—Madison Heights.
Madison High—Madison Heights.
Marian High—Birmingham.
Oak Park High—Oak Park.
Mercy High—Farmington.
Redford High—Detroit.
Redford Union High—Detroit.
St. Agatha High—Redford.
Southfield High—Southfield.
Southfield-Lathrup High—Southfield.
Thurston High—Redford.